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January 12, 2007

The Honorable David B. Albo  
Chairman, House Courts of Justice Committee  
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P.O. Box 406  
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The Honorable Kenneth W. Stolle  
Chairman, Senate Courts of Justice Committee  
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The Honorable Vincent F. Callahan, Jr.  
Chairman, House Appropriations Committee  
General Assembly Building  
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The Honorable John H. Chichester  
Chairman, Senate Finance Committee  
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P.O. Box 396  
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Dear Chairmen:

Pursuant to Code § 18.2-254.1, this office "shall, in consultation with the state drug treatment court advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts." Please find attached a report describing the status of the development of the evaluation model and the ongoing evaluations of Virginia's existing drug treatment courts.

Should you have any questions regarding this report, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'K R Hade', written in a cursive style.

Karl R. Hade

KRH:bsw

Enclosure

c: Division of Legislative Automated Systems

*Virginia Drug Treatment Court Programs*

*Evaluation Progress Report*

2006



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*Office of the Executive Secretary  
Supreme Court of Virginia*

## PREFACE

The Virginia Drug Treatment Court Act (*Code of Virginia* §18.2-254.1) directs the Office of the Executive Secretary of the Supreme Court of Virginia (OES), in consultation with the state drug treatment court advisory committee, to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. The Act further directs the OES to provide the General Assembly with a report of these evaluations each year. This report is disseminated to the 2007 General Assembly to fulfill this reporting mandate.

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*Appendix A: The Virginia Drug Treatment Court Act*

*Appendix B: Referral Flow Charts for Virginia’s Drug Treatment Court Models*

## EXECUTIVE SUMMARY

Designed in response to increasing numbers of drug-related court cases, the drug treatment court model is primarily used as an alternative to probation and short-term incarceration for drug-involved offenders. Drug treatment courts represent the coordinated efforts of the judge, prosecutor, defense counsel, probation officer, law enforcement officer, treatment provider, mental health clinician, and social services staff to actively intervene and break the cycle of addiction and crime. The merging of these systems allows drug treatment court participants to undergo substance abuse and mental health treatment, case management, drug testing, and probation supervision while appearing before a member of the judiciary for regular and frequent status hearings.

Virginia's first drug treatment court program, located in Roanoke, was developed in 1995 as a response to escalating numbers of adult drug offenders on court dockets. During the late 1990s, the number of Virginia drug treatment court programs increased and ultimately prompted legislative action. By citing statistics which suggested the continuing prevalence of drug-driven crime in Virginia, two primary legislative efforts spearheaded development of the Virginia Drug Treatment Court program. In 1999, the Virginia General Assembly adopted Senate Joint Resolution 399 (SJR 399) which culminated in recommendations to guide the appropriate sequence of federal and state funding requests, funding policies for new and continuing programs, and funding implications for forthcoming evaluation information. The Drug Treatment Court Act subsequently passed in 2004, and directed the Supreme Court of Virginia (SCV) to provide administrative oversight for the state's drug treatment court programs, including distribution of funds, technical assistance to local courts, training, and program evaluation.

To date, Virginia has implemented 29 drug treatment courts utilizing four different models, specifically, the adult model, the juvenile model, the family model, and the Driving While Intoxicated/Driving Under the Influence (DWI/DUI) model. As summarized below, this report reviews referral processes and primary characteristics for Virginia's locally-implemented programs.

Adult drug treatment courts handle misdemeanor or felony cases involving drug-using offenders. In serving this population, the programs utilize a blend of court-ordered supervision, drug testing, treatment services, court appearances, and behavioral sanctions and incentives. Overarching goals of the adult model are to reduce recidivism and substance use among participants. Sixteen adult drug treatment court programs are currently operational in Virginia, with program capacities ranging from about 5 to 100 cases. All of the adult drug treatment courts require a minimum of 12 months of participation for program completion, with one requiring as much as 36 months. Each program also requires a minimum consecutive period of sobriety prior to graduation, ranging from a low of 30 days to a high of about one year.

Similar in design to the adult model, the juvenile drug treatment courts strive to reduce recidivism and substance use by processing delinquency and status offenses of substance-abusing juveniles. The juvenile model incorporates probation supervision, drug testing, treatment, court appearances, and behavioral sanctions and incentives. Such programs also strive

to address issues which are unique to the juvenile population (e.g., school attendance, parenting skills) and the families of these juveniles play a very important role in the drug treatment court process. Eight juvenile drug treatment court programs are currently operational in Virginia. Program capacities range from 12 to 30 participants. The minimum amount of time offenders must participate in the program prior to graduation varies from about 4.5 months to 12 months in several localities. Almost all juvenile drug treatment courts require a minimum consecutive period of sobriety prior to graduation, ranging from a total of 30 days to 6 months.

Family drug treatment court programs deal with addicted parents or caretakers who are brought before the court with child abuse and/or neglect petitions. Unlike criminal court models, family drug treatment court programs work towards the primary goal of providing safe and permanent homes for children. A supplementary goal is reducing substance use in parents or caretakers who participate in the program. Family drug treatment courts integrate treatment, drug testing, social services, court appearances, and behavioral sanctions and incentives. Four family drug treatment court programs are currently operational in Virginia, with program capacities ranging from 15-20 families. For each of these programs, the minimum participation time is 12 months. Three of the four family drug treatment court programs require a minimum consecutive period of sobriety prior to graduation, ranging from 3 to 6 months.

The DUI (Driving Under the Influence) drug treatment court is a distinctive court model that provides intensive judicial oversight, community supervision and long-term treatment services for alcohol/drug dependent offenders convicted of DUI. The primary goals of the DUI drug treatment court are to protect public safety and reduce alcohol/drug use by these offenders. The Fredericksburg Regional DUI Drug Treatment Court, established in 1999, is currently the only approved DUI drug treatment court in Virginia. This program requires a minimum participation period of 12 months, including a minimum of 4-6 months of active treatment and an additional monitoring period of at least 8 months. There is no specified length of time in which participants must remain sober before they are released from the program.

Drawing upon prior research which suggests promising results for at least some drug treatment court models, this report additionally provides a foundational research plan to evaluate each of the four types of drug treatment court programs in Virginia. Virginia's evaluation research model for adult drug treatment courts is founded on the strategy outlined in the National Drug Court Institute's (NDCI) guidance document (Heck, 2006). The NDCI evaluation model provides an exceptional foundation for conducting research on adult drug treatment court programs; however, similar models for juvenile, family and DUI drug treatment courts have not yet been endorsed. To this end, this study creates customized evaluation methodologies for each of these models as well. The Virginia evaluation plans are further grounded in the creation and utilization of a statewide drug treatment court database which will be highly useful for evaluation purposes. This research effort is intended to contribute to both decision-making regarding Virginia's drug treatment courts, as well as the larger scope of research literature in this field.



## I. INTRODUCTION TO DRUG TREATMENT COURTS

From a national perspective, the movement to create a drug treatment court model was initiated in the late 1980s as a response to increasing numbers of drug-related court cases (U.S. Department of Justice, 1995). Several communities began experimenting with this approach in an attempt to manage low-level drug offenses that impacted the processing system (Drug Courts Program Office, 2000a). The Violent Crime Control and Law Enforcement Act of 1994 further encouraged the effort through federal funding for planning, implementation and enhancement of drug treatment courts for nonviolent drug offenders (National Criminal Justice Reference Service, 2005). At the close of 2004, 1621 drug treatment courts were operational nationwide (Huddleston, Freeman-Wilson, Marlowe, and Roussell, 2005).

### **Drug Treatment Courts Defined**

Drug treatment courts represent the coordinated efforts of the judge, prosecutor, defense counsel, probation officer, law enforcement officer, treatment provider, mental health clinician and social services staff to actively intervene and break the cycle of addiction and crime. Designed as an alternative to probation and short-term incarceration, the merging of these systems allows drug treatment court participants to undergo substance abuse and mental health treatment, case management, drug testing, and probation supervision while appearing before a member of the judiciary for regular and frequent status hearings. A large percentage of defendants who are ultimately served by the drug treatment courts are arrested and brought before the court on drug or drug-related criminal offenses. According to the United States Department of Justice, drug treatment courts are defined as follows:

*Drug treatment courts are specialized court calendars or dockets specifically designed to take advantage of the court's influence over ensuring the positive development in offender behavior. The outcome and goal of this special docket is the reduction in recidivism and substance abuse among nonviolent, substance abusing offenders by increasing their likelihood for successful rehabilitation through expedited, continuous, and intense judicially supervised treatment; mandatory periodic testing; and the use of graduated sanctions and other rehabilitation services (Drug Courts Program Office, 2000b).*

### **Drug Treatment Court Models**

Drug treatment court programs generally have taken two approaches to processing cases, in particular, deferred prosecution (diversion) and post-adjudication. In the diversion model, the courts defer prosecution dependent on the offender's agreement to participate in the drug treatment court program, with no requirement for the defendant to plead guilty. Defendants who complete the treatment program are not prosecuted further or their charges are dismissed while failure to complete the program results in prosecution for the original offense. In contrast, offenders participating in a post-adjudication drug treatment court program plead guilty to the charge(s) and their sentences are suspended or deferred. Upon successful completion of the program, sentences are waived and in many cases, records are expunged. This approach provides an incentive for the defendant to rehabilitate because sentencing is contingent on successful progress through the drug treatment court program.

## II. PRIOR RESEARCH ON DRUG TREATMENT COURT EFFECTIVENESS

The U.S. Government Accountability Office (GAO) recently conducted an extensive review of existing adult drug treatment court evaluations, with specific emphasis on only those evaluations meeting rigorous scientific standards (GAO, 2005). GAO researchers identified 117 evaluations of adult drug treatment court programs in the United States that were published between May 1997 and January 2004 and reported recidivism, substance use relapse, or program completion outcomes. Of these, 27 evaluations of 39 adult drug treatment court programs, meeting rigorous scientific criteria for methodological soundness, were included in their final review. Specific findings from this synthesis with respect to participant completion of program requirements, recidivism, substance abuse relapse, and cost effectiveness are reviewed below.

A total of 16 adult drug treatment courts in the GAO study assessed completion rates, defined as the number of individuals successfully completing a drug treatment court program as a percentage of the total number admitted. In the programs reviewed, completion rates ranged from 27 to 66 percent, and were generally associated with participants' compliance with program requirements, including attending treatment sessions, engaging in treatment early in the program, and appearing at status hearings. Several characteristics of the drug court program participants themselves were also associated with an increased likelihood of program completion, including lower levels of prior involvement in the criminal justice system and age, as older participants were more likely to complete drug treatment court programs than younger ones.

GAO researchers concluded that, in most evaluations reviewed, adult drug treatment court programs led to recidivism reductions during periods of time when offenders were participating in the program. These recidivism reductions were observed for any felony offense and for drug offenses (regardless of whether they were felonies or misdemeanors). The researchers were unable to find conclusive evidence that specific drug treatment court components, such as the behavior of the judge, the amount of treatment received, the level of supervision provided, or the type of sanctions given for not complying with program requirements, affected participants' within-program recidivism. Additionally, in 13 of 17 drug treatment court programs able to provide post-program data, drug treatment court program participants had lower rearrest or reconviction rates than comparison group offenders.

Only seven evaluations in the GAO synthesis provided sufficient cost and benefit data to estimate net benefits. Although the cost of six of these programs was greater than the costs to provide criminal justice services to the comparison group, all seven programs yielded positive net benefits, primarily from reductions in recidivism affecting court system costs and avoided costs to potential victims. Estimated net benefits ranged from about \$1,000 to about \$15,000 per participant in the seven programs.

While the majority of research studies have focused on adult drug treatment court programs, more evaluations are being completed on other drug treatment court models. In general, evaluators have not yet been able to complete studies showing the long-term outcomes necessary to firmly demonstrate effectiveness for other drug treatment court models, including juvenile drug treatment courts, family drug treatment courts, and DUI drug treatment courts, all of which are relatively new to the landscape.

## **Emerging Research Needs**

Despite a growing body of evidence suggesting that drug treatment court programs are successful, particularly during program duration, critics are quick to point out that many flaws exist in the methods used to evaluate these programs. Most drug treatment courts are not collecting the data elements necessary to document their services or short and long-term outcomes (Marlowe, 2004). In addition, if meaningful impact evaluations are to be done, oversight agencies, such as the U.S. Department of Justice, the U.S. Department of Health and Human Services, and state and local governments, must encourage the continued collection and utilization of data on factors affecting program operations and outcomes. Several researchers have acknowledged that little is known about the structural and process characteristics of drug treatment courts and how those characteristics relate to successful outcomes, despite awareness that, when combined with empirical evaluations, information obtained about court processes provides great insight into the drug-treatment-court dynamic (Sanford and Arrigo, 2005).

Perhaps the most significant barrier to determining whether drug treatment court programs are effective at reducing recidivism and substance use is the lack of scientific rigor in conducting evaluations. In their evaluation synthesis, GAO researchers focused extensively on evaluations using designs in which all drug treatment court program participants were compared with an appropriate group of similar offenders who did not participate in the drug treatment court program, who were either matched to the program group as closely as possible on a number of characteristics or that used statistical models to control for preexisting differences between the two groups (GAO, 2005). In their analysis, the number of evaluations meeting these rigorous criteria was quite limited. Without such controlled experimental research, there is no way to be confident in the effectiveness of drug treatment court programs as compared to more traditional criminal justice mechanisms. Even the very best studies to date have not been able to control for the possibility that drug treatment court participants are simply more motivated to change than their control group counterparts. Because these programs are voluntary, this possibility is very challenging to investigate and affects the ability to draw strong conclusions from existing evaluation results.

Positive findings from relatively rigorous evaluations in relation to recidivism, coupled with other positive net benefit results (including cost savings), suggest that drug treatment court programs may be an effective alternative for processing some offenders. At this juncture, scientifically robust evaluations which capture both short-term and long-term program and participant outcomes are critical to help us learn more about the drug treatment court process and its potential effectiveness in achieving stated objectives. Toward this end, this report provides a foundational research plan to evaluate each of the four types of Virginia's drug treatment court programs, as well as summarized program information on all operational drug treatment courts in Virginia. The program of research is intended to contribute to both decision-making regarding Virginia's drug treatment courts, as well as the larger scope of research literature in this field.

### III. OVERVIEW OF THE VIRGINIA DRUG TREATMENT COURT PROGRAM

Statistics suggest that the prevalence of drug-related crime in Virginia has increased notably for adult offenders in recent years.<sup>1</sup> For example, total adult drug possession arrests grew from 18,394 in 2000 to 22,218 in 2005, yielding an increase of just over 15%. Within that same timeframe, new Department of Corrections incarcerations for drug possessions increased over 28% (Virginia Department of Corrections, 2000; 2006). In general terms, similar data for juvenile offenders suggest that the overall trend of juvenile drug arrests has remained relatively steady over the past decade.

In light of such trends, Virginia's drug treatment courts may be beneficial in multiple ways. First, drug treatment courts may help ease the overcrowded court dockets that result from the high prevalence of drug and drug-related offenses. More importantly, drug treatment courts are a viable remedy for the rising number of offenders who are incarcerated repeatedly for drug use or other technical violations that do not include a new conviction. Many of these offenders violate the condition of release by using or possessing drugs. Drug treatment courts may be seen as a viable alternative to incarceration in jail, the Department of Corrections or the Department of Juvenile Justice.

#### **Virginia Drug Treatment Court Legislative History**

Two primary legislative efforts have guided development of the Virginia Drug Treatment Court program: Senate Joint Resolution 399 and the 2004 Drug Treatment Court Act. The primary results of these developments are shown in Table 1 below.

<b>Table 1 Virginia Drug Treatment Court Legislative History</b>		
<b>Legislation</b>	<b>Year</b>	<b>Development</b>
Senate Joint Resolution 399 (SJR 399)	<b>1999</b>	Directed the Department of Criminal Justice Services (DCJS) and the Supreme Court of Virginia (SCV) to study Virginia's drug treatment court programs.
	<b>2000</b>	Study team provided culminating recommendations to address funding, establishment, and administrative oversight of Virginia's drug treatment courts.
Drug Treatment Court Act (House Bill 1430 and Senate Bill 636)	<b>2004</b>	Passed with substantial support. The Act: <ul style="list-style-type: none"> <li>• Directs the SCV to provide administrative oversight for the state's drug treatment court programs and implement a statewide advisory committee.</li> <li>• Directs the formation of local drug treatment court advisory committees.</li> <li>• Outlines five specific goals for Virginia's drug treatment courts.</li> </ul>

The five specific goals that the Act outlines for Virginia's drug treatment courts:

<sup>1</sup> Source: Virginia Department of Criminal Justice Services, Criminal Justice Research Center, 2006.

1. Reducing drug addiction and drug dependency among offenders;
2. Reducing recidivism;
3. Reducing drug-related court workloads;
4. Increasing personal, familial and societal accountability among offenders; and
5. Promoting effective planning and use of resources among criminal justice system and community agencies.

### **Drug Treatment Court Advisory Committee Activities**

The Supreme Court of Virginia (SCV) used administrative funds to conduct the first meeting of the Statewide Drug Treatment Court Advisory Committee in January 2005. The Drug Treatment Court Advisory Committee has established three standing committees: the Operations Committee (formerly the Standards Committee), the Planning and Development Committee, and the Evaluation Committee. The SCV staffs the meetings of these committees and provides supplementary support, as needed.

Over the course of the remainder of 2005, several full committee and subcommittee meetings, as well as conference calls, were held to accomplish the following tasks:

- the Drug Treatment Court Administrator was hired,
- created and adopted Adult Drug Treatment Court Standards and an Application for Permission to Establish a Drug Treatment Court,
- created and adopted Juvenile Drug Treatment Court Standards,
- created and adopted DUI Drug Treatment Court Standards,
- decided that DUI drug treatment court programs and family drug treatment court programs will be included under the Drug Treatment Court Act,
- unanimously approved an application for permission to establish the family drug treatment court program in Newport News,
- began consideration of an application for permission to establish a DUI drug treatment court in Chesterfield County,
- discussed the Governor's budget for drug treatment court programs,
- reviewed the voluntary status for juvenile drug court participants, and
- considered a sustainability plan to educate the community about Virginia drug treatment courts.

The Drug Treatment Court Advisory Committee and relevant subcommittees have also received reports on several initiatives, including:

- activity of the subcommittees;
- informational bulletins to the field planned quarterly;
- drug treatment court coordinators' meetings;
- progress on the new drug treatment court MIS project, which is being developed to ease use and enhance utility of data;
- the drug treatment court web page on the Virginia Judicial System website; and
- the ongoing statewide program evaluation of drug treatment court programs, including a crosswalk between the National Ten Key Components and the Virginia Drug Treatment Court Standards, evaluation plans for the adult, juvenile, DUI and family models, and evaluation reports.

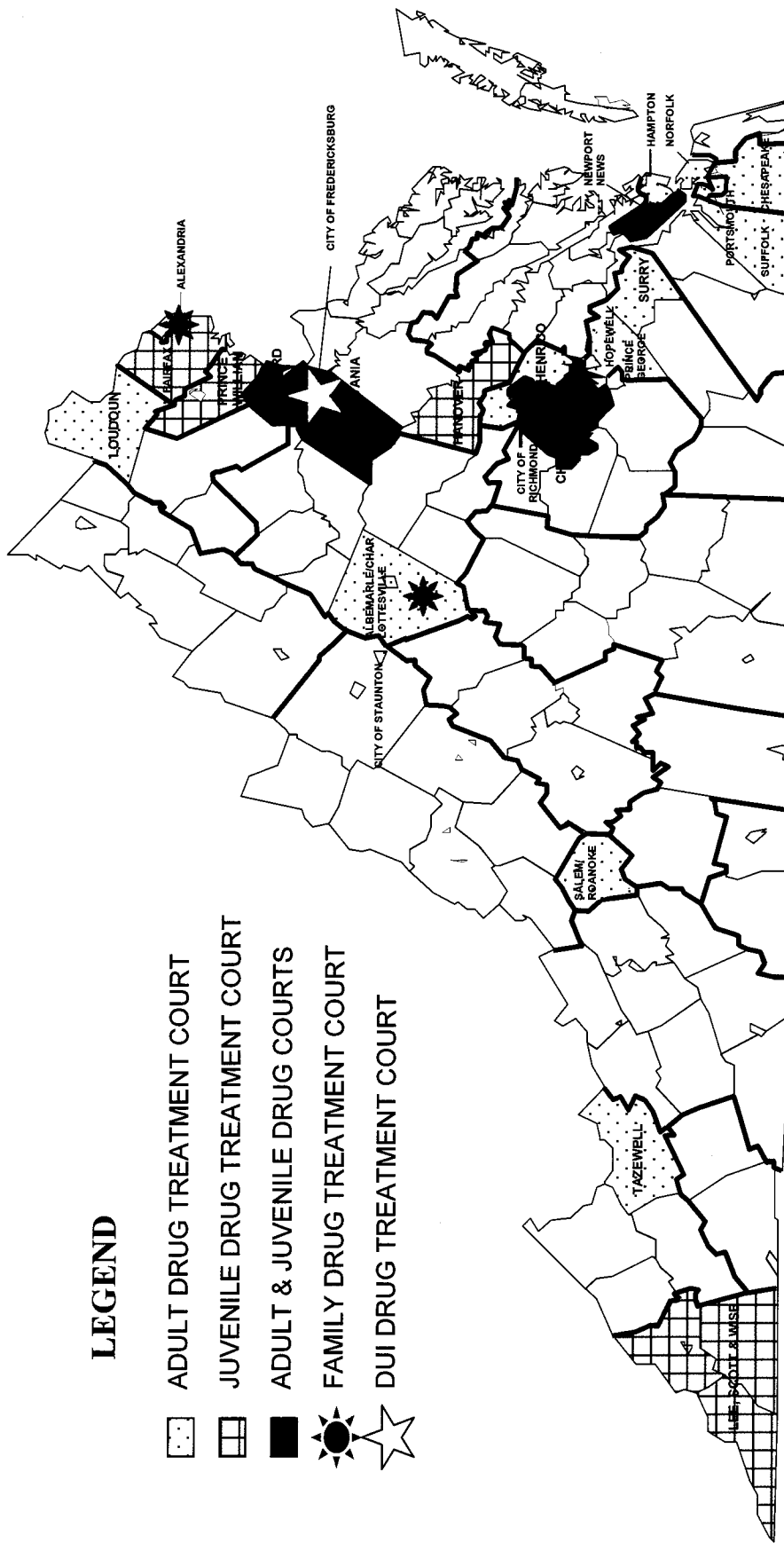
Activities of the Statewide Drug Treatment Court Advisory Committee, as well as descriptions of staff support provided by the SCV, are also shared with the Virginia Drug Treatment Court Coordinators' meeting.

**Types of Drug Treatment Courts in Virginia**

Virginia has implemented four types of drug treatment court programs to date: adult, juvenile, family and DUI. A list of all drug treatment courts that became operational in Virginia from September 1995 through July 2006 is provided in Table 2.

<b>Table 2 List of Virginia Drug Treatment Court (DTC) Programs</b>			
<b>Locality</b>	<b>Court</b>	<b>Drug Court Type</b>	<b>Operational Date</b>
Roanoke City Salem City Roanoke County	Circuit	Adult felony (1)	September 1995
Charlottesville Albemarle County	Circuit	Adult felony (2) Family (3)	July 1997 July 2002
Richmond City	Circuit, J&DR, J&DR	Adult felony (4) Juvenile (5) Family (6)	March 1998 July 1999 September 2002
Rappahannock Regional Programs: Fredericksburg Stafford County Spotsylvania County King George County	Circuit, J&DR	Adult felony (7) Juvenile (8)	October 1998 November 1998
Norfolk	Circuit	Adult felony (9)	November 1998
Newport News	Circuit, J&DR J&DR	Adult felony (10) Juvenile (11) Family (12)	November 1998 March 2002 July 2006
Fredericksburg Regional DUI: Fredericksburg Stafford County Spotsylvania County	Gen. District	DUI (13)	May 1999
Chesterfield County Colonial Heights	Circuit, J&DR	Adult felony (14) Juvenile (15)	September 2000 January 2003
Portsmouth	Circuit	Adult felony (16)	January 2001
Alexandria	J&DR	Family (17)	September 2001
Staunton	Circuit	Adult felony (18)	July 2002
Hopewell, Prince George County	Circuit	Adult felony (19)	September 2002
Lee/Scott/Wise County	J&DR	Juvenile (20)	September 2002
Henrico County	Circuit	Adult felony (21)	January 2003
Hampton	Circuit	Adult felony (22)	February 2003
Hanover County	J&DR	Juvenile (23)	May 2003
Fairfax County	J&DR	Juvenile (24)	May 2003
Suffolk	Circuit	Adult felony (25)	May 2004
Prince William County	J&DR	Juvenile (26)	May 2004
Loudoun County	Circuit	Adult felony (27)	May 2004
Tazewell County (pilot)	Circuit	Adult felony (28)	February 2005
Chesapeake	Circuit	Adult felony (29)	August 2005

**Figure 1**  
**Map of Virginia Drug Treatment Court (DTC) Programs**



## **IV. PLAN FOR EVALUATION OF VIRGINIA'S DRUG TREATMENT COURTS**

This section outlines a foundational research design to evaluate Virginia's adult drug treatment court system, comparisons of this research approach to the national adult drug treatment court evaluation model, and descriptions of how the described research methodologies will be modified to evaluate Virginia's juvenile, family and DUI drug treatment court models. This approach should be considered as overall guidance for the research effort, as detailed methodological adjustments may be required as the project continues.

### **Evaluation Purposes**

A multi-year statewide evaluation of the adult drug treatment court program, including both process and outcome evaluation components, will serve several purposes:

- (1) to provide descriptions of local program structures, models, funding sources, and activities;
- (2) to describe the characteristics (e.g., demographics, offense history, substance abuse history) of adults who are referred to drug treatment court programs statewide, including appropriateness of and ability to serve the target population;
- (3) to examine program admission procedures and policies, including timelines;
- (4) to develop anonymous case studies which articulate the stories of representative drug treatment court participants;
- (5) to review program capacities, as well as participation and graduation rates;
- (6) to review alignment of local program design with science-based principles of reinforcement and punishment;
- (7) to assess professional reactions to the drug treatment court programs, including implementation obstacles, successful practices, and developmental and legislative recommendations;
- (8) to examine client compliance with court and program requirements;
- (9) to examine treatment services provided by programs, including alignment with treatment needs and length of retention in treatment;
- (10) to analyze the procedures for conducting drug testing;
- (11) to examine characteristics of adults who successfully and unsuccessfully complete drug treatment court programs;
- (12) to examine re-offense patterns for adults during drug treatment court participation and after graduation;
- (13) to examine recovery progress (e.g., length of sobriety) for adults during drug treatment court participation and after graduation;
- (14) to assess program impact on key outcomes measures (e.g., reduced recidivism) as compared to similar offenders that do not receive drug treatment court services;
- (15) to collect feedback from offenders about their experiences as drug treatment court participants;
- (16) to assess the degree to which programs have achieved program and legislative goals;
- (17) to assess collaboration, cooperation and communication of the drug treatment court team; and
- (18) to examine community response to the drug treatment court program.

To accomplish these goals, the evaluation will incorporate qualitative and quantitative data from a number of different sources, as described below.



## **Research Methods**

***Background Interviews and Observations.*** Interviews are being conducted with the Statewide Drug Treatment Court Coordinator, key state agency stakeholders, and coordinators of sixteen local adult drug treatment court programs. Evaluators will also request permission to observe drug treatment court staffings and hearings in each locality.

***Review of Client-Specific Drug Treatment Court Program Data.*** Client-specific data will be reviewed to support both the process and outcomes evaluation phases, utilizing the drug treatment court Management Information System (MIS) system as the primary data source. Categories of data for analysis from the MIS system will include, but are not limited to:

- adult demographics and personal factors,
- criminal and substance abuse history,
- progress towards goals and movement through phases, and
- drug screen results.

Additional client-specific information, such as follow-up reports on re-offending, will be requested from alternative data sources (e.g., the Virginia State Police). Research reviews of client-specific data will be conducted in alignment with human subjects' considerations which are required by federal law. The evaluation team will consult with and review the research design with an appropriate Institutional Review Board, as needed.

***Program Status and Service Utilization Data.*** Program status and service utilization data will also be obtained from the MIS system, such as:

- numbers of clients served;
- participation levels (e.g., attendance and compliance with program requirements);
- final program status (e.g., successful or unsuccessful terminations); and
- length of retention in treatment, total time in program, and time to achieve graduation.

***Surveys of Participants.*** Participants involved in adult drug treatment court programs will be surveyed during the 2007 calendar year. Survey questions will assess: (1) how well participants understand the requirements of the program, (2) perceptions of changes in the participants' attitudes and behaviors during and after program participation, and (3) whether respondents would or would not recommend the program to others.

***Surveys and Interviews of Adult Criminal Justice Professionals.*** Interviews with adult drug treatment court judges and surveys of other relevant drug treatment court professionals (e.g., probation officers, Commonwealth's Attorneys, clinicians) will be conducted to obtain professional feedback on issues such as:

- knowledge of eligibility criteria for adult drug treatment court programs;
- the appropriateness of eligibility criteria for adult drug treatment court programs;
- the effect of the drug treatment court program on work activities and efficiency, if relevant; and
- suggestions for improving programs.

***Review of Existing Drug Court Literature.*** Researchers will also continue literature reviews of adult drug treatment court research, including results from prior program evaluations. The ten science-based principles of changing behavior through the use of reinforcement and punishment, as compiled by the National Drug Court Institute (NDCI), will also be used to develop a portion of the process evaluation site interview, allowing a comparison of local practices to strategies which have been shown to be effective or ineffective.

### **Comparison of Virginia's Evaluation Plan to National Evaluation Model for Drug Treatment Courts**

Virginia's evaluation research model for adult drug treatment courts is founded on the strategy outlined in the National Drug Court Institute's guidance document (Heck, 2006). Virginia's plan proposes to encompass all components included in NDCI's adult model, with a few methodological enhancements. Virginia will conduct participant surveys to collect feedback on the program and will also create a strategy to assess implementation of NDCI's recommended principles of behavior change. Additionally, the Virginia evaluation plan is grounded in creation and utilization of a statewide drug treatment court database which will be highly useful for evaluation purposes. Evaluators are involved in the ongoing development of the system to ensure the use of standardized definitions statewide.

The NDCI evaluation model provides an exceptional foundation for conducting research on adult drug treatment court programs; however, similar models for juvenile, family and DUI drug treatment courts have not yet been endorsed. To this end, Virginia is creating customized evaluation methodologies for each of these models as well.

### **Special Methodology Considerations for Alternative Models**

Evaluation of the juvenile drug treatment courts will be very similar to examination of the adult model in many ways; however, several customizations will be incorporated to be suitable for this population. Specifically, evaluation of the juvenile drug treatment court model will:

- Examine the role of parents/guardians and other family members in the drug treatment court process;
- Assess how program delivery occurs with participants who are enrolled in the school system;
- Potentially interview cooperating agencies that may not be relevant to the adult program, such as schools and juvenile detention staff;
- Use supplemental data sources to obtain re-offense data; and
- Include parents/guardians as sources of program feedback information.

One DUI drug treatment court operates in the Fredericksburg area. Again, for research purposes the basic model of inquiry is similar to those in the adult and juvenile drug treatment court models; however, some differences exist which require a customized examination. In implementing a research model for the DUI drug treatment court, evaluators will:

- Assess how program delivery occurs with this non-voluntary model;
- Interview Alcohol Safety Action Program (ASAP) staff and examine the role of this agency in the DUI drug treatment court model; and
- Potentially use supplemental data sources to obtain relevant data, such as Virginia Alcohol Safety Action Program's (VASAP) Inferno management information system.

Evaluation of the family drug treatment court model will vary from the criminal models in several significant ways. The overarching goal of the family drug treatment court model is quite different, as it attempts to enhance permanency for the children of parents served by the court rather than reduce recidivism. While the basic premise of the evaluation plan is similar (process and outcome evaluations based on interviews, observations, surveys and case-specific data collection), both the involved parties and specific data elements needed to assess this program are quite different from the adult and juvenile models. Key differences include:

- Implementation of the drug treatment court process within the civil court system;
- Consideration of circumstances under which Children in Need of Supervision or Services (CHINS) petitions are transferred to the family drug treatment court;
- Collection of outcome data regarding child protective services complaints and child placement decisions; and
- Key interviews with social services staff and related cooperating agencies (e.g., Court Appointed Special Advocate - CASA), as well as City/County Attorneys and Guardians Ad Litem (GALs).

## V. VIRGINIA'S ADULT DRUG TREATMENT COURT PROGRAMS

Sixteen adult drug treatment court programs are currently operational in Virginia. (The Tazewell Adult Drug Treatment Court Program remains in the pilot phase until it completes the application process as adopted by the statewide drug treatment court advisory committee, pursuant to the statute.) This section reviews both general and program-specific information for these programs.

### **Referral Flow and General Characteristics**

Although there are many local variations, drug treatment court participation usually begins with a drug charge, property charge, or a violation of probation charge by a non-violent offender with substance abuse issues. These offenders are identified and referred to drug treatment court programs mainly through judges, probation officers, defense attorneys or Commonwealth's Attorneys. In addition to meeting basic program eligibility criteria, such as specific residential requirements or a non-violent criminal history, most programs also require that certain substance abuse treatment criteria are met as well. Those offenders who do not meet these criteria remain in the traditional criminal justice system. Offenders who are deemed eligible and who indicate willingness to participate in a drug treatment court program must plead guilty to the original charge. An offender who successfully completes a drug treatment court program typically receives one of the following benefits, depending on the agreement made before the offender entered the program: reduction or dismissal of original charge, suspended sentence, or release from probation. Defendants who do not complete program requirements may return to the regular court docket for adjudication and/or sentencing on the original charge. Alternatively, some defendants who fail to complete drug treatment court programs may receive jail or prison time imposed by the drug treatment court judge. Appendix B, Figure 1-B displays the case processing flow for adult drug treatment court programs.

Table 3 shows the general program characteristics for the 16 adult drug treatment court programs currently in operation. Program capacity ranges from 5-7 participants in Chesapeake to 75-100 participants in Richmond City. All of the adult drug treatment court programs require at least 12 months of participation for completion. The Newport News Drug Treatment Court has the longest participation requirement, specifically, a minimum of 12 months of treatment, 12 months of aftercare and 12 months of administrative probation. Each program also requires a minimum consecutive period of sobriety prior to graduation, ranging from a low of 30 days in Chesapeake to a high of about one year in Charlottesville/Albemarle and Staunton. For programs with available records, the number of offenders served since program inception ranges from 8 cases in Chesapeake to about 857 cases in Roanoke.

### **Eligibility Criteria**

Nine of the sixteen adult drug treatment courts specifically require a diagnosis of substance abuse or dependence for admission into the program, based on criteria in the Diagnostic & Statistical Manual of Mental Disorders – Edition IV (DSM-IV). The remaining programs simply require an identified substance abuse problem. All of the adult drug treatment courts must deem participants appropriate for substance abuse treatment, as indicated by a substance abuse assessment.

**Table 3  
General Characteristics of Virginia's Adult Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>2</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Charlottesville/ Albemarle	July 1997	50-60	12 month minimum	No minimum clean days required to advance phases <b>Consecutive Days Clean Required to Graduate = 12 months</b>	363
Chesapeake	August 2005	5-7	12 months minimum	Phase I – 30 days Phase II – 30 days Phase III – 30 days Phase IV – 30 days <b>Consecutive Days Clean Required to Graduate = 30 days</b>	8
Chesterfield County	September 2000	65	13 month minimum	Phase I – 45 days Phase II – 90 days Phase III – 90 days Phase IV – 120 days <b>Consecutive Days Clean Required to Graduate = 120 days</b>	295
Hampton	February 2003	60	30 month minimum (includes 6 months aftercare and 12 months admin. probation); graduation occurs prior to aftercare	Phase I – 30 days Phase II – 60 days Phase III – 90 days Phase IV – 6 months <b>Consecutive Days Clean Required to Graduate = 6 months</b>	77
Henrico County	January 2003	No maximum capacity	12 month minimum	Phase I- 30 days Phase II- 60 days Phase III- 90 days Phase IV- 100 days <b>Consecutive Days Clean Required to Graduate = 100 days</b>	94

<sup>2</sup> Depending on the locality, phase-specific sobriety lengths may represent either (1) total consecutive days clean which may be counted across multiple program phases or (2) consecutive days clean that are only counted from time within the designated phase. "Consecutive days clean required to graduate" always represents the total number of consecutive clean days that are required immediately prior to program graduation.

**Table 3  
General Characteristics of Virginia's Adult Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>2</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Hopewell/Prince George County	September 2002	15-20	12 months minimum	Phase I – 60 days Phase II – 120 days Phase III – 150 days Phase IV – 180 days <b>Consecutive Days Clean Required to Graduate = 180 days</b>	Unavailable
Loudoun County	June 2004	10	12 month minimum	Phase I- 60 days Phase II- 90 days Phase III- 120 days Phase IV- 6 months <b>Consecutive Days Clean Required to Graduate = 6 months</b>	20
Newport News	November 1998	55	3 year minimum (includes 12 months aftercare and 12 months admin. probation); graduation occurs prior to aftercare	Phase I – 30 days Phase II – 60 days Phase III – 90 days Phase IV – 120 days <b>Consecutive Days Clean Required to Graduate = 6 months</b>	232
Norfolk	November 1998	50	18 month minimum (including aftercare)	Phase I- 30 days Phase II- 90 days Phase III- 90 days Phase IV- 120 days Aftercare- 6 months <b>Consecutive Days Clean Required to Graduate = 6 months</b>	Unavailable
Portsmouth	January 2001	75	12 month minimum	Phase I- 8 weeks Phase II- 5 months Phase III- 4 months Phase IV- 8 weeks <b>Consecutive Days Clean Required to Graduate = 120 days</b>	205

**Table 3  
General Characteristics of Virginia's Adult Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>2</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Rappahannock Regional	October 1998	60	12 month minimum	Phase I- 4 weeks Phase II- 8 weeks Phase III- 4 months <b>Consecutive Days Clean Required to Graduate = 4 months</b>	277
Richmond City	March 1998	75-100	16 month minimum <sup>3</sup>	Phase I- 17 weeks Phase II- 17 weeks Phase III- 17 weeks Phase IV- 6 months <b>Consecutive Days Clean Required to Graduate = 6 months</b>	339
Roanoke City/Salem City/Roanoke County	September 1995	80	12 month minimum	No minimum clean days required to advance phases <b>Consecutive Days Clean Required to Graduate = 6 months</b>	857
Staunton	July 2002	20	12 month minimum	Phase I- 60 days Phase II- 150 days Phase III- 240 days Phase IV- 360 days <b>Consecutive Days Clean Required to Graduate = 360 days</b>	26
Suffolk	April 2004	40	12 month minimum	Phase I- 60 days Phase II- 90 days Phase III- 180 days <b>Consecutive Days Clean Required to Graduate = 180 days</b>	20
Tazewell County (pilot)	February 2005	15	12 month minimum	Phase I- 30 days Phase II- 90 days Phase III- 24 weeks <b>Consecutive Days Clean Required to Graduate = 180 days</b>	11

<sup>3</sup> The 16 month minimum program length applies only to participants who complete the program with no infractions. Standard phase lengths are reduced for such participants.

The types of precipitating offenses which are eligible for the program vary; however, there are some common offenses that are considered eligible for most of the drug treatment courts: simple possession or attempt to possess a Schedule I or II controlled substance, prescription fraud offenses, and non-violent property offenses, including, but not limited to, grand larceny, forgery, uttering, felony bad checks, and felony shoplifting. While several courts accept offenders with either new charges or probation violations, Loudoun County, Henrico County, and Chesapeake courts only accept probation violators into their programs. All sixteen adult drug treatment courts exclude participants with prior convictions of a violent offense. The majority of the courts exclude offenders with prior convictions involving the use of a weapon or firearm, prior convictions for distribution or possession with intent to distribute (for purposes other than to support the individual's own habit), and individuals who are not mentally and/or physically capable of completing the program.

### **Program Progression**

All sixteen adult drug treatment court programs are divided into three to six phases, depending on the locality. While the requirements of each phase vary greatly depending on the court, there are some common aspects of programming, including urine drug screens, frequent court appearances, attendance and participation in Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings, and stable employment or educational training. All of the adult drug treatment courts require group participation throughout the phases. Some of the programs focus primarily on support groups and substance abuse education, while others offer a wider variety of groups, such as domestic violence support, anger management, gender-specific issues, relapse prevention, moral recognition, and meditation.

Graduation from the adult drug treatment court programs most commonly requires the successful completion of all phases, a specified number of clean days, stable employment, and payment in full or ongoing payment of all costs and fees. Two adult drug treatment courts, Hampton and Newport News, include two required program phases that occur after graduation. Five of the adult courts require participants to complete a written plan for relapse prevention and aftercare as a condition of graduation. In addition, the Staunton Adult Drug Treatment Court reports that it further requires participants to write and present an essay to the drug treatment court treatment team on why they are ready to graduate from the program.

### **Drug Testing**

Half (8) of the operational adult drug treatment courts conduct drug testing solely on a random basis, while the remaining eight courts perform a combination of both scheduled and random drug testing.

### **Fees**

All adult drug treatment court programs impose either program fees or treatment fees, and some require both types of fees. Adult drug treatment court program fees range from \$60 annually to \$1,200 annually for programs that impose them, with an average fee of \$485. In most of the adult drug treatment courts, participants are responsible for any court costs or restitution that they may have; however, community service hours may be used to help pay for some of these costs.



## **VI. VIRGINIA'S JUVENILE DRUG TREATMENT COURT PROGRAMS**

Eight juvenile drug treatment court programs are currently operational in Virginia. This section reviews both general and program-specific information for these programs.

### **Referral Flow and General Characteristics**

Similar to adult drug treatment courts, juvenile drug treatment court participation usually begins with a drug charge, property charge, or a violation of probation charge by a non-violent juvenile offender with substance abuse issues. These juveniles are identified and referred for a drug treatment court evaluation primarily through Court Service Unit (CSU) staff, judges, probation officers, defense attorneys or Commonwealth's Attorneys. Basic program eligibility criteria must be met before a juvenile can be accepted into a program. Juveniles who do not meet local criteria remain in the traditional Juvenile & Domestic Relations (J&DR) court system. Juveniles who are deemed eligible for participation and who choose to participate in a drug treatment court program must plead guilty to the original charge. A juvenile who successfully completes a drug treatment court program typically receives one of the following benefits, depending on the agreement prior to program participation: a reduced or dismissed charge, a suspended sentence or release from probation. Juveniles who do not complete program requirements may return to the regular J&DR court docket for adjudication and/or sentencing on the original charge. Alternatively, they may be sentenced to Department of Juvenile Justice (DJJ) or jail (depending on age) by the drug treatment court judge. Appendix B, Figure 2-B displays the case processing flow for juvenile drug treatment court programs.

Table 4 shows the general program characteristics for the eight juvenile drug treatment court programs currently in operation. Program capacity ranges from a low of 12 in both Fairfax County and Prince William County to a high of 30 in the Lee/Scott/Wise program. The minimum amount of time offenders must participate in the program prior to graduation varies from about 4.5 months in Richmond City to 12 months in Chesterfield County, Rappahannock Regional, Hanover County, and Newport News. Each of the juvenile drug treatment courts (with the exception of the Lee/Scott/Wise program) requires a minimum consecutive period of sobriety prior to graduation, ranging from a total of 30 days in Newport News to 6 months in Fairfax County. For programs with available records, the number of offenders since program inception ranges from about 30 cases in both Chesterfield County and Prince William County to 91 cases in Lee/Scott/Wise.

### **Eligibility Criteria**

The eligibility requirements for each juvenile drug treatment court vary depending on the individual needs of the community; however, some common criteria are shared across programs. All juveniles, regardless of locality, must be deemed appropriate for substance abuse treatment as indicated by a clinical assessment. In addition, the general age requirements for juveniles in all programs ranges from 12 to 18 at the time of program entry; however, some local courts have established more limited age eligibility requirements within this range.

**Table 4  
General Characteristics of Virginia's Juvenile Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>4</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Chesterfield County	January 2003	25	12 months minimum	Phase I – 15 days Phase II – 30 days Phase III – 60 days Phase IV – 120 days <b>Consecutive Days Clean Required to Graduate = 120 days</b>	30
Fairfax County	May 2003	12	9 month minimum	Phase I- 30 days Phase II- 60 days Phase III- 90 days <b>Consecutive Days Clean Required to Graduate = 6 months</b>	Unavailable
Hanover County	May 2003	15	12 month minimum	Phase I – 14 days Phase II – 8 weeks Phase III – 10 weeks Phase IV – 15 weeks <b>Consecutive Days Clean Required to Graduate = 15 weeks</b>	38
Newport News	March 2002	25	12 month minimum	Phase I – 30 days Phase II – 30 days Phase III – 30 days Phase IV – 30 days <b>Consecutive Days Clean Required to Graduate = 30 days</b>	Unavailable

<sup>4</sup> Depending on the locality, phase-specific sobriety lengths may represent either (1) total consecutive days clean which may be counted across multiple program phases or (2) consecutive days clean that are only counted from time within the designated phase. "Consecutive days clean required to graduate" always represents the total number of consecutive clean days that are required immediately prior to program graduation.

**Table 4  
General Characteristics of Virginia's Juvenile Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>4</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Prince William County	February 2004	12	9.5 month minimum	No minimum clean days required to advance phases, but phase extensions imposed for positive screens <b>Consecutive Days Clean Required to Graduate = 60 days</b>	30
Rappahannock Regional	October 1998	20	12 month minimum	Phase I- 30 days Phase II- 8 weeks Phase III- 12 weeks <b>Consecutive Days Clean Required to Graduate = 12 weeks</b>	166
Richmond City	July 1999	16	4.5 month minimum	Phase I- 30 days Phase II- 45 days Phase III- 60 days <b>Consecutive Days Clean Required to Graduate = 60 days</b>	Unavailable
30 <sup>th</sup> District (Lee, Scott & Wise Counties)	April 2002	Approx. 30; no formal capacity	9 month minimum	No minimum clean days required to advance phases <b>Consecutive Days Clean Required to Graduate = None specified</b>	91

All of the juvenile drug treatment court participants must be eligible for a detainable offense or probation/parole, including felony or misdemeanor drug-related cases and/or delinquency or status offenses. In addition, all eight courts restrict juveniles who are considered violent offenders and five of the juvenile drug treatment courts restrict juveniles with a distribution or possession with intent to distribute charge.

### **Program Progression**

Similar to the adult programs, Virginia's juvenile drug treatment court programs are divided into segments, with each defining either three or four distinct program phases. All eight of the juvenile drug treatment courts place emphasis on either family therapy specifically, or pro-social interactions within the family more generally. In comparison to the adult offender approach, the family's involvement is more prevalent in the juvenile model. In addition, 6 of the 8 courts specifically require individual therapy sessions throughout the program. All of the juvenile drug treatment court programs require court appearances, with the frequency dependent upon the phase, as well as drug screening, attendance at group meetings, and daily school or work attendance, based on an individual's treatment/service plan.

Graduation requirements from the juvenile drug treatment courts vary by locality, but generally include a specified number of days clean, no new charges or major violations, successful completion of all phases of the program, and compliance with all aspects of treatment, to include family therapy as directed. Both the Chesterfield County and Prince William County juvenile programs report that participants are also required to complete some level of community service in order to complete the graduation requirements.

### **Drug Testing**

Six of the eight juvenile drug treatment court programs use random drug screens only, whereas two programs utilize a combination of both random and scheduled drug screens.

### **Fees**

While some juvenile programs do require program and treatment fees, five of the eight juvenile drug treatment courts do not impose drug treatment court fees on their participants. Two courts allow participants to perform community service in exchange for court costs and/or restitution/fees.

## VII. VIRGINIA'S FAMILY DRUG TREATMENT COURT PROGRAMS

Four family drug treatment court programs are currently operational in Virginia, located in Alexandria, Charlottesville/Albemarle, Newport News, and Richmond City. This section reviews both general and program-specific information for these programs.

### **Referral Flow and General Characteristics**

Participants for family drug treatment court programs are typically parents or caretakers (e.g., legal guardians or other caretakers) with substance abuse issues who are identified by judges, Department of Social Services (DSS) staff, and defense attorneys through abuse/neglect petitions, CHINS petitions, or protective orders. In addition to basic program eligibility criteria, potential participants are also given substance abuse evaluations to ensure they meet certain treatment criteria. The decision to accept a participant is usually based on those professionals who comprise the drug treatment court team, including judges, drug treatment court coordinators, Community Services Board (CSB) staff, and CASA case managers. In some instances, participants who complete all program requirements may be removed from J&DR court supervision. Appendix B, Figure 3-B displays the case processing flow for family drug treatment court programs.

Table 5 shows the general program characteristics for Virginia's family drug treatment court programs. Program capacity ranges from 15 families in both the Charlottesville/Albemarle County and Alexandria programs to 20 families in the Richmond City program. For all of the family drug treatment court programs, the minimum amount of time offenders must participate in the program prior to graduation is 12 months. With the exception of the Charlottesville/Albemarle program, each of the family drug treatment court programs requires a minimum consecutive period of sobriety prior to graduation, ranging from 3 months in Alexandria City to 6 months in Newport News. As of March 2006, the Richmond City family drug court program reported a total admission figure of 22 cases since program inception. The Newport News program has not yet accepted a case and program utilization data was unavailable for the two remaining family drug treatment courts.

### **Eligibility Criteria**

Each of the four operational family drug treatment court programs requires that the parent or custodian be deemed appropriate for substance abuse treatment through assessment procedures. Three of the four courts specifically use the Addiction Severity Index (ASI) as their assessment tool. In addition, the Richmond City program requires a formal DSM-IV diagnosis of substance dependence.

All four courts require that the parent or caretaker be court-involved, either through an abuse/neglect petition, a CHINS petition, or a protective order. Two of the four courts require that the child(ren) be at risk of removal or have already been removed from the home. The Charlottesville/Albemarle and Richmond City programs require that the goal for the case is to return the child to the home or work towards reunification of the family. Each of Virginia's family drug treatment courts will accept parents who have given birth to a drug exposed infant or an infant that has been prenatally exposed to drugs.

**Table 5  
General Characteristics of Virginia's Family Drug Treatment Courts**

<b>Program Name</b>	<b>Date Established</b>	<b>Total Program Capacity</b>	<b>Program Length</b>	<b>Required Length of Sobriety<sup>5</sup></b>	<b>Total Admissions from Inception to March 2006</b>
Charlottesville/ Albemarle	July 2002	15	12 month minimum	No minimum clean days required to advance phases	Unavailable
Alexandria	September 2001	15	12 months minimum	Phase I- 6 weeks Phase II- 8 weeks Phase III- 12 weeks Phase IV- 10 weeks Phase V- 12 weeks <b>Consecutive Days Clean Required to Graduate = 12 weeks</b>	Unavailable
Newport News	July 2006	20	12 month minimum	Phase I – 12 days Phase II – 12 days Phase III – 12 days Phase IV – 12 days <b>Consecutive Days Clean Required to Graduate = 6 months</b>	0
Richmond City	September 2002	20 families	12 months	Phase I – 30 days Phase II – 30 days Phase – 60 days <b>Consecutive Days Clean Required to Graduate = 4 months</b>	22

<sup>5</sup> Depending on the locality, phase-specific sobriety lengths may represent either (1) total consecutive days clean which may be counted across multiple program phases or (2) consecutive days clean that are only counted from time within the designated phase. "Consecutive days clean required to graduate" always represents the total number of consecutive clean days that are required immediately prior to program graduation.

There are several factors which may exclude parents or caretakers from participating in the family drug treatment court program. The Charlottesville/Albemarle and Richmond City courts disqualify parents or caretakers who have significant mental health illnesses that would inhibit effective participation in the program. In addition, the Newport News court disqualifies parents or caretakers who have any criminal conviction that meets the definition of violent offender.

### **Program Progression**

Each family drug treatment court divides its program into three to five phases. The requirements for each phase vary greatly depending on the court; however, some consistent aspects of programming include random drug screens, court appearances, the development and follow-through of an individualized treatment plan, and participation in a self-help group/12-step program. Other aspects of treatment include employment/vocational programming, parenting skills groups, and contact with support agencies, including DSS, clinicians, CASA, and GALs.

Graduation from the family drug treatment courts requires the successful completion of all phases, a specified number of clean days (with the exception of the Charlottesville/Albemarle program), participation in a permanency plan if needed, and the ability to provide a safe, stable environment for the family.

### **Drug Testing**

All four of Virginia's family drug treatment courts conduct participant drug screens solely on a random basis.

### **Fees**

None of the four operational family drug treatment courts require the payment of drug treatment court fees to participate in the program; however, treatment fees may be imposed based on a sliding scale.

## VIII. VIRGINIA'S DUI DRUG TREATMENT COURT PROGRAM

The Fredericksburg Regional DUI Drug Treatment Court, established in 1999, is currently the only approved DUI drug treatment court in Virginia. As of November 2005, 922 individuals had been admitted into the program since its inception.

### **Referral Flow and General Characteristics**

All offenders with DUI convictions are ordered into the DUI drug treatment court program as a condition of the Rappahannock Area Alcohol Safety Action Program. Those offenders who are identified as needing education are dismissed from the DUI drug treatment court docket, while those who are classified as needing treatment continue in the DUI drug treatment court program. Offenders who successfully complete the program may have their driver's licenses returned to them. However, DUI charges are not dismissed. The DUI drug treatment court program has no established maximum program capacity, but presently serves over 350 individuals. Appendix B, Figure 4-B displays the case processing flow for the DUI drug treatment court program.

### **Eligibility Criteria**

In order to be eligible for the Fredericksburg Regional DUI Drug Treatment Court, participants must have a misdemeanor DUI conviction and reside (or work) in the eligible jurisdictions (Stafford County, Spotsylvania County, or the City of Fredericksburg). They must also be deemed appropriate for substance abuse treatment.

### **Program Progression**

This program requires a minimum participation period of 12 months, including a minimum of 4-6 months of active treatment and an additional monitoring period of at least 8 months. Some of the active treatment phase activities include drug education groups, support groups, treatment sessions with a licensed therapist, drug screenings, and monthly DUI drug treatment court review sessions. The monitoring phase includes attendance at community resources groups, face-to-face reviews, DUI drug treatment court monitoring sessions, and alcohol and drug screenings. There is no specified length of time in which participants must remain sober before they are released from the program.

### **Drug Testing**

The Fredericksburg Regional DUI Drug Treatment Court program performs both random and scheduled drug testing.

### **Fees**

Participants in the Fredericksburg Regional DUI Drug Treatment Court program are responsible for the following fees: treatment fees (average of \$15-\$25 per group); \$100 DUI education fee; and \$300 Virginia Alcohol Safety Action (VASAP) fee.



**IX. ONGOING EVALUATION TASKS**

In 2007, statewide process evaluations will be conducted for all four drug treatment court program models, incorporating customized methodologies as appropriate. This report concludes with a general work plan for continued evaluation of Virginia’s drug treatment court programs, including a proposed timeline for the intensive process evaluation phase as shown in Table 6 below.

<b>Table 6 Virginia Drug Treatment Court Evaluation Work Plan</b>					
<b>Proposed Timeline</b>	<b>Winter 06-07</b>	<b>Spring 07</b>	<b>Summer 07</b>	<b>Fall 07</b>	<b>Winter 07-08</b>
<b><i>Milestones</i></b>					
1. Process Evaluation Methodology Refined	▲				
2. Process Evaluation Tools Developed	▲	▲			
3. Intensive Site Interviews Conducted		▲	▲		
4. Professional Surveys/ Interviews Administered		▲	▲	▲	
5. Participant Surveys Administered		▲	▲	▲	
6. Review of MIS Data – Process Variables	▲	▲	▲	▲	
7. Court Observations		▲	▲	▲	
8. External Data Sources Reviewed		▲	▲	▲	
9. Data Analysis and Interpretation – Process Variables		▲	▲	▲	
10. Develop Process Evaluation Report			▲	▲	
11. Develop Process Evaluation Recommendations			▲	▲	
12. Refined Outcome Evaluation Methodology Drafted			▲	▲	
13. Continue Next Phase of Project					▲

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## Appendix A

### The Virginia Drug Treatment Court Act

§ 18.2-254.1. Drug Treatment Court Act.

A. This section shall be known and may be cited as the "Drug Treatment Court Act."

B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of drug treatment courts as means by which to accomplish this purpose.

C. The goals of drug treatment courts include: (i) reducing drug addiction and drug dependency among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and, (v) promoting effective planning and use of resources among the criminal justice system and community agencies.

D. Drug treatment courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a drug treatment court program.

E. Administrative oversight for implementation of the Drug Treatment Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for drug treatment courts; (ii) providing technical assistance to drug treatment courts; (iii) providing training for judges who preside over drug treatment courts; (iv) providing training to the providers of administrative, case management, and treatment services to drug treatment courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of drug treatment courts in the Commonwealth.

F. A state drug treatment court advisory committee shall be established to (i) evaluate and recommend standards for the planning and implementation of drug treatment courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a drug treatment court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Social Services; a representative of the following entities: community corrections/pretrial services programs, the Commonwealth's Attorney's Association, the Public Defender Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a drug treatment court or continue the operation of an existing one shall establish a local drug treatment court advisory committee. Jurisdictions that establish separate adult and juvenile drug treatment courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the drug treatment court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the drug treatment court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the drug treatment court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of community corrections/pretrial services; (vii) a local law-enforcement officer; (viii) a representative of the Department of Mental Health, Mental Retardation, and Substance Abuse Services or a representative of local drug treatment providers; (ix) the drug court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the drug treatment court advisory committee.

H. Each local drug treatment court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a drug treatment court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. As defined in § 17.1-805 or 19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, shall not be eligible for participation in any drug treatment court established or continued in operation pursuant to this section.

I. Each drug treatment court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each drug court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among drug treatment courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a drug treatment court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a drug treatment court pursuant to guidelines developed by the drug treatment court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local drug treatment court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state drug treatment court advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local drug treatment court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no drug treatment court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any drug treatment court established on or before March 1, 2004, and operational as of July 1, 2004.

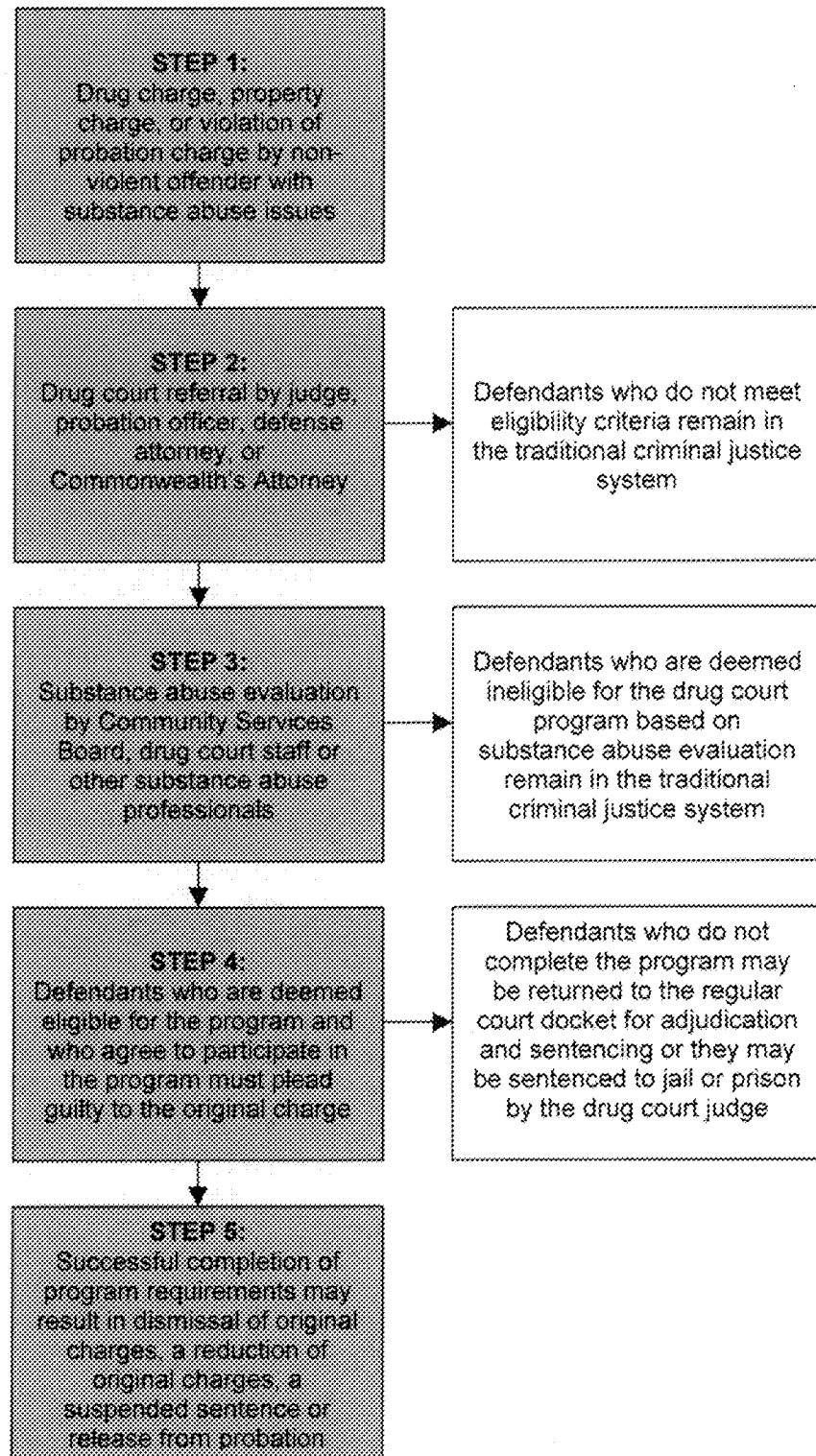
P. Subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, there shall be established a drug treatment court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

(2004, c. 1004; 2005, cc. 519, 602; 2006, cc. 175, 341.)

## Appendix B

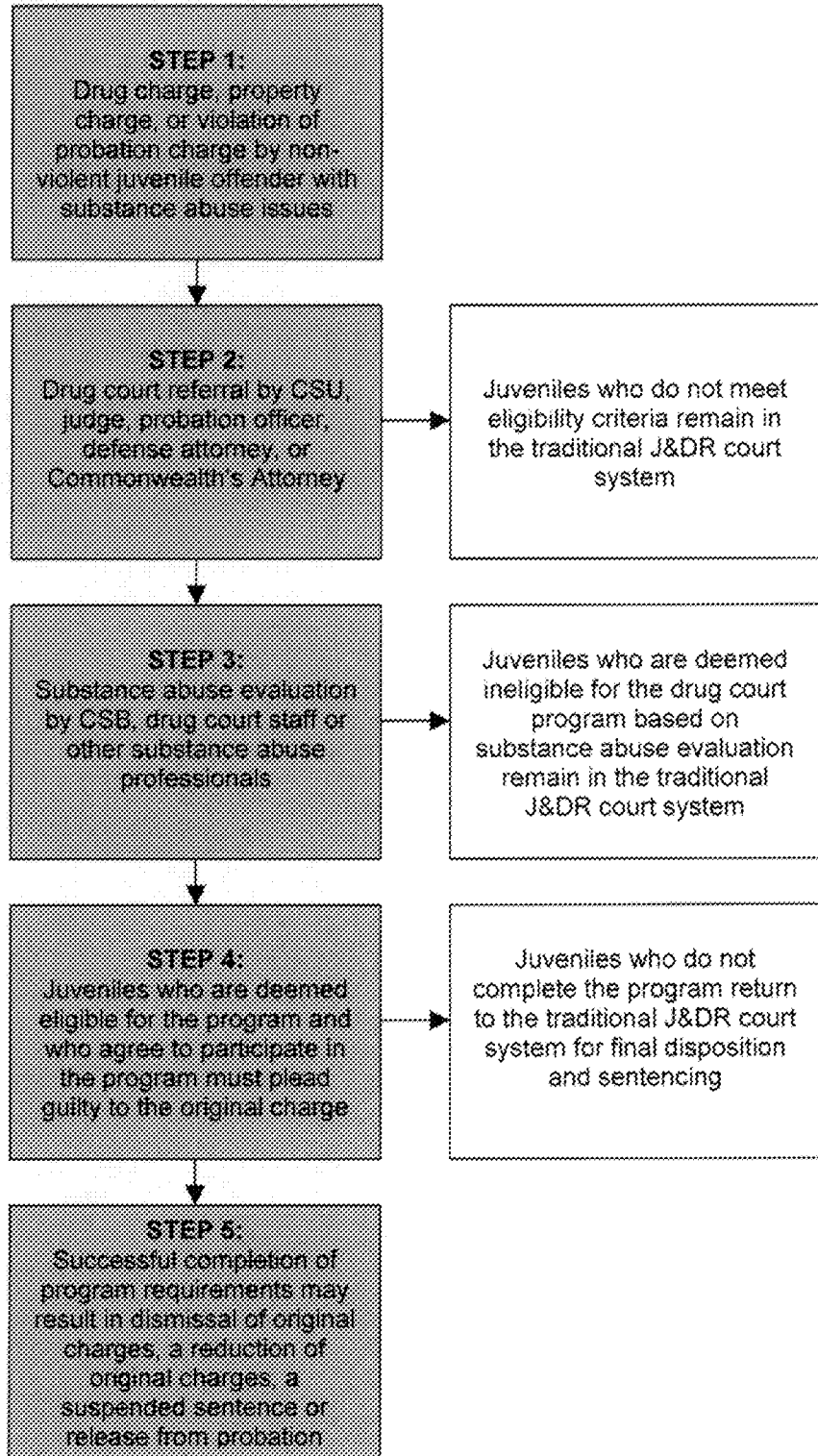
### Referral Flow Charts for Virginia's Drug Treatment Court Models

**Figure 1-B**  
**Typical Processing of Adult Drug Treatment Court Participants**

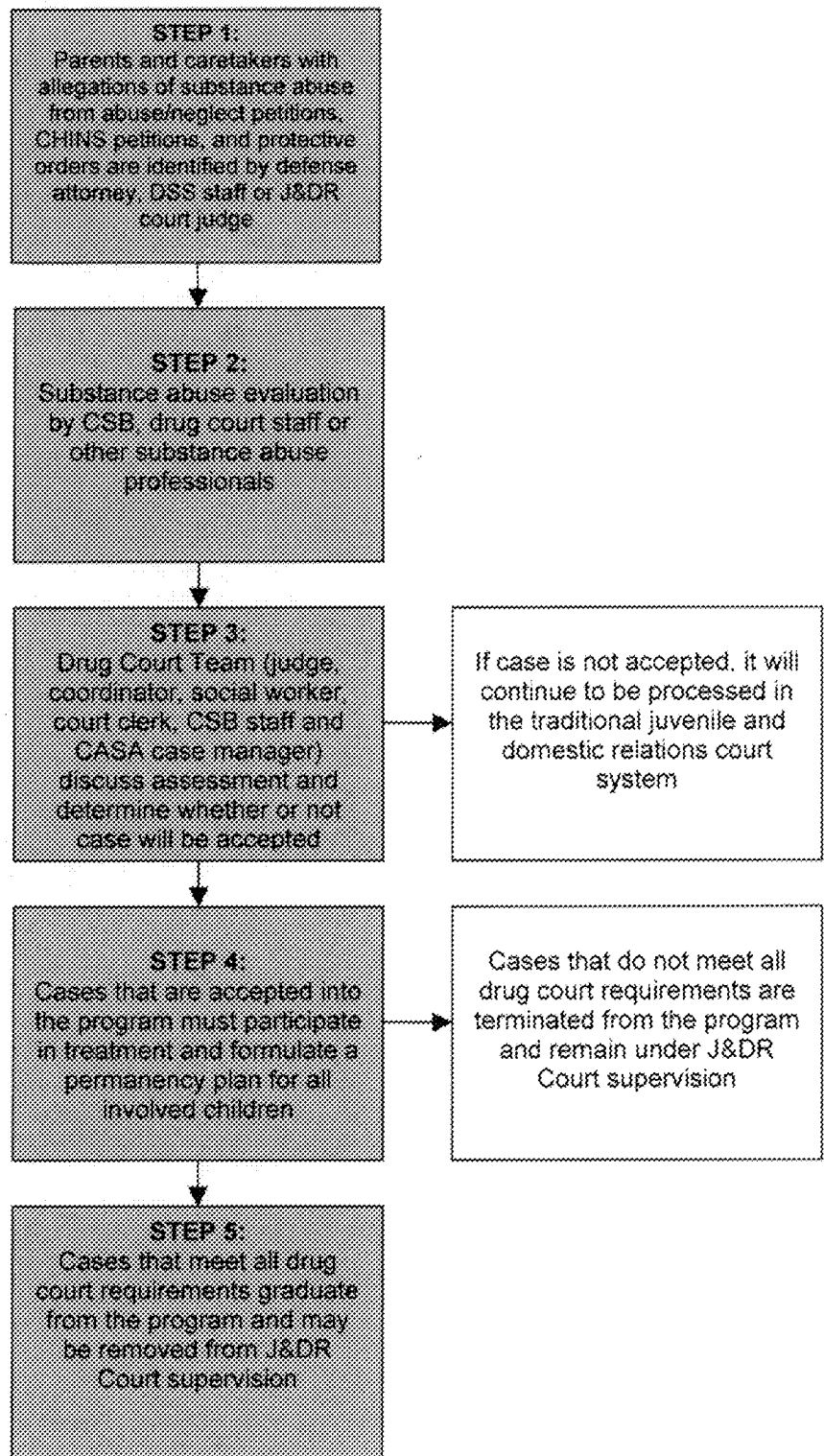




**Figure 2-B**  
**Typical Processing of Juvenile Drug Treatment Court Participants**



**Figure 3-B**  
**Typical Processing of Family Drug Treatment Court Participants**



**Figure 4-B**  
**Fredericksburg Regional DUI Drug Treatment Court**  
**Referral and Admission Process**

