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RESEARCH

# The Staten Island Treatment Court Evaluation

Planning, Implementation, and Impacts

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Submitted to the New York State Unified Court System  
and the U. S. Bureau of Justice Assistance

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## PREFACE

This report presents a process and impact evaluation of the Staten Island Treatment Court. The Staten Island Treatment Court (SITC) began its planning process in 1999 and opened its doors in March of 2002. As stated in the SITC Manual of Policy and Procedures, the mission of the SITC is “to rehabilitate substance-abusing offenders in order to improve their quality of life and that of Staten Island community by breaking the cycle of crime associated with addiction.”

The evaluation was funded by the Bureau of Justice Assistance of the U.S. Department of Justice as part of an award to the New York State Unified Court System to implement the SITC (contract # 2002-DC-BX-0086). The Center for Court Innovation was asked to complete a preliminary process evaluation at approximately the midpoint of the federal grant period and a final evaluation towards the end that would both update the earlier study and add a study of the Court’s impacts on recidivism. Accordingly, this report is divided into two discrete parts, a final process evaluation and an impact evaluation.

The preliminary process evaluation was completed in December 2003. It covered the planning process and the first 19 months of SITC operations from March 2002 – September 2003 (see O’Keefe 2003). The process evaluation in this report remains largely unchanged, since the earlier study had already comprehensively addressed the planning and implementation of the Court. The exception is that all tables and figures for the process evaluation have been updated with cumulative data through December 2005.

The impact evaluation was drafted just prior completing this report. This enabled the largest possible sample size to accumulate before ending data collection. A large sample size is critical to render statistically valid conclusions about the Court’s impacts on recidivism. The impact evaluation involved a comparison of recidivism outcomes between SITC participants arrested in the first 40 months of drug court operations (March 2002 – June 2005) and an otherwise similar group of defendants arrested in the year before the SITC opened (March 2001 – February 2002).

This report was made possible with the cooperation and assistance of many individuals and organizations. Thank you to:

- Honorable Juanita Bing Newton, Administrative Judge of the New York City Criminal Court;
- Honorable Judy Harris Kluger, New York State Deputy Chief Administrative Judge for Court Operations and Planning;
- Justin Barry, Citywide Drug Treatment Court Coordinator;
- Richmond County District Attorney’s Office.

We are grateful to the SITC team, past and present: the Honorable Alan Meyer; Ellen Burns, Betteanne Foley, Paul Battiste of Battise, Aronowsky & Suchow, and Staten Island Treatment Alternatives for Safe Communities.

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## EXECUTIVE SUMMARY

In March 2002, the Staten Island Treatment Court (SITC) opened in the Richmond County Criminal Court to provide an alternative to incarceration for drug-addicted, non-violent felony offenders. The SITC was established through the collaboration of the Richmond County Criminal Court, the Richmond County District Attorney's Office, Treatment Alternative for Safe Communities (TASC), the office of the Administrative Judge of the New York City Criminal Court, and the law firm of Battiste, Aronowsky, and Suchow (BAS), who provide indigent defense services on Staten Island.

This report includes both a process and impact evaluation covering the Court's planning process, which began in 1999, and its operations from March 2002 to December 2005. Major findings are summarized as follows.

### I. Planning and Implementation

The Staten Island Treatment Court (SITC) put into place a collaborative team model with the creation of a steering committee at the beginning of the planning process and continued regular meetings after initial implementation. The team members were dedicated and enthusiastic about the court, which allowed the team to address its primary challenges:

- **Space:** The Richmond County Criminal Court is a small but busy courthouse. Thus finding a courtroom was a challenge, and the team had to remain flexible from week to week. The lack of space along with the cost of after-hours security personnel made an aftercare program for treatment court graduates impossible.
- **Judge Availability:** The number and availability of judges in the Richmond County Criminal Court always seems to be in flux. The SITC judge must juggle administrative duties as well as preside over two other court parts. This makes it challenging to meet the specific needs of the treatment court cases.
- **Volume:** The SITC stated in its objectives that it would enroll approximately 200 participants in its first year of operations. As of December 31, 2005, 180 defendants were enrolled as SITC participants, representing a rate of 47 participants per year. The lower numbers are primarily attributable to a reduction in drug felony arrests since the planning period and to the SITC's original policy of enrolling only felony offenders.

Space and judge availability remain constant challenges for the SITC. Solving them requires administrative and fiscal changes beyond the control of SITC team members. The SITC operates within these constraints due largely to excellent communication among team members and a willingness of all parties to cooperate and remain flexible.

### II. Eligibility and Participant Profile

In order to be eligible for the SITC, defendants must be 16 years of age or older, either drug-addicted or abusing drugs, and charged with a nonviolent, first-time, class B, C, or D felony. In

2004, the eligibility criteria was expanded to include chronic misdemeanor offenders who did not have a prior felony arrest. As of December 31, 2005, a total of 401 defendants had been referred to the SITC. Of these, 45% (180) enrolled as participants, 51% were found ineligible or refused the program, and 4% were still pending an eligibility determination.

The profile of a typical SITC participant is a person who is relatively young, has a fair amount of social support, and is less drug-addicted when compared with other drug courts in New York State and nationwide. For instance, the SITC's median age of entry of 22 years is on the lowest end of the range (23-33 years) among eleven other New York State drug courts examined in a 2003 statewide evaluation (Rempel et al. 2003).

When examining socioeconomic status, SITC participants fare relatively well when compared with drug court participants statewide: 53% were engaged in work or school at the time of entry compared with a range of 16%-55% among participants in the eleven other drug courts included in the New York statewide evaluation. Also, only 15% have ever been homeless, and approximately 80% of participants – an exceptionally high figure – live with either immediate family or relatives, indicating some level of social support.

In regards to drug use and treatment history, the median years of drug use is seven years. This is lower than the lowest median of 8 years in the eleven courts represented in the previous statewide evaluation. The primary drug of choice for SITC participants is overwhelmingly marijuana (61%), the highest figure in the state. Only 23% of SITC participants reported participating in any prior treatment.

The majority of participants were felony offenders (90%), with 47% arrested for felony drug possession, 39% for felony drug sales, and 4% for other felony charges. The remaining 10% were arrested for misdemeanor drug possession (4%) or other misdemeanor charges (6%), most of which were property-related.

### III. Judicial Monitoring

Sanctions and rewards are clearly described in the SITC Participant Handbook and Policy and Procedures Manual, and the SITC team is careful to follow these guidelines. As of December 31, 2005, 53% of participants had committed at least one infraction during their participation. However, only 21% of those infractions were “serious,” including new arrests (8%) and bench warrants (13%), the latter of which are issued in response to a disappearance from program contact. Approximately 52% of participants received at least one sanction during their participation, and 25% received at least one jail sanction. The most frequent sanctions received by participants were an upgrade to a more intensive treatment regimen and/or jail.

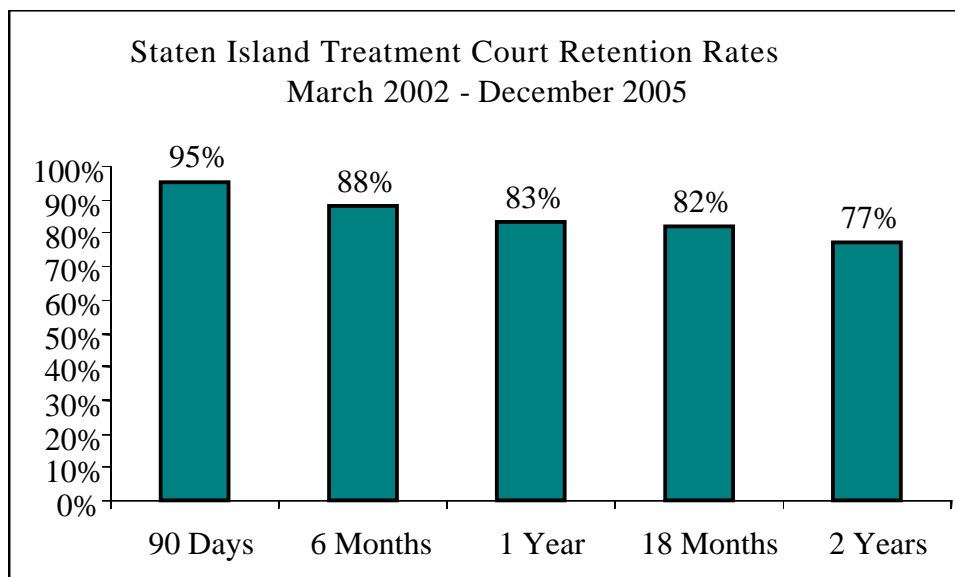
### IV. Program Retention Rates

Retention is a key measure of program success. A one-year retention rate indicates the percentage of participants who, exactly one year after entering the drug court, had either graduated or remained active in the drug court program. Previous research has found that retention not only indicates success in treatment but also predicts future success in the form of



lower post-program recidivism and drug use. Previous research also demonstrates that drug courts generally produce higher retention rates than do community-based treatment programs accepting a combination of voluntary and court-mandated participants (see Belenko 1998).

The figure below highlights the retention rates of SITC participants. It is easy to see that the SITC maintains incredibly high retention rates and suffers very little attrition – from 95% retention at 90 days to 77% retention at two years post-enrollment. This data clearly shows that the SITC has met its official planning goal of a 70% one-year retention rate. Also, the one-year and two-year retention rates compare favorably to those of the eleven drug courts included in the New York statewide evaluation. The one-year retention rates in those eleven courts ranged from 47% to 82%, and their two-year retention rates ranged from 32% to 78%.



## V. Impact Evaluation

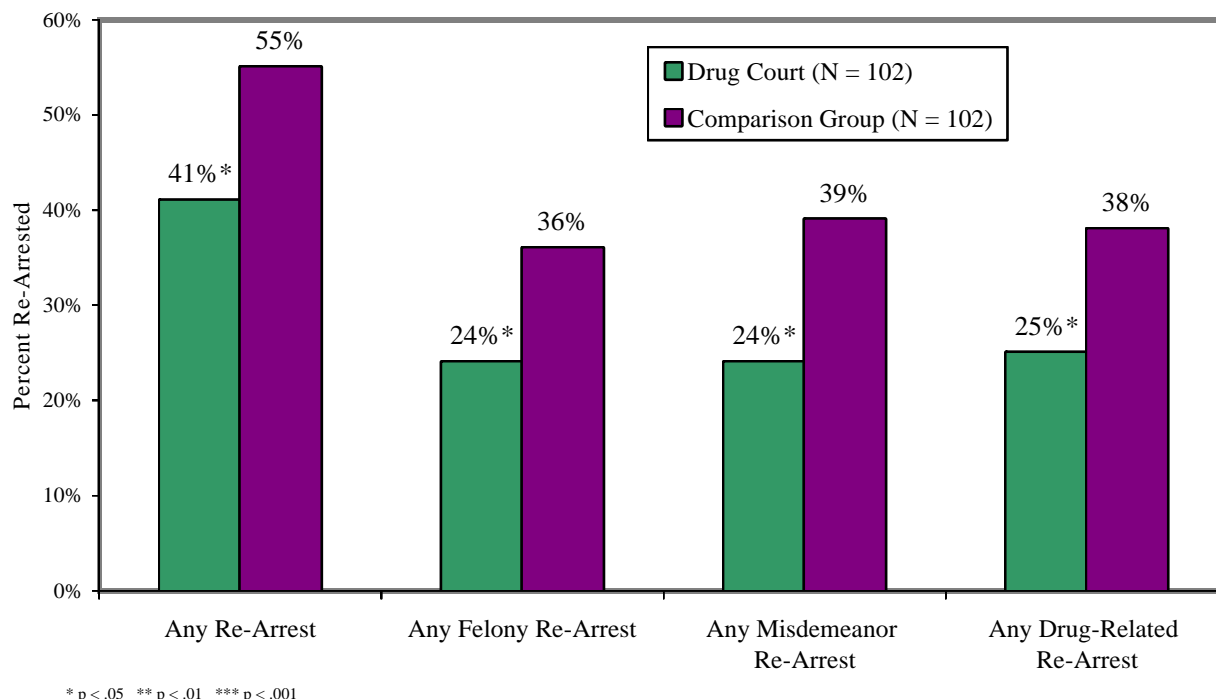
Outcomes were compared between the first 146 SITC participants and a matched sample of 146 similar defendants arrested in Staten Island in the year before the SITC opened. The “comparison group” was rigorously matched to participants to ensure comparability in their current charges, prior criminal history, and key demographic characteristics (age, sex, and race/ethnicity).

### Impacts on Recidivism

The SITC produced consistently positive impacts on the probability, prevalence, and timing of both re-arrests and re-convictions. Key findings include:

- **Re-arrest rate:** The SITC produced a 46% reduction in the re-arrest rate within one year of the initial arrest and a 25% reduction within 18 months. Reductions of similar magnitude were evident when isolating felony, misdemeanor, and drug-related re-arrests (see attached figure).

**Impact of the Staten Island Treatment Court on Recidivism:  
Re-Arrest Rate within 18 Months of the Initial Arrest**



- Total number of re-arrests:** When examining the average number of re-arrests (some defendants were re-arrested more than once), the SITC achieved reductions of close to or more than half on all measures examined; the average number of re-arrests within the 18-month tracking period went from 1.19 for the comparison group to 0.63 for drug court participants, representing a 47% relative reduction.
- Survival time:** Among those who did re-offend, SITC participants averaged significantly more crime-free days (“survival time”) to their first re-arrest within the 18-month tracking period.

**Impacts on Case Processing and Outcomes**

Although this was not an express focus of the SITC, we also examined the program’s impacts on case processing efficiency and sentencing outcomes.

With respect to case processing, the results indicate that the SITC was successful in reducing the time that defendants spent in flux between their arrest and initial disposition (plea date). Besides serving the goal of efficiency, this outcome is also important for achieving the common drug court goal of reaching defendants rapidly during the crisis period created by their initial arrest – when they may be particularly open to treatment or to other lifestyle changes.

On the other hand, the results of the sentencing analysis are mixed. When including both SITC graduates and failures in the analysis, the SITC did not reduce the probability that its participants

would receive a jail or prison sentence on the initial case and did not reduce the average amount of jail or prison time served. However, the approximately 72% of SITC participants successfully graduating from the program did receive a substantial legal benefit. For nearly all (96%) graduates in the analysis, the initial charges were dismissed, and for every one of them, no jail or prison time was imposed. Therefore, graduates avoid both a criminal record and jail time. Since SITC failures generally receive a jail or prison sentence of substantial length, this leads the overall average for all participants combined to be the same as for the comparison group. Of course, since SITC participants are significantly less likely than the comparison group to re-offend, it is likely that a longer-term analysis incorporating jail or prison time served on future cases as well as the initial one would eventually detect meaningful reductions.

### Conclusion

The findings in this impact evaluation are consistent with the broader literature, which shows that most drug courts produce meaningful recidivism reductions. The SITC is no exception. The high program retention and graduation rates achieved by the SITC undoubtedly contribute to its positive recidivism impacts – since participants who are retained are historically less likely to re-offend. For instance, the SITC one-year retention rate of 83% is higher than any of the eleven New York State drug courts examined in a 2003 statewide evaluation study. As long as the SITC continues to focus on its process, effectively implementing the drug court model and using its collaborative team to address obstacles as they arise, it is reasonable to expect that the program will continue to exert positive effects on its participants.

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# **PART ONE**

*Process Evaluation*



## I. Introduction

In March 2002, the Staten Island Treatment Court (SITC) opened in the Richmond County Criminal Court to provide an alternative to incarceration for drug-addicted felony offenders. The SITC was established through a collaboration of the Richmond County Criminal Court, the Richmond County District Attorney's Office, Treatment Alternative for Street Crimes (TASC), the office of the Administrative Judge of the New York City Criminal Court, and the law firm of Battiste, Aronowsky, and Suchow (BAS), who provide indigent defense services on Staten Island.

The SITC accepts nonviolent, first-time felony offenders who are arrested on narcotics charges and are addicted or abusing drugs. The SITC hears cases one day a week and follows a traditional drug court model with multiple program phases, case management, sanctions and rewards, and jail for those who fail. The dedicated SITC team takes care to follow each participant closely through regular contact with case managers, frequent appearances before the judge, and implementation of sanctions and rewards in response to participant behavior and needs. In addition to the standard drug court graduation requirements of remaining drug-free for a specific period of time and completing treatment, participants must make measurable progress toward personal goals such as education or employment. SITC team members, including the judge, frequently address obstacles impeding personal achievements and the court requires participants to contemplate personal goals and success in multiple written interviews during program participation.

Since planning began in 1999, the SITC planning team and steering committee confronted numerous challenges and utilized its assets to the best of its ability. The primary challenges addressed by the team were the following:

- **Space:** The SITC team examined all possible locations within the stressed Richmond County court system for the treatment court. Options were discarded due to the need to pay personnel overtime or the inability of certain locations to process incarcerated defendants. Once the Richmond County Criminal Court was chosen, various negotiations had to take place to coordinate the courthouse's needs and the availability of the judge.
- **Judge Availability:** The Staten Island Criminal Court is a three-courtroom courthouse with just three judges on site. A Judicial Hearing Officer (JHO) hears summonses on Mondays and Tuesdays, which creates time for one of the three judges to preside over arraignments on the weekend. The SITC team struggled to find time for the dedicated SITC judge to add treatment court cases to his schedule.
- **Volume:** The SITC stated in its formal objectives that it would enroll approximately 200 participants in its first year of operations. As of December 31, 2005 (after 46 months), 179 defendants had enrolled as SITC participants for an average of only 47 participants per year. The lower numbers have been attributed to fewer arrests and the decision to enroll only felony-level offenders. The SITC has been working to develop systems to allow misdemeanor cases into the court but has met obstacles including varying opinions about eligibility criteria, time, and space.

The primary asset of the SITC in meeting these and other challenges is:

- **SITC Team:** Team members work well together and have been dedicated to making the SITC a success. They have consistently worked within the constraints of limited space and staff availability, including having steering committee meetings after hours, conducting community outreach, and continually revising procedures as part of a collaborative effort to improve the court.

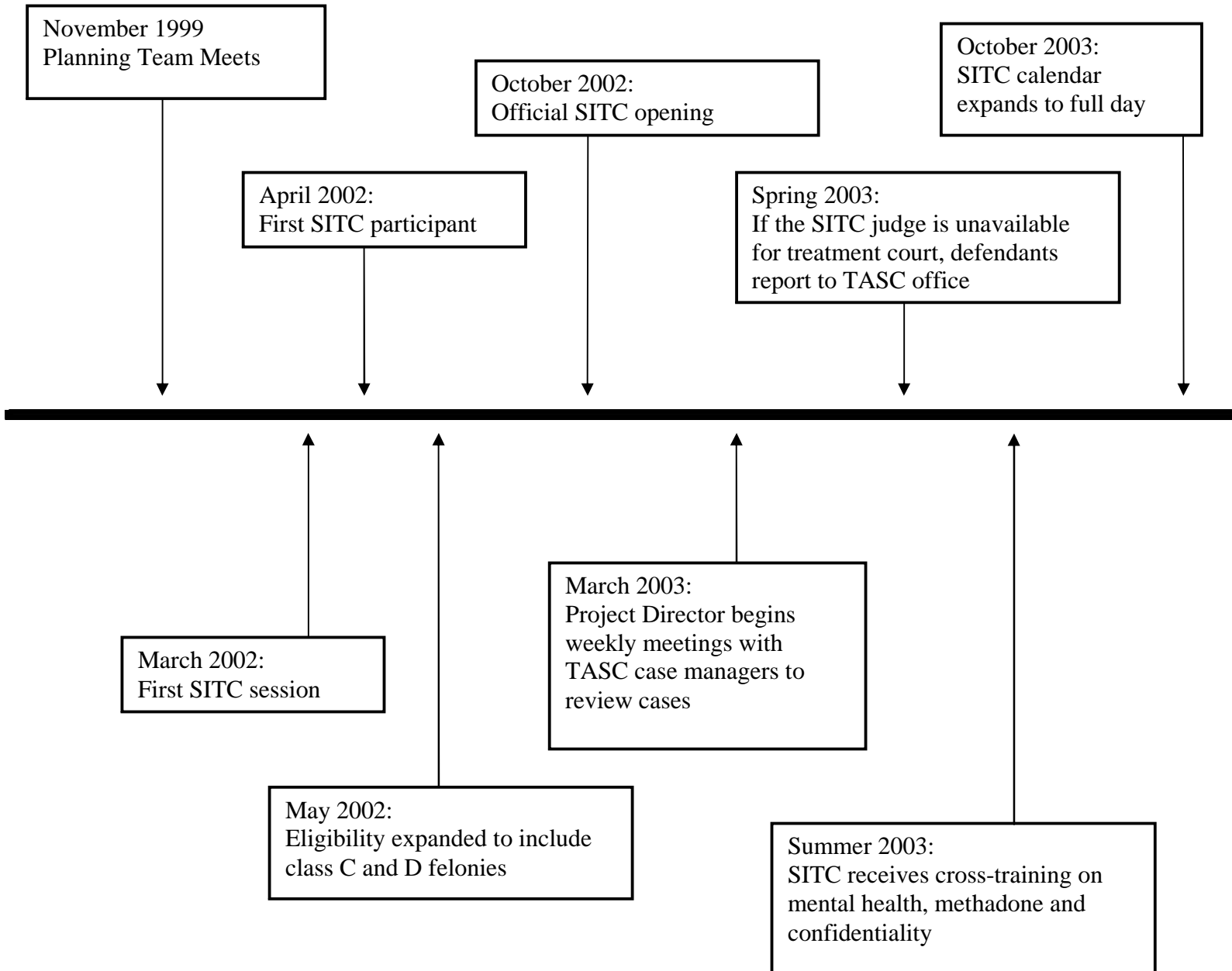
This part of the report presents a process evaluation of the SITC, covering the planning and early implementation periods. As noted in the preface, this evaluation was mostly written in December 2003 as a preliminary process evaluation. It covered the planning process and the first 19 months of operations from March 2002 through September 2003. However, additional updates have been added to encompass relevant developments through December 2005.

After stating the court structure and objectives, this evaluation chronologically describes the court: the planning process, implementation (screening, eligibility, court procedures, and graduation requirements); impact on the community; evaluation activities; and utilization of drug court technology. Analysis is based on qualitative interviews with key stakeholders, planning team meeting minutes, steering committee meeting minutes, structured courtroom observations, a detailed policy change timeline, and the statewide drug court evaluation (Rempel et al. 2003), used to provide context for interpreting Staten Island's results. The drug courts in the statewide evaluation included: the Bronx, Brooklyn, Buffalo, Ithaca, Lackawanna, Manhattan, Queens, Rochester, Suffolk, Syracuse and Tonawanda.

Please note that although this report covers the full planning and operational period through December 2005, April 1, 2002 marks the official start date of SITC's Bureau of Justice Assistance grant. Prior to April 2002, a total of 8 cases were screened for eligibility. These cases are included in the data analysis.



# Staten Island Treatment Court Timeline



## II. Court Mission and Structure

As stated in the SITC Manual of Policy and Procedures, the mission of the SITC is “to rehabilitate substance-abusing offenders in order to improve their quality of life and that of Staten Island community by breaking the cycle of crime associated with addiction.” To this end, the SITC specified the following goals in the funding proposal submitted to the Bureau of Justice Assistance (formerly the Drug Court Program Office):

- Screen approximately 400 and enroll approximately 200 participants in treatment court in the first year of operation;
- Review SITC participants’ progress at regularly scheduled court appearances;
- Monitor participants’ compliance with mandatory periodic drug testing;
- Maintain cooperative working relationship with treatment providers to ensure the court has comprehensive, timely reports of participants’ progress in treatment;
- Properly implement the court’s rewards and sanctions system, seeking to ensure participants’ successful completion of the program;
- Commit each team member or representative to be present at every staffing;
- Outreach continuously to inform the community about and seek support for the SITC;
- Implement an aftercare component, including an alumni association of SITC graduates;
- Memorialize SITC goals and engage in an outside evaluation, as well as perform continuous self-evaluation to ensure satisfaction of the stated objectives and goals;
- Use the coercive power of the court to maintain 75% of participants in compliance for over 90 days and 70% of participants compliant for one year; and
- Achieve a 65% graduation rate.

Overall, the SITC successfully met the objectives listed above with the exceptions of its screening and enrollment targets (first bullet above) and implementing an aftercare component. These issues will be discussed below. Also, the SITC is well on its way to meeting its last objective of a 65% graduation rate.

## III. Planning the SITC and the SITC Team

In November of 1999, the planning team met to begin the formation of the SITC. The planning team consisted of Honorable Judge Alan Meyer, the Chief of the Richmond County District Attorney’s Narcotic Bureau, partners and staff attorneys of the defense firm Battiste, Aronowsky, and Suchow (BAS) who provide indigent criminal defense services on Staten Island, the Director of Staten Island TASC, and the Richmond County District Attorney’s Grants Coordinator who was responsible for writing the planning grant. In addition, a private attorney who is active in the Richmond County Bar Association and interested in the SITC’s efforts participated in the planning process.

Over the course of approximately two years, the planning team attended several federally funded grant trainings throughout the country. Members reported the trainings to be “invaluable,” “informative,” and “a great time to get to know one another.” Members specifically noted that the different locations gave them an opportunity to see how jurisdictions similar to Staten Island

operate — an important consideration given that Staten Island’s drug court operations would differ significantly from the four drug courts operating in each of New York City’s other boroughs. In addition to the formal trainings, planning team members reached out to drug court experts at the New York State Office of Court Administration for advice and guidance.

At the end of the planning process, SITC team members conducted trainings with Richmond County court staff, community treatment providers, Assistant District Attorneys, and the defense bar. SITC team members explained the treatment court and enlisted the support of those in attendance. Judge Meyer addressed the court staff and community providers. Other trainings were led by the project director and the DA’s Narcotics Bureau Chief.

The primary obstacles during the planning phase were the interconnected issues of space and availability of the SITC team members. The issue of space was raised by every stakeholder interviewed as part of the process evaluation. As one member said “these courts weren’t built for the 21<sup>st</sup> century!” The planning team considered multiple locations, including night-court, after-hours court, the newly renovated County Clerk’s office, the Richmond County Supreme Court facilities on Richmond Terrace and at Homeport (the former Naval base on Staten Island). These locations all met with opposition due to logistics. For instance, Homeport does not have the capacity to process incarcerated individuals, and night court would require court staff to receive overtime compensation. In the end, the planning team chose to implement the SITC in the Richmond County Criminal Court.

Once the SITC team identified the physical location of the court, the team wrestled with demands on the time of Judge Meyer, the ADAs and the defense attorneys in choosing the day for SITC sessions. One problem is a familiar situation in Richmond County Criminal Court – lack of judges. Although there are three full-time judges assigned to the Richmond County Criminal Courthouse, one presides over weekend court and, in exchange, is not present on Mondays or Tuesdays.

Monday is the lightest day in Richmond County for arrests, but that is also one of the two days when there are only two judges in the courthouse. The public defender noted that having Treatment Court on Monday would not allow the team or defense attorneys enough time to review progress reports, or to follow up on any problems with participants. The ADAs have commitments to the Grand Jury, which sits every Tuesday and Thursday on Staten Island as well as the first Monday of the term and sometimes on Wednesdays; therefore, ADAs assigned to the Treatment Court are not consistently available on any day except Friday.

In order to have Treatment Court on Friday, Judge Meyer, who also serves as the Deputy Supervising Judge of the Brooklyn and Staten Island Criminal Courts, with full support of the criminal courthouse staff (clerks, court officers and court reporters), changed the assignments of the three court parts. On Friday, Judge Meyer moved upstairs to AP3, the smallest courtroom, to preside over the SITC. The judge who usually sits in AP3 moved into AP1 to preside over Judge Meyer’s arraignments, hearings, a felony part and the pending criminal caseload of approximately 800 cases. On Friday, the judge who sits in AP2 and presides over hearings, jury and bench trials, DATs and a pending caseload of approximately 750 cases, also agreed to handle the summons and quality-of-life calendars, usually heard in AP3.

In the beginning, the court took place in different parts, depending on whether defendants were incarcerated and the needs of the other court parts. In September 2003, the steering committee pushed to have the SITC take place in AP3 because the small size of this part facilitates the “theater” aspect of treatment court; the participants in the audience can actually hear and follow the proceedings of the treatment court and learn from others’ experiences. Unfortunately, this part cannot accommodate incarcerated defendants or participants because access to the court part is through the public entrance and stairway. If a participant or defendant is incarcerated, Judge Meyer hears these cases in a more secure courtroom, either before or after SITC sessions.

Although the Richmond County Criminal Court appeared to be the planning team’s logical choice, it met resistance from the defense bar, because there is no reasonable place to meet privately with defendants or participants without others listening in on the conversation. This issue is universal and has not been limited to SITC defendants or participants. A few years ago, when the defense bar complained, a soundproof booth was built in the well of one of the courtrooms to provide a space for private conversations. In reality, no one has utilized the booth regularly because it is awkward and cumbersome.

#### SITC Team

The SITC team consists of a project director hired in February 2002, a senior case manager hired in April 2003, Judge Meyer, the senior court clerk, two dedicated Assistant District Attorneys (ADAs), two supervising attorneys from BAS, and dedicated TASC case managers and a TASC supervisor.

In addition to the SITC team, there is an SITC steering committee that meets monthly. The steering committee consists of Judge Meyer, the DA’s chief of the narcotics bureau and senior ADA, the TASC supervisor, the project director, a BAS partner, and BAS staff attorneys.

The project director, formerly the grants coordinator for the DA’s office, officially started in February 2002. Given that she authored the planning grant and was integral in the planning process, she made a smooth transition to project director. Currently, the project director is responsible for the administrative duties of the court. These include facilitating the steering committee, overseeing day to day court operations, supervising the senior case manager, and implementing the required technology. The senior case manager (SCM) joined the team in April 2003. Her primary role is to monitor the progress of the SITC participants by acting as a liaison to TASC and to individual treatment programs. To this end, the SCM meets weekly with TASC case managers, updates the court’s database, conducts scheduled interviews with participants, and acts as liaison to the Staten Island Council on Alcohol and Substance Abuse (SICASA). The hiring of the SCM was much needed since the project director was becoming increasingly overwhelmed with the growing court. Prior to the SCM’s hiring, the project director was responsible for all case management and administrative duties.

The Richmond County District Attorney’s office was instrumental in the conception and implementation of the court. The chief of the narcotics bureau initiated the grant writing for the planning phase and enlisted the support of the public and private defense bar, TASC, and OCA at the time of writing. Currently, two ADAs are assigned to the SITC. They appear regularly at the

weekly staffing meetings and court proceedings and act as a liaison to the chief of the narcotics bureau. The chief of the narcotics bureau attends the regularly held steering committee meetings.

In the beginning, the defense bar was skeptical that all cases marked “SITC Eligible” would indeed be worthy of a felony indictment. The defense bar feared that a defendant who would regularly be charged with a misdemeanor would be indicted with a felony simply because SITC existed as an option. The chief of the narcotics bureau went to great lengths to establish trust and assure the defense bar that all indicted cases were truly worthy of indictments through forging personal relationships with the defense bar and making the indictment of drug court cases as transparent as possible.

As stated above, the representatives from the defense bar have been an integral part of the planning and implementation of the SITC. The law firm of BAS provides indigent defense services on Staten Island. A partner in the firm and two staff attorneys have attended trainings with the SITC team throughout the country, and regularly attend weekly staffing meetings and steering committee meetings. In general, BAS has been enthusiastic about the SITC and has actively participated in developing its policies and procedures, including sanctions and rewards. Any concerns BAS representatives harbored in the beginning in regards to protecting their clients’ rights and fears that there would be an increase in indictments have been addressed through team-building and experience.

Staten Island TASC conducts clinical screening of SITC referrals and provides case management of SITC participants. TASC case managers conduct a complete clinical assessment of SITC referrals and are responsible for all case management duties. Originally, TASC appointed one supervisor and two case managers to manage the SITC caseload and has added one more case manager to handle SITC cases. The Director of Staten Island TASC regularly attends the steering committee meetings, and the TASC case managers participate in all staffing and court proceedings. Unlike other treatment courts throughout the state that have case managers dedicated only to treatment court cases, Staten Island TASC case managers’ caseload also includes Drug Treatment Alternative-to-Prison (DTAP) cases and other alternative to incarceration cases for adults and juveniles. Overall, the TASC case manager has an average caseload of 40-45 cases, which includes approximately 12 SITC cases.

Judge Meyer acted as an integral part of the planning and implementation process of the SITC. He came with experience presiding over the DTAP program, a prosecution-run program to divert prison-bound felony offenders to residential drug treatment. Judge Meyer serves as the Deputy Supervising Judge of the Kings County (Brooklyn) and Richmond County (Staten Island) Criminal Courts. In addition he presides over arraignments, a felony waiver part, and manages a caseload of over 800 cases in Staten Island. Despite being extremely busy, he has made the SITC a priority for his courthouse and has remained flexible throughout the planning and implementation process by changing court part assignments and judicial responsibilities and attending all SITC meetings.

The SITC team and Steering Committee are comprised of dedicated individuals. They take time out of their schedules to make the SITC a priority, demonstrated through arranging steering committee meetings either before or after work hours, gathering to review cases weekly over

lunch, and fitting in e-mails and conversations throughout the week. The SITC team lacks office space for meetings and court space is tight. However, those involved in the SITC maintain good working relationships and a positive attitude toward their mission.

The staff built a sense of teamwork through traveling together, attending trainings, and making difficult decisions regarding eligibility, sanctions/rewards, and logistics. In individual interviews and evaluator observations, it has been clear that team members fundamentally respect one another's experiences, views, and intentions. The group has remained virtually intact since its inception and has a relaxed, friendly feel. Members reported that they felt as if they had a voice in meetings and decision-making. As one interviewee said, "We sometimes argue or have differences, but in the end, we're all here for the same reason – to help folks stop using drugs."

#### SITC Team: Recent Changes

In November 2003, Staten Island residents elected a new Richmond County District Attorney. Under the new DA, personnel changed as well as internal organization. The former chief of the narcotics bureau, a catalyst for creating and implementing the SITC, resigned from her post and the narcotics bureau was absorbed by the supreme court bureau under the new DA.

In January 2004, the project director, concerned that no district attorney assigned to SITC had the authority to speak for the office or make policy decisions, reviewed SITC's policy and procedures with the supreme court bureau chief. The supreme court bureau chief and the DA attended the SITC steering committee meeting the following month; at that time the DA stated support for treatment court but expressed concern about the court handling drug-related crimes which involved victims.

In June 2004, after noting a trend for the previous six months that twenty-two of the thirty cases referred to SITC were done so by defense attorneys, the project director met again with the supreme court bureau chief to address the issue that the DAs office was not adhering to the case flow agreement developed by the team during the SITC planning phase. The SITC case flow begins with DA-determined paper eligibility, the decision made in the complaint room prior to arraignment, after a Criminal Court assistant discusses the facts of the case with a Supreme Court narcotics assistant. In the past, this process was monitored by the chief of the narcotics bureau, which centralized the paper eligibility decision making. With the newly-elected DA's organizational changes, the narcotics district attorneys were making decisions regarding SITC referrals autonomously, which meant inconsistencies in SITC paper eligibility determinations and some paper-eligible cases were not being referred to SITC. After these meetings, the referrals to SITC did become more consistent.

In addition, in September 2005, the senior case manager took a leave of absence and then officially resigned in January 2006. The project director has plans to fill the position.

The SITC steering committee has not met as frequently during the planning and early implementation. The steering committee met four times in 2004 and only once in 2005. The members met less frequently because it determined that policies and procedures were being followed consistently and there were no pressing issues to discuss.

#### IV. Eligibility and Intake

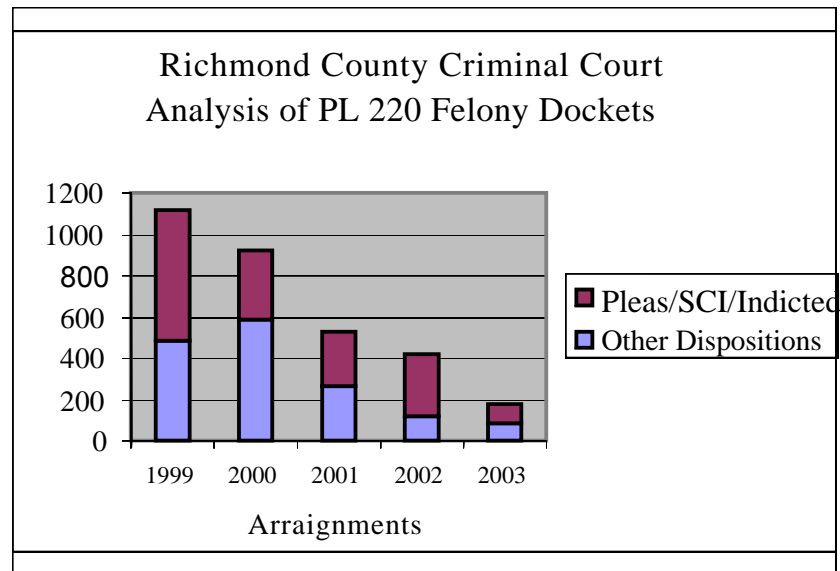
##### Eligibility

When the court opened in March 2002, defendants were considered eligible for the SITC if they were 16 years of age or older, either drug addicted or abusing drugs, and charged with a nonviolent, first-time, class B narcotics felony. In May 2002, the SITC expanded its eligibility to include C and D narcotics felonies as well.

SITC planning documents clearly state that defendants with misdemeanor charges will be eligible the second year of implementation. The SITC accepted its first misdemeanor offender in March 2004. The SITC now accepts nonviolent misdemeanor offenders with multiple prior misdemeanor convictions. As noted in Table 2 below, as of December 2005, there have been 47 misdemeanants referred to the court, of which 18 have enrolled as participants.

The SITC stated in its objectives that it would screen 400 defendants and enroll approximately 200 participants in its first year of operations. These numbers were estimated based on an exercise completed by the current project director using 1999 narcotics arrest data, misdemeanors and felonies. The SITC also stated it would take misdemeanor cases by the end of its first year.

Figure 1



Other Dispositions: convicted, acquitted, dismissal/ examined/waived grand jury etc.  
Source: New York State Unified Court System, data provided by the Office of the Administrative Judge of New York City Criminal Court, valid as of 12/23/03.

During the first year of operations (March 2002 – February 2003), the SITC received 71 referrals and enrolled 32 participants. Clearly, the SITC failed to meet the stated grant objective of enrolling 200 participants in the first year. The disparity between the projected and actual numbers of referrals and enrollees, can be explained partly by the drastic decrease in the number

of narcotics arrests in Richmond County from 1999 to 2003. As Table 1a shows on the previous page, arraignments fell from 1,111 in 1999 to 179 in 2003, an 84% decrease. Another factor contributing to low volume was the fact that SITC currently accepted felony offenses during its first year.

Table 1. Eligibility  
March 2002 – December 2005

	<u>Male</u>		<u>Female</u>		<u>Total</u>	
	#	%	#	%	#	%
1. Eligible and participating	145	48%	34	35%	179	45%
2. Eligible and pending	9	3%	7	7%	16	4%
3. Ineligible / non-participants	151	50%	56	58%	207	51%
a. Misdemeanor	10	7%	3	5%	13	6%
b. Charge related <sup>1</sup>	39	26%	11	20%	50	24%
c. Not drug addicted/denied addiction	12	8%	6	11%	18	9%
e. Medical/Mental Health	7	5%	5	9%	12	6%
f. Def. no response / refused/denied	64	42%	20	36%	84	41%
h. Other	19	13%	11	20%	30	14%
Total	305	100%	97	100%	402	100%

<sup>1</sup>Includes predicate felony, prior arrest history, DA determination, and arrest charges dismissed

As of December 2005 (Table 1), the SITC had received a total of 402 referrals. Of these, 179 defendants enrolled in the SITC as participants. Thus over the entire 46 months of operations encompassed by this evaluation, the SITC has averaged 103 referrals and 47 drug court participants per year. A total of 73 participants had graduated, 25 had failed, and 5 had completed their participation but with “incomplete” status (this status results from a serious mental or physical illness).

### Volume and Planning

As stated in the previous sections, the major challenges of the SITC court have been meeting the stated enrollment objectives and carving out enough personnel and time to make the SITC a success. Despite the fact that referrals and participants enrolled are much lower than targeted, the SITC team members feel that they are working near capacity since SITC cases are more demanding in terms of court appearances, tracking, and “social work” duties such as ensuring child care and developing employment or educational opportunities. The SITC had not anticipated that SITC would require such additional time and attention and, therefore; planned to enroll many more cases.

### Charges

Initially, SITC eligibility was limited to nonviolent, first-time narcotics felony offenders: class B felonies from opening in March 2000 and class C and D felonies added in May 2002. In February 2003, the first defendant charged on a non-drug charge was also found eligible. The SITC team considered the case an exception to the eligibility rules. In 2004, the SITC accepted its first misdemeanor offender. The SITC now accepts nonviolent misdemeanor offenders with multiple prior misdemeanor convictions.



The SITC grant proposal states that misdemeanor defendants would be eligible after the first six months of court operations; however, achieving this goal eluded the SITC for the first two years for multiple reasons. The primary obstacle in accepting misdemeanor cases related to resources. Who would screen the cases? The Richmond County district attorney's Office, particularly the criminal court staff, had been losing staff and was not in the position to take on the additional responsibility of screening cases for SITC. The second barrier was the issue of eligibility. The DA's office and BAS had disagreements on eligibility criteria for misdemeanor defendants. BAS raised the point that certain misdemeanants would receive a longer sentence if they were to fail the treatment court than if they simply followed regular case processing procedures. The third issue revolved around the longstanding issue of space – how to accommodate the increase in cases on the calendar?

Progress was made during the period of summer 2003 through the end of 2003. Judge Meyer offered to screen misdemeanor cases at arraignment for SITC eligibility, the project director met with team members, sought the support of the Citywide Drug Court Coordinator, arranged for the SITC team to visit the Misdemeanor Brooklyn Treatment Court, collaborated with the Queens Misdemeanor Treatment Court, drafted policies and procedures for misdemeanor cases, and completed a draft Participant Handbook for SITC's misdemeanor part. The issue of misdemeanant eligibility for alternative sentencing remained at a standstill during the period of transition in the DA's office; the announcement of the former DA to step down through the election and inauguration of the current DA. The first defendant with a misdemeanor offense enrolled in the SITC in March 2004, two years after opening.

Table 2 shows that as of December 2005, misdemeanor charges represented 10% of all charges (n=18). Also, felony drug possession accounted for nearly half of all charges (48%) followed by felony drug sales (38%). The remaining charges (4%) were for nonviolent felony property offenses.

Table 2. Participant Charges

Participant Charges	<u>Male</u>		<u>Female</u>		<u>Total</u>	
	N	%	N	%	N	%
Misdemeanor						
Petit larceny	3	6%	4	27%	7	4%
Criminal contempt	1	2%	0	0%	1	1%
Drug possession	6	4%	2	6%	8	4%
Other	1	1%	1	3%	2	1%
Felony						
Burglary	2	1%	0	0%	2	1%
Larceny	2	1%	1	3%	3	2%
Robbery	1	1%	0	0%	1	1%
Drug Sales	53	37%	15	44%	68	38%
Drug Possession	75	52%	11	32%	86	48%
Total	144	100%	34	100%	178	100%

### Screening Procedures

Within the confines of the eligibility criteria, the DA maintains discretion about who is screened into the SITC. The preliminary screening, conducted by the Assistant District Attorneys, is a paper review and takes into consideration the current charges and past violent charges. If eligible, the ADAs mark the file “eligible” and the defense attorney is notified. These procedures were established during the planning stages and agreed upon by all steering committee members.

The change in personnel at the District Attorney’s office led to inconsistencies in referrals by the DAs assigned to narcotics cases. Previously, the Chief of the Narcotics Bureau took an active role in screening the cases referred to the SITC. This ensured that all eligible cases were referred to the SITC. The new Chief of the Supreme Court Bureau, which absorbed the Narcotics Bureau, has not dedicated the same amount of time to reviewing cases and has not had direct oversight over the referral process. Although the screening process has been working, members expressed a desire to have more direct communication with the Chief of the Supreme Court Bureau.

Once the attorney learns that a client is eligible for the SITC, the defendant meets with TASC to conduct a pre-screening interview either in holding cells, the courthouse, or in the TASC office to determine if the defendant is abusing drugs. Substance-abusing offenders are then referred to TASC for a comprehensive clinical assessment in which the defendant’s family situation, social support network, current employment, educational needs, and severity of addiction are used to make a referral to an appropriate community-based treatment program. If TASC finds that the defendant is ineligible for the SITC because of mental health issues or general health reasons that were missed in the initial screening, TASC reports immediately to the project director who, in turn, advises the judge and defense attorney. The results of the clinical evaluations are discussed with SITC members at weekly staff meetings. TASC case managers reported that team members have listened to their evaluations and have respected their recommendations for treatment and SITC eligibility.

### Participation Process

Prior to entering a plea, the defense attorney explains the guidelines of the SITC to the defendant, who is given a copy of the SITC Handbook for Participants. The handbook clearly explains the treatment court’s requirements, including phases, infractions, sanctions, incentives, house rules, graduation requirements, drug testing, plea contract, and participant agreement. It also introduces the court team. Treatment court takes place on Fridays. After a defendant and defendant’s attorney have been notified that the defendant is eligible for the treatment court, the defendant has the option to take a plea on the following Friday. If the defendant decides not to enter treatment court, the defendant’s case reverts to normal case processing.

As of December 31, 2005, the median number of days from arrest to participation date is 44. Of the six courts included in the case processing analysis of the 2003 statewide drug court evaluation (Rempel et al. 2003, Chapter 18), five had median numbers of days from arrest to participation that are significantly lower than the SITC. The range across those five courts was 10-27 days. The sixth court, Syracuse, had 70 as its median number of days. Possible reasons for the longer-than-average time at Staten Island, as explained by the project director, include the fact that the SITC only meets weekly, defendants often refuse the initial offer of the SITC,

defendants have multiple criminal justice issues that must be solved prior to taking a plea, and previously ineligible cases may become eligible later on due to a change in charges or negotiations between the defense and the DA's office.

If defendants decide to enter the SITC, they plead guilty with the knowledge that if they successfully complete the mandated 12-18 months of treatment court, the felony charges will be dismissed. If the defendant fails to comply with the treatment mandate, an alternative jail sentence is stated by the judge in court at the time of the plea. The defendant signs the participant agreement and the plea contract, which outline the roles and responsibilities of the participant and the court. The plea contract is also signed by the judge.

### Participant Profile

The participant profile table on the following page, Table 3, details the demographics, socioeconomic status and drug use/drug treatment history of the participants as of December 31, 2005. In order to give a context to the data presented in the participant profile, the following discussion will make comparisons to the participant profile data used in the statewide evaluation (Rempel et al., Chapter 3). SITC's median age of entry of 23 years is exactly the same as the Queens which is young when compared to the courts in the statewide evaluation (range = 23-33 years).

When examining the SITC participants' socioeconomic status, the participants fare relatively well when compared to drug court participants statewide: 53% were engaged in work or school at the time of entry compared to a range of 16%-55% across the eleven drug courts examined in the statewide evaluation. And only 11% of SITC participants have ever been homeless, a lower percentage than most drug courts statewide but higher than Queens (7%). However, only 34% of the SITC participants had a high school diploma/GED at time of entry compared to 45% in Queens, whose population is also quite young. Approximately 80% of SITC participants live with either immediate family or relatives, indicating some level of social support.

In regards to drug use and drug treatment history, the median years of drug use is 7 years. This is just slightly lower than the lowest median years of drug use of the eleven drug courts in the earlier New York statewide evaluation (8 years). On the other hand, the median age of first drug use, 15 years, was well within the range in the other courts (15-17 years).

The primary drug of choice for SITC participants is overwhelmingly marijuana (61%), similar to Queens with 56% of its participants choosing marijuana as the primary drug of choice. Finally, only 23% of SITC participants reported any previous treatment prior to drug court entry. This is significantly lower in relation to those courts included in the statewide evaluation (range = 51%-71%).

Overall, the results of the participant profile analysis suggest that SITC serves a younger, less severely addicted population than most of the state's drug courts and in these respects is most similar to the Queens Treatment Court.

Finally, consistent with the earlier statewide evaluation, the participant profile reveals meaningful differences between men and women. As shown in Table 3, female participants are slightly older upon program entry (median age = 34 years for women versus 22 years for men).

Also, female participants are more likely to have been homeless, and to not have been employed or in school at time of entry. This may demonstrate that the female participants are more disadvantaged than their male counterparts.

Table 3. Participant Profile

	<u>Male</u>			<u>Female</u>			<u>Total</u>		
	N	#	%	N	#	%	N	#	%
<b>Demographics</b>									
Median Age at Entry	145		22	34		28	179		23
Median Age at First Drug Use	114		15	23		16	137		15
<b>Race/Ethnicity</b>									
Caucasian	59		46%	13		52%	72		47%
Black	56		44%	9		36%	65		42%
Hispanic/Latino	12		9%	2		8%	14		9%
Native American	1		2%	1		4%	2		1%
Race/Ethnicity Total	128		100%	25		100%	153		100%
<b>Socio-Economic Status</b>									
<b>Ever Homeless</b>									
Yes	10		9%	5		21%	15		11%
No	103		91%	19		79%	122		89%
<b>High School Degree/GED</b>									
Yes	36		32%	10		42%	46		34%
No	76		68%	14		58%	90		66%
<b>Employed/In School at Entry</b>									
Yes	62		54%	11		46%	73		53%
No	52		46%	13		54%	65		47%
<b>Household at Entry</b>									
Lives Alone	11		10%	4		17%	15		11%
Unmarried partner	10		9%	1		4%	11		8%
Spouse	5		4%	2		8%	7		5%
Children under 18	0		0%	5		21%	5		4%
Parent / Siblings	67		59%	10		42%	77		56%
Other relatives	11		10%	2		8%	13		9%
Foster Care	1		1%	0		0%	1		1%
Friends	3		3%	0		0%	3		2%
Others	4		4%	0		0%	4		3%
Shelter	1		1%	0		0%	1		1%
<b>Drug Use/Treatment History</b>									
Years of Drug Use (Median)	113		7	5		10	43		7
Ever in Treatment	28		25%	11		48%	43		23%
<b>Primary Drug of Choice</b>									
Heroin/Opiates	14		11%	7		25%	21		14%
Cocaine	11		9%	0		0%	11		7%
Crack	7		6%	7		25%	14		9%
Marijuana	82		65%	12		43%	94		61%
Alcohol	5		4%	1		4%	6		4%
PCP	3		2%	0		0%	3		2%
Prescription/Designer	5		4%	1		4%	6		4%

## Phases

As outlined in the policies and procedures manual and the participant handbook, the SITC participation process is divided into three phases. A participant with felony charges must spend a minimum of four months in each phase in order to move onto the next. A participant with misdemeanor charges has a treatment mandate of nine months and phases are each three months long. Incurring sanctions may lengthen the time spent in one phase and/or set the defendant back to a previous one (Appendix A). The SITC team discusses each case before it transitions to the next phase.

Starting in July 2003, SITC required that participants complete a “transition” interview with the senior case manager when moving from one phase to the next. During this interview, the participant must complete a written form that asks: 1) What have you gotten out of the previous phase and how has SITC helped? 2) What do you want to accomplish in the upcoming phase? and 3) In what way can SITC help you achieve your goals? The form also explains the responsibilities and requirements of the next phase. The senior case manager sits with the participant as he/she completes the form and acts as a resource and an advisor. The transition interview came about after Judge Meyer wanted to know more about what the participants were thinking and the team wanted to reinforce the idea that that SITC expects more out of the participants as they progress through the program to graduation.

## V. Court Procedures

### Team Meetings

For the first 19 months of operations, treatment court was held on Friday afternoons with staff meetings taking place over lunch. Since October 2003, treatment court has been held in the morning and afternoon with the meeting taking place at 9:30 AM prior to court (which begins at 11:00 AM). SITC team members have regularly attended meetings, which demonstrates that the SITC has met its goal “to commit each team member or representative to be present at every staffing.”

The meetings take place in AP3, the smallest part in the courthouse, and are relaxed and friendly. Core SITC team members are present throughout, while private attorneys and treatment providers are asked to be present only during the discussion of their particular case to maintain confidentiality. Often members talk over one another as cases are discussed. Thus the meeting can take on a chaotic feel. As the court grew, the meetings became overwhelming, and sometimes cases were not adequately discussed before court. To mitigate this problem, beginning in spring 2003, the project director began meeting weekly with the TASC case managers at the TASC office prior to the staff meeting to review cases on the court calendar. The project director reported that this has ensured a more smoothly run staff meeting. When the senior case manager came on board, she took over this responsibility.

### Recent Changes to Team Meetings:

Team meetings continue to take place at 9:30 AM prior to the court session. The project director creates two documents to help facilitate the meeting as well as court proceedings. First, a day or two before the SITC convenes, the project director creates the “case call” document that lists the

cases in the order that they will be called and, for each case, lists the adjourn dates (for the following appearance). Graduates are called first followed by those in phase 3, phase 2, and phase 1. Remanded participants or participants who will receive sanctions are interspersed throughout the calendar, based on the availability of security personnel and the desire of the judge. The second document, primarily for the judge, is an annotated court calendar. The project director writes notes next to each case and includes information such as phase, AM/PM call, infractions, and good/bad report. These two documents keep the meeting and the court running smoothly.

After the TASC staff became more confident and vocal in regular staff meetings, the senior case manager stopped meeting with case managers at the TASC office prior to the staff meeting. The project director says the documents discussed above are sufficient tools to help the staff meeting run smoothly and that separate meetings with TASC are no longer necessary.

### Monitoring Compliance

In the first phase of the program, participants appear weekly for the first eight weeks and then every two weeks. In the second phase, defendants have two weeks adjournments for eight weeks followed by three-week adjournments; and in the third phase adjournments are every three weeks until graduation. The appearance schedule is the same felony and misdemeanor defendants court monitoring may increase for non-compliance. It is clear that the SITC is meeting its goal of “schedule and review SITC participants’ progress at regular court appearances.”

The participants are required to arrive on time at the start of the court session unless otherwise arranged. The participants must sit in the courtroom until they are called. When the participant is called, he stands before the judge with his attorney, TASC case manager and treatment providers and family members, if present, and the ADA. It is not mandatory for treatment providers or family members to attend; however, they do so regularly. The judge reviews the progress report and always addresses the participant. He will also converse with the treatment provider, family members and TASC case managers as needed. The judge’s personality on the bench is strong, stern, and fair. He speaks loudly for all to hear and always explains clearly what he expects of the participants, treatment providers, family members, and the entire SITC team. Since one of the SITC graduation requirements is to make progress on personal goals such as employment and education, Judge Meyer spends quite a bit of time delving into issues such as school attendance, grades, child rearing, and general motivation. The SITC team has encouraged the judge to take time to reward participants for doing well, and he has obliged by praising participants and giving compliments.

As stated earlier, one of the most significant obstacles posed to the SITC is the availability of the judge. In addition to his duties both as the treatment court judge and the Administrative Judge for the Richmond County (Staten Island) Criminal Court, Judge Meyer is the Deputy Supervising Judge of the Kings County (Brooklyn) and Richmond County Criminal Courts. This means that at a moment’s notice, Judge Meyer could be summoned to Brooklyn for various duties. In addition, when the judge misses drug court due to vacation, illness, or continuing education, there is not another judge to fill the bench. The judge has made a request to not be pulled from Staten Island on Fridays. Starting in the spring 2003, the SITC instituted a protocol to promote compliance even when the judge was absent. Participants appear at the TASC office and meet

with the project director or senior case manager on weeks when the judge is absent. Although it is not the same as appearing before the judge, it is a creative solution to the problem of how to send a consistent message regarding compliance during the court's hiatus.

### Monitoring Abstinence

The SITC states that one of its goals is “to monitor participants’ compliance with mandatory periodic drug testing.” This goal is achieved through frequent testing at the TASC office and the community-based treatment programs. Initially, participants are drug tested twice a week, once at their treatment program and once at the TASC office. If the participant is non-compliant, testing increases to as many as five times per week. The treatment providers fully cooperate with any SITC requests to increase drug testing. Testing can decrease in frequency as the participant moves through the program based on the participant’s behavior. The SITC drug testing takes place at the TASC office because there is no room for testing in the courthouse.

Table 4. Drug Tests for All Participants  
12/31/05

	Staten Island
# Participants	180
# Participants W/ At Least One Drug Test	131 (73%)
1st Drug Test	88
% Positive for Any Drug (Incl. Alcohol)	38%
% Positive for Serious Drug	10%
2nd Drug Test	72
% Positive for Any Drug (Incl. Alcohol)	33%
% Positive for Serious Drug	7%
3rd Drug Test	73
% Positive for Any Drug (Incl. Alcohol)	33%
% Positive for Serious Drug	7%
4th Drug Test	47
% Positive for Any Drug (Incl. Alcohol)	22%
% Positive for Serious Drug	3%
5th Drug Test	45
% Positive for Any Drug (Incl. Alcohol)	21%
% Positive for Serious Drug	4%
6th Drug Test	41
% Positive for Any Drug (Incl. Alcohol)	19%
% Positive for Serious Drug	4%
7th Drug Test	29
% Positive for Any Drug (Incl. Alcohol)	12%
% Positive for Serious Drug	4%
8th Drug Test	26
% Positive for Any Drug (Incl. Alcohol)	12%
% Positive for Serious Drug	3%
9th Drug Test	14
% Positive for Any Drug (Incl. Alcohol)	10%
% Positive for Serious Drug	3%
10th Drug Test	25
% Positive for Any Drug (Incl. Alcohol)	11%
% Positive for Serious Drug	3%

Overall, 73% were tested at least once during their court mandate. The table shows that the percentage testing positive remains steady until the seventh drug test, at which only 12% tested positive for any drug (compared with the first drug test, in which 38% tested positive). The percentage of participants who tested positive for a serious drug is fairly constant at 3%-4% from the fourth test to the tenth test.

Table 5. Infractions for All Participants of the Staten Island Treatment Court

	Participants with at least one infraction
# Participants	96
% Participants W/ At Least One Infraction	53%
# Infractions	243
% Serious Infractions	21%
(Includes new arrests & warrants)	
INFRACTION TYPE	
1. New Arrest	8%
2. Warrant	13%
Abscond, Vol. ROW	2%
Abscond, Invol. ROW	4%
Abscond, return unknown	7%
3. Dirty or Substituted Urine <sup>1</sup>	38%
4. Program Violation	38%
Missed appointment	24%
Rule-breaking	14%
5. Other	3%

### Infractions, Sanctions and Incentives

One stated objective of the SITC is to “properly implement the court’s rewards and sanctions system, seeking to ensure participants’ successful completion of their programs.” Sanctions and rewards are clearly spelled out in the SITC participant handbook and policy and procedures manual (Appendix A). Each phase has A level, B level and C level infractions, and these infractions have corresponding sanctions that increase in severity with the number of infractions and the phase. Even though the infractions and sanctions are clear, the SITC team takes time in weekly staffings to weigh personal and family factors when imposing an infraction or sanction and previous behavior that may or may not explain the current infraction. It is clear that the goals of the team are to demonstrate that actions have consequences while continuing to encourage the



participant to move forward in the program. When there are disagreements, they are worked out in the team meeting.

Table 5 highlights the number and types of infractions. A total of 53% of participants committed at least one infraction while enrolled in the court. As of December 31, 2005, 21% committed a serious infraction of which 8% were new arrests and 13% were warrants.

Table 6. Staten Island Treatment Court Participant Sanctions

	Staten Island
# Participants	180
# Sanctions	222
% W/ At Least 1 Sanction	52%
% W/ At Least One Jail Sanction	25%
<b>SANCTION TYPE</b>	
1. Essay	3%
2. Jury Box	1%
3. Court Monitoring Upgrade <sup>1</sup>	3%
4. Treatment Increase <sup>2</sup>	28%
5. Jail	28%
Less than 1 week	27%
7-11 days	10%
More than 11 days	0%
Length unspecified	63%
6. Other	37%
Verbal admonishment	41%
Community service	52%
Other	7%

<sup>1</sup> Court monitoring upgrade sanctions include increased court appearances, even daily court reporting.

<sup>2</sup> Treatment increase sanctions include increased contact with case manager, mandatory AA/NA,

When examining sanctions, Table 6 shows that 52% (N=94) of participants have received at least one sanction and a total of 222 sanctions were handed out as of December 31, 2005. Also, 25% of participants received at least one jail sanction. The most popular form of sanction was “other” (verbal admonishment, community service etc.) at 37% followed by “jail” and “treatment increase” each at 28%. It should be noted that the SITC rarely utilized the jury box as a sanction due to space constraints; community providers, case managers, and defense attorneys have occupied the jury box during SITC sessions.

## Graduation and Aftercare

As of December 2005, a total of 73 participants had graduated from the SITC. In order to graduate from the SITC, the participant must complete all requirements of the individual treatment regimen, accrue 12 months without sanctions, have made significant and measurable progress toward personal goals such as employment, G.E.D, vocational training or school, and submit a graduation application setting forth accomplishments and goals. The graduation application is completed at the time of the exit interview, conducted by either the senior case manager or the project director.

The judge interprets the guideline regarding personal goals quite strictly and requires all graduates to either be employed or enrolled in school at time of graduation. Of those participants who had graduated by December 2005, many achieved success in areas outside of substance abuse treatment. A high percentage of graduates already had a GED/High school diploma upon entry into the court (63%); an additional seven participants (10%) obtained their GED or High School diploma prior to graduation. Also, 14% of graduates had completed a vocational program while in the drug court. As of their graduation date, 69% were employed either full-time or part-time, and 36% were enrolled in school.

It is appropriate to note here the role of Staten Island TASC in assisting participants in meeting the graduation requirement of making significant and measurable progress toward personal goals. In the beginning, TASC assigned two case managers to SITC. Currently, there are three case managers working on the SITC, and they are working at capacity as they also manage cases from DTAP, an adolescent program, and other alternative to incarceration programs. The TASC case managers noted that while they support the SITC wholeheartedly, it is more demanding and time consuming because it requires more “social work” skills in terms of promoting the advancement of personal goals. This includes such tasks as helping to facilitate child care, school attendance, job training, and employment. The case managers must act as liaisons with community-based treatment and other service providers to ensure that the participants are making progress. Finally, it should be noted that in interviews with other SITC team members and throughout the evaluation, TASC’s work was acknowledged and appreciated.

A stated objective of the court is to “implement an aftercare component, including an alumni association of SITC graduates.” The SITC project director decided not to develop this program given the lack of space in the courthouse to hold meetings, overtime restrictions with court staff who would be required to provide after-hours court security, and the lack of an SITC clinical staff person to run such a program. Finally, many Staten Island treatment programs offer aftercare programs and, according to exit interviews with SITC graduates, 57% of graduates do participate in an offsite aftercare program.

## VI. Treatment

As shown in Table 7, SITC participants are largely placed in outpatient (77%) and long-term inpatient treatment facilities (11%). The only residential drug treatment facility on Staten Island offers services to young men up to 21 years of age. Women and men older than 21 years who are in need of residential services must be placed outside of Staten Island. Currently, the SITC

places participants in upstate New York and other boroughs of New York City. If attending outpatient treatment, participants visit the TASC office once per week to check-in and take a drug test.

Table 7. First Treatment Modality

	N	%
Inpatient (short-term)	1	1%
Inpatient (long-term)	20	11%
Intensive Outpatient	8	4%
Outpatient	133	77%
Total	166	100%

(Missing=13)

## VII. Retention Rates

Retention is a key measure of program success. A one-year retention rate indicates the percentage of participants who, exactly one year after entering the drug court, had either graduated or remained active in the drug court program. Earlier research finds that retention not only indicates success in treatment but also predicts future success in the form of lower post-program recidivism and drug use. It is already well known that drug courts generally produce higher retention rates than community-based treatment programs that accept a combination of voluntary and court-mandated substance abuse treatment participants (see Belenko 1998).

Table 8

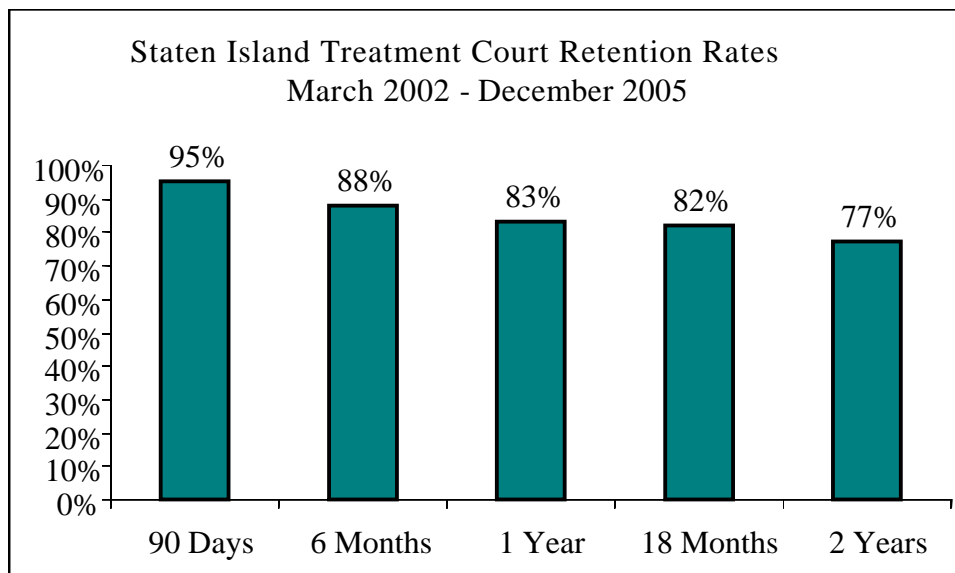


Table 8 displays updated retention rates (as of December 2005) for the SITC from 90 days through two years after enrollment. SITC maintains high retention rates and suffers very little attrition — from 95% retention at 90 days to 77% retention at two years post-enrollment. This data clearly shows that the SITC has exceeded its official planning goal of a 70% one-year retention rate. Also, the one-year and two-year retention rates compare favorably with the drug courts included in the earlier New York statewide evaluation (Rempel et al. 2003). The eleven New York State adult drug courts examined in that earlier study had one-year retention rates ranging from 47% to 82% (SITC = 83%) and two-year retention rates ranging from 32% to 78% (SITC = 77%).

The SITC set a goal for a 65% graduation rate. Based on its two-year retention rate of 77%, and the fact that nearly all participants have reached final status as of the two-year mark, it is exceptionally likely that the SITC is achieving a graduation rate above 70%. This exceeds both the SITC's own graduation rate objective and average graduation rates for adult drug courts nationwide, which from all available evidence appears to stand at approximately 50%.

## VIII. Additional Court Elements

### Technology

In an effort “to ensure the court has comprehensive, timely reports of participants’ progress in treatment,” the court has been making progress towards becoming a “paperless” court. A “paperless” court means that regular reporting such as drug test results, program attendance and program progress reports is entered directly into the database known as the New York State Universal Treatment Application (UTA). SITC team members with access at the courthouse can then directly locate the data. Also, TASC has had remote access to the UTA since September 2002. The DA and BAS each completed applications for remote access to the UTA in September 2003.

During the spring and summer of 2003, the project director and senior case manager trained the treatment providers on how to properly complete UTA-compatible treatment progress reports, which the providers submit to the SITC through TASC. However, due to their overwhelming caseload, and because there is only one computer in the TASC office, TASC case managers have been unable to completely enter their progress reports in the UTA. This responsibility has been temporarily taken over by the senior case manager.

In March 2004, TASC hired a new office manager and the office manager is responsible for entering all required data. TASC continues to operate with three case managers. These three case managers are responsible for the treatment court case load and other cases. Despite feeling overwhelmed, TASC staff continues to perform well. There have been discussions about locating funds to hire an additional case manager to relieve some of the burden, but there are no plans to do so as of this writing.

### Community Outreach

The SITC has made many efforts to achieve its goal of “outreach continuously to inform the community about SITC and seek support for the SITC.” While still in the planning phase, the

SITC reached out to community providers to update them on their work and explain future plans. Judge Meyer spoke to approximately 19 individuals representing 12 provider agencies. In the summer of 2002, the project director engaged in outreach to five of SITC's primary providers to inform the providers about the SITC and enlist their support. SITC has made presentations to different community groups, including the Staten Island Council on Alcohol and Substance Abuse (SICASA). As a signal of the visibility of the drug court and its accomplishments, five members of the original SITC team received the Thomas A. Wilson Award for Professional Service from SICASA, the project director accepted the YMCA's "Outstanding Community Service Award," and the project director was honored by the Camelot Family Foundation.

### Monitoring and Evaluation

The SITC states that another goal is to "memorialize SITC goals and engage in an outside evaluation, as well as perform continuous self-evaluation to ensure satisfaction of the stated objectives and goals." The SITC engaged the services of the Center for Court Innovation to conduct a process and impact evaluation (see O'Keefe 2003; and this report).

In terms of performing continuous self-evaluation, the SITC has made many efforts to improve court operations to serve its participants better. The SITC team has reviewed its protocols both formally and informally at steering committee and staff meetings. Since completing the trainings during the planning phase, court members continued to receive training and education to serve their population better, including trainings in the summer of 2003 on mental health issues, methadone issues, and ethics and confidentiality.

## IX. Recommendations

The original process evaluation (O'Keefe 2003) included the following recommendations:

- In order to accurately reflect court operations and project resource needs, SITC should reevaluate its target number of referrals and enrollees.
- The SITC has been making steady progress toward expanding its eligibility criteria to include misdemeanors. The SITC should continue its dialogue with all parties to begin accepting misdemeanors as soon as possible.
- Overall, the numbers of referrals and enrolled participants are lower than stated in the grant proposal. However, the SITC team members are working at capacity, particularly the TASC case managers. If the SITC increases volume through new misdemeanor referrals or other avenues, the SITC team must evaluate workflow and staff responsibilities to maximize current resources.
- As more participants graduate, the project director and senior case manager should make it a priority to develop an aftercare program.
- Given that the Queens Treatment Court for felony offenders and the SITC have similar populations in age, drug of choice, and socioeconomic status, the SITC is encouraged to continue to collaborate with the Queens Treatment Court.
- The success of the SITC is directly affected by the availability of judges and space constraints within the Richmond County Criminal Court. The SITC must continue to speak with appropriate public officials to assign more judges and address overcrowding in the Richmond County (Staten Island) courts.

### Recommendations Update

The court has implemented many of the above recommendations. Most importantly, the SITC has expanded its eligibility criteria to include misdemeanors. Although volume is lower than expected during the planning stage, the SITC feels it is working at capacity in terms of case management and judicial monitoring, given its small staff and the constraints of judge availability and space.

The project director decided it was not feasible or appropriate for the SITC to develop an aftercare program. Many SITC graduates can still participate in aftercare programs offered by Staten Island community-based treatment providers.

Finally, the challenges of judge availability and space constraints within the Richmond County continue to challenge the SITC team. Despite these constraints, the team has risen above these challenges and continues to meet the needs of the SITC participants in reaching its stated objectives.



# **PART TWO**

## *Impact Evaluation*



## I. Introduction

This part of the evaluation examines the impact of the Staten Island Treatment Court (SITC) on recidivism, case processing efficiency, and sentencing outcomes. The primary research question is whether the SITC produces a reduction in recidivism as compared with conventional case processing. The evaluation begins by briefly reviewing the recidivism literature to date. Then the research design and methods for this study's impact evaluation are explained, and the results are presented and discussed.

## II. State of the Literature: Do Drug Courts Reduce Recidivism?

More than fifteen years of drug court research has yielded the conclusion that adult drug courts generally reduce recidivism. David Wilson and colleagues (2002) recently reported that 37 of 42 drug courts evaluated produced lower rates of recidivism than did "comparison groups" composed of otherwise similar, non-participating defendants. Most of the evaluations under study defined recidivism as re-arrests, some as re-convictions.

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). Most notable was a failure to identify an appropriate "comparison group" of defendants whose recidivism rates were reasonable to compare with those of drug court participants. For example, several early evaluations compared the recidivism rates between drug court graduates and failures, a comparison which is completely invalid. As a policy matter, what is important to know is how the drug court fared overall, with everyone it attempted to serve, not merely how it fared with its obvious successes. Hence a proper comparison is between all participants, graduates and failures alike, and a second group composed of otherwise similar defendants who did not have the opportunity to participate in drug court.

Fortunately, in the early 2000s, the quality of the evaluation literature improved substantially. Three additional literature reviews considering a smaller number of evaluations, mainly by eliminating ones with weak research designs, 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 recent studies 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, Kralstein, Cissner, Cohen, Labriola, Farole, Magnani, and Bader 2003).

To provide a more local context for the present study, a recent evaluation of six New York State drug courts found that they produced an average 31% 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.

### III. Research Design and Methodology

The present evaluation involved a comparison of outcomes between SITC participants arrested in the first 40 months of drug court operations (March 2002 – June 2005) and an otherwise similar group of defendants arrested in the year before the drug court opened (March 2001 – February 2002).

#### Definition of the Participant Sample

The participant sample included all 146 SITC participants arrested from March 2002 through June 2005. Recidivism data was obtained after an additional six months, at the end of December 2005, meaning that all participants could be tracked over at least a six-month tracking period. Also, 123 participants could be analyzed over a one-year timeframe, and 102 could be analyzed over 18 months. Diminishing sample sizes made unfeasible any analysis beyond 18 months.

#### Definition of the Comparison Group

The comparison group was initially defined to maximize its comparability to SITC participants in terms of its current charges and criminal history. Since 86% of those in the participant sample were arrested on felony drug charges (the remaining 14% were arrested on a wide assortment of other felony and misdemeanor charges), the comparison group was limited to felony drug charges only. Also, consistent with official SITC eligibility criteria, defendants were excluded from the comparison group if they had a prior violent felony conviction at any time or a prior nonviolent felony conviction within the preceding 10 years. Also, defendants were excluded if they were arrested on the most serious type of felony drug charge (A1 or A2 felonies, which together comprise less than 5% of all drug felonies). Finally, defendants were excluded if their case did not result in a conviction. This last 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 over a year of court-mandated treatment through the SITC. After imposing these exclusions, of those arrested in Staten Island in the year before the SITC opened, 223 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 SITC 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; or if perceived to be involved in heavy drug trafficking); and others might have refused to participate. Further, it is possible that officially 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 do this (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).

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 9 (next page) compare the 146 drug court participants in the evaluation to the 223 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 a more serious prior criminal history (significant differences on three of 16 criminal history measures at the .05 level; and notable differences on three additional measures at the weaker .10 level).
- *Charges*: Those in the drug court sample were significantly less likely to have been arrested on felony drug possession and significantly more likely to have been arrested on charges other than for felony drug possession or sales offenses (this second difference is automatic, since the comparison group was defined only to include felony drug cases);
- *Demographics*: Those in the drug court sample were significantly younger and less likely to be Hispanic; also, at the weaker .10 level, those in the drug court sample were less likely to be female and more likely to be white.

All significant variables (.10 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 of nothing other than the defendant’s background, how likely the defendant would be to become an SITC drug court participant if given the opportunity to do so. Table 10 (on page 35) gives the regression coefficients and significance levels for the model. (Since all of the prior criminal history measures were strongly inter-correlated, only one such measure, whether the defendant had any prior arrest, was entered into the model.)

Each of the 146 drug court participants were then matched to the comparison group candidate with the nearest if not identical propensity 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, 146 SITC participants were matched to exactly 146 comparison group defendants.

The right-most columns of Table 9 demonstrate the degree to which the final samples became more comparable as a result of this matching process. The final samples were not significantly

Table 9. Baseline Characteristics of SITC Participant and Comparison Group Samples Before and After Propensity Score Matching

Sample Size	Pre-Matching		Final Comparisons		Change in Drug Court/Comparison Sample Differences
	Drug Court (N = 146)	Comparison (N = 223)	Drug Court (N = 146)	Comparison (N = 146)	
<b>Criminal History</b>					
<b>Prior Arrests</b>					
Any prior arrest	65%*	75%	65%	59%	-4%
Any prior felony arrest	47%*	58%	47%	52%	-6%
Any prior misdemeanor arrest	57% <sup>+</sup>	66%	57%	60%	-6%
Any prior drug arrest	55%	61%	55%	56%	-5%
Mean number of prior arrests	3.9	5.1	3.9	4.6	-0.5
Mean number of prior felony arrests	1.5	2.0	1.5	1.9	-0.1
Mean number of prior misdemeanor arrests	2.4	3.1	2.4	2.7	-0.4
Mean number of prior drug arrests	2.0	2.1	2.0	2.0	-0.1
<b>Prior Convictions</b>					
Any prior conviction <sup>1</sup>	48% <sup>+</sup>	57%	48%	51%	-6%
Any prior felony conviction	2% <sup>+</sup>	0%	2% <sup>+</sup>	0%	0%
Any prior misdemeanor conviction	22%*	32%	22%	29%	-3%
Any prior drug conviction	16%	16%	16%	14%	2%
Mean number of prior convictions <sup>1</sup>	2.1	2.7	2.1	2.3	-0.4
Mean number of prior felony convictions	0.0 <sup>2</sup>	0.0	0.0 <sup>2</sup>	0.0	0.0
Mean number of prior misdemeanor convictions	0.9	1.4	0.9	1.1	-0.3
Mean number of prior drug convictions	0.3	0.3	0.3	0.3	0.0
<b>Current Charges</b>					
Felony drug sales	45%	41%	45%	51%	2%
Felony drug possession	41%**	59%	41%	49%	-10%
Other charges <sup>3</sup>	14%***	0%	14%***	0%	0%
<b>Demographics</b>					
Female sex	17% <sup>+</sup>	25%	17%	18%	-7%
Mean age	26.2**	28.9	26.2	26.6	-2.3
<b>Race/ethnicity</b>					
Black	43%	43%	43%	44%	-1%
White	51% <sup>+</sup>	42%	51%	51%	-7%
Hispanic / other <sup>4</sup>	6%**	15%	6%	5%	-8%

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

<sup>1</sup> Prior criminal history is only considered if there was an arrest at the felony or misdemeanor level. However, felony or misdemeanor arrests that lead to a conviction at the violation level are counted and thus reflected in the totals for any type of conviction.

<sup>2</sup> The actual mean is .0411.

<sup>3</sup> Other charges includes: 9 misdemeanor drug possession charges, 9 other misdemeanors, and 3 other felonies.

<sup>4</sup> All defendants in this category are Hispanic, except for 2 defendants in the drug court sample.

different on any characteristic (.05 level), except for the probability of having a non-felony drug arrest charge; to reiterate, this one difference is an automatic function of defining the comparison group to exclude such charges. The final drug court sample was also slightly more likely to have a prior felony conviction (2% versus 0%, at the weaker .10 level).

We next investigated whether the presence of non-felony drug charges in the participant but not in the comparison sample could represent a meaningful source of bias. We found that this was not the case. Those arrested on non-felony drug charges within the participant sample were neither more nor less likely to re-offend on any of the outcomes measures presented below than were those arrested on felony drug charges; hence the inclusion of these other charges in the participant sample would have no effect on the reported recidivism rates below.

Table 10. Logistic Regression Model  
Predicting SITC Participation

Variable	Coefficient
Summary Statistics	
Total sample included in the analysis	369
Participants	146
Comparison Group Candidates	223
Chi-square for model	36.248***
Logistic Regression Coefficients	
Any prior arrest	-.442 <sup>+</sup>
Arrested on felony possession top charge	-.940***
Female sex	-.541 <sup>+</sup>
Age	-.031*
Race/ethnicity <sup>1</sup>	
Black	.698 <sup>+</sup>
White	1.012*
Constant	.547

+ p<.10 \*p<.05 \*\*p<.01 \*\*\*p<.001

Note: The dependent variable is whether the defendant is an SITC participant or comparison group candidate. Variables included in the model were significant at the .10 level or better in separate bivariate comparisons (see Table 14.2).

<sup>1</sup> Race/ethnicity has a third, unlisted "Hispanic" category to which black and white participants are compared.

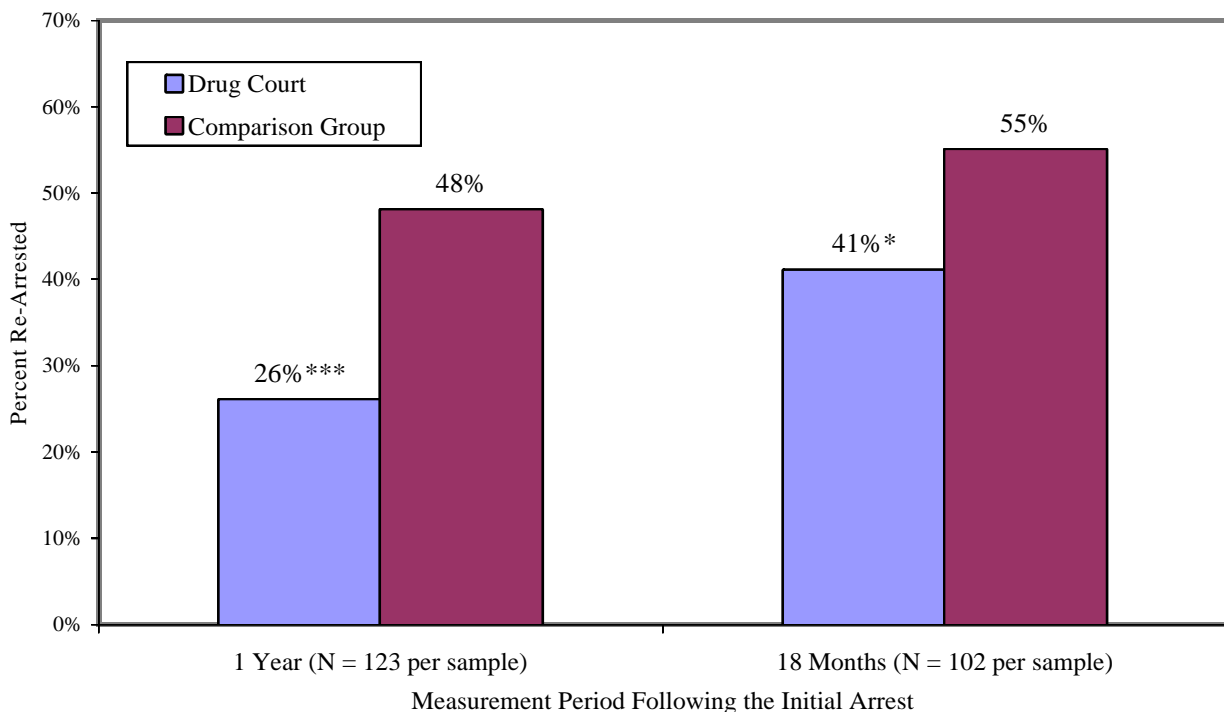
In the analyses to follow, the participant-comparison match forms the unit of analysis for estimating the drug court’s impact. The average difference in outcomes across all matches is used to estimate the overall drug court impact. Whenever a participant is unavailable for a particular analysis – for example, only 102 of the 146 participants in the full sample had accumulated enough time after their initial arrest to analyze over the 18-month tracking period – the comparison defendant with whom that participant was matched is also dropped from the analysis. This maintains similar levels of match comparability across each individual analysis.

#### 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 one-year period (N = 123 for each sample) and an 18-month period (N = 102 for each sample). In addition, “survival analyses” were conducted that utilized all available defendants (N = 146 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.

Figure 1. Impact of the SITC on Recidivism within One Year and Eighteen Months After the Initial Arrest



\* p < .05 \*\* p < .01 \*\*\* p < .001

#### IV. Results: Impact of the SITC on Recidivism

As shown in Figure 2, the SITC produced a substantial reduction in recidivism across both the one-year and the 18-month measurement periods ( $p < .05$  or better for both comparisons). After one year, 26% of drug court participants versus 48% of the comparison group were re-arrested; and after 18 months, the difference was 41% versus 55%. Framed differently, when compared with the initial comparison group level, the SITC produced a 46% relative reduction in the re-arrest rate after one year and a 25% reduction after 18 months.

As further shown in Table 11, comparable recidivism reductions were evident when isolating felony, misdemeanor, and drug-related re-arrests. Also, when turning to re-convictions, the magnitude of the recidivism reduction appears to increase. The 18-month re-conviction rate was 23% for drug court participants and 41% for the comparison group, meaning that the drug court produced a relative reduction in the re-conviction rate of close to half (44%).

When examining the total number of re-arrests and re-convictions, the comparison group had almost twice as many total recidivist events as drug court participants across most of the outcome measures reported in Table 11. For instance, drug court participants averaged 0.63 re-arrests over the 18-month tracking period, whereas the comparison group averaged almost double at 1.19.

Table 11. Impact of the SITC on Recidivism

Recidivism Measure	Drug Court	Comparison Group
Recidivism within One Year of the Initial Arrest	(N = 123)	(N = 123)
Any re-arrest	26%***	48%
Mean number of re-arrests	0.41**	0.87
Any felony re-arrest	17%*	31%
Any misdemeanor re-arrest	14%**	30%
Any drug re-arrest	17%**	34%
Any re-conviction	15%**	29%
Mean number of re-convictions	0.18**	0.44
<u>Of those with at least one re-arrest:</u>	(N = 32)	(N = 59)
Days to first re-arrest	114	136
Recidivism within 18 Months of the Initial Arrest	(N = 102)	(N = 102)
Any re-arrest	41%*	55%
Mean number of re-arrests	0.63**	1.19
Any felony re-arrest	24%*	36%
Any misdemeanor re-arrest	24%*	39%
Any drug re-arrest	25%*	38%
Any re-conviction	23%**	41%
Mean number of re-convictions	0.31	0.63
<u>Of those with at least one re-arrest:</u>	(N = 42)	(N = 56)
Days to first re-arrest	256**	164

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

Note: An event counts as recidivism if it resulted in a conviction. Technically, the new arrest must have occurred within the given measurement period (e.g., 1, 2 or 3 years), but the conviction may have occurred at a later time. Participant sample sizes vary, because some cases entered drug court too recently to have accumulated sufficient post-arrest time for a three-year post-arrest analysis.

Table 12. Types of Re-Arrest Charges:

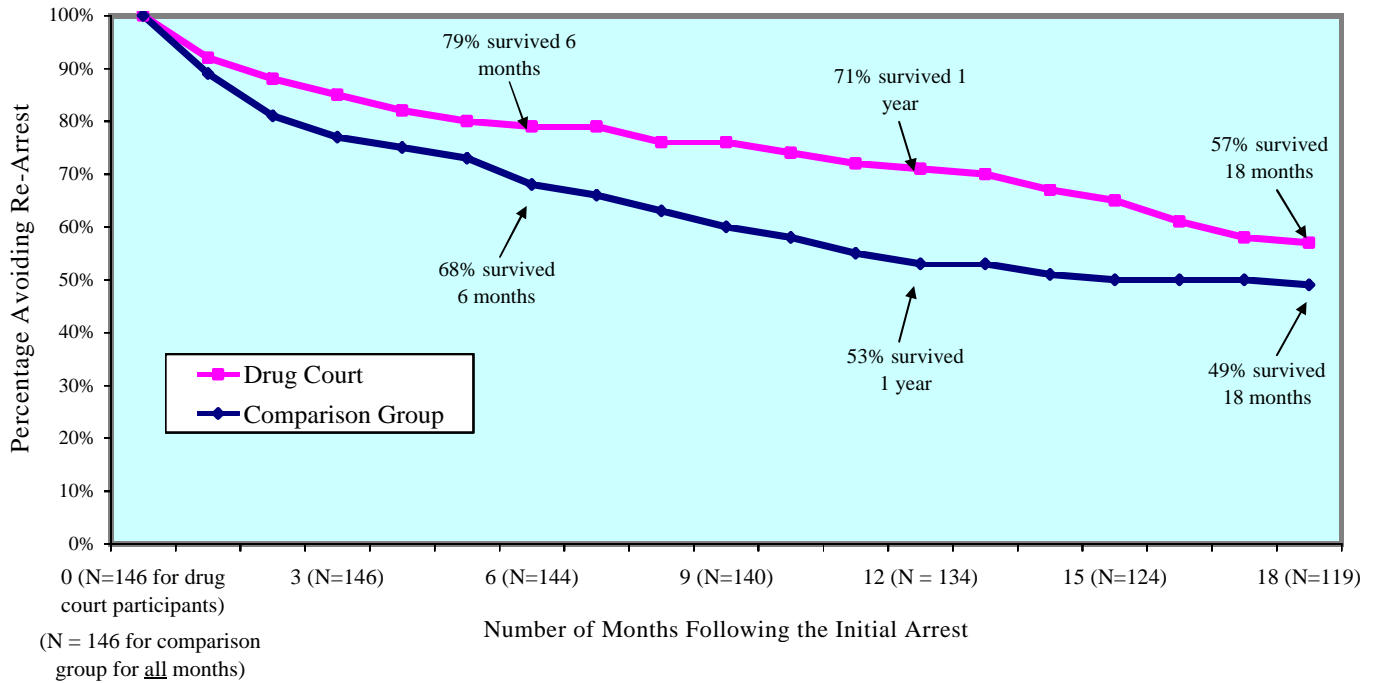
Top Arrest Charge of First Re-Arrest within One Year of the Initial Arrest

Recidivism Measure	Drug Court	Comparison Group
Number of Defendants with Re-Arrest at One Year	32	59
Percent of Available Sample	26%	48%
Top Arrest Charge		
1. Drug Charges	50%	57%
Felony drug sales	3%*	17%
Felony drug possession	28%	14%
Misdemeanor drug possession	13%	12%
Misdemeanor marijuana sales	6%	14%
2. Property Charges	16%	15%
3. Other Charges	35%	29%
Assault, menacing, or reckless endangerment	13%	12%
Criminal contempt	0%	5%
Other charges (no one charge more than 3% for either sample)	22%	12%
Total	100%	100%

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

Note: Percentages do not always add up to 100% due to rounding.

Figure 2. Survival Curve:  
Survival of SITC Drug Court versus Comparison Group Defendants Up to Eighteen  
Months Following the Initial Arrest (N = 146 Per Sample\*)



Note: The survival experience of drug court and comparison group defendants is significantly different at the .05 level ( $p = .0242$  for Wilcoxon statistic).  
\* Sample sizes are not identical for all months, since not all drug court participants could be analyzed over the full 18-month tracking period. Reduced sample sizes for the drug court participant sample are indicated every three months with a minus sign followed by the number of participants not available of the initial 146. On the other hand, all 146 comparison group defendants were available for all months.

Finally, the drug court appeared to delay the onset of recidivism when examining those with at least one re-arrest within 18 months (this effect was not apparent in the shorter one-year analysis). Of those re-arrested within 18 months, drug court participants averaged 256 crime-free days before their first re-arrest, while the comparison group averaged a significantly lower number, only 164 crime-free days.

Table 12 (previous page, bottom) displays the types of charges that were involved among all of those who re-offended. The results show that first re-arrests among drug court participants were significantly less likely to be for felony drug sales ( $p < .05$ ). There were no other significant differences across the samples. Across both samples, half or more of first re-arrests were on drug-related charges.

### Survival Analysis

Figure 3 presents survival curves for drug court participants and the comparison group, displaying for each month up to 18 after the initial arrest the cumulative percentage of defendants not yet re-arrested. All 146 defendants from each sample are included, but the analysis considers only the results for defendants who were still “at risk” of having their first re-arrest in each given month. For example, a defendant whose initial arrest date was only one year



Table 13. Cox Regression Predicting the Impact of SITC Participation and Other Background Characteristics on Re-Arrest

Maximum Tracking Period	18 Months
Total Sample	292
Drug Court	146
Comparison Group	146
Number of Censored Cases (not re-arrested)	161 <sup>1</sup>
	Odds Ratios:
Drug court participant	.691*
Natural logarithm of the total number of prior arrests	1.515***
Arrested on felony sales top charge	1.204
Female sex	.902
Age	.969**
Race/ethnicity <sup>2</sup>	
Black	1.651
White	.896

+ p<.10   \*p<.05   \*\*p<.01   \*\*\*p<.001

<sup>1</sup> All censored cases (not re-arrested) had their number of days set to 547 if they could be tracked for the maximum tracking period of 18 months. If they could not be tracked for that duration, their number of days was set to their number of days "at risk" (i.e., the total number for which they could be tracked).

<sup>2</sup> Race/ethnicity has a third, unlisted "Hispanic" category to which black and white participants are compared.

prior to the date of the analysis and was not yet re-arrested in that year would not be counted in the portion of the figure considering survival in months 13-18.

The survival curves for the two samples immediately diverge, such that by the one-year mark, 71% of drug court participants but just 53% of the comparison group had survived (avoided re-arrest). Between one year and 18 months, the gap between the two groups declined, but it remained significant.

#### Other Predictors of Recidivism

To determine whether other defendant characteristics besides drug court participation status predicted recidivism, a Cox regression analysis was performed. Cox regression, similar to survival analysis, assesses both the presence and timing of recidivism (how many crime-free days were there before a re-arrest took place). All 146 defendants from each sample were included in the analysis. None were tracked for longer than 18 months, and for those whose possibility of re-arrest could only be tracked over a lesser period, the Cox procedure takes into account the exact amount of "at risk" time.

The results indicate that significant predictors of recidivism were as follows (see Table 13):

- *Drug court participation status:* Consistent with the previous results, drug court participation significantly predicted non-recidivism ( $p < .05$ );
- *Prior criminal history:* The number of prior arrests significantly predicted recidivism ( $p < .001$ ); the actual variable entered into the cox regression procedure was the natural logarithm of the number of prior arrests variable; the logarithm function served to make

the prior arrest variable less right-skewed (i.e., gives relatively less influence to the few defendants with extremely high numbers of prior arrests).

- *Age*: Younger age significantly predicted recidivism ( $p < .01$ ).

## V. Results: Impact of the SITC 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 increasing 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 2002). Faced with 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 14, SITC participants reached initial disposition after significantly less time than the comparison group. 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 usually the plea date as well, but in some cases can be the date of conviction by trial. Participants averaged 2.1 months to initial disposition, whereas the comparison group averaged twice as long at 4.2 months ( $p < .001$ ). Also, the median number of months to disposition was 1.5 for participants and 2.7 for the comparison group. (The median takes the middle value and therefore, unlike the average, cannot be pulled upward in the event that a small numbers of defendants have extremely high values.)

Of course, from a pure court resources standpoint, the drug court ultimately takes longer to process its cases than conventional prosecution 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 13, drug court participants averaged 16.1 months to graduation or failure, almost four times longer than the comparison group’s average time to disposition.

## VI. Results: Impact of the SITC 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

Table 14. Impact of the SITC on Case Processing Efficiency

Processing Measure	Drug Court	Comparison Group
Months from Initial Arrest to Initial Disposition <sup>1</sup>		
Average	2.1***	4.2
Median	1.5	2.7
Months from Initial Arrest to Final Disposition <sup>2,3</sup> (defined as graduation or failure date for drug court participants and plea date or other final disposition date for the comparison group)		
Average	16.1	4.2
Median	15.7	2.7

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

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> The drug court participant sample for this analysis only includes graduates and failures (N = 98).

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 100 drug court participants who had reached a final dispositional status (graduation or failure) as of the analysis and their 100 matched comparison group defendants. Since 6 of the 100 comparison defendants and 1 of the drug court participants had missing sentence information, the final samples were then reduced to 93 and 93.

As shown in Table 15 (comparing the two right-most column), the probability of receiving either a jail or prison sentence is virtually identical for both participants and the comparison group (26% and 27%). Also, the average time spent serving a jail or prison sentence is less than 60 days for both samples, with small, non-significant differences in the exact numbers.

Although there were not significant differences in incarceration rates when comparing all SITC participants to the comparison group, 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 (96% versus 27%); and averaged significantly more time sentenced to jail or prison (208

Table 15. Impact of the SITC on Sentencing Outcomes<sup>1</sup>

Available Sample Size	Graduates 76	Failures <sup>2</sup> 26	All Drug Court 93	Comparison 93
<b>Sentence Type</b>				
Incarceration Sentence	0%	96%***	26%	27%
Prison	0%	23% <sup>+</sup>	7%	7%
Straight jail or jail/probation split	0%	73%***	20%	20%
Time served	0%	0%**	0%**	10%
Straight probation	0%	0%***	0%***	15%
Conditional discharge	0%	0%***	0%***	18%
Fine (without any additional sentence)	2%	0%***	1%***	32%
Case dismissed/no sentence imposed	98%	4% <sup>4</sup>	72%***	0%
<b>Sentence Length</b>				
<b>Length of jail/prison sentences<sup>3</sup></b>				
Average length (across entire sample)	0	208***	58	39
Average length (of those sentenced to jail or prison)	n/a	217	217	159

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

Note 1: 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 (with one exception), so statistical tests are unnecessary to demonstrate the clear and distinctive pattern that is applicable to graduates.

Note 2: Percentages do not always add up to 100% or to applicable sub-category totals due to rounding.

<sup>1</sup> The total drug court participant sample for this analysis only includes those reaching final dispositional status: graduates (67), failures (21), and incompletes due to mental or physical illness (5).

<sup>2</sup> This category includes both the 21 drug court failures and the 5 participants with a final status of incomplete due to mental or physical illness.

<sup>3</sup> For prison sentences, time incarcerated is assumed to be the minimum (e.g., one year in a 1-3 year sentence); and for jail sentences, time incarcerated is assumed to be two-thirds of the official sentence, given standard "good time" release policies.

<sup>4</sup> One case that was closed as "incomplete" was convicted, but a sentence was not imposed.

versus 39 days). Therefore, there is some legal risk involved in entering the drug court. Graduating means the complete avoidance of a criminal record, since cases are dismissed; but failing involves a longer average sentence than what would have, on average, been imposed had the case been processed using conventional methods. Since the SITC has an exceptionally high graduation rate (72% of the 100 participants reaching final status as of this analysis), most SITC participants receive a clear legal benefit from their enrollment. Also, since the SITC produces a significant reduction in recidivism (per above), future incarceration rates can be expected to drop significantly lower for those enrolling in the drug court than for the comparison group. This anticipated future effect is not immediately apparent, of course, when examining jail and prison rates only on the initial case that first brought the participants to drug court.

## VII. Summary

The SITC produced consistently positive impacts on the probability, prevalence, and timing of both re-arrests and re-convictions. The SITC produced a 46% relative reduction in the re-arrest rate after one year and a 25% reduction after 18 months; and reductions of similar magnitude were evident when isolating felony, misdemeanor, and drug-related re-arrests. When examining the average number of re-arrests (since some defendants were re-arrested more than once), the

SITC reduced that number by close to or more than half on all recidivism measures examined; for example, the total number of re-arrests over the 18-month tracking period dropped from 1.19 for the comparison group to 0.63 for drug court participants (a 47% relative reduction). Finally, among those who did re-offend, SITC participants remained crime-free for significantly more days prior to their first re-arrest over the 18-month tracking period.

Although this was not an express focus of the SITC, we also 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. These results indicate that the SITC was successful in reducing the time defendants spent in flux between their arrest and initial plea date. This increased efficiency is important in achieving the common drug court goal of reaching defendants early on during the crisis period immediately after their precipitating arrest, when they may be particularly open to treatment or to other lifestyle changes.

On the other hand, the results of the sentencing analysis are mixed. The SITC did not reduce the probability that its participants would receive a jail or prison sentence on the initial case nor did it reduce the average amount of jail or prison time sentenced. However, the approximately 72% of SITC participants who successfully graduated did receive a substantial legal benefit. For nearly all (96%) of the graduates in the analysis, the initial charges were dismissed, and for every one of them, no jail or prison time was imposed. Therefore, graduates avoided both a criminal record and jail sentence. Since failures generally received a jail or prison sentence of substantial length, this is why the overall average for all SITC participants combined is the same as for the comparison group. Of course, since SITC participants are significantly less likely than the comparison group to re-offend, it is likely that a longer-term analysis incorporating jail or prison time served on future cases as well as the initial one would eventually detect meaningful reductions.

The findings in this impact evaluation are consistent with the broader literature, which shows that most drug courts produce meaningful reductions in recidivism. The SITC is no exception. The high program retention and graduation rates achieved by the SITC undoubtedly contribute to its positive recidivism impacts – since participants who are retained in treatment for substantial periods are universally less likely than others to re-offend. For instance, the SITC one-year retention rate of 83% is higher than any of the eleven New York State drug courts examined in the 2003 statewide evaluation, and the two-year retention rate of 77% ranks second. As long as the SITC continues to focus on its process, effectively implementing the drug court model and using its collaborative team to address obstacles as they arise, it is reasonable to expect that the program will continue to exert positive effects on its participants.



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Appendix A  
Staten Island Treatment Court Policies and Procedures

Mission Statement

The mission of the Staten Island Treatment Court is to rehabilitate substance-abusing offenders in order to improve their quality of life and that of the Staten Island community by breaking the cycle of crime associated with addiction. Through the mutual efforts of the judge, prosecutor, defense bar and treatment providers, the Treatment Court will use its authority to address the addiction of eligible offenders, seek appropriate treatment for each, monitor offenders while in treatment, impose graduated sanctions for non-compliance, grant rewards for compliance, and provide recognition to participants when they successfully complete their programs.

I. The Staten Island Treatment Court: An Overview

The Staten Island Treatment Court (SITC), which began operations in the Richmond County Criminal Court, 67 Targee Street, Staten Island, NY, 10304 on 22 March, 2002, provides the option of substance abuse treatment under close court supervision to eligible non-violent drug-addicted defendants who choose treatment as an alternative to incarceration.

The mission of the Staten Island Treatment Court is to rehabilitate substance-abusing offenders in order to improve their quality of life and that of the community by breaking the cycle of crime associated with addiction. To that end, the SITC works to increase the number of non-violent drug offenders in treatment alternatives, reduce the recidivism rate for drug-addicted offenders, provide the means for those offenders to become productive members of society, and deter drug and drug-related crime in the Staten Island community.

SITC evolved through a planning initiative funded by the Drug Courts Program Office and is a collaborative effort of the New York State Unified Court System, the Richmond County District Attorney's Office, Battiste Aronowsky & Suchow (BAS), the Richmond County Bar Association and Treatment Alternatives to Street Crime (TASC).

The Treatment Court targets indictable drug-addicted non-violent first-time narcotic felony offenders (specifically, those charged with PL 220.16, 220.09, 220.06, 220.39, 220.34 and 220.31) for program eligibility. As the program expands, we plan to assess the cases of other non-violent narcotic felony offenders and those charged with multiple misdemeanors for offender eligibility.

A defendant who is accepted into the Staten Island Treatment Court is referred quickly into a treatment program, receives personal attention and ongoing supervision by the presiding judge at regularly scheduled SITC appearances, is monitored and tested periodically for drugs, is awarded incentives for compliance and is sanctioned for infractions.

The SITC program consists of three phases, each of four months duration. To advance from one phase to the next, participants must spend four months sanctionless time in one phase, be in compliance with the treatment regimen, describe their achievements in that phase and outline their goals for the next phase. Sanctions imposed in one phase may lengthen a participant's stay in that phase and may, according to the severity of the infraction, set a participant back to the previous phase.

Although it is possible to advance through the SITC program in twelve months, most participants progress at different paces and may spend up to eighteen

months in the program before graduating from the Treatment Court. Graduation, a vacated plea and dismissal of the case are the ultimate recognitions for participants who successfully complete the phases of the SITC and their prescribed treatment regimen.

## II. Criminal Justice Screening Process

An assistant district attorney (ADA) screens drug cases at intake and evaluates non-violent first-time felony narcotics offenders for SITC eligibility. Case records (court, DA and defense) of those offenders deemed eligible are stamped "SITC Eligible" and court papers are filed. Defense attorneys interview eligible defendants and inform them about the SITC program.

Treatment Alternatives to Street Crime (TASC), the supervising case manager for the Treatment Court, conducts pre-screening interviews of eligible defendants in court, in the pens, or in TASC's office, within twenty-four hours of arrest and after defendants have been advised by their attorneys and have accepted the offer to join the SITC program.

When a defendant accepts the Treatment Court option, the defendant is arraigned, waives CPL 180.80 (statutory release rights) and CPL 30.30 (speedy trial time) time, receives bail or is released on his/her own recognizance, and the case is adjourned to the next SITC session.

In the interim, the team reviews the criminal case and TASC's preliminary assessment to determine if the defendant is eligible for the SITC program. An eligible defendant who chooses the Treatment Court option pleads guilty to a felony drug charge at the next SITC session in order to become a participant.

Should a defendant reject the Treatment Court program, the case reverts to

normal criminal processing.

### III. Admission Process

#### a) Evaluating Defendants

At arraignment the Treatment Court candidate receives bail or is released in his/her own recognizance with a date to appear in the SITC.

Meanwhile, TASC conducts a comprehensive clinical assessment, including identifying the substance abuse and treatment history of the candidate. After diagnosis of the addiction, TASC obtains any entitlements required to pay for treatment (such SSI or medicaid) and assigns candidates to a treatment program based on individual needs.

Should the results of the clinical assessment determine that a defendant is not an appropriate candidate for the Treatment Court (defendant is not addicted, declines treatment, has no documentation, etc.), TASC advises the SITC team and the defense attorney, and the defendant's case reverts to normal processing in Criminal Court.

Should an eligible defendant express a desire to enter the SITC program prior to the expiration of CPL 180.80 (statutory release rights), defense counsel contacts the district attorney's Treatment Court supervisor and/or the assigned ADA for a review of the case.

The SITC Team recognizes that in extenuating circumstances an eligible and willing defendant may be denied admission to the program. In such instances, the team will review each case, taking those circumstances into account.

**b) Defendants as Participants**

The Staten Island Treatment Court is a postadjudication court. Candidates who accept the Treatment Court option plead to a felony charge at their first appearance before the SITC judge, have their sentences deferred, are accepted as participants in the program and are enrolled into drug treatment. Thereafter, participants meet with the judge regularly at Treatment Court sessions and are subject to all SITC rules and monitoring. When participants successfully complete SITC's program, their treatment regimen and fulfill the requirements, they graduate, their guilty plea is vacated and their case is dismissed.

The SITC team (comprised of the judge, TASC, public and private defense attorneys, prosecutors, court staff and the project director) closely monitors each case and takes a pro-active role in every participant's progress. The judge awards incentives and imposes sanctions during Treatment Court sessions based upon team review of each participant's performance in the program.

The supervising case manager, TASC, and the primary case managers perform random, observed drug testing anywhere from daily, to once a week, to bi-weekly, to monthly, based on the results of previous drug tests, the attendance record at treatment and which phase of treatment the participant is in. Should a relapse occur, more frequent unscheduled drug tests are administered. Test strips provide immediate results for marijuana, cocaine, opiate, angel dust, benzodiazepines and alcohol use, and detect urine adulteration.

Consistently non-compliant participants are subject to termination from the program and imposition of the original sentence. A participant with a

history of less than four misdemeanors who is unfavorably terminated from the Treatment Court program is subject to a sentence of up to one year in jail. The participant with a history of four or more misdemeanors who fails the program is subject to a jail sentence of up to three years.

A new arrest results in SITC team review and possible termination from the program. Should the SITC team allow a participant with another indictable case to remain in the Treatment Court, the participant faces up to four years in prison if that participant fails out of the program.

c) Participants Right to Know

Attorneys apprise defendants of the rights they may exercise before and after becoming SITC program participants. The responsibilities of the participant and the Court are outlined in the Participant Handbook and in the Participant Agreement and Plea Contract, which are signed by the participant and the judge when the plea is entered.

At the time they are accepted into the SITC program, the judge advises participants that the court can and will impose sanctions for non compliance with the stated rules of the SITC and/or the treatment provider, that the sanctions increase in severity in response to the level of infraction, and may include termination from the SITC and imposition of a prison sentence.

IV. The Staten Island Treatment Court in Session

Treatment Court sessions are held weekly in a SITC-dedicated part in the Richmond County Criminal Court. Court officers, court clerks and other personnel assigned to the court are trained in Treatment Court protocols.

The Staten Island Treatment Court team meets at staffings prior to each court session to assess the status of each case and participant. During staffings, the team reviews bail, performs case assessments and discusses appropriate court-based responses, which the judge metes out at Treatment Court sessions.

Other than the judge and the participant (and sometimes the individual treatment provider), a defense attorney, a prosecutor, a TASC representative and the project director participate in SITC court sessions. The team presents a united front and takes a non-adversarial approach to each court response as the judge uses incentives to reward success and imposes sanctions for non-compliance, applied as close to the occurrence as possible.

The appearance schedule of each SITC participant is a team decision based on input from individual treatment providers, TASC and defense attorneys. The team sets more frequent court appearance dates for new participants; for instance, in the first phase SITC participants may appear weekly if the team determines it is in the participant's best interest. Appearances become less frequent as participants progress through the phases and exhibit compliance with the SITC rules and their treatment regimen. Participants may be required to make more frequent appearances at Treatment Court sessions as a sanction for certain infractions.

The Treatment Court addresses any pattern of misbehavior and/or relapse and other non-compliance on a case-by-case basis. At the judge's request, representatives from individual treatment programs appear with participants in problematic cases. A serious infraction results in an immediate appearance before a judge in the Criminal Court plus an appearance before the Treatment Court judge at the next session. (On Staten Island at this time the Criminal Court judge and the Treatment Court judge are the same person.)

## **V. Incentives and Sanctions**

### **a) Incentives:**

The Treatment Court team uses a number of incentives to foster compliance with court mandates, enhance the treatment regimen, and strengthen each participant's ambition to achieve and maintain sobriety. The judge awards incentives during Treatment Court sessions.

Incentives may include:

acknowledgment and encouragement by the judge; applause in the courtroom; photos with the judge; the case placed early on the calendar; participant placement on the honor roll; certificates and plaques; congratulatory card from the SITC team; participant advancing to the next phase; reduced frequencies of participant's court appearance dates, treatment appointments, and/or drug testings; being made a sponsor/mentor; becoming a member of the SITC "Hall of Fame" and, last but not least, qualifying for graduation.

### **b) Sanctions:**

The team-devised sanction schedule for non-compliance increases in intensity in response to the level and number of infractions. The judge imposes sanctions during Treatment Court sessions.

Sanctions may include:

essay/journal/letter writing assignment; sitting in the court for a specified period before or after the case is heard; sitting in the "penalty" (jury) box for a certain amount of time; attending workshops; mandatory NA/AA/GA assignments; increase in participant court appearances; loss of certain program privileges; community service; increased case management visits; immediate (next day) court attendance; increased frequency of testing; and spending time in jail (ranging from hours to days).



The team is committed to implement the Treatment Court's rewards and sanctions in a proper and timely manner. Whatever course of action the Treatment Court takes: awarding an incentive, imposing a sanction, setting more (or less) frequent court appearance dates, the decision to do so is made in the best interest of each participant and with the determined effort to ensure that participants successfully complete their prescribed course of treatment and the SITC program.

C) Expulsion Criteria:

Staten Island Treatment Court participants are subject to team review and liable for expulsion should they be arrested for a violent felony, a non-violent felony or a misdemeanor. An indictment or conviction for any violent crime results in immediate expulsion. In addition, participants will be expelled from SITC for repeated non-compliance, such as failure to discontinue the use of drugs in the latter part of the program, three times absconding or termination from the treatment program with involuntary return to court within any of the three phases, and consistently substituting or tampering with drug tests at any time.

VI. Exchanging Information: Treatment Providers and SITC

Treatment providers supply case information to the SITC team in a variety of ways: on the web-based HRA Substance Abuse Reporting and Tracking System (STARS), in person, by phone, via FAX or by mail, depending on the need for timeliness.

The treatment provider and TASC periodically review the individualized treatment plan developed for each participant; TASC provides the SITC team with timely updates.

## **VII. Goals and Objectives of the Staten Island Treatment Court.**

SITC provides treatment alternatives and judicial supervision to eligible participants while strengthening linkages between the criminal justice system, the courts, treatment and the community. SITC intends to accomplish the following objectives:

To screen drug cases and assess offenders for eligibility.

To ensure every team member or representative attends each staffing.

To see SITC participants at regularly-scheduled court appearances.

To use the coercive power of the court meted out by the judge in a supportive and non-adversarial atmosphere in order to maintain the optimum number of participants in compliance with SITC mandates.

To maintain a cooperative working relationship with treatment providers and ensure the court has comprehensive, timely reports of participants' progress in treatment.

To monitor participants' compliance with mandatory periodic drug testing.

To make efforts on the part of the team to properly implement the court's rewards and sanctions system to ensure participants' successful completion of their treatment programs.

To see the optimum number of participants graduate from the SITC program.

To implement an aftercare component, including establishing an alumni association of SITC graduates.

To perform continuous self-evaluation and to engage in outside process and outcome evaluations to ensure satisfaction of the stated objectives and goals.

To make outreach efforts, informing the Staten Island community about the SITC and seek support for program.

### **VIII. The SITC Team: Roles and Responsibilities.**

The Treatment Court planning team includes the SITC judge, representatives from the public and private defense bar, the district attorney, TASC, court staff and the project director. The roles and responsibilities of the team include:

**Presiding Judge:** maintains therapeutic relationships with SITC participants; uses the power of the court to provide the impetus for success in treatment and provides support and encouragement as participants progress through their prescribed treatment regimens and the SITC program; presides over SITC sessions; participates in operational meetings and staffings; leads team to develop program protocols and procedures; acts as spokesperson to community and peers.

**Prosecutor:** reviews all narcotics cases for eligibility; makes initial recommendations to the court; works with the team in the ongoing monitoring of Treatment Court participants; together with the team, provides the motivation and encouragement to SITC participants for the successful completion of the prescribed treatment; participates in the weekly staffing sessions and the periodic operation meetings.

**Defense:** fulfills the ethical obligation to protect a client's civil rights and to act in the client's best interest: discusses alternatives to treatment as well as the client's legal and emotional status, the likelihood of a successful defense and the client's exposure in the event he or she is unable to complete the SITC program; ensures that SITC candidates enter the program voluntarily and with a full understanding of their rights and obligations; vigorously defends those clients for whom treatment is not appropriate or who elect not to participate; continues to advocate for those clients who enter the SITC program; cooperates with other members of the treatment team: reviews all reports, consults with counselors and treatment providers and keeps the client informed as to whether the client is fulfilling his or her obligation under the terms of the participation agreement; actively participates with the team in the planning and setting of reasonable goals

that will give the SITC participant the greatest chance of success.

TASC: Treatment Alternatives to Street Crime (TASC) performs duties of supervising case manager: conducts pre-screening and clinical assessment of SITC candidates; refers SITC participants to New York State Office of Alcoholism and Substance Abuse Services-licensed private and non-profit treatment providers; conducts site visits; ensures that treatment services are gender, age and culturally specific; monitors participants' compliance with treatment protocols; performs random drug screenings; reports drug test results and case status of participants to the team at staffings.

Project Director. oversees the day-to-day operation of the Treatment Court; acts as liaison to providers, law enforcement, other key agencies and stakeholders; participates in the development and memorializes program eligibility standards, operating procedures and rules; coordinates continuing education for the team; supervises caseload; expedites participant notification, placement, and compliance; maintains records on the New York State Universal Drug Treatment Application; compiles statistics for evaluation of the program.

Senior Court Clerk: along with court-based administrative duties, the senior court clerk assumes the duties and responsibilities of the coordinator (listed above) in the coordinator's absence.

## **Phases & Sanctions**

When accepted into the Staten Island Treatment Court (SITC), the participant will progress through three phases to graduation. Following is an outline of the (A) phases and infractions that will be addressed by the court, (B) sanctions the court may impose as a result of those infractions, (C) House Rule and (D) requirements for graduation.

### (A) Phases.

The SITC program consists of three phases. Participants must spend four months in one phase in order to progress to the next phase. Sanctions imposed in one phase may lengthen the duration of that phase, and may, according to the severity of infraction, set the participant back to a previous phase.

### (B) Court-Imposed Sanctions.

Sanctions are imposed by the court based upon the severity of infraction. Within each phase, different infractions have different implications. Unanticipated issues, such as a pattern of misbehavior and/or relapse, are addressed by the SITC at the time of occurrence.

### (C) House Rules.

The House Rules is a list of definitive behaviors expected of SITC program participants while in court, at treatment, or while in attendance at court-related appointments.

### (D) Requirements for Graduation.

In order to graduate from the SITC program, a participant must complete all the requirements of treatment, accrue a total of at least twelve months sanctionless time, display significant progress toward personal goals and submit an application to the SITC.

Participants progress at different paces, so the amount of time spent in each phase will vary according to the individual, but most participants will spend twelve to eighteen months in the program before graduating from the Staten Island Treatment Court.

## **A) Phases**

### **PHASE I**

**Requirements:** All participants start in phase one and must abstain from drug use. (Some participants may spend more time in this phase due to mental health and medical issues.)

**Process:** The defendant becomes a participant in the Treatment Court program. TASC diagnoses the participant's addictions, determines a plan of treatment and obtains any entitlements to pay for treatment (such as SSI and medicaid). During this time the participant is placed into a rehabilitation program and abstains from substance abuse in a controlled atmosphere.

### **PHASE II**

**Requirements:** To progress to Phase II, participants must spend a minimum of four months in Phase I without any A, B, or Triple C sanctions, be able to describe their achievements in phase one and their goals for phase two.

**Process:** During this time the participant is stabilized in treatment and, depending on the participant's progress, other goals are set, such as education, family rehabilitation and vocational training. This may be a longer phase, since the treatment that was prescribed during phase one is now enacted.

### **PHASE III**

**Requirements:** To enter Phase III participants must complete four months in Phase II (a total of eight months, Phase I and Phase II combined) without any A, B, or C level sanctions, be able to describe their achievements in phase two and their goals for phase three.

**Process:** The participant's treatment is now in the final phase. Having successfully abstained from drugs for a significant period of time, the participant's focus is now on rehabilitation. At this time the participant may re-establish family ties, and engage in educational, vocational or career development.

## II. Infractions and Court-Imposed Sanctions

Infractions are listed according to their severity. The higher the level of infraction, the more serious the sanction. The highest level of infractions are:

New Violent Felony Arrest

New Arrest

<b>Staten Island Treatment Court Responses to Arrests of Participants</b>		
<b>All Phases: I, II and III</b>		
<b>Infraction:</b>	<b>Action by the Court:</b>	<b>Sanction:</b>
New violent felony arrest	Review by district attorney and by SITC team	Possible termination from SITC and mandatory jail
New arrest	Review by district attorney and by SITC team	Possible jail and/or termination

Staten Island Treatment Court participants are subject to team review and liable for expulsion should they be arrested for a violent felony, a non-violent felony or a misdemeanor. An indictment or conviction for any violent crime results in immediate expulsion.

## Phase I

<p><b>A Level Infractions:</b> absconding or termination from treatment with <u>in</u>voluntary return to court.</p> <p><b>B Level Infractions:</b> absconding or termination from treatment with voluntary return to court. substituted or tampered drug test</p> <p><b>C Level Infractions*:</b> positive or missed drug test missed appointment rule breaking at treatment which does not result in termination two late arrivals at court or program sessions breaking the SITC House Rules</p>	<p>Every A level infraction results in Action by the Court:</p> <p style="padding-left: 40px;"><u>First A level infraction:</u> up to 14 days jail</p> <p style="padding-left: 40px;"><u>Second A level infraction:</u> up to 28 days jail</p> <p style="padding-left: 40px;"><u>Third A level infraction:</u> termination, sentence imposed</p> <p>Every B level infraction results in Sanction by the Court:</p> <p style="padding-left: 40px;"><u>First B level infraction:</u> 2 days penalty box Detox Workshop attendance Essay/journal/letter writing Increase in court attendance frequency</p> <p style="padding-left: 40px;"><u>Second B level infraction:</u> up to 7 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Third B level infraction:</u> up to 14 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Fourth B level infraction:</u> up to 28 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Fifth B level infraction:</u> termination, sentence imposed</p>	<p>Every C level infraction may be addressed by the treatment providers as well as the SITC.*</p> <p>Sanctions include but are not limited to:</p> <ul style="list-style-type: none"> <li>immediate (next day) court attendance</li> <li>increased case management visits</li> <li>increased testing</li> <li>detox/rehab</li> <li>mandatory self help assignment</li> <li>essay/letter writing assignment</li> <li>loss of certain treatment privileges (determined by program)</li> <li>community service</li> </ul> <p>*Any <u>three C level (Triple C) infractions</u> in Phase I within a thirty-day period are considered "Sanctioned C" infractions and are sanctioned at SITC's discretion.</p>
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### SANCTIONED C

First Sanctioned C	See above list of sanctions
Second Sanctioned C	up to 7 days jail
Third Sanctioned C	up to 14 days jail
Fourth Sanctioned C	up to 28 days jail
Fifth Sanctioned C	Termination, sentence imposed



## Phase II

<p><b>A Level Infractions:</b> absconding or termination from treatment with <u>in</u>voluntary return to court. substituted or tampered drug test</p> <p><b>B Level Infractions:</b> absconding or termination from treatment with voluntary return to court.</p> <p><b>C Level Infractions*:</b> missed appointment one late arrival at court or program session breaking the SITC House Rules rule breaking at treatment which does not result in termination positive or missed drug test*</p> <p>*In Phase II, a single positive drug test may result in a sanction.</p>	<p>Every A level infraction results in Action by the Court:</p> <p style="padding-left: 40px;"><u>First A level infraction:</u> up to 14 days jail</p> <p style="padding-left: 40px;"><u>Second A level infraction:</u> up to 28 days jail</p> <p style="padding-left: 40px;"><u>Third A level infraction:</u> termination, sentence imposed</p> <p>Every B level infraction results in Sanction by the Court:</p> <p style="padding-left: 40px;"><u>First B level infraction:</u> 2 days penalty box Detox Workshop attendance Essay/journal/letter writing Increase in court attendance frequency</p> <p style="padding-left: 40px;"><u>Second B level infraction:</u> up to 7 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Third B level infraction:</u> up to 14 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Fourth B level infraction:</u> up to 28 days jail, plus any of the above</p> <p style="padding-left: 40px;"><u>Fifth B level infraction:</u> termination, sentence imposed</p>	<p>Every C level infraction may be addressed by the treatment providers as well as the SITC.**</p> <p>Sanctions include but are not limited to:</p> <ul style="list-style-type: none"> <li>immediate (next day) court attendance</li> <li>increased case management visits</li> <li>increased testing</li> <li>detox/rehab</li> <li>mandatory self help assignment</li> <li>essay/letter writing assignment</li> <li>loss of certain treatment privileges (determined by program)</li> <li>community service</li> </ul> <p>**Any <u>two C level (Double C) infractions</u> in Phase II within a thirty-day period are "Sanctioned C" infractions and are sanctioned at SITC's discretion.</p>
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### SANCTIONED C

First Sanctioned C	See above list of sanctions
Second Sanctioned C	up to 7 days jail
Third Sanctioned C	up to 14 days jail
Fourth Sanctioned C	up to 28 days jail
Fifth Sanctioned C	Termination, sentence imposed

### Phase III

<p><b>A Level Infractions:</b> absconding or termination from treatment with <u>in</u>voluntary return to court. substituted or tampered drug test</p> <p>Note: In the event of termination or absconding with involuntary return to court in the third phase the participant is subject to a minimum of 8 to 14 days in jail, barring exceptional circumstances.</p> <p><b>B Level Infractions:</b> positive or missed drug test absconding or termination from treatment with voluntary return to court.</p> <p><b>C Level Infractions:</b> missed appointment rule breaking at treatment which does not result in termination one late arrival at court or program without satisfactory excuse breaking the SITC House Rules</p>	<p>Every A level infraction results in Action by the Court:</p> <p><u>First A level infraction:</u> up to 14 days jail</p> <p><u>Second A level infraction:</u> up to 28 days jail</p> <p><u>Third A level infraction:</u> termination, sentence imposed</p> <p>Every B level infraction results in Sanction by the court:</p> <p><u>First B level infraction:</u> 2 days penalty box Detox Workshop attendance Essay/journal/letter writing Increase in court attendance frequency</p> <p><u>Second B level infraction:</u> up to 7 days jail, plus any of the above</p> <p><u>Third B level infraction:</u> up to 14 days jail, plus any of the above</p> <p><u>Fourth B level infraction:</u> up to 28 days jail, plus any of the above</p> <p><u>Fifth B level infraction:</u> termination, sentence imposed</p>	<p>Every C level infraction may be addressed by the treatment providers as well as the SITC.*</p> <p>Sanctions include but are not limited to:</p> <ul style="list-style-type: none"> <li>immediate (next day) court attendance</li> <li>increased case management visits</li> <li>increased testing</li> <li>detox/rehab</li> <li>mandatory self help assignment</li> <li>essay/letter writing</li> <li>loss of certain treatment privileges (determined by program)</li> <li>community service</li> </ul> <p>*<u>One C level infraction</u> in Phase III within a thirty-day period is considered a "Sanctioned C" and is sanctioned at SITC's discretion.</p>
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**SANCTIONED C**

First Sanctioned C	See above list of sanctions
Second Sanctioned C	up to 7 days jail
Third Sanctioned C	up to 14 days jail
Fourth Sanctioned C	up to 28 days jail
Fifth Sanctioned C	Termination, sentence imposed

## **C. SITC House Rules**

If broken, many of the House Rules carry their own punishments. Some may be treated as higher level infractions and some may be punishable as misdemeanors, if the incident warrants it.

All SITC participants are expected to arrive at court in a timely manner.

Never come to under the influence of alcohol or drugs.

Dress appropriately for court.

Never carry or use alcohol, drugs or associated paraphernalia.

Behave yourself! No violence, harassment or threats, period.

Never leave the courtroom without permission.

Respect court property.

No stealing.

Be on time for all court sessions and appointments with treatment, T.A.S.C., drug testing, etc.

19 April, 2001

## D. Graduation

In order to graduate from the Staten Island Treatment Court, the participant must:

- a) complete all the requirements of his or her individual treatment regimen,
  
- b) accrue a total of 12 months sanctionless time (four months in Phase I, four months in Phase II and four months in Phase III),
  
- c) have significant and measurable progress toward personal goals, (such as employment, a G.E.D., or vocational training), and
  
- d) submit a graduation application, setting forth accomplishments and goals.