



Overview

- What's the difference between a DWI Court and a Drug Court?
- Are DWI court participants really different from adult drug court participants?
- Is there evidence that Drug and DWI Courts truly reduce recidivism and protect public safety?
- Who do these programs work for?
- Top 10 best practices to increase cost savings



What We Already Know

Recidivism

- Drug Courts reduce recidivism
- Recidivism is decreased up to 14 years after participation



- Average reduction is about 18%
- Some courts more than 60%



What about DWI Courts?

What is a DWI Court, anyway? (What's the difference?)





What is different about a DWI Court?

 A DWI Court is an problem solving court dedicated to changing the behavior of DWI Offenders.

The goal of DWI Court is to protect public safety by using the adult Drug Court model to address the root cause of impaired driving: alcohol and other substance abuse.



Are DWI offenders really that different from drug offenders?

What do we think is special about DWI offenders?

DWI Offenders engage in behavior that is dangerous and frequently causes serious injury or fatalities



Are DWI offenders really different from drug offenders?



Repeat DWI offenders are over represented in fatal crashes, and have a greater risk to kill another person.



Are DWI offenders really that different from drug offenders?

What do we think is special about DWI offenders?

Drinking alcohol is not illegal, is highly prevalent, and is even encouraged in many every day activities



Are DWI offenders really different from drug offenders?

DWI offenders are more likely to be high functioning in other areas of their lives (Many alcoholics still get up every morning and go to work and take care of their children)

DWI offenders don't always show up as high risk on risk assessments standardized on the typical criminal justice population



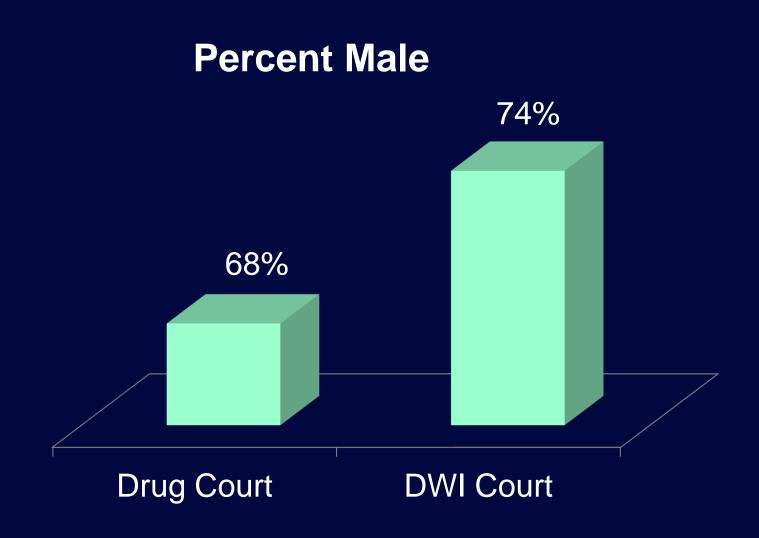
Are DWI offenders really different from drug offenders?

Evidence

- ☐ Statewide study in Colorado
- ☐ Included all adult drug courts (24) and DWI courts (9)
- Compared ADC participants and DWI participants

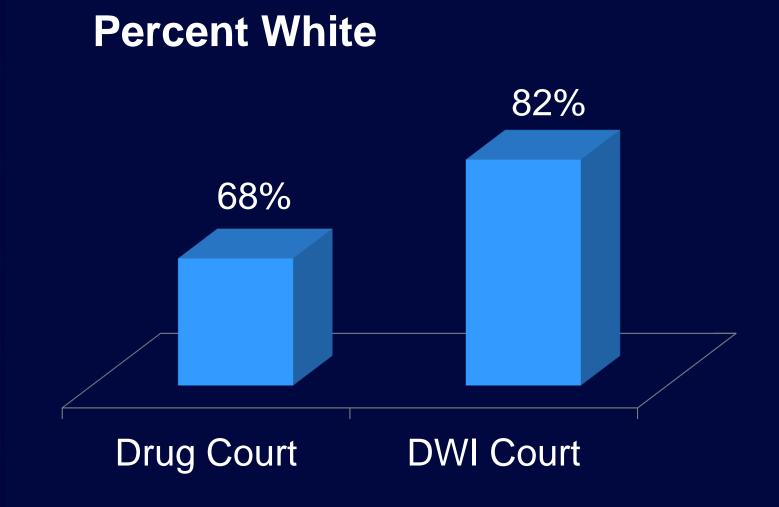


DWI offenders are more likely to be male



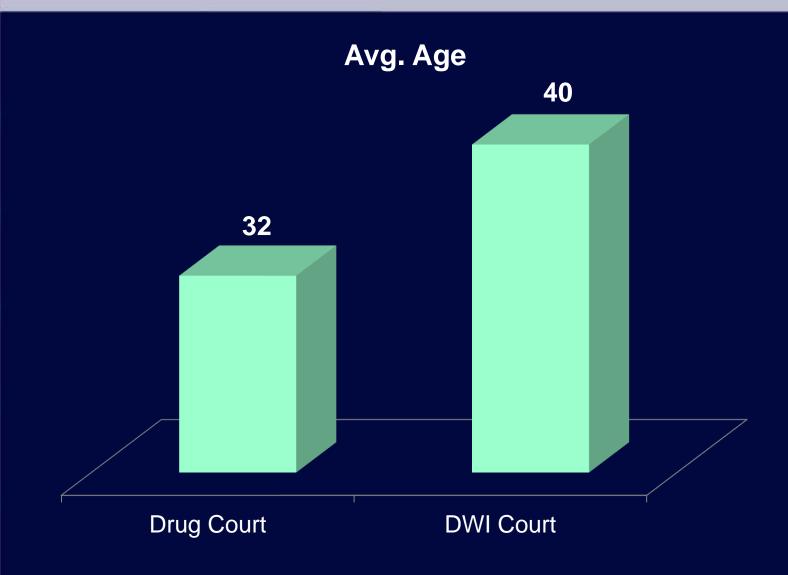


DWI offenders are more likely to be white



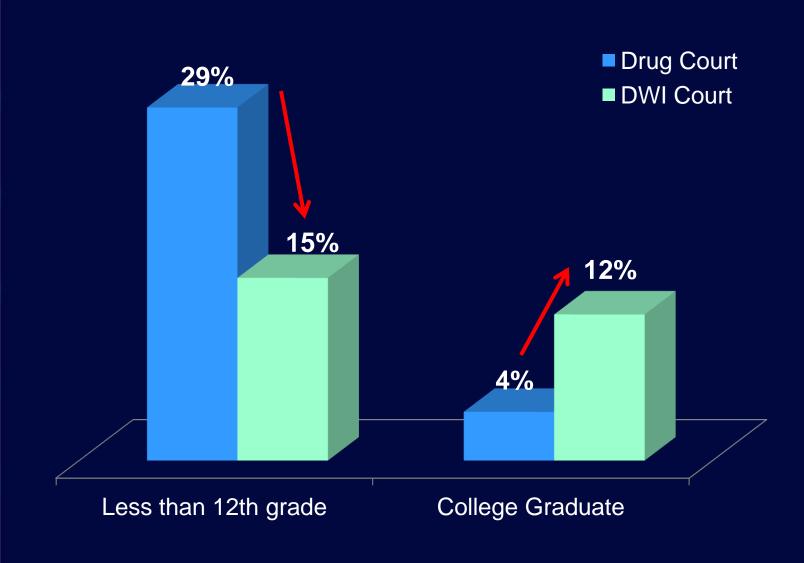


DWI offenders are more likely to be older



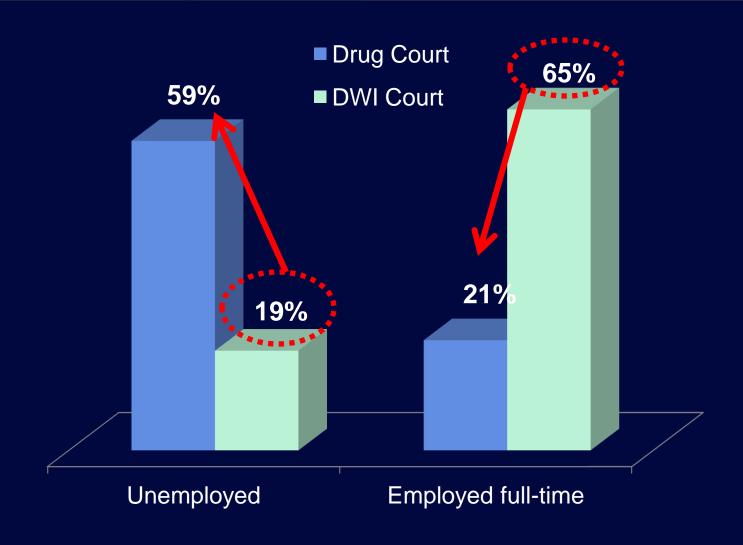


DWI offenders are more likely to have higher education



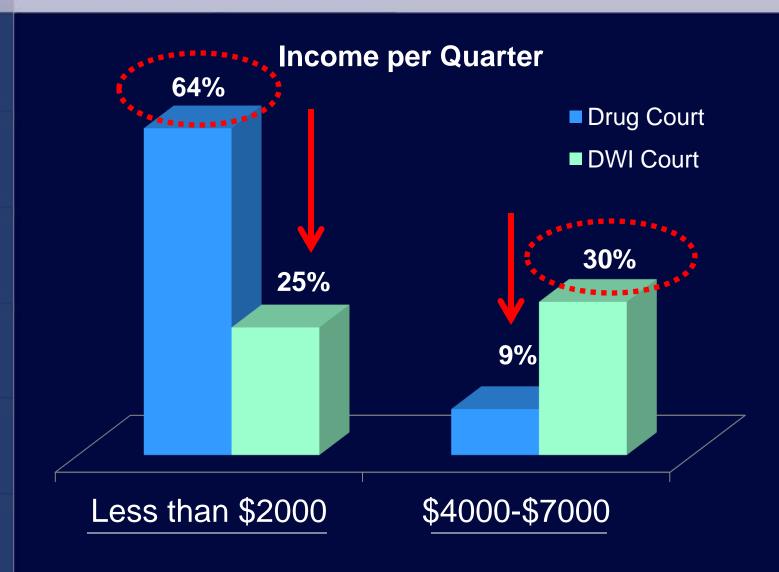


DWI offenders are more likely to be employed





DWI offenders are more likely to be higher income





DWI offenders are less likely to score as high risk

Colorado Study

Scored at medium to high risk (LSI)





Research on Risk

Recent research on DWI risk shows that repeat DWI offenders have a higher disregard for authority and show greater indications of anti-social personality



Back to the question

Are DWI offenders really different from drug offenders?

Overall, yes

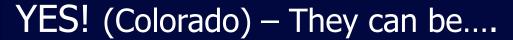


Are DWI Courts Effective?





Are DWI Courts Effective?







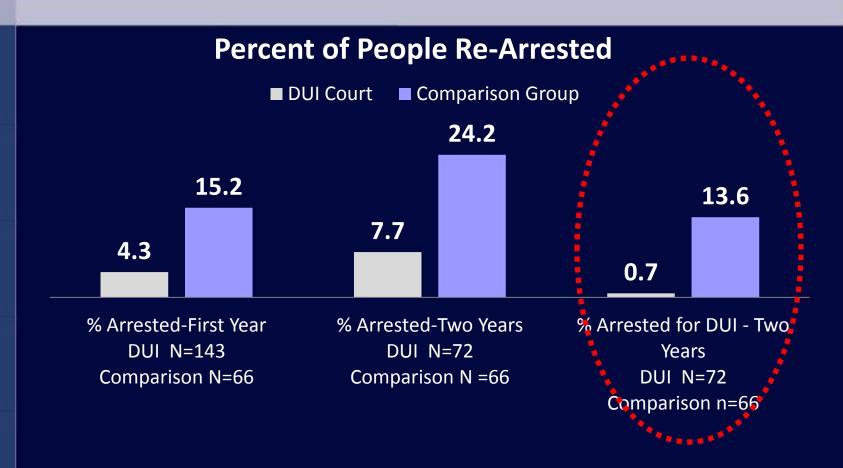
Are DWI Courts Effective?

A study of 3 DWI Courts in Michigan

- 3 Counties Ottawa, Bay, Oakland (Clarkston)
- Comparison group of eligible DWI offenders prior to DWI Court implementation
- ☐ Examined recidivism, length of time to re-arrest, and the use of CJ system resources



DUI Court participants were 19 times less likely to be re-arrested on a DWI charge



DUI Court Participants:

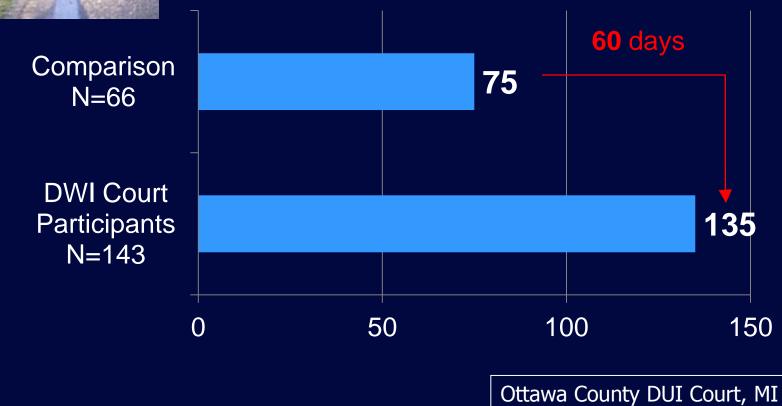
> Were over **3 time**s less likely to be re-arrested on any charges

Ottawa County DUI Court, MI



DWI Court Participants had almost twice as long to their first re-arrest

Days to New DUI Arrest





- San Joaquin County, CA
- All repeat DWI offenders go to DWI system (no ability to opt out)
- Two Levels:
 - Track 1 the accountability track
 - Track 2 the treatment track



- Repeat DWI offenders
 - More likely to reoffend within 5 years
 - 1.43% of California drivers
 - 26% of California DUI Offenders
 - 59% of drivers involved in fatal or injury alcohol/drug crashes



- Repeat Offenders with High Drug Treatment Needs
 - High risk and high drug treatment needs
 - Need treatment and DWI Court model
- Repeat Offenders with Lower Drug Treatment Needs
 - High risk with different and lower drug treatment needs
 - Need monitoring/different intervention
- Different Needs/Different Tracks



SJDWI implemented in 2008

(As of July 2012 – Date of study)

- 2,167 repeat DUI offenders entered
- 721 currently active/153 in Track 2
- 1,055 successfully completed
- 391 discharged unsuccessfully (absconded, transferred, deceased, or deported)
- NO terminations due to non-compliance (no other option for repeat DWI).



As of May 2015

- 3,282 repeat DUI offenders entered
- 541 currently active/199 in Track 2
- 2,082 successfully completed
- 659 inactive (absconded, transferred, deceased, or deported)
- NO terminations due to non-compliance (no other option for repeat DWI).



Study compared

- All DUI Court participants 2008-2011
- Comparison group = No DUI Court =
 All repeat DUI offenders 2006-2007



Expanding the System Did it work?

YES! 25% fewer DUI Court participants had New DUI Convictions 18 Months after Index DUI Conviction Date



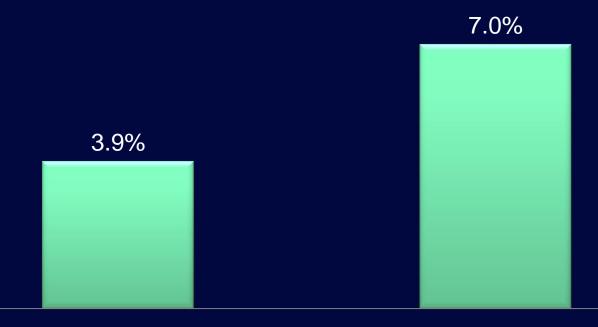
This translated to 33% fewer new DUI convictions.



Expanding the System Did it work?

Yes! DUI Court Participants were half as likely to have crashes 18 months after index DUI date

Percent of Individuals With Crashes



DUI Monitoring Court (N = 1,170)

Comparison (N = 1,262)



Expanding the System Did it work?

- Comparison group had twice as many traffic accidents/crashes (DUI and non DUI combined)
- Comparison group had four times greater number of crashes related to DWI convictions
- DWI Court participants were 2.5 times more likely to have their license reinstated
- DWI Court participants were significantly more likely to comply with court, probation, and DMV requirements



Minnesota Study in 9 DWI Courts Completed September 2014

Commissioned by MN Office of Traffic Safety

NHTSA funded



Outcome/Impact Evaluation

- Graduating participants as intended?
 (What is program graduation rate? What is different about those who graduate and those who do not?)
- Is the program having the intended impact?
 - Are participants being re-arrested less often? (All arrests, DWI arrests)
 - Is there a longer time before DWI court participants are rearrested? (Survival Analysis)
- What are the characteristics of participants who graduate compared to those who do not?



Outcome/Impact Methods

- Obtain access to administrative data (program, treatment, drug tests, DMV, criminal justice, etc.)
- Collect data
- Prepare datasets (examine/understand, put in format for analysis, link with other data)
- Select and match <u>comparison group</u>
- Analyze data
- Interpret results



Comparison Groups

Selected from group of all DWI offenders in each county who were eligible but did not participate (small programs, not all offenders are referred)

Matched using propensity scores on:

- Gender
- Race
- Ethnicity
- Age
- Prior arrests (DWI, person, property, drug, misd., felony)



Cost Evaluation

- How much does it cost to run the program?
- How much is it to process offenders with no program (traditional court process)?
- What are the criminal justice recidivism costs for drug court participants?
- How do they compare to recidivism costs for non-participants? (Are there savings?)



Program Descriptions

	DWI Court #1	DWI Court # 2	DWI Court # 3	DWI Court # 4	DWI Court # 5	DWI Court # 6	DWI Court # 7	DWI Court # 8	DWI Court # 9
DWI Court start year	2007	2006	2008	2007	2007	2008	2005	2008	2008
Minimum duration of program (months)	18	18	18	18	18	18	13	18	12
Participants enrolled since start	54	61	51	331	37	51	173	37	102
Capacity	25	25	25	150	20	20	60	20	50
Sample: All enrolled during time period	2007 - 2012	2006 - 2012	2008 - 2012	2007 - 2012	2007 - 2012	2008 - 2012	2005 - 2012	2008 - 2012	2008 - 2012



What do MN DWI court participants look like?

Status at Entry	Average	Range
Assessed as Dependent	89%	54% - 100%
Mental Health Diagnosis	28%	6% - 50%
Low Risk	20%	4% - 36%
High Risk	56%	31% - 90%
Percent with felony DWI at entry	27%	<1% - 76%
DWI History Average #of DWI arrests 10 years prior	1.9	1.4 - 2.4
Arrest History		
Average number of arrests (any charge) in the 2 years prior to entry	2	1.2 – 2.3



What else do we know about MN DWI courts?

Graduation rates are high!

Avg. 79% (65% to 86%)

Average graduation rate for drug courts is 57%



Participants (regardless of graduation status) at all 9 DWI courts had low DWI recidivism rates

Participants rearrested for a DWI charge ranged from 0% to 4% in most programs

A high of 10% in one site

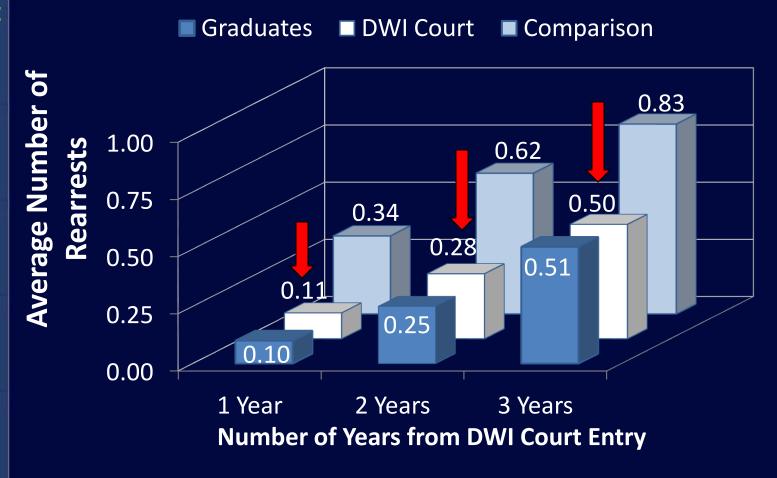


Minnesota Study in 9 DWI Courts

Example: St. Louis DWI Court

NHTSA funded

DWI Court Participants Had Fewer Rearrests Over 3 Years from **DWI Court Entry**



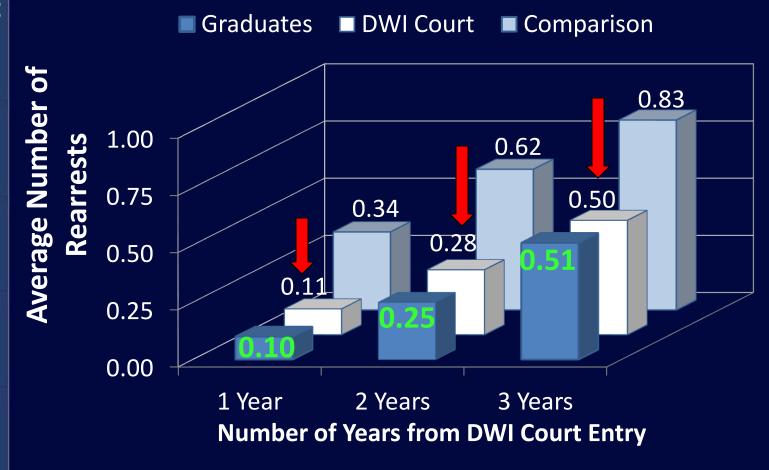


Minnesota Study in 9 DWI Courts

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NHTSA funded

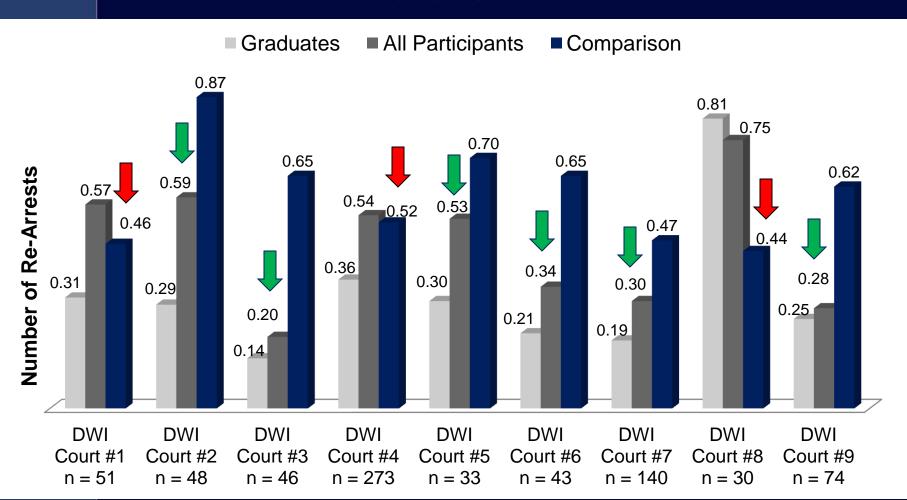
DWI Court Participants Had Fewer Rearrests Over 3 Years from **DWI Court Entry**





Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates

But not all of them





Cost Results



Program Investment Costs (Example)

		Avg. # of Events	Avg. Cost
		for all	per DWI Court
		Participants	Participant
Transaction	Unit Cost	Per Person	Per Person
DWI Court Sessions	\$123.78	33.49	\$4,145
Case Management Days	\$4.78	500.40	\$2,392
Individual Tx Sessions	\$35.00	2.64	\$92
Group Tx Sessions	\$17.00	18.21	\$310
Residential Tx Days	\$91.55	23.09	\$2,114
Hospital Inpatient Days	\$150.00	0.00	\$0
UA Drug Tests	\$4.71	77.40	\$365
Breathalyzer Tests	\$0.19	68.82	\$13
TOTAL			\$9,431



Agency Investment Costs (Example)

	Avg. Cost per	Avg. Cost per All	
	DWI Court Grad	Participant Per	
Agency ^a	Per Person	Person	
District Court	\$1,740	\$1,782	
County Attorney	\$402	\$417	
City Attorney	\$359	\$372	
Public Defender ^b	\$486	\$503	
Corrections	\$2,341	\$2,380	
Law Enforcement	\$1,087	\$1,117	
Treatment	\$1,488	\$2,860	
TOTAL	\$7,903	\$9,431	



Agency

District Court

City Attorney

DOC

County Attorney

Public Defender

Law Enforcement

SUBTOTAL

Victimizations^a

Crashes^a

TOTAL

Arrowhead Regional Corrections

lutcome Costs (Evample)

\$128

\$65

\$37

\$120

\$1,350

\$3,080

\$2,067

\$6,847

\$2,691

\$1,854

\$11,392

per Individual

\$217

\$130

\$61

\$200

\$2,200

\$5,342

\$2,270

\$10,420

\$289

\$5,497

\$16,206

per Individual

\$89

\$65

\$24

\$80

\$850

\$2,262

\$3,573

(\$2,402)

\$3,643

\$203

NPC	Oute	Outcome Costs (Example)				
		DWI Court	Comparison Group	Difference/		
		Outcome Costs	Outcome Costs	Savings		

per Participant

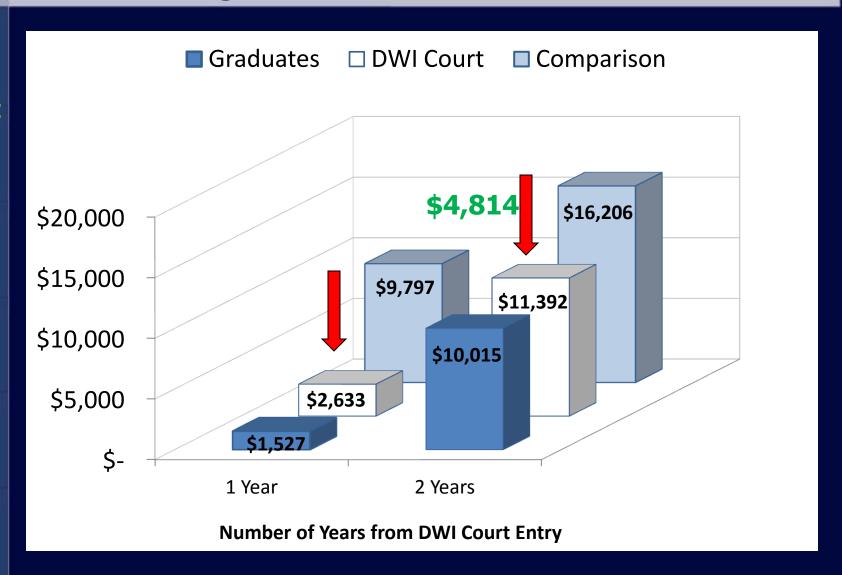


Recidivism Costs per Person: DWI Court Resulted in a savings of \$4,814 per Participant

A Savings of \$1.8 Million over 5 Years

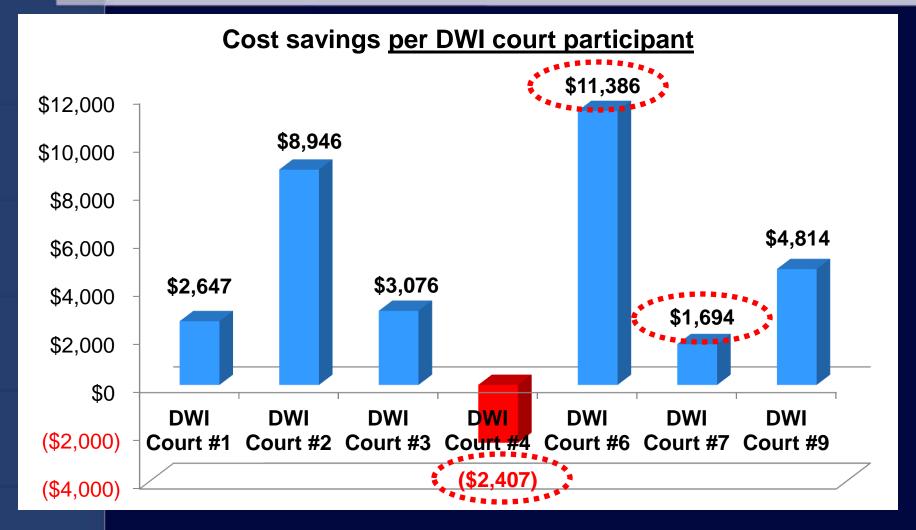
Example: St. Louis DWI Court

NHTSA funded





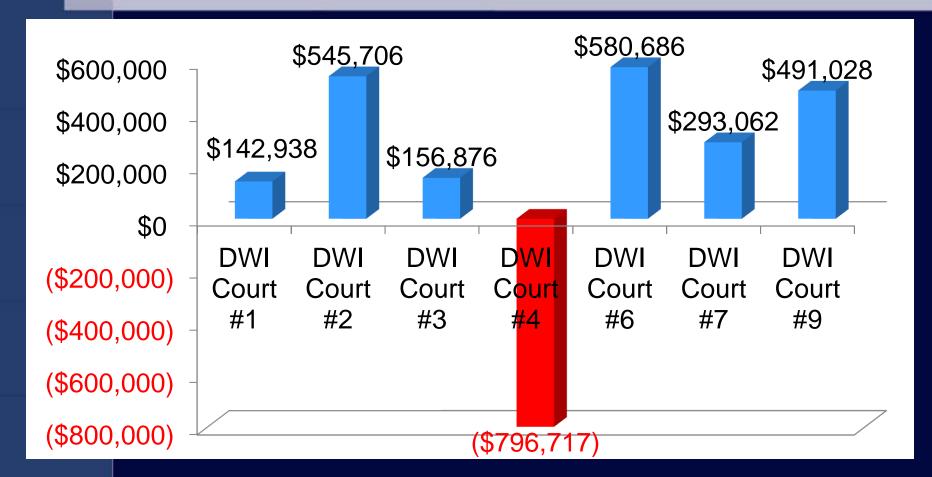
Cost Savings for DWI Court Participants over Two Years from Program Entry



*More Jail and Probation (expensive items)



Total Cost Savings for all Participants since Program Implementation*

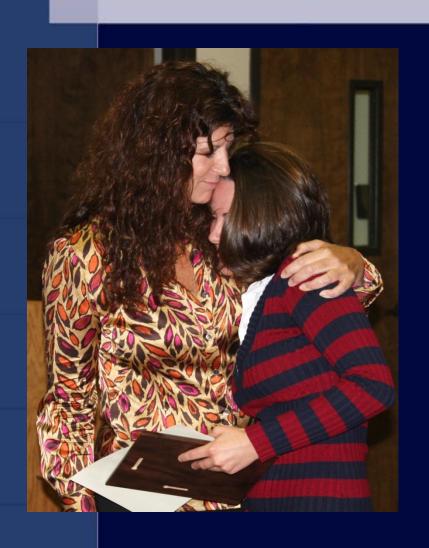


Total savings to local agencies and state = \$1,413,579*

*Does not include investment costs

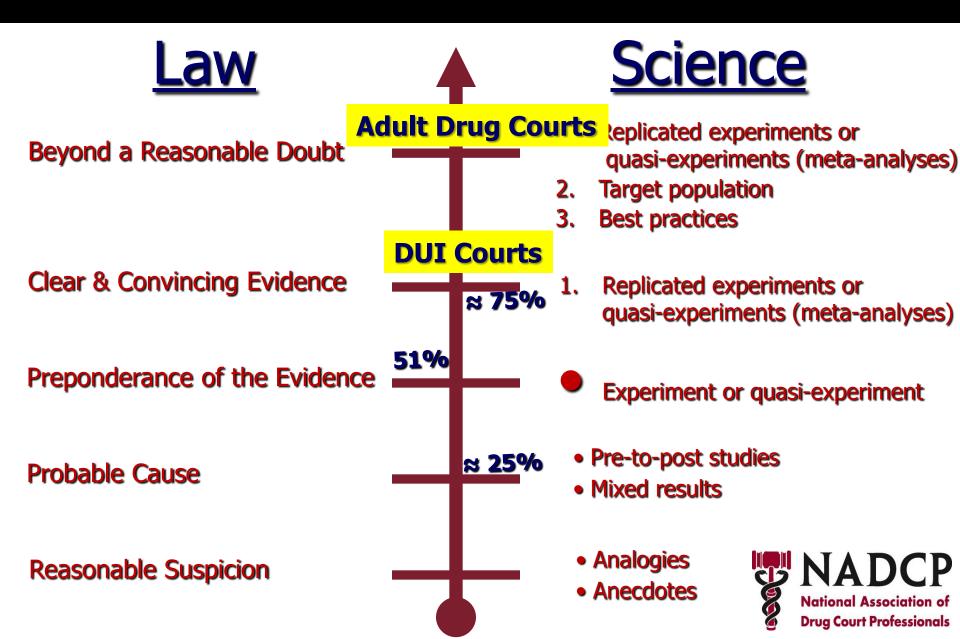


Are DWI Courts Effective?



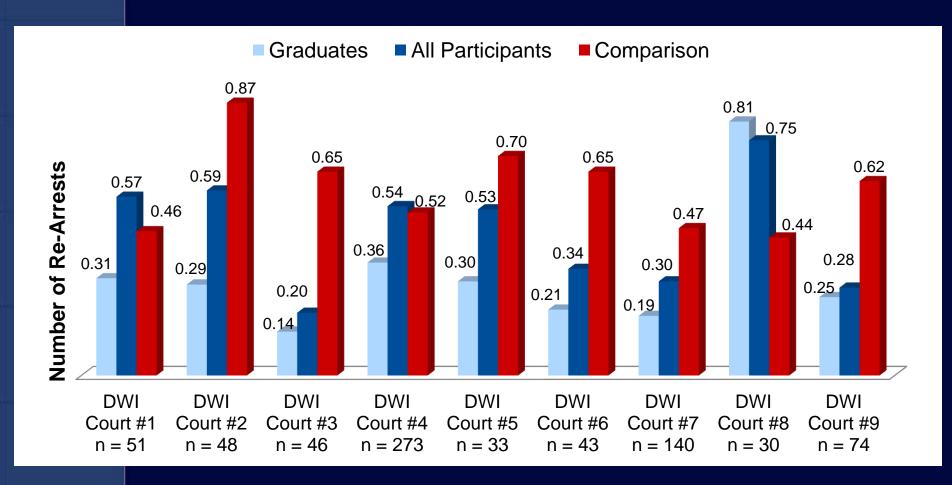
So far, there is good evidence that DWI Courts are more efficient and more effective for treating DWI offenders than traditional probation

Standards of Proof



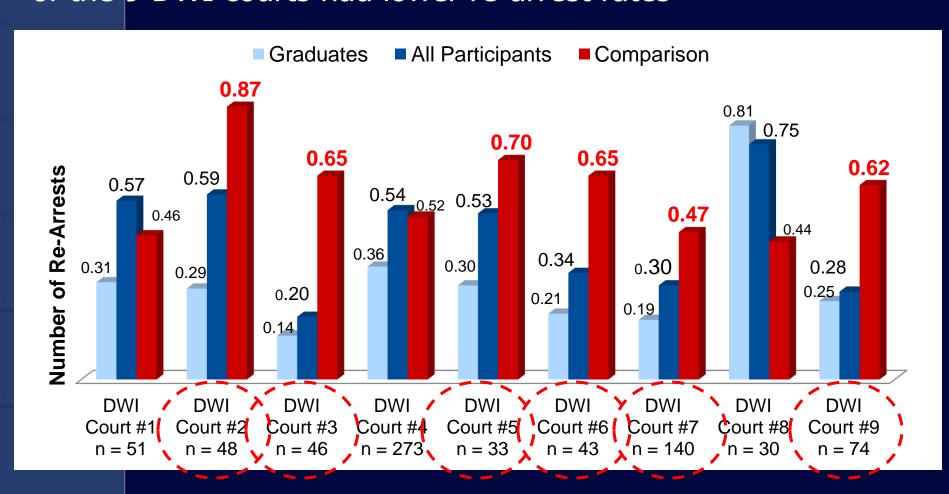


Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates



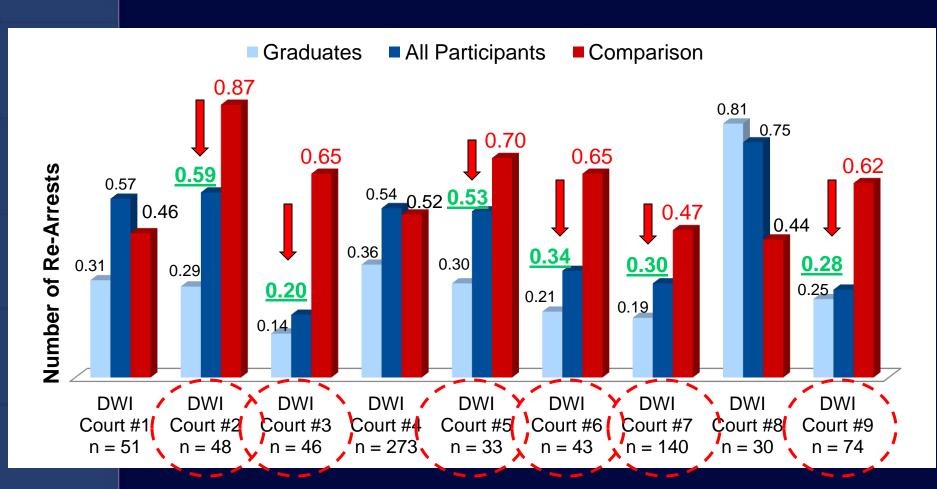


Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates



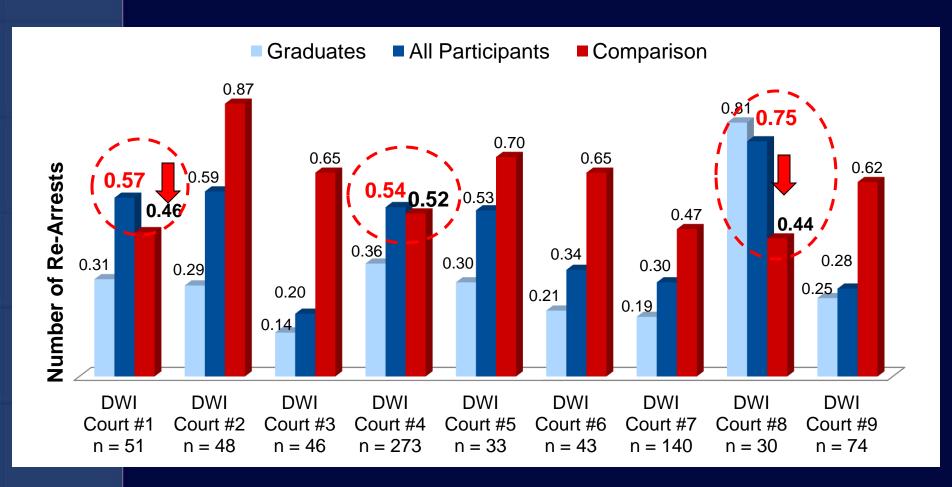


Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates





Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates but not all of them



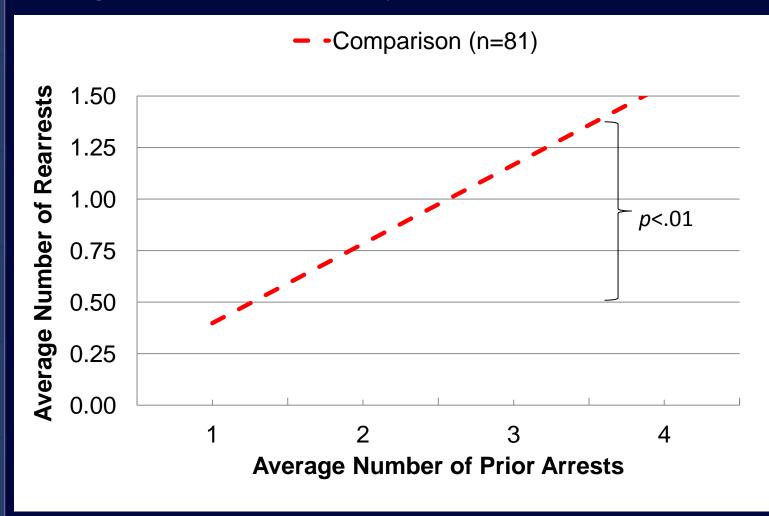


Who does it work for?

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

MN DWI Court Study 9 Sites

NHTSA funded



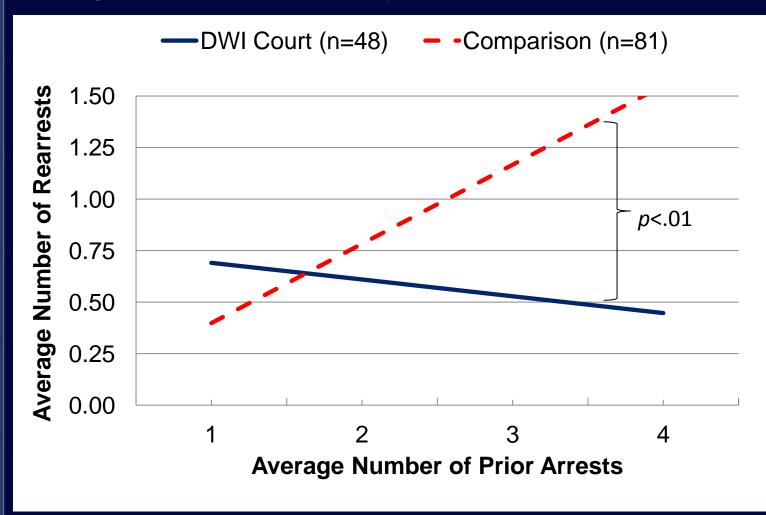


Who does it work for?

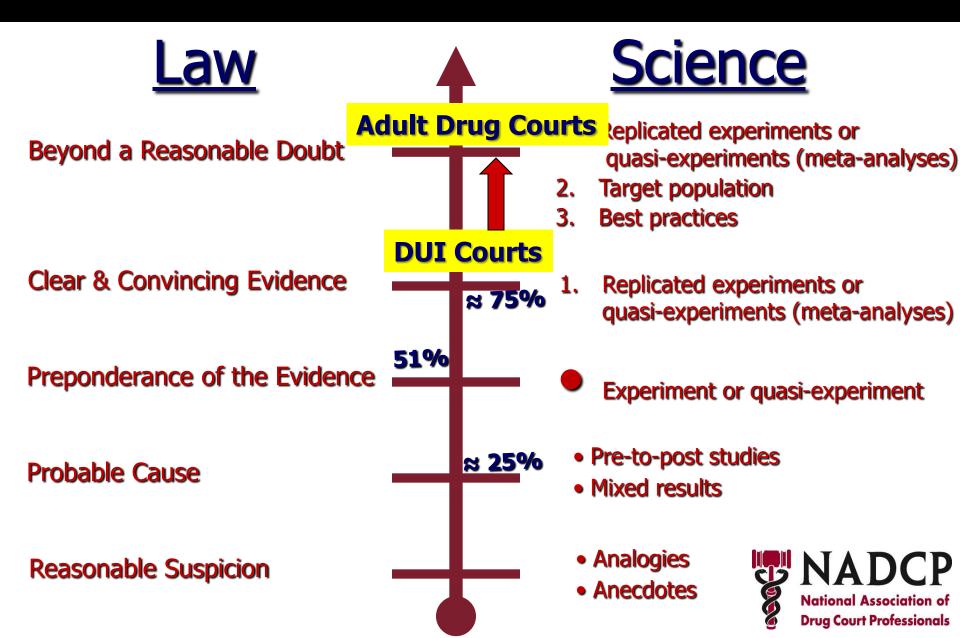
Average Number of Rearrests by Number of Prior Arrests at 2 Years

MN DWI Court Study 9 Sites

NHTSA funded



Standards of Proof





Who does it work for?

Need good assessment for adult drug courts and DWI courts to

- 1. Ensure you are treating the intended population and
- 2. To ensure you are providing appropriate services for the risk and need level of the participants you have!



Who does it work for?

Adult Drug Court assessments

- RANT (screen)
- LS/CMI
- LSI-R
- COMPAS
- TCU

All validated and can be used to determine both risk and need



Lessons Learned

DWI court assessments (valid for DWI offenders – they are different!)

- CARS (NCDC free webinar on 12/15)
- RIASI (http://nicic.gov/library/026903)
- IDA file:///C:/Users/carey/Downloads/8120 22-Screening_for_Risk_and_Needs.pdf
- DWI-RANT (screen)



Lessons Learned

What do we know about DWI offenders?

Being at high risk for a new DWI does not necessarily mean high risk for other types of criminal recidivism

Does this mean they need to be supervised differently?

- Continuous detection for use (e.g. tether)
- Interlock on vehicles
- Unannounced home visits



What works?

Top 10 Best Practices

10 Key Components

10 DWI Court Guidelines



Best Practices

- Evaluated 101 Drug and DWI Courts around the nation (detailed process studies/10 KC)
- 69 included recidivism and cost evaluations

Average reduction in recidivism 25%

About 23% of these had either no effect or worse recidivism and costs



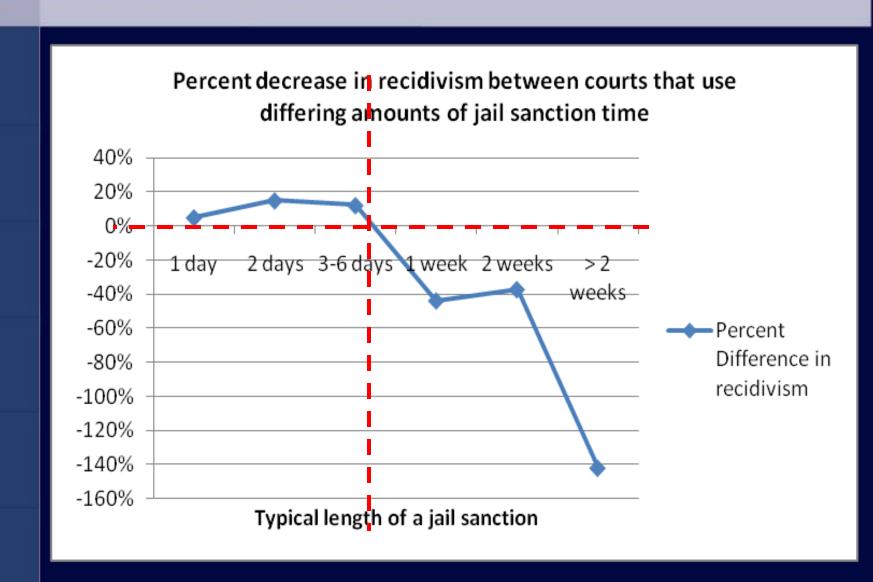
Best Practices

What are the best Drug Courts doing?

Found <u>over 50</u> practices that were related to significantly lower recidivism, lower costs, or both

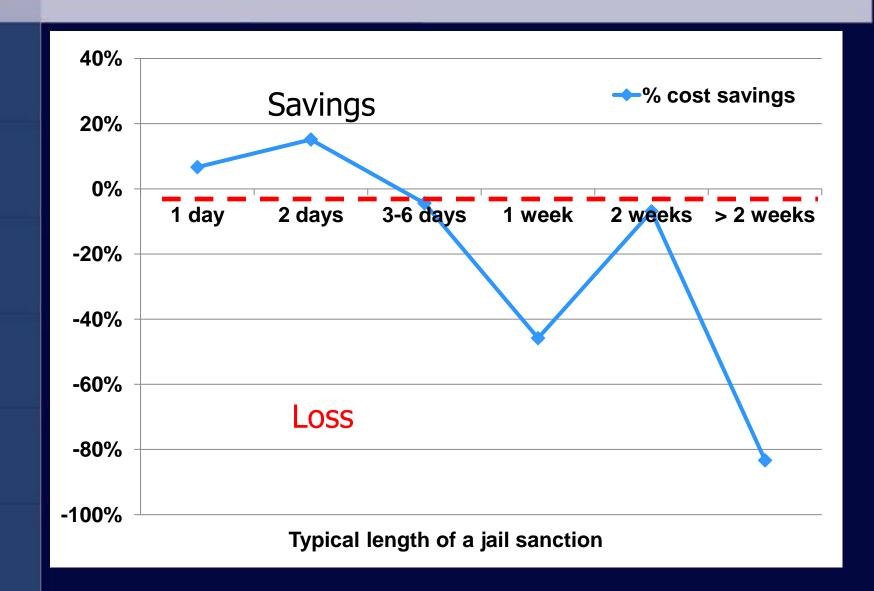


Courts that typically impose jail longer than 6 days have worse (higher) recidivism





More jail time is related to higher costs





Drug Court Top 10 *Cost Savings*

10. Law enforcement attends court sessions



10. Drug Courts Where Law Enforcement attends court sessions had 64% Higher Cost Savings





- 10. Law Enforcement attends court sessions
- 9. In the first phase of drug court, drug tests are collected at least two times per week

Prug Courts Where Drug Tests are Collected at Least Two Times per Week had 68% Higher Cost Savings

TABLE 1 URINARY IMMUNOASSAY CUTOFF FOR DRUGS OF ABUSE

Drug	Immunoassay Cutoff (ng/ml)	Usual Detection Time
Cocaine (metabolite)*	300	4-6 days
Phencyclidine	25	1-2 weeks
Amphetamines	1,000	1–2 weeks
Opiates	2,000	1 week
Marijuana (metabolite)†	50	5 days-3 weeks

^{*} Benzoylecgonine.

Leikin JB. Primary Psychiatry. Vol 17, No 6. 2010.



[†] Δ-9-tetrahydrocannabinol-9-carboxylic acid.



- 10. Law Enforcement attends court sessions
- 9. In the first phase of drug court, drug tests are collected at least two times per week
- 8. Drug test results are back in 48 hours or less



8. Drug Courts Where Drug Test Results are Back in 48 Hours or Less had 68% Higher Cost Savings



TIMING IS EVERYTHING



- 10. Law Enforcement attends court sessions
- 9. In the first phase of drug court, drug tests are collected at least two times per week
- 8. Drug test results are back in 48 hours or less
- 7. Team members are given a copy of the guidelines for sanctions



7. Drug Courts Where Team Members are Given a Copy of the Guidelines for Sanctions had 72% Higher Cost Savings



THE SECRET TO

LASTING CHANGE
IS CONSISTENCY



- 10. Law Enforcement attends court sessions
- 9. In the first phase of drug court, drug tests are collected at least two times per week
- 8. Drug test results are back in 48 hours or less
- 7. Team members are given a copy of the guidelines for sanctions
- 6. A representative from treatment attends court sessions



6. Drug Courts Where a Representative from Treatment Attends Court Sessions had 81% Higher Cost Savings





5. In order to graduate, participants must have a job or be in school



5. Drug Courts Where in Order to Graduate Participants
Must Have a Job or be in School had
83% Higher Cost Savings

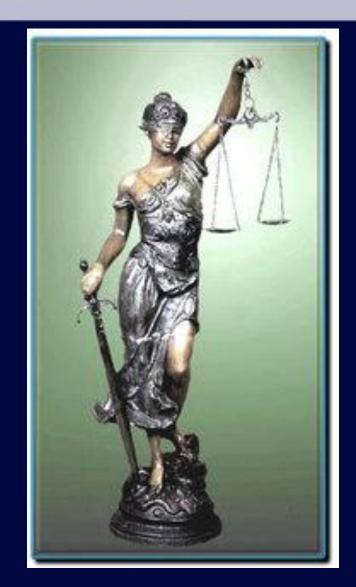




- In order to graduate, participants must have a job or be in school
- 4. The defense attorney attends Drug Court team meetings (staffings)



4. Drug Courts Where the Defense Attorney Attends Drug Court Team Meetings (Staffings) had 93% Higher Cost Savings





- 5. In order to graduate, participants must have a job or be in school
- 4. The defense attorney attends Drug Court team meetings (staffings)
- 3. Sanctions are imposed immediately after non-compliant behavior (e.g., in advance of a client's regularly scheduled court hearing)



3. Drug Courts Where Sanctions Are Imposed Immediately After Non-compliant Behavior had 100% Higher Cost Savings

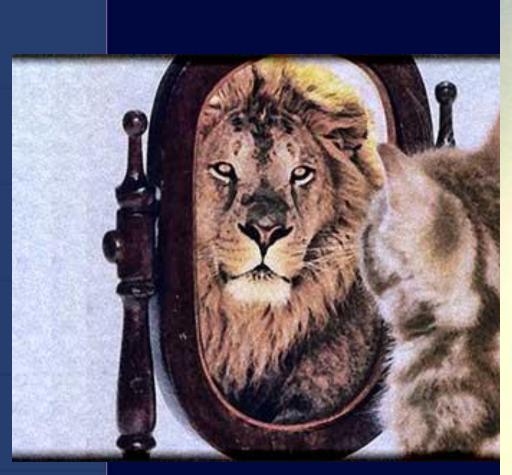


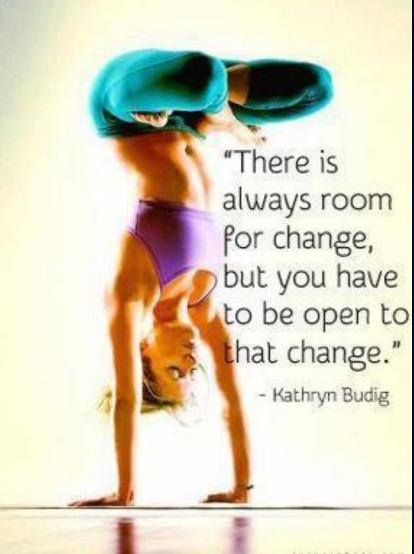


- 5. In order to graduate, participants must have a job or be in school
- 4. The defense attorney attends Drug Court team meetings (staffings)
- 3. Sanctions are imposed immediately after non-compliant behavior (e.g., in advance of a client's regularly scheduled court hearing)
 - 2. The results of program evaluations have led to modifications in Drug Court operations



2. Drug Courts Where The Results Of Program Evaluations Have Led to Modifications In Drug Court Operations had 100% Higher Cost Savings







- 5. In order to graduate, participants must have a job or be in school
- 4. The defense attorney attends Drug Court team meetings (staffings)
- 3. Sanctions are imposed immediately after non-compliant behavior (e.g., in advance of a client's regularly scheduled court hearing)
 - 2. The results of program evaluations have led to modifications in Drug Court operations
 - 1. Review of the data and stats has led to modifications in Drug Court operations

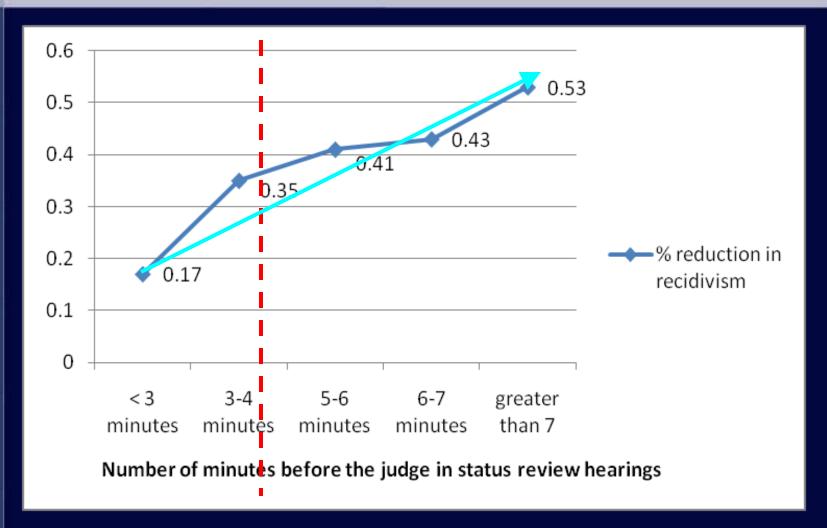


1. Drug Courts Where Review of The Data and Stats Has Led to Modifications in Drug Court Operations had 131% Higher Cost Savings





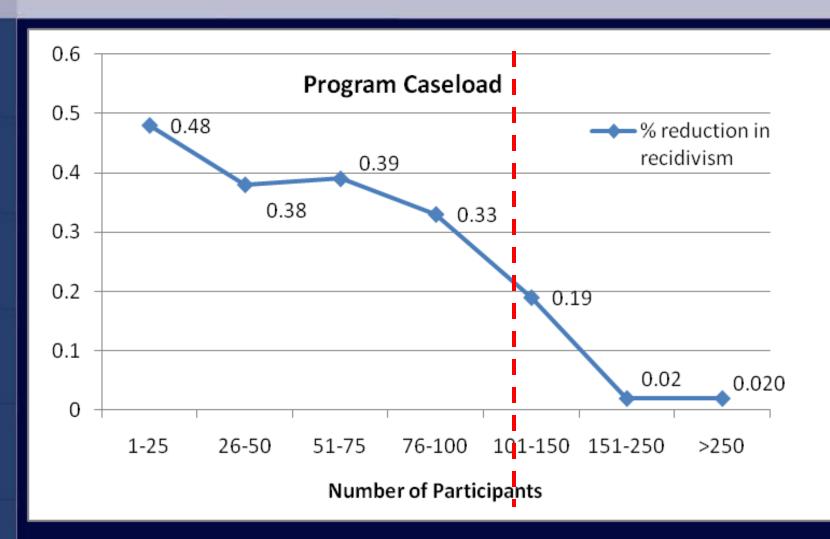
Drug Courts Where the Judge Spends an Average of 3 Minutes or Greater per Participant During Court Hearings had 153% reductions in recidivism



Note 1: Difference is significant at p<.05



Drug Courts with a Program Caseload (Number of Active Participants) of less than 125 had greater reductions in recidivism



Note 1: Difference is significant at p<.05



1. Drug Courts with a Program Caseload (Number of Active Participants) of less than 125 had 567% greater reductions in recidivism

In larger drug courts:

- The Judge spent less time per participant in court (nearly half the time)
- Tx and LE were less likely to attend staffings
 (All team members were less likely to attend staffings)
- Tx and LE was were less likely to attend court hearings
- Tx was less likely to communicate with the court through email
- Greater number of Tx agencies (8 vs 3)
- Drug tests were less frequent
- Team members were less likely to be trained
- *All findings above were statistically significant (p < .05)



When drug courts hit 125 participants or greater they should ensure they have the ability to continue to deliver best practices:

- The Judge should continue to spend at least 3 minutes per participant during status review hearings
- All team members must continue to attend all status hearings (including treatment and law enforcement)
- All team members must continue to attend all staffings (including treatment and law enforcement)
- Tx must continue to communicate with the court through email
- Coordinate and overseen treatment with a single agency or provider (particularly if there are multiple agencies providing treatment)
- Drug tests must continue at least two times per week
- Team members must receiver regular training in the drug court model and related topics



Conclusions

- Target high-risk / high-need cases (assess participants and adjust your services to fit)
- Evaluate, Evaluate, Evaluate (including participant perceptions)
- > Centrality of the judge
- Integration of treatment in court
- > Involvement of law enforcement
- > Drug testing & structured consequences
- Ramp up services as you go to scale



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