

Michigan DUI Courts Outcome Evaluation *Final Report* *EXECUTIVE SUMMARY*



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The re-release includes the addition of some clarifying information in the results section of this report.

The opinions, findings, and conclusions expressed in this publication are those of the author(s) and not necessarily those of the Michigan Office of Highway Safety Planning or the U.S. Department of Transportation, National Highway Traffic Safety Administration. This report was prepared in cooperation with the Michigan Office of Highway Safety Planning and U.S. Department of Transportation, National Highway Traffic Safety Administration.

This study was performed under a grant from the Michigan State Police, Office of Highway Safety Planning (OHSP). Research design and data collection were performed by staff at the Michigan Supreme Court State Court Administrative Office (SCAO). Data analyses and report writing were performed by NPC Research.

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In Bay County

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- Thank you to the Administration for agreeing to participate in the study and allowing us access to their court and their records.
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EXECUTIVE SUMMARY

Background

In the past 18 years, one of the most dramatic developments in the movement to reduce substance abuse among the U.S. criminal justice population has been the implementation of drug courts across the country. The first drug court was established in Florida in 1989. There are now well over 1,500 drug courts operating in all 50 states, the District of Columbia, Puerto Rico and Guam. The purpose of drug courts is to guide offenders identified as drug-addicted into treatment that reduces drug dependence and improves the quality of life for offenders and their families. In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives that operate outside of their traditional adversarial roles. Addiction treatment providers, prosecuting attorneys, public defenders, law enforcement officers, and parole and probation officers work together to provide needed services to drug court participants.

The Michigan Community Corrections Act was enacted in 1988 to investigate and develop alternatives to incarceration. Four years later, in June 1992, the first female drug treatment court in the nation was established in Kalamazoo, Michigan. Since then, Michigan has implemented 75 drug courts, including expanding into further specialized courts (also called “problem solving courts”) for adults, juveniles, family dependency, and DUI offenders.

Study Design and Methods

In FY2004, 12 courts in Michigan identified as DUI courts. Of these, 10 were operational and 2 courts were in the early planning phase. SCAO assisted in funding 9 of these courts. At the time this study was proposed, comprehensive outcome evaluation with comparison groups and longitudinal analyses had not been conducted for Michigan DUI courts. Consequently, little was known about the relative effectiveness of these courts in reducing drunk driving or the characteristics that affect client outcomes. SCAO proposed to conduct an outcome evaluation of DUI courts. The evaluation was designed as a longitudinal study that included tracking and collecting data on DUI court participants for a minimum of one year following either program completion or termination from DUI Court and a comparison group of offenders who were eligible for DUI court in the year prior to DUI court implementation. Data were abstracted from several sources including site visits, the Criminal History Records (CHR) database maintained by the Michigan State Police and the Michigan Judicial Warehouse (JDW). All of these data were entered into a database created in Microsoft Access.

In 2007, SCAO contracted with NPC Research to perform the data analysis and report writing for three of the DUI courts that participated in this study, Ottawa and Bay County and Clarkston DUI courts.

The evaluation was guided by five research questions which were answered by a careful analysis of the data by NPC Research. These questions were:

1. What is the impact of participation in a DUI court on recidivism (re-arrests) compared to traditional court processing?
2. Does participation in DUI court reduce levels of alcohol and other substance abuse?
3. How successful is the program in bringing program participants to completion and graduation within the expected time frame?

4. What participant characteristics predict successful outcomes (program completion, decreased recidivism)?
5. How does the use of resources differ between DUI treatment court versus traditional probation?

Results

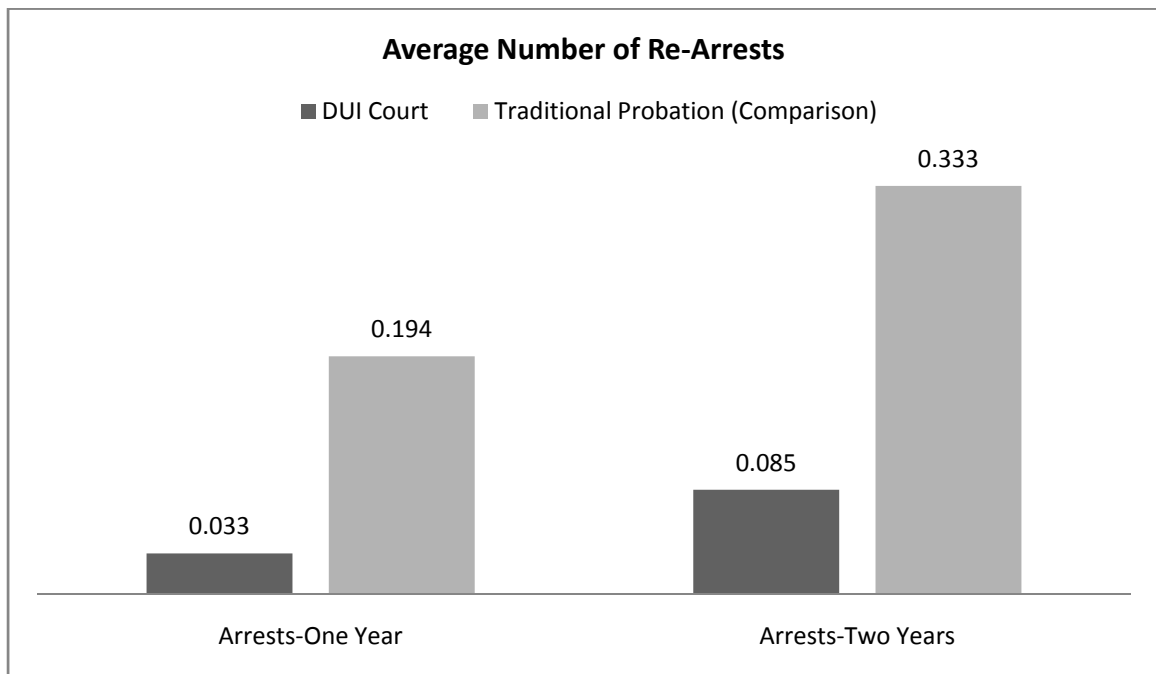
The results shown in this summary are examples provided from each of the three sites that participated in the study that best illustrate the main answer to each evaluation question.

RESEARCH QUESTION #1: WHAT IS THE IMPACT OF PARTICIPATION IN A DUI COURT ON RECIDIVISM (RE-ARRESTS) COMPARED TO TRADITIONAL COURT PROCESSING?

1a. Does participation in DUI Court reduce recidivism (the number of re-arrests)?

Yes. DUI court participants were re-arrested significantly less often than comparison group offenders who were sentenced to traditional probation. In the example from one DUI court site shown in Figure A, the comparison offenders on traditional probation were re-arrested nearly six times more often in the first year after starting probation for the DUI charge than the DUI court participants and were re-arrested four times more often in the second year.

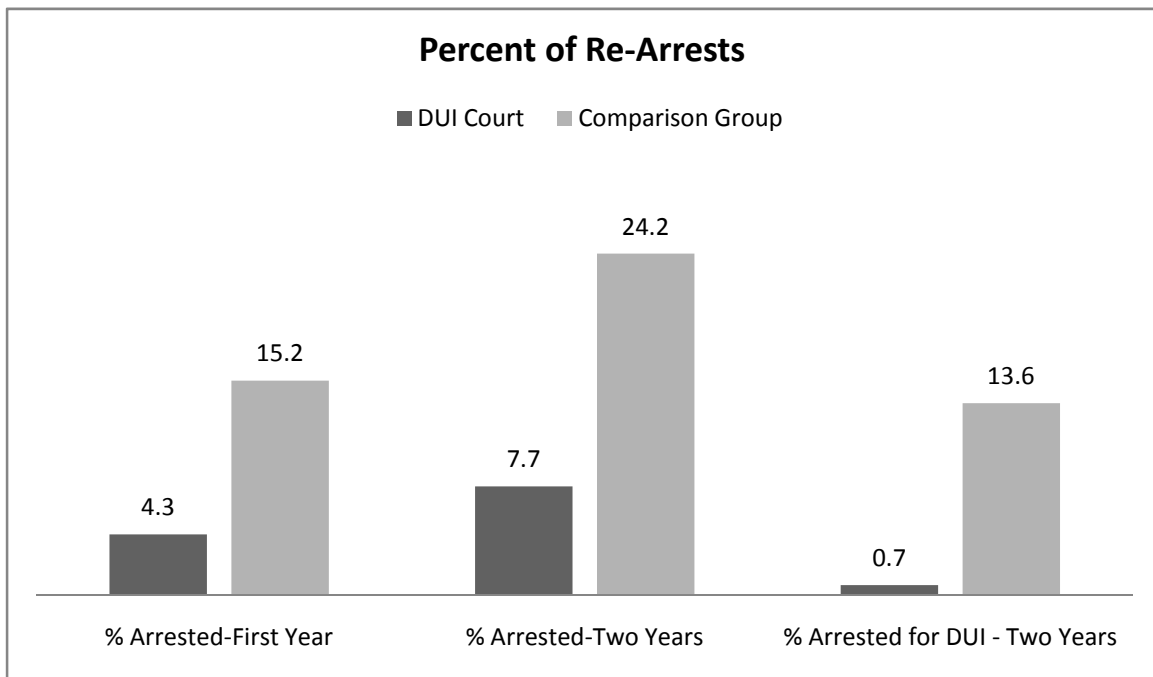
Figure A. Average Number of Re-Arrests - DUI Court Participants and Comparison Group



1b. Does participation in DUI court lead to a lower recidivism rate (the number of participants who are re-arrested) compared to traditional court?

YES. Figure B shows that significantly more comparison offenders were re-arrested than DUI court participants. In this example, in a 2-year period, traditional probation offenders in the comparison group were more than three (3) times more likely to be re-arrested for any charge and were nineteen (19) times more likely to be re-arrested for a DUI charge than the DUI court participants.

Figure B. Percent of Individuals Re-Arrested: DUI Court and Comparison Group



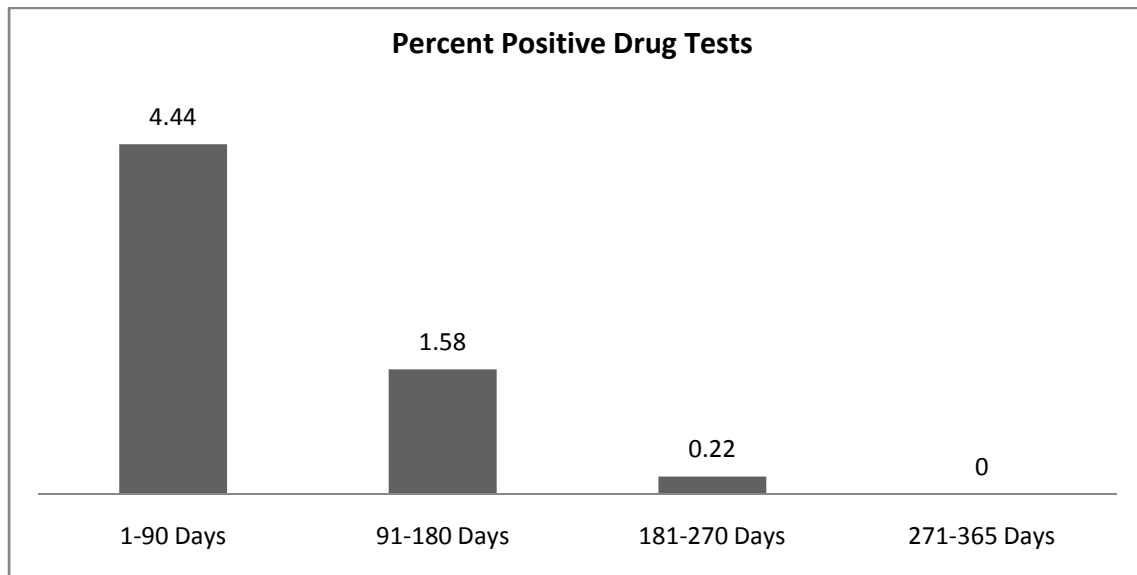
1c. Does participation in the DUI court program lead to more time to the first re-arrest compared to traditional court?

Yes. A survival analysis examined the time to re-arrest after participants were admitted into DUI court or traditional probation (offenders who went through “business as usual” probation processing.). In one program there was a significantly longer time to re-arrest for the DUI participants compared to similar offenders who did not enroll in the DUI Court program, although in the other two programs there was not a significant difference. In the program with significant results, the comparison group offenders were re-arrested two-times sooner after starting probation (for the DUI court eligible offense) than the DUI court participants ($p = .012$). The percentage of those arrested was also significantly higher for the comparison group. At the endpoint, 7.7% of DUI cases and 24.4% of comparison cases had been arrested ($p < .001$).

RESEARCH QUESTION #2: DOES PARTICIPATION IN DRUG COURT REDUCE LEVELS OF SUBSTANCE ABUSE?

YES. The percent of positive drug tests was measured in three month intervals for DUI court participants. The example in Figure C shows that participants in the DUI Court significantly decreased the percent of positive drug tests over time ($F = 5.340$; $p = .001$). This provides support that the DUI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program.

Figure C. Percent of Positive Drug Tests Over One Year for the DUI Court Participants



However, results showed that DUI court was instrumental in reducing drug use but did not show a clear reduction in positive breathalyzer tests. The percent of positive breathalyzer tests varied in the three month intervals. This is most likely due to the extremely small number of positive alcohol tests, which is in itself a positive finding for DUI court.

RESEARCH QUESTION #3: ARE THE PROGRAMS SUCCESSFUL IN BRINGING PROGRAM PARTICIPANTS TO COMPLETION AND GRADUATION WITHIN THE EXPECTED TIME FRAME?

YES. Findings in all three DUI courts showed that the rates for DUI court graduation and retention ranged from 54% to 84%. The program retention and completion rates are comparable or higher than the rates for programs following the drug court model in the nation. For example, a study of nine drug courts in California showed an average retention rate of 56% (Carey et al., 2005).¹

In addition, in all three DUI courts, graduates completed the program within or sooner than the intended time frame for their programs.

¹ There is currently no national study of DUI courts, therefore comparisons are made to national adult drug court programs that include other drug use besides alcohol. The higher completion rates may be due to the difference in type of drug.

RESEARCH QUESTION #4: WHAT PARTICIPANT CHARACTERISTICS PREDICT PROGRAM GRADUATION AND DECREASED RECIDIVISM?

For Program Success (Graduation): Results showed that illegal drug use at the time of the arrest for the DUI offense, greater number of days spent in jail post-program start, a higher number of positive alcohol tests, greater numbers of sanctions imposed and a shorter stay in the program were all associated with lower graduation rates.

For Participant Recidivism: Data for all of the participants in the DUI Court program were examined to determine what characteristics predicted recidivism. Results showed that those with fewer dependents, lower numbers of previous misdemeanors and felonies, fewer days in treatment, higher number of jail days prior to program start, a higher number of sanctions and being male were more likely to be re-arrested.

RESEARCH QUESTION #5: DOES THE USE OF RESOURCES DIFFER BETWEEN DUI TREATMENT COURT VERSUS TRADITIONAL PROBATION?

YES. Results show that DUI court participants spent considerably more time in treatment than those on traditional probation (supporting the goals of the program of getting and keeping addicted offenders in treatment). Further, the average waiting period between arrest and sentencing (to probation or program entry) was significantly reduced in the DUI court. The number of days spent in jail prior to program or probation start and the total time in jail for that DUI case was also significantly reduced in two out of the three programs, thus saving the criminal justice system time and money. Time enrolled in the program was higher for DUI court participants compared to time spent on probation in the comparison group also in two out of the three programs. Longer time spent in the program predicts success both in completing the program and in reducing recidivism.

Overall, these results demonstrate that the DUI court is effective in reducing recidivism and reducing drug and alcohol use while using less criminal justice system resources to accomplish these goals.