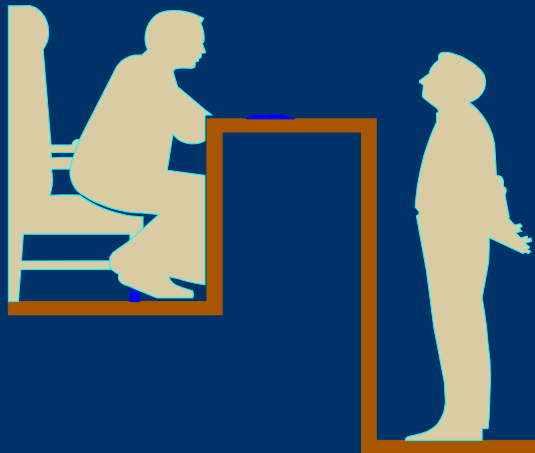


# Drug Courts: ~~Science to Practice~~ *Practice to Science*

**Douglas B. Marlowe, J.D., Ph.D.**

***Treatment Research Institute  
at the University of Pennsylvania***



# Drug Use Among Offenders

**80% of U.S. jail and prison inmates**

- Drug or alcohol-related offense
  - Intoxicated at time of offense
  - Furtherance of drug habit
  - Regular drug use
  - History of drug or alcohol treatment
- 67%-75% state  
33% federal

(Belenko & Peugh, 1998)

# Drug Use Among Offenders

- 67% of probationers
- 80% of parolees
- 60% of adult arrestees
- 20% to 40% of juvenile arrestees

(Belenko & Peugh, 1998;  
NIJ, 2002)

# CJS Involvement of Clients

- Probation, parole or awaiting trial or sentencing
  - 64% long-term residential
  - 57% drug-free outpatient
  - 27% methadone maintenance

(Craddock et al., 1997)

# Outcomes for Drug Offenders

- **Prison**
  - 50% re-convicted or re-incarcerated
  - 95% return to drug use
- **Probation**
  - 50% to 70% don't comply
- **Community-Based Treatment**
  - 70% attrition in 3 months
  - 90% attrition in 12 months



# Drug Courts

- **Special criminal dockets**
- **Non-violent drug-abusing offenders**
- **Judicially supervised regimen of:**
  - **Drug abuse treatment & case management**
  - **Ongoing status hearings**
  - **Random weekly urine drug screens**
  - **Escalating sanctions & rewards**
- **Charges dropped or conditions-served**
- **Record expungement (pre-plea)**

# "Key Components"

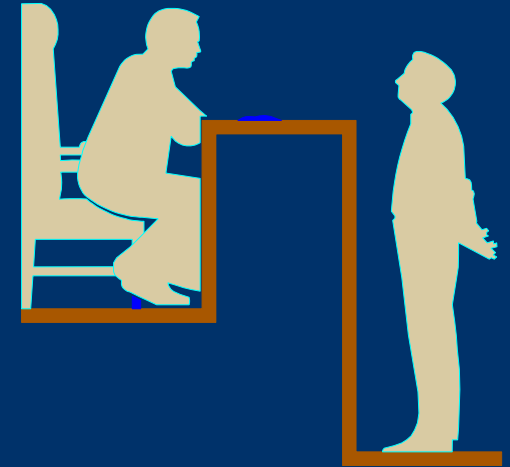
- Judicial status hearings
- Graduated sanctions & rewards
- Urine drug screens
- Drug abuse treatment
- Case management
- Nolle prosequere or conditions-served
- Expunged record (diversion)

**(NADCP, 1997)**

# "Key Components"

## ✓ Judicial status hearings

- Graduated sanctions & rewards
- Urine drug screens
- Drug abuse treatment
- Case management
- Nolle prosequere or conditions-served
- Expunged record (diversion)



(NADCP, 1997)

# Research Site



1st Study:  
New Castle Co.  
(misdemeanor)

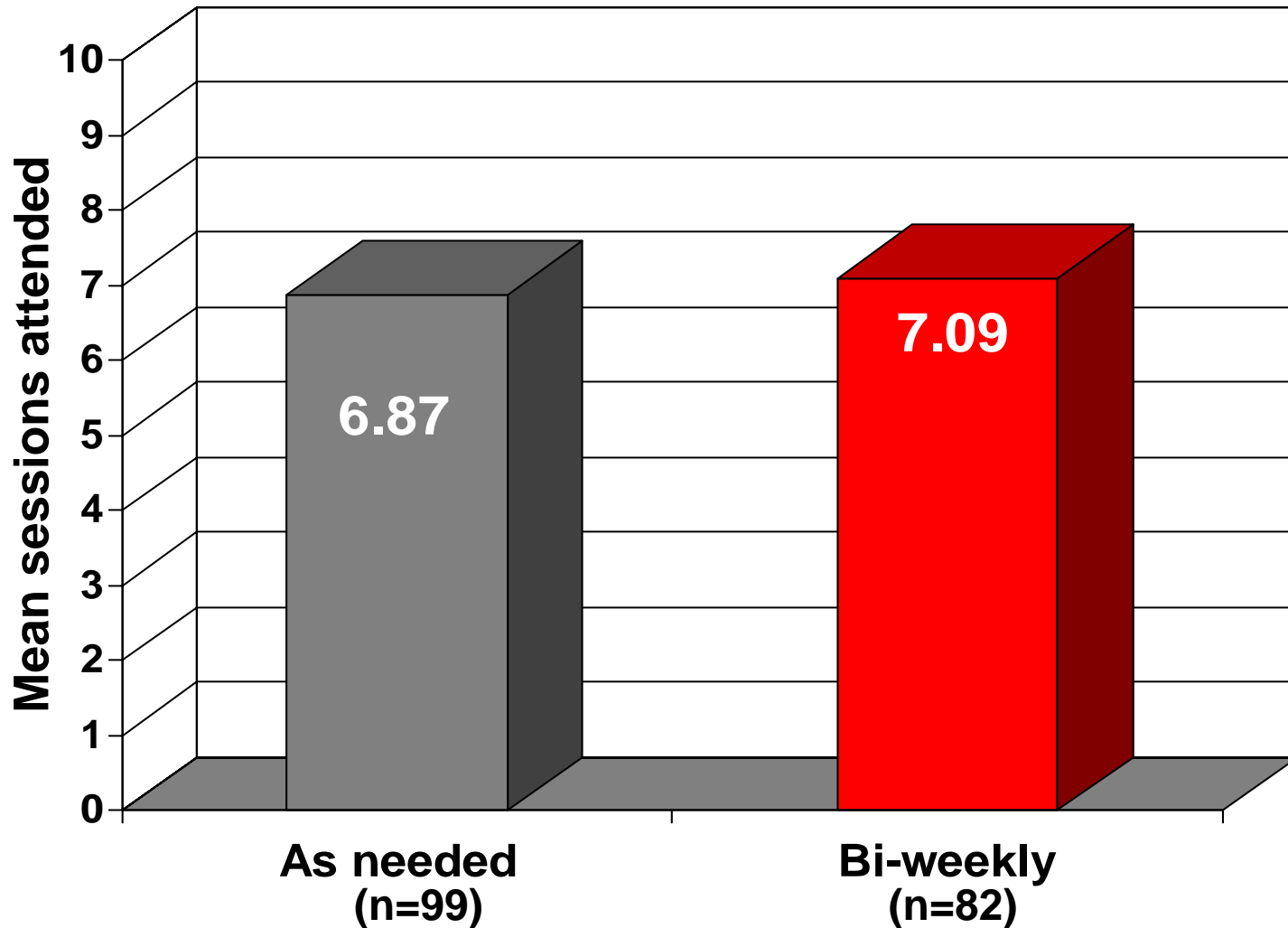
# Research Design

- Randomly assigned to:
  - Bi-weekly status hearings (n = 82)
  - As-needed status hearings (n = 99)
- Equivalent drug treatment, case management, urine drug screens, and sanctions & rewards
- Assessments included:
  - Baseline ..... ASI; ASPD diagnostic interview
  - Weekly ..... Random UAs
  - Monthly (x 3) ..... Perceived Deterrence Questionnaire
  - 6 & 12 months ..... ASI; UA
  - 24 months ..... State criminal justice records

# During Treatment Findings

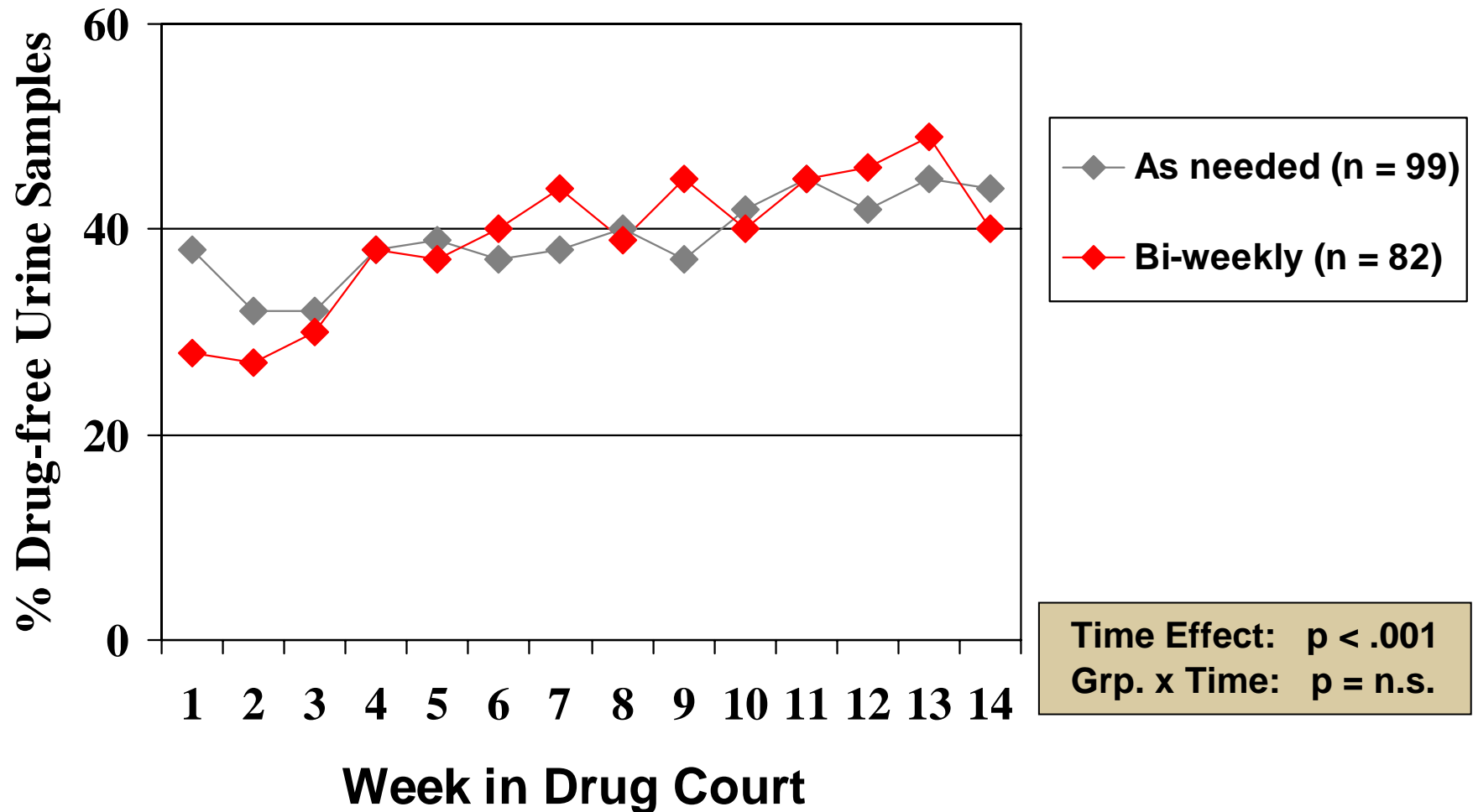


# Counseling Attendance: 14 Weeks

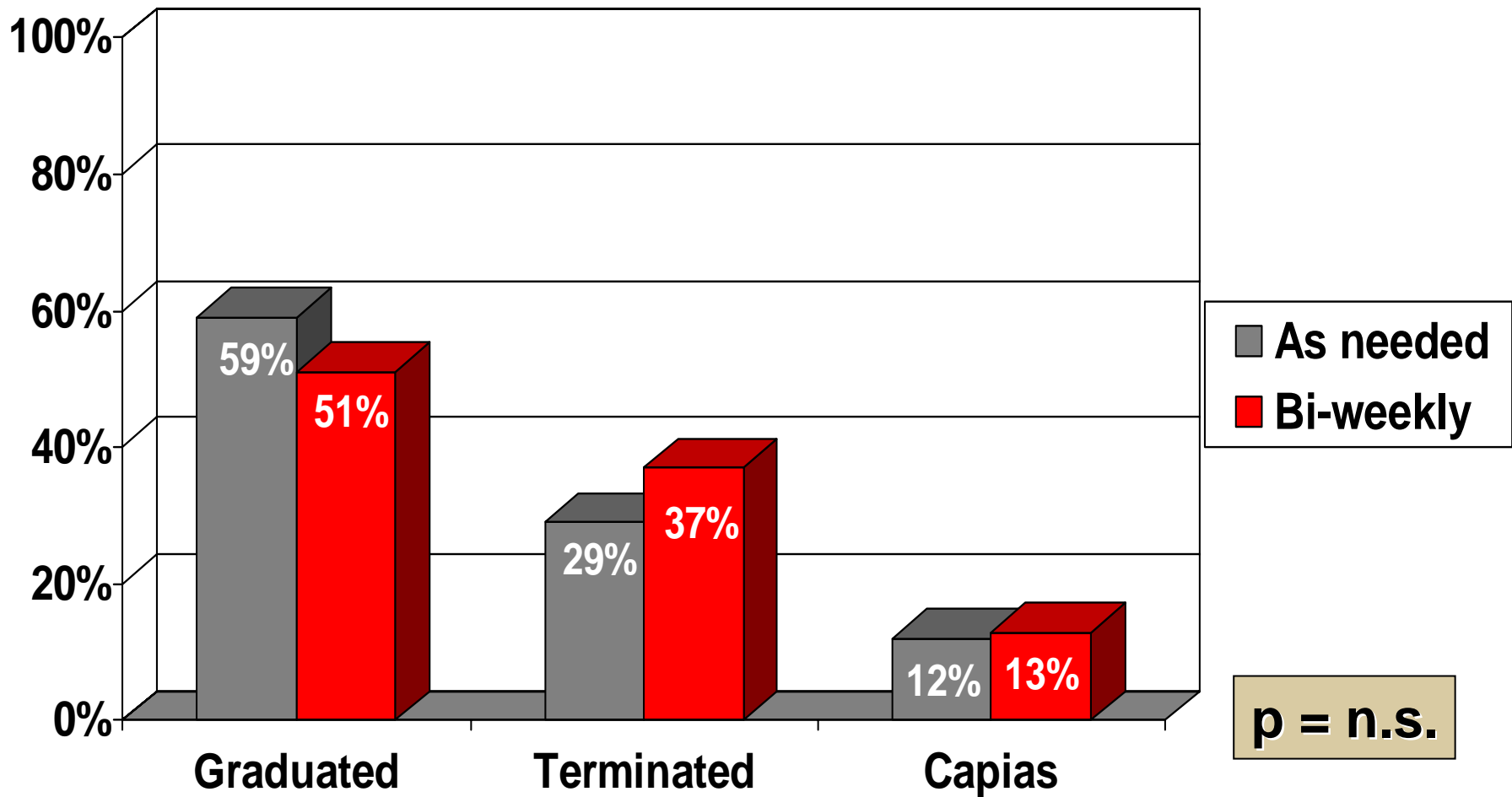


**p = n.s.**

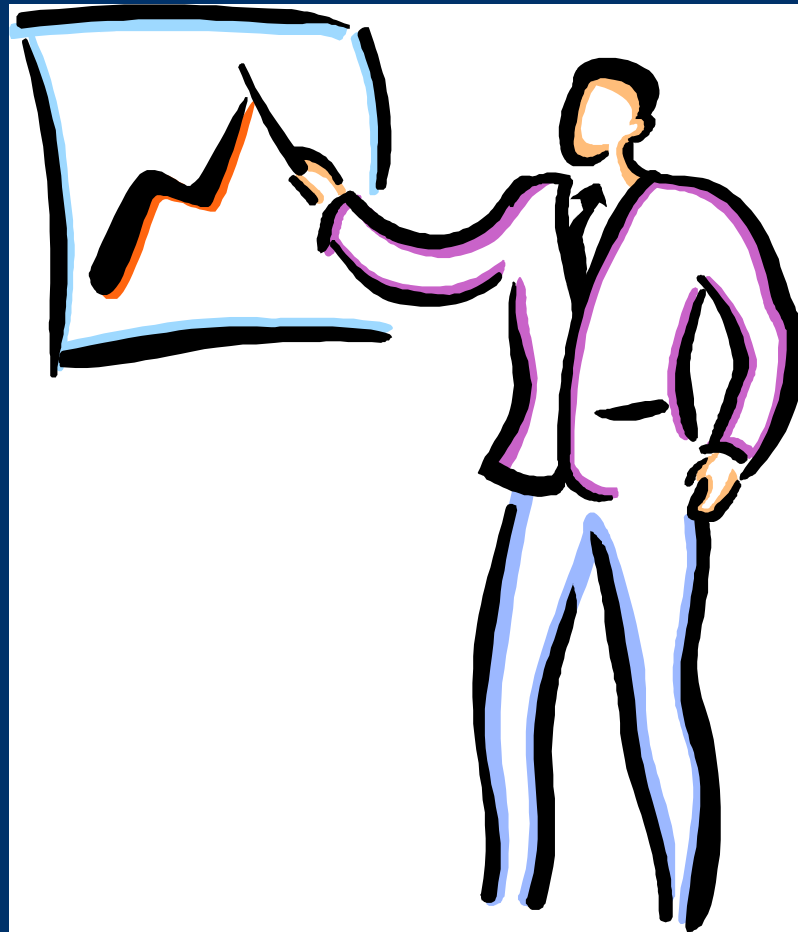
# % Drug-Free Urines by Week



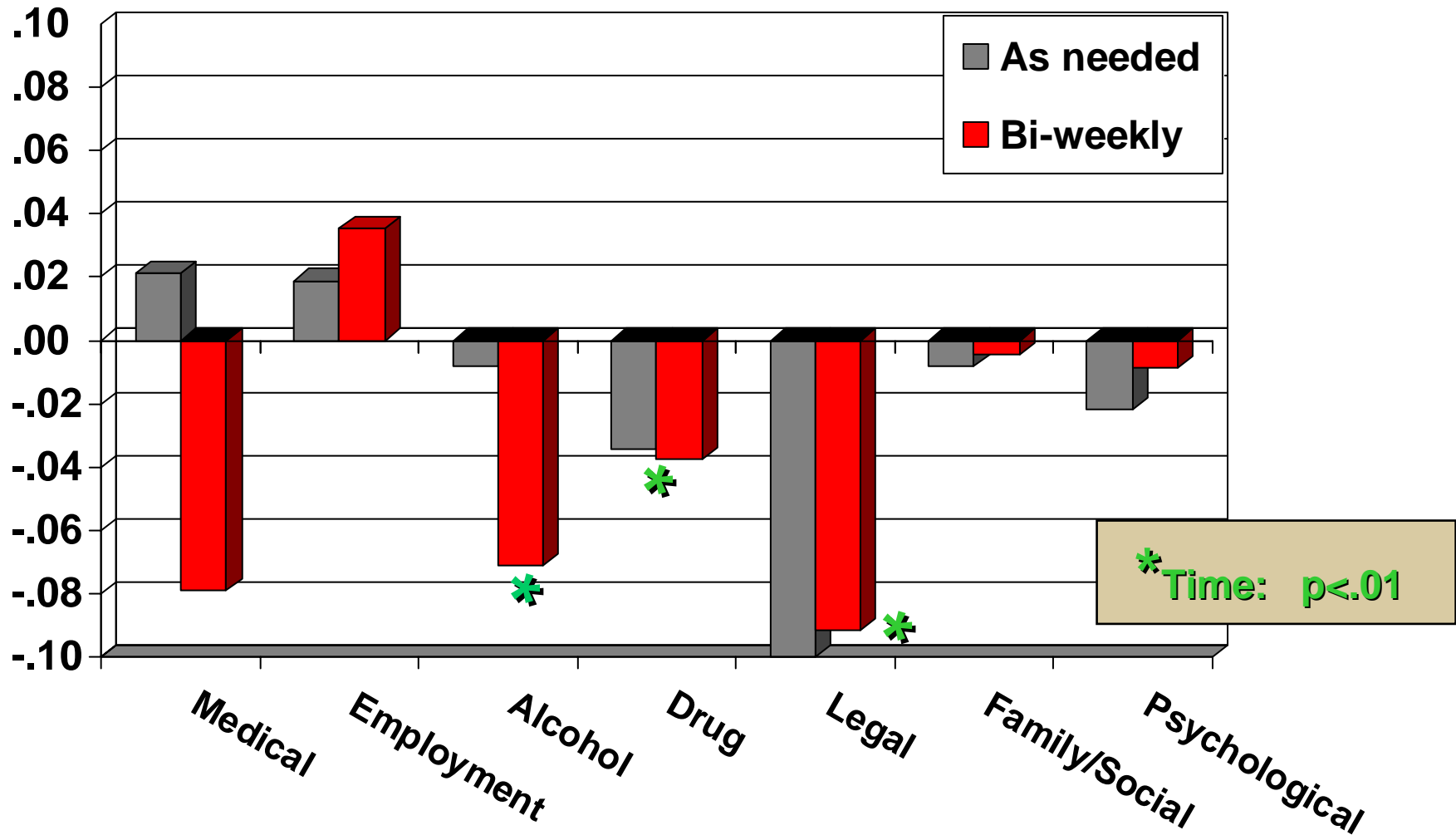
# Completion Status



# Post-Treatment Findings



# ASI Composite Scores: Baseline to 12 Months



# Interaction Effects

- **Age**
- **Race**
- **Gender**
- **Years of education**
- **Employment status**
- **Marital status**
- **Drug severity**
- **Prior drug treatment history**
- **ASPD diagnosis**
- **Legal severity**

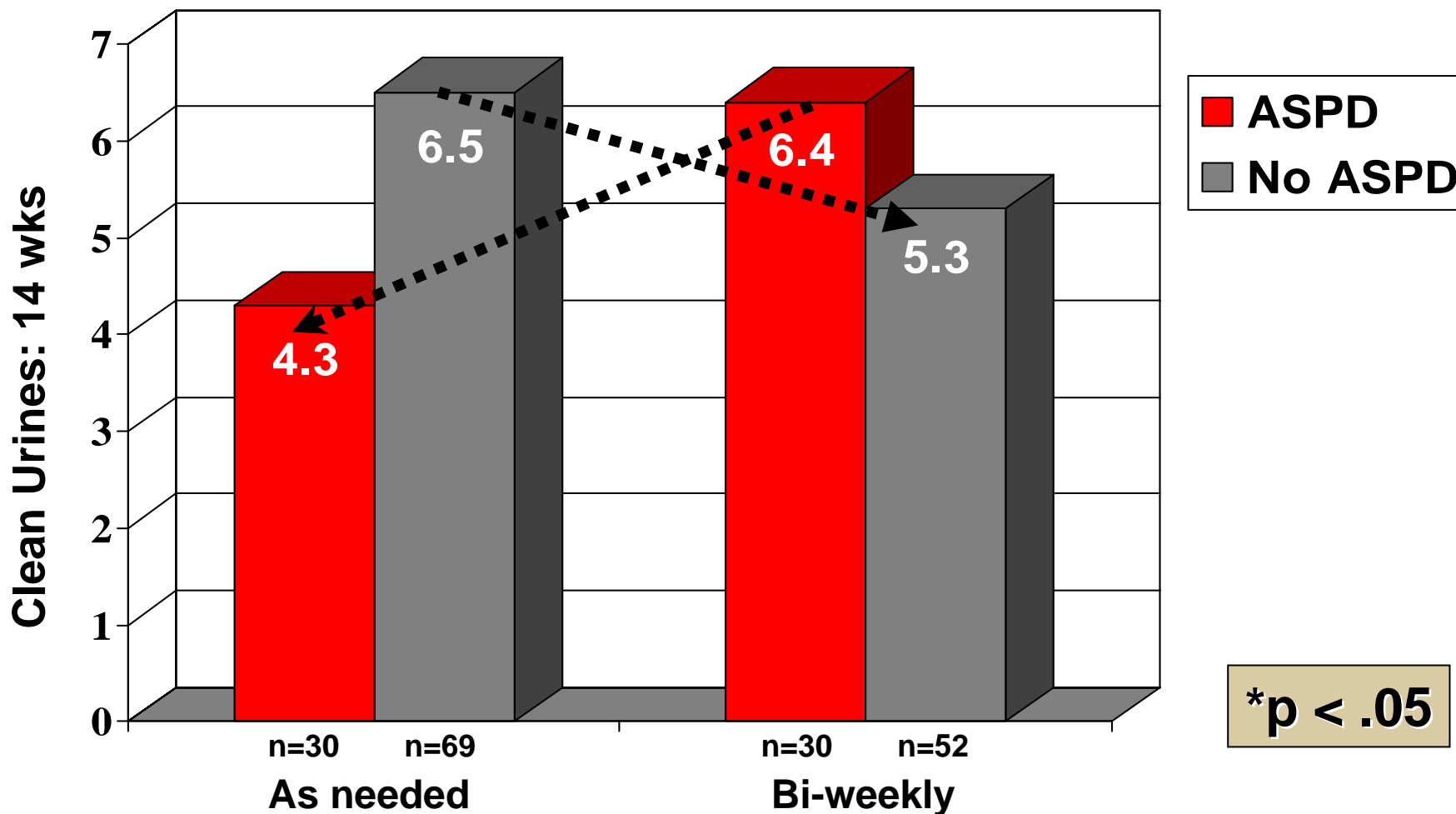
# Interaction Effects

- Age
- Race
- Gender
- Years of education
- Employment status
- Marital status
- Drug severity
- **Prior drug treatment history**
- **ASPD diagnosis**
- Legal severity

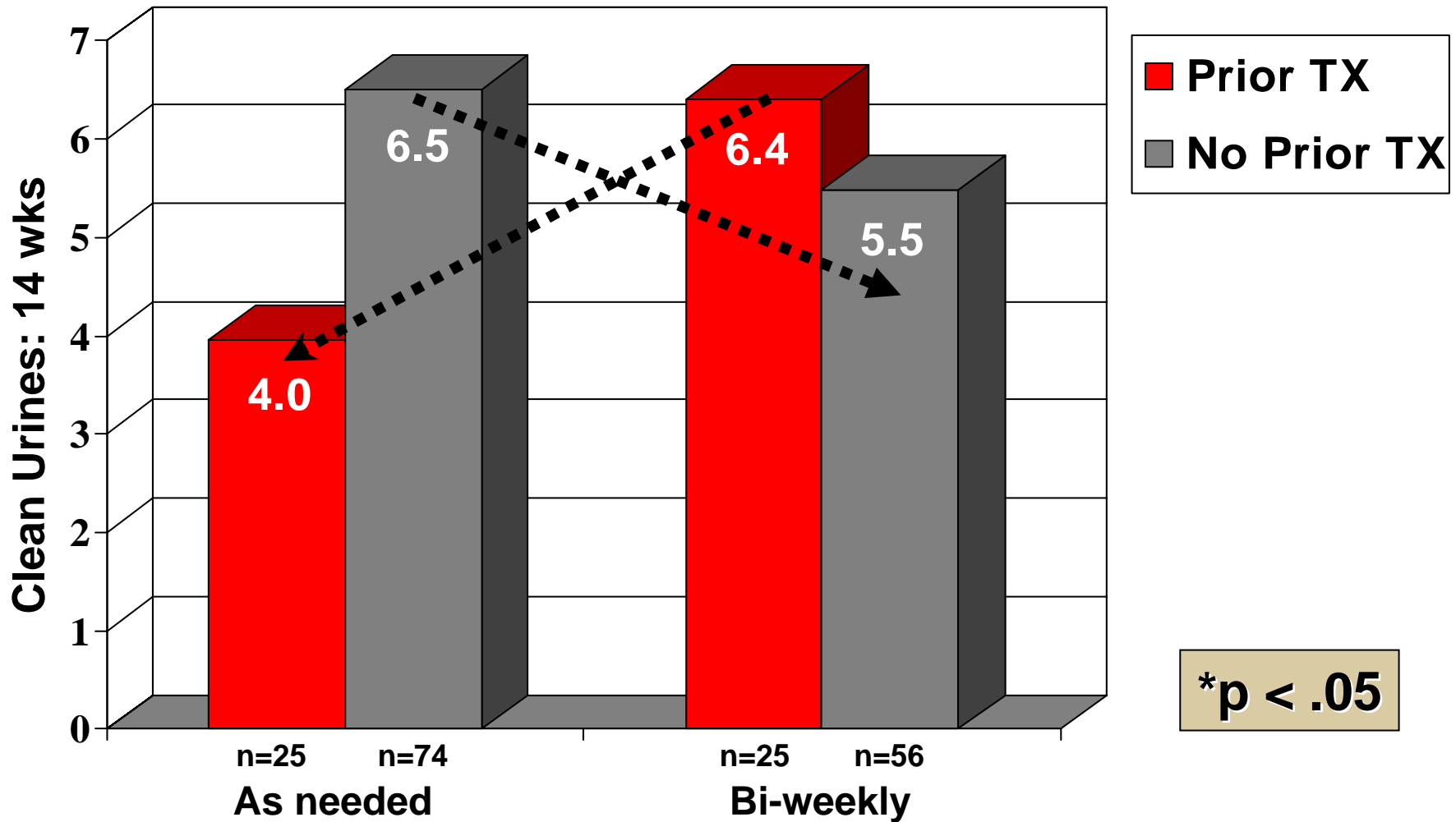
# Interaction Effects

- Age
  - Race
  - Gender
  - Years of education
  - Employment status
  - Marital status
  - Drug severity
  - **Prior drug treatment history**
  - **ASPD diagnosis**
  - Legal severity
- ×** **Status Hearings**

# - Interaction Effect - *Antisocial Personality Disorder*



# - Interaction Effect - *Prior Drug Treatment*



# Replication Sites

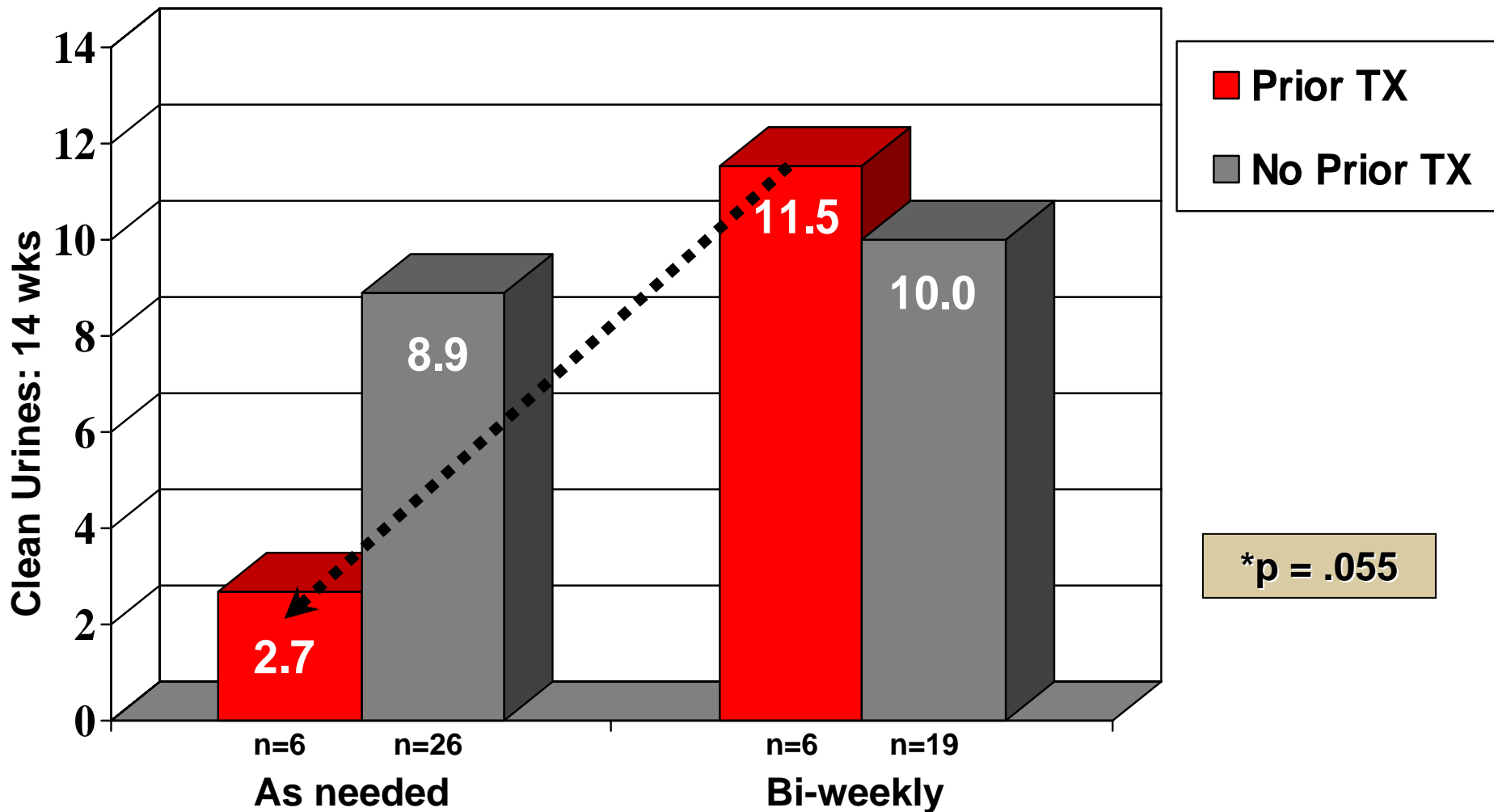


**1st Study:**  
**New Castle Co.**  
**(misdemeanor)**

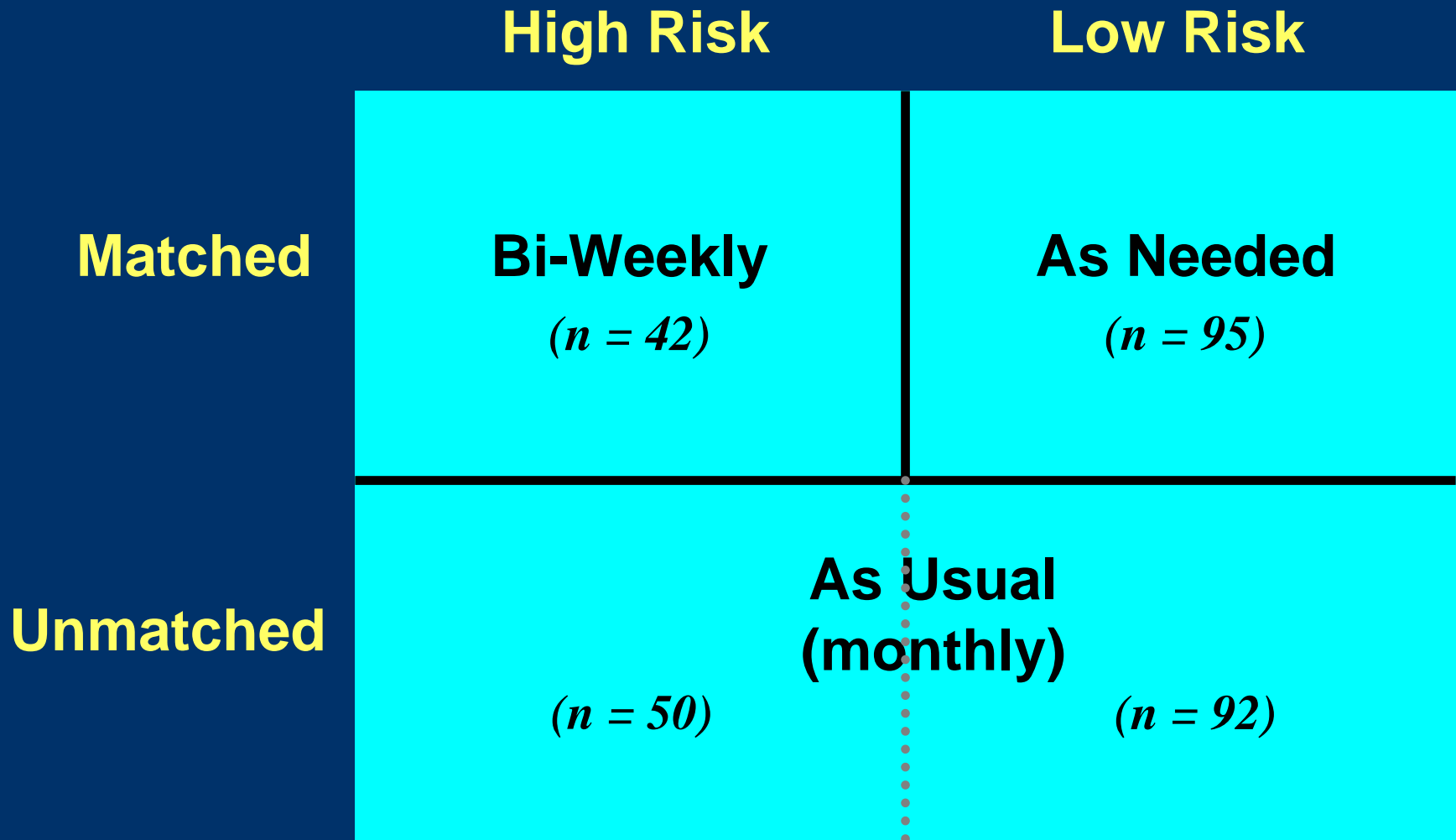
**Replications:**  
**Kent Co.**  
**(felony and misdemeanor)**

**Sussex Co.**  
**(felony and misdemeanor)**

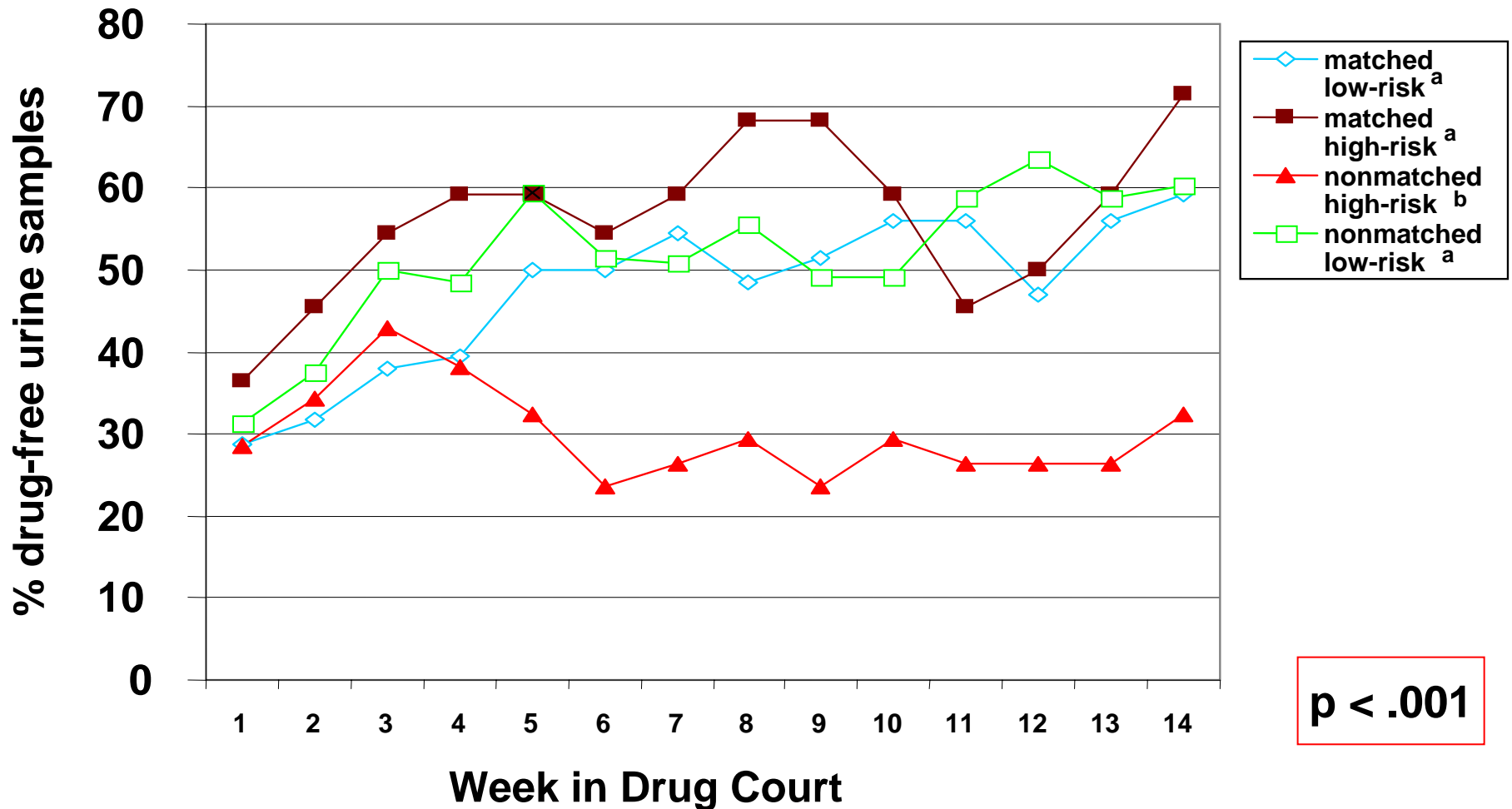
# - Replication of Interaction - *Prior Drug Treatment*



# Matching Design

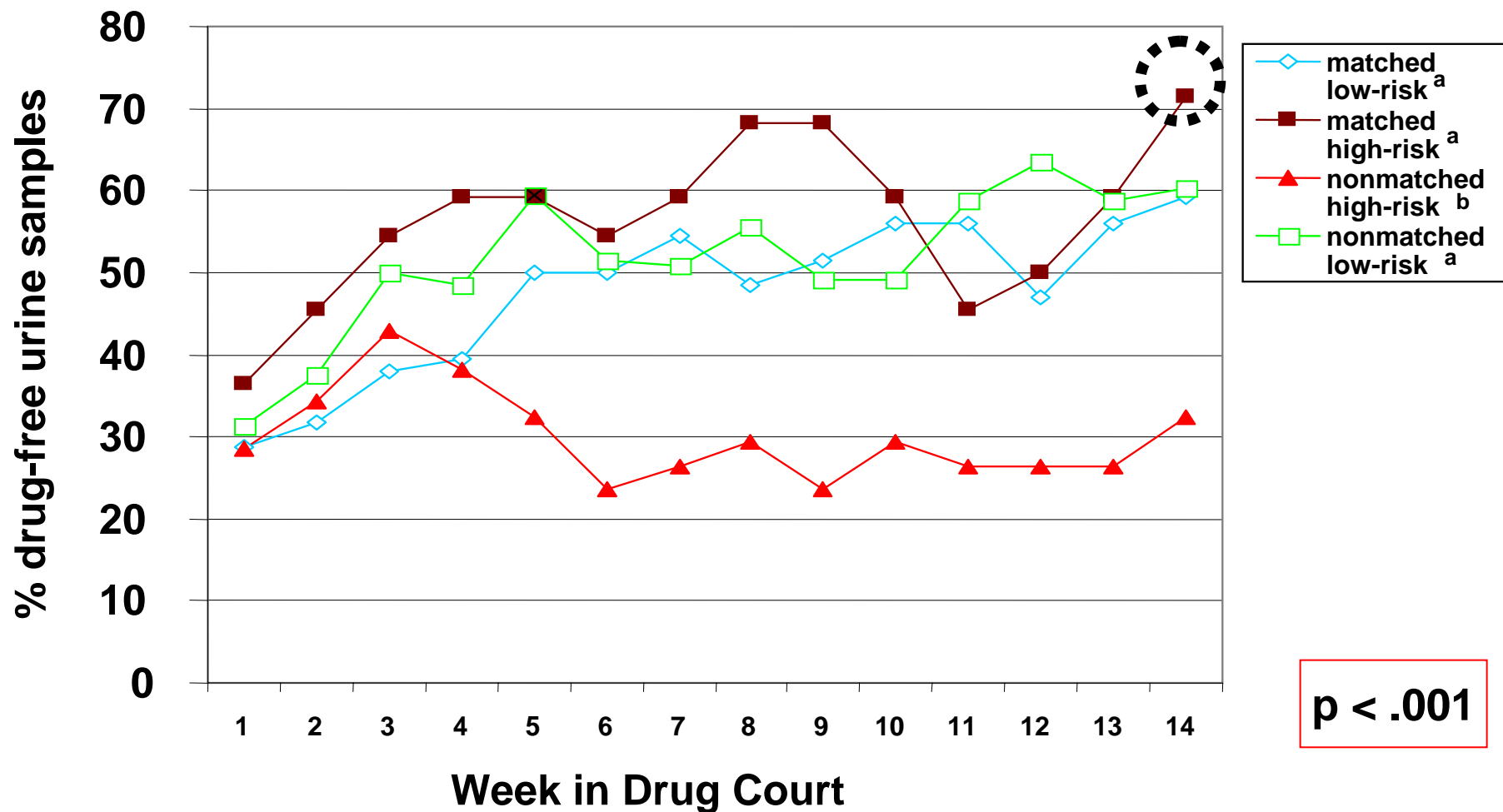


# % Drug-free Urines by Group

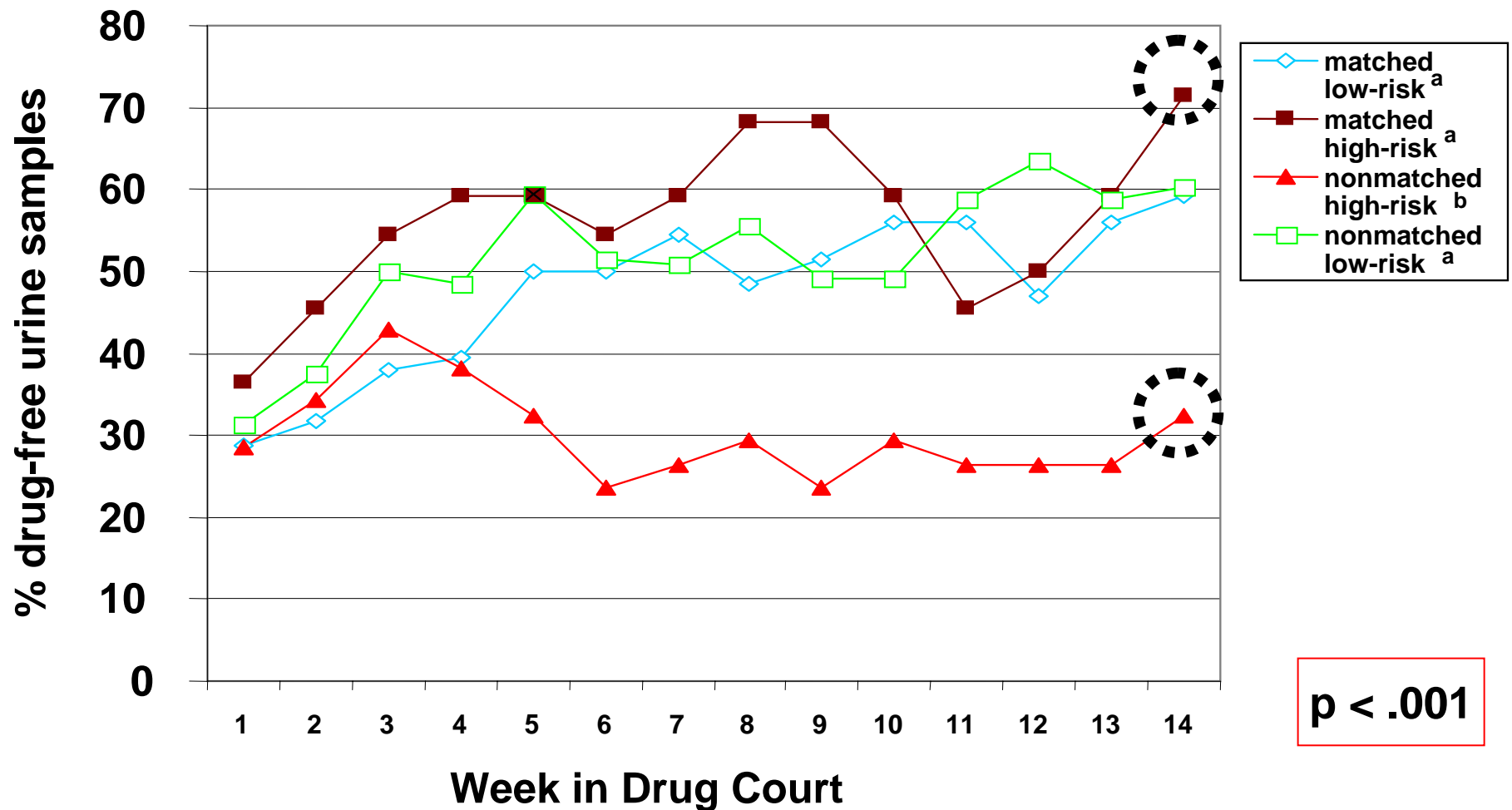


$p < .001$

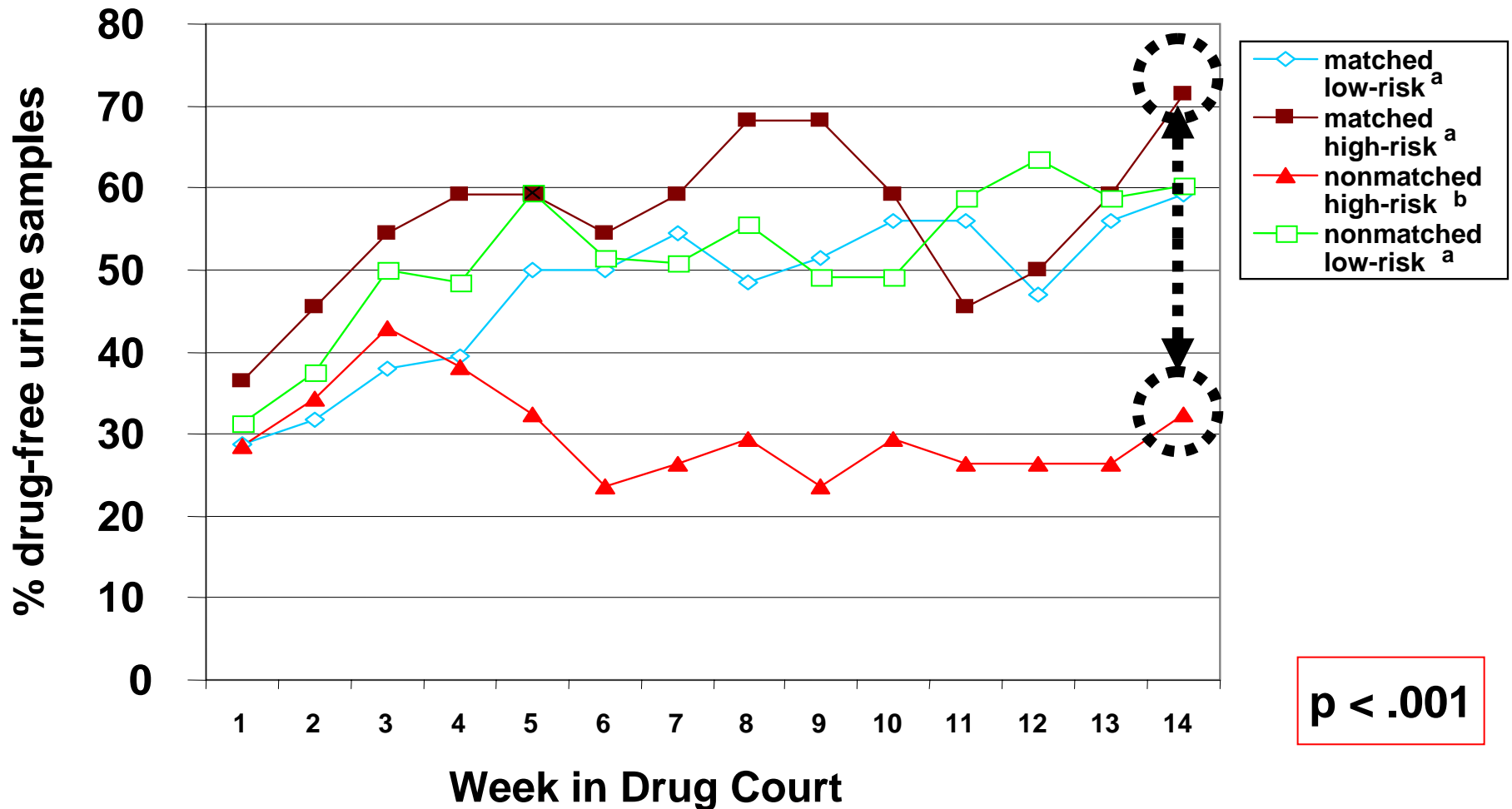
# % Drug-free Urines by Group



# % Drug-free Urines by Group

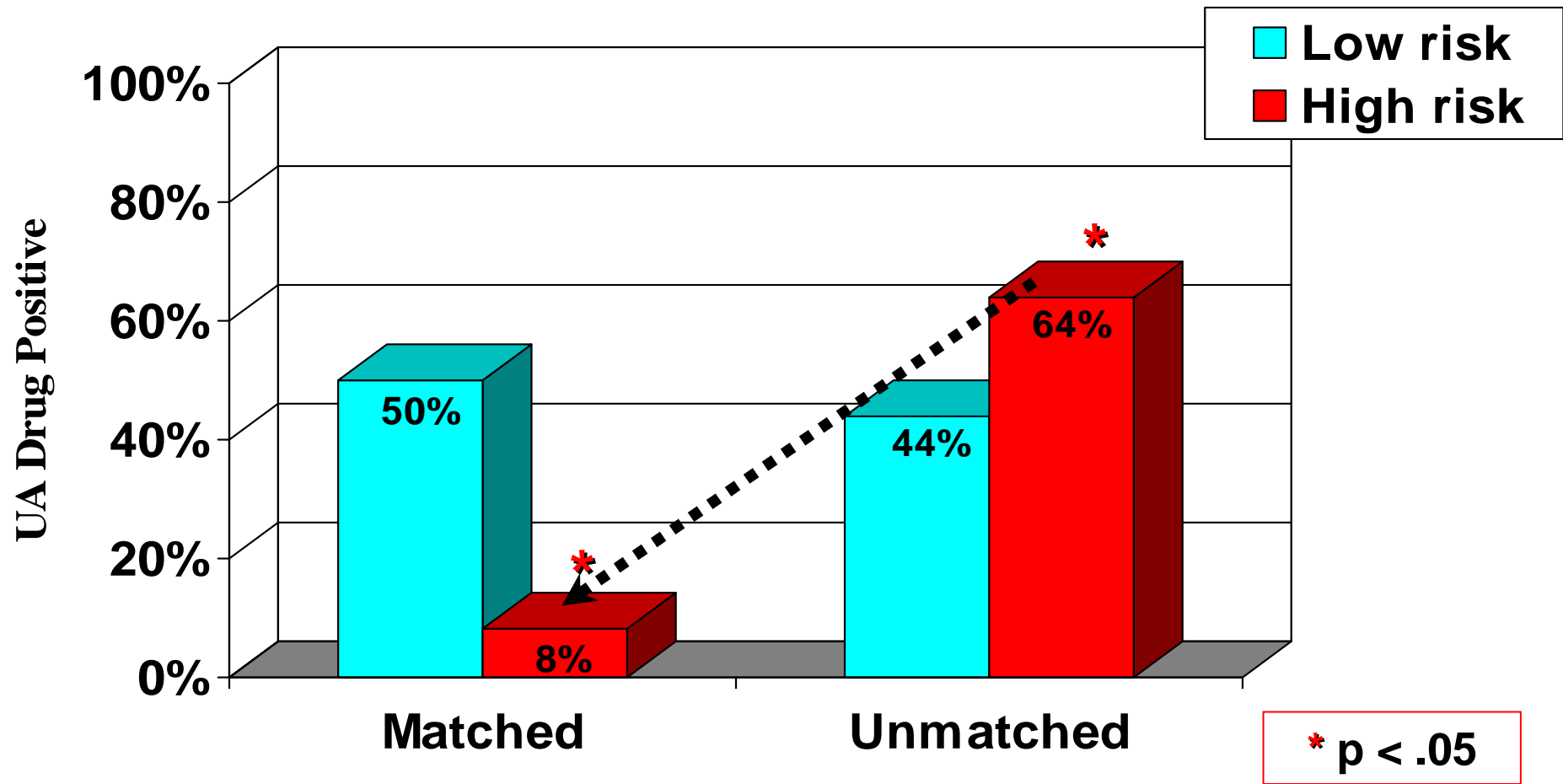


# % Drug-free Urines by Group

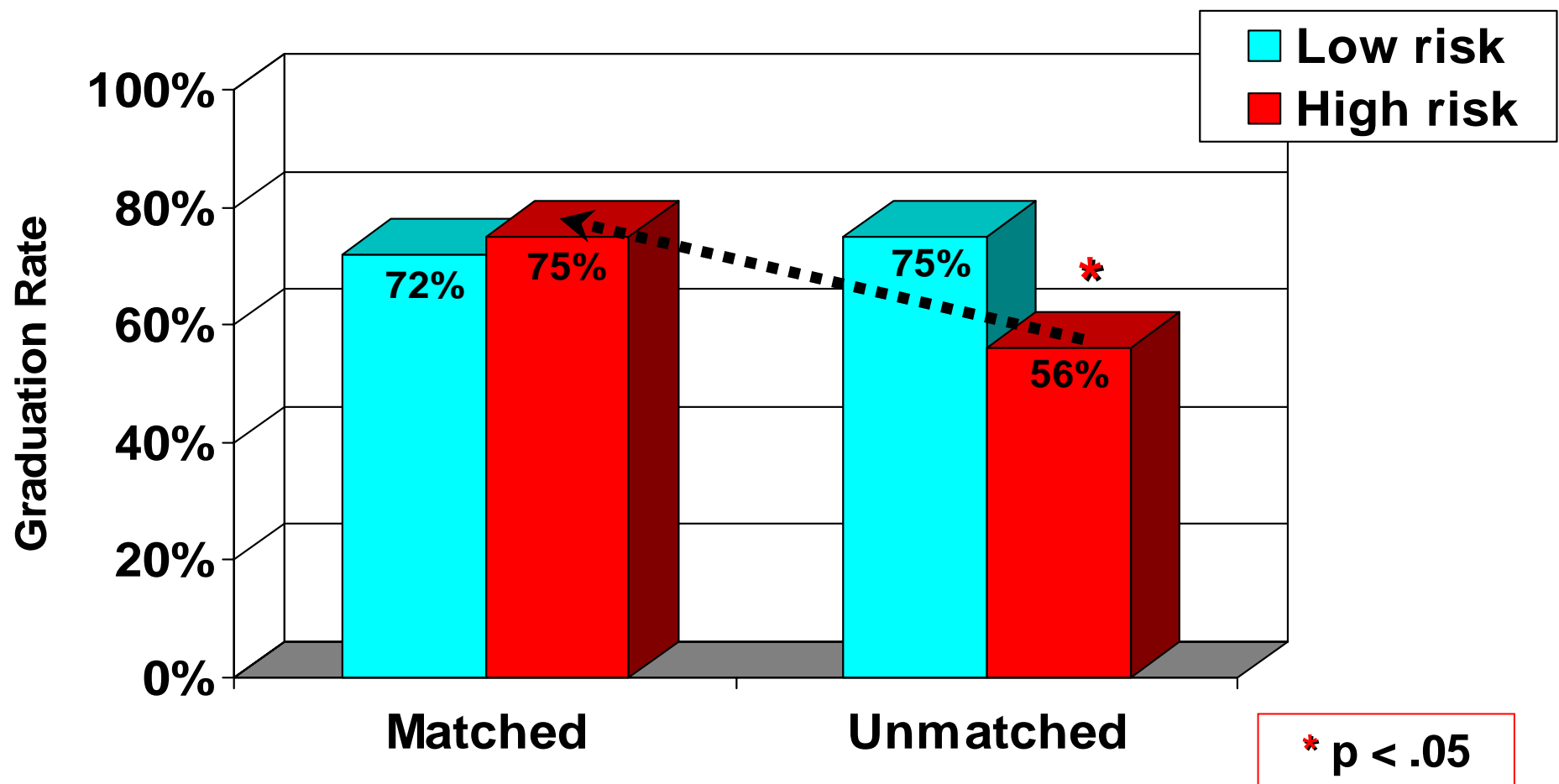


$p < .001$

# Drug-Positive Urines: 6 Mos.



# Graduation Rates: 12 mos.



# Summary

- Randomization in drug court is feasible
- Few main effects for judicial status hearings
- High-risk clients require more hearings
  - Antisocial personality disorder
  - History of unsuccessful drug treatment
- Low-risk clients may require fewer hearings

# Future Directions

- **Adaptive programming**
  - Non-compliance
  - Non-responsiveness
- **Judicial interactions**
- **Vicarious learning (“court as theatre”)**
- **Procedural Justice**
- **Dedicated dockets**



# Selected References

Marlowe et al. (2006). Matching judicial supervision to clients' risk status in drug court. *Crime & Delinquency*, 52, 52-76.

Marlowe et al. (2004). The judge is a key component of drug court. *Drug Court Review*, 4, 1-34.

Marlowe et al. (2003). The role of judicial status hearings in drug court. *Offender Substance Abuse Report*, 3, 33-34, 44-46.

Festinger et al. (2002). Status hearings in drug court: When more is less and less is more. *Drug & Alcohol Dependence*, 68, 151-157.

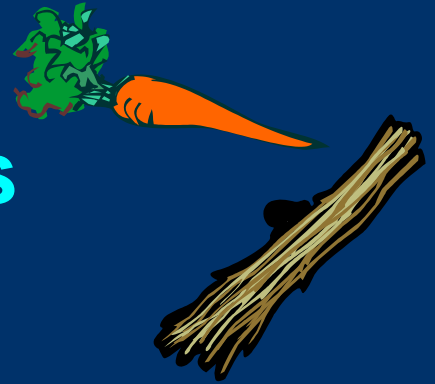
# "Key Components"

- ✓ **Judicial status hearings**
- **Graduated sanctions & rewards**
- **Urinalyses**
- **Drug abuse treatment**
- **Case management**
- **Nolle prosequere or time served**
- **Expunged record (diversion)**

**(NADCP, 1997)**

# "Key Components"

- ✓ Judicial status hearings
- ✓ Graduated sanctions & rewards
  - Urinalyses
  - Drug abuse treatment
  - Case management
  - Nolle prosequere or time served
  - Expunged record (diversion)



(NADCP, 1997)

# Rewards

<i>Months of compliance</i>	<b><u>STANDARD</u> REWARDS</b>		
1			
2			
3	<b>Hat or Candle</b>		
4			
5			
6	Reduced community service		
7	Reduced drug testing		
8	Reduced treatment requirements		
9			
10	Reduced status hearings		
11	Reduced homework assignments		
12			
<b>Total</b>			

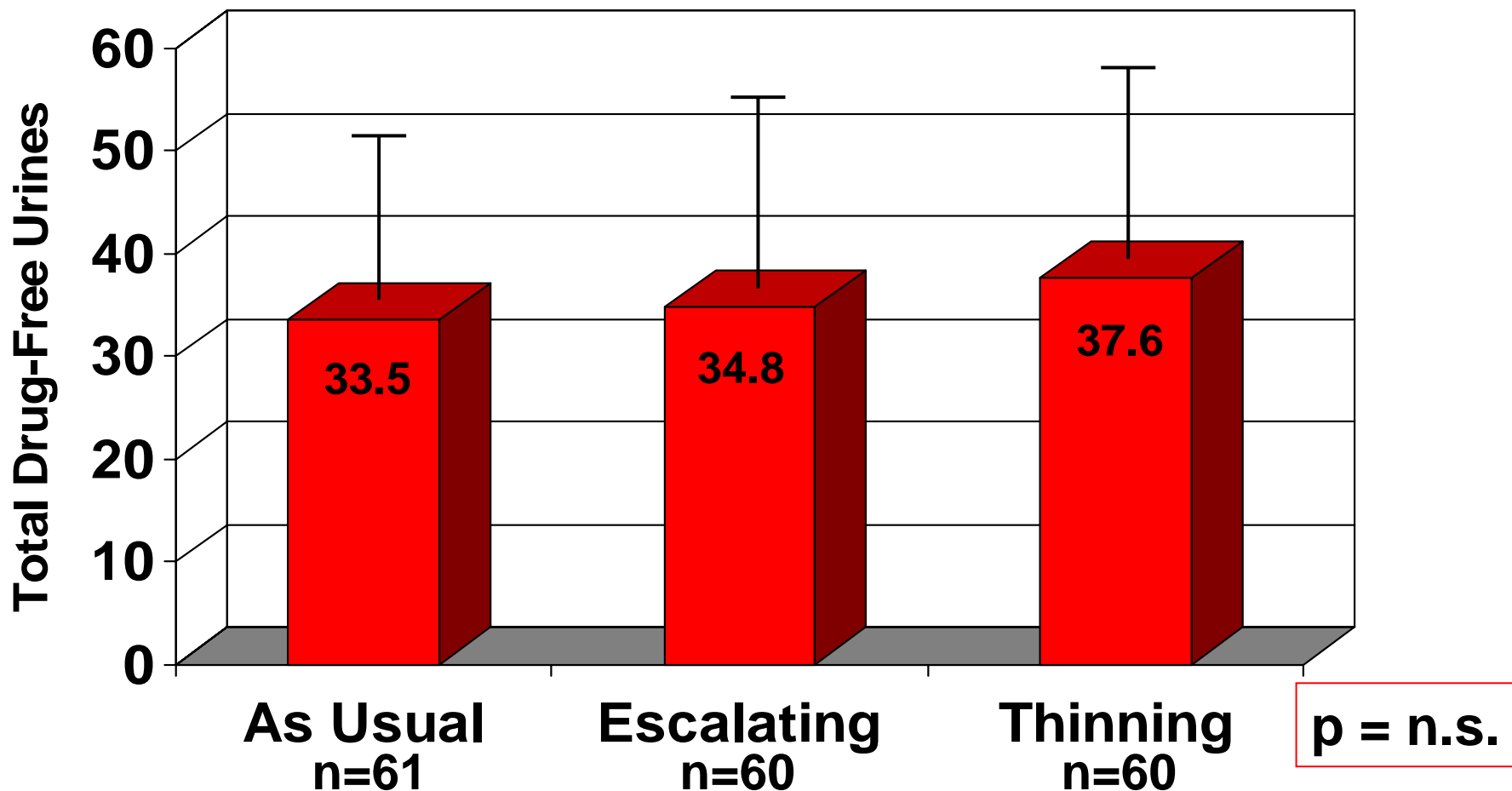
# Rewards

<b>Months of compliance</b>	<b><u>STANDARD</u> REWARDS</b>	<b><u>ENHANCED</u> <u>ESCALATING</u> REWARDS</b>	
1		\$5.00 gift certificate	
2		\$10.00 gift certificate	
3	Hat or Candle	\$15.00 gift certificate	
4		\$20.00 gift certificate	
5		\$25.00 gift certificate	
6	Reduced community service	\$30.00 gift certificate	
7	Reduced drug testing	\$35.00 gift certificate	
8	Reduced treatment requirements	\$40.00 gift certificate	
9		\$45.00 gift certificate	
10	Reduced status hearings	\$50.00 gift certificate	
11	Reduced homework assignments	\$55.00 gift certificate	
12		\$60.00 gift certificate	
<b>Total</b>		<b>\$390.00</b>	

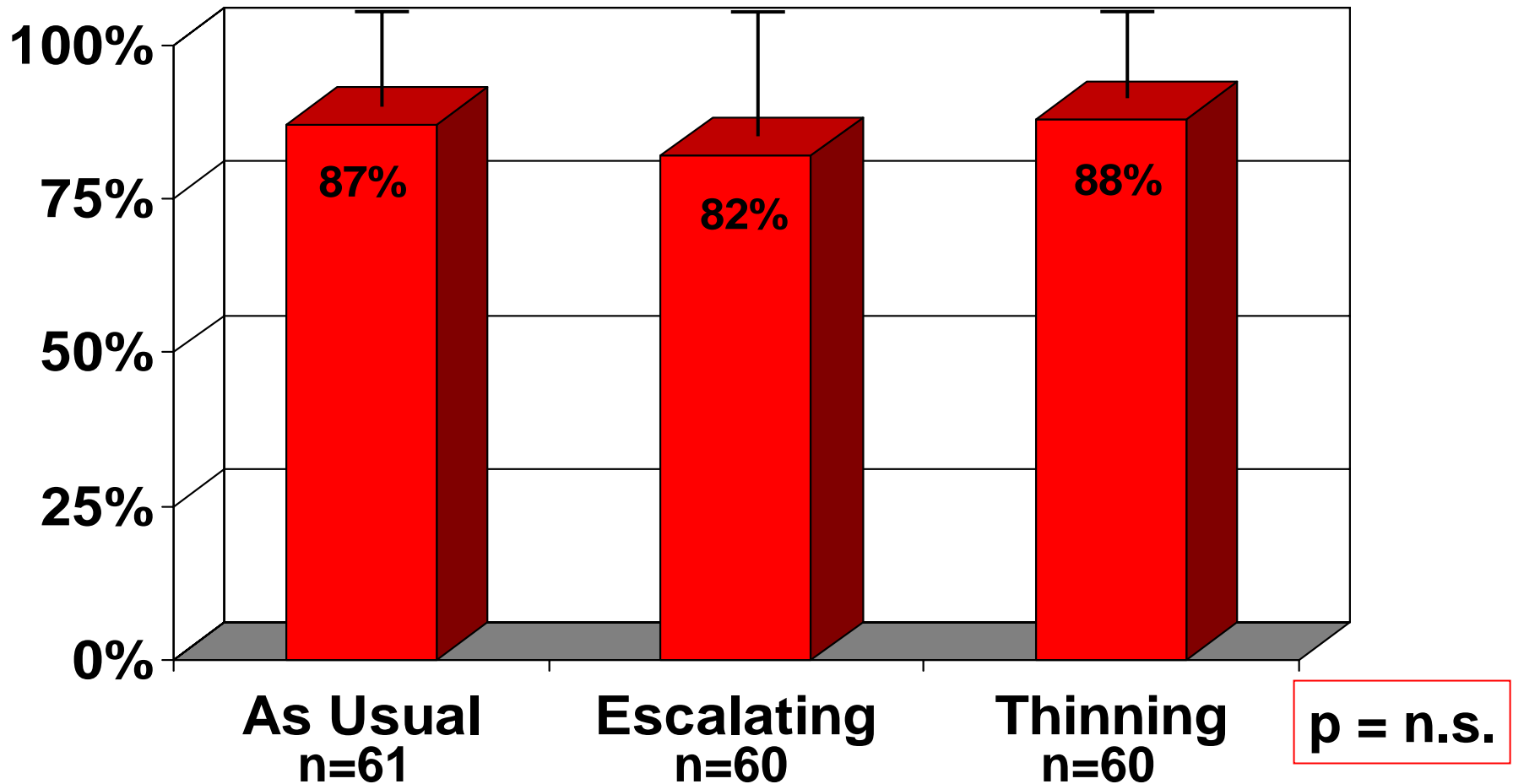
# Rewards

<b>Months of compliance</b>	<b><u>STANDARD</u> REWARDS</b>	<b><u>ENHANCED</u> <u>ESCALATING</u> REWARDS</b>	<b><u>ENHANCED</u> <u>THINNING</u> REWARDS</b>
1		\$5.00 gift certificate	\$30.00 gift certificate
2		\$10.00 gift certificate	\$30.00 gift certificate
3	Hat or Candle	\$15.00 gift certificate	\$30.00 gift certificate
4		\$20.00 gift certificate	Eligible for \$50.00 gift certificate if compliant one additional month
5		\$25.00 gift certificate	\$50.00 gift certificate
6	Reduced community service	\$30.00 gift certificate	Eligible for \$50.00 gift certificate if compliant one additional month
7	Reduced drug testing	\$35.00 gift certificate	\$50.00 gift certificate
8	Reduced treatment requirements	\$40.00 gift certificate	Eligible for \$75.00 gift certificate if compliant one additional month
9		\$45.00 gift certificate	\$75.00 gift certificate
10	Reduced status hearings	\$50.00 gift certificate	Eligible for \$125.00 gift certificate if compliant <i>two</i> additional months
11	Reduced homework assignments	\$55.00 gift certificate	Eligible for \$125.00 gift certificate if compliant <i>one</i> additional month
12		\$60.00 gift certificate	\$125.00 gift certificate
<b>Total</b>		<b>\$390.00</b>	<b>\$390.00</b>

# # Drug-Free Urines (13 mos.)



# Mean % Sessions Attended



# Interaction Effects

- **Age**
- **Race**
- **Gender**
- **Years of education**
- **Employment status**
- **Marital status**
- **Drug severity**
- **Prior drug treatment history**
- **ASPD diagnosis**
- **Criminal history**

# Interaction Effects

- **Age**
- **Race**
- **Gender**
- **Years of education**
- **Employment status**
- **Marital status**
- **Drug severity**
- **Prior drug treatment history**
- **ASPD diagnosis**
- **Criminal history**

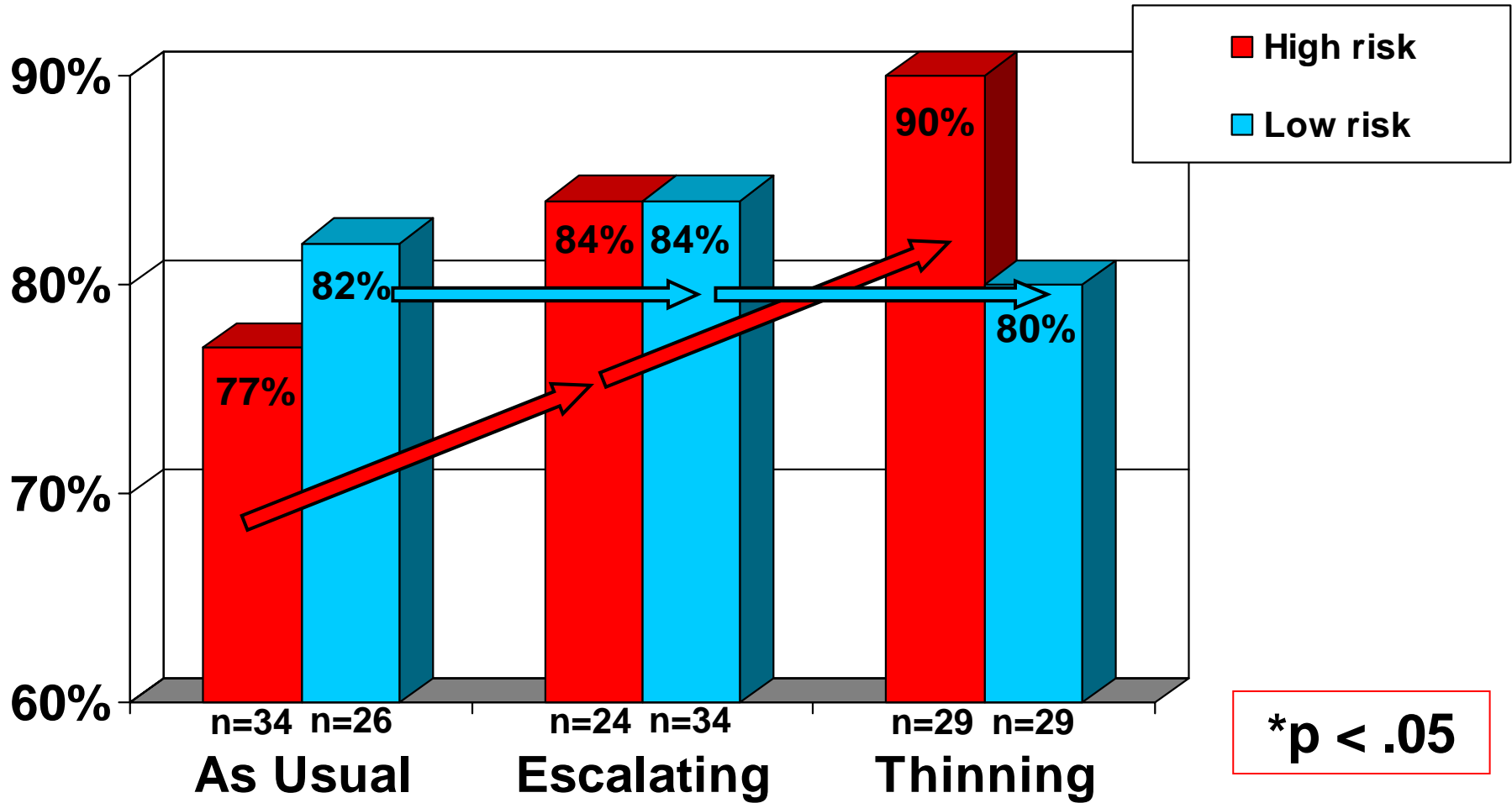
# Interaction Effects

- **Age**
- **Race**
- **Gender**
- **Years of education**
- **Employment status**
- **Marital status**
- **Drug severity**
- **Prior drug treatment history**
- **ASPD diagnosis**
- **Criminal history**



**Rewards**

# Mean % Drug-Free Urines by Criminal History



$*p < .05$

# Graduated Sanctions

(Harrell et al., 1998)



# Graduated Sanctions

(Harrell et al., 1998)



Standard Track

# Graduated Sanctions

(Harrell et al., 1998)



**Standard Track**

**Treatment Track**

# Graduated Sanctions

(Harrell et al., 1998)



Standard Track

\*Sanctions Track

Treatment Track

\* included 3-day and 7-day jail stays

# Graduated Sanctions

(Harrell et al., 1998)



Standard Track

\*Sanctions Track

Treatment Track

- 40% entered
- 19% completed
- ↓ drug use

\* included 3-day and 7-day jail stays

# Graduated Sanctions

(Harrell et al., 1998)



**Standard Track**

**\*Sanctions Track**

**Treatment Track**

- 66% entered
- 30% completed
- ↓ drug use
- ↓ re-arrests (1 yr)

- 40% entered
- 19% completed
- ↓ drug use

*\* included 3-day and 7-day jail stays*

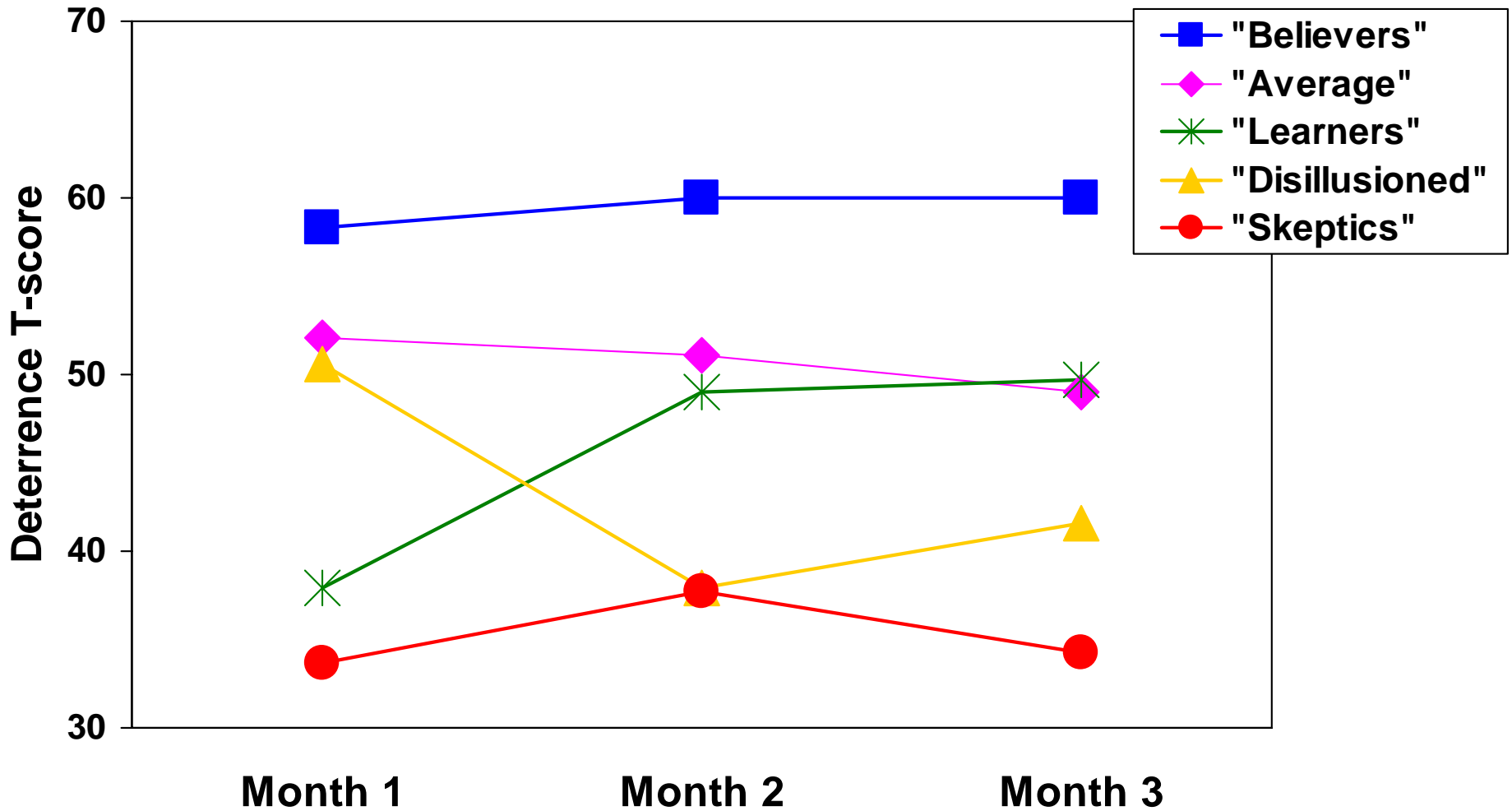
# Summary

- Randomization in drug court is feasible
- Few main effects for rewards
- High-risk clients require more rewards
- Thinning schedules may work best
- Main effects for sanctions

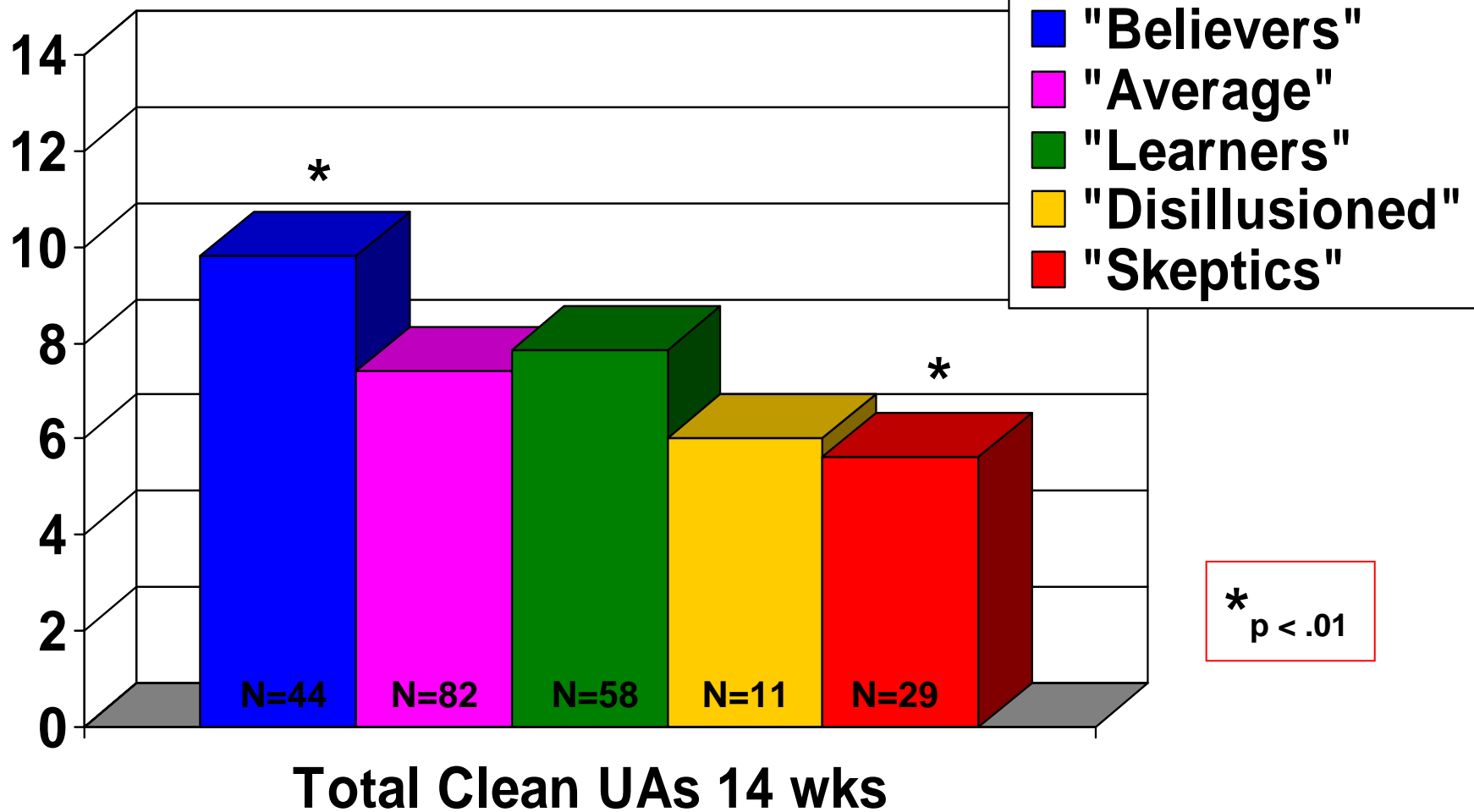
# Perceived Deterrence

- **Clients weigh the costs and benefits of violating the law or using drugs**
- **Cost/benefit ratio is influenced by:**
  - **Perceived certainty of detection**
  - **Perceived certainty of sanctions or rewards**
  - **Perceived magnitude of sanctions or rewards**

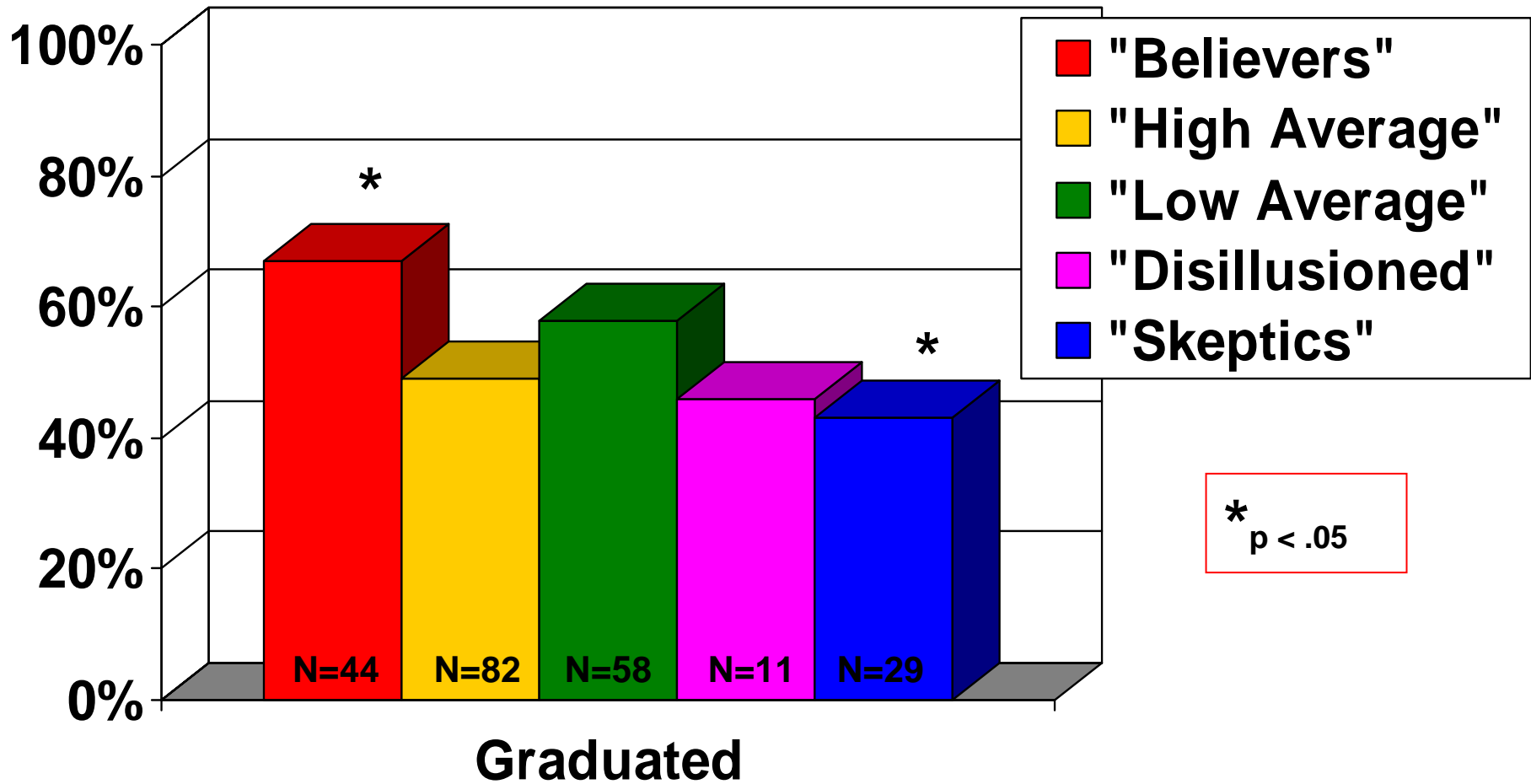
# Five-Cluster Solution



# Urinalysis Results



# Graduation Rates



# Future Directions

- **Special populations**
  - Mentally ill
  - Juveniles
  - Family dependency courts
- **Fixed matrices vs. individualized**
- **Vicarious learning (“court as theatre”)**
- **Jail sanctions (“flash incarceration”)**



# Selected References

Burdon et al. (2001). Drug courts and contingency management. *Journal of Drug Issues, 31, 73-90.*

Harrell & Roman (2001). Reducing drug use and crime among offenders: The impact of graduated sanctions. *Journal of Drug Issues, 31, 207-232.*

Marlowe (in press). Strategies for administering rewards and sanctions. In Lessenger & Roper (Eds.), *The drug court handbook*. New York: Springer-Verlag.

Marlowe et al. (2005). Perceived deterrence and outcomes in drug court. *Behavioral Sciences & the Law, 23, 183-198.*

Marlowe & Kirby (1999). Effective use of sanctions in drug courts: Lessons from behavioral research. *National Drug Court Institute Review, 2, 1-31.*

# NDCI Research Agenda

**Marlowe, Heck, Huddleston & Casebolt (2006).  
A national research agenda for drug courts:  
Plotting the course for second-generation  
scientific inquiry. *Drug Court Review*, 5, 1-31.**

# Acknowledgments

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