

Mercyhurst College Civic Institute



ERIE COUNTY DRUG TREATMENT COURT EVALUATION LEVEL III & IV OFFENDERS

Grant Period July 1, 2003 - June 30, 2004

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INTRODUCTION

Drug courts represent one of a number of relatively new specialty courts that have propagated throughout the country during the past two decades. With an approach to jurisprudence that involves a more prolonged and intensive approach to supervision and treatment, coupled with a level of coordination among criminal justice and treatment professionals that has not been seen heretofore, drug courts have consistently proven to be successful in reducing the number of offenders that relapse into drug use and recidivate.

Some of the more salient points to come out of research conducted on drug courts are as follows:

- An estimated 61,000 (16%) convicted jail inmates committed their offenses to get money for drugs. (Wilson, D. J., 2000)
- In 2001, drug offenders accounted for 20.4% of sentenced State inmates and 55% of sentenced Federal inmates. (Harrison, P. M. & Beck, A. J., 2003)
- Incarceration of drug-using offenders costs between \$20,000 and \$50,000 per person per year. In contrast, a comprehensive drug court system typically costs between \$2,500 and \$4,000 annually for each offender. (National Association of Drug Court Professionals, 2003)
- Drug court participants named three factors that led to their success in drug court programs: (1) close supervision and encouragement by judges; (2) intensive treatment; and (3) ongoing monitoring. More than 25% of the respondents had been in at least one treatment program during the previous three years and had left that program unsuccessfully. (Goldkamp, J. S., White, M. D., & Robinson, J. B., 2002)
- As of June 2001, there were 2,100 drug-free babies born to drug court participants enrolled in drug court programs. ("Summary Information," 2001)
- Currently, there are 1,183 drug courts in operation and 414 drug courts in the planning process. (American University, 2003)

Erie County Drug Treatment Court Background

Information contained within this report regarding the structure and operation of the Erie County Drug Court was taken from the *Erie County Treatment Court Policy and Procedures Manual* which was developed by the Erie County Court of Common Pleas in March of 2002.

The Erie County Drug Treatment Court (ECDTC) was developed to handle cases involving non-violent seriously mentally ill or drug-abusing offenders. The Treatment Court consists of an adult drug court as well as a mental health court component. The two adult specialty courts, drug and mental health, exist and operate under the umbrella of Treatment Court in Erie County.



Mission Statement

“To improve the quality of life in Erie County by reducing the criminal activity of the seriously mentally ill and substance abusing offender. Additionally, we are attempting to reduce decompensation of the seriously mentally ill and prevent the substance abuser from relapsing back into drug usage. We intend to utilize comprehensive, individualized treatment services on a cost effective basis; therefore, a higher success rate of rehabilitation will be realized. This will result in a corresponding decrease in the criminal docket, demand for jail space, and a decrease in psychiatric hospital admissions.”

Program Collaborators

The ECDTC is a collaboration involving the Erie County Court of Common Pleas, Sixth Judicial District; Erie County Public Defender's Office; Erie County District Attorney's Office; Erie County Department of Human Services, Office of Drug and Alcohol Abuse; Erie County Department of Human Services, Office of Mental Health/Mental Retardation; Case Management Support Services; Erie County Adult Probation/Parole Department; Erie County Prison; Mercyhurst Civic Institute; and Erie area drug and alcohol and mental health treatment providers.

Offender Levels & Program Eligibility

The Erie County Drug Treatment Court accepts offenders classified as Level I, II, III or IV according to current sentencing guidelines implemented by the Pennsylvania Commission of Sentencing. These guidelines correlate with the severity of the instant offense, as well as an offender's prior criminal record.

From these guidelines, two main groups are established for comparison purposes:

- Lower Level Offenders: Levels I & II
- **Higher Level Offenders: Levels III & IV (Focus of This Report)**

Cases involving lower level offenders typically enter as pre-adjudication cases on an Accelerated Rehabilitative Disposition (ARD). For these offenders, successful completion of the ECDTC program generally results in case expungement. Drug court graduation typically follows a successful completion of a drug court sentence; however, individuals may also be required to complete a post-program probationary period, depending on the number and severity of offenses.

Higher-level offenders generally enter the program as post-adjudication cases, in which program participation is utilized in lieu of traditional incarceration. Eligible candidates for the ECDTC program include adult defendants who are awaiting a preliminary hearing before a District Justice, or are detained pretrial for non-violent criminal offenses with no additional criminal charges pending. In addition, substance abuse or addiction must be strongly indicated by the instant offense, criminal record, prior history or personal contacts. The defendants cannot have prior convictions including previous juvenile adjudications for any of the following:

- a) 3121-Rape
- b) 3122.1-Statutory Sexual Assault
- c) 3123-Involuntary Deviate Sexual Intercourse
- d) 3124.1-Sexual Assault
- e) 3125-Aggravated Indecent Assault
- f) 3126-Indecent Assault
- g) 3127-Indecent Exposure
- h) 2702-Aggravated Assault With a Weapon
- i) No prior violent felony convictions
- j) No prior firearms convictions



Funding

The funding for the Level III & IV participants during the grant period of July 1, 2003 to June 30, 2004 was provided through funding from a Pennsylvania Commission on Crime and Delinquency (PCCD) grant.

This report is an evaluation of the active, graduated, and revoked Level III & IV participants during the PCCD grant period of July 1, 2003 to June 30, 2004. The population studied during this grant period included 34 offenders. The end of this particular grant period marks three and one-half years of operation for the adult drug court program for Level III & IV participants.

LEVEL III & IV POPULATION DESCRIPTION

Demographics

There were a total of 34 drug court participants during this particular reporting period. The breakdown of the actual program numbers at the end of the reporting period are as follows; 18 participants remained active at the end of the period, 7 participants had graduated, and 9 participants had been revoked from the program. The age range of Level III & IV participants was 18 to 47 years, with 32 years being the median age. Figure 1 shows the percentages of offenders by sex while Figure 2 shows the breakdown of offenders by racial category.

Offenders by Sex

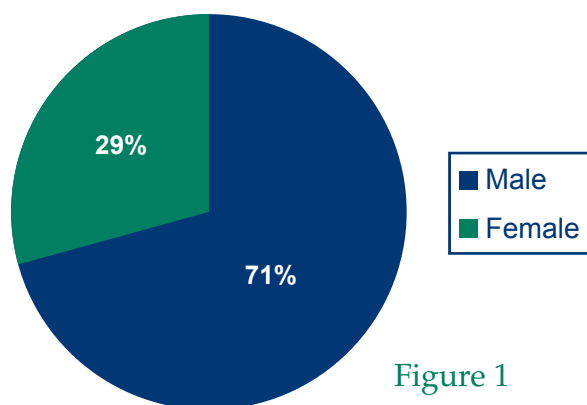


Figure 1

Offenders by Race

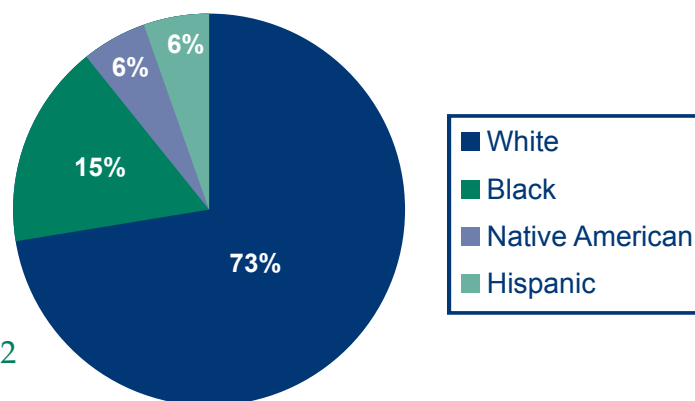


Figure 2

Charge Profile

The most common types of charges for Level III & IV participants included burglary (24%); fraud (22%); delivery (12%); and criminal conspiracy (10%). Criminal attempt and retail theft both comprised 5% of the charges among participants (Figure 3). Other charges, which occurred less frequently, included disorderly conduct; driving under the influence (DUI); operating watercraft under the influence; forgery; receiving stolen property; reckless endangerment; resisting arrest; terroristic threats; and theft by unlawful taking. Together these charges accounted for 22% of all charge types.

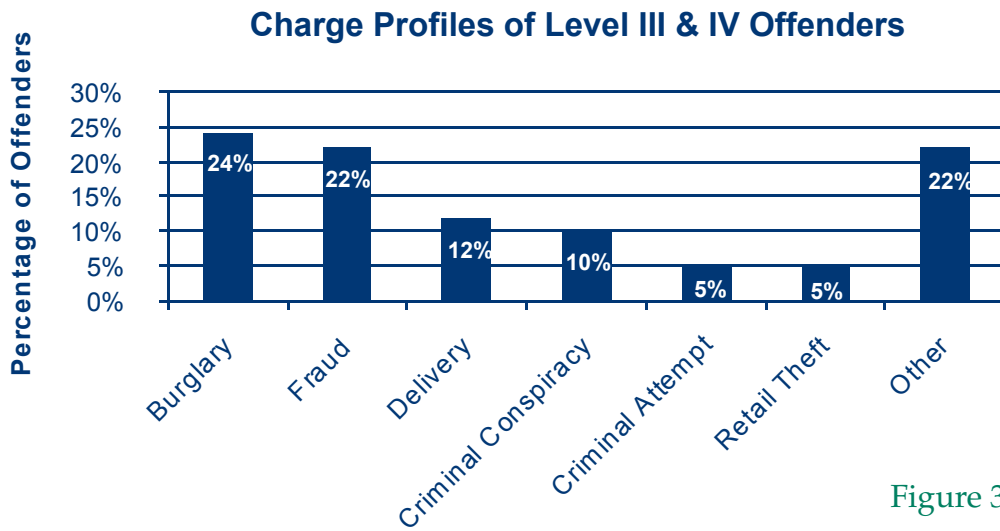


Figure 3

The charges outlined above represent the most serious charge for each individual that resulted in that individual being sentenced into the drug court program. It should be noted, however, that individuals may have had multiple charges at the time of their sentencing, some drug related and some non-drug related. When considering only the most serious charges, 51% were drug related while 49% were non-drug related. However, when considering all charges that individuals were convicted on, the percentage of cases involving drug charges rises. Under these circumstances, 76% of all convictions had drug related charges while 24% had only non-drug related charges.

Program Status

Of the 34 participants involved with the program during the grant period, 53% remained active at the end of the reporting period, 21% successfully graduated, and 26% had been revoked. (Figure 4).

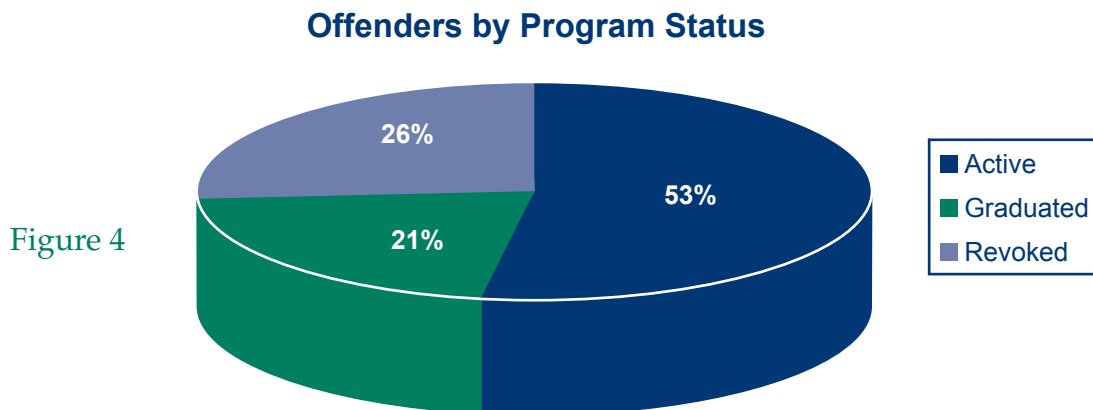


Figure 4

Psychosocial Status

Another component of the drug court treatment strategy is improving the participant's living situation. The quality of life of the participant has great influence over the participant's success in the program. The majority of Level III & IV participants reported themselves as being single, having no children, and residing with a family member or friend. (Chart 1, 2, & 3)



MARITAL STATUS	
Single	47%
Married	15%
Divorced	15%
Separated	15%
Widowed	9%

Chart 1

FAMILY SIZE: NO. OF CHILDREN	
None	38%
1	21%
2	18%
3	6%
4	15%
5 or more	3%

LIVING ARRANGEMENTS	
Family Member or Friend	71%
Incarcerated	21%
Alone	6%
Shelter	3%

Chart 3

Chart 2

While in the drug court program, participants not only receive drug and alcohol treatment, they can also receive employment and educational guidance. Some drug court participants take GED classes or obtain employment while in the program. Figures 5 and 6 show the education and employment status of the population of Level III & IV participants at the time of their entry into the program.

Offenders by Employment Status

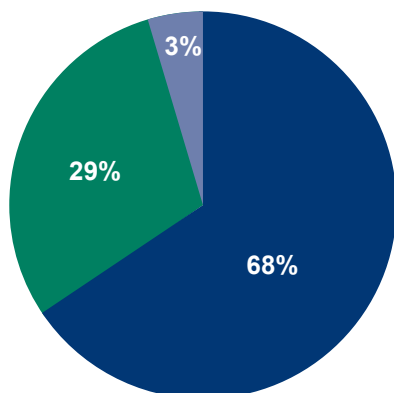


Figure 5



Offenders by Education Level

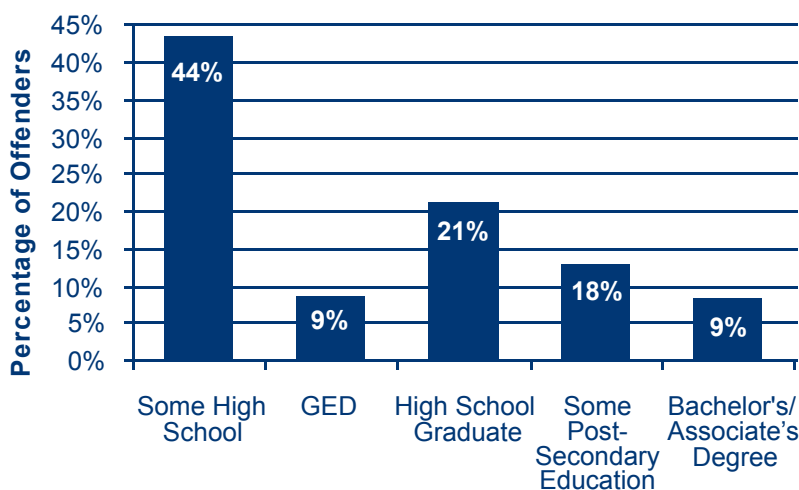


Figure 6

Sanctioned Behavior & Incentives

Violations

The most common behavior among the Level III & IV participants that lead to sanctioning is failing to submit a drug-free urine sample. The participants either did not show for a random urinalysis or they submitted a sample that tested positive for drugs or alcohol. The participants were either sanctioned with jail time, community service, or fined. Ultimately, if the participant was not showing any progress in treatment and was repeating noncompliant behavior, the judge would order the participant to repeat the previous phase of the program or revoked the participant from the program.

Compliance

Participants who consistently attended treatment, court hearings, completed community service requirements, and submitted negative urine samples, were rewarded. Incentives for program compliance include: mall gift certificates, YMCA passes, verbal praise from the judge, and ultimately successful transition into the next phase of the program and graduation.



COMPARISON: REVOKED & GRADUATED PARTICIPANTS

Level III & IV Graduated Participants (N=7)

Level III & IV Revoked Participants (N=9)

Demographic Comparisons

Demographic comparisons are provided to determine if the drug court approach is working for all program participants regardless of demographic factors. In this section, graduated and revoked participants are compared and contrasted by sex, race, and age.

Figure 7 shows that half of male offenders and 60% of female offenders remained active at the end of the report period. Males had a higher percentage of revoked participants (33%) than graduated participants (17%). Conversely, female participants had a higher percentage of graduated participants (30%) than revoked participants (10%).

In the examination of race with regard to program status, it was found that Whites and Blacks were graduated and revoked from the program at nearly equal rates (Figure 8). Percentages of graduated and revoked participants between the two groups are not similar due to the large differences in the percentages of active participants. Nevertheless, both groups were found to be revoking and graduating participants at or near a 1:1 ratio. Information on Native American and Hispanic offenders is not provided due to the extremely low number of offenders in these racial categories.

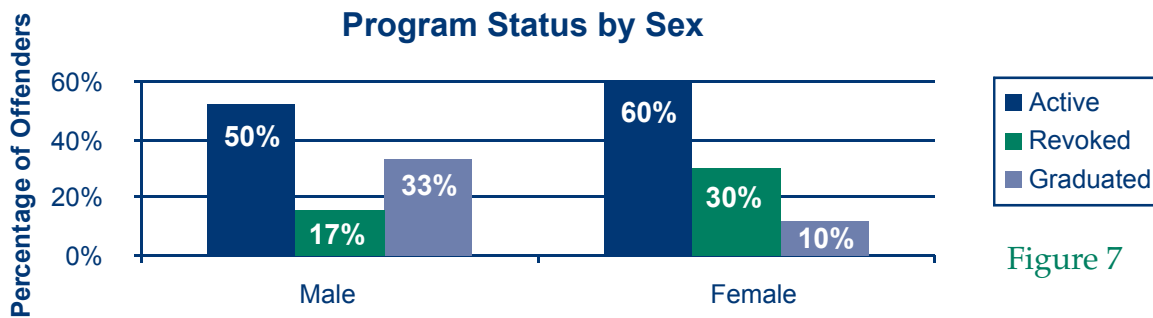


Figure 7

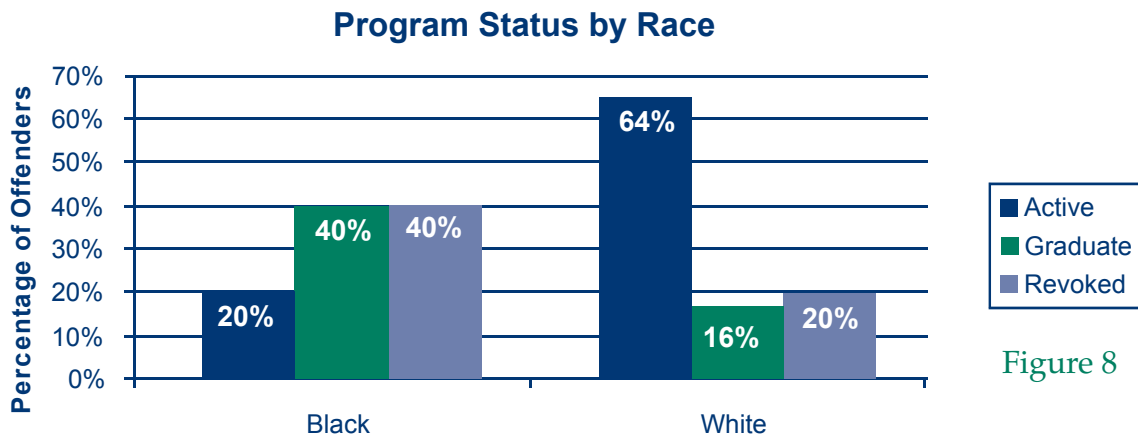


Figure 8

Regarding the age distribution of drug court Level III & IV drug court participants, it was found the age was distributed fairly evenly among those participants who had either graduated or had been revoked. While the minimum and maximum ages amongst the groups was fairly constant, the median age of revoked participants was found to be less than that of graduated and active participants (Figure 9).



Program Status by Age

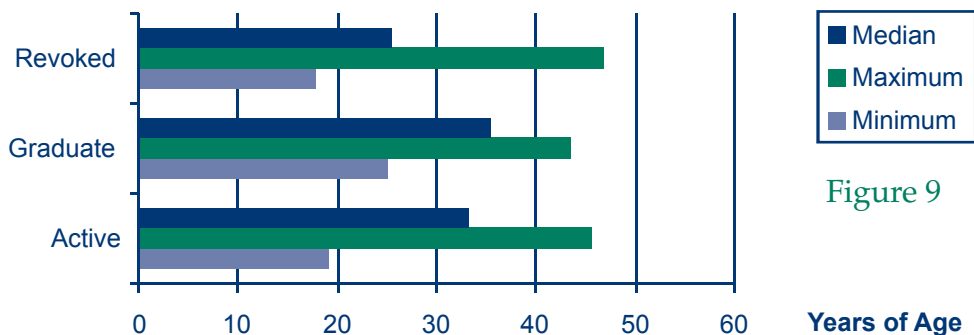


Figure 9

Psychosocial Comparisons

Psychosocial comparisons are provided to determine if there are certain psychological or social factors that increase or decrease a program participant's chances of graduating or being revoked from the program. Information of this type may provide some level of predictive forecasting regarding the utility of the program to currently active and future drug court participants. For this reason, information is provided on active participants as well as those who have either graduated or have been revoked. In this section, graduated, revoked, and active participants are compared and contrasted by employment status, educational attainment, and marital status.

Comparison of graduated and revoked participants on the basis of their employment status upon their entry into the program indicates some differences. While both graduated and revoked participant groups had a majority of unemployed offenders, the revoked participants had a slightly higher percentage (67%) than the graduated participants (57%). One area of concern for the future is the fact that of the participants who were active in the program at the end of the report period, 78% were unemployed.

Program Status by Employment

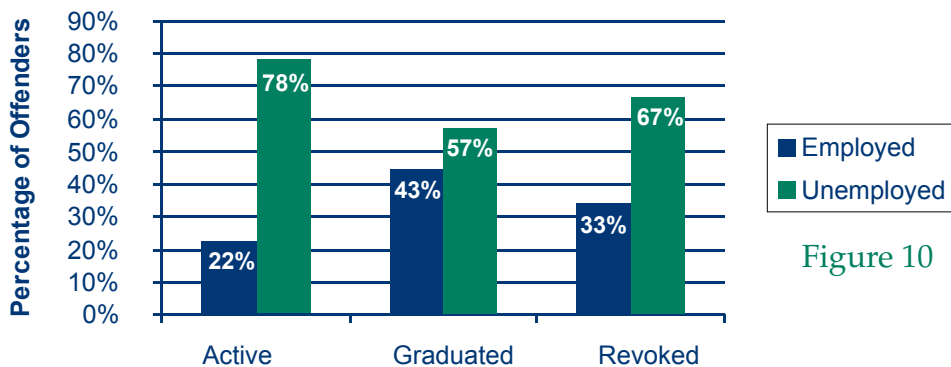


Figure 10

Comparison of program participants according to their program status and educational level upon their entry into the program indicates that an individual's educational attainment may be a useful indicator of how that individual will perform in the drug court environment. Participants were compared along a scale running from some high school education to college graduation. Revoked participants were more likely to occupy the lower end of the educational scale. While 22% of revoked participants had acquired a high school diploma, the remaining 78% of revoked participants did not complete a high school level education. Conversely, program graduates were more likely to occupy the higher end of the educational scale. While a similar percentage (29%) had obtained a high school diploma, the remainder of graduated participants had either some level of college education (43%) or had obtained a college degree (14%). The participants who were active at the end of the report period were the most evenly dispersed across the educational scale.

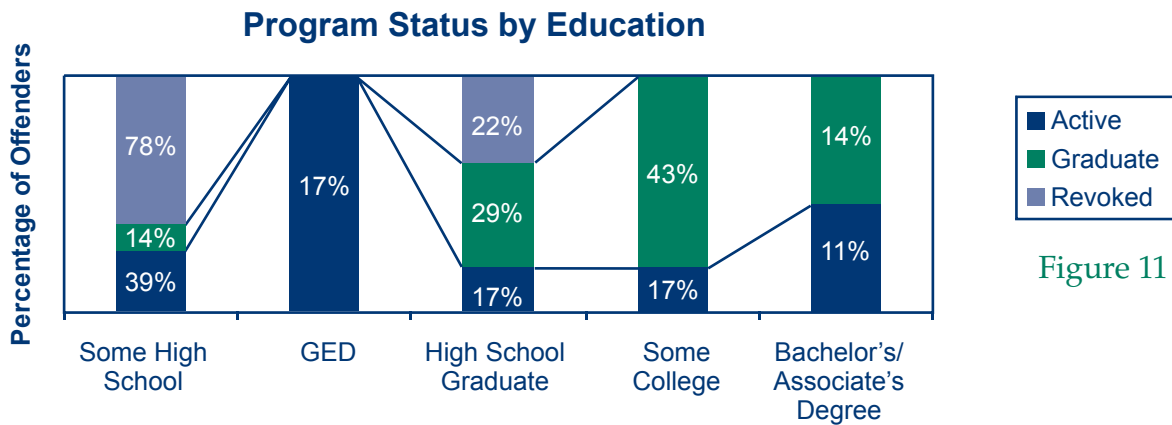


Figure 11

In addition to employment and educational status, marital status was also examined to determine if this factor had any noticeable impact on whether or not an individual was likely to graduate or be revoked from the program. Revoked participants showed the highest percentage of singles and the lowest percentage of married individuals. Graduates of the program showed the lowest percentage of singles; however the remainder of graduates were somewhat diverse in their marital status. In a similar manner, participants who remained active at the end of the report period were also a fairly diverse group in terms of marital status. Previous research has indicated that those individuals who have support outside of their treatment providers are more likely to reach graduation than those who do not. The results of the marital status comparison of Level III & IV offenders during this particular grant period are somewhat ambiguous. In general, however, the revoked participants do have a higher percentage of singles, a common trend in these comparisons.

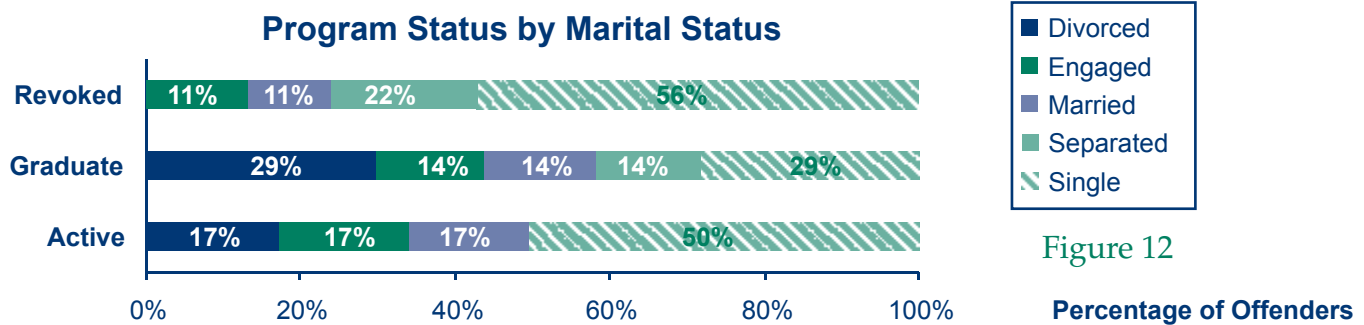


Figure 12

CONCLUSIONS

During the grant period of October 1, 2003-March 31, 2004 there were a total of 34 Level III & IV offenders within the Erie County Drug Treatment Court Program. This report has provided an overview of the demographic make-up and psychosocial status of those participants. In addition, information regarding criminal charges and program status has been provided. Taken together, all of the above information can be used to generate profiles of program participants who have either graduated or have been revoked from the program. Additionally, this information can be compared to those participants who remain active in the program to assist in determining their level of need with regard to certain factors that could influence their future success.

When reviewing demographic factors, it was found that the program appears to serve participants fairly equally with regard to the race and age of offenders. It was noted that the median age of revoked participants was somewhat lower than graduated and active participants. Regarding the comparison of program status by the sex of participants; men had a higher percentage of revoked offenders and lower percentages of graduated offenders than women.

Some interesting trends were revealed in the comparison of graduated and revoked participants with regard to their psychosocial status. Factors examined included a participant's employment status, educational attainment level, and marital status. In general, findings with regard to these factors seemed to reinforce previous findings that suggest that



those individuals who are most likely to succeed are those who are employed, those with higher levels of educational attainment, and those with the potential for spousal support. The most obvious of these trends with regard to the Level III & IV offenders during this particular report period was the comparison of a participant's program status to their educational level at their entry into the program

Active participants were found to have a relatively high percentage of unemployment when compared to the other groups. However, the educational attainment of active participants was more equally dispersed than either of the other two groups; a trait that will most likely serve them well. While the presence or absence of any of these factors may not ensure a participant's success or failure, they may at least provide a certain level of awareness that certain participants may need assistance in particular areas of their lives. Undoubtedly, each participant is unique; therefore, a better understanding of specific behavior and treatment needs will help the program providers, as well as participants, envision a successful path.

As the Erie County Drug Treatment Court Program continues to operate, opportunities for further and more extensive evaluation arise. The larger the number of participants involved in the drug court program, the more telling the research. Once a substantial sample size is established, a control group of non-drug court participants and a comparison with national models could be introduced.

The lasting effects of drug court on the offender's life could also be examined with a series of post-drug court interviews. These interviews could be utilized to reflect the impact of the ECDTC on the participant's social, psychological, criminal, and drug-use behavior. Also, the current evaluation depicts the psychosocial status of the offenders before and during their drug court experience. An exit interview and follow-up would provide greater insight into the benefits of the program post-graduation.

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