

Introduction

In October 2002, the Bureau of Justice Assistance awarded a grant to the National Center for State Courts to provide technical assistance services to state-level agencies (i.e., administrative offices of the courts, alcohol and drug abuse agencies) to:

1. Enhance the leadership of statewide drug court efforts
2. Improve coordination and collaboration between the drug court agencies
3. Increase the likelihood of the institutionalization of drug courts into the mainstream of court operations

The National Center for State Courts is providing technical assistance services to state administrative offices of courts (AOCs) and state alcohol and drug abuse agencies (AODs) that include:

1. On-site technical assistance
2. Off-site technical assistance (e.g., facilitates peer-to-peer consultation via e-mail and conference calls)
3. A series of topical publications on integrating drug courts into mainstream court operations

This Bulletin is the second in the series of publications.



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Developing Statewide Performance Measures for Drug Courts

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With generous support from the Bureau of Justice Assistance (BJA), U.S. Department of Justice, the National Center for State Courts (NCSC) has conducted the Drug Court Statewide Technical Assistance Initiative to provide technical assistance services to state-level agencies for the development, refinement, and institutionalization of their state's drug court programs.

Results from a survey of chief justices, state court administrators, state alcohol and drug abuse directors, and drug court coordinators placed drug court evaluation and the development of drug court performance indicators among the top five areas of need for technical assistance (see *Statewide Technical Assistance Bulletin # 1*, Dancy, Rubio, and Van Duizend, 2003). Since this survey was conducted, NCSC has provided technical assistance services to several states (Michigan, Missouri, New Jersey,

Tennessee, Vermont, and Wyoming) to develop statewide performance measures for drug courts.

The purpose of this Bulletin is to discuss statewide performance measures for drug courts. The Bulletin first discusses the concept of performance measurement, including its history, purpose, the problem of attribution, and the distinction between performance measurement and impact assessment. Next, the rationale for statewide performance measures for drug courts is given and the process of their development is discussed. The performance measures developed by four states (Missouri, Tennessee, Vermont, and Wyoming) for adult, family, and juvenile drug courts are described. Third is a discussion of "next steps" (after development of performance measures). Finally, conclusions and recommendations are presented.

Performance Measurement

Performance measurement has been used in the private sector for many years and, more recently, by government agencies to assess the extent to which they are achieving their goals. Early management approaches such as Edward J. Deming's "Total Quality Management" (1986) and Peter Drucker's "Managing for Results" (1964) provided the foundation for a variety of contemporary techniques for managing organizational performance.

Additional impetus for performance measurement came from Congress in the early nineties. At the federal level, the Government Performance and Results Act of 1993 produced a new wave of activity intended to demonstrate results for federal agencies. According to the Government Accounting Standards Board (GASB), "performance measures are meant to provide more com-

plete information about a governmental entity's performance than traditional budgets or financial statements and schedules can provide. Performance measures are concerned with the results of the services governments deliver, and help provide a basis for assessing the economy, efficiency, and effectiveness of those services." All federal agencies report performance information as part of the federal budget process. This general approach has also been adopted by many state and local government agencies.

The bottom line for most governments in evaluating performance is their mission. Each government agency has a mission statement that provides a summary of the organization's purpose and answers the question, "why do we exist?" Goals support the mission and identify specific themes or opportunities for an agency to

accomplish its mission. Performance measures for these goals are developed and tracked to assess "have we accomplished what we set out to achieve?"

Often using a technique known as a "Logic Model," agencies identify their personnel and budget resources, activities, outputs, results (or outcomes), and measures. The logic model provides a plausible explanation of how inputs and activities jointly act to produce expected outcomes, identifying critical activities and outputs that will be subject to performance measurement in the process. Figure 1 below shows a generic logic model.

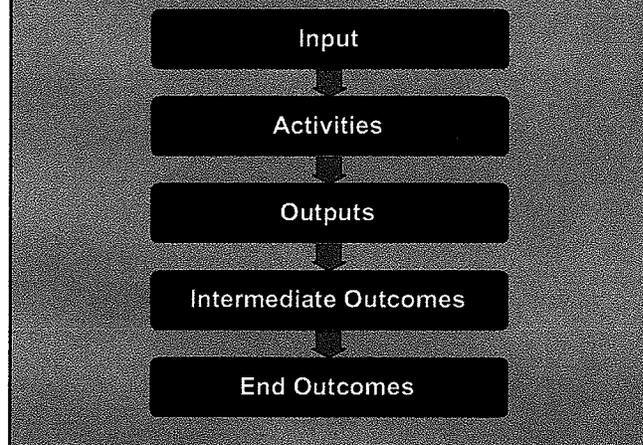
Why do we need to measure? If you cannot measure an activity performed by a drug court you cannot influence or control it. If you cannot control or influence it, you cannot manage it. Without dependable measurements, intelligent decisions cannot be made. Measurements, therefore, can be used for:

1. **Control:** Measurements help to reduce unwanted or unnecessary variation in the processing of drug court clients.
2. **Self-assessment:** Measurements can be used to assess how well a drug court process is doing, including improvements that have been made.
3. **Continuous improvement:** Measurements can be used to identify the source of problems and problem prevention strategies, process trends, and to determine process efficiency and effectiveness, as well as opportunities for improvement.
4. **Management Assessment:** Without measurements, there is no way to be certain that the program is operating effectively and efficiently.

Performance measurement should be distinguished from impact assessment, though these two approaches to evaluation are linked. Critical to an understanding of the difference between these two approaches to program evaluation is the distinction between "outcomes" and "impacts." The focus of performance measurement is on "outcomes," which are measures of the stated objectives. The basic concept of performance measurement involves (a) planning and meeting established operating goals/standards for intended outcomes; (b) detecting deviations from planned levels of performance; and (c) restoring performance to the planned levels or achieving new levels of performance.

Impact assessment, on the other hand, requires estimates of the "value added by the program" (i.e., the benefits that would not have occurred had the drug court program not existed) (Lipsey, 2004). Determining impact is much more difficult than monitoring outcomes. Assessing impact inherently involves comparison of outcomes when the drug court program is present with outcomes when

Figure 1.
Generic Logic Model of Program Operation



it is absent, the latter being contrary to fact (counterfactual condition).

Note, however, that performance measurement in itself cannot address the critical issue of "attribution," i.e., whether the drug court program itself (and not some other factors) was responsible for any changes that occurred in the outcomes during the course of the program (McDavid, 1998). Variation in outcome measures can potentially be explained by any number of factors such as maturation of clients while they participate in the program, selection bias favoring participants most likely to succeed, or changes in law or policy as well as the impact of the drug court program in question. To isolate the impact of the program from these "confounding" explanations, researchers employ a comparison group, selected to be as identical as possible to the group exposed to the program but exposed to a "counterfactual" condition such as "practice as usual" or no treatment at all instead of the program.¹

Thus, performance measurement can be seen as a necessary but not sufficient condition for impact evaluation because it provides the means to determine whether the drug court program is accomplishing its goals and objectives. In the logic model, impact is the result of the program accomplishing its goals and objectives. Performance measurement in itself, however, is unable to attribute any variation noted in outcome measures to the effects of the drug court program per se. We next explore arguments for and against statewide performance measures.

¹ Random assignment to the program and the counterfactual condition (called an "experimental" design) is the best way to insure the "internal validity" of the program evaluation (i.e., the accurate, unbiased estimation of the program effect—the difference in outcome with and without the program). However, researchers must frequently forgo random assignment for a number of practical and ethical considerations and must instead employ "quasi-experimental" designs that use comparison groups selected to be as identical as possible to the group exposed to the program. In a quasi-experimental design, comparability between the program and counterfactual groups is accomplished by "matching" individuals in the two groups according to some criteria related to the outcome of interest (e.g., age, gender, previous offenses).

Why Statewide Performance Measures?

What are the advantages and disadvantages of statewide performance measures for drug courts? Do statewide standards impose a rigid "top-down" approach to performance measurement of drug courts that ignores the individuality of each drug court? Or, do they provide important and timely guidance to drug courts regarding what needs to be measured and how it should be measured, thereby insuring uniformity in measurement and enabling comparisons among jurisdictions?

Emerging drug courts tend to focus, by necessity, on operational issues, often at the expense of developing and implementing an evaluation plan and despite the recommendation that evaluation planning should be one of the initial activities of establishing a drug court (see Key Component #8).² As a consequence, evaluation planning often tends to take place long after the drug court was implemented and many opportunities to identify control groups and collect data have passed. Further, drug court personnel often lack the expertise to plan and implement an evaluation. The procedure advocated in this Bulletin uses a committee of experts to develop statewide performance measures, permitting even the smallest jurisdiction to benefit from this expertise. Statewide performance measures take the guesswork out of many of the data collection and performance measurement issues that face drug courts, especially those just starting.

The establishment of clear performance expectations results in a reduction of uncertainty about how to measure drug court performance and establishes the foundation for an ongoing process of program monitoring and improvement. The performance measures also foster a shared "language" of performance measurement and impose uniform measurement procedures that permit cross-jurisdictional comparisons among drug courts within the same state.

Future evaluation results using these performance measures can be used to identify issue(s) within the statewide network of drug courts needing reassessment and adjustment. Further, performance measures will enable individual jurisdictions to monitor the performance of their local drug courts and provide the basis for any future impact analyses.

The ultimate goal is to institutionalize drug courts, and standardization of performance measurement will assist in this effort. Standardized measures and indicators will provide policy makers and other stakeholders with information to continue support and sustenance for the movement. When a member of the community asks, "Does the program work?" a comprehensive response detailing why and how the program is effective can be provided instead of just a one-word answer. Procedures for developing statewide performance measures for drug courts are described next.

Procedures for Developing Statewide Performance Measures for Drug Courts

A few caveats are in order before describing the procedures used to develop statewide performance measures. First, the performance measurement system must focus on the needs of key stakeholders (e.g., state and local legislators and policy makers, judges, drug court coordinators, service providers, law enforcement officers, prosecutors, and defense attorneys). Stakeholders typically possess valuable knowledge about drug courts and should be intimately involved in the process of developing performance measures. It is essential that they agree on the performance measures in advance of any planned evaluation. Very importantly, their participation dramatically increases the odds that they will "buy into" the finished set of performance measures and advocate their use.

Secondly, it is not possible to measure everything, so it is essential to differentiate between those performance measures that would be nice to know and those that are essential to assess the performance of drug courts. Every piece of information collected has a price tag associated with it. Consequently, a carefully selected set of performance measures helps to keep the cost of the evaluation down.

Third, use fewer rather than more measures in your initial years of measuring performance. This can lay the groundwork for later expansion of the number of measures collected, by demonstrating the feasibility and usefulness of performance measurement activities without overly taxing the resources of all parties involved.

Finally, the performance measures must be specified with great precision and be supported by readily available data. This effort is needed to insure that performance measures will be standardized and reliable. Definitions of terms used in the performance measures must be provided (e.g., recidivism) and examples of calculations should be given. Data sources that are uniformly accessible to drug courts statewide should be identified.

Given these caveats, a four-step process was used by NCSC staff and consultants to develop statewide performance measures:

1. Carefully select and convene an advisory group.
2. Identify statewide goals and objectives for drug courts.
3. Derive performance measures on the basis of goals and objectives.
4. Circulate draft performance measures among stakeholders not participating in the advisory committee and revise as needed.

Each of these steps is briefly described in the following.

The first step in the development of statewide performance measures is to carefully select and convene an advisory group. The group should contain key and influential stakeholders, including drug court judges, prosecutors, defense attorneys, treatment and

² The National Association of Drug Court Professionals Drug Court Standards Committee. (1997). *Defining Drug Courts: the Key Components*. (NCJ 165478). Washington, DC: U.S. Department of Justice.

other service providers, professional evaluators, drug court coordinators, and state and local legislators and policy makers.

The second step is to identify statewide goals and objectives for drug courts. In some states, these will already be specified as, for example, in Tennessee, where they are found in enabling legislation. Other states will not have statutorily specified mission statements and goal statements for their drug courts. In these states, it may be necessary for the advisory groups to define the goals and objectives for their drug courts themselves. Efforts to define statewide drug court goals and standards are informed by a number of resources including:

- The 10 Key Components (National Association of Drug Court Professionals, 1997) or in the case of juvenile courts, the 16 strategies (Bureau of Justice Assistance, 2003);
- Trial Court Performance Standards (NCSC, 1996);
- Best practices identified in drug court literature (e.g., Roehl and Guertin, 2000);
- Federal requirements (BJA, 2004)
- Goals and objectives defined by other drug courts (e.g., Supreme Court of Virginia, 2001).

When no goals exist, the committee should consider the fundamental question of what it is that they want to know. The NCSC technical assistance consultant acts as a facilitator while advisory committee members discuss and ultimately decide on the set of goals and objectives that are used to derive performance measures.

The third step is the derivation of performance measures from the drug court objectives. Measures should be reliable, valid and standardized.³ To this end, the measures must be precisely defined and explanatory notes should be added where appropriate. Examples of any calculations that are required should be given, preferably using real data. Only measures for which data are readily and universally available should be considered. Multiple performance measures for the same objective are desirable but only in the context of keeping the number of performance measures relatively small. Triangulation across independent measures increases confidence in their validity. To develop a measure, the advisory group should:

- Translate the objective or the "what do I want to know" question into a performance measure.
- Identify the raw data that will generate the performance measure.
- Determine where to locate the raw data.
- Specify the mechanism (s) or procedure(s) to collect and report the data.
- Decide how often to make measurements.

The last step in the process requires members of the advisory committee to circulate the draft performance measures to their constituencies (judges, prosecutors, drug court coordinators etc.), and collect and report their feedback to the group and consultants. On the basis of this feedback, additional revisions in the performance measures may be required.

Results

At least four states, Missouri (Rubio and Cheesman, 2004), Tennessee (Cheesman and Rubio, 2004), Vermont (Wilson, Shelton, Cheesman, and Rubio, 2004) and Wyoming (Willis and Heck, 2004), have developed performance measures for their adult, family, and/or juvenile drug courts. Tables 1 and 2 list the performance measures developed for each state by performance measure category for (1) adult and (2) juvenile and family drug courts, respectively. The performance measures developed for each state vary in content and emphasis, as would be expected, because each state's goals and objectives are somewhat different. However, certain commonalities are evident.

Turning first to adult drug courts, each state addressed post-program recidivism in some fashion. Recidivism is operationalized variously in the states as arrests, self-reported arrests, arrests resulting in a felony charge, court filings on new charges, and convictions. Tennessee and Wyoming measure in-program recidivism while Missouri and Vermont do not. Missouri was the only state that chose not to measure abstinence/relapse. None of the states chose to pursue abstinence/relapse after graduation or termination because of concerns about their ability to track this aspect of offender behavior after they leave the drug court.

Each state measures accountability and social functioning, in particular, employment status, education status, collection of monetary obligations, and birth of drug-free babies. Other aspects of accountability and social functioning measured in most of the states includes driver's license restoration, residential stability, and community service hours. Retention and graduation rates are measured by formulae in most states although retention rate is operationalized as the "cumulative survival rate"⁴ in Missouri and Vermont.

Two states, Tennessee and Wyoming, measured interaction and sharing of resources with other criminal justice and community agencies. Timely processing is measured in most of the states, though the processing steps addressed vary among the states. Missouri focuses on the number of days between eligibility screening by the drug court team and the date the contract is signed; Tennessee on the number of days between referral to drug court and admission to the program; Vermont selected three intervals, the days between: (1) court filing and screening, (2) screening and staffing, and (3) staffing and first court appearance.

Both Missouri and Vermont measured cost factors, examining cost per case, and avoided costs per case (based on the avoided costs identified by Lohman, 2004). Most of the states intend to

³ **Reliable:** Use of the performance measure results in the same reported data values regardless of who does the measuring or when and where the measurement is taken.

Valid: The performance measure measures what is intended.

Standardized: Definitions of data elements, data collection, and data analyses are sufficiently precise and comprehensible that they can be understood and applied in the same way regardless of who refers to or applies them.

⁴ Cumulative survival rate refers to the percentage of offenders admitted into the drug court program that are still in the program one month after admission, two months after admission, three months after admission, and so forth.

measure compliance with the 10 Key Components, and Missouri and Vermont are also measuring compliance with selected Trial Court Performance Standards (BJA, 1997).

Both Missouri and Vermont also developed performance measures for their family drug courts and Missouri for its juvenile drug courts as well. The conceptualization of recidivism changes according to the type of drug court (adult, family, or juvenile). Whereas adult drug courts focus on criminal arrests, charges, and convictions, family drug courts look for substantiated reports of abuse or neglect or petitions filed in family court. Recidivism is measured differently for those exiting juvenile drug court, depending on whether the juvenile was 17 or younger or older than 17. In the latter case, recidivism is measured in the same way that it is measured for adults, while in the former case it is measured by referrals for delinquent conduct substantiated through informal adjustment or sustained formally.

Many other performance measures used to evaluate adult drug courts are also applicable to family and juvenile drug courts, with a few exceptions and modifications. For example, under the Accountability and Social Functioning performance measure category, alternative care placements are measured for both family and juvenile but not adult drug courts. Another difference is the Safety and Permanency category of performance measures that apply only to family drug courts. These measures were adopted from the Court Performance Measures for Child Protection Cases developed by NCSC in collaboration with the American Bar Association (ABA) and the National Council of Juvenile and Family Court Judges (NCJFCJ) with funding from the David and Lucille Packard Foundation (ABA, NCSC, and NCJFCJ, 2004). In addition, performance measures for juvenile drug courts address compliance with the 16 Key Strategies for Juvenile Drug Courts (BJA, 2003) rather than the 10 Key Components, which were designed for adult drug courts.

After the Performance Measures Have Been Specified: Next Steps

Performance measures must eventually be tied to "performance standards," that establish performance goals. Knowledge of performance is not enough: there must also be a basis for comparison before you can decide what decisions to make, or what action to take. The performance standard is simply an aspirational target, an achievement toward which effort is expended.

Performance standards may be derived from several sources. In some cases, law mandates them, though this is generally not the case with drug courts. Standards may also be derived from widely accepted industry standards, such as those promulgated by relevant professional groups (e.g., the National Association of Drug Court Professionals). However, given their relative recency, guidance from professional groups regarding acceptable performance standards for drug courts is lacking.

Until guidance from professional and governing bodies regarding what constitutes acceptable drug court performance emerges, states are likely to be left to their own devices to develop such standards. Before the states set standards and goals for their performance measures, a baseline period of data collection will be needed. Data collected on the performance measures during this period will be used to establish initial, tentative standards for each performance measure. For example, if the time between arrest and when the drug court client enters treatment is used as a performance measure, a mean (or average) value and standard deviation⁵ for this measure should be calculated using data collected over two or three years. These statistics, in turn, can be used to define a "95 percent confidence interval⁶" around the mean. Any drug court whose mean time is

outside of the confidence interval may be considered to be exceptionally fast or exceptionally slow. The latter drug courts would need to change their policies and procedures to reduce their mean time while the former drug courts are performing so well that replication of their procedures might benefit other courts.

The result is a performance evaluation cycle in which a state or court:

1. Collects data.
2. Analyzes/reports actual performance.
3. Compares actual performance to goals.
4. Identifies/determines whether corrective actions are necessary.
5. Makes changes to bring back in line with goal.
6. Identifies/determines whether new goals are needed.

A statewide performance measurement system does not diminish the need for impact assessments of individual drug courts. While the statewide performance measures will be used in those impact assessments of individual courts, additional variables will likely be examined as well. These additional variables will reflect the unique goals and objectives of the particular drug court as well as the unique circumstances in which the court operates. Whether statewide performance measures exist or not, individual drug courts will still need to customize their impact evaluations to meet their own particular needs and answer their own particular research questions.

⁵ A measure of the amount of variation in the data reported for the performance measure.

⁶ A 95 percent confidence interval is defined by upper and lower values between which we can confidently expect 95 percent of the reported values for the performance measure to be found. Any value of the performance measure that is either larger than the upper value or smaller than the lower value is considered to be unusual.

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Table 1: Adult Drug Court Performance Measures

Performance Measure Category	Missouri	Tennessee	Vermont	Wyoming
Post-graduation Recidivism	(1) Arrests resulting in a felony charge and (2) Convictions or guilty pleas	Arrests for (1) felony and (2) misdemeanor offenses	Court filings on new charges (felony and misdemeanor)	(1) Arrests and (2) self-reported arrests
Follow-up Period for Post-graduation Recidivism	2, 5 years	2 years	2 years	
In-program Recidivism		Arrests for new charges		Arrests for new charges
Time Incarcerated		(1) during program and (2) two years after graduation, jail and prison		
Abstinence/relapse		Percentage of positive UAs during program	Percentage of positive UAs during program	Percentage of positive UAs during program and self-report
Accountability and Social Functioning	(1) employment status, (2) education status, (3) collection of monetary obligations, and (4) birth of drug-free babies	(1) Restoration of custody rights/visitation rights, (2) Birth of drug-free babies, (3) employment, re-employment, and/or improved employment, (4) employment stability, (5) education gains, (6) child support payments, (7) hours of community service, (8) fines, court costs, and restitution paid, (9) driver's license restoration, and (10) residential stability	1) employment status, (2) education status, (3) birth of drug-free babies, (4) collection of monetary penalties, (5) driver's license restoration, and (6) residential stability	1) employment status, (2) education status, (3) birth of drug-free babies, and (4) collection of monetary obligations, (5) child support payments, (6) driver's license restoration, (7) community service hours, and (8) residential stability
Retention Rate	Cumulative survival rate measured by month, months 1-12	(total number of graduates since program's inception+ number currently enrolled) / (total number of admissions to program since program's inception)	Cumulative survival rate measured by month, months 1-12	
Graduation Rate	(total number of graduates since program's inception)/ (total number of admissions- number of active clients- deaths-transfers, all measured since program's inception)	(total number of graduates since program's inception)/ (total number of graduates +total number of terminations, both measured since program's inception)	(total number of graduates since program's inception)/ (total number of admissions- number of active clients- deaths-transfers, all measured since program's inception)	
Interaction and the sharing of resources with other criminal justice and community agencies		List individuals, agencies, and organizations with which the drug court collaborates		(1) Client contacts with other support agencies and (2) number of agencies using case management system
Timely Processing	Number of days between eligibility screening by drug court team and signed contract	Number of days between referral to drug court and admission to program	(1)Days between court filing and screening, (2) days between screening and staffing, and (3) days between staffing and first court appearance	
Cost and Cost Avoidance	(1) Cost per case and (2) avoided cost per case*		(1) Cost per case and (2) avoided cost per case*	
Compliance with Quality Standards	(1) Compliance with 10 Key Components, assessed internally using Meyer's online instrument and externally by Commission staff and/or other qualified evaluators and (2) compliance with applicable Trial Court Performance Standards (BJA,1997) as modified to fit the context of drug courts**	Drug courts should address the extent of their compliance (and support with statistical and other information where appropriate) with each benchmark for each of the 10 Key Components	Recommended:(1) Compliance with 10 Key Components, assessed internally using Meyer's online instrument and externally by Commission Staff and/or other qualified evaluators and (2) compliance with applicable Trial Court Performance Standards (BJA, 1997) as modified to fit the context of drug courts**	

* Cost factors will correspond to those identified by Lohman (2004) including food stamps, TANF, child welfare cases, drug-exposed babies, and days incarcerated.

** Standards related to access/fairness, reliability and integrity of case files, and court workforce strength considered to be the most relevant in Missouri. Vermont also addressed clearance rates, time to disposition, and age of pending caseload.

Table 2: Juvenile and Family Drug Court Performance Measures

Court Type Performance Measure Category	Family Missouri	Family Vermont	Juvenile Missouri
Post-graduation Recidivism	(1) Substantiated hotline report on drug court participant/parent, (2) sustained allegation of abuse or neglect, (3) birth of drug-free babies, and (4) findings of guilt for drug-related offenses or offenses against the family or alcohol/drug-related offenses; (3)	(1) Substantiated reports of abuse or neglect and (2) petitions filed in family court	(1) Graduates age 17 and younger: Referrals for delinquent conduct substantiated through informal adjustment or sustained formally; (2) Graduates age 17 plus: findings of guilt for felonies, misdemeanors, birth of drug-exposed babies within two years of graduation
Follow-up Period for Post-graduation Recidivism	6, 12, and 18 months after graduation	2 years after graduation	6, 12, and 18 months after graduation
Abstinence/relapse	Percentage of positive UAs during program (measured at 0-3,4-6, and 7-9 month intervals)	Percentage of positive UAs during program	Percentage of positive UAs during program
Accountability and Social Functioning	(1) Alternative care placements during program participation (# and days), (2) employment status, (3) public assistance status, (4) education status, (5) collection of monetary obligations, (6) driver's license status, and (7) residential stability	(1) Alternative care placements during program participation (# and days), (2) employment status, (3) public assistance status, (4) education status, (5) collection of monetary obligations, (6) driver's license status, and (7) residential stability	(1) Alternative care placements during program participation (# and days), (2) employment status, (3) education status, (4) collection of monetary obligations, and (5) driver's license status
Retention Rate	Cumulative survival rate measured by month, months 1-12	Cumulative survival rate measured by month, months 1-12	Cumulative survival rate measured by month, months 1-12
Graduation Rate	(total number of graduates since program's inception)/(total number admissions—number of active clients—deaths—transfers, all measured since program's inception)	(total number of graduates since program's inception)/(total number of admissions—number of active clients—deaths—transfers, all measured since program's inception)	(total number of graduates since program's inception)/(total number of admissions—number of active clients—deaths—transfers, all measured since program's inception)
Timely Processing	Days between determination of eligibility and first drug court appearance	(1) Days between court filing and screening, (2) days between screening and staffing, and (3) days between staffing and first court appearance	Days between determination of eligibility and first drug court appearance
Cost and Cost Avoidance	(1) Cost per case, (2) days in school, (3) cost of out-of-home placement, and (4) number of drug-exposed babies	(1) Cost per case, (2) cost of out-of-home placement, and (3) number of drug-exposed babies	(1) Cost per case, (2) days in school, (3) cost of out-of-home placement, and (4) number of drug-exposed babies
Safety and Permanency	(1) Filings for Termination of Parental Rights (TPR), (2) establishment of paternity and support, (3) percentage of children who are transferred among one, two, three, or more placements while under court jurisdiction, (4) percentage of children who reach legal permanency (by reunification, guardianship, adoption, planned permanent living arrangement, or other legal categories that correspond to ASFA) within 6, 12, 18, and 24 months from removal, (5) percentage of children who re-enter foster care pursuant to court order within 12 and 24 months of being returned to their families, (6) percentage of children who do not have a subsequent petition of maltreatment filed during program participation, and (7) percentage of children who are the subject of additional substantiated findings of maltreatment within 12 months of graduation	(1) Filings for Termination of Parental Rights (TPR), (2) establishment of paternity and support, (3) percentage of children who are transferred among one, two, three, or more placements while under court jurisdiction, (4) percentage of children who reach legal permanency (by reunification, guardianship, adoption, planned permanent living arrangement, or other legal categories that correspond to ASFA) within 6, 12, 18, and 24 months from removal, (5) percentage of children who re-enter foster care pursuant to court order within 12 and 24 months of being returned to their families, (6) percentage of children who do not have a subsequent petition of maltreatment filed during program participation, and (7) percentage of children who are the subject of additional substantiated findings of maltreatment within 12 months of graduation	** Standards related to access/fairness, clearance rates, time to disposition, and age of pending caseload, reliability and integrity of case files, and court workforce strength considered to be the most relevant for Missouri Family and Juvenile Courts .
Compliance with Quality Standards	(1) Compliance with 10 Key Components, assessed internally using Meyer's online instrument and externally by Commission staff and/or other qualified evaluators and (2) compliance with applicable Trial Court Performance Standards (BJA, 1997) as modified to fit the context of drug courts**	(1) Compliance with 10 Key Components and (2) compliance with applicable Trial Court Performance Standards (BJA, 1997) as modified to fit the context of drug courts	(1) Compliance with 16 Strategies for Juvenile Drug Courts (BJA, 2003) and (2) compliance with applicable Trial Court Performance Standards (BJA, 1997) as modified to fit the context of drug courts**

Summary and Conclusions

In summary, statewide performance measures for drug courts are recommended because they:

- Remove the guesswork about the appropriate means to assess critical aspects of drug court performance.
- Provide a means to compare drug court performance across time and across jurisdictions.
- Enable affected states to monitor the performance of their drug court network and make changes (e.g., in resource allocation or training) on the basis of changes observed in the performance measures.
- Contribute to impact assessments conducted at the individual drug court level.

However, we noted that a performance measurement system will in itself not be able to answer the critical "attribution" question: Are drug courts responsible for the changes observed in the performance measures or are other (confounding) factors responsible? To answer the attribution question, an impact assessment is needed at the individual court level. Thus, performance measurement systems do not negate the need for impact assessments but should inform them.

We also realize that the performance measures developed for the states participating in this project are not devoid of controversy. For example, the counting of drug-free babies as a performance measure is controversial, given the variability in the estimates of the cost of drug-addicted infants over the course of their lifetimes, the problem of attributing drug-free infants to the impact of the drug court, and the low frequency of babies born during the course of treatment. As another example, asking drug courts to list contacts with other criminal justice and community agencies to measure their level of interaction and the sharing of resource with these agencies does not address the critical question of the intensity of the interaction. However, given the still-developing theory of drug court evaluation, such controversies are not unexpected. It should also be remembered that these measures represent the first round of performance measures in the states and that other measures will be added later and existing measures will be further refined.

Despite these controversies, use of these measures will do much to advance the cause of drug court effectiveness and efficiency in the respective states. They are small steps in what will hopefully be an ongoing saga of drug court evaluation and improvement.

References

- American Bar Association, National Center for State Courts, and National Council of Juvenile and Family Court Judges. (2004). *Building a better court: Measuring and improving court performance and judicial workload in child abuse and neglect cases*.
- Bureau of Justice Assistance. (1997). *Trial court performance standards with commentary* [Monograph]. Washington, DC: Author. (NCJ No. 161570)
- Bureau of Justice Assistance. (2003). *Juvenile drug courts: Strategies in practice* [Monograph]. Washington, DC: Author. (NCJ No. 197866)
- Bureau of Justice Assistance. (2004). *Statewide Drug Court Enhancement Grant Program: FY 2004 Competitive Grant Announcement: Performance Measures* [On-line]. Available: www.ojp.usdoj.gov/BJA/grant/DrugCtState/page10.html
- Cheesman, F., and Rubio, D. (2004). *Tennessee Technical Assistance Project: Performance Measures for Tennessee Drug Courts Final Report*. Williamsburg, Virginia: National Center for State Courts.
- Dancy, D. Rubio, D, and Van Duizend, D, (2003). Assessing the statewide needs of drug courts: Needs Assessment Survey. *Statewide Technical Assistance Bulletin, 1, 1-6*.
- Deming, E. (1986). *Out of the crisis*. Cambridge, MA: MIT Press.
- Drucker, P. (1964). *Managing for results*. New York: Harper & Row
- Lipsey, M. (2004, July). *Caution: What you need to know before evaluating*. Workshop presentation at the NIJ Annual Conference on Criminal Justice Research and Evaluation, Washington, DC.
- Lohman, L. (2004). *A cost-benefit analysis of the St. Louis City Adult Felony Drug Court*. St. Louis, MO: Institute of Applied Research.
- McDavid, J. (1998, May). *Linking program evaluation and performance measurement: Are there ways we can build and sustain performance measurement systems?* Speaker's notes for a presentation to the Performance Measurement Resource Team, Victoria, BC. [On-line]. Available: web.uvic.ca/lgi/reports/linkjmc.htm
- Meyer, W. (1998). *Drug court self-assessment: Utilizing the key components as a standard*. Denver, Colorado: Author.
- Roehl, J. and Guertin, K. (2000). *A self-evaluation manual and case management system for adult drug courts*. Pacific Grove, CA: Justice Research Center.
- Rubio, D., and Cheesman, F. (2004). *Missouri drug court statewide technical assistance project final report*. Williamsburg, Virginia: National Center for State Courts.
- Supreme Court of Virginia, Office of the Executive Secretary. (2001). *Evaluation plan for Virginia's drug court programs*. Richmond, VA: Author.
- Willis, W. and Heck, C. (2004). *Wyoming drug court statewide technical assistance project final report*. Williamsburg, Virginia: National Center for State Courts.
- Wilson, A., Shelton, C. Cheesman, F. and Rubio, D. (2004). *Vermont drug court statewide technical assistance project final report*. Williamsburg, Virginia: National Center for State Courts.