

**Arkansas Department of
Community Correction
Arkansas Drug Courts -
Recidivism Rates
For Program Graduates
Through Fiscal Year 2005**



July 2007

Background on Drug Courts

Since the first drug court was established in Florida in 1989, numerous government agencies and other researchers have studied the components, savings, and outcomes from drug court operations across the nation.

National research shows that participants in drug court treatment programs have lower re-arrests and re-convictions than comparison groups, and lower recidivism rates while in the programs. Furthermore, all programs have reported a positive net savings from reductions in recidivism and avoided costs to potential victims, weighed against the costs of staffing drug courts. Recognizing the potential financial savings and social benefits of drug courts, Arkansas expanded from one (1) drug court in 1994 to 28 at the end of the 2005 fiscal year, and 37 by June 2006.

The DCC electronic offender management information system, e-OMIS, provides detailed information about offenders. The use of e-OMIS as the statewide tracking system began in March 2000, so only cases that were active during or after 2000 are available. This causes a limitation to data since one of the drug courts was in operation prior to the implementation of e-OMIS for data tracking. Using the e-OMIS database, data on 537 offenders who completed the treatment program was collected on offenders who had completed the treatment component of the drug court and were considered “graduates” of the program.

Another drug court began operation in January, 2000, but Department of Community Correction supportive activities to the court did not begin until 2004. To make the study as comprehensive as possible, data on 430 offenders who had graduated from the that Judicial District drug court was included with a special extract provided by the court.

The report examines 21 Arkansas courts that began operation prior to July 1, 2005 (Table 1.) Since courts have various lengths of operation, the data is divided into courts operating prior to 2002 and courts that have shorter periods.

Recidivism, Graduation and the Importance of the Definitions' Used

There are many ways to define recidivism. The Department of Community Correction recidivism studies attempt to research the impact recidivism has on the prison system operated by the state, either admissions to the Arkansas Department of Correction (ADC) or the Department of Community Correction (DCC). Recidivism is defined in this study as admission to an ADC or DCC facility for either a new crime or a technical violation. It does not include jail time for non-felony issues.

However, a study of the recidivism of drug court graduates does not necessary reflect the full impact of the court since there are outcomes that impact the “graduation” rate. For example, there are post-adjudication courts whose structures include immediate incarceration of an individual in ADC if they fail the program. Since these program discharges are incarcerated in the system, the non-graduates have as much of an impact on the correctional system as graduates who recidivate at a later point in time.

Courts have other alternatives in their programs rather than discharge or graduation. Some drug courts revoke an offender’s original sentence and re-sentence the offender to additional drug court treatment or they can simply discharge the offender as non-compliant. Some of the revocations and discharges are because of new criminal charges that are plead to drug court; some are because of general non-compliance with the program.

Completion of an individual drug court program also varies. There are courts that combine the “graduation” of a participant with the termination of the offender’s supervision. The “graduation” of these offenders is a simultaneous termination of the drug court program and the judicial supervision of the case.

At the other end of the spectrum, there are courts where an individual completes the therapeutic component of the program but the offender may have outstanding supervision. As time has passed, some courts shifted between the two types as they implemented aftercare programs or other aspects of supervision after therapeutic intervention.

Definition of an Offenders “Drug Court Completion” and Study Inclusion Timeframe

By the National Drug Court Institution (NDCI) definition, drug courts are a combination of judicial oversight, supervision, and involvement with a strong and continuous therapeutic component. Therefore, elimination of the therapeutic component is termination of the drug court program and a change to supervision.

To establish a common baseline, the study examines any offender whose record indicates they “completed” the therapeutic component of the program and may include the supervision period, even if it has not been completed. This allows for a review of offenders whose recidivist act occurred after all therapeutic and supervision requirements had been met. It also allows for a separate examination of offenders whose recidivist act occurred during or after their supervision period.

For inclusion in the review, offenders had to have been designated as a graduate on or before June 30, 2005. This allowed for a review of offenders who had a minimum of a full year in the community. Statewide there were 967 drug court graduates.

Current Treatment and Supervision Status of Drug Court Graduates

Since there may be a gap between an offenders “graduation” date and the end of supervision due to court schedules and other factors, an offender whose supervision end date was within a 30 day period of the graduation date from the court was considered to have finished the program. There were 378 graduates from Arkansas drug courts whose supervision was terminated at or within this 30 day window. There were another 368 offenders whose supervision was extended beyond 30 days and were no longer under supervision. As of the end of September, there were 221 offenders who had completed the treatment component (‘graduated’) but were still under court supervision.

Table 1
Treatment and Supervision Status for Drug Court Graduates
By Court Category

	Courts operating before July 1, 2001 (FY 2001 or earlier)	Courts operating on or after July 1, 2001 (FY 2002 – FY 2006)	Total
Treatment and Supervision Ended within 30 days of Graduation Date	304	74	378
Treatment Ended but Supervision Continued 30 or More days from Graduation Date	249	119	368
Treatment Ended but Offender Still under Supervision	157	64	221
Total	710	257	967

Court Characteristics and Offender Distribution Across Court Groups

The sampled data of offenders who completed the drug court therapeutic component are distributed across 21 courts. This group includes anyone whose e-OMIS record indicated “graduated” from a court through until June 30, 2006, regardless of any outstanding supervision. These courts vary significantly in structure, target population and resources available for community services, as well as the basic nature of their community. The two courts operating before July 1, 2001 are in metropolitan or more urban areas of Arkansas while the 19 other courts are more rural with a limited economic base.

As expected, the records of the two courts operating longest reflect a higher number of ‘graduates’ from the drug court program, representing 73% of the total number of drug court graduates.

Courts that started operations in Fiscal Year 2002 or later currently account for approximately 27% of the drug court completions. As more time passes and the newer courts admit and serve more clients, the distribution may become more even.

Table 2
Number of Drug Courts and Number of Graduates
By Court Operating Period

	Number of Courts	Number of Graduates	Percentage
Courts operating before July 1, 2001 (FY 2001 or earlier)	2	731	73.4%
Courts operating on or after July 1, 2001 (FY 2002 - FY 2006) *	19	257	26.6%
Total	21	967	100%

*A number of courts only became operational in FY 05 and FY06; due to the length of the program Requirements and the offenders treatment they may not have had any graduates.

Demographics of Offenders

Overall, the offender population differs in racial and gender distribution (Table 3). Courts that were in operation prior to July 1, 2001 have had more males (68%) graduate from the program than females (32%). Drug courts that began operating after 2001 have a more balanced population, with 55% of the graduates being male and 45% being female. Both categories of courts have had fewer non-white graduates.

Table 3
Demographics of Drug Court Graduates
By Court Operating Period

	Courts operating before July 1, 2001 (FY 2001 or earlier)		Courts operating on or after July 1, 2001 (FY 2002 – FY 2005)	
	Males	Females	Males	Females
Total Group Size (Numbers)	359	183	95	77
White	315	165	88	74
African-American	12	1	0	0
Other	68	17	4	3
Total Group Size by Gender (Percentage Distribution)				
Total Group Size by Gender (Percentage Distribution)	68.3%	31.7%	55.0%	45.0%
White	79.7%	90.2%	92.6%	96.1%
African-American	3.0%	0.5%	0.0%	0.0%
Other	17.3%	9.3%	7.4%	3.9%

Age Distribution of Drug Court Graduates

Graduates of drug courts show some differences in age between the two court operating periods. Courts that have a longer history of operating have a wider age range for the graduates than the newer courts (54 years compared to the 43 years for new courts). Newer courts also have younger graduates than the older courts. For courts operating before July 1, 2001, the most frequent age for a drug court graduate was 25; for courts operating after July 1, 2001 the graduate was only a year younger. Both the average age and median age for the newer courts were lower than the older courts.

Table 4
Age Demographics of Drug Court Graduates
By Court Operating Period

	Courts operating before July 1, 2001 (FY 2001 or earlier)	Courts operating on or after July 1, 2001 (FY 2002 - 2005)
Minimum Age	21	19
Maximum Age	75	62
Mean Age (Average)	36	34
Median	35	33
Mode (most frequent)	25	24
Range	54 years	43 years

Drug Court Graduates According to Fiscal Year

Of the 21 courts included in this review, 2 courts were operating prior to July 1, 2001. As the newer courts continue to accept and treat offenders, the number of graduates from those courts will continue to increase. By the end of FY 06, graduates from new courts comprised just over 39% of the total graduate population (Table 5).

Table 5
Drug Court Graduates According to Fiscal Year of Completion
By Court Operating Period

	Courts operating before July 1, 2001 (FY 2001 or earlier)	Courts operating on or after July 1, 2001 (FY 2002 - 2005)
Prior to FY 2001	64 (100.0%)	0 (0.0%)
FY 2002	132 (98.5%)	2 (1.5%)
FY 2003	128 (79.5%)	33 (20.5%)
FY 2004	128 (68.1%)	60 (31.9%)
FY 2005	127 (62.3%)	77 (37.7%)
FY 2006	131 (60.6%)	85 (39.4%)

Drug Court Recidivism

As noted earlier in the study, Recidivism is defined as when an individual enters either an ADC or a DCC facility for either a new crime or a technical violation. It does not include time in a local or county jail for non-felony issues.

As of the end of September, 2006, there were 55 offenders out of the 967 graduates who had re-offended who had been re-incarcerated. Most offenders (53 or 97%) were sentenced to either ADC or DCC. There were two additional offenders (3%) who were rearrested and incarcerated, one was in federal custody and the other was in Arkansas in county jail backup (Table7).

Overall, the recidivism rate for the 55 offenders is 5.7% for the entire graduation class of 967 graduates. Courts in operation prior to July 1, 2001 accounted for 76% of the recidivist population (42 of the 55 offenders) while newer courts (with fewer graduates) accounted for 24% of the recidivists. For courts operating prior to 1991 the recidivism did not occur in older graduation classes. Of the 42 recidivists from courts operating prior to July 1, 2001, 38 have re-offended within the past 3 years, 15 of those from the FY 2006 class.

Current Treatment and Supervision Status of Drug Court Graduates

Since there may be a gap between an offender's "graduation" date and the end of supervision due to court schedules and other factors, an offender whose supervision end date was within a 30 day period of the graduation date from the court was considered to have finished the program. There were 378 graduates from Arkansas drug courts whose supervision terminated at or within this 30 day window. There were another 391 offenders whose supervision extended beyond 30 days and were no longer under supervision. As of the end of September, there were 198 offenders who had completed the treatment component ('graduated') but were still under court supervision.

Table 6
Treatment and Supervision Status for Drug Court Graduates
By Court Category

	Courts operating before July 1, 2001 (FY 2001 or earlier)	Courts operating on or after July 1, 2001 (FY 2002 through September 30, 2006)	Total
Treatment and Supervision Ended within 30 days of Graduation Date	304	74	378
Treatment Ended and Supervision Continued 30 or More days from Graduation Date and Offender is no longer under Supervision	255	136	391
Treatment Ended but Offender Still under Supervision	151	47	198
Total	710	257	967

Recidivism of Drug Court Graduates According to Fiscal Year

Table 7
**Drug Court Graduate Recidivism by Fiscal Year of Graduation
and Court Operating Period**

	Courts operating before July 1, 2001 (FY 2001 or earlier) Number of Recidivists: Graduates	Courts operating on or after July 1, 2001 (FY 2002-FY 2005) Number of Recidivists: Graduates	Total Number of Recidivists: Graduates
FY 2001 or earlier	0 : 64	0 : 0	0 : 64
FY 2002	2 : 132	0 : 2	2 : 134
FY 2003	2 : 128	0 : 33	2 : 161
FY 2004	12 : 128	2 : 60	14 : 188
FY 2005	11 : 127	4 : 77	15 : 204
FY 2006	15 : 131	7 : 85	22 : 216
Total Recidivists	42 : 710	13 : 258	55 : 967
Total Graduates	710	258	967
Recidivist Percent	5.9%	5.1%	5.7%

Recidivism of Drug Court Graduates: After Treatment, During Supervision and After Supervision

Under some circumstances, an offender in a drug court program may be under court supervision for prior offenses and drug court is provided as an alternative to revocation. In these cases, court supervision may have started prior to the drug court program and continued past the graduation of the participant from the program. Since a court sentence was issued prior to the participant entering drug court, the terms and effective dates of the supervision remain in effect until completed or the court that imposed those conditions changes the sentence. In addition, some drug courts are implementing post-graduation aftercare programs. These programs provide some probation supervision and court contacts but the therapeutic component has been discontinued. The length of these extended supervision periods range from 4 weeks to 2 or more years.

Table 8
Drug Court Graduate Recidivism Event
According to Treatment,
Supervision Timeframe and
Court Operating Period

	Courts operating before July 1, 2001 (FY 2001 or earlier)	Courts operating on or after July 1, 2001 (FY 2002 - 2005)	Total
Recidivism Event After Treatment and Supervision End Date	25	8	33
Recidivism Event After Treatment but before Supervision End Date	17	5	22
Total	42	13	55

Length of Time in Community Before Recidivating

Drug Court graduates have a higher probability of re-committing a criminal act within the first year of completion of the therapeutic community. Just over 69% (38 offenders) of all recidivists were re-incarcerated before the 2nd anniversary of their graduation.

Table 9
Drug Court Graduate Recidivists
Length of Time in the Community Prior to Re-incarceration

	Courts operating before July 1, 2001 (FY 2001 or earlier) Recidivists : Graduates	Courts operating on or after July 1, 2001 (FY 2002 - 2005) Recidivists : Graduates	<u>Total</u> Recidivists: Graduates
Less than 1 year	6 : 131	8 : 85	14 : 216
During the 1 st year	20 : 137	4 : 77	24 : 204
During the 2 nd year	6 : 126	1 : 60	7 : 186
During the 3 rd year	9 : 130	0 : 33	9 : 163
After the 3 rd year	1 : 198	0 : 0	1 : 198
Total	42 : 710	13 : 257	55 : 967

Location of Incarceration for Recidivists

Offenders who recidivate are more likely to be incarcerated in DCC rather than ADC for their offense. Over 63% (35 offenders) were incarcerated in DCC while only 34.5% (19 offenders) were incarcerated in ADC. One offender (1.8%) was in federal custody.

Table 10
Incarceration Location of Drug Court Graduate Recidivists
by Fiscal Year of Graduation and Court Operating Period

	Courts Operating Prior to <u>July 1, 2001</u> (FY 2001 or earlier)			Courts Operating On or After <u>July 1, 2001</u> FY 2002 or later	
	ADC	DCC	OTHER	ADC	DCC
FY 2001	0	0	0	0	0
FY 2002	2	0	0	0	0
FY 2003	1	1	0	0	0
FY 2004	7	5	0	0	2
FY 2005	2	8	1	1	3
FY 2006	4	11	0	2	5
Total	16	25	1	3	10