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ASSESSING THE IMPACT OF DADE COUNTY'S FELONY DRUG COURT

Final Report

August 1993

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Research Report

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CHAPTER ONE:

INTRODUCTION TO THE RESEARCH

I. The Dade County Drug Court Approach: Court-Based Diversion and Treatment of Felony Drug Defendants

Introduction: The Rapid Growth of the Drug-Related Criminal Caseload During the 1980s

A variety of sources have documented the growth and impact of the drug-related criminal caseload in many jurisdictions across the United States in the 1980s[1] (Goerdt and Martin, 1989; Goerdt et al., 1989; Belenko, 1990; Goldkamp et al., 1990). The increases in arrests for drug violations nationally, which coincided with a dramatic increase in the availability and use of cocaine and, later, crack cocaine, translated into burgeoning criminal caseloads in courts in most urban centers. Depending on how one defines "drug-related"--beyond just persons charged with drug crimes--it is possible to argue that the majority of criminal cases entering criminal processing could be classified as "drug-related" (Goldkamp et al., 1990). In addition to criminal courts, the impact of the drug caseload raised challenges to most criminal justice agencies, including police, prosecutors, defense systems, jails and prisons, exacerbating already difficult problems of correctional overcrowding and court backlogs, and raising public safety concerns about drug-crime violence. In its recent report, The State of Criminal Justice, the Criminal Justice Section of the American Bar Association (1993) argues that the recent focus of law enforcement and confinement resources on drug

[1] The number of arrests for drug violations nationally increased 134 percent from 1980 to 1989, according to F.B.I. statistics summarized in the Sourcebooks of Criminal Justice Statistics published from 1980-1991. There was a slight decline from 1989 to 1990; however, the overall increase from 1980 to 1990 was still 88 percent. About two-thirds of these arrests were for drug possession, one-third were for sales or distribution-related offenses.

offenders has occurred at the expense of dealing with violent crime and other serious offenses. This theme has been strongly argued by the Attorney General of the United States, who has questioned the impact of mandatory minimum sentences for drug offenders and advocated development of initiatives focusing on the prevention of crime as alternatives to punishment.

Urban court systems in particular were compelled to develop strategies to cope with the problem of drug-related cases. In a recent ABA study describing the responses of court systems, Smith et al. (1991: 7) identified three kinds of judicial strategies, including strategies focusing on case processing management, on development of specialized courts or approaches to drug cases, and on "sentencing or diversionary alternatives." In their review of these approaches, Smith et al. describe the Philadelphia Court of Common Pleas as an example of a court system implementing an overall caseflow management strategy, Cook County Circuit Court's Night Court and Milwaukee Circuit Court's Speedy Trial Project as examples of specialized approaches to drug cases, and Dade County Circuit Court's Drug Court as an example of "sentencing or diversionary alternatives" to the drug-caseload glut.

The research described in this report examines Dade County's Drug Court as a "different" approach to drug-related cases. Although it is clear that the Dade County Drug Court does not lend itself to classification under the first two kinds of approaches outlined by Smith et al., the model it represents does have implications for caseflow management and specialization in criminal courts. It is also true that the "Miami Model" of the drug court strategy builds on a fundamental "diversionary" emphasis in its operation; however,

"diversion," as it is popularly understood, may not fully convey the character of Dade County's felony Drug Court.[2]

The Characteristics of Dade County's Felony Drug Court: the "Miami Model"

In response to the extraordinary growth in the drug-related criminal caseload during the 1980s and the perceived impact of illicit drugs on public safety in Dade County, in 1989 Florida's Eleventh Judicial Circuit implemented a court-based drug abuse treatment approach. The innovation was grounded in the notion that "demand" for illicit drugs, and, hence, the likelihood of involvement in crime and re-involvement in the court system, could be reduced through an effective and flexible program of court-supervised drug treatment.[3] Conceptually, the Circuit Court approach represented a clear departure from the other dominant philosophies governing responses to drug-involved offenders at the time. Those philosophies emphasized primarily deterrent and incapacitative strategies toward the drug offender--as illustrated by pretrial drug testing and preventive detention, as well as by the popularity of mandatory minimum sentences. More punitive, desert-oriented approaches to serious drug offenses were also influential during this period.

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[2] "Diversion" is a term connoting a variety of alternative processing approaches at the preadjudication stage that have received attention since the 1960s (see the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, D.C.: U.S. Government Printing Office, 1967: 131-134). In 1978, the National Association of Pretrial Services Agencies defined diversion in its Performance Standards and Goals for Pretrial Release and Diversion: Diversion (1978:5) in the following fashion:

1) it offers persons charged with criminal offenses alternatives to traditional criminal justice or juvenile justice proceedings;
2) it permits participation by the accused only on a voluntary basis;
3) the accused has access to counsel prior to a decision to participate;
4) it occurs no sooner than the filing of formal charges and no later than a final adjudication of guilt; and
5) it results in dismissal of charges, or its equivalent, if the divertee successfully completes the diversion process.

[3] It is interesting to note that treatment approaches to drug-related offending were not widely favored at that time. In fact, the President's National Drug Control Strategy of 1989 gave very little mention to treatment approaches and preferred other, deterrence- and incapacitation-oriented approaches to demand reduction.

The implementation of the Drug Court in the Eleventh Judicial Circuit was undertaken in the context of major criminal caseload pressures. During the entire decade of the 1980s, the numbers of reported crimes and adult arrests had risen steadily in Dade County. Adult arrests had increased about 45 percent between 1985 and 1989 alone, while arrests for drug possession had increased 93 percent during that 5-year interval (Goldkamp and Weiland, 1991). Misdemeanor and felony filings more than doubled from 1978 to 1990. Dispositions of felonies in Circuit Court nearly kept up with filings until 1989, when, as the increase in felony filings continued uninterrupted, the number of dispositions began to decline.[4] The number of felony cases pending at the end of the year had increased three and one-half times from 1979 to 1990. The pervasive impact of drug-involved offenders on the criminal caseload in Dade County was illustrated by a study of 1987 felony defendants (Goldkamp, Gottfredson and Weiland, 1990; Goldkamp, Jones, Gottfredson and Weiland, 1990) which found that approximately 73 percent of entering felony defendants tested positively for cocaine and that at least 83 percent could in some way be classified as "drug-related" (that is, they tested positively for drugs, were charged with drug offenses, and/or had prior records of drug offenses).

The combination of two principal components--the role of officials in the courtroom and the operation of a specially adapted program of "outpatient"[5] drug abuse treatment--form the basis of what has come to be known as the "Miami Drug Court Model." While other

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[4] It is possible that the gap between number of filings and dispositions beginning in 1989 may be partly explained by the referral of cases to the Drug Court (Division 51). By definition, the cases of the defendants participating in the Drug Court program could not have been disposed in less than one year. In fact, the program began mid-year in 1989. For an analysis of the criminal caseload and its impact on correctional capacity in the 1980s, see Goldkamp and Weiland (1991). These data were updated by data provided by the administrative staff of the Eleventh Judicial Circuit.

[5] The Drug Court's drug treatment emphasis is primarily on "outpatient" modalities. However, in 1991, Drug Court arranged through the Florida system for prioritized access to more than 200 residential placements for selected defendants with particularly difficult drug abuse problems. As of spring, 1993, an average of about 40 such placements were in use at a given moment.

diversion approaches have undoubtedly referred defendants to drug abuse treatment programs over the last couple of decades in the United States, it is the courtroom-based team approach--and particularly the central judicial role--that distinguishes Dade County's approach from other drug court initiatives.

The Drug Court Courtroom

The courtroom component departs from the normal criminal courtroom in several respects. First, and most significant, is the role of the judge. The judge presides over many brief hearings that involve defendants' entry into the program, in-court reports on defendants' progress, defendants' graduation from the program, or a variety of sanctioning decisions involving defendants who have absconded or been rearrested for new offenses. Defendants who have opted to enter the program are instructed by the judge to appear in court periodically for reviews of their progress in treatment. On the basis of input from the treatment agency--referred to as the DATP (Diversion and Treatment Program)[6]--the defender and/or the prosecutor, as may be relevant, the judge hears reports of the defendant's progress, discusses his/her status in treatment with the defendant, and offers encouragement if appropriate. Often the judge listens to a defendant's explanation as to why the program was not attended as required and then encourages the defendant to get back into treatment. The judge, who can be encouraging and supportive, is also called upon to impose sanctions when the defendant has shown a poor record of performance, or, for example, is rearrested and is brought back to the Drug Court on an alias capias (felony bench warrant). On occasion, the judge will order the defendant confined for two weeks in jail ("motivational jail") in an area reserved for Drug Court defendants and will reassess the defendant's participation after that period of confinement. The judge also may transfer the cases of some

[6] The Diversion and Treatment Program is a program of the TASC division of the Office of Rehabilitative Services of Metropolitan Dade County.

defendants out of Drug Court to be tried in the normal fashion by other Circuit Court felony judges.

The role of the Drug Court judge is unorthodox in that it is a more activist, involved supervisory role than normally played by judges in the adjudication of criminal cases. It is important to point out that the judge has had addiction training and, therefore, has been prepared for the difficult behaviors likely to be associated with a concentrated caseload of drug-involved defendants. Because the judge manages a caseload of defendants going through drug treatment rather than processes criminal cases, the role of the Drug Court judge also does not resemble that of the "diversion" judge[7] who approves diversion referrals, reviews diversion violations, or approves successful diversion dispositions in other settings. To a large extent, the viability of the Drug Court approach depends on strong judicial leadership and judicial support of the flexible and unusual role played by the judge in managing the progress of Drug Court cases. Yet, without the active support of the State Attorney and the Public Defender, strong judicial support and the active role of the judge alone would not have made the Drug Court operation possible.

The unusual role of the judge, thus, is best understood in the context of the unorthodox, non-adversarial and team-oriented roles played by the other criminal justice officials in the courtroom, roles designed to support the judge's role and to contribute to the treatment progress of the drug-involved felony defendants coming through the Court. The priority is given to defendants' treatment progress, and transactions in the courtroom seem, at times, more to resemble "psychodrama" or "therapeutic community" treatment modalities than normal criminal courtroom proceedings. Most noticeable are the transformed roles of

[7] In many diversion programs the judge has little to do with diversion. Rather it is the prosecutor who agrees to defer prosecution for the diversionary period, and then, usually as approved by the court, seals and/or expunges the defendant's record.

the prosecutor and defender. The prosecutor in the courtroom shifts between communicating strong encouragement for defendants who appear to be making progress to raising the prospects of reinstating formal prosecution of charges when defendants do not seem to be participating appropriately in treatment. The defender seems clearly supportive of the opportunity Drug Court provides and also plays a role that appears more "therapeutic" in nature than adversarial. Representatives of the treatment program as well as of Pretrial Services attend the hearings so that the judge is kept up-to-date on developments in each case.

A final aspect of the courtroom component of the Drug Court approach is the overall environment that is produced. The courtroom seems more informal than a normal criminal courtroom; yet there is a firm sense of order, and the judge can be very forceful when the situation calls for it. Defendants are located in two main areas. Many, scheduled to report on their progress in the treatment program, enter from the street and are seated in the spectator section behind the rail separating that area from the "well." A smaller number of others are seated in a jurors' box to the left of the judge's bench. These defendants appear in Drug Court from custody--because they were just arrested and are making their first appearance in Drug Court, because they have been arrested on new charges while in the Drug Court program, because they have been apprehended on alias capiases or felony bench warrants (have been absent from the program), or because they have been confined temporarily ("motivational jail") because of difficulties in the drug treatment program. Part of the experience of appearing in Drug Court is that defendants in attendance are given an opportunity to observe the hearings of other defendants in the various program statuses, as they are being encouraged, congratulated, admonished or sanctioned for their recent performance. To the observer of Drug Court, the seriousness with which these hearings are

witnessed by other defendants, or at least the apparent interest of defendants in the proceedings, forms part of the unusual Drug Court environment.

Drug Court's Treatment Program: the Diversion and Treatment Program (DATP)

Since 1989 when the Drug Court first opened, defendants were referred primarily to the DATP, which is an outpatient program with centers in four locations in Dade County. There was also an option for defendants who lived in other jurisdictions to participate in treatment programs outside of Dade County, as long as regular reports were made to the court regarding their progress. The Drug Court was initially designed to accept defendants charged with third degree felony drug possession offenses and with no prior convictions. The rationale for these eligibility criteria was that, although the Circuit Court wanted to target felony defendants, it did not want to begin with defendants who posed serious risks to public safety. In addition, it was reasoned that, over the long run, the greatest payoff would come from investing treatment and court resources in defendants with drug problems who were at the beginning of their criminal involvement (had no prior criminal histories), thereby increasing the likelihood of preventing their further involvement.

The DATP drug abuse treatment program was designed to require one year's participation by drug-involved felony defendants during which the defendants would proceed from detoxification (Phase I), to counseling (Phase II), to educational/vocational assessment and training (Phase III), and then to graduation. Phase I was intended to require a minimum of 12 consecutive days of clinic visits or as many days as were required to achieve seven consecutive negative urine tests. In Phase II the number of required visits was generally reduced to three or even two per week, with a urine test at each visit. During Phase III, attendance requirements might continue to be the same or be relaxed somewhat, given a client's progress and work schedule or school obligations. At any time three consecutive

unauthorized failures to keep required clinic appointments would result in the client's placement in "Phase V". A client returning after such an absence would be reinstated in whatever phase he or she had been in. If a client failed to appear for 30 consecutive days, in compliance with state regulations, DATP was required to close that client's file. Although clients were commonly readmitted even after such an extended absence, they would be required to start over in Phase I. Acupuncture and drug testing were incorporated into the treatment regime as tools to support the treatment process, but were not considered treatment modalities in themselves. (In fact, acupuncture was and is undertaken on a voluntarily basis by program participants.) Recognizing that drug abusing offenders are a group with a number of related problem behaviors, it was anticipated that the time spent in Phase I or Phase II of the program might vary notably for different defendants and that "setbacks" would probably not be uncommon. The difficulty of dealing with drug-involved defendants notwithstanding, the aims of the program included reduction of drug abuse and of drug abuse-related criminal behavior among participating defendants over the length of the program and, hopefully, subsequent to it.

The Implications of Competing Drug Treatment and Criminal Justice Goals for the Dade County Drug Court and Its Assessment

Although issues relating to drug abuse treatment in criminal justice settings are not new, they are now being addressed with new urgency. The Drug Court is an innovative example of a joint focus by the drug treatment and criminal justice perspectives on drug-involved offenders. Recently, for example, the Committee for the Substance Abuse Coverage Study, Division of Health Care Services of the Institute of Medicine (Gerstein and Harwood, eds., 1990), underscored the importance of the criminal justice population in the overall picture of drug abuse in the United States in arguing that:

> the sizable proportion of drug treatment clients who are criminal justice clients... indicates that the need for treatment among populations supervised by the criminal justice system merits a separate accounting (Gerstein and Harwood, eds., 1990: 81).

The Eleventh Circuit's Drug Court is a hybrid combining elements of both criminal justice and drug treatment approaches to address an important portion of the drug-involved population among criminal offenders (defendants in this case). Key elements include the special role for the judge and criminal courtroom personnel, the fundamental treatment orientation, and the diversion-like framework. This attempt to integrate disparate elements has meant joining two perspectives accustomed to different methods and sometimes competing aims regarding drug-involvement and its reduction. The adaptation of the courtroom setting and procedures to complement the aims of treatment more flexibly, for example, conflicts with the normally more formal and adversarial criminal justice aims and procedures. The Drug Court judge, the State Attorney and the Public Defender assume that drug-involved defendants, by definition, are likely to have a difficult time in the treatment process and, in fact, may at first fail repeatedly.

This expectation of failure and the necessity for program flexibility are antithetical to the standard criminal justice perspective that would first seek to adjudicate criminal charges and impose punishment, and then would seek promptly to sanction deviations from conditions of provisional liberty that had been imposed, through revocation of release or, at least, imposition of more restrictive conditions. One could easily imagine that an approach based on the more conventional enforcement of program conditions--tantamount to a "three strikes and you are out" approach--might have the effect of "backfiring," by identifying drug-involved defendants who ordinarily would not have been identified and then invoking sanctions when conditions were quickly breached. To the extent that incarceration would be employed as an enforcement sanction, an inflexible approach to achieving program compliance might then result in an increase in jailing, as opposed to the reduction assumed by the program.

The drug abuse treatment program, that has almost exclusively been designed to serve the Drug Court, has had to accommodate to criminal justice concerns that ordinarily would not be given such weight by a treatment agency. For example, a clear goal of the Drug Court is to provide defendants with the opportunity to undergo drug treatment in the hope that reduced drug abuse will translate into reduced criminal behavior. In the hope that reduced participation in criminal behavior in the near term will translate into a smaller returning criminal caseload in the future, an assumption of the Drug Court approach is that investment "now" in drug treatment of felony defendants will contribute to reduced criminal caseload strain later. However, reduction in drug abuse among Drug Court defendants alone--the standard primary aim of drug abuse treatment programs--would not in itself satisfy the goals of the Drug Court. The production of more drug-free criminals would not be considered an acceptable outcome of the Drug Court, although it might be viewed as a favorable outcome from a drug treatment perspective alone.

Another example of conflicting aims and methods is found in the area of determining when a "client" could or should be terminated from drug treatment for failing to demonstrate sufficient participation in the treatment process. Ordinarily, the drug treatment program itself would choose to exercise the authority to terminate a defendant from treatment when it was determined to be appropriate. Under the Dade County approach, however, it is the judge who decides whether a defendant should be terminated from treatment and the judge who, in practice, sends defendants back to treatment without the prior approval of the treatment staff itself. In fact, officials report that it is very hard for a defendant to be rejected from treatment once the Drug Court process has begun. On the other hand, no matter how well a defendant has been doing in early stages of treatment, rearrest for a more serious crime will result in transfer to the normal adjudication process.

The attempt to marry criminal justice and drug treatment goals embodied in the Dade County initiative complicates design of an empirical assessment. Because organization of an appropriate research design must begin with a clear understanding of what the Drug Court is trying to accomplish, it is essential to make explicit some of the implications of the dual perspective. In a sense, the major challenge of the Drug Court is to try to bring treatment to large numbers of offenders in a system in which this approach has, until recently, been inconceivable.

Illustrating the Competing Perspectives

Table 1.1 illustrates some of the implications of the goals, methods and outcome measures associated with the two perspectives for designing an assessment of the Drug Court. Seen from the vantage point of drug abuse treatment, the goals of the Drug Court would primarily center on reducing drug abuse and related behavior so that "client"-defendants could function more normally in society. From the perspective of the criminal justice system, the aims of the Drug Court program would more likely include reducing the impact of the drug caseload on case processing resources (by diverting the flow of cases and reducing the future caseload), reducing drug crime among participants, and, thereby, improving public safety.

The drug treatment perspective would make use of a variety of methods and program options to bring about its goal of reduced drug abuse behavior among its "clients," beginning with an initial assessment of the client's drug problem, an initial detoxification phase, the use of approaches to improve the clients' ability to receive treatment (such as maintenance or acupuncture programs), the use of various treatment modalities as appropriate (often involving counseling and group techniques), placement in out-patient (community-based) or

Table 1.1 Drug Treatment and Criminal Justice Goals

Perspective	Goals	Methods/Options	I.D. Target Population	Expectations of Performance	Measures of Effectiveness (Outcomes)
Drug Treatment	• Reducing drug abuse & associated behavior	• I.D./diagnose • Detox. • Maintenance • Acupuncture • Various treatments • (counseling) • Out-patient/In-patient • Educ.-voc. training	• Occasional/regular/ daily user • Type of drug • Beginning/advanced (addict) • Younger/older	• Counselors/treaters • Access to community based on treatment needs • Expect failure and slow progress • Flexibility and adjustment	• Reduced abuse • Abstinence • Increased performance • Improved skills
Criminal Justice	• Reduced impact of drug caseload (divert flow, reduce future caseload return) • Reduced crowding • Curb drug crime among participants • Improve public safety generally	• Diversion/referral • Sanctions to enforce release conditions • Informal v. formal processing • Monitoring/ supervision • Incarceration	• Charge/priors • Less serious/lower risk to public safety • Serious enough not to "widen net" (not misdemeanors) • Self-report/drug test • "Jail-bound" or not	• Formal roles (judges, probation, prosec., defense, etc.) • Probation-like supervision or monitoring • Enforcement of conditions of provisional liberty • Sanctions for failure including revocation, incarceration	• Reduced current future/caseload • Abstinence • Reduced crime

in-patient (residential) settings, and the integration of other life skills improvement strategies (such as educational or vocational training programs). The criminal justice perspective would conceive of the Drug Court principally as a diversion program and would see its responsibility as involving referral of defendants to drug treatment options operated outside of the criminal justice system. The role of the Drug Court would be to approve such referrals (presumably at the recommendation of the prosecutor), to order appropriate monitoring or supervision of the defendants in diversion statuses, and to enforce the conditions of diversion appropriately, including revocation of diversionary status, revocation of preadjudicatory release, and scheduling of cases for adjudication in the normal fashion.

The drug treatment and criminal justice perspectives might also define the target populations most appropriate for Drug Court processing quite differently. Several criteria would be central in the identification of the target population from the drug treatment perspective. Potential "clients" would be classified according to the nature of their drug abuse problems, including the type(s) of substances abused (cocaine, heroin, barbiturates, benzodiazepines, hallucinogens, alcohol, polydrug or other types of abuse substances), the reported frequency (e.g., occasional, regular, daily), and method of abuse (intravenous, oral, inhaling, smoking, etc.). Part of the initial classification of abusers by treatment staff might also consider the stage of the abuse "career" (whether the "client" is at the beginning or more advanced stages of drug involvement) and the relative ability (or inability) of the defendant to function normally. The age of the drug abuser might, therefore, also figure into the targeting of drug abusers for the Drug Court treatment program. Classification of candidate drug abusers according to these kinds of criteria would result in the identification of treatment-relevant abuse categories that could target individuals for different treatment approaches.

A criminal justice approach to targeting defendants for Drug Court involvement would be likely to focus on other kinds of eligibility criteria, beginning with the types of criminal charges involved in the instant arrest and the patterns of prior convictions. An aim of such an approach would be to identify categories of defendants with drug-related cases (hence, the presence of drug charges) and prior criminal histories that would suggest that their candidacy in the Drug Court program would not pose undue risk to the public safety. The criminal justice perspective would likely target defendants with cases that were "serious enough" to involve a suitably challenging category of drug-involved defendants (so that "net-widening" could be avoided and possibly some pretrial and post-conviction incarceration eliminated), yet not so serious as to be seen as inappropriately demeaning the seriousness of criminal offenses or risking public safety. If correctional crowding were severe, the criminal justice approach might focus on defendants who were clearly "jail-bound," so that jail population pressures could be reduced.

Given the competing approaches to defining eligibility for the program that one might expect, it is notable that the actual approach--focusing on felony defendants with drug possession and related charges--makes use of elements of both perspectives as a point of departure. From the criminal justice point of view, a reasonable category of defendants likely to have drug abuse problems is identified by aiming at third degree felony drug possession cases (assuming that drug possession will often indicate drug use). From a drug abuse treatment perspective, this approach singles out drug abusers who have not yet progressed into serious criminal involvement, providing the opportunity to avoid the amplification of criminal activity that is thought to accompany more serious drug-involvement. Reliance on criminal charges also serves as a simpler and much less costly approach to identification of drug abusers than arrest stage drug testing and perhaps a more reliable means than defendant self-reports drawn from the pretrial services interview.

Perhaps the difference between the two perspectives is most sharply illustrated in the expectations of performance of drug-involved defendants in the Drug Court program each would normally have. It is likely that the criminal justice perspective would set forth conditions that the defendant would agree to and then expect those conditions to be met. In the event of non-compliance, defendants would risk having program participation revoked and be susceptible to adjudication of their charges in a normal setting and, quite likely, experience pretrial detention in the interim. In contrast, a treatment perspective would probably not view a "three strikes" approach to program compliance as realistic. Indeed, treatment staff would understand that, to the extent that serious drug abusers are encouraged to enter the program, the road to progress is likely to be very difficult, with initial failures routinely to be expected.

This difference in expectations about the performance of the participating drug-involved defendants translates into differences in approaches to measuring "outcomes" in an assessment. If it is a reasonable assumption that progress in drug treatment will be, by definition, very difficult at times, then the measure of outcomes probably would not focus on all of the interim missteps, but rather on ultimate reduction of drug abuse, eventual abstinence, and improvement of life skills. (We illustrate the often highly non-linear progress made by Drug Court defendants in a later section describing program outcomes. See Chapter Two, Section III.) The criminal justice perspective would insist on abstinence as a goal, and would be certain to measure re-involvement in crime during and after treatment as important outcomes. Clearly, production of drug-free and healthy repeating criminals would not be an outcome likely to be acceptable from the criminal justice perspective.

II. The Design of the Research

The Research Questions

Given the combination of drug treatment and criminal justice goals underlying Dade County's Drug Court strategy, the aim of the empirical assessment of the Drug Court innovation in Dade County has three basic purposes: a) to examine the impact of the Drug Court program in Florida's Eleventh Judicial Circuit; b) to serve as a basis for informing Circuit Court itself and participating agencies in improving or reshaping, if necessary, the program's next phases; and c) to share with the larger community of American courts the lessons drawn from the findings regarding key issues.

In addition to the descriptive purposes of the empirical assessment--to describe the Drug Court program and movement of defendants into and through its mechanism--data collection was organized to focus on the following categories of inquiry:

- the impact of Drug Court on criminal case processing, including the selection and "enrollment" of felony defendants who would have been adjudicated in the normal fashion;
- comparison of the case outcomes of Drug Court defendants with the outcomes of defendants charged with offenses of similar severity both prior to the inception of Drug Court and contemporaneous to the processing of Drug Court defendants;
- the performance of Drug Court defendants participating in the treatment program, including treatment program outcomes; and
- the public safety implications of the Drug Court program, particularly when compared to other categories of Dade County felony defendants.

These subject areas provide the organization for the research described in this report.

Research Design Overview: Drug Court Seen in the Context of the Criminal Caseload

Certainly, one of the most informative approaches to assessing the impact of the Drug Court strategy in Dade County is to study the experience of Drug Court defendants as they enter and then proceed through the program during an appropriate observation period. Although such a description contributes a great deal of information about the operation of the Drug Court program, it does not permit inferences about the impact of the Drug Court program in a relative sense, that is, in comparison to other groups of felony defendants processed through Circuit Court in the normal fashion. A field experiment would offer the most rigorous method for assessing the impact of the program on felony defendants. Using an experimental design, a control group would be randomly selected from Drug Court candidates and then would not participate in the program but be processed in the normal fashion. The aim of the experiment would be to compare the outcomes of control group and Drug Court (experimental group) defendants, with any differences in outcomes being interpreted as deriving from the impact of Drug Court.

The use of an experimental design to study the impact of Drug Court was precluded for practical reasons, largely because the Drug Court had already been in operation for nearly two years prior to the selection of the sample studied and randomization would have caused too great a disruption in the functioning of the ongoing program. Thus, the research strategy selected for the assessment was to improvise "next-best" (nonequivalent) comparison groups consisting of different kinds of relevant felony defendants to help gauge the effect of the program, including contemporaneous and historically antecedent samples of other (non-eligible) felony drug cases and non-drug cases.

The objective of this multi-sample, comparative approach is to be able to view the processing of Drug Court defendants in the context of felony defendants overall. Thus, in

addition to providing a descriptive analysis of the outcomes of Drug Court defendants themselves, appropriate comparisons of Drug Court defendants with other types of felony defendants add findings relating to the "impact" of Drug Court seen in the larger context of the felony caseload. In taking this approach to the assessment research, however, limitations of the analysis will have to be kept in mind. Thus, ideally, we would like to compare the drug abuse patterns of defendants entering into Drug Court with those not entering Drug Court, the subsequent criminal histories of both groups, as well as the manner of case disposition. Because drug abuse information was available only for Drug Court defendants and not for other kinds of criminal defendants, we were, of course, unable to contrast the subsequent drug abuse histories of Drug Court and comparison group defendants. (Although very difficult to measure, the patterns of drug abuse among diverse defendant types, not just those pre-defined by the Drug Court program, should be a very important area of investigation.) In other words, we cannot determine through this research whether the pattern of drug abuse associated with Drug Court defendants in the DATP treatment program differed from other categories of drug-involved defendants who did not participate in treatment. We can, however, contrast the case processing outcomes and subsequent criminal histories of Drug Court defendants with those of other defendant groups fairly well.

It is important for the readers to appreciate that the empirical approach taken in this assessment differs from what a more rigorous experimental evaluation of the Drug Court would have involved. The non-experimental methodology we employed is by definition less precise and has certain limitations which must be kept in mind.[8] Nevertheless, the assessment has been designed with sufficient rigor to address a number of the most important questions that the Dade County innovation raises. As questions about the impact of the "Miami Model" are further studied--as now other jurisdictions are instituting similar approaches--

[8] The chief threats to validity are raised by selection (sample composition) and history.

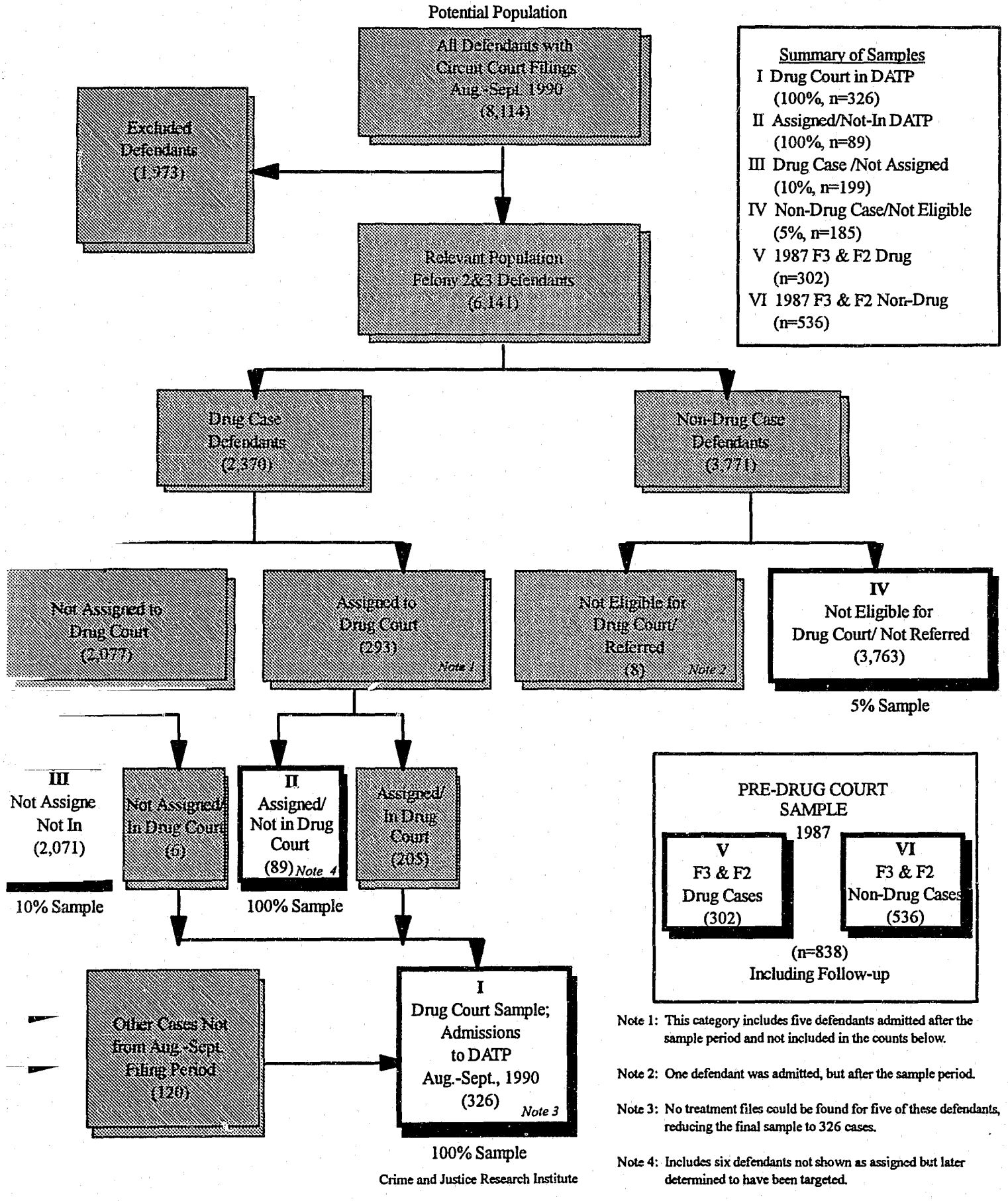
hopefully experimental approaches will be employed to build on the findings presented in this report.

Figure 1.1 summarizes the overall sampling strategy adopted in the assessment of the Drug Court program and locates the primary sample of Drug Court defendants within the overall caseload of felony defendants entering the Eleventh Judicial Circuit for adjudication. Taken as a whole, Figure 1.1 represents the entering felony caseload (all filings) during the sampling period defined for the assessment. During August and September of 1990, 8,114 felony cases were filed in the Eleventh Judicial Circuit of Florida. According to these data, approximately four percent of all entering felony matters during the August-September, 1990, period involved defendants who were identified as eligible for Drug Court and were assigned to Division 51 for processing.[9]

This figure also depicts the subcategories of the overall felony caseload that were used for the purposes of comparative analyses. Because more seriously charged defendants were not deemed to be realistically within the scope of a Drug Court approach, they were not selected as appropriate comparison groups. Thus, as a first step, the research design eliminated approximately 24 percent (n=1,973) of the felony caseload that included defendants charged with first degree felonies, life or capital offenses entering during the study period. The remaining relevant population of interest--the "ballpark" within which Drug

[9] The estimate of the percentage of incoming felony defendants that were identified as eligible for Drug Court processing is calculated by summing the number of defendants in Sample I whose felony charges actually were filed in August and September, 1990, (n=205) and Sample II defendants (n=89) and dividing that sum (n=294) by the total number of felony defendants (n=8,114).

Figure 1.1
Defendant-Based Sampling Strategy for Evaluation of Dade County Felony "Drug Court"



Note 1: This category includes five defendants admitted after the sample period and not included in the counts below.

Note 2: One defendant was admitted, but after the sample period.

Note 3: No treatment files could be found for five of these defendants, reducing the final sample to 326 cases.

Note 4: Includes six defendants not shown as assigned but later determined to have been targeted.

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Court operated--thus involved 6,141 defendants with cases consisting of second and/or third degree felonies.[10]

As reflected in Figure 1.1, the design next subdivided the larger population of interest, consisting of felony 3 and 2 defendants, into drug cases and non-drug cases, given that eligibility for the Drug Court program had initially been defined based on the presence of selected drug charges. Approximately 39 percent (n=2,370) of these defendants were facing drug charges. Sixty-one percent included defendants who were charged with second- and third-degree felonies not involving drug offenses. About 12 percent of persons entering the felony caseload with drug charges during the study period were identified by the system as eligible for Drug Court processing.[11] About five percent of all entering defendants charged with third and second degree felonies, then, had cases assigned for processing in Drug Court. In fact, in numbers, the equivalent of seven percent of this total population of interest was admitted to treatment in Drug Court each month.

Within the larger categories of drug and non-drug cases, subcategories of interest were then identified for purposes of comparative analyses. Sampling began by focusing first and centrally on a cohort of defendants (admissions) entering treatment during August and September, 1990. At the bottom center of Figure 1.1, this principal sample of interest is identified as *Sample I (n=326): Drug Court defendants admitted to treatment.*[12] The sample period was guided by two concerns: a) to insure that the study would fairly examine

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[10] Although Drug Court began by limiting eligibility to defendants charged with third degree felony drug-possession offenses, a number of more seriously ranked second-degree drug-purchase offenses also were included. Thus, it appeared reasonable to reserve the ability to define second- and third-degree felony defendants as the universe in which empirical assessment of the Drug Court would occur.

[11] Note that, at this stage of identifying Drug Court defendants in the larger context of the entering Circuit Court caseload for sampling purposes, prior criminal history information was not yet available.

[12] Note that the treatment-based admissions Sample I includes all defendants with filings entering Drug Court in August and September and defendants with earlier filings who were admitted to treatment during August and September.

the program at a stage sometime after its implementation "infancy"; and b) to permit use of a sufficient observation or follow-up period (18 months) for study of defendant performance from the point of admission to the program.[13]

The comparison samples consisted of other types of felony defendants processed contemporaneously to the sample of Drug Court defendants through Circuit Courts, including: *Sample II (n=89): presumably eligible defendants who did not enter Drug Court;*[14] *Sample III (n=199): defendants with felony drug cases who were ineligible for the program* because of the greater seriousness of their drug, companion charges, or prior records; and, *Sample IV (n=185): defendants with non-drug felony cases* of felony 3 or 2 grading. Taken together, Samples I and II were intended to represent the entire pool of defendants eligible for Drug Court--and accounted for about 5 percent of the entire caseload. Samples III and IV were designed for the purpose of offering comparisons with the Drug Court and Drug Court eligible defendants. In addition, to improvise necessary "before-and-after" comparisons, historically antecedent samples of *defendants with felony drug cases, (Sample V, n=302)* and *defendants with non-drug felony cases, (Sample VI, n=536)* were selected *from a period three years earlier* (during the summer of 1987), prior to the implementation of the Drug Court in 1989.

[13] The design is based primarily on a cohort approach, in that the samples identified are followed as a group over time. One limitation of this approach--shared by an experimental approach as well--is that prior or subsequent cohorts could have recorded different outcomes than those described in the report. Nevertheless, the rationale for this approach assumes that defendants entering during the study period, and Drug Court defendants in particular, are fairly "typical." In fact, it would have been desirable to study defendants more recently entering Drug Court; however, to permit a reasonable follow-up or observation period and to allow for a sufficient duration for the data collection process, it was necessary to focus on this period in late 1990.

[14] These subgroupings of the overall felony caseload during the two-month period were carried out based on court computer data. Only in the advance stages of data collection did it appear that a large number of Sample II defendants actually may have attended Drug Court, though not during August and September.

Organization of This Report

The purpose of Chapter One was to provide an introduction to the assessment research, including discussion of key research questions and methodology. The principal descriptive findings relating to the performance of defendants in the Drug Court treatment program and during an 18-month observation period are summarized in Chapter Two. Chapter Three places these findings in the larger context of the overall felony caseload through comparative analysis in which the outcomes associated with Drug Court defendants and their cases are contrasted with outcomes generated in the processing of other categories of Circuit Court felony defendants. Efforts to model program outcomes of concern are illustrated in Chapter Four and the implications for improved program performance are discussed. In Chapter Five, the central issue of targeting defendants for Drug Court processing is examined and a variety of perspectives for reviewing questions of targeting and program eligibility are discussed. Finally, Chapter Six summarizes the major findings of the assessment research and discusses their implications for courts considering, or already engaged in, Drug Court-type efforts in other locations.

CHAPTER TWO:

THE IMPACT OF DADE COUNTY'S FELONY DRUG COURT ON DEFENDANT OUTCOMES: PERFORMANCE IN DRUG TREATMENT

Using Sample I, consisting of 326 Drug Court defendants entering the program in the period from August 1 through September 30, 1990, this section of the report describes defendant participation in the Drug Court's treatment program, case processing outcomes, and the subsequent criminal justice histories recorded during an 18-month observation period by Drug Court defendants.

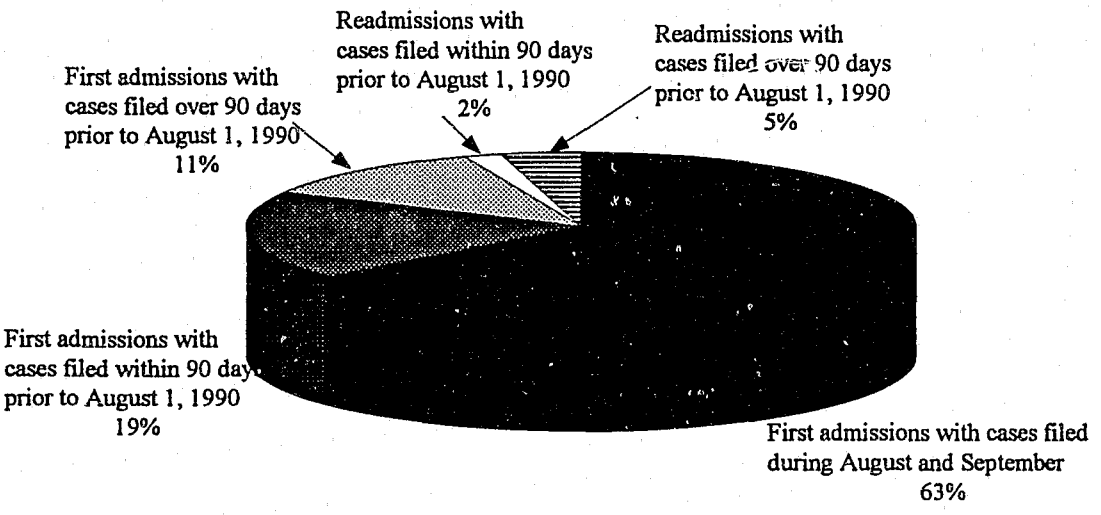
I. Description of the Cohort of Drug Court Defendants Entering Treatment

Defining the Sample of Drug Court Defendants: Filing Dates and Earlier Admissions

In attempting to identify the sample of all admissions to the treatment program (DATP) serving the Drug Court during the August-September, 1990, sampling period early in the research process, we discovered that the assumption that admissions to treatment during a given period would be a subset of criminal filings during that same period was erroneous. It was not possible, for example, to select from among all August-September filings the subcategory of cases representing all treatment program admissions, as would have been desirable. In fact, as Figure 2.1 shows, 37 percent of the defendants identified by treatment program records as admissions during that period had charges filed during an earlier period in time: 21 percent were involved in cases filed up to 90 days earlier than the August-September sample period, and 16 percent had cases filed more than 90 days earlier. Thus, more than one-third were not admitted to treatment directly following their first appearance in court. Some transferred to Drug Court (Division 51 of Circuit Court's criminal

section) after initial processing in another courtroom; some, released from Drug Court to report to treatment, may have entered treatment several days after being processed into Drug Court.

Figure 2.1 Composition of the Sample of Felony Drug Court Defendants Admitted to Treatment, August-September, 1990



In addition, once the cohort ("100 percent") sample of admissions to the treatment program during August-September, 1990, had been identified by the treatment agency and data collection was begun, it was further discovered that the list of admissions did not consistently differentiate between first-time admissions and re-admissions of persons who previously had been in the program and were returning to try again. Closer examination of the files revealed that seven percent of the admissions cohort were actually "re-admissions" to the DATP who were starting the program again. Because it was not possible a priori to screen out "re-admissions," they were retained as part of the cohort of defendants "admitted" to the DATP program during the sample period.[15] A detailed summary of the attributes of

[15] According to the procedures followed by the treatment agency (and according to Florida state regulations), persons who have not been seen by the program for a period of 30 days would be discharged. Thus, if a person were to be referred again to the program after being discharged, he/she would have to be formally

the Drug Court defendants admitted to the DATP in the August-September, 1990, is presented in Table A2.1. (Note that for simplicity of presentation, most tabular summaries are presented in Appendix A.)

Demographic Attributes of Drug Court Defendants Admitted to DATP

1. Gender: Approximately 81 percent of the DATP defendants were male and 19 percent were female.

2. Age: The defendant cohort had a median age of 30 years: ten percent were 20 years old or younger, 19 percent between 21 and 25, 23 percent between 26 and 30, about 35 percent between 31 and 40, and 12 percent over 40 years old.

3. Race/ethnicity: More than half (55 percent) of the defendants were African-American, 22 percent were Hispanic, 22 percent were white.

4. Employment: Less than half (45 percent) of the DATP admissions reported that they were employed full-time at the time of the intake interview, five percent reported part-time employment, 45 percent reported that they were unemployed, while two percent were inmates and three percent were otherwise not in the labor force at the time of their DATP interviews.

5. Marital status: About two-thirds (67 percent) of defendants were single (never married), 15 percent were married, 17 percent were separated or divorced, and two percent were widowed. Approximately two-thirds reported that they had dependents (children), many reported having more than one.

6. Education: Eight percent of DATP admissions had not reached high school, 40 percent had some high school, 36 percent were high school graduates (or had an

admitted again and would be required to go through intake procedures like all other admissions. The research staff relied on the treatment agency records of admissions to identify all persons admitted during the sample period.

equivalency); 14 percent reported attending some college, and about two percent reported that they were college graduates.

Criminal Charges Associated with Drug Court Defendants Admitted to the DATP

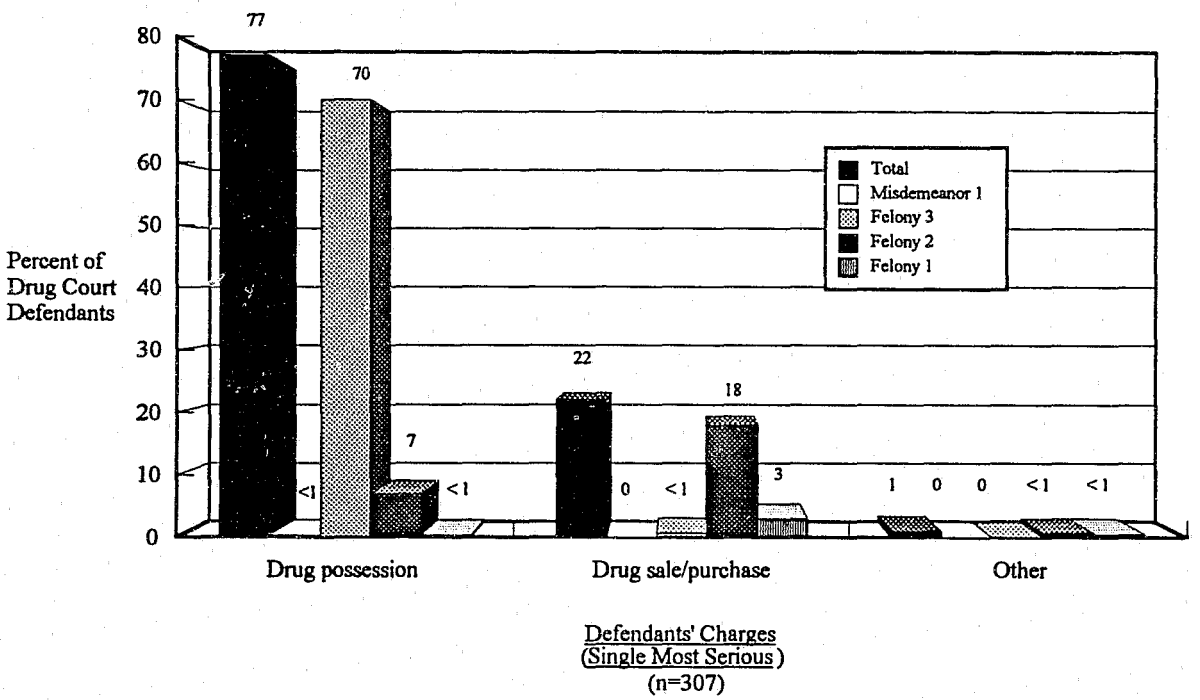
Thirty-nine percent of defendants had been charged with only one offense, 48 percent had been charged with two, and 13 percent had been charged with three or more criminal offenses. As might have been expected given the eligibility criteria employed by the program, 99 percent of the (most serious) charges associated with the Drug Court defendants entering DATP involved drug offenses. Twenty-two percent involved felony drug sales/purchase offenses;[16] however, 77 percent involved drug possession offenses. Three percent of the defendants had first degree felony charges, 26 percent had second degree felony charges, and 70 percent had third degree felony charges. (Figure 2.2 summarizes the single most serious charge and the felony grading associated with the most serious charge of the Drug Court defendants.) Approximately 97 percent of the defendants were charged with drug violations involving cocaine or crack cocaine, two percent involved marijuana, and one percent involved heroin or other controlled substances.

The finding that some Drug Court defendants had criminal charges more serious than the third degree felony drug possession charges that had been designated as the initial eligibility criteria may be explained in two ways. First, a policy decision to allow admission to persons arrested for purchasing drugs for their own use (a second degree felony) appears to have been made in the early stages of program implementation. Second, some of the cases entering the program after their cases had begun processing earlier in other courts had had

[16] These offenses involved arrests of persons for purchasing controlled substances, often as the result of a "sting" operation, and did not involve drug "dealing" as such.

their initial charges modified downward, allowing them to become eligible for the program belatedly.

Figure 2.2 Criminal Charges Associated With Cases of Drug Court Defendants Admitted to Treatment, August-September, 1990



Prior Criminal Histories of Drug Court Defendants Admitted to the DATP

Nearly half (48 percent) of the defendants admitted to the DATP program during the two-month sample period had records of prior arrests. One-third had arrests within the last three years. One-third had prior arrests for felony offenses. Approximately 11 percent had prior arrests for serious crimes against the person,[17] seven percent had prior arrests for

[17] The definition of crimes against the person employed in this report included any of the following more serious offenses: murder, voluntary manslaughter, forcible rape, statutory rape, involuntary deviate sexual intercourse, robbery, kidnapping, aggravated assault, assault by a prisoner, arson with personal injury, and battery.

serious property crime.[18] Twenty-eight percent had prior arrests for drug possession offenses. Nine percent of defendants had prior arrests for drug sales/purchases.

Figure 2.3 Criminal History of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Convictions and Felony Convictions

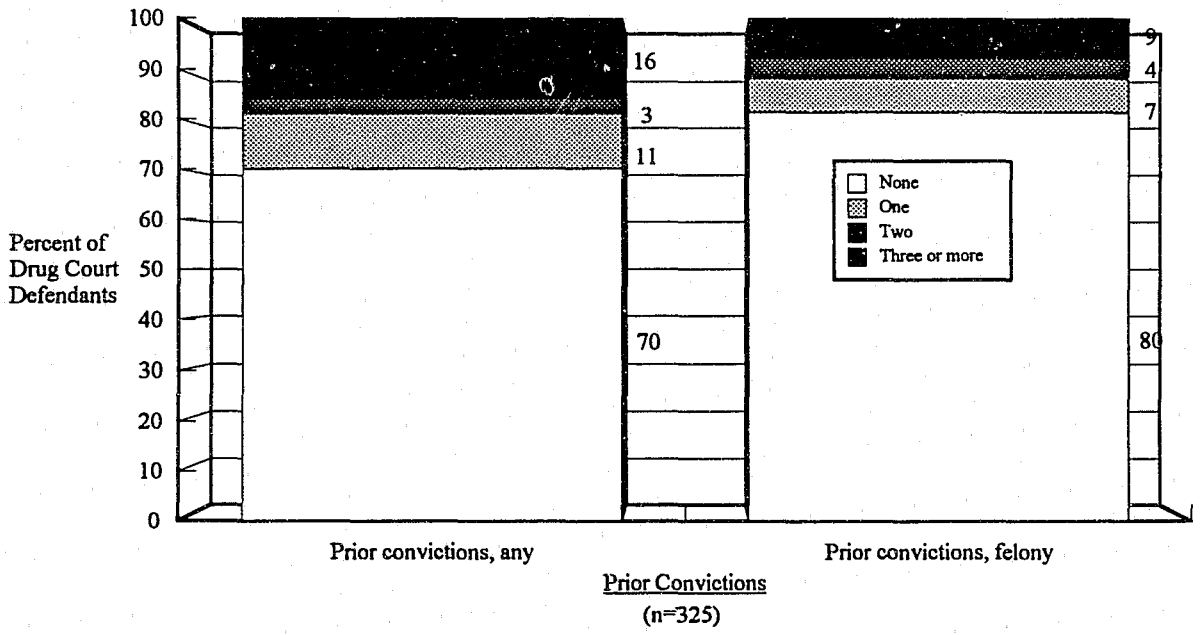


Figure 2.3 shows that 30 percent had prior convictions; 20 percent had prior felony convictions; 23 percent had prior misdemeanor convictions. Four percent had prior convictions for crimes against the person. Eighteen percent had prior convictions for drug offenses, 15 percent had prior drug possession offenses and six percent had convictions for drug sales/purchases.

Approximately three percent of the Drug Court defendants were on probation or parole at the time of admission to the program. Seven percent were on pretrial release for another case at the time of their arrest on the charges associated with their admission to the

[18] Serious property crimes included any of the following: arson, burglary, causing/risking a catastrophe, auto theft, and theft over $1,000.

DATP, and about three percent had outstanding warrants at the time of their arrests. Sixteen percent had records of prior failures-to-appear (alias capiases) in felony cases, ten percent had two or more; 15 percent had prior failures-to-appear in misdemeanor cases, ten percent had two or more.

These findings indicate that, after the first year of operation, the Drug Court had shown flexibility in its eligibility criteria relating to prior criminal record as well. Although the great majority of defendants had no prior histories or prior histories of minor seriousness, not all defendants were "first offenders," as literally defined.

II. Drug Abuse Attributes of Drug Court Defendants

Drug Abuse Treatment Histories of Drug Court Defendants

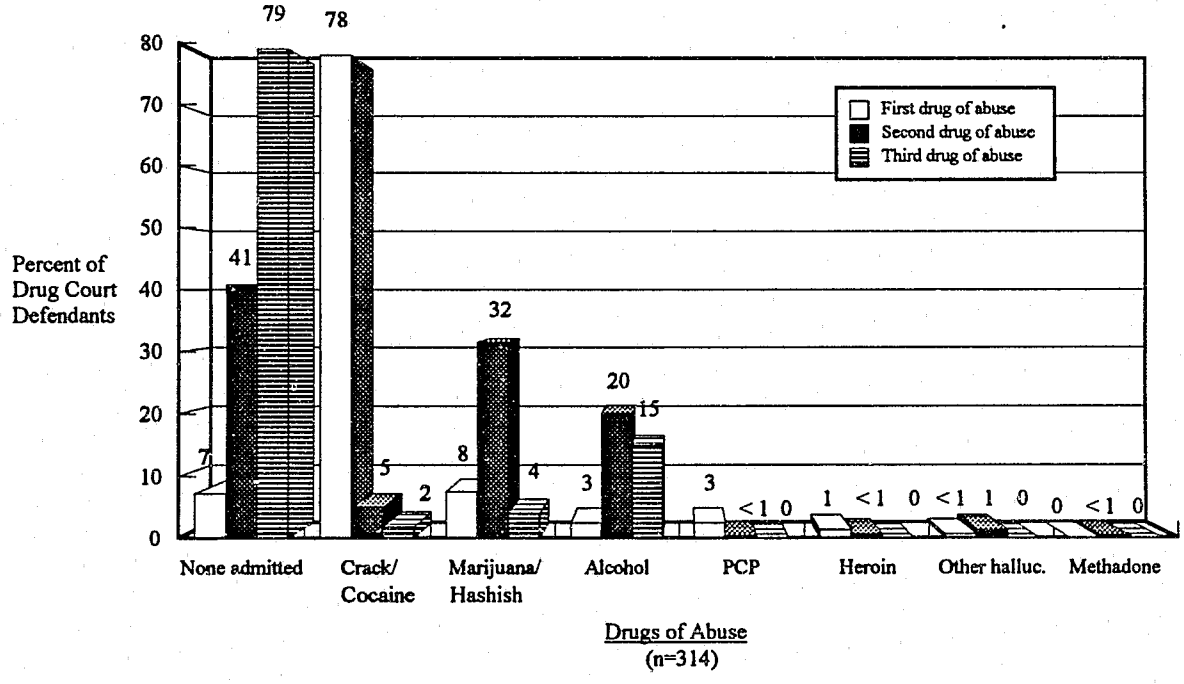
Table A2.2 summarizes in detail the drug abuse histories of the Drug Court defendants entering treatment. In DATP intake interviews, defendants reported first abuse of illicit drugs at a median age of 19 years. About 19 percent reported abusing drugs at the age of 15 or earlier. Sixteen percent of the admissions reported that they had been involved in drug abuse treatment before coming to the DATP intake interview. Seven percent had been admitted to the DATP at least once previously.

Level of Self-Reported Drug Abuse Among Drug Court Defendants Admitted to Treatment

One of the difficulties faced by a treatment program dealing with criminal justice "clients" (in this case felony defendants) is that knowledge of their drug abuse histories must be obtained largely from the defendants themselves in the form of self-reports in intake interviews. The difficulty is more pronounced in this instance when such information is

needed by the program at a stage shortly following arrest. The strengths and weaknesses of self-reported history of drug abuse have been well-discussed in the literature and are fairly obvious. (There is some concern, for example, that drug-involved defendants may remember poorly, report prior involvement selectively or deny that they have a drug abuse problem--as may benefit them in particular situations.[19]) Figure 2.4 shows the type of drug abuse acknowledged by defendants during the intake interviews conducted by the DATP staff at the time of admission. Perhaps the most striking finding is that only seven percent of defendants

Figure 2.4 Types of Drugs of Abuse Self-Reported by Drug Court Defendants Admitted to Treatment, August-September, 1990



admitted no drug abuse at all. Asked to indicate their primary drug of abuse, 78 percent acknowledged abuse of cocaine or crack cocaine, eight percent pointed to marijuana or hashish, three percent indicated alcohol, three percent admitted abusing PCP primarily, one percent cited heroin as the primary drug of abuse, and less than one percent admitted to use

[19] See Johnson et al., 1985, for a good discussion of this issue.

of other drugs of abuse. About 41 percent admitted no second drug of abuse; however, 32 percent cited marijuana or hashish, 20 percent cited alcohol, and five percent admitted using cocaine or crack cocaine as their second substance of abuse. Figure 2.5 displays the combinations of drugs abused by the Drug Court defendants based on their self reports.

Figure 2.5 Type of Drug Abuse Reported by Drug Court Defendants at Admission to Treatment, August-September, 1990, by Combination of Drugs of Abuse

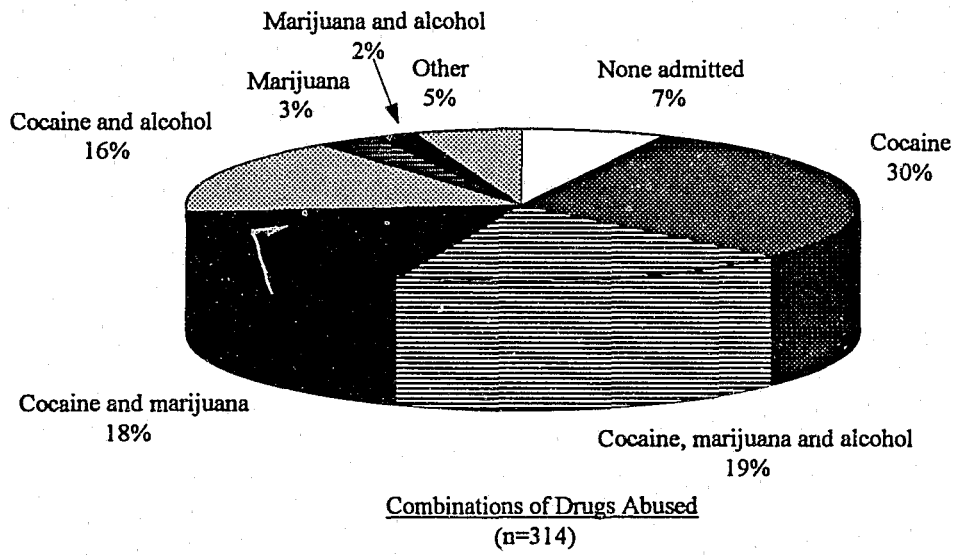
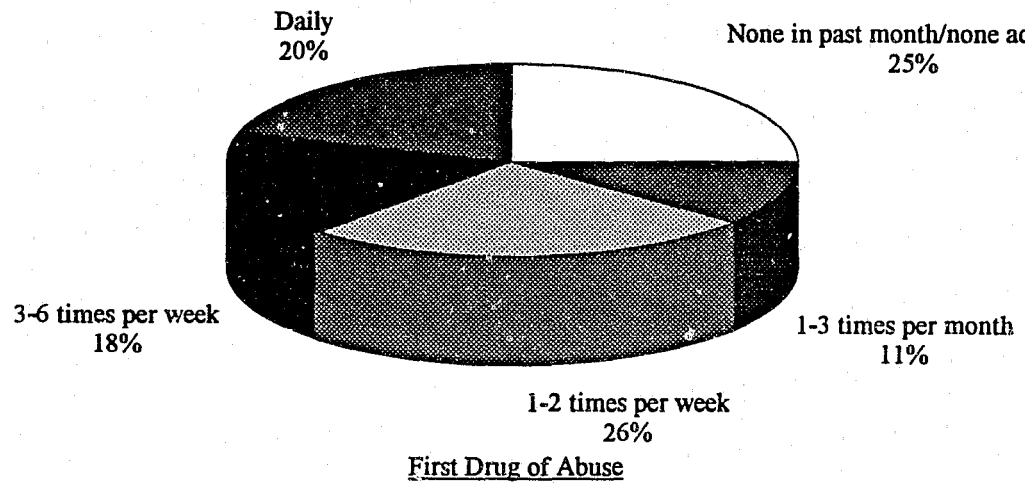
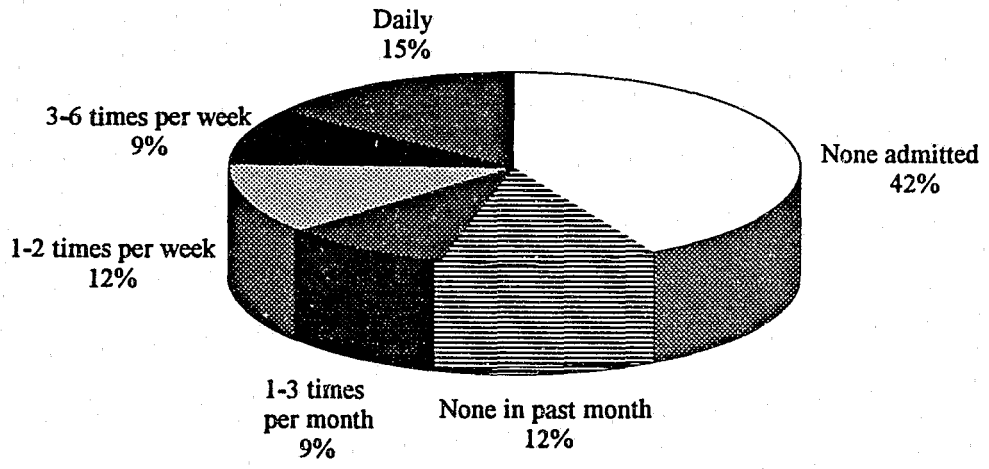


Figure 2.6 categorizes Drug Court defendants according to the relative frequency of their reported drug abuse (for the primary drug of abuse) based on intake records. Approximately 25 percent admitted no drug abuse during the last month prior to intake, 11 percent reported using a controlled substance one to three times per month, 26 percent admitted one to two episodes of drug abuse per week, 18 percent admitted abusing drugs three to six times per week, and about 20 percent reported daily drug abuse.

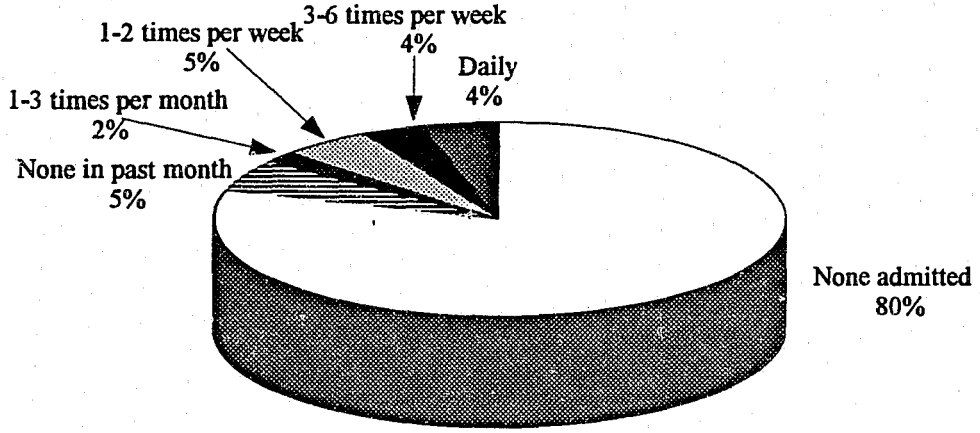
Figure 2.6 Frequency of Self-Reported Drug Use by Drug Court Defendants Admitted to Treatment, August-September, 1990



First Drug of Abuse



Second Drug of Abuse



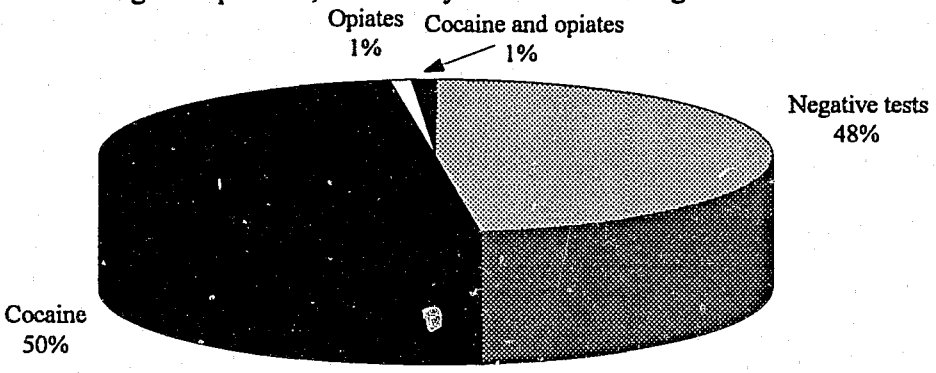
Third Drug of Abuse

Frequencies of Reported Use
(n=363)

Drug Test Results upon Admission to Program

As part of regular intake procedures, Drug Court defendants were asked to submit to an initial urinalysis. Usually, the initial--and most subsequent tests--involved a two-drug "screen" (for cocaine and opiates). Rather infrequently, when other drug abuse problems were suspected, selected defendants would be given a five-drug screen (for cocaine, opiates, marijuana, amphetamines and benzodiazepines). For the two-drug tests, records for initial test results were available for 91 percent of the sample studied. If one assumes that most of the defendants admitted to treatment through Drug Court were frequent drug abusers (the presumed target of the Drug Court program), then one would expect a large majority of defendants to record positive initial drug tests upon admission into the program. In fact, this was not the case. Of defendants with initial drug test results, 48 percent did not show positive test results for any drug; 50 percent tested positively for cocaine; one percent tested positively for opiates, and one percent tested positively for cocaine and opiates. (See Figure 2.7.) (The occasional use of five-drug urine tests revealed some use of marijuana among those tested, but rarely showed use of other drugs.)

Figure 2.7 Initial Drug Test Results of Drug Court Defendants at Admission to Treatment, August-September, 1990: Only Defendants Having Test Results



These findings are puzzling because of the assumption that drug-involved offenders were being identified and diverted into the DATP treatment program and that, logically, many of these would be expected to test positively. The following hypotheses could explain the low rate of positive initial tests among defendants entering treatment:

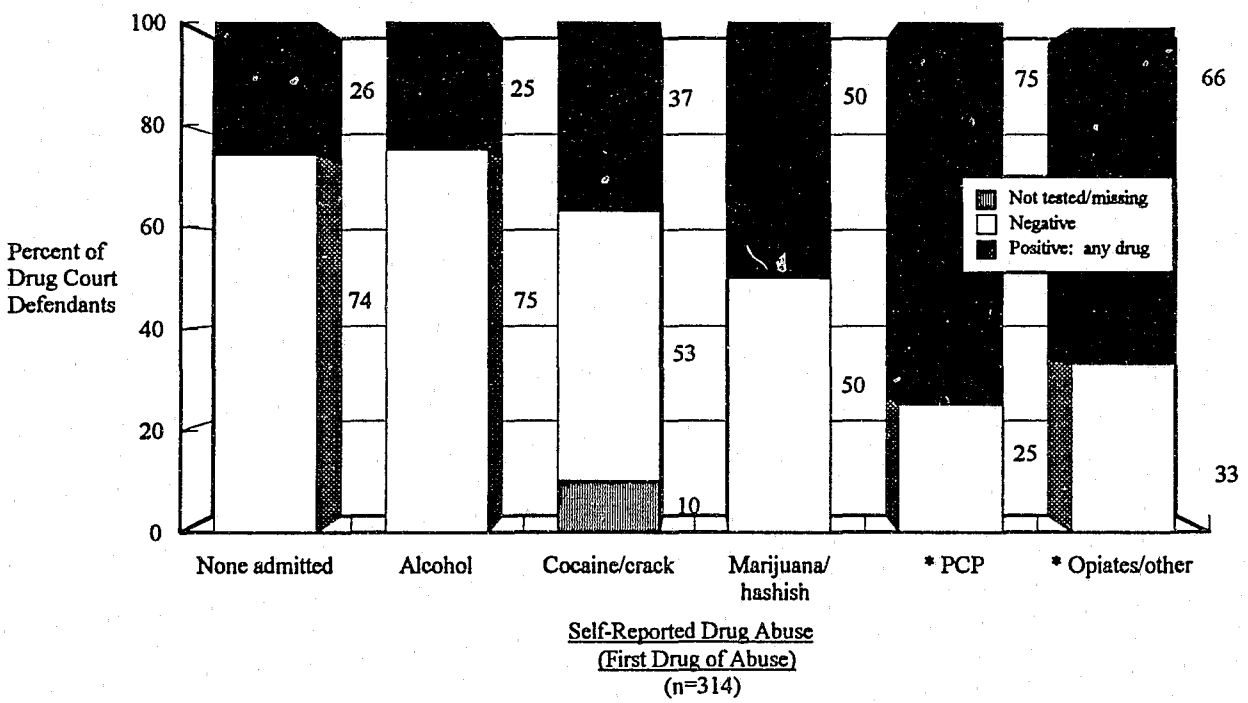
- 1. Roughly one-third of the Drug Court defendants had been arrested considerably prior to their August-September admission to treatment,[20] thus in a large number of cases, the initial drug test may have taken place too long after the defendant was at-risk for drug use on the street to detect drug metabolites through urine testing.
- 2. A number of defendants entering the program may not have been seriously drug-involved but rather may have been casual or even non-users.
- 3. The means of arrest and type of arrest offenses may explain the low rate of positive drug tests (i.e., persons arrested in drug sweeps while purchasing might not have been "using" at the time of their arrests, while persons arrested on possession probably may have been).
- 4. Possibly drug test results were not accurately conveyed, or were mixed up in some fashion from the time urine specimens were collected to the time printed results were obtained by the treatment agency.

The first hypothesis, certainly, may explain some of the negative tests found. In addition, it is conceivable that defendants arrested on Fridays or weekends would have had a chance to have their urines clear up by the time testing occurred on Mondays or Tuesdays. The second hypothesis appears unlikely, but is a concern that should be continually re-

[20] Thus, if they had been confined prior to entering Drug Court, a considerable period between drug use and testing would have elapsed. If they had not been confined, they may have been alerted to the fact that drug testing would be required upon admission to the DATP.

examined. Our data do not show a differential rate of positive testing among defendants based on type of drug offense; thus, the third hypothesis appears unlikely. We are unable to shed light on the chain-of-custody questions implied by the fourth hypothesis. While this research cannot fully investigate the alternative explanations, it does raise questions that might need to be examined as the program further develops in the near future, particularly as the program may wish to concentrate treatment resources on, or develop focused modalities for, the most drug-involved of drug defendants.

Figure 2.8 Self-Reported Drug Abuse by Drug Court Defendants, August-September, 1990, by Initial Drug Test Results



[Note: * Small n's make analysis unreliable.]

When self-report and initial drug test information are both available, there may be an opportunity to develop an approach that effectively identifies types of drug abusers according to the frequency and type of their usage. Figure 2.8 shows that 74 percent of defendants who

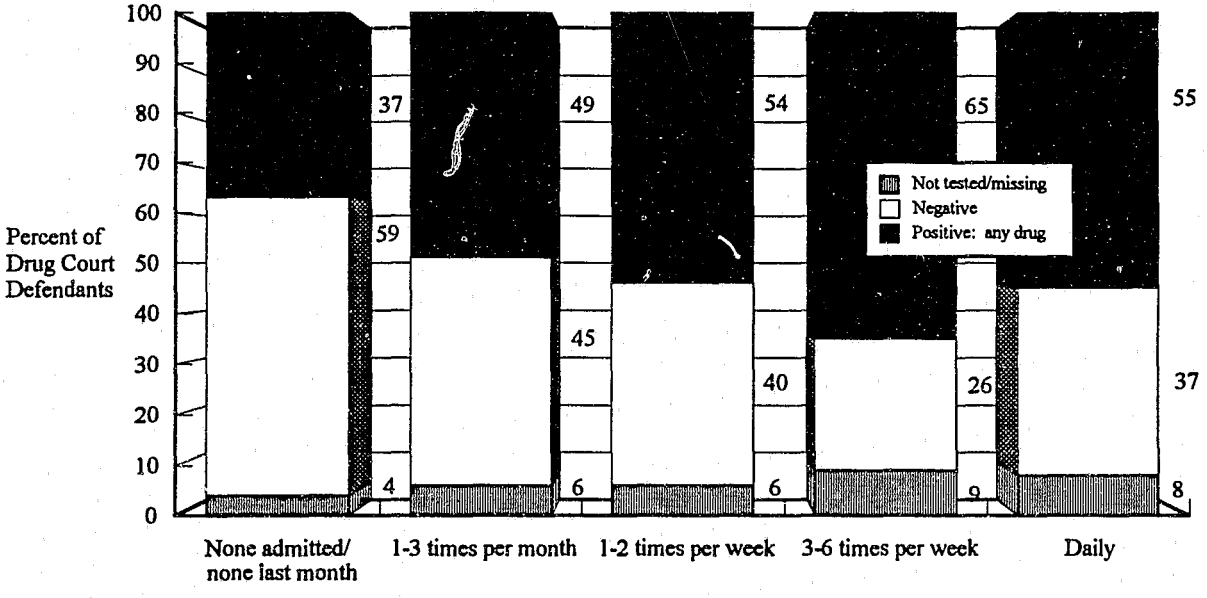
admitted no drug use at admission tested negatively at their initial program drug test but that notable proportions of defendants admitting to drug use of different types also did not record positive test results at admission. Persons admitting to alcohol as their first (or preferred) drug of abuse tested negatively for cocaine or opiates about as frequently (75 percent) as those admitting to no use. About half of defendants reporting abuse of crack/cocaine or marijuana at the intake interview tested positively for cocaine or opiates in the initial drug test.

Figure 2.9 compares test results recorded by Drug Court defendants at admission to the self-reported frequency of drug use indicated at admission. Although the analysis suffers somewhat from missing information (about 12 percent of defendants were missing either testing or self-reported information), the comparison between self-reports of drug use and drug test results highlights inconsistency in sources of drug use information: 37 percent of defendants admitting to no drug use (or no drug use within the last month) recorded positive initial drug tests; 49 percent of persons admitting use one to three times per month showed positive drug test results; 54 percent of those reporting use one to two times per week showed positive initial test results; 65 percent of persons reporting drug use three to six times weekly tested positively; and 55 percent of defendants admitting to daily drug use tested positively.

Several themes emerge from these findings. First, persons who did not admit to drug use within the last month or who reported alcohol as their drug of abuse showed the lowest rates of positive drug tests and might be considered non-users or casual users. (If this is so, we should also find later that they succeeded frequently in drug treatment. In fact, we find that this group was retained in treatment longer than the other groups of defendants.) Second, almost all other categories of admitted use-type and use-frequency tested positively

in one-half or more of the cases. The category that stood out with the highest proportion testing positively was defendants reporting use three to six times per week, not defendants reporting daily use. This finding also adds questions about the reliability of both types of drug use data: Are the breakdowns of frequency not useful when asking defendants to characterize their abuse patterns? Are the drug test results unreliable so that differences in groups are caused by inconsistencies in testing information rather than real differences in drug use at the time of intake?

Figure 2.9 Self-Reported Frequency of Drug Abuse by Drug Court Defendants, August-September, 1990, by Initial Drug Test Results



Interpreting consistencies and inconsistencies between the two sources of information obtained in the treatment process could prove useful in improving program effectiveness and should be given a high priority, given the implications of the hypotheses just described. To a certain extent, the apparent inconsistencies between self-reports of drug abuse and drug tests at admission to treatment of Drug Court defendants could be explained by the hypotheses

outlined above. However, another explanation could be that the two measures do not actually measure the same dimension of drug abuse.[21] Thus, it would not be unlikely for a defendant self-reporting cocaine use several times per month to test negatively after an arrest on any particular day. Analysis and interpretation of the apparent discrepancies between self-reports and drug tests may be critical in developing valid approaches to classifying defendants for the purposes of drug treatment programming.

III. Treatment Program Outcomes of Drug Court Defendants

Length of Program Participation (Retention in Treatment)

The original plan establishing the Drug Court assumed that effective results could be expected for defendants participating in the treatment regime for approximately one year. As a result, the DATP faced the challenge that other treatment programs have also traditionally faced, trying to insure that persons needing treatment would participate in treatment for a sufficient period so that positive results could occur. Based on treatment agency records, the median length of program participation for all sample defendants was 261 days.

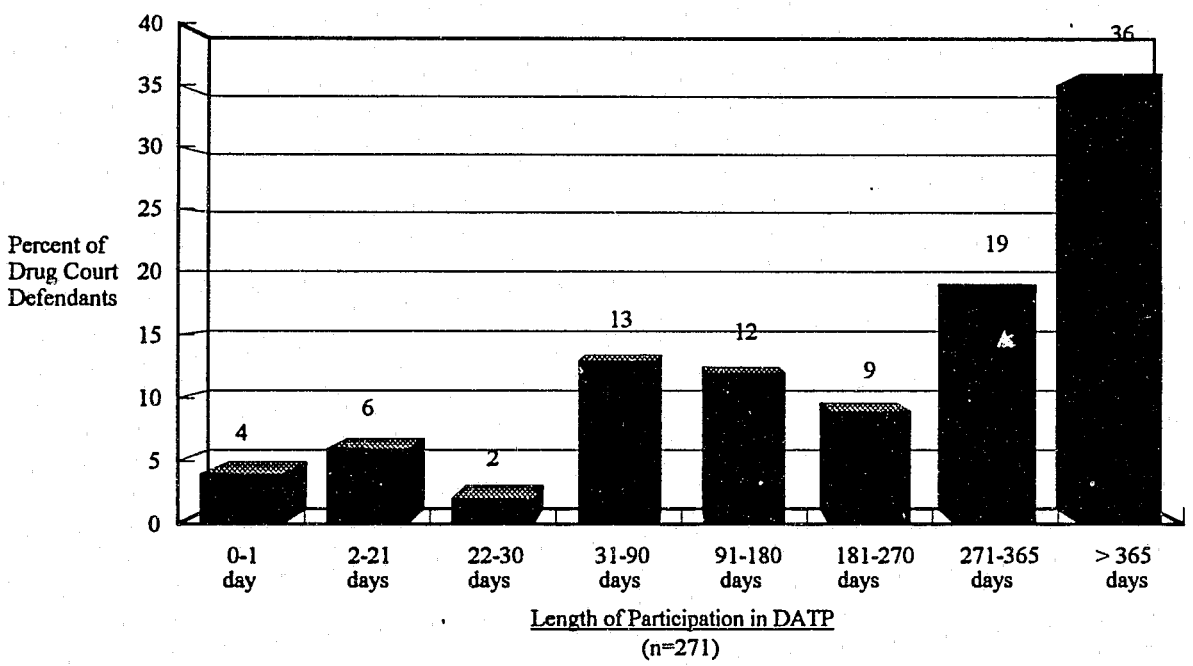
Figure 2.10 summarizes the lengths of time spent by Drug Court defendants participating in the program from admission (intake date) to last day in treatment,[22] excluding

[21] At intake, treatment clients are asked to indicate, from a list, up to three substances of abuse, in order of the seriousness of their abuse or addiction to these. The interview form (which is filled out by treatment staff, not the client) does not define current use in terms of any time frame, but simply as use "at intake". In subsequent questions about each substance, clients are asked about frequency of use and here may indicate "not within the past month".

[22] The definition of length of participation employed here assumes that defendants' attendance may have been interrupted one or more times. Records did not allow us to calculate reliably days in the program and days "out of" the program within the overall 18-month period of observation, as we might have wished. Instead, the status of each defendant was examined at the end of 18 months, in a sense regardless of intervening interruptions, and the status of each defendant's participation at that time was reported. Thus, if a person

defendants who had charges dropped and as a result withdrew from the DATP program.[23] Measured in this way, the median length of time between intake and last day in treatment for Drug Court defendants overall was 331 days, or about 11 months. About four percent of defendants apparently never made it to further treatment after the intake interview (and thus recorded zero days between intake and last day in treatment); overall ten percent did not spend more than three weeks in treatment; 12 percent were in treatment no longer than one month. One-in-four (25 percent) of the defendants did not continue in the treatment program for longer than 90 days. Thirty-seven percent of the admissions overall participated in the program for six months or less. Stated another way, 64 percent continued in the program for longer than six months; 36 percent were still in the program after one year.

Figure 2.10 Length of DATP Participation by Drug Court Defendants Admitted to Treatment, August-September, 1990

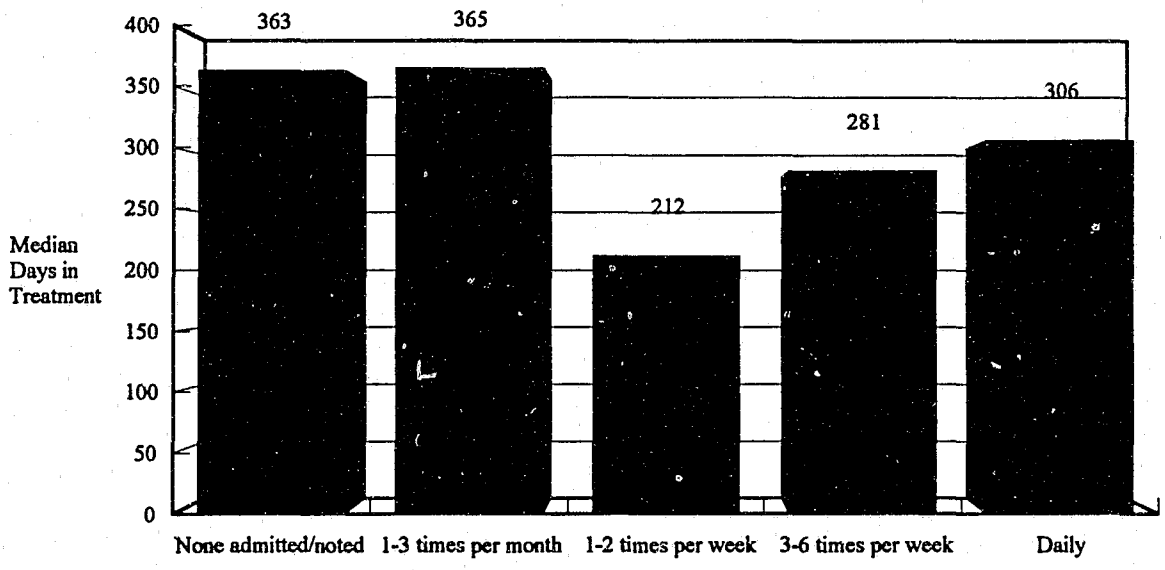


experienced a number of periods "out of" the program during the 18 months, but had returned and was about to graduate at the end of that period, it was his or her status at that time that was taken into account.

[23] Approximately seven percent of defendants in the admission sample discontinued the program within the first three weeks because the charges were dropped or dismissed.

Figure 2.11 shows some variation in the length of program participation when defendants' self-reported frequencies of drug use prior to arrest are taken into account. Defendants who reported no use or no recent use averaged about one year in the program. Persons admitting drug use of one to two times weekly recorded the shortest average lengths of participation in the program, a median of 212 days or about seven months. Defendants who reported drug use between three and six times weekly averaged nine months in the program (a median of 281 days) and self-described daily users averaged about ten months (a median of 306 days).

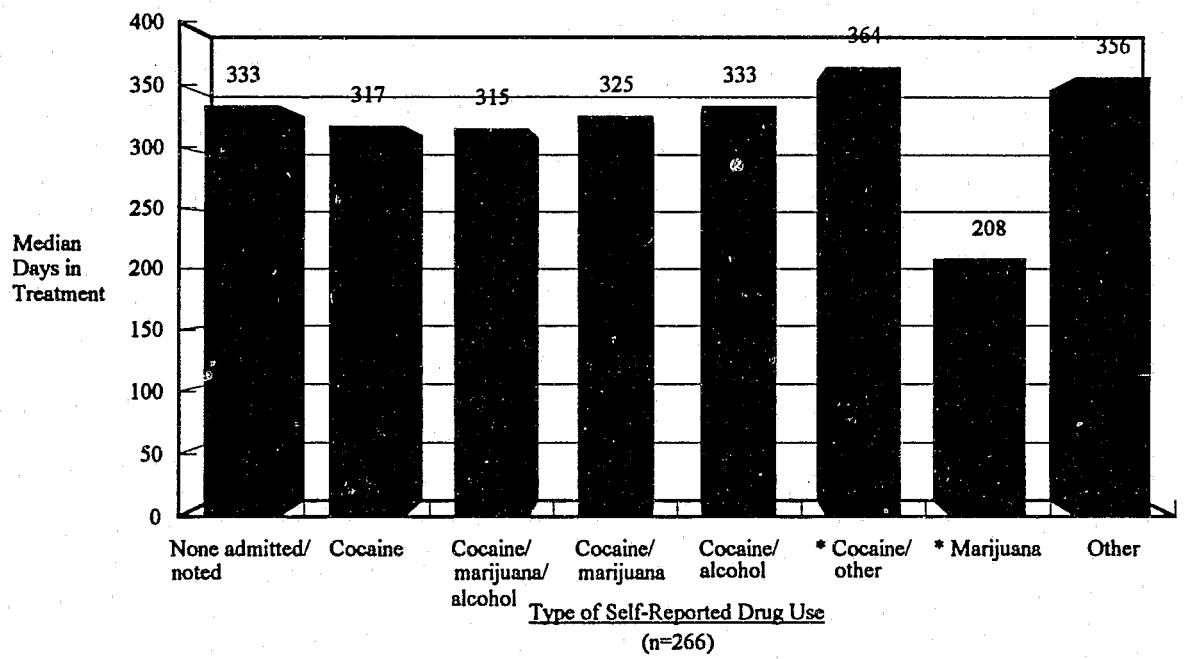
Figure 2.11 Length of Program Participation by Drug Court Defendants Admitted to Treatment, August-September, 1990, by Self-Reported Frequency of Drug Abuse



If length of program participation (as measured after an 18-month observation period) is viewed as one indication of "success" in the program, these findings are instructive. The defendants who had the most successful "survival rates" in the program--averaging around

one year--were in the two least-frequent self-reported use categories. On its face, this finding raises important questions about program screening and targeting, depending on how earlier questions about the reliability of the self-reported drug abuse information are resolved. If the self-reports of drug use frequency are accurate, then the curious finding is that defendants who need treatment the least (because they have little or no drug involvement) last longest in the program.

Figure 2.12 Length of Participation by Drug Court Defendants Admitted to Treatment, August-September, 1990, by Type of Self-Reported Drug Use



[Note: * Small n's make analysis unreliable.]

It did not follow, however, that the poorest survival rate was recorded by the groups of defendants who reported abusing drugs most frequently (those using drugs three to six times weekly and those reporting daily use), although they did show shorter average lengths of participation than the first two groups. Instead, the group with the shortest participation (poorest "survival" rate) consisted of defendants reporting drug use one or two times per

week. One explanation offered by Dade officials in discussion of these findings is that this group may represent those whose denial of their problem caused them to fail to take advantage of the treatment program. (Figure 2.12 shows that length of program participation did not vary notably according to the type of substance abuse reported.)

Type of Termination from the Program: The Problem of Defining "Success"

The DATP treatment approach was designed to include three phases, from admission to eventual graduation, originally estimated to take about one year. The program outcomes of the Drug Court defendants were catalogued by reviewing both the treatment agency files and the criminal justice data maintained by the court system.[24] Given the differing goals of treatment and criminal justice perspectives described in Chapter One, it is not surprising to discover that the characterization of program outcomes is a matter of some complexity, one that should be approached with some caution. There are two major reasons why measuring program "success" is somewhat involved. The first part of the problem is definitional, the resolution of which really lies in the domain of forming an explicit policy rationale to guide evaluation of outcomes. The second has to do with the challenging character of defendant progress through the Drug Court program and how this can adequately be captured in any measurement system. In this section, we address the definitional aspects of assessing program outcomes.

Measurement of program outcomes is problematic in part because there are a number of ways to measure "success," all of which could be considered valid depending on the perspective adopted. We illustrate this point in the following discussion, referring, finally, to

[24] When information about a defendant's status was uncertain or conflicting, criminal justice information sources were given priority.

program outcomes as "favorable" or "unfavorable" for this reason.[25] The August-September, 1990, sample of defendants recorded the following specific treatment program outcomes after an 18-month observation period:

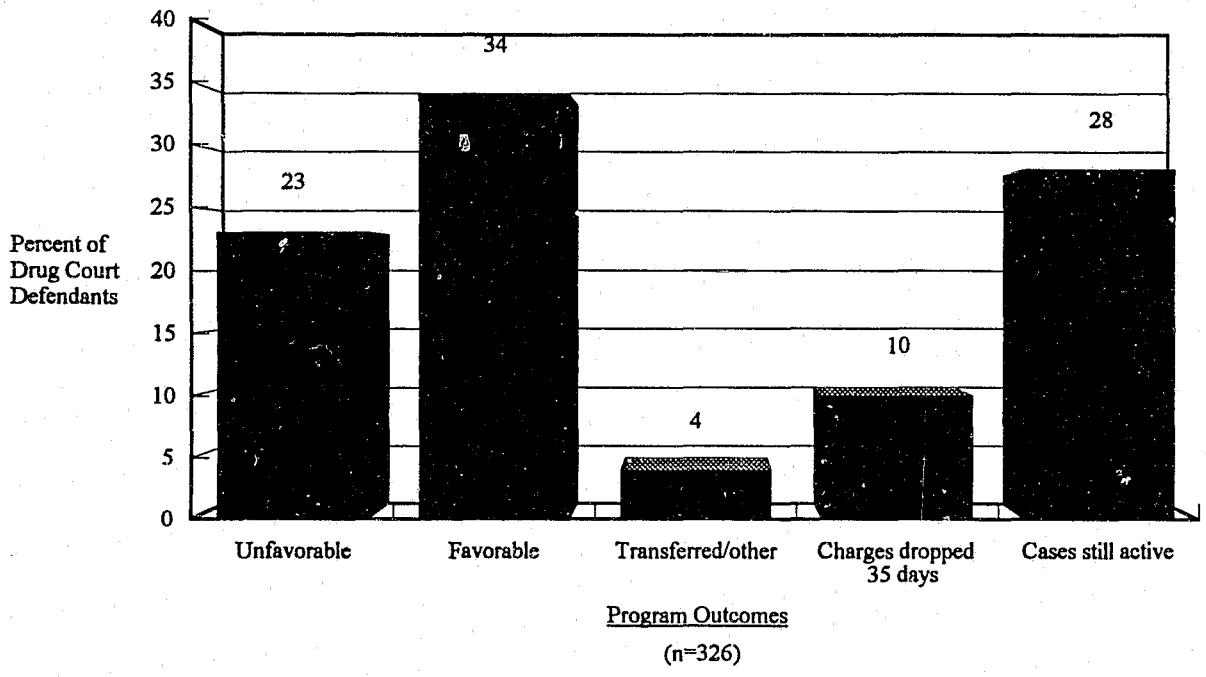
Program failure	Open cases (active)
Dropped out	In good standing
Terminated	With a current alias capias
Graduation implied	Transferred
Nolle prossed	Other jurisdiction
Nolle prossed, tracking	Other local agency
Sealed	
Sealed, tracking	Other
Probation only	Died
Charges dropped	
Within 35 days	

Grouping of what we are calling "program outcomes" involves some relatively clear-cut choices of favorable and unfavorable outcomes, as well as some groupings that are not so self-evident and are more debatable. How a "final" version of favorable and unfavorable outcomes can be adopted is a matter for policy debate and decision by court officials. Figure 2.13 illustrates one way to begin to organize program outcomes for Drug Court defendants using five categories.

- *"unfavorable outcomes" (23 percent)*--includes persons who dropped out, disappeared, or were terminated for lack of compliance with the treatment program;
- *"favorable outcomes" (34 percent)*--includes persons shown as treatment program graduates and/or who successfully completed diversion according to court records;

[25] Although the difficulties experienced in deciding upon measures of success constitute a finding of this assessment, an implication of this finding is that definitions of success are better decided in advance of program implementation.

Figure 2.13 Program Outcomes for Drug Court Defendants Admitted to Treatment, August-September, 1990



- *"transferred/other outcomes" (4 percent)*--includes persons who were transferred to other programs, including residential programs, and two defendants who died during the observation period;
- *charges dropped within 35 days (10 percent)*--is self-explanatory, including persons whose charges were dropped upon review by the State Attorney;[26]
- *cases "still active" (28 percent)*--includes persons whose criminal cases were still open at the end of 18 months of follow-up and whose program status was not any of the four just listed. Active cases included those with outstanding alias capiases and those without.

[26] In principal, information is filed by the State Attorney within three weeks of arrest. At that time, charges may be dropped for insufficient evidence. In actuality, on occasion charges are dropped somewhat later than 21 days after arrest. We have included defendants with charges dropped within 35 days in this category.

This rough grouping of program outcomes could be further collapsed into favorable and unfavorable categories by applying the following assumptions:

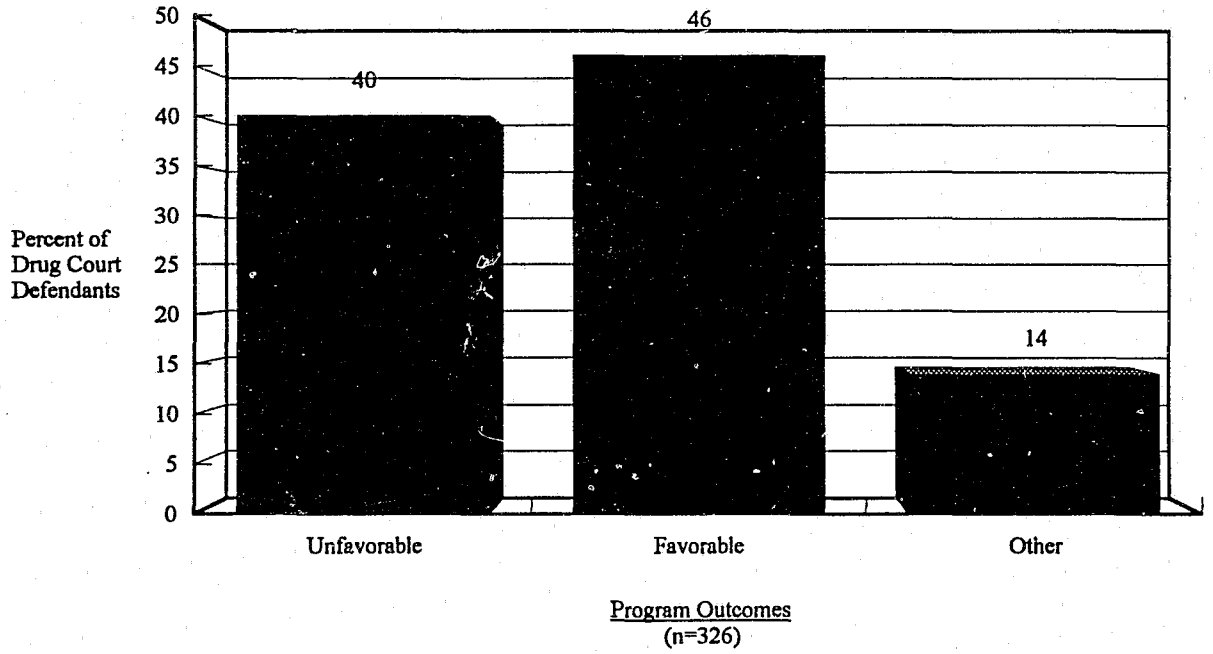
- Defendants who "dropped out" because their charges were dropped within 35 days of arrest should be excluded from the analysis of outcomes because they did not become participants in the program for a meaningful period of time (i.e., they were "false starts") and cannot be rated as having favorable or unfavorable outcomes.
- The small number of defendants who were transferred out of the Drug Court to other jurisdictions remained the responsibility of Drug Court; however, one could argue they should also be excluded from evaluation of treatment program outcomes because they became the responsibility of other agencies or jurisdictions and, therefore, did not serve as appropriate "tests" of the impact of the Drug Court in Dade County.
- Defendants who had active or open cases at the end of 18 months either should be counted as provisionally having recorded favorable outcomes, *or* be counted as having unfavorable outcomes, if they had absconded from the program and had not returned to active participation.

Figure 2.14 exhibits the distribution of program outcomes among Drug Court defendants that results from applying these assumptions. They can be briefly summarized in the following fashion:

- *"unfavorable" (40 percent)*--including persons who dropped out, disappeared, or were terminated for lack of compliance with the program;
- *"favorable" (46 percent)*--including persons shown as treatment program graduates and/or successful diversions according to court records, or whose cases were still active and who had not absconded;
- *"transferred/dropped/other outcomes" (14 percent).*

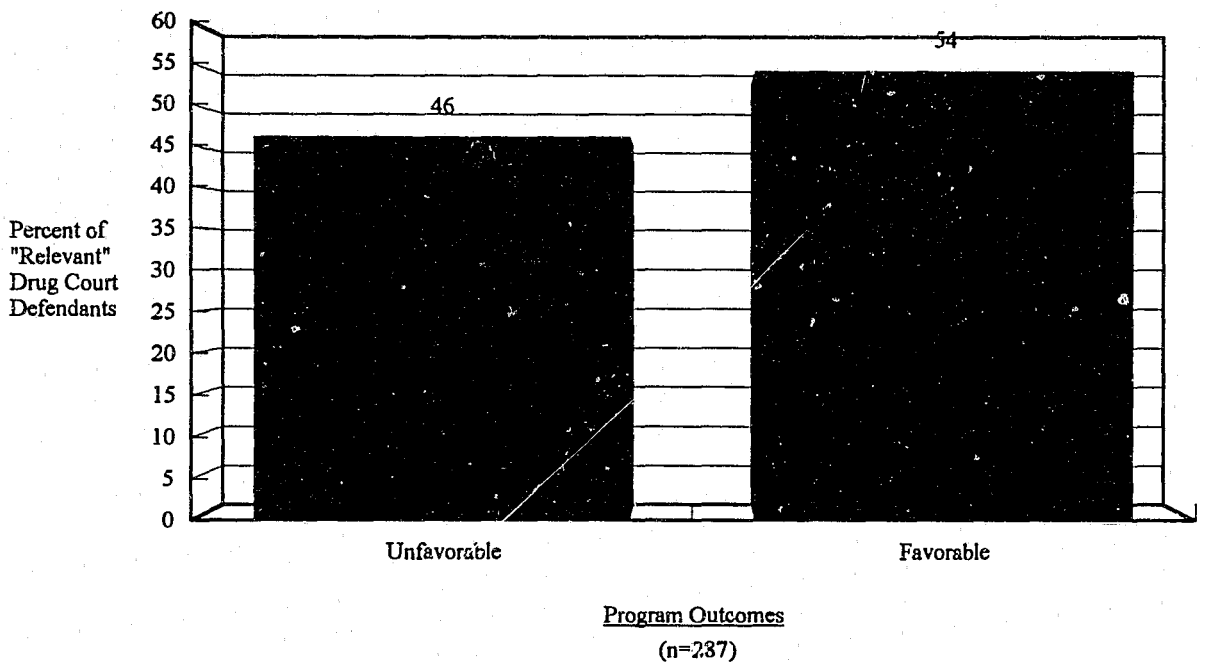
(For a detailed summary of the program outcomes in relation to defendant attributes, see Table A2.3 in Appendix A.)

Figure 2.14 Simplified Measurement of Program Outcomes (I) of Drug Court Defendants Admitted to Treatment, August-September, 1990



Depending on the perspective favored, one might also argue that the third category of program outcomes shown in Figure 2.14 should be set aside as not relevant to assessments of favorable versus unfavorable program impact. Of central importance instead would be the distribution of favorable and unfavorable outcomes among the Drug Court defendants as shown in Figure 2.15: 46 percent of relevant DATP program participants recorded unfavorable program outcomes, while 54 percent recorded clearly favorable outcomes.

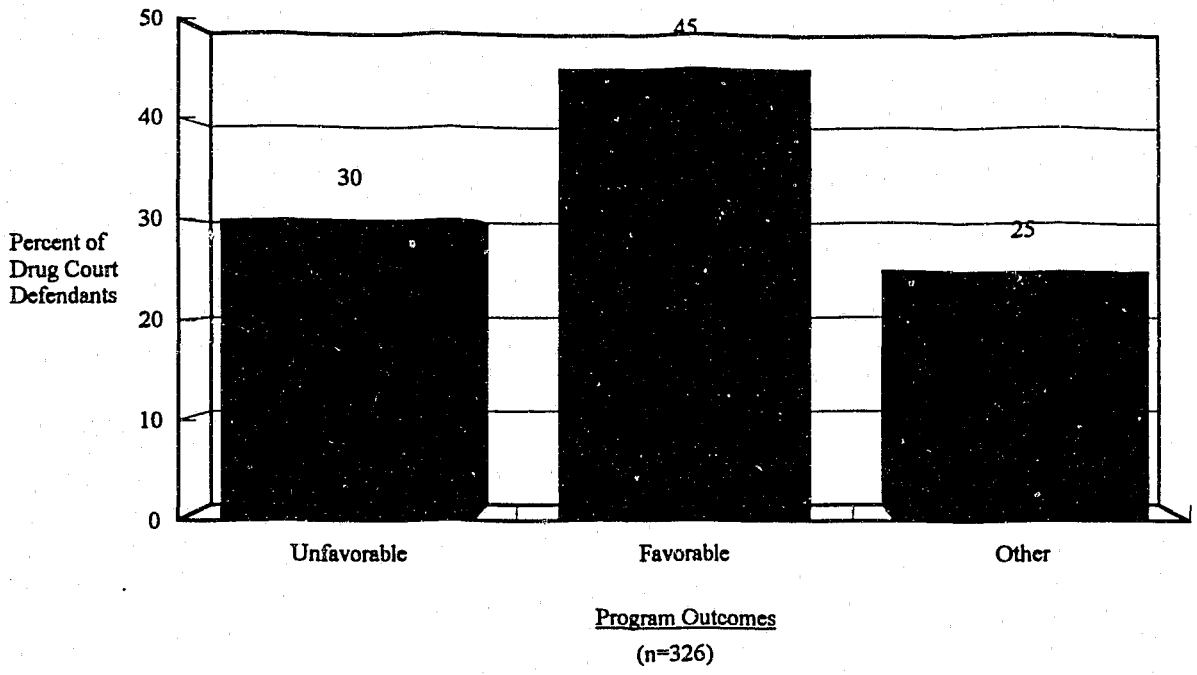
Figure 2.15 Favorable and Unfavorable Program Outcomes (I) of Relevant Drug Court Defendants Admitted to Treatment, August-September, 1990



Even this classification of program outcomes, however, could be further refined by adopting yet another assumption that has been argued from the drug treatment perspective:

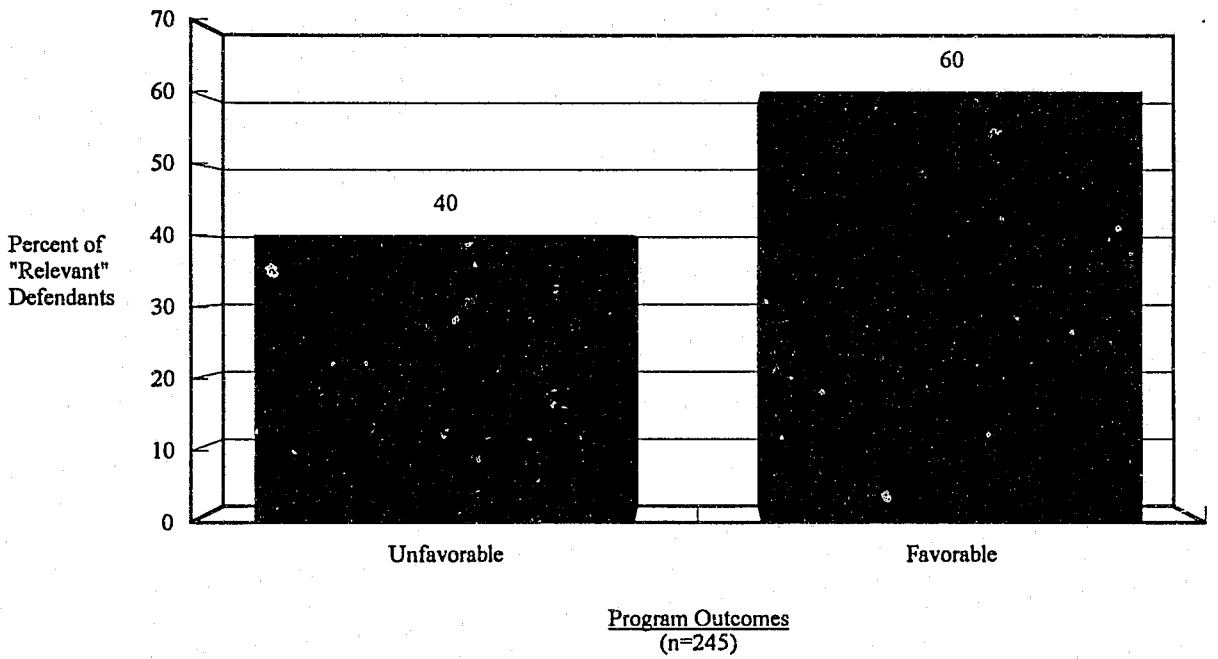
- because some minimum period of program participation by defendants should be required before it is reasonable to evaluate the impact of the program on defendants' behavior, all persons dropping out of the program within the first three weeks of admission (not just those with charges dropped) should be excluded from measures of outcomes (i.e., thus expanding the "false start" argument);

Figure 2.16 Program Outcomes (II) for Drug Court Defendants Admitted to Treatment, August-September, 1990: Excluding Defendants Dropping Out within 21 Days or with Charges Dropped/Dismissed within 6 Weeks



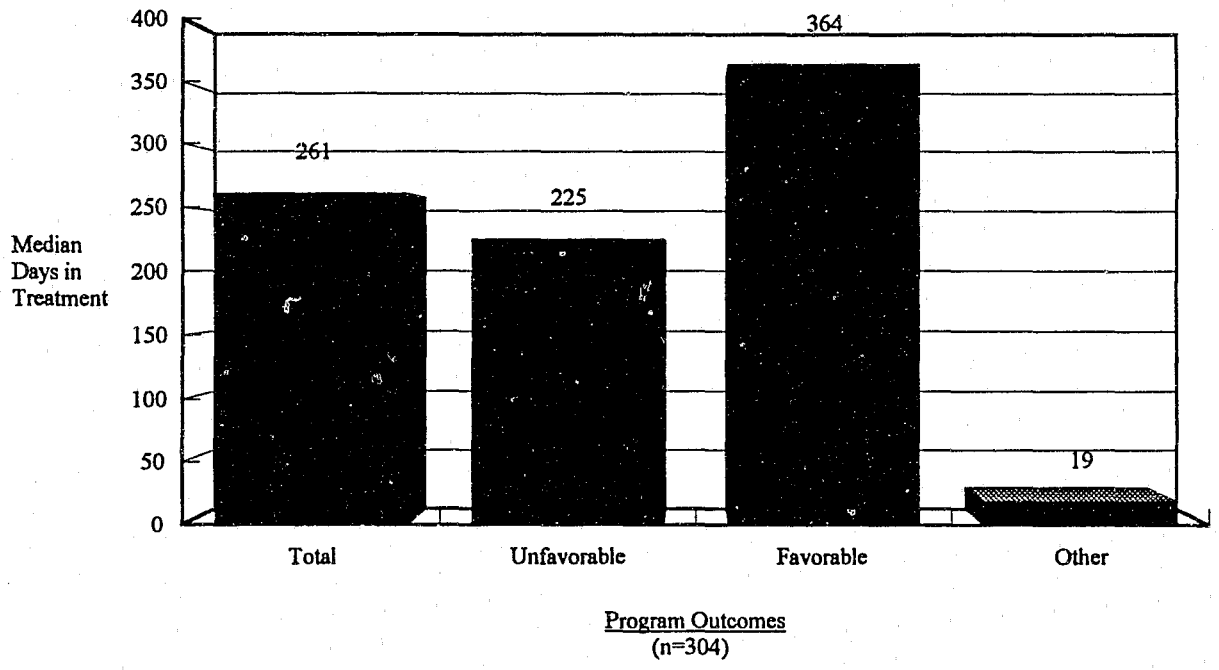
Using this narrow approach, Figure 2.16 shows that 30 percent of Drug Court defendants in the DATP recorded unfavorable outcomes, 45 percent recorded favorable outcomes, and 25 percent fell into the "other" category consisting of defendants for whom, it could be argued, evaluations of program impact do not make sense. Figure 2.17 excludes this third category to contrast the outcomes of only the "relevant" defendant categories: of these, 40 percent had unfavorable outcomes, and 60 percent had favorable outcomes.

Figure 2.17 Program Outcomes (II) for Drug Court Defendants Admitted to Treatment, August-September, 1990: Relevant Defendants Only



The average (median) length of time spent by Drug Court defendants in the DATP program--as measured from the date of the intake interview to the last day in treatment--was 331 days, or almost nine months, including defendants whose charges were dropped. Figure 2.18 displays the (median) lengths of time in the program for Drug Court defendants for each of three categories of program outcomes (unfavorable, favorable, transferred/dropped/other) as measured in version II shown in Figure 2.16. As now would be expected by definition, length of program participation and program outcomes closely correspond. Defendants with unfavorable outcomes averaged program stays (225 days) less than two-thirds the length of defendants with favorable outcomes (364 days). Defendants with "other" outcomes, by definition, showed the shortest average program participation, about 19 days.

Figure 2.18 Length of Participation of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Program Outcomes (II)



In this discussion of program outcomes we have attempted to illustrate that measurement of program "success" is not necessarily as straightforward as one might have wished. Proponents of treatment and criminal justice perspectives might make different assumptions about which outcomes should be viewed as favorable and unfavorable. We emphasize here that the debate about the definition of favorable outcomes is one that should be held. Adapting one measure or another is really a policy decision that should most appropriately be made by the various participants in the court system operating the program. As those results were presented to the Dade County officials, a very constructive decision of these issues did occur. It is fair to say that no absolute consensus was arrived at.

The Character of Defendant "Progress" Through the Drug Court Program: Illustrative Case Histories

For practical reasons, the research approach adopted for this assessment has adopted a framework which seeks to record defendant program, case and public safety outcomes, as of an arbitrary point in time 18 months after defendants were admitted to the treatment program. Some officials have argued that this research approach will result in a very "flat" or "one-dimensional" accounting of the performance of defendants in the program. According to this perspective, the concern is that, because the behavior of drug-involved individuals is so erratic and generally irresponsible, a simple, quantitative measure of program outcomes will in an important sense fail to convey the "ups and downs," "zigzags," and other kinds of "real-life" behavior actually involved in treatment program progress. In fact, great concern was expressed that some defendants who had great initial difficulty in the program might be viewed as "failures" under this approach, when, had the observation period extended farther, success might have been the final result. Stated another way, there was concern that a strictly quantitative approach to assessing program impact be supplemented by some qualitative information.

To respond to this concern--and to more fully capture the "flavor" of the experiences of Drug Court defendants--we have selected ten cases and have sought to describe the paths taken by them through the treatment program. In illustrating these cases briefly in this section, we do not imply that they are representative of all Drug Court defendants. However, the point that defendant progress is not so easily depicted by purely quantitative measures seems well supported.

Case 1

R. is a white woman who was in her mid-30s at the time of her admission to the Drug Court's treatment program (DATP). She was arrested in September of 1990 on charges of

possession of cocaine and was assigned immediately to Drug Court. At the time of her arrest, she had a substantial history of prior involvement with the criminal justice system, with 13 prior arrests (only one within the past three years) and nine prior convictions, five for felony property offenses. She had no prior arrests for drug offenses (and, therefore, would not have been identified as Drug Court-eligible on the earlier charges had the program been in operation). She was single, a high school graduate, and was living alone and working full time.

In her intake interview at admission to treatment, R. stated that she had been using drugs since the age of 17, and admitted to current use of heroin, marijuana, alcohol and cocaine. She was admitted to treatment on September 17, 1990. According to case notes, her attendance was initially poor, she consistently tested positively for drugs, and showed little motivation for treatment. In early November, after an absence of two weeks from the program, she returned to treatment, citing the demands of her work as the reason for missing appointments, and was then not seen again until the end of December. From this point on, she showed slight improvement. Although her attendance continued to be poor, her drug tests, when she did come to treatment, were usually negative. In February of 1991, her attendance improved, according to file notes, but in April she once again stopped attending treatment. In May, the defendant returned once more to DATP, although the length of her absence is not specified. From this point on, her attendance improved somewhat and her urine tests were generally clean. In mid-July, after 10 months of participation in the program, she was finally transferred to Phase III aftercare. At the end of the 18 month observation period, the defendant's case was still open and she was still active in treatment. Interestingly, her records further showed that as late as September, 1992, or nearly two years after her initial admission to DATP, she did, in fact, complete treatment with the result that her criminal charges were nolle prossed.

Case 2

C., an African-American man of about 20 years of age at the time of his admission, was arrested in early July on charges of cocaine possession but entered the DATP on September 26, 1990, after his case was transferred to Drug Court from another court. At the time of his arrest in July, he had two prior arrests, both for misdemeanor offenses. Although he was charged with possession of cocaine, he admitted only to using marijuana/hashish at his intake interview. He reported being a drug user since the age of 18 and this was his first time in a drug treatment program. Although he initially appeared motivated for treatment, according to file notes, on November 19, 1990, he was reported to have stopped attending.

April 22, 1991, C. was once again referred to DATP following another arrest for possession of cocaine. After one month, case notes indicate, he was responding poorly to treatment and testing positively for drugs. One month later he was again reported to have stopped coming to treatment. In January of 1992, the defendant was once more readmitted after having been sent by the Drug Court judge. Although he was still active in treatment at the close of the 18 month observation period, he dropped out of treatment again in May of 1992. Records show that his pattern of behavior appears to have continued. He was readmitted in late September of 1992, and again discontinued treatment just over one month later, when file notes ceased.

Case 3

Y. was a 42-year old Japanese immigrant, who at the time of her arrest was married but living apart from her estranged husband, was college-educated but unemployed due to her immigration status and was earning a living as a freelance translator and teacher. She was arrested in a sting operation on charges of purchase and possession of cocaine, and was admitted to DATP on September 6, 1990. At her intake interview, Y. admitted to infrequent

cocaine use (less than once per week), as well as alcohol use. She reported also that she had been using alcohol since 1967 and cocaine since 1983. At admission, she tested positively for both cocaine and amphetamines.

According to file notes, Y. was reported to be motivated and cooperative throughout her treatment program. She was transferred to Phase II on October 2, 1990, and continued to make good progress, attending treatment and having negative drug tests until her transfer to Phase III on December 3, 1990, when she recorded a positive drug test. Acupuncture and individual counseling helped her through this period, according to the case notes. Her attendance and attitude continued to be good, and the "binge" did very little to slow her completion of the program. She was recommended for graduation on August 28, 1991, slightly less than one year after admission, and her case was later nolle prossed. File notes state that in addition to helping her with her drug problem, counselors helped her address problems related to employment and her marital situation.

Case 4

J., a 32-year old, white veterinarian, was arrested with his girlfriend during a sting operation on charges of possession and purchase of cocaine. He had no prior record and had never before been in treatment for drugs or alcohol. J. was admitted to DATP on September 13, 1990. At intake, he admitted to having a problem with alcohol, which he had used since the age of 16, but denied a problem with any other substances. He did report that he had used marijuana for about six years and had experimented with cocaine while in college. He continued to deny use of cocaine during the program, even when he recorded a positive drug test for cocaine during the course of Phase II. Despite this denial, his attendance was good, he was cooperative, and appeared motivated, according to counselor notes. His girlfriend and co-defendant went through treatment with him. He was transferred to Phase II sometime

before October 9 and to Phase III on November 21, 1990. He continued to make good progress, attended treatment regularly, and produced negative drug tests. He graduated from the program on September 9, 1991, and his case was later nolle prossed.

Case 5

C., an Hispanic woman who was 38 years old at this time of her admission, entered the Drug Court program after her arrest for possession of cocaine on August 24, 1990, despite a rather long history of involvement with the criminal justice system (under a number of aliases). This was reportedly her first time in drug treatment. She was readmitted on September 14 and again on October 9, 1990. On December 12 she was reported to have discontinued treatment. On March 15, 1991, the defendant was once again ordered to be readmitted into treatment by the Drug Court and on April 26, 1991 was reported to have failed to return. No further notes were found after that date.

Case 6

E., an African-American woman in her late 20s at the time of her admission, had a 10th grade education, and reported that she was unemployed and expressed no desire to work. She was separated from her husband and living with a sister. E. reported that she had been using cocaine since the age of 18, marijuana since the age of 16, and alcohol since 15.

E. was initially arrested for possession of cocaine, possession of drug paraphernalia and loitering, and was assigned to Drug Court in 1989. She had had two prior arrests for drug possession, but no convictions at that time. On July 13, 1990 she was rearrested on alias capiases stemming from the three 1989 charges.

E. was readmitted to treatment on August 1, 1990, and on August 31. Her counselor noted that she had not returned to the clinic after the latter intake and was being placed in Phase V, which is a record-keeping, tracking status applied to defendants who are out-of-compliance with the program prior to termination. As of October 22, 1990, she still had not returned to treatment and her file was closed.

On February 11, 1991, she was readmitted to the DATP program for treatment. On March 8, 1991, she was again reported to have been placed in Phase V for nonattendance. The counselor noted that her motivation was poor. A court report for the period of March 3 to 21 indicates that she was still in Phase V and "currently in custody." By March 27, 1991, she had somehow progressed to Phase III, according to file records. The next court report indicates that her attendance and motivation were good, although three out of six drug tests were positive. The report further noted that she was working on her GED but was having difficulty remaining drug-free. Residential treatment was recommended.

On May 7, 1991, E. was again placed in Phase V for lack of attendance and one month later her file was again closed. Her counselor noted that her addiction was severe and "out of control" and that she would benefit from residential treatment.

E. was admitted once more on September 30, 1991, and two weeks later was approved for transfer to Phase II. As of December 19,1991, her Phase II attendance and motivation had been poor, although her urine tests were clean. By January 17, 1992, she was noted to be out of compliance with her treatment plan and was again placed in Phase V and reported to Pretrial Services for action by the Drug Court. On January 24, she returned to treatment and was taken out of Phase V. By mid-February, some positive urine tests had been reported and her attendance was poor. One month later, her urine tests were

consistently positive and her attendance was very poor. On April 6, 1992, during a period beyond the range of the 18-month observation period, she was placed in Phase V yet again and one month later her file was closed again due to nonattendance. On June 4 she was readmitted for treatment. Two weeks later, she had discontinued treatment and was again reported to Pretrial Services and placed in Phase V. One month later, and the last information we have, the file was again closed for nonattendance.

Case 7

At the time of his admission to the program on August 9, 1990, R. was a 28-year old African-American man referred to DATP by the Drug Court after having been arrested on charges of cocaine possession. This was reportedly his first time in drug treatment. His initial intake was on August 9, 1990, after which he did not return. He was readmitted and had a second intake appointment on October 25, 1990. Again he did not return. On December 24, 1990, he was readmitted again and had a third intake appointment, after which he once more failed to return. On February 15, 1991, he had a fourth intake and did not return. On May 10, 1991, the defendant was sentenced to 12 months probation on one charge and continued treatment as a condition of probation. On August 28, 1991, he had a fifth intake and did not return. At the end of 18 months, his initial criminal case was still open and he was missing.

Case 8

F. was a 53-year old Cuban native with an eighth grade education. He was single and unemployed due to a disability at the time of his arrest for possession of cocaine on August 1, 1990. He had a history of seven prior arrests, three of them recent, and one prior felony conviction.

In his intake interview, F. admitted to daily use of cocaine as well as alcohol. He claimed to have begun using cocaine in 1986 and alcohol in 1967. In 1986, long before his admission to DATP, he had been diagnosed by the Department of Human Resources Office of Emergency Assistance as suffering from alcoholism, tremors, cerebellar degeneration, malnutrition, pain, emphysema, psychiatric illness, hemiparesis, alcoholic liver disease and depression. In short, according to the file notes, he was suffering from "complete" and "permanent" disability, with no chance of recovery. By the time of his admission he had been hospitalized both for his medical problems and for his addictions.

Court reports for the defendant indicate that F. was motivated and cooperative. However his treatment in Phase I was interrupted early by a medical leave of unspecified length, from which he returned on September 5, 1990. His treatment history from that time onward is difficult to piece together, but it appears that he was hospitalized again and that he was subsequently transferred to a special residential facility. His counselor seems not have been informed of either his whereabouts or his condition. The defendant's file was closed due to inactivity of 30 days on December 21, 1990. The counselor noted that he appeared not to have been motivated to return to treatment after his hospitalization and that he was in need of residential treatment because of the strong negative influences of his neighborhood and because he lived alone on disability income. File notes show that, several months later, the counselor was informed that the client had died at the special residential facility.

Case 9

S., a 24-year old African-American man, who was single and had a high school education, should have been a success story. He was arrested in December of 1989 on charges of possession of cocaine, six months before Drug Court was established. His case was assigned to Drug Court more than a year and a half later, on August 28, 1990. (What

occurred in the interim is not clear from file notes.) At his intake interview, he denied any drug use and case notes indicated that counselors were inclined to believe him, based on his consistently negative drug test results, his cooperative manner and his physical appearance. On September 14, 1990, he was transferred to Phase II and on October 22, 1990, after clean urine tests and good progress in treatment, he was transferred to Phase III. During the course of the program, the defendant obtained full-time employment and made plans for furthering his education. According to the treatment records, he continued to do well, his attitude was good and he was drug-free. He was working long hours and was required to attend only weekly.

In March, 1991, he was placed in Phase V for tracking due to unexcused nonattendance, but he returned several days later and explained that his absence had been due to a family emergency. In July, he was briefly jailed after being involved in a fight at a flea market. On August 29, 1991, the defendant was to have been recommended for graduation. S. failed to appear for his scheduled court date and an alias capias was issued. He also failed to keep a clinic appointment. On August 30, his father informed the counselor that his son had been robbed and killed.

Case 10

R. was 41 years of age at the time of his admission to DATP on September 12, 1990. He was a single, white man with a master's degree in education, who was employed full time as a teacher in the Dade County school system and showed a good income. He was arrested in a sting operation and charged with purchase and possession of cocaine.

At his intake interview, R. admitted using both cocaine and alcohol, but denied being addicted. He said he had started using cocaine recently due to strong peer pressure. He had

never before been in drug treatment or been arrested. Counselors found him to be cooperative and motivated for treatment. He completed Phase I and was transferred to Phase II on September 28, 1990. On November 26, 1990, he was approved for transfer to Phase III. In late January of 1991, the defendant had one positive test for cocaine and was advised to attend NA (Narcotics Anonymous) meetings. This appears to have been his only lapse. Later notes indicate that his attendance was good, he appeared to be highly motivated and consistently had negative drug tests. He graduated from the program on September 17, 1991 and his case was nolle prossed.

Other Program Outcomes: Drug Test Results During Program Participation

It was previously noted that, in addition to the initial drug test at intake, drug tests were required of defendants in the Drug Court program periodically throughout their participation in the program. (It was not unusual, in fact, for the judge to require an on-the-spot drug test of an errant defendant who was being returned to court after an unexplained absence.) An attempt was made by the research staff to collect detailed drug test information on the sample defendants during their program participation. For a number of reasons, including interruptions in program participation, the analysis of program drug test results was limited because of incomplete data. These obstacles notwithstanding, the following summarizes what the available drug test data showed concerning the use of drugs by defendants during the program period. The median number of tests recorded for the sample defendants over the course of treatment was 24. Of course, because number of drug tests can also be viewed as measure of program attendance, the number predictably varied by length of participation in the program. Defendants with favorable outcomes recorded an

average (median) of 65 tests during their participation. Defendants with unfavorable outcomes recorded an average of 15 drug tests.[27]

Figure 2.19 Percentage of Drug Tests Showing Positive Results Among Drug Court Defendants, August-September, 1990

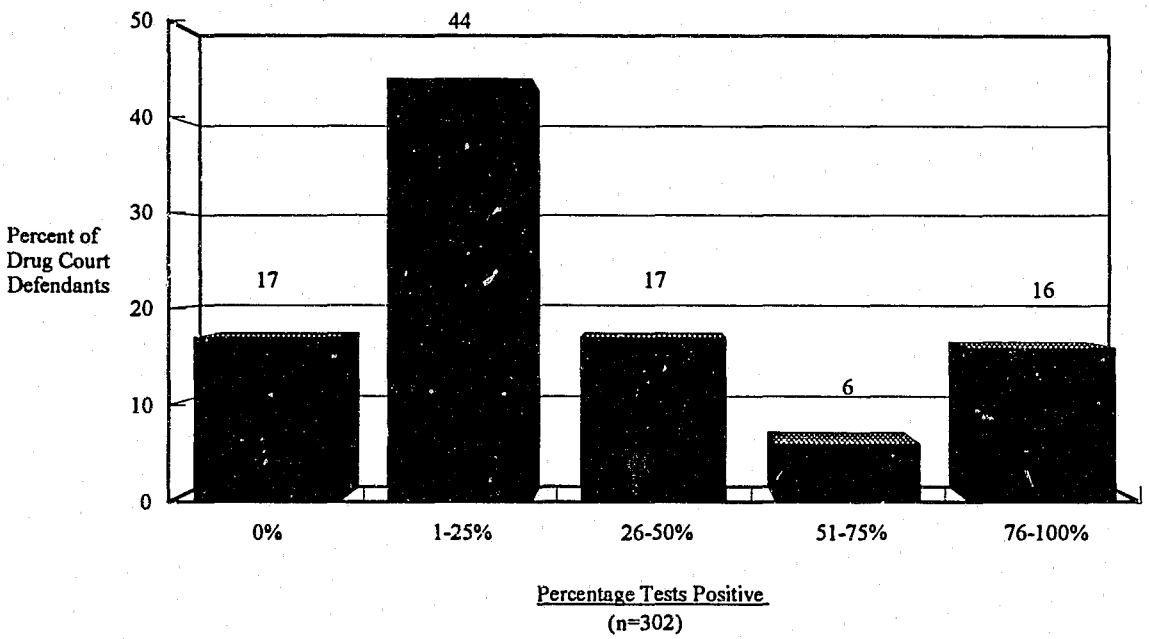


Figure 2.19 displays the percentage of positive tests recorded by the Drug Court defendants during the course of program participation: 17 percent showed no positive test results at all during their participation in the program; 44 percent showed positive results in 1 to 25 percent of their drug tests; 17 percent showed positive results from 26 to 50 percent of the time; six percent were positive from 51 to 75 percent of the time; and 16 percent were positive in 76 to 100 percent of tests taken. It should be noted that this measure is closely tied to the defendant's length of time in the program. Defendants who lasted only a short

[27] Of course, these results are not surprising. Favorable outcomes and length of participation (retention) in treatment are two measures of the same phenomenon. The longer the participation in the program, the greater the number of drug tests that would be expected.

period in the program, for example, may have shown a 100 percent positive rate based on one or two positive tests.

The Use of Short-Term Pretrial Detention to Support Program Participation: "Motivational Jail"

Dade County officials have argued that an important aspect of the Drug Court program is the judge's ability to make use of pretrial confinement when defendants are having great difficulty in participating adequately in the outpatient treatment approach of the DATP. As the program evolved, it became clear to the Drug Court judge and supported by the prosecutor that from time to time some defendants would need to be removed from their environments for a short period to detoxify in a more "structured" environment. The use of a two-week period of pretrial confinement was intended to provide an option between dismissing a defendant from the program (to face adjudication under normal procedures) and allowing him or her to flounder disastrously on the streets.

One of the concerns raised about such a practice was that, given the poor performance likely to be associated with heavily drug-involved defendants, the use of short-term jailing would be overused and, in fact, could ultimately result in more confinement overall. Thus, in a jurisdiction having a history of jail crowding, there was concern not to exacerbate the crowding situation by exercising this program sanction. In addition, questions were raised about the possibility that the "motivational jailing" approach could end up jailing defendants who would not otherwise be jailed; that is, they would be confined only because of their drug dependence. After a full discussion of these issues, as a result of the Drug Court's need to "pull in" defendants having difficulty in attending the treatment program and appearing in court as required, a limited number of Drug Court beds were set aside in the Dade correctional facilities. According to statistics assembled by the Office of the State

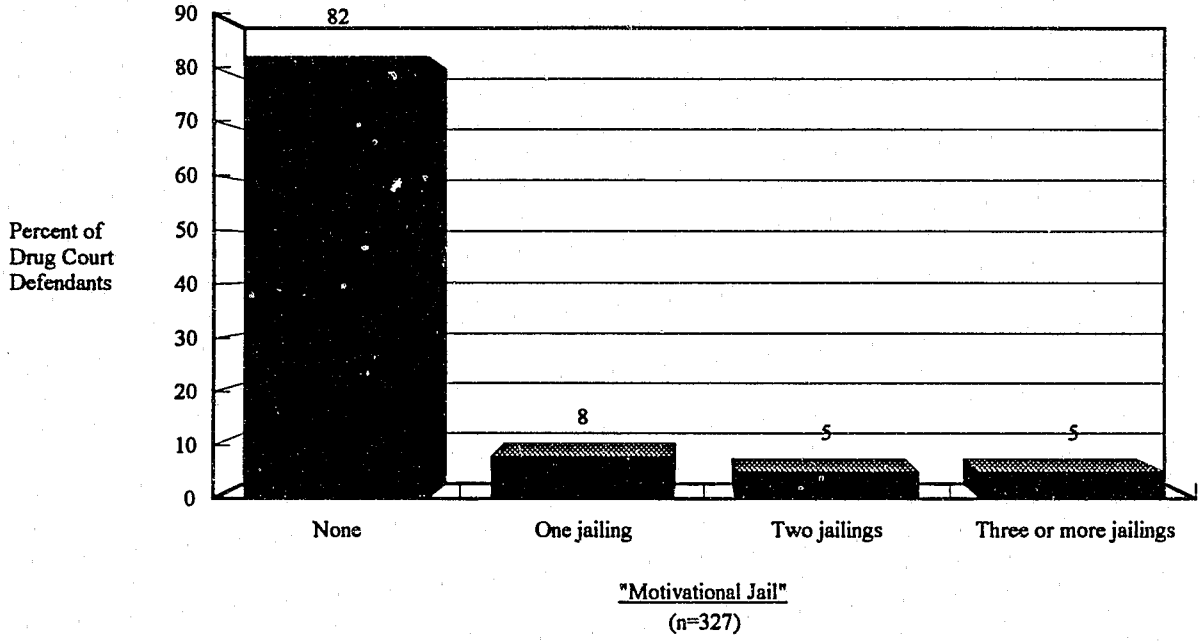
Attorney as of February 24, 1992, for example, approximately 37 percent of defendants entering the Drug Court program since its inception in 1989 (2,245 defendants) had experienced some "motivational jail."

Although such data would have been very informative, it was not possible to collect information about each defendant's "motivational" jailings during the data collection period for this study. The original intention was carefully to track Drug Court defendants into and out of confinement during the 18-month follow-up period. Because of the necessity to resort to manual jail records and the difficulty in distinguishing between Drug Court "motivational" jailings and other reasons for confinement, collection of such data was not feasible. As a second-best approach, however, data were obtained from the State Attorney showing the number of times sample defendants had been confined for "motivational jail," according to prosecutorial records. (It is assumed that each jailing was for a standard two-week period.)

Figure 2.20 summarizes the incidence of short-term jailing of the August-September defendants by the Drug Court judge. According to the records of the State Attorney, approximately 18 percent of the sample defendants had been jailed at least once, five percent were jailed two times, and five percent were jailed three or more times. Several patterns characterized the occurrence of jailing among Drug Court defendants. First, persons who did not self-report recent drug abuse showed the lowest rate (nine percent) of short-term jailing; whereas persons reporting recent abuse were jailed twice as frequently (19 percent). Defendants reporting cocaine and alcohol as their most frequent forms of drug abuse stood out from other defendants in their rate of short-term jailing: 31 percent were jailed at least once. "Motivational jail" seemed also to be associated most with defendants whose cases were still open (active) at the end of the 18-month observation period: roughly 37 percent of defendants whose cases were not disposed at that time had been jailed at least once, 19

percent two or more times. One-third (33 percent) of defendants who recorded two alias capiases for missing Drug Court hearings were jailed at least once; nearly half (47 percent) of defendants with three or more alias capiases were jailed short-term at least once.

Figure 2.20 The Frequency of Short-Term Pretrial Confinement ("Motivational Jail") During an 18-Month Observation Period Among Drug Court Defendants Admitted to Treatment, August-September, 1990



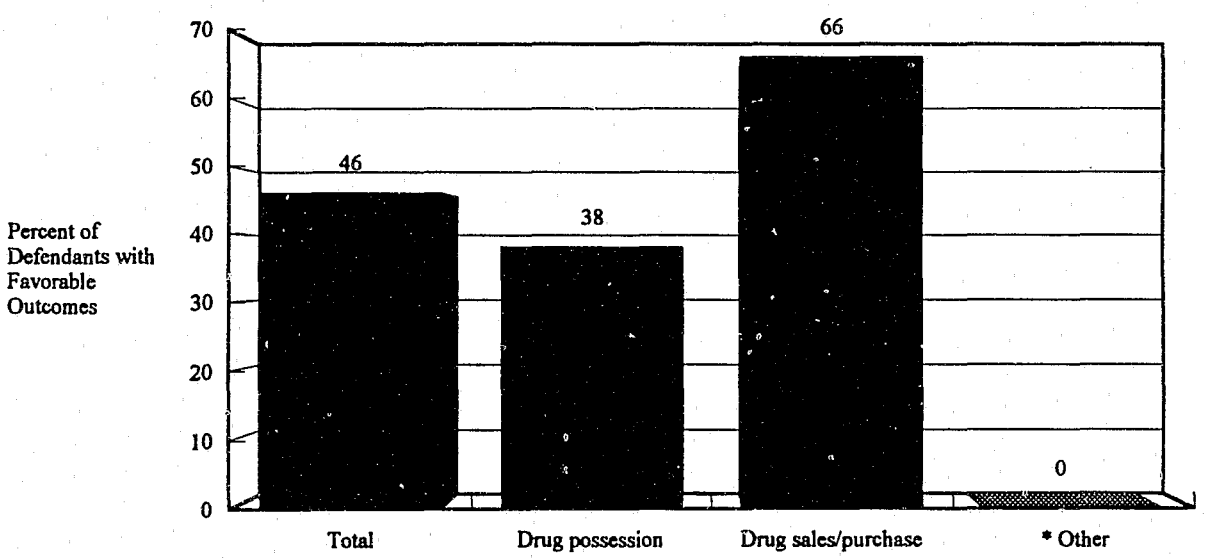
The Relationship Between Defendant Attributes and Program Outcomes

In Chapter Four, we summarize multivariate analyses attempting to "predict" program outcomes based on knowledge of defendant attributes. In this section, we highlight briefly relationships between program outcomes and selected defendant attributes. (For a more detailed presentation, see Table A2.3 in the Appendix.)[28] At this bivariate level of analysis, variation in program outcomes appears to be related to selected demographic, criminal charge, prior criminal history, and drug abuse characteristics of the Drug Court defendants.

[28] Note that the figures presented in this section showing program outcomes and the data summarized in Table A2.3 employ program outcomes version I as shown in Figure 2.14. The results for version II do not vary by more than one or two percentage points. Thus, these relationships appear to apply regardless of the version of favorable v. unfavorable program outcomes one prefers.

- Demographic attributes: Several demographic attributes of the Drug Court defendants appeared to be related to program outcomes: A slightly higher proportion of white defendants recorded favorable program outcomes than African-American and Hispanic defendants. The probability of favorable outcomes appeared to increase with the educational attainment level of defendants. Married and divorced defendants were more often successful than single or separated defendants.
- Criminal Charges: Figure 2.21 shows that a larger proportion of defendants charged with drug sales/purchases offenses recorded favorable program outcomes than defendants charged with drug possession.

Figure 2.21 Favorable Program Outcomes of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Selected Criminal Charges

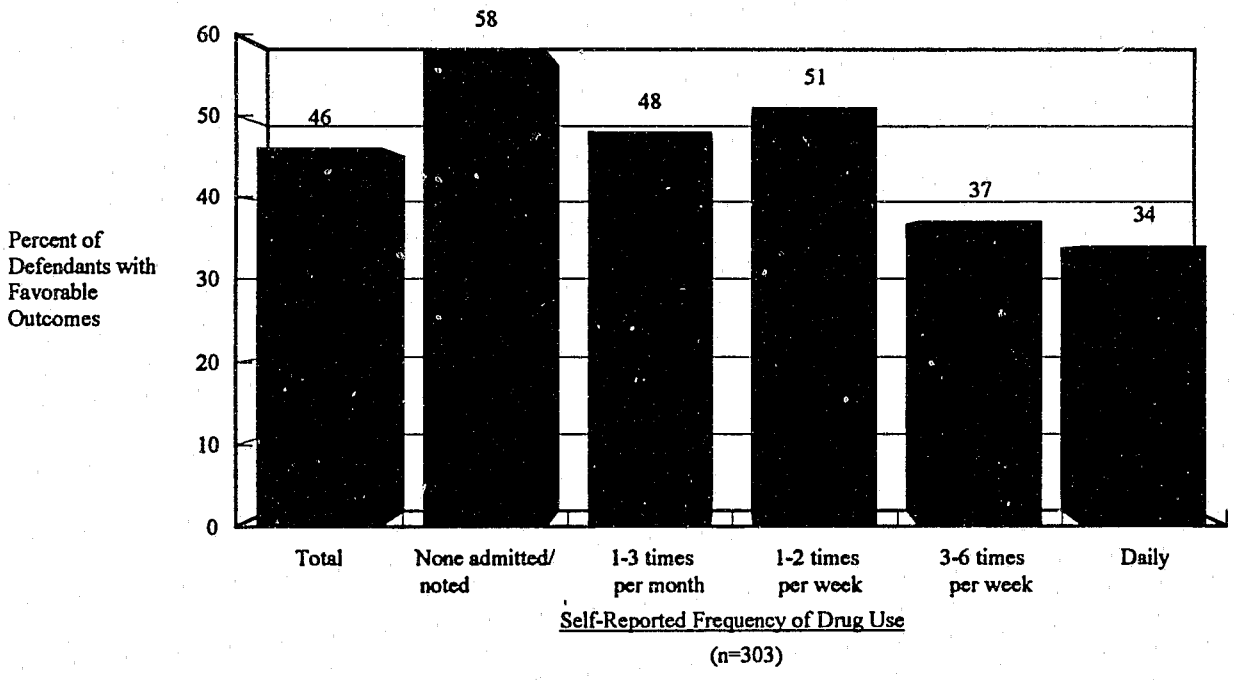


[Note: * Small n's make analysis unreliable.]

- Prior Criminal History: Defendants with no or just one prior arrest or conviction more often recorded favorable program outcomes than defendants with more extensive histories.

- Drug Abuse: Defendants who admitted no drug use and defendants who admitted alcohol use or cocaine use recorded similarly high rates of favorable outcomes (around 50 percent); however, defendants admitting to marijuana and hashish use showed a notably lower rate of favorable outcomes (31 percent). Favorable outcomes appeared strongly related to the frequency of drug abuse that defendants reported at the time of their intake interviews. (See Figure 2.22.) Defendants who admitted no abuse of drugs, or no abuse of drugs in the last month recorded favorable outcomes about 58 percent of the time. Defendants reporting drug abuse in the two categories of highest frequency (from three to six times weekly and daily) recorded favorable outcomes only about one-third of the time.

Figure 2.22 Favorable Program Outcomes of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Self-Reported Frequency of Drug Use



- Drug Tests: The results of initial drug tests conducted at intake to the treatment program were not significantly related to the likelihood of favorable outcomes. (See Figure 2.23.) When drug tests were recorded over the course of program participation, a relationship was found between the proportion of tests showing positive results and favorable outcomes: those with 25 percent positive tests or less were more likely to record favorable program outcomes. (See Figure 2.24.)
- "Motivational Jail": The use of "motivational jail" did not appear to be systematically related to final program outcomes. (See Figure 2.25.) However, defendants with two jailings showed a much higher rate of favorable outcomes than defendants with no jailings, one jailing, or three or more jailings.

Figure 2.23 Favorable Outcomes of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Initial Drug Test Results

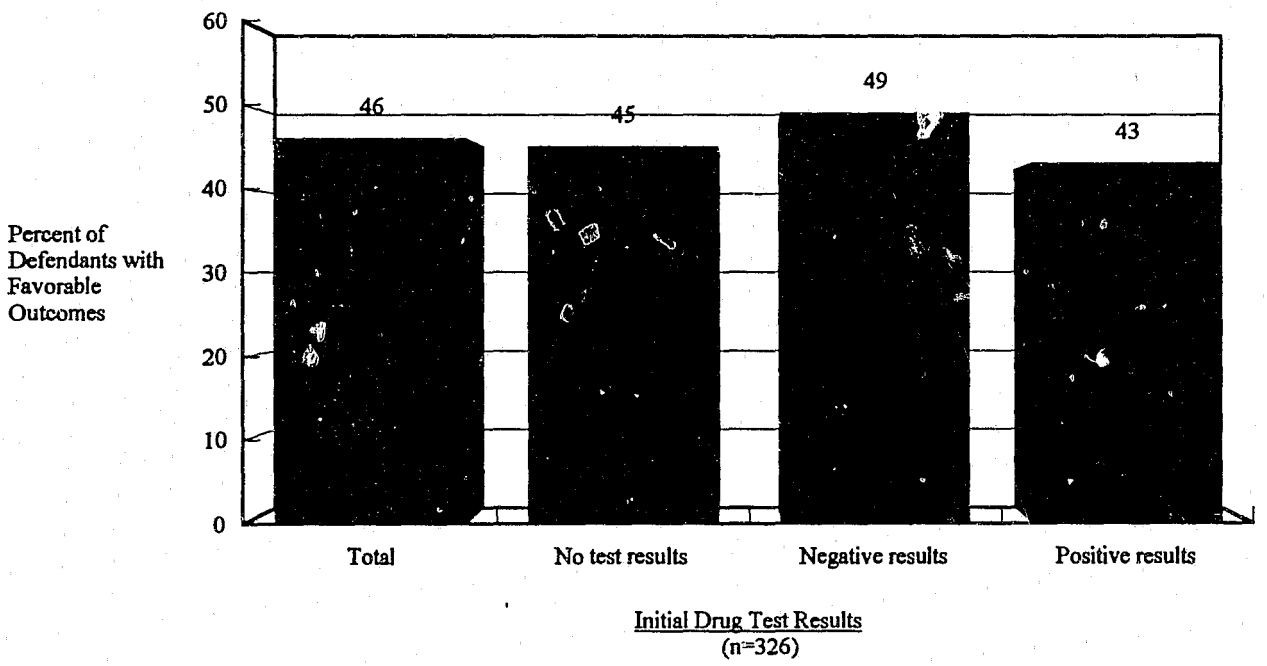


Figure 2.24 Favorable Program Outcomes of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Percentage Positive Tests During Treatment

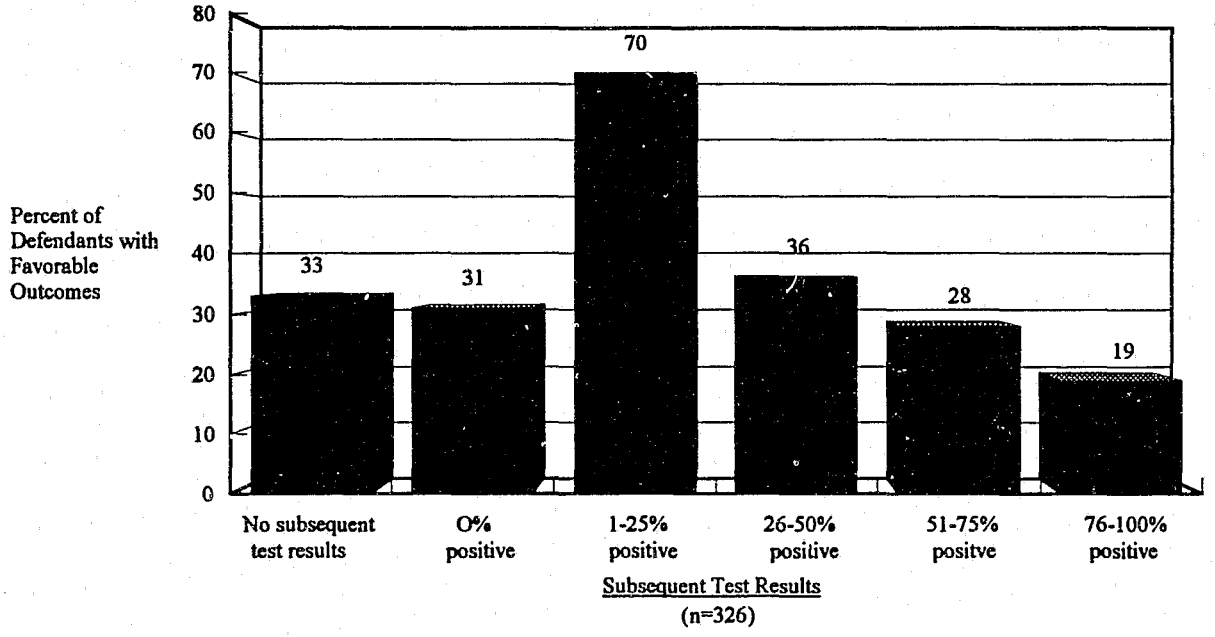
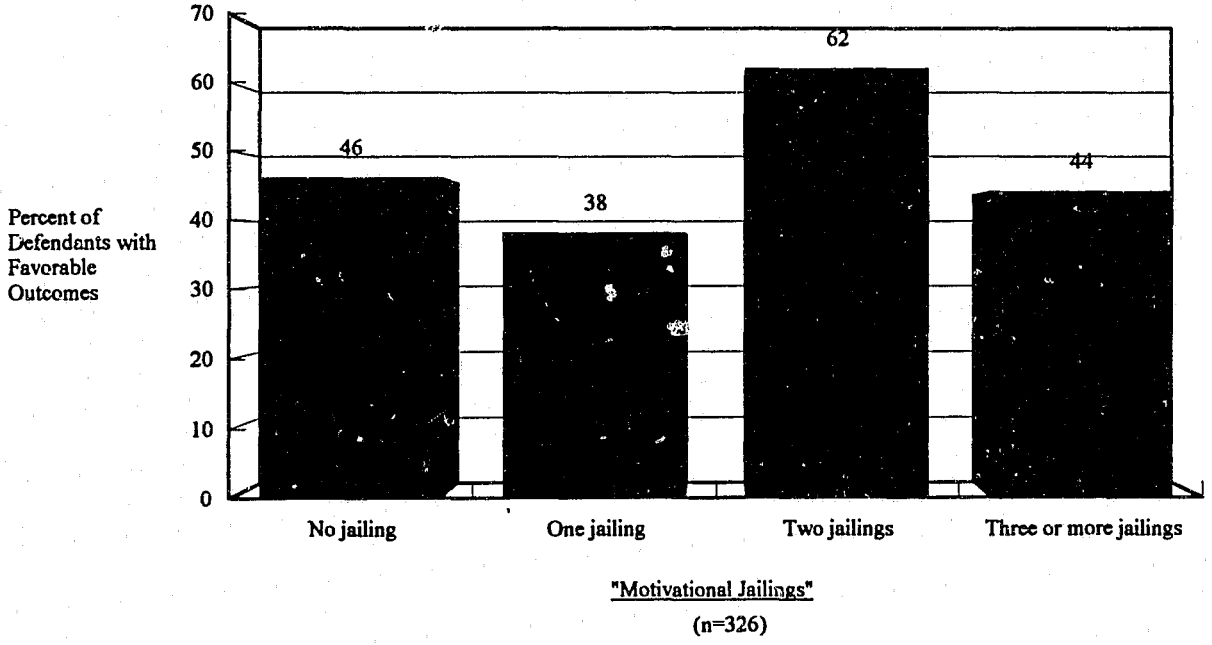


Figure 2.25 Favorable Program Outcomes of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Short-Term Jailing ("Motivational Jail")

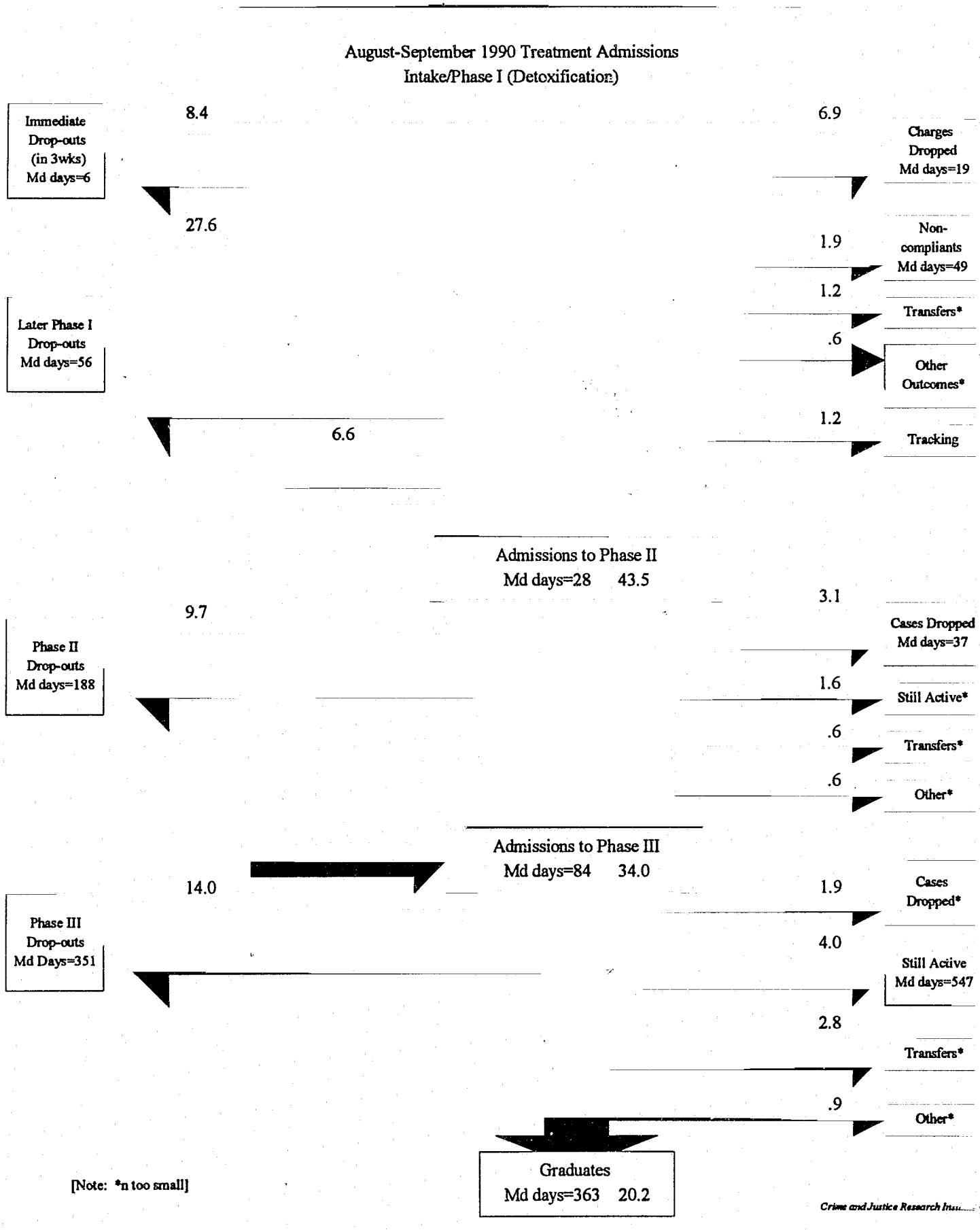


The Treatment Experience of Drug Court Defendants

The analysis of program outcomes was defined by considering treatment and criminal justice outcomes together to describe favorable and unfavorable outcomes occurring during a period extending 18 months from admission to DATP. As a treatment experience, however, the DATP program consisted of three phases, estimated to take about one year, from detoxification (Phase I) through counseling (Phase II) through educational/vocational assessment and training (Phase III), and then to graduation. Recognizing that drug abusing offenders would be a group with a number of problem behaviors, it was anticipated that some defendants would stay in Phase I or Phase II for longer periods, or would be required to start phases over again as "setbacks" were experienced.

Figure 2.26 depicts the progression of Drug Court defendants admitted to the DATP during the two-month sample period through the phases of the program in the form of a flow chart. During the 18-month observation period, approximately 43 percent of the defendant sample successfully completed Phase I requirements and were transferred to Phase II. The average (median) time to complete Phase I was 28 days. In addition seven percent of defendants completed Phase I and, presumably because of good progress, were transferred directly to Phase III--in an average of 85 days. About 36 percent of the sample dropped out of the program prior to completion of Phase I. About eight percent dropped out of Phase I in an average of six days from admission. Roughly 28 percent stayed in the program but dropped out later--in an average of 56 days--without completing Phase I. About 11 percent of the treatment cohort entering the program did not complete Phase I for other reasons. This description of completion of Phase I is particularly important in the flow of DATP defendants through the program because those dropping out of the program prior to completing the program's first phase (Phase I), accounted for nearly three-fourths (73

Figure 2.26 Progression of Drug Court Defendants Admitted to Treatment, August-September, 1990, Through Phases of Treatment, Over 18-Month Observation Period



percent) of the defendants ultimately dropping out of the treatment program prior to completion.

Figure 2.26 also indicates that of the 43 percent of Drug Court defendants originally admitted to DATP who reached Phase II, approximately three-fourths (78 percent) later progressed to Phase III. In other words, entry into Phase II appears to have been the major hurdle to be overcome for defendants to continue successfully into the program. Of those entering into Phase II, ten percent dropped out prior to completion of the program; the charges of about three percent were dropped prior to completion of Phase II; and other dispositions occurred in about three percent of the cases.

Figure 2.26 shows that for defendants gaining entry into Phase III of the DATP approach, this status was achieved in an average of about 84 days. Of the defendants transferred directly to Phase III from Phase I and those transferred to Phase III from Phase II, 60 percent successfully completed the final phase of the program. Phase III graduates completed all requirements in an average (median) of 363 days from admission to the program.

Although the median time to graduation among the study defendants completing the program during the observation period is just under the one year expected, smooth progress was not achieved by all defendants, regardless of ultimate program outcome. Nearly one-third (31 percent) of admissions repeated Phase I at least once. (This finding seems understated given the experiences associated with the selected case histories of Drug Court defendants described above.)

IV. Subsequent Criminal Justice Histories of Drug Court Defendants after Entry into Treatment

Case Processing Outcomes for the Then "Current" Case

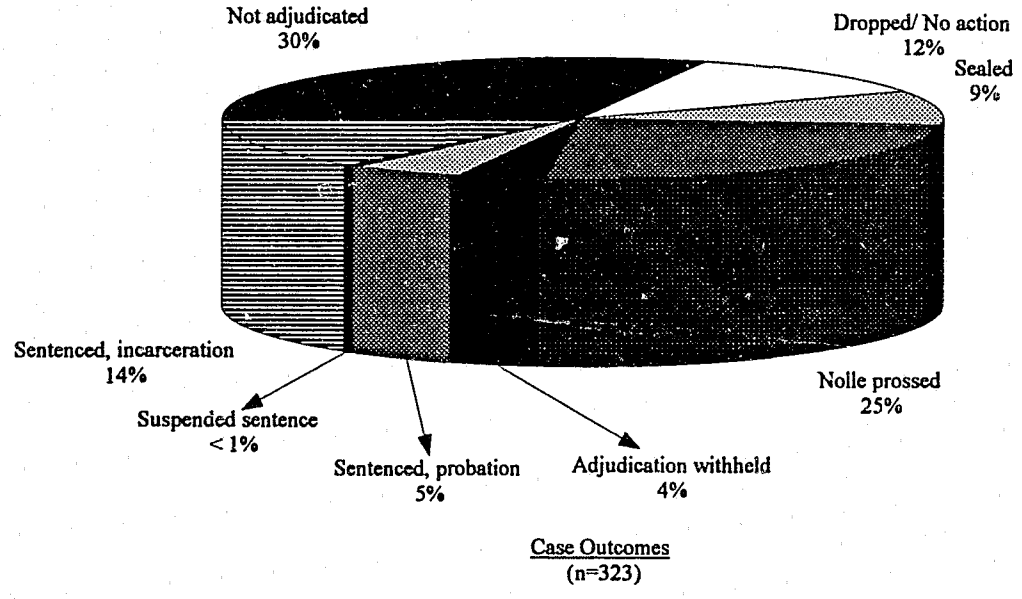
Theoretically, the charges of Drug Court defendants who completed the treatment program successfully would have been nolle prossed and eventually expunged (sealed). In the event that the case involved a mandatory minimum sentence, the defendant could plead guilty and receive probation. Defendants might also drop out of the program and take their chances on normal adjudicatory outcomes. In some cases, charges could be dropped after review by the State Attorney, generally within a three-week period after the filing of the case, although sometimes the information process could take as long as five weeks. Other developments could cause the defendant's participation in the program to terminate earlier than expected, such as the filing of other (more serious) charges that would make the defendant ineligible for the program, or the adjudication of charges in pending cases that altered the defendant's eligibility. For those instances in which defendants dropped out of the DATP program prematurely, alias capiases might be issued and the defendant might be missing or might be reapprehended to face the original and/or other charges through normal adjudicatory channels.

Figure 2.27 summarizes the status of the criminal cases associated with Drug Court defendants in the study cohort at the conclusion of the 18-month observation period.[29] Nearly one-third (30 percent) of the cases of the Drug Court defendants had not been adjudicated within the 18 month period; 12 percent had cases dropped or "no-actioned" by that time; 25 percent had their charges nolle prossed and nine percent had their cases sealed

[29] In this analysis, when we refer to case outcomes, we refer to the "most serious" single outcome in the event there were multiple charges or cases.

by that time. Four percent had adjudication withheld. Nearly one-fifth had been sentenced, 14 percent to terms of incarceration, five percent to probation, and one percent to suspended sentences.

Figure 2.27 Outcomes of Criminal Cases During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990



Defendant Performance During the 18-Month Observation Period: Rearrests

Figure 2.28 shows that about two-thirds (67 percent) of the Drug Court defendants entering the DATP program during the August-September, 1990, study period had not been rearrested for new crimes during the 18-month observation period extending through March, 1992. Fifteen percent were rearrested one time, eight percent were rearrested twice, and ten percent were rearrested three or more times during the observation period. Figure 2.29 shows that few defendants (six percent) were rearrested for serious crimes against the person; nine percent were rearrested for at least one drug possession offense and four percent were rearrested for at least one offense involving drug sales/purchases during the 18-month observation period.

Figure 2.28 Rearrests During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990

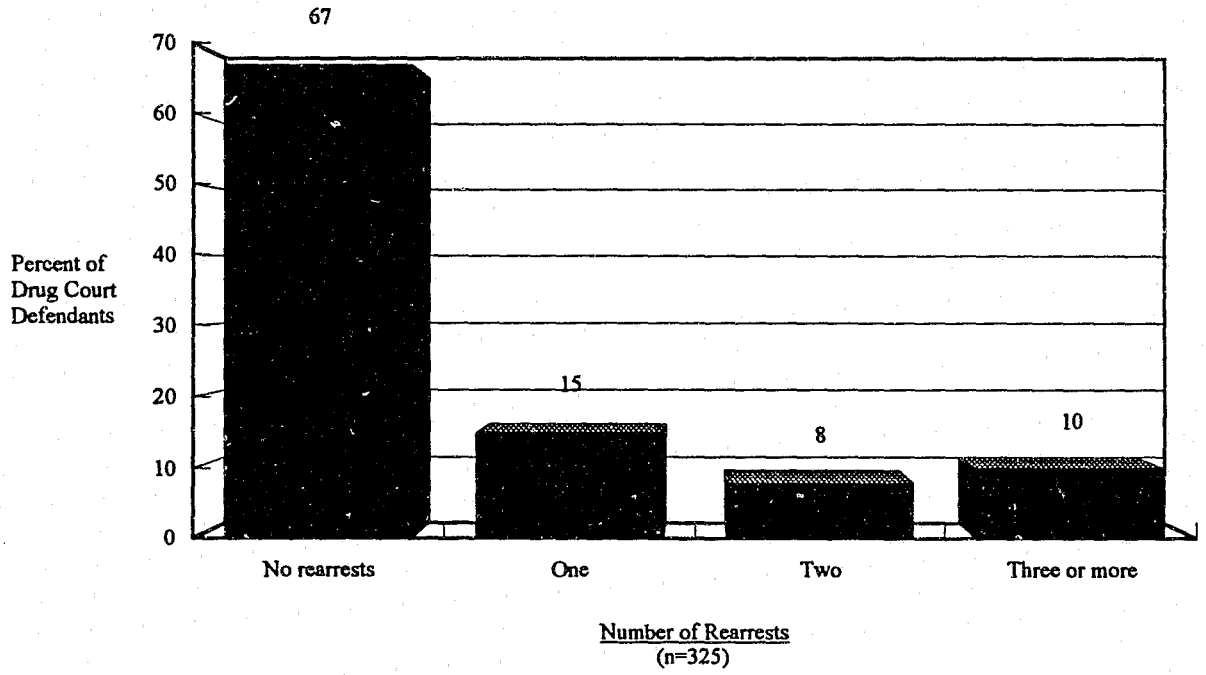


Figure 2.29 Rearrests During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Rearrest Offense

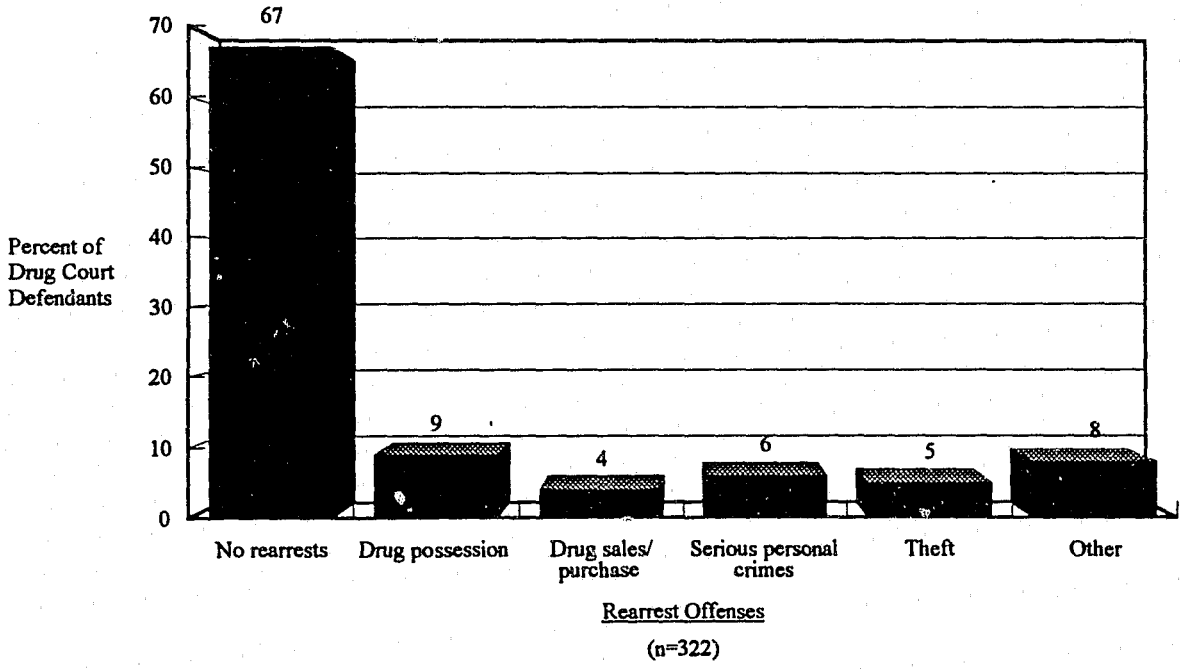


Figure 2.30 Number of Rearrests During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Program Outcomes (I)

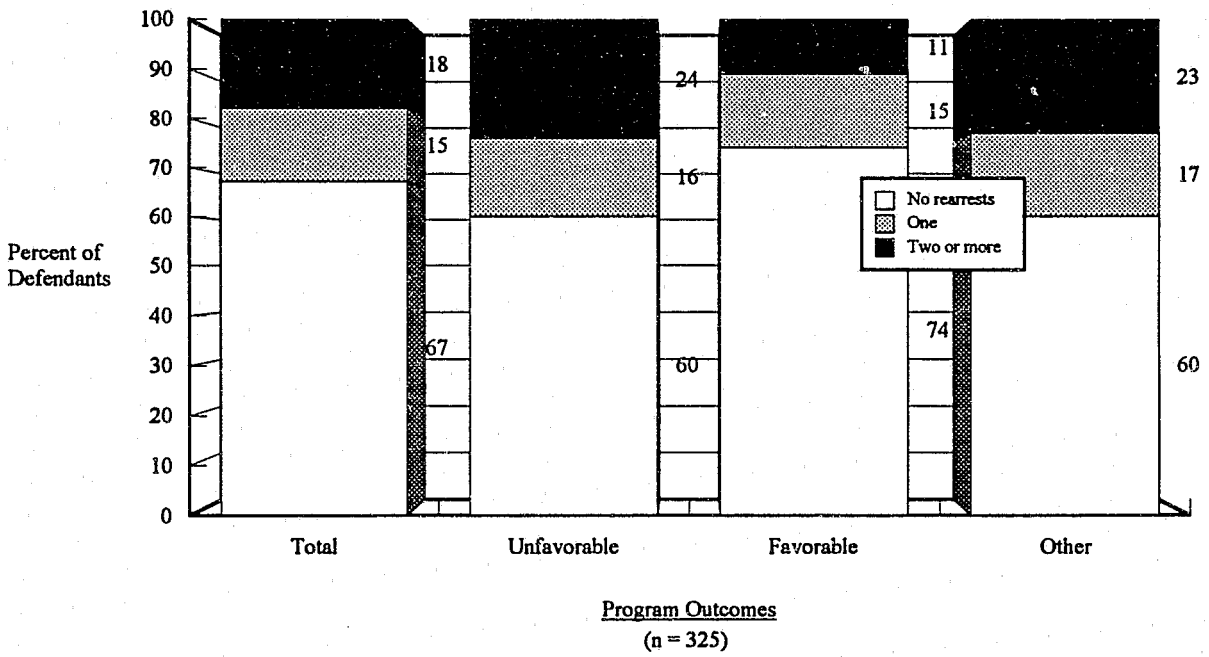


Figure 2.30 shows the number of rearrests recorded by these Drug Court defendants according to their program outcomes. *Twenty-six percent* of DATP defendants rated with favorable program outcomes were rearrested during the follow-up period: 15 percent had only one rearrest and 11 percent were arrested two or more times during the 18-month period. *Forty percent* of defendants having "other" program outcomes were rearrested during the follow-up: 17 percent were rearrested once; 23 percent were rearrested two or more times. *Forty percent* of defendants with unfavorable outcomes were rearrested during the follow-up period: 16 percent had one rearrest, 23 percent had two or more rearrests. The principal finding of interest here is that defendants with unfavorable DATP treatment outcomes showed a rate of rearrest more than half-again (53 percent) as great as the rate shown by DATP defendants having favorable outcomes. In fact, Drug Court defendants with unfavorable treatment outcomes were rearrested two or more times more than twice as often as defendants with favorable treatment program outcomes.

Figure 2.31 Seriousness of Rearrests During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Program Outcomes (I)

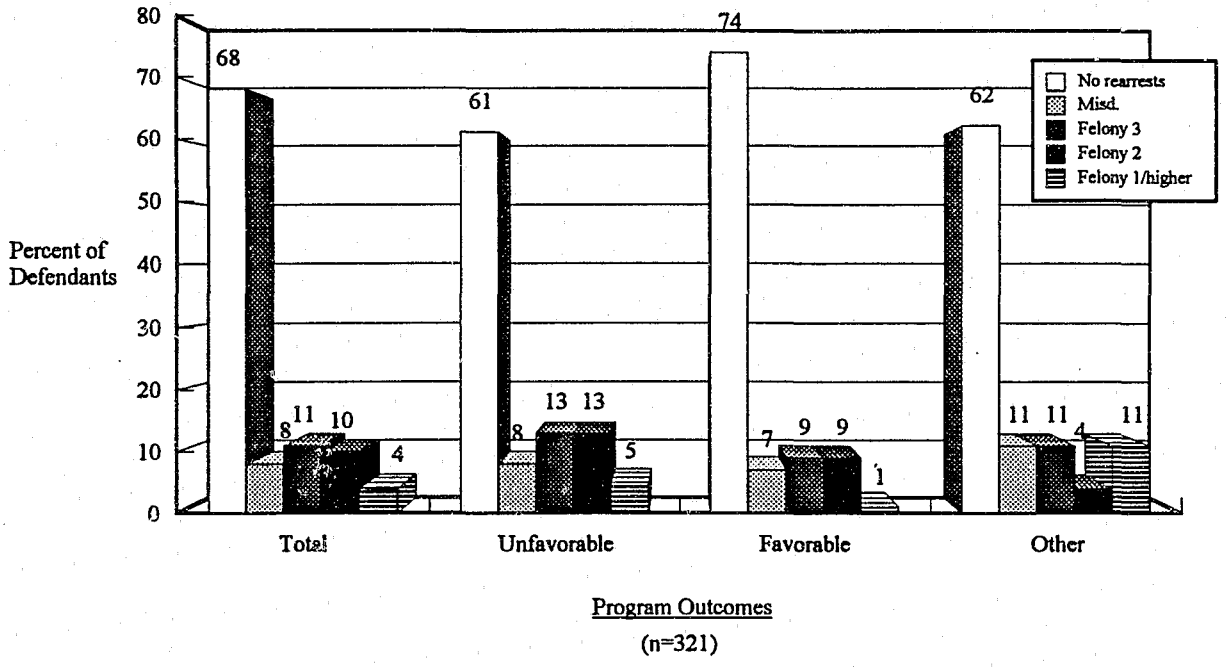
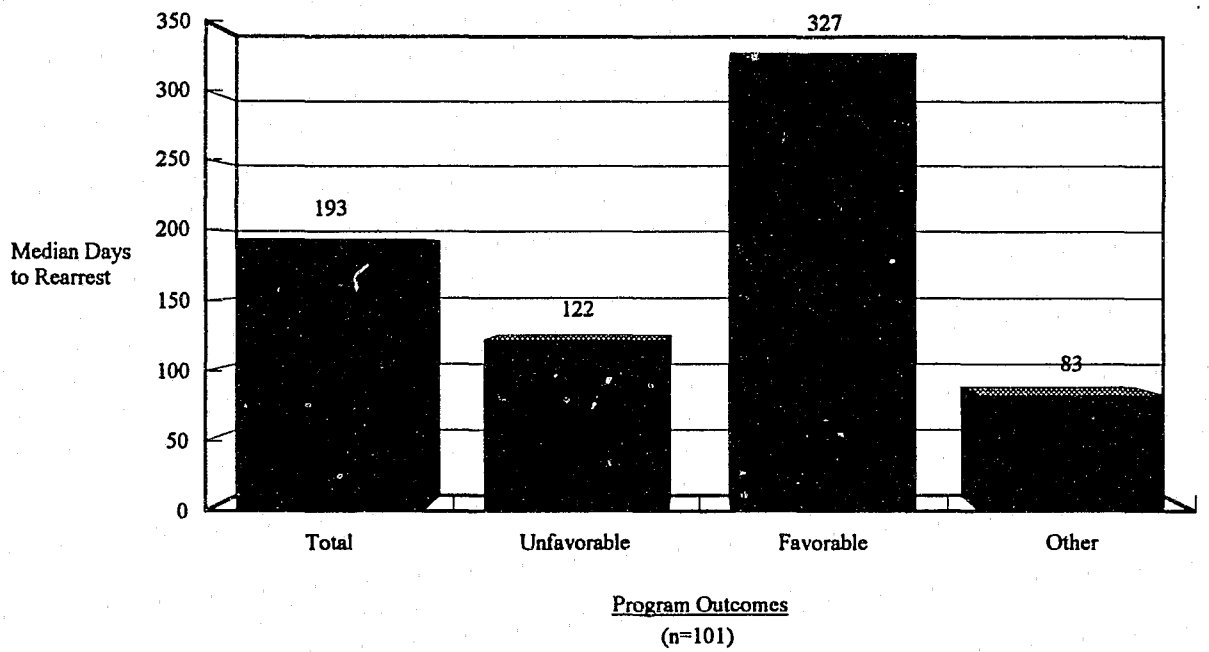


Figure 2.31 further shows that the seriousness of rearrests recorded by defendants with unfavorable outcomes was notably greater than the seriousness of the offenses for which favorable-outcomes defendants were rearrested, when they were rearrested. Figure 2.32 shows that favorably and unfavorably terminating defendants differed rather dramatically as well in the length of time it took from the date of admission to DATP to the first rearrest. Defendants with unfavorable outcomes averaged 122 days until first rearrest after admission, compared to an average (median) of 327 days to first rearrest recorded by defendants with favorable outcomes. In short, defendants terminating the program with an unfavorable treatment outcome were much more likely to be rearrested, were likely to be rearrested more frequently, were likely to be rearrested for more serious offenses, and were likely to be rearrested much sooner than defendants who terminated treatment in a favorable status.

Figure 2.32 Time to Rearrest During 18-Month Observation Period of Drug Court Defendants Admitted to Treatment, August-September, 1990, by Program Outcomes



Defendant Performance During the 18-Month Observation Period: Failure to Appear in Court (Alias Capiases) for Required Hearings

Another measure of performance of Drug Court defendants during the observation period that is important to the court system is attendance at hearings in Division 51 (Drug Court) itself as well as in any other cases in which the defendants were involved. From one perspective, it would be hoped that Drug Court defendants would perform at least no more poorly than other non-drug-involved defendants in the area of court attendance. Secondly, however, court attendance had a particular meaning for DATP participation, which requires routine visits to the courtroom on the part of the defendant for reviews of his/her participation and progress in the DATP program. Such hearings, in fact, serve as an important tool for program staff in enforcing conditions of participation in the DATP regime of treatment.

Figure 2.33 displays the non-Drug Court[30] and Drug Court failures-to-appear (alias capiases) recorded by Drug Court defendants during the 18-month observation period. Sixteen percent recorded alias capiases for failing to attend non-Drug Court hearings: nine percent recorded one, four percent recorded two, and three percent recorded three or more. Nearly half (45 percent) of Drug Court defendants were issued alias capiases from the Drug Court itself during the 18-month observation period: 22 percent recorded one, ten percent recorded two, and 13 percent recorded three or more.

Figure 2.33 Failures-to-Appear in Court During 18-Month Observation Period by Drug Court Defendants Admitted to Treatment, August-September, 1990, by Non-Drug Court v. Drug Court Issuance

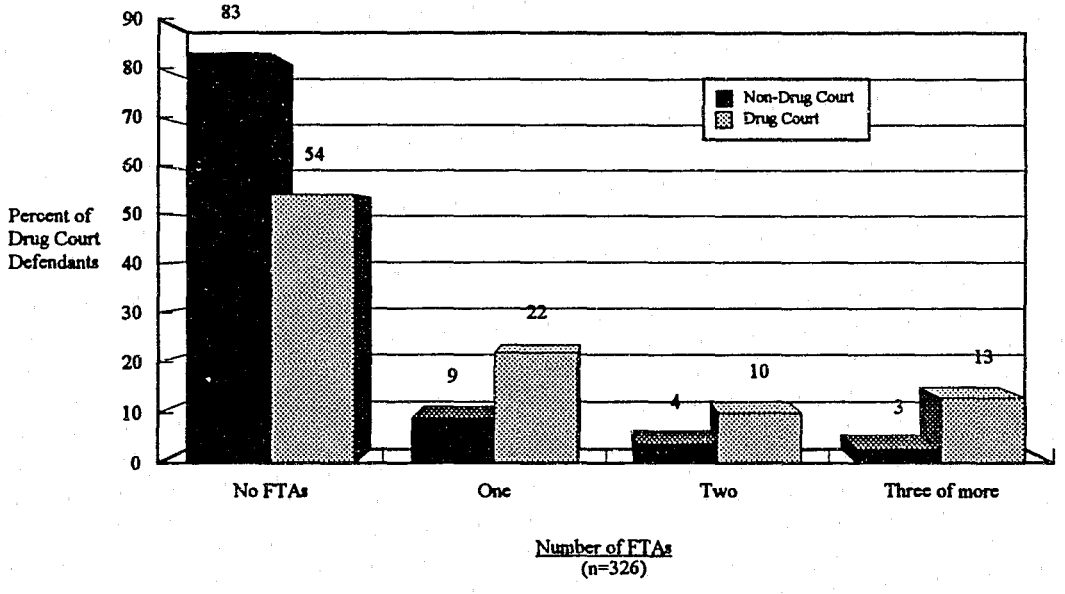
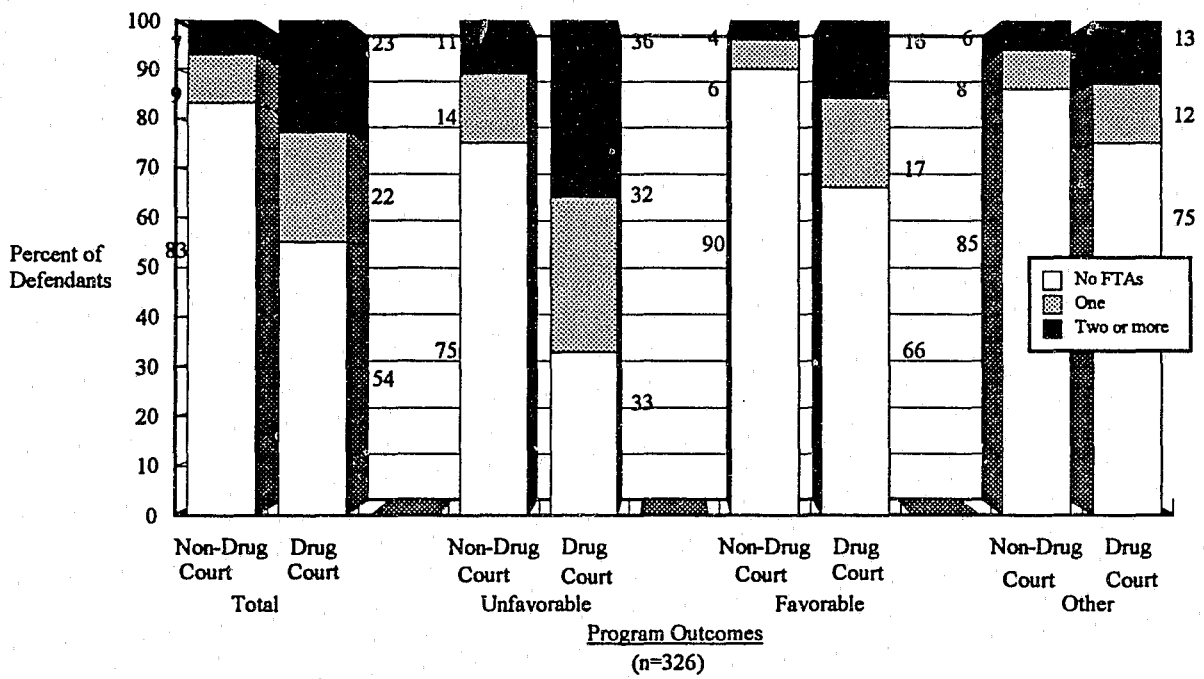


Figure 2.34 contrasts the alias capiases recorded by Drug Court defendants on the basis of treatment program outcome category. Defendants with unfavorable program

[30] Once Drug Court defendants are assigned to Division 51, other cases are usually consolidated so that all matters are handled before the Drug Court judge. Theoretically, then, these defendants would not have an opportunity to record failures-to-appear in another court. It may be, however, that other judges are not made immediately aware of the transfer of their cases to the Drug Court and may issue alias capiases as a result of misunderstanding.

outcomes recorded non-Drug Court FTAs more than twice as often as, and in greater numbers than, defendants with favorable outcomes. Defendants with unfavorable program outcomes recorded Drug Court FTAs substantially more frequently (72 percent of the time) than defendants with favorable outcomes (33 percent of the time) as well. Defendants with unfavorable outcomes not only recorded Drug Court FTAs more often, but in greater numbers as well: 36 percent of defendants with unfavorable outcomes compared to 16 percent of defendants with favorable outcomes recorded two or more Drug-Court alias capiases.[31]

Figure 2.34 Failures-to-Appear in Court During 18-Month Observation Period by Drug Court Defendants Admitted to Treatment, August-September, 1990, by Non-Drug Court v. Drug Court Issuance, by Program Outcomes (I)



[31] Although a failure-to-appear as the last event in a defendant's record at the close of the follow-up period would have led us to classify that defendant's outcome as unfavorable, defendants in all three categories of outcomes could and did accumulate alias capiases during the course of their program participation. FTAs did not, in and of themselves, indicate program failure. The number of failures-to-appear shown here includes "terminal" failures-to-appear for those persons who had apparently absconded at the close of the study.

CHAPTER THREE:

DRUG COURT OUTCOMES VIEWED IN A LARGER CONTEXT

I. Description of the 1987 and 1990 Comparison Samples of Felony Defendants

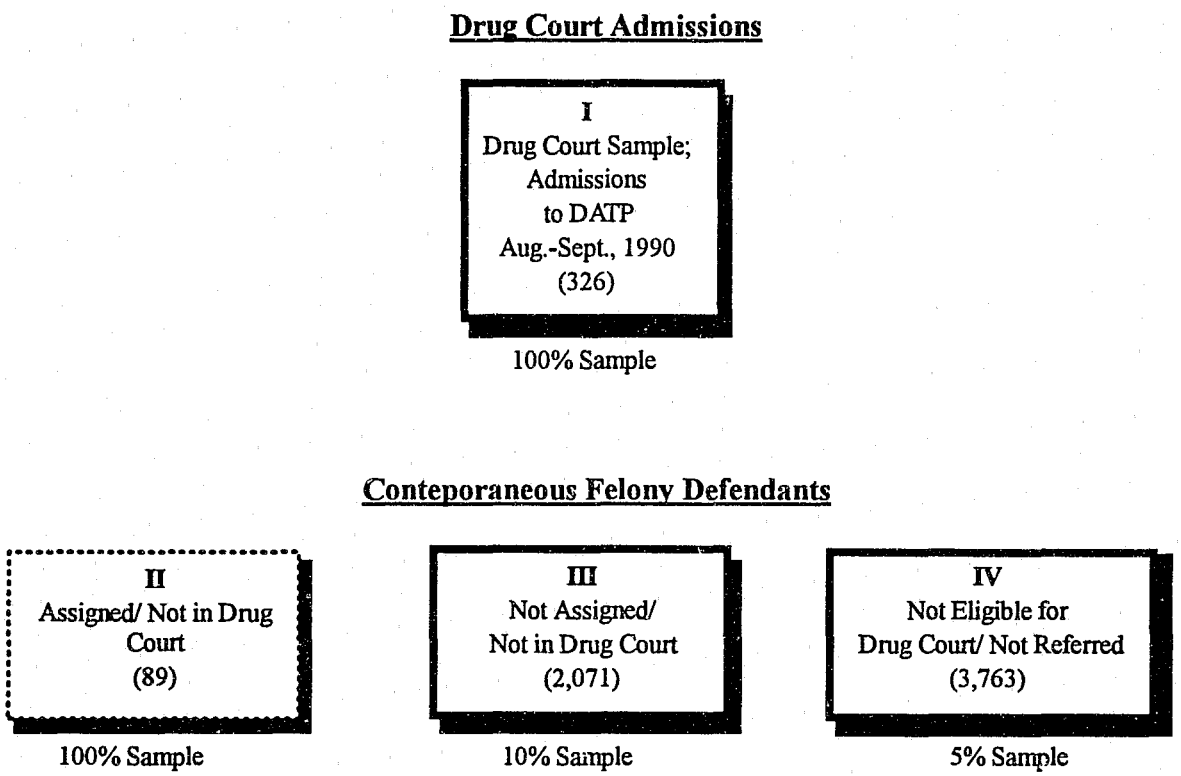
Had an experimental design been employed to assess the impact of the Drug Court, the principal analytic strategy would have been to contrast equivalent samples of experimental (e.g., Drug Court) and control group (e.g., non-Drug Court) defendants to identify key differences in outcomes. Because an experimental approach was not feasible (see the discussion of the design in Chapter One), a multi-sample strategy was adopted to provide next-best comparison groups so that questions about the impact of the program could be placed in the larger context of the felony caseload and could be addressed in a number of ways. One of the obvious problems associated with this approach is that, although the samples were devised to provide instructive comparisons with Drug Court defendants, they were not equivalent samples such as would have been generated through random allocation to produce a control group. Thus, while the samples relied on in this research are similar and relevant, their respective differences need to be kept in mind as comparisons are made so that differences in key outcomes are not confused with differences in sample composition. Chapter Three presents findings derived from comparing the case and performance outcomes of Drug Court defendants with other contemporary and historically antecedent samples of felony defendants entering Circuit Court for adjudication. To set the stage for this comparative analysis of outcomes, this chapter begins with a brief description of the comparison samples and an examination of their make-up.

For easier reference, Figure 1.1 is presented in reduced fashion in this chapter as Figure 3.1. Briefly, Figure 3.1 represents the three-pronged sampling strategy in which a) the outcomes of a sample of all Drug Court defendants admitted to treatment in the months of August and September, 1990, were examined in detail and then were compared to b) three contemporaneous and c) two historically antecedent samples of third and second degree felony defendants entering criminal processing in the Eleventh Judicial Circuit in Dade County. Because both third and second degree felony defendants were included in the Drug Court sample (Sample I),[32] samples of defendants with charges of similar levels of seriousness were chosen as the relevant population for comparative purposes.

In its sampling of contemporaneous felony defendants, the sampling strategy sought to permit comparison of the Drug Court defendants with: a) other August-September, 1990, felony drug defendants (Sample II) who apparently were assigned but not admitted to Drug Court; b) other non-assigned felony drug defendants (Sample III); and c) non-drug felony defendants (Sample IV) of similar seriousness who were not eligible. It was reasoned that this approach allowed comparison of case processing and public safety outcomes, as well as consideration of the role of Drug Court defendants in the context of the larger felony caseload. In its sampling of historically antecedent cases, the strategy sought to compare Drug Court defendants with drug and non-drug felony defendants entering the process in 1987 as a "before and after" examination of case processing and public safety outcomes, so that the outcomes of Drug Court defendants could be viewed against a background of how similar cases have been treated in the past.

[32] Note that Sample I was designed to serve two purposes: a sample of defendants entering and progressing through the Drug Court's treatment program (i.e., a sample of program "admissions") and a sample of defendants forming a subset of criminal filings during the August-September, 1990, period. When comparisons are made the entire sample of admissions is generally employed to maximize sample size.

Figure 3.1
Defendant-Based Sampling Strategy for Evaluation of Dade County Felony "Drug Court"



Summary of Samples

I Drug Court in DATP (100%, n=326)
II Assigned/Not-In DATP (100%, n=89)
III Drug Case /Not Assigned (10%, n=199)
IV Non-Drug Case/Not Eligible (5%, n=185)
V 1987 F3 & F2 Drug (n=302)
VI 1987 F3 & F2 Non-Drug (n=536)

Demographic Attributes

Table A3.1 contrasts the attributes of the felony defendants associated with each of the samples employed in comparative analyses. Sample II defendants (apparently assigned to Drug Court but not admitted to treatment during the August-September, 1990, sample period) were distinguished from other samples by having proportionately more female defendants and defendants whose average age was older than other defendants in other samples. Sample III defendants, consisting of other felony drug defendants not assigned to Drug Court, included proportionately more African-American defendants, while Sample IV, defendants facing non-drug felony charges included fewer than other samples.

Types of Criminal Charges

Taken together, the 1987 and 1990 samples reflected the felony 3 and 2 populations that were the focus of the research design. With one exception, roughly seven-tenths of each sample (ranging from a low of 69 percent of Samples IV to a high of 74 percent of Sample III) were charged with third degree felonies; slightly more than one-fourth were charged with second degree felonies. The 1987 drug case sample (Sample V) showed a somewhat larger proportion (81 percent) facing second degree felony offenses.

Beyond the similarities in felony ranking of charges, however, the charges associated with the 1987 and 1990 samples of defendants showed expected key differences from the 1990 Drug Court sample (Sample I). Because of the definition of the samples, the large majority of defendants in the felony drug samples in 1987 and 1990 were charged with drug possession offenses, ranging from 99 and 98 percent of Sample I and II defendants to 89 and 87 percent of Sample III and Sample V defendants. Charges involving drug sales or purchase crimes were least evident among the 1987 drug defendants (Sample V--21 percent) and the

1990 Drug Court defendants (Sample I--30 percent), and most evident among the 1990 Sample II defendants (37 percent) and Sample III defendants (46 percent or nearly half).

The 1990 drug-related samples (Samples I through III) and the 1987 drug case sample (Sample V), logically, had virtually no associated criminal charges involving crimes against the person. In contrast, about 40 percent of the 1990 non-drug sample (Sample IV) had charges involving crimes against the person and 13 percent involved alleged injury to victims. About 25 percent of non-drug felony defendants sampled from 1987 (Sample VI) had charges involving serious crimes against the person and 28 percent had charges with alleged injury to victims.

While charges for weapons offenses were very rare among the 1990 and 1987 drug-case samples, they were more common among the non-drug felony samples. About 14 percent of the 1990 Sample IV defendants and 17 percent of the 1987 Sample VI defendants had weapons offenses.

Records of Prior Arrests and Convictions

Compared with all five "other felony" samples, Drug Court defendants had far fewer prior arrests: slightly more than one-half (52 percent) of Sample I defendants had no prior arrests, compared with about four-tenths (39 percent) of Sample II, three-tenths (28 and 31 percent) of Samples III and IV defendants, and only about one-fourth (26 and 23 percent) of Samples V and VI defendants. Drug Court defendants also showed the smallest proportion (11 percent) of defendants with prior arrests for serious crimes against the person.

Of particular interest is the extent to which the different samples of felony defendants had prior arrests for drug possession offenses. Drug possession charges, more than drug

sales or non-drug-related offenses, are frequently associated with drug-involvement or actual use. In fact, most of the other samples--with the exception of Sample IV defendants--had more extensive prior arrest histories for drug possession offenses. About 30 percent of Drug Court defendants had prior arrests for drug possession offenses. Only Sample IV (1990 non-drug) defendants showed fewer prior drug possession arrests (with 24 percent). Thirty-eight percent of Sample II and 51 percent of Sample III defendants had prior arrests for possession; 47 percent of the 1987 drug defendants (Sample V) and 36 percent of the 1987 non-drug defendants (Sample VI) had previous drug possession arrests. To the extent that the rationale linking drug possession arrests to drug abuse is justified, then, these findings suggest drug-involvement to be at least as extensive among the different types of felony defendants represented by the non-Drug Court samples.

Drug Court defendants also had notably fewer prior convictions (30 percent) and convictions for felonies (20 percent) than the other samples. Specifically, 39 percent of Sample II, 53 percent of Sample III, 41 percent of Sample IV; 51 percent of Sample V and 54 percent of Sample VI defendants had prior convictions; 26 percent of Sample II, 45 percent of Sample III; 36 percent of Sample IV; 34 percent of Sample V and 33 percent of Sample VI defendants had prior felony convictions.

II. Comparing Drug Court Defendants with a "Natural" Control Group of Apparently Assigned-But-Not-Admitted Defendants

Sample II, consisting of similar felony drug defendants entering the process during the same period of time as Drug Court defendants and with similar criminal charge and prior record attributes, was designed to play a special role in the assessment of the impact of Drug

Court on the processing and public safety outcomes of Drug Court defendants. First, the "assigned-but-not-admitted" sample of drug defendants was intended to provide an assessment of the "scope" of the Drug Court program, that is, of the extent to which targeted felony defendants were actually reached by the program. Second, as a proposed "natural" control group, under ideal conditions this sample would offer the most appropriate available comparison of relevant outcomes to identify the impact of the Drug Court. Absent a randomly selected control group afforded by an experimental design, the "natural" control group approach was to offer the next-best research comparison. Thus, Sample II defendants were thought to represent defendants who would have or could have participated in Drug Court, but who, in fact, for some reason, did not.

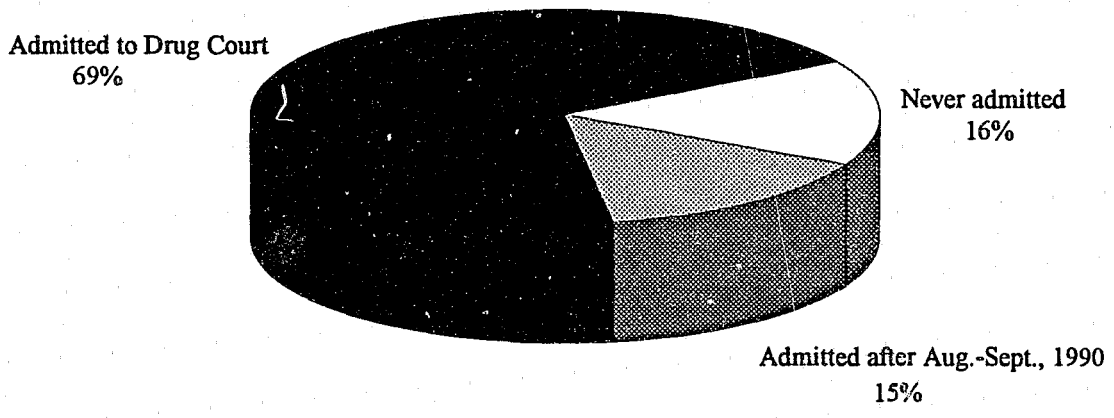
Defendants Assigned to Drug Court That Might Have Been "Missed": A Measure of the Reach of the Program

Figure 3.2 portrays all felony defendants whose criminal charges were filed during August and September, 1990, identified as candidates and assigned to Drug Court and depicts the proportion who did not actually enter the Drug Court treatment program.[33] At a glance, this figure shows that about one-in-three (31 percent) of defendants identified as meeting the charge/priors criteria and assigned to be processed in Drug Court were not "reached" by the program (admitted to treatment), for any of a number of reasons. Although this proportion suggests that Drug Court was processing fully two-thirds of the identified population of eligible defendants as they entered court processing, it raises questions about why some eligible/assigned defendants were "missed" or did not participate in the voluntary diversion and treatment program once identified.[34]

[33] Note that this figure excludes Drug Court defendants admitted to treatment but whose filings were prior to the August-September, 1990 sampling period. Thus, Figure 3.2 shows the proportion of eligible defendants identified to Drug Court whose filings occurred in August or September.

[34] Please note that we defer discussion of the program's ability to tap a broader "target" population of drug-involved felony defendants to Chapter Five.

Figure 3.2 Felony 2 and 3 Drug Defendants Entering Circuit Court in August-September, 1990, Assigned to Drug Court, by Actual Admission to Drug Court



Target Population of Felony Drug Defendants Identified for Drug Court
(n=305)

Several phenomena have been suggested to explain this "miss" rate.

- First, some defendants may merely have decided to decline the invitation to participate, preferring instead to take their chances with normal criminal case processing.
- Another suggested explanation was that sometimes eligible defendants assigned to Drug Court post bond immediately after arrest, by means of the bond schedule, thus eliminating the opportunity of coming into contact with Drug Court.
- In addition, it was suggested that, on very busy days, Pretrial Services staff who assist in the early identification of eligible defendants among arrestees might on occasion have missed some defendants, or at least not reached them in time to refer them to Drug Court.
- Drug Court officials also noted that, early in the implementation of the program, a small number of defendants who appeared in Drug Court would agree to report to the Model Cities Clinic for intake procedures but would never make their appointments, either

because they never returned from pretrial release or, very rarely, because, after being transported to the treatment clinic by van, they would walk away without having an intake or admission interview.

Taken together, these kinds of problems could be viewed as relatively typical of the kinds of logistical difficulties that would need to be resolved in early phases of program implementation. These possible explanations for apparently "missing" part of the target population notwithstanding, a sizeable majority of eligible defendants appeared to have been "enrolled" into the Drug Court treatment program.

Careful empirical examination of these defendants who were eligible but not admitted to Drug Court cast doubt on the initial finding that the "miss" rate would finally be as high as 31 percent--and, at the same time, raised questions about the suitability of employing Sample II defendants as a surrogate control group to compare with Drug Court defendants.[35] In fact, later analysis of the records for these defendants revealed that as many as 40 of the 89 defendants in this group (Sample II) may have entered treatment through Drug Court at some

[35] Available treatment records on the basis of which samples were defined left uncertainty as to the proper sample statuses of some defendants, regarding admission to and participation in the Drug Court treatment program. Eighty-nine apparently eligible defendants with charges filed between August 1 and September 30, 1990, appeared to have been assigned to the Drug Court; however, the DATP treatment sample list did not indicate that they had been admitted to the program. We initially assumed that these defendants had declined the opportunity to participate in the program and chose instead to have their cases adjudicated in the normal fashion. Further data collection regarding these cases, however, revealed the following: Forty-three were never recorded as admissions by the DATP and are assumed to have indeed undergone normal case processing. Seventeen cases appeared to have been later transfers to Division 51 (because this information is written over by the court computer, it is at first impossible to tell this) and were admitted to DATP, but after our sampling period. Although apparently assigned to DATP during the sample period, five cases were assigned client numbers and have reported intake dates, but never attended treatment. A complicating factor in attempting to determine with certainty which ostensibly eligible defendants should be in the treatment cohort for this study is the fact that a number of persons showing filings during the August-September sample period and no records of admission later show that they had multiple admissions to DATP during the study period. Of the 18 defendants in this category (Sample II) who in hindsight (and after extensive data checking) should possibly have been included in the treatment cohort (Sample I), ten are reported to have successfully completed treatment.

time during the 18-month observation period, just not in the August-September sample period.

- Thus, although many of these were not admitted to treatment during the 60-day period studied according to treatment files, many did enter treatment, possibly very shortly after the August-September sample period. In other words, just as some defendants with charges filed before August-September, 1990, were transferred to Drug Court and admitted to treatment in August-September, 1990, other defendants with charges filed during that period did not enter Drug Court until after September, 1990.

This finding mitigates the estimate that 31 percent of eligible defendants assigned to Drug Court were "missed." Instead, the "miss" rate ultimately may have been as small as 16 percent, the remainder having in fact entered the Drug Court process in a later (post-August-September) period. These findings suggest that, in fact, the Drug Court approach may have had a fairly effective reach--although not all defendants appear to participate immediately. This finding--of a lagged enrollment effect in which some of the targeted defendants enter the program, but only after a delay--complements the earlier findings that about one-third of the admissions to Drug Court treatment were of defendants whose charges had been filed during an earlier period. Together, these findings show a phenomenon of lagged or deferred admissions, such that, during a given month some of the admitted defendants were identified in an earlier period and some of the identified defendants do not enroll immediately, but ultimately are admitted. These findings, unfortunately, also render Sample II inappropriate as a comparison group because so many of its defendants were potentially affected by

participation in Drug Court. As a result, comparisons with Sample II as a surrogate or "natural" control group are dropped from the analysis.[36]

III. Comparison of Drug Court Defendants (Sample I) with Contemporaneous Samples of Non-Eligible Felony Drug Defendants (Sample III)

We noted in Chapter One that approximately 29 percent of all felony filings and 39 percent of felony 2 and felony 3 filings in Circuit Court during the August-September study period involved cases with charges for drug offenses. The original eligibility criteria adopted by Drug Court focused on defendants charged with third degree felony drug possession offenses and no prior convictions.[37] Roughly 88 percent of persons charged with second and third degree felony drug offenses were not assigned to Drug Court at the time of filing of charges.

Comparing Case Processing Outcomes of Defendants in Samples I and III

Figure 3.3 contrasts the processing status of the cases of defendants in Samples I and III at the end of the 18-month observation period, revealing sharp differences. While about 30 percent of Drug Court cases had not been adjudicated within that time frame, only two percent of the Sample III drug cases were undisposed during a similar period. Two-thirds of Sample III defendants had been convicted of their charges within the observation period,

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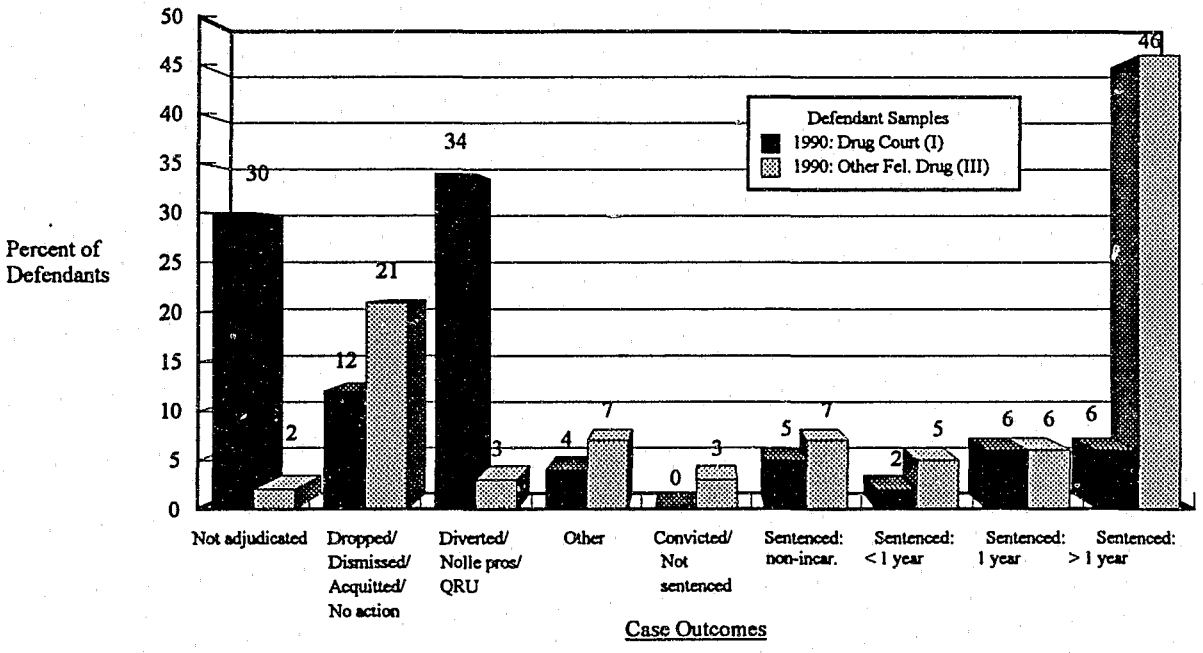
[36] Because the admission sample was defined to include defendants admitted to treatment from Drug Court from August 1 through September 31, 1990, it would have been inappropriate merely to combine Sample II defendants with Sample I defendants to create an expanded treatment sample. Appendix B reports comparisons between Sample I and Sample II in further detail.

[37] Our findings in Chapter Two show, however, that exceptions were eventually made as eligibility criteria were expanded to include some second-degree felony drug sales/purchase defendants and some defendants with prior convictions.

compared to only 19 percent of Drug Court defendants. Substantially greater numbers of Drug Court defendants had cases diverted, sealed, and nolle prossed than Sample III defendants. Drop/dismiss or "no action" was the result in Sample III cases much more often (21 percent) than in Drug Court cases (12 percent). Another dramatic difference is that approximately 57 percent of Sample III defendants had been convicted and sentenced to incarceration during that time, compared to only 14 percent of Drug Court defendants. Interestingly, similar proportions of defendants in both samples (six percent) received one year sentences.

Figure 3.3 Comparing Case Outcomes within 18-Month Observation Period: Drug Court (Sample I) Defendants v. Other Felony Drug (Sample III) Defendants

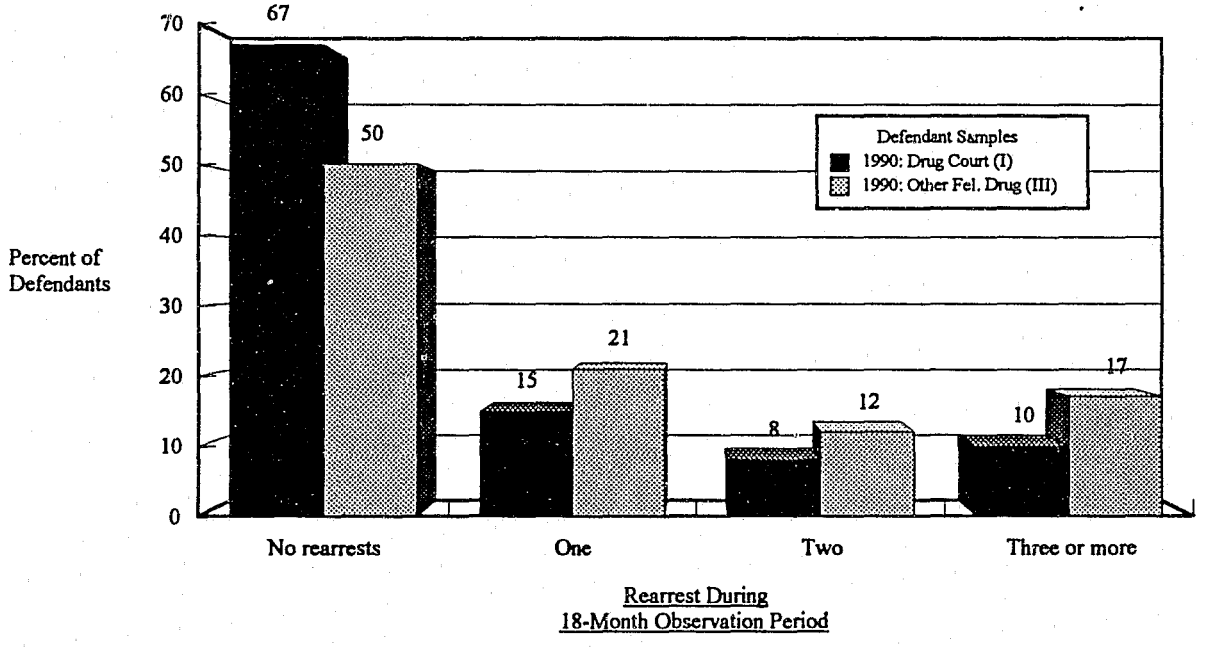


Comparing the Subsequent Reinvolvement of Drug Court and Other Felony Drug (Sample III) Defendants During the 18-Month Observation Period

Figure 3.4 depicts a strikingly different record of subsequent arrests compiled by defendants in the two sample groups during the 18 months following the August-September, 1990, sample period. One-half (50 percent) of all Sample III drug defendants were

rearrested, compared to one-third (33 percent) of Drug Court defendants.[38] Both groups were rarely rearrested for serious crimes against the person (with Sample III defendants recording a slightly higher rate). Nearly twice the proportion of Sample III defendants were rearrested for drug offenses overall (29 versus 15 percent), drug possession (26 versus 14 percent), and drug sales/purchase (nine versus five percent), compared to defendants who had entered Drug Court.

Figure 3.4 Comparing Subsequent Rearrests During 18-Month Observation Period: Drug Court (Sample I) Defendants v. Other Felony Drug (Sample III) Defendants



On average, the differences in the length of time elapsing before rearrests between the two types of sample defendants is also striking. With a median time of 235 days to first

[38] When controls for differences in sample compositions were entered in multivariate analysis, the difference in overall rearrest rates remained statistically significant. The logit model of the dependent variable, any rearrest during the 18-month period (no v. yes) for Samples I and III is summarized by the following equation: Predicted probability of rearrest = -.4884 + (-.2836 X drug purchase/sale charge) + (.3274 X any prior arrests) + (.3509 X any prior convictions) + (-.2567 X Sample I membership); goodness-of-fit = 494.388, improvement in chi square for Sample I membership, 6.107, sig. at .0135.

rearrest, Drug Court (Sample I) rearrestees stayed arrest-free more than three times as long as Sample III rearrestees (with a median time of 79 days to first rearrest) who were charged with drug offenses but who were not assigned to the program.[39]

Figure 3.5 Failures-to-Appear in Court During 18-Month Observation Period:
Drug Court (Sample I) Defendants v. Other Felony Drug (Sample III) Defendants

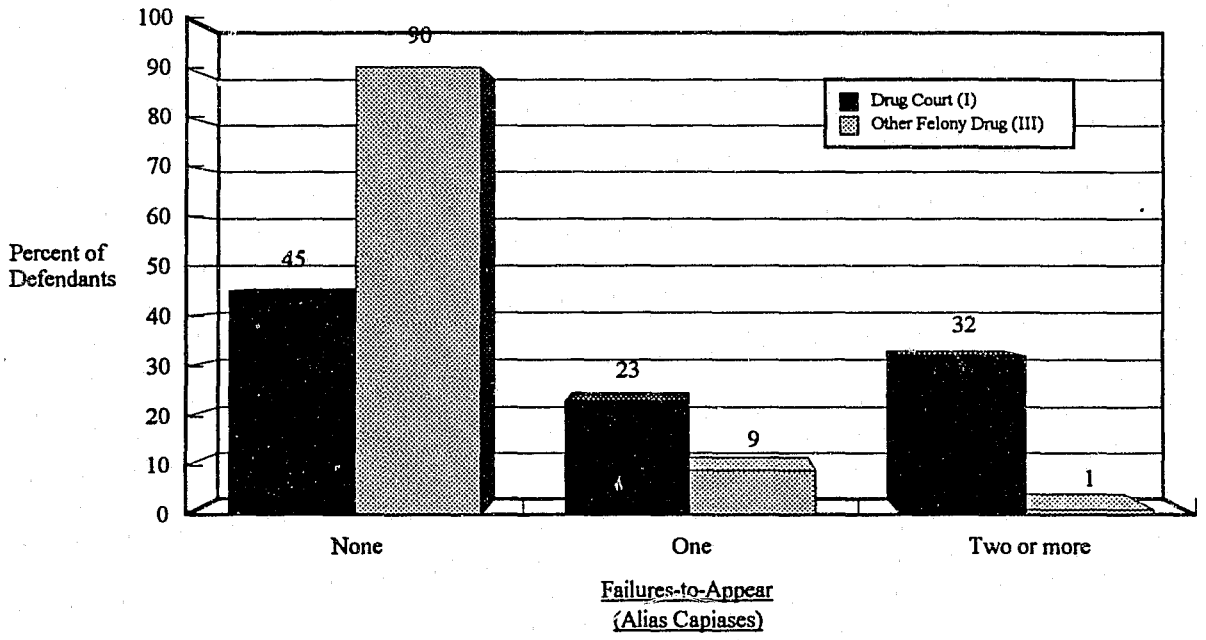


Figure 3.5 shows that the large difference in failures-to-appear (indicated by alias capiases) recorded by defendants in Samples I and III--55 percent of Drug Court defendants recorded alias capiases compared to 10 percent of Sample III defendants--is due mainly to the large proportion of failures-to-appear recorded by Drug Court defendants in the Drug Court itself. Although again underscoring the problem of court attendance associated with

[39] When controls for differences in sample composition were entered in multiple regression analysis, the difference in time-to-first-rearrest remained statistically significant. With time to first rearrest defined as an internal level variable, the regression model for Sample I and III included having prior convictions and having prior arrests for serious personal offenses, with an R^2 = .063, sig. at .002. Sample I membership increased the R^2 to .121, sig. at .000. The charge in R^2 was sig. at .001.

Drug Court defendants, this phenomenon is not unusual or unexpected in programs requiring many appearances in court. (See discussions in Chapter Four, Five and Six.)

IV. Comparison of Drug Court Defendants (Sample I) with Contemporaneous Non-Drug Felony Defendants (Sample IV)

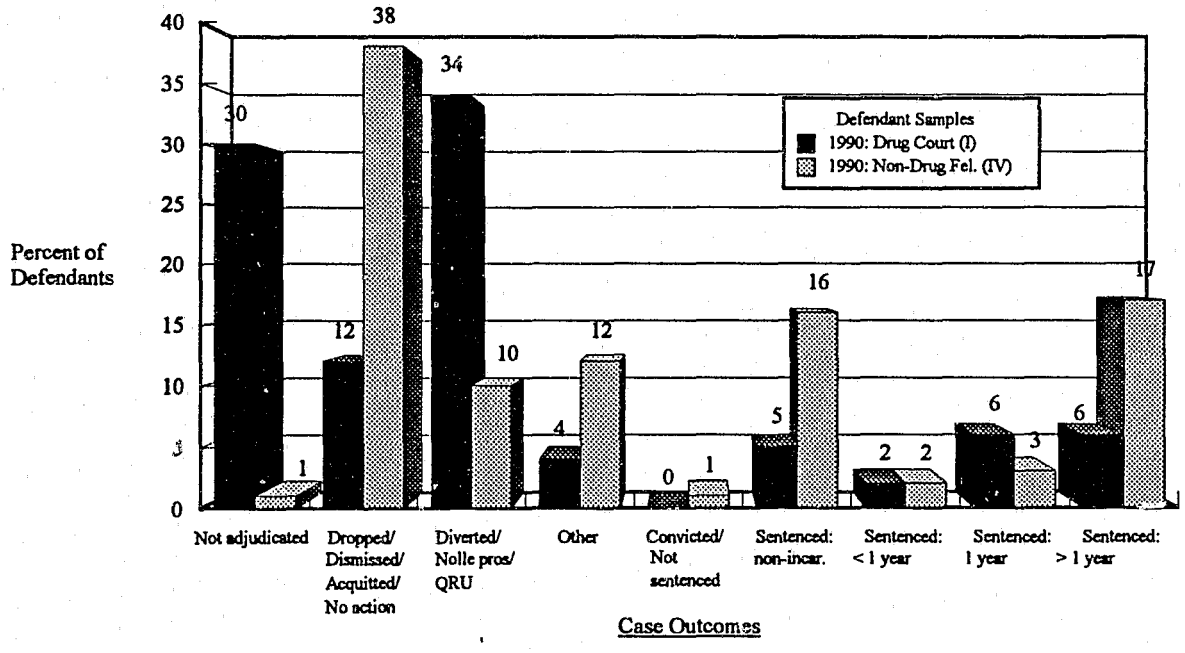
There are two basic reasons to be concerned with non-drug felony cases in this assessment. The first has to do with the implicit assumption that there is a difference between drug and non-drug cases and that drug cases pose a special challenge for case proc ing in criminal courts. Such an assumption, after all, is tied to the program's rationale for targeting felony drug defendants as opposed to employing other means of defining program eligibility. Thus, examination of the processing outcomes of non-drug felonies provides a baseline of how "normal," that is, non-drug, criminal cases are "typically" handled. The second rationale for comparing Drug Court and non-drug felony cases relates to the question of determining whether the eligibility criteria might eventually be broadened to include "drug-involved" defendants who are not identified only on the basis of their obvious drug charges. (For a discussion of the targeting of drug-involved felony defendants for Drug Court, see Chapter Five.)

Comparing Case Processing Outcomes of Drug Court Defendants and Non-Drug Felony Defendants (Sample IV)

The differences between Drug Court defendants and the contemporaneous sample of 1990 non-drug felony defendants in charged offenses and prior criminal histories in particular were noted at the beginning of this chapter. As should be expected, the 18-month statuses of the criminal cases of Drug Court defendants and defendants charged with non-drug felonies differed markedly as well. Figure 3.6 shows that, while about 30 percent of Drug Court

defendants did not have their cases disposed by the end of the observation period, only one percent of Sample IV defendants did not. One-third of Sample I defendants had cases diverted, nolle prossed or sealed by the end of 18 months, compared to only about ten percent of non-drug felony defendants. While only 12 percent of Sample I defendants had charges dropped or "no-actioned", fully 38 percent of non-drug defendants had such outcomes. Twelve percent of non-drug defendants had cases transferred down to County Court to be tried as misdemeanors, compared to less than one percent of Sample I defendants. Proportionately twice as many (39 percent) Sample IV defendants as Drug Court defendants (19 percent) had been convicted. Proportionately three times as many Sample IV defendants were sentenced to probation within 18 months as Sample I defendants.

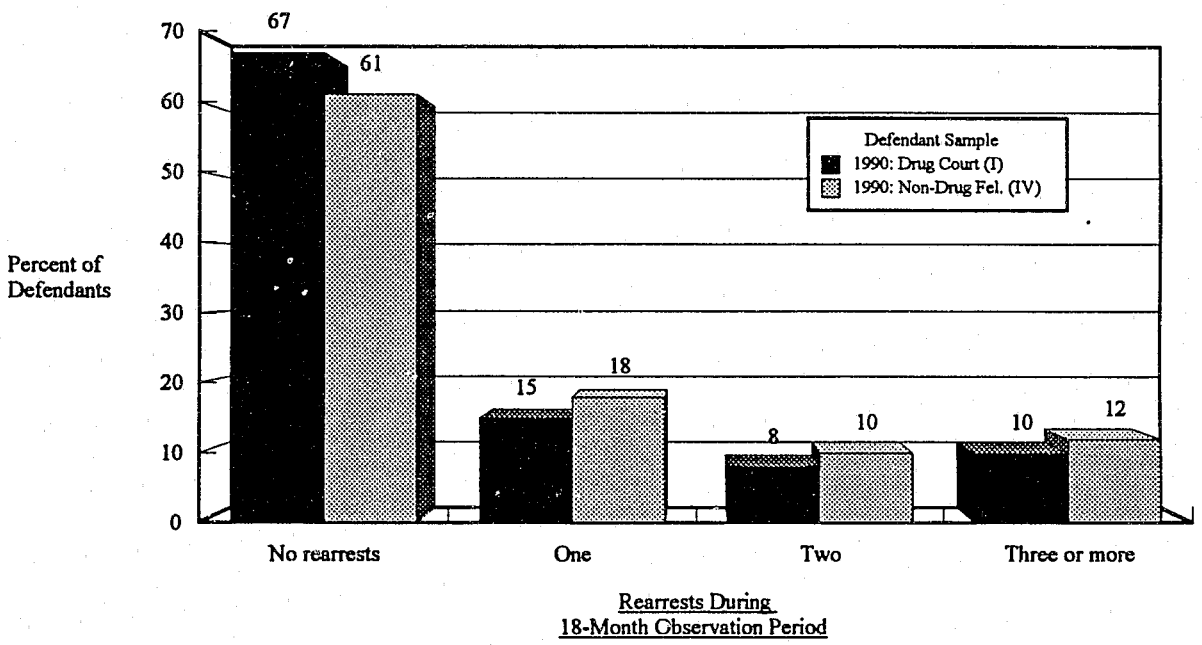
Figure 3.6 Comparing Case Outcomes within 18-Month Observation Period:
Drug Court (Sample I) Defendants v. Non-Drug Felony (Sample IV) Defendants



Approximately eight percent of Drug Court defendants ended up sentenced to terms of one year or less of incarceration, compared to about five percent of non-drug felony defendants.

However, 17 percent of non-drug defendants were given terms longer than one year by the end of the 18-month observation period, compared to only six percent of Drug Court defendants.

Figure 3.7 Comparing Subsequent Rearrests During 18-Month Observation Period: Drug Court (Sample I) Defendants v. Non-Drug Felony (Sample IV) Defendants



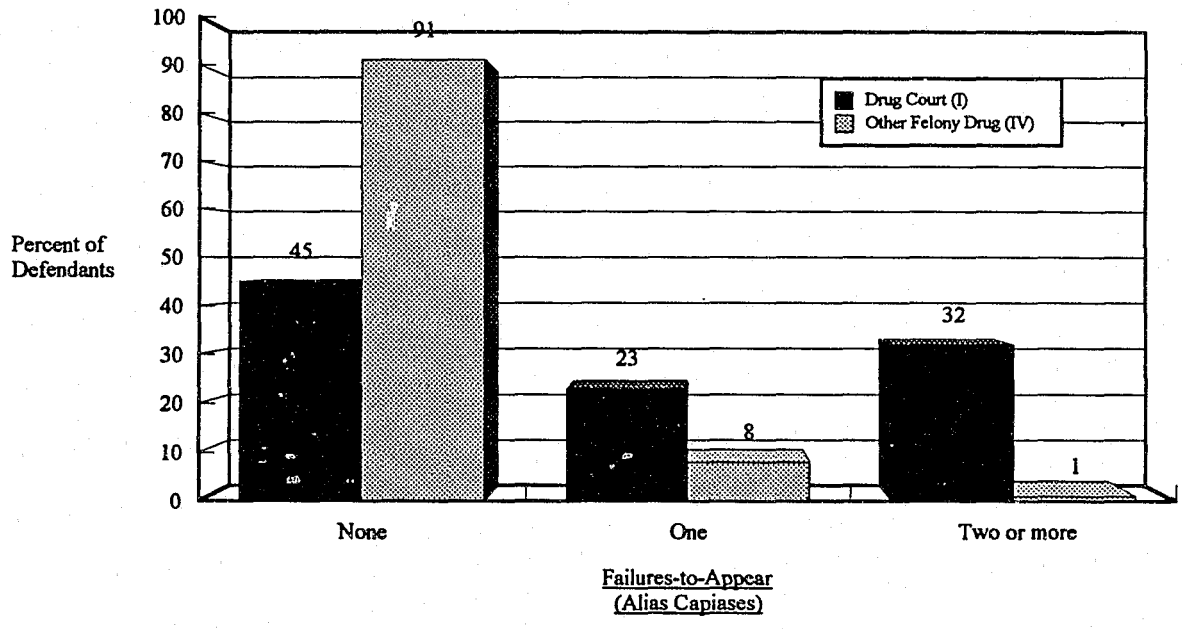
Comparing the Subsequent Reinvolvement of Drug Court and Non-Drug Felony (Sample IV) Defendants During the 18-Month Observation Period

Figure 3.7 shows that proportionately fewer Drug Court defendants were rearrested (33 percent) during the 18-month follow-up than non-drug felony defendants in Sample IV (40 percent).[40] Slightly greater proportions of Sample IV defendants were rearrested for serious crimes against the person (eight percent versus five percent), and for burglary (ten percent versus three percent). Slightly fewer Sample IV defendants (nine percent) were rearrested for drug offenses when compared to Sample I defendants (14 percent).[41] On the

[40] The difference is not statistically significant at .05.
[41] The difference is not statistically significant at .05.

average, Sample I defendants who eventually were rearrested during the observation period remained arrest-free roughly twice as long (with a median 235 days, or nearly eight months, to first rearrest) as Sample IV defendants (with a median 115 days, or under four months, to first rearrest).[42]

Figure 3.8 Failures-to-Appear in Court During 18-Month Observation Period: Drug Court (Sample I) Defendants v. Other Felony Drug (Sample IV) Defendants



Once again, Figure 3.8 shows that the record of failures-to-appear in court among Sample I defendants (55 percent had at least one alias capias; 17 percent had three or more) far outstripped that compiled by Sample IV defendants (nine percent had at least one alias capias; one percent had two or more). We noted previously that a large part of the difference between the Sample I record of court attendance and that of felony defendants processed via

[42] The differences in time-to-rearrest (when measured as means) were statistically significant. The regression model for time to first rearrest for Samples I and IV included having prior felony conviction and a current purchase/sale charge, with a $R^2 = .103$, sig. at .000. Sample I membership increased the R^2 to .135, sig. at .000. The change in R^2 was sig. at .015.

normal channels is accounted for by alias capiases occurring in Drug Court. In short, the frequent requirements to attend court to report on the status of treatment created many more opportunities for defendants to "earn" alias capiases.[43]

V. "Before" and "After" Drug Court: Comparing 1990 Drug Court Defendants with 1987 Felony Defendants With Charges of Similar Seriousness

In this section, the focus is on the "before" and "after" comparison provided by the sample of felony 3 and felony 2 cases entering Circuit Court during June-July of 1987, two years prior to the program's initiation. The purpose of this "before" and "after" comparison is to permit a rough estimate of how differently drug cases were treated under the Drug Court program in 1990 than they were under former, "normal" procedures in 1987. Although this comparison provides a helpful framework for such an analysis, it does suffer the limitations traditionally associated with before and after (pre/post) comparisons when they are used in the place of an experimental approach.

Two principal limitations are most important. The first is that differences in the outcomes of interest recorded during the two periods studied may be derived from factors other than those associated with implementation of the Drug Court. The second is that the groups of cases being compared in 1987 and in 1990 may not be sufficiently equivalent. For example, while we know that Drug Court cases consisted of some defendants with third degree and some defendants with second degree felony drug charges. Similarly, many Drug

[43] This is supported by the fact that there was no significant difference found in the attendance records of defendants in Samples III and IV, which taken together represent cases processed according to normal criminal procedures.

Court defendants had no prior records of arrests or convictions, yet some had. In interpreting findings, the first limitation is more problematic. Statistical controls can be employed to help account for differences in the make-up of the samples being compared and, thereby can minimize but not eliminate the second problem.

Baseline Change: Comparison of Drug and Non-Drug Felony Defendant Outcomes, 1987 to 1990

Earlier, differences in the demographics, criminal charges, and prior histories associated with the 1987 and 1990 drug and non-drug samples were described.[44] The 1987 non-drug sample (VI) showed proportionately fewer defendants with charges for serious crimes against the person than the 1990 non-drug sample (IV). The 1987 drug sample (V) had less than half the proportion of defendants with drug sales/purchase offenses than the 1990 counterpart (III).[45] Before comparing the case processing and subsequent criminal history outcomes of Drug Court defendants with those of 1987 drug and non-drug defendants, it is useful to chart differences characterizing these two periods to provide baseline or background information.

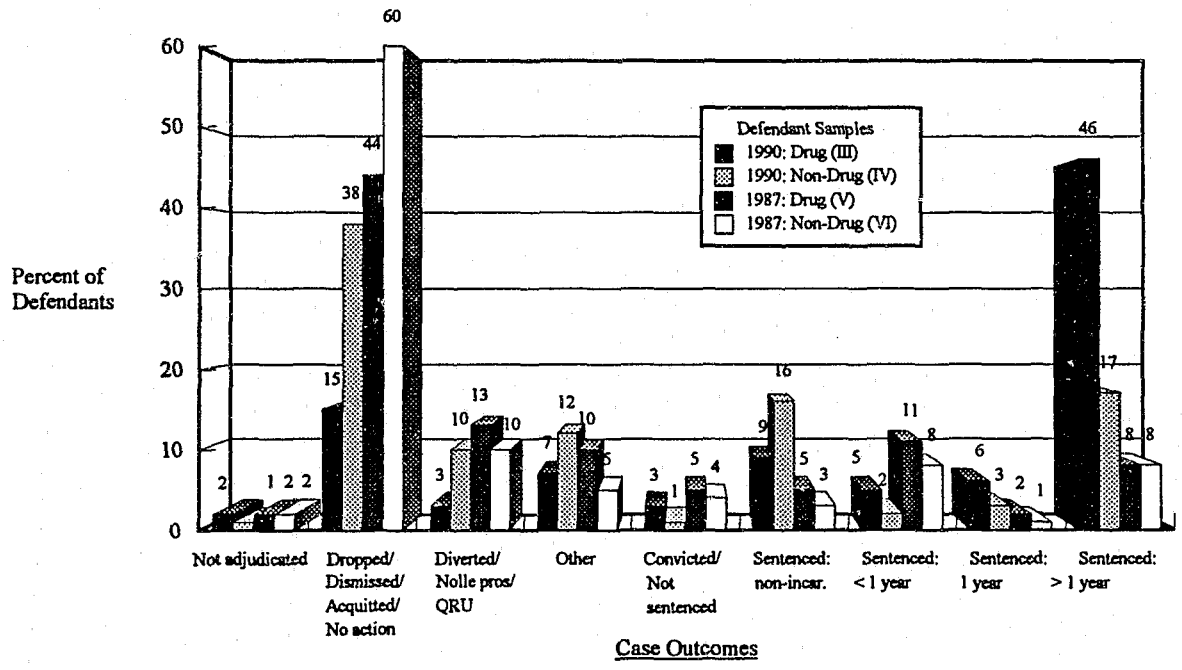
Case Processing Outcomes (Excluding Drug Court Defendants)[46]

The kinds of processing outcomes recorded by defendants facing third and second degree felony charges appears to have differed notably in the 1987 and 1990 samples. Figure 3.9 and Table A3.2 contrast the case outcomes recorded for the 1987 and 1990 defendants samples over an 18-month period. The key differences in outcomes seem to be in the

[44] Note that in comparing the 1987 and 1990 samples, we exclude Drug Court defendants in this discussion.
[45] This is probably best explained by the fact that the 1990 drug sample does not represent "all" drug cases, because it excludes the less seriously charged Drug Court defendants, whereas the 1987 drug sample includes all defendants with felony drug charges.
[46] The most informative comparison between the 1990 and 1987 periods is probably between non-drug felony cases, given the asymmetry of comparing all 1987 drug cases with 1990 drug cases minus Drug Court defendants.

proportion of cases dropped, dismissed, or "no actioned": 44 percent of the 1987 felony drug cases and 60 percent of the 1987 non-drug cases had recorded those outcomes compared to 15 percent of the 1990 drug cases and 38 percent of the non-drug cases. Similarly small proportions of drug cases (seven and five percent respectively) in 1990 and 1987 were given probation within the 18-month period, but a far greater proportion of non-drug cases in 1990 (16 percent) than non-drug cases in 1987 (three percent) had been given probation within that time frame.

Figure 3.9 Comparing Selected Case Outcomes within 18-Month Observation Period: 1987 v. 1990 Drug and Non-Drug Felony Cases



The treatment of samples from the two time periods also differed in the proportions given sentences to incarceration during the observation period. About 21 percent of the 1987 drug defendants received terms to incarceration of some sort (eight percent to terms longer than one year), compared to about 57 percent of the 1990 drug defendants (46 percent to terms longer than one year). About 17 percent of non-drug felony defendants received terms

to incarceration in 1987 (eight percent to terms longer than one year), compared to about 22 percent of the 1990 non-drug defendants (17 percent to terms longer than one year).

Comparing the Subsequent Reinvolvement of 1987 and 1990 Non-Drug Samples During the 18-Month Observation Period

Table A3.3 permits comparison of the rates of rearrest and failures-to-appear associated with drug and non-drug felony defendants in the two periods. The percentage of drug defendants rearrested during the 18-month observation periods in 1987 and 1990 were quite similar (53 versus 49 percent respectively were rearrested). However, rearrests among the 1990 non-drug felony sample (39 percent) dropped noticeably from the level shown among the 1987 non-drug defendants (50 percent).

Comparing Drug Court Defendant Case Outcomes (Post-Drug Court Implementation) with 1987 Drug and Non-Drug Defendant Case Outcomes (Pre-Drug Court Implementation)

Case Processing Outcomes

Figure 2.27 summarized the outcomes of the criminal cases recorded for the Drug Court defendants at the conclusion of the 18-month observation period. When contrasted to the case outcomes described above for the 1987 samples, the key differences appeared to be the following: nearly all of the charges of the 1987 sample defendants had been adjudicated within 18 months of filing, compared to 70 percent of Drug Court defendants during the same interval. More than one-third of Drug Court defendants had charges nolle prossed or sealed within 18 months, compared to about 13 percent of the 1987 drug defendants having cases diverted, nolle prossed or sealed and about ten percent of the 1987 non-drug felony defendants. Sixteen percent of Drug Court defendants had charges dropped, "no actioned," or had adjudication withheld, compared to about 53 percent of the 1987 drug defendants and

about 64 percent of the 1987 non-drug defendants. Nearly one-fifth of Drug Court defendants had been sentenced within the 18-month period, 14 percent to terms of incarceration, five percent to probation, and less than one percent to suspended sentences. This compares with 26 percent of the 1987 drug defendants (21 percent to incarceration, five percent to probation), and with 20 percent of 1987 non-drug defendants (17 percent to incarceration, three percent to probation). (See also Table A3.2.)

Comparing the Subsequent Reinvolvement of the 1990 Drug Court Defendants with 1987 Drug and Non-Drug Felony Defendants During the 18-Month Observation Period

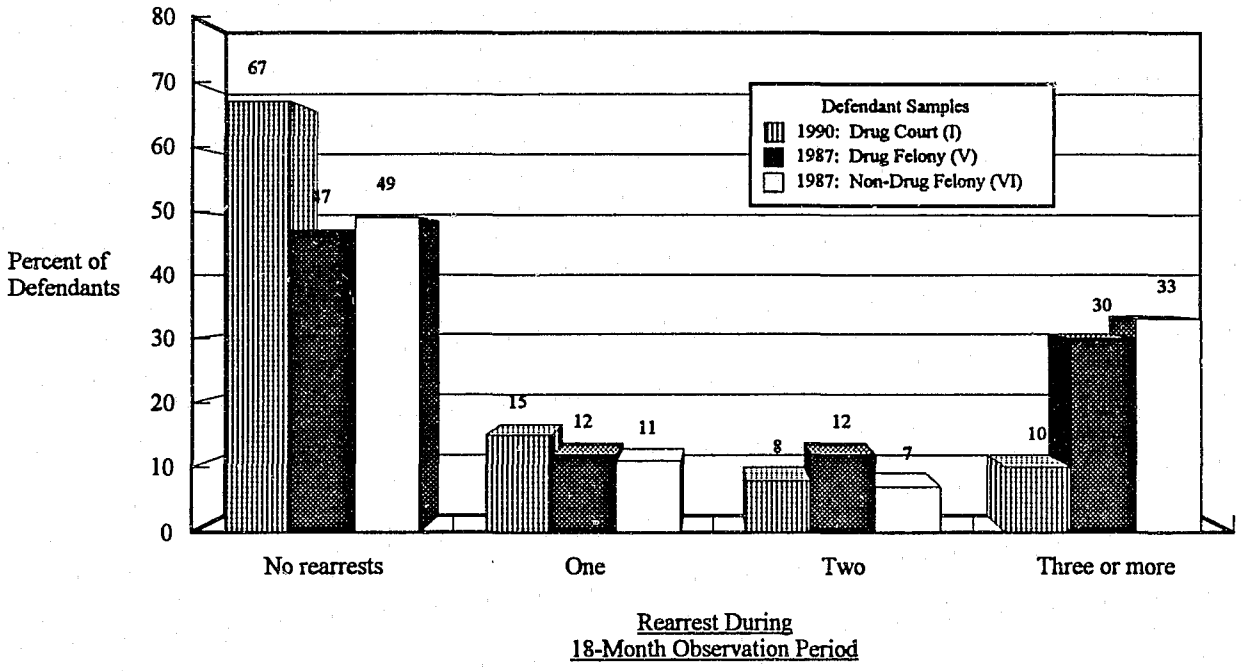
Figure 3.10 shows that the 1990 Drug Court defendants (at 33 percent) were rearrested much less frequently during their 18-month observation period than either of the general 1987 felony samples (drug defendants, 53 percent; non-drug defendants, 51 percent).[47] Drug Court defendants recorded proportionately fewer rearrests for serious crimes against the person and for drug crimes than the 1987 defendants as well. (See Table A3.3.) When Drug Court defendants were rearrested, the average period of time to the first rearrest (235 days, median) was three to four times longer than the average time to rearrest shown by 1987 drug defendants (81 days, median), and non-drug defendants (52 days,

[47] When controls for differences in sample make-up were entered in multivariate analysis, the differences remained statistically significant in most instances. The logit model of the dependent variable, any rearrest during the 18-month period (no v. yes) for Samples I and V is summarized by the following equation: Predicted probability of rearrest = -.1526 + (.4045 X any prior arrests) + (.2960 X prior arrests, serious personal offenses) + (.4894 X any prior convictions) + (-.2307 X Sample I membership); goodness-of-fit = 599.420, improvement in chi square = 6.002, sig. at .014. The model for serious personal rearrests produced the following equation: Probability of serious personal rearrest = -2.2201 + (.3680 X any prior arrests) + (.9850 X prior arrests for serious personal offenses) + (-.4445 X Sample I membership); goodness-of-fit = 617.940, improvement for chi square in Sample I membership = 7.459, sig. at .006. The equation for drug rearrests is: -.9755 + (-.2534 X a current drug possession charge) + (.5899 X any prior arrests) + (.3359 X prior felony convictions) + (-.3783 X Sample I membership); goodness-of-fit = 587.087, improvement in chi square for Sample I membership = 13.148, sig. at .0003.

In Samples I and VI, in logit models of rearrests overall and rearrests for drug offenses, the contribution of Sample I membership was not significant. For serious personal rearrests, the logit model produced the following equation: -2.0887 + (.3278 X current drug possession charge) + (.5965 X prior arrests, for serious personal offenses) + (.3915 X prior arrests for drug offenses) + (-.8184 X Sample I membership); goodness-of-fit = 843.292, improvement in chi square for Sample I membership = 4.298, sig. at .038.

median).[48] Finally, because of the greater opportunity afforded by numerous scheduled appearances in Drug Court, Drug Court defendants recorded dramatically higher failure-to-appear rates, as has been shown in earlier sections of this report as well.

Figure 3.10 Comparing Subsequent Rearrests During 18-Month Observation Period: 1990 Drug Court Defendants v. 1987 Felony 2 & 3 Defendants



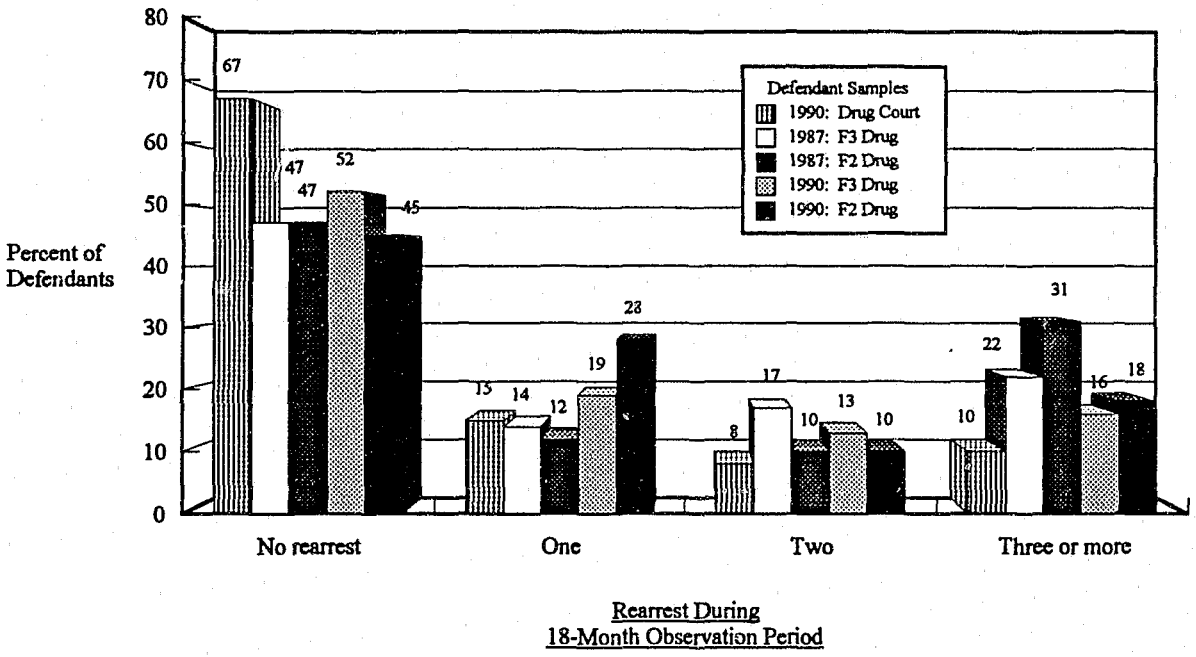
As we noted earlier, these before and after comparisons of outcomes between Drug Court defendants and the 1987 samples are necessarily rough. Regarding the two types of limitations described above, one could argue that the tendency toward reoffending associated with the caseload at the height of the "War against Drugs" was declining in an historical sense from 1987 to 1990, as the impact of the drug-related caseload was stabilizing. The finding

[48] When controls for differences in sample make-up were entered in multivariate analysis, the differences remained statistically significant and large. The regression model for time to first rearrest for Samples I and V included having any prior arrests and a current drug purchase/sale charge, with an $R^2 = .073$, sig. at .000. Sample I membership increased the R^2 to .156, sig. at .000. The change in R^2 was sig. at .000.

For Samples I and VI, the regression model included a current drug possession charge and having any prior convictions, with an $R^2 = .139$, sig. at .000. Sample I membership increased the R^2 to .174, sig. at .000. The change in R^2 was sig. at .000.

that the 1990 non-drug defendants recorded notably lower rearrest rates over the 18 months of observation than the 1987 non-drug defendants might be interpreted as lending support to this theory. However, except for the Drug Court defendants with their notably lower rate, the rearrest rates of felony drug defendants differed little from 1987 to 1990.[49]

Figure 3.11 Comparing Subsequent Rearrests During 18-Month Observation Period: 1990 Drug Court Defendants v. 1987 and 1990 Felony 2 & 3 Drug Defendants



Because one might argue that the most appropriate comparisons would contrast the 1990 Drug Court defendants with other felony drug defendants, Table A3.4 compares the attributes and outcomes of Drug Court defendants with those recorded by felony drug defendants in 1987 and 1990 more narrowly, differentiating third and second degree felony cases. Figure 3.11 contrasts the rearrest histories of Drug Court defendants with those of felony 3 and felony 2 drug defendants in both time periods. Note that, compared to any

[49] One might wish to argue that if Drug Court defendants had not been excluded from the 1987/1990 comparison, the overall rate of rearrest among 1990 drug defendants would have been somewhat lower than the 1987 rate.

category of drug defendants, Drug Court defendants demonstrated the lowest rate of rearrest during 18 months and, by far, the longest average period to rearrest when rearrests occurred.[50]

VI. Summary: The Comparative Record of Drug Court Defendants

In this chapter, we presented analyses comparing the attributes, case outcomes and subsequent criminal histories of Drug Court defendants over an 18-month observation period with three other groups of felony defendants making up the remainder of the felony 2/ felony 3 criminal caseload in Circuit Court during the 1990 sampling period and with two groups of similar felony defendants entering the Court in 1987. The purpose of these comparisons was to place the processing of the cases of Drug Court defendants and their

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[50] When controls for differences in sample make-up were entered in bivariate analyses, rearrest rates between Drug Court defendants and comparison groups remained statistically significant in most instances.

For Sample I v. 1987 felony 3 drug defendants, the difference in rearrests overall was significant at .003 (chi square 8.701, DF, 1), in rearrests for serious offenses against the person, at .002 (chi square 9.959, DF, 1), and in rearrests for drug offenses, at .000 (chi square 17.488, DF, 1). A regression model for time to first rearrest included having prior felony convictions, with R2=.056, sig. at .007. Sample I membership increased R^2 to .184, sig. at .000, with the change in R^2 sig. at .000.

Comparing Sample I and 1987 felony 2 drug defendants, differences in overall rearrests were significant at .000 (chi square 23.021, DF, 1), in rearrests for serious personal offenses, at .000 (chi square 19.813, DF, 1), and in drug rearrests at .000 (chi square 31.346, DF, 1). The regression model for time to first rearrest included having prior felony convictions and a current purchase/sale charge, with R^2=.082, sig. at .000. Sample I membership increased R^2 to .146, sig. at .000, with the change in R^2 sig. at .000.

In Sample I v. 1990 Sample 3 felony 3 defendants, differences in rearrests overall were significant at .002 (chi square 9.396, DF, 1), and in drug rearrests, at .001 (chi square 10.796, DF, 1). Differences in rearrests for serious personal offenses were not significant. The regression model for time to first rearrest included having prior felony convictions and prior arrests for serious personal offenses, with R^2=.061, sig. at .006. Sample I membership increased R^2 to .120, sig. at .000, with the change sig. at .001.

In Sample I v. 1990 Sample 3, felony 2 defendants, differences in rearrests overall were significant at .003 (chi square 8.967, DF, 1), in rearrests for serious personal offenses, at .039 (chi square 4.273, DF, 1), and for drug rearrests, at .001 (chi square 100.831, DF, 1). The regression model for time to first rearrest included having prior felony convictions, with R^2=.056, sig. at .007. Sample I membership increased R^2 to. 184, sig. at .000, the change sig. at .000.

subsequent criminal histories in the context of the overall, relevant felony caseload in Circuit Court, and to compare them with the experiences of the similar defendant caseload as it was processed in the recent past. Slight demographic differences between the Drug Court and other felony samples were noted, as were more marked criminal charge and prior criminal history differences.

Comparing Drug Court Defendants with Assigned Defendants Who Did Not Enter Drug Court Treatment

When Drug Court (Sample I) defendants were contrasted with drug defendants who appeared eligible (Sample II) but were not processed into Drug Court for treatment during August or September of 1990, the following key finding emerged:

- A large number of Sample II defendants entered Drug Court during the 18-month observation period, at some point after August-September, 1990. This meant that possibly as many as 83 percent of the targeted drug defendants may ultimately have been "enrolled" into the program, amounting to a fairly effective "reach" for a voluntary program.
- The finding that some of the "missed" defendants entered the Drug Court program later points to a delayed admission phenomenon, as a result of which a proportion of eligible defendants each month do not enter treatment then, but do sometime later.

Comparing Drug Court Defendants with Other Felony Drug Defendants Not Assigned to Drug Court

The case outcomes and attributes of Drug Court defendants were contrasted as well with felony drug defendants who because of their more serious charges or prior criminal records were not eligible for and were not assigned to Drug Court. The key differences between Drug Court and other felony drug defendants are summarized as follows:

- Compared to Drug Court defendants, other (Sample III) felony drug defendants showed strikingly more extensive prior criminal histories of arrests (particularly drug arrests) and convictions.
- The disposition of the criminal cases of each group of felony drug defendants differed markedly and predictably. While 30 percent of Drug Court cases had not been adjudicated within 18 months, only two percent of the cases of other (Sample III) defendants had not been adjudicated. Substantially greater numbers of Drug Court defendants had charges dropped or cases nolle prossed and/or sealed than other drug defendants. More than half of other drug defendants had been convicted and sentenced to incarceration, compared to about 14 percent of Drug Court defendants.
- The two groups of drug defendants differed sharply in the subsequent histories of (re)arrests produced over the 18-month observation period: 32 percent of Drug Court defendants were rearrested at least once; 50 percent of the other (Sample III) felony drug defendants were rearrested at least once.
- Drug Court defendants who were rearrested during the observation period stayed arrest-free roughly three times as long as Sample III drug defendants during the 18-month observation period. Drug Court rearrestees averaged about eight months (235 days) arrest-free, compared to an average of less than three months (79 days) for Sample III rearrestees.
- Substantially greater numbers of Drug Court defendants (54 percent) generated alias capiases (largely from the Drug Court itself) than other drug defendants (ten percent).

Comparing Drug Court Defendants with Non-Drug Felony Defendants

The comparison of the August-September, 1990, Drug Court defendants with other, contemporaneous groups of defendants entering Circuit Court focused on non-drug felony defendants charged with second and third degree felonies (Sample IV). The purpose of this

comparison was to contrast the processing and subsequent criminal history outcomes of Drug Court defendants with "normal" felony cases not involving drug offenses to serve as a baseline of sorts. The key findings from this analysis included the following:

- By definition, Sample IV defendants differed markedly from Drug Court defendants in their criminal charges: they had no drug charges; three offense types--burglary (21 percent), grand theft (22 percent), and aggravated assault and battery (23 percent)--accounted for the charges of two-thirds of defendants.
- As a whole, much larger proportions of non-drug felony defendants had prior records of arrests and convictions.
- Non-drug defendants showed a pattern of case disposition sharply different from that of Drug Court defendants during the 18-month observation period: compared to 30 percent of Drug Court defendants, only one percent of non-drug felony defendants did not have cases disposed. While over one-third of Drug Court defendants had cases diverted, nolle prossed or sealed within that time frame, only ten percent of non-drug defendants had those case outcomes. While only 12 percent of Drug Court defendants had cases dropped or "no-action" dispositions, 38 percent of non-drug felony defendants recorded such outcomes within the 18-month period.
- Proportionately fewer Drug Court defendants (32 percent) than non-drug felony defendants (39 percent) were rearrested for new offenses during the 18-month observation period.
- Drug Court defendants who were rearrested remained arrest-free for roughly twice as long (with a median of 235 days or nearly eight months) as non-drug felony defendants who were rearrested (with a median of 115 days or less than four months).
- Drug Court defendants (with 54 percent) far outstripped non-drug felony defendants (with nine percent) in the generation of failures-to-appear (FTAs) in court as measured by alias capiases.

In sum, when looked at in the context of the overall, comparable felony caseload of defendants facing third and second degree felonies, Drug Court defendants had less extensive criminal histories, had very different case processing outcomes, generated proportionately greater rates of failures-to-appear in court and recorded slightly fewer to notably fewer rearrests for offenses during the 18-month observation period following the August-September, 1990, sample period.

Comparing Drug Court Defendants with Similar Drug and Non-Drug Defendants from a Period Prior to Implementation of Drug Court

Comparisons between Drug Court defendants processed into the program in 1990 and similar (felony 3 and felony 2) defendants entering Circuit Court in a period prior to the implementation of the Drug Court program allow a description of how similar cases "used to" be processed. The key findings from this multi-sample analyses are summarized in the following:

- Drug Court defendants were similar in make-up to the 1987 drug and non-drug felony defendants, with the exception that they were somewhat older on average (30.6 years, median) than the 1987 defendants (28.5 years, median).
- The majority of Drug Court defendants (70 percent) had been charged with third degree felony drug crimes; the majority of the 1987 drug defendants (80 percent) were charged with second degree felony drug offenses. The 1987 non-drug felony defendants were charged more often with crimes against the person, crimes involving injury, and weapons offenses than Drug Court defendants.
- Nearly all of the charges of the 1987 sample defendants had been adjudicated within 18 months of filing, compared to 70 percent of the charges of Drug Court defendants during the same interval. More than one-third of Drug Court defendants had charges nolle prossed or sealed within 18 months, compared to about 13 percent of the 1987 drug

defendants having cases diverted, nolle prossed or sealed and about ten percent of the 1987 non-drug felony defendants. Sixteen percent of Drug Court defendants had charges dropped, "no actioned," or had adjudication withheld, compared to about 53 percent of the 1987 drug defendants and about 64 percent of the 1987 non-drug defendants.

- The 1990 Drug Court defendants (at 33 percent) were rearrested much less frequently during their 18-month observation period than either of the 1987 felony samples (drug defendants, 53 percent; non-drug defendants, 51 percent). Drug Court defendants also recorded proportionately fewer rearrests for serious crimes against the person and for drug crimes than the 1987 defendants.
- When Drug Court defendants were rearrested, the average (median) period of time to the first rearrest (235 days) was three to four times longer than the average (median) time to rearrest shown by 1987 drug defendants (81 days), and non-drug defendants (52 days). Finally, because of the greater opportunity afforded by numerous scheduled appearances in Drug Court, Drug Court defendants recorded dramatically higher failure-to-appear rates, as has been shown in earlier sections of this report as well.

The Comparative Public Safety Record of Drug Court Defendants

Figures 3.11 and 3.12 show that the 1990 Drug Court defendants were rearrested either slightly or considerably less frequently than defendants in all other appropriate comparison groups. Figure 3.13 shows that, when rearrested, Drug Court defendants averaged from two to six times longer to the first rearrest, compared to the other defendant groups.

Figure 3.12 Comparing Subsequent Rearrests During 18-Month Observation Period: Drug Court Defendants v. Other 1990 Felony Defendants

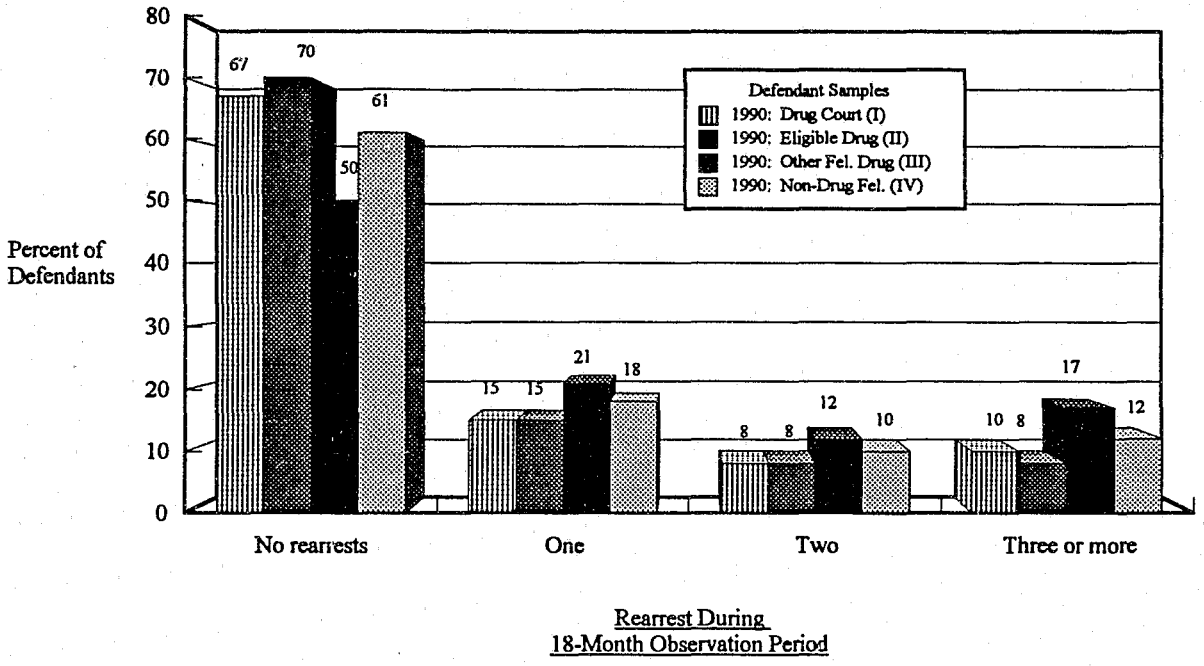
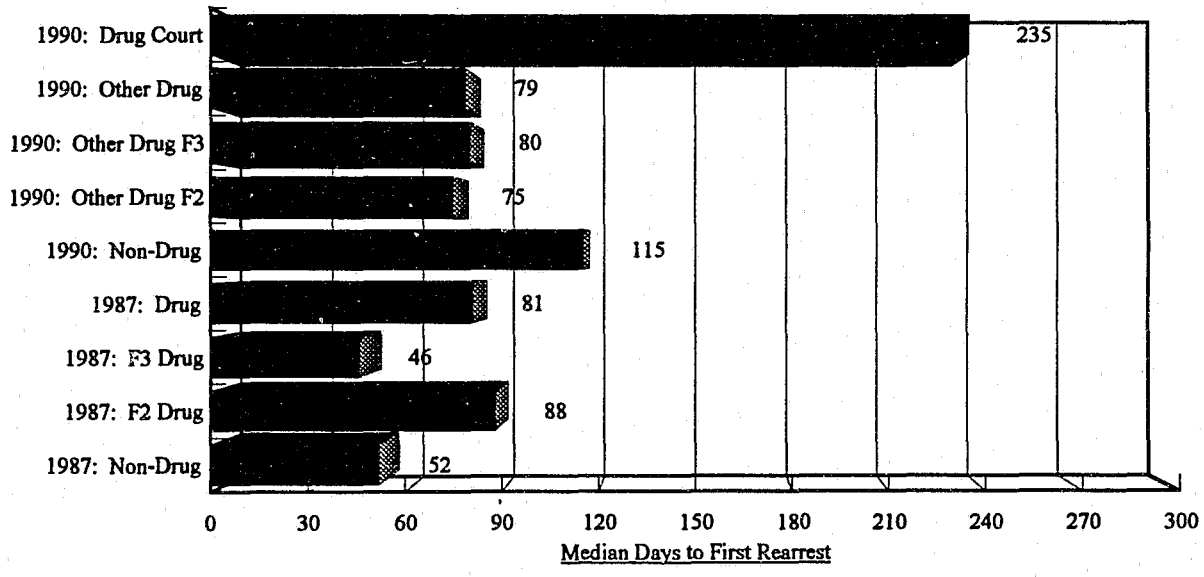


Figure 3.13 Comparing Median Time to First Rearrest During 18-Month Observation Period: 1990 Drug Court Defendants v. 1987 and 1990 Felony Samples



CHAPTER FOUR:

THE CORRELATES OF PROGRAM PERFORMANCE AND REOFFENDING

The finding that defendants who self-reported the most frequent drug abuse at admission to the treatment program later proved to have the poorest records of performance in the program raises the issue of deploying treatment and supervisory resources differentially to manage Drug Court defendants according to the "degree of difficulty" they may pose. If the characteristics of defendants most likely to have difficulty in treatment and most likely to reoffend could be known in advance, then program resources could be organized from the outset to meet the extra challenges of defendants most likely to fail. This chapter and Chapter Five report findings from multivariate analyses, the aims of which were to identify correlates of defendant outcomes which, when taken together statistically, could best explain or "predict" those outcomes. An ability to anticipate likely defendant performance in the Drug Court treatment program--including likely program success and the prospects of reoffending during participation in Drug Court--would, in fact, be valuable for two principal reasons: a) classification of Drug Court defendants for treatment program planning; and b) consideration of the feasibility of targeting other categories of drug-involved defendants and offenders.

Modeling Program and Public Safety Outcomes for Drug Court Defendants

Knowledge of the correlates of program outcomes could assist in efforts to determine candidacy for the treatment program and to gauge the relative public safety risks and/or treatment challenges posed by various defendants about to enter Drug Court's regime. Defendants ranked as having a high probability of difficulty in the program, of failures to appear in court as required, or of rearrests for new offenses during the program period could

be "slotted" for more intensive treatment or supervisory approaches, in comparison to other defendants who posed medium or much lower risks of unfavorable outcomes.

Modeling Public Safety Outcomes for Dade Felony Defendants More Broadly

The ability to classify defendants broadly according to probabilities of program and public safety criteria prior to consideration for admission to the Drug Court program could also be used to determine whether other types of drug-involved defendants and offenders--beyond just those identified by their drug charges--could be targeted for the Drug Court approach with equal success.

Are Program Outcomes, Failure to Appear in Court and Rearrests Different Behaviors?

These two needs for predictive tools, one to assist in the programming of defendants already admitted to Drug Court and the other with general applicability to potentially relevant categories of defendants, raise an important conceptual question of interest both to treatment providers and criminal court officials alike about the nature of the outcomes being "predicted." Most simply stated, that question is whether the specific outcomes (i.e., treatment program outcomes, length of program participation, absences from court, and reoffending) are discrete behaviors influenced by different predictive factors and influences or, rather, different aspects of an underlying propensity toward irresponsible conduct. This question is important because, if the outcomes are distinct behaviors, each would require a predictive classification of its own. On the other hand, if the likelihood of unfavorable treatment outcomes and of rearrest while in the program are really two facets of the same underlying propensity to misbehave or perform poorly, then one general (predictive) classification tool could serve a variety of decisionmaking purposes.

As part of this assessment, efforts were made to determine a) whether a classification of Drug Court defendants could be developed empirically that would help rank defendants according to their probabilities of program success (as variously measured); and b) whether a predictive classification could be developed that would have more general applicability to the felony caseload and that would be of assistance in targeting other types of drug-involved defendants that could benefit from the treatment approach offered by Drug Court. The aims of the predictive analyses described in this chapter are to determine whether such classifications can be devised and, if they can, to illustrate how such tools could provide assistance in the Drug Court's efforts to manage its defendants efficiently and effectively.

I. Developing Predictive Models of Drug Court Outcomes On the Basis of Drug Court Data Alone

Optimally, Drug Court and treatment officials would benefit from the ability to anticipate three types of outcomes relating to eligible defendants entering the treatment program: a) favorable/unfavorable program outcomes; b) failure to attend Drug Court proceedings as required; and c) the rearrest for crimes allegedly occurring within 18-months of admission to Drug Court's treatment program:

- Favorable Program Outcomes

We have discussed the complexities involved in defining program "success" in Chapter Two, and have opted to group program outcomes simply into favorable, unfavorable and "other" outcomes categories. (For a definition of these categories see Chapter Two.) As well as favorable outcome at the completion of the 18-month observation period, likely length of program participation is another outcome staff might like to be able to predict. This outcome is important because of the view that for drug treatment to have its effect, a certain

minimum period of retention in treatment is required. From a treatment perspective, the longer defendants remain in the program, the greater the chances for achieving favorable treatment outcomes.

- Failure to Appear as Required in Drug Court

One of the distinctive findings of this assessment is that, because the Drug Court approach requires that defendants attend court much more frequently than if they were being adjudicated in the normal fashion, the program seems to generate an unusual number of failures-to-appear (FTAs) in court as measured by the issuance of alias capiases by the Drug Court judge. Program participation would be made more effective and Drug Court processing more efficient if defendant absences were notably reduced. If a classification of Drug Court defendants derived from knowledge of correlates of FTA could be developed to assist Court and program officials in anticipating the risk of non-appearance, improved court and program functioning could result.

- Reoffending by Drug Court Defendants

One of the fundamental goals of the Drug Court is to provide drug treatment to large numbers of felony defendants in the community without increasing the risk to public safety. Just as *a priori* Drug Court defendants do not all enter the program with the same promise of program success, neither do they all have the same probability of reoffending within the program period. Thus, a predictive classification that categorizes admissions according to risk of reoffending would assist officials in managing defendants according to the public safety risks they might pose. (This same, or a similar, public safety-oriented predictive classification might also be useful in identifying other categories of drug-involved defendants or offenders not identifiable on the basis of drug charges who could also benefit from the treatment program without posing additional risk to the public safety. See Chapter Five.)

As a first step, we attempted to model ("predict") the outcomes of specific relevance to Drug Court using information descriptive of Drug Court defendants, their cases, and prior histories. These predictive analyses first approached the modeling of Drug Court outcomes as if the sample of Drug Court defendants represented a distinct subset of all defendants, identified via Drug Court eligibility criteria as a different type of criminal defendant.

Favorable Program Outcomes

Multivariate analysis identified only three independent variables that, when taken together, could assist in the modest prediction of favorable program outcomes. Although in a technical sense the predictive model was statistically significant, it was of limited real utility.[51] The key variables included:

- *reported income*--defendants who, upon admission to treatment, reported that they were earning incomes at the time of their arrest showed greater probabilities of favorable outcomes, other factors constant;
- *prior drug possession convictions*--defendants having prior convictions for drug possession offenses showed lower probabilities of favorable program outcomes, other factors constant; and
- *being on pretrial release in another case at the time of arrest for this drug offense*--translated into lower probabilities of favorable program outcomes.

[51] The final logit model is summarized by the following formula: Predicted favorable program outcomes = -1.6 + (.5886 X having an income) + (-.4984 X prior convictions for drug possession) + (-1.1723 X on pretrial release for former charges at arrest); model chi squared 44.982, sig. at .000, DF., 3; goodness of fit, 259.19.

Multivariate analysis produced a regression model that predicted the length of program participation modestly on the basis of the same three variables that emerged as predictors of favorable program outcomes.[52]

Failures-to-Appear in Court as Required

Attempts to model failures-to-appear in court statistically were similarly unsuccessful.[53]

Reoffending by Drug Court Defendants

When rearrests of Drug Court defendants over the 18-month observation period were modeled in multivariate analysis, four variables taken together did help differentiate the relative probability of rearrest.[54] The model was statistically acceptable but short of being intuitively powerful:

- *college education*--defendants reporting some college education were less likely to be rearrested during the observation period, other factors constant;
- *age*--defendants 25 years old or less had higher probabilities of reoffending, other factors constant;
- *prior robbery arrests*--defendants having records of prior arrests for robbery showed higher probabilities of reoffending, other factors constant; and
- *prior records of failures-to-appear (FTAs) in misdemeanor cases*--indicated higher probabilities that defendants would be rearrested, other factors controlled.

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[52] With length of program participation defined as an interval level variable, the best regression model included the same three variables, having an income, prior drug possession convictions, and being on pretrial release, and produced an $R^2 = .192$, sig. at .000.

[53] The logit model of the dichotomous dependent variable, failures-to-appear in Drug Court (no v. yes) did not fit the data well.

[54] The final logit model of the dependent variable, any rearrest during the 18-month period (no v. yes), is summarized by the following equation: Predicted probability of rearrest = .5796 + (-.6169 X attended college) + (.4925 X 25 years of age or under) + (1.0752 X prior robbery arrests) + (.9435 X prior misdemeanor FTAs); goodness of fit = 272.71, model chi squared, 60.864 at .000, DF., 4.

Based on this model of Drug Court rearrests (Model I), a scoring scheme was developed that ranked defendants into three groups on the basis of their predicted probability of rearrest during the 18-month period. (See Table 4.1.) The three groups represent defendants who would have been predicted to have a lower, medium, or higher probability of reoffending, if classified on the basis of information available at the time of admission to the treatment program. Thus, this classification would have placed 60 percent of Drug Court defendants in the cohort studied in the lower-risk-of-reoffending group, 23 percent in the medium risk group, and 16 percent in the higher risk group. If the probability of reoffending were a guiding concern at the outset of the Drug Court process, this classification would have suggested that special measures be considered for the higher-risk defendants and, to some extent, the medium-risk defendants. The Drug Court defendants ranked as lowest-risk could be assigned to much lower levels of treatment resources.

A test of the utility of this kind of approach is shown at the bottom of Table 4.1 where the actual rates of rearrest recorded by defendants in each of the predicted risk groups are noted. In fact, lower-risk defendants were rearrested less frequently (at 18 percent) than medium-risk defendants (at 46 percent), who were rearrested less frequently than the higher-risk defendants (at 69 percent).

The model predicting rearrest among Drug Court defendants summarized in Table 4.1 also shows the rates of FTA recorded by Drug Court defendants in each of the risk groupings. Interestingly, the predicted lower risk group did record the lowest rate of failures-to-appear and the highest rearrest risk group recorded the highest rate of FTA. However, the rearrest model (I) did not distinguish a medium FTA-rate group well.

Table 4.1 Predictive Classification of Drug Court Defendants Admitted to Treatment, August-September, 1990: Based on Model of Drug Court Rearrest (I)

Predictive Attribute	Weight	Points[a]
Education		
College	-0.6169	-4
Else	0	0
Age		
25 or under	0.4925	3
Else	0	0
Prior arrests, robbery		
No	0	0
Yes	1.0752	7
Prior misdemeanor FTAs		
No	0	0
Yes	0.9535	6
Add points[b]	0.5796	4

Risk group	Number	Percentage	Percent actual arrests	Percent favorable outcome	Percent Drug Court FTAs
Group 1 (lowest)	191	60.3	18.3	52.9	40.8
Group 2	74	23.3	45.9	40.5	51.4
Group 3 (highest)	52	16.4	69.2	28.8	53.8

[a] The weights shown are the coefficients from the final logit analysis of rearrest during the 18-month period for Drug Court defendants. A point scoring system was derived by dividing these weights by a constant (.15) and rounding.

[b] "Add points" is derived form the coefficient of the y-intercept, or constant, from the final logit model. In a risk instrument, it would represent the beginning score for all defendants

Summary: The Ability to Develop a Predictive Classification of Program and Public Safety Outcomes on the Basis of Available Drug Court Data

If the question addressed by the predictive analyses described in this section is "To what extent can program outcomes be anticipated on the basis of information available at the beginning of the process?" a specific answer depends on the particular outcome of interest. The attempt to develop a model predictive of favorable program outcomes showed weak results. Clearly poor results were obtained when attempts to model length of program participation and Drug Court failures-to-appear were undertaken. Multivariate analyses of subsequent reoffending of Drug Court defendants was modestly successful in a statistical sense. The rearrest model did not distinguish the relative risks of FTA very well among Drug Court defendants.

There may be several possible explanations for the modest success with which these efforts to develop predictive classifications of Drug Court defendant outcomes on the basis of the Drug Court sample data were met. These include:

- The size of the sample of Drug Court defendants was comparatively small for such statistical analyses. Such analyses might be improved upon by a larger Drug Court defendant sample.
- Available data descriptive of Drug Court defendants and outcomes may not have been of sufficient overall quality to support predictive analyses. In fact, the lack of access to Pretrial Services intake interview records, for example, may have limited the data that could be employed for these analyses and, therefore, the results.
- Particularly in the case of Drug Court failures-to-appear (as measured by alias capiases), it could be argued that outcomes could be explained better by program or Court procedures or logistics than by attributes of defendants or their cases. A principal explanation of the high rate of Drug Court alias capiases, for example, may be that it is an artifact of the process involving so many more court appearances than are usually

scheduled and that, given the clientele of drug abusers, defendant attendance is quite likely to be problematic.

- The ability to predict misconduct (of whatever form) may be limited because the Drug Court sample represents a restricted range or narrow subcategory of all third and second degree felony defendants for whom such predictive analyses could be relevant. Thus, for example, if drug-related attributes predict misbehavior generally, then these important predictor variables will be of little value when trying to predict outcomes for a group of defendants who do not vary greatly on drug-related measures. That is, the defendants have these drug factors to some degree and, since there is little difference among them, these factors are not helpful in distinguishing them one from another in levels of risk.

II. Making Use of Other Sources of Data to Develop Predictive Classifications for Drug Court Defendants: Predictive Classification of the 1987 Felony Defendants

If the relative weakness of the prediction of Drug Court defendant outcomes is mostly explained by limitations of data (e.g., sample size, availability of data, quality of data), then it would be misleading to infer that the development of predictive classifications for Drug Court defendant is not feasible. For example, in past research in Circuit Court, the kind of information provided by the Pretrial Services interview and background check conducted prior to the bond hearing stage has proven valuable in the prediction of defendant flight and rearrest before adjudication, as well as recidivism over longer periods of time (Goldkamp et al., 1987; 1990; 1989; 1993). Had these sorts of data been available during the data collection for this study, they might have improved prediction of Drug Court defendants outcomes notably. Given the modest predictive ability demonstrated by the 1990 Drug Court data, however, it makes sense to consider whether or not predictive classifications developed

from other sources of data could be of assistance in classifying the Drug Court defendants. Specifically, in a previous study of Dade County's drug-related felony caseload, we identified variables predictive of defendants' arrests for new offenses over an 18-month period following their initial arrests in a June-July, 1987, sample period. The multivariate model predictive of rearrest of defendants over an 18-month period is shown in Table 4.2. The 1987 data--and this predictive model (II) of reoffending among Dade felony defendants--had the advantage of incorporating information derived from Pretrial Services records that were not available in the 1990 Drug Court defendant sample data. The primary defendant attributes shown to be predictive of reoffending under that model include the following:

- *the presence of burglary charges (increases likelihood of reoffending);*
- *the presence of a telephone (decreases the likelihood of reoffending);*
- *a record of prior arrests (increases the likelihood of reoffending);*
- *a record of prior arrests for weapons offenses (increases the likelihood of reoffending);*
- *a record of prior misdemeanor convictions (increases the likelihood of reoffending);*
- *the presence of outstanding warrants at the time of arrest (increases the likelihood of reoffending); and*
- *testing positively for marijuana or cocaine at the time of arrest (increases the likelihood of reoffending).*

By "scoring" the 1987 defendants on these attributes based on the weightings derived from this model, it is possible to array them into five groups ranging from relatively low predicted probabilities of reoffending (Risk Group 1--of which 8 percent later were rearrested) to relatively high predicted probabilities of reoffending (Risk Group 5--of which 82 percent were later rearrested). One of the values of such a risk classification might be to select categories of felony defendants for Drug Court processing (had Drug Court then been in existence) that are seen to pose a reasonably low level of risk of reoffending. For example,

Table 4.2 Predictive Classification of 1987 Felony 3 and Felony 2 Defendants: Based on General 1987 Model of Rearrest (II)

Predictive Attribute	Weight	Points[a]
Burglary charges		
No	0	0
Yes	0.357	2
Telephone		
No	0	0
Yes	-0.181	-1
Recent prior arrests		
No	0	0
Yes	0.701	5
Prior weapons arrests		
No	0	0
Yes	0.344	2
Prior misdemeanor convictions		
None	0	0
One or more	0.259	2
Outstanding warrants		
None	0	0
One or more	0.365	2
Positive for marijuana or cocaine		
No	0	0
Yes	0.394	3
Add points[b]	0.249	2

Risk group	Rearrest points	Number of defendants	Percent	Percent rearrested
Group 1 (lowest)	1-2	50	8.3	8.0
Group 2	3-5	113	18.8	22.1
Group 3	6-9	110	18.3	41.8
Group 4	10-12	171	28.5	60.2
Group 5 (highest)	13-18	156	26.0	82.1
Total	0-18	600	100.0	51.0

[a] The weights shown are the coefficients from the final logit analysis of rearrest over an 18-month period, using drug tests results, for the 1987 sample of felony defendants. A simple point scoring system was derived by dividing these weights by a constant (.15) and rounding.

[b] "Add points" is derived form the coefficient of the y-intercept, or constant, from the final logit model. In a risk instrument, it would represent the beginning score for all defendants

one might have argued that defendants whose classification placed them in Risk Groups 1 and 2 posed sufficiently low risk and included a fairly sizeable portion of the overall felony caseload (about 28 percent) as to be placed in an outpatient program of drug abuse treatment with little concern for public safety--in 1987, that is.

Given the limited success of the predictive analyses of Drug Court outcomes based on Drug Court sample data, it is worthwhile to determine whether the 1987 classification--which was based on a much larger sample of felony defendants and a more extensive data set--could be applied to the 1990 Drug Court sample with meaningful results. If it were to prove successful in ranking defendants not only on the likelihood of rearrest during Drug Court, but also on the other outcomes of concern, then support would be gained for the argument that misbehavior in its various forms may be predicted just as well by one generally predictive classification, because its various manifestations represent a general propensity to engage in misconduct. Because the 1987 data relied on more information in developing the predictive classification, it was necessary to take into account the fact that two of the important predictors in the 1987 data would not be available in the 1990 data sets: having a telephone (which was obtained from Pretrial Services information) and drug test results. (Drug testing relating to the 1987 defendants was conducted specially for the purposes of research and is not now routinely undertaken. However, currently, once defendants become Drug Court candidates, they are given an initial drug test by the treatment staff.) The revised 1987 model (III) predictive of rearrest over an 18-month follow-up period prepared for application to the 1990 data is summarized in Table 4.3.

When the 1990 Drug Court sample defendants are scored using the predictors identified in 1987 rearrest model, three predicted risk groups result, one representing lower predicted probability of reoffending, one a medium predicted probability, and a third

representing a much higher predicted probability of reoffending. Table 4.3 shows that the 1987 predictors also serve to make a useful model of the likely rearrest of Drug Court defendants over the 18-month observation period. The rank ordering of the Drug Court defendants according to the 1987 model corresponds well with their actual average rates of rearrest. Thus, Risk Group 1 defendants showed the lowest reoffending rate (20 percent) during the 18-month follow-up; Risk Group 2 defendants showed a higher, medium rate of rearrest (33 percent); Risk Group 3 defendants recorded the highest rate of rearrest (60 percent), as would be predicted by the 1987-derived scheme.

Table 4.3 also shows how well the 1987 rearrest-risk model would have served in trying to classify Drug Court defendants on the basis of the probability of recording favorable program outcomes over an 18-month period, not just rearrests. In fact, the model does differentiate well between defendants with the highest and lowest probabilities of favorable program outcomes. Drug Court defendants ranked as likely highest risk according to the 1987 rearrest model do actually record the lowest rate of favorable outcomes (30 percent). And the Drug Court defendants classified as lowest risk do, in fact, record the highest rate of favorable outcomes (49 percent). The weakness in the model is that it does not distinguish a medium probability category well. It classifies about 11 percent of the Drug Court defendants in a medium risk category, when, in actuality, their recorded favorable program outcomes occur almost exactly at the same rate as defendants placed in the lower failure probability group (46 percent).

Table 4.3 also shows, however, that the 1987 rearrest model does not predict the likelihood of failures-to-appear in court among Drug Court defendants successfully. Thus, while the 1987 model does seem to have some general applicability--doing well in predicting rates of rearrest and only modestly in predicting favorable treatment program outcomes, it

Table 4.3 Predictive Classification of Drug Court Defendants: Based on Adapted 1987 General Model of Rearrest (III)

Predictive Attribute	Weight	Points[a]
Burglary charges		
No	0	0
Yes	0.219	1
Assault charges		
No	0	0
Yes	-2.244	-2
Recent prior arrests		
No	0	0
Yes	0.645	4
Prior arrests, serious personal offenses		
No	0	0
Yes	0.194	1
Prior drug arrests, sale/purchase		
No	0	0
Yes	0.321	2
Prior weapons arrests		
No	0	0
Yes	0.359	2
Prior misdemeanor convictions		
No	0	0
Yes	0.267	2
Prior weapons convictions		
No	0	0
Yes	-0.357	-2
Outstanding warrants		
No	0	0
Yes	0.426	3
Prior drug arrests only		
No	0	0
Yes	-0.356	-2
Add points[b]	0.009	0

Risk group	Number	Percentage	Rearrest (Percentage)	Favorable outcomes (Percentage)	FTA (Percentage)
Group 1 (lowest)	180	59.0	20.0	48.9	47.2
Group 2	33	10.8	33.3	45.5	45.5
Group 3 (highest)	92	30.2	59.8	30.4	51.1

[a] The weights shown are the coefficients from the final logit analysis of rearrest over an 18-month period, without drug tests results, for the 1987 sample of felony defendants. A simple point scoring system was derived by dividing these weights by a constant (.15) and rounding.

[b] "Add points" is derived form the coefficient of the y-intercept, or constant, from the final logit model. In a risk instrument, it would represent the beginning score for all defendants

does not appear to be helpful in predicting FTAs among the 1990 Drug Court defendants. It is again possible that the explanation for this may be that failing-to-appear in Drug Court is a distinct behavior unrelated to other forms of misconduct, or that non-defendant based factors heavily influence its occurrence. However, the poor ability to predict FTA rates may be due to the fact that items of data that were important in the prediction of misconduct among 1987 defendants had to be dropped from the predictive model because they were not available in the 1990 data sources.

III. The Applicability of a General Rearrest Model Derived from Combined 1990 Samples

Another approach to the development of models predictive of the outcomes of the 1991 Drug Court defendants is to abandon the assumption that they represent a highly distinct subpopulation of Dade County felony defendants generally. A different approach might assume instead that the criteria governing identification of Drug Court candidates was really devised as a matter of practicality and convenience (given the concerns of the drug treatment and criminal court perspectives) and not based on intrinsic qualities separating them from other felony defendants. This reasoning would suggest that charged offenses serve as relatively poor identifiers of drug-involved felony defendants and, thus, that many other felony defendants share characteristics and behaviors associated with the Drug Court defendants sampled in this assessment, even though not charged with drug crimes specifically.

Using this rationale, another avenue for developing a predictive classification tool for Drug Court defendants is opened. In this section, we described the results of multivariate analyses seeking to develop general predictive models of reoffending and of failure-to-appear

using an expanded sample including all four of the 1990 defendant samples. Once these all-felony defendant models are derived, Drug Court defendants are then separately classified to learn whether use of a general classification scheme also successfully organizes Drug Court defendants according to their program outcomes. When Samples I through IV were combined into a master sample, the following model of rearrest was derived.

A General Reoffending Model for 1990 Defendants

When defendant rearrests over 18 months were modeled, one model employed three independent variables, which when taken together, were identified as predictive:

- *recent prior arrests*--added to the probability that defendants would be rearrested during the 18-month follow-up, other factors constant;
- *prior convictions*--added to the probability that defendants would be rearrested, other factors constant; and
- *being less than 25 years of age*--increased the chances of later rearrest, other factors constant.

Table 4.4 illustrates the scoring system derived from the predictive model based on the combined samples of 1990 data. This approach ranks defendants into three predicted probability-of-rearrest groupings adequately but not powerfully. It is worth noting that about 24 percent of the lower predicted probability group actually was rearrested during the 18-month follow-up, as well as 41 percent of the medium predicted probability group, and 57 percent of the higher predicted probability group. This is a rather modest version of a risk classification, given that clearly different groups are not distinguished.

However, Table 4.4 also shows that the rearrest-risk model would have ranked the Drug Court defendants quite well on the basis of their differential probability of misconduct.

Table 4.4 Predictive Classification of 1990 Sample Defendants: Based on 1990 Model of Rearrest (IV)

Predictive Attribute	Weight	Points[a]
Recent prior arrests		
No	0	0
Yes	0.3632	2
Prior convictions		
No	0	0
Yes	0.4249	2
Age		
25 or under	0.3531	3
Else	0	0
Add points[b]	-0.2698	-2

Risk Group	Points	Number	Percent	*Rearrest*									
				Combined Sample		Sample I		Sample II		Sample III		Sample IV	
				N	%	N	%	N	%	N	%	N	%
Group 1 (lowest)	-2	1501	24.7	364	24.3	19	13.5	5	17.2	120	27.9	220	24.4
Group 2	0-1	1838	30.2	746	40.6	30	33.5	5	18.5	290	50.0	420	36.8
Group 3 (highest)	2-5	2738	45.1	1466	56.7	58	62.4	17	51.5	570	58.8	821	50.0

[a] The weights shown are the coefficients from the final logit defendants analysis of rearrest during the 18-month period for samples of 1990. Apoint scoring system was derived by dividing these weights by a constant (.15) and rounding.
[b] "Add points" is derived form the coefficient of the y-intercept, or constant, from the final logit model. In a risk instrument, it would represent the beginning score for all defendants

Table 4.5 Predictive Classification of Drug Court Defendants: Based on 1990 Model of Rearrest (IV), Selected Outcomes

Risk Group	Points	Number	Percent	Rearrest		Favorable outcomes		Time in program		FTA	
				N	%	N	%	N	%	N	%
Group 1 (lowest)	-2	138	43.4	19	13.5	78	56.5	131	349	58	42.0
Group 2	0-1	88	27.7	30	33.5	36	40.9	79	281	43	48.9
Group 3 (highest)	2-5	92	28.9	58	62.4	32	34.8	87	114	43	46.7

About 43 percent of Drug Court defendants would have been classified as lower-rearrest risk defendants: 14 percent of those actually were rearrested over the 18-month observation period. About 28 percent of Drug Court defendants would have been classified into the medium predicted rearrest grouping: 34 percent of those defendants later actually were rearrested. About 29 percent of Drug Court defendants would have been classified as the most likely to be rearrested; in fact, this higher-risk group generated the highest rearrest rate, with 62 percent being rearrested over the 18-month period. This model classified Sample III and IV defendants rather well when actual later rearrests are considered but differentiates relative rates of rearrest rather modestly among Sample II defendants.

It can be concluded that the rearrest model derived from the 1990 data may be employed to classify Drug Court defendants fairly well on the basis of their relative expected probabilities of rearrest. Table 4.5 shows that the general 1990 combined-sample rearrest model also reasonably predicts likely treatment program outcomes reasonably well. In fact, if Risk Group 1 now is interpreted as indicating lowest-risk Drug Court defendants or defendants most likely to achieve favorable outcomes, a majority of these, 57 percent, did receive favorable program outcomes. Defendants in Risk Group 2 would be expected to show a middle rate of favorable program outcomes; in fact, 41 percent did. Finally, of the remaining defendants who would have been classified as highest risk, only 35 percent received favorable program outcomes. In effect, program outcomes seem to be predicted nearly as well as public safety outcomes using this model. Even more interestingly, the same 1990 rearrest model predicted the relative length of program participation among Drug Court defendants fairly well. The median length of program participation for the lower risk group was 349 days, for the medium risk group was 281 days, and for the highest risk group was 114 days. The only outcome this model did not seem to predict well was Drug Court FTAs. This three-risk grouping was not statistically related to later failures-to-appear in Drug Court.

To further address the need to explain the high rate of failures-to-appear (FTAs) associated with the scheduling of Drug Court appearances, we attempted to develop a general model of FTA based on the all-sample 1990 data. Although a simple predictive classification based on likelihood of failure to appear was derived for all 1990 felony defendants, it did not help differentiate rates of FTA among Drug Court defendants well. Once again we are left with promising results in the area of predictive classification of Drug Court defendants based on rearrest and program outcomes, and poor results when it comes to identifying patterns associated with failures-to-appear in Drug Court.

CHAPTER FIVE:

IMPLICATIONS OF ASSESSMENT FINDINGS FOR THE TARGETING OF DRUG-INVOLVED DEFENDANTS

In shaping the Circuit Court Drug Court program, Dade County officials identified a specific defendant subgroup within the overall entering felony caseload to serve as the target group. A variety of concerns relating to both drug abuse treatment and criminal justice perspectives were taken into consideration in deciding that the Drug Court would, initially at least, target first-time third degree felony drug possession defendants with no prior records of convictions. This decision was made not because it was believed that this was the only group of felony defendants characterized by serious drug-involvement, but rather because, given concerns for public safety and limited program resources, it was a reasonable place to start.

The description of the Drug Court defendants provided in Chapter Two demonstrates, however, that by 1990, about one year after the program had begun, the eligibility criteria appeared to have broadened somewhat to include at least some defendants charged with second degree felony drug charges (usually involving purchase of drugs) and some defendants with prior records of convictions for various offenses, including some felonies. It is difficult to determine how this broadening of the eligibility criteria may have occurred. It could be, perhaps, that prior record information was not fully obtained until sometime after defendants began participation in the program. It could also be that defendants who started out in the criminal process charged with more serious offenses, later had charges reduced and then were transferred to the Drug Court--although the court computer would have shown their initial charges to be of the more serious variety. Another way that defendants with more serious drug charges and with prior records of convictions

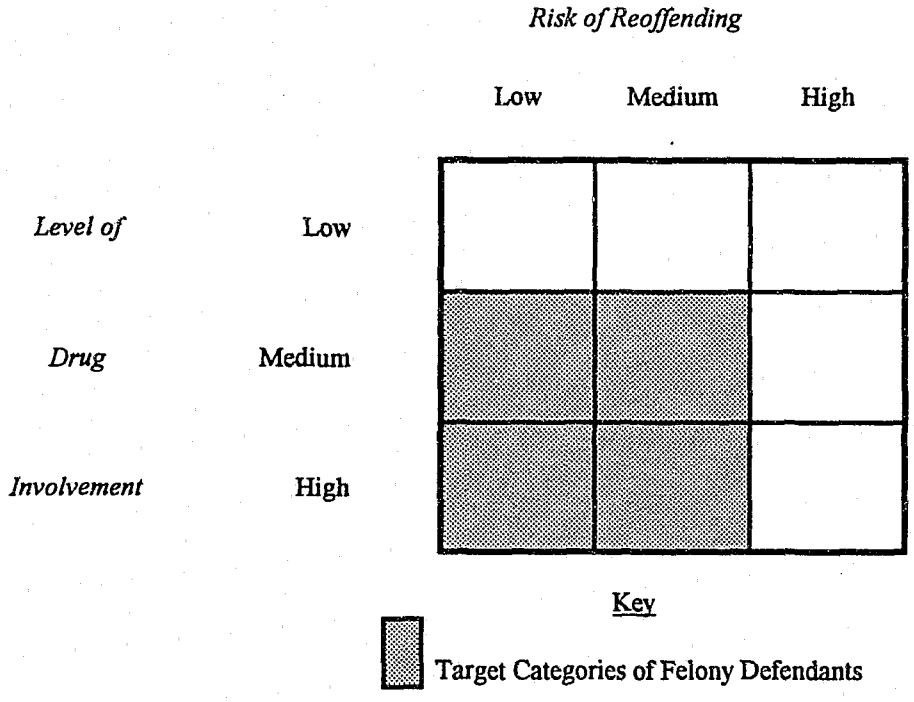
entered the program might have been because judges recognized a special need for drug treatment in the cases they were adjudicating and, as a result, sought to transfer cases to the Drug Court, even though the defendants being transferred may not have met the usual admission criteria.

The decisions made by officials about how to "target" the Drug Court program were critical because, by defining the target population, the nature and volume of the prospective caseload would be decided. The policy choices made by court officials were certainly a reasonable point of departure. The assessment findings provide an opportunity to review the implications of Drug Court's targeting approach and to consider what other categories of felony defendants, if any, could be safely and effectively targeted for the Drug Court approach. This chapter attempts to answer this question by focusing on the two guiding concerns that are at the core of targeting questions--public safety risk and drug abuse involvement--and to determine whether other defendant groups within the felony 3 or 2 caseload could also be identified as appropriate target populations.

Figure 5.1 illustrates a simple conceptual framework for discussion of approaches for targeting felony defendants for the Drug Court. The public safety/drug-involvement matrix presented in that figure suggests that the Drug Court would presumably target defendants who showed medium or high levels of drug involvement (as measured by frequency and type of abuse) and who posed lower or medium-level of risks to public safety (as measured by estimated probability of rearrest). The ideal targeting strategy might rule out dealing with any drug-involved offenders classified as posing higher risks to public safety as too risky for community-based drug treatment, at least as now conceived. Similarly, resource constraints might require that defendants with low levels of drug-involvement be dealt with through

other means, other forms of supervisory or diversionary options not involving intensive drug treatment services, or shorter routings through a Drug Court treatment approach.

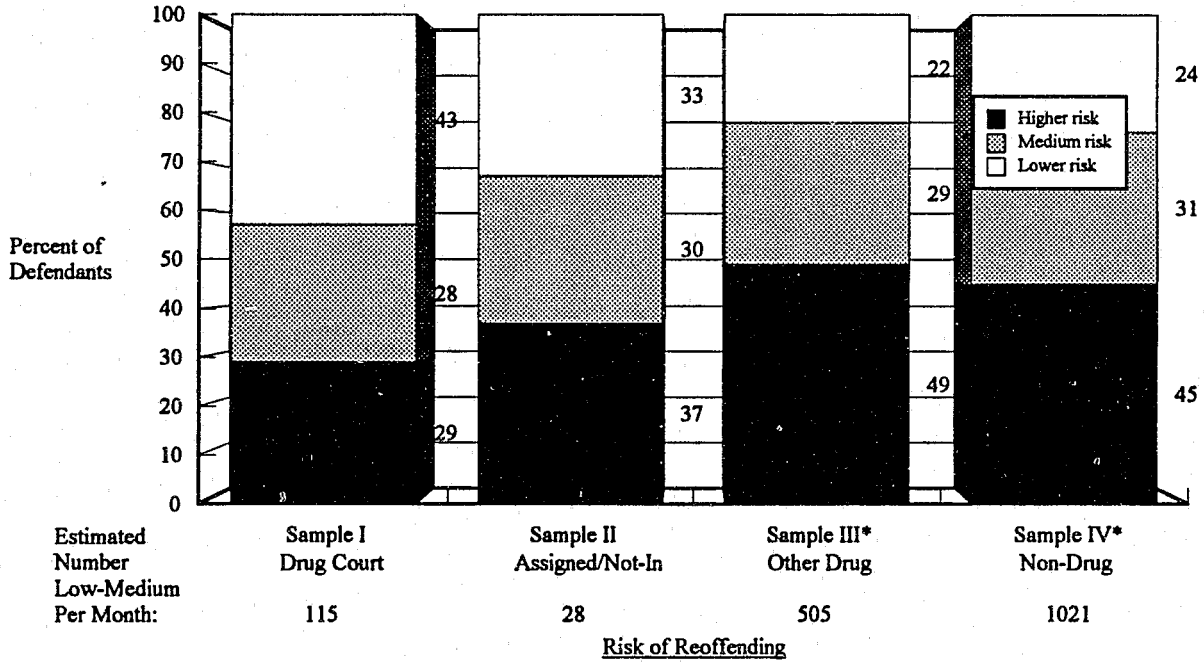
Figure 5.1 Conceptual Framework for Targeting Defendants for Drug Court



Given uniformly sound data describing the drug abuse histories of defendants and given their classification within one of the public safety risk models described above, it would be a fairly simple exercise to point to other groups of the 1990 felony defendants with medium to serious patterns of drug abuse and with low to moderate probabilities of reoffending. Of course, the first problem encountered in this process is the "givens": good self-reported information about defendants' drug abuse patterns is available only for the sample of defendants entering the Drug Court treatment program (from the intake interview), and even those data were not consistent. We are left with two approaches to estimating the

size of potential target populations of other defendants not identifiable on the basis of drug charges. The first is to target groups of defendants on the basis of one or more of the predictive classifications to identify low or medium risk defendants, absent knowledge of patterns of defendant drug abuse. The second is to draw analogies from the 1987 defendant data, which included drug testing information at the post-arrest stage, about the relationship of drug use and other descriptive information.

Figure 5.2 Targeting 1990 Felony Defendants for Drug Court Candidacy on the Basis of Risk of Reoffending



[Note: *weighted estimates]

Targeting for Drug Court Based on Estimates of Risk of Reoffending

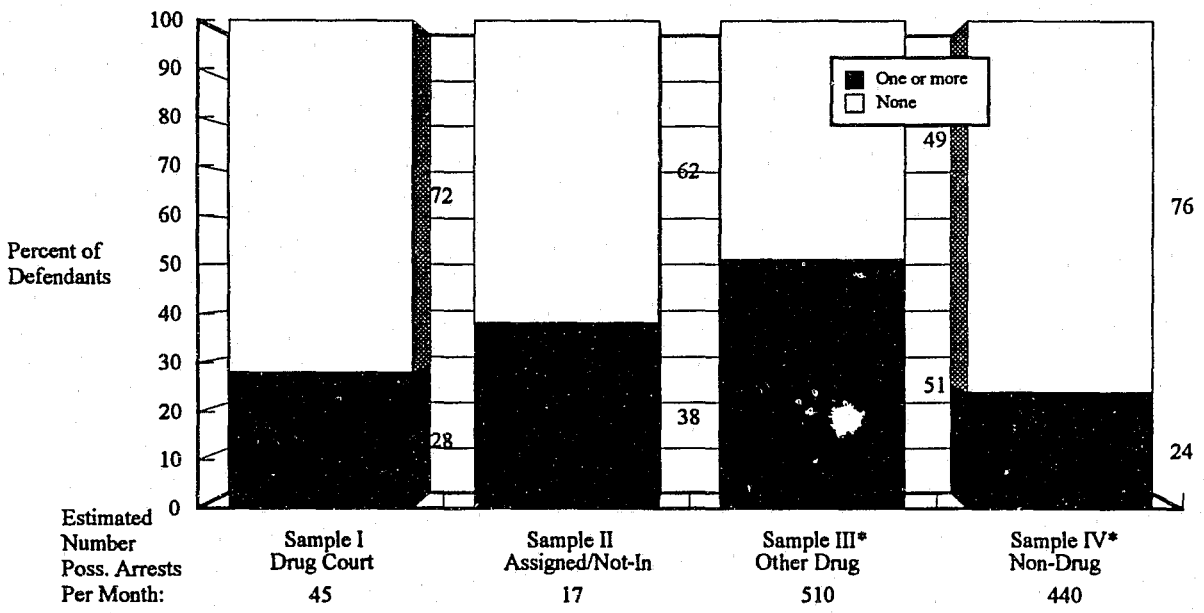
Figure 5.2 categorizes each of the four 1990 samples according to the general 1990 model predictive of rearrest. First, this figure shows that nearly three-quarters (71 percent) of Drug Court defendants were classified as lower or medium risk. About two-thirds (63 percent) of Sample II defendants (with eligible drug charges but not immediately admitted to

Drug Court), about half (51 percent) of Sample III defendants (other, non-eligible drug charges) and over half of Sample IV defendants (non-drug felony defendants) (55 percent) could be classified as medium- or lower-risk of rearrest (using estimates based on the 18-month period). Figure 5.2 shows that these proportions would have translated into an estimated 115 Drug Court defendants, 28 Sample II-type defendants, 505 other felony drug (Sample III) defendants, and 1021 non-drug felony (Sample IV) defendants per month falling into the lower or medium-risk categories.

Targeting for Drug Court Based on Estimated Risk of Drug Use

If self-reported drug abuse data were both systematically and reliably available, it would be a relatively simple matter to rank entering felony defendants on the basis of the nature of their drug-abuse involvement--as the conceptual framework depicted in Figure 5.1 would require. We can say fairly certainly that, at the time of the data collection for this assessment, such was not the case. (In Chapter Six, we argue, however, that the strengthening of self-reported information pertaining to defendant drug abuse, involving both Pretrial Services interviewers at the post-arrest stage and the DATP interviewers at intake, could prove of great value.) Thus, we are forced to devise estimates of defendants' drug abuse habits based on information that is, or could be, available at the very first processing stages. We illustrate two methods, one very simple and one fairly complex, that permit an estimate of the relative drug-involvement of defendants as they enter the system at the arrest stage.

Figure 5.3 Targeting of 1990 Felony Defendants for Drug Court Candidacy on the Basis of Prior Arrests for Drug Possession

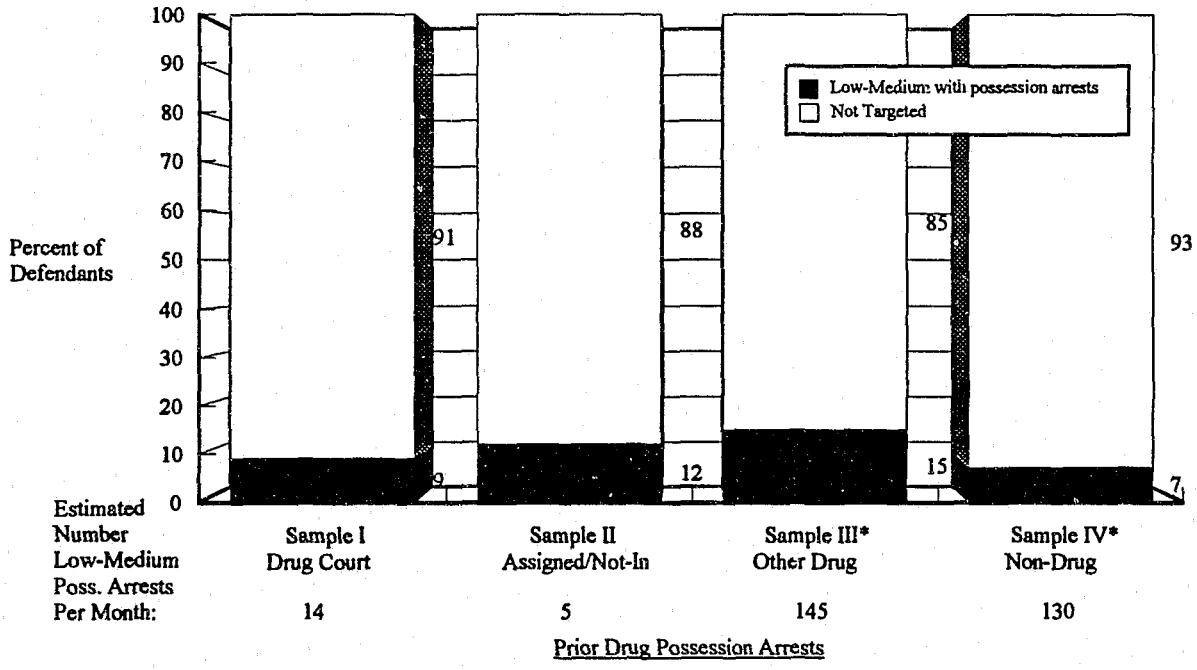


[Note: *weighted estimates.]

The very simple estimate, displayed in Figure 5.3, is derived from knowledge of defendants' prior records of arrests for drug possession offenses. There is some basis in empirical data and in logic for associating histories of arrests for drug possession offenses and actual drug abuse. (In fact, the reasoning is similar to the rationale that must have guided Dade County officials in selecting current drug possession arrests as the principal criterion for Drug Court eligibility.) If persons are arrested for possession offenses, then the chances are that the substances in their possession were for personal use. While all personal use is not indicative of serious drug abuse involvement, it may be a reasonable starting point for identifying potential drug-involved offenders who may be in need of treatment. Using this rough guide, only 28 percent of Drug Court defendants or an estimated 45 per month would have been identified (although, because many of them had current possession offenses, they would already have been eligible). More than one-third of Sample II defendants or about 17

per month would be considered potentially drug-involved; more than half of other felony drug defendants (Sample III) not now eligible for Drug Court--or about 510 per month--and about one-fourth of non-drug felony (Sample IV) defendants--or about 440 per month--would have been screened as potential Drug Court candidates because of presumed drug-involvement.

Figure 5.4 Targeting of 1990 Felony Defendants for Drug Court Candidacy:
Low-Medium Risk of Rearrest and Prior Possession Arrests



[Note: *weighted estimates.]

If this crude means of estimating the likely drug-involvement of a target population were to be combined with the classification of defendants based on risk of rearrest shown in Chapter Four (see Table 4.4, model IV), it would be possible to identify entering defendants who had prior arrests for possession offenses and who were classified as lower- or medium-risk of reoffending over an 18-month period. Figure 5.4 shows that nine percent of Drug Court defendants (an estimated 14 per month) would have been identified in this fashion.

Twelve percent of Sample II defendants (five per month), 15 percent of Sample III drug defendants (145 per month), and seven percent of Sample IV non-drug defendants (130 per month) would have been identified as Drug Court candidates using this approach.

A more complicated approach to estimating the number of other types of felony defendants that could be eligible for a Drug Court approach can be illustrated using the more extensive 1987 felony data from Circuit Court. Those data were unique in a couple of ways. They included drug test results for a large sample of all felony defendants entering the criminal process at the post-arrest stage as well as a variety of risk-related descriptive data drawn from the Pretrial Services interviews prior to bond hearing. Table 5.1 is drawn from earlier research in which the goal was to predict the prevalence of active drug abuse among incoming defendants. In this table, based on knowledge of a large variety of defendant attributes, a model predicting whether defendants tested positively for cocaine or marijuana was developed. When converted into a scoring system and applied to just felony 3 and felony 2 defendants in 1987, three groups of defendants were identified with probabilities of presumptive active drug use ranging from moderately low to very high. More than 200 felony 3 or 2 level defendants per month in 1987 would have been identified as having moderate to very high probabilities of testing positively for cocaine use at the time of arrest. Although certain items of information included in this model derived from 1987 data were not available in the 1990 data, the point is that such a predictive model could be developed and applied using improved 1990 or more recent data. Such a classification could be used to serve as the drug abuse dimension of the framework designed to target felony defendants. Thus, defendants with presumptively high predicted probabilities of active drug abuse could form part of the potential expanded pool of Drug Court candidates. In conjunction with the other guiding dimension, public safety concerns (the risk of reoffending), low to medium risk defendants with moderate or higher probabilities of current drug use could be identified.

Table 5.1 Prediction Classification of Positive Cocaine Tests Among 1987 Felony Defendants

Predictive Attribute	Weight[a]
Index charges	
No	0
Yes	-0.200
Burglary charges	
No	0
Yes	0.400
Weapons charges	
No	0
Yes	-0.236
Drug charges	
No	0
Yes	0.478
Race/ethnicity	
Non-white	0
White	-0.210
Age	
Other	0
21-41	0.234
Employed	
No	0
Yes	-0.145
Self-reported marijuana use in past year	
No	0
Yes	0.357
Self-reported cocaine use in past year	
No	0
Yes	0.743
Any prior arrests	
No	0
Yes	0.305
Any prior arrests for drug possession	
No	0
Yes	0.274
Any prior arrests for drug purchase/sale	
No	0
Yes	0.405
Any prior property convictions	
No	0
Yes	0.332
Outstanding warrants	
No	0
Yes	0.309
Add points[b]	2.741

Relative risk of positive test	Number of defendants	Observed percentages with positive results	Number per month with positive results
Total	593	74.5	288
Group 1 (lowest)	163	47.9	51
Group 2	144	75.7	71
Group 3 (highest)	286	89.2	166

[a] The weights shown are the coefficients from the final logit analysis predicting the probability of testing positive for cocaine for the sample of 1987 felony defendants.

[b] "Add points" is derived form the coefficient of the y-intercept, or constant, from the final logit model.

Adapted from: Goldkamp, Gottfredson and Weiland, 1990: pp. 651-652.

Figure 5.5 suggests that nearly all of the 1987 felony 3 and 2 drug defendants would have been ranked in the two highest probability drug user categories (combined for an estimated 180 defendants per month); two-thirds of defendants facing felony 3 non-drug charges and over half of defendants facing felony 2 non-drug offenses (combined for an estimated 214 defendants per month) could have been predicted to be active cocaine users.

Figure 5.5 "Targeting" 1987 Felony Defendants on the Basis of Predicted Positive Cocaine Tests at Arrest Stage

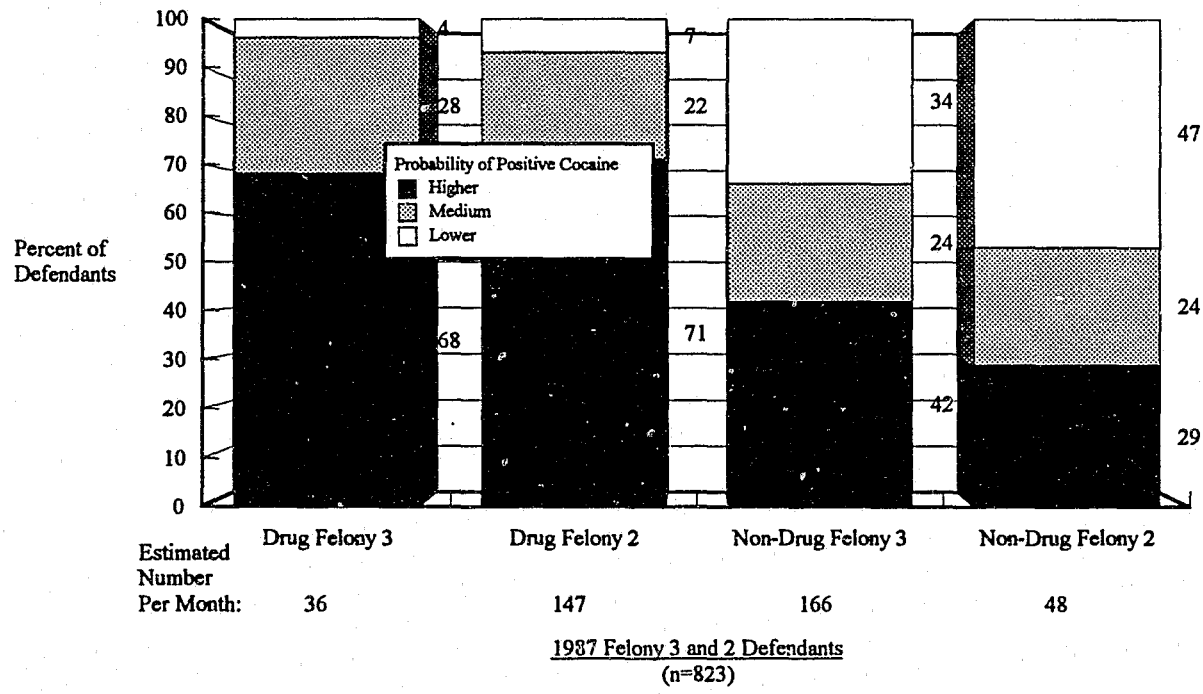
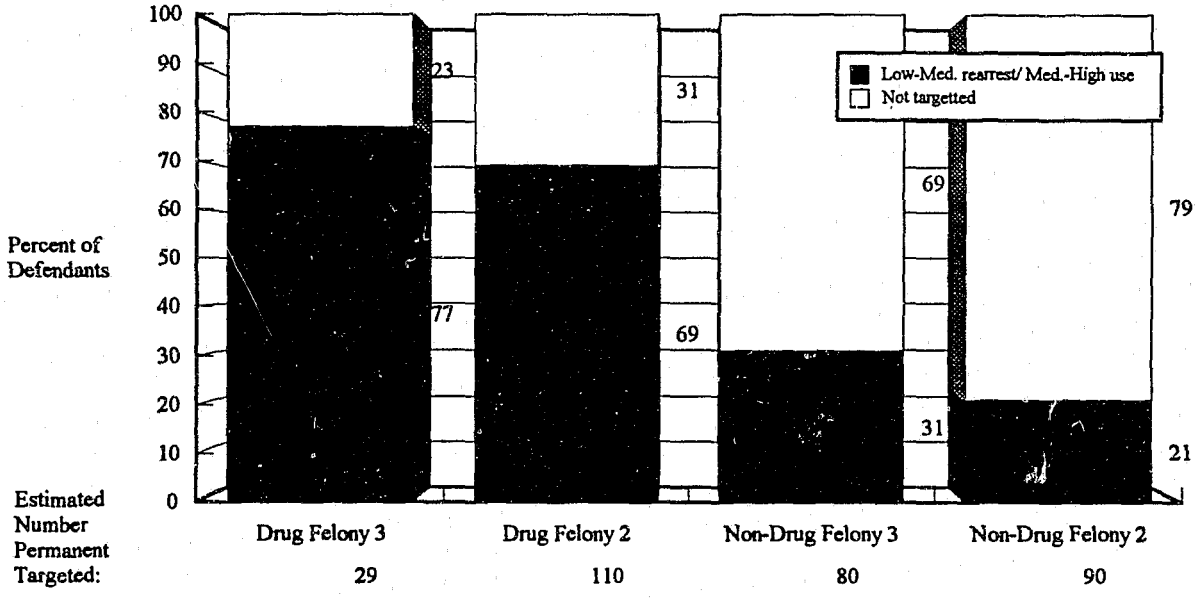


Figure 5.6 illustrates again how the 1987 predictive model of positive cocaine drug tests could have been combined--as per the framework shown in Figure 5.1--with a classification based on public safety risk to identify target populations of entering felony defendants that, theoretically, would have been reasonable Drug Court candidates in 1987. Roughly 77 percent of felony 3 drug defendants, 69 percent of felony 2 drug defendants, 31 percent of felony 3 non-drug defendants and 21 percent of felony 2 non-drug defendants

would have been classified as medium-to-high probability active cocaine abusers and low-to-medium probability reoffenders, totaling an estimated 240 defendants per month.

Figure 5.6 "Targeting" 1987 Felony Defendants as the Basis of Low-Medium Risk of Rearrest and Medium-High Risk of Positive Cocaine Tests



1987 Felony 3 and 2 Defendants
(n=644)

Assuming one had the information needed in accessible and reliable form--as we did in the 1987 data--it is fair to say that notable numbers per month of felony defendants facing criminal charges of seriousness similar to Drug Court defendants are likely to be as drug-involved and to pose no greater a risk to public safety than is now the case with the kinds of defendants entering the Drug Court program. Even if one assumes that the overall level of active use of cocaine and/or other controlled substances has declined somewhat over the last several years among the Dade County population of defendants, it would be illogical to suppose that the basic finding from these 1987 data--that the majority of all felony defendants regardless of offense category are actively using controlled substances to some extent--would have changed substantially by the time of the 1990 samples. These findings alone argue that,

even if defendants with charges involving serious crimes against the person and/or prior histories of such crimes were to be summarily excluded from candidacy for Drug Court, large categories of other types of felony defendants would appear to be just as drug-involved as those that were actually targeted and entering Drug Court during the period studied.

CHAPTER SIX:

CONCLUSION: THE IMPLICATIONS OF THE RESEARCH FINDINGS

Introduction

Through a cooperative effort on the part of the leadership of the Eleventh Judicial Circuit and the then-State Attorney, the Dade County ["Miami"] Drug Court was established in mid-1989 to provide a judicially-managed program of drug treatment to drug-involved defendants. The Dade County Drug Court approach stood out sharply at that time, both from the prevailing law enforcement- and punishment-oriented perspectives and from the approaches taken by other courts responding to the dramatic growth in the drug-related caseload at that time. Dade County's Drug Court approach did not seek, for example, to develop a specialized drug court equipped to move drug cases more expeditiously to their conclusions, but rather chose to target felony defendants for a program of drug treatment to serve as an alternative to normal criminal adjudication.

Since the establishment of the Drug Court in Circuit Court, a growing number of courts in other jurisdictions across the United States have adopted similar treatment-oriented court-based strategies. As this research project reaches its conclusion in the spring of 1993, a Florida law has gone into effect mandating a court-based diversion approach in all Florida circuits that is based closely on the Dade County experience. It is fair to say that, currently, the task of assessing the impact of the Dade County Drug Court involves taking stock of its role in generating a mini-movement in American courts.

The Dade County Drug Court selected a target group, felony 3 drug possession defendants with no prior convictions, and established a three-phase diversion and treatment

program (DATP) to treat defendants on an outpatient basis. As the approach has evolved, other kinds of defendants have been admitted to Drug Court and treatment practices have been revised and expanded from one initial outpatient clinic to a total of four program locations operating in different geographic areas of Dade County. In addition, provision has been made for residential treatment placements in selected cases involving defendants not able to attend treatment on an outpatient basis. Since accepting its first felony defendants in 1989, more than 3,000 defendants have entered the Drug Court program.

The Drug Court is distinct from other kinds of court approaches traditionally found in the United States in two principal ways: a) it attempts to meld competing criminal justice and drug treatment perspectives and goals into one functioning program, and b) it places the judge at the center of a hybrid criminal justice/drug treatment process that is team-oriented and responsive to both kinds of concerns. Like court systems elsewhere, Dade County criminal justice agencies and drug treatment providers have naturally differed on a wide variety of issues, including who should be included in such a treatment program, how the treatment experience should be structured and enforced, and how and under what conditions defendant/clients can or should be terminated from treatment. Yet, the judicial role in the Dade County Drug Court seeks to pull the process together to find a common ground between the treatment and the criminal justice perspectives. Observation of the court in action quickly reveals the active and central role of the judge in supervising and reviewing the progress of defendants as they attempt to proceed through the drug treatment program to "graduation" or are transferred to other courts for normal processing, having failed to observe the basic rules of Drug Court participation. This unusual judicial approach operates because it is strongly supported by equally unusual roles for the Public Defender and the State Attorney.

Given the unusual and ambitious agenda set by the Dade County Drug Court, the current assessment was designed to examine questions about its impact on defendants and on the criminal caseload. Basically, this was done empirically by studying the participation of Drug Court defendants in the treatment process and by comparing their case outcomes and criminal reinvolvement over an 18-month observation period with the outcomes associated with contemporaneous samples of felony defendants and samples of felony defendants entering Circuit Court during a period prior to the establishment of Drug Court. The purpose of this multi-sample study of the Dade County Drug Court has been to identify strengths and weaknesses of the approach, to provide feedback to Circuit Court and local officials to consider in further refinement of the program, and to share findings about its impact with other interested American jurisdictions.

The empirical assessment of the impact of the Dade County Drug Court had several principal foci, including the following:

- to describe the performance of defendants in the treatment program, their treatment and criminal justice outcomes;
- to compare the outcomes of Drug Court defendants with available comparison groups;
- to describe the impact of the program on the criminal caseload;
- to describe the characteristics of defendants most related to program success and public safety outcomes;
- to examine the targeting of defendants (their eligibility criteria) in light of empirical findings; and
- to discuss the implications of findings for program improvement efforts.

It is important to stress again that this assessment differs from an experimental approach to evaluating the Drug Court program. The sampling approach has limitations that

mean inferences about the program should be drawn with great caution. The findings have surfaced important themes and directions which should be addressed in subsequent experiments. Nevertheless, the assessment has provided the first general feedback of how the "Miami Drug Court Model" has attempted to achieve the goals set forth by court system officials. In short, we do not pretend to offer "proof beyond a reasonable doubt" regarding the impact of Drug Court, but present strong indications of the impact of an innovative approach and the progress that has been made toward its goals.

The Scope of the Drug Court Program

From the findings so far, it is clear that Drug Court has handled a large volume of cases of felony drug defendants. Indeed, it has expanded its eligibility criteria somewhat over time and made other program improvements (such as adding the ability to refer a limited number of Drug Court defendants to residential placements as well as a short-term jail detoxification capacity). Second as well as third degree felony drug defendants have been admitted to the program, some directly at the initial stage of processing, some after being transferred from other courts. A minority of Drug Court defendants had prior arrests or convictions. Given the voluntary thrust, we estimated that roughly 83 percent of defendants identified as eligible and assigned to Drug Court actually entered treatment during the study period. This shows a reasonably effective "enrollment" mechanism that identifies program candidates at the earliest stages of processing. (In fact, the "enrollment" mechanism was so effective that we discovered many of the defendants in the planned "natural" comparison group, of defendants ostensibly assigned to Drug Court but not entering treatment, actually did enter Drug Court at some point after the sampling period. Thus, while for the purposes of defining the August-September sample cohort they were "non-Drug Court," in fact they later became "Drug Court" defendants.

Treatment Program Performance

We prefaced discussion of assessing the relative "success" rates of Drug Court defendants (of favorable and unfavorable outcomes) in the treatment program by explaining that what is unique about the Drug Court is the commingling of competing criminal justice and drug treatment goals in a single court-based program. This attempt at marrying criminal justice and treatment goals in the Drug Court setting is relevant to issues being played out in many American criminal court jurisdictions currently puzzling over ways to link up with treatment provider resources in efficient and effective ways. We have argued that an appreciation of the partly conflicting aims of criminal processing and of drug treatment goals is necessary to set the stage for evaluating the performance of defendants in the program. For example, drug abuse treatment providers would expect difficult experiences with drug-involved offenders and would be prepared to be flexible in responding to the missteps of their clients in outpatient treatment. Moreover, drug treatment providers would normally also want to exclude some of the criminal justice-involved drug abusers sent by the Drug Court. Courts, on the other hand, would normally be inclined to sanction misbehavior among defendants in release programs strictly, by increasing the restrictiveness of release or by revoking release altogether.

Given this background, the early program outcomes shown in this research are promising, particularly when compared to other results from other treatment programs. (See Gerstein and Harwood, eds., 1990: 11-19, 132-194. We should candidly note that one problem this assessment faces is that there is no obvious or suitable comparison with another comparable program readily available. This problem should be rectified as more jurisdictions implement treatment-oriented drug courts and baseline data are accumulated.) Including all defendants (those with favorable and unfavorable outcomes) entering Drug Court during the sample period, the average (median) length of stay in the one year program was about nine

months. About one-third of Drug Court defendants were continuing in the program after a one year period. While some defendants moved forward through the successive program phases smoothly, nearly one-third "started over" in Phase I at least once. In fact, about seven percent of the admissions cohort were re-admissions, or people who had been in the program previously. According to one version of measuring program success, excluding defendants whose criminal cases were dropped within the first month, of those who were not in the program for a sufficient start-up period (21 days), or defendants who were transferred to other jurisdictions, 60 percent of defendants could be classified as having "favorable" program outcomes.

Impact on the Criminal Caseload: Size of the Target Population

The Drug Court program initially targeted third degree felony drug possession cases with no prior convictions. By the time of the 1990 sample employed in this study, persons with initial charges involving selected second degree drug felonies (purchase of drugs) were considered for the program as well as some defendants with prior convictions. One way of estimating the impact of the program on the felony caseload, therefore, is to determine the proportion of relevant felony cases that would have been eligible for the program and the proportion actually entering the program. We began by estimating that about 39 percent of all entering third and second degree felony cases were cases involving drug offenses during the study period. About 13 percent of those cases were identified as eligible and scheduled for Drug Court. This amounted to about five percent of all entering third and second degree felony cases that actually entered Drug Court. Given that monthly admissions include some cases filed during previous months, monthly admissions to treatment through Drug Court were equivalent to about seven percent of third and second degree felony filings during the months studied.

Impact on the Criminal Processing: Comparative Case Outcomes

We also tried to obtain an estimate of the impact of the Drug Court on the caseload by contrasting the outcomes of Drug Court defendants with the outcomes recorded by other types of felony defendants, as reflected by the comparison samples from 1990 and 1987. Drug Court was planned on the assumption that defendants would at a minimum require about one year to complete the program successfully. Thus we might project that these cases would be less quickly "completed" (adjudicated) than typical felony cases, and that when completed they would more often show "nolle prosequi" or "case sealed" outcomes.

Case outcomes of Drug Court defendants indeed differed sharply from those of the other felony defendants. As expected, "diversion" types of outcomes (diverted, nolle prossed, case sealed) were much more frequently recorded for Drug Court defendants during the 18-month observation period. Another largely expected difference was that Drug Court cases took longer to complete; nearly one-third of Drug Court cases were still open (unadjudicated) by the end of an 18-month observation period. In contrast, almost all other felony defendants had cases completed within that period of time. This finding, that the Drug Court "caseload" is not disposed as promptly as other criminal cases of comparable seriousness, is, in a sense, expected and mostly explained by two phenomena, defendants who stay (are allowed to stay) in the treatment program for much longer than originally anticipated, and defendants who abscond from the program, leaving their cases in indefinite active status. It is difficult to determine with certainty whether the longer completion time contributes to greater use of court resources than normal criminal processing does. However, an important question is whether the "processing" of Drug Court cases requires fewer or greater court resources than normal criminal adjudication, even though normal adjudication may occur more promptly.

Another apparent difference in the processing of Drug Court defendants is that slightly or dramatically greater proportions of the cases of the other felony defendants in 1990 and 1987 were dropped or dismissed (including "no action"). This raises the question of whether Drug Court processes some cases that, if processed through normal adjudicatory channels, might have been dropped from the system. From a treatment perspective, this may not be an important distinction. However, from a criminal justice perspective, this question takes on importance in several ways. First, from a "net-widening" perspective, Drug Court would be more efficient if it were to focus on cases most likely to be processed farther into the system. Thus, in addition to addressing the drug abuse treatment needs of the defendants, cases are diverted from criminal court processing and, in many cases, from correctional institutions--even if only temporarily.

Finally, compared to other felony drug and non-drug defendants being processed contemporaneously, far fewer Drug Court defendants ended up with sentences to incarceration for terms of more than one year. In the 1987 samples, defendants had cases dropped considerably more often than in the 1990 samples overall. In addition, they were given sentences to incarceration more comparable to those received by the 1990 Drug Court defendants overall.

Comparative Criminal Justice Outcomes: Rearrest and Failure to Attend Court

The criminal justice and public safety outcomes must be considered promising, at least in a comparative sense. Drug Court defendants generated somewhat lower rates of reoffending (as indicated by rearrests) than 1990 non-drug felony defendants and notably lower rates of reoffending than 1990 other (non-Drug Court) felony 2 and 3 drug defendants. At the same time, when compared to felony drug defendants processed into Circuit Court in

1987, two years prior to implementation of the Drug Court, Drug Court defendants showed much lower rates of rearrest, even when controls were exercised for possible differences in sample composition. Perhaps the most striking finding is that when Drug Court defendants were rearrested, they averaged two to three times longer to first rearrest than all comparison group defendants. If generalizable to all Drug Court defendants since the time of this study--and there have been more than 3,000 admitted since the program began--these findings have important implications for the criminal caseload of Circuit Court. Not only did Drug Court defendants appear to reoffend less often, those who did reoffend delayed reoffending for considerable periods.

Perhaps the most troublesome finding, however, is one that could have been predicted: as Drug Court defendants were required to appear in court periodically throughout their participation in treatment, the opportunity was provided to record failures-to-appear (FTAs) in court at a rate above that normally shown by Dade County felony defendants. (More than half of Drug Court defendants recorded failures-to-appear in Drug Court at least once, compared to from two to 11 percent of other felony defendants.) These high rates of missed court hearings, however, are clearly an artifact of requiring so many more court hearings than would normally be the case in processing criminal charges. This phenomenon is similar to that experienced by many programs granting provisional liberty to defendants and offenders and suggests that approaches should be devised to monitor appearance more closely and to prevent such levels of defendant failure-to-appear.

Themes Emerging from the Empirical Study of Drug Court

On the broader level, the empirical assessment of Dade County's Drug Court surfaced a number of key themes and issues that may be of interest not only to the jurisdiction itself, as it plans further efforts to address the challenge posed by its drug-involved caseload (e.g.,

regarding incarcerated sentenced offenders and domestic violence defendants), but also to other jurisdictions undertaking or considering similar Drug Court initiatives. The following list briefly highlights 18 key themes or issues associated with implementation of the Miami Drug Court Model that should be reviewed by other jurisdictions weighing a similar approach.

- *Strong System Support:* A key to the functioning of the Drug Court in Dade County is the strong, joint support shown for the program by the judiciary, the prosecutor and the defender. Drug Court depends on this strong support to transact its business in a "team" fashion.
- *Active Judicial Role:* Teamwork notwithstanding, the hands-on, leadership role of an actively-involved judge who is familiar with drug-involved behaviors is an essential element in the Court's capacity to function as well as it does.
- *Designing Treatment Resources to Fit the Special Needs of Drug Court:* One of the critical elements of the Drug Court approach in Dade County was the development of a custom-designed substance abuse treatment program that would respond to the programmatic needs of the Drug Court specifically. The approach focused notably on "outpatient," community-based treatment, while making provision for residential placements for a very limited number of individuals. There was not (and in other jurisdictions often may not be) a pre-existing treatment program just waiting to serve the Drug Court. Instead, the treatment program serving the Drug Court was tailor-made to address the target population identified by court officials. In so doing, just as the criminal court adapted to the treatment goals of the Drug Court program, the treatment program had to modify practices to respond to the procedures of the Drug Court, particularly in the areas of program eligibility and termination criteria.

- *Insuring Program Compliance and "Tolerance" for Addicted Behaviors:* Planning for the Drug Court sought to recognize realistically the sorts of behavior likely to be associated with drug-involved individuals. Within clearly defined public safety boundaries (defendants would be transferred out of the program if they were arrested for new offenses more serious than specified by the eligibility criteria), the Drug Court has implemented a flexible or partly "tolerant" approach to problem behaviors within treatment. This approach contrasts clearly to other, deterrence-oriented approaches that would specify punishments for program missteps (such as the days-in-jail ordered for positive drug test results proposed in the District of Columbia's new program).
- *Information Needs:* The Drug Court concept and the uneasy "marriage" of drug treatment and criminal justice goals relies heavily on the need for up-to-date, accurate and immediately accessible data about defendants, their treatment progress, and their criminal justice-related problems and developments. In Dade County, this capacity at first developed at a slower rate than the program's ability to handle cases; it clearly represents one of the major operational challenges of the Miami Model. Other jurisdictions should plan carefully to anticipate the data needs implicit in such an undertaking.
- *Information Linkage Between Criminal Justice and Treatment Agencies:* Criminal justice and drug treatment systems need a much better ability to communicate information back and forth. Because these two systems are not accustomed to such a close, interactive working relationship as is essential in the Drug Court, linkages need to be developed and treatment agency information needs to be maintained at a level equaling available criminal justice data. Finally, the information flow must be able to go in both directions with equal timeliness and ease.
- *Identifying and Expanding the Target Population:* A major policy step in developing and implementing the Drug Court program was defining the initial target population. Careful targeting can insure that the treatment resources will be deployed effectively to

process a sufficiently challenging group of defendants. By setting sights too low (to deal with very minor offenders, for example), program resources can easily be overwhelmed by a large volume of cases, thus preventing benefit from accruing to efforts to address the criminal caseload processing and/or problems associated with jail capacity. Given what appears to be a comparatively low rate of reoffending among Drug Court defendants (much involving new drug offenses only)--at least compared to other felony drug and non-drug defendants--some of the program findings suggest that the criteria for eligibility might be broadened to include other types of drug-involved felony defendants who may not be charged with drug offenses.

- *Targeting to Avoid Net Widening:* Certain assessment findings raise the issue of net-widening as a result of targeting strategies. For example, some Drug Court defendants self-reported that they engaged in no or very minor levels of drug abuse, while some others tested negatively for drugs upon entering the treatment program. Setting aside the questions about the reliability of such data, the possibility that some defendants enrolled in the treatment program did not appear to have "serious" drug abuse problems raises important questions about targeting and screening procedures. The findings that Drug Court defendants had their criminal charges dropped or dismissed much less frequently as a group than other types of felony defendants raises the possibility that some would not have ventured very far into criminal processing, had they been processed in other criminal courts or during an earlier period. Although we did not find evidence that the Miami Drug Court noticeably "widened the net"--particularly given its selective felony-level focus--the possibility that net-widening can occur as an inadvertent "side-effect" of defining the target population should be kept in mind by the Dade County program itself and by other jurisdictions considering similar efforts. By setting sights too low, the system may be "sweeping" into its "net" persons who ordinarily would not require many or any of its scarce resources during the adjudicatory process. By targeting categories

not usually fully processed by the criminal courts, such a program might unwittingly add to the court workload and the population of the jail facilities, as well as intervene when intervention is not necessary.

- *The Role of Screening for Eligible Candidates and "Hitting" the Target Population:* Assuming that a suitable policy defining the target population has been formulated, a separate element critical to effective implementation of a Drug Court is establishment of a rigorous screening mechanism that identifies persons eligible for the program at the earliest stages of processing. Mechanisms that "miss" large portions of the target population or that carelessly include individuals not meeting the eligibility criteria can adversely affect the Drug Court's ability to meet its objectives.
- *Defining "Success" in Program Outcomes as a Matter of Policy:* The analysis of program outcomes in the full report is intended to illustrate some of the implications of adopting different definitions of "success," or what we have termed "favorable outcomes." An important finding of this assessment is that this is an important policy matter to be resolved by debate and consensus among key officials, and that this policy debate is best carried out in advance of implementation and evaluation. Such a policy should clearly detail the behaviors of participants that are acceptable, that are tolerated but sanctioned in some specified fashion, or that somehow cross the boundary into unacceptable, program-terminating actions. The implications of enforcement of such a policy approach would most helpfully be analyzed in advance of implementation and modifications may be necessary periodically and be made on the basis of program experience.
- *Strengthening Reliability of Information Relating to Defendant Drug Abuse:* A key to effective early classification and efficient subsequent treatment may be closer coordination and computer information exchange between Pretrial Services at the post-arrest interview stage and treatment intake staff. A combination of carefully structured self-report

questions about drug use at the Pretrial Services and treatment intake stages and selective initial drug testing may contribute to improved targeting and programming of Drug Court candidates.

- *Development of Defendant Classifications for Risk and Treatment Planning:* Classification of defendants at the earliest stages based on estimated drug-involvement and risk to public safety may be developed to assist in the targeting of appropriate candidates for Drug Court and in planning for treatment and supervision during Drug Court involvement.
- *The Need for Differential Programming:* In differentiating entering defendants according to estimated drug-involvement and public safety risk, an improved initial stage classification approach can help target Drug Court defendants efficiently to treatment regimens of possibly different substance and length. Such a classification could maximize efficient use of resources by assigning lower risk and less drug-involved defendants to somewhat shorter programs of treatment and medium risk and more drug-involved defendants to longer and more intensive programs.
- *The Role of Drug Testing:* The uneven use and sometimes contradictory results obtained through drug testing suggest that the use of this expensive technology be carefully reexamined as a matter of policy--either to be deployed more effectively and selectively, to be limited to initial tests, to be used more systematically with self-reported drug use information, or, even, to be eliminated to save costs.
- *The Role of Acupuncture:* Questions are often asked about the role played by the availability of acupuncture in the treatment regime provided by the Dade County Drug Court. Acupuncture is employed in the Drug Court's treatment program on a voluntary basis as a treatment tool for defendants attending the outpatient treatment program. As such, acupuncture has not been viewed by the program as a specific treatment modality. Instead it is employed as a resource for stabilizing defendants, particularly during the

early phases of treatment, and for increasing amenability for treatment. Although acupuncture was reported to be popular among treatment program participants, it was not an aim of this research to evaluate its effectiveness. The data collected relating to the use of acupuncture do not permit inferences to be drawn concerning its possible impact. Indeed, without a carefully tailored experimental approach, it would have been difficult to disentangle the effect of acupuncture treatment from the overall package of treatment tools.

- *Addressing the Failure-to-Appear Problem:* A clear implication of the court-based, judge-supervised model of Drug Court is that the much more frequent scheduling of defendants before the judge ultimately translates into many more failed appearances (alias capiases issued) when Drug Court defendants are compared to "normal" defendants. (This may be true even though the ratio of absence-per-scheduled-hearing may not have changed.) Thus, provision to address this phenomenon should be made at early stages of the planning for effective Drug Court efforts.
- *The Resource Implications of the Drug Court Program:* Court systems have a practical interest in learning about the "cost-effectiveness" of the Drug Court approach. Because this assessment was not designed as a cost-effectiveness study, clear conclusions about the resource implications of this approach are not offered. In fact, such an analysis is complicated, the outcomes of which depend heavily on the assumptions made about costs and savings in a variety of areas. The costs of the Drug Court program are most simply divided into the costs associated with a) operating one courtroom five days per week strictly dedicated to Drug Court transactions and b) the costs of treatment.

  One could argue that the Drug Court courtroom--and the supporting cast of characters staffing the courtroom--does not really add to the use of courtroom resources but rather substitutes the equivalent of at least one operating courtroom when the drug cases are removed from other locations and assembled for processing in one specialized

drug courtroom. In fact, it is arguable whether the Drug Court courtroom costs add to, replace or subtract from the existing resource expenditures of the criminal division. Certainly defendants make many more appearances in court than they would have in normal criminal courtrooms, thus requiring more hours of courtroom operation and staffing per case. Moreover, one could also argue that because of the extended periods defendants stay in treatment--for periods far longer than those normally required to fully adjudicate criminal cases--Drug Court cases take much longer to reach disposition than do other criminal cases.

However, specialization, consolidation of cases, reduced recourse to incarceration resources, and reduced rate of return to the criminal caseload in the future also argue for long term savings. In fact, proponents of Drug Court would argue that length of time to disposition of the charges in Drug Court should not be evaluated in the same way case disposition times are examined for normal criminal cases. In addition to the argument that outpatient treatment costs a fraction of the costs associated with the incarceration (per day), it is the longer term benefits that proponents would argue make expenditure of resources by the Drug Court cost effective. (It is argued by proponents that the cost of "doing nothing" is far greater than the costs necessary to operate the Drug Court program.) In fact, issues of cost effectiveness are complex and not easily resolved; however, they weigh as important concerns to jurisdictions considering establishment of such programs.

- *The Need for Routine Experimental Evaluation:* This assessment has surfaced but not resolved a number of themes and issues relating to the use of the Dade County Drug Court. As other jurisdictions proceed with their plans to implement Drug Courts or continue with efforts already underway, serious consideration should be given to simultaneous implementation of more rigorous, experimental evaluations. Fuller evaluation can point to the strengths and weakness of the Miami Drug Court Model, and

the advantages and disadvantages of the variety of initiatives now underway in other court systems.

These themes and issues are important for two reasons. First, they are among the concerns that the Dade County Drug Court may wish to address as the first-of-its-kind program is strengthened and evolves to meet its next challenges. But, for other jurisdictions considering or already implementing programs based on the Miami Model, these issues, having been "flushed out" in the implementation process by Circuit Court in Dade County, represent concerns that should be taken into consideration in planning and implementing local adaptations. In that spirit, then, this assessment offers to a more general audience the "lessons" of the Miami Model that can be addressed and improved upon in a variety of other court initiatives.

Recommendations

This research has focused on the innovative efforts of one jurisdiction, the Eleventh Judicial Circuit in Dade County, as it shifted the prevailing paradigm guiding the response of the criminal courts to the drug-related caseload from expedited case processing and increasingly punitive approaches to a court-based treatment approach for felony drug defendants. Throughout this research, and particularly as this report was reaching completion, word of interest in, and efforts to develop, Miami-type drug courts in many other criminal court systems in the United States grew increasingly frequent. Anecdotal reports of initiatives in other sites pointed to the possibility that a variety of interesting and potentially effective variations on the Miami Model may be underway in locations across the nation. Other reports have described program efforts that raise serious questions about the goals and likely impact of fledgling programs.

Our principal recommendation is that a serious national-level effort should be undertaken to bring together officials from selected jurisdictions where such efforts are underway for a "working conference." The purpose of the conference would be to share knowledge about the strengths and weaknesses of the Miami Model, to discuss key implementation issues such as those just outlined, and to examine the problems, accomplishments and new strategies that may be associated with other, second-generation efforts to implement treatment-oriented drug courts. Such a working conference should be supplemented by selective technical assistance and evaluation efforts so that new efforts build on the lessons of what is known about the Miami Model and on what has been learned in other locations. Above all, a goal of such a working conference would be to make certain that current efforts avoid "reinventing the wheel" and wasting scarce system resources.

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APPENDIX A

Supplemental Tables

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990

	Dade County Circuit Court	
Defendant Attributes	Number	Percent
Demographic attributes		
Age		
Total	319	100.0
20 and under	33	10.3
21 to 25	60	18.8
26 to 30	74	23.2
31 to 35	68	21.3
36 to 40	45	14.1
Over 40	39	12.3
Median	30.6	
Race/ethnicity		
Total	326	100.0
White	73	22.4
African-American	180	55.2
Hispanic	73	22.4
Gender		
Total	326	100.0
Male	264	81.0
Female	62	19.0
Marital status		
Total	323	100.0
Never married	215	66.6
Married	49	15.2
Separated	25	7.7
Divorced	29	9.0
Widowed	5	1.5
Employment status		
Total	322	100.0
Full-time	145	45.0
Part-time	17	5.3
Unemployed	144	44.7
Inmate	7	2.2
Not seeking employment	9	2.8
Level of education		
Total	324	100.0
Less than high school	27	8.3
Some high school	128	39.5
H.S. graduate or GED	117	36.1
Some college	46	14.2
Post graduate	6	1.9

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

	Dade County Circuit Court	
Defendant Attributes	Number	Percent
Charge-related attributes		
Total charges		
Total	312	100.0
One	123	39.4
Two	149	47.8
Three or more	40	12.7
Most serious charges		
Total	307	100.0
Drug possession	238	77.5
Drug sale/purchase	66	21.5
Other	3	1.0
Severity of most serious charge		
Total	309	100.0
Misdemeanor 1	2	.6
Felony 3	216	69.9
Felony 2	81	26.2
Felony 1	10	3.2
Type of drug involved		
Total	305	100.0
Cocaine/crack	295	96.7
Marijuana	6	2.0
Heroin/opiates	3	1.0
Other	1	.3
More than one drug		
Total	309	100.0
No	287	92.9
Yes	22	7.1

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Prior criminal history attributes		
Prior arrests		
Total	325	100.0
None	169	52.0
One	55	16.9
Two	25	7.7
Three or more	76	23.4
Recent prior arrests		
Total	325	100.0
None	213	65.5
One	38	11.7
Two	23	7.1
Three or more	51	15.7
Prior arrest, serious personal offenses		
Total	325	100.0
None	288	88.6
One	28	8.6
Two	5	1.5
Three or more	4	1.2
Prior arrests, serious property offenses		
Total	325	100.0
None	303	93.2
One	14	4.3
Two	2	.6
Three or more	6	1.8
Prior arrests, drug offenses		
Total	325	100.0
None	227	69.8
One	49	15.1
Two	20	6.2
Three or more	29	8.9
Prior arrests, drug possession		
Total	325	100.0
None	235	72.3
One	47	14.5
Two	17	5.2
Three or more	26	8.0

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Prior criminal history attributes (continued)		
Prior arrests, drug sale/purchase		
Total	325	100.0
None	296	91.1
One	22	6.8
Two	5	1.5
Three or more	2	.6
Prior arrests, robbery		
Total	325	100.0
None	307	94.5
One	17	5.2
Two	0	0.0
Three or more	1	.3
Prior arrests, burglary		
Total	325	100.0
None	294	90.5
One	17	5.2
Two	7	2.2
Three or more	7	2.2
Prior arrests, weapons offenses		
Total	325	100.0
None	311	95.7
One	8	2.5
Two	4	1.2
Three or more	2	.6
Prior arrests, felony		
Total	325	100.0
None	217	66.8
One	40	12.3
Two	17	5.2
Three or more	51	15.7
Prior arrests, misdemeanor		
Total	325	100.0
None	222	68.3
One	45	13.8
Two	17	5.2
Three or more	41	12.6

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Prior criminal history attributes (continued)		
Prior convictions		
Total	325	100.0
None	228	70.2
One	35	10.8
Two	11	3.4
Three or more	51	15.7
Prior convictions, serious personal offenses		
Total	313	100.0
None	301	96.2
One	12	3.8
Prior convictions, serious property offenses		
Total	325	100.0
None	310	95.4
One	11	3.4
Two	3	.9
Three or more	1	.3
Prior convictions, drug offenses		
Total	325	100.0
None	265	81.5
One	30	9.2
Two	19	5.8
Three or more	11	3.4
Prior convictions, drug possession		
Total	325	100.0
None	277	85.2
One	22	6.8
Two	18	5.5
Three or more	8	2.5
Prior convictions, drug sale/purchase		
Total	325	100.0
None	307	94.5
One	16	4.9
Two	2	.6

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

	Dade County Circuit Court	
Defendant Attributes	Number	Percent
Prior criminal history attributes (continued)		
Prior convictions, weapons offenses		
Total	325	100.0
None	320	98.5
One	4	1.2
Two	1	.3
Prior convictions, burglary		
Total	325	100.0
None	308	94.8
One	10	3.1
Two	4	1.2
Three or more	3	.9
Prior convictions, robbery		
Total	325	100.0
None	311	95.7
One	13	4.0
Two	0	.0
Three or more	1	.3
Prior convictions, felony		
Total	325	100.0
None	260	80.0
One	23	7.1
Two	14	4.3
Three or more	28	8.6
Prior convictions, misdemeanor		
Total	325	100.0
None	250	76.9
One	30	9.2
Two	17	5.2
Three or more	28	8.6
Prior felony FTAs		
Total	325	100.0
None	272	83.7
One	21	6.5
Two	10	3.1
Three or more	22	6.8

Table A2.1 Characteristics of Felony Drug Court Defendants Admitted to Treatment, Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Prior criminal history attributes (continued)		
Prior misdemeanor FTAs		
Total	324	100.0
None	276	85.2
One	14	4.3
Two	15	4.6
Three or more	19	5.9
On probation or parole at time of arrest		
Total	325	100.0
No	314	96.7
Yes	11	3.4
Outstanding warrants or detainers		
Total	325	100.0
No	314	96.6
Yes	11	3.4
On pretrial release for previous charges		
Total	325	100.0
No	302	93.0
Yes	23	7.0

Table A2.2 Drug Abuse Attributes of Felony Defendants Admitted to Dade County Circuit Court, August-September, 1990

Defendant Attributes	Dade County Circuit Court Number	Percent
Type of self-reported substance abuse		
First drug of abuse		
Total	314	100.0
None admitted	23	7.3
Alcohol	8	2.5
Crack/cocaine	245	78.0
Marijuana/hashish	24	7.6
Heroin	4	1.3
PCP	8	2.5
Other hallucinogens	2	.6
Second drug of abuse		
Total	314	100.0
None	128	40.8
Alcohol	63	20.1
Crack/cocaine	16	5.1
Marijuana/hashish	99	31.5
Heroin	2	.6
Non-prescription methadone	1	.3
PCP	1	.3
Other hallucinogens	4	1.3
Third drug of abuse		
Total	314	100.0
None	248	79.0
Alcohol	47	15.0
Crack/cocaine	6	1.9
Marijuana/hashish	13	4.1
Combinations of self-reported drugs of abuse		
Total	314	100.0
None reported	23	7.3
Cocaine only	94	29.9
Cocaine and marijuana	55	17.5
Cocaine and alcohol	49	15.6
Cocaine, marijuana, and alcohol	59	18.8
Cocaine and other	7	2.2
Marijuana only	8	2.5
Other, no cocaine	19	6.1

Table A2.2 Drug Abuse Attributes of Felony Defendants Admitted to Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Type of self-reported substance abuse (continued)		
Number of drugs self-reported		
Total	314	100.0
None	23	7.3
One	105	33.4
Two	120	38.2
Three	66	21.0
Age of first drug use		
Total	227	100.0
Median	19	
15 or under	42	18.5
16 or 17	46	20.3
18 through 20	41	18.1
21 through 25	36	15.9
Over 25	62	27.3
Age of first alcohol intoxication		
Total	78	100.0
Median	17	
15 or under	25	32.1
16 or 17	15	19.2
18 through 20	15	19.2
21 through 25	15	19.2
Over 25	8	10.3

Table A2.2 Drug Abuse Attributes of Felony Defendants Admitted to Dade County Circuit Court, August-September, 1990 (continued)

	Dade County Circuit Court	
Defendant Attributes	Number	Percent
Frequency of self-reported drug abuse		
First drug of abuse		
Total	303	100.0
None in past month/none admitted	74	24.4
1-3 times per month	33	10.5
1-2 times per week	80	26.4
3-6 times per week	54	17.8
Daily	62	20.5
Second drug of abuse		
Total	308	100.0
None in past month	38	12.3
1-3 times per month	29	9.4
1-2 times per week	37	12.0
3-6 times per week	29	9.4
Daily	46	14.9
No second drug	129	41.9
Third drug of abuse		
Total	311	100.0
None in past month	17	5.5
1-3 times per month	6	1.9
1-2 times per week	16	5.1
3-6 times per week	11	3.5
Daily	13	4.2
No third drug	248	79.7
Prior drug abuse treatment		
Total	309	100.0
No	259	83.8
Yes	50	16.2
Prior admissions to DATP		
Total	326	100.0
No	302	92.6
Yes	24	7.4
Number of readmissions to DATP Phase I		
Total	323	100.0
None	224	69.3
One	56	17.3
Two	26	8.0
Three or more	17	5.3

Table A2.2 Drug Abuse Attributes of Felony Defendants Admitted to Dade County Circuit Court, August-September, 1990 (continued)

Defendant Attributes	Dade County Circuit Court Number	Percent
Initial drug test results		
Cocaine		
Total	326	100.0
Negative	144	44.2
Positive	153	46.9
No results available	29	8.9
Opiates		
Total	326	100.0
Negative	290	89.0
Positive	7	2.1
No results available	29	8.9
Marijuana		
Total	326	100.0
Negative	169	51.8
Positive	22	6.7
No results available/not tested	135	41.4
Overall test results based on two drugs		
Total	326	100.0
Both negative	141	43.3
Cocaine only	149	45.7
Opiates only	3	.9
Both positive	4	1.2
No results available	29	8.9
Self-reported substance abuse vs. drug test results		
Total	326	100.0
Denied/negative	17	5.2
Denied/positive	6	1.8
Admitted/negative	115	35.3
Admitted/positive	151	46.3
Not tested/missing	37	11.3

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Demographic attributes								
Age								
Total	319	100.0	126	39.5	147	46.1	46	14.4
20 and under	33	100.0	14	42.4	14	42.4	5	15.2
21 to 25	60	100.0	26	43.3	22	36.7	12	20.0
26 to 30	74	100.0	29	39.2	35	47.3	10	13.5
31 to 35	68	100.0	23	33.8	38	55.9	7	10.3
36 to 40	45	100.0	23	51.1	18	40.0	4	8.9
Over 40	39	100.0	11	28.2	21	53.8	7	17.9
Race/ethnicity								
Total	326	100.0	129	39.6	149	45.7	48	14.7
White	73	100.0	25	34.2	38	52.1	10	13.7
African-American	180	100.0	83	46.1	74	41.1	23	12.8
Hispanic	73	100.0	21	28.8	37	50.7	15	20.5
Gender								
Total	326	100.0	129	39.6	149	45.7	48	14.7
Male	264	100.0	104	39.4	119	45.1	41	15.5
Female	62	100.0	25	40.3	30	48.4	7	11.3
Marital status								
Total	323	100.0	127	39.1	149	46.1	47	14.6
Never married	215	100.0	86	40.0	94	43.7	35	16.3
Married	49	100.0	13	26.5	29	59.2	7	14.3
Separated	25	100.0	13	52.0	9	36.0	3	12.0
Divorced	29	100.0	12	41.4	16	55.2	1	3.4
Widowed	5	100.0	3	60.0	1	20.0	1	20.0

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Demographic attributes (continued)								
Employment status								
Total	322	100.0	127	39.4	148	46.0	47	14.6
Full-time	145	100.0	43	29.7	85	58.6	17	11.7
Part-time	17	100.0	8	47.1	5	29.4	4	23.5
Unemployed	144	100.0	68	47.2	52	36.1	24	16.7
Other	16	100.0	8	50.0	6	37.5	2	12.5
Level of education								
Total	324	100.0	135	41.7	150	46.3	39	12.0
Less than high school	28	100.0	16	57.1	10	35.7	2	7.1
Some high school	128	100.0	65	50.8	50	39.1	13	10.2
H.S. graduate or GED	117	100.0	40	34.2	60	51.3	17	14.5
Some college	46	100.0	13	28.3	26	56.5	7	15.2
Post graduate	5	100.0	1	20.0	4	80.0	0	0.0
Charge-related attributes								
Total charges								
Total	312	100.0	128	41.0	136	43.6	48	15.4
One	123	100.0	51	41.5	46	37.4	26	21.1
Two	149	100.0	61	40.9	71	47.7	17	11.4
Three or more	40	100.0	16	40.0	19	47.5	5	12.5
Most serious charge								
Total	310	100.0	127	41.0	135	43.5	48	15.5
Drug possession	240	100.0	102	42.5	91	37.9	47	19.6
Drug sale/purchase	67	100.0	22	32.8	44	65.7	1	1.5
Other	3	100.0	3	100.0	0	0.0	0	0.0

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Charge-related attributes (continued)								
Severity of most serious charge								
Total	309	100.0	127	41.1	134	43.4	48	15.5
Misdemeanor 1	2	100.0	2	100.0	0	0.0	0	0.0
Felony 3	216	100.0	92	42.6	79	36.6	45	20.8
Felony 2	81	100.0	30	37.0	49	60.5	2	2.5
Felony 1	10	100.0	3	30.0	6	60.0	1	10.0
Type of drug involved								
Total	309	100.0	126	40.8	135	43.7	48	15.5
Cocaine/crack	295	100.0	121	41.0	126	42.7	48	16.3
Marijuana	6	100.0	2	33.3	4	66.7	0	0.0
Heroin/opiates	3	100.0	0	0.0	3	100.0	0	0.0
Other	1	100.0	0	0.0	1	100.0	0	0.0
Not a drug charge	4	100.0	3	75.0	1	25.0	0	0.0
More than one drug								
Total	307	100.0	124	40.4	135	44.0	48	15.6
No	285	100.0	119	41.8	121	42.5	45	15.8
Yes	22	100.0	5	22.7	14	63.6	3	13.6
Prior criminal history attributes								
Prior arrests								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	169	100.0	57	33.7	87	51.5	25	14.8
One	55	100.0	23	41.8	26	47.3	6	10.9
Two	25	100.0	9	36.0	11	44.0	5	20.0
Three or more	76	100.0	40	52.6	25	32.9	11	14.5

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

			Dade County Circuit Court					
	Total		Unfavorable		Favorable		Other	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Recent prior arrests								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	213	100.0	74	34.7	110	51.6	29	13.6
One	38	100.0	16	42.0	15	39.5	7	18.4
Two	23	100.0	10	43.5	10	43.5	3	13.0
Three or more	51	100.0	29	56.9	14	27.5	8	15.7
Prior arrests, serious personal offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	288	100.0	107	37.2	138	47.9	43	14.9
One	28	100.0	15	53.6	9	33.1	4	14.3
Two	5	100.0	4	80.0	1	20.0	0	0.0
Three or more	4	100.0	3	75.0	1	25.0	0	0.0
Prior arrests, serious property offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	303	100.0	114	37.6	144	47.5	45	14.9
One	14	100.0	10	71.4	3	21.4	1	7.1
Two	2	100.0	2	100.0	0.0	0	0	0.0
Three or more	6	100.0	3	50.0	2	33.3	1	16.7
Prior arrests, drug offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	227	100.0	79	34.8	117	51.5	31	13.7
One	49	100.0	25	51.0	17	34.7	7	14.3
Two	20	100.0	5	25.0	7	35.0	8	40.0
Three or more	29	100.0	20	69.0	8	27.6	1	3.4

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Prior arrests, drug possession								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	235	100.0	81	34.5	121	51.5	33	14.0
One	47	100.0	24	55.6	18	38.3	5	10.6
Two	17	100.0	5	41.2	3	17.6	9	52.9
Three or more	26	100.0	19	75.0	7	26.9	0	0.0
Prior arrests, drug sale/purchase								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	296	100.0	114	38.5	137	46.3	45	15.2
One	22	100.0	12	54.5	9	40.9	1	4.5
Two	5	100.0	2	40.0	2	40.0	1	20.0
Three or more	2	100.0	1	50.0	1	50.0	0	0.0
Prior arrests, robbery								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	307	100.0	119	38.8	143	46.6	45	14.7
One	17	100.0	9	52.9	6	35.3	2	11.8
Three or more	1	100.0	1	100.0	0	0.0	0	0.0
Prior arrests, burglary								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	294	100.0	109	37.1	140	47.6	45	15.3
One	17	100.0	10	58.8	6	35.3	1	5.9
Two	7	100.0	6	85.7	1	14.3	0	0.0
Three or more	7	100.0	4	57.1	2	28.6	1	14.3

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Prior arrests, weapons offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	311	100.0	119	38.3	148	47.6	44	14.1
One	8	100.0	4	50.0	1	12.5	3	37.5
Two	4	100.0	4	100.0	0	0.0	0	0.0
Three or more	2	100.0	2	100.0	0	0.0	0	0.0
Prior arrests, felony								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	217	100.0	77	35.5	109	50.2	31	14.3
One	40	100.0	16	40.0	18	45.0	6	15.0
Two	17	100.0	7	41.2	5	29.4	5	29.4
Three or more	51	100.0	29	56.9	17	33.3	5	9.8
Prior arrests, misdemeanor								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	222	100.0	80	36.0	110	49.5	32	14.4
One	45	100.0	22	48.9	16	35.6	7	15.6
Two	17	100.0	6	35.3	9	52.9	2	11.8
Three or more	41	100.0	21	51.2	14	34.1	6	14.6
Prior convictions								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	228	100.0	83	36.4	112	49.1	33	14.5
One	35	100.0	15	42.9	15	42.9	5	14.3
Two	11	100.0	3	27.3	6	54.5	2	18.2
Three or more	51	100.0	28	54.9	16	31.4	7	13.7
Prior convictions, serious personal offenses								
Total	313	100.0	124	39.6	144	46.0	45	14.4
None	301	100.0	114	37.9	143	47.5	44	14.6
One	12	100.0	10	83.3	1	8.3	1	8.3

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Prior convictions, serious property offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	310	100.0	119	38.4	145	46.8	46	14.8
One	11	100.0	10	90.9	1	9.1	0	0.0
Two	3	100.0	0	0.0	2	66.7	1	33.3
Three or more	1	100.0	0	0.0	1	100.0	0	0.0
Prior convictions, drug offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	265	100.0	98	37.0	130	49.1	37	14.0
One	30	100.0	11	36.7	13	43.3	6	20.0
Two	19	100.0	12	63.2	3	15.8	4	21.1
Three or more	11	100.0	8	72.7	3	27.3	0	0.0
Prior convictions, drug possession								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	277	100.0	100	36.1	138	49.8	39	14.1
One	22	100.0	10	45.5	8	36.4	4	18.2
Two	18	100.0	13	72.2	1	5.6	4	22.2
Three or more	8	100.0	6	75.0	2	25.0	0	0.0
Prior convictions, drug sale/purchase								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	307	100.0	122	39.7	140	45.6	45	14.7
One	16	100.0	5	31.3	9	56.3	2	12.5
Two	2	100.0	2	100.0	0	0.0	0	0.0
Prior convictions, weapons offenses								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	320	100.0	126	39.4	149	46.6	45	14.1
One	4	100.0	2	50.0	0	0.0	2	50.0
Two	1	100.0	1	100.0	0	0.0	0	0.0

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Prior convictions, burglary								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	308	100.0	120	39.0	142	46.1	46	14.9
One	10	100.0	6	60.0	4	40.0	0	0.0
Two	4	100.0	3	75.0	1	25.0	0	0.0
Three or more	3	100.0	0	0.0	2	66.7	0	0.0
Prior convictions, robbery								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	311	100.0	123	39.5	144	46.3	44	14.1
One	13	100.0	5	38.5	5	38.5	3	23.1
Three or more	1	100.0	1	100.0	0	0.0	0	0.0
Prior convictions, felony								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	260	100.0	94	36.2	129	49.6	37	14.2
One	23	100.0	10	43.5	8	34.8	5	21.7
Two	14	100.0	7	50.0	4	28.6	3	21.4
Three or more	28	100.0	18	64.3	8	28.6	2	7.1
Prior convictions, misdemeanor								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	250	100.0	95	38.0	118	47.2	37	14.8
One	30	100.0	13	43.3	14	46.7	3	10.0
Two	19	100.0	8	47.1	6	35.3	3	17.6
Three or more	28	100.0	13	46.4	11	39.3	4	14.3

Table A2.3 Program Outcomes (†) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Prior criminal history attributes (continued)								
Prior felony FTAs								
Total	325	100.0	129	39.7	149	45.8	47	14.5
None	272	100.0	93	34.2	136	50.0	43	15.8
One	21	100.0	14	66.7	5	23.8	2	9.5
Two	10	100.0	7	70.0	3	30.0	0	0.0
Three or more	22	100.0	15	68.2	5	22.7	2	9.1
Prior misdemeanor FTAs								
Total	324	100.0	128	39.5	149	46.0	47	14.5
None	276	100.0	101	36.6	135	48.9	40	14.5
One	14	100.0	6	42.9	6	42.9	2	14.3
Two	15	100.0	8	53.3	6	40.0	1	6.7
Three or more	19	100.0	13	68.4	2	10.5	4	21.1
On probation or parole at time of arrest								
Total	314	100.0	126	40.1	141	44.9	47	15.0
No	303	100.0	119	39.3	138	45.5	46	15.2
Yes	11	100.0	7	63.6	3	27.3	1	9.1
Outstanding warrants or detainers								
Total	316	100.0	127	40.2	142	44.9	47	15.0
No	305	100.0	120	39.3	139	45.6	46	15.2
Yes	11	100.0	7	63.6	3	27.3	1	9.1
On pretrial release for previous charges								
Total	311	100.0	126	40.5	138	44.4	47	15.1
No	288	100.0	110	38.2	136	47.2	42	14.6
Yes	23	100.0	16	69.6	2	8.7	5	21.7

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Type of self-reported substance abuse								
First drug of abuse								
Total	314	100.0	124	39.5	146	46.5	44	14.0
None admitted	23	100.0	7	30.4	11	47.8	5	21.7
Alcohol	8	100.0	2	25.0	3	37.5	3	37.5
Crack/cocaine	245	100.0	102	41.6	108	44.1	35	14.3
Marijuana/hashish	24	100.0	8	33.3	15	62.5	1	4.2
Heroin	4	100.0	0	0	4	100.0	0	0.0
PCP	8	100.0	4	50.0	4	50.0	0	0.0
Other hallucinogens	2	100.0	1	50.0	1	50.0	0	0.0
Second drug of abuse								
Total	314	100.0	124	39.5	146	46.5	44	14.0
None	128	100.0	51	39.8	62	48.4	15	11.7
Alcohol	63	100.0	22	34.9	31	49.2	10	15.9
Crack/cocaine	16	100.0	4	25.0	10	62.5	2	12.5
Marijuana/hashish	99	100.0	42	42.4	41	41.4	16	16.2
Heroin	2	100.0	1	50.0	0	0.0	1	50.0
Nonprescript. methadone	1	100.0	0	0.0	1	100.0	0	0.0
PCP	1	100.0	1	100.0	0	0.0	0	0.0
Other hallucinogens	4	100.0	3	75.0	1	25.0	0	0.0
Third drug of abuse								
Total	314	100.0	124	39.5	146	46.5	44	14.0
None	248	100.0	101	40.7	117	47.2	30	12.1
Alcohol	47	100.0	16	34.0	22	46.8	9	19.1
Crack/cocaine	6	100.0	2	33.3	3	50.0	1	16.7
Marijuana/hashish	13	100.0	5	38.5	4	30.8	4	30.8

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Type of self-reported substance abuse (continued)								
Combinations of self-reported drugs of abuse								
Total	314	100.0	124	39.5	146	46.5	44	14.0
None reported	23	100.0	7	30.4	11	47.8	5	21.7
Cocaine only	94	100.0	39	41.5	45	47.9	10	10.6
Cocaine and marijuana	55	100.0	26	47.3	23	41.8	6	10.9
Cocaine and alcohol	49	100.0	18	36.7	23	46.9	8	16.3
Cocaine, marijuana, and alcohol	59	100.0	21	35.6	25	42.4	13	22.0
Cocaine and other	7	100.0	4	57.1	2	28.6	1	14.3
Marijuana only	8	100.0	4	50.0	4	50.0	0	0.0
Other, no cocaine	19	100.0	5	26.3	13	68.4	1	5.3
Number of drugs self-reported								
Total	314	100.0	124	39.5	146	46.5	44	14.0
None	23	100.0	7	30.4	11	47.8	5	21.7
One	105	100.0	44	41.9	51	48.6	10	9.5
Two	120	100.0	50	41.7	55	45.8	15	12.5
Three	66	100.0	23	34.8	29	43.9	14	21.2
Age of first drug use								
Total	227	100.0	94	41.4	109	48.0	24	10.6
15 or under	42	100.0	20	47.6	19	45.2	3	7.1
16 or 17	46	100.0	20	43.5	20	43.5	6	13.0
18 through 20	41	100.0	18	43.9	21	51.2	2	4.9
21 through 25	36	100.0	16	44.4	15	41.7	5	13.9
Over 25	62	100.0	20	32.3	34	54.8	8	12.9

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Type of self-reported substance abuse (continued)								
Age of first alcohol intoxication								
Total	78	100.0	27	34.6	41	52.6	10	12.8
15 or under	25	100.0	10	40.0	11	44.0	4	16.0
16 or 17	15	100.0	6	40.0	7	46.7	2	13.3
18 through 20	15	100.0	7	46.7	7	46.7	1	6.7
21 through 25	15	100.0	4	26.7	9	60.0	2	13.3
Over 25	8	100.0	0	0.0	7	87.5	1	12.5
Frequency of self-reported drug abuse								
First drug of abuse								
Total	303	100.0	118	38.9	141	46.5	44	14.5
None in past month/none admitted	74	100.0	20	27.0	43	58.1	11	14.9
1-3 times per month	33	100.0	15	45.5	16	48.5	2	6.1
1-2 times per week	80	100.0	28	35.0	41	51.3	11	13.8
3-6 times per week	54	100.0	24	44.4	20	37.0	10	18.5
Daily	62	100.0	31	50.0	21	33.9	10	16.1
Second drug of abuse								
Total	308	100.0	120	39.0	144	46.8	44	14.3
None in past month	38	100.0	9	23.7	23	60.5	6	15.8
1-3 times per month	29	100.0	13	44.8	11	37.9	5	17.2
1-2 times per week	37	100.0	14	37.8	14	37.8	9	24.3
3-6 times per week	29	100.0	12	41.4	13	44.8	4	13.8
Daily	46	100.0	21	45.7	20	43.5	5	10.9
No second drug	129	100.0	51	39.5	63	48.8	15	11.6

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Frequency of self-reported drug abuse (continued)								
Third drug of abuse								
Total	311	100.0	123	39.5	144	46.3	44	14.1
None in past month	17	100.0	5	29.4	8	47.1	4	23.5
1-3 times per month	6	100.0	3	50.0	2	33.3	1	16.7
1-2 times per week	16	100.0	7	43.8	8	50.0	1	6.3
3-6 times per week	11	100.0	4	36.4	2	18.2	5	45.5
Daily	13	100.0	3	23.1	7	53.8	3	23.1
No third drug	248	100.0	101	40.7	117	47.2	30	12.1
Prior drug abuse treatment								
Total	309	100.0	122	39.5	142	46.0	45	14.6
No	259	100.0	99	38.2	119	45.9	41	15.8
Yes	50	100.0	23	46.0	23	46.0	4	8.0
Prior admissions to DATP								
Total	326	100.0	129	39.6	149	45.7	48	14.7
No	302	100.0	120	39.7	136	45.0	46	15.2
Yes	24	100.0	9	37.5	13	54.2	2	8.3
Number of readmissions to DATP Phase I								
Total	323	100.0	127	39.5	149	46.1	47	14.6
None	223	100.0	83	37.2	102	45.7	38	17.0
One	56	100.0	22	39.3	28	50.0	6	10.7
Two	27	100.0	11	40.7	13	48.1	3	11.1
Three or more	17	100.0	11	64.7	6	35.3	0	0.0

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Initial drug test results								
Cocaine								
Total	326	100.0	129	39.6	149	45.7	48	1470
Negative	144	100.0	55	38.2	74	51.4	15	10.4
Positive	153	100.0	62	40.5	62	40.5	29	19.0
No results available	29	100.0	12	41.4	13	44.8	4	13.8
Opiates:								
Total	326	100.0	129	39.6	149	45.7	48	14.7
Negative	290	100.0	117	40.3	131	45.2	42	14.5
Positive	7	100.0	0	0.0	5	71.4	2	28.6
No results available	29	100.0	12	41.4	13	44.8	4	13.8
Marijuana								
Total	326	100.0	129	39.6	149	45.7	48	14.7
Negative	169	100.0	72	42.6	78	46.2	19	11.2
Positive	22	100.0	4	18.2	13	59.1	5	22.7
No results available/not tested	135	100.0	53	39.3	58	43.0	24	17.8
Overall test results based on two drugs								
Total	326	100.0	129	39.6	149	45.7	48	14.7
Both negative	141	100.0	55	39.0	72	51.1	14	9.9
Cocaine only	149	100.0	62	41.6	59	39.6	28	18.8
Opiates only	3	100.0	0	0.0	2	66.7	1	33.3
Both positive	4	100.0	0	0.0	3	75.0	1	25.0
No results available	29	100.0	12	41.4	13	44.8	4	13.8

Table A2.3 Program Outcomes (I) for Drug Court Defendants Admitted to DATP, Dade County Circuit Court, August-September, 1990, by Defendant Attribute (continued)

Defendant Attributes	Total		Dade County Circuit Court					
			Unfavorable		Favorable		Other	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Drug test results during treatment								
Total	302	100.0	117	38.7	141	46.7	44	14.6
0 % positive	51	100.0	26	51.0	16	31.4	9	17.6
1-25 % positive	132	100.0	28	21.2	92	69.7	12	9.1
26-50 % positive	53	100.0	26	49.1	19	35.8	8	15.1
51-75 % positive	18	100.0	11	61.1	5	27.8	2	11.1
76-100 % positive	48	100.0	26	54.2	9	18.8	13	27.1
Motivational jail								
Total	326	100.0	129	39.6	149	45.7	48	14.7
None	268	100.0	103	38.4	122	45.5	43	9.9
One	26	100.0	12	46.2	10	38.5	4	18.8
Two	16	100.0	6	37.5	10	62.5	0	0.0
Three or more	16	100.0	8	50.0	7	43.8	1	6.3

Table A3.1 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Selected Attributes

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Total	326	100.0	89	100.0	199	100	185	100	301	100.0	534	100.0
Demographic												
Gender												
Total	326	100.0	89	100.0	199	100.0	185	100.0	301	100.0	534	100.0
Male	264	81.0	59	66.3	171	85.9	156	84.3	248	82.4	466	87.3
Female	62	19.0	30	33.7	28	14.1	29	15.7	53	17.6	68	12.7
Race/ethnicity												
Total	326	100.0	83	100.0	199	100.0	185	100.0	296	100.0	527	100.0
White	73	22.4	16	19.3	30	15.1	53	28.6	65	22.0	138	26.2
African-American	180	55.2	48	57.8	124	62.3	85	45.9	179	60.5	286	54.3
Hispanic	73	22.4	19	22.9	45	22.6	47	25.4	44	14.9	92	17.5
Other									8	2.7	11	2.1
Age												
Total	325	100.0	89	100.0	199	100.0	184	100.0	299	100.0	524	100.0
Median	30.6		31.6		29.5		28.5		28.1		28.5	
Criminal Charges												
Grade of most serious charge												
Total	309	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
Misdemeanor 1	2	0.6	---	---	---	---	---	---	---	---	---	---
Felony 3	216	69.9	65	73.0	148	74.4	128	69.2	58	19.2	396	73.9
Felony 2	81	26.2	24	27.0	51	25.6	57	30.8	244	80.8	140	26.1
Felony 1	10	3.2	---	---	---	---	---	---	---	---	---	---

Table A3.1 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Selected Attributes (continued)

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Criminal Charges (cont.)												
Selected charges												
Any serious personal												
Total	312	100.0	89	100.0	199	100.0	184	100.0	302	100.0	536	100.0
Yes	1	0.3	0	0.0	3	1.5	73	39.7	1	0.3	132	24.6
No	311	99.7	89	100.0	196	98.5	111	60.3	301	99.7	404	75.4
Any injury to victim												
Total	312	100.0	89	100.0	199	100.0	180	100.0	302	100.0	536	100.0
Yes	0	0.0	0	0.0	1	0.5	24	13.3	6	2.0	152	28.4
No	312	100.0	89	100.0	198	99.5	156	86.7	296	98.0	384	71.6
Any weapon												
Total	312	100.0	89	100.0	199	100.0	184	100.0	302	100.0	536	100.0
Yes	3	1.0	1	1.1	6	3.0	26	14.1	11	3.6	89	16.6
No	309	99.0	88	98.9	193	97.0	158	85.9	291	96.4	447	83.4
Any drug possession												
Total	312	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
Yes	308	98.7	87	97.8	178	89.4	0	0.0	263	87.1	11	2.1
No	4	1.3	2	2.2	21	10.6	185	100.0	39	12.9	525	97.9
Any drug purchase/sale												
Total	311	100.0	89	100.0	198	100.0	185	100.0	302	100.0	536	100.0
Yes	93	29.9	33	37.1	91	46.0	0	0.0	62	20.5	5	0.9
No	218	70.1	56	62.9	107	54.0	185	100.0	240	79.5	531	99.1

Table A3.1 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Selected Attributes (continued)

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Prior Criminal History												
Prior arrests												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	169	52.0	35	39.3	55	27.6	57	30.8	78	25.8	122	22.8
One	55	16.9	20	22.5	18	9.0	29	15.7	48	15.9	72	13.4
Two or more	101	31.1	34	38.2	126	63.3	99	53.5	176	58.3	342	63.8
Prior serious per. arrests												
Total	325	100.0	89	100.0	199	100.0	184	100.0	302	100.0	536	100.0
None	288	88.6	76	85.4	161	80.9	137	74.5	222	73.5	355	66.2
One	28	8.6	9	10.1	22	11.1	29	15.8	48	15.9	92	17.2
Two or more	9	2.8	4	4.5	16	8.0	18	9.8	32	10.6	89	16.6
Prior drug arrests												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	227	69.8	50	56.2	82	41.2	140	75.7	156	51.7	336	62.7
One	49	15.1	24	27.0	39	19.6	24	13.0	55	18.2	107	20.0
Two or more	49	15.1	15	16.9	78	39.2	21	11.4	91	30.1	93	17.4
Prior drug poss. arrests												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	235	72.3	55	61.8	97	48.7	141	76.2	160	53.0	343	64.0
One	47	14.5	20	22.5	36	18.1	25	13.5	62	20.5	111	20.7
Two or more	43	13.2	14	15.7	66	33.2	19	10.3	80	26.5	82	15.3
Prior drug pur./sale arrests												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	296	91.1	79	88.8	154	77.4	177	95.7	148	49.0	245	45.7
One	22	6.8	9	10.1	29	14.6	7	3.8	26	8.6	67	12.5
Two or more	7	2.2	1	1.1	16	8.0	1	0.5	128	42.4	224	41.8

Table A3.1 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Selected Attributes (continued)

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Prior Criminal History (cont.)												
Prior convictions												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	228	70.2	54	60.7	93	46.7	109	58.9	148	49.0	245	45.7
One	34	10.5	20	22.5	24	12.1	15	8.1	26	8.6	67	12.5
Two or more	63	19.4	15	16.9	82	41.2	61	33.0	128	42.4	224	41.8
Prior felony convictions												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	260	80.0	66	74.2	109	54.8	119	64.3	199	65.9	358	66.8
One	23	7.1	12	13.5	22	11.1	19	10.3	19	6.3	37	6.9
Two or more	42	12.9	11	12.4	68	34.2	47	25.4	84	27.8	141	26.3
Prior serious personal conv.												
Total	313	100.0	89	100.0	198	100.0	185	100.0	302	100.0	536	100.0
None	301	96.2	88	98.9	189	95.5	162	87.6	275	91.1	481	89.7
One	12	3.8	0	0.0	8	4.0	16	8.6	18	6.0	38	7.1
Two or more	0	0.0	1	1.1	1	0.5	7	3.8	9	3.0	17	3.2
Prior drug convictions												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	265	81.5	65	73.0	122	61.3	155	83.8	225	74.5	439	81.9
One	30	9.2	13	14.6	27	13.6	16	8.6	31	10.3	54	10.1
Two or more	30	9.2	11	12.4	50	25.1	14	7.6	46	15.2	43	8.0
Prior drug possession conv.												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	277	85.2	66	74.2	129	64.8	155	83.8	227	75.2	446	83.2
One	22	6.8	13	14.6	27	13.6	18	9.7	36	11.9	56	10.4
Two or more	26	8.0	10	11.2	43	21.6	12	6.5	39	12.9	34	6.3

Table A3.1 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Selected Attributes (continued)

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Prior Criminal History (cont.)												
Prior drug purch./sale conv.												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	307	94.5	85	95.5	182	91.5	181	97.8	281	93.0	515	96.1
One	16	4.9	4	4.5	12	6.0	4	2.2	12	4.0	14	2.6
Two or more	2	0.6	0	0.0	5	2.5	0	0.0	9	3.0	7	1.3

Table A3.2 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Case Outcomes During 18-Month Observation Period

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Total	323	100.0	75	100.0	189	100.0	175	100.0	282	100.0	506	100.0
Not adjudicated	99	30.4	21	28.0	4	2.1	2	1.1	6	2.1	8	1.6
Acquitted	0	0.0	0	0.0	1	0.5	0	0.0	4	1.4	7	1.4
Dropped	39	12.1	1	1.3	34	18.0	62	35.4	118	41.8	291	57.5
No action	1	0.3	10	13.3	4	2.1	4	2.3	2	0.7	8	1.6
QRU	28	8.7	1	1.3	2	1.0	8	4.6	4	1.4	7	1.4
Nolle pros	82	25.4	26	35.7	3	1.6	9	5.1	10	3.5	14	2.8
Diverted	0	0.0	1	1.3	0	0.0	0	0.0	23	8.2	30	5.9
Adj. withheld	12	3.7	1	1.3	2	1.0	0	0.0	29	10.3	24	4.7
Reduced charges: transfer.	1	0.3	0	0.0	11	5.8	21	12.0	0	0.0	0	0.0
Convicted	0	0.0	2	2.7	5	2.6	1	0.6	13	4.6	18	3.6
Sentenced, unknown	1	0.3	0	0.0	2	1.0	0	0.0	0	0.0	0	0.0
Probation	16	5.0	5	6.7	13	6.8	28	16.0	14	5.0	16	3.2
Suspended sentence	1	0.3	0	0.0	1	0.5	0	0.0	0	0.0	0	0.0
Time served	0	0.0	1	1.3	5	2.6	1	0.6	3	1.1	8	1.6
Sentenced < 364 days	7	2.2	0	0.0	5	2.6	3	1.7	27	9.6	30	5.9
Sentenced 364 days	19	5.9	2	2.7	11	5.8	6	3.4	6	2.1	7	1.4
Sentenced > 364 days	18	5.6	4	5.3	88	46.1	30	17.1	23	8.2	38	7.5

Table A3.3 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Subsequent Rearrests and Failures to Appear During 18-Month Observation Period

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Total	326	100.0	89	100.0	199	100	185	100	301	100.0	534	100.0
Rearrests:												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	217	66.8	62	69.7	100	50.3	112	60.5	141	46.7	264	49.3
One	50	15.4	13	14.6	42	21.1	33	17.8	37	12.3	58	10.8
Two	25	7.7	7	7.9	24	12.1	18	9.7	35	11.6	38	7.1
Three or more	33	10.2	7	7.9	33	16.6	22	11.9	89	29.5	176	32.8
Rearrests: Serious personal												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	310	95.4	86	96.6	185	93.0	170	91.9	255	84.4	452	84.3
One	14	4.3	2	2.2	11	5.5	11	5.9	37	12.3	55	10.3
Two	1	0.3	1	1.1	2	1.0	4	2.2	6	2.0	20	3.7
Three or more	0	0.0	0	0.0	1	0.5	0	0.0	4	1.3	9	1.7
Rearrests: Drugs												
Total	325	100.0	89	100.0	199	100.0	185	100.0	302	100.0	536	100.0
None	273	84.0	76	85.4	138	69.3	168	90.8	190	62.9	435	81.2
One	35	10.8	9	10.1	38	19.1	11	5.9	66	21.9	62	11.6
Two	7	2.2	3	3.4	10	5.0	2	1.1	20	6.6	27	5.0
Three or more	10	3.1	1	1.1	13	6.5	4	2.2	26	8.6	12	2.2
Time to first rearrest												
Total	100	100.0	27	100.0	96	100.0	69	100.0	161	100.0	271	100.0
Median	235.0		261.0		78.5		115.0		81.0		52.0	

Table A3.3 Comparison of Drug Court Defendants with 1990 and 1987 Felony Defendants: Subsequent Rearrests and Failures to Appear During 18-Month Observation Period (continued)

	1990 Defendants								1987 Defendants			
	Drug Court (Sample I)		Other Eligible (Sample II)		Other Drug (Sample III)		Non-Drug (Sample IV)		Drug (Sample V)		Non-Drug (Sample VI)	
Defendant Attributes	N	%	N	%	N	%	N	%	N	%	N	%
Total FTAs												
Total	310	100.0	86	100.0	192	100.0	184	100.0	302	100.0	536	100.0
None	140	45.2	44	51.2	172	89.6	168	91.3	275	91.1	502	93.7
One	71	22.9	20	23.3	18	9.4	14	7.6	27*	8.9	34*	6.3
Two	44	14.2	7	8.1	2	1.0	2	1.1				
Three or more	55	17.7	15	17.4	0	0.0	0	0.0				
Drug Court FTAs												
Total	310	100.0	86	100.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
None	162	52.3	49	57.0								
One	42	23.2	17	19.8								
Two	34	11.0	7	8.1								
Three or more	42	13.5	13	15.1								
Non-Drug Court FTAs												
Total	310	100.0	86	100.0	192	100.0	184	100.0	302	100.0	536	100.0
None	256	82.6	78	90.7	172	89.6	168	91.3	275	91.1	502	93.7
One	31	10.0	5	5.8	18	9.4	14	7.6	27*	8.9	34*	6.3
Two	13	4.2	3	3.5	2	1.0	2	1.1				
Three or more	10	3.2	0	0.0	0	0.0	0	0.0				

* The 1987 data did not indicate total numbers of FTAs. Thus these numbers mean "any" FTAs.

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		Drug Court	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	57	100.0	244	100.0	148	100.0	51	100.0	326	100.0
Demographic										
Gender										
Total	57	100.0	244	100.0	148	100.0	51	100.0	326	100.0
Male	45	78.9	203	83.2	133	89.9	38	74.5	264	81.0
Female	12	21.1	41	16.8	15	10.1	13	25.5	62	19.0
Race/ethnicity										
Total	57	100.0	239	100.0	148	100.0	51	100.0	326	100.0
White	9	15.8	56	23.4	25	16.9	5	9.8	73	22.4
African-American	38	66.7	141	59.0	91	61.5	33	64.7	180	55.2
Hispanic	6	10.5	38	15.9	32	21.6	13	25.5	73	22.4
Other	4	7.0	4	1.7	0	0.0	0	0.0	0	0.0
Age										
Total	57	100.0	242	100.0	148	100.0	51	100.0	325	100.0
Median	27.3		28.4		29.4		29.6		30.6	
Criminal Charges										
Grade of most serious charge										
Total	58	100.0	244	100.0	148	100.0	51	100.0	309	100.0
Misdemeanor 1	0	0.0	0	0.0	0	0.0	0	0.0	2	0.6
Felony 3	58	100.0	0	0.0	148	100.0	0	0.0	216	69.9
Felony 2	0	0.0	244	100.0	0	0.0	51	100.0	81	26.2
Felony 1	0	0.0	0	0.0	0	0.0	0	0.0	10	3.2

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples (continued)

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		**Drug Court**	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Criminal Charges (continued)										
Selected charges										
Any serious personal										
Total	58	100.0	244	100.0	148	100.0	51	100.0	312	100.0
Yes	0	0.0	1	0.4	2	1.4	1	2.0	1	0.3
No	58	100.0	243	99.6	146	98.6	50	98.0	311	99.7
Any injury to victim										
Total	58	100.0	244	100.0	148	100.0	51	100.0	312	100.0
Yes	0	0.0	6	2.5	0	0.0	1	2.0	0	0.0
No	58	100.0	238	97.5	148	100.0	50	98.0	312	100.0
Any weapon										
Total	58	100.0	244	100.0	148	100.0	51	100.0	312	100.0
Yes	2	3.4	9	3.7	4	2.7	2	3.9	3	1.0
No	56	96.6	235	96.3	144	97.3	49	96.1	309	99.0
Any drug possession										
Total	58	100.0	244	100.0	148	100.0	51	100.0	312	100.0
Yes	35	60.3	228	93.4	142	95.9	36	70.6	308	98.7
No	23	39.7	16	6.6	6	4.1	15	29.4	4	1.3
Any drug purchase/sale										
Total	58	100.0	244	100.0	148	100.0	50	100.0	311	100.0
Yes	18	31.0	44	18.0	55	37.2	36	72.0	93	29.9
No	40	69.0	200	82.0	93	62.8	14	28.0	218	70.1
Criminal History										
Prior arrests										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	20	34.5	58	23.8	43	29.1	12	23.5	169	52.0
One	11	19.0	37	15.2	13	8.8	5	9.8	55	16.9
Two or more	27	46.6	149	61.1	92	62.2	34	66.7	101	31.1

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples (continued)

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		Drug Court	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Criminal History (continued)										
Prior serious personal arrests										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	46	79.3	176	72.1	119	80.4	42	82.4	288	88.6
One	7	12.1	41	16.8	20	13.5	2	3.9	28	8.6
Two or more	5	8.6	27	11.1	9	6.1	7	13.7	9	2.8
Prior drug arrests										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	36	62.1	120	49.2	65	43.9	17	33.3	227	69.8
One	9	15.5	46	18.9	27	18.2	12	23.5	49	15.1
Two or more	13	22.4	78	32.0	56	37.8	22	43.1	49	15.1
Prior drug possession arrests										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	36	62.1	124	50.8	76	51.4	21	41.2	235	72.3
One	10	17.2	52	21.3	23	15.5	13	25.5	47	14.5
Two or more	12	20.7	68	27.9	49	33.1	17	33.3	43	13.2
Prior drug purchase/sale arrests										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	52	89.7	203	83.2	115	77.7	39	76.5	296	91.1
One	4	6.9	30	12.3	23	15.5	6	11.8	22	6.8
Two or more	2	3.4	11	4.5	10	6.8	6	11.8	7	2.2
Prior convictions										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	35	60.3	113	46.3	72	48.6	21	41.2	228	70.2
One	4	6.9	22	9.0	17	11.5	7	13.7	34	10.5
Two or more	19	32.8	109	44.7	59	39.9	23	45.1	63	19.4

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples (continued)

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		Drug Court	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Criminal History (continued)										
Prior felony convictions										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	41	70.7	158	64.8	86	58.1	23	45.1	260	80.0
One	2	3.4	17	7.0	16	10.8	6	11.8	23	7.1
Two or more	15	25.9	69	28.3	46	31.1	22	43.1	42	12.9
Prior serious person convictions										
Total	58	100.0	244	100.0	147	100.0	51	100.0	313	100.0
None	55	94.8	220	90.2	140	95.2	49	96.1	301	96.2
One	1	1.7	17	7.0	6	4.1	2	3.9	12	3.8
Two or more	2	3.4	7	2.9	1	0.7	0	0.0	0	0.0
Prior drug convictions										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	50	86.2	175	71.7	92	62.2	30	58.8	265	81.5
One	4	6.9	27	11.1	17	11.5	10	19.6	30	9.2
Two or more	4	6.9	42	17.2	39	26.4	11	21.6	30	9.2
Prior drug possession convictions										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	49	84.5	178	73.0	97	65.5	32	62.7	277	85.2
One	5	8.6	31	12.7	19	12.8	8	15.7	22	6.8
Two or more	4	6.9	35	14.3	32	21.6	11	21.6	26	8.0
Prior drug pur./sale convictions										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	56	96.6	225	92.2	137	92.6	45	88.2	307	94.5
One	1	1.7	11	4.5	7	4.7	5	9.8	16	4.9
Two or more	1	1.7	8	3.3	4	2.7	1	2.0	2	0.6
Case Outcomes										
Total	53	100.0	229	100.0	142	100.0	49	100.0	323	100.0
Not adjudicated	2	3.8	4	1.7	3	2.1	1	2.0	99	30.4
Acquitted	2	3.8	2	0.9	1	0.7	0	0.0	0	0.0
Dropped	32	60.4	86	37.6	29	20.4	5	10.2	39	12.1

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples (continued)

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		Drug Court	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Case Outcomes (continued)										
No action	2	3.8	0	0.0	3	2.1	1	2.0	1	0.3
QRU	0	0.0	4	1.7	1	0.7	1	2.0	28	8.7
Nolle pros	1	1.9	9	3.9	1	0.7	2	4.1	82	25.4
Diverted	6	11.3	17	7.4	0	0.0	0	0.0	0	0.0
Adj. withheld	1	1.9	28	12.2	1	0.7	1	2.0	12	3.7
Reduced charges: transferred	0	0.0	0	0.0	9	6.3	2	4.1	1	0.3
Convicted	3	5.7	10	4.4	5	3.5	0	0.0	0	0.0
Sentenced, unknown	0	0.0	0	0.0	0	0.0	2	4.1	1	0.3
Probation	1	1.9	13	5.7	10	7.0	3	6.1	16	5.0
Suspended sentence	0	0.0	0	0.0	1	0.7	0	0.0	1	0.3
Time served	1	1.9	2	0.9	4	2.8	1	2.0	0	0.0
Sentenced < 364 days	1	1.9	26	11.4	3	2.1	2	4.1	7	2.2
Sentenced 364 days	0	0.0	6	2.6	6	4.2	5	10.2	19	5.9
Sentenced > 364 days	1	1.9	22	9.6	65	45.8	23	46.9	18	5.6
18-Month Observation										
Rearrests:										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	27	46.6	114	46.7	77	52.0	23	45.1	217	66.8
One	8	13.8	29	11.9	28	18.9	14	27.5	50	15.4
Two	10	17.2	25	10.2	19	12.8	5	9.8	25	7.7
Three or more	13	22.4	76	31.1	24	16.2	9	17.6	33	10.2

Table A3.4 Comparison of 1987 and 1990 Felony 2 and 3 Drug Defendants in Circuit Court Samples (continued)

	1987 Defendants				1990 Defendants					
	Felony 3 Drug		Felony 2 Drug		Felony 3 Drug		Felony 2 Drug		**Drug Court**	
Defendant Attributes	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
18-Month Observation (continued)										
Rearrests: Serious personal										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	49	84.5	206	84.4	140	94.6	45	88.2	310	95.4
One	7	12.1	30	12.3	6	4.1	5	9.8	14	4.3
Two	2	3.4	4	1.6	1	0.7	1	2.0	1	0.3
Three or more	0	0.0	4	1.6	1	0.7	0	0.0	0	0.0
Rearrests: Drugs										
Total	58	100.0	244	100.0	148	100.0	51	100.0	325	100.0
None	35	60.3	155	63.5	105	70.9	33	64.7	273	84.0
One	15	25.9	51	20.9	30	20.3	8	15.7	35	10.8
Two	3	5.2	17	7.0	5	3.4	5	9.8	7	2.2
Three or more	5	8.6	21	8.6	8	5.4	5	9.8	10	3.1
Time to first rearrest										
Total	31	100.0	130	100.0	69	100.0	27	100.0	104	100.0
Median	46.0		88.0		80.0		75.0		235.0	
Total FTAs										
Total	58	100.0	244	100.0	143	100.0	49	100.0	310	100.0
Yes	1	1.7	26	10.7	15	10.5	5	10.2	170	54.8
No	57	98.3	218	89.3	128	89.5	44	89.8	140	45.2
Drug Court FTAs										
Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	310	100.0
Yes									148	47.7
No									162	52.3
Non-Drug Court FTAs										
Total	58	100.0	244	100.0	143	100.0	49	100.0	310	100.0
Yes	1	1.7	26	10.7	15	10.5	5	10.2	54	17.4
No	57	98.3	218	89.3	128	89.5	44	89.8	256	82.6

APPENDIX B

COMPARISON OF DRUG COURT DEFENDANTS WITH DEFENDANTS ASSIGNED BUT NOT ENTERING TREATMENT (SAMPLE II)

Comparing Attributes of Defendants in Samples I and II

Table A3.1 has shown that these two samples of Circuit Court defendants were similar in most respects. Not surprisingly, the criminal charges of Sample II defendants, were nearly identical to those associated with the Drug Court defendants. Ninety percent of the charges of Sample I defendants involved cocaine or crack cocaine compared to 93 percent of Sample II defendants. However, greater proportions of Sample II defendants were female (34 percent compared to 19 percent of Sample I defendants). Sample II defendants also had more extensive records of prior arrests and convictions: 61 percent had prior arrests compared to 48 percent of Sample I defendants; 44 percent had prior drug arrests compared to 30 percent of Sample I defendants; 39 percent of Sample II defendants had prior convictions compared to 30 percent of Sample I defendants.

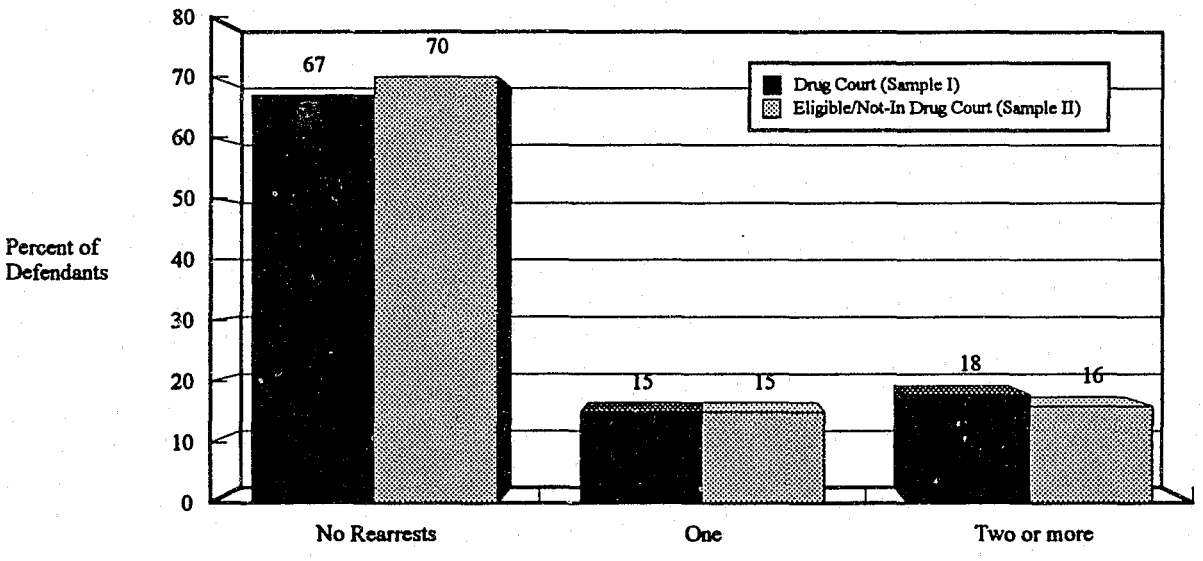
Comparing Case Processing Outcomes of Defendants in Samples I and II

The first two columns of Table A3.2 contrast the status of case dispositions recorded for the comparison samples by the end of the 18-month observation period. Nearly identical proportions of defendants in Samples I and II (30 percent and 28 percent, respectively) did not have their criminal charges disposed by the end of the observation period. Similarly, approximately 19 percent of both defendant groups recorded convictions within the observation period. Between those outcomes, however, Sample I and II defendants differed notably. Greater proportions of the cases of Sample II defendants were nolle prossed and "no actioned," while greater proportions of the cases of Drug Court defendants had charges dropped and cases sealed by the end of the observation period.

Approximately 12 percent of the Drug Court defendants had charges dropped within the 18-month period, compared to one percent of the Sample II defendants. A smaller proportion of Drug Court defendants (25 percent) had their cases nolle prossed within the

18-month period than Sample II defendants (36 percent). Nine percent of Drug Court defendants had cases successfully sealed ("QRU") by the time of data collection, compared with one percent of the Sample II defendants. Less than one percent of the Drug Court defendants had cases "no actioned" compared to 13 percent of Sample II defendants.

Figure B1 Rearrests for New Offenses During 18-Month Observation Period
Drug Court (Sample I) Defendants v. Assigned-but-not-Admitted (Sample II) Defendants



Comparing the Subsequent Reinvolvement of Drug Court and Sample II Defendants During the 18-Month Observation Period

Figure B1 shows that rearrest histories of the Drug Court and Sample II defendants were virtually identical during the 18-month period subsequent to August-September, 1990. Thirty-three percent of Drug Court defendants and 31 percent of Sample II defendants recorded rearrests during that period.[1] For defendants rearrested, the average number of days to the first rearrest differed slightly between the two samples. Drug Court defendants

[1] The difference was not statistically significant.

who were rearrested at least once averaged (a median) 235 days or about eight months before the first rearrest, compared to an average (median) of 261 days or almost nine months by Sample II defendants.[2]

Figure B2 Failures-to-Appear in Court During the 18-Month Observation Period:
Drug Court (Sample I) Defendants v. Assigned-but-not-Admitted (Sample II) Defendants

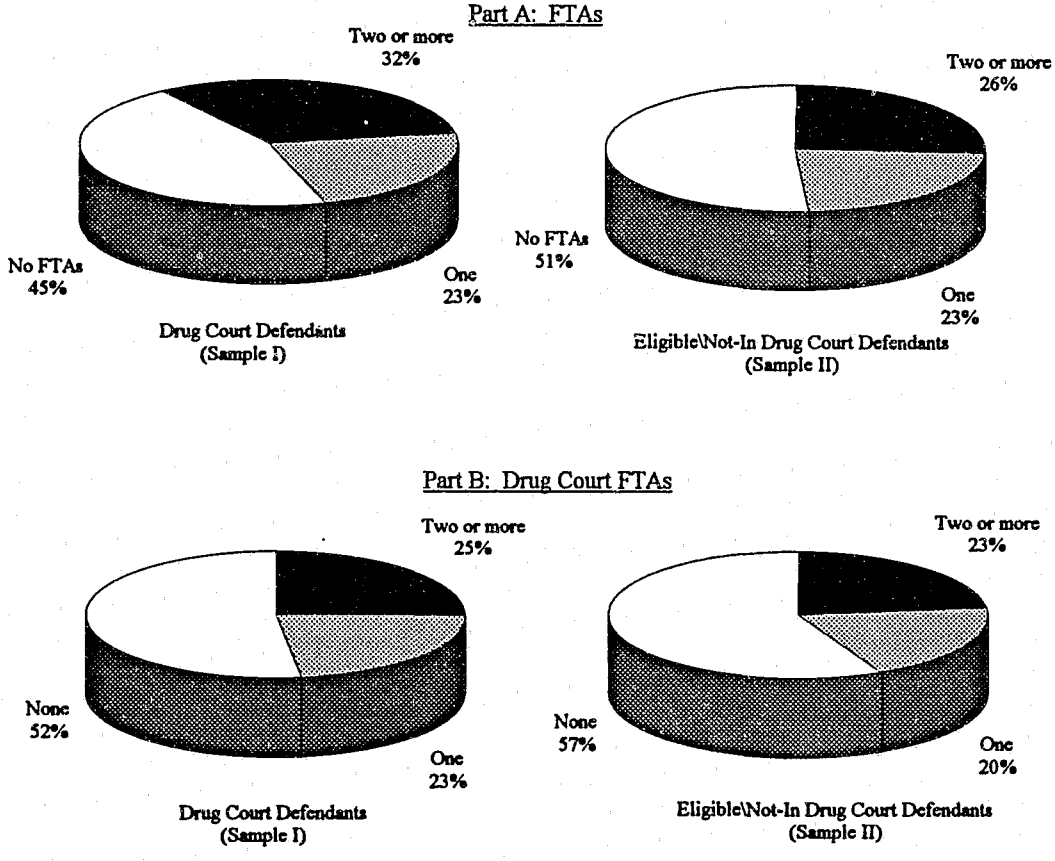


Figure B2 shows that the subsequent court attendance record of Sample I and II defendants did not differ significantly over the 18-month follow-up period, whether measured by alias capiases overall, just non-Drug Court alias capiases, or Drug Court alias capiases. This finding of identical failure-to-appear rates for the two samples confirms the assumption

[2] It should be noted that without more precise data describing the periods spent in confinement by defendants in each group during the 18-month period, it is possible that the length of time to rearrest is influenced by periods in confinement during which defendants were not at risk of rearrest.

that Sample II turns out to be a poor comparison group. In fact, the number of alias capiases issued for non-appearance in Drug Court confirms the earlier characterization that Sample II defendants must have included a large number of defendants who, like Sample I defendants, participated in the Drug Court treatment program during some stage in the 18-month observation period.

Summary: Sample II Did Not Provide a Suitable "Natural" Control Group But Did Show the Reach of the Drug Court

In summary, the comparison of the attributes, case and criminal history outcomes of Drug Court defendants and defendants who appeared eligible for Drug Court but who did not enter drug court during the sample period seemed to show differences in case outcomes, but no significant differences in later rearrests or failures-to-appear (as measured by alias capiases) during the 18-month period of study. The findings overall seriously undermine reliance on Sample II as the hoped-for "natural" control group. However, the findings do suggest that a very large share of targeted drug defendants indeed actually entered the Drug Court treatment program.