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Cass County/Leech Lake Band of Ojibwe Wellness Court Walker, MN

Process, Outcome, and Cost Evaluation Report

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Executive Summary

DWI courts are complex programs designed to deal with some of the most challenging problems that communities face. These courts bring together multiple and traditionally adversarial roles plus stakeholders from different systems with different training, professional language, and approaches. They take on groups of clients that frequently have serious substance abuse treatment needs. Adults with substance abuse issues involved in the criminal justice system must be seen within an ecological context; that is, within the environment that has contributed to their attitudes and behaviors. This environment includes their neighborhoods, families, friends, and formal or informal economies through which they support themselves. The DWI court must understand the various social, economic, and cultural factors that affect their participants.

In late 2011, NPC Research was contracted by the State of Minnesota’s Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota’s DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota’s DWI court programs and a cost-benefit evaluation in seven of these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota’s DWI courts. This is the site-specific report for the Cass County/Leech Lake Band of Ojibwe Wellness Court (CCDWI).

The CCDWI was implemented in April 2006 and is a multi-jurisdictional court that targets chronic DWI offenders. Although the program was transitioning between judges during the site visit, the program typically operates (and plans to continue to operate) with a 9th Judicial District Judge and a Leech Lake Band of Ojibwe Tribal Court Associate Judge participating on the team. Both judges attend staffing and court sessions via videoconferencing, with one judge in each of the designated locations. In the event of one judge’s absence, the other is available to maintain continuity within the program, but both judges typically participate in staffing and court. The program, designed to take a minimum of 18 months to complete, takes only post-adjudication individuals or those already serving a term of supervision on probation. The general program population consists of repeat DWI offenders with gross misdemeanor or felony cases (two or more DWI offenses within 10 years) charged in Cass County or the Leech Lake Reservation who voluntarily agree to participate in the program.

Process Evaluation Summary. The CCDWI has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating good practices within each of the 10 Key Components of Drug Courts and the 10 DWI Court Guidelines including good communication between team members, having a representative from law enforcement on the team, coordinating treatment within two primary agencies, a prosecutor who has dedicated time for the program, specialized drug testing with a rapid turnaround time, written guidelines, good coordination for team response to participant behaviors, a focus on positive participant behaviors, and dedicated judges who spend longer than 3 minutes per participant during court hearings.

1 No cost evaluation was performed for the Borderland Substance Abuse Court and the Roseau County DWI Court due to the very small participant samples sizes available in those programs.
Among the recommendations from the process study, there were two key suggestions for program enhancements. The program should continue to work toward having a consistent, dedicated defense attorney on the team, and should implement drug testing at least twice per week throughout the majority of the programs, only decreasing the frequency at the end of the last phase, after the participants have demonstrated that they are succeeding with their continuing care plan. Specifically,

- **Continue efforts to include a defense attorney on the team.** Multiple team members noted the importance of having a defense attorney on the team, as they bring an important perspective during team discussions. Due process and the right to counsel at all proceedings are constitutional principles that do not change. Drug court clients are seen more frequently, supervised more closely, and monitored more stringently than other offenders. The CCDWI team is constrained by the limited number of private attorneys located within Cass County. Participation by either the public defender’s office or a private attorney would have to be on a volunteer basis at this time. The team has approached Regional Native Public Defense Corporation to request staffing support as well. Efforts to provide defense attorney representation on the team should continue. The team suggested that if the Minnesota Public Defender’s Office could designate just one public defender for each district, it would be a small number of positions to fund and they should be able to manage all the counties in the state.

- **Maintain a higher frequency of UA and other drug testing through Phase 3 of the program.** The CCDWI should examine their current practice of decreasing the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. NADCP best practices standards (2013) state that the frequency of drug testing be the last requirement that is decreased as participants progress through program phases. As treatment sessions and court appearances are decreased, verifying sobriety becomes increasingly important to determine if the participant is doing well with more independence and less supervision.

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on CCDWI participants who entered the DWI court program from May 1, 2006, to August 23, 2012, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than CCDWI.

Figure A illustrates the average number of rearrests for 1 and 2 years after program entry for CCDWI graduates, all CCDWI participants, and the comparison group. DWI court participants had significantly fewer arrests in both years following program entry ($p < .05$ in both years).
Overall, the results of the outcome analysis for the CCDWI are positive. Compared to offenders who experienced traditional court processes, the CCDWI participants (regardless of whether they graduated from the program):

- 60% fewer rearrests 1 year after program entry;
- 33% fewer rearrests, 2 years after program entry;
- 44% fewer new property crimes, 2 years after program entry;
- No new felony arrests 2 years after program entry; and
- A significantly longer time before being rearrested compared to the comparison group (22 months versus 18 months, respectively)

The data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. An important note is that high-risk/high-need participants (alcohol-dependant individuals with more than three prior arrests) benefitted the greatest from this program. That is, those participants who were higher risk had better outcomes than those who were lower risk. This indicates that the CCDWI should continue to target high-risk/high-need offenders, or that the program should ensure that participants are rigorously assessed and that the services and supervision received meet each participant’s risk and need level.

Due to lack of data availability and low incidence for outcomes such as crashes, license reinstatements, and interlock use, limited conclusions can be made for these other outcomes of interest. With a total of four crashes over a 2-year period for the participant and comparison group combined, there appeared to be no impact on the number of subsequent crashes or the percent of individuals involved in crashes. A similar proportion of DWI court participants and comparison

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2 Sample sizes by group and time period (1 Year, 2 Years): Graduates n = 35, 34; All DWI Court Participants n = 61, 48; Comparison Group n = 95, 81.
group participants had their licenses reinstated and used ignition interlock in the first year after program entry.

The average graduation rate for the CCDWI program was 65%, which is higher than the national average of 57% (Huddleston & Marlowe, 2011). The CCDWI team is doing well at helping participants successfully complete the program and should continue to continue to work toward ways to assist participants in addressing challenges to following program requirements so that an even greater number can stay in the program longer and successfully complete the program.

An examination of differences between those who graduated and those who terminated unsuccessfully showed that participants who were female, Native American or Alaska Native, unemployed at program entry, and did not complete the treatment requirements of the program were less likely to graduate from the program. However, the number of terminated participants was so small that these findings should be interpreted with caution.

In general, the process and outcome study indicate that the CCDWI is implementing its program with fidelity to the DWI court model and is having the intended impact on its participants. The program should continue its efforts on serving its intended population of high-risk/high-need offenders as it appears to be making a substantially positive impact on future recidivism for these participants in particular. We recommend that the CCDWI continue to collect data and periodically analyze these data in accordance with their eligibility criteria and desired program outcomes. CCDWI may want to consider conducting a subsequent evaluation in several years once the pool of former participants is larger and additional data can be collected on outcomes such as crashes, license reinstatements, and interlock use.

**Cost Evaluation Summary.** Although the CCDWI is a substantial taxpayer investment, over time it results in significant cost savings and a return on its investment. The program investment cost is $19,710 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to $8,946. If these cost savings are projected 3 more years (to 5 years) the savings come to $22,365 per participant, resulting in a cost-benefit ratio of 1:1.13. That is, for every taxpayer dollar invested in the program, there is $1.13 return after 5 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate.
Figure B provides a graph of the outcome costs for graduates, all participants, and the comparison group over 2 years.

**Figure B. Criminal Justice Recidivism Cost Consequences per Person: DWI Court Participants and Comparison Group Members over 2 Years**

Overall, the CCDWI program had:
- A criminal justice system cost savings of $8,946 per participant over 2 years, and
- A 113% return on its investment after 5 years (a 1:1.13 cost-benefit ratio).

These savings will also continue to grow with the number of new participants that enter the program each year. If the CCDWI program continues to serve a cohort of 28 new participants annually, the accumulated savings after 5 years come to almost $1.9 million.

As the existence of the CCDWI continues, the savings generated by DWI court participants due to reduced substance use and decreased criminal activity can be expected to continue to accrue, repaying investment in the program and beyond. Taken together, these findings indicate that the CCDWI is both beneficial to participants and beneficial to Cass County and Minnesota taxpayers.


BACKGROUND

Drug courts and DWI courts are designed to guide offenders identified as drug- or alcohol-addicted into treatment that will reduce substance dependence and improve the quality of life for offenders and their families. DWI courts specifically target repeat driving-while-intoxicated (DWI) offenders with the goal of protecting public safety. Benefits to society take the form of reductions in crime and future DWIs, resulting in reduced costs to taxpayers and increased public safety.

DWI court programs follow both the 10 Key Components of Drug Courts (NADCP, 1997) and the 10 Guiding Principles of DWI Courts (NCDC, 2005). In the typical DWI court program, participants are closely supervised by a judge who is supported by a team of agency representatives operating outside of their traditional roles. The team typically includes a DWI court coordinator, case managers, substance abuse treatment providers, prosecuting attorneys, defense attorneys, law enforcement officers, and probation officers who work together to provide needed services to DWI court participants. Prosecuting and defense attorneys modify their traditional adversarial roles to support the treatment and supervision needs of program participants. Drug court and DWI court programs blend the resources, expertise and interests of a variety of jurisdictions and agencies.

Drug courts have been shown to be effective in reducing criminal recidivism (GAO, 2005), improving the psycho-social functioning of offenders (Kralstein, 2010), and reducing taxpayer costs due to positive outcomes for drug court participants (including fewer rearrests, less time in jail and less time in prison) (Carey & Finigan, 2004; Carey, Finigan, Waller, Lucas, & Crumpton, 2005). Some drug courts have been shown to cost less to operate than processing offenders through business-as-usual in the court system (Carey & Finigan, 2004; Carey et al., 2005). DWI courts, specifically, have been shown to be effective in reducing recidivism (both of DWIs and other crimes) and in reducing taxpayer costs due to positive outcomes for DWI court participants (Carey, Fuller, Kissick, Taylor, & Zold-Kilbourn, 2008).

Process, Outcome, & Cost Evaluation Description and Purpose

In late 2011, NPC Research was contracted by the State of Minnesota’s Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota’s DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota’s DWI court programs and a cost-benefit evaluation in seven of these programs. No cost evaluation was performed for the Borderland Substance Abuse Court and the Roseau County DWI Court due to the very small sample sizes in those programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota’s DWI courts.
The process evaluation was designed to include the collection of the following information:

- Jurisdictional characteristics of each of the nine Minnesota DWI courts
- Description of the eligibility criteria for participants
- Description of the DWI court team including the roles and responsibilities of each team member
- Description of the DWI courts’ program phases and requirements

The subsequent outcome evaluation was designed to provide the following information.

- Recidivism outcomes of all DWI court participants, from date of entry in the DWI court, and a comparison of those outcomes to a matched group that received traditional court monitoring over a period of 12 and 24 months
- Prediction of successful outcomes based on program and participant characteristics
- Description of significant predictors of recidivism at 12 and 24 months

The subsequent cost evaluation was designed to gather information that allows the calculation of:

- Program-related costs such as the DWI court status review hearings, treatment, drug tests, case management, jail sanctions, etc.
- Outcome-related costs such as arrests, court cases, probation, jail, prison, etc.

Evaluation activities included administration of an electronic assessment, interviews performed by telephone and in-person (with key stakeholders, program coordinators at each site, and other team members as needed), site visits to each DWI court, participant focus groups, and administrative data collection from multiple agencies.

This report describes the results of the evaluation of the Cass County/Leech Lake Band of Ojibwe Wellness Court. Details about the methodology used in the evaluation of this program are provided in each of the three sections of this report: 1) process, 2) outcome, and 3) cost.
SECTION I: PROCESS EVALUATION

The purpose of a process evaluation is to establish whether a program has the basic components needed to implement an effective DWI court. The assessment process examined the extent to which the program was implementing the 10 Key Components of Drug Courts (NADCP, 1997) and the 10 DWI Court Guiding Principles as well as the best practices that research indicates are related to positive outcomes. Activities, described in more detail below, included a site visit to the drug court, administration of an electronic assessment, and interviews in person and/or by telephone with the program coordinator and other drug court team members.

Cass County/Leech Lake Band of Ojibwe Wellness Court Process Evaluation Activities and Methods

As a part of the process evaluation, NPC staff conducted the following activities with the Cass County/Leech Lake Band of Ojibwe Wellness Court (referred to as the Cass County DWI court, or CCDWI, in the remainder of the report):

1. Employed an electronic survey to gather program process information from the DWI court coordinator (in collaboration with other DWI court team members).
2. Conducted a site visit:
   a. Observe a staffing meeting and DWI court session.
   b. Perform interviews with key DWI court team members to learn more about the program’s policies and procedures and how they are implementing these as they relate to the 10 Key Components, 10 Guiding Principles, and best practices. Interviews also assisted the evaluation team in focusing on day-to-day operations, as well as the most important and unique characteristics of the CCDWI.
   c. Facilitate a focus group with current program participants and graduates
3. Reviewed program documents including the policy manual, participant handbook, screening forms, participant contract, participant orientation information, forms used to process participants, and previous evaluation reports, among other documents.
4. Reviewed a data elements worksheet with program staff to locate/collect data for the outcome and cost evaluations.
5. Conducted a detailed review of the program data collection process and data availability (including data available for a comparison group).
6. Facilitated a discussion of practices observed and enhancement recommendations at a teleconference of DWI court staff, court administration, and NPC assessment staff to ensure accuracy and determine feasibility of enhancements.

A synthesis of the information collected through these activities provided NPC with a good understanding of the DWI court’s organization and current processes, assisted the assessment team in determining the direction and content of further questions and technical assistance needs and supports, and informed the outcome and cost evaluations of the program.

This section of the report is the main product of the process evaluation. It summarizes program characteristics and practices, analyzes the degree to which this program is following guidelines.
based on the 10 Key Components and 10 Guiding Principles, and provides commendations on best practices and recommendations for program improvement and enhancement.

**Electronic Program Assessment**

An electronic assessment was used to gather program process information from the CCDWI staff. This assessment, which provides a consistent method for collecting structure and process information from programs using a drug court model, was developed based on three main sources: NPC’s extensive experience and research on drug courts, the American University Drug Court Survey, and a published paper by Longshore et al. (2001), which lays out a conceptual framework for drug courts. The assessment is regularly updated based on information from the latest drug court research in the literature and feedback from programs and experts in the field. The assessment covers a number of areas, particularly topics related to the 10 Key Components—including eligibility guidelines, specific program processes (e.g., phases, treatment providers, drug and alcohol testing, fee structure, rewards/sanctions), graduation, aftercare, termination, and identification of team members and their roles. The use of an electronic assessment allows NPC to begin building an understanding of the program, as well as to collect information to support a thorough review of the site.

**Key Stakeholder Interviews**

Key stakeholder interviews, conducted in person and by telephone, were a critical component of the process study. NPC staff conducted detailed interviews with individuals involved in the administration of the DWI court, including the judge, the DWI court coordinator, treatment provider, case managers, probation officers, and attorneys.

NPC’s Drug Court Typology Interview Guide was referenced for detailed questions about the program. This guide was developed from the same sources as the online assessment and provides a consistent method for collecting structure and process information from drug courts. The information gathered through the use of this guide assisted the evaluation team in focusing on the day-to-day operations as well as the most important and unique characteristics of the DWI court.

**Focus Groups**

NPC staff conducted a focus group with current participants during the site visit. The focus group provided participants with an opportunity to share their experiences and perceptions regarding the DWI court process.

**Document Review**

In order to better understand the operations and practices of the DWI court, the evaluation team also reviewed program documents including assessment forms, past reports, the current draft of the participant handbook, and other related documents.

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Detailed Process Evaluation Results

The following is a detailed description of the results of the process evaluation for the CCDWI program. To provide background for these results, the 10 Key Components of Drug Courts and DWI Court Guiding Principles are described along with the associated research on best practices within each component.

The CCDWI was implemented in April 2006 and is a multi-jurisdictional court that targets chronic DWI offenders. Although the program was transitioning between judges during the site visit, the program typically operates (and plans to continue to operate) with a 9th Judicial District Judge and a Leech Lake Band of Ojibwe Tribal Court Associate Judge participating on the team. Both judges attend staffing and court sessions via videoconferencing, with one judge in each of the designated locations. In the event of one judge’s absence, the other is available to maintain continuity within the program, but both judges typically participate in staffing and court. The program, designed to take a minimum of 18 months to complete, takes only post-adjudication individuals or those already serving a term of supervision on probation. The general program population consists of repeat DWI offenders with gross misdemeanor or felony cases (two or more DWI offenses within 10 years) charged in Cass County or the Leech Lake Reservation who voluntarily agree to participate in the program.

KEY COMPONENT #1: DRUG COURTS INTEGRATE ALCOHOL AND OTHER DRUG TREATMENT SERVICES WITH JUSTICE SYSTEM CASE PROCESSING.

The focus of this component is on the integration of treatment services with traditional court case processing. Practices that illustrate an adherence to treatment integration include the role of the treatment provider in the drug court system and the extent of collaboration of all of the agencies involved in the program.

In the original monograph on the 10 Key Components (NADCP, 1997), drug court is described as a collaboration between ALL members of a team made up of treatment, the judge, the prosecutor, the defense attorney, the court coordinator, case managers, and other community partners. Involvement of all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. It is important to keep team members engaged in the process through ensuring that they have input on drug court policies and feel their role and contribution are valued.

Key Component #1, as well as the associated DWI Court Guiding Principle on forging relationships in the community, focuses on the collaboration of various agencies. The partnerships include the integration of treatment services with traditional court case processing, and the engagement of various other criminal justice and service agencies, including probation, law enforcement, and community partners (employment, housing, transportation, and other groups). Each professional who interacts with the participants observes them from a unique perspective, at different times of the day or week, and under varied circumstances. This offers holistic, useful information for the team to draw upon in determining court responses that will change participant behavior. Participation from all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. For these collaborations to be true “partnerships,” regular meetings and communication with these partners should

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4 DWI Court Guiding Principle #5
National Research

Research has indicated that greater representation of team members from collaborating agencies (e.g., defense attorney, treatment, prosecuting attorney) at team meetings and court hearings is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey, Mackin, & Finigan, 2012). Greater law enforcement involvement increases graduation rates and reduces outcome costs (Carey, Finigan, & Pukstas), and participation by the prosecution and defense attorneys in team meetings and at DWI court hearings had a positive effect on graduation rate and on recidivism costs (Carey, Finigan, & Pukstas; Carey, Waller, & Weller, 2011). Greater law enforcement involvement increases graduation rates and reduces outcome costs (Carey, Finigan, & Pukstas), and participation by the prosecution and defense attorneys in team meetings and at DWI court hearings had a positive effect on graduation rate and on recidivism costs (Carey, Finigan, & Pukstas; Carey, Waller, & Weller, 2011).

Research has also demonstrated that drug courts with fewer treatment agencies resulted in more positive participant outcomes including higher graduation rates and lower recidivism costs (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

CCDWI Process

- The team is composed of two judges, DWI court coordinator, assistant county attorney, two probation officers (one does the majority of participant supervision), a chemical health assessor, a deputy from the sheriff’s office, and multiple treatment provider representatives from Leech Lake Reservation. Depending on where participants are receiving treatment, representatives from other local treatment agencies may occasionally be in attendance as well. While the CCDWI program judges were in transition during the site visit, the program plans to continue operating as it has since inception—with its multi-jurisdictional approach to serving the community by including a judge from the 9th Judicial District and a tribal judge from the Leech Lake Tribal Court. The team reported in the site visit follow-up call that the new district court judge had joined the team, and that a new tribal court judge was expected to join the team in the near future.

- Due to disparate program and staff locations, joint staffing and court sessions are held via videoconference with a judge and various other team members present in both Cass Lake and Walker cities.

- A deputy from the sheriff’s office currently participates on the team, and typically attends staffing and court sessions. Although the probation officer completes the majority of home visits, the deputy may also assist with these visits when needed.

- Staffing sessions to discuss participant progress are held every 2 weeks on Thursday mornings. These sessions generally last 1 hour and include both judges, DWI court coordinator, assistant county attorney, both probation officers, chemical health assessor, a deputy from the sheriff’s office, and multiple treatment provider representatives. The CCDWI works primarily with two treatment providers for outpatient treatment, and both of these providers (Leech Lake Outpatient and CARE) are typically represented in staffing and court.

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5 Recidivism costs are the expenses related to the measures of participant outcomes, such as rearrests, jail time, probation, etc. Successful programs result in lower recidivism costs, due to reductions in new arrests and incarcerations, because they create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.
• All program participants are discussed in staffing sessions, including those not scheduled to appear in court. The discussions center on topics such as employment, home visits, phase advancement, drug testing, overall progress and responding to participants positive and negative behaviors. Team member communication is good, with most team members providing feedback and participating in discussions before a decision is reached. The judges may implement responses that differ from team recommendations; however, it appeared that this does not occur regularly and the judges rely heavily on the team’s input for court responses.

• DWI court hearings are held weekly on Thursdays immediately after staffing and generally last 2 hours, with an average of 15 participants seen by the judges. Law enforcement and treatment provider representatives (outside of Leech Lake Outpatient) occasionally attend, but all other team members who participate in staffing attend court sessions. Family and friends of participants are occasionally in attendance as well.

• The CCDWI works primarily with two organizations to provide outpatient treatment services to participants. Leech Lake Outpatient serves individuals who live on Leech Lake Reservation while Community Addiction Recovery Enterprise (CARE) typically serves the other participants in the program. However, participants may choose to attend outpatient treatment with other providers in the area depending on their location, financial assistance available or level of service needed. There are also several inpatient facilities that may be utilized by the program. None of the providers are directly contracted with the program and no single organization coordinates treatment to the participants or communication with the program.

• Due to different organizations providing treatment services, the probation officer who provides supervision typically facilitates communication and is the main contact with the various providers. The probation officer reported that they used to meet with treatment providers in person for updates, but now (due to time constraints) they communicate regularly via written progress reports, verbally during staffing/court sessions, and through email between court sessions. Team members noted information is always received in a timely manner, and treatment providers will advise the probation officer of a participant’s treatment schedule, missed sessions, or other immediate issues.

• The DWI court team has a formal policy committee that meets quarterly outside of staffing sessions to discuss program issues. The committee consists of all active team members who attend staffing sessions.

• The probation officer, also referred to as the case manager, performs the majority of case management and creates a case plan for each DWI court participant. The treatment providers and DWI coordinator also regularly participate in case management.

Commendations

• **Good communication between team members.** Participating team members attend staffing sessions and provide feedback on participant progress as well as court responses. Frequent email and phone contact occurs between team members between staffing sessions, which ensures that relevant information is communicated to appropriate parties. Research has shown that drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email (Carey et al., 2011). Additionally, the program continues to maintain exemplary intergovernmental
cooperation between the local reservations and the district court, which has resulted in multiple awards and sets a standard that is recognized at a national level.

- **Communication with treatment providers.** For the team to make informed and fair decisions about responses to participant behavior, it is crucial that all necessary information from treatment agencies be provided to probation and the court regularly. Although multiple providers may be utilized by program participants (requiring further coordination by team members), the CCDWI is commended for having established relationships with these providers that results in consistent and timely information being shared.

- **Program includes a law enforcement representative on team.** The program is commended for having a representative from the local sheriff’s office who attends staffing and court sessions, assists the probation officer in conducting additional home visits/compliance checks, and provides additional supervision (by recognizing participants while on regular duty) within the community. Research has shown that drug courts that include law enforcement as an active team member have higher graduation rates, lower recidivism and higher cost savings (Carey et al., 2011).

- **A policy committee has been established.** The program has a policy committee that meets regularly. Team members commented that meetings have not occurred recently due to the transition of the judges on the team, but noted that this was only temporary. The purpose of the meetings is to discuss and make decisions about DWI court policy issues that cannot be addressed during staffing sessions, such as prior participants re-entering the program, and also to ensure that the team is working toward program goals. The committee may consider using an upcoming session for addressing the recommendations described throughout this report.

- **The program primarily coordinates outpatient treatment through two agencies.** Although multiple providers are available to participants who utilize state funds for outpatient treatment, the CCDWI is able to primarily coordinate with two providers for this service. The program is commended for this arrangement, as research has shown that having one to two treatment providing agencies is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012).

**Recommendations**

- There are no recommendations under this key component at this time.

**Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.**

This component is concerned with the balance of three important areas. The first is the nature of the relationship between the prosecution and defense counsel in DWI court. Unlike traditional case processing, DWI court case processing favors a non-adversarial approach. The second focus area is that DWI court programs remain responsible for promoting public safety. The third focus area is the protection of the participants’ due process rights.

**National Research**

Research by Carey, Finigan, and Pukstas (2008) and Carey et al. (2012) found that participation by the prosecution and defense attorneys in team meetings and at drug court status review hearings had a positive effect on graduation rate and on recidivism costs.
In addition, courts that allowed non-drug-related charges also showed lower recidivism costs. Allowing participants into the drug court program only post-plea was associated with lower graduation rates and higher investment costs while drug courts that mixed pre-trial and post-trial offenders had similar outcomes as drug courts that keep those populations separate (Carey, Finigan, & Pukstas, 2008).

**CCDWI Process**

- A dedicated assistant county attorney is assigned to the CCDWI team indefinitely and actively participates in all staffing and court sessions.
- The program does not currently have a defense attorney/public defender on the team. Team members noted that the local public defender’s office is supportive of the program, but that a lack of funding and personnel prevents them from participating on the team.
- All repeat DWI charges (two or more DWIs in 10 years) are eligible for admission to the program in addition to individuals who are already on probation with multiple violations and prior DWIs.
- The assigned assistant county attorney is always included on all CCDWI policy-related matters.
- The assigned assistant county attorney has not attended conferences related to drug or DWI court, received DWI court-specific training, or role-specific training.
- The program accepts post-plea participants and probation violations only. Potential admissions are typically identified by the County Attorney’s office or the probation office.
- The assigned assistant county attorney is usually made aware when a participant is sanctioned to jail for noncompliant behavior outside of court sessions.
- The CCDWI does not allow individuals with gang affiliations, drug dealing charges, high restitution amounts, or current/prior violent charges into the program. However, the team reported during interviews that these issues are usually considered on a case-by-case basis (outside of violent charges).

**Commendations**

- **The program has a dedicated assistant county attorney assigned to the program.** Best practices research indicates that this results in more positive participant outcomes including significantly lower recidivism and increased cost savings (Carey, Finigan, & Pukstas, 2008). It was reported by multiple team members that despite a lack of formal training in the DWI court model, the assistant county attorney was aware of the team approach while participating in DWI court proceedings. It was also gathered during the site visit that he was clearly supportive of the DWI court concept and succeeded in taking a non-adversarial approach to his role on the team.

**Suggestions/Recommendations**

- **Continue efforts to include a defense attorney on the team.** Multiple team members noted the importance of having a defense attorney on the team, as they bring an important perspective during team discussions. Although the program appears to observe due pro-

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6 Investment costs are the resources that each agency and the program overall spend to run the drug court, including program and affiliated agency staff time, costs to pay for drug testing, etc.
cess requirements, additional advocacy on behalf of participants is an important aspect of the program that is currently missing. The team previously had involvement from the public defender’s office, but noted during the follow-up call that public defenders are no longer eligible to serve on post-plea programs such as the CCDWI, as the public defender’s representation ends after an individual is convicted. However, due process, and the right to counsel at all proceedings are constitutional principles which do not change. Drug court clients are seen more frequently, supervised more closely, and monitored more stringently than other offenders. Thus they have more violations of program rules and probation. Defense counsel must be there to rapidly address the legal issues, settle the violations, and move the case back to treatment and program case plans.

The CCDWI team is constrained by the limited number of private attorneys located within Cass County. Participation by either the public defender’s office or a private attorney would have to be on a volunteer basis at this time. The team has approached Regional Native Public Defense Corporation to request staffing support as well. Efforts to provide defense attorney representation on the team should continue. The team suggested during the follow-up call that if the Minnesota Public Defender’s Office could designate just one public defender for each district, it would be a small number of positions to fund and they should be able to manage all the counties in the state.

**KEY COMPONENT #3: ELIGIBLE PARTICIPANTS ARE IDENTIFIED EARLY AND PROMPTLY PLACED IN THE DRUG COURT PROGRAM.**

The focus of this component, as well as the DWI Guiding Principle on determining the population, is on the development and effectiveness of the eligibility criteria and referral process. Different drug and DWI courts allow different types of criminal histories. Some courts also include other criteria such as requiring that participants assess as drug dependent, admit to a drug problem or other “suitability” requirements that the team uses to determine whether they believe specific individuals will benefit from and do well in the program. Drug and DWI courts should have clearly defined eligibility criteria. It is advisable to have these criteria written and provided to the individuals who do the referring so that appropriate individuals who fit the courts target population are referred.

This component also discusses the practices different drug courts use to determine if a client meets these criteria. While drug courts are always targeting clients with a substance use problem, the drug court may or may not use a substance abuse screening instrument to determine eligibility. The same may apply to mental health screens. A screening process that includes more than just an examination of legal eligibility may take more time but may also result in more accurate identification of individuals who are appropriate for the services provided by the drug court.

Related to the eligibility process is the length of time it takes drug court participants to move through the system from arrest to referral to drug court entry. The goal is to implement an expeditious process. The amount of time that passes between arrest to referral and referral to drug court entry, the key staff involved in the referral process, and whether there is a central agency responsible for treatment intake are all factors that impact the expediency of program entry.

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7 DWI Court Guiding Principle #1
National Research

Carey, Finigan, and Pukstas (2008) found that courts that accepted pre-plea offenders and included misdemeanors as well as felonies had both lower investment and outcome costs. Courts that accepted additional, non-drug charges (such as theft and forgery) also had lower costs due to reduced recidivism, though their investment costs in the program were higher.

Those courts that expected 50 days or less from arrest to drug court entry had higher savings than those courts that had a longer time period between arrest and entry (Carey et al., 2012). Further, reducing time between arrest (or other precipitating incident) and the first treatment session has been shown to significantly decrease substance use. Donovan et al. (2001) found that in reducing the time to entry approximately 70% of clients entered treatment, and of those that entered 70% completed their assigned treatment. Those who entered treatment showed significant reductions in substance use and improved psychosocial function.

Other research found that drug courts that included a screen for suitability and excluded participants who were found unsuitable had the same outcomes (e.g., the same graduation rates) as drug courts that did not screen for suitability and did not exclude individuals based on suitability (Carey & Perkins, 2008). This indicates that screening participants for suitability does not improve participant outcomes.

CCDWI Process

- The target population of the CCDWI is Cass County and Leech Lake Band of Ojibwe residents 18 years of age or older, who are repeat DWI offenders and determined to be chemically dependent. The program consists of predominantly 2\textsuperscript{nd} and 3\textsuperscript{rd} degree DWIs (both gross misdemeanors), some of which are not repeat offenses, as aggravating factors such as excessive blood alcohol (BAC) level result in a more serious DWI charge. However, the majority of participants have been charged with two or more DWI offenses within the past 10 years. Participants always enter the program in post-adjudication status. The team reported that most candidates are moderate to high risk based on their Level of Service Inventory – Revised (LSI-R) scores. Several other factors are also considered by the team prior to admission including participant criminal history, treatment needs, amenability to treatment services, team member opinions of suitability (what makes them a good candidate, severity of substance use, etc.). The CCDWI is a voluntary program and may accept individuals determined to not be chemically dependent (substance abusers), if they meet all other eligibility requirements.

- Offenders with violent charges are excluded from the program. Participants with drug dealing charges, serious mental health issues, non-residents, and those who decline treatment participation are also ineligible, although exceptions can be made on a case-by-case basis. Team members reported individuals with gang affiliations are excluded due to safety concerns for team members conducting home visits. Individuals with large amounts of restitution may not be considered for program participation if amounts cannot be paid during their time in the CCDWI (as all restitution must be paid prior to graduation). Discussions regarding eligible participants always take place in staffing meetings. Team members reported that it was very rare for an individual to not enter the program if the individual expressed interest in joining, and that the disqualifying criteria prevent only a small number of potential participants from entering the program.

- The CCDWI eligibility requirements are written, and referring team agencies have copies of the eligibility criteria.
The county attorney’s office, program judges, probation office, law enforcement, defense attorneys or the general public may identify and refer potential participants to the program. However, the team noted that most referrals are received from the assistant county attorney (new charges) and probation office (probation referrals).

Defendants charged with a DWI in Cass County are initially screened by the assistant county attorney to ensure they meet eligibility criteria. Individuals on probation who have repeated violations for substance abuse are also identified by their assigned probation officer for participation in the program. In both instances, these individuals are then referred to the CCDWI probation officer or DWI court coordinator for further consideration.

The probation officer typically meets with potential participants to review the program requirements and participant handbook and to assess employment status and motivation to participate in the program. The probation officer then notifies the Chemical Health Assessor to schedule further assessment if the defendant indicates a willingness to participate in the program. A Pre-Sentence Investigation (PSI) is also completed on all defendants shortly before or after they have entered the program that serves as the official recommendation on program admission. If it is recommended that they participate in the program, the local court will then order the defendant into the program.

Participant eligibility is partially determined by the Rule 25 Assessment. All participants are screened for co-occurring mental disorders, suicidal ideation, and whether they are substance dependent or substance abusers. The assessment is also used to determine level of care for a participant.

Potential participants are discussed at subsequent staffing sessions. During this time, the probation officer reviews all relevant information with the team, as well as provides an update on any remaining steps on the participant’s entry process.

The estimated time between participant arrest and referral to the DWI court program is 1-2 weeks. The estimated time between referral and program entry is 2-4 weeks, for a minimum total estimated time from arrest to DWI court entry of 3 weeks. Much of this efficiency occurs because the assistant county attorney screens eligible cases soon after arrest. It was reported that the majority of participants enter the program within 4-6 weeks of arrest, although delays in completing assessments on the Leech Lake Reservation can result in longer entry times.

Leech Lake Outpatient reported that they create treatment plans and incorporate information gathered from the Rule 25 Assessment. Team members reported that other treatment agencies create individual treatment plans for participants as well.

The CCDWI estimates that only 5% of participants are poly-substance users/abusers, with marijuana being the most prominent drug of choice outside of alcohol.

Incentives for participants to enter the DWI court include unserved jail or prison sentences and reduced terms of probation supervision. Focus group participants also noted that the opportunity to remain clean and sober was a big factor in their participation in the program. Charges that led participants to DWI court are not dismissed upon graduation.
Participants Quotes: (Discussing why they decided to enter the program)

- “Opportunity to stay out of prison. Personally, when you’re faced with 4 years in prison, with the chance to do something else, you’re gonna lean that way...most people with a drinking issue, aren’t ‘thinking ‘I want to get sober’...you mostly want to stay out of jail.”
- “Had [the] opportunity to do this or go to prison. I didn’t know what I was getting into, but I knew prison, so I wasn’t going there. It [the program] was more in depth than I thought it was going to be.”
- “Before I got in, I was looking for a reason to quit drinking.”
- “You have to want to quit, and they’ll help you do it.”
- “Just gives me a better chance at life.”
- “I think coming in did save my life, I was in a downward spiral and nothing was working. They held me accountable. I had never had to be responsible. Wellness court saved my life.”

- The CCDWI’s official capacity is reported to be 25 participants. As of May 2013, the time of the site visit, the program had 17 active participants.
- Staff noted that a small number of individuals who are charged with gross misdemeanors in the local cities of Walker and Pine River fall under the jurisdiction of the respective city attorney. The CCDWI assistant county attorney reported that although they have limited involvement, the City Attorney’s offices are supportive of the program. It was reported that there is not a high volume of cases in these jurisdictions, and therefore a set process for referring these cases to the CCDWI is not in place.

Commendations

- **Decisions on accepting new participants are made as a team during staffing sessions.**
  After initial screening by the assistant county attorney, the probation officer or coordinator reviews program requirements and expectations with potential participants and conducts a criminal background check. These referrals are then discussed at subsequent staffing sessions at the same time as current participants, resulting in the entire team making admission decisions. Since all team members are part of this decision, there is more buy-in and support, and the team can better identify issues that may affect their ability to treat each participant in the program.

Suggestions/Recommendations

- **Continue with efforts to connect participants with treatment services as soon as possible.** Overall, the CCDWI has done well in having participants enter the program in a timely manner. Team members did note that while many participants are connected to treatment services quickly, delays can occur while awaiting completion of chemical health assessments (particularly on the Leech Lake Reservation). The program understands that the intent of DWI court is to connect individuals to services expeditiously and limit their time in the criminal justice system, and should continue its efforts to have assessments completed swiftly.
• **Do not assess potential participants using subjective suitability requirements.** Research has shown that screening participants for suitability using subjective determination of whether the offender is “ready” or is likely to do well and excluding “unsuitable” participants has no effect on program outcomes including graduation and recidivism rates (Carey, Finigan, & Pukstas, 2008; Carey & Perkins, 2008; Carey et al., 2011). This may be due to the extreme difficulty and subjectivity in determining what participant characteristics are likely to lead to successful outcomes, particularly at the time of participant referral as the participants are generally not at their best. Even though it has rarely refused entry to those considered unsuitable, we recommend that the CCDWI consider dropping its suitability criteria in determining participant eligibility and entry into the program as it can slow the entry process and create more work for the team.

**KEY COMPONENT #4: DRUG COURTS PROVIDE ACCESS TO A CONTINUUM OF ALCOHOL, DRUG AND OTHER TREATMENT AND REHABILITATION SERVICES.**

The focus of this key component is on the drug court’s ability to provide participants with a range of treatment and other services appropriate to participant needs. Success under this component is highly dependent on success under the first key component (i.e., ability to integrate treatment services within the program). Compliance with Key Component #4 requires having a range of treatment modalities and other types of service available. However, drug courts still have decisions about how wide a range of services to provide, level of care and which services are important for their target population.

There are several DWI Court Guiding Principles that address treatment protocols and other services offered by the program to address needs specific to DWI offenders. These principles include performing a clinical assessment for appropriate placement in treatment and other services, developing a treatment plan, and ensuring that services to address DWI court participants’ unique transportation issues are available.⁸

DWI courts differ in how they determine a client’s needs. While DWI courts are always targeting clients with a substance use problem, the DWI court may or may not use a substance abuse and/or mental health assessment instrument to develop a case plan. A screening and assessment process will result in more accurate identification of a clinically sound treatment plan. The assessment should include alcohol use severity, drug involvement/severity, level of needed care, medical and mental health status, employment and financial status, extent of social support systems including family support, alcohol (or drug) triggers, refusal skills, thought patterns, confidence in their ability to stop using alcohol/drugs, and motivation to change.

Because most DWI offenders will face a revoked or suspended license, the program must work on reinforcing the importance of obeying all laws, including not driving without a license, as well as provide resources and supports for alternative transportation options, particularly related to the participant being able to attend treatment, court, medical and other program-related appointments. The program must encourage the participant to solve her/his own transportation issues as much as possible, but provide case management support and alternatives when needed.

**National Research**

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) maintains an updated guide on the reliability and validity of alcohol assessment instruments (Allen & Wilson, 2003). The

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⁸ DWI Court Guiding Principles #2, #3, and #8
American Society of Addiction Medicine (ASAM) publishes non-proprietary patient placement criteria for matching substance abuse clients to indicated levels or modalities of care. The ASAM guidelines specify the areas that should be covered in a clinical assessment and matches the clients’ results with levels of care that guide a patient’s placement in treatment services (American Society of Addiction Medicine, 1996).

Programs that have requirements for the frequency of group and individual treatment sessions (e.g., group sessions 3 times per week and individual sessions 1 time per week) have lower investment costs (Carey et al., 2005), substantially higher graduation rates, and improved recidivism costs (Carey, Finigan, & Pukstas, 2008). Clear requirements of this type may make it easier for participants to comply with program goals and for program staff to determine if participants have been compliant. These types of requirements also ensure that participants are receiving the optimal dosage of treatment determined by the program as being associated with future success.

A variety of treatment approaches and motivational strategies that focus on individual needs, such as cognitive-behavioral therapy, self-help groups, and appropriate use of pharmacological treatments, can all facilitate positive change and abstinence from alcohol and drug use. Multisystemic treatment works best because multiple life domains, issues, and challenges are addressed together; using existing resources, skills, and supports available to the participant. It is also crucial to provide aftercare services to help transition a person from the structure and encouragement of the treatment environment to a sustainable network in her/his natural environment (Miller, Wilbourne, & Hettema, 2003).

Discharge and transitional services planning is a core element of substance abuse treatment (SAMHSA/CSAT, 1994). According to Lurigio (2000), “The longer drug-abusing offenders remain in treatment and the greater the continuity of care following treatment, the greater their chance for success.”

The American University National Drug Court Survey (Cooper, 2000) showed that most drug courts have a single treatment provider agency. NPC, in a study of 18 drug courts in four different states (Carey, Finigan, & Pukstas, 2008), found that having a single provider or an agency that oversees all the providers, is correlated with more positive participant outcomes, including lower recidivism and lower recidivism costs.

Revoking or suspending the license of DWI offenders is an effective method for reducing subsequent dangerous driving (Ross & Gonzales, 1988). However, this procedure also limits the access offenders have to treatment and other rehabilitation services. Ignition interlock systems are another effective way to prevent alcohol-related traffic offenses, even for drivers with multiple prior DWI offenses (Beck, Rauch, Baker, & Williams, 1999), with the benefit of allowing participants to continue to have access to driving as a means of transportation. This intervention, however, only remains effective while the interlock device remains on the vehicle. Once it is removed, the benefits are not retained.

**CCDWI Process**

- The CCDWI program is intended to last a minimum of 18 months for felony cases, and 13 months for gross misdemeanor cases; both tracks consist of three phases. Phase 1 is a minimum of 3 months, Phase 2 a minimum of 6 months, and Phase 3 a minimum of 12 months for felons and 6 months for gross misdemeanants. Overall, participants average approximately 20 months to successfully complete the program. Participants continue on standard probation for a period of time after graduating the program, as all participants are
typically sentenced to 6 years of supervision when they enter the CCDWI. Supervision requirements are reduced after graduation to quarterly meetings with the probation officer and drug testing as directed. Team members reported that felons continue on regular probation for 1 year after graduating the program, gross misdemeanants for 6 months; if they remain violation-free during this period, the remainder of the supervision term is forgiven.

**Participant Quotes: (Describing their initial time in the program)**

- “Have to be willing to open up everything in your life to scrutiny. That’s hard. Toughest thing is not having any privacy.”
- “At first it seems like you have no down time. Meetings, job, court, but then you realize you sit in a bar for 5 hours normally, so you’re just flip flopping something bad for something good. But it takes a while to realize that.”
- “It used to be all about me, me, me. Now when you’re told to do something, you do it. It used to be on our own time or when we felt like it.”

- A Rule 25 assessment is completed on uninsured program participants prior to entering the program. The assessment determines level of care which can include primary inpatient, primary outpatient, placement in a halfway house, or extended care. Each level of care contains a recommended amount/dosage of treatment for individuals, and is determined by the agency that provides services to the individual. As a result, there are no general requirements for group and individual treatment sessions during program involvement.

- Treatment placement is determined by insurance/financial coverage (if any), residence location, and the needs of the individual participant (gender-specific, co-occurring disorders, etc.). There are primarily two agencies in Cass County/Leech Lake Band of Ojibwe that provide outpatient treatment services to participants who have their treatment paid for through the Consolidated Chemical Dependency Treatment Fund. The fund is a combination of county, state and federal tax dollars that pays for most of the CCDWI participants’ treatment services. Multiple agencies provide inpatient services to participants who utilize this funding as well.

- If CCDWI participants are referred for intensive outpatient treatment, they are typically assigned to complete 72 hours of counseling/treatment. Leech Lake Outpatient reported that this time is divided between relapse prevention and recovery maintenance, with the frequency of treatment sessions being gradually reduced over time. In the event of relapses, the program may reassess participants and provide additional treatment sessions.

**Participant Quote: (Referring to self-help meetings)**

- “I had friends I drank with for 10 or 12 years. I sobered up and never heard from them again. I went to 2-3 meetings and those people are calling 6 months later. That’s a real friend.”

- Participants are required to attend two self-help meetings per week throughout all phases of the program. Participants may also be allowed substitute culturally specific groups and activities (such as sweat lodges or other ceremonies) for one of the two required meetings per week.
• Participants are always screened for co-occurring mental disorders as well as suicidal ideation. Mental health treatment is required for CCDWI participants who are found to have co-occurring disorders as part of their program-related treatment.

• **Services and types of treatment required for all participants are based on assessed level of care and include:** self-help meetings (AA or NA). **Services and types of treatment required for some participants (as needed) include:** detoxification, outpatient individual treatment sessions, outpatient group treatment sessions, aftercare, relapse prevention, Recovery Training and Self Help, residential treatment, mental health counseling, language or culturally specific programs, psychiatric services, parenting classes, prenatal program, anger management/violence prevention, job training/vocational program, family counseling, employment assistance, General Education Development (GED)/education assistance, 12-step facilitation therapy, and social skills training. **Services (or types of treatment) offered to participants but not required include:** health education, housing assistance, health care, dental care, transportation assistance, Living in Balance, Texas Christian University (TCU) mapping enhanced counseling, Community Reinforcement Approach, Contingency Management, Motivational Enhancement Therapy, Dialectical Behavior Therapy (DBT), trauma services, Health Realization, Driving With Care, Helping Women Recover, Recovery Coaching, and Telephone Recovery Support Program. **Services (or types of treatment) not offered include:** acupuncture, prescription drugs for substance dependence, motivational interviewing, Moral Reconciliation Therapy (MRT), and child care.

• The program noted that although some treatment providers are not represented on the team, there is good support and regular communication with all treatment agencies that are utilized.

• Limited aftercare services are available to participants after they graduate the program. Team members noted that participants may contact the team after leaving the program, attend court sessions, or speak with individual team members for support. An alumni group has not been established, but the team has made efforts to create one in the past. Treatment services may be available to former participants, but are limited by the amount of funding available.

• All CCDWI participants are required to pay a fee of $10 per month during their participation in the program regardless of a participant’s ability to pay; however, there is an incentive in the fishbowl drawings that can waive various amounts of participant fees. Fees are used to pay for program incentives (excluding gift cards), training for team members, and sober events that are typically held twice per year.

• Transportation was noted by team members to be one of the more significant issues for participants, particularly due to the large area covered by the county.

**Commendations**

• **The program length is a minimum of 12 months, and has at least three phases.** The CCDWI is intended to last a minimum of 13 months, and 18 months for felony participants. Programs that have a minimum length of stay of at least 12 months had significantly higher reductions in recidivism. In addition, programs that had three or more phases showed greater reductions in recidivism (Carey et al., 2012).
The program offers an array of treatment services, using evidence-based and culturally specific programming. The CCDWI offers a breadth of diverse and specialized services to program participants through its partnership with the various treatment providers that are utilized in the area. There is also a partnership with Leech Lake Outpatient to meet the culturally specific needs of participants who live on the reservation. Participants are able to attend ceremonies that are culturally relevant instead of traditional meetings such as Alcoholics Anonymous.

**Participant Quotes: (Discussing what they received from the program)**

- “I was a working drunk. I just spent all my money on booze and parties. You can see now what you’ve wasted.”
- “This is a multifaceted disease, so you need a team of people to cover all aspects of the disease and that’s what makes it effective.”
- “This is what works. I’ve been in treatment centers and prison most of my life. I was just running the revolving door. I needed people on me all the time. I was one of the worst of the worst. It’s a miracle in itself.”
- “They want you to do other things in life. It’s not just about drinking.”
- “Made me honest and accountable. Never an honest person before this.”
- “They are more than willing to work with you if you are honest. If you are dishonest, they start to wonder if you really want to be here.”
- “We used to live off of lying. We lie for so long; it’s weird to be honest. But that’s what you needed.”

Participants must write a relapse prevention plan prior to leaving the program. The relapse prevention plan includes ways to develop alternative alcohol-free activities and methods to deal with relapses if they do occur. In addition to helping support sustained recovery, having a relapse prevention plan enhances participants’ ability to maintain the behavioral changes they have accomplished through participation in the CCDWI.

**Suggestions/Recommendations**

- **Increase options for referrals to ancillary services.** Team members reported that the CCDWI does not make many referrals for medical, dental, and psychiatric care for participants. This is primarily due to the lack of services in the area, but could perhaps be improved with increased outreach by the program to community resources. Meeting participant needs across the spectrum of issues affecting their lives can help participants succeed. In addition, appropriate care can help mitigate participant use of substances to self-medicate problems related to physical pain. Many programs have seen benefits with reduction in recidivism from offering health services. Such services may facilitate the ability of participants to succeed both inside and outside the program. Team members should consider developing more relationships with community agencies or individuals who may be available to provide these services, and further take advantage of events (such as graduations or annual picnics) as opportunities to gain more access to resources.
**Participant Quotes: (Describing their experiences with treatment)**

- “Treatment is what you make of it. I was in 3 times before it kicked in.”
- “You have your own little agenda and plan.”
- “Treatment works if you want it to work. If you don’t have the mindset, it won’t work.”
- “Outpatient gets you set for life. There’s only one thing you have to change if you quit drinking…..and that’s everything.”
- “It’s a life changing process. Your attitude has a lot to do with it.”

**Consider feasibility of implementing aftercare services.** Aftercare is a clinical best practice, supporting individuals in their transition to a drug-free lifestyle. Although funding greatly limits the options available, the program should consider encouraging a routine aftercare phase or component after graduation. Having this in place will support participants in their transition to the community and enhance their ability to maintain the behavioral changes they have accomplished during participation in the CCDWI. The program is aware of this need and has discussed the use of an alumni support group as a cost-effective tool in aftercare planning.

**KEY COMPONENT #5: ABSTINENCE IS MONITORED BY FREQUENT ALCOHOL AND OTHER DRUG TESTING.**

The focus of this component and the associated DWI Court Guiding Principle is the use of alcohol and other drug testing as a part of the drug court or DWI court program supervision practices. Drug testing is important both for supervision by the court and the team and for participant accountability. It is seen as an essential practice in participants’ treatment. This component encourages frequent testing but does not define the term “frequent” so drug courts develop their own guidelines on the number of tests required. Related to this component, and specifically outlined in the principle, is that the drug courts or DWI courts must assign responsibility for testing and community supervision to its various partners, and establish protocols for electronic monitoring, drug test collection, and communication about participant accountability.

The drugs included in abstinence monitoring detection should be a reflection of the substances being abused/used within the community or jurisdiction of the court. The drug testing should be sufficiently comprehensive to ensure adequate coverage of the major abused drug classes (e.g., amphetamines, barbiturates, benzodiazepines, cannabinoids (marijuana), cocaine, opiates and, especially for DWI court, alcohol).

**National Research**

Because of the speed with which alcohol is metabolized, electronic methods of monitoring and detection are recommended, such as transdermal alcohol detection devices (e.g., SCRAM bracelets) and ignition interlock devices (person must take a breath test before his/her car will start).  

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9 DWI Court Guiding Principle #4

10 See this document for additional suggestions on supervision and testing practices: http://www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf
Research on courts nationally (Carey et al., 2005, 2012) found that drug testing that occurs randomly, at least 2 times per week, is the most effective model. If testing occurs more frequently (that is, more than 3 times per week), the random component becomes less important as it is difficult to find time to use in between frequent tests.

In addition to frequency of testing, it is important to ensure that drug testing is fully observed during sample collection, as there are numerous ways for individuals to predict when testing will happen and therefore use in between tests or to submit a sample that is not their own. In focus groups with participants after they have left their programs, individuals have admitted many ways they were able to “get around” the drug testing process including sending their cousin to the testing agency and bringing their 12-year-old daughter’s urine to submit.

As a part of the DWI court guidelines, in addition to drug testing, appropriate supervision and monitoring also requires the use of a validated risk assessment instrument. The risk assessment and regular re-assessments indicate how much structure and monitoring is needed for a particular offender, allowing the program staff to make the most effective use of supervision resources, and also indicate the effectiveness of the interventions over time (or whether adjustments to the plan need to occur).

CCDWI Process

- Drug testing varies slightly depending on a participant’s program phase. Phase 1 participants are always given a breathalyzer during any contact with the probation officer or law enforcement representative. Phase 1 participants are also assigned a color and required to call in to a recording each day between 8:30 and 9:30 a.m. to confirm whether their color, chosen at random by the probation officer, has been called. If their color is called, participants must set up a meeting with their probation officer to submit to testing. Phase 2 and 3 participants are not assigned to the color system and instead are tested at random during home visits or other interactions with the probation officer or law enforcement representative (court sessions, appointments, or meetings out in the community). Team members noted that testing always consists of a breathalyzer. Urinalysis (UA) samples are collected occasionally, depending on a participant’s substance abuse history and current status in the program. Team members stated that Phase 1 participants are tested an average of 4 times per week (breathalyzers and UAs), with testing gradually reduced over the length of the program.

- In addition to random testing, any participant can be ordered to submit a drug test for cause (appearing under the influence, etc.). Drug tests are also collected by the treatment providers on occasion.

- Drug testing for the CCDWI is primarily performed by the probation officer during program requirements (court sessions, appointments) and during home visits. Due to the large size of the county and number of tests collected, multiple probation officers assist with testing as needed. UA tests are fully observed for female participants by the female probation officer and this officer noted that a male probation officer will accompany her on home visits to collect drug tests on male participants when possible. If male officers are unavailable, the probation officer will examine the bathroom and put blue dye in the toilet to minimize tampering attempts.
The CCDWI utilizes a 7-panel instant cup when collecting UA tests. Ethyl glucuronide (Etg) testing is then performed on the majority of UA tests collected, with results typically obtained within a week.

### Participant Quotes: (Describing the drug testing process)

- “Those tests keep people sober in the beginning, because you are thinking about it.”
- “Keeps you clean long enough to make a clear choice.”
- “My job was to beat drug tests. I could do it easy. I was good at it…but now it’s anytime of the day, all hours…there’s no beating this system.”
- “What frustrates me is that I have a breathalyzer in my car. I use that 20 times a day, then I get a call to go do a breathalyzer at the police station.”

- Synthetic testing (bath salts, synthetic marijuana, etc.) occurs if the team has suspicions, but is used sparingly due to high costs.

- The CCDWI also uses other testing methods such as hair, oral swabs, bracelets/alcohol monitoring, and ignition interlock to supervise participants.

- The program has occasionally used electronic monitoring on participants. The program has limited funding to utilize these devices, so this type of monitoring typically depends on a participant’s ability to pay. The program has utilized devices such as remote electronic alcohol monitoring, where the unit takes pictures of the subject before, during, and after they provide a breath sample to ensure the participant is submitting the sample. Team members also noted that a cell phone-based option may soon be available as well.

- Any drug testing issues (positive, missed, or diluted) are tracked by the probation officer and reported via case notes that are shared with the team and also at subsequent staffing sessions.

- Participants must be alcohol and drug free for a minimum of 180 days before graduating the program.

- Program participants are not required to re-apply and/or obtain their driver’s license while participating in the CCDWI. Participant requirements to obtain a limited or full driver’s license (through the state of Minnesota) vary greatly and are affected by factors such as previous DWIs and alcohol concentration levels (among many others). Team members reported that this license reinstatement process was highly encouraged, but remains optional throughout the program. In Minnesota, full driver’s license privileges are revoked until an ignition interlock device is installed. This requires a reinstatement and monthly fee for the interlock. The interlock system prevents driving under the influence by requiring participants to provide a breath sample at ignition and again at specific intervals while the car is in operation. Failure to provide a sample or doing so while intoxicated will prevent the vehicle from starting. The CCDWI provides some assistance with setting up an ignition interlock device and also has funding to provide financial aid as well.
Commendations

- **Drug testing results are typically obtained quickly.** Team members noted that drug tests results are typically obtained immediately, outside of confirmations or additional testing (such as Etg testing). The CCDWI is commended for adhering to this best practice as research has shown that obtaining drug testing results within 48 hours of submission is associated with higher graduation rates and lower recidivism (Carey, Finigan, & Pukstas, 2008).

- **Participants are required to test clean for at least 180 days before they can graduate.** Research has shown that the longer clients are required to be clean before graduation, the more positive their outcomes (both in terms of lower recidivism and lower costs) (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

- **Program offers flexibility with drug testing requirements.** The CCDWI should be commended for its approach in performing drug testing on participants, particularly within its large jurisdiction. The team works to accommodate participant work schedules and to make testing as accessible as possible during their time in the program. The majority of testing is completed by the probation officer during home visits, but participants are also tested by local treatment providers and can submit samples at the jail when team members are not available.

- **Program completes specialized drug testing on participants.** When suspicions arise, the CCDWI is able to complete specialized testing to ensure participants are not using substances that do not show up on the standard drug tests currently used. The program is commended for this practice, as budget limitations often prevent programs from performing this aspect of drug testing.

Suggestions/Recommendations

- **Random drug testing system.** The drug testing system is currently determined by the probation officer, seemingly at random. However, the CCDWI may benefit from using existing programs that can set parameters around frequency, ensuring that participants (or their assigned colors) do not go too long without being called, ensure certain phases are tested more often, and group testing by geographical location. For example, [www.Randomizer.org](http://www.Randomizer.org) is an easy-to-use Web site that allows the user to create a unique testing schedule that is easily exported into Excel or Word and drastically lowers the possibility of non-random selection. This tool may also be used to incorporate periodic testing on Sundays, which was reported to occur somewhat less frequently than other days of the week. During the follow-up call, the team expressed interest in utilizing this tool.

- **Consider maintaining a higher frequency of UA and other drug testing through Phase 3 of the program.** The CCDWI should examine their current practice of decreasing the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. Testing currently goes from four breathalyzer/UA tests a week in Phase 1 to an average of one breathalyzer/UA test every 2-4 weeks in Phase 3 (although additional breathalyzer tests may occur during other program requirements/contact with team members). NADCP best practices standards (2013) state that the frequency of drug testing be the last requirement that is decreased as participants progress through program phases. As treatment sessions and court appearances are decreased, verifying sobriety becomes increasingly important to determine if the participant...
is doing well with more independence and less supervision. As team members noted during the follow-up call, time and budget constraints present challenges in achieving this recommendation. However, the team was receptive to possibly re-evaluating this practice a little further, such as considering more random testing in Phase 3, and periodically discussing this policy to ensure its effectiveness.

**KEY COMPONENT #6: A COORDINATED STRATEGY GOVERNS DRUG COURT RESPONSES TO PARTICIPANTS’ COMPLIANCE.**

The focus of this component, as well as the Guiding Principle for DWI Courts on case management strategies, is on how the drug or DWI court team supports each participant and addresses his or her individual needs, as well as how the team works together to determine an effective, coordinated, response.\(^{11}\) Drug and DWI courts have established a system of rewards and sanctions that determine the program response to acts of both non-compliance and compliance with program requirements. This system may be informal and implemented on a case-by-case basis, or may be a formal system applied evenly to all clients, or a combination of both. The key staff involved in decisions about the appropriate response to participant behavior varies across courts. Drug and DWI court team members may meet and decide on responses, or the judge may decide on responses in court. Drug and DWI court participants may or may not be informed of the details on this system of rewards and sanctions so their ability to anticipate a response from their team may vary significantly across programs.

**National Research**

Case management is an essential component of DWI court programs and should be seen as central to the program by tying the other principles and components together (Monchick, Scheyett, & Pfeifer, 2006).

Nationally, the judge generally makes the final decision regarding sanctions or rewards, based on input from the drug or DWI court team. Carey, Finigan, and Pukstas (2008) found that for a program to have positive outcomes, it is not necessary for the judge to be the sole provider of sanctions. Allowing team members to dispense sanctions makes it more likely that sanctions occur in a timely manner, more immediately after the noncompliant behavior, though the entire team should be informed when a sanction occurs outside of court. Carey et al. (2012) showed that drug courts that responded to infractions immediately (particularly requiring the participant to attend court at the next possible session) had twice the cost savings.

In addition, all drug courts surveyed in the American University study confirmed they had established guidelines for their sanctions and rewards policies, and nearly two-thirds (64%) reported that their guidelines were written (Cooper, 2000). Research has found that courts that had their guidelines for team responses to participant behavior written and provided to the team had higher graduation rates and higher cost savings due to lower recidivism (Carey, Finigan, & Pukstas, 2008; Carey et al., 2011).

**CCDWI Process**

- The majority of case management is performed by the probation officer; however, the DWI court coordinator and treatment providers also assist in case management. Participants have contact with their probation officer through home/office visits or by phone on a regular basis, with the frequency of contact set by program phase. During Phase 1, par-
Participants contact their probation officer an average of 2-4 times per week. Contact is 1-2 times per week during Phase 2, and once per week in the last phase of the program. Also, if participants are struggling or have additional needs, the probation officer will schedule additional visits or contacts. The probation officer reported that most contacts are face-to-face, and the minimum number of contacts required is frequently exceeded due to the high needs of participants. During these visits the probation officer will discuss a participant’s activities or behavior such as meetings attended, drug testing results, sponsor work, treatment activities, specific participant needs, and general program progress.

- In the event of a positive drug test participants are always taken into custody, but team members noted that the jail sanctions are typically very short, never lasting more than 1-2 days.

<table>
<thead>
<tr>
<th>Participant Quotes: (Describing their probation officer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- “Awesome. Great.”</td>
</tr>
<tr>
<td>- “You can go to her for about anything. From getting somewhere, to having a problem with your day, she’ll listen to you.”</td>
</tr>
<tr>
<td>- “From the littlest thing to the biggest. She’s on it. She’s a mother hen for all of us.”</td>
</tr>
<tr>
<td>- “She’ll go out of her way, but wants you to be honest and open.”</td>
</tr>
<tr>
<td>- “And she knows when we are lying.”</td>
</tr>
<tr>
<td>- “I don’t think there is anyone in the program that doesn’t respect and appreciate everything that Michelle does.”</td>
</tr>
<tr>
<td>- “It’s amazing how fast your friends disappear when you stop drinking. They were never really your friends. But the probation officer is always there to talk.”</td>
</tr>
</tbody>
</table>

- Participant contacts are detailed in writing by the probation officer in the Department of Corrections (DOC) database. These notes are then shared with team members one day prior to court sessions, along with information being reported verbally during staffing sessions.

- Participants are given a written list of possible incentives/rewards. There is a written list of specific behaviors and associated rewards, so participants know what kinds of behaviors lead to rewards. Participants have reported that rewards were meaningful to them through feedback gathered by the CCDWI.

- Participants receive intangible rewards (such as applause and praise from the judge) and tangible rewards (such as medallions, certificates, and gift cards). Rewards can only be provided during court by the judge and most rewards are provided in a standardized manner. For example, participants receive gift cards after achieving a certain number of days sober.

- Rewards and sanctions are tracked by the DWI court coordinator and probation officer. Sanctions that have been issued are recorded on staffing sheets as a reference for team members.
• Praise from the judge and drawings for gift cards were reported by both CCDWI team members and participants to be particularly effective rewards.

• CCDWI team members are given written guidelines about sanctions, rewards, and treatment responses to participant behavior. Some team responses are standardized (the same sanction/reward are provided for the same kinds of behavior), but the team noted that all responses are discussed as a group and decided during each staffing session.

  **Participant Quote: (Discussing whether rewards were meaningful)**
  • “The recognition is huge. You don’t need them to give you anything. If you’re doing a good job, they’ll let you know though. They say they are proud of you.”

• Most CCDWI team members received training in the use of rewards and sanctions to modify behavior from the National Center for DWI Courts (NCDC) in 2012.

• Team members noted that when the program was initially created more sanctions were issued than rewards, with jail sanctions being used frequently. The program has since made changes and worked to increase the amount of rewards, which was apparent during the site visit.

• Participants are given a written list of behaviors that lead to sanctions and also a list of possible sanctions.

• Sanctions were observed to be graduated so that the severity increases with more frequent or more serious infractions.

• Sanctions are typically imposed by the judge at the next court session for noncompliant behavior, but may also be imposed outside of court by team members.

• Program responses to participant behavior may include writing essays, sit sanctions, community service, residential treatment, increased drug testing, increased drug testing, more court appearances, returning to an earlier phase, and jail.

• The team noted that jail, sit sanctions, and phase demotion were especially effective in responding to participant behavior.

  **Participant Quote:**
  • “I went back to previous phase, not just the one I was in….so I was irked that I was set back that far.”

• Jail is always used as a sanction for ongoing failure to appear in court (as a warrant is issued in this circumstance). It may also be used on occasion for noncompliance issues such as driving without a license.

• Jail may be used temporarily for participants who are waiting for detoxification or residential treatment bed space to be available.

• New arrests for DWI, trafficking, any violent offense, failure to appear in court, missing treatment sessions, repeated positive drug tests, continued substance use, or lack of progress in treatment/program may result in termination from the program. However, it was reported during the site visit that these were not automatic termination criteria. Team
members noted that all circumstances and issues would be considered before anyone was officially terminated from the program for these behaviors.

- Termination from the program results in the full imposition of the offender’s original sentence.

- In order to graduate participants must remain drug and alcohol free for 180 days, complete community service, complete a sobriety/relapse prevention plan, pay all DWI court fees, have sober housing, pay all fees not related to DWI court, and attend a Mothers Against Drunk Driving (MADD) panel.

- Graduations are held at the end of regularly scheduled court sessions. Ceremonies usually alternate between the two locations where court is held, but are typically held in Cass Lake if participants are Tribal participants. Participant families, arresting officers, county commissioners, and other community members may be in attendance. Family members may present graduates with medals, and the judge presents a framed certificate along with some words of support and congratulations. Graduates are then encouraged to share any insight to active participants.

- All participants who enter the CCDWI are sentenced to 6 years of probation. As a result, graduates serve the remaining time under standard supervision. However, felony graduates typically have their remaining time forgiven after 1 year if they meet all supervision requirements, and gross misdemeanor graduates typically have their remaining time forgiven after 6 months of successful supervision. Requirements during this time are significantly reduced, with participants required to meet with their probation officer quarterly.

Commendations

- **Team members have written guidelines for team responses to participant behavior.** The CCDWI has written guidelines for team responses to participant behaviors and have provided them to the team. This has been shown to produce higher graduation rates and greater cost savings due to lower recidivism (Carey et al., 2012).

- **Good coordination of team response to participant compliance.** A variety of rewards are provided to participants in the court. Participants are rewarded for progress with praise from the judge, promotion to the next phase, drawings for gift cards, or sobriety medallions. The CCDWI appears to have an appropriate balance of individualized sanctions and rewards, and also understands the importance of issuing a sanction as close to negative behavior as possible. The probation officer provide written notes to all team members prior to staffing as well, ensuring that the team is properly informed and allowing for thoughtful feedback on consequences.

- **Graduation ceremonies are celebrations of successful participants.** Graduations were reported by team members to be a significant accomplishment for the participants. Graduations are distinct from regular hearings, with active participants required to attend to help create a supportive environment. Team members noted that graduations also provide an opportunity for community partners, including arresting officers, to witness program successes. Inviting community partners to observe and participate in graduations is a low cost way to highlight the effectiveness of the program and garner interest for continued and future involvement with the program.

- **Focus and attention is given to participants exhibiting positive behaviors.** During the observed staffing and court session appropriate time was dedicated to participants
doing well in the program and positive feedback was given even to participants receiving sanctions about any positive behaviors they had exhibited. Research has shown that it is not possible to overdo praise and people cannot become habituated to it. The CCDWI judges should be commended for emphasizing and reinforcing positive behavior on a regular and consistent basis, and should ensure new judges assigned to the program maintain this practice.

- **Rewards and sanctions are explained in court.** Because this DWI court often imposes rewards and sanctions on an individualized basis, the team is commended for taking into consideration the appearance of equal treatment for similar infractions. The rationale behind decisions regarding levied sanctions was consistently communicated throughout the observed court session. This benefits both the participant being addressed by the judge and the participants who are observing.

Perceived fairness of the procedures exerts a greater influence over participants’ reactions than does the outcome of the decision. Specifically, participants will be most likely to accept an adverse judgment if they feel they: 1) had a fair opportunity to voice their side of the story, 2) were treated in an equivalent manner to similar people in similar circumstances, and 3) were accorded respect and dignity throughout the process. When any one of these factors is absent, behavior not only fails to improve, but may get worse, and participants may sabotage their own treatment goals (Marlowe & Meyer, 2011).

Participants were regularly given opportunities to offer their point of view when court responses were given. The judges also provided a clear explanation that sanctions were intended to specifically address negative behavior.

**Suggestions/Recommendations**

- **Consider alternative sanctions to jail.** Although they are aware of current best practices, the program reports the use of short jail sanctions (1-2 days) for all positive drug tests. Although the option to use jail as a sanction is an integral piece of an effective drug court (Carey, Finigan, & Pukstas, 2008), it is important to use jail judiciously. There are some behaviors that are extremely difficult for true addicts to perform in the early phases of the program, particularly abstinence. The immediate use of jail then leaves the court with no harsher alternatives to use later in the program when relapse should no longer be occurring. However, in the context of a DWI court, if a participant is under the influence at the time of the positive drug test and/or during a home visit and may have the opportunity to get behind the wheel, it is appropriate and necessary to take them into custody at that time to protect public safety.

- **Implement alternative ceremonies/recognition for participants.** Team members reported that they had come culturally specific ideas for recognizing Leech Lake Reservation participants who complete their treatment program, including a drum group performance, a pipe ceremony, and gifting feathers to participants to make the accomplishment of completing treatment more memorable. These creative incentives were recent ideas to be included with additional agenda items at the next steering committee meeting. The CCDWI is encouraged to continue such innovative thinking.

- **Review written guidelines on responses to participant behavior.** The CCDWI should ensure to review written incentive and sanction guidelines periodically, perhaps annually at steering committee meetings, to allow changes in practices to be reflected in official program documentation.
KEY COMPONENT #7: ONGOING JUDICIAL INTERACTION WITH EACH PARTICIPANT IS ESSENTIAL.

This component and the associated Guiding Principle for DWI courts are focused on the judge’s role in a drug or DWI court. The judge has an extremely important function in monitoring client progress and using the court’s authority to promote positive outcomes. While this component encourages ongoing interaction, courts must still decide specifically how to structure the judge’s role. Courts need to determine the appropriate amount of courtroom interaction between the participant and the judge, including the frequency of status review hearings, as well as how involved the judge is with the participant’s case. Outside of the court sessions, depending on the program, the judge may or may not be involved in team discussions, progress reports and policy making. One of the key roles of the drug court judge is to provide the authority to ensure that appropriate treatment recommendations from trained treatment providers are followed.

The judge is the ultimate arbiter of factual controversies in the program, and makes the final decision concerning the imposition of incentives or sanctions that affect participants’ legal status or personal liberty. The judge should make such determinations after giving due consideration to the expert input of other team members, and after discussing the matter in court with the participant or participant’s legal representative.

National Research

From its national data in 2000, the American University Drug Court Survey (Cooper, 2000) reported that most drug court programs require weekly contact with the judge in Phase 1, contact every 2 weeks in Phase 2, and monthly contact in Phase 3. The frequency of contact decreases for each advancement in phase. Although most drug courts follow the above model, a substantial percentage reports less court contact.

Research in multiple states (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2011, 2012) demonstrated that, on average, participants have the most positive outcomes if they attend approximately one court appearance every 2 weeks in the first phase of their involvement in the program. Marlowe, Festinger, Lee, Dugosh, & Benasutti (2006) also demonstrated that court sessions weekly, or every 2 weeks, were effective for higher risk offenders while less frequent sessions (e.g., monthly) were effective for only low-risk offenders.

In addition, programs where judges remained with the program at least 2 years had the most positive participant outcomes (Carey et al., 2005). It is recommended that drug courts either avoid fixed terms, or require judges with fixed terms to serve 2 years or more, and that courts with fixed terms consider having judges rotate through the drug court more than once, as experience and longevity are correlated with more positive participant outcomes and cost savings (Finigan, Carey, & Cox, 2007).

Finally, recent research in 69 drug courts nationally (Carey et al., 2012) showed that programs where the judge spent at least 3 minutes per participant talking with participants during status review hearings had significantly lower recidivism and higher cost savings.

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12 DWI Court Guiding Principle #6
CCDWI Process

- The multi-jurisdictional organization of the CCDWI program results in two judges assigned to preside over the program. One judge is from the 9th Judicial District and one judge is from the Leech Lake Band of Ojibwe Tribal Court. At the time of the site visit, the CCDWI team was anticipating a transition to two new judges and planned to continue regular operations throughout. At the time of the follow-up call, the team noted that a new district court judge had joined the program and that a new tribal court judge would be joining the team in the near future.

- The two judges jointly preside over staffing and court sessions that are held every 2 weeks via videoconferencing, with one judge in each of the court’s respective locations, Cass Lake and Walker.

- The observed staffing session was primarily facilitated by the probation officer and district court judge (who was previously the Tribal court judge). The team was located in two separate locations, but efficiently connected via videoconference that allowed team members to be regularly prompted for feedback and engaged in discussions. The probation officer began with updates and relevant information from participant contacts occurring since the last court session. All program participants were discussed during staffing (not just those scheduled to appear in court). The probation officer also addressed issues that required team discussion and/or court responses. Staffing notes were detailed and contained information including demographics, court start date, phase dates, clinic and counseling information, days sober, medications, sponsor name, UA results (positives, dilutes, recent tests) and sanctions history.

- DWI court participants are required to attend court sessions once every 2 weeks in Phase 1 and Phase 2 (a minimum of 9 months), and once per month during Phase 3 (a minimum of 6 months for gross misdemeanor cases and 1 year for felony cases).

- The observed staffing session began at 8:45 a.m. and lasted 1 hour with the team discussing 17 participants, 15 of whom were scheduled for court.

- In addition to the updates received during staffing, the judges may periodically receive communication from team members about participants and other administrative matters between court sessions.

- Participants are required to stay for the entire DWI court session, although exceptions can be made for participants on occasion (those who need to return to work or have been excused for pre-approved reasons).

- The court session began as scheduled at 9:45 a.m. and ended at approximately 11:15 a.m., with all 15 scheduled participants seen by the judge. This resulted in an average of 6 minutes per participant in front of the judge. Team members noted that court sessions typically average 1.5 - 2 hours.

- The acting district court judge (who had previously been the Tribal judge since program inception) received formal drug court training, DWI court-specific training, and observed other DWI courts.

- The current Tribal court judge had been recently assigned to the program and had not received any formal training on drug or DWI court, outside of on-the-job training.
During the court session, both judges were seated at an attorney’s table in both locations. Participants are called up based on their phase number (later phases were called up first). Participants provided a book that logged their support group meeting attendance to the probation officer, who verified that this requirement was completed. Depending on where they were physically located, one of the judges would then address participants face to face. Both of the program judges always addressed the participants before being asked how many days sober the participant had achieved. Applause was given to all participants as well before they were dismissed. The atmosphere of the courtroom was non-adversarial, which was aided by both judges’ approach to the participants.

The acting district court judge was very warm, personable, and encouraging throughout the court session. She asked insightful and appropriate questions of participants, and provided good follow up/clarification when needed. She was also direct, followed through on warnings to participants, and regularly followed recommendations provided by the team. The acting district court judge was very positive and supportive throughout the session, recognizing achievements by all participants, even those who were receiving a sanction.

Participant Quotes: (Describing Judge Wahwassuck and/or the previous district court judge, Judge Smith)

- “She’s caring...fair.”
- “I saw Judge Smith, and you could tell when there were three or so people that were not doing well, he was very bothered...you knew he was really upset. With Judge Wahwassuck, not so much.”
- “They are grounded. They see potential in people but they don’t let you run over them...I’ve seen them give people ample opportunities to do what they say they’re going to do.”
- “They’re not blind. Anything we say they’ve heard before.”
- “Both judges, they are fair but they hold their ground. And if someone keeps messing up, they won’t let that affect everyone in the court system...gives everyone a chance. They show they can be stern as well as fair.”
- “They are the same I think...”

The Tribal court judge was a little more reserved during the court session observation, due in part to his recent appointment and continued learning of the position. The judge provided encouragement and praise to those doing well and reinforced team responses to participants.

Other team members spoke up during the court session or addressed participants privately as needed to provide additional feedback, support, or guidance.

Multiple team members engaged in discussions with participants after the court session to confirm requirements, offer encouragement, or clarify conversations that occurred in court.
# Commendations

- **The program has a judge who has presided over the program for 2 years or more.** The CCDWI is commended for this practice, as judicial experience and longevity are correlated with more positive participant outcomes and significantly higher cost savings, particularly 2 years and longer (Carey et al., 2012).

- **The judges require participants to stay through the entire court hearing.** DWI court hearings are a forum for educating all participants and impacting their behavior. CCDWI recognizes the importance of requiring participants to stay for the entire hearing both to observe consequences and to learn how those who are doing well are able to succeed and make healthy choices and positive changes in their lives.

- **Both judges work well together and maintain consistency.** Although the CCDWI has a unique arrangement with two judges who jointly preside over the program, because both judges regularly attend staffing and court together, they are able to maintain consistency and perform well together as a team. We recommend this excellent collaboration continue between the two new judges.

- **Judges spent greater than 3 minutes with each participant.** During observations, the judges averaged around 6 minutes when addressing each participant. An average of 3 minutes per participant is related to graduation rates 15 percentage points higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey et al., 2011).

- **Participants are able to attend court in multiple locations.** During the follow-up call, the CCDWI acknowledged that holding court sessions in two locations may not be a best practice, as it may affect the continuity and dynamics of the group in attendance. Continuity within the group is important, but there appear to be significant barriers, such as transportation challenges, addressed by utilizing remote conferencing such that the benefits outweigh the risks. The program is commended for creatively addressing the geographical challenges and reinforcing the success of this technology through the strength of its commitment and collaboration between sites. The CCDWI should periodically assess the potential pros and cons of this setup, and adjust procedures as needed to serve the best interest of participants.

# Suggestions/Recommendations

- **Judges should preside over DWI court for at least 2 years.** As the program was transitioning new judges into the program during and after the site visit, it is recommended that the DWI court strive to keep the new judges on the DWI court bench for at least 2 years and ideally longer, as judge experience and longevity are correlated with more positive participant outcomes and greater cost savings (Carey, Finigan, & Pukstas, 2008). It is also important to allow the judges to volunteer for this service, if possible, as it increases the potential for improved client outcomes (Carey et al., 2013). During the transition, the program should also ensure previous DWI court judges are available to new judges for training and consultation.
KEY COMPONENT #8: MONITORING AND EVALUATION MEASURE THE ACHIEVEMENT OF PROGRAM GOALS AND GAUGE EFFECTIVENESS.

This component and the associated Guiding Principle for DWI courts encourage drug or DWI court programs to monitor their progress toward their goals and evaluate the effectiveness of their practices. The purpose is to establish program accountability to funding agencies and policymakers as well as to themselves and their participants. Further, regular monitoring and evaluation provides programs with the feedback needed to make adjustments in program practices that will increase effectiveness. Finally, programs that collect data and are able to document success can use that information to increase funding and community support. Monitoring and evaluation require the collection of thorough and accurate records. Drug and DWI courts may record important information electronically, in paper files, or both. Ideally, courts will partner with an independent evaluator to help assess their progress. Lastly, it is important to determine how receptive programs are to modifying their procedures in response to feedback.

National Research

Carey, Finigan, and Pukstas (2008) and Carey et al. (2012) found that programs with evaluation processes in place had significantly better outcomes. Four types of evaluation processes were found to save the program money with a positive effect on outcome costs: 1) maintaining electronic records that are critical to participant case management and to evaluation, 2) the use of program statistics by the program to make modifications to drug court operations, 3) the use of program evaluation results to make modification to drug court operations, and 4) the participation of the drug court in more than one evaluation by an independent evaluator.

CCDWI Process

- The CCDWI collects and tracks information as required by the state of Minnesota, including the Offender Drug Court Tracking Sheet which includes demographic information, as well as pre- and post-program data on employment, education, and jail time. Federal grant requirements also obligate the program to track other relevant information such as recidivism, number of screenings, and jail days.
- There is no central database specifically for the DWI court that stores all relevant participant information. Treatment providers, probation, and the court all have separate databases that are utilized. However, the CCDWI had a good process in place due to the probation officer entering data on drug testing, participant contacts, and general case notes on participants in the Court Services Tracking System (CSTS) and sharing this information with all team members.
- Grant requirements necessitate that the program track information for grant-related goals. Otherwise, information is not monitored locally to assess whether the program is moving toward its goals and therefore has not resulted in program changes.
- In addition to this current process evaluation, the program has had an evaluator measure whether the program is being implemented as intended as well as measure whether the program is achieving its intended outcomes. Adjustments in policy or practice have not been made as a result of the prior evaluation.

13 DWI Guiding Principle #9
Commendations

- **The CCDWI has completed a previous evaluation and is participating in the current evaluation.** A previous evaluation has been completed by a professor from Bemidji State University, which included data analysis of the goals and objectives created by the program.

- **The CCDWI collects electronic data.** The program is commended for performing data collection in the local court and probation office databases and the Drug Court Offender Tracking Sheet.

Suggestions/Recommendations

- **Share evaluation and assessment results.** The CCDWI team members are encouraged to discuss the overall findings of this process evaluation and the previous evaluations, both to enjoy the recognition of its accomplishments and to identify areas of potential program adjustment and improvement. Although the CCDWI has had a previous evaluation and collects electronic data, this information has not been used to make changes in program procedures. It may benefit the program to plan a time for the policy committee to discuss the results of this evaluation and make a plan for how to use the information. In addition, the assessment and evaluation results can be very beneficial to the program in grant applications to fund additional positions or in seeking support from local funders/agencies for additional resources in documenting needs as well as demonstrating how well the program has done in some areas.

**KEY COMPONENT #9: CONTINUING INTERDISCIPLINARY EDUCATION PROMOTES EFFECTIVE DRUG COURT PLANNING, IMPLEMENTATION, AND OPERATIONS.**

This component encourages ongoing professional development and training of drug/DWI court staff. Team members need to be updated on new procedures and maintain a high level of professionalism. Drug and DWI courts must decide who receives this training and how often. Ensuring thorough training for all team members can be a challenge during implementation as well as for courts with a long track record. Drug and DWI courts are encouraged to continue organizational learning and share lessons learned with new hires.

Team members must receive role-specific training in order to understand the non-adversarial, collaborative nature of the model. Team members must not only be fully trained on their role and requirements, but also be willing to adopt the balanced and strength-based philosophy of the drug/DWI court. Once understood and adopted, long assignment periods for team members are ideal, as tenure and experience allow for better understanding and full assimilation of the model components into daily operations.

**National Research**

Research on the use of evidence-based and promising practices in the criminal justice field has consistently shown that in order to operate effective programs as intended, practitioners must receive the necessary resources to make the program work, receive ongoing training and technical assistance, and be committed to the quality assurance process (Barnoski, 2004; Latessa & Lowenkamp, 2006). Andrews and Bonta (2010) maintain that correctional and court programs must be focused not only on targeting high-risk offenders and matching offenders to appropriate treatment (needs), but must also concentrate on effectively building and maintaining the skill set of the employees (in the case of drug courts—team members) that work with offenders. Training
and support allows teams to focus on translating drug court best practice findings into daily operations and builds natural integrity to the model (Bourgon, Bonta, Rugge, Scott, & Yessine, 2010). Carey, Finigan, and Pukstas (2008) and Carey et al. (2012) found that drug court programs requiring all new hires to complete formal training or orientation—and requiring all drug court team members to be provided with regular training—were associated with higher graduation rates and greater cost savings due to lower recidivism.

**CCDWI Process**

- The program reported that most team members have received training specifically on the drug court and DWI court model.
- Most team members have received training specifically about the target population of the program. Some staff have also received training specific to their roles and also on strength-based philosophy and practices.
- Most team members completed sanctions and incentives training specific to DWI court in 2012.
- Staff members occasionally bring new information on DWI court practices, including drug addiction and treatment, to staffing meetings.
- The Tribal court judge (observed during the site visit) and assistant county attorney have not received any formal DWI court or drug court training, outside of on-the-job training.
- The CCDWI makes efforts to have new team members receive training on the Drug/model before or soon after joining the team.

**Recommendations**

- **Ensure that all DWI court team members receive training after becoming part of the CCDWI team.** Almost all active team members have attended multiple trainings related to drug and DWI court, incentives/sanctions, and team member roles. Although the lack of training in the remaining team members does not appear to greatly hinder operations in this particular court, it is recommended that the CCDWI team explore ways to obtain training for any team members that have not had this education, as well as refreshers for those who have. NPC’s recent research findings showed that courts that obtained regular training for their team members had better participant outcomes, including decreased recidivism, greater program completion, and greater cost savings (Carey, Finigan, & Pukstas; Carey et al., 2012).

The National Drug Court Institute (NDCI) often provides training or assistance at little or no cost for those programs in need (see [www.ndci.org/training](http://www.ndci.org/training)). There are also free Webinars and other training materials available on the NDCI Web site that may be useful as assignment for all team members. One low-cost option is to have team members take turns performing the duty of searching for recent DWI court research and other relevant information (e.g., drug addiction and treatment) and spending a few minutes at team meetings reviewing the main findings and how they can be used to supplement the program.

The district court judge (who just recently joined the team) has completed some online trainings, observed other programs, and also received materials pertaining to drug courts, such as the National Drug Court Institute’s Judicial Benchbook. The program also plans to have the judge complete additional, formal training when the opportunity becomes available.
KEY COMPONENT #10: FORGING PARTNERSHIPS AMONG DRUG COURTS, PUBLIC AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS GENERATES LOCAL SUPPORT AND ENHANCES DRUG COURT PROGRAM EFFECTIVENESS.

This component and associated DWI Court Guiding Principle on sustainability encourage drug/DWI courts to develop partnerships with other criminal justice and service agencies.\textsuperscript{14} For these collaborations to be true “partnerships,” regular meetings and collaborations with these partners should occur. If successful, the drug/DWI court will benefit from the expertise that resides in all of the partner agencies and participants will enjoy greater access to a variety of services. Drug/DWI courts must determine what partners are available and decide with whom to partner and how formal to make these partnerships. Other important factors to weigh include who will be considered as part of the main drug/DWI court team; who will provide input primarily through policymaking; and what types of services will be available to clients through these partnerships.

The overall focus is on sustainability, which includes engaging interagency partners, becoming an integral approach to the DWI problem in the community, creating collaborative partnerships, learning to foresee obstacles and addressing them proactively, and planning for future funding needs.

National Research

Results from the American University National Drug Court Survey (Cooper, 2000) show most drug courts are working closely with community groups to provide support services for their participants. Examples of community resource partnerships include self-help groups such as AA and NA, medical providers, local education systems, employment services, faith communities, and Chambers of Commerce. Carey et al. (2005, 2012) found that programs that had true formal partnerships with community agencies that provide services to drug court participants had better outcomes than programs that did not have these partnerships.

Additional preliminary findings (Carey et al., 2012) indicate that drug court programs with an advisory committee that includes members of the community nearly doubled the cost savings.

CCDWI Process

- The CCDWI has a policy committee that meets outside of staffing sessions to discuss program issues. The committee consists of all team members who attend staffing and court sessions.

- CCDWI was initially funded through the Minnesota State Courts Administrator’s Office (SCAO). Currently the program is funded by National Highway Traffic Safety Administration (NHTSA) and local city/county funding. CCDWI has been able to secure additional funding through a Byrne Justice Assistance (BJA) grant, state funding provided by the Office of Justice Programs (OJP), as well as county-level funding to continue operations. The CCDWI’s collaborative, multi-jurisdictional approach with the Leech Lake Band of Ojibwe also provides funding for the DWI court coordinator position.

- Due in part to location and the scarcity of available community resources, the CCDWI has been limited in developing relationships with organizations that can provide services

\textsuperscript{14} DWI Court Guiding Principle #10
for participants in the community (such as education, housing, employment, and transportation).

- Although the team has had previous discussions to establish an alumni group, the program does not currently have one in place.
- The CCDWI has also recently benefited from the donation of funds to the local probation department by Drive Right 365, a safe driver advocacy and education group. The donation was provided directly to the probation department to promote traffic safety, which was then used to purchase gas cards to assist probationers with transportation (including some CCDWI participants). The program holds an annual picnic with participants and team members in attendance, and may also invite other community members such as the county commissioner or mayor.

Commendations

- **The CCDWI intergovernmental agreement.** As described in Key Component #1, the CCDWI has an unprecedented agreement between the overlapping jurisdictions of Leech Lake Tribal Court and Cass County. This agreement was reached to clarify roles and responsibilities between the jurisdictions. Utilizing the drug court model of rehabilitation over traditional punitive approaches has helped address drinking and driving issues within the area, and also served as a model for how intergovernmental cooperation can be accomplished on the local, state and national level.

Suggestions/Recommendations

- **Continue connecting with existing and new community partners.** The program should continue to look for additional community support, as well as building upon current partnerships. In this time of budget cuts and uncertain funding, it is crucial that the CCDWI create partnerships with community members and work on forging even more relationships. Multiple team members noted that much of the general community is probably willing to further support the program by providing resources, but that outreach to date was limited due to time constraints. It is important to educate those not familiar with DWI courts in how the model works and its benefits, as well as the overall mission to improve the community. The program should consider developing an advisory committee that includes members of the local community (such as business owners or service providers), whose purpose differs from a steering committee in that they are more focused on issues such as sustainability and program resources, as opposed to program policies. A community mapping worksheet can also be found online to possibly help identify all possible community connections.
  http://www.ndcrc.org/content/community-mapping-resources-chart

- **Continue work toward establishing an alumni group.** Anecdotally, programs regularly report difficulty in creating and maintaining a self-sufficient alumni group. The CCDWI noted that they have discussed the establishment of a group to enhance support for participants after graduation, stating that some participants struggle once they leave the structure and support of the CCDWI. Team members should continue these efforts to create their alumni group, perhaps facilitating the group initially, or encouraging certain individual program participants to take leadership or mentoring roles (when appropriate) within the program to help active participants and then continue this role after graduation. The following links (on the next page) provide some resources on alumni groups and peer mentoring.
Section I: Process Evaluation

1. http://store.samhsa.gov/shin/content/SMA09-4454/SMA09-4454.pdf

ADDITIONAL RESOURCES

The appendices at the end of this document contain additional information for DWI courts. Appendix A contains the Guiding Principles of DWI courts. Appendix B contains Minnesota’s drug court and DWI court standards. Other important and useful resources for drug courts (such as free webinars on a variety of drug court related topics and sample screening and assessment forms, etc.) are available at these Web addresses: http://www.dwicourts.org, http://www.ndcrc.org and http://www.ndcrc.org/search/apachesolr_search/sample%20forms.

Summary of Process Findings and Recommendations

The CCDWI was implemented in April 2006, with the goal of enhancing public safety by coordinating substance abuse intervention with judicial oversight, increasing supervision, maintaining individual accountability, providing hope, and creating opportunities to improve the quality of life within families and in the community. This multi-jurisdictional court program, designed to take a minimum of 18 months to complete, takes only post-adjudication individuals including those already serving a term of supervision on probation. The general program population consists of repeat DWI offenders with felony or gross misdemeanor or cases (two or more DWI offenses within 10 years) charged in Cass County or Leech Lake Reservation who voluntarily agree to participate in the program. The CCDWI has the capacity to serve approximately 25 participants at one time. As of the time of this report, there had been 32 graduates and 9 participants who did not complete the program (were terminated). In May 2013, there were 17 active participants. About 50% of the participant population is white and 50% Native American. Participants are split evenly between genders.

Overall, the CCDWI has implemented its DWI court program within the guidelines of the 10 Key Components and 10 Guiding Principles. The program should be commended for the following good practices:

- **Good communication between team members.** Participating team members attend staffing sessions and provide feedback on participant progress as well as court responses. Frequent email and phone contact occurs between team members between staffing sessions, which ensures that relevant information is communicated to appropriate parties. Research has shown that drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email (Carey et al., 2012). Additionally, the program continues to maintain exemplary intergovernmental cooperation between the local reservations and the district court, which has resulted in multiple awards and sets a standard that is recognized at a national level.

- **Communication with treatment providers.** For the team to make informed and fair decisions about responses to participant behavior, it is crucial that all necessary information from treatment agencies be provided to probation and the court regularly. Although multiple providers may be utilized by program participants (requiring further coordination by team members), the CCDWI is commended for having established relationships with these providers that results in consistent and timely information being shared.

- **Program includes a law enforcement representative on team.** The program is commended for having a representative from the local sheriff’s office who attends
staffing and court sessions, assists the probation officer in conducting additional home visits/compliance checks, and provides additional supervision (by recognizing participants while on regular duty) within the community. Research has shown that drug courts that include law enforcement as an active team member have higher graduation rates, lower recidivism and higher cost savings (Carey et al., 2012).

- **A policy committee has been established.** The program has a policy committee that meets regularly. Team members commented that meetings have not occurred recently due the transition of the judges on the team, but noted that this was only temporary. The purpose of the meetings is to discuss and make decisions about DWI court policy issues that cannot be addressed during staffing sessions, such as prior participants re-entering the program, and also to ensure that the team is working toward program goals. The committee may consider using an upcoming session for addressing the recommendations described throughout this report.

- **The program primarily coordinates outpatient treatment through two agencies.** Although multiple providers are available to participants who utilize state funds for outpatient treatment, the CCDWI is able to primarily coordinate with two providers for this service. The program is commended for this arrangement, as research has shown that having one to two treatment providing agencies is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012).

- **The program has a dedicated assistant county attorney assigned to the program.** Best practices research indicates that this results in more positive participant outcomes including significantly lower recidivism and increased cost savings (Carey, Finigan, & Pukstas, 2008). It was reported by multiple team members that despite a lack of formal training in the DWI court model, the assistant county attorney was aware of the team approach while participating in DWI court proceedings. It was also gathered during the site visit that he was clearly supportive of the DWI court concept and succeeded in taking a non-adversarial approach to his role on the team.

- **The program length is a minimum of 13 months, and has at least three phases.** The CCDWI is intended to last a minimum of 13 months, and 18 months for felony participants. Programs that have a minimum length of stay of at least 12 months had significantly higher reductions in recidivism. In addition, programs that had three or more phases showed greater reductions in recidivism (Carey et al., 2012).

- **The program offers an array of treatment services, using evidence-based and culturally specific programming.** The CCDWI offers a breadth of diverse and specialized services to program participants through its partnership with the various treatment providers that are utilized in the area. There is also a partnership with Leech Lake Outpatient to meet the culturally specific needs of participants who live on the reservation. Participants are able to attend ceremonies that are culturally relevant instead of traditional meetings such as Alcoholics Anonymous.

- **Participants must write a relapse prevention plan prior to leaving the program.** The relapse prevention plan includes ways to develop alternative alcohol-free activities and methods to deal with relapses if they do occur. In addition to helping support sustained recovery, having a relapse prevention plan enhances participants’ ability to maintain the behavioral changes they have accomplished through participation in the CCDWI.
• **Drug testing results are typically obtained quickly.** Team members noted that drug testing results are typically obtained immediately, outside of confirmations or additional testing (such as Etg testing). The CCDWI is commended for adhering to this best practice as research has shown that obtaining drug testing results within 48 hours of submission is associated with higher graduation rates and lower recidivism (Carey, Finigan, & Pukstas, 2008).

• **Participants are required to test clean for at least 180 days before they can graduate.** Research has shown that the longer clients are required to be clean before graduation (greater than 90 days), the more positive their outcomes (both in terms of lower recidivism and lower costs) (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

• **Program offers flexibility with drug testing requirements.** The CCDWI should be commended for its approach in performing drug testing on participants, particularly within its large jurisdiction. The team works to accommodate participant work schedules and to make testing as accessible as possible during their time in the program. The majority of testing is completed by the probation officer during home visits, but participants are also tested by local treatment providers and can submit samples at the jail when team members are not available.

• **Program completes specialized drug testing on participants.** When suspicions arise, the CCDWI is able to complete specialized testing to ensure participants are not using substances that do not show up on the standard drug tests currently used. The program is commended for this practice, as budget limitations often prevent programs from performing this aspect of drug testing.

• **Team members have written guidelines for team responses to participant behavior.** The CCDWI has written guidelines for team responses to participant behaviors and have provided them to the team. This has been shown to produce greater reductions in recidivism and higher cost savings due to lower recidivism (Carey et al., 2012).

• **Good coordination of team response to participant compliance.** A variety of rewards are provided to participants in the court. Participants are rewarded for progress with praise from the judge, promotion to the next phase, drawings for gift cards, or sobriety medallions. The CCDWI appears to have an appropriate balance of individualized sanctions and rewards, and also understands the importance of issuing a sanction as close to negative behavior as possible. The probation officer provide written notes to all team members prior to staffing as well, ensuring that the team is properly informed and allowing for thoughtful feedback on consequences.

• **Graduation ceremonies are celebrations of successful participants.** Graduations were reported by team members to be a significant accomplishment for the participants. Graduations are distinct from regular hearings, with active participants required to attend to help create a supportive environment. Team members noted that graduations also provide an opportunity for community partners, including arresting officers, to witness program successes. Inviting community partners to observe and participate in graduations is a low cost way to highlight the effectiveness of the program and garner interest for continued and future involvement with the program.

• **Focus and attention is given to participants exhibiting positive behaviors.** During the observed staffing and court session appropriate time was dedicated to participants doing well in the program and positive feedback was given even to participants receiving sanc-
tions about any positive behaviors they had exhibited. Research has shown that it is not possible to overdo praise and people cannot become habituated to it. The CCDWI judges should be commended for emphasizing and reinforcing positive behavior on a regular and consistent basis, and should ensure new judges assigned to the program maintain this practice.

- **Rewards and sanctions are clearly explained in court.** Because this DWI court often imposes rewards and sanctions on an individualized basis, the team is commended for taking into consideration the appearance of equal treatment for similar infractions. The rationale behind decisions regarding levied sanctions was consistently communicated throughout the observed court session. This benefits both the participant being addressed by the judge and the participants who are observing.

- **The program has a judge who has presided over the program for 2 years or more.** The CCDWI is commended for this practice, as judicial experience and longevity are correlated with more positive participant outcomes and significantly higher cost savings, particularly 2 years and longer (Carey et al., 2012).

- **Both judges work well together and maintain consistency.** Although the CCDWI has a unique arrangement with two judges who jointly preside over the program, because both judges regularly attend staffing and court together, they are able to maintain consistency and perform well together as a team. We recommend this excellent collaboration continue between the two new judges.

- **Judges spent greater than 3 minutes with each participant.** During observations, the judges averaged around 6 minutes when addressing each participant. An average of 3 minutes per participant is related to graduation rates 15 percentage points higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey et al., 2012).

- **Participants are able to attend court in multiple locations.** During the follow-up call, the CCDWI acknowledged that holding court sessions in two locations may not be a best practice, as it may affect the continuity and dynamics of the group in attendance. Continuity within the group is important, but there appear to be significant barriers, such as transportation challenges, addressed by utilizing remote conferencing such that the benefits outweigh the risks. The program is commended for creatively addressing the geographical challenges and reinforcing the success of this technology through the strength of its commitment and collaboration between sites. The CCDWI should periodically assess the potential pros and cons of this setup, and adjust procedures as needed to serve the best interest of participants.

- **The CCDWI collects electronic data.** The program is commended for performing data collection in the local court and probation office databases and the Drug Court Offender Tracking Sheet.

- **The CCDWI intergovernmental agreement.** The CCDWI has an unprecedented agreement between the overlapping jurisdictions of Leech Lake Tribal Court and Cass County. This agreement was reached to clarify roles and responsibilities between the jurisdictions. Utilizing the drug court model of rehabilitation over traditional punitive approaches has helped address drinking and driving issues within the area, and also served as a model for how intergovernmental cooperation can be accomplished on the local, state and national level.
Although this program is functioning well in many areas, NPC’s review of program operations resulted in some recommendations for program improvements. We recognize that it will not always be feasible to implement all of these recommendations due to budgetary, policy, or infrastructure limitations. It is important for the team to be as flexible as possible and do what they can to work around the barriers to accomplish the ultimate goal of doing what is best for the participants.

The following recommendations represent the primary areas of suggested program improvement that arose during the interviews, focus groups, and observations during the site visit. Background information, more detailed explanations, and additional recommendations presented within each of the 10 Key Components and 10 Guiding Principles are included in the body of the report.

- **Continue efforts to include a defense attorney on the team.** Multiple team members noted the importance of having a defense attorney on the team, as they bring an important perspective during team discussions. Although the program appears to observe due process requirements, additional advocacy on behalf of participants is an important aspect of the program that is currently missing. The team previously had involvement from the public defender’s office, but noted during the follow-up call that public defenders are no longer eligible to serve on post-plea programs such as the CCDWI, as the public defender’s representation ends after an individual is convicted. However, due process, and the right to counsel at all proceedings are constitutional principles which do not change. Drug court clients are seen more frequently, supervised more closely, and monitored more stringently than other offenders. Thus they have more violations of program rules and probation. Defense counsel must be there to rapidly address the legal issues, settle the violations, and move the case back to treatment and program case plans.

The CCDWI team is constrained by the limited number of private attorneys located within Cass County. Participation by either the public defender’s office or a private attorney would have to be on a volunteer basis at this time. The team has approached Regional Native Public Defense Corporation to request staffing support as well. Efforts to provide defense attorney representation on the team should continue. *The team suggested during the follow-up call that if the Minnesota Public Defender’s Office could designate just one public defender for each district, it would be a small number of positions to fund and they should be able to manage all the counties in the state.*

- **Continue with efforts to connect participants with treatment services as soon as possible.** Overall, the CCDWI has done well in having participants enter the program in a timely manner. Team members did note that while many participants are connected to treatment services quickly, delays can occur while awaiting completion of chemical health assessments (particularly on the Leech Lake Reservation). The program understands that the intent of DWI court is to connect individuals to services expeditiously and limit their time in the criminal justice system, and should continue its efforts to have assessments completed swiftly.

- **Increase options for referrals to ancillary services.** Team members reported that the CCDWI does not make many referrals for medical, dental, and psychiatric care for participants. This is primarily due to the lack of services in the area, but could perhaps be improved with increased outreach by the program to community resources. Meeting participant needs across the spectrum of issues affecting their lives can help participants succeed. In addition, appropriate care can help mitigate participant use of substances to self-medicate problems related to physical pain. Many programs have seen benefits with re-
duction in recidivism from offering health services. Such services may facilitate the ability of participants to succeed both inside and outside the program. Team members should consider developing more relationships with community agencies or individuals who may be available to provide these services, and further take advantage of events (such as graduations or annual picnics) as opportunities to gain more access to resources.

- **Consider maintaining a higher frequency of UA and other drug testing through Phase 3 of the program.** The CCDWI should examine their current practice of decreasing the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. Testing currently goes from four breathalyzer/UA tests a week in Phase 1 to an average of one breathalyzer/UA test every 2-4 weeks in Phase 3 (although additional breathalyzer tests may occur during other program requirements/contact with team members). NADCP best practices standards (2013) state that the frequency of drug testing be the last requirement that is decreased as participants progress through program phases. As treatment sessions and court appearances are decreased, verifying sobriety becomes increasingly important to determine if the participant is doing well with more independence and less supervision. As team members noted during the follow-up call, time and budget constraints present challenges in achieving this recommendation. However, the team was receptive to possibly re-evaluating this practice a little further, such as considering more random testing in Phase 3, and periodically discussing this policy to ensure its effectiveness.

- **Consider alternative sanctions to jail.** Although they are aware of current best practices, the program reports the use of short jail sanctions (1-2 days) for all positive drug tests. Although the option to use jail as a sanction is an integral piece of an effective drug court (Carey et al., 2008), it is important to use jail judiciously. There are some behaviors that are extremely difficult for true addicts to perform in the early phases of the program, particularly abstinence. The immediate use of jail then leaves the court with no harsher alternatives to use later in the program when relapse should no longer be occurring. However, in the context of a DWI court, if a participant is under the influence at the time of the positive drug test and/or during a home visit and may have the opportunity to get behind the wheel, it is appropriate and necessary to take them into custody at that time to protect public safety.

- **Implement alternative ceremonies/recognition for participants.** Team members reported that they had some culturally specific ideas for recognizing Leech Lake Reservation participants who complete their treatment program, including a drum group performance, a pipe ceremony, and gifting feathers to participants to make the accomplishment of completing treatment more memorable. These creative incentives were recent ideas to be included with additional agenda items at the next steering committee meeting. The CCDWI is encouraged to continue such innovative thinking.

- **Review written guidelines on responses to participant behavior.** The CCDWI should review written incentive and sanction guidelines periodically, perhaps annually at steering committee meetings, to allow changes in practices to be reflected in official program documentation.

- **Judges should preside over DWI court for at least 2 years.** As the program was transitioning new judges into the program during and after the site visit, it is recommended that the DWI court strive to keep the new judges on the DWI court bench for at least 2 years and ideally longer, as judge experience and longevity are correlated with more positive
participant outcomes and greater cost savings (Carey, Finigan, & Pukstas, 2008). It is also important to allow the judges to volunteer for this service, if possible, as it increases the potential for improved client outcomes (Carey et al., 2013). During the transition, the program should also ensure previous DWI court judges are available to new judges for training and consultation.

- **Share evaluation and assessment results.** The CCDWI team members are encouraged to discuss the overall findings of this process evaluation and the previous evaluations, both to enjoy the recognition of its accomplishments and to identify areas of potential program adjustment and improvement. Although the CCDWI has had a previous evaluation and collects electronic data, this information has not been used to make changes in program procedures. It may benefit the program to plan a time for the policy committee to discuss the results of this evaluation and make a plan for how to use the information. In addition, the assessment and evaluation results can be very beneficial to the program in grant applications to fund additional positions or in seeking support from local funders/agencies for additional resources in documenting needs as well as demonstrating how well the program has done in some areas.

- **Continue connecting with existing and new community partners.** The program should continue to look for additional community support, as well as building upon current partnerships. In this time of budget cuts and uncertain funding, it is crucial that the CCDWI maintain partnerships with community members and work on forging even more relationships. Multiple team members noted that much of the general community is probably willing to further support the program by providing resources, but that outreach to date was limited due to time constraints. It is important to educate those not familiar with DWI courts in how the model works and its benefits, as well as the overall mission to improve the community. The program should consider developing an advisory committee that includes members of the local community (such as business owners or service providers), whose purpose differs from a steering committee in that they are more focused on issues such as sustainability and program resources, as opposed to program policies. A community mapping worksheet can also be found online to possibly help identify all possible community connections.

http://www.ndcrc.org/content/community-mapping-resources-chart

The following sections of the report present the CCDWI outcome and cost results, as well as additional recommendations.
SECTION II: OUTCOME EVALUATION

The main purpose of outcome evaluation is to determine whether the program has improved participant outcomes. In other words, did the program achieve its intended goals for its participants? An outcome evaluation can examine short-term outcomes that occur while a participant is still in the program. Short-term outcomes include whether the program is delivering the intended amount of services, whether participants receive treatment more quickly and complete treatment more often than those who do not participate, whether participants are successfully completing the program in the intended amount of time, whether drug or alcohol use is reduced, and what factors lead to participants successfully completing the program. An outcome evaluation can also measure longer-term outcomes (sometimes called an “impact evaluation”), including participant outcomes after program completion. In the case of DWI court programs, one of the largest impacts of interest is recidivism, particularly DWI recidivism. Are program participants avoiding the criminal justice system “revolving door”? How often are participants being rearrested with DWI charges, and are they spending time on probation or in jail? How often are participants in subsequent traffic-related incidents, including crashes and fatalities?

Outcome Evaluation Methods

For the outcome/impact evaluation, we identified a sample of participants who entered the DWI court program, along with a sample of individuals eligible for the DWI court but who received traditional court processing for their DWI charge (a policy alternative). It is important to identify a comparison group of individuals who are eligible for the DWI court because those who are not eligible represent a different population of DWI offenders; thus, any differences that cause individuals to be ineligible for DWI court could also be the cause of any differences found in outcomes. (Our methods for selecting the comparison group are described below.) Data for both program and comparison participants were tracked through existing administrative databases for a period of 1 to 2 years post DWI court entry depending on the availability of the data. The evaluation team used criminal justice, traffic safety, and treatment utilization data sources as described in Table 1 to determine whether DWI court participants and the comparison group differ in subsequent arrests, crashes, use of interlock devices, and license removal or reinstatement.

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

1. What is the impact of DWI court on recidivism?
   1a. Does participation in DWI court reduce the average number of all rearrests and DWI rearrests for those individuals compared with traditional court processing?
   1b. Does participation in DWI court lead to a lower overall recidivism rate (the percent of participants who were rearrested) compared with traditional court?
   1c. Are non-DWI court offenders (DWI offenders who go through the traditional court process) more likely to get a new DWI charge sooner than DWI court participants?
   1d. Does participation in DWI court reduce the number of traffic-related crashes for those individuals compared with traditional court processing?
   1e. Does participation in DWI court lead to a lower crash rate (the number of participants who are involved in crashes) compared with traditional court?
2. What is the impact of DWI court on other outcomes of interest?

   2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?

   2b. Does participation in DWI court lead to increased use of an interlock device (the percent of people who were required to use interlock) compared with traditional court?

3. How successful is the program in bringing program participants to completion and graduation within the expected time frame?

4. What participant and program characteristics predict successful DWI court outcomes? What predicts non-completion (termination or unsuccessful exit from the DWI court program)?

**SAMPLE/COHORT SELECTION**

To ensure a rigorous outcome evaluation, it is necessary to select a cohort of individuals who participated in the DWI court and a cohort of similar individuals who did not.

**The DWI Court Participant Group**

The DWI court participant sample, or cohort, was the population of individuals who entered DWI court from May 1, 2006, to August 23, 2012. Outcomes are presented in 1- and 2-year increments. That is, some DWI court participants do not have 2 full years since the date they entered the program; therefore, we cannot measure the 2-year recidivism rate for those individuals.

Evaluations sometimes exclude the first year of participants from analysis to allow the program time to be fully implemented. However, for programs with small caseloads, we need every available case to detect significant differences between groups. In the case of CCDWI, there were a total of just 61 DWI court participants available for analysis, so we elected not to exclude any of these participants as the sample size would have been too small for valid analyses.

**The Comparison Group**

**Step 1: Selecting the Comparison Group**

The comparison sample is composed of individuals who are similar to those who participated in the DWI court program (e.g., similar demographics and criminal history) but who did not participate in the program. The comparison sample was selected through a quasi-experimental design. We obtained a list from the Department of Public Safety, Office of Traffic Safety and Driver and Vehicle Services database of all individuals who had two or more DWI convictions from January 2004 to October 2012. These data allowed the identification of individuals in each county who had at least two DWIs in a period of 10 years or less and therefore were potentially eligible for CCDWI. Additional information was gathered from the State Court Administrator’s Office Court (SCAO) database on this initial list of potential comparison group members that indicated whether they fit the eligibility criteria for the DWI court program. This information included detailed demographics and criminal history. All DWI court participants were removed from the list, and then the DWI court participants and comparison individuals were matched on all available information (described in detail below) using propensity score matching.
Step 2: Matching the Comparison Groups to the DWI Court Groups - Application of Propensity Score Weighting

Comparing program participants to offenders who did not participate in the DWI court (comparison group members) is complicated by the fact that program participants may systematically differ from comparison group members, and those differences, rather than DWI court, may account for some or all of the observed differences in the impact measures. To address this complication, once the available comparison sample was identified, we used a method called propensity score matching because it provides some control for differences between the program participants and the comparison group (according to the available data on both groups) (Rosenbaum & Rubin, 1983). Propensity scores are a weighting scheme designed to mimic random assignment.

We matched participants with potential comparison group members on a number of participant characteristics including: 1) race, 2) age, 3) gender, and 4) prior criminal history/prior DWI history.

DATA COLLECTION AND SOURCES

Administrative Data

NPC staff members adapted procedures developed in previous drug and DWI court evaluation projects for data collection, management, and analysis of the DWI court data. The data necessary for the evaluation were gathered from administrative databases as described in Table 1. The table lists the type of data needed and the source of these data.

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15 We attempted to collect data on risk and need assessment scores in order to match the DWI court and comparison group on risk and need level. However, most DWI offenders who did not participate in DWI court were not assessed for risk or need, so these data were unavailable. We believe that criminal history and prior DWI history provide some indication of risk level for this population.
Table 1. MN DWI Court Evaluation Data and Sources

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DWI Court Program Data</strong></td>
<td></td>
</tr>
<tr>
<td>Examples:</td>
<td></td>
</tr>
<tr>
<td>• Identifiers</td>
<td>SCAO Drug Court Tracking Sheets</td>
</tr>
<tr>
<td>• Participant demographics</td>
<td>SCAO/Judicial Branch (MNCIS)</td>
</tr>
<tr>
<td>• Program start and end dates</td>
<td></td>
</tr>
<tr>
<td>• Substances used in the year before program entry</td>
<td></td>
</tr>
<tr>
<td>• Treatment attended</td>
<td></td>
</tr>
<tr>
<td>• Driver’s license status</td>
<td></td>
</tr>
<tr>
<td>• Employment at entry and exit</td>
<td></td>
</tr>
<tr>
<td>• Housing status</td>
<td></td>
</tr>
<tr>
<td>• Dates of DWI court appearances/status review hearings</td>
<td></td>
</tr>
<tr>
<td><strong>Treatment Data</strong></td>
<td>Minnesota Department of Human Services (DHS)</td>
</tr>
<tr>
<td>Examples:</td>
<td></td>
</tr>
<tr>
<td>• Identifiers and Demographics</td>
<td></td>
</tr>
<tr>
<td>• Treatment Modality</td>
<td></td>
</tr>
<tr>
<td>• Dates of treatment sessions and/or start and end dates for each modality</td>
<td></td>
</tr>
<tr>
<td>• Dates of assessments performed</td>
<td></td>
</tr>
<tr>
<td>• Assessment score (e.g., Needs assessment)</td>
<td></td>
</tr>
<tr>
<td>• Billing information for treatment services</td>
<td></td>
</tr>
<tr>
<td><strong>Court-Related Data</strong></td>
<td>SCAO/Judicial Branch (MNCIS)</td>
</tr>
<tr>
<td>Examples:</td>
<td></td>
</tr>
<tr>
<td>• Identifiers</td>
<td></td>
</tr>
<tr>
<td>• Incident dates (arrest dates)</td>
<td></td>
</tr>
<tr>
<td>• Dates of case filings</td>
<td></td>
</tr>
<tr>
<td>• Charges</td>
<td></td>
</tr>
<tr>
<td>• Dates of convictions</td>
<td></td>
</tr>
<tr>
<td>• Dates of court appearances</td>
<td></td>
</tr>
</tbody>
</table>
# Data

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DWI History and Recidivism Data</strong>&lt;br&gt;Examples:</td>
<td>Department of Public Safety, Driver and Vehicle Services (DVS) data</td>
</tr>
<tr>
<td>• Identifiers</td>
<td></td>
</tr>
<tr>
<td>• Dates of DWI arrests</td>
<td></td>
</tr>
<tr>
<td>• Dates of DWI convictions</td>
<td></td>
</tr>
<tr>
<td>• Dates of DWI-related crashes</td>
<td></td>
</tr>
<tr>
<td><strong>Department of Corrections Recidivism-Related Data</strong>&lt;br&gt;Examples:</td>
<td>Minnesota Department of Corrections (DOC)</td>
</tr>
<tr>
<td>• Identifiers</td>
<td></td>
</tr>
<tr>
<td>• Demographics</td>
<td></td>
</tr>
<tr>
<td>• Jail entry and exit dates</td>
<td></td>
</tr>
<tr>
<td>• Prison entry and exit dates</td>
<td></td>
</tr>
<tr>
<td>• Parole start and end dates</td>
<td></td>
</tr>
<tr>
<td>• Probation start and end dates</td>
<td></td>
</tr>
<tr>
<td>• Dates of drug tests</td>
<td></td>
</tr>
<tr>
<td>• Results of drug tests</td>
<td></td>
</tr>
<tr>
<td>• Risk assessment results (LSIR/RANT)</td>
<td></td>
</tr>
<tr>
<td><strong>Probation Recidivism Data</strong>&lt;br&gt;Examples:</td>
<td>Local Probation Department Databases or Files/County Court Services or Probation Department for each of the nine DWI court counties</td>
</tr>
<tr>
<td>• Probation start and end dates</td>
<td></td>
</tr>
<tr>
<td>• Risk assessment results</td>
<td></td>
</tr>
<tr>
<td>• Dates of drug tests</td>
<td></td>
</tr>
<tr>
<td>• Results of drug tests</td>
<td></td>
</tr>
</tbody>
</table>

*Note. Availability of drug test dates and results, as well as risk assessment scores, varied by site. In some sites where these data were available, they were sometimes incomplete and/or unavailable for the comparison group.*

**DATA ANALYSES**

Once all data were gathered on the study participants, the data were compiled and cleaned and moved into SPSS 20.0 for statistical analysis. The analyses used to answer specific questions are described below.\(^{16}\)

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\(^{16}\) Analyses that examine outcome time periods greater than 1 year include only participants who have the full outcome time available. For example, analyses that examine outcomes 2 years from DWI court entry will only include individuals that have 2 full years of outcome time available. Outcomes are based upon program entry date (or a similarly assigned date for the comparison group).
RESEARCH QUESTION #1: WHAT IS THE IMPACT OF DWI COURT ON RECIDIVISM?

1a. Does participation in DWI court reduce the average number of all rearrests and DWI rearrests for those individuals compared with traditional court processing?

Independent sample t tests and univariate analysis of covariance (ANCOVA) were performed to compare the mean number of all rearrests (including those for DWI charges) for all DWI court participants and the comparison group for each year up to 2 years after DWI court start date or an equivalent date for the comparison group (in the interest of simplicity, we will refer to this as the “program start date” for both groups going forward). Means generated by univariate analysis were adjusted in the analysis based on gender, age at program entry (or equivalent in the comparison group), race, and number of prior arrests. The non-adjusted means for graduates are included in the results for reference but should not be compared directly with the comparison group as the comparison group includes an unknown number of individuals who, had they participated in DWI court, may have terminated unsuccessfully from the program and are therefore not equivalent to DWI court graduates.

1b. Does participation in DWI court lead to a lower overall recidivism rate (the percent of participants who were rearrested) compared with traditional court?

Crosstabs were run to examine differences in recidivism rate (the number/percentage of individuals rearrested at least once during the specified time period) between DWI court and the comparison group for each year up to 2 years following program entry. Chi-square analyses were used to identify any significant differences in rearrest rates between DWI court and comparison group participants.

A logistic regression was used to determine if differences between DWI court participants and the comparison group were significant over and above any differences due to gender, age, race, and criminal history (number of arrests in the 2 years prior to DWI court program entry date).

1c. Are non-DWI court offenders (DWI offenders who go through the traditional court process) more likely to get a new DWI charge sooner than DWI court participants?

Due to the low prevalence of DWI rearrests, survival analysis of time to DWI rearrest was inappropriate. In its place, we used survival analysis to examine the time to any rearrest after program start date between the DWI court group and the comparison group (DWI offenders who went through “business as usual” probation processing). Time to any rearrest, or survival time, was calculated by subtracting the date rearrested from the program start date. The survival opportunity window for each individual was calculated by subtracting the date of program entry from the date of the earliest outcome dataset collected for this study (court data received on August 23, 2013). The number of months of observation for each participant serves as the censor date for those not rearrested. A Kaplan-Meier estimator and—if appropriate—a Cox Regression were used to determine if there were any significant differences in how swiftly (or how soon) DWI rearrests occur between DWI court participants and the comparison group.

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17 Time at risk is NOT controlled for in this or subsequent research questions as the intention of the analysis is to determine whether DWI Court participation (which typically occurs in the community) reduces recidivism more effectively than business-as-usual, which typically includes at least some incarceration. If incarceration was used for non-DWI Court participants and was effective in reducing crime, then controlling for this factor would prevent us from determining which path (DWI Court or business as usual) was more effective.
**1d. Does participation in DWI court reduce the number of traffic-related crashes for those individuals compared with traditional court processing?**

Due to the low incidence of traffic crashes for both the DWI court and comparison groups, statistical conclusions about the number of crashes could not be drawn. The unadjusted mean number of crashes for both groups are reported for groups, up to 2 years after program start date.

**1e. Does participation in DWI court lead to a lower crash rate (the number of participants who are involved in crashes) compared with traditional court?**

Similarly, due to the low incidence of traffic crashes, statistical comparisons about the percentage of individuals in crashes between the DWI court and comparison group could not be made. The percent of individuals involved in traffic crashes is presented for each year up to 2 years following program start date.

**Research Question #2: What is the impact of DWI court on other outcomes of interest?**

**2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?**

Crosstabs were run to examine differences in license reinstatement rate (the number/percentage of individuals who regained their licenses at least once during the specified time period) between DWI court and the comparison group for each year up to 2 years following program entry (or an equivalent date for the comparison group). Chi-square analyses were used to identify any significant differences in license reinstatement rates between DWI court and comparison group participants.

A logistic regression was used to determine if differences between DWI court participants and the comparison group were significant over and above any differences due to gender, age, race, and criminal history (number of arrests in the 2 years prior to DWI court start).

**2b. Does participation in DWI court lead to increased use of an interlock device (the percent of people who were required to use interlock) compared with traditional court?**

The percentage of individuals who were required to use an interlock device within 1 year after their program start date was compared between the DWI participants and the comparison group. Due to limited data availability and very few records of interlock use, statistical comparisons could not be drawn. Interlock data were only available from late 2011 forward; therefore, analysis comparisons were limited to 1-year outcomes due to the low number of people on interlock in conjunction with the limited number of program and comparison group people with 2 years of outcomes.

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

Whether a program is bringing its participants to completion in the intended time frame is measured by program graduation (successful completion) rates, and by the amount of time participants spent in the program. The program graduation rate is the percentage of participants who graduated from the program out of the total group of participants who started during a specified time period and who have all left the program either by graduating or being unsuccessfully discharged (that is, none of the group is still active and all have had an equal chance to graduate). The DWI court graduation rate is included for all participants, by entry year, from May 2006 to
April 2012. The average graduation rate (for participants entering between 2006 and 2012, to allow for enough time to complete the program) is compared to the national average for DWI court graduation rates, and the differences are discussed qualitatively.

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 DWI court program between May 2006 and April 2012, by DWI court entry year, and have been successfully discharged from the program. The average length of stay for graduates and for all participants was compared to the intended time to program completion, and the differences are discussed qualitatively.

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

Graduates and unsuccessfully discharged participants were compared on the basis of demographic characteristics and number of arrests during the 2 years prior to DWI court entry to determine whether any significant patterns predicting program graduation or recidivism could be found. In order to best determine which demographic characteristics were related to successful DWI court completion, chi-square and independent samples t tests were performed to identify which factors were significantly associated with program completion (graduation). A logistic regression was used including all variables in the model to determine if any factors were significantly related to graduation status above and beyond the other factors.

Participant characteristics and arrest history were also examined in relation to whether an individual was rearrested following DWI court entry. Chi-square and independent samples t test were performed to identify which factors were significantly associated with recidivism. A logistic regression was used including all variables in the model to determine if any factors were significantly related to recidivism above and beyond the other factors.
Outcome Evaluation Results

Tables 2-4 provide the demographics for the study sample of DWI court participants (all participants who entered from 2006 to 2012) and the comparison group. Propensity score matching included the characteristics with bolded text, and showed no imbalances, except for the number of prior DWI arrests in the 10 years prior to index arrest. Because we used all DWI court participants fitting our selected time frame, we ran additional independent samples t tests and chi-square analyses to confirm no significant differences between groups on the bolded characteristics. Due to a limited sample pool in the comparison group, our final comparison group had significantly fewer DWIs in the 10 years prior to index arrest than the DWI court program ($p < .001$). However, the actual difference in average number of DWIs in the 10 years prior to index (1.9 vs. 1.6) is quite small and not necessarily meaningful. Other characteristics, not used in matching due to lack of availability of consistent data in the comparison group, are provided as additional information.

Overall, Table 2 shows that about two-thirds of DWI court participants were male, two-thirds were American Indian/Alaska Native, and the average age at program entry was 37 years old with a range from 21 to 72 years old. None of these characteristics was statistically different in the comparison group.

Table 2. DWI Court Participant and Comparison Group Characteristics:
Demographics

<table>
<thead>
<tr>
<th></th>
<th>CCDWI Participants</th>
<th>Comparison Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$N = 61$</td>
<td>$N = 99$</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>62%</td>
<td>70%</td>
</tr>
<tr>
<td>Female</td>
<td>38%</td>
<td>30%</td>
</tr>
<tr>
<td>Race/Ethnicity$^a$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>61%</td>
<td>56%</td>
</tr>
<tr>
<td>White</td>
<td>39%</td>
<td>51%</td>
</tr>
<tr>
<td>Age at Entry Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average age in years</td>
<td>37 years</td>
<td>39 years</td>
</tr>
<tr>
<td>Range</td>
<td>21 – 72</td>
<td>20 – 76</td>
</tr>
</tbody>
</table>

$^a$ Percents will not add to 100% because race/ethnicity categories are not mutually exclusive (i.e., some people have more than one designation).

In terms of prior criminal history, the DWI court participants and comparison group were very similar. However, due to the limited sample pool for the comparison group, we were unable to select an exact match on DWI conviction history.
Table 3 shows the criminal history for the DWI court participants and the comparison group. The DWI court participant group had a slightly higher percentage of felony-level DWI offenders than the comparison group (not statistically significant), and a significantly higher number of average DWI arrests in the 10 years prior to index arrest ($p < .05$) although this difference (1.9 vs. 1.6) is not necessarily meaningful. Other than prior DWI arrests, none of the other criminal history differences was significant.

**Table 3. DWI Court Participant and Comparison Group Characteristics: Criminal History**

<table>
<thead>
<tr>
<th></th>
<th>CCDWI Participants</th>
<th>Comparison Group</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prior Arrests</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent with felony DWI as index arrest (the arrest that led to participation in DWI court)</td>
<td>34%</td>
<td>22%</td>
</tr>
<tr>
<td>Average number of DWI arrests 10 years prior to index arrest</td>
<td>1.9*</td>
<td>1.6</td>
</tr>
<tr>
<td>Average number of arrests 2 years prior to program entry</td>
<td>2.3</td>
<td>2.2</td>
</tr>
<tr>
<td>Average number of DWI arrests 2 years prior to program entry</td>
<td>1.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Average number of person arrests 2 years prior to program entry</td>
<td>0.20</td>
<td>0.19</td>
</tr>
<tr>
<td>Average number of property arrests 2 years prior to program entry</td>
<td>0.11</td>
<td>0.11</td>
</tr>
<tr>
<td>Average number of drug arrests 2 years prior to program entry</td>
<td>0.08</td>
<td>0.03</td>
</tr>
<tr>
<td><strong>Average number of other arrests 2 years prior to program entry</strong></td>
<td>1.6</td>
<td>1.5</td>
</tr>
<tr>
<td>Average number of misdemeanor arrests 2 years prior to program entry</td>
<td>1.4</td>
<td>1.4</td>
</tr>
<tr>
<td>Average number of gross misdemeanor arrests 2 years prior to program entry</td>
<td>1.5</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Average number of felony arrests 2 years prior to program entry</strong></td>
<td>0.41</td>
<td>0.27</td>
</tr>
</tbody>
</table>

*p < .05, **p < .01, ***p < .001*
### Table 4. DWI Court Participant Characteristics: Other

<table>
<thead>
<tr>
<th></th>
<th>CCDWI Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>N = 61</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than high school</td>
<td>26%</td>
</tr>
<tr>
<td>High school/GED</td>
<td>48%</td>
</tr>
<tr>
<td>Some college, technical school, or College graduate</td>
<td>26%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment at Program Entry</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployed</td>
<td>47%</td>
</tr>
<tr>
<td>Employed full or part time</td>
<td>53%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mental Health Diagnosis</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>50%</td>
</tr>
<tr>
<td>No</td>
<td>50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reported Addiction Severity at Program Entry</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abusing</td>
<td>5%</td>
</tr>
<tr>
<td>Dependent</td>
<td>95%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk Assessment Level</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Risk</td>
<td>12%</td>
</tr>
<tr>
<td>Moderate/Medium Risk</td>
<td>31%</td>
</tr>
<tr>
<td>High Risk</td>
<td>57%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Substances Used in Last Year</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>100%</td>
</tr>
<tr>
<td>Marijuana</td>
<td>41%</td>
</tr>
<tr>
<td>Prescription Drugs (Pills)</td>
<td>20%</td>
</tr>
<tr>
<td>Crack or Cocaine</td>
<td>10%</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>8%</td>
</tr>
<tr>
<td>Over the Counter Drugs</td>
<td>8%</td>
</tr>
</tbody>
</table>

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*a The n for each category may be smaller than the total group N due to missing data.

*b Numbers based on data from Chemical Health Assessment performed at DWI court entry. Numbers do not add up to 100% as participants could report more than one type of substance.
Table 4 displays additional characteristics of the DWI court program participants that were not available for the comparison group. About one in four (26%) DWI court participants had some college or were college graduates and about half (47%) were employed either full or part time. Half of the DWI court participants had a mental health diagnosis at program entry. Program participants were asked about all substances used in the last year before program entry; all of them reported alcohol consumption, followed by marijuana use (41%), prescription drugs (20%), crack or cocaine (10%), methamphetamines (8%), and over the counter drug use (8%).

**Research Question #1: What is the Impact of DWI Court on Recidivism?**

1a. Does participation in DWI court reduce the average number of all rearrests and DWI rearrests for those individuals compared with traditional court processing?

**YES.** DWI court participants had fewer rearrests for any offense and for DWI offenses.

Figure 1 illustrates the average number of cumulative rearrests for each year up to 2 years after program entry for CCDWI graduates, all CCDWI participants, and the comparison group. DWI court participants had significantly fewer arrests in both years following program entry ($p < .05$ in both years). In the second year following program entry, DWI court graduates had fewer rearrests than the entire DWI court group. The reported average number of rearrests for all participants and the comparison group were adjusted for age, race, gender, and prior arrests.

Figure 1. DWI Court Participants Had Fewer Rearrests over 2 Years

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18 The unadjusted means are provided for graduates in the figure; they are not directly comparable to the adjusted means of the comparison group, but are provided to add context for differences in outcomes between all DWI participants and graduates.

19 Adjusted means were not significantly different from unadjusted means for any year. For the Year 2 outcomes, the alternate model including time at risk was significant at $p < .05$; the adjusted means for Year 2 rearrests for the DWI court program and comparison group are 0.85 and 0.61, respectively.

20 Sample sizes by group and time period (1 Year, 2 Years): Graduates $n = 35, 34$; All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 
Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). According to program assessment results, 95% of CCDWI participants are scored at high need (i.e., alcohol dependant) and about 57% were assessed as high risk. To test whether the program was more effective with participants who were higher risk (as measured by a greater number of prior arrests), we examined the number of rearrests in the 2 years after program entry, in relation to the number of prior arrests in the 2 years before program entry. As depicted in Figure 2, we found a positive relationship for the comparison group between the number of prior arrests and the number of subsequent rearrests; that is, comparison individuals with more prior arrests had a greater number of rearrests. However, the number of rearrests for DWI court participants decreased as the number of prior arrests increased. For DWI court participants, those with a greater number of prior arrests actually had fewer rearrests.

In addition, holding age, race, and gender constant, we evaluated the differences in rearrests between the DWI court participants and the comparison group based on number of prior arrests. There were no significant differences between DWI court participants and the comparison group for those with a low or average number of prior arrests, but there were significant differences between DWI court participants and the comparison group for those with an average number of 3.5 prior arrests ($p < .01$). In other words, we compared higher risk participants (those with greater than three prior arrests) to higher risk comparison group members and found significantly lower recidivism in the DWI court group, while lower risk participants and comparison group members (those with three or fewer priors) had no significant difference in recidivism. This indicates that the DWI court program is particularly effective for individuals with a more extensive criminal history (i.e., higher risk participants).

Figure 2. Average Number of Rearrests by Number of Prior Arrests at 2 Years

To select low, medium, and high values of prior arrests to evaluate, we used the average number of prior arrests as a medium value, and the average number of arrests plus/minus one standard deviation; the resulting levels of low, average, and high values of prior arrests were 1.0, 2.2, and 3.5 arrests.
The CCDWI recidivism findings are consistent with prior drug court research and demonstrate that the highest risk group—those participants with more than three arrests in the 2 years prior to program entry—are benefitting the greatest from the CCDWI program. For the CCDWI, approximately one in three participants entered the program on a felony DWI arrest, and about half (57%) of participants were considered “high risk” based on supervision assessments. We recommend that the CCDWI continue its current efforts to target high-risk/high-need individuals and, if possible, incorporate recent criminal history activity (e.g., number of arrests in the past 2 years) into its eligibility considerations. In addition, we recommend that the CCDWI adjust supervision requirements to better fit those who are NOT high risk, so as to avoid the potential harmful effects of over-supervising those that do not need the same intense supervision needed by high-risk individuals. For example, the lower risk participants may do better coming to court hearings less often and having supervision appointments less often. In addition, it is best to keep lower risk and high-risk participants separate, as high-risk individuals can be a negative influence on lower risk individuals.

Another key measure for DWI courts is the average number of rearrests with DWI charges. Figure 3 illustrates that DWI court participants had fewer DWI rearrests; however, the total number of DWI rearrests in both groups was too small to detect statistical differences (Year 1 = 0, Year 2 = 6). However, it is encouraging that the average number of DWI rearrests in this population over a 2-year period is remarkably small, less than a tenth of the overall arrest rate for DWI court participants and the comparison group.

**Figure 3. Average Number of DWI Rearrests over 2 Years**

Sample sizes by group and time period (1 Year, 2 Years): Graduates $n = 35, 34$; All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 

---

22 Sample sizes by group and time period (1 Year, 2 Years): Graduates $n = 35, 34$; All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 

---
1b. Does participation in DWI court lead to a lower overall recidivism rate (the percent of participants who were rearrested) compared with traditional court?

**YES.** The percent of DWI court participants rearrested was lower than the comparison group Years 1 and 2, although these results were not statistically significant due to small sample sizes.

In addition to looking at average number of DWI rearrests as described in 1a, it is also useful to look at what percent of individuals from each group were rearrested over time. Figure 4 illustrates the percent of DWI court graduates, all DWI court participants, and comparison group members who were rearrested over a 2-year period for any charge following program entry. The percent of DWI court participants rearrested was substantially lower than the comparison group in Year 1 (15% to 30%, respectively), and Year 2 (33% to 51%), but not statistically significant when controlling for age, race, gender, and prior arrests. This lack of statistical significance is most likely due mainly to small sample sizes.

Similar to the results for average number of rearrests, the reduction in recidivism rates for the DWI court program group increases significantly ($p < .05$) as the number of prior arrests increases (i.e., the DWI court program is particularly effective at reducing recidivism for high-risk/high-need participants).

**Figure 4. Percent of Individuals Rearrested over 2 Years**

![Figure 4. Percent of Individuals Rearrested over 2 Years](image)

Sample sizes by group and time period (1 Year, 2 Years): Graduates $n = 35, 34$; All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 

---

23 Sample sizes by group and time period (1 Year, 2 Years): Graduates $n = 35, 34$; All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 
A key indicator of DWI court outcomes is the percent of individuals rearrested for a DWI offense. Figure 5 shows the percent of DWI court graduates, all DWI court participants, and the comparison group who were rearrested with a DWI charge. Figure 5 illustrates that there were no arrests for either the DWI court program or comparison group members in the first year after program entry, and a very small number of comparison group members (six people) rearrested in the second year. Comparisons here should be made with caution as there were so few people rearrested for a DWI offense.

**Figure 5. Percent of Individuals Rearrested with a DWI Charge over 2 years**

To present a more descriptive picture of the criminality of the groups, arrests are also presented broken out by type of charge including person (e.g., assault), property (e.g., theft), or other arrest charges (e.g., traffic violations) 2 years from program entry in Figure 6. Logistic regressions were run to control for age, race, gender, and prior arrests. “Other” arrests, accounting for the greatest portion of offenses, include a wide variety of offenses such as driving under a suspended or canceled license, speeding, public disorder, restraining order violations, and disturbing the peace, some of which may be directly or indirectly linked to alcohol use and may be more typical of DWI offenders than the other categories.

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24 Sample sizes by group and time period (1 Year, 2 Years): Graduates n = 35, 34; All DWI Court Participants n = 61, 48; Comparison Group n = 95, 81.

25 Drug crimes (e.g., possession) are not shown in the graph, as there were a total of 0 rearrests for both groups 2 years after program entry. When an individual received more than one charge per arrest, a single arrest could be coded as both a person and property crime. Therefore, the percents in Figures 6-7 do not add up to the percent of total arrests reflected in Figure 4.
Figure 6 demonstrates that, with the exception of person crimes, DWI court participants had lower arrest rates by type and level, although these differences were not statistically significant (again, likely due to small sample sizes).

**Figure 6. Percent of Individuals Rearrested by Arrest Charge at 2 Years**

![Bar chart](image)

Figure 7 displays the arrest charge level (misdemeanor, gross misdemeanor, or felony). DWI court participants are less likely to be rearrested for all three categories. Again, likely due to small sample sizes, these differences are not statistically significant.

**Figure 7. Percent of Individuals Rearrested by Arrest Level at 2 Years**

![Bar chart](image)

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26 Sample sizes by group: Graduates n = 34; All DWI Court Participants n = 48; Comparison Group n = 81.

27 Sample sizes by group: Graduates n = 34; All DWI Court Participants n = 48; Comparison Group n = 81.
1c. Are non-DWI court offenders (DWI offenders who go through the traditional court process) more likely to get a new DWI charge sooner than DWI court participants?

YES. We were unable to conduct a survival analysis for rearrests with DWI charges due to the low number of DWI rearrests (a total of six arrests over 2 years). Instead, a survival analysis was conducted using rearrests with any charge. DWI court participants were rearrested at a significantly lower rate than the comparison group, even after controlling for age, race, gender, and prior arrests ($p < .01$).

A survival analysis was conducted using participants with up to 2 years (presented in months) of outcome data. Results in Figure 8 show that the time to any rearrest occurred at different rates for DWI court participants and the comparison group. The solid blue line represents the DWI court group, and the dashed line represents the comparison group. As the line drops, this indicates the occurrence of rearrests over time. A steeper drop in the line indicates a greater number of rearrests occurring sooner. As displayed in the graph, the DWI court group’s line is consistently above the comparison group’s line, indicating a longer time to rearrest for DWI court participants. The average time to first rearrest for program participants was 20.6 months and for the comparison group, 17.7 months ($p < .01$). At the end of the 2-year period, 33% of DWI court participants were rearrested compared to 51% of comparison group.

Figure 8. Probability of Remaining Un-Arrested over Time (Survival Function)
Id. Does participation in DWI court reduce the number of traffic-related crashes for those individuals compared with traditional court processing?

NOT ENOUGH DATA TO DETERMINE. The average number of crashes was similar among DWI court participants and the comparison group. However, the number of crashes was so small (four crashes over a 2-year period) that a valid analysis could not be performed.

In the first year after program entry, the comparison group had a total of three crashes, while DWI court participants were not involved in any crashes. In the second year, the comparison group did not have any additional crashes, whereas the DWI court program had one participant involved in a crash (a non-graduate). Due to the low prevalence of crashes we could not conduct statistical tests for crashes, crashes involving drugs or alcohol, or crashes with injuries.

1e. Does participation in DWI court lead to a lower crash rate (the number of participants who are involved in crashes) compared with traditional court?

NOT ENOUGH DATA TO DETERMINE. Similar to above, a lower percent of DWI court participants were involved in crashes than the comparison group. However, the number of crashes was so small (four crashes over a 2-year period) that a valid analysis could not be performed.

Since none of the study participants was involved in more than one crash, the crash rate results are identical to average number of crashes described in 1d. In the first year after program entry, three comparison group members were involved in crashes, while zero DWI court participants were involved in crashes. In the second year, no additional comparison group members were involved in crashes, whereas one DWI court participant was involved in a crash. Due to the low prevalence of crashes we could not conduct statistical tests for crashes, crashes involving drugs or alcohol, or crashes with injuries. Given the perceived public safety danger of repeat DWI offenders, the low number of crashes is a positive finding.

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28 Sample sizes by group (1 Year, 2 Years): Graduates n = 35, 34; All DWI Court Participants n = 61, 48; Comparison Group n = 95, 81.
29 Sample sizes by group (1 Year, 2 Years): Graduates n = 35, 34; All DWI Court Participants n = 61, 48; Comparison Group n = 95, 81.
**Research Question #2: What is the impact of DWI court on other outcomes of interest?**

2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?

**No.** DWI court participants had their licenses reinstated at a similar rate as the comparison group over the 2-year period.

Figure 9 illustrates that persons in the DWI court group had a slightly lower rate of driver’s license reinstatement than the comparison group in the first 2 years after program entry. DWI court graduates were left out of the graph because they had similar rates of license reinstatements as the overall DWI court group. Results control for age, race, gender, and prior arrests.

Over two-thirds of repeat DWI offenders received a license reinstatement in the year following program entry, and at least four in five had received a license reinstatement after 2 years. These results should be interpreted with caution, as there are two notable data limitations. First, while we know there was one DWI court participant with a limited driver’s license at the time of program entry, we did not have this information available for the comparison group, and therefore did not exclude those with valid or limited licenses from the analysis. Second, a license reinstatement appears to be a temporary outcome for some individuals. For example, at the 2-year mark, for those who had a license reinstatement, DWI court participants had an average of 2.1 license reinstatements and comparison group members had an average of 1.9 license reinstatements, as licenses are reinstated on a temporary basis and renewed periodically for some DWI offenders.

**Figure 9. Percent of Licenses Reinstated over 2 Years**

![Graph showing percent of licenses reinstated over 2 years]

30 Sample sizes by group and time period (1 Year, 2 Years): All DWI Court Participants $n = 61, 48$; Comparison Group $n = 95, 81$. 

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2b. Does participation in DWI court lead to increased use of an interlock device (the percent of people who were required to use interlock) compared with traditional court?

**NOT ENOUGH DATA TO DETERMINE.** A very low number of DWI court participants and comparison group members used ignition interlock at all during a 1-year period; differences could not be compared statistically.

Of the DWI court participants, 6% (one person) used the ignition interlock device sometime during the first 12 months after program entry, compared to 4% (one person) in the comparison group. We recommend that further analyses be conducted when more ignition interlock data are available.\(^{31}\)

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

*Is this program successful in bringing program participants to completion and graduation within the expected time frame?*

**YES.** The average graduation rate for CCDWI is 65%, which is higher than the national average of 57%.

Whether a program is bringing its participants to successful completion and doing so in the intended time frame is measured by program graduation (completion) rate, and by the amount of time participants spend in the program. Program graduation rate is the percentage of participants who graduated from the program, out of a cohort of participants who started during a similar time frame and who have left the program either by graduating or by being unsuccessfully discharged. Active participants \((n = 7)\) are excluded from the calculation. Graduation rate was calculated for each entry year from 2006 to 2012. The program’s graduation rate for all participants entering between 2006 and 2011 is 65% (2012 was not included because the majority of participants were still active). Table 5 shows status outcomes by entry cohort year. Note that a very small number of participants enter the program each year. The graduation rate for each cohort is higher than the national average graduation rate of 57% (Huddleston & Marlowe, 2011).

<table>
<thead>
<tr>
<th>Program Entry Year</th>
<th>2006 (n = 6)</th>
<th>2007 (n = 5)</th>
<th>2008 (n = 15)</th>
<th>2009 (n = 8)</th>
<th>2010 (n = 8)</th>
<th>2011 (n = 10)</th>
<th>2012 (n = 9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduates</td>
<td>83%</td>
<td>80%</td>
<td>60%</td>
<td>75%</td>
<td>88%</td>
<td>40%</td>
<td>0%</td>
</tr>
<tr>
<td>Non-Graduates</td>
<td>17%</td>
<td>20%</td>
<td>40%</td>
<td>25%</td>
<td>12%</td>
<td>50%</td>
<td>33%</td>
</tr>
<tr>
<td>Actives</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>10%</td>
<td>67%</td>
</tr>
</tbody>
</table>

Although the CCDWI is doing better at graduating participants compared to the national average, a program goal is still to continue those practices that are contributing to participant success. In order to graduate, participants must comply with the program practices and requirements. To successfully increase graduation rates, DWI court teams must consider the challenges partici-

\(^{31}\) Ignition interlock data were only available starting in 2011, resulting in incomplete data for more than two-thirds of the sample. The sample sizes for comparison and program groups in the second year after program entry were too small for analysis.
pants face in meeting program requirements, continually review program operations, and adjust as necessary. This can include practices such as finding transportation for participants that have none (e.g., having participants with cars get rewards for picking up those without transportation and bringing them to treatment and court sessions, or providing bus passes) or assisting participants with childcare while they participate in program requirements.

To measure whether the program was following its expected time frame for participant completion, the average amount of time in the program was calculated for participants who had enrolled in the CCDWI program and have graduated from the program. The minimal requirements of the CCDWI would theoretically allow for graduation at approximately 18 months from the time of entry to graduation. The average length of stay in DWI court for all participants, both graduates and non-graduates) was 698 days (about 23 months). Graduates spent an average of 759 days in the program, just over 2 years, ranging from 15 months to 3.7 years in the program. Approximately 25% graduated within 20 months, and 50% graduated within 2 years of program entry. Participants who did not graduate spent, on average, more than 19 months in the program. Although the program is not graduating participants within the 18-month time frame, it is to be expected that high-need and high-risk individuals will need more time than the minimum to successfully complete a program that requires substantial life changes.

**Research Question #4: What participant and program characteristics predict successful DWI court outcomes?**

**Are there participant characteristics that predict program success?**

**YES.** Graduates of the DWI court program were more likely to be male, White, employed at program entry, and have completed all treatment requirements. However, when analyzed together, no characteristic predicted graduation above and beyond all other factors.

Graduates and non-graduates were compared on demographic characteristics and criminal history to determine whether there were any patterns in predicting program graduation. The following analyses included participants who entered the program from May 2006 through April 2012. Of the 54 people who entered the program during that time period, 19 (35%) were unsuccessfully discharged from the program and 35 (65%) graduated. Due to the low number of people in both groups, these analyses may not be valid and should be interpreted with caution.

Analyses were performed to determine if there were any demographic or criminal history characteristics of participants that were related to successful DWI court completion, including gender, race/ethnicity, age, criminal history, education, employment, length of time in the program, mental health status, and substance use history. Tables 6-9 show the results for graduates and unsuccessfully discharged participants from chi-square and t test analyses. Characteristics that differ significantly between graduates and unsuccessfully discharged participants are formatted in bold text in the tables below ($p < .05$). Additional analyses were performed to determine if any characteristics were significant, holding all other factors constant; however, no characteristic predicted graduation above all other factors (likely due to small sample sizes).
As presented in Table 6, graduates were more likely to be male and White. Graduates and non-graduates did not differ significantly by age. As described in the process evaluation, the CCDWI utilizes a unique DWI court model, with the intention of providing culturally responsive services to its Native American participants (e.g., a second court location on the neighboring Leech Lake reservation, treatment providers trained in providing culturally relevant services to Native American participants, and a court that incorporates the participant’s cultural background into its practices as a matter of routine). The CCDWI may want to track program completion rates by race and gender, and continue to look into what barriers may be preventing Native American participants from meeting program requirements (e.g., transportation, employment, etc.). Additionally, the CCDWI may want to examine its treatment offerings to make sure that gender-specific services are available, and/or the CCDWI is meeting the needs of its female participants.

Table 6. DWI Court Graduate and Non-Graduate Characteristics: Demographics

<table>
<thead>
<tr>
<th></th>
<th>Graduates n = 35</th>
<th>Non-Graduates n = 19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>74%</td>
<td>42%</td>
</tr>
<tr>
<td>Female</td>
<td>26%</td>
<td>58%</td>
</tr>
<tr>
<td><strong>Race/Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>49%</td>
<td>79%</td>
</tr>
<tr>
<td>White</td>
<td>51%</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Age at Entry Date</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average age in years</td>
<td>39</td>
<td>33</td>
</tr>
<tr>
<td>Range</td>
<td>24 - 58</td>
<td>21 - 56</td>
</tr>
</tbody>
</table>

* Percent will not add to 100% because race/ethnicity categories are not mutually exclusive (i.e., some people have more than one designation).
Table 7 displays the criminal history of graduates and unsuccessfully discharged participants prior to entering the program. There were no statistical differences in prior criminality between graduates and non-graduates, indicating that those with more severe criminal histories are graduating at similar rates as those with less extensive prior arrests.

**Table 7. DWI Court Graduate and Non-Graduate Characteristics: Criminal History**

<table>
<thead>
<tr>
<th>Prior Arrests</th>
<th>Graduates $n = 35$</th>
<th>Non-Graduates $n = 19$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent with felony DWI as index arrest</td>
<td>37%</td>
<td>37%</td>
</tr>
<tr>
<td>Average number of DWI arrests 10 years prior to index arrest</td>
<td>1.94</td>
<td>1.89</td>
</tr>
<tr>
<td>Average number of arrests 2 years prior to program entry</td>
<td>2.20</td>
<td>2.53</td>
</tr>
<tr>
<td>Average number of DWI arrests 2 years prior to program entry</td>
<td>1.43</td>
<td>1.37</td>
</tr>
<tr>
<td>Average number of person arrests 2 years prior to program entry</td>
<td>0.14</td>
<td>0.26</td>
</tr>
<tr>
<td>Average number of property arrests 2 years prior to program entry</td>
<td>0.14</td>
<td>0.11</td>
</tr>
<tr>
<td>Average number of drug arrests 2 years prior to program entry</td>
<td>0.03</td>
<td>0.16</td>
</tr>
<tr>
<td>Average number of other arrests 2 years prior to program entry</td>
<td>1.40</td>
<td>1.79</td>
</tr>
<tr>
<td>Average number of misdemeanor arrests 2 years prior to program entry</td>
<td>1.26</td>
<td>1.63</td>
</tr>
<tr>
<td>Average number of gross misdemeanor arrests 2 years prior to program entry</td>
<td>1.51</td>
<td>1.53</td>
</tr>
<tr>
<td>Average number of felony arrests 2 years prior to program entry</td>
<td>0.43</td>
<td>0.47</td>
</tr>
</tbody>
</table>
Table 8 illustrates that DWI court graduates were significantly more likely to be employed either full or part time upon program entry. There were no differences between graduates and unsuccessfully discharged participants in terms of education at program entry, the average number of DWI court hearings attended, number of days from index arrest to program entry, or number of days in the program.

Table 8. DWI Court Graduate and Non-Graduate Characteristics: Other

<table>
<thead>
<tr>
<th></th>
<th>Graduates n = 35</th>
<th>Non-Graduates n = 19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than high school</td>
<td>20%</td>
<td>37%</td>
</tr>
<tr>
<td>High school/GED</td>
<td>46%</td>
<td>42%</td>
</tr>
<tr>
<td>Some college, technical school, or college graduate</td>
<td>34%</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Employment at Program Entry</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployed</td>
<td>34%</td>
<td>72%</td>
</tr>
<tr>
<td>Employed full or part time</td>
<td>66%</td>
<td>28%</td>
</tr>
<tr>
<td><strong>Arrest to Program Entry</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average number of days from index arrest to DWI court program entry</td>
<td>171 days</td>
<td>200 days</td>
</tr>
<tr>
<td><strong>DWI Court Hearings</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average number of DWI court hearings</td>
<td>26.7</td>
<td>26.7</td>
</tr>
<tr>
<td><strong>Program Length of Stay</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average number of days in program</td>
<td>759 days</td>
<td>586 days</td>
</tr>
</tbody>
</table>

*Note.* The n for each category may be smaller than the total group n due to missing data.
Table 9 shows that DWI court graduates and non-graduates were similar in terms of percent with a mental health diagnosis and substances used in the year prior to program entry. Graduates were equally likely to be assessed as being substance-dependent (addicted) at program entry as unsuccessfully discharged participants. Finally, graduates were significantly more likely to complete all of the treatment requirements of the program, compared to unsuccessfully discharged participants.

**Table 9. DWI Court Graduate and Non-Graduate Characteristics: Risk and Needs Assessments and Treatment**

<table>
<thead>
<tr>
<th></th>
<th>Graduates n = 35</th>
<th>Non-Graduates n = 19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mental Health Diagnosis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>46%</td>
<td>59%</td>
</tr>
<tr>
<td>No</td>
<td>54%</td>
<td>41%</td>
</tr>
<tr>
<td><strong>Substances Used in Last Year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Marijuana</td>
<td>40%</td>
<td>42%</td>
</tr>
<tr>
<td>Prescription Drugs (Pills)</td>
<td>11%</td>
<td>32%</td>
</tr>
<tr>
<td>Crack or Cocaine</td>
<td>6%</td>
<td>21%</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>6%</td>
<td>16%</td>
</tr>
<tr>
<td>Over the Counter Drugs</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Reported Addiction Severity at Program Entry</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abusing</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td>Dependent</td>
<td>97%</td>
<td>95%</td>
</tr>
<tr>
<td><strong>Risk Assessment Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Risk</td>
<td>14%</td>
<td>5%</td>
</tr>
<tr>
<td>Medium/Moderate Risk</td>
<td>34%</td>
<td>37%</td>
</tr>
<tr>
<td>High Risk</td>
<td>51%</td>
<td>58%</td>
</tr>
<tr>
<td><strong>Completed Treatment Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>100%</td>
<td>26%</td>
</tr>
<tr>
<td>No</td>
<td>0%</td>
<td>74%</td>
</tr>
</tbody>
</table>

*Note.* The *n* for each category may be smaller than the total group *n* due to missing data.

*Numbers based on data from Chemical Health Assessment performed at DWI court entry. Numbers do not add up to 100% as participants could report more than one type of substance.*
After reviewing the characteristics listed in Tables 6-9, all background and criminal history characteristics were entered into a logistic regression (with the exception of program length of stay and number of DWI court hearings attended) to determine which characteristics were most strongly tied to graduation, above all other factors. Due to the relatively low number of graduates and non-graduates (35 and 19 people, respectively), there were no significant differences detected between graduates and non-graduates. We recommend that further analyses on program status be performed at a later time when more participants have experienced the program.

**Characteristics Related to Recidivism**

Another indicator of program success is whether or not participants are being rearrested. All program participants were reviewed to determine whether any factors or characteristics were related to being rearrested within 2 years after program entry. Similar to the results detailed above, participants who were not rearrested within 2 years after program entry were more likely to be employed at program entry, have completed treatment requirements of the program, and to have graduated from the DWI court program (all $p < .05$); however, none of these characteristics was significant when controlling for other factors, likely due to small sample sizes.

**Summary of Outcome Results**

The results of the outcome analysis for the CCDWI are positive. Compared to DWI offenders who experienced traditional court processes, the CCDWI participants (regardless of whether they graduated from the program) had:

- 60% fewer rearrests 1 year after program entry;
- 33% fewer rearrests 2 years after program entry;
- 44% fewer new property crimes 2 years after program entry;
- No new felony arrests 2 years after program entry; and
- A significantly longer time before being rearrested compared to the comparison group.

Overall the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. Moreover, high-risk/high-need participants (alcohol dependant individuals with more than three prior arrests) benefitted the greatest from this program. In terms of the percent of DWI court participants rearrested at least one time, participants were rearrested less often than the comparison group in the 2 years following program entry, and DWI court participants remain without new arrests for longer periods of time.

Due to lack of data availability and low incidence (for outcomes such as crashes, license reinstatements, and interlock use), limited conclusions can be made for these other outcomes of interest. With a total of four crashes over a 2-year period for the participant and comparison group combined, there appeared to be no impact on the number of subsequent crashes or the percent of individuals involved in crashes. A similar proportion of DWI court participants and comparison group participants have their licenses reinstated and use ignition interlock in the first year after program entry. Finally, participants who were female, Native American or Alaska Native, unemployed at program entry, and did not complete the treatment requirements of the program were less likely to graduate from the program. However, the number of terminated participants was so small that these findings should be interpreted with caution.
In general, these outcomes indicate that the CCDWI is implementing its program with fidelity to the DWI court model and is having the intended impact on its participants. The program should continue its efforts on serving its intended population of high-risk/high-need offenders as it appears to be making a substantially positive impact on future recidivism for these participants in particular. We recommend that the CCDWI continue to collect data and periodically analyze these data in accordance with their eligibility criteria and desired program outcomes. CCDWI may want to consider conducting a subsequent evaluation in several years once the pool of former participants is larger and additional data can be collected on outcomes such as crashes, license reinstatements, and interlock use.
**SECTION III: COST EVALUATION**

**Cost Evaluation Design and Methods**

NPC conducted full cost-benefit analyses for seven of the DWI court programs that participated in this study to assess the extent to which the costs of implementing the program are offset by cost-savings due to positive outcomes. The CCDWI was one of the programs that received the cost-benefit analysis.

The main purposes of a cost analysis for this study were to determine the cost of the program and to determine if the costs due to criminal justice and other outcomes were lower due to DWI court participation. This is called a “cost-benefit” analysis. The term “cost-effectiveness” is often confused with the term “cost-benefit.” A cost-effectiveness analysis calculates the cost of a program and then examines whether the program led to its intended positive outcomes without determining a cost to those outcomes. For example, a cost-effectiveness analysis of DWI courts would determine the cost of the DWI court program and then look at whether the number of new DWI arrests were reduced by the amount the program intended (e.g., a 50% reduction in rearrests compared to those who did not participate in the program). A cost-benefit evaluation calculates the cost of the program and also the cost of the outcomes, resulting in a cost-benefit ratio. For example, the cost of the program is compared to the cost-savings due to the reduction in rearrests. In some drug court programs, for every dollar spent on the program, over $10 is saved due to positive outcomes.32

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

1. How much does each DWI court program cost? What is the average investment per agency in a DWI court participant case?
2. What are the 1- and 2-year cost impacts on the criminal justice system of sending offenders through DWI court compared to traditional court processing? What is the average cost of criminal justice recidivism per agency for DWI court participants compared to DWI offenders in the traditional court system?
3. What is the cost-benefit ratio for investment in the DWI court?
4. What is the cost of the “lag” time between arrest and DWI court entry?

**COST EVALUATION DESIGN**

**Transactional and Institutional Cost Analysis**

The cost approach utilized by NPC Research is called Transactional and Institutional Cost Analysis (TICA). The TICA approach views an individual’s interaction with publicly funded agencies as a set of transactions in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. In the case of DWI courts, when a DWI court participant appears in court or has a drug test, resources such as judge time, defense attorney time, court facilities, and urine cups are used. Court appearances and drug tests are transactions. In addition, the TICA approach recognizes that these transactions take place within multiple organizations and institutions that work together to create the program of interest. These organizations and institutions contribute to the cost of

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32 See Drug Court cost-benefit studies at [http://www.npcresearch.com](http://www.npcresearch.com)
each transaction that occurs for program participants. TICA is an intuitively appropriate approach to conducting costs assessment in an environment such as a DWI court, which involves complex interactions among multiple taxpayer-funded organizations.

Cost to the Taxpayer

In order to maximize the study’s benefit to policymakers, a “cost-to-taxpayer” approach was used for this evaluation. This focus helps define which cost data should be collected (costs and avoided costs involving public funds) and which cost data should be omitted from the analyses (e.g., costs to the individual participating in the program).

The central core of the cost-to-taxpayer approach in calculating benefits (avoided costs) for DWI court specifically is the fact that untreated substance abuse will cost various tax dollar-funded systems money that could be avoided or diminished if substance abuse were treated. In this approach, any cost that is the result of untreated substance abuse and that directly impacts a citizen (through tax-related expenditures) is used in calculating the benefits of substance abuse treatment.

Opportunity Resources

Finally, NPC’s cost approach looks at publicly funded costs as “opportunity resources.” The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term opportunity resource describes these resources that are now available for different use. For example, if substance abuse treatment reduces the number of times that a client is subsequently incarcerated, the local sheriff may see no change in his or her budget, but an opportunity resource will be available to the sheriff in the form of a jail bed that can now be filled by another person, who, perhaps, possesses a more serious criminal justice record than does the individual who has received treatment and successfully avoided subsequent incarceration. Therefore, any “cost savings” reported in this evaluation may not be in the form of actual monetary amounts, but may be available in the form of a resource (such as a jail bed, or a police officer’s time) that is available for other uses.

Cost Evaluation Methods

The cost evaluation involved calculating the costs of the program and the costs of outcomes (or impacts) after program entry (or the equivalent for the comparison group). In order to determine if there were any benefits (or avoided costs) due to DWI court program participation, it was necessary to determine what the participants’ outcome costs would have been had they not participated in the DWI court. One of the best ways to do this is to compare the costs of outcomes for DWI court participants to the outcome costs for similar individuals who were eligible for the DWI court but did not participate. The comparison group in this cost evaluation was the same as that used in the preceding outcome evaluation.
TICA METHODOLOGY

The TICA methodology is based upon six distinct steps. Table 10 lists each of these steps and the tasks involved.

Table 10. The Six Steps of TICA

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Tasks</th>
</tr>
</thead>
</table>
| Step 1| Determine flow/process (i.e., how program participants move through the system). | Site visits/direct observations of program practice
Intervies with key informants (agency and program staff) using a drug court typology and cost guide |
| Step 2| Identify the transactions that occur within this flow (i.e., where clients interact with the system). | Analysis of process information gained in Step 1                                                |
| Step 3| Identify the agencies involved in each transaction (e.g., court, treatment, police). | Analysis of process information gained in Step 1
Direct observation of program transactions |
| Step 4| Determine the resources used by each agency for each transaction (e.g., amount of judge time per transaction, amount of attorney time per transaction, number of transactions). | Interviews with key program informants using program typology and cost guide
Direct observation of program transactions
Administrative data collection of number of transactions (e.g., number of court appearances, number of treatment sessions, number of drug tests) |
| Step 5| Determine the cost of the resources used by each agency for each transaction. | Interviews with budget and finance officers
Document review of agency budgets and other financial paperwork |
| Step 6| Calculate cost results (e.g., cost per transaction, total cost of the program per participant). | Indirect support and overhead costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction.
The transaction cost is multiplied by the average number of transactions to determine the total average cost per transaction type.
These total average costs per transaction type are added to determine the program and outcome costs. |

Step 1 (determining program process) was performed during site visits, through analysis of DWI court documents, and through interviews with key informants. Step 2 (identifying program transactions) and Step 3 (identifying the agencies involved with transactions) were performed through observation during site visits and by analyzing the information gathered in Step 1. Step 4 (determining the resources used) was performed through extensive interviewing of key informants, direct observation during site visits, and by collecting administrative data from the agencies involved in the DWI courts. Step 5 (determining the cost of the resources) was performed through interviews with DWI court and non-DWI court staff and with agency financial officers, as well as
analysis of budgets found online or provided by agencies. Finally, Step 6 (calculating cost results) involved calculating the cost of each transaction and multiplying this cost by the number of transactions. For example, to calculate the cost of drug testing, the unit cost per drug test is multiplied by the average number of drug tests performed per person. All the transactional costs for each individual were added to determine the overall cost per DWI court participant/comparison group individual. This was reported as an average cost per person for the DWI court program, and outcome/impact costs due to rearrests, jail time and other recidivism costs, as well as any other service usage. In addition, due to the nature of the TICA approach, it was also possible to calculate the cost of DWI court processing per agency, so that it was possible to determine which agencies contributed the most resources to the program and which agencies gained the most benefit.

**COST DATA COLLECTION**

Cost data that were collected for the Minnesota DWI court evaluation were divided into program costs and outcome costs. The program costs were those associated with activities performed within the program. The program-related “transactions” included in this analysis were DWI court hearings (including staffing meetings and other activities preparing for the hearings), case management, alcohol/drug tests, drug and alcohol treatment (such as outpatient group and individual sessions, and residential treatment), jail sanctions, and any other unique services provided by the program to participants for which administrative data were available. The outcome costs were those associated with activities that occurred outside the DWI court program. These transactions included criminal justice-related activities (e.g., new arrests subsequent to program entry, subsequent court cases, jail days, prison days, probation days, and parole days) as well as events that occurred outside the criminal justice system such as crashes and victimizations.

**Program Costs**

Obtaining the cost of DWI court transactions for status review hearings (i.e., DWI court sessions) and case management involved asking each DWI court team member for the average amount of time they spend on these two activities (including preparing for staffing meetings and the staffing meetings themselves), observing their activities on site visits, and obtaining each DWI court team member’s annual salary and benefits from a supervisor or financial officer at each agency involved in the program. As this is typically public information, some of the salaries were found online, but detailed benefits information usually comes from the agency’s financial officer or human resources department. In addition to salary and benefits, the indirect support rate and jurisdictional overhead rate were used in a calculation that results in a fully loaded cost per DWI court session per participant and a cost per day of case management per participant. The indirect support rate for each agency involved in the program (District Court, county/city attorney, public defender, probation, treatment agencies, law enforcement, etc.) was obtained from county budgets either found online or by contacting the county auditor office. The jurisdictional overhead rate was obtained from the county’s cost allocation plan (if jurisdictional overhead costs were not already included in the agency budgets).

Alcohol and drug testing costs were obtained directly from DWI court coordinators or probation, or treatment providers, depending on which agency or agencies are conducting the tests at each site. If the cost per test had not yet been determined, NPC used TICA or the agency’s alcohol/drug testing budget and number of tests to calculate the average cost per test. The specific details for how the cost data were collected and the costs calculated for CCDWI are described in the results.
Section III: Cost Evaluation

Treatment costs for the various modalities used at each site were obtained from Minnesota’s Medicaid Drug and Alcohol Treatment Reimbursement Rates and the percentage of DWI court participants using public funds for treatment, which varies by site. NPC used the amount of treatment (e.g., number of sessions) and the reimbursement rate to calculate the cost per session.

Jail sanction costs per day were obtained from the MN Department of Corrections Performance Report for the most recently available fiscal year, which includes jail per diem for jails and detention facilities in all 87 counties. Costs were updated to fiscal year 2014 at the time of the cost calculations using the Consumer Price Index.

**Outcome/Impact Costs**

For arrest costs, information about which law enforcement agencies typically conduct arrests in each site were obtained by talking with program staff (attorneys, law enforcement, and judicial staff) along with Web searches. The major law enforcement agencies were included, as well as a sampling of smaller law enforcement agencies as appropriate. NPC contacted staff at each law enforcement agency to obtain the typical positions involved in an arrest, average time involvement per position per arrest, as well as salary and benefits and support/overhead rates. NPC used that information in its TICA methodology to calculate the cost of an average arrest episode.

Some cost information was obtained online from agency budgets or pay scales. The arrest cost at each law enforcement agency was averaged to calculate the final “cost per arrest” in the outcome analysis.

The cost per court case was calculated from budget information and caseload data from three agencies—the District Court, the county and/or city attorney, and the public defender. This information is generally found online at each agency’s Web site, but occasionally it has to be obtained by contacting agency staff.

The cost per day of prison, and the cost per day of parole and Department of Corrections’ probation were found on the Minnesota Department of Corrections’ Web site and updated to fiscal year 2014 at the time of the cost calculations using the Consumer Price Index:


Similar to the program jail sanction costs, jail costs per day were obtained from the Minnesota Department of Corrections Performance Report for the most recently available fiscal year, which includes jail per diem for jails and detention facilities in all 87 counties. Costs were updated to fiscal year 2014 at the time of the cost calculations using the Consumer Price Index.

NPC contacted staff at each relevant jail facility to obtain the cost per jail booking, which includes the typical positions involved in a booking and the average time involvement per position per booking, as well as salary and benefits and support/overhead rates. NPC used that information in its TICA methodology to calculate the cost of a jail booking episode. Some cost information was obtained online from agency budgets or pay scales.

The cost per day of county probation was obtained from probation department staff. If the cost per day of probation had not yet been determined, NPC used the agency’s adult supervision budget and caseload to calculate the average cost per day.
The cost of crashes, by severity of injury, was found on the National Safety Council’s Web site and updated to fiscal year 2014 at the time of the cost calculations using the Consumer Price Index:


Person and property victimizations were calculated from the National Institute of Justice’s *Victim Costs and Consequences: A New Look* (Miller, Cohen, & Wiersema, 1996). The costs were updated to fiscal year 2014 dollars using the Consumer Price Index.

These numbers were checked through interviews with agency financial staff and budget reviews to confirm whether they were calculated in a compatible methodology with TICA.

**Cost Evaluation Results**

**COST EVALUATION RESEARCH QUESTION #1: PROGRAM COSTS**

*How much does the CCDWI program cost?*

As described in the cost methodology, the Transactional and Institutional Cost Analysis (TICA) approach was used to calculate the costs of each of the transactions that occurred while participants were engaged in the program. Transactions are those points within a system where resources are consumed and/or change hands. Program transactions for which costs were calculated in this analysis included DWI court sessions, case management, drug and alcohol treatment, drug and alcohol tests, and jail sanctions. The costs for this study were calculated to include taxpayer costs only. All cost results provided in this report are based on fiscal year 2014 dollars or were updated to fiscal year 2014 using the Consumer Price Index.

**Program Transactions**

A DWI court session, for the majority of DWI courts, is one of the most staff and resource intensive program transactions. For the CCDWI program, these sessions include representatives from the following agencies:

- Cass County District Court (judge);
- Leech Lake Tribal Court (judge);
- Cass County Attorney’s Office (assistant county attorney);
- Cass County Probation Department (coordinator and probation officer);
- Minnesota Department of Corrections (corrections agent);
- Cass County Human Services (chemical dependency assessor);
- Cass County Sheriff’s Department (deputy);
- Community Addiction Recovery Enterprise (counselor); and
- Leech Lake Addictions and Dependencies Programs (counselors).

The cost of a *DWI Court Appearance* (the time during a session when a single program participant interacts with the judge) is calculated based on the average amount of court time (in minutes) each participant interacts with the judge during the DWI court session. This includes the direct costs for the time spent for each DWI court team member present, the time team members spend
preparing for the session, the time spent in staffing, the agency support costs, and jurisdictional overhead costs. The cost for a single DWI court appearance is $205.76 per participant.

**Case Management** is based on the amount of staff time dedicated to case management activities during a regular work week and is then translated into a total cost for case management per participant per day (taking staff salaries and benefits, and support and overhead costs into account). The agencies involved in case management are the Cass County Probation Department, Minnesota Department of Corrections, Cass County Human Services, Cass County Sheriff’s Department, Community Addiction Recovery Enterprise, and Leech Lake Addictions and Dependencies Programs. The daily cost of case management is $10.04 per participant.

**Drug and Alcohol Treatment** costs for CCDWI participants were based on Minnesota’s Medicaid Drug and Alcohol Treatment Reimbursement Rates. Using these rates, a 1-hour individual treatment session is $70.00; a group treatment session is $34.00; medium-intensity residential treatment is $129.00 per day plus $54.09 for room and board, and hospital inpatient is $300 per day. The drug and alcohol treatment costs used in this analysis only include the costs to taxpayers. Treatment paid for by the individual or by private insurance was not included in the cost calculations. For this reason, NPC asked CCDWI team members to estimate the percentage of participants using public funds for treatment. Because an estimated 75% of CCDWI participants use public funds for their treatment, the final treatment costs used in this report were 75% of the rates mentioned above. In addition, while many participants may be receiving mental health treatment, it was not included in the cost analysis because administrative data on mental health treatment usage was not available. For this reason, the Medicaid Drug and Alcohol Treatment Reimbursement Rates are the addiction-only basic rates and do not include any additional payments for co-occurring treatment complexities.

**Drug and Alcohol Testing** is performed by the Probation Department, law enforcement, and treatment. The cost per UA test is $7.95 and breathalyzer tests are $0.22. Drug and alcohol testing costs were obtained from the DWI court coordinator.

**Jail Sanctions** and **Jail Bookings** are provided by the Sheriff’s Department. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report for 2012, which includes jail per diem for jails and detention facilities in all 87 counties. Costs were updated to fiscal year 2014 using the Consumer Price Index. The cost of jail at the Cass County Jail is $280.73 per day. Jail booking costs include all staff, facilities, and support and overhead costs. The cost of a jail booking is $81.97. Unfortunately, the jail data did not allow NPC to determine which jail days were due to DWI court sanctions, so jail sanction and jail bookings were not included in the program costs. However, any jail sanctions received were included in the outcome cost section under jail days, so all jail sanction costs are accounted for.

33 Case management includes meeting with participants, evaluations, phone calls, referring out for other help, answering questions, reviewing referrals, consulting, making community service connections, assessments, documentation, file maintenance, home/work visits, and residential referrals.

34 [http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&DocName=dhs16_160263](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&DocName=dhs16_160263)

35 There are three reimbursement rates for residential—low, medium, and high intensity. Because the treatment usage data did not differentiate the level, NPC used the medium intensity reimbursement rate for all residential treatment days, plus the room and board reimbursement.

CCDWI participants are required to pay a **DUI Court Fee** to the DWI court. The fee is $10.00 per month. Participants also pay a $10.00 per month fee to the Probation Department (or if the participant is on Minnesota Department of Corrections’ probation, the fee is a flat $300.00). However, due to inconsistency in payment and a lack of data on the exact amount of fees paid by each participant, fees were not taken into account in this cost analysis.

**Program Costs**

Table 11 displays the unit cost per program related event, the number of events and the average cost *per individual* for each of the DWI court events for program graduates and for all participants. The sum of these transactions is the total per participant cost of the DWI court program. The table includes the average for DWI court graduates (n = 35) and for all DWI court participants (n = 54), regardless of completion status. It is important to include participants who were discharged as well as those who graduated as all participants use program resources, whether they graduate or not.

<table>
<thead>
<tr>
<th>Transaction</th>
<th>Unit Cost</th>
<th>Avg. # of Events for DWI Court Graduates Per Person</th>
<th>Avg. Cost per DWI Court Graduate Per Person</th>
<th>Avg. # of Events for all DWI Court Participants Per Person</th>
<th>Avg. Cost per DWI Court Participant Per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>DWI Court Sessions</td>
<td>$205.76</td>
<td>26.74</td>
<td>$5,502</td>
<td>26.72</td>
<td>$5,498</td>
</tr>
<tr>
<td>Case Management Days</td>
<td>$10.04</td>
<td>758.69</td>
<td>$7,617</td>
<td>698.04</td>
<td>$7,008</td>
</tr>
<tr>
<td>Individual Treatment Sessions</td>
<td>$52.50</td>
<td>8.74</td>
<td>$459</td>
<td>8.19</td>
<td>$430</td>
</tr>
<tr>
<td>Group Treatment Sessions</td>
<td>$25.50</td>
<td>71.04</td>
<td>$1,812</td>
<td>59.91</td>
<td>$1,528</td>
</tr>
<tr>
<td>Residential Treatment Days</td>
<td>$137.32</td>
<td>9.15</td>
<td>$1,256</td>
<td>33.16</td>
<td>$4,554</td>
</tr>
<tr>
<td>Hospital Inpatient Days</td>
<td>$225.00</td>
<td>0.00</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
</tr>
<tr>
<td>UA Drug Tests*</td>
<td>$7.95</td>
<td>84.19</td>
<td>$669</td>
<td>79.86</td>
<td>$635</td>
</tr>
<tr>
<td>Breathalyzer Tests*</td>
<td>$0.22</td>
<td>276.76</td>
<td>$61</td>
<td>259.44</td>
<td>$57</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>$17,376</td>
<td></td>
<td>$19,710</td>
</tr>
</tbody>
</table>

*Because data on UA drug tests and breathalyzer tests were not available, the average numbers of tests per participant are proxies based on program policy.*
The unit cost (e.g., $205.76 for court sessions) multiplied by the average number of events per person (e.g., 26.72 court sessions per participant) results in the cost per person for each transaction during the course of the program (e.g., $5,409 for court sessions per participant). When the costs of the transactions are summed the result is a total CCDWI program cost per participant of $19,710. The cost per graduate is $17,376. The largest contributor to the cost of the program is case management ($7,008), followed by drug and alcohol treatment ($6,512) and DWI court sessions ($5,498). Note that the graduates cost less than the participants in general, even though graduates spend a longer time in the program. This is due to additional residential treatment costs for those who terminate unsuccessfully from the program. Another note of interest is that because an estimated 25% of participants pay for their own drug and alcohol treatment via private insurance or private pay, the program saves an average of $2,170 in program costs per participant.

**Program Costs per Agency**

Another useful way to examine program costs is by resources contributed by each agency. Table 12 displays the cost per DWI court participant by agency for program graduates and for all participants.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Avg. Cost per DWI Court Graduate Per Person</th>
<th>Avg. Cost per DWI Court Participant Per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Court</td>
<td>$1,272</td>
<td>$1,271</td>
</tr>
<tr>
<td>Tribal Court</td>
<td>$448</td>
<td>$448</td>
</tr>
<tr>
<td>County Attorney</td>
<td>$533</td>
<td>$533</td>
</tr>
<tr>
<td>Probation</td>
<td>$8,005</td>
<td>$7,519</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>$411</td>
<td>$403</td>
</tr>
<tr>
<td>Human Services</td>
<td>$373</td>
<td>$356</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>$1,035</td>
<td>$976</td>
</tr>
<tr>
<td>Treatment</td>
<td>$5,299</td>
<td>$8,204</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$17,376</strong></td>
<td><strong>$19,710</strong></td>
</tr>
</tbody>
</table>

Table 12 shows that the costs accruing to treatment agencies (outpatient and residential treatment, case management, DWI court sessions, and drug and alcohol testing) accounts for 42% of the total program cost per participant. The next largest cost (38%) is for Probation due to case management, DWI court sessions, and drug and alcohol testing, followed by the District Court (6%) for DWI court sessions.
Program Costs Summary

In sum, the largest portion of CCDWI costs is due to case management (an average of $7,008 or 36% of total costs), followed by drug and alcohol treatment ($6,512 or 33% of total costs) and DWI court sessions ($5,498 or 28%). When program costs are evaluated by agency, the largest portion of program costs accrues to treatment agencies ($8,204 or 42% of total costs), followed by Probation ($7,519 or 38%) and the District Court ($1,271 or 6%). Since one of the key goals of DWI courts is to get participants into treatment, these treatment costs demonstrate that this program is successfully reaching this goal.

COST EVALUATION RESEARCH QUESTION #2: OUTCOME/RECIDIVISM COSTS

What is the cost impact on the criminal justice system of sending offenders through DWI court compared to traditional court processing?

Outcome Costs

The Transactional and Institutional Cost Analysis (TICA) approach was used to calculate the costs of each of the criminal justice system outcome transactions that occurred for DWI court and comparison group participants. As mentioned previously, transactions are those points within a system where resources are consumed and/or change hands. Outcome transactions for which costs were calculated in this analysis included rearrests, subsequent court cases, probation time, parole time, jail bookings, jail time, prison time, crashes, and victimizations. Only costs to the taxpayer were calculated in this study. All cost results represented in this report are based on fiscal year 2014 dollars or were updated to fiscal year 2014 dollars using the Consumer Price Index.

The outcome cost analyses were based on a cohort of DWI court participants and a matched comparison group of offenders who were eligible for the DWI court program through their criminal history but who did not attend the program (the same participant and comparison group as those used for the outcome evaluation). These individuals were tracked through administrative data for 2 years post program entry (and a similar time period for the comparison group). This study compares recidivism costs for the two groups over 2 years and the recidivism costs for participants by agency.

The 2-year follow-up period was selected to allow a large enough group of both DWI court and comparison individuals to be representative of the program, as well as to allow more robust cost numbers through as long a follow-up period as possible (with as many individuals as possible having at least some time during the follow-up period that represented time after program involvement).

The outcome costs experienced by DWI court graduates are also presented below. Costs for graduates are included for informational purposes but should not be directly compared to the comparison group. If the comparison group members had entered the program, some may have graduated while others would have terminated. The DWI court graduates as a group are not the same as a group made up of both potential graduates and potential non-graduates.

The outcome costs discussed below do not represent the entire cost to the criminal justice system. Rather, the outcome costs include the transactions for which NPC’s research team was able to obtain outcome data and cost information on both the DWI court and comparison group from the same sources. However, we believe that the costs represent the majority of system costs. Outcome costs were calculated using information from the Minnesota Department of Corrections; the Cass County Probation Department; the Cass County Sheriff’s Department; the Cass
County District Court (part of the 9th Judicial District Court); the Cass County Attorney’s Office; the Minnesota Board of Public Defense; the Minnesota State Court Administrator’s Office; the National Safety Council; the National Institute of Justice; the Lake Shore Police Department; and the Leech Lake Tribal Police Department.\(^{37}\) The methods of calculation were carefully considered to ensure that all direct costs, support costs and overhead costs were included as specified in the TICA methodology followed by NPC.

Finally, note that some possible costs or cost savings related to the program are not considered in this study. These include the number of alcohol-free babies born, health care expenses, and DWI court participants legally employed and paying taxes. The gathering of this kind of information is generally quite difficult due to HIPAA confidentiality laws and due to the fact that much of the data related to this information are not collected in any one place, or collected at all. Although NPC examined the possibility of obtaining this kind of data, it was not feasible within the time frame or budget for this study. In addition, the cost results that follow do not take into account other less tangible outcomes for participants, such as improved relationships with their families and increased feelings of self-worth. Although these are important outcomes to the individual participants and their families, it is not possible to assign a cost to this kind of outcome. (It is priceless). Other studies performed by NPC have taken into account health care and employment costs. For example, Finigan (1998) performed a cost study in the Portland, Oregon, adult drug court. The study found that for every dollar spent on the drug court program, $10 was saved due to decreased criminal justice recidivism, lower health care costs, and increased employment.

**Outcome Transactions**

The cost of an **Arrest** was gathered from representatives of the Cass County Sheriff’s Department, the Lake Shore Police Department, and the Leech Lake Tribal Police Department.\(^{38}\) The cost per arrest incorporates the time of the law enforcement positions involved in making an arrest, law enforcement salaries and benefits, support costs, and overhead costs. The average cost of a single arrest at the three law enforcement agencies is $175.25.

**Court Cases** include those cases that are dismissed as well as those cases that result in arraignment and are adjudicated. Because they are the main agencies involved, court case costs in this analysis are shared among the District Court, the county attorney, the city attorney, and the public defender. Using budget and caseload information obtained from agency budgets and from agency representatives, as well as information obtained from the Minnesota State Court Administrator’s Office, the cost of a Misdemeanor Court Case is $896.52. The cost of a Gross Misdemeanor Court Case is $1,002.89, and the cost of a Felony Court Case is $1,282.67.

**Prison** costs were provided by the Minnesota Department of Corrections. The statewide cost per person per day of prison (found on the Department of Corrections’ Web site)\(^{39}\) was $84.59 in 2012. Using the Consumer Price Index, this was updated to fiscal year 2014 dollars, or $86.10.

**Jail Booking** costs were provided by the Cass County Sheriff’s Department. NPC contacted staff at the Sheriff’s Department to obtain the cost per jail booking, which includes the typical posi-

\(^{37}\) Even though the Walker Police Department is one of the main arresting agencies in the county, the department did not provide cost or time information required to estimate the cost of an average arrest for the agency.

\(^{38}\) Note that this does not include the Walker Police Department, which is one of the main arresting agencies in the county. The Walker Police Department did not respond to NPC’s numerous phone calls and emails requesting the cost and time information necessary to estimate the cost of an average arrest for the agency.

tions involved in a booking, average time involvement per position per booking, as well as salary and benefits and support/overhead rates. The cost of a jail booking is $81.97.

**Jail** is provided by the Cass County Sheriff’s Department. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report,\(^{40}\) which includes jail per diem for jails and detention facilities in all 87 counties. Costs were updated to fiscal year 2014 using the Consumer Price Index. The cost of jail is $280.73 per day.\(^{41}\)

The cost per day of **Parole** was found on the Minnesota Department of Corrections’ Web site\(^{42}\) and updated to fiscal year 2014 using the Consumer Price Index. The cost of parole is $4.07 per day.

**Probation** in Cass County is provided by Cass County Probation Department and the Minnesota Department of Corrections. The cost per day of county probation was acquired from a representative of the Probation Department, using budget and caseload information. The cost per person per day of county probation is $4.00. The cost per day of Department of Corrections’ probation was found on the Minnesota Department of Corrections’ Web site\(^{43}\) and updated to fiscal year 2014 using the Consumer Price Index. The cost per person per day of Department of Corrections’ probation is $4.07.

**Crash** costs were found on the National Safety Council’s Web site\(^{44}\) and updated to fiscal year 2014 using the Consumer Price Index. The cost of a crash with incapacitating injury is $237,619.00; the cost of a crash with non-incapacitating injury is $60,645.00; the cost of a crash with possible injury is $2,583.00. Note that the cost of a crash that includes a death was not included in this cost analysis. This is because if there were even one death in the participant and comparison group samples, the high cost (over $4.5 million per death) would artificially inflate any cost results.

**Victimization** were calculated from the National Institute of Justice’s *Victim Costs and Consequences: A New Look* (Miller, Cohen, & Wiersema, 1996).\(^{45}\) The costs were updated to fiscal year 2014 dollars using the Consumer Price Index. *Property crimes* are $13,281 per event, and *person crimes* are $43,024 per event.

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\(^{41}\) The jail data NPC analyzed showed that a significant amount of outcome jail episodes occurred in the Crow Wing County Jail and the Beltrami County Jail (which have different costs than the Cass County Jail), but for this cost analysis it was assumed that all jail days were at the Cass County Jail rate.


\(^{45}\) The costs for victimizations were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look* (Miller, Cohen, & Wiersema, 1996). This study documents estimates of costs and consequences of personal crimes and documents losses per criminal victimization, including attempts, in a number of categories, including fatal crimes, child abuse, rape and sexual assault, other assaults, robbery, drunk driving, arson, larceny, burglary, and motor vehicle theft. The reported costs include lost productivity, medical care, mental health care, police and fire services, victim services, property loss and damage, and quality of life. In our study, arrest charges were categorized as violent or property crimes, and therefore costs from the victimization study were averaged for rape and sexual assault, other assaults, and robbery and attempted robbery to create an estimated cost for violent crimes, arson, larceny and attempted larceny, burglary and attempted burglary, and motor vehicle theft for an estimated property crime cost. All costs were updated to fiscal year 2014 dollars using the Consumer Price Index.
**Outcome Cost Results**

Table 13 shows the average number of recidivism-related events per offender for DWI court graduates, all DWI court participants (regardless of graduation status) and the comparison group over 2 years.

**Table 13. Average Number of Recidivism Events after DWI Court Entry per Person Over 2 Years from DWI Court Entry**

<table>
<thead>
<tr>
<th>Recidivism Related Events</th>
<th>DWI Court Graduates Per Person (n=34)</th>
<th>DWI Court Participants Per Person (n=48)</th>
<th>Comparison Group Per Person (n=83)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rearrests</td>
<td>0.29</td>
<td>0.58</td>
<td>0.82</td>
</tr>
<tr>
<td>Misdemeanor Court Cases</td>
<td>0.12</td>
<td>0.35</td>
<td>0.53</td>
</tr>
<tr>
<td>Gross Misdemeanor Court Cases</td>
<td>0.18</td>
<td>0.31</td>
<td>0.33</td>
</tr>
<tr>
<td>Felony Court Cases</td>
<td>0.00</td>
<td>0.00</td>
<td>0.08</td>
</tr>
<tr>
<td>Prison Days</td>
<td>0.00</td>
<td>16.10</td>
<td>75.57</td>
</tr>
<tr>
<td>Jail Bookings</td>
<td>1.00</td>
<td>1.96</td>
<td>2.05</td>
</tr>
<tr>
<td>Jail Days&lt;sup&gt;46&lt;/sup&gt;</td>
<td>4.65</td>
<td>16.85</td>
<td>32.05</td>
</tr>
<tr>
<td>Parole Days</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>County Probation Days</td>
<td>0.00</td>
<td>35.44</td>
<td>178.35</td>
</tr>
<tr>
<td>Department of Corrections Probation Days</td>
<td>401.97</td>
<td>425.46</td>
<td>493.40</td>
</tr>
<tr>
<td>Crashes with Incapacitating Injury</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Crashes with Non-Incapacitating Injury</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Crashes with Possible Injury</td>
<td>0.00</td>
<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td>Crashes with Property Damage Only</td>
<td>0.00</td>
<td>0.02</td>
<td>0.01</td>
</tr>
<tr>
<td>Property Victimizations&lt;sup&gt;47&lt;/sup&gt;</td>
<td>0.00</td>
<td>0.08</td>
<td>0.10</td>
</tr>
<tr>
<td>Person Victimization</td>
<td>0.12</td>
<td>0.17</td>
<td>0.12</td>
</tr>
</tbody>
</table>

<sup>46</sup> This includes all jail sanctions while participants were in the program.

<sup>47</sup> Property victimizations are separate from crashes with property damage only. Property victimizations are costs that occur due to a crime (with no vehicle involvement), while the property damage from a crash includes property losses based on insurance claims data.
Overall, as demonstrated in Table 13, DWI court participants have fewer rearrests, new court cases, days in jail, days in prison, and days on probation than the comparison group. DWI court participants also have fewer property victimizations and crashes with possible injury than the comparison group, but more person victimizations and crashes with property damage only.

Table 14 presents the outcome costs for each transaction for graduates, all DWI court participants (graduates and terminated participants) and the comparison group.

Table 14. Recidivism (Outcome) Costs per Participant over 2 Years

<table>
<thead>
<tr>
<th>Transaction</th>
<th>Unit Costs</th>
<th>DWI Court Graduates Per Person (n=34)</th>
<th>DWI Court Participants Per Person (n=48)</th>
<th>Comparison Group Per Person (n=83)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rearrests</td>
<td>$175.25</td>
<td>$51</td>
<td>$102</td>
<td>$144</td>
</tr>
<tr>
<td>Misdemeanor Court Cases</td>
<td>$896.52</td>
<td>$108</td>
<td>$314</td>
<td>$475</td>
</tr>
<tr>
<td>Gross Misdemeanor Court Cases</td>
<td>$1,002.89</td>
<td>$181</td>
<td>$311</td>
<td>$331</td>
</tr>
<tr>
<td>Felony Court Cases</td>
<td>$1,282.67</td>
<td>$0</td>
<td>$0</td>
<td>$103</td>
</tr>
<tr>
<td>Prison Days</td>
<td>$86.10</td>
<td>$0</td>
<td>$1,386</td>
<td>$6,507</td>
</tr>
<tr>
<td>Jail Bookings</td>
<td>$81.97</td>
<td>$82</td>
<td>$161</td>
<td>$168</td>
</tr>
<tr>
<td>Jail Days</td>
<td>$280.73</td>
<td>$1,305</td>
<td>$4,730</td>
<td>$8,997</td>
</tr>
<tr>
<td>Parole Days</td>
<td>$4.07</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Probation Days</td>
<td>$4.00</td>
<td>$0</td>
<td>$142</td>
<td>$713</td>
</tr>
<tr>
<td>Department of Corrections Probation Days</td>
<td>$4.07</td>
<td>$1,636</td>
<td>$1,732</td>
<td>$2,008</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td><strong>$3,363</strong></td>
<td><strong>$8,878</strong></td>
<td><strong>$19,446</strong></td>
</tr>
<tr>
<td>Crashes with Incapacitating Injury</td>
<td>$237,619.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Crashes with Non-Incapacitating Injury</td>
<td>$60,645.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Crashes with Possible Injury</td>
<td>$28,928.00</td>
<td>$0</td>
<td>$0</td>
<td>$289</td>
</tr>
<tr>
<td>Crashes with Property Damage Only</td>
<td>$2,583.00</td>
<td>$0</td>
<td>$52</td>
<td>$26</td>
</tr>
<tr>
<td>Property Victimizations</td>
<td>$13,281.00</td>
<td>$0</td>
<td>$1,062</td>
<td>$1,328</td>
</tr>
<tr>
<td>Person Victimizations</td>
<td>$43,024.00</td>
<td>$5,163</td>
<td>$7,314</td>
<td>$5,163</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$8,526</strong></td>
<td><strong>$17,306</strong></td>
<td><strong>$26,252</strong></td>
</tr>
</tbody>
</table>
Because victimizations and crashes were not calculated using the TICA methodology, and because the numbers of victimizations and crashes were very small for both the participant and comparison group, the outcome cost results in Table 14 are presented first without, then with, victimization and crash costs. Table 14 shows that the difference in total outcome cost between the DWI court participants and the comparison group is $10,568 per participant. This difference is the benefit, or savings, due to DWI court participation. When costs due to crashes and victimizations are included, the difference decreases to $8,946 per participant, mainly due to one additional person crime for a terminated person in the DWI court group. Overall, these findings show that participants in the CCDWI show substantial savings compared to the comparison group.

Not including crashes and victimizations, Table 14 shows that the majority of DWI court participant outcome costs are due to jail (an average of $4,730, or 53% of total costs) and probation (an average of $1,874, or 21% of total costs). Some of these jail costs are due to sanctions incurred during DWI court participation. The majority of outcome costs for the comparison group were due to jail (an average of $8,997, or 46% of total costs) and prison (an average of $6,507, or 33% of total costs). The largest savings for the DWI court group (when compared to the comparison group) was due to less time in prison (an average savings of $5,121 per participant).

**Outcome Costs per Agency**

These same outcome costs were also examined to determine the relative benefit to each agency that contributes resources to the DWI court program. The transactions shown above are provided by one or more agencies. If one specific agency provides a service or transaction (for example, the Department of Corrections provides prison days), all costs for that transaction accrue to that specific agency. If several agencies all participate in providing a service or transaction (for example, the District Court, county attorney, and public defender are all involved in felony court cases), costs are split proportionately among the agencies involved based on their level of participation.
Table 15 provides the cost for each agency and the difference in cost between the DWI court participants and the comparison group per person. A positive number in the difference column indicates a cost savings for DWI court participants.

Table 15. Recidivism (Outcome) Costs per Participant by Agency over 2 Years

<table>
<thead>
<tr>
<th>Agency</th>
<th>DWI Court Outcome Costs per Participant</th>
<th>Comparison Group Outcome Costs per Individual</th>
<th>Difference/Savings per Individual</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Court</td>
<td>$224</td>
<td>$319</td>
<td>$95</td>
</tr>
<tr>
<td>County Attorney</td>
<td>$215</td>
<td>$307</td>
<td>$92</td>
</tr>
<tr>
<td>Public Defender</td>
<td>$186</td>
<td>$283</td>
<td>$97</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>$3,118</td>
<td>$8,515</td>
<td>$5,397</td>
</tr>
<tr>
<td>Probation Department</td>
<td>$142</td>
<td>$713</td>
<td>$571</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>$4,993</td>
<td>$9,309</td>
<td>$4,316</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$8,878</strong></td>
<td><strong>$19,446</strong></td>
<td><strong>$10,568</strong></td>
</tr>
<tr>
<td>Crashes$</td>
<td>$52</td>
<td>$315</td>
<td>$263</td>
</tr>
<tr>
<td>Victimizations$</td>
<td>$8,376</td>
<td>$6,491</td>
<td>($1,885)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$17,306</strong></td>
<td><strong>$26,252</strong></td>
<td><strong>$8,946</strong></td>
</tr>
</tbody>
</table>

$These costs accrue to a combination of many different entities including the individual, medical care, etc. and therefore cannot be attributed to any particular agency above.

Table 15 shows that every agency has a benefit, or savings, as a result of DWI court. As demonstrated in Tables 14 and 15, the total cost of recidivism over 2 years for the CCDWI per DWI court participant (regardless of graduation status) was $8,878, while the cost per comparison group member was $19,446. The difference between the DWI court and comparison group represents a benefit of $10,568 per participant. When crashes and victimization costs are added, the difference in costs decreases, with DWI court participants costing a total of $8,946 less per participant than non-DWI court offenders—due to an additional person crime committed by a participant who was terminated from the program—and the high cost of person crimes.
Cost Evaluation

Over time, the CCDWI results in significant cost savings and a return on taxpayer investment in the program, although it takes over 4 years to recoup the large program investment cost. The program investment cost is $19,710 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to $8,946. This amount does not result on a positive return on the investment over the 2-year time period. However, if we make the assumption that the cost savings will continue to accrue over time as has been shown in long-term drug court studies (e.g., Finigan et al., 2007) this cost-benefit ratio will improve over time as the investment is repaid. If these cost savings are projected 3 more years (to 5 years) the savings come to $22,365 per participant, resulting in a cost-benefit ratio of 1:1.13. That is, for every taxpayer dollar invested in the program, there is a $1.13 return after 5 years. Although this is not a large return on investment, this ratio can increase over time as the investment is repaid and the savings continue to accumulate. Finally, these are criminal justice system savings only. If other system costs, such as health care and child welfare were included, studies have shown that an even higher return on investment can be expected, up to $10 saved per $1 invested in the program (Finigan, 1998).

Cost Evaluation Research Question #3: Cost of Time between Arrest and DWI Court Entry

What is the impact on the criminal justice system of the time between the eligible arrest and DWI court entry (in terms of rearrests, court cases, jail)?

Although research has frequently shown that DWI court participants have better outcomes when they enter the program and treatment swiftly—within 50 days of arrest (e.g., Carey et al., 2012), a common issue for DWI and other problem-solving courts is a long delay between arrest and program entry. An examination of resources used between arrest and DWI court entry demonstrates the fiscal impact of this delay.

Costs between Arrest and DWI Court Entry

Key Component #3 of the Key Components of Drug Court is about identifying eligible individuals quickly and promptly placing them in the program. A shorter time between arrest and DWI court entry helps ensure prompt treatment while also placing the offender in a highly supervised environment where they are less likely to be rearrested and therefore less likely to be using other criminal justice resources such as jail, as well as protecting public safety. The longer the time between arrest and DWI court entry, the greater the opportunity for offenders to re-offend before getting into treatment. This leads to the question, what is the impact in terms of rearrests, court cases, and jail in the time between arrest and entry into the DWI court for CCDWI participants?

This section describes the criminal justice costs experienced by DWI court participants between the time of the DWI court-eligible arrest and DWI court entry. All transactions were described in the outcome costs section above. Costs were calculated from the time of the DWI court-eligible arrest to program entry. For the CCDWI, the mean average length of time between arrest and program entry was 188 days. Although it should be noted that the median was 98 days, which means half of all participants in the CCDWI enter the program in 98 days or less.

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48 A cost-benefit ratio greater than 1 means that the benefits outweigh the costs. If the cost-benefit ratio is less than 1, the costs outweigh the benefits.
Table 16 represents the criminal justice costs per person for all DWI court participants (graduates and non-graduates combined) from the DWI court-eligible arrest to program entry.

**Table 16. Criminal Justice Costs per DWI Court Participant from Arrest to Program Entry**

<table>
<thead>
<tr>
<th>Transaction</th>
<th>Transaction unit cost</th>
<th>Avg. # of transactions per DWI Court participant</th>
<th>Avg. cost per DWI Court participant (n = 61)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rearrests</td>
<td>$175.25</td>
<td>0.20</td>
<td>$35</td>
</tr>
<tr>
<td>Misdemeanor Court Cases</td>
<td>$896.52</td>
<td>0.13</td>
<td>$117</td>
</tr>
<tr>
<td>Gross Misdemeanor Court Cases</td>
<td>$1,002.89</td>
<td>0.07</td>
<td>$70</td>
</tr>
<tr>
<td>Felony Court Cases</td>
<td>$1,282.67</td>
<td>0.02</td>
<td>$26</td>
</tr>
<tr>
<td>Jail Bookings</td>
<td>$81.97</td>
<td>1.72</td>
<td>$141</td>
</tr>
<tr>
<td>Jail Days</td>
<td>$280.73</td>
<td>20.62</td>
<td>$5,789</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$6,178</strong></td>
</tr>
</tbody>
</table>

As demonstrated in Table 16, there are substantial costs accruing to the criminal justice system per offender from the time of the DWI court-eligible arrest through entry into DWI court ($6,178 per DWI court participant). It should be noted that these costs only include arrests, court cases, jail bookings, and jail time during the average of 188 days from the DWI court-eligible arrest to entry into the CCDWI. Other criminal justice costs may also be accruing. These costs emphasize that the sooner offenders can be placed into DWI court, the more criminal justice system costs can be minimized. Frequently, the reason for the delay between arrest and DWI court entry is not related to DWI court procedures but is mainly due to adjudication requirements of the traditional court process. Education for the leadership and staff at agencies involved in the traditional court process (e.g., the prosecutor’s office and public defender/defense bar) about the long-term benefits of participation in DWI court for both the participant and the criminal justice system, as well as developing a strong collaborative relationship with these agencies, can help expedite the time to program entry.
Cost Conclusion

Figure 10 provides a graph of the outcome costs for graduates, all participants, and the comparison group over 2 years.

**Figure 10. Criminal Justice Recidivism Cost Consequences per Person: DWI Court Participants and Comparison Group Members over 2 Years**

![Graph showing outcome costs for graduates, DWI court participants, and the comparison group over 2 years.]

The cost savings illustrated in Figure 10 are those that have accrued in just the 2 years since program entry. Many of these savings are due to positive outcomes while the participant is still in the program. Therefore, it is reasonable to state that the **return on investment for the state and local criminal justice systems begins from the time of participant entry into the program.**

These savings will also continue to grow with the number of new participants that enter the program each year. If the CCDWI program continues to serve a cohort of 28 new participants annually, the savings of $8,946 per participant over 2 years results in an annual savings of $125,244 per cohort, which can then be multiplied by the number of years the program remains in operation and for additional cohorts per year. After 5 years, the accumulated savings (not including investment costs) come to almost $1.9 million.

If DWI court participants continue to have positive outcomes in subsequent years (as has been shown in other drug courts NPC has evaluated, e.g., Carey et al., 2005; Finigan et al., 2007) then these cost savings can be expected to continue to accrue over time, repaying the program investment costs and providing further savings in opportunity resources to public agencies. These findings indicate that DWI court is both beneficial to participants and beneficial to Cass County and Minnesota taxpayers.
Summary of Cost Evaluation

Although the CCDWI is a substantial taxpayer investment, over time it results in significant cost savings and a return on its investment. The program investment cost is $19,710 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to $8,946. If these cost savings are projected 3 more years (to 5 years) the savings come to $22,365 per participant, resulting in a cost-benefit ratio of 1:1.13. That is, for every taxpayer dollar invested in the program, there is $1.13 return after 5 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate.

Overall, the CCDWI program had:

- A criminal justice system cost savings of $8,946 per participant over 2 years, and
- A 113% return on its investment after 5 years (a 1:1.13 cost-benefit ratio).

These savings will also continue to grow with the number of new participants that enter the program each year. If the CCDWI program continues to serve a cohort of 28 new participants annually, the accumulated savings after 5 years come to almost $1.9 million.

As the existence of the CCDWI continues, the savings generated by DWI court participants due to reduced substance use and decreased criminal activity can be expected to continue to accrue, repaying investment in the program and beyond. Taken together these findings indicate that the CCDWI is both beneficial to participants and beneficial to Cass County and Minnesota taxpayers.

Taken as a whole, these results demonstrate that the CCDWI program is effective in reducing recidivism and protecting public safety while using fewer criminal justice system resources.


Kralstein, D. (2010, June). *The impact on drug use and other psychosocial outcomes: Results from NIJ’s Multisite Adult Drug Court Evaluation*. Presentation at the 16th Annual Training Conference of the National Association of Drug Court Professionals, Boston, MA.


National Association of Drug Court Professionals Drug Court Standards Committee (1997). *Defining drug courts: The key components*. U.S. Department of Justice, Office of Justice Programs, Drug Court Programs Office.


APPENDIX A: THE GUIDING PRINCIPLES OF DWI COURTS
The Guiding Principles of DWI Courts

GUIDING PRINCIPLE #1: Determine the Population

Targeting is the process of identifying a subset of the DWI offender population for inclusion in the DWI Court program. This is a complex task given that DWI Courts, in comparison to traditional Drug Court programs, accept only one type of offender: the hardcore impaired driver. The DWI Court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

GUIDING PRINCIPLE #2: Perform a Clinical Assessment

A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

GUIDING PRINCIPLE #3: Develop the Treatment Plan

Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders. Therefore, DWI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.

GUIDING PRINCIPLE #4: Supervise the Offender

Driving while impaired presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DWI offenders and to protect against future impaired driving.

GUIDING PRINCIPLE #5: Forge Agency, Organization, and Community Partnerships

Partnerships are an essential component of the DWI Court model as they enhance credibility, bolster support, and broaden available resources. Because the DWI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI Court program.
GUIDING PRINCIPLE #6: Take a Judicial Leadership Role

Judges are a vital part of the DWI Court team. As leader of this team, the judge’s role is paramount to the success of the DWI Court program. The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DWI Court team, therefore, is of utmost importance.

GUIDING PRINCIPLE #7: Develop Case Management Strategies

Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI Court program.

GUIDING PRINCIPLE #8: Address Transportation Issues

Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI Court program. In many cases, the participant solves the transportation problem created by the loss of their driver’s license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

GUIDING PRINCIPLE #9: Evaluate the Program

To convince stakeholders about the power and efficacy of DWI Court, program planners must design a DWI Court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI Court team to rigorously abide by the rules of the evaluation design.

GUIDING PRINCIPLE #10: Ensure a Sustainable Program

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.
APPENDIX B: MINNESOTA OFFENDER DRUG COURT STANDARDS
Minnesota Judicial Branch Policy

Policy Source: Minnesota Judicial Council
Policy Number: 511.1

Category: Statewide Court Programs
Title: Drug Court Standards
Effective Date: July 0, 2007
Revision Date(s): January 16, 2009
Supersedes:

Minnesota Offender Drug Court Standards
FOR ALL JUVENILE, HYBRID,¹ DWI, AND ADULT DRUG COURTS

PURPOSE

Drug courts promote recovery through a coordinated response to participants who are dependent on alcohol and other drugs (AOD). A team approach is required, including the collaboration of judges, drug court coordinators, prosecutors, defense counsel, probation authorities, law enforcement, treatment providers, and evaluators. Drug courts employ a multi-phased treatment process. The goal of drug courts is to engage individuals in treatment long enough to experience the benefits of treatment in order to end the cycle of recidivism and successfully intervene on the addiction.

The Judicial Council, comprised of the leadership of the Minnesota Judicial Branch, has convened the multi-disciplinary, cross-branch Drug Court Initiative Advisory Committee (DCI) to oversee implementation and funding distribution for drug courts in Minnesota. The goal of the Drug Court Initiative is to improve outcomes for alcohol and other drug addicted individuals in the courts through justice system collaboration, thereby:

1. Enhancing public safety
2. Ensuring participant accountability; and
3. Reducing costs to society

¹ Hybrid drug courts combine one or more of the models taking multiple case types. E.g., many adult drug courts that focus on controlled substance and other felony-level crimes also include DWI cases in the court.
Successful drug court initiatives will also improve the quality of life for addicted offenders, their families, and communities through recovery and lead to greater system collaboration and ongoing analysis to ensure effective and fair case outcomes.

DWI and Hybrid DWI courts have a variety of elements that set them apart from the Adult drug court model. While public safety is a priority among all models of drug courts, drinking and driving is a major public safety issue for our communities and our criminal justice system. The main goal of DWI and Hybrid DWI courts is to reduce or eliminate repeat DWI offenses; thereby creating safer roads and saving lives. The detection of alcohol is difficult, requiring more sophisticated testing. Transportation issues tend to be one of the most difficult obstacles for offenders to overcome. To effectively manage these issues and to best treat this population, DWI and Hybrid DWI courts utilize increased supervision, frequent alcohol and other drug testing, including scientifically validated technology to detect ethyl alcohol, and driver’s license reinstatement plans.

Juvenile drug courts focus on a younger population and have many characteristics and needs specific to the model. Most important is the fact that many of the young people in these courts are still living at home and are under the supervision of caregivers. Juveniles are negatively affected by any criminal or addictive issues in the home. Because the court does not have jurisdiction over the caregivers, it is more difficult to effectively intervene in the youth’s problematic use of alcohol and other drugs and support the young person in their recovery. Due to their age and the relatively short period of time using alcohol and other drugs, providing a definitive diagnosis of dependence for juveniles regarding their use of alcohol and other drugs is sometimes difficult and some traditional treatment and recovery supports may not be appropriate. Issues such as school performance, teenage pregnancy, gang involvement, transportation, and appropriate housing greatly impact a juvenile drug court’s ability to support the young person in changing their life.

The following document provides standards to guide the planning and implementation of all offender drug courts in Minnesota’s state trial courts. The Ten Key Components, as published by the U.S. Department of Justice, Office of Justice Programs, are the core structure for these standards. Definitions of each model of drug court – adult, juvenile, and DWI – can be found in Appendix A. The standards are written from the perspective of adult drug courts. Whenever there is a specific standard or practice unique to a juvenile or DWI model of drug court that standard or practice is identified in the appropriate section.

These standards were approved by the Judicial Council on July 20, 2007, and are minimum requirements for the approval and operation of all drug courts in Minnesota. Accompanying each standard are recommended practices that each drug court is encouraged to follow.

The standards are based upon almost twenty years of evaluation and lessons learned from drug courts all across the country, as well as Minnesota’s oldest drug courts. While these standards seek to create a minimum level of uniform practices for drug courts there is much room for innovation and for local drug courts to tailor their courts to meet their needs.
I. STANDARD ONE

*Drug courts must utilize a comprehensive and inclusive collaborative planning process, including:*

1.1 Completion of the federal Drug Court Planning Initiative (DCPI) training or the Minnesota equivalent for the specific approved drug court model before becoming operational. Hybrid drug court teams that seek to combine multiple models of drug court must complete team-based drug court training for all relevant models.

1.2 Development of a written agreement setting forth the terms of collaboration among the prosecutor’s office, the public defender’s office, probation department, the court, law enforcement agency(ies), and county human services.

1.3 Creation of a steering committee comprised of key officials and policymakers to provide oversight for drug court policies and operations, including development and review of the drug court budget, and to communicate regularly with the county board and/or city council.

1.4 Establishment of written policies and procedures which reflect shared goals and objectives for a drug court; at a minimum, the goals of the drug court shall be those of the DCI: enhancing public safety, ensuring participant accountability, and reducing costs to society. (An outline example for a local policies and procedures manual is found in Appendix B.)

1.5 Provision of written roles and responsibilities of each of the core team members. The core team members are as follows:

A. Judge  
B. Drug Court Coordinator  
C. Prosecutor  
D. Public Defender  
E. Probation/Case Manager  
F. Law Enforcement Representative  
G. Chemical Dependency Expert (Provider, Rule 25 assessor, etc.)  
H. Tribal Representative (when appropriate)

DWI- All of the above and a victim’s representative  
Juvenile Drug Court- All of the above and a school official
Recommended Practices

1. Drug court teams should take a minimum of six months to plan and prepare for implementation. This amount of time allows for a cohesive team to form; one that has effectively and collaboratively reached consensus on the variety of issues inherent in the implementation of a drug court.

2. When developing a written agreement, teams should include a tribal entity when appropriate.

3. Other possible members of the team, may include, but are not limited to:
   a. Mental Health Professional
   b. Rule 25 Assessor
   c. Social Service Representative
   d. Recovery Community Representatives
   e. Other Community-Based Stakeholders

4. All drug court teams should work with their local community members when planning, implementing, and operating a drug court to ensure that the best interests of the community are considered. Drug court team members should engage in community outreach activities to build partnerships that will improve outcomes and support self-sustainability.

5. A written sustainability plan should be developed and reviewed on an annual basis.

6. A community outreach and education plan should be developed and reviewed regularly.

II. STANDARD TWO

*Drug courts must incorporate a non-adversarial approach while recognizing:*

2.1 Retention of prosecution’s distinct role in pursuing justice and protecting public safety.

2.2 Retention of defense counsel’s distinct role in preserving the constitutional rights of drug court participants.

2.3 Provision of detailed materials outlining the process of the drug court to private legal counsel representing a drug court participant; counsel shall also be invited to attend post-admission drug court staffings (for their client(s) only).

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2Specifically these representatives could come from public health, housing, employment, etc.
Recommended Practice

1. For consistency and stability in drug court operations, the drug court team members should be assigned to the drug court for a minimum of one year.

III. STANDARD THREE

*Drug courts must have published eligibility and termination criteria that have been collaboratively developed, reviewed, and agreed upon by members of the drug court team, including the following elements:*

3.1 Offense eligibility screening based on established written criteria, which cannot be changed without the full agreement of the drug court team.

3.2 Only individuals with a finding of substance dependence consistent with the most current DSM (Diagnostic and Statistical Manual) diagnostic criteria shall be considered appropriate for drug court.

For Juveniles:

Only individuals with a finding of substance abuse or dependence consistent with the most current DSM (Diagnostic and Statistical Manual) diagnostic criteria shall be considered appropriate for drug court.

3.3 Only those individuals assessed as having a high recidivism potential are admitted into the drug court. All drug courts must use validated risk tools to assess the risk of the potential drug court candidate. Those individuals who are assessed to be low-risk or medium-risk are not appropriate for drug court and shall not be admitted.

3.4 Participants who have a history of violent crimes, crimes to benefit a gang, or who are an integral part of a drug distribution or manufacturing network are excluded from the drug court. If the drug court team intends to use information other than a conviction to determine whether the participant has a criminal history that would exclude the participant from participating in drug court, local drug court team members must determine as part of their written procedures what additional information may be considered by the drug court team in making a determination as to the participant’s criminal history.

3.5 The local drug court team members must determine, in writing, what constitutes a violent or gang-related crime for purposes of disqualification from the drug court. Other disqualifying crimes or disqualifying factors are as determined in writing by the local drug court team.
Recommended Practices

1. Drug courts should have clear policies regarding bench warrant status as part of written termination criteria.
2. Participants should not be accepted to or excluded from drug court solely on the basis of a Rule 25 assessment.
3. In developing eligibility criteria drug court teams should take into consideration the following factors:
   a. A process to consider the inclusion of serious and repeat (i.e., 1st and 2nd degree controlled substance offense) non-violent offenders.
   b. A provision to evaluate mitigating and aggravating circumstances of the current or prior offenses.
   c. Careful examination of the circumstances of prior juvenile adjudications and the age of the participant at the time of the offense.
   d. The age of prior disqualifying offenses.
   e. Should the mental health capacity of the individual be in question, a mental health assessment should be administered to deem the individual mentally stable enough to participate in the drug court. Additionally, if a co-occurring disorder exists, the drug court should be able to advocate for and access adequate services.

IV. STANDARD FOUR

A coordinated strategy shall govern responses of the drug court team to each participant’s performance and progress, and include:

4.1 Regular drug court team meetings for pre-court staffings and court reviews to monitor each participant’s performance.

4.2 Ongoing communication among the court, probation officer and/or case manager, and treatment providers, including frequent exchanges of timely and accurate information about the individual participant’s overall performance.

4.3 Progression by participants through the drug court based upon the individual’s progress in the treatment plan and compliance with court requirements; drug court phases and an individual’s progress through those phases are not to be based solely upon pre-set court timelines.

4.4 Responses to compliance and noncompliance (including criteria for termination) explained orally and provided in writing to drug court participants during their orientation.
Recommended Practices

1. Having a significant number of drug court participants appear at a single session gives the opportunity to educate both the participant at the bench and those waiting as to the benefits of court compliance and consequences for noncompliance.
2. Mechanisms for sharing decision-making and resolving conflicts among drug court team members should be established, emphasizing professional integrity and accountability.

V. STANDARD FIVE

*Drug courts must promptly assess individuals and refer them to the appropriate services, including the following strategies:*

5.1 Initial appearances before the drug court judge do not exceed:

- 14 days after arrest, charging, or initial appearance in court for those drug courts which are pre-conviction or pre-adjudication for Juvenile drug courts.
- 14 days after conviction for those drug courts which are post-conviction or 14 days after adjudication for all post-adjudication Juvenile drug courts. 14 days after first appearance on a violation of probation

5.2 All chemical dependency and mental health assessments include collateral information to ensure the accuracy of the assessment.

5.3 Defense counsel must review the standard form for entry into the drug court as well as potential sanctions and incentives with the participant, informing them of their basic due process rights.

5.4 The standard Consent Form must be completed by all parties – team members, observers, and adjunct team members - to provide communication about confidentiality, participation/progress in treatment, and compliance with the provisions of 42 CFR, Part 2 and HIPAA (*in development*).

5.5 Once accepted for admission into the drug court, the participant must participate as soon as possible in chemical dependency treatment services and be placed under supervision to monitor their compliance with court expectations.

Recommended Practices

1. Individuals providing screening for substance use disorders and suitability for treatment should be appropriately trained.
2. The drug court team should have the option to accept or reject a chemical dependency assessment without adequate collateral information.
VI. STANDARD SIX

A drug court must incorporate ongoing judicial interaction with each participant as an essential component of the court.

6.1 At a minimum, drug court participants must appear before the drug court judge at least twice monthly during the initial phase of the court. Frequent status hearings during the initial phases of the court establish and reinforce the drug court’s policies and ensure effective supervision of each drug court participant.

Recommended Practices

1. Participants should appear before the judge weekly during the initial phase of the court. Frequent status hearings during the initial phases of the court establish and reinforce the drug court’s policies and ensure effective supervision of each drug court participant.
2. The drug court judge is knowledgeable about treatment methods and their limitations.
3. Hearings should be before the same judge for the length of each participant’s time in the drug court.

VII. STANDARD SEVEN

Abstinence must be monitored by random, frequent, and observed alcohol and other drug testing protocols which include:

7.1 Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures address elements that contribute to the reliability and validity of the testing process.

7.2 Individualized drug testing plans; all testing must be random, frequent, and observed.

7.3 Plans for addressing participants who test positive at intake or who relapse must be clearly established with outlined treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the judge.

7.4 Notification of the court immediately when a participant tests positive, has failed to submit to testing, has submitted the sample of another, diluted the sample, or has adulterated a sample. Failure to submit to testing, submitting the sample test of another, and adulterated samples must be treated as positive tests and immediately sanctioned.

7.5 Testing sufficient to include each participant’s primary substance of dependence, as well as a sufficient range of other common substances.
Recommended Practice

1. When testing for alcohol, drug courts should strongly consider devices worn by the participant, portable breath tests (PBTs), saliva tests, and the use of scientifically validated technology used to detect ethyl alcohol.

VIII. STANDARD EIGHT

*Drug courts must provide prompt access to a continuum of approved AOD and other related treatment and rehabilitation services, particularly ongoing mental health assessments to ensure:*

8.1 All participants have an up-to-date treatment plan and record of activities.

8.2 All chemical dependency and mental health treatment services are provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of their profession.

Recommended Practices

1. Each participant should contribute to the cost of the treatment he/she receives while participating in the drug court, taking into account the participant’s, and when appropriate the guardian’s, financial ability.

2. Drug court teams should make reasonable efforts to observe drug court treatment programs to gain confidence in the services being provided and to better understand the treatment process.

3. Whenever possible drug court treatment providers should have separate tracks for drug court participants/criminal justice clients.

IX. STANDARD NINE

*The drug court must have a plan to provide services that are individualized to meet the needs of each participant and incorporate evidence-based strategies for the participant population. Such plans must take into consideration services that are gender-responsive and culturally appropriate and that effectively address co-occurring disorders.*

9.1 All DWI participants with suspended, canceled or revoked licenses must have a license reinstatement plan.
Recommended Practices

1. Services should be trauma-informed when appropriate and clinically necessary to the degree that available resources allow this.
2. All drug court participants with suspended, canceled or revoked licenses should have a license reinstatement plan.
3. Ancillary services that should also be considered may include but are not limited to:
   - Education
   - Transportation
   - Housing
   - Domestic Violence Education Programming
   - Health Related
   - Employment

X. STANDARD TEN

*Immediate, graduated, and individualized sanctions and incentives must govern the responses of the drug court to each participant’s compliance or noncompliance.*

Recommended Practices

1. Adjustment in treatment services, as well as participation in community-based mutual support meetings, should only be based upon the clinically informed interests of the participant.
2. Time between status hearings should be increased or decreased, based upon compliance with treatment protocols and progress observed.
3. Responses to or incentives for compliance vary in intensity and might include:
   a. Encouragement and praise from the bench;
   b. Ceremonies and tokens of progress, including advancement in the court;
   c. Reduced supervision;
   d. Decreased frequency of court appearances;
   e. Reduced fines or fees;
   f. Dismissal of criminal charges or reduction in the term of probation;
   g. Reduced or suspended sentence; and
   h. Graduation.
4. Responses to or sanctions for noncompliance vary in intensity and might include:
   a. Warnings and admonishment from the bench in open court;
   b. Demotion to earlier court phases;
c. Increased frequency of testing and court appearances;
d. Confinement in the courtroom or jury box;
e. Increased monitoring;
f. Fines;
g. Required community service or work programs;
h. Escalating periods of jail or out-of-home placement, including detention, for Juveniles (drug court participants remanded to jail or out-of-home placement, including detention should receive AOD treatment services while confined); and
i. Termination from the court and reinstatement of regular court processing.

XI. STANDARD ELEVEN

Drug courts must assure continuing interdisciplinary education of its team members to promote effective drug court planning, implementation, and ongoing operations, by:

11.1 Establishing and maintaining a viable continuing education plan for drug court team members.

Recommended Practices

1. At a minimum of once every two years, drug court teams should work with outside experts to assess team functionality, review all policies and procedures, and assess the overall functionality of the court.
2. Each drug court should plan for the transition of a team member and provide sufficient training for new team members.
3. Each court should identify and build a relationship with a mentor court of its specific model.
4. Drug courts should regularly observe other drug courts.
5. The operating procedures should define requirements for the continuing education of each drug court staff member.

XII. STANDARD TWELVE

Drug courts must evaluate effectiveness by:

12.1 Reporting outcome and other data as required by the DCI including information to assess compliance with the Standards.
APPENDIX A:

Definition of Drug Court Models (adapted from the National Drug Court Institute)

**Adult Drug Court** is a specially designed court calendar, the purposes of which are to achieve a reduction in recidivism and alcohol and other drug (AOD) use among nonviolent addicted offenders and to increase the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision and the use of appropriate sanctions and incentives. The drug court judge maintains close oversight of each case through regular status hearings with the parties involved. The judge both leads and works as a member of a team that comprises representatives from treatment, law enforcement, probation, the prosecution, and the defense.

**DWI Court** is a distinct court dedicated to changing the behavior of the alcohol and other drug dependant offenders arrested for Driving While Impaired (DWI). The goal of DWI court is to protect public safety by using the drug court model to address the root cause of impaired driving, alcohol and other drug problems. With the repeat offender as its primary target population, DWI courts follow the Ten Key Components of Drug Courts and Ten Guiding Principles of DWI Courts, as established by the National Association of Drug Court Professional and the National Drug Court Institute.

**Hybrid Drug Court** is a drug court that combines multiple models. The drug court team has had appropriate training for each of the combined models. E.g., when an Adult drug court decides to also take DWI offenders, the court is structured to support the needs of DWI offenders, in particular the use of alcohol monitoring and the presence of victim’s representatives at staffings, to protect public safety.

**Juvenile Drug Court** is a court calendar within a juvenile court to which selected delinquency cases are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs. The juvenile drug court judge maintains close oversight of each case through regular status hearings with the parties involved. The judge both leads and works as a member of a team that comprises representatives from treatment, juvenile justice, social and mental health services, school and vocational training programs, law enforcement, probation, the prosecution, and the defense.
APPENDIX B:
Policy and Procedures Manual Outline

COURT OVERVIEW
Introduction

Mission Statement
Goals and Objectives

COURT PLAN
Model
Target Population
Eligibility Criteria
Referral Process
Screening and Intake Process
Entry Process
Incentives & Sanctions
Graduation Requirements
Termination Criteria
Staffing (frequency, team operating norms, times)
Court Session (frequency, times)

ROLES AND RESPONSIBILITIES OF THE KEY PLAYERS OF THE OPERATIONS TEAM

CONFIDENTIALITY

CHEMICAL DEPENDENCY TREATMENT
Provider Network
Protocols
Phases and Duration
Long Term Recovery Supports/Continuing Care
ANCILLARY SERVICES

CULTURAL AWARENESS & INCLUSION POLICY

COURT OVERSIGHT AND SUSTAINABILITY PLAN

Marketing and Community Awareness
Cross Training
Management Information System
Evaluation Design
Budget

APPENDICES

Appendix A Examples of Incentives & Sanctions
Appendix B Forms
Appendix C Orders
Appendix D Participant Handbook
Appendix E Phase Description
Appendix F Team Meeting Ground Rules
Appendix G Memoranda of Understanding (Enter a brief policy statement followed by necessary MOU’s to maintain for the effective functioning of the court. An appendix section should contain all MOU’s)
Appendix H Life Plan Packet – this document delineates how the prospective graduate will maintain sobriety and continue law-abiding behavior.
Appendix I Road Map – monthly review of all case plans so that all cases are prioritized on a regular basis
Appendix J Steering Committee
Appendix K Planning Team
Appendix L Operations Team
Appendix M Referral & Screening Flow Chart

3 Trauma-informed services are designed to provide appropriate interactions tailored to the special needs of trauma survivors. The focus is on screening for trauma and designing the drug court program to reduce or eliminate triggers of trauma for the survivor. This is particularly important because research shows that occurrence of trauma is a significant factor in most offender populations. This concept is further discussed in the Minnesota Supreme Court's Chemical Dependency Task Force's second report (pp. 44-47). [http://www.mncourts.gov/?page=631](http://www.mncourts.gov/?page=631)