

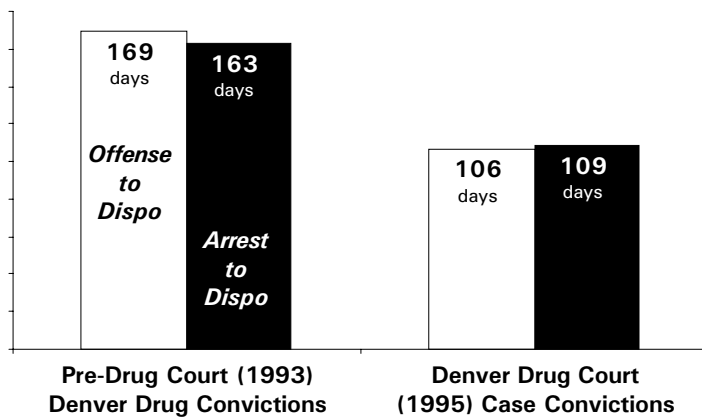
elements of change

highlighting trends and issues in the criminal justice system

vol. 3 / no. 3

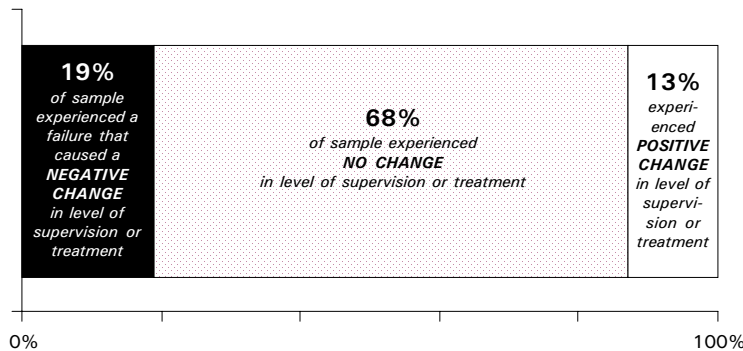
Denver's Drug Court Seems to Be Meeting Many Original Goals*

SHORTER CASE PROCESSING TIMES. Case processing times between offense and disposition and between arrest and disposition decreased significantly between 1993 Denver drug convictions (pre-Drug Court) and 1995 Denver Drug Court.



POSITIVE OFFENDER RESPONSE TO SUPERVISION.

Approximately 80% of a 1995/96 sample were responding well to intervention six months into Denver Drug Court supervision.



in this issue:

- *Case Processing Evaluation of the Denver Drug Court*
- *New Criminal Justice Legislation Enacted by the 1998 Colorado General Assembly*
- *1997 Data from ADAM (Arrestee Drug Abuse Monitoring Program)*



About These Drug Court Data:

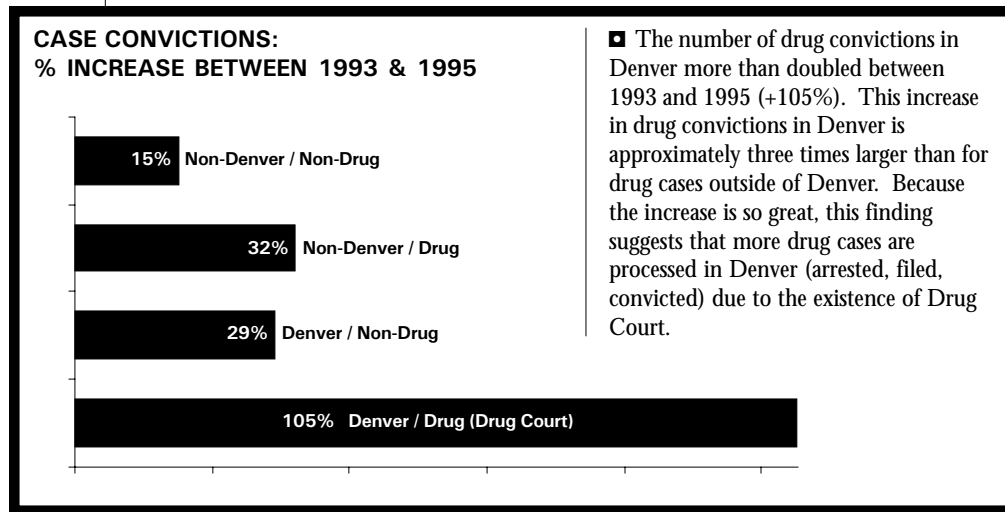
The findings cited on this page and the following two pages were excerpted from the July 1998 Division of Criminal Justice Report, *Case Processing Evaluation: Denver Drug Court*.

This report focused primarily on questions related to Denver Drug Court case processing. The study was not designed to examine specific outcomes such as recidivism rates. The data presented are comparisons of samples of drug offenders before (1993) and after (1995) the Drug Court was implemented.

However, some outcome data were reported by comparing all Denver Drug Court cases for the first three months of 1995 with all Drug Court cases for the first three months of 1996.

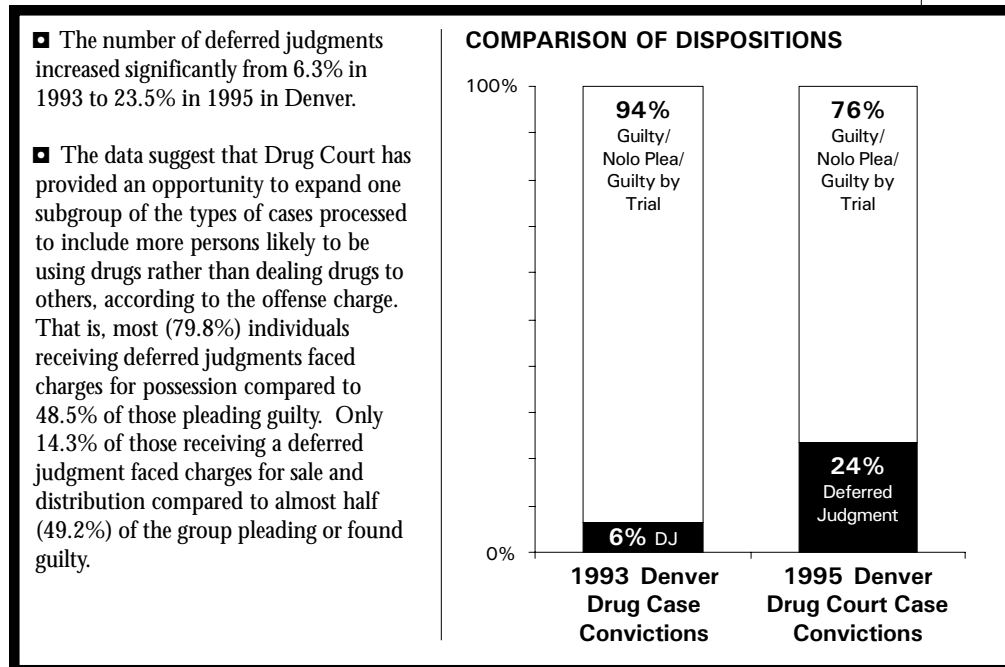
Data were collected by Division of Criminal Justice researchers from district court files. For questions concerning these data, contact Diane Patrick at (303) 239-4459. For a complete copy of the Denver Drug Court evaluation report, contact Pat Lounders at (303) 239-4445.

EVALUATION Denver Drug Court



Denver Drug Court Background

Drug use increased greatly between 1950 and 1970, and in the mid-1980's, the use of crack cocaine and accompanying arrests skyrocketed to epidemic proportions. Although penalties and legislation regarding drug possession and sales increased in the 1980's and 1990's, these efforts did little to discourage use of illicit drugs. All too often drug users cycle in and out of the criminal justice system. Drug Courts were developed as one response to this problem.



Denver's Drug Court project began in July of 1994 as a result of Colorado House Bill 91-1173, which mandates that all persons convicted of a felony or misdemeanor and petty offense charges under the state's Controlled Substances Act be evaluated for substance abuse during presentence or probation investigations.

Characteristics of the Denver Drug Court include a philosophical commitment to very early intervention and treatment with tight supervision and immediate, meaningful consequences for problem behaviors; expedited handling of all cases; computerized on-line information regarding the offender's compliance with treatment; guilty pleas in all cases, some subject to later erasure; and a consistent team of committed professionals.

HOW DO THE DEMOGRAPHIC PROFILES OF PRE-DRUG COURT AND DRUG COURT SAMPLES COMPARE? Compared to the 1993 pre-Drug Court sample, the 1995 Drug Court sample was *statistically* different in terms of the following characteristics:

- Less stable residentially
- Less likely to be employed full time
- Contained a larger proportion of individuals in subgroups that were both less educated (less than 8th grade) and more educated (some college or more)
- Similar in terms of criminal history with the exception that the 1995 group had significantly more community corrections revocations

According to the U.S. General Accounting Office, as of March 1997, there were 161 Drug Courts in operation around the country, and an additional 154 in development.

EVALUATION Denver Drug Court

Drug Court placement policies facilitate one of its purposes, i.e., to allow defendants the opportunity to participate in treatment by placing them in less restrictive settings. Specifically, the following changes in placement occurred between 1993 and 1995 for Denver drug convictions:

- Almost three-quarters (73.4%) of Drug Court convictions received some type of probation placement (probation, probation and jail, or ISP), compared to less than two-thirds (60.8%) of the 1993 sample.
- There was a greater emphasis on the combination of probation and jail as a sanction, and over a tenfold increase in intensive supervision probation (ISP) placements.
- The use of community corrections for drug offenders dropped by almost 40% between 1993 and 1995.

SENTENCE PLACEMENTS

Placement	1993 Denver Drug Cases	1995 Denver Drug Court Cases
Probation	54.8%	59.4%
Prob & Jail	4.8%	6.7%
ISP	1.2%	7.3%
ComCor	15.5%	4.7%
Prison	23.8%	21.9%
TOTAL	100%	100%

Looking at Drug Charge

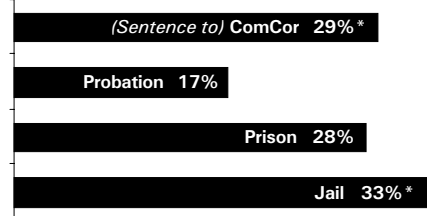
As a proportion of all Denver cases in the sample, heroin charges increased from 4% in 1993 to 23.7% in 1995. (Note: The increase in heroin drug cases in Denver is remarkably different from jurisdictions outside of Denver, where heroin charges remained low, but follows the trend of increased heroin usage noted in other large cities.)

Drug Charge: Denver

Drug Charge	1993 Denver Drug Case Conviction	1995 Denver Drug Court Case Conviction
Cocaine/Crack	77.5%	63.6%
Marijuana	8.1%	4.8%
Hallucinogen	0.0%	1.7%
Stimulant	4.0%	4.8%
Depressant	5.2%	0.6%
Heroin	4.0%	23.7%
Other	1.3%	0.8%
TOTAL	100%	100%

SENTENCE LENGTHS

% Increase in Sentence Length Between 1993 Denver Drug Cases & 1995 Denver Drug Court Cases



* Small sample size may affect statistical significance.

Drug Court has assigned significantly longer sentences in two placement categories: probation and prison. This may be a way to operationalize one of the goals of Drug Court: to provide a "meaningful response to behaviors." (These sentence lengths are unique to Denver Drug Court and do not reflect local or statewide trends.)

Charges related to stimulant drugs (including methamphetamines and amphetamines) increased sixfold outside of Denver.

The opportunity for plea bargaining to a lesser drug charge occurs less frequently in 1995 Denver Drug Court than in 1993 Denver drug cases. (While this same trend occurs for drug cases outside of Denver, the impact of Denver Drug Court on plea bargaining seems to go beyond the impact of any statewide trend.)

COMPARING CHARGE & CONVICTION

Are the Charge & Conviction the Same or Different?

Drug Charge	1993 Denver Drug Cases		1995 Denver Drug Court Cases	
	same	different	same	different
Cocaine/Crack	21%	79%	92%	8%
Marijuana	100%	0%	88%	12%
Hallucinogen	0%	0%	100%	0%
Stimulant	14%	86%	94%	6%
Depressant	89%	11%	100%	0%
Heroin	14%	86%	71%	29%
Other	100%	0%	100%	0%

Drug Charge: Non-Denver

Drug Charge	1993 Non-Denver Drug Case Conviction	1995 Non-Denver Drug Case Conviction
Cocaine/Crack	65.9%	43.7%
Marijuana	15.3%	16.3%
Hallucinogen	3.7%	1.7%
Stimulant	4.8%	29.6%
Depressant	7.1%	1.3%
Heroin	2.0%	3.0%
Other	1.1%	4.3%
TOTAL	100%	100%

Criminal Justice Highlights from the 1998 Colorado General Assembly

■ **Senate Bill 8: Elimination of Preliminary Hearings in Certain Classes of Felonies**

Eliminates the ability to request Preliminary Hearings in nonviolent class 4 - 6 felonies (unless the accused is in custody) □ Applies to juvenile and adult cases □ Requires a dispositional hearing □ Recommends that the Colorado Supreme Court promulgate rules defining the term "dispositional hearing"

■ **House Bill 1088: Concerning Procedural Changes for the Strengthening of Criminal Law**

Specifies that service of a subpoena on the parent or guardian of a minor is sufficient to compel the appearance of a minor □ Prohibits payment of witness fees and mileage to persons in custody □ Specifies the Clerk of the Court is responsible for maintaining information related to the Restraining Order Registry □ Conforms the definition of "basic identification information" for adult and juvenile expungement statutes □ Specifies that participants in diversion programs may be required to pay related costs if they do not successfully complete the program □ Clarifies procedures related to background checks for concealed weapons permits

■ **House Bill 1130: Concerning Crime Victim Compensation**

Makes modifications to the definition of compensable losses □ Increases limits for emergency awards and the overall aggregate limit for loss □ Modifies restitution statute to allow additional discretion □ Increases the allowable amount of administrative funds

■ **House Bill 1156: Concerning Supervision of Sex Offenders**

Enacts the "Sex Offender Lifetime Supervision Act of 1998" □ Applies to specific sex offenses, including class 2, 3, and 4 felonies □ Provides for the possibility of lifetime supervision □ Requires the Sex Offender Management Board (SOMB) (previously, Sex Offender Treatment Board, see HB 1177 below) to develop standards and criteria concerning release and reduction in levels of supervision □ Requires all sex offenders to undergo sex offender evaluation and treatment as a condition of supervision □ Requires the Court and the Parole Board to use the criteria established by the SOMB when making decisions or to make a formal finding of why not □ Requires the creation of an ISP program for sex offenders in probation and parole □ Requires annual reporting by the affected departments effective 11/1/00

■ **House Bill 1160: Concerning Substantive Changes in Strengthening of the Criminal Laws**

Prohibits issuance of a bench warrant for failure to appear for traffic infractions □ Clarifies that the Witness Protection Board may authorize funds to protect a witness who is threatened after the completion of an official proceeding □ Adds clarification to multiple criminal statutes □ Makes it an aggravating factor in considering a death penalty sentence if the defendant chose the victim because of the victim's race, color, ancestry, religion, or national origin □ Requires offenders convicted of class 2 - 5 felonies and second and subsequent convictions for class 6 felonies whose parole is revoked to serve his or her remaining parole in incarceration □ Caps the total amount of time served to be original sentence plus the length of mandatory parole plus twelve months

■ **House Bill 1177: Concerning Sex Offenders**

Clarifies multiple aspects of the Sex Offender Registration statutes □ Changes the name of the Sex Offender Treatment Board to the Sex Offender Management Board and adds a member of the Judiciary to the board □ Extends the "rape shield law" to include witnesses in sexual assault cases □ Creates a process by which juvenile sex offenders may petition to be removed from the registry

■ **House Bill 1272: Concerning Domestic Violence**

Adds second and subsequent violations of restraining orders to those misdemeanors that present an extraordinary risk of harm, for the purposes of sentencing enhancement □ Clarifies that a peace officer is not required to arrest both parties involved in domestic violence when both claim to have been victims □ Provides that protection and restraining orders issued by another state, an Indian tribe, or a U.S. territory or commonwealth shall be enforced □ Requires certain data to be contained in protective orders

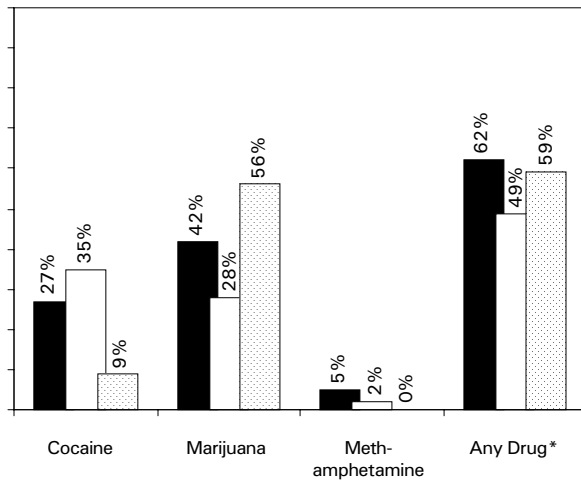
Source: Mary McGhee, Colorado Division of Criminal Justice. For more information, see: *Digest of Bills Enacted by the Sixty-First General Assembly, 1998 2nd Regular Session, June 1998*, Office of Legislative Legal Services, Denver, Colorado.

Who's High on What When Committing a Crime?

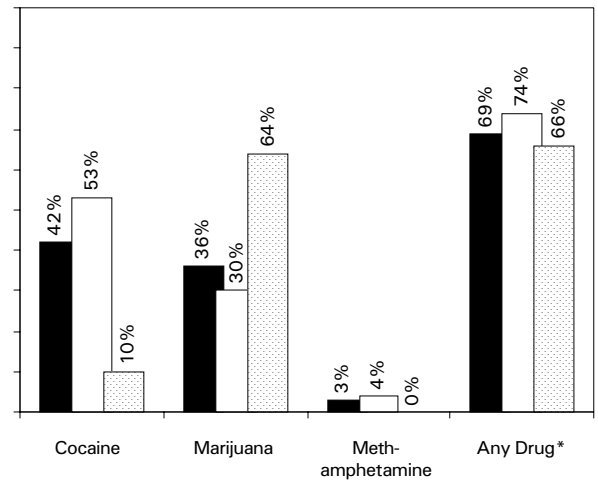
The following graphs are constructed from 1997 Arrestee Drug Abuse Monitoring Program (ADAM) data. (The ADAM program was previously named Drug Use Forecasting, or DUF.) ADAM data are collected quarterly by the Division of Criminal Justice staff at the Denver Pre-Arrestment Detention Facility and the Phillip Gilliam Youth Services Center. Over a period of 14 to 21 consecutive days, anonymous interview information and urine specimens are collected from recently arrested adults and detained juveniles. All participants must be interviewed within 48 hours of arrest, so any illegal drugs consumed just prior to arrest will still be present in their systems.

KEY:	 Adult Male	 Adult Female	 Juvenile Male	<i>Note: Percents will not total 100% because an arrestee may test positive for more than one drug.</i>
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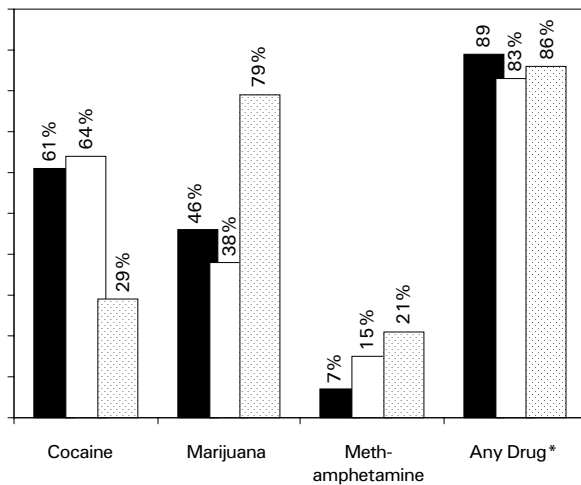
VIOLENT Offenses



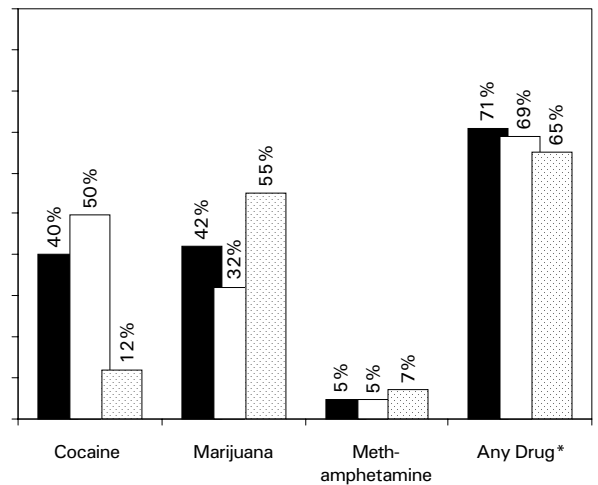
PROPERTY Offenses



DRUG Offenses



ALL Offenses



*Any Drug = All drugs tested for in the ADAM sample (cocaine, opiates, PCP, marijuana, amphetamines, methadone, methaqualone, benzodiazepines, barbiturates, & propoxyphene).

Note: Juvenile female data are not shown here because of small sample size.

Source: Arrestee Drug Abuse Monitoring Program: 1997 Annual Report on Adult and Juvenile Arrestees, National Institute of Justice, U.S. Department of Justice.

Age at Onset:

Drugs Ranked from Youngest Age at 1st Use to Oldest Age at 1st Use (self-report)

MALES (n=954)		
drug	mean age	prevalence of use in sample
1 alcohol	14.6	98%
2 marijuana	15.2	85%
3 cocaine	21.6	48%
4 methamph	22.2	18%
5 opiates	23.1	16%
6 crack	25.8	40%

FEMALES (n=371)		
drug	mean age	prevalence of use in sample
1 alcohol	15.4	96%
2 marijuana	15.5	85%
3 methamph	21.3	19%
4 cocaine	21.6	47%
5 crack	24.3	50%
6 opiates	24.5	17%

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 Graphic design by John Patzman

<Source: 1997 adult ADAM (Arrestee Drug Abuse Monitoring Program) sample. (See page 5 of Elements of Change for more ADAM information.)

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