
CHAPTER 2

Systems do not yet provide statewide performance and outcome data for Wyoming drug courts

Each of Wyoming's drug courts is individualized by how the local team defines its structure, management approach, and operational policies and procedures. This variety allows each team to use resources to meet community needs according to local standards and principles, and to create community buy-in. However, this same lack of uniformity inhibits the state from gathering performance and outcome information on drug courts.

Many stakeholders view state-funded drug courts as effective, but there is minimal data to support this view.

Drug courts seem to be viewed as effective in the communities that have chosen to implement them. However, although five years have elapsed since the Legislature authorized drug courts, a useful statewide case management and data reporting system has not been established to provide statistical information to support these positive views. Without the ability to gather and analyze detailed information, the Substance Abuse Division (Division) has not been able to accurately evaluate the success or failure of these courts, either individually or collectively.

Before the funding process is altered, the Division should gather and analyze data.

A new case management system, which is expected to generate more consistent and useful data at the state level, went into operation on July 1, 2006. In tandem with this development, the Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires. In addition, until the new case management system is fully operational and can reliably report on the Division's adopted performance and outcome measures, the Legislature should consider delaying a decision on whether to alter the grant funding process by building drug court appropriations into the standard budget.

Drug courts function within locally defined parameters

Under Wyoming statute, drug courts are designed, operated, and monitored at the local level (see Chapter 3 for discussion). Although state funding and personnel contributions constitute the major portion

of a drug court's budget, each is set up so its own judge and team define everything from admission criteria, to individual court policies and procedures, to which offenders will be treated and with what services. Considerable variation results: Some courts focus only on misdemeanants, others on felons, some on both. Some drug courts focus on juvenile, family, or DUI-specific offenders. In addition, other than at the Supreme Court level, drug courts operate at all levels of the court system: municipal, circuit, district, and juvenile.

State requirements and national principles can guide evaluation of drug courts

National guidelines, state requirements set out drug court evaluation criteria.

Federal and state involvement in managing drug courts has been mixed, and this has led to a variety of implementation systems nationally, as well as a variety of perceptions about their results. To assist states in assessing the success of their drug courts, experts have developed performance and outcome measures. Wyoming's Legislature has incorporated some of these principles into statute: examples are the best practice guidelines for adult drug courts, called *The Key Components*, and the five statutory goals (see below) for all drug courts. In the drug court statute, the Legislature has also set expectations of a state-level program that will follow broad rules and requirements, and that will produce demonstrable results. Division rules encourage constant review and require that all local drug courts submit an annual self-evaluation.

Statutory goals indicate that drug courts' performance and results should be measured

The drug court statute gives WDH responsibility for determining the effectiveness of drug courts. W.S. 5-10-101(b) outlines five goals:

Four of the five statutory goals indicate performance can be measured.

- Reduce substance dependency
- Reduce substance and criminal recidivism
- Reduce the courts' drug related workload
- Increase offender accountability
- Promote effective interaction and use of resources among criminal justice personnel and state and community agencies

Only the fifth goal does not lend itself to a statistic that gauges measurable results from drug court intervention with offenders. These statutory goals require tracking information tied to each

individual offender who participates in a drug court, uses services, and makes (or does not make) life changes.

The Key Components guide drug courts in using measurable best practices.

State statutorily adopted The Key Components from national guidelines

The Key Components of drug courts (refer to Appendix B) outline day-to-day operational concepts of an inter-disciplinary approach to dealing with drug court offenders' circumstances. The approach is based on a collaborative, non-adversarial relationship among team members and with offenders. Several components lead to measurements which can be used in evaluating drug courts' effectiveness. For example, courts should monitor offenders' abstinence with "frequent alcohol and other drug testing," ensure early or prompt admission into the program for eligible offenders, and deliver immediate incentives and sanctions for offender compliance or non-compliance with court orders.

The Division has adopted the four national outcome measures for adult drug courts.

The Division has adopted proposed national outcome measures for drug courts

The National Drug Court Institute's National Research Advisory Group (NRAG) has proposed standard outcome measures that will provide valuable information to local and state decision-makers about the effectiveness of drug courts. The Division noted in its 2005 annual report to the Legislature that it had adopted these outcome measures for the state. The measures are: 1) participant retention and graduation; 2) participant sobriety; 3) participant recidivism; and 4) units of service provided to participants. The recidivism and sobriety measures coincide with two of Wyoming's statutory goals.

Division rules require audits and evaluations of drug courts.

WDH rules also require data collection and reporting

WDH and Division rules governing applications for drug court funding require service reports, financial audits, and self-evaluations covering success measures, as determined by each court. Rules also address the need for a statewide case management system to "...ensure that data is collected efficiently, in a uniform manner and in a format that facilitates research and the evaluation of outcomes."

A new data system and recent adoption of outcome standards result in minimal statistical evidence of effectiveness

Diversity among local drug courts inhibits the gathering of statewide data on performance.

Despite heavy emphasis on producing measurable outcomes, the most that WDH can show at this point is reports from 23 individual drug courts claiming success in terms of their own measures. Because WDH does not yet have a functional and usable statewide case management and data reporting system, data gathering at the state level is haphazard. Drug courts differ on many issues, such as what type of offender they focus on, what treatment methods they use, and how they report the costs of treatment. This means the data on court operations and offender treatment reported to the Division, while presumably accurate for individual courts, is collectively often inconsistent and incompatible. Because of their dissimilarities, the local courts' reports do not provide a statewide statistical perspective on the effectiveness of drug courts.

LSO staff requested standardized data from 21 individual drug courts with admitted offenders.

Due to the lack of credibility associated with the current case management system (which was replaced at the beginning of FY '07), we sought another means of obtaining current and accurate data. Since Wyoming's drug court offender population is small, LSO staff requested each drug court to respond to a data request for admitted offenders' records from FY '98 through March 31, 2006. Our intent was to gauge how Wyoming drug courts are doing vis-à-vis the national outcome measures. LSO received individualized offenders' records from 19 of the 21 drug courts with admitted offenders.

The following descriptions paint a picture of drug courts statewide and provide a baseline of information, but the information should be interpreted cautiously. Since no control groups were used for comparative purposes, results are not necessarily caused by drug courts, nor should they be interpreted as indicative of drug courts' success or failure.

WYSAC reported an in-program recidivism rate of 8% for offenders

Recidivism The national outcome measure for offender recidivism is defined as any subsequent criminal offense resulting in an arrest, not including minor traffic violations or technical probation violations, after an offender graduates from drug court. This is termed post-program recidivism. The 2005 WYSAC evaluation of Wyoming drug courts concluded on some statistics for in-program recidivism for courts for one fiscal year; they found in-program recidivism was 8.2 percent statewide for FY '05, with rates ranging from no in-program recidivism to 20 percent in one juvenile court.

in FY '05. WYSAC could not report on post-program recidivism due to both time limitations and technical difficulties in accumulating the necessary data.

For post-program recidivism, 17% of drug court graduates are re-arrested within a year of program completion.

LSO received individualized offenders' records from 12 of the 13 adult drug courts with admitted offenders. We found that through March 31, 2006, 471 adult drug court graduates had complete enough records to be checked against law enforcement misdemeanor and felony arrest records to derive recidivism rates. Figure 2.1 shows the results of our analysis for graduates who re-offended within selected timeframes. For example, of the 369 graduates who were at least one year past their exit from drug court, 62 (or 16.8 percent) had been re-arrested for a criminal offense within that first year. Overall, 30 percent Wyoming drug court graduates have been re-arrested (see Appendix G for methodology, including data and analytical limitations).

Figure 2.1

Number and percent of adult drug court graduates re-arrested

Timeframe	Number of relevant graduates	Number of adult drug courts represented	Number with post-graduate arrests	Percent with post-graduate arrests
3 months	457	10	17	3.72%
6 months	426	10	31	7.28%
12 months	369	8	62	16.80%
24 months (2 yrs)	266	8	67	25.19%
36 months (3 yrs)	169	7	56	33.14%
48 months (4 yrs)	115	3	50	43.48%
60 months (5 yrs)	84	3	40	47.62%
Any time after graduation	471 (all graduates)	10	142	30.15%

Source: LSO analysis of drug courts' data and law enforcement arrest records.

Sobriety The 2005 WYSAC evaluation provided a one-fiscal-year outcome analysis of drug court sobriety, defined as an average length of continuous sobriety and the number and trend of failed drug tests. Since their analysis was recent, and also due to time constraints and local court data collection limitations, we did not evaluate sobriety for this national outcome measure.

However, the Key Components recognize that maintaining sobriety

In-program sobriety is recognized as a key to offender success after graduation.

correlates with success, reducing the chance of offenders committing additional crimes. Since drug courts do not confirm participants' continuing sobriety after graduation, and since stakeholders voiced concerns regarding possibly insufficient sobriety requirements for drug court graduates, LSO staff analyzed graduates' last verified in-program substance use to see if there were differences in post-program recidivism. We used the most explicit sobriety standard which was from the Fremont County adult drug court, requiring a minimum of one year verified sobriety before offenders can graduate.

Post-program recidivism was 38% for offenders who had relapsed in the year before they graduated.

For those offenders who had a relapse or substance use within one year before their graduation date, 38 percent were re-arrested after graduation. For those who did not have a confirmed substance use, or had used more than a year prior to graduating, 27 percent were re-arrested after graduation. This analysis indicates at least one additional factor, graduation sobriety criteria, that may be considered in defining what standards to adopt for drug courts to help ensure program and offender success.

Different drug courts had graduation rates ranging from 34% to 86%.

Retention-Graduation The national outcome measure for retention of offenders in drug court is defined as a ratio or percent of offenders who graduate from the program compared to those who enter. Overall, of the 1,188 offenders both adult and juvenile who finished a drug court program (either by graduation or termination) from FY '98 through March 31, 2006, half (51 percent) graduated. Graduation rates in individual drug courts ranged from a low of 34 percent to a high of 86 percent.

WDH has not established sufficient state-level data gathering and reporting standards

Since enactment of HB 82 in 2001, development and expansion of drug courts around the state have been linked to testimonial or anecdotal success stories of offenders going through drug courts. The Division has experienced problems with getting reliable and consistent outcome data from courts: we found that drug court self-evaluations are not consistent enough in form or content to yield system-level information, and quarterly service reports provide aggregate service data that cannot be correlated to individual offenders. Furthermore, even though the Division states it has

adopted the national outcome measures, this fact has not been sufficiently communicated to local coordinators. Additionally, neither state nor local stakeholders believe the national outcome measures are the only measures the state should rely upon to evaluate drug courts.

Individual drug court annual self-evaluations do not support statewide performance and outcomes measurement

The Panel has voiced concerns over the variations in self-evaluations.

Courts must complete annual self-evaluations in order to continue eligibility for state funding. We reviewed 17 annual reports, and found they vary widely in content and format. The Division has not issued standards guiding how to conduct these evaluations and only minimally states what information should be included. Some courts used *The Key Components* as criteria for evaluating themselves, while others gave descriptions of program strengths and weaknesses, successes and failures. Some reports tied detailed statistical outcomes analysis to quantifiable program goals, while others provided summary narratives of their local drug court's processes. At the state level, Drug Court Panel members have voiced concern about the variations in content and format these evaluations come in.

Drug courts' quarterly reports cannot be correlated with an individual client's treatment history

Quarterly service summaries could not be linked with individual offenders' service data.

The national outcome measure on units of service indicates this data should be tracked at both the individual offender and program level. Drug courts submit quarterly service summaries to the Division to show what services have been provided to clients. These reports tend to be summaries describing the aggregate services provided for all offenders in that drug court, as a group. When LSO staff requested the corresponding individual offenders' service summaries from each drug court, less than a third had some of the information to give, while the remainder said it was either not available or not easily summarized in the timeframe of this study.

Division data systems cannot differentiate drug court offenders

In addition, as noted in the 2006 LSO program evaluation *HB 59: Substance Abuse Planning and Accountability*, the Division acknowledges there are problems accounting for client treatment and costs. Specifically, many state substance abuse and mental health providers deliver services both through contracts with drug courts and through contracts with the Division for clients not in drug court.

from community providers' non-offending clients.

Since the drug court case management information system is not yet fully functional, and the Division's community mental health and substance abuse information system does not track treatment by individual, there is no reliable way for the Division to differentiate drug court offenders from non-offenders treated by these providers. This means the Division is not able to verify services and costs per individual in either drug courts or the regular state substance abuse service systems.

Local coordinators are not clear on the status of the national outcome measures.

Division has adopted national outcome measures, but uncertainty remains

One central theme LSO staff heard in interviews with local coordinators was that there still is confusion as to the status of the national outcome measures. When asked, coordinators' responses varied from not knowing what the national outcome measures are, to being uncertain as to whether the Division is moving to adopt or has adopted them. In addition, the Division has not made clear what its purpose is in adopting the measures or how it will use the measures administratively.

Some judges and coordinators think other measures should be used to measure drug court performance.

Even if the state continues to move toward adopting the national outcome measure, all courts do not agree with those measures as being the correct or only measures of success for them. For example, several coordinators and judges said employment status and continuing education are relevant measures. However, we were not able to gather employment and education data consistently from individual courts because some record education levels at admission, but not the number of days attended while in the program. Similarly, individual courts were inconsistent in reporting employment data: some track whether an offender was employed while in the program, while others track the number of days employed while in the program.

Recommendation: The Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires.

National measures are a starting point for comprehensive evaluation of drug courts.

The Division says it is close to having a better case management system for drug courts, and it has begun discussing with local coordinators the merits of having drug courts measure their own performance and results. However, the national outcome measures are intended to focus on adult courts, and so represent only a starting point for proper evaluation.

The Division should continue to define performance and outcome measures for adult drug courts, as well as define relevant and reliable measures to cover family and juvenile drug courts, some of which are already operating. Also, the Division should develop uniform reporting requirements for data it requires drug courts to submit. This might include specifying a minimum set of data elements for drug courts to enter into the system, thus ensuring necessary data will be available to evaluate the Division's performance and outcomes measures.

Performance and outcome evaluation can help guide future system-level decisions.

These measures should also be articulated in a Division policy that indicates how the data will be used in recommending drug court applications to the Panel. The same data can help guide the expansion of new drug courts, the targeting of different offender populations, and other system-level decisions. Until the Division sets standards that consistently measure drug courts' performance and outcomes, the Legislature cannot be certain that drug court efforts are meeting the five statutory goals, and that continued requests for funding are justified.



More time will be needed to build and implement a statewide case management system

A legislative budget footnote now allows the Panel to award drug courts more than \$200,000

Although some stakeholders see the current annual grant funding process in a positive light, as a means of providing continued state oversight of drug courts, many stakeholders believe funding should come through a line-item or standard budget request process that does not require annual applications. Initially, a \$200,000 annual cap per court was put in place through statute (W.S.5-10-102(b)). A 2006 budget footnote made that cap discretionary, removing one

per year. fiscal constraint and criterion the state coordinator and the State Drug Court Panel could use when evaluating applications. Few other criteria exist on which the Panel can base its funding decisions.

In light of this new discretionary authority, the Panel will increasingly need to rely on more objective information to determine the needs and extent to which an individual court will be funded. However, the Division lacks a functional case management system to provide the data to support anecdotal contentions that drug courts are successful and meeting statutory goals. One knowledgeable stakeholder we interviewed stated that the only defensible position now should be to get the data that shows drug courts' effectiveness.

The first case management and data system was largely unusable.

The original case management/data system was not vetted with local stakeholders, and it proved unusable

As required by HB 82 in 2001, the Division promptly worked to get a statewide case management system/management information system (CMS/MIS) for drug courts up and running. Since the Division lacked in-house technical expertise, the initial information system was contracted through WYSAC in FY '02, for \$103,000. However, local coordinators and their teams were not consulted on the system's structure or capabilities, and that system, now termed the pilot CMS, proved to be generally unusable. Other CMS/MIS issues included:

- Access and maintenance problems due to a WYSAC employment issue.
- It was a data collection system rather than a comprehensive case management system.
- Coordinators had little understanding or training with the system or the importance of data collection.
- The system lacked fields required to meet Division and coordinators' needs.

According to stakeholders we interviewed, the initial system was an evolution and learning process. The Division anticipates the new system that started in July 2006 will be comprehensive and more user-friendly, as it was more thoroughly vetted in advance, with all parties included in the process.

CMS/MIS data collection is essential to monitoring and oversight of drug courts

Data should include offenders' personal, educational, family information, and both in- and post-program activities.

Key Component # 8 states, "...fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation systems." In addition, the National Drug Court Institute strongly recommends a comprehensive management information system and has further recommended gathering specific data elements such as offenders' personal identification, health, education, and family factors, as well as setting up fields to track in-program and post-program offender actions. The goal is to make it easier for state stakeholders to collect standardized data and court outcomes with common definitions and terminology.

Data on treatment services will help identify which have the most impact on offenders.

Without a useable case management system for the first five years of state-funded drug courts, neither the Division nor local teams has had reliable and comparable statistical information to show success per statutory goals, *The Key Components*, or the national outcome measures. In order to describe the state's drug court offender population, we requested standard fields of data from each court. The availability of individualized offender data from court to court was quite varied, and it was not available at all from two of the courts. Of particular concern was the absence of data on the national "services provided" outcome measure. This measure could help drug courts identify how many services a successful participant is likely to need, and whether certain services work better with different participants depending on the crime they committed or the intensity of their addiction.

Local stakeholders say it takes 3 to 5 years before drug courts become well-established.

The Division currently has minimal available data, beyond the limited LSO staff request, on which to report historic performance and outcomes of drug courts. Many of the coordinators and judges we interviewed stated that it takes three to five years before a court is well-enough established to understand the process and begin to produce better results. Limitations such as these restrict any one court's ability to justify expansion and increased funding requests; the same can be said about all 23 drug courts considered collectively.

Recommendation: The Legislature should consider delaying a decision to alter the current grant funding process

during the '07/'08 biennium.

One more biennium will allow time to enter data and gauge locals' use of the new system.

Despite the goodwill and general enthusiasm built up for drug courts in the Wyoming communities where they operate, there has been a major void of reliable and consistent data to show that drug courts are effective. Because more time is needed to build a database, the Legislature may not want to make major structural changes at this time in how drug courts are funded.

By FY '09, 5 years of data should be available to provide information to support future funding decisions.

Through this study, LSO staff obtained some limited offender-specific data from individual drug courts; with it, we could summarize basic statistics for this report and begin to look at outcome measures. This same data can be input into the new case management system, along with data that will be gathered during the FY '07 – '08 biennium. That information together with the state-defined performance and outcome measures, improved data collection methods, and the reporting standards recommended above, should give the Legislature by FY '09 five years or more of performance and outcome information for most of the courts now in operation. This track record should provide a solid basis to inform future drug court funding decisions.