

# Drug courts

For offenders who are drug users or drug addicts as an alternative to the normal court system

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Effect scale	Quality of evidence				
	Effect Impact on crime	Mechanism How it works	Moderator Where it works	Implementation How to do it	Economic cost What it costs
 Overall reduction	 Very strong	 Very strong	 Very strong	 Very strong	No information

## Focus of the intervention

Drug courts are specially designed for offenders who are drug users or drug addicts as an alternative to processing them through the normal court system.

Using a system of supervision, reward and punishment, a judge and the drug court team support the participant throughout the process. Drug courts use a team approach in an effort to provide more consistent services to participants, with a number of individuals working together including the judge, drug court coordinator, supervision officers, case managers, treatment providers, prosecutors, lawyers, and law enforcement representatives.

Drug courts can oversee an offender for as little as three months or for over a year, and successful participants who do not offend over the course of the programme, graduate either with a dismissal of their original charges or a reduction of charges. Unsuccessful participants may continue through the traditional legal system or face additional sanctions.

The narrative is based on one systematic review covering 60 studies, which focuses on the effect of drug courts upon rates of reoffending (including arrests, appearances in court and convictions). All the primary research was carried out in the USA.

## Effect – how effective is it?

Overall, the evidence suggests that drug courts have reduced crime, but there is also some evidence that they have increased crime.

The overall evidence is taken from a review based on 60 studies, all of which were from the USA. The review found that drug courts significantly reduce reoffending: this equated to participants having a reoffending rate of 45.5% compared to a 54.5% reoffending rate for the comparison group.

Both adult and juvenile drug courts show a statistically significant decrease in reoffending, but adult drug courts were found to be significantly more effective than juvenile drug courts (see Moderator section for more details). One of the studies showed a significant increase in reoffending, but the author does not discuss why this may be.

The studies of lower methodological quality found lower levels of reoffending for the treatment group than those studies of greatest quality, but both types still showed statistically significant reductions. The studies which excluded drop-outs from their effect sizes, showed a significantly greater reduction in reoffending than those which included drop-outs. The latter is methodologically problematic as the results do not include some unsuccessful participants.

## How strong is the evidence?

The review was sufficiently systematic that most forms of bias that could influence the study conclusions can be ruled out.

The review had a well-designed search strategy, and paid attention to various possible influences on the effect size by using appropriate statistical tests. A limitation seen within some of the primary studies within the review was the use of non-comparable (unmatched) control groups. The review authors tested the effect sizes for these studies of lesser methodological quality separately to those of higher quality to address this limitation.

## Mechanism – how does it work?

The review authors suggest a number of mechanisms by which drug courts could reduce reoffending, including through supervision, coercion and rewards. The authors suggest that coercion used by drug court judges may be an important factor in keeping participants engaged in treatment services. In some cases, participants reported developing a close relationship with the drug court judge and were fearful of disappointing them. The review also suggested that this relationship was an important part of participants' willingness to stick to the treatment process. Hearings are held as often as weekly and provide the opportunity for judges to offer reinforcement for programme compliance and consequences for noncompliance.

Drug courts typically use rewards and sanctions in an effort to motivate participants and to encourage compliance, though the application of rewards and sanctions varies greatly.

Rewards are likely to include:

- verbal praise or encouragement
- applause
- decreased treatment intensity and drug testing
- phase advancement
- gift certificates
- certificates of achievement

Typical sanctions include fines, increased drug testing, increased treatment intensity, community service hours, prison time and programme termination.

When testing some of these mechanisms, the review found that the presence of a formal system of punishments was related to reductions in reoffending, while the presence of a formal reward system was related to increases in reoffending.

Since this is possibly unexpected, the review authors go on to explain that drug courts that have formal systems or policies governing the use of rewards may not have many rewards at their disposal or may be less flexible in their use of them. Therefore the application of rewards may be less meaningful to participants.

Drug testing within the context of drug courts is viewed as an important mechanism for providing immediate feedback and serves to keep participants active in the treatment process. However, while drug testing is perceived to be an integral part of drug courts, it is important to note that drug

tests alone are not likely to reduce criminal behaviour and may actually increase it – one study found a slight, but non-significant, increase in crime when more drug testing occurred and cautioned that drug testing too frequently may undermine any type of alliance between criminal justice agents and offenders.

Some mechanisms specific to juvenile drug courts were suggested. These courts include family, schools and the community in a collaborative process to promote long term behavioural change and provide juveniles with support networks. Some juvenile drug courts provide home-based services, with the aim of encouraging the living environment and family relationships that are supportive to the programme.

Different sanctions may be used in juvenile drug courts that both promote accountability and the development of prosocial skills and competencies.

## **Moderators – in which contexts does it work best?**

The review tested the effect of a large number of contextual differences, concluding that variation in drug court effectiveness can be explained, at least in part, by the type of offenders it targets, the leverage it holds over them, and the expectations placed upon them.

- Adult drug courts show a 10% reduction in reoffending, while juvenile drug courts show a smaller 5% reduction. Both are statistically significant reductions.
- Those drug courts which exclude violent and non-compliant offenders show significantly larger reductions in reoffending than those who include them.
- There is also a difference depending on the type of drugs to which participants are addicted – drug courts have a stronger effect on methamphetamine addicts than those who are addicted to crack, alcohol or marijuana (although all of these show significant reductions in reoffending). For heroin addicts, reductions in reoffending are much smaller and no longer significant.
- Drug courts whose participants were mostly white or first time offenders had larger reductions in reoffending than those which did not, though even those with mostly minority and repeat offenders still saw significant reductions.
- Age and employment status of participants were not found to make a difference to reoffending rates.

Drug courts which ensured that participants remain supervised following graduation were found to be significantly more effective than those which terminated the supervision at graduation. Equally, it was found that drug courts which were stricter in issuing formal or major responses to the first positive drug test from participants were more effective than those with a lesser or no response. Those which responded to major infractions within 24 hours were also significantly more effective. It seems that strict supervision, and quick responses to infractions are important to ensure the success of the drug court.

It was also discovered that drug courts are also more effective if they impose compensation, require participants to engage in educational services (if needed) or require participation in victim impact panels.

## Implementation – what can be said about implementing this initiative?

The review identified the main features which drug courts share.

- Drug courts integrate alcohol and other drug treatment services with criminal justice system case processing – these include detoxification, residential services, intensive outpatient services, and traditional outpatient services.
- Using a non-adversarial approach, prosecution and defence counsel promote public safety while protecting participants' due process rights.
- Eligible participants are identified early and promptly placed in the drug court programme – screening criteria are important so identification is immediate.
- Drug courts provide access to a range of alcohol, drug, and other related treatment and rehabilitation services.
- Abstinence is monitored by frequent alcohol and other drug testing.
- A coordinated strategy governs drug court responses to participants' compliance.
- There is ongoing judicial interaction with each drug court participant.
- Monitoring and evaluation measure the achievement of programme goals and gauge effectiveness.

The review authors stated that continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. They also noted that forging partnerships among drug

courts, public agencies, and community based organisations generates local support and enhances drug court programme effectiveness.

A key characteristic of drug courts involves the integration of treatment and the criminal justice system. However, the extent to which the two systems are integrated is likely to vary by jurisdiction and programme. For example, some drug courts offer 'in-house' treatment programmes, ensuring a stronger continuum of service delivery. Others which outsource treatment programmes to other providers in the community may not have such strong integration.

The importance of drug court staff was highlighted by the review. Staff must be educated and receive training and supervision. The most effective interventions have competent staff members who possess characteristics related to effective counselling such as communication skills, warmth, humour and empathy.

With regard to juvenile drug courts, a number of factors regarding implementation were discussed. While substance use and chemical dependency is easier to identify among adult offenders through clinical assessment and their criminal record, it is more difficult among juvenile offenders, where substance use may be only indirectly related to criminal charges and juveniles are likely to have shorter histories of use. The importance of finding eligible participants was difficult in juvenile populations, which may point to the need for juvenile drug courts to utilise standardised assessments.

The review authors noted that while the most effective programs are designed to last between three and nine months, drug courts are generally designed to last a minimum of 12 months. The review also noted that the most effective programmes target higher risk offenders – that is, they match the level of service to the level of risk. Targeting lower risk individuals with higher risk services may actually result in increasing reoffending rates among participants. One study found that placing participants in half-way houses while in drug courts saw an 8% reduction in reoffending amongst high-risk participants, but a 4% increase in reoffending amongst those who were low-risk.

Finally, it warned that individuals will respond to treatment depending on a number of factors including motivation, IQ, personality, and cognitive ability. Rewards should be contingent on prosocial behaviours and should exceed punishments by a ratio of 4:1.

# Economic considerations – how much might it cost?

The review mentioned that between 1994 and 2002, \$125 million was provided to local jurisdictions in the USA for the planning, implantation and operation of drug courts. However, no other mention was made of costs of the programme, and no cost-benefit analysis was conducted.

A different review by the USA Government Accountability Office (2011) reported the net benefit from 11 drug courts, which had such information. This ranged from \$47,852 to minus \$7,108, with 8 of the 11 drug courts showing a positive net benefit. The net benefit is the cost of the program less the cost of processing a case in criminal court. Those courts with the highest net benefit used the costs of the offender being returned to prison in their calculation.

## General considerations

- All of the studies within the review are from the USA, so caution must be taken when transferring the findings to the UK.
- A large number of reviews of drug courts have been conducted over the past decade, and the results have remained relatively consistent, showing that adult drug courts are responsible for about a 10% reduction in reoffending, while juvenile drug courts are slightly less effective, but still show significant reductions. Some of these reviews are listed under 'extra resources' below.
- There can be a lot of variation as to what drug courts involve, and this may affect the conclusions drawn about their effectiveness.

## Summary

Overall, the evidence suggests that drug courts have reduced crime, but there is some evidence that they have increased crime.

Adult drug courts showed a 10% reduction in reoffending, while juvenile drug courts showed a 5% reduction. Drug courts work through a combination of supervision, coercion by the judge and a system of rewards and punishments for infractions and good behaviour.

Drug courts which focus on non-violent and first time offenders show the highest reduction in

reoffending. It is important to match the needs of the participants to the services they are offered, and these services should be intensive and behavioural in nature.

Drug courts reduced rates of offending amongst all drug addicts, and while they were found to work best in methamphetamine addicts, there was no statistically significant evidence that they work for heroin addicts.

## Reviews

### Review one

#### Reference

- Shaffer, D. K. (2006) 'Reconsidering Drug Court Effectiveness: A Meta-Analytic View', Doctoral Thesis, University of Cincinnati

## Additional resources

Government Accountability Office (2011) [Adult Drug Courts: Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts](#),

Stein, D. M., Homan, K. J. and DeBerard, S. (2015) 'The Effectiveness of Juvenile Treatment Drug Courts: A Meta-Analytic Review of Literature', Journal of Child and Adolescent Substance Abuse, 24:2, 80-93, DOI: 10.1080/1067828X.2013.764371

Mitchell, O., Wilson, D., Eggers, A. and MacKenzie, D. (2012) 'Drug courts' effects on criminal offending for juveniles and adults', Campbell Systematic Reviews, 2012:4 DOI: 10.4073/csr.2012.4

Brown, R. T (2010) 'Systematic review of the impact of adult drug-treatment courts', Translational Research, June 2010, 263-274 doi:10.1016/j.trsl.2010.03.001

## Summary prepared by

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