

TO: HON. BRENDA HARBIN-FORTE

FROM: THE NATIONAL CENTER FOR STATE COURTS

SUBJECT: OAKLAND DRUG COURT ASSESSMENT

DATE: JUNE 21, 1996

The attached narrative and tables represent the assessment the National Center was able to conduct using the criminal histories which you provided for Drug Court defendants who entered your drug court program from 1991 through 1994.

As you know, the extent to which we were able to "massage" the data was limited by the end of our grant period. Nevertheless, I believe you will find that the data we have summarized in the attached will confirm that the Drug Court continues to perform admirably. The conviction data is strikingly positive.

I have included a diskette which contains four EXCEL files with 500 cases for each year from 1991-1994. I have also included the tables and narrative in two separate documents, one in EXCEL and one in WORD. The databases also include information on defendant age, sex, and race if you wish to further refine the data. Also, the EXCEL tables can be easily produced in chart format. If we can be of any further assistance, please give us a call.

TO: HON. BRENDA HARBIN-FORTE
FROM: THE NATIONAL CENTER FOR STATE COURTS
SUBJECT: OAKLAND DRUG COURT ASSESSMENT
DATE: JUNE 21, 1996

Overview

The National Center for State Courts conducted an abbreviated analysis of the Alameda County Drug Court operations during the Spring of 1996. Previous analyses of the Drug Court conducted by the court have tracked pre-program cases from 1990 and "speedy" and "non-speedy" program cases from 1991. These analyses have been update annually tracking 1990 and 1991 cases. The analyses used a number of different defendant characteristics including age, sex, and race. The number and percentage of defendants with new felony arrests for 48 months after arraignment and for yearly intervals (first year of the study period through fourth year) were tracked. The second major indicator of success that was tracked by the court study was the number of days in custody on felony offenses.

One of the concerns that the National Center Drug Court Assessment team had was that the number of defendants tracked for 1990 and 1991 was approximately 100. Although this is an adequate number to provide fairly reliable information for a single variable, when more than one variable is used, statistical reliability is compromised. For example, for the 1991 sample only 12 defendants were more than 45 years old. To then look at the arrest rates for this category of defendant, the sample size is only 12, making the analysis descriptive of those 12 defendants, but without statistical significance.

The National Center was provided with criminal histories on 500 defendants who had been through the Drug Court for each year from 1991 through 1994. This larger sample provides more statistical reliability to the assessment of drug court operations and the success, as measured by repeat arrests and convictions, of the defendants brought before the Drug Court. In some instances, the numbers and percentages of subsequent felony arrests of Drug Court defendants found in the 500 case samples differed from the court's 100 case samples; in other instances the two different samples had the same findings. It is not possible to determine whether the differences are based on the increased sample size used in the National Center assessment or some other variance in how the assessments were conducted.

Finally, the National Center assessment team feels that it is equally, if not more important, to determine the number and percentage of felony convictions instead of arrests.

Admittedly, most drug court assessments conducted around the country have used arrest rates as a major indicator of success, but conviction history is a more accurate account of criminal activity than arrest history. The following National Center data on the Oakland Drug Court includes arrest *and conviction* information on the Drug Court defendants.

Findings

Arrest Rate

The simplest indicator of success is the percentage of Drug Court defendants who have had no arrests. Sixty percent of the 1991 Drug Court defendants have had no felony arrests through the entire period from their entry into the Drug Program until March, 1996, the time the criminal histories were generated. The National Center data shows that the percentage of Drug Court defendants coming into the program in the subsequent years, 1992 through 1994, with no felony arrests increases. This increase in the percentage of defendants with no arrests for defendants entering the program in 1992 through 1994 is simply a reflection of the defendants having had less time during which they could be arrested since entry into the program. In fact, the rates of arrest in the first year in the program for defendants entering the program in 1992 through 1994 is almost double that of the 1991 defendants. The rates of arrest for the second year in the program for the 1991, 1992, and 1993 defendants are roughly equal, with second year arrest rates of 14.2, 17.0, and 14.8 percent respectively. Arrest rates for the third year in the program show a significantly higher rate of 17.0 percent for 1991 defendants as compared to 9.8 percent for the 1992 defendants.

As noted, the 500 case sample provided some differences in the arrest rate compared to those in the court's 100 case sample. For the second year of the program, the court's data showed an arrest rate for 199 defendants of 19 percent while the National Center data showed a rate of 14.2 percent. In the third year the arrest rates were the same for both databases at 17 percent, and in the fourth year the National Center database showed an arrest rate of 13.4 percent compared to the court's arrest rate of 17 percent.

Conviction Rate

The National Center project team considers the defendants' conviction rates to be a more concise measure of program success than the arrest rate. One defendant in the 1991 database had eight felony arrests, but no felony convictions. Understandably, there is a certain percentage of defendants who are charged with a felony and later convicted of a reduced misdemeanor charge. This information was not collected because the analysis conducted by the National Center focused solely on felony arrests and convictions. However, the conviction rates can only be interpreted as being very positive. For the 1991 defendants, with four full years since entry into the program, 87.4 percent have had no felony convictions, 97.6 percent of the defendants have had one or no convictions. As with arrest rates, the conviction rate for the 1992 defendants was not quite as good as the 1991 defendants, but still well within most measures of success. Of the 500 defendants sampled entering the program in 1992, 416 or 83.2 percent had no arrests, 474 of the 500

Program	
4th Year	
Arrests	Convictions
67	14
4th Year	
Arrests	Convictions
13.4%	2.8%

ALAMEDA COUNTY DRUG COURT STATS

Raw Numbers		Year of Entry into Program			
		1991	1992	1993	1994
Arrests					
1st Year	44	77	78	91	
2nd Year	71	85	74		
3rd Year	85	49			
4th Year	67				
Corrections					
Year of Entry into Program					
		1991	1992	1993	1994
1st Year	11	51	28	35	
2nd Year	24	34	19		
3rd Year	23	11			
4th Year	14				
Rates					
Year of Entry into Program					
		1991	1992	1993	1994
Arrests		8.8%	15.4%	15.6%	18.2%
1st Year		14.2%	17.0%	14.8%	
2nd Year		17.0%	9.8%		
3rd Year		13.4%			
4th Year					
Corrections					
Year of Entry into Program					
		1991	1992	1993	1994
1st Year	2.2%	10.2%	5.6%	7.0%	
2nd Year	4.8%	6.8%	3.8%		
3rd Year	4.6%	2.2%			
4th Year	2.8%				

ALAMEDA COUNTY DRUG COURT STATS

Overall 1991 Arrest Stats (Since entry into Program)

Sample Size = 500
 Number with at least 1 arrest 180

Number of Arrests	Number of Defendants	Percentage	Aggregate Percentage
0 Arrests	302 Persons	60.40%	60.4%
1 Arrests	98 Persons	19.60%	80.0%
2 Arrests	53 Persons	10.60%	90.6%
3 Arrests	15 Persons	3.00%	93.6%
4 Arrests	11 Persons	2.20%	95.8%
5 Arrests	0 Persons	0.00%	95.8%
6 Arrests	2 Persons	0.40%	96.2%
7 Arrests	1 Persons	0.20%	96.4%
8 Arrests	0 Persons	0.00%	96.4%

Overall 1992 Arrest Stats (Since entry into Program)

Sample Size = 500
 Number with at least 1 arrest 164

Number of Arrests	Number of Defendants	Percentage	Aggregate Percentage
0 Arrests	330 Persons	66.00%	66.0%
1 Arrests	97 Persons	19.40%	85.4%
2 Arrests	47 Persons	9.40%	94.8%
3 Arrests	13 Persons	2.60%	97.4%
4 Arrests	4 Persons	0.80%	98.2%
5 Arrests	1 Persons	0.20%	98.4%
6 Arrests	2 Persons	0.40%	98.8%
7 Arrests	0 Persons	0.00%	98.8%
8 Arrests	0 Persons	0.00%	98.8%

ALAMEDA COUNTY DRUG COURT STATS

Overall 1993 Conviction Stats (since entry into Program)

Sample Size = 500
 Number with at least 1 conviction = 49

Number of Convictions	Number of Defendants	Percentage	Aggregate Percentage
0 Convictions	451 Persons	90.20%	90.2%
1 Convictions	38 Persons	7.60%	97.8%
2 Convictions	10 Persons	2.00%	99.8%
3 Convictions	1 Persons	0.20%	100.0%
4 Convictions	0 Persons	0.00%	100.0%
5 Convictions	0 Persons	0.00%	100.0%
6 Convictions	0 Persons	0.00%	100.0%
7 Convictions	0 Persons	0.00%	100.0%
8 Convictions	0 Persons	0.00%	100.0%

Overall 1994 Conviction Stats (since entry into Program)

Sample Size = 500
 Number with at least 1 conviction = 48

Number of Convictions	Number of Defendants	Percentage	Aggregate Percentage
0 Convictions	452 Persons	90.40%	90.4%
1 Convictions	45 Persons	9.00%	99.4%
2 Convictions	3 Persons	0.60%	100.0%
3 Convictions	0 Persons	0.00%	100.0%
4 Convictions	0 Persons	0.00%	100.0%
5 Convictions	0 Persons	0.00%	100.0%
6 Convictions	0 Persons	0.00%	100.0%
7 Convictions	0 Persons	0.00%	100.0%
8 Convictions	0 Persons	0.00%	100.0%