



# Judicial Council of Georgia

## Administrative Office of the Courts

Chief Justice Hugh P. Thompson  
*Chair*

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### Georgia Accountability Courts Program Data Report: Fiscal Year 2014 October 2014

#### Introduction

Georgia statutes and Judicial Council policy require grant supported accountability courts to submit program data to the Administrative Office of the Courts (AOC). These data support a longitudinal study of the relationship between treatment programs and criminality. This year-end report summarizes program activity and establishes a baseline for measuring court performance and analyzing reform initiatives over time. If policymakers are to draw realistic conclusions about Georgia's accountability courts, timely analysis of program's valid and reliable data is critical. This report analyzes accountability courts from both a statewide as well as from a program-specific perspective.

#### All Programs Analysis

##### *Participants Entering Programs*

**Table 1. Program Population**

All Courts	Q1	Q2	Q3	Q4	% Change Q1-Q4
Courts reporting	75	79	89	91	21%
Reviewed	1,920	1,708	1,866	2,220	14%
Accepted <sup>1</sup>	761	640	662	737	-3%
Participants <sup>2</sup>	3,786	3,872	4,184	4,505	19%

The number of courts reporting quarterly data increased each quarter in Fiscal Year 2014 (FY14) ending with ninety-one courts submitting reports. The 21 percent increase in courts reporting corresponds with a 19 percent increase in active participants. Across all quarters, the average range of participants per court is forty-seven to fifty. Courts also show an increase in the number of offenders reviewed for entry into a program, both in raw numbers and as a percentage of the existing population. Over two thousand offenders were reviewed in quarter four (Q4), which is 53 percent of the participant population reported in Q3. The number of offenders accepted into a program, however, has fluctuated across quarters.

<sup>1</sup> Offenders reviewed that accepted entry into a program.

<sup>2</sup> Includes new and existing participants.

**Chart 1. Offenders Reviewed**

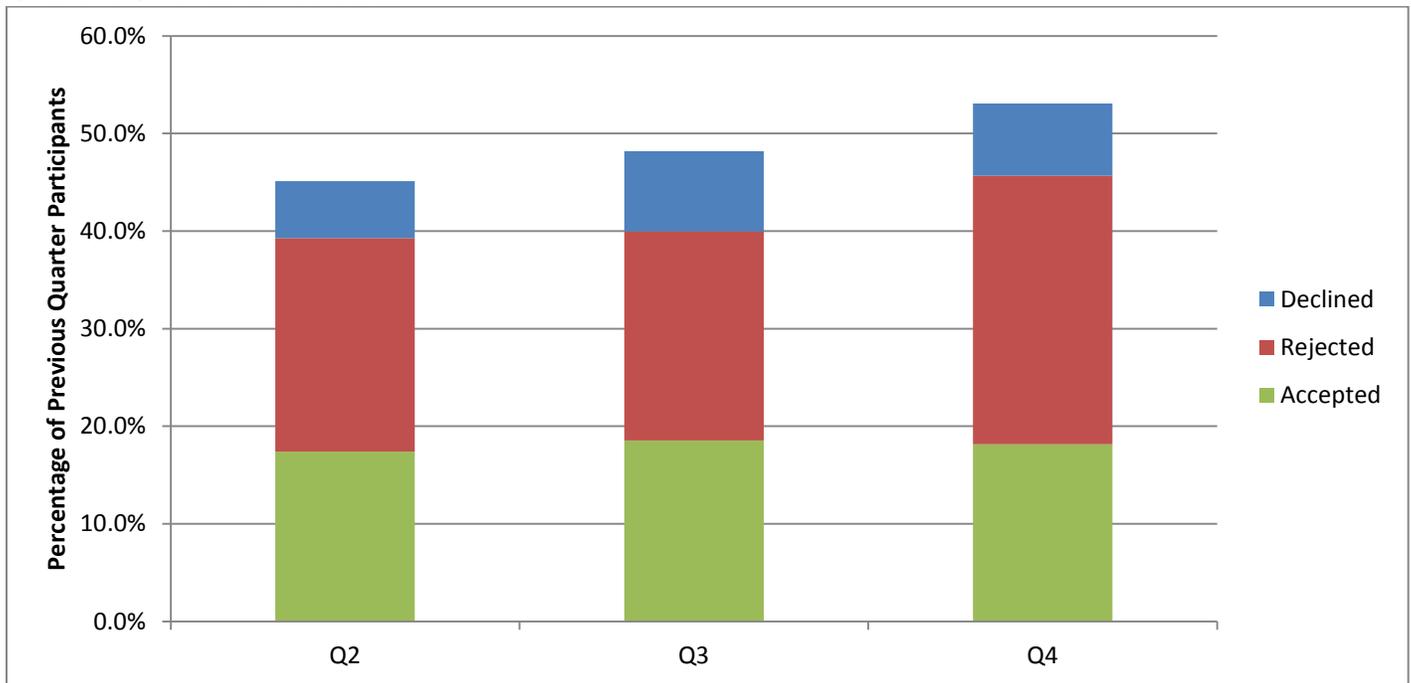


Chart 1 shows over two thousand offenders were reviewed in Q4, which is 53 percent of the third quarter population. Though the number of offenders reviewed has increased, the proportion accepted into a program has decreased by three percent. Outside of a prior criminal history, the leading causes for rejection are: (1) the offender failing to meet residency requirements and (2) denial by the district attorney’s office.

**Table 2. Breakdown of Offenders Reviewed**

All Courts	Q1		Q2		Q3		Q4		% Change Q1-Q4
Accepted	761	40%	640	38%	662	36%	737	33%	-3%
High Risk	439	58%	275	43%	269	41%	417	57%	-5%
Moderate Risk	194	26%	169	26%	296	45%	219	30%	13%
Rejected	873	46%	805	47%	765	41%	1116	50%	28%
Prior history	223	26%	313	39%	275	36%	503	45%	126%
Other	650	75%	492	61%	490	64%	613	55%	-6%
Declined	286	15%	215	13%	293	16%	300	14%	5%

*Acceptance/Rejection Analysis*

While the number of offenders accepted into a program has varied during FY14, the overall change from Q1 to Q4 has been minimal. High risk offenders typically receive the most benefit from accountability court programs, and the fourth quarter saw a substantial rise over Q2 and Q3 in the number of high risk offenders accepted into programs. As the number of offenders reviewed has grown, so too has the number of rejected applicants. Each quarter saw an average of 40 to 50 percent of applicants rejected due to either prior criminal history or other reasons. The number of offenders declining to receive services from a program has remained consistent across quarters.

Among felony programs, the percent of high and moderate risk participants accepted into programs has remained consistently above 90 percent since Q2 while non-felony programs have fluctuated during FY14. Felony programs also exhibit a higher rate of rejection due to prior criminal history than non-felony programs, which is consistent with the nature of felony courts and the high risk population accountability courts serve.

**Table 3. Program Exit**

All Courts	Q1		Q2		Q3		Q4		% Change Q1-Q4
	Count	%	Count	%	Count	%	Count	%	
Exited	572	-	491	13%	566	15%	651	16%	14%
Graduates	358	-	296	8%	308	8%	385	9%	8%
Released	214	-	195	5%	258	7%	266	6%	24%
Non-compliance	183	-	154	79%	224	87%	233	87%	27%
Discharged	23	-	26	13%	22	9%	26	10%	13%
Dismissed	8	-	15	3%	12	5%	7	3%	-13%

*Participants Exiting Programs*

Over half (59%) of the participants that exited accountability court programs in FY14 graduated. The average graduation rate among all programs has risen from just under eight percent in the second quarter to over nine percent in the fourth quarter.

Of those offenders that were released from programs prior to graduation, the vast majority were removed for non-compliance, consistently eighty percent or more of all participant releases.

*Recidivism*

Current Participants

There were 608 new arrests for participants in FY14, thirty-six percent of which resulted in new felony or misdemeanor convictions. Two hundred twenty-three additional participants were convicted of violating the terms of their probation or parole. Altogether, active participants in FY14 had a re-arrest rate between 10 and 15 percent.

Graduates

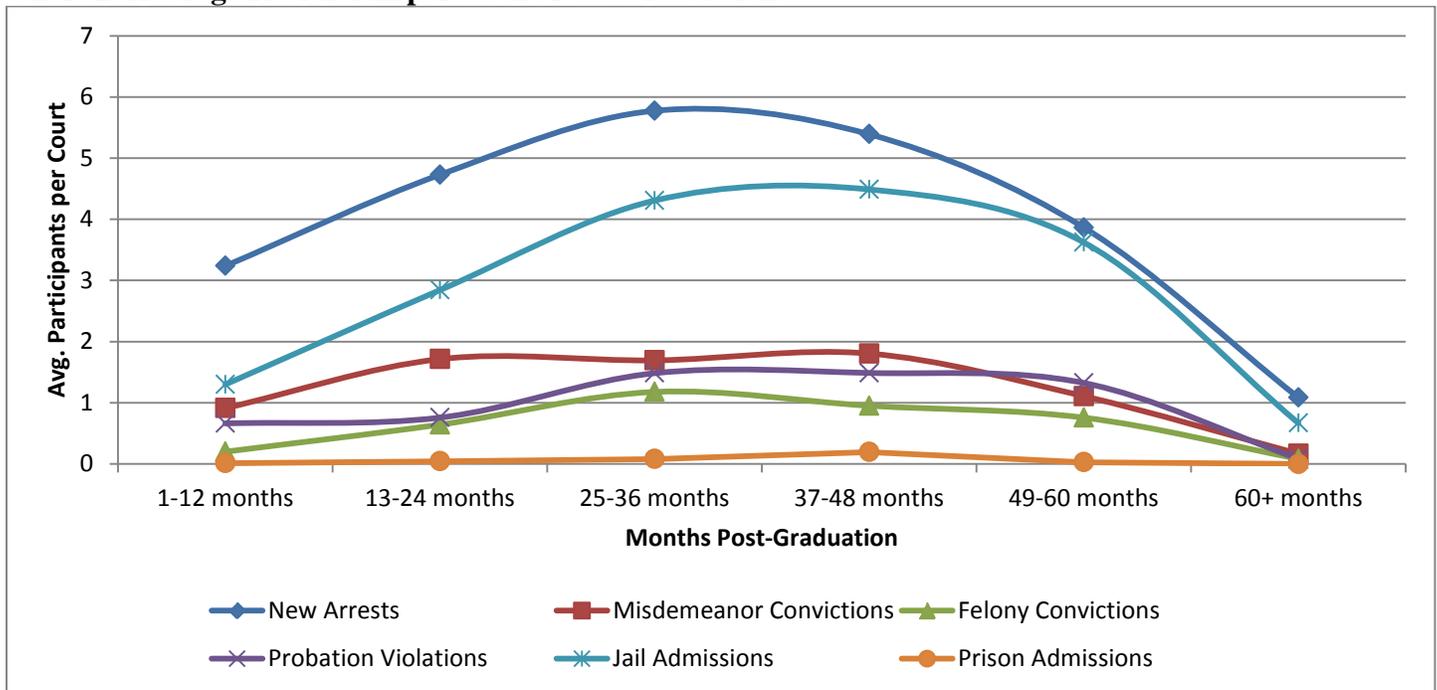
Recidivism of program graduates is not uniformly tracked, and many courts do not monitor participants post-graduation at all. Courts that do maintain recidivism figures after program completion have individual guidelines for the length of time to do so. Table 4 illustrates this data and provides context for data analysis.

**Table 4. Graduate Recidivism**

	Number of Courts	New Arrests	Misdemeanor Convictions	Felony Convictions	Probation Violations	Jail Admissions	Prison Admissions
<b>1-12 months</b>	80	259	73	16	53	104	1
<b>13-24 months</b>	70	331	120	45	53	199	3
<b>25-36 months</b>	62	358	105	73	92	267	5
<b>37-48 months</b>	41	221	74	39	61	184	8
<b>49-60 months</b>	37	143	41	28	49	134	1
<b>60+ months</b>	12	13	2	1	1	8	0
<b>Do Not Track</b>	70	-	-	-	-	-	-

Recidivism was analyzed using per court averages to normalize the data. The number of new arrests peaked 25-36 months post-graduation at 5.77 new arrests per court and was lowest 60 or more months after graduation. Felony convictions were also highest 25-36 months after participants graduated the program. Misdemeanor convictions, jail admissions, and prison admissions were highest 37-48 months after graduation. The data show that the period 25-48 months post-graduation is the most likely time for offender recidivism, suggesting that programs should continue to monitor graduates and offer services after program exit to prevent participant regression and re-offense.

**Chart 2. Average Recidivism per Court Post-Graduation**



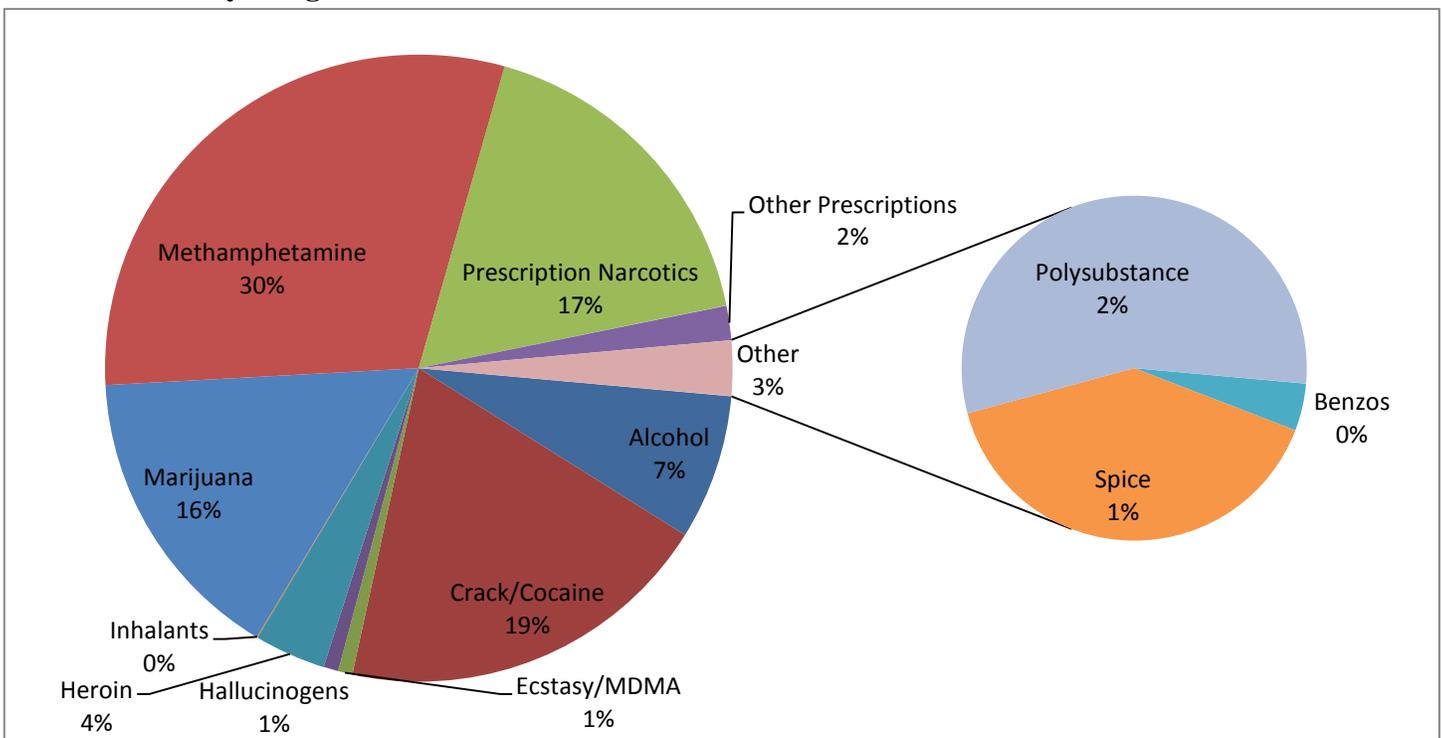
## Division Specific Analysis

### *Felony Drug Courts*

Adult felony drug courts reported 1,992 participants at the end of FY14, 55 percent of which were designated as high risk participants. Of the 413 participants that were removed from programs during the year, 366 were terminated due to non-compliance, 14 were dismissed, and 33 were administratively discharged. There were 455 program graduates reported for FY14. Future analysis will seek to compare and contrast courts based on demographics and determine whether trends differ for programs in urban, suburban, and rural circuits.

The rate of acceptance into a program for offenders remained steady at 40 percent across the first three quarters but dropped in fourth quarter to only 34 percent of the number of offenders reviewed. Beyond a prior criminal history, the most commonly cited reasons for rejection were due to residency issues (4%), coexisting mental health issues (2%), and offenders deemed as too low risk to benefit from the program (3%). The year showed a large increase in the number of moderate risk participants, while a slight decrease in the number of high risk participants was noticed. The rates at which offenders declined to enter a felony drug court program remained between 13 and 17 percent across all quarters. The percent of program participants that graduated increased steadily from 14 to 18 percent of the felony drug court population.

**Chart 2. Primary Drug of Choice for Substance Abusers and Users**



Among substance users and abusers, the most common drugs of choice are methamphetamines, crack/cocaine, prescription narcotics, alcohol, and marijuana. Additional drugs named in quarterly reports were benzodiazepines and spice (synthetic marijuana), and 113 participants were designated as polysubstance users/abusers. Over two hundred thousand drug tests were administered to felony drug court participants, with urine tests the predominant method of testing. More than 96 percent of drug tests returned negative results. Of the minority that did not successfully pass testing, roughly 40 percent were attributed to no sample being produced, producing a diluted sample, not showing for testing, refusing testing, or admitting to use.

## Mental Health Courts

At the end of Q4, 501 active participants were reported for felony mental health courts in Georgia, roughly ten percent of which were designated either moderate or high risk, substantially lower than the proportion for felony drug courts. There were 116 participants removed from programs in FY14, 4 dismissed, 8 administratively discharged, and 104 terminated for non-compliance.

The number of offenders reviewed for entry increased from less than 3 percent to over 15 percent of the existing population during FY14. Acceptance rates into a program also increased while the number of offenders declining to enter a program decreased, contributing to the overall increase in the number of participants reported. The number of offenders not offered entry into a mental health program remained consistent across all quarters despite the growth in the number of courts reporting quarterly data. There were 114 graduates reported for FY14; however, the proportion of graduates fluctuated considerably across quarters.

Other than a prior criminal history, the most prevalent reasons offenders were rejected from entering a mental health court program were due to residency issues (6%), diagnostic issues (7%), and primary diagnosis of substance abuse as opposed to a mental health condition (13%).

**Chart 3. Primary Diagnoses of Mental Health Court Participants**

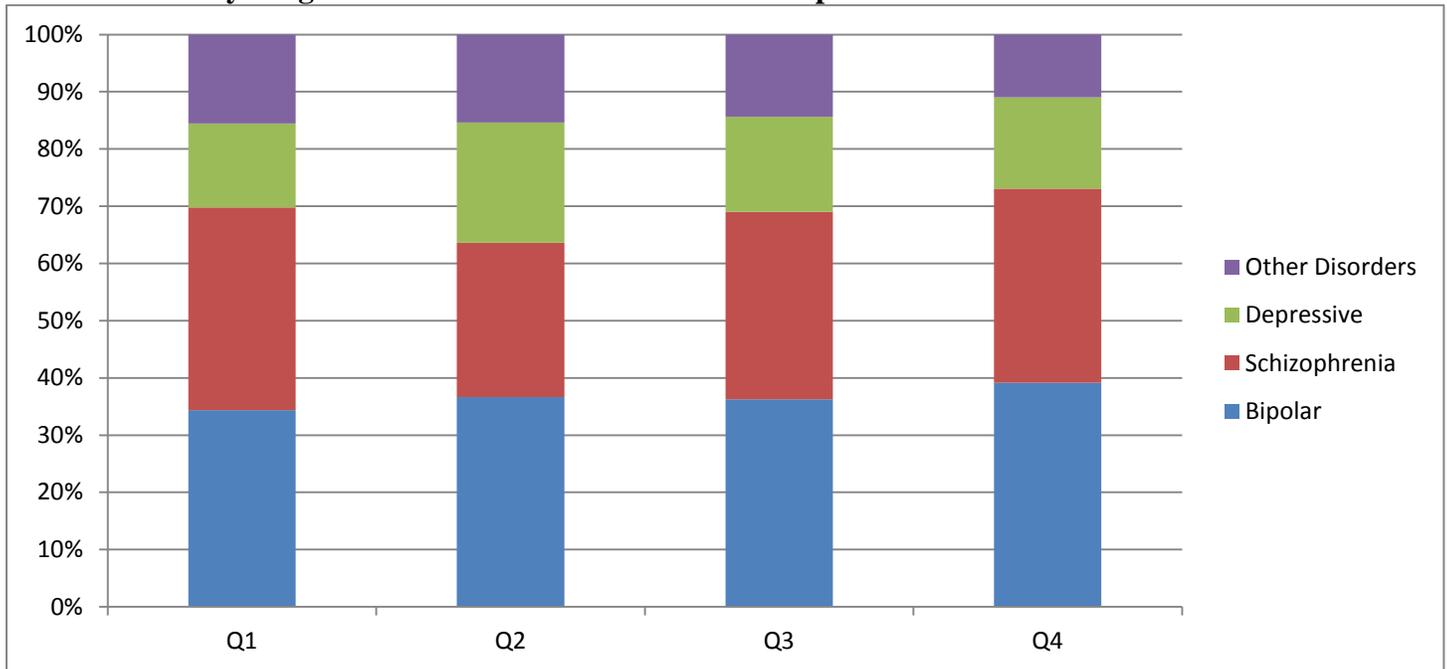


Chart 1 shows the most common primary diagnoses each quarter among mental health court participants. Across all quarters, the most frequent diagnosis was bipolar disorder (37%), followed by schizophrenia (32%) and depressive disorders (17%). Nearly 60 percent of participants exhibit comorbidity, a diagnosis of both mental illness and a substance abuse disorder. Both crisis intervention episodes and emergency room visits remained stable from quarter to quarter and totaled less than three hundred for the year.

### *Hybrid Treatment Courts*

Hybrid treatment courts are unique because the population they serve often have a combination of mental health and substance abuse disorders. Roughly one-third of all participants reported during FY14 exhibited comorbidity, and 42 participants were described as having substance-induced mental health disorders.

Over 80 percent of participants were defined as substance abusers with methamphetamines and cannabinoids as the most frequently cited primary drug of choice. Bipolar disorder was the most prevalent condition reported, followed by depressive disorders and schizophrenia, anxiety, and trauma-related disorders at equal rates.

### *Veterans' Courts*

Four veterans' courts reported at least one quarter's worth of data in FY14. There were forty-nine active participants reported among three courts at the end of fourth quarter, thirty of whom were labeled either high or moderate risk. The most commonly cited reason for rejection other than prior criminal history was a lack of mental health history.

The Army is the most represented military branch in veterans' courts, followed by the Air Force and Marines. This is expected based upon the locations of the courts reporting data and their proximity to Army bases. The overwhelming majority of participants had a trauma or stress-related primary diagnosis presumed to be associated with past service. The second most frequent diagnosis was anxiety disorder.

### *DUI/Misdemeanor Drug Courts*

DUI and misdemeanor drug courts served roughly one thousand active participants each quarter during FY14. The most prevalent monitoring technique used among courts was urinalysis (53%), followed by Breathalyzer testing (37%), and electronic monitoring devices such as SCRAM (9%). Other methods for monitoring participant behavior were regular home visits and hair follicle testing.

There were eighty-seven arrests reported for active program participants in FY14, only twenty-nine of which resulted in convictions of new felonies or misdemeanors. A total of 596 graduates were reported for FY14, averaging just below 11 graduates per program, by far the highest among any accountability court program.

### *Family Dependency Treatment Courts*

Family dependency treatment courts had the most consistent number of courts reporting. The number of offenders accepted into programs decreased over the course of FY14 as the number of offenders who were not offered or declined entry into a program increased. These data could indicate that the programs are consistently serving at or very near their capacity each quarter.

During FY14, thirty-nine participants had children removed from their home, peaking in Q2 before decreasing. Conversely, sixty parent-child reunifications occurred during the reporting year with the most occurring in quarters three and four. Since the number of offenders accepted into the program was at its height in Q1 and decreased thereafter, it is possible that those participants represented the majority of removals in the first half of FY14 and were successfully reunified with their children in the second half of FY14. Without individual-level data, however, it is impossible to definitively draw this conclusion. On average, 334 children received direct services each quarter as a result of a parent/guardian being active in the program.

## *Juvenile Drug/Treatment Courts*

Juvenile accountability courts had the highest rate of offender acceptance among all accountability courts, averaging 60 percent of offenders reviewed over four quarters of reporting. Over half of the participants admitted during FY14 were designated as high or moderate risk.

Despite the number of active participants remaining consistent each quarter, the number enrolled in school increased dramatically (300%) in the second half of the fiscal year. There were ten program participants that earned a GED or high school diploma in FY14. In addition to increased enrollment, more juveniles were reported as employed in the latter half of the reporting period. The increase in number of employed participants matches almost exactly with the number of participants exiting school, whether by graduation, expulsion, or dropping out. This could be due to program requirements but the exact reason is difficult to determine with current data.

### **Conclusion**

Fiscal Year 2014 showed growth in the number of courts reporting quarterly data as well as the number of offenders being reviewed for program entry. These are positive developments. Courts and policymakers should also consider the following as they seek to improve Georgia's accountability courts.

- Among felony programs, the percent of high and moderate risk participants accepted into programs has remained consistently above 90 percent since Q2 while non-felony programs have fluctuated during FY14. The fourth quarter saw a substantial rise over Q2 and Q3 in the number of high risk offenders accepted into programs, but each quarter saw an average of 40 to 50 percent of applicants rejected due to either prior criminal history or other reasons. Therefore, courts should make a concerted effort to allow more high risk offenders into programs, as these offenders typically receive the most benefit from accountability court programs.
- The data show that the period 25-48 months post-graduation is the most likely time for offender recidivism. The number of new arrests peaked 25-36 months post-graduation at 5.77 new arrests per court and was lowest 60 or more months after graduation. Felony convictions were also highest 25-36 months after participants graduated the program. However, recidivism of program graduates is not uniformly tracked, and many courts do not monitor participants post-graduation at all. Therefore, courts should increase their ability to track recidivism. Reoffending decreased significantly forty-eight months after graduation, suggesting that programs should continue to monitor graduates for at least four years.

As courts make their improvements, the Judicial Council's ability to collect, analyze, and report data will also improve. These collective improvements will ensure that accountability courts continue to operate with great efficiency and effectiveness.