

# Case Processing Evaluation of the Denver Drug Court

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# TABLE OF CONTENTS

07	<i>Preface</i>
09	<i>Research Questions</i>
11	<i>Executive Summary</i>
21	<i>Methodology</i>
25	<i>Background</i>
33	<i>Introduction to Research Results</i>
35	<i>Results: Section 1</i> Have case processing times decreased?
37	<i>Results: Section 2</i> How do the profiles of pre-Drug Court (1993) and Drug Court (1995) cases compare?
41	<i>Results: Section 3</i> How do trends in Denver drug cases compare to statewide and local trends? That is, are the numbers of drug cases in Denver increasing? Are some demographic groups growing more than others? Are any of these trends unique to Drug Court, or do they reflect local or statewide changes?
47	<i>Results: Section 4</i> Are there more individuals receiving deferred judgements (Track One) in Drug Court? Who is likely to receive a deferred judgement in Drug Court?
53	<i>Results: Section 5</i> Were there differences between 1993 and 1995 in the types of drug charges issued, perhaps signifying changing trends in drug use?
59	<i>Results: Section 6</i> What is the impact of Drug Court on practices such as sentencing and plea bargaining?
65	<i>Results: Section 7</i> Has Drug Court had an impact on case processing in other Denver courts?
67	<i>Results: Section 8</i> Have there been changes in Drug Court over time (between 1995 and 1996)?

**77 Results: Section 9**

What were outcomes for Drug Court participants as measured by adherence to treatment?

**81 Stakeholder Feedback**

# PREFACE

It is important to understand that the Denver Drug Court emerged in the context of significant urban change. The revitalization of Lower Downtown Denver in the early 1990's included the building of a major league baseball stadium and the renovation of formerly industrial and commercial buildings into residential lofts. What had been relatively "hidden" criminal and drug activity in this area now became the subject of public (particularly the new residents') outcry. Denver's Chief of Police and the Manager of Public Safety targeted the area and created Police District 6, aided by Weed and Seed funding. Drug Court Coordinator Shannon L Gaskill explains:

*This area had long been a haven for many homeless and addicted men and women, and tar heroin brought over the Mexican border was sold on almost every corner.... Police sweeps became regular, well coordinated (with the District Attorney's Office) events, especially in the area surrounding Coors Field (personal communication, August 5, 1998).*

The police sweeps resulted in the arrests of many Mexican nationals, who were then processed through the initial phases of the Drug Court. Some cases were forwarded to INS.

This local criminal justice effort to improve the quality of life in Lower Downtown is reflected in the findings presented in this report. Heroin cases increased significantly between 1993 (the year before the Drug Court began) and 1995, the year of concentrated sweep strategies, and reduced in 1996 to pre-1995 levels.

This context of organized local interdiction efforts means that the findings presented in this report will, unfortunately, be confounded somewhat by larger crime, criminal justice and perhaps even urban renewal activities that are far outside the control of researchers and Drug Court staff. The Drug Court is the repository of drug cases filed, and the impact of the Drug Court cannot be isolated from its surrounding context.

Nevertheless, whenever any group doubles in size – and the number of drug convictions increased by 105% between 1993 and 1995 – the composition of the group also tends to change. The expanded group includes individuals who otherwise may have been on the fringes, those who might have stayed invisible when law enforcement had fewer resources, or who might have fallen through the cracks with a less coordinated response. The composition of the expanded group may also reflect actual changes in behavior patterns on the part of criminals or decision makers or both. Social science is rarely afforded the opportunity to exert the necessary environmental controls that allow us to know, with certainty, why things are the way they are.

A complete description of the cases in the expanded group is essential if decision makers and program planners want to understand *who* is participating in the program. From the data presented in this report, it is clear that service providers must target the increased number of women processed through

the Drug Court. Likewise, many Drug Court cases must be linked with bi-lingual services that provide remedial education, vocational training and, in some cases, residential stability. The Drug Court's full-time use of Spanish-speaking interpreters and its current use of treatment agencies capable of working with Spanish-speaking defendants reflect the commitment of Drug Court staff to respond to the special needs of this portion of Denver's drug addicted population. We hope further descriptions of this group will assist with directing services to Drug Court defendants.

Kim English  
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February, 1999



# RESEARCH QUESTIONS

This research study will focus primarily on Drug Court *case processing*. Examining specific outcomes, such as recidivism or rearrest rates, was beyond the scope of the current study. This report is organized into several sections to answer the following questions:

**1) *Have case processing times decreased between pre-Drug Court (1993) and Drug Court (1995)?***

**2) *How do the demographic profiles of pre-Drug Court (1993) and Drug Court (1995) cases compare?***

**3) *How do trends in Denver Drug Cases compare to statewide and local trends? That is, are the number of drug cases in Denver increasing? Are some demographic groups growing more than others? Are any of these trends unique to Denver Drug Court or do they reflect local or statewide changes?***

**4) *Are more individuals receiving deferred judgements (Track One) in Drug Court? Who is likely to receive a deferred judgement in the Denver Drug Court?***

**5) *Do differences exist between 1993 and 1995 in the types of drug charges issued, perhaps signifying different trends in drug use?***

**6) *What is the impact of Drug Court on practices such as sentencing and plea bargaining?***

**7) *Has the Drug Court had an impact on case processing in other Denver Courts?***

**8) *Have changes occurred within Drug Court over time (between 1995 and 1996)?***

**9) *What were the preliminary outcomes for Drug Court participants as measured by adherence to treatment.***



# EXECUTIVE SUMMARY

## Purpose of the Research

The Denver Drug Court began in July of 1994. To examine the impact of the Drug Court on case processing in Denver, case file descriptions from 1993 (pre-Drug Court) were compared with similar data describing 1995 and 1996 drug cases, in Denver and statewide. Data were collected from district court files by Division of Criminal Justice researchers. Profiles of drug offenders for these years were compared to assist policy makers and programming professionals in determining whether the Drug Court is accomplishing its original and evolving objectives. The findings can also assist decision makers in identifying and prioritizing program interventions for Drug Court clientele.

The Executive Summary is followed by the full report presenting the methodology and data tables.

## The Research Question and the Confounded Findings

Whenever a new correctional program or placement opens up in a community, common questions for program planners and criminal justice analysts are: Who will vitalize the new program/placement? How are other program/placements affected by the introduction of new services? Are different clientele caught in a widened criminal justice net who otherwise would have remained on the fringes, just outside the system's capacity?

One way to address such questions about a program/placement is to collect and analyze data that allow researchers to profile the cases before and after the new program/placement began, and then infer that differences can be accounted for by the program, assuming no other significant changes were happening in the system at the same time. In the case of the Denver Drug Court, we investigated the impact of the Drug Court on other Denver District Court operations, and profiled the cases processed through the court in 1993, before the Drug Court opened, and in 1995, one year after the court began.

But we cannot assume the changes presented here are a function of the Drug Court alone. The findings, beginning with Table 3 below, are confounded by numerous simultaneous occurrences lasting several years. The research findings must be considered in the context of these simultaneous activities.

Specifically, the Denver Drug Court began in 1994, at a time when a myriad of community changes were occurring in Denver, changes that centered around the organized establishment of the Lower Downtown residential and business communities. This geographic area had long been a neglected part of the city, with a moderate amount of warehouse and retail activity that closed at 5:00 p.m. After hours, this area became the nighttime quarters for many of Denver's homeless and drug addicted citizens. When the city built a major league baseball stadium in the area, previously abandoned

buildings were renovated into up-scale lofts and upwards of 20 restaurants opened near Coors Field. The city's active renewal of Lower Downtown brought public interest and family traffic to the oldest part of the city.

The new residents had little tolerance for open-air drug markets that persisted despite urban renewal. Perhaps attracted by the new activity, local drug enforcement intelligence reported an increase in Mexican and Honduras nationals trafficking drugs, especially heroin. The drug activity was overt in Lower Downtown, and the neighborhood residents organized and complained to the police.

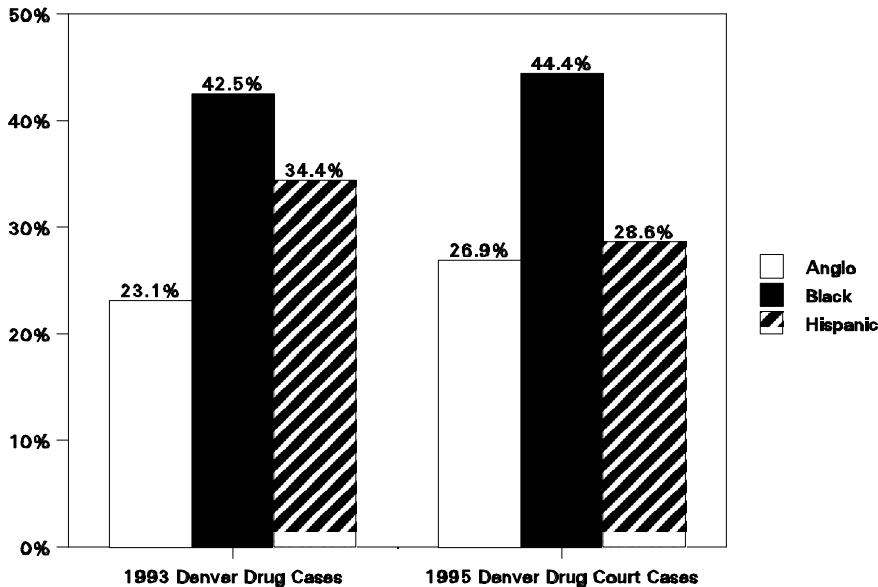
The Denver Department of Public Safety responded to citizens' protests by establishing Police District 6. Additional Weed and Seed funds increased the number of officers available to assist with focused, coordinated drug interdiction efforts.

Undoubtedly, some of the participants in these highly publicized police efforts ended up in our Drug Court sample, but we did not analyze data on the location of the arrest. We cannot, then, quantitatively describe the impact of urban renewal and law enforcement's response to complaints about illegal drug activity in Lower Downtown on the Drug Court client profiles.

According to data collected directly from Drug Court Files, approximately 19% (69 cases) of the 1995 sample (n=357) were referred to INS for possible deportation. Fifty of these cases were placed on probation (8 were given accompanying jail time), and 19 of those convicted were sentenced to prison for between 18 and 96 months.

The ethnicity of sixty-eight (68) of the 69 INS referred cases were coded Hispanic; one was coded Black. INS cases represent 45% of the Hispanic cases, and 20% of the cases overall, in the 1995 sample. INS referral data were not collected on the 1993 cases, so we cannot determine how this differs from the 1993 sample. Nor can we exclude the INS cases from the 1995 sample since this would make the two groups uncomparable. Further, the data presented in this report include the INS cases since these convicted offenders represent a substantial component of the workload for Drug Court staff, not to mention an important resource issue for other criminal justice system placements and staff. As long as these drug trafficking patterns continue (that is, bringing drugs from Central America and Mexico to Denver) so will the workload issues for law enforcement officials and the Denver District Court. Also, as presented in Table 32, the 1995 INS-referral trend continued into the following year, 1996, when 40.5% of Hispanic drug cases were referred to INS.

Figure 1. Comparison of Ethnicity between 1993 Denver Drug Cases and 1995 Denver Drug Court Cases (INS referrals omitted in 1995)



In this report, we note an increase in the proportion of Hispanics convicted of drug cases in Denver District Court: 34.4% (n=55) in 1993 compared to 42.5% (n=148) in 1995. When 1995 Hispanic INS referrals (n=68) are subtracted from the study sample, the proportion of 1995 Hispanic drug cases in the sample shrinks from 42.5% to 28.6% (please see Figure One). The 28.6% figure represents a *decrease* in the proportion of convicted Hispanic drug cases processed in Denver in 1993 compared to 1995. However, the *1993 data include INS referrals, so we would expect this group to be larger given the likelihood of the presence of individuals from other countries selling drugs in Denver in 1993.*

*In sum, when the 1995 Hispanic drug cases referred to INS are excluded from the sample, the differences in ethnicity of drug cases before and after the inception of the Denver Drug Court are unremarkable. Other characteristics associated with INS cases--lower levels of education and transiency, for example--repeatedly surface in the findings because INS cases represent 20% of the total 1995 sample. These offenders remain challenges for Drug Court staff, and so these cases are included in the analyses presented in this report.*

## Findings: Comparisons Between 1993 (Pre-drug Court) and 1995 Drug Court Samples of Denver Drug Offenders

*Did case processing times decrease between pre-Drug Court and Drug Court samples?*

P Yes. Denver Drug Court met its goal to expedite the handling of cases. Case processing times decreased significantly<sup>1</sup> between offense and disposition (169 to 106 days) and between arrest and disposition (163 to 109 days) between 1993 (pre-Drug Court) and 1995 Denver Drug Court.<sup>2</sup>

*How did 1993 and 1995 trends in Denver Drug Cases compare to statewide and local trends? That is, did the number of drug cases in Denver increase? Did some demographic groups grow more than others? Were any of these trends unique to Denver Drug Court, or did they reflect local or statewide trends?*

P The number of drug convictions in Denver more than doubled between 1993 and 1995, an increase of 105%.

P This increase in drug convictions in Denver was approximately three times larger than for drug cases in Colorado jurisdictions outside of Denver. These increases likely reflect significant changes in local law enforcement activities that occurred concurrently with the start-up of the Drug Court. This finding is more fully discussed in the body of the research report.

***The increase in drug convictions in Denver is approximately three times larger than for drug cases outside of Denver.***

P This increase in drug convictions did not occur evenly across all subgroups in the sample:

P Between 1993 and 1995, female drug convictions increased 168% compared to the overall increase in female convictions of 105%. Female non-drug convictions increased at more than double the overall increase in non-drug convictions (61% for females compared to 29% overall).

P Hispanic drug case convictions in Denver Drug Court increased almost two-thirds more than the overall increase in drug case convictions between 1993 and 1995 (169% compared to the overall increase of 105%); half of these cases were referred to INS. Comparisons to other Denver courts and jurisdictions outside of Denver indicate that this increase in convictions

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<sup>1</sup> The word significantly as used in the Executive Summary and the Research Report means that the finding was statistically significant at a probability level of .05 or greater. This means that the likelihood of the finding occurring by chance alone was less than 5%.

<sup>2</sup> The date of the crime precedes the arrest date when these dates are not the same.

among Hispanics appears to be unique to Denver's Drug Court, a finding consistent with local law enforcement data regarding highly organized drug trafficking by Mexican and Honduras nationals. Further comparisons of the characteristics of Hispanic cases showed the 1995 sample to be different from the 1993 sample in ways that are consistent with front-line, Mexican and Central American street drug traffickers:

- P A smaller proportion of the Hispanic sample reflected residential stability
  - P A smaller proportion of the Hispanic sample was employed full time at arrest
  - P A larger proportion of the Hispanic sample had less than an 8<sup>th</sup> grade education
  - P Almost half (45.9%) of Hispanics convicted of drug charges in 1995 were referred to INS.
- P A greater proportion of the 1995 sample, compared to the 1993 sample, were mobile and transient individuals. This difference was found for both the statewide drug cases and the Denver Drug Court samples.
- P Increases in drug case convictions were found for two educational groups: those with less than an eighth grade education and those with some college or more. This trend appeared in the statewide sample as well. Drug enforcement officials theorize this finding to reflect increased trafficking activity by Mexican and Central American nationals and increased illicit drug abuse by growing numbers of "mainstream," middle-to-upper class, citizens.

***Are more individuals receiving deferred judgments in 1995 Denver Drug Court? If so, what does this mean in terms of the changes in the population flowing through Drug Court?***

- P The proportion of the sample receiving deferred judgments increased significantly, from 6.3% in 1993 to 23.5% in 1995. This finding is completely consistent with a goal of the Drug Court: to identify stable, low-risk drug offenders, place them in Track One, and offer deferred judgements in exchange for treatment compliance.
- P Expected differences were found in the characteristics of individuals receiving deferred judgments compared to the characteristics of those pleading or found guilty. Several significant differences were found between these two groups, and the finding was consistent, overall, with the characteristics of cases that traditionally receive deferred judgements. The deferred judgment subgroup contained more individuals with the following demographic characteristics:
- P Female
  - P Anglo
  - P Residential stability
  - P Full time employment
  - P More education
  - P Lower overall criminal history scores
  - P Fewer adult convictions

- P Less like to have had a prior adult drug felony conviction
- P Current drug charges tended to be for possession versus sale of drug
  
- P The data suggest that Drug Court provided an opportunity to expand one subgroup of the types of cases processed: more persons were likely to be charged with using drugs rather than dealing drugs. Most individuals who received deferred judgments faced charges for drug possession (79.8%) compared to 48.5% of those pleading guilty. Only 14.3% of those receiving a deferred judgment faced charges for sale and distribution compared to almost half (49.2%) of the group pleading or found guilty (designated Track Two cases), indicating that the Court views *possession* as less serious than *sale* of drugs. This is, of course, consistent with the criminal code as well.

***Do differences exist between 1993 and 1995 in the types of drug charges issued, perhaps signifying different trends in drug use?***

- P Yes, differences existed between the two years in type of drug charges issued. As a proportion of all cases in the sample, heroin charges increased from 4% in 1993 to 23.7% in 1995. This finding is consistent with local law enforcement efforts to interdict organized black tar heroin trafficking by Mexican nationals.
  
- P Drug of choice, as measured by drug charge, is related to ethnicity in the following ways:
  - P Black offenders tended to (85.5%) face cocaine/crack related charges.
  - P Anglos were charged relatively evenly across three major drug categories: cocaine/crack, heroin and all other drug charges.
  - P Hispanics were charged with crack/cocaine over half the time (57.8%), and this group faced heroin charges almost a third of the time (32.7%). Cases charged with heroin crimes were the most likely to receive an INS referral. Almost every heroin case referred to INS in 1995 was an Hispanic offender (30 out of 31 cases referred). This finding is consistent with local drug enforcement's data that heroin in Denver is imported from Mexico and trafficked by Mexican nationals.
  
- P Heroin cases were also linked to very low education levels and transience, both in the INS sub-sample and in the group that remained in the Drug Court.

***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.***



- P The increase in heroin drug cases in Denver is remarkably different from jurisdictions outside of Denver, where heroin charges remained infrequent, but follows the trend of increased heroin usage noted in other large cities.<sup>3</sup>
- P Charges related to stimulant drugs (including methamphetamine and amphetamines) increased six-fold outside of Denver.
- P The jurisdictions of El Paso and Mesa Counties showed the most pervasive use of stimulants in 1995, accounting for over half of the stimulant drug convictions outside of Denver in 1995. This finding is consistent with law enforcement’s assessment of methamphetamine production in these rural areas.

***What is the impact of Drug Court on practices such as sentencing and plea bargaining?***

**Sentencing Placements**

- P Drug Court placement policies facilitated one of its purposes, i.e., allowing defendants the opportunity to participate in treatment by placing them in less restrictive, community-based settings. Specifically, the following changes in placement occurred between 1993 and 1995 for Denver drug convictions:
  - P Almost three-quarters of Drug Court convictions received some type of probation placement (probation, probation and jail, or ISP), compared to less than two-thirds of the 1993 sample.
  - P There was a greater emphasis on the combination of probation and jail as a sanction, and over a ten-fold increase in intensive supervision probation (ISP) placements.<sup>4</sup>
  - P Conversely, the use of community corrections for drug offenders in Denver dropped by almost 40% between 1993 and 1995.
  - P Direct sentences to prison for Denver drug offenders declined by nearly two percentage points between 1993 and 1995. Though important, this finding was not found to be statistically significant.

***The use of community corrections for drug offenders dropped by almost 40% between 1993 and 1995.***

**Sentencing, Length of Sentence**

- P In 1995, Drug Court 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.” In the case of probation, the 17% increase in the average supervision period may reflect the understanding within the substance abuse treatment community of the long-term nature of recovery, and the value of using criminal justice sanctions as leverage to compel offenders to

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3 National Trends in Drug Abuse: Trends in Heroin Drug Use. *Pulse Check*. (February 1998). (Can be obtained at <http://ncjrs.org>.)

4 Increased placement in Adult ISP is likely related to increased capacity in this program.

participate in treatment.

- P These increased sentence lengths are unique to Denver Drug Court and do not reflect local or statewide trends, suggesting that the Drug Court was, indeed, processing cases in different and expected ways compared to other district courts.

### **Disposition Charge**

- P After the Drug Court was implemented, a significantly larger proportion of cases received dispositions for drug crimes consistent with their original charge, rather than a lesser drug charge. For example, in 1993, only 20.9% of offenders charged with a cocaine offense received a disposition for a cocaine offense. In 1995, 92% of cases charged with cocaine crimes received a disposition for cocaine crimes.

### ***Has the Drug Court had an impact on case processing in other Denver courts?***

#### **Case Processing Times**

- P As noted earlier, case processing times improved in Denver Drug Court. There was also considerable improvement between 1993 and 1995 in case processing times in Denver courts handling non-drug cases. Jurisdictions outside of Denver did not show this same trend of shorter processing times for non-drug cases. In fact, outside of Denver, both drug and non-drug case processing times tended to be somewhat longer in 1995 compared to 1993. This suggests a positive impact on case processing times in Denver District Court associated with the onset of the Drug Court program. Additional research would be needed to conclusively determine whether Drug Court caused the reduction in case processing times in other Denver courts, however, this trend should be noted and tracked in the future as an additional positive impact of Drug Court.

***The opportunity for pleading guilty to a lesser drug charge occurred less frequently in 1995 Denver Drug Court than in 1993 Denver drug cases.***

## **Findings from a Different Sample: Changes in Drug Court over Time -- Comparisons of All Drug Court Cases for the First Three Months of 1995 with All Drug Court Cases for the First Three Months of 1996**

#### **Case Processing Times**

- P Processing times continued to improve in Drug Court in 1996 compared to 1995 on three measures used in the analysis: offense to disposition, arrest to disposition, and filing to disposition. This finding may reflect improvements in operations and team functioning over the course of the program.

## Demographics

- P Demographic characteristics of cases in the two Denver Drug Court samples were found to be statistically similar with two important exceptions: 1996 cases reflect individuals with more residential stability and more full time employment. For certain characteristics, then, the trends found in comparisons between 1993 and 1995 Denver drug cases may diminish over time.

*1996 cases reflect individuals with more residential stability and more full time employment.*

## Criminal History Scores

- P Criminal history scores were very similar between the 1995 and 1996 Denver Drug Court samples.

## Drug Charges

- P The distribution of types of drugs charged changed between 1995 and 1996. The proportion of heroin charges dropped by about one-third (16.9% in 1996 compared to 26% in 1995).
- P While Hispanics were the group most likely to be involved in heroin, according to Drug Court data, this percentage decreased by almost half between 1995 (47.1%) and 1996 (24.2%). This decrease in Hispanics charged with heroin appears to explain the overall decline in heroin charges, and is likely linked to local drug enforcement interdiction efforts. That is, persons charged with heroin were most likely to receive an INS referral. In 1996, every heroin case in our sample that received an INS referral was Hispanic.

## 1995 and 1996 Sentencing Practices - Placements and Sentence Length

- P Sentencing practices that provided oversight and sanctions became more clearly identified as Drug Court policies became more established and developed.
- P The trend continued of sentencing a large number (75%) of placements to probation in Drug Court in 1996; however, a shift to more restrictive placement occurred for the 1996 group. The percentage of individuals sentenced to ISP doubled as capacity increased (5.3% in 1995 to 12.7% in 1996).
- P More cases received prison placements in 1996 (22.7%) compared to 1995 (17.4%), and fewer cases received community corrections placements (3.5% in 1996 compared to 8.0% in 1995).
- P The trend toward longer sentence lengths for Drug Court cases noted in the 1993 and 1995 comparisons continued in 1996. That is, significantly longer sentence lengths for both probation and prison were recorded in 1996 compared to 1993, before the Drug Court was implemented.
- P However, jail sentences in 1996 were significantly shorter. This likely reflects the Drug Court's policy of providing immediate sanctions of short jail sentences for individuals who do

not follow through with requirements of treatment and supervision.

## **Findings: Following the Course of Treatment over the Six Month Time Period Measured for the 1995 Drug Court and 1996 Drug Court Groups Combined**

*What were the outcomes for Drug Court participants as measured by adherence to treatment?*

- P To address this research question, the Drug Court data for 1995 and 1996 were combined. This analysis suggests that most (81%) individuals stayed with treatment at least through the six-month time frame measured.
- P The most common problem recorded in the file was the offender's failure to participate in urinalysis testing. Over half the drug cases in treatment (56%) had at least one instance of this behavior.
- P In terms of overall problem behaviors (positive urinalyses, failure to participate in urinalyses or missing treatment appointments), *that would have resulted in a change in the level of treatment or supervision*, only 19% of the combined Drug Court groups for both years experienced problems in this area in the first six months of supervision. This low proportion of problem behavior may be linked to the intense supervision cases receive, or to the appropriate matching of services to individual treatment need, or both.

## **Summary**

In sum, compared to the 1993 data, it appears the net has widened to include more drug offenders processed through the Drug Court in 1995. This finding alone is not surprising given the increase in drug arrests. Certain categories of offenders increased in size more than others, and we discuss this in greater detail in the full report. To an unmeasurable extent, some of these findings reflect the interaction of urban change, drug trafficking patterns, and law enforcement priorities. Any findings reported without the community context will not be considered by the Division of Criminal Justice to be an accurate representation of this research.

# METHODOLOGY

## The Data

Case file data were collected on site by DCJ researchers. These data sets are described below. Qualitative data were also obtained via interviewers with Drug Court staff and non-participant observation of Drug Court activity.

### DCJ Court Data

The Division of Criminal Justice (DCJ) has collected data from District Court files every year since 1980. Data are typically collected between the months of May and September the year following the year under study (e.g., 1996 data were collected in 1997) to maximize the likelihood of disposition data. The data are collected for an entire twelve-month period beginning January 1 and ending December 31. The data is collected from a systematic sample (every fifth case or 20%) from each of 9 Judicial Districts, including the counties of Adams, Arapaho, Denver, El Paso, Jefferson, Larimer, Mesa, Pueblo and Weld. These districts represent approximately 80% of the state's population.

Many comparative analyses between the years 1993 and 1995 are included in this report. 1993 represents the year prior to the establishment of Denver's Drug Court which began in July of 1994. (The data collection form is included in Appendix A.) 1995 represents the first full year of Denver Drug Court operations. 1996 data reflect changes between the start-up year and the second year of operation.

### Drug Court Sample

DCJ court data plus additional Drug Court information were collected on *every* Denver Drug Court case for the first three months of 1995 and the first three months of 1996 (January 1 through March 31). DCJ researchers collected these data in June through October 1996. Cases out of these populations that would have normally fallen into the DCJ Court Data sample were identified to allow the standard DCJ Court Data sample to remain intact. The Drug Court Addendum is included in Appendix B.

The data from the files were organized into ten groups described below. The groups used in comparisons will vary with the analysis and the question posed. Please note that for this study all references to drug cases in groups 1 through 8 refer to drug *convictions*. Charges or filings were not the unit of analysis, unless otherwise identified, due to large amounts of missing data on the variables of interest in one of the comparison years (1995). This was due to the fact that if a case did not proceed to a conviction, typically it was dismissed and the file did not contain information on the variables used in these analyses. These dismissed cases do not flow through the court process, and this evaluation addresses case processing and court processes. The few demographic variables without large amounts of missing data for cases with a drug charge only were compared to cases with a drug conviction and revealed almost identical distributions (analysis not presented). Further, for some

analyses, including individuals with cases that were eventually dismissed in the analysis might bias results. For instance, in a comparison of processing times, including a large group of cases that were dismissed would result in shorter average processing times. Groups 9 and 10 reflect *all* cases (rather than a sample) in Denver Drug Court in the months specified.

- P Group 1 - 1993 Denver Drug Cases. *1993 DCJ Court Data sample for Denver cases with a drug offense as the most serious conviction (n=175).*
- P Group 2 - 1995 Denver Drug Court Cases. *1995 DCJ Court Data sample for Denver cases with a drug offense as the most serious conviction. All cases come from Denver Drug Court. (n=358).*
- P Group 3 - 1995 Denver Non-Drug Cases. *1995 DCJ Court Data sample for Denver cases with an offense other than a drug offense as the most serious conviction (n=667).*
- P Group 4 - 1993 Denver Non-Drug Cases. *1993 DCJ Court Data sample for Denver cases with an offense other than a drug offense as the most serious conviction (n=518).*
- P Group 5 - 1993 Non-Denver Drug Cases. *1993 DCJ Court Data sample for cases in areas of the state other than Denver with a drug offense as the most serious conviction (n=355).*
- P Group 6 - 1993 Non-Denver Non- Drug Cases. *1993 DCJ Court Data sample for cases in areas of the state other than Denver with an offense other than a drug offense as the most serious conviction (n=2100).*
- P Group 7 - 1995 Non-Denver Drug Cases. *1995 DCJ Court Data sample for cases in areas of the state other than Denver with a drug offense as the most serious conviction (n=469).*
- P Group 8 - 1995 Non-Denver Non-Drug Cases. *1995 DCJ. Court Data sample for cases in areas of the state other than Denver with an offense other than a drug offense as the most serious conviction (n=2450).*
- P Group 9 - 1995 Drug Court Jan-March 1995. *All Drug Court cases in that three month period processed through Denver Drug Court (n=484).*
- P Group 10 - 1996 Drug Court Jan-March 1996. *All Drug Court cases in that three month period processed through Denver Drug Court (n=408).*

### **Interview Data**

DCJ researchers experienced enthusiastic cooperation by Drug Court professionals, including the Drug Court coordinator, lawyers and the original judge. Interview data were also obtained from the chief probation officer of the Denver District Court and Denver probation officers. These data were

used to understand the local context of the emerging Drug Court and assisted with the interpretation of the qualitative data.

## **The Analyses**

Univariate and bivariate analyses included frequencies, crosstabs, and t-tests, and were used to compare the various sample groups and test for differences between groups.



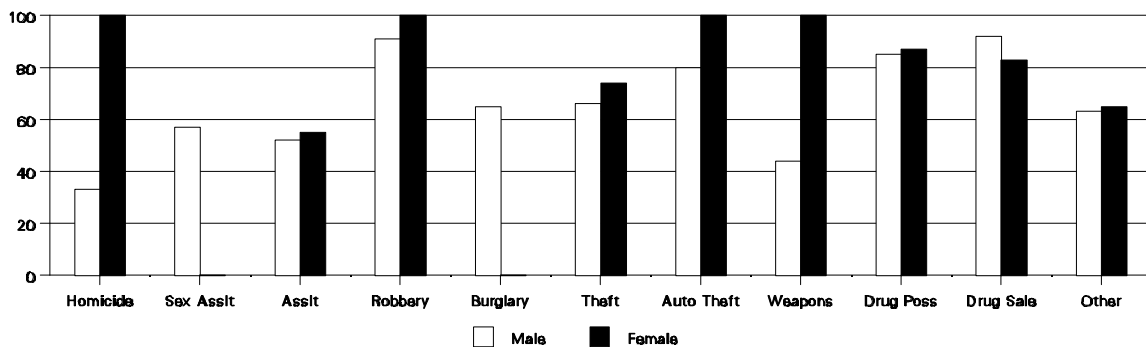


# BACKGROUND

## The Problem

Drug and drug-related offenses are prevalent in almost all communities. 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.<sup>5</sup> Although penalties and legislation regarding drug possession and sales increased, these efforts seemed to do little to discourage use of illicit drugs. All too often, drug users cycle in and out of the criminal justice system, using large amounts of social resources, and showing little improvement in the face of this expense. The degree to which drug use and criminal activity are intertwined is noted by the National Institute of Justice Drug Use Forecasting project collecting data from arrestees. Between November 1993 and August 1994 (time periods of interest for this study), the percentage of newly arrested adult inmates testing positive for drugs in Denver's jail and detention facilities was about 67% for males and 66% for females.<sup>6</sup> The following figure illustrates the relationship between drug use by Denver arrestees across an array of charges.

Figure 2. Percentage of 1994 Sample of Denver Adult Male & Female Arrestees Who Tested Positive for Any Drug by Most Serious Charge <sup>7</sup>



As a result of increased drug-related arrests, many courts, jails and prisons are becoming increasingly flooded with drug offenders. "Nationwide there were more than one million arrests for drug offenses in 1991-- a 56% increase since 1982."<sup>8</sup>

5 U.S. Department of Justice. (January 1997). *Defining Drug Courts: The Key Components*. Washington DC: Office of Justice Programs, Drug Courts Program Office, p.5.

6 National Institute of Justice, U.S. Department of Justice. (1996). *Drug Use Forecasting (DUF) Annual Report*.

7 Any Drug = All drugs tested for in the DUF sample (cocaine, PCP, opiates, marijuana, amphetamines, methadone, Valium, Darvon, quaaludes, and barbiturates). Although more recent data from this study is available, the data presented here best represents the time period of the evaluation study.

8 U.S. Department of Justice. (June 1993). *Miami's Drug Court: A Different Approach..* (NCJ142412). Washington, DC: Office of Justice Programs, National Institute of Justice, Program Focus.

Denver's experience mirrors the national trend with drug arrests between 1979 and 1993 (the year before the Denver Drug Court began) increasing from 1,280 to 3,799.<sup>9</sup> The impact of drug arrests on Colorado's prison system is illustrated in Table 1 below, which notes that the probability of prison incarceration for a drug offense increased by more than 350% between 1982 and 1996.

*Table 1. The Probability of Prison Incarceration Given Arrest for a Drug Offense Increased by More than 350% between 1982 and 1996*

YEAR	PROBABILITY OF PRISON INCARCERATION GIVEN ARREST FOR A DRUG CRIME	DRUG ARRESTS AS A PERCENT OF TOTAL ARRESTS
1982	1.43%	4.08%
1983	1.79%	3.54%
1984	*	3.59%
1985	*	3.30%
1986	1.59%	3.29%
1987	2.79%	3.28%
1988	5.89%	4.17%
1989	*	4.17%
1990	7.09%	3.38%
1991	7.73%	3.07%
1992	5.58%	3.90%
1993	5.92%	4.50%
1994	**	**
1995	7.96%	4.74%
1996	6.83%	6.17%

***Nationwide there were more than one million arrests for drug offenses in 1991 -- a 56% increase since 1982. In Colorado, the probability of prison incarceration for a drug offense increased by more than 350% between 1982 and 1996.***

\* DOC admission data not available for these years.  
 \*\* Colorado Bureau of Investigation drug abuse violation arrest figures N/A.  
 Source of arrest data: Colorado Bureau of Investigation Annual Reports.

Local jurisdictions, with the support of the Federal Government, are developing new approaches to address problems resulting from increased drug use and attendant criminal activity. Jurisdictions are beginning to acknowledge that the traditional adversarial system of justice may be ineffective in addressing alcohol and drug abuse. Additionally, traditional court systems, with typically long delays between filing of charges and assessment and treatment (if, in fact, treatment is provided) may worsen matters by reinforcing the offender's denial of alcohol or drug abuse problems. Further, if treatments are offered, there is often little incentive in the current system for an offender to participate or

9 Granfield, R. & Eby, C. (1997). *An Evaluation of the Denver Drug Court: The Impact of a Treatment-Oriented Drug Offender System*. Final Report. Denver, Colorado: University of Denver, Department of Sociology.

complete a treatment program.

## Drug Courts as a Response to the Problem

Drug Courts were developed as one response to address the issue of abuse of alcohol and drugs and related criminal activity. Drug Courts have their roots as an extension of the development of community-based, team-oriented approaches and innovative programs developed by pretrial, probation and parole agencies as well as other treatment based partnerships such as TASC (Treatment Alternative to Street Crime) and law enforcement innovations such as community policing programs.<sup>10</sup> Further, there is documented evidence of the effectiveness of alcohol and drug abuse treatment. For instance, the Department of Alcohol and Drug Programs in California conducted a retrospective outcome study on drug abuse treatment. This study documented success of treatment and recovery on several levels, including costs savings to taxpayers. In 1994, these researchers estimated an average cost benefit of \$7 dollars saved for every dollar spent. They also found that criminal activities declined significantly after treatment.<sup>11</sup>

***In 1994, researchers estimated an average cost benefit of \$7 dollars saved for every dollar spent on substance abuse treatment. They also found that criminal activities declined significantly after treatment.***

While Drug Courts around the country may be similar in their overriding mission -- to address the abuse of alcohol and drugs and corresponding criminal activity -- local approaches to establishing specialized courts and the associated processes vary. Miami's program, established in 1989 and the first in the nation, focuses on diversion and treatment, and it channels almost all nonviolent defendants arrested on drug possession charges through Drug Court. A wide variety of treatment and case management services are provided. The program also mandates strict monitoring that includes periodic urine tests and court appearances. The Judge speaks directly to defendants when they appear in court where their participation in the program is reviewed. Defendants, depending on whether or not and the extent to which they follow the conditions of the program, are either congratulated or reprimanded. Successful participants have their criminal cases dismissed. Program administrators in Dade County acknowledge that initially the total cost of these services may sometimes be more than that spent on first time offenders, who usually receive a few minutes of court attention and then return to the community. The hope is, however, that the combination of criminal justice leverages and treatment will stop the revolving door that brings offenders back into the system.<sup>12</sup> In Maricopa County, Arizona, Drug Court is a program for probationers with a first-time felony conviction for drug possession. Probationers are required to participate in an outpatient comprehensive drug treatment program; progress is monitored by the judge. Individual accountability is emphasized through a

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<sup>10</sup> *Defining Drug Courts: The Key Components*. Ibid.

<sup>11</sup> Gernstein, Dean R., et al. (July 1994). *Evaluating Recovery Services: The California Drug and Alcohol Treatment Assessment (Caldat)*. Executive Summary. Chicago, Illinois: National Opinion Research Center, University of Chicago.

<sup>12</sup> *Miami's Drug Court: A Different Approach*. Ibid.

system of rewards and sanctions.<sup>13</sup> The Superior Court of the District of Columbia requires participants to sign a treatment contract demonstrating he or she understands the program rules, the swiftness of sanctions after violating the rules, and the certainty that specific sanctions will be imposed.<sup>14</sup>

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.<sup>15</sup> According to the GAO, results are inconclusive regarding the success of Drug Courts in reducing participants' recidivism and subsequent drug use. The GAO cites insufficient data and inadequate methodologies in Drug Court evaluations as a drawback to achieving conclusive results about the impact of the program. However, according to *Drug Strategies*, a Washington-based nonprofit research organization, Drug Courts have been successful in expediting case processing and drug treatment referral. According to Drug Strategies, costs to the criminal justice system have also been reduced by saving dollars that would go to jail and prison costs. They cite Washington, D.C. as an example where a year of Drug Court costs between \$1,800 to \$4,400 per participant compared to \$20,000 per year to jail an offender. The report cites savings in other costs such as reduced public assistance payments to Drug Court participants who are able to enter the workforce while in treatment, and reduced health care costs as a result of fewer babies born to substance abusing mothers. According to Drug Strategies, more than 200 drug free babies have been born to women Drug Court participants, resulting in a savings of \$50 million in health care costs. Drug Strategies concluded that Drug Courts are an effective strategy for reducing crime and drug abuse.<sup>16</sup>

***According to Drug Strategies, a Washington-based nonprofit research organization, more than 200 drug free babies have been born to women Drug Court participants, resulting in a savings of \$50 million in health care costs.***

## Denver's Drug Court

Denver's Drug Court project began in July of 1994. The inception of the Drug Court paralleled the multi-agency activity prescribed by Colorado House Bill 91-1173. This legislation mandated that all persons convicted of a felony or misdemeanor and petty offense charges under the Controlled Substances Act be evaluated for substance abuse during presentence or probation investigations.

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13 Deschenes, E.P., Turner, S. & Greenwood, P.W. (1996). *Drug Court or Probation? An Experimental Evaluation of Maricopa County*. Reprint. Santa Monica, CA: RAND.

14 Harrell, Adele (August 1998). "Drug Courts and the Role of Graduated Sanctions," *Research Preview*, National Institute of Justice, Washington D.C.

15 National Criminal Justice Association. (September 1997). Drug Courts: GAO Withholds Judgment on Effectiveness. *Justice Bulletin*. 17(9), 1-5. (Available from the National Criminal Justice Association, 444 N. Capitol Street, NW, Washington, DC 20001, (202) 624-1440.)

16 Ibid.

According to Greg Long, Chief Deputy District Attorney for the Drug Unit, Denver's criminal justice system also faced the following problems in the context of designing the Denver Drug Court:<sup>17</sup>

- P Multiple charges on defendants and lack a coordinated response within and across jurisdictions;
- P Overcrowding of urban jails, most of which have no facilities for substance abuse treatment;
- P Large case loads for probation officers and lack of resources to adequately monitor probation conditions;
- P Long delays between violation and sanction;
- P Variation in professionals' (courts and attorneys) understanding of treatment issues;
- P Crowded state prisons;
- P Extensive increase in drug crimes which may result in non-violent and property crimes receiving less attention; and
- P The sheer volume of cases which courtrooms must handle.

Denver officials examined a number of Drug Court approaches in other jurisdictions before establishing the Denver Drug Court, seeking to incorporate the best of each approach while addressing the needs of the Denver community. Chief Deputy District Attorney Long describes the goals of the Denver Drug Court as:<sup>18</sup>

- P Early intervention and treatment with tight supervision and immediate meaningful consequences for behaviors;
- P Expedited handling of all cases;
- P Computerized on-line information regarding the offender's compliance with treatment;
- P Guilty pleas in all cases, some subject to later withdrawal; and
- P A consistent team of personally committed professionals.

*Denver officials examined a number of approaches in other jurisdictions before establishing the Drug Court, seeking to incorporate the best of each approach while addressing the needs of the Denver community.*

Some of the methods cited by Long for accomplishing these goals include:

- P Direct filing of felony cases which do not involve other charges of a non-drug nature in one district courtroom. All procedures for a defendant from the second advisement onward take place in front of the same team of professionals.
- P All arrestees receive a standardized drug and alcohol evaluation, the results of which are available to the court almost immediately.
- P Copies of the file are immediately available to the public defender or private counsel.
- P Bond conditions may include requirements that the individual report to the Drug Court Coordinator, receive treatment and/or submit to a random urinalysis.
- P The second advisement is held quickly--generally within a few days of arrest. By that time cases have been reviewed, and determinations made about those in need of treatment.
- P Entry into treatment requires a guilty plea, which is subject to withdrawal upon completion of

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<sup>17</sup> Long, G. *Denver Drug Court: New Approaches to an Old Problem*. Paper presented to the National College of District Attorneys.

<sup>18</sup> Ibid.

successful conditions. On the other hand, judgment can be imposed without the necessity of trial if a defendant does not follow through.

- P Presentence reports are expedited; deferred judgment pleas are generally entered within 30 days of arrest, allowing many offenders to be in treatment within days of arrest.
- P Frequent urine tests are required (twice a week to start), as well as frequent reports back to the court (initially every two weeks).
- P Direct access to private treatment and supervision providers is handled through an automated management information system, so that problems are dealt with immediately by a variety of sanctions and treatment modifications.

Those involved in establishing the Denver Drug Court began with the assumption that “shortening the time between any alleged criminal action and the consequences thereof would strengthen the connection between the two in the offender’s mind.”<sup>19</sup> To enhance communication among personnel and reduce manipulation of the system by offenders, the proponents of Denver’s Drug Court endeavor to “present a unified system of personnel in a single courtroom.”<sup>20</sup> To obtain this unified approach, all agency administrators agreed that participants, including the judge, district attorneys, public defenders, and probation officers, would commit to the Drug Court to the exclusion of other assignments for a specified period of time (one year). To further support this unified system, a seventh criminal district courtroom, devoted entirely to drug cases, was opened. The Drug Court handles all felony drug cases which do not involve other charges of a non-drug nature.<sup>21</sup>

Indeed, these objectives seem to have been incorporated in the Drug Court operations. As part of the process evaluation presented here, DCJ staff officially observed ten Drug Court sessions between June and October 1996. As reported in the field notes, the following provides a qualitative description of the actual court process.

*The proceedings of the Denver Drug Court match well with the description of the characteristics that distinguish the Drug Court from other Denver District Courts. During the DCJ observation period, the Drug Court provided a rapid response to both positive and negative behaviors. Sanctions were imposed almost immediately for violation of treatment and other program conditions. Substance abusing offenders were supervised closely by both court and probation officers, and progress was monitored by frequent urinalysis.*

*The characteristic that made the greatest impression, however, was the broad discretion granted to and used by the court. Drug Court cases are direct-filed, so there is no preliminary County Court review of a drug case before it reaches the Drug Court. This fact takes a defendant from arrest to arraignment in*

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19 Long, G.F. (1996). Denver Drug Court: New Approaches to Old Problems. *The Colorado Lawyer*, 25, 29-32.

20 Long, G.F. (1996), *Ibid*.

21 Long, G.F. Presentation to the National College of District Attorneys, *Ibid*.

*record time. From that point on, a defendant becomes the client of a court that maintains close and frequent contact with each of its clients and determines, on a highly individual, and at times, non-traditional basis, what programs and sanctions will best prevent reoffending and ensure public safety. Successful conclusion of the program is recognized with a graduation ceremony, complete with a certificate of completion. Graduates comment on their experiences with the program and receive suggestions for follow-up treatment.<sup>22</sup>*

## **The Denver Drug Court's Systematic Approach to Treatment Need and Intervention**

Three major components of the Drug Court are key to understanding the Court's approach to services and public safety: Pretrial Services, the Track, Level and Phase system, and Offender Classification. Each of these components is described briefly below.

The objective of Pretrial Services is the identification of individuals eligible for release to the community on a reduced bond while confining the serious offender. Those eligible for bond reduction must agree to random urine drug screening and intensive pretrial supervision by a case manager. This part of Drug Court programming is designed to improve the offender's probability for successful graduation from the Drug Court. Immigration and Naturalization Services (INS) is involved at Pretrial Services and places non-citizens on "hard" holds (i.e., not eligible for community release on bond) and makes determinations about deportation. Note that the current sample analyzes cases *convicted* of a drug crime (the only exception to this is when charges and convictions are compared), even when those cases were referred to INS according to file data.

The Track, Level and Phase system works to assign each defendant an intervention and treatment level depending on systematically assessed need (based on House Bill 1173 requirements) determined at the presentence investigation stage. Tracks describe the sentencing placement, Levels relate to programming requirements, and Phase reflects supervision requirements.

Track 1 is a Deferred Judgement and Sentence; Track 2 is Supervised Probation and/or Community Corrections placement; and Track 3 is a sentence to the Department of Corrections. Level 1 consists of no program intervention; Level 2 requires education class, 1/week; Level 3 is group therapy, 1/week; Level 4 is intensive outpatient treatment (6-9 hours per week); Level 5 is inpatient treatment; Level 6 is therapeutic community; and Level 7 calls for no treatment and an assessment for psychopathy.

The Phase system is comprised of three phases plus graduation, each with different levels of court contact and supervision intensity. Phase I (90-120 days) requires the offender, among other things, to submit to a minimum of 8 urine screens per month (averaging 2/week), one court appearance per month, and the completion of 25% of the community service hours. Supervision includes specific

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22 Comments from the Observation Report, DCJ Denver Drug Court Process Evaluation, prepared by Joan Crouch.

contact standards and a record check completed through the Denver Police Department, among other activities.

Phase II (90-120 days) requires the offender to submit to at least 4 urine screens monthly, to appear in court monthly, to complete at least 50% of community service hours, and the case manager must complete an LSI re-evaluation, among other activities.

Phase III requires the offender to submit to a urine screen on average every 3-4 weeks, to appear in Court quarterly, to pay all court/supervision fees in full, and to fully complete the community service work requirements. Another record check through the police department is completed, as is another LSI re-evaluation.

This evaluation study intended to tap these important aspects of the Drug Court programming, but researchers were unable to locate assessment information (specifically, the Level of Supervision Inventory [LSI] scores) and referral data in the paper files of the district from which the study data were collected. This information is apparently available to the Court electronically and decisions are made based on LSI information. Researchers were unable to tap this data source. This information may link to outcome, however. According to Drug Court Coordinator Shannon Gaskill, "Based on the existing phase system, an offender who experienced no decrease in the hourly level of supervision over time would be considered a failure and would have the current probation track revoked."<sup>23</sup>

## **Organization and Focus of This Report**

The report is organized according to research questions. These questions were posed to assist in the understanding of how cases--and people--were processed in Denver before and after the inception of the Drug Court. Researchers compared a 20% sample of case file data from 1993 (the year before the Drug Court started) with a similar sample of case file data in 1995. Unless otherwise indicated, only convicted cases were analyzed.

To help sort out if changes were Drug Court specific, or happening in Denver generally or happening statewide, we compared Denver District Court data with a 20% sample of cases selected from 8 jurisdictions statewide. Depending on the research question, we compared drug and non-drug cases. Then, because program start-up activities are sometimes different from later years after the program becomes institutionalized, we compared all the convicted Drug Court cases during the first quarter of 1995 with all the convicted Drug Court cases processed during the first quarter of 1996. This latter comparison unexpectedly reflected significant changes in type of drug charge, which likely reflects trafficking patterns in the community more than any program features. This finding certainly underscores the necessity of collecting and analyzing multiple years of data to best understand both the program and the local context in which it operates.

## **INTRODUCTION TO THE RESEARCH RESULTS**

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<sup>23</sup> Shannon Gaskill, letter to Kim English, August 5, 1998.



It is common in the social sciences, and perhaps criminology in particular, to qualify empirical findings by enumerating the common problems of applied research, specifically, the larger social forces affecting the data and researchers' inability to control (methodologically) for these factors. This is, in fact, always the case. This research was undertaken in the context of significant urban change that occurred in the City and County of Denver in the years just before and just after the inception of the Drug Court in 1994. Massive urban renewal projects were underway or had just been completed, specifically the Coors baseball field and Elitch's Amusement Park.

These facilities attracted hundreds of thousands of people into areas that had been relatively ignored by the public. Old warehouses were renovated into upscale lofts and commercial establishments with competing micro breweries took over areas of downtown that had for years been occupied by a different kind of night crowd. Illegal activity, including open-air drug markets, were now highly visible. Public outcry resulted in the creation of Police District 6 in Lower Downtown, and Weed and Seed funding increased the number of officers on the street.<sup>24</sup>

Intelligence information from local police and DEA officials confirmed significant trafficking activities in Denver by organizations in Mexico and Central America. In *Drug Use Trends in Denver and Colorado*,<sup>25</sup> we are informed that "In Denver, Mexican black tar is the exclusive type of heroin sold on the streets. The distribution and sale of heroin continues to be dominated by Hondurans, Guatemalans, Nicaraguans, and Mexican nationals. Ethnographic interviews with heroin users on the street indicate that most of the heroin comes from Mexico."

Mexican and Honduras nationals began appearing in Lower Downtown during early 1994, according to Drug Court staff, perhaps drawn to some extent by the crowds visiting the new Coors Field and Elitch Amusement Park facilities. Staff from the district attorney's office informed researchers they were charging "substantial numbers of defendants" who listed Mexico or Honduras as their country of birth and had few or no previous Denver addresses. In our data base, these cases will have been coded as Hispanics having no or little residential stability and probably very little education.

In sum, the explosion of popular activity in downtown Denver, combined with new police resources and perhaps new drug trafficking patterns, limit researchers' abilities to tie changes with case profiles to the inception of the Drug Court alone.

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24 Gaskill, *ibid.*

25 *Drug Use Trends in Denver and Colorado*, Alcohol and Drug Division, January 1998, p. 5.



## RESULTS

### *Section 1: Have Case Processing Times Decreased?*

Yes, case processing between offense/arrest and disposition significantly decreased. These findings concur with those of Granfield, et al.<sup>26</sup> These University of Denver researchers found that time from arrest to sentencing was significantly lower for the Denver Drug Court compared to two pre-Drug Court comparison cohort groups. The current study expands on this by permitting comparisons of processing times between drug cases in Drug Court and a sample of drug cases in Denver in 1993 (prior to the establishment of Drug Court), as well as a comparison processing times of contemporaneous non-drug cases in Denver.

The results of this analysis show that Denver Drug Court decreased processing times compared to 1993 drug cases between 10% and 37% on three measures. Two of these decreases are statistically significant: offense to disposition and arrest to disposition.

*Table 2. Denver Case Processing Time in Days  
1993 and 1995 Comparisons of Drug and Non-Drug Cases*

CASE PROCESSING Average # of Days From	1993 DRUG	1995 DRUG COURT	* = p < .001 N.S. = Not Significant	1993 NON- DRUG	1995 NON- DRUG	* = p < .001 N.S. = Not Significant
Offense to Disposition	169	106	*	265	192	*
Arrest to Disposition	163	109	*	167	132	*
Filing to Disposition	103	93	N.S.	129	88	*

Source: DCJ Court Data Base 1993 and 1995.

Case processing time in other Denver courts decreased significantly for non-drug cases as well. Between 1993 and 1995 case processing measures for non-drug cases in Denver decreased between 21% and 31% (p < .001 for all three measures). This issue will be discussed in more detail in Section 7 which examines the possible impact of Drug Court on other courts, but should be considered a positive impact of the Drug Court on other Denver district court dockets.

***Case processing time in other Denver courts decreased significantly for non-drug cases.***

<sup>26</sup> Granfield, et al., Ibid.



# RESULTS

## Section 2: How Do the Profiles of Pre-drug Court (1993) and Drug Court (1995) Cases Compare?

### Demographic Differences

Table 3. Comparison of Demographic Characteristics between 1993 Denver Drug Cases and 1995 Denver Drug Court Cases

DEMOGRAPHIC DIFFERENCES	1993 DENVER DRUG CASES		1995 DENVER DRUG COURT		* = Chi Square Significance at .05 or greater N.S. = Not Significant
	%	n	%	n	
Males	85.7	150	81.2	290	N.S.
Females	14.3	25	18.8	67	
Anglo	23.1	37	21.6	75	N.S.
Black	42.5	68	35.9	125	
Hispanic	34.4	55	42.5	148	
<i>(Percentages based on 3 ethnic groups only; remaining numbers are &lt; 1% of n)</i>					
Ages < 24	23.4	41	22.7	81	N.S.
25-30	24.0	42	23.8	85	
31-35	24.0	42	19.6	70	
> 35	28.6	50	33.9	121	
Reside Continuously for 2 yrs	33.1	51	29.9	80	*
Moved 1-3 Times	54.5	84	36.2	97	
Move 4+ Times or Transient <i>(Transient was not an option in 1993; moved 4+ times was an option in both years)</i>	12.3	19	34.0	91	
Single	52.5	85	49.7	159	N.S.
Ever Married	47.5	77	50.3	161	
Employed Full Time	38.7	60	27.4	91	*
Unemployed/PT/Sporadic	61.3	95	72.6	241	
8th Grade or Less	10.7	17	20.2	64	*
Some High School	35.8	57	28.1	89	
High School	27.7	44	21.8	69	
GED	15.1	24	11.4	36	
Some College or more	10.7	17	18.6	59	

Note: Percents in tables are rounded and so may not exactly equal 100. Also, numbers of cases may vary because of missing data.

Several important differences emerged in the profile analysis of drug cases processed in Denver in 1993 compared to 1995. Table 3 reveals one demographic difference was statistically different by Chi Square analysis: employment. A larger proportion of the 1995 sample (72.6% compared to 61.3% in

1993) was unemployed, employed part time, or employed sporadically. Conversely, the proportion of

the sample employed full time decreased, from 38.7% in 1993 to 27.4% in 1995. This increase in unemployment is consistent with the residential stability and education factors discussed below.

Other differences revealed in Table 3, although not statistically significant by Chi Square analysis, reflect considerable changes in the drug court cases in Denver between 1993 and 1995. In 1995 compared to 1993, drug cases included more females, more Hispanics (this increase disappears when INS referrals are removed from the 1995 sample; see Figure One), older offenders, and almost three times as many transients. Also, the size of the group with less than an 8th grade education doubled. The transiency and education variables are linked to INS referrals (data not presented).

The increase in proportion of the sample comprised of women is consistent with trends statewide and nationally and represents an important criminal justice programming need. According to the Department of Corrections 1995 annual report, the overall proportion of women sent to prison from Denver County increased by 42.9% between 1990 and 1995, slightly more than the 40.5% increase in the proportion of men during the same period (Table 19). The increase is particularly noticeable when only prison commitments for drug crimes are considered. In the same document, DOC reports gender differences by crime type between 1994 and 1995 (Table 22). In 1994, 73 women and 502 men were committed to prison for a drug offense, compared to 94 women and 663 men in 1995. This represents a one-year increase of 28.8% for women and 32.1% for men.

Comparing the Drug Court data with data from the Department of Corrections, it appears that there is a slightly greater proportion of men compared to women committed to prison statewide for drug offenses between 1994 and 1995 (see discussion in prior paragraph), while there is a greater proportion of women compared to men sent to Drug Court between 1993 and 1995 (see Table 3). Are women somewhat more vulnerable to arrest for drug crimes and slightly less vulnerable (than men) to prison commitment?

The War on Drugs may disproportionately affect some groups participating in the drug trade. When drugs are consumed openly, on the street, offenders are more likely to be detected and apprehended by law enforcement. These highly visible drug activities vary by ethnicity, social class, and residential stability, and all of these factors vary with each other. Nevertheless, when drug crimes are committed frequently, the probability for detection increases.<sup>27</sup> Given these factors, some evidence exists that women may be more vulnerable to arrest for drug crimes. In *The Female Offender*, Meda Chesney-Lind cites research by the Colorado Division of Justice<sup>28</sup> conducted on Colorado prisoners:

*Recall the research by English (1993) on women's and men's self-reported drug selling, wherein she found that female prisoners were much more likely than their male counterparts to report numerous*

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27 Cohen (1986). Research on criminal careers: Frequency rates and offense seriousness. In *Criminal Careers and Career Criminals*, National Academy Press, Washington DC.

28 English, K. (1993). Self-Reported crime rates of women prisoners. *Journal of Quantitative Criminology*, 9, 357-382.

*small drug sales. This could mean that the patterns of women's drug selling, rather than the seriousness of their sales, exposes them to more risk of arrest... (1997:160). (Emphasis in the original.)*

This theory is consistent with data in the 1995 DOC report which reflects women to be more likely to be new court commitments (rather than returns for probation or parole violation or new crime), and to receive, on average, a one year shorter sentence than men for drug crimes in the same felony class (Tables 27 and 34, Department of Corrections Annual Report, 1995).

The DOC data revealing more women drug offenders coming to the attention of criminal justice authorities in Denver after the Drug Court began is likely linked to larger social factors impacting the patterns of women's illegal drug activity. Special drug programming for female offenders, exemplified by Colorado's Office of Probation Services' Female Offender Program, is clearly warranted and may need expansion given the increase in district court of women needing drug treatment services. And clearly, the DOC data indicate a need for continued drug treatment for women in prison.

The demographic differences of Denver drug offenders between 1993 and 1995 described above did not exist to the same extent for non-drug offenders in Denver. Section 3 will examine whether these demographic changes are unique to Denver Drug Court (See Table 5).

***The 1995 Denver Drug Court sample contained subgroups of individuals who were both less educated and more educated than the 1993 drug case sample.***

## Differences in Criminal Histories

The criminal histories of Denver drug cases in 1993 were compared to those in 1995 Drug Court on several measures: overall criminal history score;<sup>29</sup> previous revocations in parole, probation or community corrections; previous adult arrests or convictions; and previous juvenile arrests or convictions.

There were no significant differences between 1993 and 1995 Denver drug cases in either aggregate criminal history or the individual measures noted, with one exception: the number of community corrections revocations. There were few community corrections revocations in the sample each year; however, there were slightly more in 1995 (overall *mean* .04 compared to .007 in 1993).

*Table 4. Comparison of Measures of Criminal History*

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<sup>29</sup> The Colorado Criminal History Score, developed by Dr. M. Mande in the mid-1980's, is an index derived from a weighted combination of the following data items (weights shown in parentheses): number of juvenile adjudications (x.5); number of juvenile placements in secure institutions (x1.0); number of prior adult felony convictions (x1.0); number of prior adult violent felony convictions (x1.5); number of adult probation revocations (x.75); and number of adult parole revocations (x2.0). Scores are added and then collapsed to form a five-point scale ranging from 0-4, with 0 being the lowest and 4 being the highest. Scores are collapsed into the following categories: 0=0, .001-1.25= 1, 1.26-2.25= 2, 2.26-3.25= 3, 3.26-highest= 4.

1993 Denver Drug Convictions and 1995 Denver Drug Court Convictions

MEASURES OF CRIMINAL HISTORY	1993 DENVER DRUG CONVICTIONS		1995 DENVER DRUG COURT CONVICTIONS		SIGNIFICANCE LEVEL *t-test **Chi-Square
	Mean	n	Mean	n	
Criminal History Score	1.51	174	1.35	353	N.S.
Adult Community Corrections Revocations	.007	155	.04	328	*.01
Adult Parole Revocations	.03	155	.08	327	N.S.
Adult Probation Revocations (see note below)	.21	155	.16	323	N.S.
	% Yes		%Yes		
Prior Adult Arrests	83.4	136	83.7	277	N.S.
Prior Adult Convictions	72.4	113	71.3	239	N.S.
Juvenile Arrests	17.6	27	17.0	51	N.S.
Juvenile Convictions	13.8	21	14.2	43	N.S.

Note: Small means for revocation measures indicate that most cases in the sample had zero revocations.

## Summary

Compared to 1993, the profile of 1995 Drug Court cases was somewhat different demographically. The 1995 group tended to be more female, non-white and older than 1993 drug conviction cases. Further, the Drug Court defendants were three times more likely to have moved in the two years prior to arrest, and were less likely to be employed full time. The 1995 group also was different in terms of educational level, with a subgroup of minimally educated individuals and a subgroup of individuals who attained relatively high levels of education. Both groups were similar in terms of criminal history.



## RESULTS

### ***Section 3: How Do Trends in Denver Drug Cases Compare to Statewide and Local Trends? That Is, Are the Number of Drug Cases in Denver Increasing? Are Some Demographic Groups Growing More than Others? Are Any of These Trends Unique to Denver Drug Court, or Do They Reflect Local or Statewide Changes?***

The following analyses describes the *overall percentage increase* in Denver drug cases between 1993 and 1995 as well as the percentage increases in various demographic subgroups. This is another way to view demographic differences in drug cases before and after Drug Court.

To understand whether changes reflect local trends, increases in non-drug Denver cases are examined. To understand whether similar statewide trends exist, increases in drug and non-drug cases outside of Denver are also examined.<sup>30</sup>

#### **Are the Number of Drug Cases in Denver Increasing?**

Yes, the number of drug convictions in Denver has doubled between 1993 and 1995 (105% increase).<sup>31</sup> This increase in drug cases in Denver is approximately three times larger than for drug cases outside of Denver, and is also much larger than increases of non-drug convictions for both Denver and other jurisdictions. While drug convictions have also increased outside of Denver, the increase has been much smaller (32%). Similarly, non-drug convictions have also increased, both in Denver and outside of Denver, but these increases are also much smaller (29% and 15%, respectively).

***The increase in drug cases in Denver is approximately three times larger than for drug cases outside of Denver.***

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<sup>30</sup> As noted earlier in this report, the DCJ Court Data Base was used for comparisons of pre-Drug Court and Drug Court cases. DCJ Court Data is a systematic 20% sample of all cases filed in Denver and seven other jurisdictions in 1993 and 1995. Sampling procedures were identical between 1993 and 1995. Thus, comparisons of changes between the two years in the number of drug cases collected in the sample reflect percentage changes in the total number of drug cases.

<sup>31</sup> Denver is not unique in its experience of increased drug cases since the inception of Drug Court. Hennepin County Drug Court in Minneapolis, Minnesota, experienced a 47% increase in the number of drug filings between 1996 and 1997 (from a conversation with Hennepin County Drug Court personnel).

Table 5. Percentage Changes Between 1993 and 1995 Case Convictions Drug and Non-drug Cases, Denver and Non-Denver Cases

DEMOGRAPHIC CHARACTERISTICS	% CHANGES BETWEEN 1993 AND 1995 IN DRUG AND NON-DRUG CASE CONVICTIONS INSIDE AND OUTSIDE OF DENVER			
	DENVER DRUG CASE CONVICTIONS 1993 n= 175 1995 n= 358	DENVER NON-DRUG CASE CONVICTIONS 1993 n= 518 1995 n= 667	NON-DENVER DRUG CASE CONVICTIONS 1993 n= 355 1995 n= 469	NON-DENVER / NON-DRUG CASE CONVICTIONS 1993 n= 2095 1995 n= 2409
Overall Increase in Case Convictions	105%	29%	32%	15%
Males	93%	24%	31%	14%
Females	168%	61%	34%	20%
Anglo	103%	65%	53%	25%
Black	84%	36%	5%	14%
Hispanic	169%	29%	31%	15%
Age 18-24	98%	7%	24%	1%
25-30	102%	32%	32%	5%
31-35	67%	40%	45%	40%
Over 35	142%	43%	27%	29%
Moved Less Than 3x	31%	(17%)	(1%)	7%
Move 4x or Transient	379%	95%	140%	74%
Single	87%	(16%)	37%	20%
Ever Married	109%	24%	33%	34%
Employed Full Time	52%	9%	29%	38%
Unemp/PT/Sporadic	154%	10%	52%	39%
< 8th Grade	276%	30%	65%	38%
Some HS	56%	(18%)	11%	22%
HS Grad	57%	11%	49%	7%
GED	50%	(31%)	12%	25%
Some College or >	247%	12%	68%	77%

## Are Some Demographic Groups Increasing More than Others?

The overall increase in the percentage of Denver drug case convictions between 1993 and 1995 does not occur equally across demographic groups, as shown in Table 5. That is, certain demographic groups (Hispanics) have experienced very large increases in cases convictions, while others (Blacks) have experienced a relatively small increase. Most of the time this reflects either statewide or local demographic trends, with the exception that Hispanic drug case convictions have increased significantly more than the overall increase in drug cases (169% compared to the overall increase of 105%), and cannot be accounted for by changes in the general population. This increase appears to be unique to the Drug Court, reflecting in large part the arrest of Central American nationals trafficking cocaine and heroin in Denver.

### Local Trends - An Increase in Female Case Convictions

*Hispanic drug case convictions have increased more than the overall increase in drug cases (169% compared to the overall increase of 105%). This increase appears to be unique to the Drug Court, reflecting in large part the arrest of Central American nationals trafficking cocaine and heroin in Denver.*

There is a striking increase in both drug and non-drug convictions for females in Denver. Convictions for females increased 168% compared to the overall increase in Drug Court cases of 105%. While the increase is lower for non-drug cases in Denver, female convictions increased at twice the rate of the overall increase of non-drug convictions in Denver (61% compared to 29%). This trend is not apparent for either drug or non-drug cases in jurisdictions outside of Denver, suggesting significant gender differences in crime, arrest patterns or felony case processing in the 2nd Judicial District.

### **Statewide Trends - Increases in Case Convictions of Mobile and Transient Individuals**

Between 1993 and 1995, there was an increase in the size of the group that moved four or more times in the 24 months prior to arrest in both the statewide and Denver Drug Court samples. The number of Denver drug case convictions who reported more than four moves in the past two years increased at almost three times the overall rate of increase (379% compared to 105%). The increase in this mobile population for Denver non-drug case convictions increased at a similar level (95% compared to an overall increase of 29%). Comparable trends occur for drug and non-drug cases in other jurisdictions. Thus, increases in case convictions of mobile and transient persons reflect the changing demographics of the state's population at risk of arrest rather than a phenomenon unique to Denver or the Drug Court. This is an important offender characteristic that needs to be considered statewide by program planners.

*Female convictions increased at twice the rate of the overall increase of non-drug convictions in Denver (61% compared to 29%). This trend is not apparent for either drug or non-drug cases in jurisdictions outside of Denver, suggesting significant gender differences in crime, arrest patterns and/or felony case processing in the 2nd Judicial District.*

### **Statewide Trends - Increases in Two Educational Groups**

As previously discussed, there are increases in case convictions in Drug Court for two educational groups: the minimally educated (8th grade or less) and the more highly educated (some college or greater). Both groups increase at more than double the overall increase for Denver drug cases (276% and 247% compared to 105%, respectively). This also appears to be a statewide trend (i.e., jurisdictions outside of Denver) for drug and non-drug cases, but is not apparent for Denver non-drug cases, suggesting that Drug Court cases are significantly reflecting this trend in Denver. This finding has implications for Level Two cases who are referred for education only. Remedial programming may be necessary for a growing proportion of drug cases.

### **Increases Unique to Denver Drug Court - More Hispanic Case Convictions**

The significant increase in the proportion of Hispanic case convictions between 1993 and 1995 appeared to be unique to the Denver Drug Court, but the difference disappeared when INS cases were omitted from the analysis. For drug cases outside of Denver, for Denver cases when INS referrals are omitted and for non-drug cases both inside and outside of Denver, the proportion of case convictions for Anglos increased more than other ethnic groups. This finding is consistent with the overall ethnic distribution in the state and is likely linked to the increased use and distribution of methamphetamine

in non-metro Denver Colorado. However, Hispanic Drug Court case activity is increasing disproportionately.

Since the high proportion of Hispanic case convictions (including INS referrals) is unique to the Denver Drug Court (169% compared to an overall increase of 105% across all ethnic groups), it is important that court and program administrators, judges and policy makers better understand this population. Table 6 below compares the sample of Hispanic drug convictions in 1993, before Drug Court was initiated, with the sample of Hispanic drug convictions processed through the Denver Drug Court in 1995 on several demographic variables. In particular, the 1995 Hispanic sample is significantly more transient, unemployed, and uneducated than the 1993 Hispanic sample.

*Table 6. Demographic Comparisons of Hispanic Case Convictions  
1993 Denver Drug Cases and 1995 Drug Court Cases*

<i>(Comparisons of Marital Status and Age were not significant)</i>	1993 DENVER DRUG CASES		1995 DENVER DRUG COURT CASES		SIGNIFICANCE LEVELS based on Chi Square N.S. = Not Significant
	%	n	%	n	
Males	92.7	51	85.8	127	N.S.*
Females	7.3	4	14.2	21	
Reside Continuously last 2 years	46.9	23	26.1	29	.002
Moved 1-3 Times	34.7	17	27.9	31	
Moved 4+ Times or Transient <i>(Transient was not an option in 1993; moved 4+ times was an option in both years)</i>	18.4	9	45.9	51	
Employed Full Time	49.0	25	26.9	36	.004
Unemployed/PT/Sporadic	51.0	26	73.1	98	
8th Grade or Less	20.8	11	41.5	54	.03
Some High School	41.5	22	35.4	46	
High School	18.9	10	10.8	14	
GED	15.1	8	6.2	8	
Some College or more	3.8	2	6.2	8	

\* The lack of a finding of a statistical difference is likely due to the small number of women in the sample.

Convicted cases processed in the Drug Court in 1995, as mentioned previously, include 69 drug offenders who pled guilty or no contest to felony drug crimes. Fifty (50) of these cases received probation sentences and eight of these were ordered to serve jail time in addition to probation. The remainder of the INS referrals (19) received prison sentences ranging from 18-96 months (9 of these cases received 48 month sentences).

Approximately half (50.7%) of the drug offenders considered themselves transient (however 4.3% reported currently residing at the same address for more than 24 months). Nearly one-third of the transients (31.9%) were over the age of 30, and 70.4% reported completing less than 8 grades of education. This group represents a subset of the Hispanic cases processed through the Drug Court in 1995 (Table 6) and described in the text below.

Given the description of 1995 INS-referred Hispanics, it is not surprising to find significant differences between the 1993 and 1995 Hispanics on other demographic characteristics. (Note that the INS cases in 1993 could not be identified, so for both years, in Table 6, INS-referred cases remain in the analysis.) No statistical differences were indicated for age and marital status (data not presented). However, given the overall increase in females in Denver convictions between 1993 and 1995 (see Table 5), it is of interest to note the increase in Hispanic females compared to Hispanic males. The number of males increased by 149% between 1993 and 1995. Although the number of female Hispanics convicted of drug charges in Denver in 1993 was very small (4), the overall increase to 21 in 1995 is quite dramatic (425%).

Table 7 compares the criminal histories of Hispanics with drug convictions in Denver in 1993 and 1995, and no significant differences in criminal histories were found between these two samples. It is, however, noteworthy that criminal histories of Hispanics in both years were lower than overall criminal history scores for the entire samples in both 1993 and 1996 (see Table 4) on all measures except for 1993 juvenile arrests and convictions. Thus, Hispanics made up the largest proportion of drug convictions in 1995 Drug Court, and also ranked lowest on our measures of criminal history.

*Table 7. Comparison of Criminal Histories - Hispanics Case Convictions 1993 Denver Drug Cases and 1995 Denver Drug Court Cases*

MEASURES OF CRIMINAL HISTORY	1993 DENVER DRUG CASES		1995 DENVER DRUG COURT CASES		SIGNIFICANCE LEVEL *t-test **Chi-Square N.S. = Not Significant
	Mean	n	Mean	n	
Criminal History Score	.93	54	.95	148	N.S.
Adult ComCor Revocations	< .001(*)	52	.007(*)	130	N.S.
Adult Parole Revocations	< .001(*)	52	.05(*)	130	N.S.
Adult Probation Revocations	.10(*)	52	.11(*)	129	N.S.
	% Yes		% Yes		
Adult Arrests	69.2	36	71.0	93	N.S.
Adult Convictions	51.9	27	53.8	71	N.S.
Juvenile Arrests	17.6	9	10.7	13	N.S.
Juvenile Convictions	15.7	8	8.2	10	N.S.

(\*) Small overall means for revocation measures indicate that most cases in the sample had zero revocations.

The following Table (INS Referrals) shows that nearly half (45.9%) of Hispanic cases in 1995 Denver Drug Court were referred to the Immigration and Naturalization Service (INS). Unfortunately, information regarding referral to INS was not available in the 1993 DCJ court data base; however, comparisons can be made to non-drug cases in Denver in 1995 as well as to drug cases in other areas

of the state in 1995 to determine if referrals to INS of Hispanics is unique to Denver Drug Court. Indeed, Hispanic offenders in Denver Drug Court were over two times as likely to receive an INS referral compared to non-drug Hispanic offenders in Denver (45.9% compared to 20.8%).

**Hispanics made up the largest proportion of drug convictions in 1995 Drug Court, and also ranked lowest on our measures of criminal history. This is not surprising since 45% of the Hispanics were referred to INS and they may not have accumulated a criminal history record in the U.S.**

The findings presented in Table 8 are consistent with the drug trafficking patterns described earlier in this report. Urban renewal projects in Lower Downtown led to the establishment of Police District 6, and law enforcement drug interdiction efforts may have "swept" many Central American nationals into Denver County's criminal justice system.

*Table 8. Comparisons of Ethnicity of Case Convictions Referred to INS in 1995 Denver Drug Court Cases, 1995 Denver Non-Drug Cases, 1995 Non-Denver Drug Cases*

REFERRALS TO INS	1995 DENVER DRUG COURT CASES		1995 DENVER NON-DRUG CASES		1995 NON-DENVER DRUG CASES	
Anglo	0%	0	0%	0	0%	0
Black	< 1%	1	.6%	1	0%	0
Hispanic	45.9%	68	5%	11	20.8%	16

As previously discussed, Hispanic cases referred to INS described in this report have been convicted of a drug crime and sentenced to probation or prison. Seventy-two percent (72.4%) were sentenced to probation and 27.5% were sentenced to prison; 63.8% were unemployed at the point of arrest, 50.7% had moved 4 or more times in the past 24 months, and 70.4% reported an 8th grade or less education. This is a high-need group, indeed, and this analysis underscores the need for Drug Court staff to continue their efforts to assure bilingual services are made available to these offenders.

**Hispanic offenders in Denver Drug Court were over two times as likely to receive an INS referral compared to non-drug Hispanic offenders in Denver (45.9% compared to 20.8%). This finding is consistent with drug trafficking patterns described earlier in this report.**

## RESULTS

### ***Section 4: Are More Individuals Receiving Deferred Judgments (Track One) in Drug Court? Who Is Likely to Receive a Deferred Judgment in the Denver Drug Court?***

The following table shows a dramatic increase in the proportion of deferred judgments granted as dispositions between 1993 and 1995 in Denver drug case convictions.<sup>32</sup> There were few cases disposed of as deferred judgments in the 1993 sample (11 cases reflecting only 6.3% of the sample), while in 1995 deferred judgments represent close to a quarter of the sample.

*Table 9. Comparison of Dispositions  
1993 and 1995 Denver Drug Case Convictions*

DISPOSITION	1993 DENVER DRUG CASE CONVICTIONS		1995 DENVER DRUG COURT CASE CONVICTIONS		INCREASE IN DEFERRED JUDGMENTS
	%	n	%	n	
Deferred Judgments (Track One in 1995)	6.3	11	23.5	84	664%
Guilty/Nolo Plea/Guilty by Trial	93.7	164	76.5	273	
Total	100%	175	100%	357	

This finding suggests that the Drug Court did, indeed, operationalize new programming in the Denver District Court. Drug Court cases that received deferred judgements are Track One cases and, as mentioned above, the proportion of drug cases receiving deferred judgements increased nearly four-fold between 1993 and 1995. Deferred judgements are typically stipulated for cases that are less serious in nature (79.8% were charged with possession, not sale, of drugs) and/or the offender has community ties and little or no criminal history. Track One cases, when the LSI score is 17 or below, may be granted an unsupervised term with limits set on travel and other freedoms.

The following analyses describe differences in demographics, criminal history, type of drug charge, and placement for those receiving deferred judgments compared to those pleading guilty or found guilty by the trial process. The 1993 sample was not included in the analysis due to the small number of cases.

*Table 10. Demographic Comparisons 1995 Denver Drug Court*

<sup>32</sup> In Drug Court, deferred judgments require a guilty plea, generally to the primary charge, which is subject to withdrawal upon successful completion of conditions which may include education, work, cognitive behavioral therapy, and treatment.

*Deferred Judgments (Track One) and Guilty/Nolo Pleas/Guilty by Trial*

DEMOGRAPHIC DIFFERENCES	1995 DENVER DRUG COURT DEFERRED JUDGMENTS (TRACK ONE)		1995 DENVER DRUG COURT GUILTY/NOLO PLEAS/ GUILTY BY TRIAL		* = Chi Square Sign at .05 or greater N.S. = Not Significant
	%	n	%	n	
Males	72.6	61	83.9	229	*
Females	27.4	23	16.1	44	
Anglo	34.6	28	17.6	47	*
Black	29.6	24	37.8	101	
Hispanic	35.8	29	44.6	119	
<i>(Percentages based on 3 ethnic groups only; remaining numbers are &lt; 1% of n)</i>					
Ages < 24	26.5	22	21.5	59	N.S.
25-30	16.9	14	25.9	71	
31-35	19.3	16	19.7	54	
> 35	37.3	31	32.8	90	
Reside Continuously 2 years	35.4	23	28.1	57	< .001
Moved 1-3 Times	47.7	31	32.5	66	
Move 4+ Times	12.3	8	8.4	17	
Transient	4.6	3	31.0	63	
Single	52.0	39	49.0	120	N.S.
Ever Married	48.0	36	51.0	125	
Employment					
Full Time	37.3	31	24.1	60	*
Unemployed/PT/Sporadic	62.7	52	75.9	189	
8th Grade or Less	9.1	7	23.8	57	*
Some High School	29.9	23	27.5	66	
High School	27.3	21	20.0	48	
GED	2.6	2	14.2	34	
Some College or more	31.2	24	14.6	35	

There were several significant demographic differences between individuals receiving a deferred judgments and those pleading guilty or found guilty in the trial process. The subgroup of deferred judgments included more females, Anglos, and more individuals reporting higher residential stability, full time employment and higher levels of education than persons receiving guilty dispositions. These findings are consistent with the notion that deferred judgements give a “second chance” to relatively stable offenders with little or no criminal history.

As expected, the subgroup of those receiving deferred judgments in the 1995 Drug Court case conviction sample had a significantly lower mean overall criminal history score, as well as significantly fewer community corrections and probation revocations compared to those with guilty dispositions. The deferred judgment subgroup also faced fewer adult convictions of any type and was significantly less likely to have had a prior

***The subgroup of those receiving deferred judgments in the 1995 Drug Court case conviction sample had a significantly lower overall criminal history score, as well as significantly fewer community corrections and parole revocations compared to those with guilty dispositions.***



adult drug felony conviction in their background.

*Table 11. Measures of Criminal History Comparisons of 1995 Deferred Judgments & 1995 Guilty/Nolo Pleas/Guilty by Trial*

MEASURES OF CRIMINAL HISTORY	1995 DENVER DRUG DEFERRED JUDGMENTS (TRACK ONE)		1995 DENVER DRUG COURT GUILTY/NOLO PLEAS/GUILTY BY TRIAL		SIGNIFICANCE LEVEL *t-test **Chi-Square
	%	n	%	n	
Criminal History Score (mean) (range 1-4)	.58	84	1.58	269	*
Adult Community Corrections Revocations	0	82	.05(*)	246	< .001
Adult Parole Revocations	0	82	.10(*)	245	N.S.
Adult Probation Revocations	.06(*)	80	.19(*)	243	*
	% Yes		% Yes		
Adult Arrests	88.0	73	82.3	204	N.S.
Adult Convictions	61.4	51	74.6	188	**
Juvenile Arrests	16.5	13	17.2	38	N.S.
Juvenile Convictions	11.5	9	15.1	34	N.S.
Prior Adult Drug Felony Convictions	8.9	7	25.7	55	**

(\*) Small overall means for revocation measures indicate that most cases had no revocations in their criminal histories.

Table 12 below indicates that individuals receiving deferred judgments were somewhat less likely to face heroin charges but somewhat more likely to face charges for amphetamines and other drugs. Cocaine and crack charges were similar for both deferred judgments and guilty dispositions.

Salient differences were found between the two groups regarding type of crime charged. A large proportion of persons with deferred judgments faced charges of possession (79.8%) compared to less than half (48.5%) of those with guilty dispositions. A relatively small percentage of deferred judgments were charged with distribution, sale or possession with intent to sell (14.3%). Almost half (49.2%) of all guilty dispositions faced these types of charges.

These differences in types of drug charges and criminal history are reflected in the comparisons of placements for those with deferred judgments and those pleading or found guilty in Table 13 below.

*Table 12. Comparisons of Type of Drug Charge and Type of Charge*

***Persons receiving deferred judgments had fewer charges for heroin and more charges for amphetamines and other drugs. This group was also far more likely to be charged with simple possession compared to those pleading or found guilty.***

*1995 Deferred Judgments and 1995 Guilty/Nolo Plea/Guilty by Trial*

TYPE OF DRUG CHARGED*	1995 DENVER DRUG COURT DEFERRED JUDGMENTS (TRACK ONE)		1995 DENVER DRUG COURT GUILTY/NOLO PLEAS/ GUILTY BY TRIAL	
	%	n	%	n
Crack/Cocaine	63.1	53	63.7	172
Amphetamines	9.5	8	3.3	9
Heroin	16.7	14	25.9	70
All Other Drugs	10.7	9	7.0	19
TYPE OF CHARGE*	%	n	%	n
Possession	79.8	67	48.5	131
Possession with Intent to Sell	9.5	8	24.4	66
Distribution/Sale	4.8	4	24.8	67
Cultivation/Rx Fraud/Use	6.0	5	2.2	6

\* Note: Chi Square analyses for both drug charged and type of charge by disposition were significant at < .05. Attempts to isolate specifically which drugs or charges were responsible for the significance levels were difficult to ascertain due to higher percentages in one category compensating for lower percentages in another category when specific drugs or charges were measured against all others. The usefulness of the chart is more in terms of describing overall differences between deferred judgment and guilty dispositions rather than statistical comparisons of each drug and charge by every other drug or charge.

*Table 13. Comparisons of Placement  
1995 Denver Drug Court Case Convictions  
Deferred Judgments and Guilty/Nolo Pleas/Guilty by Trial*

PLACEMENT	1995 DENVER DRUG COURT DEFERRED JUDGMENTS (TRACK ONE)		1995 DENVER DRUG COURT GUILTY/NOLO PLEAS/ GUILTY BY TRIAL	
	%	n	%	n
Probation	94.0	79	48.1	124
Probation and Jail	4.8	4	7.4	19
ISP	0	0	9.7	25
Community Corrections	1.2	1	5.8	15
Prison	0	0	29.1	75

Most (94%) of the deferred judgments received probation supervision, compared to less than half (48.1%) of those with guilty dispositions. This is consistent with Drug Court programming regarding Track One cases.

## Summary

A comparison of 1993 and 1995 Denver drug convictions showed a dramatic increase in the number of individuals receiving deferred judgments who were processed through the Denver Drug Court. The subgroup of cases with deferred judgments included more females, Anglos and more individuals who reported higher residential stability, full time employment and higher levels of education. As expected, this subgroup also had much lower levels of criminal history compared to those who plead or were found guilty. Persons receiving deferred judgments had fewer charges for heroin and more charges for amphetamines and other drugs. This group was also far more likely to be charged with simple possession compared to those pleading or found guilty, and it represents those programmed as Track One cases in the Drug Court.



## RESULTS

### ***Section 5: Were There Differences Between 1993 and 1995 in the Types of Drug Charges Issued, Perhaps Signifying Changing Trends in Drug Use?***

The answer to the first part of this question is yes. In 1995, heroin charges increased nearly six-fold compared to 1993 (23.7% compared to 4%) and, cocaine/crack charges decreased (63.6% compared to 77.5% in 1993). Please see Table 14 below.

*Table 14. Comparison of Type of Drug Charged in Denver between 1993 Drug Cases and 1995 Drug Court Cases*

TYPE OF DRUG CHARGE	1993 DENVER DRUG CASE CONVICTIONS		1995 DENVER DRUG COURT CASE CONVICTIONS	
	%	n	%	n
Cocaine/Crack	77.5	134	63.6	225
Marijuana	8.1	14	4.8	17
Hallucinogen	0	0	1.7	6
Stimulant (Including amphetamine/ methamphetamine)	4.0	7	4.8	17
Depressant	5.2	9	.6	2
Heroin	4.0	7	23.7	84
Other	1.3	2	.8	3

For the purpose of developing both policy and programs, it is important to know what was driving this changing trend. Table 15 below presents demographic characteristics in relation to type of drug charged.

Clearly, in 1995, cocaine was the drug of choice (as measured by drug charge), with a similar high level of involvement for both males and females (approximately 64% of both males and females faced cocaine charges). Important differences relating to type of drug involvement were found for other demographic characteristics. The most outstanding were ethnic differences in drug charge. Black offenders almost always faced cocaine/crack related charges (85.5%). Anglos were charged more evenly across the three drug types, but tended to face cocaine/crack charges somewhat more frequently. Hispanics were charged with crack/cocaine over half the time

***Important differences relating to type of drug involvement were found for other demographic characteristics. The most outstanding were ethnic differences in drug charge.***

(57.8%), but they were also the leader in heroin charges, facing them almost a third of the time (32.7%). Hispanics referred to INS were charged equally with either cocaine or heroin crimes.

Table 15. 1995 Denver Drug Court Case Convictions  
Demographic Differences in Drug Charge

DEMOGRAPHIC DIFFERENCES	COCAINE/ CRACK		HEROIN		OTHER (Combines Marijuana, Hallucinogen, Stimulant, Depressant, & Other)		ROW TOTALS Percentages Across 3 Drug Types (Cocaine, Heroin & Other= 100%)		SIGNIFICANCE LEVEL based on Chi Square
	%	n	%	n	%	n	%	n	
Male	63.8	183	23.3	67	12.9	37	100%	287	N.S.
Female	63.6	42	24.2	16	12.1	8	100%	66	
Anglo	40.5	30	28.4	21	31.1	23	100%	74	< .001
Black	85.5	106	9.7	12	4.8	6	100%	124	
Hispanic	57.8	85	32.7	48	9.5	14	100%	147	
Ages < 24	67.9	53	20.5	16	11.5	9	100%	78	N.S.
25-30	70.6	60	23.5	20	5.9	5	100%	85	
31-35	65.7	46	21.4	15	12.9	9	100%	70	
> 35	55.0	66	26.7	32	18.3	22	100%	120	
Reside Continuously	67.5	54	13.8	11	18.8	15	100%	80	< .001
Moved < 3x	72.2	70	17.5	17	10.3	10	100%	97	
Moved 4x or >/Transient	54.4	49	37.8	34	7.8	7	100%	90	
< 8th Grade Educ	50.0	32	43.8	28	6.3	4	100%	64	.009
Some HS	68.2	60	18.2	16	13.6	12	100%	88	
HS	69.1	47	17.6	12	13.2	9	100%	68	
GED	72.2	26	19.4	7	8.3	3	100%	36	
Some College or >	69.5	41	16.9	10	13.6	8	100%	59	
Employed Full Time	63.7	58	19.8	18	16.5	15	100%	91	N.S.
Unemp/Part Time/Sporadic	63.2	151	24.7	59	12.1	29	100%	239	

Individuals with minimal education (8th grade or less) and those who were residentially unstable faced heroin charges more frequently than other demographic groups. These characteristics are linked to INS referral.

The same analysis was performed with 1993 Denver drug cases (see Table 16 below). As noted earlier, there were far fewer charges for heroin, making comparisons somewhat difficult because of the small numbers. Despite this, several observations can still be made. Overall, cocaine and crack was the drug of choice for both females and males--even more so than in 1995 compared to 1993 (due to the lesser influence of heroin). Cocaine and crack was the drug of choice for blacks in 1993, as it was in 1995. The 1993 data diverges from 1995 for Hispanics; in 1993, there was much more involvement with crack and cocaine than in 1995. Again, this was likely due

***Cocaine and crack was the drug of choice for both females and males--even more so than in 1995 compared to 1993 (due to the lesser influence of heroin).***

to the relatively small amount of heroin charges in 1993 compared to 1995. Once again, the data suggest a link between residential stability and heroin use. Those with high residential mobility or transience faced heroin charges more often than those with a greater degree of residential stability (although comparisons are based on very small numbers). Again, these characteristics link to convicted cases referred to INS.

Table 16. 1993 Denver Drug Case Convictions  
Demographic Differences in Drug Charge

DEMOGRAPHIC DIFFERENCES	COCAINE/ CRACK		HEROIN		OTHER (combines marijuana, hallucinogen, stimulant, depressant, & other)		ROW TOTALS Percentages Across 3 Drug Types (Cocaine, Heroin, & Other = 100%)		SIGNIFICANCE LEVEL based on Chi Square
	%	n	%	n	%	n	%	n	
Male	77.2	115	4.0	6	18.8	28	100%	149	N.S.
Female	79.1	19	4.2	1	16.7	4	100%	24	
Anglo	50.0	18	2.8	1	47.2	17	100%	36	< .001
Black	91.2	62	2.9	2	5.9	4	100%	68	
Hispanic	81.8	45	5.5	3	12.7	7	100%	55	
Ages < 24	87.5	35	2.5	1	10.0	4	100%	40	N.S.
25-30	85.4	35	2.4	1	12.2	5	100%	41	
31-35	69.0	29	4.8	2	26.2	11	100%	42	
> 35	70.0	35	6.0	3	24.0	12	100%	50	
Reside Continuously	80.4	41	0	0	19.7	10	100%	51	.04
Moved < 3 x	74.4	62	3.6	3	21.8	18	100%	83	
Move 4 x or > /Transient	73.7	14	15.8	3	10.6	2	100%	19	
< 8th Grade Educ	88.2	15	5.9	1	5.9	1	100%	17	N.S.
Some HS	84.2	48	7.0	4	8.8	5	100%	57	
HS	72.7	32	0	0	27.3	12	100%	44	
GED	69.6	16	8.7	2	21.7	5	100%	23	
Some College or >	75.0	12	0	0	25.0	4	100%	16	
Employed Full Time	79.7	47	0	0	20.3	12	100%	59	N.S.
Unemp/Part Time/Sporadic	75.5	71	6.4	6	18.1	17	100%	94	

Section 3 described the finding that almost 46% of all Hispanics in Drug Court were referred to INS. In this section we further examined the relationship among drug charge, referral to INS and ethnicity.

Table 17 below shows that over a third (36.9%) of heroin cases resulted in a referral to INS. However, this finding is linked to the finding presented earlier, indicating that almost half (45.6%) of drug cases for Hispanics resulted in an INS referral. Almost all (30 out of 31) of the heroin cases resulting in an INS referral are also Hispanic.

Table 17. 1995 Sample of Drug Court Case Convictions  
Drug Charge by Ethnicity and Referral to INS

DRUG CHARGE	ANGLO REFERRED TO INS		BLACK REFERRED TO INS		HISPANIC REFERRED TO INS		% OF DRUG TYPE REFERRED TO INS
	# Yes	# No	# Yes	# No	# Yes	# No	
Cocaine/Crack	0	30	0	106	32	53	46.4% (32)
Heroin	0	21	1	11	30	18	44.9% (31)
All Other Drugs	0	23	0	6	5	9	8.7% (6)

In summary, in 1995 we see a different pattern of drug charges than two years previous, with large increases in heroin charges. Further, this increase was linked to several demographic characteristics. Hispanics and Anglos were more likely to face heroin charges than blacks. There was a link between ethnicity, heroin charges and referral to INS: almost all heroin cases referred to INS were also Hispanic. INS referred heroin cases were also linked to very low education levels and transience.

***INS referred heroin cases were also linked to very low education levels and transience.***

The question remains as to whether this trend toward increased heroin charges appeared in other areas of the state or was unique to Denver. We address this in the following section.

As reflected in Table 18 below, the proportion of cases charged with heroin-related activities between 1993 and 1995 remained stable outside of Denver (2% of all drug charges in 1993 and 3% in 1995). This information should be viewed cautiously given the few cases falling in the category of heroin charges each year. This suggests that the nearly six-fold increase in heroin cases in Denver between 1993 and 1995 was remarkably different from drug case processing patterns in jurisdictions elsewhere in the state. (It should be noted that heroin usage appears to be on the rise in other urban areas, e.g., El Paso, Chicago and New York.<sup>33</sup>)

Although heroin charges remained stable outside Denver, charges related to stimulant drugs (including methamphetamine and amphetamines) increased six-fold, from 4.8% of drug cases in 1993 to 29.6% in 1995. Tables 19 and 20 below present the distribution of drug charges in 1993 and 1995 for jurisdictions outside of Denver.

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33 NCJRS (February 1998) National Trends in Drug Abuse: Trends in Heroin Drug Use. *Pulse Check*. (Available at <http://ncjrs.org>.)



Table 18. Comparison of Type of Drug Charge  
1993 and 1995 Non-Denver Jurisdictions

DRUG CHARGE	1993 DRUG CASES NON-DENVER		1995 DRUG CASES NON-DENVER		SIGNIFICANCE LEVEL based on Chi Square
	%	n	%	n	
Cocaine/Crack	65.9	232	43.7	201	< .001
Marijuana	15.3	54	16.3	75	
Hallucinogenic	3.7	13	1.7	8	
Stimulant	4.8	17	29.6	136	
Depressant	7.1	25	1.3	6	
Heroin	2.0	7	3.0	14	
Other	1.1	4	4.3	20	
Total	100%	352	100%	460	

Table 19. Drug Charge Type by Jurisdiction Outside of Denver - 1993

DRUG CHARGE TYPE	JEFFERSON		ADAMS		ARAPAHOE		EL PASO		MESA		PUEBLO		LARIMER		WELD	
	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n
Heroin	3.0	2	0	0	1.7	1	2.4	2	0	0	12.5	2	0	0	0	0
Cocaine/Crack	61.0	45	80.6	58	69.5	41	68.2	58	57.1	8	50.0	8	31.8	7	58.3	7
Marijuana	15.0	11	11.1	8	6.8	4	12.9	11	28.6	4	18.8	3	36.4	8	41.7	5
Hallucinogenic	8.1	6	1.4	1	5.1	3	2.4	2	7.1	1	0	0	0	0	0	0
Stimulant	7.0	5	4.2	3	1.7	1	2.4	2	0	0	18.8	3	13.6	3	0	0
Depressant	3.0	2	2.8	2	10.2	6	11.8	10	7.1	1	0	0	18.2	4	0	0
Other	1.4	7	0	0	5.1	3	0	0	0	0	0	0	0	0	0	0
Total	100	78	100	72	100	59	100	85	100	14	100	16	100	22	100	12

Table 20. Drug Charge Type by Jurisdiction Outside of Denver - 1995

DRUG CHARGE TYPE	JEFFERSON		ADAMS		ARAPAHOE		EL PASO		MESA		PUEBLO		LARIMER		WELD	
	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n
Heroin	6.7	4	1.4	1	3.8	3	1.4	2	0	0	0	0	13.3	4	0	0
Cocaine/Crack	36.7	22	66.2	49	56.4	44	38.9	56	14.3	5	31.3	5	23.3	7	56.5	13
Marijuana	18.0	11	5.4	4	11.5	9	11.1	16	17.1	6	43.7	7	43.3	13	39.1	9
Hallucinogenic	0	0	1.4	1	1.3	1	1.4	2	2.9	1	6.3	1	6.7	2	0	0
Stimulant	26.7	16	21.6	16	20.5	16	42.4	61	62.9	22	18.7	3	3.3	1	4.3	1
Depressant	5.0	3	0	0	0	0	0.7	1	2.9	1	0	0	3.3	1	0	0
Other	6.7	4	4.1	3	6.4	5	4.2	6	0	0	0	0	6.7	2	0	0
Total	100	60	100	74	100	78	100	144	100	35	100	16	100	30	100	23

An in-depth analysis of drug use trends outside of Denver is beyond the scope of this report; however, comparison of the 1993 and 1995 data suggest two important findings that may be of interest to policy makers. First, stimulant charges increased considerably in almost all jurisdictions outside of Denver between 1993 and 1995. Second, the jurisdictions of El Paso and Mesa showed the most

pervasive charging of stimulants in 1995. It was the drug of choice (as measured by charge) in both El Paso and Mesa Counties, and use in these two jurisdictions was a major contributor to the finding of increased involvement with stimulants outside of Denver in 1995. That is, over half (83 of 136) of our sample of drug offenders facing charges for stimulants outside of Denver in 1995 were in these two jurisdictions.

As noted above, the data used in this study are targeted to identifying drug case processing in the Denver Drug Court and so cannot assist in explaining why these trends may be occurring. As previously discussed, actual drug trafficking and use patterns may be changing, arrest and charging practices may be changing, or these may be occurring in combination with other factors. It is interesting to note that the proportion of Denver arrestees, both adult and juvenile, testing positive for heroin did not increase during this time period, (see Table 21 below ) suggesting that the heroin increase observed in Drug Court may reflect a population who was selling or transporting the drug rather than using it. If this hypothesis were true, it may suggest the need for Drug Court officials to augment substance abuse treatment with significant vocational training and job placement programming.

***Stimulant charges increased considerably in almost all jurisdictions outside of Denver between 1993 and 1995.***

*Table 21. 1996 Denver Arrestees. Drug Use by Most Serious Charge For Each Charge, the Percentage of Arrestees Testing Positive for Each Drug\**

MOST SERIOUS CHARGE	ADULT MALES – % POSITIVE					ADULT FEMALES – % POSITIVE					JUVENILE MALES – % POSITIVE				
	(n)	Cocaine	Marij	Opiates	**Any Drug	(n)	Cocaine	Marij	Opiates	**Any Drug	(n)	Cocaine	Marij	Opiates	**Any Drug
Homicide	(3)	0	33	0	33	(1)	0	100	0	100	(3)	0	33	0	33
Sex Assault	(14)	43	43	0	57	(0)	n/a ***	n/a	n/a	n/a	(4)	0	75	0	75
Assault	(111)	24	36	4	52	(49)	41	27	2	55	(13)	0	54	0	54
Robbery	(11)	46	55	18	91	(2)	0	100	0	100	(20)	10	55	0	55
Burglary	(37)	38	35	11	65	(1)	0	0	0	0	(10)	0	50	0	50
Theft	(61)	38	41	5	66	(31)	48	36	3	74	(2)	0	100	0	100
MV Theft	(39)	41	56	0	80	(4)	50	75	0	100	(26)	19	69	0	69
Weapons	(25)	12	44	0	44	(2)	100	0	50	100	(25)	8	64	4	64
Drug Poss	(287)	63	46	8	85	(60)	78	25	12	87	(7)	29	71	0	86
Drug Sale	(12)	58	42	0	92	(6)	67	33	17	83	(0)	n/a ***	n/a	n/a	n/a
Other	(284)	36	38	4	63	(260)	50	25	4	65	(108)	5	57	0	56

\* Rows will not total 100%: An arrestee may test positive for more than one drug. Not all drugs tested for in the DUF sample are shown here.  
 Note: Juvenile Female data not shown due to the small number of juvenile females arrested.  
 \*\* Any Drug = All drugs tested for in the DUF sample (cocaine, PCP, opiates, marijuana, amphetamines, methadone, Valium, Darvon, quaaludes, and barbiturates).  
 \*\*\* n/a indicates that no members of this age/gender group in the sample were charged with this crime.  
 Source: Denver Drug Use Forecasting quarterly data, 1996. Colorado Division of Criminal Justice.

## RESULTS

### ***Section 6: What Is the Impact of Drug Court on Practices Such as Sentencing and Plea Bargaining?***

#### **Impact on Sentencing - Placements**

This analysis looks at sentencing practices of both placements and length of sentence to see how Drug Court practices have been operationalized in these two areas. According to data presented in Table 22 below, 1995 Drug Court convictions received different placements compared to Denver drug convictions in 1993. In particular, there was significantly greater emphasis on the combination of probation and jail as a sanction, and a ten-fold increase in intensive supervision probation (ISP) placements (although the number of cases in the 1993 sample is only two, and so the increase must be viewed with caution). Almost three-quarters (73.4%) of Drug Court convictions received some type of probation placement (probation, probation and jail, and ISP) compared to 60.8% in 1993.<sup>34</sup> Thus, Drug Court placement policies facilitated one of its purposes, i.e., to allow defendants the opportunity to participate in treatment by placing them in less restrictive settings.

***Drug Court placement policies facilitated one of its purposes, i.e., to allow defendants the opportunity to participate in treatment by placing them in less restrictive settings.***

The use of community corrections for drug offenders dropped by over 200% between 1993 and 1995. This finding may be related to the fact that the probation department has specialized officers assigned to the Drug Court, and this is not the case for community corrections. If policy makers and program officials value the use of community corrections with Drug Court offenders, it may be necessary for community correction administrators to coordinate with the Drug Court and, in particular, assign specific case managers to work closely with the Drug Court team of professionals.

The use of prison declined by nearly two percentage points. This difference is not statistically significant ( $p=.633$ , analysis not presented).

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<sup>34</sup> Increases in ISP are likely related to the expansion of the ISP program in 1995.

Table 22. Comparison of Sentence Placements for Convictions  
1993 Denver Drug Cases and 1995 Denver Drug Court Cases

PLACEMENTS Significance Level for Chi Square < .001	1993 DENVER DRUG CASES		1995 DENVER DRUG COURT CASES	
	%	n	%	n
Probation	54.8	92	59.4	203
Probation & Jail	4.8	8	6.7	23
ISP	1.2	2	7.3	25
Community Corrections	15.5	26	4.7	16
Prison	23.8	40	21.9	75

## Impact on Sentencing - Sentence Length

The following table presents a number of comparisons so that Drug Court can be understood in terms of 1993 and 1995 sentencing practices for both drug and non-drug cases.

Table 23. Comparison of Sentence Lengths  
Drug Case Convictions: 1993 and 1995 Denver, 1993 and 1995 Non-Denver

SENTENCE LENGTH	DRUG CASES							
	1993 DENVER	1995 DENVER DRUG COURT	SIG. LEVEL	% CHANGE	1993 NON- DENVER	1995 NON- DENVER	SIG. LEVEL	% CHANGE
# of Months Community Corrections	38.6 (27)	49.8 (16)	N.S.**	29%	57.9 (17)	49.0 (45)	N.S.	(15%)
# of Months Probation*	28.9 (105)	33.9 (256)	.001	17%	32.7 (262)	32.8 (339)	N.S.	< 1%
# of Months Prison	42.7 (40)	54.6 (75)	.019	28%	57.8 (59)	76.0 (65)	N.S.	31.5%
# of Days Jail	69.0 (11)	51.8 (39)	N.S.**	33%	70.6 (67)	61.6 (62)	N.S.	(13%)

\* Probation includes regular probation, ISP, and probation and jail.

\*\* Small sample size may affect statistical significance.

In 1995, average probation and prison sentence lengths for cases processed in the Denver Drug Court were significantly longer compared to sentences applied in 1993 drug cases. This tendency towards longer sentence lengths for drug cases was not evident outside of Denver (see Table 23 below), with the exception of average prison sentences for drug offenders, which increased by 31.5%. Despite the lack of statistical significance, this trend is worth noting. Outside of Denver, the average sentence

length decreased for both community corrections and jail.

*Table 24. Comparison of Sentence Lengths  
Non-Drug Case Convictions: 1993 and 1995 Denver, 1993 and 1995 Non-Denver*

SENTENCE LENGTH	NON-DRUG CASES							
	1993 DENVER # (n)	1995 DENVER # (n)	SIG. LEVEL	% CHANGE	1993 NON-DENVER # (n)	1995 NON-DENVER # (n)	SIG. LEVEL	% CHANGE
# of Months Community Corrections	29.9 (29)	38.2 (23)	N.S.	27.8% **	42.7 (113)	43.3 (134)	N.S.	1.4%
# of Months Probation*	26.8 (199)	29.8 (206)	N.S.	11.2%	29.6 (1029)	29.9 (1196)	N.S.	< 1%
# of Months Prison	60.3 (160)	50.6 (153)	N.S.	16%	64.3 (342)	61.8 (405)	N.S.	3.8%
# of Days Jail	194.9 (54)	175.3 (46)	N.S.	10%	112.7 (379)	107.6 (395)	N.S.	4.5%

\* Probation includes regular probation, ISP, and jail and probation  
\*\* Small sample size may affect significance levels

*Sentence lengths for non-drug offenses did not significantly increase* either in Denver or in jurisdictions outside of Denver between 1993 and 1995. Thus, there appears to be no local or statewide trends driving the change of increased prison and probation sentence lengths in Drug Court sentencing.

In summary, Denver Drug Court has operationalized a policy of encouraging participation in treatment by placing more individuals in probation. One goal of the Drug Court was to provide a “meaningful response to behaviors.” A way of implementing this in policy may be the assignment of longer sentences in its two primary placement categories: probation and prison. In the case of probation, the 17% increase in the average supervision period likely reflects the understanding within the substance abuse treatment community of the long-term nature of recovery, and the value of using criminal justice system sanctions as leverage to compel offenders to participate in treatment. The longer the probation period, the longer the leverage is in place and, perhaps, the greater the opportunity for positive changes to be incorporated into the defendant’s lifestyle.

***In the case of probation, the 17% increase in the average supervision period likely reflects the understanding within the substance abuse treatment community of the long-term nature of recovery, and the value of using criminal justice system sanctions as leverage to compel offenders to participate in treatment.***

These findings are consistent with the philosophy of Drug Court officials. In terms of the impact of the Drug Court on the criminal justice system, the increase in the prison sentence by nearly 12

months likely offsets the value of the Drug Court for prison diversion purposes. As noted above, the data reflect a 2% decrease in the proportion of drug cases sentenced to prison from Denver between 1993 and 1995, the first year of Drug Court operations. Additional information would be needed to fully explore this issue, given that the calculation of the actual length of stay in prison includes earned time and jail time credits.

## Impact on Plea Bargaining

The effect of Denver Drug Court on plea bargaining was examined in two ways. First, Table 25 below presents the sample distributions by type of drug for persons *charged with a drug offense as the first offense* as well as the distributions of convictions for this group. It must be noted here that the samples used for this analysis are different than the samples used in most of the report. Recall that *case convictions are the basis for the analysis in this report* (see Data Section in the beginning of the report). Much of the data that are the focus of this report examine case processing of convicted cases. Data are generally missing if the case did not proceed through the court process, i.e., if the case was not filed or was dismissed. In 1995, Drug Court shows 165 of the 529 cases in the sample have dispositions noted as “no charges filed.” This is reflected in Table 25 below, where 1995 Denver Drug Court convictions identify 34% of cases for which a paper file was opened due to an arrest but lacked sufficient evidence for prosecution (or was otherwise deemed unsuitable for court action). This is a procedure that typically occurs in County Court, but because the Drug Court is self-contained to fast-track cases, a file is opened – and quickly closed – in a matter of days when it is an inappropriate case for prosecution. Most of the remaining group is our sample of case convictions used elsewhere in the report.

The information presented in Table 25 suggests that conviction crimes more closely matched crime charges in Denver in 1995 compared to 1993. Of particular note in 1993 was the apparent shift from crack/cocaine charges to lesser drugs (78% charges compared to 13.8% convictions), while marijuana, hallucinogenic and depressants, in particular, had higher percentages of convictions than charges. On the other hand, the 1995 Denver data show that the percentage of heroin convictions (11.5%) was only half that of heroin charges (21.2%), but this is consistent with the finding that 45% of heroin cases were referred to INS (discussed later).

***Conviction crimes more closely matched crime charges in Denver in 1995 compared to 1993.***

Outside of Denver, the 1993 data also show a general shift down between charge and conviction to lesser drugs. In particular, there were 2.5 cocaine/crack charges for every conviction (65.5% to 26.5%) and 3.5 convictions for depressants for every charge (6.8% to 23.7%). There was greater consistency outside Denver in 1995 in the distributions of drug charges and convictions; however,

convictions for lesser charges were also apparent. For example, there were over 1.5 cocaine/crack charges for each conviction (43.2% to 26.3%) outside of Denver in 1995.

Table 25. Sample Distributions of Charges and Convictions by Type of Drug  
 1993 Denver Drug, 1995 Denver Drug, 1993 Non-Denver Drug,  
 1995 Non-Denver Drug

TYPE OF DRUG CHARGED	DRUG CHARGES AND CONVICTIONS							
	1993 DENVER DRUG		1995 DENVER DRUG COURT		1993 NON-DENVER DRUG		1995 NON-DENVER DRUG	
	Charge n= 196 %	Convict n= 196 %	Charge n= 519 %	Convict n= 519 %	Charge n= 426 %	Convict n= 426 %	Charge n= 542 %	Convict n= 542 %
None		12.7		34.0		19.0		16.2
Cocaine/Crack	78.0	13.8	64.5	41.5	65.5	26.5	43.4	26.4
Marijuana	7.6	10.7	4.6	5.9	15.0	15.5	14.4	18.1
Hallucinogenic	.5	9.2	1.9	1.3	4.3	9.9	1.8	3.3
Stimulant	3.6	3.0	5.6	3.2	5.6	3.3	31.9	20.1
Depressant	5.6	48.5	1.2	.4	6.8	23.7	1.3	1.3
Heroin	3.6	.5	21.6	11.5	2.1	1.2	3.1	3.5
Other	1.0	1.0	.6	2.0	.7	.9	4.1	10.7
Total	100%	100%	100%	100%	100%	100%	100%	100%

While Table 25 above presents the distributions of charges and convictions for the entire *sample*, Table 26 below presents a comparison of drug charge to conviction *by case*, for convictions only, and calculates the percentage of individuals with drug charges and convictions that were the same. Likewise, the percentage of individuals for whom drug charge and conviction were different is also presented. When the drug charge and conviction do not match, the conviction was for a lesser drug--for instance, a cocaine charge may result in a conviction for a depressant drug.

In 1995 Denver drug charges matched convictions more frequently than in 1993. Drug charges matched convictions *outside* of Denver more frequently in 1995 as well, indicating statewide trend of convictions reflecting charges. Denver seems to have made greater gains in consistency, since the gap that existed between charge and conviction prior to the establishment of Drug Court was larger compared to areas outside of Denver. (For example, in 1993, only 20.9% of persons charged with cocaine/crack were convicted of cocaine crack.) In 1995, this number increased to 92%. For drug cases outside of Denver in 1993, 50% of cases convicted of cocaine/crack matched charges, with the number increasing to 70.5% in 1995. In addition to changes in plea practices, improvements in evidentiary procedures and arrest practices could account for these differences over time.

Table 26. Match Between Drug Charge and Conviction  
 Comparisons of Four Groups: 1993 Denver Drug Cases, 1995 Denver Drug Court  
 Cases, 1993 Non-Denver Drug Cases, 1995 Non-Denver Drug Cases

DRUG CHARGE	DRUG CONVICTION							
	1993 DENVER DRUG CASES		1995 DENVER DRUG COURT CASES		1993 NON-DENVER DRUG CASES		1995 NON-DENVER DRUG CASES	
	Same	Different	Same	Different	Same	Different	Same	Different
Cocaine/Crack	20.9% (28)	79.1% (106)	92% (207)	8% (18)	50% (115)	50% (115)	70.5% (141)	29.5% (59)
Marijuana	100% (14)		88.2% (15)	11.8% (2)	96.3% (52)	3.7% (2)	96% (72)	4% (3)
Hallucinogenic	0% (0)	0% (0)	100% (6)		61.5% (8)	38.5% (5)	50% (4)	50% (4)
Stimulant	14.3% (1)	85.7% (6)	94.1% (16)	5.9% (1)	64.7% (11)	35.3% (6)	80.9% (110)	19.1% (26)
Depressant	88.9% (8)	11.1% (1)	100% (2)		100% (25)		83.3% (5)	16.7% (1)
Heroin	14.3% (1)	85.7% (6)	71.4% (60)	28.6% (24)	14.3% (1)	85.7% (6)	78.6% (11)	21.4% (3)
Other	100% (2)		100% (3)		75% (3)	25% (1)	90% (18)	10% (2)



# RESULTS

## ***Section 7: Has Drug Court Had an Impact on Case Processing in Other Denver Courts?***

### **Case Processing**

Denver Drug Court was developed in part to address the issue of overcrowded court rooms. It was anticipated that handling drug cases in a separate court room, and moving them through the system more quickly, would alleviate some of the burden in other courts. As reported at the beginning of this report, (Table 2), case processing times improved in 1995 Denver Drug Court compared to 1993 Denver drug cases. There was also considerable improvement between 1993 and 1995 in case processing times in other Denver courts handling non-drug cases. This is an important finding suggesting that the creation of the Drug Court facilitated faster case processing in the other courtrooms.

Court data for jurisdictions outside of Denver were examined to determine whether the trend of shorter processing times occurred between 1993 and 1995 for either drug or non-drug cases.

*Table 27. Jurisdictions Outside of Denver Only  
Case Processing: 1993 and 1995 Comparisons of Drug  
and Non-Drug Cases*

CASE PROCESSING Average # of Days	1993 DRUG	1995 DRUG	1993 NON-DRUG	1995 NON-DRUG
Offense to Disposition	258	266	281	304
Arrest to Disposition	204	222	184	188
Filing to Disposition	147	156	138	135

Jurisdictions outside of Denver did not show the same trend of shorter processing times between 1993 and 1995 for either drug or non-drug cases. In fact, outside of Denver, drug case processing times were somewhat longer on all three measures in 1995; non-drug cases were somewhat longer on two measures.

***Case processing times improved in 1995 Denver Drug Court compared to 1993 Denver drug cases. Jurisdictions outside of Denver did not show the same trend of shorter processing times between 1993 and 1995 for either drug or non-drug cases. This finding suggests the Drug Court facilitated case processing in the other Denver courtrooms.***



# RESULTS

## ***Section 8: How Did the Denver Drug Court Change between 1995 and 1996?***

The DCJ undertook a special data collection of the total population of Drug Court Cases for the first three months in 1995 and the first three months in 1996 (see Data Section at the beginning of this report). These data were used to determine if changes occurred in Denver Drug Court regarding case processing, other court practices, or other variables between 1995 (about 6 months after Drug Court began) and 1996, approximately one and one-half years after the program was established.

***Processing times improved in 1996, and improvements were statistically significant on all three measures.***

### **Case Processing Times**

Case processing times for 1995 and 1996 were compared to determine if improvements could be noted after the program was well-established.

*Table 28. Comparison of Case Processing Denver Drug Court 1995 and 1996*

CASE PROCESSING # of Days From	DENVER DRUG COURT Jan-Mar 1995	DENVER DRUG COURT Jan-Mar 1996	* = p.< .05
Offense to Disposition	96.8	81.9	*
Arrest to Disposition	93.8	80.8	*
Filing to Disposition	87.4	77.0	*

Indeed, processing times improved in 1996, and improvements were statistically significant on all three measures. This may reflect improvements in operations and team functioning over the course of the program, the fact the judge participating in the court changed between 1995 and 1996, that the Drug Court may now be more “institutionalized” as part of the criminal justice system, or a combination of these factors.

***1996 cases reflect more residential stability (35% residing in the same residence for two years in 1996 compared to 26.7% in 1995) and more full time employment (34% in 1996 compared to 23% in 1995).***

### **Demographics**

Demographic characteristics of cases in the 1995 and 1996 Denver Drug Court groups were examined (see Table 29 below) and found to be statistically similar with two important exceptions: 1996 cases reflect more residential stability (35% residing in the same residence for two years in 1996

compared to 26.7% in 1995) and more full time employment (34% in 1996 compared to 23% in 1995). Thus, the trends noted in the earlier analysis comparing 1993 and 1995 Denver drug cases, were somewhat diminished in comparisons of 1995 and 1996 Denver Drug Court data. In 1996, however, there was still a relatively large proportion of individuals reporting that they moved more than four times in the last two year or that they were transient (28% for each category). Also, the proportion of the 1996 group that completed high school increased from 14.9% to 21.6%.

Table 29. Demographic Comparisons  
Denver Drug Court 1995 and 1996

DEMOGRAPHIC DIFFERENCES	1995 DENVER DRUG COURT CASES		1996 DENVER DRUG COURT CASES		SIGNIFICANCE LEVEL * = Chi Square Sig. at < .05 N.S. = Not Significant
	%	n	%	n	
Males	82.4	398	81.4	332	N.S.
Females	17.6	85	18.6	76	
Anglo	23.2	111	22.4	90	N.S.
Black	30.5	146	31.3	126	
Hispanic	46.2	221	46.3	186	
<i>(Percentages based on 3 ethnic groups only; remaining numbers are &lt; 1% of n)</i>					
Ages < 24	26.9	130	27.7	113	N.S.
25-30	26.7	129	23.0	94	
31-35	18.4	89	14.7	60	
> 35	28.1	136	34.6	141	
Reside Continuously 2 years	26.7	99	35.3	116	*
Moved 1-3 Times	36.9	137	36.8	121	
Move 4+ Times	6.7	25	7.0	23	
Transient	29.6	110	21.0	69	
Single	48.9	220	49.2	188	N.S.
Ever Married	51.1	230	50.8	194	
Employed Full Time	22.9	105	34.0	132	*
Unemployed/PT/Sporadic	77.1	353	66.0	256	
8th Grade or Less	22.7	99	19.5	74	N.S.
Some High School	30.3	132	31.1	118	
High School Graduate	14.9	65	21.6	82	
GED	12.4	54	8.7	33	
Some College or More	19.7	86	19.2	73	

## Changes in Criminal Histories

The criminal histories of drug cases in 1995 Drug Court were very similar to those in 1996 Drug Court. The 1996 Drug Court group had a history of more community corrections revocations (.08 compared to .03 in 1995). Thus, the same trend noted in the comparison of 1993 Denver drug cases to 1995 Denver Drug Court continued to appear in the 1996 data.

Table 30. Comparisons of Criminal History Measures

1995 Denver Drug Court and 1996 Denver Drug Court

MEASURES OF CRIMINAL HISTORY	1995 DENVER DRUG COURT CASES		1996 DENVER DRUG COURT CASES		SIGNIFICANCE LEVEL *t-test **Chi-Square N.S. = Not Significant
	Mean	n	Mean	n	
Criminal History Score	1.32	471	1.35	394	N.S.
Adult Community Corrections Revocations	.03	428	.08	382	.01*
Adult Parole Revocations	.07	428	.07	381	N.S.
Adult Probation Revocations	.13	425	.16	377	N.S.
	%Yes		%Yes		
Adult Arrests	81.1	361	79.9	306	N.S.
Adult Convictions	68.3	302	69.8	270	N.S.
Juvenile Arrests	19.9	82	20.2	73	N.S.
Juvenile Convictions	13.7	57	16.6	61	N.S.

Note: The small means in revocation figures reflect the fact that most individuals had zero revocations.

## Changes in Hispanic Case Convictions

Previous analyses revealed a dramatic increase in the number of Hispanic drug case convictions in Denver between 1993 and 1995. Table 29 above (demographic comparisons) indicates that this pattern continued in the 1996 Drug Court data group. Table 31 below examines selected demographic characteristics of Hispanics to determine whether any changes occurred within this group between 1995 and 1996.

As with the general demographic trends presented earlier in Table 29, Hispanics in Drug Court appeared somewhat more stable residentially in 1996, (although the number indicating they are transient remained relatively high at 32%). Significantly more Hispanics also reported being employed full time in 1996. Other characteristics remained the same (data not presented).

*Previous analyses revealed a dramatic increase in the number of Hispanic drug case convictions in Denver between 1993 and 1995. This pattern continued in the 1996 Drug Court data group, although the group was more likely to be employed full time and be residentially stable.*

*Table 31. Selected Demographic Comparisons  
Hispanic Case Convictions, Drug Court 1995 and Drug Court 1996*

DEMOGRAPHIC DIFFERENCES (Comparisons of Gender, Marital Status, Age, and Education were not significant)	1995 DENVER DRUG COURT CASES		1996 DENVER DRUG COURT CASES		SIGNIFICANCE LEVELS based on Chi Square * = < .05
	%	n	%	n	
Reside Continuously 2 years	19.3	33	29.3	44	*
Moved 1-3 Times	27.5	47	33.3	50	
Moved 4+ Times	5.3	9	5.3	8	
Transient	48.0	82	32.0	48	
Employed Full Time	14.0	28	37.1	65	*
Unemployed/PT/Sporadic	86.0	172	62.9	110	

## Changes in Referrals to INS

Table 32 below shows that there continued to be a large proportion (40.5%) of referrals of Hispanic Drug Court cases to INS from 1996 Drug Court.

*Table 32. Referrals to INS by Ethnic Group  
Comparison of 1995 and 1996 Denver Drug Court Cases*

PROPORTION OF ETHNIC GROUPS REFERRED TO INS	1995 DENVER DRUG COURT CASES		1996 DENVER DRUG COURT CASES	
	%	n	%	n
Anglo	1.8%	2	1.1%	1
Black	< 1%	1	1.6%	2
Hispanic	44.8%	99	40.5%	75

## Changes in Drug Charges

The distribution by type of drug charge changed between 1995 and 1996 (Table 33). There were about a third fewer heroin charges (16.9% in 1996 compared to 26% in 1995) and more cocaine/crack charges (67.4% in 1996 compared to 59.9% in 1995). There were also more charges for marijuana (8.1% in 1996 compared to 4.5% in 1995). It is difficult to explain these important differences in the 1995 and 1996 samples. The decrease in heroin cases could reflect an anomaly in either of the samples, or it could reflect differences in street-level drug activity, law enforcement practices or both. It could also reflect INS deportation strategies and the possible removal of organized heroin distribution activities. Finally, it could reflect seasonality: the 1995-96 comparison includes all Drug Court cases convicted in January, February and March of each year.

*There were about a third fewer heroin charges in 1996 compared to 1995. There were more cocaine/crack charges and more marijuana charges in 1996 compared to 1995.*

*Table 33. Comparison of Drug Charges*

Denver Drug Court Cases 1995 and 1996

TYPE OF DRUG CHARGE	DENVER DRUG COURT ALL CASES Jan-March 1995		DENVER DRUG COURT ALL CASES Jan-March 1996		SIGNIFICANCE LEVELS based on Chi Square (*)
	%	n	%	n	
Cocaine/Crack	59.9	290	67.4	275	.020
Marijuana	4.5	22	8.1	33	.028
Hallucinogen	2.1	10	2.0	8	(Not Calculated)
Stimulant (Including amphetamine/ methamphetamine)	5.4	26	3.7	15	(Not Calculated)
Depressant	.6	3	.5	2	(Not Calculated)
Heroin	26.0	126	16.9	69	.001
Other	1.4	7	1.5	6	(Not Calculated)

(\*) Significance levels represent the results of individual comparisons (not presented) of cocaine/crack by all other drugs, marijuana by all other drugs and heroin by all other drugs. Chi squares were not calculated for hallucinogens, stimulants, or depressants compared to other drugs due to small n size.

Drug involvement (as measured by drug charge) was also examined in relation to demographics. This analysis attempts to discern which demographic groups are responsible for the shift in the distribution of drug charges between 1995 and 1996 Denver Drug Court. Table 34 below illustrates several outstanding differences among demographic groups relating to drug involvement.

As in the comparison of 1993 and 1995 Denver drug charges (see Tables 15 and 16), demographic differences relating to type of drug involvement (as measured by drug charge) were evident in the 1996 Denver Drug Court data. Ethnic differences were the most apparent, as they were in that earlier analysis. Cocaine/crack continued to be the drug of choice for blacks. While Hispanics were charged with cocaine/crack over two-thirds of the time, they were also the ethnic group where heroin charges appeared most frequently. A comparison between Table 34 below (1996 Drug Court) and Table 35 below (1995 Drug Court) shows that while Hispanics remained the ethnic group most involved in heroin, this percentage decreased by almost half between 1995 (47.1%) and 1996 (24.2%). This decrease explains the overall decline in heroin charges evident in Table 34 below. Another interesting comparison between 1995 and 1996 Denver Drug Court charges was the shift in female preferences for heroin. Although the numbers of females using heroin was quite small (and thus should be viewed with caution), the percentage of females charged with heroin in 1996 (9.2%) was half that charged in 1995 (18.8%).

***While Hispanics remained the ethnic group most likely to be involved in heroin, this percentage decreased by almost half between 1995 (47.1%) and 1996 (24.2%). This decrease explains the overall decline in heroin charges.***

Table 34. 1996 Denver Drug Court  
Demographic Differences in Drug Charge

DEMOGRAPHIC DIFFERENCES	COCAINE/CRACK		HEROIN		OTHER (combines marijuana, hallucinogen, stimulant, depressant, & other)		ROW TOTALS Percentages across 3 drug types (Cocaine, Heroin, & Other= 100%)		SIGNIFICANCE LEVEL based on Chi Square N.S.= Not Significant
	%	n	%	n	%	n	%	n	
Male	67.5	224	18.7	62	13.9	46	100%	332	.028
Female	67.1	51	9.2	7	23.7	18	100%	76	
Anglo	46.7	42	20.0	18	33.3	30	100%	90	< .001
Black	86.5	109	4.8	6	8.7	11	100%	126	
Hispanic	64.5	120	24.2	45	11.3	21	100%	186	
Ages < 24	69.0	78	15.0	17	15.9	18	100%	113	N.S.
25-30	68.1	64	13.8	13	18.1	17	100%	94	
31-35	75.0	45	10.0	6	15.0	9	100%	60	
> 35	62.4	88	23.4	33	14.2	20	100%	141	
Reside Continuously	70.7	82	11.2	13	18.1	21	100%	116	< .001
Moved < 3x	73.6	89	13.2	16	13.2	16	100%	121	
Moved 4x or >	82.6	19	8.7	2	8.7	2	100%	23	
Transient	50.7	35	40.6	28	8.7	6	100%	69	
< 8th Grade Educ	59.5	44	24.3	18	16.2	12	100%	74	.008
Some HS	73.7	87	12.7	15	13.6	16	100%	118	
HS	79.3	65	8.5	7	12.2	10	100%	82	
GED	81.8	27	6.1	2	12.1	4	100%	33	
Some College or >	54.8	40	20.5	15	24.7	18	100%	73	
Employed Full Time	65.9	87	13.6	18	20.5	27	100%	132	N.S.
Unemp/PT/Sporadic	70.3	180	16.8	43	12.9	33	100%	256	

As in the comparisons between 1993 and 1995 Denver drug cases, heroin use was more prevalent in individuals who reported transience or minimal education (8th grade or less). However, these groups were much smaller in 1996 Denver Drug Court compared to 1995.

Table 36 which follows shows that while a high percentage of heroin charges were referred to INS in 1996 (39%), this figure was lower than the percentage referred in the 1995 Drug Court sample (48.8%). Further, the relationship between heroin charges, INS referral and ethnicity were intertwined. All those who were both charged with heroin and referred to INS were also Hispanic.



Table 35. Type of Drug Charged by Demographic Characteristics  
1995 Denver Drug Court

DRUG CHARGE	COCAINE/ CRACK		HEROIN		OTHER (combines marijuana, hallucinogen, stimulant, depressant, & other)		ROW TOTALS Percentages across 3 Drug Types (Cocaine, Heroin, & Other= 100%)		SIGNIFICANCE LEVEL based on Chi Square N.S. = Not Significant
	%	n	%	n	%	n	%	n	
Male	59.3	236	27.4	109	13.3	53	100%	398	N.S.
Female	63.5	54	18.8	16	17.6	15	100%	85	
Anglo	41.4	46	16.2	18	42.3	47	100%	111	< .001
Black	97.3	142	2.1	3	.7	1	100%	146	
Hispanic	45.2	100	47.1	104	7.7	17	100%	221	
Ages < 24	57.7	75	28.5	37	13.8	18	100%	130	N.S.
25-30	55.8	72	29.5	38	14.7	19	100%	129	
31-35	68.5	61	18.0	16	13.5	12	100%	89	
> 35	60.3	82	25.7	35	14.0	19	100%	136	
Reside Continuously	76.8	76	12.1	12	11.1	11	100%	99	< .001
Moved < 3x	63.5	87	15.3	21	21.2	29	100%	137	
Move 4x or >	80.0	20	12.0	3	8.0	2	100%	25	
Transient	37.3	41	57.3	63	5.5	6	100%	110	
< 8th Grade Educ	35.4	35	59.6	59	5.1	5	100%	99	< .001
Some HS	74.2	98	15.9	21	9.8	13	100%	132	
HS	61.5	40	20.0	13	18.5	12	100%	65	
GED	74.1	40	13.0	7	13.0	7	100%	54	
Some College or >	64.0	55	10.5	9	25.6	22	100%	86	
Employed Full Time	61.9	65	15.2	16	22.9	24	100%	105	< .001
Unemployed/PT/Sporadic	60.1	212	28.9	102	11.0	39	100%	353	

Table 36. 1995 and 1996 Drug Court Samples  
Drug Charge by Ethnicity and Referral to INS

DRUG CHARGE	ANGLO		BLACK		HISPANIC		% OF DRUG TYPE REFERRED TO INS
	Referred to INS		Referred to INS		Referred to INS		
	#Yes	# No	#Yes	# No	#Yes	# No	
<i>1995 DENVER DRUG COURT SAMPLE</i>							
Cocaine/Crack	2	44	1	141	33	67	12.5% (36)
Heroin	0	18	0	3	61	43	48.8% (61)
All Other Drugs	0	47	0	1	5	12	7.6% (05)
<i>1996 DENVER DRUG COURT SAMPLE</i>							
Cocaine/Crack	1	41	1	108	39	80	15.2% (41)
Heroin	0	18	0	6	27	18	39% (27)
All Other Drugs	0	30	1	10	9	12	16% (10)

## Changes in Placements

Table 37. Comparisons of Placements Denver Drug Court, 1995 and 1996

PLACEMENTS	DENVER DRUG COURT Jan-March 1995		DENVER DRUG COURT Jan-March 1996	
	%	n	%	n
Probation	61.5	276	56.2	208
Probation & Jail	7.8	35	4.9	18
ISP	5.3	24	12.7	47
Community Corrections	8.0	36	3.5	13
Prison	17.4	78	22.7	84

There were shifts in type of placement used in Drug Court between 1995 and 1996. The primary placement for Drug Court cases was probation; almost 75% received some type of probation in each year (probation, probation and jail or ISP). However, a shift to more restrictive probation occurred with the 1996 group: the percentage of individuals in ISP doubled (5.3% in 1995 to 12.7% in 1996). Similarly, in 1996, more cases received a prison placement compared to a less restrictive community corrections placement. These shifts may reflect new judicial practices within the program. The shift to a stricter probation placement may also be more in line with the Drug Court's goal of closer supervision. Experience may have shown a relationship between success and more intense supervision for some individuals.

## Changes in Sentence Length

Table 38. Comparison of Sentence Length  
Denver Drug Court 1995 and 1996

SENTENCE LENGTH	DENVER DRUG COURT CASES		
	DENVER DRUG COURT Jan-Mar 1995	DENVER DRUG COURT Jan-Mar 1996	% CHANGE
Average # of Months Community Corrections	56.7 (37)	53.8 (16)	(-5%)
Average # of Months Probation	32.3 (336)	36.2 (278)	+ 12 %
Average # of Months Prison	53.5 (79)	63.6 (84)	+ 19%
Average # of Days Jail	59.4 (41)	43.0 (46)	(-27%)

The trend toward longer sentence lengths for Drug Court cases noted earlier in the report continued as Drug Court progressed over time. Sentence lengths for both probation and prison were significantly longer in 1996 compared to 1995. However, jail sentences were significantly shorter. This latter phenomenon likely reflects the Court's policy of providing immediate sanctions of short jail sentences for individuals who do not follow through with conditions of their treatment, e.g., providing the required number of urinalysis tests.<sup>35</sup>

## Summary

Significant changes were found in case processing in Denver Drug Court between 1995 and 1996. First, case processing times continue to be reduced. There were also differences in the types of drugs charged between the two years, with significantly fewer charges for heroin and significantly more for cocaine/crack and marijuana. Demographically, the 1995 and 1996 groups were very similar with the important exception of a significant increase in the proportion of individuals reporting full time employment and residential stability. Thus, the decrease in the proportion of drug offenders reporting full time employment and residential stability after the Drug Court was implemented (comparing 1993 and 1995) was not sustained in the 1996 study group.

Also, the increase in heroin charges between 1993 and 1995 was not sustained in the 1996 data. The shift away from heroin charges is related to the fact that although similar percentages of Hispanics were seen in Drug Court in 1995 and 1996, fewer Hispanics in 1996 faced heroin charges.

***The increase in heroin charges between 1993 and 1995 was not sustained in the 1996 data.***

In 1996, Hispanics were still the ethnic group most likely to be referred to INS, and heroin charges were still the drug charge most likely to receive a referral to INS (although the percentage of referrals for heroin charges was significantly lower in 1996 compared to 1995). Ethnicity, drug charge and INS referral were linked as they were in the 1995 analysis: every person in 1996 referred to INS for a heroin charge is of Hispanic ethnicity.

The data suggest that sentencing practices that provided case oversight and sanctions became more clearly identified as Drug Court policies became more established and developed through time, as reflected by longer sentences to prison and probation, the Drug Court's primary sanctions.

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<sup>35</sup> Denver Drug Court has an established "intermediate sanctions" policy, e.g., the first failed urinalysis results in one day in jail, the second failed urinalysis results in two days in jail.



# RESULTS

## ***Section 9: What Were the Outcomes for Drug Court Participants as Measured by Adherence to Treatment?***

The following table describes how well participants were able to adhere to the level of supervision and treatment required by the Drug Court program six months from the date of filing. Table 39 includes only data on cases that were community eligible, i.e., not sentenced to prison. The measures on failure to participate in urinalysis (UA), no-shows for treatment, and imposition of jail days imposed by the court for positive UA's or no UA's reflect failure as measured by lack of compliance with court orders and treatment. The last measure, outcome score, represents a composite of indicators, both positive and negative, that resulted in a change in the conditions of supervision and treatment. A (-1) indicates at least one negative change while in supervision or treatment. A zero on the outcome score indicates no change and may be considered one measure that an individual generally followed the course of treatment during the first six months after the filing date. Examples of negative changes include a regression to more restrictive community placement, a revocation of probation, or increased UA testing. An outcome score of 1 signifies at least one positive change in conditions of supervision and treatment, such as time cut from sentence or decreased UA testing. It should be noted that there are more possible negative than positive indicators in the score sheet. (The score sheet is part of the data collection addendum used in 1995 and 1996 Drug Court data collection procedures and is attached to this report.)

*Table 39. 6 Month Outcomes: Adherence to Treatment  
Denver Drug Court, 1995 and 1996  
For Probation and Community Corrections Placements Only*

NON-PRISON PLACEMENT DRUG COURT CASES Jan-Mar 1995 and Jan-Mar 1996	CASES IN EACH OUTCOME CATEGORY		
Cases with Jail Days Imposed For Positive UA's or Failure To Participate in UA	Yes No	39% 61%	253 399
Cases with One or More Failures to Participate in UA	Yes No	56% 44%	362 289
Cases with No Shows	Yes No	36% 64%	231 412
Cases with Positive UA's	Yes No	40% 60%	262 392
Outcome Score*	-1 0 1	19% 68% 13%	127 446 82

\* -1 = 1 or more negative change while in supervision or treatment.  
0 = No change meaning "okay so far".  
1 = 1 or more positive changes reflect in a reduction in the restrictive elements of supervision and treatment.

The 1995 and 1996 combined Drug Court sample tended to have the most difficulty with participation in urinalyses (UA) testing. Over half of the drug cases in treatment (56%) had at least one instance of failing to participate in UA testing. In terms of overall behaviors that would have resulted in a change in the level of treatment or supervision, however, only 19% of the group experienced failures in this area, the remainder of the group (81%) experienced no change or had a positive change in level of treatment or supervision. While longer term outcomes are unavailable for this analysis, the data suggest four out of five Drug Court clients stay with treatment at least through the six month time frame measured. Such stability may be interpreted as a very good prognosis. Our ability to link these outcomes for Drug Court is limited because we do not have this information for either the 1993 sample or a comparable control group.

***In terms of overall behaviors that would have resulted in a change in the level of treatment or supervision, however, only 19% of the group experienced failures in this area, the remainder of the group (81%) experienced no change (indicates "OK so far!") or had a positive change in level of treatment or supervision.***

## Summary & Recommendations

Denver's Drug Court seems to be meeting many original goals: shorter case processing time, longer supervision/incarceration periods, and approximately 80% of the 1995 and 1996 samples were responding well to intervention six months into Drug Court supervision. Additionally, the original drug charge was more frequently consistent with the conviction charge after the Drug Court commenced. Significantly, more drug cases were handled as a deferred judgment, or Track One cases, after the Drug Court opened its doors.

Compared to pre-Drug Court cases in Denver, the Drug Court processed a greater proportion individuals who were females, Hispanics (nearly half of these were INS referrals), poorly educated (8th grade or less), and residentially unstable. For one (1995) of the three years (1993, 1995, 1996) for which we have data, heroin cases increased significantly.

These findings have important implications for planning and implementing corrections programs. In addition to drug treatment and intensive case management, it may be important to address ways to connect individuals with resources that provide remedial education, vocational training and build on community ties. Obviously, bilingual services should continue to be emphasized by Drug Court staff, and coordination with local community corrections stakeholders could increase the range of placement options available to the Judge. Special programming for women offenders should continue to be prioritized by policy makers and program planners since the female population, as a proportion of criminal justice clientele, continues to grow, particularly in the area of drug crimes.

The Denver Drug Court systematically evaluates and provides intervention for cases under its jurisdiction. Use of the Court's threat of sanctions for noncompliance can provide powerful leverage to encourage abstinence in the face of addiction. The six-month review of offender outcomes is positive for four of five Drug Court participants. More information is needed to determine if these

changes are long-lasting. As a follow-up to this study, the Office of Research and Statistics at the Division of Criminal Justice will conduct a study of the rearrest rates of the samples analyzed for this study.





# STAKEHOLDER FEEDBACK

The Division of Criminal Justice is dedicated to quality and relevant research. This includes being committed to having an open dialogue with the people and agencies being affected by our research. We hope that through this “conversation” with stakeholders we will ask better research questions and provide better answers that accurately address the informational needs of our consumers.

We submitted this report for review to our stakeholders, and many of their comments and suggestions were incorporated into the final product. We also indicated that their comments would be included as an addendum to the final report if they wished.

The following letters were submitted for inclusion with the final report.

