The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs

EXECUTIVE SUMMARY

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Background and Purpose

This study was designed to look at the operations and outcomes of a single drug court in Multnomah County (Portland, Oregon) over a 10-year period of court operations through examining the entire population of drug court-eligible offenders over that period. By examining the entire population, rather than sampling, we hoped to describe for policymakers the effects of drug court on the system as it operated during that decade. By examining operations and outcomes, we hoped to add to our knowledge about external and internal changes and how they affect drug court success or failure.

The Multnomah County Drug Court in Portland, Oregon, is the second oldest drug court in the United States. Multnomah County instituted their drug court, named the STOP (Sanctions Treatment Opportunity Progress) Program, in August 1991 at the instigation of Judge Harl Haas, using a Byrne grant and local city funds. The program was originally designed to be a pre-plea offer to individuals arrested on drug charges. It began accepting probationers and parolees (as well as pre-plea clients) in 1995 and became a completely post-plea program in 2000. This study covers the period from program start in 1991 through 2001.

Method

The entire population of offenders, identified as eligible for drug court by the Multnomah County District Attorney's Office over a 10-year period, from 1991 to 2001, was identified and tracked through a variety of administrative data systems. Approximately 11,000 cases were identified; 6,500 participated in the Drug Court program during that period and 4,600 had their case processed outside the drug court model. Because the program changed from pre-plea to post-plea over time, the population of drug court participants used in these analyses contains a mix of both pre- and post-conviction offenders. Data on intermediate and long-term outcomes were gathered on each offender, with a particular emphasis on criminal recidivism (re-arrest) as a primary outcomes measure. The outcome data were drawn in late 2005 and early 2006, allowing a minimum of 5 years of follow-up on all cohorts and over 10 years on many cohorts. (For some individuals, over 14 years of follow-up data were available). Data on internal measures of Drug Court participation, internal changes in the Drug Court over the years and external changes in the criminal justice, court and substance abuse treatment systems were also gathered for the same period.

Data on costs were gathered using a modified Transactional Cost Analysis Approach to allow us to conduct a cost-benefit analysis. Costs were calculated from a previous study on this program that involved intensive tracking of 155 individuals that entered the Multnomah County Court System on drug court-eligible charges. Costs were calculated in terms of investment costs (transactions associated with the drug court-eligible case), outcome costs (transactions that occurred after participants entered the program, not associated with the drug court-eligible case) and total costs per participant.

The unit costs for these analyses were based on the unit costs per transaction calculated in a previous study of this Drug Court (Carey and Finigan, 2003) and were updated to reflect 2006-2007 fiscal year dollars. Analyses were performed controlling for differences in age, ethnicity, gender, time at risk and number of arrests in the two-years prior to the Drug Court eligible arrest. Drug of choice was not available for the comparison group. Recidivism was defined as re-arrests after Drug Court entry, not new convictions.

Results

The results were focused around answering some specific policy questions:

POLICY QUESTION # 1. WHAT IS THE OVERALL IMPACT OF THE MULTNOMAH COUNTY DRUG COURT ON CRIMINAL RECIDIVISM?

Overall, for the entire population of eligible offenders, the Drug Court significantly reduced the incidence and frequency of criminal recidivism for participants compared to offenders who did not participate. Including all offenders who were eligible for the Drug Court during the total 10-year period, over 5 years from the Drug Court petition hearing, the incidence of re-arrest was reduced by nearly 30%.

The Drug Court reduces the incidence of drug crimes substantially for up to 14 years after the petition hearing. The effect is statistically significant after controlling for age, gender, race, and 2 years of prior criminal history for all but year 14, where the number of cases available for the analysis drops to only 317.

POLICY QUESTION # 2: DOES THE DRUG COURT SHOW CONSISTENT LEVELS OF SUCCESS IN REDUCING RE-ARRESTS EACH YEAR OF THE 10-YEAR PERIOD?

The Multnomah County Drug Court, while overall demonstrating a positive effect over the 10-year period, had better years and worse years. Specifically it had two "rough periods." The first was the first 2 years of the program when there were either no positive results (1991) or small gains (1992). The second period is 1996, which demonstrates no success and, interestingly, is the year the Drug Court temporarily moved to a location outside the courthouse (and experienced other disruptions as well). There are two points that this emphasizes. First, the early implementation period of a drug court is not the best period to choose to examine the court's effectiveness. In addition, it should be remembered that this drug court was the second in the nation and in 1991-1992 no one knew how to operate a successful drug court (e.g., there were no "10 key components"). The second point that these data illustrate is that care should be taken about assessing the performance of a drug court based only on a single cohort year.

POLICY QUESTION #3: DO INTERNAL OR EXTERNAL CHANGES AFFECTING POLICIES AND PROCEDURES OF THE COURT AFFECT ITS SUCCESS OR FAILURE?

A number of external changes from 1991 to 2001 that might have had an influence on court operations and outcomes were identified. These external changes were categorized as follows: criminal justice system changes, changes in the Multnomah County substance abuse treatment system, and changes in the Oregon managed care system. With one exception, these changes appeared to have no statistically significant impact on subsequent recidivism for this population (drug court and comparison group). The effect of group membership (drug court or comparison group) remained statistically significant in the model. We can therefore conclude that these external changes were likely not the source of the found positive effects of drug court.

There was one exception to the above conclusion. The introduction of a Central Intake System under the federally funded Target Cities Project in 1993, and its closure in 1998, are significantly and substantially related to subsequent recidivism. The effect of Central Intake was predominantly with the comparison group. This makes sense in that Central Intake's purpose was to get more and better treatment to those offenders that were "slipping through the cracks in the system" and therefore would have impacted the comparison group more and the Drug Court group less. This has interesting implications. It would suggest that during the period of Target Cities

Central Intake (1993-1998), the Drug Court effect is somewhat understated because the comparison group is also receiving benefits from Central Intake. This also illustrates the importance of understanding factors that may have affected the comparison group, as well as the program group, in this kind of study.

Internal changes in drug court policies and procedures were also examined, including changes in eligibility criteria (pre- vs. post-plea), changes in funding, and changes in Drug Court Program policies around insurance and managed care. These were entered into the logistic regression model to see if the changes had an impact on the recidivism (arrest/no arrest) of the drug court group when age, race, gender, and prior arrest history are also in the model. The results showed that none of these changes appears to be associated with any change in re-arrests in the Drug Court group. This, of course, does not mean they had no indirect impact, merely that they show no gross direct impact.

In addition, several instrumental variables relative to success in the drug court program were examined for their effect on subsequent recidivism. A negative effect was found for the use of sanctions. Specifically, the use of jail sanctions was related to higher recidivism. Positive effects were found for a higher number of days in substance abuse treatment and for several judicial factors. *Higher days in treatment* was significantly related to lower recidivism. Judicial factors are discussed in response to Policy Question # 4.

POLICY QUESTION # 4: DO CHANGES IN JUDICIAL LEADERSHIP AFFECT THE SUCCESS OF THE DRUG COURT?

There were four sub-questions addressed within Policy Question #4.

4a: Do judges differ in their success in reducing re-arrests?

While all judges showed reductions in re-arrests, some judges showed greater reductions than others. The reductions in re-arrests ranged from 4% to a substantial 42%, demonstrating clear differences. This suggests that drug court results may vary depending on the judge involved.

4b: Do eras where multiple judges are conducting Drug Court do worse than eras in which only a single judge is operating the Program?

There were no differences between eras of a single court judge and multiple judges, although the period of multiple judges was relatively short. Also, the STOP Program may not be a good test of this. In the multiple judge eras, there was always a single pre-dominant judge who had "help" from a variety of other judges, and many of the judges who "helped" were former STOP Program judges and had learned from previous experience. This is a very different situation from a setting where different judges are simply rotated through drug court on a regular (e.g., yearly) basis.

4c: Did the Drug Court improve its success rate over time? Did later judges do better than the earlier judges?

The early drug court judges did not have as positive outcomes (on average) as judges who came later. It is likely that judicial procedures and practices improved over time. The Multnomah County Drug Court was the second drug court in existence nationally. In many ways it helped invent standard drug court procedures. These data suggest that over time the Drug Court learned from experience and improved its success rate. One way it worked to improve its success rate was to create procedures for passing knowledge learned from experience from one judge to the next. The Program noticed a difference in the quality of the judges' work when each Drug Court judge began a more formal process of teaching the drug court model to the incoming judge.

Policy Question # 4d: Do judges improve with experience? Did judges who had multiple eras improve their success rate in the second era?

Of great interest is the finding that judges who had more than one rotation through the Drug Court had better results their second time on the Drug Court bench. This implies that judges learn from their experience on the bench and that having the same judge continue to preside over a drug court over time will result in better outcomes. Given that one of these judges had several years between his two eras, this also implies that a "pool" of judges who have experience in drug court could be rotated through a drug court on a regular basis, allowing the program to benefit from the judges' experience while also allowing the judges to preside over traditional court cases on alternate years.

POLICY QUESTION #5: DID THE MULTNOMAH COUNTY DRUG COURT SAVE TAXPAYER RESOURCES COMPARED TO THE COSTS OF TRADITIONAL COURT PROCESSING?

Consistent with the previous findings from the single cohort study (Carey and Finigan, 2003), the data from over 10 years of operation show that the Multnomah County Drug Court actually costs less to operate than the cost of "business as usual." The investment cost per participant for the STOP Program was **$5,168** while the cost per offender for "business as usual" was **$6,560**, a difference of **$1,392**. These data suggest that the finding in 2003 was not simply relevant to the specific time period. Overall, this means that, independent of avoided system costs accruing from positive outcomes, the Drug Court's operation itself saved the taxpayer more than **$9 million** over the 10-year period. Sources of this investment cost savings include treatment and probation services.

In terms of outcome cost savings (i.e., avoided costs) to the taxpayer accruing from positive results for Drug Court participants, there are cost savings in outcomes across every transaction. The largest benefit is due to less use of jail days by Program participants followed by less use of prison beds. The total outcome cost savings over a 5-year period from the petition hearing is **$6,744** per participant, and **$12,218** when victimization costs are included.
The outcome cost savings, when multiplied by the number of people who entered the Multnomah County Drug Court's STOP Program from 1991 through 2001, result in a total system savings of more than **$79 million** (or **$7.9 million** per year).

These positive outcomes were counted for just 5 years after the petition hearing date in order to include all 6,502 participants who entered the program during the 10-year period. As described earlier, the lower recidivism for the Drug Court participants continues up to 14 years after the petition hearing. This means that the cost savings will continue to accumulate for these participants for many years after the 5-year end point used in these cost calculations. If these savings continue to accrue at $7.9 million per year, the cost savings after 14 years could be as high as **$111 million**. Note that these numbers are outcome costs (savings) only and do not include the investment cost savings presented earlier.

The opportunity to conduct a longitudinal study on a single drug court and to examine its effect on the entire target population does not happen often. Gaining permission to access data and coordinating the data collection is an immense task. Yet, this has offered some insight into the long-term operation of drug courts that is extremely useful for both for researchers and policymakers. This paper presents the result of just some of the analyses that are possible for this unique set of data. Future work could continue to explore other possible analyses and answer other important policy questions, such as cost differences between pre-plea and post-plea cohorts.

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