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OVERSIGHT OF THE OFFICE OF JUSTICE PROGRAMS: PROGRAM PERFORMANCE—DRUG COURTS

HEARING

BEFORE THE

SUBCOMMITTEE ON YOUTH VIOLENCE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

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OVERSIGHT OF THE OFFICE OF JUSTICE PROGRAMS: PROGRAM PERFORMANCE—DRUG COURTS

TUESDAY, OCTOBER 3, 2000

U.S. SENATE,
SUBCOMMITTEE ON YOUTH VIOLENCE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room SD–628, Dirksen Senate Office Building, Hon. Jeff Sessions (chairman of the subcommittee) presiding.

Also present: Senator Biden.

OPENING STATEMENT OF HON. JEFF SESSIONS, A U.S. SENATOR FROM THE STATE OF ALAMAMA

Senator SESSIONS. Good morning. We will get started now, and I think Senator Biden will be joining us shortly.

I am pleased to begin the performance review by the Subcommittee on Youth Violence of programs funded through the Office of Justice Programs with this hearing. OJP is the grant-making arm of the Department of Justice, and the subcommittee's ultimate focus in looking at OJP will be on financial and performance accountability of OJP's programs—bang for the buck.

OJP's budget for a variety of criminal justice programs has increased from $695 million in fiscal year 1992 to $3.9 billion in fiscal year 2000. Much of this budget increase has resulted from the 1994 Violent Crime Act that created and enlarged numerous criminal justice programs. Today, OJP funds programs ranging from juvenile violence prevention efforts to community preparedness initiatives to drug treatment for incarcerated offenders. With all this money being spent for many different programs, it is time for performance analysis to begin.

The analysis will focus on simple questions: What is the problem being addressed? What is the solution that Congress or OJP is advocating? How much does it cost? Does it work?

The Subcommittee on Youth Violence has developed an oversight plan that I will place in the record. The first area that the subcommittee will examine is OJP's substance abuse programs. These programs run from prevention programs to treatment programs to reentry programs. For today's hearing, we will be looking at one of these—drug court programs.

What is the problem being addressed? Well, drug use leads to crime. At least it is clear that drugs are an accelerator to crime.

A recent OJP report entitled "The 1999 Annual Report on Drug Use among Adult and Juvenile Arrestees" revealed the troubling statistic that over 60 percent of 30,000 male arrestees from 27 of 34 different sites and cities around the country tested positive for either cocaine, marijuana, methamphetamine, opiates, PCP, and in some cases several of those drugs. Those numbers have not changed since the mid-1980's at least, if not the early 1980's. Sixty percent plus—often as high as 66 percent—have drug-tested positive for just any crime for which they were arrested, whether it be burglary, shoplifting, or robbery.

The old choices have been prison, which is costly, or probation, which has proven to be unsatisfactory. Even with offenders being prosecuted, while they are being tried to be sent to jail, they often are released on parole and often are released on bail prior to trial. So they are out at that time; if they are still strung out on drugs, they may well be committing crimes.

As a Federal prosecutor for 15 years, I saw firsthand how drugs can gain control of and destroy people. Drugs sap the will to work and can be responsible for and accelerate crime. There is indeed a problem. So drug courts have been used for a decade. Is that a solution to our crime problem? I remember vividly—and Judge McMaken, is here from Mobile who was at that meeting in the late 1980's—when I was U.S. attorney, we brought up Judge Goldstein from Miami, who I believe is generally credited with creating the drug court. Judge Goldstein was extraordinarily enthusiastic, as anybody who knows him knows, and he suggested incredible results from drug courts—just unbelievable reductions in recidivist rates. In fact, they were so unbelievable, I told him they were unbelievable, but I did tell him if he could get 25 percent of what he said, that would probably be progress, and we ought to consider a drug court. I really arranged that meeting. Judge McMaken came and became interested in it, and eventually the City and County of Mobile created an eminent, first-rate drug court.

Drug court programs do serve as an alternative to trial and imprisonment for nonviolent offenders. If the offender enrolls in the program, he will be required to complete a period of months without testing positive for drug use, to perform community service, to complete certain educational requirements, and to hold down a job. If he fails, he will be sent back to the regular criminal justice system.

Congress has, however, allowed local drug courts much flexibility in how they operate, with a few notable exceptions. These exceptions include several things, such as requiring continued judicial supervision over drug court participants. Judge Goldstein explained he believed that personal supervision by the judge over the defendant was key to success. Mandatory periodic testing for drug use is, in my view, an essential component of every step of the criminal justice system. Our failure to do that systematically throughout the criminal justice system is one of the greatest failures in our system, but it is done consistently in drug courts. Drug courts also must have substance abuse treatment for each participant and exclude violent offenders in order to receive Federal funding from the Drug Court Program Office.

Many of the participatants in drug courts fail. The best numbers I have been able to see—and if others have different numbers I would like to hear them—state that throughout our history of drug courts, 200,000 participants have enrolled 50,000 have completed and graduated, and 65,000 are still enrolled, which would indicate some 80,000 offenders have failed or either been sentenced, dropped out of the program maybe even gone to jail.

How much does it cost? It is my understanding that there are currently around 560 drug court programs operating in the United States with 293 additional programs being planned. This chart here on my right shows the dramatic increase in drug courts from one in the late 1980's to 567 by 2000. That is a dramatic increase, and it also shows an increase in Federal funding.

These figures on the right show that 1992 appropriations of $3.4 million increased to $57 million by 1999. That figure represents Federal support for drug courts. It is not what they cost, because I am sure most drug court judges will tell us the State and local systems contribute substantially to these programs.

Over the past 10 years, OJP has spent a total of around $180 million on drug courts. That is a lot of money, and if we are going to continue to spend that much money on a program, the American people deserve to know if it works. While there has been no comprehensive nationwide study of all drug courts, scientific studies of various individual drug courts have given us some indication of how they work and do indicate that they have shown positive results.

For example, studies have shown that criminal recidivism, measured by rearrests, ranges from 12 percent to 32 percent for offenders who were not enrolled in a drug court program. That is a pretty broad number, and it raises questions in my mind about the rigor of those tests and what cohort was being tested. But 12 to 32 percent, according to the studies we have of offenders who are not enrolled in a drug court are rearrested.

For offenders enrolled in a drug court program, the recidivism rate has been reported to drop to between 4 percent and 12 percent during the 1- to 2-year period when they are in the drug court. So this would be a drop of some significance, but we need to be sure we are not comparing apples to oranges and that we have an honest number here. It is obvious to me that we don't have a panacea.

For example, for recidivism after drug courts—that is, after they have completed their time in the drug court—the studies showed that a control group that had never been through a drug court program had rearrests of approximately 36 percent. The rearrest rate for those who had gone through a drug program was 27 percent. That is an 11 percent change. You would say that is a 25 percent reduction and that is significant progress worthy of our attention, but in the long run, you are talking about an improvement of 11 of 100. Eleven fewer out of the 100 would have been rearrested had they gone through a drug court program as opposed to not going through one, according to numbers that we have.

Despite the obstacles, the subcommittee understands that drug courts are demonstrating positive results for addicted offenders and reducing recidivism and drug use, at least for certain periods of

time. We will be looking at that in more detail, and I think it is important that we do.

Another part of the does-it-work inquiry is how can we improve drug courts. I am particularly interested in discovering what the Federal Government is doing with research. Has the DOJ pinpointed the most effective elements of current drug court programs in order to guide fledgling and existing drug courts? Instead of allowing the Federal Government to run drug courts around the country, I believe our best contribution would be to provide blue ribbon research and training for drug and crime programs.

Indeed, Fred Thompson, who formerly chaired this committee, strongly believed that the virtually exclusive role of the Department of Justice in youth violence should be to provide the best blue ribbon scientific evidence possible to our State and local systems where our juvenile court systems actually function. Marshalling monetary resources, data, and the accumulated criminal justice experience of coordinated Federal agencies, the Department of Justice can make a real difference in this arena.

OJP has informed the subcommittee that it is funding a multistage National Institute of Justice evaluation of drug courts that, when completed, will provide a clearer portrait of drug court effectiveness and the best practices. This is a critical step, and it will be something I would like to hear more about. I have some concern about why we haven't done more research sooner. Indeed, we are going from zero to 500 and 600 drug courts, with more planned, and it seems to me we are awfully late in getting blue ribbon research.

Further, it is my understanding that OJP provides thorough training and technical assistance to local courts to assist them in building strong drug court programs and in promoting long-term sustainability.

So we are privileged today to have an excellent list of witnesses. On the first panel will be Acting Assistant Attorney General Mary Lou Leary. Ms. Leary was designated by the President to serve as Acting Assistant Attorney General of OJP in February of this year—not too long ago. We certainly can't blame you for problems that occurred last year, can we?

Ms. LEARY. No.

Senator SESSIONS. In 1998, Ms. Leary was appointed as Deputy Associate Attorney General, and from October 1999 until coming to OJP, she served as chief of staff to the Associate Attorney General at the U.S. Department of Justice. She was Acting Director of the Community-Oriented Policing Services Office from June to October 1999. She served as U.S. Attorney for the District of Columbia, which has got to be a challenge, from July 1997 to January 1998. Indeed, I may ask Ms. Leary about the exceptional drug testing program used in the District of Columbia.

Ms. Leary, would you raise your right hand, and I will administer the oath?

Do you solemnly swear that the testimony you give to this subcommittee will be the truth, the whole truth, and nothing but the truth so help you God?

Ms. LEARY. I do.

Senator SESSIONS. Thank you. Be seated. We will be glad to hear your statement at this time.

STATEMENT OF MARY LOU LEARY, ACTING ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE, WASHINGTON, DC

Ms. LEARY. Thank you, Mr. Chairman.

I appreciate this opportunity to provide you with information about the work of the Office of Justice Programs in preventing and controlling illegal drug use, particularly among our young people. Drug prevention has long been a priority for OJP, and we currently support a wide range of intervention initiatives to prevent and intervene in drug use, sanction and treat drug-abusing offenders, and follow up with community-based services after incarceration.

Mr. Chairman, from our experience as prosecutors, you and I both have seen the terrible toll that drugs can take on individuals and on communities, but we have also seen the impact that innovative programming can have on illegal drug use, drug-related crime, and improving opportunities for young people to grow up in a productive and fear-free environment.

As you mentioned, I did have the opportunity to serve in the U.S. Attorney's Office, and there I had the privilege of working with the former U.S. attorney, Jay Stephens, to establish the first Weed and Seed site in Washington, DC. That is a program that former U.S. Attorney and now Deputy Attorney General Eric Holder also strongly supported.

Senator SESSIONS. That is one I personally was involved with and strongly believe in also.

Ms. LEARY. I realize that. I know that you have firsthand knowledge from your experience as U.S. attorney with how much of a difference Weed and Seed can make in a community, and from a handful of programs at the very beginning, Weed and Seed has now grown, and we have over 200 sites across the country at this point in time.

As you know, these programs support law enforcement to weed out drug dealing and violent crime and gangs, and then they bring in social services and the like to help revitalize communities. We have had evaluation teams looking at Weed and Seed, and we know that there are things that we can do to improve that program; however, we do know that the basic strategy really works.

For example, in Seattle, violent crime dropped 54 percent in the Weed and Seed target area 5 years after the initiation of the program, and that was compared with a citywide drop of only 38 percent. In Hartford, CT, Part One crimes fell 46 percent in 2 years after inception of the program. Citywide, crime declined 22 percent. Similarly, in Las Vegas, violent crime in the Weed and Seed area dropped 8 percent in the program's first 2 years. Citywide, the decline was only 3 percent, and this has been extremely helpful in our efforts to eliminate drugs and crimes.

Many of OJP's initiatives that are targeted at drug use by young people are supported, as you know, through our Office of Juvenile Justice and Delinquency Prevention, and in your role as chairman of the Youth Violence Subcommittee, I know that you have been looking at some of those programs. My written statement details a

number of those initiatives which are geared towards drug use by young people.

Enforcement programs are also a critical component of our comprehensive effort to prevent illegal drug use and to help States and local communities enforce their drug laws. OJP certifies about $900 million in programming to ONDCP as drug related, and practically two-thirds of that amount of money actually goes to enforcement initiatives. For instance, 40 percent of the funds awarded under the Byrne Formula Grant program are used by States to support multidistrict law enforcement task forces that target drug trafficking.

Senator SESSIONS. Is that 40 percent of the Byrne Grants?

Ms. LEARY. The Byrne Formula Grant, that is correct.

We support intervention and treatment as well for drug-involved offenders to try to break that cycle of drug use and crime. Eighty percent of the prisoners who are incarcerated in our institutions today report that they were under the influence of drugs or alcohol when they were arrested or that they stole property to buy drugs or they have a history of drug or alcohol abuse. I know that these figures are not new to you, having worked as a prosecutor.

Senator SESSIONS. And alcohol is high, too.

Ms. LEARY. Extremely high.

Senator SESSIONS. People don't understand the numbers are real dramatic, are they not, on alcohol use and crime?

Ms. LEARY. They are extremely high, and, in fact, we are beginning to see some innovations in drug courts who are also addressing alcohol abuse.

You know, at the same time, you can see that study after study tells us the treatment is effective, and particularly if it is prison based on long-term treatment. Coercive treatment is just as effective, if not more so, than voluntary treatment. So OJP administers several initiatives that combine drug treatment with criminal justice sanctions and incentives for good behavior.

And you and I have had some discussions about one of our most widespread and effective programs to address drugs, and that is the drug court program. Drug courts combine intensive supervision and sanctions with incentives such as reduced charges or shorter sentences for offenders who successfully complete treatment.

In the drug courts, we use judges to monitor offenders' performance to make sure that they are getting drug treatment and other services and that they are sticking to their regimen. As you noted, Mr. Chairman, testing is a really important component of that. The courts require the testing on a regular basis, and then they impose prompt and graduated sanctions if there are any infractions.

The drug courts grant program, as you know, was authorized by the 1994 Crime Act, and since that time, since 1995, Drug Courts Program Office has awarded about $125 million. Six hundred communities have received that funding to set up courts. In addition, there is training and T.A. and evaluation money that has been expended.

But as you know, drug courts really began as a grass-roots movement. So in addition to the support through the Drug Courts Program Office, all States and local communities use their own funds or a combination of local, State, private, and Federal funding from

Byrne, LLEBG, juvenile accountability, incentive block grant programs to support the drug courts.

We have about 100 new drug courts coming on line every single year, but only half of those are a result of Drug Court Program Office funding.

Senator SESSIONS. Are any dropping off line, do you know?

Ms. LEARY. A few, but very few, and some of them actually drop out in the very initial stages. When we do our training for communities who are planning drug courts, almost all of them end up implementing a drug court, but we have had a couple of dropouts along the way, which is good. They realize we really—this is too much of a commitment or we are not ready, whatever.

In terms of local support, the California Legislature just this year appropriated about $20 million to support drug courts in the State. That is half the total appropriation for the Drug Courts Program Office for fiscal year 2001, a big commitment. And oftentimes, we will see local communities come in with far more than the 25 percent required local match for funding.

So in addition to funding, OJP provides extensive training and technical assistance to communities who are planning new drug courts. We have, as you know, a mentor court system so that teams who are considering planning a drug court can visit a court that is up and running, talk to the program staff, and learn from the experts who are doing it day in and day out. Then you can help folks avoid common mistakes, and they don't have to reinvent the wheel when they go about their own drug court planning.

We closely monitor the performance of drug court programs that we fund. We spend a lot of time in the field, and when we do discover problems in our monitoring visits and the like, we step in immediately and provide training and technical assistance. If the problems persist even after that assistance, then we stop the drawdowns of Federal funds until they fix the problem. On rare occasions, as a last resort, if a program fails to take remedial measures, then we will rescind the grant funds or not provide funding for the following year.

We also rely on evaluations to measure the drug court performance. Since 1995, we have committed $5 million to evaluate drug court programs. We plan to spend more in fiscal year 2001 to expand these efforts.

As the chairman knows, our National Institute of Justice has begun a multiphase, multiyear, multisite evaluation of our drug court programs. We have some preliminary findings from those evaluations that were released this past year. We are using the results from that study to improve future drug court programming. For example, through the training that we provide to drug court communities, we are addressing any problems that were identified in the evaluation. We are also taking those evaluation results, converting them to plain language that a practitioner can understand, and we are disseminating those results broadly in the field.

We require communities who are planning a drug court to include on their team an evaluator or a management information systems person, and the reason that we do that is so that communities will understand and will actualize setting up your evaluation

criteria from the get-go, and then it doesn't become an afterthought when you are midway through your program.

We are also supporting an evaluation of the effectiveness of the various treatment services that are used by drug courts and the development of an assessment tool that can be used by drug court programs to provide reliable information on the program costs and to tell us what kind of savings we are incurring through the drug court program. A privately funded analysis of 77 drug court evaluations that was released found that drug courts really are effective in addressing drug abuse among nonviolent offenders and reducing burdens on the criminal justice system and in helping offenders become law-abiding and drug-free citizens. That particular study found that only 10 percent of drug court clients' drug tests were positive, compared to 31 percent of the defendants who were under just regular probation.

Sixty percent of those who entered drug courts were still in treatment after 12 months. That compares favorably to a 50 percent rate for folks who were treated in regular outpatient programs.

Senator BIDEN. Excuse me. Treated in outpatient programs, not as a consequence of a criminal disposition, just voluntarily——

Ms. LEARY. Correct.

Senator BIDEN [continuing]. Going into a drug program. Thank you.

Ms. LEARY. Correct.

Senator BIDEN. Thank you, Mr. Chairman.

Ms. LEARY. One study has shown that rearrest rates for drug court graduates were consistently lower than those for non-graduates overall. When researchers took a look at Portland, OR, they found over a 1-, 2-, and 3-year period, 35 percent of the drug court graduates were rearrested within 3 years compared to 61 percent of non-graduates.

We know that drug courts also save money. Right here in Washington, DC, they save an average of $6,000 per client per year compared to the costs of incarceration. A comprehensive cost analysis of the drug court program in Portland——

Senator SESSIONS. Saved $6,000?

Ms. LEARY. That is correct. Instead of incarcerating, you are spending the money on a drug court program. You are saving the $6,000 that you would have spent to incarcerate that individual for the year.

Senator SESSIONS. I would be surprised if it weren't more than that.

Ms. LEARY. It is expensive.

Senator SESSIONS. If you take 20,000 or more.

Ms. LEARY. Well, I think when you figure in the costs of the drug court and treatment as well, the savings are about—that is what they are reporting to us, is a savings of $6,000. So we are being conservative on our estimate.

A comprehensive analysis of the costs of the drug court program in Portland, OR, found that for every dollar, every tax dollar that they spent on the drug court program, they saved $2.50 in costs to the public.

Senator BIDEN. What kind of costs?

Ms. LEARY. Those are costs in processing cases, in handling defendants, moving them through the court system, and the like; but if you look at broader costs, if you look at, for instance, costs to victims of crime as a result of drug abuse and those kinds of broader issues, the cost savings estimate was increased to $10 for every $1 spent, and that is coming out of that Portland study.

For me, I think particularly as a parent, one of the most compelling statistics coming out of the drug court program is that we have had over 1,000 babies born drug free to drug court participants, and when you look at the costs of caring for children who are born addicted to drugs, you will see that in the early years, we are spending a minimum of $250,000 per child. And, of course, as that child gets older and complications develop and all, the costs increase exponentially. And there are also, you know, the untold costs in raising those kids, who, studies show, have all kinds of problems and oftentimes get involved in the criminal justice system later in life.

Office of Justice Programs supports research and statistical analysis to inform programming as well as evaluations to measure effectiveness. We try at OJP to incorporate research and evaluation as an integral part of our efforts, not just have it be an isolated endeavor. We are trying to make evaluation part of every program we support, use the results of research and evaluation to inform our programming and to improve what we are doing out in the field.

And in administering the drug court program, for instance, we carefully scrutinize the results of those national scope evaluations, individual assessments of drug courts, and the results of our monitoring visits. Starting with the passage of the 1994 crime bill, we work with Congress so that now we are able to take money off the top of all new programs for research and evaluation.

Senator SESSIONS. Is there any limit to how much you can take off the top for research and evaluation?

Ms. LEARY. Yes. Yes. We are taking, I think it is 1 percent off the top for all programs.

Senator SESSIONS. Would you need more than that?

Ms. LEARY. It would be helpful, and we can talk about that with your staff.

I personally am committed to ensuring that we work with performance measures, build them into all of our programs at OJP, and that OJP staff closely monitor our grant programs to measure the effectiveness, and when we see problems, to intervene immediately with training and technical assistance.

You may be familiar with our drug court clearinghouse, for instance, which in the past 2 years alone has responded to 3,500 requests for technical assistance just in the drug court program.

And because crime is primarily a State and local responsibility, we are also working hard to build research and evaluation capacity at the State and the local level. We have entered into a cooperative agreement with the National Association of Drug Court Professionals. They are working to develop standards and performance measures for drug courts to use. Three years ago, those standards were published, and they have been adopted by the Conference of

Chief Justices, by a number of States, and by the Conference of State Court Administrators.

I would like to take just 1 minute to mention another initiative this morning that is very much related to our drug abuse efforts, and that is offender reentry. We know that——

Senator BIDEN. Excuse me. Would you define reentry? You mean reentry into the drug courts or reentry into the use of drugs or reentry into—define for the record what you mean by reentry.

Ms. LEARY. Senator Biden, when I talk about reentry, I am talking about how we go about reintegrating offenders when they come out of institutions. Many of them have drug problems, but some of them do not as well, but how do we help communities who have to deal with 500,000, 600,000 incarcerated individuals coming out of institutions back into the community every year; how do we keep them on the straight and narrow;, how do we keep them from getting involved again in criminal activity, from getting involved again in drug abuse, from getting involved again in all the kinds of things that led them to incarceration in the first place.

Senator BIDEN. And you are talking about drug-addicted or drug-arrested—that their convictions are based upon a drug offense or that there is a basis to believe that they were addicted to drugs when they went into the system?

Ms. LEARY. No. I am talking about any incarcerated offender.

Senator BIDEN. Any incarcerated individual?

Ms. LEARY. But we know from our research that a vast percentage of incarcerated individuals have problems with drug abuse, alcohol abuse, and there are many other co-occurring disorders as well.

But oftentimes when these individuals return to the communities from the institutions, they have little or no supervision, and about 20 percent of them have no supervision whatsoever. So within 3 years, we know that perhaps two-thirds of them, about two-thirds of them, recidivate. So we are developing approaches to deal with the need for post-incarceration supervision through reentry courts, which are modeled on the drug court model, and also through reentry partnerships which establish a network of community support services to help individuals with a reentry plan coming back into the community, monitoring their adherence to the plan, and monitoring recidivism.

It draws on the resources of the community to help deal with the need for housing, employment skills, substance abuse treatment, and the like, so that the individuals get the kind of support they need to be held accountable, and the communities can be ensured of their public safety.

We are in the very initial stages of these reentry initiatives, but we believe that they hold significant potential for improving public safety and for reducing recidivism.

Senator BIDEN. What is the relevance of drug courts? Is it just that the model of drug courts——

Ms. LEARY. The model of drug courts. Well, I think it is important because the model of drug courts was actually kind of an inspiration for working with a number of communities on developing reentry courts.

Senator BIDEN. I just want to understand what point you were trying to make relative to drug courts. It is just——

Ms. LEARY. That drug courts have provided a very successful model.

Senator BIDEN. OK. Good.

Ms. LEARY. And in addition, I think that the reentry initiative can build on the success of drug courts by providing a host of services and support and sanctions for folks who come out of the institutions, and many of them are people who actually are in need of drug court intervention.

Senator BIDEN. Can I ask another question? Are these—excuse me. The models that you are contemplating or initiating relating to, quote, reentry courts and/or reentry partner partnerships, would it be required to participate in the reentry courts as a condition of sentencing or condition—since we don't have in the Federal system probation, what is the—in other words, what constitutional authority do you have at a Federal level, or are these State models——

Ms. LEARY. These are State.

Senator BIDEN [continuing]. Models you are setting up to hopefully encourage States to fund and States to——

Ms. LEARY. These are State and local.

Senator BIDEN. Would it be required that the participation in these reentry courts be a condition of sentencing in the first instance?

Ms. LEARY. It could be, and the reentry courts are just getting up and running, and they are developing their criteria now.

Senator BIDEN. I mean, I am the guy that introduced the bill.

Ms. LEARY. I know that.

Senator BIDEN. But my point is I think it is worth explaining what you mean, because I know even though I am the guy that introduced the drug court bill and introduced this, I think the average listener or the record when you read it, it will be hard to understand why you went in one breath from drug courts to these courts without explaining in detail why you were putting them together.

I just want to make sure no one is confusing this.

Ms. LEARY. Right.

Senator BIDEN. But I don't want anybody walking away thinking that what you are talking about is extending the drug courts into becoming reentry courts, because if you didn't listen closely, at least that is what I was worried you were saying, as opposed to the drug court model being a potential model for reentry courts, totally unrelated, totally unrelated to the existence of the drug court.

You could have a State with no drug courts in it, like North Dakota, and it could end up having 10 reentry courts in the State. Correct?

Ms. LEARY. Correct.

Senator BIDEN. OK. Because the greatest—and I apologize for the intervention, Mr. Chairman.

The greatest problem I had in trying to sell the drug court idea, however many years ago it was now—6, 8, 10 years or however how long it was. God, it is a long time. How long has it been? I have been here a long time. At any rate, it was that people thought

that this was a criminal court that you went to post-conviction. Do you follow me?

Ms. LEARY. Yes.

Senator BIDEN. So that is why I don't want any confusion here about delineating the nature of the courts.

Ms. LEARY. Right.

Senator BIDEN. I found some difficulty in convincing people of the drug court route.

Ms. LEARY. Yes. The drug courts have been a model, and we have seen that it has been successful, that you can use the power of the court basically and that leverage to pull the levers and hold people accountable.

Senator BIDEN. Thank you very much. I am sorry for the intervention.

Ms. LEARY. No. That is fine, and I also mention it because we had discussed earlier in the hearing some of our broader initiatives at preventing drug use by individuals in the community, and this is another way in which we can do that post-incarceration.

So through these initiatives, host and the drug court programs, Office of Justice Programs is going to continue to assist State and local communities to address the problem of illegal drug use. I look forward to working with you, Mr. Chairman, and the other members of this committee, to further our efforts in this regard.

Thank you very much for the opportunity to speak. I am happy to answer any questions that you have.

Senator SESSIONS. Thank you. I think there is a role for drug courts, and we need to make sure their work is as absolutely fine as it possibly can be.

Senator Biden, we have a vote on, and I would be glad to give you your choice. If you would like to do an opening statement now as a ranking member?

Senator BIDEN. No. I don't need to make an opening statement. Thank you. I just ask unanimous consent that my statement be placed in the record.

Senator SESSIONS. All right.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Mr. Chairman, thank you for convening this hearing today to look at the drug court program. I have been involved with drug courts since their inception and I believe in them. And, as the author—along with Senator Specter—of legislation to reauthorize the drug court program, I look forward to exploring today how we can help them work even better.

I look forward to hearing from all of our witnesses this morning, but let me take a minute to thank Judge Gebelein for being here.

Not only is Judge Gebelein one of the nation's foremost experts on drug courts, but he also is in charge of the drug court program in my home state of Delaware.

I have been an observer in Judge Gebelein's Drug court—he is known as a "tough judge," but he's also smart enough to know that the old system of locking up every drug offender and throwing away the key—with no treatment and no supervision upon release was failing our criminal justice system and the public at large.

In the 1994 Crime Law, Congress created a grant program to fund drug courts because we believed that they were a cost-effective, innovative way to deal with non-violent offenders in need of drug treatment.

And in the past six years, drug courts have taken off. There are currently 533 drug courts currently operating throughout the country, with an additional 293 courts being planned.

Let me tell you why I am such an advocate for these courts—drug courts are as much about fighting crime as they are about reducing illegal drugs.

It is no secret that there is a strong link between drugs and crime.

As one of our witnesses today, Steven Belenko, well knows—because he literally wrote the book on this at The National Center on Addiction and Substance Abuse at Columbia University—80 percent of those incarcerated today are there because of a crime associated with drug or alcohol abuse or addiction; either they have a history of substance abuse or addiction, they were high when they committed their crime, they violated drug or alcohol laws, or they stole property to buy drugs.

The most recent Arrestee Drug Use Monitoring Program (ADAM) data revealed that more than half of adult male arrestees in the 34 ADAM sites tested positive for drug use at the time of arrest.

Drug courts take non-violent drug-related offenders and closely supervises them as they address the root of their criminal problem.

This task is made more difficult by the fact that the root problem is a chronic, relapsing condition—addiction.

Let me let you in on a little secret—if we just lock these folks up and don't treat them, they are going to commit crimes again and again and again. Treatment helps to break that escalating cycle of drug-related criminal behavior.

To date, nearly 200,000 people have entered drug court programs and the results have been impressive. About 70 percent of the drug court program participants have either stayed in the program or completed it successfully. That is more than twice the retention rate of most traditional treatment programs.

The other 30 percent of the participants went to jail. And I think that should be heralded as a success of the drug court program as well.

Without drug courts, this 30 percent would have been unsupervised, not monitored, and unless they happened to be unlucky enough to use drugs or commit a crime near a cop, they would still be on the streets abusing drugs and committing crime. Drug courts provide the oversight to make sure that does not happen.

Rather than just churning people through the revolving door of the criminal justice system, drug courts use a mix of sanction and incentives to help these folks to get their acts together so they won't be back.

When they graduate from drug court programs they are clean and sober and more prepared to participate in society.

In order to graduate from most drug courts, participants are required to finish high school or obtain a GED, hold down a job, keep up with financial obligations including drug court fees and child support payments. They are also required to have a sponsor who will keep them on track.

Drug courts work. And that is not just my opinion. Drug courts are effective at taking offenders with little previous treatment history and keeping them in treatment. Treatment experts agree that the longer someone stays in treatment, the more likely that person is to remain drug-free and to become a productive, tax-paying member of society.

That may be why drug courts are getting results.

Drug courts reduce recidivism. Though post-program recidivism rates vary between drug courts, consider the impact of the Jefferson County, Kentucky drug court: Thirteen percent of the graduates of that program were reconvicted for a felony, compared to 60 percent of non-graduates and 55 percent of the comparison group.

Drug courts also reduce future drug use. An average of ten percent of drug court participants have positive drug tests compared to 31 percent of those on probation.

And drug courts are cost-effective. According to a study of the Portland, Oregon drug court, for every $1 spent on the drug court, $2.50 is saved in avoided costs such as criminal justice costs, public assistance and medical claims. If you factor in larger costs—such as victimization and theft—there is a savings of $10 for every tax dollar spent on drug courts. Just as important, scarce prison beds are freed up for violent criminals.

Harder to quantify is what I believe may be the most important impact of drug courts. Nearly two-thirds of drug court participants are parents of young children. After getting sober through the coerced treatment mandated by the court, many of these individuals are able to be real parents again. And more than 1,000 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

Mr. Chairman, new innovative and effective programs like drug courts don't come along often. When they do, we should make sure that we do everything possible to make sure that they continue to succeed. I look forward to hearing from our witnesses today about how they think we can do that.

Senator SESSIONS. I am inclined to think we probably should go before the next panel.

Thank you, Ms. Leary. Thank you for the work you have done since you have been in this position. We will have some questions when we get back, and then we will take the second panel. We do have a vote, and it will probably take us 10 minutes to get back.

Thank you.

[Recess.]

Senator SESSIONS. OK. We will get started again. Senator Biden will join us in a minute.

Ms. Leary, thank you for your comments and observations. Our goal fundamentally today and what we will do as we go along is to ask you, as you have taken over this office to make sure that you know and your staff knows precisely what is going on, precisely what our research shows, what is working, how much money is being spent, and how much money is being planned to be spent.

On the OJP funding for drug courts, both the discretionary and block grant formula amounts, how much is now going to drug courts? We have a chart up here. Can you tell us if that chart accurately summarizes where we are and what additional information you need to give an accurate answer to that question?

Ms. LEARY. I can tell you we tried to figure out for fiscal year 1999 how much money went to drug courts, because as you know, it comes from multiple sources, and so with respect to OJP funds, it is approximately $55 million that went to drug courts during fiscal year 1999.

Senator SESSIONS. Now let me ask you: You have an account in OJP for drug courts and a division, and what is the name of that division?

Ms. LEARY. Well, we have the Drug Court Program Office.

Senator SESSIONS. Drug Court Program Office that reports directly to you?

Ms. LEARY. That is correct.

Senator SESSIONS. And that has a budget of $50 million?

Ms. LEARY. No. No. That has $40 million.

Senator SESSIONS. Forty million.

Ms. LEARY. Now, in addition to the Drug Courts Program Office, there are several other funding streams coming through OJP that go to drug courts: the Byrne Formula Grant, the Local Law Enforcement Block Grant, Byrne Discretionary. Some Weed and Seed funds go to drug courts, and the Juvenile Accountability Incentive Block Grant. Moneys from each one of those funding streams can and actually does go to drug courts as well.

Senator SESSIONS. Does that make sense to you? Should it all be funneled through the Drug Court Program Office?

Ms. LEARY. Well, one of our goals with reorganization, as you noticed, is to kind of streamline things and make a little bit more sense.

Senator SESSIONS. You are talking about more than 20–25 percent funding through your own Department of Justice. It is not under the program office.

Ms. LEARY. Yes. And these are statutorily prescribed. You know, you have purposes, permissible purposes for each of these other grant programs, and drug courts would be one of the permissible

purposes, but in addition, we shouldn't forget that a lot of money comes to drug courts from States, localities, private foundations, and the like. So even when you look at the Federal funding, that doesn't reflect the total.

Senator SESSIONS. Now, the Byrne Grant goes to the State, and the State can then use it for drug court funding. Is that why you do not have accurate numbers, or it is difficult to have accurate numbers?

Ms. LEARY. It is difficult to have accurate numbers.

Senator SESSIONS. But you think that the number is $57 million for fiscal year 1999. Are there any other funding streams out there other than State moneys and local moneys from the Federal Government that could be going to drug courts?

Ms. LEARY. Well, HHS provides money for treatment, and you know the drug courts rely very heavily on HHS funds for that. So, yes, there are Federal funds.

Senator SESSIONS. And now that is not included in that $57 million, to your knowledge?

Ms. LEARY. I don't know since I don't really know how that chart was put together. I would say it appears not to.

Senator SESSIONS. Do you have the numbers available of what amount HHS is putting into drug courts?

Ms. LEARY. No, we don't, but we can work with your staff to help identify some folks who could help get that number.

Senator SESSIONS. Can you get it from them, or does it take me to get it from them?

Ms. LEARY. We will do everything we can, Senator.

Senator SESSIONS. We need to know that.

Ms. LEARY. Sure.

Senator SESSIONS. You need to know that.

Ms. LEARY. We do.

Senator SESSIONS. The taxpayers need to know what we are spending.

Now, basically would you describe how this thing works? If a city applies or a jurisdiction applies for a drug court, and the Federal Government gives a grant, about what percentage of the cost are they funding in that initial grant, and what is your vision about continued funding of the drug court?

Ms. LEARY. Well, when a community initially wants to do a drug court, what we do first is, instead of giving them a grant, we bring them on board for a year of a training program. So we will bring them to any one of a number of sites throughout the country. They come with a whole team from their jurisdiction which would, you know, include an evaluator or a management information systems person, and they attend a total of, I think it is about 9 days of training over the course of that year to understand what drug court is all about, what are the various models here, the cost/benefit analysis, and the like. And so before we give them money to set up a drug court, we do that. They would need to make sure that they know what they are getting into.

Senator SESSIONS. They have been trained.

Ms. LEARY. That is correct, and then we give them an implementation grant, and that can go up to, I think, 3 years, and after that, you can get an enhancement grant for special purposes. Many en-

hancement grants actually go to building capacity and funding for evaluation activities.

Senator SESSIONS. In existing courts?

Ms. LEARY. Correct.

Senator SESSIONS. So normally you have a grant that provides funding for 3 years. Is a State required to match that in any——

Ms. LEARY. Twenty-five percent match.

Senator SESSIONS. So it would be 75 percent Federal support for 3 years?

Ms. LEARY. Well, they are not all 3 years. If you can hold on 1 second.

It is up to 3 years.

Senator SESSIONS. OK.

Ms. LEARY. It is not a requirement, and it is up to 3.

Senator SESSIONS. And then presumably the court is 100 percent funded by the State and local institutions?

Ms. LEARY. They can be funded by the State. They can get local or private foundation, whatever.

Senator SESSIONS. But the Federal Government's funding would normally be expected to end after 3 years?

Ms. LEARY. That is our goal, yes, that they would move off to State and local sources of funding, and, in fact, 22 legislatures in recent times have passed legislation at the State level to support drug courts. So we really are seeing success with this, and when you have 100 new courts coming on board each year, and only half of them are funded with Drug Court Program Office funding, that is also a good sign.

Senator SESSIONS. It is 100 new courts, and only half of them are receiving Federal money?

Ms. LEARY. Only half are receiving Drug Courts Program Office money, but, you know, they are probably using some of their other sources.

Senator SESSIONS. Now, HHS has a substantial sum of money devoted to drug treatment. Are you aware of how effectively they are working with local drug courts to apply those drug treatment resources in a way that facilitates the success of a drug court?

Ms. LEARY. The very best drug courts are working closely with HHS, and they need to be partners. That is one of the things that we tried to facilitate.

Senator SESSIONS. But I have been in the real world, and the real world doesn't always work like we think. I mean, maybe HHS has a plan they want to do in a local community, and they are not interested in redirecting resources under some sort of a hegemony of the judge who wants to do it a certain other way.

Ms. LEARY. Right.

Senator SESSIONS. Could we improve OJP's cooperation with HHS in helping fund drug treatment for these courts?

Ms. LEARY. I would have to say that there is always room for improvement in Federal collaboration among agencies. I have seen that from my own experience in the U.S. Attorney's Office and at OJP, but we do work pretty closely with CSAT to try to coordinate our efforts in treatment and also even data collection, because if a drug court is working with OJP and with HHS, they have to collect data for each of those Federal agencies. It doesn't make sense for

us not to be talking to one another about common data elements that would be useful for both agencies and the courts.

So we are working on that regard as well, but there is always room for improvement only Federal collaboration.

Senator SESSIONS. Let me mention to you and discuss with you the 1997 GAO report which preceded your time there. It recommended that the Department of Justice require drug court programs to collect in-program—that is, while they are in the drug court and being tested and meeting regularly with the judge—in-program recidivist data and post-program recidivist data. That is, after they have completed and graduated, what kind of recidivist data do we have? This makes sense to me because it would enable OJP to evaluate drug courts, perhaps determine which ones work better than others, and could help give valuable advice to all these States who are thinking about adopting it.

To me, we could provide no greater service than to have really peer-reviewed scientific information that we could provide to a local or State jurisdiction when they decide to adopt a drug court. So what efforts have we undertaken to date, and what information and statistical information have we obtained since that 1997 GAO report?

Ms. LEARY. The most reliable information that we have obtained is through our NIJ studies, which we have provided to your staff and have talked about with them, and that is because we have discovered that States and local courts——

Senator SESSIONS. Some of those were pre-1997, weren't they? Have you undertaken anything intensively or significantly since 1997 to really make a major leap in your analysis of these drug courts?

Ms. LEARY. Yes. We have a big effort in partnership with the National Institute of Justice, which is part of OJP, to do this long-term study. And that will give us, you know, perspective. It is kind of a—it is a national evaluation, but in terms of the—I think we have a real obligation to help build the capacity at the local level so that the courts can get a better handle themselves on the results of their efforts. We found that they are sorely lacking in expertise and equipment and sophistication.

So we have done a number of things. Number one, when we bring communities in——

Senator SESSIONS. I guess I want to stay on this research and evaluation information question. GAO recommended that. Do you agree with their recommendations?

Ms. LEARY. No, I agree that ideally you would be collecting that kind of data.

Senator SESSIONS. And they talked about evaluating programs through DOJ funding to assess post-program criminal and drug recidivism and compare that to a group of non-participants or similar cohort.

Ms. LEARY. Right.

Senator SESSIONS. Do you agree that would be a good project?

Ms. LEARY. That would be very useful, and some of that has been done.

Senator SESSIONS. Well, some of that has been done. Can't we get that information? Isn't that a reasonable request for those of

us who are providing funding that after a decade here we begin to really evaluate this?

Ms. LEARY. Yes, I agree. I think that is very useful information. It is information we should have. It is not easy to obtain, as you know, particularly in instances where the supervisory power of the court has ended. Somebody is no longer on probation. It is difficult to track that individual into the future, and that is a problem that we are grappling with, and we are trying to figure it out at the Federal level, and we are also trying to help the States build capacity so that local courts can do a better job.

Senator SESSIONS. Well, will you commit that as part of this National Institute of Justice study that you would evaluate those issues that GAO suggested that we will have a recidivism program both in-program and out-of-program and compared to nonparticipants?

Ms. LEARY. Yes.

Senator SESSIONS. I just think that is important. We need to nail that down.

Ms. LEARY. Right. And I should probably make it clear that we will do it through the studies. It is impossible to do it for every single drug court in America.

Senator SESSIONS. Right. That is correct.

Ms. LEARY. But we will get a handle on it.

Senator SESSIONS. Take a series of them and get some top scientific evaluation there.

Would you also be willing to give the Subcommittee a progress report on results as the NIJ study data comes in? Would you share those with us as they come in?

Ms. LEARY. Sure.

Senator SESSIONS. Tell us about this study, NIJ study. Have you had an opportunity, since you have been on board, to evaluate exactly what is planned there, and can you describe for us some of the things that you would like to see covered by this study?

Ms. LEARY. The study is—it is a multiphase study, so it is taking place over a period of time. They are looking at individual drug courts to try to ascertain the number of things, the topology of the drug courts——

Senator SESSIONS. What does that mean?

Ms. LEARY. Let me tell you some of the questions they are trying to answer.

Senator SESSIONS. OK.

Ms. LEARY. They are trying to answer questions who are these folks who come into drug courts, what do they need, what are the courts doing to address those needs, and how effective are the steps that are being taken to address those needs, how much does it cost, what is our cost/benefit analysis, what happens to these individuals while they are enrolled in drug court in terms of recidivism, retention, and the like, and then what happened to them after they finish up the drug court program, and obviously compared to people who are on regular probation, for instance, or people who are on various forms of intensive supervision, electronic monitoring and the like, you know, a decent comparison group. Those are the basic questions that we are trying to answer.

Senator SESSIONS. Well, the thing is it can be awfully muddled——

Ms. LEARY. Yes.

Senator SESSIONS [continuing]. About how you compare and what you compare. If you have, for example, an individual who is sentenced normally to probation for a smaller offense, and they have access to the State treatment program of mental health or something, and the judge orders them to undergo treatment, and they report to a probation officer, you know, you never know what has been happening in that treatment. They may be drug testing the person.

Ms. LEARY. That is right.

Senator SESSIONS. You don't have the leverage of the judge. So comparing this really would take some rigor, and that is why the studies you have got provide insights into this, but from what I can understand, the experts you will be testing later recognize that we are not where we need to be with data at this point.

Ms. LEARY. That is right. That is right, and you will get a lot more information from the other witnesses on the panel about this, but it is very important, I think, for evaluators to understand what it is that we are evaluating, you know, what are the nuances of this program, how does it actually operate, what are the outside influences that might impact on what is happening on it.

Senator SESSIONS. One more question, and I will let—did you have something you wanted to say?

Ms. LEARY. That is fine.

Senator SESSIONS. With regard to how a case is handled, there are two theories. One is that you require the defendant to admit that he is guilty and actually plead guilty and withhold adjudication of the guilty plea pending successful completion of the drug court, the post-conviction, post-adjudication—post-conviction, post-plea, I guess is the right word—way of handling it, and the other would be to simply move them into a diversion from criminal justice without a requirement of a plea and to go through this drug court program of treatment and monitoring.

Does the Department of Justice recommend one or the other of those programs at this time?

Ms. LEARY. We leave it up to the individual courts to determine what works best for them, but what we do is we provide information about the various models and how well they work in different settings, and at this time, I think better than half of the drug courts in operation use what you might describe as kind of a post-adjudication model. Some use kind of a hybrid pre- and post-adjudication, and some use something else altogether.

So we have seen a trend towards the post-adjudication model.

Senator SESSIONS. It always struck me that that made more sense, because you end up 2 years down the road, and the witnesses are gone, the evidence has been lost, the person totally rejects the drug court, and you have got to figure out how to try the case.

Ms. LEARY. I have been in that courtroom.

Senator SESSIONS. Whereas, if he successfully completes it, it is easy to—what do you call it?—not adjudicate guilt and dismiss the plea.

Senator Biden, I will turn it over to you.

Senator BIDEN. Thank you, Mr. Chairman. I agree with you that the evaluation of the program would be useful for a whole lot of reasons, but as my grandfather would say, I don't want—I want the horse to be able to carry the sleigh here, and to do the kind of genuine evaluation that leads to discussion of recidivism, based on rearrest, recidivism based on not arrest but use of drugs, the question of whether or not someone is drug free, for how long. These are all fairly difficult to measure.

I just want to make sure everybody understands. When we passed this the first time, I did not advertise it to be a cure-all of anything. I advertised it as we were taking a low risk at a minimum to save big money with the prospect and hope that it would impact upon future drug use and recidivism, but that was not the promise of the program. So I want to make it clear I don't want to set a new bar for whether or not this program is working or not working. That is just me speaking.

But the second point I want to raise with you is that before you so quickly commit another administration to this thorough study, I think it is important that somehow you get to us a written response that indicates with some specificity what you are suggesting you are willing to study or likely to study. For example, in many States, they don't even have computerized criminal records within the State. Within the State. And so the knowledge that you would know whether or not there was a rearrest is de minimis in some States.

And so what I am concerned about is if we come along after your study, and you find out that you say we can't give you an accurate, a definitive picture of rearrest rates, recidivism, then we are in a circumstance where if we make that a mandatory requirement of the program, we are going to be imposing on the States an incredibly expensive burden of, you know, computing. Now, I wish they were like my State and small enough and enlightened enough to get ahead of the curve, but it is easy for us with 750,000 people to do this, compared to States with 10 to 32 million people.

And so the second point I would make is that it is pretty important to know what is the baseline from which you are starting to monitor accurately future drug use or post-drug court drug use with or without arrest. It requires a lot of testing, and so if that is the measure, that is a very different measure. You could have someone—I mean, we all know a whole hell of a lot of addicts who never get arrested or drug users who never get arrested, and so I just think it is very important you and the Department are very specific about what is it you think we should be—you should be tasked to do relative to studies, and I would love all this information. What I don't want to do is set a bar, and then you all come back to us and say, by the way, you know, we need an extra $220 million, or we need X, Y, Z, or that you have to not fund as many drug courts in the future because you are funding the studies.

Do you follow me?

Ms. LEARY. Exactly.

Senator BIDEN. So I would really like to know, and I fully agree with the objective of the chairman. I sincerely mean that, but I would just make sure we better be counting, you know, understand

what we are doing so we don't—so the Senator and I, if we are still here, or whether we are not, someone else who has this committee later says, Well, wait a minute now, you all didn't do this study, this program can't mean much, or, you know, the study says this, and therefore the program doesn't work. I mean, specificity is pretty important.

Senator SESSIONS. Senator Biden, I just was reminded that there is an objection from your side to committees—we have got until 11:30 a.m. We have got a couple of judges.

Senator BIDEN. I will withhold any more questions, or I will do it in writing.

Ms. LEARY. The points are very well taken on that.

Senator BIDEN. I agree with you. Let us move on.

Senator SESSIONS. All right.

Senator BIDEN. I agree with you.

Senator SESSIONS. Thank you, Ms. Leary. I appreciate that, and we will probably submit some other questions and we would like to be partners with you in improving this program. I do believe there is good in drug courts, and obviously we are spending an increasing amount of money on them. If we can identify the very best parts and the very best courts and replicate that, we will do a service to the country.

Ms. LEARY. Thank you.

[The prepared statement of Ms. Leary follows:]

PREPARED STATEMENT OF HON. MARY LOU LEARY

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to provide you with information about the work of the Office of Justice Programs (OJP) in preventing and controlling illegal drug use, particularly among young people. Drug prevention has long been a priority for OJP, and we currently support a wide range of initiatives to prevent and intervene in drug use, sanction and treat drug-abusing offenders, and follow up with community-based services after incarceration.

As a former state and federal prosecutor, I have seen the terrible consequences of illegal drug use and trafficking—ruined lives, families torn apart, and communities devastated by drug-related crime. But through my experience at the United States Attorney's Office here in Washington, DC, I have also had the opportunity to see how communities—working together with criminal jsutice, health, education, and other agencies—can reduce illegal drug use and drug-related crime and improve opportunities for young people to grow up in an environment free from drugs, crime, and fear.

As you may know, Mr. Chairman, I had the privilege of working with former U.S. Attorney Jay Stephens to establish the first Weed and Seed Program in the District of Columbia. That program, based in Washington's Langston-Carver neighborhood, has had remarkable success in driving out drug traffickers, closing crack houses, and making the streets safe for the families who live there. Later, working with former U.S. Attorney and now Deputy Attorney General Eric Holder, we expanded our Weed and Seed efforts to four sties in D.C.

OJP currently supports Weed and Seed programs in over 200 communities throughout the nation. These programs support law enforcement initiatives to weed out drug dealing, gang activity, and violent crime and seed the targeted area with educational, treatment, and social services, and employment opporutnities. Drug abuse prevention and other youth programs are essential components of many Weed and Seed programs. In addition, most Weed and Seed programs involve youth in their community crime prevention, school-based, and neighborhood cleanup efforts.

As you know, Mr. Chairman, from the Weed and Seed sites in Mobile, these programs have tremendous community and neighborhood support. In addition, their methodologies have been independently evaluated and determined to work in reducing crime and improving the vitality of neighborhoods. A National Impact Evaluation of Weed and Seed also shows that the small amount of federal funding provided to sites, and the emphasis on broad-based community participation, has stimulated

sites to mobile a far greater amount of local ersources for their Weed and Seed programs, particularly for the seeding component. Our strategy in administering Weed and Seed is to provide funding and technical assistance to help communities leverage resources to sustain their efforts, and many communities have responded overwhelmingly to this challenge. We are now working to enhance Weed and Seed site data collection and evaluation capabilities, so that sites can use the results of these performance measures to further improve their programs.

I would like to briefly describe for the Subcommittee OJP's other major drug-related initiatives in five categories; prevention, enforcement, intervention and treatment, post-incarceration supervision, and research and evaluation. Together, these initiatives constitute a comprehensive approach to the prevention of illegal drug use and the control of drug-related crime.

PREVENTION

Prevention is the first step toward ensuring the public safety, and, for that reason, is an integral component of OJP's comprehensive approach to reducing drug use and its consequences. We know, for example, that 16 percent of all jail immates and about 25 percent of property and drug offenders said they committed their offense to get money to buy drugs. At the same time, research also shows that young people who refrain from using illegal drugs before the age of 18 are likely to avoid drug problems throughout their lives. Clearly, prevention is an important key to community safety. OJP supports a broad array of initiatives designed to educate young people, their parents, and adults who work with youth about the dangers posed by drug use.

As you know, Mr. Chairman, while OJP funds some drug prevention efforts directly, such as Weed and Seed, many states use OJP funds awarded through the Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Formula Grant and Local Law Enforcement Block Grant to support drug prevention initiatives. However, most OJP initiatives designed to prevent drug use by young people are supported through our Office of Juvenile Justice and Delinquency Prevention (OJJDP).

For example, OJJDP partners with the Office of National Drug Control Policy (ONDCP) on the Drug-Free Communities Support Program. This program supports community coalitions that engage youth, parents, media, schools, and law enforcemennt to reduce and prevent youth substance abuse. Under this program, funds have been provided to over 300 communities.

OJJDP also supports the Drug Prevention Program for Youth. This school-based program provides Life Skills Training to youth to enable them to resist pressure to use drugs. The program also tests and demonstrates promising drug prevention strategies to reach children in grade school, middle school, and high school and develop a comprehensive, strategic approach for replicating model drug prevention programs for youth.

Drug prevention also is an importannt component of many other programs OJJDP supports. Under the Safe Schools, Healthy Students Initiative, OJJDP—in partnership with the Department of Education and Health and Human Services—last year provided more than $100 million to 54 communities to design comprehensive, community-based programs to prevent aggressive behavior and drug and alcohol abuse by young people. The programm involves a partnership among educational, mental health, social service, law enforcement, and juvenile justice agencies.

OJJDP and BJA also support Boys & Girls Clubs of America (BGCA), which operates facilities where young people can participate in positive recreational, educational, and social activities. Through its Smart Moves program, BGCA helps local clubs provide drug and alcohol prevention programming for youth. In addition, drug abuse prevention is an objective of the Juvenile Mentoring Program (JUMP), which pairs at-risk youth with adult role models to prevent drug use and deliqneucy and to improve school work and life skills. Through these and other efforts, OJP is working to deter young people from illegal drug use.

ENFORCEMENT

Enforcement programs are another critical component of OJP's comprehensive effort to prevent illegal drug use and to help states and local communities enforce drug laws. Of the approximately $900 million in program funding that OJP certifies to ONDCP as drug-related, two-thirds of these funds are for enforcement initiatives. For example, states use approximately 40 percent of funds awarded under the Byrne Formula Grant Program to support multi-jurisdictional law enforcement task forces that target drug trafficking.

As you know, Mr. Chairman, the Byrne program was created by the Anti-Drug Abuse Act of 1988 specifically to help states enforce state and local drug laws. In providing guidance to states on their use of Byrne funds, BJA emphasizes controlling violent and drug-related crime and serious offenders through multi-jurisdictional and multi-state efforts to support national drug control priorities.

Funds awarded to states and localities under BJA's Local Law Enforcement Block Grant (LLEBG) Program also may be used for drug enforcement efforts. LLEBG funds may be used to hire law enforcement officers, pay overtime, procure equipment, enhance school security, create drug courts, adjudicate violent offenders, establish multi-jurisdictional law enforcement task forces, and support crime prevention programs. State and local jurisdictions determine how they will use their LLEBG funds.

BJA also is helping local jurisdictions safely investigate and close down clandestine drug laboratories. These labs illegally manufacture controlled substances, often endangering the nearby neighborhood and the officers who investigate the labs, as well as increasing the availability of illegal drugs. For example, under a BJA grant, the National Sheriffs' Association provides training and technical assistance to state and local law enforcement and regulatory personnel on safe methods for investigating and cleaning up illegal drug labs.

INTERVENTION AND TREATMENT

Intervention and treatment are important linchpins of OJP's comprehensive drug control initiative. Research has shown that combining criminal justice sanctions with substance abuse treatment is highly effective in breaking the cycle of drug use and crime. Many studies have demonstrated the effectiveness of treatment, particularly treatment in prison or other long-term residential settings followed by aftercare treatment in the community. OJP administers several major initiatives that combine drug treatment with criminal justice sanctions and incentives for good behavior.

One of the most widespread and effective programs is drug courts. Drug courts use a "carrot and stick" approach. Intensive supervision and sanctions are combined with the prospect of reduced charges or shorter sentences for offenders who successfully complete treatment. Although drug courts vary among communities, such courts typically involve active participation by judges, regular drug testing of offenders, and prompt, graduated sanctions. Drug courts use a partnership approach that integrates drug treatment with other health and social services. As an alternative to traditional incarceration or probation, drug courts are an effective means to reduce drug use and recidivism and are less costly than traditional supervision.

In 1994, the Violent Crime Control and Law Enforcement Act (Crime Act) authorized a new Drug Courts Grant Program in the Department of Justice. To administer this new grant program, the Drug Courts Program Office (DCPO) was created within OJP. Since 1995, DCPO has awarded more than $125 million to support the planning, implementation, or enhancement of drug courts in over 600 local communities.

DCPO also provides technical assistance to communities in designing, implementing, and operating drug courts. Much of this technical assistance is provided through DCPO's Drug Courts Clearinghouse at American University. The Clearinghouse provides technical assistance to DCPO grantees, conducts research, and collects and disseminates information on drug courts.

DCPO also sponsors the mentor drug court program, through which jurisdictions establishing new drug courts have the opportunity to learn from established drug courts, thereby avoiding potential problems. In addition, DCPO sponsors regional training conferences for drug court grantees.

DCPO closely monitors the drug court programs supported with OJP funds. When problems are detected, DCPO staff step in to provide additional training and technical assistance. If problems persist, drawdowns of federal funds are prohibited until corrective measures have been taken. As a last resort, for programs that fail to take remedial measures, grant funds are rescinded.

DCPO also relies on evaluations to measure drug court performance. In 1998 and again in 1999, Columbia University's National Center on Addiction and Substance Abuse (CASA) released findings from reviews of 77 drug courts. CASA reported that evaluations have shown that drug courts are effective in addressing drug abuse among nonviolent offenders, in reducing the burdens imposed on the criminal justice system by drug-related cases, and in helping offenders become law-abiding, drug-free, and self-sufficient members of their communities.

Among the CASA findings are the following:

• Compared to other treatment programs, drug courts provide more comprehensive supervision and monitoring, increase the rates of retention in treatment, and

reduce drug use and criminal behavior while participants are in the drug court program.

• Drug use for participants while in the program remains low, as compared with similar defendants not in a drug court. CASA found that an average of 10 percent of drug tests of drug court clients were positive, compared to an average of 31 percent for similar defendants not in a drug court, but under probation supervision.

• Retention and graduation rates among drug court participants remain high, as compared with other outpatient treatment programs. Sixty percent of those who entered drug courts were still in treatment after 12 months, compared to 50 percent of individuals treated in outpatient programs.

• Recidivism for participants while in the drug court program remains low for graduates. Post-graduation recidivism rates are also low. In an evaluation of the Jefferson County, Kentucky drug court, only 13 percent of drug court graduates were convicted of a felony in the one-year following graduation, compared to 60 percent of those who failed to graduate and 55 percent of the comparison group of eligible offenders who declined to participate in the drug court program.

Other evaluations found nondrug court clients were about twice as likely to recidivate as compared to drug court clients. In Portland, 27 percent of drug court clients were arrested for a new offense, compared to 46 percent for the comparison group. In Las Vegas, 39 percent of drug court clients were rearrested, compared to 66 percent for the control group.

Drug courts can also help communities save money. For example, Denver reports savings of $2.15 million annually, and Washington, DC saves an average of $6,455 per client per year compared with the cost of incarceration. A comprehensive cost analysis of the drug court program in Portland, Oregon, found that every taxpayer dollar spent on the drug court saved $2.50 in other costs to the public. When broader cost savings were taken into account, such as costs to crime victims, the ratio of the benefit to the taxpayer was estimated at $10 saved for every $1 spent.

As of June 1, 2000, there were 533 operating drug courts with another 293 in the planning stages. While drug courts originally served only adult offenders, today specialized drug courts have emerged to serve juveniles, Native Americans, families, and individuals charged with driving under the influence (DUI). More than 57,000 individuals have graduated from a drug court. More than 1,000 drug-free babies have been born to drug court participants. And over 90 percent of drug court graduates are gainfully employed.

Research also has shown a tremendous need for prison-based drug treatment. The National Center on Addiction and Substance Abuse found that 80 percent of the 1.7 million adults incarcerated at the time of its study were under the influence of drugs or alcohol when arrested, stole property to buy drugs, or had a history of drug and alcohol abuse. From prisoner surveys conducted by OJP's Bureau of Justice Statistics, we know that over 80 percent reported drug use prior to incarceration, and between 30 and 40 percent report having been under the influence of alcohol immediately prior to or during the commission of their offenses. A study by OJP's Corrections Program Office (CPO) in 1997 indicated that approximately 70 to 80 percent of all state prison inmates are in need of substance abuse treatment. However, only a fraction of the substance-abusing offenders in the nation's correctional facilities have access to treatment.

Studies have shown a tremendous difference in recidivism rates for drug-abusing offenders who receive treatment as compared with those who do not undergo treatment. A Delaware study, for example, found that inmates who completed the state's drug treatment program were three times more likely to be drug and crime-free after 18 months than nonparticipants or those who failed to complete the program.

To help fill the treatment gap, OJP's Residential Substance Abuse Treatment for State Prisoners (RSAT) program provides formula grants to states for substance abuse treatment programs in state or local correctional facilities. Last month, OJP awarded more than $57 million to all 50 states and eligible territories to continue to provide substance abuse treatment to state and local prisoners. Originally authorized in the 1994 Crime Act, RSAT has allowed OJP to provide more than $230 million to the states and territories since 1996.

In implementing RSAT, states are encouraged to adopt comprehensive approaches to substance abuse testing and treatment for offenders, including relapse prevention and aftercare services. RSAT programs must last from six to 12 months, be provided in residential treatment facilities set apart from the general correctional population, focus on the substance abuse problems of the inmate, and work to develop the inmate's behavioral, social, vocational, and other skills needed to reduce substance abuse and related problems and improve the ability to remain drug and crime-free upon the offender's return to the community.

Another major OJP program is Breaking the Cycle (BTC), a system-wide, coordinated program designed to reduce substance abuse and criminal activity of drug-involved offenders by combining drug treatment with criminal justice sanctions and incentives. It is based on research suggesting that early identification and assessment of drug users, followed by treatment and supervision tied to the court's coercive powers, can reduce drug use and crime. BTC's focus is on maintaining continuous treatment as the defendant moves through the justice system.

In 1996, OJP's National Institute of Justice (NIJ) selected Birmingham, Alabama as the first Breaking the Cycle demonstration site. In 1998, NIJ expanded the initiative to Jacksonville, Florida and Tacoma, Washington, and, in 1999, selected Lane County (Eugene), Oregon as the first Breaking the Cycle project in a juvenile justice system. Each site brings a strong collaborative framework to the initiative, which includes partners from the justice and treatment communities and the local political system. Each also has undertaken other innovative strategies to treat and monitor drug-using defendants. Each site has an active drug court and networks to promote criminal justice and treatment system coordination.

In fact, the court plays a critical role in each BTC project, both in offender management and in oversight of program implementation and operation. Judges are responsible for ensuring that sanctions and incentives are applied appropriately and that treatment and other services are coordinated among the various program partners.

Under Breaking the Cycle, Birmingham has significantly improved its handling of drug-using defendants. Substance abuse assessments that once were conducted six months after arrest are now completed within two days of arrest. The number of defendants on the project's active caseload has more than doubled from 900 a month to over 1,800, and the median length of supervision has increased from about 150 days to 232 days. Treatment also includes case management, frequent urinalysis, and other needed services. Criminal justice and service providers are now engaged in developing a seamless transition of drug treatment and supervision data from the pretrial stage to post-adjudication supervision.

Birmingham's experience as Breaking the Cycle's "pioneer site" reinforced the importance of elements such as strong system collaboration, a comprehensive management information system, and the availability of wide-ranging treatment options. The Birmingham experience also showed that Breaking the Cycle's collaborative structure can be used to address other system issues. NIJ has incorporated the lessons learned in Birmingham into its partnership with the other Breaking the Cycle sites. It also is working with site officials to transition Breaking the Cycle to other local, state, and federal funding sources.

POST-INCARCERATION SUPERVISION

Experience with these and other treatment programs, as well as research, have documented the need for post-incarceration supervision and follow-up treatment, or aftercare, in the community to reinforce institutional interventions. OJP is developing approaches to help offenders stay crime and drug-free when they return to their communities following incarceration. The objective of these efforts is to hold offenders accountable for their behavior, to reduce recidivism, and to increase public safety.

About half a million offenders are released from prison or jail each year and return to our communities. Too often, these offenders fail to receive the close supervision, drug treatment, and other services they need. About 100,000 offenders are under no supervision, drug treatment, and other services they need. About 100,000 offenders are under no supervision at all. Mr. Chairman, as you and I know from our experience as former prosecutors, many of these offenders recidivate. In fact, we know that about two-thirds of released offenders will reoffend and be reincarcerated if they are not closely monitored to prevent recidivism and drug abuse relapse.

OJP has begun testing two approaches to help communities more effectively supervise offenders following incarceration. The first initiative is a reentry court, along the lines of a drug court, which supervises released offenders using judges instead of traditional parole boards. Law enforcement and correctional officers, along with treatment and service providers, set up a reentry plan, monitor offender behavior, and apply sanctions and incentives.

OJP is providing intensive technical assistance to nine state and county agencies—including Broward County, Florida, San Francisco, and the states of Delaware, Iowa, Kentucky, and West Virginia—to develop a variety of models for reentry courts.

The second approach involves reentry partnerships, where law enforcement, corrections, and the community work together to prepare for and manage the reentry

process. Under this initiative, reentry plans are developed for individual offenders based on a network of community resources, including employment, housing, substance abuse treatment, family counseling, and other services. This comprehensive approach draws upon the resources of a broad range of partners, including corrections agencies, community police, treatment providers, and community-based organizations. The offender, the offender's family, the victim, and the community all work together to develop a comprehensive strategy for managing an offender's reentry to community life. Eight states are participating in this initiative—Florida, Maryland, Massachusetts, Missouri, Nevada, South Carolina, Vermont, and Washington.

In addition, to maximize the impact of federal funds in the reentry partnership sites, OJP plans to collaborate with the Departments of Labor (DOL) and Health and Human Services (HHS). DOL would provide assistance in developing and operating jobs-related programs in the reentry sites, and HHS would support substance abuse and mental health services. We have also set aside monies under this program to support an evaluation, and, in fact, our National Institute of Justice has just recently issued a Request for Proposals for this purpose.

RESEARCH AND EVALUATION

In addition to these programmatic efforts, OJP supports research and statistical analysis to inform programming, as well as evaluations to measure program performance and effectiveness. At the Justice Department, from the Attorney General on down, research and evaluation are real priorities. Research and evaluation are not isolated endeavors, but an integral part of our efforts to administer justice in this country and to improve the operations of the criminal and juvenile justice systems. Our goal is to have data and knowledge driving policy, so that our programming and funding decisions are based on sound performance measures, hard data, and ongoing analysis.

Starting with the passage of the 1994 Crime Bill, we worked with Congress to allow us to take money off the top of all the new program funds to support research and evaluation in those areas and to help inform future federal spending. At OJP, we are working to make evaluation a part of every program we support and to use the results of research and evaluation to inform our programming and spending decisions. For example, since 1995, we have committed $5 million to evaluate drug court programs, and we plan to expend additional monies in fiscal year 2001 to expand these efforts. Our National Institute of Justice has designed a multi-phased, multi-year, multi-site evaluation of over 30 drug court programs. Some preliminary findings from the first evaluations were released this past spring, and we are using those results to improve our drug court programming. In addition, we are supporting an evaluation of the effectiveness of the various treatment services used by drug courts and research that will develop an assessment tool that can be used by drug court programs throughout the country to provide reliable information on program costs and cost-savings.

In addition, we are supporting initiatives that incorporate research and evaluation into programs from their inception. In these programs, researchers and practitioners work together to identify local crime-related problems, guide the implementation of interventions, evaluate progress, and disseminate data.

I am committed to continuing to ensure that performance measures are built into every program that OJP has a responsibility to ensure that taxpayer monies are spent wisely and effectively. For that reason, I am working to ensure that OJP staff closely monitors every grant program to measure effectiveness, and to quickly intervene with training and technical assistance where needed to improve program operations. If a program continues to flounder in spite of additional assistance, I believe we must learn from our mistakes and end funding for projects that simply do not work.

In addition to federally supported initiatives, we are also working to build research and evaluation capacity at the state and local levels. Federal support for research and evaluation is critical. But at the same time, we must build capacity at the state and local levels to enable those officials to better understand and respond to crime. Because crime in this country is primarily a state and local responsibility, we must enhance state and local capacity to assess their crime statistics, analyze risk factors, and conduct research and evaluation to inform local planning and programming.

OJP is working to foster performance measures at the state and local level. Assistance provided to drug courts is one example. Although OJP closely monitors the drug courts supported with its grant monies, provides training and technical assistance where needed, and rescinds funds from ineffective programs, many drug courts are supported with funds from state and local government, private industry, and

foundations. In fact, as you know, Mr. Chairman, drug courts began as a grass-rots movement, without federal assistance, and spread across the nation.

In an effort to ensure the effectiveness of all drug courts, OJP entered into a cooperative agreement with the National Association of Drug Court Professionals to develop standards and performance measures for drug courts. A Drug Court Standards Committee, composed of drug court practitioners from throughout the country, developed recommendations published in DCPO's 1997 report, "Defining Drug Courts: The Key Components." This landmark report describes the 10 key components of a drug court and provides performance benchmarks for each component. The Conference of Chief Justices, the Conference of State Court Administrators, and several states have adopted the key components and performance benchmarks as standard measurement tools for drug courts.

OJP also is working to help jurisdictions collect and analyze drug use data, and then use those data in local criminal justice planning. Through the Arrestee Drug Abuse Monitoring (ADAM) program, 35 jurisdictions across the country collect and analyze interviews and urinalysis of adult and juvenile arrestees and detainees in police lock-ups. Analyses of these data help jurisdictions understand local and regional drug use trends, as well as the links between drug use and crime, and make informed decisions about deployment and spending. ADAM was the first national indicator, for example, to document an alarming rise in Western jurisdictions in methamphetamine use. ADAM has also found that marijuana was the most commonly used drug among juvenile detainees.

ADAM is designed so that each participating local jurisdiction can customize information to meet its unique needs. ADAM makes it possible to identify levels of drug use among arrestees; track changes in patterns of drug use; identify specific drugs that are abused in each jurisdiction; alert officials to trends in drug use and the availability of new drugs; provide data to help understand the drug-crime connection; and evaluate law enforcement and jail-based programs and their effects.

ADAM also serves as a research platform for a wide variety of related initiatives, including the relationship of drugs and crime to related social problems, such as alcohol abuse, domestic violence, drug markets, firearms, gambling, gangs, and sexually transmitted diseases. For example, in Indianapolis, a special committee convened by the mayor's office consisting of law enforcement officials, court officials, and service providers, used ADAM data to develop a plan to address problems such as prostitution, drug use, and other crimes.

Through an agreement with the Bureau of the Census, OJP's Bureau of Justice Statistics collects additional data regarding drug use by prison and jail inmates, drug-related programs in state and local police agencies, and the adjudication and sentencing of drug offenders. For example, BJS surveys found that more than 80 percent of jail and prison inmates reported prior drug use, compared to 36 percent of the general population.

CONCLUSION

These data highlight the need for continued national attention to the problem of illegal drug crime and drug-related crime. OJP has adopted a comprehensive approach to preventing illegal drug use, enforcing drug laws, providing appropriate interventions and sanctions for drug-abusing offenders, ensuring post-incarceration supervision and treatment, and supporting research and evaluation to inform these efforts. I look forward to working with you, Mr. Chairman, and the Members of this Subcommittee to prevent illegal drug use in this country, particularly by our nation's young people, and to reduce drug-related crime. This concludes my formal statement. I would be happy now to answer any questions you or the Subcommittee Members may have.

Senator SESSIONS. All right. Our next panel, we will get your names up there, and if you can go on and step forward, I guess I will ask you first to give your oath, if you would.

Do you solemnly swear that the testimony you give to this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge MCMAKEN. I do.

Judge GEBELEIN. I do.

Mr. BELENKO. I do.

Mr. GOLDKAMP. I do.

Senator SESSIONS. Thank you very much.

Our second panel is comprised of several distinguished experts on the operation and study of drug courts. Judge Mike McMaken has presided over the drug court in my hometown of Mobile, AL, for 7 years. I have watched with great admiration how he has conducted that court. He served as district judge in Mobile County since 1987 and currently presides over the district court. He has served tirelessly to improve the Alabama criminal justice system, devoting particular efforts to child advocation advocacy. He co-authored a publication entitled "Implementing Child Advocacy: A Rational and a Basic Blueprint." He served as first president of the board of the directors of the Child Advocacy Center, Incorporated, in Mobile, and when he was a private practitioner, he represented the Mobile County Department of Human Resources at one point of his legal career, almost exclusively dealing with child custody actions involving abused and neglected children. He served as an assistant district attorney and prosecutor in both Mobile and Tuscaloosa and was present at and has presided over the creation of this drug court and its history since.

Senator Biden, you have someone you would like to introduce.

Senator BIDEN. I do, and let me say, Mr. Chairman, first of all, thank you and to the whole panel. I am supposed to be, like we all are, but I have three other things I am supposed to be doing now, and I say to Judge Gebelein there are 19 University of Delaware students in the back room from my former professor, Professor Belinski. I can't remember what grade he gave me. So I am trying to figure out if it was a good grade, I am going to go speak to him. If it wasn't, I am going to go to the press conference, but all kidding aside, and I am supposed to be with Senator Hatch at 11 o'clock, which I am obviously not going to make, at another function on the digital divide and the H–1B visa.

So I apologize if I step out, gentlemen, during your testimony.

But I know you know Judge Gebelein, Mr. Chairman. He has been here before. He has been a member and associate judge in the Superior Court of Delaware since 1984. Prior to that, he had a job similar to the one you had as a Federal prosecutor. He was our attorney with the State of Delaware. He is a good card-carrying Republican, which I hope makes you like him a little more, but he also is——

Senator SESSIONS. He did look like a nice fellow, I must admit.

Senator BIDEN. He is one hell of a guy. He has served as chairman of the Delaware Sentencing Accountability Commission since 1989. He is the founder of the Delaware Statewide drug court system—ours is Statewide—where he serves as drug court judge responsible for post-adjudicated offenders, and he is the founding member of the National Association of Drug Court Professionals. There is much more to say about him, except to suggest to you that this is a serious man who has taken his job incredibly seriously. We have had, I am very proud to say, incredible success in Delaware. He has dealt with over 1,400 folks who have come through his system. They have so far a 62 percent completion rate, success rate, and I have visited his courts many times.

I am happy he is here, and in the event that I don't get to stay for the whole testimony, it is not because of my lack of interest. It

is because I have these other things, and I know so much about what he has done already.

But I appreciate you having him here, Mr. Chairman.

Senator SESSIONS. Thank you.

Our next panelist is Dr. Steven Belenko, a fellow at the National Center for Addiction and Substance Abuse, CASA, at the Columbia University. He studied drug courts for a number of years and has published two studies that synthesize the current body of drug court research on outcomes, such as recidivism rates for drug court participants and graduates as compared to non-participants.

Dr. John Goldkamp is currently a professor of criminal justice at Temple University where he heads the Crime and Research Institute in Philadelphia. His research focuses broadly on discretion in criminal justice and innovation in the courts, with special emphasis on treatment and alternatives to confinement, including drug courts. Dr. Goldkamp co-authored the first comprehensive evaluation of the Nation's first drug court in Miami. They didn't get a 80 percent cure rate, I don't think, did they?

Dr. Goldkamp has conducted one portion of the large-scale national evaluation funded by NIJ to study the oldest drug courts in the United States.

Judge McMaken, thank you for coming, and I just want to reiterate that I know how much you care about the people who come before you, and how hard you work to try to turn their lives around. I have seen that commitment over many years, I appreciate you for that. I think it is not atypical of other drug court judges around the country. We would be glad to hear your comments at this time.

PANEL CONSISTING OF HON. MICHAEL E. McMAKEN, JUDGE, DISTRICT COURT OF ALABAMA, MOBILE COUNTY, MOBILE, AL; HON. RICHARD S. GEBELEIN, JUDGE, SUPERIOR COURT OF DELAWARE, WILMINGTON, DE; STEVEN BELENKO, PH.D., FELLOW, THE NATIONAL CENTER ON ADDICTION AND SUBSTANCE ABUSE (CASA) AT COLUMBIA UNIVERSITY, NEW YORK, NY; AND JOHN GOLDKAMP, PH.D., PROFESSOR OF CRIMINAL JUSTICE, TEMPLE UNIVERSITY, PHILADELPHIA, PA

STATEMENT OF HON. MICHAEL E. McMAKEN

Judge MCMAKEN. Thank you, Mr. Chairman. It is a privilege to be here. I want to thank you for the invitation to participate in this proceeding.

First, it is always a pleasure to talk about the Mobile drug court program. After 7 years, I have become very attached to it, but it is also because I believe these programs can have a very positive impact on the community and on the participants when they truly commit to recovery. I realize these are very expensive propositions, and your committee is absolutely correct to be concerned that the Government money that is spent is only spent on programs that are successful.

I have to acknowledge that the Mobile program expends the vast majority of its resources on program activities, rather than evaluation. Although there was a study done back in 1997, it was not as

full-fledged an evaluation study as we would like, and it was 3 years ago. So those figures are no longer current, although it did indicate we were doing well there reducing the recidivism rate.

Our numbers are a little bit smaller than some of the programs around the country. I don't know all the numbers of other programs, but we do have a very intensive level of monitoring and supervision and judicial involvement.

My personal experiences after this 7 years is that we are definitely making a big impact on the people that graduate. We just had our 30th graduation last Friday. We graduated our 454th graduate out of 1,183 participants, which is a smaller number than Judge Gebelein's program, but we are very pleased with that. We have consistently graduated 43 percent of our defendants. We are very, very difficult with them, and sometimes we are probably a little bit unreasonable by other persons' opinions, but we do have to work in what I consider a very conservative political environment, and our county commission spends a lot of money on this, and they have a right to expect a safe and positive return on their investment.

There are several reasons I am convinced that we are successful.

Senator SESSIONS. You say 40 percent. That means that those who consistently test positive or otherwise fail to follow your orders, you remove from the court, and they go back into is criminal justice system?

Judge MCMAKEN. They are sentenced. We are a post-plea, presentence program. If they fail, they are sentenced immediately. Now, we defer quite a while before we decide they have failed, but the 43 percent represents those who have been in the program a year or more. They have graduated every graduation we have held at 43 percent for the past 7 years.

I would think that—my personal conviction that we are successful is biased, obviously, but I would have thought—and I am not familiar with these proceedings so I have no preconceived notion of how to go about this, but I brought some before and after pictures of somewhat representative defendants in our program. I would have thought I could have shown these photos to these ladies, and that would be enough to make them persevere. That doesn't always work, but the dramatic appearance of people, their demeanor, their participation, their attitude between the time they admit and the graduation is amazing. It is a transition that you can't understand unless you go to a graduation proceeding.

Senator SESSIONS. I think you invited me to the first one, if I am not mistaken.

Judge MCMAKEN. Yes, sir, and you are invited to every one.

Senator SESSIONS. Thank you. And I attended.

Judge MCMAKEN. At each graduation, I give the defendants an opportunity to stand up and speak, and their comments are usually very touching and sometimes very tearful, but they are given with emotional expressions of gratitude for what they have received from the program, and this, I wanted to point out, is not a time when they have to impress me. They are done. They have already got their dismissal order in their hand. Their plea is set aside, and they are free to go, but they are genuinely touched by the changes in their lives, I am convinced.

It is very compelling to hear people say things like thank you for giving me my daughter back; or a child, my parent; or a spouse, my husband; or whatever. Or very commonly, Drug courts saved my life, thank you so much. One especially moving comment is, Thank you for helping my baby be born drug free. I have had defendants who I have sentenced who failed the program, went off to the penitentiary, had their baby at Julia Tutweiler, came back, and brought the child to us in court to show us that this baby was, in fact, born drug free. In prison, but drug free. I got my family back. I got my children back, is a very common statement from a lot of the women. My family respects me again, or I respect myself now.

One really small comment, but very telling to me was one lady told me—it has been years ago—I can leave my daughter in the room with my purse again, which you can imagine what life is like when you can't trust your daughter to that extent.

Often the tone of the testimony we receive for graduation is very spiritual. It is, I think, a good sign in a lot of ways, and you and I obviously share some beliefs with the same church membership, but that is a very moving and compelling fact with some of our graduates, their spiritual reawakening, so to speak.

I acknowledge that not all of our graduates will succeed. I realize some will fail, but many I think persevere, and sitting as I do at sort of the top of the criminal justice funnel in Mobile County, I get to see everybody or one-fourth of everybody that comes through the system at their initial appearance for bail hearings and whatnot. I am satisfied we are doing good with that respect.

Two things I would like to see us do: One, we need to work more with the children to prevent drug use. I try to take—we have been doing this for several years—defendants to schools or youth groups at churches to participate in discussion about not so much "just say no" to the drugs, but a "this is my story, I didn't say no, and this is what happened to me." We try to match them to the demographics of the group that participate with them. We try to have a question and answer session. We don't do that enough. We need to do more in the effort of prevention in exchange for the what community gives to the drug court defendants, and that is also helpful in their treatment.

One last thing I would like to mention, and it is not necessarily on point, but I believe it is very relevant, if I may go over my time just a second.

Senator SESSIONS. Please go ahead. Yes.

Judge MCMAKEN. Recently, I have been involved in an infant mortality program. That is because there is strong research to show that drug use is a prime cause for infant mortality, but there is so much more involved in that issue. I strongly believe that we need to work to get treatment to all women who are involved prenatal drug use. I have an article, "A Reason for Hope." It describes some of the issues related to prenatal alcohol and drug abuse and the cost, and I emphasize what Ms. Leary mentioned earlier in this respect. The costs to society as a result of that problem are huge. The consequences of what, I am afraid, is a fairly widespread community acceptance of drug use and abuse may affect more children than we really know, and we are talking about resulting damage being costly not just in medical expenses, but they are huge, but

for other directly related social costs such as public assistance and special education services.

As you know, I am a father of an 8-year-old girl with Down Syndrome who requires intensive special education assistance. I also have a 6-year-old son who has ADHD who is gifted, but he also requires a lot of attention as well. So I do understand the difficulties of some of those problems on a firsthand basis, but the special education expense alone is monumental, and there is research, I believe, that justifies the statement that children who are exposed to prenatal drug use often need special education services and tend to be more impulsive. They are more likely to use drugs. They are more likely to drop out of school, and they have tendencies more often towards violent behavior.

Senator SESSIONS. Is there a study on that? I have always heard that.

Judge MCMAKEN. In the article that I have included in my testimony, there are references to a number of experts in that field, yes, sir.

I believe that this is an issue directly related to this committee's work, and I think it also is affected by what you do in our drug courts, and we are trying to get more gender-specific treatment and paying especially close attention to the pregnant females, one of which we just graduated Friday, as a matter of fact.

Senator SESSIONS. So a pregnant female just graduated. Is there any doubt in your mind that that graduate was more likely to have been drug free having gone through the court than if she hadn't gone through the court?

Judge MCMAKEN. I can say with a high degree of confidence that we made a big difference. This was somebody who was with us for about 20 months. In other words, she was over the 12-month normal timeframe. She was very problematic, extremely difficult. She was AWOL more than once, noncompliant in a lot of ways, but she has made a tremendous turnaround. I feel very confident that she is drug free today. I can't verify it now. She is gone from our program, but I believe that baby will be born drug free next month.

Senator SESSIONS. If she had not been subject to that intensive supervision, you believe it is likely she would have been heavily using drugs?

Judge MCMAKEN. Her lifestyle was such that it would almost be unavoidable.

Senator SESSIONS. Thank you very much, Judge McMaken. I appreciate those comments and your great leadership.

[The prepared statement of Judge McMaken follows:]

PREPARED STATEMENT OF MICHAEL E. MCMAKEN

WHAT IS A DRUG COURT?

For quite some time courts have struggled to find ways to more effectively deal with the increasing volume of criminal cases, especially those cases that are either drug offenses or drug-driven crimes. The volume of criminal cases directly attributable to drug and alcohol abuse is phenomenal and it has virtually overwhelmed the criminal justice system. The number of prisoners in city and county jails and in state and federal institutions is incredibly large.

Given the huge cost of housing a prisoner for a year, it is much more fiscally attractive and beneficial to the community if we can find ways of disposing of criminal cases AND providing treatment to reduce the amount of drug abuse with its related social costs. Drug courts provide an option for doing both at once. It is infinitely bet-

ter to keep a person out of prison, working and paying taxes rather than pay $15,000.00 to $25,000.00 per year to feed, clothe, secure, "entertain", heat, cool, and provide medical care for, that person.

Specific details of the Mobile Drug Court program are described in the document "Drug Court Participation Requirements" attached to this testimony. The Mobile Drug Court "Judgeship" is not an official full-time judicial position. I was elected to serve as a District Court Judge and my regular duties in that respect have not really changed. The District Court Criminal cases, and the "Small Claims" and "District Civil" cases are scheduled as usual and the Drug Court cases must be fit in wherever and whenever that is possible. The Drug Court cases are virtually exclusively Circuit Court prosecutions and a huge percentage of them are prosecuted by solicitor's information rather than indictments. As a result this takes a fair portion of the caseload off of the prosecutors, judges and the Circuit Court criminal jury dockets.

The following three paragraphs present a cursory overview of our program, which will hopefully give you some feel for how we operate. A defendant charged with a non-violent, drug-related (or "drug-driven") felony criminal offense may elect to plead guilty and enter Drug Court if their application is approved by the prosecution. After a guilty plea is entered, the court defers sentencing and admits the defendant to the court-based, three-phase, intensive outpatient, drug treatment program, which is expected to last for one full year.

During this treatment program the defendant must attend weekly group treatment sessions (the number diminishes from 3–4 to 1–2 depending on Phase), meet with his case-manager and treatment counselor for individual review sessions, undergo frequent drug testing, attend 3 (5 in Phase I) NA, AA or CA meetings weekly, pay the treatment fee of $1,500.00 (for the year) and appear in court as ordered by the Judge to verify program compliance.

Court appearances may vary from as often as every 2–3 weeks to a minimum of every 2 months depending on the defendant's performance. A defendant must test drug-free for at least the six months prior to graduation in order to complete the program. Failure to comply with these requirements will result in a custodial prison sentence without the need for further court proceedings. If the defendant successfully completes the program, his guilty plea is set aside and his case is dismissed at a formal graduation ceremony where his friends, family, fellow drug court participants and the public can celebrate the happy event.

FREQUENT JUDICIAL INVOLVEMENT

It is one thing for a treatment counselor or probation officer to develop a relationship with a defendant over whom they have responsibility. It is quite another for a judge to spend enough time in court with a defendant to know very much about him or her. After numerous court appearances and extensive reviews of performance reports, it is the rule rather than the exception in drug courts for judges to interact with a defendant in a meaningful way.

Another reason this program is very different from traditional court proceedings is the fact that there are virtually no lawyers or other legal representatives involved. The prosecutor and the defense attorney are present at the plea dockets but they do not often participate at status hearings. It is the Judge and the defendant * * * one-on-one so to speak.

I frequently tell defendants when they plead guilty that they want to be the person I do NOT know. They should want me to say: "Who is he?" That will mean that I will have had very little opportunity to learn about them because their performance will have been exemplary. It is usually the "problem children" whose names I recall the most vividly.

Sanctions can vary from lectures and scolding to incarceration for violations of the treatment program requirements or sentencing if that ultimately becomes necessary. At the same time, the Court encourages and congratulates successful performance and accomplishments (such as getting their Driver's License reinstated, registering to vote or getting their (GED). Regular and intensive judicial interaction is probably the most distinguishing feature of drug courts.

Intensive judicial participation may well be the factor that makes THE difference for some defendants. When discussing scheduling of the most recent graduation our staff was somewhat anxious that I put off committing to a specific date. I replied that I was waiting to learn when I would be in Washington, DC. I suggested that we could schedule the ceremony and that they could proceed without me if I had to be away. One counselor was horrified that I would even consider that. She said some of the defendants would not want to graduate if I would not be there. When I expressed amusement at that suggestion, the others insisted that she was correct.

They believe that the defendants want to "show me" that they can do it after a year or more of my "tormenting" them.

GRADUATION

The graduation ceremony, which is scheduled about every 2 months, is a time of celebration by all parties and often a critical renewal of the staff's energy and spirits. The defendant is afforded, and usually takes, the opportunity to speak about their experience in the program. This testimony is frequently the fuel needed to keep everyone going for another two months because the program is very demanding and challenging.

Graduation can be a very emotional time. Listening to them share their journey is touching. Tears frequently flow freely. They often break down when they personally and publicly thank their counselors and case-managers for their efforts.

Having the defendants and their families thank you for putting them in jail and essentially making their lives miserable at times can be a truly humbling experience. They frequently share with the Drug Court staff comments like:

- "Thank you for giving me my daughter back; now I can leave her alone in the room with my purse."
- "Thank you for helping my baby be born drug free!"
- "Thank you for showing me a better way to live."
- "Thanks to you I have my wife (husband, child, parent * * * or most importantly * * * my children) back."
- "I lost everything * * * my job, my family, my home * * * and when I reached the bottom, drug court showed me the way back up again."
- I especially recall one woman who, after long and agonizing months of fruitless efforts on our part, failed the program and was sentenced to the penitentiary while she was pregnant. When she was released from prison she came back to court one day and brought her baby girl by for us to see the child that we had helped to be born drug free ... even though for her that had to happen while she was in prison. Her expression of gratitude and joy over the happy result left a very memorable impression on me.

THE IDEA HAS SPREAD FAR AND WIDE

There are many drug court programs now but in February of 1993 when the Mobile Drug Court began there were only a few around the country and those were mostly in Florida and California. I believe that there are approximately 450 programs around the country at this time and I expect that more are being considered and organized all the time

Drug court programs have been very successful in many ways and they have achieved a greater and much more wide spread acceptance now than when they were first created. That is certainly true for our program here in Mobile, Alabama. As good as he concept is, there is no doubt that such programs can be improved. The better programs almost certainly are constantly undergoing changes. In the beginning there was a good deal of trial and error. Our greatest improvements have probably come from our most painful mistakes.

HOW ARE WE DOING?

I agree that we must try to evaluate the success of drug court programs and determine which formats or components are most effective and achieve the best results. However, when reviewing and evaluating them we must remember that there are many differences among the programs.

I have tried informally and on an ad hoc basis to personally evaluate how and where we are succeeding. "Who is graduating and who is failing?" is an important question. The information is not readily available in a database to evaluate our performance and we must certainly improve that part of our programs. It goes back to the old saying, "When you are up to your waist in alligators, it is difficult to remember that your original objective was to drain the swamp." My sense is, and this is based on some statistical data gathered together over a year ago, that we are succeeding most often in the cases where the defendant has no prior felony convictions and their Drug Court case is only an offense for possession of drugs. However, there are some truly remarkable exceptions to that "rule."

We tried to pull together data on age, race, gender, type of offense, criminal history, and number of appearances in court and length of time in the program. On a limited basis, I do this personally for every graduating class. That is to ensure that we are hitting our target demographics as well as to try to remember and comment on each graduate's "story". I also make a little "State of The Drug Court" ad-

dress at graduation. This data needs to be maintained for every participant (graduates and failures) and used to improve our selection criteria and program content.

PROGRAM DEMOGRAPHICS

The figures that follow assume that all seventeen of the scheduled graduates actually appear and graduate at 1:00 PM on Friday, September 29, 2000. This breakdown is only a very cursory examination of some of the demographics of our graduates and I wish it could be more.

1,183 Defendants admitted to date
1,044 Defendants admitted to MDC more than one year ago
507 Defendants Sentenced
454 Defendants Graduated (43.4% of the 1,044)
395 Graduated Defendants w/No Prior Felony Convictions (87%)
59 Graduated Defendants w/Prior Felony Convictions (13%)
347 Graduated Defendants who had only Drug cases (76.4%)
21 Graduated Defendants who had Drug cases and other cases (4.6%)
86 Graduated Defendants who had only Other-Than Drug cases (18.9%)
334 Males to Graduate (73%)
120 Females to Graduate (27%) (When I last asked the Mobile Metro Jail population was 12% female.)
265 Blacks to Graduate (58.%)
189 Whites to Graduate (41.6%)
29 Average Age of all Graduates
14.9 Average Number of Months the Graduate was in Drug Couort

The average graduate seems to match our original demographic target fairly well. We seem to be fairly and appropriately treating male/female, black/white, and younger/older defendants. Although I have no statistical data to back it up, I also feel very strongly that we are spread from the top to the bottom of the socio-economic scale. The amount of community service that is done to defray drug court fees is significant. At the same time, we have many defendants who pay the full fee amount and a number of them are able to do it with east . . . if they so choose.

It would appear that we might want to examine very carefully the applications of those defendants who have other than Drug cases or expend less energy on them while they are with us. Another conclusion one might draw is that we might need to be very cautious about accepting, or expending too much energy on, defendants with prior felony convictions.

I believe that every drug court program could benefit from this kind of self-examination process and that the Mobile Drug Court must improve in this respect as well. We need to consistently evaluate our performance, refine those policies that work best, change those that are not successful and determine our recidivism rate to more fully document and validate the program's usefulness.

Attached to this document is the 1997 "Report to the Drug Court of Mobile County: Comparing Drug Court Graduates to Non-Drug Court Participants", which was prepared by Professor G. David Johnson, PhD. Dr. Johnson is the Interim Associate Dean in the College of Arts and Sciences and a Professor of Sociology in the Department of Sociology and Anthropology at the University of South Alabama.

Although this evaluation was not as comprehensive as one might prefer, it did establish that the recidivism rate of the drug court participants was lower than non-participants. This appears to be consistent with reviews of other drug court programs. Dr. Johnson will hopefully undertake a follow up evaluation of the program in the future.

When comparing drug court programs please remember that they, as is all politics, are "local". Drug Courts cannot exist without "local politics" in their creation and continued existence. In the absence of either an enlightened monarch or benign dictator there must be some strong sense of community "political will" to finance, undertake and preserve a drug court program. The drug addict lobby is neither very popular nor especially powerful and it is up to the community leaders (both elected and otherwise) to take the initiative on this front.

There must be some vision and courage among the local elected governmental, judicial, law enforcement and other community leadership to attempt to solve the drug problem by other than "conventional means." Those conventional means have not achieved a great deal of success if one judges by the overwhelming availability, use, and unfortunately widespread community acceptance of, illegal drugs.

HOW WIDESPREAD IS THIS PROBLEM?

I believe that it is generally accepted that the use of illegal drugs occurs in all segments of the community. Drug and alcohol abuse is oblivious to age, gender,

race, education and socio-economic status. In the Mobile program alone we have had as defendants two lawyers, one Ph.D. Psychologist, the children of several lawyers and doctors, many nurses, one former police officer, and the family members of quite a few friends or acquaintances of the Drug Court staff. In one case we even had a family member of one of our staff as a program participant.

The motivation to change the way drug-driven crimes are prosecuted has its motivation in the perception that we have failed to a large extent so far as well as in the obvious economic consequences of drug crimes. Our courts are overloaded with these cases and the prisons are overflowing with drug prisoners. We cannot build or staff enough prisons to keep up * * * especially for habitual offenders and/or sentencing guidelines in many courts.

DRUG COURTS ARE NOT ALL CREATED ALIKE

Since the drug court programs are all local there exist a variety of philosophies and formats. While I do not pretend to have a comprehensive overall understanding or personal knowledge of all the existing programs in the country, it is my belief that many of the programs vary greatly in how they are organized and how they work.

- There are diversion, post-plea and combination programs.
- Some only accept felony cases or misdemeanor cases, while others take both kinds of criminal cases but no cases other than adult criminal cases.
- Occasionally drug courts involve dependency cases (including child custody issues) in addition to criminal matters however most are exclusively criminal courts.
- Some programs treat juveniles only.
- Some courts have been created for Native-American defendants.
- Some programs obtain drug treatment by contract with outside providers while other courts hire their own drug counselors and treatment staffs.
- Some operate in-home drug testing labs while others do not, but instead cooperate with exist in drug testing facilities.
- Not all programs use the same type of drug testing equipment, supplies, policies or procedures.
- Some programs are smaller in scale with extremely intensive monitoring and drug testing while others are much larger in scale with less frequent contacts and/or drug testing programs.
- Some programs are essentially loose coalitions of existing community programs with informal or formal agreements regarding referral and reporting for treatment and case management.
- Programs require a commitment varying from only six months to a year or eighteen months or perhaps longer.
- Some programs may admit participants who want to continue their methadone use but Mobile, for example, does not.
- Some drug courts have frequent judicial review, involvement and interaction with defendants while others may have less judicial contact in favor of staff monitoring.
- Some courts may have a full-time Drug Court Judge but many are presided over by judges with other dockets as their primary responsibility.
- Some courts may operate with "special" judges (such as referees or magistrates) selected by some means other than regular judicial elections or appointments.
- While some programs may have become institutionalized into the local judicial structure others may continue to exist only due to the personal commitments and dedication of key personnel or supporters.

EXPAND PROGRAM ACTIVITIES

I believe that we need to expand the activities of the Drug Courts and make the programs and the Defendants give back to the community for several reasons. First the community is offering the participants an unparalleled opportunity to "beat their case" AND beat their drug problem at the same time. Avoiding a felony conviction can be a lifetime financial bonanza. Second, Mobile County for instance foots the bill for a significant part of the cost of the program and deserves to be compensated whenever possible. Third, the Defendants often need to learn to start accepting responsibility for their own mistakes and transgressions. Facing the consequences of their actions is often the first step to true recovery.

COMMUNITY SERVICE WORK

In Mobile we have insisted on regular community service work as an ongoing part of the treatment program. This is a two-fold effort. First, in order to offer the more financially strapped defendants an opportunity to pay their required contribution to

the cost of treatment, we have allowed them to perform community service work for up to one-half of their obligation. This is a voluntary component of the community service work. They sign up and work essentially on their own schedule but they must regularly participate to verify their efforts to be responsible for the payment of their fees.

PUNITIVE COMMUNITY SERVICE WORK

Second, there is also a Punitive Community Service Work project every Saturday morning at 7:00 AM. This is an alternative to going to jail for not complying with some drug court program requirement. It helps to reduce the jail population and it makes the defendants reflect more intensely on their less than successful participation in treatment.

We try to focus on helping the Mobile County Schools with labor to reduce their costs and improve the appearance of their grounds and facilities. In addition to the schools we also work closely to assist city and county parks, public housing, county and city special projects, special community events and the county litter patrol.

This Punitive Community Service Program has been an ongoing project for several years. It is an effort not only to modify behavior but to also show the community that the program and the courts are working for the benefit of everyone. The participants wear safety-vests which reflect to the citizens the program's presence and involvement in their neighborhoods.

"THIS IS MY STORY"

The "This is My Story" program is one of my favorite parts of what the Mobile Drug Court does. We try to take drug court volunteers (defendants) into the schools, church youth groups, social or civic organizations (for example the Key Club convention in Mobile last year) and any other place where the participants can share their "testimony" with the audience. This is primarily directed toward children but not exclusively. We try to match our speakers with the audience demographically to the greatest extent possible. It is sometimes even more compelling when the speakers grew up in that neighborhood or went to that school.

Our speakers (usually 3 to 6) tell how they got into trouble, why they started using drugs, when they began and what happened as a result of their drug activities. The most productive part is the question and answer session during which the kids can interact freely with the speakers. We do not do this nearly enough but it may well be the best way we can make a significant contribution to the community in the long run. I would like this to be done on a regular basis with the full support of all of the Mobile County schools.

CORRECTIONAL FACILITIES "INSPECTIONS"

We have taken the entire staff to several of our correctional facilities on a number of occasions. I believe that this offers several benefits. First, the staff gains a more complete appreciation of where the defendants go if they fail. It can give them a better understanding of why and how to work harder to help our Defendants succeed.

Second, it also gives them a better understanding of why the program exists in the first place and enhances our relationship with the Department of Corrections. The staff has an opportunity to interact with the inmates and even visit with some of our prior participants, which goes surprisingly well for the most part. This interaction is highly educational and helpful for all of us.

Third, frequently the people who work with Drug Court do so because of some personal experience or prior addiction problems themselves or with family members or other people they love. If the staff member does not already consider what they do as a kind of mission project it offers an opportunity to make the staff into "missionaries" rather than "just" employees. Many of the staff members feel this way about their work.

WE NEED MORE GENDER SPECIFIC TREATMENT

Women often have more issues and are much more problematic program participants. This is just not my gender-biased observation but it has long been the consensus of the experienced female drug court staff members. We must focus on providing more gender-specific treatment. We need special treatment groups to focus on special programs in several areas but this is never more important than with the women participants.

We seem to have a fairly significant number of prostitutes with drug and alcohol addiction problems and they have proven themselves to be THE highest risk cat-

egories of drug court candidates. They and other women participants often have long histories of repeated problems concerning child custody (dependency due to abuse or neglect) and other related issues. If those women never deal with their underlying problems they are virtually condemned to repeat the cycle and the result is inevitably another child at risk in the mother's unchanged environment. They often have a child to replace the one who was previously removed from their care.

Women may not be as willing to discuss certain sensitive issues in groups where men are present. Some more difficult issues include sexual abuse, domestic violence, marital problems, medical problems, emotional or psychological issues and pregnancy matters. Pregnancy is an especially critical issue for many important reasons.

WHAT DO WE DO WITH THE DRUG ABUSING PREGNANT WOMAN?

The abuse of alcohol and other drugs during pregnancy is exceedingly dangerous and costly. The costs mount even after the baby is delivered if the mother continues to use drugs because it very often deprives the child of the nurturing and stimulation critical to proper development and growth.

The costs are enormous for the child, the family and the community. First, the child can be severely damaged physically and mentally. Drugs are a significant cause of infant mortality and premature births. The medical costs alone for the first year of life for a very low birth-weight child, a low birth-weight child and a normal birth-weight child vary dramatically. They can be in the range of $67,000.00 vs. $24,000 vs. $9,000.00 respectively.

Those figures do not fully take into consideration the damage done to the child in the most critical growth and developmental third trimester of pregnancy. The full cost of the future medical, emotional, behavioral and developmental difficulties caused by this drug use are more difficult to assess. The societal cost of special education, juvenile delinquency, and future criminal behavior are speculative in amount but most experts would agree that they are huge.

It is critical to consider that the prenatal effects of drug and alcohol use have even bigger implications on the future behavior of those children. Research has shown that they tend to be more impulsive, have shorter attention spans, increased levels of anxiety and depression and have difficulty concentrating. This all results in significantly reduced levels of academic performance. Children with these problems are much more likely to use drugs, tend toward violent behavior and drop out of school.

The lesson to be learned is that prevention is crucial. Identification of women at risk by their drug use during pregnancy and their referral to appropriate treatment programs is essential to avoid the "wiring" problems drug use will cause in their children.

If children are born with these developmental (and the inevitable if subsequent behavior) problems, early intervention is imperative. Proper early intervention services can help to address and mitigate the results of the mother's drug use. The implementation of the Adoption and Safe Families Act may be necessary in some cases but appropriate services must be provided to these children.

PRISONS MAKE EXPENSIVE MATERNITY WARDS

Putting women in prison to ensure that their babies are born drug-free and healthy is hardly a cost-effective solution. Although this sometimes is the ONLY alternative and it might work exceedingly well in desperate situations, there must be a better overall policy for everyone's interests. The need for change is obvious especially considering the critical lack of space for female prisoners and the number of women who are held in county jails awaiting beds in the state system. Some female inmates serve nearly their entire sentence while waiting for a bed in the state penitentiary.

In addition, the state prison and the individual county jails do not want to absorb the medical costs associated with the delivery of a child. Other solutions must be found. This is true NOT just for women with criminal cases but it is also true for all women who are pregnant and who are abusing drugs and alcohol. Drug courts should play a role in this area as well.

"THANKS FOR THE MEMORIES . . ."

After over seven years on this bench it never ceases to amaze me when Drug Court graduates:

• Come up to me in the parking lot at the Wal-Mart and say "Judge! Remember me? Here is my card. I am in business for myself doing small construction jobs and renovations. I am eighteen months clean?"

• Come up to me in the reception line at Dauphinway United Methodist Church while we were waiting to say goodbye to the minister who had just been appointed

Bishop and say, "Remember me? I am *Carol*. These are my two girls and I want you to meet my mother" and have them thank me for what Drug Court did.

• Stop me on the street as my wife and I are walking to a wedding reception and say, "Remember me. I have eleven months clean now. I'm doing great."

• Greet me with a huge smile at Sam's where she works as a door-checker. As she checks my cart when I go through the door and I am trying to control my six-year-old and eight-year-old they say "Hi. I am still doing well. Thanks. Have a nice day."

• Call my office and say "I am pregnant and doing great. Will you marry us next week? It would mean a lot to me if you would perform my wedding."

• Run out of a group of jurors on their way to lunch in front of the courthouse and say. "Hi. Can you believe it? I am on a jury. Thank you!"

• Every time I visit my oncologist his "Angel of Mercy", the R.N. who administered my chemotherapy for six months, will hug me with a smile and not have to say anything. Over a period of more than two years both of her children graduated from Drug Court only to have one die in a tragic automobile accident about six months later. There is a special relationship there that needs no discussion but it is certainly one I will value forever. For me she and her husband epitomize the plight of loving and dedicated parents who struggle with the problems of their children. I can vividly picture her mother sitting quietly and patiently in every single court hearing both of her grandchildren ever had with me * * * never once asking me for anything * * * just watching and loving her grandchildren as hard and as faithfully as she knew how.

"COST-BENEFITS ANALYSIS"?

Drug court treatment for a year is highly labor-intensive and relatively expensive, but significantly less so than the cost of even one year in prison; but that argument only considers the most basic economic factors at play—especially the corrections budget. How great are the much more intangible cost factors? What is the cost of human suffering when we do fail or worse, when we do nothing? As uplifting as the successes may be, the failures are equally discouraging.

WHAT IS THE COST OF DOING NOTHING?

Consider the lives of complete hopelessness led by some of our defendants. It is difficult to imagine their situation. How can one relate to a man or woman who has no horizon to their future? If your future is Friday or Saturday night and your only objective is to find, buy and use drugs, what does that say about the quality of your life? What does that do to your family? What does it do to your children? Removing the normal nurturing and stimulation from your children's lives is devastating. Yet when possessed by the craving to abuse drugs you do not think about taking care of your responsibilities. You care only for one thing. You sacrifice everything to satisfy your desire for drugs.

How do you feel when you sober up or come down from your "high" and realize that you have no idea where your children are living? Or if they even have a roof over their heads? Or if they are hungry? Or if they are safe? Or loved? Who is hugging them? Who tucks them into bed at night? Do they even remember me? Are they alive? Can you feel the despair of thinking "What have I done? Again? Why do I do this? What am I going to do?"

PAUSE AND REFLECT

While considering and preparing my testimony I received by email a daily inspirational message from a service to which I subscribe. That quote stuck me as appropriate to the issue at hand. It is reminiscent of the New Testament reference to the fact that the Hebrews drank from wells that they did not dig and ate olives from groves that they did not plant when they entered the Promised Land.

A man has made at least a start on discovering the meaning of human life when he plants shade trees under which he knows full well he will never sit.—D. Elton Trueblood

What legacy do we want to leave for our children?

Senator SESSIONS. Judge Gebelein.

STATEMENT OF HON. RICHARD GEBELEIN

Judge GEBELEIN. Senator, again I want to thank you for the privilege of being here and speaking about drug courts. As has

been mentioned, in Delaware we do have a Statewide drug court system now. We started the system back—we began in New Castle County, where I am from, in 1993.

When we looked at the idea of creating a drug court, it was after looking at criminal justice problems of substance abuse in general, and we targeted two different groups of people to put in drug courts. We targeted a diversionary group, a group of people who are beginning their criminal careers who weren't too seriously involved in crime, and that doesn't mean they don't have big problems, but they weren't yet into the career criminal status, and we created a diversionary-type drug court for those individuals where they would waive their rights to a trial, agree to a stipulated set of facts, and go into the drug court program. If they fail, the judge holds a trial based only on a stipulated set of facts. So it solves the problems of coming back later.

Senator SESSIONS. Stipulated facts?

Judge GEBELEIN. Yes.

The other group that we decided to target were those people who were on probation, had been around for quite a while, were well into their criminal careers and clearly had a substantial drug problem, and we targeted them because they were the fastest growing number of people in our prisons and also the ones who seemed to cycle through the system over and over again without getting any treatment.

So we created a second-track drug court which is the one that I preside over where, when you are arrested and you are on probation, you come into my court, and we try to resolve the new charge with a plea and a sentence that involves substantial drug treatment resources. A lot of the individuals will be going to jail, starting out their sentence in a therapeutic community in the jail so that we can get a hold of them and get their attention before they move back out into the community.

So, basically, they either do resolve all their charges or they don't. In either event, they are going to probably end up being sentenced to do the therapeutic community. We control them, then, in the community afterwards through the drug court model.

We have had some fairly good success with the people who enter the program. We have had about, as the Senator mentioned, a 62 percent completion rate of those that have gone in.

Senator SESSIONS. These are the older repeat offenders with heavy drug problems?

Judge GEBELEIN. These are the heavy-duty people. We have 1,632 of them that went into the program in the first 5 years, and 1,043 of those have graduated or have had a neutral discharge, and there is about 3 percent of them that have a neutral discharge because we require them to graduate to have a job, a stable residence, have been drug free for 4 months. We have a number of people who come in who have mental problems or other disabilities that prevent from ever getting a job. We can't graduate them because they don't meet the criteria, but we don't think we should terminate them because they have no control over why they can't meet the criteria. So they are discharged neutrally at the end of the program.

We have been the subject of a number of studies. We had a study that indicated that of the people who went through the serious track, that is the post-sentencing track, of the graduates of the program, less than 9 percent of them had been arrested for a felony offense within the first 18 months after discharge from the program, after graduation from the program.

Senator SESSIONS. In 18 months?

Judge GEBELEIN. Eighteen months.

Senator SESSIONS. Less than 9 percent rearrest in 18 months. That is pretty good.

Judge GEBELEIN. And with those that did not complete the program, the rate was 27 percent rearrested for a felony within they same period of time.

In the diversionary track, the numbers were better, as you would expect them to be. It was less than 5 percent had been arrested for a felony versus 17 percent for the non-completers of the program.

We are currently undergoing a study as part of the national study with regard to the older drug courts, and one of the problems with any of these studies is that you have to get a group together big enough to study, and if you are going to take it out 2 or 3 years to see if it really has a post-program effect, the number of programs that you can study is somewhat limited, because as you can see from the chart, most of them have come on line in the last 2 or 3 years. So that is one problem.

The other problem is one that I think Senator Biden mentioned, and that is that sometimes you are comparing apples to oranges in these programs. The people who go into, for example, my track of our drug court are very involved individuals. They have about a 15-year history of drug use. Most of them have three or more felony convictions. Compare them to the other track. Obviously, the people have less convictions, maybe one felony if any felonies and a 2- or 3-year drug history. So you have to be careful in comparing those different groups.

Senator SESSIONS. I certainly agree with that. I think that is why what we have got is a hodgepodge of studies. It would be difficult but not impossible I think to get some good comparative studies. Excuse me.

Judge GEBELEIN. And I think those studies are ongoing right now. As I said, we are being studied by, I believe it is the NIJ study, but we are also being studied by a CSAT study of substance abuse down the road, which is even harder to do because you have got to try to get these people to come back even after they are out of the program and drop urines and talk about their substance abuse, and it is a tough job to perform that evaluation, but they are doing that currently.

Thank you.

[The prepared statement of Judge Gebelein follows:]

PREPARED STATEMENT OF RICHARD S. GEBELEIN, DELAWARE'S DRUG COURT

During the late 1980's, Delaware along with most other states was overwhelmed with drug cases. Like many other states, Delaware had passed mandatory sentencing laws for drug offenders, and had increased enforcement efforts aimed at drug activity. Under the auspices of the Governor, the Criminal Justice Council and the State Sentencing Commission, Delaware established a cross jurisdictional com-

mittee to make recommendations on solutions to the problem of substance abusing offenders and the crime they commit.

The Committee identified a number of problems with how substance abuse treatment was provided to the population of criminal offenders. Indeed, the Committee found that a lack of coordination and case management of the offender and his/her treatment plan led to inefficient use of resources, missing opportunities for meaningful treatment, and offenders not receiving treatment (nor even being identified as having a substance abuse problem) while under criminal justice control. Finally, it was noted that there were gaps in the treatment continuum.[1] One of the most glaring deficits in the system was the gap between prison based treatment and any aftercare in a halfway house or community setting. Many offenders would relapse within days or weeks after release before becoming engaged in treatment in the community. Many would commit new crimes creating new victims, within weeks of release.

In addition, the Committee was able to observe that the prison population that was growing the fastest was also the most heavily drug-involved—those who were incarcerated as a result of their failure on probation or parole.[2] All of these failed parolees and probationers had been under the control of the correctional/criminal justice system one or more times and most had not had any substance abuse treatment while under supervision.

It was clear to the Committee that the correctional system and treatment systems were equally fragmented, they lacked meaningful coordination within each system as well as between the two systems.[3] In those cases where a need *was* established and treatment was provided it was done in a disjointed and ineffective fashion. Gaps resulted because of authorization procedures, waiting lists, and communication problems between criminal justice supervision and treatment providers. There was no process in place for the criminal justice system to track individual offenders in treatment, and no system for examining the utilization and/or effectiveness of treatment for offenders overall.

The Committee also saw a need for a continuum of treatment that would have to be coordinated by stable case management.[4] This would cause treatment to be started earlier, employed more efficiently, and continued without gaps as the offender moved through complex levels of custodial and community supervision, as well as through treatment that included initial interventions, transitional, and aftercare services. In Delaware, the TASC case management model was recommended as a means to span the range of correctional interventions, as well as the full range of institutional and community-based treatment programming. TASC is a program model and a methodology designed to integrate the criminal justice and treatment systems by providing client-centered services, including screening, assessment, treatment planning and case management services, referring clients to substance abuse treatment, other services, monitoring client progress, and facilitating communication with both justice and treatment.

Delaware was fortunate to have the opportunity to intensively study its criminal offender population at all levels of supervision—both institutional and community based—to identify substance abuse and other treatment needs through assistance provided by the Office of Justice Programs, US Department of Justice and private foundations. This study was accomplished with Delaware was designing its system to deal with these offenders. The study established that of all the offenders under criminal justice control, those with the highest level of need for substance abuse treatment were the probation/parole violators who were incarcerated, and who would be reentering the community.[5]

At the same time the Committee looked at the newly emerging drug court model. At that time, the few existing drug courts were based upon a diversion model that assisted in case management and brought immediate treatment engagement to drug offenders in lieu of further criminal processing. The committee recognized the advantages of this approach and adopted it as one key element of Delaware's response to this problem.

The Committee recommended the creation of a diversion model drug court for low level offenders at the beginning of their criminal career. These offenders could be tightly supervised and given treatment at a relatively low cost per individual, $1500–$2000. Many could be diverted not only from Court processes but from a life of crime.

This program has maintained a success rate of over 62 percent for the 1425 offenders percent who have been assigned to the program during the past six years.

The Committee also recognized that the drug court benefits, including ongoing judicial involvement, immediate sanctions, strict accountability and flexibility in sentence modifications as use of rewards and graduated sanctions to encourage treatment could well be adapted for use with the group of serious offenders (probation-

parole violators) who came back before the Courts after incurring new criminal charges.

These, the offenders with the most need of treatment, could be given the opportunity to resolve new charges in an expeditious fashion, receive a treatment oriented "addiction" sentence, and then by closely monitored and controlled both in custody and upon reentry to the community.

Marrying the Drug Court model with a case management infrastructure provided by TASC, Delaware designed its Fast Track—Drug Court. Since many of those who agree to resolve their charges at Fast-Track will begin their "addiction" sentence in residential treatment in jail (or prison), Delaware's Fast Track-Drug Court has since 1994 been managing those offender's re-entry into the community. The key to the success of this program is good case management that stays with the offender as that offender moves from Delaware's excellent prison based therapeutic community program, (Key) into a half-way house program, (Crest or other program), and then to intensive outpatient treatment without any break or gap in treatment services. Encouraged and congratulated by the Court at each step of this transition, the offender does not "float" after the conclusion of one program and before the commencement of another, with the high risk for relapse and/or recidivism that such discontinuity often engenders.

Results for these serious offenders, many of whom have been in the criminal justice system for years are encouraging. Of those placed in the serious VOP Offender Drug Court, 1632 have either been discharged (successfully or neutrally) or terminated (failed). Of these, 1043 have graduated or been neutrally discharged. Neutral discharge is where completion is impossible because of a non-criminal justice reason, e.g., illness or death. Thus the success rate is close to 63 percent. Those who successfully complete the program are about 50 percent less likely to be rearrested for serious criminal offenses as other similar offenders in the criminal justice system.[6] The glue that holds this system together is active case management provided under the TASC model. This case management enables the drug court to address the many problems in providing treatment to offenders. In particular, through the TASC assessment and management, the Court can avoid placing individuals into appropriate treatment, find alternative treatment programs for those who need them, find additional community, government and private treatment resources, and, provide the offenders with a constant reference point throughout their journey through complex and confusing criminal justice and treatment systems.

In Delaware, as in many jurisdictions, TASC expanded its bounds as a program for diverting offenders to treatment, to a systems approach that managed offenders wherever they were in the criminal justice system. The expansion of TASC to serve this larger function is also evidenced in programs such as CSAT's Criminal Justice/Treatment Networks and the Break The Cycle Demonstration Project funded through the National Institute of Justice with collaboration from many federal treatment and justice agencies. These programs have TASC, or a similar case management entity, as a core element to manage offenders and to support both the criminal justice and treatment systems.

At it's most effective, TASC is an independent entity that is interrelated to both treatment and justice systems through the court. TASC functions to manage cases, but also to provide a forum for ongoing planning and decisionmaking, and as a focal point for continued dialogue and learning about substance involved and other complex criminal client populations.

Recent a doctoral student at the University of Delaware has again looked at our drug court, specifically targeting the difference between "so called" violent offenders and non-violent offenders who have graduated from the court. She has found preliminarily that the drug court model has had a positive impact on both these diverse groups. Her thesis should be published soon and will provide, I believe, some interesting discussion as to appropriate target populations.

It is, I believe, essential that we continue to study drug courts and their results. We must continue to refine criteria for such courts allowing however for local experimentation. Our VOP track was not eligible for federal funding because it accepts some offenders with convictions with violent offenses. Yet it has worked with these offenders to reduce their recidivism.

The American Bar Association is building on the work done by NADCP in it's "key elements" to draft ABA Standards for Drug Courts. That is important. It is equally important, however, that Drug Courts have the flexibility our federal system allows to try differing approaches to a complex problem.

The Office of Justice Programs has provided seed money for these local courts, acting within their diverse legal systems, to design and implement Drug Courts that provide one of the best chances the Criminal Justice System has to impact on the substance abuse problem and ultimately upon the crime rate.

1. EFFECTIVE MANAGEMENT OF DRUG INVOLVED OFFENDERS, Drug Involved Offender Coordination Committee, March 12, 1992, pp. 4–5.
2. A Coordinated Approach to Managing The Drug Involved Offender, Treatment Access Center, March 11, 1994, pp. 12–14.
3. Effective Management of Drug Involved Offenders, *Supra.* At pp. 4–6.
4. Id., at pp. 8–11.
5. A Coordinated * * * at pp. 13–14.
6. The Delaware Drug Court: A Baseline Evaluation, Whillhite, Stephen A., and O'Connell, John P., May 1998, pp. 40–45. In particular, this first showed of program graduates re-arrested only 26 percent were re-arrested for felonies compared to 56 percent of the non graduates re-arrested for felonies.

Senator SESSIONS. OK. Thank you very much.

Dr. Belenko.

STATEMENT OF STEVEN BELENKO

Mr. BELENKO. Thank you, Mr. Chairman. I appreciate the opportunity to speak with you today about my review of drug court research and give you my perspective on the development of performance indicators and outcome measures for drug courts, as well as what we know about best practices for successful drug courts.

First, in terms of what we know about the impacts of drug courts, based on my review of existing research on drug courts as well as some of the national drug court surveys that have been done, the research to date suggests several conclusions. First, drug courts provide closer and more frequent offender supervision, that is, by drug tests, status hearings, and the like than under the standard probation or pretrial supervision that is typical for the population that is served by drug courts.

In addition, drug courts are able to provide timely access to treatment and related services under traditional criminal justice system processing or supervision. These services generally are not readily available, or if they are, they tend to be delayed or occur later on in a case.

Second, the positive urinalysis rates and rearrest rates are generally low for drug court participants while they are under the drug court program supervision, especially for those who end up graduating from the program. Several studies that have compared in-program rearrest rates to other drug offenders find reductions, though these rates vary across—as you mentioned in your opening statement, vary widely across drug courts.

Third, we know research on drug treatment outcomes has consistently found that a longer time in treatment is associated with better outcomes, and drug court program retention is substantially longer than typically seen in community-based treatment whether or not it is a criminal justice-monitored treatment, but on average, as has been mentioned, an estimated 60 percent of those who enter courts remain in treatment for at least 1 year. Almost half of those admitted end up completing the program. These retention rates are much greater than the retention rates typically observed for criminal justice clients, specifically, and community-based treatment, more generally.

Senator SESSIONS. Now, could you summarize that again? Community-based treatment is not as effective as——

Mr. BELENKO. Well, in terms of treatment retention, the retention rates that we see in drug courts, 60 percent—mostly it is outpatient treatment, 60 percent still in after 1 year, compared to one

of the national treatment evaluations generally of community-based treatment find that—the most recent one—that 50 percent of those who enter outpatient drug treatment are out of treatment within 3 months. So it is a dramatically better retention.

Senator SESSIONS. When they are out of treatment. That means they failed or haven't complied with the program.

Mr. BELENKO. Either failed or completed, but they are not in treatment.

Senator SESSIONS. Or they voluntarily dropped out.

Mr. BELENKO. Correct.

Senator SESSIONS. And so you have a twice as high completion rate.

Mr. BELENKO. Roughly.

Third, the extent to which the rate—in terms of recidivism key indicators for drug courts, the extent to which the rate of new offending is reduced following program participation is the most common outcome indicator used by drug courts, and their ability to reduce recidivism while under supervision as well as after finishing the program is a key to long-term acceptance and viability of these programs.

Drug courts hold some promise in this area, in large part because of their ability to retain offenders in treatment and provide intensive treatment and supervision and other services, and from the research on drug treatment, we know that longer retention associated with the higher likelihood of treatment completion, which is in turn predictive of reduced recidivism and drug use.

Most of the evaluations that have compared 1-year post-program recidivism for all drug court participants with a comparison group find a lower rearrest rate for the drug court group. Out of a total of 21 studies that I have found, 15 have found a reduction in the 1-year rearrest rate. In rearrest rates after participating in drug court, most of those are after 1 year. In four studies, four of the 21, the rates were similar between the drug court and comparison group, and in two studies, the results vary depending on the measure used.

Unfortunately, in terms of other outcomes, there has been very little substantive research to date about the impact of drug courts on other key outcomes such as post-program drug use, employment, family, and social stability.

Finally, an important question about drug courts is whether the costs of operating these programs are lower than the economic benefits that may occur because incarceration time is reduced, because recidivism is lower, or drug use is reduced. Research on treatment, drug treatment in other criminal justice settings finds that generally these economic benefits are greater than the cost of operating the treatment programs, and several studies that I have reviewed do conclude that drug courts do generate cost savings, especially from reduced incarceration. Ms. Leary mentioned the study in Multnomah County, Portland, OR, which was fairly comprehensive and found a substantial economic benefit for that program.

Senator SESSIONS. Did I hear you say that treatment as part of a drug court is more effective than treatment not part of a drug court?

Mr. BELENKO. In terms of retention, generally the treatment retention rates are better in drug courts. We don't know yet enough about the long-term impact.

Senator SESSIONS. For recidivist rates, you don't have those numbers yet?

Mr. BELENKO. In terms of retaining offenders in treatment, drug courts do seem to do better than other forms of supervision.

I want to talk for a couple of minutes about how we measure the impact of drug courts on recidivism, and that is perhaps the key performance indicator that most drug courts and policy makers and funders are interested in. The existing research unfortunately has a number of gaps in that area that relate, as mentioned before, to the shortcomings of the information systems that exist in most States and localities. As Senator Biden mentioned, many States don't even have Statewide computerized information systems.

There are also differences and difficulties in how we measure recidivism, and there needs to be, I think, a more common understanding about how we are going to measure recidivism that includes the time periods, the type of measure, whether it is reconviction, re-incarceration, or rearrest. Data quality is a big issue in terms of the ability to access such information. Often, it has to be done manually because of the lack of information systems. The staff and funding is often not there to conduct this effort, and I think a lot more needs to be done to encourage States and localities to engage local researchers in that effort. Gathering this information can be very difficult, but as we all know, it is important.

Finally, let us jump ahead and talk about some of the conclusions that we can draw from this research and what we know about best practices, just another minute. We know despite abundant research demonstrating that drug treatment can significantly reduce drug use and crime, access to treatment is typically quite limited for criminal offenders relative to the need for such treatment. This has important implications. Although some offenders can overcome their drug problems without treatment or are able to obtain treatment on their own or age out of drug use, most of them have difficulty escaping from the cycle of drug use and crime without formal interventions imposed and supervised by the criminal justice system.

My research on substance abuse and the criminal justice system indicates that within this overall context, drug courts offer significant potential to effectively engage offenders into long-term treatment and related services. Though the drug court field has generally been very supportive of research and evaluation, drug courts need to be encouraged to do a better job of collecting and maintaining consistent, complete, and accurate performance data. Key indicators such as clinical assessment information, program completion, services, drug use, criminal behavior, and health during program participation should be routinely collected, maintained in a database, and reported out in a way that is useful for policy makers and funders.

After program participation ends, the periodic collection of official recidivism data should be encouraged for drug courts as well as for other offenders that might serve as a comparison group, but

the courts must recognize the need for confidentiality protections, especially following drug court participation.

Drug courts are still relatively new, and a number of research gaps still exist that I discussed in my previous work; however, the field has advanced sufficiently, and there is other research on criminal justice-based substance abuse treatment that can be applied to the drug court setting to suggest several key elements for drug court structure and operations that are likely to be associated with more effective programs. Those include adherence to the 10 key components that have been identified by OJP, clinical and other assessment of participant problems and needs, case management, timely access to a range of services, adequate information flow between the treatment provider and the drug court, comprehensive staff training that incorporates cultural sensitivity and competence, measurable program objectives and targets with periodic review of achievements, adequate data systems that allow ongoing monitoring and evaluation, and an after-care component that includes ongoing treatment services.

Finally, I believe that the question generally asked about drug courts, which is, Do they work?, is not exactly the appropriate question. There is sufficient research to suggest that criminal justice-based treatment of sufficient duration is effective. The more useful research and policy questions center around understanding how to develop the most cost-efficient treatment intervention of substance to all offenders that maximize positive outcomes for largest number of participants and to isolate the operational staff and individual client characteristics that predict successful completion and positive outcomes.

[The prepared statement of Mr. Belenko follows:]

PREPARED STATEMENT OF STEVEN BELENKO

My name is Dr. Steven Belenko, and I am a Fellow at The National Center on Addiction and Substance Abuse at Columbia University. I appreciate the opportunity to speak with the Subcommittee on Youth Violence today about my work on drug courts and give you my perspective on the development of performance indicators and outcome measures for drug courts. I have been studying the impact of drug abuse and drug offenders on the criminal justice system, and the policy and programmatic responses to this problem, for more than 15 years. For the past eight years I have had a particular interest in drug courts, and have visited many around the country, studied their impact, and reviewed numerous research reports on their effectiveness in reducing illegal drug use and crime.

My remarks today will center on three areas: (1) The lessons learned about the impact of drug courts on crime and illegal drug use; (2) the need to identify and develop more useful performance indicators for tracking drug courts' impact on recidivism; and (3) what is known about best practices for drug court model.

THE IMPACTS OF DRUG COURTS

From the first program implemented in Dade County (Miami, FL) in 1989, the current generation of treatment drug courts has established an importance presence in America's criminal court system. In many jurisdictions, drug courts have become the intervention of choice for linking drug- or alcohol-involved offenders to community-based treatment and related clinical interventions. Although still only serving a relatively small percentage of offenders with substance abuse problems, drug courts have received considerable publicity, public support, and government funding. According to the Department of Justice, there were 508 operational drug courts [1] as of June 2000; an additional 281 were being planned. Drug courts are operating or planned in all 50 states as well as the District of Columbia, Puerto Rico, Guam, two

[1] 384 adult drug courts, 105 juvenile, 19 family, and 8 combination adult/juvenile/family.

federal jurisdictions, and 54 Native American Tribal Courts; an estimated 200,000 drug offenders have entered drug court programs since 1989 and 55,000 have graduated.

The key goals of drug courts are to reduce drug use and associated criminal behavior by engaging and retaining drug-involved offenders in judicially-supervised treatment and related services; to concentrate expertise about drug cases into a single courtroom; and to address other defendant needs through clinical assessment, case management, and linkages to services in the community.

The key components of drug courts typically include: 1. judicial supervision of structured community-based treatment; 2. a dedicated courtroom reserved for drug court participants; 3. timely identification of defendants in need of treatment and referral to treatment as soon as possible after arrest; 4. a team approach in which all courtroom staff share the goal of assisting the participant to achieve sobriety; 4. regular status hearing before the judicial officer to monitor treatment progress and program compliance; 5. maintaining defendant compliance through graduated sanctions and rewards; 6. mandatory periodic or random drug testing; 7. structured treatment phases; 8. establishment of specific treatment program requirements; and 9. dismissal of the original charges or a reduction in the severity of the sentence upon successful treatment completion.

The structure and procedures of drug courts provide closer and more frequent supervision of offenders than typically seen under the standard probation or pretrial supervision that most nonviolent drug offenders experience, especially earlier in their criminal careers. The studies and data on drug courts that I have reviewed indicate that court appearance, drug tests, supervision and treatment contacts are much more frequent under the drug court model than under other forms of community supervision.

Drug courts trace their roots to a fairly lengthy history of various mechanisms to link substance abuse treatment to the criminal justice process, with direct antecedents dating back nearly fifty years. The general concept of dedicating specified courtrooms solely to drug cases is not new, and special drug case courtrooms operated both in Chicago and New York City in the early 1950s. In the early 1970s, when heroin was the primary drug of abuse among offenders, New York City set up special "Narcotics Courts," in response to the passing of the punitive "Rockefeller" drug laws. Such narcotics courts, also established in several other jurisdictions, were designed to help ameliorate the anticipated impact on court dockets of an influx of new drug cases and an increased demand for trials expected to be generated by the new laws. For the most part, however, these earlier efforts provided only limited access to drug treatment for offenders, reflecting in part that they were generally designed to process drug cases more efficiently, not to treat drug offenders for their addiction problems. Other programs have been developed to engage defendants in treatment, such as Treatment Alternatives to Street Crime, limited diversion programs, conditions of pretrial release, conditions of probation or in conjunction with intermediate sanctions. However, these programs were often fragmented, inconsistently or inappropriately used, or not viewed by the criminal justice system as sufficiently effective. Supervision of treatment often rested on several agencies, and consequently it was difficult to monitor treatment progress or compliance with court-imposed conditions.

The drug court model incorporates a more proactive role for the judge, who in addition to presiding over the legal and procedural issues of the case, functions as a reinforcer of positive client behavior. Although the judge is the central player in the program, most drug courts seek to function as a team in which prosecutors, defense attorneys and counselors work together to help offenders overcome their drug problems and resolve other issues relating to work, finances and family. Dr. Sally Satel has noted how the personality and role of the judge is often seen as being a key factor in the success of a drug court. Unlike the traditional courtroom role in overseeing court-mandated treatment, the drug court judge plays a much more direct role in monitoring an offender's treatment progress and compliance.

In the remainder of this section, I summarize what is currently known about the impacts of drug courts on drug use and crime, gleaned from my review of some 60 drug court evaluations.

The available research suggests several overall conclusions. First, drug courts provide closer and more frequent offender supervision (e.g. number of required court appearances, drug tests, supervision and treatment contacts) than under the standard probation or pretrial supervision that most nonviolent drug offenders experience, especially earlier in their criminal careers. Second, program retention is substantially longer than typically seen in community-based treatment, whether or not criminal justice-monitored. Third, drug use and criminal behavior are comparatively reduced while drug court participants are under program supervision. Finally, most

evaluations comparing one-year post-program recidivism rates for all drug court participants and a comparison group find a lower rearrest rate for the drug court. However, the magnitude of the effects on recidivism varies across drug courts and several evaluations have found no post-program impact on recidivism. In addition, studies vary in the type and appropriateness of the comparison group.

Retention in Treatment

Research on drug treatment outcomes has consistently found that a longer time in treatment is associated with better outcomes. Retention rates for drug courts are much greater than the retention rates typically observed for criminal justice clients specifically and treatment clients in general. On average, an estimated 60 percent of those who enter drug courts remain in treatment (primarily outpatient) for at least one year. Although most drug courts require a minimum participation of one year, the percentage of all admissions that actually graduate from drug court is somewhat lower than the one-year retention rate. The 1997 General Accounting Office report on drug courts estimated a minimum 48 percent average program completion or graduation rate for those that enter drug court; that figure did not include those who were still active in the drug court, so actual graduation rates may be higher. These retention and completion rates are much higher than generally found in community-based treatment programs. For example, in a recent national treatment outcomes study Dr. Dwayne Simpson and his colleagues at Texas Christian University found that only half of those admitted to outpatient drug-free programs stayed three months or longer. Another study of treatment retention among parolees in New York State found that only 31 percent of parolees referred to community-based treatment remained in treatment after six months.

Elements of the drug court model (such as graduated sanctions and rewards, judicial supervision, and responses to relapse) that account for increased retention in treatment have not been studied but merit further research. Several recent drug evaluations have analyzed the factors associated with program dropout; the predictors of dropout found in these studies (e.g., younger age, more prior polydrug use, less employment) are similar to those found in the more general treatment retention research. Factors found to affect successful program completion in specific drug courts include having received a GED, having alcohol or marijuana rather than cocaine as the primary drug problem at admission, being employed full-time, being charged with drug possession, number of group and case management counseling sessions received, and having a stable residence and income source. A study of the Multnomah County (OR) drug court found that longer time in treatment lowered post-program recidivism. This finding is consistent with general findings in the treatment outcome literature and suggests that the positive impacts of drug courts may be increased by strategies and procedures that increase the length of participation in treatment.

Drug use and Criminal Behavior under Drug Court Supervision

Positive urinalysis rates are generally low for drug court participants. For the 13 courts reporting urinalysis test results in a 1998 national drug court survey, an average of 10 percent of the tests were positive for illegal drugs. In contrast, in the same jurisdictions the average percentage of positive tests for similar defendants not in the drug court but under probation supervision was 31 percent. For example, only 5 percent of urine tests for Santa Clara County (CA) drug court participants tested positive, compared to 10 percent of tests for non-drug court offenders in electronic monitoring, 13 percent of tests for offenders on Intensive Supervision probation, and 25 percent of tests for probationers under general supervision. Drug positive rates were 9 percent for clients in the Ventura County drug court program, 4 percent in Escambia and Okaloosa County (FL), 6 percent in three New Mexico drug courts, and 6 percent in the 13th Judicial District (Tampa, FL) drug court. In the Second Judicial District Court (NM), 21 percent of all drug court clients had a positive drug test compared with 38 percent of those on probation.

RECIDIVISM DURING DRUG COURT PARTICIPATION

Drug court evaluations have also found low rearrest rates during the drug court program. For example, the reported incidence of rearrest was only 3 percent in Santa Clara County (CA) and 12 percent in Ventura County (CA). Not surprisingly, given that a new arrest is often a trigger for program termination, in-program rearrest rates are higher for program failures than for graduates. Seven percent of King County (WA) graduates and 27 percent of failures had a rearrest during the program, for a combined total of 20 percent. The percentages of clients rearrested during the program were 12 percent of graduates and 52 percent of failures (32 percent overall) in Track 1 of the Delaware drug court, and 8 percent of graduates and

41 percent of failures (20 percent overall) in Track 2. However, neither study included rearrest data for clients who were still active in the program at the time of data collection. The average annual number of arrests per person in the Santa Barbara (CA) drug court decreased from 2.5 in the year prior to admission to 1.4 during drug court participation.

Sanctions and Incentives

One of the unique components of drug courts is the use of "graduated" sanctions and incentives to hold participants accountable for program noncompliance and to reward them for positive achievements. Sanctions and incentives are viewed by drug court practioners as crucial for maintaining compliance, treatment retention, and achieving sobriety. However, although several drug court evaluations have examined the delivery of sanctions and rewards, little is known about their direct impacts on client compliance or retention, or about the styles and behaviors of judges that promote compliance and retention. Thus far, research in several jurisdictions has simply enumerated sanctions and rewards. For example, 44 percent of the sanctions imposed in the Cumberland County (ME) drug court were time in the jury box, 31 percent were some time in jail, and 7 percent were increased AA/NA meetings. Among the incentives, 38 percent were advancement to the next treatment phase, 30 percent were other rewards such as gift certificates, and 16 percent were a reduction in the frequency of court status hearings. In the Washington, DC drug court many participants were remanded to jail, primarily for testing positive for drugs: 50 percent spent three days in jail and 22 percent were ordered to spend at least a week in jail during their drug court participation. Even successful participants are likely to be sanctioned: a jail sanction was imposed for 46 percent of the graduates (average 0.9 per graduate) and 77 percent of the nongraduates (1.6 per nongraduate) of the First Judicial District (FL).

However, these findings yield little information about the operational components of a drug court-based sanctions and rewards system that are likely to result in higher compliance and completion rates. According to Dr. Douglas Marlowe, these components may include regularity and immediacy of sanctions, predictability, the ability of the drug court to detect undesirable behaviors, and the need for reinforcement structures that will increase the frequency of desirable behaviors.

Post-program outcomes

Recidivism. As criminal justice-based interventions, it is not surprising that most drug courts identify increased public safety as a primary goal. The extent to which the rate of new offending is reduced following program participation is the most common outcome indicator used by drug courts. Their ability to reduce participant recidivism while under drug court supervision as well as post-program is a key to the long-term acceptance and viability of these programs. Drug courts hold promise in this area in large part because of their ability to retain drug-abusing offenders in treatment and provide intensive treatment, supervision, and other services. Research on drug treatment indicates that longer retention is associated with a higher likelihood of treatment completion, which in turn is predictive of reduced recidivism and drug relapse, and increased employment and community reintegration.

A number of evaluations have compared post-program recidivism for drug court graduates to a general comparison group, and found much lower recidivism rates. However, it is more appropriate to compare outcomes between *all* drug court participants (whether or not they graduated) and a comparison group (unless comparison subjects are specifically matched to graduates), although the differences would not be expected to be as large as for graduates only.

Out of a total of 21 drug court evaluations that I have reviewed that examined post-program recidivism with a comparison group, 15 have found that the drug court reduced recidivism (usually after one year), in four studies the rates were similar, and in two studies the results were mixed depending on the measure used. The size of the reduction in recidivism varies across studies. The different results may depend on the comparison group used, the length of the follow-up period, the recidivism measure, differences in the drug court structure or quality of treatment services, and variations in the target population served.

Other Outcomes. Several studies have examined outcomes other than recidivism, based on follow-up interviews with samples of drug court participants and comparison sample defendants. For the Santa Barbara (CA) drug court, a study comparing client problems at intake and after 12 months in the program found that the severity of drug court participants' alcohol, drug, medical, legal, family, and psychological problems were significantly lower than 12 months in the drug court.

In a study of the Madison County (IL) drug court, researchers conducted post-program follow-up interviews with a sample of 48 drug court dropouts and 50 compari-

son subjects (criminal justice clients who failed to complete a residential treatment program). The results indicated that the drug court dropouts had more drug and alcohol use and more days of illegal activity. Although based on a small sample, these findings are consistent with several other drug court evaluations that have found comparable or higher recidivism rates for drug court dropouts than comparison defendants.

Finally, a few evaluations have gathered employment data, and these generally found that drug court participants are more likely to gain employment while participating and upon graduation. The limited data in this area make it difficult to draw many conclusions about the employment effects of drug courts.

Economic costs and benefits

One important empirical question about drug courts is whether the costs of operating such programs are lower than the economic benefits that accrue because incarceration time is reduced, or because drug treatment reduces the likelihood of relapse and recidivism. Research on treatment in other criminal justice settings has concluded that investments in treatment generate net economic benefits relative to their costs. It could be reasonably hypothesized that economic benefits would result from drug court operations, because some proportion of drug court clients would have been incarcerated in the absence of the drug court. Other drug courts serve a population that is primarily probation-bound, but even this group would likely serve some time in pretrial detention awaiting case disposition, or receive short jail sentences in addition to probation, in the absence of a drug court. Net cost savings could also result from reductions in recidivism, drug use, use of entitlements, and foster care, as well as increases in legitimate employment and improved health.

Several studies that I have reviewed concluded that drug courts generate savings in jail costs, especially for pretrial detention. Cost savings have also been found in probation supervision, police overtime, and other criminal justice costs. However, studies that have factored in projected cost savings due to the births to female drug court participants of drug-free babies probably have inflated the actual economic benefits attributable to the drug courts.[2]

Dr. Michael Finigan has estimated that a one-year admissions cohort of 440 Multnomah County (OR) drug court clients reduced criminal justice system costs by $2,476,760 over a two-year period (net of the annual $1 million cost of operating the drug court program). Adding savings in victimization, theft reduction, public assistance and medical claims costs to the criminal justice costs, the drug court reduced estimates state costs by $10,223,532 over two years following drug court participation. Dr. Elizabeth Deschenes and her colleagues found that the operational costs per client per day in four Los Angeles County drug courts ranged from $14.53 to $21.50. The average annual cost per client ranged from $3,706 to $8,924 for program graduates and from $1,599 to $3,290 for non-graduates, substantially lower than prison ($16,500 per year in California) or residential drug treatment ($13,000 per year), but more costly than standard probation ($1,200 per year).

Finally, researchers at the Urban Institute estimated that the graduated sanctions track of the Washington, DC drug court cost an average of $10.78 per client per day ($3,248 per participant) and the treatment track averaged $21.01 per day ($8,708 per participant). These rates are comparable to those found in Los Angeles County, and are substantially lower than the daily cost of incarceration in the District of Columbia jail ($62.31 per day). The Washington, DC drug court's sanctions track yielded a net economic benefit of $1,493,194 from averted crimes. Subtracting the program costs, this resulted in a net benefit of $713,570, or $2,973 per participant.

MEASURING THE IMPACT OF DRUG COURTS ON RECIDIVISM

As mentioned earlier, a key performance indicator used to assess the impact of drug courts is the extent to which participation in the program reduces criminal activity. As documented in various evaluations of individual drug courts, criminal activity tends to be relatively reduced while participants are engaged in the drug court program. In addition, most studies have found that the prevalence of rearrests is reduced in the year following program participation. More generally, because drug courts have excellent retention rates, and because time in treatment is associated

[2] This is because estimates of the long-term economic costs of a drug-exposed baby vary widely, and the long-term impacts on the child's development are uncertain. Second, attributing the cost savings to the drug court assumes that the babies would have been born addicted had the mother not been in the drug court. This is speculative, given that offenders outside of drug court also may have access to treatment, and that mothers may stop using drugs in the latter stages of pregnancy even without participating in a drug court or other treatment program.

with more positive outcomes, it is reasonable to hypothesize that drug courts will reduce criminal activity relative to standard criminal justice processing, in which treatment access is much more limited and retention rates lower.

However, existing research on drug courts has several important gaps that limit our deeper understanding of their long-term impact on crime. First, only a few studies have examined recidivism rates for longer than one year (these studies have found a reduction in rearrests). Second, although it is clear that those who graduate from drug courts have much lower recidivism rates than those who fail, there has been little research on the individual or program factors that are predictive of rearrest. Finally, existing research often fails to adequately define data sources, recidivism measures, or follow-up period, making it difficult to interpret the findings.

There are two basic issues to consider. One is how to improve the measurement of recidivism. Although most studies have relied on rearrests contained in official criminal justice records, there are numerous ways to measure criminal activity. Some examples include reconviction, reincarceration, jail beds or jail days used, probation and parole violations, and self reported criminal activity. With the exception of the latter, these measures must be obtained from different official databases of varying quality. One consideration of which measure to use centers around these quality issues. Local (city or county) law enforcement databases may not have complete arrest information, especially when an arrest occurs in a neighboring county. Multiple databases may need to be accessed, along with manual files, raising concerns about the validity and reliability of official records as measures of recidivism. State criminal history systems are of varying quality and completeness, and some states do not have a common fingerprint-based ID number that can be used to link arrest events over time for the same offender. The main Federal criminal history database (NCIC) contains arrest information from other jurisdictions but is thought to be incomplete and to contain some inaccurate information. Rearrest information, as well as probation violations, may be contained in the databases of individual law enforcement agencies, requiring manual searches of multiple databases or paper files in order to gather complete recidivism information. Conviction information may not be routinely entered into law enforcement information systems.

Gathering such information can be very costly, requiring substantial staff time to collect, code, clean, and analyze. Collecting self-reported criminal activity from drug court graduates and failures, as well as comparison samples of offenders, while perhaps yielding more comprehensive data on criminal activity, is even more costly to achieve. Such followup interviews require a substantial investment in research funds, a long time period, and a need for strict confidentiality and due process protections.

The second issue revolves around the need for drug court programs to routinely collect information on rearrest. Drug courts may do this as a requirement of federal or local funding, to document their effectiveness, or to gain support from local policymakers. However, drug courts are rarely funded specifically to collect followup information on their participants. In addition, many drug courts lack adequate management information systems that would allow the routine tracking of rearrests. The Drug Courts Program Office (DCPO) has undertaken several initiatives over the past few years to encourage the development of better data tracking systems, but as in much of the criminal justice system, there is still a long way to go in this area. Adequate data systems are also important for program monitoring, process evaluations, impact evaluation, and cost analyses.

The question of how long to track drug court recidivism is a difficult one. Although it is logical to think that longer followup is better, this is not necessarily the case. It is also important to note that drug courts should not be held to an impossible or unrealistic standard. For example, why should we expect a one-year drug court program to eliminate drug use and recidivism for all participants forever? The important policy question is how drug courts do in relation to other programs, other types of criminal justice supervision, and traditional sentences. Further, the broader picture suggests that we look at post-program outcomes in the context of reduced crime and drug use, and cost savings, during the drug court participation. That is, the impacts of drug courts must be measured in terms of their total impact on client behaviors and outcomes, both during and after program participation.

Drug addiction is a chronic, relapsing condition. Achieving long-term sobriety often requires ongoing aftercare, additional treatment episodes, participation in self-help group such as AA or NA, or "booster" treatment sessions. Because of funding and program capacity constraints, few drug courts are able to provide ongoing aftercare treatment or other services once a participant leaves the program. Accordingly, it is unrealistic to expect that all drug court graduates, let alone drug court participants in general, will avoid relapse or criminal activity for the rest of their lives. Moreover, the population served by drug courts tends to have multiple prob-

lems in addition to their substance abuse issues. Unless education, employment, mental health, housing, and similar problems are dealt with over the long term, relapse is more likely over time.

It is also problematic to compare recidivism rates across different jurisdictions. Local conditions vary greatly, as do law enforcement practices and the nature of local illegal drug markets and drug problems. Accordingly, the significance of a 25 percent one-year recidivism prevalence for drug court participants may be quite different in County A compared with County B. If the "normal" recidivism prevalence in County A for similar types of offenders not in the drug court is 40 percent, then that drug court has had a substantial impact on recidivism. If the "normal" rate is 20 percent in County B, then that drug court has not been successful in terms of the recidivism performance indicator. By similar logic, a drug court with a 30 percent recidivism prevalence may have achieved a much greater relative impact on reducing recidivism in the local jurisdiction than a drug court in a different jurisdiction with a 20 percent recidivism prevalence.

For a number of reasons outlined above, recidivism should and will remain a key indicator of drug court performance, and drug courts should be encouraged to improve their collection and analysis of in-program and post-program recidivism. But it is also important to be realistic about the costs and limits of collecting such data. Few programs funded by the DCPO have allocated sufficient funds or staff resources to developing, improving, and maintaining participant management information systems. Many drug courts do not receive DCPO funding, and state or local support for collecting and analyzing recidivism data is limited at best. DCPO already seeks some post-program recidivism data through its required reporting forms, but relatively few programs are able to provide such data. As drug courts expand, it will be increasingly important to provide support and technical assistance to drug courts to enhance their management information systems. But because of ongoing technical problems with local court and criminal history databases, we should be realistic about what we can expect drug courts to be able to achieve without an influx of substantial new resources for data collection.

Another area in which DCPO can be helpful is developing standards for measuring and reporting recidivism. Such efforts are already underway in conjunction with the National Drug Court Institute and National Association of Drug Court Professionals and should continue to be encouraged. These standards should include definitional guidelines, but also guidance for quality control, followup time periods, data reporting, and statistical analyses.

Finally, although this discussion has centered on recidivism as a key performance measure, drug courts should be assessed using other indicators as well. These include operational characteristics related to program goals and objectives, such as number of clients enrolled, ability to reach the target population, treatment and other service delivery, drug test results, number and frequency of status hearings, and treatment retention. At the client level, important performance indicators include employment and income, vocational training, school enrollment, child custody, health, number of days drug-free, and family stability. Although operational data should be relatively easy for drug courts to collect and maintain, obtaining periodic data on client activities and outcomes often requires client interviews. The latter are costly, raise concerns about confidentiality and human subjects protections that must be considered, and require trained research interviewers.

CONCLUSIONS

The enforcement of anti-drug laws and the consequences of drug abuse and addiction have impacted the nation's criminal justice system in profound ways over the past 25 years. Police departments and other law enforcement agencies have paid increasing attention to drug crimes, legislatures have passed more and more punitive laws against the use and sale of illegal drugs, and access to treatment has been limited for those subpopulations of drug users who are most likely to be targeted by the criminal justice system for drug-related offenses. As a result, burgeoning numbers of drug offenders have flooded jails and prisons, and court and probation caseloads have mushroomed.

Yet, despite abundant research demonstrating that drug treatment can significantly reduce drug use and related criminal activity for many offenders, access to treatment is typically quite limited for criminal offenders relative to the need. This is evidenced by treatment utilization data from the national Arrestee Drug Abuse Monitoring system, surveys of offenders on probation, and data from prison and jail systems. For example, only 12 percent of probationers who had ever used drugs were currently in a treatment program when surveyed, and although as estimated

75 percent of state prison inmates are in need of substance abuse treatment, fewer than 20 percent actually receive such treatment.

Another problem is that aside from a few specialized programs such as drug courts and prosecutorial diversion programs, the drug abuse problems of offenders are rarely assessed until sentencing. Probation and parole departments and correctional systems may screen and assess for substance abuse problems, and judges may order treatment as a condition of probation, but few actually receive such treatment. Fewer still receive the long-term treatment and access to other services that this population tends to need.

The lack of treatment opportunity for offenders has important implications. Although some offenders can overcome their drug problems without treatment, are able to obtain treatment on their own, or age out of drug abuse, most have difficulty escaping from the cycle of drug abuse and crime without formal interventions imposed and supervised by the criminal justice system. And offenders tend to be from communities and families that have limited resources or insurance with which to access treatment on their own.

My research on substance abuse and the criminal justice system indicates that within this overall context, drug courts offer significant potential to effectively engage offenders into long-term treatment and related services. I believe that encouraging and expanding investments in court-monitored treatment models, and continuing to study their impacts, could yield a substantial reduction in crime and drug use, and a concomitant reduction in taxpayer costs. Compared with the enormous economic and social costs of building and operating the jails and prisons that house hundreds of thousands of offenders with substance abuse and addiction problems, programs such as drug courts have the potential to result in a greater impact for much less money.

Although the drug court field has generally been supportive of research and evaluation, drug courts should be encouraged to do a better job of collecting and maintaining consistent, complete, and accurate performance data. Key indicators such as assessment and clinical profiles, program completion, services received, drug use, criminal behavior, and health during program participation should be routinely collected, maintained in a database, and reported on in a way that is useful for policymakers and funders. Both individual-level as well as aggregate data are needed. After program participation ends, the periodic collection of official recidivism data might be encouraged for drug courts (as well as for other offenders that can serve as comparison groups). But the courts also must recognize the need for confidentiality protections, especially following drug court participation. Thus recidivism rates should be reported in aggregate form, and understood in the context of the expected long-term impacts of drug court programs, and relative to recidivism rates for similar offenders who did not go through a drug court program. In addition, most local jurisdictions will need significant new resources in order to be able to collect, maintain, and analyze accurate and complete recidivism data.

Drug court and other relevant local staff need to be trained to accurately maintain program and client records and conduct regular quality assurance reviews. Without a substantial financial and philosophical commitment to maintaining accurate and complete computerized information systems, it will be difficult to continue to document the impacts and costs of drug courts, or to determine how their operations can be improved.

Drug courts are still relatively new, and a number of research gaps still exist that I have described in more detail in my previously published reviews. However, the field has advanced sufficiently (and other research on criminal justice-based substance abuse treatment can be applied to the drug court setting) to suggest a number of key elements for drug court structure and operations that are likely to be associated with more effective programs. These "best practices" include:

- Adherence to the 10 "Key Components" of drug courts outlined in the 1997 OJP/DCPO monograph
- Clinical and other assessment of participant problems and service needs
- Case management
- Timely access to a range of drug treatment and related services
- Adequate information flow between treatment provider(s) and drug court
- Comprehensive staff training (cross-training) that incorporates cultural sensitivity and competence
- Measurable program objectives and targets, with periodic review of achievements
- Adequate data systems that allow ongoing monitoring and evaluation
- An aftercare component that includes ongoing treatment services as needed, employment and educational services

Finally, I believe that the question generally asked about drug courts ("Do drug courts work?") is not the appropriate question. There is sufficient research to suggest the effectiveness of criminal justice-based drug treatment of sufficient duration that adheres to research-based practice (see the NIDA publication *Principles of Drug Addiction Treatement*). The more useful research and policy questions center around understanding how to develop the most cost-efficient treatment interventions for substance-involved offenders that maximize positive outcomes for the largest number of participants. For example, what aspects of drug courts work best for which clients under what conditions? What is the ideal drug court program structure for which target population? How can treatment retention be maximized? How can treatment and related services be delivered most efficiently and with the most impact? What are the characteristics of clients who complete the program? What are the characteristics of clients who remain drug- and crime-free?

Senator SESSIONS. Thank you.

Dr. Goldkamp.

STATEMENT OF JOHN S. GOLDKAMP

Mr. GOLDKAMP. Mr. Chairman, greetings from Philadelphia, and especially we would like to give our regards to our honorary third Senator from Pennsylvania, Senator Biden.

It is a pleasure to be here. I have been involved in research on drug courts and on the impact of drug courts on the system and on participants for about a decade, starting with the first evaluation NIJ funded with the State Justice Institute in the early 1990's, continuing with the long-term evaluations of the Las Vegas and Portland, OR, drug courts, two of the oldest and longest operating drug courts, continuing also with the evaluation of the Philadelphia drug court, and helping with the planning of the evaluation of the San Francisco drug court.

In addition, through the funding from the Drug Court Program Office of OJP, we have conducted focus groups with drug court participants in six cities around the country from San Bernadino, Portland, Las Vegas, Miami, and Seattle to Brooklyn. So we have captured the views of those who have gone through and asked them if they are experiencing what everybody thinks that they are experiencing. We found that to be very valuable.

So my comments come from this background of being familiar with the field and engaged in research from the beginning. I am much older now, but I have had a long time to think about these as these charts have grown.

Drug courts can and do work, but not all drug courts and not under all circumstances. I would like to focus my comments on sort of an agenda for research and what we have been learning from our research. As I see it, the job of drug court research involves three components: first, to understand clearly what drug courts are, what they mean to accomplish, and that differs widely across the country; second, to assess whether they work in a general sense and if they are cost effective in doing so and their effects on larger systems in which they are located; and, third, if they work, how, when, and why they work, and if they don't, why not.

In our research, we have been pursuing these questions through the use of the drug court—I am afraid to say it—typology that focuses on—focuses the research on the key structural ingredients of the drug courts so we move beyond the general to the specifics so that we can begin to learn what works.

Drug courts differ in a number of ways. They differ in the target problems they are designed to address and the target populations they choose to enroll, in the extent to which they enroll their target populations or hit the targets, in the ways in which they modify normal court processes, the question of diversion versus post-conviction and so forth. We are beginning to get some evidence on that, I believe. They differ in the structure and content of the treatment services that they deliver. They differ in the responses to performance of participants and the accountability that they employ in their courts, incentives as well as sanctions, and they differ in productivity, and by productivity I mean crime reduction, substance abuse reduction, costs, employment, return to the justice system, results per resources expended. Finally, they differ in the extent to which they have system support, not only among criminal justice and health and other Government partners, but within the judicial, executive, and legislative branches.

You have seen from Mr. Belenko's review that there is plenty of evidence to suggest the support of the notion that drug courts can work. I agree—as a researcher who has conducted and is conducting studies of drug courts, I agree in a general sense, but we are now learning about the conditions, thanks to the NIJ, more recent NIJ-funded research, the conditions of their effectiveness. This requires attention to the interplay of the dimensions that I just listed. We are now at a more complex level of investigation, and I think Assistant Attorney General Leary was alluding to the work now that is underway and perhaps not completed.

It is also clear that drug courts have had a major—in style, philosophy, and method, have had a major effect on many other justice procedures. It has stimulated a wave of innovation that has spread to other areas where a helping and problem-solving approach has been seen to be useful and appropriate. This now includes domestic violence courts, family courts, community courts, and, now more recently, mental health courts and reentry courts, all of which could not have happened without drug courts. So it is the principal innovation, and so in that sense, asking now whether drug courts work is irrelevant to the reform that has followed. That genie is out of the bottle. There is a new way of doing things that has enough of a foothold around the country that we have a new paradigm, new methods, and new approaches to some of the problems of people who are in the criminal justice system.

I have to say that under the leadership of Marilyn Roberts, the Drug Court Program Office of OJP has played a major and appropriate role in giving leadership to the development of drug courts in several ways: first by requiring minimum standards of operation in awards made to new and existing courts; second, by providing high-quality technical assistance and training for developing courts and supporting and encouraging peer networks; and, third, by encouraging evaluation results as a part of the drug court process on the local and national levels, separate from and in collaboration with the National Institute of Justice. And Director Roberts has done this at the DCPO all while respecting the local origin of drug courts, respecting the diversity of drug courts around the country, and resisting playing the heavy role of we are the Federal Government and we will tell you how to be a drug court. I believe this

is in part due to the fact that Attorney General Reno had a hand in developing the first drug court in the country in Miami back when she had another job in 1989, and she has been sensitive to the issues of drug courts and their promise, I think, since that time.

But because the drug court model has great promise reflected in the growing track record in the United States—and abroad, by the way—does not now mean just because there are hundreds of them that all drug courts in all situations are appropriate. The need now is to develop clearer notions of best practices in drug courts. What about them really makes a difference and what about them doesn't? This requires research that moves beyond the generalities, as Mr. Belenko said, of do they work, which is still a relevant question, to more specifically how and why, and I think that in our research in Portland and Las Vegas, taking a longitudinal approach, looking at drug courts over a long period of time, seeing their ups and downs, linking that to outside factors that the Assistant Attorney General was talking to, such as changes in prosecutorial policies, jail overcrowding, moving away from the single drug court model for judges, all have an impact.

The courts we studied have really been very, very tough and have held participants to sort of a tough standard of accountability. Graduation rates are reasonably low. It is not a walk. Graduates always do better than non-graduates in looking at rearrests over 1-, 2-, and 3-year periods. In our use of comparison groups, we find generally lower rates of rearrest over 1-, 2-, and 3-year periods, particularly for drug offenses; however, the significance and the magnitude of differences varied by the time periods studied from year to year as different internal and external changes affected the courts' operations.

Our focus groups with drug court participants have reviewed some important consonance between what drug court participants, drug addicts believed and what drug court designers believe. First, in our focus groups, we have seen that they are very tough populations who have lots and lots of problems. They look at this as an opportunity that they have never had before. They find it hard to believe that somebody in the justice system is giving them an opportunity to try. They believe the single judge is God's gift to drug treatment. They very much recommend strict accountability and drug testing. They hate drug testing, but they say, You take drug testing away and we will beat you. This is what they say. They are strongly motivated by both incentives and by sanctions, not just sanctions and not just jail. The rewards for forward progress and the sense of achievement is something that seems very important to them, but they particularly wanted to avoid jail, and the loss of employment and custody of children associated with conviction and imprisonment are great deterrents to them.

An important finding that emerges from our research is that downtown drug courts are really addressing a collection of principal neighborhoods in urban settings and that this suggests the drug courts might enhance their effectiveness by developing links to specific neighborhood settings, for example, collaborating with other community justice initiatives, community policing, community court or community prosecution, and community health.

Issues for court research that I think are the most important remaining, I have nine of them, and I can do it quickly. First of all, the multi-year studies have revealed a great deal about the changing dynamics of drug courts and the variation of their impact over time. We should build on these longitudinal findings. Second, yes, we need more studies, more in-depth studies, but we need to focus to mind the studies that we have now in more depth. Third, we need to now understand the influence of extant contextual factors, prosecutorial policy in Las Vegas, taking a judge out of a drug court and assigning other kinds of officials in Portland, and to understand the impact of the ingredients of the drug court model on its effectiveness.

We should follow up with individuals, but it is very expensive and very difficult. When we are looking at drug-addicted, mentally ill, and often homeless participants, it is a real assignment, and it is very difficult and raises all sorts of issues. Focus groups are a tool that should be used more frequently. They have a lot to say about our understanding of drug courts.

Finally—not finally. Two more points: Drug court research should focus on aspects of the drug court typology to move beyond the general question of studying if it works to increasingly studying how and when and under what conditions it works. The variation depends on external factors and internal factors, and we are learning about them, and it is important.

Our Phase II research tries to look into the box of drug court treatment now to determine the relative importance of some of the ingredients of the drug court model, going to drug court, attendance at treatment, the duration and type of treatment, the use of incentives and sanctions, the impact of the jail sanction. All of these are assumptions the drug court model makes. We are only beginning now to tease out the relative effects. This should be increasingly a focus of research.

Drug court research should expand to follow participants and comparison groups through the other social services involved here, including welfare, public health, treatment, and other primary health care and other systems. And, finally, drug courts have an important community justice implication. Drug court effectiveness would be enhanced if they incorporated this knowledge to develop linkages to these principal neighborhoods that would support successful treatment under sometimes very difficult circumstances. Research should turn to the assessment of innovative courts that forge these community linkages.

Thank you very much.

[The prepared statement of Mr. Goldkamp follows:]

PREPARED STATEMENT OF JOHN S. GOLDKAMP

The effect of the drug court movement on courts and the justice system over the last 11 years may turn out—with more historical distance—to have been one of the major justice reforms of the last part of the 20th century in the United States. Its impact on treatment systems that have traditionally failed to address the needs of criminal justice populations may also prove to have been powerful, as the movement compelled them to reconfigure and redirect resources to the most challenging populations of substance-involved citizens. Since the pioneering efforts of Miami justice officials establishing the nation's first drug court in the summer of 1989, the growth of the drug court movement—with upwards of 400 courts reportedly now in operation in the United States alone—has been extraordinary by any measure.

To the traditional criminal court and drug treatment practices that drug courts were designed to improve upon, the substance of the drug court model of court innovation represents paradigm shift away from a predominantly punitive orientation toward substance abuse and drug-related crime of the last decades to one that focuses on treatment, investment in human potential, second (and third) chances and restoration. Although there are common elements shared by most drug courts, proliferation of the drug court model is not explained by the wholesale adoption of a fixed, "cookie-cutter" approach in the many jurisdictions across the nation. Predictably, the original Miami model evolved in its successive applications to other settings, and was itself transformed in substance and procedure as the basic model traveled across the United States and to locations abroad. The drug court methodology has been adapted to grapple with other problems associated with criminal court populations, including community issues, domestic violence and mental health. The substance of the drug court movement has directly and indirectly spawned a variety of related innovations, so that one can now speak of "problem-solving" or "problem-oriented" courts [1] to refer to a more active, "hands-on" judicial and justice-system philosophy.

The challenges for research in gauging the full impact of drug courts on the philosophy of justice, the operations of the justice system, the function of the criminal and civil courts, not to mention the health and behavior of addicted criminal offenders are simply huge. In earlier discussions, we have argued that evaluation of drug courts should be tied to a clear understanding of their goals and that assessment of their impact can best be understood through a conceptual framework—a working typology—that identifies key ingredients thought to be responsible for their advertised results. Recognizing their diversity, we have argued that meaningful assessment of impact must be guided by a clear understanding of what drug courts "are" and "what they are not".

Without such a framework to isolate the critical instrumental elements of the approach, findings from scattered evaluations will accumulate like apples and oranges and other ingredients for a mixed fruit salad of research. The result is that the practice-oriented consumer of the research is then left to weed through diverse findings from disparate studies to identify directions or themes relating to drug court effectiveness. With these challenges in mind, we organized our recent research (Goldkamp et al., 2000) studying the evolution and impact of two of the earliest and longest-operating drug courts in Portland, Oregon, and Las Vegas, Nevada, according to the elements of the drug court typology.[2] In this fashion we hoped to produce findings with both a high degree of internal validity, as we seek to know what makes a particular drug court work, and sufficient external validity, as we seek ambitiously to test the effects of the structural elements of the innovation across settings.

The need to sort out the effects of the critical operating components of the drug court model in widely different settings around the nation (and abroad) and the contextual dynamics of growth and change make the evaluation research task complex. Its apparent complexity, however, should not serve as a distraction from the need to answer some very basis questions, such as "Do drug courts work?" and "if so, how?"

WHAT IS A DRUG COURT?

The problem of answering the drug-court effectiveness question must begin with an understanding of what a drug court is. We have described its basic elements as involving a new working relationship between the criminal court and health and treatment systems carried out within the boundaries of the criminal court's jurisdiction. In comparison with methods previously in existence in the justice system, the aims of the drug court model are much less punitive, and more healing and restorative in nature. Its unorthodox and, in historical context, iconoclastic methods have been characterized as an informal operation of the courtroom, where direct exchanges between the participant and the judge are common and between counsel for the state and the defense are non-adversarial. The courtroom was conceived as a therapeutic vehicle (a theatre in the "square") with the judge at the center leading

[1] This term was employed by John Feinblatt of the Center for Court Innovation in New York to refer to the growing family of innovations in court systems deriving from the drug court model. See New York Chief Judge Judith Kaye's commentary in *Newsweek,* October 11, 1999.

[2] These elements on which drug courts differ include (1) Target problem, (2) target population; (3) screening—reaching the target; (4) modification/adaptation of court processing and procedures; (5) structure and content of treatment; (6) responses to performance in treatment—participant accountability; (7) productivity of the drug court; (8) extent of system-wide support. (See Goldkamp, 2000.)

the treatment process. Under this model, it was widely believed that the role of the judge, with its symbolism and authority, would serve to galvanize the treatment process into a more powerful and accountable form of rehabilitation than previously (or recently) available in the criminal justice setting. The drug court model's emphasis is not on the disposition of the criminal case, but instead on the treatment of drug-addicted offenders whose cases, when treatment was successful, could often be dismissed. The "key components" of the drug court model identified by practitioners are well laid out in a monograph sponsored by the Drug Court Program Office of the U.S. Department of Justice (NADCP, 1997) and described in a host of brochures produced by the National Association of Drug Court Professionals.

POSITIVE FINDINGS OF DRUG COURT IMPACT

I understand you heard testimony by Dr. Stephen Belenko who has reviewed studies of drug courts, large and small, to identify common themes in their findings. You are aware, then, that he believes that the thrust of findings from assorted studies is generally supportive of the drug court innovation and points to positive results. Although the body of research is growing, the research process is still in its relatively early stages—after all the drug court movement itself is only 11 years old—and has only begun to move beyond considerations of general impact (lower crime rates among participants) to examination of the specific impact of ingredients of the drug court model.

As one who has been conducting drug court research in the field for a decade, my conclusion is that drug courts can and do have an important impact on substance abuse and offending and represent an important new direction in criminal justice, drug treatment and health. My focus has been on understanding how they work and under what circumstances they best realize their impact. Because the drug court model has great promise, reflected in its growing track record in the U.S. and abroad, does not mean, now that there are several hundreds of them, that all drug courts in all situations are effective—or even appropriate. The need to develop clearer notions of "best practices" in drug courts—what about them really makes a difference and what doesn't—requires that research move beyond the generalities of asking "do they work?" to move specific consideration of "when they work, under what conditions, how and why?"

LEADERSHIP OF THE DRUG COURT PROGRAM OFFICE OF THE OFFICE OF JUSTICE PROGRAMS

The history of the impressive development of the drug court movement has been strongly influenced by congressional funding of drug courts and the effective leadership demonstrated by the Drug Court Program Office of the Office of Justice Programs under the current its director Marilyn Roberts and, in its early days, under Timothy Murray. The DCPO has structured the funding of new programs to require some basic standards of operation and has supported high-quality training and technical assistance programs to ensure that strong drug courts would result. That office has not only encouraged strict standards in the development of the "key components" guidelines for drug courts but has emphatically stressed the importance of evaluation by offering training to local evaluators in drug court issues and practices, by requiring local evaluation to be linked to newly funded programs, and by working with the National Institute of Justice to sponsor major, national-level formal evaluation of drug courts.

OUR DRUG COURT EVALUATION RESEARCH

As one of those involved in drug court research on all levels over time, my research at the Crime and Justice Research Institute in Philadelphia has sought to understand the workings of the basic drug court model and its variations (employing a drug court typology of critical elements as a helpful framework) and to asses the impact of drug courts. More recently we have begun to sort out the relative contribution of elements thought to be critical in their operation, so that the further development of drug courts can build on a knowledge base of most effective practices.

Our large-scale evaluations of drug courts have focused on drug courts in Miami, Portland, Las Vegas and Philadelphia. I conducted the first in-depth evaluation of a drug court, the nation's first drug court in Miami, in the early 1990's. Since then we have assisted in the development of drug courts and provided training, in particular we have assisted in the planning and evaluation of the Philadelphia Treatment Court led by the Honorably Louis Presenza, and are currently completing a long-term study funded by the National Institute of Justice of two of the nation's oldest and longest operating drug courts in Las Vegas, Nevada, (under the direction

of the Honorable Jack Lehman with the assistance of one of the nation's drug court treatment leaders, John Marr), and Portland, Oregon (in collaboration with the Honorable Harl Haas, District Attorney Michael Schrunk and Metropolitan Public Defender Him Hennings).

In addition, through funding from the Drug Court Program Office of the Office of Justice Programs, we have conducted focus groups with drug court participants in six cities (San Bernardino, Portland, Las Vegas, Miami, Seattle and Brooklyn) to capture the views of the citizens who have first hand experience in drug courts as participants. My comments about drug courts and how they work, then, come from this background of research in the field and close familiarity with the development of the drug court movement from its beginnings in Miami in 1989.

HIGHLIGHTS FROM THE PORTLAND (MULTNOMAH COUNTY) AND LAS VEGAS (CLARK COUNTY) DRUG COURTS (NIJ NATIONAL DRUG COURT EVALUATION I)

Much of the knowledge we gained derives from our long-term study of the Portland and Las Vegas drug courts under the National Institute of Justice "National Evaluation of Drug Courts (I). The scope of evaluation of these two drug courts, two of the oldest and longest operating courts, extended from their beginnings (Portland, 1991; Las Vegas, 1993) through 1997 with follow-up of one, two and three years (depending on the years studied). The in-depth longitudinal approach to the study of drug courts—the first time ever—has provided an opportunity to examine these courts as they began implementation, developed and matured, and then faced changes over time in aspects of the basic drug court model. The Phase I findings show not only that, when the core elements of the drug court model were effectively implemented, the drug courts had the impact anticipated, but also that their effectiveness was influenced by outside factors (such as changes in drug laws, emergency jail crowding decrees, prosecutorial policy and judicial staffing of the drug courts).

• In both sites graduates consistently were rearrested less frequently during one-, two- and three-year follow-up periods than non-graduates overall and during each year studied.

• When contrasted with the performance of comparison group drug defendants, drug court participants produced generally lower rates of rearrest in the one, two and three year follow-up period, particularly for drug offenses; however, the significance and the magnitude of the differences varied by the time period studied (from year to year) as different internal and external changes affected the courts' operation.

FOCUS GROUPS OF DRUG COURT PARTICIPANTS

Focus groups of drug court participants in each site confirmed several important assumptions of the drug court model:

• *Challenging target populations:* that the participants were generally very seriously involved in substance abuse, often having long histories of abuse and failure in treatment;

• *Multi-problem treatment needs:* that they often suffered from co-occurring disorders (e.g. mental illness);

• *Accepted the opportunity:* that they saw the drug court experience as a unique opportunity, were impressed that "someone would want to help," and were responsive to positive incentives offered by the drug court treatment process;

• *Critical importance of the single drug court judge:* that they viewed the single drug court judge as the main and most important element of the treatment experience that made it different from other experiences in court or treatment;

• *Accountability and Responses to Performance:* that participants considered drug testing and accountability it provided as key to the treatment process; and that they were strongly motivated both by incentives (rewards for progress and the sense of achievement that came with it) and sanctions employed by the drug court. They particularly wanted to avoid jail, convictions, and the loss of employment and custody of children associated with conviction and imprisonment.

DRUG COURTS AND SPECIFIC NEIGHBORHOODS

Both the longitudinal study and discussions with drug court participants in the focus groups revealed that "downtown" drug courts deal with residents of several distinct principal neighborhoods within each jurisdiction that differed by race/ethnicity and the drug and crime problems associated with them. This suggests that drug courts might enhance their effectiveness by developing links to specific neighborhood settings, for example, in collaboration with community policing, community court or community prosecution initiatives.

SELECTED FINDINGS FROM THE SITES

Portland

• The Multnomah County Drug Court (the S.T.O.P. program) enrolled about 4,620 participants from 1991 (its pilot year) through 1998, an average of about 577 per year. From 1995 through 1998, enrollments exceeded 600 per year, peaking in 1997 at 734 participants.

• 36 percent of enrolled participants graduated within two years overall, although this rate varied by time-period cohort.

• Drug court graduates were rearrested notably less frequently than non-graduates over the entire study period and when each yearly cohort was examined during one-, two- and three-year follow-up periods; 35 percent of graduates were rearrested within three years compared to 61 percent of non-graduates. The differences were largest when rearrests for drug offenses were examined.

• When contrasted with the records of comparison group drug defendants, drug court participants showed generally lower rearrest rates at over the one year follow-up period and lower rearrest rates at the three-year mark for three of the four time-period cohorts studies. The magnitude and significance of the differences, however, varied by time period.

• The most difficult (less effective) periods for the drug court were during the initial start-up period (1991–92), when an initial treatment provider had to be discarded and a new provider adopted, and from 1996 through 1997, when the chief judge dropped the core drug court judge approach and assigned non-judge personnel and/or frequent rotation of many different judges into the drug court.

Las Vegas

• The Clark County Drug Court enrolled 3,364 participants from 1993 through 1998, an average of about 556 per year. From 1996 through 1998, enrollments exceeded 600 per year, peaking in 1998 at 755 participants.

• 34 percent of enrolled participants graduated within two years overall, although this rate varied by time-period cohort; it was lowest when the court shifted toward guilty plea cases.

• Drug court graduates were rearrested notably less frequently than non-graduates over the entire study period and when each yearly cohort was examined during one-, two- and three-year follow-ups; 46 percent of graduates were rearrested within three years compared to 76 percent of non-graduates. The differences were largest when rearrest for drug offenses were examined.

• When contrasted with the records of comparison group drug defendants, drug court participants showed generally lower rearrest rates at over the one year follow-up period and generally lower rearrest rates at the three-year mark; overall 65 percent of drug court participants had been rearrested three years after entering drug court compared to 79 percent of comparison group drug defendants. The magnitude and significance of the differences, however, varied by time period.

• The most different period for the drug court was beginning in 1996 when prosecutorial policy changed from encouraging diversion to requiring guilty pleas from participants to enter the drug court. This not only changed the kind of participant entering drug court to a higher risk participant with more extensive prior histories, but also appeared to reduce the participant's incentive to successfully complete court. Charges could not be dismissed at the end of the process as they previously could be when the main emphasis was on a pre-conviction diversion approach.

ISSUES FOR RESEARCH

• *Drug Court Performance over Time:* The multi-year study of drug courts has revealed a great deal about the changing dynamics of drug courts and variations in impact over time. Single time-period studies generalize from a single time period, which may produce misleading results (depending on whether it was a particularly good or bad year). We should build on these longitudinal findings.

• *The Importance of Contextual Factors.* External, contextual factors, such as prosecutorial policy regarding drug court entrance (requiring guilty pleas) in Las Vegas and judicial staffing (moving away from the dedicated drug court judge) in Portland—have important impacts on the effective operation of the drug court and need to be studied more closely.

• *Follow-up of Individuals:* Individual follow-up of participant and non-participants (control group defendants) over time is desirable but very difficult and expensive because of the challenges associated with locating people over time and the sample attrition that occurs.

• *Focus Groups of Drug Court Participants:* Focus groups of drug court participants represent a plausible, low cost and more immediate—though less systematic—

method of gaining feedback on the drug court experience and from the point of view of those who experience the programs. This approach to gathering knowledge about the actual (as opposed to the intended) effects of drug courts should be given a higher priority.

• *The Framework of the Drug Court Typology:* Drug court research should focus on aspects of the drug court typology to move beyond the general question of studying only "if it works" to increasingly studying how and when it works, as effectiveness appears to vary over time and circumstance in these two sites. The variation depends on external factors as well as the relative deployment of important elements of the drug court model.

• *Studying the Effects of Elements of the Drug Court Model:* Our phase two research tries to look into the "black box" of drug court treatment to determine the relative effects, for example, of drug court appearances, treatment attendance, duration and type, use of incentives and sanctions, and, particularly, the impact of the jail sanction on outcomes. Examination of the relative impact of these ingredients can explain how drug courts work and why, and facilitate efforts to build on the effective elements.

• *The Community Justice Implications of Downtown Drug Courts:* Downtown drug courts (like the Portland and Las Vegas Courts studied) have clear implications for community justice efforts, as analysis shows they disproportionately deal with participants from several principal neighborhoods within the cities. These neighborhoods differ in race and ethnicity, in crime and the kinds of problems prevalent. Drug court effectiveness would be enhanced if they incorporated this knowledge to develop linkages to these neighborhoods that would support successful treatment under sometimes very difficult circumstances.

• *Added Emphasis on In-Depth Analysis of Current Data:* Research should not only add to the long-term changes and effectivenes of established drug courts, but should look at existing data from long-term studies in more in-depth.

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John S. Goldkamp, Ph.D.—Dr. Goldkamp is Professor of Criminal Justice at Temple University and heads the Crime and Justice Research Institute in Philadelphia. His research focuses broadly on discretion in criminal justice and innovation in the courts, with a special emphasis on treatment and alternatives to confinement. Over the last decade some of his research has dealt with the drug court movement, beginning with the first comprehensive evaluation of the nation's first drug court in Miami, *Assessing the Impact of Dade County's Felony Drug Court* (*with Doris Weiland*), and a Department of Justice white paper, *Justice and Treatment Innova-*

tion: The Drug Court Movement (1994). Since this time he has assisted in the planning and evaluation of Philadelphia's Treatment Court, *The implementation of the Philadelphia Treatment Court: A Descriptive Analysis of Early Stages of Implementation.* (1997), has written on the drug court movement and its evaluation ("The Origins of the Treatment Drug Court in Miami" and, "When is a Drug Court Not a Drug Court?" in C. Terry (ed.),, *The Early Drug Courts: Case Studies in Judicial Innovation,* 1999); "The Drug Court Response; Issues and Implications for Justice Change," 63 *Albany Law Review* 923–961, 2000), and two recent articles ("Do Drug Courts Work: Getting Inside the Drug Court Black Box," submitted to the *Journal of Drug Issues,* Summer 2000; "Context and Change: the Evolution of Pioneering Drug Courts in Portland and Las Vegas (1991–1998)," submitted to the *Journal of Law and Policy,* Summer 2000). He serves as a drug court evaluation resource for Pennsylvania's emerging drug courts through the Pennsylvania Commission on Crime and Delinquency. With his colleagues (Robinson and White), he has recently completed a first report on the NIJ-sponsored retrospective evaluation of two the nation's oldest and longest-operating drug courts in Portland and Las Vegas (*Retrospective Evaluation of Two Pioneering Drug Courts: Phase I Findings from Clark County, Nevada, and Multnomah County, Oregon,* 2000) and has conducted focus groups of drug court participants in six jurisdictions in the United States. He is assisting the San Francisco Drug Court in planning in evaluation. He is conducting a five-year evaluation of Philadelphia's Criminal Justice Treatment Network for Women through CSAT and has recently completed a BJA monograph (with Cheryl Irons-Guynn) on the nation's first mental health courts (*Emerging Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts in Fort Lauderdale, Seattle, San Bernardino, and Archorage*). He serves as the law reporter for the American Bar Association Pretrial Release Standards Task Force as it revises it standards relating to pretrial release, detention and adjudication alternatives, including drug courts and other problem-solving courts, such as community, mental health and family courts.

Senator SESSIONS. Thank you, Mr. Goldkamp. I appreciate those comments, but we are under a rule. We have gone a tad over. I hope we won't go to jail for it. We will keep the record open for any other statements or questions that may be offered.

An objection has been made. Members of the other side have been objecting to committee hearings during this Senate session. You can hold a hearing for 2 hours, but then you have to stop. So that rule has been invoked. It is part of an unfortunate obstruction around here and makes life more difficult in my view, but we live with our rules as we find them.

So we will adjourn, but I would appreciate it and think it appropriate that we can continue to discuss matters in a non-hearing context. I see there is a table over there. If this panel would join me at the table, and if anybody wants to stand around and pull up a chair and listen, I would like to continue this discussion. We had one good hearing here, and I met back in my office with some people, and we learned more discussing in my office than we did in the 2 hours in the panel.

So if you will join me if you have time, I would appreciate it. We are adjourned.

[Whereupon, at 11:37 a.m., the subcommittee was adjourned.]

QUESTIONS AND ANSWERS

Written Questions of Senator Sessions to the Honorable Mary Lou Leary

1. It is essential for Congress and for OJP to know how much is spent on each OJP-funded program each year and whether these expenditures are producing results. Will you commit OJP to provide this Subcommittee with an annual report beginning with the start of the next Congress of the total annual expenditures since that program's inception on each program that is funded (including direct earmarks and other expenditures, including portions of block grants) as well as your opinion on the effectiveness of each program?

The Office of Justice Programs (OJP) is fully committed to providing this oversight subcommittee and, indeed the Congress, with specific information about our funded programs. There are several means through which we have provided and will continue to provide the information you have requested. In addition to the our annual budget requests, which have some funding history and results information, as mandated by Congress in the Omnibus Crime Control and Safe Streets Act of 1968, as amended, OJP produces and transmits to the Congress an annual report on our activities during the preceding fiscal year. Also, in 1996, a full three years before the Congressional requirement to report on performance measures pursuant to the Government Performance Results Act (GPRA), OJP developed performance indicators for its programs. Our initial performance indicators contained both output, as well as outcome indicators. As part of our continued emphasis on improving our ability to monitor results achieved, we are working regularly with program managers to develop the best possible indicators to more accurately reflect program results achieved.

In addition to the GPRA measures, which were provided in the summer of 2000 to the subcommittee, the subcommittee requested information about all of our drug programs arrayed in a consistent format that included program mission, description, and funding history, as well as the performance measures from the other two major performance benchmarking efforts that affect these programs: the DOJ Drug Strategy and the ONDCP Performance Goals and Objectives. That document for the OJP drug control programs (defined as those certified by ONDCP) is enclosed.

OJP fully supports numerous efforts to determine the effectiveness of programs we fund and to ensure that practitioners have information regarding what works or what are best practices in any particular field. Through our component bureaus and offices, we support numerous evaluations of programs, which provide useful insights into best practices and allow practitioners to craft effective crime fighting and crime prevention policies and programs. We would be pleased to provide the subcommittee with an annual report on those evaluations.

2. I understand that the National Institute of Justice (NIJ) is engaged in a multi-year, multi-stage study of drug courts. What are the specific practical goals of the NIJ study? Will it help Congress to decide where to focus drug court expenditures? Will it aid practitioners in creating new programs and modifying their existing programs to adopt the best scientifically proven practices?

The National Institute of Justice (NIJ), in partnership with the OJP/Drug Court Program Office (DCPO), is conducting several multi-year, multi-stage studies involving drug court programs.

The first group of studies involves four pioneer drug courts: (Escambia County, Florida; Jackson County, Kansas; Clark County, Nevada; and Multnomah County, Oregon), which were created before the Office of Justice Programs Drug Court program began. The goals of this study include documenting implementation, evolution, and continued operation of these drug court programs and evaluating the effectiveness of first generation court programs in reducing drug use and recidivism among drug-involved offenders. Outcome information is now coming in from the first group of studies. Results show that the specialized drug court model works to reduce substance abuse and recidivism among participants. For instance, arrests for new felonies were reduced by almost 70 percent among drug court participants in Florida, almost 30 percent in Kansas and Arizona, and about 20 percent in Nevada. Program characteristics (such as management practices and selection of offenders), which may account for apparent differences between the sites, are being documented and will provide valuable information to practitioners in the field.

A second group of NIJ/DCPO studies that examine 14 drug court programs funded through the Drug Court Program Office during 1995-96 is now reaching completion. These studies include: Birmingham, Alabama; Tuscaloosa, Alabama; Riverside, California; Sacramento, California; Santa Barbara, California; Chicago, Illinois; Kankakee, Illinois; Brooklyn, New York; Tampa, Florida; Atlanta, Georgia; Omaha, Nebraska; San Juan Puerto Rico; Roanoke, Virginia; and Spokane, Washington. Goals of this study are to evaluate the effectiveness of specific types of drug court programs in reducing recidivism and substance abuse among nonviolent adult and juvenile offenders, and to document programs' characteristics that increase the likelihood of successful offender rehabilitation. Further, this study will take a closer look at program characteristics, such as workload and resource allocation, and provide valuable information on costs/benefits of different types of program models operating in multiple jurisdictions to further enhance effectiveness and successful rehabilitation within individual drug court programs. Final results of these studies should be available in mid-2001.

The third group of NIJ/DCPO studies includes evaluations that focus on juvenile drug courts (Orlando, Florida; Missoula, Montana; Jersey City, New Jersey; Las Cruces/Anthony, New Mexico; Dayton, Ohio; and Charleston, South Carolina). This study will attempt to develop a conceptual framework describing the types of programs which are most effective in reducing drug abuse and criminal behavior among juvenile offenders. Results will provide

information regarding cost effective treatment models, management strategies, costs/benefits, and impact of these programs. Results from this third group of studies should be available sometime in 2002.

2 B: Will it help Congress to decide where to focus drug court expenditures?

Results from the evaluation studies sponsored by NIJ and DCPO will help inform Congress and drug court practitioners about the components of drug court programs that are most effective with different types of offenders. In this way, the multi-year, multi-stage NIJ study will assist local drug court officials to effectively plan and adopt its court operations to specific local circumstances.

2 C: Will it aid practitioners in creating new programs and modifying their existing programs to adopt the best scientifically proven practices?

Results from evaluations of drug court programs will continue to be applied in the development and modification of existing programs through the technical assistance and dissemination efforts of the OJP/Drug Court Program Office. Practitioners are learning from the experiences of the first drug court programs and from the results of NIJ evaluations and studies, which are being disseminated as they become available. With the results of the second and third studies, practitioners will be provided information regarding different types of drug court programs that may be effectively tailored to local needs and for different types of offenders.

3. It is my understanding that mentor courts are one way OJP tries to teach practitioners drug court best practices. How are mentor courts selected? Does the selection criteria include requiring that the mentor court demonstrate its success as gauged by scientific performance measures, such as favorable post-program drug and non-drug criminal recidivism rates, employment retention, or success in child custody matters?

The Mentor Court Network was established in 1996 to promote what have been emerging as best practices based on the research to date and the 10 key components. The network was established on the premise that local drug courts are the most logical place to educate and train drug court practitioners who are planning and implementing drug courts in their own jurisdictions. The Mentor Drug Court Network began when the drug court field was very new and was intended to link interested communities with operational drug courts that had relevant experience and would agree to serve as mentors.

In 1996 the Mentor Court Network had only five drug courts and few drug courts had thought about program evaluation at that time. Currently 25 drug courts (adult, juvenile, and

tribal) are serving as mentor courts. In the past year, more than 2,500 individuals have visited a mentor drug court.

The OJP/Drug Court Program Office, in conjunction with the National Association of Drug Court Professionals, selects mentor courts using three separate criteria. To be chosen by OJP/Drug Court Program Office, a court:

- must be in operation for at least two years.
- must have implemented their program in accordance with the 10 key components of a drug court (See appendix)
- must have officials willing to host visiting jurisdictions and training at their site and assist jurisdictions in their region

Selection criteria does not include requiring the mentor court to demonstrate its success through scientific evaluation data because evaluation results are only recently becoming available.

4. How much does it cost on average to put a person through drug court versus prison? Has the Department of Justice studied the most cost-efficient means of processing an offender through a drug court program?

Variation in costs per client are due to many factors that relate to: the services included in the reported "costs"; the organizational structure within which these services are provided (i.e., by the court itself vs. contracted out); the number of entities involved in providing drug court services; and local/geographic variations in salaries and services in the reporting jurisdiction.

It should be noted that treatment costs are additional costs that a jurisdiction incurs to implement a drug court. In general, programs reporting costs in the lower ranges are performing more limited services, with the additional drug court functions (screening, case management, drug testing, for example) absorbed by the court system, generally through contributed pretrial and/or probation service support.

Through a survey distributed by the Drug Court Clearinghouse in FY 2000, 129 drug courts reported the following average costs per participant while that participant was in the Drug Court program:

AVERAGE TREATMENT COSTS PER CLIENT	% OF REPORTING PROGRAMS*
Less than $500	4.5
$501-$900	7.0
$901-1,200	8.5
$1,201-1,500	7.75
$1,501-$1,800	4.0
$1,801-$2,100	5.5
$2,101-$2,500	15.5
$2,501-$3,000	11.0
$3,001-$3,500	7.0
$3,501-$5,000	10.0
Over $4,000	20.0

**Sum is more than 100% because of rounding*

Reported costs for drug courts do not include: the time of pretrial/probation staff who are assigned for screening, supervision, drug testing or case management; the time of judges for supervision of drug court participants; the use of court facilities; or the time of court staff for record maintenance, notices, etc. These are typical criminal justice system costs. Most drug court programs have not calculated the extent to which these costs are affected by drug court processing, as opposed to traditional processing.

The annual cost for incarcerating a state prisoner averaged $19,590 in 1996, according to the National Center of Addiction and Substance Abuse at Columbia University, and varies significantly from state to state. Most researchers and practitioners use a minimum of $50.00 a day to compute daily jail and prison costs. These costs are for operating expenses and do not include capital expenditures for jail/prison construction.

In FY 2000, 129 drug courts reported to the Drug Court Clearinghouse on jail/prison days saved and costs saved. The following are the average annual savings per drug court:

	Average Reported	Median
• Average annual jail/prison days saved per court	12,458 days	4,015 days
• Average annual costs saved per court	$903,700	$330,000

The Justice Department has not determined a single, most cost-efficient method for processing an offender through a drug court program because the resources available for this purpose and local criminal justice system structures vary from jurisdiction to jurisdiction. However, there are principles and best practices that the Department of Justice publicizes at training programs and in practitioner publications. For example, drug courts must require early screening and assessment of participant treatment needs. Guidelines and sample instruments for this purpose are documented in "A Guideline for Drug Court Screening and Case Management," which is useful regardless of who is performing this function. Similarly, drug testing is conducted through a variety of methods and uses different types of equipment, depending upon local resources available. "Drug Testing in a Drug Court Environment" provides guidelines for conducting drug testing and ensuring the accuracy of test results, regardless of whether the drug testing is being conducted by experienced experts or by other program staff who are new to this function.

5. The Subcommittee understands that OJP has undertaken extensive efforts to assist drug courts in data collection and technical assistance. In particular, the Drug Court Clearinghouse at American University has a data collection model initially developed for the Buffalo drug court. What progress has OJP made in distributing the model to drug courts and getting them to use it? What explains the Drug Court Clearinghouse's estimation that of the over 275 models distributed, only 50-60 jurisdictions are currently using models?

The Buffalo data collection model, which is one of many data collection resources distributed by the Drug Court Clearinghouse at American University, was developed by the Buffalo, New York Drug Court under an OJP/Drug Court Program Office grant. The Buffalo software, like many other resources developed by local drug court programs (i.e., policy and procedures manuals, waiver of confidentiality forms, participant agreements/contracts, etc.), has been distributed by the Drug Court Clearinghouse to approximately 300 jurisdictions interested in exploring management information resources available for drug court programs.

However, the Buffalo software was never designed to be the "OJP" model system, but simply one of many resources drug courts could utilize. The fact that about 60 jurisdictions have actually adopted the Buffalo system simply indicates that these jurisdictions have found the system in its present form to meet their data collection needs. It has no bearing on the degree to which local drug courts are developing management information systems. The other 200+ jurisdictions that reviewed the Buffalo software have either modified it to be more adaptable to their local criminal justice information systems, selected another public domain or vendor software program, or are still considering the most appropriate system to meet local needs – including whether existing local information systems that serve the entire criminal justice system can be adapted to meet drug court management requirements. The Buffalo software is not appropriate for all drug courts, particularly not for larger metropolitan courts with mainframe

computer systems or with other software used by the court system, law enforcement agencies, or other agencies with which the drug court data bases need to interface. In fact, no one software program is appropriate for all drug courts because of the variations in local court structures, needs, and resources.

In addition to the Buffalo software, there are many other information system resources available to drug courts. The OJP/Drug Courts Program Office has entered into special technical assistance cooperative agreements with SEARCH Group, Inc., which provides specific technical assistance in the area of drug court information system development; and the Center for Court Innovation, which has posted information relating to drug court technologies and sample systems being used by various drug courts on its Website (*www.drugcourttechn.org*).

Under a cooperative agreement with DCPO, SEARCH Group, Inc. conducted an assessment of four information systems, including the Buffalo program, that were developed in the public domain for drug courts. They determined that all of these systems have certain strengths and weaknesses. The report of this assessment is in draft and will soon be distributed to the drug court field. Also in draft by SEARCH is a document that will assist drug courts in assessing their information system needs so that an appropriate management information system can be chosen.

6. What is the relationship between OJP and American University's Drug Court Clearinghouse? Who funds the Drug Court Clearinghouse? How much does it cost to operate? What exactly does the Drug Court Clearinghouse do? Should the Drug Court Clearinghouse provide annual (in addition to cumulative) data regarding the number of participants, graduates, recidivism, etc.? If American University cannot provide this data, should OJP contract with another institution to provide this service?

OJP strongly believes that training and technical assistance are the cornerstones of effective programs. The DCPO training and technical assistance program is designed to assist communities in developing effective drug courts teams and developing drug courts that include all of the 10 key components. In order to meet these goals, OJP/DCPO conducts and sponsors numerous training programs, including planning and program implementation workshops; disseminates a broad range of materials, including procedure manuals; and provides varying forms of technical assistance, including on site visits by experts, telephone assistance, and Internet-based assistance.

As part of its training and technical assistance program, DCPO awards cooperative agreements to American University to operate the Drug Court Clearinghouse and provide training and technical assistance to the drug court field.

The goals of the Drug Court Clearinghouse and Technical Assistance Project are to:

- Assist communities in the development of effective drug court teams, in the engagement of multiple systems, and in the design and development of drug courts that include all of the ten key components of drug courts.

- Collect, analyze, and disseminate information about drug courts that will provide the drug court field with specific resources to strengthen their ability to operate effectively.

- Increase communication and sharing of information among drug courts.

- Provide comprehensive on-site technical assistance to grantees.

The specific components of the Drug Court Clearinghouse and Technical Assistance Project are:

- **On-site technical assistance** - when a drug court practitioner/consultant is hired to deliver training or provide expert consultation services to a drug court.

- **Dissemination of materials** - sending a drug court copies of publications and sample documents from other drug courts (i.e., policy and procedures manuals, forms, evaluations).

- **Telephone assistance** - providing expert consultation via the telephone (i.e., conferences calls among practitioners to discuss issues).

- **Web site assistance** - providing information and resources on the Internet.

Prior to the enactment of the 1994 Crime Act and the establishment of the DCPO, the American University entered into a $100,000 cooperative agreement with the Bureau of Justice Assistance to create the Drug Court Resource Center. From FY 1995 to 2000, the DCPO has awarded the American University $3,079,410 to operate the Drug Court Clearinghouse and Technical Assistance Project.

Fiscal Year	Cooperative Agreement (CA) Amount
1995	$400,000
1996	$169,473
1997	$709,937
1998 (2 year)	$1,150,000
2000	$650,000

The Drug Court Clearinghouse at American University has been compiling data on the number of participants, graduates, recidivism, and other measures of drug court performance and impact. This data is reported annually and updated on an on-going basis. The Clearinghouse reports this information annually on a cumulative basis. The Clearinghouse does not report on an annual basis because drug court participants do not necessarily enter information at a constant rate, at a specific time, or in a consistent volume. Some programs grow in numbers as they obtain additional resources, for example, so the number of graduates each year may change significantly for no reason other than the availability of additional (or reduced) resources. Participants also progress through the program at different rates so an annual figure really does not illustrate the program's impact. Recidivism data is also not available on a regular/continuing basis because of delays in data entry of this information to local criminal history information systems as well as time lags in local case disposition processes for arrestees.

DCPO collects information twice each year about the drug courts that receive implementation and enhancement grants through its data collection survey. Our experience with that survey is that our grantees are able to provide data to describe the program and its participants, but generally are unable to provide data about post graduation outcomes. We have determined that the best way to collect outcome information is from the formal evaluations conducted at the local level for individual programs. While we are always striving to obtain the best possible data regarding long-term outcomes for drug court participants, once an individual has graduated, the court often cannot track that individual. As the funding agency, we cannot require our grantees to provide information that is unavailable to them.

Office of Justice Programs

OJP's mission is to provide federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist crime victims. OJP resources are primarily targeted toward providing assistance to state, local and tribal governments. In executing its mission, OJP dedicates a significant level of resources to drug-related program activities, which focus on breaking the cycle of drug abuse and crime including: drug testing and treatment, provision of graduated sanctions, drug prevention and education, research, and statistics.

The budget staff of OJP's Office of Budget and Management Services (OBMS) is responsible for the development of the annual OJP Drug Budget, which is submitted to the Office of National Drug Control Policy (ONDCP) for review and clearance[1]. OBMS works with program staff to appropriately account for drug-related resources by decision unit, function and goal (see Attachment 1). In doing so, OJP employs two methods to determine drug-related program amounts: (1) for programs that administer specific drug-related activities (i.e., Drug Courts), a factor (percentage of time/resources dedicated) is applied to actual obligations and (2) for program activities not specifically drug-related (i.e., Criminal Justice Statistics), program offices track and report on actual obligations.

The attached materials profile the programs included in OJP's Drug Budget. Information highlighted includes: program name (decision unit), mission and description; function (as defined by ONDCP); and funding history. In developing the annual Drug Budget, ONDCP requires that each program be linked to a specific ONDCP goal. However, there are no further ONDCP mandated performance reporting requirements.

[1] On 9/11/00 OJP's Drug Budget methodology was reviewed by PricewaterhouseCoopers LLP and found to be in accordance with the requirements of *ONDCP Circular: Annual Accounting of the Drug Control Funds.*

Attachment 1

Office of Justice Programs

Drug Related Resources by Goal, Function and Decision Unit as Reported to ONDCP

Decision Unit	% Drug Related	GOAL 1 Prevention	GOAL 2 S&L Asst	GOAL 2 R&D	GOAL 2 Treatment	GOAL 2 Corrections
Arrestee Drug Abuse Monitoring (ADAM) Program	100%	--	--	100%	--	--
Byrne Discretionary Grant Program	90%	10%	80%	--	10%	--
Byrne Formula Grant Program	80%	10%	80%	--	10%	--
Criminal Justice Statistical Programs	***	20%	80%	--	--	--
Criminal Records Upgrade - NCHIP	5%	--	100%	--	--	--
Drug Counts Program	100%	--	100%	--	--	--
Indian Country Alcohol and Crime Demonstration Prog	25%	100%	--	--	--	--
Indian Tribal Courts	33%	--	100%	--	--	--
International Crime Research Program	10%	--	--	100%	--	--
Juvenile Accountability Incentive Block Grants (JAIBG)	15%	--	100%	--	--	--
Juvenile Drug Demonstration Program	100%	100%	--	--	--	--
Juvenile Justice Program	***	100%	--	--	--	--
Local Law Enforcement Block Grants (LLEBG)	34%	--	100%	--	--	--
Regional Information Sharing System (RISS)	90%	--	100%	--	--	--
Research, Evaluation and Demonstration Programs	***	--	--	100%	--	--
Residential Substance Abuse Treatment (RSAT)	100%	--	--	--	100%	--
State Corrections Grants Program	10%	--	--	--	--	100%
Title V: Enforcing Underage Drinking Laws	100%	100%	--	--	--	--
Title V: Tribal Youth Program	100%	100%	--	--	--	--
VAWA: Encouraging Arrest Policies	20%	--	100%	--	--	--
VAWA: Law Enforcement & Prosecution Grants	20%	--	100%	--	--	--
VAWA: Rural Domestic Violence Prevention	20%	--	100%	--	--	--
Weed and Seed Program	50%	90%	10%	--	--	--
Zero Tolerance and Drug Intervention Program	100%	--	50%	--	50%	--

*** Amounts provided by Bureau/Program Office based on actual program obligations.

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Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Arrestee Drug Abuse Monitoring System (ADAM)

Function: Research and Development

Program Mission: To address directly the relationship between drug use and criminal behavior by providing drug use estimates based on urinalysis results which convey policy-relevant information to local, state and federal decision-makers.

Program Description: The ADAM discretionary grant program is administered by National Institute of Justice. ADAM is the only federally-funded drug use prevalence program to directly address the relationship between drug use and criminal behavior and is the only program to provide drug use estimates based on urinalysis results, which have been proven to be the most reliable method of determining recent use. ADAM's data provides policy-relevant information to local, state and federal decision-makers. In addition, because ADAM's infrastructure has already been developed, research projects and evaluations that use the ADAM program can be fielded more rapidly and cheaply than most other studies. ADAM's findings are processed and released immediately and allow for quarterly monitoring in changes of use of a wide range of drugs by numerous subgroups of the offender population. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	[$1.8]	[$1.8]	[$1.9]	[$2.0]	[$1.8]	[$2.4]	[$6.7]	[$6.7]	[$6.7]	[$11.7]
Drug-Related**	$1.8	$1.8	$1.9	$2.0	$1.8	$2.4	$0.0	$6.3	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Arrestee Drug Abuse Monitoring (ADAM) Program/National Institute of Justice
MISSION: To address directly the relationship between drug use and criminal behavior by providing drug use estimates based on urinalysis results which convey policy-relevant information to local, state and federal decision-makers.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$6.7M	$6.7M	$6.7M	$6.7M	$11.7M
Output/ Activity	2. # of ADAM sites operating	NIJ Files	35	35	35	35	50
	3. # of questionnaires collected, tabulated, and analyzed	NIJ Files	36,144	70,000	60,000	60,000	100,000
	4. # of days until questionnaire and urinalysis data available to local sites	NIJ files	20 days (avg)	20 days (avg)	20 days (avg)	20 days (avg)	20 days(avg)
Intermediate Outcome	5. # of sites receiving research design & quality control technical assistance	NIJ Files	35	35	35	35	50
	6. # of ADAM outreach sites (suburban, rural, and tribal lands) established	NIJ Files	1(pilot)	2(pilot)	1(pilot)	0/a	35/b
	7. # of ADAM sites that have initiated juvenile data collection where access to juvenile detainees is permitted	NIJ Files	12	12	12	12	12
End Outcome	8. # of community drug research policy collaboratives (local coordinating councils)	NIJ Files	35	35	35	35	50
	9. # of issue-specific research addenda	NIJ Files	2	3	3	3	6
	10. # of NIJ base-funded grants for drug-crime research capitalizing on ADAM research platform and findings	NIJ files	0	4	3	4	5
	11. # of ADAM publications disseminated to law enforcement, policy-makers, researchers and practitioners	NCJRS	---	---	22,519	25,000	27,500

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
The ADAM instruments focus on the detection of 5 drugs highlighted for prevalence measurement by the National Institute on Drug Abuse: opiates, cocaine, marijuana, PCP, and methamphetamines. The urinalysis testing component, however, provides the capacity to test for any controlled or other substances capable of detection through urinalysis, such as a variety of pharmaceuticals, hallucinogens, anti-depressants, and alcohol.

- Indicator #7 - Target number of sites collecting juvenile data is variable due to the fact that human subjects review committees, juvenile detention facility manager, and/or state laws may not permit juvenile testing at all sites.
- Indicator #8 refers to the local policy collaboratives that help "tweak" the testing programs to adjust to local conditions and needs. It usually, but not always, should parallel the number of sites receiving quality control technical assistance.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. In 2001, OJP proposes to expand ADAM from 35 to 50 sites.

a/ - In FY 00, NIJ must direct all funds to maintaining the current steady state costs attributable to this program. No NIJ funds are planned to be used to maintain outreach data collection pilot efforts in FY 00.
b/ - In FY 01, the requested increase will allow for the expansion of outreach data collection efforts to all of the original 35 ADAM sites.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Zero Tolerance and Drug Intervention Initiative

Function: State and Local Assistance (50%); Treatment (50%)

Program Mission: To provide states, local jurisdictions and Indian tribes grant funding for planning, implementation, and enhancement of comprehensive drug testing and corresponding treatment programs.

Program Description: The Zero Tolerance and Drug Intervention Initiative will be administered by OJP's Office of the Assistant Attorney General. This discretionary program will concentrate on local criminal justice systems which have responsibility for the supervision of the vast majority of arrestees and offenders in the system. States would also be eligible for funding for prison populations. Specifically, this initiative will develop and implement a system-wide strategy of universal drug testing combined with treatment interventions and graduated sanctions. Included in this program is funding targeted to offenders who are re-entering the community. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$75.0
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2–Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/DECISION UNIT: Zero Tolerance Initiative and Drug Intervention Initiative/Office of the Assistant Attorney General
MISSION: This initiative will provide criminal justice agencies and Indian tribes grant funding for planning, implementation, and enhancement of comprehensive drug treatment programs; training and technical assistance; and program evaluation. Additionally, this initiative compliments OJP's existing drug prevention programs such as the Drug Courts Program Office and the Residential Substance Abuse Treatment Program.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
				Performance Report		Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actual	2000 Enacted plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					*$75 M
Output/ Activity	2. Number of planning grants awarded	OJP Records					**
	3. Number of building block grants awarded	OJP Records					**
	4. Number of implementation grants awarded	OJP Records					**
Intermediate Outcome	5. Number of training sessions for grantees	OJP Records					**
	6. Number of technical assistance support and expertise to grantees	OJP Records					**
End Outcome	7. Number of jurisdictions with drug testing programs	OJP Records					85
	8 Number of individuals tested	OJP Records					150,000
	9. Number of individuals enrolled in treatment programs	OJP Records					**
	10. Percent of individuals who are not rearrested after participating in a drug treatment program	OJP Records					**

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: **Results will be achieved in 2002.

B. Issues Affecting Selection of 2000 and 2001 Plans: *Of the $75 million, $25 million will be directed to the Offender Reentry Initiative and $10 million to Indian country programs.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Drug Courts Program

Function: State and Local Assistance

Program Mission: To provide financial and technical assistance for states, state courts, units of local government, local courts, and Indian Tribal governments to develop and implement treatment drug courts that employ the coercive power of courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

Program Description: The Drug Courts Program is a discretionary grant program and is administered by the Drug Courts Program Office (DCPO). It provides financial and technical assistance for states, state courts, units of local government, local courts and Indian Tribal governments to develop and implement drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, drug testing, incentives and sanctions to break-the-cycle of substance abuse and crime. The drug court movement began as a grass roots, community-level response to reduce crime and substance abuse among criminal justice offenders. A drug court brings together the court, other criminal justice agencies and the treatment community to create a paradigm shift when intervening with substance abusing offenders. The DCPO fully supports this grass roots, community-level movement by awarding drug court grants, technical assistance and training. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	$11.9[1]	$15.0[2]	$30.0	$30.0	$40.0	$40.0	$50.0
Drug-Related**	N/A	N/A	N/A	$11.9	$8.7	$31.0	$35.7	$39.2	TBD	TBD

**Reflects total funds Appropriated.*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

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[1]Originally $29 million but was rescinded to $11.9 million.

[2]$15 million reprogrammed from Local Law Enforcement Block Grant funding.

PROGRAM/ORG UNIT: Drug Courts Program/Drug Court Program Office (DCPO)
MISSION: To provide financial and technical assistance for states, state courts, units of local government, local courts, and Indian Tribal governments to develop and implement treatment drug courts that employ the coercive power of courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$30M	$40M	$40M	$40M	$50M
	2. Total number of applications received	Office of the Comptroller	291	195	215	150	200
	3. Program Specialist positions to prepare/monitor grants	Personnel Office	8	9	7	7	10
	4. Policy administrator positions to guide program effort	Personnel Office	2	2	1	1	2
Intermediate Outcome	5. Provide training sessions for grantees	TAP	11	16	22	37	50
	6. Provide special training session for tribal grantees	TAP	2	3	9	11	11
	7. Provide technical support and expertise to grantees	TAP & DCPO	1736	750	3,148	750	750
	8. Contact and exchange information with other federal agencies	DCPO	6	6	6	6	6
	9. %of on-site tech. asst. that is evaluated by grantees as good or excellent	TAP	100%	95%	95%	95%	95%
End Outcome	10. Number of DCPO-funded new operational drug courts	Drug Court Clearinghouse	112	115	108	40	54
	11. Establish cooperative programs with other federal agencies	DCPO	1	2	3	1	1
	12. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program (Recidivism)	Drug Court Clearinghouse	85%	80%	80%	80%	80%

A. Definitions of Terms or Explanations for Indicators and Data Source: N/A

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2001, $2 million of the $10 million request will be used to help fund the Dependency Court System's Response to Child Abuse and Neglect Initiative (see the Building Knowledge Initiative). The remaining $8 million will be needed for the DCPO to establish 12 new drug courts, assist 8 additional communities in planning a drug court, provide the additional training and technical assistance needed for the new grantees, and further the national evaluation of drug courts.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Indian Country Alcohol and Crime Demonstration Program

Function: Prevention

Program Mission: To provide funding to Indian tribes for the general purposes of reducing crime and improving criminal programs.

Program Description: The Indian Country Alcohol and Crime Demonstration Program will be administered by the Office of the Assistant Attorney General. This discretionary grant program will provide funding to Indian tribes to support tribal detention or probation-based demonstration projects that target alcohol-related offenders, including non-violent recidivist adult offenders, Indian youth, Indian parents with child abuse or neglect problems, and pregnant Indian women with recurring involvement in the justice system. Innovative court-mandated services will be provided; especially those that place offenders in detoxification centers, halfway homes, in-patient treatment, and home detention. Additionally, funding will be available to support training and technical assistance, evaluation, and collection of Indian-specific data about alcohol related crime as part of the National Crime Victims Survey. BJA has determined that 25 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$8.0
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	TBD

**Reflects total funds Appropriated.*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 1- Educate and enable America's youth to reject illegal drugs as well as the use of alcohol and tobacco.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Indian Country Alcohol and Crime Demonstration Program/Office of the Assistance Attorney General
MISSION: To provide funding to Indian tribes for the general purposes of reducing crime and improving criminal programs.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.					$8M
Output/ Activity	2. Number of alcohol related arrests.	OJP files					TBD
End Outcome	3. Number of drug treatment centers established in Indian Country	OJP files					TBD

A. Definitions of Terms or Explanation of Indicators and Data Sources: TBD - To be determined.

B. Factors Affecting 1999 Program Performance. N/A

C. Factors Affecting Selection of 2000 and 2001 Targets.
The Office of Justice Programs requests a total of $21 million to implement a three part initiative in Indian Country. The primary purpose of the Initiative is to promote Indian youth mental health, education, alcohol and substance abuse related services, and provide certified medical staff to assist in the forensic examination of sexual assault victims. Of the $21 million requests, $8 million is for establishing an Indian Country Alcohol and Crime Demonstration Program.

D. Validation and Verification. OJP validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and telephone contact.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Juvenile Drug Prevention Program

Function: Prevention

Program Mission: To reduce the use of alcohol, tobacco, or marijuana; increase parent/child communication about drug use; and reduce more serious forms of drug involvement.

Program Description: This discretionary program, which is administered by the Office of Juvenile Justice and Delinquency prevention (OJJDP), is designed to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. OJJDP recognizes the relationship between substance abuse and delinquency, and has thus promoted a rational framework for preventing and responding to adolescent problem behavior that is substantiated by years of research on risk-focused prevention. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	$5.0	$10.0	$10.0	$10.0
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	$5.0	$0.7	TBD	TBD

**Reflects totals funds Appropriated*
***Reflects actual drug related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 1 - Educate and enable America's youth to reject illegal drugs as well as the use of alcohol and tobacco.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Juvenile Drug Prevention Program/Office of Juvenile Justice and Delinquency Prevention
MISSION: To reduce the use of alcohol, tobacco, or marijuana; increase parent/child communication about drug use; and reduce more serious forms of drug involvement.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$5M	$10M	$10M	$10M	$10M*
	2. Number of applications received from school districts	OJJDP Reports	57	800	800	800	1,200
Intermediate Outcome	3. Number of monitoring site visits	Site Visit Reports	35	30	30	30	60
	4. Number of sites evaluated	OJJDP Reports	35	140	140	140	280
End Outcome	5. Number of drug prevention programs implemented	Final Grant Report	35	140	140	140	280
	6. Number of middle/junior high school students reached	OJJDP Reports	26,143	140,000	70,000	70,000	280,000

A. Definitions of Terms or Explanations for Indicators and Data Sources:
* In addition to the $10 million appropriated for the Drug Prevention Program, there is an additional $10 million from the At-Risk Children's Program, bringing the total to $20 million for Fiscal Year 2001.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requests $10 million be made available through existing OJJDP's Title V funding, for the Drug Prevention Demonstration Program. The Administration has identified juvenile substance as one of the most critical areas of concern related to juvenile delinquency with the country experiencing significant increases over the past six years.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Residential Substance Abuse Treatment for State Prisoners (RSAT)

Function: Treatment

Program Mission: To enhance the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates.

Program Description: The Residential Substance Abuse Treatment for State Prisoners (RSAT) program is administered by OJP's Corrections Program Office. RSAT is a formula grant program that assists states and units of local government in developing and implementing residential substance abuse treatment programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment -- typically 6 - 12 months. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	$27.0	$30.0	$63.0	$63.0	$63.0	$65.0
Drug-Related**	N/A	N/A	N/A	N/A	$24.7	$30.0	$60.7	$60.7	TBD	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Residential Substance Abuse Treatment for State Prisoners/Corrections Program Office
MISSION: To enhance the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE REPORT AND PERFORMANCE PLANS					
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions) 2. Number of applications received	P.L. Internal Reports	$63M 56	$63M 56	$63M 56	$63M 56	$65M 56
Intermediate Outcome	3. Number of residential substance abuse treatment programs initiated or expanded in state and local correctional facilities 4. Number of state and local policymakers and correctional and treatment practitioners who receive technical assistance and training	Project Reports & Annual Evaluation* Tech Assistance & Training Reports**	74 800	120 800	114 950	150 800	TBD TBD
End Outcome	5. Number of offenders treated for substance abuse	Project Reports & Annual Evaluation*	10,220	12,000	18,893	22,000	TBD

A. Definitions of Terms or Explanations for Indicators and Data Source:
Recidivism is defined as reconviction for a crime committed after release from the treatment program.
* - Individual Project Reports and Annual Evaluation Reports submitted by the states.
** - Internal Report of Number of People Receiving Technical Assistance and Survey of Number of Conference Participants.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans. OJP requests a $2 million enhancement to RSAT, bringing the total program level in 2001 to $65 million. The RSAT program, which is administered by the Corrections Program Office (CPO), provides formula grants for use by state and local governments to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities where inmates are incarcerated for sufficient time to permit substance abuse treatment. The demand for RSAT treatment services is tremendous and this increased level of funding will address only a small fraction of the need.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Enforcing Underage Drinking Laws

Function: Prevention

Program Mission: To develop comprehensive and coordinated initiatives to enforce State laws that prohibit the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors (defined as individuals under 21 years of age).

Program Description: This program is administered by the Office of Juvenile Justice and Delinquency Prevention. A program of block grants, discretionary programs, and training and technical assistance available to all 50 States and the District of Columbia to develop comprehensive and coordinated initiatives to enforce State laws that prohibit the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	$25.0	$25.0	$25.0	N/A
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	$25.0	$20.0	TBD	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Juvenile Justice Program/Office of Juvenile Justice Delinquency and Prevention (includes all programs except JAIBG)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actuals	2000 Enacted	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$238.672M	$284.597	$284.597M	$287.097M	$289M
	2. Number of applications received for Title II formula grants	Program Manager	53	56	53	56	56
	3. Number of At-Risk Grant applications received	Program Manager	51	56	53	56	56
	4. Number of Incentive Grant applications received	Program Manager	53	56	54	56	56
	5. Discretionary grant programs designed and developed	Program Manager	12	13	15	21	21
	6. Number of technical assistance/training requests received	Program Manager	31,015	31,000	30,062	31,000	31,000
Intermediate Outcome	7. Number of State Agency personnel and State Advisory Group members trained on JJ Act requirements	Contractor Reports	545	500	310	300	500
	8. Number of community leaders trained on risk focused prevention	Contractor	824	1,000	923	923	923
	9. Number of on-site monitoring visits to States	Program Manager	56	56	46	56	56
	10. Number of on-site compliance audits in States	Program Manager	10	10	15	10	10
	11. Number of monitoring site visits made and of planning/dissemination/coordination sessions conducted (discretionary)	Program Manager/ Travel Vouchers	267	300	494	494	494
End Outcome	18. Number of States in compliance with core requirements:	Program Manager					
	-section 223 (a)(12)		53	56	51	56	56
	-section 223 (a)(13)		53	56	52	56	56
	-section 223 (a)(14)		49	56	50	56	56
	-section 223 (a)(23)		54	56	54	56	56
	19. Number of communities implementing risk-focused prevention programs	Contractor Reports	285	300	195	450	450
	20. Number of Incentive (Challenge) Activities implemented by States	Program Manager	112	122	107	107	107
	21. Number of practitioners trained (includes trainers)	Program Manager	96,871	100,000	96,017	100,000	100,000
	22. Number of jurisdictions receiving technical assistance	Program Manager	2,617	3,000	2,923	3,000	3,000

A. Definitions of Terms or Explanations for Indicators and Data Source:

JJDP Act: Juvenile Justice and Delinquency Prevention Act, as amended in 1992:

Section 223(a)(12): deinstitutionalization of status offenders - i.e., young people who commit an offense that would not be punishable for an adult.

Section 223(a)(13): separation of juveniles and adults in secure facilities;

Section 223(a)(14): removal of juveniles from adult jails and lockups;

Section 223(a)(23): elimination of disproportionate minority confinement in jurisdictions where it exists.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: At-Risk Children Initiative - Tribal Youth Program

Function: Prevention

Program Mission: To support and enhance tribal efforts for comprehensive delinquency prevention and control and for juvenile justice system improvement for Native American youth with a goal of improving the quality of life in tribal communities by addressing the problem of violent crime, including drug use, among American Indian youth.

Program Description: The At-Risk Children Initiative discretionary program is administered by the Office of Juvenile Justice and Delinquency Prevention. It provides funds for comprehensive delinquency prevention, control, and system improvement programs for tribal youth who have had or likely to have contact with the juvenile justice system. Applicants must focus on one of four broad categories: 1) reduce, control, and prevent crime both by and against tribal youth; 2) interventions for court-involved tribal youth; 3) improvement to tribal juvenile justice systems; and 4) prevention programs focusing on alcohol and drugs. All funds available under this program are scored as drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$10	$12.5	$20
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$1.2	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 1 - Educate and enable America's youth to reject illegal drugs as well as the use of alcohol and tobacco.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Juvenile Justice Program/Office of Juvenile Justice Delinquency and Prevention **(includes all programs except JAIBG)**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actuals	2000 Enacted	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$238.672M	$284.597	$284.597M	$287.097M	$289M
	2. Number of applications received for Title II formula grants	Program Manager	53	56	53	56	56
	3. Number of At-Risk Grant applications received	Program Manager	51	56	53	56	56
	4. Number of Incentive Grant applications received	Program Manager	53	56	54	56	56
	5. Discretionary grant programs designed and developed	Program Manager	12	13	15	21	21
	6. Number of technical assistance/training requests received	Program Manager	31,015	31,000	30,062	31,000	31,000
Intermediate Outcome	7. Number of State Agency personnel and State Advisory Group members trained on JJ Act requirements	Contractor Reports	545	500	310	300	500
	8. Number of community leaders trained on risk focused prevention	Contractor	824	1,000	923	923	923
	9. Number of on-site monitoring visits to States	Program Manager	56	56	46	56	56
	10. Number of on-site compliance audits in States	Program Manager	10	10	15	10	10
	11. Number of monitoring site visits made and of planning/dissemination/coordination sessions conducted (discretionary)	Program Manager/ Travel Vouchers	267	300	494	494	494
End Outcome	18. Number of States in compliance with core requirements:	Program Manager					
	-section 223 (a)(12)		53	56	51	56	56
	-section 223 (a)(13)		53	56	52	56	56
	-section 223 (a)(14)		49	56	50	56	56
	-section 223 (a)(23)		54	56	54	56	56
	19. Number of communities implementing risk-focused prevention programs	Contractor Reports	285	300	195	450	450
	20. Number of Incentive (Challenge) Activities implemented by States	Program Manager	112	122	107	107	107
	21. Number of practitioners trained (includes trainers)	Program Manager	96,871	100,000	96,017	100,000	100,000
	22. Number of jurisdictions receiving technical assistance	Program Manager	2,617	3,000	2,923	3,000	3,000

A. Definitions of Terms or Explanations for Indicators and Data Source:

JJDP Act: Juvenile Justice and Delinquency Prevention Act, as amended in 1992:

Section 223(a)(12): deinstitutionalization of status offenders - i.e., young people who commit an offense that would not be punishable for an adult.

Section 223(a)(13): separation of juveniles and adults in secure facilities;

Section 223(a)(14): removal of juveniles from adult jails and lockups;

Section 223(a)(23): elimination of disproportionate minority confinement in jurisdictions where it exists.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Research, Evaluation and Demonstration Programs

Function: Research and Development

Program Mission: To develop new information on crime; to determine what works and why in prevention, enforcement, and adjudication of crime and its consequences, and in institutional and community corrections; and to disseminate the information to state and local criminal justice programs.

Program Description: The Research, Evaluation and Demonstration discretionary grant programs are administered by the National Institute of Justice (NIJ). NIJ is the principal federal agency for research on crime and is authorized to support research, evaluation, and demonstration programs; support development of technology; and both national and international information dissemination. NIJ continues to develop new information on the nature and causes of crime, its consequences and its relationship to institutional and community corrections. Developing this information on what works to prevent, enforce and adjudicate crime, *including drug-related crime and criminal activity*, allows NIJ to disseminate practical knowledge and tools to all levels of the criminal justice community, to include the international front.

Funding History (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$23.7	$23.0	$22.5	$27.0	$30.0	$30.0	$41.1	$46.1	$43.4	$49.4
Drug-Related**	$11.2	$11.5	$11.7	$8.5	$5.11	$5.9	$17.7	$4.1	TBD	TBD

**Reflects total funds Appropriated.*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Research, Evaluation, and Demonstration Programs/National Institute of Justice

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$42.5M	$57.1M	$46.148M	$43.448M	$49.4M
	2. Number of grant applications received	NIJ Records	700	800	923	900	1,125
	3. Number of grant awards made	NIJ Records	200	400	273	300	350
	4. Number of technologies transferred to/from DOD	NIJ Records	9	10	0	-	-
Output/ Activity	5. Number of requests for information (NCJRS)	NCJRS Records	758,727	1 million	548,240	685,300	925,155
	6. Percentage of NCJRS contacts via Internet	NCJRS Records	63.4%	90%	72%	80%	90%
	7. Number of active research projects, both intramural and grants awarded	NIJ Records	750	850	907	800	850
	8. New products published	NIJ Records	105	125	110	130	130
	9. Number of practitioners/researchers participating in NIJ conferences, seminars, focus groups, planning sessions	NIJ Records	3,200	3,200	4,500	4,725	4,950
Intermediate Outcome	10. Grantee level of satisfaction with NIJ Conferences	NIJ Records	75%	80%	85%	85%	85%
End Outcome	11. Percent increase in DNA analysis speed using newly-developed, as opposed to pre-existing, DNA analysis technologies	Grantee Reports	NA	100%	100%	100%	100%
	12. Number of arrestee drug testing sites	NIJ Records	35	35	35	50	50
	13. Law enforcement technology deliverables (standards, product performance evaluations, product guides)	NIJ Records	--	135	72	80	80
	14. Technologies commercialized through the private sector	NIJ Records	--	12	12	8	8

A. Issues Affecting 1999, 2000 and 2001 Program Performance.

4 - Transfer of technology does not occur as an element of this program unit of the Base Program. As such, FY 99 activity level is reported at zero. This activity is reported as part of the Counterterrorism Research and Development Program, Department of Justice Counterterrorism Programs activity.

11 has undergone a change in description. This new description provides a more accurate outcome measure.

13 - FY 99 actual figure recorded as 72. This number is smaller than the enacted plan because the enacted plan figure represented all science and technology programs, regardless of program funding source. The number 72 represents the outcome for this specific program unit.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: International Crime Research Program

Function: Research and Development

Program Mission: To develop an awareness of transnational crime problems and a Department Of Justice capability to act against them.

Program Description: This program, which is administered by OJP's National Institute of Justice (NIJ), addresses the issue that crime in the twenty-first century will occur in a global framework and that multi-national business creates global economies, as a result no country is more vulnerable to transnational crime than the United States. While we can occasionally collaborate across state and county lines, our capacity to track offenders across international borders is virtually non-existent. Developing countries and emerging democracies, with weak enforcement capabilities and justice systems, serve as natural origins for illicit goods and destinations for stolen properties and laundered money. In the absence of a firm and broad-based understanding of the nature and extent of transnational crime threats operational agencies cannot develop effective programming to combat this type of crime. This program would help NIJ to develop and share knowledge in support of federal law enforcement efforts, including drug-related crime and criminal activity, to assist justice agencies in emerging democracies, and to share knowledge developed through a variety of research, evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad. NIJ has determined that of the total funds available under this program 10 percent are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	[$1.4]
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: International Crime Research/National Institute of Justice
MISSION: To develop an awareness of transnational crime problems and a DOJ capability to act against them.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.					$1.4M
Output/ Activity	2. Award International Research Support Contract	NIJ Files					1
	3. Number of solicitations released	NIJ Files					2
Intermediate Outcome	4. Number of tasks assigned to the International Research Support Contract	NIJ Files					10
	5. Number of proposals received	NIJ Files					25
End Outcome	6. Number of projects completed through the International Research Support Contract	NIJ Files					2
	7. Number of awards made	NIJ Files					8
	8. World Justice Information Network established	NIJ Files					yes
	9. Number of International Internet Studios established	NIJ Files					3

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: NA

B. Issues Affecting 1999 Program Performance: NA

C. Issues Affecting Selection of 2000 and 2001 Plans. The $1.4 million will be used for NIJ's International Center to implement an International Crime Research Program to support the goals and objectives of the President's International Crime Control Strategy. NIJ's International Center currently coordinates OJP's international activities and serves as an international research, dissemination and networking resource for the Department. The requested enhancement would allow the International Center to support other Department components' international activities, and to share criminal justice information with an international audience of practitioners and researchers. This program would help NIJ to develop and share knowledge in support of federal law enforcement efforts to assist justice agencies in emerging democracies. Additionally, it will allow NIJ to share knowledge developed through a variety of research, evaluative and technology-related practices with law enforcement and criminal justice practitioners and researchers both in the United States and abroad.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Criminal Justice Statistical Programs

Function: State and Local Assistance (80%); Prevention (20%)

Program Mission: To provide the nation with comprehensive and accurate statistical information concerning crime and the operation of our justice systems.

Program Description: The Criminal Justice Statistical discretionary programs are administered by the Bureau of Justice Statistics (BJS). As the statistical arm of the Department of Justice, BJS is responsible for (1) providing comprehensive, objective, and accurate national data on crime and justice system operations to the President, the Congress, the judiciary, state and local governments, and the general public; (2) assisting states and units of local government in the development of justice information systems and the collection, analysis, and dissemination of justice statistics; and (3) providing customer access to statistical information by a variety of traditional and electronic means.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$22.1	$21.4	$21.0	$21.4	$21.4	$21.4	$21.5	$25.0	$25.5	$33.2
Drug-Related**	$1.7	$1.8	$2.0	$1.5	$1.5	$1.7	$1.5	$1.5	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 1, Educate and enable America's youth to reject illegal drugs as well as the use of alcohol and tobacco.

Goal 2, Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Criminal Justice Statistical Programs (Base)/Bureau of Justice Statistics (BJS)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$21.5M	$25.0M	$25.0M	$25.5M	*$33.2M
Output/ Activity	**National data on crime and the justice system: Collect and analyze statistical information**						
	2. Major data collections conducted	BJS Reports	17	15	15	21	18
	Core series		14	10	10	17	12
	Special collections		3	5	5	4	6
	3. Analyses and publication of findings	BJS Reports					
	Paper version publication		41	40	51	50	50
	Electronic version only (BJS Internet site)		3	5	3	5	5
	CD Rom only		N/A	N/A	3	3	3
	Assistance to state, local and tribal governments: Encourage the development, maintenance, and utilization of data systems and analysis						
	4. Support for state, local, and tribal data system and statistical activities (number of cooperative agreements)	OC PAL Reports	45	44	55f/	50	51
	Customer access to statistical information: Products and services						
	5. Electronic versions of data collection questionnaires	BJS Records	N/A	N/A	19	25	28
	6. Electronic BJS reports available on BJS Internet site	BJS Records	251	270	249	290	330
	7. Electronic charts and supporting material available on BJS Internet site	BJS Records	465	480	1,697g/	1,867	2,053
	8. Electronic datasets made available through the criminal justice data archive	NACJD	987	1,000	1,049	1,075	1,100
	9. Media releases, including those reports put on newswire	BJS Records	17	15	21	22	22
	10. Professional meetings and conference exhibits demonstrating BJS reports and products	NCJRS	67	65	84	65	65

Intermediate Outcomes	**Customer access to statistical information: Level of requests and utilization of BJS data**						
	Traditional means:						
	11. Statistical reports disseminated annually by the BJS Clearinghouse by mail	NCJRS	986,061	900,000	1,325,907	942,375	989,494
	12. Requests for data filled annually by BJS Clearinghouse	NCJRS	23,146	22,000	29,346	31,290	32,855
	13. Subscribers on BJS mailing list annually for publication distribution	NCJRS	19,873	18,000	20,176	20,377	20,580
	Datasets and documentation requested and disseminated annually by the National Archive of Criminal Justice Data (NACJD):						
	14. Studies and code books disseminated	NACJD	252\a	N/A	N/A	N/A	N/A
	15. Datasets distributed on CD Rom	NACJD	1,488	1,400	1490	1,750	2,000
	16. Datasets distributed on customized diskette	NACJD	136	50	N/A\h	N/A	N/A
	17. Information products disseminated annually from the criminal justice data archives by mail and at conferences	NACJD	1,540\b	1,200	1,000	1,000	1,000
	Electronic means:						
	BJS Internet WWW Home Page	BJS Records	51,488	52,000	88,352	90,000	92,000
	18. Average number user sessions per month	BJS Records	Not avail \g	14,450	Not avail \i	TBD	TBD
	19. Number of user sessions downloading reports per month	BJS Records	Not avail \d	27,795	Not avail \j	TBD	TBD
	20. Number of user sessions downloading files per month	BJS Records	1,607	1,800	2,331	2,400	2,500
	21. Inquiries to BJS e-mail per year	AltaVista search engine	2,481	2,200	6,310	6,400	6,500
	22. Number of Internet sites linking to BJS home page						
	National Archive of Criminal Justice Data Website						
	23. Total files viewed or downloaded per year	NACJD	68,372	70,000	103,657	118,000	136,000
	24. Annualized number of datasets accessed	NACJD	18,699	20,000	24,174	27,000	29,000
	Distribution through automated faxing systems:						
	Fax-on-demand --						
	25. Requests	NCJRS	3,298	3,350	4,281	5,265	6,476
	Fax broadcasting --						
	26. Subscribers	BJS Records	785	800	777	780	780

End Outcomes	**Customer access to statistical information: Users and uses of data**						
	27. Media citations of BJS data (conservative estimate)	BJS Records	134,164\e	135,000	167,160	168,000	170,000
	- Daily newspapers		[14,450]	[14,540]	[17,850]	[18,480]	[18,700]
	- Radio and TV news spots		[119,714]	[120,460]	[149,310]	[149,520]	[151,300]
	28. Federal and state court case opinions citing BJS data (Lexis/Nexis metafile)	NCJRS	7	8	10	12	12
	29. General breakdown of BJS users:						
	- Federal policymakers and practitioners	NCJRS	4%	5%	4%	5%	5%
	- State and local policymakers and practitioners		28%	32%	32%\k	34%	36%
	- Private organizations		23%	27%	9%	11%	11%
	- Faculty/students		20%	22%	18%	21%	21%
	- General public		18%	12%	29%	23%	23%
	- Other		7%	2%	8%	6%	4%

A. Definitions of Terms or Explanations for Indicators:

- BJS distributes many of its publications through mass faxing, as well as fax-on-demand systems (#25 and #26). Fax-on-demand refers to an automated fax delivery system in which customers call a toll free number and request documents through a touchtone menu. Fax broadcasting refers to mass faxing to several hundred destinations at a single time.
- Indicator #23 includes links to the BJS home page only; information is not available on the number of Internet sites linking to other pages of the BJS website.

B. Issues Affecting 1998 Program Performance:

a/ Indicator #14 studies and codebooks disseminated by NACJD, is no longer useful as a measure because virtually all study files and codebooks are being electronically accessed and downloaded by users. This activity is captured by indicators #23 and #24.

b/ Most products previously disseminated by mail are now available on the Archive website and will not be printed and distributed in the future. In 1998, printing of the National Institute Of Justice (NIJ) Data Resources Program Catalog was replaced by a pdf version on the website. Additionally, the National Crime Victimization Survey (NCVS) codebooks were not printed and distributed as these are available for downloading from the website.

c/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

d/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

e/ Targets relating to number of media citations (indicator #28) has increased due to an improved method of estimation using factors such as number of daily newspapers on AP wire, number of TV and radio stations, and number of BJS press releases.

Issues Affecting 1999 Program Performance:

f/ Over 50% of these cooperative agreements included funding, full or partial, from the COPS office, Juvenile Accountability Incentive Block Grants (JAIBG) program, and the Criminal Records Upgrade program.

g/ The number of charts and spreadsheets available from the BJS website increased at a rate far greater than anticipated. New spreadsheets and webpages have been added in the areas of Key Facts at a Glance, Crime and Justice Data Abstracts, Drugs and Crime Facts, and Homicide Trends. In 1999, the number of charts and spreadsheets included in publications also increased.

h/ Indicator #16, datasets on customized diskettes distributed by NACJD, is no longer useful as a measure because datasets previously distributed on diskettes are being obtained from the NACJD website. This activity is currently being captured in indicator #24.

i/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

j/ This indicator will be useful for BJS to assess its performance, however complete data is not yet available.

k/ Although difficult to have direct control over this measure, BJS met its target for increasing use of BJS data by state and local policymakers and practitioners.

C. Issues Affecting Selection of 2000 and 2001 Plans:

* Of the $33.2M requested for FY 2001, the following initiatives are included in the $33.2M total:

- Victimization of the Disabled (.7M)
- Hate Crime Reporting Statistics (1M)
- Tribal Criminal Justice Statistics (2M)
- Statistics on Disparities in the Justice Systems (.5M)
- Traffic Stops by the Police (.8M)
- Electronic Data Collection (.5M)
- Computer Crime/Cyber Fraud Statistics (1M)

Performance measures describe intended results from both base program activities and requested program initiatives.

BJS anticipates a gradual decrease in its customers' use of traditional methods of dissemination (i.e., mailing paper versions) due to the increased use of electronic dissemination, such as the Internet and automated faxing systems.

D. Verification and Validation:

BJS obtains its measurement data from a variety of sources, including: Management and project tracking systems of BJS, Office of Comptroller (OC), the National Criminal Justice Reference Service, and the National Archive of Criminal Justice Data; OJP webserver logs; Lexis/Nexis database; Alta Vista search engine; and data from the Associated Press and National Broadcasters Association. BJS continually evaluates the sources and methods of data collection of these data and have determined they are reliable and of satisfactory quality.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Criminal Record Upgrade - National Criminal History Improvement Program (NCHIP)

Function: State and Local Assistance

Program Mission: To assist states in improving the automation, accuracy, and completeness of criminal records including records of protective orders involving domestic violence and stalking; developing complete and accurate in-state registries; and facilitating the interstate exchange of such records through national systems.

Program Description: The National Criminal History Improvement Program, which is administered by OJP's Bureau of Justice Statistics (BJS), was established in 1995 and serves as an umbrella program providing support to states in the expanding range of areas which pertain to criminal history record systems, identification systems, communications and support for the national record systems maintained by the FBI. The NCHIP program builds BJS' extensive efforts to assist states in establishing the overall infrastructure required for a national criminal record system capable of meeting both criminal justice and noncriminal justice demands. BJS has determined that of the total funds available under this program 5 percent are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps.*	N/A	N/A	N/A	$100.0	$24.6	$50.0	$45.0	$45.0	$35.0***	$70.0***
Drug-Related**	N/A	N/A	N/A	$0.0	$1.2	$2.2	$2.4	$2.4	TBD	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*
****Funded under COPS II*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2, Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Criminal Record Upgrade (National Crime History Improvement Program - NCHIP) /COPS II
MISSION: To assist states in improving the automation, accuracy, and completeness of criminal records including records of protective orders involving domestic violence and stalking; developing complete and accurate in-state registries; and facilitating the interstate exchange of such records through national systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (millions)	P.L.	$45M	$45M	$45M	$35 M	$70 M
Output/ Activity	2. Intergovernmental coordination conferences to provide training and Federal/state interface	BJS Records	2	2	2	2	2
	3. National status reviews completed and results published	BJS Records	2	2	2	2	2
	4. Technical assistance provided:						
	- seminars/workshops	BJS Records	11	3	8	8	8
	- on-site visits	BJS Records	17	12	10	10	10
	5. Awards made to assist states/territories	BJS Records	51	50	55	50	50
	6. Monitoring visits and meetings	OC Records	28	40	28	30	30
End Outcome	7. Number of states in Interstate Identification Index (III)	FBI Records	38	44	39	43	45
	8. Number of states participating in the FBI's Integrated Automated Fingerprint Identification System (IAFIS)	FBI Records	94%	N/A	17	20	24
	9. Percentage of recent state records which are automated	BJS Report	87%	90%	86%	*88%	90%
	10. Number of States that have conducted recent audits	BJS Report	34	36	28	30	32
	11. Number of States with automated interface between sex offender registry and other state systems/agencies	BJS Report	27	33	25	28	30
	12. Number of States whose sex offender registries have the capability to electronically store and transmit fingerprints	BJS Report	13	20	22	24	26
	13. Number of States providing data to the FBI's National Sex Offender Registry (NSOR)	BJS Report	28	35	36	38	40
	14. Number of states where sex offender registry can electronically store and transmit mugshots for all registrants	BJS Report	5	15	6	10	12
	15. Number of states participating in FBI protection order file	FBI Records	19	29	26	30	34

A. Definitions of Terms or Explanations for Indicators:

Output/Activity

Indicators 3& 4: Conferences and reviews relating to development of the national criminal history record system (including protective orders relating to domestic and stalking;, Brady procedures/impact, and sexual offender registries.

End Outcome

Indicator 7: The Interstate Identification Index (III) allows states access to other states' criminal history record system.

Indicator 8: Measurement has been revised to count the number of states participating in the FBI's IAFIS. In 1999, indicator 10 reflects the percentage of states using automated fingerprint technology at the state level.

Indicator 10: For FYs 99, 00 and 01, measurement has been revised to count only states which conducted an audit. In 1998, indicator 10 reflects states which had established an audit program.

B. Factors Affecting 1999 Program Performance: Specifically, the end outcomes are affected by delays in the expenditure of funds by the grantee; changes in state personnel involved in project operation; slow progress of state activities identified in grant application; and state agencies waiting for pending State legislature decisions before completing projects. Monitoring and technical assistance are enhanced in cases where these factors are identified in an effort to assist the state in accomplishing project goals.

C. Factors Affecting Selection of 2000 and 2001 Plans: * There is a 10 million dollar decrease in the 2000 appropriations compared to the 1999 appropriations, which will affect some of the outcome performance indicators such as indicator # 9. It is important to note that the end outcomes are significantly affected by the following factors: (1) amount of Federal funds appropriated; (2) amount of state funds appropriated for these activities; (3) status of available technology; (4) FBI program development; and (5) legislative changes.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Byrne Formula Grant Program

Function: State and Local Assistance (80%); Prevention (10%); Treatment (10%)

Program Mission: To assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis on nationwide and multi-level drug control strategies and violent crime prevention.

Program Description: The Byrne Formula Grant Program is authorized by the Anti-Drug Abuse Act of 1988, as amended, and administered by OJP's Bureau of Justice Assistance (BJA). This program assists states and units of local governments in carrying out programs that offer a high probability of improving the functioning of the criminal justice system, with a special emphasis on nationwide and multi-level drug control strategies and violent crime prevention. The states, in consultation with local officials, develop statewide drug and violent crime strategies and funding priorities to address their drug and violent crime problems and to improve the functioning of their criminal justice systems, while supporting national priorities and objectives. Grantees may direct the funds received under the Byrne Formula Grant Program in one or more the twenty-six purpose areas authorized by the law. BJA has determined that 80 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$423.0	$423.0	$358.0	$450.0	$475.0	$500.0	$505.0	$505.0	$500.0	$400.0
Drug-Related**	$423.0	$400.4	$384.7	$363.8	$382.4	$397.2	$403.4	$404.0	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 -- Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program/Bureau of Justice Assistance (**Base Program**)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$500M	$505M	$505M	$500M	$400M
	2. Number of active grants from previous fiscal years	OC	a/	388	388	b/	b/
	3. Development of integrated information systems (IIS) for Byrne program for tracking all program components: System implementation by 9/30/01 Major annual system revisions/ updates by 9/30/02	SLAD/OA	a/	a/	a/	a/	a/
Output/ Activity	4. Number of grants closed	OC	a/	211	137	b/	b/
	5. Number of grants awarded	OC	109	109	109	56	56
	6. Number of desk reviews conducted	SLAD	a/	56	56	56	56
	7. Number of on-site compliance monitoring visits conducted	SLAD	109	56	56	56	56
	8. Number of on-site technical assistance visits conducted	SLAD	a/	5	6	8	8
	9. Number of on-site program assistance visits conducted	SLAD	a/	a/	a/	7	7
Intermediate Outcome	10. IIS development will result in increased SLAD ability to more effectively and efficiently report to Congress, the Department, and interested parties: Establish initial ability by 9/30/01 Maintain ability by 9/30/02	SLAD/OA	a/	a/	a/	a/	a/
End Outcome	11. SLAD maintains that by following the above strategic performance model, it will be able to provide Congress with information to assess the contribution being made by Byrne to address criminal justice issues across the nation.	SLAD	a/	a/	a/	a/	a/

a/ The GPRA indicators for the Byrne Formula Grant Program were redesigned as of January, 1999, to reflect a reorganization within the Bureau of Justice Assistance. Therefore, data for 1998 actuals are not available for certain indicators. b/ Unknown until end of fiscal year because of close-outs and extensions.
IIS - integrated information system which equates to both an information management system and a management information system.
Information management system - software system designed to integrate the application, award, progress reporting, and monitoring phases of grants management into one integrated information system.
SLAD - State and Local Assistance Division, Bureau of Justice Assistance.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Byrne Discretionary Grant Program

Function: State and Local Assistance (80%); Prevention (10%); Treatment (10%)

Program Mission: To assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis on nationwide and multi-level drug control strategies and violent crime prevention.

Program Description: This program is authorized by the Anti-Drug Abuse Act of 1998, as amended, and is administered by OJP's Bureau of Justice Assistance (BJA). BJA awards discretionary grants to public and private agencies and organizations for national scope and multi-state programs, demonstration programs, and training and technical assistance to assist states and local jurisdictions. National scope programs are those that provide services or products that benefit county, multiple states or address issues of national concern. Demonstration programs include those that develop, test, evaluate and document new programs and practices. Training activities provide state and local criminal justice practitioners and others with state-of-the-art information on effective programs and practices. Technical assistance programs provide support to sites participating in demonstration programs and assist individual jurisdictions in implementing programs or practices and/or addressing specific issues. Additionally, this discretionary program assists states and local units of government in controlling and preventing drugs and violent crime, and improving the functioning of the criminal justice system by assisting states in developing and implementing innovative alternatives to traditional modes of incarceration. BJA has determined 90 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$74.5	$223.0	$104.5	$50.0	$60.0	$60.0	$46.5	$47.0	$52.0	$59.5
Drug-Related**	$74.5	$215.6	$114.9	$60.6	$32.5	$28.2	$43.8	$34.5	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 – Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ DECISION UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant Program/Bureau of Justice Assistance

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$46.5 M	$47M	$47M	$52M	$59.5M (b)
	2. Number of applications received	*	2800	1700 (a)	1492	1750	1750
Output/ Activity	3. Number of applications reviewed	*	1745	1700	1492	1750	1750
	4. Number of peer panels conducted	*	78	70	70	60 (d)	TBD (d)
	5. Number of awards made	*	232	175	200	240	240
Intermediate Outcome	6. Number of monitoring site visits made	*	147	110	150	150	150
	7. Number of cluster conferences held	*	6	10	10	6	6
	8. Number of practitioners attending BJA-sponsored training events	*	9,000	9,000	9,000	9,000	9,000
	9. Number of jurisdictions requesting technical assistance	*	N/A	N/A	N/A	TBD	TBD
	10. Number of jurisdictions receiving technical assistance	*	N/A	N/A	N/A	TBD	TBD
End Outcome	11. Number of promising program models/prototypes developed	*	13	15	18	N/A (c)	N/A (c)
	12. Number of successful formula grant projects funded to replicate discretionary grant programs	*	1,500	1,500	TBD (c)	N/A (c)	N/A (c)

A. Definitions of Terms or Explanations for Indicators and Data Source:
* Data Sources-information obtained through BJA files and grantee files to include monitoring, progress reports, and state and local reports. Indicators 9 and 10 were revised in FY 2000 and new data collection methods are being developed to ensure accurate data.

B. Issues Affecting 1999 Program Performance.
(a) The initial projection was incorrectly entered; it should have been 1700.
(c) Performance indicators 11 and 12 are not applicable to the majority of the base discretionary programs, and will be deleted during the next budget cycle. They will be replaced with new performance indicators, which more accurately measure program accomplishments.

C. Issues Affecting Selection of 2000 and 2001 Plans.
(b) This figure includes $1.5M for the Alcohol and Drug Demonstration program and $6M for the Tribal Criminal and Civil Legal Assistance program, in addition to the base program amount ($52M). Out of the base program amount of $52 million, the following programs are earmarked: Hate Crimes ($1.25M), Advocacy Center Training ($4.5M) and Kids and Guns Local Media Campaign ($10M).
(c) Performance indicators 11 and 12 are not applicable to the majority of the base discretionary programs, and will be deleted during the next budget cycle. They will be replaced with new performance indicators, which more accurately measure program accomplishments.
(d) This figure depends on the amount of funds earmarked by Congress, which has increased in recent years. As a result, the number of programs that will be funded through open competition is expected to decrease.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Regional Information Sharing System (RISS)

Function: State and Local Assistance

Program Mission: The Regional Information Sharing System (RISS) is a valuable tool that provides information and intelligence services to state and local criminal justice agencies nationally in the pursuit of criminal investigations--including drug-related investigations. Its mission is to enhance the ability of state and local criminal justice agencies to identify, target and remove criminal conspiracies and activities spanning jurisdictional boundaries.

Program Description: The RISS program, which is administered by OJP's Bureau of Justice Assistance (BJA), operates six regionally based information centers, which are all electronically linked and provide services such as: (1) automated information sharing to provide controlled input, dissemination, rapid retrieval and systematic updating of criminal information; (2) analysis capabilities to assist in the compilation, interpretation and presentation of criminal information; and (3) telecommunications systems to support the operation of the information sharing and analysis components, and to support project-sponsored investigations and activities. In addition, the RISS program provides non-federal member agencies investigative fund support, specialized equipment on loan, training and training support to upgrade investigative skills, and technical assistance. BJA has determined that 90 percent of RISS funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$14.5	$14.5	$14.5	$14.5	$14.5	$14.5	$20.0	$20.0	$20.0	$20.0
Drug-Related**	$12.3	$13.0	$13.0	$13.1	$13.1	$13.0	$18.0	$18.0	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2, Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ ORG UNIT: Regional Information Sharing System (RISS)/ Bureau of Justice Assistance

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORTS AND PERFORMANCE PLANS				
			Performance Reports			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$25M*	$25M*	$25M*	$25M*	$20M
	2. Number of applications received (Program & TA)	**	13	7	7	7	7
Output/ Activity	3. Number of applications reviewed	**	13	7	7	7	7
	4. Number of awards made	**	13	7	7	7	7
Intermediate Outcome	5. Number of monitoring site visits to assess program operations, compliance with 28 CFR Part 23, and RISS funding guidelines	**	6	6	6	7	10
	6. Number of advisory board meetings attended by project monitor to monitor policy development	**	6	6	6	8	10
	7. Number of RISS member agencies	**	4,822	4,850	5,227	6,100	7,000
	8. Total subjects in database submitted by member agencies	**	456,436	470,000	606,859	700,000	750,000
	9. Number of inquiries from member agencies for information on criminal intelligence	**	590,896	600,000	844,173	900,000	1,000,000
	10. Number of suspect match hits in project/files where data was provided to member agencies	**	52,456	53,000	125,683	170,000	200,000
	11. Number of Intelligence Center publications distributed to law enforcement personnel	**	88,412	88,500	117,546	125,000	135,000
	12. Number of analytical products delivered to member agencies to assist in investigations and prosecutions	**	11,332	12,000	11,272	12,000	18,500
End Outcome	13. Number of arrests made as a result of services provided by projects	**	4,160	a/	5,112	a/	a/
	14. Estimated value of narcotics seizures as a result of services provided by projects (in thousands)	**	104,830	a/	74,120	a/	a/
	15. Estimated value of property seizures as a result of services provided by projects (in thousands)	**	22,135	a/	5,112	a/	a/

A. Definitions of Terms or Explanations for Indicators and Data Source:

* In addition to the $20M in 1998 and 1999 direct appropriations, $5M was made available each year through a COPS earmark, for enhancements in RISS communication infrastructure.

** BJA files and Regional Information Sharing Systems Annual Program Performance Report #7,8,9Member agencies are the RISS customers. #13,14,15 (a/) - It is a matter of policy that the Department of Justice (DOJ) does not set numeric targets for these indicators. However, DOJ does track these measures because they provide valuable information concerning the nature and level of activity in a jurisdiction.

C. **Issues Affecting Selection of 2000 and 2001 Plans.** An additional $5 million will be transferred to this program for FY 2000, as was the case in prior years. We do not yet know whether these COPS earmark funds will be transferred to the program in FY 2001.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Indian Tribal Courts Initiative

Function: State and Local Assistance

Program Mission: To promote coordination and cooperation among tribal justice systems and the federal and state judiciary systems.

Program Description: The Indian Tribal Courts Initiative, which is administered by OJP's Bureau of Justice Assistance (BJA), provides discretionary resources for the necessary tools to sustain safer and more peaceful communities by focusing on juvenile and family issues as well as non-traditional approaches to justice, enhancing the administration of civil and criminal justice on Indian lands, and encouraging the implementation of the Indian Civil Rights Act by tribal governments. While promoting greater cooperation among tribal, State, and federal justice systems, this Initiative assists tribal justice systems to coordinate programs and services within its tribal structure with law enforcement, victims services, treatment providers and others. The Initiative also assists with technology development to ensure that tribal justice systems can communicate within the tribal and non-tribal justice community. BJA has determined that 33 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$5.0	$5.0	$15.0
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$1.0	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Indian Tribal Courts/Bureau of Justice Assistance
MISSION: To promote coordination and cooperation among tribal justice systems and the federal and state judiciary systems.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.		$5M	$5M	$5M	*$15M
Output/ Activity	2. Number of planning grants awarded	BJA Reports		45	45	15	TBD
	3. Number of enhancement grants awarded	BJA Reports		30	30	15	TBD
	4. Number of implementation grants awarded	BJA Reports		0	0	45	TBD
Intermediate Outcome	5. Number of tribal courts implemented with planning grant funds	BJA Reports		TBD	TBD	TBD	TBD
	6. Number of training seminars held for sites awarded planning grants	BJA Reports		TBD	TBD	TBD	TBD
	7. Number of on-site technical assistance visits to tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	8. Number of court personnel trained and educated in tribal court procedure	BJA Reports		TBD	TBD	TBD	TBD
End Outcome	9. Number of cases handled by tribal courts	BJA Reports		TBD	TBD	TBD	TBD
	10. Ratio of cases heard to cases closed by tribal courts	BJA Reports		TBD	TBD	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
TBD - To Be Determined (See Section B for explanation)

B. Issues Affecting 1999 Program Performance: Congress did not approve a funding plan for tribal courts until May 1999 and therefore the grant solicitation process did not begin until June 1999. Grants will not be awarded until March, 2000 and therefore actual intermediate and end outcomes will not be available until 2001.

C. Issues Affecting Selection of 2000 and 2001 Plans: * In 1999 and 2000, OJP was appropriated $5 million for this program. In 2001, OJP requests an enhancement of $10 million, bringing total funding to $15 million. In 2000, additional planning grants will be made, as well as implementation grants to those tribes who received planning grants in 1999. Enhancement grants will be made to those tribes who already have courts. Tribal courts have existed in one form or another for several hundred years. The last 11 years, however, have witnessed an unparalleled growth in their vitality, importance, and workload. This is due to a number of factors such as economic growth and development on reservations. This growth has increased the need for a reliable means of settling disputes that arise in the ordinary course of business. This enhancement will allow for enhancement and continued operations of existing tribal courts and for development and awarding of planning grants to tribes who wish to start a tribal court.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Local Law Enforcement Block Grant Program

Function: State and Local Assistance

Program Mission: To provide resources to reduce crime and improve public safety. The Local Law Enforcement Block Grants Program (LLEBG) program activities support OJP and DOJ goals and initiatives relating to providing assistance to state and local governments, investigating and prosecuting criminal offenses, and improving the criminal justice system.

Program Description: The LLEBG is administered by the Bureau of Justice Assistance (BJA) and primarily provides funding to units of local government for the general purposes of reducing crime and improving the criminal justice system. Funds can be used for one or more of seven purpose areas including: (1) hiring, overtime and equipment/technology; (2) school security; (3) Drug Courts; (4) adjudication; (5) multijurisdictional task forces; (6) crime prevention; and (7) insurance indemnification. BJA has determined that 34 percent of LLEBG funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	$503.0	$523.0	$523.0	$523.0	$523.0	$0.0
Drug-Related**	N/A	N/A	N/A	N/A	$307.6	$166.0	$159.1	$144.9	TBD	TBD

**Reflects total funding appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2, Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Local Law Enforcement Block Grants (LLEBG) Program/Bureau of Justice Assistance **(Base Program)**

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$503M*	$463M*	$463M*	$523M	$0 *
Output/ Activity	2. Number of grants closed	OC	a/	2,655	0	5,641	
	3. Number of grants awarded	OC	2,981	3,100	0	6,200	
	4. Number of desk reviews conducted	SLAD	a/	3,100	261	240	
	5. Number of on-site compliance visits conducted	SLAD	189	240	261	240	
	6. Number of on-site technical assistance visits conducted	SLAD	a/	a/	a/	8	
	7. Number of on-site program assistance visits conducted	SLAD	a/	5	5	7	
End Outcome	8. SLAD maintains that by following the above strategic performance model, it will be able to provide Congress with information to assess the contribution being made by LLEBG to address criminal justice issues across the nation.	SLAD	a/	a/	a/	a/	

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ The GPRA information for LLEBG was redesigned in 1999, in keeping with newly established values and goals as a result of a reorganization within the Bureau of Justice Assistance. Therefore, data for 1998 actuals are not available for certain indicators.
Technical difficulties with development and implementation of the application system and award systems, primarily with the application server, significantly delayed the application and award processes. However, BJA continues to work with the Information Resources Management Division (IRMD) to complete application verification and award capabilities. While actual awards were not made by September 30, 1999, financial obligations were completed for 1,835 LLEBG applicants amounting to $316,979,648 in fiscal year (FY) 1999 funds. LLEBG awards for FY 1999 funds will be made during FY 2000.
SLAD - State and Local Assistance Division, Bureau of Justice Assistance

B. Issues Affecting 1999 Program Performance. * In each 1998 and 1999, LLEBG was appropriated a total of $523 million. The amounts shown reflect the balance available after netting out the $20 million LLEBG techno ogy setaside and the $40 million Boys and Girls Club earmark. The 2000 amount reflects an appropriation of $497, 884,500 less the $20 million LLEBG Technology setaside for NIJ plus the $50 million Boys and Girls Club earmark.

C. Issues Affecting Selection of 2000 and 2001 Plans. * Funds were not requested in President's Budget for FY01.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Juvenile Justice Programs

Function: Prevention

Program Mission: To provide national leadership, coordination, and resources to develop, implement, and support effective methods to prevent juvenile victimization and respond appropriately to juvenile delinquency. To implement a comprehensive strategy that aggressively addresses youth violence and focuses resources on programs which will result in the improvement of the operation of the juvenile justice system, development of a system of graduated sanctions for serious, violent, and chronic offenders, identification and intervention with first time offenders, and prevention of delinquency.

Program Description: The Juvenile Justice Programs are administered by the Office of Juvenile Justice and Delinquency Prevention, consisting of a combination of formula and discretionary grants. The programs are authorized to be funded under the Office of Juvenile Justice and Delinquency Prevention Act of 1974, as amended (JJDP Act). This legislation targets programs to address the problems of delinquency, the operations of the juvenile justice system and countering youth violence through targeted programs that provide funding and specialized assistance to states and localities.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	$72.6	$73.5	$103.0	$139.2	$148.5	$149.2	$208.7	$239.6	$238.6	$259.0
Drug-Related**	$8.4	$7.9	$6.9	$10.2	$7.5	$7.9	$6.0	$7.3	TBD	TBD

**Reflects total funds Appropriated – does not include funding for: Juvenile Drug Demonstration Program, Enforcing Underage Drinking Laws, or Tribal Youth Program.*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2- Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Juvenile Justice Program/Office of Juvenile Justice Delinquency and Prevention (includes all programs except JAIBG)

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plan	
Type of Indicator	Performance Indicators	Data Source	1998 Actual	1999 Enacted Plan	1999 Actuals	2000 Enacted	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$238.672M	$284.597	$284.597M	$287.097M	$289M
	2. Number of applications received for Title II formula grants	Program Manager	53	56	53	56	56
	3. Number of At-Risk Grant applications received	Program Manager	51	56	53	56	56
	4. Number of Incentive Grant applications received	Program Manager	53	56	54	56	56
	5. Discretionary grant programs designed and developed	Program Manager	12	13	15	21	21
	6. Number of technical assistance/training requests received	Program Manager	31,015	31,000	30,062	31,000	31,000
Intermediate Outcome	7. Number of State Agency personnel and State Advisory Group members trained on JJ Act requirements	Contractor Reports	545	500	310	300	500
	8. Number of community leaders trained on risk focused prevention	Contractor	824	1,000	923	923	923
	9. Number of on-site monitoring visits to States	Program Manager	56	56	46	56	56
	10. Number of on-site compliance audits in States	Program Manager	10	10	15	10	10
	11. Number of monitoring site visits made and of planning/dissemination/coordination sessions conducted (discretionary)	Program Manager/ Travel Vouchers	267	300	494	494	494
End Outcome	18. Number of States in compliance with core requirements:	Program Manager					
	-section 223 (a)(12)		53	56	51	56	56
	-section 223 (a)(13)		53	56	52	56	56
	-section 223 (a)(14)		49	56	50	56	56
	-section 223 (a)(23)		54	56	54	56	56
	19. Number of communities implementing risk-focused prevention programs	Contractor Reports	285	300	195	450	450
	20. Number of Incentive (Challenge) Activities implemented by States	Program Manager	112	122	107	107	107
	21. Number of practitioners trained (includes trainers)	Program Manager	96,871	100,000	96,017	100,000	100,000
	22. Number of jurisdictions receiving technical assistance	Program Manager	2,617	3,000	2,923	3,000	3,000

A. Definitions of Terms or Explanations for Indicators and Data Source:

JJDP Act: Juvenile Justice and Delinquency Prevention Act, as amended in 1992:

Section 223(a)(12): deinstitutionalization of status offenders - i.e., young people who commit an offense that would not be punishable for an adult.

Section 223(a)(13): separation of juveniles and adults in secure facilities;

Section 223(a)(14): removal of juveniles from adult jails and lockups;

Section 223(a)(23): elimination of disproportionate minority confinement in jurisdictions where it exists.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Juvenile Accountability Incentive Block Grant (JAIBG)

Function: State and Local Assistance

Program Mission: To provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system.

Program Description: The JAIBG formula grant program is administered by the Office of Juvenile Justice and Delinquency Prevention. Created through the 1998 Commerce, Justice, State and the Judiciary Appropriations Act, P.L. 105-119, JAIBG supports state and local efforts to address juvenile crime by encouraging reforms that hold all offenders accountable for their crimes. Funds may be used for any of 12 purposes, including building juvenile detention facilities, hiring juvenile justice personnel, juvenile drug and gun courts, and accountability-based programs for juvenile offenders. OJJDP has determined that 15 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	N/A	N/A	$250.0	$250.0	$250.0	N/A
Drug-Related**	N/A	N/A	N/A	N/A	N/A	N/A	$36.1	$36.7	TBD	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Juvenile Accountability Incentive Block Grants (JAIBG)/Office of Juvenile Crime Control and Prevention
MISSION: To provide States and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$250M	$250M	$250M	$237.995M*	$0**
	2. Number of Applications received for JAIBG formula grants	Program Manager	56	56	56	56	
	3. Discretionary grant programs designed and developed	Program Manager	36	41	41	32	
Intermediate Outcome	4. Number of on-site monitoring visits to states	Program Manager, Site Visit Reports	26	46	46	56	
	5. Number of monitoring site visits (discretionary)	Program Manager, Site Visit Reports	10	14	14	21	
End Outcome	6. Number of juvenile accountability programs implemented(formula)	Program Manager, Final Grant Report	TBD	TBD	TBD	TBD	
	7. Number of juvenile accountability research, evaluation, and demonstration programs implemented (discretionary)	Program Manager, Final Grant Report	36	25	25	19	

A. Definitions of Terms or Explanations for Indicators and Data Sources: (6) 56 is based on the number of planned on-site visits to Title II Formula Grant States; and (8) TBD (To Be Determined) States will be reporting FY 1998-1999 local program data via Electronic Follow-up Information form beginning 2nd quarter FY 2000.

B. Issues Affecting 1999 Program Performance: N/A

C. Issues Affecting Selection of 2000 and 2001 Plans: ** Funding was not requested in 2001. *This includes an overall DOJ reduction of 3.8% to meet Congressionally mandated budget spending caps.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: State Corrections Grant Program

Function: Corrections

Program Mission: To enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth in sentencing laws.

Program Description: The State Corrections Grant Program, commonly referred to as the Violent Offender Incarceration and Truth-in-Sentencing Incentive Formula Grant (VOI/TIS) Program is administered by the Corrections Program Office (CPO). The Violent Crime Control and Law Enforcement Act of 1994 (Crime Act) addressed the need for additional prison and jail capacity so that violent offenders can be removed from the community and the public can be assured that the offenders will serve substantial portions of their sentences. Through the VOI/TIS, formula grants are available to states to build or expand correctional facilities and jails to increase secure confinement space for violent offenders. Half of the funds are available for Violent Offender Incarceration Grants and half as incentive awards to states that implement Truth-in-Sentencing. States may apply for grants in both categories. States may make sub-awards to state agencies and units of local government. CPO has determined that 10 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	$24.3	$617.5	$670.0	$720.5	$720.5	$686.5	$75.0
Drug-Related**	N/A	N/A	N/A	$2.4	$8.2	$81.3	$52.3	$60.0	TBD	TBD

**Reflects total funds Appropriated*
***Reflects actual drug-related obligations as reported to ONDCP.*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page

PROGRAM/ORG UNIT: Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grants/Corrections Program Office
MISSION: To enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth in sentencing laws.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report	Performance Plans			
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$509M	$561M	$490M	$686.5M	$75M
	2. Number of applications received	CPO Records	112	110	111	112	56
	3. Number of requests for on-site or host-site technical assistance received from state or local jurisdictions/projects	CPO Records	110	110	76	TBD*	TBD*
Intermediate Outcome	4. Number of states that are implementing truth in sentencing	CPO Records	28	28	30	30	30
	5. Number of new prison, jail or alternative beds under construction	CPO Records	8,000	10,000	21,559	TBD*	TBD*
	6. Number of new prison, jail or alternative beds constructed	CPO Records	4,333	5,000	12,427	TBD*	TBD*
	7. Number of beds leased under the privatization provisions	CPO Records	675 2,905	500	1,423	TBD*	TBD*
	8. Number of policy makers or practitioners that received technical assistance, training, or information	CPO Records		1,500	2,703	TBD*	TBD*
End Outcome	9. Average percent of sentence served by Part I violent offenders released from state prison	BJS Report	54%	54%	TBD**	TBD**	TBD**
	10. Percent of admissions to state prison for Part I violent offenses sentenced under a truth in sentencing law that requires the offender to serve at least 85% of the sentence imposed	BJS Report	42%	42%	TBD**	TBD**	TBD**

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined. * Information should be available mid-2002,after grant awards have been made.

** Indicators 11 & 12 - Updated data for the end outcome measures will be provided when it becomes available from the Bureau of Justice Statistics. Given the long term nature of the construction projects (most take 3 - 7 years), it has taken the states time to effectively plan and utilize the money and, therefore, CPO will see more beds constructed and in use in the outgoing years. Additionally, many states will not receive enough funds in any one year to complete a construction project and will therefore, accumulate several awards prior to building.
Note: This data reflects beds funded by OJP only.

B. Issues Affecting 1999 Program Performance. N/A

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2000, a total of $653.5 million is requested, of which $25 million is for the USMS Cooperative Agreement Program (CAP) and $34 million is for Indian Country.
In 2001, a total of $75M is requested for the State Corrections Program. The Violent Offender Incarceration and Truth in Sentencing Incentive (VOI/TIS) Grant Program is administered by the Corrections Program Office (CPO). Of the $75 million, $34 million is for construction of detention facilities on Tribal lands, $35 million for the continuation of the USMS Cooperative Agreement Program (CAP), which is a $10 million increase over the 1999 appropriation; and $6 million for Mental Health of Offenders Program.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Weed and Seed Program

Function: Prevention (90%); State and Local Assistance (10%)

Program Mission: To assist communities in the development and implementation of comprehensive strategies to "weed out" violent crime, illegal drug and gun trafficking, and illegal gang activity and to "seed" their communities with crime prevention programs.

Program Description: The Weed and Seed discretionary grant program, which is administered by OJP's Executive Office for Weed and Seed (EOWS), has grown from three to over 200 sites nationwide. EOWS provides assistance to sites in designing comprehensive strategies to prevent and control crime, coordinates federal participation in cooperation with the U.S. Attorneys Offices and Federal law enforcement agencies and other Federal departments, and provides grant funding to communities to further their strategies. Neighborhoods plagued with crime, drug trafficking and gang activity benefit from the Weed and Seed Program because once they are targeted, they are then seeded with programs that lead to social and economic rehabilitation and revitalization. EOWS has determined that 50 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps**	N/A	N/A	N/A	[$12.6]*	[$28.5]*	[$28.5]*	$33.5	$33.5	$33.5	$42.0
Drug-Related***	N/A	N/A	N/A	$6.3	$9.0	$13.8	$21.1	$17.4	TBD	TBD

** Prior to 1998, funds were provided from the Byrne Discretionary Prog (1996 and 1997) and from the Executive Office of U.S. Attorneys (1995)*
***Reflects total funds appropriated*
****Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 1, Educate and enable America's youth to reject illegal drugs as well as the use of alcohol and tobacco.

Goal 2, Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Executive Office for Weed and Seed (EOWS)
MISSION: To provide grant funding to communities to help develop and implement comprehensive strategies to "weed out" violent crime, drug and gun trafficking, and gang activity and "seed" the neighborhood with programs that achieve and maintain crime prevention and economic revitalization.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PLANS				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriation (in millions)	P.L.	$44.8M*	$33.5M	$40M*	$33.5M	$42M
Intermediate Outcome	2. Grantee expressing satisfaction with Weed and Seed program overall	Survey	98%	90%	95%	90%	90%
End Outcome	3. Participants who feel that community policing is working to reduce crime (% of responses, customer survey)	Survey	81%	80%	88%	TBD	TBD
	New Reporting Requirements:						
	4. Law Enforcement - Total Number of Homicides in the Site (average # for all sites reporting)**	Site Reporting	5	TBD	TBD***	TBD	TBD
	5. Number of sites using the following community policing activities:**						
	a. Foot Patrols	Site Reporting	117	TBD	TBD***	TBD	TBD
	b. Bike Patrols		131	TBD	TBD***	TBD	TBD
	c. Substations		119	TBD	TBD***	TBD	TBD
	d. Crime Watch		142	TBD	TBD***	TBD	TBD
	e. Participation in community meetings		150	TBD	TBD***	TBD	TBD
	6. Safe Havens - Participants who feel that Safe Havens are working to reduce crime (% of responses, customer survey)	Site Reporting	81%	80%	93%	80%	80%
	7. Total unduplicated Safe Havens Attendance for all services/ activities during one typical week during January 1 - March 31, 1999 (total for all sites reporting)	Site Reporting	---	---	50,485	TBD	TBD

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD -To Be Determined * Actual appropriations include carryover and Super Surplus Asset Forfeiture.

B. Issues Affecting 1999 Program Performance.

** GPRA data category revised for FY 1999; law enforcement data reported in FY 1999 reflects FY 1998 performance. For end outcomes #5 and #8, approximately 50% of sites reported. Data is unavailable from new sites.

*** These data will be available with sites' FY2000 funding applications, expected May 2000.

In 1999, $33.5 million was appropriated and $6.5 million in Super Surplus of the Asset Forfeiture Fund (AFF) was provided to Weed and Seed. Within DOJ, other funding sources have included the Executive Office for U.S. Attorneys, the Bureau of Justice Assistance Byrne Grant Program, and Asset Forfeiture Funds under 28 USC 524(c)(1)(I) (approximately $8 million in 1994 and $9 million in each year thereafter). A variety of factors beyond the control of the federal government may affect performance indicators, for example: local capacity and commitment to implement the program; and societal trends of a regional or national nature.

C. Issues Affecting Selection of 2000 and 2001 Plans.

In 2000, funding sources include the appropriated amount of $33.5M. As in years past, plan to receive additional funding of $6.5M in Super Surplus of the AFF. In 2001, $42 million is requested as a direct appropriation.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Grants to Encourage Arrest Policies Program

Function: State and Local Assistance

Program Mission: To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.

Program Description: This discretionary program, which is administered by OJP's Violence Against Women Office (VAWO), is designed to encourage states, units of local government, and Indian Tribal governments to treat domestic violence as a serious violation of criminal law. Although the title emphasizes arrest, the scope of the program actually is much broader. If arrest is to be an effective response to domestic violence, police, pretrial service professionals, prosecutors, judges, probation and parole officers, and victim advocates and service providers must be poised to follow through in a coordinated and integrated manner that will enhance the safety of victims and hold offenders accountable for their violent behavior. VAWO has determined that 20 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	$28.0	$33.0	$59.0	$34.0	$34.0	$34.0
Drug-Related**	N/A	N/A	N/A	N/A	$0.0	$0.0	$33.1	$5.7	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Grants to Encourage Arrest Policies/Violence Against Women Office (VAWO)
MISSION: To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$63.9M	$34M	$34M	$34M	$34M
Intermediate Outcome	2. Grantee level of satisfaction with VAWO:	National Evaluation	TBD b/				
	Program Content			85%	TBD b/	TBD b/	TBD b/
	Application Kits			85%	TBD b/	TBD b/	TBD b/
	Publications			85%	TBD b/	TBD b/	TBD b/
	Training and Technical Assistance			85%	TBD b/	TBD b/	TBD b/
	3. Number of grantees that implement mandatory or pro-arrest policy as part of a coordinated response to violence against women	Reports from grantees	134	60	52	60	60
End Outcome	4. Number of grantees that report a decrease in comestic violence calls as a result of mandatory or pro-arrest programs	Reports from grantees and the National Evaluation	TBD a/	TBD a/	TBD a/	TBD a/	TBD a/

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
a/ In the long term, this end outcome is expected to decrease. However, as women are encourage to report domestic violence, it is expected that interim figures will increase before dropping. Numbers are a part of the on-going national program evaluation. Results are expected end of 2001.
b/ These performance indicators will be addressed as part of an on-going national evaluation of the program. Results are expected at the end of 2001.

B. Issues Affecting 1999 Program Performance. NA

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Law Enforcement and Prosecution Grants

Function: State and Local Assistance

Program Mission: To restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian tribal governments, and other public and private entities.

Program Description: This program, which is commonly referred to as S•T•O•P (Services • Training • Officers • Prosecutors), is administered by OJP's Violence Against Women Office. S•T•O•P is a formula grant program designed to create a coordinated, integrated response to violent crimes against women that actively involves all components of the criminal justice system, victim advocates and service providers, and the community as a whole. S•T•O•P grants are awarded to the states, District of Columbia, and territories to develop and strengthen their criminal justice system's response to violence against women and to support and enhance services for victims. VAWO has determined that 20 percent of S•T•O•P funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	$26.0	$130.0	$145.0	$172.0	$206.8	$206.8	$220.0
Drug-Related**	N/A	N/A	N/A	$5.1	$25.3	$26.9	$32.3	$37.5	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Law Enforcement and Prosecution (STOP) Grants/Violence Against Women Office (VAWO)
MISSION: To restructure and strengthen the criminal justice system's response to crimes of violence committed against women and enhance the services available to victims of such violence through the award of formula and discretionary grants to states, units of local government, Indian tribal governments, and other public and private entities.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORTS AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted	1999 Actuals	1999 Plan	2000 Enacted Plan	2001 Plan
Input	1 Appropriation (in millions)	P.L.	$172M	$206.75 M		$206.75M	$270.75M	$284M
	2 Number of applications received	VAWO Records						
Intermediate Outcome	3 Grantee level of satisfaction with VAWO:							
	- Program content	VAWO Records	75%	85%		85%	85%	85%
	- Application kits	VAWO Records	75%	85%		85%	85%	85%
	- Publications	VAWO Records	79%	85%		85%	85%	85%
	- Conferences	VAWO Records	70%	85%		85%	85%	85%
	- Training and technical assistance	VAWO Records	77%	85%		85%	85%	85%
	4. Number of Indian grantees that developed or revised tribal codes relating to violence against women	VAWO Records	14	15		40	15	15
	5 Number of Indian tribes that developed a computerized database to track domestic violence calls and violations of protection orders	VAWO Records	8	10		10	10	10
	6. Number of services available to previously underserved Indian women	VAWO Records	25	20		23	20	20
	7. Number of organizations that are able to provide civil legal assistance to previously unserved or underserved domestic violence victims	VAWO Records	54	54		54	100	100
	8. Number of attorneys and law students trained to handle civil legal matters for domestic violence victims	VAWO Records	TBD	500		TBD	500	500
End Outcome	9. Number of Indian tribal governments that introduced coordinated tribal justice approaches to address violent crimes against women	VAWO Records	117	137		137	157	157
	10. Number of institutions of higher education that implement enhanced policies and procedures to address violence against women on campuses	VAWO Records	N/A	25		21	25	25
	11. Number of collaborative efforts initiated to deliver civil legal assistance to domestic violence victims	VAWO Records	47	25		TBD	25	25

A. Definitions of Terms or Explanations for Indicators and Other Data Sources: TBD - To Be Determined.
Indicators for 2000 will not be available until 2001. Indicators for 2001 will not be available until 2002.

In 1998, the total included $12M for Civil Legal Assistance;$6.8M Indian Tribal Grants; $17.223M Technical Assistance, Training and Evaluation; and $135.9M Formula Grants.

The plan and actual measurements for performance indicator #16 for all years are dependent upon an on-going national program evaluation. Results are expected in 2003.

B. Issues Affecting 1999 Program Performance.
In 1999, the total included $23M Civil Legal Assistance, $8.2M Indian Tribal Grants; $10M Safe Start; $1.196M U.S. Attorney-D.C., $5.2M NIJ research; and $10M Safety on College Campuses. 1999 actuals for performance indicators #14 and #19 are dependent upon an NIJ study of the Civil Legal Assistance Program which will be completed at the end of 2001 or the beginning of 2002.

C. Issues Affecting Selection of 2000 and 2001 Plans.
In 2000, the $270.75M includes $28M for Civil Legal Assistance; $5.2M for NIJ research and evaluation of domestic violence programs;$10M for Project Safe Start; $10M for Campus Safety; and approximately $1.2M to support an enhanced domestic violence prosecution unit within the District of Columbia.

In 2001, the $284M request includes $35.25M for Civil Legal Assistance; $5M for NIJ Family Violence Research, $5.2M for NIJ research and evaluation,$10M for Project Safe Start; and $1M for BJS statistics.

Office of Justice Programs
Drug Program Profile

Decision Unit/Program: Rural Domestic Violence and Child Victimization Enforcement Program

Function: State and Local Assistance

Program Mission: To enhance the capability of states, Indian tribal government, local governments, and public and private entities in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.

Program Description: The Rural Domestic Violence and Child Victimization Enforcement program, which is administered by OJP's Violence Against Women Office (VAWO), is a discretionary grant program designed to (1) implement, expand, and establish cooperative efforts and projects among law enforcement officers, prosecutors, victim advocates and service providers, and other related parties to investigate and prosecute incidents of domestic violence and child abuse; (2) provide treatment and counseling to victims of these crimes; and (3) work in cooperation with the community to develop education and prevention strategies directed toward such issues. VAWO has determined that 20 percent of these funds are drug-related.

Funding History Since 1992 (in millions):

	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01 Request
Approps*	N/A	N/A	N/A	N/A	$7.0	$8.0	$25.0	$25.0	$25.0	$25.0
Drug-Related**	N/A	N/A	N/A	N/A	$2.9	$3.4	$11.1	$5.0	TBD	TBD

**Reflects total funds appropriated*
***Reflects actual drug-related obligations as reported to ONDCP*

Performance Data:

ONDCP Performance Goals/Objectives: Goal 2 - Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

GPRA Data: See reverse side of this page.

PROGRAM/ORG UNIT: Rural Domestic Violence and Child Victimization Enforcement Program/Violence Against Women Office (VAWO)
MISSION: To enhance the capability of states, Indian tribal government, local governments, and public and private entities in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.

PERFORMANCE INDICATOR INFORMATION			PERFORMANCE REPORT AND PERFORMANCE PLAN				
			Performance Report			Performance Plans	
Type of Indicator	Performance Indicators	Data Source	1998 Actuals	1999 Enacted Plan	1999 Actuals	2000 Enacted Plan	2001 Plan
Input	1. Appropriations (in millions)	P.L.	$22M	$25M	$25M	$25M	$25M
Intermediate Outcome	2. Grantee level of satisfaction with VAWO:	Survey of grantees and National Evaluation					
	Program Content		75% a/	85%	TBD b/	85%	85%
	Application Kits		75% a/	85%	TBD b/	85%	85%
	Publications	"	75% a/	85%	TBD b/	85%	85%
	Training and Technical Assistance	"	75% a/	85%	TBD b/	85%	85%
	3. Number of jurisdictions that provide services to previously under served populations in rural communities	Grantee Reports	49	60	68	60	60
End Outcome	4. Number of jurisdictions reporting improved response to domestic violence and child abuse calls as a result of community-wide approach to domestic violence and child abuse	Grantee Reports	75	60	60	60	60

A. Definitions of Terms or Explanations for Indicators and Other Data Sources:
In 1998, planning grants were approved but not awarded until 1999. In addition, the solicitation for technical assistance applications was released later in the year than anticipated, so no workshops were offered in 1998.
a/ A 1998 survey of grantees by VAWO staff revealed that a 75% of the grantees were satisfied. Future years will be determined by the national program evaluation. Results are expected by the end of 2001.

B. Issues Affecting 1999 Program Performance.
b/ These performance indicators will be addressed as part of an on-going national evaluation of the program. Results are expected at the end of 2001.

C. Issues Affecting Selection of 2000 and 2001 Plans. N/A

Written Questions of Senator Sessions
To the Honorable Michael E. McMaken

1. In your written testimony, you suggest that gender-specific programs may be beneficial within a drug court. Could you explain what you mean by this?

   It has been my experience that women often have some specific problems or issues that can be better dealt with in women-only groups. Many women have sexual or physical abuse experiences, which require extra or specialized attention or treatment. Additionally women more often struggle with child-related difficulties and financial dependency issues, as well as medical and mental health issues and can better address those issues when men are not present. While this concept can also be applied to <u>*some*</u> *men's issues it is much more often needed for women.*

2. The Mobile Drug Court Program requires an offender to plead guilty before entering the drug court program. Do you believe that having a post-pleas drug court program is effective compared to a pre-plea program?

   <u>*Yes*</u> *if only because it greatly reduces the problems for the prosecutor's office when an individual fails the Drug Court program. The full cooperation and participation of the prosecutor can make life much easier for Drug Courts. At the same time the Defendants have a great incentive to graduate when they participate post-plea. This can be made an effective part of treatment when used effectively by the Judge and the treatment staff.*

3. What information that OJP could provide would be most helpful to you in the day-to-day operation of your drug court?

   It would be helpful to have a comprehensive collection of treatment strategies, sanctions, policies and other procedures with explanations of why various courts use that approach. It would also be helpful to know the characteristics of each court (size of jurisdiction, number of cases, intensity of supervision and graduation/failure rates) in order to better gauge what might actually be appropriate to one's own court program.

4. Do you know how the Mobile Drug Court Program compares to other drug court programs across the country in terms of operation and results? If no, would this information be useful to you?

   No, I do not but I would like to know. I would love to know.

5. Has the Mobile Drug Court ever received high quality technical assistance from OJP? If yes, what was the nature of this assistance?

   I do not believe that we have received any really significant technical assistance...at least, not any of which I am aware.

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD S. GEBELEIN
JUDGE

COURT HOUSE
WILMINGTON, DE. 19801-3353

November 1, 2000

The Honorable Jeffrey Sessions
United States Senate
Washington, DC 20510-0104

Dear Senator Sessions:

In response to your letter dated October 20, 2000, I am pleased to submit answers to your questions regarding my testimony of October 3, 2000 at the Subcommittee's hearings.

Question #1 –

Delaware's diversion drug court program has maintained a success rate of over 62.9% for 1,425 offenders who have been assigned to the program during the past six years. This percentage is based upon the Court records of graduations and those currently in treatment versus withdrawals, terminations, and/or capias (bench warrant). See chart attached. If we excluded bench warrants as many courts do, the percentage of graduations rises to 67.2%.

Question #2 –

The American Bar Association Criminal Justice Committee of State Trial Judges is in the process of developing a standard for drug courts. A proposed standard 2.77 entitled "Procedures in Drug Treatment Courts" has been drafted and circulated to the Criminal Justice Committee, NCSTJ, the Drug Court Committee, the Executive Committee, Lawyers Conference, the Committee Chairs, Lawyers Conference, and the Vice Chairs, Lawyers Conference. This proposed standard will be circulated at the Mid-Year meeting in San Diego; it is anticipated that if endorsements can be secured, the proposal

will be presented to the House of Delegates at the 2001 Annual Meeting.

If you need further information, please contact my office anytime at 302/577-2400 x.206.

Very Truly Yours,

The Honorable Richard S. Gebelein

RSG/kd
Attach

In The Superior Court of the State of Delaware
in New Castle County
Delaware's Diversion Program

2000									
	Total Entries	Withdrew/ Deceased	Capias Before Treatment	(Total Adjusted Entries)	Graduations	Termin-ations	Capiases Ou -stand.ng	Currently In Treatment	Percent In Compli-ance
January	37	1	65		24	10	128	126	60.5%
February	28	0	65		8	8	128	138	60.8%
March	38	0	65		14	6	128	156	61.5%
April	30	0	65		8	8	128	170	61.8%
May	26	1	65		9	8	128	178	61.9%
June	38	2	65		7	9	128	198	62.3%
July	17	3	66		24	18	124	186	62.0%
August	34	0	70		12	16	106	206	63.0%
September	13	1	70		6	6	106	206	62.9%
October									
November									
December									
Year Total	261	8			112	89			
Grand Total	1472	26	70	1376	659	405	106	206	62.9% (67.2%)*

*Excluding Capiases

Responses to Written Questions of Senator Sessions

by

Dr. Steven Belenko

Question 1. I agree with the 1997 GAO conclusion that existing evaluations do not permit firm conclusions about the impact of drug courts, if the term "impact" refers to post-program effects of drug courts on offenders' drug use, criminal activity, employment, social stability, cost-effectiveness, and other outcomes. I do believe that the existing research is very encouraging and that several conclusions about drug courts can be made: (a) treatment retention rates are high, (b) drug-involved offenders are linked to long-term comprehensive treatment more quickly than under other forms of criminal justice treatment, (c) supervision and monitoring are more intensive in the drug court model compared to probation and other traditional types of community supervision, and (d) drug use and criminal behavior are reduced while offenders are in the drug court program.

I agree that a comprehensive national study of a representative sample of drug courts would be beneficial, especially if it included multiple outcome measures and long-term post-program follow-up of participants.

Question 2. From the existing body of drug court research, it would be difficult to identify best and worst practices of drug courts. In particular, there is insufficient information about which types of sanctions work better than others, which types of treatment modalities or services work best, or which type of offender is best suited for drug courts. Answering such key questions would require much more extensive and controlled research than has been completed to date.

Several current evaluations funded by the National Institute on Drug Abuse are addressing some of these questions in specific drug courts. However, because local conditions and offender populations vary, answers to these questions would require multisite, comprehensive studies. It should also be pointed out that in drug treatment research in general, there remain a number of knowledge gaps in terms of which types of treatment work best for which types of clients.

Based on research on treatment in other settings, and current wisdom about clinical practice, it is possible to suggest several guidelines for best practices. I listed these at the end of my written testimony previously submitted to the Subcommittee for its October 3, 2000 hearing.

TEMPLE UNIVERSITY Department of Criminal Justice Philadelphia, Pennsylvania 19122
A Commonwealth University

Jeff Sessions
United States Senate
Washington, DC 20510-0104

November 3, 2000

Dear Senator Sessions:

I appreciated the opportunity to speak before your committee about the progress of research in addressing some of the basic questions relating to the impact of drug courts in the United States and about the Office of Justice Programs' role in support of that research. I will try to respond briefly to the questions you outlined in your recent letter briefly and look forward to any future opportunities to discuss these important issues with you and your colleagues as you carry out your oversight responsibilities.

Question 1: Moving Research from "Do They Work?" to "When and How They Work"...

I believe it is true that the innovation of drug courts very rapidly outstripped knowledge about their impact. This is true of any significant innovation, however. The field of practice often has to address critical problems without waiting for the desired data to proceed. I also am convinced that the overall feedback on the impact of drug courts is positive.

Government support to the field has first concentrated appropriately on the development and implementation of drug courts. The Drug Court Program Office has been a model of good government in this sphere. It has been supportive of the variety of local approaches in the field, while working with practitioners to define and encourage basic standards. At the same time, the Drug Court Program Office has always emphasized evaluation as an essential ingredient in planning and implementation efforts.

The National Institute of Justice, which, with the State Justice Institute, co-sponsored the first national research in the early 1990's (our evaluation of the nation's first drug court in Miami), has built, in successive stages, a national research agenda that moves beyond local evaluation to set the stage for examination of drug court impact across sites. NIJ's recent investment in in-depth evaluative efforts is now reaching the stage when the hard work will pay off with more critical findings. From these efforts, we can begin to learn a great deal more about the impact of drug courts and to draw some lessons from common findings and themes that have emerged in the different study sites. Now, research should turn to careful and specific tests of assumptions of the drug court model and to examination of the effects of specific elements of that model. In short, we should now be learning "when it works, why it works" (or, when it doesn't, why not).

The threshold question, "Do they work?," is still important because the generally positive findings do not change the fact that, as we are seeing in our longitudinal research of drug courts, the impact of drug courts varies from place to place and, within each place, over time. We may

not be surprised to learn that they are not a panacea. However, research now has an important obligation to go beyond the generalities of "whether they work" discussions to identify the ingredients of the drug court model that contribute to their impact in real-world contexts. Our NIJ-supported work assessing the impact of two of the nation's oldest drug courts, in Las Vegas and Portland, is now turning to such an examination and, we hope, will at least set the stage for this type of investigation.

Our research, as well as the other projects funded by the National Institute of Justice, will have a great deal to contribute to this next level of analysis—to address the "when they work, how and why do they work?" questions. As these findings are produced, I believe that they should serve as the focus of debate by the field, the judges, defenders, prosecutors and treatment representatives that have worked so hard to craft the drug court innovation. In this way, empirical testing of favored assumptions about the drug court (the role of the judge, non-adversarial proceedings, treatment, acupuncture, sanctions and incentives, drug testing, etc.) can contribute to the continued development of "best practices" already underway.

Question 2: The Role of the Plea

As the number of drug courts has moved from one in 1989 to around 600 in the year 2000, a variety of program entry methods have been adopted. The preferred strategies are still a subject of debate among practitioners in the field. The Miami model was a pure diversion model. Under that model, a felony drug defendant could enter the court and have charges dismissed after successful completion of the program. However, failure in the program would only return the defendant to the early stages of the adjudication process, as if nothing had happened. The penalty for failure was "justice as normal," if only a little delayed by the drug court experience.

The Miami model was not acceptable to all prosecutors who were willing to consider supporting a drug court approach. The first compromise was crafted in the nation's second drug court, in Portland, Oregon. There, the Miami approach was modified to require that the defendant "stipulate to the facts" in the police complaint as a condition of entering the program. If a defendant completed the program successfully, the charges would be dismissed, with the possibility of later having the record expunged. Failure in the program moved the defendant to an immediate bench trial on the basis of the stipulation, with very prompt sentencing to follow. The reward for good performance was the same—the charges were removed—but the penalty was more expeditiously applied in the event of failure.

A further adaptation of this model, the "provisional plea," is the model you are referring to (it is also used in Philadelphia). Under this approach, the defendant is required to plead guilty to enter the program. The plea is held in abeyance pending performance in the drug court. Upon successful completion of the program, the defendant is allowed to withdraw the guilty plea and the judge dismisses the charge. Again, the original incentive is retained—dismissal and even expungement of charges—but the prosecutor has more "up front" from the defendant. A conviction and sentence results when the defendant does not successfully meet the obligations of the program.

Another version of the guilty plea court is, however, quite different. Under this model, the prosecutor requires a real guilty plea and it is immediately accepted by the court at the first drug court appearance. Under this model, the incentive is offered up front, usually in the form of

a plea to a reduced charge (e.g., misdemeanor instead of a felony) and/or a suspended sentence or sentence to probation. This negotiated plea may prevent a felony conviction for the defendant, which in some states would figure into second or third "strikes." However, once the defendant is in court, the experience is similar to very intensive probation. Instead of incentives lying ahead of the participant to draw him or her forward through the difficult treatment, mostly sanctions are available, including revocation of probation and sentences to "back-time" confinement. This model then is very close to the sentencing drug court model, which only deals with defendants who have been convicted and sentenced to the drug court as a term of probation and/or a suspended sentence. The main approach of these courts is to inspire "fear" of punishment.

Based on a decade of drug court research, I believe that once the incentive for progress through treatment is removed from the drug court experience, participants have a more difficult time. I believe the diversion model, the Portland "stipulated facts" model, and the Mobile and Philadelphia "provisional" plea models all retain powerful incentives and incorporate strong sanctions for drug-addicted participants who really wish to change their lives. The conviction based approaches more closely resemble normal probation and offer fewer incentives and more sanctions for participants to maintain optimal performance over the long periods required. I believe the research will eventually bear this conclusion out.

Question 3: Drug Court without Treatment

Following on the previous answer, I cannot see the drug court model having an impact without a strong treatment component. From my research, I can confidently state that "when the drug court works," it is because it combines effective, criminal justice-adapted treatment with a strong symbolic and actual hands-on supervisory role of the judge. The judge stands, among other things, for "hands-on accountability" and the knowledge that failure to meet the requirements of the court will result in consequences. A sanction-only (a.k.a., deterrence-only) court merely returns the criminal courts to the approach of the late 1980's when punishment was the only response being delivered—with horrible results (including totally overwhelming law enforcement, court, prosecutorial, defense, jail, and prison resources). Treatment alone and punishment alone are the failed models that led up to the invention of drug courts; they simply have not worked with drug-addicted citizens in the criminal justice system.

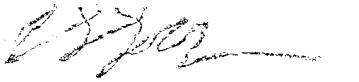
Our research suggests that the mix of incentives and sanctions is critically important. Our focus groups of drug court participants in six locations demonstrate clearly that participants were equally affected by a) the opportunity for help and self-improvement, and b) their aversion to jail and the hardships and disruptions it represents. Participants saw both ingredients as essential to the effective drug court process. It is this mix of providing hope and help and of accountability for behavior—not just the one or the other—that forms the essential impact of the drug courts we have examined. The treatment component plays a hugely significant role in offering hope and paving the way for change by showing participants how to act responsibly. The close linkage of treatment to the court and the judicial role also holds participants accountable before the court. The most important challenge for drug courts is to find the appropriate balance of these two ingredients and to inform that balance by empirically valid research findings.

Question 4: Empirical Support for Best Practices

My interest in drug court evaluation has been motivated by the belief that careful examination of the innovation will lead to useful empirical data and that these data will help courts build on the strengths and address the weaknesses of current practices. The drug court model carries with it certain assumptions that, understandably, have been accepted as articles of faith by practitioners. Research is now testing these assumptions and should zero in on some of the most critical assumptions, particularly when they have important implications for public safety and use of scarce resources. In short, if research cannot carry out this policy testing and enhancement function, I fail to see its purpose. That said, I believe we are just beginning to reach the stage in research where these assumptions are being addressed. This should become a more important priority as research studying this innovation continues.

I hope you find these responses to your questions helpful. I look forward to continuing discussion of these matters in the near future.

Respectfully,



John S. Goldkamp
Professor of Criminal Justice

SUBMISSIONS FOR THE RECORD

PREPARED STATEMENT OF JUDGE JEFFREY S. TAUBER, ON BEHALF OF THE NATIONAL DRUG COURT INSTITUTE

INTRODUCTION

The importance of a substantial federal presence in providing training and assistance to the drug court field cannot be underestimated. Due to the limited but critical resources provided to the drug court field through the federal government, we can point to unprecedented growth in the number of drug courts, from approximately 50 when federal assistance began in 1995, to over 700 drug courts in existence or being planned today. Truly, the Drug Courts Program Office (DCPO), Office of Justice Programs, U.S. Department of Justice, in collaboration with other federal agencies, has done a remarkable job in providing technical assistance and funding to the field. Federally funded technical assistance and training are necessary as DCPO funded programs bring the knowledge and expertise of the best practitioner-trainers to drug courts throughout the nation.

Not only are the trainings themselves highly effective, but they prove cost effective as well. The sharing of information, experiences, and lessons learned is an invaluable cost and time saving tool in and of itself. Developing the curriculum and then training the trainers who will teach their colleagues in workshops around the country saves valuable resources. Individual state organizations and administrative offices do not need to search out and develop trainings and seminars for practitioners in their area and unnecessarily expend resources and duplicate efforts. Rather, the extraordinary expertise and experiences developed locally in specific jurisdictions may be showcased on a national level and shared among colleagues. What is most important to remember, however, is that the sharing of information, lessons learned, innovative curricula, and the expertise of highly effective practitioners has happened only through the advent of federally funded workshops and trainings. Therefore, increased federal funding for training and technical assistance must be the highest priority for federal assistance to this rapidly expanding field.

STANDARDIZATION

Technical assistance and the funding that makes this assistance possible is critical to the development of effective, standardized drug courts. Although drug courts are unique to each jurisdiction, the development of nationally recognized standards across drug court programs is necessary in order to insure the effectiveness of drug courts nationally. For example, through technical assistance provided at regional research and evaluation workshops like those conducted by NDCI, drug court practioners and evaluators are able to learn from the experiences of their colleagues who have already conducted drug court evaluations, and discuss standards and definitions of terms such as success, failure, retention, recidivism, and cost analysis.

DCPO has taken the lead in supporting and promoting standardization projects in order to provide jurisdictions with the tools necessary to sustain their programs. Previously under a grant from DCPO, the National Association of Drug Court Professionals (NADCP) convinced the National Association of Drug Court Professionals Drug Court Standards Committee, which produced *Defining Drug Courts: The Key Components*, in January 1997. The Key Components provide guidelines, or 10 components, that are central to the drug court model and implementing an effective drug court. The Key Components have become a national model for drug courts, and promote competency that is available to practitioners across the nation. It should be noted that many state judiciaries, including California and Florida, have adapted the Key Components in their rules and court. Additionally, the Conference of Chief Justices, representing all 50 chief justices, recognized the effectiveness of the 10 Key Components of drug court in its resolution of August 19, 2000, endorsing drug courts and other problem solving courts. Still, it is important that performance standards are developed and the Key Components are revisited to include "best practices" for drug courts.

NDCI has also sought to identify standardization needs that are critical to the advancement and future of evaluation. A meeting of the drug court research advisory committee, held in partnership with the National Institute on Drug Abuse (NIDA) in September 1998, identified several critical and immediate needs of the research and practitioner communities in relation to drug court research and evaluation. The following standardization needs are among those identified by the committee: Stand-

ardization and research terms (Data Dictionary); Standardization of minimum data sets; Definition of characteristics of target populations; Definition of research variables needed for local drug court jurisdictions; Definition of differences between fine level data (court information) and program data (evaluation data/information) for local jurisdictions; Definition of process evaluation vs. outcome evaluation (what questions should they answer). Increased funding for DCPO technical assistance and training must be provided to support the development of standards and best practices for drug court research and evaluation.

RESEARCH & EVALUATION

NDCI and DCPO realize that continued research and program evaluations are crucial; in short, drug court programs must be able to justify their program's utility in order to sustain it. Drug courts often have very little funding for evaluation because they are unable to demonstrate the program's effectiveness, even though the very future of drug court programs depend upon it.

Many drug court programs currently struggle with their evaluations. Practitioners need to recognize the importance of evaluation and the costs associated with it. Practitioners also need to know what to look for in an evaluator, what to expect from an evaluator, the importance of developing a good working relationship with an evaluator, the elements of data collection, and the development of a credible data collection system. In turn, evaluators need to be educated about the program, management, communication, problem solving, team building, organizational skills, data collection, needs assessment, case management, intensive substance abuse treatment skills and offender supervision are all important to the drug court team member. The range of required skills and the diversity of education and experience histories of incumbents support the need for the NDCI comprehensive drug court practitioner training series designed and delivered by experienced practitioners.

Each training provides an innovative, interactive framework for education and an important new tool for educators to use during the training. For example, while traditional judicial training provides information on substantive law and court procedures, the NDCI comprehensive judicial training design focuses intensively on the judges' communications skills and his or her ability to positively impact the offender's drug usage and criminality in the drug court setting.

Over 100 video segments (typically running between one and three minutes) of 30 different drug courts have been integrated into the training curriculum, and are the cornerstone of NDCI comprehensive drug court practitioner trainings. In small facilitated group discussions as well as in plenary sessions, participants review and analyze drug court situations on video tape, as real drug court judges deal with such critical issues as implementing sanctions and dealing with relapse.

To date, NDCI has trained 312 drug court practitioners from 47 states and Guam, Puerto Rico, Ireland and Australia. By the end of 2000, that number may be us many as 600. On a scale of one to seven, 96% of judicial participants rank the training as a six or seven and 67% rank the training with the highest possible score. The mean score thus far for the four NDCI judicial trainings is a 6.57 out of a possible score of 7.

Due to NDCI's successful skills-based, discipline specific training program for drug court practitioners, NDCI has embarked on a new training project for DCPO. DCPO provided the funding for a series workshops for recipients of DCPO planning grants, and has collaborated with the NDCI to provide 25 workshops for 59 (45 adult drug courts, 14 DUI drug courts) grantee jurisdictions. Next year NDCI, in collaboration with DCPO, intends to provide jurisdictional trainings for over 100 drug court programs nationwide.

All of the workshops discussed above are held at NADCP Mentor Court sites and are designed to provide planning grantee jurisdictions with the tools necessary to plan and implement an effective drug court. The first in the series, the "Introductory Workshop," focuses on educating the judge and coordinator about drug court fundamentals, respective roles and responsibilities from the planning process through implementation and operation as well as team building and team leading. The second in the series, the "Skills-based, Discipline Workshop," focuses on comprehensively educating the entire jurisdictional team on specialized drug court issues and how they relate to the individual disciplines of the drug court team. Focus is also given to the roles of each discipline and those functions through the drug court planning, implementation and operation phases. Finally, the workshop enables the team to begin a Jurisdictional Action Plan Outline. The final workshop, the "Operational Workshop," focuses on the Jurisdictional Action Plan and the tasks therein, set by the jurisdiction, outlining the plan to implement a drug court.

NADCP MENTOR COURT NETWORK

Established in partnership with DCPO in 1996, the NADCP Mentor Court Network provides a cost-effective approach and relies on locally or regionally centered education rather than on-site technical assistance. Local practitioners volunteer much of the resources and expertise used in the network. The Mentor Court Network is comprised of a number of effective teaching sites and trainers whose practitioners have proven expertise, teaching experience, and organizational skills. The sites are presently selected through a collaborative process by which DCPO and NADCP visit mentor site candidates and reach agreement as to the appropriateness of individual sites as mentor programs. Potential mentor sites are reviewed for competence and cost effectiveness, geographic and ethnic diversity, population density, drugs of choice, and community participation and support.

By relying on broad-based regionally centered networks, NADCP avoids the expense of flying consultants around the country. Instead, it nurtures local and regional leadership, moving the focus away from the national to the local level where the practitioners and most of the resources are found.

Since its inception in 1996, the Mentor Court Network has:

- Grown from seven sites to 25 in 2000;
- Expanded to include Community Oriented Policing Services (COPS) sites, which are courts that have innovative linkages with law enforcement;
- Been the primary training network for DCPO planning and implementation grantees;
- Trained nearly 5,000 practitioners since the Network's inception; and
- Gained international recognition from and provided training to delegates from other countries.

SCHOLARSHIP

DCPO and ONDCP support a variety of publications and the distribution of other information through NDCI and other organizations. NDCI has developed the National Drug Court Institute Review (NDCIR), a journal published twice per year, that provides technical, scientific, and legal articles to the drug court practitioner in a clear and understandable form. NDCI is also known for its monograph series, focusing on specific topics in order to bring a discussion of the issues to practitioners across the country. NDCI's monographs include DUI/Durg Courts: Defining a National Strategy, Development and Implementation of Drug Court Systems, and Reentry Drug Courts. NDCI also publishes The Institute, a technical assistance and training newsletter, three times a year. Finally, NDCI disseminates the Drug Court Practitioner Fact Sheet series, which provides a one page brief focused on issues important to the practitioner such as evaluation, coercion in drug courts, methamphetamine, buprenorphine, and juvenile and family drug courts, among others.

CONCLUSION

Whether trainings and workshops have been developed and put on by NDCI, or by NDCI in collaboration with organizations such as SEARCH, the Justice Management Institute (JMI), the Drug Court Clearinghouse and Technical Assistance Project at American University, or the National Council of Juvenile and Family Court Judges, the common thread and ingredient for success has been the financial support and commitment of federal agencies such as DCPO and ONDCP. Federal funding provided by DCPO has provided the backbone of technical assistance in the areas of research and evaluation, drug court practitioner training, and standardization in critical areas of the drug court field.

Standardized practices in research and evaluation will provide the basis for ascertaining which drug court programs, and which components of drug court programs, are most effective, and which need improvement. Standardized practices in the training of drug court team members will insure that those team members are equipped with the knowledge and skills necessary do not only administer an effective program, but also use evaluation findings to recognize the need for, and implement, improvements in that program. Finally, standardized practices made possible through increased federal support for technical assistance and training saves limited resources and allow those resources to be focused on providing critical assistance to as many drug courts and drug court practitioners as possible throughout the United States.

THE DEVELOPMENT OF THE NATIONAL DRUG COURT INSTITUTE

Historically, education and training in the drug court field has only been available at regional workshops and national conferences, where analysis and commentary

were limited to anecdotes and personal accounts. The newness of the field and the lack of resources inhibited the development of a drug court institute.

That situation has changed. Hundreds of programs have been implemented over the last several years. Scholars and researchers have begun to apply the rigors of scientific analysis to the drug court model, and now evaluations exist on dozens of drug court programs.

Recognizing that in order to survive the drug court field needed strong educational, research and scholarship components, the Office of National Drug Control Policy (ONDCP) provided initial funding for a drug court institute. On December 13, 1997, ONDCP Director General Barry McCaffrey announced the creation of the National Drug Court Institute (NDCI) in the Roosevelt Room at the White House.

In collaboration with ONDCP, the Drug Courts Program Office (DCPO), Office of Justice Programs, U.S. Department of Justice, has been instrumental in the development of NDCI, which provides training, scholarship, and research skills to the field.

The Heritage Foundation 214 Massachusetts Avenue, N.E. Washington, D.C. 20002-4999 (202) 546-4400

Congressional Testimony

Written Testimony for the Senate Judiciary Committee Subcommittee on Youth Violence

Looking for Results at the Justice Department

October 3, 2000

Virginia L. Thomas
Senior Fellow Government Studies
The Heritage Foundation

I want to thank Chairman Sessions for requesting this written testimony on the U.S. Department of Justice's use of performance-based management, with a particular focus on their first required Performance Report, from the 1993 Government Performance and Results Act, to tell the taxpayers what their programs are accomplishing.

My name is Virginia Thomas. I am a Senior Fellow in Government Studies at The Heritage Foundation where my mission is to help the Congress and taxpayers focus on government accountability through the use of performance-based management techniques and effective congressional oversight. I must stress, however, that the views I express are entirely my own, and should not be construed as representing any official position of The Heritage Foundation. Although I am not a specialist in Justice programs, your invitation has given me the opportunity to review Justice Department reports on their activities concerning FY 1999, as well as related reports from the Congress, GAO and the Inspector General's office.

Your effort to focus your oversight authority on what is working and what is not working at Justice is a commendable one that has the potential to elevate policy debates about Justice's performance.

The presidential election elicits candidates who claim credit or tout new government spending for society's problems, when in truth, little is known about the effectiveness of existing federal programs. Americans should use this opportunity to demand credible information on such claims and promises. No federal program should continue or be spawned based on good intentions, political power, popularity or benign neglect. Washington has typically established programs and provided money for laudatory purposes, but rarely is there adequate follow through to judge whether the effort is achieving the desired results.

This paper is an effort to assess the Justice Department's effectiveness in achieving results for the American people based on their own reports that come from the 1993 Government Performance and Results Act.

PROMISE OF PERFORMANCE-BASED MANAGEMENT

Seven years ago, when Congress passed and President Clinton signed the Government Performance and Results Act (the Results Act), few realized the practical consequences that this law could have on our government. The Results Act requires that agencies prepare Annual Performance Reports that include:

- A description of the agency's actual performance compared with the performance goals set in the latest annual Performance Plan for the applicable fiscal year (FY 1999 in this case);
- An explanation of which goals were not met and why;
- A description of what the agency will do in the future to achieve unmet goals; and

A description of actions to address performance goals that proved to be impractical or infeasible.[1]

The first set of these reports were due this last spring.

[1] 31 U.S.C. 1116.

Performance measurement need not be a mere paperwork exercise, or an exercise in gimmickry. Instead it should focus policy-makers on how the government can deliver higher quality, more effective assistance to more people at less cost.

Does Congress know which Justice Department programs are most and least effective? Improved performance-oriented congressional oversight may reveal that programs are duplicative and do not aid those for whom the programs were intended. And, most importantly, such oversight may well deliver real results for those for whom programs were originally created.

Consequences of Failing to Identify and Reform Ineffective Justice Programs

Americans don't care if the government is training more people, arresting more criminals, getting more "hits" on their web sites or even putting more cops on the street. The real measure of success is whether federal activities and taxpayer dollars are preventing crime, maintaining our prisons, securing our borders, protecting our civil rights, reducing illegal drug supply and use and maintaining civil order while honoring the rule of law and balancing our civil liberties.

Few agencies, including the Justice Department, have developed the necessary performance measures and reliable data sources to demonstrate the results they are achieving to benefit the public. Yet neither the Justice Department, nor America can afford to not ferret out wasteful, ineffective programs and better replicate programs that work based on their important function in our society.

The federal government spent approximately $26.2 billion in FY 1999 out of a total discretionary budget of $575 billion on administering justice, a function that involves at least 27 other departments and agencies[2], as well as the judicial branch.[3] Over the past 10 years, the share of federal outlays for this governmental function has grown from less than 1% to almost 1.5% -- which in a period of growing entitlement spending represents a large proportionate increase in taxpayer funding.

JUSTICE DEPARTMENT
General Overview

The United State Justice Department is akin to the largest law firm in the world. It represents the US government in court and is responsible for all federal criminal law prosecutions, as well as most civil legal litigation regarding the government.

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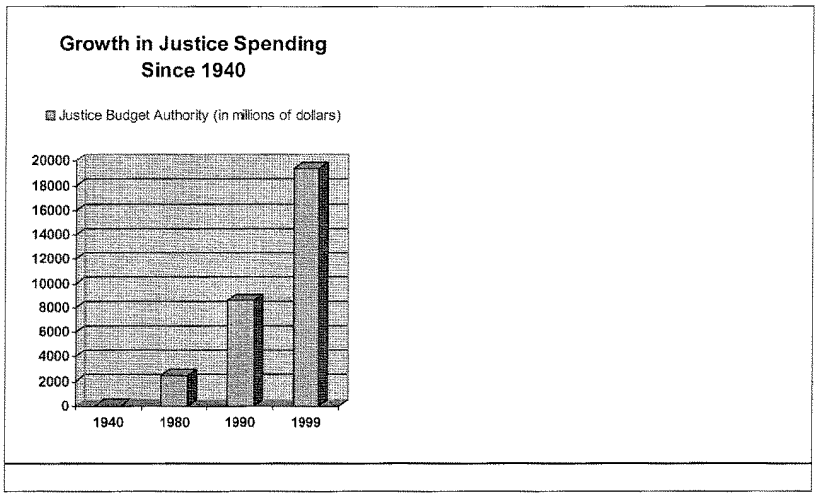
[2] *Budget Issues,* General Accounting Office, GAO/AIMD-97-95 Fiscal 1996 Spending, p 61. The other related entities include: Education (Departmental Management), HHS (Administration for Children and Families), HUD (Fair Housing and Employment; Management and Administration), Treasury (Bureau of Alcohol, Tobacco and Firearms; Departmental Offices; Federal Law Enforcement Training Center; Customs Service; Secret Service; Violent crime reduction programs), US Tax Court, LSC, EEOC, Civil Rights Commission, Ounce of Prevention Council, State Justice Institute, Administrative Conference of the US, Architectural and Transportation Barriers Compliance Board.

[3] U.S. Government, *President's FY 2001 Budget*, Federal Resources by Function, FY 2001, date, p. 42-43.

For fiscal year 1999, Congress provided approximately $21 billion in appropriated and fee-funded monies[4] for Department of Justice (DOJ) activities conducted by more than 125,000 federal employees in more than 2,700 offices within the United States and 120 foreign cities. This funding level represents a 50% increase in DOJ programs over the last 4 years, as Congress increased funding for this cabinet department by almost $6 billion with the explicit understanding that this money was to "fight crime."[5]

- Compared to other parts of the federal government who have had to undergo reductions in spending and size, the Justice Department has been expanding with significant numbers. Since 1940, Justice spending has increased from $41 million to $18.4 billion. Justice staffing has grown from 15,000 to 125,000 in that same time period.

[4] P.L. 105-277, P.L. 106-31, P.L. 106-51; FY 1999 Annual Accountability Report, U.S. Department of Justice, pg. v.
[5] *Report on Departments Of Commerce, Justice And State, The Judiciary And Related Agencies Appropriations Bill, Fiscal 2000*, U.S. House of Representatives, 106th Cong., 1st Sess., August 2, 1999, p. 7.



JUSTICE'S FIRST PERFORMANCE REPORT

Summarizing Justice's efforts to measure its performance, we see:

- The Department created 7 functions, 32 performance goals, and 175 performance measures to judge their own results.[6]
- There are 69 self-proclaimed successes out of 175; 39 failures and 59 instances where no one could verify the results due to data problems or changed measurements.
- Out of the 175 measures, only 17 are results-oriented. Another 143 are measures of activities and processes that are easy, yet inappropriate, for purposes of understanding the bottom line impact of federal efforts.

In reviewing the Department's goals, one might expect to see different measures than the ones used. For example:

- To reduce violent crime, Justice should measure each crime rate, particularly federal ones or violent crimes by number of incidents, and then also by arrests, prosecutions, convictions and % of sentencing served for crimes. Based on some reports on the

[6] Cabinet Departments vary on the numbers of goals and measures. Examples include: HUD has 14 goals and 47 measures, USDA has 450 goals and 940 measures, HHS has 750 measures and EPA has 187 goals and 364 measures.

outstanding warrants to be served that have been backlogged, Justice may want to consider measuring warrants served in this category as well. Another peculiar measure Justice uses in this goal is the measurement of reduction in La Cosa Nostra membership – a measure that does not pass common sense questions of how Justice would be able to know the population of LCN members.

- To reduce availability and use of drugs, Justice is comfortable using a variety of process-oriented measures. Instead, they should consider measures placed in statute for the Office of National Drug Control Program such as: reduced drug use from 6.1% to 3%, reduced adolescent drug use by a specific percentage, reduced drug-related emergency visits by a specific percentage and reduced juvenile or property-related drug crime.

- To reduce terrorism and espionage, Justice needs to measure reduced incidents of espionage. Terrorism acts that *do* occur would be a preferred measure over those that do *not* occur. One would wonder whether the data that supports these incidents are valid.

- To improve white collar crime or other civil law enforcement areas, measurements should be based on success of government litigation and enforcement efforts in the state and federal courts.

- Management goals should be consolidated, as they appear sporadically throughout Justice's report.

- Justice needs to set measures carefully to balance the use of intrusive technology with proper respect of privacy. Wiretapping and similar invasive investigative techniques should be judged based on whether or not this evidence was used in a successful prosecution within a reasonable timeframe, such as one year.

- Grants are proliferating out of Justice and they should be judged with strict accountability for the impact or benefit the public or the government is able to receive from each grant. Currently, there is little or no obvious reporting of results on grants in the Department's Performance Report.

- Customer satisfaction measures or surveys should be used in appropriate functions, not, as appears now to be the case, with prisoners who are assessed on whether they found their transportation acceptable, but rather with the victims of crime who were assisted or should have been assisted with timely, quality service from public officials.

- Programs focusing on missing children or violent crime against women should use common sense measures such as reduced incidences of missing children or reduced incidences of reported cases of violence against women. Certainly, the Justice Department should not be, as it appears to be, using performance management to force a potentially counter-productive law enforcement technique on local officials,

such as # of grantees to implement a mandatory arrest policy in cases of violence against women.

- In measuring the anti-trust impact of Justice's actions, a better set of measures would include whether consumers now have more choices, with higher quality and lower prices than they did prior to Justice's intervention/actions?

- In Justice's report, there is no evidence of Justice cooperating with other federal offices to ensure successful governmental performance. Is Justice effectively sharing responsibility for various goals with other departments, such as IRS (for fair enforcement of tax laws) or Labor (for curtailing union corruption) or other Departments?

- Contrary to the concern raised by Attorney General Reno in early sections of the performance reports about the perverse incentives that measures could raise so as to establish bounty hunting in the law enforcement arena, Justice's plan includes several such measures. These include measurements that count collected fines, # of crimes investigated, amount of assets seized or # of prisoners moved.

- Prisoner maintenance is measured with poor and benign measurements. These could be replaced with measures such as: % of prisoners serving their complete sentence; # of escapes (which is currently used); adequacy of facilities and adequate maintenance of existing facilities.

- Inmate service programs such as drug abuse, education, job training should be measured with techniques that verify that there has been a lasting impact from any federal assistance. These impacts should then be transparent to see which programs are working the best.

- Immigration should measure the speed and accuracy by which citizenship is determined and assistance is given. Criminal aliens need to be removed expeditiously and measured in such a manner. INS could also better measure the prevalence or reduction of illegal aliens inside our borders by hospital records, school records and employment-related measures.

Some of the best and worst measures used at Justice are highlighted below:

	Worst Example	**Best Example**
Accountability	Not using reduced incidences of crime, i.e. Violence Against Women Act	# of indictments and convictions in targeted drug efforts, in white collar crimes
Responsibility	# of people trained	Average response times for IDing fingerprints, getting naturalization done
Simplicity	No measure on reduced espionage.	# of escapes of prisoners

	No measure on effective use of wiretap authority.	
Common Sense	Moving prisoners % reduction in LCN membership # of packages of info created for grantees # of new INTERPOL cases	# of persons prohibited from purchasing firearms who were stopped
Incentives	$ value of fines, penalties and relief # of terrorist acts prevented Jurisdictions with mandatory arrest policies (VAWA)	None noteworthy
Honesty	COPS funding officers vs. # of officers and unrelated to reducing crime Increasing the number of police on the streets	Quantity of drugs seized at border (although hard to know what percent this represents)

If Congress has given the Justice Department more than it can humanly do, the public needs to recognize this with credible, reliable, objective and transparent data on what is working and what is not working at Justice.

In a report to the Senate Governmental Affairs committee, the General Accounting Office (GAO) said:

> "Overall, DOJ's progress in achieving desirable program outcomes cannot be readily determined since the agency has yet to develop performance goals and measures that can objectively capture and describe performance results. DOJ's performance measures are (1) more output than outcome oriented, (2) do not capture all aspects of performance, and/or (3) have no stated performance targets."[7]

The Mercatus Center at George Mason University ranked the Justice Department Performance Report 21st of the 24 largest federal departments and agencies with a grade of 23 out of 60 points. Specifically, they said of Justice's report:

> "Tedious reading with lots of insufficiently explained acronyms and tables…The report is inwardly focused – not on Americans safety, freedom and access to dispute resolution, but on the 'diverse activities and major accomplishments of' the DOJ"[8]

[7] U.S. General Accounting Office correspondence to Senators Thompson and Lieberman, *Observations on the Department of Justice's Fiscal Year 1999 Performance Report and Fiscal Year 2001 Performance Plan*, June 30, 2000, p. 1-2.

[8] Mercatus Center at George Mason University, "Performance Report Scorecard: Which Federal Agencies Inform the Public?," May 3, 2000, p. 21 of Appendix.

Justice should be able to demonstrate progress, but doesn't, in resolving the Department's most serious internal management problems, as documented by its own Inspector General.

Longstanding Problems at Justice

The first Performance Report should have demonstrated progress in solving many of the longstanding problems identified by Justice's Inspector General or the General Accounting Office, yet, there was little if any mention of these:

- INS's organizational structure impedes its ability to both enforce immigration laws and provide services for immigration and citizenship.
- Justice's INS cannot provide up-to-date information on immigration law.
- INS can't pass an audit.
- Vulnerabilities in INS' naturalization procedures and practices, coupled with a higher volume of naturalization applications, have increased the risk that U.S. citizenship will be granted to ineligible applicants. INS has allowed criminal aliens to be released into communities, and have increased the risk of granting citizenship to ineligible applicants.
- Justice has significant financial management weaknesses. They are unable to track a new flood of federal funding into Justice, such as the $8.8 billion grant program for state and local law enforcement agencies to hire or re-deploy 100,000 additional officers to perform community policing.
- Justice's DEA has such internal weaknesses as to allow embezzlements.
- Justice's Asset Forfeiture program, as well as a similar Treasury program, operate asset forfeiture (such as illegal drugs, property and cash) programs which have inventories valued at several billion dollars. The programs are vulnerable to theft and misappropriation due to internal control weaknesses.
- Justice's computer systems have been poorly planned, wasted time and money in delayed implementation and were unable to provide timely, useful and reliable data, as well as put vast amounts of sensitive data at risk of unauthorized disclosure.
- Justice now houses 118,000 inmates in Bureau of Prisons facilities which have a capacity of only 89,675.
- Detention space and infrastructure for criminals and illegal migrants are increasing problems. The INS and USMS are experiencing rapid growth in the use of detention space, from an average of 31,966 beds in 1996 to a projected 55,000 to 67,000 beds in 2001.
- The INS program to deport illegal aliens is largely ineffective. Only a small percentage of non-detained illegal aliens with final deportation orders are actually deported. The INS fails to identify many deportable criminal aliens, including aggravated felons nor do they initiate Institutional Hearing Program (IHP) proceedings for them before they are released from prison. Ineligible aliens, including convicted felons, are inappropriately granted voluntary departure.

- Justice faces significant difficulty attracting and retaining qualified ADP auditors, Information Technology professionals, and Financial Statement audit professionals.

Financial mismanagement is bad enough, but government ineptness has resulted in unnecessary deaths. On June 2, 1999, New Mexico Border Patrol agents had a man, known as the railway murderer, in custody who was wanted for several murders. After being released back into Mexico, he is suspected to have murdered at least four more people, including Dr. Claudia Benton in Houston, Texas. Despite being wanted by the FBI[9], Texas Rangers and the Houston police, INS agents let him go simply because of their lack of knowledge on how to use a database that includes fingerprints, photographs and criminal background information for those caught entering the country illegally. Attorney General Janet Reno told Congress that 37% of the 35,000 criminal aliens released over the last five years from INS custody went on to commit additional crimes.[10]

Clinton Performance Promises

President Clinton, in his Government Wide Performance Plans made a variety of related promises to improve government management and performance in the following ways:

[9] The FBI had issued a federal warrant on May 27 for this same person. Customs posted a lookout for him after June 21. Additionally, no INS agents ever informed other key law enforcement officials of prior border crossings by Resendiz.

[10] Associated Press, "Fingerprint Data Merger Likely to Take 5 Years," *The Deseret News (Salt Lake City, UT)*, March 9, 2000.

GOVERNMENT WIDE PERFORMANCE PLAN: PRESIDENT CLINTON'S PROMISES 1999 AND 2000

1999 Government Wide Performance Plan included the following priority performance goals:

- Justice will maintain commitment to reduce the incidence of violent crime below the 1996 level of 634 offenses per 100,000.
- Justice will provide funding for communities to hire and deploy 16,000 more officers in 1999.
- Justice will reduce specific organized crime and its influence on unions and industries from the 1997 level, while intensifying efforts to prevent emerging organized crime enterprises.
- Justice will ensure no judge or witness is the victim of an assault.
- The Marshals Service will apprehend 80% of violent offenders within 1 year of a warrant's issuance, and will reduce fugitive backlog from 1998 by 5%.
- Reduce the availability and abuse of illegal drugs.
- Reduce the average time between application and naturalization of qualified candidates from 24 months to 6-10 months.
- Increase the removals of illegal aliens from 111,794 in 1997 to 134,900 in 1999.
- Identify over 38,500 unauthorized workers.
- Ensure convicted violent offenders serve at least 85% of their sentences.

2000 Government Wide Performance Plan included the following priority performance goals:

- Fund an additional 50,000 officers by 2005.
- Provide law enforcement with latest technology for fighting and solving crime.
- Fund new prosecutors.
- Largest gun enforcement initiative in history to improve speed and accuracy of Brady background checks, add an additional 500 Bureau of Alcohol, Tobacco and Firearms agents, expand crime gun tracing and ballistic imaging systems, hire 1,000 gun prosecutors, fund smart gun technology research, fund over 100 prosecutors and 20 enforcement coordination teams, fund media campaigns on violence and gun safety, and get local law enforcement to end the reselling of used and seized firearms.
- Establish the first national ballistics network to trace bullets and shell casings.
- Lower recidivism rates
- Promote responsible fatherhood for the nearly 500,000 inmates who leave prison or jail this year.
- Combat gender-based crime by strengthening the justice system's response, support and enhance services for victims, fund a hotline and battered women shelters and expand outreach to under-served populations.
- Reduce the rising Indian violent crime rate by increasing the number of law enforcement in Indian country, improve the quality of the criminal justice system, enhance substance abuse programs and combat youth crime.
- Reimburse state and local governments for the cost of incarcerating criminal illegal aliens.
- Combat money laundering and financial crime through interagency efforts and use of technology.
- Combat terrorism with $11 billion.
- Reimburse telecommunications manufacturers and carriers for retrofitting in conversion to digital to ensure wiretapping is effective in future.
- Reduce overcrowding in the prisons.

- Increase prisoner literacy.
- Complete 1.3 million applications for citizenship and reduce processing time to 6 months by the end of 2000. (Backlog was over 1.8 million cases in 1999.)
- Address application backlog in other immigration service programs.
- Fund new Border Patrol agents so that there will be 9,800 agents on north and south borders, compared to 3,965 in 1993.
- Add new state of the art technology – night scopes, ground sensors, fencing, lighting, new or improved road construction - to enhance border patrol enforcement.
- Add 1,038 detention beds to 20,000 capacity. [Removed 178,168 aliens, including 62,838 criminal aliens]
- Help fight drug problem with drug treatment, prevention, domestic law enforcement, supply reduction efforts, including Columbia assistance.
- Implement or expand tough drug testing, treatment and graduated sanctions for prisoners, parolees, probationers, and ex-offenders reentering society.

OFFICE OF JUSTICE PROGRAMS

Office of Justice Programs has 849 employees (up from 334 in FY 1993) along with 110 contractors (up from 36 in FY 1993) working in 5 Bureaus, 7 Program offices and 7 Support offices -- all of which were created since 1984. For fiscal year 1999, the Office of Justice Programs awarded about 4044 grants, providing $4.1 billion in FY 1999, up from 564 grants in FY 1993 totaling $800 million.[11]

OJP receives the fifth largest segment of funding for Justice activities (14.1%), following INS, Office, Boards and Divisions, FBI, and the Bureau of Prisons.[12] Its mission is to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues and assist crime victims.[13] Funding for OJP has grown from $1.1 billion in FY 1995 to approximately $4 billion in FY 1999.[14]

In FY 1999, OJP received:

- $3.4 billion in direct funding
- $324 million in prior year collections of Crime Victims Fund

over $405 million from reimbursable agreements.[15]

[11] Data provided by Office of Justice Programs at the U.S. Department of Justice, September 2000.
[12] U.S. Department of Justice, *Accountability Report*, March, 2000 p.VIII-8.
[13] U.S. Department of Justice, *Office of Justice Programs 1999 Resource Guide.*
[14] Information came from OJP, Financial Management Division, September, 2000.
[15] U.S. Department of Justice, *Audit Report -- Office of Justice Programs Annual Financial Statement, Fiscal Year 1999*, June 2000, pp. 3-4.

COPS

The Congress authorized $8.8 billion over 6 years for grants to local law enforcement agencies to add 100,000 new police officers to the streets in an effort to reduce crime. In fact, despite claims to the contrary, the number of officers funded by Washington is more like 40,000, a figure similar to the growth in numbers of police officers had there never been a *new* program. In addition, the police newly hired were largely in low-crime areas, giving them little ability to impact national crime rates. In fact, although national crime rates have decreased, there is no evidence of a correlation between grants awarded in high crime areas to reduced crime or even to more police officers on the street.[16]

Drug Court program

This program aims to improve public safety, reduce prison and jail overcrowding and reduce criminal recidivism through the use of intensively supervised drug treatment for drug addicted, non-violent offenders. Since 1989, an estimated 140,000 drug offenders have entered drug court programs.[17] There are over 250 Drug Court Program Office federally funded drug courts, 60% of the total 415 operational drug courts nationwide. In FY 99, they received $40 million for these purposes. [18]

Success in the program appears to be assessed with varying standards. Many drug court programs vary in their approach, population served, treatment techniques[19], time at which participation is made available, program costs and completion and retention rates[20]. Although local flexibility is admirable, focus on results and outcomes should be made consistent so that programs can be critiqued based on their ability to achieve the clear objectives established in the programs' origination – reduced criminal behavior and reduced drug use.

- Success is touted by the Drug Court Clearinghouse at American University in its claims that 80% of drug court program participants do not commit crimes *while* enrolled in the program. Yet, the Drug Courts had 85% of their participants in FY 1998 not commit crime while participating in the program. In a peculiar public policy exercise, the Office decided to *reduce* the goal for FY 1999 to 80%, rather than increase it beyond that achieved the previous year.

  A GAO report issued in July, 1997 on Drug Courts to the Senate Judiciary Committee indicated that as of that date, 40% of participants were enrolled in the program, 31% of those surveyed had completed the program and 24% had failed to complete the program because they withdrew, died or were terminated from the program. In addition, an average of 48% completed the program. [21] Thus, with the Drug Court performance measure, we don't know

[16] Gareth Davis, David B. Mulhausen, Dexter Ingram and Ralph Rector, "A Report of the Heritage Center for Data Analysis: The Facts about COPS: A Performance Overview of the Community Policing Services Program," No. CDA00-10, September 25, 2000.

[17] National Drug Court Institute Review (Alexandria, VA), *"Research on Drug Courts: A Critical Review 1999 Update"* Volume II, Issue 2, Winter 1999, p. 3.

[18] U.S. Department of Justice, *Office of Justice Programs Fiscal Year 2000 at a Glance*, June 2000, p. 6.

[19] An array of substance abuse and rehabilitation techniques are used, including detoxification, stabilization, counseling, therapy, drug education, acupuncture, attendance at Alcoholics Anonymous or Cocaine Anonymous, relapse prevention and other treatments.

[20] GAO found that 44% of the programs used a deferred prosecution (or diversion) approach for drug offenders, and 38% used a post-adjudication approach, with the remainder using both, a hybrid or an alternative technique.

[21] Drug Courts: Overview of Growth, Characteristics and Results, GAO/GGD-97-106, pp. 10-11.

if within the "80% of participants who do not commit crime while in the program" these are individuals who are terminated, who may die or who may be otherwise unsuccessful in the program.

- Surveyed graduates of one drug court program who were evaluated stated that the most important aspects of the program to *them* were: (1) close judicial monitoring, (2) staff support, (3) urine tests, (4) sanctions and (5) the opportunity to have their charges dismissed. Yet not all programs emphasize these same components.

Whereas federal efforts should allow local communities flexibility:

(1) The programs' goals and measures should relate to breaking the cycle of substance abuse and crime for those who participate in Drug Courts. Thus, this program is ripe for longitudinal evaluative work – monitoring the long term progress of participants' drug and crime-related behavior who have passed through the program against those who were never in the program in the first place. Measures should focus on:

- reducing drug dependency and use
- reducing recidivism in criminal behavior, and
- graduation and retention rates

(1) Program officials should be setting the threshold for performance higher than the previous year, not engaging in low-balling measures for the potential good publicity of meeting goals or other possible reasons.

(2) Serious performance-management would never rely on self-reported information for evaluation; but rather would ensure that credible, objective data is collected about the performance of a tax-funded program.

CONCLUSION

Could we, with better planning, better goals and measurements, and more honest data, get less crime, better law enforcement, and better Justice-related results than we are getting today? Crime should be going down; costs to administer justice should be reducing; technology should be applied fairly, prosecutions should be supported by convictions, victims of crime should believe they have an ally in government, legal immigrants should be processed swiftly, and borders should be secure.

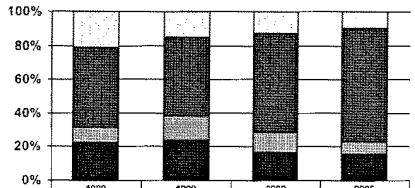
According to the Department of Justice's last Strategic Plan, one of its eight core values is:

> *Accountability to the Taxpayer. We are committed to serving as effective and responsible stewards of the taxpayers dollars that are entrusted to us. We are efficient and results oriented. We measure and report on our progress in achieving goals.*[22]

Justice's first report on its performance with taxpayer dollars, although a work in progress, is a poor exhibit of this stated core value. We can only hope that future Performance Reports will live up to the expectations that Congress, in its wisdom of passing the Government Performance and Results Act, had.

[22] U.S. Department of Justice, *Strategic Plan 1997-2002*, September 1997, p.6

Government should improve on the delivery of public services for purposes clear in the core value stated above. Yet, equally obvious is that Justice's funding is subject to increasing fiscal pressures. The discretionary budget – an increasingly pressurized portion of total federal spending – is being squeezed. In examining federal budget projections, entitlements will continue to take a growing percentage of total federal spending (66.6% projected in 2005), with defense spending decreasing (15.6% in 2005), interest payments on our national debt fluctuating (7.7% in 2005) and the discretionary budget is being squeezed from 21.3% of the federal budget in 1980 to only 10.1% in 2005. Congress will have no choice in the near future but to scrutinize Justice's budget based on these common sense performance concepts.



	1980	1990	2000	2005
Remainder	21.3	14.8	12.5	10.1
Entitlements	47.1	46.6	59	66.6
Interest	8.9	14.7	12.3	7.7
Defense	22.7	23.9	16.2	15.6

There is no doubt that political agendas, personnel and funding greatly influence the creation of a mission, measures and results of any administration, yet this analysis discusses how the Justice Department could better measure their performance and results.

To improve upon this initial effort, Congress and the Administration should:

1. Reduce the number of measures at Justice, consolidating them and making them more outcome-oriented and using greater common sense. Having too many measures is the equivalent of having no measures or priorities at all. Excessive measuring, especially in grants or delegated to state and local officials could end up causing a reign of paperwork terror – a reign that would have counterproductive impact on the ability of people to get results.
2. Improve the credibility of Justice's data for policy-makers. Truth matters.
3. Coordinate with other federal offices who are also focused on the same goals and outcomes and use similar or the same measures wherever possible. Policy-makers should know which tools of governance work best: tax incentives, grants, loans, educational campaigns, training or subsidies.
4. Ask Justice managers questions such as:

- Have you developed the right measures to assess a program's success?
- Which of these are achieving or failing to achieve their objectives?

- Can you specify why each of your programs were initially established – what they were designed to address or solve?
- For each program, can you specify the magnitude of the problem, the seriousness of the problem and the numbers of the population affected who are to be impacted by your program?
- For each program, do you know what other public or private entities are attempting to solve the same or similar problem, if they are effective and what you are doing to coordinate with these other entities if appropriate?
- For each program, can you demonstrate whether or not it has been proven to be effective in achieving its results? If not, can you give us a schedule by which such methodologically sound evaluations will be conducted to ensure that we are not wasting taxpayer dollars on non-productive or even counter productive programs?
- For each program proven to be effective by an independent, credible authority, can you demonstrate that it is using the most cost efficient techniques to accomplish its goals?
- Can you describe the success, in human terms, of your programs?

Public office holders or candidates should refrain from asking the federal government to do more than it can possibly, realistically achieve. With tenacious, persistent, results-oriented congressional oversight, government can be reformed, downsized, streamlined and improved based on credible, objective information about program results.

Such oversight may expose the fact that Congress and past Administrations have layered program upon program, earmarking initiatives that don't add value as much as they help a political constituency of one sort or another. But such a focus would bring a new level of accountability and understanding to the American public that may stop candidates from over-promising and further waste.

Thank you for requesting this preliminary research and I look forward to working to assist you and your oversight of the Justice Department in additional ways.

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PREPARED STATEMENT OF SUSAN TURNER, PH.D., ON BEHALF OF THE RAND

I have been asked to prepare a written statement on drug court research for the Subcommittee on Youth Violence. I serve as the Associate Director for Research and the Director for the Sentencing and Corrections Center for RAND Criminal Justice. Our mission is to conduct research, analysis, and demonstrations that help policymakers and communities reduce violence and substance abuse. Over the past 10 years, I have been involved in a number of evaluations of drug courts across the country; currently RAND Criminal Justice is conducting a national evaluation of 14 drug court programs. The 14 drug court programs were funded by the Drug Courts Program Office (DCPO); the evaluation is funded by the National Institute of Justice with funds transferred from the Drug Courts Program Office. My statement will focus on two major themes: (1) what we have learned to date from the national evaluation and our plans for continuing that work and (2) an assessment of the current state of research on drug courts.

THE 14-SITE NATIONAL EVALUATION

The national evaluation was designed as a two-phase effort. We have just completed the first phase. We anticipate beginning the second phase later this year. The first phase was designed to (1) develop a conceptual framework of drug courts; (2) describe program implementation of the 14 drug courts; (3) determine program "evaluability" (the extent to which programs can support a strong evaluation) for each participating jurisdiction; and (4) develop specific plans for a Phase II evaluation of each program's impact and success. I discuss three of these below that are directly relevant to my statement: the framework, program evaluability, and the Phase II evaluation.

NEED FOR A DRUG COURTS FRAMEWORK FOR EVALUATION

Today approximately 500 drug court programs are operational nationwide. These programs differ in terms of target populations, treatment programs, drug testing regimes, sanctions imposed, etc. And because drug courts differ on these dimensions, it is important to know whether particular drug court characteristics are more or less effective than others. Despite ongoing surveys of drug program characteristics conducted by the American University, the development of the "key drug court elements" (Drug Court Program Office), and a working typology of drug courts for research purposes developed by Dr. John Goldkamp, we argue that drug court research currently has no unifying perspective regarding the structural and process characteristics of drug courts that can be used to link drug court components with outcomes. We propose a framework to assist researchers in this effort.

Building on previous work in the field, our analysis of the 14 courts and their operating environments results in a framework with five dimensions: leverage, population severity, intensity, predictability, and rehabilitation emphasis. The first two dimensions are structural characteristics of drug court. The other three dimensions are process characteristics. They describe what happens to participants as they proceed through the drug court program.

Leverage refers to the nature of consequences faced by incoming participants if they later fail to meet program requirements and are discharged from drug court. Thus leverage depends, perhaps heavily, on the court's entry point—pre-plea, post-plea, or probation. In pre-plea or deferred prosecution courts, entry to the program occurs before an offender is required to enter a plea. Upon completion of all program requirements, the charge is reduced or dropped. Pre-plea courts may have limited leverage because participants have not pleaded guilty and may have no sentence pending. Moreover, after pre-plea participants are discharged for noncompliance, the case may be too "cold" to reopen. In post-plea or deferred judgment courts, however, entry to the program occurs only after an offender pleads guilty. Upon program completion, the plea can be stricken and the case dismissed. But if an offender fails the program, his/her case moves directly to sentencing and possible incarceration. Thus the stakes are high, and leverage strong, in a post-plea drug court.

Population severity refers to characteristics of offenders deemed eligible to enter drug court. This dimension is based on a distinction between drug courts set up to target a hardcore population of addicted and persistent offenders (one extreme) and drug courts dealing with lightweight offenders, whose offense history is short and relatively minor and whose drug use is "recreational" (the other extreme). The latter may be routed to drug court not so much because they need intensive treatment/supervision but because the local criminal justice system views the drug court as a welcome new resource for processing cases. This possibility is perhaps most apparent when the target population is first-time or lightweight offenders, system re-

sources are stretched thin, and prosecutors are using the drug court essentially as a way to move cases through the system. Of course many drug court populations fall between the high- to low-severity extremes. Because eligibility for drug court and, more importantly, the participants' likelihood of success may depend on lifetime patterns of drug use and crime as well as on the instant offense, we believe that both current and lifetime indicators of misconduct should be used in gauging population severity.

Intensity refers to requirements for participating in and completing drug court. These always include urine testing, court appearances, and drug abuse treatment. Other obligations may be imposed as well, such as employment, suitable housing, completion of a G.E.D., and payment of fines or restitution. It is important to note that intensity does not refer to requirements actually met by the participant. That is affected by self-selection. Neither does intensity refer to what happens to the non-compliant participant. That too is affected by self-selection in a sense; additional requirements are triggered by actions of the participant. Instead, we focus on a dimension of drug court itself: what participants understand to be the minimum requirements for program completion.

Predictability reflects the degree to which participants believe their behavior will be detected by the court, and know with high probability how the court will respond to their behavior. For example, courts with less variability in their response to each positive drug test are more predictable; participants are more likely to know what will probably happen to them if they test positive one, twice, and so on.

The final dimension in our framework is the emphasis placed on rehabilitation as against other court functions, including case processing and punishment. This dimension takes on particular significance in light of legal philosophies known as restorative justice and therapeutic jurisprudence, in which criminal justice is viewed more as a therapeutic tool and less as a formalistic and essentially punitive one. To a greater or lesser degree, most drug courts reflect these philosophies.

Our hypotheses regarding the linkage between these dimensions and outcomes for drug court are straightforward. Those programs that exert more leverage over their participants, target offenders with less severe problems, provide intensive services, are more predictable in their rewards and sanctions and provide a more rehabilitative focus should show more favorable outcomes. Additionally, our framework provides a wide range of indicators, currently collected in the field, for each dimension.

EVALUABILITY OF 14 PROGRAM SITES

Our Phase I was designed to assess each of the 14 participating jurisdictions to determine whether they could support solid evaluation. In other words, can we compare outcomes for drug court participants with outcomes of similar offenders who did not participate in the program? Does the program routinely gather information on drug court participation, treatment, sanctions, and outcomes? Are these data recorded in a consistent and accessible fashion? To answer these questions, researchers made site visits to each of the 14 programs, interviewed staff and judges, observed drug court programs, visited treatment programs, and gathered information on data management information systems.

Ideally, each drug court would have been able to meet the requirements of process and outcome collection specified in the DCPO "Program Guidelines and Application Information." These include the collection of information on drug court participants (and to the fullest extent, non-participants) including: demographic characteristics, substance abuse history, vocational and educational status; mental health history, criminal justice history, treatment needs, etc.; measures of program implementation and process, including program intervention receive, participation in treatment (including motivation and actual attendance records for each program component), status at completion of drug court, service needs at discharge from program, etc. Programs were strongly urged to design, implement and maintain an automated database for recording these variables.

In addition, programs were alerted to the requirements of a national evaluation. Drug court programs were instructed to anticipate providing the following additional information for an national evaluator: substances abuse treatment and support services completion rates, counselor ratings of extent of participant attendance and engagement in treatment, program components and improvement over time in life skills acquisition, psychological and emotional functioning, educational and employment status, participant satisfaction with the treatment program, reports of substance abuse, results of urinalysis, data and nature of violations and arrests, positive social adjustment, and counselor ratings and extent of participant attendance and engagement in aftercare components and referrals services following completion of the drug court program.

Our site visits revealed that programs staff were unaware of the federal requirements to collect the data for evaluation—original grant writers did not share application requirements with program staff. Site visits and analyses revealed that none of the 14 programs has gathered the full range of measures specified by DCPO in a single database for both the drug court and a comparison group of offenders. This is not to say that sites were uninterested in gathering information or in evaluation or their drug courts. To the contrary, all were keenly interested in determining whether or not their programs were effective. However, it appears that a great deal of staff time is devoted to the day-to-day operations, coordination among agencies, provision of services, etc., leaving little time for staff to develop database systems and record a vast array of measures for participants. In addition, program staff often do not have the training or backgrounds in research and must contract out the work to outside evaluators.

Looking across programs, we found that in several sites, no local evaluation of the program had been conducted; in half the sites, no MIS system recorded the required data elements—records were maintained solely on paper. In terms of classic process and outcomes studies, most sites could offer the following types of data using quasi-experimental evaluation designs that could only be accomplished with fairly intensive data collection effort:

• Background characteristics. Often computerized, sometimes paper and pencil screening and/or treatment files provide these characteristics for drug court participants; generally less complete paper and pencil data would be available for comparison groups.

• Process data. Urinalysis results are generally available and often computerized (particularly if TASC is part of the team); services received are computerized in about half the sites. In many sites, detailed information about treatment participation and activities would need to be gathered from individual treatment program files—not necessarily kept by the drug court itself.

For process measures, virtually all information currently available is official record; no data on participant's self-reported satisfaction, perceptions or other behaviors are available; information on counselor perceptions is also not available. In general self-reported process variables would need to be collected by external evaluators—they are not being collected by the sites. These measures are necessary for testing theoretical hypotheses about why the drug courts may be effective. Without them, we can't tell why the drug court did or did not produce the effects it desired.

• Outcome data. All sites are able to report the termination status of drug court participants, although this is not automated at all sites. The most frequently used outcomes are officially-recorded recidivism, gathered from criminal history databases or probation files. Remaining drug free, as measured by negative urine tests is another commonly used outcome measure. Referral to and completion of programs after drug court termination are not available.

PHASE II PLANS

The original intent for Phase II was to conduct separate outcome evaluations in each of the 14 sites. However, given the large effort that would be required to conduct such evaluations; the limited amount of routinely collected data, and the real possibility of noncomparable comparison groups, we have decided this may not be the best way at the present time to advance the state of knowledge on drug courts' effectiveness. Rather, we propose to pool existing data from drug court programs to examine the relationship between program characteristics, participant characteristics and outcomes. Using only drug court program data (not comparison groups since they are few, often poor and require a great deal of work to construct), we hope to identify as many data sets as possible from a representatives set of drugs court programs and conduct exploratory analyses to answer a slightly different question. Instead of the question typically asked in a traditional outcome research design—does a drug court reduce use and crime compared to routine criminal justice processing, we have turned the question slightly to "what are the characteristics of drug courts that seem most able to reduce drug use and crime?" With this approach, we can also test out our framework components of leverage, severity, predictability, intensity and rehabilitation and their relationships to drug court participant outcomes. To the best of our knowledge the proposed study is the first of its kind in which data re pooled from a moderate to large number of drug courts across the country to examine overall effects on drug court outcomes.

CURRENT STATE OF RESEARCH ON DRUG COURTS

Over the past several years, Dr. Steven Belenko has compiled findings from drug court evaluations. According to his 1999 review, drug courts: • handle serious of-

fenders with multiple problems, • provide more comprehensive supervision and monitoring, compared to other treatment programs, • increase treatment retention, • reduce drug use and criminal behavior while offenders are in drug court • reduce recidivism following program completion • generate savings in jail costs, especially for pretrial detention

At the same time, however, we don't understand very well the impact of specific drug court components for a number of reasons. First, many evaluations do not use strong research designs. Few have incorporated random assignment—a design in which we can be assured that observed differences between drug court participants and other offenders are the direct result of drug court participation—and not due to characteristics of the offenders themselves. Rather, quasi-experimental designs are used in which it may be difficult to parse out effects due to offender characteristics from the drug court program itself.

Second, drug courts as implemented, are a "package" of treatment, sanctions and incentives, drug treatment, judicial involvement, etc. When we observe a positive outcome for the court, we have logical inference problem—was it the treatment, was it the judge, was it the sanctions? Unless research designs do a better job of testing the impact of individual drug court components, we cannot know for sure how key elements impact offender outcomes.

Third, the richness of process and outcome measures needs to be improved. Many studies have used a limited range of "implementation" and "success' measures, with recidivism being the most frequently outcome measure. Knowing two- to three-year outcome information on not only recidivism, but actual drug use, employment and job skills, and other psycho-social measures would greatly improve our knowledge of the impact of drug courts on offender's lives.

Finally, as indicated earlier, drug court programs themselves do not often have the ability to conduct ongoing evaluations of their programs. MIS are often not well developed nor capture consistent data across programs. Program staff are not trained in evaluation; many programs must rely on assistance from outside researchers to gather both process and outcome measures, often on a "one-shot" effort. Continuing evaluation is beyond the ability of most programs, given current expertise and resources.

Many of these issues are not unique to drug courts. We face the same constraints in understanding the effectiveness of many criminal justice innovations, from intensive supervision probation, to universal drug testing and sanctions, to programs for the mentally ill offender. However, given the widespread adoption of drug courts across the country and resources devoted to their operation, we must be able to conduct credible evaluations on their impacts to help inform the policy debate about their place in sentencing and corrections.

[Submissions for the record follow:]

September 4, 2001

CHAIRMAN'S REPORT[1] ON THE OVERSIGHT ACTIVITIES

of the

SUBCOMMITTEE ON YOUTH VIOLENCE

of the

COMMITTEE ON THE JUDICIARY

during the

ONE HUNDRED SIXTH CONGRESS

I. Introduction

The Subcommittee on Youth Violence ("the Subcommittee") was created in 1995 as successor to the Subcommittee on Juvenile Justice.[2] The Subcommittee's authority extends to oversight in several areas: youth violence and related issues, the Juvenile Justice Delinquency Prevention Act of 1974, the Office of Justice Programs, and the Community Oriented Policing Office.[3]

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[1] Senator Sessions chaired the Subcommittee on Youth Violence until the expiration of the 106th Congress. In the 107th Congress, Senator Sessions became the Ranking Member of the Subcommittee on Administrative Oversight and the Courts. However, Chairman Sessions currently monitors the General Accounting Office ("GAO") oversight projects that he requested during his time as Chairman. This Report references the status of these projects as of September 4, 2001.

[2] See Transcript of Proceedings: United States Committee on the Judiciary Committee Business, at 3 (Jan. 12, 1995)(on file with the Library for United States Senate Committee on the Judiciary).

[3] See Transcript of Proceedings: United States Committee on the Judiciary Committee Business, Memorandum dated Feb. 23, 1999 (Feb. 25, 1999)(on file with the Library for United States Senate Committee on the Judiciary).

The "youth crime and related issues" portion of the Subcommittee's oversight requires evaluation and review of (1) the variety of crimes committed by minors, (2) studies on the causes and proposed solutions for our nation's youth crime problem, and (3) best (and worst) scientific practices for juvenile crime prevention programs.

Oversight of the Juvenile Justice Delinquency and Prevention Act of 1974 ("JJDPA") requires consideration of whether the Act effectively prevents juvenile delinquency and deals with the problems of runaway youth. The Act created the Office of Juvenile Justice and Delinquency Prevention ("OJJDP") within the Department of Justice to make grants to state and local governments and public and private organizations for the purposes of developing new approaches to the problems of juvenile delinquency.[4] In order to achieve thorough oversight in this area, the Subcommittee should examine OJJDP's budget, OJJDP's management of that budget, and performance outcomes for OJJDP-funded programs.

Oversight of the Office of Justice Programs ("OJP") has several components. OJP, the grant-making arm of the Department of Justice, received an appropriation of approximately $ 3.9 billion in Fiscal Year 2000 to fund anti-crime programs. The agency aims to provide federal leadership to expand the nation's capacity to prevent and fight crime, to administer justice, and to help crime victims. The Subcommittee is charged with reviewing the effectiveness of OJP's existing organizational structure and proposed reorganization, accounting processes, current and proposed performance measures for programs receiving its discretionary and formula/block grants, and performance of funded programs.

Finally, oversight of OJP includes oversight of the Community Oriented Policing Office,

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[4] Pub. L. No. 93-415, 88 Stat. 1109, 1112 et seq. (1974).

which funds the Community Oriented Policing Services Program ("COPS"). This task entails determining how COPS money has been spent since its origin in the Violent Crime Control and Law Enforcement Act of 1994, whether the program has met stated goals of 100,000 additional police officers placed on the beat and crime reduction in communities that receive COPS funding, and whether the program may be improved to better target locations in greatest need of crime reduction.

OJP's grant-making activities have been the focus of the Subcommittee's oversight to-date. In order to methodically assess each of OJP's program areas, Chairman Sessions drafted an overall oversight plan ("the Plan") and performed various functions relating to OJP's anti-drug programs. Currently, the Chairman is conducting follow-up oversight activities .

This report describes the Subcommittee's oversight activities completed in the Second Session of the 106th Congress, ongoing oversight activities, and oversight opportunities for the 107th Congress.

II. The Oversight Plan

Chairman Sessions implemented an oversight plan for the Subcommittee on Youth Violence in 1999 ("the Plan").[5] He provided a draft copy of the Plan to both OJP and experts assisting the Subcommittee, in the belief that oversight would be best achieved by a clear basic roadmap. Chairman Sessions has communicated and cooperated with OJP at every stage of oversight for the purpose of ensuring thorough, effective review that will help the agency improve its accounting and management systems.

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[5] Rule X, Clause 2(d), of the Rules of the House requires each committee of the House to adopt and submit a two-year oversight plan to the Committees on Government Reform and House Administration by February 15th of the first session of the Congress. See http://www.access.gpo.gov/congress/cong019.html. The Senate has no counterpart to this rule.

The Plan set forth the Subcommittee's overall oversight jurisdiction. In addition, it outlined OJP's legislative history, the Chairman's oversight goals for OJP, and the Chairman's specific tasks undertaken to further those goals. The Plan stressed the importance of making OJP financially accountable to both the Congress and taxpayers. OJP had never been subject to a comprehensive review before the Subcommittee's activities to the Chairman's knowledge.

Noting the dramatic rise in OJP funding levels from approximately $ 695 million in Fiscal Year 1992 to approximately $3.9 billion in Fiscal Year 2000, the Subcommittee began to request from OJP exact amounts spent on each of its programs and whether those funded programs were effective. Chairman Sessions believes that policymakers need this information in order to make informed decisions regarding funding OJP's grant programs. After the Subcommittee's October 3, 2000, hearing on "Oversight of the Office of Justice Programs: Program Performance - Drug Courts," the Subcommittee placed the Plan in the hearing record to provide guidance to the congressional appropriators and the authorizers who assess OJP funding proposals.

III. Oversight Activities by Chairman Sessions during the 106th Congress

Chairman Sessions undertook a number of oversight activities during the Second Session of the 106th Congress. He reviewed OJP's financial management and accounting processes as well as OJP's anti-drug programs and engaged the General Accounting Office ("GAO") to assist in these reviews. A summary of these activities follows.

A. Review of OJP's Financial Management and Accounting Processes

The Subcommittee conferred with representatives of the Office of the Inspector General ("OIG"), KPMG, the OJP-Comptroller, and OJP's Financial Monitoring Division to discuss OJP's financial and accounting controls. The Subcommittee recommended that OIG revise a footnote in

OJP's audited financial statements to more accurately reflect the nature of their $5.5 billion "net position," that the "Unexpended Appropriation" account balance in OJP's draft financial statements be clarified,[6] that the accounting division be responsible to the Assistant Attorney General in charge of OJP, and that OJP hire additional accountants to undertake financial statement preparation rather than placing heavy reliance on outside accounting firms.

B. Engagement of the General Accounting Office for OJP Review

On June 9, 2000, Chairman Sessions engaged GAO to assist the Subcommittee in assessing OJP's grant-monitoring and program-evaluation activities.[7] In particular, the Chairman requested a description of OJP's prescribed monitoring activities, whether OJP had in fact undertaken those activities as prescribed, and the consequences for grantees when OJP monitoring activities identify problems in grant-implementation, i.e., whether these programs have subsequently been improved or de-funded. Further, the Chairman requested a summary of the quality and results of past OJP program performance evaluations as well as GAO's assessment of whether recently funded evaluations incorporate lessons learned from prior evaluations.

In GAO's Statement of Intent dated August 29, 2000, GAO noted that due to the size and scope of OJP operations, they needed to undertake a design phase "to understand OJP and the relationship between OJP and its bureaus and program offices . . . and how OJP carries out its grant monitoring and evaluation activities."[8] Pending completion of this design phase, GAO orally

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[6] In fact, KPMG followed the Subcommittee's recommendation and clarified their financial statements accordingly. A copy of KPMG's August 31, 2000, letter to the Subcommittee reflecting this change is attached as Appendix A.

[7] A copy of Senator Sessions's engagement letter is attached as Appendix B.

[8] A copy of GAO's Statement of Intent is attached as Appendix C.

briefed the Subcommittee on OJP's general structure, authority, and program functions. GAO discussed funding trends for OJP and provided an overview of the Bureau of Justice Assistance's (BJA's) Byrne Grant program.[9]

Byrne formula grants go to States and units of local government to be used to "carry[] out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy by developing programs and projects to assist multijurisdictional and multi-State organizations in the drug control problem and to support national drug control priorities."[10] The authorizing statute lists 29 authorized purpose areas for Byrne formula grants, which include implementing demand reduction education programs, investigation and prosecution of white-collar crime, neighborhood and community programs to assist citizens in preventing crime, drug control evaluation programs, and creating rehabilitative alternatives to jail and prison for non-violent offenders.[11] On the other hand, Byrne discretionary grants go directly to public or private agencies and private nonprofit organizations for the general purposes of criminal justice education and training of law enforcement personnel, firearm safety training for the general public, technical assistance to States and local governments, criminal justice demonstration projects likely to apply nationwide, and projects that will address the 29 authorized purposes for formula grants.[12]

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[9] The Byrne discretionary grant program appears in the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, § 510 et seq., as amended. [42 U.S.C. § 3760 et. seq.]

[10] 42 U.S.C. 3571(a) (2001).

[11] 42 U.S.C. 3751 (b) (2001).

[12] 42 U.S.C. 3760 (a) (2001).

GAO selected the Byrne program as paradigmatic of the complexity involved when OJP administers large federal funding streams from which multiple grant program funds flow to states, localities, and private local organizations. Much of OJP's anti-crime grant funds operate to allow state and local agencies the flexibility to expend OJP grant money as they wish within the bounds of certain authorized purposes.

GAO's initial review led them to tailor their monitoring and program evaluations to the discretionary grant programs that BJA and the Violence Against Women Office ("VAWO") administer rather than analyzing the highly complex distribution routes of block/formula grant programs. GAO divided their evaluation into two parts: (1) a program monitoring study and (2) a grant evaluation and evaluation activities study.

For the first project, GAO is studying BJA's and VAWO's monitoring of Byrne and VAWO discretionary grants and how these entities are handling problems that arise with respect to grant administration.[13] For the second project, GAO is reviewing (1) the number, type and costs of evaluation studies generated by the Byrne and VAWO discretionary grant programs since 1995; (2) the methodological rigor of Byrne and VAWO discretionary national grant programs that received impact evaluations, and (3) policies for dissemination to practitioners and for implementing "promising practice" criminal justice approaches[14]. GAO has a projected completion date of late 2001 and early 2002 for the evaluation study.

C. Review of OJP's Anti-Drug Programs

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[13] A copy of GAO's February 12, 2001, commitment letter for their OJP monitoring project is attached as Appendix D.

[14] A copy of GAO's June 11, 2001, commitment letter for their OJP discretionary grant evaluation project is attached as Appendix E.

To facilitate oversight, the Plan has divided OJP's programs into six substantive categories. These six categories are (1) community assistance and substance abuse, (2) terrorism and domestic preparedness, (3) youth crime, (4) family violence, (5) victim assistance, and (6) law enforcement and judicial assistance. For its first stage of oversight, the Subcommittee selected the first category – OJP's substance abuse programs – for evaluation.

In the course of reviewing OJP's anti-drug programs, Chairman Sessions consulted with OJP officials and experts on drug programs, analyzed OJP's compliance with the Government Performance and Result Act of 1993 ("GPRA"), held a hearing on drug court performance, and examined other OJP-funded anti-drug programs.

1. Consultations with OJP Officials

The Subcommittee conferred with OJP staff on several occasions to learn more about particular OJP anti-substance abuse programs and to convey the Subcommittee's vision for oversight. Marilyn Roberts, the head of OJP's Drug Courts Program Office ("DCPO"), briefed the Subcommittee on the history of the drug court movement, OJP's endeavors to train, technically assist, and evaluate individual drug courts, and details about a current multi-site, multi-stage evaluation being conducted by the National Institute of Justice to determine what scientific models would best serve local drug courts in implementing new drug court programs and/or improving existing drug court programs.

2. Consultations with Experts on Drug Programs

The Subcommittee consulted on several occasions with GAO and the Congressional Research Service ("CRS") while planning the October 3rd hearing. GAO informally advised the Subcommittee about potential obstacles to collecting the data necessary for competent performance

evaluations of drug courts. At the Subcommittee's behest, GAO drafted and submitted a list of proposed questions for hearing witnesses. CRS provided the Subcommittee with numerous scientific evaluations of drug courts.

3. Analysis of OJP's Compliance with the Government Performance and Results Act of 1993 (GPRA)

Chairman Sessions requested that OJP report to the Subcommittee its efforts to comply with the Government Performance and Results Act of 1993 ("GPRA"). OJP provided, and the Subcommittee reviewed, OJP's performance measurement tables for its anti-crime, anti-substance abuse programs. Based on this review, Chairman Sessions determined that OJP had not created such tables for all of the programs it funds. For example, OJP produced no table for the Drug Abuse Resistance Education program (D.A.R.E.), although Byrne grants provided $ 3.5 Million in Byrne Grant funds to D.A.R.E. in FY 2000 and $1.9 Million so far to D.A.R.E. in FY 2001.

Furthermore, after soliciting informal input from GAO, the Subcommittee ascertained that OJP's GPRA drug court table in large part stated output-related performance measures (e.g., how many implementation grants were awarded and how many training and technical assistance programs were provided to grantees) rather than outcome-related performance measures (e.g., how many graduates stayed off drugs and did not commit new crimes). One concrete outcome-related measure on this particular table – criminal recidivism – provided data largely self-reported by the drug courts themselves for the "[p]ercent of drug court program participants in grantee programs that do not commit other crimes ***while*** participating in the program"(emphasis added) and did not reflect the number of drug-related and other crimes committed by graduates of drug courts once the programs ended. The Subcommittee finds this measure less than useful.

In an additional effort to assess the adequacy of OJP's performance and results reporting

system for drug programs, the Subcommittee submitted OJP's drug court program table to Virginia L. Thomas, Senior Fellow in Government Studies at the Heritage Foundation. In her written witness statement included with the Subcommittee's October 3rd drug court hearing record, Ms. Thomas voiced several concerns about this table. Ms. Thomas noted an inexplicable reduction in goals; while in FY 1998, OJP claimed that 85% of participants had not recidivated as measured by a participant's commission of other crimes while in a drug court program, in FY 1999, OJP reduced its recidivism goal by 5% to 80% and then reported that drug court programs met the reduced goal. Additionally, Ms. Thomas noted that this performance measure did not reflect how many participants were terminated, deceased, or otherwise unsuccessful in the drug court program.

Based on the seeming incompleteness of these performance tables, the Subcommittee discussed with OJP officials potential ways to improve its drug court GPRA table. The Subcommittee intends to seek assistance from outside experts to review the remaining GPRA tables for OJP anti-drug programs that were submitted by OJP, in order to devise better performance measures for such programs.

4. Hearing on "Oversight of the Office of Justice Programs: Program Performance - Drug Courts"

On October 3, 2000, the Subcommittee held a hearing on OJP's community assistance and substance abuse programs, focusing on drug courts. Noting the proliferation in the number[15] and cost[16] of drug courts during the past decade, Chairman Sessions deemed it important to assess OJP's

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[15] From 1989 to the present, numbers of operational drug courts have risen from 1 to approximately 567 current and 293 planned drug courts. A graph of this increase is attached as Appendix F.

[16] OJP's drug court expenditures rose from around $ 3.4 million in 1992 to around $ 57 million in 1999, with cumulative expenditures in the last decade totaling approximately $ 180

efforts both to measure the performance of these myriad programs, and to assist drug court judges in improving their programs.

Chairman Sessions structured his performance analysis around four basic inquiries: (1) What is the problem being addressed? (2) What is the solution that Congress or OJP is advocating? (3) How much does it cost? and (4) Does it work?

To prepare for the hearing, the Subcommittee consulted with OJP officials, CRS, GAO, the Heritage Foundation, scientific experts on drug courts, and practicing drug court judges. It reviewed numerous documents, including, but not limited to, impact studies of individual drug courts, meta-analyses of drug court evaluations, newspaper articles, and survey data compiled by OJP's Drug Court Clearinghouse and Technical Assistance Project ("DCCTAP").[17]

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million. A graph of this increase is attached as Appendix G.

[17] From 1995-2000, OJP has awarded $3,079,410 to American University to operate DCCTAP – an average annual grant of $513,000. The Drug Court Clearinghouse aims to provide technical assistance and training to drug court practitioners and to collect, summarize, and disseminate valuable operating information to these practitioners and other stakeholders. While preparing for the drug court hearing, the Subcommittee consulted a DCCTAP publication entitled "Drug Court Activity Update: Composite Summary Information of June 2000." While this publication contained some useful data, the Chairman found some deficiencies in this data. First, participation/graduation data was compiled on an annual rather than cumulative basis, data was often not buttressed by more than program self-reporting, and complete data for costs that offset savings achieved by drug courts, such as average costs of treatment for drug court programs. Additionally, some of the information contained in that update, such as the summary information of participants who had been drug-free for certain time periods, was presented in a confusing format. The Chairman believes that stakeholders (the drug court judges and policymakers) would benefit from more exhaustive information summarized in a more user-friendly format. Also, an annual easy-to-read format for data would better enable OJP managers and Congress to make informed decisions about grant administration and funding. The Chairman recommends that OJP meet with the Clearinghouse and explain these information requirements. OJP should determine whether the Clearinghouse can provide this information. If it cannot, the Subcommittee should determine whether a different vendor would be able to provide such information.

The witness panels presented a cross-section of viewpoints about OJP performance and drug courts. In the first panel, Ms. Mary Lou Leary, Acting Assistant Attorney General of OJP in charge of administering all of OJP's programs, provided important information on OJP's drug programs and highlighted OJP's current efforts to perform outcome evaluations of those programs. In the second panel, veteran drug court judges provided important practitioners' perspectives, and prominent drug court researchers offered their opinions and scientific findings on how well drug courts are performing as well as the new direction that drug court research should take.

At the hearing, Chairman Sessions elicited from these witnesses an estimate of OJP's drug court total annual and cumulative expenditures, an assessment of how well drug court programs are performing (based on scientific benchmarks), an acknowledgment that gaps in the scientific body of drug court knowledge exist which OJP is situated to address with federally funded research and development, and a description of OJP's efforts to assist local drug court judges in improving their respective programs.

Additionally, Chairman Sessions submitted written follow-up questions to all of the hearing witnesses. The witnesses' responses to these questions highlighted a number of areas where OJP needs to improve management and accounting functions.

Unfortunately, OJP's financial reporting system for drug courts appears to be incomplete, as evidenced by Acting Assistant Attorney General Leary's response to the following question:

> It is essential for Congress and for OJP to know how much is spent on each OJP-funded program each year and whether these expenditures are producing results. Will you commit OJP to provide this Subcommittee with an annual report beginning with the start of the next Congress of the total annual expenditures since that program's inception on each program that is funded (including direct earmarks and other expenditures, including portions of block grants) as well as your opinion on the effectiveness of each program?

Ms. Leary responded:

> The Office of Justice Programs (OJP) is fully committed to providing this oversight subcommittee and, indeed the Congress, with specific information about our funded programs. There are several means through which we have provided and will continue to provide the information you have requested. In addition to our annual budget requests, which have some funding history and results information, as mandated by Congress in the Omnibus Crime Control and Safe Streets Act of 1968, as amended, OJP produces and transmits to the Congress an annual report on our activities during the preceding fiscal year. . . . [T]he subcommittee requested information about all of our drug programs arrayed in a consistent format that included . . . funding history . . . . (emphasis added). That document for the OJP drug control programs (defined as those certified by ONDCP) is enclosed.[18]

Neither this response nor the information attached to it answered the Chairman's question of "total annual expenditures since the program's inception on each program that is funded (including direct earmarks and other expenditures including portions of block grants.)" Instead, the drug program profiles reported funds appropriated, not actually spent. OJP blamed this omission in part on the time lag in state and/or local reporting to OJP on how federal grant monies are spent. In order to obtain complete data from which performance and management decisions can be made, OJP should take measures to decrease the time lags and inexactitude and to begin providing complete information concerning block grant allocations for each grant program, rather than just line item information.

5. Engagement of the General Accounting Office for Drug Court Review

On December 14, 2000, Chairman Sessions submitted a formal request letter to GAO's Comptroller General requesting GAO's assistance in evaluating drug courts and, in particular,

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[18] Answers to Senator Sessions' written questions on file with the Subcommittee on Youth Violence.

updating GAO's 1997 report on drug court programs.[19] Pursuant to congressional mandate, GAO in its 1997 report entitled "Drug Courts: Overview of Growth, Characteristics, and Results (GAO/GGD-97-106) reported that:

> firm conclusions could not be drawn on the overall impact of drug court programs or on certain specific issues raised by Congress about the programs or their participants. For example, many of the evaluations available at the time of GAO's review (1) involved programs that were relatively new at the time of the evaluations and were diverse in nature; (2) had differences and limitations in their objectives, scopes, and methodologies, including (in 11 of the 20 studies) no assessment of program participants after they left the programs, and (in 14 of the 20 studies) no comparison of how participants and nonparticipant arrest rates compared after program completion; and (3) showed varied results regarding program impact and the specific issues raised about drug court programs and their participants.[20]

In its 1997 report, GAO made several recommendations to improve the collection of performance measurement and impact data on federally funded drug court programs.

The Chairman's letter asked GAO to accomplish several tasks:

> (1) provide an update on the growth and characteristics of drug court programs funded by the Drug Court Program Office ("DCPO") (including information on juvenile, adult, and family courts);
>
> (2) assess the extent to which DCPO funded drug court programs are delivering substance abuse treatment services in compliance with federal treatment models or guidelines;
>
> (3) review the success rates of these drug court programs and address whether certain types of programs are more effective than others; and
>
> (4) assess the approach and methodology, potential outcomes and results, and OJP's intended use of, the National Institute of Justice-sponsored RAND study of the 14 oldest DCPO drug court programs.

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[19] This request letter is attached as Appendix H.

[20] General Accounting Office, Drug Courts: Overview of Growth, Characteristics, and Results (July 31, 1997).

On August 9, 2001, GAO submitted a commitment letter to review the Department of Justice's efforts to collect performance and impact data on federally funded drug court programs.[21] GAO aims to determine to what extent the number of drug court programs, participants, and DCPO funding for such programs has changed since GAO's 1997 report and to assess how well DOJ has implemented efforts to collect performance and impact data on federally funded drug court programs. In addition, GAO has committed to providing an oral briefing with slides on DCPO-funded drug court programs treatment services.

6. Review of Other OJP-Funded Anti-Drug Programs

Chairman Sessions enlisted OJP's help in drafting a one-page drug program profile form to report vital information regarding each OJP-funded drug prevention or treatment program.[22] The form solicits basic information about each drug program, including its function, mission, activities, appropriations history, and performance data.[23] At a fundamental level, the Subcommittee was also interested in determining whether OJP is currently equipped to provide all this basic data for its programs.

As mentioned in the immediately preceding section of this Report, although the Subcommittee requested a funding history for all of OJP's funded drug programs, Ms. Leary's written responses provided only the amounts *appropriated*, not the more relevant information of amounts *expended* by states and/or localities on specific programs. OJP has indicated that this

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[21] A copy of GAO's August 9, 2001, commitment letter for the drug court review is attached as Appendix I.

[22] The letter from Senator Sessions to OJP requesting drug program profiles and the profile form itself are attached as Appendix J.

[23] Performance data reported on the form includes OJP GPRA Performance Measures, ONDCP Performance Goals/Objectives, and DOJ Drug Strategy.

information will not be available to the Congress in order to guide and assist its funding decisions, for the reasons mentioned in the preceding section.

OJP has not demonstrated its commitment to seek and find solutions to the problem, such as proposed legislation or the devotion of more OJP resources to ensure accurate and timely reporting from the states and localities who receive federal crime- and drug-fighting funds.

7. Need for Standard Performance Measures in All Drug Programs

Chairman Sessions has determined that OJP needs to implement and enforce uniform outcome-related performance measures for individual drug programs. For example, the Chairman believes that drug court programs, since they aim to reduce recidivism in drug court participants , must report accurately on the recidivism of participants and graduates based on rearrest or conviction data. While OJP itself implemented a standardized reporting requirement for grantees receiving funds from the DCPO, OJP has not enforced that requirement. The required Drug Court Grantee Data Collection Survey requested that each DCPO-funded drug court program provide information on (1) the number of clients who reentered the drug court program after court- or self-termination or graduation and (2) the number of participants arrested or convicted after graduation, in increments ranging from 0-6 to 13-18 months, for drug and other nonviolent offenses, violent offenses, and traffic offenses.[24] As OJP reported to Chairman Sessions, however, grantees in many instances face difficulties in data collection and thus simply do not follow OJP's requirements.

OJP must consider potential solutions to this problem. The Chairman suggests that OJP could (1) withhold grant money until the grantees have provided the requested recidivism data or (2)

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[24] U.S. Department of Justice, Office of Justice Programs, Drug Court Program Office, "Drug Court Grant Program Fiscal Year 2000 - Program Guidelines and Application Kit," at Appendix C (2000).

implement and require drug courts to use a uniform computer model that tracks arrests after either non-completion or successful completion of drug court programs.

IV. Recommendations for Future Subcommittee Oversight Activities[25]

A. Follow Up on OJP Reorganization

The Subcommittee should continue efforts begun in Fiscal Year 1998 to accomplish a satisfactory reorganization of OJP. OJP's current organization is highly fragmented, consisting of five independent bureaus (each headed by a presidentially appointed and Senate-confirmed official), six program offices, six administrative offices, and disjunction that hampers the efficient flow of grant information back and forth between OJP and states/constituents.

There have been a number of key events in furtherance of plans for OJP reorganization. In the Fiscal Year 1999 Appropriations Act, Congress directed OJP's Assistant Attorney to develop a reorganization plan for OJP.[26] Pursuant to this mandate, the Department of Justice submitted a report to the Congress on March 10, 1999.[27] The report, among other things, proposed to eliminate the five Senate-confirmed presidentially appointed bureau heads.[28] Additionally, the report proposed a structure with one research institute, one statistical office, four programmatic offices, and six

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[25] These recommendations are intended for the new Chairman of the Subcommittee on Youth Violence in the 107th Congress.

[26] H.R. REP. NO. 105-825, at 1023 (1998).

[27] U.S. Department of Justice, Office of Justice Programs, "A Report to the U.S. Congress Concerning a New Organizational Structure for the U.S. Department of Justice, Office of Justice Programs"(1999)(on file with the United States Senate).

[28] *Id.* at i.

administrative offices.[29]

On September 16, 1999, the Subcommittee on Youth Violence held a hearing concerning the plan, soliciting testimony from a number of panelists including OJP's then Acting Assistant Attorney General, Laurie Robinson.[30]

Congress issued a Conference Report accompanying the Fiscal Year 2000 Appropriations Act, Pub. L. 106-113. This report directed OJP as follows:

> To further the goals of eliminating possible duplication and overlap among OJP"s programs, improving responsiveness to state and local needs, and ensuring that appropriate funds are targeted in a planned, comprehensive and well-coordinated way, the conferees direct the Assistant Attorney General for OJP to submit a formal reorganization proposal no later than February 1, 2000, on the following limited items: the creation of a 'one-stop' information center; the establishment of 'state desks' for geographically-based grant administration; and the administration of grants by subject area.[31]

OJP transmitted a Reorganization Proposal pursuant to that congressional mandate on February 28, 2000.[32] That proposal re-named several existing offices and created two new administrative offices – the Office of State and Local Information Transfer and the Office of Grant Management/State Desks – as conduits of information between OJP and the individual states, localities, and local agencies who are actual or potential OJP grantees.[33] The Office of State and

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[29] *Id.* at ii.

[30] *Office of Justice Programs Oversight: Examining the OJP Reorganization Plan Before the Subcomm. On Youth Violence of the Senate Comm. On the Judiciary,* 106th Cong. (1999).

[31] H.R. REP. NO. 106-479, at 162 (1999).

[32] Department of Justice, Office of Justice Programs, "Congressionally Requested Reorganization Proposal" (2000) (on file with the United States Senate).

[33] *Id.* at 4-5.

Local Information Transfer was proposed as an information hub to, among other things, answer constituents' questions about technical assistance, training, publications and grants.[34] The Office of Grant Management/State Desks was proposed as a means of providing each state eligible for federal block and formula grants with a contact person responsible for monitoring that state's grant activities and trends and then reporting such information to OJP.[35]

Since February 28, 2000, neither OJP nor Congress has taken further official action in regards to OJP Reorganization. Chairman Sessions firmly believes that OJP should streamline decision making around functions and eliminate the islands of power of presidentially appointed, Senate-confirmed bureau heads. The Subcommittee should revisit OJP's proposed reorganization and perhaps suggest alternative ways to ensure a streamlined management processes. This goal may be accomplished either by legislative improvements to the current OJP structure or non-statutory fixes. Chairman Sessions recommends conferring with the new administration to accomplish the most effective consolidation and channeling of OJP management functions.

C. Legislation to Clarify Funding Streams and Authority

Congressional policymakers and prospective grantees are forced to consult a hodgepodge of federal statutes in order to identify the sources for OJP's authority to manage and dispense grant funds and to identify the numerous funding streams available to grantees seeking money for criminal justice programs.

The Subcommittee believes that both the Congress and the public would benefit from a statutory consolidation of these various provisions. The Subcommittee plans to work with OJP's

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[34] *Id.* at 10-11.

[35] *Id.* at 11.

Office of General Counsel during the next Congress to craft proposed legislation that, while leaving the content of the various provisions untouched, will concentrate them in one easy-to-find location, thereby ensuring that the Congress and other interested persons will be able to efficiently gather information needed to perform OJP oversight, grant application, and other functions.

D. Revision of Oversight Plan

Chairman Sessions recognizes the importance of some flexibility in conducting oversight and preparing the Plan. Based on new information gleaned from OJP and experts, and from the lessons learned from each previous stage of oversight, the Subcommittee may have to periodically adjust its oversight goals and to revise its oversight activities to better reach those goals. At the close of each Session of the Congress, Chairman Sessions believes that the Plan should be reviewed in light of experience and new information and revised accordingly.

Subcommittee on Youth Violence
Committee on the Judiciary
Oversight Plan of the Chairman

October 3, 2000

This document sets forth the Chairman's plan for the Committee on the Judiciary's Subcommittee on Youth Violence to conduct oversight concerning the various subject matters within its jurisdiction. First, the Plan outlines the constitutional provisions, statutes, and rules upon which the Subcommittee's authority to conduct oversight rests. Second, the Plan describes the Office of Justice Programs – the principal focus of the Subcommittee's oversight activities. Third, the Plan sets forth the Chairman's goals for oversight. Finally, the Plan describes the tasks contemplated by the Chairman in reaching those oversight goals.

Oversight Authority

Congressional Oversight

The Constitution vests all legislative power in the Congress.[1] The Constitution further vests the Congress with the power to "pay the Debts and provide for the common Defence and general Welfare of the United States" and the power to "make all Laws which shall be necessary and proper for the carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."[2]

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[1] See U.S. Const. art. I, § 1 ("All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives").

[2] U.S. Const. art. I, § 8.

In interpreting the legislative and spending powers in the context of congressional oversight activities, the Supreme Court of the United States stated that:

> [t]he power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste.[3]

Additionally, the Court has stated that "[t]he scope of the [Congress'] power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution."[4] Specifically, the Court has recognized the authority of the Senate to investigate "the administration of the Department of Justice – whether its functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution and prosecution or proceedings to punish crimes . . . ."[5]

Within the scope of its constitutional oversight authority as interpreted by the Supreme Court, the Congress of the United States has provided House and Senate committees with the statutory charge to exercise "continuous watchfulness" over the administration of laws and programs under their

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[3] Watkins v. United States, 354 U.S. 178, 187 (1957).

[4] Eastland v. United States Servicemen's Fund, 421 U.S. 491, 504 n.15 (1975) (quoting Barenblatt v. United States, 360 U.S. 109, 111 (1959)).

[5] McGrain v. Daugherty, 273 U.S. 135, 177 (1927).

jurisdiction.[6] Congress has also stated that "each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws . . . which is within the jurisdiction of that committee."[7]

To allocate oversight authority among its various committees and subcommittees, the Senate has exercised its constitutional rulemaking authority[8] to provide that "each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee."[9] Furthermore, the Senate rules permit the committees to "carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate."[10]

Oversight Jurisdiction Vested in the Subcommittee on Youth Violence

The general constitutional, statutory, and rulemaking authority for congressional oversight applies specifically to the Committee on the Judiciary and its Subcommittees. On December 10, 1816, the Senate created

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[6] Legislative Reorganization Act of 1946, Pub. L. No. 79-601, 60 Stat. 832 (1946).

[7] Legislative Reorganization Act of 1970, Pub. L. No. 91-510, 84 Stat. 1156 (1970).

[8] U.S. Const. art I, § 5, cl. 2 ("Each House [of Congress] may determine the Rules of its Proceedings ...").

[9] Senate Rule XXVI, cl. 8(a)(2).

[10] *Id.*

the first standing committees, including the Committee on the Judiciary.[11]

The jurisdiction of the Committee has changed over the years, but the Committee's core responsibilities – legislation regarding oversight of the courts, law enforcement, and judicial administration matters – have remained constant. The Senate Rules vest the Committee on the Judiciary with jurisdiction over all "proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: . . . Government information[,] . . . Judicial proceedings, civil and criminal, . . . National penitentiaries[,] . . . [and] Revision and codification of the statutes of the United States."[12] This rule vests the Committee with oversight jurisdiction over the Department of Justice and all of its components.[13]

The Committee has exercised its oversight authority through numbers of means, including holding hearings.[14] Specifically, the Committee on the Judiciary has the responsibility to "conduct extensive oversight hearings in connection with the budget of the Department of Justice and the programs of

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[11] See 30 Annals of Cong. 30 (Gales & Seaton ed., 1816)(currently codified as Senate Rule XXV, cl. 1).

[12] Senate Rule XXV(l).

[13] *Id.*

[14] See, e.g., Department of Justice Fiscal Year 2000 Budget Oversight: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. (1999); Department of Justice Oversight: Hearing Before the Senate Comm. on the Judiciary, 106th Cong. (1999); What Works: The Efforts of Private Individuals, Community Organizations, and Religious Groups to Prevent Juvenile Crime: Hearings Before the Senate Comm. on the Judiciary, 105th Cong. (1997); Department of Justice Oversight: Hearing before the Senate Judiciary Committee, 100th Cong. (1988); Department of Justice Authorization and Oversight, 1981: Hearings before the Senate Comm. on the Judiciary, 96th Cong. (1980).

the Department in relation to results achieved."[15]

The Committee on the Judiciary has delegated various components of its jurisdiction to subcommittees.[16] The Committee re-created the Subcommittee on Juvenile Justice in 1981 after deciding the increase in violent crime committed by juveniles warranted the renewed attention of a subcommittee. In 1995, the Subcommittee's name was changed to the Subcommittee on Youth Violence.[17]

The Subcommittee on Youth Violence's jurisdiction consists of legislation and oversight concerning youth violence and directly related issues, the Juvenile Justice Delinquency Prevention Act of 1974, the Office of Justice Programs, and the Community Oriented Policing Office.[18] Accordingly, the Subcommittee on Youth Violence, and its predecessor, have reviewed and revised significant legislation and conducted numerous oversight hearings concerning matters within its jurisdiction.[19]

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[15] See History of the Committee on the Judiciary, U.S. Senate (1816-1981), S. Doc. No. 97-18, at 199 (1982).

[16] See History of the Committee on the Judiciary, U.S. Senate (1816-1981), S. Doc. No. 97-18, at 199 (1982).

[17] See Transcript of Proceedings: United States Committee on the Judiciary Committee Business, at 3 (Jan. 12, 1995) (on file with the Library for United States Senate Committee on the Judiciary).

[18] See Transcript of Proceedings: United States Committee on the Judiciary Committee Business, Memorandum dated Feb. 23, 1999 (Feb 25, 1999) (on file with the Library for United States Senate Committee on the Judiciary).

[19] See, e.g., Office of Justice Programs Oversight: Examining the OJP Reorganization Plan: Hearings Before the Subcomm. on Youth Violence of the Senate Comm. on the Judiciary, 106th Cong. (1999); The President's Fiscal Year 2000 Office of Justice Programs Budget: Undercutting State and

Overview of Youth Crime and Related Issues

The "youth crime and related issues" portion of the Subcommittee's oversight responsibilities would logically include a review of all types of violent and drug crimes committed by minors. This includes, among other things, violations of firearms statutes, violations of controlled substances statutes, and gang-related activity.

In addition, the Subcommittee has the responsibility to review various studies that examine the causes of youth crimes and the best methods of preventing such crime. Also, the Subcommittee has the responsibility to assess the various options for dealing with youth crime, including, but not limited to, boot camps, incarceration, character training, and drug treatment.

Overview of the Juvenile Justice and Delinquency Prevention Act of 1974

The Juvenile Justice and Delinquency Prevention Act of 1974 addressed two primary issues: (1) juvenile justice and delinquency prevention

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Local Law Enforcement in the 21st Century: Hearings Before the Senate Subcomm. on Youth Violence of the Senate Comm. on the Judiciary, 106th Cong. (1999); Oversight, Office of Juvenile Justice and Delinquency Prevention: Hearing before the Subcomm. on Juvenile Justice of the Senate Comm. on the Judiciary, 98th Cong. (1984); Oversight of the Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice: Hearing before the Subcommittee on Juvenile Justice of the Senate Comm. on the Judiciary, 97th Cong. (1981); Legislative Oversight Hearings on Federal Juvenile Delinquency Programs, March 31 and April 1, 1971. Report by Birch Bayh, chairman, to the Senate Comm. on the Judiciary, 92nd Cong. (1971).

and (2) runaway youth.[20]

First, the Act created a new office entitled the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice to address the needs relating to juvenile justice and delinquency prevention programs.[21] The Act provided that OJJDP coordinate all federal juvenile delinquency programs, make grants to state and local governments to help develop new approaches to deal with juvenile delinquency prevention, and make grants and enter into contracts with public and private organizations to develop new programs to address juvenile justice problems.[22]

Second, the Act included the Runaway Youth Act to address the problem of runaway youth in America.[23] The Act authorized the Secretary to make grants and provide technical assistance to localities and nonprofit organizations to develop local facilities to deal with the problems created by runaway youth.[24]

The Subcommittee on Youth Violence's role concerning the Juvenile Justice and Delinquency Act of 1974 will be to oversee OJJDP and to assess the successes of the Act since its inception in 1974.

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[20] See Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109 (1974).

[21] Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109, 1112 (1974).

[22] Id.

[23] Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109, 1129 (1974).

[24] Id. at 1130.

Overview of Office of Justice Programs Operations

Evolution and Mission of OJP

The existing Office of Justice Programs ("OJP") had its legislative genesis in the Law Enforcement Assistance Act of 1965.[25] This Act authorized the Attorney General to make grants and contracts for research and demonstration projects to improve law enforcement, crime prevention, and criminal justice administration. Pursuant to the Act, the Attorney General created the Office of Law Enforcement Assistance within the Department of Justice, which was designed to serve as

> the focal point for all contracts, issuance of rules and regulations, processing of applications, development of programs, dissemination of information, and day-to-day administration of the LEAA [Law Enforcement Assistance Act] program.[26]

Two years later, the Omnibus Crime Control and Safe Streets Act of 1968 created the Law Enforcement Assistance Administration (LEAA) within the Department of Justice.[27] LEAA's stated purposes included the following: grants to state and local governments for planning, recruitment, and training of law enforcement personnel; public education relating to crime prevention; construction of buildings and law enforcement facilities; education and training of special law enforcement units to combat organized crime; recruitment and training of neighborhood youth to improve police-

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[25] Law Enforcement Assistance Act of 1965, Pub. L. 89-197, 79 Stat. 828 et seq. (1965).

[26] See H.R. 5037, 5038, 5384, 5385, 5386: Hearings Before Subcomm. No. 5 of the House Comm. on the Judiciary, 90th Cong., at 85 (1967).

[27] Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197 et seq. (1968).

community relations; and the organization, education, and training of regular law enforcement officers, special units, and law enforcement reserve units for the prevention and detection of riots and other civil disorders. Id.

The Omnibus Crime Control Act of 1970 tightened grant administration and authorized a number of new programs, including funding for construction and improvement of correctional programs.[28] Administrative streamlining of LEAA and further changes in grant administration procedures occurred pursuant to the Crime Control Act of 1973.[29]

The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within LEAA.[30] The Crime Control Act of 1976 reauthorized LEAA and added new responsibilities for monitoring state plans and funding community anti-crime programs.[31]

In September 1977, LEAA closed its 10 regional offices as ordered by Attorney General Griffin Bell. Restructuring of LEAA occurred with the Justice System Improvement Act of 1979, which created four independent agencies within the Department of Justice under the authority of the Attorney General.[32] These four agencies were the Office of Criminal Justice

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[28] Omnibus Crime Control Act of 1970, Pub. L. 91-644, 84 Stat. 1880 (1971).

[29] Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 et seq. (1973).

[30] Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, 88 Stat. 1109 et seq. (1974).

[31] Crime Control Act of 1967, Pub. L. 94-503, 90 Stat. 2407 et seq. (1976).

[32] Justice System Improvement Act of 1979, Pub. L. 96-157, 93 Stat. 1167 et seq. (1979).

Assistance, Research, and Statistics (OJARS), a restructured LEAA, a new National Institute of Justice (NIJ), and a new Bureau of Justice Statistics (BJS).

The Juvenile Justice Amendments of 1980 rendered OJJDP an independent agency within the Justice Department.[33] On April 15, 1982, LEAA closed after having received minimal appropriations for several years. OJARS assumed LEAA's remaining programs.

The Justice Assistance Act of 1984[34] was passed as part of the Comprehensive Crime Control Act of 1984. It established an Office of Justice Programs (OJP), headed by the Assistant Attorney General, to replace OJARS. The Assistant Attorney General was placed in charge of coordinating the activities of OJP and the NIJ, BJS, OJJDP, and a newly-created Bureau of Justice Assistance (BJA).[35]

Victims of Crime Act of 1984 (VOCA), also part of the Comprehensive Crime Control Act of 1984, established a Crime Victims Fund in the U.S. Treasury.[36] The Attorney General delegated responsibility for VOCA to OJP and established the Office for Victims of Crime (OVC).[37]

The Violent Crime Control and Law Enforcement Act of 1994 enlarged OJP by creating several new OJP programs.[38] Three new offices emerged to

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[33] Pub. L. 96-509, 94 Stat. 2750 et seq. (1980).

[34] Justice Assistance Act of 1984, Pub. L. 98-473, 98 Stat. 1837 (1984).

[35] 42 U.S.C. § 3712(5) (2001).

[36] Pub. L. 98-473, 98 Stat. 1837, at 2170 et seq.

[37] *Id.*

[38] Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1796 et seq. (1994).

administer these programs: the Drug Courts Program Office (DCPO), the Corrections Program Office (CPO), and the Violence Against Women Grants Office (VAWGO). Also in 1994, the Executive Office for Weed and Seed (EOWS) was made an office within OJP. In addition, OJP established a new American Indian and Alaskan Native Desk (AI/AN) to improve outreach to tribal communities.

In 1997, responsibility for the Violence Against Women Office (VAWO), which had been a separate office within DOJ, was transferred to OJP. In 1998, VAWO and VAWGO merged. In May 1998, a new Office for State and Local Domestic Preparedness Support (OSLDPS) was created within OJP to help state and local communities prepare to respond to terrorist incidents. Finally, the Office of the Police Corps and Law Enforcement Education (OPCLEE) was transferred from the Office of Community Oriented Policing Services (COPS) to OJP.

Today, OJP's mission is to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims.[39] OJP pursues its mission through the administration of a variety of grant programs and through the performance and evaluation of various studies concerning crime.

OJP Management and Operating Procedures

In the 1960s, Congress originally created a strictly divided management authority in OJP by providing for an Assistant Attorney General and several presidentially appointed bureau chiefs to share responsibility. See Department of Justice, Office of Justice Programs, Congressionally Requested Reorganization Proposal 1. In recent years, Congress has consolidated much of the operational responsibility on the Assistant Attorney

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[39] See Department of Justice, OJP 1999 Resource Guide (visited June 28, 2000), http://www.ojp.usdoj.gov/99ResGuide.

General of OJP.[40]

The Assistant Attorney General for OJP is responsible for the operations of five bureaus and six programs offices. The bureaus are:

- The Bureau of Justice Assistance.[41]
- The Bureau of Justice Statistics.[42]
- The National Institute of Justice.[43]
- The Office of Juvenile Justice and Delinquency Prevention.[44]
- The Office for Victims of Crime.[45]

The program offices consist of :

- The Violence Against Women Office
- The Executive Office for Weed and Seed
- The Corrections Program Office
- The Drug Courts Program Office
- The Office for State and Local Domestic Preparedness Support
- The Office of the Police Corps and Law Enforcement Education

Although some research and technical assistance is provided directly by the OJP's bureaus and offices, most of the work is accomplished through federal financial assistance to scholars, practitioners, experts, and state and local agencies.

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[40] See 28 C.F.R. § 0.90 (2000).

[41] 28 C.F.R. § 0.90 at § 0.94-1.

[42] *Id.* at § 0.93.

[43] *Id.* at § 0.92.

[44] *Id.* at § 0.94.

[45] *Id.* at § 0.91.

Many of the program offices award formula grants to state agencies, which, in turn, subgrant funds to units of state and local governments. Formula grant programs in such areas as drug control and system improvement, juvenile justice, victims compensation, and victims assistance, are administered by state agencies designated by each state's governor. Discretionary grant funds are announced in the Federal Register or through program solicitations that can also be found through bureau and OJP websites. Grant applications are made directly to the sponsoring OJP bureau or program office.

In 1992, Congress appropriated approximately $695 million to OJP for both its own operations and for its grant programs.[46] By fiscal year 2000, Congress had increased OJP's appropriation to approximately $3.9 billion.[47]

Goals for OJP Oversight

The Chairman plans to begin a thorough review of both OJP's reorganization and the financial accounting and controls, federal administration, and state and local administration aspects of OJP's grant programs. Five goals guide the Subcommittee in this process:

> **First**, the Subcommittee wants to facilitate the restructuring of OJP to produce a more streamlined, grantee-oriented, and result-focused organization that will effect significant reductions in crime, world-class preparedness training for those who respond to acts of domestic terrorism, and timely and effective victim assistance.

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[46] See Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1992, H.R. 2608, Pub. L. No. 102-140, 105 Stat. 782 (1991).

[47] See Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2000, H.R. 3194, Pub. L. No. 106-113, 113 Stat. 1501 (1999).

Second, the Subcommittee wants to ensure that the financial structure of grant programs includes proper auditing controls, promotes efficient annual use of grant funds by recipients of multiple-year grants, and accurately reports OJP's operations and financial position.

Third, the Subcommittee wants to revise and implement performance measurement indicators that are closely correlated to crime reduction, victim assistance, and real-life preparedness actions, and to ensure that program evaluations are conducted in accordance with sound statistical practices.

Fourth, the Subcommittee wants to ensure that performance measurement is used in OJP's discretionary and formula/block grant-making process, is considered in the congressional authorization and appropriation process, and perhaps is added to existing legislation concerning OJP programs.

Plan for OJP Oversight

The Chairman plans to begin oversight over the Department of Justice's administration of criminal law, prevention, and victim assistance programs concerning youth violence and related matters. Specifically, this will include a review of the Department's record in reducing drug use and resulting crime among teens. Further, the Subcommittee will conduct oversight of the Office of Justice Programs administration of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. In addition, the Subcommittee will conduct oversight of two aspects of the Office of Justice Programs: (1) its planned reorganization; and (2) its administration of grant programs.

OJP Reorganization

In 1998, Congress directed OJP to present a plan for reorganizing its bureaus and offices. At that time, Congress instructed that:

> The current structure makes coordination difficult, and has promoted overlap and duplication. In the interest of insuring good stewardship of taxpayer dollars, this issue must be addressed through a management structure allowing for greater centralization of accountability for obligation of all OJP funds. The Committee's experience with the existing OJP structure of five independent bureaus is that it cannot be as responsive to State and local needs as required to insure that appropriated funds are targeted in a planned, comprehensive and well-coordinated way. Therefore, the Committee directs the Assistant Attorney General of the Office of Justice Programs and the Department to develop proposed elements of a new OJP structure with streamlined, consolidated authorities which will ensure centralized management.[48]

In 1999, OJP presented an interim plan for reorganization to Congress.[49] In turn, the Subcommittee held a hearing on the plan on September 16, 1999.[50] The Subcommittee intends to work with OJP, members of Congress, and others to develop and implement the statutory and non-statutory components of a comprehensive reorganization plan. As part of this effort, the Subcommittee will conduct meetings with OJP management and members of Congress.

Oversight of Grant Administration

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[48] H. R. 4276 Conf. Rep. No. 105-636, at 46 (1998).

[49] See Congressionally Requested Reorganization Proposal by the Department of Justice (submitted March 14, 2000) (on file with the Subcommittee on Youth Violence to the Senate Committee on the Judiciary).

[50] See Office of Justice Programs Oversight: Examining the OJP Reorganization Plan: Hearing Before the Subcomm. on Youth Violence of the Senate Comm. on the Judiciary, 106th Cong. (1999).

Overseeing OJP's grant administration, the Subcommittee will begin to investigate and review three aspects of grant administration: (1) financial accounting and controls, (2) federal grant administration, and (3) state and local grant administration.

1. Financial Accounting and Controls

First, the Subcommittee will review OJP's method for accounting funds appropriated to it by Congress and the way those funds are used. This review will require an assessment of how OJP prepares its financial statements pursuant to the Federal Managers' Financial Integrity Act of 1982, 31 U.S.C. §1105, and the Government Management Reform Act of 1994, 31 U.S.C. §330, and the Subcommittee must consider how these financial statements relate to OJP's budget requests. Further, the review will include an analysis of how multiple-year grants are structured and reported in OJP's audited financial statements. Finally, the Subcommittee will review OJP's internal financial accounting and auditing procedures to ensure that they are functioning properly.

To perform this assessment, the Subcommittee will review OJP's audited financial statements, interview the independent accounting firm that prepared the audit opinion on OJP's financial statements, interview the personnel from the Audit Division of the Office of Inspector General of the Department of Justice responsible for auditing OJP, and discuss findings and recommendations with OJP's accounting and management personnel. The Subcommittee plans to finish most of this review in 2000, with ongoing monitoring thereafter.

2. Federal Grant Administration

Second, the Subcommittee will begin to assess OJP's federal administration of grant programs in Washington, D.C. This process will include a review by the Subcommittee of OJP's performance reports prepared

in accordance with the Government Performance and Results Act.[51] Specifically, the Subcommittee will examine how OJP determines a program's success rate and the performance indicators OJP uses for this determination. The Subcommittee will determine whether OJP's indicators of success correlate directly with the appropriate mission of each grant program, e.g., crime reduction, domestic preparedness for acts of terrorism, victim assistance, etc. The Subcommittee will also begin to assess the correlation between grant recipient selection and the successful performance of each grant program.

To perform this assessment, the Subcommittee will engage the General Accounting Office to evaluate certain aspects of grant program evaluation. Furthermore, the Subcommittee will utilize the Congressional Research Service to provide information regarding studies, articles, and reports on whether various types of programs produce significant and positive results. In addition, the Subcommittee will utilize outside experts to assess the effectiveness of OJP's programs, program evaluation, and grant recipient selection techniques.

Because of the overlap of responsibilities of OJP's bureaus and program offices, the Subcommittee will review OJP's programs not by bureau or office, but by functional category. Thus, the Subcommittee has grouped all of OJP's programs into the following six functional categories:

- ***Community Assistance and Substance Abuse***
  Programs that support a variety of drug law enforcement, prevention, education, and treatment goals, including assistance and support for local drug courts and residential substance abuse treatment for state prisoners.

- ***Terrorism and Domestic Preparedness***

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[51] See Performance and Results Act, Pub. L. No. 103-62, 107 Stat. 285 (1993).

Programs to help state and local public safety personnel acquire the specialized equipment and training necessary to safely respond to and manage domestic terrorist events.

- ***Youth Crime***
  Programs to reduce and eliminate violent crime, gang activity, drug use, and drug trafficking among young people.

- ***Family Violence***
  Programs to assist victims and educate others on prevention of violence in the home. In this vein, the Violence Against Women Office develops grants to support services for women including emergency shelters, law enforcement protection, and legal aid. Programs to combat child abuse are also included in this category.

- ***Victim Assistance***
  Programs to improve the criminal justice system's response to all crime victims and to provide support for state and local crime victim compensation and assistance service programs authorized by the Victims of Crime Act.

- ***Law Enforcement and Judicial Assistance***
  Programs to develop and support programs to provide college scholarships to future law enforcement officers, community policing, methods of collecting, analyzing, and disseminating information on criminal offenders, training assistance for law enforcement, and grants to build or expand correctional facilities.

Beginning in the Fall of 2000, the Subcommittee plans to begin the investigation and review OJP's administration of one of the six categories – Community Assistance and Substance Abuse. In the course of its review, the Subcommittee will hold a hearing, draft staff reports, and confer with OJP's

management.

As a first step in this process, the Subcommittee will hold a hearing in October on the efficacy of one of OJP's substance abuse-related programs – drug courts – and ask OJP to examine and improve all of its drug-related programs.

The hearing will convene three panels. The first panel shall consist of OJP's Acting Assistant Attorney General, the Honorable Mary Lou Leary, who will provide a broad look at the performance of OJP's drug programs. The second and third panels shall consist of scientific experts, program advocates, and program critics, who will discuss the past and current performance of drug courts and suggested improvements. Guided by the same legislative concerns that prompted enactment of the Government Performance and Results Act (GPRA), the hearing will emphasize OJP's movement towards results-oriented performance measures and the necessity that funding levels be commensurate with performance.

3. State and Local Level of Grant Administration

Third, the Chairman plans to begin to investigate and review the actual functioning of grant programs at the State and local level. Consequently, the Subcommittee must assess grant application, reimbursement requests, program administration, performance measurements, and efficacy of reporting to OJP. Moreover, the Subcommittee will begin to review the program audit files on OJP grant programs prepared by the Audit Division Office of Inspector General, and the Subcommittee will have the General Accounting Office conduct a review of OJP's monitoring and evaluation processes.

Using outside experts to review State and local grant administration, the Chairman plans to review State and local grant administration to track the timetable for review of the functional categories of federal grant administration outlined above. The Subcommittee's review will include holding field hearings, drafting staff reports, and conferring with grant

administrators and OJP management.

CONCLUSION

As OJP moves forward, the Chairman believes that the agency has ample room to improve its performance and its administration of existing and future grant programs. OJP should strive for efficiency, effectiveness, and accountability. OJP's grant process can streamlined and consolidated. Programs can be made more effective by implementing outcome-oriented, crime-reduction performance measures. OJP's accountability to the taxpayer and to the Congress for both for discretionary and block grants can be ensured by implementing solid accounting controls and giving concrete annual performance reports to the Congress.

2001 M Street, NW
Washington, DC 20036

Telephone 202 533 3000
Fax 202 533 8500

August 31, 2000

Mr. Ed Haden
Chief Counsel
Subcommittee on Youth Violence
Committee on the Judiciary
United States Senate
G-13 Dirksen Office Building
Washington, D.C. 20510

Dear Mr. Haden:

The Office of Justice Programs (OJP) FY 1999 financial statements were prepared in conformance with generally accepted accounting principles and Office of Management and Budget Bulletin 97-01 entitled "Form and Content of Agency Financial Statements", as amended. In response to your request for further explanation of the account balance "Unexpended Appropriation" in the draft financial statements, the management of OJP changed the language in Note 4 to the financial statements, "Unexpended Appropriation," to further clarify the amount reported. This change was then incorporated into the final financial statements.

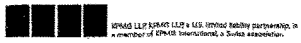
We, along with the Office of the Inspector General and PricewaterhouseCoopers LLP (the consolidated Department of Justice auditors), reviewed the proposed language and concluded that it was fairly stated and consistent with OJP's financial statements. The revised note was incorporated into OJP's FY 1999 final financial statements which were the subject of the OIG's final report, issued in June 2000.

If you have any questions, please contact me on (202) 533-3008 or Greg Fletcher on (703) 747-5056.

Sincerely,

KPMG LLP

John H. Hummel
Partner



KPMG LLP KPMG LLP a U.S. limited liability partnership, is a member of KPMG International, a Swiss association.

J-17-00; 6:25PM;U. S. GAO Rm 2C52 ;202 512+4516 # 1/ 2
6-16-00;10:35AM;US GAO ;2025127919 # 3/ 6

ORRIN G. HATCH, UTAH, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
JON KYL, ARIZONA
MIKE DEWINE, OHIO
JOHN ASHCROFT, MISSOURI
SPENCER ABRAHAM, MICHIGAN
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PATRICK J. LEAHY, VERMONT
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JOSEPH R. BIDEN, JR., DELAWARE
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DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
ROBERT G. TORRICELLI, NEW JERSEY
CHARLES E. SCHUMER, NEW YORK

MANUS COONEY, *Chief Counsel and Staff Director*
BRUCE A. COHEN, *Minority Chief Counsel*

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

June 9, 2000

00-1221

Mr. David Walker, Comptroller General
General Accounting Office
441 G Street, N.W., Room 7000
Washington, D.C. 20548

Dear Mr. Walker:

The Subcommittee on Youth Violence is conducting oversight of the Office of Justice Programs ("OJP"), the grant-making arm of the Department of Justice. OJP's grant-making responsibility has increased substantially over the past several years as its budget has grown from approximately $672 million in fiscal year 1992 to $3.9 billion for fiscal year 2000. As part of the Subcommittee's oversight actions, we have been in contact with your staff concerning the assistance that the General Accounting Office ("GAO") can provide the Subcommittee in reviewing the efficiency and effectiveness of OJP's operations.

At this time, I request that GAO:

1. Review OJP's Grant-monitoring Activities -- addressing such questions as: "What monitoring activities are prescribed and are they being implemented as prescribed?" and "What are the consequences for grantees when monitoring activities identify grant-implementation problems?"

2. Review OJP's Program-evaluation Activities -- summarizing the quality and results of past OJP program performance evaluations and determining if recently funded evaluations are incorporating lessons learned from prior evaluations.

Thank you for your prompt attention to this matter. Please keep in contact with Ed Haden, Chief Counsel to the Subcommittee, regarding the progress of your work and any questions that you may have.

Very truly yours,

Jeff Sessions
Chairman, Subcommittee on Youth Violence

cc: Senator Orrin G. Hatch, Chairman,
Committee on the Judiciary
Senator Joseph R. Biden, Jr., Ranking Member,
Subcommittee on Youth Violence
Mary Lou Leary, Acting Assistant Attorney General
for the Office of Justice Programs

United States General Accounting Office
Washington, DC 20548

General Government Division

August 29, 2000

The Honorable Jeff Sessions
Chairman
Subcommittee on Youth Violence
Senate Committee on the Judiciary

Subject: GAO Review of the Office of Justice Programs' (OJP) Grant Monitoring and Program Evaluation Activities

Dear Mr. Chairman:

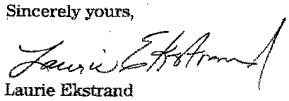
Concerning your letter of June 9, 2000, to the Comptroller General requesting a GAO study of OJPs' grant monitoring and program evaluation activities, we met with your staff on July 11, 2000, to gain a further understanding of your needs.

Due to the size and scope of OJP operations, our need to understand OJP and the relationship between OJP and its bureaus and program offices, and questions about how OJP carries out its grant monitoring and evaluation activities, we need to proceed with a separate design phase. The purpose of this statement of intent is to set forth the study objectives and provide you with a completion date for the design phase. We agreed that the overall objectives of our work will be to review OJPs' grant-monitoring and evaluation activities. The design phase will be completed by November 30, 2000. We will remain in contact with your staff, and at the end of the design phase, we will provide you with a projected completion date for the total study.

During our July 11, 2000 meeting, we also stated that we would explore what we could do to assist the Subcommittee in its oversight efforts before the close of the legislative session on October 6, 2000. On July 31, 2000, we agreed that, in addition to our regular design work, we would, before October 6, 2000, deliver an oral briefing providing descriptive information covering three topics: (1) OJPs' overall mission, organization, and authority, (2) OJP program funding and funding trends, including how funds flow to the various bureaus and programs, and (3) How monitoring and evaluation is supposed to work in one of OJPs' major programs.

If you should have questions, you may contact me on (202) 512-2777 or my Assistant Director, John Mortin, on (202) 512-5727.

Sincerely yours,



Laurie Ekstrand
Director, Administration of Justice Issues

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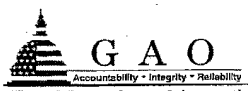


United States General Accounting Office
Washington, DC 20548

February 12, 2001

The Honorable Jeff Sessions
Chairman, Subcommittee on Administrative
Oversight and the Courts
Committee on the Judiciary
United States Senate

Subject: Review of Monitoring Activities at the Office of Justice Programs

Dear Mr. Chairman:

This letter confirms our commitment to study program monitoring activities related to discretionary grants awarded by the Office of Justice Programs in response to your request letter to the Comptroller General. In our August 28, 2000 letter, we outlined our approach for designing the study. Based on subsequent work and discussions with your staff on November 17, 2000 and February 7, 2001, we will complete our work and issue a report to you by October 9, 2001. The enclosure to this letter sets forth the understanding reached with your staff on the key aspects of the study.

We look forward to working with you and your staff on this assignment. If you should have any questions, you may contact me on (202) 512-2758 or my Assistant Director, John Mortin, on (202) 512-5727.

Sincerely yours,

Laurie Ekstrand
Director, Justice Issues

Enclosure

Enclosure

Terms of the Work

Objectives/Key Questions

Our primary objective is to study program monitoring of discretionary grants by two components of the Office of Justice Programs (OJP): the Bureau of Justice Assistance (BJA) and the Violence Against Women Office (VAWO). Specifically, we will focus on the following key questions:

(1) What is the size and nature of BJA's and VAWO's overall grant programs within the context of OJP?

(2) What are BJA and VAWO required to do to carry out their program monitoring responsibilities for their discretionary grants and how do they carry out those responsibilities?

(3) Do BJA's and VAWO's monitoring processes identify grant management problems, and if any problems are identified, what do grant monitors do to document problems and their resolution?

(4) What do BJA, VAWO, and OJP do to oversee and manage the grant monitoring process?

Scope

Our work will be based on documentary, testimonial, and analytical information obtained from OJP, BJA, and VAWO in Washington DC. We will focus primarily on the program monitoring activities and the management of monitoring activities associated with BJA's Byrne Program and VAWO's discretionary grant programs. Our scope will cover discretionary grants active during Fiscal Years 1999 and 2000 that supported a program or theme, rather than those that supported purely technical assistance efforts.

Methodology

Regarding the size and nature of BJA and VAWO grant programs within the context of OJP (key question 1), we will interview OJP, BJA, and VAWO officials responsible for each organization's programs and budgets and compile and analyze applicable data, reports, and publications. Also, to the extent possible, we will examine the growth of BJA and VAWO in relation to OJP over the last several fiscal years.

Regarding BJA's and VAWO's program monitoring activities (key question 2), we will interview responsible OJP, BJA, and VAWO officials and compile and analyze applicable laws, regulations, guidance, and directives pertaining to grant monitoring in these organizations. We will also analyze program monitoring case files that were active during Fiscal Years 1999

and 2000 to determine whether BJA and VAWO are complying with applicable guidance for program monitoring of discretionary grants.

Regarding the identification of grant management problems (key question 3), we will interview responsible BJA and VAWO grant monitors and their supervisors and, if possible, review selected case files to determine whether BJA's and VAWO monitoring processes identify grant management problems. Depending on the extent of available information about problems, if any, we will make a determination about our ability to readily identify steps grant monitors took to identify and resolve those issues. We will keep your staff apprised of our work on this particular question as it progresses and once we are able to make a determination about the extent of available information, we will inform your staff of our ability to do further work on this issue.

Regarding oversight and management of the grant monitoring process (key question 4), we will interview OJP, BJA, and VAWO managers to discuss their management and oversight responsibilities and gather and analyze applicable laws, regulations, and guidance pertinent to the management and oversight of the program grant monitoring process. We will also gather information on the tools managers use to oversee and manage the process and examine what they do to (1) identify and resolve problems or potential problems and (2) apply lessons learned to improve grant monitoring.

Our work will be done in accordance with Generally Accepted Government Auditing Standards (GAGAS).

Product Type

The final product will be a letter report addressed to the requester. We will obtain comments from the Department of Justice on a written draft of the report prior to issuance. We will notify your staff before the draft is sent to the Department and offer to provide your staff a copy of the draft, for informational purposes, when it is sent to the agency for comment.

Product Delivery Date(s)

A letter report will be delivered by October 9, 2001.

Reporting on Job Status

We will maintain periodic contact with your staff and keep you apprised of our progress throughout the job.

United States General Accounting Office
Washington, DC 20548

June 11, 2001

The Honorable Charles E. Grassley
Ranking Minority Member, Subcommittee on Youth Violence
Committee on the Judiciary
United States Senate

The Honorable Jeff Sessions
United States Senate

Subject: GAO Engagement on Discretionary Grant Evaluations and Evaluation Activities Under the Bureau of Justice Assistance (BJA) Byrne Program and the Violence Against Women Office (VAWO)

Dear Mr. Chairman:

This letter confirms our commitment to study the Office of Justice Programs' discretionary grant evaluations and evaluation activities based on discussions with your staff on February 20, 2001. In our statement of intent letter dated March 5, 2001, we outlined our approach to designing the study. Based on that design and discussions with your staff on May 24, 2001, we will complete our work and issue a written product to you by February 27, 2002. The enclosure sets forth the understanding reached with your staff on the key aspects of the study.

We look forward to working with you and your staff on this assignment. If you have questions, you may contact me on (202) 512-2758 or my Assistant Director, John F. Mortin, on (202) 512-5727.

Sincerely yours,

Laurie E. Ekstrand
Director, Justice Issues

Enclosure

Enclosure

Terms of the Work

Objectives/Key Questions

Our primary objective is to examine the evaluation of national program discretionary grants awarded since fiscal year 1995 by the Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) under the Byrne program and the Violence Against Women Office (VAWO). Specifically, we will focus on the following key questions:

1. How many and what type of evaluation studies have been generated from the discretionary grants awarded by BJA/Byrne and VAWO since fiscal year 1995 and what was the cost of those studies;

2. What are OJP, BJA, and VAWO policies, procedures, and practices for synthesizing and disseminating evaluation results and for implementing "promising practice" approaches, derived from national program-level discretionary grant evaluations, into subsequent programs and evaluation protocols; and

3. What was the methodological rigor employed for national program-level impact/outcome evaluation studies, derived from the BJA/Byrne and VAWO discretionary grants that have been conducted since fiscal year 1995?

Scope

Our work will be based on interviews with OJP, BJA, and VAWO and National Institute of Justice (NIJ) officials in Washington, D.C. We will gather, review, and analyze documents associated with national evaluation activities related to BJA's Byrne Program and VAWO's discretionary grant programs. We will also examine the methodological rigor of evaluations of five national Byrne and VAWO discretionary grant programs designated by NIJ as "impact/outcome" evaluations. Our work will cover evaluation studies generated from grants that were awarded over the period fiscal year 1995 through fiscal year 2001.

Methodology

To determine the number, types, and cost of evaluations that have been generated from the BJA/Byrne and VAWO discretionary grant programs since fiscal year 1995 (key question 1), we will interview NIJ, BJA, and VAWO officials and obtain and analyze budget and program data on the cost, type, and number of discretionary grant evaluations completed.

To determine policies, procedures and practices for synthesizing and disseminating discretionary grant evaluation results and implementing "promising practice" approaches (key question 2), we will interview OJP, NIJ, BJA, and VAWO officials; compile and analyze legislation, regulations, and agency policies for synthesizing and disseminating discretionary

grant evaluations and implementing "best" or "promising practice" approaches. We will also gather and review examples of evaluation dissemination and "promising practice" approaches and, where possible, examine how they were implemented compared to how they were supposed to be implemented. We will also gather and review evaluation result and "promising practice" information provided on OJP internet sites, and via publications, conferences, and workshops.

To determine the methodological rigor with which national program impact/outcome evaluations were conducted (key question 3) we will gather, review, and summarize legislation, regulations, policies, and procedures pertaining to the evaluation of these grants. We will also interview NIJ, BJA, and VAWO officials regarding the national evaluations and gather and analyze agency evaluation guidelines and requirements. In addition, we will gather and review discretionary grant solicitations, applications, award letter specifications, period progress reports, and where available, final evaluation studies to assess the methodological rigor of the evaluation methodologies employed.

Product Type

The product will be a written report addressed to the Chairman.

Product Delivery Date(s)

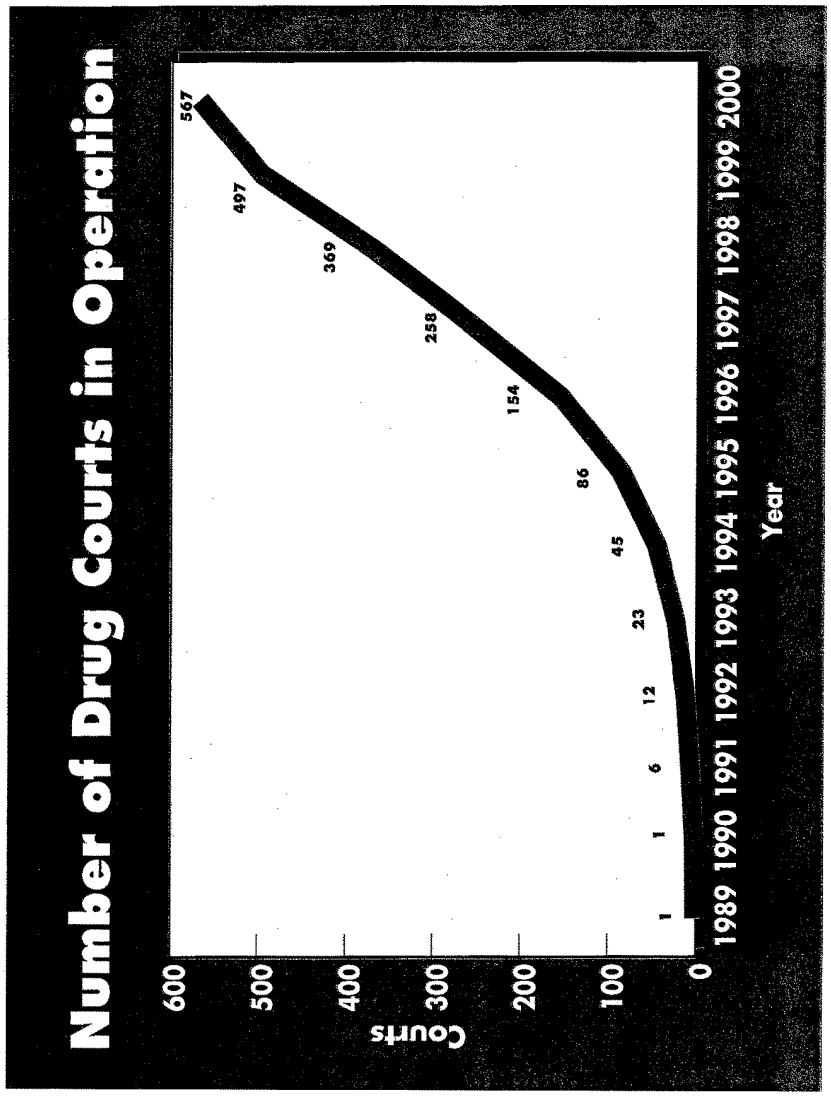
The final written report will be issued by February 27, 2002. We will obtain comments from OJP on a written draft of the report prior to issuance. We will notify your staff before the draft is sent to OJP and offer to provide them a copy of the draft, for informational purposes, when it is sent to OJP for comment.

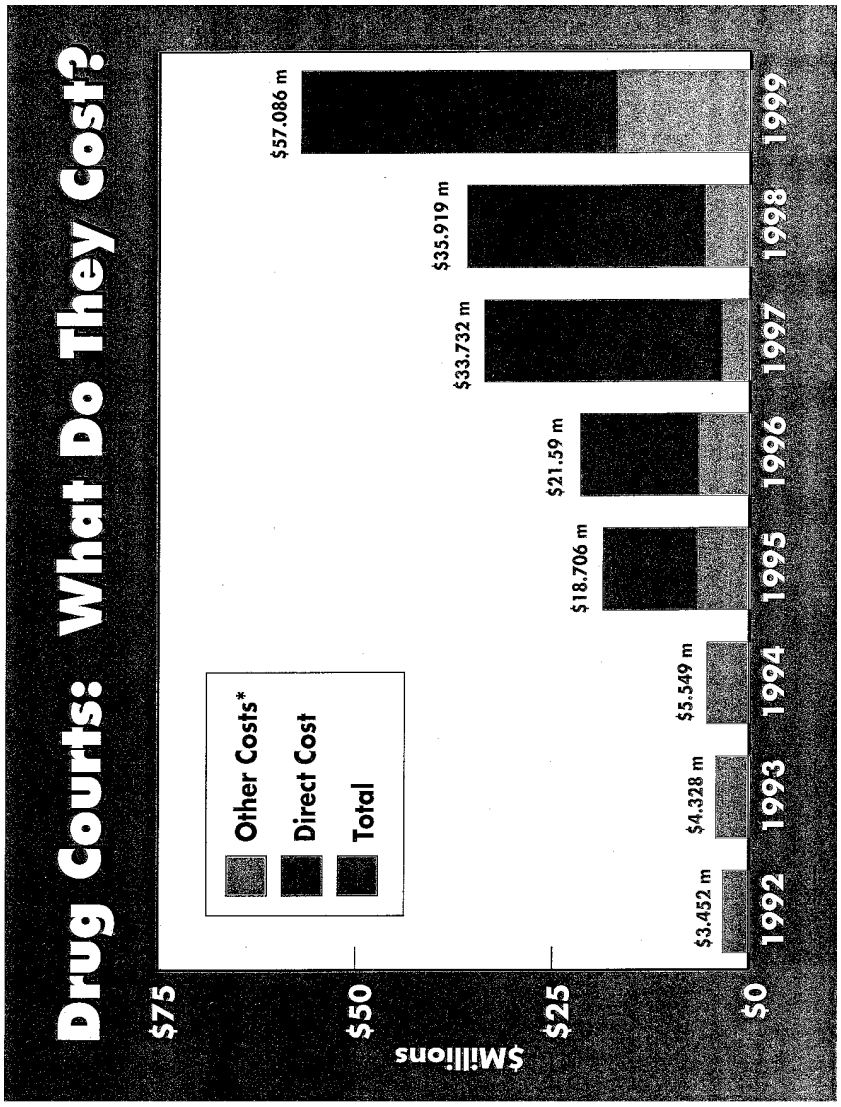
Special Conditions

None

Reporting on Job Status

We will maintain periodic contact with your staff and be prepared to give additional interim briefings as requested. If other congressional committees inquire about the results of this work, we will contact your staff before providing any information on results.


Number of Drug Courts in Operation
Courts
600
500
400
300
200
100
0
1
1
6
12
23
45
86
154
258
369
497
567
1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000
Year


Drug Courts: What Do They Cost?
$75
$50
$25
$0
$Millions
Other Costs*
Direct Cost
Total
$3.452 m
$4.328 m
$5.549 m
$18.706 m
$21.59 m
$33.732 m
$35.919 m
$57.086 m
1992
1993
1994
1995
1996
1997
1998
1999

December 14, 2000

The Honorable David Walker
Comptroller General
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Walker:

Title V of the Violent Crime Control and Law Enforcement Act of 1994 (P.L.103-322) authorized the award of federal grants for drug court programs. The principal aim of these programs has been to reduce crime by modifying defendants' drug-use behaviors. The courts have been given broad latitude to dismiss charges or reduce sentences in exchange for a defendant's successful completion of a drug court program. In July 1997, the General Accounting Office ("GAO") prepared an overview report on the growth, characteristics, and results of drug court programs operating as of December 31, 1996. Since then, the number of drug court programs has grown considerably.

On October 3, 2000, pursuant to its oversight authority, the Subcommittee on Youth Violence held a hearing on the cost and effectiveness of drug court programs. This hearing represented an initial step in the Subcommittee's oversight plan for the Office of Justice Programs.

In our efforts to complete the Subcommittee's oversight relating to drug court programs, the Subcommittee requests that GAO (1) provide an update on the growth and characteristics of drug court programs funded by the Drug Court Program Office ("DCPO") (including information on juvenile, adult, and family courts); (2) assess the extent to which DCPO funded drug court programs are delivering substance abuse treatment services in compliance with federal treatment models or guidelines; (3) review the success rates of these drug court programs and address whether certain types of programs are more effective than others; (4) assess the approach and methodology, potential outcomes and results, and OJP's intended use of, the National Institute of Justice-sponsored RAND study of the 14 oldest DCPO funded drug court programs; and (5) to the extent doable, provide information on the cost/benefits of DCPO funded drug court programs.

Your work on this matter will assist the Subcommittee in fulfilling its oversight and legislative responsibilities. Please keep in contact with Ed Haden, Chief Counsel of the Subcommittee, and Elizabeth Stockman, Judiciary Counsel of the Subcommittee, at 224-7572 regarding the progress of your work and any issues that may arise.

Sincerely,

Senator Jeff Sessions
Chairman, Subcommittee on Youth Violence

8- 9-01; 5:25PM;U. S. GAO Rm 2C52 :202 512+4518 # 2/ 4

United States General Accounting Office
Washington, DC 20548

August 09, 2001

The Honorable Charles E. Grassley
Ranking Minority Member
The Honorable Jeff Sessions
Subcommittee on Youth Violence
Senate Committee on the Judiciary
United States Senate

Subject: Review of the Department of Justice's Efforts to Collect Performance and Impact Data on Federally Funded Drug Court Programs (Code 440018)

This letter confirms our commitment to review the Department of Justice's (DOJ) efforts to collect data on federally funded drug court programs in response to the subcommittee's December 14, 2000, request to the Comptroller General. In our statement of intent letter dated March 2, 2001, we outlined our approach to designing the engagement. Based on the preliminary results of our design work and discussions with your staff on May 17, 2001 and August 09, 2001, we refocused our engagement on a review of DOJ's Drug Courts Program Office's (DCPO) and National Institutes of Justice's (NIJ) efforts to collect performance measurement and impact data on federally funded drug court programs. We expect to complete our work on this matter and issue a written product detailing our findings by January 21, 2001. The enclosure sets forth the understanding reached with your staff on the key aspects of the study.

We look forward to working with you and your staff on this assignment. If you should have any questions, you may contact me on (202) 512-8777 or my Assistant Director, Dan Harris, on (202) 512-8720.

Sincerely yours,

Laurie E. Ekstrand
Director, Tax Administration and Justice Team

Enclosure

Enclosure

Terms of the Work

Objectives/Key Questions

The overall objectives of our engagement are to 1) determine to what extent the number of drug court programs, its participants, and DCPO funding for such programs has changed since our 1997 report and 2) assess how well DOJ has implemented efforts to collect performance and impact data on federally funded drug court programs.

Scope/Limitations

The scope of our work for objective #1 will focus on providing descriptive information on (a) DCPO funding of drug court programs, (b) the growth of and changes in the universe and characteristics of DCPO-funded programs, and (c) to the extent available, the average cost of DCPO funded programs. For objective #2, we will focus the scope of our work on (a) identifying the processes used by DCPO to implement its semi-annual data collection effort; (b) determining DCPO grantees' compliance with semi-annual data collection and reporting requirements; (c) determining what action, if any, DCPO has taken to monitor and ensure grantee compliance with the data collection reporting requirements; (d) identifying factors and barriers that may have contributed to a grantee's non-response and to delays in the NIJ sponsored RAND evaluation of DCPO-funded programs; and (e) identifying improvements that may be warranted in DOJ's data collection efforts.

Descriptive and performance data for some drug court programs and DCPO grantees may not be available or reported to DOJ. In addition, we will be relying on self-reported data that has generally not been validated by DOJ to describe changes in the universe and characteristics of DCPO funded programs and to determine the feasibility of grantees ability to comply with DCPO data collection and reporting requirements.

Methodology

We will conduct our work in accordance with generally accepted government auditing standards. To address the first objective, among other things, we will (a) interview appropriate DOJ officials and other drug court program stakeholders and practitioners; (b) review information on the universe of drug court programs maintained by the Drug Court Clearinghouse and Technical Assistance Project (DCCTAP) and the National Association of Drug Court Professionals; (c) review congressional appropriations; and (d) analyze information maintained in DCPO's

grant database. For the second objective, among other things, we will (a) interview appropriate DOJ officials and other drug court program stakeholders and practitioners; (b) review DCPO program guidelines to determine grantee data collection and reporting requirements; (c) analyze data sets from recently completed surveys conducted by DCPO, DCCTAP, and the Treatment Accountability and Safe Communities organization (TASC) to assess the feasibility of grantee compliance; and (d) using a data collection instrument, conduct structured interviews with a sample of the universe of DCPO grantees to determine what factors influence and contribute to their responding or not responding to DCPO's semi-annual data collection survey.

Product Type

We anticipate the principal product for this review will be a report signed by the Director, Justice Issues.

Product Delivery Date

Our written product should be issued by January 21, 2001. If you so desire, we will provide you a copy of the draft of the report when we send it to DOJ for review and comment.

Special Conditions

We may from time to time need to apprise other interested congressional parties about the status of our work or respond to their requests for work relating to the subject matter. We will advise your staff of such situations.

Reporting on Job Status

We will brief your staff on the progress of this assignment and the status of our work upon request. By mid-November 2001, we should be prepared to discuss the preliminary results of our work.

STROM THURMOND, SOUTH CAROLINA
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
JON KYL, ARIZONA
MIKE DEWINE, OHIO
JOHN ASHCROFT, MISSOURI
SPENCER ABRAHAM, MICHIGAN
JEFF SESSIONS, ALABAMA
BOB SMITH, NEW HAMPSHIRE

PATRICK J. LEAHY, VERMONT
EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
ROBERT G. TORRICELLI, NEW JERSEY
CHARLES E. SCHUMER, NEW YORK

MANUS COONEY, *Chief Counsel and Staff Director*
BRUCE A. COHEN, *Minority Chief Counsel*

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275

September 21, 2000

The Honorable Mary Lou Leary
Acting Assistant Attorney General
Office of Justice Programs
United States Department of Justice
810 7th Street, NW
Washington, DC 20531

Dear Ms. Leary:

The Senate Subcommittee on Youth Violence of the Committee on the Judiciary, which I chair, is currently conducting oversight of drug programs funded through the Office of Justice Programs (OJP). As part of this oversight plan, we have scheduled a hearing in September on drug courts and the Drug Abuse Resistance Education (D.A.R.E.) program. We appreciate your willingness to participate in that hearing and to provide an agency perspective on these programs and their performance.

In order to ensure thorough and effective oversight of these and other OJP drug programs, the Subcommittee needs descriptive and budgetary data for each OJP drug program. This data does not appear to currently exist in a readily accessible format. Therefore, the Subcommittee would appreciate your help in obtaining this data. In particular, we request that OJP collect and disseminate to the Subcommittee one-page drug program profiles for each of its funded drug programs. With this information in hand, the Subcommittee will be better-equipped to perform its constitutionally authorized oversight tasks.

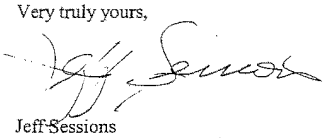
OJP submitted a one-page model drug program profile to the Subcommittee that reports the following information:

- Decision Unit/Program
- Function
- Program Mission
- Program Description
- Appropriations History Since 1992
- Performance Data - OJP GPRA Performance Measures
- Performance Data - ONDCP Performance Goals/Objectives
- Performance Data - DOJ Drug Strategy

The Subcommittee understands that the appropriations history category will incorporate all types and amounts of OJP funds going to each particular program.

A copy of OJP's model form (approved by the Subcommittee) is attached. The Subcommittee requests completed forms for both drug courts and D.A.R.E. prior to October 3, 2000.

Very truly yours,



Jeff Sessions
Chairman, Subcommittee on Youth Violence

Attachment

Office of Justice Programs
Drug Program Profile

Decision Unit/Program:

Function:

Program Mission:

Program Description:

Appropriations History Since 1992:

Performance Data:

OJP GPRA Performance Measures:

ONDCP Performance Goals/Objectives:

DOJ Drug Strategy:

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