

**Black Hawk County Drug Court:  
An Evaluation of the  
First Two Years**

**EXECUTIVE SUMMARY**

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## EXECUTIVE SUMMARY

The Black Hawk County Drug Court (BHC Drug Court) is a cooperative effort bringing together representatives of the Iowa First Judicial District Court, The Black Hawk County Attorney's Office, The Black Hawk County Public Defender's Office, the First Judicial District Department of Correctional Services, Pathways Behavioral Services, and the City of Waterloo Police Department with the joint purpose of reducing drug-related offenses and rehabilitating drug-involved offenders. The drug court team provides participants with judicial monitoring, close supervision/case management by a dedicated probation officer, and substance abuse treatment by qualified counselors.

The stated mission of the drug court is as follows. "The mission of the Black Hawk County Drug Court is to enhance public safety and benefit our community through a judicially supervised, collaborative effort to more efficiently work with non-violent substance abuse offenders, thereby effecting positive long-term change in offender's and their families lives and reducing recidivism and associated crime."

The drug court has three major goals.

1. Reduce substance abuse related crimes committed by program participants, reducing victims impacted by those crimes
2. Reduce the number of chemically dependent offenders going to prison
3. Increase the effectiveness of substance abuse treatment and supervision

The drug court uses what is commonly termed a "post-plea" as opposed to a "diversion" model. That is, all participants have received a sentence prior to drug court enrollment, usually involving prison incarceration. The sentence is held in abeyance, pending successful completion of the drug court program. Participants who are terminated from the drug court typically must serve their original sentence. This program model is advantageous, because the role of greater legal coercion in increasing the chances that drug court participants will be successful has been documented in a recent statewide evaluation of 11 New York drug courts (Rempel, Fox-Kralstein, and Cissner, 2004). This study suggests that drug court clients with more serious charges and a longer prison sentence in the event of program termination are more likely to succeed.

The drug court has a phase structure, which gradually moves participants through a set sequence of restrictions, responsibilities, and privileges. Progressive phase movement is predicated upon compliance with program rules and steady progress in treatment. Return to a previous phase in the face of continued drug use, program non-compliance, or a lack of progress in treatment is possible. The BHC Drug Court has three phases followed by aftercare. The primary change in the BHC Drug Court design during the second year of implementation related to the aftercare phase of drug court. During the second year, the BHC Drug Court added more support and structure to the aftercare phase, in order to keep participants more connected with the drug court and reduce the likelihood of relapse and other problems, while at the same time allowing participants to have more independence than they had during Phases I through III of the program.

The first two years of operation of the BHC Drug Court were funded primarily through an OJP Adult Drug Court Implementation Grant. Currently, the State of Iowa provides funding for the BHC Drug Court. It is hoped that the BHC Drug Court will be able to continue to receive State of Iowa funding, in order to continue operation of the program.

The Institute for Social and Economic Development (ISED) is conducting the evaluation of the BHC Drug Court. To receive a copy of the full report, “*Black Hawk County Drug Court: An Evaluation of the First Two Years*” you may go to the ISED website ([www.ised.us](http://www.ised.us), click on publications, then criminal justice) or contact Maria Hein at maria.hein@ised.us.

## EVALUATION CONCLUSIONS

As illustrated by the evaluation conclusions described below, the BHC Drug Court is both having a positive impact on its participants, and resulting in a net cost savings to the State of Iowa. There are twelve evaluation conclusions. They are:

- 1) **The BHC Drug Court Program has resulted in an estimated net cost savings of \$396,080 during the first two years of the program.** In other words, the amount saved to the State of Iowa in avoided prison sentences for successful drug court participants exceeded the cost of the drug court program, resulting in a net cost savings. (The cost of the drug court program for participants who were ultimately terminated from the drug court program was also accounted for.)<sup>1</sup> The actual net cost savings of the BHC Drug Court Program to the public may be even higher, due to: a) additional personal and societal benefits/cost savings that likely accrue from reduced criminal recidivism and associated costs after drug court completion; b) the improved health of program participants due to eliminating or reducing their drug use; and c) one drug-free baby birth as a result of the BHC Drug Court to date.<sup>2</sup>
- 2) **The BHC Drug Court has a high retention rate.** After two years in operation, the BHC Drug Court has a 74 percent retention rate.<sup>3</sup> [The retention rate is calculated by adding together the percentage of drug court graduates (12.8 percent) and the percentage of participants who are still active in the program (61.5 percent).] To get a sense of how the BHC Drug Court’s retention rate compares with that of other drug courts, one review of drug courts across the country found that the courts had an average retention rate of 60 percent after one year in operation (Belenko, 1998). The study of 11 New York State drug courts showed a retention rate of 66 percent at the one year point (Rempel, Fox-Kralstein, Cissner, Cohen, Labriola, Farole, Bader, and

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<sup>1</sup> For details regarding how the estimated net cost saving figure was calculated, see Chapter IV of the full report, “Black Hawk County Drug Court: An Evaluation of the First Two Years.”

<sup>2</sup> Data from an Office of National Drug Control Policy (2001) study about the economic costs of drug abuse in the United States showed that drug exposed infants result in significant health costs due to their drug exposure. According to the study, a newborn with prenatal drug exposure to cocaine and one or more other drugs had increased hospital costs of \$7,731, and a newborn exposed to cocaine only had \$1,223 in additional hospital costs.

<sup>3</sup> The BHC Drug Court’s retention rate has stayed quite consistent—the Year 1 evaluation showed the BHC Drug Court had a 72 percent retention rate after 13 months in operation.

Magnani, 2003). With a retention rate of 74 percent, the BHC Drug Court is doing quite well.

- 3) **Criminal recidivism during the BHC Drug Court program tends to be low.** During the two year evaluation time period, 8 percent (3 out of 39 drug court participants) were arrested for a new crime at the serious misdemeanor level or higher during their time in the drug court; and 8 percent (the same 3 drug court participants) were arrested for substance abuse related crimes during their time in the drug court program.
- 4) **There has been no criminal recidivism documented among BHC Drug Court graduates to date.** Among the 5 participants who had completed drug court as of December 7, 2008 (i.e., they had completed the aftercare phase of drug court), none (0 percent) had been arrested for a new crime as of January 18, 2008. Although it is too early to determine whether drug court participants stay crime free for a full year after drug court, these results are encouraging. [Among the five participants who had completed drug court, they had been out of drug court for a range of 45 to 163 days (i.e., over 5 months)—in other words, they had had no arrests during this time period.]<sup>4</sup>
- 5) **For two groups of BHC Drug Court participants, the level of criminal risk and needs decreases over the course of the drug court program.** A statistically significant reduction in the level of criminal risk and needs (as measured by the Level of Service Inventory) was found for: 1) all drug court participants with 2 LSI-R<sup>5</sup> administrations (i.e., including drug court participants who had graduated, were still active in the program, or had been terminated from the program); and 2) successful drug court participants (i.e., participants who had graduated or were still active in the drug court program). For both of these groups, the decrease in the LSI-R scores was statistically significant at the .001 level—in other words, the likelihood that the difference is due to chance is less than 1/10<sup>th</sup> of 1 percent.
- 6) **Alcohol/drug use prevalence<sup>6</sup> in the BHC Drug Court program is similar to what is typical in other drug courts.** Of the 39 BHC Drug Court participants for whom drug testing data was available, 20 (51 percent) either had one or more positive drug tests or admitted to alcohol or drug use during their time in the program. This

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<sup>4</sup> As a point of reference, a Caliber Associates/Urban Institute study reported that 16.4 percent of drug court graduates had been arrested and charged with a serious offense (defined as any arrest and charge with a crime that carries a sentence of at least one year upon conviction, according to the FBI definition) within one year of drug court graduation [Roman, J., Townsend, W., and Bhati, A.S., (2003)]. As of the date of this writing, none of the BHC Drug Court participants have been out of drug court for one year, but the Caliber Associates/Urban Institute study may be useful for comparison when for recidivism data for a full year is available.

<sup>5</sup> The LSI-R is the Level of Service Inventory Revised, a commonly used risk assessment measure in criminal justice.

<sup>6</sup> Alcohol/drug use prevalence is defined as the percentage of drug court participants who used drugs or alcohol at least once during the drug court program (i.e., they had one or more positive tests or admitted to alcohol or drug use at least once).

outcome is similar to that of the evaluation of 11 drug courts in New York State, which found that, even among the drug court graduates, more than half had one or more positive drug tests during their time in the drug court (Rempel, Fox-Kralstein, and Cissner, 2004).

- 7) **The alcohol/drug use incidence rate of the BHC Drug Court appears to be quite low in comparison with other drug courts.** For the BHC Drug Court, only 1.3 percent of tests yielded a positive test result or admission of drug or alcohol use. An evaluation of drug courts in New York State reported the average percentage of drug tests (excluding alcohol) that were positive for eight of the 11 drug courts studied. The average percentage of positive drug tests for the eight courts ranged from a low of 9 percent to a high of 52 percent (Rempel et al., 2003).
- 8) **BHC Drug Court participants tend to do well in substance abuse treatment.** During the two year period evaluation period, 75 percent of the substance abuse treatment levels<sup>7</sup> participants had engaged in either resulted in successful completion or treatment was still ongoing. Only nine percent of the treatment levels resulted in a failure to complete treatment—typically because the participant had had drug court violations and was terminated from the program. Sixteen percent of the treatment levels ended because the participant was referred to an alternative intervention.<sup>8</sup>
- 9) **Active participants in Phases I, II, and III of the drug court agreed that the drug court program has made a positive impact on their lives.** The program has helped participants learn to live and cope with life issues without using drugs. Drug court participation has also led to broader life changes, including changes in outlook, attitude, behavior, and priorities in life. Participants also feel that drug court has helped them to be more responsible and improve their relationships with family members. Although participants varied in which aspect of the drug court had been the most critical to their recovery, they agreed that all of the following aspects of drug court are important: accountability (i.e., UAs and sanctions), the structure of the drug court program, counseling and substance abuse treatment services, and emotional support.
- 10) **Participants in the aftercare component of the drug court program also felt that the program has made a positive impact on their lives.** They are clean and sober, and now, in the aftercare phase, they are learning to hold themselves accountable as the amount of structure from the drug court has reduced. Aftercare participants felt that, in the aftercare component of the program, participants still need structure, but they also need an opportunity to have more freedom than they did during the main program (i.e., Phases I, II, and III). The aftercare focus group participants agreed that

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<sup>7</sup> Participants move from one treatment level to another over the course of the drug court program. For example, participants frequently move to less intensive treatment levels (i.e., from intensive outpatient treatment to extended outpatient treatment), as they make progress in treatment.

<sup>8</sup> The “referred to alternative intervention” classification is typically assigned by the probation officer when the participant was originally placed in an intervention that did not meet his or her needs. For example, when a drug court participant relapses, they may be placed in a more intensive treatment level.

the changes the drug court has made during the past year to the aftercare component of the program (i.e., increasing the amount of contact with the probation officer, the substance abuse counselor, and attending treatment group) have been helpful.

- 11) **Among the four participants who had been terminated from drug court and completed a survey, all reported that there were aspects of the program that they found to be helpful.** The areas where they found the program the most helpful were helping them to: 1) recognize thoughts and feelings that can lead to drug use; 2) deal with people or situations that can lead you to use drugs; 3) better manage your personal relationships, and 4) stay employed or in school. Not surprisingly, the program was least helpful to drug court participants who had been terminated from the program with helping them to use drugs less often and stay sober.
  
- 12) **From December 2006 to December 2007, 33 percent of individuals referred to the drug court program were accepted, and 67 percent were not accepted.** Of those that were not accepted, 60 percent were disqualified from the drug court program because they were ineligible according to the BHC Drug Court eligibility policy (as described in Chapter V of the full report).<sup>9</sup> The remaining 40 percent were disqualified from the drug court for other reasons—typically because of significant mental health issues or numerous past treatment failures.

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<sup>9</sup> To receive a copy of the full report, “*Black Hawk County Drug Court: An Evaluation of the First Two Years*” you may go to the ISED website ([www.ised.us](http://www.ised.us), click on publications, then criminal justice) or contact Maria Hein at [maria.hein@ised.us](mailto:maria.hein@ised.us).

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