

Fact Sheet

Drug Treatment Courts (DTCs)

Addiction and Mental Health Research Laboratory (AMHRL)

What is a drug treatment court?

Drug treatment courts (DTCs) are specialized courts with the goals of reducing or eliminating drug dependence and criminal activity. These goals are accomplished by providing offenders with substance abuse treatment, case management, and court supervision as an alternative to incarceration.

Background

The DTC movement emerged in the United States in the 1980s to support a justice system overburdened with drug-related crimes. The first DTC was established in Dade County (Miami, FL) in 1989. There are currently 2,038 drug courts in operation in the US as of July 2009 (BJA Drug Court Clearinghouse Project, 2009).

DTCs are a recent phenomena in the Canadian criminal justice system. The first Canadian DTC commenced in Toronto in 1998. The Federal Government currently supports six DTCs in Canada including: Edmonton (December 2005), Winnipeg (January 2006), Ottawa (March 2006), Regina (October 2006), Toronto (1998), and Vancouver (2001). Calgary and Durham have also recently initiated DTCs.

Underlying Principles of DTCs

Therapeutic justice (TJ) is the underlying theoretical framework for drug treatment courts. TJ examines the role of law to promote the psychological and physical well-being of individuals (Slobogin, 1995). In the drug court model, criminal justice and substance abuse treatment systems work together to rehabilitate drug-dependent offenders and promote abstinence and positive social behaviour (Hora, Schma, & Rosenthal, 1999).

The drug court model employs a more proactive role for the judge, who functions as a reinforcer of positive client behaviour (Belenko, 1998). Although the judge is the main player in the program, the court works collaboratively with the prosecution, defence bar, probation, law enforcement, treatment, and community services to help the participant overcome their drug problems and resolve work, finances, health, and family issues.

Entry into the DTC Program

Before being accepted into DTC, individuals must proceed through several steps to determine suitability for the program.

Non-violent offenders charged under the Canadian Criminal Code (CCC) and Controlled Drugs and Substance Act (CDSA)

are typically referred to the program by defence counsel. They may also be referred by police officers, judges, the

Crown Prosecutor, family members, friends, or they may refer themselves.

Once a referral or application is made, the Crown Prosecutor reviews the individual's current charges and criminal history to ensure that the applicant meets the requirements for eligibility.

If the Crown accepts the application, the DTC Case Manager(s) or treatment provider completes an intake interview with the applicant to assess his or her drug dependency issues and immediate needs.

Suitable applicants who are admitted into the program are required to sign a legal waiver, plead guilty to all charges, and are placed on bail conditions to participate in the DTC program.

*Terms in bold
are found in
the glossary on
page 3.*

Progress through the Program

Participants complete intensive substance abuse treatment, attend court regularly for a period of time, undergo mandatory drug testing, and take part in intensive case management to address other needs such as housing, stable employment and job training, and mental and physical health.

Program Exit

Completion

Completion criteria differ from program to program. Participants become eligible to apply for completion or “graduation” if they meet certain criteria including: remaining abstinent from drugs and alcohol, complying with bail conditions and program requirements, and maintaining social stability (e.g. stable housing, enrolment in education, skills upgrading, employment training or employment, and so on).

Graduates are sentenced for the original DTC charges they pleaded guilty to and usually receive a **non-custodial sentence** (e.g., probation, community service hours, or **restitution**).

Withdrawal from the Program

All DTCs within Canada have a provisional phase, in which participants have 30 to 60 days to withdraw or strike their guilty pleas and proceed with their charges through the regular court system (without opposition from the Crown). This phase allows participants and the DTC team to determine if a participant is compatible with the program. After this period, participants who **abscond** from the program, fail to comply with bail conditions, or who are charged with new offences while in the program, may be asked to withdraw.

Effectiveness

A comprehensive review of drug courts reported positive outcomes related to retention and graduation rates, drug use, recidivism, and costs to the criminal justice system (Belenko, 1998, 1999, & 2001) .

- Retention and graduation rates are greater for DTC participants than similar offenders in other outpatient treatment programs, with graduation rates ranging between 36 and 60 percent. A recent systematic review conducted by the Government Accountability Office (GAO, 2005) found completion rates to range from 27 to 66 percent.
- Criminal behaviour and drug use are substantially reduced while participants are in the drug court program.
- DTC participants had lower post-program recidivism rates than similar offenders not in DTC programs. However, data on post-program recidivism and other outcomes is less clear due to the short time frame of evaluations (Belenko, 2002).
- DTCs produce savings—at least in the short-term—from reduced jail/prison use, reduced criminality, and lower criminal justice costs.

Although research provides evidence of the effectiveness of drug treatment programs, the quality and rigour of studies are limited (Turner et al., 2002; Belenko 1998, 1999, 2001, & 2002).

Challenges:

- Funding constraints, reporting requirements, and data issues limit the collection of post-program data over a longer follow-up period. Very few studies have follow-up periods greater than 12 months.
- Selecting comparison groups that are appropriate, i.e., comparing drug court participants with comparison groups not involved in drug court.

- Information exchange related to access, quality of data, and information systems limit the scope of DTC evaluations.
- Few DTCs implement the strongest research design (i.e., experimental design that uses random assignment), limiting conclusions of the impact of drug courts on outcomes, specifically post-program recidivism (Belenko, 2002).

A recent evaluation of five DTC sites across Canada suggests that DTCs have a positive impact on participants (Department of Justice Canada, 2009).

- DTCs have reported that the program reduces criminal behaviour. Winnipeg found that recidivism rates for DTC graduates were lower than offenders sentenced to probation, conditional sentence, and incarceration. However, this finding is preliminary due to the short timeframe.
- The overall retention rate is 44 percent, ranging between 34 and 55 percent. The findings are comparable to rates in previous reviews of DTCs in the US. The graduation rate is 18 percent, ranging between 6 and 36 percent, which is relatively lower than the rates reported by US drug courts.
- DTCs have reported that the program has helped participants improve their social stability in areas such as housing, employment, education, family relationships, and overall health and well-being.
- Findings on cost-effectiveness are preliminary and limited. Based on the assumption that a DTC participant graduates and does not reoffend, the costs of DTCs are 70 percent lower compared to two years of incarceration.

DTCs in Canada are relatively new and have limited opportunity to demonstrate effective outcomes. Due to the short follow-up period, limited availability of data, and difficulties comparing outcome data across the DTC sites, findings should be interpreted with caution.

Glossary of Terms

Abscond — *unlawfully leaving or fleeing to avoid arrest (The Canadian Oxford Dictionary, 1998).*

Crown Prosecutor — *A lawyer who conducts prosecutions of indictable offences on behalf of the Crown (The Canadian Oxford Dictionary, 1998).*

Non-custodial sentence — *“A criminal sentence served outside of a traditional correctional institution” (The Canadian Oxford Dictionary, 1998).*

Restitution — *restoring a person to a previous state or status (Oxford English Dictionary Online, 2010).*

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