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Drug Courts and State Mandated Drug Treatment Programs: Outcomes, Costs and Consequences

Final Report Executive Summary



Submitted to:

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March 2008



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Over the past 20 years in the United States there has been a trend toward changing criminal justice policy to provide treatment as an alternative to incarceration for nonviolent drug offenders. Two main models have emerged that are aimed at effecting this change. One model is Drug Court; the other is statewide policy reformation, mandating treatment for all nonviolent drug offenders. The overall purposes of this study were twofold: 1. To examine the varying effectiveness of the Drug Court model compared to other criminal justice related models for treating substance abusing offenders measured in terms of participant completion rates, criminal recidivism and cost; and 2. To determine the impact of statewide mandated treatment policy reform on the operation of Drug Courts. California, with the implementation of the Substance Abuse and Crime Prevention Act of 2000 (SACPA), in a state with a large number of Drug Courts already in operation, provided a unique setting in which to examine the effects of the Drug Court model compared to court mandated *non-Drug Court* treatment models on offender outcomes. The research design for this study built on previous work performed by this evaluator in California. Detailed data on program resources (e.g., treatment services), outcomes (e.g., recidivism) and their costs were provided from a study¹ performed before the implementation of SACPA in California (1998-1999). For the current study, detailed program, outcome and cost data were collected (from administrative databases and paper files) on a cohort of Drug Court participants after SACPA implementation (those entering the program in 2002-2003) as well as on a cohort of SACPA participants who enrolled in the program during the same time period. All groups were tracked for 3 years following program entry. Results showed that the state mandated treatment in California (SACPA) succeeded in reaching a large number of eligible offenders and offered treatment for their substance use issues instead of incarceration. It has had a much greater impact on the total system of offenders than Drug Court that often serves only a small number of offenders. However, the Drug Court model showed greater success at producing higher rates of treatment completion and lower recidivism. Further, it did this with a significantly lower per person taxpayer investment. Overall, this data showed that the Drug Court model was a more efficient use of resources. If the resources could be provided for SACPA to incorporate practices of the Drug Court model that have been shown to be effective in this population (or Drug Court could be expanded to include a larger number of drug offenders), then this form of state mandated treatment could be an effective benefit resulting in large cost savings.

¹ This study was a part of a statewide cost study of Drug Courts in California, funded by BJA and the California Administrative Office of the Courts.

Drug Courts and State-Mandated Drug Treatment Programs: Outcomes, Costs and Consequences

Final Report Executive Summary

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Informing policy, improving programs

ACKNOWLEDGEMENTS

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- Kyle Gilmore for providing information during multiple interviews (and for the tie).
- DeEtte Goni and Helen Ellis for their responsiveness, their tenacity when we needed their help obtaining data and for their support on this project as well as others.
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- Richard Simpson for his invaluable help in accessing CJIS.
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- Linda Truitt at NIJ for always being available for questions and for her patience with delays.
- Doug Longshore, who consulted on this project and multiple other projects, assisted our access to important data, and provided general support and wisdom until the time of his passing.

- Finally, we would like to thank the National Institute of Justice (Department of Justice) for providing the funding and support for this study. This study was conducted under an NIJ grant, award #2005-U-CX-0010.

In addition to the multiple people outside NPC who assisted with this study, we would also like to thank all the staff at NPC Research who performed quality work to make this project a success:

- Anton Cox for data matching, cleaning, and counting extraordinaire! Also for his many long hours and true dedication.
- Lisa Lucas for her data charming techniques.
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EXECUTIVE SUMMARY

Over the past decade in the United States there has been a trend toward changing criminal justice policy to provide treatment as an alternative to incarceration for nonviolent drug offenders. Two main models have emerged that are aimed at effecting this change. One model is Drug Court; the other is statewide policy reformation, mandating treatment for all nonviolent drug offenders.

The overall purposes of this study were twofold:

- To examine the varying effectiveness of the Drug Court model compared to other criminal justice related models for treating substance abusing offenders measured in terms of participant completion rates, criminal recidivism and cost;
- To determine the impact of statewide mandated treatment policy reform on the operation of Drug Courts.

The Drug Court model includes a higher level of supervision, particularly by the Court and (generally) a standardized treatment program for all the participants within a particular court (including phases that each participant must pass through by meeting certain goals). There is also regular and frequent drug testing. In contrast, most of the state-mandated program models for drug offenders have less criminal justice supervision (particularly less court involvement) and a less standardized, sometimes more individualized, treatment regimen. In addition, the non-Drug Court treatment model uses drug testing less frequently. For example, in California, the drug policy legislation provided funds for treatment and some for probation, but no funds for drug testing. It is of interest to practitioners and policymakers to determine the relative effectiveness of these two models in assisting drug offenders to complete drug treatment and in reducing the incidence of drug offenders returning to the criminal justice system (recidivism).

In November 2000, 61% of California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA). Modeled after the Arizona Drug Medicalization, Prevention and Control Act of 1996, the primary goal of SACPA is to provide an alternative to incarceration for low-level, nonviolent drug possession offenders (Prop36.org, 2004). At the time SACPA was implemented, California had also already broadly implemented the Drug Court model, another alternative to incarceration for (generally) nonviolent drug offenders. California has the largest number of Drug Courts (approximately 120 in operation) of any state in the union.

The SACPA mandate included specific offender eligibility criteria required for SACPA programs in every county; however, each county was given the freedom to create their own SACPA program model and processes. While some counties attempted to implement a SACPA program modeled after Drug Court practices, counties were encouraged by the legislations proponents to create a different SACPA program model that had little criminal justice involvement. California is therefore a unique setting in which to examine the effects of the Drug Court model compared to court mandated *non-Drug Court* treatment models on offender outcomes. This setting also allows for an examination of the relative program investment and outcome costs as well as the effects of the introduction of court mandated non-Drug Court treatment models on Drug Court policies, organization, practices and costs.

Research Design and Methods

The research design for this study built on previous work performed by this evaluator. Detailed data on program resources (e.g., treatment services), outcomes (e.g., recidivism) and their costs were provided from a study¹ performed before the implementation of the Substance Abuse and Crime Prevention Act (SACPA) in California. This previous study included Drug Court participants from nine Drug Court sites. Two² of these sites, in two separate counties (the El Monte Drug Court in Los Angeles County and the San Joaquin County Drug Court), were selected for this study based on two main criteria; 1) The counties had SACPA programs that differed from each other and from the Drug Court model. (One was modeled somewhat like a Drug Court program but with less interactive court supervision and no rewards or sanctions while the other did not follow the Drug Court model and had no court supervision at all - both therefore stood as alternative approaches to the existing Drug Courts), and 2) Based on our experience in these sites from the statewide Drug Court study, it was known that high-quality data existed in a form reasonably easy to gather (e.g., administrative databases rather than just data in paper files).

For this study, detailed program, outcome and cost data were collected (from administrative databases and paper files) on a cohort of Drug Court participants after SACPA implementation (those entering the program in 2002-2003) as well as on a cohort of SACPA participants who enrolled in the program during the same time period. The data collected included the program resources (e.g., treatment services, probation services) used by Drug Court and SACPA program participants, outcomes such as criminal justice recidivism and social services use, and the costs associated with the use of these resources. These same data sources were used in the previous Drug Court cost study. All groups were tracked for 3 years after program entry.

Qualitative data (through interviews and document review) were collected, using a Drug Court typology guide developed by NPC Research and modified for use with the SACPA programs, to examine the changes that occurred in Drug Court organization and process due to the implementation of SACPA and to examine the current operations of both types of programs.

Costs data were calculated using an approach called Transactional and Institutional Cost Analysis (TICA) (Crumpton, Carey, & Finigan, 2004³). The TICA approach views an individual's interaction with publicly funded agencies as a set of transactions in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. Indirect (support and overhead) costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction. The transaction cost is multiplied by the average number of transactions for program participants to determine the total average cost per transaction type.

However, to determine the relative effectiveness and the relative investment and outcome costs of the programs, it was necessary to control for differences between program participants. The

¹ This study was a part of a statewide cost study of Drug Courts in California, funded by BJA and the California Administrative Office of the Courts.

² The reasons for choosing two sites for this study included the need to have at least one site to test against the other site to verify the consistency of the results. A second reason was the need to stay within a reasonable budget size. Additional sites could be added for additional funds.

³ Crumpton, C. D., Carey, S. M., & Finigan, M. W. (2004). *Enhancing Cost Analysis of Drug Courts: The Transactional and Institutional Cost Analysis Approach*. Submitted to the National Institute of Justice, Office of Justice Programs, December 2004. Can be found at www.npcresearch.com

analyses of program outcomes including participant recidivism were adjusted to control statistically for differences between the groups. Analyses of Covariance (ANCOVAs) were used to calculate adjusted means and statistical significance for differences in re-arrests, time on probation, jail time served, prison time served, and new court cases. These analyses were adjusted based on criminal history in the 2 years prior to program start including past arrests and jail time served. Also included in the covariates were demographics (age, ethnicity, gender), drug of choice, and time in jail during the recidivism period (except when the mean of interest was time served in jail).

Results

The results for this study were organized around six policy questions and are summarized in the following text.

POLICY QUESTION #1: HOW HAVE THE DRUG COURT AND STATEWIDE MANDATED TREATMENT MODELS BEEN IMPLEMENTED LOCALLY AND HOW DO THEY DIFFER?

There are several key differences between the Drug Court model and the SACPA model. One obvious difference is capacity. SACPA is designed to treat all eligible offenders well beyond the current capacity of Drug Court programs. The ability to provide treatment to a large number of offenders is a large benefit of SACPA. In addition, SACPA uses a larger number of treatment providers than the Drug Court programs. The benefit of this is the ability to provide participants with treatment specific to their needs. The drawback is that it is more difficult to coordinate and determine the quality of the treatment with a larger number of providers and it can be difficult for supervision to consistently receive communications on participant progress.

The length of stay for participants in SACPA is longer, and longer time in treatment is known to be associated with better outcomes. However, the treatment received in SACPA during that time may not be consistent, depending on whether the participant follows through on their treatment plan. This is in contrast to the Drug Court model where the high level of court supervision enforces participant attendance at treatment.

The Drug Court model performs several activities that result in a high level of participant monitoring including court sessions, treatment sessions, and drug tests. In addition to learning to deal with their substance abuse issues in treatment, participants learn to modify their inappropriate behaviors from feedback provided by the Drug Court team. Appropriate behavior is rewarded and inappropriate behavior is sanctioned so that participants are accountable for their behavior either way.

The successful completion of Drug Court, for each participant, is decided by a team that follows a clear list of requirements. The completion of SACPA is not standardized and is decided mainly from reports on treatment completion by individual treatment providers who may use very different criteria. Finally, the successful completion of Drug Court is called “graduation” and is marked by a ceremony and celebration. There is no special marking of SACPA completion aside from a certificate of completion.

In summary, the Drug Court model is more personal, including a much higher level of supervision and participant accountability as well as including rewards and sanctions for behavior change while the SACPA program reaches and provides treatment to a much larger number of individuals making a more personal model more challenging.

POLICY QUESTION #2: HOW HAVE DRUG COURTS ADJUSTED (HOW HAVE DRUG COURT PROCESS AND POLICIES CHANGED) WITH THE IMPLEMENTATION OF STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS?

One of the main findings for this question was that overall there was very little to no change in the basic Drug Court policies and procedures. However, there were some external changes that may have impacted Drug Court operations and effectiveness, mostly in relation to a change in participant population.

Funding for the Drug Court programs was perceived to have decreased with the passage of SACPA. Some staff perceived that the Drug Court program was now competing for scarce treatment resources with SACPA.

With the implementation of SACPA, the continuum of criminal justice diversion programs expanded. The role of the Drug Court program began to shift in response. After some confusion as to whether participants could go back and forth between programs, increasingly, the Drug Court programs are viewed as the next sequential step *after* a client has unsuccessfully participated in SACPA. The Drug Court now serves as a more intensive service option for those who are not succeeding under the less stringent criteria of the SACPA program. The Drug Court has also changed at what point in the case process they exist, changing from more pre-plea to post-plea.

And finally, there was a perceived change in the participant population with Drug Court participants becoming increasingly more addicted and more criminal by the time they enter the Drug Court program. This perception was confirmed by the available data on the Drug Court participants before and after SACPA implementation in both counties.

POLICY QUESTION #3: WHAT IS THE SUCCESS RATE OF DRUG COURT PROGRAMS BEFORE THE IMPLEMENTATION OF STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS COMPARED TO THE SUCCESS RATE OF DRUG COURT PROGRAMS AFTER?

Drug Court participants at both sites received similar treatment services and court supervision before and after SACPA implementation, although data available at one site showed a significantly longer time from arrest to Drug Court entry after SACPA. It is probable that the increased time is due to offenders entering the Drug Courts after first spending extended time in the SACPA program. This means that the Drug Courts can no longer reasonably follow the third key component of Drug Court, that eligible offenders are identified quickly and promptly placed in the Drug Court program.

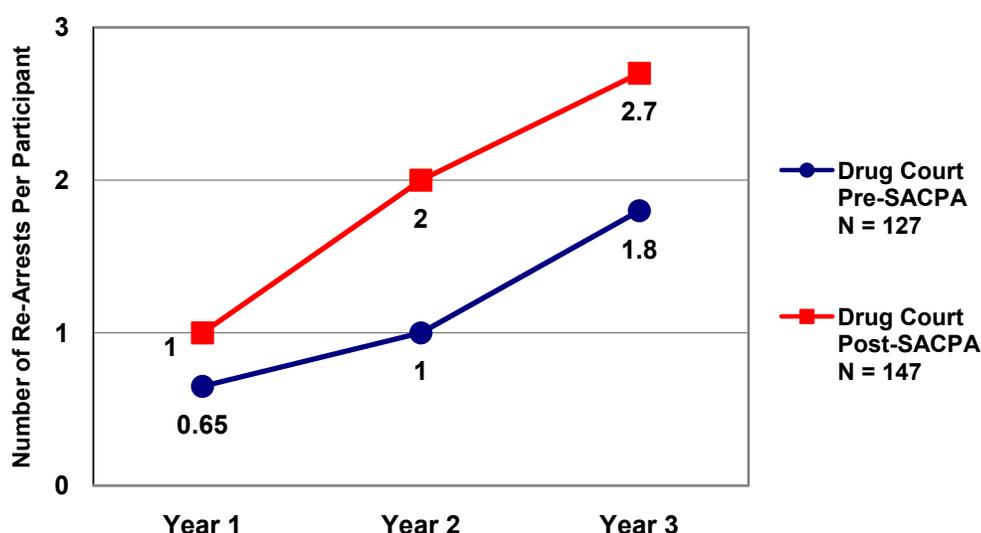
Graduation rate decreased for both Drug Court sites from pre-SACPA to post-SACPA; from 80% to 50% in El Monte and 29% to 23% in San Joaquin. Literature shows that graduation rates in different Drug Courts tend to vary widely (from 26% to 80%). These two Drug Court sites are quite typical. However, it should be noted that San Joaquin had a graduation rate that was quite low compared to the national average of around 50% (Cooper, 2004). In spite of this, San Joaquin Drug Court participants have low recidivism, regardless of whether they graduate from the program. This decrease in graduation rate at both sites is most likely due to the increase in criminality and the probable increase in addiction severity in the Drug Court population after SACPA implementation.

Recidivism increased significantly for Drug Court participants after SACPA implementation. The increased recidivism was significant even after taking into account any differences in demographics, criminal history, time incarcerated and drug of choice. Because the Drug Court

programs showed little to no change in policies or procedures, the most likely explanation for this is the probable change in the Drug Court population after SACPA to a more addicted population at the time of entry. It is also likely that the extended time from arrest to entry into the Drug Court program, as well as participants' experience with SACPA treatment, had an effect on how the participants perceived the Drug Court program and Drug Court treatment. Perhaps these participants become more jaded after experiencing and failing at treatment more than once, rendering the next treatment experience less effective.

Figure A demonstrates the change in recidivism over 3 years for Drug Court participants before SACPA compared to Drug Court participants after SACPA. This graph (see Figure A) looks similar in both counties.

Figure A. Average Number of Re-Arrests Over Time for Drug Court Participants Before and After SACPA Implementation



POLICY QUESTION #4: WHAT IS THE RELATIVE SUCCESS RATE (MEASURED BY PROGRAM COMPLETION RATE AND RECIDIVISM) OF THE DRUG COURT PROGRAM MODEL COMPARED TO COURT MANDATED NON-DRUG COURT TREATMENT MODELS?

SACPA participants in both counties spent significantly more time in the SACPA program than the Drug Court participants at either time period. Drug Court participants before SACPA show significantly lower recidivism compared to SACPA program participants and Drug Court program participants after SACPA implementation. While the recidivism for Drug Court participants after SACPA implementation was lower, it did not differ significantly from SACPA participants.

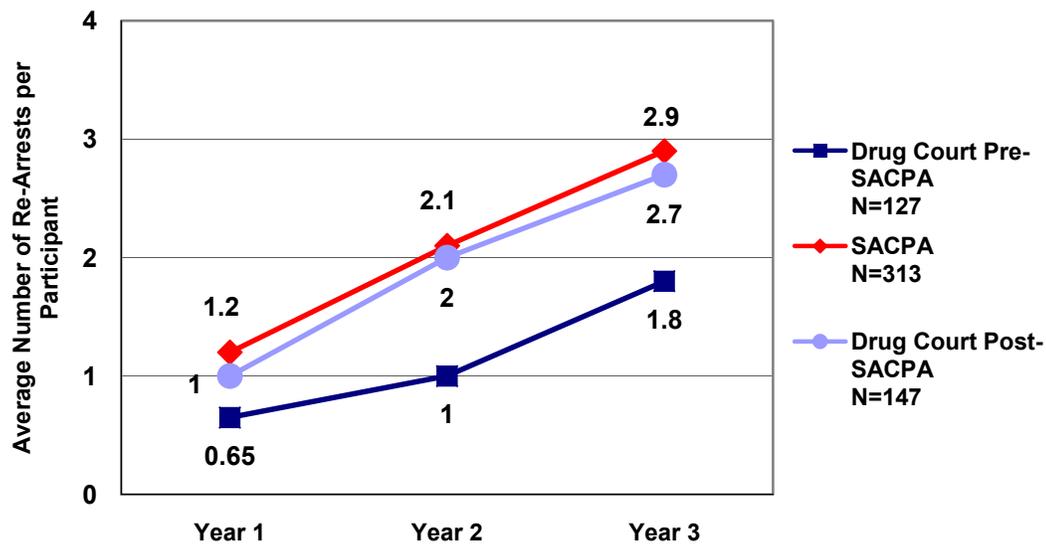
These results imply that the Drug Court model is significantly more effective in getting drug offenders to complete treatment. In addition, the Drug Court model, before the changes in funding and participant population brought on by SACPA implementation, was more effective in lowering criminal justice recidivism than the state-mandated treatment models that do not include the interventions shown to be effective in the Drug Court model (such as more

personalized supervision, more participant accountability and an option for incarceration as a sanction).

These results also imply that the Drug Court model may (understandably) be less effective with a more criminal, more heavily addicted population than it was with a less criminal, less addicted population. However, even with a more criminal population than SACPA, Drug Court performed at least as well, or better, than the SACPA programs in terms of criminal justice related outcomes in these two counties.

Figure B demonstrates the relative recidivism of SACPA participants compared to Drug Court participants at both time periods. Note this is the same graph presented in Figure A, but with SACPA participants added to demonstrate how SACPA participant differs from that of Drug Court participants at both time points. The graph (see Figure B) looks quite similar in both study sites.

Figure B. Drug Court and SACPA Average Number of Re-Arrests per Participant Over 3 Years



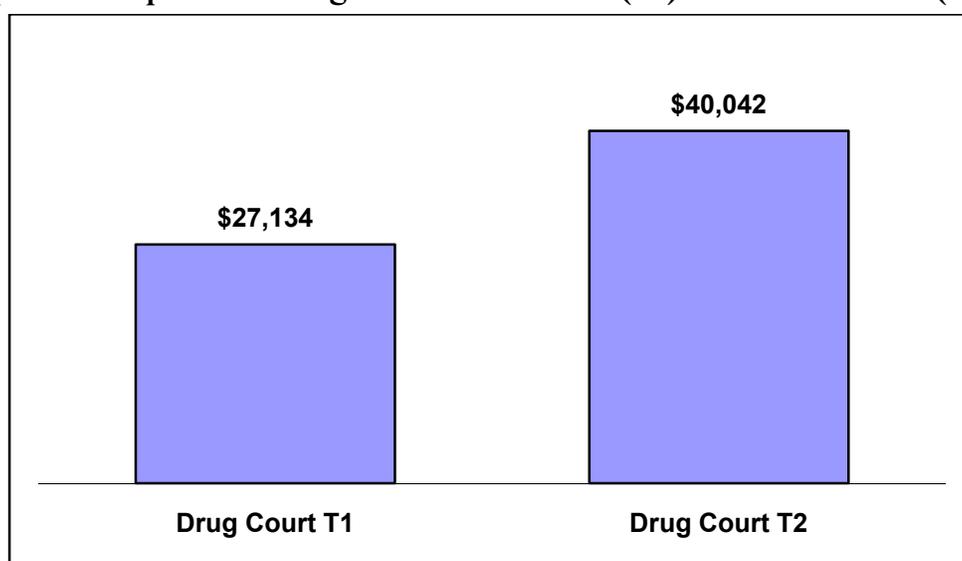
POLICY QUESTION #5: WHAT ARE THE INVESTMENT AND OUTCOME COSTS OF DRUG COURTS BEFORE THE IMPLEMENTATION OF THE STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS COMPARED TO AFTER IMPLEMENTATION?

Drug Court program investment costs increased in both programs from pre-SACPA to post-SACPA, though this was significant only in one site. Outcome costs over 3 years for El Monte Drug Court participants were higher for participants who entered Drug Court after SACPA implementation than for participants who entered before SACPA. The difference between the two grows over time, with post-SACPA participants showing increasingly higher costs. For San Joaquin County in spite of the increased number of re-arrests, the decrease in days in jail led to no significant difference in outcome costs for Drug Court before and after SACPA. It may be that the decrease in jail time is due to SACPA changes in the use of jail for drug crimes. Unfortunately, the lower use of jail time did not lead to less crime, as the data showed a significant increase in re-arrests in the same time period.

Putting both the investment costs and the outcome cost together, we find that in San Joaquin, there was no significant difference in costs for all participants from pre-SACPA to post-SACPA. The increase in re-arrests for Drug Court participants post-SACPA is balanced out by the decrease in the use of jail time.

However, in El Monte total costs rose by 48% after SACPA implementation. The increase in costs in this site is due largely to the increased use of jail (or in-jail treatment) for Drug Court participants post-SACPA and higher recidivism (including re-arrests and prison time) for Drug Court participants post-SACPA. For this site, Drug Court costs to the taxpayer rose significantly after SACPA implementation, probably due to the increase in addiction and criminality of the participants. Figure C exemplifies this finding.

Figure C. El Monte Drug Court Participant Total Costs: Program and Outcome Cost per Participant for Drug Court Pre-SACPA (T1) and Post-SACPA (T2)

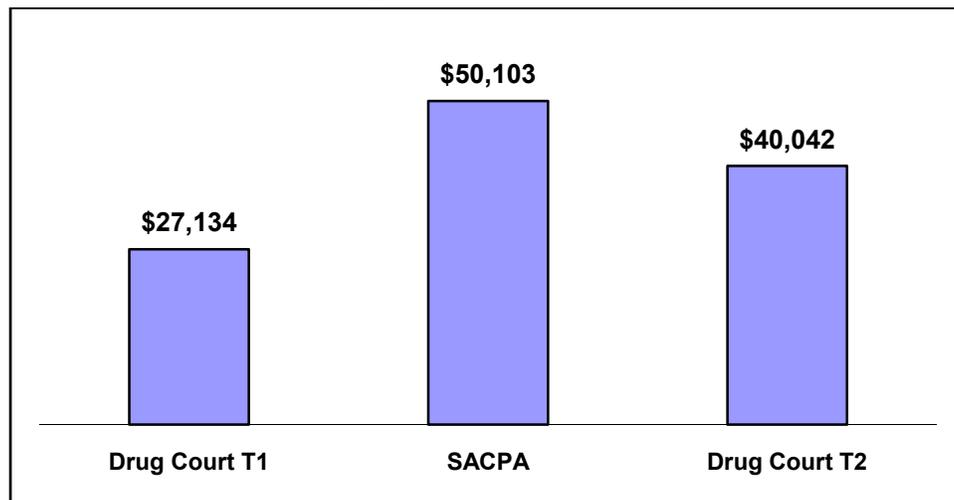


POLICY QUESTION #6: WHAT ARE THE RELATIVE INVESTMENT AND OUTCOME COSTS OF DRUG COURTS COMPARED TO STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS?

SACPA produced a much higher per person program investment costs than Drug Courts. This is largely a function of the greater amount of treatment experienced by SACPA participants. Drug Courts had less treatment but were more likely to lead to treatment completion. While SACPA participants had a higher number of re-arrests than Drug Court participants, their overall outcome costs were similar due to less jail time for SACPA participants. Unfortunately, this provides evidence that decreased jail time for SACPA participants was related to more crime.

Overall, the total per person costs were substantially higher for SACPA participants. For a significantly lower investment cost, the Drug Court model produced outcomes as good as or better than SACPA outcomes (even after the Drug Court population became more criminal and more addicted than SACPA participants), resulting in lower costs over all. Although Drug Court participants appear to spend less time in the program, the Drug Court model is shown to be more efficient in treatment delivery and to produce better outcomes. Figure D provides an example of program investment costs from the El Monte Drug Court and SACPA programs.

Figure D. Total Costs per Offender for SACPA, Drug Court pre-SACPA (T1) and Drug Court Post-SACPA (T2)



Limitations

Although analyses controlled for differences between these groups on criminal history, drug of choice, demographics and incarceration rates, data on addiction level was not available and therefore could not be controlled for. This is particularly important in looking at differences for Drug Court after SACPA implementation because many participants in Drug Court post-SACPA were former SACPA participants who were unsuccessful at completing their SACPA program. It is likely that these offenders had higher levels of addiction by the time they entered the Drug Court programs at both study sites.

Further, the ability to generalize these results is somewhat limited as this study was performed in only two study sites. However, given that every county has implemented SACPA differently, it would be difficult to generalize the results from any region to any other region. Although it may not be possible to generalize to every county in the state of California, there are clear lessons to be learned from these results in terms of the relative effectiveness of the Drug Court model (with practices that have been shown to be effective in other settings such as court supervision, rewards and sanctions and participant accountability) compared to other program models such as those demonstrated at these two study sites.

Overall Conclusions

SACPA represents a broad based policy initiative aimed at reducing rates of incarceration and increasing recovery rates for low level, non-violent drug involved offenders. SACPA devotes considerable resources to treatment of those offenders. The policy initiative was developed without the use of interventions deemed effective in other researched and evaluated initiatives such as the Drug Court model. For example, SACPA did not use criminal justice leverage or sanctions found to be effective in Drug Courts. Consequently, retention in the SACPA and in treatment was lower than might have been anticipated. Nevertheless, on a large scale, California diverted many more people to treatment than the Drug Courts alone. In other words, treatment access was significantly increased. Further, it is likely that the total number of participants who entered recovery and did not recidivate exceeds the total number of Drug Court participants in recovery, even though the rates for Drug Court were higher.

Therefore, the state-mandated treatment in California (SACPA) has succeeded in two important ways that were central to its initial logic. First, it has provided an enormous benefit in being able to reach nearly all eligible offenders and offer treatment for their substance use issues instead of incarceration. Second, it has allowed offenders to have more total treatment than Drug Court. In this sense, it has had a much greater impact on the total system of offenders than Drug Court that often serves only a small number of offenders.

Yet, the Drug Court model has shown greater success at producing higher rates of treatment completion and lower recidivism. Further, it does this with a significantly lower per person taxpayer investment. In short, from these data it can be suggested that SACPA succeeds in providing more treatment but the Drug Court model produces better outcomes for less money. Overall, this data shows that the Drug Court model is a more efficient use of resources.

If the resources could be provided for SACPA to incorporate practices of the Drug Court model that have been shown to be effective in this population, particularly when based on participant risk-level as described by Marlowe (2006), (or Drug Court could be expanded to include a larger number of drug offenders) then this form of state-mandated treatment could be an effective benefit resulting in large cost savings for the state of California. Other states considering statewide treatment reform should take into account the clear benefits demonstrated by the Drug Court model in this study, as well as the myriad of Drug Court studies showing positive outcomes for Drug Court participants.

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In addition to the multiple people outside NPC who assisted with this study, we would also like to thank all the staff at NPC Research who performed quality work to make this project a success:

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EXECUTIVE SUMMARY

Over the past decade in the United States there has been a trend toward changing criminal justice policy to provide treatment as an alternative to incarceration for nonviolent drug offenders. Two main models have emerged that are aimed at effecting this change. One model is Drug Court; the other is statewide policy reformation, mandating treatment for all nonviolent drug offenders.

The overall purposes of this study were twofold:

- To examine the varying effectiveness of the Drug Court model compared to other criminal justice related models for treating substance abusing offenders measured in terms of participant completion rates, criminal recidivism and cost;
- To determine the impact of statewide mandated treatment policy reform on the operation of Drug Courts.

The Drug Court model includes a higher level of supervision, particularly by the Court and (generally) a standardized treatment program for all the participants within a particular court (including phases that each participant must pass through by meeting certain goals). There is also regular and frequent drug testing. In contrast, most of the state-mandated program models for drug offenders have less criminal justice supervision (particularly less court involvement) and a less standardized, sometimes more individualized, treatment regimen. In addition, the non-Drug Court treatment model uses drug testing less frequently. For example, in California, the drug policy legislation provided funds for treatment and some for probation, but no funds for drug testing. It is of interest to practitioners and policymakers to determine the relative effectiveness of these two models in assisting drug offenders to complete drug treatment and in reducing the incidence of drug offenders returning to the criminal justice system (recidivism).

In November 2000, 61% of California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA). Modeled after the Arizona Drug Medicalization, Prevention and Control Act of 1996, the primary goal of SACPA is to provide an alternative to incarceration for low-level, nonviolent drug possession offenders (Prop36.org, 2004). At the time SACPA was implemented, California had also already broadly implemented the Drug Court model, another alternative to incarceration for (generally) nonviolent drug offenders. California has the largest number of Drug Courts (approximately 120 in operation) of any state in the union.

The SACPA mandate included specific offender eligibility criteria required for SACPA programs in every county; however, each county was given the freedom to create their own SACPA program model and processes. While some counties attempted to implement a SACPA program modeled after Drug Court practices, counties were encouraged by the legislations proponents to create a different SACPA program model that had little criminal justice involvement. California is therefore a unique setting in which to examine the effects of the Drug Court model compared to court mandated *non-Drug Court* treatment models on offender outcomes. This setting also allows for an examination of the relative program investment and outcome costs as well as the effects of the introduction of court mandated non-Drug Court treatment models on Drug Court policies, organization, practices and costs.

Research Design and Methods

The research design for this study built on previous work performed by this evaluator. Detailed data on program resources (e.g., treatment services), outcomes (e.g., recidivism) and their costs were provided from a study¹ performed before the implementation of the Substance Abuse and Crime Prevention Act (SACPA) in California. This previous study included Drug Court participants from nine Drug Court sites. Two² of these sites, in two separate counties (the El Monte Drug Court in Los Angeles County and the San Joaquin County Drug Court), were selected for this study based on two main criteria; 1) The counties had SACPA programs that differed from each other and from the Drug Court model. (One was modeled somewhat like a Drug Court program but with less interactive court supervision and no rewards or sanctions while the other did not follow the Drug Court model and had no court supervision at all - both therefore stood as alternative approaches to the existing Drug Courts), and 2) Based on our experience in these sites from the statewide Drug Court study, it was known that high quality data existed in a form reasonably easy to gather (e.g., administrative databases rather than just data in paper files).

For this study, detailed program, outcome and cost data were collected (from administrative databases and paper files) on a cohort of Drug Court participants after SACPA implementation (those entering the program in 2002-2003) as well as on a cohort of SACPA participants who enrolled in the program during the same time period. The data collected included the program resources (e.g., treatment services, probation services) used by Drug Court and SACPA program participants, outcomes such as criminal justice recidivism and social services use, and the costs associated with the use of these resources. These same data sources were used in the previous Drug Court cost study. All groups were tracked for 3 years after program entry.

Qualitative data (through interviews and document review) were collected, using a Drug Court typology guide developed by NPC Research and modified for use with the SACPA programs, to examine the changes that occurred in Drug Court organization and process due to the implementation of SACPA and to examine the current operations of both types of programs.

Costs data were calculated using an approach called Transactional and Institutional Cost Analysis (TICA) (Crumpton, Carey, & Finigan, 2004). The TICA approach views an individual's interaction with publicly funded agencies as a set of transactions in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. Indirect (support and overhead) costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction. The transaction cost is multiplied by the average number of transactions for program participants to determine the total average cost per transaction type.

However, to determine the relative effectiveness and the relative investment and outcome costs of the programs, it was necessary to control for differences between program participants. The analyses of program outcomes including participant recidivism were adjusted to control statistically for differences between the groups. Analyses of Covariance (ANCOVAs) were used to calculate adjusted means and statistical significance for differences in re-arrests, time on probation,

¹ This study was a part of a statewide cost study of Drug Courts in California, funded by BJA and the California Administrative Office of the Courts.

² The reasons for choosing two sites for this study included the need to have at least one site to test against the other site to verify the consistency of the results. A second reason was the need to stay within a reasonable budget size. Additional sites could be added for additional funds.

jail time served, prison time served, and new court cases. These analyses were adjusted based on criminal history in the 2 years prior to program start including past arrests and jail time served. Also included in the covariates were demographics (age, ethnicity, gender), drug of choice, and time in jail during the recidivism period (except when the mean of interest was time served in jail).

Results

The results for this study were organized around six policy questions and are summarized in the following text.

POLICY QUESTION #1: HOW HAVE THE DRUG COURT AND STATEWIDE MANDATED TREATMENT MODELS BEEN IMPLEMENTED LOCALLY AND HOW DO THEY DIFFER?

There are several key differences between the Drug Court model and the SACPA model. One obvious difference is capacity. SACPA is designed to treat all eligible offenders well beyond the current capacity of Drug Court programs. The ability to provide treatment to a large number of offenders is a large benefit of SACPA. In addition, SACPA uses a larger number of treatment providers than the Drug Court programs. The benefit of this is the ability to provide participants with treatment specific to their needs. The drawback is that it is more difficult to coordinate and determine the quality of the treatment with a larger number of providers and it can be difficult for supervision to consistently receive communications on participant progress.

The length of stay for participants in SACPA is longer, and longer time in treatment is known to be associated with better outcomes. However, the treatment received in SACPA during that time may not be consistent, depending on whether the participant follows through on their treatment plan. This is in contrast to the Drug Court model where the high level of court supervision enforces participant attendance at treatment.

The Drug Court model performs several activities that result in a high level of participant monitoring including court sessions, treatment sessions, and drug tests. In addition to learning to deal with their substance abuse issues in treatment, participants learn to modify their inappropriate behaviors from feedback provided by the Drug Court team. Appropriate behavior is rewarded and inappropriate behavior is sanctioned so that participants are accountable for their behavior either way.

The successful completion of Drug Court, for each participant, is decided by a team that follows a clear list of requirements. The completion of SACPA is not standardized and is decided mainly from reports on treatment completion by individual treatment providers who may use very different criteria. Finally, the successful completion of Drug Court is called “graduation” and is marked by a ceremony and celebration. There is no special marking of SACPA completion aside from a certificate of completion.

In summary, the Drug Court model is more personal, including a much higher level of supervision and participant accountability as well as including rewards and sanctions for behavior change while the SACPA program reaches and provides treatment to a much larger number of individuals making a more personal model more challenging.

POLICY QUESTION #2: HOW HAVE DRUG COURTS ADJUSTED (HOW HAVE DRUG COURT PROCESS AND POLICIES CHANGED) WITH THE IMPLEMENTATION OF STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS?

One of the main findings for this question was that overall there was very little to no change in the basic Drug Court policies and procedures. However, there were some external changes that may have impacted Drug Court operations and effectiveness, mostly in relation to a change in participant population.

Funding for the Drug Court programs was perceived to have decreased with the passage of SACPA. Some staff perceived that the Drug Court program was now competing for scarce treatment resources with SACPA.

With the implementation of SACPA, the continuum of criminal justice diversion programs expanded. The role of the Drug Court program began to shift in response. After some confusion as to whether participants could go back and forth between programs, increasingly, the Drug Court programs are viewed as the next sequential step *after* a client has unsuccessfully participated in SACPA. The Drug Court now serves as a more intensive service option for those who are not succeeding under the less stringent criteria of the SACPA program. The Drug Court has also changed at what point in the case process they exist, changing from more pre-plea to post-plea.

And finally, there was a perceived change in the participant population with Drug Court participants becoming increasingly more addicted and more criminal by the time they enter the Drug Court program. This perception was confirmed by the available data on the Drug Court participants before and after SACPA implementation in both counties.

POLICY QUESTION #3: WHAT IS THE SUCCESS RATE OF DRUG COURT PROGRAMS BEFORE THE IMPLEMENTATION OF STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS COMPARED TO THE SUCCESS RATE OF DRUG COURT PROGRAMS AFTER?

Drug Court participants at both sites received similar treatment services and court supervision before and after SACPA implementation, although data available at one site showed a significantly longer time from arrest to Drug Court entry after SACPA. It is probable that the increased time is due to offenders entering the Drug Courts after first spending extended time in the SACPA program. This means that the Drug Courts can no longer reasonably follow the third key component of Drug Court, that eligible offenders are identified quickly and promptly placed in the Drug Court program.

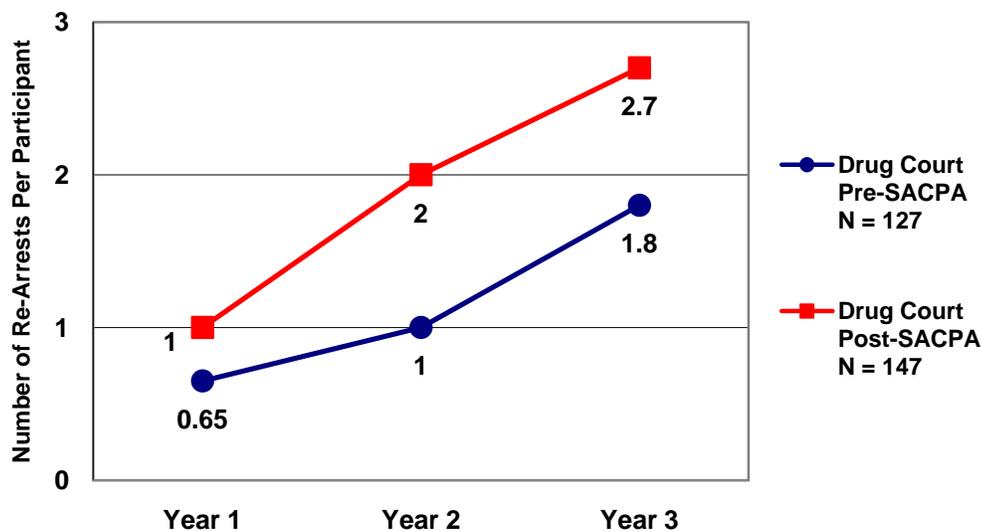
Graduation rate decreased for both Drug Court sites from pre-SACPA to post-SACPA; from 80% to 50% in El Monte and 29% to 23% in San Joaquin. Literature shows that graduation rates in different Drug Courts tend to vary widely (from 26% to 80%). These two Drug Court sites are quite typical. However, it should be noted that San Joaquin had a graduation rate that was quite low compared to the national average of around 50% (Cooper, 2004). In spite of this, San Joaquin Drug Court participants have low recidivism, regardless of whether they graduate from the program. This decrease in graduation rate at both sites is most likely due to the increase in criminality and the probable increase in addiction severity in the Drug Court population after SACPA implementation.

Recidivism increased significantly for Drug Court participants after SACPA implementation. The increased recidivism was significant even after taking into account any differences in

demographics, criminal history, time incarcerated and drug of choice. Because the Drug Court programs showed little to no change in policies or procedures, the most likely explanation for this is the probable change in the Drug Court population after SACPA to a more addicted population at the time of entry. It is also likely that the extended time from arrest to entry into the Drug Court program, as well as participants' experience with SACPA treatment, had an effect on how the participants perceived the Drug Court program and Drug Court treatment. Perhaps these participants become more jaded after experiencing and failing at treatment more than once, rendering the next treatment experience less effective.

Figure A demonstrates the change in recidivism over 3 years for Drug Court participants before SACPA compared to Drug Court participants after SACPA. This graph (see Figure A) looks similar in both counties.

Figure A. Average Number of Re-Arrests Over Time for Drug Court Participants Before and After SACPA Implementation



POLICY QUESTION #4: WHAT IS THE RELATIVE SUCCESS RATE (MEASURED BY PROGRAM COMPLETION RATE AND RECIDIVISM) OF THE DRUG COURT PROGRAM MODEL COMPARED TO COURT MANDATED NON-DRUG COURT TREATMENT MODELS?

SACPA participants in both counties spent significantly more time in the SACPA program than the Drug Court participants at either time period. Drug Court participants before SACPA show significantly lower recidivism compared to SACPA program participants and Drug Court program participants after SACPA implementation. While the recidivism for Drug Court participants after SACPA implementation was lower, it did not differ significantly from SACPA participants.

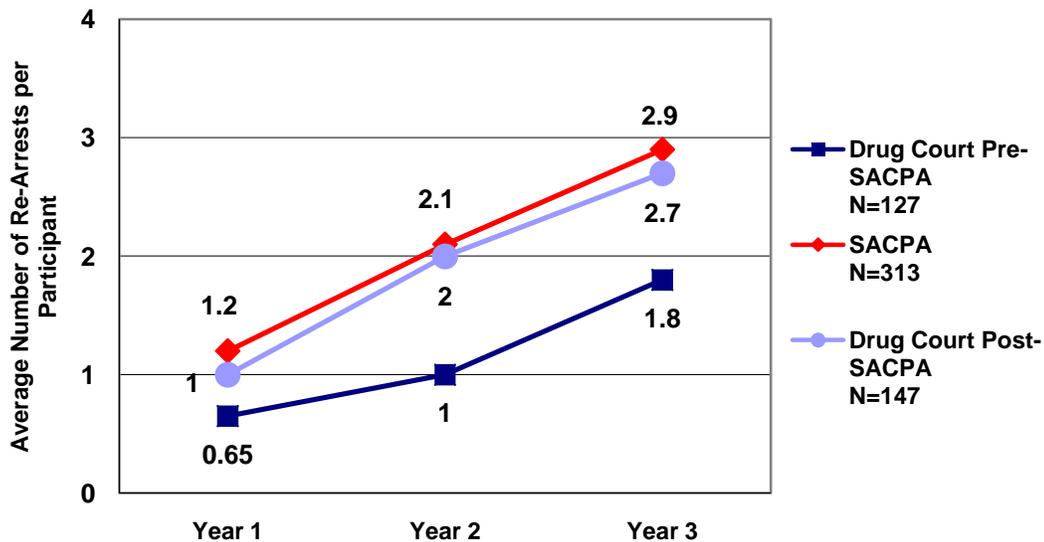
These results imply that the Drug Court model is significantly more effective in getting drug offenders to complete treatment. In addition, the Drug Court model, before the changes in funding and participant population brought on by SACPA implementation, was more effective in lowering criminal justice recidivism than the state-mandated treatment models that do not

include the interventions shown to be effective in the Drug Court model (such as more personalized supervision, more participant accountability and an option for incarceration as a sanction).

These results also imply that the Drug Court model may (understandably) be less effective with a more criminal, more heavily addicted population than it was with a less criminal, less addicted population. However, even with a more criminal population than SACPA, Drug Court performed at least as well, or better, than the SACPA programs in terms of criminal justice related outcomes in these two counties.

Figure B demonstrates the relative recidivism of SACPA participants compared to Drug Court participants at both time periods. Note this is the same graph presented in Figure A, but with SACPA participants added to demonstrate how SACPA participant differs from that of Drug Court participants at both time points. The graph (see Figure B) looks quite similar in both study sites.

Figure B. Drug Court and SACPA Average Number of Re-Arrests per Participant Over 3 Years



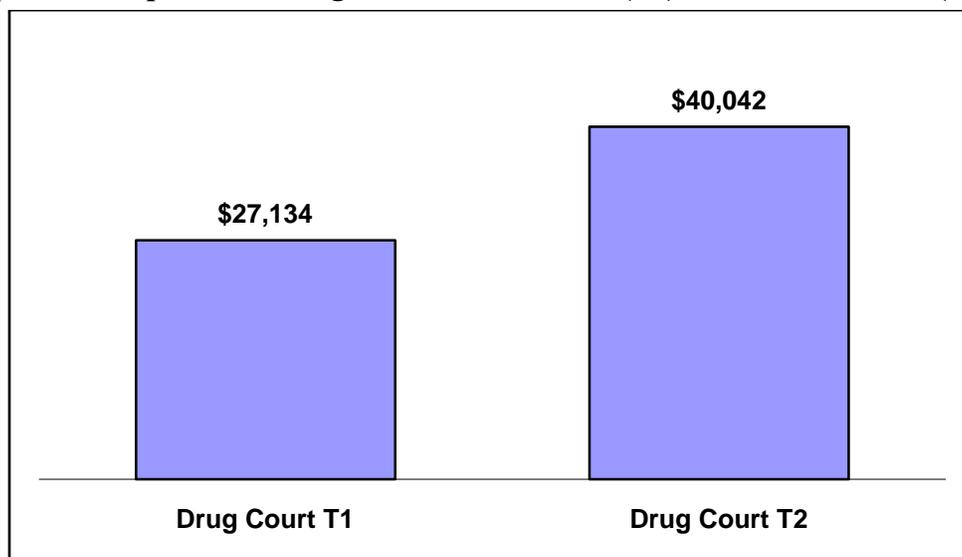
POLICY QUESTION #5: WHAT ARE THE INVESTMENT AND OUTCOME COSTS OF DRUG COURTS BEFORE THE IMPLEMENTATION OF THE STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS COMPARED TO AFTER IMPLEMENTATION?

Drug Court program investment costs increased in both programs from pre-SACPA to post-SACPA, though this was significant only in one site. Outcome costs over 3 years for El Monte Drug Court participants were higher for participants who entered Drug Court after SACPA implementation than for participants who entered before SACPA. The difference between the two grows over time, with post-SACPA participants showing increasingly higher costs. For San Joaquin County in spite of the increased number of re-arrests, the decrease in days in jail led to no significant difference in outcome costs for Drug Court before and after SACPA. It may be that the decrease in jail time is due to SACPA changes in the use of jail for drug crimes. Unfortunately, the lower use of jail time did not lead to less crime, as the data showed a significant increase in re-arrests in the same time period.

Putting both the investment costs and the outcome cost together, we find that in San Joaquin, there was no significant difference in costs for all participants from pre-SACPA to post-SACPA. The increase in re-arrests for Drug Court participants post-SACPA is balanced out by the decrease in the use of jail time.

However, in El Monte total costs rose by 48% after SACPA implementation. The increase in costs in this site is due largely to the increased use of jail (or in-jail treatment) for Drug Court participants post-SACPA and higher recidivism (including re-arrests and prison time) for Drug Court participants post-SACPA. For this site, Drug Court costs to the taxpayer rose significantly after SACPA implementation, probably due to the increase in addiction and criminality of the participants. Figure C exemplifies this finding.

Figure C. El Monte Drug Court Participant Total Costs: Program and Outcome Cost per Participant for Drug Court Pre-SACPA (T1) and Post-SACPA (T2)



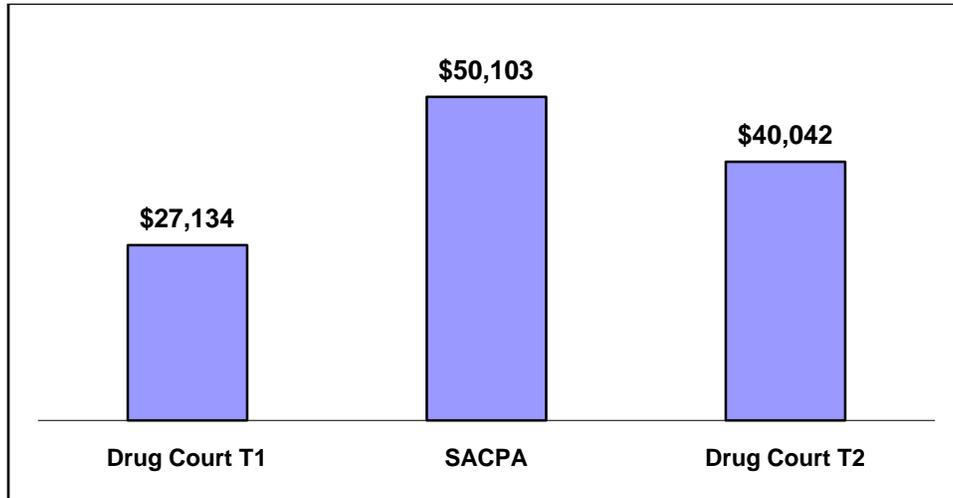
POLICY QUESTION #6: WHAT ARE THE RELATIVE INVESTMENT AND OUTCOME COSTS OF DRUG COURTS COMPARED TO STATE-MANDATED NON-DRUG COURT TREATMENT PROGRAMS?

SACPA produced a much higher per person program investment costs than Drug Courts. This is largely a function of the greater amount of treatment experienced by SACPA participants. Drug Courts had less treatment but were more likely to lead to treatment completion. While SACPA participants had a higher number of re-arrests than Drug Court participants, their overall outcome costs were similar due to less jail time for SACPA participants. Unfortunately, this provides evidence that decreased jail time for SACPA participants was related to more crime.

Overall, the total per person costs were substantially higher for SACPA participants. For a significantly lower investment cost, the Drug Court model produced outcomes as good as or better than SACPA outcomes (even after the Drug Court population became more criminal and more addicted than SACPA participants), resulting in lower costs over all. Although Drug Court participants appear to spend less time in the program, the Drug Court model is shown to be more

efficient in treatment delivery and to produce better outcomes. Figure D provides an example of program investment costs from the El Monte Drug Court and SACPA programs.

Figure D. Total Costs per Offender for SACPA, Drug Court pre-SACPA (T1) and Drug Court Post-SACPA (T2)



Limitations

Although analyses controlled for differences between these groups on criminal history, drug of choice, demographics and incarceration rates, data on addiction level was not available and therefore could not be controlled for. This is particularly important in looking at differences for Drug Court after SACPA implementation because many participants in Drug Court post-SACPA were former SACPA participants who were unsuccessful at completing their SACPA program. It is likely that these offenders had higher levels of addiction by the time they entered the Drug Court programs at both study sites.

Further, the ability to generalize these results is somewhat limited as this study was performed in only two study sites. However, given that every county has implemented SACPA differently, it would be difficult to generalize the results from any region to any other region. Although it may not be possible to generalize to every county in the state of California, there are clear lessons to be learned from these results in terms of the relative effectiveness of the Drug Court model (with practices that have been shown to be effective in other settings such as court supervision, rewards and sanctions and participant accountability) compared to other program models such as those demonstrated at these two study sites.

Overall Conclusions

SACPA represents a broad based policy initiative aimed at reducing rates of incarceration and increasing recovery rates for low level, non-violent drug involved offenders. SACPA devotes considerable resources to treatment of those offenders. The policy initiative was developed without the use of interventions deemed effective in other researched and evaluated initiatives such as the Drug Court model. For example, SACPA did not use criminal justice leverage or sanctions found to be effective in Drug Courts. Consequently, retention in the SACPA and in treatment was lower than might have been anticipated. Nevertheless, on a large scale, California diverted many more people to treatment than the Drug Courts alone. In other words, treatment access was significantly increased. Further, it is likely that the total number of participants who entered recovery and did not recidivate exceeds the total number of Drug Court participants in recovery, even though the rates for Drug Court were higher.

Therefore, the state-mandated treatment in California (SACPA) has succeeded in two important ways that were central to its initial logic. First, it has provided an enormous benefit in being able to reach nearly all eligible offenders and offer treatment for their substance use issues instead of incarceration. Second, it has allowed offenders to have more total treatment than Drug Court. In this sense, it has had a much greater impact on the total system of offenders than Drug Court that often serves only a small number of offenders.

Yet, the Drug Court model has shown greater success at producing higher rates of treatment completion and lower recidivism. Further, it does this with a significantly lower per person taxpayer investment. In short, from these data it can be suggested that SACPA succeeds in providing more treatment but the Drug Court model produces better outcomes for less money. Overall, this data shows that the Drug Court model is a more efficient use of resources.

If the resources could be provided for SACPA to incorporate practices of the Drug Court model that have been shown to be effective in this population, particularly when based on participant risk-level as described by Marlowe (2006), (or Drug Court could be expanded to include a larger number of drug offenders) then this form of state-mandated treatment could be an effective benefit resulting in large cost savings for the state of California. Other states considering statewide treatment reform should take into account the clear benefits demonstrated by the Drug Court model in this study, as well as the myriad of Drug Court studies showing positive outcomes for Drug Court participants.

INTRODUCTION

Project Overview and Background

Over the past decade in the United States there has been a trend toward changing criminal justice policy to provide treatment as an alternative to incarceration for nonviolent drug offenders. Two main models have emerged that are aimed at effecting this change. One model is Drug Court; the other is statewide policy reformation, mandating treatment for all nonviolent drug offenders.

The overall purposes of this study are twofold:

- To examine the varying effectiveness of the two models for treating substance abusing offenders measured in terms of participant completion rates, criminal recidivism and cost/benefit;
- To determine the impact of statewide mandated treatment policy reform on the operation of Drug Courts.

Specifically, the policy questions this research is designed to answer are:

1. How do the implementation and operations of the Drug Courts and the statewide mandated treatment models differ?
2. How have Drug Courts adjusted (how have Drug Court process and policies changed) with the implementation of state-mandated non-Drug Court treatment programs?
3. What is the success rate (measured by program completion and recidivism) of Drug Court programs before the implementation of state-mandated non-Drug Court treatment programs compared to after?
4. What is the relative success rate (measured by program completion rate and recidivism) of the Drug Court program model compared to court mandated *non-Drug Court* treatment models?
5. What are the investment and outcome costs of Drug Courts before the implementation of the state-mandated non-Drug Court treatment programs compared to after implementation?
6. What are the relative investment and outcome costs of Drug Courts compared to state-mandated non-Drug Court treatment programs?

DEFINING THE PROBLEM

There is a well-researched link between substance abuse and criminal behavior. Approximately 68 percent of new arrestees test positive on a urine screen for one or more illicit drugs (National Institute of Justice, 1996). Summary statistics gathered in 1996 from the Department of Justice suggest that nationally 36% of adult offenders were under the influence of alcohol *at the time of their offense* (Greenfeld, 1998). Data from the Arrestee Drug Abuse Monitoring (ADAM) program research indicates that two-thirds of convicted jail inmates were actively involved with drugs prior to their admission to jail (National Institute of Justice, 2000; Wilson, 2000).

Furthermore, there is evidence that treating substance abuse leads to a reduction in criminal behavior. For individuals receiving substance abuse treatment, The National Treatment

Improvement Evaluation Study (NTIES, 1997) found significant declines in criminal activity between the 12 months prior to treatment and the 12 months subsequent to treatment. Those declines included:

- Self-reported incidence of selling drugs by 78 percent
- Shoplifting by almost 82 percent
- Supporting oneself largely through illegal activity by more than 48 percent
- Arrests for any crime by 64 percent

Gerstein, Harwood, Fountain, Suter, & Malloy (1994) found positive effects of drug and alcohol treatment on self-reported subsequent criminal activity in a statewide sample. In a study using administrative data, comparing those who completed treatment with a comparison group of those eligible but not receiving treatment in the State of Oregon, Finigan (1996) also found significant reduction in police-report arrests for those who completed treatment.

DRUG COURTS AS A RESPONSE TO THIS PROBLEM

In the past nearly 20 years, one of the strongest movements in the United States focused on reducing substance abuse among the criminal justice population has been the spread of Drug Courts across the country. The first Drug Court was implemented in Florida in 1989. As of March 2008, there were 1,853 adult and juvenile drug courts active in all 50 states, the District of Columbia, Northern Mariana Islands, Puerto Rico, and Guam (BJA, 2008).

The prevalence of offenders with substance abuse issues in the criminal justice system was the primary impetus for the formulation of Drug Courts specifically designed to handle offenders who committed crimes while under the influence of drugs or alcohol. The purpose of Drug Courts is to guide offenders identified as drug-addicted into treatment that will reduce drug dependence and improve the quality of life for them and their families. In the typical Drug Court program, participants are closely supervised by a judge who is supported by a team of agency representatives who operate outside their traditional advocacy/adversarial roles. This team includes addiction treatment providers, district attorneys, public defenders, law enforcement officers and parole and probation officers (Goldkamp, Robinson, & White, 2002).

Since the first Drug Court began operation in Miami in 1989, this model of linking the resources of the criminal system and substance treatment programs has become firmly established nationwide. The combined systems approach used in Drug Courts has the potential to provide greater efficiency as well as heightened accountability for the offender. On the other hand, it creates complexity in understanding both the costs of the program and the avoided costs that may accrue from the impact of the program.

Belenko (1998, 2001) provides a summary review of Drug Court research. He suggests that the research findings are consistent with the following:

1. Drug Courts are successful in engaging and retaining offenders in treatment,
2. Drug Courts provide more comprehensive supervision of offenders,
3. Drug use is reduced for offenders who participate in Drug Court,
4. Criminal recidivism is reduced for offenders,

5. Drug Courts can generate cost savings,
6. Drug Courts can successfully bridge the gap between multiple publicly funded systems.

Multiple studies have shown a decrease in recidivism for drug court participants (e.g., Carey & Finigan, 2003; Gottfredson, Majaka, & Kearly, 2003; Carey, 2004; Government Accounting Office, 2005; Finigan, Carey & Cox, 2007). In a meta-analysis of Drug Court impact studies, Wilson, Ojmarrh and MacKenzie (2002) found that 34 of 40 evaluations using matched comparison groups of individuals who did not participate in Drug Court reported lower rates of crime among Drug Court participants. The pooled results also showed significantly lower amounts of recidivism.

Recent research has also reported that Drug Court programs have been cost beneficial in local criminal justice systems (Finigan, Carey, & Cox, 2007; Carey, Finigan, Waller, Lucas, & Crumpton, 2005; Shaffer, Bechtel, & Latessa, 2005; Crumpton, Brekhus, Weller, & Finigan, 2004; Carey & Finigan, 2003; Fomby & Rangaprasad, 2002). Limited research has also shown that Drug Courts may be cost beneficial in impacting other publicly supported services: child welfare; physical health care; mental health care; and, employment security (Carey, Finigan, Weller, Schnacker, & Crumpton, 2003; Crumpton, Worcel, & Finigan, 2003).

STATEWIDE POLICY REFORM (STATE-MANDATED TREATMENT) AS A RESPONSE TO THIS PROBLEM

In 1996, Arizona became the first state to implement a sweeping drug policy reform when voters approved an initiative (the Drug Medicalization, Prevention and Control Act) that mandated treatment instead of incarceration for nonviolent drug offenders arrested for drug possession charges. Since that time many states have instituted similar drug policy reforms including Connecticut, Hawaii, Indiana, Kansas, Maryland, Texas, District of Columbia, and California (Drug Policy Alliance, 2004).

The primary goal of many of these state-mandated policy reforms is to provide an alternative to incarceration for low-level, nonviolent drug possession offenders (Prop36.org, 2004). Although, intuitively, the Drug Court model fits the description of programs that provide treatment instead of incarceration, many of these state-mandated treatment programs do not use the Drug Court model, but instead use a treatment model that is more removed from the criminal justice system with less court involvement and few, if any, drug tests. For those programs, the treatment professionals take a central role of responsibility for the success of the client, rather than the courts.

The Drug Court model includes a high level of supervision, particularly by the Court and (generally) a standardized treatment program for all the participants within a particular court (including phases that each participant must pass through by meeting certain goals). There is also regular and frequent drug testing. In contrast, most of the state-mandated program models for drug offenders have less criminal justice supervision (particularly less court involvement) and a less standardized, generally more individualized, treatment regimen. In addition, the non-Drug Court treatment model uses drug testing less frequently. For example, in California, the drug policy legislation provided funds for treatment and some for probation, but no funds for drug testing. It is of interest to practitioners and policymakers to determine the relative effectiveness of these two models in assisting drug offenders to complete drug treatment and in reducing the incidence of drug offenders returning to the criminal justice system (recidivism).

OVERVIEW: STATE-MANDATED TREATMENT AND DRUG COURTS IN CALIFORNIA

In November 2000, 61% of California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA). Modeled after the Arizona Drug Medicalization, Prevention and Control Act of 1996, the primary goal of SACPA is to provide an alternative to incarceration for low-level, nonviolent drug possession offenders (Prop36.org, 2004). At the time SACPA was implemented, California had also already broadly implemented the Drug Court model, another alternative to incarceration for (generally) nonviolent drug offenders. California has the largest number of Drug Courts (approximately 120 in operation) of any state in the union. The passage of Proposition 36 led to concerns to those within the Drug Court community. In particular, there were concerns that although SACPA was a state mandate, the amount of funds provided was not enough to pay for treatment and supervision at the level that the Drug Court community felt was necessary for the programs to be effective. In addition, there was concern that SACPA programs would replace Drug Courts (because they served the same or similar population) but would not provide same amount of participant (or practitioner) accountability, which is believed to be one of the most effective practices of Drug Courts.

SACPA is a statewide mandate, and as such, eligibility requirements are identical in all 58 California counties: conviction of a nonviolent drug offense or being under the influence of a controlled substance (Longshore et al., 2003). SACPA guarantees treatment to all eligible offenders, including first time offenders (Prop 36.org, 2004).

One of the principal arguments for Proposition 36 centered on the cost of incarceration versus treatment. As of the end of September 2000, there were 162,533 inmates in the California prison system, 28% of which were incarcerated for drug offenses (Hser et al., 2003). The state's budget analysis for 2001-2002 estimated that it costs \$25,607 per year to imprison each California inmate (Uelmen, Abrahamson, Appel, Cox, & Taylor, 2002). In contrast, the average cost for a treatment cycle is \$4,500 (Males, Macallair, & Jamison, 2002). The state of California allocated \$60 million in start-up funds for the 2000-2001 fiscal year, with an additional \$120 million each year until 2005 (Uelmen et al., 2002). One evaluation demonstrated that the initial investment in SACPA may have saved California at least \$275 million during the first year following the July 1, 2001 implementation of Proposition 36 (Longshore et al., 2003). This number is based on the roughly 37,000 people who enrolled in treatment over incarceration.

New admissions to prison for drug possession have reportedly declined by 32% in the 5 years from 1999-2004 in California, while the overall prison incarceration rate declined by 4% (Ehlers & Ziedenburg, 2006). Ehlers and Ziedenburg estimate that, over a 5-year period, Prop 36 resulted in 14,000 fewer new prison admissions totaling a savings of \$350 million dollars—and this includes the cost of substance abuse treatment. Similarly, they calculated 45,000 fewer jail admissions for a savings of \$62 million.

Other states have also reported savings due to the implementation of statewide mandated treatment for nonviolent drug offenders. Arizona reported a savings of \$6 million in the second year of the Drug Medicalization, Prevention and Control Act and Kansas reported saving \$21,000 for each offender not sent to prison due to the legislation on treatment rather than incarceration passed in November 2003 (Drug Policy Alliance, 2004).

While it appears that California's SACPA and other state legislation has been cost-effective on the front-end of the criminal justice pipeline (Longshore et al., 2003), what is less known is how SACPA affects the outcomes of individuals and the associated costs to the state systems. Early

data from the SACPA cost study found that the “typical” offender—one at the median level in the cost distribution—had no convictions at 30 months after entry into the program (Longshore, Hawken, Urada, & Anglin, 2006). Furthermore, in counties that used “Drug Court” procedures, assessment and treatment show rates were higher (Longshore, et al., 2006).

Opponents warned of increasing crime rates with the institution of Prop 36 legislation. Although early results from Orange County found that crime rates rose in some cities since the inception of SACPA, and that these rises may be due, in part, to SACPA (Orange County Grand Jury, 2003), the rate of violent crimes in California actually dropped 11.2% between 2000 and 2004 (Ehlers & Ziedenburg, 2006).

On the other hand, there appears to be a small proportion of Prop 36 eligible defendants (1.6%) that have so many arrests that they cost the state over 10 times more than the average SACPA defendant (Longshore et al., 2006). Researchers at University of California in Los Angeles (UCLA) concluded that the Drug Court approach might be more effective for these more addicted and often more criminally-inclined people (Longshore et al., 2006).

Initial evaluations focused on the treatment modalities and implementation processes of SACPA. In general, research has shown that treatment admission has been on the rise since the implementation of Proposition 36, with many offenders receiving their first treatment sessions (Hser et al., 2003). Over 80% of people who participated in SACPA were placed in outpatient drug-free programs, typically lasting around 30 days (Longshore et al., 2003). In a comparison with non-SACPA patients in five California counties, almost 20% more SACPA clients were treated in outpatient programs (Hser et al., 2003).

Treatment completion rates reported for SACPA programs vary across California counties, ranging from 13% to 100% in 2001-2002, with about half of the counties having completion rates of 40% or more. The treatment completion figure for non-SACPA persons entering treatment from the criminal justice system in 2001-2002 was 36% (Ehlers & Ziedenburg, 2006; 17). Pre-SACPA Drug Court data show about 4,000 clients entering treatment per year, while in 2003-2004, 37,000 clients began SACPA-initiated treatment. The smaller number of Drug Court clients is due to the fact that Drug Courts were not available in all counties and the eligibility requirements for Drug Courts tend to be tighter (Drug Policy Alliance, 2006: 10). On the other hand, Drug Court treatment completion rates in the 46 California counties with Drug Courts were fairly high at 55% for adult felons—even after the inception of SACPA (DADP, 2005). Drug Court data also show other positive outcomes such as 80% of formerly homeless becoming housed, 96% negative results for the average 36 drug tests per client performed, 94% of babies born while mothers were involved with Drug Court were drug-free at birth, etc.

Generally, evaluations have found that there may not be enough treatment options to meet the diverse needs of the SACPA patients, particularly for those with dual diagnoses (mental health and drug problems) (Klein, Miller, Noble & Speigman, 2004; Carey, Finigan, Weller, Schnacker, & Crumpton, 2003; Hser et al., 2003; Longshore et al., 2003; Uelman et al., 2002). However, many counties have increased or added to their treatment modalities, particularly in the area of outpatient treatment (Carey, Finigan, & Schnacker, 2003; Longshore et al., 2003). The Drug Policy Alliance reported that the average percentage of SACPA funds budgeted for drug treatment and services by the 58 counties was 79.1% (Uelman et al., 2003).

Perhaps the key difference between Drug Court and SACPA is accountability and, in particular, the use of behavior modification techniques by an authority figure, (swift responses to participant

behavior). Drug Courts involve frequent and close monitoring of the client by a team of treatment and corrections officials. Judges have the discretion to sanction the client immediately after a relapse or other non-compliant behavior. It is the belief of many involved with Drug Courts that it is precisely this involvement that helps offenders stick with the demands of the Drug Court program. Although some counties attempt to run their SACPA programs following a Drug Court model, immediate sanctions and the threat of incarceration are not as plausible in SACPA (Longshore et al., 2003). In national context, it appears that California's SACPA is missing most of the important accountability mechanisms that other states have enacted in similar legislation—accountability mechanisms that are generally found in Drug Court programs.³ Therefore, perhaps the most important difference about specific SACPA legislation in California is that it lets treatment facilities make decisions about a client's treatment progress, as well as the reward or sanctions for failure to comply. Similarly, only California and Arizona specifically prohibit the court from using incarceration as a penalty for continued drug possession or use (VanderWaal et al., 2006), which may result in a higher use of prison later (Riley et al., 2005).

In an attempt to remedy what is perceived as the faulty accountability mechanisms in SACPA, the California legislature passed a law in 2006 (SB 803/1137) giving judges the option to jail first-time drug possession violators for two days and second-time violators for five days. It would also allow judges to jail clients who continue to re-offend or not meet obligations of parole for up to 30 days. Under this law, judges could even throw clients out of the SACPA program altogether. Opponents subsequently sued Governor Schwarzenegger and the State of California and, in September 2007, they won an injunction to stop the law increasing judicial sanctions. A final court date to settle the lawsuit has yet to be determined (Leonard & Garvey, 2007).

All 58 counties in California must provide treatment through Proposition 36, but not all California counties have Drug Courts. Proposition 36 is completely funded by public sources. Drug Courts are funded from a variety of sources, public and private. The Drug Court Partnership program (2003-2004) provided \$7.8 million for adult Drug Courts throughout California and an additional \$9.1 million was allocated to juvenile and adult programs by other sources. In contrast, Proposition 36 allocated \$120 million for the same time period.

In light of the suspension of the reforms, the current Governor's Budget reduces 2007-08 Proposition 36 funding by \$60 million and utilizes this funding to provide an increase to funding for Offender Treatment Programs (OTP). OTP contains many of the Proposition 36 reforms sought by the Administration, increasing funding for the OTP will allow the state to implement these and other reforms that they believe will lead to improved program performance and client outcomes.

IMPLICATIONS FOR POLICY AND PRACTICE

The link between substance abuse and criminal behavior has led to a great deal of national attention on models designed to reduce criminal recidivism by addressing the substance abuse problems of offenders. As discussed above, two models have gained significant national

³ VanderWaal et al. (2006: 638) caution those suspicious of legislated diversion programs such as Prop 36 by noting that many states have accountability mechanisms in place that are comparable to those that have been effective for Drug Courts.

attention. Of the two models Drug Courts have received the most national attention and research. Research has supported the idea that Drug Courts can be effective in reducing criminal recidivism and providing cost savings to taxpayers. Yet the research has been unable to determine whether the effects of Drug Court largely accrue from the provision of treatment to the client or to the intense judicial oversight and team staffing of cases that accompanies Drug Court. This is an important issue because the intense judicial involvement and intense team efforts that characterize Drug Courts can be expensive for local courts to implement. The non-Drug Court SACPA model is a potentially less costly approach since, although it requires treatment resources (as do Drug Courts) and some probation resources, depending on how it is implemented, it can require less court time per participant and can be implemented relatively easily for large populations of offenders.

This research is designed both to test out the relative effectiveness and cost advantages of the Drug Court and non-Drug Court treatment models and to examine how Drug Court programs have adjusted in response to the implementation of other offender treatment models. Since California provides an opportunity to examine both models operating at the same time within the same state, it is uniquely suited to this research.

RESEARCH DESIGN

The SACPA mandate included specific offender eligibility criteria required for SACPA programs in every county; however, each county was given the freedom to create their own SACPA program model and processes. While some counties attempted to implement a SACPA program modeled after Drug Court practices, counties were encouraged by the legislation's proponents to create a different SACPA program model that had little criminal justice or judicial involvement. California is therefore a unique setting in which to examine the effects of the Drug Court model compared to court mandated *non-Drug Court* treatment models on offender outcomes (such as program completion rates and recidivism). This setting also allows for an examination of the relative program investment and outcome costs as well as the effects of the introduction of court mandated non-Drug Court treatment models on Drug Court policies, organization, practices and costs.

The fundamental reasoning of a cost approach to substance abuse treatment is that untreated substance abuse is very costly to taxpayers who must, in one way or another, fund the consequences of negative social behaviors resulting from substance abuse. Substance abuse leads to ancillary negative social behaviors that have cost consequences to many publicly funded systems, including the criminal justice system. In November 2000, 61% of California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA). The primary goal of SACPA is to provide an alternative to incarceration for low-level, nonviolent drug possession offenders (Prop36.org, 2004).

The research design for this study builds on previous work performed by this evaluator (NPC Research) on Drug Courts in California. NPC Research and the California Administrative Office of the Courts (AOC) performed a cost-benefit evaluation of Drug Courts statewide using samples of Drug Court participants from prior to the implementation of SACPA⁴. The statewide study, funded by the Bureau of Justice Assistance and the AOC, completed Phase II of a three-phase study and has process, outcome and cost data on Drug Court samples prior to SACPA implementation from nine Drug Court sites in California. Two⁵ of these sites, in two separate counties, were selected for this study based on two main criteria; 1) The counties had SACPA programs that differed from each other and from the Drug Court model. One was modeled somewhat like a Drug Court program but with far less direct court supervision and the other did not follow the Drug Court model and had no court supervision at all (both therefore stood as alternative approaches to the existing Drug Courts),⁶ and 2) Based on our experience in these sites from the statewide Drug Court study, the researchers knew that high quality data existed in a form reasonably easy to gather (e.g., administrative databases rather than just data in paper files).

For this study, detailed program, outcome and cost data were collected on a cohort of Drug Court participants after SACPA implementation (those entering the program in 2002-2003) as well as

⁴ One of the purposes of the statewide study is to examine longer term costs and benefits. Therefore it was necessary to choose an historical sample, prior to the implementation of SACPA that would have several years of outcome data available. This study is still ongoing and more recent samples of Drug Court participants are being collected).

⁵ The reasons for choosing two sites for this study included the need to have at least one site to test against the other site to verify the consistency of the results. A second reason was the need to stay within a reasonable budget size. Additional sites could be added for additional funds.

⁶ It was discovered, after more detailed analysis of the sites, that one of these sites had two alternative approaches to the SACPA program, one with very little criminal justice supervision at all, and the other modeled exactly like a Drug Court but without jail as a sanction. This is discussed in the results.

on a sample of SACPA participants from the same time period. The data collected included the program resources (e.g., treatment services, probation services) used by Drug Court and SACPA program participants, outcomes such as criminal justice recidivism and social services use, and the costs associated with the use of these resources. These same data sources were used in Phase II of the statewide Drug Court cost study.

Qualitative data (through interviews and document review) were collected, using a Drug Court typology guide developed by NPC Research and modified for use with the SACPA programs, to examine the changes that occurred in Drug Court organization and process due to the implementation of SACPA and to examine the current operations of both types of programs (See guide in Appendix A). This information provided an understanding of current SACPA and Drug Court programs as well as how SACPA has led to changes in Drug Courts and what these changes look like. The information was also used to help explain the outcome and cost results obtained in this research.

Investment costs (costs associated with program implementation) and outcome costs (costs associated with criminal recidivism, subsequent treatment episodes and social service use) for SACPA participants were compared to those for Drug Court participants both before and after the implementation of SACPA. Further, the investment and outcome costs for Drug Court participants after SACPA will be compared to the results for Drug Courts prior to SACPA implementation.

Research and Policy Questions

As described above, this research is designed to answer the following key policy questions:

1. How do the implementation and operations of the Drug Court and the statewide mandated treatment models differ?
2. How have Drug Courts adjusted (how have Drug Court process and policies changed) with the implementation of state-mandated non-Drug Court treatment programs?
3. What is the success rate (measured by program completion and recidivism) of Drug Court programs before the implementation of state-mandated non-Drug Court treatment programs compared to the success rate of Drug Court programs after implementation?
4. What is the relative success rate (measured by program completion rate and recidivism) of the Drug Court program model compared to court mandated non-Drug Court treatment models?
5. What are the investment and outcome costs of Drug Courts before the implementation of the state-mandated non-Drug Court treatment programs compared to after implementation?
6. What are the relative investment and outcome costs of Drug Courts compared to state-mandated non-Drug Court treatment programs?

These policy questions clearly have a national context. Across the nation, criminal justice systems have become increasingly involved in mandating or encouraging treatment. These two important models, Drug Courts (with high court/criminal justice supervision) and state-mandated treatment using a non-Drug Court model (with less criminal justice involvement, overseen by treatment providers), have emerged as having the most potential to address the problem of providing (and enforcing) treatment for substance abusing offenders.

METHODS

Program Process Analysis Methodology

SITE VISITS

The evaluation team traveled to the selected Drug Court and SACPA sites to meet with key personnel involved in these programs. The first site visit occurred in May 2005, and the final site visit concluded in December 2006. Key personnel are those who are knowledgeable about Drug Court/SACPA processes or clients, and those knowledgeable about the database(s) and cost-related information at these agencies. Site visits generally involve judges, program coordinators or administrators, public defenders, district attorneys, probation officers, personnel from the police department, treatment providers, and other court staff. The site visits also provided an opportunity to observe court sessions and staff meetings. These observations gave the evaluation team first-hand knowledge of the structure, procedures, and routines of the programs.

One of the main benefits of these visits was the chance to make face-to-face contact with those individuals who would be providing us with potentially sensitive information. These visits also provided the evaluation team with the opportunity to explain the purpose of the evaluation and elicit input from the agencies involved. The contacts developed during these visits helped increase the comfort level of those involved in the evaluation and enabled future contacts and requests to go more quickly and smoothly.

KEY INFORMANT INTERVIEWS

Key informant interviews were a critical component to understanding the program operations and the flow of clients through the various agencies. Stakeholders were interviewed individually during site visits and over the telephone. The interviews usually lasted between 30 minutes to an hour.

Interviews were conducted using a semi-structured interview guide developed by NPC Research. Originally developed to evaluate Drug Court operations, questions on the guide were modified to collect information relevant to the SACPA programs (see Appendix A). Stakeholders were asked separate questions regarding their involvement in Drug Court or SACPA. In many cases, the same program staff were involved in both programs. The number of interviews performed per study site is detailed in Table 1.

Table 1. Key Informant Interviews by Study Site

Location	98-99 Program Descriptions	02-03 Program Descriptions
San Joaquin	12	17
El Monte	11	15
Total	23	32

The topics for this typology interview guide were chosen from three main sources: the evaluation team's extensive experience with criminal justice diversion programs, the American University Drug Court Survey, and a paper by Longshore et al. (2001), describing a conceptual framework for Drug Courts. The typology interview covers a large number of areas including: eligibility guidelines; program processes (e.g., phases, treatment providers, urinalyses, fee structure, rewards/sanctions); program completion; aftercare; termination; program staff and roles; and program demographics and other statistics.

Many of the questions in the interview guide were asked both during site visits and through multiple phone calls with interviewees. This served three purposes: 1. It allowed us to spread the interview questions out over time, minimizing the length of the interview at any one point in time; 2. It provided us an opportunity to connect with key players throughout the duration of the project, maximizing our opportunities to obtain information; and 3. It allowed us to keep track of any changes that occur in program process from the beginning of the project to the end.

DOCUMENT REVIEW

The evaluation team obtained documents from the programs that helped the research team understand the programs' history, operations, and practices. These documents included written program descriptions, quarterly and annual reports, previous evaluations of the programs, and many documents used regularly by program staff such as intake forms, referral to treatment forms, etc.

ADMINISTRATIVE DATA ANALYSIS

NPC Research staff also examined all available administrative databases. While these databases were used primarily for the outcome and cost analyses, they also provided valuable data for the program process descriptions. These databases provided the evaluation team with information on the types of clients served by the programs; the length of time between arrest or sentencing and program entry, the types of treatment, the frequency of drug testing; and the frequency of client court appearances.

Outcome Analysis Methodology

DATA COLLECTION

The data necessary for the outcomes and costs were gathered from available administrative databases and from paper files where necessary and available. NPC staff members have experience extracting and merging data from multiple data sources. The research team developed an Access database that served as a central repository of all data for each study participant. This relational database allowed for linkages between an individual's criminal activity data, treatment data, and other program activity data. Once all data were gathered on the study participants the data were compiled and cleaned and then moved into SPSS 14.0 for statistical analyses.

DATA SOURCES

NPC collaborated with several state and local government agencies in California for the purpose of tracking the study participants through a complex system of court, criminal justice and substance abuse treatment services. A summary of the relevant data sources from each collaborating agency is detailed in Table 2.

Table 2. Data Elements and Data Sources for Drug Court and SACPA Participants in Each County

Data	El Monte/Los Angeles	San Joaquin
Demographics Name Date of birth Race Gender Drug of Choice CII # SACPA #	DA and court paper files County Drug Court management information system (DCMIS)	Court records SACPA database (SMART Card system) Drug Court database
Drug Court or SACPA Case Related Data Case number of the offense that led to Drug Court Drug Court case number Entry date Exit date Status at exit (grad./term., etc.)	County Drug Court management information system (DCMIS) SACPA program database (TCPX)	Drug Court Database (Phases) SACPA program database (SMART Card)
Court hearing dates (or number of hearings)	County Drug Court management information system (DCMIS) SACPA program database (TCPX)	Drug Court Database (Phases) SACPA program database (SMART Card)
Jail days sanctioned (Drug Court only)	County Drug Court management information system (DCMIS)	County Criminal Justice database (CJIS)
Drug Court Treatment Data Dates or number of group sessions Dates or number of individual sessions Dates or number of days in residential Other DC service dates and types	County Drug Court management information system (DCMIS)	Drug Court Database (Phases) County treatment database

Data	El Monte/Los Angeles	San Joaquin
<p>Drug Test Data</p> <p>Number of UA</p> <p>Number of other drug tests</p>	<p>County Drug Court Management Information System (DCMIS)</p> <p>SACPA program database (TCPX)</p>	<p>Drug Court Database (Phases)</p> <p>SACPA program database (SMART Card)</p>
<p>SACPA Treatment Data</p> <p>Dates or number of group sessions or episodes</p> <p>Dates or number of individual sessions or episodes</p> <p>Dates or number of urinalysis tests</p> <p>Dates or number of days in residential</p> <p>Other SACPA service dates and types</p>	<p>SACPA program database (TCPX)</p>	<p>SACPA program database (SMART Card)</p>
<p>Arrest Data</p> <p>Dates of arrest</p> <p>Charge codes</p> <p>Dispositions</p> <p>Sentences</p>	<p>California Law Enforcement Telecommunication System (CLETS) Statewide Database</p>	<p>California Law Enforcement Telecommunication System (CLETS) Statewide Database</p>
<p>New Court Cases Data</p> <p>Case #s</p> <p>Case dates</p> <p>Charges</p> <p>Sentences (prison)</p>	<p>CCHRS (Sheriff database)</p> <p>County court database</p>	<p>County Criminal Justice database (CJIS)</p>
<p>Jail Data</p> <p>Jail dates in and out</p>	<p>CCHRS (Sheriff database)</p>	<p>County Criminal Justice database (CJIS)</p>
<p>Prison Data</p> <p>Prison Sentences</p>	<p>California Law Enforcement Telecommunication System (CLETS)</p>	<p>California Law Enforcement Telecommunication System (CLETS)</p>
<p>Probation Data</p> <p>Probation start date</p> <p>Probation end date</p>	<p>CCHRS (Sheriff database)</p>	<p>County Criminal Justice database (CJIS)</p>

SAMPLE SELECTION

Drug Court Samples

The Drug Court cohorts consisted of:

Drug Court Time 1 (T1): The Pre-SACPA Drug Court participants include all those who entered the Drug Court program July 1998 through June 1999. (The SACPA programs were implemented in July 2001.) The Drug Court cohorts pre-SACPA were provided from the statewide Drug Court cost study and included 202 participants in San Joaquin and 127 participants in El Monte.

Drug Court Time 2 (T2): The Post-SACPA Drug Court participants included all those who entered the Drug Court program in July 2002 through June 2003. These samples were pulled from the Drug Court databases in San Joaquin and Los Angeles (El Monte) counties. This time period provide us with 128 participants in San Joaquin and 147 participants in El Monte who experienced the Drug Court program after any changes in eligibility and Drug Court process due to SACPA as well as allowing for outcome data for 3 years post program entry.

SACPA Samples.

The SACPA samples in San Joaquin and El Monte/LA consisted of all SACPA participants who were first time enrollees in SACPA programs between July 2002 and June 2003. (This did not include participants who were already enrolled and were still active during this time period.) This provided us with 395 participants in San Joaquin and 313 participants in El Monte who experienced a reasonably well-established SACPA program (avoiding the early implementation period) while still allowing 3 years of outcomes post-program entry. As a part of SACPA implementation, these counties created new databases, or adjusted old databases to flag SACPA participants (see data sources, above). The samples of SACPA participants from the time period of interest were pulled from these databases.

The Drug Court and SACPA participant samples are described in more detail in the results section of this report.

Cost Analysis Methodology

TRANSACTION AND INSTITUTIONAL COST ANALYSIS

NPC Research has performed several cost studies in the criminal justice setting (e.g., Carey et al., 2005; Carey, Marchand, & Waller, 2005; Carey & Finigan, 2003; Crumpton, Carey, Weller, & Finigan, 2003; Crumpton, Worcel & Finigan, 2003; Finigan, Carey & Cox, 2007) using an approach called Transactional and Institutional Cost Analysis (TICA). The TICA approach views an individual's interaction with publicly funded agencies as a set of *transactions* in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. In the case of Drug Courts, when a Drug Court participant appears in court or has a drug test, resources such as judge time, public defender time, court facilities, and urine cups are used. Court appearances and drug tests are transactions. In addition, the TICA approach recognizes that these transactions take place within multiple organizations and institutions that work together to create the program of interest. These organizations and institutions contribute to the cost of each transaction that occurs for program participants. TICA is an intuitively appropriate approach to conducting costs

assessment in an environment such as a Drug Court, which involves complex interactions among multiple taxpayer-funded organizations.

COST TO THE TAXPAYER

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

OPPORTUNITY RESOURCES

NPC's cost approach looks at publicly funded costs as "opportunity resources." The concept of opportunity *cost* from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term opportunity *resource* describes these resources that are now available for different use. For example, if substance abuse treatment reduces the number of times that a client is subsequently incarcerated, the local Sheriff may see no change in his or her budget, but an opportunity resource will be available to the Sheriff in the form of a jail bed that can now be filled by another person.

COST DATA COLLECTION

The TICA methodology is based upon six distinct steps. Table 3 lists each of these steps and the tasks involved. Step 1 was performed during the site visits, through analysis of court, Drug Court and SACPA documents, and through interviews with key informants. Steps 2 and 3 were performed through observation during the site visits and by analyzing the information gathered in Step 1. Step 4 was performed through extensive interviewing of key informants, direct observation during the site visits, and by collecting administrative data from the agencies involved in Drug Court and SACPA. Step 5 was performed through interviews with Drug Court, Prop 36 and other agency staff, and with agency finance officers. Cost data were also collected from budgets either found online or provided from agency staff. Step 6 involved calculating the cost of each transaction and multiplying this cost by the number of transactions. All the transactional costs for each individual were added to determine the overall cost per individual. This was reported as an average investment cost per participant for the program (Drug Court or SACPA), and average outcome/impact costs due to re-arrests, jail time and other recidivism costs per participant. In addition, due to the nature of the TICA approach, it was also possible to calculate the costs for Drug Court and SACPA for each agency.

The specific transactions used in this cost evaluation were somewhat limited due to budget constraints and the availability of data (see the limitations section of this report). The costs to the criminal justice system outside of Drug Court or SACPA program costs (i.e., recidivism costs) consist of those due to new arrests, new court cases, jail bookings, jail, probation and prison time served, and victimizations (including person/violent and property crimes). Program costs consist of all program transactions including assessments, court sessions (or a court case if there are no SACPA specific court sessions), case management, drug tests, outpatient group and individual

treatment sessions, and residential treatment. Jail sanctions are included for Drug Court program participants.

Table 3. Steps in TICA Methodology

	Description	Tasks
Step 1	Determine flow/process (i.e., how clients move through the system)	Site visits/direct observations of program practice Interviews with key informants (agency and program staff) using program typology guide (See Appendix A)
Step 2	Identify the transactions that occur within this flow (i.e., where clients interact with the system)	Analysis of process information gained in Step 1
Step 3	Identify the agencies involved in each transaction (e.g., court, treatment, police)	Analysis of process information gained in Step 1 Direct observation of program transactions
Step 4	Determine the resources used by each agency for each transaction (e.g., amount of judge time per transaction, amount of attorney time per transaction, # of transactions)	Interviews with program key informants using program typology (See Appendix A) Direct observation of program transactions Administrative data collection of # of transactions (e.g., # of court appearance, # of treatment sessions, # of drug tests) See Table 2.
Step 5	Determine the cost of the resources used by each agency for each transaction	Interviews with budget and finance officers Document review of agency budgets and other financial paperwork
Step 6	Calculate cost results (e.g., cost per transaction, total cost of the program per participant)	Indirect (support and overhead) costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction. The transaction cost is multiplied by the average number of transactions for program participants to determine the total average cost per transaction type. These total average costs per transaction type are added to determine the program and outcome costs. (These calculations are described in more detail below.)

Data Analyses

ANALYSES OF PROGRAM DIFFERENCES AND RELATIVE EFFECTIVENESS

The Drug Courts in San Joaquin and El Monte have very similar eligibility criteria to SACPA programs. For the most part, these counties give similar offenders the option of the two programs and most offenders choose to try the SACPA program first because there is less criminal justice involvement and they require a lesser time commitment. In many cases, those who do not successfully complete the SACPA treatment programs are referred to Drug Court. These circumstances have the potential of resulting in Drug Court programs with offenders who have more serious drug use issues and more serious criminal issues, in short, the program population may not be comparable. However, one of the purposes of this study is to examine how Drug Courts have changed with the implementation of SACPA, in particular changes in the participant population. In addition, these changes in Drug Court population allowed us to examine how differences in population characteristics influence the effectiveness of the Drug Court programs. Differences in participant population are also important descriptors of each of the SACPA and Drug Court programs and allow us to determine whether certain program processes are more effective for some types of participants than other types.

Analysis of Variance (ANOVAs) and chi-squares were used to determine any significant differences between the Drug Court cohorts before and after the advent of SACPA and to look for differences between the Drug Court cohorts and SACPA cohorts.

However, to determine the relative effectiveness and the relative investment and outcome costs of the programs, it was necessary to control for differences between program participants. The analyses of program outcomes including participant recidivism were adjusted to control statistically for differences between the groups. Analyses of Covariance (ANCOVAs) were used to calculate adjusted means and statistical significance for differences in re-arrests, time on probation, jail time served, prison time served, and new court cases. These analyses were adjusted based on criminal history in the 2 years prior to program start including past arrests and jail time served. Also included in the covariates were demographics (age, ethnicity, gender), drug of choice, and time in jail during the recidivism period (except when the mean of interest was time served in jail).

COST ANALYSES

Cost information was entered into Excel for unit cost calculations. The unit costs were then entered into SPSS for total cost calculation and other analyses. The costs calculated for this study include: 1. Cost per transaction; 2. Investment costs for Drug Court and SACPA program transactions; 3. Outcome costs for Drug Court and SACPA participant outcomes; and 4. Relative cost differences between the programs and subsequent outcomes. All costs were calculated in, or adjusted to, 2006-2007 fiscal year dollars.

Cost Per Transaction

The costs incurred by each agency in terms of direct costs (staff time and materials) and indirect costs (support costs and overhead calculated as a percentage of the direct costs) involved in a transactional cost area were combined to create a cost for each agency for each transaction. The costs for each agency were then added together to achieve a total cost per transaction. (For example, a court appearance involves the use of resources from several agencies including the Court, the Public Defender, the District Attorney, the treatment provider, and the Sheriff (bailiff). The costs for the resources used by each agency for each court appearance were added together to determine the cost of a single court appearance.)

Investment Costs for Drug Court and SACPA Program Processes

Investment costs include all transactions directly related to participation in the program. The investment transactions include (as applicable to the specific program) program related court appearances, outpatient and residential treatment, drug tests, probation contacts, and jail sanction time. The taxpayer investment costs for the Drug Court and SACPA program process were calculated by adding the costs for the investment transactions for each offender to achieve the total investment cost per offender. The investment costs were averaged across all participants within a specific program in order to present the average investment cost per offender for each program.

Costs for Drug Court and SACPA Program Outcomes

Outcome costs are those costs due to transactions that occur after program entry but are not related to the program. Outcomes include re-arrests, new court cases, jail bookings, jail time served, probation time served, victimization costs, and prison time served. Outcome costs were calculated in the same manner as the investment costs described above. The costs per offender for all outcome transactions will be summed to determine the total outcome costs per offender and then averaged to present the average cost of outcomes per participant for each program.

Investment and Outcome Cost Comparison

Once the average costs per participant for the Drug Court process, the SACPA process, and the outcome costs are calculated, relative costs can be determined by taking the difference between the Drug Court samples prior and post SACPA and between the Drug Court samples and SACPA sample. The difference was computed in three ways: 1. The difference in investment costs; 2. The difference in outcome costs; and 3. The difference in total costs. The difference in total costs is truly the “bottom line” for the cost to the system.

RESULTS

The results of this study are presented in order of the policy questions listed previously in this report. In some cases, the same results may be repeated in more than one section (i.e., in the section for policy questions #3 and #4 and questions #5 and #6). This is for two purposes: 1. To simplify the presentation of results within each section (rather than attempting to combine the answers to two questions into one section) and 2. So that the reader may turn to any section and understand the materials without reference to previous sections.

Policy Question #1: How Have the Drug Court and Statewide Mandated Treatment Models Been Implemented and How Do the Programs Differ?

The answer to Policy Question #1 requires an understanding of the national Drug Court model shared by Drug Courts in California and also an understanding of the specific mandates shared by SACPA programs in the state. Therefore, the answer to this question begins with a summary description of the Drug Court model and SACPA program mandates. This is followed by a description of the study sites and how these programs have been implemented on the local level in San Joaquin and El Monte (LA). Two sets of tables are provided next, detailing the qualitative differences between the Drug Court and SACPA programs at each site and the quantitative differences in the population between the programs at each site. Then a final section is provided summarizing the main differences between the Drug Court and SACPA programs.

The results for this question are organized as follows:

- 1A. Drug Court and SACPA Program Overview
- 1B. Study Site Overview
- 1C. San Joaquin County Drug Court and SACPA Programs
- 1D. El Monte Drug Court and SACPA Programs
- 1E. Differences in Drug Court and SACPA Models
- 1F. Differences in Program Population
- 1G. Summary of Differences between SACPA and Drug Court Programs in Both Counties

1A. DRUG COURT AND SACPA PROGRAM OVERVIEW

Drug Court Guidelines

The first Drug Court was implemented in Florida in 1989. For several years, that Drug Court provided a model for other jurisdictions nationwide that wanted to create a similar program. In 1994, the National Association of Drug Court Professionals (NADCP), a not-for-profit organization, was founded to “reduce the negative social impact of substance abuse, crime and recidivism by promoting and advocating for the establishment, growth and funding of Drug Courts; providing for the collection and dissemination of information; and providing training, technical assistance and mutual support to association members” (NADCP Web site, 2007). In 1997, a group of Drug Court professionals and evaluators created the “Ten Key Components of Drug Courts” (NADCP, 1997) as a description of the basic activities and processes that define a program as being a Drug Court. These key components are:

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the Drug Court program.
4. Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Drug Court responses to participants' compliance.
7. Ongoing judicial interaction with each Drug Court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Drug Court planning, implementation and operations.
10. Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court effectiveness.

These key components are basic guidelines. They are not strict requirements and are not explicitly defined. They therefore can be put into practice in a variety of ways. In general, Drug Court programs develop a team of representatives from a variety of agencies including the court, law enforcement, public defense and treatment who work together to assist program participants in ending their drug use and becoming contributing members of society. The offense and defense attorney work collaboratively for the good of the participant and society. The Drug Court model is intended for nonviolent offenders with a drug related charge. The model works from the idea of "teachable moments" for offenders and therefore one goal is to move the eligible offender from the arrest into treatment as quickly as possible. Drug Court programs provide a range of treatment along with other structured activities (such as life skills classes and parenting classes). These services are often offered in a continuum of "phases" starting participants in more intensive treatment and lowering the intensity and structured requirements with each successive phase with the intention that by the end of the program, participants are able to maintain the structure on their own. During the course of the program, participants are tested for drug use frequently both as a way of monitoring participants' progress and as a therapeutic tool for participants to deter drug use. The collaborating agencies generally work as a team in responding to participants' compliance and non-compliance with program rules and behavioral modification techniques are used to encourage participants to learn appropriate behavior. Rewards are given to participants who are doing well and following program rules. Rewards may include applause and verbal praise from the judge in the courtroom or tangible rewards such as candy, movie tickets or key chains. Sanctions (or punishments) are given when participants do not comply with program rules (do not attend required meetings or treatment sessions, or have a positive drug test). Sanctions can range from verbal reprimands to writing essays to increased treatment sessions to days in jail. Judges are a member of the Drug Court team and are generally responsible for monitoring participant progress. There are regular court sessions when Drug Court participants appear before the judge and their progress in treatment is discussed. Court sessions are often where rewards or sanctions are dispensed. Built into the key components is regular monitoring and evaluation of whether the program is meeting its goals. The results of this monitoring allow

programs to adjust their protocols and policies in order to become more effective. Drug Court staff are expected to be trained in the Drug Court model including behavior modification techniques in order to implement their role in the program successfully. Finally, Drug Court programs encourage collaboration with the community. Drug Court participants continue to live in the community as they work on their drug abuse issues in the program and must continue to live in the community when they have left the program. Connections with the community are beneficial to Drug Court programs in many ways including providing an increasingly large range of services available to participants during and after program participation such as employment and employment training, housing, health care and community service.

California is one of the national leaders in the Drug Court movement. The first Drug Court in California was implemented in Alameda County in 1991, one of the earliest Drug Courts in the nation. By 2005, California had 158 operating Drug Courts (including adult and juvenile courts). California has also been at the forefront of Drug Court evaluation, starting a statewide cost evaluation of Drug Court in 1999 that is still ongoing today (see Carey et al., 2005).

State-Mandated Treatment for Drug Offenders in California

The goal of Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA) of 2000, as stated in the initiative's text, is "to divert from incarceration into community-based substance abuse programs nonviolent defendants, probationers and parolees charged with simple drug possession or drug use offenses." Other goals, according to the Alcohol and Drug Programs (ADP) web site, are to "Preserve jail and prison cells for serious and violent offenders; enhance public safety by reducing drug-related crime; and improve public health by reducing drug abuse through proven and effective treatment strategies," (ADP, 2007).

The statewide SACPA statute strictly defines eligibility criteria, with no possibility of exception, unless disqualifying charges are dropped. SACPA targets nonviolent offenders who have a history of substance abuse and are primarily charged with misdemeanor or felony possession, excluding selling charges. Everyone who is eligible must be offered SACPA in lieu of incarceration and SACPA programs may not jail SACPA participants. There is no limit on prior convictions except for serious or violent felonies unless at least 5 years has passed since the time of the conviction.

Offenders must participate in SACPA post-plea. SACPA is offered to participants on every SACPA eligible case. So, a single participant may (and often does) have multiple active SACPA cases. SACPA participants have three chances to successfully complete the SACPA program on each case. It is difficult to determine (from speaking with program staff) what constitutes one chance as the guidelines are not specific. Generally, if participants never arrive at treatment or do not complete treatment at the treatment agency where they are referred then they have used one chance. Also, if they are arrested on a new case (which may or may not be SACPA eligible), then they have used one chance (though this can vary from county to county). There are also other possible ways to use a chance including continued drug use but the two prior examples are the most straightforward. If a second case is eligible for SACPA then participants are on their second chance on their first SACPA eligible case and are on their first chance on their second SACPA eligible case. Once all three chances are used for a particular case and a participant has not successfully completed treatment or has not successfully completed the other SACPA program requirements, they are no longer eligible for SACPA on that case and may receive a sentence that includes probation, jail or prison time.

Drug testing is not included as a part of SACPA (and was not included as a part of the original proposition). However, there were many representatives from the court, law enforcement and treatment systems who believed that drug testing was an important component of treatment. A new bill (separate from SACPA) was introduced and was passed by the state to provide funds for drug testing for SACPA clients.

Other than these guidelines, each county in California was required to create their own plan for implementing SACPA; therefore, the SACPA program in each county is different from other counties. In the next section the SACPA program in the two counties that participated in this research (as well as the Drug Court programs) will be described.

1B. STUDY SITE OVERVIEW

Two California counties participated in this research. The two counties were quite different as were the Drug Court and SACPA programs they developed.

San Joaquin is a county in the Central Valley of California, east of the San Francisco Bay area. Named after the San Joaquin River, the county was one of the first in the state, created in 1850 at the time statehood was granted. The population is approximately 620,000, with roughly 58% listed as White, 7% as Black/ African American, 11% Asian, with 31% listed as Hispanic/ Latino of any race. The per capita income is \$17,365, with a high poverty rate (17.7%) (U.S. Census estimates, 2006).

Los Angeles County is the largest county in California with a population of 9,948,081. Los Angeles County has over 60 different Drug Courts and SACPA programs. From within Los Angeles we chose a single Drug Court and SACPA program site in El Monte, California. El Monte is the ninth largest city in Los Angeles County. Based on 2006 census estimates, El Monte has a population of roughly 130,000, the majority of which is Hispanic (82%) with significant numbers of Asians (13%) and Anglo Whites (4%) and a smaller number of African American and other ethnic groups. The per capita income is \$10,316. Poverty rates are high (26%), particularly for Hispanics (22%), and African Americans (26%). Unemployment rates are also high, at 6.9% (U.S. Census estimates, 2006).

1C. SAN JOAQUIN COUNTY DRUG COURT AND SACPA PROGRAMS

San Joaquin Drug Court

The original San Joaquin Adult Drug Court was implemented in July 1995. According to Drug Court staff, the goal of the San Joaquin Drug Court is “to provide substance abuse treatment and other services in order to return participants to the community as productive and responsible members of society.” The program (before SACPA) targeted nonviolent offenders who had a history of substance abuse and were primarily charged with misdemeanor or felony possession or being under the influence. The program now targets felony offenders only and is called the Felony Drug Court. Offenders charged with the sale of drugs (except in small amounts), possession for the sale of drugs, or violent offenses are excluded. The program is post-plea. The Felony Drug Court program is offered as a part of the plea on the eligible case and the offender is referred to the Drug Court Office in the same court building the day of the plea. The Drug Court allows participants to remain a free member of society while working on their substance use problems. Any jail time that would have been imposed at the time of sentencing is suspended while participants are in Drug Court as long as they maintain satisfactory progress, although jail can be used as a sanction when participants are not compliant with program requirements.

A team of representatives from several collaborating agencies supports the Drug Court program and serves on a steering committee that decides program policy and process. These agencies include the Court, the District Attorney's Office, Public Defender's Office, the Office of Substance Abuse, Probation and other law enforcement agencies such as the Sheriff and Police. The Office of Substance Abuse, a county agency, provides primary management and coordination of treatment and rehabilitation services, and conducts the initial client assessment and intake. Other treatment providers include both county and private agencies. Treatment provided includes group and individual drug treatment sessions, residential treatment, relapse prevention and acupuncture. Other services available by referral include literacy programs, job preparation classes, mental health services and GED classes.

The San Joaquin Felony Drug Court has four phases. Each phase has specific requirements for the program participants which, in the first two phases, include weekly Drug Court appearances before the Drug Court judge, drug tests one to two times per week, group substance abuse treatment four times per week, other treatment sessions as determined by the assessment given at program entry and self-help groups four times per week. Most of these requirements become less frequent as the program participant moves to later phases. The Office of Substance Abuse case managers prepare weekly progress reports that list information on drug test results, client attendance and participation at treatment sessions, whether the client has a sponsor, safe living environment and employment and/or school status. This progress is discussed with program participants at court appearances.

One of the key components of the Drug Court model followed by San Joaquin (as in other Drug Courts) is the use of rewards and sanctions. Participants who are doing well and following program requirements are rewarded with applause during court sessions. Rewards may also include tangible gifts such as pens and key chains. Participants who are not following requirements (who miss treatment sessions or who have positive drug tests) are sanctioned. Sanctions range from a verbal reprimand to more frequent treatment sessions, self-help groups and drug tests to sanctioned time in jail.

In order to graduate from Drug Court participants must participate in the program at least 12 months, must fulfill all program phase requirements, must stay clean (negative drug tests) for 120 consecutive days and be crime free. Graduation is a ceremony held once per year at the Bob Hope Theatre. The Mayor, Board of Supervisors and other politicians often attend, along with clients' families and arresting officers. Upon successful completion of the Drug Court program, clients may have their charges dismissed; the arrest upon which the judgment was deferred is stayed; felony offenses remain on record, but show as expunged.

With the advent of SACPA, San Joaquin created a new version of the Drug Court program specifically for SACPA participants called Drug Court II. This program is mainly for SACPA participants who have been unsuccessful at completing the less intensive SACPA program described below. The main difference between Felony Drug Court and Drug Court II is that jail cannot be used as a sanction for SACPA participants. Otherwise, the requirements for program participation are the same as those described for Felony Drug Court. Participants of the Felony Drug Court program are those who have failed Drug Court II and have used up all their chances for SACPA participation and/or are those who do not qualify for SACPA because they have burglary charges or sales of small amount of drugs and are likely to get prison sentences if they cannot complete the Drug Court program. This implies that the population of offenders in both Drug Court programs is different than those in (non-Drug Court II) SACPA in that most of the participants have already experienced the SACPA program and are entering the Drug Court

programs after months or years of unsuccessful treatment and most likely have a more extensive criminal history. This implication is discussed further in the presentation of the data on the population of participants for each program.

San Joaquin SACPA Program

The SACPA program was officially implemented in all California counties in July 2001. Other than the specific guidelines described above, all California counties were required to develop their own plan for implementing the SACPA program locally. In San Joaquin, the SACPA program is offered to the defendant at arraignment, the earliest possible time. A client may accept SACPA at any time from arraignment to trial, although most accept it earlier, usually at the preliminary hearing. If a defendant opts for a jury trial, time from arrest to program entry may be as much as 6 months. Once defendants accept and are granted SACPA they can immediately proceed downstairs to the SACPA office in the basement of the courthouse to begin intake. The San Joaquin SACPA program requires that the client be referred to the treatment provider by the probation office within 7 days from court entry, and must report to the treatment provider within 14 days, however, this process usually takes less time. If the participant arrives at the treatment provider, the provider must prepare a treatment plan within 30 days of referral. There is no specific capacity for the SACPA program as they are required to take all eligible offenders. There are approximately 800 SACPA participants per year, though a large proportion of these are not new enrollments but former SACPA participants who are re-enrolling due to new cases.

Similar to the Drug Court program described above, the SACPA program allows participants to remain free members of society while working on their substance use problems. Upon successful completion of SACPA, the participant may petition the court to dismiss charges. The case is then dismissed entirely and the charge is vacated.

The San Joaquin SACPA program consists of four levels of intensity. (These levels are not the same as the phases described for the Drug Court program.) The levels of intensity refer to the intensity and frequency of the treatment received by the participants, which is determined by the level of need found at the time of the assessment. Level 1 is the lowest intensity treatment and consists of outpatient treatment a minimum of twice per week as well as self-help groups, while Level 4 is the highest intensity treatment and consists of either residential treatment or daily intensive outpatient treatment, also with self-help groups. A new participant can be referred to any level of treatment although they are rarely referred to Level 4 after their first assessment. Each time participants fail one of their chances they are re-assessed and may be assigned to a different level of treatment based on the new assessment. Treatment on any level involves a period of at least 2-3 months of multiple weekly treatment sessions, followed by “aftercare” of one or two sessions each month until one year is completed.

There are approximately fourteen treatment providers in San Joaquin that take SACPA participants. Treatment services available to SACPA participants include group and individual drug treatment sessions, residential treatment, relapse prevention and coping skills classes as well as acupuncture. Treatment providers are also responsible for performing drug tests at least once per month. Other services are also available by referral such as Tai Chi, employment training, GED and parenting skills classes. Treatment providers send one-page quarterly progress reports to Probation. Probation is the law enforcement arm of SACPA. Probation is involved with the initial referral to get client into treatment and serves as case managers for SACPA participants, although there are no regular meetings with participants from the reports provided by treatment and the SACPA database, called the SMART card system. (Participants are given

cards that they can swipe each time they attend treatment or other required meetings.) Probation monitors cases to ensure the clients are following the Court's directions and obeying the conditions of probation as well as making referrals, filing reports for courts for violations or abnormalities, testifying in court for violations and making recommendations regarding client disposition. There is also a SACPA coordinator who works for the Office of Substance Abuse. This position is responsible for coordinating initial intake, generally directing the program, and making sure all involved agencies are "on the same page." There are no regular court sessions for SACPA participants. Court appearances only occur in response to participants' violations of probation.

If the client fails treatment (does not attend and is discharged from the treatment program), they are referred back to the Probation Department and a violation is filed. If the Court deems the client is appropriate for treatment, they are re-referred to the Intake Unit. Should the client fail treatment a second time, the Court will refer them to the Drug Court II program. In this program, they are given a Case Manager and monitoring is significantly increased. During this process, if the client is determined to be dangerous to the community or refuses to participate in a treatment program, the probation officer will recommend to the Court that he/she be dismissed from the Proposition 36 program and a jail sentence be imposed.

In order to successfully complete the SACPA program, participants must participate in the program for a minimum of one year, must complete the prescribed course of treatment and pay all fees and restitution. Upon completion of the program participants receive a certificate of successful completion and can go back to court to request that the case be dismissed and that they be taken off probation. Case dismissal and end of probation are not automatic, however, and are up to the court's discretion.

1D. EL MONTE DRUG COURT AND SACPA PROGRAMS

El Monte Drug Court

Implemented in July 1994, El Monte Drug Court was one of the earliest Drug Courts in California. It was the second Drug Court in Los Angeles County and the third in the state. The goals of the El Monte Drug Court are to reduce drug use and recidivism among clients; to provide court-supervised treatment to clients and to integrate drug treatment with other rehabilitation services in order to promote long-term recovery and reduce social costs. The program can currently accommodate 160 individuals, with, currently, approximately 130-150 clients enrolled at any single point in time. The capacity of the court decreased from 180 after the implementation of SACPA. The enrollment decreased to as low as 60 participants soon after SACPA started but has slowly increased as more offenders were unsuccessful in SACPA and turned to the Drug Court program as an alternative to incarceration.

The El Monte Drug Court targets nonviolent offenders with drug charges or under the influence charges, including both felony and misdemeanor cases. To be eligible for Drug Court, the defendant must have no prior serious or violent felony convictions, no strike convictions; and have no sales/trafficking convictions. Potential participants are referred to Drug Court after they are identified at arraignment or from other court referrals. Originally, El Monte's Drug Court program was entirely pre-plea. After SACPA was implemented, Drug Court became both pre- and post-plea, with a tendency towards post-plea clients. Offenders are often taken immediately from court to the Drug Court program office. Assessments may be done the same day as court. A client in custody could be in the program within 48-72 hours of arrest. Clients on bond, bail, or sign-out may have a month or more before program entry.

As in the typical Drug Court model, the program allows participants to remain a free member of society while working on their substance use problems. Any jail time that would have been imposed at the time of sentencing is suspended while the participant is in Drug Court as long as they maintain satisfactory progress. The El Monte Drug Court program consists of three phases, (the first of which includes a 2-week trial period), and an alumni program. The first phase is the most intensive with 3 to 5 group treatment sessions per week, five drug tests per week, a minimum of one individual treatment session per week and court sessions once every 2 weeks. The phases get successively less intensive with Phase 3 requiring fewer group sessions and drug tests (two per week, respectively) and one court session per month. There is a single treatment agency that provides Drug Court services. Services include outpatient counseling and intensive therapy, relapse prevention, health education, family sessions, dual diagnosis treatment, mental health facilities, and one-on-one treatment with an individual counselor. Participants also have access to other recovery programs such as anger management, parenting and GED classes.

There is a team of representatives from several collaborating agencies that work together to assist participants in their recovery. The Drug Court team consists of the judge, Drug Court coordinator, assistant Drug Court coordinator, judicial assistant, treatment agency director, deputy district attorney, deputy public defender, alternate public defender, and probation officer. The Drug Court team meets once or twice a week in the courtroom to go over participant progress reports. There is also a Drug Court steering committee that meets monthly to discuss Drug Court policy, any changes in staffing and upcoming graduation and fundraisers. The steering committee consists of the entire Drug Court team as well as further representatives from several agencies including the assistant director for the treatment agency and representatives from law enforcement.

The treatment provider gives written and verbal progress reports to court before each Drug Court appearance. These reports include information on client attendance, types of sessions attended, 12-step meetings attended, drug tests, and a narrated section for additional comments.

As in San Joaquin, one of the key components of the Drug Court model followed by El Monte (as in other Drug Courts) is the use of rewards and sanctions. Participants who are doing well and following program requirements are rewarded with applause and verbal praise during court sessions. Rewards may also include tangible gifts such as candy and movie tickets. Participants who are not following requirements (who miss treatment sessions or who have positive drug tests) are sanctioned. Sanctions range from writing essays or letters to more frequent treatment sessions and self-help groups to sanctioned time in jail with and without treatment.

In order to graduate (successfully complete) the Drug Court program, participants must complete all program requirements, must have no positive drug tests for 6 months, and must be employed or in school full time. Upon completion of the program, clients may have their charges dismissed; the arrest upon which the judgment was deferred is considered to have never occurred. If clients entered through probation, they receive early termination of probation and the case is expunged.

After the advent of SACPA, SACPA participants who did not successfully complete their programs began being accepted to the Drug Court. However, the Drug Court is not a component of SACPA. Participants who enter the program must give up any remaining rights they have to SACPA funded treatment.

El Monte SACPA Program

As described in the text for San Joaquin County, SACPA has specific and strict statewide eligibility criteria as well as forbidding jail for those offenders willing to attempt treatment. Drug testing is not included in the SACPA statute and the funding for drug tests is provided by a separate legislation.

On Nov 15, 2000, the Countywide Criminal Justice Coordination Committee (CCJCC) established the Proposition 36 Implementation Task Force, which was comprised of approximately 60 members including treatment providers, county and city criminal justice agencies, judicial officers, public defender's office, district attorney's office, and county departments such as health services, probation, mental health, social services, sheriff, corrections/parole, Department of Health, Alcohol and Drug Programs Administration (ADPA) and various drug treatment provider groups. The Los Angeles Board of Supervisors designated the Countywide Criminal Justice Coordination Committee SACPA Implementation Task Force as the advisory group responsible for the development of policies and procedures for the implementation of Proposition 36. ADPA was designated as the lead agency. It was decided by the Task Force and various subcommittees that it would be best to staff SACPA with personnel with Drug Court experience, and use Drug Court principles in SACPA cases. The El Monte SACPA program officially began operations with the rest of the state in July 2001, although it also ran a short pilot test of the program in the months before official implementation.

In El Monte, the main staff for the SACPA program is also the team for Drug Court. Many of the staff members have worked together in the Drug Court since its implementation in 1994 and continue to work together in the SACPA program. The same judge, or commissioner, supervises both the Drug Court program and the SACPA program.

The program allows participants to remain a free member of society while working on their substance use problems. As required by the SACPA statute, participants enter the program post-plea. Eligible offenders are offered the SACPA program when they appear in court. In general, the time from referral and through the assessment process can take about 5 days. (However, it often takes longer when participants do not make or show up for their assessment appointment.) When offenders who agree to participate in SACPA in court, they are referred to a special center for an assessment to determine their treatment needs. Assessments in LA are performed by Community Assessment Service Centers (CASCs). The CASC determines the treatment plan and treatment level for each participant, which must then be approved by the SACPA program commissioner. There are three levels of treatment available to El Monte SACPA clients. As in San Joaquin, these are not the same thing as the Drug Court phases. Participants can be referred at entry to any level of treatment depending on their treatment needs and probation risk level. Level 1 is the lowest intensity treatment. It is expected to last about 18 weeks and requires 3 hours of treatment per week and one drug test per week. A participant may be assigned to the next level of treatment if they miss three drug tests, three meetings or three treatment sessions in a 30-day period. Level 3 is the most intensive and lasts approximately 40 weeks. Level 3 is residential and/or intensive outpatient with 9 hours of treatment required per week and two drug tests per week for the first 8 weeks.

There are approximately 100 treatment providers available to El Monte SACPA clients. The CASC determines which treatment provider a participant attends based on their treatment needs and the geographic area in which they live. Treatment includes group and individual treatment sessions as provided by the specific treatment provider. Treatment providers also conduct drug

tests. Any ancillary services (such as parenting classes or anger management) are based on the existence of these services at the particular treatment agency the participant attends.

SACPA participants must report their progress to their probation officer monthly and attend court sessions quarterly. The participants' monthly reports are performed through kiosks that are available at large number of convenient locations throughout Los Angeles. These kiosks recognize participants by their handprints. Once participants have logged in to the kiosk they are required to read and answer a series of questions about their progress in treatment and other questions relevant to their SACPA participation. They can also receive messages and reply to messages from their probation officer and pay fees at the kiosk. SACPA participants attend court sessions once every quarter. The treatment providers and probation officers, as well as the court, enter all information into a single database called TCPX. The court receives reports on participant progress from TCPX.

Although the same staff overlap between Drug Court and SACPA, there is no SACPA coordinator, no team and no team meetings. There are also no rewards or sanctions.

Participants are allowed three drug related violations before they are terminated from the SACPA program. This includes positive drug tests, missed tests or missed counseling sessions, being discharged from (failing to complete) the treatment program and new drug-related arrests. Clients may be terminated if they are a physical danger to others. The text of Proposition 36 notes that treatment staff may notify probation that a client is un-amenable to treatment, which may lead probation being revoked and failure out of the program unless the client can prove by a preponderance of evidence that there is a drug treatment program available that the client is amenable to. Otherwise, the client may be incarcerated as they would pre-SACPA legislation.

Requirements for successful completion from the El Monte SACPA program include having no positive drug tests for 30 days prior to completion; payment of all fees, attending all treatment requirements according to the appropriate treatment level and attend 6 months of aftercare. Upon successful completion of SACPA, the client may petition the court to dismiss charges. The case is then dismissed entirely and the charge is vacated.

1E. DIFFERENCES IN DRUG COURT AND SACPA MODELS

There are several key differences in structure and operations between the two program types in both sites. These differences are summarized in a table for each site.

San Joaquin Drug Court and SACPA Process Differences

A review of the program descriptions and the interviews with program staff for the San Joaquin Drug Court and SACPA programs revealed some significant differences in program components. For the purposes of this analysis, the SACPA program, not including the Drug Court II component, is compared to the San Joaquin Drug Court model. A summary of the differences is provided in Table 4. Additional quantitative data is also examined.

Table 4. Programmatic Differences Between SACPA and Drug Court in San Joaquin

Program Component	Drug Court	SACPA
Capacity & Enrollment	The felony Drug Court currently has 80 clients while Drug Court II has 150 clients.	There is no capacity limit on enrollment in SACPA. There have been up to 1,800 active participants at any one time. The program must expand to meet demand. By statute, the program must be available for all eligible clients.
Treatment Provider Network	Drug Court relies on two main agencies for treatment services. Clients are occasionally referred out to multiple county and private treatment agencies for specialized services.	SACPA clients are referred among 14 treatment providers in the county. Treatment is organized into 4 main intensity levels ranging from outpatient to residential services.
Length of Program/Length Of Time In Treatment	<p>The Drug Court program requires a minimum of 12 months to complete, although participants can stay longer as long as they are attending treatment and complying with other program rules. Treatment continues throughout the length of the program for all participants.</p> <p>The actual time spent in the program by those who complete, as measured from administrative data, averages just over one year (390 days).</p>	<p>The SACPA program also requires a minimum of one year to complete although treatment for participants can be covered up to 18 months (but no longer). The required length of time in treatment can vary from 3 to 6 months depending on treatment level. If the treatment is completed successfully, then there is “continuing care” for the remainder of the year that varies in intensity depending on the treatment provider but is generally minimal meetings around once per month.</p> <p>The actual time spent in the program by those who complete, as measured from administrative data, averages just under 18 months (522 days).</p>
Aftercare (after program completion)	There is an alumni group to lend continued support after treatment completion.	SACPA clients do not receive aftercare unless they were referred to a Drug Court program as part of their treatment.
Use of Rewards	The Drug Court determines rewards for positive client behavior based on an established point system. Rewards can be tangible (such as small gifts) or intangible (such as praise or courtroom applause).	There is no established reward system for SACPA clients.

Program Component	Drug Court	SACPA
Use of Sanctions	A series of graduated sanctions is used to respond to non-compliance with program rules. The judge, in consultation with the case managers, imposes sanctions in court. Sanctions may include increased drug testing, residential treatment, community service, journaling, and/or jail time.	The SACPA statute allows for the use of some sanctions. Sanctions occur in response to failure to attend treatment or other probation violations and generally involve increasing the client's treatment level. In some instances, probation may be modified or revoked.
Supervision of Participants	In the first phase of the program participants appear weekly before the judge in a court session that is open to the public. Court appearances are required once every 2 weeks in Phase 2 and once every 3 weeks in Phase 3. The judge receives weekly progress reports from treatment providers.	Clients do not return to court once they have been referred to SACPA unless there is a problem, such as a probation violation. Probation does intake when the participant is referred from the court and refers participants to treatment. Participants are monitored through treatment reports provided to Probation. Probation officers do most of the client monitoring through these reports and through the SMART card database. There are no required meetings with probation unless there is a problem.
Drug Testing	Drug testing is both random and for cause. Initially testing occurs three times per week and then is reduced to twice per week.	Treatment providers are expected to conduct random drug testing a minimum of once per month.
Client Fees	Drug Court clients do not pay program fees though they may be required to pay any court fees or restitution.	If the client earns \$900 per month or more, there is a sliding fee scale that begins at \$75/month.
Program Oversight	<p>There is a Drug Court team (including the judge, the Drug Court coordinator, case managers from the Office of Substance Abuse, and representatives from the main treatment agency) that manages client progress. The team meets weekly to discuss individual participant progress.</p> <p>There is also a Drug Court Oversight Committee that meets bi-monthly to discuss program policy and accomplishments.</p>	<p>There is a SACPA Oversight Committee that meets bi-monthly to discuss program policy and accomplishments.</p> <p>There is no team that oversees individual participant progress.</p>

Program Component	Drug Court	SACPA
Requirements for Completion	A highly structured program in which participants must complete all requirements and successfully pass through four treatment phases to graduate. Each phase has mandatory treatment and court session requirements, drug tests and 12-step meetings. Participants must have no positive drug tests for 120 consecutive days to graduate.	SACPA participants do not “graduate” from the program. Requirements for successful completion of the programs include completion of treatment and successful completion of continuing care for a total of at least one year, as determined by the individual treatment provider. Once all fees are paid, participants officially receive a certificate of successful completion.
Recognition Program Completion	Clients participate in a graduation ceremony held in the courtroom. Families and guests are invited to attend. Graduates receive a small gift and a certificate.	Clients receive a certificate of completion.

There are several key differences between the San Joaquin Drug Court and SACPA models. One obvious difference is capacity. SACPA is designed to treat all eligible offenders (can handle several hundred participants simultaneously), considerably more than the current capacity of the Drug Court programs (around 200 participants combined). The ability to provide treatment to a large number of offenders is a large benefit of SACPA. In addition, SACPA uses a larger number of treatment providers than the Drug Court programs. The benefit of this is the ability to provide participants with the treatment specific for the needs. The drawback is that it is more difficult to coordinate and determine the quality of the treatment with a larger number of providers and it can be difficult for supervision to consistently receive communications on participant progress.

The length of stay for participants in SACPA is longer, and longer time in treatment is known to be associated with better outcomes. However, the treatment received in SACPA during that time may not be consistent, depending on whether the participant follows through on their treatment plan. Time in the SACPA program does not equal time in treatment. This is in contrast to the Drug Court model where the high level of court supervision enforces participant attendance at treatment and therefore, time in the Drug Court program corresponds closely with time in treatment.

The San Joaquin Drug Court model performs several activities that result in a high level of participant monitoring including court sessions, treatment sessions, and drug tests. In addition to learning to deal with their substance abuse issues in treatment, participants learn to modify their inappropriate behaviors from feedback provided by the Drug Court team. Appropriate behavior is rewarded and inappropriate behavior is sanctioned so that participants are accountable for their behavior either way.

The successful completion of Drug Court for each participant is decided by a team following a clear list of requirements while the completion of SACPA is decided mainly from reports on treatment completion by individual treatment providers that have different criteria. Finally, the successful completion of Drug Court is called “graduation” and is marked by a ceremony and celebration. There is no special marking of SACPA completion aside from a certificate of completion.

In summary, the Drug Court model is more personal, including a much higher level of supervision and participant accountability while the SACPA program reaches and provides treatment to a much larger number of individuals making a more personal model more difficult.

El Monte Drug Court and SACPA Process Differences

Table 5 highlights some of the key differences in the operation of the El Monte Drug Court compared to the EL Monte SACPA program.

Table 5. Programmatic Differences Between SACPA and Drug Court in El Monte

Program Component	El Monte Drug Court	El Monte SACPA
Capacity & Enrollment	The El Monte Drug Court has a capacity of approximately 160 participants (down from 180 pre-SACPA).	There is no capacity limit on enrollment in SACPA. In Los Angeles County there are up to 5,000 active participants at any one time. In El Monte, over 400 were referred in 2002-2003 and 313 entered the program. The program must expand to meet demand. By statute, the program must be available for all eligible clients.
Treatment Provider Network	Drug Court has one agency that performs intake, drug tests and primary services (group and individual drug treatment sessions). This agency refers out to approximately ten additional agencies (though others are used occasionally) for more specialized treatment services including residential care.	El Monte SACPA participants are referred to a Community Assessment Service Centers (CASC), which does the assessment and chooses a treatment provider out of several hundred based on the location of the participants' home.
Length of Program/Length of time in treatment	The El Monte Drug Court program requires a minimum of 12 months to complete, although participants can stay longer as long as they are attending treatment and complying with other program rules. Treatment continues throughout the length of the program for all participants. The actual time spent in the program by those who complete, as measured from administrative data, averages just over 14 months (436 days).	The SACPA program also requires a minimum of approximately one year to complete depending on the treatment level. The required length of time in treatment can vary from 18 weeks (4 months) to 40 weeks (9 months) depending on the intensity level. Completion of treatment is followed by 6 months of "continuing care" which requires documented meetings at self-help groups and at least one meeting with the treatment provider to verify participation. The actual time spent in the program by those who complete, as measured from administrative data, averages to just less than 23 months (696 days).

Program Component	El Monte Drug Court	El Monte SACPA
Aftercare (After program completion)	There is an alumni group to lend continued support after treatment completion. Participants in Phase 3 are required to attend alumni group meetings.	SACPA clients do not receive aftercare unless they were referred to a Drug Court program as part of their treatment.
Use of Rewards	The Drug Court team determines rewards for positive client behavior including compliance with program rules. Rewards can be tangible (such as candy or other small gifts) or intangible (such as praise, hugs or courtroom applause).	There are no rewards for SACPA clients.
Use of Sanctions	A series of graduated sanctions is used to respond to non-compliance with program rules. The judge, in consultation with the team, imposes sanctions in court. Sanctions may include, increased drug testing, writing essays or letters, residential treatment, community service, and/or time in jail.	There are no sanctions for SACPA participants. Although, if clients fail to complete treatment or commit other probation violations their treatment level may increase or they may be terminated from the program if they have used their third (and last) chance in SACPA.
Supervision of Participants	<p>In the first phase of the program participants appear once every 2 weeks before the commissioner in a court session that is open to the public. Court appearances are required once every 3 weeks in Phase 2 and once every per month in Phase 3. The judge receives written and verbal progress reports from treatment providers on individual participants before each court session.</p> <p>Tone of Drug Court sessions are friendlier, more relaxed, and less adversarial than SACPA.</p>	Participants appear before the SACPA commissioner monthly at the beginning of the program then move to quarterly when they get “stabilized,” unless they have a probation violation or other problem in which case they will come to court sooner. Participants must report to Probation monthly through kiosks where they login with their handprint and answer questions on the screen. The probation officer is automatically notified if a participant does not perform their monthly check-in or does not appear for a drug test. Probation officers can leave messages for participants on the kiosk and participants can reply or leave their own messages to their probation officer on the kiosk. There are no required meetings with probation except to come in for drug testing on a random basis at the discretion of the probation officer, at least once every 3 months.

Program Component	El Monte Drug Court	El Monte SACPA
Drug Testing	Drug testing is both random and for cause. Initially testing occurs five times per week and then is reduced to twice per week in the last phase.	Treatment providers are expected to conduct random drug testing at least once or twice per week. If a participant does not appear for a drug test, treatment is expected to inform Probation. Probation is required to perform random drug tests at least once every 3 months, but they may do it more often (up to once per month).
Client Fees	Drug Court participants pay up to \$400 to the treatment provider, according to their ability to pay.	El Monte SACPA participants may be asked to pay a \$200 SACPA fee, a probation fee (from \$250 to \$650) and a lab fee for drug test averaging about \$50. However, this is based on the participants' ability to pay and these fees may be waived at the Commissioner's discretion.
Program Oversight	There is a Drug Court team (including the judge, the Drug Court coordinator, a district attorney, a public defender, the treatment agency director and a judicial assistant) that works together to manage participant progress. The team meets one to two times weekly to discuss individual participant progress. There is also a Drug Court Oversight Committee (including the Drug Court team and more representatives from treatment as well as from law enforcement) that meets every 6 weeks to discuss program policy, staffing changes and upcoming graduations.	Although the main staff for SACPA is the same as the staff on the Drug Court team, they do not oversee individual participant progress as a team. There are no team meetings. Two judges oversee a "Proposition 36 oversight committee" which meets quarterly for this region to talk about any SACPA related issues and policies. This committee includes treatment providers, probation, attorneys and judicial officers.
Requirements for Completion	A highly structured program in which participants must complete all requirements and successfully pass through three treatment phases to graduate. Each phase has mandatory treatment and court session requirements, drug tests and 12-step meetings. Participants must have no positive drug tests for	SACPA participants do not "graduate" from the program. Requirements for successful completion of the program include completion of treatment, successful completion of 6 months of "continuing care" and compliance with any other conditions of probation.

Program Component	El Monte Drug Court	El Monte SACPA
	6 months, must be employed or in school full-time, have a sober living environment and demonstrate an ability to support themselves in order to graduate.	
Recognition Program Completion	Clients participate in a graduation ceremony three to four times per year. Families and guests are invited to attend. Graduates receive a certificate of completion, lunch and a picture with the Drug Court team, and small gift such as t-shirts and key chains.	There is no official ceremony of SACPA completion. Once participants complete the program the SACPA charge is set aside and the participant can petition the court to dismiss the indictment. Interestingly, of 3,118 clients who successfully completed in FY2003-2004, only 1,759 petitioned to have cases dismissed.

The key differences between the Drug Court model and the SACPA model in El Monte are almost identical to the differences in San Joaquin, in spite of each county developing their own SACPA plan. A clear difference is capacity. SACPA is designed to treat all eligible offenders (can handle several hundred participants simultaneously), considerably more than the current capacity of the Drug Court program (currently operating at about 120 participants). The ability to provide treatment to a large number of offenders is a major benefit of SACPA. In addition, SACPA uses a larger number of treatment providers than the Drug Court programs. The benefit of this is the ability to provide participants with the treatment specific for the needs. The drawback is that it is more difficult to coordinate and determine the quality of the treatment with a larger number of providers and it can be difficult for the court to receive consistent communications on participant progress.

The length of stay in the program for participants in SACPA is longer, and longer time in treatment is known to be associated with better outcomes. However, the treatment received in SACPA during that time may not be consistent, depending on whether the participant follows through on their treatment plan. Further, SACPA participants may still be in the program but not be attending treatment for varying lengths of time. (There is an average number of three separate treatment episodes per SACPA participant.) Therefore, time in the program for SACPA participants does not equal time in treatment. This is in contrast to Drug Court where time in the program does generally correspond closely with time in treatment. In the Drug Court model the high level of court supervision enforces participant attendance at treatment throughout the length of the program.

The El Monte Drug Court model performs several activities that result in a high level of participant monitoring including court sessions, treatment sessions, and drug tests at a much higher frequency than SACPA. In addition to learning to deal with their substance abuse issues in treatment, participants learn to modify their inappropriate behaviors from feedback (including rewards and sanctions) provided promptly at the time of the behavior by the Drug Court team. Appropriate behavior is rewarded and inappropriate behavior is sanctioned so that participants are accountable for their behavior either way. Although, both Drug Court and SACPA participants attend court sessions, because of the larger number of participants, SACPA sessions are performed more quickly and formally for each participant, while in Drug Court the session is

more informal and personal for each participant. SACPA participants check in with their probation officer through kiosks rather than in person.

The successful completion of Drug Court for each participant is decided by a team following a clear list of requirements and includes 6 consecutive months of “clean” drug tests and a having a job or being in school full time. The completion of SACPA is decided mainly from reports on treatment completion by each individual treatment providers and then by the satisfaction of any other specific conditions of probation. Finally, the successful completion of Drug Court is called “graduation” and is marked by a ceremony and celebration. There is no special marking of SACPA completion aside from a certificate of completion.

In summary, like San Joaquin, the Drug Court model in El Monte is more personal, with a team of representatives from collaborating agencies focusing on the progress of each participant individually, including a much higher level of supervision and participant accountability. In contrast, the SACPA program reaches and provides treatment to a much larger number of individuals, and keeps those participants in treatment longer. However, the large number of SACPA participants makes a more personal model more difficult to accomplish.

1F. DIFFERENCES IN PROGRAM POPULATION

The organization of the criminal justice system around the SACPA and Drug Court programs, so that participants of SACPA who do not successfully complete the program are then sent to Drug Court leads to significant differences between the populations of the two programs in both sites.

Analyses of Variance (ANOVAs) were performed to determine if any differences between program participant characteristics were statistically significant.

San Joaquin Differences in Participant Population

Table 6 provides the participant characteristics, including demographics and criminal history for the San Joaquin SACPA program (not including Drug Court II) and the Drug Court program before and after the implementation of SACPA. The Drug Court program at Time 2 (T2), after the implementation of SACPA, includes both Felony Drug Court and Drug Court II participants. (The differences in the participants from Felony Drug Court and Drug Court II participants will be described further under Policy Question #3.)

Table 6. San Joaquin Drug Courts and SACPA Participant Characteristics

	San Joaquin Drug Court Pre-SACPA (T1) (98-99) N=202	San Joaquin SACPA N=395	San Joaquin Drug Court Post-SACPA (T2) (02-03) N=128	Significant Difference Between Drug Court and SACPA? P < .01
Age	36	36	36	No
Sex				
Male	61%	72%	70%	No
Female	39%	28%	30%	
Race/Ethnicity				
White	43%	48%	39%	No
Hispanic/Latino	24%	26%	21%	
African American	31%	21%	23%	
Drug of Choice				
Meth	25%	34%	28%	Yes (For Cocaine, Marijuana and Alcohol at both time periods)
Cocaine*	29%	12%	21%	
Heroin	22%	25%	23%	
Marijuana*	14%	23%	16%	
Alcohol*	29%	12%	21%	
Average # of arrests in 2 years prior to program entry*	3.1	3.3	4.5	Yes (For Drug Court T2)
Average # of arrests with person charges in 2 years prior	.27	.35	.48	No
Average # of arrests with property charges in 2 years prior	NA	.48	.97	No
Average # of arrests with drug charges in 2 years prior	2.3	2.1	3.0	Yes (For Drug Court T2)
Average # of arrests with felony charges in 2 years prior	1.6	1.9	2.9	Yes (For Drug Court T2)
Average # prior convictions in 2 years prior	2.0	1.7	2.0	No
Average # of days in jail in 2 years prior	51	35	55	Yes
Average # of days in Prison in 2 years prior	NA	7	14	Yes

While most of the demographics measured (age, gender, ethnicity) were not significantly different between the Drug Court and SACPA groups, drug of choice was significantly different. The use of methamphetamine was fairly similar but Drug Court had higher numbers of cocaine users while SACPA had higher numbers of marijuana users. Drug Court participants after SACPA implementation had a more extensive criminal history (greater numbers of total prior arrests and arrests with specific charges including drug and felony charges) and spent more time incarcerated (both jail and prison) before entering the program. Drug Court participants before SACPA had similar or slightly more extensive criminal histories before starting the Drug Court program. These results will be discussed further in the summary for this section.

El Monte Differences in Participant Population

Table 7 provides the participant characteristics, including demographics and criminal history for the El Monte SACPA and Drug Court programs before and after the implementation of SACPA.

Table 7. El Monte Drug Courts and SACPA Participant Characteristics

	El Monte Drug Court Pre-SACPA (T1) (98-99) N = 127	El Monte SACPA (02-03) N = 313	El Monte Drug Court Post-SACPA (T2) (02-03) N = 147	Significant Difference between Drug Court and SACPA? P < .01
Age	32	33	32	No
Sex				
Male	75%	84%	73%	No
Female	25%	16%	27%	
Race/Ethnicity				
White	28%	18%	19%	Yes (Drug Court T1)
Hispanic/Latino	68%	75%	75%	
African American	2%	1%	1%	
Drug of Choice				
Meth	33%	63%	55%	Yes (Meth and cocaine at T1; alcohol at T2)
Cocaine	49%	15%	19%	
Heroin	6%	12%	11%	
Marijuana	2%	4%	4%	
Alcohol	8%	5%	20%	
Average # of arrests in 2 years prior to program entry	2.2	2.9	3.1	Yes
Average # of arrests with person charges in 2 years prior	.02	.12	.04	Yes
Average # of arrests with property charges in 2 years prior	NA	.30	.50	No
Average # of arrests with drug charges in 2 years prior	1.7	2.1	2.5	Yes
Average # of arrests with felony charges in 2 years prior	1.4	1.7	2.0	No
Average # convictions in 2 years prior	.79	.77	.62	Yes
Average # of days in jail in 2 years prior	33	45	69	Yes
Average # of days in Prison in 2 years prior		22	35	No

There are several differences in the population of the El Monte Drug Court before SACPA compared to the SACPA program and Drug Court program after SACPA. The Drug Court and SACPA programs in 2002-2003 had higher numbers of Hispanic participants and fewer whites than the Drug Court program pre-SACPA, although this may be a function of an increase in the population of Latino individuals in the County as a whole. Drug of choice was also significantly different with Drug Court in 2002-2003 and SACPA participants using dramatically more methamphetamine and less cocaine than Drug Court participants pre-SACPA. Drug Court participants after SACPA implementation had a more extensive criminal history (greater numbers of total prior arrests and arrests with specific charges including drug and felony charges) and spent more time incarcerated (both jail and prison) before entering the program than SACPA participants and Drug Court participants before SACPA. Drug Court participants before SACPA had similar or slightly less extensive criminal histories than SACPA before starting the program. Strangely, although the SACPA program does not allow participants with violent histories within 5 years of program entry, SACPA participants had more arrests with person charges than the Drug Court program at either time period. However, this difference may just be an artifact of the extremely small number of this type of arrests. These results will be discussed further in the summary for this section.

1G. SUMMARY OF DIFFERENCES BETWEEN SACPA AND DRUG COURT PROGRAMS IN BOTH COUNTIES

In spite of the diversity in how SACPA was implemented in each county, the differences found between SACPA and the Drug Court model at both study sites are remarkably similar. One major difference between SACPA and Drug Courts at our study sites and in the state as a whole is capacity. SACPA is designed to serve several times more participants than the Drug Court program in either site (and any site in California). A huge benefit of SACPA is its ability to serve every eligible participant. The treatment capacity in both counties increased dramatically in order to keep up with the demands of SACPA participants. (Although program staff at both sites described some difficulties in consistently being able to find open treatment slots appropriate for each client.)

Another major difference is the level of supervision. Drug Court participants are much more heavily monitored than SACPA participants in multiple ways including more court supervision, more consistent treatment requirements, regular and more frequent drug testing and regular progress reviews by a team of representatives from multiple collaborating agencies that can assist participants with their legal problems as well as their treatment needs.

For both study sites it is clear that the Drug Court model is more personalized. Just one example of this is the ceremony and celebration that goes with successful completion of the Drug Court programs that is completely lacking in the SACPA programs. This kind of personal and human activity leads to both staff and participants to feel good about the work they are doing. As one staff member, who works with both SACPA and Drug Court programs said, "I love Drug Court. It's more intense. It humanizes the person and I get to know the client." It is likely that the sheer size of the SACPA program makes the kind of personal interaction that occurs in the Drug Court program challenging to implement. To introduce this kind of personal attention into SACPA would require many more non-treatment staff (possibly several Drug Court teams serving smaller groups of clients would be necessary).

The conviction has often been expressed that Drug Courts are "creaming" the eligible population of offenders. The definition of creaming may vary depending upon the speaker but in general the

idea of creaming is that Drug Court staff screens participants and only accepts those they believe are likely to succeed. What kinds of participants are likely to succeed in any particular program? What characteristics might one look for in order to get the “cream of the crop?” An obvious characteristic would be criminal history. It is commonly known that one of the best predictors of re-offending is prior offending. Because SACPA must take all eligible participants, it can be assumed that it is not possible for this program to perform any “creaming.” Therefore, if Drug Courts are “creaming” based on criminal history, an examination of the criminal history in the population at both sites should show that Drug Court participants have fewer arrests, fewer convictions, less time in jail and less time in prison. This is not the case. The Drug Court participants at both sites show either no significant difference in past criminal behavior than SACPA participants or a more extensive history. In fact, Drug Court participants at Time 2 (after the implementation of SACPA) consistently show a greater number of prior arrests, jail time and prison time than SACPA participants. This is to be expected considering that Drug Court participants at Time 2 consist to a large extent of former SACPA participants who spent time in SACPA and failed to complete SACPA treatment before entering the Drug Court program. If these Drug Courts were creaming, the more criminal offenders referred from SACPA would not be allowed in the program. Another characteristic that may be screened out in the “creaming” process is drug of choice. The data does show some difference in drug of choice at both sites between Drug Courts and SACPA. However, it is not clear that this difference (if it was due to creaming) would benefit the Drug Court program. The SACPA participants in one site appear to have slightly more methamphetamine users (in San Joaquin), while the Drug Courts tend to have greater numbers of cocaine and heroin users. Finally, another possible characteristic that may lead to “creaming” is the possibility of allowing in only offenders who agree to participate. Since in both SACPA and Drug Court participation is voluntary, this should not be a factor. Overall, in relation to the above discussed factors and in these two sites, there is no evidence of “creaming” in the Drug Court population.

The large majority of Drug Court staff and at least half of the SACPA staff interviewed expressed the belief that the Drug Court model was more effective. They found keeping track of SACPA participants extremely challenging and believed that many of the SACPA eligible offenders referred to SACPA never made it to treatment. The validity of this belief is explored in policy questions # 3 through # 6, examining program participant outcomes and costs.

Policy Question #2: How Have Drug Courts Adjusted (How Have Drug Court Process and Policies Changed) with the Implementation of State-Mandated Non-Drug Court Treatment Programs?

The qualitative results for Policy Questions #2 were so similar across the two study sites that their data were combined in the presentation of their results. Quantitative analysis of participant characteristics between Drug Court at Time 1 and Time 2 (pre and post-SACPA) are presented in separate tables after the qualitative discussion of Drug Court changes.

Drug Court staff were asked to assess changes that have occurred in the Drug Court program since the statewide implementation of the SACPA programs in 2001. Many members of the staff at both sites had been associated with the Drug Court program both before and after the implementation of SACPA. In El Monte the same commissioner ran Drug Court before SACPA implementation that still runs the Drug Court today, as well as overseeing the SACPA program. Responses in both sites were surprisingly similar and clustered in several main areas: Funding/

treatment resources, enrollment numbers, the place of the Drug Court program in the judicial system and participant population characteristics.

Quantitative data on participant characteristics (including demographics and criminal history) for the Drug Court before and after SACPA implementation was also examined and the results are presented later in this section.

The results for this question are organized as into these topic areas:

2A. San Joaquin and El Monte Staff Perceptions of Drug Court Program Change Due to SACPA

2B. Drug Court Population Before and After SACPA Implementation

2C. Summary of Changes in Drug Court in Before and After to SACPA

2A. SAN JOAQUIN AND EL MONTE STAFF PERCEPTIONS OF DRUG COURT PROGRAM CHANGE DUE TO SACPA

One of the main findings for this question about changes in the Drug Court program was that there was very little to no change in the basic Drug Court policies and procedures.

- No significant procedural changes – Overall, staff did not perceive the Drug Court as having undergone any significant structural or procedural changes since the implementation of SACPA. Other than the inability to use jail as a sanction for Drug Court II participants in San Joaquin, most of the perceived changes were a result of external factors and not a result of adjustments that the Drug Court staff has undertaken in response to the implementation of SACPA.

Other findings on Drug Court program changes were as follows:

- Funding/Resources – Funding for the Drug Court program at both sites was perceived to have decreased with the passage of SACPA. Some staff perceived that the Drug Court program was now competing for scarce treatment resources with SACPA.

“It has changed in terms of funding.... Lack of money effects programs.”

“Funding has been curtailed- legislators think that they get more “bang for the buck” with Prop 36. All Drug Courts were cut 30% when Prop 36 started, and in 2005, they were cut another 20%. We rely on federal grants for drug testing-which is an integral part of DC-and that’s been cut, and the state won’t fund it.”

- Enrollment - Most Drug Court staff agreed that the enrollment statistics for Drug Court decreased after the implementation of SACPA. While there was no change in the eligibility screens for Drug Court during this time period, clients who were simultaneously eligible for both Drug Court and SACPA (which is the majority of eligible offenders) were opting for SACPA. Staff believed that dual-eligible clients would generally select the SACPA program because it was less strict and had fewer requirements than the Drug Court program. However, enrollment numbers have climbed back up nearly to their original numbers as SACPA participants fail to complete treatment and are referred to Drug Court.

“There was a decline in number of people in Drug Court because many were eligible for SACPA.”

“Some clients prefer Prop 36 to Drug Court because it is less strict.”

“Drug Court is the fall back for Prop 36.”

“The population of Drug Court changed with the start of Prop 36. Were at 180 capacity, then dropped to 60-80, but now back up again to around 120 due to Prop 36 failures.”

“Numbers have gone down; people are going to Prop 36 instead.”

- Role of Drug Court in the criminal justice system – With the implementation of SACPA, the continuum of criminal justice diversion programs expanded. The role of the Drug Court program began to shift in response. After some confusion as to whether participants could go back and forth between programs, increasingly, the program is viewed as the next sequential step *after* a client has unsuccessfully participated in SACPA. The Drug Court now serves as a more intensive service option for those who are not succeeding under the less stringent criteria of the SACPA program. The Drug Court has also changed at what point in the case process they exist, changing from more pre-plea to post-plea.

“Now people who are in Drug Court cannot go back to Prop 36 (they could before).”

“We are utilizing Drug Court as the last referral for SACPA treatment - after a person has failed twice in other programs but is still eligible.”

“Once terminated from Prop 36 they are sentenced. He can’t order someone into Drug Court, but gives them the option of going and averting the sentence (prison, etc.).”

“Prior to Prop 36, the County’s Drug Courts were pre-conviction. With Prop 36, most Drug Courts are no longer getting pre-conviction cases.”

“No one chose Drug Court. They only went there if they failed out of Prop 36 and didn’t want to go to prison. Drug Court became post-conviction after Prop 36 started.”

- Change in participant population. Staff perceptions are that participants coming in their third chance on SACPA or as SACPA failures were more criminal and more deeply addicted than Drug Court participants before SACPA was implemented.

“We get more hard-core users. Drug Court is now getting more hard-core cases and more addicts and more criminalized people. I expect the retention rate for Drug Court has probably gone down.”

“Today most courts are getting Prop 36 dropouts.”

2B. DRUG COURT POPULATION BEFORE AND AFTER SACPA IMPLEMENTATION

The staff perceptions at both study sites that the Drug Court participant population had changed after the implementation of SACPA is confirmed by the administrative data available on the participants at both time periods. Table 8 displays participant characteristics for San Joaquin’s Drug Court before and after SACPA implementation including demographics and criminal history.

Analyses of Variance (ANOVAs) were used to determine whether any differences between the programs at the two time points were statistically significant.

Table 8. San Joaquin Drug Court Participant Characteristics Before and After SACPA Implementation

	San Joaquin Drug Court Pre-SACPA (T1) (98-99) N = 202	San Joaquin Drug Court Post SACPA (T2) (02-03) N = 128	Significant Difference? P < .01
Age	36	36	No
Sex			
Male	61%	70%	No
Female	39%	30%	
Race/Ethnicity			
White	43%	39%	No
Hispanic/Latino	24%	21%	
African American	31%	23%	
Drug of Choice			
Meth	25%	28%	No
Cocaine	29%	21%	
Heroin	22%	23%	
Marijuana	14%	16%	
Alcohol	29%	21%	
Average # of arrests in 2 years prior to program entry	3.1	4.5	Yes
Average # of arrests with drug charges in 2 years prior	2.3	3.0	Yes
Average # of arrests with person charges in 2 years prior	.27	.48	Yes
Average # of arrests with felony charges in 2 years prior	1.6	2.9	Yes
Average # prior convictions in 2 years prior	2.0	2.0	No
Average # of days in jail in 2 years prior	51	55	No

For San Joaquin, the Drug Court participant population demographics, including age, gender, ethnicity and drug of choice remained consistent from one time period to the next. However, participant criminal history did change significantly from before to after SACPA implementation. Drug Court participants in 2002-2003 had significantly more drug and felony arrests, more arrests with person or violent charges and more arrests overall in the 2 years prior to starting the Drug Court program than participants in 1998-1999.

Table 9 displays the participant characteristics for the El Monte Drug Court before and after SACPA implementation.

Table 9. El Monte Drug Court Participant Characteristics Before and After SACPA Implementation

	El Monte Drug Court Pre-SACPA (T1) (98-99) N = 127	El Monte Drug Court Post-SACPA (T2) (02-03) N = 147	Significant Difference? P < .01
Age	32	32	No
Sex			
Male	75%	73%	No
Female	25%	27%	
Race/Ethnicity*			
White	28%	19%	Yes
Hispanic/Latino	68%	75%	
African American	2%	1%	
Drug of Choice			
Meth*	33%	55%	Yes
Cocaine*	49%	19%	(For
Heroin	6%	11%	methamphetamine,
Marijuana	2%	4%	cocaine and
Alcohol*	8%	20%	alcohol)
Average # of arrests in 2 years prior to program entry	2.2	3.1	Yes
Average # of arrests with drug charges in 2 years prior	1.7	2.5	Yes
Average # of arrests with person charges in 2 years prior	.02	.04	Yes
Average # of arrests with felony charges in 2 years prior	1.4	2.0	Yes
Average # convictions in 2 years prior	.79	.62	No
Average # of days in jail in 2 years prior	33	69	Yes

El Monte Drug Court participants stayed consistent for age, gender and ethnicity from before SACPA implementation to after. However, drug of choice did change dramatically from one time period to the next with significantly more methamphetamine users in 2002-2003

participants and significantly fewer cocaine users. This is most likely a reflection of the change in drugs available and in user in the population of drug users in the county in general.

Participant criminal history also changed significantly from before to after SACPA implementation. Drug Court participants in 2002-2003 had significantly more drug and felony arrests, more arrests with person (or violent) charges and more arrests overall in the 2 years prior to starting the Drug Court program than participants in 1998-1999. Drug Court participants after SACPA implementation also had significantly more time in jail before entering the Drug Court program.

2C. SUMMARY OF CHANGES IN DRUG COURT BEFORE AND AFTER SACPA

Overall, the perception of Drug Court staff was that, for the most part, Drug Court policies and procedures had not changed from before and after SACPA participation and that most of the changes experienced by the Drug Court program were due to external factors and not a result of adjustments that the Drug Court staff has undertaken in response to the implementation of SACPA.

The main perceived changes reported at both sites was a decrease in funding for Drug Courts and a competition with SACPA for scarce resources, a drop in enrollment numbers followed by an increase due to enrollment by “SACPA failures,” a change in where Drug Court fell in the continuum of criminal justice diversion programs with the Drug Court program viewed increasingly as the next sequential step *after* a client has unsuccessfully participated in SACPA. With this shift in the continuum, Drug Courts that were mainly pre-plea became almost completely post-plea. And finally, a perceived change in the participant population with Drug Court participants becoming increasingly more addicted and more criminal by the time they enter the Drug Court program.

Unfortunately, the data on the addiction level of the participants at each time period was not available for this study. However, the available data does show that the time from arrest to entry in the Drug Court is significantly longer after SACPA implementation and that a large portion of Drug Court participants formerly participated in and failed the SACPA program. It is likely that both these factors allowed time for participants who continued to use to become more addicted. Further, the criminal history data clearly shows a significant increase in the criminality of the Drug Court population after SACPA implementation. It is possible that part of this increase in criminality is due to changes in arrest rates in California in general and in these specific counties. An examination of statistics on arrest rates in the two counties show that rates have increased in both counties by about 10% (California Criminal Justice Statistics Center, 2007). However, this rate increase is not enough to account for the significant differences in the Drug Court participants from before to after SACPA implementation.

The above changes in funding and in the continuum of the criminal justice system as well as changes in the participant population are factors that could have a strong effect on Drug Court effectiveness. This is examined in the following sections using the administrative data gathered on program participants at both study sites.

Policy Question #3: What Is the Success Rate of Drug Court Programs Before the Implementation of State-Mandated Non-Drug Court Treatment Programs Compared to After?

There are several measures of success that may be examined for the Drug Court programs before and after the implementation of SACPA including: 1. Program service elements such as program length of stay and amount of treatment received; 2. Program completion rates; and 3. Recidivism (i.e., re-arrests and time incarcerated). Differences between the Drug Court programs at the two time periods were assessed using the administrative data described in data sources portion of the methods section earlier in this report.

The specific elements compared at the two study sites varied slightly based on the data available at each site. These elements are described in the section for each site. Univariate Analyses of Covariance (ANCOVA) were performed to determine any significant differences between time periods controlling for prior arrests, age, ethnicity, drug of choice, gender, and time incarcerated. In the case of graduation rates, a chi-square was performed to determine statistical significance between groups.

The results for this question are organized into the following sections:

3A. San Joaquin Drug Court Success Rates Before and After SACPA Implementation

- San Joaquin Drug Court Program Entry, Retention and Services Delivered
- San Joaquin Drug Court Completion Rates
- San Joaquin Drug Court Recidivism

3B. El Monte Drug Court Success Rates Before and After SACPA Implementation

- El Monte Drug Court Program Retention and Services Delivered
- El Monte Drug Court Completion Rates
- El Monte Drug Court Recidivism

3C. Summary of Drug Court Success Rates at Both Sites Before and After the Implementation of SACPA

3A. SAN JOAQUIN DRUG COURT SUCCESS RATES BEFORE AND AFTER SACPA IMPLEMENTATION

The San Joaquin Drug Court programs before and after SACPA were compared in three main areas: 1. program process related elements: including length of time from arrest to program entry, length of time in the program and extent of direct court supervision (Drug Court appearances); 2. graduation rate; and 3. 3-year recidivism from program entry including number of re-arrests with various charges, number of days in jail and number of days in prison.

San Joaquin Drug Court Program Entry, Retention and Services Delivered

Table 10 displays the program process related elements for the Drug Court programs before and after SACPA implementation. The San Joaquin Drug Court program after SACPA implementation includes both Drug Court II and Felony Drug Court participants. Because these two Drug Courts are run identically, except for the use of jail as a sanction, the participants of the two programs are combined for this analysis. However, because jail as a sanction is an important

component of Drug Court nationally, an analysis of these two Drug Court programs examined separately is provided in Appendix B.

Table 10. San Joaquin Drug Court Program Process Before and After SACPA

	San Joaquin Drug Court Pre-SACPA (T1) (98-99) N=202	San Joaquin Drug Court Post-SACPA (T2) (02-03) N=128	Significant Difference? P<.01
Mean number of days between arrest and program entry	126 (median=54)	349 (median=262)	Yes
Mean number of days in program	208	163	No
Mean number of drug court sessions attended	17	14	No

The length of time between the Drug Court eligible arrest and entry into the program has increased significantly and dramatically from the time before SACPA to the time after. It is highly likely that this is due directly to the change in process due to the implementation of SACPA. Because the eligibility criteria for SACPA were essentially the same as that for Drug Court, the population of the Drug Court decreased after SACPA implementation. Most offenders, when given a choice, preferred the less stringent supervision requirements of the non-Drug Court SACPA model. However, the population of the Drug Court then increased again over time as some SACPA participants failed to complete the program and subsequently entered the Drug Court program. In addition, San Joaquin implemented a version of Drug Court program (Drug Court II) specifically for those on their third and final chance at SACPA funded treatment. This program’s policies and procedures are identical to the regular Drug Court model except that jail is not used as a sanction. By definition, the current Drug Court program treatment occurs after participants spend time in other models of SACPA treatment. The Felony Drug Court is also available to those who fail the SACPA program who are facing possible prison sentences as well as offenders who were technically not eligible for SACPA due to minor sales charges. The results for the two versions of Drug Court are examined separately later in this section.

Key component # 3 of the key components of Drug Courts (NADCP, 2007) is “eligible participants are identified early and promptly placed in the Drug Court program.” This component is based on the idea that swift judicial action after an arrest can put offenders into treatment at a time of “crisis” when they may be more open to change and responsive to treatment. Unfortunately, due to where the Drug Court program(s) currently fall in the San Joaquin system, it is not possible for the Drug Court to follow this key component.

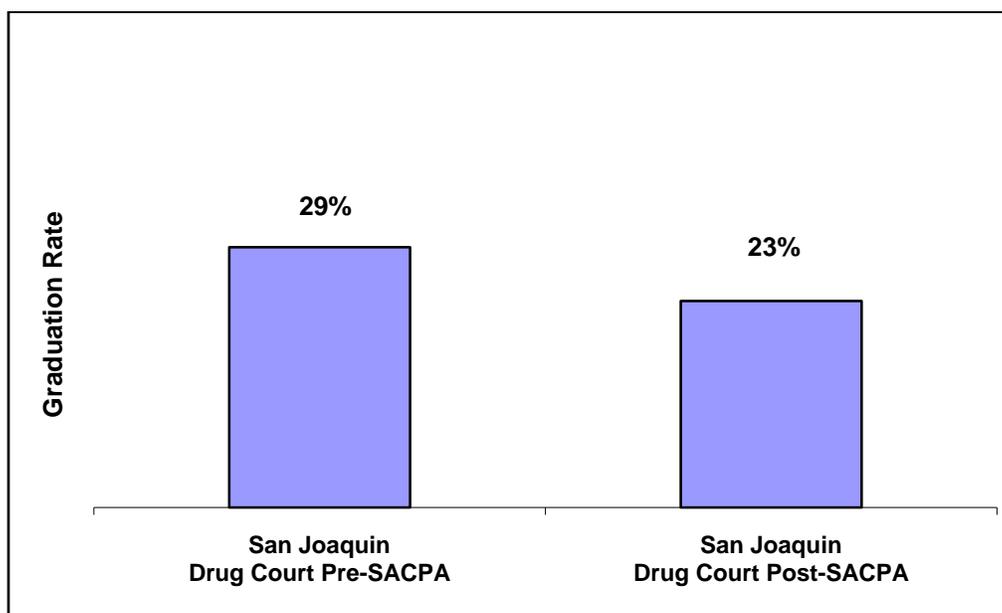
The average amount of time in the program for Drug Court participants before and after SACPA implementation was not significantly different. In the case of Drug Court, the amount of time in the program is nearly synonymous with time in treatment so it can be inferred from this that participants are spending close to the same amount of time in treatment before and after the implementation of SACPA. Further, the average number of Drug Court sessions attended was also not significantly different at the two time periods. This provides some confirmation of staff belief

that the main Drug Court procedures and policies had not changed after SACPA implementation and that the majority of changes that have occurred are a result of external factors.

San Joaquin Drug Court Completion Rates

Figure 1 displays the graduation rates for the San Joaquin Drug Court programs before and after SACPA implementation. The graduation rate decreased slightly but not significantly from 29% pre-SACPA to 23% post-SACPA. Although these graduation rates are very low compared to most Drug Court programs, (e.g., the average graduation rate from our past studies in California was 55% and the average graduation rate nationally is approximately 50%) (Carey et al., 2005; Cooper, 2004) the rates were consistent over the two time periods.

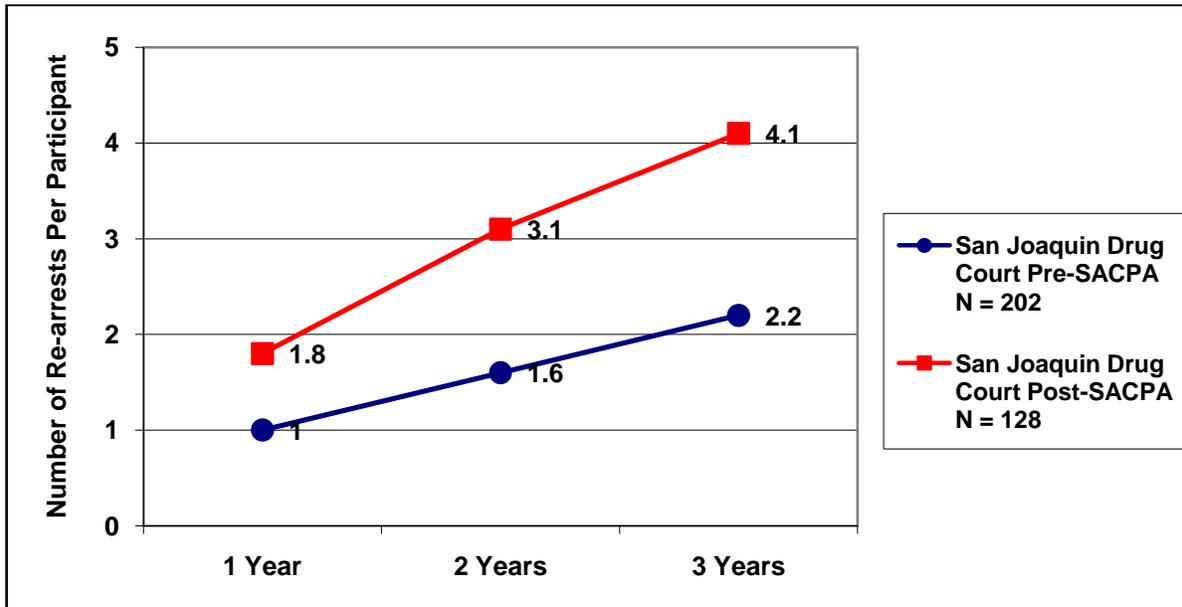
Figure 1. San Joaquin Drug Court Graduation Rate Before and After SACPA Implementation



San Joaquin Drug Court Recidivism

Re-Arrests. Figure 2 presents average number of arrests per participant each year for 3 years after Drug Court entry. Drug Court participants before SACPA implementation had significantly fewer ($p < .01$) re-arrests than Drug Court participants after SACPA even after controlling for prior arrests, age, gender, ethnicity, drug of choice and time incarcerated. However, there are likely differences in the Drug Court population at the two time periods that cannot be controlled for. In particular, we did not have a measure of the level of addiction of the participants at either time period. It is probable that Drug Court participants who enter the Drug Court program after failing to complete SACPA have been continuing to use drugs, have committed additional crimes and are more deeply into their addiction than Drug Court participants that have not attended (and failed to complete) SACPA first.

Figure 2. San Joaquin Drug Court Participants Number of Re-Arrests Over 3 Years (Cumulative) Before and After SACPA Participation



Note: The means reported in Figure 2 are adjusted by gender, ethnicity, age, drug of choice, prior drug arrests, prior arrests, and time incarcerated.

Re-Arrests for Specific Charges and Incarceration. Table 11 displays the 3-year recidivism for San Joaquin Drug Court participants, including re-arrests for drug related charges, felony charges, person (or violent) charges, property charges, time served in jail, and time served in prison. The means for presented in this table are adjusted for differences between the two groups in age, gender, ethnicity, drug of choice, prior arrests and time incarcerated.

Table 11. San Joaquin Drug Court Recidivism Before and After SACPA

	San Joaquin Drug Court Pre-SACPA (T1) (98-99) N=202	San Joaquin Drug Court Post-SACPA (T2) (02-03) N=128	Significant Difference? P<.01
Mean number of re-arrests with drug charges in 3 years after program entry	1.9	2.8	Yes
Mean number of re-arrests with felony charges in 3 years after program entry	1.7	2.7	Yes
Mean number of re-arrests with person/violence charges in 3 years after program entry	.26	.26	No
Mean number of re-arrests with property charges in 3 years after program entry	.33	.95	Yes
Mean number of days in jail in 3 years after program entry	145	95	Yes
Mean number of days in prison in 3 years after program entry	86	57	No

Note: The arrest numbers above are based on charges. As some arrests have multiple charges, the same arrests may be counted in more than one charge category. Therefore, these numbers should not add up to the total number of arrests.

There was a significant increase in number of drug related re-arrests in the 3 years after program entry for San Joaquin Drug Court participants after SACPA implementation compared to before SACPA, even after controlling for prior arrests and time spent incarcerated. Felony arrests and arrests with property charges were also significantly higher for Drug Court participants after SACPA. As discussed previously, these increases in recidivism could be due to an increased addiction level in Drug Court participants at Time 2. In addition, the participants who experienced SACPA failure before enrolling in Drug Court may have a very different attitude and belief about the efficacy of treatment after these experiences that could also affect their ability to engage successfully in treatment.

Conversely, there was a significant decrease in jail time for Drug Court participants after SACPA, which is likely to be at least partially due to Drug Court II participants who cannot be incarcerated while participating in the program.

Felony Drug Court and Drug Court II. The key difference in Felony Drug Court and Drug Court II creates a unique opportunity to compare the efficacy of two programs with identical procedures (including the same judge, the same sanctions and rewards, etc.) except for the single difference in the use of jail as a sanction. An analysis of these two programs showed no significant difference in the program population on demographics or criminal history. However,

the analysis of outcomes revealed that Felony Drug Court participants (who may receive jail as a sanction) had significantly lower recidivism compared to Drug Court II (in spite of spending significantly less time in the program). A detailed comparison of the two programs is provided in Appendix B.

3B. EL MONTE DRUG COURT SUCCESS RATES BEFORE AND AFTER SACPA IMPLEMENTATION

The El Monte Drug Court program before and after SACPA was compared in three main areas: 1. program process related elements including length of time in the program, amount of treatment received and the extent of direct court supervision (Drug Court appearances); 2. graduation rate; and 3. 3-year recidivism from program entry including number of re-arrests with various charges, time served in jail and time served in prison. Unfortunately, the data necessary to link arrest date for the program eligible case with program start date were not available in the datasets received from the various databases so it was not possible to determine any changes in the length of time between arrest and program start. However, since the Drug Court enrollment decreased from 180 per year to 60 and then began to climb again with offenders who had failed the SACPA program, it is likely that the length of time from arrest to Drug Court entry has increased after the advent of SACPA.

El Monte Drug Court Program Retention and Services Delivered

Table 12 displays the program process related elements for the El Monte Drug Court program before and after SACPA implementation.

Table 12. El Monte Drug Court Program Process Before and After SACPA

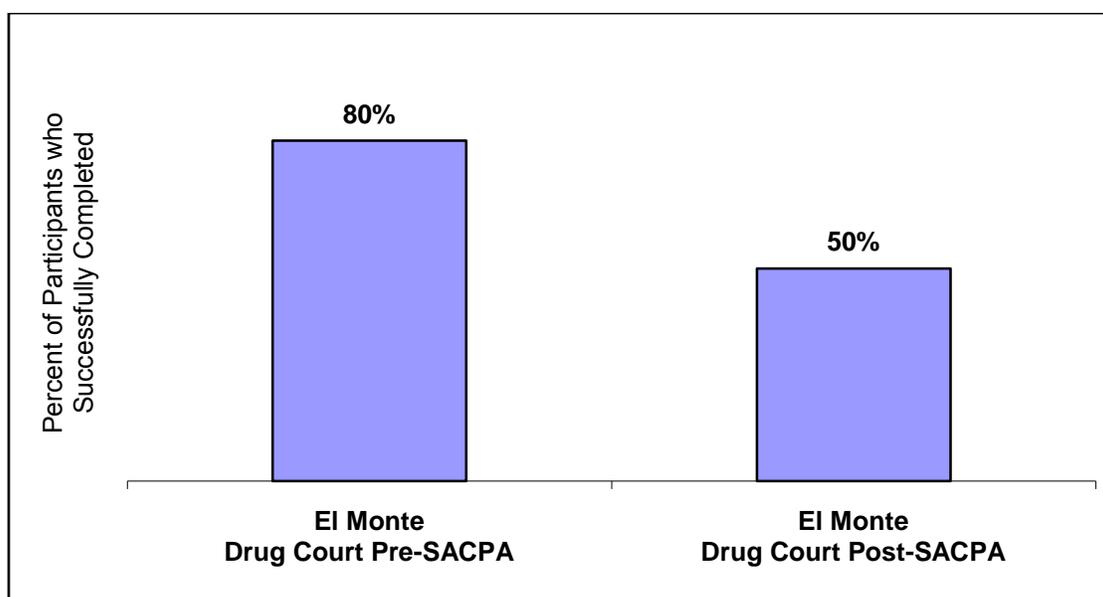
	El Monte Drug Court Pre-SACPA (T1) (98-99) N=127	El Monte Drug Court Post-SACPA (T2) (02-03) N=147	Significant Difference? P<.01
Mean number of days in program	388	326	No
Mean number of drug court sessions attended	10	13	No
Mean number of individual treatment sessions attended	38	42	No
Mean number of group treatment sessions attended	80	93	No

There was no significant difference in treatment received or the number of Drug Court sessions attended for the El Monte Drug Court before SACPA implementation compared to after. Similar to San Joaquin, El Monte staff believed that the Drug Court process and policies had not changed since the implementation of SACPA (other than in external factors such as participant characteristics). The data in Table 12 provide confirmation for this belief.

El Monte Drug Court Completion Rates

Figure 3 displays the graduation rate for the El Monte Drug Court program before and after SACPA implementation. Unlike San Joaquin, the El Monte graduation rate has dropped significantly since before SACPA implementation (from 80% to 50%). The El Monte Drug Court judge (commissioner) has not changed since the court was implemented and the majority of the staff has also stayed with the program since before SACPA, so there are no changes in staff to explain differences over time. Drug Court staff believed that the population of the Drug Court program had changed (become more criminal—which was confirmed by the data shown in Table 9 in Policy Question # 2—and was more highly addicted). The staff predicted that this study would find that their graduation rate dropped after the implementation of SACPA. Figure 3 shows that their prediction was accurate.

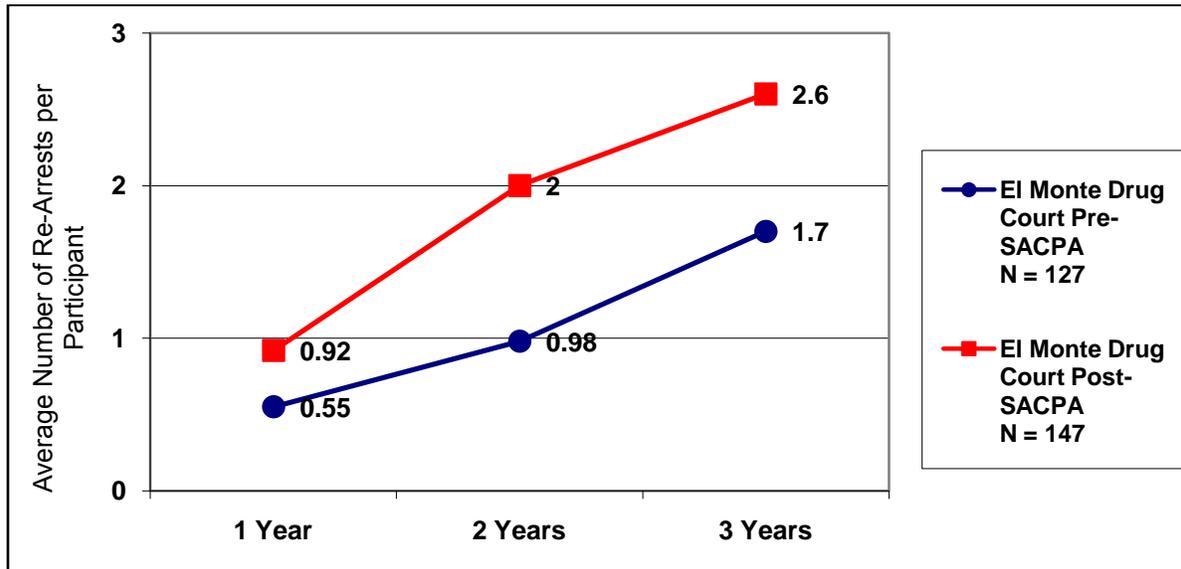
Figure 3. El Monte Drug Court Graduation Rate Before and After SACPA Implementation



El Monte Drug Court Recidivism

Re-Arrests. Figure 4 presents average number of arrests per participant each year for three years after Drug Court entry. El Monte Drug Court participants before SACPA implementation had significantly fewer ($p < .01$) re-arrests than Drug Court participants after SACPA even after controlling for prior arrests, time incarcerated, age, gender, ethnicity and drug of choice. However, there are likely differences in the Drug Court population at the two time periods that cannot be controlled for. In particular, we did not have a measure of the level of addiction of the participants at either time period. As was expressed by Drug Court staff, it is probable that Drug Court participants who enter the Drug Court program after failing to complete SACPA have been continuing to use drugs, have committed additional crimes and are more deeply into their addiction than Drug Court participants that have not attended (and failed to complete) SACPA first. This difference could lead to higher recidivism.

Figure 4. El Monte Drug Court Participants Average Number of Re-Arrests Over 3 Years (Cumulative) Before and After SACPA Participation



Note: The means reported in Figure 4 are adjusted by gender, ethnicity, age, drug of choice, prior drug arrests, prior arrests, and time incarcerated.

Re-Arrests for Specific Charges and Incarceration.

Table 13 displays the 3-year recidivism for El Monte Drug Court participants including re-arrests for drug related charges, felony charges, person (or violent) charges, property charges, time served in jail, and time served in prison.

Table 13. El Monte Drug Court Recidivism Before and After SACPA

	El Monte Drug Court Pre-SACPA (T1) (98-99) N=127	El Monte Drug Court Post-SACPA (T2) (02-03) N=147	Significant Difference? P<.01
Mean number of re-arrests with drug charges in 3 years after program entry	.82	1.9	Yes
Mean number of re-arrests with felony charges in 3 years after program entry	.77	1.6	Yes
Mean number of re-arrests with person/violence charges in 3 years after program entry	.08	.12	No
Mean number of re-arrests with property charges in 3 years after program entry	.31	.35	No
Mean number of days in jail in 3 years after program entry	55	56	No
Mean number of days in prison in 3 years after program entry	23	83	Yes

Note: The arrest numbers above are based on charges. As some arrests have multiple charges, the same arrests may be counted in more than one charge category. Therefore, these numbers should not add up to the total number of arrests.

There was a significant increase in number of drug related re-arrests in the 3 years after program entry for El Monte Drug Court participants after SACPA implementation compared to before SACPA, even after controlling for prior arrests and time spent incarcerated. Felony arrests were also significantly higher for Drug Court participants after SACPA and there were a significantly greater number of days in prison as well. Jail time and arrests for violent and property charges were not significantly different before or after SACPA.

Possible explanations for the increases in recidivism for the Drug Court participants after SACPA implementation are the same as those already discussed above. Because there was no change in Drug Court policies and procedures reported, or evident in the data, and little to no change in Drug Court staff, the most likely explanation for the decrease in graduation rate and increase in recidivism is the change in the Drug Court population with the Drug Court participants after SACPA entering the Drug Court most likely with an increased level of addiction than participants before SACPA. In addition, although prior arrests was controlled for in these analyses, there are attendant issues to a more extensive criminal record that cannot be controlled for including the stress and time involved when dealing with other legal issues.

3C. SUMMARY OF DRUG COURT SUCCESS RATES AT BOTH SITES BEFORE AND AFTER THE IMPLEMENTATION OF SACPA

The findings in both San Joaquin and El Monte were remarkably similar. Drug Court participants at both sites received similar treatment services and court supervision before and after SACPA implementation, although San Joaquin showed a significantly longer time from arrest to Drug Court entry after SACPA and it is likely that, had the data been available, El Monte would also have shown a similar result. It is probable that the increased time is due to offenders entering the Drug Courts after first spending extended time in the SACPA program. This means that the Drug Courts can no longer reasonably follow the third key component of Drug Court, that eligible offenders are identified quickly and promptly placed in the Drug Court program.

Recidivism increased significantly for Drug Court participants at both sites after SACPA implementation. The increased recidivism was significant even after taking into account any differences in demographics, criminal history, time incarcerated and drug of choice. Because the Drug Court programs at both sites showed little to no change in policies or procedures, the most likely explanation for this is the change in the Drug Court population after SACPA to a more deeply addicted and more criminal population at the time of entry. As suggested earlier, although prior arrests were controlled for in these analyses, there may be issues that go with a more extensive criminal record that cannot be controlled for including the stress and time involved when dealing with other legal problems. It is also likely that the extended time from arrest to entry into the Drug Court program, as well as participants' experience with SACPA treatment, had an effect on how the participants perceived the Drug Court program and Drug Court treatment. Perhaps these participants become more jaded after experiencing and failing at treatment more than once, rendering the next treatment experience less effective.

San Joaquin provided the ability to compare the same Drug Court model (same polices and procedures, same staff) but with and without jail as a sanction (see Appendix B). Although the participants in both versions of Drug Court showed no significant differences in demographics or criminal history, the participants in Drug Court II (Drug Court without jail as a sanction) had

significantly higher recidivism in the 3 years after Drug Court entry. This provides clear evidence of the efficacy of the ability to use jail as a sanction.

Overall, the evidence from these results points to the conclusion that the implementation of statewide mandated treatment reform (specifically, SACPA programs that do not follow the Drug Court model) may have led to a detrimental effect on Drug Court effectiveness.

Policy Question #4: What Is the Relative Success Rate of The Drug Court Program Model Compared to Court Mandated *Non-Drug Court* Treatment Models?

The same measures of success that were examined for the Drug Court programs before and after the implementation of SACPA were used to compare the Drug Court model at both time periods to the SACPA program models. These measures included: 1. Program experiences such as program length of stay and amount of treatment received; 2. Program completion rates; and 3. Recidivism (i.e., re-arrests and time incarcerated). Differences between the programs were assessed using administrative data (described in the methods section of this report).

The specific elements compared at the two study sites varied slightly based on the data available at each site. Univariate Analyses of Covariance (ANCOVA) were performed to determine any significant differences between programs controlling for prior arrests, age, ethnicity, drug of choice, gender, and time incarcerated. In the case of graduation rates, a chi-square was performed to determine statistical significance between groups.

The results for this question are organized into the following sections:

4A. San Joaquin Drug Court and SACPA Program Success Rates

- San Joaquin Drug Court and SACPA Program Entry, Retention and Services Delivered
- San Joaquin Drug Court and SACPA Program Completion Rates
- San Joaquin Drug Court and SACPA Program Recidivism

4B. El Monte Drug Court and SACPA Program Success Rates

- El Monte Drug Court and SACPA Program Retention and Services Delivered
- El Monte Drug Court and SACPA Program Completion Rates
- El Monte Drug Court and SACPA Program Recidivism

4C. Summary of Drug Court and SACPA Program Success Rates at Both Sites

Note: The results presented for Policy Question #4 in this section repeat much of the same information as that presented in the previous section for the Drug Court programs. This information is included again in this section for the convenience of the reader in comparing Drug Court results directly to SACPA results.

4A. SAN JOAQUIN DRUG COURTS AND SACPA PROGRAM SUCCESS RATES

The San Joaquin Drug Court and SACPA programs were compared in three main areas: 1. program process related elements, or services delivered: including length of time from arrest to program entry, length of time in the program and the amount of treatment completed; 2. program

graduation rate; and 3. 3-year recidivism from program entry including number of re-arrests with various charges, number of days in jail and number of days in prison.

San Joaquin Drug Court and SACPA Program Entry, Retention and Services Delivered

Table 14 displays the program process related elements for the Drug Court programs before and after SACPA implementation and for SACPA. The Drug Court program after SACPA implementation includes both Drug Court II and Felony Drug Court participants.⁷

Table 14. San Joaquin Drug Court Program and SACPA Process Differences

	San Joaquin Drug Court T1 (98-99) N=202	San Joaquin SACPA (02-03) N = 395	San Joaquin Drug Court T2 (02-03) N=128	Significant Difference? P<.01
Number of days between arrest and program entry				
Mean	126	253	349	Yes
Median	54	101	262	(all three)
Mean number of days in program	208	552*	163	Yes (SACPA)
% successfully completed treatment episodes	29%	14%	23%	Yes (SACPA)

*The number of days in the SACPA program is not the same as the number of days actually in treatment. In the San Joaquin SACPA program, the mean number of days in *treatment* is 319.

All participants who enrolled in the Drug Court programs and in SACPA during a 1-year period from July through June (1998-1999 or 2002-2003) were included in these analyses. The number of participants listed in the table above is all new enrollees in each program. These numbers show that SACPA serves more than twice as many new participants each year as Drug Court at either time period. These numbers do not include participants who were already active during that period in either program, so the total number of clients served at any one time is generally higher. As mentioned earlier in this report, one of the benefits of SACPA is its ability to reach a large population of offenders, generally much larger than the numbers served by most traditional Drug Courts.

As Table 14 shows, the length of time between arrest and program entry is significantly different for Drug Court at both time periods and for SACPA. The median time from arrest to entry in the SACPA program (101 days) is about twice as long as the time to entry for the Drug Court program pre-SACPA (54 days) but less than half as long as the Drug Court program post-SACPA (262 days). Although the San Joaquin SACPA program is offered to eligible offenders very early in the judicial process, not all offenders agree to participate immediately, and even when offenders agree to participate, they may not actually show up for their assessment and intake appointment, both of which can lengthen time before program entry. As discussed in the

⁷ Because the population of the two versions of the Drug Court programs showed no significant differences in demographics or criminal history, and because they otherwise received the same Drug Court services (aside from jail sanctioning) it seemed appropriate to combine them for this comparison.

section for Policy Question # 3, a large number of the participants in the Drug Court program post SACPA first participated in SACPA program treatment before moving on to Drug Court.

Table 14 also shows that SACPA participants spend a significantly longer time in the program (552 days) than Drug Court participants at either time period (208 days pre-SACPA and 163 days post-SACPA). SACPA participants spend nearly three times as long in SACPA compared to Drug Court participants in the Drug Court program. For Drug Court, participants spend the full time that they are in the program participating in treatment. However, SACPA program participants may be in the program longer than the time actually spent in treatment because of other probation requirements and because there may be time between incomplete treatment episodes. That is, a SACPA participant may fail to show up for, or fail to complete the required treatment and then go back to the program to be re-assessed and referred back out to treatment, which may take some time. Taking the start and end dates of treatment episodes and adding them together resulted an average time in treatment for San Joaquin SACPA participants of 319 days. This is still significantly longer than the time in treatment for Drug Court participants. These data demonstrate that the SACPA program is successfully engaging eligible offenders in treatment and providing longer-term treatment.

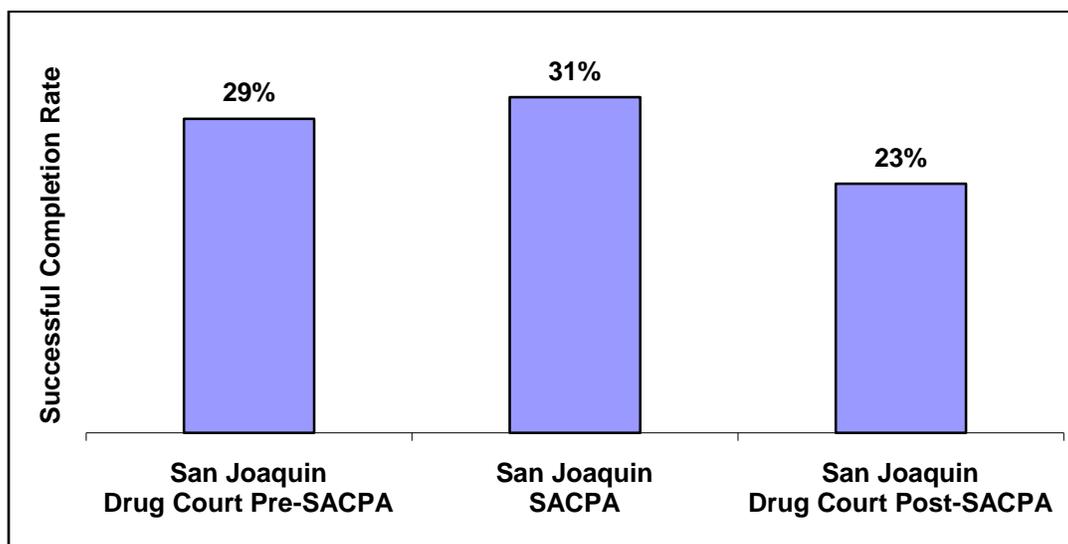
Finally, a comparison of the percentage of successfully completed treatment episodes shows that SACPA participants successfully complete 14% out of the total number of referrals to treatment. This is about half of the Drug Court completion rate⁸ pre-SACPA (29%) and 9% less than the treatment episode completion rate for Drug Court after SACPA (23%). This indicates that while SACPA is associated with longer time in treatment, these treatment episodes result in fewer treatment completions than Drug Court. It should also be noted that in SACPA, treatment completion is a judgment more left up to the provider, while in the Drug Court model treatment completion is more standardized and monitored by the court and team of collaborating agencies, including treatment.

San Joaquin Drug Court and SACPA Program Completion Rates

Figure 5, below, displays the *program* completion rate (the percentage of participants who successfully completed the program, not just a single treatment episode) for the San Joaquin SACPA and Drug Court programs. Although the completion rate for the Drug Court program post-SACPA is slightly lower, there is no significant difference ($p > .05$) in completion rate between SACPA and the Drug Court programs either before or after SACPA implementation. However, something to note is that many of the Drug Court participants after SACPA implementation were those who were unsuccessful in completing the SACPA program but then eventually able to successfully complete the Drug Court program. (A comparison of Drug Court II and Felony Drug Court showed identical graduation rates.)

⁸ Drug Court participants generally have a single treatment episode that starts at the time of Drug Court enrollment and is completed just before program exit. Therefore, the percentage of successful treatment episodes for Drug Court participants is the same as the percentage of participants who successfully complete the program.

Figure 5. San Joaquin SACPA and Drug Court Completion Rate

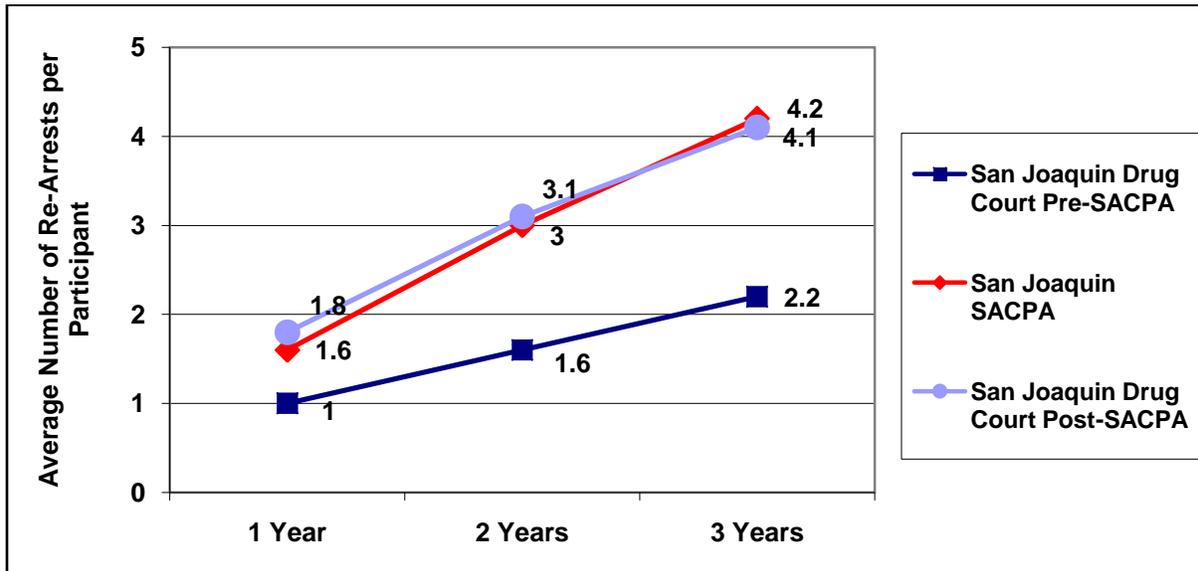


San Joaquin Drug Court and SACPA Program Recidivism

Re-Arrests: SACPA and Drug Court T1. Figure 6 presents the average number of re-arrests over time for a 3-year period after program entry for SACPA and Drug Court participants from both time periods. Drug Court participants at Time 1 (before SACPA) have significantly fewer re-arrests than SACPA participants ($p < .01$) after controlling for differences in demographics, criminal history and time incarcerated. The San Joaquin Drug Court, before the changes in the criminal justice system continuum and the subsequent changes in the participant population, performed significantly better than the SACPA program.

Re-Arrests: SACPA and Drug Court T2. SACPA participants and Drug Court participants at Time 2 (after SACPA) have nearly identical re-arrests over time. Although it might appear that the SACPA and Drug Court program at Time 2 are equally effective, as was noted previously, the Drug Court participants are largely made up of those who failed SACPA and likely have a more severe addiction as well as additional issues surrounding a more severe criminal history. This implies that the Drug Court program at Time 2 is doing equally well but with a more difficult population.

Figure 6. San Joaquin SACPA and Drug Courts Average Number of Re-Arrests per Participant Over 3 Years (Cumulative) From Program Entry



Note: The means reported in Figure 6 are adjusted based on any difference between the three groups on gender, ethnicity, age, drug of choice, prior drug arrests, prior arrests, and time incarcerated.

Re-Arrests for Specific Charges and Incarceration. Table 15 displays the 3-year recidivism for San Joaquin Drug Court and SACPA participants including re-arrests for drug related charges, felony charges, person (or violent) charges and property charges, as well as time served in jail and time served in prison.

Specific Charges and Incarceration: Drug Court Time 1 and SACPA. In the 3 years after program entry, the Drug Court program in Time 1 (before SACPA) had significantly fewer re-arrests (even after controlling for time incarcerated) with drug charges, felony charges and property charges than SACPA participants and Drug Court participants in 2002-2003 (after SACPA). However, Drug Court participants pre-SACPA did have a significantly greater amount of jail time served than SACPA or Drug Court after SACPA. This is consistent with SACPA’s mandate that program participants cannot be incarcerated.

Specific Charges and Incarceration: Drug Court Time 2 and SACPA. SACPA participants and Drug Court participants at Time 2 (post-SACPA) had very similar recidivism numbers with the exception of SACPA participants spending less time in jail in the 3 years after program entry as would be expected with the SACPA mandate. Note that Drug Court participants at Time 2 had significantly less time in the program than SACPA participants, yet performed equally well, and with did so with participants who had failed the SACPA program.

These results highlight the change in Drug Court outcomes after the implementation of SACPA, but also imply that Drug Court continues to be effective, even with a more difficult population.

**Table 15. San Joaquin Program Process for SACPA and Drug Courts
Pre- and Post-SACPA**

	San Joaquin Drug Court T1 (98-99) N=202	San Joaquin SACPA (02-03) N=395	San Joaquin Drug Court T2 (02-03) N=128	Significant Difference between SACPA and DC? P<.01
Mean number of re-arrests with drug charges in 3 years after program entry	1.9	2.4	2.8	Yes (Drug Court T1)
Mean number of re-arrests with felony charges in 3 years after program entry	1.7	2.1	2.7	Yes
Mean number of re-arrests with person/violence charges in 3 years after program entry	.26	.40	.26	No
Mean number of re-arrests with property charges in 3 years after program entry	.33	.79	.95	Yes (Drug Court T1)
Mean number of days in jail in 3 years after program entry	145	62	95	Yes (Drug Court T1)
Mean number of days in prison in 3 years after program entry	86	80	57	No

Note: The arrest numbers above are based on charges. As some arrests have multiple charges, the same arrests may be counted in more than one charge category. Therefore, these numbers should not add up to the total number of arrests.

4B. EL MONTE DRUG COURT AND SACPA PROGRAM SUCCESS RATES

The El Monte SACPA program and the Drug Court program before and after SACPA were compared in three main areas: 1. program service delivered including length of time in the program, amount of treatment received and the extent of direct court supervision (Drug Court appearances); 2 graduation rate; and 3. 3-year recidivism from program entry including number of re-arrests with various charges, time served in jail and time served in prison.

El Monte Drug Court and SACPA Program Retention and Services Delivered

Table 16 displays the program process related elements for the El Monte SACPA program and Drug Court program before and after SACPA implementation.

**Table 16. El Monte Program Process for SACPA and Drug Courts
Pre- and Post-SACPA**

	El Monte Drug Court T1 (98-99) N=127	El Monte SACPA (02-03) N=313	El Monte Drug Court T2 (02-03) N=147	Significant Difference between SACPA and DC? P<.01
Mean number of days in program	388	548	326	Yes
Mean number of drug court sessions attended	10	28	13	Yes
Mean number of individual treatment sessions attended	38	42	42	No
Mean number of group treatment sessions attended	80	197	93	Yes
Mean number of drug tests	145	84	81	Yes (For Drug Court T1)

Table 16 shows that the program length of stay, treatment received and court sessions attended were significantly higher for SACPA participants than for Drug Court at either time period. The only exception is individual treatment sessions, which were not significantly different for SACPA or Drug Court. The greater number of all these types of sessions for SACPA participants is at least partially related to the longer length of stay in the program. (Note that the length of stay in the SACPA program is not the same as the length of time in treatment, as SACPA participants may complete treatment but still have other conditions of their probation to satisfy before successfully completing the program.) It appears that, because there are a larger number of court sessions for SACPA participants that they may be receiving more court supervision than Drug Court participants. Due to the longer stay in SACPA, the frequency of court sessions is approximately the same as that for Drug Court participants; however, the quality of that interaction is quite different. Observations of court sessions for each program showed that the judge interaction with SACPA participants was similar to that of a traditional court hearing. The judge spoke mostly to the attorneys and there was little discussion of SACPA participant behavior and, of course, no rewards or sanctions were dispensed. In contrast, in Drug Court hearings, the judge spoke directly to the participant, discussed events in the participants' lives and dispensed rewards and sanctions with a clear message about the behavior that was being rewarded or sanctioned. In addition, judges spent considerably more time interacting with Drug Court participants than he did with SACPA participants.

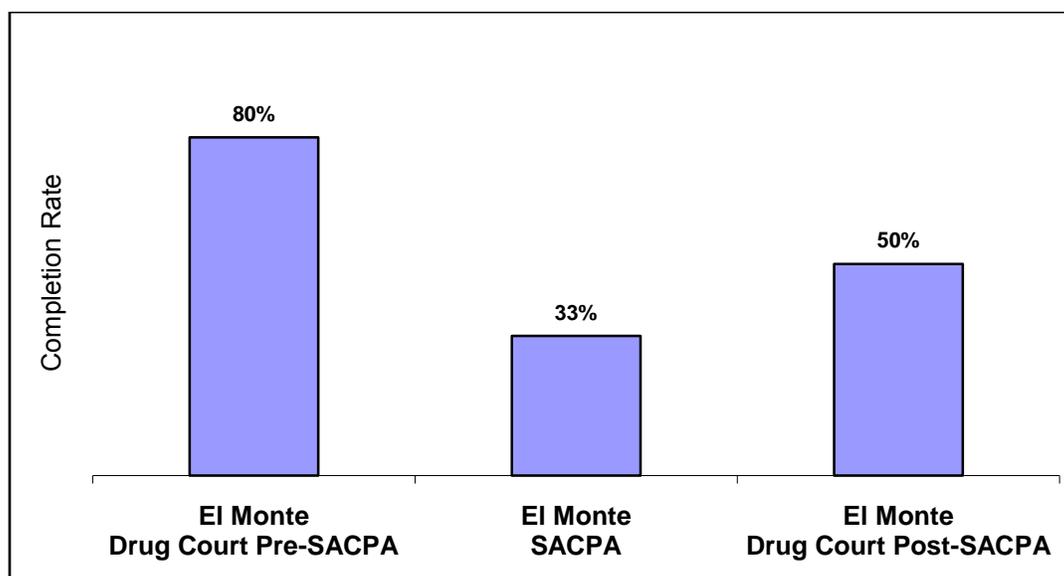
Table 16 also shows that SACPA participants received significantly fewer drug tests during the course of the program than Drug Court at Time 1 but had very similar numbers of drug tests to Drug Court at Time 2. Because the SACPA program is longer, this number of drug tests over the

course of the program still demonstrates that SACPA participants are tested less frequently than Drug Court participants at either time period. Finally, Drug Court participants after SACPA had fewer drug tests than Drug Court before SACPA. The reason for the decrease in the number of drug tests for Drug Court before SACPA to Drug Court after SACPA may be related to funding. According to information gained from follow-up interviews, drug test funding was decreased for Drug Court along with other Drug Court funding when SACPA was implemented. Therefore, drug testing may have occurred less often (though this contradicts staff belief that no changes in process were made). Another possibility that may be related to some extent is that length of stay is shorter at Time 2 so the number of drug tests would necessarily be smaller.

El Monte Drug Court and SACPA Program Completion Rates

Figure 7, below, displays the completion rate for the El Monte SACPA program and Drug Court program before and after SACPA implementation. Unlike San Joaquin, the El Monte Drug Court graduation rate has dropped significantly since before SAPCA implementation (from 80% to 50%). However, the completion rate for SACPA (33%) is significantly lower than that for Drug Court at either time period. The El Monte Drug Court judge (commissioner) is also the commissioner for SACPA. In spite of the higher number of court sessions reported for SACPA participants, they still happen infrequently except when a participant is not doing well. Therefore, the nature of these SACPA court sessions is more punitive as well as more formal and less personal. In addition, there is very little personal interaction for SACPA participants with program staff responsible for monitoring treatment attendance, since the majority of participant reporting on progress is done through the electronic kiosks. Although the kiosks are “high-tech” and “cutting-edge” they are not very warm and provide little feedback for participants on their progress.

Figure 7. El Monte Completion Rates for Drug Courts and SACPA



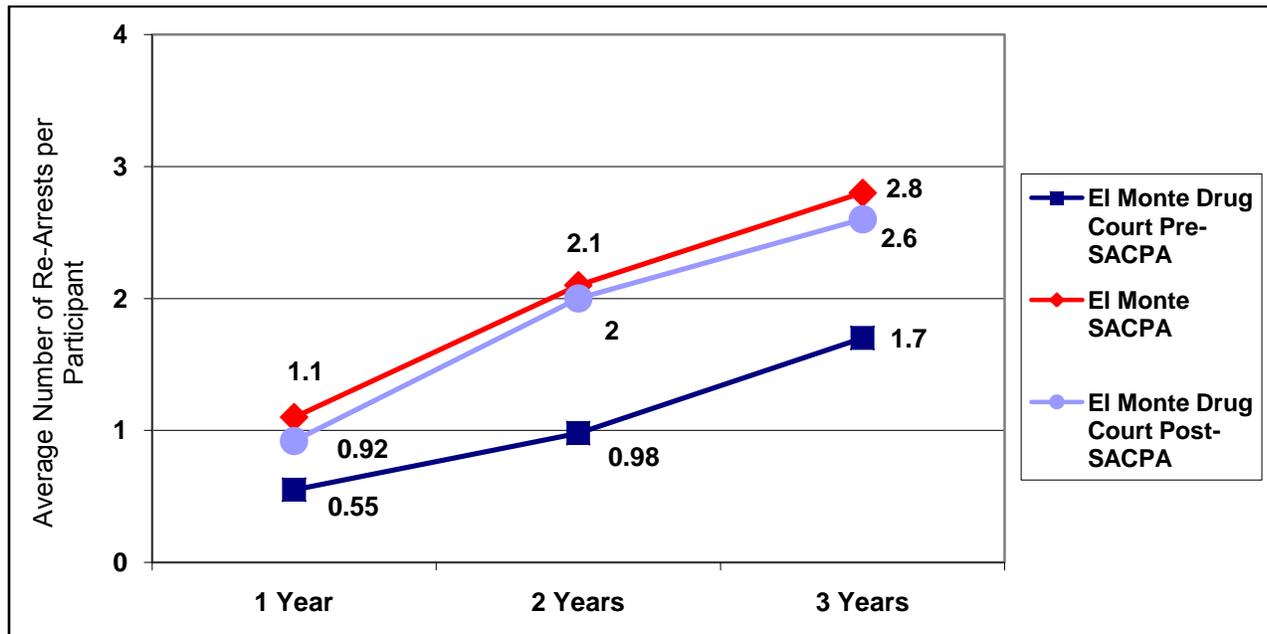
El Monte Drug Court and SACPA Program Recidivism

Re-Arrests for Drug Court Time 1 and SACPA. Figure 8 presents average number of arrests per participant each year for 3 years after Drug Court and SACPA entry. El Monte Drug Court participants at Time 1 (before SACPA implementation) had significantly fewer ($p < .01$) re-arrests than SACPA participants, even after controlling for prior arrests, time incarcerated, age,

gender, ethnicity and drug of choice. Just as with San Joaquin, the El Monte Drug Court, before the change in the continuum for the criminal justice system and before the change in the Drug Court population characteristics, the El Monte Drug Court performed significantly better than the SACPA program.

Re-Arrests for Drug Court Time 2 and SACPA. The number of re-arrests for Drug Court at Time 2 (post-SACPA) was not significantly different than for the SACPA program. However, there are likely differences in the Drug Court and SACPA population at the two time periods that cannot be controlled for. In particular, as described previously in this report, we did not have a measure of the level of addiction of the participants at either time period. As was expressed by Drug Court staff, it is probable that Drug Court participants who enter the Drug Court program after failing to complete SACPA have been continuing to use drugs, have committed additional crimes and are more deeply into their addiction than Drug Court participants that have not attended (and failed to complete) SACPA first. This difference could lead to higher recidivism.

Figure 8. El Monte Drug Court and SACPA Average Number of Re-Arrests per Participant Over 3 Years (Cumulative)



Note: The means reported in Figure 8 are adjusted based on any difference between the three groups on gender, ethnicity, age, drug of choice, prior drug arrests, prior arrests, and time incarcerated.

Recidivism for Specific Charges and Incarceration: Drug Court at Time 1 and SACPA.

Table 17 displays the 3-year recidivism for El Monte SACPA and Drug Court participants including re-arrests for drug related charges, felony charges, person (or violent) charges, property charges, time served in jail, and time served in prison. As with the total re-arrests described above, participants of the El Monte Drug Court at Time 1 had significantly fewer re-arrests with drug charges and felony charges than SACPA participants. However, there was no significant difference in re-arrests for person or property charges. The number of arrests for these charges was very small in all three groups. Drug Court participants at Time 1 also had significantly fewer days in prison in the 3 years after Drug Court entry.

Recidivism for Specific Charges and Incarceration: Drug Court at Time 2 and SACPA.

Table 17 shows that Drug Court participants at Time 2 (after SACPA) had slightly fewer re-arrests with drug charges and slightly fewer felony re-arrests than SACPA participants, but these differences were not significantly different. Prison and jail time was also not significantly different between the two groups.

Both SACPA participants and Drug Court participants at Time 2 (after SACPA implementation) had a greater number of re-arrests with drug charges and felony charges than Drug Court at Time 1. These two later groups also spent significantly more time in prison in the 3 years after program entry than Drug Court participants before SACPA. Similar to the results found in San Joaquin, the Drug Court participants after SACPA and SACPA participants had higher recidivism than Drug Court before SACPA implementation. As stated earlier, it appears that the changes in the population and in the criminal justice continuum of programs have had an adverse effect on Drug Courts. However, in spite of the Drug Court participants being made up of SACPA failures, the Drug Court at Time 2 is doing as well as (or slightly better than) SACPA participants.

Table 17. El Monte Drug Court and SACPA Recidivism Outcomes

	El Monte Drug Court T1 (98-99) N=127	El Monte SACPA (02-03) N=313	El Monte Drug Court T2 (02-03) N=147	Significant Difference between SACPA and DC? P<.01
Mean number of re-arrests with drug charges in 3 years after program entry	.82	2.2	1.9	Yes (Drug Court T1)
Mean number of re-arrests with felony charges in 3 years after program entry	.77	1.9	1.6	Yes (Drug Court T1)
Mean number of re-arrests with person/violence charges in 3 years after program entry	.08	.18	.12	No
Mean number of re-arrests with property charges in 3 years after program entry	.31	.39	.35	No
Mean number of days in jail in 3 years after program entry	55	72	56	No
Mean number of days in prison in 3 years after program entry	23	82	83	Yes (Drug Court T1)

Note: The arrest numbers above are based on charges. As some arrests have multiple charges, the same arrests may be counted in more than one charge category. Therefore, these numbers should not add up to the total number of arrests.

4C. SUMMARY OF SACPA AND DRUG COURT OUTCOMES AT BOTH SITES BEFORE AND AFTER THE IMPLEMENTATION OF SACPA

In spite of the differences in how the SACPA programs were implemented at both sites, the results for San Joaquin and El Monte were quite similar. SACPA participants spent significantly more time in the SACPA program than the Drug Court participants at either time period. Drug Court participants before SACPA implementation show significantly lower recidivism than SACPA program participants and Drug Court program participants after SACPA implementation. In contrast, the recidivism for Drug Court participants after SACPA implementation did not differ significantly from SACPA participants.

These results imply that the Drug Court model, before the changes that have occurred since SACPA implementation (such as time between arrest and a more criminal, possibly more addicted participant population), is significantly more effective in getting drug offenders to complete treatment and in lowering criminal justice recidivism than state-mandated treatment models with less personalized supervision and no option for incarceration as a sanction. An additional implication, as suggested by Longshore et al., (2006), is that the Drug Court model is more effective than SACPA in working with a more criminal, more addicted population (as evidenced by Drug Court recidivism rates that are similar to SACPA recidivism rates with a population of offenders who have failed SACPA).

Alternatively, the increase in recidivism rates from Drug Court pre-SACPA to Drug Court post-SACPA suggests that the Drug Court model (or perhaps any treatment model) performs better with a less criminal, less addicted population than with a more criminal, more addicted population. The increase in Drug Court participant recidivism from pre- to post-SACPA also suggests that the Drug Court model may be negatively affected by the implementation of state-mandated treatment programs that compete for the same population and for the same scarce resources. It may be that it is better to have these programs work together where each fits with the needs of a particular population. The recent work of Marlowe, et al. (2006) demonstrates that higher risk offenders do best under the drug court model, while lower-risk offenders do better with a less intensive treatment model. If the higher risk offenders were sent directly to Drug Court, rather than attempting and failing a less intensive model first, outcomes for the population as a whole may improve.

Whatever the interpretation of these results, it is clear that the state-mandated treatment (SACPA) has succeeded in two important ways that were central to its initial logic. First, it has provided an enormous benefit in being able to reach nearly all eligible offenders and offer treatment for their substance use issues instead of incarceration. Second, it has allowed offenders to have more total treatment than the Drug Courts at these two study sites. In this sense, it has had a much greater impact on the total system of offenders than Drug Court which often serves only a small number of offenders. Yet, the Drug Court model has shown greater success at producing higher rates of treatment completion and lower recidivism. In short, from these data based on two court systems, it can be suggested that SACPA (as an example of a non-Drug Court model of treatment) succeeds in providing more treatment but the Drug Court model with its closer judicial supervision produces better outcomes. If the resources could be provided for the Drug Court model to be expanded to include all eligible drug offenders (or SACPA expanded to include Drug Court practices for the appropriate population), then this form of state-mandated treatment could be an extremely effective benefit for California. This might also be generalizable to the states that have implemented or are considering implementing statewide treatment reform for drug offenders.

This leads to the question of the kind of resources needed for this kind of endeavor. Because of the intense judicial supervision, it may be that Drug Courts are more expensive and that it is impractical to expand the model on this kind of scale. However, the results presented for Policy Question #6 show that this is not the case. First, however, Policy Question #5 presents the comparison of costs for Drug Courts before and after SACPA.

Policy Question #5: What Are the Investment and Outcome Costs of Drug Courts Before the Implementation of the State-Mandated Non-Drug Court Treatment Programs Compared to After Implementation?

As described in the methodology section, the Transactional and Institutional Cost Analysis (TICA) approach was used to calculate the costs of each of the transactions that occurred while participants were engaged in the Drug Court programs. Transactions are those points within a system where resources are consumed and/or change hands. In the case of Drug Courts, when a participant appears in court or has a drug test, resources such as judge time, defense attorney time, court facilities, and urine cups are used. Program transactions calculated in this analysis included Drug Court appearances, case management, drug tests, drug treatment (individual, group and residential treatment), and jail sanctions. All cost results provided in this report are based on fiscal year 2006-2007 dollars. Costs tracked in this study were those incurred by taxpayers.

The results for this question include the unit costs calculated for each transaction, for example, the cost of a single Drug Court appearance and the cost for a single drug test in the two study sites are interesting results in themselves. The cost results are separated into program investment costs and outcome costs. Program investments include all the transactions related to participation in the Drug Court program such as court sessions, treatment sessions, probation contacts and drug tests. Outcome costs for this report include all criminal justice activity that occurs after program entry that is not related to the program such as re-arrests, new court cases, jail bookings, and jail and prison time served. It is helpful to examine the costs from different perspectives. To assist with this, the costs are broken down in two ways, 1. By transaction (as described above) to allow us to determine the total costs for each kind of activity or event (such as the total cost for all court sessions engaged in during the course of the program) and 2. By agency, which allows the examination of the resources contributed by each agency involved in the program. Both these perspectives can assist agencies and policymakers in making informed decisions about the most appropriate allocation of funds.

The answer to this question on Drug Court costs before and after SACPA is organized around the following topic areas:

5A. Drug Court Program Investment Costs

- Drug Court Transaction Unit Costs for San Joaquin and El Monte Drug Court Programs
- San Joaquin Drug Court Program Investment Costs Before and After SACPA
- El Monte Drug Court Program Investment Costs Before and After SACPA

5B. Outcome Costs For Drug Court Before and After SACPA

- Outcome Transaction Unit Costs for San Joaquin and El Monte
- San Joaquin Drug Court Outcome Costs Pre and Post SACPA
- El Monte Drug Court Outcome Costs Pre and Post SACPA

5C. Summary of Drug Court Costs Pre and Post-SACPA

- Program Investment Costs
- Outcome Costs
- Total Costs for Drug Courts Before and After SACPA Implementation

5A. INVESTMENT COSTS

Investment costs for the Drug Court programs include the costs for Drug Court sessions, case management, treatment (outpatient and residential), drug tests and jail used as a sanction. All costs were calculated in (or have been adjusted to) 2006-2007 dollars.

Drug Court Transaction Unit Costs for San Joaquin and El Monte Drug Court Programs

A ***Drug Court session***, for the majority of Drug Courts, is one of the most staff and resource intensive program transactions. In San Joaquin, these sessions include representatives from the Superior Court (judge, clerk, interpreter, bailiff, coordinator), the District Attorney (when required), the Public Defender (when required), the Office of Substance Abuse (case managers), the Human Services Agency and Mental Health Services. In El Monte, these sessions include representatives from the Superior Court (court commissioner, judicial assistant, court reporter, interpreter, bailiff), the District Attorney, the Public Defender and the treatment agency. The cost of a ***Drug Court appearance*** (the time during a session when a single participant is interacting with the judge) is calculated based on the average amount of court time (in minutes) each participant uses during the court session. This incorporates the direct costs of each Drug Court team member present during sessions, the time team members spent preparing for or contributing to the session, the agency support costs, and the overhead costs. The cost for a single Drug Court appearance in San Joaquin County is **\$105.26** per participant. The average cost for a single Drug Court appearance in El Monte is **\$80.26** per participant. The costs per appearance are on the lower end of per appearance costs of other adult Drug Courts studied by NPC Research. For example, other courts in California and Oregon have appearance costs ranging from \$97 to \$156 (Carey & Finigan, 2003; Carey et al., 2005; Carey, Marchand, & Waller, 2005).

Drug Court case management is based on the amount of staff time dedicated to case management activities during a regular workweek, staff salaries and benefits, and agency indirect support and overhead costs. This is translated into a total cost for case management per participant per day. The main agency involved in case management for San Joaquin County is the Office of Substance Abuse. The per day cost of Drug Court case management in San Joaquin County is **\$1.13** per participant. The main agency involved in case management for Drug Court in El Monte is the treatment provider. The per day cost of Drug Court case management in El Monte is **\$1.26** per participant. Both case management costs fall on the lower end of the range of costs found in other studies. For example, case management from other cost analyses in California (Carey et al., 2005) varied widely – from just over \$1.00 per day to over \$11.00 per day.

Drug Court treatment sessions in San Joaquin County are provided by multiple treatment agencies (both county and private) including Drug Court outpatient and residential treatment although there is one treatment provider that is used most commonly. The most common ***treatment provider*** costs **\$6.33** per person per day, ***other Drug Court treatment*** (an average of all non-ADAP treatment agencies) is **\$18.14** per day and ***residential treatment*** is **\$55.08** per day. Costs include all salary, benefits, support and overhead costs associated with treatment. Treatment in El Monte is provided by one treatment provider whose treatment services include group and individual treatment. Specialized services, such as residential treatment, are contracted out to one of 300 treatment providers in Los Angeles County, with 10 agencies used most commonly. In El Monte, ***group treatment*** is **\$23.07** per person per session, ***individual treatment*** is **\$22.51** per session and ***residential treatment*** is **\$78.50** per day. Participants in El Monte and San Joaquin County pay fees to the treatment providers on a sliding scale, based on ability to pay, but the fees were not included in this analysis due to a lack of data on actual payments. It should be noted that any fees paid by participants reduce the cost to taxpayers for drug treatment.

Drug Court drug tests in San Joaquin County are administered by the Office of Substance Abuse. Each UA drug test is **\$7.61**. In El Monte, Drug Court drug tests are administered by the treatment provider. Each UA drug test costs **\$3.39**. These rates include the full cost of materials, salaries, benefits, support and overhead associated with the test.

Drug Court jail days as a sanction in El Monte are provided by the Sheriff’s Department. Jail bed days are **\$68.21** per person per day for males and **\$84.44** per person per day for females. Data on the amount of jail used as a sanction weren’t available for the San Joaquin Drug Court, so the program costs for the San Joaquin County Drug Court pre-SACPA and the Drug Court post-SACPA may be slightly higher than those listed in the tables below (although half the participants are in Drug Court II, which does now use jail as a sanction and Felony Drug Court reports using jail rarely, so the difference in cost is probably minimal). Jail data available for outcomes included any jail that occurred while participants were in the Drug Court program, so any costs due to jail as a sanction are accounted for in outcome costs and in the total costs presented at the end of each section. Rates were calculated using the jail budget and the average daily population, and they include all staff time, food, medical, and support and overhead costs.

San Joaquin Drug Court Program Costs Before and After SACPA

Program Investment Costs by Transaction. Table 18 presents the average number of Drug Court transactions (Drug Court appearances, urinalyses, etc.) per participant and the total cost for each type of transaction (number of transactions times the cost per transaction) for the San Joaquin Drug Court pre-SACPA and post-SACPA. The sum of these transactions is the total per-participant cost of the program for each time period.

Table 18. Program Costs per Participant for San Joaquin Drug Court Before and After SACPA Implementation

Transaction	Unit Cost	Mean # of Transactions San Joaquin Drug Court T1⁹ N = 202	Mean # of Transactions San Joaquin Drug Court T2¹⁰ N = 128	Mean Cost per Participant San Joaquin Drug Court T1 N = 202	Mean Cost per Participant San Joaquin Drug Court T2 N = 128
Drug Court Appearances	\$105.26	16.72	13.93	\$1,760	\$1,466
Drug Court Case Management	\$1.13	208.21 days	163.15 days	\$235	\$184
Treatment ¹¹	NA	NA	NA	\$1,436	\$1,958
Urinalyses (UAs)	\$7.61	23.62	16.98	\$180	\$129
Total				\$3,611	\$3,737

⁹ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

¹⁰ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

¹¹ Treatment includes group and individual treatment sessions, as well as residential treatment.

Table 18 above illustrates the per-participant cost to the taxpayer for the Drug Court program before and after the implementation of SACPA. On average, in other Drug Court programs studied by NPC, the program cost per participant ranged from \$4,000 to just over \$12,000 depending on the intensity of the program and the extent to which the programs used public funds for their services (Carey & Finigan, 2003; Carey et al., 2005). The San Joaquin Drug Court program costs were relatively low both before and after SACPA and there was no significant difference in cost between the two time periods. Interestingly, examination of the separate transactions show that costs decreased in every transaction category (mainly due to fewer Drug Court appearances, case management days, and UAs) from Time 1 to Time 2 except for treatment, which resulted in the overall small increase in total costs. None of these differences were statistically significant.

Program Investment Costs by Agency. Another useful way to examine costs afforded by the TICA methodology is to quantify them by agency to determine whether or not the agency investments in Drug Court changed over time. Table 19 provides per-participant costs by agency for the Drug Court program pre and post-SACPA.

Table 19. Program Agency Costs for San Joaquin Drug Court Before and After SACPA Implementation

Agency	San Joaquin Drug Court T1¹² N = 202	San Joaquin Drug Court T2¹³ N = 128	Cost Difference
Superior Court	\$778	\$648	(-\$130)
District Attorney	\$60	\$50	-\$10
Public Defender	\$98	\$82	-\$16
Office of Substance Abuse	\$1,170	\$1,380	\$210
Probation	\$54	\$45	(-\$9)
Treatment Agencies	\$1,266	\$1,381	\$115
Law Enforcement	\$35	\$29	(-\$6)
Mental Health Services	\$46	\$38	-\$8
Human Services Agency	\$105	\$85	-\$20
Total¹⁴	\$3,612	\$3,738	\$126

Table 19 shows no significant difference in costs for any agency between Drug Court pre-SACPA and Drug Court post-SACPA. There was a very slight (non-significant) decrease in costs from pre-SACPA Drug Court to post-SACPA Drug Court for every agency except the Office of

¹² Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

¹³ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

¹⁴ Total costs in this row may not equal those in the costs by transaction table due to rounding.

Substance Abuse and the agencies providing treatment services. The decreases for every other agency can be attributed to fewer Drug Court appearances, case management days, and UAs from Drug Court pre-SACPA to Drug Court post-SACPA. This further confirms the staff belief that the Drug Court program structure and procedures had changed very little after the implementation of SACPA.

El Monte Drug Court Program Investment Costs Before and After SACPA

Program Investment Costs by Transaction. Presents the average number of Drug Court transactions (Drug Court appearances, urinalyses, etc.) per participant and the total cost for each type of transaction (number of transactions times the cost per transaction) for the El Monte Drug Court pre-SACPA and post-SACPA. The sum of these transactions is the total per-participant cost of the program for each time period.

Table 20 illustrates that costs increased in every category except for case management and UAs (both of which had moderate decreases in the average number of transactions). The significant increase in costs stems almost entirely from increased use of jail as a sanction. It is probable that this increase is due to the change (increased level of addiction and increased criminality) in the Drug Court participant population after SACPA implementation. One explanation is that non-compliant behavior has increased, resulting in increased use of jail sanctions. However, the El Monte Drug Court program uses an in-jail residential treatment program for most of its participants' residential needs and the data on in-jail treatment is combined in the database with jail sanction days because this intervention can be used as a sanction when participants are chronically non-compliant (particularly if they have multiple positive drug tests). Alternatively, in-jail treatment is also commonly used at the beginning of the program in order to prepare the participants that need it for outpatient treatment for the remainder of the program. It is most likely that the participants coming into Drug Court at Time 2 are more highly addicted and therefore more in need of residential treatment before engaging in treatment on an outpatient basis.

Table 20. Program Costs per Participant for El Monte Drug Court Before and After SACPA Implementation

Transaction	Unit Cost	Mean # of Transactions El Monte Drug Court T1¹⁵ N = 127	Mean # of Transactions El Monte Drug Court T2¹⁶ N = 147	Mean Cost per Participant El Monte Drug Court T1 N = 127	Mean Cost per Participant El Monte Drug Court T2 N = 147
Drug Court Appearances	\$80.26	9.98	13.16	\$801	\$1,056
Drug Court Case Management	\$1.26	388.06 days	326.48 days	\$489	\$411
Treatment ¹⁷	NA	NA	NA	\$3,063	\$3,517
Urinalyses (UAs)	\$3.39	144.93	81.28	\$491	\$276
Jail Sanction Days (Men)	\$68.21	5.79	33.50	\$395	\$2,285
Jail Sanction Days (Women)	\$84.44	1.28	28.61	\$108	\$2,416
Total				\$5,347	\$9,961

Note: For El Monte, Drug Court program costs post-SACPA are almost twice as much as the program costs pre-SACPA (this difference is statistically significant at $p < .01$).

¹⁵ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

¹⁶ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

¹⁷ Treatment includes group and individual treatment sessions, as well as residential treatment.

Program Investment Costs by Agency. The agency investments in the El Monte Drug Court pre and post-SACPA are shown in Table 21.

Table 21. Program Costs per Participant for El Monte Drug Court Before and After SACPA Implementation by Agency

Agency	El Monte Drug Court T1¹⁸ N = 127	El Monte Drug Court T2¹⁹ N = 147	Cost Difference
Superior Court	\$283	\$373	\$90
District Attorney	\$213	\$281	\$68
Public Defender	\$157	\$206	\$49
Treatment Agencies	\$4,185	\$4,393	\$208
Law Enforcement	\$510	\$4,710	\$4,200
Total²⁰	\$5,348	\$9,963	\$4,615

Table 21 shows that every agency involved in the Drug Court program had an increase in costs from Drug Court Time 1 to Drug Court Time 2, although only the costs for law enforcement were statistically significant. Law enforcement showed the largest increase, almost entirely due to the expanded use of in-jail treatment days for El Monte Drug Court participants post-SACPA. These results will be discussed further in the summary for this section.

5B. OUTCOME COSTS FOR DRUG COURT BEFORE AND AFTER SACPA

This section describes the criminal justice cost outcomes experienced by Drug Court participants pre and post-SACPA. The specific outcome transactions examined include re-arrests, subsequent court cases, jail bookings, jail time, prison, probation and victimizations.²¹ Outcome costs were calculated for 3 years from the time of program entry for both groups. All costs are calculated (or adjusted from the statewide study to) 2006-2007 dollars. Costs are calculated based on means adjusted for any differences between the two groups on demographics, drug of choice, criminal history and time incarcerated. Following is a description of the transactions and the unit costs included in the outcome cost analysis.

Outcome Transaction Unit Costs for San Joaquin and El Monte

Arrests in El Monte and San Joaquin County are conducted by multiple law enforcement agencies. The predominant agency that arrests suspected offenders for the El Monte Drug Court is the El Monte Police Department. The predominant agency that arrests suspected offenders for the San Joaquin County Drug Court is the Stockton Police Department. Arrest models were constructed that reflect the arrest practice in each site. This model of arrest practice was combined with salary, benefit and indirect support and overhead cost information to calculate a

¹⁸ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

¹⁹ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

²⁰ Total costs in this row may not equal those in the costs by transaction table due to rounding.

²¹ Although the original intention of this study was to also include subsequent treatment and social service costs, we were unable to obtain that data within the time frame of this study. This will be discussed further in the limitations section of this report.

cost per arrest episode. The cost of a single arrest in El Monte is **\$457.18**. The cost of a single arrest in San Joaquin County is **\$216.08**. (Note: There is a large difference in the unit cost of an arrest between sites. Differences in unit cost at different sites for the same transactions can be due to an extremely large number of factors including the cost of living in the area, the availability of various resources and the specific practices involved in the transaction at each site, e.g., the number of people involved in the transaction, the amount of time taken by each person to perform the transaction, etc.)

The cost of an average *court case* (taking into account the full range of case dispositions from dismissal to just short of trial) was determined based on local agency budget expenditures and interviews with local agency staff, in combination with information collected from several court case time studies in California and other states (National Center for State Courts, 2002; Carey & Finigan, 2003). To construct the cost model for court cases, court case time study information was paired with the budget expenditures and staff resources of the agencies typically involved in no-trial court cases. NPC researchers found the cost of a court case in San Joaquin County to be **\$2,265.93** and the cost of a court case in El Monte to be **\$2,030.56**.

In San Joaquin County and in Los Angeles County (for El Monte), *jail booking* episodes occur at Sheriff-operated county jail facilities. Booking cost models were created using budgetary information for the Sheriff and county jails along with the number of booking episodes. The cost of a single jail booking is **\$742.23** in El Monte and **\$152.12** in San Joaquin County.

Jail days are provided by the Sheriff in San Joaquin County and in Los Angeles County (for El Monte). Jail bed days are **\$68.21** (for males) and **\$84.44** (for females) per person per day in El Monte and **\$103.64** per person per day in San Joaquin County. Rates were calculated using the Sheriff and county jail budgets and average daily jail populations. They include all staff time, food, medical, and support/overhead costs.

Prison facilities in California are operated by the Department of Corrections and Rehabilitation. To represent the daily cost of *prison time* served the Department's per diem cost for its prison facilities was used as reported on its Web site. The average per diem prison cost in California is **\$93.56**.

Adult *probation* services in El Monte are provided by Los Angeles County's Probation Department. Through interviews with representatives of the department and analysis of the department's budget and caseload, NPC constructed a model of probation case supervision. The probation supervision cost per day in El Monte is **\$4.43**. The Probation Department provides adult probation services in San Joaquin County. A probation case supervision model similar to the one in El Monte was constructed for San Joaquin County. The probation supervision cost per day in San Joaquin County is **\$0.83**.

Victimizations were calculated from the National Institute of Justice's *Victim Costs and Consequences: A New Look* (NIJ, 1996). The costs were updated to fiscal year 2006-2007 dollars. *Property crimes* are **\$11,858** per event and *person crimes* are **\$38,414** per event.

San Joaquin Drug Court Outcome Costs Pre and Post SACPA

Outcome Costs by Transaction. Table 22 presents the average number of outcome transactions (re-arrests, jail days, probation days, etc.) per participant and the total cost for each type of transaction (number of transactions times the cost per transaction) for the San Joaquin Drug Court pre-SACPA and post-SACPA. The sum of these transactions is the total per participant outcome cost for the Drug Court at each time period.

Table 22. San Joaquin Outcome Costs per Drug Court Participant Pre- and Post-SACPA

Transaction	Unit Cost	Mean # of Transactions San Joaquin Drug Court T1²² N = 202	Mean # of Transactions San Joaquin Drug Court T2²³ N = 128	Mean Cost per Participant San Joaquin Drug Court T1 N = 202	Mean Cost per Participant San Joaquin Drug Court T2 N = 128
Re-arrests	\$216.08	2.22	4.15	\$480	\$897
Court Cases	\$2,265.93	1.34	1.40	\$3,036	\$3,172
Jail Bookings	\$152.12	3.14	3.38	\$478	\$514
Jail Days	\$103.64	144.83	95.78	\$15,010	\$9,927
Probation Days	\$0.83	459.74	544.67	\$382	\$452
Prison Days	\$93.56	86.22	57.03	\$8,067	\$5,336
Total				\$27,453	\$20,298
Victimizations – Person Crimes	\$38,414.00	0.25	0.27	\$9,604	\$10,372
Victimizations – Property Crimes	\$11,858.00	0.32	0.98	\$3,795	\$11,621
Total w/ Victimizations				\$40,852	\$42,291

The results in Table 22 are broken down with and without victimization costs because the cost of a single victimization is so high that the final costs can be heavily weighted by very small numbers of actual victimizations. This is the case in Table 22 where the outcome costs for Drug Court participants post-SACPA is significantly less than pre-SACPA Drug Court without victimization costs but is slightly more when victimizations are included.

Table 22 shows that the average number of outcome transactions increased (even after controlling for demographics, criminal history and time incarcerated²⁴) from Drug Court pre-

²² Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

²³ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

²⁴ Time incarcerated was not used as a covariate in the analyses on time incarcerated.

SACPA to Drug Court post-SACPA for every outcome category except jail and prison days. The average number of re-arrests almost doubled and the average number of property crime victimizations almost tripled. Even though the average number of outcome transactions increased pre-SACPA to post-SACPA, the average cost per participant only rose slightly (from \$40,852 to \$42,291). This is because the reduction in the average number of jail and prison days almost made up for the increase in every other outcome transaction category.

Excluding victimization costs, the average outcome cost per participant actually went down from Drug Court at Time 1 to Drug Court at Time 2 (\$27,453 to \$20,298). Again, this is due to the marked reduction in jail and prison days. It is likely that most of this decrease in jail (and prison) time is due to Drug Court II participants who cannot be jailed while actively participating in the program. Since these outcome costs include all 3 years after program *entry* this covers the time period (most of the first year) when participants are still in the program.

This result provides evidence that the decrease in jail time may be directly related to the increase in crime, as evidenced by the significant increase in total arrests and in property crimes.

Outcome Costs by Agency. Another useful way to examine outcome costs is to quantify them by agency to determine whether or not the agency resources that go into outcome costs have changed over time. Table 23 provides per participant outcome costs by agency for the San Joaquin Drug Court program pre and post-SACPA.

Table 23. San Joaquin Agency Outcome Costs per Drug Court Participant Pre- and Post-SACPA

Agency	San Joaquin Drug Court T1²⁵ N = 202	San Joaquin Drug Court T2²⁶ N = 128	Cost Difference
Superior Court	\$1,571	\$1,641	\$70
District Attorney	\$680	\$710	\$30
Public Defender	\$786	\$821	\$35
Probation	\$382	\$452	\$70
Law Enforcement	\$15,968	\$11,338	-\$4,630
Department of Corrections and Rehabilitation	\$8,067	\$5,336	-\$2,731
Victimizations	\$13,398	\$21,993	\$8,595
Total²⁷	\$40,852	\$42,291	\$1,439

²⁵ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

²⁶ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

²⁷ Total costs in this row may not equal those in the costs by transaction table due to rounding.

Table 23 shows that Law Enforcement had the largest (and the only statistically significant) decrease in outcome costs per participant from Drug Court pre-SACPA to Drug Court post-SACPA (due to decreased use of jail as described above), followed by the California Department of Corrections and Rehabilitation. Victimization had the largest increase by far pre-SACPA to post-SACPA (due to the larger number of property crimes from T1 to T2). The Superior Court, District Attorney, Public Defender, and Probation showed small increases in costs. Again, the increase in victimization costs (and in costs for agencies not directly related to incarceration costs) is evidence for increased crime when participants spend less time in jail.

El Monte Drug Court Outcome Costs Pre and Post SACPA

Outcome Costs by Transaction. Table 24 presents the average number of outcome transactions (re-arrests, jail days, probation days, etc.) per participant and the total cost for each type of transaction (number of transactions times the cost per transaction) for the El Monte Drug Court pre-SACPA and post-SACPA. The sum of these transactions is the total per participant outcome cost for the Drug Court at each time period.

Table 24. El Monte Outcome Costs per Drug Court Participant Pre- and Post-SACPA

Transaction	Unit Cost	Mean # of Transactions per Participant El Monte Drug Court T1²⁸ N = 127	Mean # of Transactions per Participant El Monte Drug Court T2²⁹ N = 147	Mean Cost per participant El Monte Drug Court T1 N = 127	Mean Cost per Participant El Monte Drug Court T2 N = 147
Re-arrests	\$457.18	1.68	2.64	\$768	\$1,207
Court Cases	\$2,030.56	0.52	1.02	\$1,056	\$2,071
Jail Bookings	\$742.23	1.50	1.69	\$1,113	\$1,254
Jail Days (Men)	\$68.21	69.77	62.35	\$4,759	\$4,253
Jail Days (Women)	\$84.44	49.51	32.59	\$4,181	\$2,752
Probation Days	\$4.43	262.92	516.31	\$1,165	\$2,287
Prison Days	\$93.56	22.59	82.65	\$2,114	\$7,733
Total				\$15,156	\$21,557
Victimizations – Person Crimes	\$38,414.00	0.08	0.12	\$3,073	\$4,610
Victimizations – Property Crimes	\$11,858.00	0.30	0.33	\$3,557	\$3,913
Total w/ Victimizations				\$21,786	\$30,080

²⁸ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

²⁹ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

Similar to San Joaquin, after controlling for prior arrests, demographics and time incarcerated,³⁰ the number of re-arrests is significantly higher for Drug Court participants post-SACPA while jail days decreased, but unlike San Joaquin, the decrease in jail days is not due to less use of jail as a sanction as those costs were included in the El Monte Drug Court program investment costs. The decrease in jail time may be due to the increase in days spent in prison for Drug Court participants post-SACPA, resulting in a higher cost for Drug Court at Time 2. The El Monte Drug Court showed a significant increase in outcome costs (of 38%) from T1 to T2 (\$21,786 to \$30,080). There were increases in every outcome transaction category except jail days, with court cases almost doubling and prison days more than tripling. When victimizations are excluded, the result is the same—outcome costs increased from pre-SACPA to post-SACPA Drug Court (\$15,156 to \$21,557, or a 42% increase). The increase in prison time may be explained by the change in the Drug Court population from Time 1 to Time 2. Because many of the participants at Time 2 are SACPA failures and therefore have used up their chances at treatment without incarceration, participants that fail Drug Court at Time 2 are far more likely to end up serving a prison sentence.

Outcome Costs by Agency. Table 25 provides per participant outcome costs by agency for the El Monte Drug Court program pre and post-SACPA.

Table 25. El Monte Agency Outcome Costs Drug Court Participant Pre- SACPA (T1) and Post-SACPA (T2)

Agency	El Monte Drug Court T1 N = 127	El Monte Drug Court T2 N = 147	Cost Difference
Superior Court	\$640	\$1,255	\$615
District Attorney	\$152	\$298	\$146
Public Defender	\$264	\$518	\$254
Probation	\$1,165	\$2,287	\$1,122
Law Enforcement	\$10,822	\$9,466	-\$1,356
Department of Corrections and Rehabilitation	\$2,114	\$7,733	\$5,619
Victimizations	\$6,631	\$8,523	\$1,892
Total ³¹	\$21,788	\$30,080	\$8,292

The El Monte Drug Court’s outcome costs increased from pre-SACPA to post-SACPA for every agency except Law Enforcement. The decrease for Law Enforcement is due to the decrease in jail time. As discussed above, it is possible that the decrease in jail time may be a result of increased time in prison with Drug Court participants who have previously failed SACPA serving prison sentences. The CA Department of Corrections and Rehabilitation showed the largest increase, but costs for the Superior Court, District Attorney, Public Defender and

³⁰ Time incarcerated was not used as a covariate on the analyses on time incarcerated.

³¹ Total costs in this row may not equal those in the costs by transaction table due to rounding.

Probation almost doubled from pre-SACPA Drug Court to post-SACPA Drug Court. The differences for these agencies are statistically significant ($p < .01$). This is due to the almost doubling of re-arrests and court cases from pre-SACPA to post-SACPA.

5C. SUMMARY OF DRUG COURT COSTS PRE AND POST-SACPA

Program Investment Costs for San Joaquin and El Monte Before and After SACPA

Drug Court program investment costs increased slightly in San Joaquin from pre-SACPA to post-SACPA and increased significantly for El Monte (see Figure 9 and Figure 10).

Figure 9. San Joaquin Program Investment Costs: Cost per offender for Drug Court Pre-SACPA and Post-SACPA

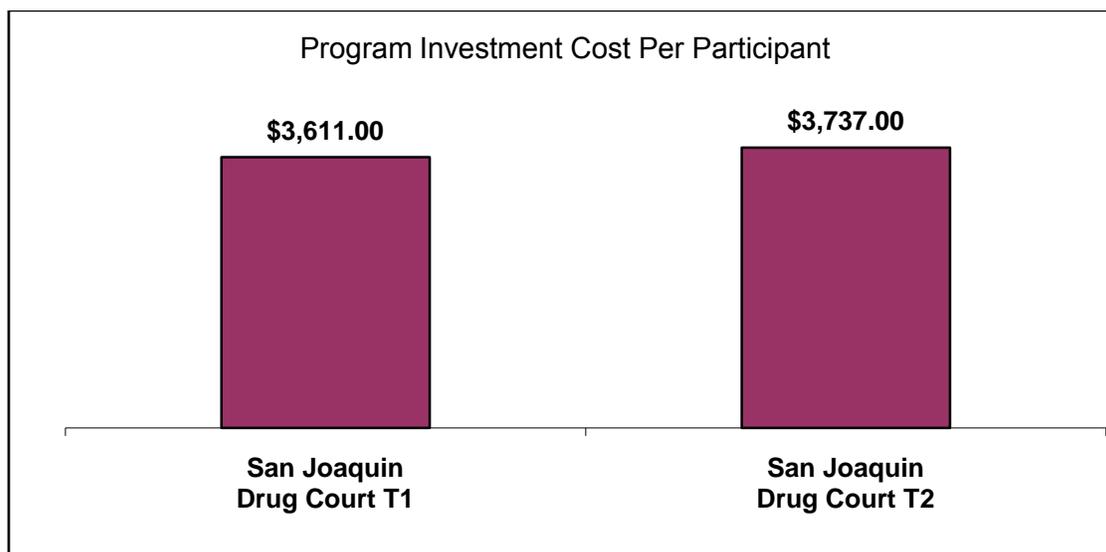
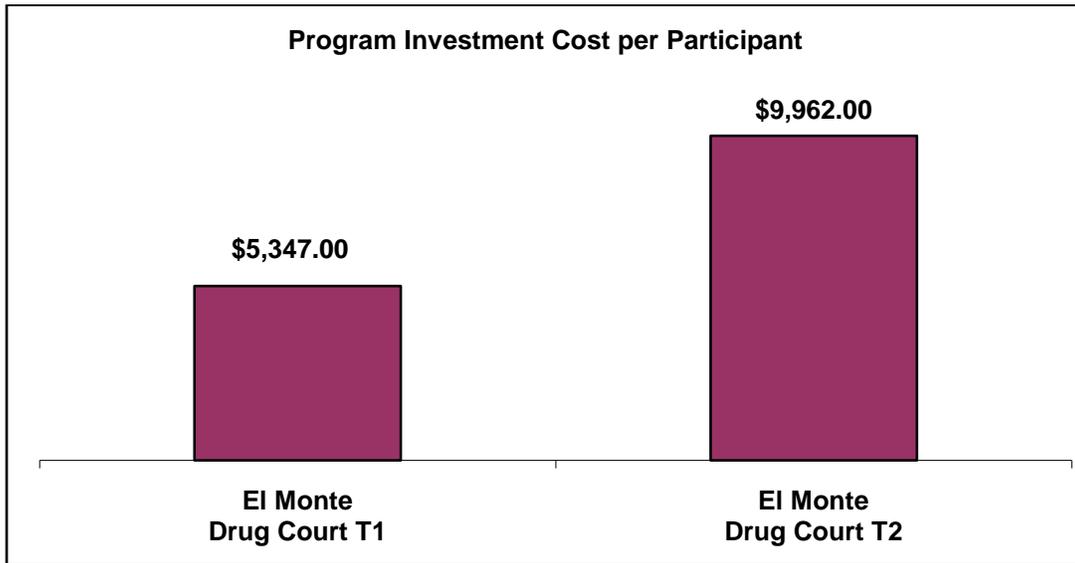


Figure 9 shows that program costs for the San Joaquin Drug Court rose very slightly (\$126) from the pre-SACPA period to the post-SACPA period. This provided support for the Drug Court staff belief that the Drug Court services provided had not changed significantly from before to after SACPA implementation. However, the detailed cost per transaction in San Joaquin (see Table 18) showed an increase in treatment costs (balanced by a decrease in costs in other areas), which may signify an increase in treatment for the more severely addicted participants at Time 2.

Figure 10, below, shows a different situation for the El Monte Drug Court where the change in the Drug Court population (to a more criminal and addicted group) led to more jail sanctions. In addition, El Monte often uses an in-jail treatment program as a residential treatment source. If the Drug Court participants post-SACPA are more addicted, it is likely the program staff is responding to the participants' need for more residential treatment.

Figure 10. Program Costs: Cost per Participant for El Monte Drug Court Pre-SACPA and Drug Court Post-SACPA



Consistent at both sites was the increase in treatment costs (including in-jail treatment for El Monte participants). The change in criminal justice treatment program continuum at both sites has led to a Drug Court population that has had more failed treatment attempts prior to Drug Court participation and a longer time to become more addicted and more resistant to treatment. This has a clear connection to the increase in treatment costs for Drug Court participants.

Outcome Costs for San Joaquin and El Monte Drug Court Before and After SACPA

Figure 11 provides a graph of the outcome costs over 3 years for San Joaquin Drug Court participants both pre and post-SACPA.

Figure 11. San Joaquin Outcome Costs over 3 years (Cumulative): Cost per offender Drug Court Pre-and Post-SACPA

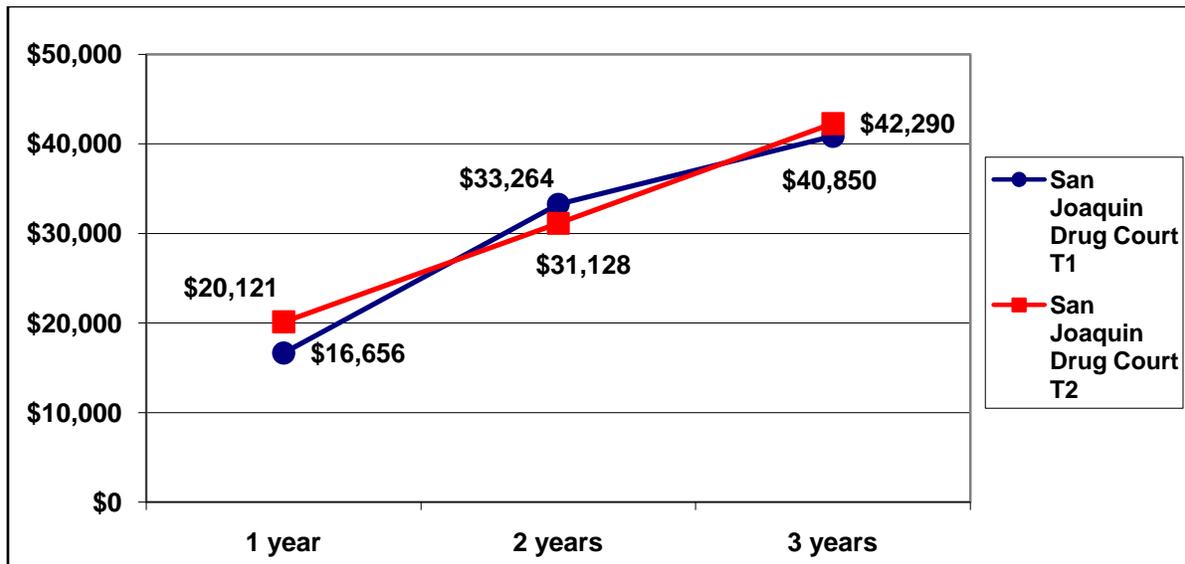
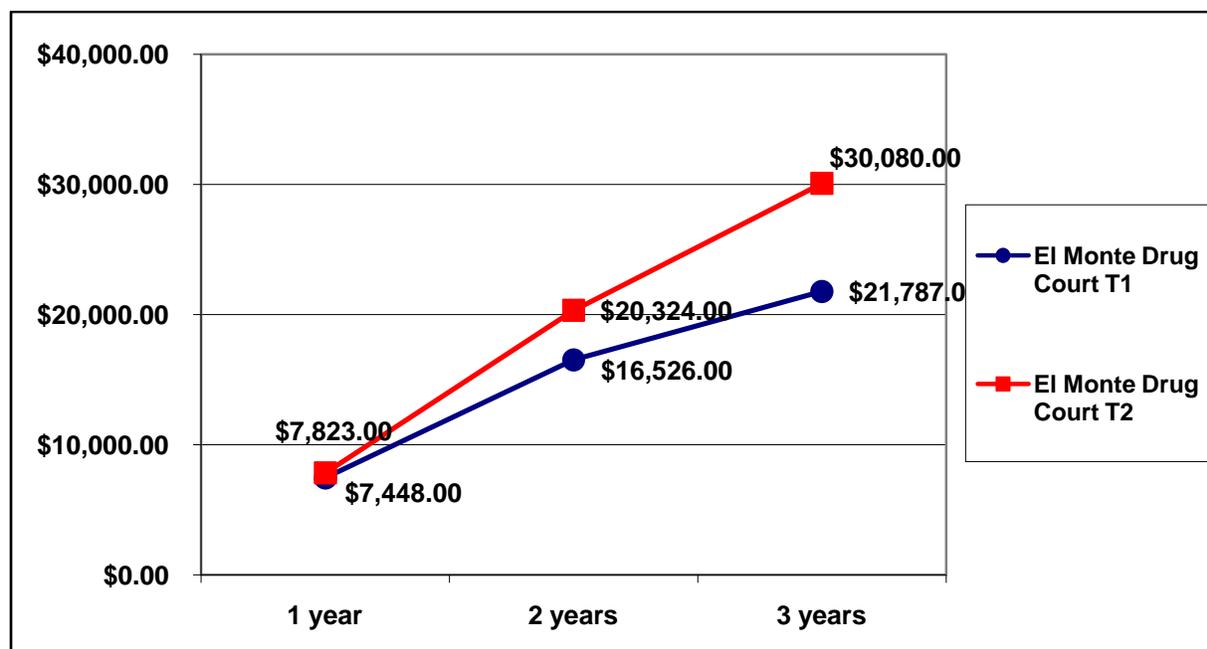


Figure 11 illustrates that for San Joaquin County in spite of the increased number of re-arrests, the decrease in days in jail led to no significant difference in costs for Drug Court before and after SACPA. It may be that the decrease in jail time is due to SACPA changes in the use of jail for drug crimes. Unfortunately, the lower use of jail time did not lead to less crime, as the data (presented above) showed a significant increase in re-arrests in the same time period.

Figure 12, below, provides a graph of outcome costs over 3 years for El Monte Drug Court participants both pre and post-SACPA.

Figure 12. El Monte Outcome Costs Over 3 Years (Cumulative): Costs per Participant for Drug Court Pre- and Post-SACPA



Outcome costs over 3 years for El Monte Drug Court participants were higher for participants who entered Drug Court after SACPA than for participants who entered before SACPA implementation. The difference between the two grows over time, with post-SACPA participants showing increasingly higher costs. As the transaction data presented earlier in this section showed, the majority of this increase in costs is due to increased time in prison for Drug Court participants at Time 3. The increased time in prison is mostly likely a result of the change in Drug Court population to SACPA failures who, if they fail Drug Court, will serve prison time.

Total Costs for Drug Courts Before and After SACPA Implementation

The bottom line for costs is the total costs to the system (both program and outcome costs) over the time period of interest. Figure 13 provides the total costs for San Joaquin Drug Court participants before and after SACPA implementation.

Figure 13. San Joaquin Drug Court Total Costs: Combined Program and Outcome Cost per offender for Drug Court Pre- and Post-SACPA

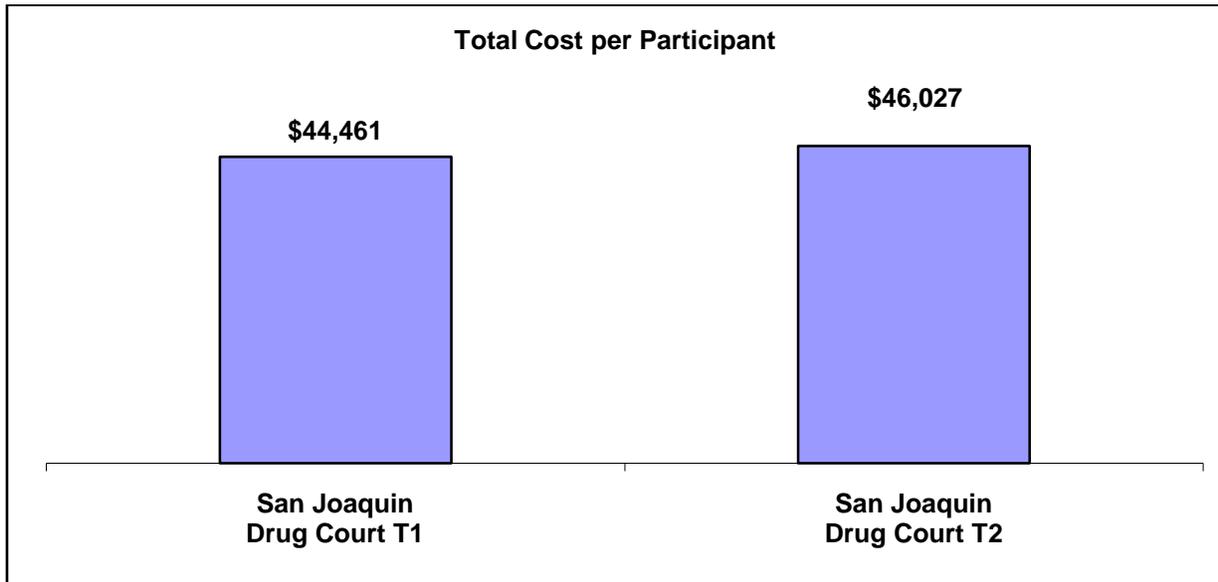
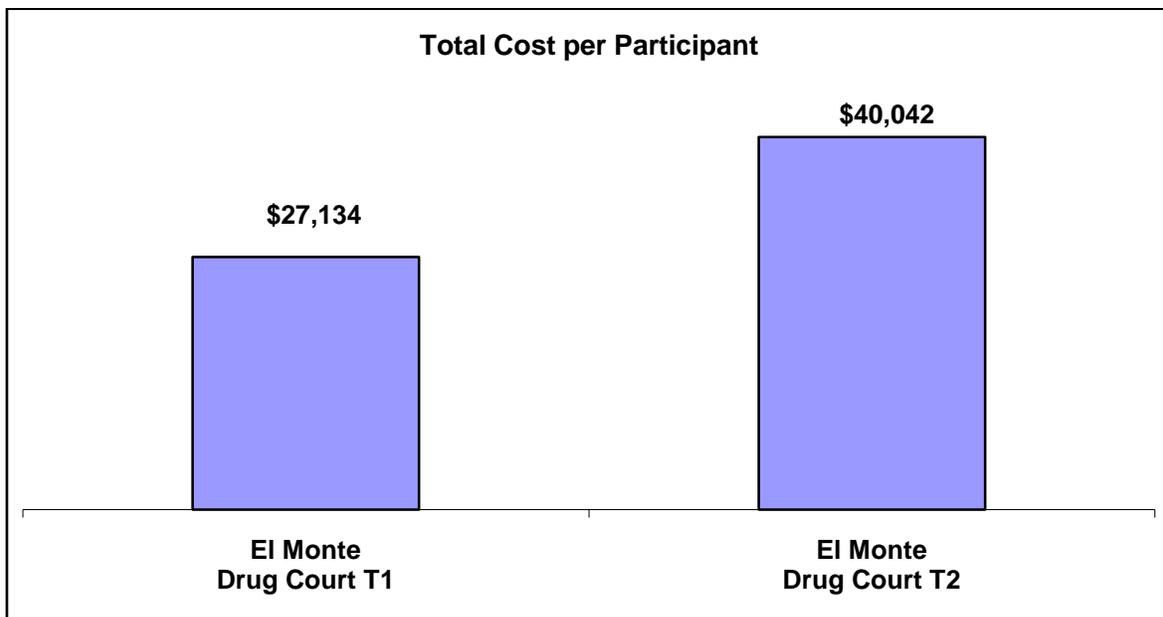


Figure 13, above, demonstrates that, in San Joaquin, there is no significant difference in costs for all participants from pre-SACPA to post-SACPA. As explained previous, the increase in re-arrests post-SACPA is balanced out by the decrease in jail time, leading to the conclusion that less use of jail time as a sanction is related to increase in crime.

Figure 14, below, provides the total costs for El Monte Drug Court participants before and after SACPA implementation.

Figure 14. El Monte Drug Court Total Costs: Combined Program and Outcome Cost per offender for Drug Court Pre- and Post-SACPA



The total costs (program and outcome costs over 3 years) shown in Figure 14 reveal that total costs rose 48% for El Monte Drug Court participants after SACPA implementation. The increase in costs in El Monte is due largely to the increased use of jail (or in-jail treatment) for Drug Court participants while in the program post-SACPA and higher recidivism (particularly increased prison time) for Drug Court participants post-SACPA.

The results for both programs indicate higher recidivism for Drug Court participants after SACPA implementation. In San Joaquin, the costs associated with this are nearly balanced out by less use of costly jail time so there is only a slight rise in total costs to the taxpayer. For El Monte, the increase in recidivism is clearly reflected in a significant rise in total costs to the taxpayer. It appears that the implementation of SACPA in both sites was detrimental to the Drug Court program in terms of increased crime and taxpayer costs.

Policy Question #6: What are the Relative Investment and Outcome Costs of Drug Courts Compared to State-Mandated Non-Drug Court Treatment Programs?

As described in the methodology section, and in the previous section, the Transactional and Institutional Cost Analysis (TICA) approach was used to calculate the costs of each of the transactions that occurred while participants were engaged in the Drug Court or SACPA program. Program transactions calculated in the analysis for SACPA³² included SACPA appearances (in El Monte) or SACPA case processing (for San Joaquin County), case management, drug tests, and drug treatment (individual, group, day care rehabilitative, detox and residential treatment). All cost results provided in this report are based on fiscal year 2006-2007 dollars. Costs tracked in this study were those incurred by taxpayers.

The results for this question are presented similarly to Policy Question #5. They include the unit costs calculated for each SACPA transaction (for example, the cost of a single SACPA drug test or court session).³³ Other cost results are separated into program investment costs and outcome costs. Program investments include all transactions related to participation in the SACPA and Drug Court programs such as court sessions, treatment sessions, probation contacts and drug tests. Outcome costs for this report for all programs include all criminal justice activity that occurs after program entry that is not related to the program such as re-arrests, new court cases, jail bookings, and jail and prison time served. It is helpful to examine the costs from different perspectives. To assist with this, the costs are broken down in two ways, 1. By transaction, to allow us to determine the total costs for each kind of activity or event (such as the total cost for all court sessions engaged in during the course of the program) and 2. By agency, which allows the examination of the resources contributed by each agency involved in the program. Both these perspectives can assist agencies and policymakers in making informed decisions about the most appropriate allocation of funds.

The answers to this question on the relative investment costs of SACPA and Drug Court are organized around the following topic areas:

6A. SACPA and Drug Court Program Investment Costs

- Transaction Unit Costs for San Joaquin and El Monte SACPA Programs
- San Joaquin SACPA and Drug Court Program Investment Costs

³² Program transactions for Drug Court were listed previously in the results for Policy Question #5.

³³ Drug Court program unit costs were presented previously in the results for Policy Question #5

- El Monte SACPA and Drug Court Program Investment Costs

6B. Outcome Costs For SACPA and Drug Court

- San Joaquin SACPA and Drug Court Outcome Costs
- El Monte SACPA and Drug Court Outcome Costs

6C. Summary of SACPA and Drug Court Costs

- Program Investment Costs
- Outcome Costs
- Total Costs for SACPA and Drug Courts

Note: The results presented for Policy Question #6 in this section repeat much of the same information as that presented in the previous section for the Drug Court programs. This information is included again in this section for the convenience of the reader in comparing Drug Court results directly to SACPA results.

6A. SACPA AND DRUG COURT PROGRAM INVESTMENT COSTS

Investment costs for the SACPA programs include the costs for SACPA court sessions (for El Monte) or the court case (San Joaquin), case management, treatment (outpatient and residential), assessments and drug tests. All costs were calculated in (or have been adjusted to) 2006-2007 dollars.

SACPA Transaction Unit Costs

A **SACPA court session** in El Monte includes representatives from the Superior Court (court commissioner, judicial assistant, court reporter, interpreter, bailiff), the District Attorney, the Public Defender and various treatment agencies (when required). The cost of a **SACPA appearance** (the time during a session when a single participant is interacting with the commissioner) is calculated based on the average amount of court time (in minutes) each participant uses during the court session. This incorporates the direct costs of each SACPA team member present during sessions, the time team members spent preparing for or contributing to the session, the agency support costs, and overhead costs. The average cost for a single SACPA appearance in El Monte is **\$41.96** per participant. San Joaquin County does not have SACPA court sessions. The San Joaquin Court processes SACPA cases (as far as court appearances) in the same way the Court processes general court cases. Participants only appear before a judge in the case of a probation violation. Therefore, for program costs, the cost of a general court case is included instead of court session costs.

The cost of an average **court case** (taking into account the full range of case dispositions from dismissal to trial) was determined based on local agency budget expenditures and interviews with local agency staff, in combination with information collected from several court case time studies in California and other states (National Center for State Courts, 2002; Carey & Finigan, 2003). To construct the cost model for court cases, the budget expenditures and staff resources of the agencies typically involved in no-trial court cases were considered along with information from the court case time studies. NPC researchers found the cost of a court case in San Joaquin County to be **\$2,265.93** and the cost of a court case in El Monte to be **\$2,030.56**. (Note: SACPA cases in San Joaquin are treated by the Court in a similar fashion as non-SACPA cases since there is no court supervision. Participants only appear in court if they have a probation violation.)

SACPA case management is based on the amount of staff time dedicated to case management activities during a regular workweek, staff salaries and benefits, and agency support and overhead costs. This is translated into a total cost for case management per participant per day. The main agency involved in case management for SACPA in El Monte is Probation. The per day cost of SACPA case management in El Monte is **\$1.03** per participant. The main agencies involved in case management for SACPA in San Joaquin County are Probation and the Office of Substance Abuse. The per day cost of SACPA case management in San Joaquin County is **\$0.90** per participant. Both SACPA case management costs are similar to their respective Drug Court case management costs, but both are slightly lower than Drug Court case management costs per day.

SACPA treatment sessions in El Monte are provided by over 100 different treatment providers located across Los Angeles County. In El Monte, **group treatment** is **\$31.75** per person per session, **individual treatment** is **\$66.03** per session, **day care rehabilitative treatment** is **\$69.97** per day and **residential treatment** is **\$79.72** per day. In San Joaquin County, over a dozen treatment agencies provide SACPA outpatient and residential treatment. **Level 1 treatment** is **\$8.17** per person per day, **level 2 treatment** is **\$13.61** per person per day, **level 3 treatment** is **\$18.14** per person per day, **level 4 treatment (residential)** is **\$79.72** per day, and **detox** is **\$69.97** per day. Costs include all salary, benefits, support and overhead costs associated with the session. Participants in El Monte and San Joaquin County pay fees directly to the treatment providers on a sliding scale, based on ability to pay, but the fees were not included in this analysis due to a lack of data on payments. It should be noted that any fees paid by participants reduce the cost to taxpayers for drug treatment.

SACPA drug tests in El Monte are performed at least quarterly by Probation and once a week by the treatment providers. Each UA drug test costs **\$8.06**, which is a proportional average of the Probation and treatment provider UA drug test costs. In San Joaquin County, the treatment providers perform all drug testing at a minimum of once per month per participant. Each UA drug test costs **\$8.00**. These rates include the full cost of materials, salaries, benefits, support and overhead associated with the test.

SACPA assessments in El Monte are administered by Community Assessment Service Centers (CASCs), which are private agencies contracted by the Alcohol and Drug Program Administration. NPC Research was unable to obtain any information on the cost of an assessment from the Alcohol & Drug Program Administration,³⁴ so the cost of assessments was not included in the analysis of El Monte SACPA program costs. Therefore, the SACPA program costs in El Monte are actually slightly higher than the numbers provided in this report. Assessments in San Joaquin County are provided by the Office of Substance Abuse, but all assessment costs are already included in the case management cost per day.

San Joaquin Drug Court and SACPA Program Costs

This section of the results describes the program investment costs for SACPA and for Drug Courts at Time 1 and Time 2 in San Joaquin County. The main focus of this section is to compare the cost for Drug Court and SACPA, as Drug Court was already compared at the two time periods in the results for the previous question.

Program Costs by Transaction. Table 26 presents the average number of transactions (Drug Court appearances, SACPA case processing, drug tests, etc.) per participant for the San Joaquin Drug Court pre-SACPA, the San Joaquin SACPA program and the San Joaquin Drug Court post-SACPA.

³⁴ This is discussed further in the limitations section of this report.

Table 26. San Joaquin Program Transactions per Participant for pre-SACPA Drug Court, Post-SACPA Drug Court and SACPA

Transaction	Mean # of Transactions per Participant San Joaquin Drug Court T1³⁵ N=202	Mean # of Transactions per Participant San Joaquin SACPA N=395	Mean # of Transactions per Participant San Joaquin Drug Court T2³⁶ N=128
Drug Court Appearances	16.72	NA	13.93
SACPA Court Case Processing	NA	1	NA
Case Management	208.21 days	551.87 days	163.15 days
Treatment ³⁷	NA	NA	NA
Urinalyses (UAs)	23.62	18.23	16.98

As shown in Table 26, there are no SACPA court sessions in San Joaquin County, but the SACPA case is processed through the court system and participants return to court for probation violations and other issues similar to a typical court case, so one general no-trial court case was included in the program costs. The average number of case management days (days in the program) per SAPCA participant was over two times as many as Drug Court pre-SACPA and over three times as many days as Drug Court post-SACPA. SACPA participants spend much longer in the SACPA program than Drug Court participants do in Drug Court. The average number of drug tests for SACPA fell between the number for Drug Court participants pre-SACPA and Drug Court participants post-SACPA. Given that participants in SACPA spend longer in the program, the average number of drug tests (18.23 UAs over 551.87 days) is somewhat misleading. Proportionately, SACPA participants have barely one-third of the average number of drug tests given in Drug Court at either time period.

Table 27 below shows the total cost for each type of transaction (number of transactions times the cost per transaction) for the San Joaquin Drug Court pre-SACPA, the San Joaquin SACPA program and the San Joaquin Drug Court post-SACPA. The sum of these transactions for each program is the total per-participant cost of that program.

³⁵ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

³⁶ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

³⁷ Treatment includes group and individual treatment sessions, as well as residential treatment.

Table 27. San Joaquin Program Costs per Participant for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Drug Court Unit Cost	SACPA Unit Cost	Mean Cost per Participant San Joaquin Drug Court T1³⁸ N = 202	Mean Cost per Participant San Joaquin SACPA N = 395	Mean Cost per Participant San Joaquin Drug Court T2³⁹ N = 128
Drug Court Appearances	\$105.26	NA	\$1,760	NA	\$1,466
SACPA Case Processing	NA	\$2,265.93	NA	\$2,266	NA
Case Management	\$1.13	\$0.90	\$235	\$497	\$184
Treatment ⁴⁰	NA	NA	\$1,436	\$7,218	\$1,958
Urinalyses (UAs)	\$7.61	\$8.00	\$180	\$146	\$129
Total			\$3,611	\$10,127	\$3,737

Table 27 shows that the cost for the SACPA program is nearly three times that of the Drug Court program (at either time period), mainly due to drug treatment costs for SACPA. SACPA funding is designated specifically for treatment, and the program is designed to provide it to eligible offenders. This results shows that SACPA is successfully providing treatment as intended to its participants.

Case management and case processing costs are also higher for SACPA than for Drug Court. This is because SACPA participants spend a significantly longer amount of time in the SACPA program than Drug Court participants spend in the Drug Court program. Treatment and case processing (Drug Court appearances for the Drug Court participants) are the two most expensive transactions for both Drug Court and SACPA, followed by case management and then drug testing.

Program Completers Investment Costs. The examination of these programs allows a unique opportunity to compare completers across programs. The program investment costs for completers were higher than for all participants for all programs, but showed the same proportional differences between Drug Court and SACPA programs with SACPA treatment costing nearly triple that of Drug Court at either time period. The detailed results of this analysis are presented in Appendix C.

³⁸ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

³⁹ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁴⁰ Treatment includes group and individual treatment sessions, as well as residential treatment.

Program Investment Costs by Agency. Table 28 provides the Drug Court and SACPA costs by agency.

Table 28. San Joaquin Agency Investment Costs per Participant for pre-SACPA Drug Court (T1), SACPA and Post-SACPA Drug Court (T2)

Agency	San Joaquin Drug Court T1 ⁴¹ N = 202	San Joaquin SACPA N = 395	San Joaquin Drug Court T2 ⁴² N = 128
Superior Court	\$778	\$1,172	\$648
District Attorney	\$60	\$507	\$50
Public Defender	\$98	\$586	\$82
Probation	\$54	\$206	\$45
Office of Substance Abuse	\$1,170	\$5,004	\$1,380
Treatment Agencies	\$1,266	\$2,653	\$1,381
Law Enforcement	\$35	\$0	\$29
Mental Health Services	\$46	\$0	\$38
Human Services Agency	\$105	\$0	\$85
Total⁴³	\$3,612	\$10,128	\$3,738

A useful way to look at program costs is to break the per-participant costs down by agency. This allows the ability to see how funds are allocated by agency. Table 28 shows that, as expected with the high treatment costs, the Office of Substance Abuse and treatment agencies shoulder the largest portion of costs for both Drug Court and SACPA with the Office of Substance Abuse spending nearly four times as much on SACPA participants as Drug Court participants. The next highest portion of cost is contributed by the Superior Court. The higher Superior Court costs for SACPA are due to higher case processing costs from the greater length of time SACPA participants spend in the program. Law enforcement, Mental Health Services, and the Human Services Agency are not involved with the SACPA program, and SACPA doesn't incorporate jail sanctions like Drug Court, so these agencies show no cost for SACPA. Every other agency listed shows a higher per participant investment cost for SACPA than for Drug Court.

El Monte Drug Court and SACPA Program Investment Costs

Program Investment Costs by Transaction. Table 29 presents the average number of transactions (Drug Court/SACPA appearances, urinalyses, etc.) per participant for the El Monte Drug Court pre-SACPA, the El Monte Drug Court post-SACPA, and the El Monte SACPA program.

⁴¹ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁴² Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁴³ Total costs in this row may not equal those in the costs by transaction table due to rounding.

Table 29. El Monte (EM) Program Transactions per Participant for pre-SACPA Drug Court (T1), SACPA and Post-SACPA Drug Court (T2)

Transaction	Mean # of Transactions per Participant El Monte Drug Court T1⁴⁴ N=127	Mean # of Transactions per Participant El Monte SACPA N=313	Mean # of Transactions per Participant El Monte Drug Court T2⁴⁵ N=147
Drug Court/SACPA Appearances	9.98	28.16	13.16
Case Management	388.06 days	548.25 days	326.48 days
Treatment ⁴⁶	NA	NA	NA
Urinalyses (UAs)	144.93	84.33	81.28

Table 29 shows that, although SACPA participants attend court sessions less frequently than Drug Court participants, SACPA had a significantly longer time in the program, leading to a total of more than twice as many court sessions than Drug Court participants at either time period. SACPA also has a similar total number of drug tests to Drug Court post-SACPA, but significantly less than the number of drug tests pre-SACPA. Since participants in SACPA spend longer in the program on average, the proportionate number of drug tests (84.33 UAs over 548.25 days) was only one-half of the number of drug tests given in Drug Court pre-SACPA and 60% of the number of drug tests given in Drug Court post-SACPA. The results in this table show that overall, SACPA participants in El Monte use significantly more program resources than Drug Court participants.

Table 30 below shows the total cost for each type of transaction (number of transactions times the cost per transaction) for the El Monte Drug Court pre-SACPA, the El Monte SACPA program and the El Monte Drug Court post-SACPA. The sum of these transactions for each program is the total per-participant cost of that program.

⁴⁴ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁴⁵ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁴⁶ Treatment includes group and individual treatment sessions, as well as residential treatment.

Table 30. El Monte Program Costs per Participant for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Drug Court Unit Cost	SACPA Unit Cost	Mean Cost per Participant El Monte Drug Court T1⁴⁷ N = 127	Mean Cost per Participant El Monte SACPA N = 313	Mean Cost per Participant El Monte Drug Court T2⁴⁸ N = 147
Drug Court/ SACPA Appearances	\$80.26	\$41.96	\$801	\$1,182	\$1,056
Case Management	\$1.26	\$1.03	\$489	\$565	\$411
Treatment ⁴⁹	NA	NA	\$3,063	\$13,048	\$3,518
Urinalyses (UAs)	\$3.39	\$8.06	\$491	\$680	\$276
Jail Sanctions (Men)	\$68.21	NA	\$395	\$0	\$2,285
Jail Sanctions (Women)	\$84.44	NA	\$108	\$0	\$2,416
Total			\$5,347	\$15,475	\$9,962

Comparing program investment costs in Table 30 reveals that the El Monte Drug Court program pre-SACPA was the least expensive (\$5,347), followed by Drug Court post-SACPA (\$9,962), with SACPA having the highest program investment costs of all at \$15,475. These differences are statistically significant between each group ($p < .01$). Table 30 shows that even with no jail sanction costs, SACPA had the highest program costs due to treatment (\$13,048 out of the total program cost of \$15,475, or 84%). The treatment portion of total program costs for Drug Court varied from 57% for Drug Court Pre-SACPA to 35% for Drug Court post-SACPA.

Even though SACPA had over twice the average number of court appearances as Drug Court, the cost of SACPA appearances remained only slightly higher than the cost of Drug Court appearances for both time periods because SACPA court sessions are about half as expensive as Drug Court sessions. SACPA sessions are less expensive because less time is spent per participant in court than in Drug Court sessions.

Program Completers. The costs for completers were also compared on program investments. Like San Joaquin, completers total investment costs were higher in every program but results across program were proportionally the same with SACPA participants costing the most by far. The detailed results can be found in Appendix C.

⁴⁷ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁴⁸ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁴⁹ Treatment includes group and individual treatment sessions, as well as residential treatment.

Program Investment Costs by Agency. Table 31 provides costs per agency (per participant) for Drug Court and SACPA. As described earlier, agency costs can be useful in determining how funds have been allocated and the best allocation of fund in the future.

Table 31. El Monte Agency Investment Costs per Participant for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Agency	El Monte Drug Court T1⁵⁰ N = 127	El Monte SACPA N = 313	El Monte Drug Court T2⁵¹ N = 147
Superior Court	\$283	\$747	\$373
District Attorney	\$213	\$191	\$281
Public Defender	\$157	\$243	\$206
Probation	\$0	\$613	\$0
Treatment Agencies	\$4,185	\$13,679	\$4,393
Law Enforcement	\$510	\$0	\$4,710
Total⁵²	\$5,348	\$15,473	\$9,963

As was found in San Joaquin, the agency investment costs per participant in the table above shows that treatment agencies account for the vast majority of the costs for both Drug Court and SACPA programs (although law enforcement does have a slightly higher cost than treatment agencies for Drug Court T2). The cost to the treatment agencies for SACPA is more than three times the cost for Drug Court. It is interesting to note that the Superior Court costs are also higher for SACPA participants. This is due to the larger number of court sessions for SACPA participants. It would appear from this that SACPA participants actually have a higher level of court supervision. However, as described earlier, the quality of that supervision is very different, with SACPA participants being treated in a more formal, traditional, court fashion with no clear sanctions or rewards. In contrast, there is no cost to law enforcement for SACPA due to no law enforcement involvement in the program and no jail sanction use, as is currently required by law. However, costs for law enforcement in Drug Court are higher, particularly at T2 (mainly due to jail as a sanction). Another item that stands out in Table 31 is that there is no cost to Probation for Drug Court because before 2005 there was no Probation involvement in the Drug Court program. These results confirm that the intention of the SACPA law is being followed in El Monte in that eligible drug offenders are being given treatment instead of incarceration.

6B. OUTCOME COSTS FOR DRUG COURTS AND SACPA

Of particular interest to state and local policymakers and managers are the financial impacts on the agencies that support the criminal justice system as the result of the operation of Drug Court and SACPA. These outcome costs are shown below. Outcome transactions for this study include re-arrests, time on probation, jail and prison time served, jail bookings, new court cases, and

⁵⁰ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁵¹ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁵² Total costs in this row may not equal those in the costs by transaction table due to rounding.

victimizations (person and property charges). These outcomes are measured for 3 years after program entry. All costs are calculated (or adjusted from the statewide study to) 2006-2007 dollars. Costs are calculated based on means adjusted for any differences between the two groups on demographics, drug of choice, criminal history and time incarcerated. (The unit costs for these transactions were presented in the results for Policy Question #5, earlier in this document.)

San Joaquin Drug Court and SACPA Outcome Costs

Outcome Costs by Transaction. Table 32 presents the average number of outcome transactions (re-arrests, subsequent court cases, jail days, etc.) per participant for the San Joaquin Drug Court pre-SACPA, the San Joaquin SACPA program and the San Joaquin Drug Court post-SACPA.

Table 32. San Joaquin Outcome Transactions per Participant for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Mean # of Transactions per Participant San Joaquin Drug Court T1⁵³ N = 202	Mean # of Transactions per Participant San Joaquin SACPA N = 395	Mean # of Transactions per Participant SJ Drug Court T2⁵⁴ N = 128
Re-arrests	2.22	4.20	4.15
Court Cases	1.34	1.35	1.40
Jail Bookings	3.14	2.99	3.38
Jail Days	144.83	62.45	95.78
Probation Days	459.74	225.92	544.67
Prison Days	86.22	80.41	57.03
Victimizations – Person Crimes	0.25	0.39	0.27
Victimizations – Property Crimes	0.32	0.78	0.98

Table 32 illustrates that, even after controlling for prior arrests and time incarcerated, re-arrests were almost twice as high for SACPA participants compared to Drug Court participants at Time 1 (pre-SACPA). There is some evidence that arrest rates rose statewide in the time from Time 1 to Time 2. However, the increase in arrest rates was just 10%, which does not account for the large differences in this data. SACPA participants had fewer jail bookings, jail days, and probation days compared to the Drug Court at Time 1. The lower probation days for SACPA participants are due to the SACPA participants being on probation while they are participating in the program, therefore that probation time was accounted for in investment costs and is not included in outcomes. SACPA participants had more person and property crimes than Drug Court participants at Time 1.

⁵³ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁵⁴ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

Table 32, above, shows that there is very little difference in outcomes between participants of SACPA and Drug Court at Time 2. SACPA participants had less time in jail in the 3 years after program entry, but more time in prison.

Overall, the results on the outcome resources used by SACPA participants compared to Drug Court participants are somewhat ambiguous with SACPA participants engaging in slightly more criminal activity but spending less time on probation and in jail outside the program.

Table 33 below shows the total cost for each type of outcome transaction (number of transactions times the cost per transaction) for the San Joaquin Drug Court pre-SACPA, the San Joaquin SACPA program and the San Joaquin Drug Court post-SACPA. The sum of these outcome transactions for each program is the total per participant outcome cost.

Table 33. San Joaquin Outcome Costs per Participant for pre-SACPA Drug Court (T1), Post-SACPA Drug Court (T2) and SACPA

Transaction	Unit Costs	Mean Cost per Participant San Joaquin Drug Court T1⁵⁵ N = 202	Mean Cost per Participant San Joaquin SACPA N = 395	Mean Cost per Participant San Joaquin Drug Court T2⁵⁶ N = 128
Re-arrests	\$216.08	\$480	\$908	\$897
Court Cases	\$2,265.93	\$3,036	\$3,059	\$3,172
Jail Bookings	\$152.12	\$478	\$455	\$514
Jail Days	\$103.64	\$15,010	\$6,472	\$9,927
Probation Days	\$0.83	\$382	\$188	\$452
Prison Days	\$93.56	\$8,067	\$7,523	\$5,336
Total		\$27,453	\$18,605	\$20,298
Victimizations – Person Crimes	\$38,414.00	\$9,604	\$14,981	\$10,372
Victimizations – Property Crimes	\$11,858.00	\$3,795	\$9,249	\$11,621
Total w/ Victimizations		\$40,852	\$42,835	\$42,291

As seen in Table 33, in spite of higher numbers of re-arrests for SACPA participants, there was no significant difference in outcome costs between Drug Court participants and SACPA participants. This is due to less time in jail for SACPA participants so, although arrest costs are higher, jail costs are lower. There wasn't much variation in total outcome costs per participant between the programs in San Joaquin County. SACPA did have the highest outcome costs per

⁵⁵ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁵⁶ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

participant, but it was only 1% higher than that of Drug Court post-SACPA and 5% higher than that of Drug Court pre-SACPA. When victimization costs are excluded, SACPA actually had the lowest outcome costs of the 3 groups (\$18,605 versus \$27,453 for Drug Court T1 and \$20,298 for Drug Court T2), due to less jail time for SACPA participants, although this difference is not significant.

Outcome Costs by Agency. Table 34 provides the San Joaquin outcome costs by agency for SACPA and Drug Courts.

Table 34. San Joaquin Agency Outcome Costs per Participant for pre-SACPA Drug Court (T1), SACPA and Post-SACPA Drug Court (T2)

Agency	San Joaquin Drug Court T1⁵⁷ N = 202	San Joaquin SACPA N = 395	San Joaquin Drug Court T2⁵⁸ N = 128
Superior Court	\$1,571	\$1,582	\$1,641
District Attorney	\$680	\$685	\$710
Public Defender	\$786	\$792	\$821
Probation	\$382	\$188	\$452
Law Enforcement	\$15,968	\$7,835	\$11,338
Department of Corrections and Rehabilitation	\$8,067	\$7,523	\$5,336
Victimizations	\$13,398	\$24,231	\$21,993
Total⁵⁹	\$40,852	\$42,836	\$42,291

Table 34 further illustrates the point that, aside from victimization costs, the CA Department of Corrections and Rehabilitation and Law Enforcement bear the largest portion of outcome costs for all 3 groups in San Joaquin County but with Law Enforcement spending much more on Drug Court participants due to more time in jail. Outcome costs for the Superior Court, District Attorney, Public Defender, and Probation were all much lower and showed less variation between groups. Costs for prison are higher for SACPA participants than Drug Courts post-SACPA but lower for jail. Overall, the outcome costs for San Joaquin SACPA participants were not significantly different from those for Drug Court participants. This is true in spite of differences in the San Joaquin Drug Court participant population, such as a more extensive addiction history at Time 2.

⁵⁷ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁵⁸ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁵⁹ Total costs in this row may not equal those in the costs by transaction table due to rounding.

El Monte Drug Court and SACPA Outcome Costs

Outcome Costs by Transaction. Table 35 presents the average number of outcome transactions (re-arrests, subsequent court cases, jail days, etc.) per participant for the El Monte Drug Court pre-SACPA, the El Monte SACPA program and the El Monte Drug Court post-SACPA.

Table 35. El Monte Outcome Transactions per Participant for pre-SACPA Drug Court (T1), Post-SACPA Drug Court (T2) and SACPA

Transaction	Mean # of Transactions per Participant El Monte Drug Court T1⁶⁰ N = 127	Mean # of Transactions per Participant El Monte SACPA N = 313	Mean # of Transactions per Participant El Monte Drug Court T2⁶¹ N = 147
Re-arrests	1.68	2.78	2.64
Court Cases	0.52	1.05	1.02
Jail Bookings	1.50	2.58	1.69
Jail Days (Men)	69.77	75.18	62.35
Jail Days (Women)	49.51	59.19	32.59
Probation Days	262.92	135.12	516.31
Prison Days	22.59	80.69	82.65
Victimizations – Person Crimes	0.08	0.17	0.12
Victimizations – Property Crimes	0.30	0.38	0.33

Note: The means presented in this table are adjusted based on gender, ethnicity, age, prior number of arrests, time incarcerated, and drug of choice. It was not possible to control for addiction level as that data was not available in the treatment databases for both Drug Court and SACPA programs.

Table 35 illustrates that re-arrests and the number of subsequent court cases were higher (and significantly different) for SACPA than for Drug Court at Time 1 (before SACPA). Jail bookings, jail days, and victimizations were all higher while probation was lower for SACPA than Drug Court at Time 1. One of the reasons the amount of probation is lower for SACPA participants in this table is that probation is a part of the SACPA program and therefore is not included in outcomes until participants have left the program.

Drug Court at Time 2 (post-SACPA) had more time on probation after Drug Court entry than SACPA but less time in jail. Other types of transactions were not significantly different between SACPA and Drug Court Time 2.

Table 36 below shows the total cost for each type of outcome transaction (number of transactions times the cost per transaction) for the El Monte Drug Court pre-SACPA, the El Monte SACPA

⁶⁰ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁶¹ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

program and the El Monte Drug Court post-SACPA. The sum of these outcome transactions for each program is the total per participant outcome cost of that program.

Table 36. El Monte Outcome Costs per Participant for pre-SACPA Drug Court (T1), Post-SACPA Drug Court (T2) and SACPA

Transaction	Unit Costs	Mean Cost per Participant El Monte Drug Court T1⁶² N = 127	Mean Cost per Participant El Monte SACPA N = 313	Mean Cost per Participant El Monte Drug Court T2⁶³ N = 147
Re-arrests	\$457.18	\$768	\$1,271	\$1,207
Court Cases	\$2,030.56	\$1,056	\$2,132	\$2,071
Jail Bookings	\$742.23	\$1,113	\$1,915	\$1,254
Jail Days (Men)	\$68.21	\$4,759	\$5,128	\$4,253
Jail Days (Women)	\$84.44	\$4,181	\$4,998	\$2,752
Probation Days	\$4.43	\$1,165	\$599	\$2,287
Prison Days	\$93.56	\$2,114	\$7,549	\$7,733
Total		\$15,156	\$23,592	\$21,557
Victimizations – Person Crimes	\$38,414.00	\$3,073	\$6,530	\$4,610
Victimizations – Property Crimes	\$11,858.00	\$3,557	\$4,506	\$3,913
Total w/ Victimizations		\$21,786	\$34,628	\$30,080

As seen in Table 36, total outcome costs over 3 years in El Monte were significantly higher for SACPA (\$34,628) than for Drug Court at Time 1 (\$21,786), while costs for Drug Court at Time 2 (\$30,080) were not significantly different than SACPA outcome costs. Excluding victimization costs does not change the relative proportion of costs. After controlling for differences in demographics, prior arrests and time incarcerated, the Drug Court program before SACPA was implemented performed significantly better than SACPA or the Drug Court program after SACPA implementation.

⁶² Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁶³ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

Outcome Costs by Agency. Table 37 provides the per participant outcome costs by agency.

Table 37. El Monte Agency Outcome Costs per Participant for pre-SACPA Drug Court (T1), SACPA and Post-SACPA Drug Court (T2)

Agency	El Monte Drug Court T1⁶⁴ N = 127	El Monte SACPA N = 313	El Monte Drug Court T2⁶⁵ N = 147
Superior Court	\$640	\$1,292	\$1,255
District Attorney	\$152	\$307	\$298
Public Defender	\$264	\$534	\$518
Probation	\$1,165	\$599	\$2,287
Law Enforcement	\$10,822	\$13,312	\$9,466
Department of Corrections and Rehabilitation	\$2,114	\$7,549	\$7,733
Victimizations	\$6,631	\$11,036	\$8,523
Total⁶⁶	\$21,788	\$34,629	\$30,080

When looking at El Monte outcome costs over 3 years by agency, law enforcement's portion of costs clearly stands out as the highest for all three programs, followed by victimizations and then the CA Department of Corrections and Rehabilitation. However, law enforcement spends significantly more on outcome costs for SACPA participants than Drug Court at either time period. Otherwise, all agencies aside from Probation spend less on Drug Court participants before SACPA implementation.

6C. SUMMARY OF DRUG COURT AND SACPA COSTS

Program Investment Costs

Figure 15 presents the cost per participant for the Drug Court and SACPA programs in San Joaquin while Figure 16 presents the cost per participant for the Drug Court and SACPA programs in El Monte.

⁶⁴ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁶⁵ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁶⁶ Total costs in this row may not equal those in the costs by transaction table due to rounding.

Figure 15. Program Costs: Cost per offender for San Joaquin SACPA, Drug Court Pre-SACPA (T1) and Drug Court Post-SACPA (T2)

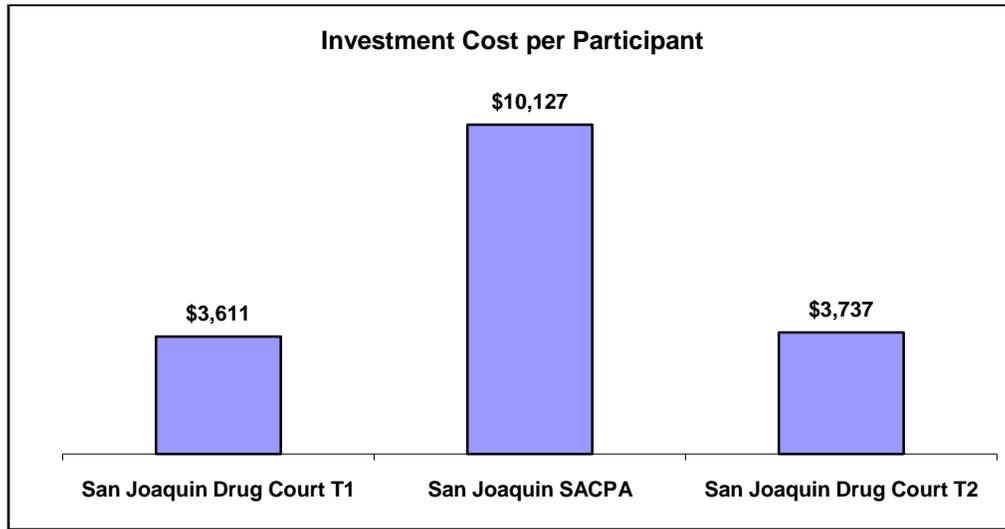
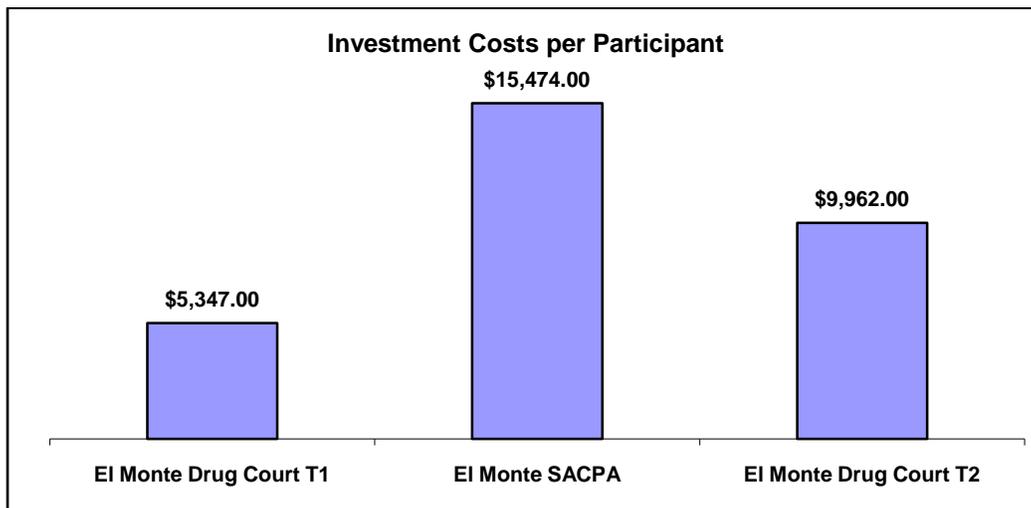


Figure 15 illustrates that San Joaquin program investment costs for SACPA are almost 3 times that of Drug Court pre-SACPA or post-SACPA. It also shows that program investment costs from both Drug Court time periods didn't vary much after the implementation of SACPA. Figure 16, below, provides a similar finding for El Monte with the investment cost in the SACPA program 3 times the cost of Drug Court pre-SACPA and nearly twice the investment of Drug Court post-SACPA. The majority of the high investment costs for the SACPA program are due to treatment costs. These treatment costs are based on program treatment data showing actual time spent in treatment (not time in the program) for both Drug Court and SACPA participants. Figure 16 also shows that program investment costs in the El Monte Drug Court jumped considerably from T1 to T2.

Figure 16. Program Costs: Investment Cost per Participant for El Monte SACPA, Drug Court Pre-SACPA (T1) and Drug Court Post-SACPA (T2)

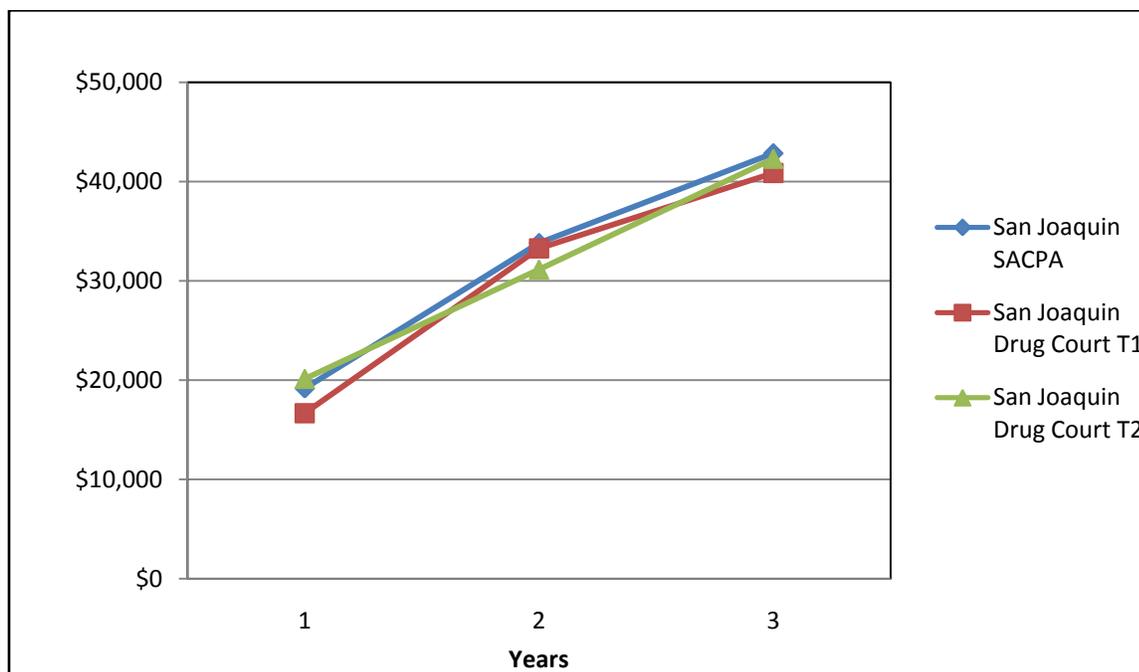


In sum, program investment costs for SACPA are significantly higher than Drug Court program costs due almost entirely to the amount of resources spent on treatment for SACPA participants.

Outcome Costs

Figure 17 provides the outcome (recidivism related) costs over time for the Drug Court and SACPA participants in San Joaquin.

Figure 17. Outcome Costs Over 3 years (Cumulative): Costs per Offender for San Joaquin SACPA, Drug Court Pre-SACPA (T1) and Drug Court Post-SACPA (T2)



As seen in Figure 17, San Joaquin outcome costs over 3 years amongst the 3 groups were virtually indistinguishable. While there was some variation from year to year, the total outcome costs were highest for SACPA, followed closely by Drug Court post-SACPA and then Drug Court pre-SACPA.

Figure 18, below, presents the outcome costs per participant over time for El Monte Drug Court and SACPA programs.

Figure 18. Outcome Costs Over 3 Years: Cost per Offender for El Monte SACPA, Drug Court Pre-SACPA (T1) and Drug Court Post-SACPA (T2)

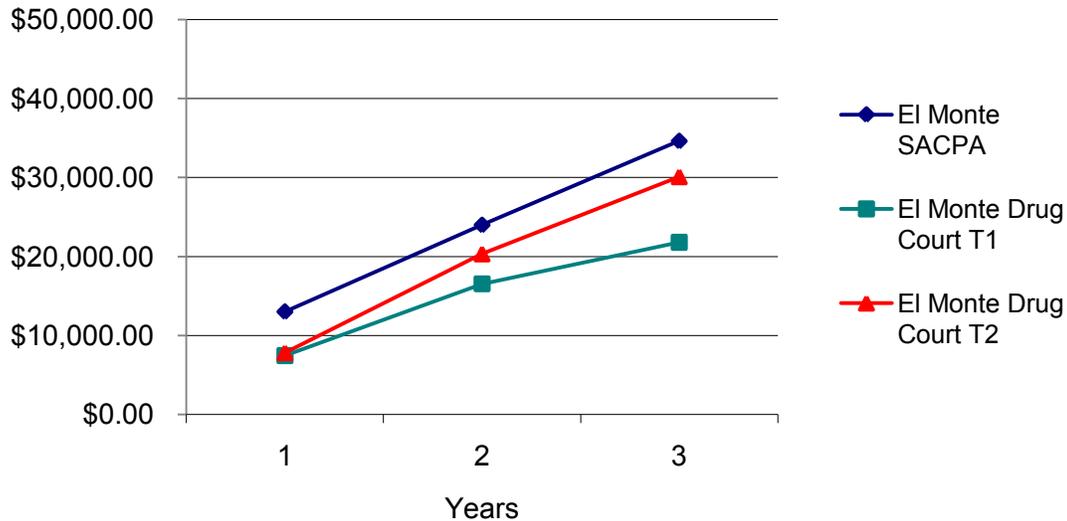


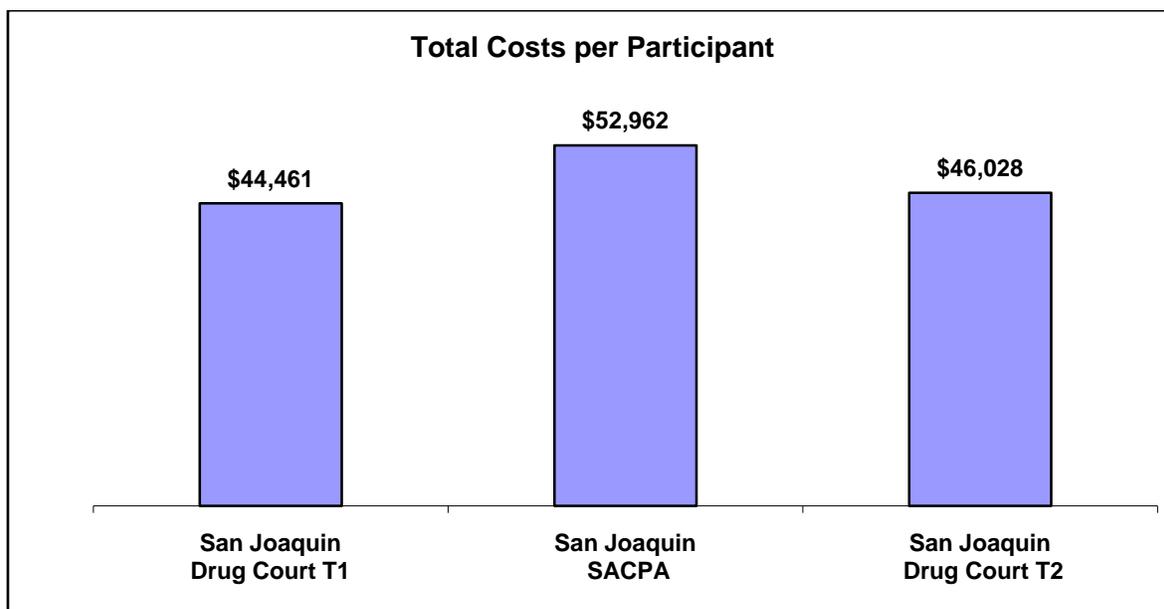
Figure 18 shows that outcome costs over 3 years in El Monte were very different for the 3 groups. SACPA participants had the highest outcome costs, then Drug Court post-SACPA and finally Drug Court pre-SACPA. Outcome costs for Drug Court at Time 1 appear to taper off, while outcome costs for SACPA appear to continue to rise over time.

In both counties, Drug Court participant outcomes cost less than SACPA participants' outcomes (though not significantly in the case of San Joaquin.) The conclusion here is that Drug Courts perform as well as or better than SACPA programs with a more difficult population.

Total Costs per Drug Court and SACPA Participant

As stated earlier in this report, the bottom line for costs is really the total cost (program investment plus outcome costs) per participant. Overall, the key cost question is which program participants cost the taxpayers the least?

Figure 19. Total Costs: Program Investment plus Outcome Cost per Offender for San Joaquin Drug Court Pre-SACPA (T1), the SACPA Program and Drug Court Post-SACPA (T2)



When program investment and outcome costs over 3 years are combined (as in Figure 19), the full picture of the cost to taxpayers becomes clear. In San Joaquin County, the total cost per participant for SACPA (\$52,962) stands out well over the cost Drug Court pre-SACPA (\$44,461) and Drug Court post-SACPA (\$46,027). This is a difference of 19% between Drug Court pre-SACPA and SACPA, and a difference of 15% between Drug Court post-SACPA and SACPA. Figure 19 also shows that an increase in total costs did occur for the Drug Court program from pre- to post-SACPA, possibly due to the implementation of SACPA.

Figure 20. Total Costs. Program Investment Plus Outcome Cost per Offender for El Monte SACPA, Drug Court Pre-SACPA (T1) and Drug Court Post-SACPA (T2)

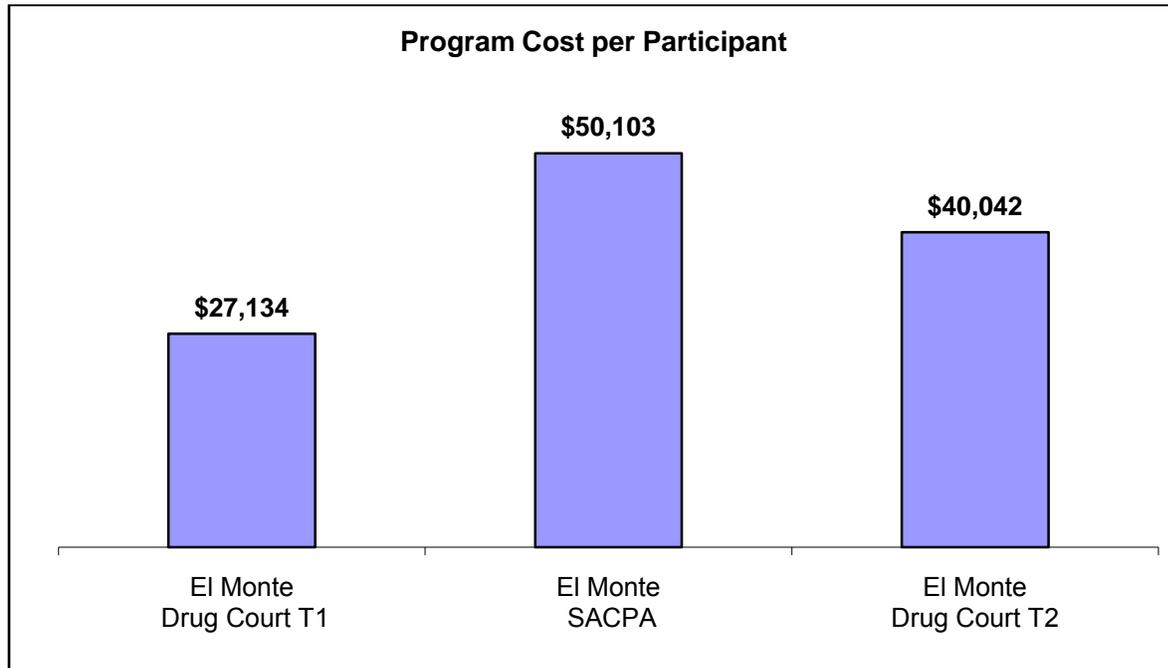


Figure 20 illustrates the total cost to taxpayers for SACPA, Drug Court pre-SACPA and Drug Court post-SACPA in El Monte. Total program investment and outcome costs over 3 years are clearly highest for SACPA (\$50,102), followed by Drug Court T2 (\$40,042) and then Drug Court T1 (\$27,134). There is a difference of 85% between Drug Court pre-SACPA and SACPA, and a difference of 25% between Drug Court post-SACPA and SACPA.

Overall, the costs for SACPA in both sites are higher. For a significantly lower investment cost, the Drug Court model produced outcomes as good as or better than SACPA outcomes, resulting in lower costs for Drug Courts over all. From these total costs, it is clear that the Drug Court model outperforms the non-Drug Court treatment models. However, the SACPA programs can provide treatment to substantially more offenders than the current Drug Court programs in these counties.

The next step after this conclusion is then to determine how the Drug Court program model can be brought to a much larger number of participants. There are Drug Courts in other states that serve high number of participants (e.g., the Multnomah County Drug Court in Portland, Oregon has enrolled and served up to 1,200 participants per year). Lessons from the larger (successful) Drug Courts may be of use to bring Drug Court “to scale.” In addition, thought must be taken in how to provide the personal team approach of the Drug Court model to large numbers of participants. It may be necessary to increase the number of Drug Courts and Drug Court teams per county, perhaps focusing the Drug Court models on different types of offenders based on drug of choice, level of addiction or criminal history. This is discussed further in the final summary and conclusions for this paper.

LIMITATIONS

There are several limitations to this study. This section of the report describes these limitations and what was done during the course of the study to compensate for them.

One limitation is related to the use of the historical sample of Drug Court participants. Although the existence of the data on the Drug Court sample pre-SACPA is one of the strengths of this study, there are changes over time, besides changes due to the implementation of the SACPA program, which could account for differences between the Drug Court programs at the different time periods. For example, there was an increase in re-arrest rates statewide and in the specific counties between 1999 and 2003 of approximately 10%. This could explain the higher number of prior arrests for the SACPA and Drug Court cohorts in 2002-2003 (after SACPA) compared to the Drug Court cohorts in 1998-1999. This could also explain some of the increase in recidivism from one time to the next. However, this 10% increase is not large enough to change the direction or the significance of differences found. Although there could be changes over time outside of those influenced by these programs, one of the strengths of these study sites is that the majority of the staff for the Drug Court programs at the two time periods remained the same and, those interviewed provided information on the program policies and procedures that matched what we had learned about the programs in interviews performed in the earlier time period.

In addition, this study was not able to measure differences in participant addiction levels or measure the amount of treatment experienced by participants *prior* to starting the Drug Court or SACPA programs or *after* exiting the programs. These data on treatment exist statewide at the California Department of Alcohol and Drug Programs. In spite of having successfully obtained this data for past studies and having followed all IRB procedures (including a HIPAA waiver) as requested by ADP and although the data were requested multiple times, starting over 12 months before the end of the study, the data were never provided to NPC. Therefore, although it is likely that Drug Court participants in 2002-2003 were more highly addicted than SACPA participants and had more prior treatment than SACPA participants, it was not possible to control for this in analyzing recidivism outcomes. However, in using the statewide data in previous studies, we have found that much of the data are incomplete and therefore the amount of treatment is under-reported. (For example, when a sample of drug court graduates, known to have experienced extensive treatment, was searched for in the statewide treatment data, over 30% could not be found.)

The lack of statewide treatment data was less of a concern in terms of cost as a large amount of detailed data was available locally for all program participants on treatment received while they participated in the programs, which covered the majority of the time period that participants were followed during the course of this study. Further, although there may have been additional costs for treatment *after* Drug Court or SACPA program exit which could not be accounted for in this study due to lack of this statewide treatment data, subsequent treatment was not a focus of outcomes for this study. The interpretation of a result in which additional treatment is obtained by participants of one program or another is somewhat ambiguous. Although additional treatment may result in a higher cost, it is also often considered a positive result when individuals continue to engage in treatment services. For this reason, the focus of this study on criminal justice recidivism outcomes may have added more clarity to the final conclusions.

Finally, there is a limitation in our ability to generalize to other sites in California from this study. Although the detailed information and data available from the Drug Courts and SACPA in

this study was a strength of this research, the research was only performed in two counties. Given the differences found in the programs at these two sites, and given that each county in the state was given the ability to develop their own SACPA program model, it is likely that this model differs in every county. In addition, the research performed by Longshore et al. (2006), showed treatment and cost averages that differed from those found in this study. This is most likely due, in part, to the lack of detailed information available in Longshore's study that was available in this study as well as differences in sample selection between studies. However, this also provides further evidence that SACPA and Drug Court programs in other counties that participated in Longshore's research operate differently and therefore had different results. To increase the generalizability of this study, it is recommended that future research repeat this detailed methodology in a greater number of counties.

Although it may not be possible to generalize to every county in the state of California, there are clear lessons to be learned from these results in terms of the relative effectiveness of the Drug Court model (with practices that have been shown to be effective in other settings such as court supervision, rewards and sanctions and participant accountability) compared to other program models such as those demonstrated at these two study sites.

SUMMARY AND CONCLUSIONS

Over the past decade in the United States there has been a trend toward changing criminal justice policy to provide treatment as an alternative to incarceration for nonviolent drug offenders. Two main models have emerged that are aimed at effecting this change. One model is Drug Court; the other is statewide policy reformation, mandating treatment for all nonviolent drug offenders.

The overall purpose of this study was twofold:

- To examine the varying effectiveness of the two models for treating substance abusing offenders measured in terms of participant completion rates, criminal recidivism and cost/benefit;
- To determine the impact of statewide mandated treatment policy reform on the operation of Drug Courts.

The results for this study were organized around six policy questions and are summarized in the following text.

Policy Question #1: How have the Drug Court and statewide mandated treatment models been implemented locally and how do they differ?

There are several key differences between the Drug Court model and the SACPA model. One obvious difference is capacity. SACPA is designed to treat all eligible offenders well beyond the current capacity of Drug Court programs. The ability to provide treatment to a large number of offenders is a large benefit of SACPA. In addition, SACPA uses a larger number of treatment providers than the Drug Court programs. The benefit of this is the ability to provide participants with the treatment specific for the needs. The drawback is that it is more difficult to coordinate and determine the quality of the treatment with a larger number of providers and it can be difficult for supervision to consistently receive communications on participant progress.

The length of stay for participants in SACPA is longer, and longer time in treatment is known to be associated with better outcomes. However, the treatment received in SACPA during that time may not be consistent, depending on whether the participant follows through on their treatment plan. This is in contrast to the Drug Court model where the high level of court supervision enforces participant attendance at treatment.

The Drug Court model performs several activities that result in a high level of participant monitoring including court sessions, treatment sessions, and drug tests. In addition to learning to deal with their substance abuse issues in treatment, participants learn to modify their inappropriate behaviors from feedback provided by the Drug Court team. Appropriate behavior is rewarded and inappropriate behavior is sanctioned so that participants are accountable for their behavior either way.

The successful completion of Drug Court, for each participant, is decided by a team who follow a clear list of requirements. The completion of SACPA is not standardized and is decided mainly from reports on treatment completion by individual treatment providers who may use very different criteria. Finally, the successful completion of Drug Court is called “graduation” and is

marked by a ceremony and celebration. There is no special marking of SACPA completion aside from a certificate of completion.

In summary, the Drug Court model is more personal, including a much higher level of supervision and participant accountability while the SACPA program reaches and provides treatment to a much larger number of individuals making a more personal model more challenging.

Policy Question #2: How have Drug Courts adjusted (how have Drug Court process and policies changed) with the implementation of state-mandated non-Drug Court treatment programs?

One of the main findings for this question was that overall there was very little to no change in the basic Drug Court policies and procedures. However, there were some external changes that may have impacted Drug Court operations and effectiveness.

Funding for the Drug Court programs was perceived to have decreased with the passage of SACPA. Some staff perceived that the Drug Court program was now competing for scarce treatment resources with SACPA.

With the implementation of SACPA, the continuum of criminal justice diversion programs expanded. The role of the Drug Court program began to shift in response. After some confusion as to whether participants could go back and forth between programs, increasingly, the Drug Court programs are viewed as the next sequential step *after* a client has unsuccessfully participated in SACPA. The Drug Court now serves as a more intensive service option for those who are not succeeding under the less stringent criteria of the SACPA program. The Drug Court has also changed at what point in the case process they exist, changing from more pre-plea to post-plea.

And finally, there was a perceived change in the participant population with Drug Court participants becoming increasingly more addicted and more criminal by the time they enter the Drug Court program. This perception was confirmed by the available data on the Drug Court participants before and after SACPA implementation.

Policy Question #3: What is the success rate of Drug Court programs before the implementation of state-mandated non-Drug Court treatment programs compared to the success rate of Drug Court programs after?

Drug Court participants received similar treatment services and court supervision before and after SACPA implementation, although data available at one site showed a significantly longer time from arrest to Drug Court entry after SACPA. It is probable that the increased time is due to offenders entering the Drug Courts after first spending extended time in the SACPA program. This means that the Drug Courts can no longer reasonably follow the third key component of Drug Court, that eligible offenders are identified quickly and promptly placed in the Drug Court program.

Recidivism increased significantly for Drug Court participants after SACPA implementation. The increased recidivism was significant even after taking into account any differences in demographics, criminal history, time incarcerated and drug of choice. Because the Drug Court programs showed little to no change in policies or procedures, the most likely explanation for this is the change in the Drug Court population after SACPA to more addicted population at the time of entry. It is also likely that the extended time from arrest to entry into the Drug Court program, as well as participants' experience with SACPA treatment, had an effect on how the

participants perceived the Drug Court program and Drug Court treatment. Perhaps these participants become more jaded after experiencing and failing at treatment more than once, rendering the next treatment experience less effective.

Policy Question #4: What is the relative success rate (measured by program completion rate and recidivism) of the Drug Court program model compared to court mandated non-Drug Court treatment models?

SACPA participants spent significantly more time in the SACPA program than the Drug Court participants at either time period. Drug Court participants before SACPA show significantly lower recidivism compared to SACPA program participants and Drug Court program participants after SACPA implementation. While the recidivism for Drug Court participants after SACPA implementation was lower, it did not differ significantly from SACPA participants.

These results imply that the Drug Court model, before the changes that have occurred since SACPA implementation, was significantly more effective in getting drug offenders to complete treatment and in lowering criminal justice recidivism than state-mandated treatment models with less personalized supervision and no option for incarceration as a sanction.

These results also imply that the Drug Court model may (understandably) be less effective with a more criminal, more heavily addicted population than it was with a less criminal, less addicted population. However, even with a more criminal population than SACPA, Drug Court performed at least as well, or better, than the SACPA programs in terms of criminal justice related outcomes in these two counties.

Policy Question #5: What are the investment and outcome costs of Drug Courts before the implementation of the state-mandated non-Drug Court treatment programs compared to after implementation?

Drug Court program investment costs increased in both programs from pre-SACPA to post-SACPA, though this was significant only in one site. Outcome costs over 3 years for El Monte Drug Court participants were higher for participants who entered Drug Court after SACPA implementation than for participants who entered before SACPA. The difference between the two grows over time, with post-SACPA participants showing increasingly higher costs. For San Joaquin, in spite of the increased number of re-arrests, the decrease in days in jail led to no significant difference in outcome costs for Drug Court before and after SACPA. It may be that the decrease in jail time is due to SACPA changes in the use of jail for drug crimes. Unfortunately, the lower use of jail time did not lead to less crime, as the data showed a significant increase in re-arrests in the same time period.

Putting both the investment costs and the outcome cost together, we find that in San Joaquin there is no significant difference in costs for all participants from pre-SACPA to post-SACPA. The increase in re-arrests post-SACPA is balanced out by the decrease in jail time.

However, in El Monte total costs rose by 48% after SACPA implementation. The increase in costs in El Monte is due largely to the increased use of jail (or in-jail treatment) for Drug Court participants post-SACPA and higher recidivism (including re-arrests and prison time) for Drug Court participants post-SACPA. For El Monte, it appears that the implementation of SACPA caused Drug Court costs to the taxpayer to rise significantly, probably due to the increase in addiction and criminality of the participants.

Policy Question #6: What are the relative investment and outcome costs of Drug Courts compared to state-mandated non-Drug Court treatment programs?

SACPA produced much higher per person program investment costs than Drug Courts. This is largely a function of the greater amount of treatment experienced by SACPA participants. Drug Courts had less treatment but were more likely to lead to treatment completion. While SACPA participants had a higher number of re-arrests than Drug Court participants, their overall outcome costs were similar due to less jail time for SACPA participants. Unfortunately, this provides evidence that decreased jail time for SACPA participants was related to more crime.

Overall, the total per person costs were substantially higher for SACPA participants than for Drug Court participants at either time period. For a significantly lower investment cost, the Drug Court model produced outcomes as good as or better than SACPA outcomes, resulting in lower costs over all. Although the data showed that Drug Court participants spent less time in treatment, the results of this study suggest that the Drug Court model is more efficient in treatment delivery and produces better outcomes.

Overall Conclusions

SACPA represents a broad based policy initiative aimed at reducing rates of incarceration and increasing recovery rates for low level, non-violent drug involved offenders. SACPA devotes considerable resources to treatment of those offenders. The policy initiative was developed without the use of interventions deemed effective in other researched and evaluated initiatives such as the Drug Court model. For example, SACPA did not use criminal justice leverage or sanctions found to be effective Drug Courts. Consequently, retention in the SACPA and in treatment was lower than might have been anticipated. Nevertheless, on a large scale, California diverted many more people to treatment than the Drug Courts alone. In other words, treatment access was significantly increased. Further, it is likely that the total number of participants who entered recovery and did not recidivate exceeds the total number of Drug Court participants in recovery, even though the rates for Drug Court were higher.

Therefore, the state-mandated treatment in California (SACPA) has succeeded in two important ways that were central to its initial logic. First, it has provided an enormous benefit in being able to reach nearly all eligible offenders and offer treatment for their substance use issues instead of incarceration. Second, it has allowed offenders to have more total treatment than Drug Court. In this sense, it has had a much greater impact on the total system of offenders than Drug Court that often serves only a small number of offenders.

Yet, the Drug Court model has shown significantly greater success at producing higher rates of treatment completion and lower recidivism. And it accomplishes this with a significantly lower per person taxpayer investment. In short, from these data it can be suggested that SACPA succeeds in providing more treatment but the Drug Court model, with its closer judicial supervision, as well as the behavioral change model of rewards and sanctions, produces better outcomes for less money. This provides support for the idea that treatment alone, at least for some drug offenders, is insufficient to sustain changes in drug use and criminal behaviors. Overall, it appears that the Drug Court model is a more efficient use of resources.

It is clear that the Drug Court model is much more personalized and focused on behavior change. Observations during the course of this study of staff interaction with participants in both Drug Court and SACPA programs, particularly in court sessions, showed a much more interactive and

individualized approach. As one staff member, who works on both SACPA and Drug Court programs said, “I love Drug Court. It’s more intense. It humanizes the person and I get to know the client.” It is likely that the sheer size of the SACPA program makes the kind of personal interaction that occurs in the Drug Court program difficult to implement. To introduce this kind of personal attention into SACPA would require many more non-treatment staff (possibly several Drug Court teams serving smaller groups of clients would be necessary). Given that the Drug Court programs before SACPA implementation outperformed both SACPA and Drug Court post-SACPA and given that SACPA treatment was vastly more expensive than Drug Court treatment, this provides support for a plan of “taking Drug Courts to scale.” The personal attention given to Drug Court participants from multiple collaborating agencies as well as the use of rewards and sanctions to produce behavior change, are key components that make this model effective. Shifting some of the funding from treatment (by having participants spend less time in treatment) to provide staff from other agencies the ability to form multiple Drug Court teams and be trained in the Drug Court model may be a valid option.

In addition, recent work by Marlowe, et al. (2006) indicates that drug offenders at lower risk levels perform better with lower supervision (and perhaps no judge supervision at all) while higher risk offenders perform better with more intense supervision. In addition, as discussed earlier, Longshore et al. (2006) suggested that Drug Court may be more effective for more criminal, more highly addicted offenders than the SACPA programs that do not follow the Drug Court model. One option for SACPA may be to include a range of supervision levels based on offender risk level so that higher risk offenders can receive the level of supervision most effective for behavior change (the Drug Court model). It would be important to place offenders at high risk directly into the Drug Court model, rather than attempting lower supervision first and setting them up to fail, which appears to be commonly occurring in SACPA programs.

As discussed in the introduction to this report, there are many supporters for the idea of modifying SACPA programs to add the accountability provided by the Drug Court model. One step that has been taken recently by the Governor is to modify the state budget so that 2007-08 SACPA funding is reduced by \$60 million and is utilized to provide an increase to the Offender Treatment Program (OTP). As the OTP contains some of the Proposition 36 reforms (including more supervision and jail sanctions) sought by the Administration, increasing funding for the OTP will allow the state to implement these and other reforms that they believe will lead to improved program performance and client outcomes.

As described in the cost methodology, NPC’s cost approach looks at publicly funded costs as “opportunity resources.” The concept of opportunity *cost* from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term opportunity *resource* describes these resources that are now available for different use. Since the results from this study show that significantly more resources are committed to SACPA treatment than Drug Court treatment without any added benefit in participant outcomes, some of the resources committed to SACPA treatment may be better spent in funding additional staff from collaborating criminal justice and other agencies to increase supervision and to adjust SACPA programs to something closer to the Drug Court model, including consequences for offenders who do not attend treatment (such as jail sanctions) and rewards for those who are doing well. (Both sanctions and rewards are important for behavior change. While sanctions provide information for what *not* to do, rewards provide information on the correct thing to *do*.) This is currently exactly what is occurring with SACPA

funding moving to OTP. If the reforms to Proposition 36 agreed to by the Legislature are not implemented, the Administration will revise its budget proposal to move all remaining Proposition 36 funding to the OTP.

If the resources could be provided for the SACPA to be expanded to include Drug Court practices that have been shown to be effective in reducing substance abuse and reducing recidivism, (or Drug Court could be expanded to include a larger number of drug offenders), then this form of state-mandated treatment could be an effective benefit resulting in cost savings for the state of California. Other states considering statewide treatment reform should take into account the clear benefits demonstrated by the Drug Court model in this study, as well as the myriad of Drug Court studies showing positive outcomes for Drug Court participants.

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APPENDIX A: PROGRAM INTERVIEW TYPOLOGY GUIDE

Typology Interview Guide: Prop 36/Drug Court Combined Version w/ TICA questions (Time period of sample – 2002-2003)

Respondent Information [Contacts Database: please check accuracy and spelling]

1. Interview Date: _____
2. Prop 36 Site: _____ Drug Court Site: _____
3. Respondent's Name: _____ NPC ID # _____
4. Respondent's Title: _____
5. Respondent's Organization: _____
(Get the precise designation- including categories such as: division, bureau, unit, etc.)
6. Respondent's email: _____
7. Respondent's direct telephone number _____

CONTACT LOG

Date	Result

Prop 36/Drug Court: Background

8. Are you involved in Prop 36 and/or Drug Court? When did you become involved with the Prop 36/Drug Court program? [**Contacts Database**]
9. Can you describe the implementation process of Prop 36/Drug Court in your county? Who was responsible for implementing the plan in your county? Who approves changes made to the program? [**1**]

Prop 36/Drug Court: Role (Activities and Time Spent)

One of the main purposes of this study is to determine more accurate costs for both Prop 36-related and Drug Court-related activities. To determine these costs we need to learn about any activities you pursue for the Prop 36 and Drug Court programs and your estimate of how much time you spend performing those activities.

10. What is your role (or what do you do) in the Prop 36/Drug Court program (or at your agency)? Can you briefly describe your activities? (*Probe: attending sessions, team meetings, writing progress reports, case management, counseling, phone calls, prep time,*

coordinating services, supervising employees, etc.) [**Contacts Database, 22-30, Cost Table**]

11. *(If this person has been there since the time of our sample)* Were those activities different at the time of our sample (2002-2003)? If so, how were they different? [**Cost Table, 1, 43**]
12. How many hours in an average week do you spend on Prop 36? How many hours in an average week do you spend on Drug Court? How many hours per week are spent on other NON-Prop 36/Drug Court activities? *(The hours should total up to 40 hours for the average week, unless the person works part-time)* [**Cost Table, 22-30**]
13. If you had to divide up the time you spend on Drug Court/Prop 36 activities into the following categories, how many hours in an average week do you think you would put into each category? *(Your best estimates are fine.) (Make sure ALL categories are divided up according by Drug Court/Prop 36; if the person is involved in both, make sure to ask the questions first for Drug Court, then ask the questions again for Prop 36)*
- DRUG COURT/PROP 36 *(attending court sessions, attending team meetings & planning meetings, preparing for court, and doing progress reports on participants)*
 - CASE MANAGEMENT *(meeting with clients and making referrals, phone calls, answering questions, determining appropriate treatment, home visits, monitoring progress, contacting treatment providers, screenings and evaluations, assessments)*
 - TREATMENT SESSIONS *(preparing for and conducting individual or group treatment sessions)*
 - DRUG TESTS *(administering UAs and other drug tests)*
 - COORDINATION AND/OR SUPERVISION *(writing grants, data management, doing reports for the state, supervising employees, program development, doing the budget, billings and invoices, coordinating the courts, trainings)*
14. Who else does Prop 36/Drug Court activities in your organization? What do they do? *(Some of these people will be interviewed separately to determine their time spent. Would you recommend I speak to them directly about their Prop 36/Drug Court activities, or can you tell me about what they do?)* Can you estimate how much time they spend on it? [**Cost Table, 22-30**]

15. What services does your agency provide to Prop 36/Drug Court clients and/or to the general public? [**11, Cost Table**]

Prop 36/Drug Court Goals

16. What are the main goals of your prop 36/Drug Court program? [**15**]
17. How does what you do in the process relate to these goals? [**15**]

18. What do you think would be good measures for whether you have reached the goals?

[15]

Prop 36: Eligibility

19. Describe the case referral process. (*How are eligible participants identified?*) Who does the initial screening? (*DA, PD, Probation Pre-trial Services?*) [4, 6, 8]

20. Who is responsible for final determination about program entry? (*DA, PD, Judge?*) [6]

21. Which charges are targeted for entry? (*Misdemeanors, felonies, or both? Possession, trafficking, under the influence, property offenses, etc.? Are non-drug offenses allowed?*) [4, 6]

22. What are the eligibility criteria? (*Only nonviolent offenses? Limit on number of prior convictions?*) [6, 8]

23. Can you describe the step-by-step process for determining eligibility? [4,6]

24. What assessments are performed in determining eligibility? Is there a clinical substance abuse assessment conducted before entry? What screening instrument is used? Is there a mental health assessment conducted in the process of determining eligibility? Is mental health treatment a component of Prop 36 or are mental health cases excluded? (*What is the assessment tool called? Who completes this assessment? How, if at all, is participant eligibility affected by the results?*) [6,8]

25. Are there ever exceptions to the eligibility restrictions? (*Are some people allowed in that don't exactly fit the requirements or that have one or more disqualifying factors?*) [6]

26. How is Prop 36 offered to each potential participant? (*Is there an official letter from the District Attorney, are the offenders just asked in open court, etc.*) How often do people refuse and what reasons do people give for refusing? [6,7]

27. Has the eligibility process changed over time? [1, 6, 43]

Drug Court: Eligibility

28. Is your drug program pre-plea or post-plea? (*Note: post-plea includes post-conviction. Also include any further explanation from respondent*) [3]
29. Describe the Drug Court case referral process. (*How are eligible participants identified? Who does the initial screening? (DA, PD, Probation Pre-trial Services?)*) [4, 6, 8]
30. Who is responsible for final determination about program entry? (*DA, PD, Judge?*) [6]
31. Which charges are targeted for entry? (*Misdemeanors, felonies, or both? Possession, trafficking, under the influence, property offenses, etc.? Are non-drug offenses allowed?*) [4,6]
32. Can you describe the eligibility criteria? (*Only nonviolent offenses? Limit on number of prior convictions?*). [6,8]
33. Can you describe the step-by-step process for determining eligibility? [4, 6]
34. What assessments are performed in determining eligibility? Is there a clinical substance abuse assessment conducted before entry? What screening instrument is used? Is there a mental health assessment conducted in the process of determining eligibility? Is mental health treatment a component of Drug Court or are mental health cases excluded? (*What is the assessment tool called? Who completes this assessment? How, if at all, is participant eligibility affected by the results?*) [6,8]
35. Do you think that everyone who is eligible (based on their criminal history) is always referred to Drug Court? Other than people eligible for Prop 36, what are the circumstances under which an offender would not be referred to Drug Court who is technically eligible? [6, 42, 44]
36. Are there ever exceptions to the eligibility restrictions? (*Are some people allowed in that don't exactly fit the requirements or that have one or more disqualifying factors?*) [6]
37. How is Drug Court offered to each potential participant? (*Is there an official letter from the District Attorney, are the offenders just asked in open court, etc.*) How often do people refuse and what reasons do people give for refusing? [6, 7]
38. Has the eligibility determination process for Drug Court changed since the implementation of Prop 36? [1, 6, 43]

Prop 36/Drug Court: Participants

39. Can you describe your Prop 36/Drug Court participants? (*What are the most commonly used drugs by your Drug Court/Prop 36 participants? Are your participants mostly recreational users or hard-core addicts, or a mix?*) [5]

40. Do you have any statistics or reports on your participants? [5, 40]

Prop 36/Drug Court: Bench Officer

41. How is the bench officer (*how were you*) assigned to Prop 36/Drug Court? (*Voluntary? Rotating assignment?*) Is the length of time presiding over the monitoring court limited? What is the limit? If rotating assignment, how does the rotation work? [22, 23]

42. Is there only one bench officer for Prop 36/Drug Court? If only one bench officer, does he/she (*do you*) hear other cases in addition to Prop 36/Drug Court? If there is more than one officer, how many are there and what are their roles and responsibilities? [22, 23]

43. What are the bench officer's other roles and responsibilities for Prop 36/Drug Court? [22, 23]

44. Have there been other bench officers before ("*you*" or "*the current bench officer*")? If so, who was the monitoring court bench officer (*at the time of our sample*)? [22, 23]

45. Does the bench officer spend time on Prop 36/Drug Court activities beyond the time officially allocated for it? If yes, how much time and for what activities? [22, 23]

Prop 36/Drug Court: Coordinator

46. What kind of paperwork or surveys on statistics or costs do you need to report for your Prop 36/Drug Court program? [40]

47. What kind of information have you needed for grant proposals/paperwork/surveys? [40, 44]

48. What kind of cost information on Prop 36/Drug Court would be useful for you to have? [44, Cost Table]

49. How has the Prop 36/Drug Court program been funded in the past and how is it funded now? [41]

50. Do you have an evaluation and monitoring aspect to the Prop 36/Drug Court program? (*Have you had process or outcome evaluations performed on your Prop 36/Drug Court program?*) [40]

Prop 36 Team

(Note: Most of these questions will be asked either in the initial phone calls or directly to the person who belongs to each role)

51. Is there a Prop 36 coordinator? How many Prop 36 programs is the coordinator responsible for? By what agency is the coordinator employed? Who supervises the coordinator? [24]
52. Is there a Prop 36 team? Who is part of it? (*Prompt: Are there others who you feel are key to the Prop 36 process who are not on the team?*) [19, 20]
53. Are there regular court sessions for Prop 36 participants? Who attends Prop 36 sessions? (*Prompt: Please include everybody in the courtroom, and whether they attend regularly or as needed. Specify their agency and position*) [21, Cost Table]

(Note: If there are no regular court sessions/hearings for Prop 36 participants and/or if there is no Prop 36 team the following questions do not apply)

54. If there are regular court hearings, does the team meet outside of Prop 36 hearings? (*Prompt: How often and for what purpose? Who attends regularly and who attends as needed? Do they talk mainly about policy issues or participant progress?*) [21, Cost Table]
55. When are Prop 36 sessions held and how long are they? How many clients typically attend one session? About how much time do you think is spent per participant in a typical Prop 36 session? [21, Cost Table]
56. Are the bailiff/court security positions paid for by the court or by the Sheriff's Department? [21, Cost Table]

Prop 36/Drug Court Roles

57. What is the role of the bench officer/judge? (*Duties?*) [22]
58. What is the role of the coordinator? (*Duties?*) [24]
59. What is the role of law enforcement? (*Duties, level of involvement?*) What do they do differently with Prop 36 vs. Drug Court cases? Do they do home visits? If so, how often and how long do they take? Are home visits required as part of the program? [29]
60. Are home visits done for all Prop 36/Drug Court participants? What percentage of participants get home visits? How many home visits does the average Prop 36/Drug Court participant receive during his or her time in the program? [26, 29]

61. Do you have active warrants (*in which law enforcement goes out to pick someone up*) or do you have open bench warrants (*in which a participant is picked up when stopped for something else*)? [26,29]
62. What is the role of the Probation Department? (*Duties, level of involvement?*) What do they do differently with Prop 36 vs. Drug Court cases? Do they do home visits? If so, how often, how long do they take, and who is involved? [26]
63. What is the role of the Public Defender? (*Level of involvement, etc.*) [27]
64. What is the role of the District Attorney? (*Level of involvement, etc.*) [28]
65. Do the Public Defender and District Attorney use a non-adversarial approach in Prop 36/Drug Court? Are their roles in Prop 36 different than what they would be in a regular court case/Drug Court? [27,28]
66. Who provides primary management and coordination of treatment and rehabilitation services? (*Probation, treatment services, Prop 36 staff?*) [8, 9,25]
67. Does the Prop 36/Drug Court team receive any training or continuing education? [31]
68. How well do you feel the agencies involved in Prop 36/Drug Court work together? (*Give examples. Do the agencies integrate any services? Have partnerships developed between key agencies and with local community organizations? Is there cooperation and communication among team members?*) [20, 42]

Drug Court Team

(Note: Most of these questions will be asked either in the initial phone calls or directly to the person who belongs to each role)

69. Is there a Drug Court coordinator for this Drug Court? How many Drug Courts is the coordinator responsible for? By what agency is the coordinator employed? Who supervises the coordinator? [24]
70. Is there a Drug Court team? Who is part of it? (*Prompt: Are there others who you feel are key to the Drug Court process who are not on the team?*) [19, 20]
71. Does the team meet outside of Drug Court hearings? (*Prompt: How often and for what purpose? Who attends regularly and who attends as needed? Do they talk mainly about policy issues or participant progress?*) [20, 21, Cost Table]
72. Who attends Drug Court sessions? (*Prompt: Please include everybody in the courtroom, and whether they attend regularly or as needed. Specify their agency and position*) [21, Cost Table]

73. When are Drug Court sessions held and how long are they? How many clients typically attend one session? About how much time do you think is spent per participant in a typical Drug Court session? [21, Cost Table]
74. Are the bailiff/court security positions paid for by the court or by the Sheriff's Department? [21, Cost Table]
75. Is the Drug Court team working together differently since the implementation of Prop 36? [20,43]

Prop 36/Drug Court: Process/Phases

76. What is the length of time between the participant's referral and entry into the Prop 36/Drug Court program? [4]
77. What is the length of time between the participant's arrest and entry into the Prop 36/Drug Court program? [4]
78. Does your Prop 36/Drug Court program have phases? If so, how many and how long do they last? [16]
79. What are the requirements for each phase? (*Include number of number of court appearances, UA's, group and individual sessions, and the number of hours in each group and individual session*) [17]
80. Are there any specific requirements to move from one phase to the next phase? [17]
81. Have the phases or the process changed over time? [16,17,43]

Prop 36/Drug Court: Treatment

82. Does your agency provide treatment directly to Prop 36/Drug Court clients? [8,9]
83. How many treatment providers are involved with Prop 36/Drug Court? Do you have the names and contact information for these providers? [9, Cost Table, Contacts Database]
84. Is there a central intake? [8]
85. What specific treatment services does each one offer to Prop 36/Drug Court participants? (*Individual and group counseling, residential treatment, case management, acupuncture, mental health services*) How long does each session typically last and how many participants attend each session? [10,11, Cost Table]
86. What other (non-D&A treatment) services are offered to Prop 36/Drug Court participants? (*Parenting classes, GED, anger management, life skills training, job training, physical health services, AIDS education, etc.*) [11, 12, Cost Table]

87. What assessments are performed on Prop 36/Drug Court clients? *(Please describe these tools. What are they called? Can we get a copy of the tool? Who completes this assessment? Who reviews it? How, if at all, is the treatment plan affected by the results?)* [8]
88. How many counselors at each provider are directly involved with Prop 36/Drug Court participants? [8,9, Cost Table]
89. Who else at the treatment agencies is involved in Prop 36/Drug Court? [9]
90. *(If more than one treatment provider)* How is it decided which Prop 36/Drug Court clients go to which treatment provider? [8]
91. How many Prop 36/Drug Court clients does the treatment provider *(do the treatment providers)* serve [8, 9, Cost Table]? Who performs case management for Prop 36/Drug Court clients? [12,14, Cost Table] Who is required to report to court staff on treatment progress/compliance? [25]
92. What funds are used to pay treatment providers for services for Prop 36/Drug Court clients? *(Specific agency, Prop 36/Drug Court funds, private insurance, Medicaid, or other state/county/federal funds)* How much is covered by each funding source? Which agency is the keeper of these funds? *(In which agency's budget are such funds allocated?)* [Cost Table]
93. Are the providers paid per client or service, or are they paid with a blanket, fixed-cost contract? [Cost Table]
94. Have the treatment providers and/or the services they provide changed over time (for Drug Court: "since Prop 36 was implemented")? *(We need to find out which providers were operating at the time of our sample and find out information for them. Who was providing treatment during (the time of our sample)?)* [9, 43]
95. What type of information does the treatment provider share with Prop 36/Drug Court and how is it shared? *(Prompts: progress reports, reports of missed treatment sessions, UAs)* Is this information useful? [14]
96. Are participants encouraged to attend other treatment support groups? *(12-step programs)* [13]
97. Do the treatment providers serve non-Prop 36/non-Drug Court offenders? How often? How is this coordinated with probation? [11, 26]
98. What is the primary philosophy or treatment model used? *(At each agency. Prompt: strict boot camp, strengths based social work?)* [10]

99. Are you involved in drug testing? (UAs?) [33, Cost Table]

100. Which agency/agencies are responsible for UAs for Prop 36/Drug Court? [33, Cost Table]

Prop 36/Drug Court: UAs

101. What is the drug testing process for Prop 36/ Drug Court? (*Frequency per participant, what types of tests are given, who is responsible, who coordinates them, who administers them, and how are they conducted?*) [33]

102. Are drug tests assigned randomly? If not, how are they assigned? [33]

103. Who performs the analysis? (*For UAs and any other tests they use.*) If contracted with a tech. company, what is the billable cost per UA? [33, Cost Table]

104. (*If not contracted out*) How much do you pay for each type of drug test? (*What are the materials involved, how much of each are used per drug test, and what is the cost per unit?*) [33, Cost Table]

105. Do clients pay for their drug tests? [33, Cost Table]

106. Has the drug testing process changed over time? [33, 43]

Prop 36/Drug Court: Fee Structure

107. Is there a fee required of Prop 36/Drug Court participants? If yes, how much is the fee? Is it on a sliding scale? What percentage of participants would you estimate pay the entire fee? [39, Cost Table]

108. Is full payment required for graduation? Is payment reduced if the participant successfully completes the Prop 36/Drug Court program? [39, Cost Table]

109. Who collects the fees? Where does the money go? Do you know what is the money used for? [39, Cost Table]

110. Has the fee structure changed over time? If yes, when and how? (*Was it the same at the time of our sample?*) [39, 43, Cost Table]

Prop 36/Drug Court: Rewards/Sanctions

111. For Prop 36/Drug Court participants, what behaviors are considered non-compliant? (*Failure to appear at court or treatment sessions, positive UAs, subsequent arrests*) [17, 35]

112. What kinds of sanctions are imposed as a result? (*Bench warrants, writing papers, site sanctions, community service, residential treatment, more frequent UAs or court appearances, incarceration, etc.*) [35]
113. Are sanctions graduated? How frequently are sanctions given? (*Rare or quite common?*) [35]
114. How consistently are sanctions imposed for similar non-compliance behaviors? How swiftly is the sanction imposed after non-compliant behavior? How are the sanctions administered? [35]
115. What is considered good behavior? [17, 34]
116. What kinds of rewards are given for good behavior? (*Applause, physical rewards such as key chains or movie tickets, less frequent court appearances*) [34]
117. Does the treatment team work together to determine sanctions and rewards? Does the Probation officer have any new or creative/different sanctions or rewards? [20, 34, 35]
118. Has the reward/sanction process changed over time? [34, 35, 43]

Prop 36: Failure

119. What would prompt a termination from Prop 36? (*Prompts: New arrest for drug possession or trafficking? Arrest for violent offense? Arrest for other nonviolent offenses? Nonparticipation or noncompliance with treatment or court orders? Failure to appear? Dirty UAs? Other?*) [38]
120. If a participant is terminated, does he or she enter the Drug Court system? Would he/she be referred to the traditional court system? (*Standard court process, stipulated facts trial, or sentencing because they have already pled guilty?*) [38]
121. Has the termination process changed over time? If yes, when and how? [38]

Drug Court: Failure

122. What would prompt a Drug Court termination? (*Prompts: New arrest for drug possession or trafficking? Arrest for violent offense? Arrest for other nonviolent offenses? Nonparticipation or noncompliance with treatment or court orders? Failure to appear? Dirty UAs? Other?*) [38]
123. If a participant is terminated, where does he or she enter the traditional court system? (*Standard court process, stipulated facts trial, or sentencing because they have already pled guilty?*) [38]

124. Has the termination process changed since Prop 36 was implemented? If yes, when and how? [38]

Prop 36/Drug Court: Completion/Graduation

125. Please describe the Prop 36/Drug Court completion process. Are there graduation activities? [36]

126. How often is a completion/graduation ceremony held for Prop 36/Drug Court participants? (*Note: Drug Court usually has a graduation while Prop 36 participants just “complete the program”*) [36]

127. What are the requirements for Prop 36/Drug Court completion/graduation? (Number of days clean, payment of fines and Drug Court fees, employment, suitable housing, GED, other requirements) [17, 36]

128. Does completion of the Prop 36 program/graduation from Drug Court mean an end of probation? [7, 36]

129. What are the incentives to complete the Prop 36/Drug Court program? (Charges dismissed, guilty pleas stricken, probation in lieu of incarceration, probation shortened, felony reduced to misdemeanor, other incentives?) [7]

130. In your experience, do you think certain types of Prop 36/Drug Court clients have different completion/graduation rates? (*For example, first timers versus repeat felons, type of addiction, a particular age group, etc.*) [36, 42]

131. Have the completion requirements changed over time? If yes, when and how? (*What was it like at the time of our sample?*) [36, 43]

Prop 36/Drug Court: Aftercare

132. Is there an aftercare program for Prop 36/Drug Court clients? Is it mandated? [37]

133. What are the requirements of the aftercare program and what services are offered? [37]

134. What agency administers aftercare for Prop 36/Drug Court? Is it an in-house or contractual activity? If it is a contractual program, how is the contractor compensated? (*E.g. per client per period of time, lump sum per period of time, per service consumed, etc.*) [37, Cost Table]

135. Who is involved with aftercare activities? What are those activities? How much time do they spend on each of those activities? (*Time per client?*) [37, Cost Table]

136. How long does it last? [37]

137. What happens upon completion? (*Incentives to complete?*) [37]
138. Has the Prop 36/Drug Court aftercare program changed over time? (*What was it like at the time of our sample?*) [37, 43]

Prop 36 Program: Capacity and Enrollment

(If the Coordinator does not know these numbers off hand ask for copies of recent reports or statistics that could be mailed to you that would give us this information.)

139. Are you having difficulty meeting the demand for the Prop 36 program? (*What steps are you taking to manage the number of participants?*) [2]
140. Total number enrolled to date? As of what date? [2]
141. Number of completers/graduates to date? As of what date? [2]
142. Number of active participants? [2]
143. Number of unsuccessful terminations to date? As of what date? [2]
144. Do you keep statistics on those who have participated in Prop 36 more than once? (*Can you give them to us? Can we have a copy?*) [2, 40]
145. How has enrollment changed since the implementation of the program? [2, 43]
146. What is the primary drug used most frequently by Prop 36 participants? (*Percentages of: Marijuana, Crack or Cocaine, Heroin, Methamphetamine, Poly Drug, Alcohol, Other*) [5]

Drug Court Program: Capacity and Enrollment

(If the Coordinator does not know these numbers off hand ask for copies of recent reports or statistics that could be mailed to you that would give us this information.)

147. What is the annual program capacity? How many are in the program at one time? How long do people stay in the program, on average? How many new participants each year? [2]
148. What is the total number enrolled (ever) to date? As of what date? [2]
149. What is the number of graduates to date? As of what date? [2]
150. What is the number of active participants? How do you define active? [2]
151. What is the number of unsuccessful terminations to date? As of what date? [2]

152. What is the primary drug of choice for Drug Court participants? (*Percentages of: Marijuana, Crack or Cocaine, Heroin, Methamphetamine, Poly Drug, Alcohol, Other*) [5]
153. How has Drug Court enrollment changed since the implementation of Prop 36? [2, 43]
154. Do you have statistics on how many of your Drug Court participants are former Prop 36 participants? (*Can you give them to us? Can we get a copy?*) [2, 40]

Regular (non Prop 36/Drug Court) Court Process

(Ask DA, PD, Judge, Probation):

155. In order to understand if and how the traditional Court process has changed to adjust to the addition of Prop 36/Drug Court, please describe the current court process and options for a person who is arrested on a Prop 36/Drug Court eligible charge, but does not enter either program. In particular, explore the flow and who is involved. What types of hearings and sentences do they receive? What about this system changed when Prop 36 was implemented? (*Probe: Are people sentenced to probation and do they usually serve the whole sentence, or can people be released from probation early? If so, how often does this happen, and what is the procedure? If this does happen with some regularity, typically how much of a person's sentence are they likely to serve?*) [Regular Court Table]
156. Is treatment a condition of the offender's sentence? (*E.g., as a condition of probation*) How often? What is the probation process in these instances? What is the treatment process in these instances? [Regular Court Table]
157. Who appears at a typical regular court (*non-Prop 36/Drug Court*) hearing? (*Name the position of everyone in the courtroom who would appear for an average, typical case, as well as their corresponding agency. Probe: Public Defender, District Attorney, Court Clerks, Court Reporter, Judge, Bailiff, etc.*) [Regular Court Table, Cost Table]
158. Are you (*or your agency*) involved with non-Prop 36/Drug Court activities? [Regular Court Table]
159. Do you attend court for non-Prop 36/Drug Court cases? What kinds of cases? How often? [Regular Court Table]
160. What is your role in these kinds of cases? (*What activities are you involved in?*) [Regular Court Table]

Prop 36/Drug Court: Other

161. What do you feel are some notable or unique characteristics of your Prop 36/Drug Court program? (*Character of court, reputation*) [44]

162. What do you think are the most promising practices of this Prop 36/Drug Court program?
[44]

163. What changes do you think could be made that would improve the Drug Court/Prop 36 program? [42]

Ending the Interview

Is there anything else that you'd like to add about all the questions I've asked you? Is there anything that you think I've missed?

Thank the respondent for their time and ask if they have any questions for you. Ask if they would be willing to be contacted should you have any follow-up or clarifying questions for them. If they agree, ask if they prefer to be called or emailed.

San Joaquin Interview Products

- A. Contacts Database
- B. Prop 36 Description Table (FY 2002 – 2003)
- C. Drug Court Description Table (FY 2002-2003)
- D. Regular Court Description Table (FY 2002 - 2003)
- E. Drug Court Description Table (FY 1998 – 1999)
- F. Regular Court Description Table (FY 1998 - 1999)
- G. Drug Court Cost Table (FY 2002-2003)
- H. Prop 36 Cost Table (FY 2002-2003)

El Monte Interview Products

- A. Contacts Database
- B. Prop 36 Description Table (FY 2002 – 2003)
- C. Drug Court Description Table (FY 2002-2003)
- D. Regular Court Description Table (FY 2002 - 2003)
- E. Drug Court Description Table (FY 1998 – 1999)
- F. Regular Court Description Table (FY 1998 - 1999)
- G. Drug Court Cost Table (FY 2002-2003)
- H. Prop 36 Cost Table (FY 2002-2003)

APPENDIX B: A COMPARISON OF DRUG COURT II AND FELONY DRUG COURT IN SAN JOAQUIN COUNTY

San Joaquin Felony Drug Court Compared to Drug Court II

San Joaquin created a track of their Drug Court program specifically for SACPA participants called Drug Court II. This program is identical to their regular Drug Court (same staff, same treatment, same judge, same court sessions) except for the use of jail as a sanction. Jail cannot be used as a sanction for SACPA participants. This provided the unique opportunity to examine the Drug Court model without the use of incarceration as a sanction (Drug Court II), to the Drug Court model with incarceration (Felony Drug Court). Most of the participants in Drug Court II are individuals who were unable to successfully complete the less intensive versions of the SACPA program, although some participants do occasionally enter Drug Court II as their first SACPA experience. Charges eligible for Drug Court II include both felony and misdemeanors. In addition, some participants in Felony Drug Court are those who were unable to complete the SACPA program and are no longer eligible for SACPA funds. Other Felony Drug Court participants are offenders who were technically not legally eligible for SACPA (because of minor sales charges or because of other pending cases) and therefore did not experience SACPA first. As the name implies, Felony Drug Court is for felony charges only. Although this seems on the surface to be two very different populations, in reality, many Drug Court staff believe that it is just the timing of the arrest that is different between the two groups and therefore just a matter of chance depending on what the participants were caught with at the time of the arrests (whether sales could be proved) and where their other cases happened to be in the system at the time that would affect their eligibility. A comparison of demographics and other information available on participants in both programs also show no difference between the two groups.

Table 38 below shows that, at least on the data elements available for this study, there is no significant difference between participants of Drug Court II and Felony Drug Court. Because many Felony Drug Court participants have the possibility of prison sentences in their future, it might be expected that they have a more extensive criminal history. The data in Table 38 provides evidence that this is not the case.

Table 38. Participant Characteristics for San Joaquin Drug Court II and Felony Drug Court

	San Joaquin Drug Court II N = 60	San Joaquin Felony Drug Court N = 68	Significant Difference? P < .01
Age	35	37	No
Sex			
Male	72%	68%	No
Female	28%	32%	
Race/Ethnicity			
White	39%	39%	No
Hispanic/Latino	23%	19%	
African American	25%	21%	
Drug of Choice			
Meth*	32%	24%	No
Cocaine*	20%	21%	
Heroin	19%	27%	
Marijuana	20%	11%	
Alcohol	6%	13%	
Mean # of Arrests in 2 years prior to program entry	4.5	4.5	No
Mean # of arrests with drug charges in 2 years prior	2.9	3.2	No
Mean # of arrests with felony charges in 2 years prior*	2.9	2.9	No

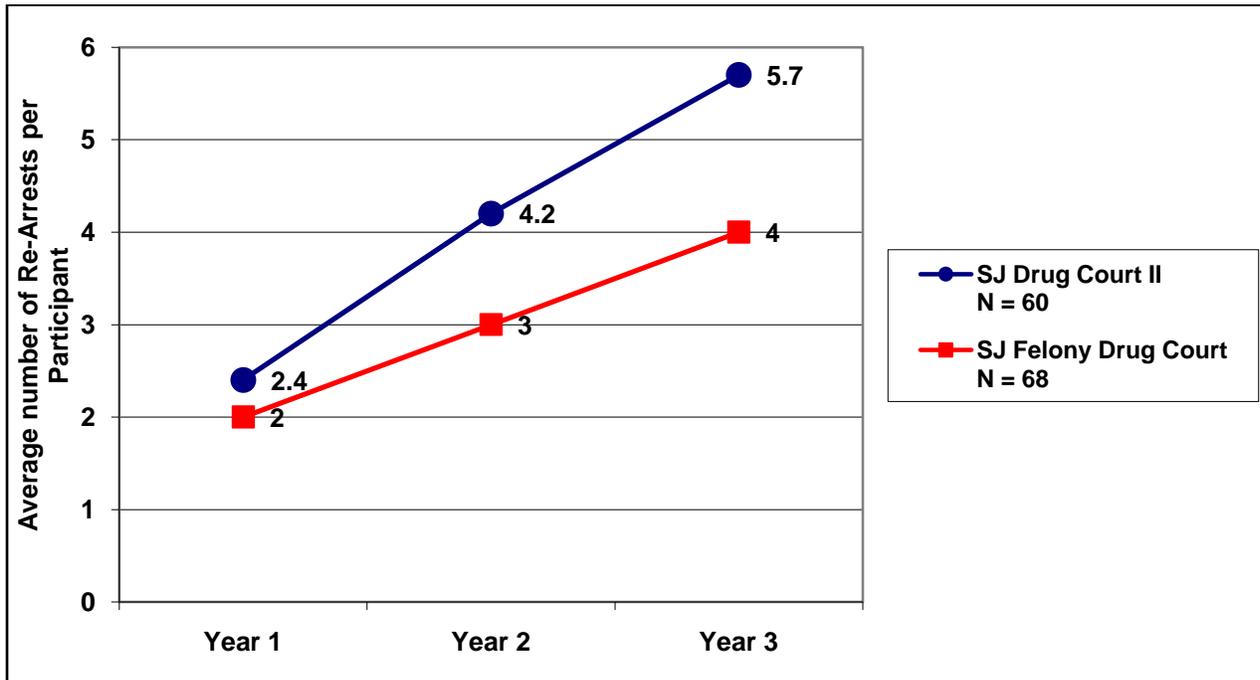
Table 39, below, presents the program process related data for Drug Court II and Felony Drug Court. The main difference between these process related elements is the length of time between the arrests and entry into the program. Because Drug Court II is primarily for SACPA participants who have attempted other SACPA program options first, there is a significantly longer time between the arrest and Drug Court entry while because Felony Drug Court includes offenders who do not go through SACPA first, the time from arrests to Drug Court entry is shorter (and closer to the length of time it took for offenders to enter the program before SACPA). There were no significant differences in the amount of time in treatment or the amount of time spent receiving judicial oversight (the number Drug Court sessions).

Table 39. San Joaquin Program Process Drug Court II vs. Felony Drug Court

	San Joaquin Drug Court II	San Joaquin Felony Drug Court	Significant Difference?
Mean Number of Days Between Arrest and Program Entry	546 median=485	164 median=84	Yes
Mean Number of Days in Treatment/Program	157	150	No
Mean Number of Drug Court Sessions Attended	13	13	No

Figure 21 provides the average number of re-arrests over time for 3 years after program entry for Drug Court II participants compared to Felony Drug Court participants. Felony Drug Court participants had significantly fewer re-arrests ($p < .01$) after 2 and 3 years than Drug Court II participants. Felony Drug Court participants also had significantly fewer re-arrests with drug related charges after 3 years from program entry than Drug Court II participants (average drug re-arrests for Felony Drug Court =2.4 versus Drug Court II = 3.8). Interestingly, there was no significant difference in graduation rate, felony re-arrests, time served in jail or even time served in prison in the 3 years after program entry between Felony Drug Court and Drug Court II (even though Felony Drug Court participants should be made up to a large extent of offenders that were facing prison time).

Figure 21. Average Number of Re-Arrests per Participant for Drug Court II and Felony Drug Court



Note: The means reported in Figure 21 are adjusted based on any differences between these two groups on gender, ethnicity, age, prior arrests, prior drug arrests, time incarcerated and drug of choice. For this reason, these means may not average to the means reported for Drug Court at T2 earlier in this document which were adjusted for differences between Drug Court participants and SACPA participants.

There are a few possible explanations related to SACPA and Drug Court practices that might explain the higher recidivism for Drug Court II. One is the extended length of time between arrest and entry into the Drug Court II program. As described earlier, a key component of the Drug Court model is that eligible offenders should be identified quickly and promptly placed in the Drug Court program. The prompt placement in treatment that is strongly enforced by the judicial component of Drug Court may be a strong factor in positive outcomes for Drug Court participants. A second explanation is also one that was described earlier, that offenders who participate in other versions of SACPA first and have failed have a strong likelihood of being re-arrested (which could be a reason for why they did not successfully complete SACPA treatment) and of continuing drug use and therefore being more highly addicted by the time they enter the Drug Court II program.

Finally, Drug Court II and Felony Drug Court have identical policies and procedures (including the same judge and the same treatment providers, the same number of drug tests and attendance at the same Drug Court sessions) except for the use of jail as a sanction. There are many proponents of the use of jail as a sanction. The belief being that threat of incarceration is an extremely effective deterrent to drug use and other behaviors that are non-compliant to program requirements.

As described in the introduction to this report, of those states that have implemented state-mandated treatment for drug offenders only California and Arizona specifically prohibit the court

from using incarceration as a penalty for continued drug possession or use (VanderWaal et al., 2006) and in an attempt to remedy what is perceived as the faulty accountability mechanisms in SACPA, the California legislature passed a law in 2006 (SB 803/1137) to allow the use of “shock incarceration” for offenders who are not complying with SACPA program requirements. This has been hotly contested by SACPA proponents and an injunction has been granted to stop the new law. However, this data from San Joaquin provides some support for the belief that the use of jail as a sanction in the Felony Drug Court was indeed an effective deterrent to participants’ inappropriate behaviors and a good teaching tool for participants to take responsibility for their future behavior, resulting in lower recidivism.

APPENDIX C: COMPARISON OF PROGRAM COMPLETERS

Results for Drug Court and SACPA Program Completers

SAN JOAQUIN DRUG COURT GRADUATES AT TIME 1 AND TIME 2

Outcome Transaction Costs for Drug Court Graduates. The study of Drug Court programs at two time periods allows the opportunity to perform a direct comparison of Drug Court graduates. Table 40 provides outcome costs for San Joaquin Drug Court graduates only. Note that the sample sizes in this case are very small and the results should be taken with caution.

Table 40. San Joaquin Outcome Costs per Drug Court Graduate Pre- and Post-SACPA

Transaction	Unit Cost	Mean # of Transactions per Graduate SJ Drug Court T1⁶⁷ N=59	Mean # of Transactions per Graduate SJ Drug Court T2⁶⁸ N=29	Mean Cost per Graduate SJ Drug Court T1 N = 59	Mean Cost per Graduate SJ Drug Court T2 N = 29
Re-arrests	\$216.08	.94	1.77	\$203	\$382
Court Cases	\$2,265.93	.60	1.08	\$1,360	\$2,447
Jail Bookings	\$152.12	2.45	1.69	\$373	\$257
Jail Days	\$103.64	82.77	44.17	\$8,578	\$4,578
Probation Days	\$0.83	407.41	370.76	\$338	\$308
Prison Days	\$93.56	34.08	52.83	\$3,189	\$4,943
Total				\$14,041	\$12,915
Victimizations – Person Crimes	\$38,414.00	.16	.01	\$6,146	\$384
Victimizations – Property Crimes	\$11,858.00	.14	.54	\$1,660	\$6,403
Total w/ Victimizations				\$21,847	\$19,702

Outcome costs per graduate went down, although not significantly, from Drug Court pre-SACPA to Drug Court post-SACPA (\$21,847 to \$19,702), even though the average number of re-arrests, subsequent court cases, and prison days increased. This is due in large part to the number of outcome jail days dropping by almost half (82.77 to 44.17 days). This reduction in outcome jail day costs offsets the increases in every other category. Victimization costs do not alter the difference for graduates pre and post-SACPA (\$14,041 to \$12,915).

⁶⁷ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁶⁸ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

EL MONTE DRUG COURT GRADUATES AT TIME 1 AND TIME 2

Again, the comparison of Drug Court programs at two time periods allows the comparison of program graduates. Table 41 provides the outcome costs for El Monte graduates pre and post-SACPA.

Table 41. Outcome Costs per El Monte Drug Court Graduate Pre- and Post-SACPA

Transaction	Unit Cost	Mean # of Transactions per Graduate EM Drug Court T1⁶⁹ N=102	Mean # of Transactions per Graduate EM Drug Court T2⁷⁰ N=73	Mean Cost per Graduate EM Drug Court T1 N = 102	Mean Cost per Graduate EM Drug Court T2 N = 73
Re-arrests	\$457.18	0.81	1.69	\$370	\$773
Court Cases	\$2,030.56	0.36	0.75	\$731	\$1,523
Jail Bookings	\$742.23	1.10	1.02	\$816	\$757
Jail Days (Men)	\$68.21	53.51	25.07	\$3,650	\$1,710
Jail Days (Women)	\$84.44	15.32	0.31	\$1,294	\$26
Probation Days	\$4.43	241.85	216.50	\$1,071	\$959
Prison Days	\$93.56	9.08	37.10	\$850	\$3,471
Total				\$8,782	\$9,219
Victimizations – Person Crimes	\$38,414.00	0.05	0.04	\$1,921	\$1,537
Victimizations – Property Crimes	\$11,858.00	0.18	0.21	\$2,134	\$2,490
Total w/ Victimizations				\$12,837	\$13,246

Table 41 shows that outcome costs for graduates of the El Monte Drug Court increased slightly from pre-SACPA to post-SACPA, but not significantly. Prison days, court cases, and re-arrests showed large increases, while jail days had large decreases. The change in Drug Court outcome costs from pre-SACPA to the post-SACPA period was an increase of only \$409, or 3%. Without victimizations, the difference was \$437, or 5%. These results provide evidence that Drug Court graduates continue to do reasonably well both pre and post-SACPA.

⁶⁹ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁷⁰ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

SAN JOAQUIN COMPARISON OF DRUG COURT AND SACPA COMPLETERS

Program Completers Investment Costs. The examination of these programs allows a unique opportunity to compare completers across program. The program investment costs for completers were higher than for all participants for all programs, but showed the same proportional differences between Drug Court and SACPA programs with SACPA treatment costing nearly triple that of Drug Court at either time period. Table 42, below, presents the program costs for San Joaquin Drug Court participants pre-SACPA, SACPA participants, and Drug Court participant post-SACPA.

Table 42. San Joaquin Program Costs per Successful Completers for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Drug Court Unit Cost	SACPA Unit Cost	Mean. Cost per Graduate SJ Drug Court T1⁷¹ N=59	Mean. Cost per Completer SJ SACPA N=122	Mean. Cost per Graduate SJ Drug Court T2⁷² N=29
Drug Court Appearances	\$105.26	NA	\$3,558	NA	\$2,968
SACPA Case Processing	NA	\$2,265.93	NA	\$2,266	NA
Case Management	\$1.13	\$0.90	\$477	\$476	\$406
Treatment ⁷³	NA	NA	\$1,600	\$14,121	\$3,732
Urinalyses (UAs)	\$7.61	\$8.00	\$370	\$139	\$199
Total			\$6,005	\$17,002	\$7,305

Graduates of the Drug Court program in San Joaquin County at both time periods had lower program investment costs (\$6,005 for T1 and \$7,305 for T2) than completers of the SACPA program (\$17,002). Costs for graduates/completers of both programs are higher than for those of all participants because graduates spend more time in the programs on average and have gone through the full treatment and case management process, while all participants includes those that dropped out or terminated early on in the program (and subsequently didn't receive as many services or attend as many treatment sessions). As with all participants, treatment costs for SACPA graduates (\$14,121) is significantly higher than treatment costs for graduates of Drug Court T1 (\$1,600) or Drug Court T2 (\$3,732).

Table 43 provides outcome costs for completers of Drug Courts and SACPA.

⁷¹ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁷² Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁷³ Treatment includes group and individual treatment sessions, as well as residential treatment.

Table 43. San Joaquin Outcome Costs per Completer for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Unit Costs	Mean Cost per Graduate SJ Drug Court T1⁷⁴ N = 59	Mean Cost per Completer SJ SACPA N = 122	Mean Cost per Graduate SJ Drug Court T2⁷⁵ N = 29
Re-arrests	\$216.08	\$203	\$538	\$382
Court Cases	\$2,265.93	\$1,360	\$1,858	\$2,447
Jail Bookings	\$152.12	\$342	\$277	\$257
Jail Days	\$103.64	\$8,578	\$3,133	\$4,578
Probation Days	\$0.83	\$338	\$179	\$308
Prison Days	\$93.56	\$3,189	\$1,547	\$4,943
Total		\$14,010	\$7,532	\$12,915
Victimizations – Person Crimes	\$38,414.00	\$6,146	\$11,524	\$384
Victimizations – Property Crimes	\$11,858.00	\$1,660	\$5,218	\$6,403
Total w/ Victimizations		\$21,816	\$24,274	\$19,702

Outcome costs for completers of the SACPA program in San Joaquin County were higher (\$24,274) than outcome costs for graduates of Drug Court pre-SACPA (\$21,816) or post-SACPA (\$19,702). Again, when excluding victimization costs, the reverse was true—SACPA had the lowest outcome costs (\$7,532) when compared to either Drug Court T1 (\$14,010) or Drug Court T2 (\$12,915). This is because SACPA completers had a large cost for person/violent victimization costs (47% of the total outcome costs for SACPA). The jail, prison, and victimizations outcome transactions resulted in the highest portion of outcome costs for all 3 groups, similar to the situation for all participants of each group.

⁷⁴ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁷⁵ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

EL MONTE COMPARISON OF DRUG COURT AND SACPA COMPLETERS

Program Completers Investment Costs. The costs for completers were also compared on program investments. Like San Joaquin, completers total investment costs were higher in every program but results across program were proportionally the same with SACPA participants costing the most by far. Table 44, below, provides the costs for El Monte Drug Court and SACPA completers.

Table 44. El Monte Program Costs per Completer for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Drug Court Unit Cost	SACPA Unit Cost	Mean Cost per Graduate EM Drug Court T1⁷⁶ N=102	Mean Cost per Completer EM SACPA N=102	Mean Cost per Graduate EM Drug Court T2⁷⁷ N=73
Drug Court/ SACPA Appearances	\$80.26	\$41.96	\$783	\$1,001	\$1,397
Case Management	\$1.26	\$1.03	\$530	\$716	\$570
Treatment ⁷⁸	NA	NA	\$3,194	\$17,740	\$4,278
Urinalyses (UAs)	\$3.39	\$8.06	\$514	\$862	\$355
Jail Sanctions (Men)	\$68.21	NA	\$237	\$0	\$1,548
Jail Sanctions (Women)	\$84.44	NA	\$199	\$0	\$2,376
Total			\$5,457	\$20,319	\$10,524

Table 44 shows that program investment costs in El Monte were even higher for completers in both programs than for all participants in. Graduates of Drug Court pre-SACPA had an average program investment cost of \$5,457. Graduates of Drug Court Post-SACPA had nearly twice the average program investment cost (\$10,524) of Drug Court pre-SACPA, while completers of the SACPA program had program investment costs almost 4 times that of Drug Court pre-SACPA (\$20,319). These differences are all significantly different ($p < .01$). Similar to the case for all participants, the difference between SACPA and Drug Court is mainly due to much higher treatment costs for SACPA.

Table 45 provides outcome costs for completers of Drug Courts and SACPA.

⁷⁶ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁷⁷ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.

⁷⁸ Treatment includes group and individual treatment sessions, as well as residential treatment.

Table 45. El Monte Outcome Costs per Completer for pre-SACPA Drug Court, SACPA and Post-SACPA Drug Court

Transaction	Unit Costs	Mean Cost per Graduate EM Drug Court T1⁷⁹ N = 102	Mean Cost per Completer EM SACPA N = 102	Mean Cost per Graduate EM Drug Court T2⁸⁰ N = 73
Re-arrests	\$457.18	\$370	\$544	\$773
Court Cases	\$2,030.56	\$731	\$914	\$1,523
Jail Bookings	\$742.23	\$816	\$675	\$757
Jail Days (Men)	\$68.21	\$3,650	\$1,538	\$1,710
Jail Days (Women)	\$84.44	\$1,294	\$971	\$26
Probation Days	\$4.43	\$1,071	\$299	\$959
Prison Days	\$93.56	\$850	\$304	\$3,471
Total		\$8,782	\$5,245	\$9,219
Victimizations – Person Crimes	\$38,414.00	\$1,921	\$4,226	\$1,537
Victimizations – Property Crimes	\$11,858.00	\$2,134	\$474	\$2,490
Total w/ Victimizations		\$12,837	\$9,945	\$13,246

El Monte outcome costs for SACPA completers over 3 years (\$9,945) were lower (though not significantly) than those of graduates of Drug Court T1 (\$12,837) or Drug Court T2 (\$13,246). The costs for completers only is a reversal of the situation when compared to the costs for all participants of Drug Court and SACPA. It may be that completers of SACPA are less hardened users or they may have had a shorter drug use “career” than graduates of Drug Court. When victimization costs are excluded, SACPA completers still had the lowest outcome costs over 3 years compared to Drug Court, with Drug Court post-SACPA the highest. As with all participants of each group, jail days and victimizations were the outcome transactions with the highest costs, although prison costs were only high for the Drug Court T2 group.

⁷⁹ Drug Court T1= Drug Court in 1998-1999, before SACPA implementation.

⁸⁰ Drug Court T2= Drug Court in 2002-2003, 1 year after SACPA implementation.