

Comparing Drug Courts and Prop. 36

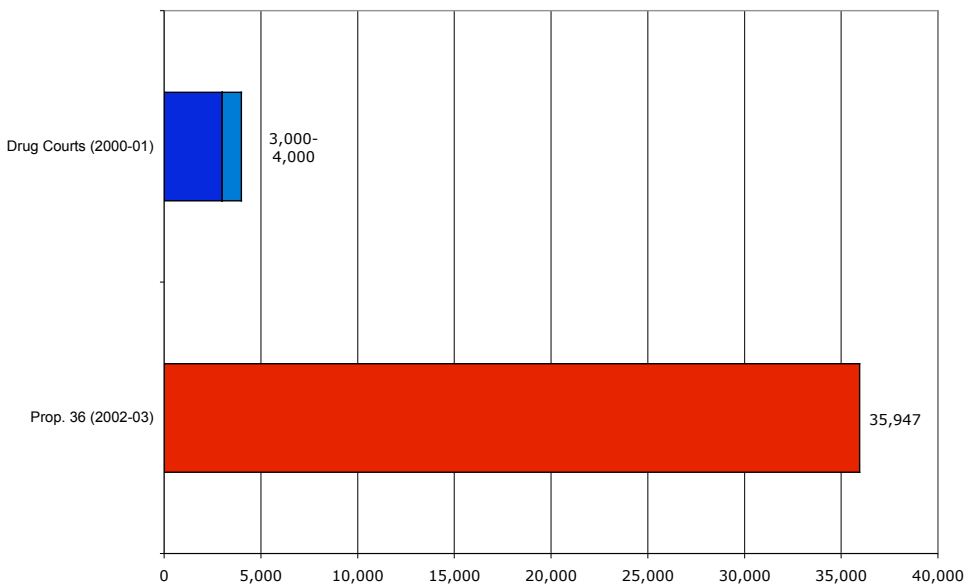
A Drug Policy Alliance Fact Sheet

Overview

Despite significant differences between the systems, drug courts and Proposition 36 have produced similar, favorably comparable results.

As a starting point for any comparison, it is important to recognize the difference in scale between the programs. Many times more people enter Prop. 36 treatment each year than entered drug courts as new clients in years before the voter initiative. Prop. 36 enrolls almost 36,000 people annually,¹ while drug courts averaged between 3,000-4,000 annually before 2001.²

New Clients Per Year Handled by Each System



Another important factor with clients in each system is the typical drug histories of people entering treatment. Evidence shows that clients in both systems have a very similar mix of primary drugs of abuse. Data also show that both drug courts and Prop. 36 serve very drug-experienced populations.³ But Prop. 36 clients have substantially longer drug histories on average than those in drug courts. Prop. 36 also serves a population not involved with drug courts: nonviolent *parole violators* who, as a group, have even greater drug experience than the average for Prop. 36 clients.

¹ Longshore, Douglas, et al, *Evaluation of the Substance Abuse and Crime Prevention Act: 2003 Report*, UCLA Integrated Substance Abuse Programs, Calif. Dept. of Alcohol and Drug Programs, Sept. 23, 2004, p. 25.

² No consistent, complete, statewide data on drug court populations exist. Estimate of 3,000-4,000 clients per year compiled by Drug Policy Alliance using three data sources. Sources and methodology available upon request.

³ Data on drugs of abuse and drug problems severity are not presented in this paper, but are available on request.

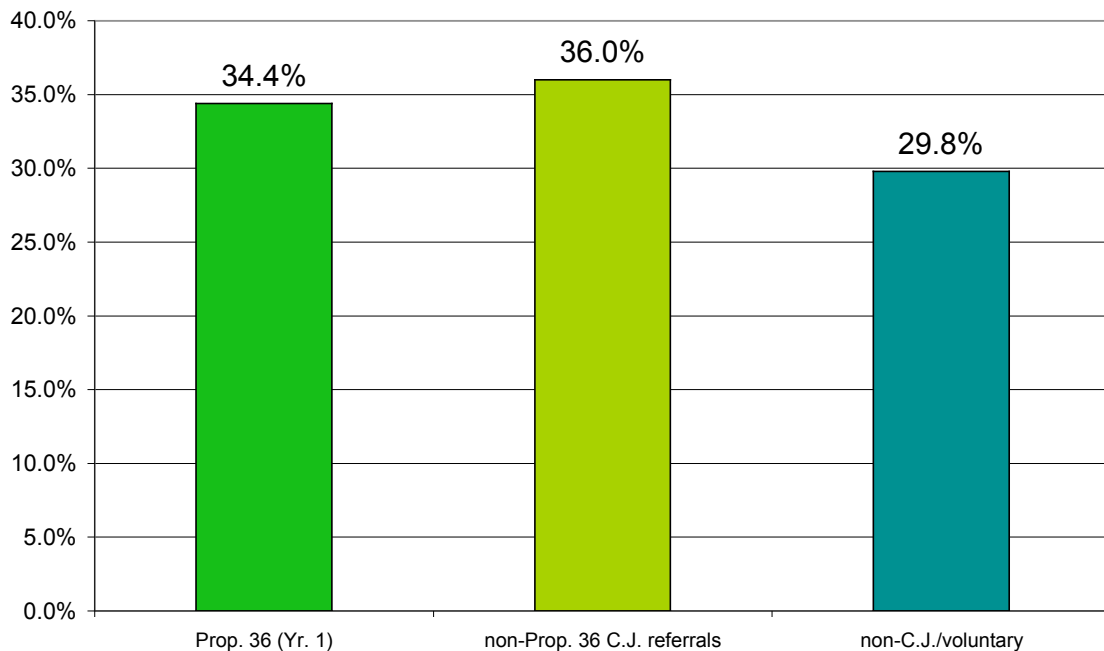
Prop. 36 and Drug Court Results

In comparing results from these two systems, it is best to focus on data from drug courts prior to the enactment of Prop. 36. It was during this period that drug courts treated a population more like that now entering Prop. 36. Many drug courts have subsequently diversified to handle more serious offenders, or people who have failed out of Prop. 36 programs.

Prop. 36 (2001-02)⁴

Statewide data are available only for first-year Prop. 36 clients, showing a 34.4% completion rate out of all clients who began treatment. The same study found that, in the same period of time in California, 36.0% of all non-Prop. 36 criminal justice referrals completed treatment, while 29.8% of voluntary clients completed. These data represent treatment participation and completion results from tens of thousands of people in a wide range of treatment programs.

Treatment Completion Rates in California (2001-2002)

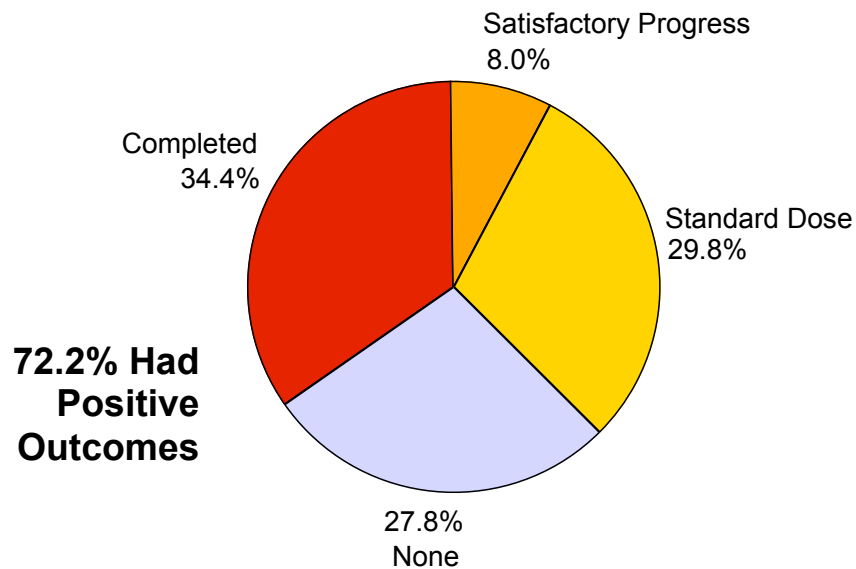


⁴ Longshore, et al, 73-76.

Additional Measures for Prop. 36 Clients

Graduation data do not provide a complete picture of results for Prop. 36 participants. Looking at all data provided by independent evaluators at UCLA, it is clear that nearly three in four Prop. 36 clients succeed, make substantial progress, or reach other kinds of positive outcomes.⁵

Prop. 36 Client Dispositions (Year 1)



Besides the 34.4% who completed treatment, eight percent more were discharged by treatment with a rating of “satisfactory progress.” An additional 29.8% received what UCLA researchers labeled a “standard dose” of treatment, meaning that these thousands of Prop. 36 clients spent the *same amount of time* in treatment as other Prop. 36 clients who *completed* treatment. (The figure was adjusted by county and by treatment modality, so there is no statewide figure for the number of days this represents.)

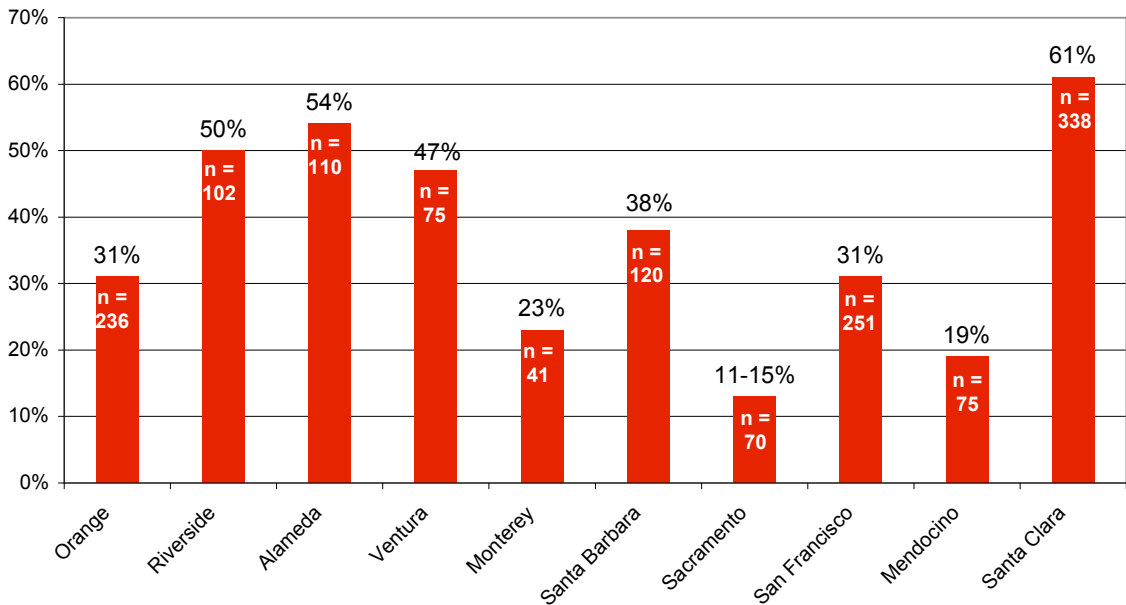
Though these people spent a great amount of time in treatment, they may have had higher treatment needs, may have relapsed late in treatment, or for other reasons simply did not complete. Other research suggests the investment these people made in treatment will pay dividends later. At any rate, it is not known how the courts have responded to Prop. 36 clients who did not complete but reached these other positive outcomes.

⁵ All data on this page from Longshore, et al, pp. 73-76.

Pre-Prop. 36 Results from California Drug Courts (1995-2001)

Studies of California drug courts before Prop. 36 took effect showed completion rates between 11% and 61%. A major academic study was published in 2001, evaluating all available research on California drug courts. Out of those studies judged by the researchers to have valid treatment completion measures, six of 10 studies showed completion rates of 38% or lower⁶.

**Drug Court Completion Rates Vary Widely;
Small Sample Sizes the Norm in Most Studies**



Most of these studies used relatively small sample sizes. The total number of clients studied ranged from 41 in the smallest study to 338 in the largest. No study covered more than 110 program graduates; most had far fewer.

It is difficult to compare these data directly to Prop. 36, for which the data cover tens of thousands of people. Also, Prop. 36 research uses a uniform methodology, while drug court evaluations do not. Sources of potential bias in drug court completion data include the variation in entry criteria used by courts (such as screening for criminal record and motivation for treatment)⁷, and use of a “wash-out period” in data collection, by which some drug court clients who drop out early (in the first week to 30 days) are not counted as participants or “terminations” in data used to calculate graduation rates⁸. Both factors would tend to result in drug courts reporting higher graduation rates.

⁶ Guldish, Joseph et al, “Drug Court Effectiveness: A Review of California Evaluation Reports, 1995-1999,” *Journal of Psychoactive Drugs*, Vol. 33(4), Oct-Dec. 2001, p. 374.

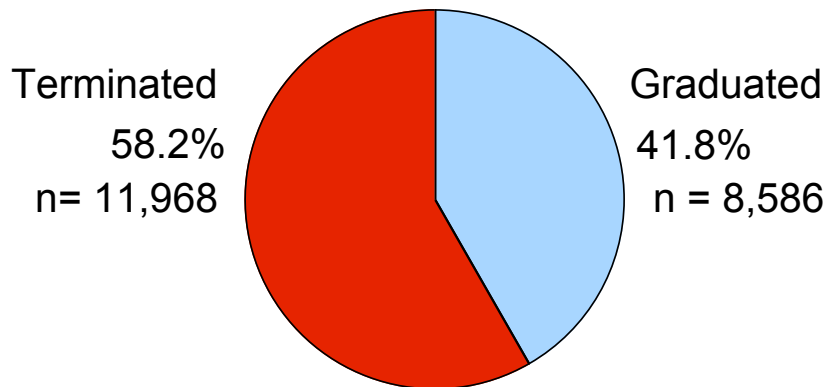
⁷ Longshore, et al, p. 73.

⁸ Guldish et al, “Drug Court Effectiveness,” p. 375.

All California Drug Courts, Inception Through 2001

A larger data source is available for California drug courts before Prop. 36. A data report was published on June 25, 2001 – just days before Prop. 36 took effect – providing results from all drug courts in the United States.⁹ Programs supplied data from the inception of each drug court through the date of their report to the researchers. From California, 58 drug courts handling adult felony drug cases reported complete results. With more than 20,000 participants accounted for, the data show that California drug courts achieved a statewide graduation rate of 41.8% over several years before Prop. 36.

Drug Court Completions, Terminations as of 2001*



* 58 California Adult Felon Drug Courts reporting data since inception of each program. Includes only cases with final dispositions.

This graduation rate of 41.8% is consistent with research on similar programs that link criminal justice and treatment. But the figure is also lower than the conventional wisdom about California drug courts would suggest.

There are reasons to question this data, and some chance that they overstate drug court effectiveness. For instance, the data are unaudited – it is not known whether every court that provided data followed the same instructions. Data are also missing from at least ten courts. More worrisome is the tendency of drug courts to entirely remove people who are early program dropouts from participant data. This practice can inflate graduation rates. By contrast, all Prop. 36 program entrants are accounted for in all data on the program.

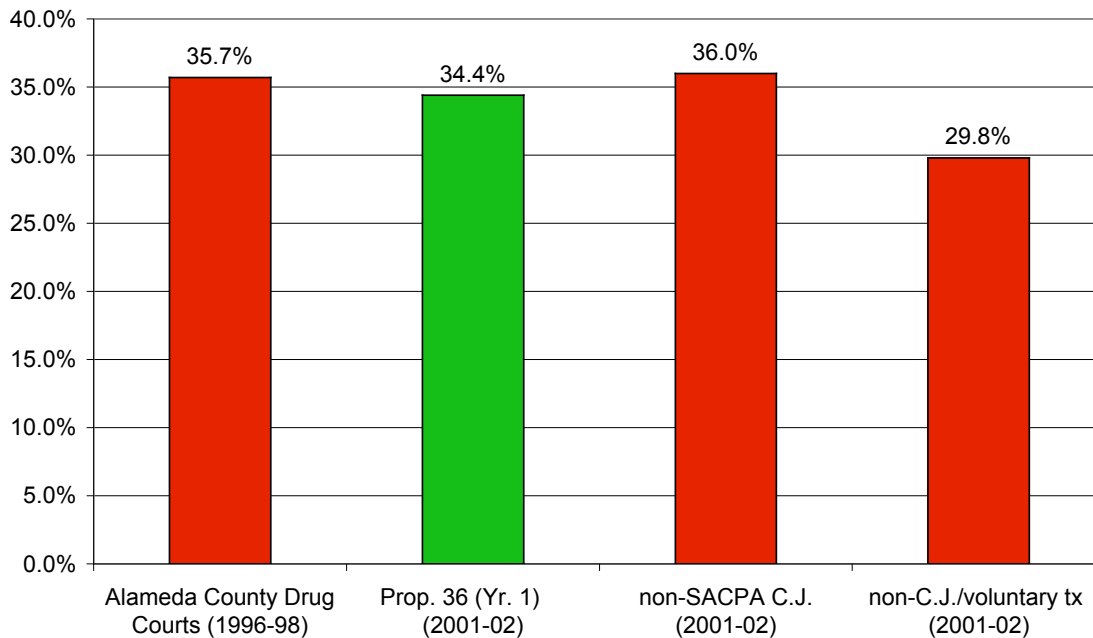
⁹ “Drug Court Activity Update: Summary Information on All Programs and Detailed Information on Adult Drug Courts,” OJP Drug Court Clearinghouse and Technical Assistance Project at American University, June 25, 2001

Alameda County Drug Courts, 1995-1998

Alameda County has the oldest drug court system in California. Four Alameda County drug courts were studied extensively for four years, from 1995-1998, in a study paid for by the county.¹⁰ With 1,819 clients accounted for, the study is the largest formal study of a California drug court system before Prop. 36 took effect.

According to the study, 35.7 percent of Alameda County drug court clients graduated during that four-year period.¹¹ The results of this large-scale study are consistent with those from first-year Prop. 36 clients, as well as all other treatment program participants in the state in 2001-2002.¹²

Comparative Treatment Completion Rates



Conclusion

Almost three out of four people who begin Prop. 36 treatment get a significant exposure to treatment and achieve positive outcomes. Thirty-four percent of Prop. 36 clients completed treatment in the program's first year, very close to completion rates for other treatment clients in the state at the same time. Graduation rates for drug courts vary widely, but larger-scale data show average completion rates that are close to the data for Prop. 36.

¹⁰ Ja, Davis Y, and Taube, Daniel, *A Final Evaluation Report: A Cross-Sectional Analysis of the Alameda County Consolidated Drug Court (ACDC) Program*, Davis Y. Ja & Associates, January 2001.

¹¹ Ja, Davis Y, and Taube, Daniel, p. 13.

¹² Longshore, et al, 73-76.