

# National Center for State Courts

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# Virginia Adult Drug Treatment Courts

*Cost Benefit Analysis*

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**PREFACE**

The Virginia Drug Treatment Court Act (*Code of Virginia* §18.2-254.1) directs the Office of the Executive Secretary of the Supreme Court of Virginia (OES), in consultation with the state drug treatment court advisory committee, to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. This report is prepared at the request of OES to fulfill this reporting mandate.

## **EXECUTIVE SUMMARY**

To date, Virginia has formally implemented 16 adult drug treatment courts. In addition, there are eight planning courts that gained approval for implementation following the 2012 Virginia General Assembly as a result of changes to the 2012-2014 budget language and an additional adult drug court that was approved in October 2012 by the Virginia Drug Treatment Court Statewide Advisory Board. Data from 12 of Virginia's adult drug treatment courts are included in this report. The 12 adult drug court sites included in this study are:

- Charlottesville/Albemarle Adult Drug Court
- Chesterfield/Colonial Heights Adult Drug Court
- Hampton Adult Drug Court
- Henrico Adult Drug Court
- Loudoun Adult Drug Court
- Newport News Adult Drug Court
- Norfolk Adult Drug Court
- Portsmouth Adult Drug Court
- Rappahannock Regional Adult Drug Court
- Roanoke Adult Drug Court
- Richmond Adult Drug Court
- Staunton Adult Drug Court

The other four operational adult drug treatment courts – Tazewell Adult Drug Court, Hopewell/Prince George Adult Drug Court, Bristol Adult Drug Court and Chesapeake Adult Drug Court – were excluded from the study due to limited available data.

The following report is the second produced as a result of the National Center for State Courts' study of Virginia's adult drug courts. The critical finding from the first report was that drug court participants in the sample were significantly less likely to recidivate than the carefully matched "business-as-usual" comparison group and that this reduction in recidivism

was a robust and sustained effect. In this, the second report, the following research questions were answered:

**Key Question 1:** What defendant characteristics and program characteristics are associated with the graduation rates and recidivism rates of drug court participants?

**Key Question 2:** Controlling for differences in demographics and criminal history, do drug court participants demonstrate better recidivism outcomes than defendants processed through the traditional criminal justice system?

**Key Question 3:** How much does an adult drug court in Virginia cost per participant?

**Key Question 4:** What is the impact on the criminal justice system of processing defendants through a drug court compared to traditional case processing?

### **Key Question 1**

The results of the multilevel analysis of the determinates of graduation indicate that participants with no prior felonies who participate in drug court programs that provide them with written sanctioning guidelines have a significantly higher probability of graduation than similar participants from programs that do not supply such guidelines. There was no effect for participants with prior felony convictions.

The multilevel analysis of the determinates of in-program recidivism (i.e., offenses committed while the participant was under the jurisdiction of their drug court) indicates that participants who participate in drug court programs that utilize Moral Reconciliation Therapy (MRT)<sup>1</sup> have a significantly lower probability of in-program recidivism than similar participants from programs that do not use this treatment approach.

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<sup>1</sup> Moral Reconciliation Therapy (MRT) is a cognitive behavioral intervention designed to address criminal thinking. MRT is taught in a group format using structured group exercises and prescribed homework assignments.



## Key Question 2

The results of a multivariate survival analysis of the probability of recidivism over time and a multilevel logistic regression of the overall probability of recidivism allow us to conclude, with a high degree of confidence, that drug courts are more effective than the “business-as-usual” alternative at reducing the overall probability of recidivism. An analysis of the frequency of re-offending for drug court participants emphasized the importance of successful completion of drug court (graduation) in reducing the frequency of post-exit recidivism. Results from these analyses also suggest that drug court programs that incorporate MRT are more effective at reducing the incidence and frequency of post-exit recidivism than drug court programs that do not.

## Key Question 3

The Transactional and Institutional Cost Analysis (TICA) approach was used to determine the cost of Virginia drug courts. The cost model designed to determine the average cost of a drug court in Virginia includes six basic transactions:

- Screening and assessment for drug court placement;
- Drug court staffing and court sessions;
- Treatment;
- Drug testing;
- Drug court supervision: and
- Drug court fees collected.

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The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning. Participants meet in groups, typically once a week, and can complete all steps of the MRT program in a minimum of 3 to 6 months. MRT facilitators must complete 32 hours of professional training and become certified to facilitate MRT.

**Table 1** below shows that the average cost of a drug court participant to Virginia taxpayers is slightly less than \$18,000. **Table 1** also provides a breakdown of costs by type of transaction, making it clear that the bulk of drug court costs (76%) result from treatment transactions.

**Table 1: Average Total Cost of Drug Court Transaction per Participant**

Transaction	Unit Cost	Average # of Events for all DC Participants Per Person	Average Cost Per DC Participant Per Person Per Event (n = 748)
Drug Court Assessment	\$183.20	1	\$183.20
Drug Court Staffing and Court Session	\$19.99	67	\$1,343.03
Drug Court Treatment	\$50.81	278	\$14,113.27
Drug Testing	\$6.76	126	\$854.27
Drug Court Supervision	\$15.19	142	\$2,160.85
<b>Subtotal</b>			<b>\$18,654.62</b>
Fees	(\$753.80)	1	(\$753.80)
<b>Total</b>			<b>\$17,900.82</b>

#### Key Question 4

Again using the TICA approach, the costs and benefits of drug court participation were calculated and compared to the costs of processing a case through the traditional “business as usual” approach.

Cost and benefit domains investigated include:

- Placement costs, including all costs of involvement in the criminal justice system from arrest to either drug court entry or sentencing for the comparison group. This is the first cost/benefit analysis of drug courts to include these costs.
- Drug court costs (which were determined in Question 1).
- Outcome costs, including all costs of involvement in the criminal justice system for a new offense beginning from either drug court entry (less the actual cost of drug court) or sentencing for the placement arrest event for the comparison group.
- Victimization costs resulting from recidivism for both property offenses and violent offenses.

**Table 2** below details the costs and benefits of the drug court participant group versus the “business-as-usual” group with regards to these domains. It shows that, on average, Virginia’s Drug Courts save \$19,234 per person as compared to traditional case processing. In FY2011, there were 937 drug court participants served in Virginia’s adult drug courts. This means that during program participation, those 937 participants saved taxpayers \$18,022,258 compared to the cost of “business-as-usual” processing for this same group of offenders. As depicted in Table 2 below, the drug court group saves money in each of the transactional cost categories. The greatest cost savings are in outcome costs. This is based on the lower recidivism rates of drug court participants versus comparison group persons and the associated savings in the cost of incarceration.

**Table 2: Total Criminal Justice System and Victimization Costs for the Drug Court and Comparison Group**

	<b>Drug Court</b>	<b>Comparison</b>	<b>Total</b>
<b>Placement</b>	\$1,441.76	\$4,651.21	(\$3,209.44)
<b>Drug Court</b>	\$17,900.82	\$0.00	\$17,900.82
<b>Outcome</b>	\$10,913.55	\$36,753.96	(\$25,840.41)
<b>Victimization</b>	\$14,583.73	\$22,668.44	(\$8,084.71)
<b>TOTAL</b>	<b>\$44,839.86</b>	<b>\$64,073.61</b>	<b>(\$19,233.75)</b>

## **Overall Conclusions**

The 12 Virginia drug courts investigated have a robust and sustained impact on the recidivism of participants over and above that of the “business-as-usual” alternatives. Further, the lower recidivism rate of drug court participants relative to “business-as-usual” processing leads to lower outcome and victimization costs for the drug court group relative to the comparison group. These lower outcome and victimization costs, along with lower placement costs, result in average savings of almost \$20,000 per drug court participant, relative to the costs of “business-as-usual” processing. Consequently, the 12 drug courts are cost-effective.

## **INTRODUCTION AND BACKGROUND**

The first drug court began operating over 20 years ago in response to increasing numbers of drug-related court cases entering and cycling through the criminal justice system. As of December 31, 2009, there were an estimated 2,459 drug courts nationwide, located in every state and territory in the United States serving approximately 120,000 people per year (Huddleston & Marlowe, 2011). Drug Courts have proliferated at a remarkable rate, growing in aggregate number by 40% in the past five years.

A drug court is a specialized docket within the court system designed to treat non-violent, drug-addicted defendants. A drug court judge serves as the leader of an interdisciplinary team of professionals. The collaboration between the court and treatment provider is the center of the drug treatment court program but numerous other professionals, such as probation and law enforcement officers, play a vital role in making these programs successful. Drug courts have demonstrated the ability to reduce recidivism and substance abuse among high-risk substance abusing offenders and increase their likelihood of successful rehabilitation through:

- early, continuous, and intense treatment;
- close judicial supervision and involvement (including judicial interaction with participants and frequent status hearings);
- mandatory and random drug testing;
- community supervision;
- appropriate incentives and sanctions; and
- recovery support aftercare services.

The specific design and structure of drug treatment courts is typically developed at the local level, to reflect the unique strengths, circumstances, and capacities of each community.

## **VIRGINIA DRUG TREATMENT COURTS**

Much like the growth of drug courts nationally, Virginia's adult drug treatment courts developed locally in response to local needs. Virginia's first drug treatment court program, located in the Twenty-third Judicial Circuit, started in 1995. Since then, 15 additional drug courts have become operational in Virginia.

In 2004, the Virginia General Assembly passed the Drug Treatment Court Act (§18.2-254.1). The Act directed the Supreme Court of Virginia to provide administrative oversight for the state's drug treatment court programs, including distribution of funds, technical assistance to local courts, training, and program evaluation. The five specific goals outlined in legislation for Virginia's drug treatment courts include: 1) reducing drug addiction and drug dependency among offenders; 2) reducing recidivism; 3) reducing drug-related court workloads; 4) increasing personal, familial, and societal accountability among offenders; and 5) promoting effective planning and use of resources among criminal justice system and community agencies.

The General Assembly currently provides funds to the Supreme Court of Virginia to administer to a total of 14 (10 adult and 4 juvenile) drug treatment court programs in Virginia. To date, Virginia has formally implemented 28 drug treatment courts utilizing the four different models (adult, juvenile, family, and DUI models). Currently, there are 16 adult courts, eight juvenile courts, two family courts, and two regional DUI court operating in Virginia. In addition, there are eight drug courts approved to operate following the 2012 Virginia General Assembly as a result of changes to the FY2012-2014 budget language and an additional drug court that was approved in October 2012 by the Virginia Drug Treatment Court Statewide Advisory Board.

Eighty-three percent (83%) of Virginia's adult felony drug courts began operating after going through the federal planning process as a planning court.

There are two primary models for how the adult drug courts are legally structured in Virginia: deferred prosecution (diversion) and post-adjudication. In a diversion/deferred prosecution program, the defendant enters into a plea agreement with the Commonwealth Attorney, with the requirement that the defendant successfully complete the program. After successful completion, the charge may be dismissed by the Commonwealth Attorney, with the concurrence of the Court. This approach provides an incentive for successful compliance with the rigorous supervision and treatment requirements imposed in the drug treatment court given that the alternative is conviction and possible incarceration.

In the post-adjudication type program, the offender is already on probation for a felony conviction. He or she requests drug treatment court after being charged with a probation violation. The violation of probation is typically connected to the probationer's ongoing addiction. If accepted into the drug treatment court the probationer avoids additional incarceration for the probation violation on the condition that he or she successfully completes the program. In both models, termination from drug treatment court may result in incarceration.

As noted above, the overarching goal of adult drug courts is to reduce recidivism and drug use among drug-abusing participants. In serving this population, adult drug court programs utilize a blend of court-ordered supervision, drug testing, treatment services, court appearances, and behavioral sanctions and incentives. Sixteen adult drug treatment court programs are currently operational in Virginia and an additional drug court that was approved

in October 2012, with program capacities ranging from approximately 16 to 100 cases. The adult drug court programs that receive state funds tend to be serving a larger number of participants than those that do not receive state funds. All of the adult drug treatment courts require a minimum of 12 months of participation for program completion, with one court requiring as much as 36 months.

## **PROJECT APPROACH**

In July 2011, the Supreme Court of Virginia contracted with the National Center for State Courts (NCSC) to complete a cost-benefit analysis of Virginia's Adult Drug Courts. The project was completed in two stages. In year one, the NCSC completed an impact evaluation of the adult drug courts operating in Virginia. The primary purpose of the impact evaluation was to answer key impact questions related to the adult drug courts operating in the Commonwealth of Virginia. Specifically, the year one impact evaluation answered the following questions:

- Who is being served in the adult felony drug courts in Virginia?
- What combination and types of services are being delivered in the adult felony drug courts in Virginia?
- Do drug court participants reduce their substance abuse during program participation?
- How do outcomes differ between drug court graduates and non-graduates?
- How do recidivism rates differ between drug court participants and the "business as usual" group?

Several interesting findings emerged in Phase 1 of this project which are consistent with prevailing drug treatment court trends. Key findings are summarized below.

- Virginia drug courts provide a variety of treatment services to participants while at the same time holding them accountable by means of drug testing, sanctions and incentives, and frequent contacts with the court and court staff.
- The profile of the typical Virginia drug court participant is a young male, unemployed, with limited education, and prior felony, misdemeanor, and drug convictions. This suggests that Virginia's adult drug courts service high-risk, high-needs offenders.



- Virginia drug court participants report cocaine, alcohol, and opiates as their primary drugs of choice. Frequent drug testing indicates that while most participants test positive for illicit drugs at some point in the program, drug use decreases dramatically over time. Lengthy periods of continuous sobriety are observed among drug court participants while enrolled in drug court. Results also indicate that participants are more likely to be employed when they exit their respective programs than when they entered their programs.
- About 50% of drug court participants successfully graduate their program, very much in-line with national estimates. On average, graduates spend around 1.7 years in their respective programs before graduation, which is slightly higher than recommended best practices. Participants who do not graduate spend about a year in drug court before termination.
- Drug court graduates are significantly less likely than terminated participants to recidivate.
- Drug court participants (graduates and non-graduates combined) are significantly less likely than the propensity score matched comparison group to recidivate (committing any new offense after program entry) while participating in their respective programs. The latter result suggests that Virginia’s drug courts are doing a good job of protecting public safety.
- Recidivism was measured using different indices, including arrests, convictions, felony convictions, misdemeanor convictions, and drug offense convictions. When the recidivism rates of drug court participants as a whole (i.e., including both graduates and terminations, also referred to as an “intent-to-treat” sample) are compared to those of the propensity score matched comparison group using all of these indices, drug court participants far out-perform the comparison group. A similar pattern was observed when post-exit recidivism was examined in isolation from in-program recidivism (with the exception of new drug convictions, where no significant difference was observed). These findings, combined with those of the Kaplan-Meier Survival functions, suggest a robust and sustained impact of drug court on recidivism compared to the “business-as-usual” alternative (probation, jail, and/or prison).

The second phase of this project, which is the focus of the current report, is the cost-benefit analysis of the adult drug courts in Virginia. In this current report, the NCSC evaluation team sought to answer four key questions:

**Key Question 1:** What defendant characteristics and program characteristics are associated with the graduation rates and recidivism rates of drug court participants?

**Key Question 2:** Controlling for differences in demographics and criminal history, do drug court participants demonstrate better recidivism outcomes than defendants processed through the

traditional criminal justice system?

**Key Question 3:** How much does an adult drug court in Virginia cost per participant?

**Key Question 4:** What is the impact on the criminal justice system of processing defendants through a drug court compared to traditional case processing?

Questions three and four were answered using the Transactional and Institutional Cost Analysis (TICA) method described below.

### **TRANSACTIONAL AND INSTITUTIONAL COST ANALYSIS (TICA)**

The Transactional and Institutional Cost Analysis or TICA (Crumpton, Carey, and Finigan, 2004) provides a powerful framework within which to analyze drug court costs and benefits. TICA takes the perspective that offender interactions with publically funded (and other) agencies can be considered to be a set of *transactions* involving an exchange of resources. Transactions are points within a system where resources are consumed and/or are exchanged. For example, court appearances are transactions that require the expenditure of resources including judge, prosecutor time, and the use of court facilities. Drug tests are also transactions, requiring the expenditure of probation officer time and testing supplies. TICA was developed to better estimate the cost of programs that involve complex interactions among multiple taxpayer funded organizations, such as drug courts and other problem-solving courts. TICA considers both direct costs (such as those described in the two examples of transactions described above) and indirect costs (both jurisdictional support and overhead costs). The TICA approach has been used to conduct cost/benefit evaluations of scores of drug courts throughout the U.S (e.g., Carey and Finigan, 2003).

TICA operationalizes the “cost” component of cost/benefit analysis as “cost-to-taxpayers.” 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 participant of either group) is used in the calculation of costs. This perspective provides guidance as to which cost data should be collected (costs and avoided cost involving public funds) and which should not be included in the analysis (e.g., costs personally incurred by drug court participants). In some cases, partner agencies that provide goods and services to a drug court provide these without charging a fee to the drug court but nonetheless an expense is accrued to the taxpayer. “Institutional support” (e.g., human resources and IT support) is often provided to drug courts by external organizations (e.g., circuit courts) to support drug court activities. The TICA approach takes into account the generally fractional cost effects of these background elements of institutional support provided by existing jurisdictions.

From the taxpayer perspective, “benefits” (which are best understood as avoided costs) is premised on the realistic assumption that untreated substance abuse will cost a variety of publically-funded agencies money, the expenditure of which could be avoided or diminished if substance abuse were treated in drug court. TICA considers any cost that is avoided (either tax-related expenditures or personal crime victimization) as a result of successful treatment of substance abuse in drug court to be a benefit to the drug court over the “business-as-usual” alternative.

Finally, TICA considers publically funded costs to drug courts to be “opportunity resources,” in the sense that if a resource is not used or its use is diminished as a result of a

successful drug court program, it could be “repurposed” for another offender. For example, if participation in drug court reduces the number of times that a participant is subsequently jailed, more jail space will become available to the local Sheriff. 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 an available jail bed that can be filled by another offender.

Consequently, it is extremely important for a full-accounting of costs to carefully understand how a drug court interacts with these partner agencies, including which goods and services are exchanged. TICA provides a tool that can be used to estimate the cost to taxpayers of such “transactions” between the drug court and its partner organizations. The TICA approach involves six steps:

1. Documenting the drug court and “business-as-usual” processes (how do defendants move through the system);
2. Identifying the transactions that occur with these processes (where do defendants interact with the system);
3. Identifying the agencies involved in each transaction (e.g. court, treatment, probation, prosecutor’s office, law enforcement);
4. Determining the resources used during each transaction (e.g. probation officer’s time, judge’s time, clinician’ time);
5. Isolating the cost of resources (e.g. cost of the treatment provider’s time per hour); and
6. Calculating overall costs (e.g. cost per transaction, total cost of the program per participant).

#### **THE VIRGINIA ADULT DRUG COURT TICA MODEL: INCLUDED AND EXCLUDED COSTS**

While the TICA model aims to include all costs to taxpayers, its application is not without limitations. There were limitations to available data to incorporate into cost calculations. For example, the cost of transactions such as interpreters, court reporters, and transportation of

inmates to and from court hearings were excluded, as were the cost of trials by jury. In the drug court calculations, the cost of incentives was also unavailable. The funds recovered by payment of costs and fines were also excluded, though this would have reduced the net cost to the taxpayer for both groups in the sample. Other similar revenue to the government that was not available included taxes paid by defendants and participants who are employed. Finally, there are additional tangible benefits from any child support payments collected, foster care costs avoided, and future cost savings due to the birth of drug free babies that we could not collect as part of this study. While we were not able to place a value on these cost-avoided they should be recognized as benefits nonetheless.

There was also varying availability of salary and benefit information provided by the twelve jurisdictions. Where salary data was missing for a particular type of staff, a statewide average or an average of available data from the twelve jurisdictions was used to determine salary, with an associated benefit rate calculated on the basis of whether the staff was a local or state employee. Further, a uniform overhead rate was applied to all staff across all twelve jurisdictions, based on the best available information regarding these rates. At the jurisdictional level, the same staff cost rate was applied to both the drug court and comparison group calculation models.

There were also limitations in the service level data that was available for the comparison group. Some data was obtained through a survey to the Department of Corrections. Additional information regarding supervision standards was provided by the Department of Corrections (related to the supervision of defendants convicted of felonies) and by the Department of Criminal Justice Services (related to the supervision of those defendants

convicted primarily of misdemeanor offenses). Where specific data could not be utilized, these supervision standards were applied. Service level data for treatment was determined in a similar fashion.

## **SOURCES OF DATA**

For this report, a variety of data collection techniques were employed to maximize the validity of the evaluation process. Participant-level data were collected for the cohort of drug court participants who entered one of the twelve adult drug courts being studied between July 1, 2006 and June 30, 2009 (and who exited the drug court by September 2010).

### **SUPREME COURT OF VIRGINIA DRUG COURT DATABASE**

On July 1, 2007, the Supreme Court of Virginia deployed a statewide, web-based drug court database to support statewide drug treatment court evaluation and case management. The database was used to both select an appropriate sample of drug court participants for the study and to provide service level data about those selected. To capture the most accurate information, the study sample was restricted to drug treatment court participants who entered one of the twelve drug courts between July 1, 2006 and June 30, 2009 and who exited drug court by September 2010. Cases that could not be matched with Virginia State Police data were excluded from the sample. This process resulted in a cohort of 748 participants. Data collected included participant demographic information, drug and alcohol histories, program compliance information, program completion type, and program completion dates.

## **SUPREME COURT OF VIRGINIA CIRCUIT COURT CASE MANAGEMENT SYSTEM**

A list of all defendants found guilty of a “drug court eligible” offense during the study period in the jurisdictions being served by one of the twelve targeted drug courts included was obtained from the Supreme Court for the purpose of selecting a valid comparison group. All drug court participants were removed from the list of defendants. Criminal history information for the remaining defendants was then obtained from the Virginia State Police. Defendants with convictions for felony-level violent offenses, drug distribution or sex offenses were removed from the pool of defendants. The remaining 3,254 defendants became the pool of potential comparison group defendants. From this group, a matched comparison group was selected. The sample size for the comparison group cohort was 807.

## **VIRGINIA STATE POLICE DATA**

Pre-program criminal history and all new arrest and conviction data were obtained from the Virginia State Police for the drug court participants as well as the comparison group. This information was requested in September 2011.

## **NCSC DRUG COURT COORDINATOR SURVEY**

The National Center for State Courts created an online survey for drug court coordinators to complete. The survey was designed to collect basic information about program characteristics, such as capacity, target population, structure, services and basic operation, as well as salary and benefits for drug court staff and criminal justice system employees. The survey was distributed in the fall of 2011 and 100% of the project sites completed the survey.

## **NCSJ JUDGE AND PROSECUTOR SURVEY**

The National Center for State Courts also developed a second online survey for drug court judges and prosecutors to complete. The survey was designed to collect information regarding criminal justice case processing to include both drug court and the “business as usual” model. This survey was distributed in December of 2011 and 92% of the project sites completed the survey.

## **PRE-TRIAL AND COMMUNITY CORRECTIONS DATA**

Pre-trial and post trial supervision data conducted by local probation departments for both the drug court and comparison groups was obtained from the PTCC database maintained by the Virginia Department of Criminal Justice Services (DCJS). Information regarding supervision length of stay, drug testing and violations was acquired. Additional information was also obtained regarding supervision and drug testing standards from DCJS. This data was requested in July of 2012.

## **LOCAL JAIL DATA**

Pre-trial, post trial and recidivist related incarceration days in local jails for both the drug court group and the comparison group were obtained from the Local Inmate Data System (LIDS) database maintained by the Virginia Compensation Board (VCB). This data was requested in July of 2012. The VCB also provided the average cost of a jail bed day for each jail utilized by the local jurisdictions in this study. (Commonwealth of Virginia Compensation Board, 2011)



## **DEPARTMENT OF CORRECTIONS DATA**

Post trial and recidivist prison incarceration data for both the drug court and comparison groups was obtained from the Virginia Corrections Information System (CORIS) database maintained by the Virginia Department of Corrections (DOC). The district Probation and Parole offices within each of the twelve jurisdictions in the study provided information regarding state probation supervision lengths of stay, supervision and drug testing standards, and treatment referrals. The data was requested in July of 2012. The average cost of a prison day in Virginia was obtained from a study conducted by the Vera Institute. (Henrichson & Delaney, 2012)

## **STAFFING AND COURT OBSERVATIONS**

The evaluation team staff conducted observations of both staffing and court sessions on-site at each of the twelve courts in the study. Included in the observations were timing of each individual case and follow-up discussions with the program coordinators, judges and prosecutors to review and finalize the aforementioned surveys. Additional programmatic questions were answered by the program coordinators in the areas of staff, budgets, resources, treatment, supervision, drug testing and other pertinent information. These on-site observations were conducted between February and August 2012.

## **SELECTING THE TREATMENT AND CONTROL GROUPS – PROPENSITY SCORE MATCHING**

Observational studies face significant challenges providing evidence of causal effects. Unlike experimental designs, studies of observational data cannot guarantee that the treated and control groups are randomly different from each other in terms of relevant observed and

unobserved characteristics that may have a relationship with the outcome. Ideally, the distribution of these background characteristics in the studied groups should be equal, a quality referred to as “balance.” With observational studies, the assignment of individuals to treatment and control groups is unlikely to be random or unrelated to such characteristics. For instance, offenders referred to drug court are unlikely to be similar, on average, to offenders who are not, although there will be some individuals in the latter group who are similar to drug court participants. Comparing only those who are similar to each other should reduce the likelihood that differences in outcomes between the groups are a result of underlying differences created by assignment.

A popular method used to approximate the balance achievable in experimental studies is “matching” (Stuart, 2010). The goal of matching is to produce a collection of treated and control observations that are as similar as possible in terms of a set of observable covariates. Doing so should prevent unjustified extrapolation when comparing outcomes of treated and untreated individuals and avoid confounding the effects of assignment criteria with the treatment. Note that matching is not an estimation technique, but rather a data processing step that precedes analysis of the data (Ho, et al., 2007).

Many methods have been developed to perform matching (Sekhon, 2009), but in this application we rely on what is likely the most commonly used method, matching on propensity scores.<sup>2</sup> Propensity Score Matching (PSM) selects treated and untreated observations for analysis based on similarity of the estimated likelihood of being in the treatment group given a

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<sup>2</sup> To test the sensitivity of the process to the choice of matching method, we compared the results of PSM with Mahalanobis Distance Matching (Sekhon, 2009) and found that the set of observations selected was virtually identical regardless of which method we employed.

set of covariates (Stuart, 2010). PSM represents a practical advance over exact matching—choosing treated-control dyads for analysis that are precisely the same on all observed characteristics—which becomes difficult or impossible when covariates are many or measured at an interval level. In the present application, selection of treatment and control cases was performed with propensity scores estimated via logit using the following covariates: 1) the number of prior felonies committed; 2) the number of prior misdemeanors; 3) age at the time of referral; 4) the most serious of individuals’ instant (referring) offenses<sup>3</sup>; 5) gender; and 6) racial category.<sup>4</sup>

Propensity scores were estimated using the pooled drug court and comparison group individuals and then used to match between the groups. During the second stage, we restricted matches between groups to the twelve jurisdictions in the study and specified one-to-one matching without replacement. Thus, the matched drug court and comparison group samples are the same size overall and within jurisdiction. **Table 3** below summarizes the differences between groups in these characteristics before matching and in the matched samples. It can be seen that the matching procedure dramatically reduced possible sources of bias between the sample of drug court participants and the comparison group.

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<sup>3</sup> The hierarchy of referring offenses is, in descending order, property offenses, drug offenses, public order offenses, and technical offenses (the excluded category). Individuals with instant or prior personal offenses were excluded, as such offenses make one ineligible for referral to drug court. Referring offenses were entered separately as indicator variables (“dummies”).

<sup>4</sup> Race categories were African American, white (the excluded category), and a third category for those whose racial classification was either denoted as unknown or so infrequently observed that inclusion as a separate category would almost uniquely identify the individual.

**Table 3: Virginia Felony Drug Court Attendees & Comparison Group Matching Characteristics**

Sample	Complete		Matched		Bias Reduced (%)
	Drug Court (Mean/%)	Comparison (Mean/%)	Drug Court (Mean/%)	Comparison (Mean/%)	
Prior Felonies	2.7***	5.1	2.9*	3.7	66.7%
Prior Misdemeanors	3.5***	4.7	3.6*	4.0	66.7%
Age (Years)	34.4*	35.2	34.4	35.0	21.7%
Property Referring Charge	18.4%***	57.2%	19.1%	38.9%	49.4%
Drug Referring Charge	53.1%***	33.3%	51.3%	51.3%	100.0%
Public Order Referring Charge	1.7%***	0.1%	1.7%**	0.3%	13.7%
Gender (% Female)	40.8%***	22.1%	40.4%	34.3%	67.4%
Race (African American)	45.4%***	64.2%	46.6%	46.9%	98.4%
Race (Other)	1.1%***	0.2%	1.1%	0.5%	36.5%

Significantly different at p < .05\*, p < .01\*\*, p < .001\*\*\*

**QUESTION 1: What defendant characteristics and program characteristics are associated with the graduation rates and recidivism rates of drug court participants?**

In this section defendant-level characteristics and program characteristics were examined to determine which are associated with higher graduation rates and reduced recidivism rates among the drug court participants. Program characteristics were examined to determine which impact graduation rates and recidivism, controlling for the background characteristics of the participants themselves.

**INDIVIDUAL AND PROGRAM CHARACTERISTICS EXAMINED**

The **Table 4** below shows the individual factors and program characteristics that were analyzed to answer “Question 1.”

**Table 4: Individual and Program Factors Examined**

<b>Individual Factors Examined</b>	<b>Program Characteristics Examined</b>
Defendant’s age at entry	Having MRT <sup>5</sup> as part of your programming
Defendant’s race	Having a written sanctioning system
Defendant’s gender	Having a law enforcement representative on your team
Defendant being a high school graduate	Having specific periods of clean time required for graduation
Defendant being a college graduate	Dismissing charges as a result of graduation
Defendant having pre-program arrests (other than the placement offense)	
Defendant having pre-program convictions at the time of drug court placement	
Defendant’s placement charges for drug court (drug charge, property charge, probation violation, etc.)	

<sup>5</sup> Moral Reconciliation Therapy (MRT) is a cognitive behavioral intervention designed to address criminal thinking. MRT is taught in a group format using structured group exercises and prescribed homework assignments. The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning. Participants meet in groups, typically once a week, and can complete all steps of the MRT program in a minimum of 3 to 6 months. MRT facilitators must complete 32 hours of professional training and become certified to facilitate MRT.

**KEY FINDINGS**

Initial analyses examined which factors contribute to the likelihood that any given participant will graduate from drug court. Approximately 52% of the drug court participants in the sample graduated from one of the Virginia drug court programs during the study period.

**Table 5** shows the factors that were found to be statistically significant (i.e., it is highly likely that these results were not the product of chance) in the analysis. Appendix A provides a more detailed description of the analysis methodology.

**Table 5: Factors that Contribute to the Likelihood of Graduation**

Factor	Interpretation
Being placed into drug court on just drug offenses*	<b>The odds of graduation for defendants placed into drug court on a drug offense are significantly higher than the odds of graduation for defendants placed into drug court for technical violations.</b> Odds of graduating for a participant with a drug offense are 80% higher than the odds of an otherwise similar technical offender.
Having pre-program arrests**	<b>Every additional pre-program arrest decreases the odds of graduating:</b> Every pre-program arrest decreases the odds of graduating by 5%.
Having pre-program convictions**	<b>Every additional pre-program conviction increases the odds of graduating.</b> Every pre-program conviction increases the odds of graduation by 7%.
Age***	<b>Every year of age increases the odds of graduating.</b> Every year of age increases the odds of graduating by 6%.
Program having written sanctioning guidelines*	<b>Being provided written sanction guidelines increases the probability of graduation.</b> The odds of graduating for participants with no prior felonies from drug courts that provide them with written sanction guidelines are 335% higher than the odds for similar participants from drug courts that do not provide such guidelines to participants.
Interaction between having prior felony convictions and written sanctioning guidelines*	<b>The probability of graduation for offenders with no prior felonies increases if their court supplies them with written sanction guidelines:</b> The probability of graduation for offenders with no prior felonies increases if their court supplies them with written sanction guidelines as opposed to drug courts that do not supply guidelines to similar participants (95% vs. 82%, respectively). There is no evidence of an effect on participants with prior felonies.

<.001\*\*\* <.01\*\* <.05\*

The second analyses examined which factors contribute to the likelihood that any given participant will re-offend during the time they are enrolled in the drug court program. To the extent that being arrested for a new charge increases the likelihood the defendant will be terminated from the drug court program, these factors are closely tied to the probability of graduation. It should be noted that only 14% of the drug court participants had a new arrest while enrolled in the program. **Table 6** shows the factors that were found to be statistically significant in the analysis. Appendix A provides a more detailed description of the analysis methodology.

**Table 6: Factors that Predict In-Program Recidivism**

Factor	Interpretation
Having pre-program felony convictions***	<b>Pre-program felonies increase the odds of in-program reoffending.</b> Odds of in-program reoffending for a participant with at least one pre-program felony conviction are 271% percent higher than the odds for an otherwise similar offender with no prior felonies.
Age***	<b>Every year of age decreases the odds of in-program reoffending.</b> Every year of age decreases the odds of in-program reoffending by 6%.
Using MRT in the program*	<b>The odds of in-program reoffending for participants of drug courts that employ MRT are significantly less the odds for similar participants from drug courts that do not employ MRT.</b> The odds of committing in-program offenses for participants of drug courts that employ MRT are 65% less than the odds for similar participants from drug courts that do not employ MRT.
Dismissing the placement charges if a defendant graduates from drug court*	<b>The odds of in-program reoffending for participants from drug courts that drop charges for graduates are significantly higher than the odds for similar participants from drug courts that do not drop charges for graduates.</b> The odds of in-program reoffending for participants from drug courts that drop charges for graduates are 146% higher than the odds for similar participants from drug courts that do not drop charges for graduates.

<.001\*\*\* <.01\*\* <.05\*

## **IMPLICATIONS FOR PRACTITIONERS AND POLICY MAKERS**

Based on the findings above, we would recommend that Virginia Adult Drug Courts:

- Incorporate MRT into their existing treatment curriculum, if not already in use, to ensure that criminal thinking is adequately addressed.
- Develop a written sanctioning matrix to be used by the team and provide the sanctioning matrix to participants.
- Screen and assess participants well – both for legal eligibility and for risk and needs – and ensure that there is sufficient programming to address the needs presented by defendants who are high-risk.



**QUESTION 2: Controlling for differences in demographics and criminal history, do drug court participants demonstrate better recidivism outcomes than defendants processed through the traditional criminal justice system?**

The first report established that drug court participants were significantly less likely to recidivate than the carefully matched “business-as-usual” comparison group and that this was a robust and sustained effect. However, the analysis in the first report could not rule out the possibility that some other difference between the drug court treatment and comparison groups, such as a difference in prior criminal history, could explain the difference in recidivism. Even though the sophisticated propensity score matching approach rendered the drug court treatment group and the comparison group virtually identical with regards to many variables known to be related to recidivism, a few differences between the two groups remained. Therefore, three additional analyses were conducted to further determine the effect that drug court has on recidivism as opposed to “business-as-usual” processing.

The purpose of the first analysis described in this section was to statistically control for the differences remaining between the two groups after propensity score matching in a multivariate analysis of recidivism. By statistically controlling for any differences between the two already propensity-score matched groups, it was concluded, with a high degree of confidence, that any difference in the probability of recidivism between the two groups is due to a difference in the effectiveness of these two alternatives and not some other explanation.

Two additional analyses were also conducted, the purposes of which were to shed light on the “black box” of drug court treatment by attempting to determine which components of drug court (e.g., treatment, supervision, or sanctioning) exerted the greatest influence on recidivism. In the case of the second analysis presented in this section, the influence of both

individual offender and drug court program characteristics on the probability of recidivism was examined. In the third and final analysis described in this section, which individual offender and drug court program characteristics predicted the number of post-exit arrests resulting in a conviction were examined for the drug court treatment group only.

## **KEY FINDINGS**

The results show, with a very high degree of confidence, that drug courts are more effective at reducing the probability of recidivism and the probability of recidivism over time than the "business-as-usual" alternative. **Table 7** (following page) shows the factors that were statistically significant in the prediction of post-program recidivism for each analysis. Successful completion of drug court (graduation) is strongly related to reductions in post-exit recidivism. In addition, programs that incorporate MRT were found to be more effective at reducing the incidence and frequency of recidivism than drug court programs that do not offer MRT.

**Table 7: Principle Findings from Question 2 Analysis**

<b>Analysis</b>	<b>Comparison</b>	<b>Analysis Variable</b>	<b>Principle Findings</b>
Analysis One	Drug Court with Matched Comparison Group	Probability of Recidivism Over Time	The multivariate Cox model confirms that participation in drug court is associated with a statistically significant decrease in the likelihood of recidivism over time, while controlling for the influence of demographic characteristics, criminal history, and referral offense. The probability of recidivism over time was also found to be related to the offenders' gender and the number of prior convictions.
Analysis Two	Drug Court with Matched Comparison Group	Overall Probability of Recidivism	Participation in drug court is associated with a statistically significant decrease in the odds of recidivism. The odds of recidivism are significantly lower for females and for older offenders, whereas the odds of recidivism are greater for defendants with a higher number of prior convictions, any prior felony conviction, or multiple referral charges. The use of MRT does appear to be associated with a substantively significant 36% reduction in the odds of recidivism, and this effect is the closest of the program-level effects to achieving statistical significance.
Analysis Three	Drug Court Graduates with Drug Court Non-Graduates	Number of Post-Exit Arrests	Graduation from drug court appears to exert a lasting impact (reduction) on the number of offenses committed by participants after they exit drug court, compared to those who attend but do not graduate. In addition, participants from programs that practice MRT committed substantially fewer offenses than those from programs that did not offer MRT.

**IMPLICATIONS FOR PRACTITIONERS AND POLICY MAKERS**

Based on the findings above, we would recommend that Virginia Adult Drug Courts:

- Strive to improve overall graduation rates while, at the same, maintaining the program requirements that are clearly producing positive outcomes. It is essential that any changes to programming and program design be undertaken

carefully so as to not reduce the overall program's effectiveness. Said another way, graduating more participants, at the risk of weakening the otherwise effective programs, would produce negative overall effects.

- Incorporate MRT (or other similar programs) into their programming, if this is not already a component of the drug court.
- Ensure that the integrity of the MRT model is upheld and delivered as designed.
- Support additional research to determine the specific elements of drug court that may be related to reduced recidivism and improved outcomes. Additional evaluation may help determine key questions such as how long programs should operate and how frequently services should be provided to achieve optimal results.

**QUESTION 3: How much does an adult drug court in Virginia cost per participant?**

The cost model designed for this study to determine the average cost of a drug court per participant in Virginia includes six basic transactions:

- The cost to screen and assess a defendant for drug court;
- The cost of all drug court staffing sessions and court sessions;
- The cost of intensive outpatient substance abuse treatment while in drug court;
- The cost of frequent drug testing during the defendant’s participation in drug court;
- The cost of probation and, in some programs, law enforcement supervision; and
- Drug court fees collected.

There are many line item calculations within each of these costs. Generally, the calculations included the cost of staff (salary, benefits and indirect costs), the time an individual transaction took to process, and the number or frequency of individual transactions that occurred. The cost of each transaction was determined at the jurisdictional level for each of the twelve courts and then averaged across the twelve sites to determine the state average. This step was necessary due to the variations in court structures across the jurisdictions. For the purposes of the cost analysis, seven of the 12 courts in the study were determined to be of the pre-dispositional model. The remaining five courts were in the post-dispositional, or probation violator model. This distinction necessitated the use of two slightly different cost models reflective of the variance in entry processes.

**Table 8: Average Total Cost of Drug Court per Participant by Transaction**

Transaction	Unit Cost	Average # of Events for all DC Participants Per Person	Average Cost Per DC Participant Per Person Per Event (n = 748)
Drug Court Assessment	\$183.20	1	\$183.20
Drug Court Staffing and Court Session	\$19.99	67	\$1,343.03
Drug Court Treatment	\$50.81	278	\$14,113.27
Drug Testing	\$6.76	126	\$854.27
Drug Court Supervision	\$15.19	142	\$2,160.85
Subtotal			\$18,654.62
Fees	(\$753.80)	1	(\$753.80)
Total			\$17,900.82

**Table 8** shows the unit cost of each type of transaction. The average cost per participant was then calculated based on the average number of events per transaction. It should be noted that is this not an annual cost but rather the total cost of program participation, which, on average, is much longer than one year. The total average cost of participation in drug court in Virginia is \$17,900.82. The following sections detail the cost calculations for each type of drug court transaction.

### **DRUG COURT ASSESSMENT**

The costs for drug court assessment were comprised of those costs incurred to complete both the legal screening for eligibility and a clinical screening and assessment to determine program suitability. The costs associated with entry of plea into drug court were also included. These costs were calculated by multiplying the cost of staff time by the amount

of time each staff member contributed to the transaction. Each participant has only one assessment. Therefore, the unit cost and total average cost per participant for assessment is \$183.20, which is 1% of the total cost of drug court per participant, as demonstrated in **Figure 1**.

## **DRUG COURT STAFFING AND COURT SESSIONS**

The costs for drug court staffing and court sessions were the total costs incurred for all of the staffing sessions and court sessions that occur throughout the course of a participant's enrollment in drug court and the cost of program graduation sessions (for graduates). Participants' cases are typically discussed weekly by the drug court team in Phase 1 and at lesser intervals as they progress through the program. Likewise, participants appear in court weekly in Phase 1 and usually every other week or every third week in later phases. The drug court team – which varies by locality but usually includes a Judge, probation, clinician(s), a coordinator, a Commonwealth's Attorney and a defense representative – typically participates in both staffing and court sessions. The costs associated with staffing and court sessions were calculated by first determining the average amount of time spent processing each case in staffing, court and at graduation. Those averages were then multiplied by the cost of staff time for each team member involved in the transaction. The average number of total sessions for each participant was 67. The average cost per session transaction was \$19.99 for a total average cost of \$1,343.03, which is 7% of the total cost of drug court per participant, as demonstrated in **Figure 1**.

## DRUG COURT TREATMENT

The costs associated with substance abuse treatment were the costs incurred for treatment sessions provided over the course of each participant's enrollment in drug court. These sessions vary from program to program in manner of delivery (group treatment or individual treatment), by treatment group type (gender-specific treatment group, MRT group, relapse prevention group, etc.) and are generally not co-facilitated. These costs are calculated by multiplying the average number of sessions provided over the course of a participant's time in drug court by the average length of a session by the cost of staff resources to conduct the treatment group or session. The average number of treatment sessions each drug court participant received over the course of their participation in drug court was 278 sessions. The average cost per session was \$50.81. The average total cost of providing treatment was \$14,113.27, which is 76% of the total cost of drug court per participants, as demonstrated in **Figure 1**.

## DRUG TESTING

The costs for drug testing included the actual cost of the on-site testing equipment and the staff time to perform the tests. It should be noted that these costs do not include the costs of lab testing as the utilization of such services varied widely as did the ability to track these expenses. These costs were calculated by first multiplying the average number of testing events that occurred over the course of participation in drug court by the average number of tests per event by the average cost of each test. Then those averages were added to the average cost of staff time to perform the test. The average number of total drug tests for each participant over the course of their participation in drug court was 126. The average cost per

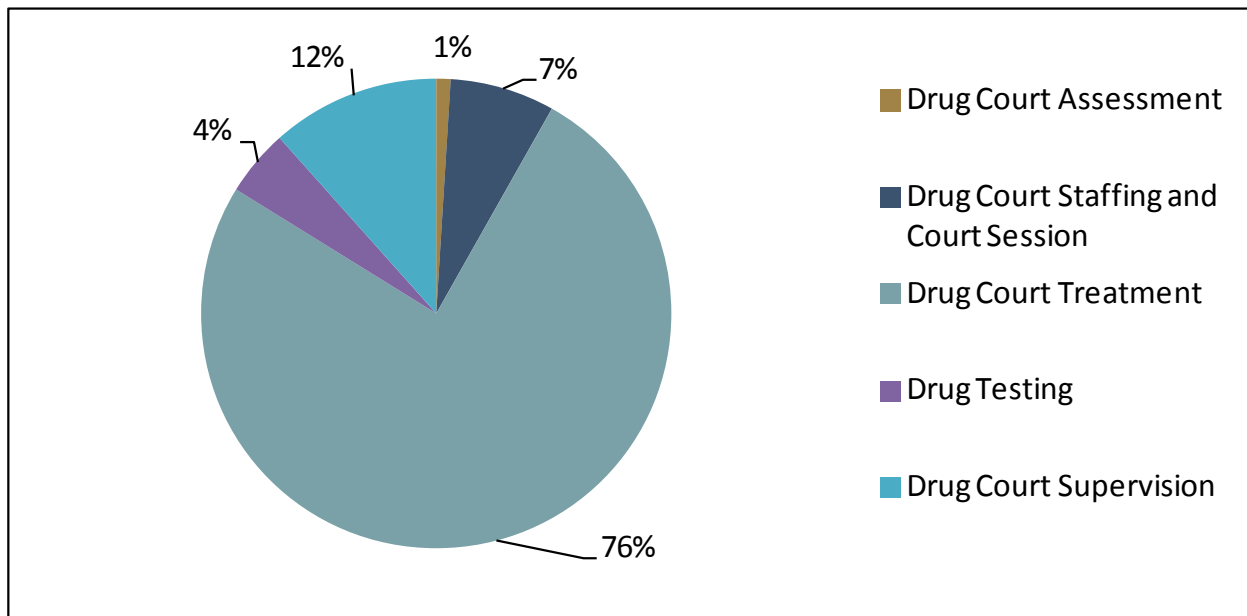


testing event was \$6.76 for a total average cost of \$854.27, which is 4% of the total cost of drug court per participant, as demonstrated in **Figure 1**.

### DRUG COURT SUPERVISION

The costs for drug court supervision were the costs incurred for providing community-based supervision of the drug court participant. Staff varied from program to program but generally included a local or state probation officer and, in some cases, a state surveillance officer and/or a law enforcement officer. These costs were calculated by multiplying the average number of supervision contacts times the average cost of staff to perform each contact. The average number of supervision contacts for each participant over the course of their participation in drug court was 142. The average cost per supervision contact was \$15.19 for a total average cost of \$2,160.85, which is 12% of the total cost of drug court per participant, as demonstrated in **Figure 1**.

**Figure 1: Average Cost of Drug Court Transactions as a Percentage of Total Cost**



## FEES

Every program collected fees for services. These fees varied widely in amount, duration, type and purpose. All fees in some way offset the cost to taxpayer and were there for included in the calculation of total costs demonstrated in **Table 8**. The average amount of fees collected per participant during a program was \$753.80.

## ANNUALIZED DRUG COURT COSTS

This study was designed to calculate the average total cost for participation in an adult drug court in Virginia. Therefore, that cost was not discussed in terms of an annual number since the average length of participation in a drug court in the sample was 519 days or slightly over 17 months. The range of costs associated with participation on an annualized basis ranges from \$7,485.35 to \$14,615.67.<sup>6</sup>

## CONCLUSION

As noted in **Table 8** the total average cost of drug court participation per person was \$18,654.62. However, the total average cost to taxpayer for this participation was \$17,900.82 due to the fee collection offset. **Figure 1** demonstrates that the largest portion of resources utilized in a drug court is for treatment services. While it could be tempting to reduce allocations for treatment to decrease total costs, this is not recommended, since it will also likely affect outcomes and related outcome and victimization costs. Instead, programs should closely examine their treatment strategies to determine their alignment with evidence-based practices and demand value from their treatment providers. Additionally, programs should consider that certain economies are gained with larger scale, i.e. serving more participants. For

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<sup>6</sup> This range includes costs for 11 of the 12 courts in the study. One court was removed from the range due to the fact that the program is inactive as of the writing of this report.

example, if a drug court session is one hour but only ten participants are served in that hour, the cost per participant for that one hour time period is considerably greater than if 20 participants were served during that same period of time. The same holds true for treatment group sizes and most other drug court transactions. Allocating too many resources for too few people could make it a greater challenge to show a cost benefit.

**QUESTION 4: What is the impact on the criminal justice system of sending defendants through a drug treatment court compared to traditional case processing?**

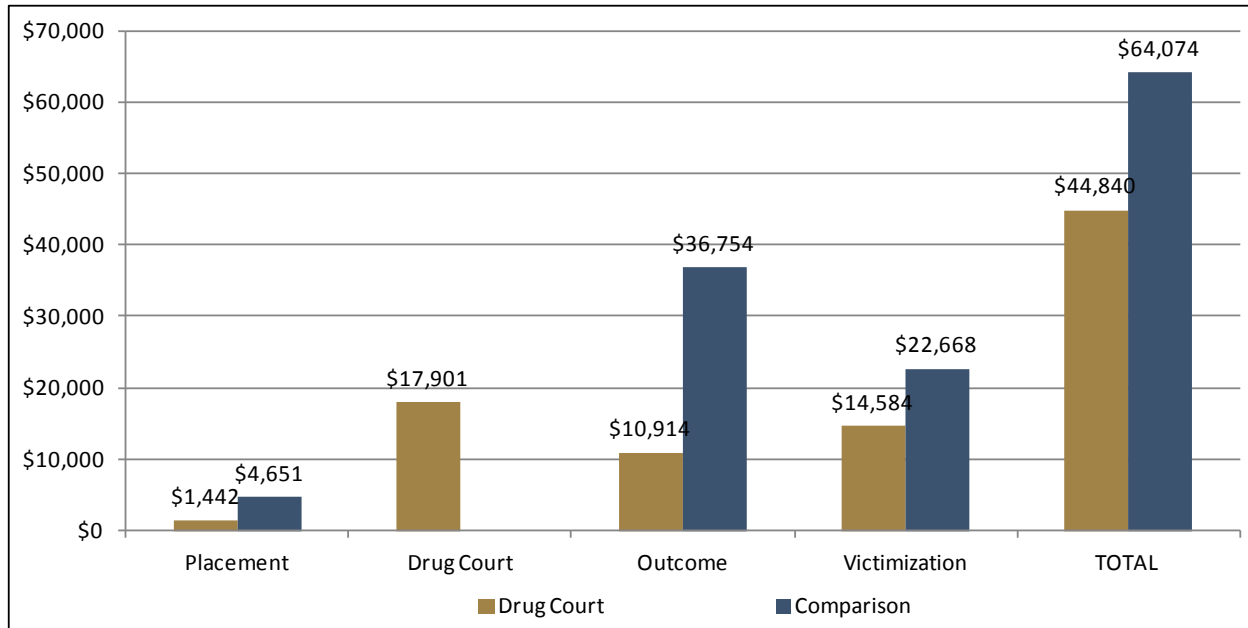
The cost model designed for this study to determine the impact on the criminal justice system of placing defendants in a drug treatment court compared to traditional case processing in Virginia includes four basic cost domains. These domains are:

- The costs from arrest to placement into drug court or placement in the “business as usual” model at the conclusion of sentencing;
- Drug court costs as described in “Question 3”;
- The all incarceration and supervision costs post placement including those associated with in-program sanctions and all recidivist events; and
- The costs associated with new recidivist events that are property or person (violent) crimes not already captured in outcome costs.

This section describes the calculation of costs for placement, outcome and victimization domains. The previous section described the drug court costs in great detail, so that description was not repeated here. As was the case with drug court costs, the calculations include the cost of staff (salary, benefits and indirect costs), the time an individual transaction took to process, and the number or frequency of individual transactions that occurred. The cost of each transaction was determined at the jurisdictional level for each of the twelve courts and then averaged across the twelve sites to determine the state average. This step was necessary due to the variations in court structures across the jurisdictions. The distinction between pre-dispositional and post-dispositional, or probation violator models of drug court processing, was also made in this analysis for determining placement and drug court costs, reflective of the variance in processes. The method used to calculate outcome and victimization costs was the same for both the drug court treatment group and the comparison group. **Figure 2** shows the average total cost of each domain for both the drug court and

comparison groups. The total costs demonstrate that drug court processing saves \$19, 234 per person compared to traditional case processing.

**Figure 2: Total Domain Costs of the Drug Court and Comparison Group**

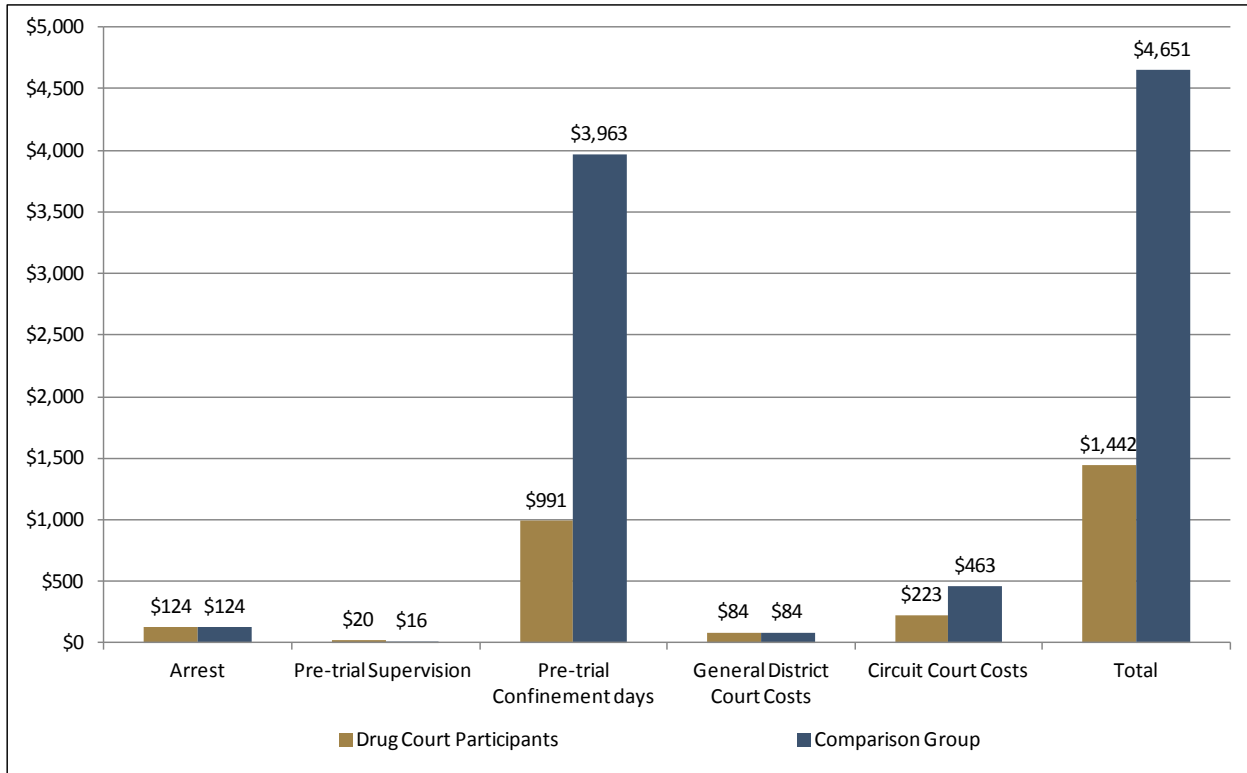


**PLACEMENT COSTS**

Placement costs include all costs of involvement in the criminal justice system from arrest on the placement offense to either drug court entry or sentencing for the comparison group.

**Figure 3** depicts the costs of placement for the drug court and comparison groups. Calculation of placement costs is a unique contribution of this evaluation. Previous cost/benefit analyses of drug courts did not include this aspect of processing, which provides another advantage to drug court over “business-as-usual” processing.

Figure 3: Placement Costs of Drug Court versus Comparison Group



### ARREST

The rate and cost of arrest are uniform across both groups. Every case in the sample had an arrest transaction. However, the arrest transaction cost only includes arrests on new offenses, i.e. arrests in the pre-dispositional court model. Arrests on probation violations (post-dispositional model) were included as part of the Circuit Court Cost transaction. For both groups, the transactional cost of an arrest was \$124.47, as demonstrated in [Table 9](#).

**Table 9: Comparison of Transactional Placement Costs of Drug Court Participants versus the Comparison Group**

Transaction	Unit Costs	Average Number of Events Prior to Placement Per Drug Court Person	Drug Court Participants Per Person (n = 748)	Average Number of Events Prior to Placement Per Comparison Group Person	Comparison Group Per Person (n=807)
Arrest	\$210.97	0.59	\$124.47	0.59	\$124.47
Pre-trial Supervision	\$326.33	0.06	\$19.58	0.05	\$16.32
Pre-trial Confinement days	\$76.21	13.00	\$990.73	52.00	\$3,962.92
General District Court Costs	\$140.11	0.60	\$84.07	0.60	\$84.07
Circuit Court Costs	\$586.62	0.38	\$222.92	0.79	\$463.43
<b>Total</b>			<b>\$1,441.76</b>		<b>\$4,651.21</b>

### PRE-TRIAL SUPERVISION

The pre-trial supervision costs include the cost of supervising persons by local Pretrial Services agencies and costs related to any pretrial violations. As depicted in [Table 9](#), the drug court group had a slightly higher rate of pre-trial supervision (0.06 versus 0.05) and therefore a corresponding higher cost per person than the comparison group.

### PRE-TRIAL CONFINEMENT

The pre-trial confinement costs include the costs incurred for holding a person in the local jail prior to placement. This calculation includes pre-trial jail confinement for both the pre and post dispositional drug court models. [Table 9](#) above, shows the differences in pre-trial jail days utilized and the cost difference between the two groups in the sample. The average

number of jail days for the comparison group was four times higher than that of the drug court group. This can be attributed to expedited case processing for entry into drug court and possibly to a lesser degree, the greater utilization of pre-trial supervision in the drug court group. The drug court group transactional cost is \$990.73 and the comparison group transactional cost is \$3,962.92.

### **GENERAL DISTRICT COURT COSTS**

The placement costs associated with General District Court processing are attributable only to cases in the pre-dispositional model. This transactional cost calculation includes the cost of court appearances and staff time to prepare for those appearances. Both groups in the sample in the pre-dispositional model incurred all of these costs, therefore the transactional cost for each group is \$84.07 as demonstrated in [Table 9](#).

### **CIRCUIT COURT COSTS**

The placement costs associated with Circuit Court processing are attributable to both the pre and post dispositional models. However, for the drug court group, the utilization of Circuit Court resources varies depending on the point at which a referral to drug court is made. Some referrals are made as early in the criminal justice system process as preliminary hearing. In this instance for example, there are no costs incurred for the Circuit Court transaction as the case goes directly from General District Court to the drug court docket. The comparison group on the other hand, incurs greater costs in Circuit Court as those cases must proceed through each step from Grand Jury through sentencing or through the entire probation violation

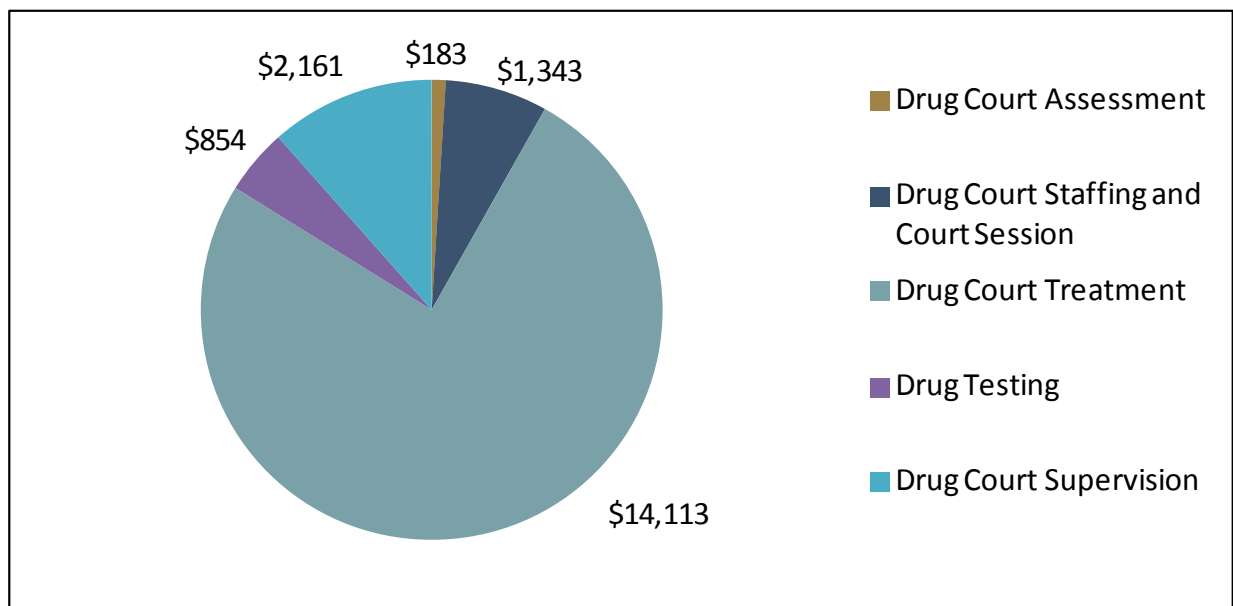


process. As shown in **Table 9**, the drug court group incurs transactional costs of \$222.92 and the comparison group incurs transactional costs of \$463.43. This cost savings can be attributed to the expedited referral and entry process into drug court.

### DRUG COURT COSTS

The transactional costs used to calculate the total cost of drug court per participant include the cost of drug court screening and assessment, weekly drug court staffing and court sessions, the cost of group substance abuse treatment, as well as the cost of drug testing and supervision. The specific methods utilized to calculate these transactions are detailed in Question 3. **Figure 4** details the costs per transaction. Drug Court costs are the only costs not also attributed to the comparison group, as those persons did not participate in a drug court program during the study period.

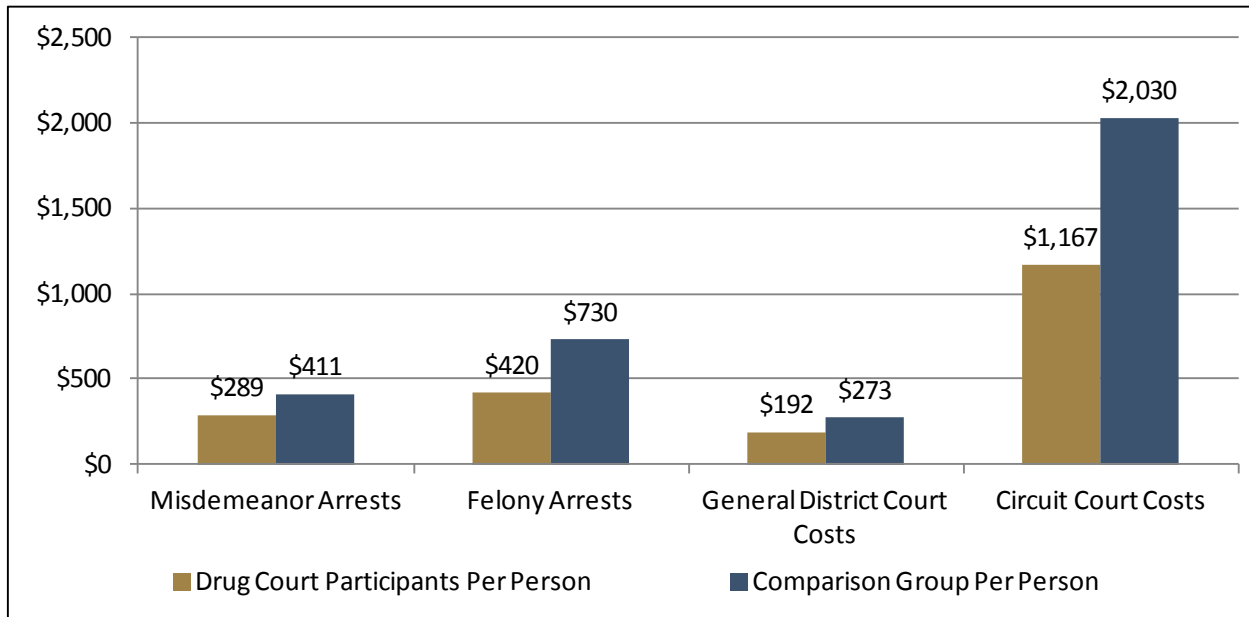
**Figure 4: Average Cost of Drug Court Transactions in Dollars**



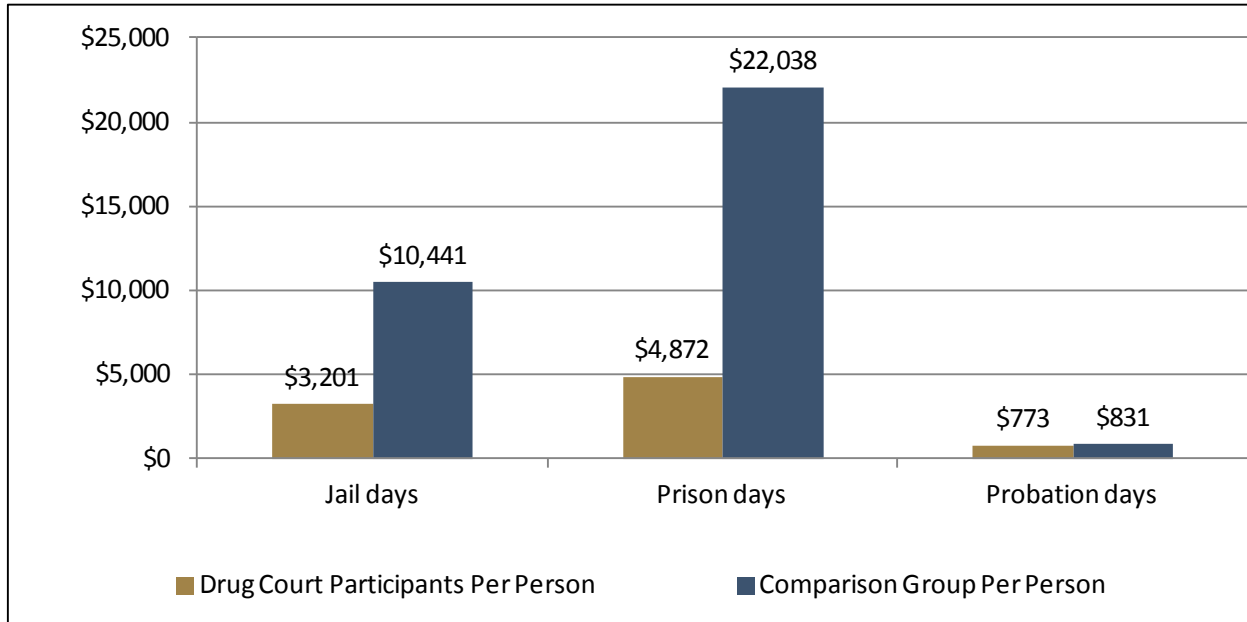
**OUTCOME COSTS**

Outcome costs include all costs of involvement in the criminal justice system beginning from either drug court entry (less the actual cost of drug court) or the conclusion of sentencing for the placement arrest event for the comparison group. **Figure 5** and **Figure 6** depict the outcome costs for the drug court and comparison groups. **Table 10** shows the calculations of transactional costs for the average number of recidivism events for the period three years post-placement for both the drug court and comparison groups. Figure 6 provides a comparison of outcome costs as they relate to incarceration and supervision.

**Figure 5: Average Outcome Costs of Arrest and Court Processing for the Drug Court and Comparison Group**



**Figure 6: Average Outcome Costs of Incarceration and Supervision for the Drug Court and Comparison Group**



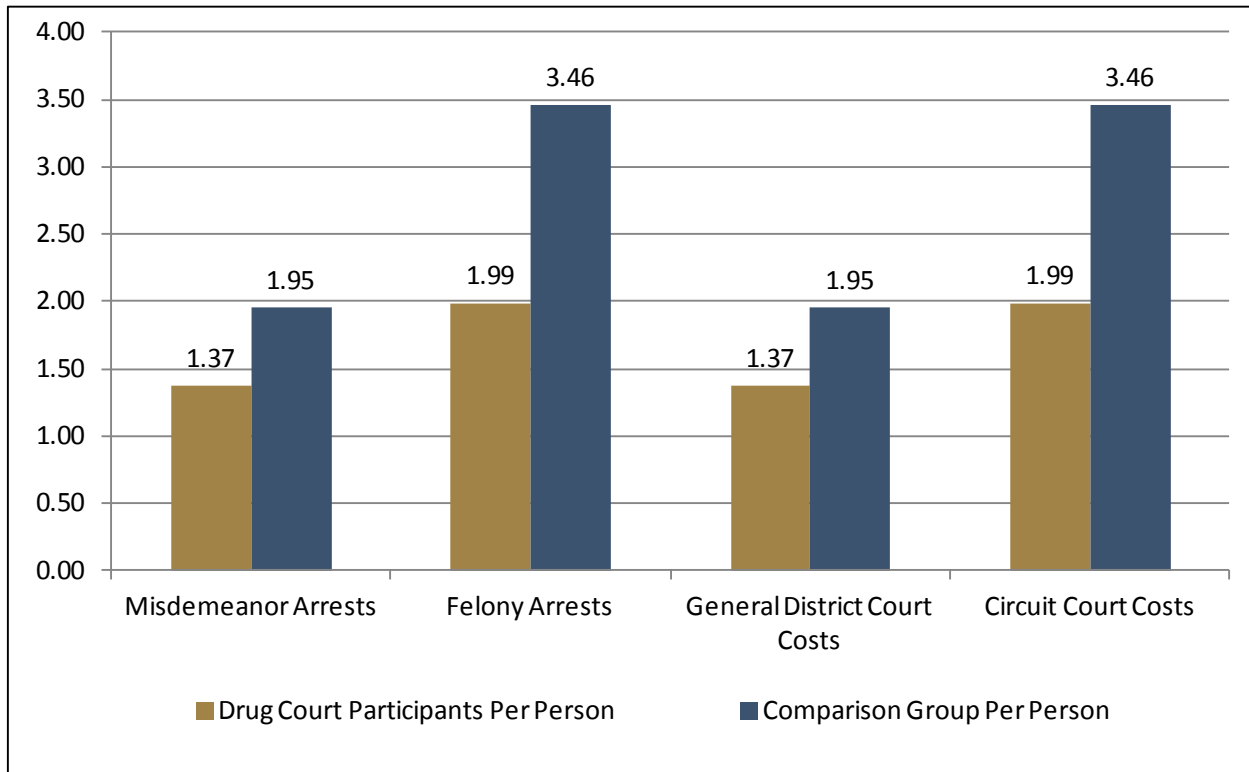
**Table 10: Comparison of Transactional Outcome Costs of Drug Court Participants versus the Comparison Group, 3 years Post-Placement**

Transaction	Unit Costs	Average Number of Recidivism Outcome Events After Drug Court Entry Per Drug Court Person Over 3 Years	Drug Court Participants Per Person (n = 748)	Average Number of Recidivism Outcome Events After Drug Court Entry Per Comparison Person Over 3 Years	Comparison Group Per Person (n= 807)
Misdemeanor Arrests	\$210.97	1.37	\$289.03	1.95	\$411.39
Felony Arrests	\$210.97	1.99	\$419.83	3.46	\$729.96
General District Court Costs	\$140.11	1.37	\$191.95	1.95	\$273.22
Circuit Court Costs	\$586.62	1.99	\$1,167.37	3.46	\$2,029.71
Jail days	\$76.21	42	\$3,200.82	137	\$10,440.77
Prison days	\$68.84	71	\$4,871.81	320	\$22,038.37
Probation days	\$3.19	313	\$772.74	413	\$830.55
<b>Total</b>			<b>\$10,913.55</b>		<b>\$36,753.96</b>

**MISDEMEANOR ARREST**

The outcome costs associated with misdemeanor arrests are based on the average number of arrests for a new misdemeanor offense up to three years post-placement. For the drug court group, this includes both in-program and post-program time periods. For the comparison group, this includes new arrests that occurred between sentencing and/or confinement for the placement offense. As depicted in **Figure 7** below, the drug court group incurred 30% fewer new misdemeanor arrests than the comparison group during the follow-up period.

**Figure 7: Average Number of Misdemeanor Recidivism Events for the Drug Court and**



## FELONY ARRESTS

The outcome costs associated with felony arrests are based on the average number of arrests for a new felony offense up to three years post-placement. For the drug court group, any offenses that occurred following placement (while enrolled in drug court or following drug court supervision) are included in the calculations. For the comparison group, this includes the time period post sentencing and/or confinement for the placement offense. As depicted in **Figure 7** above, the drug court group incurred 42% fewer new felony arrests than the comparison group during the follow-up period.

## GENERAL DISTRICT COURT COSTS

The outcome costs associated with General District Court costs are based on the average number of arrests for a new misdemeanor offense up to three years post-placement. These calculations are based on the average number of new misdemeanor arrests with the assumption that each case is fully processed through the court system. For the drug court group, this includes both in- and post-program time periods. For the comparison group, this includes the time period post sentencing and/or confinement for the placement offense. As depicted in **Figure 7** above, the drug court group expended 30% less court resources than the comparison group during the follow-up period.

## CIRCUIT COURT COSTS

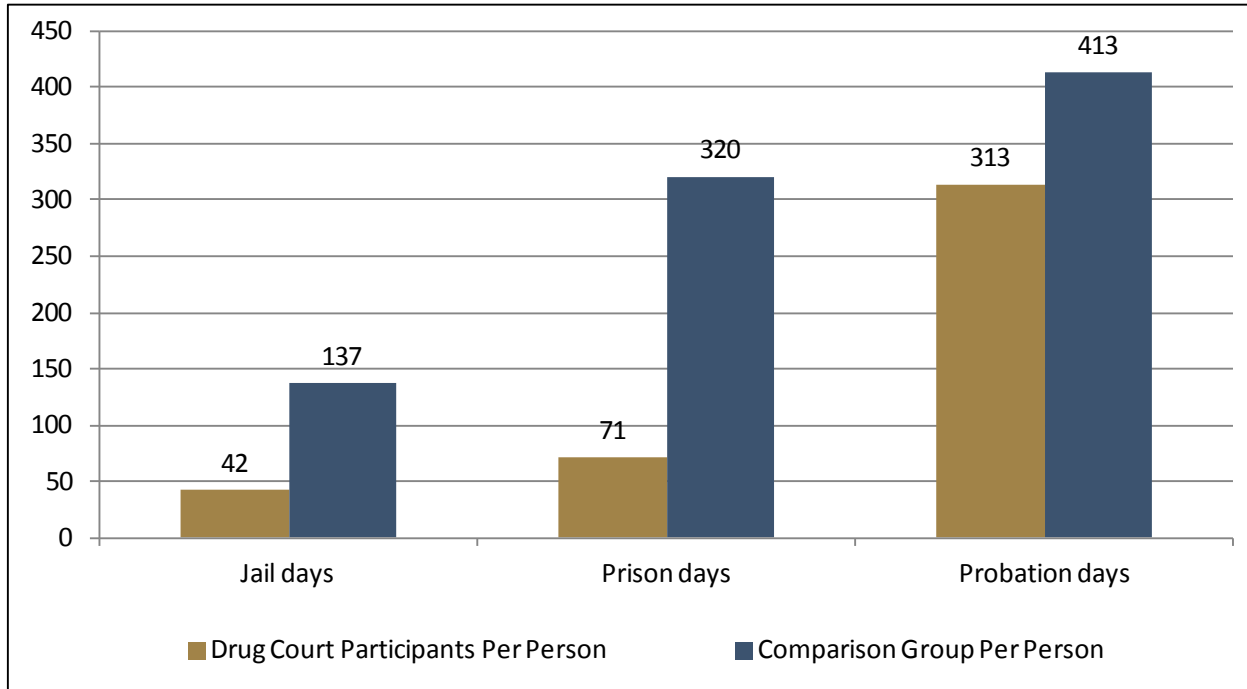
The outcome costs associated with felony arrests are based on the average number of arrests for a new felony offense up to three years post-placement. These calculations are based on the number of new felony arrests with the assumption that each case is fully

processed through the court system. These costs include General District Court processing and processing in Circuit Court. For the drug court group, this includes both in- and post-program time periods. For the comparison group, this includes the time period post sentencing and/or confinement for the placement offense. As depicted in **Figure 7** above, the drug court group expended 42% less court resources than the comparison group during the follow-up period.

### **JAIL DAYS**

The outcome costs associated with jail incarceration days are based on the average number of jail days multiplied by the average cost of jail in the twelve jurisdictions. It should be noted that the cost of a jail day ranged from \$43.78 to \$178 with an average cost of \$76.21 per day, in the twelve local or regional jails utilized by the jurisdictions in the study. For the drug court group, this includes both in- and post-program time periods. This could include incarceration on a new charge or jail sanctions during program participation. For the comparison group, this includes the time period post sentencing and/or confinement for the placement offense and recidivism related jail time. As depicted in **Figure 8** below, the drug court group utilized 69% fewer post-placement jail days than the comparison group during the follow-up period.

**Figure 8: Average Number of Incarceration and Supervision Days for the Drug Court and Comparison Groups, 3 Years Post-Placement**



### PRISON DAYS

The outcome costs associated with prison incarceration days are based on the average number of prison days multiplied by the average statewide cost of prison per day, which is \$68.84. For both the drug court group and the comparison group, this includes the time period post sentencing and/or confinement for the placement offense and recidivism related prison time. As depicted in **Figure 8** above, the drug court group utilized 88% fewer post-placement prison days than the comparison group during the follow-up period.

### PROBATION DAYS

The outcome costs associated with post-placement supervision days are based on the average number of probation supervision days multiplied by the average cost of supervision in

the twelve jurisdictions. It should be noted that the cost includes both local and state probation supervision days, both of which vary at the jurisdictional level. For the drug court group, this includes only post program time periods. For the comparison group, this includes the time period post sentencing and/or confinement for the placement offense and recidivism related supervision time. As shown in **Figure 8** above, the drug court group utilized 24% fewer post-placement supervision days than the comparison group during the follow-up period.

### VICTIMIZATION COSTS

The costs associated with victimization are the costs to victims, taxpayers and society when a crime is committed. These costs are separate from the criminal justice costs. They can include the loss of property or money, physical or mental healthcare costs, loss of productivity or wages or more intangible costs such as those associated with pain and suffering. For the purposes of this study, victimization costs have been calculated for two offense categories, property offenses and person offenses. **Table 11** below shows the unit costs associated with both types of crime and the costs associated based on the average number of recidivism events that occurred in each group.

Estimates of the costs of victimization are based on the seminal work of Miller, Cohen, and Wiersema (1996), which used data from the National Crime Victimization Survey to estimate the full cost to victims of a variety of crimes. Piper and Spohn (2004) conveniently collapsed Miller et. al's estimates into two categories, for violent and property crimes. Since Piper and Spohn's estimates were expressed in 1993 dollars, it was necessary to adjust for



inflation, using the inflation calculator to adjust 1993 dollars to 2012 dollars.<sup>7</sup> The victimization cost (in 2012 dollars) for a violent crime is \$46,843.69, and the victimization cost for a property crime is \$1,449.92.

**Table 11: Comparison of Transaction Recidivism Victimization Costs of Drug Court versus the Comparison Group, 3 Years Post-Placement**

	Unit Costs	Drug Court Participants Per Person	Drug Court Participants Per Person (n = 748)	Comparison Group Per Person	Comparison Group Per Person (n=807)
<b>Property</b>	\$1,451.67	1.00	\$1,451.67	1.40	\$2,032.34
<b>Person</b>	\$46,900.23	0.28	\$13,132.06	0.44	\$20,636.10
<b>Total</b>			<b>\$14,583.73</b>		<b>\$22,668.44</b>

### PROPERTY OFFENSES

Property victimization costs were calculated by multiplying the standardized victim cost associated with committing a property offense by the average number of recidivism events, both misdemeanor and felony. As seen in **Figure 9** and **Figure 10** below, the drug court group incurred 29% fewer property recidivism victimization events than the comparison group with associated cost savings of \$580 per person.

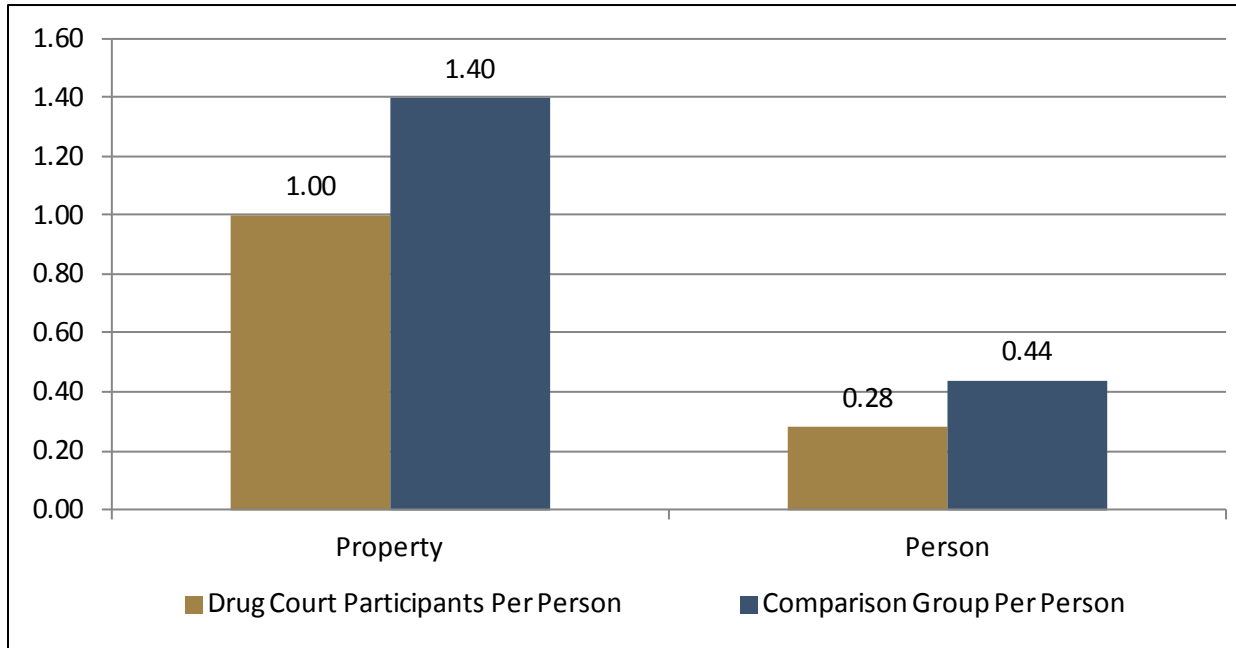
### PERSON OFFENSES

Person victimization costs were calculated by multiplying the standardized victim cost associated with committing a person offense, or violent offense, by the average number of recidivism events, both misdemeanor and felony. As seen in **Figure 9** and **Figure 10** below, the

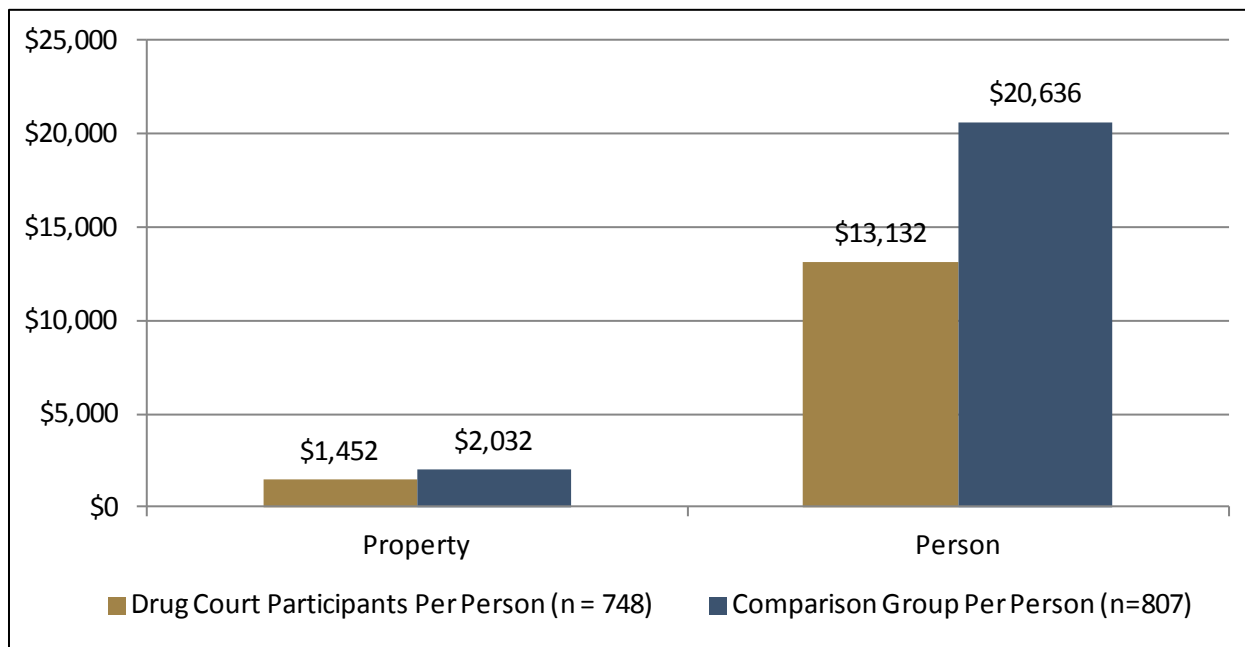
<sup>7</sup> The inflation calculator can be found on the Bureau of Labor Statistics website: [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm).

drug court group incurred 36% fewer person recidivism victimization events than the comparison group with associated cost savings of \$7,504 per person.

**Figure 9: Average Number of Recidivism Victimization Events for the Drug Court and Comparison Group, 3 Years Post-Placement**



**Figure 10: Average Recidivism Victimization Costs for the Drug Court and Comparison Groups, 3 Years Post-Placement**



**CONCLUSION**

Virginia’s Drug Courts save \$19,234 per person as compared to traditional case processing. In FY2011, there were 937 drug court participants served in Virginia’s adult drug courts. This means that during program participation, those 937 participants saved taxpayers \$18,022,258 compared to the cost of “business-as-usual” processing for this same group of offenders. As depicted in **Table 12** below, the drug court group saves money in each of the transactional cost categories. The greatest cost savings are in outcome costs. This is based on the lower recidivism rates of drug court participants versus comparison group persons as well as the associated costs of incarceration. It is important to again note that should a drug court program decide to make changes to its policies and procedures with the goal of saving taxpayers even more money, decision makers must bear in mind that these changes will impact outcomes. If these changes are made without considering the effects to outcomes, associated cost savings could be negated or even decreased.

**Table 12: Total Criminal Justice System and Victimization Costs for the Drug Court and Comparison Groups**

	<b>Drug Court</b>	<b>Comparison</b>	<b>Total</b>
<b>Placement</b>	\$1,441.76	\$4,651.21	(\$3,209.44)
<b>Drug Court</b>	\$17,900.82	\$0.00	\$17,900.82
<b>Outcome</b>	\$10,913.55	\$36,753.96	(\$25,840.41)
<b>Victimization</b>	\$14,583.73	\$22,668.44	(\$8,084.71)
<b>TOTAL</b>	<b>\$44,839.86</b>	<b>\$64,073.61</b>	<b>(\$19,233.75)</b>

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APPENDICES

APPENDIX A: TWELVE OF THE ADULT DRUG TREATMENT COURTS IN VIRGINIA

There is some variance among the twelve courts with regards to their target populations and the resources available within their respective community. As a result, there are different program structures, practices and policies the twelve courts use to promote positive change in the participants they serve while remaining true to the Virginia Adult Drug Court Treatment Standards and the Key Components. No two drug court programs operate in exactly the same manner although there are a number of basic foundational elements that are the same among the programs. Each adult drug court operates at the Circuit Court level as a standalone docket that is held weekly. Each adult drug court in this sample utilizes the local Community Services Board (CSB) for provision of treatment services. Each program consists of a drug court team and each program has an Advisory Committee as required by Virginia Code. **Table 1A** below lists the implementation dates of the drug courts in the sample.

**Table 1A: Implementation Dates of Virginia’s Adult Drug Treatment Courts**

Locality	Implementation Date
Albemarle/Charlottesville	July 1997
Chesterfield/Colonial Heights	September 2000
Hampton	February 2003
Henrico	January 2003
Loudoun	May 2004
Newport News	November 1998
Norfolk	November 1998
Portsmouth	January 2001
Rappahannock Regional	October 1998
Richmond	March 1998
Roanoke	September 1995
Staunton	July 2002

## Albemarle County/City of Charlottesville Adult Drug Court

### Target Population

The Albemarle County/City of Charlottesville Drug Court was implemented in July 1997, in the City of Charlottesville Circuit Court. Located in Central Virginia, the Albemarle County/City of Charlottesville Drug Court serves defendants residing in the City of Charlottesville and Albemarle County who have a pending charge in the City of Charlottesville or Albemarle County Circuit Court. According to the 2010 Census, the total population for Albemarle County was 98,970, and the City of Charlottesville was 43,475; for a total of 142,455 residents. The Albemarle County/City of Charlottesville Drug Court serves pre and post dispositional cases. The most frequent drugs of choice are cocaine, opiates and marijuana. Thirty-six percent are poly substance abusers. The average length of time participants spend in the program is 14 months.

### Drug Court Team Members

The Albemarle County/City of Charlottesville Drug Court drug court team consists of 1 judge, a drug court administrator, 2 clinicians, 2 case managers (probation officers), a law enforcement representative, and an administrative assistant.

### Numbers Served (since Inception)

Enrolled: (450 as of 08/22/12)

Graduated: (270 as of 08/22/12)

Terminated: (143 as of 08/22/12)

### Eligibility Criteria

The following are the eligibility criteria for entry into the Albemarle County/City of Charlottesville Drug Court Program. The offender must:

- Reside in Charlottesville or Albemarle County
- Be alcohol or drug dependent
- Be charged with Possession/Attempted Possession of a Schedule I/II drug; Distribution or Possession with intent to distribute a Schedule I/II drug, not more than 10 standard street sale units; Felony Distribution of marijuana or with intent to distribute not more than two ounces; Prescription forgery/fraud; Felony property offenses; Probation Violation on a drug or other non-violent case if the violation is due to possession or use of a controlled drug
- Have no prior convictions for violent felonies or weapons offenses (as defined by Federal law 42 USC 3797(U) and Virginia Code Sections 17.1-805 and 19.2-297.1) not more than ten years prior
- Not have any prior conviction or pending charge for distribution or possession with intent to distribute ten standard street sale units of any schedule I/II drug
- Not have more than one prior conviction for distribution or possession with intent to distribute schedule I/II drugs, regardless of quantity

- Not have worked as a confidential informant and previously received consideration for doing so within the past 36 months

### **Referral & Entry Process and Screening & Assessment**

The City of Charlottesville/Albemarle County Drug Court is structured as both a post-plea and a post-dispositional model. Upon arrest for a qualifying offense, information regarding the drug court is provided at the magistrate's office. Whether held in jail or placed on bond, the person is scheduled to appear at the next General District Court docket in the referring jurisdiction. If on bond, the defendant is required to submit to regular drug testing. The defendant must meet with their attorney within 7 days to decide if they would like to participate in drug court. The defendant must then complete a clinical assessment at the CSB. If eligible and amenable, the defendant then waives preliminary hearing and indictment and proceeds to Charlottesville Circuit Court/Drug Court docket. The defendant is required to enter a guilty plea at the time of entry. Final disposition is taken under advisement for the duration of program participation. Probation violation referrals are made directly from a Circuit Court judge. The same review process is utilized.

### **Treatment Providers, Models and Services**

Drug court clinicians conduct initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from 2 clinicians from the Community Services Board. The services include but are not limited to: individual counseling, group counseling, residential treatment referrals, psychiatric evaluations and medication management, living sober groups, continuing care groups, and other specialty groups as appropriate.

### **Supervision Services**

Two local OAR case managers (probation officers) provide intensive supervision to drug court participants. Services provided include: community supervision, community service monitoring, employment and job skill development, and referrals to ancillary services.

### **Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 3 program phases. Each phase is a minimum of 90 days. **Table 2A** displays phase requirements for drug court participants.



**Table 2A: Phase Requirement for Albemarle/Charlottesville Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	3-5x weekly	3x weekly	2x weekly	2x weekly
Individual sessions	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan
Intensive outpatient counseling	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan
Probation officer meeting	As directed	As directed	As directed	As directed
Self-help meetings	2x weekly	2x weekly	2x weekly	2x weekly
Court appearances	Weekly	Every other week	Every 3 weeks	Every 4 weeks
Home/community contacts	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 60 consecutive days, have full time employment of 30 hours per week and recommendation from the Drug Court Team.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment of 30 hours per week and recommendation from the Drug Court Team.

To advance from Phase 3 to Phase 4 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment of 30 hours per week and recommendation from the Drug Court Team.

**Drug Testing**

On-site drug testing is performed by case managers and by treatment staff at scheduled intervals and randomly using a color code system. All sample collection is observed by same gender staff members. Participants are tested for drug and alcohol use. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG). When a participant denies use, the cost of a confirmation test, when the lab result is positive, is borne by the participant.

**Drug Court Participant Fees**

Drug court participants pay a \$15 per week treatment fee. Other costs due to the court and restitution are collected by program staff.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, administrative assistant, clinicians, and case managers.

### **Incentives**

Incentives are provided for completion of each of the four phases of the program. Incentives may include:

- Praise from the bench
- Certificates
- Small tokens such as movie passes or dinner passes
- Program graduation ceremonies

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature.

Sanctions are given in response to non-compliance, including:

- Tardiness
- Poor participation
- Missed groups
- Failure to seek employment or voluntarily leaving employment
- Positive alcohol tests/consuming alcohol
- Positive drug tests
- Tampering with or failing to report for a drug test
- Failure to appear for drug court
- Failure to submit a drug test sample and/or no show
- Failure to complete community service
- Failure to complete assignments
- Failure to provide documentation of varying types on time
- Failure to pay court costs, fees and restitution
- Threatening behavior against staff or other participants

Sanctions can include:

- Admonishment from the bench
- Community service
- Delayed phase advancement or demotion to an earlier phase
- Curfew restrictions
- Essays/homework assignments

- Detoxification
- Inpatient treatment
- Home electronic incarceration
- Incarceration
- Program termination

Automatic, prescribed sanctions are applied for positive drug tests, failure to submit to a drug screen, tampering with a drug screen and committing a new felony offense.

### **Program Termination**

The following are reasons for program termination:

- Receiving a jail sentence for a new charge of 120 days or greater
- Four positive drug tests within 6 months
- Five positive tests in the program
- Multiple new charges
- Cumulative program non-compliance

Upon termination, the case is continued to the next docket call in the referring jurisdiction.

### **Graduation**

On average, graduation is held monthly. Fellow participants attend and family, friends, and sponsors of the graduate, past graduates, as well as community members are invited. In order to graduate from drug court, participants must:

- Participate in drug court at least 12 months with 12 months of sobriety
- Completion of all program phases
- Recommendation for completion from the drug court team

### **Post-Graduation Support**

The program coordinator facilitates an Aftercare group twice per month. Attendance is optional.

## **Chesterfield County/City of Colonial Heights Adult Drug Court**

### **Target Population**

The Chesterfield County/City of Colonial Heights Drug Court was implemented in September 2000, in the Chesterfield County Circuit Court. Located just outside of Richmond, the Chesterfield County/City of Colonial Heights Drug Court serves defendants residing within thirty miles of the Chesterfield Courthouse who have a pending charge in either Chesterfield County or City of Colonial Heights Circuit Court. According to the 2010 Census, the total population for Chesterfield County was approximately 316,236, and for the City of Colonial Heights was 17,411; for a total of 333,647 residents. The Chesterfield County/City of Colonial Heights Drug Court serves primarily pre-dispositional cases. The most frequent drug of choice is prescription

opiates followed by cocaine and heroin. The average length of time participants spend in the program is 19 months.

### **Drug Court Team Members**

The Chesterfield County/City of Colonial Heights Drug Court drug court team consists of 1 judge, a drug court administrator, 3 clinicians, 1 representative from the Commonwealth's Attorney Office, a defense bar representative, 2 local probation officers, 1 police officer and an administrative assistant.

### **Numbers Served (since Inception)**

Enrolled: 471 (as of 12/31/2011)

Graduated: 153 (as of 12/31/2011)

Terminated: 278 (as of 12/31/2011)

### **Eligibility Criteria**

Participation in the Chesterfield County/City of Colonial Heights Drug Court is available to persons who:

- Are 18 years or older
- Are charged with a felony drug offense or felony property offense in Chesterfield County of the City of Colonial Heights
- Have no prior convictions for felony violence, sex offenses or drug distribution
- Meet DSM criteria for substance abuse dependence
- Live within 30 miles of the Chesterfield County Courthouse
- Are able to physically and mentally participate in all drug court activities.

### **Referral & Entry Process and Screening & Assessment**

Ordinarily the referral process begins when a defendant or his/her attorney makes a request for consideration to the deputy prosecutor assigned to the case. The legal screening is conducted by the Commonwealth's Attorney assigned to drug court. If legally eligible, defendants proceed to a clinical assessment. The assessment is conducted by the probation officer who is a certified substance abuse counselor. Validated clinical assessment instruments are used. In most cases, clinical suitability decisions are made the day of the assessment and the drug court team is notified.

### **Treatment Providers, Models and Services**

Drug court clinicians conduct initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from three senior clinicians from the Community Services Board. The services include but are not limited to: individual counseling, group counseling, psychiatric referrals, recovery skills group, gender specific groups, advanced process group, and other specialty groups as appropriate.

**Supervision Services**

Two local probation officers and a police officer provide intensive supervision to drug court participants. Services provided include: community supervision, group facilitation, MRT group and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 15 months. There are 5 program phases. **Table 3A** displays phase requirements for drug court participants.

**Table 3A: Phase Requirement for Chesterfield County/  
City of Colonial Heights Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Drug screens	3x weekly	2x weekly	1x weekly	2x month (random)	2x month (random)
Individual sessions	Weekly	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan
Intensive outpatient counseling	3x weekly	3x weekly	1x weekly	1x weekly	
Probation officer meeting	As directed	As directed	As directed	As directed	As directed
Self-help meetings	2x weekly	2x weekly	2x weekly		
Court appearances	Every week	Every other week	Every 3 weeks	Every 3 weeks	Every 3 weeks
Home/community contacts	As needed	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 45 consecutive days and have full time employment of 30 hours per week.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 45 consecutive days and full time employment of 30 hours per week.

To advance from Phase 3 to Phase 4 the participant must have no positive drug or alcohol screens for 60 consecutive days and full time employment of 30 hours per week.

To advance from Phase 4 to Phase 5 (aftercare), participants must have no positive drug or alcohol screens for 120 consecutive days and full time employment of 30 hours per week.

### **Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly using a color code system. All tests are observed by same gender staff members. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG). Drug tests are also conducted during home contacts. If two on-site tests have a positive result, the participant will be considered positive. If the participant denies drug use they may request a confirmation lab test. If the lab test confirms the positive result, the participant must pay the lab fee. Diluted or abnormal tests result in jail sanctions. Tampering with a drug test results in a sanction and may result in a new misdemeanor charge.

### **Drug Court Participant Fees**

Drug court participants pay a \$75 monthly drug treatment court fee and must make monthly restitution payments, if applicable. Fees for treatment are included in the monthly program fee.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, administrative assistant, clinicians, probation officers, police officer and prosecutor.

### **Incentives**

Incentives are provided for movement through the phase system, for maintaining sobriety and for obtaining/maintaining employment. General incentives may include:

- Praise from the bench
- Leaving drug court sessions early
- Reduction in reporting requirements
- Certificates/medallions
- Later curfew
- Reduced treatment sessions
- Reduced drug testing obligations
- Reduced self help meeting requirements
- Reduced fees
- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature.

Sanctions are given in response to non-compliance, including:

- Tardiness
- Poor participation
- Failure to seek employment
- Failure to pay fines
- Positive drug tests
- Failure to submit a drug test sample and/or no show

Sanctions can include:

- Admonishment from the bench
- Community service
- Earlier curfew
- Essay
- Incarceration
- Program termination

Automatic sanctions are applied for positive or missed drug screens.

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. The following are reasons for automatic program termination:

- Committing an act of violence while in the program
- Possessing a firearm
- Absconding from drug court for 14 days in a row
- Arrest for a new felony
- Arrest for a new jailable misdemeanor on two separate occasions
- Arrest for a DUI with a criminal history that contains a DUI conviction within the past 10 years
- Possession of drugs in court, or on court, treatment or probation property
- Participating in the distribution of drugs

### **Graduation**

On average, graduation is held every three to four months. Fellow participants attend and family, friends, and sponsors of the graduate, past graduates, as well as the arresting officer are invited. The graduate is presented with a dismissal order indicating their felony has been dismissed in accordance with their plea agreement. In order to graduate from drug court, participants must:

- Participate in drug court over 14 months
- Complete all treatment requirements
- Have four months of sobriety and negative drug screens
- Be employed full-time or be enrolled as a student

### **Post-Graduation Support**

Aftercare occurs during Phase 5 of the program. Post-graduation, some graduates choose to attend an Alumni Group. This group averages 5-10 members/attendees.

### **City of Hampton Adult Drug Court**

#### **Target Population**

The City of Hampton Drug Court was implemented in February 2003, in the City of Hampton Circuit Court. Located in the Hampton Roads area of Virginia, the City of Hampton Drug Court serves defendants residing in the City of Hampton or the City of Newport News who have a pending charge in the City of Hampton Circuit Court. According to the 2010 Census, the total population for City of Hampton was approximately 137,436 residents. The City of Hampton Drug Court serves both diversion and post-plea cases. The most frequent drug of choice is cocaine (66%) followed by alcohol (14%) and heroin (12%). The average length of time participants spend in the program is 21 months.

#### **Drug Court Team Members**

The City of Hampton Drug Court drug court team consists of 1 judge, a drug court administrator, 2 clinicians, 1 case manager, 1 representative from the Commonwealth's Attorney Office, a Public Defender, 1 state probation officer, and an administrative assistant.

#### **Numbers Served (since Inception)**

Enrolled: 163 (as of 05/30/2012)

Graduated: 57 (as of 05/09/2012)

Terminated: 69 (as of 05/30/2012)

#### **Eligibility Criteria**

Participation in the City of Hampton Drug Court is available to persons who:

- Are 18 years or older
- Reside in the City of Hampton or the City of Newport News
- Are charged with a felony drug offense or drug related offense or felony property offense or a probation violation in the City of Hampton Circuit Court
- Have no prior convictions for felony violence, sex offenses or drug distribution
- Meet DSM criteria for substance abuse dependence
- Have a verifiable residence
- Have no parole obligations

#### **Referral & Entry Process and Screening & Assessment**

Referrals are made by the Commonwealth's Attorney's Office. Pre-trial Services conducts a criminal history check. A comprehensive substance abuse evaluation is completed. If eligible and suitable, the defendant enters drug court.



**Treatment Providers, Models and Services**

Drug court clinicians conduct initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from 2 clinicians and 1 case manager from the Community Services Board. The services include but are not limited to: individual counseling, group counseling, life skills, family groups, recovery skills group, peer support, relapse prevention, gender specific groups, and other specialty groups as appropriate.

**Supervision Services**

A state probation officer provides intensive supervision to drug court participants. Services provided include: office and community supervision, drug testing and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 14 months. There are 4 program phases. **Table 4A** displays phase requirements for drug court participants.

**Table 4A: Phase Requirement for City of Hampton Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	3x weekly	3x weekly	3x weekly	2x weekly
Individual sessions	As needed	As needed	As needed	As needed
Intensive outpatient counseling	Daily; 12 hrs weekly	9 hrs weekly	9.5 hrs weekly	4 hrs weekly
Probation officer meeting	As directed	As directed	As directed	As directed
Self-help meetings	3x weekly	3x weekly	3x weekly	3x weekly
Court appearances	Weekly	Every other week	Monthly	Monthly
Home/community contacts	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 30 consecutive days, have full time employment of 30 hours per week, complete all assignments, be making progress in treatment and have the recommendation of the treatment team.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 60 consecutive days, have full time employment of 30 hours per week, complete all assignments, be making progress in treatment and have the recommendation of the treatment team.

To advance from Phase 3 to Phase 4 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment of 30 hours per week, complete all assignments, be making progress in treatment and have the recommendation of the treatment team.

### **Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly utilizing a color code system. All tests are observed by same gender staff members. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG). All positive on-site tests are confirmed by the lab unless the participant admits voluntarily to the use. If the lab test confirms the positive result, the participant must pay the lab fee. Attempts to adulterate or defraud a drug test will result in sanctions that can include: jail sanction, loss of clean time, termination and/or a Class 1 misdemeanor charge.

### **Drug Court Participant Fees**

Drug court participants pay a \$520 drug treatment court fee and must make monthly court cost and restitution payments, if applicable. Fees for treatment are included in the program fee, which is paid in three payments during phases 2-4.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, administrative assistant, clinicians, case manager, prosecutor and Public Defender.

### **Incentives**

Incentives are provided for movement through the phase system, for maintaining sobriety and for exhibiting healthy behaviors. General incentives may include:

- Praise from the bench
- Bus passes
- Movie passes
- Gift certificates
- Client of the Month award
- Day off from drug court
- Certificates
- Tokens/medallions
- Small recovery related items

- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature. Many infractions will result in pre-determined sanctions, all instituted in a graduated manner.

Sanctions are given in response to non-compliance, including:

- Tardiness
- Unexcused absences
- Poor participation
- Inappropriate behavior
- Unapproved change of residence/employment
- Failure to attend support groups
- Positive, adulterated or no show for drug tests
- Failure to submit a drug test sample and/or no show
- Lack of treatment progress
- Failure to provide verification of employment, meeting attendance or savings account activity

Sanctions can include:

- Admonishment from the bench
- Increase in reporting requirements
- Increase in drug testing
- Increase in support group attendance
- Submission of daily itineraries
- Demotion to an earlier phase
- Community service
- Earlier curfew
- Essays or additional homework
- Confinement in the courtroom jury box
- Home electronic monitoring
- Detention/Diversion Center
- Incarceration
- Program termination

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. The following are reasons for automatic program termination:

- Committing an act of violence while in the program
- Possessing a firearm
- Threatening behavior

- Arrest for a new felony

### **Graduation**

On average, graduation is held annually. Fellow participants attend and family, friends, and sponsors of the graduate are invited. In order to graduate from drug court, participants must:

- Participate in drug court for over 14 months
- Complete all treatment requirements
- Have six months of sobriety and negative drug screens
- Have stable employment, residence, a written budget and an aftercare plan

### **Post-Graduation Support**

Mandatory aftercare begins after graduation and lasts for at least six months. Aftercare groups are held weekly. Group participants continue to attend court every other month and are subject to sanction at the discretion of the Court. Graduates may also participate in all Alumni activities. All drug court services remain available to clients in Aftercare.

## **Henrico County Adult Drug Court**

### **Target Population**

The Henrico County Adult Drug Court was implemented in January 2003 in the Henrico County Circuit Court. Located in just outside of Richmond, the Henrico County Adult Drug Court serves residents of Henrico County and neighboring jurisdictions, but the underlying offense for the pending probation violation must have occurred in Henrico County. According to the 2010 US Census, the total population for Henrico County was approximately 306,935. The Henrico County Drug Court serves only post dispositional cases. The most frequent drug of choice is heroin followed by cocaine and prescription opiates. The average length of time participants spend in the program is 18 months.

### **Drug Court Team Members**

The Henrico County drug court team consists of 2 judges, a drug court coordinator, an administrative assistant, 2 clinicians staffed by the CSB, a representative from the Commonwealth's Attorney Office, a representative of the local defense bar, a local and a state probation officer and a Sheriff's deputy.

### **Numbers Served (since Inception)**

Enrolled: 298 (as of 10/02/2012)

Graduated: 117 (as of May 2012)

Terminated: 127 (as of 08/22/2012))

### **Eligibility Criteria**

The following are the eligibility criteria for entry into the Drug Court Program. The offender must:

- Have a pending Show Cause in Henrico County Circuit Court

- Be approved by the Commonwealth's Attorney
- Reside in the metro Richmond area
- Have no prior convictions for violent felonies or weapons offenses (as defined by Federal law 42 USC 3797(U) and Virginia Code Sections 17.1-805 and 19.2-297.1), except that 18.2-89, 90 or 91 is not a disqualifying offense if it was committed more than 10 years before entry into drug court
- Have no prior conviction for a predatory sex crime or any felony with a child as a victim
- Have no prior conviction of drug distribution or possession with intent to distribute within the past 10 years
- Have no other pending charges, except for traffic infractions
- *Not* be on parole or post release supervision or on probation for any other jurisdiction
- *Not* be currently taking any prescribed medications that may affect required drug tests
- Must exhibit stable mental health in order to tolerate stressful situations and confrontation to complete the program
- Not serve as an informant for police during participation
- Must have a suspended sentence of at least 12 months of incarceration

### **Referral & Entry Process and Screening & Assessment**

When a Probation Violation is alleged, the Probation Officer screens the probationer and identifies them as drug court eligible when submitting a violation report to the court or to the program. At the Show Cause hearing, if the probationer admits the violation and requests drug court, the judge decides whether to refer him or her for assessment. Upon referral, the probationer is then assessed by the drug court clinician. Upon concurrence of the drug court team, the probationer's sentence is revoked and re-suspended by the judge pending successful completion of drug court. The participant then completes the drug court intake process. If deemed ineligible, the case is set for disposition of the probation violation by the original sentencing judge.

### **Treatment Providers, Models and Services**

The drug court clinician conducts an initial assessment at referral. Upon program entry, the drug court clinician or other assigned clinician completes an intake where a treatment plan is devised. This plan may include any of the following: education group counseling, relapse prevention group, cognitive skills group, process group, MRT, auricular acupuncture, individual counseling, family/support counseling, community support group attendance or any other related referral deemed necessary to assist in the recovery process. Drug court participants attend intensive outpatient counseling facilitated by treatment providers at the Community Services Board.

### **Supervision Services**

The Henrico County Community Corrections Program, state Probation and the Henrico County Sheriff's Office provide intensive supervision to drug court participants. The probation officers conduct office contacts while the deputy conducts home and employment contacts as well as warrant service when necessary. Other services provided include: community service

monitoring, SCRAM monitoring, roboCUFF curfew monitoring, life skills assistance and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 4 phases of the program. Each phase is a minimum of 90 days in length.

Table 5A displays phase requirements for drug court participants.

**Table 5A: Phase Requirement for Henrico County Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	3x weekly	2x weekly	2x weekly	3x monthly (random)
Individual sessions	As needed	As needed	As needed	As needed
Intensive outpatient counseling	3x weekly	2x weekly	2x weekly	1x weekly
Probation officer meeting	1x week	1x week	Every other week	1x monthly
Self-help meetings	3x weekly	2x weekly	2x weekly	2x weekly
Court appearances	Weekly	Every other week	Every 3 weeks	Every 3 weeks
Home/community contacts	2x monthly	1x monthly	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must: have 30 consecutive days of abstinence, full time employment/educational enrollment, have been on time for court appearances and appointments, treatment compliance and be paid in full, to date, on all Drug Court fees.

To advance from Phase 2 to Phase 3 the participant must: have 60 consecutive days of abstinence, full time employment/educational enrollment, stable residence, treatment compliance and have been on time for court appearances and appointments, be working on his or her GED (if needed) and be paid in full, to date, on all Drug Court fees.

To advance from Phase 3 to Phase 4 the participant must: have 90 consecutive days of abstinence, full time employment/educational enrollment, stable residence, treatment compliance and have been on time for court appearances and appointments, be working on his or her GED (if needed) and be paid in full on all Drug Court fees.

**Drug Testing**

Drug testing is conducted by the probation officers, Sheriff’s deputy, clinicians and coordinator. All drug tests are monitored and are conducted on-site and at participants’ residence. Testing

is performed at scheduled intervals and randomly utilizing a color code system. An Alco-sensor test for alcohol may be administered at any time. SCRAM devices are also used on a case by case basis.

### **Drug Court Participant Fees**

Drug court participants pay a \$25/month drug treatment court fee.

### **Team Staffing**

Drug court team staffings are held every week prior to the drug court session. The purpose of the meeting is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance may include the judge, prosecutor, a defense bar representative, probation officers, deputy, coordinator, clinicians and the administrative assistant.

### **Incentives**

Continued progress through the phases of the Drug Court Program and periods of sobriety merit the awarding of the following incentives:

- Praise from the Court and the Drug Court Team
- Certificates of recognition and medallions
- Promotion to a higher drug court phase
- Graduation upon completion of the program

Other incentives such as gift certificates, movie passes, etc. may be drawn from the prize basket.

### **Sanctions**

Sanctions can include:

- Reprimand from the Court
- Writing assignments
- Fees
- Loss of clean time
- Curfew restrictions
- House arrest
- Incarceration
- Termination

These are not exhaustive lists of sanctions. Other sanctions may be ordered by the Court as deemed appropriate. The above listed sanctions may also be combined with automatic

sanctions. Certain behaviors will result in automatic sanctions. Sanctions are graduated with increased number of incidences.

- Late paperwork
- Missed group
- Monthly drug court fee unpaid/late
- roboCUFF violation
- No job after 30 days
- Dilute drug screen
- Unable to provide screen

### **Program Termination**

The following actions result in automatic termination from the program:

- Committing an act of physical violence while in the program (on or off Drug Court property)
- Possessing a firearm (on their person, in their car or in their home)
- Conviction for a new felony offense while in the program
- Possessing drugs on court, probation or treatment property

Participants may also be terminated for failing to make adequate progress in Drug Court or exceeding the maximum number of positive/missed drug screens during the program. The Drug Court Program is voluntary; therefore, a participant may withdraw from the program at any time. The case will then be returned to the regular court docket for sentencing.

### **Graduation**

On average, graduation is held 3 to 4 times per year. Fellow participants attend and past graduates are invited, as are family, friends, and sponsors of the graduate, as well as other program supporters and community partners.

In order to graduate from drug court, participants must have successfully completed the requirements of all four phases of the program and must have been in the program for a minimum of 12 months. Additional requirements for graduation:

- Successful completion of the requirements of each phase
- Abstinence from drugs and alcohol for at least 100 consecutive days
- Positive treatment summary
- Complete a continuing care plan
- Attend at least 3 community support groups per week with no missed groups for 30 days
- Pass GED exam, if applicable
- Be employed or in school
- Pay all drug court fees in full
- Have at least 2 approved community support persons
- Attend Drug Court Alumni meeting at least once



Upon program graduation, a participant is removed from supervised probation.

### **Post-Graduation Support**

During Phase 4 of the program, participants begin attending an Alumni group twice monthly. The Alumni group is facilitated by a drug court clinician. Pro-social activities are a popular aspect of this group.

## **Loudoun County Adult Drug Court**

### **Target Population**

The Loudoun County Adult Drug Court was implemented in June 2004 in the Loudoun County Circuit Court. Located in Northern Virginia, the Loudoun County Adult Drug Court serves only residents of Loudoun County, where the underlying offense for the pending probation violation must have occurred. According to the 2010 US Census, the total population for Loudoun County was approximately 321,311. The Loudoun County Drug Court serves only post dispositional cases. The most frequent drug of choice is cocaine (32%), followed by marijuana (28%) and opiates (25%); 57% are poly drug and alcohol abusers. The average length of time participants spend in the program is 14 months.

### **Drug Court Team Members**

The Loudoun County drug court team consists of 2 judges, a drug court coordinator, 2 treatment providers staffed by the CSB, 2 representatives from the Commonwealth's Attorney Office, a public defender, a local and a state probation officer and a Sheriff's deputy.

### **Numbers Served (since Inception)**

Enrolled: 97 (as of 03/08/2012)

Graduated: 23 (as of 03/08/2012)

Terminated: 61 (as of 03/08/2012)

### **Eligibility Criteria**

The following are the eligibility criteria for entry into the Drug Court Program. The offender must:

- Reside in Loudoun County
- Be alcohol or drug dependent
- Be on supervised probation for a felony conviction or deferred finding
- Have a pending Probation Violation that is due to their alcohol or drug dependency
- Have no prior convictions for violent felonies or weapons offenses (as defined by Federal law 42 USC 3797(U) and Virginia Code Sections 17.1-805 and 19.2-297.1)
- Have no other pending charges, which have potential for a jail sentence
- *Not* be on probation for a felony DUI, be on parole or post release supervision or on probation for a jurisdiction other than Loudoun County
- *Not* be a confidential informant

### **Referral & Entry Process and Screening & Assessment**

The Probation Officer completes the Drug Court Pre-Screening Form and forwards it to the Drug Court Administrator. The Administrator contacts the Court to schedule the Probation Violation hearing on the Drug Court docket. The probationer appears with an attorney/has one appointed. The probationer is then assessed by the drug court clinician. Prior to entering the Drug Court Program, the probationer must be found in violation of probation and they must voluntarily agree to participate in the program. Participation is also contingent upon the entry of a written agreement between the offender and the Commonwealth with the concurrence of the court. If the probationer is deemed eligible and found guilty of the probation violation, he or she begins the Drug Court Program immediately. Any sentencing on the Probation Violation is deferred during program participation until program completion or termination. If deemed ineligible, the case is returned to the regular docket for probation revocation proceedings.

### **Treatment Providers, Models and Services**

The drug court clinician conducts an initial assessment at referral. Upon program entry, the drug court or other assigned clinician completes an intake where a treatment plan is devised. This plan may include any of the following: group counseling, individual counseling, family/support counseling, gender specific counseling, MRT, psychiatric services and medication assistance, AA/NA attendance or any other related referral deemed necessary to assist in the recovery process. Drug court participants attend intensive outpatient counseling facilitated by treatment providers at the Community Services Board.

### **Supervision Services**

Loudoun County Community Corrections Program and the Loudoun County Sheriff's Office provide intensive supervision to drug court participants. The probation officer conducts office contacts while the deputy conducts home and employment contacts as well as warrant service when necessary. Other services provided include: GPS supervision, community service monitoring, SCRAM monitoring, life skills assistance and referrals to ancillary services.

### **Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 4 phases of the program. Each phase is a minimum of 90 days in length. **Table 6A** displays phase requirements for drug court participants.

**Table 6A: Phase Requirement for Loudoun County Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	3x weekly	2x weekly	Weekly	Randomly
Individual sessions	As needed	As needed	As needed	As needed
Intensive outpatient counseling	3x weekly, plus family group	3x weekly, plus family group	2x weekly, plus family group	1x weekly
Probation officer meeting	2x week	1x week	Every other week	2x monthly
Self-help meetings	30 in 30 then 4x weekly	4x weekly	4x weekly	4x weekly
Court appearances	Weekly	Every other week	Every 3 weeks	Every 3 weeks
Home/community contacts	2x monthly	2x monthly	Monthly	Monthly

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must: have 60 consecutive days of abstinence, full time employment/educational enrollment, stable residence, treatment compliance and the approval of the Drug Court Team.

To advance from Phase 2 to Phase 3 the participant must: have 90 consecutive days of abstinence, full time employment/educational enrollment, stable residence, treatment compliance and the approval of the Drug Court Team.

To advance from Phase 3 to Phase 4 the participant must: have 120 consecutive days of abstinence, full time employment/educational enrollment, stable residence, treatment compliance and the approval of the Drug Court Team.

**Drug Testing**

Drug testing is conducted by the probation officer, Sheriff’s deputy, clinicians and coordinator. All drug tests are monitored by same gender staff and are conducted on-site and at the participant’s residence. All participants are subject to scheduled random urine screens utilizing a color code system. An Alco-sensor test for alcohol may be administered at any time. Positive results for alcohol result in the same sanctions as positive urine screens for drugs. Lab testing is used for confirmations and for other drugs where on-site tests are not available, including EtG/EtS alcohol testing. SCRAM devices are also used on a case by case basis. A urine test will be deemed positive if two on-site tests indicate positive results. If the screen is sent to the lab and the positive results are confirmed, the participant is subject to additional sanctions and must pay the cost of the lab test.

### **Drug Court Participant Fees**

Drug court participants pay a \$100 drug treatment court fee and enter into a monthly payment plan with the Circuit Court for court costs and restitution, where applicable. Participants may also enter into a fine-option agreement to perform community service in lieu of paying court costs. Participants also pay fees for treatment at the CSB based on a sliding scale.

### **Team Staffing**

Drug court team staffings are held every week the day before the drug court session. The purpose of the meeting is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include judges, prosecutors, public defender, probation officer(s), deputy, coordinator and clinicians.

### **Incentives**

Continued progress through the phases of the Drug Court Program merit the awarding of the following incentives:

- Praise from the Court and the Drug Court Team
- Certificates of recognition
- Promotion to a higher drug court phase
- Graduation upon completion of the program

Other incentives such as medallions, gift certificates, movie passes, etc. may be used as incentives as well. However, the true incentive of the program is to lead a drug and crime free life.

### **Sanctions**

Sanctions can include:

- Reprimand from the Court
- Writing assignments
- Demotion to an earlier phase
- Increased frequency of drug testing
- Increased frequency of meetings with probation
- Day reporting
- Travel restrictions
- Curfew restrictions
- Home electronic monitoring or GPS Monitoring
- Community service through the Sheriff's Work Force Program
- Incarceration
- Termination

The above listed sanctions may also be combined with automatic sanctions. Certain behaviors result in automatic sanctions and will begin after the initial 30 days in the program (see below). During the first 30 days of the program, positive or missed urine screens may not result in mandatory termination, though *any* other sanctions may be imposed. These behaviors and automatic sanctions include (one “day” is defined as a consecutive 24 hour period). Additional jail days may be imposed if a participant repeatedly tests positive in a single week. Infractions subject to automatic sanctions include:

- Positive or missed urine screens
- Tampering with a urine screen
- Lying about drug use to any Drug Court Team member or the Court

### **Program Termination**

The following actions will result in automatic termination from the program:

- Moving outside of Loudoun County, Virginia
- Committing an act of physical violence while in the program (on or off Drug Court property)
- Possessing a firearm (on their person, in their car or in their home)
- Not attending treatment or court for 14 consecutive days
- Absconding from Drug Court for a period of more than 14 consecutive days
- Arrest (may) and conviction (will) on a new felony offense or new Class 1 or 2 misdemeanor offenses
- Possessing drugs on court, probation or treatment property

Participants may also be terminated for failing to make adequate progress in Drug Court or exceeding the maximum allowable sanctions during the program. The Drug Court Program is voluntary; therefore, a participant may withdraw from the program at any time. The case will then be returned to the regular court docket for sentencing.

### **Graduation**

On average, graduation is held quarterly or as needed. Fellow participants attend and past graduates are invited, as are family, friends, and sponsors of the graduate, as well as other program supporters and community partners.

In order to graduate from drug court, participants must have successfully completed the requirements of all four phases of the program and must have been in the program for a minimum of 12 months. Additional requirements for graduation include:

- Successful completion of the requirements of each phase
- Abstinence from drugs and alcohol for at least 6 months
- Positive treatment summary
- No new felony arrests and no new Class 1 or 2 misdemeanor arrests

- Agree to participate in an follow-up interviews for up to 12 months after graduation
- Recommendation of the drug court team

Upon program graduation, a participant may be continued on supervised probation and will be required to follow any and all special conditions imposed, including aftercare treatment.

### **Post-Graduation Support**

During Phase 4 of the program, participants begin attending an Aftercare group monthly. Upon graduation, they continue in this group as directed by the Court and their primary clinician for up to six months.

## **City of Newport News Adult Drug Court**

### **Target Population**

The Newport News Drug Court was implemented in November 1998, in the Newport News Circuit Court. Located in the Hampton Roads area of Virginia, the Newport News Drug Court serves defendants residing in the City of Newport News or in the City of Hampton who have a pending charge in the Newport News Circuit Court. According to the 2010 Census, the total population for Newport News was approximately 180,719 residents. The Newport News Drug Court serves both diversion and post-plea cases. The most frequent drug of choice is cocaine. The average length of time participants spend in the program is 26 months.

### **Drug Court Team Members**

The Newport News Drug Court drug court team consists of 1 judge, a drug court administrator, 3 clinicians, 1 state probation officer and an administrative assistant.

### **Numbers Served (since Inception)**

Enrolled: 302 (as of 03/21/2012)

Graduated: 116 (as of 03/21/2012)

Terminated: 164 (as of 03/21/2012)

### **Eligibility Criteria**

Participation in the Newport News Drug Court is available to persons who:

- Are 18 years or older
- Reside in the City of Newport News or the City of Hampton
- Are charged with a felony drug offense or drug-related offense or felony property offense or a probation violation in the Newport News Circuit Court
- Have no prior convictions for felony violence, sex offenses or drug distribution
- Meet DSM criteria for substance abuse dependence
- Have a verifiable residence
- Have no parole obligations

**Referral & Entry Process and Screening & Assessment**

Referrals can be made by the Court, probation, attorneys or via a self-referral by the defendant. Pre-trial Services conducts a criminal history check. A comprehensive substance abuse assessment is completed. If eligible and suitable, the defendant enters drug court.

**Treatment Providers, Models and Services**

Drug court clinicians conduct initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from 3 clinicians employed by the Community Services Board. The services include, but are not limited to: individual counseling, group counseling, life skills, family groups, recovery skills group, peer support, relapse prevention, gender specific groups, and other specialty groups as appropriate.

**Supervision Services**

A state probation officer provides intensive supervision to drug court participants. Services provided include: office and community supervision, drug testing and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 13 months. There are 4 program phases. **Table 7A** displays phase requirements for drug court participants.

**Table 7A: Phase Requirement for Newport News Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	2-5x weekly	2-5x weekly	2-5x weekly	2-4x weekly
Individual sessions	As needed	As needed	As needed	As needed
Intensive outpatient counseling	Daily; 12 hrs weekly	9 hrs weekly	6 hrs weekly	4 hrs weekly
Probation officer meeting	As directed	As directed	As directed	As directed
Self-help meetings	3x weekly	3x weekly	3x weekly	3x weekly
Court appearances	Weekly	Every other week	Monthly	Monthly
Home/community contacts	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 30 consecutive days, have full time employment of 30 hours per week, complete all

assignments, be making progress in treatment and have the recommendation of the treatment team.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 60 consecutive days, have full time employment of 30 hours per week, complete all assignments, be making progress in treatment and have the recommendation of the treatment team.

To advance from Phase 3 to Phase 4 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment of 30 hours per week, complete all assignments, be making progress in treatment and have the recommendation of the treatment team.

### **Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly utilizing a color code system. All tests are observed by same gender staff members. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG). Attempts to adulterate or defraud a drug test result in sanctions that can include: jail sanction, loss of clean time, termination and/or a Class 1 misdemeanor charge.

### **Drug Court Participant Fees**

Drug court participants pay a \$520 drug treatment court fee and must make monthly court cost and restitution payments, if applicable. Fees for treatment are included in the program fee, which is paid in three payments during phases 2-4.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, clinicians, and state probation officer.

### **Incentives**

Incentives are provided for movement through the phase system, for maintaining sobriety and for exhibiting healthy behaviors. General incentives may include:

- Praise from the bench
- Bus passes
- Movie passes
- Gift certificates
- "Client of the Month" award



- Certificates
- Tokens/medallions
- Small recovery related items
- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature. Many infractions result in pre-determined sanctions, all instituted in a graduated manner.

Sanctions are given in response to non-compliance, including:

- Tardiness
- Unexcused absences
- Poor participation
- Inappropriate behavior
- Unapproved change of residence/employment
- Failure to attend support groups
- Positive, adulterated or failure to report for drug tests
- Failure to submit a drug test sample
- Lack of treatment progress
- Failure to provide verification of employment, meeting attendance or savings account activity

Sanctions can include:

- Admonishment from the bench
- Increase in reporting requirements
- Increase in drug testing
- Increase in support group attendance
- Submission of daily itineraries
- Demotion to an earlier phase
- Community service
- Earlier curfew
- Essays or additional homework
- Confinement in the courtroom jury box
- Home electronic monitoring
- Detention/Diversion Center
- Incarceration
- Program termination

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. The following are reasons for automatic program termination:

- Committing an act of violence while in the program
- Possessing a firearm
- Threatening behavior
- Arrest for a new felony

### **Graduation**

On average, graduation is held annually. Fellow participants attend and family, friends, and sponsors of the graduate are invited.

In order to graduate from drug court, participants must:

- Participate in drug court for over 14 months
- Complete all treatment requirements
- Have six months of sobriety and negative drug screens
- Have stable employment, residence, a written budget and an aftercare plan

### **Post-Graduation Support**

Mandatory aftercare begins after graduation and lasts for at least twelve months. Aftercare groups are held weekly. Group participants are subject to sanction at the discretion of the Court. Graduates may also participate in all Alumni activities. All drug court services remain available to clients in aftercare.

## **City of Norfolk Adult Drug Court**

### **Target Population**

The City of Norfolk Drug Court was implemented in November 1998, in the City of Norfolk Circuit Court. The City of Norfolk Drug Court serves defendants residing in the City of Norfolk or the City of Portsmouth or the City of Virginia Beach who have a pending charge in the City of Norfolk Circuit Court. According to the 2010 Census, the total population for City of Norfolk was approximately 242,803 residents. The City of Norfolk Drug Court serves post-plea cases. The most frequent drug of choice is cocaine (50%) followed by heroin (36%) and alcohol (4%). The average length of time participants spend in the program is 16 months.

### **Drug Court Team Members**

The City of Norfolk Drug Court drug court team consists of 1 judge, a drug court administrator, 2 clinicians, 1 case manager, 1 representative from the Commonwealth's Attorney Office, a defense bar representative, and 2 state probation officers.

### **Numbers Served (since Inception)**

Enrolled: 562 (as of 05/10/2012)

Graduated: 192 (as of 03/20/2012)

Terminated: 370 (as of 05/10/2012)

### Eligibility Criteria

Participation in the City of Norfolk Drug Court is available to persons who:

- Are 18 years or older
- Reside in the City of Norfolk or the City of Portsmouth or the City of Virginia Beach
- Are charged with a felony drug offense or drug related offense or felony property offense or a probation violation in the City of Norfolk Circuit Court
- Have no prior convictions for felony violence, sex offenses or drug distribution
- Are not eligible for treatment under deferred judgment
- Have no pending charges in another jurisdiction that may result in incarceration

### Referral & Entry Process and Screening & Assessment

Referrals are made to the Commonwealth’s Attorney’s Office for legal review. A substance abuse evaluation is completed by a drug court clinician. An additional evaluation for supervision suitability is conducted by a probation officer. If eligible and suitable, the defendant enters drug court.

### Treatment Providers, Models and Services

The drug court clinician conducts the initial assessment and intake. Drug court participants obtain intensive outpatient counseling from 2 clinicians from the Community Services Board. The services include but are not limited to: individual counseling, group counseling, and other specialty groups/referrals as appropriate.

### Supervision Services

Two state probation officers provide intensive supervision to drug court participants. Services provided include: office and community supervision, drug testing, SCRAM monitoring and referrals to ancillary services.

### Phases

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 4 program phases. **Table 8A** displays phase requirements for drug court participants.

**Table 8A: Phase Requirement for City of Norfolk Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	2x weekly	2x weekly	2x weekly	2x weekly
Individual sessions	1x monthly	1x monthly	1x monthly	1x monthly
Intensive outpatient counseling	3x weekly	3x weekly	2x weekly	Weekly
Probation officer meeting	2x weekly	2x weekly	2x weekly	2x weekly
Self-help meetings	4x weekly	3x weekly	3x weekly	3x weekly
Court appearances	Weekly	Every other	Monthly	Monthly

Home/community contacts		week		
	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 30 consecutive days, have full time employment, be up-to-date on all fee payments, be making progress in treatment and have the recommendation of the team.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment, be up-to-date on all fee payments, be making progress in treatment and have the recommendation of the team.

To advance from Phase 3 to Phase 4 the participant must have no positive drug or alcohol screens for 90 consecutive days, have full time employment, make all fee payments, be making progress in treatment and have the recommendation of the team.

**Drug Testing**

On-site drug testing is performed randomly utilizing a color code system. All tests are observed by same gender staff members. Drug testing is performed in accordance with the policies and procedures of the Department of Corrections.

**Drug Court Participant Fees**

Drug court participants pay a monthly \$50 drug treatment court fee and must make monthly court cost and restitution payments, if applicable. Fees for treatment are included in the program fee.

**Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant’s progress or lack thereof.

**Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, clinicians, probation officers, prosecutor and defense attorney.

**Incentives**

Incentives are provided for maintaining increasingly longer periods of abstinence. General incentives may include:

- Praise from the bench
- Gift certificates

- Recovery medallions, books, and other items
- Program graduation

### **Sanctions**

Sanctions are recommended by team members and are at the discretion of the judge. Positive drug tests generally result in jail sanctions.

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. Prior to termination, a participant is placed on “last chance status.” This status results in a hearing to include the participant’s defense counsel. The probation violation hearing is conducted at the drug court docket.

### **Graduation**

On average, graduation is held every two months as participants become eligible. Fellow participants attend and family, friends, and sponsors of the graduate, and past graduates are invited. In order to graduate from drug court, participants must:

- Participate in drug court over 12 months
- Complete all treatment requirements
- Have 120 days of sobriety and negative drug screens
- Have stable employment, residence, a written budget and an aftercare plan

### **Post-Graduation Support**

Mandatory aftercare begins after graduation and lasts for at least six months. Graduates remain on supervised probation during aftercare and must attend aftercare group for at least 12 weeks. Graduates continue to be tested randomly twice weekly. Graduates may also participate in all Alumni activities. Upon successful completion, the graduate is released from supervised probation.

## **City of Portsmouth Adult Drug Court**

### **Target Population**

The City of Portsmouth Drug Court was implemented in January 2001, in the City of Portsmouth Circuit Court. The City of Portsmouth Drug Court serves defendants who have a pending charge in the City of Portsmouth Court. According to the 2010 Census, the total population for City of Portsmouth was approximately 95,535. The City of Portsmouth Drug Court serves both pre and post dispositional cases. The most frequent drug of choice is crack cocaine (42%) followed by heroin (35%) and poly drug abusers (20%). The average length of time participants spend in the program is 18 months.

### **Drug Court Team Members**

The City of Portsmouth Drug Court drug court team consists of a judge, a drug court administrator/clinician, a case manager, a representative from the Commonwealth's Attorney Office, and a senior state probation officer.

**Numbers Served (since Inception)**

Enrolled: 297 (as of 04/18/2012)

Graduated: 106 (as of 09/23/2011)

Terminated: 177 (as of 04/18/12)

**Eligibility Criteria**

Participation in the City of Portsmouth Drug Court is available to persons who:

- Are charged with a felony offense or felony probation violation in the City of Portsmouth Circuit Court
- Have no prior convictions for felony violence, sex offenses or drug distribution
- Are substance dependent

**Referral & Entry Process and Screening & Assessment**

Upon referral, the Commonwealth's Attorney representative conducts a legal screening for eligibility. Subsequently, a clinical screening is conducted. If eligible and suitable, the team recommends that the defendant enter drug court.

**Treatment Providers, Models and Services**

The program administrator is also the drug court clinician. The drug court clinician conducts initial assessments and intakes. Drug court participants obtain intensive outpatient counseling and case management from the drug court clinician from the Community Services Board and the drug court case manager. The services include but are not limited to: individual counseling, group counseling, case management, and other specialty groups as appropriate.

**Supervision Services**

A senior state probation officer provides intensive supervision to drug court participants. Services provided include: office and community supervision, drug testing, and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 4 program phases. Phase 1 is 8 weeks. Phase 2 is 20 weeks. Phase 3 is 16 weeks. Phase 4 is 8 weeks. **Table 9A** displays phase requirements for drug court participants.

**Table 9A: Phase Requirement for City of Portsmouth Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4
Drug screens	2x weekly, randomly	2x weekly, randomly	2x weekly, randomly	2x weekly, randomly
Individual sessions	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan
Intensive outpatient counseling	12 hours weekly	9 hours weekly	6 hours weekly	4 hours weekly
Probation officer meeting	As directed	As directed	As directed	As directed
Self-help meetings	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan
Court appearances	1x weekly	Every other week	Every other week	Monthly
Home/community contacts	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must comply with phase requirements, have a self-help home group, maintain employment, establish a cost payment plan, and treatment team recommendation.

To advance from Phase 2 to Phase 3 the participant must comply with phase requirements, have a sponsor, make court cost payments per the payment plan, open a savings account, have a written plan for healthier living, full time employment and treatment team recommendation.

To advance from Phase 3 to Phase 4 the participant must comply with phase requirements, maintain a sponsor and home group, make court cost payments per the payment plan, open a savings account and continue saving income, implement a plan for healthier living, full time employment and treatment team recommendation.

**Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly using a color code system. All tests are observed by same gender staff members. Testing is conducted on-site. Positive or missed drug screens result in jail sanctions. Tampering with a drug test can result in termination.

**Drug Court Participant Fees**

Drug court participants pay a \$10 monthly drug treatment court fee and must make monthly court costs and restitution payments, if applicable. Fees for treatment are included in the monthly program fee.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator/drug court clinician, probation officers, and a prosecutor.

### **Incentives**

Incentives are provided for movement through the phase system, for exhibiting exceptionally healthy behaviors. General incentives may include:

- Praise from the bench/Recognition in Court
- Gift certificates
- "Participant of the Month"
- Bus tokens
- Movie passes
- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature. Sanctions are given in response to non-compliance and rule violations. Sanctions can include:

- Admonishment from the bench
- Increase in reporting requirements
- Increase in drug testing
- Homework assignments
- Increase in support group attendance
- Increase in GED study hours
- Submission of daily itineraries
- Community service work
- Penalty box-day in court
- Increase in frequency of court appearances
- Demotion to an earlier phase
- Curfew
- Home electronic monitoring
- Confinement in the courtroom
- Incarceration
- Program termination

Automatic sanctions are administered for specific behaviors and are graduated with multiple infractions:

- Abusive/inappropriate language



- Confidentiality violation
- Unapproved residence or employment change
- Tardiness
- Failure to attend required self-help meetings
- Positive drug test without admission
- Positive drug test with admission
- Missed drug test
- Failure to provide documentation
- Failure to follow staff instructions
- Failure to verify fines/savings

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. The following are reasons for automatic program termination:

- Committing an act of violence while in the program
- Possessing a firearm
- Three consecutive unexcused absences
- A new felony offense
- Two new misdemeanor offenses
- Theft of drug court property or any property on drug court premises

### **Graduation**

On average, graduation is held annually. Fellow participants attend and family, friends, and sponsors of the graduate are invited.

In order to graduate from drug court, participants must:

- Participate in drug court over 12 months
- Complete all phase requirements
- Full time employment or student
- Have a written aftercare plan
- Paid court costs in full
- Have a written budget
- Have a recommendation from the drug court team

### **Post-Graduation Support**

The final phase of drug court is considered the re-entry/aftercare phase. The drug court does not have a post graduation aftercare program.

## Rappahannock Regional Adult Drug Court

### Target Population

The Rappahannock Regional Drug Court was implemented in October 1998, in the City of Fredericksburg Circuit Court. Located along the Interstate 95 corridor between Washington, DC and Richmond, VA, the Rappahannock Regional Drug Court serves defendants with a pending charge in City of Fredericksburg, Stafford County, Spotsylvania County or King George County Circuit Court. According to the 2010 Census, the total population for the City of Fredericksburg was 24,286, Stafford County was 128,961, Spotsylvania County was 122,397 and King George was 23,584; for a total of 299,228 residents. The Rappahannock Regional Drug Court serves primarily pre dispositional cases. The most frequent drug of choice is opiates (39%) followed by cocaine (7%) and marijuana (7%). Thirty-six percent are poly substance abusers. The average length of time participants spend in the program is 12 months.

### Drug Court Team Members

The Rappahannock Regional Drug Court drug court team consists of 1 judge, a drug court administrator, 4 clinicians, 4 case managers, 1 representative from the Commonwealth's Attorney Office, a public defender, 3 staff from state Probation, and an administrative assistant.

### Numbers Served (since Inception)

Enrolled: 624 (as of 03/31/2012)

Graduated: 320 (as of 03/31/2012)

Terminated: 256 (as of 03/31/2012)

### Eligibility Criteria

Participation in the Rappahannock Regional Drug Court is available to persons who:

- Are residents of Fredericksburg, or counties of Stafford, Spotsylvania or King George
- Are charged with felony drug possession or attempt; Possession with intent to distribute (at Commonwealth's Attorney discretion); Prescription fraud; Non-violent felony property crimes; Probation violation (at Commonwealth's Attorney discretion)
- Have no prior convictions for felony violence or weapons offenses
- Have no pending felony charges or other charges with mandatory minimums
- Have less than two violent misdemeanors in any prior five year period
- Have no prior distribution or possession with intent to distribute convictions within twenty years

### Referral & Entry Process and Screening & Assessment

Pretrial Services conducts the initial eligibility screening. The prosecuting and defense attorneys determine suitability for the program. A clinical assessment is completed. Eligible, suitable and amenable defendants enter into a plea agreement and begin drug court.

**Treatment Providers, Models and Services**

Drug court clinicians conduct an initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from 4 clinicians from the Community Services Board. The services include but are not limited to: individual counseling, group counseling, residential treatment referrals, mental health services, acupuncture, and other specialty groups as appropriate.

**Supervision Services**

The state probation officers and surveillance officers provide intensive supervision to drug court participants. Services provided include: community supervision, community service monitoring, SCRAM and electronic monitoring, and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 12 months. There are 3 program phases. Phase 1 is 4-12 weeks. Phase 2 is 4-6 months. Phase 3 is 4-6 months. **Table 10A** displays phase requirements for drug court participants.

**Table 10A: Phase Requirement for Rappahannock Regional Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3
Drug screens	3x weekly	2x weekly	1x weekly
Individual sessions	Per treatment plan	Per treatment plan	Per treatment plan
Intensive outpatient counseling	3x weekly	2x weekly	1x weekly
Probation officer meeting	As directed	As directed	As directed
Self-help meetings	2x weekly	3x weekly	2x weekly
Court appearances	Weekly	Every other week	Monthly
Home/community contacts	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 4 consecutive weeks, a sponsor, and be making progress in MRT, be current payments for all fees and have full time employment of 30 hours per week.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 8 consecutive weeks, and be making progress in MRT, be current payments for all fees and have full time employment of 30 hours per week.

### **Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly using a color code system. All tests are observed by same gender staff members. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG).

### **Drug Court Participant Fees**

Drug court participants pay a \$600 drug court fee. Fees for treatment are included in the monthly program fee.

### **Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, administrative assistant, clinicians, probation officers, surveillance officers, public defender and prosecutor.

### **Incentives**

Incentives are provided for making progress in the program. General incentives may include:

- Praise from the bench
- Reduced court appearance requirements
- Certificates/medallions
- Gift certificates
- Recovery and meditation books
- Reduced drug testing obligations
- Team picnics
- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature.

Sanctions are given in response to non-compliance, including:

- Tardiness
- Poor participation
- Missed groups
- Failure to seek employment
- Failure to pay fines

- Positive drug tests
- Failure to submit a drug test sample and/or no show
- Failure to complete community service
- Failure to complete assignments
- Failure to provide documentation types on time
- Failure to pay court costs, fees and restitution

Sanctions can include:

- Admonishment from the bench
- Community service
- Increased self-help meetings
- Increased court appearances
- Increased drug testing
- House arrest with an earlier curfew
- Essays/homework assignments
- Electronic incarceration program
- SCRAM
- Inpatient treatment
- Incarceration
- Program termination

### **Program Termination**

The following are reasons for program termination:

- Repeated demonstrations of an inability to benefit or unwillingness to cooperate with the program
- Physical assault, threats of violence or intimidation of another client or staff member
- Continued use of mood altering chemicals
- Stealing, damaging of agency property or gambling on the premises
- Excessive absences or tardiness
- Bringing illicit substances, alcohol, or any unauthorized prescription or non-prescription medications on drug court property; Offering to give, buy, sell, or receive any of these substances to or from another client or any non-participant on and drug court property
- Committing any new violation of the law

### **Graduation**

On average, graduation is held twice yearly but participants can complete drug court prior to attending a formal graduation ceremony. Fellow participants attend and family, friends, and sponsors of the graduate, past graduates, as well as community members are invited. In order to graduate from drug court, participants must:

- Participate in drug court at least 12 months
- Be able to recognize personal relapse triggers
- Have a personal relapse plan

- Have four months of sobriety and negative drug screens
- Full time employment or student
- All fees must be paid in full

### **Post-Graduation Support**

There is no formal aftercare group. Graduates may return to Phase 3 treatment groups as needed.

## **City of Richmond Adult Drug Court**

### **Target Population**

The City of Richmond Drug Court was implemented in March 1998, in the City of Richmond Circuit Court. Located just outside of Richmond, the City of Richmond Drug Court serves defendants who are charged with a new drug or property felony or a felony probation violation in the City of Richmond Circuit Court. According to the 2010 Census, the total population for the City of Richmond was approximately 204,214. The City of Richmond Drug Court serves both pre and post dispositional cases. The most frequent drugs of choice are prescription opiates and heroin followed by cocaine and marijuana. The average length of time participants spend in the program is 17 months.

### **Drug Court Team Members**

The City of Richmond Drug Court drug court team consists of 1 judge, a drug court administrator, a deputy drug court administrator, 4 clinicians, 1 representative from the Commonwealth's Attorney Office, a public defender, a sentencing advocate, a defense bar representative, a state probation officer, a police officer and an administrative assistant.

### **Numbers Served (since Inception)**

Enrolled: 1,071 (as of 09/28/2012)

Graduated: 275 (as of 09/28/2012)

Terminated: 722 (as of 09/28/2012)

### **Eligibility Criteria**

Participation in the City of Richmond Drug Court is available to persons who:

- Are charged with a felony offense or felony property offense or a probation violation of the same type of offense in the City of Richmond
- Have no prior convictions for felony violence, sex offenses or drug distribution (other than one conviction for either possession with intent to distribute or distribution as an accommodation)
- Have no prior weapon offense convictions
- Have drug or alcohol abuse or dependence
- No other pending charges
- Are mentally able to participate in all drug court activities

**Referral & Entry Process and Screening & Assessment**

Defendants are referred to drug court as soon as possible after arrest for a new eligible offense or after sentencing, or after a probation violation or show cause hearing. If deemed eligible for the program, defendants must complete a 30 day probationary period prior to drug court entry. A clinical assessment is conducted by a drug court clinician and a treatment plan is developed. If a defendant successfully completes the probationary period, the defendant enters the drug court program.

**Treatment Providers, Models and Services**

Drug court clinicians conduct initial assessments and intakes. Drug court participants obtain intensive outpatient counseling from 4 clinicians from the Community Services Board, and a case manager. The services include, but are not limited to: individual, group and educational sessions, psychiatric referrals, and other specialty groups as appropriate. Self-help meeting attendance is also required.

**Supervision Services**

A state probation officer and a police officer provide intensive supervision to drug court participants. Services provided include: office and community supervision, curfew monitoring, drug testing, housing assistance, employment verification and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 16 months. There are 5 program phases. The probationary phase is 30 days. Phases 1-3 are 17 weeks. The Aftercare phase is 6 months. **Table 11A** displays phase requirements for drug court participants.

**Table 11A: Phase Requirement for City of Richmond Drug Court Participants**

Requirements	Probationary Phase	Phase 1	Phase 2	Phase 3	Aftercare
Drug screens	3x weekly	3x weekly	2x weekly	As directed	As directed
Individual sessions	1x weekly	1x weekly	1x weekly	1x monthly	2x monthly
Intensive outpatient counseling	12-16 total sessions	51 total sessions	34 total sessions	17 total sessions	1-3 monthly
Probation officer meeting	2x weekly	As directed	As directed	As directed	As directed
Self-help meetings	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan	3x weekly
Court appearances	As directed	2x monthly	As directed	As directed	As directed
Home/community	As needed	As needed	As needed	As needed	As needed

<b>contacts</b>					
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**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens for 60 consecutive days, attend all scheduled group sessions with satisfactory participation, attend all support meetings as scheduled, submit all negative drug screens, complete all phase tasks, remain sanction-free, and receive the approval of the treatment team.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens for 90 consecutive days, attended all scheduled group sessions with satisfactory participation, attended all support meetings as scheduled, submitted all negative drug screens, completed all phase tasks, remained sanction free, and received the approval of the treatment team.

To advance from Phase 3 to Phase 4 (Aftercare) the participant must have no positive drug or alcohol screens for 120 consecutive days, attended all scheduled group sessions with satisfactory participation, attended all support meetings as scheduled (three times a week), submitted all negative drug screens, completed all phase tasks, remained sanction free, and received approval of the Drug Court staff.

**Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly using a color code system. All tests are observed by same gender staff members. When possible, testing is conducted on-site. Lab testing is utilized for confirmation testing and where tests are not available on-site (i.e. EtG). . If two on-site tests have a positive result, the participant will be considered positive. Diluted or abnormal tests will result in sanctions. Tampering with a drug test will result in a sanction and may result in a new misdemeanor charge.

**Drug Court Participant Fees**

Drug court participants pay a \$15 monthly drug treatment court fee and must make fines, cost and restitution payments per an individual payment schedule, if applicable. Fees for treatment are included in the monthly program fee.

**Team Staffing**

Drug court team staffings are held weekly just prior to the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant’s progress or lack thereof.

**Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include the judge, administrator, deputy administrator, administrative assistant, clinicians, case managers,



probation officer, police officer, public defender, sentencing advocate, defense bar representative, and prosecutor.

### **Incentives**

Incentives are provided for movement through the phase system, for maintaining sobriety and for making progress in treatment. Incentives may include:

- Praise from the bench and drug court team
- Certificates
- Applause/special recognition
- Increased travel privileges
- Standing ovation in court
- Decreased court appearances
- Accelerated phase movement
- Gift cards
- Program graduation

### **Sanctions**

Sanctions are designed to be clearly specified, certain and progressive in nature. Sanctions are given in response to non-compliance, including:

- Forging or altering recovery group meeting slips
- Operating a motor vehicle with a suspended or revoked license
- Possessing, delivering or selling illegal drugs on drug court property
- Adulteration of urine screens and tampering of SCRAM bracelets.
- Failing to complete court ordered sanctions
- Sleeping during group sessions
- Inappropriate behavior
- Providing false information about employment
- Forging job search verification forms
- Making false statements to drug court staff or the Judge
- Engaging in conduct detrimental to the health, welfare, and public safety of staff and other participants

Sanctions can include:

- Presenting a paper at a group meeting
- Performing community service hours
- Increased court appearances or appointments with the clinician or probation officer/case manager
- Increased frequency of drug/alcohol testing
- Increased treatment or recovery group attendance
- Changed curfews
- Inpatient treatment
- Referral to a Department of Corrections special program such as the Detention or Diversion Center

- Incarceration
- Program termination

Automatic sanctions for non-compliance are based on a graduated sanction grid and are of increased magnitude with continued incidents:

- Missed recovery meetings
- Forged/altered documents
- Drug testing (late, missed, unable to provide screens)
- Missed treatment session
- Curfew violation
- Lying to staff
- Fail to attend Court

### **Program Termination**

A participant may be terminated from the program due to repeated non-compliance. The following are reasons for automatic program termination:

- Conviction of a new felony or two new misdemeanors
- Exceeding the maximum allowable sanctions on the sanction grid

### **Graduation**

On average, graduation is approximately two times a year. Fellow participants attend and family, friends, and sponsors of the graduate, as well as the arresting officer are invited. The graduate is presented with a dismissal order indicating their felony has been dismissed in accordance with their plea agreement. Minimum requirements for graduation include:

- A minimum of 180 continuous, sober/clean days, not including any in-patient treatment time
- Completion of a minimum of 119 scheduled group sessions
- Completion of all required recovery group or 12 step meetings
- Completion of all treatment assignments
- Maintenance and use of a recovery group, 12 step sponsor, and home group
- Remaining crime free
- Payment of all drug court fees
- Completion of a pre-graduation interview with staff

The drug court team must be satisfied that a participant has made significant life changes and appear, from all available evidence, to be engaged in a stable recovery process.

### **Post-Graduation Support**

Aftercare occurs during Phase 4 of the program. Phase 4 participants are expected to participate in the Alumni Association, which meets monthly. Continued participation in this group after graduation is strongly encouraged.

## City of Roanoke /Roanoke County/City of Salem Adult Drug Court

### Target Population

The City of Roanoke /Roanoke County/City of Salem Adult Drug Court was implemented in September 1995, in the Twenty-Third Judicial Circuit Court. Located in the Shenandoah Valley, the Twenty-Third Judicial Circuit Drug Court serves defendants who have a pending charge in the Twenty-Third Judicial Circuit. According to the 2010 Census, the total population for the City of Roanoke was 97,032, and for Roanoke County was 92,376, and for the City of Salem was 24,802; for a total of 214,210 residents. The Twenty-Third Judicial Circuit serves primarily pre dispositional cases. The most frequent drugs of choice are cocaine and heroin. The average length of time participants spend in the program is 19 months.

### Drug Court Team Members

The City of Roanoke /Roanoke County/City of Salem drug court team consists of 1 judge, a drug court administrator/Deputy Chief Probation Officer, a treatment representative, 1 Senior state probation officer, 2 state probation officers, 2 part-time surveillance officers, and an administrative assistant.

### Numbers Served (since Inception)

Enrolled: 1,475 (as of 09/04/2012)

Graduated: 733 (as of 09/04/2012)

Terminated: 597 (as of 09/04/2012)

### Eligibility Criteria

Participation in the City of Roanoke /Roanoke County/City of Salem Drug Court is available to persons who:

- Are charged with a felony drug offense in Twenty-Third Judicial Circuit that did not involve violence or the use of a weapon
- Have no prior convictions for felony violence or sex offenses
- Have committed a crime as a result of drug dependency or addiction
- Have no pending charges
- Are able to physically and mentally participate in all drug court activities

### Referral & Entry Process and Screening & Assessment

At arraignment, eligible defendants are informed of the drug court as an alternative provided by the Court. The Commonwealth's Attorney conducts a legal screening in consultation with the defense attorney. The probation officer conducts a screening for suitability. If eligible, the preliminary hearing is waived and the defendant appears in Circuit Court, where indictment is waived and a guilty plea is entered via plea agreement. The defendant then enters drug court.

### Treatment Providers, Models and Services

Drug court participants obtain outpatient counseling from clinicians from the Community Services Board and from Family Services of the Roanoke Valley. The services include but are

not limited to: individual counseling, group counseling, recovery skills building, gender specific groups, family counseling, and other specialty groups/referrals as appropriate.

**Supervision Services**

Two state probation officers, a senior probation officer and two part-time surveillance officers provide intensive supervision to drug court participants. Services provided include: community supervision, drug testing, and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting at least 12 months. There are 3 program phases. **Table 12A** displays phase requirements for drug court participants.

**Table 12A: Phase Requirement for City of Roanoke /Roanoke County/ City of Salem Drug Court Participants**

Requirements	Phase 1	Phase 2	Phase 3
Drug screens	3x weekly	2x weekly	Weekly
Individual sessions	Per treatment plan	Per treatment plan	Per treatment plan
Intensive outpatient counseling	Per treatment plan	Per treatment plan	Per treatment plan
Probation officer meeting	Daily	As directed	As directed
Self-help meetings	3x weekly	3x weekly	3x weekly
Court appearances	Weekly	Every 3-4 weeks	As directed
Home/community contacts	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have no positive drug or alcohol screens and have completed all treatment evaluations.

To advance from Phase 2 to Phase 3 the participant must have no positive drug or alcohol screens, complete treatment requirements and report as instructed.

**Drug Testing**

On-site drug testing is performed at scheduled intervals and randomly using a color code system. All tests are observed by same gender staff members. The drug testing protocol is based on the policies of the Department of Corrections.

### **Drug Court Participant Fees**

Drug court participants pay a \$450 drug treatment fee and a \$450 supervision fee, which must be paid in full prior to entering phase 3. Participants must make regular court costs, fine and restitution payments, if applicable.

### **Team Staffing**

Drug court team staffings are held just prior to the drug court session, when needed. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held every other week. Team members in attendance include the judge, clinicians, probation officers, surveillance officers and administrative assistant.

### **Incentives**

Incentives are provided for program compliance. General incentives may include:

- Travel permits
- Less frequent color code screens
- Less frequent reporting requirements
- Reduced court appearances
- "Exceptional Group" at drug court sessions
- Program graduation

### **Sanctions**

Sanctions are designed to address both minor and major program violations.

Sanctions are given in response to minor violations, including:

- Failure to report for required groups and/or appointments
- Failure to follow the daily itinerary
- Failure to complete community service hours
- Positive drug tests
- Failure to notify staff of changes in work or living situations
- Failure to comply with program rules and regulations

Sanctions can include:

- Admonishment from the bench
- Community service
- Earlier curfew
- Additional reporting requirements
- Incarceration

### **Program Termination**

During program participation, the drug court team may make recommendations for termination due to repeated non-compliance. The drug court Judge reviews these recommendations and makes the final decision for termination. The following are reasons for possible program termination:

- Threatening/abusive behavior and/or use of weapons
- Absconding from drug court
- Committing a new criminal offense
- Repeated minor violations

### **Graduation**

On average, graduation is held twice a year. Fellow participants attend and family, friends, and sponsors of the graduate, as well as members of the community and special guests are invited. The graduate is released from probation upon graduation. In order to graduate from drug court, participants must:

- Participate in drug court at least 12 months
- Have at least 8 months of sobriety
- Complete all community service requirements
- Pay all costs, fines, fees and restitution in full
- Have full time employment or be enrolled in an educational program
- Complete all treatment requirements

### **Post-Graduation Support**

There is no aftercare program requirement.

## **City of Staunton/City of Waynesboro Adult Drug Court**

### **Target Population**

The City of Staunton Adult Drug Court was implemented in July 2002, in the City of Staunton Circuit Court. In March of 2010, the City of Waynesboro was added to the existing drug court in the City of Staunton. Located in Western Virginia, the City of Staunton/City of Waynesboro Adult Drug Court serves residents of the cities of Staunton and Waynesboro and Augusta County, where the pending charge must have occurred in Staunton or Waynesboro. According to the 2010 US Census, the total populations for Staunton and Waynesboro were approximately 23,746 and 21,006, respectively. The City of Staunton/City of Waynesboro Drug Court serves primarily pre-dispositional cases. The most frequent drug of choice are opiates & other prescription drugs (27%), followed by marijuana (21%) and methamphetamine (14%); 80% are poly drug abusers. The average length of time participants spend in the program is 13 months.

### **Drug Court Team Members**

The City of Staunton/City of Waynesboro drug court team consists of a judge, a drug court coordinator/local probation officer, a clinician staffed by the CSB, a representative from the Commonwealth's Attorney's Office, a public defender and a Sheriff's deputy.

### **Numbers Served (since Inception)**

Enrolled: 99 (as of 06/30/2012)

Graduated: 48 (as of 06/30/2012)

Terminated: 38 (as of 06/30/2012)

### **Eligibility Criteria**

The following are the eligibility criteria for entry into the Drug Court Program. The offender must:

- Reside in Staunton, Waynesboro or Augusta County
- Be alcohol or drug dependent
- Be charged with Possession/Attempted Possession of a Schedule I/II drug; Distribution or Possession with intent to distribute a Schedule I/II drug, not more than 5 standard street sale units; Felony Distribution of marijuana or with intent to distribute not more than two ounces; Prescription forgery/fraud; Felony property offenses; DUI-3<sup>rd</sup> offense felony; Probation Violation on a drug or other non-violent case if the violation is due to possession or use of a controlled drug
- Have no prior convictions for violent felonies or weapons offenses (as defined by Federal law 42 USC 3797(U) and Virginia Code Sections 17.1-805 and 19.2-297.1) in the last ten years
- Have no prior convictions or pending charges for distribution or possession with intent to distribute five standard street sale units of any schedule I/II drug
- Have no more than one prior conviction for distribution or possession with intent to distribute schedule I/II drugs, regardless of quantity
- Have no more than two prior convictions for possession of schedule I/II drugs, of any quantity within the last five years
- Have no more than two prior probation violations within the past ten years for a felony where there was penitentiary time imposed but suspended on the original felony conviction within the last five years

### **Referral & Entry Process and Screening & Assessment**

City of Staunton/City of Waynesboro Drug Court is structured as a post-plea model. Upon arrest for a qualifying offense, information regarding the drug court is provided at the magistrate's office. Whether held or on bond the person is scheduled to appear at the next General District Court docket in the referring jurisdiction. If on bond, the defendant must submit to regular drug testing. The defendant must meet with their attorney within 7 days to decide if they choose to participate. The defendant must then complete a clinical assessment at the CSB. If eligible and amenable, the defendant must waive preliminary hearing and indictment and proceeds to the Staunton Circuit Court/Drug Court docket. The defendant then enters a guilty plea. Final disposition is taken under advisement for the duration of program participation.

**Treatment Providers, Models and Services**

A CSB clinician conducts an initial assessment at referral. Upon program entry, the clinician completes an intake where a treatment plan is devised. This plan may include any of the following: group counseling, individual counseling, anger management, self-help meeting attendance or any other related referral deemed necessary to assist in the recovery process. Drug court participants attend intensive outpatient counseling facilitated by treatment providers at the Community Services Board.

**Supervision Services**

Blue Ridge Court Services provides intensive supervision to drug court participants. The probation officer conducts office contacts. Other services provided include: community service monitoring, curfew monitoring, life skills assistance and referrals to ancillary services.

**Phases**

Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of 18-24 months. There are two tracks, the standard track and the methamphetamine track. There are 5 phases of the standard track program. Phase 1 is eight weeks. Phase 2 is 12 weeks. Phase 3 is 16 weeks. Phase 4 is 16 weeks. Phase 5 is 26 weeks. **Table 13A** and **Table 14A** display phase requirements for drug court participants based on the track they are in.

**Table 13A: Phase Requirement for City of Staunton/City of Waynesboro Drug Court Participants (Standard Track)**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Drug screens	3x weekly	3x weekly	3x weekly	1x weekly	Random
Individual sessions	As needed	As needed	As needed	As needed	As needed
Intensive outpatient counseling	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan	1x weekly
Probation officer meeting	Weekly	Every other week	Every other week	1x month	1x month
Self-help meetings	4x weekly	4x weekly	4x weekly	4x weekly	4x weekly
Court appearances	Weekly	Weekly	Every other week	Every other week	Every 3 weeks
Home/community contacts	As needed	As needed	As needed	As needed	As needed

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must: have 60 consecutive days of abstinence, full time employment/ be enrolled in an educational program, and making payments on all fees.



To advance from Phase 2 to Phase 3 the participant must: have 150 consecutive days of abstinence, full time employment/ be enrolled in an educational program, have a sponsor and home group and be making payments on all fees

To advance from Phase 3 to Phase 4 the participant must: have 240 consecutive days of abstinence, full time employment/ be enrolled in an educational program, and be making payments on all fees.

To advance from Phase 4 to Phase 5 the participant must: have 360 consecutive days of abstinence, full time employment/ be enrolled in an educational program, and be making payments on all fees.

**Table 14A: Phase Requirement for City of Staunton/City of Waynesboro Drug Court Participants (Methamphetamine Track)**

Requirements	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Drug screens	1-5x weekly	3x weekly	3x weekly	1x weekly	Random
Individual sessions	As needed	As needed	As needed	As needed	As needed
Intensive outpatient counseling	Per treatment plan	Per treatment plan	Per treatment plan	Per treatment plan	1x weekly
Probation officer meeting	Weekly	Every other week	Every other week	Every 2 weeks	1x month
Self-help meetings	4x weekly	4x weekly	4x weekly	4x weekly	4x weekly
Court appearances	Weekly	Weekly	Every other week	Every other week	Monthly
Home/community contacts	As needed	As needed	As needed	As needed	As needed

There are 5 phases of the methamphetamine track program. Phase 1 is eight weeks. Phase 2 is 12 weeks. Phase 3 is 40 weeks. Phase 4 is 18 weeks. Phase 5 is 27 weeks.

**Requirements for Phase Movement**

To advance from Phase 1 to Phase 2 the participant must have 60 consecutive days of abstinence, be employed full time/be enrolled in an educational program, and making payments on all fees.

To advance from Phase 2 to Phase 3 the participant must have 150 consecutive days of abstinence, full time employment/ be enrolled in an educational program, have a sponsor and home group and be making payments on all fees

To advance from Phase 3 to Phase 4 the participant must have 280 consecutive days of abstinence, full time employment/ be enrolled in an educational program, and be making payments on all fees.

To advance from Phase 4 to Phase 5 the participant must have 545 consecutive days of abstinence, full time employment/ be enrolled in an educational program, and be making payments on all fees.

### **Drug Testing**

On-site drug testing is conducted by the probation officer/coordinator and clinicians at scheduled intervals and randomly using a color code system. All drug tests are monitored by same gender staff. An Alco-sensor test for alcohol may be administered at any time. Positive results for alcohol result in the same sanctions as positive urine screens for drugs. Lab testing is used for confirmations and for other drugs where on-site tests are not available, including EtG/EtS alcohol testing. A missed screen is considered a positive screen.

### **Drug Court Participant Fees**

Drug court participants pay a \$75 drug supervision fee and monthly fees totaling between \$505-645 for the duration of the program.

### **Team Staffing**

Drug court team staffings are held every week just prior to the drug court session. The purpose of the meeting is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses recommendations for sanctions or incentives based on the participant's progress or lack thereof.

### **Drug Court Sessions**

Drug court sessions are held weekly. Team members in attendance include a judge, a prosecutor, a public defender, a probation officer/coordinator, a clinician and a Sheriff's deputy.

### **Incentives**

Continued progress through the phases of the Drug Court Program, exceptional performance and perfect attendance for a month merit the awarding of the following incentives:

- Praise from the Court and the drug court team
- Certificates of recognition
- Medallions, gift certificates, movie passes, and other small tokens
- Reduction in program requirements
- Reduction or dismissal of charge
- Promotion to a higher drug court phase
- Graduation upon completion of the program

### **Sanctions**

These are not exhaustive lists of sanctions. Other sanctions may be ordered by the Court as deemed appropriate. Sanctions can include:

- Reprimand from the Court
- Writing assignments
- Trash pick-up
- Increased court appearances
- Increased frequency of meetings with probation
- Reading list
- Keep a calendar
- Morgue tour
- Home visits
- Day reporting
- Travel restrictions
- Home electronic monitoring
- Curfew
- Community service through the Sheriff's Work Force Program
- Incarceration
- Termination

### **Program Termination**

Participants may be terminated for failing to make adequate progress in Drug Court, continued non-compliance or exceeding the maximum allowable sanctions during the program. New criminal charges are dealt with case by case and are potential cause for termination. Once terminated, the defendant will return to the Court of Record of the referring jurisdiction, the initial guilty plea will be re-instated and sentencing will commence.

### **Graduation**

On average, graduation is held quarterly or as needed. Past graduates are invited, as are family, friends, and sponsors of the graduate, as well as other program supporters and community partners. In order to graduate from drug court, participants must have successfully completed the requirements of all five phases of the program and must have been in the program for a minimum of 18-24 months, depending on the track. Additional requirements for graduation:

- Successful completion of the requirements of each phase
- Abstinence from drugs and alcohol for at least 18-24 months depending on the track
- Positive treatment summary
- Recommendation of the drug court team

Upon program graduation, a participant's charge will be either dismissed or reduced depending upon the original offense.

**Post-Graduation Support**

Phases 3 and 4 of the program are aftercare phases. During Phase 5 of the program, participants must attend weekly Alumni Group meetings at the CSB.

## **APPENDIX B: METHODOLOGY FOR ANALYSIS OF FACTORS RELATED TO DRUG COURT GRADUATION AND IN-PROGRAM RE-OFFENDING**

These analyses examine all drug court participants in our sample who had complete data available and are not limited to those matched with the comparison sample. All twelve courts contributed participants to the studies in this section, roughly proportional to the size of the programs, depending on the completeness of the data. The sample size for all of the analysis below is 779. The outcome of graduation and re-offense during program participation are binary, so the modeling approach used for both is logit. Observations are pooled from 12 different programs, which may have different underlying propensities toward the outcomes (i.e., graduation or recidivism), so the NCSC team utilized random effects to account for court-specific differences.<sup>8</sup> An alternative approach would be to remove the average outcomes from each court and examine the differences between individuals, but we also attempt to explain differences between the jurisdictions with variables that capture the characteristics of each program.

In addition to accounting for basic differences in the rate at which court participants graduate or recidivate, we also explored court-specific differences in the impact of individual characteristics on those outcomes via multilevel or hierarchical modeling. This methodology allows us to measure the variation in the effects that the characteristics of participants have on their observed outcomes. We also explore the interactions between program characteristics and individual factors (see Table 2).

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<sup>8</sup> So-called “random effects” are deviations drawn from a common distribution (e.g., the statewide distribution of the probability of graduation) that account for some of the differences in outcomes between the units we are analyzing—in our case, the twelve courts. As a result, each court is allowed to have its own baseline tendency for its participants to graduate or re-offend. This is a realistic approach, given the diverse populations of offenders served by Virginia drug courts some of whom, all other things being equal, will be more likely to graduate or re-offend than others.

**GRADUATION**

Approximately 52% of participants in the analysis successfully graduated from their drug court program, making the sample well-balanced in the dependent variable. **Table 1B** (shown on the following page) presents the results of a multilevel logit model using graduation as the outcome, individual and program qualities as predictors, and an interaction between program characteristics and one of the individual characteristics.

**Table 1B: Multilevel Logit Model of Drug Court Graduation**

Variables		Odds Ratio (SE)	(Z)	Random Effect Variance
High School Graduate	First-level (Individual)	1.39 (0.25)	1.82	
College Graduate	First-level (Individual)	1.07 (0.60)	0.13	
Probation and other offense	First-level (Individual)	0.75 (0.28)	-0.78	
Property and drug offense	First-level (Individual)	0.95 (0.68)	-0.07	
Property offense	First-level (Individual)	0.68 (0.23)	-1.12	
Drug offense	First-level (Individual)	1.80* (0.51)	2.10	
Pre-program Arrests	First-level (Mean-Centered)	0.95** (0.02)	-3.03	
Pre-program Convictions	First-level (Mean-Centered)	1.07** (0.01)	2.72	
Pre-program Felony	First-level (Individual)	1.58 (1.74)	0.41	0.00
Age	First-level (Mean-Centered)	1.06*** (0.01)	6.02	
Female	First-level (Individual)	1.39 (0.25)	1.85	
Non-white	First-level (Individual)	1.23 (0.25)	1.03	
MRT	Second-level (Program)	2.59 (2.69)	0.91	
Sanction Guidelines	Second-level (Program)	4.35* (3.09)	2.07	
Law Enforcement	Second-level (Program)	0.38 (0.45)	-0.81	
Minimum Clean Time	Second-level (Program)	1.00 (0.05)	-0.08	
Charges dropped for success	Second-level (Program)	3.74 (2.88)	1.70	

*Virginia Adult Drug Treatment Cost Benefit Analysis*

Pre-Felony & MRT	Cross-level Interaction	0.20 (0.22)	-1.47	
Pre-Felony & Guidelines	Cross-level Interaction	0.20* (0.15)	-2.15	
Pre-Felony & Law Enforcement	Cross-level Interaction	1.63 (1.98)	0.41	
Pre-Felony & Clean time	Cross-level Interaction	0.92 (0.06)	-1.20	
Pre-Felony & Charges dropped	Cross-level Interaction	0.23 (0.19)	-1.79	
Constant (Coefficient)		-0.72 (1.08)	-0.66	0.00

N = 779 Model LL = -413 Null LL = -539 < .001 \*\*\* < .01 \*\* < .05 \*

In place of model coefficients, we present odds ratios, which are directly interpretable measures of the impact of a unit change in the variable on the odds that an individual will graduate from the program. For instance, compared with an individual referred on a technical offense, which is the reference category, the odds of a participant referred on a drug offense (as their most serious charge) graduating were 80% better. Alternatively, the odds of graduation for a person with one more pre-program arrest than average were only 95% of the odds for an otherwise similar individual with the average number of such arrests. Older participants were more likely to graduate, on average, suggesting that younger participants are at slightly greater risk of not completing the program successfully, absent additional support.

In terms of program characteristics, a profound effect for providing participants with sanction guidelines early in the program was discovered. Individuals in such a program had about 4.35 times the odds of success than those in program that did not do so. This impact is observed, however, only for individuals who did not have a felony conviction prior to entering the program. Uncovering that difference requires taking into account the interactive effects.

Participants who were felons before entering drug court were significantly less likely to graduate, in a model using individual-level variables only, but a substantial amount of program-

level variation was detected in the impact of this characteristic. Consequently, the model presented here interacts that variable (i.e., whether the offender had a felony prior to program entry) with all of the program characteristics, as well as specifying a court-specific random effect, the latter to control for pre-existing differences between programs with regard to the impact of felon-status on the likelihood of graduating. Both that random effect and the baseline propensity (see footnote 6) exhibited no variation, indicating that the model specified (see Table 1B) adequately accounts for those differences.

If an individual was a felon prior to entering the program, is “average” in all other characteristics, and is not in a program that provides sanction guidelines, that person’s probability of graduation is estimated to be 43.7%, considerably lower than for the non-felon, which is 81.6%. The difference is due to the host of interactive effects triggered when the felon variable is not zero. The non-felon who does receive sanction guidelines has an improved chance of graduation; a 95.1% likelihood. However, the similar felon in such a program has an estimated 41% chance of graduation, virtually identical to the likelihood for the felon without such a program characteristic. Thus, we conclude that the benefit of providing sanction guidelines to participants is observed only for those who do not have a felony conviction predating their involvement in the drug court program. Felons’ outcomes are unchanged.

### **IN-PROGRAM RECIDIVISM**

Only about 14% of participants incurred a conviction resulting from an arrest that occurred during program participation, making this a relatively rare event. The model specification follows the previous model in most regards, using the same individual and



program-level factors. However, despite the fact that there is substantial variation in the impact of (1) having a college degree and (2) referral for a combination of probation violation and some other offense from one court to another, this variation was not explicable by the program characteristics, so no cross-level interactions are specified. The varying impact of these predictors is captured by the random coefficients specification, so each court has a different coefficient for college graduate and those referred on probation and other offenses. Again, odds ratios are offered in **Table2B** (following page) in place of model coefficients.

**Table 2B: Multilevel Logit Model of Conviction during Drug Court Program**

Variables		Odds Ratio (SE)	(z)	Random Effect Variance
High School Graduate	First-level			
	(Individual)	0.97	-0.15	
College Graduate	First-level	1.62	0.33	9.06
	(Individual)	(2.31)		
Probation and other offense	First-level	1.24	0.26	2.75
	(Individual)	(1.02)		
Property and drug offense	First-level	3.35	1.68	
	(Individual)	(2.41)		
Property offense	First-level	0.73	-0.65	
	(Individual)	(0.34)		
Drug offense	First-level	1.03	0.09	
	(Individual)	(0.37)		
Pre-program Arrests	First-level	0.98	-1.13	
	(Centered)	(0.02)		
Pre-program Convictions	First-level	1.05	1.53	
	(Centered)	(0.04)		
Pre-program Felony	First-level	3.71***	3.83	
	(Individual)	(1.26)		
Age	First-level	0.94***	-4.31	
	(Centered)	(0.01)		
Female	First-level	0.64	-1.75	
	(Individual)	(0.17)		
Non-white	First-level	1.49	1.50	
	(Individual)	(0.40)		
MRT	Second-level	0.35*	-2.08	
	(Program)	(0.18)		
Sanction Guidelines	Second-level	1.14	0.50	
	(Program)	(0.30)		
Law Enforcement	Second-level	0.66	-1.10	
	(Program)	(0.25)		
Minimum Clean Time	Second-level	0.96	-1.21	
	(Program)	(0.04)		
Charges dropped for success	Second-level	2.46*	2.16	
	(Program)	(1.03)		
Constant (Coefficient)		-2.97 (0.58)	-5.16	0.00

N = 779 Model LL = -258 Null LL = -312

< .001 \*\*\* < .01 \*\* < .05 \*

The most consequential individual factors predicting in-program recidivism are age and having committed a felony before participation. However, programs that include MRT as part

of their treatment curriculum produce a significant decline in the likelihood of re-offense. It is estimated that including MRT as a part of program treatment reduces a participant's odds of being convicted of a new offense by nearly two-thirds. The only other program effect that reaches statistical significance is the offer to reduce or drop charges for successful completion of the program. Although it seems counter-intuitive, the result could be a consequence of behavior by the prosecutors' office, rather than a change in participants' re-offending. Having offered a favorable outcome for success in the drug court program, the Commonwealth's Attorneys may be more disinclined to leniency for subsequent criminal behavior by those who participate in programs that offer the charge incentive and be more inclined to seek a conviction for in-program offenses.<sup>9</sup>

## **CONCLUSION**

In this section, the results of analyzing graduation and in-program re-offending by drug court participants were presented. Taking into consideration the other individual characteristics modeled and the variation among programs, we find that younger participants are at greater risk of in-program recidivism and failing to graduate. Giving participants guidelines detailing sanctions improves the chances of graduation, but only for participants who

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<sup>9</sup> To test this conjecture, we estimated the same model on a measure of recidivism independent of prosecutorial discretion: re-arrest during program. Not only was the coefficient for this variable (the offer to drop charges) statistically insignificant, it was negative. Thus, the evidence that this policy has any impact on the likelihood of being arrested is weak and that evidence suggests that it decreases that likelihood, rather than increasing it. Because a policy of dropping charges upon successful completion of the drug court program significantly affects the probability of re-conviction but not re-arrest, and since the former involves prosecutorial discretion but the latter does not, we conclude that prosecutorial discretion is the best explanation at the present time for the finding that drug courts that have a policy of dropping charges upon successful completion of the drug court program are associated with higher probabilities of in-program re-conviction than drug courts that do not have this policy.

were not convicted felons prior to their entry into drug court. A substantial effect on in-program re-offense is estimated for MRT treatment. To the extent that in-program re-offense is related to program success, it is likely to contribute to graduation as well, if indirectly.

## APPENDIX C: TECHNICAL ANALYSIS OF QUESTION 2

### ANALYSIS 1

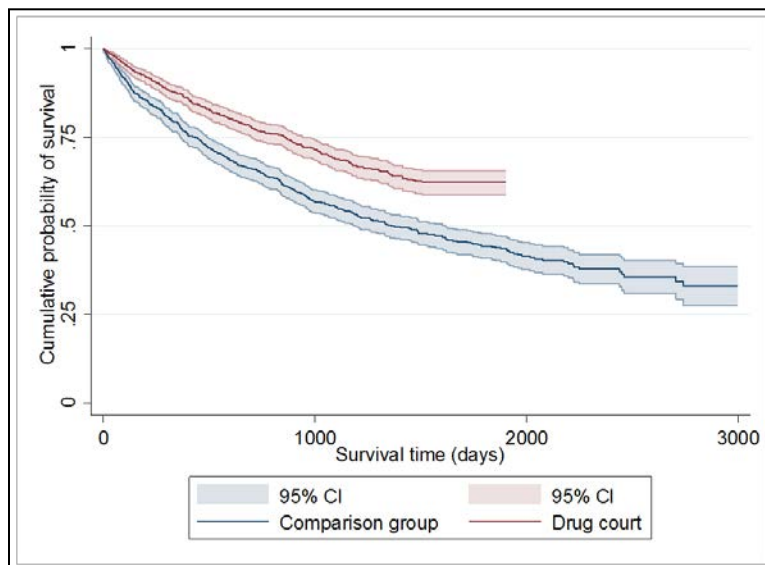
Survival analysis techniques were employed to analyze the impact of drug courts on recidivism (see, e.g., Box-Steffensmeier and Jones, 2004). The term “survival analysis” is taken from the field of medical research, where this family of techniques was developed to analyze how long patients survived after exposure to different treatments. In this application, survival analysis is concerned with the amount of time that elapses before an offender commits an act of recidivism. Thus, “survivors” are those offenders that do not recidivate during or after program participation. Survival analysis also compensates for the fact that we do not observe the event of recidivism for every participant because some participants never recidivate, and others recidivate after the observation period has ended.

Recidivism is defined as an arrest leading to a new conviction for this analysis. Survival times were calculated in days, beginning on the date of program entry for drug court participants and at case disposition for comparison group members. Each defendant’s survival time ends on the date of the recidivistic event; if no recidivistic event was observed, survival time is calculated to the end of the observation period.

Survival data were available for 1,891 defendants in the matched data set, including 969 drug court participants and 922 comparison group members. Each defendant was observed for an average of 1,096 days before the occurrence of a recidivistic event or the end of data collection. During this time, 830 defendants, or 44%, experienced an arrest leading to a new conviction.

First, the Kaplan-Meier technique was used to plot survival curves for the drug court and comparison groups (**Figure 1C**). A survival curve depicts a defendant’s probability of surviving without recidivism up to a certain point in time. The probability of survival is shown on the vertical axis; the horizontal axis represents survival time in days. The survival curve for drug court participants lies above the survival curve for comparison group members, indicating that drug court participants have a higher probability of “surviving” (i.e., not recidivating) than the “business-as-usual” comparison group at any point in time.<sup>10</sup> The shaded bands around the survival curves represent 95 percent confidence intervals. The confidence intervals do not overlap, indicating that the result is statistically significant at the .05 level.

**Figure 1C: Cumulative Probability of Survival without Re-conviction for Drug Court Participants & Comparison Group Defendants**



N = 1,891; 830 failures. Survival times calculated beginning at date of program entry for drug court participants and at date of disposition for comparison group defendants. Failure = arrest leading to conviction.

<sup>10</sup> The survival curve for comparison group members appears longer than the survival curve for drug court participants because some comparison group members were observed for a longer period of time.

Because the Kaplan-Meier technique cannot control for the influence of multiple explanatory variables, a Cox multivariate survival analysis was also performed. In addition to an indicator for drug court participation, the Cox model controlled for the following characteristics of offenders, their criminal histories, and their current charges:

- Demographics
  - ✓ Age
  - ✓ Gender (reference category = male)
  - ✓ Race (reference category = white)
- Criminal history
  - ✓ Number of prior arrests
  - ✓ Number of prior convictions
  - ✓ Any prior felony conviction
  - ✓ Any prior drug arrest
- Referral offense
  - ✓ Technical probation violation or public order offense only (reference category)
  - ✓ Technical violation plus any other offense, or
  - ✓ Property plus drug offense, or
  - ✓ Property offense only, or
  - ✓ Drug offense only

Age, number of prior arrests, and number of prior convictions were mean-centered to facilitate interpretation. In order to account for variation in rates of recidivism across jurisdictions, standard errors were clustered by jurisdiction.

The Cox model relies on the assumption of proportional hazards, which is the assumption that each independent variable causes a proportional increase or decrease in the risk of recidivism that does not vary over time. If the proportional hazards assumption is violated with respect to a particular explanatory variable, an interaction between that variable and a function of time can be added to the model in order to incorporate the time dependency

of the variable's impact on recidivism. Seven of the explanatory variables (the drug court indicator, age, prior felony conviction, prior drug arrest, and three of the referral offense categories) were found to violate the proportional hazards assumption and were therefore interacted with the natural logarithm of survival time.

**Table 1C** presents the estimated Cox model. The effect of each explanatory variable is presented as a hazard ratio. A hazard ratio is the change in the relative risk of recidivism at any given point in time associated with a one-unit increase in the value of the variable, holding the values of all other explanatory variables constant at zero. A hazard ratio of less than 1.0 indicates that an increase in the value of the explanatory variable is associated with a lower risk of recidivism; a hazard ratio greater than 1.0 indicates that an increase in the value of the explanatory variable is associated with an increased risk of recidivism. For instance, the hazard ratio of .816 on the gender variable means that, at any given point in time, a female offender faces a risk of recidivism that is 81.6% as large as the risk faced by a similarly situated male offender. For variables with time-varying effects, the hazard ratio on the primary variable must be interpreted in tandem with the hazard ratio on the time-interacted form of the variable.



**Table 1C: Cox Estimates of Relative Hazards of Arrest Leading to Re-conviction, Drug Court & Comparison Group Participants**

Variable	Hazard Ratio	Robust (S.E.)	(Z)
Drug Court	0.339*	0.173	-2.12
Age (mean-centered)	0.958	0.032	-1.29
Female	0.816*	0.066	-2.53
Nonwhite	1.035	0.057	0.62
# Prior Arrests (mean-centered)	1.000	0.004	-0.11
# Prior Convictions (mean-centered)	1.016*	0.008	1.98
Any Prior Felony Conviction	2.830	2.105	1.40
Any Prior Drug Arrest	0.584	0.224	-1.40
<i>Referral Offense (reference = technical only)</i>			
Technical + Other	0.231**	0.128	-2.64
Property + Drug	0.855	0.384	-0.35
Property Only	0.492	0.219	-1.59
Drug Only	1.075	0.101	0.77
<i>Time-Varying Effects</i>			
Drug Court	1.177*	0.078	2.45
Age (mean-centered)	1.002	0.005	0.45
Any Prior Felony Conviction	0.985	0.132	-0.12
<i>Referral Offense (reference = technical only)</i>			
Any Prior Drug Arrest	1.120	0.065	1.95
Technical + Other	1.375***	0.099	4.41
Property + Drug	1.131	0.095	1.47
Property Only	1.174	0.096	1.96
n = 1,891; 830 failures; total time at risk = 2,072,919 days			
Standard errors clustered by jurisdiction. Ties handled using Efron method.			
Variables with time-varying effects interacted with n (survival time).			

< .001 \*\*\* < .01 \*\* < .05 \*

The multivariate Cox model confirms that participation in drug court is associated with a statistically significant decrease in the likelihood of recidivism, while controlling for the

influence of demographic characteristics, criminal history, and referral offense.<sup>11</sup> A statistically significant impact on the risk of recidivism was also estimated for gender, the number of prior convictions, and both the main and time-interacted versions of the technical violation plus other offense category for referral offense.<sup>12</sup>

## **CONCLUSION**

The results of the multivariate Cox regression allow the assertion with a high degree of confidence that drug courts are more effective than the “business-as-usual” alternative at reducing the probability of recidivism at any point in time after program entry.

## **ANALYSIS 2**

To analyze the impact of program characteristics on recidivism among drug court participants, a multilevel logit model was employed. The multilevel model allows us to incorporate both program-level (e.g., minimum clean time required for graduation) and individual-level (e.g., gender) characteristics. Please see Appendix D for an explanation of why a multi-level model is appropriate for the problem at hand.

The dependent variable is a binary variable indicating whether the defendant committed an act of recidivism within two years after the date of program entry (for drug court participants) or case disposition (for comparison group members). For this analysis, an act of

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<sup>11</sup> The hazard ratio of .339 on the drug court indicator itself indicates that participation in drug court is associated with a substantial decrease in the baseline hazard. The hazard ratio of 1.177 on the drug court \* n (survival time) interaction indicates that this effect levels off somewhat over time.

<sup>12</sup> These effects do not imply that drug court is more or less effective for persons with the specified characteristics, merely that these characteristics impact the overall likelihood of recidivism for drug court participants and comparison group members.

recidivism was defined as an arrest leading to a new conviction. The analysis was conducted using the matched data set including both drug court participants and comparison group members (n = 1,893). During the two-year interval, 665, or 35%, of defendants in the data set committed an act of recidivism.

The explanatory variables in the multilevel logit model include the drug court indicator and the individual-level characteristics from the Cox survival model (see Table 2 for a listing of individual characteristics). For drug court participants, four program-level variables were also included in the model: (1) Whether the program uses Moral Reconciliation Therapy (MRT), (2) the minimum amount of clean time required to graduate (in months), (3) whether the participant is promised a reduction or dismissal of the charges at graduation, and (4) whether the sanctioning guidelines are provided to participants in written form.<sup>13</sup> To account for unobserved heterogeneity among jurisdictions, the model included a random intercept for each jurisdiction. The impact of program characteristics on recidivism was assumed to be constant across jurisdictions, although the remaining impact of drug court was allowed to vary among jurisdictions. **Table 2C** summarizes the results of the multilevel logit analysis.

**Table 2C: Relative Odds of Recidivism within Two Years for Drug Court Participants & Comparison Group**

Variable	Level of Analysis	Odds Ratio (SE)	(Z)	Random Effects Variance
Drug Court	First-level (individual)	0.452* (-0.153)	-2.35	0.266
Age (mean-centered)	First-level (individual)	0.968*** (-0.006)	-5.65	
Female	First-level (individual)	.762* -0.085	-2.44	
Nonwhite	First-level	0.973	-0.23	

<sup>13</sup> These variables were coded as interactions with the drug court indicator, so their values are zero for comparison group members.

*Virginia Adult Drug Treatment Cost Benefit Analysis*

	(individual)	-0.114		
# Prior Arrests (mean-centered)	First-level (individual)	0.996 -0.009	-0.46	
# Prior Convictions (mean-centered)	First-level (individual)	1.04* -0.018	2.47	
Any Prior Felony Conviction	First-level (individual)	2.46*** -0.478	4.63	
Any Prior Drug Arrest	First-level (individual)	1.06 -0.159	0.39	
<i>Referral Offense (reference = technical only)</i>				
Technical + Other	First-level (individual)	1.95** -0.433	3.02	
Property + Drug	First-level (individual)	2.04** -0.555	2.62	
Property Only	First-level (individual)	1.25 -0.296	0.94	
Drug Only	First-level (individual)	1.13 -0.239	0.57	
Drug Court & MRT	Second-level (program)	0.644 -0.199	-1.43	
Drug Court & Minimum Clean Time (months)	Second-level (program)	1.01 -0.048	0.4	
Drug Court & Dismissal Promised	Second-level (program)	1.26 -0.369	0.8	
Drug Court & Written Guidelines	Second-level (program)	1.22 -0.245	0.98	
Constant (Coefficient)		0.255 -0.082	-4.27	0.107

N = 1, 893      < .001 \*\*\*   < .01 \*\*   < .05 \*

As expected, participation in drug court is associated with a statistically significant decrease in the odds of recidivism. The odds of recidivism are significantly lower for females and for older offenders, whereas the odds of recidivism are greater for defendants with a higher number of prior convictions, any prior felony conviction, or multiple referral charges. None of the program-level variables appears to exert a statistically significant influence on the odds of recidivism. The lack of statistical significance, however, may be related to the fact that

the data include only 12 jurisdictions. The use of MRT does appear to be associated with a substantively significant 36% reduction in the odds of recidivism, and this effect is the closest of the program-level effects to achieving statistical significance ( $p(|Z|) = .15$ ).

## **CONCLUSION**

The results of the multilevel logistic regression of recidivism also allow the assertion, with a high degree of confidence, that drug courts are more effective than the “business-as-usual” alternative at reducing the overall probability of recidivism, adding additional credence to the findings of the multivariate survival analysis. Further, this analysis did not detect any significant effects of program characteristics on recidivism though the small sample size of 12 jurisdictions made detection of such effects difficult. Even given this limitation, results tentatively suggest that participants enrolled in programs that use MRT tend to have lower recidivism rates than participants from drug court programs that do not use MRT, as well as the “business-as-usual” comparison group.

## **ANALYSIS 3**

The analysis described in this section was restricted to only drug court participants because data about the program characteristics for the “business-as-usual” group was not available. Using the same predictors as in analysis two, the following model relates individual and program factors to whether or not a drug court participant is convicted of an offense within two years of program completion and how many offenses are committed in that time. Because the outcomes are acts committed entirely after the program, a variable indicating whether or

not the participant graduated successfully is added as a predictor. Random effects are again used to condition the results on propensities unique to the twelve jurisdictions, and in each model the coefficient for the impact of program graduation was allowed to vary randomly from court to court.

The count model is motivated by a desire to make use of the additional information offered by measuring the frequency of recidivism. By analyzing the number of re-offending incidents, rather than just whether or not one occurred, it can be ascertained whether certain program factors produced less or more criminal activity. As noted above, only 20% of participants experienced an arrest leading to one or more convictions within that time, ranging from one to nine. Of course, this means that 80% of participants did not recidivate at all; for the purposes of the count model, those outcomes are all zero.

An excess of zeros is often a sign of overdispersion in count models, a problem comparable to non-constant error variance in regression models.<sup>14</sup> Typically, overdispersion can be remedied by estimating a variation on the poisson model that accounts for the greater-than-expected variation, but doing so within the context of random coefficient model is less straightforward. Fortunately, tests for overdispersion reveal that the problem, though present in this data, is not severe.<sup>15</sup> The results of the count model are presented in **Table 3C**.

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<sup>14</sup> The consequence for both issues is that estimates are inefficient, standard errors are incorrect and significance tests are less trustworthy.

<sup>15</sup> Auxiliary regression tests (Cameron and Trivedi 1998, 78) find significant overdispersion, but the estimated departure from equidispersion is about 0.5, which is modest given the distribution of our variable. Similarly, a (non-MLM) negative binomial model, which produces a parameter (*alpha*) that measures the impact of overdispersion on the variance, estimates alpha to be about 1.48, where an *alpha* of one is equidispersion.

**Table 3C: Multilevel Poisson Model of Re-offenses within Two Years of Completing Drug Court**

Variables	Level of Analysis	Incident Rate Ratio (SE)	(Z)	Random Effect Variance
Graduated Drug Court	First-level	0.43** (0.14)	-2.51	0.83
High School Graduate	First-level	0.98 (0.14)	-0.18	
College Graduate	First-level	0.63 (0.46)	-0.64	
Probation and other offense	First-level	1.02 (0.25)	0.11	
Property and drug offense	First-level	1.70 (0.85)	1.07	
Property offense	First-level	1.78* (0.45)	2.30	
Drug offense	First-level	1.18 (0.27)	0.71	
Pre-program Arrests	First-level (Centered)	1.01 (0.01)	0.72	
Pre-program Convictions	First-level (Centered)	1.00 (0.02)	0.09	
Pre-program Felony	First-level	2.28** (0.60)	3.14	
Age	First-level (Centered)	0.96*** (0.01)	-4.26	
Female	First-level	0.78 (0.12)	-1.64	
Non-white	First-level	0.99 (0.16)	-0.04	
MRT	Second-level	0.34** (0.12)	-3.14	
Sanction Guidelines	Second-level	1.32 (0.27)	1.36	
Law Enforcement	Second-level	1.81* (0.47)	2.27	
Minimum Clean Time	Second-level	0.97 (0.03)	-1.07	
Charges dropped for success	Second-level	1.07 (0.30)	0.23	
Constant (Coefficient)		-1.72** (0.42)	-4.06	0.00

N = 779 Model LL = -506 Null LL = -582 < .001 \*\*\* < .01 \*\* < .05 \*

Successful graduation from drug court has a statistically significant, substantively meaningful impact on the expected number of offenses committed by individuals following drug court participation. The incidence rate ratio, a quantity similar to the odds ratio for the logit model, tells us the amount by which our expectations change when the variable in question changes. For the graduation variable, the ratio is .43, meaning that a drug court graduate is expected to be convicted of fewer than half as many offenses within two years of leaving the program as a similar person who did not graduate successfully. The random effect for the court intercepts is vanishingly small (zero up to two hundredths), but the variance of the impact of graduation at the court level is sizeable (more than twice the size of its standard error) indicating that the impact of graduation on offenses varies from one court to another.

Other factors and conditions, as in previous models, were controlled for and referral for a property crime, felon status before drug court entry, and age were also found to be significant predictors of post-program offenses. Turning to effects attributable to characteristics of the drug court programs, two significant relationships were uncovered. Individuals participating in a drug court program that practices MRT are expected to commit substantially fewer offenses in the observed period, about a third of the arrests resulting in convictions of an otherwise similarly-situated individual. Also, law enforcement participation in a program is associated with an increase in post-program criminality. The model predicts about 80% more offenses from an individual emerging from such a program than an otherwise similar person. This could be due to increased police surveillance of participants that have exited drug court, perhaps particularly true for participants that do not successfully complete drug court.



## **CONCLUSION**

Graduation from drug court appears to exert a lasting impact on the criminal activity of participants after they exit drug court, compared to those who attend but do not graduate. This relationship is over and above effects found for program components. In addition, participants from programs that practice MRT committed substantially fewer offenses than those from programs that did not offer MRT.

## **APPENDIX D: WHY MULTILEVEL MODELING?**

The data sample for this report includes defendants enrolled in one of twelve felony-level adult drug courts in Virginia. Although many of the relevant background qualities of these individuals (demographic characteristics, criminal histories, referral offenses) are coded in a standardized fashion, there are likely to be a number of unobserved qualities that make individuals from the same jurisdiction more similar to each other than they are to those processed in a different jurisdiction. To address this, we use multilevel, or hierarchical, modeling methods in several of our analyses.

Data such as these can be analyzed in a few different ways. The first is to assume that the defendants in each jurisdiction are fundamentally dissimilar and analyze each group separately. Such an approach would require twelve separate studies, one devoted to each jurisdiction. This makes poor use of the information available, leaving twelve possible values for the effects of individual characteristics on their outcomes, each estimated on a comparatively small number of observations with resultant imprecision. As long as individual characteristics and outcomes are coded consistently, the relationships between those variables should be similarly informative, and analyzing them separately ignores this. The first approach also makes it impossible to assess programmatic differences in outcomes across courts, because all of the participants in each jurisdiction would have exactly the same exposure to all of the program characteristics.

Another approach is to assume that the individuals are identical apart from the variables coded, ignoring the “nested” structure of the data or the dependent nature of its collection. Observations from the same unit are likely to be more similar to each other than to individuals

from other units, because they are exposed to similar conditions within their shared environment, and disregarding these similarities runs the risk of making inappropriate inferences. Dependent data such as these violate basic assumptions of standard statistical techniques such as Ordinary or Generalized Least Squares, but also defy common sense expectation that separate programs serving distinct populations in discrete settings and staffed by different personnel will observe some tendencies that are not shared with other programs.

Each of these approaches is unsatisfactory, but motivated by legitimate concerns, and multilevel modeling represents a compromise between the two. Multilevel models<sup>16</sup> are used to analyze data that are collected from and clustered within units, such as patients within physicians within practices or students within classrooms within schools. With a multilevel model, the observations of different units are pooled without requiring that they share exactly the same propensities toward a given outcome or that individual factors have precisely the same impact on each group of subjects. It is acknowledged that the data cannot account for every distinction between sources and recognized that observations of a process in one context are not completely irrelevant to how that process might work in a different context.

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<sup>16</sup> Random effects, random intercepts, and random coefficients models are special cases of multilevel models.