RESEARCH

The Drug Court Model and Chronic Misdemeanants

Impact Evaluation of the Queens Misdemeanor Treatment Court

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Executive Summary

In January 2002, the Queens Misdemeanor Treatment Court (QMTC) opened in Queens County, New York to provide an alternative to incarceration for drug-addicted, chronic misdemeanor offenders. QMTC was established through the cooperative efforts of the New York State Unified Court System, the Queens District Attorney's Office, the Queens defense bar, the New York City Department of Probation, and Treatment Alternatives for Safe Communities (TASC), a nationwide case management agency.

An earlier report provided a process evaluation of the QMTC model, documenting the Court's policies, key implementation challenges, participant characteristics, and compliance outcomes (Labriola 2006). The current report evaluates the impact of the QMTC on recidivism, case processing efficiency and sentencing outcomes.

Outcomes were compared between 335 QMTC participants and a matched sample of 335 similar defendants arrested in Queens County, New York in the two years before the Court opened. The comparison group was rigorously matched to participants to ensure comparability in their current charges, prior criminal history, and key demographic characteristics (age, sex, and race/ethnicity).

Impacts on Recidivism

QMTC produced positive impacts on the probability, prevalence, and timing of re-arrests. Key findings include:

- **Post-Arrest Recidivism:** QMTC produced a significant reduction in the re-arrest rate across two-year and three-year tracking periods after the initial arrest. After two years, 71 percent of drug court participants versus 85 percent of the comparison group were re-arrested; and after three years, the difference was 79 percent versus 89 percent. The QMTC also produced a significant reduction in the average total number of re-arrests: 1.8 versus 2.9 after two years and 2.8 versus 3.9 after three years.

- **Post-Program Recidivism**: QMTC produced a substantial reduction in post-program recidivism; 47 percent of drug court participants versus 73 percent of the comparison group were re-arrested within one year of program exit. In addition, among participants only, 37percent of graduates as compared with 59 percent of failures were re-arrested within one year post-program. Hence, the benefits of the drug court appear to be experienced by all who receive the intervention but much more so for those who successfully complete the program.

Impact of the QMTC on One-Year Post-Program Recidivism

Bar chart values: Drug Court Graduates 37%; Drug Court Failures 59%; Drug Court Participants 47%***; Comparison Group 73%.
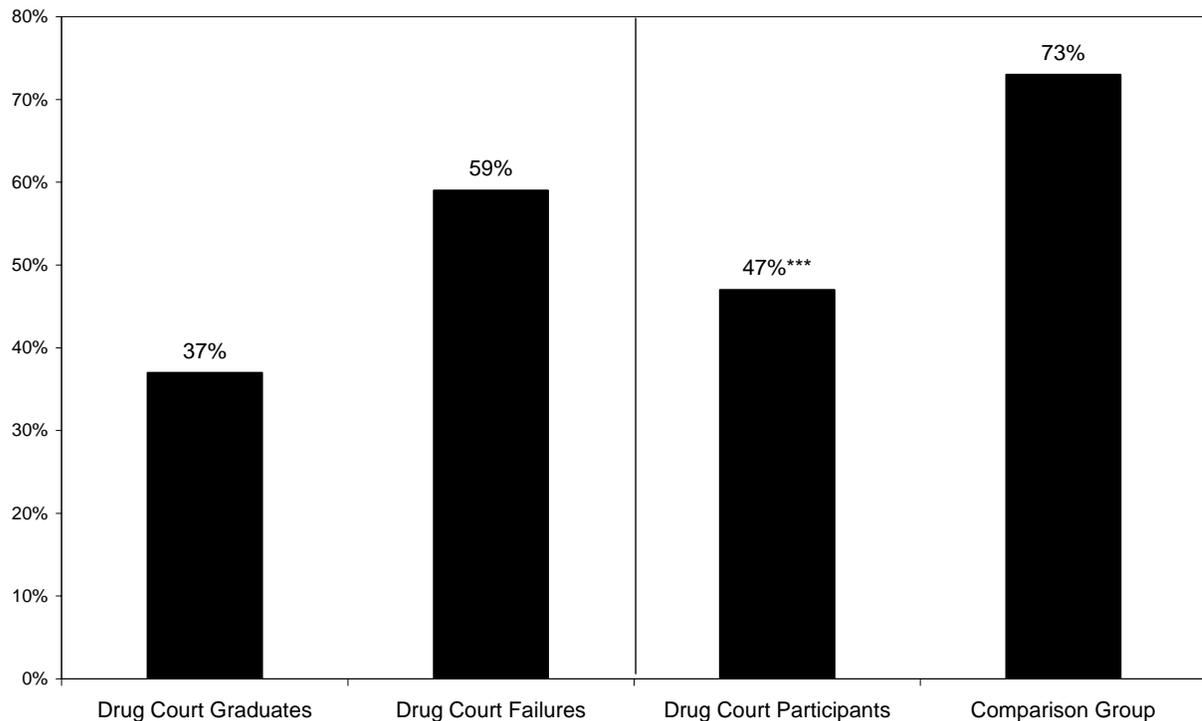
- **Survival Time:** Among those who did re-offend, QMTC participants averaged significantly more crime-free days prior to their first re-arrest.

Impacts on Case Processing and Sentencing Outcomes

- **Time from Arrest to Disposition:** Unlike other New York City drug courts (O'Keefe and Rempel 2006; Rempel et al. 2003), the QMTC did not produce a reduction in case processing time from arrest to disposition/drug court entry. It is important to note, however, that the majority of comparison group defendants had their cases disposed at arraignment (within one day), due to the misdemeanor level of their offense. When isolating those cases that were *not* disposed at arraignment, the average number of days from arrest to disposition for the comparison group dramatically increased, becoming significantly higher than for drug court participants.

- **Sentencing Outcomes:** The comparison group was significantly more likely to receive jail time on the initial case than participants in the drug court (56 percent vs. 48 percent). However, although the percentage of jail cases was higher in the comparison group, the average number of days sentenced to jail was significantly higher in the drug court (74 vs. 18 days), due to the longer sentences served by drug court failures. (Those who graduated from the drug court did not receive any jail time.)

Conclusion

The findings in this impact evaluation are broadly consistent with the previous literature, which shows that drug courts produce meaningful reductions in recidivism. The evaluation shows that a misdemeanor drug court is no exception. Although re-arrest rates were relatively high for the program's chronic offender population (reaching 79 percent three years after the initial arrest), those who participated in the QMTC intervention were significantly less likely to re-offend, and committed significantly fewer new crimes, than those who did not receive the drug court opportunity.

Chapter One
Introduction

This evaluation examines the impact of the Queens Misdemeanor Treatment Court (QMTC) on recidivism, case processing efficiency, and sentencing outcomes. The Queens Misdemeanor Treatment Court opened in January 2002 through the cooperative efforts of the New York State Unified Court System, the Queens District Attorney's Office, the Queens defense bar, the New York City Department of Probation, and Treatment Alternatives for Safe Communities (TASC), a nationwide case management agency. Eligible defendants are drug-addicted, face misdemeanor charges, and have at least three prior nonviolent misdemeanor convictions. Drug court participation lasts a minimum of nine months and possibly longer in response to noncompliance. QMTC graduates have the criminal charges against them dismissed, while those who fail receive a jail sentence of an exact length negotiated in advance of participation (usually four months).

QMTC follows a traditional drug court model with multiple program phases, case management, regular judicial status hearings, sanctions and rewards, and jail for those who fail. The QMTC attempts to apply the drug court model to a chronic misdemeanor population that would otherwise receive relatively little, if any, jail time. Several key QMTC policies reflect this decision, including restriction of the Court to offenders with multiple priors (who generally face more jail time than misdemeanor offenders without priors), the relatively condensed nine-month treatment mandate, and the relatively short, four-month jail alternative that is typically imposed on those who fail.

Although adult drug courts have been studied extensively, few evaluations have considered the constraints and challenges posed by the QMTC population. Addressing this important gap in our knowledge, the present study determines whether the QMTC produces a reduction in recidivism as compared with conventional case processing. An earlier report provided a process evaluation of the QMTC model, documenting the Court's policies, key implementation challenges, participant characteristics, and compliance outcomes (Labriola 2006).

This chapter proceeds by situating the present study in the context of the previous drug court recidivism literature. Chapter Two describes the research design and methods. Chapters Three through Five respectively present findings concerning the impact of the QMTC on recidivism, case processing efficiency and sentencing.

The Literature on Adult Drug Courts

More than fifteen years of drug court research has yielded the conclusion that adult drug courts generally reduce recidivism. David Wilson and colleagues (2006) recently reported that 48 of 55 drug courts evaluated produced lower rates of recidivism than did comparison groups composed of otherwise similar, non-participating defendants. Although this review is extremely positive, much of the recidivism literature, and especially the first generation of evaluations completed in the 1990s, suffered from major methodological shortcomings (see critiques in Belenko 2001; and Roman and DeStefano 2004). However, three additional literature reviews considering a smaller

number of evaluations, mainly by eliminating ones with poorly matched comparison groups, still found that drug courts produced recidivism reductions in nearly all sites examined (Aos, Phipps, Barnoski, and Lieb 2001; Government Accountability Office 2005; Roman and DeStefano 2004).

Furthermore, whereas most of the earlier evaluations measured recidivism over only a one or two year tracking period after the immediate outset of drug court participation, several studies completed in the 2000s track defendants over a longer, "post-program" timeframe; again, the results of these latter evaluations were largely positive (Bavon 2001; Fielding, Tye, Ogawa, Imam, and Long 2002; Goldkamp, White, and Robinson 2001; Gottfredson, Kearley, Najaka, and Rocha 2003; Rempel et al. 2003).

A 2007 study of the drug court in Multnomah County (Portland, Oregon) added significantly to this literature by analyzing outcomes over a 10-year period. The study found that for the entire population of eligible offenders, the drug court significantly reduced the incidence and frequency of criminal recidivism compared to offenders who did not participate (Finigan, Carey, and Cox 2007).

An evaluation of six New York State drug courts found that they produced an average 32% reduction in recidivism over a one-year "post-program" period (Rempel et al. 2003). The drug courts in this evaluation included three from New York City, one from New York City's suburbs, and two from medium-sized cities in upstate, New York. None of these sites, however, served a misdemeanor-only population, as in the present study.

This report offers a significant contribution to the literature because it evaluates a misdemeanor drug court in New York City that deals exclusively with chronic or "persistent" misdemeanants, defendants with multiple priors. This population is important to look at because their repeat offending demonstrates unresponsiveness to conventional case processing methods. In New York City, misdemeanor defendants without a prior record rarely face meaningful jail time. Because the target population does not face lengthy jail sentences, the drug court in Queens had to adapt, for instance by requiring only nine months of active participation. Existing research shows that drug courts produce meaningful reductions in recidivism, but to our knowledge those evaluations have not looked specifically at chronic misdemeanor offenders. Are similar recidivism reductions possible in a misdemeanor drug court? This evaluation sought to answer this question.

Chapter Two
Research Design and Methodology

The present evaluation involved a comparison of recidivism and other outcomes between QMTC participants arrested from January 2002 through July 2005[1] and an otherwise similar group of defendants arrested in Queens in 2000 or 2001 (before the drug court opened).

Definition of the Participant Sample

The participant sample included all 335 QMTC participants arrested from January 2002 through July 2005. Recidivism data was obtained after an additional two years, meaning that all 335 participants could be tracked over at least a two-year tracking period. Additionally, 217 participants could be analyzed over three years.

Definition of the Comparison Group

The comparison group was initially defined to maximize its comparability to QMTC participants in terms of its current charges and criminal history. Since 48% of those in the participant sample were arrested on misdemeanor drug possession charges and 20% were arrested on petit larceny charges, the comparison group was limited to those two key charges. Defendants were excluded if their case did not result in a conviction. This exclusion was based on the assumption that any defendants with a reasonable probability of having their case dismissed would not, in practice, agree to participate in at least nine months of court-mandated treatment through the QMTC. After imposing these exclusions, of those arrested in Queens in the two years before the QMTC opened, 1871 potential comparison group defendants were identified.

Implementation of Propensity Score Matching

Our initial comparison group criteria ensured that it would closely match the formal "paper eligibility" criteria of QMTC drug court participants. However, this could not by itself guarantee that all initial comparison group defendants would truly have entered the drug court if the opportunity existed to do so. Some of these defendants might have been found ineligible for reasons not captured by formal legal criteria (e.g., if not addicted to drugs) and others might have refused to participate. Further, it is possible that eligible defendants with a certain background (demographics or criminal history) are especially likely or unlikely to end up participating.

Additional statistical methods can be used to determine exactly which types of defendants possess background characteristics that are most similar to those of real drug court participants and to select a final comparison sample that even more closely matches the participant sample. Propensity score matching techniques are designed to achieve the greatest similarity between the participant and comparison groups (see Rubin 1973; and for a detailed discussion of how these techniques may be applied in a drug court evaluation, see Rempel et al. 2003: Chapter 11).

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[1] The information contained in this report is based on Court operations between the years 2003 and 2005. Since that time, various policies, such as the length of the jail alternative and eligibility criteria, have been modified to better suit court operations.

Table 1. Baseline Characteristics of QMTC Participant and Comparison Group Samples Before and After Propensity Score Matching

| | Pre-Matching | | Final Comparisons | |
	Drug Court	Comparison	Drug Court	Comparison
Sample Size	(N = 335)	(N = 1,873)	(N = 335)	(N = 335)
Criminal History				
Prior Arrests				
Mean number of prior arrests	18.8	19.2	18.8	17.7
Mean number of prior felony arrests	6.3**	7.2	6.3	6.0
Mean number of prior misdemeanor arrests	12.5	12.0	12.5	11.7
Mean number of prior drug arrests	6.9	6.4	6.9	6.9
Prior Convictions				
Mean number of prior conviction	14.8	14.7	14.8	13.8
Mean number of prior felony conviction	1.6	1.7	1.6	1.7
Mean number of prior misdemeanor conviction	10.3	9.7	10.3	9.1
Mean number of prior drug conviction	3.7*	3.3	3.7	3.7
Current Charges				
Misdemeanor drug possession	48%***	64%	48%	50%
Petit larceny	20%***	36%	20%***	50%
Other charges	32%***	0%	31%***	0%
Demographics				
Female sex	19%	17%	19%	19%
Mean age	35.4***	38.9	35.4	35.7
Race/ethnicity				
Black	57%	56%	57%	57%
White	18%*	24%	18%	18%
Hispanic/other	25%+	20%	23%	23%

+ p<.10   * p<.05   **p<.01   *** p<.001 (2-tailed t-test)

Propensity score matching involves matching each participant to a comparison group candidate whose background characteristics are most comparable. The matching process does not require that each individual characteristic be identical (same age, same race, same prior criminal history, etc.) but that when all background characteristics are considered together, the matched pair shares a similar propensity, or probability, that they would participate in drug court if given the opportunity.

The first step in the propensity score matching process is to inspect all available and relevant background characteristics of the initial participant and comparison samples and to determine how the samples differ. Accordingly, the left-most columns of Table 1 compare the 335 drug court participants in the evaluation to the 1871 initial comparison group candidates that were identified. This comparison reveals that the samples differed on the following characteristics:

- _Criminal history_: Those in the initial comparison sample had, on average, more prior felony arrests (p<.01). However, the drug court sample had more prior drug convictions than those in the comparison group (p<.05).

- *Charges*: The differences between the drug court sample and comparison group sample with regard to current charges are automatic, since the comparison group was defined only to include petit larceny and misdemeanor drug possession.
- *Demographics*: Those in the drug court sample were significantly younger and less likely to be white (significant differences at the .05 level); in addition, the drug court sample is more likely to be Hispanic (significant differences at the .10 level).

All variables with the possibility of a difference (p=.50 level or better) were entered into a logistic regression model predicting the probability of drug court participation. This model generates for each defendant a "propensity score." The score's meaning is essentially, if one knew only the defendant's background characteristics, how likely the defendant would be to become a QMTC drug court participant if given the opportunity to do so. Table 2 gives the regression coefficients and significance levels for the model.

Each of the 335 drug court participants were then matched to the comparison group candidate with the nearest if not identical score. A one-to-one matching method was employed, meaning that each participant was matched to the nearest comparison group candidate from among those not previously matched to another participant. By the end of the matching process, 335 QMTC participants were matched to exactly 335 comparison group candidates.

The right-most columns of Table 1 demonstrate the degree to which the final samples became more comparable as a result of this matching process. The final samples were not significantly different on any variable except that the drug court sample was more likely to be arrested on other charges and less likely to be arrested on misdemeanor drug possession and petit larceny charges (this is due to the eligibility criteria of the comparison group).

We next investigated whether the presence of "other" charges in the participant sample but not in the comparison sample could represent a meaningful source of bias. We found that this was not the case. Those arrested on "other" charges within the participant sample were neither more or less likely to re-offend on any of the outcome measures presented below than were those arrested on non-other charges; hence the inclusion of those other charges in the participant sample would have no effect on the reported recidivism rates below. We also found that the charges of misdemeanor drug possession or petit larceny did not predict recidivism (results shown in Chapter Three).

In the analyses to follow, the participant-comparison match forms the unit of analysis for estimating the drug court's impact. The average difference in outcomes across all matches is used to estimate the overall drug court impact.

Table 2. Logistic Regression Model
Predicting QMTC Participation

Variable	Coefficient
Summary Statistics	
Total sample included in the analysis	2208
Participants	335
Comparison Group Candidates	1873
Chi-square for model	107.630***
Logistic Regression Coefficients	
Mean number of prior felony arrests	.682**
Mean number of prior drug arrests	1.217
Mean number of prior felony convictions	1.128
Mean number of prior misdemeanor convictions	.760**
Mean number of prior drug convictions	1.356+
Arrested for misdemeanor drug possession	.421***
Female sex	1.181
Age	.965***
Race/ethnicity	
Hispanic	0.877
White	.739+

+ p<.10   * p<.05   **p<.01   ***p<.001 (2-tailed t-test)

Note1: The dependent variable is whether the defendant is a QMTC
participant or comparison group candidate. Variables included in the model
were significant at the .10 level or better in separate bivariate comparisons.
1 Race/ethnicity has a third, unlisted Hispanic category to which black and
white participants are compared.

Note2: Backward elimination began with 11 predictor variables in the regression
equation and sequentially removed mean number of prior misdemeanor arrests.
The removal criteria was set at the .5 level.

Outcome Measures

Recidivism data was obtained from the New York State Division of Criminal Justice Services (DCJS). The DCJS data set includes both arrest- and conviction-based measures, although consistent with the preexisting literature, we emphasize the results for re-arrests when presenting the results. The data also enabled construction of outcome measures for key subtypes of re-offending: felony, misdemeanor, and drug-related.

Analyses considered recidivism outcomes over both a two-year post-arrest period (N = 335 for each sample) and a three-year post-arrest period (N = 217 for each sample). Analyses also considered recidivism over a one-year post-program period (N=286 for each sample). This period began at the time of disposition for the comparison group and at the time of drug court exit for the drug court participants. However, it is possible that the drug court failures and comparison group members served some number of days incarcerated over this period (see

Chapter Five); thus the results are adjusted for the length of the jail sentence imposed on each case (coded zero if jail was not imposed). In addition, "survival analyses" were conducted that utilized all available defendants (N = 335 for each sample). These last analyses take into account differences in both the raw recidivism rates and the timing of recidivism, answering whether the drug court delays the onset of new criminal behavior.

Chapter Three
Results: Impact of the QMTC on Recidivism

Impact of the QMTC on Post-Arrest Recidivism

As shown in Figure 1, the QMTC produced a substantial reduction in recidivism across both the two-year and the three-year measurement periods ($p < .001$ or better for both comparisons). After two years, 71% of drug court participants versus 85% of the comparison group were re-arrested; and after three years, the difference was 79% versus 89%.

Figure 1. Impact of the QMTC on Recidivism within Two Years and Three Years After the Initial Arrest
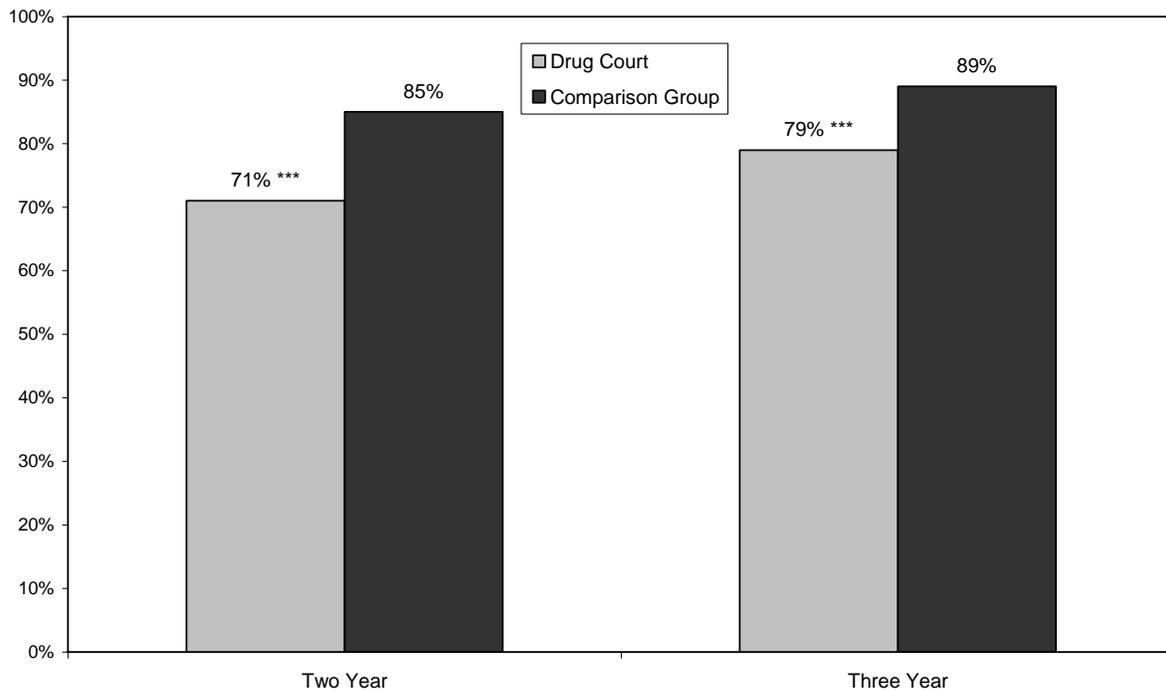
Given that these re-arrest rates are very high, further analyses were conducted isolating felony, misdemeanor, and drug-related re-arrests. After three years, 83% of the comparison group was re-arrested for any new misdemeanor compared to 66% of drug court participants ($p < .05$). When isolating new drug arrests after three years, 69% of the comparison group was re-arrested compared to 60% of the drug court participants ($p < .05$). Both two-year and three-year results are shown in Table 3.

When examining the total number of re-arrests, the drug court participants averaged 1.8 new arrests over the two-year tracking period and 2.8 over the three-year tracking period, whereas the comparison group respectively averaged 2.9 and 3.9 new arrests (see Table 3).

Table 3. Impact of the QMTC on
Two-Year and Three-Year Post-Arrest Recidivism

Recidivism Measure	Drug Court	Comparison Group
Recidivism within Two Years of the Initial Arrest	(N=335)	(N=335)
Any re-arrest	71%***	85%
Mean number of re-arrests	1.8***	2.9
Any misdemeanor re-arrest	56%***	77%
Any drug re-arrest	48%***	61%
Recidivism within Three Years of the Initial Arrest	(N=217)	(N=335)
Any re-arrest	79%***	89%
Mean number of re-arrests	2.8***	3.9
Any misdemeanor re-arrest	66%*	83%
Any drug re-arrest	60%*	69%

+ $p<.10$ * $p<.05$ ** $p<.01$ *** $p<.001$ (2-tailed t-test)

Finally, the drug court appeared to delay the onset of recidivism when examining those with at least one re-arrest within two years. Of those re-arrested within two years, drug court participants averaged 230 crime-free days before their first re-arrest, while the comparison group averaged a significantly lower number, only 159 days ($p<.001$).

Table 4 displays the types of charges that were involved among all of those who re-offended. The results show that there were no significant differences between drug court participants and the comparison group in regards to drug charges. The findings do show that drug court participants were significantly less likely to be arrested for property charges ($p < .001$). However, drug court participants were significantly more likely to be arrested for "other" charges (no one charge consisted of more than 3% of either sample).

Table 4. Types of Re-Arrest Charges:
Top Arrest Charge of First Re-Arrest within Two Years of the Initial Arrest

| Recidivism Measure	Drug Court	Comparison Group
Number of Defendants with Re-Arrest at Two Years	239	283
Percent of Available Sample	71%	84%
Top Arrest Charge		
1. Drug Charges	**43%**	**40%**
Felony drug charges	12%	9%
Misdemeanor drug possession	24%	25%
Misdemeanor drug sales	7%	6%
2. Property Charges	**31%***	**46%**
3. Other Charges	**26%****	**15%**
Assault, menancing, or reckless endangerment	16%**	9%
Other charges (no one charge more than 3% for either sample	10%+	6%

+ p<.10   * p<.05   **p<.01 *** p<.001 (2-tailed t-test)

Impact of QMTC on Post-Program Recidivism

Figure 2 illustrates the impact of drug court participation one year after program exit. Participant results are further sub-divided by final program status (graduate or failure). As discussed in Chapter 2, all percentages are adjusted for length of jail sentence thereby controlling for "time at risk." The results demonstrate that the drug court generated a substantial reduction in post-program recidivism. Whereas 73% of the comparison group were re-arrested within a year of exiting the criminal justice system, only 47% of participants were re-arrested in this time (p<.001).

Figure 2 also includes a breakdown of drug court participants by final program status; 37% of graduates as compared with 59% of failures were re-arrested at one year post-program. The post-program drug court failures were significantly less likely than the comparison group to re-offend, which differs from the results of previous drug court research in New York City (O'Keefe and Rempel 2006; Rempel et al. 2003). This result suggests that the consequence of failure in the misdemeanor drug court is less severe than in felony drug courts, in which post-program results for failure and comparison group defendants do not tend to differ. Although the benefits of the drug court appear to be experienced by all who participate in the intervention, it is much more so for those who successfully complete the program.

Figure 2. Impact of the QMTC on One-Year Post-Program Recidivism
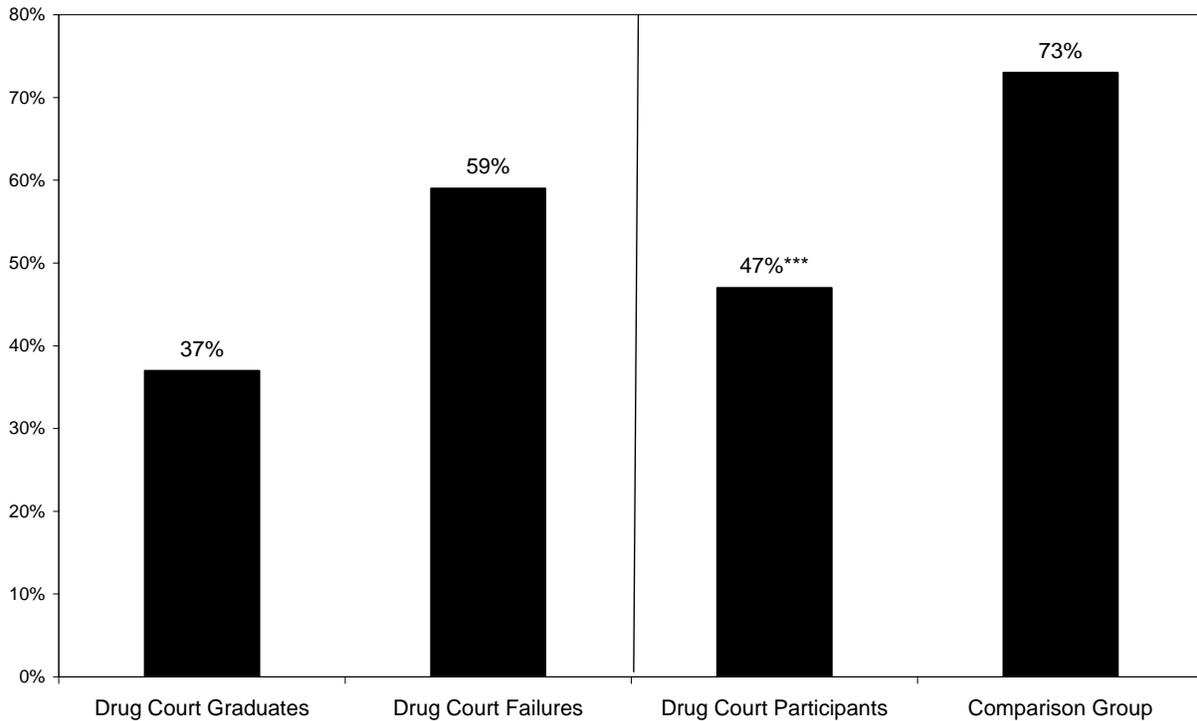
Survival Analysis

Figure 3 presents survival curves for drug court participants and the comparison group, displaying for each quarter up to two years after the initial arrest the cumulative percentage of defendants not yet re-arrested. All 335 defendants from each sample are included.

The survival curves for the two samples immediately diverge, such that by the one-year mark, 47% of the drug court participants but just 30% of the comparison group had survived (avoided re-arrest). Between one year and two years, the gap between the two groups declined a bit, but both curves continued to decrease. In general, the pattern suggests that drug court participants performed significantly better throughout the two-year period; but the drug court had its greatest impact early on – during the period of active program participation.

Figure 3. Survival Curve: Survival of QMTC Drug Court versus Comparison Group Defendants Up to Two Years Following the Initial Arrest (N=335 Per Sample)
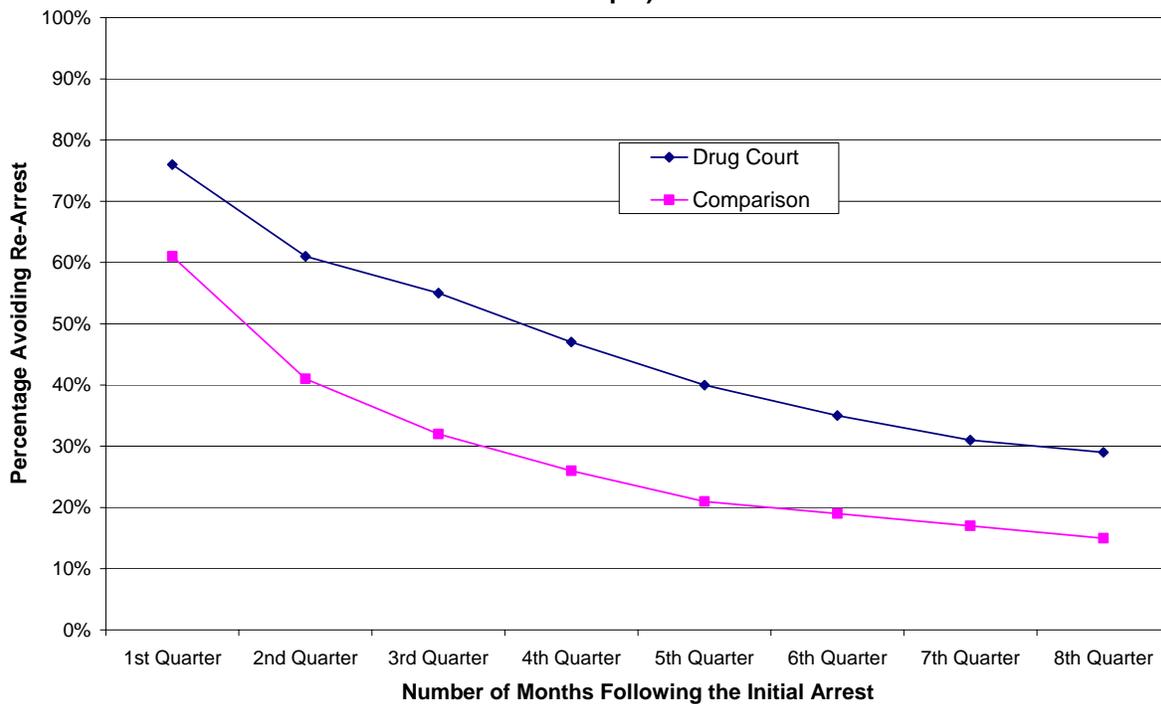
Other Predictors of Recidivism

To determine whether other defendant characteristics besides drug court participation status predicted the probability of re-arrest (yes/no), a logistic regression was performed. Table 5 reports findings from analyses conducted at two years post-arrest. All 335 defendants from each sample were included. The results confirm that, after controlling for background characteristics, drug court participants had a significantly lower probability of recidivism (p < .001). The results also indicate that other significant predictors of recidivism were as follows:

- *Prior criminal history:* More prior misdemeanor convictions significantly predicted recidivism (p <.001).
- *Age:* Younger age significantly predicted recidivism (p < .001).
- *Race:* Whites were more likely to re-offend than non-whites (p < .10).

Table 5. Logistic Regression Predicting the Impact of QMTC Participation and Other Background Characteristics on Re-Arrest

Maximum Tracking Period	2 Years
Total Sample	670
Drug Court	335
Comparison Group	335
Number of Censored Cases (not re-arrested)	147
	Odds Ratios:
Drug court participant	.405***
Prior misdemeanor conviction	1.044***
Arrested on misdemeanor drug possession	0.814
Female sex	0.911
Age	.960***
Race/ethnicity[1]	
Black	0.807
White	1.270+

+ p<.10   * p<.05   **p<.01   *** p<.001 (2-tailed t-test)

1 Race/ethnicity has a third, unlisted "Hispanic" category to which black and white participants

are compared.

Chapter Four
Results: Impact of the QMTC on Case Processing Efficiency

In addition to the primary goals of reduced recidivism and drug use, the first drug courts established in the early 1990s were also concerned with the goal of increased case processing efficiency. Improved efficiency actually comprised the primary goal motivating the initial appearance of drug courts, including the Miami Drug Court in 1989 (Cooper 2003). Faced with the escalating numbers of drug cases and drug-related incarcerations, court systems throughout the country were under growing pressure to manage their cases more efficiently, reduce case backlog, reduce jail and prison terms for drug offenders, and generate cost savings. Accordingly, research reports on drug courts published through the mid-1990s emphasized the measurement of processing-related objectives (McCoy 2003).

As shown in Table 6, QMTC participants did not average less processing time from arrest to disposition/drug court entry, which differs from the results of previous drug court research in New York City (O'Keefe and Rempel 2006; Rempel et al. 2003). In fact, the average time spent from arrest to initial disposition was 60 days for drug court participants and 47 days for the comparison group (differences were not significant). For this analysis, "initial disposition" for drug court participants is defined as the date of the guilty plea that formalized drug court entry; the disposition date for the comparison group is the plea date as well.

In addition, Table 6 shows that the median number of days to disposition was one for the comparison group and 30 days for the drug court participants, which indicates that a large number of comparison group defendants cases were disposed at arraignment. When those cases were removed from the analysis, the impact of the QMTC on case processing efficiency looks much different. In fact, the average time from arrest to disposition for the comparison group increased to 106 days, significantly higher than for the drug court (results not shown).

Of course, from a pure court resources standpoint, the drug court ultimately takes additional time to process its cases since a "final" drug court disposition is not reached until the date of drug court graduation or failure. Thus, as shown in the bottom section of Table 6, drug court participants averaged 15.3 months to graduation or failure, almost ten times longer than the comparison group's average time to disposition.

Table 6. Impact of the QMTC on Case Processing Efficiency

Processing Measure	Drug Court	Comparison Group
Days from Initial Arrest to Initial Disposition[1]		
Average	60	47
Median	30	1
Days from Initial Arrest to Final Disposition [2,3] (defined as graduation or failure date for drug court participants and plea date or other final disposition date for the comparison group)		
Average	466.4 (15.3 months)***	47
Median	391.7 (12.8 months)	1

+ p<.10   * p<.05   **p<.01   *** p<.001 (2-tailed t-test)

Note: Significance tests were not conducted for the median results.

[1] The initial disposition date is defined as the plea date for drug court participants and the plea date or other final disposition date for the comparison group.

[2] The final disposition date is defined as the graduation or failure date for drug court participants and as the final disposition date (identical to above) for the comparison group.

[3] The drug court participant sample for this analysis only includes graduates and failures.

Chapter Five
Results: Impact of the QMTC on Sentencing Outcomes

As an alternative-to-incarceration program, most drug courts aspire to reduce the time that defendants spend in jail or prison. Some drug court critics argue that, due to the lengthy jail or prison sentences commonly imposed on drug court failures, when considering all drug court participants together, they face more severe criminal justice sanctions than under conventional prosecution (Nolan 2001). A study of the Baltimore drug court found that while participants spent fewer days than the comparison group in jail due to their final sentence, they spent substantially more time in jail due to intermediate sanctions for noncompliant behavior; thus when all time was considered, the total number of days spent incarcerated was only slightly lower for drug court participants than for the comparison group (Gottfredson, Najaka, and Kearley 2003).

In the statewide evaluation of New York's drug courts, participants in three of the six sites averaged significantly fewer days in jail or prison than the comparison group on the initial criminal case; but participants in one drug court spent significantly more time in jail or prison on the initial case; and in the final two sites, there was not a significant difference in either direction (Rempel et al. 2003). Further breaking down the results in the New York study, drug court graduates were never incarcerated as part of their final sentence; therefore, they gained the full benefit of the drug court's alternative to incarceration opportunity. On the other hand, drug court failures averaged significantly longer sentences than the comparison group in four of the six sites.

The analysis in this section began with the 312 drug court participants who had reached a final dispositional status (graduation or failure) as of the analysis and their 312 matched comparison group defendants. Since one of the 312 comparison defendants and four of the drug court participants had missing sentence information, the final samples were reduced to 307 and 307.

As shown in Table 7 (comparing the two right-most column), the comparison group was significantly more likely to receive jail time (p<.001). However, although the percentage of jail cases was higher in the comparison group, the average number of days sentenced to jail was significantly higher in the drug court, due to the longer sentences served by drug court failures.

Table 7. Impact of the QMTC on Sentencing Outcomes

	Graduates	Failures	All Drug Court	Comparison
Available Sample Size	151	161	307	307
Sentence Type				
Jail	0%	90%***	48%***	56%
Time served	0%	2%+	1%***	17%
Straight probation	0%	1%	0%	0%
Conditional discharge	0%	2%*	1%***	25%
Fine (without any additional sentence)	0%	0%	0%*	2%
Case dismissed/no sentence imposed	100%	0%	49%***	0%
Sentence Length				
Average length of all cases	0	150***	74***	18
Average length of those sentenced to jail	n/a	166	166***	27

+ $p<.10$ * $p<.05$ ** $p<.01$ *** $p<.001$ (2-tailed t-test)

Note: T-tests were only conducted for the comparisons between (1) all drug court participants and the comparison group and (2) failures and the comparison group. Graduates always have their case dismissed, so statistical tests are unnecessary to demonstrate the clear and distinctive pattern that is applicable to gradautes.

[1] The total drug court participant sample for this analysis includes those reaching final dispositional status: graduates (151), and failures (161).

Moreover, when isolating drug court failures only, it turns out that failures were significantly more likely to be sentenced to jail or prison than the comparison group (90% vs. 56%). Therefore, it seems that there is some legal risk in entering the drug court. Graduating means the complete avoidance of a criminal record, since cases are dismissed; but failing involves a clear understanding that jail will most likely be imposed. These findings are important to consider since only 48% of the participants had graduated at the time of this analysis.

Chapter Six
Conclusion

QMTC produced consistently positive impacts on the probability, prevalence, and timing of re-arrests. Two years after the initial arrest, 71% of drug court participants versus 85% of the comparison group were re-arrested; and after three years, the difference was 79% versus 89%. In addition, QMTC generated a substantial reduction in post-program recidivism; 47% of drug court participants versus 73% of the comparison group were re-arrested within one year of program exit. At the same time, the high rates of recidivism found in both groups clearly demonstrate the persistent criminality of the program's misdemeanor target population. The results demonstrate that although the drug court succeeded in *reducing* the relative amount of criminal behavior, most participants ultimately continued to re-offend.

Positive findings were not found when we examined impacts on case processing efficiency and sentencing outcomes on the initial case that brought the defendants either to drug court or to the comparison group. QMTC did not reduce case processing time from arrest to disposition/drug court entry. However, when we only analyzed those comparison cases that were *not* disposed at arraignment (within one day), the average number of days from arrest to disposition then became significantly higher for the comparison group than for the drug court. Also, although we found that the comparison group was more likely to receive jail time as compared with drug court participants, those in the drug court averaged more days sentenced to jail due to the longer average sentences imposed on program failures. (Graduates did not receive any jail time.)

Some of the findings in this impact evaluation are consistent with the broader literature, which shows that drug courts produce meaningful reductions in recidivism. This evaluation shows that a misdemeanor drug court is no exception. This finding, in combination with the finding that QMTC is close to its targeted graduation rate of 50%, is remarkable for a New York City chronic misdemeanor court, serving a highly recalcitrant population with a lengthy criminal record.

References

Aos, R., Phipps, P., Barnoski, R., & Lieb, R. (2001). The comparative costs and benefits of programs to reduce crime version 4.0. Olympia, WA: Washington State Institute for Public Policy.

Bavon, A. (2001). The effect of the Tarrant County Drug Court Project on recidivism. Evaluation and Program Planning 24: 13-22.

Belenko, S. (2001). Research on drug courts: A critical review: 2001 update. New York: National Center on Addiction and Substance Abuse at Columbia University.

Cooper, C. (2003). "Drug Courts: Current Issues and Future Perspectives." Substance Use and Misuse 38: 1671-1711.

Fielding, J. E., Tye, G., Ogawa, P., Imam, I. J., & Long, A. M. (2002). "Los Angeles County drug court programs: Initial results." Journal of Substance Abuse Treatment 23: 217-224.

Finigan, M. W., Carey, S. M., and Cox, A. 2007. The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs. Portland, OR: NPC Research.

Government Accountability Office. (2005). Adult drug courts: Evidence indicates recidivism reductions and mixed results for other outcomes. United States Government Accountability Office, Report to Congressional Committees (February).

Goldkamp, J. S., White, M. D., & Robinson, J. D. (2001). From Whether to How Drug Courts Work: Retrospective Evaluation of Drug Courts in Clark County (Las Vegas) and Multnomah County (Portland). Final Project Report, Philadelphia, PA: Crime and Justice Research Institute.

Gottfredson, D., Najaka, S. S., & Kearley, B. (2003). "Effectiveness of drug treatment courts: Evidence from a randomized trial." Criminology and Public Policy 2 (2): 171-196.

Gottfredson, D. C., Kearley, B., Najaka, S. S., & Rocha, C. (2003 January) Baltimore City Drug Treatment Court: Evaluation of client self-reports at three-year follow-up. Baltimore, MD: University of Maryland.

Labriola, M. (2006). Process Evaluation of the Queens Misdemeanor Treatment Court. Report submitted to the New York State Unified Court System and the Bureau of Justice Assistance, New York: Center for Court Innovation.

McCoy, C. (2003). "The Politics of Problem Solving: An Overview of the Origins and Development of Therapeutic Courts." American Criminal Law Review 40(4).

Nolan, J. L. (2001). Reinventing Justice: The American Drug Court Movement. Princeton, N.J.: Princeton University Press.

O'Keefe, K., & Rempel, M. (2006). The Staten Island Treatment Court Evaluation: Planning, Implementation, and Impacts. Report submitted to the New York State Unified Court System and the Bureau of Justice Assistance, New York: Center for Court Innovation.

Rempel, M., Fox-Kralstein, D., Cissner, A., Cohen, R., Labriola, M., Farole, D., Bader, A., & Magnani, M. (2003). The New York State adult drug court evaluation: Policies, participants, and impacts. Report submitted to the New York State Unified Court System and the Bureau of Justice Assistance, New York: Center for Court Innovation.

Roman, J., & DeStefano, C. (2004). Drug court effects and the quality of existing evidence. In J. Butts and J. Roman (Eds.), Juvenile Drug Courts and Teen Substance Abuse. Washington, D.C.: Urban Institute Press.

Rubin, D. B. (1973). "Matching to remove bias in observational studies." Biometrics 29: 159-183.

Wilson, D., Mitchell, O., and MacKenzie, D. L. (2006). "A Systematic Review of Drug Court Effects on Recidivism." Journal of Experimental Criminology 2: 459-487.