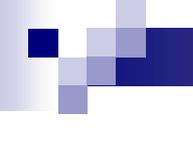


# Drug Courts, Domestic Violence Courts, and Mental Health Courts: Judging Their Effectiveness

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# Aims of This Presentation

Participants will learn:

- **What are the goals** – of drug, domestic violence, and mental health courts?
- **Do these courts work** – reduce recidivism or produce other positive outcomes?
- **Why do these courts work** – which practices are most effective?

# Problem-Solving Models (USA)

- **Drug Courts** – adult, juvenile, family, DWI: 2,147
- **Domestic Violence Courts** – criminal, juvenile, and integrated: 323
- **Mental Health Courts**: 219
- **Community Courts**: 32
- **Other Models** – e.g., homelessness, reentry, truancy, sex offense, child support, and youth courts: > 500

*Sources: Drug courts, mental health courts, and “other models”:* Huddleston et al. (2008); *domestic violence courts:* Bradley et al. (2009); and *community courts:* Karafin (2008).

# Unifying Themes

- Focus on Underlying Problems
- Focus on Outcomes, Less on Process
- Rise of “Proactive Court”
  - Judicial Supervision
  - Interim Sanctions and Incentives
  - Court-based Case Management
  - Court-based Drug Testing (some models)
- Collaboration (Justice System and Community)

# Divergent Paths

- **Rehabilitation:**  
*Drug and Mental Health Courts*
- **Accountability:**  
*Domestic Violence and Sex Offense Courts*
- **Community Justice:**  
*Community and Homelessness Courts*



# Part One.

## Rehabilitative Models:

### *Drug and Mental Health Courts*



# Adult Drug Courts: Major Goals

- ✓ Less Recidivism (Criminal)
- ✓ Less Drug Use
- ✓ Cost Savings

# Retention as Initial Indicator

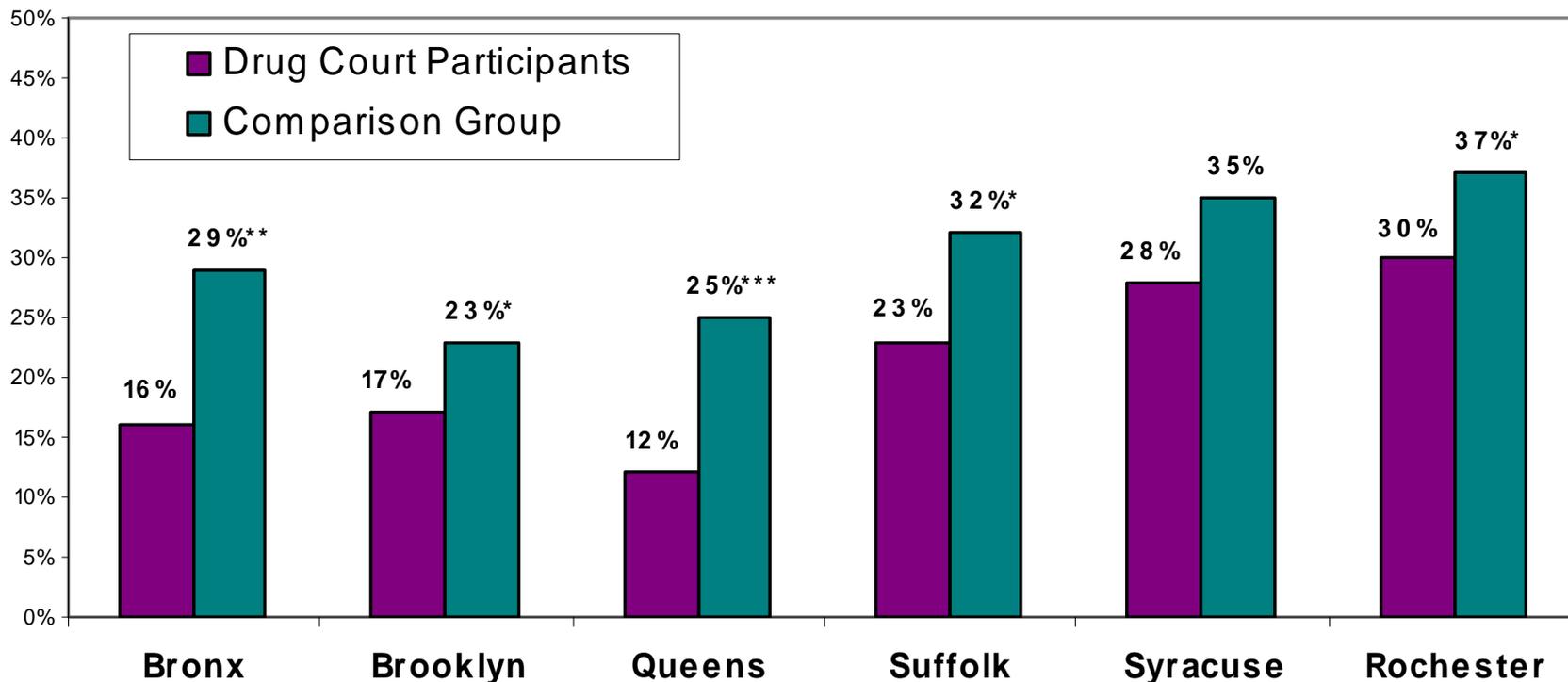
- Treatment generally: abysmal results:  
10-30% one-year retention (e.g., Condelli and DeLeon 1993; Lewis and Ross 1994)
- Adult drug courts:
  - National average: ~60% one-year retention (Belenko 1998)
  - Graduation rates: national average ~ 50%
- Likely explanation = proactive court:  
Legal coercion + ongoing court oversight

# Recidivism (Criminal)

- Consistent reductions: 48 of 55 drug courts reduced recidivism (re-arrests or re-convictions) (Wilson et al. 2006)
- Average reduction: 10-13 percentage points (Aos et al. 2001; Shaffer 2006; Wilson et al. 2006)
- Impacts exceed three years (e.g., Aos et al. 2001; Finigan et al. 2007; GAO 2005; Gottfredson et al. 2006; Rempel et al. 2003)
- Magnitude of impact varies (zero to > 50%)

# New York State Impacts

## Impact on Recidivism at One Year Post-Program



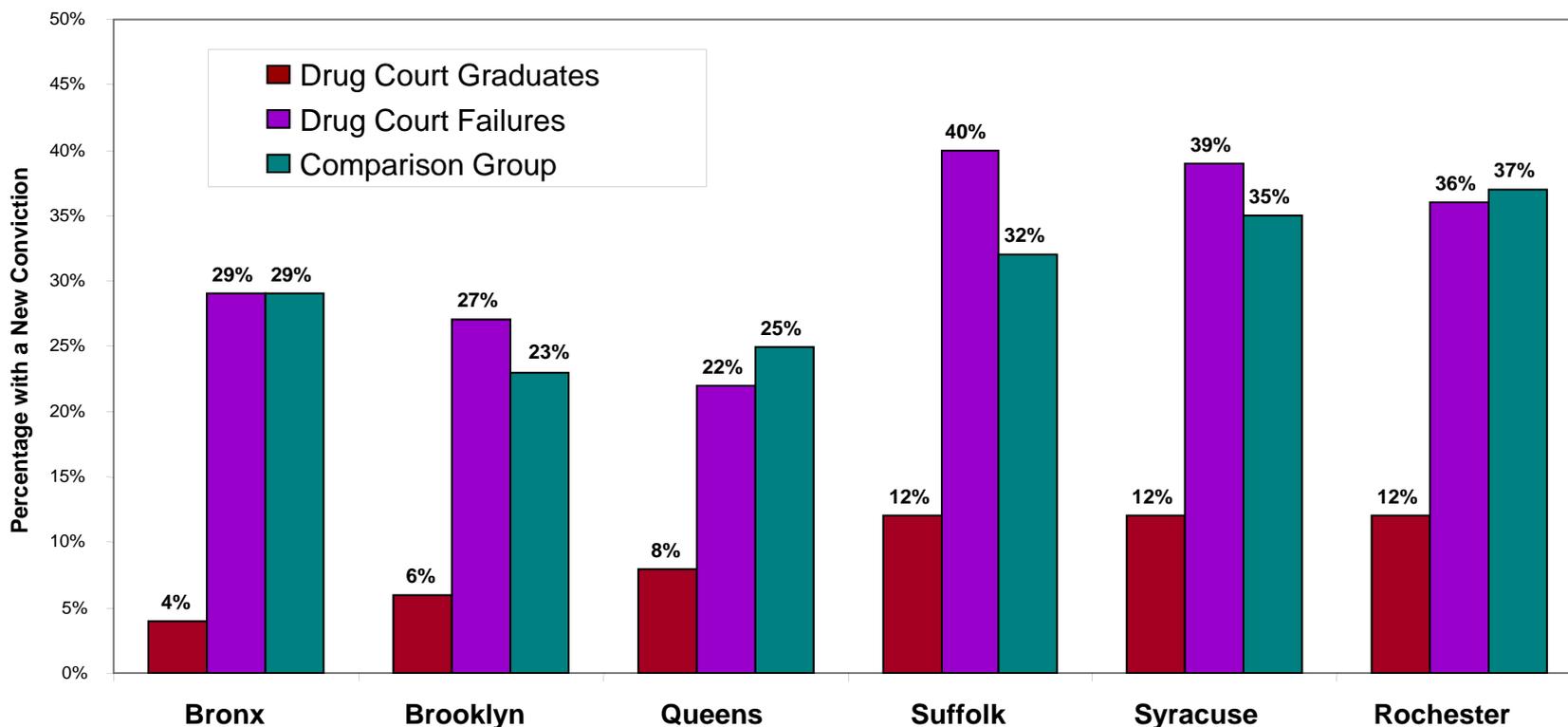
\*  $p < .05$  \*\*  $p < .01$  \*\*\*  $p < .001$

Note: Percentages are re-conviction rates.

Source: Rempel et al. (2003).

# The Role of Graduation

## Impact on Recidivism at One Year Post-Program: Graduates, Failures, and Comparison Group



*Note:* Percentages are re-conviction rates.

*Source:* Rempel et al. (2003).

# Drug Use

- Little direct evidence:

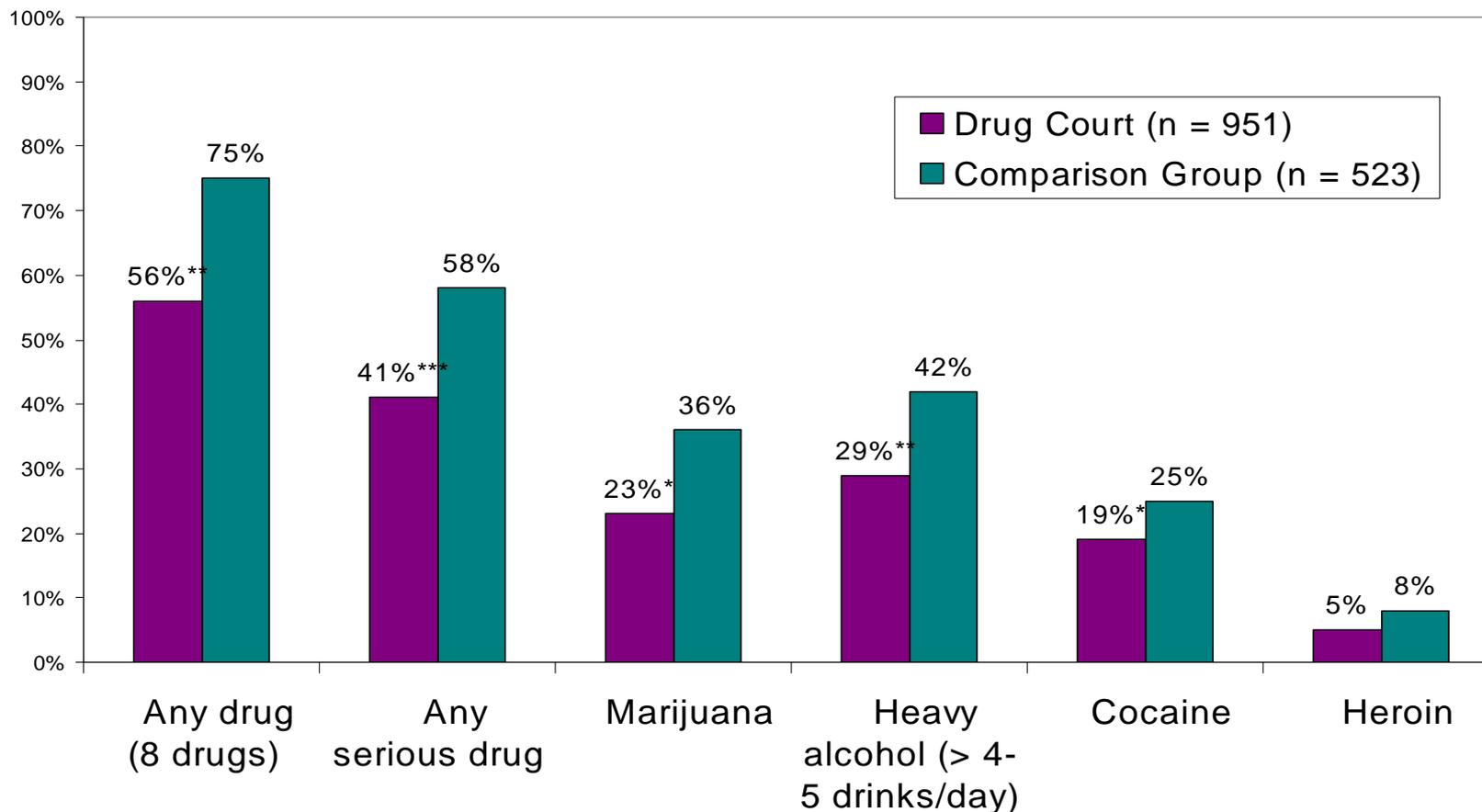
- 4 of 4 drug courts significantly reduced “serious” use (heroin or cocaine)
- 2 of 4 drug courts significantly reduced marijuana use

- Multi-Site Adult Drug Court Evaluation (MADCE):

- Funded by National Institute of Justice
- Forthcoming in early 2010
- Design: 23 drug courts, 6 comparison sites

# MADCE Drug Use Impacts #1

## Reported Drug Use: Year Prior to 18-Month Interview

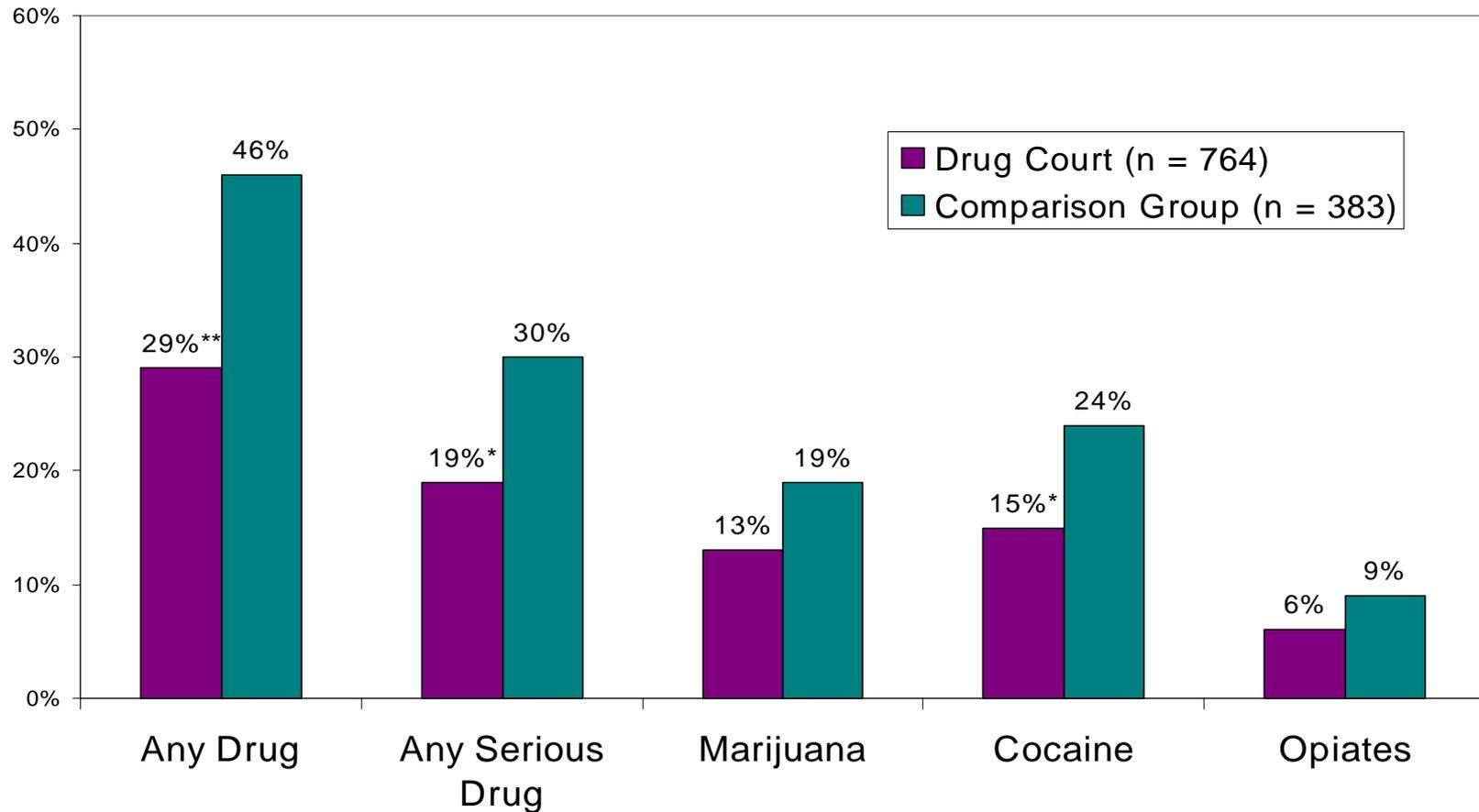


+ p < .10, \* p < .05, \*\* p < .01, \*\*\* p < .001.

Note: Besides those listed, the 8 drugs also include amphetamines, hallucinogens, prescription drugs (illegal use), and methadone (illegal use). Serious include all of these except marijuana.

# MADCE Drug Use Impacts #2

## Drug Test Results at 18-Month Interview

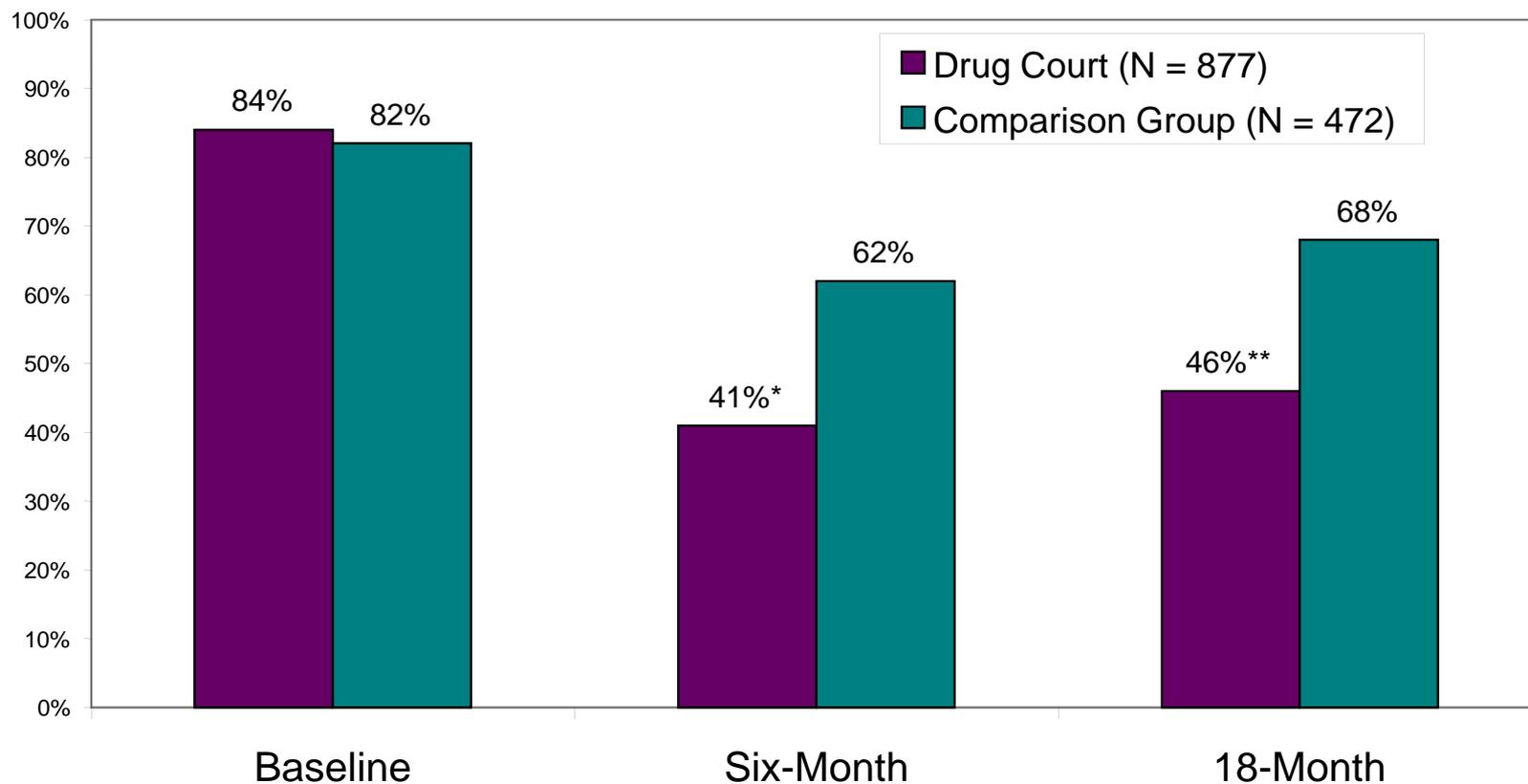


+ p < .10, \* p < .05, \*\* p < .01, \*\*\* p < .001.

Note: Besides those listed, the drug test also included amphetamines and PCP (both at 1% in the full sample). Serious drugs do not include

# MADCE Drug Use Impacts #3

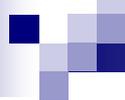
## The Trajectory of Recovery: Percent Used Drugs in Prior Six Months



+ p < .10, \* p < .05, \*\* p < .01, \*\*\* p < .001.

# Cost Savings

- **Consistent savings:** e.g., California, Maryland, Washington State, Portland, St. Louis
- **California: 8 of 9 sites produce savings** (Carey et al. 2002, 2006)
  - Results by agency: (1) court, (2) public defender, (3) prosecutor, (4) law enforcement, (5) probation, (6) corrections, and (7) treatment
  - Median site: \$3.50 in savings for every \$1 invested.
  - Main explanation: Lower re-arrest rates
- **Victimization savings:** e.g., property damage, lost wages, medical costs, pain & suffering (e.g., Carey and Finigan 2003; Crumpton et al. 2003)



# Mental Health Courts: Goals

- ✓ Less Recidivism (Criminal)
- ✓ Improved Psychological Functioning (Relative)
  - ✓ Reduced symptoms of mental illness
  - ✓ Reduced homelessness
  - ✓ Reduced emergency room visits and hospitalizations
  - ✓ Reduced drug use
- ✓ Cost Savings

# Implementation Questions

- **Eligibility:** SPMI? Known treatment? Violent offenses?
- **Coercion:** Voluntary? Require medication?
- **Referral Process:** Validated screener vs. informal?
- **Treatment Capacity:** Available slots? Wait time?
- **Sanctions and Incentives:** How use incentives?

# Results to Date

Conclusion: Few studies, promising results.

- **Recidivism (Criminal):**  
Significant reductions in 4 of 4 sites with full model  
(see Bess 2004; McNeil and Binder 2007; Moore and Hiday 2006; and Cosden et al. 2005)
- **Psychosocial Functioning:**  
Significantly improved functioning in 2 of 2  
randomized trials (Bess 2004; Cosden et al. 2005)
- **Logic of Mental Health Courts:**  
Similar model, similar population to adult drug courts.  
Plausible to expect positive results.



# Why Do These Courts Work?

- Substance abuse treatment (drug courts only)

# Effectiveness of Treatment

- More time in treatment improves post-treatment outcomes (lower recidivism, less drug use)
- At least 90 days considered critical (high relapse rates prior to 90 days)
- But ...
  - Inconsistent quality: staff turnover, lack of training, lack of evidence-based practice, lack of formal manuals (NIJ 2006)
  - Debatable results: less than ¼ graduate without coercion
  - Worth it? Or too costly and unnecessary? (Kleiman 2001)



# Why Do These Courts Work?

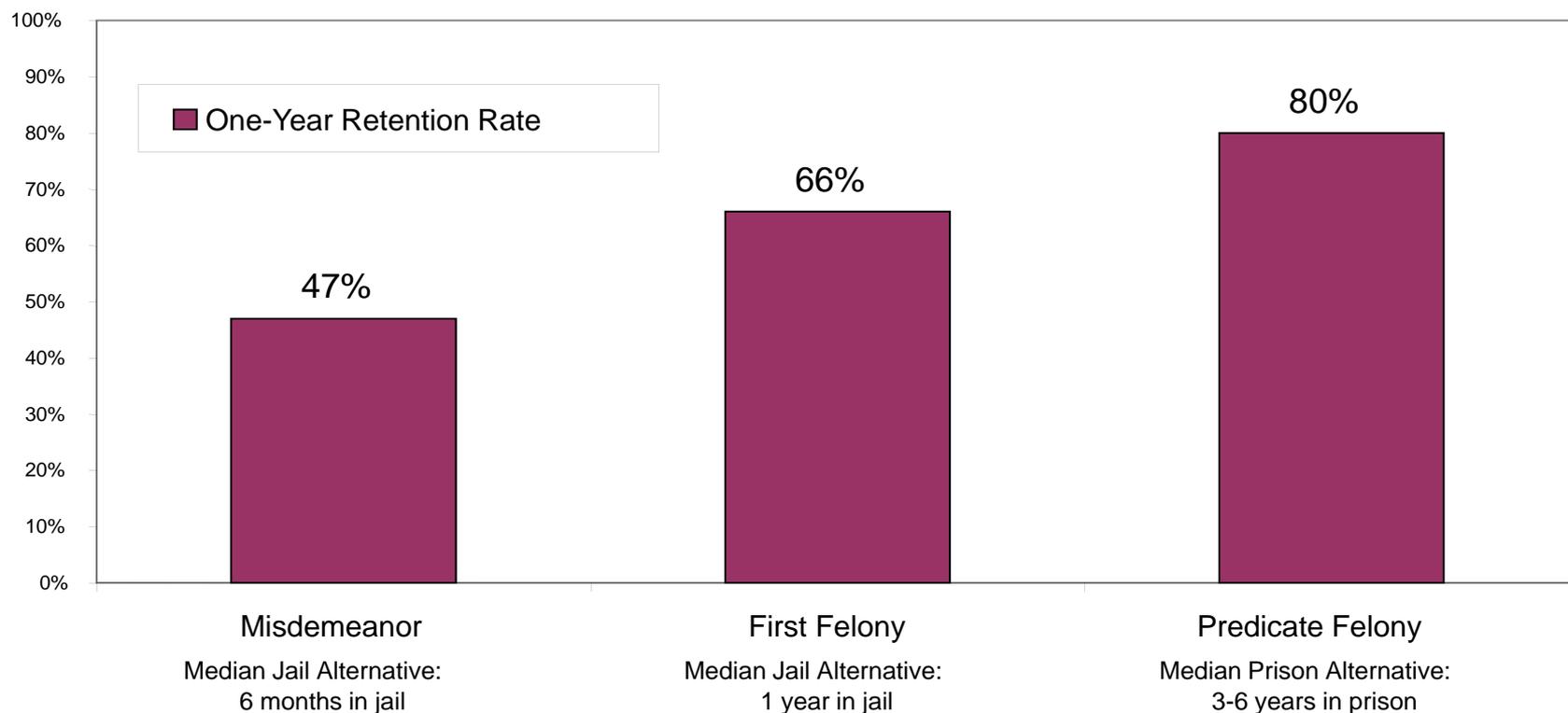
- Substance abuse treatment
- Immediacy

# Why Do These Courts Work?

- Substance abuse treatment
- Immediacy
- Court oversight
  - Legal leverage

# Legal Coercion: Leverage

## Impact of Legal Coercion on Retention (The Brooklyn Treatment Court, N = 2,184)



# Legal Coercion: Perceptions

## ■ Information:

- # criminal justice agents (CJAs) who explained program rules
- # CJAs who explained consequences of failure
- # times client made promises to CJAs to complete treatment

## ■ Monitoring:

- CJA would learn within week if client absconded from program
- # CJAs who would learn if client absconded from program

## ■ Enforcement:

- Warrant issued if client absconds
- Client returned to custody in  $\leq$  one month of leaving treatment

## ■ Severity:

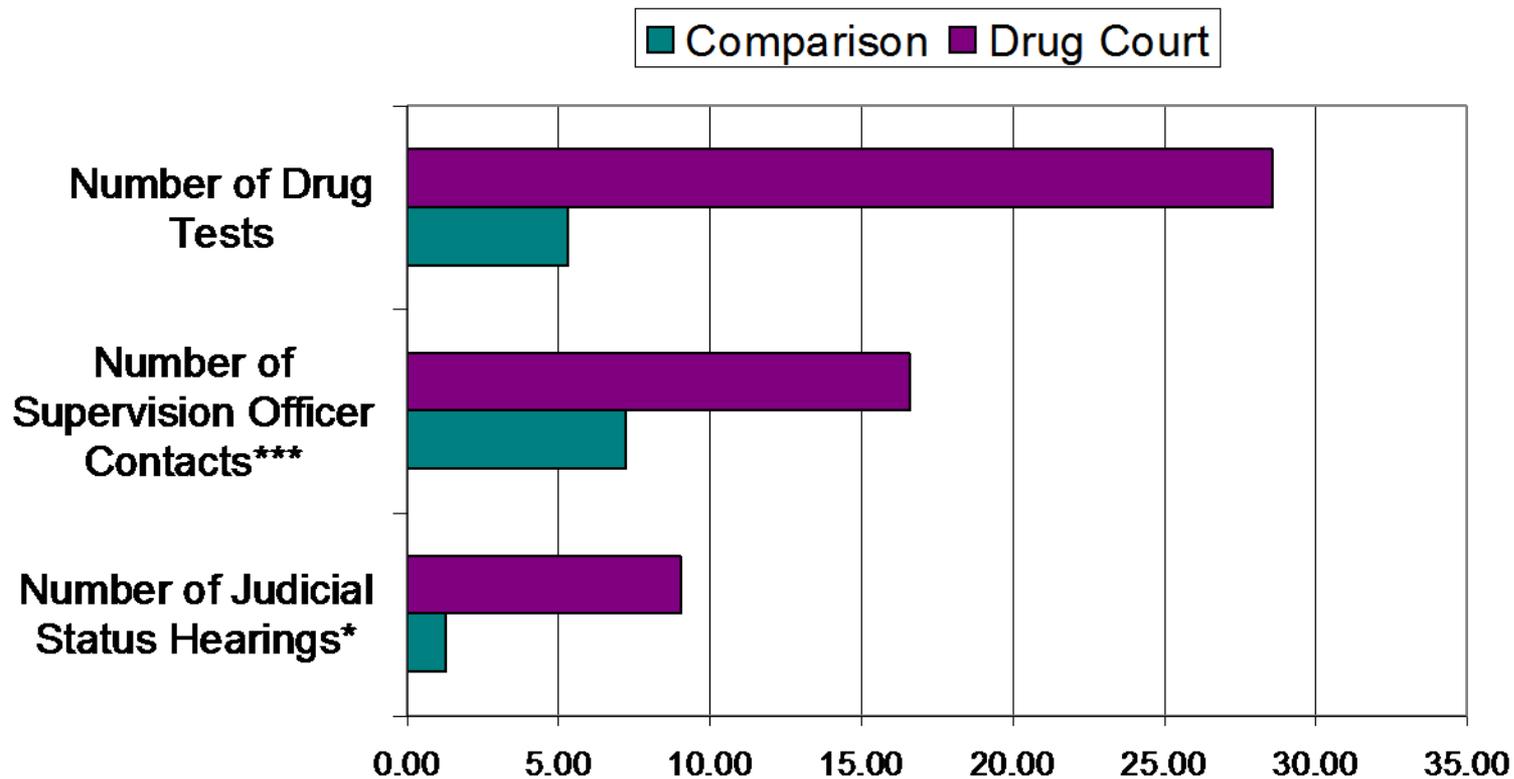
- Expected severe penalty for absconding or failing
- Length of time client expects to serve for program failure

# Why Do These Courts Work?

- Substance abuse treatment
  - Immediacy
  - Court oversight
    - Legal leverage
    - Judicial supervision
    - Case management
    - Drug testing
- Court supervision

# Intensity of Supervision

## Intensity of Program Supervision: Six-Month Survey Results



+ p < .10 \* p < .05 \*\* p < .01 \*\*\* p < .001

Source: The Multi-Site Adult Drug Court Evaluation (MADCE), see Rossman and Rempel (2008).

# Effectiveness of Supervision

## ■ Judicial Supervision:

- Positive impact confirmed in multiple studies (Harrell et al. 1998, Gottfredson et al. 2007; Marlowe et al. 2003; Rempel and Rossman 2008)
- “High risk” participants (anti-social personality and/or previous failed treatment) may benefit most; “low risk” can be supervised “as needed” (Marlowe et al. 2003)

## ■ Case Management and Drug Testing:

- Confirmed in forthcoming national evaluation (MADCE), drug testing especially (Rempel and Rossman 2008)

# Why Do These Courts Work?

- Substance abuse treatment
  - Immediacy
  - Court oversight
    - Legal leverage
    - Judicial supervision
    - Case management
    - Drug testing
    - Direct judicial interaction
- Court supervision



# Judicial Interaction: Content

- Review responsibilities (e.g., attend treatment and court, avoid re-arrest and drug use)
- Review consequences of noncompliance (e.g., jail)
- Verify attendance and compliance to date
- Engage in conversational interaction
- Praise all forms of compliance/progress
- Impose sanctions for noncompliance (e.g., more frequent monitoring, restart program, or jail time)
- Achieve audience effect (i.e., others to see what happens with compliant or noncompliant offenders)

# Effectiveness of Interaction

- Qualitative: focus group response:
  - Drug court participants (Farole and Cissner 2005; Goldkamp et al. 2002)
  - Drug court judges (Farole et al. 2004)
- Supervision literature: Engagement more effective than simple surveillance (Farole et al. 2004; Petersilia 1999; Taxman 2002)
- Procedural fairness literature:
  - Perceptions of fair process improve compliance (Tyler 1990)
  - Confirmed in drug courts (Gottfredson et al. 2007; Rempel and Rossman 2008)
  - Perceptions of judge most critical (Abawala and Farole 2008; Frazer 2006; Rempel and Rossman 2008)

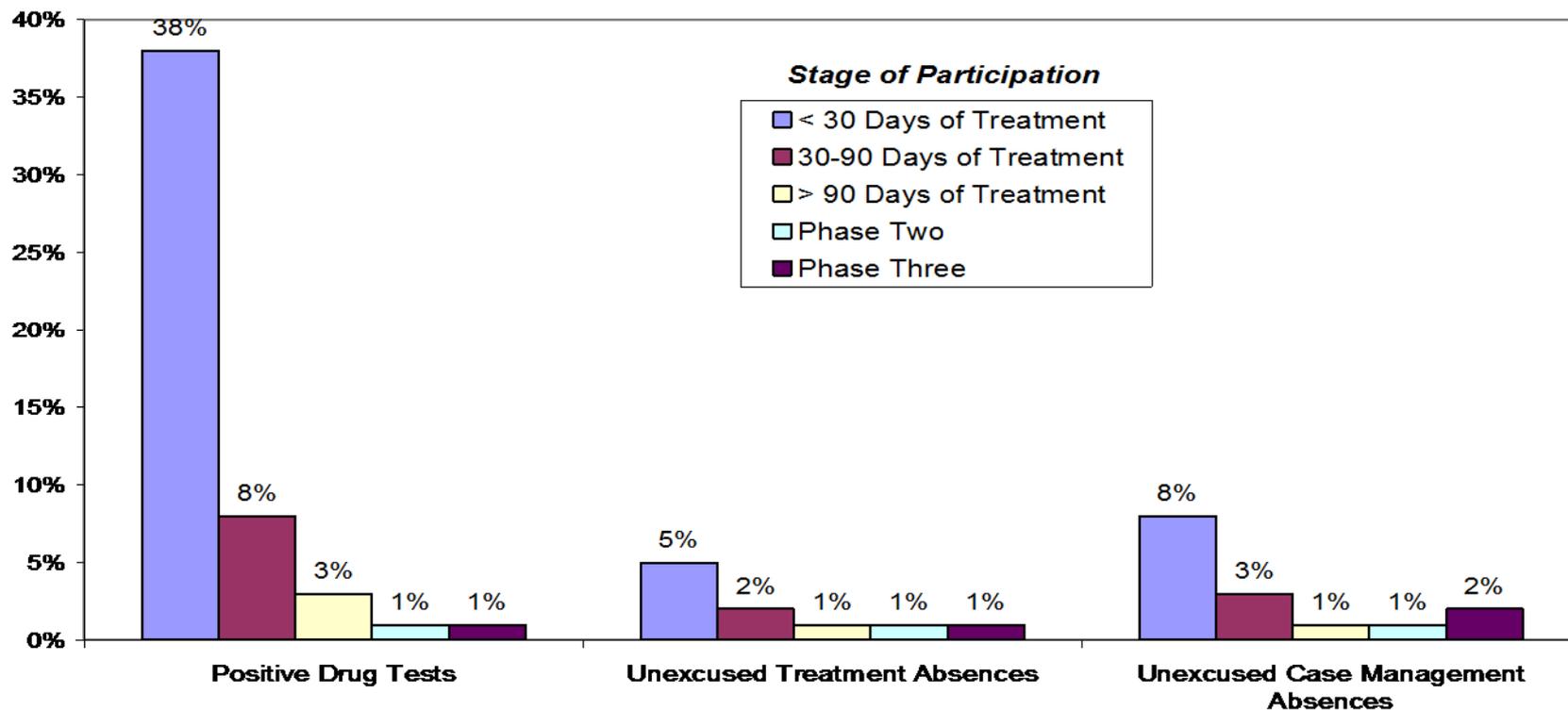
# Why Do These Courts Work?

- Substance abuse treatment
  - Immediacy
  - Court oversight
    - Legal leverage
    - Judicial supervision
    - Case management
    - Drug testing
    - Direct judicial interaction
    - Sanctions and incentives
- Court supervision

# Need for Multiple Chances

## Trajectory of Relapse and Recovery Among Brooklyn Graduates: Non-Compliance Rates Across Five Periods of Participation (N = 573)

### A) Drug Tests, Treatment Attendance, and Case Management Attendance



#### Average Rate of Non-Compliant Results\*

\* Rates in this chart represent the percentage of required components (ie., drug tests, days in treatment, or case management visits) within the given time period that respectively resulted in an infraction (ie., positive test or absence) in the case of the average graduate.

# Keys to Behavior Modification

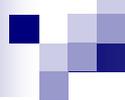
- **Certainty:** Each infraction receives a response.
- **Celerity:** Responses imposed soon after the infraction.
- **Severity:** Severe enough to deter noncompliance without foreclosing more severe future responses
- **Consistency:** Comparable responses always result from comparable infractions

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❖ **Drug Court Import:** Many do not apply these principles rigorously (e.g., Marlowe 2004; Rempel et al. 2003; Roman 2004)

# The Mark Kleiman Proposal

- Random drug tests
- Swift and certain sanctions (vs. no sanctions for most noncompliance or long-term jail for final noncompliance)
- Treatment not required
- Case-in-Point #1: D.C. Experiment (Harrell et al. 1998)
- Case-in-Point #2: Project Hope in Hawaii
- Caution: Concept applied only to drug-addicted, not mentally ill offenders



# Part Two.

## Accountability Models:

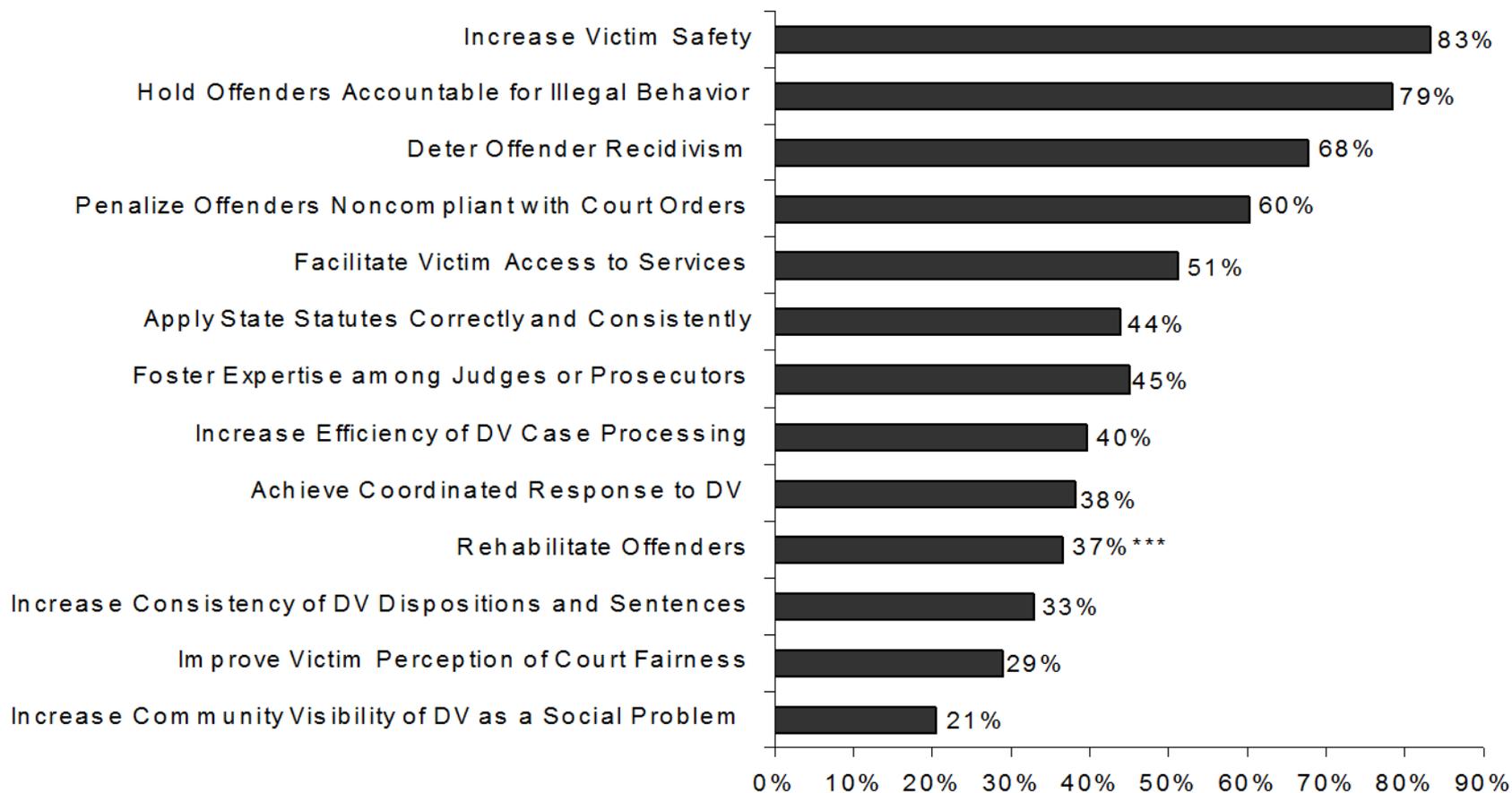
### *Domestic Violence (DV) Courts*

# DV Courts: Major Goals

- ✓ **Less recidivism:** Via rehabilitation? Via deterrence
- ✓ **Increased offender accountability?**
  - ✓ Higher conviction rate?
  - ✓ More severe sentences?
  - ✓ Sanctions for noncompliance?
- ✓ **Increased victim safety and services?**
  - ✓ More victims linked with more services?
  - ✓ Greater use and enforcement of protection orders?
- ✓ **Increased judicial expertise and consistency?**

# Ranking of Major Goals

## Domestic Violence Court Goals: Percent Rating as "Extremely Important" (N=129)



# Victim Safety and Services

- More victims linked to services (Newmark et al. 2001; Henning and Klesges 1999)
- Greater use of protection orders: 88% of DV courts routinely issue temporary orders (pending cases); 82% issue final orders (convictions) (Labriola et al. 2009; see also Newmark et al. 2001)
- Increased victim satisfaction:
  - Perceive improved court process (Eckberg and Podkopacz 2002; Gover et al. 2003; Hotaling and Buzawa 2003)
  - Perceive fairer outcomes (Gover et al. 2003; Hotaling and Buzawa 2003)
  - Say more likely to report future violence and cooperate with future prosecutions (Newmark et al. 2001, Safe Horizon and Courtroom Advocates Project data 2003, Davis, Smith, and Rabbitt 2001)

# Offender Accountability

## ■ Judicial supervision:

- More frequent judicial monitoring than non-DV courts (Gondolf 1998; Labriola et al. 2009; Newmark et al. 2001; San Diego Superior Court 2000)
- Judicial monitoring still infrequent (see Labriola et al. 2009):
  - ❖ Only 56% of DV courts use judicial monitoring
  - ❖ Where held, most sites hold hearings every month or less

## ■ Response to noncompliance:

- More frequent probation violations, revocations, and other sanctions (Harrell et al. 2006; Newmark et al. 2001; San Diego 2000)
- Responses vary by site (Labriola et al. 2009)

# Recidivism

- Mixed Results: Of ten recidivism studies:
  - Three show positive results (Lexington, KY; San Diego, CA; and Dorchester, MA)
  - Five show no impact (Ann Arbor, MI; Brooklyn, NY; Manhattan, NY; Ontario, Canada; Shelby, TN)
  - Two shows mixed results (both in Milwaukee, WI)
- Expectations Problem: Is achieving behavior change unrealistic with DV offenders?

*Sources:* Ann Arbor and Dorchester studies (Harrell et al. 2007); Brooklyn study (Newmark et al. 2001); Lexington study (Gover et al. 2003); Manhattan study (Peterson 2004); Milwaukee studies (Davis et al. 2001; and Harrell et al. 2006), Ontario study (Quann 2007); San Diego study (San Diego Superior Court 2000), Shelby study (Henning and Kesges 1999).

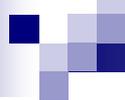
# Impact of Batterer Programs

- Five Randomized Trials: 4 of 5 show no effect of batterer program assignment (Hamilton Ontario; Bronx, NY; Brooklyn, NY; Broward County, FL, and San Diego Navy Base, CA)
- Program Comparisons: None of several experiments show positive effect of one curriculum over another (except for negative effect of unstructured groups)

*Sources:* Hamilton study (Palmer et al. 1992); Bronx study (Labriola et al. 2005); Brooklyn study (Davis et al. 2000), Broward study (Feder and Dugan 2002), San Diego Navy Base study (Dunford 2000).

# The Accountability Position

- *“Common sense dictates that batterer programs would treat, fix, cure, rehabilitate or otherwise get individual men to stop abusing women. The NY Model for Batterer Programs DOES NOT [CAPS in original].”*  
(see [www.nymbp.org/home.htm](http://www.nymbp.org/home.htm))
- Proper Role for Batterer Programs:
  - Provide appropriate sanction (when jail is not an option)
  - Engage in rigorous compliance reporting
  - Accept referrals only if courts enforce compliance
  - Contribute to social message that DV is unacceptable



# Impact of Judicial Monitoring

- Suggestive Evidence: Positive drug court results
- Reasons for Doubt:
  - No impact in two sites tested (e.g., Labriola et al. 2005)
  - Lack of best practice model to inform monitoring in DV courts (vs. standardized drug court model)

# Impact of Probation

- **Accountability: Specialized DV probation units:**
  - More special conditions: e.g., batterer program, weekly reporting, and drug abstinence (Buzawa et al. 1998; Harrell et al. 2007; Hayler et al. 1999)
  - Higher violation & revocation rates (e.g., Klein et al. 2005; Harrell et al. 2006)
- **Recidivism:**
  - Rhode Island: Intensive DV probation reduced re-arrest rate among low-risk DV offenders (Klein et al. 2005)
  - Milwaukee: Intensive DV probation reduced re-arrest rate – through enforcement, not deterrence (Harrell et al. 2006)

# Summary

## ■ Adult Drug Courts and Mental Health Courts:

- Goals: Less recidivism, more rehabilitation, cost savings
- Results: Positive:
  - ❖ Consistent impacts (less research on mental health courts)
  - ❖ Key reasons: deterrence, procedural justice, treatment(?)

## ➤ Domestic Violence Courts:

- Goals: Multiple goals/lack of consensus/lack of model
- Results: Inconsistent:
  - ❖ Likely positive effects on victim services/satisfaction and offender accountability: evidence supports focusing here
  - ❖ Mixed recidivism results
  - ❖ Best practices: intensive probation; possibly judicial monitoring



# What Do You Think?

# For More Information

- Center for Court Innovation: [www.courtinnovation.org](http://www.courtinnovation.org) (research page at [www.courtinnovation.org/research](http://www.courtinnovation.org/research))
- Minnesota Center Against Violence and Abuse: <http://www.mincava.umn.edu>
- National Center for State Courts: <http://www.ncsconline.org> (problem-solving court resources at [http://www.ncsconline.org/D\\_Research/ProblemSolvingCourts/Problem-SolvingCourts.html](http://www.ncsconline.org/D_Research/ProblemSolvingCourts/Problem-SolvingCourts.html))
- National Drug Court Institute at: <http://www.nadcp.org/>
- New York City Criminal Justice Agency at: <http://www.nycja.org>
- NPC Research: <http://www.npcresearch.com>
- The Urban Institute at: <http://www.urban.org> (Justice Policy Center at <http://www.urban.org/justice/index.cfm>)