

National Best Practice Standards

*Judge Stephen Manley  
Shannon Carey, Ph.D.  
December 2013*

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**Overview**

- **The Research and Best Practices Standards**
- **Top 10 Best Practices for reducing recidivism**
- **Top 10 Best Practices for reducing costs**
- **Themes**

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**What We Already Know**

**Recidivism**

- **Drug Courts reduce recidivism**
- **Recidivism is decreased up to 14 years after participation**
- **Average reduction is about 10-18%**
- **Some courts more than 70%**

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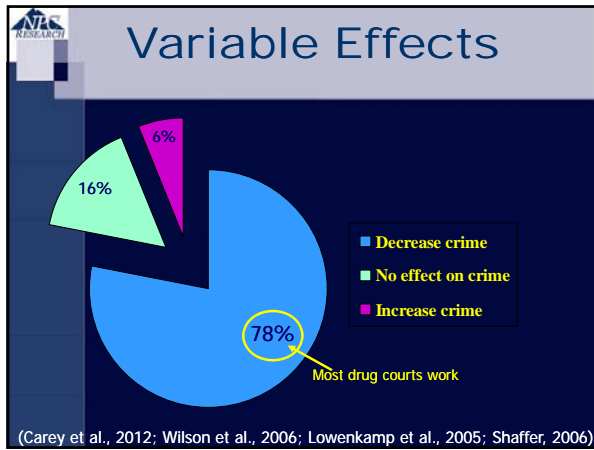
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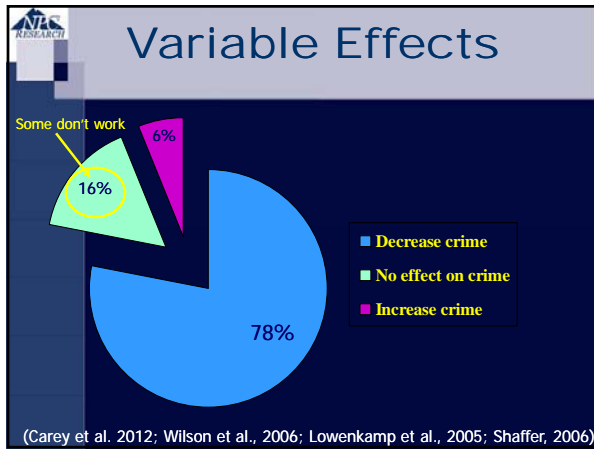
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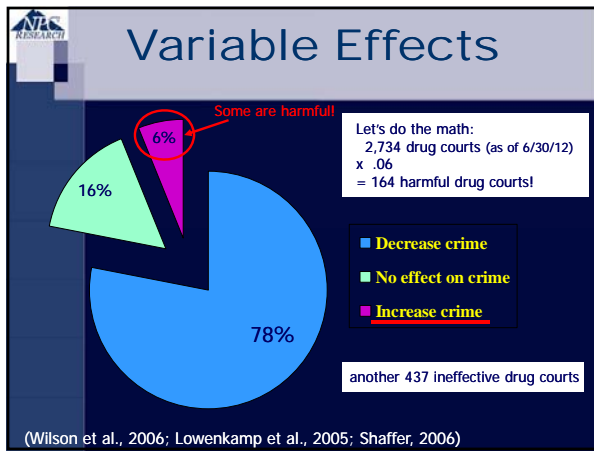
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### What is Working?

- *Looked at 101 drug courts around the nation (detailed process studies/10 KC)*
- *69 included recidivism and cost evaluations*
- *In total, this study included 32,719 individuals (16,317 drug court participants and 16,402 comparison group members).*

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### What is Working?

- *What are the best drug courts doing?*

Found over 50 practices that were related to significantly lower recidivism or lower costs or both

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### What is Working?

#### **Drug Court Top 10**

- *Top 10 Best Practices for Reducing Recidivism*
- *Top 10 Best Practices for Reducing Cost (Increasing Cost Savings)*

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**Drug Court Top 10**  
\*Recidivism\*

**10. The results of program evaluations have led to modifications in drug court operations**

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**10. Drug Courts that used program evaluations to make modifications in drug court operations had 85% greater reductions in recidivism**

The results of program evaluations have led to modifications in drug court operations

Response	N	% reductions in # of rearrests
Yes	21	0.37
No	13	0.20

Standard: Data and Evaluation

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**Drug Court Top 10**  
\*Recidivism\*

**10. The results of program evaluations have led to modifications in drug court operations**

**9. Law Enforcement is a member of the drug court team**

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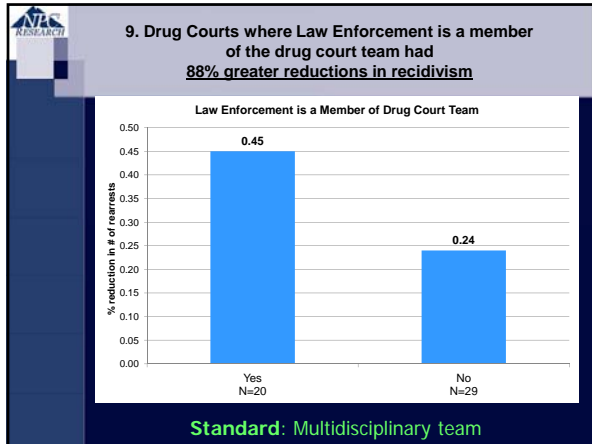
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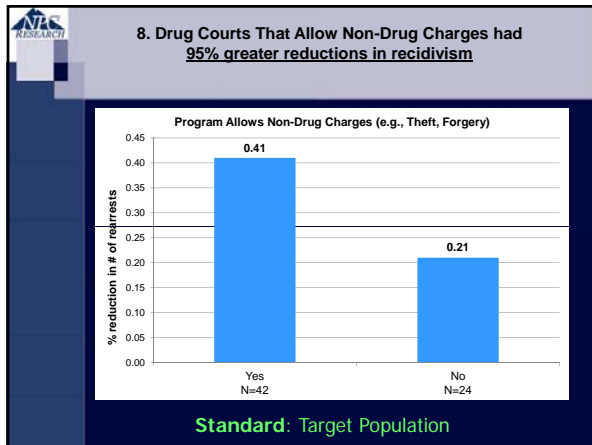
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- Drug Court Top 10 \*Recidivism\***
10. *The results of program evaluations have led to modifications in drug court operations*
  9. *Law Enforcement is a member of the drug court team*
  8. *Drug Court allows non-drug charges*
  7. *A representative from treatment attends court sessions*

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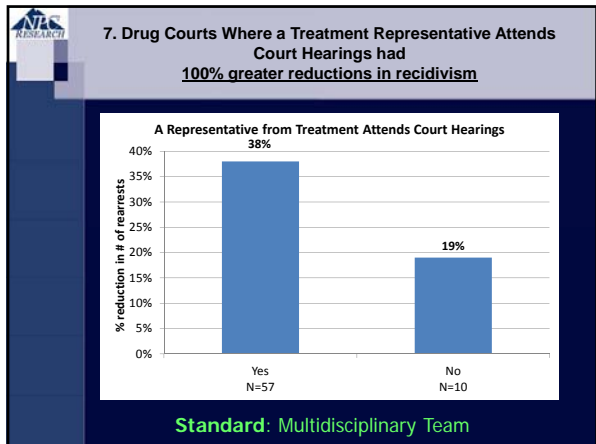
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- Drug Court Top 10 \*Recidivism\***
10. *The results of program evaluations have led to modifications in drug court operations*
  9. *Law Enforcement is a member of the drug court team*
  8. *Drug Court allows non-drug charges*
  7. *A representative from treatment attends court sessions*
  6. *Review of the data/program stats has led to modifications in drug court operations*

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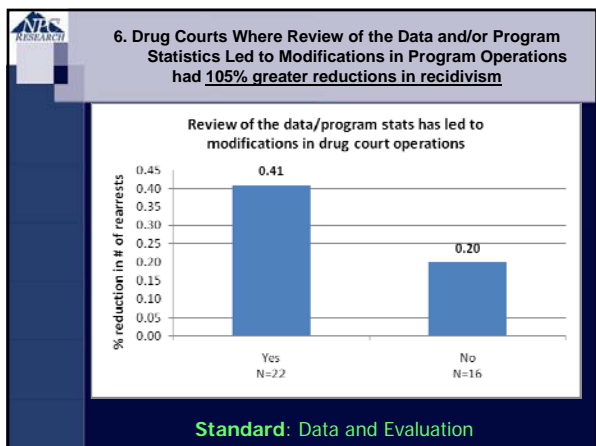
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**Drug Court Top 10**  
\*Recidivism\*

5. *A representative from treatment attends drug court team meetings (staffings)*

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5. Drug Courts Where a Representative From Treatment Attends Drug Court Team Meetings (Staffings) had **105% greater reductions in recidivism**

A representative from treatment attends drug court team meetings (staffings)

Response	N	% reduction in # of rearrests
Yes	50	0.39
No	11	0.19

Standard: Multidisciplinary Team

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**Drug Court Top 10**  
\*Recidivism\*

5. *A representative from treatment attends drug court team meetings (staffings)*

4. *Treatment communicates with court via email*

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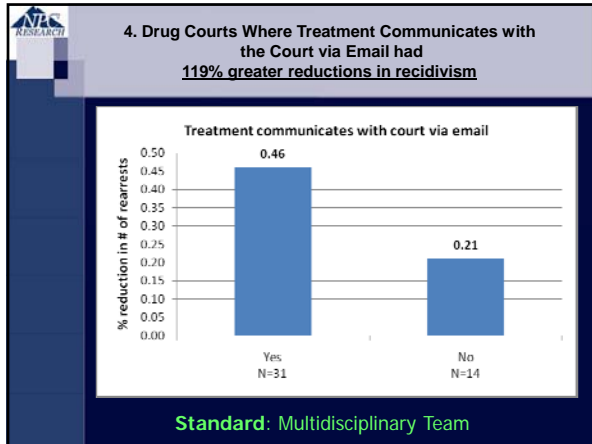
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- Drug Court Top 10 \*Recidivism\***
- A representative from treatment attends drug court team meetings (staffings)*
  - Treatment communicates with court via email*
  - Judge spends an average of 3 minutes or greater per participant during status review hearings*

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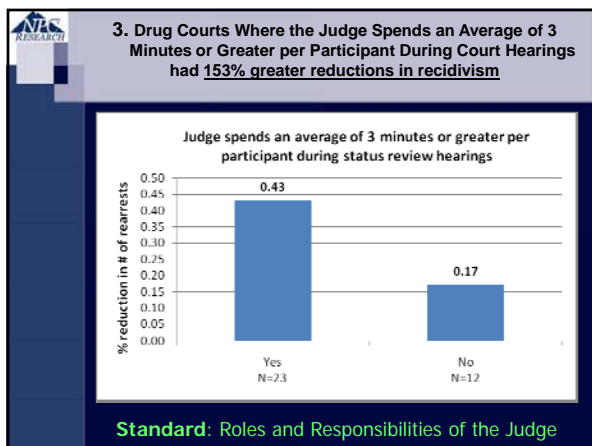
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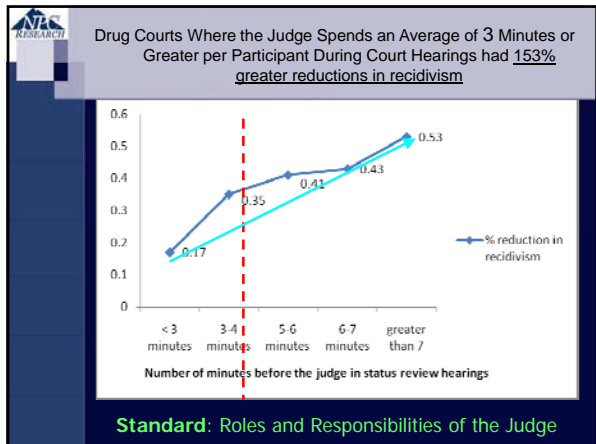
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- ### Drug Court Top 10 \*Recidivism\*
5. *A representative from treatment attends drug court team meetings (staffings)*
  4. *Treatment communicates with court via email*
  3. *Judge spends an average of 3 minutes or greater per participant during status review hearings*
  2. *Participants are expected to have greater than 90 days clean (negative drug tests) before graduation*

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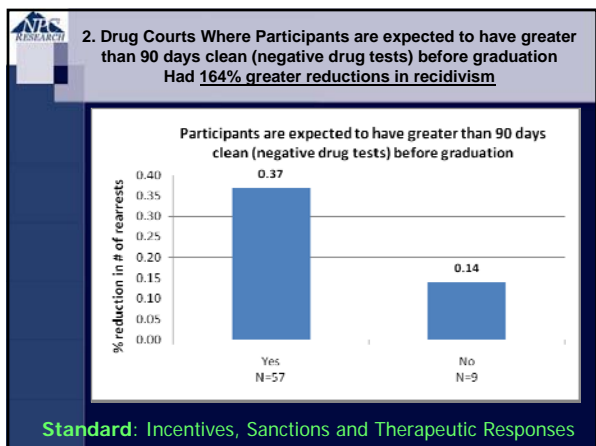
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**2. Drug Courts Where Participants are expected to have greater than 90 days clean (negative drug tests) before graduation Had 164% greater reductions in recidivism**

Clean Days	N	Reduction in Recidivism (%)
0-90 days clean	15	25%
91-180 days clean	39	35%
181-365 days clean	10	45%

**Standard: Incentives, Sanctions and Therapeutic Responses**

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**Drug Court Top 10  
\*Recidivism\***

- 1. Program caseload (number of active participants) is less than 125**
- 2. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation**
- 3. Judge spends an average of 3 minutes or greater per participant during status review hearings**
- 4. Treatment communicates with court via email**
- 5. A representative from treatment attends drug court team meetings (staffings)**

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**1. Drug Courts with a Program Caseload (Number of Active Participants) of less than 125 had 567% greater reductions in recidivism**

Caseload	N	% reduction in # of rearrests
Yes	29	0.40
No	13	0.06

**Standard: Maintaining Program Fidelity**

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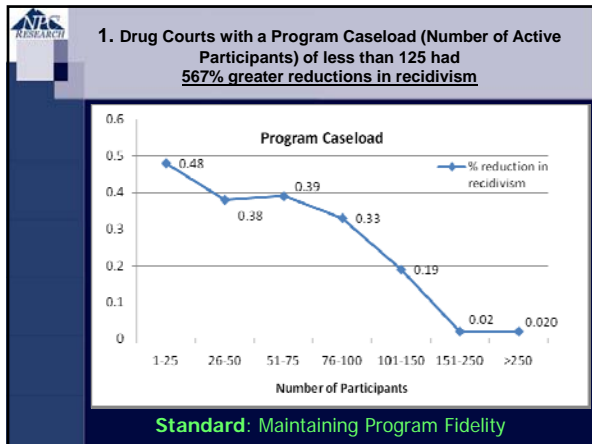
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- 1. Drug Courts with a Program Caseload (Number of Active Participants) of less than 125 had 567% greater reductions in recidivism**
- In larger drug courts:**
- The Judge spent less time per participant in court (nearly half the time)
  - Tx and LE were less likely to attend staffings  
(All team members were less likely to attend staffings)
  - Tx and LE were less likely to attend court hearings
  - Tx was less likely to communicate with the court through email
  - Greater number of Tx agencies (8 vs 3)
  - Drug tests were less frequent
  - Team members were less likely to be trained
- \*All findings above were statistically significant ( $p < .05$ )

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- Themes in the Top 10**
- Multidisciplinary Team:**
- *Teams Sink or Swim Together*
  - *Relationships Matter*
- Incentive and sanction guidelines/requirements for phase advancement/drug testing:**
- *Structure, Consistency and Accountability*
- Target Population and eligibility criteria:**
- *Setting the program and participants up for success*
- Data and Evaluation:**
- *Continuous Program Improvement Leads to Positive Outcomes*

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## Why Standards??

- Put null findings in context (10-18%)
- Disown harmful programs (6-9%)
- Prevent regression to old habits (model drift)
- Protect “brand name” from incursions
- Define standard of care for ourselves
  - Limit appellate review to conformance with standards rather than creating standards
  - Congressional committees, agencies, etc.




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## Why Standards? (cont.)

- Reduce legal & constitutional errors
  - Procedural due process requires standards, rational basis, and notice of rights being waived
- Reduce disparate impacts (violations of Equal Protection)
- Provide support and political cover for needed services and expenditures
- Demonstrate maturity of our profession




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## Standards



### BASED ON THE RESEARCH

- ✓ Research Quality
  1. Experimental / controlled
  2. Quasi-experimental or matched-comparison
- ✓ Research in Drug Court or Related Setting

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**Volume I**

**I. Target Population**

**II. Historically Disadvantaged Groups**

**III. Roles & Responsibilities of the Judge**

**IV. Incentives, Sanctions, & Therapeutic Adjustments**

**V. Substance Abuse Treatment**

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**Target Population**

- Eligibility & exclusion criteria are based on empirical evidence
- Assessment process is evidence-based
  - A. Objective eligibility criteria
  - B. High-risk & high-need participants
  - C. Validated eligibility assessments
  - D. Criminal history disqualifications
    - “Barring legal prohibitions . . .”
  - E. Clinical disqualifications
    - “If adequate treatment is available...”

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**Drug Courts That Accepted Participants With Non-Drug Charges had 98% Greater Reductions in Recidivism**

Drug Court Policy	Sample Size (N)	Percent Reductions in Recidivism
Drug court accepts non-drug charges	42	41%
Drug court does NOT accept non-drug charges	24	21%

Note 1: Difference is significant at  $p < .05$

Note 2: Non-drug charges include property, prostitution, forgery, etc.

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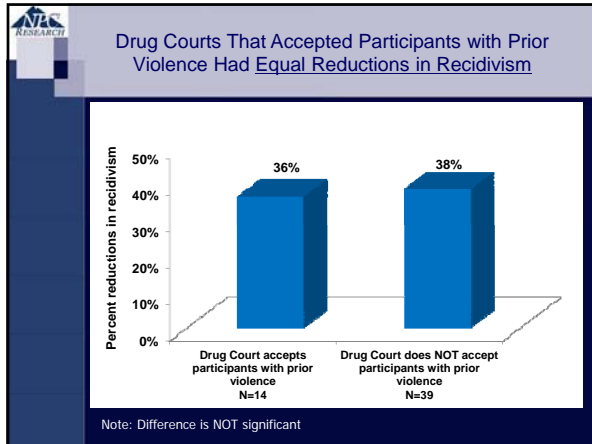
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## Hx Disadvantaged Groups

- Equivalent opportunities to participate and succeed in Drug Court
  - A. Equivalent access (intent & impact)
  - B. Equivalent retention
  - C. Equivalent treatment
  - D. Equivalent incentives & sanctions
  - E. Equivalent legal dispositions
  - F. Team training (remedial measures)

**NADCP**  
National Association of Drug Court Professionals

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## Hx Disadvantaged Groups

	Graduated	Terminated	Stat Test
Variable	Mean	Mean	Sig?
Gender (Percent Male)	50%	80%	Yes
Age	43.5	35.3	Yes
Ethnicity (Percent White)	80%	40%	Yes
Percent Married	22%	15%	No
Years of Education	12.8	13.3	No
Prior Number of Felonies	1	2.4	Yes
% with Prior MH Tx	11%	20%	Yes
Number of Sanctions	3.33	9.70	Yes

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# Roles of the Judge

- Contemporary knowledge; active engagement; professional demeanor; leader among equals
  - A. Professional training
  - B. Length of term
  - C. Consistent docket
  - D. Pre-court staff meetings
  - E. Frequency of status hearings
  - F. Length of court interactions
  - G. Judicial demeanor
  - H. Judicial decision-making




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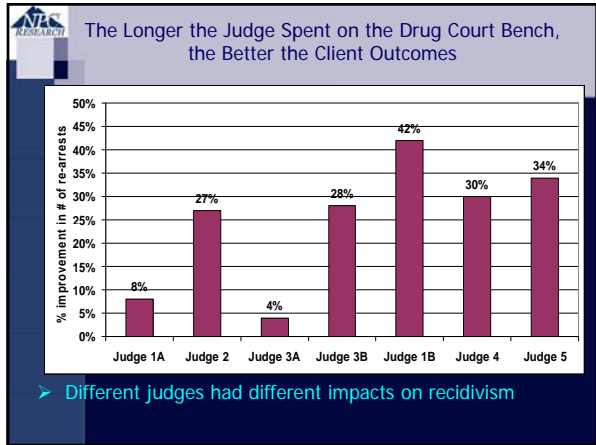
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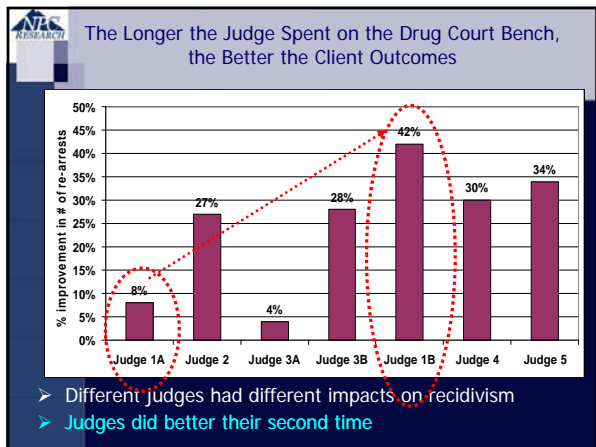
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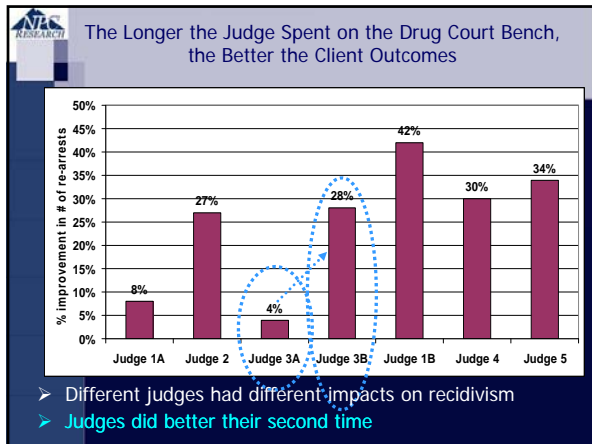
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- Incentives & Sanctions**
- Predictable, consistent, fair, and evidence-based
    - Advance notice
    - Opportunity to be heard
    - Equivalent consequences
    - Professional demeanor
    - Progressive sanctions
    - Licit substances
    - Therapeutic adjustments
    - Incentivizing productivity
- NADCP**  
National Association of Drug Court Professionals

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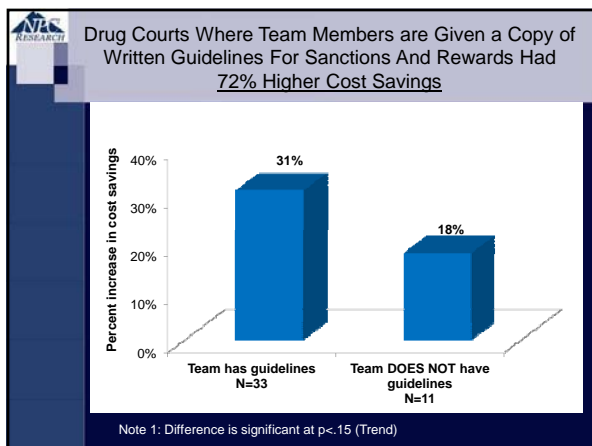
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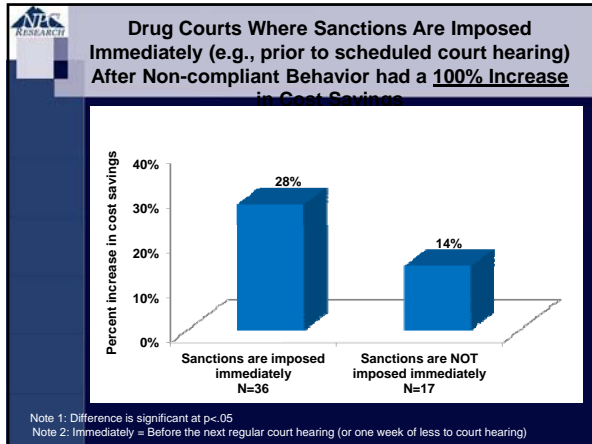
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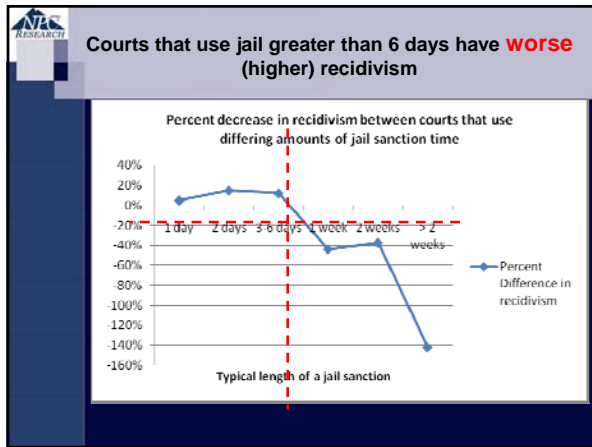
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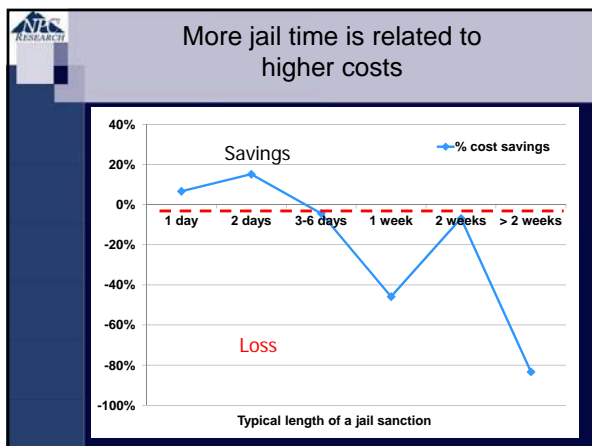
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**Substance Abuse Treatment**

- Based on treatment needs and evidence-based
  - A. Continuum of care
    - "if adequate care is unavailable . . ."
  - B. In-custody treatment
  - C. Team representation
  - D. Treatment dosage and duration
  - E. Treatment modalities
  - F. Evidence-based treatments
  - G. Medications

NADCP  
National Association of  
Drug Court Professionals

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**Substance Abuse Tx (cont.)**

- Based on treatment needs and evidence-based
  - ...
  - H. Provider training and credentials
  - I. Peer support groups
  - J. Continuing care

NADCP  
National Association of  
Drug Court Professionals

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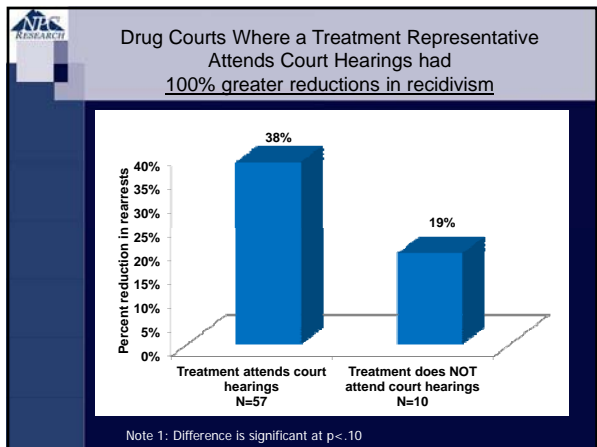
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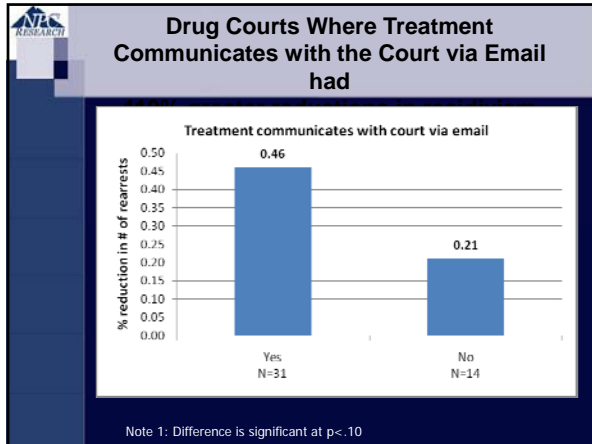
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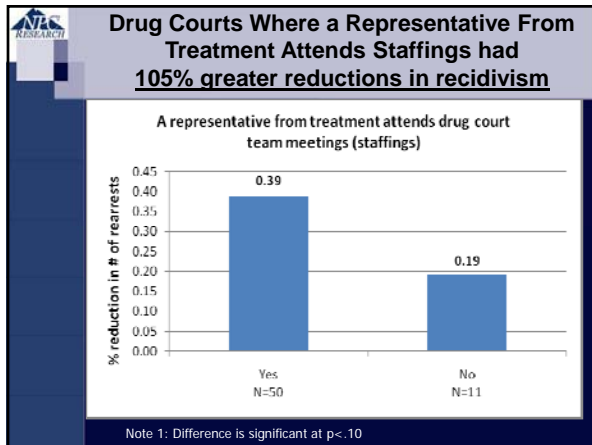
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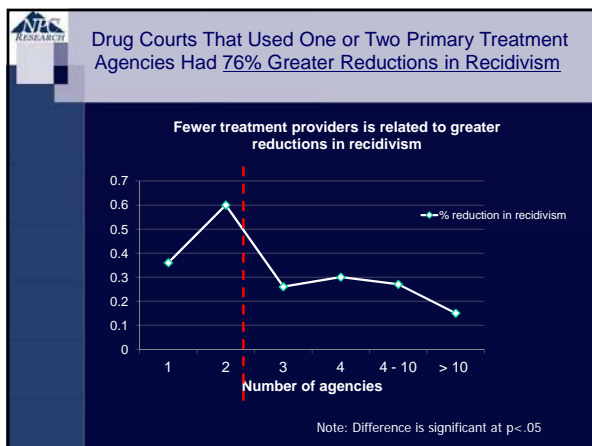
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 **Conclusion:**



**Before DC**      **After DC**

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 **Questions?**

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 **Contact Information**

Judge Stephen Manley  
**Contact Info?**

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[www.npcresearch.com](http://www.npcresearch.com)

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## Acknowledgements

**Thank you to the judges, coordinators and staff at numerous drug courts who welcomed us to their program, answered our un-ending questions and helped us find and collect mountains of data!**

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