

Program Performance Report

Implementation Grantees of the Adult Drug Court Discretionary Grant Program

*Federal Fiscal Year 2012 Report:
October 2011–September 2012*



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Adult Drug Court Discretionary Grant Program (ADC)—Implementation—FY 2012

Program Performance Report (October 2011–September 2012)

The Adult Drug Court Discretionary Grant Program (ADC) Program, administered by the Bureau of Justice Assistance (BJA), is intended to “build and/or expand drug court capacity at the state, local, and tribal levels to reduce crime and substance abuse among high risk, high need offenders.”¹ Drug courts, which are a significant part of a larger universe of problem-solving courts, have been proven to reduce recidivism and substance use among program participants. When implemented in an evidence-based manner, drug courts have also been proven to increase the likelihood of rehabilitation. Some of the key components of drug court operations include early intervention and intensive treatment, close judicial supervision, mandatory and random drug testing, community supervision, appropriate incentives and sanctions, and recovery support services.

BJA awarded grants to states, state and local courts, counties, units of local government, and Indian tribal governments. Implementation grants were awarded to jurisdictions that have completed a substantial amount of planning and are ready to implement a drug court. Grantees may fund court operations, offender supervision, and various treatment and recovery support services. The following report examines data entered into the Performance Measurement Tool (PMT) for October 2011–September 2012 (FY 2012) for implementation grants awarded in fiscal years 2008–2011 (Table 1).

Table 1. Operational Enhancement Grantees by the Grant Award Year, FY 2012

Grant Award Year	Total Responding to at Least One Question
FY 2008 (N=8)	8
FY 2009 (N=21)	21
FY 2010 (N=32)	32
FY 2011 (N=18)	17

Table 1 shows the active enhancement grantees by the fiscal year in which they were awarded. An active award means that grantees executed program activities outlined in their applications and spent award funds during the quarter(s) for which they are reporting.

- Forty-one percent of the active grantees were awarded grant funds in FY 2010.

Table 2. Implementation Grantees and Subrecipients Reported, FY 2012

Quarter	Total Responding to at Least One Question
Oct.–Dec. 2011 (N=80)	66
Jan.–March 2012 (N=79)	72
April–June 2012 (N=79)	75
July–Sept. 2012 (N=79)	72

¹ Bureau of Justice Assistance. (2012). *Adult Drug Court Discretionary Grant Program FY 2012 competitive grant announcement*. Washington, DC: U.S. Department of Justice, Office of Justice Program, Bureau of Justice Assistance.

Table 2 shows the number of active drug court implementation grantees and subrecipients that submitted quarterly reports in the PMT by quarter. An active award means that grantees executed program activities outlined in their applications and spent award funds during the quarter(s) for which they are reporting.

- Overall, 90% of grantees and subrecipients completed their quarterly reporting requirements in the PMT.
- Among the drug courts, 74 unique courts received 80 grants **and** reported performance measurement data in the PMT during FY 2012. This represents about 3% of an estimated 2,459 adult drug courts and other problem-solving courts² nationwide (as of December 31, 2009).³ Some courts received multiple grants that were awarded in different years (i.e. different solicitations).

Table 3. Number of Years BJA-Funded Drug Courts Were Operational as of September 30, 2012

Number of Years Operational	N	Percentage
Less than 1 Year	23	32%
2 Years	21	29
3 Years	22	31
4 Years	4	6
5 or More Years	2	3
Total	72	100%

Table 3 shows the number of years that drug courts receiving implementation grant funds have been operational as of September 30, 2012.

- On average, drug courts receiving implementation grants have been operational for 2 years, with the majority (92%) operational for less than 3 years. Many drug courts have been operational for the life of their grants. In comparison, drug courts receiving enhancement drug court grants have been operational for 9 years on average.

Program- and Participant-Level Key Measures

Table 4. Offender Supervision Staff Added

Staff Added	N
Offender Supervision Staff	75

- In FY 2012, 75 offender supervision staff were hired by drug court programs, which averages out to 1 new staff person per grant (Table 4).⁴

² Other problem-solving courts include juvenile drug/treatment courts, family courts, tribal health and wellness courts, reentry drug courts, veterans courts, and DUI/DWI courts.

³ Huddleston, W., & Marlowe, D. (2011). *Painting the current picture: A national report on drug courts and other problem-solving court programs in the United States*. Alexandria, VA: National Association of Drug Court Professionals, National Drug Court Institute.

⁴ This may not represent all personnel hired under the grant.

Table 5. Program Entry- and Participant-Level Outcomes

Location	Screened		Eligible		Admitted		Graduation Rate		Positive Drug/Alcohol Test		In-Program Recidivism	
	N	N	%	N	%	N	%	N	%	N	%	
Urban (N=16)	1,785	1,097	61%	478	44%	149	44%	321	22%	55	7%	
Suburban (N=14)	1,004	525	52	328	62	99	45	338	24	61	9	
Rural (N=34)	1,170	789	67	468	59	208	49	554	24	131	13	
Tribal (N=10)	234	207	88	98	47	37	35	82	39	50	24	
Overall (N=78)⁵	4,193	2,618	62%	1,372	52%	493	45%	1,295	24%	297	11%	

Table 5 shows participant-level key measures for implementation drug court programs by location type. The key measures are the percentage of screened candidates eligible for program participation (eligible), percentage of eligible candidates newly admitted/enrolled (admitted), the graduation rate, the percentage of drug and alcohol screening tests that showed usage (positive drug/alcohol test), and the in-program recidivism rate. For further clarification on the program entry- and participant-level outcomes, see the Key Performance Measures table on page 7.

- The FY 2012 overall graduation rate for all locations is 45%, which is lower than the average graduation rate of 57% according to a 2009 national survey of drug courts.⁶ BJA’s target graduation rate across all drug court programs (i.e., enhancement and implementation drug courts) is 48%. The lower graduation rate is partially attributable to the relative inexperience of these drug court programs and the large percentage of program participants with high risk and needs (Table 6).
- The graduation rate is lower among tribal programs (35%) than in programs in other locations, although the sample size for tribal programs is small (N=10).
- Interestingly, over 88% of screened candidates in tribal locations are eligible, but only 44% are admitted into a drug court program. This may be due to a lack of capacity in drug courts located in tribal locations.

Table 6. Participants with High Criminogenic Risks and High Substance Abuse Treatment Needs

Location	Assessments Completed (N)	High Risk and Needs (N)	High Risk and Needs (%)
Urban (N=16)	456	313	69%
Suburban (N=14)	531	340	64
Rural (N=34)	486	351	72
Tribal (N=10)	75	43	57
Overall (N=78)	1,548	1,047	68%

Table 6 shows the number of risk and needs assessments completed and the percentage of those participants scored as being high risk and having high substance abuse treatment needs. Research suggests that drug court programs can have the most impact in reducing recidivism by targeting offenders who are at high risk for reoffending and have high substance abuse treatment needs, which also increases the cost-effectiveness of the program.

- In FY 2012, 1,548 risk assessment screenings were completed. More screenings were completed than there were new drug court participants because some grantees reported data on all risk assessment screens completed on potential drug court candidates as part of their screening process rather than just assessment completed on newly admitted participants. Some participants may receive more than one assessment and be

⁵ One outlier was removed from this analysis.

⁶ Huddleston & Marlowe (2011).

counted more than once (duplicate data). BJA recently implemented *system level checks* in the PMT so that grantees can't report more assessment than newly admitted participants.

- Among participants who were assessed and admitted into the program, 68% have high criminogenic risk factors and/or have high substance abuse treatment needs; this compares with about 48% of participants in enhancement drug court programs.
- Not one standard assessment instrument is used across all programs. Many different assessment/screening instruments are used, including the Level of Service Inventory–Revised (LSI–R), Risk Assessment Needs Triage (RANT), and the Addiction Severity Index (ASI), among many others. However, not all implementation drug court programs are screening offenders with a validated risk and needs assessment tool.

Table 7. Participants Who Exited the Program Unsuccessfully

Exit Reasons	N	%	Time Frame	N	%
Subsequent Criminal Involvement	218	36%	0 to 3 Months	175	29%
Lack of Engagement	140	23	4 to 6 Months	145	24
Absconding	124	21	7 to 9 Months	98	16
Relocating or Case Transfer	19	3	10 Months or More ⁷	182	30
Death or Serious Injury	21	4			
Other ⁸	78	13			
Total	600	100%			

Table 7 shows the reasons and time frames in which drug court participants left the program.

- Over half (55%) of drug court participants do not graduate from the program for various reasons.⁹
- The most common reasons given for participants not graduating are further court or criminal involvement (36%), a lack of engagement by participants (23%), and absconding (21%).
- Thirteen percent exit the program for “other” reasons, including voluntary withdrawal, continued drug and alcohol use, and failure to meet the conditions of the court.¹⁰
- Participants are just as likely to unsuccessfully exit the drug court program in the first 3 months as they are after 10 months of program participation. Almost 30% of offenders left in the first 3 months, indicating that they may have been ill suited for the program or may not have received the initial intensive support they needed in the first 90 days.
- From time to enrollment to time to graduation, most successful drug court participants are in the program for 12 to 18 months.¹¹

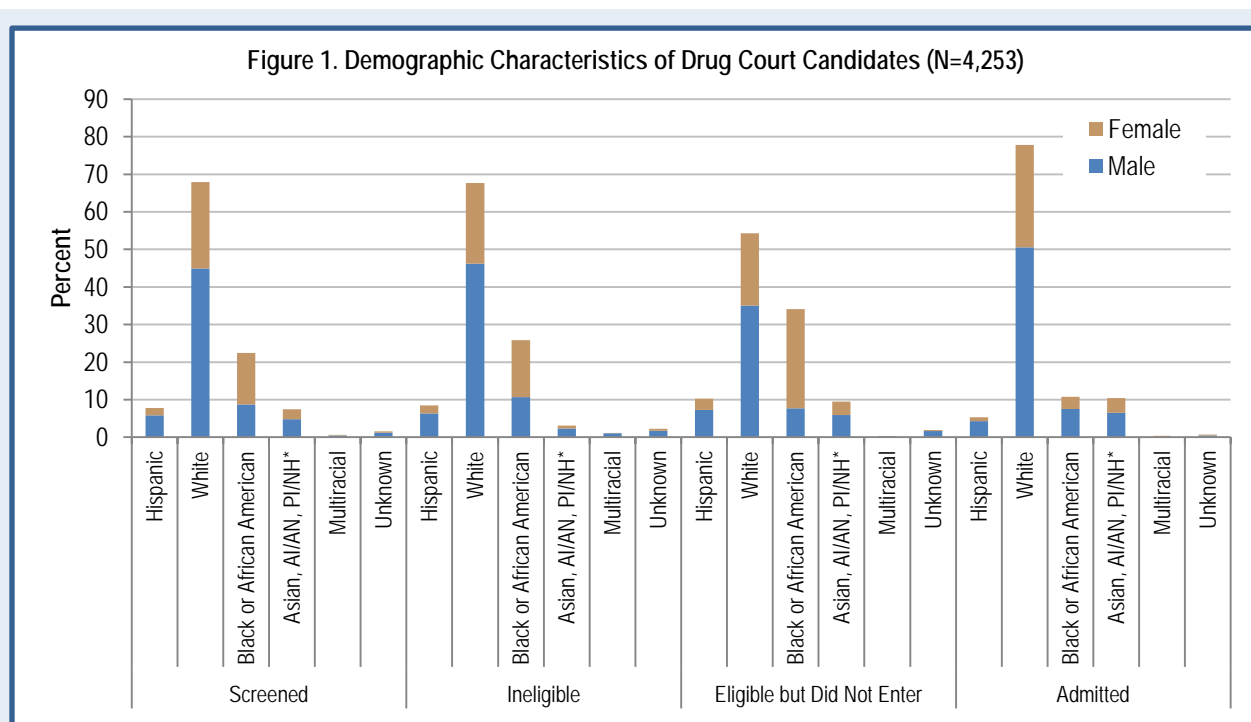
⁷ BJA revised the measures so that the “other” category can be examined in more detail in future reports.

⁸ Additional time frames beyond 10 months were added to the PMT that will be examined in future reports.

⁹ This is calculated by taking the graduation rate and subtracting it from 100% (100% – 45% = 55%).

¹⁰ Some grantees classified failure to meet the conditions of the court as “other,” when in fact they could also be classified under the “lack of engagement” category.

¹¹ BJA recently added a performance measure that asks programs to report on the time to graduation for program participants. This new measure will be included in future reports.



*American Indian/Alaska Native, Pacific Islander/Native Hawaiian.

Figure 1 compares the demographic makeup of potential drug court candidates from screening through admission. Potential candidates are typically identified at the time of arrest or referred to the court by a criminal justice professional. Candidates are first screened for eligibility to ensure they meet certain eligibility criteria. Those candidates who do not meet all the criteria are considered ineligible. Drug court candidates who are eligible are considered for admission into the program. A portion of eligible candidates do not enter the program for various reasons, such as refusing entry or judicial objection (see Table 8). Eligible candidates may then be admitted into the drug court program.

- The demographic characteristics (gender, race, and ethnicity) were reported for 99% (4,253) of all screened candidates (4,193).¹²
- The demographic makeup of admitted candidates (i.e., 79% white, 10% black or African American, 10% American Indian/Alaska Native or Pacific Islander/Native Hawaiian, and 5% Hispanic) is not consistent with the findings of a 2009 national survey of drug courts. According to the survey, the demographic profile on average is 62% Caucasian, 21% black or African American, and 10% Hispanic or Latino.¹³
- Over 10% of screened offenders are black or African American females. Of those, over 10% are ineligible for the program, and only 3% are admitted. One-third (34%) of the candidates who were eligible but did not enter a program were black or African American, and the majority of those are female. This is attributable to one problem solving court/drug court program that serves female offenders who are charged with misdemeanor prostitution. Almost 90% of these individuals choose not to enter the program (i.e., participant refused entry). For those who were ineligible, the most common reasons were violent history and “other.”

¹² Data checks were added into the PMT so that the demographic characteristics of all drug court candidates are reported.

¹³ Huddleston & Marlowe (2011). This report presents an estimate of the national Drug Court population and the average demographic characteristics. Drug Courts in this report includes adult, DWI, juvenile, family, tribal, campus, reentry, Federal, and veteran drug/treatment courts.

Table 8. Reasons Screened Candidates Did Not Enter Program by Location Type, N (%)

Location	Urban		Suburban		Rural		Tribal		Overall	
	N	%	N	%	N	%	N	%	N	%
Eligible Did Not Enter	536	100%	227	100%	288	100%	93	100%	1,144	100%
Participant Refused Entry	415	77	62	27	80	28	38	41	595	52
Prosecutor or Defense Objection	14	3	11	5	38	13	0	0	63	6
Judicial Objection	2	0	27	12	9	3	0	0	38	3
Out of Jurisdiction	53	10	30	13	37	13	22	24	142	12
Arrest, Conviction, or Incarceration on Another Charge	15	3	20	9	25	9	2	2	62	5
Other ¹⁴	37	7	77	34	99	34	31	33	244	21
Ineligible	665	100%	484	100%	384	100%	37	100%	1,570	100%
No Drug Problem	178	27	18	4	52	14	0	0	248	16
Exclusionary Prior Nonviolent Offense	67	10	41	8	62	16	2	5	172	11
Violent History	155	23	100	21	112	29	16	43	383	24
Mental Health Problem	21	3	29	6	27	7	2	5	79	5
Other ¹⁵	244	37	296	61	131	34	17	46	688	44

Table 8 shows the reasons that screened candidates did not enroll in a drug court program. Offenders were classified as either eligible or ineligible.

- Of those who were eligible but did not enter a drug court program, over half (52%) refused entry and 21% did not enter for “other” reasons.

Table 8 also notes screened offenders who were ineligible to enroll in a drug court program and the reasons for their ineligibility.

- The most common reason cited for ineligibility was listed as “other.” BJA has revised these measures so that the “other” category can be examined in more detail in future reports.
- About one-quarter of participants (24%) were ineligible because of a criminal history that includes an exclusionary violent crime.

Observations

- The graduation rate for the Drug Court Implementation program was 45% (493 participants), which is slightly lower than BJA’s target graduation rate of 48%. This may be partially attributable to the newness of these programs and their focus on participants who are high risk and have high substance abuse treatment needs.
- About one-quarter (24%) of candidates were ineligible for participation because of an exclusionary violent crime in their criminal history.
- More than half of eligible drug court candidates refused to enroll in the program.
- The demographic profile of drug court participants enrolled in an implementation-funded drug court program does not resemble the national demographic profile.
- On average, drug courts receiving implementation grants have been operational for 2 years, which for many is as long as the life of their award.

¹⁴ BJA revised the measures so that the “other” category can be examined in more detail in future reports.

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Key Performance Measures

Measure	Data Elements Used to Calculate Measure	Definition	Interpretation
Percent Eligible	A. Number of eligible offenders B. Number of candidates screened % Eligible = A/B	This compares the number of candidates meeting eligibility criteria with the number of candidates screened for program participation.	This provides an assessment of the results of the screening process.
Percent Admitted	A. Number of participants admitted to drug court programs B. Number of candidates meeting eligibility criteria % Admitted = A/B	Admitted participants compared with the total number of offenders who were eligible.	Assesses the ongoing capacity of the program by tracking new participant admissions.
Percent Successful Completions	A. Number of participants successfully completing program requirements B. Number of participants who failed the program due to court or criminal involvement C. Number who failed due to lack of engagement D. Number who failed due to relocating or case transfer E. Number who failed due to death or serious illness F. Number who failed for other reasons % Successful = A/(A+B+C+D+E+F)	Number of participants who successfully completed the program.	Assesses how many participants have successfully completed program requirements as determined by the drug court program. Can also be thought of as the graduation rate.
Percent Who Tested Positive for Drug or Alcohol Use	A. Number of participants who tested positive for drug or alcohol use B. Number of participants tested % Positive Drug or Alcohol Test = A/B	Percentage of participants that have failed drug and alcohol tests while in the program.	Assesses how many participants continue to use substances while in the program. Also assesses the use of drug and alcohol testing as a key component of the program.
In-Program Recidivism	A. Number of participants charged with a drug offense B. Number of participants charged with a nondrug offense C. Number of participants currently enrolled in the program In-Program recidivism = (A+B)/C	Rate of recidivism for participants who have been charged with a new drug and/or nondrug-related offense while enrolled in the program.	Assesses participation in continued criminal behavior while enrolled in the drug court program.
Percent High Risk	A. Number of participants assessed as having high criminogenic risks and needs B. Number of participants assessed using a risk assessment instrument % High risk = A/B	Percentage of participants identified using a valid screening/assessment instrument as having high criminogenic risks and needs.	Assess the percentage of drug court participants with high criminogenic risks and needs; participants with high criminogenic risks and needs are at higher risk for reoffending compared with low- and medium-risk individuals.