



# Minnesota Department of Public Safety

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### Crow Wing County DWI Court Crow Wing County, MN

### Process, Outcome, and Cost Evaluation Report

Submitted By

NPC Research

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#### **EXECUTIVE SUMMARY**

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

The CWC was implemented in February 2008. The program, designed to take a minimum of 18 months to complete, takes only post conviction participants. The general program population consists of repeat DWI offenders (three or more DWI offenses within 10 years), but also includes offenders with multiple probation violations on their second DWI offense. Offenders must be charged in Crow Wing County, be Crow Wing County residents, determined to be chemically dependent, voluntarily agree to participate in the program, and not have charges that include presumptive prison sentences.

**Process Evaluation Summary.** The results of the process evaluation indicated that the CWC has been responsive to the community needs and strives to meet the challenges presented by their target population of high-risk and high-need (substance dependant) individuals. This program is demonstrating exemplary practices within each of the 10 Key Components including having all necessary team members participate in staffing and court sessions (i.e., judge, defense attorney, prosecuting attorney, law enforcement, probation, and treatment), good communication between team members, rapid results from drug testing, an appropriate range of services, and swift response to participant behaviors.

The process evaluation did reveal some recommendations that could further enhance program outcomes that the court was considering or were in the process of implementing in our last discussion. One of these was to reduce the number of treatment providers and improve communications and updates between treatment providers and the DWI court team. Another was to attempt to secure funding to hire a DWI court coordinator. Finally, the team was considering utilizing a computerized randomization tool to ensure truly random drug tests.

<sup>1</sup> 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.



**Outcome Evaluation Summary.** The outcome analyses were performed on CWC participants who entered the DWI court program from February 2008 through August 2012, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than CWC.

The results of the outcome analysis for the CWC are largely positive. Overall, DWI court participants were rearrested at a lower rate. Though most of these differences did not reach statistical significance, most likely due to small sample size, it appears that program participation is related to decreased recidivism. We recommend that a follow-up study be conducted in several years when more participants have gone through the program.

Figure A illustrates the average number of cumulative rearrests for each year up to 2 years after program entry for CWC graduates, all CWC participants, and the comparison group. The DWI court group had a significantly lower average of rearrests at the end of Year 1 (p < .05) and by the second year had an average number of arrests that was less than a third that of the comparison group (though not statistically significant, likely due to small sample size).

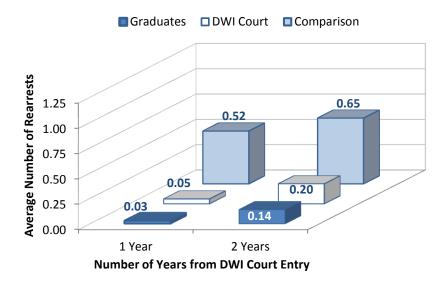


Figure A. Average Number of Rearrests over 2 Years<sup>2</sup>

Compared to DWI offenders who experienced traditional court processes, the CWC participants (regardless of whether they graduated from the program):

- Had 10 times fewer rearrests 1 year after program entry
- Had 3 times fewer rearrests 2 years after program entry
- Were 3 times less likely to be rearrested for a person crime
- Were half as likely to be rearrested for property or other crimes (e.g., traffic citations)
- Were more likely to have their license reinstated (80% versus 69%)
- Had a longer time to the first rearrest for any charge (22 months versus 19 months)
- Had a substantially higher graduation rate than the national average (77% versus 57%)

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<sup>&</sup>lt;sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates n = 37, 36; All DWI Court Participants n = 51, 46; Comparison Group n = 70, 66.

In general, the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. The majority of participants in this program (90%) were scored as high risk on the intake assessment. Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). These positive results indicate that the CWC is targeting the correct population.

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

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

Cost Evaluation Summary. Although the CWC is a substantial taxpayer investment, over an extended time it eventually results in cost savings and a return on its investment. The program investment cost is \$15,964 per DWI court participant. The benefit due to reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$3,076. If these cost savings are projected 9 more years (to 11 years) the savings come to \$16,918 per participant, resulting in a cost benefit ratio of 1:1.06. That is, for every taxpayer dollar invested in the program, there is \$1.06 return after 11 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate. At 15 years the cost benefit ratio comes to \$1.45 saved for every \$1 invested in the program.

These extended time frames before the program sees a return on its investment are due largely to the costs of DWI court participants who were unsuccessfully terminated from the program. These individuals spent substantially longer time in prison than the comparison group, indicating the possibility of more punitive sentences for those who participate in the program.

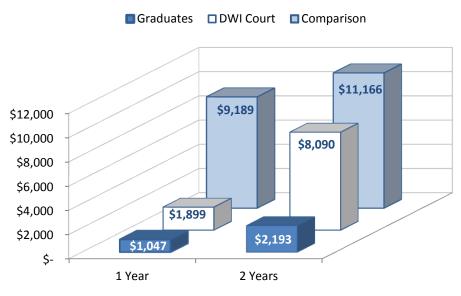
 We recommend that the CWC examine whether participants who are terminated are receiving a lengthier sentence than they would have received if they had not participated in the program.

However, overall, as demonstrated in Figure A, the CWC did realize a \$3,076 savings per participant over the 2 years evaluated in the study. These savings will continue to grow with the number of new participants that enter the program each year. If the CWC program continues to serve a cohort of 25 new participants annually, the accumulated savings after 5 years comes to \$576,750.



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

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



**Number of Years from DWI Court Entry** 

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

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#### **BACKGROUND**

rug 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.

This *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 allows the calculation of:

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

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

This report describes the results of the evaluation of the Crow Wing County 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**

he 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.

## **Crow Wing County DWI Court Process Evaluation Activities and Methods**

For the process evaluation, NPC staff conducted the following activities with the Crow Wing County DWI Court (referred to as CWC in the remainder of the report):

- 1. Employed an electronic survey to gather program process information from the DWI court coordinator (in collaboration with other DWI court team members).
- 2. Conducted a site visit 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 CWC.
  - 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, forms used to process participants, and other program-related documents.
- 4. Reviewed the 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 CWC 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.<sup>3</sup> 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.

<sup>&</sup>lt;sup>3</sup> 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

#### **Detailed Process Evaluation Results**

The following is a detailed description of the results of the process evaluation for the CWC 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 CWC was implemented in February 2008. The program, designed to take a minimum of 18 months to complete, takes only post conviction participants. The general program population consists of repeat DWI offenders (three or more DWI offenses within 10 years), but also includes offenders with multiple probation violations on their second DWI offense. Offenders must be charged in Crow Wing County, be Crow Wing County residents, determined to be chemically dependent, voluntarily agree to participate in the program, and not have charges that include presumptive prison sentences.

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

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

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

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

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<sup>&</sup>lt;sup>4</sup> DWI Court Guiding Principle #5



correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey 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). <sup>5</sup>

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).

#### **CWC Process**

- The team comprises the judge, DWI court coordinator, county attorney, private defense attorney, probation officer, sheriff's deputy, police officer, and chemical health assessor social worker, treatment representative and jail representative. Most team members have participated on the CWC team since program inception, and positions do not regularly rotate.
- Representatives from the Brainerd Police Department and Crow Wing County Sheriff's
  Office are members of the team and attend team meetings regularly and court sessions
  when possible. Law enforcement representatives also make home visits when possible,
  but noted that the number of visits had been reduced over the last year, due to time constraints
- Staffing meetings to discuss participant progress are held weekly on Mondays. These meetings generally last about 1.5 hours. Those who regularly attend include the judge, county attorney, defense attorney, probation officer, sheriff's deputy, police officer, chemical health assessor social worker, and treatment representative. Due to most team members participating in the program on a voluntary basis and staffing meetings occurring during the lunch hour, some team members must occasionally leave the meeting early. Additionally, the DWI court coordinator's position, which was formerly funded by the project's budget, has become a completely voluntary position. Due to other time and work commitments, the DWI court coordinator's responsibilities have been reduced and her time at staffing and court sessions is less regular.
- The staffing meetings previously included a representative from a treatment provider and this person assisted with making contact with the other local treatment providers; however, this person is no longer a member of the team.
- Team members have reported that a new treatment representative has been added to the team as of July 2013 that now participates in staffing and court sessions.
- Every participant in the program is discussed in staffing (not just those scheduled for court). The discussions center on treatment involvement, employment, home visits, self-help meeting requirements, drug testing, and responding to participants' positive and negative behaviors. The probation officer typically offers recommendations for a court response (when applicable) and the rest of the team provides feedback before a consensus is reached. Team members represent their roles during these discussions, but also consider the collaboration that is needed for the DWI court to be successful. The judge has the

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<sup>&</sup>lt;sup>5</sup> 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.

authority to make the final decision (or to implement responses that differ from the team recommendations), but it was observed that the judge relies heavily on the team to make decisions. Due to the judge's limited availability for staffing (due to other court obligations), the observed staffing meeting tended to focus on participants who were not doing well in the program in order to come to a consensus on an appropriate treatment response and/or sanction. However, time is also spent discussing those doing well or progressing through the program, including whether a reward is in order due to a milestone being reached such as phasing up in the program.

- Staffing meetings are also used to discuss policy issues such as sustainability, community connections, and participant needs when necessary.
- Although these Monday staffing meetings occur weekly, the CWC holds court sessions once every 2 weeks on Monday evenings. Court sessions generally last 90 minutes, with an average of 15 participants being seen by the judge. All team members who participate in staffing typically attend court sessions. The DWI court coordinator (who is unable to attend staffing meetings regularly) occasionally attends court sessions. Also, as court sessions occur in the evening, team members may occasionally leave before the session has officially ended. Community supporters, graduates and family/friends of participants are occasionally in attendance as well.
- Participants are primarily served by two drug and alcohol treatment agencies for outpatient services. Inpatient services are provided by an additional three to four agencies, which are located outside of the city. None of the treatment agencies is contracted directly with the program. If state funds are used for treatment services, a number of approved providers are recommended and available for participants to utilize, depending on the level of service needed. The chemical health assessor social worker reported that participants may be directed to various providers depending on individual needs. Participants with private or other insurance coverage may also receive services from additional providers.
- As treatment services are provided by multiple organizations, the probation officer and chemical health assessor social worker typically facilitate communication and are the main points of contact with the various providers. Treatment providers are responsible for sending updates each week prior to staffing. Team members noted that some treatment providers provide weekly updates (mostly by fax, some by email) without issue, while others do not regularly provide progress reports. When updates are not received, the probation officer will typically try to contact the treatment provider by phone prior to staffing sessions. Probation noted a preference to receive these written progress reports via email.
- The CWC has a steering committee that meets outside of staffing sessions to discuss policy-level issues. The committee includes all active team members who attend staffing sessions and at different times has benefited from participation from representatives from local jail, local police departments, Mothers Against Drunk Driving (MADD), AA/NA community, local defense bar, county attorney, court administration, bail bondsmen, sheriff's office, Minnesota State Patrol, and various social service agencies. Team members reported that participation outside of team members has declined over time, and that formal meetings have not been held for about 1 year.
- The probation officer performs the majority of case management for participants and acts as case manager. However, other team members also provide a substantial amount of case management when needed (assisting with license reinstatement, coordinating treatment services, etc.).



#### Commendations

- Team tenure and consistency. Most of the team members have been a part of the DWI court since the program inception and participate on a completely voluntary and unpaid basis, which demonstrates their commitment to the CWC program. Having long-term team members promotes consistency through shared experience and strengthened relationships, a benefit to participants. The CWC has maintained impressive team continuity since program inception, the effects of which were displayed through a cohesive team dynamic during observations.
- The program includes law enforcement representatives on the team. The law enforcement officers on the team exhibit tremendous dedication to their role on the DWI court team, as well as deep compassion for participants. Not only do the law enforcement officers participate regularly in staffing and court sessions, but they reported that they sometimes step outside of their traditional roles to assist probation in helping participants, including arranging transportation, making phone calls on the behalf of participants, and providing general support. 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 to programs that did not include law enforcement (Carey et al., 2012). The CWC demonstrates a commitment to following this best practice guideline by having representatives from multiple law enforcement agencies participate on the team, and they should be applauded for going above and beyond their typical duties.
- Good team member communication. Team members who attend staffing sessions regularly provide feedback on participant status and progress in the program, and are fully aware of differentiating treatment responses and sanctions. During observations, the team exhibited good communication skills, generally agreeing to a recommendation/court response for each participant. Although there were differing opinions, the team held productive conversations regarding participant behavior and responses.
- Regular email communication. Team members noted that updates occur regularly via email regarding participant behavior and court responses. Staff noted that information was timely and team members provide input as needed, and that protocols were in place to notify appropriate parties. Drug courts that communicated information from treatment to the court and team members through email had 65% lower recidivism than drug courts that did not use email (Carey et al., 2012).

#### Suggestions/Recommendations

- To the extent possible, coordinate treatment through fewer organizations. Due to the numerous providers that are available to participants who utilize state funds for treatment, it may not be possible for the CWC to consolidate all treatment services under one provider. However, research shows that having one to two treatment providing agencies, or a treatment coordinator who works with all treatment providers to coordinate treatment and bring key information to the team, is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012). The team noted during a follow-up call with the evaluators that reducing the number of providers would be difficult, but would take it into consideration in the future.
- Work to streamline communication between treatment providers and the probation
  officer. In order for the team to make informed and fair decisions about their 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. It was reported that some treatment providers did regularly communicate with the program, but others did not always provide timely information, resulting in the probation officer contacting providers via phone to quickly obtain updates prior to the staffing session (or not receiving any updates). This further indicates the need (as previously recommended) to reduce the number of treatment providers utilized in the area. Consistently receiving feedback from providers will ensure that participant issues can be dealt with by the court as needed. Team members noted that Minnesota state requirements obligate treatment providers to create weekly progress reports, and conveyed that obtaining this information in a standardized manner would be much more efficient than current processes. It was also noted that progress reports from these treatment providers will always be beneficial as they will most likely cover topics that are relevant to DWI court. An example of a progress report that can be shared with the treatment providers will be provided to the team with this report.

- Continue efforts to have a treatment representative on the team. The CWC previously had representation from a local treatment provider, and is aware of the importance of this role on the DWI court team. The team reported during the site visit that a grant proposal may soon be submitted that would provide funding for a treatment provider representative on the team. During the follow-up call, team members commented that having a treatment representative that can attend staffing and court sessions seemed feasible and that they would continue efforts to identify an individual to fill this role. As of July 2013, the team reported that a treatment representative has been added to the team and participates in all staffing and court sessions.
- Clarification on briefing participants before court. Based on conversations with team members and participants, some clarification around the process for briefing participants on sanctions prior to court would be helpful. Currently, multiple team members (probation, defense attorney, chemical health assessor social worker) may discuss sanctions with participants prior to the court session, depending on their level of involvement with the participant. The team noted that the defense attorney typically speaks with participants prior to court. To maintain consistency and accuracy, it is recommended that the defense attorney be designated to always provide these briefings to participants or team members should agree during staffing sessions as to who will speak with a participant if the defense attorney is unavailable.
- Continue to explore funding for DWI coordinator role. The DWI coordinator's position used to be funded part time by the program budget, and team members noted that the lack of a full-time position has led to multiple turnovers since program inception. The position has since been completely removed from the budget, and the current DWI court coordinator's roles and responsibilities have been scaled back to accommodate the fact that she has a full-time job in addition to her CWC participation. Many of the coordinator's previous duties have been delegated to other team members, but the team has suffered a net loss in losing the part time funding for this position. Team members noted that having an assigned DWI court coordinator would help ease this burden, but local funding for this position is not available. The CWC should continue to pursue any funding opportunities that would allow for a full- or part time coordinator to be involved with the program. The team reported during the follow-up call that grant funding opportunities have been discussed, but that team members feel they do not have the time and/or experience to complete these proposals. The DWI court coordinator position should be considered when funding (if any) through the Office of Traffic Safety becomes available. And alt-



hough it may be extremely difficult to complete, the program may also want to consider the feasibility of the current coordinator training an individual who may be willing to complete the coordinator duties on a voluntary basis.

### 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).

#### **CWC Process**

- A dedicated county attorney and private defense attorney are assigned to the CWC team indefinitely and actively participate in all staffing and court sessions.
- The CWC can accept any individuals who have received their 3<sup>rd</sup> DWI or more in a 10-year period (includes gross misdemeanors and felonies). The Crow Wing County Attorney's Office handles the prosecution for all cases in the CWC (even those that fall under the jurisdiction of the City Attorney's Office) once they are accepted into the program. The designated county attorney attends all team meetings and court sessions, and communicates with the city attorney to ensure that gross misdemeanor cases enter the program in a timely fashion. The program may also accept individuals serving a term of supervision (probation) for DWI offenses.
- The position of the CWC defense attorney is represented by a private attorney who volunteers his time to participate on the DWI court team. The defense attorney may brief potential participants on the DWI court when they are initially arrested and also maintains contact with active participants by providing pro bono services on unrelated court cases. Participants regularly contact the defense attorney with questions or to discuss any issues with trying to resolve their case, and the defense attorney also provides assistance to participants with other cases, such as child custody arrangements. The defense attorney does not represent participants after they have been terminated from the program, but may continue to represent participants on unrelated civil cases.

<sup>&</sup>lt;sup>6</sup> 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 county attorney and defense attorney are always included on all CWC policy-related matters.
- The assigned county attorney has attended state conferences (related to drug court), received DWI court specific training, and also received role-specific training.
- The defense attorney has recently been able to attend his first formal training.

- Participant Quotes: (when asked if any team members were supportive)
  - "The prosecutor is supportive. Whether or not they talk to us, they are there to help us. We have to remember they are volunteering."
  - "... (The prosecutor) was supportive from the beginning."
  - "Yes, (the defense attorney) has helped me with my children and custody case."
- The program accepts post conviction
  participants only, as they are ordered into the program as part of their sentence. Potential
  admissions are regularly identified by the County Attorney's Office or by the defense attorney.
- Both attorneys are typically alerted when a DWI court participant is sanctioned to jail for noncompliant behavior (outside of the court session).
- The CWC does not allow individuals with any current/prior violent charges or those who do not admit to having an alcohol or drug problem to enter the program. Individuals with serious mental health issues, gang affiliations, or pending charges outside of the county may be ineligible for the program as well. The program may allow individuals with drug dealing charges or those using medication-assisted treatment into the program, if they meet all other eligibility criteria.

#### Commendations

• CWC has a dedicated defense attorney and county attorney assigned to the program. Best practices research indicates that this results in more positive participant outcomes including significantly lower recidivism and increased cost savings (Carey, Finigan, & Pukstas, 2008). The defense attorney and county attorney are succeeding in taking a non-adversarial team approach while participating in the team meetings and DWI court proceedings.

#### Suggestions/Recommendations

• There are no recommendations in this area at this time.

### 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. 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

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<sup>&</sup>lt;sup>7</sup> DWI Court Guiding Principle #1



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 treatment 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.

#### **CWC Process**

• The target population of the CWC is Crow Wing County residents 18 years of age and over who are felony DWI offenders, and whose cases will not result in mandatory prison sentences. Gross misdemeanor cases (three DWIs in 10 years) are also targeted for the program. Additionally, the court may accept individuals violating standard probation who are found to be chemically dependent and unable to abstain from substance use. However, team members noted that the majority of participants are felony offenders. The program only accepts those who are substance dependent into the program. Participants always enter the program in post conviction status, and are required to report to the CWC within 1 week of sentencing. The team reported that most candidates are classified as high risk, based on their Level of Service Inventory – Revised (LSI-R) scores. However, a multitude of other factors are also considered before admission including participant

history, treatment needs, team member opinions of suitability (what makes them a good candidate, severity of substance use, etc.), amenability to treatment services and whether the participant admits to having a substance abuse problem. Participant motivation is considered very important as the CWC is a voluntary program.

• Those individuals with current or former violent charges (as outlined in the program's policy and procedure manual), pending felony charges outside of the county (that may prevent them from participating in the DWI court), gang affiliations, and offenders who do not admit to having a drug or alcohol

Participant Quote: (When asked about parts of the program that were unhelpful)

• "I want more information when I sign up...like go through phases one by one and the requirements. AA requirements were not explained, they just mentioned that it's "determined by the team."

problem are excluded from the program. Discussions regarding eligible participants always take place in staffing meetings. Although the CWC has refused entry to individuals considered unsuitable, team members reported that it was very rare for a participant to not enter the program if they expressed interest in joining and meet all other eligibility criteria.

- The CWC eligibility requirements are written and all referring team agencies have copies of the eligibility criteria.
- The county attorney, defense attorney, district judges, probation office, sheriff's deputy, police officer, or the general public may identify and refer potential participants to the program. Most referrals are received by the probation officer, as they are typically the first point of contact for defendants after they've been arraigned and ordered to be screened for the DWI court.
- Jail rosters are monitored for potential candidates for the program, allowing the probation officer to typically make immediate contact with defendants who are in custody. The probation officer will explain the rules, benefits, and general requirements of the DWI court program, along with reviewing a defendant's criminal history and beginning the assessment process. The CWC does not offer a window of time when a participant can try the program but decide not to participate. Defendants who are able to post bail are usually directed to report to the CWC probation officer for screening within a specified amount of time. Although this may slightly delay the probation officer reviewing the DWI court program requirements with these individuals, the team reported that this process is still typically completed within 2 weeks. In either situation, the probation officer will also attempt to ascertain a participant's interest or motivation to enter the program.
- After legal screening, participants are then ordered to complete a clinical screening with the chemical health assessor social worker. Any interested and eligible participants are discussed in staffing sessions. A subsequent court hearing is then scheduled within 28 days, while CWC staff determine a participant's eligibility (as the CWC only accepts individuals who are substance dependent and meet other eligibility criteria). Team members reported that candidates are discussed as a team and a consensus is reached the majority of the time when accepting new participants. Participants then plead guilty, are sentenced to the CWC, ordered to appear at the next DWI court hearing, and also ordered to complete a Rule 25 Assessment as part of acceptance into the program.



- The estimated time between participant arrest and referral to the DWI court program is 1 week or less. The estimated time between DWI court referral and program entry is 2-4 weeks, for a minimum total estimated time from arrest to DWI court entry of 3 weeks. The program is able to get participants into the program quickly due to the ability of team member to identify potential participants soon after arrest. It was reported that the majority of participants enter the program within 3-4 weeks of arrest.
- Participants are required to complete their Rule 25 Assessment with the chemical health assessor social worker as part of their acceptance into the program, although many have already completed the assessment prior to entering the program. All participants are screened for cooccurring mental disorders, suicidal ideation, and whether they are substance dependent or substance abusers. The assessment is also used to determine level of care for a participant. The CWC also assesses for risk using the Level of Service/Case Management Inventory (LSCMI). The program recently transitioned to the LSCMI from the Level of Service Inventory - Revised (LSI-R) assessment tool.
- Treatment plans are developed by the various treatment providers from the Rule 25 Assessment and outline the schedule of therapy sessions.

Participant Quotes: (When asked why they entered the program)

- "I didn't want to spend 3 years in prison."
- "I got sick of getting DUI's... I wanted a life. I had no clue, I was just existing...wasn't living. This could give me structure that I needed."
- "I had lots of criminal behavior, all alcohol related. When I got out, I was right back to where I was. DUI court helped with the alcoholism...instead of sitting and waiting my time."
- "(I wanted to) avoid my old habits...learn something different."
- "Joined because it was an option. Didn't realize the help I would get...."
- "I've done treatment a bunch before...if I had this program before, I'd never be here. I needed accountability and that's what this is doing."
- The CWC estimates that 30% of participants are poly-substance users/abusers.
- Incentives for participants to enter the DWI court include reducing probationary jail time and reducing their amount of fines. Focus group participants also noted that the structure and direct support received were the biggest benefits of joining the program. Charges that led participants to DWI court are not dismissed upon graduation.
- The CWC's capacity is reported to be 25 participants. As of March 2013, the program had 15 active participants.
- The CWC program population is predominately White (90%), with African American (10%) as the next largest group. Most participants are 25-34 years of age (55%) and 35-50 (40%).

#### Commendations

• Participants are identified quickly and promptly placed into the program. The program has a process where multiple team members are able to quickly identify potential participants, allowing the probation officer to make contact with potential partici-

pants very soon after their arrest. Prompt program placement has been shown to lead to higher cost savings (Carey et al., 2012). The CWC is commended for enrolling participants expeditiously and limiting the time from arrest to entry to less than 1 month in most circumstances.

- Participants are connected with treatment services as soon as possible. Because the intent of DWI court is to connect individuals to services expeditiously, the program makes every effort to get individuals into treatment as soon as possible. Participants are required to complete their chemical health assessment prior to entering the DWI court, which aides the program in connecting participants to their designated treatment providers before they begin the program or immediately after entering.
- The program assesses offenders for substance dependence. Identifying whether participants are substance users or abusers ensures appropriate care is provided and that the individual's needs fit within program guidelines.

#### Suggestions/Recommendations

• Do not assess potential participants for suitability. Research has shown that screening participants for suitability based on a team's subjective feeling on whether or not a participant is likely to succeed in the program and excluding "unsuitable" participants has no effect on program outcomes including graduation and recidivism rates (Carey, Finigan, & Pukstas, 2008; Carey & Perkins, 2008; Carey et al., 2011). This may be due to the extreme difficulty and subjectivity in determining what participant characteristics are likely to lead to successful outcomes, particularly at the time of referral as the participants are generally not at their best. Even though it has rarely refused entry to those considered unsuitable, we recommend that the CWC consider dropping its suitability criteria in determining participant eligibility for 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.<sup>8</sup>

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 as-

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<sup>&</sup>lt;sup>8</sup> DWI Court Guiding Principles #2, #3, and #8



sessment 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 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.

#### **CWC Process**

• The CWC program is intended to last a minimum of 18 months and has four phases (phase 1 and 3 are a minimum of 4 months, while phase 2 and 4 are a minimum of 5 months). Most participants who successfully complete the program do so within 18 months. Program requirements are generally

Participant Quote: (When asked about any unhelpful aspects of the program)

• "I have a lot of issues... (the chemical health assessor social worker) has called doctors and suggested other medications, questioned prescriptions.

reduced over time (curfew, court attendance, drug testing), but may be increased based on individual needs (self-help meetings).

- As previously described, the Rule 25 Assessment is completed on the majority of program participants prior to entering the program. The assessment determines an individual's level of care and includes primary inpatient, primary outpatient, placement in a half-way house, or extended care. Each level of care contains a recommended amount/dosage of treatment for individuals, and is determined by the agency that provides services to the individual. As a result, there are no general requirements for group and individual treatment sessions during program involvement.
- Treatment placement may be affected by the chemical health assessor social worker (who takes into account insurance coverage, if any), agency openings, the needs of the individual (gender-specific, co-occurring disorders, etc.), as well as suitability/participant fit with certain counselors or agencies. There are two agencies in Crow Wing County that provide the majority of outpatient treatment services to participants in the program. Team members reported that several organizations are utilized for inpatient treatment services, particularly for participants who have their treatment paid for through the Consolidated Chemical Dependency Treatment Fund. The fund is a combination of county, state and federal tax dollars that pays for most of the CWC participants' treatment services.
- Depending of their level of treatment and the amount of funding available, participants can complete their primary treatment program in 1-2 months. However, aftercare recommendations are made on participants and additional treatment sessions typically occur. Participants can remain engaged with treatment ranging from several weeks to a year or more. "Behavior contracts" are used with participants who have repeated relapses to try and address barriers to completing the program successfully and include mandates such as being truthful with team members, staying drug and alcohol free, and following through with team recommendations. Treatment plans may also be revised based on treatment provider recommendations.
- Participants are required to attend self-help meetings throughout all phases of the program. The minimum attendance required by participants throughout the program is three meetings per week.



- All participants are screened for co-occurring mental disorders and suicidal ideation.
   Mental health treatment is required for CWC participants who are found to have cooccurring disorders as part of their program-related treatment. Some team members
  commented that they were unable to view the results of participant psychological evaluations that are completed and provided to the team, and noted that it would benefit them to
  be able to review these results.
- Services required for all participants are based on assessed level of care and include: self-help meetings (e.g., Alcoholics Anonymous or Narcotics Anonymous, also known as AA and NA, respectively). Services required for some participants include: outpatient individual treatment sessions, outpatient group treatment sessions, gender-specific treatment sessions, residential treatment, mental health counseling, psychiatric services, language or cultural-specific programs, aftercare, relapse prevention violence prevention, and General Education Development (GED)/education assistance. Services offered to participants but not required include: detoxification, job training/vocational program, employment assistance, family counseling, housing assistance, health care, dental care, and

Participant Quotes: (When asked if team members were helpful)

- "All of them, every single one of them (is helpful)."
- "(Judge) is the leader of the rest of the team. The other members have the same attitude. If I do screw up, I'll be held accountable."
- "One time I needed a ride and they sent a cop to help me. I was like, whoa, first time I've been in the front of this car."
- "On the off days, they probably participate and vote on participants. It's better to have a group decision be made than just 2 people making the decision.
- "The (chemical health assessor social worker) has been helpful, following up on counselor help..."

transportation assistance. *Services not offered include*: acupuncture, parenting classes, prenatal program, child care, health education, and prescription drugs for substance dependence.

- Required types of treatment for all participants include: all treatment is specific to the individual participant and no program is required. Types of treatment offered to participants but not required include: living in balance, motivation interviewing, motivational enhancement therapy, recovery training and self help, twelve step facilitation therapy, community reinforcement approach, social skills training, dialectical behavior therapy, and reinforcement based therapy.
- Aftercare services are not available to participants after they graduate from the program. An alumni group was previously established, but has not been active in recent years. Although no structured aftercare services are available, team members noted that participants may make contact with the team after leaving the program, and are welcome to attend court sessions or speak with individual team members for support. They are also encouraged to continue community support meeting attendance.
- All CWC participants are assessed a fee of \$1,000 upon entry to the program. This amount does not vary by a participant's ability to pay, but the program may reduce or

- waive some portions of the program fee as an incentive to participants. Fees are used to fund program incentives, group/sober activities, trainings, and drug testing.
- Participant transportation needs are addressed by several resources. Team members (primarily the probation officer) are able to use their agency vehicles to transport participants regularly. There is also a local agency (RSVP Volunteer Services) that will provide transportation to various destinations required by the program, with the CWC reimbursing for fuel costs.
- All participants with vehicles receive ignition interlock devices for at least a year as required by Minnesota state law. Although these devices are administered by a separate state agency, the CWC has access to grant funds that allow them to assist eligible participants with startup/installation costs.
- Referrals are also regularly made to Tri-County Community Action (TCC), which provides services for education, employment and general life skills and assists with housing, food support and loans to obtain housing or a vehicle.
- Team members regularly organize sober events throughout the year (such as picnics, bowling nights, boat launches, and holiday parties) to provide participants pro-social activities with their peers.

#### Commendations

- The program length is a minimum of 12 months, and has at least three phases. Programs that have a minimum length of stay of at least 12 months had significantly higher reductions in recidivism. In addition, programs that had three or more phases showed greater reductions in recidivism (Carey et al., 2012).
- The program offers an array of treatment services and uses some evidence-based programming. As noted above, the CWC offers a breadth of diverse and specialized services to program participants through its partnership with the various treatment providers.
- The program offers referrals for ancillary services for participants. Team members reported that the CWC makes referrals for medical, housing and transportation issues as needed. Meeting participant needs across the spectrum of issues affecting their lives can help them be more successful in the program. In addition, appropriate medical care can help mitigate participant use of substances to self-medicate problems related to physical pain. Many programs have seen benefits with reduction in recidivism from offering health services.
- Commitment by team members in providing services to clients. Multiple team members regularly demonstrate their commitment to the program by providing services that are above and beyond expected duties. This includes the defense attorney providing pro bono legal assistance with participant cases (custody, child support, etc.), multiple team members (primarily the probation officer) providing transportation to participants, and the sheriff's deputy helping coordinate family or employment obligations when participants are serving jail sanctions.

#### Suggestions/Recommendations

• There are no recommendations in this area at this time.



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

The focus of this component and the associated DWI Court Guiding Principle is the use of alcohol and other drug testing as a part of the drug court or DWI court program supervision practices. Drug testing is important both for supervision by the court and the team and for participant accountability. It is seen as an essential practice in participants' treatment. This component encourages frequent testing but does not define the term "frequent," so drug courts 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 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).<sup>10</sup>

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).

#### **CWC Process**

• The drug testing schedule of a participant is contingent on their frequency of home and office visits with the probation officer, with participants in earlier phases having more contact and therefore more drug tests. However, there is no minimum number of drug

<sup>&</sup>lt;sup>9</sup> DWI Court Guiding Principle #4

<sup>&</sup>lt;sup>10</sup> 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

tests for participants based on their phase. The probation officer noted that they will alternate collecting urinalysis (UA) tests during office visits and home visits. Home visits are unannounced, so participants are unaware of when these tests may occur. Office visits are typically scheduled 1 week in advance, so potential testing at these meetings can be anticipated.

- The majority of drug tests collected at the probation office are collected by a probation officer, but some testing may also be completed by a laboratory that is contracted with the probation office (located in the same building).
- In addition to regular testing, any participant can be ordered to submit a drug test for cause (such as appearing to be under the influence) at any time. Drug tests may be collected by the treatment providers, sheriff's deputy, police officer, and chemical health assessor social worker.
- Due to the CWC probation officer being male, drug tests collected during home visits with female participants may be unobserved (all other drug tests that are collected during program participation are observed). The probation officer noted that effort is made to coordinate with the local drug court probation officer or CWC chemical health assessor social worker (both female) to collect drug tests on female participants whenever possible.
- The CWC uses a 7-panel instant test cup when drug tests are collected. Positive tests are always sent in for confirmation (unless participants admit to use). A large number of samples collected are randomly sent for additional Ethyl glucuronide (EtG) testing, and results are typically received 1 week after submission. Breathalyzers are performed on all participants during home visits, office visits, employer visits, court dates, and contact with any law enforcement team members.
- The program also utilizes electronic monitoring devices (such as SCRAM), both as a sanction and also for individuals who have permission to travel outside the county for an extended period of time. Fees associated with the use of any electronic monitoring devices are paid for by the participant.
- Any drug testing issues (positive, missed or diluted) are tracked by the probation officer and reported during the subsequent staffing sessions.
- Participants must be alcohol and drug free for a minimum of 270 days before they can graduate the program.
- 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. This requires a reinstatement and monthly fee for the interlock. The interlock system prevents driving under the influence by requiring participants to provide a breath sample at ignition and again at specific intervals while the car is in operation. Failure to provide a sample or doing so while intoxicated will prevent the vehicle from starting. The interlock system can be installed through multiple private companies. The CWC county attorney provides participants with direct assistance in setting up an ignition interlock device. The program also possesses funding to help participants pay for set up/installation fees and possibly the first month's fee.



#### Commendations

- 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 CWC is commended for adhering to this
  best practice for PBT testing and for striving to improve the turnaround time for ETG results at the time of contract renewal.
- Participants are required to test clean for at least 270 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

- Drug testing should occur at least 2 times per week in the first phase. Research indicates that testing 2 or more times per week in the first phase leads to lower recidivism rates. The program should ensure that at least two weekly UAs are being collected during phase one and is encouraged to consider this level of testing throughout other phases. Team members commented that on average, participants are given 2 UAs per week in Phase I (one during a home visit, and one during an office visit with the probation officer). It should also be noted that the CWC tests participants with breathalyzers several times per week, including any contact with the probation officer or law enforcement representatives. As a result, the CWC has an effective system in place, and should continue implementing this practice on a permanent basis.
- Random drug testing system. The drug testing schedule is currently shaped by the number of office and home visits that are completed by the probation officer. The CWC may benefit from using existing programs that can set parameters around frequency, ensuring that certain phases are tested a minimum number of times and also that testing is truly random. It will also help prevent participants from going too long without being tested. For example, <a href="http://www.randomizer.org">http://www.randomizer.org</a> is an easy-to-use Web site that allows the user to create a unique testing schedule that is easily exported into Excel or Word and drastically lowers the possibility of non-random selection. This application could be used to create a random home visit schedule, and therefore a more random drug testing schedule. During the follow-up call, the team noted they would consider utilizing such a tool to ensure true randomized testing. The program may also consider implementing a color code system (perhaps if the program capacity is increased) where participants call each day and submit to testing if their color is called.
- Limit the amount of scheduled drug testing that occurs. It was reported during the site visit that the program collects a portion of drug tests during office visits with the probation officer and court sessions (both of which are scheduled in advance). Although many tests are unscheduled in the court of home visits, the National Drug Court Institute's (NDCI) Judicial Benchbook (2011) recommends that samples be regularly collected in a random, unannounced manner to correctly assess the drug use patterns of program participants. The more unexpected and unanticipated the collection regime, the more accurately the testing results will reflect the actual substance use of the client population. If clients never know when they are going to be tested, then opportunities for them to use drugs during known testing gaps are reduced, as well as opportunities for them to engage in sample tampering strategies to avoid detection.

# 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

Participant Quotes: (When asked on parts of the program that were unhelpful)

- "It was discipline in the beginning (of the program). I needed that, but it seemed difficult at first."
- "In very beginning, I missed a meeting and they made me start over. I missed one meeting and I went back 30 days."
- "In first phase, you have to call for anytime when you leave. I forget to call all the time. It's really a pain."
- "It's hard in the beginning, but it has to be hard, they're trying to teach you structure for your life. But they need to tell people from the beginning of how hard it's going to be."

meet and decide on responses, or the judge may decide on responses in court. Drug and DWI court participants may or may not be informed of the details on this system of rewards and sanctions so their ability to anticipate a response from their team may vary significantly across programs.

#### National Research

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

Nationally, the judge generally makes the final decision regarding sanctions or rewards, based on input from the drug or DWI court team.

Carey, Finigan, and Pukstas (2008) found that for a program to have positive outcomes, it is not necessary for the judge to be the sole provider of sanctions. Allowing team members to dispense sanctions makes it more likely that sanctions occur in a timely manner, more immediately after the noncompliant behavior, though the entire team should be informed when a sanction occurs outside of court. Carey et al. (2012) showed that drug 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

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<sup>&</sup>lt;sup>11</sup> DWI Court Guiding Principle #7



graduation rates and higher cost savings due to lower recidivism (Carey, Finigan, & Pukstas, 2008; Carey et al., 2011).

#### **CWC Process**

The majority of case management is performed by the CWC probation officer; however, the county attorney, chemical health assessor social worker, defense attorney, and sheriff's deputy also frequently participate in case management during staffing, court sessions, and between sessions through regular team communications. Participants meet with their probation officer on a regular basis with the frequency of contact set by program phase. During phase 1, participants meet with their probation officer a minimum of twice per week. Visits are once every week during phase 2, once every 2 weeks in phase 3, and once per month in the last phase of the program. Also, if participants are struggling or

Participant Quotes: (When asked about team members who are helpful)

- "I like having someone to talk to. (The probation officer) listens to anything you say...it helps to just talk about what I've been doing."
- "(The probation officer) is stretching with his resources. There's no way he could be doing all this work on his normal schedule."
- "He helps me out a lot, I can call him anytime when I'm having issues. Very caring..."
- "(The probation officer) really puts a lot of his heart into the program and he does a really great job."

have additional needs, the probation officer will schedule additional visits. The probation officer reviews the participant's activities such as self-help meeting attendance, performs drug testing (breathalyzer occurs at every contact, UA tests are collected randomly), enforces curfew, and performs other case management tasks (transportation needs, family issues).

- Home visits are completed primarily by probation, with periodic assistance from local law enforcement agencies. The probation officer coordinates with law enforcement officers to provide additional surveillance of participants. The Brainerd and Crosby police departments will occasionally visit participants who live within their city limits. The sheriff's deputies will visit participants who live within the county on a limited basis.
- The sheriff's deputy that volunteers on the team reported that he also assists individuals who are serving jail sanctions by contacting participant employers to ensure that they are aware of the situation (to try and help participants maintain employment), and at times assists the probation agent in making arrangements to take care of home and family needs (childcare, those with pets, and transportation).
- Participants are restricted to a curfew during the first three phases of the program, which becomes less restrictive as participants progress through the program. Home visits occur at various times of the day to ensure that participants are abiding by curfew hours.
- Information gathered during every completed or attempted field visit is reported via written reports and also verbally during staffing sessions.
- Participants are not given a written list of possible rewards. Although there is not a written list of specific behaviors and associated rewards, the team believes that participants know that certain behaviors lead to rewards.

- Participants receive intangible rewards (such as applause from the team and praise from
  the judge) and tangible rewards (such as candy, gift cards, and books). Rewards are usually provided during court by the judge or other team members. Most rewards are provided in a standardized manner. For example, participants are provided a gift card for phasing up in the program or getting their license reinstated.
- Recovery books, fishbowl drawings, and fee reductions were reported by CWC team members to be particularly effective. All participants who appear for court and do not receive a sanction are able to draw a prize from the fishbowl, with rewards ranging from candy to gift cards in varying amounts. Participants noted that lunch with the judge and holiday visits were particularly meaningful.

Participant Quote: (When asked about meaningful incentives they may have received)

- "At Christmas time, judge and (the probation officer) came to your house and bring a gift card. There were Christmas parties too. They weren't doing it just to do it; they did it because they wanted to."
- CWC team members are given written guidelines about sanctions, rewards, and treatment responses to participant behavior. Some team responses are standardized (the same sanction/reward are provided for the same kinds of behavior), but the team noted that most responses are discussed as a group and decided on a case-by-case basis.
- Most CWC team members received training in the use of rewards and sanctions to modify behavior of DWI court participants from the National Center for DWI Courts (NCDC) in 2012.
- Participants are not given a written list of behaviors that lead to sanctions or a list of possible sanctions.
- Most sanctions were observed to be graduated so that the severity increases with more frequent or more serious infractions.
- Sanctions are typically imposed by the judge at the next court session for non-compliant behavior, but may be imposed outside of court by team members.
- Program responses to participant behavior may include writing essays, community service, increased self-help meetings, electronic house arrest, and jail.
- The team noted that written essays, returning to an earlier phase, community service completed at the county landfill, and jail were particularly effective responses to noncompliance.
- Jail is may be used as a sanction for substance use. The court most often uses brief (1-2 days) jail sanctions in these circumstances, and always follows up with a treatment response (meeting with chemical health assessor social worker, treatment plans are updated, behavioral contracts are created).
- The probation officer tracks sanctions given to each participant over the course of the program. This information is provided during staffing each time a participant appears in court. Tangible incentives are tracked by the DWI court coordinator and reported to the team as needed.
- Major program violations that may result in a participant being removed from the program include: any new arrest, failure to appear in court with no excuse/multiple failures



to appear, missing treatment sessions, multiple positive drug tests, continued substance use, and lack of progress in the program. However, the team noted that these are not automatic termination criteria. Instead, all circumstances and issues would be discussed as a team before a participant is officially terminated from the program.

- Termination from the program results in a participant facing a probation violation hearing in district court, with the recommendation being the full imposition of the offender's original sentence.
- In order to graduate, participants must remain drug and alcohol free for 270 days, pay all DWI court fees, complete all program requirements (including treatment as directed), have a job or be enrolled in school, complete community service, and submit a sobriety plan/petition to the CWC team.
- Graduates must serve any of the time remaining on their supervision period on standard supervision, but are still assigned to the CWC probation officer. Requirements during this time are significantly reduced, and participants may eventually have their supervision term reduced.

#### Commendations

- Team members have written guidelines for team responses to participant behavior. The CWC has guidelines for team responses to participant behaviors written and these are provided to the team. This has been shown to produce higher graduation rates and greater cost savings due to lower recidivism.
- Good coordination of team response to participant compliance. The CWC has an appropriate balance of sanctions and rewards, and treatment responses occur as soon as possible following the behavior. It was also observed during staffing and court sessions that the team makes a concerted effort to differentiate treatment responses from sanctions. A variety of rewards are also provided to participants in this court. Participants are rewarded for their progress with various incentives such as praise from the judge, certificates, reduction in program requirements (court appearances, drug testing, curfew hours), and gift cards.
- Sanctions are imposed swiftly after noncompliant behavior. In order for behavior change to occur, there must be a link between the behavior and consequence. Scheduling the noncompliant participant for the next upcoming court session rather than waiting until their next scheduled session is optimal. Other team members may also issue sanctions outside of the court when necessary and appropriate. The team understands that if a participant has engaged in a behavior that requires a sanction they should ensure that the sanction occurs as close to the behavior as possible.
- The CWC 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 CWC presents its community service requirement as a way for participants to give back to the community.

### Suggestions/Recommendations

• Evaluate the use of self-help meetings as a sanction. The purpose of sanctions and rewards should always be to reinforce desired behavior (e.g., abstinence) and minimize undesirable behavior (e.g., missing sessions). Sanctions and rewards should be examined to ensure they do not interfere with the ability of participants to be successful. For example, increasing the number of self-help meetings for participants who have already demonstrated difficulty in fulfilling attendance

Participant Quotes: (When asked about parts of the program that were unhelpful)

• "The AA system...still have to attend 4-5 meetings at the end. You're trying to get on with your life and sobriety, work full time. (After being in the program for a long time), going to 4 meetings a week...A lot of people get burned out. Makes you start to dislike AA. People shouldn't feel like they have to, only when they need to, with the exception of the beginning (of the program)...that makes sense."

criteria may further impede participant success in the program in some situations. Focus group participants noted difficulties in attending self-help meetings, particularly towards the end of the program as employment and other personal responsibilities may expand and participants are more confident in their ability to maintain sobriety. During the follow-up call, team members noted the importance of this program requirement and were inclined to keep their policy in place. CWC should continue to monitor the use of AA meetings and periodically solicit feedback from participants regarding their experience to ensure the effectiveness of this practice.

# 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. 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.

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<sup>&</sup>lt;sup>12</sup> DWI Court Guiding Principle #6



#### National Research

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

Research in 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).

#### **CWC Process**

- DWI court participants typically attend court sessions every 2 weeks in phase 1, twice per month in phase 2, and once per month during phases 3 and 4.
- The CWC holds staffing sessions weekly to discuss participant progress, but court sessions are held once every 2 weeks (on the same day as staffing, every other week).
- The observed staffing session began at 12:15 p.m. and lasted approximately 1.5 hours, with the team discussing 15 participants who were scheduled for court, along with two additional individuals who were being considered for admission.
- Staffing is primarily facilitated by the probation officer. However, all team members are engaged during the staffing, offering feedback and displaying good communication. The probation officer typically begins with updates on participants scheduled to appear in court and notes any issues that require team discussion. Staffing notes are excellent and contain useful details, including number of days sober, phase number, curfew time, program entry date, sentencing date, sanction date/history and court response, next court date, phase change date, employer, work schedule, sponsor, family member names, children, significant others, current/prior treatment providers, and notes on the current status of participants. The probation officer also suggests a "question of the day" for the judge to ask participants at each court session. This question is selected from an extensive list of questions created by CWC that covers various topics (sobriety, relapse, support groups, etc.) and is assigned to participants prior to each court session so they can adequately prepare an answer.
- Court responses are determined by team consensus. The team was generally able to come
  to an agreement despite team members having differing opinions at times. It was observed that due to the judge's limited schedule staffing tends to focus on participants not
  doing well so the team can obtain the judge's input on sanctions/court responses that may
  need to occur.

- Team members noted that the judge may leave early or be unable to attend staffing every 6-8 weeks. In these situations, the team reported that they update the judge at the subsequent court session (or next staffing session if court is not being held that week).
- Participants are required to stay for the entire DWI court session, although exceptions can be made for participants on occasion (those who need to return to work or have been excused for pre-approved reasons).
- The court session during the site visit began at approximately 5:00 p.m., with participants arriving at 4:30 p.m. to provide breathalyzer tests and show documentation for community support meetings they had attended. The session ended at 6:26 p.m. with 13 participants being seen by the judge. This resulted in an average of 6.6 minutes per participant in front of the judge. Team members noted that court sessions typically average 2.5 hours with approximately 17 participants attending each court session. Because DWI court is held after hours, the court session is not officially on record (there are no reporters or clerks present). If an official sanction (e.g., jail) needs to be carried out, a court order is obtained prior to the session.
- Team members estimated that the judge is unavailable to preside over court sessions approximately once every 6-8 weeks. When this occurs, the county attorney, probation officer, or defense attorney may fill in for the judge and address participants during the court session, although sanctions are only issued if the judge is aware.
- The CWC judge joined the program voluntarily and was assigned to the DWI court indefinitely. There is currently no backup judge for the program.
- The CWC judge has observed other DWI court programs and completed formal drug court, DWI court specific, and incentives/sanctions training.
- Prior to court sessions all participants are administered a breathalyzer by the probation officer or law enforcement representatives. The county attorney then reviews self-help meeting attendance for each participant. Participants are required to write the days and times that they attend meetings, along with a brief summary of what they discussed or something they learned. Team members noted that the information participants write is not specific to individuals in the meeting to protect confidentiality.
- Court sessions typically begin with formal announcements regarding community events or other relevant information to participants. All team members, including the judge, are seated around an attorney's table

#### Participant Quotes:

- "I like the judge for a variety of reasons. He's not overly causal but he is approachable..."
- "He helps me see things differently. If you need something, you don't have to hesitate to ask."
- "The way he handles the role is great. He's a good guy. If you're square with him, he's square with you."
- "He has great compassion, which I appreciate."
- "If you do something wrong, he's going to let you know about it."
- "He asks questions of people so others can relate to them and get something out of it."



- during the court session. The team purposely creates an informal environment, aided by the judge not wearing a robe.
- When participants are called up in court, they sit next to the judge at a table and address the judge directly during the session. The judge shakes each participant's hand and converses with them on various topics such as their family, employment, and various program requirements. It was apparent during observations that the judge has a genuine understanding of the participants and their individual situations. The judge listened and was very sympathetic. He was also direct and clear in explaining how and why court responses are individualized for each participant. He also followed up with participants when they were asked the "question of the day," prompting participants to explain why certain things were important to them or how they planned to accomplish specific goals. The judge showed enthusiasm and support for participants who were phasing up, had obtained employment, or achieved other noteworthy accomplishments. The judge then wrapped up conversations with the participants by asking how many days they've been sober, and also how many days they've been sober in the program. Applause is given to all participants, and those who do not receive a sanction draw a reward from the fishbowl.
- Other team members occasionally addressed participants during the court session to clarify issues such the participant's number of days sober or next appointments.

#### Commendations

- The judge has presided over the program for over 2 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; Finigan et al., 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. DWI court hearings are a forum for educating all participants and impacting their behavior. The CWC is commended for requiring all participants to stay for the entire hearing both to observe consequences (both good and bad) and to learn how those who are doing well are able to succeed and make positive, healthy choices and changes in their lives.
- Judge spends greater than 3 minutes with each participant. Based on court observations, each participant spent an average of 6.6 minutes in front of the judge. As described previously, the judge uses this time discussing details specific to the individual and eliciting additional information from the participant on challenges they face and recent achievements. 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).
- Weekly staffing notes provide exceptional detail and information on participants. Providing such comprehensive information greatly aids the CWC staff in considering the circumstances of each individual participant while discussing court responses (positive and negative). It also allows the program to look back at previous responses and methods that have been used to analyze response effectiveness and consider possible alternative.

#### Suggestions/Recommendations

• There are no recommendations for this key component at this time.

# 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. <sup>13</sup> 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.

#### **CWC Process**

- The CWC collects and tracks information as required by the state of Minnesota, including the Offender Drug Court Tracking Sheet, which includes demographic information as well as pre- and post program data on employment, education, and jail time. Federal grant requirements also obligate the program to track other relevant information such as recidivism, number of screenings, and jail days.
- There is no central database specifically for the DWI court that stores all relevant participant information. Treatment providers, probation and the court all have separate databases that are utilized.
- The team reported that they have previously used data to monitor whether the program is moving toward its goals, but that this process has not occurred in approximately 1 year.
- In addition to the current process evaluation, the program has had evaluators measure
  whether the program is being implemented as intended and also measure whether the
  program is achieving its intended outcomes.

#### Commendations

• The CWC has completed previous evaluations and is participating in the current evaluation. A previous evaluation has been completed by a professor from Bemidji State University, which included data analysis of the goals and objectives created by the CWC. More recently, a consultant completed another evaluation that also examined whether the program was meeting stated goals and objectives. This evaluation included data analysis of program graduates, terminations, and a comparison group (individuals that were eligi-

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<sup>&</sup>lt;sup>13</sup> DWI Guiding Principle #9



ble for the program and either declined participation or were rejected by the CWC team). Team members also reported making changes to program objectives as a result of the evaluation, increasing the number of days (from 7 days to 14 days) between the sentencing date and a participant's first DWI court appearance.

### Suggestions/Recommendations

- Continue to collect electronic data and review at least annually. The program is commended for performing data collection in the local court and probation office databases, as well as in Excel. The team has previously reviewed its data/statistics and has included this information for review at policy committee meetings. Although these reviews have been used to make adjustments to program requirements, this process was reported to have not occurred within the last year. It is recommended that the team schedule a policy meeting and set time aside to review these data once again.
- Share evaluation and assessment results. Courts that have participated in evaluation and made program modifications based on evaluation feedback have had twice the cost savings compared to courts that have not adjusted their program based on evaluation feedback (Carey et al., 2012). The CWC team members are encouraged to discuss the overall findings, both to enjoy the recognition of its accomplishments and to identify areas of potential program adjustment and improvement. In addition, the assessment and evaluation results can be very beneficial to the program if it is looking to apply for grants to fund additional positions, etc., 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.

# 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.

#### **CWC Process**

- Most team members have received DWI (or drug) court specific training.
- It was reported that some team members have received training specifically about the target population of the program. Some staff have also received training specific to their roles and also on strength-based philosophy and practices.
- Most team members completed sanctions and incentives training specific to DWI court in 2012.
- Staff members occasionally bring new information on DWI court practices, such as research related to drug addiction and treatment, to staffing sessions.
- New DWI court team members do not typically get training on the drug/DWI court model before (or soon after) joining the team, due to limited opportunities and budget constraints. However, when trainings are funding are available, new members are given the opportunity to attend.

### Commendations

• The program has invested time in regular training. The DWI court has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members. Programs that provide training for all team members have significantly better participant outcomes (Carey et al., 2012).

#### Recommendations

• Continue to ensure that all DWI court team members receive initial training before or soon after becoming part of the CWC team. Almost all active team members have attended multiple trainings related to drug and DWI court, incentives/sanctions, and team member roles. Team members who did not have this education at the time of the site visit have also recently attended trainings. NPC's recent research findings showed that courts who obtained regular training for their team members had better participant outcomes, including decreased recidivism, greater program completion, and greater cost savings (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

The National Drug Court Institute (NDCI) will often provide training or assistance at little or no cost for those programs that show the need (see <a href="http://www.ndci.org/training">http://www.ndci.org/training</a>). There are also Webinars and training materials available on the NDCI Web site that are useful as initial training for new team members and as reading assignments for all team members. One low-cost option is to have team members take turns performing the duty of searching for recent DWI court research and other relevant information (e.g., drug addiction and treatment) and spending time at team meetings reviewing the main findings and how they can be used to supplement the program.



• Convene a meeting to discuss team member roles/responsibilities and create a Memorandum of Understanding (MOU) to outline duties and tasks of all team members and their agencies. Clarification of roles, responsibilities, and protocols can help team members maximize their effectiveness, prevent overlap of roles, and reduce liability concerns. It was gathered during the site visit that all team members would benefit from role clarification and a review of expected responsibilities (as well as duties that fall to other team members). Specifically, some of the legal aspects surrounding DWI court (the plea process, acceptance into the CWC, legal consequences of being in the program) and expectations of team members inside and outside of court. It is suggested that the CWC convene a half day or full day retreat (preferably with an outside facilitator who is an expert on DWI courts) to review roles and responsibilities as well as DWI court program policies. A facilitator can possibly be requested through the National Drug Court Institute (NDCI), National Center for DWI Courts (NCDC) or possibly the Bureau of Justice Assistance (BJA). Perhaps requesting funds for this kind of training/retreat from OTS would be beneficial as well.

NPC recommends that the CWC create an MOU between the active program team members and their agencies. The agenda and ultimate goal of the retreat can be the creation of this MOU that clearly states team member roles and duties in the DWI court program and has agreements as to how certain program policy is implemented (e.g., the defense attorney will always communicate with participants before court). This can be used as a training tool and a reminder about the purpose of their collaboration for DWI court.

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. <sup>14</sup> 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

<sup>&</sup>lt;sup>14</sup> DWI Court Guiding Principle #10

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.

#### **CWC Process**

- CWC was initially funded through the National Highway Traffic Safety Administration (NHTSA) and supplemented by local city/county funding. CWC has been able to secure additional funding through a Byrne Justice Assistance (BJA) grant and state funding provided by the Office of Justice Programs (OJP).
- The CWC previously had an advisory board/policy committee that met outside of staffing sessions to discuss program issues. In addition to all team members, representatives from several other agencies typically attended. It was gathered during the site visit that participation on the committee is now limited to team members and that meetings have not been held for about 1 year.
- Most team members participate on the DWI court team voluntarily. In order to sustain the program, the CWC will continue to utilize participant fees, and hopes to have the probation officer position fully funded by the county.
- The DWI court has developed and maintained many relationships with organizations that can provide services for participants in the community. The program has a good relationship with the Salvation Army Food Shelf (food pantry), Habitat for Humanity, Salem WEST (crisis services, financial assistance, clothing assistance), veterans' services, 12-step organizations and local faith community (Lutheran Social Services, local churches). The program regularly refers and utilizes these agencies to provide a holistic approach to treating CWC participants.
- The CWC does currently have a participant alumni group, but noted that they are not as active as they have been in the past, due to difficulty in team members organizing regular meetings.

#### Commendations

• **Program has established an alumni group or peer mentor program.** The CWC is commended for using alumni support groups as a cost effective tool in aftercare planning by helping participants to prepare for life after they leave the program. Team members noted that the group's activity has been limited recently, due to CWC staff no longer having availability to organize meetings. The program should continue pursuing this effort, or implementing a peer support program where alumni could actively engage in helping current participants work their way through the program, and encouraging certain individual alumni members to take leadership roles (when appropriate) as peer mentors.

#### Suggestions/Recommendations

• **Re-establish advisory committee meetings.** An advisory committee may serve many purposes, such as ensuring program sustainability and generating additional resources to meet participant needs. Community partnerships allow teams to access more services and build political support for long-term local investment. It is also helpful to have dedicated time outside of staffing to discuss policy-level issues. The team should plan a time for the



policy committee to use this report as an agenda and discuss the results of the evaluation—as well as plans for how to use the information. If time commitment is an issue for some committee members, the program could consider meeting quarterly or on an asneeded basis.

#### **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: <a href="http://www.ndcrc.org/search/apachesolr\_search/sample%20forms">http://www.ndcrc.org/search/apachesolr\_search/sample%20forms</a>.

### **Summary of Process Findings and Recommendations**

The CWC was implemented in February 2008. The program, designed to take a minimum of 18 months to complete, takes post conviction participants. The general program population consists of repeat DWI offenders (three or more DWI offenses within 10 years), but can include offenders with multiple probation violations on their second DWI offense. Participants must be charged in Crow Wing County, determined to be chemically dependent, and voluntarily agree to participate in the program. The CWC has a capacity to serve approximately 25 participants at one time. As of February 2013, there had been 30 graduates while nine terminated participants had left the program.

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

- **Team tenure and consistency.** Most of the team members have been a part of the DWI court since the program inception and participate on a completely voluntary and unpaid basis, which demonstrates their commitment to the CWC program. Having long-term team members promotes consistency through shared experience and strengthened relationships, a benefit to participants. The CWC has maintained impressive team continuity since program inception, the effects of which were displayed through a cohesive team dynamic during observations.
- The program includes law enforcement representatives on the team. The law enforcement officers on the team exhibit tremendous dedication to their role on the DWI court team, as well as deep compassion for participants. Not only do the law enforcement officers participate regularly in staffing and court sessions, but they report stepping outside of their traditional roles at times to help participants, including arranging transportation, making phone calls on the behalf of participants, and providing general support. 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 to programs that did not include law enforcement (Carey et al., 2012). The CWC demonstrates a commitment to following this best practice guideline by having representatives from multiple law enforcement agencies participate on the team, and they should be applauded for going above and beyond their typical duties.
- Good team member communication. Team members who attend staffing sessions regularly provide feedback on participant status and progress in the program, and are fully aware of differentiating treatment responses and sanctions. During observations, the team exhibited good communication skills, generally agreeing to a recommendation/court response for each participant. Although there were differing opinions, the team held productive conversations regarding participant behavior and responses.
- **Regular email communication.** Team members noted that updates occur regularly via email regarding participant behavior and court responses. Staff noted that information was timely and team members provide input as needed, and that protocols were in place to notify appropriate parties. Drug courts that communicated information from treatment to the Court and team members through email had 65% lower recidivism than drug courts that did not use email (Carey et al., 2012).



- CWC has a dedicated defense attorney and county attorney assigned to the program. Best practices research indicates that this results in more positive participant outcomes including significantly lower recidivism and increased cost savings (Carey, Finigan, & Pukstas, 2008). The defense attorney and county attorney are succeeding in taking a non-adversarial team approach while participating in the team meetings and DWI court proceedings.
- Participants are identified quickly and promptly placed into the program. The program has a process where multiple team members are able to quickly identify potential participants, allowing the probation officer to make contact with potential participants very soon after their arrest. Prompt program placement has been shown to lead to higher cost savings (Carey et al., 2012). The CWC is commended for enrolling participants expeditiously and limiting the time from arrest to entry to less than 1 month in most circumstances.
- Participants are connected with treatment services as soon as possible. Because the intent of DWI court is to connect individuals to services expeditiously, the program makes every effort to get individuals into treatment as soon as possible. Participants are required to complete their chemical health assessment prior to entering the DWI court, which aides the program in connecting participants to their designated treatment providers before they begin the program or immediately after entering.
- The program length is a minimum of 12 months, and has at least three phases. Programs that have a minimum length of stay of at least 12 months had significantly higher reductions in recidivism. In addition, programs that had three or more phases showed greater reductions in recidivism (Carey et al., 2012).
- The program offers referrals for ancillary services for participants. Team members reported that the CWC makes referrals for medical, housing and transportation issues as needed. Meeting participant needs across the spectrum of issues affecting their lives can help them be more successful in the program. In addition, appropriate medical care can help mitigate participant use of substances to self-medicate problems related to physical pain. Many programs have seen benefits with reduction in recidivism from offering health services.
- Commitment by team members in providing services to clients. Multiple team members regularly demonstrate their commitment to the program by providing services that are above and beyond expected duties. This includes the defense attorney providing probono legal assistance with participant cases (custody, child support, etc.), multiple team members (primarily the probation officer) providing transportation to participants, and the sheriff's deputy helping coordinate family or employment obligations when participants are serving jail sanctions.
- 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 CWC is commended for adhering to this best practice for PBT testing and for striving to improve the turnaround time for ETG results at the time of contract renewal.
- Team members have written guidelines for team responses to participant behavior. The CWC has guidelines for team responses to participant behaviors written and these

- are provided to the team. This has been shown to produce higher graduation rates and greater cost savings due to lower recidivism.
- Good coordination of team response to participant compliance. The CWC has an appropriate balance of sanctions and rewards, and treatment responses occur as soon as possible following the behavior. It was also observed during staffing and court sessions that the team makes a concerted effort to differentiate treatment responses from sanctions. A variety of rewards are also provided to participants in this court. Participants are rewarded for their progress with various incentives such as praise from the judge, certificates, reduction in program requirements (court appearances, drug testing, curfew hours), and gift cards.
- Sanctions are imposed swiftly after noncompliant behavior. In order for behavior change to occur, there must be a link between the behavior and consequence. Scheduling the noncompliant participant for the next upcoming court session rather than waiting until their next scheduled session is optimal. Other team members may also issue sanctions outside of the court when necessary and appropriate. The team understands that if a participant has engaged in a behavior that requires a sanction they should ensure that the sanction occurs as close to the behavior as possible.
- The CWC 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 CWC presents its community service requirement as a way for participants to give back to the community.
- The judge has presided over the program for over 2 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; Finigan et al., 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. DWI court hearings are a forum for educating all participants and impacting their behavior. The CWC is commended for requiring all participants to stay for the entire hearing both to observe consequences (both good and bad) and to learn how those who are doing well are able to succeed and make positive, healthy choices and changes in their lives.
- Judge spends greater than 3 minutes with each participant. Based on court observations, each participant spent an average of 6.6 minutes in front of the judge. As described previously, the judge uses this time discussing details specific to the individual and eliciting additional information from the participant on challenges they face and recent achievements. 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).
- Weekly staffing notes provide exceptional detail and information on participants. Providing such comprehensive information greatly aids the CWC staff in considering the circumstances of each individual participant while discussing court responses (positive and negative). It also allows the program to look back at previous responses and methods that have been used to analyze response effectiveness and consider possible alternative.
- The CWC has completed a previous evaluation and is participating in the current evaluation. A previous evaluation has been completed by a professor from Bemidji State University, which included data analysis of the goals and objectives created by the CWC.



It was reported that more recently, a consultant also completed another evaluation that was comprised of approximately 3 years of data.

• The program has invested time in regular training. The DWI court has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members. Programs that provide training for all team members have significantly better participant outcomes (Carey et al., 2012).

Although this program is functioning well in many areas, NPC's review of program operations resulted in some recommendations for program improvements. We recognize that it will not always be feasible to implement all of these recommendations due to budgetary, policy, or infrastructure limitations. It is important for the team to be as flexible as possible and do what they can to work around the barriers to accomplish the ultimate goal of doing what is best for the participants.

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

- To the extent possible, coordinate treatment through fewer organizations. Due to the numerous providers that are available to participants who utilize state funds for treatment, it may not be possible for the CWC to consolidate all treatment services under one provider. However, research shows that having one to two treatment providing agencies, or a treatment coordinator who works with all treatment providers to coordinate treatment and bring key information to the team, is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012). The team noted during a follow-up call with the evaluators that reducing the number of providers would be difficult, but would take it into consideration in the future.
- Work to streamline communication between treatment providers and the probation officer. In order for the team to make informed and fair decisions about their 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. It was reported that some treatment providers did regularly communicate with the program, but others did not always provide timely information, resulting in the probation officer contacting providers via phone to quickly obtain updates prior to the staffing session (or not receiving any updates). This further indicates the need (as previously recommended) to reduce the number of treatment providers utilized in the area. Consistently receiving feedback from providers will ensure that participant issues can be dealt with by the court as needed.
- Continue to explore funding for DWI coordinator role. The DWI coordinator's position used to be funded part time by the program budget, and team members noted that the lack of a full-time position has led to multiple turnovers since program inception. The position has since been completely removed from the budget, and the current DWI court coordinator's roles and responsibilities have been scaled back to accommodate the fact that she has a full-time job in addition to her CWC participation. Many of the coordinator's previous duties have been delegated to other team members, but the team has suffered a net loss in losing the part time funding for this position. Team members noted that having an assigned DWI court coordinator would help ease this burden, but local funding for this position is not available. The CWC should continue to pursue any funding oppor-

tunities that would allow for a full- or part time coordinator to be involved with the program. The team reported during the follow-up call that grant funding opportunities have been discussed, but that team members feel they do not have the time and/or experience to complete these proposals. The DWI court coordinator position should be considered when funding (if any) through the Office of Traffic Safety becomes available. And although it may be extremely difficult to complete, the program may also want to consider the feasibility of the current coordinator training an individual who may be willing to complete the coordinator duties on a voluntary basis.

- Drug testing should occur at least 2 times per week in the first phase and throughout the program. Research indicates that testing two or more times per week in the first phase leads to lower recidivism rates. The program should ensure that at least two random and fully observed UAs are being collected each week during Phase I and is encouraged to continue this level of testing throughout other phases until just before graduation. Team members reported that on average, participants are given 2 UAs per week in Phase I (one during a home visit, and one during an office visit with the probation officer). It should also be noted that the CWC tests participants with breathalyzers several times per week, including any contact with the probation officer or law enforcement representatives. As a result, the CWC has an effective system in place, and should continue implementing this practice on a permanent basis.
- Random drug testing system. The drug testing schedule is currently shaped by the number of office and home visits that are completed by the probation officer. The CWC may benefit from using existing programs that can set parameters around frequency, ensuring that certain phases are tested a minimum number of times and also that testing is truly random. It will also help prevent participants from going too long without being tested. For example, <a href="http://www.randomizer.org">http://www.randomizer.org</a> is an easy-to-use Web site that allows the user to create a unique testing schedule that is easily exported into Excel or Word and drastically lowers the possibility of non-random selection. This application could be used to create a random home visit schedule, and therefore a more random drug testing schedule. During the follow-up call, the team noted they would consider utilizing such a tool to ensure true randomized testing. The program may also consider implementing a color code system (perhaps if the program capacity is increased) where participants call each day and submit to testing if their color is called.
- Continue to collect electronic data and review at least annually. The program is commended for performing data collection in the local court and probation office databases, as well as in Excel. The team has previously reviewed its data/statistics and has included this information for review at policy committee meetings. Although these reviews have been used to make adjustments to program requirements, this process was reported to have not occurred within the last year. It is recommended that the team schedule a policy meeting and set time aside to review these data once again.
- Share evaluation and assessment results. Courts that have participated in evaluation and made program modifications based on evaluation feedback have had twice the cost savings compared to courts that have not adjusted their program based on evaluation feedback (Carey et al., 2012). The CWC team members are encouraged to discuss the overall findings, both to enjoy the recognition of its accomplishments and to identify areas of potential program adjustment and improvement. In addition, the assessment and evaluation results can be very beneficial to the program if it is looking to apply for grants to fund addi-



- tional positions, etc., 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.
- Re-establish advisory committee meetings and strive to build and strengthen community partnerships. An advisory committee may serve many purposes, such as ensuring program sustainability and generating additional resources to meet participant needs. Community partnerships allow teams to access more services and build political support for long-term local investment. The program should maintain a list of common participant need areas and conduct outreach to new community partners to find ways to creatively meet those needs. It is also helpful to have dedicated time outside of staffing to discuss policy-level issues. The team should plan a time for the policy committee to use this report as an agenda and discuss the results of the evaluation—as well as plans for how to use the information. If time commitment is an issue for some committee members, the program could consider meeting quarterly or on an as-needed basis.

Overall the CWC 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 CWC outcome and cost results, as well as additional recommendations.

### **SECTION II: OUTCOME EVALUATION**

he 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.

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

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



- 2. What is the impact of DWI court on other outcomes of interest?
  - 2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?
  - 2b. Does participation in DWI court lead to increased use of an interlock device (the percent of people who were required to use interlock) compared with traditional court?
- 3. How successful is the program in bringing program participants to completion and graduation within the expected time frame?
- 4. What participant and program characteristics predict successful DWI court outcomes? What predicts non-completion (termination or unsuccessful exit from the DWI court program)?

#### SAMPLE/COHORT SELECTION

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

### The DWI Court Participant Group

The DWI court participant sample, or cohort, was the population of individuals who entered DWI court from February 1, 2008 to August 23, 2012. Outcomes are presented in 1- and 2-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. However, there were several sites in Minnesota in which we needed every available case to detect significant differences between groups. In the case of the CWC, the first year of the program had the greatest number of participants (n=18). 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 CWC. 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.

# <u>Step 2: Matching the Comparison Groups to the DWI Court Groups – Application of Propensity Score Weighting</u>

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.<sup>15</sup>

#### **DATA COLLECTION AND SOURCES**

#### Administrative Data

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

Table 1. MN DWI Court Evaluation Data and Sources

Data	Source
DWI Court Program Data	
Examples:	
• Identifiers	
Participant demographics	
Program start and end dates	
Substances used in the year before program entry	SCAO Drug Court Tracking Sheets
Treatment attended	SCAO/Judicial Branch (MNCIS)
Driver's license status	
Employment at entry and exit	
Housing status	
Dates of DWI court appearances/status review hearings	

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<sup>&</sup>lt;sup>15</sup> 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	
Treatment Data		
Examples:		
<ul> <li>Identifiers and demographics</li> </ul>	Minnesota Department of Human Services (DHS)	
Treatment modality		
<ul> <li>Dates of treatment sessions and/or start and end dates for each modality</li> </ul>		
<ul> <li>Dates of assessments performed</li> </ul>		
• Assessment score (e.g., needs assessment)		
<ul> <li>Billing information for treatment services</li> </ul>		
Court Related Data		
Examples:		
<ul> <li>Identifiers</li> </ul>		
<ul> <li>Incident dates (arrest dates)</li> </ul>	SCAO /I I · I D I /MN/CIS	
<ul> <li>Dates of arrests/case filings</li> </ul>	SCAO/Judicial Branch (MNCIS)	
• Charges		
<ul> <li>Dates of convictions</li> </ul>		
<ul> <li>Dates of court appearances</li> </ul>		
DWI History and Recidivism Data		
Examples:		
<ul> <li>Identifiers</li> </ul>	Department of Public Safety, Driver	
<ul> <li>Dates of DWI arrests</li> </ul>	and Vehicle Services (DVS) data	
<ul> <li>Dates of DWI convictions</li> </ul>		
<ul> <li>Dates of DWI-related crashes</li> </ul>		
Department of Corrections Recidivism-Related Data		
Examples:		
<ul> <li>Identifiers</li> </ul>		
<ul> <li>Demographics</li> </ul>	Minnesota Department of Corrections (DOC)	
<ul> <li>Jail entry and exit dates</li> </ul>		
<ul> <li>Prison entry and exit dates</li> </ul>		
<ul> <li>Parole start and end dates</li> </ul>		
<ul> <li>Probation start and end dates</li> </ul>		
<ul> <li>Dates of drug tests</li> </ul>		
<ul> <li>Results of drug tests</li> </ul>		
<ul> <li>Risk assessment results (LSIR/RANT)</li> </ul>		

Data	Source
Probation Recidivism Data	
Examples:	Local Probation Department Databases
Probation start and end dates	or Files/County Court Services or
Risk assessment results	Probation Department for each of the
Dates of drug tests	9 DWI court counties
Results of drug tests	

*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.<sup>16</sup>

### 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 2 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. <sup>17</sup> 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.

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<sup>&</sup>lt;sup>16</sup> 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).

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 2 years following program entry. Chi-square analyses were used to identify any significant differences in rearrest rates between DWI court and comparison group participants.

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

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

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

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

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

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

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

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

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

Crosstabs were run to examine differences in license reinstatement rate (the number/percentage of individuals who regained their licenses at least once during the specified time period) between DWI court and the comparison group, for each year up to 2 years following program en-

try (or an equivalent date for the comparison group). Chi-square analyses were used to identify any significant differences in license reinstatement rates between DWI court and comparison group participants.

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

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

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

# RESEARCH QUESTION #3: How successful is the program in Bringing program participants to completion and graduation within the expected time frame?

Whether a program is bringing its participants to completion in the intended time frame is measured by program graduation (successful completion) rates, and by the amount of time participants spent in the program. The program graduation rate is the percentage of participants who graduated from the program out of the total group of participants who started during a specified time period and who have all left the program either by graduating or being unsuccessfully discharged (that is, none of the group is still active and all have had an equal chance to graduate). The DWI court graduation rate is included for all participants, by entry year, from February 2008 to August 2012. The average graduation rate (for participants entering between 2008 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 February 2008 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 to the intended time to program completion, and the differences are discussed qualitatively.

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

Graduates and unsuccessfully discharged participants were compared on the basis of demographic characteristics, 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 2008 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.

Table 2. DWI Court Participant and Comparison Group Characteristics:

Demographics

	CWC Participants N = 51	Comparison Group N = 70
Gender		
Male	77%	79%
Female	23%	21%
Race/Ethnicity <sup>a</sup>		
White	96%	96%
American Indian/Alaskan Native	4%	6%
Black/African American	4%	1%
Age at Entry Date		
Average age	37 years	37 years
Range	21–62	19–71

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

Overall, Table 2 shows that more than three-quarters of DWI court participants were male, most (96%) were White, and the average age at program entry was 37 years old with a range in age from 21 to 62 years old. None of these characteristics was statistically different in the comparison group.

In terms of prior criminal history, the DWI court participants and comparison group were very similar (Table 3). The DWI court group had a slightly higher number of felony-level DWI offenders than the comparison group, but this difference was not significant.

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

	CWC Participants N = 51	Comparison Group N = 70
Prior Arrests		
Percent with felony DWI as index arrest (the arrest that led to participation in DWI court)	26%	14%
Average number of DWI arrests 10 years prior to index arrest	1.98	1.74
Average number of arrests 2 years prior to program entry	1.25	1.63
Average number of DWI arrests 2 years prior to program entry	1.46	1.04
Average number of person arrests 2 years prior to program entry	0.10	0.17
Average number of property arrests 2 years prior to program entry	0.08	0.07
Average number of drug arrests 2 years prior to program entry	0.04	0.04
Average number of other arrests 2 years prior to program entry	0.98	0.96
Average number of misdemeanor arrests 2 years prior to program entry	0.90	1.19
Average number of gross misdemean- or arrests 2 years prior to program entry	1.22	0.97
Average number of felony arrests 2 years prior to program entry	0.31	0.17



Table 4. DWI Court Participant and Comparison Group Characteristics: Other

	CWC Participants	
	N = 51	
Education		
Less than high school	12%	
High school/GED	49%	
Some college, technical school, or college graduate	39%	
Employment at Program Entry		
Unemployed	47%	
Employed full or part time	53%	
Mental Health Diagnosis <sup>a</sup>		
Yes	34%	
No	66%	
Reported Addiction Severity at Program Entry		
Dependent	100%	
Risk Assessment Level		
Low risk	4%	
Moderate/Medium risk	6%	
High risk	90%	
Substances Used in Last Year <sup>b</sup>		
Alcohol	100%	
Marijuana	39%	
Prescription Drugs (Pills)	16%	
Over the Counter Drugs	8%	
Crack or Cocaine	6%	
Methamphetamine	6%	

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

Table 4 displays additional characteristics of the DWI court program participants that were not available for the comparison group. About four in 10 (39%) of DWI court participants had some

<sup>&</sup>lt;sup>a</sup> Mental health diagnosis information missing for 25% of sample (13 participants).

<sup>&</sup>lt;sup>b</sup> 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.

college, technical school, or were college graduates, just over half (53%) were employed either full or part time, and about a third of participants had a mental health diagnosis at program entry. All participants were assessed a substance dependent and 90% were considered high-risk. 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 prescription drugs (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?

**YES.** The average number of DWI court participant rearrests was lower than that of the comparison group.

Figure 1, below, illustrates the average number of cumulative rearrests for each year up to 2 years after program entry for CWC graduates, all CWC participants, and the comparison group. The DWI court group had a significantly lower average of rearrests at the end of Year 1 (p <.05) and by the second year had an average number of arrests that was less than a third that of the comparison group (though not statistically significant, likely due to small sample size). 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. <sup>18</sup> The reported average number of rearrests for all participants and the comparison group were adjusted for age, race, gender, and prior arrests. <sup>19</sup>

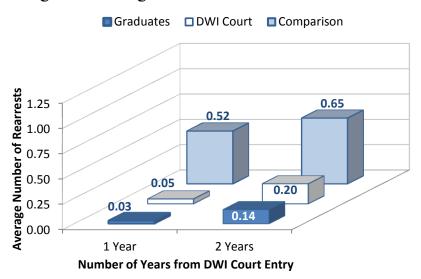


Figure 1. Average Number of Rearrests over 2 Years<sup>20</sup>

In the DWI court and comparison groups combined, there was only one rearrest for a DWI at the 2-year mark (a program person); thus we were unable to compare groups statistically on this out-

Sample sizes by group and time period (1 Year, 2 Years): Graduates n = 37, 36; All DWI Court Participants n = 51, 46; Comparison Group n = 70, 66.

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

<sup>&</sup>lt;sup>19</sup> Adjusted means were not significantly different from unadjusted means.



come and there is no figure provided. We recommend this outcome be reevaluated with larger sample sizes in the future.

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

**YES.** The rate of DWI court participants rearrested was lower than that of the 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 was rearrested over time. Figure 2 illustrates the percent of DWI court graduates, all DWI court participants, and comparison group members who were rearrested over a 2-year period for any charge following program entry. At 1 year after program entry, the DWI court participants were 3 times less likely to be rearrested than the comparison group (6% versus 21%, respectively). At the 2-year mark, the percent of DWI court participants rearrested was lower than the comparison group (22% compared to 29%, respectively). This difference is not statistically significant, due in part to low sample size. The percent of DWI court graduates rearrested at 2 years (11%) was lower than both the comparison group and all DWI court participants, but cannot be statistically compared. The logistic regression comparing DWI court participants and comparison group members controlled for age, race, gender, and prior arrests. (Again, because there was only one rearrest for a DWI, analyses comparing DWI rearrests could not be conducted.)

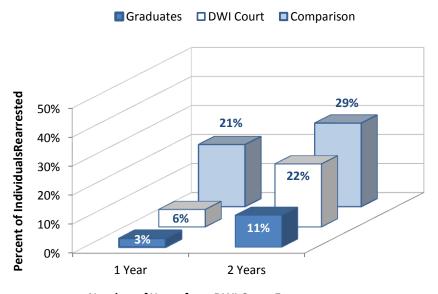


Figure 2. Percent of Individuals Rearrested over 2 Years<sup>21</sup>

**Number of Years from DWI Court Entry** 

<sup>&</sup>lt;sup>21</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates n = 37, 36; All DWI Court Participants n = 51, 46; Comparison Group n = 70, 66.

To present a more descriptive picture of the criminality of the groups, arrests are also presented as person (e.g., assault), property (e.g., theft), drug (e.g., possession), or other arrest charges (e.g., traffic violations) 2 years from program entry in Figure 3.<sup>22</sup> Logistic regressions were run to control for age, race, gender, and prior arrests.

DWI court participants had lower rearrest rates for all types of arrest charges and levels, except drug offenses. These differences were not statistically significant, most likely due to low sample size. It should be noted that several offense categories had very few rearrests: a total of 3 person, 4 property, 2 drug, and 24 other rearrests, for both groups combined. DWI court graduates were rearrested at a similar rate as the larger DWI court participant group for other rearrests. "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.

■Graduates □ DWI Court □ Comparison Percent of Individuals Rearrested 50% 24% 40% **17**% 30% 5% 5% 20%

Drug

Other

10% 0%

Person

**Property** 

**Type of Arrest Charge** 

Figure 3. Percent of Individuals Rearrested by Arrest Charge at 2 Years<sup>23</sup>

<sup>&</sup>lt;sup>22</sup> 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 3-4 do not add up to the percent of total arrests reflected in Figure 4.



Figure 4 displays the arrest charge level (misdemeanor, gross misdemeanor, or felony). DWI court participants had a lower rate of rearrests for misdemeanors; this difference was not significant, likely due to small sample sizes. The figure depicts the DWI court group as less successful in reducing gross misdemeanor and felony rearrests; however, these comparisons are based on very few rearrests in each category (a total of 22 misdemeanor, 7 gross misdemeanor, and 5 felony rearrests for both groups combined).

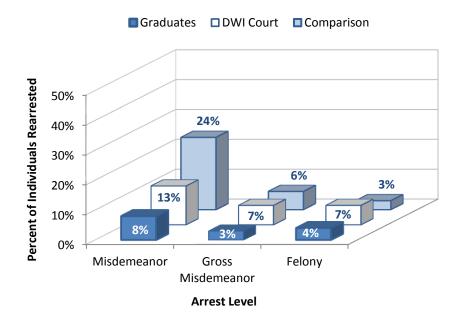


Figure 4. Percent of Individuals Rearrested by Arrest Level at 2 Years<sup>24</sup>

Overall, DWI court participants had lower rates of rearrest than the comparison group; these differences could reach statistical significance in a future study with a larger sample size.

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<sup>&</sup>lt;sup>24</sup> Sample sizes by group: Graduates n = 36; All DWI Court Participants n = 46; Comparison Group n = 66.

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

**YES.** Comparison group members were rearrested sooner for any arrest than DWI court participants.

We were unable to conduct a survival analysis to the first DWI rearrest due to the low number of DWI rearrests (a total of one DWI arrests over 2 years). Instead we examined the survival rate for *any* offense. A survival analysis of participants with up to 2 years (presented in months) of outcome data was conducted. Results in Figure 5 show that the time to any rearrest for DWI court participants was longer than the comparison group members. The solid blue line represents the DWI court group and the dashed line represents the comparison group. As the line drops, this indicates the occurrence of rearrests over time. A steeper drop in the line indicates a greater number of rearrests occurring sooner. The average time to first DWI rearrest for program participants was 22.0 months, and for the comparison group it was 19.8 months (not significantly different, again likely due to small sample size). At the end of the 2-year period, 22% of DWI court participants and 29% of comparison group members had been rearrested.

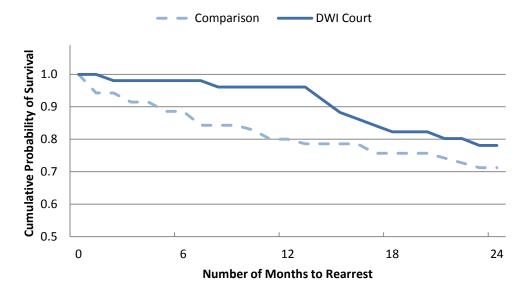


Figure 5. Probability of Remaining Un-Arrested over Time (Survival Function)



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

**NOT ENOUGH DATA TO DETERMINE.** There were too few crashes among the pooled sample to make statistical comparisons.

There were two crashes at the 2-year follow-up point (both program participants). Due to the low prevalence of crashes we could not conduct statistical tests for crashes, crashes involving drugs or alcohol, or crashes with injuries.

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

**NOT ENOUGH DATA TO DETERMINE.** There were too few crashes among the pooled sample to make statistical comparisons.

There were two crashes at the 2-year follow-up point (both program participants). Due to the low prevalence of crashes we could not conduct statistical tests for crashes, crashes involving drugs or alcohol, or crashes with injuries. Given the perceived public safety danger of repeat DWI offenders, the low number of crashes is a positive finding.

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?

**YES.** DWI court participants had higher rates of license reinstatement than the comparison group over the 2-year period.

Figure 6 illustrates that persons in the DWI court group had license reinstatements at a higher rate than the comparison group (this difference was not significant). DWI court graduates were left out of 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.

Four in five (80%) of DWI court participants had received at least one license reinstatement after 2 years, compared to two-thirds (67%) of the matched comparison group. These results should be interpreted with caution, as there are two notable data limitations. First, we know that at the time of program start one in three DWI court participants had valid licenses, but because we did not have this information for the comparison group we did not exclude these individuals from the analysis. Second, a license reinstatement appears to be a temporary outcome for some individuals. At the 2-year mark DWI court participants had an average of 2.0 license reinstatements, and comparison group members had an average of 1.84 license reinstatements. Licenses are reinstated on a temporary basis and renewed periodically for some DWI offenders.

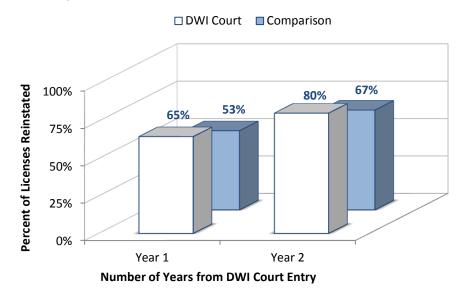


Figure 6. Percent of Licenses Reinstated over 2 Years<sup>25</sup>

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

**NOT ENOUGH DATA TO DETERMINE.** There were very few individuals across groups who were on interlock in the 1-year period we were able to analyze.

There were a total of three people who utilized an ignition interlock device during the first 12 months after program entry (one program person, two comparison people). <sup>26</sup> We recommend that further analyses be conducted when more ignition interlock data are available.

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 CWC is 77%, which is higher than the national average of 57%.

Whether a program is bringing its participants to successful completion and doing so in the intended time frame is measured by program graduation (completion) rate, and by the amount of time participants spend in the program. Program *graduation rate* is the percentage of participants who graduated from the program, out of a cohort of participants who started during a similar time frame and who have left the program either by graduating or by being unsuccessfully discharged. Active participants (*n*=34) were excluded from the calculation. Graduation rate was calculated for each entry year from 2008 to 2012. The program's graduation rate for all participants entering between February 2008 and December 2011 is 77%. Table 5 shows status outcomes by

<sup>&</sup>lt;sup>25</sup> Sample sizes by group and time period (1 Year, 2 Years): All DWI Court Participants n = 51, 46; Comparison Group n = 70, 66.

<sup>&</sup>lt;sup>26</sup> 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.



entry cohort year. The graduation rate for each cohort is substantially higher than the national average graduation rate of 57% (Huddleston & Marlowe, 2011).

Table 5. CWC Completion Status by Entry Year

	2008	2009	2010	2011	2012
Program Entry Year	n = 18	n = 10	n = 11	n = 10	n = 2
Graduates	78%	70%	91%	60%	0%
Non-Graduates	22%	30%	9%	30%	0%
Other Exit	0%	0%	0%	0%	0%
Actives	0%	0%	0%	10%	100%

The CWC is doing very well in graduating participants, compared to the national average, and the program should continue those practices that are contributing to participant success. In order to graduate, participants must comply with the program practices and requirements. To successfully increase or maintain high graduation rates, DWI court teams must consider the challenges participants face in meeting program requirements, continually review program operations and adjust as necessary. This can include practices such as finding transportation for participants who have none (e.g., having participants with cars get rewards for picking up those without transportation and bringing them to treatment and court sessions, or providing bus passes) or assisting participants with childcare while they participate in program requirements.

To measure whether the program 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 CWC program and have graduated from the program. The minimal requirements of the CWC 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 nongraduates) was 670 days (about 22 months). Graduates spent an average of 699 days in the program, about 23 months, ranging from 18 months to 3.1 years in the program. Approximately 25% graduated within 20 months, and 50% graduated within about 22 months of program entry. Participants who did not graduate spent, on average, about 19 months in the program. This indicates that the program is following the trend of most drug and DWI court participants in that participants typically take longer to complete program requirements than the minimum time frame. This is to be expected in a population struggling with substance abuse and addiction.

# RESEARCH QUESTION #4: WHAT PARTICIPANT AND PROGRAM CHARACTERISTICS PREDICT SUCCESSFUL DWI COURT OUTCOMES?

Are there participant characteristics that predict program success?

**SAMPLE TOO SMALL TO DETERMINE.** There were too few people in the non-graduate pool to statistically compare characteristics associated with program success.

Tables 6-9 below included participants who entered the program from February 2008 through June 2012. Of the 48 people who entered the program during that time period, 11 (23%) were unsuccessfully discharged from the program and 37 (77%) graduated. The tables list graduates and non-graduates by demographic characteristics and criminal history. *Please note the group sample sizes were too small to identify any statistical differences and should not be used to draw certain conclusions about characteristics associated with success in the program.* 

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

Demographics

	Graduates $n = 37$	Non-Graduates $n = 11$
Gender		
Male	73%	82%
Female	27%	18%
Race/Ethnicity		
White	97%	100%
American Indian/Alaskan Native	5%	0%
Black/African American	3%	0%
Age at Entry Date		
Average age	37 years	35 years
Range	21 - 58	25 - 61



Table 7 shows some indication that the non-graduates are slightly more likely to have a greater number of DWI arrests in the 10 years prior to DWI court entry and a greater number of arrests in the 2 years prior to entry. However, due to the extremely small sample of non-graduates, no certain conclusions can be drawn from this information.

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

	Graduates n = 37	Non-Graduates $n = 11$			
Prior Arrests					
Percent with felony DWI as index arrest	22%	36%			
Average number of DWI arrests 10 years prior to index arrest	1.86	2.36			
Average number of arrests 2 years prior to program entry	1.59	1.91			
Average number of DWI arrests 2 years prior to program entry	1.24	1.18			
Average number of person arrests 2 years prior to program entry	0.08	0.18			
Average number of property arrests 2 years prior to program entry	0.05	0.09			
Average number of drug arrests 2 years prior to program entry	0.03	0.09			
Average number of other arrests 2 years prior to program entry	0.84	1.27			
Average number of misdemeanor arrests 2 years prior to program entry	0.70	1.27			
Average number of gross misdemeanor arrests 2 years prior to program entry	1.19	1.27			
Average number of felony arrests 2 years prior to program entry	0.27	0.45			

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

The results provided in Table 8 indicate that non-graduates are more likely to have not completed high school, while graduates are more likely to have some college or technical school. It is possible that less educated participants may struggle with some program requirements. The CWC should continue to track this information for all participants to determine if there is a need for some additional assistance for those with less education.

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

	Graduates $n = 37$	Non-Graduates $n = 11$
Education		
Less than high school	5%	27%
High school/GED	52%	55%
Some college, technical school, or college	43%	18%
graduate		
Employment at Program Entry		
Unemployed	43%	56%
Employed full or part time	57%	44%
Arrest to Program Entry		
Average number of days from index arrest to DWI court program entry	219 days	270 days
DWI Court Hearings		
Average number of DWI court hearings	37.6	33.3
Program Length of Stay		
Average number of days in program	699	571

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



The results in Table 9 provide some indication that non-graduates are more likely to have a mental health diagnosis. Due to the very small number of non-graduates and a large amount of missing data, this finding should be interpreted with caution. However, we strongly urge the CWC to track this information on participants consistently and, as the numbers grow, examine whether there is a need for additional services for those with mental health diagnoses and whether the program has the capacity to treat these individuals.

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

	Graduates $n = 37$	Non-Graduates $n = 11$		
Mental Health Diagnosis <sup>a</sup>				
Yes	28%	56%		
No	72%	44%		
Substances Used in Last Year <sup>b</sup>				
Alcohol	100%	100%		
Marijuana	43%	27%		
Prescription Drugs (Pills)	11%	30%		
Crack or Cocaine	5%	9%		
Methamphetamine	5%	9%		
Reported Addiction Severity at Program Entry				
Dependent	100%	100%		
Risk Assessment Level				
Low Risk	5%	0%		
Medium/Moderate Risk	8%	0%		
High Risk	87%	100%		
Completed Treatment Requirements				
Yes	100%	11%		
No	0%	89%		

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

<sup>&</sup>lt;sup>a</sup>Mental health diagnosis information missing for 25% of sample (13 participants).

<sup>&</sup>lt;sup>b</sup>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.

# **Summary of Outcome Results**

The results of the outcome analysis for the CWC are largely positive. Overall, DWI court participants were rearrested at a lower rate. Though these differences did not reach statistical significance, due in part to low sample size, it appears that program participation does mediate subsequent recidivism. We recommend that a follow-up study be conducted several years hence when more participants have gone through the program.

Compared to DWI offenders who experienced traditional court processes, the CWC participants (regardless of whether they graduated from the program):

- Had 10 times fewer rearrests 1 year after program entry
- Had 3 times fewer rearrests 2 years after program entry
- Were 3 times less likely to be rearrested for a person crime
- Were half as likely to be rearrested for property or other crimes (e.g., traffic citations)
- Were more likely to have their license reinstated (80% versus 69%)
- Had a longer time to the first rearrest for any charge (22 months versus 19 months)
- Had a substantially higher graduation rate than the national average (77% versus 57%)

In general, the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. The majority of participants in this program (90%) were scored as high risk on the intake assessment. Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). These positive results indicate that the CWC is targeting the correct population.

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

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

### **SECTION III: COST EVALUATION**

# **Cost Evaluation Design and Methods**

NPC conducted full cost benefit analyses for seven of the DWI court programs that participated in this study to assess the extent to which the costs of implementing the program are offset by cost savings due to positive outcomes. The CWC 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 to those who did not participate in the program). A cost benefit evaluation calculates the cost of the program and also the cost of the outcomes, resulting in a cost benefit ratio. For example, the cost of the program is compared to the cost savings due to the reduction in rearrests. In some drug court programs, for every dollar spent on the program, over \$10 is saved due to positive outcomes.<sup>27</sup>

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

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

#### **COST EVALUATION DESIGN**

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

<sup>&</sup>lt;sup>27</sup> See Drug Court cost benefit studies at <a href="http://www.npcresearch.com">http://www.npcresearch.com</a>



each transaction that occurs for program participants. TICA is an intuitively appropriate approach to conducting costs assessment in an environment such as a DWI court, which involves complex interactions among multiple taxpayer-funded organizations.

#### Cost to the Taxpayer

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

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

#### **Opportunity Resources**

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

#### **COST EVALUATION METHODS**

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

#### TICA METHODOLOGY

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

Table 10. The Six Steps of TICA

	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 oc- cur within this flow (i.e., where clients interact with the system).	Analysis of process information gained in Step 1
Step 3:	Identify the agencies involved in each transaction (e.g., court, treatment, police).	Analysis of process information gained in Step 1 Direct observation of program transactions
Step 4:	Determine the resources used by each agency for each transaction (e.g., amount of judge time per transaction, amount of attorney time per transaction, number of transactions).	Interviews with key program informants using program typology and cost guide  Direct observation of program transactions  Administrative data collection of number of transactions (e.g., number of court appearances, number of treatment sessions, number of drug tests)
Step 5:	Determine the cost of the resources used by each agency for each transaction.	Interviews with budget and finance officers  Document review of agency budgets and other financial paperwork
Step 6:	Calculate cost results (e.g., cost per transaction, total cost of the program per participant).	Indirect support and overhead costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction.  The transaction cost is multiplied by the average number of transactions to determine the total average cost per transaction type.  These total average costs per transaction type are added to determine the program and outcome costs.

Step 1 (determining program process) was performed during site visits, through analysis of DWI court documents, and through interviews with key informants. Step 2 (identifying program transactions) and Step 3 (identifying the agencies involved with transactions) were performed through observation during site visits and by analyzing the information gathered in Step 1. Step 4 (determining the resources used) was performed through extensive interviewing of key informants, direct observation during site visits, and by collecting administrative data from the agencies involved in the DWI courts. Step 5 (determining the cost of the resources) was performed through interviews with DWI court and non-DWI court staff and with agency financial officers, as well as analysis of budgets found online or provided by agencies. Finally, Step 6 (calculating cost results)



involved calculating the cost of each transaction and multiplying this cost by the number of transactions. For example, to calculate the cost of drug testing, the unit cost per drug test is multiplied by the average number of drug tests performed per person. All the transactional costs for each individual were added to determine the overall cost per DWI court participant/comparison group individual. This was reported as an average cost per person for the DWI court program, and outcome/impact costs due to rearrests, jail time and other recidivism costs, as well as any other service usage. In addition, due to the nature of the TICA approach, it was also possible to calculate the cost of DWI court processing per agency—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 DWI court team members 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 CWC 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 online at each agency's Web site, but occasionally it has to be obtained by contacting agency staff.

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

- <a href="http://www.doc.state.mn.us/PAGES/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf">http://www.doc.state.mn.us/PAGES/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf</a>
- 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:

• <a href="http://www.nsc.org/news\_resources/injury\_and\_death\_statistics/Pages/EstimatingtheCostsofUnintentionalInjuries.aspx">http://www.nsc.org/news\_resources/injury\_and\_death\_statistics/Pages/EstimatingtheCostsofUnintentionalInjuries.aspx</a>

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 CWC 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 tax-payer costs only. All cost results provided in this report are based on fiscal year 2014 dollars or were updated to fiscal year 2014 using the Consumer Price Index.

#### **Program Transactions**

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

- 9<sup>th</sup> Judicial District Court (judge, coordinator);
- Crow Wing County Attorney's Office (assistant county attorney);
- Private Defense Attorney (defense attorney);<sup>28</sup>
- Central Minnesota Community Corrections (probation agent);
- Crow Wing County Community Services Adult Division (Rule 25 Assessor);
- Crow Wing County Sheriff's Office (court officer); and
- Minnesota Adult and Teen Challenge Life Renewal (treatment provider). <sup>29</sup>

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

<sup>&</sup>lt;sup>28</sup> The defense attorney on the team volunteers all of his time. Given the number of hours per year spent on the program and the hourly rate, the value of this volunteer time is over \$28,000 per year.

<sup>29</sup> The treatment provider's time on the team is also volunteered. Given the number of hours per year spent on the

The treatment provider's time on the team is also volunteered. Given the number of hours per year spent on the program and the estimated hourly rate, the value of this volunteer time is almost \$11,000 per year.

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 \$222.44 per participant. Note that the judge and assistant county attorney also volunteer much of their time to the CWC. However, as these are taxpayer-funded agencies and some of their time spent on CWC tasks occurs during regular work hours (and also because without these roles the CWC would have to pay for a judge and attorney anyway), their full time spent on the program was included in the cost analysis.

*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).<sup>30</sup> The agencies involved in case management are Community Corrections, Community Services-Adult Division, and treatment. The daily cost of case management is \$8.59 per participant.

Drug and Alcohol Treatment costs used for this analysis were based on Minnesota's Medicaid Drug and Alcohol Treatment Reimbursement Rates. Using these rates, a 1-hour individual treatment session is \$70.00; a group treatment session is \$34.00; medium-intensity residential treatment is \$129.00 per day plus \$54.09 for room and board; and hospital inpatient is \$300 per day. The drug and alcohol treatment costs used in this analysis only include the costs to taxpayers. Treatment paid for by the individual or by private insurance was not included in the cost calculations. For this reason, NPC asked CWC team members to estimate the percentage of participants using public funds for treatment. Because an estimated 80% of CWC participants use public funds for their treatment, the final treatment costs used in this report were 80% of the rates mentioned above. In addition, while many participants may be receiving mental health treatment, it was not included in the cost analysis because 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, law enforcement, and treatment. The cost per UA test is \$25.00 and breathalyzer tests are \$0.19. Because CWC participant fees pay for all drug and alcohol tests, testing costs were not included in the cost to the program. Drug and alcohol testing costs were obtained from the DWI court coordinator.

*Jail Sanctions* and *Jail Bookings* are provided by the Sheriff's Office. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report, <sup>33</sup> 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 Crow Wing County Jail is \$117.34 per day. Jail booking costs include all staff, facilities, and support and overhead costs. The cost

<sup>&</sup>lt;sup>30</sup> 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.

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16\_160263

There are 3 reimbursement rates for residential—low, medium, and high intensity. Because the treatment usage

<sup>&</sup>lt;sup>32</sup> There are 3 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.

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



of a jail booking is \$19.57. Unfortunately, the jail data did not allow NPC to determine which jail days were due to DWI court sanctions, so jail sanctions and jail bookings were not included in the program costs. However, any jail sanctions received will show up in the outcome cost section under jail days, so all jail sanction costs are accounted for.

Participants pay a *DWI Court Fee* to the CWC which helps pay for incentives, program activities, and drug and alcohol testing. The fee is \$1,000, but \$200 is waived in the final phase as an incentive for graduating. Probation supervision fees are waived if the participant enters DWI court. Participants are also required to pay fees and surcharges through court administration, usually averaging \$135. If the participant is represented by the public defender they are required to pay a \$75 co-payment. 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.

#### **Program Costs**

Table 11 displays the unit cost per program-related event, the number of events, and the average cost *per individual* for each of the DWI court events for program graduates and for all participants. The sum of these transactions is the total per participant cost of the DWI court program. The table includes the average for DWI court graduates (n= 37) and for all DWI court participants (n = 48), regardless of completion status. It is important to include participants who were discharged as well as those who graduated as all participants use program resources, whether they graduate or not.

Table 11. 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	\$222.44	37.57	\$8,357	36.60	\$8,141
Case Management Days	\$8.59	699.51	\$6,009	670.04	\$5,756
Individual Treatment Sessions	\$56.00	3.30	\$185	3.44	\$193
Group Treatment Sessions	\$27.20	38.23	\$1,040	38.39	\$1,044
Residential Treatment Days	\$146.47	4.17	\$611	5.67	\$830
Hospital Inpatient Days	\$240.00	0.00	\$0	0.00	\$0
UA Drug Tests	\$0	46.51	\$0	45.90	\$0
Breathalyzer Tests	\$0	113.97	\$0	108.80	\$0
TOTAL			\$16,202		\$15,964

*Note*. Because data on UA drug tests and breathalyzer tests were not usable in this analysis, the average numbers of tests per participant are proxies based on program policy. Also note that because participant fees pay for all drug and alcohol tests, there is no cost to taxpayers so testing costs were not included in the cost analysis.

The unit cost (e.g., \$222.44 per court appearance per participant) multiplied by the number of events per person (e.g., an average of 37.57 court appearances per participant) 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 CWC program cost per participant of \$15,964. The cost per graduate is \$16,202. The largest contributor to the cost of the program is DWI court sessions (\$8,141), followed by case management (\$5,756) and drug and alcohol treatment (\$2,067). Note that the graduates cost more than the participants in general as graduates spend a longer time in the program and use more program resources (except in terms of treatment). Another note of in-



terest is that because participant fees pay for all drug and alcohol testing, and because an estimated 20% of participants pay for their own drug and alcohol treatment via private insurance or private pay, the CWC saves an average of \$1,685 in program costs per participant.

#### Program Costs per Agency

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

Table 12. 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	\$3,092	\$3,012
County Attorney	\$1,960	\$1,909
Community Corrections	\$6,929	\$6,666
Community Services	\$1,660	\$1,604
Law Enforcement	\$725	\$706
Treatment	\$1,836	\$2,067
TOTAL	\$16,202	\$15,964

Table 12 shows that the costs accruing to Community Corrections (DWI court sessions and case management) account for 42% of the total program cost per participant. The next largest cost (19%) is for the District Court due to DWI court sessions, followed by treatment (13%) for outpatient and residential treatment.

#### **Program Costs Summary**

In sum, the largest portion of CWC costs is due to DWI court sessions (an average of \$8,141, or 51% of total costs), followed by case management (\$5,756 or 36% of total costs) and drug and alcohol treatment (\$2,067 or 13%). When program costs are evaluated by agency, the largest portion of costs accrues to Community Corrections (\$6,666 or 42% of total costs), followed by the District Court (\$3,012 or 19%) and treatment (\$2,067 or 13%). Court appearances are a crucial learning experience for DWI court participants, and research has demonstrated that participants have significantly better outcomes when all team members are present.

## COST EVALUATION RESEARCH QUESTION #2: OUTCOME/RECIDIVISM COSTS

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

#### **Outcome Costs**

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

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

The 2-year follow-up period was selected to allow a large enough group of both DWI court and comparison individuals to be representative of the program, as well as to allow more robust cost numbers through 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 Minnesota Department of Corrections; the Central Minnesota Community Corrections, the Crow Wing County Sheriff's Office; the 9<sup>th</sup> Judicial District Court; the Crow Wing County Attorney's Office; the Brainerd City attorney; the Minnesota Board of Public Defense; the Minnesota State Court Administrator's Office; the National Safety Council; the National Institute of Justice; the Brainerd Police Department, the Crosby-Ironton Police Department, and the Crosslake 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 these kinds 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 the Brainerd Police Department, Crosby-Ironton Police Department, Crosslake Police Department, and the Crow Wing County Sheriff's Office (four of the main arresting agencies in Crow Wing 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 four law enforcement agencies is \$166.99.

Court Cases include those cases that are dismissed as well as those cases that result in arraignment and are adjudicated. Because they are the main agencies involved, court case costs in this analysis are shared among the District Court, the county attorney, the city attorney, and the Public Defender. Using budget and caseload information obtained from agency budgets and from agency representatives, as well as information obtained from the Minnesota State Court Administrator's Office, the cost of a Misdemeanor Court Case is \$896.52. The cost of a Gross Misdemeanor Court Case is \$1,318.19, and the cost of a Felony Court Case is \$1,597.97.

**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<sup>34</sup>) 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 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 \$19.57.

*Jail* is provided by the Crow Wing County Jail, which is operated by the Sheriff's Office. The cost of jail was acquired from the Department of Corrections' Web site, which includes jail per diem for jails and detention facilities in all 87 counties. Costs were updated to fiscal year 2014 using the Consumer Price Index. The cost of jail is \$117.34 per day.

The cost per day of *Parole* was found on the Minnesota Department of Corrections' Web site<sup>35</sup> and updated to fiscal year 2014 using the Consumer Price Index. The cost of parole is \$4.07 per day.

**Probation** in Crow Wing County is provided by Central Minnesota Community Corrections. The cost per day of probation was acquired from a representative of Community Corrections, using budget and caseload information. The cost per person per day of probation is \$1.31.

 $<sup>\</sup>frac{^{34}}{\text{http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf}$ 

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

*Crash* costs were found on the National Safety Council's Web site<sup>36</sup> and updated to fiscal year 2014 using the Consumer Price Index. The cost of a crash with incapacitating injury is \$237,619; the cost of a crash with non-incapacitating injury is \$60,645; the cost of a crash with possible injury is \$28,928; and the cost of a crash with property damage only is \$2,583. Note that the cost of a crash that includes a death was not included in this cost analysis. This is because there were very few 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)*. <sup>37</sup> The costs were updated to fiscal year 2014 dollars using the Consumer Price Index. *Property crimes* are \$13,281 per event, and *person crimes* are \$43,024 per event.

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http://www.nsc.org/news\_resources/injury\_and\_death\_statistics/Pages/EstimatingtheCostsofUnintentionalInjuries.as

<sup>&</sup>lt;sup>DX</sup>
<sup>37</sup> 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 13 shows the average number of recidivism-related events per offender for DWI court graduates, all DWI court participants (regardless of graduation status), and the comparison group over 2 years.

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

Recidivism-Related Events	DWI Court Graduates Per Person n = 36	DWI Court Participants Per Person $n = 46$	Comparison Group Per Person n = 66
Rearrests	0.14	0.24	0.62
Misdemeanor Court Cases	0.11	0.15	0.29
Gross Misdemeanor Court Cases	0.03	0.07	0.08
Felony Court Cases	0.00	0.07	0.29
Prison Days	0.00	52.02	22.26
Jail Bookings	0.94	1.24	1.03
Jail Days <sup>a</sup>	12.56	20.15	18.45
Parole Days	0.00	0.00	0.00
Probation Days	411.64	363.59	560.94
Crashes with Incapacitating Injury	0.00	0.00	0.00
Crashes with Non-Incapacitating Injury	0.00	0.00	0.00
Crashes with Possible Injury	0.00	0.00	0.00
Crashes with Property Damage Only	0.00	0.04	0.00
Property Victimizations <sup>b</sup>	0.00	0.02	0.05
Person Victimizations	0.00	0.00	0.11

<sup>&</sup>lt;sup>a</sup> This includes all jail sanctions while participants were in the program.

Overall, as demonstrated in Table 13, DWI court participants have fewer rearrests, new misdemeanor, gross misdemeanor, and felony court cases, and probation days than the comparison group, but more days in prison, jail bookings, and days in jail. DWI court participants also have fewer property and person victimizations than the comparison group, but more crashes with property damage.

<sup>&</sup>lt;sup>b</sup> Property victimizations are separate from crashes with property damage only. Property victimizations are costs that occur due to a crime (with no vehicle involvement), while the property damage from a crash includes property losses based on insurance claims data.

Table 14 presents the outcome costs for each transaction for graduates, all DWI court participants (graduates and terminated participants) and the comparison group. 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 14. Recidivism (Outcome) Costs per Participant over 2 Years

Transaction	Unit Costs	DWI Court Graduates Per Person n = 36	DWI Court Participants Per Person n = 46	Comparison Group Per Person $n = 66$
Rearrests	\$166.99	\$23	\$40	\$104
Misdemeanor Court Cases	\$896.52	\$99	\$134	\$260
Gross Misdemeanor Court Cases	\$1,318.19	\$40	\$92	\$105
Felony Court Cases	\$1,597.97	\$0	\$112	\$463
Prison Days	\$86.10	\$0	\$4,479	\$1,917
Jail Bookings	\$19.57	\$18	\$24	\$20
Jail Days	\$117.34	\$1,474	\$2,364	\$2,165
Parole Days	\$4.07	\$0	\$0	\$0
Probation Days	\$1.31	\$539	\$476	\$735
SUBTOTAL		\$2,193	\$7,721	\$5,769
Crashes with Incapacitating Injury	\$237,619.00	\$0	\$0	\$0
Crashes with Non-Incapacitating Injury	\$60,645.00	\$0	\$0	\$O
Crashes with Possible Injury	\$28,928.00	\$0	\$0	\$0
Crashes with Property Damage Only	\$2,583.00	\$O	\$103	\$O
Property Victimizations	\$13,281.00	\$0	\$266	\$664
Person Victimizations	\$43,024.00	\$0	\$0	\$4,733
TOTAL		\$2,193	\$8,090	\$11,166



Table 14 shows that the difference in total outcome cost between the DWI court participants and the comparison group is a negative \$1,952 per participant (a loss) due almost entirely to more days in prison and jail for DWI court participants who were terminated from the program. However, when costs due to crashes and victimizations are included, the difference changes to a positive \$3,076 per participant. This difference is the benefit, or savings, due to DWI court participation. Overall, these findings show that participation in DWI court results in savings, due to the number of person victimizations for the comparison group members. Note that graduates of the CWC have no prison days (as well as almost half as many jail days as all participants), which indicates that participants who terminate unsuccessfully from the program are the reason that DWI court participants have a higher number of days in prison and jail than the comparison group. 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, the CWC may want to assess why DWI court participants, particularly those who were terminated, spend a much larger amount of time in prison and jail compared to those who never received the program.

Not including crashes and victimizations, Table 14 shows that the majority of DWI court participant outcome costs are due to prison (an average of \$4,479, or 58% of total costs) and jail (an average of \$2,364, or 31% of total costs). The majority of outcome costs for the comparison group were due to jail (an average of \$2,165, or 38% of total costs) and prison (an average of \$1,917, or 33% of total costs). The largest savings for the DWI court group (when compared to the comparison group) was due to fewer new court cases (an average savings of \$490 per participant).

#### 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 15 provides the cost for each agency and the difference in cost between the DWI court participants and the comparison group per person. A positive number in the difference column indicates a cost savings for DWI court participants.

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

Agency	DWI Court Outcome Costs per Participant	Comparison Group Outcome Costs per Individual	Difference/ Savings per Individual
District Court	\$99	\$223	\$124
City Attorney	\$47	\$95	\$48
County Attorney	\$90	\$237	\$147
Public Defender	\$102	\$273	\$171
Department of Corrections	\$4,479	\$1,917	(\$2,562)
Community Corrections	\$476	\$735	\$259
Law Enforcement	\$2,428	\$2,289	(\$139)
SUBTOTAL	\$7,721	\$5,769	(\$1,952)
Crashes	\$103	\$0	(\$103)
Victimizations	\$266	\$5,397	\$5,131
TOTAL	\$8,090	\$11,166	\$3,076

*Note.* 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 15 shows that the District Court, county attorney, city attorney, public defender, and community corrections have a benefit, or savings, as a result of DWI court, but the Department of Corrections and law enforcement do not. As demonstrated in Tables 14 and 15, the total cost of



recidivism over 2 years for the CWC per DWI court participant (regardless of graduation status) was \$7,721, while the cost per comparison group member was \$5,769. The difference between the DWI court and comparison group represents a loss of \$1,952 per participant. When crashes and victimization costs are added, the difference in costs jumps substantially with DWI court participants costing a total of \$3,076 *less* per participant than non-DWI court offenders due to fewer victim crimes for participants and therefore realizing an overall savings. Program graduates use substantially fewer resources than the comparison group, and particularly fewer resources than those terminated from the program. The program should look into the 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.

#### Cost Benefit Analysis

Over time, the CWC results in cost savings and a return on taxpayer investment in the program. The program investment cost is \$15,964 per DWI court participant. The benefit due to reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$3,076. This amount does not result in a positive return on the investment over the 2-year time period. However, if we make the assumption that the cost savings will continue to accrue over time as has been shown in long-term drug court studies (e.g., Finigan et al., 2008) this cost benefit ratio will improve over time as the investment is repaid. If these cost savings are projected out 11 years, the savings come to \$16,918 per participant resulting in a cost benefit ratio of 1:1.06.<sup>38</sup> That is, for every taxpayer dollar invested in the program, there is \$1.06 return after 11 years. This ratio can increase over time as the investment is repaid and the savings continue to accumulate. At 15 years the cost benefit ratio comes to 1:1.45. These are criminal justice system savings only. If other system costs, such as health care and child welfare were included, studies have shown that an even higher return on investment can be expected, up to \$10 saved per \$1 invested in the program (Finigan, 1998).

 $<sup>^{38}</sup>$  A cost benefit ratio greater than 1 means that the benefits outweigh the costs. If the cost benefit ratio is less than 1, the costs outweigh the benefits.

# COST EVALUATION RESEARCH QUESTION #3: COST OF TIME BETWEEN ARREST AND DWI COURT ENTRY

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

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

#### Costs between Arrest and DWI Court Entry

Key Component #3 of the Key Components of Drug Court is about identifying eligible individuals quickly and promptly placing them in the program. A shorter time between arrest and DWI court entry helps ensure prompt treatment while also placing the offender in a highly supervised environment where they are less likely to be rearrested and therefore less likely to be using other criminal justice resources such as jail as well as protecting public safety. The longer the time between arrest and DWI court entry, the greater the opportunity for offenders to re-offend before getting into treatment. This leads to the question, what is the impact in terms of rearrests, court cases, and jail in the time between arrest and entry into the DWI court for CWC 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 earlier in this report. Costs were calculated from the time of the DWI court eligible arrest to program entry. For the CWC, the mean average length of time between arrest and program entry was 221 days. It should be noted, however, that the median was 36 days, which means half of all participants in the CWC enter the program in 36 days or less.

Table 16 represents the criminal justice costs per DWI court participant (graduates and non-graduates combined) from the DWI court eligible arrest to program entry.

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

Transaction	Transaction unit cost	Avg. # of transactions per DWI court participant	Avg. cost per DWI court participant n = 51
Rearrests	\$166.99	0.24	\$40
Misdemeanor Court Cases	\$896.52	0.20	\$179
Gross Misdemeanor Court Cases	\$1,318.19	0.08	\$105
Felony Court Cases	\$1,597.97	0.02	\$32
Jail Bookings	\$19.57	1.27	\$25
Jail Days	\$117.34	28.69	\$3,366
Total			\$3,747

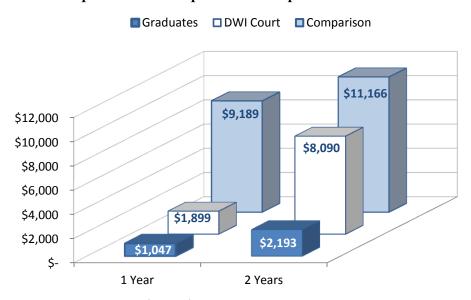


As is demonstrated in Table 16, there are substantial costs accruing to the criminal justice system per offender from the time of the DWI court eligible arrest through entry into DWI court (\$3,747 per DWI court participant). It should be noted that these costs only include arrests, court cases, jail bookings, and jail time during the average of 221 days from the DWI court eligible arrest to entry into the CWC. 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 7 provides a graph of the outcome costs for graduates, all participants and the comparison group over 2 years, including victimizations and crashes.

Figure 7. Criminal Justice Recidivism Cost Consequences per Person: DWI Court Participants and Comparison Group Members over 2 Years



**Number of Years from DWI Court Entry** 

The cost savings illustrated in Figure 7 are those that have accrued in the 2 years since program entry. Many of these savings are due to positive outcomes while the participant is still in the program. Therefore, it is reasonable to state that savings to the state and local criminal justice systems are generated from the time of participant entry into the program.

These savings will also continue to grow with the number of new participants that enter the program each year. If the CWC program continues to serve a cohort of 25 new participants annually, the savings of \$3,076 per participant over 2 years results in a savings of \$38,450 per cohort per year, which can then be multiplied by the number of years the program remains in operation and for additional cohorts per year. After 5 years, the accumulated savings come to \$576,750.

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

# **Summary of Cost Evaluation**

Although the CWC is a substantial taxpayer investment, over an extended time it results in cost savings and a return on its investment. The program investment cost is \$15,964 per DWI court participant. The benefit due to reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$3,076. If these cost savings are projected 9 more years (to 11 years) the savings come to \$16,918 per participant resulting in a cost benefit ratio of 1:1.06. That is, for every taxpayer dollar invested in the program, there is a \$1.06 return after 11 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate. At 15 years the cost benefit ratio comes to \$1.45 saved for every \$1 invested in the program.

These extended time frames before the program sees a return on its investment are due largely to the costs of DWI court participants who were unsuccessfully terminated from the program. These individuals spent substantially longer time in prison than the comparison group, indicating the possibility of more punitive sentences for those who participate in the program.

However, overall, the CWC did realize a \$3,076 savings per participant over the 2 years evaluated in the study. These savings will continue to grow with the number of new participants that enter the program each year. If the CWC program continues to serve a cohort of 25 new participants annually, the accumulated savings after 5 years come to \$576,750.

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

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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 par-

ticipants, 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, 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.

<sup>&</sup>lt;sup>1</sup> 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 Representative<sup>2</sup>
  - 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.

<sup>&</sup>lt;sup>2</sup> Specifically 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., 1<sup>st</sup> and 2<sub>nd</sub> 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 cooccurring 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.

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

#### **Recommended Practices**

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

#### VII. STANDARD SEVEN

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

- 7.1 Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures address elements that contribute to the reliability and validity of the testing process.
- 7.2 Individualized drug testing plans; all testing must be random, frequent, and observed.
- 7.3 Plans for addressing participants who test positive at intake or who relapse must be clearly established with outlined treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the judge.
- 7.4 Notification of the court immediately when a participant tests positive, has failed to submit to testing, has submitted the sample of another, diluted the sample, or has adulterated a sample. Failure to submit to testing, submitting the sample test of another, and adulterated samples must be treated as positive tests and immediately sanctioned.
- 7.5 Testing sufficient to include each participant's primary substance of dependence, as well as a sufficient range of other common substances.

#### **Recommended Practice**

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

#### VIII. STANDARD EIGHT

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

- 8.1 All participants have an up-to-date treatment plan and record of activities.
- 8.2 All chemical dependency and mental health treatment services are provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of their profession.

#### **Recommended Practices**

- 1. Each participant should contribute to the cost of the treatment he/she receives while participating in the drug court, taking into account the participant's, and when appropriate the guardian's, financial ability.
- 2. Drug court teams should make reasonable efforts to observe drug court treatment programs to gain confidence in the services being provided and to better understand the treatment process.
- 3. Whenever possible drug court treatment providers should have separate tracks for drug court participants/criminal justice clients.

#### IX. STANDARD NINE

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

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

#### **Recommended Practices**

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

#### X. STANDARD TEN

<sup>3</sup> 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

## 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.

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 Cour**t 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 Cour**t 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 priori-

tized on a regular basis

Appendix J Steering Committee

Appendix K Planning Team

Appendix L Operations Team

Appendix M Referral & Screening Flow Chart