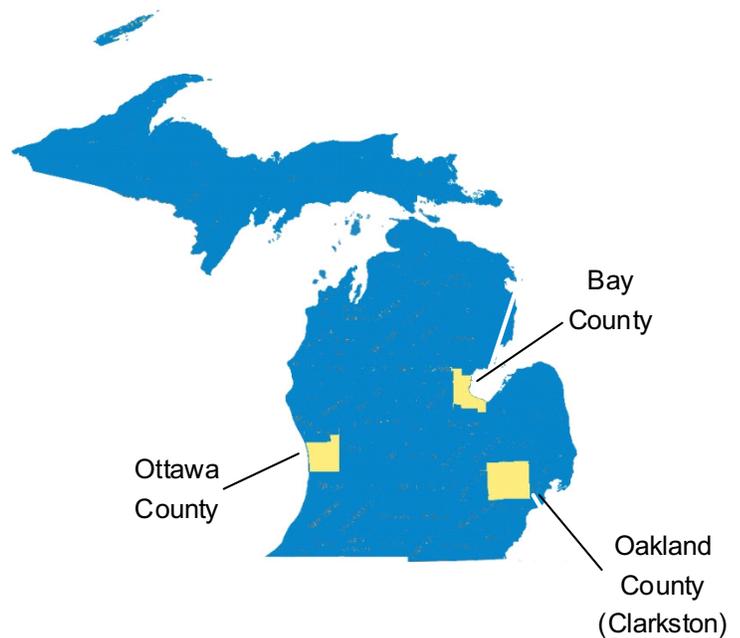


# Michigan DUI Courts Outcome Evaluation *Final Report*



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Re-release: March 2008



# Michigan DUI Courts Outcome Evaluation

## *Final Report*

**Re-Release: March 2008**

*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.

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## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	I
SECTION 1: INTRODUCTION AND METHODS .....	1
Background .....	1
Evaluation Design .....	2
Outcome Evaluation Questions .....	2
Methodology .....	3
Site Visits .....	3
Participant and Comparison Group Selection .....	3
Data Collection .....	4
Data Sources .....	5
Data Analysis .....	6
SECTION 2: OTTAWA COUNTY DUI COURT EVALUATION RESULTS .....	9
Ottawa County DUI Court Program Summary .....	9
Background and Team .....	9
Eligibility and Enrollment .....	9
Drug Court Program Phases .....	9
Rewards and Sanctions .....	10
Graduation and Unsuccessful Terminations .....	10
Ottawa County Outcome Evaluation Results .....	11
Demographics .....	11
Research Question #1: What is the Impact of Participation in a DUI Court on Recidivism (Re-Arrests) Compared to Traditional Court Processing? .....	12
Research Question #2: Does Participation in Drug Court Reduce Levels of Substance Abuse? .....	16
Research Question #3: How Successful is the Program in Bringing Program Participants to Completion and Graduation Within the Expected Time Frame? .....	17
Research Question #4: What Participant Characteristics Predict Program Success (Graduation) and Decreased Recidivism? .....	18
Research Question #5: How Does the Use of Resources Differ Between DUI Treatment Court Versus Traditional Probation? .....	21
Summary of Ottawa DUI Court Results .....	22
SECTION 3: BAY COUNTY DUI COURT RESULTS .....	23
Bay County DUI Court Program Summary .....	23
Implementation .....	23
Eligibility and Enrollment .....	23
Drug Court Program Phases .....	24
Rewards and Sanctions .....	24
Graduation and Unsuccessful Terminations .....	24
Bay County DUI Court Outcome Evaluation Results .....	25
Demographics .....	25
Research Question #1: What is the Impact of Participation in a DUI Court on Recidivism (Re-Arrests) Compared to Traditional Court Processing? .....	26

Research Question #2: Does Participation in Drug Court Reduce Levels of Substance Abuse?..... 29

Research Question #3: How Successful is the Program in Bringing Program Participants to Completion and Graduation Within the Expected Time Frame?..... 31

Research Question #4: What Participant Characteristics Predict Program Graduation and Decreased Recidivism? ..... 32

Research Question #5: How Does the Use of Resources Differ Between DUI Treatment Court Versus Traditional Probation? ..... 34

Summary of Bay County DUI Court Results ..... 35

SECTION 4: CLARKSTON DUI COURT RESULTS ..... 37

Clarkston DUI Court Program Summary ..... 37

    Background..... 37

    Capacity, Eligibility and Enrollment ..... 37

    Treatment Overview ..... 38

    Sobriety Court Program Phases ..... 38

    Rewards and Sanctions ..... 38

    Graduations and Unsuccessful Terminations..... 39

Clarkston Outcome Evaluation Results ..... 39

    Demographics ..... 39

    Research Question #1: What is the Impact of Participation in a DUI Court on Recidivism (Re-Arrests) Compared to Traditional Court Processing?..... 40

    Research Question #2: Does participation in drug court reduce levels of substance abuse? 43

    Research Question #3: How Successful is the Program in Bringing Program Participants to Completion and Graduation Within the Expected Time Frame?..... 44

    Research Question #4: What Participant Characteristics Predict Program Success and Decreased Recidivism? ..... 45

    Research Question #5: How Does the Use of Resources Differ Between DUI Treatment Court Versus Traditional Probation? ..... 47

    Summary of Clarkston DUI Court Results..... 48

SECTION 5: SUMMARY/CONCLUSIONS ..... 49

REFERENCES ..... 51

## LIST OF TABLES

Table 1: DUI Court Evaluation Data Sources.....	5
Table O.2: Participant and Comparison Group Demographics and Court-Related Data .....	11
Table O.3: Demographic and Court-Related Variables That Predict Time to Re-Arrest.....	15
Table O.4: Characteristics of Graduated Compared to Terminated Participants of the Ottawa DUI Court Program .....	19
Table O.5: Participant Characteristics Related to Recidivism.....	20
Table O.6: Resource Expenditure Differences Between DUI Court and the Comparison Group (Traditional Probation).....	21
Table B.2: Participant and Comparison Group Demographics and Court-Related Data .....	25
Table B.3: Demographic and System-Related Variables That Predict Time to Re- Arrest.....	29
Table B.4: Characteristics of Graduated Compared to Terminated Participants of the Bay County DUI Court Program .....	33
Table B.5: Resource Expenditure Differences Between DUI Court and Comparison Group (Traditional Probation) .....	34
Table C.2: Participant and Comparison Group Demographics and Court-Related Data .....	39
Table C.3: Characteristics of Graduated Compared to Terminated Participants of the Clarkston DUI Court Program .....	46
Table C.4: Resource Expenditure Differences Between DUI Court and the Comparison Group (Traditional Probation).....	47

LIST OF FIGURES

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

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

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

Figure O.1. The Average Number of Arrests for Ottawa DUI Court and the Comparison Group ..... 12

Figure O.2: Percent of Individuals Re-Arrested - DUI Court Participants and Comparison Group ..... 13

Figure O.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)..... 14

Figure O.5: Percent of Positive Drug Tests Over a One-Year Period for the DUI Court Participants ..... 16

Figure O.4: Percent of Positive Alcohol Breath Tests Over a One-Year Period for DUI Court Participants ..... 17

Figure B.1: Average Number of Re-Arrests for DUI Court and the Comparison Group..... 26

Figure B.2: Percent of Participants Who Were Re-Arrested - DUI Court and Comparison Group ..... 27

Figure B.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)..... 28

Figure B.4: Percent of Positive Drug Tests Over One Year for DUI Court Participants. .... 30

Figure C.1: Average Number of Re-Arrests - Clarkston DUI Court and Comparison Group..... 40

Figure C.2: Percent of Individuals Who Were Re-Arrested - DUI Court and Comparison Group ..... 41

Figure C.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)..... 42

Figure C.4: Percent of Positive Drug Tests Over One Year for DUI Court Participants. .... 43

Figure C.5: Percent of Positive Alcohol Tests Over One Year for DUI Court Participants ..... 44

## 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

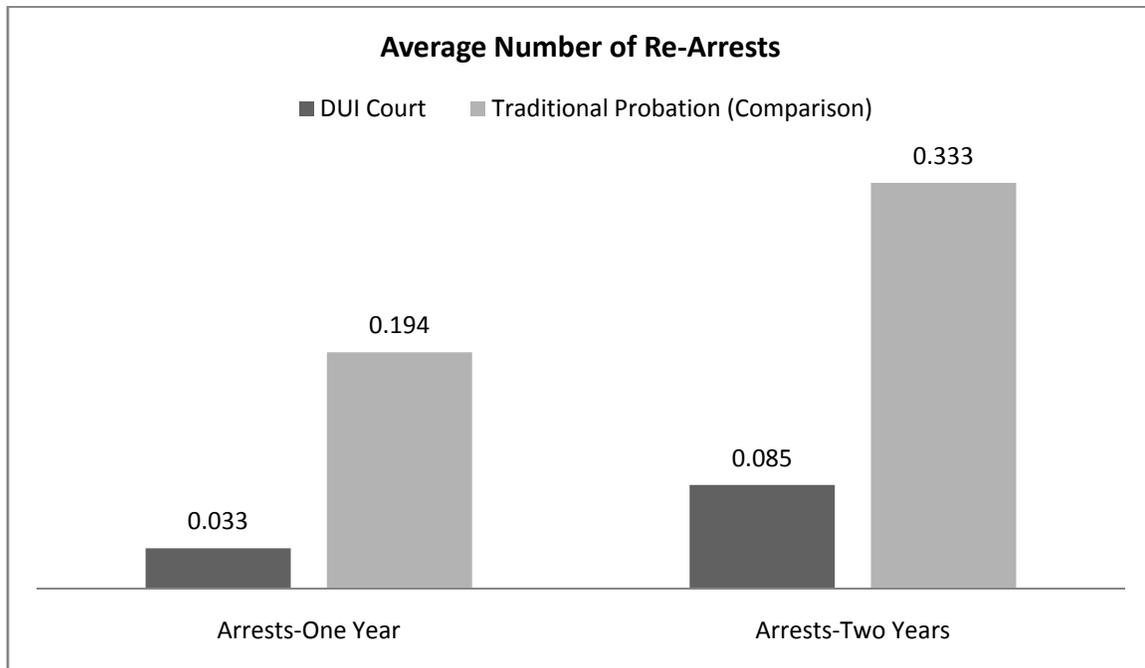
The results shown in this summary are examples provided from each of the three sites that participated in the study that best illustrate the main answer to each evaluation question.

### 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.

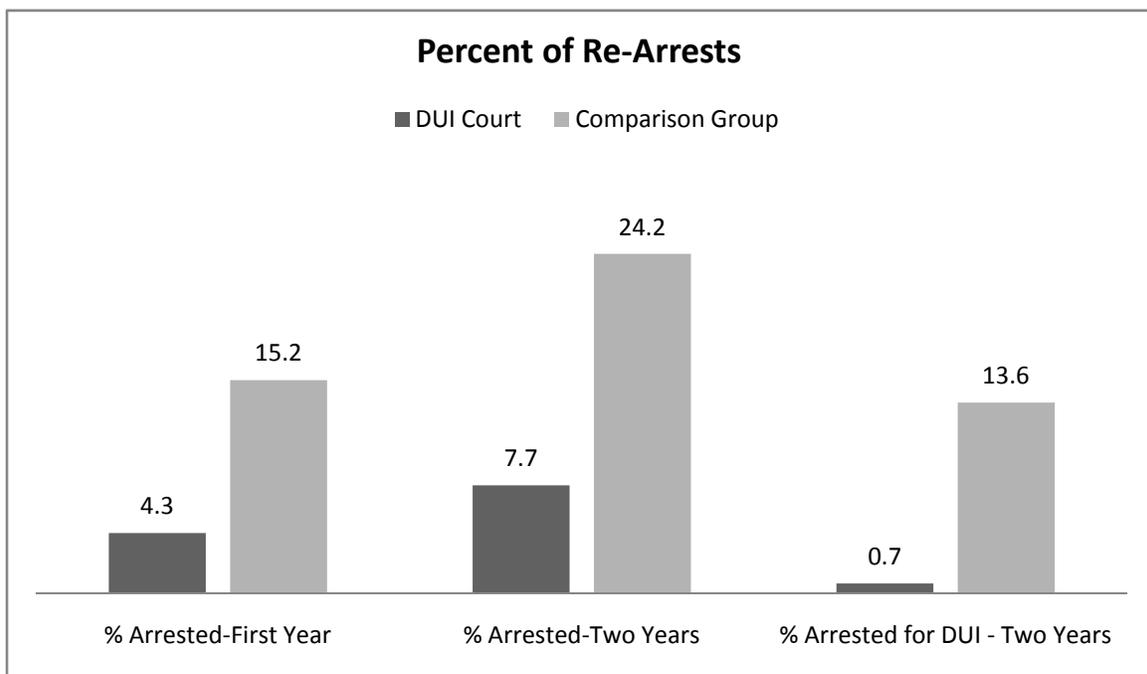
**Figure A. Average Number of Re-Arrests - DUI Court Participants and Comparison Group**



*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**



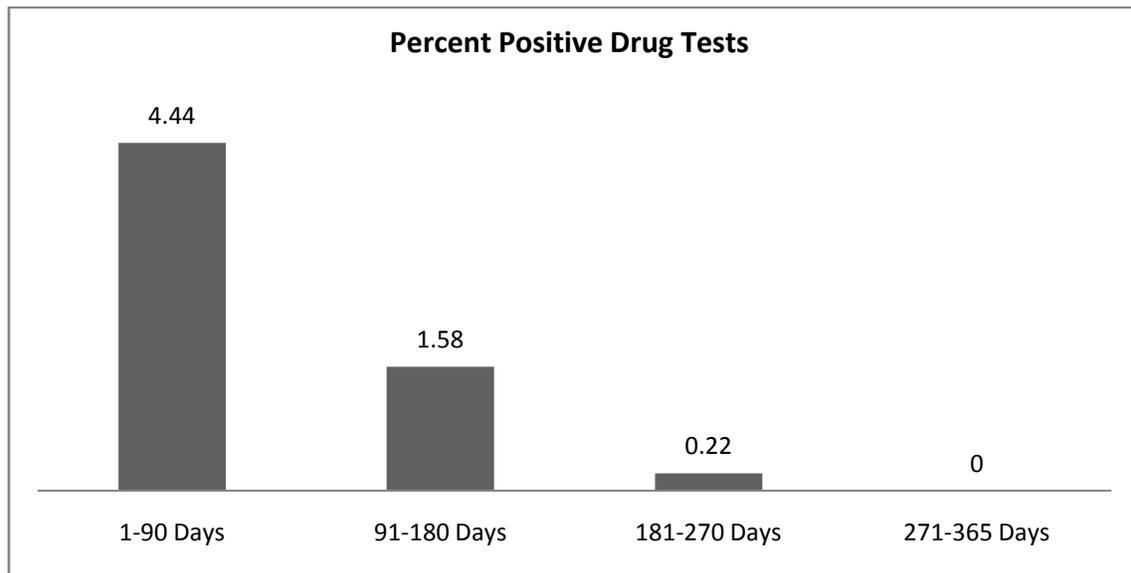
*1c. Does participation in the DUI court program lead to more time to the first re-arrest compared to traditional court?*

**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).<sup>1</sup>

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

<sup>1</sup> 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.



## SECTION 1: INTRODUCTION AND METHODS

### Background

In the past 15 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. “The emergence of these new courts reflects the growing recognition on the part of judges, prosecutors, and defense counsel that the traditional criminal justice methods of incarceration, probation, or supervised parole have not stemmed the tide of drug use among criminals and drug-related crimes in America,” (Hora, Schma, & Rosenthal, 1999, p. 9).

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.

In the drug treatment court movement, Michigan has been a pioneering force. 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.

In general, research and evaluation of the drug court model suggests that offenders who participate in drug courts show lower re-arrest rates compared to offenders who do not. Drug courts have been shown to be effective in reducing recidivism (GAO, 2005; Gottfredsen, Najaka, and Kearly, 2003) and in reducing taxpayer costs due to positive outcomes for drug court participants (Carey & Finigan, 2004; Carey et al., 2005). Some drug courts have even been shown to cost less to operate than processing offenders through business-as-usual operations (Carey & Finigan, 2004; Carey et al., 2005).

In a critical review of 37 published and unpublished drug court evaluations conducted by the National Center on Addiction and Substance Abuse (2001), researchers noted that although drug courts have achieved considerable support, and the number of quality drug court evaluations continues to grow, most local drug court evaluations are conducted under several constraints (i.e., limited funding, short evaluation time frame, small sample sizes). As such, many drug court evaluations nationwide are primarily process evaluations that are unable to provide meaningful outcomes analyses. For example, of the 37 evaluations reviewed, only 6 provided measures of post-program recidivism with a comparison group, and only one of these evaluations was specifically on a DUI Court. Moreover, problems with data quality were cited as an issue that continues to affect drug court evaluations and the ability to draw meaningful scientific conclusions. Researchers argue that further evaluations of drug courts are needed to examine the effectiveness of the various aspects of the drug court model and to better understand the effectiveness of the model with varying populations (e.g., alcohol abusers versus illegal drug abusers).

## Evaluation Design

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. This included the development of an appropriate (quasi-experimental) research design, the selection of courts to be included in the study, the selection of appropriate comparison groups (DUI offenders who were eligible for DUI Court but who did not participate), and extensive data collection on program services and participant outcomes (including re-arrests and new DUI charges). Because good quality outcome (impact) evaluations should include analyses of post program outcomes, 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. Defendants in the comparison group were followed for a comparable time period.

In 2007, after performing the tasks described above, SCAO contracted with NPC Research (a nationally recognized research and evaluation firm) to perform the data analysis and report writing for this project. This report contains the methods and the outcome evaluation results for three of the DUI courts that participated in this study, Bay County, Clarkston and Ottawa County DUI courts. The first section of this report provides the background for this study and a general description of the methods used to perform the evaluation. The next three sections present the results for each of the three DUI courts. The final section, Section 5, provides a brief summary of the results from all three sites.

### OUTCOME EVALUATION QUESTIONS

The outcome evaluation was designed to address the following study questions:

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?

## Methodology

### SITE VISITS

SCAO staff performed regular site visits to each of the three DUI courts presented in this report. Site visits provided an opportunity to observe court sessions and other DUI court practices. These observations gave the evaluation team first-hand knowledge of the structure, procedures, and routines of the DUI courts.

### PARTICIPANT AND COMPARISON GROUP SELECTION

It was necessary to select a cohort of individuals who had participated in DUI court and a cohort of individuals who had not for the comparison group. Below is a description of the methods involved with selecting the DUI court participants and comparison group offenders.

#### *The DUI Court Participant Group*

The DUI court group included all participants who had entered the program from the time the program was implemented. These participants include both those who graduated and those who terminated (left the program before completion).

In the Ottawa County DUI court this includes participants enrolled from April 2004 to March 2007. In Bay participants in the sample enrolled from February 2005 to April 2007 and in Clarkston participants enrolled from November 2004 to June 2007.

All participants are included in the description of the participant population and in other analyses as appropriate. For analyses involving outcomes (recidivism) over time, only those participants with sufficient time after program entry to incur re-arrests (or time at risk) are included in the analyses. For analyses involving graduation or termination, only participants that have left the program are included.

#### *The Comparison Group*

Ideally, a comparison group is made up of offenders who are similar to those who have participated in the program (e.g., similar demographics and criminal history). A group of this type was selected based on DUI court target population and on eligible charges at each site using a historical sample of offenders who were eligible for DUI court before the DUI court was implemented.

**Ottawa County:** The comparison group for the Ottawa County DUI Court was selected from the one year prior to program implementation. DUI second offenders from that time period were examined for DUI court eligibility. Out of 91 possible cases, 66 met DUI court eligibility criteria.

**Clarkston:** The comparison group for the Clarkston DUI (Sobriety) Court was selected from the 2-year time period prior to program implementation. All offenders during that time who had DUI court eligible drinking and driving charges were examined as potential comparison group members. Most of these were eliminated due to living outside the jurisdiction, a few were eliminated due to having no prior drunk driving (or drug possession) crimes. Out of the 1074 possible cases, 146 met DUI court eligibility criteria.

**Bay County:** The comparison group for the Bay County DUI Court was selected from the one year period prior to program implementation. All DUI offenders where the client received greater than nine days jail or greater than 9 months probation were examined for DUI court eligibility. The DUI Court judge indicated that those offenders who did not receive at least nine days in jail, or at least 9

months probation, would have only received those reduced sentences if they were not found to be chemically dependent (which would have made them ineligible for DUI court). Out of 120 possible cases, 49 were found to meet DUI court eligibility criteria.

## DATA COLLECTION

The majority of the data necessary for the outcome evaluation were gathered manually from paper files during monthly site visits by SCAO staff data collectors. These data were entered into a study database created in Microsoft Access.

Recidivism data, including re-arrests and jail time, were collected from two sources: Criminal History Records (CHR) Database (Michigan State Police), and Michigan Judicial Data Warehouse (JDW). The data was entered into the study database and also printed in hard copy and kept in binders for easy reference. The source of recidivism data for Clarkston was CHR while the source of recidivism data for Bay County and Ottawa County was the JDW.

NPC staff members have experience extracting data from Access databases and adapted procedures developed in previous projects for data collection, management, and analysis. Once all data were received on the study participants and comparison groups, the data were compiled and cleaned and then moved into SPSS 15.0 for statistical analysis. NPC staff is trained in a variety of univariate and multivariate statistical analyses using SPSS. These quantitative data were used to answer the study questions outlined above. In addition, because the sample sizes were small for some analyses, the data for the outcome evaluation were also examined and reported qualitatively. Although some differences were not significant, where differences were noted, the size of the effect suggests that it is highly likely that a larger sample size would have yielded statistically significant results.

## DATA SOURCES

The types of data collected and the sources for the data are listed in Table 1. The sources of data on recidivism are described in more detail below.

**Table 1: DUI Court Evaluation Data Sources**

Data Type	Source
Demographic Characteristics	Program files
Date Of Program Admission And Discharge	Program files
Treatment Services Received	Program files
DUI Court Sessions	Program files
Breathalyzers And Other Drug Tests	Program files
Criminal Justice History	Pre-Sentence reports
Recidivism (Arrests, Jail Time)	CHR or JDW
Jail Time Served	CHR or JDW, Program files

### *Criminal History Records (CHR) Database (Michigan State Police)*

This database was used to collect recidivism data in Clarkston and contains information relating to arrests (Arrest Segment), charges (Charge Segment) and convictions (Judicial Segment) in the state of Michigan. Only high misdemeanors and felonies are included in the CHR. To compensate for the possibility of missing important misdemeanor recidivism data, specifically repeat drunk driving offenses, Clarkston participant's driving records were abstracted from the MI Secretary of State (SOS).

### *Michigan Judicial Data Warehouse (JDW)*

This database was used to collect recidivism data for Bay and Ottawa County. It contains data extracted from Circuit Courts, District Courts, Juvenile Case Data, Traffic Case Data, and the Probate Court System in the State of Michigan. It was used to determine if participants or comparison group members were charged for any criminal offense subsequent to their program or probation start date for the DUI case. Non-alcohol and non-drug related traffic offenses (i.e., driving while license suspended, driving without registration, etc.) were not recorded. The specific data includes the episode date, case filing date, and conviction date for each offense.

## DATA ANALYSIS

### *Comparison of DUI Court and Comparison Groups*

The participant group and the comparison group were compared on demographic and court-related variables. Each difference was tested for statistical significance by use of Chi-square tests for categorical variables (gender etc.) or one-way analysis of variance (ANOVA) for continuous variables.

**Research Question #1: What is the impact of participation in a DUI court on recidivism (re-arrests) compared to traditional court processing?**

*Ia. Does participation in DUI court reduce recidivism (the number of re-arrests)?*

In order to determine if participation in DUI court, as well as other variables led to shorter time to re-arrest, covariates of sex, ethnicity, marital status, age, education, number of dependents, total previous misdemeanors and felonies, jail days pre-program/probation entry (jail days served on the DUI case before program or probation start), jail days post program/probation entry (jail days served on the DUI case due to sanctions or due to sentencing on that charge), number of sanctions, and time in treatment were used to predict time to re-arrest after controlling for group. A stepwise approach to a Cox Regression was used to evaluate the contribution of each covariate to predicting time to re-arrest. The first block included group, the second block included the demographic variables (age, gender, ethnicity, years of education) and the third block included criminal justice-related variables (total previous misdemeanors and felonies, jail days pre-admission).

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

The percentage of individuals arrested within 2 years after their DUI court program/probation start date was compared between the DUI participants and the comparison group. A chi-square was used to test for significant differences between the two groups.

*Ic. Do traditional court members get re-arrested sooner than DUI court participants?*

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.). Time to re-arrest was calculated from the date of program/probation start to the date of the next arrest. Any arrests occurring prior to program/probation entry were not included. The survival times were calculated by subtracting the date re-arrested from the date sentenced for the original arrest. The amount of available outcome data for each individual was calculated in days by subtracting the date of the first arrest from the date the data was collected for this study (June 27, 2007). The number of days of observation for each participant serves as the censor date for those not re-arrested. In this sample, the traditional probation cases were all selected from the time period prior to the DUI court implementation, thus, the comparison group has a longer time of observation.

**Research Question #2: Does participation in drug court reduce levels of substance abuse?**

In order to determine if the DUI court reduced the use of alcohol, the total number of alcohol breath tests and the number of positive tests in three month periods was calculated. For each three month period, percent of positive alcohol tests were calculated. If the percentage decreases over time, this provides support for the effectiveness of the DUI court program in decreasing use.

The same analysis was performed with urinalysis (UA) test results for illegal drug use.

*Research Question #3: How successful is the program in bringing program participants to completion and graduation within the expected time frame?*

Bringing participants to completion in the intended time frame is measured by the program completion (graduation) rate and by the amount of time participants spend in the program. If the average amount of time spent in the program by DUI court graduates matches the intended length of the program, then the program is successful in graduating participants in the expected time frame.

Program graduation rate is the percentage of participants who graduated from the program out of a cohort of participants who have all left the program by either graduating or terminating unsuccessfully. This percentage is measured against the national average graduation rate for other court programs that follow the drug court model and against the averages for other states evaluated by NPC Research.

*Research Question #4: What participant characteristics predict program success and decreased recidivism?*

In order to determine which characteristics of the participants of DUI court participants predicted successful completion, a multivariate analysis of variance (MANOVA) was conducted. The characteristics were sex, race (white/non-white), age at DUI court entry, marital status (married/separated or unmarried, divorced, widowed), receipt of mental health services prior to court entry, currently taking psychotropic medications, highest educational level completed, family history of drug or alcohol involvement, total prior misdemeanors, total prior felonies, jail days pre-program/probation entry (jail days served on the DUI case before program or probation start), jail days post program/probation entry (jail days served on the DUI case due to sanctions or due to sentencing on that charge), drug involvement (in addition to alcohol), days in treatment during program, length of time in court and number of sanctions received. This analysis only included those who had exited from the DUI court program (either graduating or failing) and eliminated those who were still in the program. Significance is indicated by the univariate tests provided by the multivariate test and controls type I error to .05 for all the tests.

Data for all of the participants in the DUI Court program were examined to determine what characteristics predicted program completion. A similar multivariate analysis of variance (MANOVA) was conducted using recidivism (re-arrested or not) as the dependent variable.

*Research Question #5: How does use of resources differ between DUI treatment court versus traditional probation?*

The mean number of days between arrest and program/probation entry, the number of days in the DUI court program or traditional probation, the number of days in jail pre and post program/probation start and the number of days in treatment were calculated and tested with one-way ANOVA's in order to determine if differences in the amount of resources (or time involved with the criminal justice system) differed between the two groups.



## SECTION 2: OTTAWA COUNTY DUI COURT EVALUATION RESULTS

The results presented in this section include a brief description of the Ottawa County DUI Court's current operations. This is followed by a presentation of the outcome results in order of the evaluation questions described in Section 1.

### Ottawa County DUI Court Program Summary

#### BACKGROUND AND TEAM

Ottawa County's DUI Drug Court, the Sobriety Court Program, was implemented in April 2004 and is located in the 58<sup>th</sup> district in west Michigan. The three main goals of the Sobriety Court Program include diverting offenders from jail, eliminating substance use, and reducing recidivism of offenders that live within the jurisdiction of the court. In order to meet these goals, the program has divided its capacity of 75 participants between two dockets, each with a different judge. Review hearings are held on Wednesdays biweekly with a staffing meeting held prior. There are two probation officers, the case managers, who serve 35-40 participants at any given time. They have the most contact with participants including many face-to-face meetings. Field supervision officers (FSO) perform home visits. They are able to administer Portable Breath Tests (PBT) and urine drug tests as well as observe the living arrangements. The rest of the team who also attend hearings and staffing meetings include the assistant prosecuting attorney, the Sobriety Court defense attorney, the coordinator and the treatment providers.

#### ELIGIBILITY AND ENROLLMENT

The target population of the Ottawa Sobriety Court Program is offenders with their second driving under the influence of drugs or alcohol (DUI) charge or criminal charges that involve substance abuse. Defendants must meet the following criteria in order to be eligible for the program. They must have a new charge in Ottawa County or a violation of probation for offenses that are drug or alcohol related or for which there is an underlying substance abuse issue. The defendant must have an alcohol and/or drug addiction or show an obvious pattern of substance abuse. Only residents of Ottawa County may participate in the program. Those defendants with a prior serious violent offense, serious mental illness, record of felony weapons violations, or charges pending in another jurisdiction would be excluded.

Potential participants may be made aware of the Sobriety Court Program by any number of agencies including but not limited to the police, defense counsel, or prosecutor's office. Once a candidate is identified, they undergo an initial screening performed by the Sobriety Court case manager. If the defendant qualifies and indicates a desire to enroll they will enter post-plea. Once enrolled, the Addiction Severity Index (ASI) tool is used to place the person in appropriate treatment.

#### DRUG COURT PROGRAM PHASES

The Ottawa Sobriety Court Program has four phases. Participants must take a minimum of 17.5 months to complete the program but can take no more than 24 months. The following briefly describes each phase and its requirements.

Phase I lasts a minimum of 15 weeks and requires participants to attend court sessions biweekly. Treatment is individualized and participants must attend individual and group therapy accordingly. Participants must obtain an Alcoholics Anonymous/Narcotics Anonymous (AA/NA) sponsor within 60 days of program entry and attend 5-7 AA/NA meetings each week. Weekly drug testing and daily alcohol testing occur in conjunction with random home visits by police and/or probation officers. In Phase I, participants are required to seek and maintain employment or attend "Michigan Works!" for assistance. If employment is not obtained after 4 weeks, each participant must complete a minimum of 20 hours of community services per week until employed. Payments for fines, costs and treatment must be maintained and need to be up to date before phase advancement. Lastly, before changing phases, participants must have 90 continuous days of sobriety.

Phase II also has a required minimum of 15 weeks as well as biweekly court sessions. Participants must meet with their case manager at least twice per week. AA/NA meetings must be attended 4-7 times each week and participants must maintain a relationship with their sponsor. Drug and alcohol testing are random as are home visits by the police and/or probation officers. Participants have to maintain employment and keep their payment schedule current. Advancement to Phase III can occur only after having a minimum of 90 days continuous sobriety.

Phase III lasts at least 20 weeks. Court sessions and case manager meetings are reduced to once a month. AA/NA meetings must be attended at least three times a week. Participants may be required to attend family counseling, a life skills course, an English as a second language course, or begin a GED process. Drug and alcohol testing continue to occur randomly. Employment and payments must be maintained and a minimum of 90 days continuous sobriety must occur before the phase is complete.

Phase IV, also a minimum of 20 weeks, continues to require monthly court sessions and case manager meetings. Participants must attend at least three AA/NA meetings each week. Any previous trainings or counseling must be completed and "Give-and-Take" group sessions must be attended bimonthly. Testing for drugs and/or alcohol use is random and employment needs to be maintained. Participants are required to complete a narrative describing their lifestyle change during the program.

### **REWARDS AND SANCTIONS**

During the Ottawa Sobriety Court Program, incentives can include positive recognition from the judge and the team including applause and praise. Participants may also have court fines reduced or their payment plan extended or made more flexible. When advancing to a new phase, participants receive certificates and gift cards along with the possibility of reduced requirements.

Sanctions, given for noncompliant behaviors, can include increased supervision with the field supervision officer, electronic monitoring, increased substance use testing, community service, jail alternative work service, loss of driving privileges, admonishment, delayed movement to new phase or return to old phase, extended time in the program, journals or essays, curfew, verbal and written apologies, or a jail sentence (48 hours to 30 days).

### **GRADUATION AND UNSUCCESSFUL TERMINATIONS**

Upon completion of all Ottawa's Sobriety Court Program requirements, participants are released from their probation term. Probation terms are sentenced at 24 months but participants can be released early if they complete all the phases in less time. Those who are terminated from the program will receive a jail sentence of up to 365 days.

## Ottawa County Outcome Evaluation Results

### DEMOGRAPHICS

Table O.2 presents a set of demographic characteristics for offenders who were eligible for the Ottawa DUI court but were sentenced to traditional probation (the comparison group) compared with participants in the DUI court program in Ottawa County. There were no significant differences on any demographic variables except for number of dependants. The two groups were comparable on gender (80% male), minority status (59% white), age (31 years of age), education (57% had a high school diploma or higher) and marital status (22% were married). However, Ottawa DUI court participants were more likely to have fewer dependents. It is possible that the time the program requires makes it difficult for offenders with children to participate. The program may want to consider ways to make it possible for offenders with children to participate in the program, such as offering child-care (or funds for childcare) during treatment meetings and court sessions.

**Table O.2: Participant and Comparison Group Demographics and Court-Related Data**

Ottawa County	DUI Court N = 143	Comparison N = 66	Significant?*
Gender	79% Male 21% Female	83.3% Male 16.7% Female	no
Ethnicity	60.1% White	54.5% White	no
Marital Status	20.4% Married	24.2% Married	no
Education	11.7	12.1	no
Average Number of Dependents	.87	1.68	yes
Average Age at Drug Court Entry	30.5	32.2	no
Average Number of Previous Misdemeanors	4.09	4.08	no
Average Number of Previous Felonies	.15	.10	no

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

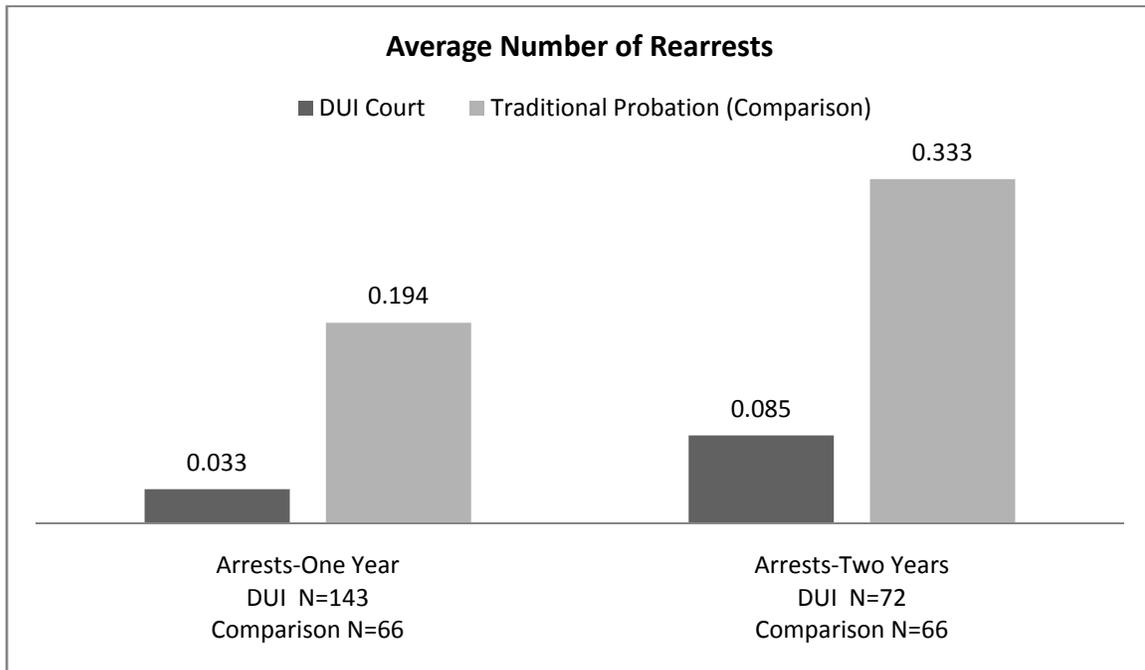
The following section presents the results of the analysis of data from the Ottawa County DUI Court based on five research questions. These questions concern the differing rates of program success and recidivism (re-arrests) experienced by the DUI court participants and the comparison group of participants who were eligible for the DUI court but did not participate. These results also allow the examination of the success of the Ottawa County DUI court in bringing participants to program completion in the intended length of time, and any participant characteristics or program services that predict successful outcomes.

**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)?*

When the number of re-arrests that occurred within one year from the date of program/probation entry was calculated, the difference between the DUI court participants and the comparison group was significant ( $p < .05$ ) with the comparison group re-arrested significantly more often than DUI court participants. This trend continues in the second year after probation/program start ( $p < .001$ ) (See Figure O.1).

**Figure O.1. The Average Number of Arrests for Ottawa DUI Court and the Comparison Group**



The comparison offenders on traditional probation were re-arrested nearly six times more often in the 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.

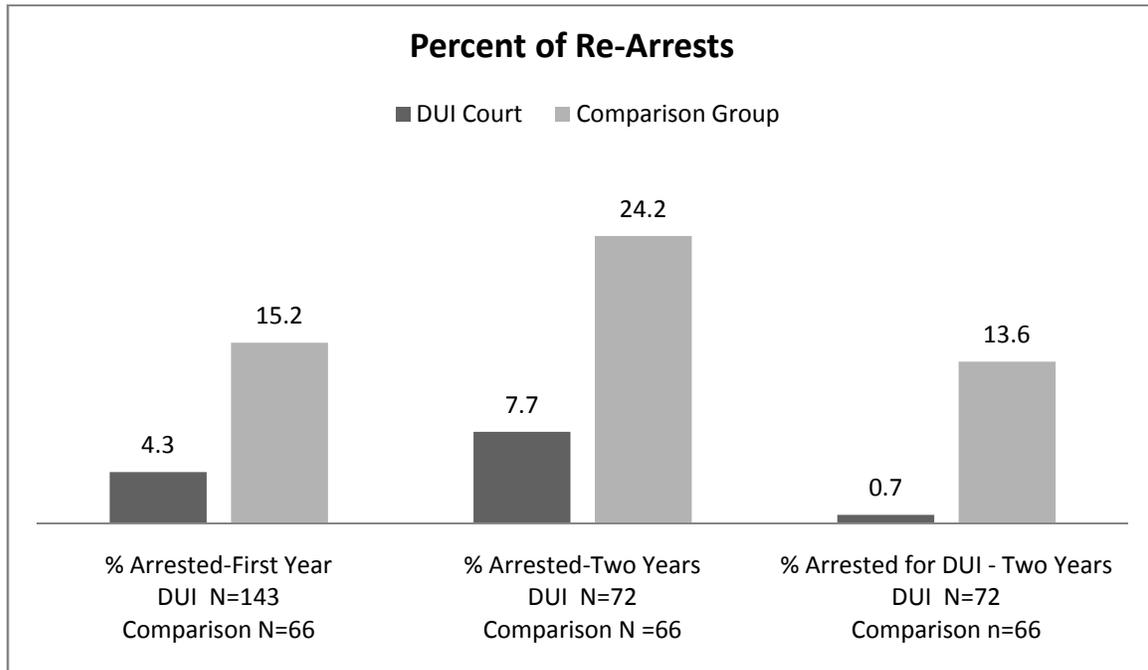
**Predicting number of re-arrests:** Other factors besides participation in the DUI court could explain why the DUI court participants get re-arrested less often such as differences in criminal history. In order to determine if participating in DUI court, and not these other factors, led to fewer re-arrests, an analysis was run controlling for sex, minority status, marital status, age, years of education, total previous felonies and total previous misdemeanors, total jail time prior to probation/program start, whether the client was using illegal drugs at time of arrest and the total jail days spent in custody during drug court stay. The results indicated that DUI court participation was significant as a stand-alone predictor and was still significant when all covariates were included (indicating that participation in DUI court and not these other factors resulted in the lower number of re-arrests). Also signifi-

cant were age<sup>2</sup> (older people were less likely to be re-arrested), and the number of jail days the person spent prior to program/probation entry (the fewer number of days spent in jail pre-entry, the fewer number of times the participant was re-arrested).

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

Figure O.2 shows that significantly more comparison offenders were re-arrested than DUI court participants. Of the comparison cases, 15.2% of the offenders were re-arrested in the first year after program/probation entry and 24.2% were re-arrested within 2 years. This is compared to the DUI court participants of whom only 4.2% were re-arrested in the first year and 7.7% of the participants were re-arrested within 2 years. These are both significant differences (p<.01). Further, the percent of DUI court participants re-arrested with DUI offenses in 2 years was significantly less than the percentage of participants with new DUI offenses in the comparison group (0.7% vs. 13.6%) (p<.01).

**Figure O.2: Percent of Individuals Re-Arrested - DUI Court Participants and Comparison Group**



In a 2-year period, traditional probation offenders in the comparison group were more than 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 Ottawa County DUI court participants.

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

A survival analysis of participants with 2 years or more of follow-up data were included. Results showed that the re-arrests occurred significantly earlier for the comparison group than for the DUI court group. That is, the comparison group members were re-arrested significantly sooner after pro-

<sup>2</sup> Trend Level

gram/probation entry for the DUI court eligible offense than the DUI court participants ( $p = .012$ ). The percentage of those re-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 re-arrested ( $p < .001$ ).

**Figure O.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)**

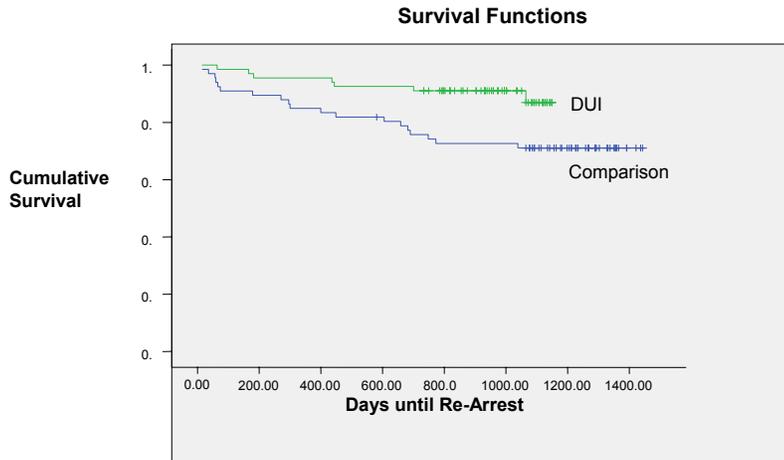


Figure O.3 shows when the individuals in each group were re-arrested and the proportion that remained un-arrested after program/probation entry over time (out to 1400 days or 3.8 years). The top line represents the DUI court group and the lower line represents the comparison group. The DUI court showed considerable effect and was re-arrested significantly later than the comparison group. The average number of days until DUI participants were re-arrested in one year was 135 days while the average for the comparison group was 74.5 days. The average time to the first re-arrest for DUI participants is twice as long as that for the comparison group. Participation in DUI court has a substantial effect in delaying any re-arrests.

**Predicting Time to Re-Arrest:** As described for the analysis on the number of re-arrests, other factors besides participation in the DUI court could explain why there was a longer time interval before DUI court participants were re-arrested. For example, differences in demographics between the two groups affect the time to first re-arrest (e.g., women tend to be arrested less frequently than men) or differences in criminal history may influence time to next arrest (e.g., those with a more extensive criminal history are more likely to be re-arrested). In order to determine if participating in DUI court, and not these other factors, led to shorter time to re-arrest, an analysis was run controlling for sex, ethnicity, marital status, age, education, total previous misdemeanors and felonies, jail days pre-admission, jail days post admission, days in jail as a sanction, number of sanctions, and days from arrest to program/probation entry were used to predict time to re-arrest after accounting for group membership (participant group or comparison group). Table O.3 shows the variables that predicted time to re-arrest.

**Table O.3: Demographic and Court-Related Variables That Predict Time to Re-Arrest**

<b>Variable</b>	<b>Participant was arrested earlier if they...</b>	<b>Significant?*</b>
Group	were in the comparison group (traditional probation)	Yes
Male	Were male	Trend
Education		No
Minority Status		No
Married		No
Age	Were younger	Yes
Number of Dependents	Had fewer dependents	Yes
Total Prior Felonies		No
Total Prior Misdemeanors		No
Total Jail Time Pre-Program/Probation Start		No
Days in Treatment	Had fewer days in treatment	Yes
Jail Days During Probation/DUI Court	Had more jail days	Yes
Drug Involvement		No
Days from Arrest to Treatment		No
Number of Sanctions	Had a higher number of sanctions	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

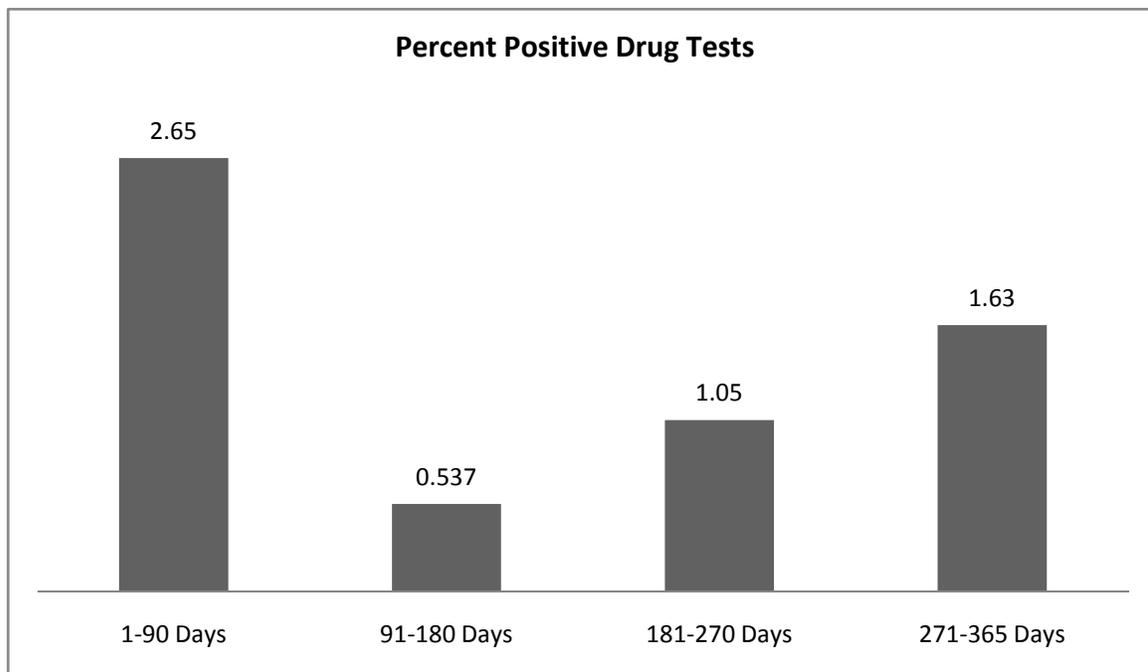
Group (DUI participants vs. the comparison group) was significant when including all covariates indicating that participating in DUI court was a significant predictor of a longer time to re-arrest. The comparison group was re-arrested earlier than the DUI court group in spite of any differences that might exist between the two groups. This analysis also showed that men were more likely to be re-arrested earlier as were younger participants. Also, those with no or fewer dependents, fewer prior misdemeanors, who were younger, had more sanctions, more jail days during probation or in the program and fewer days in treatment were all more likely to be re-arrested sooner.

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

*Drug Use*

The percent of positive drug tests was measured in 3-month intervals from the participant start date in the program. Figure O.5 shows that the percent positive tests for DUI Court participants had a large drop from the first to the second period and then increased slightly each period after that. Overall, there was a decrease from the first 3 months in the program to the end of the first year. However, none of these differences was significant ( $F = 1.895$ ;  $p = .130$ ). The lack of significance is mostly likely due to the extremely small number of positive tests, which in itself is a success for this program.

**Figure O.5: Percent of Positive Drug Tests Over a One-Year Period for the DUI Court Participants**

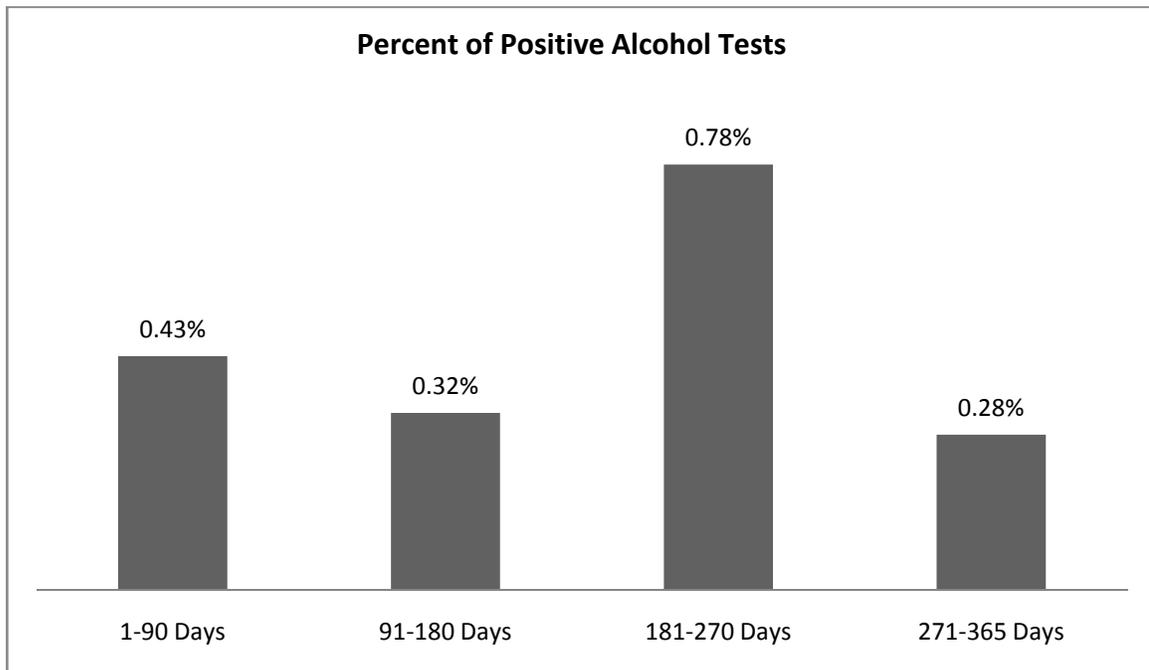


*Alcohol Use*

The percent of positive alcohol tests was also measured in 3-month intervals from the participant start date in the program. Figure O.4 shows the percent of positive alcohol tests over time in three month intervals, thus, period 1 = 0 to 90 days; 2 = 91 to 180 days; 3 = 181 to 270 days; and 271-365 days. Overall, the percentage of positive tests decreased over time, although there was an increase in the third period. The program may want to examine their practices and their participants at 6 to 9 months into the program to see if there are any stages of change that could explain this increase in relapse and any program practices they might adjust to compensate. However, the difference in the four periods was not significant ( $F = .889$ ;  $p = .447$ ) and the percent of positive tests was extremely small, so the increase in the third period may be an artifact of this small number. In addition, because of the very short time frame in which alcohol is present and detectable in a person’s system, it may not be possible to consistently catch those who are using. So, unlike illegal drug use which can be

detected in the urine after a day or several days, the percent positive alcohol tests over time may not be the best measure of reduction in use. This data should be examined again in the future when there are more participants to determine if there are reasons why more participants may relapse in that time period or if testing practices differed during that time period. (Also, to ensure accurate interpretation, please note that the values reported are actual percentages and thus, .43 is 0.43% not 43%.)

**Figure O.4: Percent of Positive Alcohol Breath Tests Over a One-Year Period for DUI Court Participants**



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

Bringing participants to completion in the intended time frame is measured by the program completion (graduation) rate and by the amount of time participants spend in the program. If the average amount of time spent in the program by DUI court graduates matches the intended length of the program, then the program is successful in graduating participants in the expected time frame.

Program *graduation rate* is the percentage of participants who graduated from the program out of a cohort of participants who have all left the program by either graduating or terminating unsuccessfully. When there are still active participants, the program *retention rate* can be calculated. This is the number of graduated and active participant out of the total number enrolled. The graduation rate can be measured against the national average graduation rate for other court programs that follow the drug court model and against the averages for other states evaluated by NPC Research.

Of the 143 participants in the Ottawa DUI Court program, 56 successfully graduated, 17 failed and 70 remained in the program in good standing. This results in a retention rate of 88%.

Of those who had left the program, 49 out of 58 graduated, which provides a current graduation rate of 84%. (However, this number is not final until all participants that started in the same time frame have left the program. When the Ottawa DUI court has more full cohorts that have exited the pro-

gram, this number should be updated). The current program graduation and retention rates are high compared to other programs using the drug court model in the U.S. which consistently have better completion and retention rates than other offender and non-offender based drug treatment programs (Cooper, 2004).<sup>3</sup> It is also high compared to drug court programs in others states studied by NPC Research (e.g., Carey et al., 2005; NPC Research, 2007). For example, a study of nine drug courts in California showed an average graduation rate in these programs of 56% (Carey et al., 2005).

To measure whether the program is graduating participants in its expected time frame, the average amount of time in the program was calculated for participants who had enrolled in the Ottawa County DUI Court between August 1, 2004, and July 31, 2005. The Ottawa County DUI Court is intended to be an 18-month program from entry to graduation. The average length of time participants spent in DUI Court was 466 days (15.5 months). Graduates spent an average of 521 days in the program or just over 17.3 months and ranged from 151 to 736 days in the program. Participants who were unsuccessfully discharged spent on average, less than one year in the program (307 days). The results for program graduates show that the Ottawa County DUI Court was on target with the 18-month intended time to program graduation.

#### **RESEARCH QUESTION #4: WHAT PARTICIPANT CHARACTERISTICS PREDICT PROGRAM SUCCESS (GRADUATION) AND DECREASED RECIDIVISM?**

Graduates and unsuccessfully discharged participants of the DUI program were compared on the basis of demographic characteristics and drug of choice to determine whether any significant patterns predicting program graduation or recidivism could be found. Of the 83 persons no longer enrolled in the DUI program, 27 (32.5%) were terminated, 57 (65.5%) had graduated.

##### *Program Success*

Participant characteristics were examined in relation to program completion status. The multivariate model was highly significant (Wilks' Lambda = .176;  $F = 15.58$ ;  $p < .000$ ). Table O.4 presents results of this analysis. The right-hand column of the table displays whether the analysis showed any statistically significant difference between those who graduated and those who did not. This column displays "yes" for significant results, "trend" for results that "approach significance" (p values between .05 and .10) and "no" for those p values above .10.

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<sup>3</sup> 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.

**Table O.4: Characteristics of Graduated Compared to Terminated Participants of the Ottawa DUI Court Program**

	<b>Graduated N=57</b>	<b>Terminated N=27</b>	
<b>Variable</b>	<b>Mean</b>	<b>Mean</b>	<b>Significant?*</b>
Males	80%	82%	No
Age	33.5	26.7	Yes
Ethnic Minority	42%	46%	No
Married	24%	0%	Trend
Years of Education	12.5	10.7	Yes
Family History of Drug or Alcohol Involvement	11%	9%	No
Illegal Drug Involvement (in addition to alcohol)	16%	64%	Yes
Prior Number of Misdemeanors	4.31	4.64	No
Prior Number of Felonies	.24	0	No
Prior Mental Health Treatment	20%	45%	Trend
Use of Psychotropic Medications	20%	9%	No
Days in Jail on This Case Prior to Program Start	5.0	11.7	No
Days of Program Involvement	552.9	286.6	Yes
Positive Alcohol Tests	.27%	.52%	Yes
Number of Sanctions	3.31	7.36	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

The findings presented in Table O.4 show that participants who had more years of education, were married, older, stayed in the program longer and had fewer sanctions were more likely to graduate. Conversely, those who had a history of mental health problems prior to arrest, had more positive alcohol tests and who used illegal drugs in addition to alcohol at the time of their arrest were less likely to graduate. Also, although it was not significant with this sample size, those with fewer days in jail prior to starting the program were more likely to graduate; (those who graduated had less than half as many days in jail compared to those who terminated).

### Recidivism

A second multivariate analysis of variance was conducted to determine which participant characteristics described above were related to recidivism (re-arrested or not) after program entry. Table O.5, below, presents the results for this analysis. The multivariate effect of the overall analysis model was significant (Wilks' Lambda = .459,  $F = 4.719$ ,  $p < .000$ ). Results show that participants who are more educated and spent more time in the program were less likely to be re-arrested. Those with a greater number of sanctions, who had more positive alcohol tests and who had illegal drug involvement (as well as alcohol), were more likely to be re-arrested.<sup>4</sup>

**Table O.5: Participant Characteristics Related to Recidivism**

	<b>Un-arrested N=68</b>	<b>Re-arrested N=8</b>	
<b>Variable</b>	<b>Mean</b>	<b>Mean</b>	<b>Significant?*</b>
Percent Males	79%	75%	No
Age	32.8	24.5	Yes
Percent Minority	41%	38%	No
Percent Married	21%	0%	No
Years of Education	12.2	10.5	Yes
Percent Family History of Drug or Alcohol Involvement	9%	25%	No
Percent with Illegal Drug Involvement	22%	50%	Trend
Prior Number of Misdemeanors	4.96	3.88	No
Prior Number of Felonies	.19	0	No
Percent Prior Mental Health Treatment	24%	25%	No
Percent Using Psychotropic Medications	16%	25%	No
Average Days in Jail Prior to Program/Probation Entry	6.6	9.8	No
Days of Program Involvement	499.0	393.4	Yes
Percent Positive Alcohol Tests	.34%	.73%	Yes
Number of Sanctions	3.47	14.75	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

<sup>4</sup> Note that a very small number of participants were re-arrested, so these results should be taken with some caution. Larger numbers are needed to confirm these results.

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

An examination of the treatment and criminal justice system (jail, probation, court) resources used in the DUI court program compared to traditional probation showed some interesting results. (See Table O.6).

**Table O.6: Resource Expenditure Differences Between DUI Court and the Comparison Group (Traditional Probation)**

Ottawa County	DUI Court N = 143	Comparison Group N = 66	Significance
Average Number of Days Between Arrest And Program/Probation Entry	43.3	96.7	Yes
Average Number of Days in Jail (Pre-Program/Probation Entry)	5.3	7.6	No
Average Number of Days in Jail (Post-Program/Probation Entry)	37.6	70.1	Yes
Average Number of Days in Jail For Case (Total)	42.9	77.7	Yes
Average Number of Days in Treatment	224	156	Yes
Number of Days in The DUI Program or on Probation	469.9	281.7	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

The results demonstrate 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 program/probation entry was significantly reduced in the DUI court and the number of days spent in jail prior to program/probation entry, and the total time in jail was also reduced thus saving time and money. Time enrolled in the program was higher for DUI court participants compared to time spent on probation in the comparison group. And as demonstrated earlier, longer time spent in the program predicts success both in completing the program and in reducing recidivism.

## Summary of Ottawa DUI Court Results

The results of the outcome analysis for the Ottawa County DUI court are positive. Ottawa County DUI court participants (regardless of whether they graduated from the program):

- Had three times fewer re-arrests two years from program/probation entry than the comparison group
- Were three times less likely to be re-arrested for any charge within two years
- Were nineteen times less likely to be re-arrested for a DUI charge within 2 years
- Had a significantly longer time to re-arrest than the traditional probation comparison group (74.5 days vs. 135 days)
- Reduced drug and alcohol use over time in the program

In addition, DUI court participants spent significantly less time in jail and significantly more time in treatment than the traditional probation comparison group members. Further, DUI court participants were sentenced substantially sooner than those who enter traditional probation. Overall, these results demonstrate that the Ottawa county DUI court program is effective in reducing recidivism and reducing drug and alcohol use while using fewer criminal justice system resources.

## SECTION 3: BAY COUNTY DUI COURT RESULTS

The results presented in this section include a brief description of the Bay County DUI Court's current operations. This is followed by a presentation of the outcome results in order of the evaluation questions described in Section 1.

### Bay County DUI Court Program Summary

#### IMPLEMENTATION

Bay County implemented their DUI court, the Bay County Treatment Court, in January of 2005. The court was created in response to other counties that reduced recidivism and substance abuse after implementing their own DUI courts. Bay County applied for and received funding from the State Court Administrative Office to begin their treatment court. Currently, the mission statement of this court is stated as:

“Through the use of intensive judicial oversight, education and treatment programs, it is the mission of the Bay County Treatment Court to better our community and promote public safety by initiating and continuing the recovery process to persons addicted to alcohol and/or drugs, thereby reducing their incidents of criminal recidivism, increasing their employability, bring holistic wellness to participants and their families, and reducing incarceration and other social costs.”

The court is able to serve a maximum of 48 participants and has 40 participants presently enrolled. Participants receive the benefits of a multidisciplinary team which consists of members from multiple agencies including the court, the prosecutor's office, the public defender, probation and treatment agencies.

#### ELIGIBILITY AND ENROLLMENT

The Bay County Treatment Court focuses on defendants with second or third driving under the influence of alcohol or drug (DUI) offenses. Potential participants must live within 50 miles of the 74<sup>th</sup> district court, be at least 17 years of age, be diagnosed as chemically dependent and currently be charged with an alcohol/drug use and driving offense. A defendant would be excluded from the program if they have a current charge or previous conviction for manufacturing or mass distribution, a pending violent misdemeanor (including but not limited to aggravated assault/battery, assault/battery, stalking, domestic violence, or possession of a dangerous weapon with unlawful intent), a current charge or prior conviction for a violent felony (including but not limited to homicide, manslaughter, DUI causing death, negligent homicide, assault with intent to murder or inflict serious injury, assault with a deadly weapon, robbery, criminal sexual conduct, kidnapping, extortion, domestic violence in the third degree, stalking, felony firearm possession or child abuse). Potential participants would also be excluded if they had been previously enrolled in the Bay County Treatment Court.

Defendants are referred by the prosecutor who then screens the potential participant for eligibility. In addition to defendants with current eligible charges, probationers and parolees who are not on parole for a felony may be referred to the program.

## **DRUG COURT PROGRAM PHASES**

The Bay County Treatment Court has four phases. Each phase of the program has a minimum time requirement. Phase I, II and IV require at least 13 weeks while Phase III lasts at least 26 weeks. Each phase must be completed in full before a participant can progress and participants may be held back or even demoted if there is chronic noncompliance.

During the first Phase, participants are required to attend court sessions and meet with their case managers twice per weekly. “Ethyl Glucuronide” (ETG) testing, a urine test that detects metabolites associated with the consumption of alcohol, occurs twice a week for the first 6 weeks. This is followed by three portable breath tests (PBTs) per week for the next 7 weeks. Each week, participants are given at least one four panel urinalysis for other (illegal) drugs. Participants must attend at least three Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings each week and obtain a sponsor within 30 days.

Phase II requirements include biweekly court sessions and case manager meetings. Participants receive two PBTs per week and may be reduced eventually to one PBT per week. Urinalyses are administered at least once a month. At least three AA/NA meetings must be attended each week.

Once a participant has entered Phase III, their court sessions remain biweekly but their case manager meetings are reduced to once per month. PBTs continue at once a week and can be reduced to once every 2 weeks. Urinalyses continue to be administered monthly. Participants need to attend at least two AA/NA meetings each week.

Phase IV requires participants to attend monthly court sessions and case manager meetings. Drug testing includes monthly PBTs and urinalyses. AA/NA meetings requirements are twice a week.

## **REWARDS AND SANCTIONS**

Rewards for program compliance can include praise, applause, a waiver or postponement of obligations, reduction of treatment, phase advancement and being placed on the program honor roll.

Sanctions are administered if participants have positive drug tests, fail to attend AA/NA meetings, are late or miss appointments, are unable to complete treatment or are re-arrested. Depending on the seriousness of the noncompliance and the number of previous offenses, participants may receive any of the following sanctions; writing an essay, watching court, additional drug and or alcohol testing, additional treatment sessions, increased supervision, verbal warnings, phase demotion and/or jail.

## **GRADUATION AND UNSUCCESSFUL TERMINATIONS**

Upon successful completion of the Bay County Treatment Court, participants are terminated from their probation term. Graduation may also result in an early release from probation, depending on the length of time spent completing the program, and/or a reduction in their original charge. Graduates are given a commencement ceremony before the judge. The ceremony is attended by the team and active participants as well as any family and friends of the graduates.

Participants may be unsuccessfully terminated from (fail) the program if they abscond, chronically miss AA/NA meetings, continually test positive for drugs/alcohol, and/or fail to comply with the program in general. Once terminated, participants are sentenced for their original charge which may result in any combination of jail, probation, and/or fines.

## Bay County DUI Court Outcome Evaluation Results

### DEMOGRAPHICS

Table B.2 presents a set of demographic characteristics for participants enrolled in traditional probation compared to participants in the DUI Court in Bay County. There were no significant differences between the DUI court participants and the comparison group on any demographic variables except for number of dependents. Both groups were similar on gender (80% male), minority status (90% white), age (39 years of age), education (67% had a high school diploma or higher) and marital status (20% were married). Bay DUI court participants did have fewer dependents than those in the comparison group. It is possible that the time and activities required by the program make it difficult for offenders with children to participate. The program may want to consider ways to make it possible for offenders with children to participate in the program, such as offering childcare (or funds for childcare) during treatment meetings and court sessions.

**Table B.2: Participant and Comparison Group Demographics and Court-Related Data**

Bay County	DUI Court N = 65	Comparison N = 49	Significant?*
Gender	78% Male 22% Female	84% Male 16% Female	No
Ethnicity	92% White	88% White	No
Marital Status	16% Married	25% Married	No
Education	12.9	12.7	No
Average number of Dependents	.87	1.47	Yes
Average age at Drug Court entry	40.1	37.4	No
Average Number of Previous Misdemeanors	4.89	4.94	No
Average Number of Previous Felonies	.25	.22	No

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

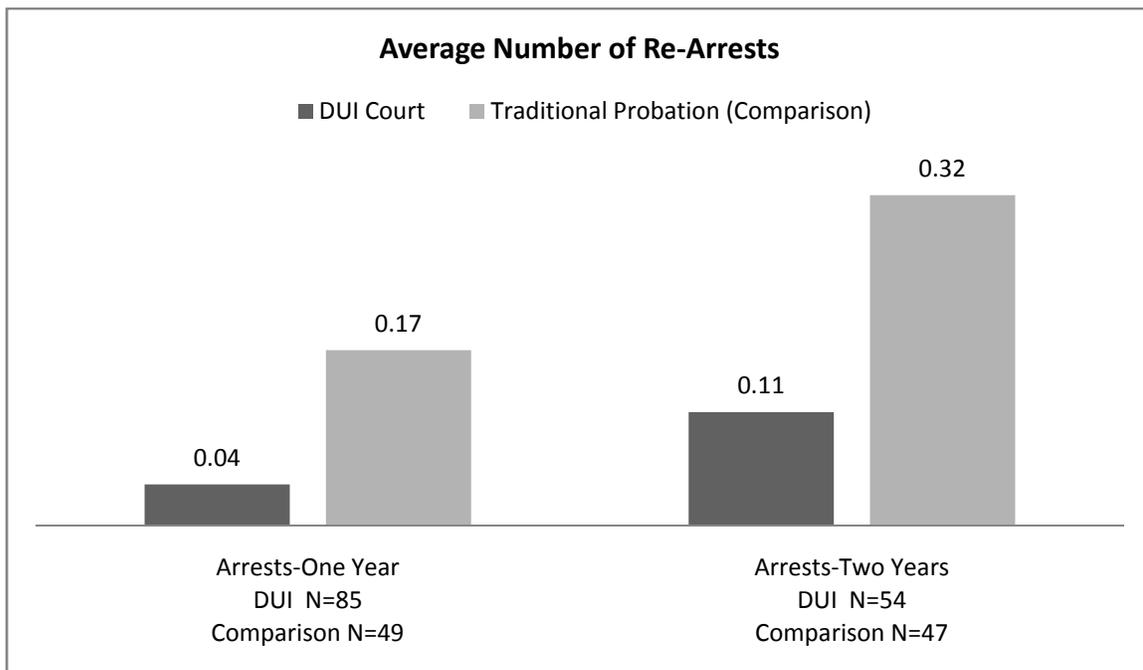
The following section presents the results of the analysis of data from the Bay County DUI Court based on five research questions. These questions concern the differing rates of program success and recidivism (re-arrests) experienced by the DUI court participants and the comparison group of participants who were eligible for the DUI court. These results also illustrate the success of the Bay County DUI court in bringing participants to program completion in the intended length of time, and any participant characteristics or program resources that predict successful outcomes.

**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)?*

When the number of re-arrests that occurred within one and two years from the date of program or probation start was calculated, the difference between the DUI court participants and the comparison group was significant at both one year ( $F = 5.090$ ;  $p = .026$ ) and at 2 years ( $F = 4.626$ ;  $p = .034$ ). In other words, the comparison group was re-arrested significantly more often than DUI court participants (See Figure B.1).

**Figure B.1: Average Number of Re-Arrests for DUI Court and the Comparison Group**



In the first year after DUI court start date, comparison offenders on traditional probation had four times more re-arrests than Bay County DUI participants. After 2 years, those on traditional probation had three times more arrests than the DUI participants.

**Predicting number of re-arrests:** Other factors besides participation in the DUI court could explain why the DUI court participants get re-arrested less often. In order to determine if participating in DUI court, and not these other factors, led to fewer re-arrests, an analysis was run controlling for sex, minority status, marital status, age, years of education, total previous felonies and total previous misdemeanors, total jail time pre-entry, whether the client was using illegal drugs at time of arrest and the total jail days spent in custody during drug court stay. The results indicated that DUI court participation was significant as a stand-alone predictor (indicating that the DUI court, and not other factors, was the reason that participating offenders were re-arrested less often) and was still significant when all covariates were included. Also significant were age (older people were less likely to be re-arrested), whether the person was married (married people were re-arrested slightly more often), the number of jail days the person spent pre-program/probation start<sup>5</sup> (fewer number of days spent in

<sup>5</sup> Trend Level

jail pre-program/probation start, the fewer number of times the participant was re-arrested), and prior misdemeanors (those with more misdemeanor charges were likely to be arrested more often).

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

Figure B.2 shows that of the comparison cases, 22.4% of the participants were re-arrested (with any arrest) in the first year after probation/program start and 30.6% were re-arrested within 2 years. This is compared to the DUI court participants of whom only 15.3% were re-arrested in the first year and none were re-arrested the second year leaving the 2-year total at 17.6%. The 2-year re-arrest rate was statistically significant ( $p < .01$ ). The percent of DUI court participants re-arrested *with DUI offenses* in 2 years was also approximately 5 times lower than that for the comparison group.<sup>6</sup>

**Figure B.2: Percent of Participants Who Were Re-Arrested - DUI Court and Comparison Group**

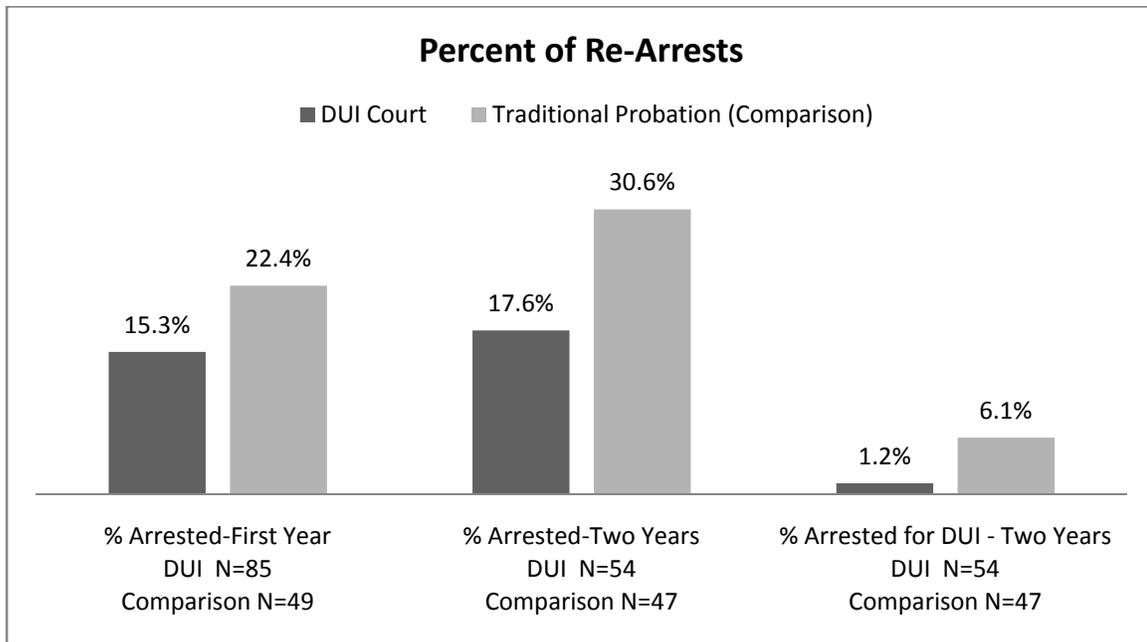


Figure B.2 shows that those on traditional probation were twice as likely to be re-arrested over a 2-year period than DUI court participants, and were five times more likely to be re-arrested for another DUI related offense.

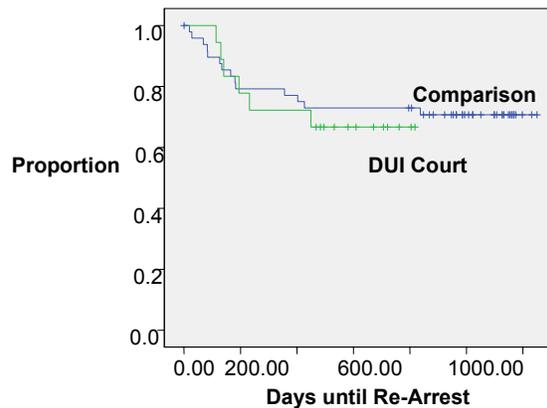
*1c. Does participation in the DUI court program lead to a delay before the first re-arrest compared to traditional court?*

A survival analysis tested whether re-arrests occurred significantly earlier for the comparison group than for the DUI court group. Figure B.3 shows the proportion that remained un-arrested after program/probation entry over time (out to 1250 days, or 3.2 years). The bottom line represents the DUI court group and the top line represents the comparison group. This figure shows that overall, the comparison group did not differ from the DUI court group in time to re-arrest. (The average number of days to re-arrest for the comparison group was 201 days and for the DUI Court participants was

<sup>6</sup> This difference was not statistically significant, most likely due to the small sample sizes and small numbers of re-arrests for DUI offenses.

199 days.). However, the graph also shows that within the first 100 days, more comparison individuals were re-arrested than DUI court participants. The Bay DUI court had a small sample size and also had a short follow-up time frame (most participants had less than one year from the time of DUI court entry) so this result should be taken with caution. A larger sample and more time for follow-up would provide a more definitive answer for this analysis.

**Figure B.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)**



Most likely due to the small sample size and to less time after program start for DUI court participants, the difference between the two groups in the survival analysis was not significant ( $p = .701$ ). When the number of participants is larger and more time has passed to collect recidivism data, this analysis should be re-run. However, as described above, the percentage of those re-arrested at the end of 2 years of observation was lower for the DUI group.

**Predicting Time to Re-Arrest:** Other factors besides participation in the DUI court could explain the time interval when participants were re-arrested. For example, differences in demographics between the two groups affect the time to first re-arrest (e.g., women tend to be arrested less frequently than men) or differences in criminal history may influence time to next arrest (e.g., those with a more extensive criminal history are more likely to be re-arrested). In order to determine which of these other factors led to a shorter time to re-arrest, covariates of sex, ethnicity, marital status, age, education, total previous misdemeanors and felonies, jail days pre-program/probation entry (jail days served on the DUI case before program or probation start), jail days post program/probation entry (jail days served on the DUI case due to sanctions or due to sentencing on that charge), number of sanctions, and days from arrest to program/probation entry were used to predict time to re-arrest after accounting for group membership (participant group or comparison group).

**Table B.3: Demographic and System-Related Variables That Predict Time to Re-Arrest**

Variable	Participants were re-arrested earlier if they...	Significant?*
Male	Were men	Yes
Education		No
Minority Status		No
Married	Were not married	Yes
Age	Were younger	Trend
Number of Dependents	Were in a family with more dependents	Trend
Total Prior Felonies	Had fewer Prior Felonies	Yes
Total Prior Misdemeanors	Had fewer Prior Misdemeanors	Yes
Total Jail Time Pre-Program/Probation Entry	Had more Jail Time	Trend
Days in Treatment	Had fewer days in treatment	Yes
Jail Days Post-Program/Probation Entry		No
Drug Involvement		No
Days from Arrest to Treatment		No
Number of Sanctions		No

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

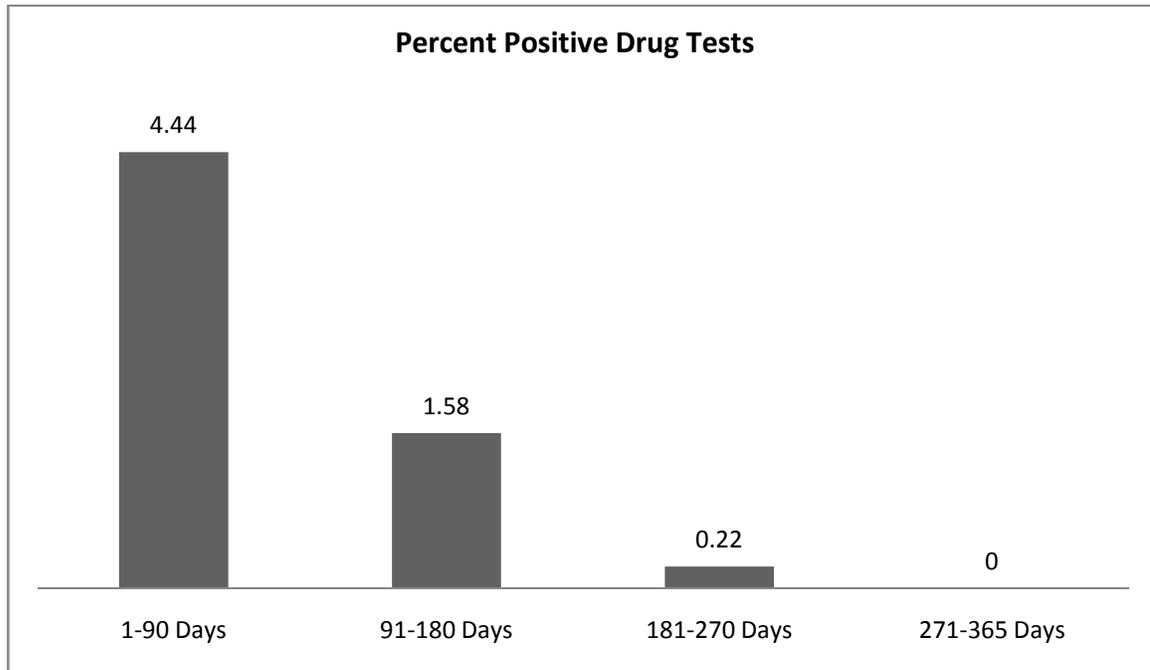
Table B.3 shows that those who are male, have more dependents, have fewer prior convictions, more jail time prior to program/probation start, those with fewer days in treatment and those who were younger and not married were more likely to be arrested earlier.

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

*Drug Use*

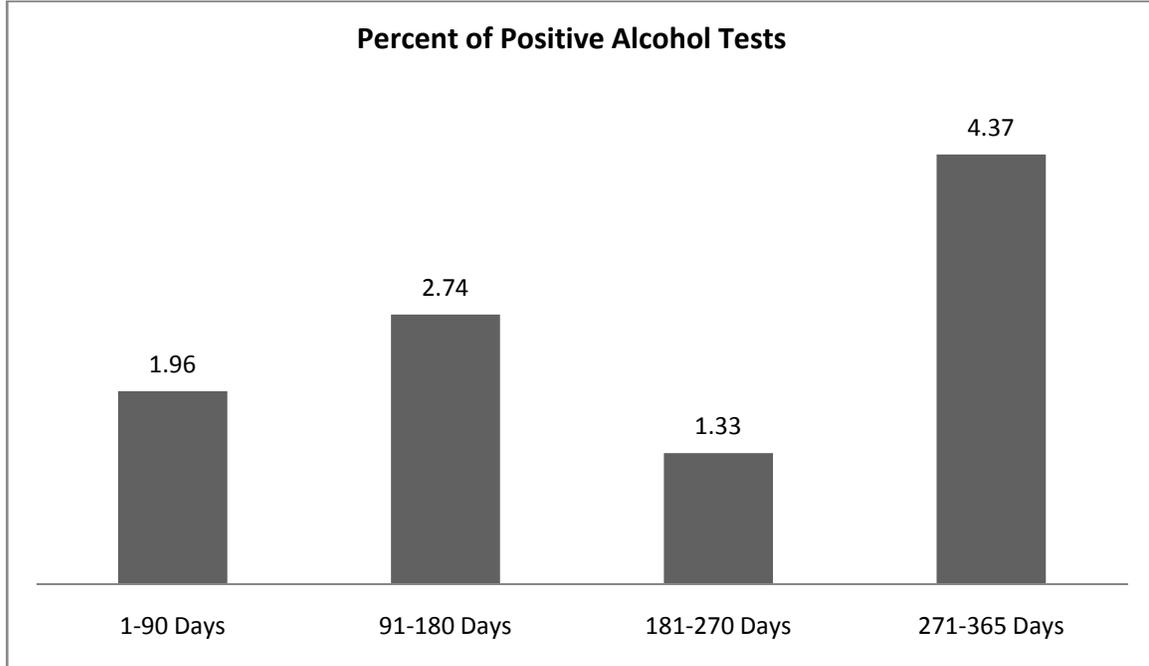
The percent of positive drug tests was measured in three month intervals for DUI court participants. Figure B.4 shows that participants in the DUI Court significantly decreased the percent of positive drug tests over time ( $F = 5.340$ ;  $p = .001$ ). This provides support that the DUI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program.

**Figure B.4: Percent of Positive Drug Tests Over One Year for DUI Court Participants.**



#### *Alcohol Use*

The percent of positive alcohol tests was measured in three month intervals for DUI court participants. Figure B.5 shows that the percent positive alcohol tests varied over time, (period 1 = 0 to 90 days; 2 = 91 to 180 days; 3 = 181 to 270 days; and 271-365 days). The result was not significant ( $F = 1.147$ ;  $p = .331$ ). Thus, even though the chart appears to suggest that the percent of positives increased at the end of the first year, statistically the result is that there was no change in number of positive tests. This is likely due to the small sample size combined with the very small number of positive tests. In addition, because of the very short time frame in which alcohol is present and detectable in a person's system, it may not be possible to consistently catch those who are using. So, unlike other types of drug use which can be detected in the urine after a day or several days, the percent positive alcohol tests over time may not be the best measure of reduction in use. This data should be examined again in the future when there are more participants to determine if this pattern is accurate. In the meantime, the program may want to examine how participants are doing in last quarter of the first year to determine if there are reasons why more participants may relapse in that time period or if testing practices differed during that time period.

**Figure B.5: Percent of Positive Alcohol Tests Over One Year for DUI Court Participants**

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

Bringing participants to completion in the intended time frame is measured by the program completion (graduation) rate and by the amount of time participants spend in the program. If the average amount of time spent in the program by DUI court graduates matches the intended length of the program, then the program is successful in graduating participants in the expected time frame.

Program *graduation rate* is the percentage of participants who graduated from the program out of a cohort of participants who have all left the program by either graduating or terminating unsuccessfully. When there are still active participants, the program *retention rate* can be calculated. This is the number of graduated and active participant out of the total number enrolled. The graduation rate can be measured against the national average graduation rate for other court programs that follow the drug court model and against the averages for other states evaluated by NPC Research.

For Bay County DUI court, at the time of data collection 65 participants had enrolled in the program, 28 had graduated and 13 were still active, producing a *retention rate* of 63%. Of those who had left the program, 28 out of 52 graduated, which provides a current graduation rate of 54%. (However, this number is not final until all participants that started in the same time frame have left the program. When the Bay County DUI court has more full cohorts that have exited the program, this number should be updated). The current program retention and completion rates are comparable to other drug court programs in the U.S., which consistently have better completion and retention rates than other offender and non-offender based drug treatment programs (Cooper, 2004), for example a study of nine drug courts in California showed an average graduation rate in these programs of 56%

(Carey et al., 2005).<sup>7</sup> However, the number of participants in the program who have had time to complete the program is very low and the first year of a new program can have challenges that are addressed in later years. These results should be considered preliminary and graduation rate should be measured again in the future when more participants have enrolled in the program.

To measure whether the program is following its expected time frame to participant completion, the average amount of time in the program was calculated for participants who had enrolled in the Bay County DUI Court between January 1, 2004, and June 30, 2005. The Bay County DUI Court is intended to be an 18-month program from entry to graduation. Graduates spent an average of 494 days in the program or just over 16 months and ranged from 308 to 665 days in the program. The average length of time participants (regardless of graduation status) spent in DUI Court was 363 days (12 months). Participants who were unsuccessfully discharged spent on average of less than one year in the program (239 days). The results for program graduates show that the Bay County DUI Court was on target, or early, with the intended time to program graduation.

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

Graduates and unsuccessfully discharged participants of the DUI program were compared on the basis of demographic characteristics and criminal justice related variables to determine whether any significant patterns predicting program graduation or recidivism could be found. Of the 52 persons no longer enrolled in the DUI program, 24 (46%) were terminated, 28 (54%) had graduated.

##### *Program Success*

Participant characteristics were examined in relation to program completion (graduation) status. The multivariate model was highly significant (Wilks' Lambda = .129;  $F = 13.90$ ;  $p < .000$ ). Table B.4 presents the results of this analysis. The right-hand column of the table displays whether the analysis showed any statistically significant difference between those who graduated and those who did not. This column displays "yes" for significant results, "trend" for results that "approach significance" but are not technically significant ( $p$  values between .05 and .10) and "no" for those values above .10.

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<sup>7</sup> 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.

**Table B.4: Characteristics of Graduated Compared to Terminated Participants of the Bay County DUI Court Program**

	<b>Graduated N=28</b>	<b>Terminated N=24</b>	
<b>Variable</b>	<b>Mean</b>	<b>Mean</b>	<b>Significant?*</b>
Percent Males	78%	70%	No
Age	43.5	35.3	Yes
Percent Minority	15%	10%	No
Percent Married	22%	15%	No
Years of Education	12.8	13.3	No
Percent Family History of Drug or Alcohol Involvement	33%	45%	No
Percent Illegal Drug Involvement	26%	55%	Yes
Prior Number of Misdemeanors	4.3	4.9	No
Prior Number of Felonies	.07	.45	No
Percent Prior Mental Health Treatment	11%	20%	No
Percent Using Psychotropic Medications	15%	25%	No
Average Days in Jail Prior to Program Entry Date	3.6	16.6	Yes
Days of Court Involvement	491.6	274.6	Yes
Percent Positive Alcohol Tests	.5%	4.5%	Yes
Number of Sanctions	3.33	9.70	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

The findings show that participants who were older, stayed in the program longer and had fewer sanctions were more likely to graduate. Further, those with less time in jail prior to program/probation entry were more likely to graduate. Conversely, those who had more positive alcohol tests and who used illegal drugs in addition to alcohol at the time of their arrest were less likely to graduate.

#### *Recidivism*

A second multivariate analysis of variance was conducted to determine which participant characteristics described above were related to re-arrest (re-arrested or not) after program entry. Over 2

years, 15 of the 54 participants in the DUI court group were re-arrested. The multivariate effect of the overall analysis model was not significant (Wilks' Lambda = .614, F = 1.386, p = .211), most likely due to the small number of participants who were re-arrested. Covariates included age, gender, minority status, education, family history of alcohol or drug abuse, mental health and medication history, priors and number of sanctions. None was significant at a univariate level except that number of prior misdemeanors predicted being re-arrested. This result should not be interpreted as it is not valid when the overall model was not statistically significant.

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

An examination of the treatment and criminal justice system (jail, probation, court) resources used in the DUI court program compared to traditional probation showed some interesting results.

**Table B.5: Resource Expenditure Differences Between DUI Court and Comparison Group (Traditional Probation)**

Bay County	DUI Court N = 85	Comparison Group N = 49	Significant?
Average Number of Days Between Arrest and Program/Probation Entry	77.8	114.4	Yes
Average Number of Days in Jail (Pre-Entry)	9.5	9.4	No
Average Number of Days in Jail (Post-Entry)	25.7	74.1	Yes
Average Number of Days in Jail For Case (Total)	35.2	83.5	Yes
Average Number of Days in Treatment	403.8	246.8	Yes
Number of Days in The DUI Program or on Probation	443.7	363.0	Yes

\*Yes = (p < .05); No = (p > .05); Trend = (p > .05 and p < .1)

Table B.5 shows that the average waiting period between arrest and program/probation entry was significantly reduced in the DUI court as well as the number of days spent in jail prior to program/probation entry and the total time in jail for that DUI case, thus saving time and money. Further, 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). Time enrolled in the program was higher for DUI court participants compared to time spent on probation in the comparison group. As demonstrated earlier, longer time spent in the program predicts success both in completing the program and in reducing recidivism.

## Summary of Bay County DUI Court Results

The results of the outcome evaluation for the Bay County DUI court are positive. Bay County DUI court participants (regardless of whether they graduated from the program):

- Had 4 times fewer re-arrests one year from program/probation entry than those in the comparison group
- Were half as likely as the comparison group to be re-arrested for any charge in two years
- Were 5 times less likely to be re-arrested for a DUI charge in two years
- Reduced illegal drug use significantly over time in the program

In addition, DUI court participants spent significantly less time in jail and significantly more time in treatment than the traditional probation comparison group members. Further, DUI court participants started in the treatment program substantially sooner than those who enter traditional probation.

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



## SECTION 4: CLARKSTON DUI COURT RESULTS

The results presented in this section include a brief description of the operations of the Clarkston DUI Court. This is followed by a presentation of the outcome results in order of the evaluation questions described in Section 1.

### Clarkston DUI Court Program Summary

#### BACKGROUND

Clarkston's DUI Court, the Sobriety Court Program, is located in Oakland County in Southeast Michigan and was implemented in 2004. The Sobriety Court Program was initially developed and funded under the Bureau of Justice Administration Drug Court Planning Initiative. The main program goal is to promote public safety by utilizing a collaborative, multidisciplinary approach that identifies high-risk alcohol abuse offenders and diverts offenders to a comprehensive and structured rehabilitation program. The Sobriety Court Program team now includes two judges, a coordinator, a supervision officer, a prosecutor, a public defender, treatment providers, and the court administrator.

Once a participant successfully completes the Sobriety Court Program, his or her probation is terminated and their case is closed. The main incentive to join the program is to avoid jail time and become clean and sober.

#### CAPACITY, ELIGIBILITY AND ENROLLMENT

Clarkston's Sobriety Court Program was developed to have a maximum capacity of 50 participants. The program targets drunk driving offenders who reside in the 52/2 District Court jurisdiction. Eligibility guidelines require that participants have a current offense of drinking and driving (DUI) or child endangerment due to alcohol related offenses. The DUI can be a first time or repeat drinking and driving offense. Potential participants must also have prior alcohol or drug related convictions. Participants are excluded from the program if they are classified as a violent offender (per United States Department of Justice guidelines), currently are on probation or parole for a felony conviction, or have outstanding matters with the Immigration and Naturalization Service (INS) or illegal alien status. After being evaluated by the Sobriety Court Supervision Officer, potential participants may be excluded if deemed unsuitable (for reasons such as having advanced medical/mental health issues).

Potential participants can be identified in multiple ways. Defendants can be screened during the pre-trial, trial, pre-sentence interview, or sentencing by the judge, prosecutor, defense counsel or pre-sentence interviewer. Typically, screenings occur during the arraignment by the magistrate or judge. Arraignments are usually within 30 days of the initial arrest. Once a person is identified as a potential Sobriety Court participant, the program makes sure it has the capacity to take a new member and if so, that person is put on a fast-track docket. The offender is sentenced to Sobriety Court as a term of their probation. This generally occurs within 10 days after the assessment interview.

## TREATMENT OVERVIEW

Once a participant has been referred and deemed eligible for the program, a needs assessment is conducted to determine diagnosis and level of treatment required. Participants are then referred to a treatment provider based on geographic proximity, availability of third-party reimbursements (health insurance, Medicaid, etc.) and the range of ancillary services. The Sobriety Court Program primarily deals with Perfect Solution and The Counseling Center. However, Sequoia Recovery Services are used additionally for three-quarters or halfway house placements. However, participants who are already in substance abuse treatment before entering DUI court may continue as long as the provider will work within the Sobriety Court Program guidelines and expectations.

## SOBRIETY COURT PROGRAM PHASES

The Clarkston Sobriety Court Program has three phases. The program is designed to last 18 months; however participants usually take between 15 and 24 months. The following is a brief description of requirements for each phase.

Phase I must last for a minimum of 3 months and requires participants to meet with the Sobriety Court supervision officer weekly and attend court sessions biweekly. An individual treatment plan is determined and attendance at three Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings each week is required. Participants are tested daily for alcohol use, one to three times per week for drug use and random home visits can occur. During Phase I participants must also maintain or seek employment and begin a payment schedule for restitution.

Phase II lasts for a minimum of 6 months and requires biweekly meetings with a Sobriety Court supervision officer and monthly court sessions. Treatment continues based on an individual need basis in addition to the required three AA/NA meetings each week. Phase II participants must attend a Victim Impact Panel and begin community service work. Alcohol testing occurs at least 4 times per week, drug testing occurs 2-4 times per week. Random home visits can occur. Participants must continue to maintain or obtain employment as well and continue payment schedules.

Phase III is designed to last 9 months but requires a minimum of 6 months. Participants must attend monthly supervision meetings and court sessions. If treatment is not yet complete, it must be completed in addition to a minimum of three AA/NA meetings attended each week. Participants must complete a Healthy Living Plan. Alcohol testing decreases to one to three times per week, drug testing happens at least two times per week and random home visits may still occur. Phase III participants must maintain full time employment, complete their community service work, and complete payment of all fines, court costs and fees.

## REWARDS AND SANCTIONS

Participant compliance is monitored through a point system. Points can be accrued by following the program's rules and regulations. Deductions occur when participants do not comply with the requirements of the program.

Rewards (incentives) for program compliance can include verbal encouragement, praise from the bench, and applause from the Sobriety Court Team. At each phase participants are given a certificate of achievement and an incentive gift (including park passes, golf passes, free alcohol/drug testing tickets, gift cards for shopping centers and salon treatments).

Sanctions for non-compliance can include bench reprimands/warnings, point deduction, written essay, community service, increased treatment, increased testing, increased AA/NA attendance,

delayed phase advancement, phase reduction, a weekend alternative to jail (Op-Stop Weekend), and jail.

### GRADUATIONS AND UNSUCCESSFUL TERMINATIONS

Participants must complete all the phases of the Sobriety Court Program as well pay off in full all court fines, costs and fees in order to graduate from the program. Upon program completion, graduates are awarded with a plaque to recognize their achievement at a formal commencement ceremony. This will result in a termination of their probation. Those who do not complete treatment and unsuccessfully terminated from the program are sentenced to an appropriate jail term for their original offense.

## Clarkston Outcome Evaluation Results

### DEMOGRAPHICS

Table C.2 presents a set of demographic characteristics for participants in the DUI Court and the comparison group (offenders eligible for the DUI court but enrolled in traditional probation, the alternative to DUI court) in Clarkston. Clarkston DUI court participants did not differ from the comparison group in terms of gender (83% male), minority status (98% white), age (34 years of age), number of priors, and number of dependents. There were slight differences in education (DUI Court participants more educated) and marital status (DUI participants were less likely to be married).

**Table C.2: Participant and Comparison Group Demographics and Court-Related Data**

Clarkston	DUI Court N = 89	Comparison N = 146	Significance
Gender	82% Male 18% Female	84.2% Male 15.8% Female	No
Ethnicity	96.6% White	99.3% White	No
Marital Status	17.4% Married	27.1% Married	Trend
Education	12.7	12.3	Trend
Average Number of Dependents	.83	.89	No
Average Age at Drug Court Entry	33.9	34.0	No
Average Number of Previous Misdemeanors	2.60	2.35	No
Average Number of Previous Felonies	.13	.08	No

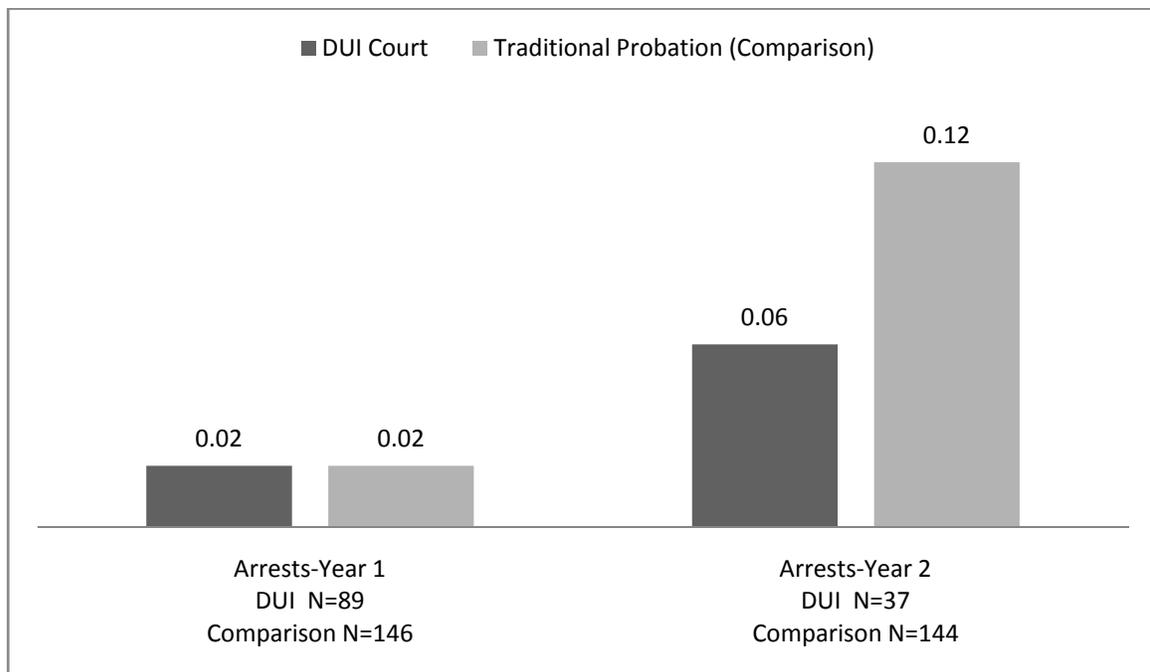
The following section presents the results of the analysis of data from the Clarkston DUI Court based on five research questions. These questions concern the differing rates of program success and recidivism (re-arrests) experienced by the DUI court participants and the comparison group. These results also examine the success of the Clarkston DUI court in bringing participants to program completion in the intended length of time, and any participant characteristics or program services that predict successful outcomes.

**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)?*

Figure C.1 shows that, although there was no difference in the first year, when the number of re-arrests that occurred within two years from the date of program/probation start was calculated, the comparison group (traditional probation) had twice as many arrests as the DUI court group.<sup>8</sup> However, because the number of arrests is so small, this difference is not statistically significant ( $F = 1.971$ ;  $p = .162$ ).

**Figure C.1: Average Number of Re-Arrests - Clarkston DUI Court and Comparison Group**



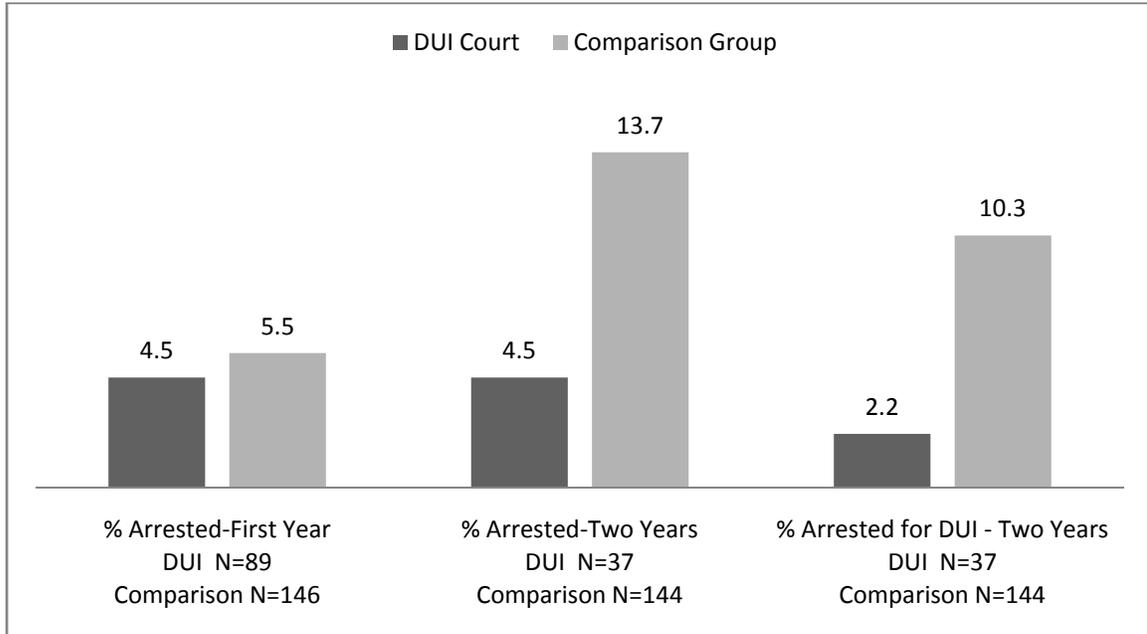
*1b. Does participation in DUI court lead to a lower recidivism rate (the percentage of participants who are re-arrested) compared to traditional court?*

Figure C.2 shows that of the comparison cases, 5.5% of the offenders were re-arrested for any offense in the first year after program/probation start and 13.7% were re-arrested within 2 years. For the DUI court participants, only 4.5% were re-arrested in the first year and no participants were re-arrested in the second year. The difference between the two groups in the second year was statistically significant ( $\chi^2 = 5.31$ ;  $p = .021$ ). Further, the percent of DUI court participants re-arrested *with DUI charges* in 2 years was substantially less than the percentage of individuals with new DUI offenses in the comparison group (2.2% vs. 10.3%).<sup>9</sup>

<sup>8</sup> However, because the number of arrests is so small, this difference is not statistically significant ( $F = 1.971$ ;  $p = .162$ ).

<sup>9</sup> This difference was also not statistically significant, most likely due to small sample sizes.

**Figure C.2: Percent of Individuals Who Were Re-Arrested - DUI Court and Comparison Group**



As Figure C.2 shows, comparison offenders on traditional probation had 3 times as many arrests as DUI court participants. Further, comparison offenders had nearly 5 times more arrests for DUI charges in a 2-year period.

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

A survival analysis of participants with 2 years or more of data showed that on average, the length of time to the first re-arrest for the comparison group was not much different than the first re-arrest for DUI court participants. However, as shown above, the percentage of those re-arrested at the end of 2 years was lower for the DUI court group. At the endpoint, 2.2% of DUI court participants compared to 10.3% of comparison offenders had been arrested.

**Figure C.3: Probability of Remaining Un-Arrested Over Time - DUI Court and Comparison Group (Survival Function)**

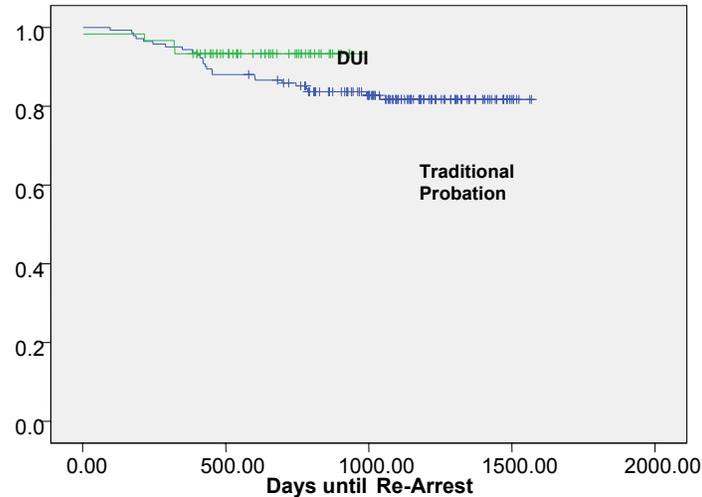


Figure C.3 shows the proportion that remained un-arrested after program/probation entry over time (out to 1568 days or 4.3 years). The top line represents the DUI court group and the lower line represents the comparison group (participants who were eligible for DUI court but who were sentenced to traditional probation). By the end of 2 years however, the figure shows that more comparison group members were re-arrested than DUI court participants (this is indicated by the lower line for the comparison group on the graph). The average number of days until re-arrest in one year was 215 days for the DUI court participants and 216 days for the comparison group.

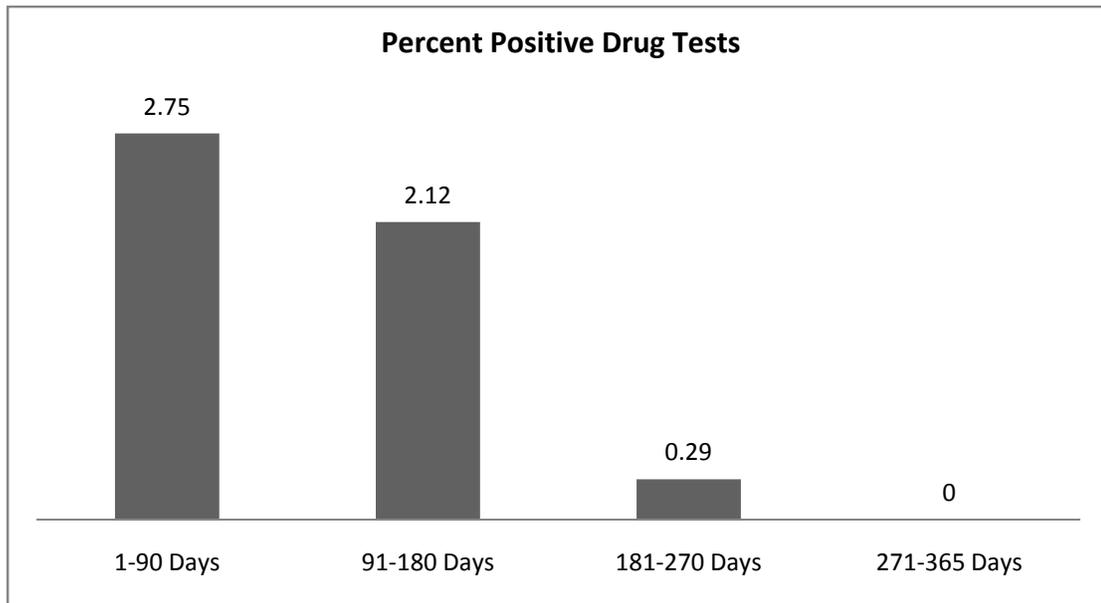
**Predicting Time to Re-Arrest:** Other factors predict time to re-arrest. For example, differences in demographics between the two groups affect the time to first re-arrest (e.g., women tend to be arrested less frequently than men) or differences in criminal history may influence time to next arrest (e.g., those with a more extensive criminal history are more likely to be re-arrested). In order to determine if any other factors led to shorter time to re-arrest, an analysis was performed that controlled for sex, ethnicity, marital status, age, education, total previous misdemeanors and felonies, jail days pre-admission, jail days post admission, days in jail as a sanction, number of sanctions, and days from arrest to program/probation entry were used to predict time to re-arrest. However, this analysis showed no affect of any of these variables on time to re-arrest for these samples.

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

### *Drug Use*

The percent of positive drug tests was measured in three month intervals for DUI court participants. Figure C.4 shows a clear decrease in the percent positive tests from the first 3 months in the program to the end of the first year. However, these differences were not significant ( $F = 1.552$ ;  $p = .130$ ). The lack of significance is mostly likely due to the extremely small number of positive tests, which in itself is a success for this program.

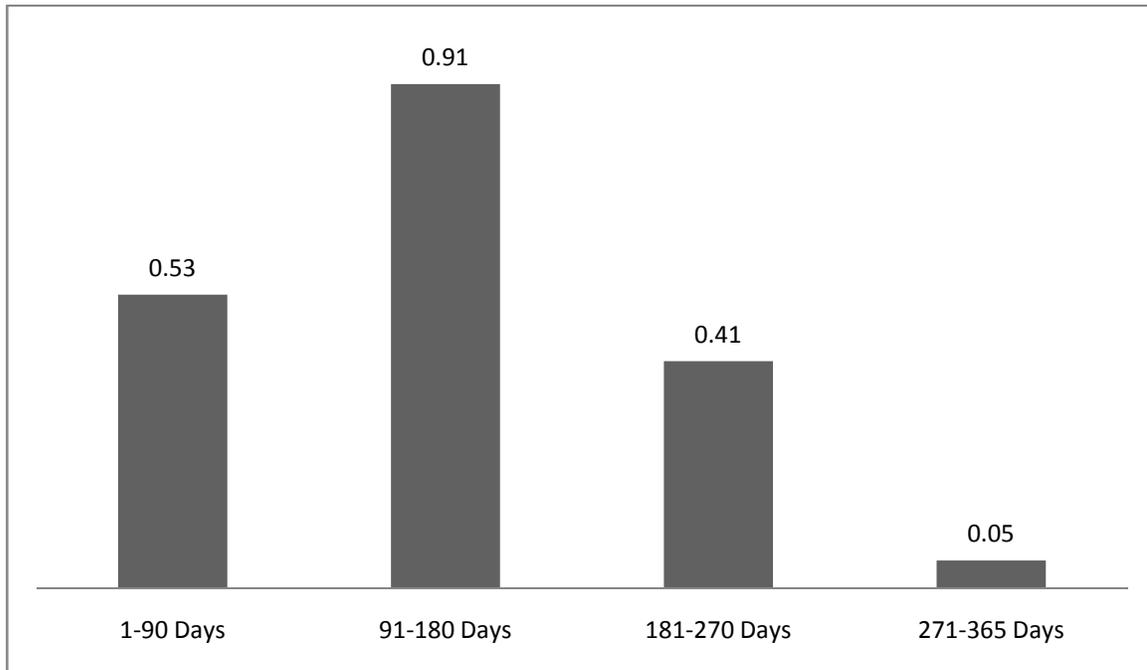
**Figure C.4: Percent of Positive Drug Tests Over One Year for DUI Court Participants.**



### *Alcohol Use*

The percent of positive alcohol tests was also measured in three month intervals for DUI court participants. Figure C.5 shows the percent of positive alcohol tests over time in three month intervals. Overall, the percentage of positive tests decreased over time, although there was an increase in the third period. The program may want to examine their practices and their participants at 6 to 9 months into the program to see if there are any stages of change that could explain this increase in relapse and any program practices they might adjust to compensate. However, the difference in the four periods was not significant ( $F = .793$ ;  $p = .499$ ) and the percent of positive tests was extremely small, so the increase in the third period may be an artifact of this small number. In addition, because of the very short time frame in which alcohol is present and detectable in a person's system, it may not be possible to consistently catch those who are using. So, unlike illegal drug use which can be detected in the urine after a day or several days, the percent positive alcohol tests over time may not be the best measure of reduction in use. This data should be examined again in the future when there are more participants to determine if there are reasons why more participants may relapse in that time period or if testing practices differed during that time period. (To ensure accurate interpretation of Figure C.5, please note that the values reported are actual percentages and thus, .53 is 0.53% not 53%).

**Figure C.5: Percent of Positive Alcohol Tests Over One Year for DUI Court Participants**



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

Bringing participants to completion in the intended time frame is measured by the program completion (graduation) rate and by the amount of time participants spend in the program. If the average amount of time spent in the program by DUI court graduates matches the intended length of the program, then the program is successful in graduating participants in the expected time frame.

Program *graduation rate* is the percentage of participants who graduated from the program out of a cohort of participants who have all left the program by either graduating or terminating unsuccessfully. When there are still active participants, the program *retention rate* can be calculated. This is the number of graduated and active participant out of the total number enrolled. The graduation rate can be measured against the national average graduation rate for other court programs that follow the drug court model and against the averages for other states evaluated by NPC Research.

Of the 89 participants in the Clarkston DUI Court program, 22 successfully graduated, 14 failed and 53 remained in the program in good standing. This produces a *retention rate* of 84%. Of those who had left the program, 22 out of 36 graduated, which provides a current graduation rate of 61%. (However, this number is not final until all participants that started in the same time frame have left the program. When the Clarkston DUI court has more full cohorts that have exited the program, this number should be updated). The current program retention rate is high compared to other programs using the drug court model in the U.S. which consistently have better completion and retention rates than other offender and non-offender based drug treatment programs (Cooper, 2004).<sup>10</sup> However, the

<sup>10</sup> 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.

current graduation rate for the Clarkston DUI court is low. For example, a study of nine drug courts in California showed an average graduation rate in these programs of 56% (Carey et al., 2005).

To measure whether the program is following its expected time frame, the average amount of time in the program was calculated for participants who had enrolled in the Clarkston DUI Court between March 1, 2004 and July 1, 2005. The Clarkston DUI Court is intended to be an 18-month program from entry to graduation. The average length of time participants spent in DUI Court was 444 days (14.5 months). Graduates spent an average of 505 days in the program or just over 17 months and ranged from 433 to 721 days in the program. Participants who were unsuccessfully discharged spent on average, less than one year in the program (292 days). The results for program graduates show that the Clarkston DUI Court was on target with the intended time to program graduation.

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

Graduates and unsuccessfully discharged (terminated) participants of the DUI program were compared on the basis of demographic characteristics and criminal justice related variables to determine whether any significant patterns predicting program graduation or recidivism could be found. Of the 36 persons who were no longer enrolled in the DUI program, 33 had sufficient data for the following analysis; 13 of the 34 (38%) were terminated (did not complete) and 21 (62%) had graduated. This sample size is very small and the results should be interpreted with caution.

##### ***Program Success***

Participant characteristics were examined in relation to program completion status. The multivariate model was significant (Wilks' Lambda = .809;  $F = 6.499$ ;  $p < .000$ ). Table C.3 presents results of this analysis. The right-hand column of the table displays whether the analysis showed any statistically significant differences between those who graduated and those who did not. This column displays "yes" for significant results, "trend" for results that "approach significance" (p values between .05 and .10) and "no" for those p values above .10. The findings show that participants who stayed in the program longer and had fewer sanctions were more likely to graduate.

**Table C.3: Characteristics of Graduated Compared to Terminated Participants of the Clarkston DUI Court Program**

	<b>Graduated N=21</b>	<b>Terminated N=13</b>	
<b>Variable</b>	<b>Mean</b>	<b>Mean</b>	<b>Significant?*</b>
Percent Males	86%	85%	No
Age	38.1	34.5	No
Percent Minority	0%	0%	No
Percent Married	19.1	15.4	No
Years of Education	12.7	12.2	No
Percent Family History of Drug or Alcohol Involvement	11%	9%	No
Percent Current Illegal Drug Involvement	19%	31%	No
Prior Number of Misdemeanors	2.33	3.31	No
Prior Number of Felonies	.05	.46	No
Percent Prior Mental Health Treatment	19%	31%	No
Percent Using Psychotropic Medications	5%	15%	No
Average Days in Jail Prior to Program Start	1.2	1.5	No
Days of Program Involvement	507.7	269.6	Yes
Number of Sanctions	1.05	2.31	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

\*\*Note that there was 1 graduated and 1 terminated participant who did not have sufficient data to be included in this analysis.

### **Recidivism**

A second multivariate analysis of variance was conducted to determine which participant characteristics described above were related to recidivism (re-arrested or not) after program entry. Table C.5 presents the results for this analysis. The multivariate effect of the overall analysis model was not significant (Wilks' Lambda = .560,  $F = 1.349$ ,  $p < .251$ ) most likely because only three arrests were recorded for the DUI group and the extremely small sample size.

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

An examination of the treatment and criminal justice system (jail, probation, court) resources used in the DUI court program compared to traditional probation showed some interesting results.

**Table C.4: Resource Expenditure Differences Between DUI Court and the Comparison Group (Traditional Probation)**

Clarkston	DUI Court N = 89	Comparison Group N = 146	Significance
Average Number of Days Between Arrest and Program/Probation Entry	138.2	186.3	Yes
Average Number of Days in Jail (Pre-Program/Probation Entry)	2.6	2.3	No
Average Number of Days in Jail (Post-Program Start)	44.1	21.4	Trend
Average Number of Days in Jail For Case (Total)	46.7	23.7	Trend
Average Number of Days in Treatment	191.8	160.5	No
Number of Days in the DUI Program or on Probation	444.0	578.1	Yes

\*Yes = ( $p < .05$ ); No = ( $p > .05$ ); Trend = ( $p > .05$  and  $p < .1$ )

Table C.4 demonstrates that the average waiting period between arrest and program/probation entry was significantly reduced in the DUI court. The analysis found that the number of days spent in jail post program/probation entry was higher for the DUI group. Jail days due to sanctions accounted for only 4.7 days of the total for the post program jail days. It does not appear that sanctions contributed to this high mean. However, the majority of these jail days for the case occurred at sentencing when the DUI participant was terminated, (or at the original sentence for the comparison group). There is a tendency in some drug court programs for the sentence for participants who terminated to be more extensive than the sentence they would have received had they not enrolled in drug court (e.g., NPC Research, 2007). This data suggests that this may be the case in the Clarkston DUI Court. Time enrolled in the program was lower for DUI court participants compared to time spent on probation in the comparison group. However, as demonstrated earlier, in spite of DUI participants spending less time in the program, they have lower recidivism than their counterparts receiving standard probation or the traditional court process.

## Summary of Clarkston DUI Court Results

The results of the outcome analysis for the Clarkston DUI court are positive. Clarkston DUI court participants (regardless of whether they graduated from the program):

- Were three times less likely to be arrested over two years
- Were five times less likely to be re-arrested on a DUI charge in the 2 years after entering the program
- Decreased their substance use over their time in the program

In addition, DUI court participants experienced significantly less time between arrest and program start compared to the time to traditional probation for comparison group members. This indicates a more efficient processing system for DUI Offenders who are referred to DUI Court. However, the DUI Court participants showed more time spent in jail for the case than comparison offenders. The Clarkston DUI Court may want to examine its sentencing practices to determine if these extended sentences are truly necessary. In spite of the increased jail time, overall, these results demonstrate that the Clarkston DUI court program is effective in reducing recidivism and reducing drug and alcohol use while using criminal justice system resources more efficiently.

## SECTION 5: SUMMARY / CONCLUSIONS

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. 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 City DUI courts.

Overall, the results for these three DUI courts were comparable and quite positive. All three DUI courts showed fewer re-arrests for DUI program participants as well as fewer individuals re-arrested over 2 years compared to similar offenders sentenced to traditional probation. While two of the three DUI courts showed no statistically significant difference in time to the first re-arrest, one DUI court (Ottawa) showed a significantly longer time to the first re-arrest for program participants compared to the comparison group.

An analysis of factors that could lead to reduced recidivism showed that participation in DUI court had a significant affect on reducing recidivism, even after controlling for differences in demographics and prior criminal history between the DUI court group and the comparison group. Further, in general, offenders who were older, had fewer arrests prior to DUI court and who did not use illegal drugs in addition to alcohol were less likely to be re-arrested and were more likely to have fewer re-arrests. In addition, DUI court participants showed decreased drug use over time in the program

Finally, for two of the three programs, DUI court participants spent less time in jail prior to program/probation start and significantly more time in treatment than the traditional probation comparison group members. Further, DUI court participants were sentenced to the DUI court program substantially sooner than those who entered traditional probation. Overall, these results demonstrate that these three DUI court programs are effective in reducing recidivism and reducing drug and alcohol use while using fewer criminal justice system resources.



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