

Fourth Judicial District Adult DWI Court Hennepin County, MN Process, Outcome, and Cost Evaluation Report

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**Minnesota Department of
Public Safety**
Office of Traffic Safety
445 Minnesota Street, Suite 150
St. Paul, MN

Submitted by:

NPC Research
Portland, OR

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5100 SW Macadam Ave., Suite 575
Portland, OR 97239
(503) 243-2436
www.npcresearch.com

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Submitted By

NPC Research

Paige M. Harrison, Ph.D.

Charlene E. Zil, M.P.A.

Mark S. Waller, B.S.

Adrian J. Johnson, M.S.W.

Shannon M. Carey, Ph.D.

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EXECUTIVE SUMMARY

DWI courts are complex programs designed to deal with some of the most challenging problems that communities face. DWI 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, mental health 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. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. 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.¹ This is the site-specific report for the Fourth Judicial District Adult DWI Court (FJDWI).

The FJDWI was implemented in January 2007. This program, which is designed to take a minimum of 18 months to complete, accepts post adjudication/pre-conviction and post conviction participants. The general program population consists of repeat DWI offenders (two or more DWI offenses within 10 years) charged in Hennepin County, who are determined chemically dependent and who voluntarily agree to participate.

Process Evaluation Summary. The FJDWI has been responsive to the community needs and strives to meet the challenges presented by substance dependant individuals. This program is demonstrating many best practices within each of the 10 Key Components of Drug Courts and the 10 Guiding Principles of DWI Courts. These include having law enforcement as a member of the team, excellent team communication (including regular email among the treatment provider and the rest of the team), dedicated attorneys, a successful drug use monitoring system and rapid results for drug tests, good coordination of team response to participants behavior, a judge who has served on the DWI court bench long-term (over 6 years) and investing in regular team member training.

However, the DWI court participants as a whole, due mainly to the high recidivism rate and high use of criminal justice system resources by terminated participants, had no impact on recidivism compared with the comparison group. On the other hand, the program graduates did show reduced recidivism, and FJDWI has a very large number of program graduates. In addition, there were some cohorts (i.e., offenders who participated in 2009) that did show significant reduction in recidivism.

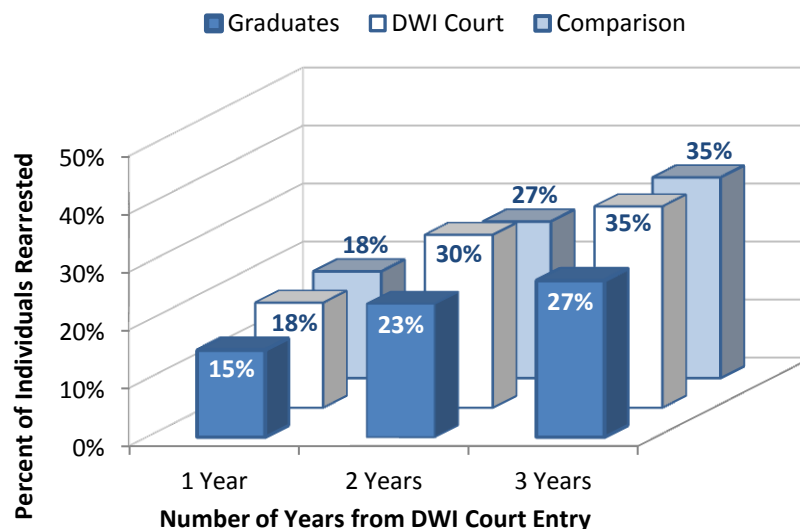
¹ No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to the very small participant samples sizes available in those programs.

Some key recommendations from the process study included:

- **Ensure that the program is targeting the appropriate population.** During the site visit, several FJDWI team members voiced concerns about ensuring that the program continues to identify the appropriate target population so that resources are used efficiently and the offenders who most need the services provided in the FJDWI (high-risk and high-need) are the ones actually getting into the program. The FJDWI team is waiting for a DWI-specific version of the Risk and Needs Triage (RANT) Assessment to help the program identify its target population with greater accuracy.
- **Have a team discussion about the possibility of decreasing the required frequency of court appearances in Phase 1.** Participants in the FJDWI attend court once per week during the 6 months of Phase 1. Because the research shows that less frequent court appearances can have better outcomes (Marlowe, Festinger, Lee, Dugosh, & Benasutti, 2006; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012) except in very high-risk populations, the FJDWI may want to consider reducing the frequency of DWI court appearance to once every 2 weeks for participants in the first phase. This change may also have the benefit of helping to reduce program costs and/or allow the judge to spend more time per participant while in the court room, as well as being more effective for the lower risk participants.

Outcome Evaluation Summary. The results of the outcome analysis for the FJDWI were mixed. Overall, the data showed little difference between those who participated in the program and the comparison group (see Figure A). However, a cohort of FJDWI participants who entered the program in 2009 did show positive results, including significantly fewer rearrests compared with the comparison group (see Figure B).

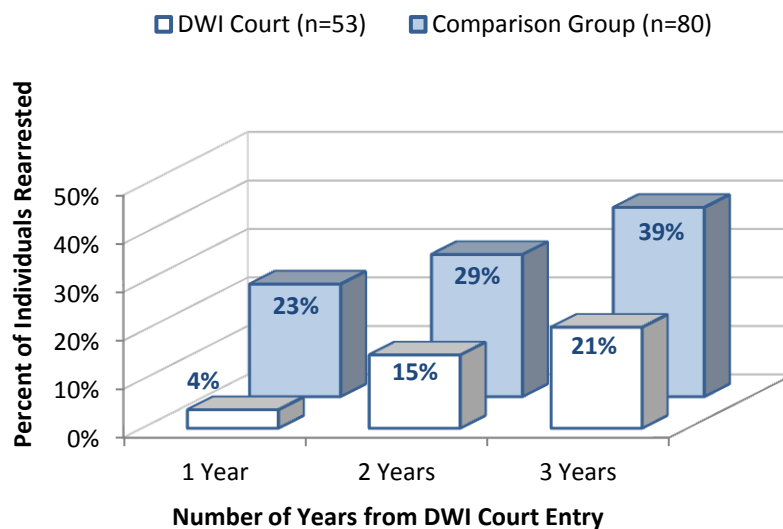
Figure A. Percent of Individuals Rearrested over 3 Years²



² Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

Figure B illustrates the recidivism rates for offenders who entered the program in 2009 and a matched comparison group. In this case, participants are significantly less likely to be rearrested up through three years after program entry. All other years show participants recidivate at similar rates as the comparison group. There were no identifiable differences in the participant characteristics of the 2009 cohort compared to other years. The FJDWI team should explore any information on differences in practice that may have occurred in 2009 that did not occur in other years.

Figure B. The Percent of 2009 DWI Court Cohort Members Rearrested Was Significantly Less than the Comparison Group for All 3 Years



There are several possibilities to consider for lack of significantly improved outcomes for most cohorts of FJDWI participants. Our more detailed exploration of the DWI court group showed that a large percentage of participants may actually be lower risk offenders and therefore may be receiving services at a higher intensity than is needed. In the process evaluation, there was some concern that weekly court sessions were a hardship for participants, particularly for the full 6 months required for Phase 1. Best practices research indicates that court sessions every other week are associated with better outcomes, including lower recidivism rates (Carey et al., 2012, Marlowe et al., 2006). In addition, the first phase of a program should generally focus on stabilization and getting the participant oriented with the program and its requirements. A full 6 months for Phase 1 may be longer than necessary and too intensive for people who are lower risk and potentially lower need. The program might want to consider decreasing the required length of Phase 1 and allowing participants who are able to comply with requirements to move forward sooner. Finally, the program should perform detailed risk and need assessments (as well as regular reassessments) to determine the appropriate level of supervision and treatment needed for each participant.

Finally, as part of the outcome evaluation, an examination was performed on the characteristics of graduates compared with non-graduates. This analysis revealed that graduates were more likely to be White, have fewer arrests in the 2 years prior to program entry (particularly person, other charge types, misdemeanor and gross misdemeanor arrests), be college graduates or have attended some college or technical school, be employed upon program entry, have no identifiable mental health diagnosis, use fewer drugs in addition to alcohol, and have completed all treatment requirements. We recommend that the program explore options for additional culturally responsive services as well as, mental health services and educational and/or employment services.

Cost Evaluation Summary. The program investment cost is \$6,496 per DWI court participant. Out of hundreds of DWI and drug court cost evaluations, the average program cost per participant of \$6,496 is one of the lowest NPC has encountered (the average across 69 drug court and DWI court programs was \$14,372 per participant).

Although the FJDWI is not a very large taxpayer investment, over time, due to the substantial amount of resources used by the terminated participants, it does not result in cost savings or a return on its investment. The loss due to higher recidivism for DWI court participants over the 3 years included in this analysis came to \$1,741, resulting in a negative return on investment of 127%. That is, for taxpayer every dollar invested in the program, there is a loss of \$1.27.

Overall, the FJDWI program had:

- A loss to the criminal justice system of \$1,741 per participant over 3 years, and
- A negative 127% return on its investment after 3 years.

As described earlier, these findings indicate that the DWI court may be resulting in more punitive sentences for those who terminate from the program, and that participants who terminate from the program are particularly in need of additional program resources targeted to their assessed risk and need levels.

We recommend the following activities for the program.

1. Examine the program process and team members in 2009 to see if there are any features that may explain the positive outcomes that differ from processes in other years.
2. Perform a thorough risk and needs assessment using an assessment tool validated for DWI offenders to determine appropriate amounts of supervision and treatment for each individual in the program. Perform regular reassessments to ensure that current risk and needs are being addressed. Because of the high intensity of services provided in this program for all participants, it is possible that some of the lower risk/lower need participants are being over supervised and over-treated, resulting in worse outcomes for those participants, including higher recidivism.
3. Explore whether participants who are terminated from the program are receiving more severe sentences than they would have received if they had the same charges, but did not participate in the program.

The average graduation rate for the FJDWI program is 79%, which is substantially higher than the national average of 53%. These graduates show very low recidivism and very low use of other criminal justice system resources, indicating that the program is graduating the appropriate individuals.

The FJDWI program is an “Academy Court” for the National Center for DWI Courts (NCDC). Academy Courts are used as examples for other programs, particularly for new teams who are planning the implementation of their own programs. The FJDWI program was chosen as an Academy Court because of its intensive services and dedicated staff, as well as its regular use of research-based best practices. This makes the recidivism and cost results for this program particularly puzzling. As mentioned earlier in this report, it is possible that the main reason for these results does not have to do with the quality of the program, but of the extensive sentences received by those who are terminated and/or that there are some individuals who enter the program that do not need the full intensity of the services offered.

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 future DWIs and other crimes, 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 evaluation in seven of these programs. No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to very small sample sizes in those programs.

The overall goal of the DWI court project was 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, 24, and 36 months based on available data
- Prediction of successful outcomes based on program and participant characteristics
- Description of significant predictors of recidivism at 12, 24, and 36 months according to available data

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

- Program-related costs, such as 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 Fourth Judicial District Adult DWI 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.

Fourth Judicial District Adult DWI Court Process Evaluation Activities and Methods

For the process evaluation, NPC staff conducted the following activities with the Fourth Judicial District Adult DWI Court (referred to as FJDWI in the remainder of the report):

1. Employed an electronic assessment to gather program process information from the DWI court coordinator (in collaboration with other DWI court team members).
2. Conducted a site visit to:
 - 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 FJDWI.
 - c. Facilitate a focus group with current program participants and graduates as well as previous participants who did not complete the program.
3. Reviewed program documents including the policy manual, participant handbook, participant orientation information, forms used to process participants, previous evaluation reports, and other program-related 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 FJDWI 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.³ 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.

³ The Typology Guide was originally developed by NPC Research under a grant from the Bureau of Justice Assistance and the Administrative Office of the Courts of the State of California. A copy of this guide can be found at the NPC Research Web site at [www.npcresearch.com/Files/NPC Research Drug Court Typology Interview Guide \(copyrighted\).pdf](http://www.npcresearch.com/Files/NPC%20Research%20Drug%20Court%20Typology%20Interview%20Guide%20(copyrighted).pdf)

Detailed Process Evaluation Results

The following is a detailed description of the results of the process evaluation for the FJDWI 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. A summary of the overall commendations and recommendations is provided at the end of this section (Section I).

The FJDWI was implemented in January 2007. This program, which is designed to take a minimum of 18 months to complete, accepts post adjudication/pre-conviction and post conviction participants. The general program population consists of repeat DWI offenders (two or more DWI offenses within 10 years) charged in Hennepin County, who are determined chemically dependent and who voluntarily agree to participate.

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.⁴ 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 occur. If successful, the 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.

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,

⁴ DWI Court Guiding Principle #5

reduced costs at follow-up (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Greater law enforcement involvement increased graduation rates and reduced outcome costs (Carey, Finigan, & Pukstas, 2008), 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, 2008; Carey et al., 2011).⁵

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).

FJDWI Process

- The team comprises the judge, DWI court coordinator, treatment director, City of Minneapolis prosecuting attorneys, defense attorney, three probation officers, probation supervisor, law enforcement representatives, judicial clerk, research associate, victim advocate from Minnesotans for Safe Driving, volunteer from AA, and chemical health assessor.
- The team holds staffing meetings once per week (Thursdays at 1:30 p.m.), with each meeting lasting approximately 1 hour. In addition to staffing, there are “pre-court meetings” that last approximately 15 minutes (these meetings occur immediately before each of the four dockets—Thursday 8 a.m., Thursday 9 a.m., Friday 8 a.m., and Friday 9 a.m.).
- The prosecutor position for the FJDWI is unusual compared with most DWI courts nationally, due to the way Minnesota organizes prosecution. In the larger metro areas of Minnesota, city attorneys cover the misdemeanor and gross misdemeanor cases (including defendants with one to three DWI’s in a 10-year period) and county attorneys cover the felony cases (including defendants with four or more DWI’s in a 10-year period). The Minneapolis City Attorney’s Office handles prosecution for all cases in the FJDWI (even those from suburban jurisdictions; the suburban jurisdictions agree to let the Minneapolis City Attorney’s Office handle prosecution for the FJDWI). One of two City of Minneapolis prosecuting attorneys attends all team meetings and court sessions. Currently, the county attorney is not a DWI court team member and has no regular involvement with the program other than attending revocation hearings. This gap results in complications for the felony DWI cases (a city prosecutor has to handle a felony case) and as a result there are fewer felons in the program.
- The defense attorney on the DWI court team is contracted by the Public Defender’s office to participate in the DWI court program. The defense attorney attends all team meetings and court sessions.
- Representatives from the Minneapolis Police Department (PD) and Hennepin County Sheriff’s Office are members of the team and attend team meetings regularly and court sessions when possible. Law enforcement makes the majority of home visits, but probation officers also conduct home visits when needed. The Minneapolis PD and Hennepin County Sheriff’s Office are paid by the program to conduct home visits, but suburban law enforcement agencies (including the Bloomington PD, Eden Prairie PD, Golden Valley PD, Hopkins PD, Maple Grove PD, Minnetonka PD, New Hope PD, Plymouth PD, Edina

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 for program participants. The program participants, therefore, create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.

PD, Mound PD, and St. Louis Park PD) have also partnered with the FJDWI to conduct free home visits, possibly because they feel they would be visiting these offenders' homes on a regular basis anyway.

- Probation officers perform the majority of case management for DWI court participants and act as case managers. The treatment provider, court staff, law enforcement, and other community partners (AA volunteers, Minnesotans for Safe Driving) also participate in case management.
- Most team members attend every DWI staffing meeting and court session. The chemical health assessor and victim advocate from Minnesotans for Safe Driving typically attend staffing meetings, but do not attend court sessions unless needed. The AA volunteer attends staffing meetings and court sessions. Staffing meetings discuss participant progress as well as policy issues such as sustainability, community connections, and participant needs.
- Staffing meetings usually focus on participants who are not doing well in the program in order to discuss appropriate treatment responses and sanctions. Not much time is spent discussing those doing well or progressing through the program without issue unless a reward is in order due to a milestone being reached or a similar success.
- A DWI court policy committee meets once per month to discuss program-level policies and practices. The policy committee consists of all team members as well as the heads of most agencies involved in the FJDWI.
- Most DWI court participants (about 75%) are served by a single drug and alcohol treatment agency—Park Avenue Center. The remaining participants are spread among many other providers in the area. When state funds are used for treatment, the participant attends Park Avenue. Those participants with private insurance are able to choose another treatment provider (or they may be required to use a specific provider by their insurance).
- The main treatment provider communicates with probation officers via written progress reports and verbally during team meetings and court sessions, to give updates on all participants. Treatment also communicates during the week, for issues that need immediate responses. Team members reported that information from the main treatment provider is always provided in a timely and efficient manner. It was reported that communication with the other treatment providers is less timely and efficient, mainly because the other treatment providers are typically not able to devote staff to attend staffing meetings or court sessions. The other treatment providers mainly communicate with probation officers over the phone.

Commendations

- **The program includes law enforcement representatives on the team.** Drug court programs that included a representative from law enforcement on the drug court team had 88% greater reductions in recidivism and 44% higher cost savings compared with programs that did not include law enforcement (Carey et al., 2012). The FJDWI demonstrates a commitment to developing and maintaining an integrated DWI court team, and following this best practice guideline, by having representatives of multiple law enforcement agencies on the team.

- **The program includes community members on the team.** The FJDWI has team members from the AA community and Minnesotans for Safe Driving. The FJDWI develops community connections, following this best practice guideline for achieving success.
- **Excellent team member communication.** The FJDWI promotes excellent communication between the team members. Having most team members attending every staffing meeting and reporting on participant status and progress on such a regular basis, as well as frequent email and phone contact between team members, ensures that all the team members have the information they need. 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).
- **Regularly updated policy manual and participant handbook.** The FJDWI regularly updates its policy manual, which is invaluable in ensuring that all partners are operating under the same assumptions; and for clarifying roles, responsibilities, and expectations. The participant handbook is also updated regularly, which ensures that participants are well informed about the program's expectations. In addition, there is a DWI court brochure for prospective participants.

Suggestions/Recommendations

- **Continue working toward getting all suburban police departments involved in home visits.** The FJDWI has done an excellent job of gaining the support of almost all of the suburban law enforcement agencies, but there are still a handful of agencies not yet involved. We recommend the FJDWI continue with its attempts to gain the support of those agencies, by having staff at the currently involved police departments contact the currently uninvolved departments to explain the program and what is involved in participation, such as conducting the home visits.

Participants reported that the program changed their perceptions of the entire legal system. At a focus group, participants explained how the team members' openness and support helped to change their perceptions:

- *"No judge will ever tell you they were an alcoholic. I have never had a prosecutor on my side... instead it was herding us off to jail. I've even changed my perception of police now that they come to my house.... And I would have never, ever thought that."*
- *"Before leaving the program, I learned that several team members were giving their time to the program. They weren't being paid... that spoke volumes."*
- *"This was my first time being on probation where I felt like the probation officer cared. I wasn't just waiting in a line of 30 people waiting to turn in meeting sheets. They actually ask about your family, kids, etc."*
- *"My probation officer has been a good mentor. You have to spill a lot of things when you first enter DWI Court, so probation is a good person to do that with, because you don't have anyone to do that with at first."*

- Monitor communication between non-primary treatment providers and probation, and define the appropriate information to be included in reports.** In order for the team to make informed and fair decisions about its response to participant behavior, it is crucial that all necessary treatment information be provided to probation and the court before these decisions need to be made. The main treatment provider is currently providing very consistent written reports, but updates are sometimes belated from the other treatment providers. Continue to monitor communication between the non-primary treatment providers and the team to ensure that the structure provides adequate mechanisms for timely information-sharing. Consistently providing written feedback to the team will ensure that participant issues can be dealt with by the court as needed. We recommend that the FJDWI ensure that key information is provided from all treatment providers in an efficient, timely, and brief but informative way. Progress reports should only cover topics that are relevant to DWI court or issues that the team needs to discuss in staffing meetings or in court. It is recommended that the probation officers create an example of a useful progress report that can be shared with the other treatment providers, so that these providers know what is needed and expected. This template will help to make communication across all providers as consistent as possible.

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 rates 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).⁶

FJDWI Process

- The City of Minneapolis prosecutor and a defense attorney are included as part of the DWI court team. Both attend staffing meetings as well as court sessions. The county attorney (as noted in Key Component #1) is not a member of the team and does not participate in the program other than at revocation hearings. The FJDWI recently expanded to include felony cases, but the county attorney has not thus far joined the team to staff these cases for the program.

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.

- The City of Minneapolis prosecutor and the defense attorney positions do not rotate on a regular basis. There are two city prosecuting attorneys who alternate coming to staffing meetings and court, but it is consistently the same two individuals who typically spend 2 weeks on DWI court and 2 weeks off.
- The City of Minneapolis prosecutor and the defense attorney have received training specifically on the Drug Court/DWI Court model.

Commendations

- **FJDWI has a single dedicated defense attorney and two dedicated City of Minneapolis prosecutors assigned to the program.** Best practices research indicates that having consistent team members results in more positive participant outcomes, including significantly lower recidivism and increased cost savings. The defense attorney and city attorneys are succeeding in taking a non-adversarial team approach while participating in the team meetings and drug court proceedings (Carey, Finigan, & Pukstas, 2008).

Suggestions/Recommendations

- **Have county attorneys attend staffing meetings and court sessions.** The defense attorney and City of Minneapolis prosecutors are succeeding in taking a non-adversarial team approach in the team meetings, but the county attorney only attends DWI court sessions when it is required for revocations. Previous research (Carey et al., 2012) has shown definitively that greater representation of the prosecuting attorney and defense attorney at team meetings and court sessions is associated with positive outcomes for clients, including significantly reduced recidivism and, consequently, reduced costs at follow-up. We recommend that the county attorney also attend DWI court sessions, in order to stay informed on felony participants' issues. This involvement would allow the county attorney to advocate for the participants' best interests as well as the state's interest more consistently. Alternatively, cross deputization might be an effective solution. The county attorney has never attended a DWI court session or graduation, so inviting him/her to attend may be a good place to start in trying to gain the county attorney's support.

It is important to remember, especially for those programs that do not have attorneys participating fully, that the goal of drug and DWI courts is to change behavior, by coercing treatment while protecting both participant rights and public safety. Punishment takes place at the initial sentencing. After punishment, the focus of the court shifts to the application of research-based interventions to produce a clean healthy citizen where there was once an addicted criminal, while also protecting the constitutional rights of the participant.

The role of the defense counsel continues to be advocacy, as long as it does not interrupt the behavior modification principles of timely response to participant behavior. Advocacy takes different forms and occurs at different times, but it is equally powerful and critical in the drug court setting regardless of whether the program is pre-adjudication or post adjudication. Drug courts are not due process short cuts, they are the courts and counsel using their power and skills to facilitate treatment within constitutional bounds while monitoring the safety of the public and the client participant. 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. Counsel must be there to rapidly address legal issues, settle violations, and move the case back to treatment and program case plans.

The role of the prosecution is still to protect public safety, including that of the client. Prosecutors have tremendous power. It can be used to facilitate the goals of the court. The power can be used to praise, engage, and encourage participants in the court. Prosecutors can be excellent contributors to reinforcing incentives, or in instilling hope on “bad days.” Sometimes a simple “I am glad to see you” makes a difference when it comes from such an unusual source.

Prosecution and defense attorneys should not engage in activities with the court without the other attorney being present. Having prepared counsel on both sides present in court allows for contemporaneous resolution, court response, and return to treatment. Working together, attorneys can facilitate the goals of the court and simultaneously protect the client and the constitution.

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 regarding determining the program population, is on the development and effectiveness of the eligibility criteria and referral process.⁷ 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 court’s 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 program.

Related to the eligibility process is the length of time it takes participants to move through the system from arrest to referral to DWI court entry. The goal is to implement an expedient process. The amount of time that passes between arrest to referral and referral to DWI 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.

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 it would take 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 treat-

⁷ DWI Court Guiding Principle #1

ment session has been shown to significantly decrease substance use. Donovan, Padin-Rivera, and Kowaliw (2001) found that in reducing the time to entry approximately 70% of clients entered treatment, and of those clients who entered, 70% completed their assigned treatment. Those individuals 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 finding indicates that screening participants for suitability does not improve participant outcomes.

FJDWI Process

- The FJDWI accepts participants post adjudication/pre-conviction and post conviction.
- All participants are screened for co-occurring mental disorders, suicidal ideation, and whether they are alcohol/drug dependent or alcohol/drug abusers during an assessment with the chemical health assessor.
- Participants are assessed for suitability and must be amenable to alcohol and drug treatment to be eligible for the program. Discussions regarding eligible participants take place in staffing meetings as needed, but the FJDWI has rarely refused entry to those individuals considered unsuitable.
- The city attorneys, defense attorney, district judges, and probation may identify and refer potential participants to the program.
- The FJDWI eligibility requirements are written. All referring team agencies have copies of the eligibility criteria.
- The FJDWI targets adult, repeat DWI offenders who are dependent on alcohol. Most DWI charges are considered for participation in the program, but the majority of participants are on their 3rd DWI offense within the past 10 years, including felonies and gross misdemeanors. Offenders with current violent charges, current drug sales charges, or those who do not admit to having an alcohol or drug problem are excluded from the program. Team members described the participants as hardcore drunk drivers, and not necessarily hardcore alcoholics; FJDWI participants are higher functioning than typical criminal justice system defendants, as most participants have jobs.
- Offenders with current and prior violence charges are not allowed into the program. There have been discussions regarding allowing participants with violent prior or current charges on a case-by-case basis, with federal definitions of violence commonly being the main determining factor.
- The Rule 25 Assessment is used to screen for eligibility and level of care. The screening is conducted by the chemical health assessor. The FJDWI also assesses for risk using the Level of Service Inventory – Revised (LSI-R), but it is mainly used to determine type or level of services after program entrance.
- The estimated time between participant arrest and referral to the DWI court program is more than 60 days. The estimated time between DWI court referral and program entry is 15 to 30 days, for a minimum total estimated time from arrest to DWI court entry of 75

days. Because participants are required to go through the entire adjudication process, arrest to entry time is determined by normal court proceedings.

- The FJDWI's capacity is reported to be 150 participants. As of January 2012, the program had 108 active participants. This number was below program capacity mainly due to the temporary loss of one of the three probation officers positions. A third probation officer subsequently joined the team, so the program was expected to expand back to capacity.
- Since it was implemented, 324 participants have entered the program. A total of 156 have graduated, 56 have been terminated, and 4 have not completed the program due to relocation, medical issues, or death.
- The FJDWI estimates that 80% of participants are poly-substance users/abusers.
- An estimated 63% of participants are male and 37% are female.
- The FJDWI program population is predominately white (71%) with African American (18%) and Hispanic/Latino (5%) the next largest groups. Most participants fall into the 25-34 (35%) and 35-50 (38%) age ranges.
- The FJDWI offers a window of time when a participant can try the program but decide not to participate. They are given a "conditional release" and have up to 30 days to experience the program before officially "entering" the program. The judge holds off on sentencing until the participant decides whether to enter or not.
- Team members noted that it is difficult to refer offenders to the program on their 2nd DWI because of the sentencing practices of the courts. The mandatory minimum jail time for a 2nd DWI offense is only 30 days, whereas the FJDWI is an 18-month commitment. Offenders with three or more DWI offenses, which carry higher minimum sentences, are more likely to enter the program.

Commendations

- **Participants are connected with treatment services as soon as possible.** Because the intent of DWI court is to connect individuals to services expeditiously and limit their time in the criminal justice system, the program makes every effort to get individuals into treatment as soon as possible.

Suggestions/Recommendations

- **Ensure that the program is targeting the appropriate population.** During the site visit, several FJDWI team members voiced concerns about ensuring that the program continues to identify the appropriate target population so that resources are used efficiently and the offenders who most need the services provided in the FJDWI (high-risk and high-need) are the ones actually getting into the program. The FJDWI team is waiting for a DWI-specific version of the RANT to help the program to identify its target population with greater accuracy.
- **Do not assess potential participants for suitability.** Research has shown that screening participants for suitability 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). It is probable that this result is 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

individuals considered unsuitable, we recommend that the FJDWI consider dropping its suitability criteria in determining participant eligibility and entry into the program.

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

The focus of this 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 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

⁸ DWI Court Guiding Principles #2, #3, and #8

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. Multi-systemic 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.

FJDWI Process

- The FJDWI program is intended to last a minimum of 18 months and has 3 phases (each of which lasts approximately 6 months). Most participants average 19 or 20 months to successfully complete the program. In addition, there is a 4th Phase (after program completion or “commencement”) with fewer requirements that lasts for the remainder of the probationary period. In Phase 4, there is no direct reporting to court or probation and no curfew; the participant must comply with regular probation conditions. The probationary period is 6 years, but this requirement can be shortened to 3½ years if the participant successfully completes the FJDWI program. Someone in Phase 4 can be placed back into an abbreviated program (approximately 2 months in each phase) if they have a positive drug test or other probation violation.
- Participants are required to attend group sessions 4 or more times per week and individual sessions 2 times per week in Phase 1. In Phase 3, participants attend group sessions less than once per month and individual session requirements are specific to the participant.
- Participants are required to attend self-help meetings throughout all phases of the program. The Study & Action group is a 4-week introduction to the principles of Alcoholics

Anonymous. Participants also attend a Victim Impact Panel and the Driving with Care program.

- A full clinical substance abuse treatment assessment provided by the state (the Rule 25 Assessment) is performed by the chemical health assessor to determine whether someone qualifies for state-funded treatment, where they will go for treatment, and initial level of care. Park Avenue also conducts its own comprehensive assessment to determine level of care.
- Park Avenue provides treatment to most DWI court participants (75%-80%), with the remainder of participants going to one of numerous other treatment providers in the area.
- Participants are screened for co-occurring mental disorders as well as suicidal ideation. Mental health treatment is not required for FJDWI participants who have co-occurring disorders, but Park Avenue does offer mental health services within its array of services.
- *Services required for all participants* are based on assessed level of care and include self-help meetings (e.g., AA, and Narcotics Anonymous, also known as NA), aftercare, and relapse prevention. *Services required for some participants* include gender-specific treatment sessions, residential treatment, mental health counseling, psychiatric services, language- or culturally specific programs, violence prevention, job training/vocational program, employment assistance, and General Education Development (GED)/education assistance. *Services offered to participants but not required* include detoxification, acupuncture, parenting classes, health education, family counseling, housing assistance, prescription drugs for substance dependence, and transportation assistance. *Services not offered* include prenatal programming, health care, dental care, and child care.
- *Required models of treatment for all participants* include motivational interviewing, recovery training and self-help, twelve-step facilitation therapy, and social skills training. *Treatment models that are available but not required* include motivational enhancement therapy.
- A case management plan is developed for each participant.
- Limited aftercare services are available at Park Avenue (a 1-hour group check-in every other week for 6 months), which are provided free of charge. Aftercare services begin after treatment has been completed, which can occur during the program and continue after commencement (graduation). In addition, an aftercare plan must be solidified with the AA volunteer, and participants must meet with their AA sponsor and probation officer.
- A standard fee to probation and the court is required by the FJDWI, regardless of a participant's ability to pay. The FJDWI does allow participants on rare occasions to complete community service in lieu of paying fees if they are indigent. On average, participants pay \$500 while in the program (\$150 of which typically comes back to the participant in the form of incentives). In addition to incentive, fees are used for drug testing, training, and treatment services.

Participant quote: "The AA volunteers have been amazing to work with. They help explain the reasons behind all of the requirements. They help when you have questions about how the program works, talking to the judge, or just looking for answers."

- The FJDWI provides bus passes to participants who are in need. In addition, Park Avenue transports participants in treatment to court and back. Public transport in Minneapolis is generally very good; only participants in outlying suburbs or rural areas have significant difficulties with transportation.

Commendations

- **The program offers an array of treatment services and uses some evidence-based programming.** The FJDWI offers a breadth of diverse and specialized services to program participants through its partnership with Park Avenue and various other treatment providers.
- **Participants must write a relapse prevention plan, and there are resources for participants in the community after their time in the program.** The relapse prevention plan includes ways of avoiding triggers, coping with triggers, and developing alternative alcohol-free activities that will help support sustained recovery. Having a relapse prevention plan enhances participants' ability to maintain the behavioral changes they have accomplished through participation in the FJDWI. In addition, a relapse prevention group is available for participants to attend, and the team recently implemented the policy of having the participant, the participant's AA sponsor, probation officer, and AA volunteer meet if a treatment intervention is needed.

Suggestions/Recommendations

- **To the extent possible, continue coordinating treatment through a single organization.** Due to the constraints that private insurance imposes on treatment options, it may never be possible for the FJDWI to consolidate all treatment under one provider. However, research shows 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 FJDWI should be commended for following best practices in this area as much as possible, by having one main organization that coordinates an array of treatment services for the majority of participants.

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.⁹ 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 or DWI courts develop their own guidelines on the number of tests required. Related to this component, and specifically outlined in the principle, is that the

When asked about the FJDWI's drug testing system and the possibility that participants are able to use undetected while in the program, a team member said, "It's always possible. We do a lot of testing and different kinds. There are chemicals to get online to flush the system, but we're doing a lot of testing, plus layering in EtGs. With the requirements at the beginning of the program, it would have to be the person's full time job."

⁹ DWI Court Guiding Principle #4

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).¹⁰

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).

FJDWI Process

- Drug testing is conducted at random via a call-in color code system. Participants whose color is called are directed to submit a urine sample in a lab facility housed in the same building as probation. At Park Avenue, participants are chosen at random to submit to a drug test when they are in the building for treatment sessions. There is no set testing policy for those attending treatment at a location other than Park Avenue, and there is little coordination between probation and treatment in terms of testing schedules. In addition to random testing, any participant can be ordered to submit to a drug test for cause during normal program requirements (court, treatment sessions, etc.).
- The FJDWI uses urine lab tests (at probation) and 5 panel instant UAs (at Park Avenue). Ethyl Glucuronide (EtG), breathalyzer, and bracelet/tether (alcohol) testing are also used, with EtG testing occurring only periodically due to high costs. Most drug tests results are

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

obtained within the same day. Results are reported to probation officers and then reported in staffing sessions, if not sooner via email.

- UAs are observed through one side of a window for males at the probation lab. For females, hoods are installed and hands are required to be at chest level while the observer is in the room with the participant. Testing done at Park Avenue is also fully observed.
- Breathalyzers are performed on all participants during home visits, and the Minneapolis Police Department can also do UA testing during the home visit. Results are sent to probation officers within 1 day. Participants are immediately taken into custody until the next court session or until the expiration of an 8-hour hold if there is a positive test. In addition, breathalyzers can be used by probation officers during participants' office visits. Participants living in suburbs where the local law enforcement agency is not involved in home visits for the program are tested more frequently via the color-code system.
- During Phase 1, participants are administered two breathalyzer tests per week and three UA tests per week. By Phase 3, breathalyzer tests are increased to 3 times per week and UA's are reduced to one test per week.
- Participants must be alcohol and drug free for a minimum of 180 days before they can graduate.
- All participants are required to use the interlock system in their cars for at least 1 year once they are involved in treatment. In Minnesota, driver's licenses are revoked until the interlock is installed. Obtaining a license after revocation requires a \$680 reinstatement fee and \$100 per month for the interlock. The interlock system prevents driving under the influence by requiring participants to blow into the device at ignition and again at specific intervals while the car is in operation. Failure to blow or blowing intoxicated means the vehicle will not start or will turn itself off. The interlock system can be installed through multiple private companies. Most participants in the FJDWI get the interlock installed towards the tail end of their time in the program.
- Participants commented that the color being called on the drug testing line is not always updated at the same time every morning. It was noted that variation can be as high as one hour on some mornings, resulting in difficulties in obtaining transportation and other requirements necessary to submit a drug test on time.

Participant quote: "You have to blow into [the interlock] after you start the car, too, even while you are driving, which for me is a safety concern. The tube gets frozen in winter and it is also very expensive. You have to pay for it to be reset, etc. I wish there were alternatives. After car, insurance, etc. it just costs too much."

Participant quote: "Some days you will hear the color of the day at 6am, but then other days it won't be until 7am.... This is extremely stressful sometimes, because you have to find your transportation, change your work schedule, deal with watching your kids, find a ride, have them circle around or pay for parking...."

Commendations

- **Successful drug use monitoring system.** The FJDWI appears to have effectively implemented Key Component #5, using frequent and observed testing, using varied testing methods, and testing for a variety of substances.
- **Rapid results from drug testing.** 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). The FJDWI is commended for adhering to this best practice.
- **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 lowered recidivism and lower costs) (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

Suggestions/Recommendations

- **Announce the drug testing color code at the same time every day.** One of the main suggestions from focus group participants was that the color code be posted at exactly the same time every day, as it is confusing when the color code is updated at different times on different days, not to mention the difficulties this poses with transportation, work, school, and treatment responsibilities for participants.

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

¹¹ DWI Court Guiding Principle #7

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 and DWI 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 programs 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).

FJDWI Process

- Case management is primarily performed by the probation officers. Participants meet with their probation officer on a regular basis and the frequency of contact varies depending on phase and the participant's status in the program. Participants meet with their probation officer at the probation offices, or at their home, school, or workplace. The probation officer reviews completed activities, such as community service, AA/NA meetings, or job searches. Treatment staff is responsible for managing the treatment schedule for the participants. Treatment counselors report attendance and UA results to the probation officer during a weekly phone call or sometimes sooner via email.
- Participants have a curfew (usually from 10 p.m. to 6 a.m., but it can vary depending on someone's work schedule), which helps to make the home visits easier to coordinate. As participants advance through the program, curfew hours are shortened.
- Incentives for participants to enter (and graduate) from the DWI court include early termination from probation, suspended jail or prison, and keeping their job and children (many participants would be forced to leave their job or give up their children for a period of time if they took the jail sentence instead of entering the program). Charges that led participants to DWI court are not dismissed upon graduation.
- Participants are given a written list of possible rewards. Although there is no written list of specific behaviors and associated rewards, staff reported that participants know what kinds of behaviors lead to rewards.
- Participants receive intangible rewards (such as applause and praise from the judge) and tangible rewards (e.g., gift certificates to local businesses [coffee/sandwich shops and department stores] from a drawing from the fishbowl, \$20 reductions in interlock fees, money orders to defray driver license reinstatement cost, sobriety medallions). Rewards are provided during court by the judge.
- Participants have reported to program staff that they feel the rewards are meaningful. Praise from the judge and money orders to defray interlock fees were reported by FJDWI team members to be particularly effective.
- The DWI court team members are given written guidelines about sanctions, rewards, and treatment responses to participant behavior that are to be used in the program, but the team has flexibility in individualizing their responses.

- Almost every FJDWI team member recently received training from the National Center for DWI Courts (NCDC) in the use of rewards and sanctions to modify behavior of DWI court participants.
- Team responses to participant behaviors are rarely standardized; responses are usually decided on a case-by-case basis.
- Program responses to participant behavior may include requiring writing essays, sit sanctions, community service, residential treatment, increased drug testing, more court appearances, increased treatment sessions, or returning to an earlier phase; or giving the participant self-help materials or bus cards.
- Sanctions are graduated so that the severity increases with more frequent or more serious infractions.
- Sanctions are typically immediate and may be imposed outside of court by team members other than the judge (outside of jail sanctions).
- Sanctions are usually imposed at the first court session after the non-compliant behavior, which can be as little as 1 day and as long as a week, but the team makes every effort to get a person in front of the judge as soon as possible.
- Sanctions are discussed among the team and decided as a group.
- Participants are given a written list of behaviors that lead to sanctions and also a list of possible sanctions.
- The FJDWI reports that taking a participant into custody for non-compliance is particularly effective.
- Jail or the “work house” (a county correctional facility for adults serving short term sentences) are sometimes used a sanction, with the length of time ranging from 1 day to several months, with a typical length of 1 week or less. The team is actively taking steps to reduce the use and length of jail sanctions in response to recent research demonstrating that shorter jail sanctions can be as effective as longer ones. Jail is never used as an alternative for residential or detoxification treatment.
- Positive drug tests during a home visit almost always result in a participant being taken into custody until the next court date or until the expiration of an 8-hour hold. Participants can be taken into custody at the treatment center if necessary.
- New arrests for DWI, trafficking, or any violent offense would result in immediate termination from DWI court. Being absent without cause for more than 30 days also results in termination. Termination results in the full imposition of the offender’s sentence.
- In order to graduate, participants must remain drug and alcohol free for 180 days, complete community service, write a relapse prevention plan, pay all DWI court fees, pay all other court ordered fees not related to DWI court, complete orientation of the 12 steps of AA via the Study & Action program, complete the Driving with Care program, solidify an aftercare plan with the community AA volunteer, meet with their AA sponsor and probation officer, and successfully petition for graduation. Commencement/graduation ceremonies are held at the beginning of regular court sessions.
- Participants who graduate from the program (which the team prefers to call “commencement”) are still on probation.

Commendations

- **Good coordination of team response to participant compliance.** A variety of rewards are provided to participants in this court. Participants are rewarded for progress with praise from the judge, promotion to the next phase, reduction in frequency of court hearings, increased freedoms and privileges, and tokens or gifts. The FJDWI has an appropriate balance of sanctions and rewards, and treatment responses occur as soon as possible following the behavior. The team also differentiates treatment responses from sanctions.
- **Team members have written guidelines for team responses to participant behavior.** The FJDWI has guidelines for team responses to participant behaviors written and these are provided to the team. This documentation has been shown to produce higher graduation rates and greater cost savings due to lower recidivism.
- **The FJDWI requires community service to be completed before commencement (graduation).** Programs that require completion of community service before graduation have higher graduation rates and greater cost savings. The FJDWI presents its community service requirement as a way for participants to give back to the community.

Suggestions/Recommendations

The FJDWI is following this key component in an exemplary manner. There are no recommendations in this area at this time.

KEY COMPONENT #7: ONGOING JUDICIAL INTERACTION WITH EACH PARTICIPANT IS ESSENTIAL.

Key Component #7 and the associated Guiding Principle for DWI Courts are focused on the judge's role in a drug or DWI court.¹² 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 or DWI 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.

¹² DWI Court Guiding Principle #6

Research in California, Oregon, Michigan, Maryland, Missouri, and Guam (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 et al. (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 et al., 2007).

FJDWI Process

- DWI court participants typically attend court sessions once per week in Phase 1, every other week in Phase 2, and once per month during Phase 3.
- The FJDWI holds two court sessions on Thursdays and two court sessions on Friday, for a total of four court sessions per week. The average length of time for a court session was reported to be 45 minutes, with 10-12 participants attending each court session on average.
- During observation of the DWI court sessions, an average of 20 participants was present in each session and reviewed at an average of 2.69 minutes each.
- The DWI court judge is assigned to the DWI court indefinitely. However, a back-up judge has been trained on the DWI court model and preliminary plans are in place for succession.
- The judge has received formal DWI court training. In addition, he has observed other DWI courts, received training by other DWI court judges, and attended professional DWI and/or drug court related conferences.
- The judge speaks directly to participants during their court appearances, provides consistent follow-through on warnings to participants and regularly follows recommendations provided by the team. He relates to the participants while maintaining boundaries, and is clear about expectations.

Participant quotes:

- *“Judge is sincere. He is compassionate with conviction. Has tough love. He cares, but will tell you what he thinks. I love the judge for what he did. Also scared of him, but it was a healthy scare.”*
- *“The judge is an authority figure to push you away from things you shouldn’t do. The program is very structured and that is something that is needed.”*
- *“He’ll deal with a bad situation in court, but not let it carry over in court to someone who’s doing well. That’s a part of 12-step so he’s setting an example. He won’t even let it carry over with the same person. Even the replacement judges are supportive and they feel like the program is not just something off to the side.”*

- Observations made during the site visit indicate the judge has a good rapport with participants. He greets every participant with a “fist bump,” which invokes a feeling of friendship and enhances the comfortable environment. He is authoritative and commands respect, but is also very supportive and genuinely invested in the participants’ success.
- The judge calls each case during court, and has the participant stand directly in front of the bench. After speaking with the participant, the judge typically prompts the probation officer to report on the participant’s behavior, before dismissing them back to their seats. The treatment representative or other team members are also sometimes prompted for feedback on the participant. Recognition is always given to those participants who are doing well, and medallions are presented for sobriety milestones. This recognition is usually followed by the participant addressing the courtroom with a few remarks.
- Several FJDWI team members and participants suggested the idea of having court (or at least locating probation officers) in other areas of the county so that offenders living in the suburbs are more likely to participate and have less trouble with transportation.

Commendations

- **The judge has presided over the program for almost 6 years.** 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 judge requires participants to stay through the entire court hearing to take full advantage of the hearing as a learning experience for participants.** Because DWI court hearings are a forum for educating all participants and impacting their behavior, the FJDWI is commended for requiring all participants to stay for the entire hearing, both to observe consequences (good and bad) and to learn how those participants who are doing well are able to succeed and make positive, healthy choices and changes in their lives.
- **The program has a back-up/ alternate judge.** Having a back-up judge who is familiar with the DWI court model is beneficial in the case of illness or vacation of the current judge. Also, when the current judge eventually wishes to leave the program, the trained back-up DWI court judge will allow for an easier transition from the current to the incoming judge. The back-up judge understands the DWI court model and her role in the program.

Suggestions/Recommendations

- **Increase participant time spent before the judge, particularly for participants who are doing well.** During observation of the FJDWI Court sessions, participants spent an average of 2.69 minutes in front of the judge. Although 2.69 minutes is close, 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). Greater time before the judge improved outcomes even more. Since the court session is a learning opportunity for all participants, spending more time with the participants who are doing well will allow other participants to observe and learn positive behaviors. Because the FJDWI caseload is approaching capacity, the program could consider having participants appear in court less frequently to allow the judge to see fewer participants each session and therefore spend more time with each participant.
- **Have a team discussion about possibly decreasing the required frequency of court appearances in Phase 1.** Participants in the FJDWI attend court once per week during

the 6 months of Phase 1. As recent research has shown that court appearances every 2 weeks can have comparable or even better outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012; Marlowe et al., 2006), the FJDWI may want to consider reducing the frequency of DWI court appearance to once every 2 weeks for participants in the first phase. This change may also have the benefit of helping to reduce program costs and/or allow the judge to spend more time per participant while in the courtroom. During a technical assistance conference call, it was mentioned that the team has had previous discussions about the frequency of court attendance in Phase 1 and that the current policy allows the team to get to know new participants much faster. The team agreed to discuss the possibility of changing its policy so that participants in Phase 1 would attend court once per week for the first 3 months and then every other week for the next 3 months.

KEY COMPONENT #8: MONITORING AND EVALUATION MEASURE THE ACHIEVEMENT OF PROGRAM GOALS AND GAUGE EFFECTIVENESS.

This component and the related Guiding Principle encourage drug or DWI court programs to monitor their progress towards their goals and evaluate the effectiveness of their practices.¹³ 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 or DWI court in more than one evaluation by an independent evaluator.

FJDWI Process

- The FJDWI collects electronic data for participant tracking and case management, which include data from the treatment provider. The data are split between probation's database and the court's database.
- Information is monitored to assess whether the program is moving toward its goals. Review of this information resulted in the program requiring a curfew in order to ensure that home checks are conducted successfully.
- There have been three evaluations completed by the research analyst who works for the Fourth Judicial District Court Research Division (who is also a member of the FJDWI

¹³ DWI Guiding Principle #9

team), with a fourth almost finished. This report is the first evaluation conducted by an outside evaluator.

Commendations

- **This program has successfully implemented an electronic data system.** The program is commended for collecting data electronically, as well as analyzing data about its participants for use in program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program. The team regularly reviews its data/statistics and has made modifications in program operations accordingly.
- **The FJDWI has participated in previous evaluations and has modified practices in response to evaluation feedback.** Both participation in evaluation and making modifications to the program in response to feedback are related to enhanced participant outcomes.

Suggestions/Recommendations

- **Share evaluation and assessment results.** The team should set aside time to discuss the overall findings and recommendations in this report, both to appreciate their accomplishments and determine what program adjustments will be made. In addition, the evaluation results can be beneficial to the program if it is looking to apply for grants to fund additional positions or for local funders/agencies to help the program access resources. These results can document needs and show 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/DWI courts—team members) who work with offenders. Training and support allow teams to focus on translating drug court best practice findings into

daily operations and build natural integrity to the model (Bourgon, Bonta, Rugge, Scott, & Yessine, 2010).

Carey, Finigan, and Pukstas (2008) and Carey et al. (2012) found that drug/DWI court programs requiring all new hires to complete formal training or orientation and requiring *all* team members be provided with regular training were associated with higher graduation rates and greater cost savings due to lower recidivism.

FJDWI Process

- All team members have received DWI court specific training. New DWI court team members get training on the drug/DWI court model before (or soon after) joining the team.
- It was reported that team members have received training specifically about the target population of the program. Most have received training specific to their roles. The team has received training on strength-based philosophy and practices. Staff members also bring new information on DWI court practices to staffing, as well as hear information from the research analyst on best practices.
- Most team members recently completed sanctions and incentives training specific to DWI court from the National Center for DWI Courts (NCDC).
- Many team members attended the NADCP Annual Conference this past year and report having attended previous conferences.

Commendations

- **The program has invested time on regular training.** The FJDWI has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members on a regular basis. Programs that provide training for all team members have significantly better participant outcomes (Carey et al., 2012). Some team members suggested trainings in different theories, as they frequently see the same presentations and training information, as well as trainings specific to Minnesota (probation structure, the impact of weather, etc.).

Recommendations

- **Establish a protocol or structure for ongoing training.** Continue regular team member training. Creation of a manual or curriculum can serve as an internal training tool for new team members, and may also be used to educate community and agency stakeholders to build broad program support. The DWI court team should consider conducting an internal quarterly training process that allows for exchange of information and training across disciplines. Greater understanding and increased knowledge strengthens the collaborative ability of the DWI court team. Topics may include, but not be limited to: evidence-based treatment practices; drug testing; law enforcement visits/procedures; community-based resources; AA/NA and sober support.

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.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.

FJDWI Process

- The FJDWI was initially funded through the National Highway Traffic Safety Administration (NHTSA) and local city/county support, with state funding from the Fourth Judicial District Court’s operating budget (for the judge and his staff). The FJDWI continues to operate with this funding setup. No other funding sources have been obtained since program inception.
- The FJDWI plans to sustain funding through local, county, and state taxes.
- For participants without insurance coverage, treatment has been funded through the “Consolidated Fund – Rule 25” (a combination of county, state, and federal dollars).
- The DWI court has developed and maintained relationships with organizations that can provide services for participants in the community and refers participants to those services when appropriate, including education and employment.
- Several members of the DWI court team report that presentations are regularly made about the FJDWI program in order to foster support and inform the greater community.

¹⁴ DWI Court Guiding Principle #10

- An excellent relationship has been established within the local AA community. Three volunteers consistently contribute to the team, including covering the task of conducting program orientation.
- The team is currently discussing the possibility of training program graduates to be mentors for other participants (they would be trained and certified). A FJDWI team member also suggested that more female AA volunteers would be a great addition to the team, as female participants seem to respond to them more positively.

Commendations

- **This program has successfully established partnerships across community agencies and participates regularly in community outreach efforts.** The FJDWI is encouraged to continue seek additional community support as well as foster and build upon current partnerships.

Suggestions/Recommendations

- **Continue working towards forming an alumni group.** The program previously tried to form an alumni group to provide post program peer support and encourage program completion but was unsuccessful, possibly because there are other services and resources currently available in the community similar to what an alumni group would offer. Some courts have used alumni support groups as a cost effective tool in aftercare planning and have required alumni group participation as part of the final phase of DWI court to encourage participants to prepare for life after they leave the program. The program should consider renewing this effort, perhaps incorporating the services and resources offered in the community as well as sponsoring family-friendly, substance-free social events for participants and graduates.
- **Consider creating an advisory committee for the FJDWI.** The program is encouraged to consider the creation of an advisory committee made up of DWI court team members and representatives from other community agencies, the business community, and other interested groups. This effort could expand understanding of and community support of the program and additional services, facilities, and rewards for the program. For example, the advisory committee could approach other community partners to build connections and access rewards and incentives that are meaningful and motivating to participants. Forming a nonprofit organization to help with funding and participant rewards may also be beneficial. In addition, members of the Chamber of Commerce could be invited to attend a graduation and receive materials showing the benefits of the FJDWI (particularly the benefits in relation to returning adults to the workforce clean and sober). Such efforts may result in supplemental funding to help pay for rewards, defray fees, and assist with other DWI court services.
- **Apply to be a mentor court.** Based on the success of its operations, its commitment to best practices, and its strong team, we recommend that the FJDWI apply to be a mentor court. This recognition could also serve to increase the program's prestige in the community.

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 FJDWI was implemented in January 2007. The program, designed to take a minimum of 18 months to complete, takes post plea/pre-conviction and post conviction participants. The general program population consists of repeat DWI offenders (two or more DWI offenses within 10 years) charged in Hennepin County, who are determined chemically dependent and who voluntarily agree to participate. The FJDWI has a capacity to serve approximately 150 participants at one time. As of January 2012, there were 108 active participants, 156 graduates, and 56 terminated participants (not including four who did not complete the program due to relocation, medical issues, or death).

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

- **The program includes law enforcement representatives on the team.** Drug court programs that included a representative from law enforcement on the drug court team had 88% greater reductions in recidivism and 44% higher cost savings compared with programs that did not include law enforcement (Carey, Mackin, & Finigan, 2012).
- **The program includes community members on the team.** The FJDWI has team members from the Alcoholics Anonymous (AA) community and Minnesotans for Safe Driving. The FJDWI demonstrates a commitment to developing and maintaining an integrated DWI court team and developing community connections, following this guideline for achieving success.
- **Excellent team member communication.** Drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email (Carey, Waller, & Weller, 2011).
- **Regularly updated policy manual and participant handbook.** The FJDWI regularly updates its policy manual, which is invaluable in ensuring that all partners are operating under the same assumptions—and in clarifying roles, responsibilities, and expectations. The participant handbook is also updated regularly, which helps to ensure that participants are well informed about the program's expectations.
- **The FJDWI has a single dedicated defense attorney and two dedicated City of Minneapolis prosecutors assigned to the program.** Best practices research indicates that participation by both the prosecuting and defense attorneys results in more positive participant outcomes, including significantly lower recidivism and increased cost savings (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). The defense attorney and city attorneys are succeeding in taking a non-adversarial team approach while participating in the team meetings and drug court proceedings.

- **Participants are connected with treatment services as soon as possible.** Because the intent of DWI court is to connect individuals to services expeditiously and limit their time in the criminal justice system, the program makes every effort to get individuals into treatment as soon as possible.
- **The program offers an array of treatment services and uses evidence-based programming.** The FJDWI offers a breadth of diverse and specialized services to program participants through its partnership with Park Avenue and various other treatment providers.
- **Participants must write a relapse prevention plan, and there are resources for participants in the community after their time in the program.** Having a relapse prevention plan enhances participants' ability to maintain the behavioral changes they have accomplished through participation in the FJDWI. A relapse prevention group is available for FJDWI participants to attend, and the team recently implemented the policy of having the participant, the participant's AA sponsor, the probation officer, and an AA volunteer meet if a treatment intervention is needed.
- **Successful drug use monitoring system.** The FJDWI appears to have effectively implemented Key Component #5, using frequent and observed testing, varied testing methods, and testing for a variety of substances.
- **Rapid results from drug testing.** 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). The FJDWI is commended for adhering to this best practice.
- **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 lowered recidivism and lower costs) (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **Good coordination of team response to participant compliance.** The FJDWI shows an appropriate balance of sanctions and rewards, and treatment responses occur as soon as possible following the behavior that prompts the response. The team also differentiates treatment responses from sanctions.
- **Team members have written guidelines for team responses to participant behavior.** This practice has been shown to produce higher graduation rates and higher cost savings due to lower recidivism (Carey et al., 2012).
- **The judge has presided over the program for almost 6 years.** Judicial experience and longevity are correlated with more positive participant outcomes and significantly higher cost savings, particularly 2 years and longer (Finigan, Carey, & Cox, 2007).
- **The judge requires participants to stay through the entire court hearing to take full advantage of the hearing as a learning experience for participants.** Because DWI court hearings are a forum for educating all participants and impacting their behavior, the FJDWI is encouraged to continue to require all participants to stay for the entire hearing both to observe consequences (both good and bad) and particularly to learn how those who are doing well are able to succeed and make positive, healthy choices and changes in their lives.

- **The program has a back-up/alternate judge.** Having a back-up judge who is familiar with the DWI court model is beneficial in the case of illness or vacation of the current judge. The back-up judge understands the DWI court model and her role in the program.
- **This program has successfully implemented an electronic data system.** The program is commended for collecting data electronically as well as analyzing data about its participants for use in program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program. The team regularly reviews its data/statistics and has used them to make modifications in DWI operations.
- **The program has invested time on regular training.** The FJDWI has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members on a regular basis. Programs that provide training for all team members have significantly better participant outcomes (Carey et al., 2012).
- **This program has successfully established partnerships across community agencies and participates regularly in community outreach efforts.** The FJDWI is encouraged to continue to look for additional community support as well as foster and build upon current partnerships.

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 it 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 working toward getting all suburban police departments involved in home visits.** The FJDWI has done an excellent job of gaining the support of almost all of the suburban law enforcement agencies, but there is still a handful of agencies not yet involved. We recommend the FJDWI continue with its attempts to gain the support of those agencies by having staff at the currently involved police departments contact the uninformed departments to explain the program and what is involved in participation, such as conducting the home visits.
- **Monitor communication between non-primary treatment providers and probation and define the appropriate information to be included in the reports.** The main treatment provider is currently providing very consistent written reports, but other treatment providers have been less consistent. Progress reports should only cover topics that are relevant to DWI court or issues that the team needs to discuss in staffing meetings or in court. It is recommended that the probation officers create an example of a useful progress report that can be shared with the other treatment providers so that these providers know what information is needed and expected. This template will help to ensure treatment provider communication across all providers is as consistent as possible.
- **Have county attorney attend staffing meetings and court sessions.** The defense attorney and City of Minneapolis prosecutors are succeeding in taking a non-adversarial team approach while participating in the team meetings, but the county attorney only attends

DWI court sessions when it is required for revocations. Research (Carey, Finigan, & Pukstas, 2008) has indicated that greater representation of the prosecuting attorney and defense attorney at team meetings and court sessions is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up. We recommend that the county attorney also attend DWI Court sessions in order to stay informed on felony participants' issues. This involvement would allow the county attorney to advocate for the participants' best interests as well as the state's interest more consistently. Alternatively, cross deputization might be an effective solution (so that the city attorneys could handle the felony cases, too).

- **Ensure that the program is targeting the appropriate population.** During the site visit, several FJDWI team members voiced concerns about ensuring that the program continues to identify the appropriate target population so that resources are used efficiently and the offenders who most need the services provided in the FJDWI (high-risk and high-need) are the ones actually getting into the program. The FJDWI team is waiting for a DWI-specific version of the Risk and Needs Triage (RANT) Assessment to help the program identify its target population with greater accuracy.
- **To the extent possible, continue coordinating treatment through a single organization.** Due to the constraints that private insurance imposes on treatment options, it may never be possible for the FJDWI to consolidate all treatment under one or two providers. However, research shows 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 FJDWI should be commended for following best practices in this area as much as possible, by having one main organization that coordinates an array of treatment services for the majority of participants.
- **Announce the drug testing color code at the same time every day.** One of the main suggestions from focus group participants was that the color code be posted at exactly the same time every day, as it is confusing when the color code is updated at different times on different days, and challenging for participants to plan for transportation, work, school, and treatment responsibilities.
- **Have a team discussion about the possibility of decreasing the required frequency of court appearances in Phase 1.** Participants in the FJDWI attend court once per week during the 6 months of Phase 1. Because the research shows that less frequent court appearances can have better outcomes (Marlowe, Festinger, Lee, Dugosh, & Benasutti, 2006; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012) except in very high-risk populations, the FJDWI may want to consider reducing the frequency of DWI court appearance to once every 2 weeks for participants in the first phase. This change may also have the benefit of helping to reduce program costs and/or allow the judge to spend more time per participant while in the court room. During the follow-up teleconference, the team mentioned its previous discussions about the frequency of court attendance in Phase 1 and that the current policy allows the team to get to know new participants much faster. The team ended up deciding that it would look into the possibility of changing its policy so that participants in Phase 1 would attend court once per week for the first 3 months and then every other week for the next 3 months.
- **Increase participant time spent before the judge.** During observation of the FJDWI sessions, participants spent an average of 2.69 minutes in front of the judge. An *average* of 3 minutes or more 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). Since the FJDWI caseload is approaching its capacity, having participants appear in court less frequently would allow the judge to see fewer participants each session and therefore spend more time with each participant.

- **Share evaluation and assessment results.** The team should set aside time to discuss the overall findings and recommendations in this report, both to appreciate their accomplishments, and determine what program adjustments will be made. In addition, the evaluation results can be beneficial to the program if it is looking to apply for grants to fund additional positions or program enhancements, or for local funders/agencies to help them access resources. These results can document needs as well as show how well the program has done in some areas.
- **Continue working toward forming an alumni group.** The program has worked hard to form an alumni group, to provide a venue for peer support after the program, as well as to support current participants to complete the program, but the effort has not been successful to date. Some courts have used alumni support groups as a cost effective tool for aftercare planning and have required alumni group participation as part of the final phase of DWI court to encourage participants to prepare for life after they leave the program.
- **Consider creating an advisory committee for the FJDWI.** The program is encouraged to consider the creation of an advisory committee made up of DWI court team members and representatives from other community agencies, the business community, and other interested groups. Not only could this committee produce expanded community understanding and support of the program; it may result in additional services, facilities, and rewards for the program. It could also contribute substantially to the sustainability of the program.
- **Apply to be a DWI Academy Court.** Based on the success of its operations, its commitment to best practices, and its strong team, we recommend that the FJDWI apply to the National Center for DWI Courts in the next round of applications (Summer 2013) to be a NCDC DWI Academy Court.

Overall the FJDWI has implemented a program that follows the guidelines of the 10 Key Components of Drug Courts and 10 Guiding Principles of DWI Courts. The following sections of the report present the FJDWI 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, as well as 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 offenders who are not eligible represent a different population; 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 up to 3 years after DWI court entry. The evaluation team used criminal justice, traffic safety, and treatment utilization data sources—described in Table 1—to determine whether DWI court participants and the comparison group differed in subsequent arrests, crashes, use of interlock devices, and license removal or reinstatement.

Important Note: Arrest data were gathered from the Minnesota Court Information System (MNCIS). Each incident date in MNCIS for a case filing with criminal charges was counted as an arrest. Because some case filings result from a citation rather than an actual arrest, this means that it is possible that actual arrests were over-counted. However, because some arrests result in a release and never result in a case filing, actual arrests may also have been undercounted. It is likely that overall, the use of MNCIS resulted in a reasonably accurate portrayal of recidivism for both the DWI court and comparison group, and any potential under-counting or over-counting would be the same in both groups resulting in a difference between groups that is proportionally accurate.

The outcome 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 January 1, 2007, to August 23, 2012. Outcomes are presented in 1-, 2-, and 3-year increments.

Evaluations sometimes exclude participants who entered in the first year after program implementation to allow the program time to fully implement all policies and procedures. For this study, we ran all the analyses twice, both excluding the first year participants and retaining them, and found no differences in outcomes. Thus, we decided to keep all participants in these analyses, because larger numbers of study participants help ensure that the evaluation will be able to detect program impacts if they exist.

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 were therefore potentially eligible for FJDWI. 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 Group to the DWI Court Group - 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.¹⁵

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 described in Table 1. This table lists the type of data needed and the source of these data.

Table 1. MN DWI Court Evaluation Data and Sources

Data	Source
<i>DWI Court Program Data</i> <i>Examples:</i> <ul style="list-style-type: none"> • Identifiers • Participant demographics • Program start and end dates • Substances used in the year before program entry • Treatment attended • Driver's license status • Employment at entry and exit • Housing status • Dates of DWI court appearances/status review hearings 	SCAO Drug Court Tracking Sheets SCAO/Judicial Branch (MNCIS)

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.

Data	Source
<p><i>Treatment Data</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Identifiers and demographics • Treatment modality • Dates of treatment sessions and/or start and end dates for each modality • Dates of assessments performed • Assessment score (e.g., needs assessment) • Billing information for treatment services 	<p>Minnesota Department of Human Services (DHS)</p>
<p><i>Court Related Data</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Identifiers • Incident dates (arrest dates) • Dates of arrests/case filings • Charges • Dates of convictions • Dates of court appearances 	<p>SCAO/Judicial Branch (MNCIS)</p>
<p><i>DWI History and Recidivism Data</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Identifiers • Dates of DWI arrests • Dates of DWI convictions • Dates of DWI-related crashes 	<p>Department of Public Safety, Driver and Vehicle Services (DVS) data</p>
<p><i>Department of Corrections Recidivism-Related Data</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Identifiers • Demographics • Jail entry and exit dates • Prison entry and exit dates • Parole start and end dates • Probation start and end dates • Dates of drug tests • Results of drug tests • Risk assessment results (LSIR/RANT) 	<p>Minnesota Department of Corrections (DOC)</p>

Data	Source
<p><i>Probation Recidivism Data</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Probation start and end dates • Risk assessment results • Dates of drug tests • Results of drug tests 	<p>Local Probation Department Databases or Files</p> <p>County Court Services or Probation Department for each of the 9 DWI court counties</p>

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

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 arrests for DWI charges) for all DWI court participants and the comparison group, for each year up to 3 years after DWI court start date—or an equivalent date for the comparison group that was calculated based on average time from index arrest to program entry for the DWI court 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.¹⁷ 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.

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 3 years from DWI court entry will only include individuals that entered the program at least 3 full years from the time we received the data. Outcomes are based upon program entry date (or a similar date calculated for the comparison group).

¹⁷ Time at risk to offend (i.e., the length of time an individual spent in the community—not incarcerated—during each follow-up time period) was NOT controlled for in this or subsequent research questions, as the intention of the analysis was 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. However, in the interest of testing this question, i.e., whether time at risk would impact rearrests, we ran analyses controlling for time-at risk and found no effect on any recidivism results.

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 3 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?

A survival analysis examined the time it took for a study participant to have a first DWI rearrest after the program start date, and compared the DWI court group and the comparison group (DWI offenders who went through “business as usual” court and probation processing). Time to DWI 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.

1d. Does participation in DWI court reduce the number of traffic-related crashes 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 traffic crashes for all DWI court participants with the comparison group for each year up to 3 years after program start date. 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 from the program and are therefore not equivalent to DWI court graduates.

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?

Crosstabs were run to examine differences in crash rate (the number/percentage of individuals in crashes at least once during the specified time period) between DWI court and the comparison group for each year up to 3 years following program start date. Chi-square analyses were used to identify any significant differences in crash 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).

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 3 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. Interlock data were only available from late 2011 forward; therefore, analysis was 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.

Crosstabs were run to examine differences in interlock device use rate (the percentage of individuals who were required to use interlock at least once during the specified time period) between DWI court and the comparison group for 1 year following program entry. Chi-square analyses were used to identify any significant differences in rates between DWI court and comparison group participants.

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 January 2007 to August 2012. The average graduation rate (for participants entering between 2007 and 2012, to allow for enough time to complete the program) is compared with 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 January 2007 and August 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 with the intended time to program completion and the differences 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, program services received, 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 2007 to 2012) and the comparison group. Propensity score matching included the characteristics with bolded text, and showed no imbalances. Additional independent samples *t* tests and chi-square analyses confirmed no significant differences between groups on the bolded characteristics. 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, three-quarters were White, and the average age at program entry was 38 years old, with a range in age from 19 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**

	FJDWI Participants N = 331	Comparison Group N = 551
Gender		
Male	66%	71%
Female	34%	29%
Race/Ethnicity ^a		
White	74%	74%
Black/African American	22%	21%
Hispanic/Latino	6%	5%
Age at Entry Date		
Average age	38 years	37 years
Range	19–72	19–79

^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 (Table 3). None of the differences were significant.

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

	FJDWI Participants N = 331	Comparison Group N = 551
Prior Arrests		
Percent with felony DWI as index arrest (the arrest that led to participation in DWI court)	7%	10%
Average number of DWI arrests 10 years prior to index arrest	1.83	1.67
Average number of arrests 2 years prior to program entry	2.18	2.11
Average number of DWI arrests 2 years prior to program entry	1.46	1.40
Average number of person arrests 2 years prior to program entry	0.13	0.15
Average number of property arrests 2 years prior to program entry	0.08	0.08
Average number of drug arrests 2 years prior to program entry	0.04	0.08
Average number of other arrests 2 years prior to program entry	1.13	1.17
Average number of misdemeanor arrests 2 years prior to program entry	1.12	1.24
Average number of gross misdemeanor arrests 2 years prior to program entry	1.49	1.40
Average number of felony arrests 2 years prior to program entry	0.13	0.20

Table 4 displays additional characteristics of the DWI court program participants that were not available for the comparison group. Over half (57%) of DWI court participants had some college or were college graduates and two-thirds were employed either full or part time. Just over one in four 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 (39%) and crack or cocaine use (17%).

Table 4. DWI Court Participant Characteristics: Other

FJDWI Participants N = 331	
Education	
Less than high school	7%
High school/GED	36%
Some college or technical school	34%
College graduate	23%
Employment at Program Entry	
Unemployed	34%
Employed full or part time	66%
Mental Health Diagnosis	
Yes	27%
No	73%
Substances Used in Last Year ^a	
Alcohol	100%
Marijuana	39%
Crack or Cocaine	17%
Prescription Drugs (Pills)	10%
Methamphetamine	7%
Heroin	3%

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

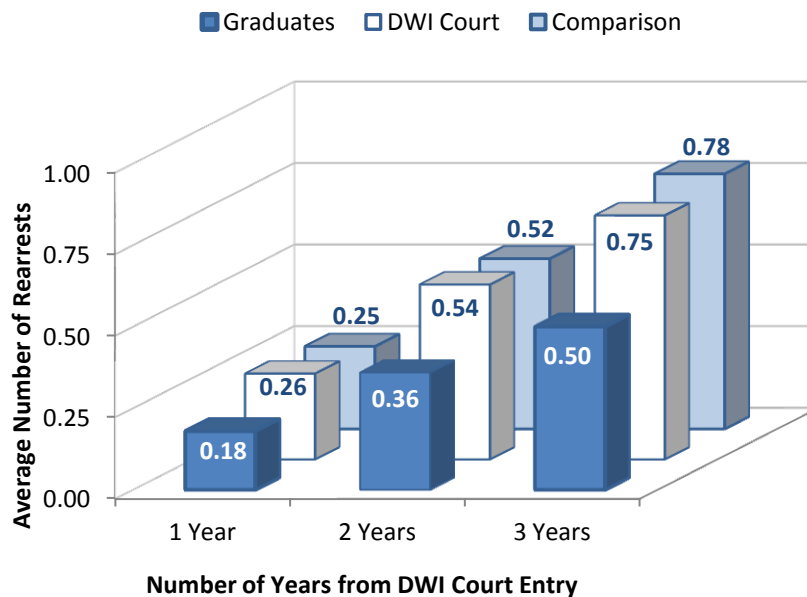
^a Numbers based on data from Chemical Health Assessment performed at DWI court entry. Numbers do not add up to 100% as participants could report more than one type of substance.

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?***

RESULTS ARE MIXED. *In the aggregate, the average number of rearrests for DWI court participant did not differ significantly from the comparison group. However, members of the 2009 DWI court cohort had significantly fewer rearrests, compared with a 2009 comparison group.*

Figure 1 illustrates the average number of rearrests for each year up to 3 years after program entry for FJDWI graduates, all FJDWI participants, and the comparison group. DWI court participants had similar numbers of rearrests as the comparison group. We also examined the average number of DWI court graduate rearrests, which were lower than found in the comparison group, but cannot be statistically compared.¹⁸ The average number of rearrests for all participants and the comparison group were adjusted for age, race, gender, and prior arrests.¹⁹ While there were no statistical differences in the number of total rearrests, the fact that there was less than one arrest on average per individual over the 3-year period after program entry is a positive finding.

Figure 1. Average Number of Rearrests over 3 Years²⁰



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 treatment and supervision provided by the full drug court model (NADCP, 2013). As risk assessment scores were not available for both the DWI court and the comparison group, a proxy for risk level was created by splitting DWI court participants and the comparison group into two categories: “higher risk”—those arrested for a felony or gross misdemeanor DWI, with two or more previous DWI arrests in the last 10 years; and “lower risk”—

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 court participants and graduates.

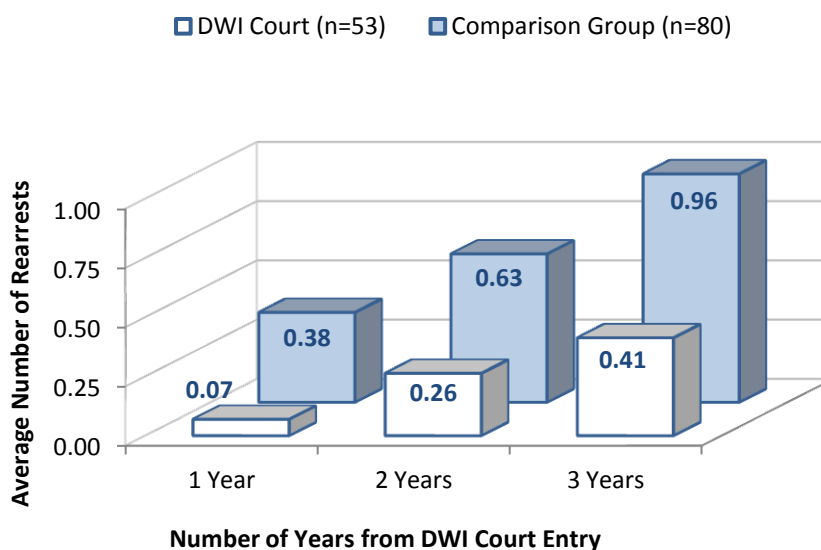
¹⁹ Adjusted means were not significantly different from unadjusted means.

²⁰ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

those arrested for a misdemeanor or gross misdemeanor DWI, with only one previous DWI in the last 10 years. After controlling for other factors, lower risk DWI court participants were significantly *more likely* to be rearrested in the first year after program entry, compared with the lower risk individuals in the comparison group (0.2 rearrests for DWI court participants compared with 0.1 in the comparison group, $p < .05$).²¹ On the other hand, higher risk DWI court participants had *fewer* rearrests than the higher risk comparison group (0.7 rearrests for DWI court participants compared with 0.9 in the comparison group), although this difference was not statistically significant. These findings suggest that the FJDWI should consider performing a more thorough risk and need assessment on participants entering the program, and either explore treatment and behavior response protocols geared towards lower risk and need participants or target the high-risk/high-need offenders for the DWI court program and offer some other program to lower risk/lower need participants.

Differences over the lifetime of the FJDWI were examined for statistical significance. We examined the cohorts from 2008 through 2011, and found similar outcomes in each cohort year, except for the 2009 cohort. Figure 2, below, shows the average number of rearrests for DWI court participants who entered the program in 2009, alongside a contemporaneous comparison group. The 2009 DWI court group had an average number of arrests that was less than half that of the comparison group each year, reaching statistical significance by the third outcome year (0.41 to 0.96, respectively, $p < .05$).²² Differences in characteristics across program cohort years were explored in an effort to identify why the 2009 cohort may have been different; these comparisons are discussed in more detail under Research Question #4.

Figure 2. The 2009 DWI Court Cohort Members Were Rearrested Significantly Less Often than the 2009 Comparison Group Cohort

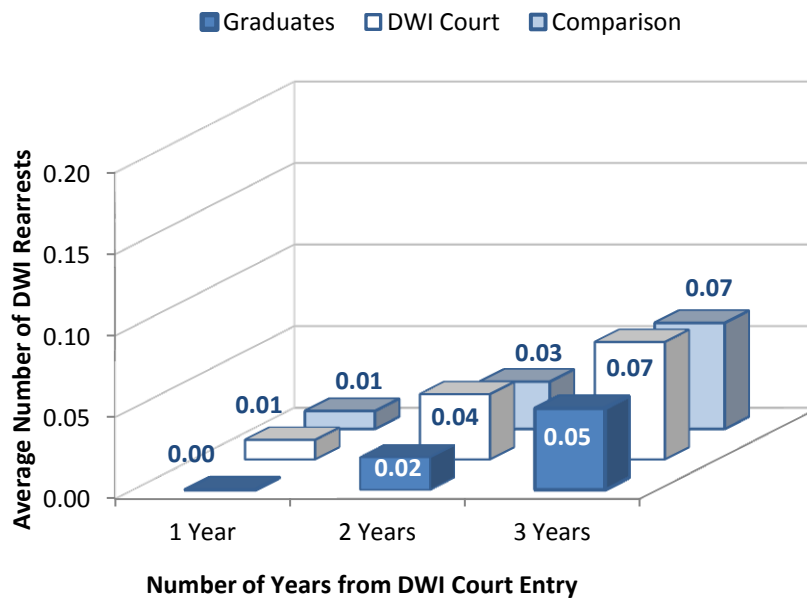


²¹ This trend continued for the 2 Year and 3 Year outcomes, but the results were not statistically significant, likely attributable to declining sample sizes.

²² For 1 Year and 2 Year outcomes, the model and group differences approached statistical significance, but fell short (ANCOVA model significance, group significance): 1 Year – $p = .062$, $p < .05$; 2 Years – $p < .05$, $p = .051$.

Figure 3 illustrates the average number of cumulative rearrests *with DWI charges* for each year up to 3 years after program entry for FJDWI graduates, all FJDWI participants, and the comparison group. The average number of DWI rearrests for all participants and the comparison group was adjusted for age, race, gender, and prior arrests.²³ Again, DWI court participants had similar DWI rearrest outcomes to the comparison group in each year. The average number of DWI rearrests for program graduates was lower than found in the comparison group, but cannot be statistically compared for reasons stated earlier. We also examined the 2009 cohort and found no statistical significances for DWI rearrests between groups (differences in rearrests with other types of charges are discussed later).

Figure 3. Average Number of DWI Rearrests over 3 Years²⁴



While DWI court participants and comparison group members have similar outcomes, except for the 2009 cohort's average number of total rearrests, DWI court *graduates* do appear to be rearrested less often than the comparison group (again, we cannot directly compare graduates to comparison group members) and the average number of rearrests 3 years out is quite low across groups. We should be encouraged that the average number of DWI rearrests even 3 years after program entry is remarkably low, less than a tenth of the overall arrest rate for DWI court participants and the comparison group.

²³ Adjusted means were not significantly different from unadjusted means.

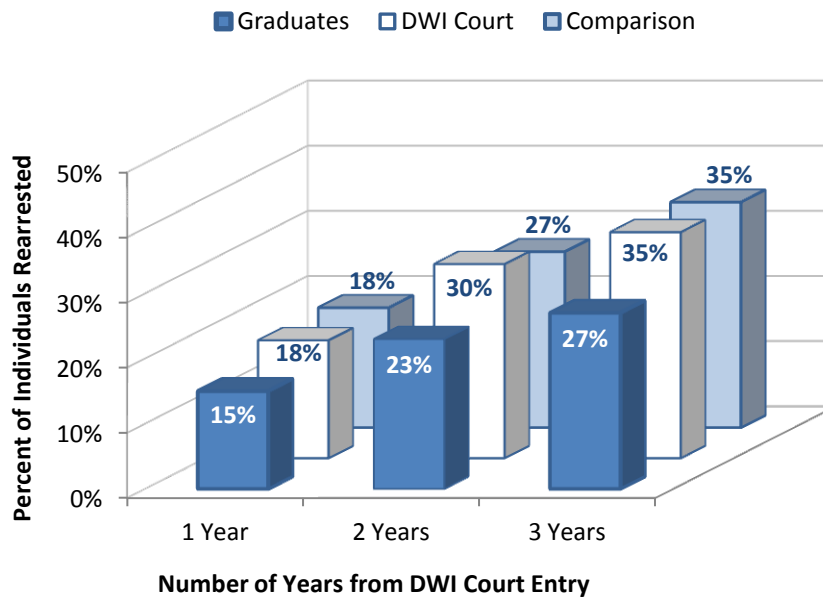
²⁴ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

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

RESULTS ARE MIXED. *In the aggregate, the percent of DWI court participants rearrested did not differ significantly from the comparison group. However, members of the 2009 cohort were significantly less likely to be rearrested than the contemporaneous comparison group.*

In addition to looking at average number of rearrests, 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 3-year period for any charge following program entry. The percent of DWI court participants rearrested was similar to the comparison group—just over a third (35%) of each group was rearrested for some offense after 3 years. Again the percent of DWI court graduates rearrested (27%) was lower than that of the comparison group, but cannot be statistically compared. The logistic regression comparing DWI court participants and comparison group members controlled for age, race, gender, and prior arrests.

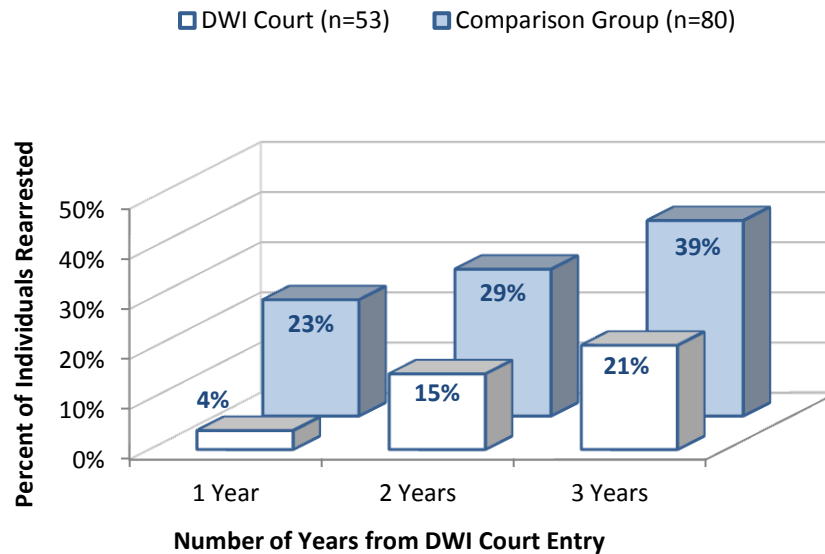
Figure 4. Percent of Individuals Rearrested over 3 Years²⁵



²⁵ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

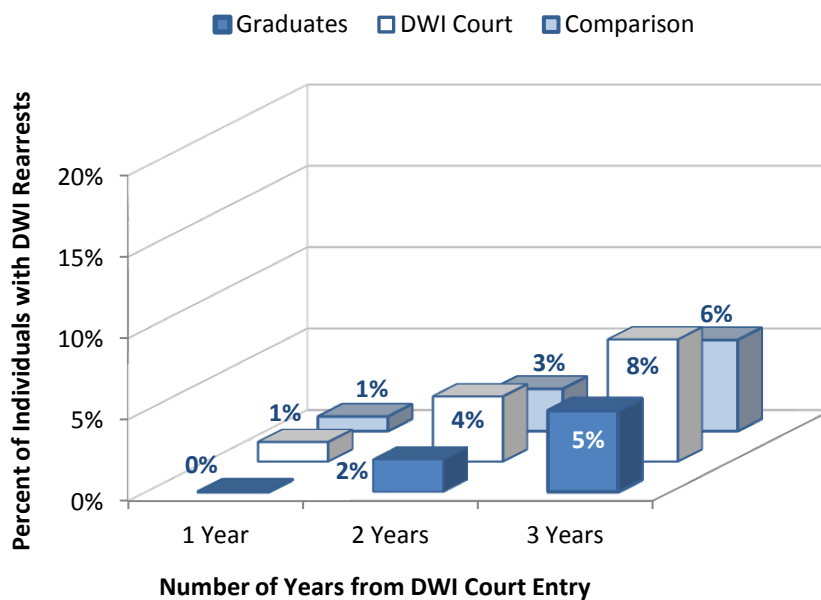
Again we examined the 2008-2011 DWI court cohorts separately for any significant differences in the percent of cohort members rearrested and found significant differences for the 2009 cohort. Figure 5, below, shows that the comparison group members in 2009 were rearrested at a higher rate in all 3 years after program entry, compared with the 2009 DWI court cohort ($p < .01$, $p < .05$, $p < .05$, respectively).

Figure 5. The Percent of 2009 DWI Court Cohort Members Rearrested Was Significantly Less than the Comparison Group for All 3 Years



A key indicator of DWI court outcomes is the percent of individuals rearrested for a DWI offense. Figure 6 shows the percent of DWI court graduates, all DWI court participants, and the comparison group who were rearrested with a DWI charge. The percent of DWI court participants who were rearrested with DWI charges was similar to the comparison group, and slightly higher in the second and third years, but there was no statistical difference between groups, even after controlling for age, race, gender, and prior arrests. There are a number of explanations as to why the rate may be higher for participants, including differential law enforcement oversight for program participants while driving or friends or family notifying police if DWI court participants are driving under the influence, but we do not have any data to test these theories. (Assessing group differences by cohort year revealed no significant differences between DWI court participants and the comparison group, including the 2009 cohort.)

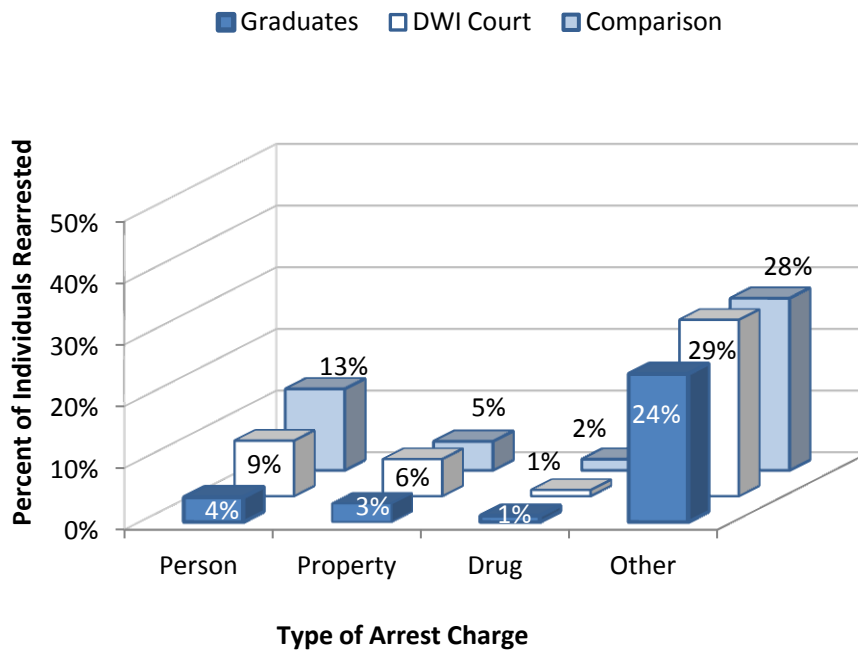
Figure 6. Percent of Individuals Rearrested with a DWI Charge over 3 years²⁶



²⁶ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

To present a more descriptive picture of the criminality of the groups, arrests are presented in Figure 7 as person (e.g., assault), property (e.g., theft), drug (e.g., possession), or other arrest charges (e.g., traffic violations) 3 years from program entry.²⁷ Logistic regressions were run to control for age, race, gender, and prior arrests. Again, DWI court participants had similar rearrest rates by arrest type and level, except for person arrests, in which DWI court participants were rearrested significantly less often than comparison group members ($p < .05$). “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.

Figure 7. Percent of Individuals Rearrested by Arrest Charge at 3 Years²⁸

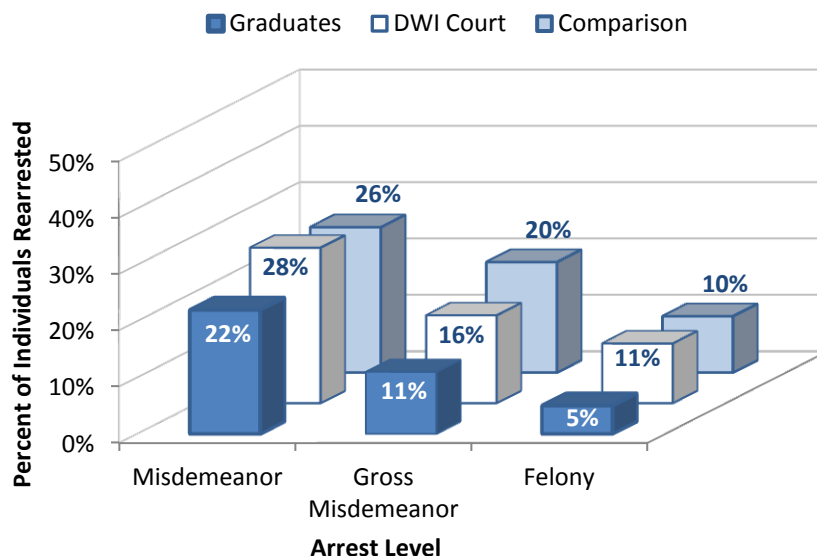


²⁷ When an individual received more than one charge per arrest, a single arrest could be coded as both a person and drug crime. Therefore, the percents in Figures 7-8 do not add up to the percent of total arrests reflected in Figure 4.

²⁸ Sample sizes by group: Graduates $n = 153$; All DWI Court Participants $n = 199$; Comparison Group $n = 334$.

Figure 8 displays the arrest charge level (misdemeanor, gross misdemeanor, or felony). Again, there is no statistical difference between the DWI court participants and the comparison group 3 years after program entry. It is notable that DWI offenders across groups are more likely to be rearrested for lower level charges (misdemeanors) rather than felony charges after 3 years.

Figure 8. Percent of Individuals Rearrested by Arrest Level at 3 Years²⁹



We also found that within the 2009 cohort, the percent of DWI court participants rearrested was significantly lower than the comparison group for misdemeanor (17% and 33%, respectively, $p < .05$) and gross misdemeanor arrests (8% and 21%, respectively, $p < .05$), after controlling for age, race, gender, and prior arrests (results not depicted).

DWI court participants and comparison group members have similar outcomes after 3 years, except for lower rates for arrests with person charges for DWI court participants, and lower rates of rearrests for the 2009 DWI court cohort for misdemeanor and gross misdemeanors. DWI court graduates appear to be rearrested somewhat less often than the comparison group (again, we cannot directly compare graduates to comparison group members).

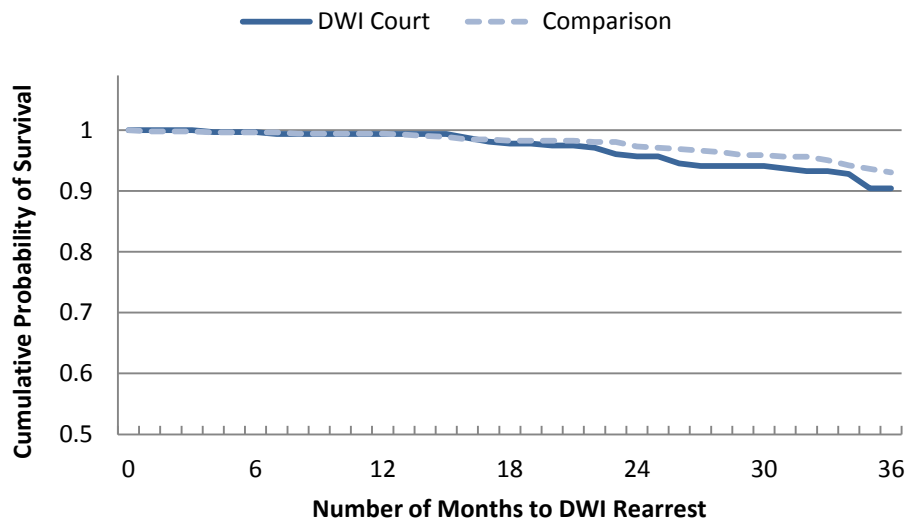
²⁹ Sample sizes by group: Graduates $n = 153$; All DWI Court Participants $n = 199$; Comparison Group $n = 334$.

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?

NO. DWI court participants were rearrested for DWIs within a similar length of time as comparison group members.

A survival analysis of participants with up to 3 years (presented in months) of outcome data was conducted. Results in Figure 9 show that the time to rearrest for DWI court participants and comparison group members occurred at similar rates. The solid blue line represents the DWI court group and the dashed line represents the comparison group. As the line drops, it indicates the occurrence of rearrests over time. A steeper drop in the line indicates a greater number of rearrests occurring sooner. The average time to first DWI rearrest for program participants was 35.0 months and for the comparison group, 35.3 months (not significantly different). At the end of the 3-year period, 8% of DWI court participants and 6% of comparison group members had been rearrested (again, not significantly different). We also performed survival analysis to evaluate the time to any arrest, and the results were similar (program = 29.6 months, comparison = 29.3 months, not significant).

Figure 9. Probability of Remaining Un-Arrested over Time (Survival Function)

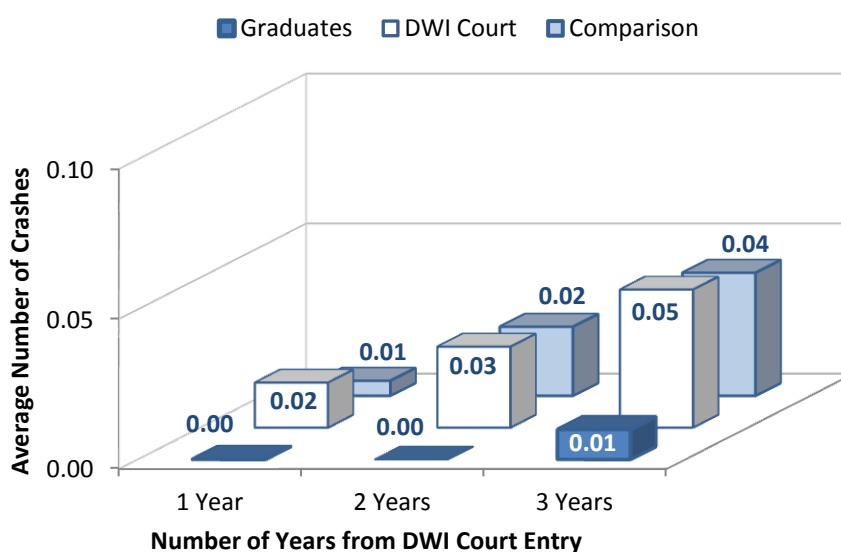


1d. Does participation in DWI court reduce the number of traffic-related crashes for those individuals compared with traditional court processing?

NO. *There were no significant differences in the average number of crashes between DWI court participants and the comparison group.*

Figure 10, below, shows the average number of crashes for DWI court graduates, all DWI court participants, and the comparison group over the 3 years after program entry. The reported average number of crashes for all participants and the comparison group was adjusted for age, race, gender, and prior arrests.³⁰ Comparisons should be made with caution, as there were 23 total crashes over the 3-year period (Year 1 = 8, Year 2 = 9, and Year 3 = 6). Due to the low prevalence of crashes, we were not able to evaluate outcomes by cohort year. Additionally, we could not conduct statistical tests for crashes involving drugs/alcohol or crashes with injuries, because of the low prevalence of these types of crashes (6 and 11 crashes, respectively, over the 3-year period).

Figure 10. Average Number of Crashes over 3 Years³¹



³⁰ Adjusted means were not significantly different from unadjusted means.

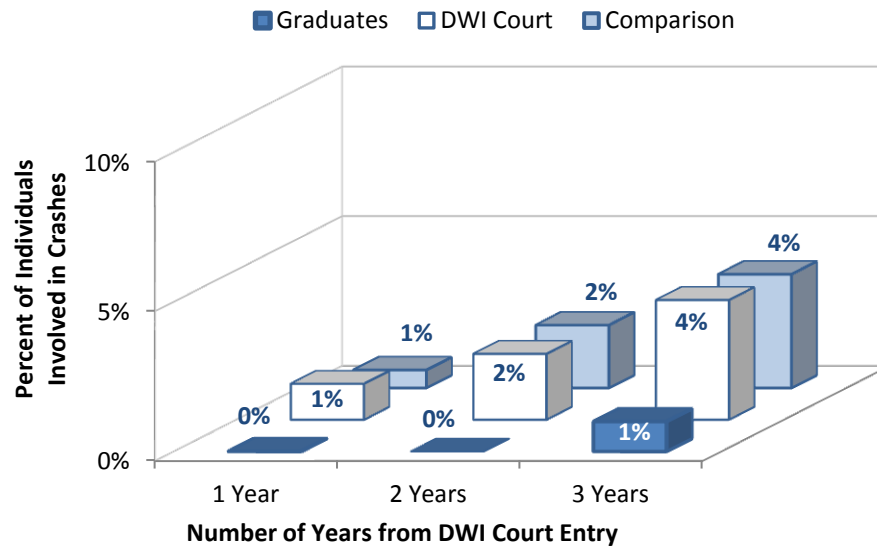
³¹ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

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?

NO. A similar percent of DWI court participants and the comparison group were involved in crashes.

Figure 11 shows the percent of DWI court graduates, all DWI court participants, and comparison group members in crashes over a 3-year period after program entry. Again, comparisons are challenging since there were 23 total crashes over the 3-year period (Year 1 = 8, Year 2 = 9, and Year 3 = 6). After controlling for age, race, gender, and prior arrests, DWI court participants and comparison group crash rates were not significantly different in any year. Again, graduates appear to do slightly better than the comparison group, but cannot be compared statistically. Due to the low prevalence of crashes, we were not able to evaluate outcomes by cohort year.

Figure 11. Percent of Individuals in Crashes over 3 Years³²



³² Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates $n = 234, 210, 153$; All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

RESEARCH QUESTION #2: WHAT IS THE IMPACT OF DWI COURT ON OTHER OUTCOMES OF INTEREST?

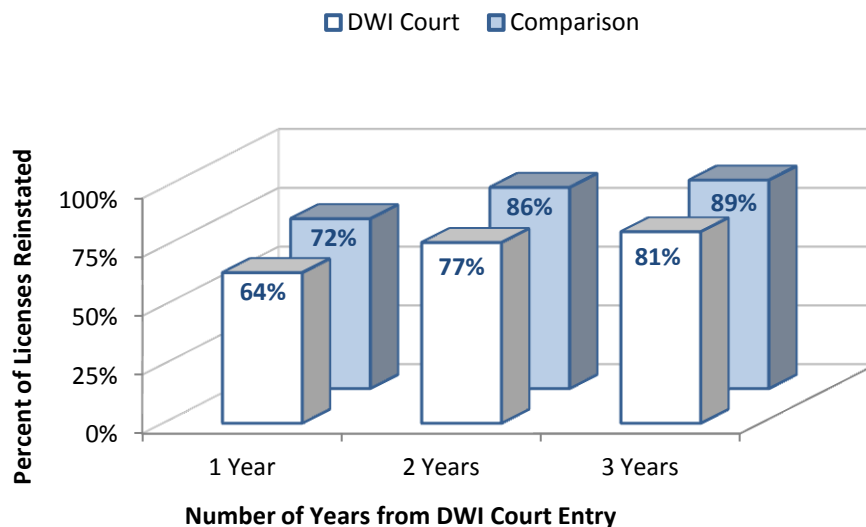
2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?

NO. DWI court participants were not more likely than the comparison group to have their licenses reinstated over the 3-year period.

Figure 12 illustrates that persons in the DWI court group had a significantly lower rate of driver's license reinstatement than the comparison group in the first 2 years after program entry ($p < .05$); differences were not significant in the third year. DWI court graduates were not included in the graph because they had the same rates of license reinstatements as the overall DWI court group. Results control for age, race, gender, and prior arrests.

Well over half 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 3 years. These results should be interpreted with caution, as there are two notable data limitations. First, while we know there were eight DWI court participants who had a valid 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 licenses from the analysis. Second, a license reinstatement appears to be a temporary outcome for some individuals. For example, at the 2-year mark, DWI court participants had an average of 2.6 license reinstatements and comparison group members had an average of 2.0 license reinstatements. We suspect that licenses are reinstated on a temporary basis and renewed periodically for some DWI offenders.

Figure 12. Percent of Licenses Reinstated over 3 Years³³



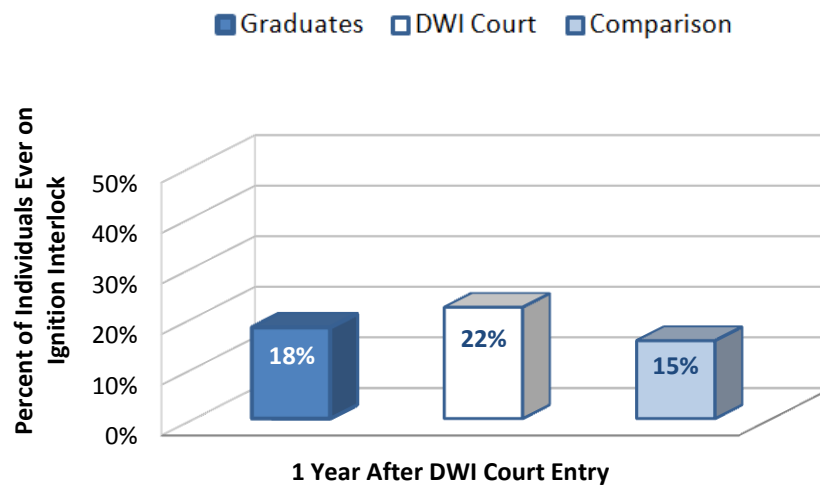
³³ Sample sizes by group and time period (1 Year, 2 Years, 3 Years): All DWI Court Participants $n = 331, 272, 199$; Comparison Group $n = 533, 420, 334$.

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?

POSSIBLY. A larger percentage of DWI court participants used ignition interlock at some point in the first year than the comparison group, but the difference was not statistically significant.

Figure 13 shows that persons in the DWI court group used the ignition interlock device at a higher rate than the comparison group. Of the DWI court participants, 22% used the ignition interlock device sometime during the first 12 months after program entry, compared with 15% for the comparison during an equivalent time period. Although not statistically significant, possibly due to small numbers stemming from limited data availability, the participation rate among DWI court participants shows a promising trend.³⁴ We recommend that further analyses be conducted when more ignition interlock data are available.

Figure 13. Percent of Individuals Ever on Ignition Interlock in the Year Following Program Entry



³⁴ 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.

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 FJDWI is 79%, which is higher than the national average of 53%.

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 ($n = 34$) are excluded from the calculation. Graduation rate was calculated for each entry year from 2007 to 2012. The program's graduation rate for all participants entering between January 2007 and August 2012 was 79%. Table 5 shows outcome status by cohort entry year. The graduation rate for each cohort is substantially higher than the national average graduation rate of 53% (Huddleston & Marlowe, 2011).

Table 5. FJDWI Completion Status by Entry Year

Program Entry Year	2007 $n = 58$	2008 $n = 51$	2009 $n = 53$	2010 $n = 62$	2011 $n = 71$	2012 $n = 36$
Graduates	64%	78%	81%	84%	77%	19%
Non-Graduates	34%	22%	19%	16%	8%	14%
Other Exit	2%	0%	0%	0%	0%	0%
Actives	0%	0%	0%	0%	15%	67%

The FJDWI is doing very well in graduating participants compared with the national average. The program should continue to strive toward having as many participants succeed as possible, and graduation requirements should include specific and measurable requirements beyond just length of time in the program. In order to graduate, participants must comply with program practices and requirements. DWI court staff can help this complex population by providing skill building opportunities and considering the challenges participants face, continually reviewing program operations and making adjustments as necessary. For example, teams can help find transportation for participants (e.g., having participants with cars receive rewards for picking up those without transportation and bringing them to treatment and court sessions, or providing bus passes) or assist participants with child care while they participate in program requirements. The analysis for Research Question #4 examines more closely the difference between graduates and non-graduates to determine if there are any clear trends for non-graduates that will point to a need for different types of services.

To measure whether the program is 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 FJDWI program and have graduated from the program. The minimal requirements of the FJDWI 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 524 days (about 17 months). Graduates spent an average of 570 days in the program, nearly 19 months, ranging from 5 months³⁵ to 41 months in the program. Approximately 25% of graduates graduated within 17 months, and 50% graduated within 18 months of program entry. Participants who did not graduate spent, on average, just over 13 months in the program.

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 White, have fewer arrests in the 2 years prior to program entry (particularly person, other charge types, misdemeanor and gross misdemeanor arrests), be college graduates or have attended some college or technical school, be employed upon program entry, have no identifiable mental health diagnosis, use fewer types of drugs in addition to alcohol, and have completed all treatment requirements. Above and beyond all other factors, graduates were significantly more likely to be non-Black, have no mental health diagnosis, and have fewer arrests in the 2 years prior to program entry.*

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 January 2007 through June 2012. Of the 296 people who entered the program during that time period, 62 (21%) were unsuccessfully discharged from the program and 234 (79%) graduated.

The demographic and criminal history characteristics of participants who were included in the analyses were gender, race/ethnicity, age, prior number of arrests, education, employment, length of time in the program, mental health status, and substance use history. Tables 6 through 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 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; these results are noted in the tables below using asterisks.

³⁵ There were three graduates who spent between 5 and 6 months in the program. All three were second-time entries who had entered and completed the program in the past (taking between 17 and 18 months).

Table 6, below, illustrates that male and female participants had similar rates of graduation, and graduates did not differ significantly on age from non-graduates. Both chi-square and logistic regression analyses revealed different rates of graduation for White and Black participants, where graduates were more likely to be White and less likely to be Black. The FJDWI may want to track program completion rates by race and explore options for culturally responsive treatment practices and/or other program policies, if this trend persists.

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

	Graduates <i>n</i> = 234	Non-Graduates <i>n</i> = 62
Gender		
Male	68%	61%
Female	32%	39%
Race/Ethnicity^a		
White	77%	65%
Black/African American	21%*	31%
Hispanic/ Latino	6%	5%
Age at Entry Date		
Average age	38 years	37 years
Range	19 - 72	19 - 66

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

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

* $p < .05$. ** $p < .01$. *** $p < .001$.

Table 7, below, displays the criminal history of graduates and unsuccessfully discharged participants prior to entering the program. Graduates were more likely to have a lower number of prior arrests, including person (e.g., assault), other types (e.g., traffic violations), misdemeanor, and gross misdemeanor arrests.

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

	Graduates <i>n</i> = 234	Non-Graduates <i>n</i> = 62
Prior Arrests		
Percent with felony DWI as index arrest	5%	3%
Average number of DWI arrests 10 years prior to index arrest	1.80	1.77
Average number of arrests 2 years prior to program entry	1.97**	3.11
Average number of DWI arrests 2 years prior to program entry	1.44	1.53
Average number of person arrests 2 years prior to program entry	0.10	0.27
Average number of property arrests 2 years prior to program entry	0.07	0.18
Average number of drug arrests 2 years prior to program entry	0.03	0.08
Average number of other arrests 2 years prior to program entry	0.98	1.82
Average number of misdemeanor arrests 2 years prior to program entry	0.99	1.77
Average number of gross misdemeanor arrests 2 years prior to program entry	1.43	1.79
Average number of felony arrests 2 years prior to program entry	0.12	0.13

* $p < .05$. ** $p < .01$. *** $p < .001$.

Table 8, below, illustrates that DWI court graduates were significantly more likely to have a higher education level (those with some college, technical school, and college graduates), were more likely to be employed either full or part time upon program entry, attended more DWI court hearings, and were more likely to stay in the program longer. There were no differences between graduates and unsuccessfully discharged participants in terms of the average number of days from index arrest to program entry.

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

	Graduates <i>n</i> = 234	Non-Graduates <i>n</i> = 62
Education		
Less than high school	6%	13%
High school/GED	34%	44%
Some college or technical school	35%	28%
College grad	25%	15%
Employment at Program Entry		
Unemployed	29%	54%
Employed full or part time	71%	46%
Arrest to Program Entry		
Average number of days from index arrest to DWI court program entry	183 days	183 days
DWI Court Hearings		
Average number of DWI court hearings	44.6	32.5
Program Length of Stay		
Average number of days in program	571	416

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

As depicted in Table 9, below, DWI court graduates were less likely to have a mental health diagnosis (assessed at program entry), and less likely to have used substances in addition to alcohol 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, as expected according to program requirement, graduates were significantly more likely to complete all of the treatment requirements of the program,³⁶ compared with unsuccessfully discharged participants.

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

	Graduates <i>n</i> = 234	Non-Graduates <i>n</i> = 62
Mental Health Diagnosis		
Yes	22%**	47%
No	78%	53%
Substances Used in Last Year^a		
Alcohol	100%	100%
Marijuana	37%	57%
Crack or Cocaine	13%	31%
Prescription Drugs (Pills)	7%	21%
Methamphetamine	5%	15%
Heroin	2%	5%
Reported Addiction Severity at Program Entry		
No identifiable problem	<1%	0%
Abusing	8%	7%
Dependent	92%	93%
Completed Treatment Requirements		
Yes	100%	49%
No	0%	51%

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

^a 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.

* $p < .05$. ** $p < .01$. *** $p < .001$.

³⁶ Treatment requirements are just one part of the overall program requirements, so it is possible to complete treatment and not graduate from the program. However, participants must complete treatment as well as all other requirements in order to graduate.

As described above, participants reporting prescription drug use in the year before program entry (in addition to alcohol) were significantly less likely to graduate, suggesting that the program may need to consider some additional services for the specific needs of opiate users. The use of medication assisted treatment (MAT) with alcohol is an evidence-based practice. Naltraxone (the pill form) and Vivitrol (a once per month injection) have been shown to significantly improve outcomes for both alcohol and opiate users and have been approved by the FDA.

After reviewing the characteristics listed in Tables 6 through 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. The characteristics that were most strongly tied to graduation were the number of arrests in the 2 years prior to program entry (those with fewer prior arrests were more likely to graduate), mental health status (those with no mental health diagnosis were more likely to graduate), and race (Black participants were less likely to graduate, compared with non-Black participants).

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 rearrested within 2 years after program entry were more likely to be unemployed at program entry, have a mental health diagnosis, have used substances in addition to alcohol in the year prior to program entry (particularly crack/cocaine, methamphetamines, and prescription drugs), have more arrests in the 2 years prior to program entry (including person, property, other types, misdemeanor, and gross misdemeanor arrests), not have completed treatment requirements of the program, and be unsuccessfully discharged from the DWI court program. These results are consistent with common knowledge that higher risk offenders who have multiple risk factors are more likely to recidivate. The program may want to explore options for more mental health treatment, as well as treatment for moderate to severe substance use disorder.

Special Section on the 2009 DWI Court Cohort

As previously mentioned, the 2009 cohort of DWI court participants (those entering the program during 2009) were rearrested significantly less often than the comparison group in the 2 years following DWI court program entry, whereas the other cohort years showed little to no differences between DWI court program participants and the comparison group. In order to better understand if there were any other contextual factors influencing the positive results of the 2009 cohort, participant background and criminal histories of each of the cohorts were compared to one another. There were no significant differences between the cohorts for age or race of participants, mental health status, employment or education status at program entry, graduation rates, program length of service, or prior criminal history. Of the characteristics tracked or recorded for participants, the only notable difference between the different cohorts was the number of DWI court hearings attended while participants were in the program.

As Table 10 indicates, members of the 2009 cohort were significantly more likely to attend more DWI court hearings than members from the 2011 cohort ($p < .01$), and in general, attended DWI court more often than any other cohort. Additionally, the average length of time from index arrest to DWI court program entry was compared across cohorts. Although the 2009 cohort is not significantly different from other cohorts (the 2007 cohort is the lowest of all years, $p < .05$), the average length of time from arrest to entry is increasing over the life of the program, from just over 3 months in 2007 to more than 7 months in 2011. As stated in the process evaluation, we recommend that the program examine the case flow from arrest to program entry and determine if there are places where the length of time can be reduced.

Table 10. Additional DWI Court Program Statistics by Entry Cohort

Program Entry Year	2007	2008	2009	2010	2011	All Years
DWI Court Hearings Attended (average per person)						
Graduates	41	45	50	44	43	45
All DWI court participants	39	41	48**	43	36**	42
Average Number of Days from Index Arrest to DWI Court Program Entry						
Graduates	103	158	143	237	227	183
All DWI court participants	100*	163	179	233*	223*	183

* $p < .05$. ** $p < .01$. *** $p < .001$.

Summary of Outcome Results

The results of the outcome analysis for the FJDWI are mixed. Overall the data showed little difference between those who participated in the program and the comparison group. However, a cohort of FJDWI participants who entered the program in 2009 did show positive results, including significantly fewer rearrests compared with the comparison group.

There are several possibilities to consider for lack of significantly improved outcomes for FJDWI participants. Our more detailed exploration of the DWI court group showed that a large percentage of participants may actually be lower risk offenders and therefore may be receiving services at a higher intensity than is needed. In the process evaluation, there was some concern that weekly court sessions were a hardship for participants, particularly for the full 6 months required for Phase 1. Best practices research indicates that court sessions every other week are associated with better outcomes, including lower recidivism rates (Carey et al., 2012, Marlowe et al., 2006). In addition, the first phase of a program should generally focus on stabilization and getting the participant oriented with the program and its requirements. A full 6 months for Phase 1 may be longer than necessary and too intensive for people who are lower risk and lower need. The program might want to consider decreasing the required length of Phase 1 and allowing participants who are able to comply with requirements to move forward sooner. Finally, the pro-

gram should perform detailed risk and need assessments (as well as regular reassessments) to determine the appropriate level of supervision and treatment needed for each participant.

Another possible reason for the lack of significant results may be that the traditional probation services provided in this jurisdiction are of high quality and provide an appropriate level of supervision and services, particularly for lower risk and need participants, resulting in similar reductions in recidivism compared to those in the DWI court.

An examination of the characteristics of graduates compared with non-graduates revealed that graduates were more likely to be White, have fewer arrests in the 2 years prior to program entry (particularly person, other charge types, misdemeanor and gross misdemeanor arrests), be college graduates or have attended some college or technical school, be employed upon program entry, have no identifiable mental health diagnosis, use fewer drugs in addition to alcohol, and have completed all treatment requirements. We recommend that the program explore options for additional culturally responsive services as well as, mental health services and educational and/or employment services.

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 FJDWI 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 actually putting 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 with 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 with 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.³⁷

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-, 2- and 3-year cost impacts on the criminal justice system of sending offenders through DWI court compared with traditional court processing? What is the average cost of criminal justice recidivism per agency for DWI court participants compared with 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

Transaction 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 each transaction that occurs for program participants. TICA is an intuitively appropriate ap-

³⁷ See Drug Court cost benefit studies at <http://www.npcresearch.com>

proach 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 11 lists each of these steps and the tasks involved.

Table 11. The Six Steps of TICA

	Description	Tasks
Step 1:	Determine flow/process (i.e., how program participants move through the system).	Site visits/direct observations of program practice Interviews 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 trans-

actions. 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 FJDWI are described in the results.

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 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:

- <http://www.doc.state.mn.us/PAGES/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>
- <http://www.doc.state.mn.us/pages/files/7913/6582/4656/ISRBackgrounder.pdf>

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, 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:

- http://www.nsc.org/news_resources/injury_and_death_statistics/Pages/EstimatingtheCostofUnintentionalInjuries.aspx

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 FJDWI 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. These sessions (including staffing meetings) include representatives from the following agencies:

- 4th Judicial District Court (Judge, Coordinator, Clerk, Law Clerk, Court Reporters, Researcher);
- Minneapolis City Attorney (prosecutors);
- Contracted Public Defender (public defender);
- Hennepin County Human Services and Public Health Department (chemical health assessor);
- Hennepin County Community Corrections and Rehabilitation, Adult Field Services Division (probation supervisor, probation officers);
- Park Avenue Treatment (treatment director);
- Minneapolis Police Department (sergeant, police officers);
- Hennepin County Sheriff's Office (sergeant);
- Alcoholics Anonymous (volunteers); and
- Minnesotans for Safe Driving (volunteer).

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 \$64.05 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).³⁸ The agencies involved in case management are the Hennepin County Human Services and Public Health Department, Hennepin County Community Corrections and Rehabilitation, Park Avenue Treatment, Hennepin County Sheriff's Office, Minneapolis Police Department, Bloomington Police Department, and volunteers from Alcoholics Anonymous and Minnesotans for Safe Driving. The daily cost of case management is \$4.68 per participant.

Publicly funded **Drug and Alcohol Treatment** for FJDWI participants is provided by Park Avenue Treatment (participants with private pay or private insurance can go to any treatment provider). The treatment costs used for this analysis were based on Minnesota's Medicaid Drug and Alcohol Treatment Reimbursement Rates.³⁹ 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;⁴⁰ 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 FJDWI team members to estimate the percentage of participants using public funds for treatment. Because an estimated 30% of FJDWI participants use public funds for their treatment, the final treatment costs used in this report were 30% of the rates mentioned above (\$21.00 for individual treatment sessions, \$10.20 for group treatment sessions, \$54.93 for residential treatment days, and \$90.00 for hospital inpatient days). In addition, while many participants may be receiving mental health treatment, it was not included in the cost analysis because NPC was not able to acquire administrative data on mental health treatment usage. 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 Community Corrections and Rehabilitation, Park Avenue Treatment, and by the law enforcement agencies. The cost per UA test is \$4.00⁴¹ and breathalyzer tests are \$0.01. Drug and alcohol testing costs were obtained from the DWI Court Coordinator.

Jail Sanctions and **Jail Bookings** are provided by the Hennepin County Sheriff's Office. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report,⁴² 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 Adult Detention Center is \$139.13 per day. Hennepin County also has the Adult Correctional Facility which is operated by Hennepin County Community Corrections and Rehabilitation. The cost at this facility

³⁸ 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.

³⁹

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Render=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_160263

⁴⁰ 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.

⁴¹ This total is based on \$0.55 per screen and five screens per sample, and a \$1.25 EtG test for alcohol.

⁴² <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

ty is \$75.87 per day. Jail booking costs include all staff, facilities, and support and overhead costs. The cost of a jail booking is \$27.07. 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 will show up in the outcome cost section, so all jail sanction costs are accounted for.

FJDWI participants pay a \$300.00 **DWI Court Fee** (for incentives, transportation, and training). Participants also pay a fee to Community Corrections and Rehabilitation to cover probation staff.⁴³ However, due to a lack of data on the exact amount of fees paid by each participant, fees were not taken into account in this cost analysis.

⁴³ \$150 fee for a gross misdemeanor (if public defender eligible); \$300 fee for a gross misdemeanor (with private attorney); \$175 fee for a felony (if public defender eligible); \$350 fee for a felony (with private attorney). There is also a drug testing fee to help defray drug testing costs (\$50 if public defender eligible, \$100 with a private attorney).

Program Costs

Table 12 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 ($n = 234$) and for all DWI court participants regardless of completion status ($n = 296$). 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 12. Program Costs per Participant

Transaction	Unit Cost	Avg. # of Events for DWI Court Graduates Per Person	Avg. Cost per DWI Court Graduate Per Person	Avg. # of Events for all DWI Court Participants Per Person	Avg. Cost per DWI Court Participant Per Person
DWI Court Sessions	\$64.05	44.56	\$2,854	42.03	\$2,692
Case Management Days	\$4.68	570.54	\$2,670	538.20	\$2,519
Individual Treatment Sessions	\$21.00	10.26	\$215	9.74	\$205
Group Treatment Sessions	\$10.20	40.92	\$417	39.16	\$399
Residential Treatment Days	\$54.93	5.20	\$286	7.03	\$386
Hospital Inpatient Days	\$90.00	0.33	\$30	0.33	\$30
UA Drug Tests	\$ 4.00	68.23	\$273	65.89	\$264
Breathalyzer Tests	\$0.01	69.64	\$1	65.25	\$1
TOTAL			\$6,746		\$6,496

The unit cost multiplied by the number of events per person results in the cost per person for each transaction during the course of the program. When the costs of the transactions are summed the result is a total FJDWI program cost per participant of \$6,496. The cost per graduate is \$6,746. The largest contributor to the cost of the program is DWI court sessions (\$2,692), followed by case management (\$2,519) and treatment (\$1,020). Note that the graduates cost slightly more than the participants in general, as graduates are in the program longer and have more DWI court sessions, drug tests, and group and individual treatment sessions.

Program Costs per Agency

Another useful way to examine program costs is by agency. Table 13 displays the cost per DWI court participant by agency for program graduates and for all participants.

Table 13. Program Costs per Participant by Agency

Agency	Avg. Cost per DWI Court Graduate Per Person	Avg. Cost per DWI Court Participant Per Person
District Court	\$902	\$851
City Attorney	\$336	\$317
Public Defender	\$302	\$285
Human Services and Public Health Department	\$331	\$312
Community Corrections and Rehabilitation	\$2,796	\$2,642
Law Enforcement	\$1,063	\$1,003
Treatment	\$1,016	\$1,086
TOTAL	\$6,746	\$6,496

Table 13 shows that the costs accruing to Community Corrections and Rehabilitation (DWI court sessions, case management, and drug testing) account for 41% of the total program cost per participant. The next largest cost (17%) accrues to treatment for drug and alcohol treatment and testing,⁴⁴ followed by law enforcement (15%) due to DWI court sessions, case management, and breathalyzer testing.

Program Costs Summary

In sum, the largest portion of FJDWI costs is due to DWI court sessions (an average of \$2,692, or 41% of total costs), followed by case management (\$2,519 or 39% of total costs) and treatment (\$1,020 or 16%), which are also significant program costs. When program costs are evaluated by agency, the largest portion of costs accrues to Community Corrections and Rehabilitation (\$2,642 or 41% of total costs), followed by treatment (\$1,086 or 17%) and law enforcement (\$1,003 or 15%). This indicates that the largest cost in the program is for supervision. For lower risk offenders, this may be an unnecessary level of supervision and may actually lead to worse recidivism results, if program requirements are creating more stress for participants and/or making it more difficult for participants to meet job and/or family duties. The FJDWI should assess the risk level of participants to determine whether this is the case, and adjust supervision requirements accordingly for each individual.

⁴⁴ The cost for Park Avenue Treatment employees to attend DWI court sessions and staffing meetings is covered by the Rule 25 or private insurance payments for treatment. The payments cover all Park Avenue Treatment staff involvement in the FJDWI.

Out of hundreds of DWI and drug court cost evaluations, the average program cost per participant of \$6,496 is one of the lowest NPC has encountered (the average across 69 drug court and DWI court programs was \$14,372 per participant). The cost does not include jail sanctions, but even with a generous rough estimate of \$2,000 for jail sanctions, the program cost would still be low when compared to other programs nationwide. This indicates that the FJDWI may be very efficient in its use of resources to provide services to participants. In addition, having participants and private insurance pay for some treatment also results in lower program costs to the taxpayer.

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 with 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. These individuals were tracked through administrative data for 3 years post program entry (and a similar time period for the comparison group). This study compares recidivism costs for the two groups over 3 years and the recidivism costs for participants by agency.

The 3-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 use of 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 Hennepin County Community Corrections and Rehabilitation, Adult Field Services Division; the Minnesota Department of Corrections; the Hennepin County Sheriff's Office; the 4th Judicial District Court; the Minneapolis City Attorney's Office; the Hennepin 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 Minneapolis Police Department; the Bloomington Police Depart-

ment; the Brooklyn Park Police Department; the Edina Police Department; the Brooklyn Center Police Department; the Plymouth Police Department; and the Eden Prairie Police Department. 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 which 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 seven police departments in the county (Minneapolis Police Department, Bloomington Police Department, Brooklyn Park Police Department, Edina Police Department, Brooklyn Center Police Department, Plymouth Police Department, and Eden Prairie Police Department) and the Hennepin County Sheriff's Office. These law enforcement agencies represent eight of the top 10 main arresting agencies in the county. 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 eight law enforcement agencies is \$175.84.

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 \$1,370.52. The cost of a Gross Misdemeanor Court Case is \$1,505.61, and the cost of a Felony Court Case is \$3,196.21.

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)⁴⁵ 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 Hennepin County Sheriff's Office. NPC contacted staff at the Sheriff's Office to obtain the cost per jail booking, which includes the typical positions 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 \$27.07.

Jail costs were provided by the Hennepin County Sheriff's Office. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report,⁴⁶ which includes jail per

⁴⁵ <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

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 Adult Detention Center is \$139.13 per day. Hennepin County also has the Adult Correctional Facility which is operated by Hennepin County Community Corrections and Rehabilitation. The cost at this facility is \$75.87 per day. Note that jail time in this analysis includes in jail sanctions received while participants were in the program, as NPC was unable to determine which days in the jail data were sanctions and which were due to subsequent crimes/cases.

The cost per day of **Parole** was found on the Minnesota Department of Corrections' Web site⁴⁷ and updated to fiscal year 2014 using the Consumer Price Index. The cost of parole is \$4.07 per day.

Probation in Hennepin County is provided by Hennepin County Community Corrections and Rehabilitation, Adult Field Services Division. The cost of probation was acquired from a representative of Community Corrections and Rehabilitation, using budget and caseload information. The cost per person per day of probation is \$3.49.

Crash costs were found on the National Safety Council's Web site⁴⁸ 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 \$28,928.00; and the cost of a crash with property damage only 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 there were a very small number of deaths in the participant and comparison group samples, and the high cost (over \$4.5 million per death) would artificially inflate any cost results.

Victimizations were calculated from the National Institute of Justice's *Victim Costs and Consequences: A New Look* (1996).⁴⁹ 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.

⁴⁶ <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

⁴⁷ <http://www.doc.state.mn.us/pages/files/7913/6582/4656/ISRBackgrounder.pdf>

⁴⁸

http://www.nsc.org/news_resources/injury_and_death_statistics/Pages/EstimatingtheCostsofUnintentionalInjuries.aspx

⁴⁹ The costs for victimizations were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look* (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 14 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 3 years.

Table 14. Average Number of Recidivism Events after DWI Court Entry per Person over 3 Years from DWI Court Entry

Recidivism Related Events	DWI Court Graduates Per Person <i>n</i> = 153	DWI Court Participants Per Person <i>n</i> = 199	Comparison Group Per Person <i>n</i> = 341
Rearrests	0.50	0.79	0.74
Misdemeanor Court Cases	0.36	0.55	0.48
Gross Misdemeanor Court Cases	0.17	0.25	0.27
Felony Court Cases	0.06	0.13	0.13
Prison Days	0.00	0.00	16.91
Jail Bookings	1.12	2.18	1.34
Adult Detention Center Jail Days ⁵⁰	6.74	24.32	10.74
Adult Corrections Facility Jail Days ⁵¹	4.68	19.90	14.24
Parole Days	0.00	0.00	16.94
Probation Days	431.84	395.22	305.76
Crashes with Incapacitating Injury	0.00	0.00	0.00
Crashes with Non-Incapacitating Injury	0.01	0.01	0.01
Crashes with Possible Injury	0.01	0.05	0.01
Crashes with Property Damage Only	0.01	0.02	0.03
Property Victimizations ⁵²	0.05	0.10	0.08
Person Victimizations	0.05	0.14	0.16

⁵⁰ This includes all jail sanctions while participants were in the program.

⁵¹ This includes all jail sanctions while participants were in the program.

⁵² 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 14, DWI court participants use more criminal justice system resources than the comparison group with more events for every type of criminal justice transaction except gross misdemeanor court cases, felony court cases, prison days, and parole days. Although the comparison group spends more time in prison, the DWI court participants spend longer in jail and on probation than those who do not participate in the program. DWI court participants have more crashes with possible injuries, but fewer crashes with property damage only than the comparison group. DWI court participants also have more property victimizations, but fewer person victimizations than the comparison group.

Table 15 presents the outcome costs for each transaction for graduates, all DWI court participants (graduates and terminated participants) and the comparison group.

Table 15. Recidivism (Outcome) Costs per Participant over 3 Years

Transaction	Unit Costs	DWI Court Graduates Per Person <i>n</i> = 153	DWI Court Participants Per Person <i>n</i> = 199	Comparison Group Per Person <i>n</i> = 341
Rearrests	\$175.84	\$88	\$139	\$130
Misdemeanor Court Cases	\$1,370.52	\$493	\$754	\$658
Gross Misdemeanor Court Cases	\$1,505.61	\$256	\$376	\$407
Felony Court Cases	\$3,196.21	\$192	\$416	\$416
Prison Days	\$86.10	\$0	\$0	\$1,456
Jail Bookings	\$27.07	\$30	\$59	\$36
Adult Detention Center Jail Days	\$139.13	\$938	\$3,384	\$1,494
Adult Corrections Facility Jail Days	\$75.87	\$355	\$1,510	\$1,080
Parole Days	\$4.07	\$0	\$0	\$69
Probation Days	\$3.49	\$1,507	\$1,379	\$1,067
SUBTOTAL		\$3,859	\$8,017	\$6,813
Crashes with Incapacitating Injury	\$237,619.00	\$0	\$0	\$0
Crashes with Non-Incapacitating Injury	\$60,645.00	\$606	\$606	\$606
Crashes with Possible Injury	\$28,928.00	\$289	\$1,446	\$289
Crashes with Property Damage Only	\$2,583.00	\$26	\$52	\$77

Transaction	Unit Costs	DWI Court Graduates Per Person <i>n</i> = 153	DWI Court Participants Per Person <i>n</i> = 199	Comparison Group Per Person <i>n</i> = 341
Property Victimization	\$13,281.00	\$664	\$1,328	\$1,062
Person Victimization	\$43,024.00	\$2,151	\$6,023	\$6,884
TOTAL		\$7,595	\$17,472	\$15,731

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 are presented first without, then with, victimization and crash costs. Table 15 shows that the difference in total outcome cost between the DWI court participants and the comparison group is a negative \$1,204 per participant. When costs due to crashes and victimizations are included, the difference increases to a negative \$1,741 per participant. This difference is the loss due to DWI court participation. Overall, these findings show that, although graduates of the program do show substantial savings compared with the comparison group (a savings of \$8,136), graduates cannot be fairly compared with the comparison group as some of the comparison group is made up of people who would have been terminated. Overall, participation in DWI court, when all participants are included in the analysis, does not result in savings, due to the very large use of criminal justice system resources for terminated participants.

Not including crashes and victimizations, Table 15 shows that the majority of DWI court participant outcome costs are due to jail (an average of \$4,953, or 62% of total costs) and court cases (an average of \$1,546, or 19% of total costs). Because there was no way to differentiate time in jail due to sanctions versus time in jail due to new charges, it is possible that the larger amount of jail time for participants is actually a reflection of jail sanctions that occurred during program participation. Regardless of the reason, DWI court participants, particularly those who were terminated, used a much larger amount of jail resources compared to those who never received the program. The majority of outcome costs for the comparison group were also due to jail (an average of \$2,574, or 38% of total costs) and then court cases (an average of \$1,481 or 22% of total costs). The largest savings for the DWI court group (when compared with the comparison group) was due to less time in prison (an average savings per participant of \$1,456).

Outcome Costs per Agency

These same outcome costs were also examined by agency 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 amongst the agencies involved based on their level of participation.

Table 16 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 16. Recidivism (Outcome) Costs per Participant by Agency over 3 Years

Agency	DWI Court Outcome Costs per Participant	Comparison Group Outcome Costs per Individual	Difference/ Savings per Individual
District Court	\$434	\$411	(\$23)
City Attorney	\$488	\$458	(\$30)
County Attorney	\$253	\$253	\$0
Public Defender	\$371	\$359	(\$12)
Department of Corrections	\$0	\$1,525	\$1,525
Community Corrections and Rehabilitation	\$2,889	\$2,147	(\$742)
Law Enforcement	\$3,582	\$1,660	(\$1,922)
SUBTOTAL	\$8,017	\$6,813	(\$1,204)
Crashes*	\$2,104	\$972	(\$1,132)
Victimizations*	\$7,351	\$7,946	\$595
TOTAL	\$17,472	\$15,731	(\$1,741)

Note. The costs associated with crashes and victimizations 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 16 shows that the only agency that has a benefit, or savings, as a result of DWI court is the Department of Corrections (due to fewer prison days for FJDWI participants than the comparison group). Every other agency shows a loss due to the use of more resources being used by the DWI court participants, and the county attorney shows no difference. The largest loss is to law enforcement, due to greater number of days in local jail for DWI participants in the three years after program entry. As demonstrated in Tables 15 and 16, the total cost of recidivism over 3 years for the FJDWI per DWI court participant (regardless of graduation status) was \$8,017, while the cost per comparison group member was \$6,813. The difference between the DWI court and comparison group represents a loss of \$1,204 per participant. When crashes and victimization costs are added, the difference in costs increases with DWI court participants costing a total of \$1,741 *more* per participant than non-DWI court offenders due to slightly more crashes for participants. Program graduates do use substantially fewer resources than the comparison group,

and particularly fewer resources than those terminated from the program. There is a possibility that participants who are terminated from the program are getting a more punitive sentence than DWI offenders who did not participate in the program at all. There is some evidence for this in the data which shows that in the two years after DWI court entry, the DWI court participants who were terminated from the program have an average of 117 jail days, compared to an average of 18 days in the comparison group.

Cost Benefit Analysis

Over time, the FJDWI does not result in cost savings or a return on taxpayer investment in the program. The program investment cost is \$6,496 per DWI court participant. The loss due to more recidivism for DWI court participants over the 3 years included in this analysis came to a negative \$1,741. This amount does not result on a positive return on the investment over the 3-year time period. The return on investment is a negative 127%. That is, for taxpayer every dollar invested in the program, there is a loss of \$1.27. These are criminal justice system losses only. As described above, when just graduates are included in the analysis, there is a return on the investment for these participants; unfortunately, the large use of resources by the terminated participants results in an overall loss after program participation.

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, and 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 Courts 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 he or she is 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 FJDWI 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 FJDWI, the mean average length of time between arrest and program entry was 183 days.

Table 17 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 17. Criminal Justice Costs per DWI Court Participant from Arrest to Program Entry

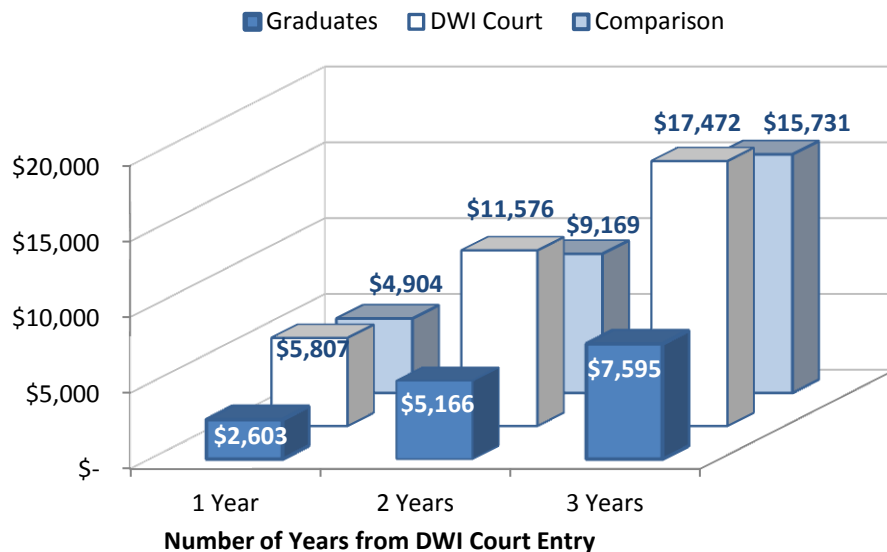
Transaction	Transaction unit cost	Avg. # of transactions per DWI Court participant	Avg. cost per DWI Court participant (n = 332)
Rearrests	\$175.84	0.25	\$44
Misdemeanor Court Cases	\$1,370.52	0.17	\$233
Gross Misdemeanor Court Cases	\$1,505.61	0.12	\$181
Felony Court Cases	\$3,196.21	0.03	\$96
Jail Bookings	\$27.07	1.47	\$40
Adult Detention Center Jail Days	\$139.13	4.55	\$633
Adult Corrections Facility Jail Days	\$75.87	3.17	\$241
Total			\$1,468

As demonstrated in Table 17, 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 (\$1,468 per participant). It should be noted that these costs only include arrests, court cases, jail bookings, and jail time during the average of 183 days from the DWI court eligible arrest to entry into the FJDWI. 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.

Cost Conclusion

Figure 14 provides a graph of the outcome costs for graduates, all participants and the comparison group over 3 years.

Figure 14. Criminal Justice Recidivism Cost Consequences per Person: DWI Court Participants and Comparison Group Members over 3 Years



The costs illustrated in Figure 14 are those that have accrued in just the 3 years since program entry. Many of the costs are due to outcomes while the participant is still in the program (including jail sanctions). There are no savings in any of the 3 years when all participants are compared with the comparison group, although the gap does lower by the third year (the outcome cost per DWI Court participant was 18% higher than the comparison group in Year 1, 26% higher in year 2, and 11% higher in year 3). This lack of savings is due almost entirely to terminated participants. These findings indicate that the DWI court may be resulting in more punitive sentences for those who terminate from the program, and that participants who terminate from the program are particularly in need of additional program resources targeted to their assessed risk and need.

Summary of Cost Evaluation

Although the FJDWI is not a very large taxpayer investment, over time, due to the substantial amount of resources used by the terminated participants, it does not result in cost savings or a return on its investment. The program investment cost is \$6,496 per DWI court participant. The loss due to higher recidivism for DWI court participants over the 3 years included in this analysis came to \$1,741, resulting in a negative return on investment of 127%. That is, for taxpayer every dollar invested in the program, there is a loss of \$1.27.

Overall, the FJDWI program had:

- A loss to the criminal justice system of \$1,741 per participant over 3 years, and
- A negative 127% return on its investment after 3 years.

As described earlier, these findings indicate that the DWI court may be resulting in more punitive sentences for those who terminate from the program, and that participants who terminate from the program are particularly in need of additional program resources targeted to their assessed risk and need.

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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 20, 2007

Revision Date(s) January 16, 2009

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

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.

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.

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 Representative²
 - 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).

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.

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

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-informed³ 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

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>

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

5.11(1) Drug Court Standards

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.

Recommended Practice

(To be developed in conjunction with the Statewide Evaluation Committee)

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