



SKAGIT COUNTY ADULT FELONY DRUG COURT

Recidivism and Cost Benefit Analysis

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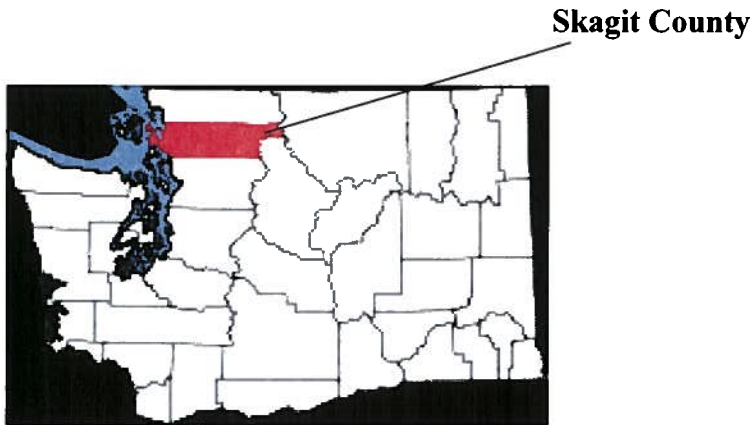
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Skagit County At a Glance...



Population Growth (US Census Bureau)

	July 2007	July 2006	July 2005	July 2004
Skagit County	116,397	114,495	112,223	110,292

Ages 5-17 in families in poverty, 2004 (US Census Bureau)

		<u>90% Confidence Interval</u>	<u>Percent</u>	<u>90% Confidence Interval</u>
Skagit County	2,881	1,982 to 3,780	15.0	10.3 to 19.7

General Population Breakdown (Skagit County Health Department, Skagit County Demography 2007)

White	African American	Asian	Native American	Hispanic
105,982	595	2,325	2,204	15,893
93.7%	.05%	2.1%	1.9%	14.1%

School District	Percent Free and Reduced Lunch Participation, 2006/2007
Anacortes	24%
Burlington Edison	37%
Concrete	53%
Conway	22%
LaConner	37%
Sedro Woolley	41%
Mount Vernon	61%

Source: Skagit County Health Department, Skagit County Demography 2007

10 Key Components of a Drug Court

(Defining Drug Courts: Key Components, National Association of Drug Court Professionals, Drug Court Standards Committee, Reprinted 2004)

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing

Key Component #2: Using a non adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance

Key Component #7: Ongoing judicial interaction with each drug court participant is essential

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness

Abstract

This report presents a review of Skagit County's Adult Felony drug court, including a general description, current status, and cost/benefit analysis (specifically using 2007-2008 fiscal data). In addition, the major findings of several other analyses of Washington State and other drug courts are summarized in order to place the Skagit analysis in context.

The Skagit County Drug Court compares favorably with courts presented in that literature, specifically regarding the recidivism of graduates when compared to those terminated from court and overall savings to the criminal justice system and the taxpayer. Specifically:

- Recidivism (specifically all arrests) of the 142 graduates is 16%, while that of the 96 clients who have been terminated is 32%¹
- Each graduate saves taxpayers \$22,424 in state prison costs. Even accounting for inflation, this amounts to a savings of over \$3 million dollars over the 11 year period²
- Based on another methodology cited in the text, using data from 2007 – 2008, the projected 5 year cost savings per drug court participant is \$55,000³

¹ In 2004, the Washington State rate of recidivism for men and women was 64.6% and 50.5% respectively (Sentencing Guidelines Commission, State of Washington, December 2005)

² This analysis is covered in greater detail on page 9

³ This analysis is covered in greater detail on page 10

Skagit County Adult Felony Drug Court

Admission/Eligibility/Program

Individuals wishing to enter Skagit County Drug Court apply for initial approval with the Skagit County Prosecuting Attorney. The drug court judge is responsible for determining final acceptance into drug court, based upon information submitted to the court by the prosecutor, public defender, and the treatment provider's determination of treatment amenability. Minimum requirements for drug court eligibility are set forth in RCW 2.28.170 and include:

- The offender would benefit from substance abuse treatment,
- The offender has not previously been convicted of a serious violent offense or sex offense,
- The offender is not currently charged with or convicted of an offense during which the defendant used a firearm, or caused substantial or great bodily harm or death to another person

Additionally, an individual may also be disqualified by the judge based on other factors, including:

- The individual is not a resident of Skagit County,
- There is a lack of evidence of drug abuse or addiction,
- the nature and extent of the defendant's criminal history,
- The restitution owed cannot be reasonably paid in the 24 month drug court program, and
- the extent to which space is currently available in the drug court program.

Skagit County Drug Court is a two year program, consisting of 4 phases of treatment structured as follows:

Phase 1 – 12 weeks

4 groups per week

2 individual counseling sessions per month

2 12-step meetings per week

14-16 random, monitored UAs per month

Phase 2 – 24 weeks

2 groups per week

2 individual counseling sessions per month

2 12-step meetings per week

Moral Recognition Therapy

8-10 random, monitored UAs per month

Phase 3 – 16 weeks

2 groups per week

1 individual counseling session per month

2 12-step meetings per week

2-4 random, monitored UAs per month

Phase 4 – 52 weeks

1 group per week

2 12-step meetings per week

2-4 random, monitored UAs per month

Many, if not most participants begin treatment in a state supported residential program. Once discharged, on site substance abuse treatment consists of the Matrix Model of Outpatient Treatment, a cognitive-behavioral, evidence based practice, consisting of individual and group counseling. Group themes include:

- Early Recovery: clients learn about abstinence and recovery skills. They learn about self-help programs and work on increasing self-esteem.
- Relapse Prevention: clients interact with others in recovery and learn relapse prevention tools.
- Family Education: clients attend with family members and learn to deal with family's anger/trust issues.
- Social Support: clients practice re-socialization skills and broaden support system of sober, recovering friends.

Drug court clients also complete Moral Recognition Therapy (MRT). MRT is a treatment strategy designed to enhance self-image, promote growth of a positive, productive identity, and facilitate the development of higher stages of moral reasoning. Research outcomes from a host of MRT implementations, especially with populations involved with the criminal justice system, show that MRT participants have significantly lower levels of rearrests and reincarcerations in comparison to appropriate controls. The goal of MRT is to change conscious decision making to higher levels of moral reasoning.

The drug court team consists of the superior court judge, coordinator (Skagit County Superior Court bailiff), a representative from the prosecutor's office, a representative from the public defender's office, a law enforcement representative, treatment providers, and a representative from the Skagit County Jail. The function of the team is to develop an appropriate treatment plan, access program services and resources on behalf of participants, and support and monitor participant compliance with the terms of treatment.

The drug court team meets before every drug court session to staff the progress of each participant. Once court convenes, each participant is called before the judge to discuss treatment progress, personal health and decision making, and changes in quality of life as a result of recovery. Sanctions are imposed for non-compliance. Clinical sanctions are imposed for clients who have relapsed or are at high risk of relapse. These sanctions can include movement back to a lower phase, inpatient treatment, and/or increases in community support group attendance, i.e. 90 12-step meetings in 90 days. Sanctions for non-clinical non-compliance issues can include jail or work crew. Termination procedures may be initiated for repeated non-compliance or commission of a new felony. Participants are accountable for all restitution and fees.

Drug Court Evaluation: Skagit County Analysis

Skagit County Drug Court enrollment in FY 07-08 averaged 43 clients, ranging from a low of 40 in July to a high of 47 in January. Current enrollment is 44 with 7 observers (observers participate in treatment and court activities for 2-6 weeks while waiting for determination of amenability or while deciding whether or not they want to formally enroll in drug court).

During Fiscal Year 07-08, 69 unduplicated clients were enrolled in the court. Of those, 27 new clients were admitted, 17 clients graduated, 4 opted out, 3 were terminated, and 2 are currently on warrant status.

In a sample of clients enrolled in the month of January:

- 49% of clients' primary drug of abuse was methamphetamine
- 19% reported alcohol as primary
- 86% of clients were white
- 5% were Native American
- 3% were Latino
- 65% of clients were male
- 51% were under 30
- 51% had not completed high school

One of the primary advantages of a drug court is that it provides the support of a combined legal and clinical team to focus clients on treatment and recovery, thereby increasing retention and completion. Treatment retention is a measure of client engagement in treatment over time. Statistically, most treatment impacts occur after 90 days of treatment⁴. This rate for adults in Skagit County Drug Court during FY

⁴ Washington State Division of Alcohol and Substance Abuse

07-08 were higher at both 90 and 180 days than state drug court retention rates and county and state outpatient treatment retention rates as illustrated below:

	90 day retention	180 day retention
Skagit County Drug Court	81%	56%
All State Drug Courts	65%	42%
Skagit Co. Outpatient Tx	60%	33%
State Outpatient Tx	61%	35%

Drug Court Treatment Costs

During FY 07-08 treatment costs for drug court clients totaled just over \$320,000. 47 assessments, 6,747 group treatment hours, 797 individual treatment hours, over 600 case management hours, and over 3000 UAs were provided. Mental health counseling was also provided on site at Skagit Recovery Center for individuals with mental health issues.

Of the \$320,000 expended on drug court treatment \$200,000 came from the State Division of Alcohol and Substance Abuse, \$30,000 came from NWHIDTA, with the remaining \$90,000 coming from local county tax dollars. With an average of 43 clients enrolled, an average of \$6700 was spent on treatment for each client during the year. This would calculate to approximately \$13,400 for each client completing their two year program.

In May of 2008, drug court expanded to two sessions in order to add capacity for a higher number of clients and to allow the drug court judge to spend additional time with each client during court sessions. With the expansion of drug court, treatment costs were re-evaluated and adjusted to allow for the addition of clients with maximum cost effectiveness. Group hour and UA testing requirements were scaled back slightly, and client fee requirements were increased, bringing the two year per client cost down to a little over \$10,000.

07-08 Treatment Reimbursement Rates

Assessment	\$115 per assessment
Individual Counseling	\$74 per hour
Group Counseling	\$19 per client per hour
Urinalysis testing	\$22 per UA
Case Management	\$39 per hour

Skagit County Adult Felony Drug Court: Recidivism and Cost Savings

1. The Service Investment Model⁵

The Service Investment Model (SIM), "... provides users with a picture of the extent to which their services save society money. SIM takes the perspective of society as a whole when calculating Return on Investment (ROI). It tells the provider how much money a program saves the general public for each dollar invested in the services. ROI is calculated by dividing the benefit of a service by the cost of providing the service. SIM produces both an ROI (the ratio between these two costs) and an estimate of the total societal costs avoided by provision of the treatment. Specifically, it calculates how much society saves by not incurring the costs untreated substance users would likely accrue and the value of being able to use those resources for other societal purposes."

Avoided service costs are based on pre-assembled benchmark studies. In this case we have used ADATSA clients for the healthcare domain⁶, and drug users for the Incarceration and Justice domain⁷. We are assuming that these populations are reasonable representations of the drug court clients who are receiving the services that SIM is evaluating. SIM tallies the estimated avoided cost to arrive at an annual estimate for a single client receiving treatment. SIM adopts a conservative modeling approach of limiting these savings to years during which treatment occurs.

Based on healthcare, incarceration, and justice costs, SIM estimates a \$7.44 return on investment for every dollar spent on Skagit County Drug Court treatment. Over a 5 year time period, adjusting for inflation, and accounting for clients who are terminated or opt out of treatment, the savings per client amount to more than \$55,000. For the 69 unduplicated clients entering Skagit County Drug Court in FY 07-08, this means a total, projected savings over the next 5 years of \$3,814,984.

SIM Cost/Benefit Analysis of Skagit County Drug Court

5 year projected savings per client	\$55,000
5 year projected savings for 69 clients	\$3,814,984

⁵ Service Investment Model, Clegg & Associates, Inc. & Calculated Risk, Inc. for the Medina Foundation, June 2006

⁶ Washington Division of Alcohol and Substance Abuse, Trends Report, 2005. Available online at: <http://www1.dshs.wa.gov/pdf/hrsa/dasa/2005TrendsReport.pdf>. (\$9,180 annual saving estimate)

⁷ French et al, "Benefit-Cost Analysis of Addiction Treatment: Methodological Guidelines and Empirical Application Using the DATCAP and ASI," Human Services Research, 37(2) pp.433-455, April 2002. (\$34,448 annual savings estimate)

2. Locally Developed Cost Benefit Analysis

From the beginning of the court in 1997 until September of 2008, there have been 293 participants, including those currently involved:

- Since 1997, 142 have graduated successfully for a 48% graduation rate;
 - Of those, approximately 23 have reoffended for a recidivism rate of 16%;
- Since 1997, 96 clients have been terminated, resulting in a 32% termination rate;
 - Of the 96, 31 have reoffended for a recidivism rate of 32%;
- Enabled the birth of 4 drug free babies⁸
- If one approximates the average yearly treatment funding for Skagit County Adult Felony Drug Court at \$270,000⁹ over an 11 year period (totaling \$2,970,000), then the cost to graduate someone from the 24 month program would be approximately \$20,915;
- From 1997 – 2008, it cost an average of \$20,426 to house an offender in the Washington State Prison System, without factoring in any additional services (\$1,702/month)¹⁰;
- The average mid sentencing range of the highest sentence for drug court clients has been approximately 29.56 months (this is the average time they would serve if not participating in drug court)¹¹;
- At the average annual cost to house an inmate in state prison (\$20,426), it would cost taxpayers \$50,311 to house one offender at his/her current mid sentencing range without adult drug court;

⁸ Estimates of the costs associated with the treatment of drug exposed infants range from \$50,000 per child for the first year of life to \$750,000 for medical costs through the age of 10 (Source: American University, Bureau of Justice Assistance Drug Court Clearinghouse, “Costs Associated with the Birth of Drug and/or Alcohol Addicted/Exposed Infants”, November 10, 2004)

⁹ While funding for the court was significantly less in the early years of implementation, we purposefully assumed an average closer to costs over the past 4 – 5 years in order to account for treatment costs not visible in the court’s operational budget, i.e. costs associated with inpatient treatment paid directly by the state to the inpatient provider.

¹⁰ We determined this average by approximating costs over this 11 year period using two Washington State Prison cost benchmarks available to us at the time: one from the Washington State Department of Corrections in 2004 which placed the annual cost per inmate at \$22,353 and the other from the Everett Herald on November 26, 2007, which placed the annual cost per inmate at \$29,590. This represents an increase of 32% over 3 years. For purposes of this analysis, we assumed this to be constant, and therefore used this percentage to extrapolate the approximate the annual cost per inmate in 2001 (\$16,934) and 1997 (\$12,828). We then averaged the cost over 11 years, including the 1997, 2001, 2004, 2007 figures in the average.

¹¹ We assumed this average to be constant over the 11 year history of the court

- Figuring *only treatment costs*, each successful drug court graduate saves the taxpayers approximately \$29,396;
- If one estimates \$90,000¹² as an average annual cost of participation by the prosecuting attorney and public defender over the 11 year history of the program, and including the investment in outpatient treatment, the cost per graduate becomes \$27,887;
- Factoring in the approximate costs of criminal justice participation in the drug court program, in addition to the treatment costs, and subtracting that from the previously estimated prison costs, then the cost savings per graduate equals \$22,424

This analysis yields a savings of over \$3 million dollars in state incarceration costs alone¹³ over the 11 year history of the court, and is generally consistent with the 5 year projection analysis of the Service Investment Model previously discussed.

Locally Developed Cost/Benefit Analysis of Skagit County Drug Court

Savings per graduate	\$22,424
Savings over the 11 year life of the court	\$3,184,208

The Skagit County Analysis Concluding Remarks

While these limited results reported for Skagit County's Felony Drug Court are impressive, they still represent a comparatively superficial analysis. Further research should address the following questions:

- What is the specific nature of the offences embedded in the recidivism numbers, i.e. the percentages which are:
 - drug related
 - misdemeanors
 - felonies
- What is the impact of the requirement that all participants in the court be fully employed in Phases 2 and 3 on the cost/benefit numbers?

¹² The prosecuting attorney and public defender have each received approximately \$30,000 per year for their participation in the court. This reimbursement was lower early in the court, and has increased over time. The \$90,000 annual figure is an overestimate to account for costs to these offices not formally appearing in their budgets, i.e. non attorney staff time.

¹³ While this analysis is generous with estimates of cost, it does not include more complex features of benefit, for example:

- Savings in emergency room and other health care costs,
- Savings in criminal justice costs prosecuting the re offences avoided by drug court participation
- Increased productivity by graduates becoming re engaged in the workforce

- Is there a specific population of participants who might benefit equally as much from a drug court program shorter than the current 24 month program (this was suggested in the NWHIDTA analysis cited on page 12)?
 - That is, which components of the drug court process are primarily responsible for the positive outcomes?
- Are there more culturally competent strategies which might be more effective with other populations, i.e. Native American and Latino clients?
- Are there diagnosed or undiagnosed mental health problems which are having a potentially hidden impact on the number of terminations?
- Are there criminal thinking errors which are not amenable to change through a drug court, and are there evidence based, legally defensible ways to assess these errors as part of the overall assessment process?
 - If so, are there ways to protect this information so that it doesn't become available in future criminal proceedings against clients previously involved in drug court?
- How will drug courts accept and integrate newer, science based pharmacological treatments for addiction into their treatment protocols?

Drug Court Evaluation: Conclusions from Other Studies

Our goal in developing this section was to place the Skagit County analysis in the context of other outcome research available to us at the time. Given the variety of jurisdictions, the differences in criminal populations, the mixture of state and local data systems, confidentiality statutes, evaluating drug courts is a complex and still emerging science. It is important to continue to define the parameters of this science, and create a body of literature with which we can measure individual studies.

Ultimately these evaluations should strive to answer at least these two fundamental questions:

1. Does participation in an adult felony drug court reduce recidivism and increase the constructive, productive social involvement of participants?
2. To what extent does the comparatively higher up front treatment and other costs yield actual savings over time when compared to the more traditional path of prosecution, sentencing, and incarceration?

This section sites five other studies of varying dimensions and complexity. Some focus specifically on recidivism, while others include various types of cost/benefit analysis:

1. The Urban Institute and the National Institute of Justice, Contract No. OJP-99-C-010, July 2003, Recidivism Rates for Drug Court Graduates: Nationally Based Estimates, Final Report. Recidivism rates were analyzed for 95 drug courts across the United States, including a sample of 2,021 graduates weighted to represent 17,962 total graduates. One year post graduation, recidivism for the weighted sample of 2,021 was 16.4%. The two year recidivism rate for the same sample was 27.5%.
2. NWHIDTA/Washington State Division of Alcohol and Substance Abuse Drug Court Evaluation Project, Final Report, July 13, 2001. This project compared outcomes for four populations (graduated, did not finish, opt out, and ineligible) participating in three adult drug courts (King, Pierce, and Spokane Counties). Findings included:

- a. The overall pattern of results across all four outcome variables (arrests, court filings, incarceration time, and earned income, excluding mortality) and for all three drug courts with sufficient follow up for interpretation (King, Pierce, and Spokane courts) is that participants who graduate have better outcomes than those in any other group;
 - b. Graduates, and only graduates, show systematic and substantial gains in income over the three years after graduation, with these gains tapering off after 3 years;
 - c. In general, the gains made by the graduates after referral to drug court were retained over a three year post-referral period, although on some measures there were weakening patterns in the third year post-referral;
3. Washington State Institute for Public Policy (WSIPP) Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis, March 2003. This analysis compared costs and outcome data for the following courts: King County, Pierce County, Spokane County, Skagit County, Thurston County, and Kitsap County.
- a. A review of the literature by WSIPP led to the following general conclusion:
 "We began the study by reviewing previous drug court evaluations undertaken in the United States. We identified 30 evaluations with reasonably strong research designs and found that drug courts, on average, have been shown to reduce recidivism rates by 13.3 percent, a statistically significant reduction..."
 - b. The study found that five adult drug courts (Kitsap, Pierce, Skagit, Spokane, and Thurston) generate \$1.74 in benefits for each dollar of costs. That is, the 13 percent reduction in recidivism rates achieved by the drug courts saves taxpayers and crime victims more money than the cost of drug courts. A drug court cost of \$10,000 per participant yields a benefit of \$17,400 per participant over time¹⁴;
4. Snohomish County Adult Drug Treatment Court Evaluation, Final Report, September 2003. This more limited study determined that, between October 1999 and March 2003, participation in Snohomish County's Drug Treatment Court:
- a. Resulted in a savings of \$333,000 in avoided jail costs
 - b. Enabled the birth of 5 drug free babies (see note 8 on page 11)

¹⁴ This cost benefit analysis only accounted for the impacts of drug courts on recidivism, and did not include other potential benefits including possible reductions in Medicaid costs, costs associated with continuing substance abuse, and benefits associated with increased productivity and earned income.

- c. Enabled participants to avoid a total of approximately 37.5 years of incarceration in the Washington State Prison System. *While the Snohomish County report itself did not cost out this number of months, our analysis indicates that, if we use \$20,426 as the average cost to simply house one individual in the state prison system for one year (see note 10 on page 11), then 37.5 years of avoided prison time equals a savings of approximately \$765,975 over 3.5 years of the study period.*

5. Eight Year Study of Program Development, Effectiveness, and Impact: Evaluation of the Thurston County Drug Court Program, October 2007. This study examined the available data on eight years of court programming, concluding that:

- a. Recidivism for program graduates was 27% vs 53% for those who were terminated
- b. Savings over 8 years included:
 - i. \$1,175,328 in avoided jail time
 - ii. \$1,250,748 in avoided state prison time
 - iii. \$467,366.25 in avoided community supervision costs
- c. Enabled the birth of 20 drug free babies (see note 8 on page 11)

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