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D.C. SUPERIOR COURT RELEASES COMMUNITY COURT STUDY RESULTS

In 2002, the East of the River Community Court (ERCC) was developed as a pilot community court. The ERCC presided over misdemeanor cases (excluding domestic violence cases) originating in the Metropolitan Police Department (MPD) 6th and 7th districts. As an alternative to traditional case processing, eligible defendants were offered an opportunity to voluntarily participate in ERCC diversion programming. Specifically, the ERCC provided an opportunity for defendants with minor offenses to make restitution to the community, accept responsibility for their behavior, obtain access to necessary treatment and educational services and divert a criminal conviction.

In 2010, the D.C. Superior Court commissioned a study to determine the effectiveness of the ERCC. The study, conducted by Westat, focused on 4,046 defendants entering ERCC in 2007, 2008, and 2009. The study examined the number of defendants entering the ERCC, the rate of successful ERCC diversion completions, and reoffending activity in the District of Columbia and Maryland for approximately 12 months post-disposition.

The principal study findings include:

- Between 2007 and 2009, 4,046 defendants entered the ERCC. Of those defendants entering the ERCC, 21% were involved in ERCC diversion programs (p. 23).
- Of the defendants involved in ERCC diversion programs, 60% successfully completed their program (p. 32).
- The most common charges associated with defendants entering the ERCC were misdemeanor drug charges (p. 25).

In order to examine how effective the ERCC was at reducing reoffending, defendants who successfully completed their diversion programs were compared with a similar group of defendants not offered diversion programs whose offense originated in MPD 5th district. The ERCC defendants and MPD 5th district defendants were matched on the following characteristics: gender, age, race, D.C. or MD resident, criminal history, severity of offense, and maximum severity score for the most serious offense (p. 57-58). The principal findings related to reoffending include:

- Overall, reoffending was substantially and significantly lower among ERCC defendants when compared to MPD 5th District defendants (p. viii).

- While the defendant's case was ongoing, defendants in the ERCC had a 60% lower reoffending rate than defendants in the comparison group (p. 58).

- During the 12 months post-disposition, defendants successfully completing ERCC had a 42% lower reoffending rate than defendants in the comparison group (p. 59).

- During the entire study time period (case processing and post-disposition), defendants successfully completing an ERCC diversion program were about 50% as likely (or about half as likely) to reoffend when compared to MPD 5th district defendants (p. viii).

Based on the success of the ERCC, the Chief Judge of the Superior Court of the District of Columbia reconfigured the criminal division's misdemeanor calendars to follow the community court model. Starting in January, 2012 the D.C. Superior Court now has dedicated community courts for the following MPD districts: 1D, 2D/4D, 3D, 5D, 6D and 7D. The establishment of community courts in each MPD district is one example of the D.C. Superior Court's commitment to providing access to justice, enhancing public safety and assisting in the rehabilitation of offenders.

East of the River Community Court (ERCC) Evaluation

Final Report

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Executive Summary

Introduction

Established in September 2002, the East of the River Community Court (ERCC) was developed in response to the high rates of poverty, crime and disorder in the Washington, D.C. neighborhoods, east of the Anacostia River. The ERCC adjudicates misdemeanor cases (except domestic violence cases) originating east of the Anacostia River in the MPD 6th and 7th Districts (Wards 7 and 8). If offered, defendants voluntarily participate in ERCC diversion programming in lieu of normal case processing. Figure 1.1 (page 6) depicts different court processing options available to ERCC defendants including the diversion and treatment court options outlined in green (dashed lines) and purple (dotted lines). After successfully completing a diversion program in the ERCC, which generally includes performing community service in the district where the offense took place, the case is closed with a nolle diversion disposition, under the recommendation of the U.S. Attorney's Office.

One judge presides over the ERCC and typically hears all phases of an ERCC case from arraignment to final disposition. This important component allows the judge to develop a relationship with the defendant and provide him or her with a more personalized form of justice. Defendants who move through another form of court processing (e.g., trial) or are assigned to participate in a treatment court such as drug court or mental health community court are transferred to a different court calendar and may or may not go in front of one judge for the duration of their case.

The ERCC also involves community input from the ERCC Community Advisory Board. According to the original evaluation solicitation, "the ERCC Advisory Board serves as a vehicle for community stakeholders to engage, assist and collaborate with the ERCC," (p.8). Generally, members of the ERCC Community Advisory Board live or work in neighborhoods east of the Anacostia River. The Board enhances the ERCC's ability to meet the specific needs of the communities in which it is located. Since the ERCC's inception, in addition to the community advisory board, Court and agency staff, including the Judge presiding over the ERCC, D.C. Superior Court Staff, and representatives from Pretrial Services Agency (PSA), Court Services and Offender Supervision Agency (CSOSA), United States' Attorney's Office (USAO), Superior Court Trial Lawyers Association (SCTLA), Metropolitan Police Department (MPD), and the Criminal Justice Coordinating Council (CJCC) have regularly participated in community meetings, Town Hall Meetings, and other events held in the neighborhoods east of the Anacostia River. As is apparent, the ERCC involves the partnership and collaboration of several agencies and organizations who work with the Court to identify and meet the social service needs of defendants. After fully assessing a defendant, the ERCC works to provide the best approach to meeting his or her needs. The ERCC relies on diversion programming rather than traditional criminal justice sanctions to meet the needs of defendants and the community.

Community courts are designed to tailor sanctions to the needs of offenders as well as to the needs of communities and are currently being offered as a case processing option in 15 states and the District of Columbia. As with most community courts, one judge presides over the ERCC and typically hears all

phases of a case from arraignment until final disposition, allowing for more informed judicial decision-making. This important component allows the judge to develop a relationship with the defendant and provide him or her with a more personalized form of justice.

A central goal of community courts is to reduce reoffending but little research exists that evaluates the impact of community courts on recidivism. However, the D.C .Superior Court recently funded an evaluation of the ERCC. The primary purpose of the evaluation was to examine the effectiveness of the community court on reoffending behavior. This report presents results from the evaluation.

Using data provided by the D.C. Superior Court and the Maryland Department of Public Safety and Correctional Services, the ERCC evaluation employed a mix of analytic techniques to answer three main research questions. First, descriptive analyses reveal what happened to defendants that entered the ERCC in 2007, 2008, and 2009. These analyses also provide detail on who the typical ERCC participant is. Second, bivariate analyses show which defendant characteristics are associated with the successful completion of the ERCC program, and third, multivariate analyses (propensity score matching and survival analysis) are used to examine the reoffending behavior of ERCC defendants compared to a similar group of defendants with misdemeanor cases originating in the MPD 5th District.

Results

Research Question 1: During 2007-2009, what happened to defendants that entered the ERCC and who were they?

Of the 4,046 defendants that entered ERCC during 2007-2009:

- 21% (847) participated in at least one of the ERCC diversion programs offered,
- 9% (379) were transferred to a drug or mental health court calendar, with 305 participating in a drug court and 74 participating in a mental health court and,
- 70% (2820) opted out of, or were not offered, diversion programming or a treatment court option.

<u>Demographic Characteristics</u>

The average age of all 4,046 ERCC defendants was approximately 35 years old. Nearly all defendants were African American (96%) and 75% were male. A higher proportion of women participated in a treatment court program (32%) compared to the proportion that participated in an ERCC diversion program (21%). Nearly one quarter (24%) of all ERCC defendants were from Maryland and 70% were from Washington D.C. The percentages were roughly the same for those participating in a treatment court. However, of those assigned to an ERCC diversion program, 59% were from Washington D.C. and 35% were from Maryland.

Criminal History

Approximately 72% of all ERCC defendants had a criminal case in the D.C. Superior Court prior to the filing date of their trigger case (the case that brought them into the ERCC), with the number of prior cases ranging from 0 to 51. Those who participated in an ERCC diversion program were least likely to have a prior case compared to those who participated in other court processing options. Only 57% of diversion program defendants had at least one prior case compared to 71% of treatment court defendants and 77% of defendants who opted out of, or were not offered a diversion program or treatment court option. The most common prior charge for all defendants entering the ERCC was a felony drug charge.

Trigger Case Details

Trigger Offenses. The D.C. Superior Court data used in the evaluation included detail on up to five charges per case. The most common charges for all ERCC defendants were misdemeanor drug charges. The defendants who opted out of, or were not offered a diversion program or a treatment court option were the individuals with the most charges and/or the most serious charges (based on a computed trigger case summary score). There was little difference between the diversion program and treatment court defendants on the trigger case summary score.

Case Processing. Also related to the trigger case, treatment court defendants had significantly more docket entries (an average of 73) and court appearances (an average of 17) than defendants who participated in ERCC diversion programming (who had an average of 36 docket entries and 7 court appearances) and those who opted out of, or were not offered participation in a diversion program or treatment court. On average, ERCC diversion program participants also went before fewer judges than did those in the treatment courts or those who did not participate in a diversion program or a drug or mental health court.

Diversion Program and Treatment Court Participation and Success. Of the 4,046 defendants that entered the ERCC in 2007-2009, 847 participated in 12 different types of ERCC diversion programming, 379 participated in either a drug court or a mental health court program, and 2820 did not participate in a diversion program or treatment court.

The ERCC diversion program with the highest participation (42% or 355 defendants) was the Deferred Prosecution Agreements (DPA)/Angels Project Power (PPOW). The program with the lowest participation (0.6% or 5 defendants) was the prostitution-related programming (including Bridges Early Intervention/BEIP and HIPS Trans-in-formation Program). The highest success rates were for Mediation (100%), Johns School (96%), and substance abuse-related programming (substance abuse driving diversion, first time drug offender diversion, and alcohol treatment) (93%) and the lowest was for the New Directions Program (0%).

Case Disposition and ERCC Program Success. In total, 60% of ERCC defendants who participated in ERCC diversion programming successfully completed the ERCC program (i.e., received a disposition of nolle

diversion in the ERCC). Note that the successful completion of the ERCC program means the defendant participated in and successfully completed at least one ERCC diversion program and received a nolle diversion disposition from the ERCC judge.

Case Sentencing. As a result of their trigger case, on average, those that entered the ERCC but opted out of, or were not offered diversion or treatment court options were sentenced to the most months of incarceration compared to defendants who participated in a diversion program or a treatment court. These defendants were also sentenced to more months of probation, more community service hours, and a higher amount of victim fund contributions compared to the diversion and treatment court group.

Reoffending Details. Between the trigger case filing date and trigger case disposition date, a smaller percentage of the ERCC diversion program defendants reoffended (15%), compared to the percentage of treatment court group defendants that reoffended (26%) and the group with no diversion or treatment court participation (28%). After the trigger case had been disposed of, a lower proportion of diversion program defendants reoffended (25%) compared to the other two groups (26% for treatment court defendants and 44% for those not participating in a diversion or treatment court program).

Research Question 2: Who (what type of defendant) is most likely to complete the ERCC program? Which defendant characteristics are associated with the successful and unsuccessful completion of the ERCC program?

To answer Research Question 2, the sample was limited to the 847 defendants who participated in an ERCC diversion program and the 379 defendants who were transferred to a drug or mental health court calendar (a total of 1226 defendants).

For the most part, defendants who successfully completed their assigned diversion programs also successfully completed the ERCC program.[1] However, there were two notable exceptions: 15.5% of defendants placed on the STET docket did not receive a *nolle diversion* disposition nor did 31% of those who successfully completed the MED program.

When examining the sample of 847 ERCC diversion program defendants, there were many characteristics that were significantly different between those who successfully completed the ERCC program and those that did not.

Overall, characteristics that were associated with successful completion of the ERCC program (for those who participated in ERCC diversion programming) included age, gender, residence, number of prior offenses, type of trigger offense, number of court appearances, reoffending during follow-up, and number of days the trigger case was open.

[1] It is possible for a defendant to successfully complete a diversion program but not successfully complete the ERCC program. This can occur because in order to complete the ERCC program the case must be disposed of with an ERCC (or treatment court) judge. There are instances where defendants receive a *nolle diversion* disposition under a judge that is not an ERCC or treatment court judge. Per the Court's instruction, these defendants were not considered successful in completing the ERCC.

Specifically, the analyses show defendants who successfully completed the ERCC program were, on average, older than those who did not successfully complete the program. They were also more likely to be male and were more likely to be living in Maryland and less likely to be living in Washington, D.C.

On average, successful ERCC program defendants had fewer court appearances and fewer prior offenses than unsuccessful defendants. Successful defendants had, on average, 6 court appearances related to their trigger case while unsuccessful defendants had 9. Successful participants had an average of 2 prior offenses while unsuccessful defendants had an average of 3. Those who had a reoffense while their trigger case was open were overwhelmingly less likely to be successful. Over a quarter (26%) of defendants who were unsuccessful had a reoffense while their trigger case was still open compared to only 8% of successful defendants. Those who were successful also had their trigger case open fewer days than those who were unsuccessful. On average, successful defendants' cases were open for 184 days while unsuccessful defendants' cases were open for 208 days.

Using logistic regression modeling we predicted the probability (odds) of ERCC success for different defendant characteristics. For ERCC defendants who participated in ERCC diversion programming (not including treatment courts), the strongest predictor of ERCC program success was gender. Males were 1.9 times more likely to succeed than females.

Increases in court appearances and reoffending between the trigger case filing date and disposition date were also related to a lower probability of ERCC program success.

Research Question 3: Do ERCC defendants have better behavioral outcomes compared to a similar group of defendants that did not go through ERCC (e.g., are they less likely to recidivate, recidivate less frequently, have more days to subsequent reoffense, or have a lower recidivism rate, etc.)?

To answer this question we analyzed the data in two different ways. First we compared the recidivism rates of ERCC defendants that participated in a diversion program or treatment court against a comparison group of defendants who were arrested in the MPD 5th District, which is geographically and demographically similar to the MPD 6th and 7th Districts, where the ERCC defendants are arrested. The ERCC diversion and treatment court defendants were matched to MPD 5th District defendants using propensity score matching.

Using survival analyses, we examined the recidivism rates (rates of new cases filed) for these two groups during two time periods - follow-up period 1, defined as the time between the trigger case filing date and the trigger case disposition date, and follow-up period 2, defined as the time between the completion of the ERCC program (denoted by the trigger case disposition date), and May 24, 2010 (the day the data were extracted from the D.C. Courtview system). The results showed that during both follow-up periods, recidivism was significantly lower among the ERCC diversion program and treatment court defendants than among the MPD 5th District defendants. However, these findings only included data from the D.C. Courtview system.

In June 2011, supplemental data were obtained from the Maryland Department of Public Safety and Correctional Services. Combining the Maryland data with the data from the D.C. Courtview system, provided an opportunity to strengthen the evaluation since defendant criminal records could be examined from both Washington D.C. and Maryland, the state closest to the east of the Anacostia River.

Using the combined data, Research Question 3 analyses were conducted in a second way. This time, the recidivism rates of only those defendants that participated in an ERCC diversion program were compared to a matched group of defendants arrested in the MPD 5th District. In other words, the second set of analyses that included the combined Maryland and Washington D.C. data, did not include treatment court defendants that participated in a drug or mental health court program. These analyses examined differences between defendants that only participated in an ERCC diversion program and a matched group of defendants from the MPD 5th District.

When incorporating the Maryland criminal records, during follow-up period 1, reoffending was 60% lower among ERCC defendants than among MPD 5th district defendants 360 days after the trigger case filing date. During the second follow-up period recidivism was 42% lower among ERCC defendants than among MPD 5th District defendants 360 days after the trigger case disposition date. In addition, the analyses show that throughout the entire first and second follow-up period, recidivism was substantially and significantly lower among ERCC defendants than among the MPD 5th District defendants.

Thus, on any given day (during either follow-up period) ERCC diversion program defendants who had not yet reoffended were only half as likely to reoffend as similar MPD 5th District defendants. Stated another way, on any given day (during either follow-up period) the MPD 5th District defendants who had not yet reoffended were more than twice as likely to reoffend as similar ERCC diversion program defendants. Additional analyses confirmed that even when taking additional factors (that predict reoffending) into consideration, ERCC participation still had a large and statistically significant effect on reoffending during both time periods.

The ERCC evaluation is based on a sound methodological research design using well-established, quantitative analytic techniques. Taken together, the findings produce strong evidence that the ERCC program reduces recidivism. In particular, the results show that reoffending was significantly and substantially lower, throughout both follow-up periods, among ERCC diversion program defendants compared to MPD 5th District defendants.

Discussion

Although this evaluation found a positive effect for the ERCC program, the evaluation was not without limitations. These include the lack of an experimental design and weaknesses inherent in the D.C. Superior Court's (Courtview) system, the Maryland Department of Public Safety and Correctional Services' Criminal Justice Information System, and the data that reside within these systems. However, this evaluation suffered from challenges common to all evaluation research, especially when examining the effectiveness of a court program using data provided by a court and/or a corrections agency. Ultimately none of the limitations led us to question the apparent ERCC program effect.

Although there are many results presented throughout the report, several in particular warrant further investigation. For example, one finding that justifies more inquiry is why the number of court appearances was related to unsuccessful completion of the ERCC program and an increased risk of reoffending, especially since frequent court appearances are part of the ERCC's foundation. To be clear, this finding does not suggest that more court appearances cause defendants to be unsuccessful in the ERCC. It is likely that other factors are causing both increased court appearances and unsuccessful completion of the ERCC. The question then becomes, what are those factors?

Another aspect of the evaluation that calls for further examination is the fact that the current research incorporates mostly cases heard in the ERCC while Judges Keary and Iscoe were the presiding judges. The judge holds a central role in this program and to capture his or her impact, the data need to include a wider time span where different judges are presiding over the ERCC to determine what impact a specific judge has, if any, on the program's success. Finally, the result that most deserves further research is the finding that the ERCC defendants had a lower recidivism (reoffending) rate than the matched comparison group made up of MPD 5th District defendants.

Although positive evaluation findings often lead to fewer questions about why certain results occurred, it is still necessary to reflect on this issue. In this case, it is not entirely clear why ERCC defendants had more positive outcomes than MPD 5th District defendants. In order to take action based on the evaluation findings or replicate the program's success, there needs to be an understanding of what drove this positive effect. Several steps should be taken to improve this understanding including a process or implementation evaluation. Typically done prior to an outcome evaluation, the process evaluation examines what, exactly, the program consists of and/or to what extent it is being implemented as planned. The Court could also consider conducting cost-benefit or qualitative analyses. A qualitative evaluation could include interviews or focus groups with court staff and judges as well as with defendants. Qualitative data would add a level of understanding to the evaluation that cannot be captured with quantitative data and it could illuminate both the positive and negative unintended consequences of the ERCC program, which is certainly something that is not captured by the Courtview or Maryland data.

The ERCC has the potential to improve the lives of offenders and community members in MPD 6th and 7th Districts. Should the Court choose to invest in further evaluations, this promising program could be expanded to other parts of the city and/or become a model for other communities. But in order to do so, the Court must be able to identify what exactly they are doing that is so successful.

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1. Introduction

The Superior Court of the District of Columbia is a trial court of general jurisdiction. The Criminal Division of the Superior Court is responsible for processing all local criminal violations under the D.C. Code, including felony, misdemeanor, and criminal traffic cases. The Criminal Division operates several problem-solving courts, including the East of the River Community Court (ERCC).

The ERCC is designed to handle misdemeanor arrests (excluding domestic violence arrests) prosecuted by the United States Attorney's Office (USAO) in the Metropolitan Police District (MPD) 6th and 7th Districts (Wards 7 and 8) in the District of Columbia. Defendants may opt out of ERCC diversion programming by entering a plea or requesting a trial. If defendants opt out, the presiding judge can accept the plea or certify the case to a trial calendar for disposition. Some defendants who are in need of drug treatment and/or mental health treatment may transfer out of the ERCC through a request to participate in the Superior Court's Adult Drug Court or Mental Health Diversion Court.

Established in September 2002, the ERCC was a response to the high rates of poverty, crime and disorder in neighborhoods east of the Anacostia River of Washington, D.C. One judge presides over the ERCC and typically hears all phases of a case from arraignment until final disposition,[1] allowing for more informed judicial decision-making. The ERCC involves the partnership and collaboration of several agencies and organizations and works to identify social services needs of the defendant that may contribute to criminal behavior and suggests diversion programs, where appropriate, to address those needs. As cases come before the judge, justice is administered by providing a balance between punishments, community service to restore the community from harm done through criminal offenses, and providing social services that the defendant may need.

In September 2009, the District of Columbia Courts, on behalf of the Criminal Division of the Superior Court of the District of Columbia, contracted with Westat, a research organization, to examine the reoffending activity of ERCC defendants as part of a program evaluation of the ERCC. The evaluation was based on data provided by the D.C. Court in May 2010 from its Courtview data system and supplemental data obtained in June 2011 from the Maryland Department of Public Safety and Correctional Services.[2] This report presents the results from that evaluation.

The report begins with Chapter 1, which provides an introduction, describes the purpose, gives an overview of community courts in general, presents more information on the ERCC, and details the research questions that guide the evaluation.

[1] Although most of the time the ERCC judge hears an ERCC case from arraignment to disposition, there are instances where cases are arraigned in the arraignment court and certified to the ERCC.

[2] The Maryland data were obtained from the Criminal Justice Information System of the State of Maryland through an agreement between the Maryland Department of Public Safety and Correctional Services, the D.C. Superior Court, and Westat.

1.1 Purpose

The purpose of the ERCC program[3] evaluation is to determine the effectiveness of the District of Columbia's East of the River Community Court in reducing reoffending behavior. By conducting descriptive and multivariate analyses, and comparing the ERCC defendant outcomes to the outcomes of a comparison group, the evaluation examines the reoffending activity of adult defendants with cases in the ERCC in calendar years 2007, 2008 and 2009 using data provided by the Court.

1.2 Community Courts Overview

Community courts were originally designed to tailor sanctions to the needs of offenders as well as to the needs of communities and are currently being offered as a case processing option in 15 states, the District of Columbia, and five countries with an additional three courts projected for Alaska, Missouri and Kentucky (Center for Court Innovation, n.d. 1; Karafin, 2008; Lang, 2011).

Community courts, like other problem-solving courts, offer unique services to offenders and the community that are not provided by more traditional courts. Although reduced reoffending is ultimately the goal of many criminal justice programs aimed at offender populations, problem-solving courts, especially community courts, expand their goals to include not only reduced offending but also increased satisfaction and safety of victims and the broader community (Center for Court Innovation, n.d. 2). Although the term "problem-solving court" encompasses a variety of "specialty" courts (e.g., drug courts, domestic violence courts, mental health courts, truancy courts, community courts), all courts falling under this umbrella, including community courts, share unique qualities that set them apart from more traditional sanction-imposing courts.

Specifically, community court programs are characterized by their strong community component. Community members are directly involved in the court process as victims, community representatives who communicate the impact of offenders' actions on the community at-large, and frequently, as advisory board members (Gilbert and Settles, 2007). These courts are also more attuned to the history and needs of the offender. In following with the principles of restorative justice, the victim, community, and the offender are taken into consideration when imposing sanctions in community courts as well as other problem-solving courts (Center for Court Innovation, n.d.2; Friday, 2003; Bonta, Wallace-Capretta, Rooney, and McAnoy, 2002).

1.2.1 Prior Evaluations of Community Courts

Most research on community courts has been conducted on four courts: the Midtown Community Court in New York City, the Hennepin County Community Court in Minneapolis, the Red Hook Community Justice Center in Brooklyn, and the Hartford Community Court in Connecticut. Although a limited

[3] The ERCC program refers to participation in an ERCC diversion program (or treatment court, when specified) under the supervision of the ERCC (or treatment court) judge. Defendants who are transferred to a trial court calendar or plea in the ERCC are not included in outcome analyses. However, descriptive information on this group can be found in the Research Question 1 results section.

amount of empirical research exists, there is consistency across the findings of existing evaluations. Generally, research suggests community courts (in comparison to traditional courts) lead to increases in the use of alternative sanctions, dispositions at arraignment, and compliance rates for alternative sanctions; and decreases in punitive sanctions such as "time served", number of days in jail, and arrest-to-arraignment time (speedier case processing).

A central goal of community courts is to reduce offending, however little empirical research exists to evaluate the impact of community courts on recidivism.[4] The sole study that addresses reoffending is a three-year evaluation of the Midtown Community Court. Sviridoff and colleagues (2001, 2002) conducted a time to failure analysis for prostitution rearrest and found that the Midtown Community Court sample fared better than the traditional court sample – the Midtown Court sample had a lower prostitution rearrest rate than the traditional court sample.

Instead of focusing on reoffending outcomes, a large portion of community court research explores the perceptions of defendants, criminal justice personnel, and community members regarding the impact of community courts on quality of life/low-level crimes and overall fairness of the courts (e.g., Frazer, 2006; The Justice Education Center, Inc., 2002). Community court defendants are more satisfied with how they are treated by court staff (i.e., judge, prosecutor, defense attorney) in community courts as compared to traditional court defendants (Frazer, 2006). In addition, defendants in community courts perceive the overall fairness of the court to be greater than do defendants in traditional courts. Following the implementation of community courts, community members and criminal justice personnel were supportive of the new programs and believed that they led to a reduction in quality of life crimes and an overall improvement in their communities. Community service requirements for community court defendants were believed to contribute to the perceived positive impact of the courts. The majority of community members in Midtown and Hennepin were willing to reallocate or pay more taxes to support community courts (Kralstein, 2005).

In regards to the costs and benefits of the Midtown and Hennepin community courts, analyses suggested that additional resources were needed to support the community courts including funds for additional personnel and equipment and to cover secondary jail terms. Community courts were associated with an increase in secondary jail terms as defendants often served secondary terms when they failed to complete alternative sanction requirements. Despite these additional costs, community courts were also shown to have benefits, including tangible benefits such as cost savings to the criminal justice system, reduced arrest-to-arraignment time, and reduced adjournments, and intangible benefits such as improvements to quality of life and enhanced quality of judicial decision making. Cost/benefit analyses thus far have not been able to determine whether the benefits outweigh the costs associated with community courts.

[4] Recently Cheesman and colleagues (2010) published the findings of an outcome/impact analysis of the Philadelphia community court. Although one of the aims was to collect recidivism data the researchers were unable to do so due to data collection problems.

1.3 East of the River Community Court

Established in September 2002, the East of the River Community Court (ERCC) was developed in response to the high rates of poverty, crime and disorder in the Washington, D.C. neighborhoods, east of the Anacostia River. The ERCC adjudicates misdemeanor cases (except domestic violence cases) originating east of the Anacostia River in the MPD 6th and 7th Districts (Wards 7 and 8). If offered, defendants voluntarily participate in ERCC diversion programming in lieu of normal case processing. Figure 1.1 (page 6) depicts different court processing options available to ERCC defendants including the diversion and treatment court options outlined in green (dashed lines) and purple (dotted lines). After successfully completing a diversion program in the ERCC, which generally includes performing community service in the district where the offense took place, the case is closed with a nolle diversion disposition, under the recommendation of the U.S. Attorney's Office.

One judge presides over the ERCC and typically hears all phases of an ERCC case from arraignment to final disposition. This important component allows the judge to develop a relationship with the defendant and provide him or her with a more personalized form of justice. Defendants who move through another form of court processing (e.g., trial) or are assigned to participate in a treatment court such as drug court or mental health community court are transferred to a different court calendar and may or may not go in front of one judge for the duration of their case.

The ERCC also involves community input from the ERCC Community Advisory Board. According to the original evaluation solicitation, "the ERCC Advisory Board serves as a vehicle for community stakeholders to engage, assist and collaborate with the ERCC," (p.8). Generally, members of the ERCC Community Advisory Board live or work in neighborhoods east of the Anacostia River. The Board enhances the ERCC's ability to meet the specific needs of the communities in which it is located. Since the ERCC's inception, in addition to the community advisory board, Court and agency staff, including the Judge presiding over ERCC, D.C. Superior Court Staff, and representatives from Pretrial Services Agency (PSA), Court Services and Offender Supervision Agency (CSOSA), United States' Attorney's Office (USAO), Superior Court Trial Lawyers Association (SCTLA), Metropolitan Police Department (MPD), and the Criminal Justice Coordinating Council (CJCC) have regularly participated in community meetings, Town Hall Meetings, and other events held in the neighborhoods east of the Anacostia River. As is apparent, the ERCC involves the partnership and collaboration of several agencies and organizations who work with the Court to identify and meet the social service needs of defendants. After fully assessing a defendant, the ERCC works to provide the best approach to meeting his or her needs. The ERCC relies on diversion programming rather than traditional criminal justice sanctions to meet the needs of defendants and the community.

Existing Diversion Program Literature

The goals of diversion programming are twofold - to reduce the likelihood of reoffending while also reducing the cost of processing defendants in the justice system (Hudson, 2002; Palmer, 1979; Texas Department of Criminal Justice, 2009). The research on adult diversion programs, including most of the programs utilized by the ERCC, is sparse. Empirical findings related to diversion programs largely focus

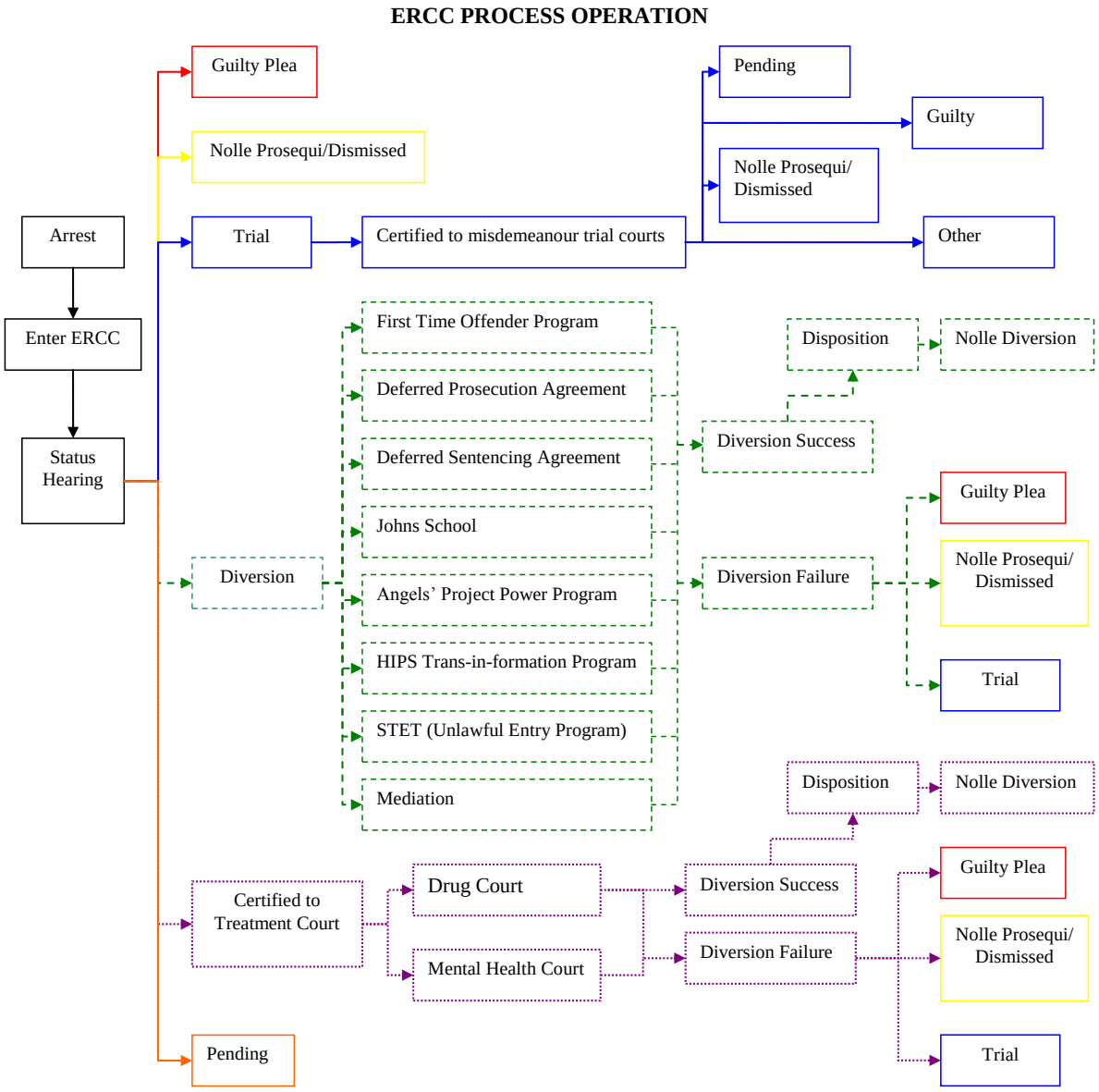
on juvenile offending populations (Hudson, 2002). Generally, this research finds support for the effectiveness of diversion programs in reducing juvenile offending, although caution should be used when considering this literature as much of it does not utilize methodologically rigorous research designs, such as the inclusion of comparison groups (e.g., Hasset-Walker, 2002; Nugent, 1991; O'Mahony, 2000).

Given the ERCC's focus on adult offenders, the literature pertaining to the effectiveness of adult diversion programs may be more telling in terms of predicting the effectiveness of the ERCC in reducing reoffending. Perhaps the most consistent theme running through the adult diversion program literature is the poor quality and unreliable findings of this type of research, highlighted in a 2002 analysis of Federal diversion data which explored the implementation of diversion programs with adult populations but did not test the effectiveness of the programs in terms of reducing reoffending (Ulrich, 2002).

The availability of adult diversion program evaluations is so limited that evaluations of juvenile diversion programs were used in a 1997 Canadian report making recommendations for the implementation of adult diversion programming (Nuffield, 1997-2005). The report was not overly supportive of diversion programming, finding that very little of the existing research supported the use of diversion programming to divert offenders from prison or more severe punishment. It also noted that net-widening is a consequence of diversion programming that should be avoided.

Arguably some evidence is available to support the use of diversion programming on offending populations (see for example Roe-Sepowitz et al., 2011), and specifically related to drug and mental health courts (Lange et al., 2011). However even this research fails to address the specific components of diversion programs that lead to "success" or to evaluate the appropriateness of diversion programs for the offenders they are targeting (Petrila, 2005).

Figure 1.1 - ERCC Process Operation



Diversion Programming in the ERCC

The decision on whether to allow an ERCC defendant to participate in an ERCC diversion program or a treatment court (as opposed to other court processing options) is made by the USAO. If a defendant is eligible for and completes one or more diversion program(s) in the ERCC (or a treatment court), the court will dismiss the defendant's case. The potential ERCC diversion and treatment court programs to which ERCC offenders are assigned are listed in Table 1.1 and are described in Appendix A.

Table 1.1 - ERCC Diversion Programs

Diversion Program	Length of Program	Eligible Offenses/Defendants
1. First Time Offender Program (FTO)	Approximately 4 months	Non-violent offenses
2. Deferred Prosecution Agreement (DPA)	Approximately 4 months	Non-violent offenses
3. Deferred Sentencing Agreement (DSA)	Approximately 4 months	Non-violent offenses
4. Johns School (JOHN)	One day	Solicitation
5. Angels' Project Power Program (PPOW)	Approximately 4 months	Prostitution
6. HIPS Trans-in-formation Program (HIPS)	Approximately 4 months	Prostitution
7. Superior Court Drug Intervention Program (DCRT)	4-9 months	Non-violent defendants with substance abuse problems
8. Stet Docket for Unlawful Entry Cases only (STET)	9 months	Unlawful entry
9. Mediation (MED)	4-6 months	Assault, threats, destruction of property
10. Mental Health Diversion Court (MHDC)	4-6 months	Defendants with mental illness and/or co-occurring disorder
11. Bridges – Early Intervention Program (BEIP)	One day	Prostitution
12. Substance abuse driving diversion, first time drug offender diversion, and alcohol treatment programming (ATP/904#1/SADD)	Varies	Drug and alcohol offenses

Note: With the exception of #12, the programs listed in this table were those originally specified in the initial request for proposal (RFP) and may not reflect all current diversion program options.

1.4 Research Questions

Several research questions guide the ERCC program evaluation. These questions generally explore the type of offenders who entered and completed the ERCC program, the probability of ERCC participants reoffending as compared to non-ERCC participants, and the characteristics of re-offenders. Specific research questions are listed in Table 1.2.

Table 1.2 - Research Questions

1.	**During 2007-2009, what happened to defendants that entered the ERCC and who were they?**
a.	What happens to defendants that enter the ERCC?
b.	How can the ERCC defendants be described? Who is the typical ERCC defendant?
2.	**Who (what type of defendant) is most likely to complete the ERCC program?**
a.	Which defendant characteristics are associated with the successful and unsuccessful completion of the ERCC program?
3.	**Do ERCC defendants have better outcomes/recidivate less (less likely to recidivate, recidivate less frequently, have more days to subsequent reoffense, have lower recidivism rate) compared to a similar group of defendants that did not go through ERCC, (controlling for characteristics associated with recidivism)?**
a.	What are the characteristics of those that do and do not re-offend? Is *participation* in ERCC one of the characteristics of those that do not re-offend? Is *completion* of ERCC one of the characteristics of those that do not re-offend?
b.	Do ERCC participants re-offend less often than non-ERCC participants?
c.	Is the average length of time until reoffense less for ERCC participants than for a comparable group?
d.	Does recidivism vary by type of diversion program? (If data are available)
e.	Which diversion program (or type of diversion program) works best for whom? (If data are available)
f.	Are certain court characteristics related to rates of recidivism for ERCC and non-ERCC participants?

Note, that Research Question (RQ) 3 has six sub-questions. After careful examination of the (Courtview) data provided by the Court, we determined that results could only be provided for research questions 3a, 3b, 3c, and 3f. Although the data and results presented in this report provide some information on the number of defendants who completed each of the diversion programs and the relationship between diversion program completion and successful completion of the ERCC, further detail on diversion programming (such as the information requested in research questions 3d and 3e) could not be provided using the available data due to limitations related to small sample sizes. By adding the Maryland data to the RQ3 analysis, we were able to examine the robustness of the original RQ3 findings based solely on the Courtview data.

1.5 Organization of Report

After Chapter 1, Chapter 2 describes the data cleaning and preparation procedures implemented before the data analysis began. It also includes a description of the sampling procedures, including propensity score matching and the selection of the ERCC and comparison group participants. The remainder of Chapter 2 focuses on the measures (i.e., outcome measures, demographic variables, trigger offense variables, prior offending variables, and reoffending variables) as well as the analytic strategies, including the incorporation of criminal records from Maryland during later stages of analysis. Chapter 3 presents the results of the analysis by research question. In Chapter 4, we summarize the results, describe the limitations of the evaluation, discuss the implications of the findings, and provide future directions.

2. Research Methods

This chapter details the data cleaning and preparation, sample selection, and variable definitions.

2.1 Data Cleaning and Preparation

The D.C. Superior Court provided Westat with Courtview data extracts containing court records for all ERCC defendants and a comparison group made up of defendants from the MPD 5th District. The MPD 5th District was selected due to its proximity and demographic similarities to the police districts from which ERCC cases came from. These extracts contained data on defendants' demographics as well as charge information, court proceedings, sentences, dispositions, and diversion program activity related to D.C. criminal cases from 1978 through May 24, 2010. This section provides details about how the data were prepared for analysis.

Westat received a total of six case-level data files including docket files, event files,[6] and court processing information files for the ERCC and MPD 5th District defendants. The Courtview data system was not designed for research but rather for use by the Court. Given this fact, a great deal of work was required to prepare the data for analysis. Perhaps the largest data preparation task involved quantifying string (text) variables and filling in missing data. In order to perform quantitative analyses the string variables needed to be converted into numeric formats. Westat staff assigned numeric values to string variables as appropriate. For example, the gender variable was converted so that male= 1 and female =0. Similar numeric conversions took place for race, residence, charge codes, disposition codes, disposition judge, and diversion programs. Variables such as docket and event descriptions remained in their original string format. Westat also worked with the Court project officer to fill in missing data, specifically related to PDIDs, filing dates, birth dates, disposition dates, and disposition codes.

After converting variables into numeric formats, as appropriate, the cases that made the defendants eligible to participate in the evaluation were identified (these cases are referred to as "trigger cases"). For ERCC defendants, trigger cases were their first cases in the ERCC during 2007, 2008, or 2009. For MPD 5th District defendants, trigger cases were their first misdemeanor (non-domestic violence) cases that resulted from arrests in the MPD 5th District during 2007, 2008, or 2009.

The Courtview data were used to define several new variables. These variables included ERCCSTATUS which indicates the court processing pathway of ERCC defendants (ERCC diversion program, treatment court, or other case processing). ERCCSUCCESS identifies ERCC defendants whose cases received a disposition code of *nolle diversion* under an ERCC judge. In addition, count variables were created to identify the number of guilty dispositions, *nolle diversion* dispositions, and other types of dispositions resulting from the trigger case. Binary variables were also created to identify successful completion of

[6] Docket files provided information on every docket appearance related to defendants' cases. All events described in the event files were also described in the docket files. Something was generally included as an event if the defendant appeared in front of the Court.

diversion programs. Counts of docket appearances,[7] appearances in front of a judge, and number of different judges (all related to the trigger case) were also computed as well as new variables counting the number of days until the first reoffense (after the trigger case) and the number of days available to reoffend (i.e., number of days in the follow-up period).

Finally, the court processing files were converted to the defendant level. In order to convert the files, summary variables were created to describe prior offending and to describe reoffending behavior. Summary variables included binary indicators and counts of cases resulting from prior offending and reoffending. Criminal history and reoffense scores were calculated incorporating offense severity and offending frequency. Sentencing information was summarized by summing time spent incarcerated and time spent on probation related to cases occurring before and after the trigger case. Sums of fine amount, restitution, and community service were also computed.[8] More detail on variables is provided later in this chapter and in Appendix B.

Summary variables describing cases filed after the trigger case were calculated using two different time periods. Court staff indicated they were interested in examining reoffending behavior during and after the "treatment." Thus, the first set of reoffense summary variables describes new cases filed while the trigger case was open (follow-up period 1), when ERCC defendants were participating in ERCC diversion programming or treatment courts and making frequent appearances in front of the ERCC or treatment court judge. The variables summarizing cases filed during follow-up period 2 capture new cases filed after the disposition date through May 24, 2010 - the day the data were extracted from the Courtview system. Defendants whose trigger cases were still open on May 24, 2010 had missing data for follow-up period 2 variables and were not included in analyses related to this follow-up period (n=15).

Two analytic files, a "full" file and a "restricted" file were made by merging variables from the docket and event files (specifically, number of docket entries, number of events, and number of different judges for trigger case) and concatenating (combining) ERCC and MPD 5th District demographic and case-related data. Both files contained demographic variables and trigger case information including charges, court processing, sentencing, and disposition information. Both files also contained summary variables related to cases filed before and after the trigger case; however, the summary variables were defined differently in the full and restricted datasets and can be described as follows:

- The full dataset included all prior and subsequent (filed after the trigger case) cases in the data extract, regardless of disposition.

[7] Docket and event descriptions were provided as part of the data extract but were not coded for the purposes of this evaluation. Although we did not examine the different reasons one might appear on the docket (e.g., event scheduled, pretrial report, case disposed, etc.) or appear in front of the Court, we counted the number of docket and court appearances as a proxy for level of interaction with the court.

[8] Note that not all computed variables were used in the final analyses. During the data preparation task, questions arose regarding estimates of time on probation and time incarcerated. The Courtview data system does not allow tracking of movement in and out of probation or between supervised and unsupervised probation. Similarly, we could not track whether incarceration sentences were concurrent or consecutive. For this reason, not all sentencing variables were included in final analyses, as reflected in Appendix B.

- The restricted dataset included only prior and subsequent cases that did not result in a dismissal, acquittal, or not guilty disposition.

The purpose of using the full and restricted datasets was to capture the most accurate estimates of reoffending, one of the outcomes of interest. Estimates of prior offending and of reoffending will likely be overestimated using the full dataset as it incorporated all cases that reached the court regardless of whether they resulted in an admission or finding of guilt (or *nolle diversion* disposition). In contrast, the restricted data likely underestimates reoffending as it excludes cases that resulted in dismissals, acquittals, and findings of no guilt. Thus, the true level of reoffending lies somewhere between the estimates produced from the full and restricted data.

2.2 Sample Selection

The ERCC program evaluation was designed to answer three research questions. Analyses related to each research question required different samples. For Research Question 1, we were interested in exploring the different pathways ERCC defendants took (refer to Figure 1.1). Research Question 2 analyses were limited to ERCC defendants who participated in ERCC diversion programming or treatment courts. Research Question 3 compared outcomes for ERCC defendants who participated in diversion programming and a comparison group of defendants whose crimes were committed in the MPD 5th District.

The D.C. Superior Court provided Westat with offending information for defendants who participated in the ERCC during 2007, 2008, and 2009 as well as defendants who committed similar offenses in the MPD 5th District during that same time period. This section (Section 2.2) follows the steps that were taken to identify ERCC and MPD 5th District defendants included in the evaluation. Initially inclusion eligibility is discussed, followed by the sample selection technique for Research Question 3—propensity score matching.

2.2.1 Eligibility

Trigger Case Charges. In order to be included in the samples for analyses related to any of the research questions, defendants had to be charged with offenses eligible for ERCC court processing. For ERCC defendants, these included misdemeanor cases assigned to the ERCC during 2007, 2008, or 2009. Those whose trigger cases included domestic violence charges[9] were not eligible to participate in the ERCC and were not included in the evaluation. For MPD 5th District defendants, the trigger offenses had to occur in the MPD 5th District during 2007, 2008, or 2009. The offenses had to be misdemeanors and could not include any domestic violence charges. Defendants who had both a case in the ERCC and also case(s) stemming from arrests in the MPD 5th District during 2007, 2008, or 2009 were included only in the ERCC group (n=77). They were ineligible for inclusion in the MPD 5th District group.

[9] Note that the D.C. Courts only provided charging information for up to five charges for each case. Thus ERCC and MPD 5th District defendants were excluded from the evaluation if any of these five charges involved domestic violence.

Trigger Case Outcomes. In addition to having an eligible offense, the outcome of the trigger case was also considered when determining eligibility for inclusion in the analyses relating to Research Questions 2 and 3. For ERCC defendants, there were several possible pathways for their cases. Prosecutors could choose to dismiss a case (nolle prosequi); the defendant could plead guilty and receive sanctions; the case could go to trial; or the defendant could be offered non-traditional sanctions such as a diversion program or treatment court (refer to Figure 1.1). To be considered for the Research Question 2 or 3 analyses, ERCC defendants had to be assigned to one of the following: a diversion program, Drug Court, or Mental Health Court.[10]

It was possible that MPD 5th District defendants would also have had the opportunity to participate in diversion programming prior to their trigger offenses, as a result of their trigger offenses, or subsequent to their trigger offenses. MPD 5th District defendants who participated in diversion programs prior to their trigger offenses were eligible to be included in the analysis as there was no reason to believe that either ERCC defendants or MPD 5th District defendants were more or less likely to receive diversion programming prior to the trigger case. In order to isolate treatment effects, MPD 5th District defendants whose trigger cases resulted in diversion programming or treatment court involvement were ineligible to be included in the Research Question 3 analyses.

In summary, to be included in analyses related to RQ1, defendants had to have been assigned to the ERCC calendar during 2007, 2008, or 2009 (see Table 2.1). In other words, defendants had to have been arrested in the appropriate police districts for ERCC-eligible offenses during that time period. To be included in analyses relating to RQ2, defendants had to be assigned to a diversion program that required them to stay on the ERCC calendar or transfer to a treatment court calendar during 2007, 2008, or 2009. RQ3 analyses included ERCC defendants (who were assigned to diversion programming) and a matched comparison group. The following section (Section 2.2.2) on propensity score matching provides detail on how ERCC and MPD 5th District defendants were selected for RQ3.

Moving forward through the report, ERCCSTATUS is used throughout. The definition of this variable is as follows:

- ERCCSTATUS = 1: ERCC defendants who were assigned to diversion programs that required they stay on the ERCC calendar,
- ERCCSTATUS = 2: Defendants who were assigned to drug or mental health treatment courts, and
- ERCCSTATUS = 3: Defendants who opted out of, or were deemed ineligible, for any ERCC-related program assignment (including ERCC diversion and drug or mental health treatment courts), including defendants who plead guilty in the ERCC.

[10] As indicated in Chapter 3, results were run using ERCC diversion programming and treatment court defendants combined as well as separately. Results are available for all combinations.

Table 2.1 - Research questions, samples, and eligibility criteria

Research Question	Eligible Defendants	Eligibility Criteria
Research Question 1: During 2007-2009, what happened to defendants that entered the ERCC and who were they?	ERCCSTATUS 1 ERCCSTATUS 2 ERCCSTATUS 3	• Trigger offense filed during 2007, 2008, or 2009 • Trigger offense charges were misdemeanors
Research Question 2: Who (what type of defendant) is most likely to complete the ERCC program? Which defendant characteristics are associated with the successful and unsuccessful completion of the ERCC program?	ERCCSTATUS 1 ERCCSTATUS 2	• Trigger offense filed during 2007, 2008, or 2009 • Trigger offense charges were misdemeanors • Defendant participated in a diversion program or treatment court
Research Question 3: Do ERCC defendants have better outcomes/recidivate less (less likely to recidivate, recidivate less frequently, have more days to subsequent reoffense, have lower recidivism rate) compared to a similar group of defendants that did not go through ERCC, (controlling for characteristics associated with recidivism)?	ERCCSTATUS 1 ERCCSTATUS 2 MPD 5th District	• Trigger offense filed during 2007, 2008, or 2009 • Trigger offense charges were misdemeanors • Defendant participated in a diversion program or treatment court • Defendants matched on demographic characteristics and criminal history

2.2.2 Propensity Score Matching

Propensity scores represent 'the probability' that a case is in the ERCC and not from MPD 5th District. Using propensity scores is one way to reduce threats to internal validity when random assignment is not used to assign defendants to the treatment (ERCC) and comparison (MPD 5th District) groups. If defendants had been randomly assigned to the ERCC or MPD 5th District group, one would expect no demographic and/or criminal history differences between the groups. Thus, recidivism between defendants could be compared with little concern about the differential effects on recidivism caused by between-group differences. For instance, if ERCC and MPD 5th District defendants had similar criminal histories, it would be unlikely that any observed group differences were due to criminal history. The same is true about the other demographic factors that could affect recidivism.

As noted above, case status (ERCC or MPD 5th District) was not randomly assigned. However, propensity score matching groups defendants in such a way that, *within each group,* case-status can be treated as if it had been randomly assigned. Westat carried out this procedure to group defendants, and then assessed recidivism within the resulting groups as if case-status had been random.

Propensity scores were computed by fitting a logistic regression model to the probability that the defendant was in the ERCC group and not the MPD 5th District group in terms of the characteristics listed below. Once a propensity score was estimated, it could be used either for matching cases or for grouping all cases into class intervals. Grouping into class intervals was the preferable way of identifying the ERCC and comparison (MPD 5th District) samples because class intervals help deal with any sparse cell problems (due to small sample sizes) while matching on many variables (Morgan and Harding, 2006; Stuart, 2010). Thus, we selected our groups using class intervals for propensity score matching.

Prior to conducting the outcome analyses we used propensity score matching to select defendants for inclusion in the analyses related to RQ3. The following sections describe the defendant and case characteristics that we use to predict propensity scores and explain why the defendants included in the ERCC and MPD 5th District groups changed as we moved through the analyses.

Defining Propensity

The propensity for being assigned to the ERCC was estimated using the following characteristics: trigger offense score, age at trigger offense filing date, race, gender, state of residence, and criminal history score. Race was defined as a binary variable where being identified as African American =1 and other races =0. Similarly for gender, male=1 and female=0. Age was divided into 5 categories: 18-24 years old, 25-31 years old, 32-41 years old, 42-48 years old, and 49 years old and older. Defendants were identified as residing in Maryland, Virginia, Washington D.C., or another state.

The trigger offense score was computed using up to five charges, the maximum number of charges provided for any given case. Each charge was assigned to a category and a numeric value (see Table 2.2). Numeric values were summed to compute a trigger offense score. This score reflected the combined severity of the charges.

In order to standardize the opportunity for offending, criminal history was defined to include offenses occurring prior to the trigger offense. In order to account for variations in opportunity as well as severity and frequency, a formula was created to provide each defendant with a criminal history score. All offenses were assigned to an offense category and each category received a numeric value (see Table 2.2). All case values were summed. The score allowed for consideration of both the number of prior offenses as well as the severity of those offenses. Higher values indicated a criminal history containing more frequent and/or severe offending patterns. This value was weighted by offending opportunity—defined as the total number of days available to offend since a defendant's 18th birthday (or in the event that a defendant had a case in the D.C. Criminal Court prior to his 18th birthday, the date of his first case) minus the number of days incarcerated during the same time period:

$$\text{Criminal history} = \frac{\sum \text{offense values}}{\text{total \# days available to offend - \# days incarcerated}}$$

Table 2.2 - Charge Categories and Numeric Value Assignment

Charge	Charge Value
1 Person offenses, felony	20
2 Property offenses, felony	15
3 Drug offense, felony	15
4 Other, felony	15
5 Person offenses, misdemeanor	15
6 Property offenses, misdemeanor	10
7 Drug offense, misdemeanor	10
8 Traffic offenses	5
9 Code violations	5
10 Other, misdemeanor	10
11 Domestic Violence, misdemeanor	15
12 Charge not papered	0
13 Domestic violence, felony	20

2.2.3 Changes in Matched Samples

In order to take advantage of the rich data offered by Courtview and at the request of the Court, we examined all of the different combinations of samples, data definitions, and follow-up periods. Although not all of the results are described in the main sections of this report, it is important to note that for each analysis presented, analyses were run using 12 different variations in samples, datasets, and/or follow-up periods as illustrated below:

- Follow-up period 1
    - Full data
        - Defendants who participated in ERCC diversion programming or treatment court (ERCCSTATUS 1 or 2)
        - Defendants who participated in ERCC diversion programming (ERCCSTATUS 1)
        - Defendants who participated in treatment court (ERCCSTATUS 2)
    - Restricted data
        - Defendants who participated in ERCC diversion programming or treatment court (ERCCSTATUS 1 or 2)
        - Defendants who participated in ERCC diversion programming (ERCCSTATUS 1)
        - Defendants who participated in treatment court (ERCCSTATUS 2)
- Follow-up period 2
    - Full data
        - Defendants who participated in ERCC diversion programming or treatment court (ERCCSTATUS 1 or 2)
        - Defendants who participated in ERCC diversion programming (ERCCSTATUS 1)
        - Defendants who participated in treatment court (ERCCSTATUS 2)
    - Restricted data

- Defendants who participated in ERCC diversion programming or treatment court (ERCCSTATUS 1 or 2)
- Defendants who participated in ERCC diversion programming (ERCCSTATUS 1)
- Defendants who participated in treatment court (ERCCSTATUS 2)

Changes in ERCCSTATUS

As a reminder, ERCC defendants who were assigned to ERCC diversion programs that required them to stay on the ERCC calendar are identified as ERCCSTATUS 1 defendants. ERCCSTATUS 2 defendants are those assigned to treatment courts. ERCCSTATUS 3 defendants are those who opted out of, or were deemed ineligible for, any diversion program assignment.

Although the forms of the statistical models were the same, we ran the models looking at ERCC and MPD 5th District defendants with different characteristics. Specifically, all analyses were conducted using both ERCCSTATUS 1 and 2 defendants and then isolating samples to include only ERCCSTATUS 1 defendants and only ERCCSTATUS 2 defendants. Depending on which ERCC defendants were being included in the samples, ERCC and MPD 5th District samples needed to be re-matched. Specifically, any time defendants were added or removed from the ERCC sample the matching between the MPD 5th District and the ERCC changed. In order to ensure that both the MPD 5th District and ERCC groups were comparable in terms of characteristics that affected the propensity for being assigned to the ERCC, propensity-based class intervals needed to be re-estimated.

Changes in Case Definition

In addition to differences in diversion treatment, the definition of what was considered an offense also changed. As described in the previous section, in order to protect against overestimating or underestimating offending, we ran the analyses using two different datasets—the full and restricted datasets. As a reminder, the full dataset included all prior and subsequent (filed after the trigger case) cases in the data extract, regardless of disposition whereas the restricted dataset included only prior and subsequent cases that did not result in a dismissal, acquittal, or not guilty disposition. Given that criminal history, a factor used to match the samples, changed depending on which dataset was used, class intervals had to be estimated separately for the full and restricted data.

Changes in Follow-up Period

In addition to changes in the ERCC defendants that were included in the samples and changes in the data files, separate analyses were conducted to assess reoffending during the two different follow-up periods – follow-up period 1, which occurred during the “treatment” (i.e., while the trigger case was open) and follow-up period 2, which occurred after the “treatment” (i.e., after the disposition date through May 24, 2010). Once again, propensity-based class intervals had to be estimated separately for each follow-up period.

2.3 Measures

This sections describes the outcome (dependent) variables and the predictor and control (independent) variables. Both sets of variables are explained as related to the research questions. Due to the number of variables, the predictor and control (independent) variables are grouped by demographic, trigger offense, prior offending, and reoffending measures.

2.3.1 Outcome Variables

Note that there are no outcome measures related to Research Question 1.

Research Question 2 asks what type of defendant is most likely to complete the ERCC program and which characteristics are associated with the successful and unsuccessful completion of the ERCC program. The outcome variable for this research question is ERCC_SUCCESS which indicates whether or not a defendant successfully completed the ERCC. In order to successfully complete the ERCC program, a defendant had to:

- Sucessfully complete a diversion program or drug or mental health treatment court,
- Receive a disposition code of *nolle diversion*,
- Have their case disposed of in the ERCC or in a treatment court.[11]

Research Question 3 asks whether ERCC defendants have better behavioral outcomes/recidivate less compared to a similar group of defendants that did not go through the ERCC. There are two outcome measures for this research question. The first is the number of days between the trigger offense filing date and the date of first rearrest or censor date (trigger offense disposition date) that occurs during the first follow-up period. The second outcome measure is the number of days between the day after the trigger offense disposition date and the date of first rearrest or censor date (May 24, 2010) during the second follow-up period.

2.3.2 Predictor and Control Variables

Below is a brief description of the different types of predictor and control variables inlcuded in the analysis. Appendix B provides more detail on each of these variables.

Demographic Variables

The analytic file included several demographic variables that were used for propensity score matching. These demographic variables include:

- age of defendant at time of trigger offense,

[11] It is possible for a defendant to successfully complete a diversion program but not successfully complete the ERCC program. This can occur because in order to complete the ERCC program the case must be disposed of with an ERCC (or treatment court) judge. There are instances where defendants receive a *nolle diversion* disposition under a judge that is not an ERCC or treatment court judge. Per the Court's instruction, these defendants were not considered successful in completing the ERCC.

- defendant's race,
- defendant's gender, and
- state of residence.

Trigger Offense Variables

Trigger offense variables are related to the trigger offense and the court proccessing of the trigger offense. Such variables include:

- whether the trigger offense case is pending as of May 24, 2010,
- maximum charge,
- number of charges with *nolle diversion* dispositions,
- number of charges with guilty or plea dispositions,
- successful completion of specific types of diversion programs,
- total fine amount assigned for the case,
- total restitution assigned for the case,
- maximum months served for the case,
- count of trigger felony domestic violence charges, felony person charges, etc., and
- latest disposition date for trigger offense.

Three additional trigger offense variables measure court appearances and the number of judges the defendant faced. More specifically, these three trigger offense court variables include:

- number of docket appearances for each case,
- number of events for each case, and
- a count of the number of different judges the defendant saw for each case.

The trigger offense variables are used to address Research Questions 1, 2, and 3.

Prior Offending Variables

The prior offending variables are used in the analyses for Research Questions 1, 2, and 3, and describe the defendant's criminal history. The prior offending variables include:

- average hours of community service across cases occurring before the trigger case,
- number of cases occurring prior to the trigger case,
- whether the defendant was assigned to a diversion program prior to trigger case,
- whether the defendant was assigned to the ERCC prior to the trigger offense,
- average fines across cases occuring before the trigger case,
- average restitution across cases occuring before the trigger case,
- average maximum months served across cases occurring before trigger case, and
- whether the defendant had a case prior to the trigger offense.

Reoffending Variables

The reoffending variables included in the analyses address Research Questions 1, 2, and 3 and describe offending behavior during the two follow-up periods. For follow-up periods 1 and 2, the reoffending variables include:

- whether the defendant had a reoffense
- the average hours of community service served across cases occurring after the trigger case,
- the number of cases occurring during the follow-up period,
- whether the defendant was assigned to a diversion program after the trigger case,
- whether the defendant was assigned to ERCC after the trigger offense,
- filing date for first reoffense,
- average fines across cases occurring after the trigger case,
- average restitution across cases occurring after the trigger case,
- overall recidivism score,
- average maximum months served across cases occurring after the trigger case,
- number of days between the trigger offense file date and date of first rearrest,
- number of days available to reoffend, and
- counts of charges.

2.4 Analytic Strategy

The analytic strategy section is organized by research question as types of analyses and defendant eligibility varied by research question. Analyses were run separately using the full and restricted datasets. The full dataset included all prior and subsequent (filed after the trigger case) cases in the data extract, regardless of disposition whereas the restricted dataset included only prior and subsequent cases that did not result in a dismissal, acquittal, or not guilty disposition.

Analyses were also run separately by whether reoffending behavior was being examined during follow-up period 1, which occurred during the "treatment" (i.e., while the trigger case was open) and follow-up period 2, which occurred after the "treatment" (i.e., after the disposition date through May 24, 2010).

2.4.1 Research Question 1

The first research question explored what happened to defendants who were assigned to the ERCC and included only those who were part of the ERCC sample. Univariate statistics were used to describe the entire sample of ERCC defendants. The entire sample consists of three ERCCSTATUS group including: 1) defendants who were assigned to ERCC diversion programs (ERCCSTATUS 1), 2) defendants who were assigned to treatment courts (ERCCSTATUS2), and 3) those who opted out of - or were not eligible for - diversion programming (ERCCSTATUS3). ANOVA analyses, which compared means for each of the ERCCSTATUS groups, indicated if defendants who were assigned to ERCC diversion programs (ERCCSTATUS 1), treatment courts (ERCCSTATUS2), or opted out of - or were not eligible for - diversion programming (ERCCSTATUS3) differed significantly on any of the relevant variables.

ERCCSTATUS groups were compared on the following:

- demographics
- criminal history
    - offense history
    - case processing history
- trigger case details
    - trigger offense
    - case processing
    - diversion and treatment court participation
    - diversion and treatment court success
    - case dispositions
    - ERCC program success
    - case sentencing
- Reoffending details

2.4.2 Research Question 2

Research Question 2 investigates differences between those who were successful and unsuccessful in the ERCC program. As a reminder, success is defined as the defendant completing a diversion or treatment court, receiving a *nolle diversion* disposition for the trigger case, and having the case disposed of in the ERCC or a treatment court.

Only those ERCC defendants who were assigned to ERCC diversion programs or treatment courts (ERCCSTATUS 1 or 2) were included in these analyses. Crosstabs and t-tests compared successful and unsuccessful defendants on variables. Crosstabs and t-tests were run first comparing all ERCC defendants (ERCCSTATUS 1 and 2) eligible to be included in the analysis. Tests were replicated on a sample including only those assigned to an ERCC diversion program (ERCCSTATUS 1) and again on a sample including only those assigned to a treatment court calendar (ERCCSTATUS 2). Multivariate analyses, specifically logistic regression models, examined the relationship between ERCC success and defendants' experiences in the ERCC (i.e., whether they received a treatment court program or a ERCC diversion program) while controlling for other characteristics that were thought to be related to success (e.g., demographic characteristics, criminal history, and reoffending during the follow-up period 1 while their trigger case was open).

2.4.3 Research Question 3

Bivariate and multivariate analyses were also conducted to respond to Research Question 3. Bivariate analyses examined the differences on relevant variables between defendants in the "treatment" group (ERCC) and the comparison group (MPD 5th District). Survival analysis was used to estimate the length of time until a defendant's first reoffense during each follow-up period. The analysis survival and hazard rates are useful in understanding time to reoffense and its predictors. The survival rate estimated the probability of survival (or not reoffending) at a certain time point. Thus, the survival rate at the end of

follow-up period 1 represents the percentage of the sample that did not re-offend during the follow-up period. Using this type of analysis we were able to explore whether defendants who went through the ERCC reoffended less quickly than those in the comparison group (from MPD 5th District). Similarly, we examined the survival rate of males versus females; first-time defendants versus repeat defendants, etc.

Preparations for Research Question 3 Supplemental Analyses

In June 2011 the D.C. Court obtained supplemental arrest and court data from the Maryland Criminal Justice Information System, housed within the Department of Public Safety and Correctional Services. These data provide additional information used to examine the robustness of findings based solely on the Courtview data. Incorporating the Maryland data allows for a better understanding of the criminal activity of ERCC and MPD5 defendants outside of Washington D.C. Given its proximity to the ERCC, access to criminal records from the state of Maryland offers an important contribution in further understanding the impact of the ERCC.

The Maryland data were merged with the original Courtview data to specifically respond to Research Question 3. The process of incorporating the Maryland data required several steps including matching, redefining variables, and creating new variables.

Matching

The Courtview and Maryland data did not share unique identifiers for individuals included in both datasets. Westat programmers matched data from D.C. and Maryland based on first and last name, sex, date of birth, and race. Approximately 32% of the 5777 individuals in the original Courtview data also had arrests in the Maryland data.

Redefining Variables

Minor adjustments to existing variables were required to properly incorporate the Maryland data. For example, all offenses included in the Courtview data were assigned an offense category based on the type of offense and whether the offense was a misdemeanor or felony. Unfortunately the same level of detail was not provided in the Maryland data. Thus, for analyses including Maryland data, offense categories were collapsed to discriminate only between different types of offenses. These new categories did not distinguish between misdemeanors and felonies and included: person offenses, property offenses, drug offenses, traffic offenses, code violations, other offenses, and not-papered charges. These categories were re-assigned values and used in computing criminal history. Appendix B provides more specific information regarding all variable computations and coding.

Criminal history was also recomputed to include the Maryland data. The numerator, made up of the sum of offense values, incorporated offenses occurring in D.C. and Maryland prior to the trigger offense. The denominator, which subtracted number of days incarcerated from number of days available to offend, included days incarcerated in both D.C. and Maryland. (See equation in Section 2.2.2.)

Creating New Variables

The survival analysis method used for RQ3 required identification of the first re-offense in each follow-up period. With the inclusion of the Maryland data, recomputations of variables identifying the first re-offense in each follow-up period were necessary as these offenses may have come from Maryland

After merging, redefining variables, and creating new variables, propensity score matching and survival analyses were conducted using the merged data. Analyses were only conducted using the full data for ERCCSTATUS 1 offenders and comparable offenders from the MPD 5th District. In other words, analyses using the combined Courtview and Maryland data were conducted on ERCC diversion program defendants and a comparable group from the MPD 5th District using data that included all cases filed regardless of the disposition. Results are presented in Section 3.4.

3. Results

Results from the ERCC analysis are organized by research question. Univariate and bivariate statistics related to Research Question 1 are presented in the section below followed by bivariate and multivariate (logistic regression) results related to Research Question 2 and multivariate results of the survival analysis used to respond to Research Question 3. Supplemental analyses incorporating defendants' Maryland criminal history are also presented for Research Question 3. (See Table 1.2 for a list of the research questions.)

3.1 Research Question 1

Research Question 1 (RQ1) asks for a general description of ERCC defendants - who are they and what happened to them once they enter the ERCC? The following results answer this research question in two ways. First, information is provided on all ERCC defendants (n=4046). Second, this information is broken out by type of ERCC defendant - defendants who remained on the ERCC calendar and participated in ERCC diversion programs (ERCCSTATUS 1; n=847), ERCC defendants who were transferred to a treatment court calendar (ERCCSTATUS 2; n=379), and defendants who started in the ERCC but opted out of, or were not offered, diversion or treatment court programming (ERCCSTATUS 3; n=2820). A breakdown of the proportion for each group is as follows:

- 21% of defendants were included in the ERCCSTATUS 1 group,
- 9% were in the ERCCSTATUS 2 group and,
- 70% fell into the ERCCSTATUS 3 group.

RQ1 results using the full dataset (that include all cases filed before and after the trigger case regardless of disposition) are presented in the following order:

- demographic characteristics (Table 3.1),
- criminal history characteristics (Table 3.2),
- trigger case details (Table 3.3) and,
- reoffending details (Table 3.4).

Results using the restricted data are not presented. These are data that include only prior and subsequent cases that did not result in a dismissal, acquittal, or not guilty disposition. However, results that vary depending on whether the full or restricted data are used are noted and discussed in the text. For all tables in this section, the second column (labeled All ERCCSTATUS) shows values for all of the ERCC defendants – that is those who participated in an ERCC diversion program, those who participated in a treatment court, and those who opted out of, or were not offered, diversion programming. The remaining columns show values for the different ERCCSTATUS groups. Significant differences in values between ERCCSTATUS groups are noted with asterisks next to the variable names.

3.1.1 Demographic Characteristics

Table 3.1 displays demographic information for ERCC defendants. Although three-fourths of ERCC defendants were male, the percentage varied by ERCCSTATUS group. A lower proportion of men, and therefore a higher proportion of women, were sent to treatment courts (ERCCSTATUS 2) than to ERCC diversion programming (ERCCSTATUS 1) or other court processing options (ERCCSTATUS 3).

Table 3.1 - Research Question 1 Demographic Characteristics

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Age	4046	34.78 (11.45)	847	35.11 (12.03)	379	35.51 (11.76)	2820	34.58 (11.22)
Race (Black=1)	3983	0.96	824	0.96	373	0.97	2786	0.96
Gender (Male=1)**	4041	0.75	846	0.79	379	0.68	2816	0.75
Residence: Maryland**	4046	0.24	847	0.35	379	0.22	2820	0.21
Residence: Virginia	4046	0.05	847	0.05	379	0.03	2820	0.05
Residence: Wash D.C.**	4046	0.70	847	0.59	379	0.74	2820	0.73

Note: Variables where standard deviations are not presented are non-continuous binary variables where defendants are assigned a value of 0 or 1. These values can be interpreted at percentages. For example, 75% of all ERCC defendants were male. (See Appendix B for more information on the coding assignment of all binary variables).
***p*<.01

The percentage of women in ERCCSTATUS groups 1, 2, and 3, was approximately 21%, 32%, and 25%, respectively. Nearly a quarter (24%) of all ERCC defendants were from Maryland and 70% were from Washington D.C. Although the distribution of Maryland and Washington D.C. residents in ERCCSTATUS groups 2 and 3 was similar to the total ERCC sample, the distribution was different for the ERCCSTATUS 1 group. Only 59% of defendants who participated in ERCC diversion programming (ERCCSTATUS1) were from Washington D.C. and 35% were from Maryland. Thus, defendants from Maryland were more likely to participate in ERCC diversion programming than the other court processing options.

3.1.2 Criminal History Characteristics

Table 3.2 provides descriptive statistics for all criminal history variables including offense history and court processing history variables.

Offense History

Approximately 72% of ERCC defendants had a criminal case in the D.C. Superior Court prior to the filing date of their trigger case, with the number of prior cases ranging from 0 to 51. Those who participated in ERCC diversion programming (ERCCSTATUS 1) were least likely to have a prior case compared to those who participated in other court processing activities (ERCCSTATUS 2 or 3). Only 57% of ERCCSTATUS 1 defendants had at least one prior case in Washington D.C. with an average of 2 prior cases. Nearly 71% of treatment court defendants (ERCCSTATUS 2) had at least one prior case with an average of 3 prior cases. Over three-fourths of ERCCSTATUS 3 defendants had at least one prior case (77%) and their average number of prior cases was approximately 5. Based on this information, the ERCCSTATUS 1 defendants had the least severe prior criminal histories while ERCCSTATUS 3 defendants had the most severe histories.

This is reinforced when comparing criminal history scores for the ERCCSTATUS groups. The score was calculated to account for the number of prior charges, severity of prior charges, and opportunity to offend (see Appendix B for further detail on how this variable was computed). The average criminal history score across all defendants was .60 and ranged from 0 to 75. ERCCSTATUS 3 defendants had the highest average score (0.73) while ERCCSTATUS 1 defendants had the lowest average score (0.27).

The most common prior charges for all ERCC defendants and within each of the ERCCSTATUS groups were felony drug charges. ERCCSTATUS 3 defendants had more prior cases involving felony and misdemeanor person charges, felony property charges, and misdemeanor drug charges than the other ERCCSTATUS groups as well as more felony and misdemeanor charges related to offenses other than person, property, drugs or domestic violence offenses. ERCCSTATUS 3 defendants also had more misdemeanor domestic violence charges; however this finding did not reach statistical significance. Treatment court defendants (ERCCSTATUS 2) had higher counts of misdemeanor property charges than the other two groups. The groups did not vary in the average number of felony drug charges, felony domestic violence charges, not-papered charges, traffic charges, or code violations.

Generally, results related to criminal history characteristics were not as strong using the restricted data (i.e., data that include only prior cases that did not result in a dismissal, acquittal, or not guilty disposition). In the restricted data, ERCCSTATUS 3 defendants were more likely to have had a prior case and more likely to have higher numbers of prior cases, however differences in criminal history scores were smaller across the three groups and there were no differences in numbers of felony and misdemeanor person charges, felony property charges, or misdemeanor domestic violence or other charges. ERCCSTATUS 1 defendants (those that received ERCC diversion programming) had the highest count of prior misdemeanor property charges compared to the other ERCCSTATUS groups when looking at the restricted data (1.86, 1.38, 1.18 for ERCCSTATUS groups 1, 2, and 3, respectively). These varying results suggest that ERCCSTATUS 3 defendants were arrested more frequently and for more serious offenses prior to their trigger offenses but those cases did not always result in court processing or findings of guilt (the factors used to determine inclusion in the full dataset).

Court Processing History

According to the Courtview data, none of the ERCC defendants had ever participated in the ERCC prior to their trigger case being assigned to the community court.[12] Prior to participating in the ERCC, all defendants had been sentenced to similar amounts of community service and paid similar amounts in fines and restitution. Approximately 5% of ERCC defendants participated in diversion programming prior to their trigger case. Although treatment court defendants (ERCCSTATUS 2) participated in more diversion programming prior to their trigger case than the other ERCCSTATUS groups, this findings was only significant in the restricted data and not the full data. Consistent with the finding that ERCCSTATUS 3 defendants had more serious criminal histories, this group was also sentenced to serve more incarceration time prior to their ERCC cases than the ERCCSTATUS 1 and 2 groups. However, this difference only reached statistical significance when using the full dataset.

[12] Note that Case Number was used to determine ERCC involvement. It is possible that defendants had in fact participated in the ERCC before their trigger case but the earlier cases did not have a "C" in the case number and thus, could not be identified as an ERCC case.

Table 3.2 - Research Question 1 Criminal History

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Program)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Binary Prior Offenses**	4046	0.72	847	0.57	379	0.71	2820	0.77
Count Prior Offenses**	4046	4.16 (5.65)	847	2.09 (3.39)	379	3.22 (4.44)	2820	4.91 (6.14)
Criminal History Score**	4046	0.60 (1.55)	847	0.27 (0.51)	379	0.37 (0.59)	2820	0.73 (1.81)
Count Prior Felony Person Charges*	857	2.85 (2.41)	96	2.42 (1.98)	63	2.14 (1.92)	698	2.98 (2.49)
Count Prior Felony Property*	560	2.72 (2.86)	52	1.75 (1.27)	50	2.26 (2.16)	458	2.88 (3.03)
Count Prior Felony Drug Charges	1157	5.11 (4.33)	134	4.72 (3.83)	84	5.18 (4.02)	939	5.16 (4.42)
Count Prior Felony Domestic Violence Charges	128	1.40 (0.76)	18	1.50 (0.99)	11	1.09 (0.30)	99	1.41 (0.74)
Count Prior Felony Other Charges**	1020	3.22 (2.40)	104	2.71 (1.94)	80	2.65 (1.89)	836	3.34 (2.48)
Count Prior Misdemeanor Person Charges**	984	2.85 (3.15)	127	2.03 (1.55)	54	2.37 (1.89)	803	3.02 (3.38)
Count Prior Misdemeanor Property Charges*	885	3.29 (4.38)	115	2.23 (2.23)	64	4.11 (5.04)	706	3.38 (4.55)
Count Prior Misdemeanor Drug Charges*	1477	2.96 (2.4)	211	2.43 (2.05)	125	2.84 (2.36)	1141	3.07 (2.88)
Count Prior Misdemeanor Other Charges*	951	2.19 (1.73)	108	2.01 (1.59)	68	1.71 (0.98)	775	2.26 (1.79)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Program)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Count Prior Misdemeanor Domestic Violence Charges[a]	757	2.98 (2.94)	114	2.46 (2.43)	56	2.70 (2.37)	587	3.11 (3.07)
Count Prior Not-Papered Charges	179	1.56 (0.91)	15	1.13 (0.35)	10	1.50 (0.71)	154	1.61 (0.94)
Count Prior Traffic Charges	1064	2.51(2.03)	156	2.25 (1.73)	102	2.47 (1.99)	806	2.57 (2.09)
Count Prior Code Violations Charges	749	1.56 (1.37)	85	1.72 (2.35)	65	1.49 (1.00)	599	1.55 (1.20)
Prior Average Community Service Hours	4046	0.63 (8.46)	847	0.62 (10.64)	379	1.09 (14.49)	2820	0.58 (6.37)
Prior Diversion Participation	4046	0.05	847	0.04	379	0.06	2820	0.05
Prior ERCC Participation	4046	0.00	847	0.00	379	0.00	2820	0.00
Prior Average Fine Amount	4046	8.70 (101.87)	847	7.23 (91.44)	379	10.09 (70.93)	2820	8.95 (108.19)
Prior Average Restitution Amount	4046	6.43 (143.86)	847	6.82 (189.38)	379	1.10 (14.36)	2820	7.03 (137.48)
Prior Maximum Time Served Sentence (Months)**	4046	0.13 (0.94)	847	0.02 (0.15)	379	0.04 (0.35)	2820	0.17 (1.12)

Note: Variables where standard deviations are not presented are non-continuous binary variables where defendants are assigned a value of 0 or 1. These values can be interpreted as percentages. For example, 5% of all ERCC defendants participated in diversion programming prior to their trigger offenses. (See Appendix B for more information on the coding assignment of all binary variables).

[a] $p<.10$ *$p<.05$ **$p<.01$

3.1.3 Trigger Case Details

Table 3.3 provides details on characteristics of the trigger case (the case that made the defendant eligible for the ERCC and the current evaluation), including trigger offense characteristics, case processing, diversion program and treatment court participation and success, case dispositions, ERCC program success, and case sentencing. Trigger case information was the same in the full and restricted datasets since trigger case was defined identically.

Trigger Offense

The Courtview data provided to Westat included detail on up to five charges per case. Each charge was assigned a score (see Table 2.2). For the trigger case, ERCCSTATUS groups were compared on both the sum of their charge scores and their highest single charge score. Although ERCCSTATUS 3 defendants had the highest charge score sum, ERCCSTATUS 1 defendants actually had the highest single charge score as compared to ERCCSTATUS 2 and 3 defendants (11.85, 10.56, and 11.51, respectively). Consistent with the eligibility standards for the ERCC, trigger cases did not include any felony or domestic violence charges. The most common charges for all ERCC defendants and within each ERCCSTATUS group were misdemeanor drug charges. Generally, offense types were similar across ERCCSTATUS groups with two exceptions. ERCCSTATUS 3 defendants had more misdemeanor person and drug charges than ERCC diversion (ERCCSTAUTS 1) or treatment court defendants (ERCCSTATUS 2).

Case Processing

As described in Chapter 1, the ERCC is intended to provide defendants with alternative sanctions and court processing. The program requires frequent contact with the court and allows defendants to establish a relationship with the ERCC judge. On average ERCC defendants had 40 docket entries and 8 events.[13] Overwhelmingly, treatment court defendants (ERCCSTATUS 2) had more docket entries and court events than defendants who participated in ERCC diversion programming (ERCCSTATUS 1) or those who did not participate in the ERCC diversion programming or the treatment court (ERCCSTATUS 3). Treatment court defendants had 73 docket entries while the remaining ERCC defendants had fewer than 40 entries. Similarly treatment court defendants had 17 court events while other ERCC defendants had seven. However, on average defendants who remained in the ERCC (ERCCSTATUS 1) did go in front of fewer judges than treatment court defendants and ERCCSTATUS 3 defendants (average of 2.57, 4.04, and 3.09 judges respectively).

[13] Events describe instances where the defendant makes a courtroom appearance. Docket entries describe any occurrence that involves the court such as motion filings, requests for attorneys, etc.

Diversion Program and Treatment Court Participation and Success

Of the 4,046 defendants that entered the ERCC in 2007, 2008, and 2009, 847 participated in 12 different types of diversion programming, 379 participated in either a drug court or a mental health court program, and 2820 did not participate in a diversion program or treatment court.

The diversion program with the highest participation (42% or 355 defendants) was the Deferred Prosecution Agreements (DPA)/Angels Project Power (PPOW). The program with the lowest participation (0.6% or 5 defendants) was the prostitution-related programming (including Bridges Early Intervention/BEIP and HIPS Trans-in-formation Program). The highest success rates were for Mediation (100%), Johns School (96%), and substance abuse-related programming (substance abuse driving diversion, first time drug offender diversion, and alcohol treatment) (93%) and the lowest was for the New Directions Program (0%).

Participation is defined as having a program diversion code for any of the (up to five) trigger charges. Success for any individual diversion program or treatment court is defined as completing the diversion program or treatment court and receiving a *nolle diversion* disposition. However, defendants were only included in the statistics related to diversion program or treatment court success if information was available regarding their success.

Below we show the number and percent of defendants that participated in the various diversion and treatment court programs and the success rates for each.

Diversion Programs:

- Deferred Prosecution Agreements (DPA)/Angels Project Power (PPOW)[14]
  - 42% (355 out of 847) participated[15]
  - 78% (239 out of 308) successfully completed the program[16]
- Johns School (JOHN)
  - 18% (156 out of 847) participated
  - 96% (137 out of 142) successfully completed the program
- Deferred Sentencing Agreements (DSA)
  - 12% (102 out of 847) participated
  - 68% (65 out of 96) successfully completed the program
- STET Docket
  - 10% (85 out of 847) participated
  - 82% (58 out of 71) successfully completed the program

[14] Court staff indicated that Angels Project Power was also coded as a Deferred Prosecution Agreement in the Courtview data. Therefore separate participation and success rates cannot be calculated for these two diversion options.
[15] As shown in Table 3.3, one ERCCSTATUS2 defendant was assigned to complete a DPA (in addition to being assigned to a treatment court) but did not successfully complete the DPA.
[16] Defendants were only included in the statistics related to diversion program or treatment court success if information was available regarding their success.

- First Time Offenders (FTO)
  - 4% (32 out of 847) participated
  - 68% (21 out of 31) successfully completed the program
- Substance abuse driving diversion, first time drug offender diversion, and alcohol treatment programming (ATP/904#1/SADD)
  - 9% (73 out of 847) participated
  - 93% (25 out of 27)successfully completed the program
- Mediation (MED)
  - 2% (17 out of 847) participated
  - 100% (13 out of 13) successfully completed the program
- New Directions Program (NEWD)
  - 1% (12 out of 847) participated
  - 0% (0 out of 7) successfully completed the program
- Community Service (COMSV/NEXT)
  - 1% (10 out of 847) participated
  - 33% (1 out of 3) successfully completed the program
- Prostitution-related programming (including Bridges Early Intervention/BEIP and HIPS Trans-in-formation Program)
  - 0.6% (5 out of 847) participated
  - 60% (3 out of 5)successfully completed the program

Treatment Court Programs:

- Drug Court (DCRT)
  - 80% (305 out of 379) participated
  - 67% (191 out of 285) successfully completed the program
- Mental Health Court (MHDC)
  - 20% (74 out of 379) participated
  - 59% (41 out of 69) successfully completed the program

Case Dispositions

There were no trigger cases for ERCCSTATUS 3 defendants that were still pending at the end of the data collection period (May 24, 2010). Three cases were still open for ERCCSTATUS 1 defendants (0.35%), and 12 were still open (3.17%) for treatment court defendants (ERCCSTATUS 2). Although not tabled, 36% of ERCC defendants (1464 out of 4046 defendants) had at least one charge disposed of with a guilty finding (see Appendix B for dispositions included in the Guilty Dispositions category). When looking within each ERCCSTATUS group, 44% (2325 out of 2820) of ERCCSTATUS 3 defendants, 22% (83 out of 379) of ERCCSTATUS 2 defendants, and 17% (146 out of 847) of ERCCSTATUS 1 defendants had charges with findings of guilt (not tabled).

Further, ERCCSTATUS 3 defendants also had the highest number of charges disposed of with guilty findings for their trigger cases. ERCCSTATUS 3 defendants had, on average, .47 charges disposed of with

guilty findings as compared to ERCCSTATUS 1 and 2 defendants (.18 and .22 charges, respectively).[17] Most charges for all ERCC defendants were disposed of with findings other than of guilt or *nolle diversion* (73.13%). (See Appendix B for dispositions included in the Other Dispositions category). Ninety percent of ERCCSTATUS 3 defendants, 34% of ERCCSTATUS 2 defendants, and 32% of ERCCSTATUS 1 defendants had charges disposed of with findings other than of *nolle diversion* or guilt. ERCCSTATUS 3 defendants also had the highest average number of charges that were disposed of with a result other than a *nolle diversion* or guilty finding (1.26 charges) as compared to ERCCSTATUS 1 and 2 (.40 and .43 charges respectively). Twenty percent of ERCC defendants had charges disposed of with a *nolle diversion* finding. Treatment court defendants (ERCCSTATUS 2) had the most charges disposed of with *nolle diversion* dispositions (.77 charges). ERCC diversion program defendants had .74 charges disposed of with *nolle diversion* dispositions and ERCCSTATUS 3 defendants had, on average no charges disposed of with a *nolle diversion* finding. Of all of the ERCCSTATUS 3 defendants, one defendant had one charge disposed of in this manner.

ERCC Program Success

In terms of successfully completing the ERCC program, the definition of "successfully completing the ERCC program" includes:

- Sucessfully completing a diversion or drug or mental health treatment court program,[18]
- Receive a disposition code of *nolle diversion*,
- Have the case disposed of in the ERCC or in a treatment court.

Note that this definition is slightly different from successful completion of a diversion or treatment court program – the main difference is that to successfully complete the ERCC program, the defendant must have their case disposed of in the ERCC or drug or mental health court. Thus, there are some defendants who successfully complete a diversion or treatment court program and receive a *nolle diversion* disposition, but their case was not disposed of in an ERCC or treatment court. In these instances (per the Court's instruction), the defendants are not considered to have successfully completed the ERCC program.

In total, 58% (716 out of 1226) of ERCC defendants who participated in diversion programming or treatment courts successfully completed the ERCC program (i.e., received a disposition of *nolle diversion* in the ERCC or on a treatment court calendar). More specifically, the ERCC program success rate for the group of defendants that participated in a diversion program was 60% and for the treatment court defendants it was 55%.

[17] Note that although the number of guilty dispositions for all ERCC defendants ranged from zero to four. Most defendants had no guilty dispositions, resulting in averages of less than one.

[18] Although ERCC defendants certified to a treatment court are not under the supervision of the ERCC judge, success is measured in a similar way—those defendants whose cases were disposed of by a treatment court judge with a *nolle diversion* are considered successful in completing the ERCC program. Note that results are described for defendants who participated in ERCC diversion programs and treatment courts as, per the original research design. Research Question 1 results trace the outcomes for all defendants whose cases originated in the ERCC (or were certified to the ERCC from an arraignment court).

Case Sentencing

ERCCSTATUS 3 defendants were sentenced to the most months of incarceration and probation as compared to the other ERCCSTATUS groups.[19] ERCCSTATUS 3 defendants were sentenced to at least three times as many months of incarceration, on average, compared to treatment court defendants (ERCCSTATUS 2) and ERCC diversion program defendants (ERCCSTATUS 1) (.46, .13, and .08 months, respectively). ERCCSTATUS 3 defendants were also sentenced to more months of probation, more community service hours and higher amounts of victim fund contributions as compared to the other ERCCSTATUS groups.

[19] The Courtview data provided the number of months of incarceration for each charge. Rather than summing the months, we identified the maximum sentence of incarceration for the trigger case and used this value to defined time served.

Table 3.3 - Research Question 1 Trigger Case Details

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Charge Score Sum**	4046	14.81(7.39)	847	13.47 (5.09)	379	13.23 (5.89)	2820	15.43 (8.04)
Maximum Charge Score**	4046	11.49(2.30)	847	11.85 (2.42)	379	10.56 (1.57)	2820	11.51 (2.31)
Count Trigger Felony Person Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Felony Property Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Felony Drug Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Felony Domestic Violence Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Felony Other Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Misdemeanor Person Charges **	1215	1.13 (0.43)	314	1.03 (0.19)	43	1.09 (0.37)	858	1.17 (0.49)
Count Trigger Misdemeanor Property Charges	491	1.12 (0.43)	115	1.07 (0.32)	53	1.11 (0.32)	323	1.15 (0.48)
Count Trigger Misdemeanor Drug Charges **	2354	1.27 (0.53)	423	1.18 (0.43)	287	1.24 (0.48)	1644	1.30 (0.55)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Count Trigger Misdemeanor Domestic Violence Charges	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Count Trigger Misdemeanor Other Charges	338	1.25 (0.60)	28	1.14 (0.45)	17	1.06 (0.24)	293	1.27 (0.63)
Count Trigger Traffic Charges	16	1.00 (0.00)	0	0.0 (0.00)	1	1.00 (0.00)	15	1.00 (0.00)
Count Trigger Code Violations	17	1.18 (0.39)	3	1.00 (0.00)	1	1.00 (0.00)	13	1.23 (0.44)
Count Trigger Not Papered Charges	129	1.14 (0.41)	19	1.00 (0.00)	9	1.00 (0.00)	101	1.18 (0.46)
Count of Docket Entries**	4046	40.02 (23.32)	847	35.70 (17.63)	379	73.14 (31.91)	2820	36.87 (19.68)
Count of Events**	4046	7.86 (5.65)	847	7.03 (4.11)	379	17.00 (7.54)	2820	6.89 (4.56)
Count of Different Judges**	4046	3.07 (1.33)	847	2.57 (1.18)	379	4.04 (1.43)	2820	3.09 (1.28)
Successfully completed COMSV/NEXT	3	0.33	3	0.33	0	0.00	0	0.00
Successfully completed DCRT	285	0.67	0	0.00	285	0.67	0	0.00
Successfully completed DPA/PPOW	309	0.77	308	0.78	1	0.00	0	0.00
Successfully completed DSA	96	0.68	96	0.68	0	0.00	0	0.00

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Successfully completed FTO	31	0.68	31	0.68	0	0.00	0	0.00
Successfully completed JOHN	142	0.96	142	0.96	0	0.00	0	0.00
Successfully completed MED	13	100.00	13	100.00	0	0.00	0	0.00
Successfully completed MHDC	69	0.59	0	0.00	69	0.59	0	0.00
Successfully completed NEWD	7	0.00	7	0.00	0	0.00	0	0.00
Successfully completed BEIP/HIPS	5	0.60	5	0.60	0	0.00	0	0.00
Successfully completed STET	71	0.82	71	0.82	0	0.00	0	0.00
Successfully completed ATP/904#1/SADD	27	0.93	27	0.93	0	0.00	0	0.00
Case Pending**	4046	0.00	847	0.00	379	0.03	2820	0.00
Count of Guilty Dispositions **	4046	0.39 (0.55)	847	0.18 (0.41)	379	0.22 (0.43)	2820	0.47 (0.58)
Count of Other Dispositions **	4046	1.01(0.85)	847	0.40 (0.66)	379	0.43 (0.68)	2820	1.26 (0.78)
Count of *Nolle diversion* Dispositions**	4046	0.23 (0.50)	847	0.74 (0.61)	379	0.77 (0.72)	2820	0.00 (0.02)
Successfully completed ERCC Program **	1226	0.58	847	0.60	379	0.55	0	0.00

continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Maximum Time Served (Months)**	4046	0.35 (1.01)	847	0.08 (0.46)	379	0.13 (0.52)	2820	0.46 (1.15)
Probation Sum (Months)**	4046	2.81 (7.36)	847	1.50 (4.33)	379	1.65 (4.24)	2820	3.36 (8.29)
Sum of Community Service Hours**	4046	2.93 (11.96)	847	2.00 (10.93)	379	1.76 (6.32)	2820	3.37 (12.78)
Fine Sum[a]	4046	9.68 (92.97)	847	5.19 (47.35)	379	3.17 (52.36)	2820	11.90 (106.52)
Restitution Sum	4046	5.68 (154.14)	847	3.64 (91.95)	379	0.00 (0.00)	2820	7.05 (177.62)
Victim's Fund Sum**	4046	21.49 (32.77)	847	10.45 (25.03)	379	11.94 (22.51)	2820	26.09 (34.85)

Note: Variables where standard deviations are not presented are non-continuous binary variables where defendants are assigned a value of 0 or 1. These values can be interpreted as percentages. For example, 58% of defendants successfully completed the ERCC program. (See Appendix B for more information on the coding assignment of all binary variables).

[a] <.10 *p<.05 **p<.01

3.1.4 Reoffending Details

As described in Chapter 2, two follow-up periods were created to measure reoffending. In order to assess the rate of reoffending while under the supervision of the ERCC judge, the first follow-up period captures reoffending that occurred between the trigger case filing date and trigger case disposition date. The second follow-up period captures reoffending that occurred after the trigger case has been disposed of. Defendants whose trigger cases were still open at the end of data collection were not included in follow-up period 2. This included three ERCCSTATUS 1 defendants and 12 ERCCSTATUS 2 defendants.

As shown in Table 3.4, which summarizes offenses and court processing related to reoffending, one quarter of ERCC defendants reoffended during follow-up period 1 and over one third (38%) reoffended during follow-up period 2. (Note that these percentages were reduced to 6% and 18% for the first and second follow-up periods, respectively, when looking at the restricted data). Offending behavior varied across ERCCSTATUS groups (see Table 3.4 below). Reoffending is captured, first, by looking at the *percentages* of defendants who reoffended during each follow-up period (labeled in Table 3.4 as Binary Reoffense Follow-up 1 and 2) and, second, looking at the *number* of reoffenses during the follow-up periods (labeled as Reoffense Count Follow-up 1 and 2).

Although the *percentage* of defendants who reoffended and the number of reoffenses varied across the three ERCCSTATUS groups, there were no consistent patterns in terms of which ERCCSTATUS group reoffended the most or the least. For example, a higher percentage of ERCCSTATUS 3 defendants reoffended in follow-up period 1 when looking at the full data but that group reoffended less than the other two ERCCSTATUS groups when looking at the restricted data. This may indicate that ERCCSTATUS 3 defendants were more likely to have cases filed against them in the first follow-up period but were also more likely to be found not guilty or to have their cases dismissed.

Between the trigger case filing date and trigger case disposition date (follow-up period 1), a smaller percentage of the ERCC diversion program defendants (ERCCSTATUS 1) reoffended (15%), compared to the percentage of treatment court group defendants (ERCCSTATUS 2) that reoffended (26%) and the group with no diversion or treatment court participation (ERCCSTATUS 3) (28%). After the trigger case had been disposed of, a lower proportion of diversion program defendants reoffended (25%) compared to the other two groups (26% for treatment court defendants and 44% for those not participating in a diversion or treatment court program).

Similar patterns arose when looking at the *number* of reoffenses during follow-up period 1. ERCCSTATUS 3 defendants had the highest average number of reoffenses in the full data and the lowest average number of reoffenses in the restricted data. During follow-up period 1, on average the diversion group had fewer reoffenses than the other two groups. However, diversion group (ERCCSTATUS 1) had a higher number of reoffenses during follow-up period two than treatment court defendants (ERCCSTATUS 2), but a lower average number of reoffenses compared to defendants who did not participate in a diversion program or a treatment court.

ERCCSTATUS 3 defendants generally had *more serious* reoffenses than ERCCSTATUS 1 or 2 defendants, as reflected in higher offense scores during both follow-up periods; however this finding did not reach statistical significance in the restricted dataset. For follow-up period 1, the average reoffense score was the same for the ERCCSTATUS 1 and ERCCSTATUS 2 groups, indicating that on average their crimes were similar in terms of the seriousness of them. However, in follow-up period 2, the diversion program defendants had the lowest average score compared to the other two groups.

The *types of reoffenses* (e.g., felony person offense, felony drug offense, etc.) did not vary significantly between the ERCCSTATUS groups for either follow-up period when using the full data (as shown in Table 3.4). When looking at the restricted data, however, treatment court defendants (ERCCSTATUS 2) had more misdemeanor property charges than ERCCSTATUS 1 or 3 defendants and ERCC diversion program defendants (ERCCSTATUS 1) had higher counts of misdemeanor domestic violence charges than the other two ERCCSTATUS groups.

In terms of the *type of court programming* defendants received, approximately 3% of ERCC defendants received diversion programming during the first follow-period (labeled Reoffense Diversion Participation Follow-up 1 in Table 3.4) and 9% received diversion programming during the second follow-up period (labeled Reoffense Diversion Participation Follow-up 2).

More treatment court defendants (ERCCSTATUS 2) received diversion programming related to their reoffenses during the first follow-up period as compared to ERCCSTATUS 1 and 3 defendants (11% compared to 3%, and 2%, respectively). A similar proportion of defendants from the ERCCSTATUS groups received diversion programming during the second follow-up period (8% for ERCCSTATUS 1, 8% ERCCSTATUS 2, and 10% ERCCSTATUS 3). A higher proportion of ERCCSTATUS 3 defendants had cases heard in the ERCC than the proportion for other ERCCSTATUS groups in both follow-up periods, although the difference did not reach statistical significance during the second follow-up period in the restricted dataset.

Generally, ERCC defendants did not vary in the types of sentencing they received related to their reoffenses. For example, as a result of their reoffenses, all three groups, on average, received a similar number of months for maximum time served in both follow-up periods and all groups served, on average, less than 1 hour community service as a result of their reoffenses. On average, defendants were expected to pay less than $5 in restitution and less than $10 in fines. ERCCSTATUS 3 defendants paid notably more than the other ERCCSTATUS groups to the victim fund during both follow-up periods. Note that none of the sentencing options varied between ERCCSTATUS groups in the restricted data.

Table 3.4 - Research Question 1 Reoffending Characteristics

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Binary Reoffense Follow-up 1**	4046	0.25	847	0.15	379	0.26	2820	0.28
Binary Reoffense Follow-up 2**	3836	0.38	839	0.25	355	0.26	2642	0.44
Reoffense Count Follow-up 1**	4046	0.25 (0.44)	847	0.15 (0.36)	379	0.26 (0.44)	2820	0.28 (0.45)
Reoffense Count Follow-up 2**	4046	0.74 (1.40)	847	0.41 (0.88)	379	0.36 (0.78)	2820	0.89 (1.56)
Reoffense Score Follow-up 1**	4046	1.04 (3.80)	847	0.33 (1.16)	379	0.33 (0.80)	2820	1.35 (4.46)
Reoffense Score Follow-up 2**	4031	0.67 (3.80)	844	0.41 (1.23)	367	0.50 (1.47)	2820	0.77 (1.78)
Reoffense Felony Person Charges Count Follow-up 1	47	1.91 (1.41)	6	1.50 (0.55)	4	2.50 (1.73)	37	1.92 (1.48)
Reoffense Felony Person Charges Count Follow-up 2	127	1.86 (1.36)	12	1.33 (0.65)	9	1.22 (0.67)	106	1.97 (1.43)
Reoffense Felony Domestic Violence Charges Count Follow-up 1	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)
Reoffense Felony Domestic Violence Charges Count Follow-up 2	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)	0	0.0 (0.00)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Reoffense Felony Property Charges Count Follow-up 1	28	1.43 (0.92)	5	2.00 (1.00)	0	0.0	23	1.30 (0.88)
Reoffense Felony Property Charges Count Follow-up 2	60	1.52 (0.75)	6	1.00 (0.00)	3	1.67 (1.15)	51	1.57 (0.76)
Reoffense Felony Drug Charges Count Follow-up 1	97	1.49 (0.81)	11	1.55 (0.69)	4	1.25 (0.50)	82	1.50 (0.84)
Reoffense Felony Drug Charges Count Follow-up 2	353	1.82 (1.02)	47	1.57 (0.74)	19	1.63 (0.60)	287	1.87 (1.08)
Reoffense Felony Other Charges Count Follow-up 1	144	1.42 (0.95)	15	1.27 (1.03)	8	1.00 (0.00)	121	1.47 (0.97)
Reoffense Felony Other Charges Count Follow-up 2	272	1.79 (1.16)	29	1.83 (1.04)	13	1.54 (1.13)	230	1.80 (1.18)
Reoffense Misdemeanor Person Charges Count Follow-up 1	159	1.26 (0.55)	22	1.09 (0.29)	9	1.22 (0.44)	128	1.29 (0.59)
Reoffense Misdemeanor Person Charges Count Follow-up 2	314	1.69 (1.26)	39	1.49 (0.88)	17	1.53 (0.94)	258	1.73 (1.32)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Reoffense Misdemeanor Domestic Violence Charges Count Follow-up 1	88	1.97 (1.21)	3	2.33 (2.31)	7	1.57 (0.53)	78	1.99 (1.21)
Reoffense Misdemeanor Domestic Violence Charges Count Follow-up 2	185	2.28 (1.45)	23	2.83 (1.95)	13	1.85 (1.14)	149	2.23 (1.37)
Reoffense Misdemeanor Property Charges Count Follow-up 1	86	1.23 (0.84)	11	1.27 (0.47)	6	1.17 (0.41)	69	1.23 (0.91)
Reoffense Misdemeanor Property Charges Count Follow-up 2	199	1.58 (1.18)	28	1.36 (0.68)	9	1.89 (0.93)	162	1.60 (1.26)
Reoffense Misdemeanor Drug Charges Count Follow-up 1	180	1.32 (0.56)	16	1.13 (0.34)	25	1.36 (0.49)	139	1.33 (0.59)
Reoffense Misdemeanor Drug Charges Count Follow-up 2	410	1.58 (1.00)	52	1.38 (0.72)	23	1.39 (0.72)	335	1.62 (1.04)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Reoffense Misdemeanor Other Charges Count Follow-up 1	508	1.25 (0.62)	33	1.30 (0.64)	29	1.28 (0.59)	446	1.25 (0.63)
Reoffense Misdemeanor Other Charges Count Follow-up 2	224	1.35 (0.77)	23	1.22 (0.52)	8	1.00 (0.00)	193	1.38 (0.81)
Reoffense Traffic Charges Count Follow-up 1	344	1.99 (1.36)	56	1.84 (1.17)	37	1.97 (1.36)	251	2.02 (1.40)
Reoffense Traffic Charges Count Follow-up 2	336	2.43 (1.82)	57	2.21 (1.62)	23	2.78 (1.76)	256	2.45 (1.87)
Reoffense Code Violations Count Follow-up 1	302	1.14 (0.49)	56	1.18 (0.61)	31	1.13 (0.43)	215	1.13 (0.47)
Reoffense Code Violations Count Follow-up 2	208	1.32 (1.07)	36	1.28 (0.61)	9	1.22 (0.44)	163	1.33 (1.17)
Reoffense Non-Papered Charges Count Follow-up 1	70	1.30 (0.55)	5	1.20 (0.45)	5	1.00 (0.00)	60	1.33 (0.57)
Reoffense Non-Papered Charges Count Follow-up 2	66	1.14 (1.45)	7	1.00 (0.00)	5	1.00 (0.00)	54	1.17 (0.42)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Reoffense Diversion Participation Follow-up 1**	4046	0.03	847	0.03	379	0.11	2820	0.02
Reoffense Diversion Participation Follow-up 2	4031	0.09	844	0.08	367	0.08	2820	0.10
Reoffense ERCC Participation Follow-up 1**	4046	0.12	847	0.06	32	0.08	2820	0.14
Reoffense ERCC Participation Follow-up 2**	4031	0.13	844	0.08	29	0.08	2820	0.15
Reoffense Maximum Time Served (Months) Follow-up 1**	4046	0.03 (0.29)	847	0.02 (0.20)	379	0.00 (0.01)	2820	0.04 (0.33)
Reoffense Maximum Time Served (Months) Follow-up 2**	4031	0.35 (1.58)	844	0.11 (0.68)	367	0.09 (1.00)	2820	0.46 (1.80)
Reoffense Average Community Service Hours Follow-up 1	4046	0.66 (6.07)	847	0.51 (7.38)	379	0.77 (5.03)	2820	0.69 (5.76)
Reoffense Average Community Service Hours Follow-up 2	4031	1.41 (10.62)	844	2.05 (14.09)	367	0.60 (5.02)	2820	1.33 (9.93)
Reoffense Average Fine Amount Follow-up 1	4046	2.57 (43.44)	847	2.18 (37.16)	379	5.80 (72.87)	2820	2.25 (39.75)

Continued

	All ERCCSTATUS		ERCCSTATUS=1 (ERCC Diversion)		ERCCSTATUS=2 (Treatment Court)		ERCCSTATUS=3 (No diversion or treatment court)	
Variable	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**	**N**	**Mean (SD)**
Reoffense Average Fine Amount Follow-up 2	4031	8.48 (128.4)	844	4.34 (44.23)	367	3.04 (28.00)	2820	10.43 (151.3)
Reoffense Average Restitution Amount Follow-up 1	4046	1.25 (34.96)	847	2.40 (64.65)	379	0.92 (17.98)	2820	0.95 (21.33)
Reoffense Average Restitution Amount Follow-up 2	4031	2.52 (46.82)	844	1.91 (39.90)	367	1.09 (16.49)	2820	2.89 (51.20)
Reoffense Average Victim Fund Amount Follow-up 1**	4046	9.12 (37.09)	847	4.31 (19.95)	379	4.75 (16.78)	2820	11.15 (42.46)
Reoffense Average Victim Fund Amount Follow-up 2**	4031	12.80 (36.77)	844	8.28 (25.31)	367	7.38 (23.94)	2820	14.86 (40.65)

Note: Variables where standard deviations are not presented are non-continuous binary variables where defendants are assigned a value of 0 or 1. Values can be interpreted as percentages. For example, 13% of all ERCC defendants participated in the ERCC again for a reoffense. (See Appendix B for more information on the coding assignment of all binary variables).

**$p<.01$

3.2 Research Question 2

The results presented in this section compare those who successfully completed the ERCC program with those who did not successfully complete the ERCC program to answer Research Question 2 (RQ2), which asks who (what type of defendant) is most likely to complete the ERCC program. In other words, which defendant characteristics are associated with the successful and unsuccessful completion of the ERCC program?

To answer RQ2, the sample was limited to ERCC defendants from ERCCSTATUS groups 1 and 2—defendants who participated in diversion programming through the ERCC and defendants who were transferred to a treatment court calendar (a total of 1226 defendants). ERCCSTATUS groups 1 and 2 represented 30% of all defendants who were originally assigned to the ERCC (1226 out of 4046).

3.2.1 Diversion Programming

The first set of results related to RQ2 examines ERCC defendants who successfully completed diversion and treatment court programs.[20] Table 3.5 shows the number of ERCC defendants who successfully completed each program (column 1) and the percentage of those defendants who successfully completed the ERCC program (column 2) and the percentage who did not (column 3). As a reminder, only ERCCSTATUS 2 defendants (n=379) participated in Drug Court (DCRT) and Mental Health Court (MHDC). Only ERCCSTATUS 1 defendants (n=847) completed the other diversion programs listed in Table 3.5. For the most part, defendants who successfully completed their assigned diversion programs also successfully completed the ERCC program.[21] However, 15.5% of defendants placed on the STET docket did not receive a *nolle diversion* disposition in the ERCC or a treatment court nor did 31% of those completing the MED program successfully.

[20] Diversion program participation for individual diversion programs is not used to estimate the probability of success given the small number of defendants who participated in many of the diversion programs. That being said, these findings are important in describing successful and unsuccessful defendants.

[21] Recall that ERCC success and diversion program success are defined differently. ERCC success requires a *nolle diversion* disposition under an ERCC or treatment court judge.

Table 3.5 - Successful Completion of Various Diversion Programs by Percentage of Successful and Unsuccessful ERCC program participants

Diversion Programs	Number of Defendants who Successfully Completed Each of the Diversion Programs	Successfully completed the ERCC Program (%)	Unsuccessful in completing the ERCC Program (%)
Successfully completed COMSV/NEXT	1	100.00	0.00
Successfully completed DCRT	191	89.53	10.47
Successfully completed DPA/PPOW	239	87.03	12.97
Successfully completed DSA	65	92.30	7.69
Successfully completed FTO	21	90.48	9.52
Successfully completed JOHN	137	97.08	2.92
Successfully completed MED	13	69.23	30.77
Successfully completed MHDC	41	95.12	4.88
Successfully completed BEIP/HIPS	3	100.00	0.00
Successfully completed STET	58	84.48	15.52
Successfully completed ATP/904#1/SADD	25	96.00	4.00

Note: Acronyms are defined in Table 1.1. None of the defendants who were assigned but failed to complete their diversion program had their case closed with a *nolle diversion* disposition. Defendants who successfully completed their diversion program and received a *nolle diversion* in the ERCC or a treatment court were considered successful at completing the ERCC program.

The following section provides a description of defendant characteristics that are thought to be related to success in the ERCC. These variables are also included in the multivariate analysis used to predict the probability (odds) of success.

3.2.2 Descriptive Results

The first column of Table 3.6 lists the variables that were used to predict ERCC program success. Successful and unsuccessful ERCC defendants were compared on their values for each of those characteristics. A similar comparison (between successful and unsuccessful defendants) was then made within the ERCCSTATUS 1 (diversion) group and within the ERCCSTATUS 2 (treatment court) group, with the goal of assessing whether the relationship between the selected characteristics and success varies between the two groups. Differences between successful and unsuccessful defendants that reach statistical significance are noted with asterisks. The table presents data using the full dataset. If results differed using the restricted data, these differences are noted in the text.

Predictor Variables

For many characteristics, differences reached statistical significance when limiting the sample to ERCCSTATUS 1 defendants. This finding suggests that a variety of factors play into the success of ERCCSTATUS 1 defendants. For example, gender was related to being successful in the ERCC. There was also a relationship between success and being a Maryland or Washington D.C. resident, prior count of

reoffenses, and having a trigger person offense for ERCCSTATUS1 defendants. These same relationships did not reach statistical significance for ERCCSTATUS 2 defendants.

ERCC diversion program defendants who successfully completed the ERCC program were, on average, at least 18 months older than defendants who were unsuccessful at completing the program. Successful defendants were, on average, 36 years old and unsuccessful defendants were 34 years old. Defendants who had more court appearances (court events) were less likely to be successful, with successful defendants having approximately 6 events and unsuccessful defendants having nearly 9 events. Those who had reoffenses while their trigger cases were open were overwhelmingly less likely to be successful. Twenty-six percent of ERCCSTATUS 1 defendants who were unsuccessful had a reoffense while their trigger cases were still open compared to 8% of successful defendants. Finally, for ERCCSTATUS 1 defendants, number of days their trigger cases were open was related to ERCC success. The longer cases were open, the more likely a defendant was to be unsuccessful. On average, unsuccessful defendants' cases were open for 208 days while successful defendants' cases were open for 184 days. Although the values varied, similar patterns were found for ERCCSTATUS 2 defendants in regards to the relationship between program success and age, number of court appearances, reoffenses, and the number of days cases were open.

The next section describes logistic regression modeling using the full data. These models predict the probability (odds) of ERCC success given defendants' characteristics.

Table 3.6 - Means on relevant characteristics by Success and ERCCSTATUS

	ERCCSTATUS 1 & 2		ERCCSTATUS 1 (Diversion Program)		ERCCSTATUS 2 (Treatment Court)	
	Successful Mean (SD)	Unsuccessful Mean (SD)	Successful Mean (SD)	Unsuccessful Mean (SD)	Successful Mean (SD)	Unsuccessful Mean (SD)
Age	36.10 (12.26)**	34.02 (11.38)	35.82 (12.27)*	34.06 (11.60)	36.78 (12.26)*	33.93 (10.94)
Race (Black=1)	0.95	0.97	0.95	0.97	0.97	0.98
Gender (Male=1)	0.80**	0.70	0.84**	0.72	0.70	0.66
Maryland	0.35**	0.26	0.40**	0.28	0.21	0.23
Virginia	0.05	0.03	0.05	0.04	0.04	0.02
Washington D.C.	0.59**	0.69	0.53**	0.67	0.74	0.73
Count of Prior Offenses	2.10 (3.41)**	2.91 (4.20)	1.70 (2.99)**	2.67 (3.83)	3.08 (4.10)	3.40 (4.83)
Prior Diversion Participation	0.04	0.05	0.03[a]	0.05	0.06	0.05
Trigger Person Offense	1.01 (0.09)*	1.09 (0.34)	1.00 (0.07)*	1.08 (0.31)	1.04 (0.21)	1.15 (0.49)
Trigger Property Offense	1.06 (0.24)	1.11(0.39)	1.03 (0.18)	1.11 (0.42)	1.12(0.33)	1.11 (0.32)
Trigger Drug Offense	1.21 (0.45)	1.19(0.45)	1.20 (0.45)	1.15 (0.40)	1.24(0.46)	1.23 (0.51)
Count of Events	8.62 (5.95)**	12.20 (8.02)	5.88 (3.09)**	8.73 (4.80)	15.23 (5.99)**	19.19 (8.63)
Binary Reoffense Follow-up 1	0.12**	0.28	0.08**	0.26	0.20**	0.34
Days Trigger Case Open	208.68 (101.59)**	255.15 (199.98)	184.19 (87.63)*	207.86 (179.24)	267.69 (108.65)**	350.56 (206.04)

Note: Variables where standard deviations are not presented are non-continuous binary variables where defendants are assigned a value of 0 or 1. These values can be interpreted as percentages. For example, 12% of successful defendants had a reoffense during follow-up period 1. (See Appendix B for more information on the coding assignment of all binary variables).
[a] <.10 *p<.05 **p<.01

3.2.3 Multivariate Model Results

Using logistic regression models we calculated the odds of success using the same variables as those (described above) for the bivariate analyses. However, unlike the bivariate analyses, the regression models control for the other variables in the model while examining the relationship between the variable of interest and the dependent variable (i.e., successful completion of the ERCC program).

When using the full data and including only ERCCSTATUS 1 defendants, gender was the strongest predictors of success, as shown in Table 3.7. Males were 1.9 times more likely to succeed than females. Increases in court appearances and reoffending during follow-up period 1 were related to a lower probability of succeeding in the ERCC (i.e., related to a lower probability of successfully completing the ERCC program).

Although the results varied when using the restricted data or combining ERCCSTATUS 1 and ERCCSTATUS 2 defendants, defendants' residences, trigger offense types, and prior diversion participation did not impact the probability of success in the ERCC. Appendix C includes tables for the remaining logistic regression models.

Table 3.7 - Logistic Regression Results

Parameter	Estimate	Standard Error	Odds Ratio
Intercept	1.21[a]	0.68	
Age Category 25-44	0.32	0.20	1.38
Age Category 45+	0.15	0.23	1.16
Binary Race (Black=1)	-0.44	0.43	0.65
Binary Gender (Male=1)	0.63**	0.20	1.88
Residence=Maryland	0.19	0.19	1.21
Residence=Virginia	-0.05	0.39	0.96
Residence Other State	0.31	0.75	1.36
Trigger Misdemeanor Drug Offense	0.05	0.48	1.05
Trigger Misdemeanor Person Offenses	0.21	0.48	1.23
Trigger Misdemeanor Property Offenses	-0.01	0.50	0.99
Number Court Appearances	-0.20**	0.03	0.82
Number Prior Offenses	-0.38	0.18	0.68
Binary Prior Diversion Participation	-0.27	0.40	0.76
Binary Indicator Recidivism, Follow-up Period 1	-1.02**	0.23	0.36
Length of Trigger Case, Days	0.00**	0.00	1.00

[a] $p<1.0$ *$p<.05$ **$p<.01$

3.3 Research Question 3 – Courtview Data Only

Using Courtview data only, this section provides information related to Research Question 3 (RQ3), which asks whether ERCC defendants have better outcomes than a comparison group of similar defendants. As described in Chapter 2, the comparison group included a selection of defendants who were arrested in the MPD 5th District, which is geographically and demographically similar to the areas where ERCC defendants are arrested. Only those ERCC defendants who were assigned to a diversion program or treatment court were included in the ERCC sample in this section for RQ3.[22] These ERCC defendants were matched to MPD 5th District defendants using propensity score matching as described below. All RQ3 results were derived using the full dataset. Instances where results varied between the full and restricted data are noted in the text.

3.3.1 Results of Propensity Score Matching

As described in Chapter 2, without implementing an experimental design there is little protection against sample selection resulting in imbalance, or differences in defendant characteristics between groups that may be related to the outcome(s) of interest. For these analyses, it was possible that residence, defendant demographics,[23] criminal history, and trigger charge score varied among ERCC and MPD 5th District defendant populations. Given the absence of an experimental design, propensity score matching was used to ensure balance among the two groups. Table 3.8 provides the raw averages, highlighting imbalance between the two groups.

Table 3.8 - Unbalanced Averages by Group Assignment

	Follow-Up Period 1		Follow-Up Period 2	
	ERCC Mean	MPD 5th District Mean	ERCC Mean	MPD 5th District Mean
Gender (Male=1)	0.76	0.75	0.76	0.75
Age (Categorical)	1.79	2.10	1.82	2.11
Rack (Black=1)	0.96	0.92	0.95	0.93
Residence: Maryland	0.32	0.13	0.34	0.13
Residence: Virginia	0.05	0.03	0.05	0.03
Criminal History Score	0.29	0.14	0.25	0.14
Trigger Charge Score	13.46	15.21	13.69	15.19
Maximum Trigger Charge	11.43	11.22	11.50	11.20

Note: Averages varied slightly between the two follow-up periods as not all defendants included in Follow-up period 1 analyses were included in follow-up period 2 analyses. There were 1,651 MPD 5th District defendants and 1,074 ERCC defendants included in the analyses for follow-up period 1 and 1,470 MPD 5th District defendants and 922 ERCC defendants included in follow-up period 2.

[22] Although both ERCCSTATUS 1 and 2 defendants were included in the results presented in Section 3.3.2, results are driven primarily by ERCCSTATUS 1 defendants, who made up nearly 70% of the sample. Analyses that were run using only ERCCSTATUS 1 defendants, shown in Appendix D, resulted in the same findings.

[23] Although gender and race were defined identically for all analyses, age was changed from a continuous variable to a categorical variable for the purposes of propensity score matching. Categories included: 0=18-24 years old, 1=25-31 years old, 2=32-41 years old, 3=42-48 years old, and 4=49 years old and older.

The differences in averages across ERCC and MPD 5th District defendants were statistically significant for all variables during both follow-up periods. Propensity scores were estimated using the variables described above in a logistic regression model. Given that the samples were unbalanced, thus driving differences in propensity scores, two slightly different statistical methods were used to ensure that differences in outcomes for ERCC and MPD 5th District defendants were not substantially driven by observed statistical differences between the two samples. One method assigned weights to defendants to correct the imbalances between the two defendant populations. The other corrected the imbalances by randomly removing defendants with characteristics that were more common in one court than in the other in order to equalize the populations. The use of these procedures eliminated any statistically significant differences between the two groups and substantially reduced the chance that differences in outcomes for ERCC and MPD 5th District defendant populations would be due to differences between the defendant populations rather than differences in court processing (see Table 3. 9).

Table 3.9 - Balanced Averages by Group Assignment

	Follow-Up Period 1		Follow-Up Period 2	
	ERCC Mean	MPD 5th District Mean	ERCC Mean	MPD 5th District Mean
Gender (Male=1)	0.74	0.75	0.75	0.75
Age (Categorical)	1.99	1.91	1.99	1.94
Rack (Black=1)	0.95	0.94	0.95	0.94
Residence: Maryland	0.21	0.21	0.21	0.21
Residence: Virginia	0.04	0.04	0.04	0.04
Criminal History Score	0.21	0.18	0.19	0.17
Trigger Charge Score	14.17	14.52	14.27	14.59
Maximum Trigger Charge	11.20	11.23	11.19	11.22

3.3.2 Results of Survival Analyses

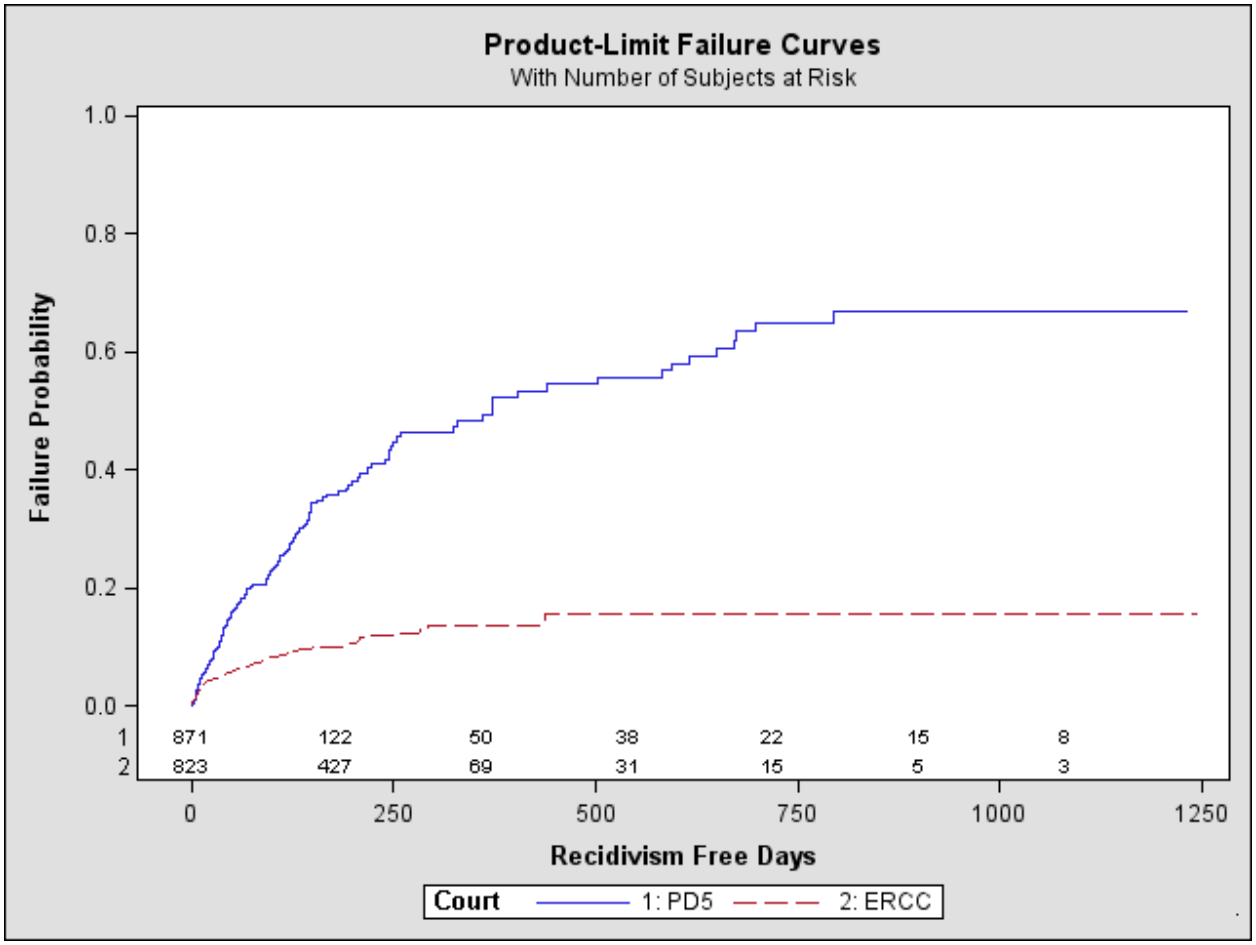
Using the balanced samples, analyses were conducted to compare reoffending behavior for ERCC and MPD 5th District defendants. Survival analyses predicted whether group assignment and/or other defendant characteristics predicted time until first new criminal court case. Results explore reoffending behavior for ERCC and MPD 5th District defendants during both follow-up periods.

Follow-Up Period 1

During the first follow-up period recidivism was 68.5% lower among ERCC defendants than among MPD 5th District defendants 360 days after trigger case filing dates. Figure 3.1 displays the proportions of MPD 5th District (solid blue line) and ERCC (broken red line) defendants who recidivated as a function of the number of recidivism-free days between the trigger case filing date and disposition date. As is obvious from a glance at Figure 3.1, but was also validated by statistical tests (e. g. Log-Rank Chi-square probability < 0.0001), recidivism was substantially lower throughout this period among ERCC defendants than among MPD 5th District defendants. Recidivism differences were large and statistically significant at

all time points. For instance, in the ERCC, 16 among 100 defendants recidivated within 360 days of trigger filing date but in the MPD 5th District, there were 45 who recidivated during the comparable period. Note that although the plots were extended for about 3 years, most of the defendants were not followed-up beyond about one year.[24]

Figure 3.1 - Recidivism (Failure Probability) as a Function of Follow-up Period 1 (days between the trigger case filing date and disposition date) for MPD 5th District and ERCC Defendants



Additional analyses confirmed that ERCC participation had a large and statistically significant effect on recidivism even when controlling for additional covariates that might predict recidivism. During the first follow-up period, only a binary covariate indicating prior participation in diversion programming was included in the model. As shown in Table 3.10, only court assignment (ERCC or MPD 5th District) was statistically significant. Specifically, MPD 5th District defendants were significantly (Log-Rank Chi-square probability < 0.0001) more likely to recidivate than ERCC defendants. This effect was large as indicated by a hazard ratio of 3.7. Hazard ratios are somewhat analogous, but different, from odds ratios or

[24] See the counts of defendants still being followed shown at the bottom of Figure 3.1 at multiples of 180 days. These "at-risk" counts show, for example, that 180 days after the filing date, 427 ERCC and 122 MPD5 defendants were still being followed. The SAS procedure *Proc Lifetest* (SAS 9.2) was used to generate this figure based on the Kaplan-Meier procedure.

relative risks. Note that a hazard ratio > 1 indicates increased risk, and a hazard ratio < 1 indicates reduced risk.

Follow-Up Period 2

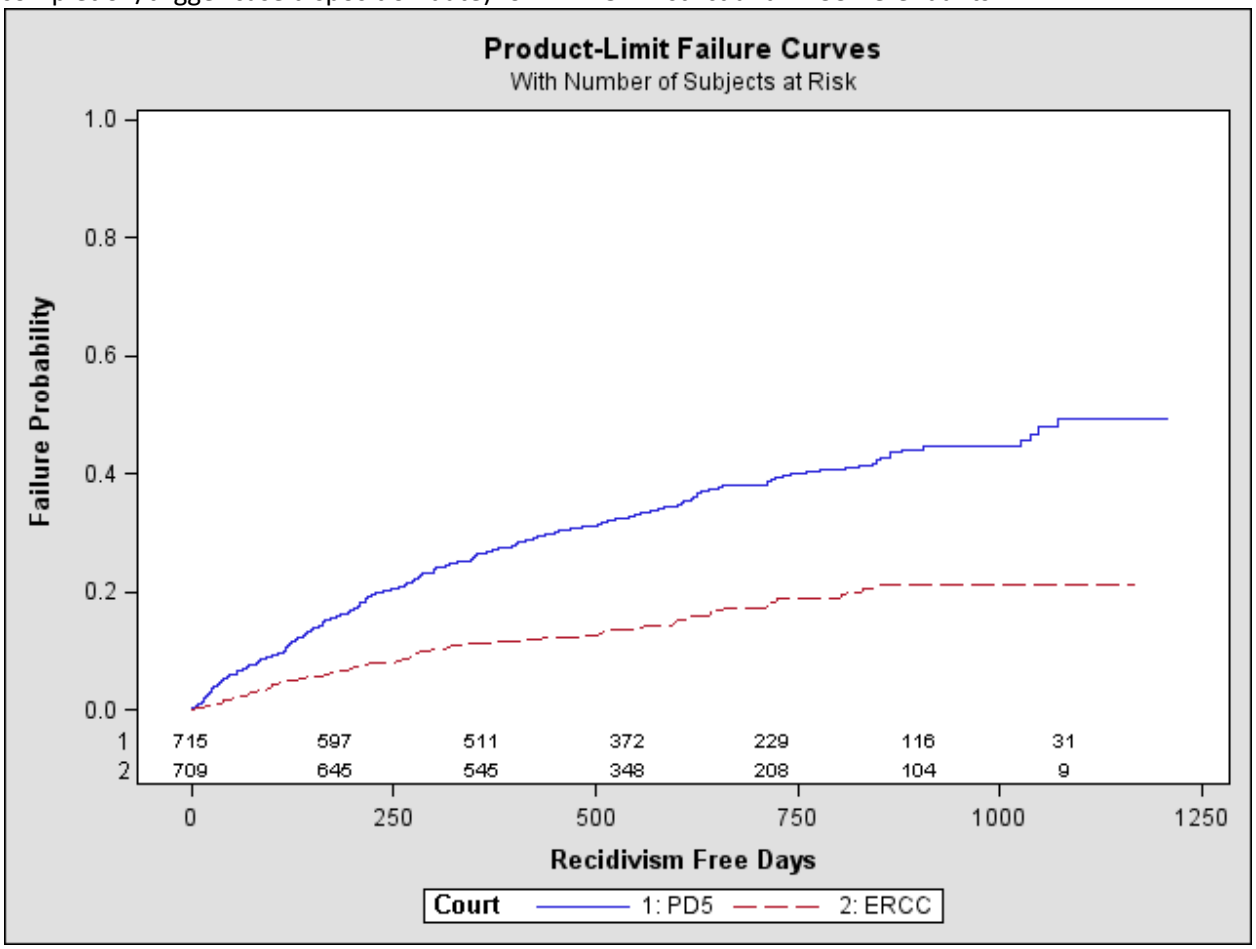
Once again, ERCC participation resulted in lower rates of reoffending during all time periods. Figure 3.2 displays proportions of MPD 5th District (solid blue line) and ERCC (broken red line) defendants who recidivated during Follow-Up Period 2 as a function of the number of recidivism-free days after the completion of the program (i.e., after the trigger case disposition date). As is apparent in the figure, but also validated by statistical tests (e. g. Log-Rank chi-square probability < 0.0001), recidivism was substantially lower throughout this period among ERCC defendants than among MPD 5th District defendants. Recidivism differences were large and statistically significant at all time points. For instance, in ERCC, about 11 among 100 defendants recidivated within 360 days of the start of the follow-up period but in the MPD 5th District, there were 27 who recidivated during the comparable period. Note that although the plots were extended for about 3 years, most of the defendants were not followed-up beyond about one year.[25]

This finding, favoring the ERCC defendants, remained true even when adding additional covariates to the model. The following variables were included in the regression model for recidivism during follow-up period 2 as covariates:

1. Binary indicator of diversion program participation prior to trigger case
2. Number of trigger charges with guilty or plea dispositions
3. Number of trigger charges with dispositions other than guilty or *nolle diversion*
4. Number of court appearances for trigger case
5. Number of different judges defendants saw for trigger case

[25] See the counts of defendants still being followed shown at the bottom of Figure 3.2 at multiples of 180 days. These "at-risk" counts show, for example, that 180 days after the filing date, 645 ERCC and 597 MPD5 defendants were still being followed. SAS procedure *Proc Lifetest* (SAS 9.2) generated this figure based on the Kaplan-Meier procedure.

Figure 3.2 - Recidivism (Failure Probability) as a Function of Follow-up Period 2 (days after program completion/trigger case disposition date) for MPD 5th District and ERCC Defendants



As shown in Table 3.10, all of the covariates, except for prior diversion participation and guilty dispositions, significantly increased the risk of a subsequent case being filed in the D.C. Criminal Court. An increase in guilty dispositions *reduced* the risk of reoffending, although this could be related to a decreased opportunity for offending since felony dispositions likely resulted in incarceration. It is noteworthy that MPD 5th District defendants were significantly more likely to have subsequent cases filed than ERCC defendants even after controlling for the other covariates listed in the table below. Of course, the covariates that affected the probability that a defendant was in ERCC were also controlled in this model through the application of propensity weights.

Table 3.10 - Survival Model for Follow-Up Periods 1 and 2

	Follow-Up Period 1		Follow-Up Period 2	
	Estimate	Hazard Ratio	Estimate	Hazard Ratio
MPD 5th District	1.30**	3.69	1.20**	3.31
Prior Diversion Participation (binary)	0.43	1.53	0.09	1.10
Count Guilty Dispositions	----	----	-0.08**	0.93
Count Other Dispositions	----	----	0.11**	1.12
Count Court Appearances	----	----	0.04**	1.04
Count Different Judges	----	----	0.07**	1.07

Note: A hazard ratio > 1 indicates increased risk, and a hazard ratio < 1 indicates reduced risk.
**p<.01

Differences Across Different Models (ERCCSTATUS and Full vs. Restricted Data)

The results presented in this section were derived from the full dataset including ERCSTATUS 1 and 2 defendants. Propensity score matching and survival analyses were also conducted with samples limited to MPD 5th District and ERCCSTATUS 1 defendants and again with MPD 5th District and ERCCSTATUS 2 defendants during both follow-up periods. Results from these analyses were consistent with the findings presented above. Throughout these time periods, and compared to MPD 5th District defendants, recidivism was substantially lower among ERCC defendants (see Appendix D).

When analyses were replicated using the restricted data, results were not as unequivocal. As shown in the Appendix D figures, the lines for ERCC and MPD 5th District were much closer together and at times, crossed. Occasionally, when using the restricted data, ERCC defendants had higher risks of reoffending as compared to MPD 5th District defendants. More often, MPD 5th District defendants had higher risks for reoffending, however the difference in risk did not reach statistical significance. This finding was consistent across all analyses using the restricted data.

3.4 Research Question 3 – Incorporating Maryland Criminal Records

As in Section 3.3, this section also provides information related to Research Question 3 (RQ3), which asks whether ERCC defendants have better outcomes than a comparison group of similar defendants from the MPD 5th District. This section (Section 3.4) differs from the previous section (Section 3.3) in that the data presented here incorporate Maryland criminal records. In other words, the data presented in this section contain criminal history information from both the D.C. Court and the state of Maryland.[26] In addition, at the Court's request, results discussed below are only for ERCCSTATUS 1 defendants (defendants who were assigned to diversion programs that required they stay on the ERCC calendar).

[26] Data from Maryland were provided by the Department of Public Safety and Correctional Services and were obtained from the Maryland Criminal Justice Information System.

Due to the addition of new information, including criminal history, propensity scores were recalculated. Changes in patterns of reoffending (due to incorporating the Maryland data) also required the re-estimation of survival curves.

3.4.1 Results of Propensity Score Matching

Once again, given the possibility that residence, defendant demographics,[27] criminal history, and trigger charge score varied among ERCC and MPD 5th District defendant populations and the absence of an experimental design, propensity score matching was necessary to ensure comparability among the two groups. Table 3.11 provides the raw averages, highlighting imbalance between the two groups.[28]

Table 3.11 - Unbalanced Averages by Group Assignment

	Follow-Up Period 1		Follow-Up Period 2	
	ERCC Mean	MPD 5th District Mean	ERCC Mean	MPD 5th District Mean
Gender (Male=1)	0.80	0.75	0.79	0.75
Age (Categorical)	1.79	2.10	1.80	2.11
Rack (Black=1)	0.96	0.92	0.95	0.93
Residence: Maryland	0.36	0.14	0.38	0.13
Residence: Virginia	0.05	0.03	0.05	0.03
Criminal History Score	0.45	0.97	0.41	0.96
Trigger Charge Score	19.14	21.16	19.14	21.17
Maximum Trigger Charge	11.80	11.22	11.88	11.21

Note: Averages varied slightly between the two follow-up periods as not all defendants included in follow-up period 1 analyses were included in follow-up period 2 analyses. There were 1,635 MPD 5th District defendants and 756 ERCC defendants included in the analyses for follow-up period 1 and 1,399 MPD 5th District defendants and 662 ERCC defendants included in follow-up period 2.

The differences in averages across ERCC and MPD 5th District defendants were statistically significant for all variables during both follow-up periods. Propensity scores were estimated using the variables described above in a logistic regression model. Given that the samples were unbalanced, thus driving differences in propensity scores, two slightly different statistical methods were used to ensure that differences in outcomes for ERCC and MPD 5th District defendants were not substantially driven by observed statistical differences between the two samples. One method assigned weights to defendants to correct the imbalances between the two defendant populations. The other corrected the imbalances by randomly removing defendants with characteristics that were more common in one court than in the other in order to equalize the populations. The use of both these procedures eliminated any statistically significant differences between the two groups and substantially reduced the chance that differences in

[27] Although gender and race were defined identically for all analyses, age was changed from a continuous variable to a categorical variable for the purposes of propensity score matching. Categories included: 0=18-24 years old, 1=25-31 years old, 2=32-41 years old, 3=42-48 years old, and 4=49 years old and older.

[28] The most notable differences compared to Table 3.8 are the raw criminal history scores. As would be expected, on average, criminal history scores increased as a result of incorporating the Maryland criminal history data. Differences between raw scores for the other variables used in propensity score matching varied slightly from those found in Table 3.8 due to removing ERCCSTATUS2 defendants.

outcomes for ERCC and MPD 5th District defendant populations would be due to differences between the defendant populations rather than differences in court processing (see Table 3.12).

Table 3.12 - Balanced Averages by Group Assignment

	Follow-Up Period 1		Follow-Up Period 2	
	ERCC Mean	MPD 5th District Mean	ERCC Mean	MPD 5th District Mean
Gender (Male=1)	0.76	0.76	0.76	0.76
Age (Categorical)	1.96	1.95	1.97	1.96
Rack (Black=1)	0.95	0.93	0.96	0.94
Residence: Maryland	0.21	0.20	0.22	0.20
Residence: Virginia	0.04	0.04	0.04	0.04
Criminal History Score	0.80	0.83	0.79	0.81
Trigger Charge Score	20.92	20.59	20.98	20.76
Maximum Trigger Charge	11.31	11.34	11.30	11.35

3.4.2 Results of Survival Analyses

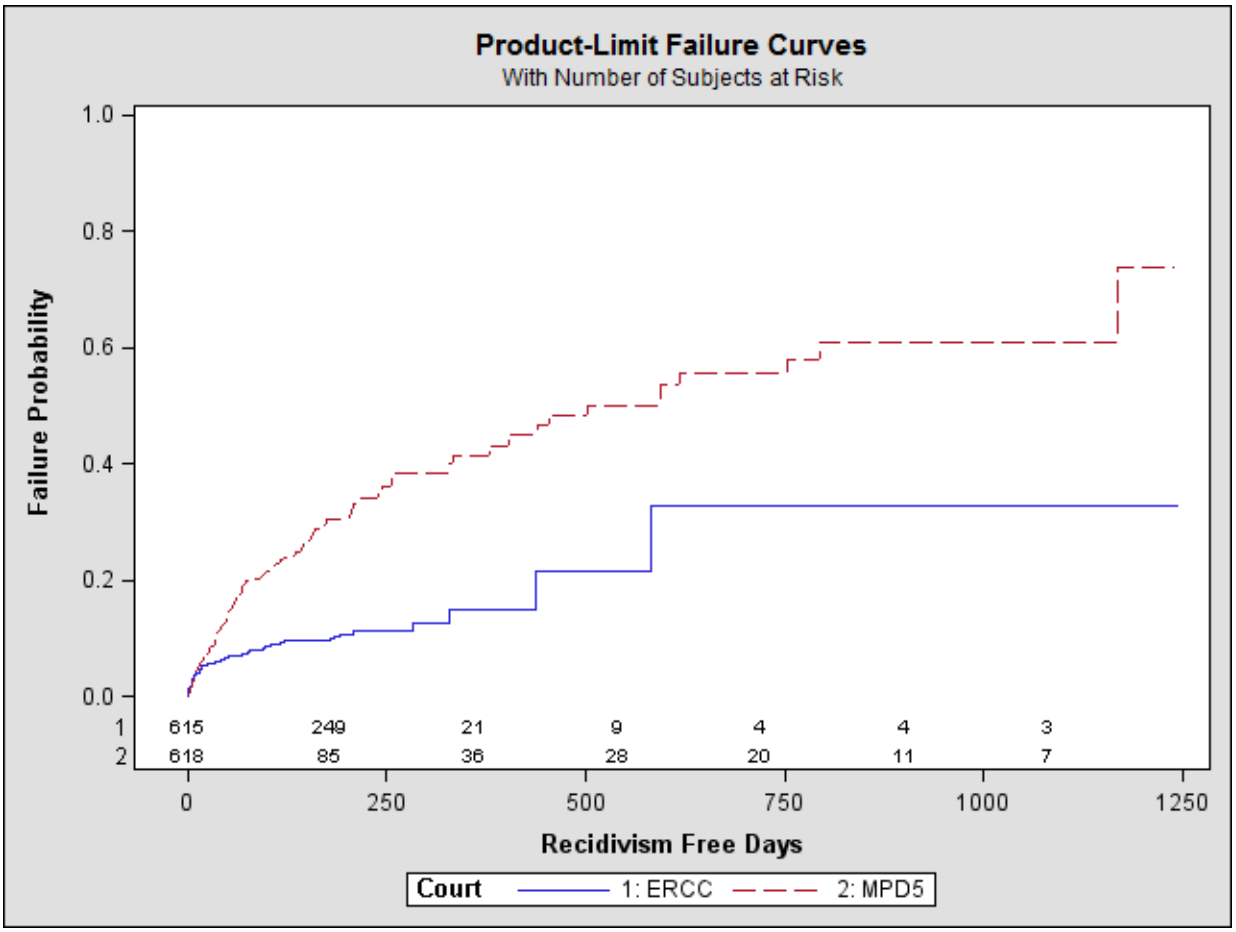
Using the balanced samples, analyses were conducted to re-compare reoffending behavior for ERCC and MPD 5th District defendants. As a reminder, the survival analyses estimate whether the defendant group (ERCC or MPD 5th District) and/or other defendant characteristics predict time until the first new criminal case. The results explore reoffending behavior for ERCC and MPD 5th district defendants during both follow-up periods.

Follow-Up Period 1

During the first follow-up period, when incorporating Maryland criminal records, recidivism was 60.0% lower [(.396 -.160/.396)*100] among ERCC defendants than among MPD 5th District defendants 360 days after the trigger case filing dates (see Figure 3.3). Figure 3.3 displays the proportions of MPD 5th District (broken red line) and ERCC (solid blue line) defendants who recidivated as a function of the number of recidivism-free days between the trigger case filing date and disposition date. As illustrated in this figure, throughout follow-up period 1, recidivism was substantially and significantly lower among ERCC defendants than among MPD 5th District defendants (Log-Rank Chi-square probability < 0.0001). These differences remained large throughout the entire follow-up period. However, only a few defendants remained in the risk pool 360 days after the trigger filing date: 21 in the MPD 5th District, and 36 in the ERCC. Furthermore, note that although the plots were extended for about 3 years, most of the defendants were not followed-up beyond about one year.[29]

[29] See the counts of defendants still being followed shown at the bottom of Figure 3.3 at multiples of 180 days. These "at-risk" counts show, for example, that 180 days after the filing date, 249 ERCC and 85 MPD5 defendants were still being followed. The SAS procedure *Proc Lifetest* (SAS 9.2) was used to generate this figure based on the Kaplan-Meier procedure.

Figure 3.3 - Recidivism (Failure Probability) as a Function of Follow-up Period 1 (days between the trigger case filing date and disposition date) for MPD 5th District and ERCC Defendants (including Maryland data)



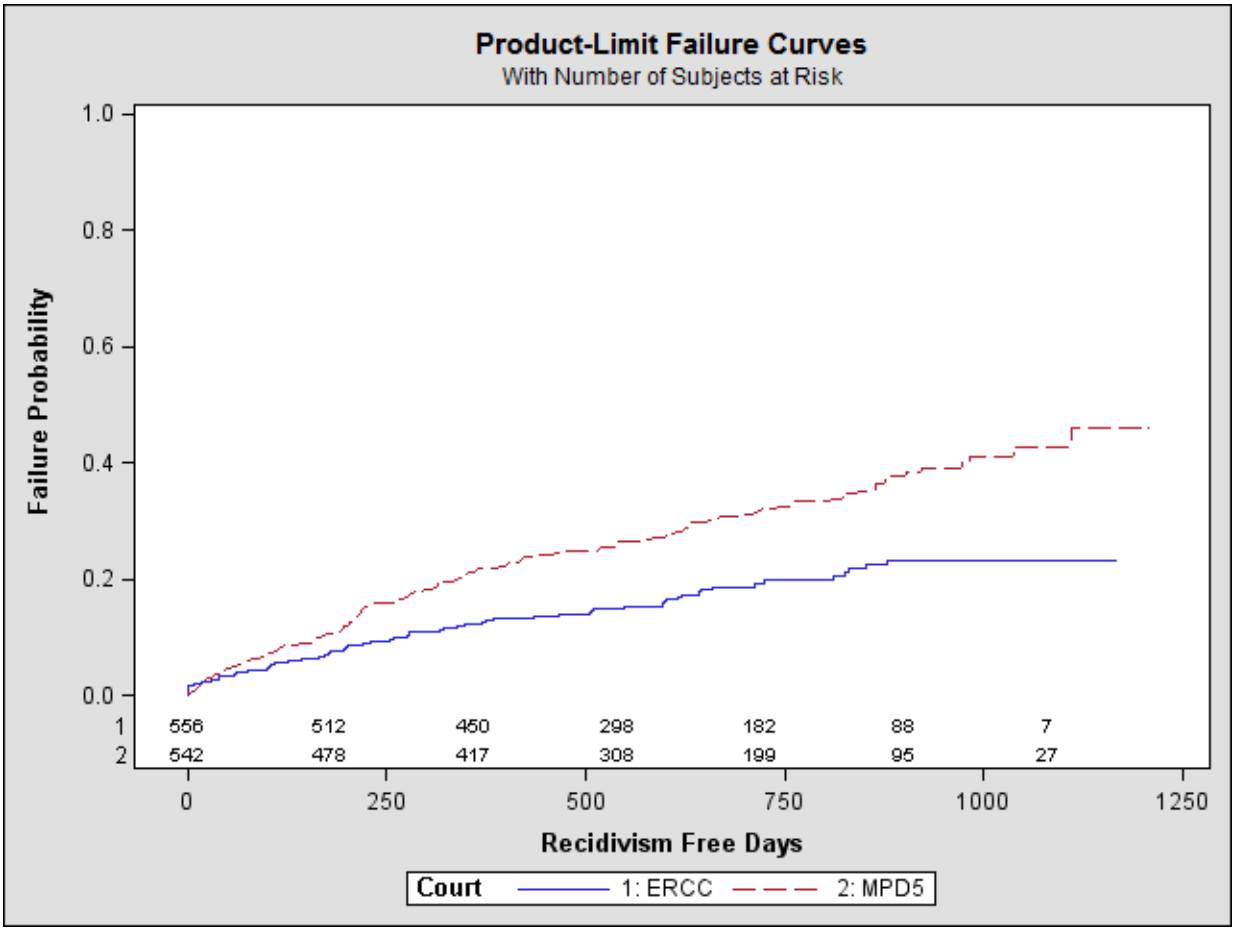
Additional analyses (Table 3.13) confirmed that ERCC participation had a large and statistically significant effect on the likelihood of reoffending even when controlling for additional covariates that might predict recidivism. During the first follow-up period, only a binary covariate indicating prior participation in diversion programming was included in the model. As depicted in Table 3.13, only court assignment (ERCC or MPD 5th District) was statistically significant. The results show that on any given day during follow-up period 1, MPD 5th District defendants who had not yet reoffended were more than twice as likely to reoffend compared to similar ERCC defendants (Hazard Ratio 2.07, $p<.01$). Conversely, on any given day, compared to similar MPD 5th District defendants who had not yet reoffended, ERCC diversion program defendants were only about half as likely to reoffend during this time period.

Follow-Up Period 2

During the second follow-up period, when incorporating Maryland criminal records, recidivism was 42% lower [(.213 -.124/.213)*100] among ERCC defendants than among MPD 5th District defendants 360 days after the trigger case disposition date (see Figure 3.4). Figure 3.4 displays the proportions of MPD 5th District (broken red line) and ERCC (solid blue line) defendants who reoffended during follow-up

period 2 as a function of the number of recidivism-free days after ERCC program completion (i.e., after the trigger case disposition date).

Figure 3.4 - Recidivism (Failure Probability) as a Function of Follow-up Period 2 (days after program completion/trigger case disposition date) for MPD 5th District and ERCC Defendants (including Maryland data)



Once again, ERCC participation resulted in significantly lower rates of reoffending during the entire time period (Log-Rank Chi-square probability < 0.0001). In other words, recidivism differences between the two groups remained large throughout follow-up period 2. The risk pool also remained large for 720 days after the start of the follow-up period with 182 remaining in the MPD 5th District group and 199 remaining in ERCC group, meaning that many of the defendants in both groups had yet to reoffend.

Similar to the first follow-up period, during the second follow-up period, ERCC diversion program defendants who had not yet reoffended were half as likely to reoffend on any given day as similar ERCC diversion program defendants. Stated another way, during the second follow-up period the MPD 5th District defendants who had not yet reoffended were more than twice as likely to reoffend on any given day as similar ERCC diversion program defendants (Hazard Ratio 2.07, p<.01).

This finding, favoring the ERCC defendants, held even when adding additional covariates to the model. The following variables were added as covariates in the regression model for recidivism during follow-up period 2:

1. Binary indicator of diversion program participation prior to trigger case
2. Number of trigger charges with guilty or plea dispositions
3. Number of trigger charges with dispositions other than guilty or *nolle diversion*
4. Number of court appearances for trigger case
5. Number of different judges defendants saw for trigger case

As illustrated in Table 3.13, all of the covariates, except guilty dispositions, significantly increased the risk of a subsequent case being filed in the D.C. Criminal Court. An increase in guilty dispositions was associated with a non-significant reduction in the risk of reoffending, although this could be related to a decreased opportunity for offending since felony dispositions likely resulted in incarceration. Note that the covariates that affected the probability that a defendant was in ERCC were also controlled in this model through the application of propensity weights.

Table 3.13 - Survival Model for Follow-Up Periods 1 and 2

	Follow-Up Period 1		Follow-Up Period 2	
	Estimate	Hazard Ratio	Estimate	Hazard Ratio
MPD 5th District	0.73**	2.07	0.73**	2.07
Prior Diversion Participation (binary)	0.49	1.64	0.35**	1.41
Count Guilty Dispositions	----	----	-0.10	0.91
Count Other Dispositions	----	----	0.11**	1.12
Count Court Appearances	----	----	0.04**	1.05
Count Different Judges	----	----	0.06**	1.06

Note: A hazard ratio > 1 indicates increased risk, and a hazard ratio < 1 indicates reduced risk.
**p<.01

4. Conclusions and Discussion

Using a quasi-experimental design, the D.C. Superior Court's administrative (Courtview) data, and data from the state of Maryland, the East of the River Community Court evaluation shows the program is effective at successfully providing defendants with alternative sanctioning and the chance to avoid traditional court processing. After reviewing the results and limitations of the evaluation, this chapter offers an explanation of the findings as well as recommendations for future inquiry.

4.1 Description of Findings

The results of this evaluation, presented in Chapter 3, provide the Court with an unprecedented investigation into:

- the characteristics of defendants who entered the ERCC and what happened to them,
- the characteristics of those who successfully completed the ERCC program, and
- whether ERCC defendants have better behavioral outcomes (e.g., have reduced levels of recidivism, more time to reoffending) compared to a similar group that did not receive diversion or treatment court programming.

ERCC participants were generally African American males in their mid-thirties. Although the program was designed to provide alternative sanctioning, a majority of defendants who entered the ERCC had their cases disposed of on a different criminal calendar or had their cases dismissed (ERCCSTATUS 3). These defendants generally had more serious criminal histories than those who remained on the ERCC calendar or a treatment court calendar (ERCCSTATUS 1 and 2). Their trigger cases were also more likely to include drug or person charges. These defendants were sentenced to substantially more incarceration time than defendants who remained on the ERCC calendar or a treatment court calendar and had more frequent and serious reoffenses.

In total, 60% of defendants who stayed on the ERCC calendar successfully completed the ERCC program. Male defendants were more likely than female defendants to have their cases closed with a *nolle diversion* disposition. Number of court appearances related to the trigger case and reoffending while the trigger case was open reduced the probability of a defendant completing the ERCC program successfully.

We examined the reoffending behavior of ERCC defendants compared to a similar group of defendants to assess the effectiveness of the ERCC. Using propensity score matching, ERCC defendants were matched on gender, race, state of residence, criminal history, and trigger charge with defendants whose offenses occurred in the MPD 5th District. Survival analysis results indicated that recidivism was significantly and substantially lower throughout both follow-up periods among ERCC defendants compared to the MPD 5th District defendants. This finding remained even when incorporating criminal records from the state of Maryland, reinforcing the robustness of the original findings. Thus, one of the strongest findings from this evaluation is that the ERCC program reduces recidivism.

4.2 Limitations of the Research

This section explores whether the quasi-experimental methodology could somehow explain the findings and provides a review of challenges the study faced. The evaluation found a positive effect for the ERCC program, but was not without limitations. However, and even though this evaluation suffered from challenges common to all evaluation research, none of the limitations described below lead us to question the apparent ERCC program effect.

Perhaps the most notable limitation of the evaluation was its lack of an experimental design. Although such a design is believed to offer the most rigorous methodology, allowing increased confidence that findings are due to a program effect rather than existing differences between the treatment and comparison groups, this design was not implemented for the current research. While the use of quasi-experimental methods may cast doubt on the validity of our findings, the evaluation challenges such criticism with its use of propensity score matching—a statistical technique that produces similar groups, albeit not through random assignment. In fact, this technique is often used even when random assignment has been implemented as there is no guarantee that random assignment will be implemented properly or will produce groups with nonsignificant differences.

Aside from the quasi-experimental design, the remaining weaknesses of the evaluation stemmed from the available data. Analyses were limited to the data coming out of Courtview and the Maryland Criminal Justice Information System. These are data management systems that are not necessarily designed for evaluation purposes. Although our confidence in the results is not altered by limitations associated with the data, our ability to assess the robustness of the results could be improved if these limitations did not exist or were tended to.

The use of Courtview and Maryland criminal records data posed three challenges. First, the Courtview system overwrote itself with the most up-to-date information. For example, if a defendant entered into a diversion program, was unsuccessful at completing the program, and entered and was successful at completing a new diversion program, the program and date of entry fields would only contain information related to the second diversion program. The successful completion date would also be related to the second program and the unsuccessful completion date field would describe the first diversion program. A preliminary look at the data would show that a defendant attended a diversion program and appeared to have successfully and unsuccessfully completed that program. Essentially, program information for the first diversion experience, except for date of unsuccessful completion, was lost. Were this information available, it would help in determining whether successful completion of the ERCC and reoffending were impacted differently based on diversion program assignment.

Similarly, Courtview had fields to include sentencing information related to time served, time suspended, and length of formal and informal probation. However, sentences were not static. Defendants often moved between levels of probation supervision, from probation to incarceration, and/or from incarceration to parole. Further, information was not available on whether sentences were concurrent or consecutive. This challenge was also shared by the Maryland data. Neither Courtview nor the Maryland data were designed to capture the dynamic nature of sentencing, making tracking

sentences very difficult. Although the criminal history variable incorporated time served, the sentencing variables were largely unused for this evaluation given our concerns with their accuracy. Had these variables been accurate in reflecting actual levels of supervision and detainment they could have provided a more precise predictor of opportunity to offend. For example, if defendants were on high levels of supervision, their opportunity to reoffend would be largely reduced. Instead, we assumed that opportunity to reoffend was equal for all defendants at all times. Although this was likely inaccurate—defendants' level of opportunity likely varied—the misspecification of opportunity occurred for both the ERCC and MPD 5th District groups, thus biasing neither group in regards to the measurement of opportunity.

Finally, multivariate analyses only included information that was available in Courtview and the Maryland data. It is reasonable to expect that these models were not as strong as they could be since many of the factors that likely predict reoffending were not available, such as employment, marital status, level of education, and housing. While the models could be improved by including these factors, their exclusion does not discredit the findings. In reality, this type of data is difficult to include in models of reoffending, and frequently is not included, as most sources of official criminal data do not collect this information.

4.3 Discussion of Findings

As stated above, the results of this evaluation are convincingly favorable for the ERCC in spite of the evaluation's limitations. This section further explores some of the more interesting findings and makes suggestions about what can be done to better understand them.

Research Question 2 examined the characteristics that predicted success in the ERCC. Perhaps the most interesting finding for this research question was that diversion assignment was related to success. Defendants who were reassigned to a treatment court calendar were more successful in completing their diversion program and receiving a *nolle diversion* disposition than defendants who completed diversion programming while remaining on the ERCC calendar. Why were treatment court defendants more successful in the ERCC than defendants who went through ERCC diversion programming? Treatment court participants had more court appearances - a predictor of failure in the ERCC. This finding is intriguing. Perhaps there are more leniencies in the treatment courts? Perhaps treatment courts better target the driving causes of offending behavior? More investigation is required to understand the disparity in success rates between treatment court and ERCC diversion programming defendants.

Another interesting finding involved the relationship between number of court appearances and ERCC success and reoffending. Frequent court appearances are part of the ERCC's foundation. However, more court appearances were related to unsuccessful completion of the ERCC and an increased risk of reoffending. To be clear, this finding does not suggest that more court appearances *cause* defendants to be unsuccessful in the ERCC. It is likely that other factors are causing both increased court appearances and unsuccessful completion of the ERCC. The question then becomes, what are those factors? Perhaps this finding was the result of an increased opportunity for detection. Defendants who

were frequently in front of the court may have had more attention paid to them. Perhaps with fewer appearances, their crimes would go unnoticed. Alternatively, there could be something inherently damaging to frequently being in court. Perhaps frequent court appearances lead to increased socializing with other defendants? Or is there some other undetected relationship between number of court appearances and negative outcomes? These questions require further attention.

Possibly the result that most deserves discussion is the finding that ERCC defendants had a lower risk of reoffending than MPD 5th District defendants. While this finding is obviously positive, the data offer little explanation as to why this might be the case and leaves questions regarding the finding's robustness (strength). Given that the results did not reach statistical significance when using the restricted data puts the strength of the finding in question. This should be further explored. Similarly, would the results stand if the data included cases with different presiding judges? The current research incorporated mostly cases heard in the ERCC while Judges Keary and Iscoe were the presiding judges. The current ERCC judge may run his or her courtroom differently than Judges Keary or Iscoe. Might these differences lead to different outcomes—related to risk of reoffending and successful completion of the ERCC? The judge holds a central role in this program and to capture his or her impact, the data need to include a wider time span where different judges are presiding over the ERCC.

4.4 Future Directions

Although positive evaluation findings often lead to fewer questions about *why* certain results occurred, it is still necessary to reflect on this exact issue. Why did ERCC defendants have more positive outcomes than MPD 5th District defendants? In order to take action based on the findings of the evaluation, there needs to be an understanding of what drove such findings. Several steps should be taken to improve this understanding.

The most important "next step" for the ERCC is to invest in a process evaluation. Typically done prior to an outcome evaluation, the process evaluation helps staff define their program and assesses whether it is being implemented as intended. Obviously the ERCC staff want to reduce reoffending among the participants, but how do they intend to do so? What about other goals? Generally, community courts focus some goals on the community, such as increased community satisfaction with the justice system or reduced fear of crime. Are these goals that the ERCC shares? If so, is the ERCC doing anything to meet these goals? Although it is comforting to know that the program reduces the risk of reoffending, a process evaluation will improve our understanding of what the program does that drives this effect. A more well-rounded understanding of how the program is supposed to be implemented and how it is *actually* being implemented can help the Court when making a plan to act on the results of the current evaluation.

As part of, or in addition to a process evaluation, the Court should conduct a cost-benefit analysis and a qualitative analysis. A cost-benefit analysis would determine whether the benefits of the ERCC are worth the cost(s)—both financially and otherwise. A qualitative evaluation could include interviews with court staff and judges as well as interviews or focus groups with offenders. Topics of discussion could include program expectations and experiences. Qualitative data add a level of understanding to

an evaluation that cannot be captured with quantitative data, and can illuminate both the positive and negative unintended consequences of the ERCC, which is certainly something that is not captured by the Courtview or Maryland data.

In closing, the ERCC has the potential to improve the lives of offenders and community members in the MPD 6th and 7th Districts. Should the Court choose to invest in further evaluations, this promising program could be expanded to other parts of the city and/or become a model for other communities. But in order to do so, the Court must be able to identify what exactly they are doing that is so successful.

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