



Georgia Department of Audits and Accounts

Performance Audit Operations

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Why we did this review

This report examines the adult-felony drug court programs throughout the state of Georgia. Specifically, the audit determined: 1) whether drug courts provide a cost savings by diverting certain offenders from traditional sentencing options, 2) whether drug courts are effective, and 3) if drug courts are being used to their fullest extent. In addition, we assessed the Administrative Office of the Courts' (AOC) efforts to monitor drug courts' compliance with the Key Components identified by the U.S. Department of Justice, evaluate the performance of drug courts, and provide guidance to drug courts on collecting and analyzing data.

About Drug Courts

Drug courts are a voluntary, coordinated effort between justice and treatment professionals that is intended to break the cycle of substance abuse, addiction, and crime. Adult felony drug courts serve adults with felony charges. Participants who choose to enter a drug court program are generally first-time offenders who have committed non-violent offenses, usually while under the influence of an illegal controlled substance and/or to support their drug habit. As of July 2009, 28 adult-felony drug courts were in operation serving 75 of Georgia's 159 counties.

Judicial Branch

Adult-Felony Drug Courts

Opportunities exist to expand the use of drug courts, which could result in lower sentencing costs for the state and lower recidivism rates

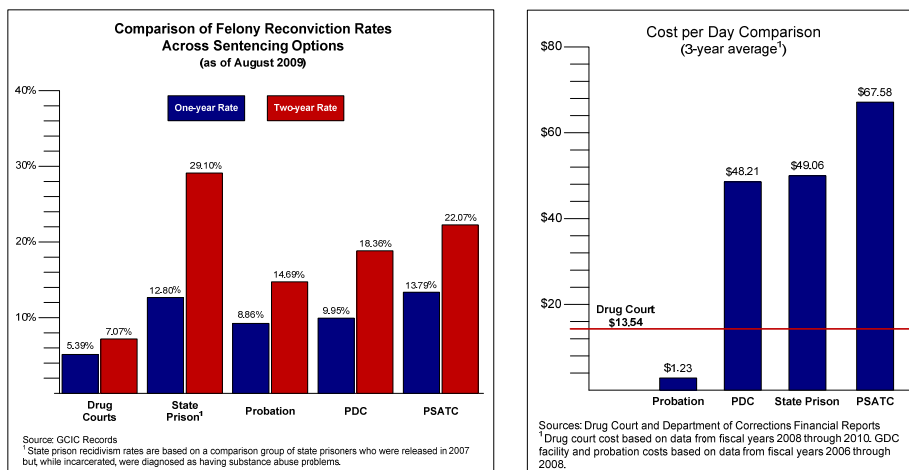
What we found

Our analysis of a 2005 cohort of drug court participants revealed that only 7% were reconvicted within two years of completing the drug court program. The recidivism rate for this cohort of drug court participants was significantly lower than that of a similar group of offenders sentenced to state prison who recidivated at a rate of 29% two years after completing their sentences. Similarly, the drug court recidivism rate was also more favorable when compared to the overall recidivism rates of other sentences commonly given to substance-abusing offenders, such as probation (15%), probation detention centers (18%), and probation substance abuse treatment centers (22%).¹

Our review also found that drug courts cost less than three of the four sentencing options typically given to substance-abusing offenders in terms of both daily cost and total sentence cost (only probation was cheaper). As shown in the graphic on the following page, with the exception of probation, the \$13.54 average daily cost of drug court is 72% to 80% less than the average daily cost of the other traditional sentencing options. Similarly, when taking into account the average length of each sentencing option, drug courts are generally a cost-effective alternative. The total sentence cost of drug court is approximately \$10,293 to \$20,863 less than a sentence to state prison, a probation substance abuse center (PSATC), or a probation detention center (PDC), while a sentence to

¹ Reconviction rates for probationers and those sentenced to PSATCs and PDCs were calculated using the entire offender population serving these sentences. Data that would allow us to identify a comparison group (e.g., eligibility for drug courts) for these sentence options was not available. As a result, substance-abusing offenders sentenced to probation, for example, only account for a portion of those serving a probation sentence.

probation is on average \$7,165 less than the cost of a drug court sentence.



Overall, it appears that drug courts save the state money by providing a low-cost sentencing alternative to traditional higher-cost sentencing options. In order to illustrate the fiscal impact of drug courts on public resources, we analyzed a cohort of drug court participants to determine which alternative sentence they would have received had they not chosen to serve their sentence in a drug court. Our review found that approximately 73% of drug court participants in the 2005 cohort would have been sentenced to higher cost sentencing alternatives and 27% would have been sentenced to the lower cost alternative of probation if drug courts had not been chosen. We also compared the estimated cost of serving a 2009 cohort in drug court versus the estimated cost of serving them in their alternative sentence. If the allocation of sentencing alternatives found in the 2005 drug court cohort were to hold true for future cohorts,² such as drug court participants who were active as of January 2009, we estimate a net savings of approximately \$18 million (that is realized over the course of serving a sentence to drug court) by diverting substance-abusing offenders to drug court.

Despite their advantages, the use of drug courts has not been maximized. Our review identified approximately 4,000 individuals incarcerated in state prisons as of August 2009 who potentially would have met eligibility criteria for drug court. While it is unlikely that every eligible state prisoner would enter a drug court program, there is a potential for savings if only a portion of the state prisoners enter drug court. For example, if 10% of eligible state prisoners in August 2009 entered drug court, the state could have saved approximately \$4 million; if increased to 20%, the savings could be as much as \$8 million. While we were unable to determine the specific reasons why these state prisoners who potentially met eligibility criteria for drug court were not admitted, it is currently not feasible to accommodate all of these individuals in drug court because 1) existing drug courts in the prisoner's county of residence do not have the space to accommodate them, or 2) drug courts do not exist in the prisoner's county of residence.

The expansion of drug courts could be hindered by multiple barriers. These barriers include: judges do not have sufficient time to devote to drug court; drug courts need additional funding to admit more participants; and treatment service providers as well as ancillary services are limited in certain parts of the state.

We also identified several areas for improving drug courts including the need to collect better data to assess program effectiveness and ensure compliance with components of an effective drug court program identified by the U.S. Department of Justice.

² The 2005 cohort of drug court participants was used for multiple analyses in this report. Because of a lack of centralized and electronic data, it was not feasible to collect data from multiple cohorts from paper files at each drug court. The extent to which drug court participants in other cohorts would have an equivalent break down of alternative sentences to the 2005 cohort group could not be determined.

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Audit Purpose

This report examines the adult-felony drug court programs throughout the state of Georgia. Specifically, the audit determined: 1) whether drug courts provide a cost savings by diverting certain offenders from traditional sentencing options³, 2) whether drug courts are effective, and 3) if drug courts are being used to their fullest extent. In addition, we assessed the Administrative Office of the Courts' (AOC) efforts to monitor drug courts' compliance with the Key Components identified by the U.S. Department of Justice, evaluate the performance of drug courts, and provide guidance to drug courts on collecting and analyzing data. Details about the objectives, scope and methodology related to this report are included in **Appendix A**.

This report has been discussed with appropriate personnel representing the Administrative Office of the Courts. A draft copy was provided for their review and they were invited to provide a written response, including any areas in which they plan to take corrective action. Pertinent responses have been included in this report as appropriate.

Background

Drug courts were first implemented in 1989 in Florida to divert substance-abusing criminal offenders from jail or prison to supervised community treatment. Drug courts are a coordinated effort between justice and treatment professionals that is intended to break the cycle of substance abuse, addiction, and crime. Drug court participants receive substance abuse treatment, case management, drug testing, and probation supervision while reporting to regularly scheduled status hearings before a judge. In addition, drug court participants may receive ancillary services such as mental health treatment, trauma and family therapy, job skills training, and educational training.

One of the intended benefits of drug courts is that they cost less than incarceration. In addition, drug courts are intended to reduce crime by lowering rearrest and reconviction rates (recidivism), and improve substance abuse treatment outcomes, which also reduce costs.

According to a survey of drug court activity by the National Drug Court Institute, there were 2,147 drug courts across the 50 states and U.S. territories by 2007. The drug court model has been used to create various types of drug courts⁴, including adult-felony courts, juvenile courts, and family dependency courts. Adult-felony drug courts, however, remain the most common type of drug court in the nation and in Georgia.

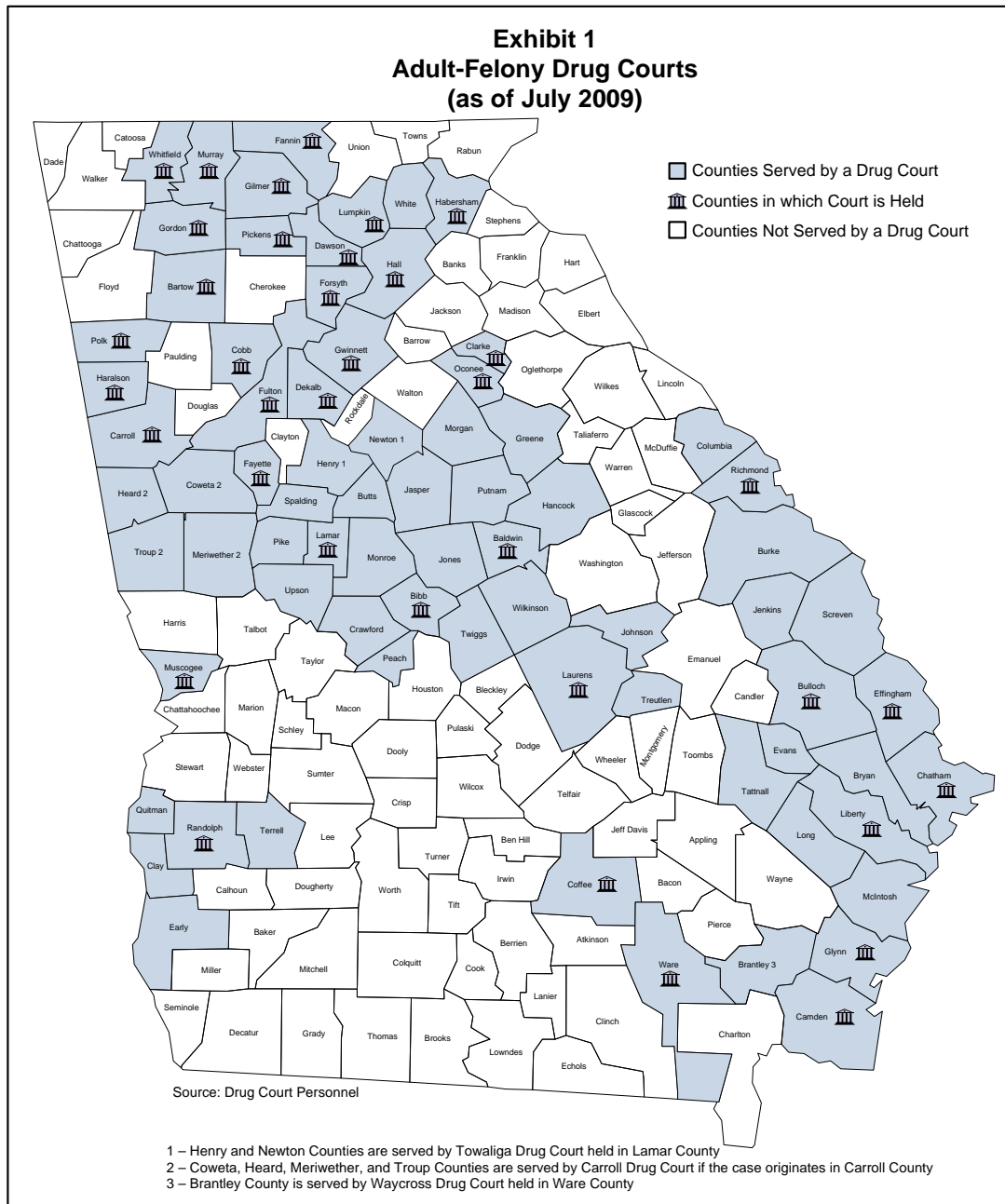
Adult-Felony Drug Courts in Georgia

In 1994, Georgia's first adult-felony drug court was established in Macon. By July 2009, 28 drug courts were in operation throughout the state. As shown in **Exhibit 1** on the next page, these 28 drug courts serve 75 of Georgia's 159 counties. The state's

³ In this review, traditional sentencing options refer to state prison, probation, probation detention center, probation substance abuse treatment center, and county jail.

⁴ Adult-felony drug courts serve adults with non-violent felony charges; juvenile drug courts serve only juvenile offenders; family dependency drug courts focus on the reunification of families where parental substance abuse is a factor.

drug courts had 1,727 participants in 2008 and 1,924 participants in 2009.



Where drug court programs exist, judges have a non-incarceration sentencing option that provides intensive rehabilitative services. On the other hand, where drug courts do not exist, judges must rely on traditional sentencing options, which include short and long-term incarceration facilities and probation. **Exhibit 2** provides an overview of traditional sentencing options, including the types of offenders typically sentenced to the option and the extent to which substance abuse programs are available.

Exhibit 2 Traditional Sentencing Alternatives	
Sentencing Option	Description
State Prison	State prisons house violent or repeat offenders, or nonviolent offenders who have exhausted all other forms of punishment. Judges may sentence offenders directly to prison or offenders may be sent to prison as a result of probation/parole revocation proceedings. All state prisoners undergo an assessment to identify drug dependency issues. Depending on the outcome of the assessment, inmates are referred for treatment services. Each facility is responsible for developing treatment programs to address the needs of its population. Such programs may include Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and other treatment methods.
Probation	Probation is the most frequently used sentencing option in Georgia. A sentence to probation may be imposed instead of or in addition to serving time in jail or prison. It allows the convicted person to live in the community for a specified period of time while under the supervision of a probation officer. As a condition of their probation sentence, offenders may be required to undergo mandatory drug testing or to get treatment for drug and alcohol abuse or dependency.
Probation Substance Abuse Treatment Center (PSATC)	PSATCs are six-month residential treatment facilities that house probationers with severe substance abuse problems. Currently, Georgia has three facilities – two facilities serve male probationers and one facility provides services for female probationers. Offenders must be sentenced to a PSATC by a judge. All three facilities offer advanced cognitive-behavioral substance abuse treatment with a complete mental health component.
Probation Detention Center (PDC)	A PDC is a minimum security facility for confining probationers who need more security/supervision than provided by a diversion center and intensive probation supervision. Offenders may be sent directly to the center as a sentencing option or as a result of a revocation proceeding. All probationers entering a PDC must undergo an assessment to identify drug dependency issues. Depending on the outcome of the assessment, probationers are referred for treatment services. Each facility is responsible for developing treatment programs to address the needs of its population. Such programs may include AA, NA, and other treatment methods.
County Jail	County jails are correctional facilities run by individual counties and cities. Offenders sentenced to county jails are generally serving a sentence of less than one year. Jail medical staff screen each inmate to identify health concerns, including drug dependency issues. Drug-dependent inmates are referred for treatment services, which may include detoxification, professional counseling, a residential stay, or maintenance drug programs. Other programs include AA, NA, and other self-help groups, and drug or alcohol education or awareness.

Source: Georgia Department of Corrections and U.S. Bureau of Justice Statistics

Administration of Drug Courts

In Georgia, local judges initiate the establishment of drug courts in their districts and operate them independently. In order to establish a drug court, a judge must have sufficient time to manage the drug court, the support of local prosecutors and public defenders, and an available treatment provider. The judge manages the drug court along with the other members of the drug court team. A drug court team is comprised of, at a minimum, a prosecutor, defense counsel, a law enforcement representative, a treatment representative, and the local drug court coordinator.

While each drug court is operated independently, the Judicial Council, which assists in the administration of courts throughout the state, established the Standing Committee on Drug Courts (Standing Committee) in 2004 to promote the development and sustainability of Georgia’s drug courts. The General Assembly attempted to introduce some level of standardization to the system of drug courts when it enacted O.C.G.A. 15-1-15 in 2005 requiring the Standing Committee to set

standards for the drug courts. According to O.C.G.A. 15-1-15, “the standards are to serve as a flexible framework for developing effective drug court divisions and to provide a structure for conducting research and evaluation for program accountability.”

In order to comply with the statutory requirement to adopt standards for the drug courts, the Standing Committee adopted the Key Components identified by the U.S. Department of Justice. As shown in **Exhibit 3**, the components describe the best practices and operations of drug courts.

Exhibit 3
Drug Courts – The Key Components

1. Integration of substance abuse treatment with justice system case processing.
2. Use of a non-adversarial approach in which prosecution and defense counsel promote public safety while protecting participant’s due process rights.
3. Early identification and prompt placement of eligible participants.
4. Access to a continuum of treatment, rehabilitation, and related services.
5. Monitoring of abstinence by frequent alcohol and other drug testing.
6. A coordinated strategy among the judge, prosecution, defense, and treatment providers to govern offender compliance.
7. Ongoing judicial interaction with each participant.
8. Monitoring and evaluation to measure achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education to provide effective planning, implementation, and operation.
10. Partnerships with public agencies and community-based organizations to generate local support and enhance drug court effectiveness.

Source: U.S. Department of Justice

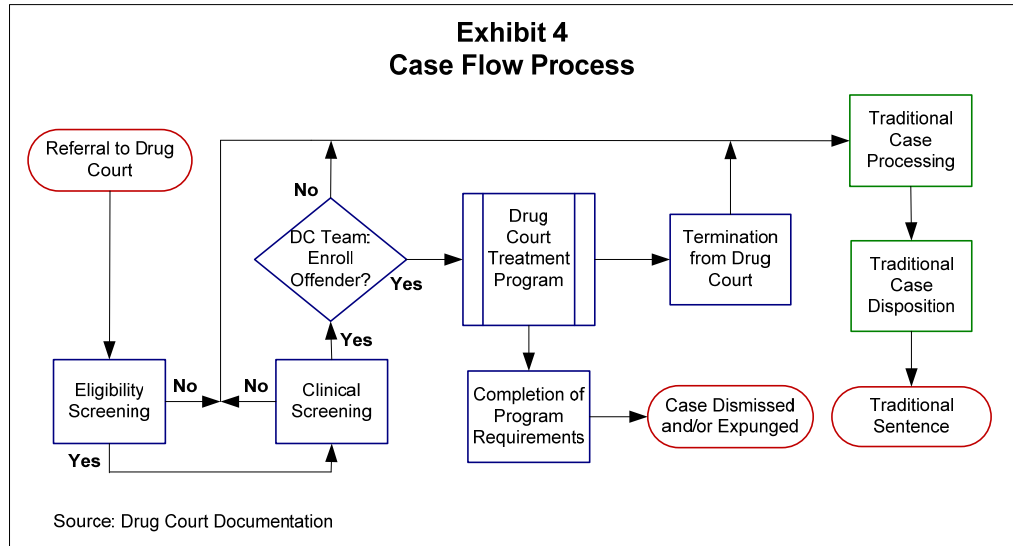
The Standing Committee also created treatment standards to establish requirements for treatment providers, treatment programs, drug tests, and performance measures. Each drug court is required to create its own policies related to eligibility criteria and treatment that are consistent with the standards set by the Standing Committee.

The Administrative Office of the Courts (AOC), the judicial agency that provides staff support to the Standing Committee, is responsible for monitoring compliance with both the Key Components and the treatment standards.

Drug Court Process

Adult-felony drug courts serve adult offenders who have committed non-violent felony offenses, usually while under the influence of an illegal controlled substance and/or to support their drug habit. A potential drug court participant may be referred to a local drug court program in several ways. Members of the drug court team may identify potential participants or they may be identified by county jail staff, defense attorneys, or family members. The offender voluntarily chooses to be screened for the drug court program and may choose to exit the screening process at any time.

As shown in **Exhibit 4**, each referral is screened based on the eligibility criteria of the drug court. Each drug court’s eligibility requirements may vary based on minimum age of the offender, the allowable number and types of prior offenses, and the current charges. It should be noted that drug courts generally do not accept offenders with current or prior charges of violence or use of force, weapons offenses, or sexual offenses. Most drug courts also require that a participant reside in the counties served by the drug court.



If a referred offender meets the eligibility requirements, he or she receives a clinical screening.⁵ The results from the screening assist the drug court team in determining whether the drug court program can provide the appropriate level of treatment for the referred offender.

The information obtained from both the eligibility screening and the clinical screening is presented to the drug court team, which then may decide to offer a slot into the drug court program to the offender. Once offered, the offender can either accept the drug court program as their sentence or opt to continue traditional case processing.

Once enrolled, the offender begins the treatment program. As shown in **Exhibit 5**, each court divides the program into phases – each phase has a specified period of time that focuses on one or more stages of addiction recovery (e.g., stabilization or addiction education). Each drug court varies in the number and length of their treatment phases. Within each phase, the frequency and length of the counseling sessions and other program requirements also varies. In general, as a person moves through the program, the intensity of the program requirements lessens as each program phase is completed.

During the treatment program, a participant is also required to participate in drug testing and attend judicial status hearings. Through status hearings, the judge monitors the progress of the participants, and levies sanctions and rewards appropriate for the participant’s behavior. Drug courts generally use graduated sanctions when offenders violate program requirements such as testing positive on

⁵ Screening tools currently being used in Georgia’s drug courts include the Addiction Severity Index (ASI), Substance Abuse Subtle Screening Inventory (SASSI), and the Level of Service Inventory (LSI).

drug tests or failing to report to court. These sanctions can include mandatory community service or jail stays.

If the participant is not progressing through the program due to continued drug or alcohol use, or has a new arrest, or absconds⁶, the participant may be terminated from the program. The decision to terminate a participant is made by the drug court team. If a participant terminates from the program, he or she returns to the traditional case process and receives a sentence.

Exhibit 5
Drug Court Program Treatment Examples

Program Requirements	Total Treatment Length: 48 – 104 weeks				
	Phase 1 Length: 6 – 39 weeks	Phase 2 Length: 4 – 26 weeks	Phase 3 Length: 12 – 26 weeks	Phase 4 Length: 12 – 26 weeks	Phase 5 Length: 12 – 26 weeks
Counseling Sessions Participants receive substance abuse counseling in order to recover from drug or alcohol addiction, and to prevent relapse.	3 – 5 per week	2 – 4 per week	1 – 3 per week	2 per week – 2 per month	1 per week – 2 per month
Drug Testing Through these tests, abstinence from drugs and alcohol is monitored, and treatment effectiveness is measured.	2 – 3 per week	2 – 3 per week	1 – 3 per week	2 per week – 2 per month	2 per week – 2 per month
Judicial Hearings The judge monitors a participant's progress, encourages appropriate behavior, and discourages noncompliant behavior.	1 per week – 2 per month	1 per week – 2 per month	1 – 2 per month	1 – 2 per month	1 per month
12-Step Meetings These meetings are used to aid in recovery from addictive behaviors and are a supplement to the counseling sessions.	1 – 7 per week	2 – 6 per week	3 – 5 per week	3 per week	2 – 5 per week

Source: Drug Court Documents

Upon completion of all the program requirements, a participant is eligible to graduate. A participant who graduates may have his or her case dismissed, the charge expunged from the record, or the sentence modified.

Measuring Program Effectiveness

Nationally, there has been an effort to measure the effectiveness and efficiency of drug courts. The National Drug Court Institute (NDCI) recommends the use of four performance measures to document the effects of drug courts on participants. These four measures are as follows:

- **Retention/completion (graduation)** - this rate measures the percentage of a group of program participants that complete the drug court program.
- **Sobriety** - this measure uses the results of all the drug tests administered

⁶ A participant absconds when he or she stops reporting to the drug court and cannot be located.

during the program to determine the average length of continuous sobriety and the average number of failed tests. As the participant proceeds through the program, a trend should exist among participants demonstrating a reduction in the number of positive screens.

- **Recidivism** - this rate measures the percentage of a group of participants that are rearrested and/or reconvicted for a crime. Courts can measure recidivism while participants are in the drug court or after the participants leave the program.
- **Units of service** - this measure documents the actual attendance of a participant in program activities that address the needs of the participant, such as substance abuse counseling.

Drug Court Funding

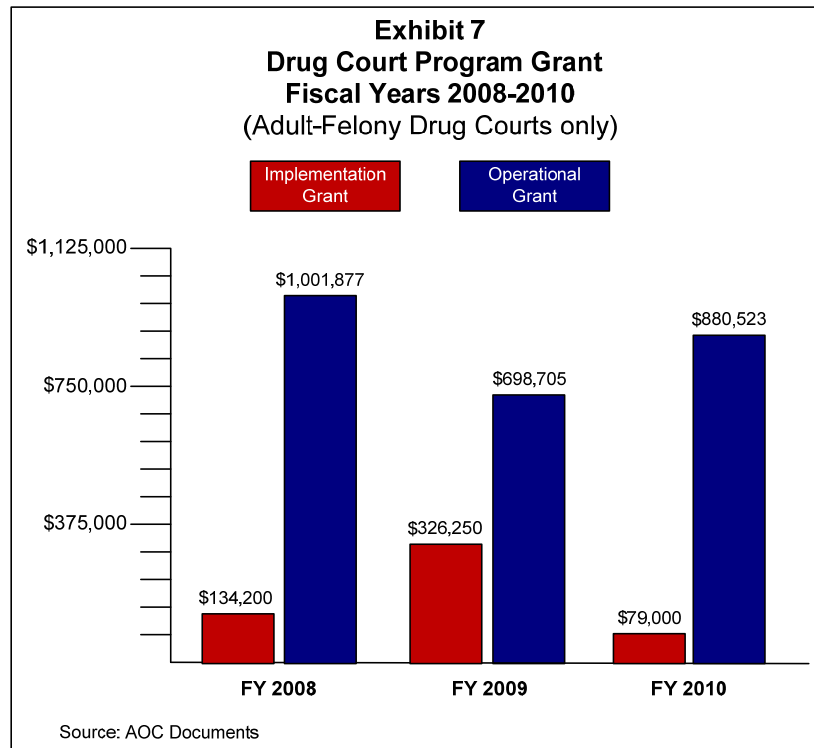
Each drug court is funded through a combination of county funds, federal grants, participant fees, and state funds provided through the Standing Committee, the Criminal Justice Coordinating Council, the Department of Behavioral Health and Developmental Disabilities, and the Council for Superior Court Judges, as shown in Exhibit 6. In fiscal year 2010, drug courts received approximately \$9.5 million in funding of which \$5.4 million was county funding. In-kind services provided by judges, probation staff, and law enforcement officers also contribute to the operations of drug courts; however, the dollar value of these services is not tracked. Appendix B provides fund source detail for each drug court for fiscal year 2010.

Exhibit 6 Drug Court Revenue Fiscal Year 2010		
Fund Sources	Amount	Percent of Total
County	\$5,442,764	57.1%
State	1,901,148	20.0%
Federal	740,950	7.8%
Participant Fee	1,186,145	12.5%
Other ¹	<u>253,298</u>	<u>2.7%</u>
Total	<u>\$9,524,306</u>	<u>100.0%</u>

¹ Other funds are mostly donations from businesses or individuals.

Source: AOC Grant Applications

Since fiscal year 2006, the state has appropriated funds for the Statewide Drug Court Program grant. Implementation grants, which ranged from \$56,250 to \$90,000 in fiscal year 2009, are awarded to drug courts in their first year of implementation and are intended to fund start-up costs. Operational grants, which ranged from \$15,938 to \$51,473 in fiscal year 2009, are awarded to established drug courts and are intended to fund on-going costs. Exhibit 7 shows the total amount of implementation and operational grant awards to adult-felony drug courts from fiscal year 2008 to fiscal year 2010. Appendix C includes a listing of grant awards for fiscal years 2009 and 2010.



In order to receive an implementation grant, drug courts submit an application to AOC approximately six months before the beginning of the state fiscal year. In the application, the courts indicate their intended target offender population and treatment program. The courts are required to submit a detailed budget plan that describes their proposed expenses. In order to receive an operational grant, drug courts also submit an application to AOC. This application requires each court to indicate its compliance with the Standing Committee's standards. The courts also submit information about their operations (e.g., eligibility criteria and treatment program) as well as performance measures.

Implementation grants are given first priority for grant funds. The remaining funds are used for operational grants. Half of the remaining funds is used to create a base level award and the other half is distributed based on a formula.

Drug court participants may be charged a monthly fee while participating in the programs. Based on interviews with 10 drug court coordinators, monthly fee amounts range from approximately \$20 to \$200. Of the 10 drug courts, three have fees lower than \$50 per month. In some cases, the fees are paid to the treatment provider to help cover the cost of treatment services the participant receives. Failure to pay the required fees may result in a participant not being able to move to the next phase. The drug court judge may also impose sanctions or withhold incentives for nonpayment. We did not identify instances where drug courts terminated participants for nonpayment.

The primary expenditure for most drug courts is providing counseling/treatment services and drug screening to participants. While some drug courts have dedicated personnel, which are funded through the drug court, the other personnel (e.g., judges, local prosecutors) associated with a drug court are paid from other funds. For

example, a law enforcement officer on a drug court team may participate in the drug court team in addition to his or her normal caseload; therefore, his or her salary is paid by the law enforcement agency. Similarly, a drug court coordinator may be employed by the superior court and drug court is a part of his or her overall responsibilities. The total dollar amount of this in-kind contribution was not readily available and was not included in any drug court analysis.

Findings and Recommendations

Drug court participants achieved better outcomes often at a lower cost than those in traditional sentencing options.

Our review found that a 2005 cohort of drug court participants recidivated less than a similar group of offenders sentenced to state prison⁷. When compared to offenders sentenced to other alternatives including probation, probation detention centers (PDC), and probation substance abuse treatment centers (PSATC), drug court participants appear to recidivate at a lower rate. In addition, with the exception of probation, drug courts cost less than traditional sentencing options.

*According to the National Drug Court Institute, **recidivism** may be calculated using rearrest and/or reconviction data.*

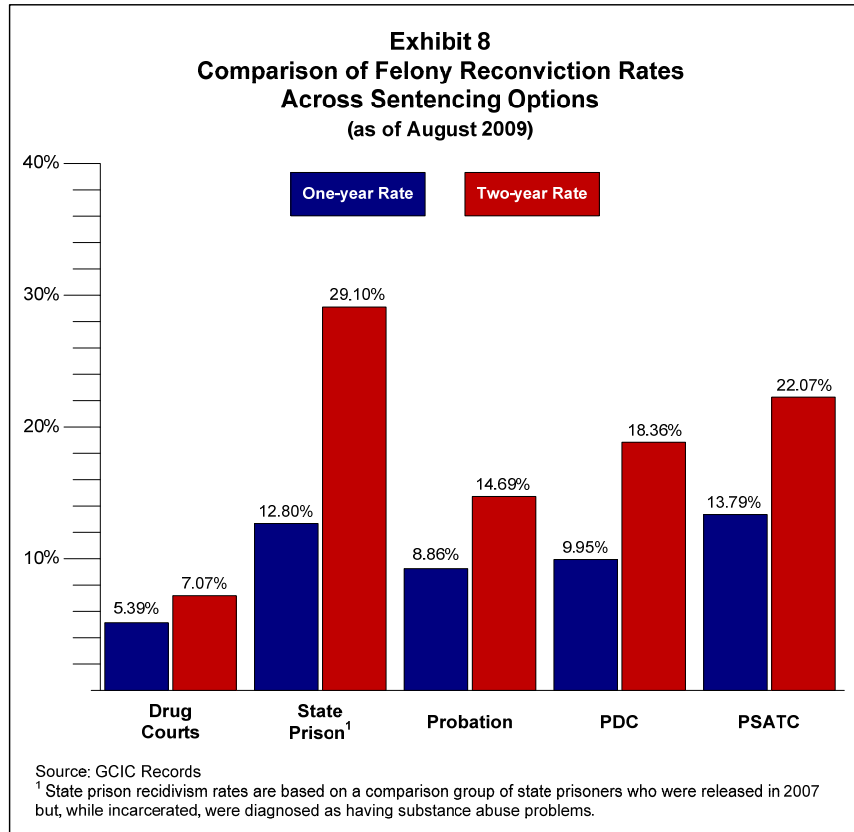
In order to compare recidivism rates, we analyzed felony reconviction data for our sample of drug court participants and for offenders sentenced to other traditional options. As shown in **Exhibit 8** on the next page, our review found that only 7% of drug court participants in our sample recidivated within two years of completing their sentence compared to 29% of substance-abusing offenders who served their sentences in state prison.⁸ In addition, the two-year recidivism rates of the other alternative sentencing options were higher than that of our sample of drug court participants⁹. For example, the two-year recidivism rates for PSATCs and PDCs were 22% and 18%, respectively. It should be noted that reconviction rates for probationers and those sentenced to PSATCs and PDCs were determined using the entire offender population serving those sentences because data that would allow us to identify a comparison group based on the offenders' potential eligibility for drug courts was not available.

Other states have also found drug courts to be more effective in reducing criminal activity than traditional sentencing options. According to a 2005 U.S. Government Accountability Office assessment of 27 adult drug court program evaluations (meta-analysis), most programs have led to statistically significant reductions in recidivism 1) while participants were enrolled in the programs and 2) following their release. For example, an evaluation of drug courts in Rochester, New York reported reconviction rates for drug court participants one to three years after entering the program were 10 percentage points below rates for the comparison group of arrestees who were eligible to enter a drug court program but were not arraigned before a judge who was supportive of drug courts. Similarly, a 2009 study of Florida's adult drug courts reported that over a three-year period, offenders who successfully complete drug court are 80% less likely to go to prison than a similar group of offenders sentenced to drug offender probation.

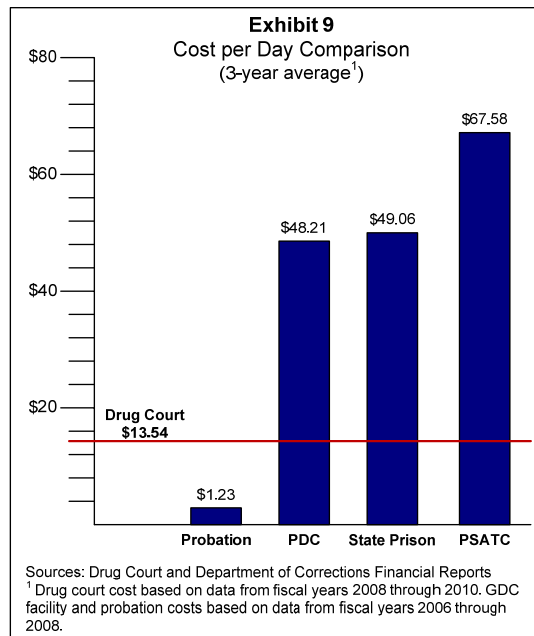
⁷ The comparison group of state prisoners was identified by matching prisoners to drug court eligibility criteria, such as type of offense, age, and number of prior convictions. (Appendix D provides more details about these criteria.)

⁸ Our analysis of recidivism was based on felony reconvictions because the Georgia Department of Corrections (GDC) uses reconviction data to calculate recidivism rates for inmates sentenced to state correctional facilities and probation.

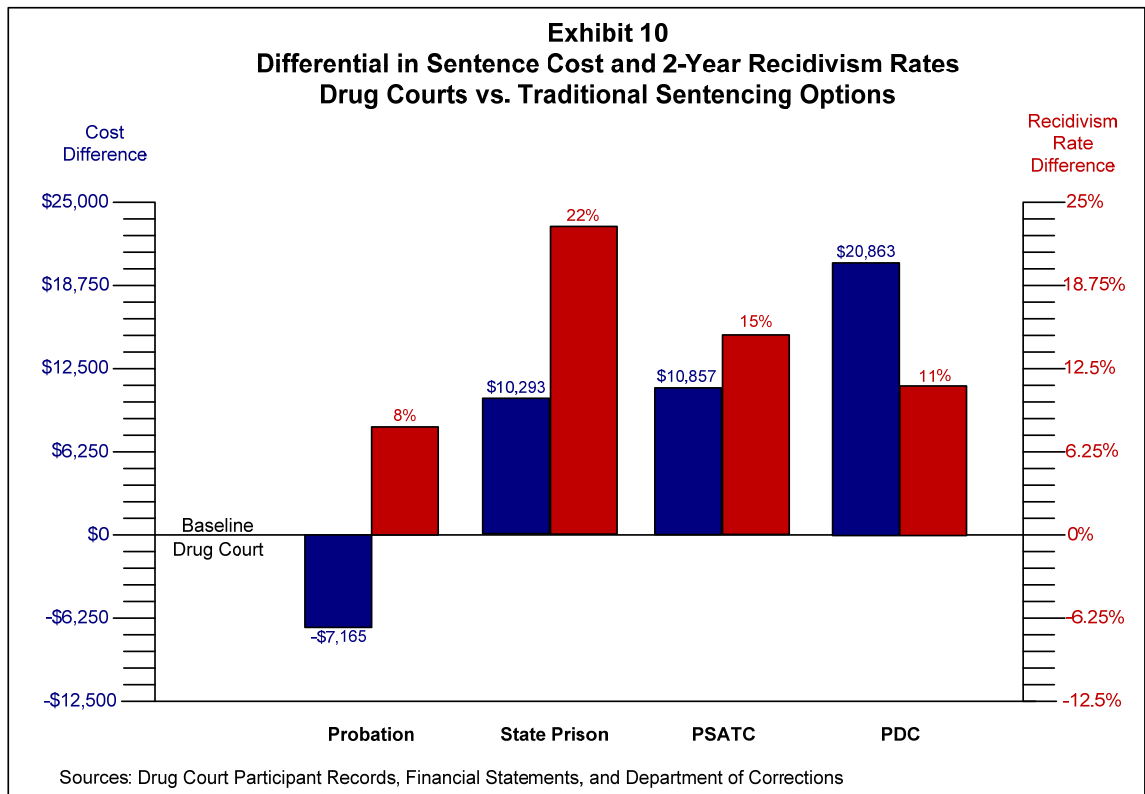
⁹ The margin of error for the drug court sample is + or - 5%. As a result, the two-year recidivism rate for the sample ranges from 2% to 12%, which is lower than the rates of the alternative sentencing options.



In addition, our review found that adult-felony drug courts operate at a lower daily cost than most traditional sentencing options. As shown in Exhibit 9, with the exception of a sentence to probation, the \$13.54 average daily cost of drug court is 72% to 80% less than the average daily cost of traditional sentencing options.



Similarly, when taking into account the average length of each sentencing option, drug courts are generally a cost-effective alternative. As shown in Exhibit 10, a sentence to drug court ranges from \$10,293 less than the cost of a state prison sentence to \$20,863 less than the cost of serving a sentence at a PDC. Probation is the only sentencing alternative that has a lower sentence cost, which is approximately \$7,165 less than the sentence cost of a drug court. As shown in the exhibit, however, a comparison of sentencing alternatives must take into consideration both the differential in cost and in outcomes. The two-year reconviction rates for our sample of drug court participants were from 8 to 22 percentage points lower than reconviction rates of their counterparts in state prison and individuals sentenced to other traditional options.



Given the relative success of the drug court programs in terms of cost and outcomes, the state should continue to support local drug court programs. In addition, as discussed starting on page 17, there is the potential to expand the use of drug courts that could result in further cost savings to the state. While there are advantages to sentencing substance-abusing offenders to drug courts rather than traditional sentencing options, our review identified a number of improvements that could be made to maximize the benefits of drug courts. These potential improvements are discussed further starting on page 15.

Drug courts save the state money by providing a low-cost sentencing alternative to traditional higher cost sentencing options.

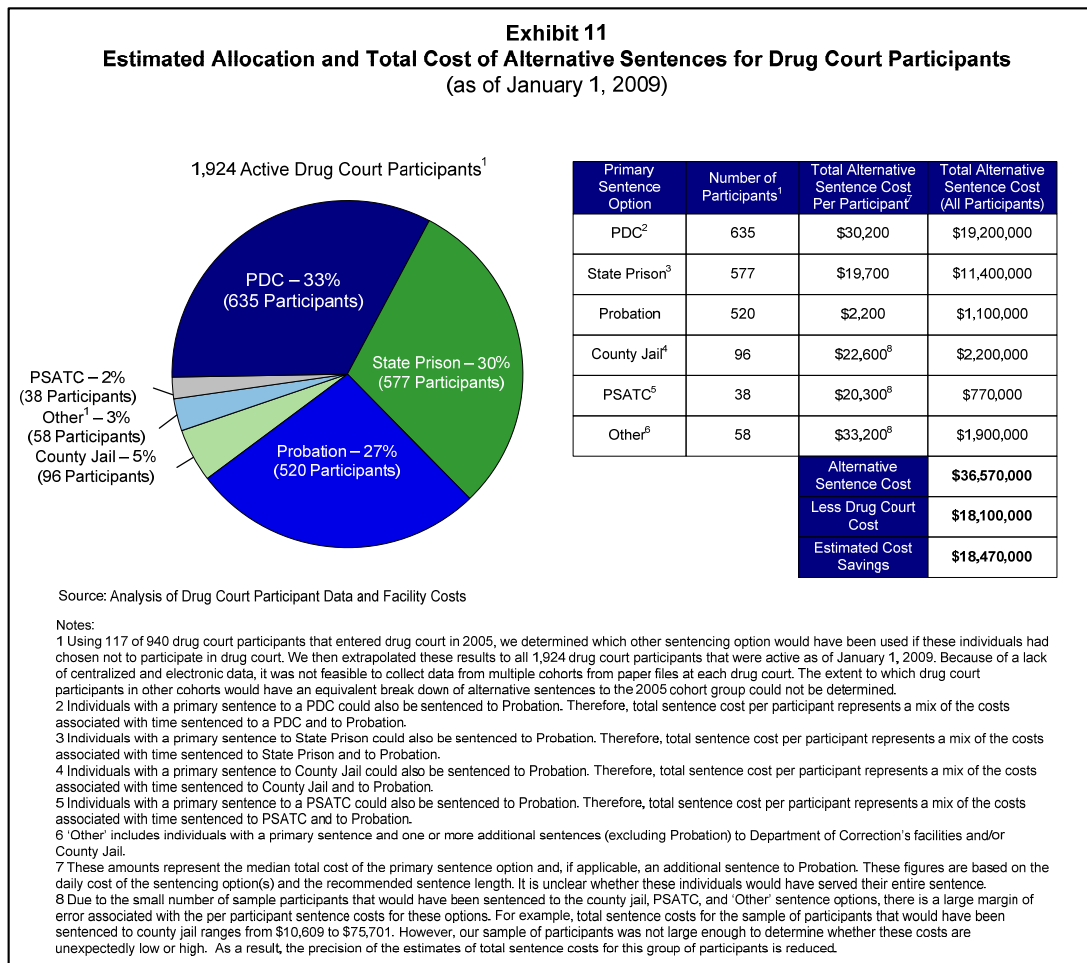
As discussed previously, we found that the average sentence cost for a drug court participant is less than the cost of each of the other traditional sentencing options available to substance-abusing offenders except for probation. In order to illustrate the overall fiscal impact of drug courts on public resources, we analyzed a cohort of drug court participants to determine which alternative sentence they would have received had they not chosen to serve their sentence in a drug court. Our review found that approximately 73% of drug court participants in the 2005 cohort would have been sentenced to higher cost sentencing alternatives and 27% would have been sentenced to the lower cost alternative of probation if drug courts had not been chosen. We also compared the estimated cost of serving a 2009 cohort in drug court versus the estimated cost of serving them in their alternative sentence. If the allocation of sentencing alternatives found in the 2005 drug court cohort were to hold true for future cohorts,¹⁰ such as drug court participants who were active as of January 2009, we estimate a net savings of approximately \$18 million (that is realized over the course of serving a sentence to drug court) by diverting substance-abusing offenders to drug court. The details of these calculations are discussed below.

- **Alternative Sentences:** To estimate where drug court participants would have been sentenced if not sentenced to drug court, we identified the most likely alternative sentence for 117 of 940 drug court participants that entered drug court in 2005.¹¹ In some instances, the alternative sentence had been previously decided by the judge and the participant was given a choice between drug court and the alternative sentence. In these cases, we identified the alternative sentence in the participant's criminal case file. In instances where the alternative sentence had not been decided, the local district attorney assisted us in determining which other sentence option likely would have been used. We then extrapolated these results to predict an alternative sentence for all 1,924 drug court participants that were active as of January 1, 2009. As shown in Exhibit II, 33% (635) of participants would have been placed in probation detention centers, the most expensive alternative sentence at an estimated median cost of \$30,000 per participant sentence. Thirty percent (577) of participants would have served their sentence in prison (with a median sentence cost of approximately \$19,000). Approximately 27% (520) of drug court participants would have served their sentence in the least expensive alternative of probation.

¹⁰ The 2005 cohort of drug court participants was used for multiple analyses in this report. Because of a lack of centralized and electronic data, it was not feasible to collect data from multiple cohorts from paper files at each drug court. The extent to which drug court participants in other cohorts would have an equivalent break down of alternative sentences to the 2005 cohort group could not be determined.

¹¹ Due to time and resource constraints, we were only able to obtain alternative sentencing information for 117 of 940 participants who entered drug court in 2005. These 117 participants were included in our original sample of 300 drug court participants. We assumed the remaining 183 of 300 sample participants would possess characteristics similar to the 117 participants (e.g., criminal histories, current charges) because these characteristics are consistent with drug court eligibility criteria and that sentencing practices across the circuits would be similar. If these assumptions hold true, the 117 is statistically valid at a 90% confidence interval and a 7.5% rate of error.

- Net Savings:** To determine the potential cost savings resulting from participants serving their sentence in drug court rather than other sentencing options, we calculated the median sentence cost for each of the alternative sentencing options and for drug court as shown in the exhibit. Using the number of active participants in the drug court program as of January 1, 2009, we estimated the total cost for all 1,924 participants in drug court to be about \$18 million, assuming all participants complete their sentences. In contrast, had these participants served their sentences elsewhere, the total sentence cost of serving the alternative sentences is estimated to be approximately \$36 million. So, despite there being some drug court participants who could have gone to probation (the least expensive alternative for substance-abusing offenders), the net savings associated with drug courts for this cohort is approximately \$18 million. It should be noted that the allocation of sentencing alternatives would have to have a significant shift in order to eliminate the net cost savings resulting from a sentence to drug court. In our example of drug court participants who were active as January 1, 2009, the percentage of the drug court population that could have potentially served their sentences in probation would have to increase by approximately 790 (150%) in order for the net cost savings associated with drug courts to be eliminated.



Clearly, the fiscal impact of sentencing substance-abusing offenders to drug court rather than to other sentencing options is significant. As discussed in the next finding, the savings resulting from a sentence to drug court instead of traditional sentencing options can be impacted by participants' failure to complete the drug court program. The finding discusses improvements that could help increase the rate at which participants successfully complete drug court programs and, subsequently, increase savings.

Currently, drug courts do not consistently target offenders who are most likely to complete the program. Targeting substance-abusing offenders who are most likely to complete drug court could improve program outcomes and generate additional savings to the state.

Although the drug courts have established processes to obtain information to determine the eligibility of a defendant to enter drug court, the information is not consistently used to assess who successfully completes the program and who does not. Additionally, the lack of information on completers makes it difficult for many courts to refine eligibility criteria to ensure only those who have a viable chance for recovery and pose the least risk to public safety are admitted. Based on our sample of drug court participants, we found that of the 1,924 participants who entered drug court in calendar year 2005, 53% (1,020) completed the program. In comparison, drug courts across the nation report completion rates ranging from 67% to 71%. Although national studies cite numerous benefits of drug courts, including decreased criminal recidivism, increased sobriety, retention in treatment, and cost savings, these benefits are generally seen in those participants who complete the program. Targeting participants that are most likely to complete the drug court program would increase the effectiveness of drug courts and result in cost savings to the state.

Our review identified numerous research studies citing factors that may affect drug court outcomes or provide indications about the likelihood of an offender to successfully complete drug court. Factors that may be important determinants of success in drug court include participants' primary drug of choice, number of prior arrests and convictions, and demographic and socioeconomic characteristics (e.g., level of education and employment status). For example, studies indicate that an individual whose primary drug of choice is alcohol or marijuana is more likely to complete drug court than a heroin or cocaine user. Exhibit 12 includes a listing of additional factors associated with drug court completion.

Exhibit 12	
Factors Related to Drug Court Completion	
Category	Factor
<i>Socioeconomic Characteristics</i>	Completed high school or GED Employment (especially full-time) before and during the program If unemployed, school attendance at the time of entry
<i>Substance Abuse and Treatment History</i>	Primary drug of choice is alcohol or marijuana versus the more addictive heroin or cocaine
<i>Prior Criminal History</i>	Low levels of prior criminal history (e.g., prior arrests or convictions)
<i>Legal Coercion</i>	Legal consequences of program failure (e.g., facing longer jail or incarceration terms) Supportive comments of the judge and court appearances
<i>Charge Type</i>	Current charge of drug possession
<i>In-Program Behavior</i>	Compliance with drug court procedures (e.g., attend treatment sessions, remain drug free) Rapid and thorough initial integration into drug court
<i>The Role of Treatment</i>	Timely referral to drug court after case disposition

Source: Drug Court Research

We were unable to compare the characteristics of Georgia’s drug court participants against these factors because participant data were 1) not available in a format suitable for easy comparison or 2) included in clinical assessments that were difficult to interpret. However, as previously noted, the Key Components recommend drug courts collect this type of information and use it to identify individuals more likely to complete the program. Our review found that drug courts appear to be collecting this type of information. Of 17 drug courts responding to our survey, all reported collecting the recommended information during the eligibility determination process. However, only eight of the 17 reported using the information to assess characteristics of individuals who complete drug court in order to refine its target population and increase the completion rate. In addition, most drug courts reported maintaining the information using a combination of paper and electronic files, making it difficult to aggregate and assess the information in a meaningful way.

We found that non-completers represent an additional cost to the criminal justice system since each non-completer returns to the traditional case process and receives a traditional sentence. For each participant who does not complete the program, the estimated cost of serving part of the drug court sentence plus the traditional sentence is an additional \$16,400 over the cost of a drug court completer. As discussed previously, we found that drug courts resulted in a savings up to approximately \$18 million by diverting these participants away from traditional methods, assuming all participants successfully complete the programs. Because non-completers represent an additional cost, this savings is partially offset by the additional \$4 million associated with participants who did not complete drug court and were subsequently sentenced to traditional options. As a result, drug courts produced total net savings of up to \$14 million.

To increase the completion rate and maximize their fiscal benefits, drug courts should conduct an assessment of participant information obtained through the eligibility determination process and clinical screening to determine if they are collecting information consistent with Key Component recommendations to identify individuals more likely to complete the programs. On at least an annual basis, drug courts should analyze the data to identify characteristics common to participants who graduate from drug court. Using the results of the analysis, drug courts should refine eligibility criteria to ensure only those who have a viable chance of completing drug court enter the programs. The results of each drug court's analysis should be shared with AOC to facilitate a statewide assessment of participant characteristics in order to identify factors contributing to completion across a wider range of participants. In addition, in instances where drug courts are currently maintaining such information in paper files, we recommend the data be transferred to electronic form to ensure all relevant information is considered during the assessment of graduate characteristics.

AOC's Response: The Administrative Office of the Courts stated that in July 2010, in full partnership with the Judicial Council of Georgia Standing Committee on Drug Courts, it advertised to fill a new position, Accountability Courts Coordinator, to be housed within the AOC. The position is designed specifically to work on improving the statewide evaluation of all accountability courts which will include collecting participant information consistent with the U.S. Department of Justice Key Components. The Administrative Office of the Courts also stated that it will work to provide more technical assistance to courts to assist with better targeting of substance abusing offenders and to refine eligibility criteria. Finally, the Administrative Office of the Courts stated that efforts are already underway to transfer all data to electronic format.

In a separate response, Chief Judge Jeffrey Bagley, Chair of the Judicial Council Standing Committee on Drug Courts, stated his concern "with the recommendation that programs seek out participants who are more likely to succeed. Doing so may show an increase in the effectiveness of Drug Courts, but it does not offer a chance to those who may have more challenges to face but just might need the accountability and support Drug Courts provide in order to change. [Forsyth County's Drug Court Program] has given such opportunities to several defendants for whom we had real concerns, but many of them have done better than expected and several have graduated. To identify and offer Drug Court only to those likely to complete the program would further narrow the opportunity for many to get and remain clean and sober."

There is the potential to expand the use of drug courts, which would result in lower sentencing costs for the state and potentially better outcomes for participants.

While drug courts are a cost-effective sentencing option that achieves better outcomes for substance-abusing offenders than traditional sentencing options, their use has not been maximized. We identified approximately 4,000 individuals incarcerated in state prisons as of August 2009 who potentially met eligibility criteria for drug court.¹² As previously noted, each individual sentenced to drug

¹² Because drug court eligibility criteria vary by court, we developed four eligibility profiles by which a substance-abusing offender could become eligible for drug court. Using these profiles, we identified approximately 4,000 state prisoners that could potentially have been sentenced to a drug court. See Appendix D for details about the profiles.

court instead of state prison saves the state an estimated \$10,293 in sentencing costs. While it is unlikely that every eligible state prisoner would enter a drug court program, there is a potential for savings if only a portion of the state prisoners enter drug court. For example, if 10% of eligible state prisoners in August 2009 entered drug court, the state could potentially have saved a total of \$4 million. If state prisoners admitted to drug court were increased to 20%, the savings could be as much as \$8 million total.

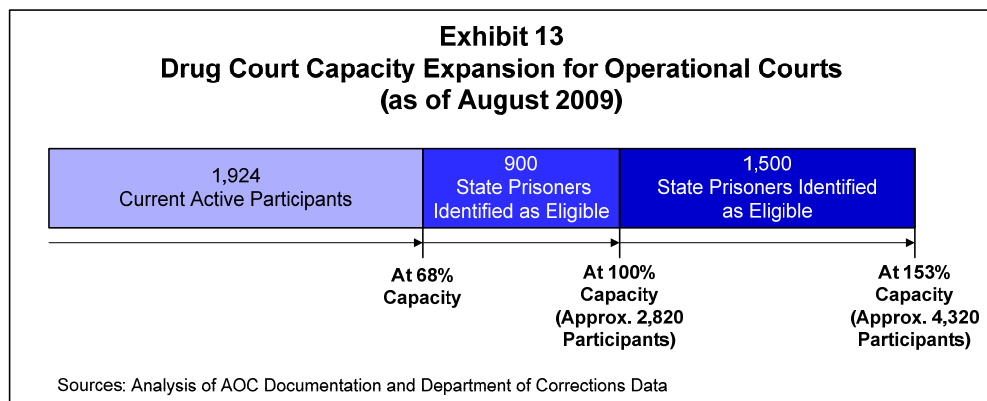
There are several reasons why these individuals would have been sentenced to state prison instead of a drug court. For example, because participation in drug court is voluntary, some individuals may have opted to serve out their sentence in state prison rather than be subject to the requirements of drug court or because part of the cost is incurred by them. It is also probable that some individuals were never referred to drug court because there was no drug court or because they were not referred by the responsible authority (e.g., local district attorney, law enforcement) in their area.

While we were unable to determine the specific reasons why these state prisoners with profiles similar to drug court participants were not admitted to drug court, it is currently not feasible to accommodate all of these individuals in drug court for two primary reasons:

- existing drug courts in the prisoner’s county of residence do not have the space to accommodate them, or
- drug courts do not exist in the prisoner’s county of residence.

Current Capacity

Of the approximately 4,000 state prisoners who met eligibility criteria for drug court in August 2009, 60% (2,400) have residency in areas where drug courts exist. However, at their current capacity, the drug courts do not have enough slots to accommodate an additional 2,400 participants. As shown in Exhibit 13, drug courts were at 68% capacity with 1,924 active participants as of January 1, 2009.¹³ To reach their maximum capacity, drug courts could admit approximately 900 more participants. However, an additional 1,500 slots would be needed to accommodate all 2,400 state prisoners as of August 2009, placing drug courts at 153% of current capacity. It should be noted the 2,400 state prisoners is an illustration of the potential for expansion. The number of eligible participants will fluctuate over time.



¹³ Although four drug courts were at least 90% full, capacity for the remaining 24 courts ranged from 0% to 89% full.

Drug court administrators cited several reasons why they were under capacity at the time of our review. As shown in **Exhibit 14**, half of the administrators cited natural attrition and limited resources as reasons why they had not reached their maximum capacity. For example, at the time the data were reported, five drug courts had recently graduated several participants, which put them below their stated capacity. An additional seven drug court administrators indicated that their capacity figures were low because they lacked the resources to pay treatment providers and staff needed to handle more participants. Low capacity figures were also noted in cases where drug courts were newly established or were having difficulty getting individuals referred to drug court.

Exhibit 14
Reasons Why Drug Courts are Under Capacity

Reason Under Capacity	Number of Courts ¹
Lack of Resources	7
Natural Attrition	5
Lack of Referrals	4
New Court	3
Other/No Reason	3
Program is Voluntary	2
Total	24

¹ Of the 28 drug courts, four were at or above capacity.
Source: Drug Court Personnel Interviews

Potential Expansion

As shown in **Exhibit 16** on page 21, we identified 15 counties with 50 or more potentially eligible state prisoners as of August 2009. These drug courts would have to increase their current capacity (to exceed 100%) in order to accommodate additional participants. The exhibit also shows that additional drug courts would be necessary for the remaining 40% (1,600) of state prisoners eligible for drug court based on our model. However, as shown in **Exhibit 15** below, of the 84 counties not currently served by a drug court, only four counties would need to accommodate 50 or more state prisoners, including Clayton¹⁴, Dougherty, Douglas, and Floyd counties.

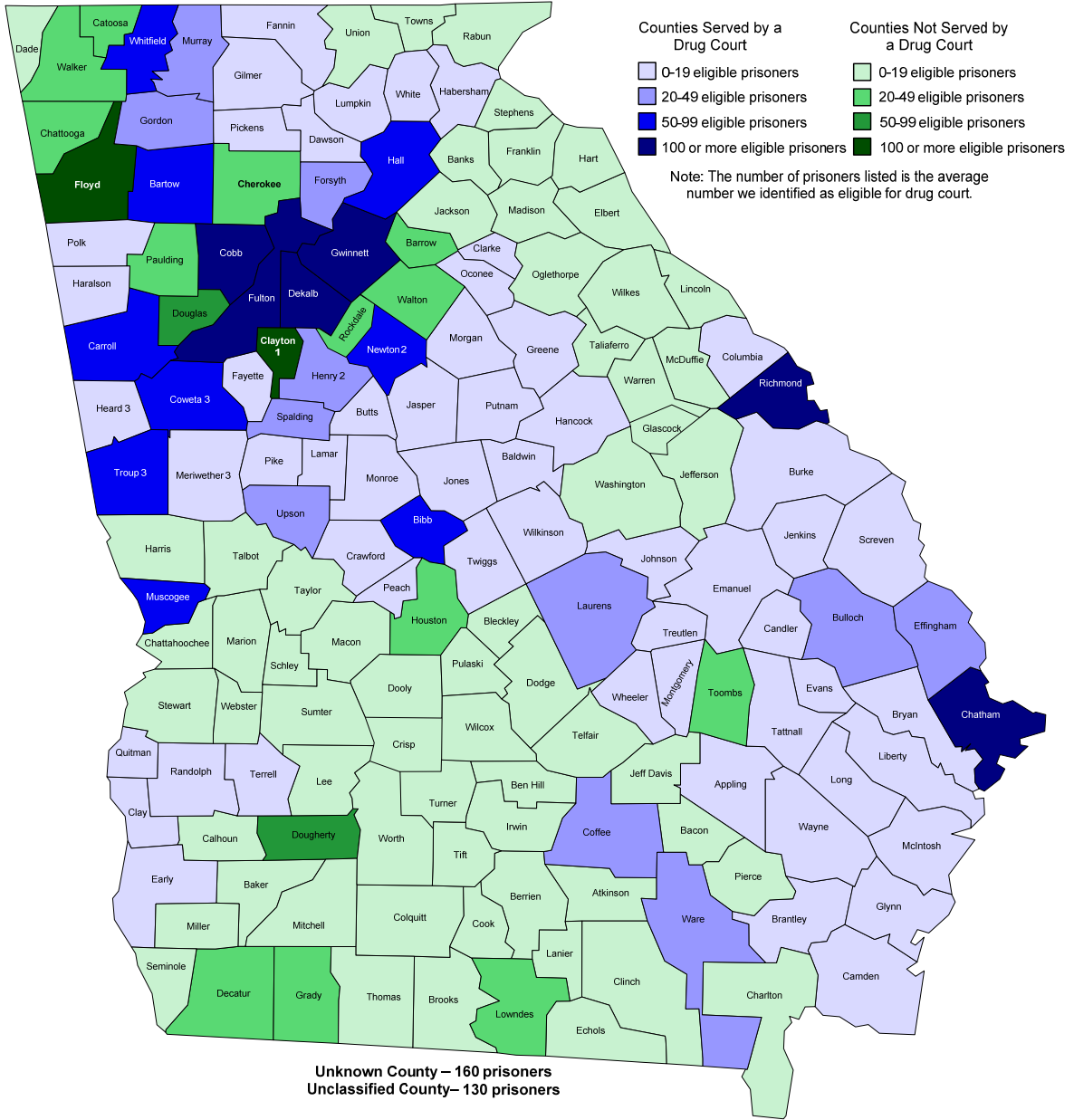
Exhibit 15
Needed Drug Court Capacity in Counties Without a Drug Court

	Number of Counties	Number of Prisoners	Cumulative	
			Counties	Prisoners
100 or more prisoners	1	100		
50-99 prisoners	3	200	4	300
20-49 prisoners	13	500	17	800
0-19 prisoners	64	500	81	1,300
Unclassified	N/A	300	81	1,600

Sources: Analysis of Department of Corrections data and AOC documentation

¹⁴ Clayton County applied for and received an implementation grant for fiscal year 2010 to operate a drug court. As of April 2010, the drug court was fully operational.

**Exhibit 16
Concentration of State Prisoners Eligible for Drug Court
(as of August 2009)**



Counties That May Benefit				
From Drug Court Expansion				From a Drug Court
Bartow	Cobb	Gwinnett	Richmond	Clayton ¹
Bibb	Coweta ³	Hall	Troup ³	Dougherty
Carroll	Dekalb	Muscogee	Whitfield	Douglas
Chatham	Fulton	Newton ²		Floyd

1 – Clayton County's Drug Court opened in Fiscal Year 2010
 2 – Henry and Newton Counties are served by Towaliga DC held in Lamar County
 3 – Coweta, Heard, Meriwether, and Troup Counties are served by Carroll DC if the case originates in Carroll County
 4 – Brantley County is served by Waycross Drug Court held in Ware County. As of January 2010, Pierce County is also served by Waycross Drug Court.

Source: PAO Analysis of Department of Corrections and Drug Court Program data

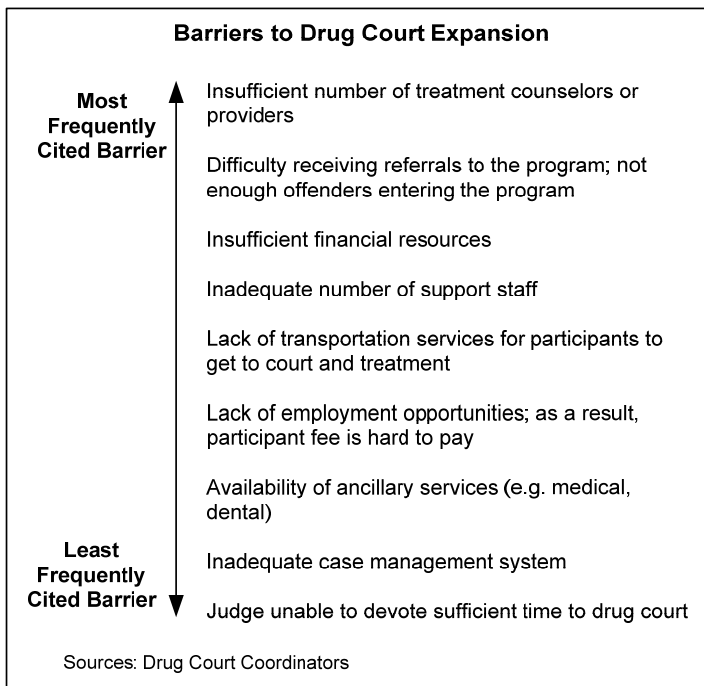
Consideration should be given to expanding Georgia’s drug court capacity to serve more substance-abusing offenders and increase the savings created by drug courts. By expanding the capacity of drug courts in a limited number of counties and creating new courts in a limited number of counties, a significant number of state prisoners that are eligible for drug courts could be served in drug court. However, as noted in the following finding, there are multiple barriers to the expansion of drug court capacity.

The potential for the state to expand drug court capacity to accommodate more offenders is hampered by several barriers.

AOC staff and current drug court staff identified multiple barriers that could hinder efforts to establish new drug courts or expand the current capacity of existing drug courts. The barriers most commonly cited are discussed in more detail below.

- *Judges do not have sufficient time to devote to drug court.* AOC identified lack of time for Superior Court judges to devote to drug court as the most critical barrier.

As previously noted, the establishment of drug courts is initiated by local judges, and the establishment of a drug court increases a judge’s workload beyond their normal case docket. For this reason, it would be difficult for the judges to expand their drug court caseloads beyond current capacities to accommodate additional participants. Our review found that the former Senior Judge Program was useful in that it allowed retired judges to take on certain Superior Court cases, thereby freeing up sitting judges’ dockets to accommodate drug court cases. However, the Senior Judge Program’s budget was reduced by 81% from \$2.3 million in fiscal year 2008 to \$441,000 in fiscal year 2010. In addition, since drug courts are initiated by a local judge, if a local judge is not interested in starting a drug court, then a drug court will not be created.



- *Drug courts need additional funding to admit more participants.* Drug courts have limited resources to support their operations at current capacities. As previously noted, drug courts rely on county funds, state funds, federal grants, participant fees, and other miscellaneous income to support their operations. Counties contribute the majority of funding needed to run drug courts and are increasingly responsible for funding their programs. Since fiscal year 2008, county fund sources have consistently accounted for over half of drug courts’ operational budgets while state funding for drug courts has declined by 10%, accounting for only 20% of drug court funding in fiscal year 2010. Most drug courts did not receive federal grants during this period. Overall, total drug court revenue has increased 20% since fiscal year 2008 largely due to an increase in county funds.

Individual drug courts, however, have experienced reductions in county funds. Our review of drug court budgets identified at least six courts whose county funding was reduced between fiscal years 2008 and 2010. According to drug court staff, revenue sources traditionally relied upon to provide drug court services have been cut due to recent budget difficulties. In addition, drug courts have difficulty obtaining additional financial support and, in many cases, rely on in-kind services to sustain operations.

In order to accommodate more participants, drug courts need additional funding to expand their capacity. For example, to increase total current capacity by 10% to accommodate an additional 280 participants, drug courts would need approximately \$1.4 million annually (based on the average annual cost per participant of \$4,943). Total funding required, however, would depend on the length of drug court treatment programs.

- *Treatment service providers are limited in certain parts of the state.* Our review found that most drug courts determine their capacities based upon the number of participants the treatment provider can handle. For example, some drug court treatment providers limit treatment services to 15 participants per counselor. Even if the drug court had the funding to hire additional treatment providers, some areas of the state would find it challenging to locate substance abuse treatment resources, particularly in rural areas. Depending on the area, drug court staff often cited concerns about the availability of treatment providers; several drug courts had only one or two providers in their service areas.
- *Some ancillary services are also limited in certain parts of the state.* Drug court participants may be in need of a wide range of support services such as housing, job skill development, education, and employment services to sustain their recovery and promote their reintegration into the community. While such support services may be readily available in urban areas, some are less accessible in the more rural areas, such as transportation and employment services.

The General Assembly should consider increasing the state's share of a drug court's total budget to assist in the strategic expansion and creation of drug courts. This increase could be made by appropriating more state funds to the Statewide Drug Court Program to increase operational grant award amounts for existing drug courts, award additional implementation grants to newly established drug courts, or funding additional judges for drug courts. An increase in the amount of operational grant awards could provide drug courts the resources necessary to hire additional treatment providers and offer ancillary services. The General Assembly should also consider directing additional funding to state agencies such as the Georgia Department of Behavioral Health and Developmental Disabilities to expand availability of service providers in areas where services are limited.

AOC's Response: *The Administrative Office of the Courts stated that “while the AOC and the Standing Committee on Drug Courts embrace the opportunity to promote expansion of drug courts and its model, there are concerns about the estimated annual cost per participant of \$4,943. Drug courts take considerably more judge and staff time, coordination, and resources than traditional sentencing paths. There is also some unpredictability in the drug court path.” The Administrative Office of the Courts added that “while it could not do its own study of costs per participant within the time frame provided for submission of this response,” it will conduct such a study “in preparation for requesting more funds for strategic expansion and creation of drug courts in Georgia.”*

Auditor's Response: *While the estimated annual cost per participant takes into account revenues from county, state, and federal sources and participant fees and the primary drug court expenditures (e.g., personnel, drug testing, drug treatment), it does not include the costs of in-kind services provided by judges, probation staff, and law enforcement. As noted on page 7, in-kind services contribute to the operations of drug courts; however, the dollar value of these services is not tracked. While these and other ancillary costs associated with drug court operations would likely increase the annual cost per participant, we believe drug courts remain a lower cost alternative to most traditional sentencing options.*

AOC does not collect sufficient information to measure the impact of drug courts and ensure they remain a viable alternative to other sentencing options.

AOC collects data from drug courts as part of the annual drug court grant process. Drug courts seeking grant funding must submit an application that includes information about their program participants, treatment program (including drug testing procedures), length of the drug court program, and other aspects of the drug court. AOC staff compiles the information submitted by the drug courts into a spreadsheet and submits the information to the Standing Committee's Funding Standards Subcommittee for their review and consideration in making decisions about grant awards. In addition, drug courts that receive the grants are required to submit year-end reports that are supposed to document their achievements during the year. While the data provided should be used to inform decision-makers about the performance of the drug courts and their compliance with the Key Components and treatment standards, our review noted several weaknesses that limit use of the data for these purposes. These weaknesses are discussed in detail below.

- **Monitoring** - Currently, AOC staff do not conduct independent assessments of the self-reported data submitted in the grant applications to ensure data accuracy and compliance with the standards. AOC staff indicated that they do not review source documentation to verify whether self-reported drug court data are complete and accurate or conduct site visits to observe drug court processes to confirm compliance with drug court standards. Instead, AOC and the Standing Committee rely on drug court judges to sign the applications certifying the information provided is accurate and complete and that drug court standards are met. According to AOC staff, there have been discussions about conducting quality assurance activities to verify information reported by the drug courts. As of the date of this report, quality assurance reviews had not yet occurred.

- *Data analysis and assessment* - Our review found no evidence that AOC staff analyze grant application data to determine the effectiveness of drug courts on an individual or a statewide basis. In addition, although grant application data are the most comprehensive source of drug court data currently available, the data collected in the applications are not useful for assessing drug courts according to national measures recommended by the National Drug Court Institute (NDCI). In order to conduct our assessment of drug courts based on these measures, we collected the necessary data from 20 drug courts and followed NDCI guidance for how the measures should be calculated. We noted several concerns with the grant application data that could potentially lead to inaccurate measurements by both AOC and drug courts.
 - Retention/completion: Although the grant application requires drug courts to report the total number of participants that completed the programs, AOC can only calculate a cumulative completion rate from the data provided. Therefore, AOC is unable to track changes in the completion rate over time.
 - Recidivism: Prior to the 2010 grant application cycle, drug courts were required to calculate and report recidivism data in the grant application. However, this resulted in the use of inconsistent methods for calculating the measure. To eliminate this problem for the 2010 grant cycle, the application was revised and required drug courts to report several data elements that AOC staff would then use to calculate a recidivism rate. Currently, drug courts are required to report the number of new arrests and the number of new convictions during the most recent calendar year for both active participants and program graduates. However, our review found that the formula AOC uses to calculate recidivism from these data points could overstate the rate due to the possibility that participants who recidivate could be double-counted.
 - Sobriety: Although the treatment standards require drug courts to maintain and be able to report data on drug screen results, the data are not reported to AOC. It should be noted that while AOC may not be able to access participant-level drug screen results due to patient confidentiality laws, it could obtain aggregate-level data to assess the treatment program outcomes. While most drug courts maintain drug screen results, our review found that much of the information needed to conduct our analysis was contained in the paper records for each drug court participant. In one instance, the drug court could not provide the requested drug screen results because the former drug court coordinator had potentially discarded them.
- *Guidance on data collection efforts* - Our review of the standards and other documents prepared by the Standing Committee and AOC found that drug courts are not provided adequate direction on how data needed to calculate national measures of drug court effectiveness should be compiled, such as completion rate and recidivism rate. The standards do not describe how the required data can be collected systematically to allow the measures to be compared between courts. Additionally, the standards do not provide guidance as to how the drug courts should collect and calculate the required measures. Without this guidance, there is no assurance that the courts

collect and calculate the measures consistently, nor can these measures be compared between courts. According to AOC staff, their ability to exercise authority over individual courts is limited because Georgia has a non-unified court system.

AOC staff believes their new case management system will help their efforts to conduct evaluations and improve data quality. According to AOC staff, the system will allow drug courts to monitor participants' progress and eliminate the need for extensive paper records. In addition, AOC staff will be able to collect aggregate data on participants from drug courts that use the system. However, only nine of the 28 adult-felony drug courts currently have access to system. Other drug courts will only have access if they lease drug testing equipment through a statewide contract managed by the AOC, purchase drug testing services from a drug court that leases equipment through the statewide contract, or purchase other drug testing products through the statewide contract vendor.

Our review of other states' drug court programs found that Florida has developed a proposal for the statewide evaluation of the state's drug courts. The proposal includes the nationally recommended performance measures that will be compiled and compared statewide and that would assist drug courts in demonstrating the effects of their programs. The proposal defines each indicator and describes how and when the data will be collected. It should be noted that, similar to Georgia, Florida has a non-unified court-system.

To ensure drug court programs remain an effective alternative to traditional sentencing options, the AOC should develop a plan for conducting routine assessments of drug court effectiveness based on national measures of drug court performance, including the rates of completion, recidivism, and sobriety. To improve the quality of the information it will use to conduct these assessments, AOC should develop detailed instructions to assist drug courts in compiling and calculating the national performance measures. Such guidance would facilitate consistent measurements and reporting of drug court performance. This information could then be used to assist the Standing Committee's Funding Standards Subcommittee in their decision-making regarding drug court grants. AOC should also evaluate the usefulness of the new information system in collecting data needed to conduct its assessments of drug court performance and give consideration to developing a data collection tool that would be accessible to all drug courts.

AOC's Response: The Administrative Office of the Courts stated that it agrees that "more evaluation of the drug court model should have been done in the past." The Administrative Office of the Courts also stated that "Director Moore is committed to increasing research capacity in the AOC for drug courts and all court services to improve justice, improve outcomes for citizens who appear before our state's courts and improve the return on taxpayer investment."

Appendix A: Objectives, Scope, and Methodology

The objectives of this audit were to determine whether 1) adult-felony drug courts provide a cost savings by diverting certain offenders from traditional sentencing options; 2) drug courts are an effective sentencing option; and 3) drug courts are being used to their fullest extent. In addition, we assessed the Administrative Office of the Courts' (AOC) efforts to monitor drug courts' compliance with the Key Components identified by the U.S. Department of Justice, evaluate the performance of drug courts, and provide guidance to drug courts on collecting and analyzing data. Generally, the evaluation methodology included researching and reviewing applicable laws and policies; researching drug court literature; researching evaluations of other states' drug court programs; interviewing key officials within AOC and at 20 drug courts; observing drug court team meetings and judicial status hearings; and reviewing and analyzing drug court participant data, files, and records. As discussed in more detail below, our analyses were designed to evaluate the outcomes of drug court participants as compared to those sentenced to more traditional options; savings achieved as a result of a sentence to drug court, and the potential to expand drug courts to accommodate more substance-abusing criminal offenders.

Drug Court Outcomes

To measure the effectiveness of drug courts, we used a statistically valid random sample of 297 drug court participants who entered a drug court program in calendar year 2005 (n=940). We selected this period in order to provide sufficient time to measure its effects on participants while they were actively enrolled in the program and after exiting the program. The sample size was determined using a 95% confidence interval and a 5% rate of error. Using our sample, we calculated the completion (graduation) rate and recidivism rate of drug court participants.

- **Completion rate** for our sample of drug court participants was calculated by obtaining the exit status of the participants (e.g., completed/graduated, terminated) and determining the proportion of participants who completed their programs.
- **Recidivism rate** for our sample of drug court participants was calculated by identifying participants who had a felony conviction within one and two years of exiting the program. We chose to calculate recidivism using conviction data because this is the method used by the Georgia Department of Corrections (GDC) to calculate recidivism rates for inmates sentenced to state correctional facilities and probation. The exhibit below explains how recidivism rates for drug courts and GDC sentencing options were determined.

Method for Determining Recidivism for Each Sentencing Option		
Drug Courts	State Prisons	Other Sentencing Options
<p>To determine the recidivism rate for our sample of 297 drug court participants, we obtained criminal history records from the Georgia Crime Information Center (GCIC). The records contained all repeat criminal activity committed during a participant's involvement in drug court and the two-year period following their release from drug court. For each participant, we isolated the number of felony convictions that occurred within one and two years after exiting drug court. When multiple convictions for a single participant were identified, we considered only the first recidivist incident. The recidivism rate was calculated as the number of participants convicted on felony charges one and two years after program exit divided by the total number of participants in our sample (297).</p>	<p>In order to compare the recidivism rate of drug court participants to a like population of offenders in prison, we developed a comparison group of state prisoners released in 2007 but, while incarcerated, were diagnosed as having substance-abuse problems. To determine the number of those state prisoners who would have been eligible to enter drug court, we developed a model based on key drug court eligibility criteria, such as age, types of eligible offenses, number and/or type of prior offenses, and county of residence. Using this model, the Georgia Department of Corrections (GDC) identified individual prisoners that may have been eligible for drug court and calculated a recidivism rate for the comparison group.</p>	<p>Data necessary to identify individuals on probation or in probation detention centers and probation substance abuse treatment centers that may have been eligible for drug court were not available. Therefore, we were unable to compare the recidivism rate of our drug court sample to a comparable group of offenders sentenced to these options. However, for information purposes only, GDC identified a group of offenders who were released from these facilities and state supervision in 2007 and calculated a recidivism rate for the group.</p>

Drug Court Savings

To determine the daily cost of drug court, we used self-reported budget information provided by drug courts in their application for the drug court grant. Using budget data reported for fiscal years 2008 to 2010 and active participants as of January 1 of each year, we calculated the average annual cost and average daily cost per participant of drug court. Drug courts also reported the daily costs of county jails in their fiscal year 2010 grant applications. Using county jail cost data, we calculated the average daily cost of county jail. Using data provided by GDC, we calculated the average daily cost of a sentence to each of their facilities and probation for fiscal years 2006 to 2008. Tasks conducted to determine the reliability of county jail and GDC cost information included comparisons of the data reported to published data and interviews with GDC budget officials. We did not perform any tasks to assess the reliability of drug courts' self-reported budget information and number of active participants because this information was taken directly from original source documents.

To determine the savings achieved by a sentence to drug court rather than to a traditional sentencing option, we reviewed criminal case files and interviewed local district attorneys to identify the alternative sentence – the sentence the participants would have received if they did not participate in drug court – for 117 of 940 participants who entered drug court in 2005. These 117 participants were included in our original sample of 300 drug court participants. We assumed the remaining 183 of 300 sample participants would possess characteristics similar to the 117 participants (e.g., criminal histories, current charges) because these characteristics are consistent with drug court eligibility criteria and that sentencing practices across the circuits would be similar. If these assumptions hold true, the 117 is statistically valid at a 90% confidence interval and a 6% rate of error. This sample size had a 90% confidence interval and a 7.5% rate of error. Using the group of 117 participants, we calculated the cost of each alternative sentence based on the average daily cost and sentence length. We then multiplied the cost of each sentence with the number of participants that would have been sentenced to those options to determine the total cost of alternative sentences. We compared the total cost of alternative sentences to the total cost of drug court (calculated using the daily cost of drug court and average length of stay) to determine the total savings generated by a sentence to drug court. We did not perform any tasks to assess the reliability of alternative sentencing information. This information was either taken directly from original court documents or based on the judgment of prosecuting attorneys.

Drug Court Capacity

To determine if drug courts are being used to their fullest extent, we developed drug court eligibility criteria profiles to identify state prisoners that meet criteria to enter drug court programs. Appendix D provides more details about the eligibility criteria and the prisoners we identified. Using drug court capacity data reported to AOC in the grant applications and the number of current participants, we identified drug courts that were under capacity, at capacity, or over capacity. Based on the results of our analysis described in Appendix D, we identified the amount of additional capacity needed in existing drug courts and the number of counties that with the most critical need to establish a drug court to accommodate state prisoners who meet drug court eligibility criteria. It should be noted that this analysis is intended to demonstrate the potential for drug court expansion. The number of offenders who may be eligible to participate in drug court would fluctuate over time depending on the size of the offender population and the types of sentencing options considered (e.g., probation, PSATCs, PDCs, county jails). Therefore, estimates of additional capacity needed could change depending on the number of eligible offenders identified during other time periods.

We conducted this performance audit in accordance with generally accepted government auditing standards for performance audits. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix B: Adult-Felony Drug Court Fund Sources ¹

Total Amount for Fiscal Year 2010

Drug Court	County Funds	State Funds	Federal Funds	Participant Fees	Local/Community Funds	Other Funds	Total
Appalachian Circuit	\$ 63,156	\$ 37,481	\$ 7,898	\$ 70,932	\$ 100	\$ -	\$ 179,567
Atlantic Circuit	1,500	21,547	-	-	-	-	23,047
Augusta Circuit	117,250	116,144	-	3,315	-	-	236,709
Bibb County	184,773	26,756	55,748	25,000	-	15,000	307,277
Carroll County	105,050	35,978	-	12,000	-	-	153,028
Cherokee Circuit	15,000	29,231	98,444	30,000	500	-	173,175
Cobb County	400,000	42,044	27,746	217,290	1,580	6,760	695,420
Conasauga Circuit	83,815	38,128	66,665	38,000	5,469	-	232,077
Dawson County ²	-	-	-	-	-	-	-
DeKalb County	191,042	84,310	288,995	60,000	-	89,152	713,499
Dublin Circuit	71,656	23,140	-	14,400	-	-	109,196
Enotah Circuit	105,000	56,539	-	48,000	-	-	209,539
Forsyth County	166,875	37,016	-	113,940	5,000	-	322,831
Fulton County	2,267,354	337,035	-	19,285	-	-	2,623,674
Glynn/Camden County	219,708	369,529	-	108,000	-	34,900	732,137
Griffin Circuit	124,500	22,210	-	18,000	-	-	164,710
Gwinnett County	91,281	33,497	-	156,033	-	1,183	281,994
Habersham County	118,750	30,577	-	-	-	2,000	151,327
Hall County	332,484	42,957	-	122,725	300	17,124	515,590
Muscogee County	60,748	36,874	-	4,000	100	47,000	148,722
Ocmulgee Circuit	13,500	33,398	-	10,000	-	-	56,898
Pataula Circuit	11,618	29,995	-	5,760	40	-	47,413
Savannah/Chatham County	270,000	244,522	-	36,500	-	-	551,022
Tallapoosa Circuit	38,000	43,229	105,454	13,000	1,000	5,000	205,683
Towaliga Circuit	141,000	60,107	-	12,000	900	50	214,057
Waycross Circuit	194,871	36,801	90,000	10,965	-	-	332,637
Western Circuit	53,833	32,103	-	37,000	140	20,000	143,076
Total	\$ 5,442,764	\$ 1,901,148	\$ 740,950	\$ 1,186,145	\$ 15,129	\$ 238,169	\$ 9,524,306

Source: AOC Drug Court Grant Applications and Grant Award Documents

Notes: 1 - Bulloch County/Ogeechee Circuit drug court did not apply for the grant during these three fiscal years; therefore, their fund source data is not included in the table.

2 - Budget data was not available for this calendar year.

**Appendix C: Statewide Drug Court Program Grant Awards
Fiscal Years 2009-2010 (Adult-Felony Only)**

	FY 2009 (after 10% reduction)	FY 2010
Implementation Grants		
Atlantic Circuit	\$ 56,250	-
Augusta Circuit	90,000	-
Cherokee Circuit	90,000	-
Clayton County	-	\$ 79,000
Waycross Circuit	90,000	-
Operational Grants		
Appalachian Circuit	\$ 33,424	\$ 37,481
Atlantic Circuit	-	21,547
Augusta Circuit	-	26,144
Bibb County	30,733	26,756
Carroll County	27,134	26,078
Cherokee Circuit	-	29,231
Cobb County	37,270	42,044
Conasauga Circuit	33,644	38,128
Dawson County	25,505	-
DeKalb County	32,962	34,310
Dublin Circuit	19,993	23,140
Enotah Circuit	25,413	28,302
Forsyth County	33,104	37,106
Fulton County	51,473	57,161
Glynn/Camden County	44,431	59,367
Griffin Circuit	15,938	22,210
Gwinnett County	25,771	33,497
Habersham County	19,829	30,577
Hall County	40,914	42,957
Muscogee County	28,370	26,874
Ocmulgee Circuit	25,606	33,398
Pataula Circuit	31,657	29,995
Savannah-Chatham County	33,049	39,522
Tallapoosa Circuit	33,250	38,229
Towaliga Circuit	22,036	27,655
Waycross Circuit	-	36,801
Western Circuit	27,199	32,103

Source: AOC Grant Award Documents

Appendix D: Identification of State Prisoners that Met Drug Court Eligibility Criteria

As part of our review, we determined whether there was a population in the state’s correctional facilities that met drug court eligibility criteria. We were only able to identify a comparable population in state prison because the type of data we needed to identify a comparable population of probationers or offenders sentenced to a PDC, PSATC, or county jail was not available. The process used to identify state prisoners who may have been eligible to enter drug court included analyzing the eligibility criteria of the drug courts, identifying the data fields in the Department of Correction’s database to be used in the analysis, and determining the parameter in each data field to mimic the eligibility criteria.

None of the drug courts accept offenders less than 17 years of age and with charges of violence, use of force, sexual offenses, and weapons offenses. Drug courts also serve offenders with evidence of drug or alcohol abuse. As such, the audit team requested a list of current state prisoners (as of August 2009) that meet these parameters.

However, each drug court varies on the remaining eligibility criteria for their court. These criteria include other types of eligible offenses, the number or type of prior offenses, and for some drug courts, a requirement that the participant reside in a county served by the drug court. Because of the variety of criteria, we developed four eligibility profiles that cover the range of criteria throughout the state’s drug courts. The table below describes the parameters for these profiles.

Eligibility Profile #1	Eligibility Profile #2	Eligibility Profile #3	Eligibility Profile #4
-0 prior convictions	-0 or 1 prior convictions	-0 to 4 prior convictions	-0 to 4 prior convictions
<i>Exclude Charges of:</i>	<i>Exclude Charges of:</i>	<i>Exclude Charges of:</i>	<i>No Charge Exclusions</i>
-Burglary	-Burglary	-Burglary	
-Drug Trafficking	-Drug Trafficking	-Drug Trafficking	
-Drug Sales	-Drug Sales		
-Drug Distribution (or intent to distribute)	-Drug Distribution (or intent to distribute)		
-Drug Manufacturing			

Using these eligibility profiles, we identified the prisoners meeting each of these profiles by county. The number of prisoners discussed in the report is an average of the four profiles. The following tables display the number of prisoners by county for each profile. The tables are divided by whether the county is currently served by a drug court.

Appendix D Continued

Counties Served by a Drug Court					
	Number of State Prisoners that Match Eligibility Profile #1	Number of State Prisoners that Match Eligibility Profile #2	Number of State Prisoners that Match Eligibility Profile #3	Number of State Prisoners that Match Eligibility Profile #4	Average of the Four Profiles
Baldwin	6	6	13	25	13
Bartow	49	52	69	108	70
Bibb	48	48	63	105	66
Brantley	4	4	6	10	6
Bryan	4	4	8	8	6
Bulloch	11	12	27	44	24
Burke	7	7	9	19	11
Butts	9	9	12	18	12
Camden	0	0	2	2	1
Carroll	56	58	69	100	71
Chatham	117	119	182	236	164
Clarke	12	12	19	31	19
Clay	1	1	2	2	2
Cobb	176	178	225	308	222
Coffee	16	17	23	33	22
Columbia	5	6	8	16	9
Coweta	25	25	34	50	34
Crawford	0	0	1	4	1
Dawson	9	9	12	16	12
DeKalb	98	99	127	191	129
Early	0	0	2	3	1
Effingham	14	17	23	28	21
Evans	2	2	2	5	3
Fannin	10	11	12	17	13
Fayette	10	11	11	18	13
Forsyth	12	14	23	41	23
Fulton	260	265	312	488	331
Gilmer	7	8	12	17	11
Glynn	8	8	11	21	12
Gordon	16	18	38	55	32
Greene	3	3	7	11	6
Gwinnett	94	94	136	238	141
Habersham	8	8	13	16	11
Hall	52	56	82	107	74
Hancock	4	4	6	9	6
Haralson	7	8	16	22	13
Heard	5	6	6	8	6
Henry	31	32	38	65	42
Jasper	2	2	2	6	3
Jenkins	3	3	6	10	6
Johnson	1	1	2	4	2
Jones	7	8	10	12	9
Lamar	4	4	5	6	5
Laurens	10	10	23	38	20
Liberty	11	11	23	32	19
Long	4	4	4	5	4
Lumpkin	7	8	10	18	11
McIntosh	2	2	6	8	5
Meriwether	5	5	8	14	8
Monroe	6	6	11	12	9
Morgan	6	6	9	13	9
Murray	19	21	26	31	24
Muscogee	64	66	89	139	90
Newton	44	45	65	91	61
Oconee	1	1	3	5	3
Peach	8	8	11	13	10
Pickens	9	9	10	13	10

Appendix D Continued

Counties Served by a Drug Court (continued)					
	Number of State Prisoners that Match Eligibility Profile #1	Number of State Prisoners that Match Eligibility Profile #2	Number of State Prisoners that Match Eligibility Profile #3	Number of State Prisoners that Match Eligibility Profile #4	Average of the Four Profiles
Fike	6	6	7	8	7
Polk	14	15	19	28	19
Putnam	1	1	8	18	7
Quitman	0	0	1	1	1
Randolph	1	1	1	3	2
Richmond	81	85	116	165	112
Screven	3	4	5	9	5
Spalding	34	34	53	70	48
Tattnall	11	11	16	27	16
Terrell	2	2	2	3	2
Treutlen	1	1	3	5	3
Troup	37	42	56	79	54
Twiggs	5	6	10	12	8
Upton	22	22	27	38	27
Ware	15	16	23	35	22
White	9	9	14	21	13
Whitfield	49	53	67	99	67
Wilkinson	6	6	7	10	7

Counties Not Served by a Drug Court					
	Number of State Prisoners that Match Eligibility Profile #1	Number of State Prisoners that Match Eligibility Profile #2	Number of State Prisoners that Match Eligibility Profile #3	Number of State Prisoners that Match Eligibility Profile #4	Average of the Four Profiles
Appling	5	5	6	12	7
Atkinson	2	2	4	8	4
Bacon	6	6	8	12	8
Baker	1	1	3	4	2
Banks	5	5	5	7	6
Barrow	20	20	28	46	29
Ben Hill	11	11	17	23	16
Berrien	0	0	4	7	3
Bleckley	7	7	9	13	9
Brooks	2	3	4	7	4
Calhoun	1	1	1	1	1
Candler	3	3	7	13	7
Catoosa	20	34	39	52	36
Charlton	3	3	6	7	5
Chattahoochee	5	5	7	9	7
Chattooga	24	35	52	68	45
Cherokee	35	35	45	69	46
Clayton	81	83	104	147	104
Clinch	4	4	8	9	6
Colquitt	12	12	14	23	15
Cook	3	3	4	6	4
Crisp	5	5	8	17	9
Dade	10	14	16	18	15
Decatur	17	19	29	38	26
Dodge	12	12	18	26	17
Dooly	6	6	10	11	8
Dougherty	30	31	49	92	51
Douglas	45	47	67	87	62
Echols	1	1	2	2	2
Elbert	8	8	11	21	12
Emanuel	6	6	17	30	15
Floyd	63	68	97	129	89
Franklin	7	7	12	20	12
Glascock	0	0	0	0	0
Grady	19	20	22	30	23
Harris	9	9	10	10	10
Hart	5	5	10	16	9
Houston	35	37	49	75	49

Appendix D Continued

Counties Not Served by a Drug Court (continued)					
	Number of State Prisoners that Match Eligibility Profile #1	Number of State Prisoners that Match Eligibility Profile #2	Number of State Prisoners that Match Eligibility Profile #3	Number of State Prisoners that Match Eligibility Profile #4	Average of the Four Profiles
Irwin	5	7	9	14	9
Jackson	11	11	17	29	17
Jeff Davis	7	8	14	16	11
Jefferson	5	5	8	10	7
Lanier	3	3	3	4	3
Lee	1	1	3	9	4
Lincoln	0	1	1	2	1
Lowndes	17	18	44	50	32
Macon	5	5	6	14	8
Madison	4	4	5	16	7
Marion	3	3	3	4	3
McDuffie	1	2	3	10	4
Miller	3	3	5	6	4
Mitchell	9	11	19	28	17
Montgomery	2	2	4	6	4
Oglethorpe	2	2	3	6	3
Paulding	23	24	29	42	30
Pierce	4	4	6	8	6
Pulaski	3	3	11	13	8
Rabun	7	7	9	10	8
Rockdale	28	29	39	55	38
Schley	0	0	2	3	1
Seminole	4	4	9	10	7
Stephens	15	15	19	26	19
Stewart	2	2	2	4	3
Sumter	13	13	19	31	19
Talbot	2	2	3	6	3
Taliaferro	0	0	0	0	0
Taylor	3	3	8	12	7
Telfair	9	9	14	23	14
Thomas	10	13	18	26	17
Tift	9	9	9	24	13
Toombs	19	20	31	43	28
Towns	4	4	6	6	5
Turner	2	2	5	9	5
Union	6	6	10	15	9
Walker	36	42	47	67	48
Walton	17	18	26	40	25
Warren	1	1	1	4	2
Washington	5	6	13	17	10
Wayne	12	13	21	30	19
Webster	1	1	1	1	1
Wheeler	2	2	2	2	2
Wilcox	2	2	2	8	4
Wilkes	5	5	9	12	8
Worth	3	3	5	11	6
Unknown	108	121	149	264	161
Unclassified	101	104	127	195	132

The Performance Audit Operations Division was established in 1971 to conduct in-depth reviews of state programs. The purpose of these reviews is to determine if programs are meeting their goals and objectives; provide measurements of program results and effectiveness; identify other means of meeting goals; evaluate the efficiency of resource allocation; and assess compliance with laws and regulations.

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