

Best Practices in Treatment Court Evaluation

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NUMBERING MORE THAN 3,000 programs across the country, drug treatment courts (also known as drug courts) are a significant evidence-based component of many communities' approach to addressing the needs of individuals involved in the criminal justice system who have substance use problems. The goal of drug courts is to reduce recidivism and promote recovery and stability for individuals by working to resolve the underlying issues related to criminal activity (NADCP, 2015).

An essential tenet of adult drug treatment court programs (accounting for more than half of all treatment courts) is the role of probation and other community supervision agencies (NADCP, 2015). Community supervision officers are among the core team members whose active involvement with the treatment court is associated with significantly lower rates of recidivism and greater cost savings (Carey et al., 2008; Cissner, Franklin, et al., 2013; Rossman et al., 2011; Shaffer, 2010). Probation officers may be responsible for testing participants for substance use, conducting home visits, and providing interventions to reduce criminal thinking and increase participants' problem-solving capabilities. Additionally, probation officers, who often act as case managers on treatment courts, may be involved with connecting participants to essential social services

such as housing, job skills training, and life skills. Probation may also be responsible for monitoring other short-term outcomes such as treatment compliance and employment attainment. These intermediate outcomes can be early indicators of treatment courts' impact on long-term outcomes, such as rearrests and supervision revocations, with long-term outcomes ultimately demonstrating the impact of the treatment court intervention.

Best practices in treatment courts are well aligned with those in the field of community supervision. For example, treatment courts that use evidence-based assessments of risk and need to inform decision-making outperform those that do not (Bhati, Roman, & Chalfin, 2008; Sevigny, Pollack, & Reuter, 2013). Similarly, probation programs that use assessments of risk, need, and responsivity to guide supervision decisions and interactions between probation officers and probationers are associated with better outcomes than those that do not use such assessments (e.g., MacKenzie, 2000). Treatment courts, like probation programs, also have better outcomes when participants are linked to a broad array of services and supports. Finally, the use of evaluations that provide feedback on program practices and policies, as well as outcome evaluations, are related to higher program effectiveness (Carey et al., 2012; Cissner et al., 2013).

Best Practices in Evaluating Treatment Court Programs

Treatment court programs that engage an independent evaluator and use evaluation feedback to change policy or practice have significantly lower rates of recidivism and are substantially more cost effective than those programs that did not have an evaluation (Carey et al., 2008, 2012). Program evaluation leads to program improvement through several mechanisms. First, data collection efforts highlight the salience of collecting and sharing information about program performance. Collecting and sharing information by itself tends to focus teams on aligning their regular practice with their training in and understanding of best practices. Independent evaluators are also more likely to uncover shortcomings that are not apparent to program staff, and can raise concerns without fear of personal or professional reprisal (Heck & Thanner, 2006). Program evaluation also asks program leaders to shift their attention away from their day-to-day administrative duties and take a broader assessment of how their services are functioning. This change of focus may lead to a realignment of policies and practices with those supported by research. Evaluation findings may also compel program leaders and other stakeholders to dive more deeply into practices across partner agencies, including training

and support, as well as the scope and quality of services offered by community-based organizations, such as behavioral healthcare providers. Evaluation findings shared with community leaders may engender support for program improvement efforts, including the enhancement of evidence-based services and sustained program support. Finally, and most obviously, program evaluation feedback may help identify places for program improvement or enhancement, and bolster practices and policies to address them.

Comprehensive treatment court program evaluations, similar to other criminal justice interventions, typically include process and outcome components. These components are addressed separately in the following subsections.

Process Evaluations

Process evaluations focus on the extent to which the program is implementing policies and practices as intended, as well as how those policies and practices are experienced by program partners and participants. Comprehensive process evaluations require direct observation of program practice—such as pre-court staffing meetings and status hearings; interviews with all team members; review of the program handbook, policy manual, and other documents; and focus groups or interviews with program participants, as well as interviews or focus groups with community service providers and other stakeholders. Data drawn from these sources can be mapped onto a list of best practices to help agencies target change in those areas where they may be operating in ways that are inconsistent with best practices. Table 1 provides examples of questions appropriate for a treatment court process evaluation and includes data sources and data collection strategies. As the table suggests, the evaluation can tap the same data sources and collection strategies to address a wide range of process evaluation questions.

The following steps describe best practices in how to implement a treatment court program process evaluation.

1. Convene a steering committee that includes team members and other stakeholders to identify evaluation priorities and to determine if there is internal capacity to conduct a process evaluation. Note that process evaluations, since they typically involve direct observation as well as direct interactions with staff and participants, can be difficult to implement with internal

TABLE 1
Process Evaluation Questions, Data Sources, and Collection Strategies

Examples of Process Evaluation Questions	Data Sources	Data Collection Strategies
How are participants being assessed for risk and need?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Review of participant records • Review of policy and procedure manuals
How are the risk and need assessment results being used to determine eligibility and to guide the type, frequency, and intensity of services?	<ul style="list-style-type: none"> • Treatment court team members • Program records 	<ul style="list-style-type: none"> • Interviews with team members • Reviews of participant records
To what extent are program policies and practices aligned with best practice standards and community context?	<ul style="list-style-type: none"> • Treatment court team members • Participants • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Direct observation of team meetings and status hearings
Are participants being connected with behavioral healthcare and other community services to address their risks and needs?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Participants 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Review of program records
What is the substance use testing regimen?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Participants • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Review of program records
How does the program use sanctions, incentives, therapeutic adjustments and monitoring to modify participants' behavior?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Participants • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Review of program records • Review of policy and procedure manuals
How do treatment court team members and program participants view the strengths and weaknesses of the treatment court?	<ul style="list-style-type: none"> • Treatment court team members • Participants 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants
What are the facilitators of and challenges to implementing evidence-based practices?	<ul style="list-style-type: none"> • Treatment court team members 	<ul style="list-style-type: none"> • Interviews with team members
To what extent is the team implementing the program according to their intended design?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Participants • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Review of program records • Review of policy and procedure manuals
To what extent is the treatment court being implemented with fidelity to the treatment court model?	<ul style="list-style-type: none"> • Treatment court team members • Program records • Participants • Policy and procedure manuals 	<ul style="list-style-type: none"> • Interviews with team members • Focus groups/interviews with participants • Review of program records • Review of policy and procedure manuals • Observations of program activities

staff. Power differentials and apparent conflicts of interest tend to make individuals uncomfortable and may make them less willing to be candid; therefore they are better performed by an outside evaluator. (However, regular self-review of treatment court practices and best practice standards is recommended.)

2. Develop evaluation questions that address your evaluation priorities. Evaluation questions should be discrete

and measurable, such as those proposed above.

3. Develop a cross-walk that maps data collection strategies to each of the evaluation questions, as illustrated in Table 1.
4. Develop or find existing observation, interview, and focus group tools to help guide data collection.
5. Assign staff and develop a timeline to collect the information. Note again, that if internal staff are collecting these

data, then program leaders should strategize to minimize the appearance of conflicts of interest and minimize the power differential between those being observed or questioned and the observer, interviewer, or facilitator.

6. Review the data as it pertains to each of the evaluation questions, and work to identify trends within and across respondent groups and how those trends may or may not be reflected in any document reviews or observations.¹
7. Use the trends and other information to develop responses to the evaluation questions.²
8. Report and disseminate your findings (see the Reporting and Dissemination section below).

Outcome Evaluations

Whereas process evaluations focus attention on the extent to which the team is implementing the treatment court program consistent with best practices and according to design, an outcome evaluation is essential to understanding whether the program is achieving its goals. Programs achieve their goals by achieving specific outcomes. Evaluators can divide treatment court program outcomes into those achieved while the participants are in the program (in-program outcomes), and those experienced after they leave (chiefly, recidivism—including criminal justice and child welfare).

In-Program Outcomes. In-program outcomes are important indicators of participant progress and offer a reasonable predictor of post-program outcomes, including recidivism. The primary focus of in-program outcomes is to monitor whether the program is delivering services with fidelity to the intended model and to provide timely feedback to program stakeholders regarding changes in program service delivery. In-program outcomes also include measures of participant success in completing program requirements such as negative drug tests, graduation rates, and whether participants have obtained housing and employment.

In-program outcome evaluations do not typically require a comparison group. In 2006, the National Association of Drug Court Professionals convened the National Research Advisory Committee (NRAC) that, among other tasks, created standard, simple in-program measures that treatment court teams could track and use to evaluate their programs (Heck & Thanner, 2006). The NRAC performance measures include:

- Retention—the number of participants who completed the treatment court divided by the number who entered the program.
- Sobriety—the number of negative drug and alcohol tests divided by the total number of tests performed.
- Recidivism—the number of participants arrested while participating in the program for a new crime divided by the number who entered the program, and the number of participants adjudicated officially for a technical violation divided by the number who entered the program.
- Units of Service—the number of treatment sessions, probation sessions, court hearings, and other program-required activities attended.
- Length of Stay—the number of days from entry to discharge or the participant's last in-person contact with staff.

Treatment court teams may also want to consider other outcomes of local interest, and can consult lists of outcomes promulgated by different organizations, including the national Center for State Courts (Waters, Cheesman, Gibson, & Dazevedo, 2010), the Center for Court Innovation (Rempel, 2007), the Organization of American States (Marlowe, 2015), the National Center for DWI Courts (Marlowe, 2010), and the National Institute of Justice (NIJ, 2010).

It is understandable that programs may focus more on in-program outcomes than they do on post-program outcomes. Not only are in-program outcomes easier to measure (and they are normal components of the terms of program participation agreements), but they are also the factors that impact the team members most directly in terms of their interactions with participants (i.e., it is likely that progress in these in-program domains makes the team members' jobs more or less rewarding). However, a disproportionate focus on proximal (in-program) goals is problematic for several reasons. First, the goal of any behavior-based program is to transfer control from the authorities (treatment court team members) to the participants. To achieve

this, team members and other treatment court stakeholders need to be thinking about longer term outcomes associated with independence and sustained behavioral change. Second, in-program outcomes do not entirely account for the cyclical, multi-system impact of long-term outcomes, such as criminal recidivism (discussed below). That is, some proportion of treatment court participants are likely to commit additional criminal acts, and while success under supervision may predict lower levels of subsequent criminal activity (DeVall, Gregory, & Hartmann, 2015), many of those who successfully complete the program may also find themselves back in the criminal justice system. Therefore, focusing on proximal outcomes risks distracting from longer term outcomes, such as recidivism.

Post-Program Outcomes. Post-program outcomes include sustaining in-program outcomes listed above over time, and are increasingly meaningful as participants spend more time in, and following their exit from, the treatment court program. In addition, treatment court evaluations should address the fundamental goal of reducing the rates at which offenders with substance use problems return to criminal activity by answering the following question: To what extent do participants experience new arrests, violations, convictions, and incarceration following program exit?

Depending on the availability of data, evaluators may measure recidivism in terms of new arrests, convictions, or incarceration (or all three) within the 2- to 5-year period following program entry. Because of the different social and fiscal costs associated with different crimes, offenses should be disaggregated by severity (i.e., felony vs. misdemeanor, or summary offense) and type (e.g., person, property, drug). The measure of recidivism (e.g., rearrests, re-incarceration, new convictions, etc.) will also drive the observation period necessary to provide a sufficient window of opportunity for the event to occur. For example, rearrests will occur sooner (and more frequently) than new convictions and therefore require a shorter observation period. Best practice standards suggest that the observation period for rearrests should be at least 3 years following program entry (NADCP, 2015). Finally, while this article focuses on adult treatment drug courts, generally, other treatment court programs (such as family courts, mental health courts, etc.) should define recidivism both in terms of criminal justice recidivism and

¹ It is unlikely that probation departments have evaluation staff that are formally trained in qualitative methodology such as thematic analysis, but even an informal review of qualitative data by untrained staff is likely to find trends and issues that may be addressed by changing policy or practice.

² Most process evaluations will also raise new questions and identify unanticipated program strengths and challenges.

according to the specific goals of those programs and ensure that observation periods match those measures.

To determine the extent to which participation in the treatment court program is associated with better outcomes than would be expected through standard court processing, treatment court teams must compare post-program outcomes with those experienced by a similar group of individuals that did not participate in the program. An evaluator experienced in quantitative methods is key, as comparison groups must be selected so that they do not bias the results. Examples of biased comparison groups include individuals refusing to participate in treatment court; individuals denied access due to their clinical or criminal histories; or individuals that dropped out or were terminated from the treatment court program (NADCP, 2015). An appropriate comparison group should be as identical as possible in demographics and background to participants enrolled in the program, but composed of individuals who were not offered the program. Examples of good comparison groups include groups assigned randomly; individuals waitlisted for the treatment court program (due to program capacity); individuals arrested (or otherwise eligible) just before the treatment court was established; or individuals arrested in jurisdictions similar in socioeconomic or law enforcement practices (NADCP, 2015). Again, a skilled evaluator is key in identifying an appropriate group and to mitigate any sampling biases.

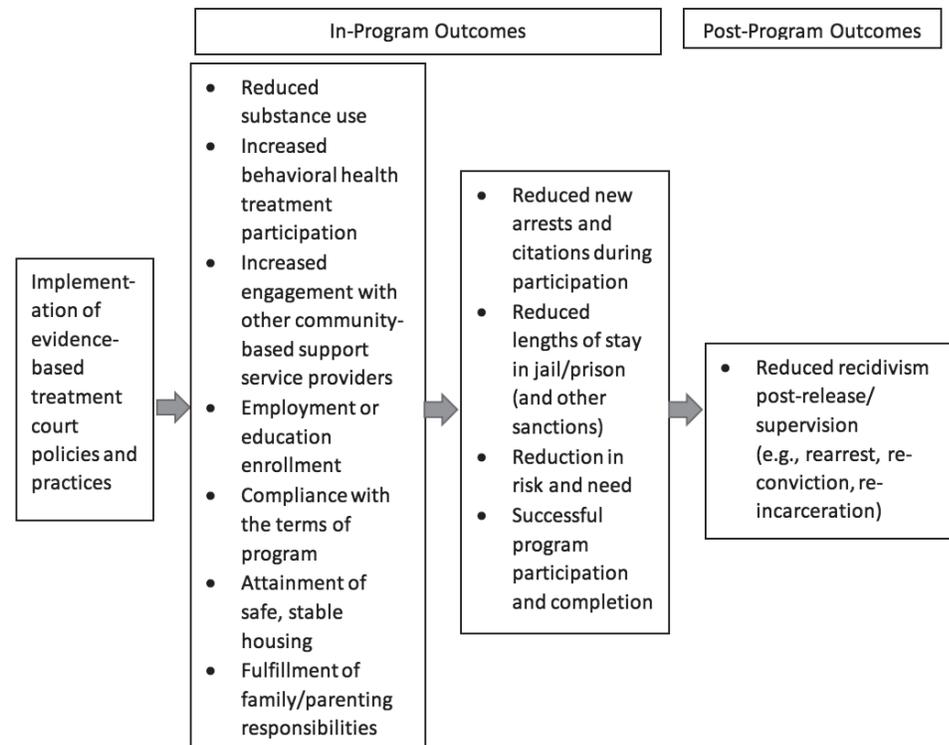
Figure 1 illustrates a logic model that shows the inter-relationships between in-program and post-program outcomes for probation programs.

Information gathered from the qualitative process evaluation questions lend themselves to thematic analysis by which the evaluator draws together all of the data and then codes data according to a schema based on the evaluation questions. Outcome evaluation questions are better addressed by quantitative evaluation methods summarized in Table 2 and discussed in greater detail in the next subsection.

Outcome Evaluation Data Sources and Analysis Methods. Table 2 summarizes the data sources and analysis methods by which probation departments and treatment courts may evaluate their policies and practices.

The following steps describe best practices in how to implement a treatment court outcome evaluation. As mentioned previously, treatment court programs should

FIGURE 1
Simple Evaluation Logic Model



consult with an experienced evaluator when reviewing post-program outcomes; however, program staff can assist evaluators by collecting and reviewing in-program outcomes as described below:

9. Develop evaluation questions that address your evaluation priorities. Evaluation questions should be discrete and measurable, such as those proposed above.
10. Implement an electronic database to track participant information related to the evaluation questions of interest. At a minimum, these include participant demographics and background information (e.g., gender, race, education level, employment status, instant offense, risk and need assessment scores, etc.) and program service information (e.g., program entry and exit dates, discharge status, etc.). Supplement this information with data elements related to your highest priorities (e.g., reductions in substance use, treatment compliance, safe and stable housing, etc.). (Note: The majority of the data needed for treatment court evaluation is the same data necessary for good quality probation and treatment court case management.)

11. Assign staff members to enter information into the database as is appropriate to their responsibilities (e.g., treatment providers are responsible for entering information related to treatment sessions attended, probation officers are responsible for entering information related to substance use test results, etc.). Data should be entered within 48 hours of the respective events (Marlowe, 2010).
12. Review in-program data as it pertains to each of the evaluation questions and try to identify trends within and across groups (e.g., compare graduates to non-graduates, men to women, by race/ethnicity, etc.).
13. Monitor in-program trends over time for changes.
14. Use the trends and other information to develop responses to the evaluation questions.
15. Report and disseminate your findings (see the Reporting and Dissemination section).

Reporting and Dissemination

The observation effect notwithstanding, program evaluation will have limited impact unless findings are regularly and meaningfully

TABLE 2
Outcome Evaluation Questions, Data Elements, and Analysis Methods

	Examples of Outcome Evaluation Questions	Data Elements	Data Analysis Methods
In-Program Outcomes	What is the retention rate and completion rate of the treatment court?	<ul style="list-style-type: none"> Total number of participants Number successfully completing program 	<ul style="list-style-type: none"> Compare the number of individuals successfully completing the program to those that entered
	Are participants completing treatment court within the intended time frame?	<ul style="list-style-type: none"> Length of time in program (start/end dates) Discharge status Minimum time necessary to complete program 	<ul style="list-style-type: none"> Calculate the average length of time participants spend in the program (by discharge status) and compare with the intended time frame
	What factors are associated with successful completion of the program?	<ul style="list-style-type: none"> Demographics Criminal history Services received 	<ul style="list-style-type: none"> Compare the proportion of participants by demographics, background, and service utilization rates of those that successfully completed the program and those that did not
	How does participation in treatment court impact substance use?	<ul style="list-style-type: none"> Substance use assessment results (e.g., mild, moderate, severe substance use disorder) at program entry and exit Dates of substance use tests Results of substance use tests (e.g., positive, negative) If positive, type of substance used 	<ul style="list-style-type: none"> Compare the proportion of participants with mild, moderate, and severe substance use disorders at program entry versus program exit Calculate the rate of negative drug tests over time (e.g., first month after entering program, 2-3 months, 4-6 months) Review changes in types of substances used
	To what extent do participants engage in behavioral health treatment?	<ul style="list-style-type: none"> Dates of referral to behavioral health treatment providers Dates of treatment sessions Treatment modality Treatment discharge status 	<ul style="list-style-type: none"> Calculate the rate of engagement (number participating out of the number referred for treatment) Calculate the average number of hours/units of treatment Calculate the rate of successful treatment completion (the number successfully discharged out of the number referred)
	To what extent do participants increase their employment or educational engagement?	<ul style="list-style-type: none"> Employment status at program entry and exit (e.g., full time vs. part-time work, number of hours per week, monthly income) Highest education level completed at program entry and exit Dates of employment or education classes attended and completion status 	<ul style="list-style-type: none"> Compare the proportion of participants with full-time employment (or number of hours, monthly income) at program entry versus those at program exit Compare the proportion of participants with GEDs (or post-secondary education) at program entry versus program exit Calculate the attendance rate at employment/education classes or calculate the rate of successful completion (out of those referred)
	Do participants gain safe and stable housing?	<ul style="list-style-type: none"> Type of housing at program entry and exit (e.g., own home, rented apartment, living with friends/family, homeless, etc.) Length of time at current address Number of places lived in last year 	<ul style="list-style-type: none"> Compare the proportion of participants living in stable versus temporary housing at program entry and program exit
	How do participants access other community-based support service providers	<ul style="list-style-type: none"> Number of individuals identified as needing community-based support services, and by type Number of individuals accessing services, by type 	<ul style="list-style-type: none"> Calculate the proportion of participants accessing services, out of those identified/referred for services, by type of service needed
	To what extent do participants experience reductions in risk and need?	<ul style="list-style-type: none"> Risk and need assessment results (e.g., high risk, high need) at program entry and exit 	<ul style="list-style-type: none"> Compare the proportion of participants in each risk/need quadrant at program entry and exit
	What is the rearrest rate while participants are engaged with the treatment court?	<ul style="list-style-type: none"> Dates of rearrests Charge severity (e.g., misdemeanor, felony) Charge type (e.g., person, property, drug, DUI, other) 	<ul style="list-style-type: none"> Calculate the percent of all participants arrested for a new charge, while participating in treatment court, by severity and charge type
	What is the revocation rate while participants are engaged with treatment court?	<ul style="list-style-type: none"> Dates of revocation Type of revocation (e.g., criminal, technical) 	<ul style="list-style-type: none"> Calculate the percent of all participants arrested for a new charge, while participating in treatment court, by revocation type
	How often are participants incarcerated while engaged with treatment court?	<ul style="list-style-type: none"> Entry and exit dates of incarceration Incarceration type (e.g., jail, prison) 	<ul style="list-style-type: none"> Calculate the percent of all participants incarcerated while participating in treatment court Calculate the average number of days incarcerated while in the program, by incarceration type

reported to key constituencies and used by those constituencies to improve and enhance program processes. As noted earlier, those programs that collect and use evaluation information are more successful and cost efficient (Carey et al., 2008, 2012). Dissemination of evaluation findings—across treatment court program partners—for program improvement and quality monitoring serves as a learning tool for those partner agencies. Reporting and dissemination, when well implemented, also acknowledge the cross-systems nature of effective probation programs. Each system (e.g., the courts, law enforcement, prosecutor, defense bar, etc.) will have its own interests and concerns and will view your evaluation results through its own lens. In other words, reporting and dissemination should be responsive to the audiences receiving the information. Further, because treatment court programs intersect with many other systems, the costs and benefits of those programs accrue differently to those systems. For example, if a probation program reports lower recidivism after probationers are offered more intensive behavioral health care through the treatment court, there are savings to law enforcement, the courts, and probation but higher costs (at least initially) to the behavioral health care system and the courts. Reporting and dissemination should explore these phenomena and address the real or theoretical costs and savings so that partners from all systems have information to assess and plan for how policy and practice changes may impact their work.³

Reporting and dissemination activities are also critical for garnering community and political support to sustain and expand successful policies and practices. Unfortunately, many of the best practices in criminal justice are restricted to a subset of the eligible population. Many treatment courts are underfunded and rely on temporary grant funding to innovate but cannot maintain those innovations or expand them to meet the full scope and scale of the needs of their community. Disseminating program evaluation results can help garner the support needed to sustain program best practices. Finally, the content and format of reporting is most impactful when it directly relates findings to specific policies and practices.

³ Cost studies, not addressed in this article, are based on process and outcome evaluation data and help the program determine if participation is associated with lower or higher costs to the public as well as how those costs and savings are distributed across different systems and agencies.

TABLE 2 (cont.)
Outcome Evaluation Questions, Data Elements, and Analysis Methods

	Examples of Outcome Evaluation Questions	Data Elements	Data Analysis Methods
Post-Program Outcomes	How does participation in treatment court impact criminal justice recidivism (rearrests)?	<ul style="list-style-type: none"> • Dates of arrests • Charge type • Charge severity 	<ul style="list-style-type: none"> • Calculate the proportion of treatment court program participants rearrested for a new offense and compare to the proportion of comparison group members rearrested during same time period • Calculate the average number of rearrests per program participant and compare to the average number of rearrests in the comparison group • Compare rearrests by charge type and severity
	How does participation in treatment court impact supervision revocations	<ul style="list-style-type: none"> • Dates of supervision revocations • Type of revocation (criminal vs. technical) 	<ul style="list-style-type: none"> • Calculate the percent of treatment court program participants revoked and compare to the percent of comparison group members revoked during a similar time period
	Does participation in treatment court reduce reincarceration?	<ul style="list-style-type: none"> • Entry/exit dates of incarceration • Incarceration type (e.g., jail, prison) 	<ul style="list-style-type: none"> • Calculate the percent of treatment court participants incarcerated and compare to the percent of comparison group members incarcerated • Calculate the average number of days treatment court participants are reincarcerated and compare to the average number of days comparison group members are reincarcerated

Summary

As communities continue to increase their reliance on treatment courts, probation, and other methods of community supervision in lieu of incarceration, there is a corresponding need for rigorous evaluation to ensure that these programs are meeting the needs of those sentenced to probation, and maintaining community safety (Klinge, 2013). Although treatment courts in general are effective in reducing crime, individual treatment courts may, in some cases, have no effect on—or even increase—recidivism (e.g., Carey et al., 2012; Carey & Waller, 2011; Cissner et al., 2013; Government Accountability Office, 2011). Evaluating the program process and outcomes is associated with significantly better outcomes (Carey et al., 2008, 2012) and should be a regular part of treatment court operations (NADCP, 2015). Outcome evaluations should

focus on criminal justice recidivism in particular—both to follow the original intent of the treatment court model (to reduce criminal recidivism and the use of jail among individuals with substance use disorders) and because costs to the criminal justice and allied systems, as well as social costs, are driven by continued criminal activity.

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