

**South St. Louis County  
DWI Court  
St. Louis County, MN  
Process, Outcome, and Cost  
Evaluation Report**



*Submitted to:*

**Minnesota Department of  
Public Safety**  
Office of Traffic Safety  
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Evaluation Report***

*Submitted By*

NPC Research

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## EXECUTIVE SUMMARY

**D**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.<sup>1</sup> This is the site-specific report for the South St. Louis County DWI Court (SSLC).

The SSLC was implemented in February 2008. The program is designed to take 12 to 24 months to complete and takes pre-plea, post-plea/pre-conviction, and post-conviction participants. All offenders must be in the post-adjudication stage upon phase advancement and cannot graduate if not in that stage. The general program population consists of repeat DWI offenders, with gross misdemeanors and felonies accepted into the program.

**Process Evaluation Summary.** The SSLC has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating exemplary practices within each of the 10 Key Components of Drug Courts and the 10 DWI Court Guiding Principles including having a dedicated, collaborative, team with members from all key agencies (a law enforcement representative, prosecutor, defense attorney, probation, treatment, coordinator, and judge); a focus on regular training on the drug court model and other relevant topics for the team; a swift referral process; the use of evidence-based treatment models, rapid results from drug testing; a random and fully observed drug testing process; a judge who has been with the program long term (well over 2 years); and good communication among the team with a coordinated response to participant behavior.

Although this program is functioning well, NPC's review of program operations resulted in some recommendations for program enhancements, which the program has already begun work on implementing. These recommendations included:

- **Modify the current team member Memoranda of Understanding (MOU) to include language about the use and disclosure of protected health information at staffing sessions.** Protected health information, particularly around the topic of participant relapse, may need to be disclosed by treatment providers at staffing sessions so that the

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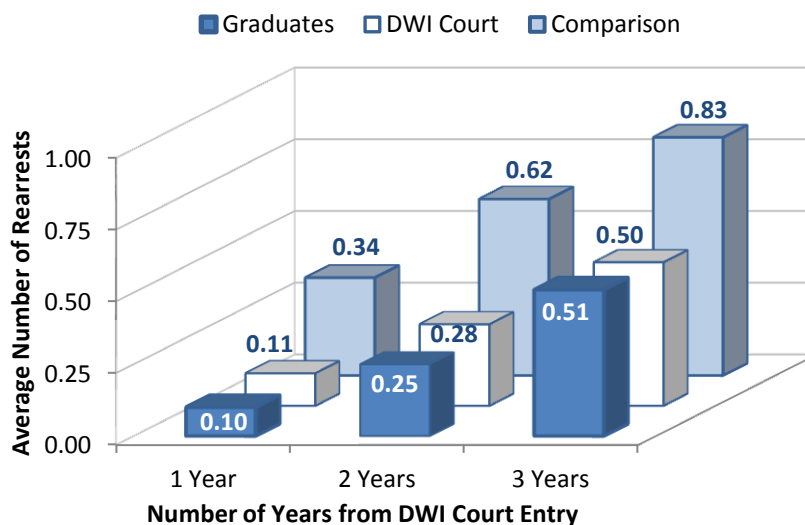
<sup>1</sup> No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to the very small participant samples sizes available in those programs.

team can make an appropriate and informed decision regarding incentives and sanctions for the participant.

- **Continue to assess transportation needs of participants and look for resources to provide transportation to those participants who need it.** Team members noted significant challenges in providing transportation to participants.
- **Reevaluate the required length of sobriety to help make program completion a more realistic goal for participants.** The SSLC requires that all participants complete 300 days of sobriety in order to graduate. Although there is a clear relationship that indicates the longer a person remains clean (as shown through negative drug tests) the less likely he/she will be to relapse, there are diminishing returns to the participant remaining in the program for an extended length of time (Carey et al., 2005).
- **Increase the focus on rewards for participants who are doing well.** The SSLC has identified the need to provide more meaningful incentives to their DWI court participants. The SSLC currently provides a wide range of intangible rewards, such as praise from the judge and applause for participants, but only occasionally provides tangible rewards, such as gift cards or tickets to sports games. Focus group participants mentioned the value of overnight passes. The team might consider raffling off or awarding overnight stays or similarly valued rewards for positive behaviors or advancement in the program.
- **Consider holding graduation ceremonies separate from the drug court hearing or implementing practices that would make them more distinct from regular drug court hearings.** Graduations provide an opportunity for community partners to witness DWI court program successes. Inviting community partners to observe and participate in graduations is a low-cost way to highlight the effectiveness of the program and garner interest for continued and future involvement with the program.
- **Apply to be a DWI Academy Court.** Based on the success of its operations, its commitment to best practices, and its strong team, we recommend that the SSLC apply to the National Center for DWI Courts in the next round of applications to be a NCDC DWI Academy Court.

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on SSLC participants who entered the DWI court program from February 1, 2008, to August 23, 2012, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than SSLC. The study groups were tracked for 2 years from program entry. Outcomes measured included graduation rate, rearrests with associated charges (including new DWI charges), crashes, and license reinstatements.

The results of the outcome analysis for the SSLC were positive. Figure A illustrates the rearrest rates over a 3-year period for graduates, all participants and the comparison group. (Graduates should not be compared directly to the comparison group as the two groups are not equivalent.)

**FIGURE A. DWI COURT PARTICIPANTS HAD FEWER REARRESTS OVER 3 YEARS<sup>2</sup>**

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

- 3 times fewer rearrests for any charge in Year 1
- 66% fewer rearrests, and 66% fewer new DWI arrests 3 years after program entry
- Half as many victimizations (person and property arrests) 2 years after entry
- 60% fewer felony arrests 2 years after entry

Overall the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. Moreover, and of particular interest, high-risk participants (individuals with three or more prior arrests) had the highest reductions in recidivism (showing the greatest benefit from this program), while lower risk participants (those with two or fewer prior arrests) show little reductions in recidivism.

There were no significant differences in crashes or interlock use. This was mainly due to lack of data availability and low incidence of the data for these outcomes (for example, in the 218 individuals followed in this study, there were 11 crashes over a 3-year period); therefore, limited conclusions can be made for these outcomes of interest. DWI court participants had a slightly higher percentage of license reinstatements than the comparison group (83% versus 71% after 3 years). This difference was significant at a trend level ( $p < .1$ ).

The average graduation rate for the SSLC program is 86%, which is substantially higher than the national average for drug and DWI courts of 53%. This indicates that the program is working hard to keep participants in the program and to provide them with the resources to succeed.

An analysis of the characteristics of graduates compared to non-graduates showed that participants who were younger, female, non-White, had a mental health diagnosis, and used drugs other

<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 83, 60, 47$ ; All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 118, 84, 71$ .

than alcohol were less likely to graduate from the program. However, the number of non-graduates was so small that these findings should be interpreted with caution.

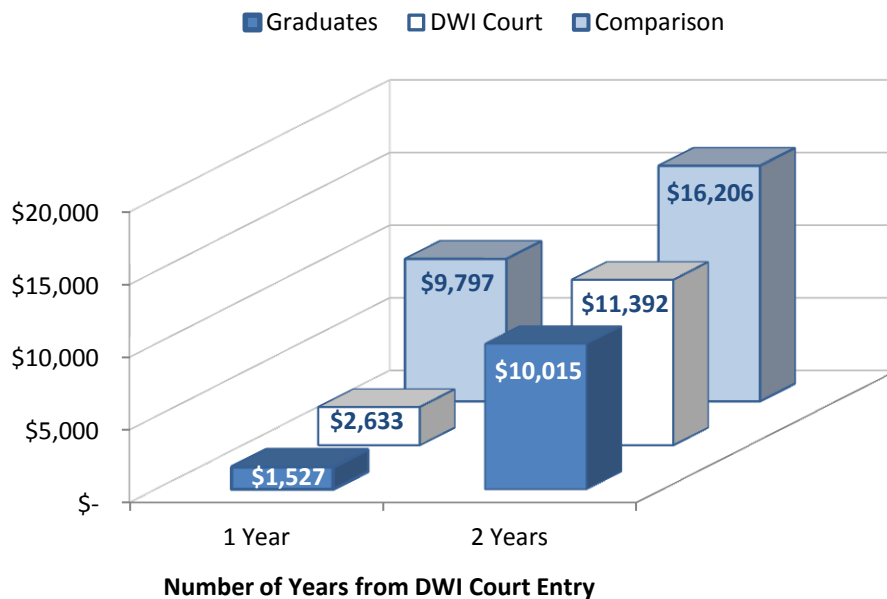
Overall, the DWI court program has been successful in its main goals of reducing recidivism among its participants and increasing public safety.

**Cost Evaluation Summary.** Although the SSLC does require an investment by taxpayers, over time it results in substantial cost savings and a return on its investment. The program investment cost is \$9,431 per DWI court participant. Compared to other cost studies completed by NPC Research, this cost is relatively low. Out of 69 DWI and drug court cost evaluations performed, the average program cost per participant was \$14,372 per participant (Carey et al., 2012).

The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$4,814 per participant (\$2,407 per year).<sup>3</sup> If these cost savings are projected 3 more years (to 5 years) the savings come to \$12,035 per participant resulting in a cost-benefit ratio of 1:1.28. That is, for every taxpayer dollar invested in the program, there is \$1.28 return after 5 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate. At 10 years the cost-benefit ratio comes to \$2.55 saved for every \$1 invested in the program.

Figure B provides a graph of the outcome costs (the recidivism cost consequences) for graduates, all participants, and the comparison group over 2 years from program entry.

**FIGURE B. CRIMINAL JUSTICE RECIDIVISM COST CONSEQUENCES PER PERSON: DWI COURT PARTICIPANTS AND COMPARISON GROUP MEMBERS OVER 2 YEARS**



<sup>3</sup> A two year time period was chosen for the cost analysis of participant outcomes because the number of participants with two years since program entry was higher than the number at three years, lending more power to the analysis and leading to more robust cost numbers.

Overall, the SSLC program had:

- A criminal justice system cost savings of \$2,407 per participant per year,
- A 128% return on its investment after 5 years (a 1:1.28 cost-benefit ratio), and
- A 255% return on its investment after 10 years (a 1:2.55 cost-benefit ratio).

These savings will also continue to grow with the number of new participants that enter the program each year. If the SSLC program continues to serve a cohort of 50 participants annually, the accumulated savings after 5 years come to over \$1.8 million.

As the existence of the SSLC continues, the savings generated by DWI court participants due to reduced substance use and decreased criminal activity can be expected to continue to accrue, repaying investment in the program and beyond. Taken together these findings indicate that the SSLC is both beneficial to participants and beneficial to St. Louis County and Minnesota taxpayers. Taken as a whole, these results demonstrate that the SSLC program is effective in reducing recidivism and protecting public safety while using fewer criminal justice system resources.





## BACKGROUND

**D**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 offenders (DWI) with the goal of protecting public safety. Benefits to society take the form of reductions in crime and future DWIs, resulting in reduced costs to taxpayers and increased public safety.

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

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

### Process, Outcome, & Cost Evaluation Description and Purpose

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost evaluation in seven of these programs.<sup>4</sup> The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts.

The *process evaluation* was designed to include the collection of the following information:

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

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<sup>4</sup> No cost evaluation was performed for the Borderland Substance Abuse Court and the Roseau County DWI Court due to the very small participant sample sizes in those programs.

- 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
- Prediction of successful outcomes based on program and participant characteristics
- Description of significant predictors of recidivism at 12, 24, and 36 months

The subsequent *cost evaluation* was designed to gather information that allowed 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 provides the results of the evaluation of the South St. Louis County DWI Court (SSLC). 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

**T**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.

### South St. Louis County DWI Court Process Evaluation Activities and Methods

As a part of the process evaluation, NPC staff conducted the following activities with the South St. Louis County DWI Court Program (referred to as SSLC 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 SSLC.
  - c. Facilitate focus groups with current program participants, graduates and terminated participants.
3. Reviewed program documents including the policy manual, participant handbook, participant orientation information, forms used to process participants, previous evaluation reports, and other program-related documents.
4. Reviewed a data elements worksheet with program staff to locate/collect data for the outcome and cost evaluations.
5. Conducted a detailed review of the program data collection process and data availability (including data available for a comparison group).
6. Facilitate 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 SSLC 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<sup>5</sup> was referenced for detailed questions about the program. This guide was developed from the same sources as the online assessment and provides a consistent method for collecting structure and process information from drug courts. The information gathered through the use of this guide assisted the evaluation team in focusing on the day-to-day operations as well as the most important and unique characteristics of the DWI court.

### **FOCUS GROUPS**

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

### **DOCUMENT REVIEW**

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

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<sup>5</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](http://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 SSLC program. To provide background for these results, the 10 Key Components of Drug Courts and DWI Court Guiding Principles are described along with the associated research on best practices within each component.

The South St. Louis County DWI Court was implemented in February 2008. This program is designed to take 12 to 24 months to complete and takes pre-plea, post-plea/pre-conviction, and post-conviction participants. All offenders must be in the post-adjudication stage upon phase advancement and cannot graduate if not in that stage. The general program population consists of repeat DWI offenders, with gross misdemeanors and felonies accepted into the program.

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

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

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

Key Component #1, as well as the associated DWI Court Guiding Principle on forging relationships in the community, focuses on the collaboration of various agencies.<sup>6</sup> The partnerships include the integration of treatment services with traditional court case processing, and the engagement of various other criminal justice and service agencies, including probation, law enforcement, and community partners (employment, housing, transportation, and other groups). Each professional who interacts with the participants observes them from a unique perspective, at different times of the day or week, and under varied circumstances. This offers holistic, useful information for the team to draw upon in determining court responses that will change participant behavior. Participation from all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. For these collaborations to be true “partnerships,” regular meetings and communication with these partners should occur. If successful, the DWI court will benefit from the expertise that resides in all of the partner agencies, and participants will enjoy greater access to a variety of services.

### National Research

Research has indicated that greater representation of team members from collaborating agencies (e.g., defense attorney, treatment, prosecuting attorney) at team meetings and court hearings is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Greater law enforcement involvement increases graduation rates and reduces outcome

<sup>6</sup> DWI Court Guiding Principle #5

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, Waller, & Weller, 2011).<sup>7</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).

### SSLC DWI Court Process

- The team is currently composed of the judge, DWI court coordinator, city attorney, county attorney, two public defenders, a private defense attorney, probation, law enforcement, corrections, treatment providers (including mental health services), a victim advocate, and a tribal representative from the Fond du Lac Reservation.
- The prosecutor position for the SSLC DWI court is unusual compared to most DWI courts due to the way Minnesota organizes prosecution. The county attorney is responsible for prosecuting first degree (felony) cases and the city attorney prosecutes misdemeanor and gross misdemeanor cases that occur within city limits (with a few exceptions). First degree felony charges occur when a defendant receives four or more DWIs in a 10-year period. Gross misdemeanors typically result when a defendant with one to three DWI convictions violates the terms of his/her probation or has a combination of aggravating factors at the time of arrest. Initially, SSLC only accepted first degree DWI cases, but recently started accepting second degree DWI cases because the team recognized the potential benefit of the program to this group.
- Most team members attend DWI court sessions and staffing meetings. At least one of the public defenders is present at the staffing meetings and court sessions, unless the staffing meetings are strictly related to policy issues. The public defenders always attend court when proceedings are on the record. The majority of staffing meetings is devoted to discussing participant progress, but occasionally time-sensitive policy issues are brought before the team at this time.
- There is a policy committee that meets separately from regular team meetings, to discuss global issues such as sustainability, community connections, and participant needs. Recently, they have used these policy meetings to present new information learned at drug court conferences, to review their list of sanctions and incentives, as well as to update the DWI court policy manual. The committee consists of the team members and meets on a quarterly basis.
- Probation performs the majority of case management for participants and leads the staffing meetings. The court coordinator and the treatment director share the remaining responsibilities, such as helping participants reinstate their driver's licenses or assisting with other social service needs.
- A primary treatment agency, the Center for Alcohol and Drug Treatment (CADT), works directly with the DWI court program, and the majority of participants receive their treatment from this agency. The provider is contracted directly with the court to receive payment, but other agencies can be utilized at any time based on client preference.

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<sup>7</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, because they create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.

- The treatment counselors from CADT communicate with the court verbally in team meetings and during court sessions. The treatment provider also communicates via email with probation, the coordinator, and the judge. The treatment provider at CADT is responsible for coordinating communication from all other treatment agencies. The team reported that information from CADT is always given to the court in a timely way; however, timely communication with some of the other treatment providers has been challenging.
- It was also noted during observations that treatment providers are sometimes apprehensive to share protected health information with the team at staffing meetings, particularly concerning sensitive content areas, such as substance use, out of concern that they might be violating professional ethics codes and that some team members may be sharing information in reports outside the team.
- There are several other agencies in the immediate area providing treatment services, including culturally specific treatment on the Fond du Lac Reservation. There is a member on the team from the Fond du Lac Reservation that assists treatment coordination, but for those attending treatment at other locations, information can be difficult to obtain on a timely basis, creating issues for the court. In these instances, the participants may be asked to attend treatment at CADT.
- Recently, a mental health treatment representative has started to attend staffing and court on a regular basis. The team noted that this arrangement has resulted in better communication regarding mental health treatment, and updates are typically relayed on a weekly basis.

### Commendations

- **The program includes a law enforcement representative on the team.** Drug court programs that included a representative from law enforcement on the drug court team had 88% greater reductions in recidivism and an increase of 44% in cost savings compared to programs that did not include law enforcement (Carey, Mackin, & Finigan, 2012).
- **The program includes community members on the team.** The SSLC has a local tribal representative and a victim advocate on the DWI court team. The SSLC demonstrates a commitment to developing and maintaining an integrated DWI court team and developing community connections, following the best-practice guidelines for achieving success within these components.
- **The judge, prosecution, defense, treatment, program coordinator, and probation attend staffing meetings as well as court sessions.** The SSLC promotes excellent communication between team members. All team members attend every staffing meeting and report on participant status and progress on a regular basis. Best practices research shows that programs have 50% greater reductions in recidivism when these staff members regularly attend staffings, compared to programs that do not perform this practice (Carey et al., 2012).
- **The SSLC holds quarterly policy committee meetings and regularly updates the policy manual and participant handbook.** The SSLC should be commended for its implementation of quarterly policy committee meetings, which promotes understanding of each team member's role, provides a dedicated space for regular review of the program process, and allows the team to become united on DWI court goals. The participant handbook is also updated regularly, which ensures that participants are well informed about the program's expectations.

### Suggestions/Recommendations

- **Continue to streamline communication between treatment providers and the court.** In order for the team to make informed and fair decisions about their response to participant behavior, it is crucial that all current and relevant treatment information be provided to the team. Continue to monitor communication between all treatment agencies, mental health providers, and other team members to ensure timely information sharing. A template to facilitate this information sharing will be provided separately to the DWI court team.
- **Modify the current team member Memoranda of Understanding (MOU) to include language about the use and disclosure of protected health information at staffing sessions.** Protected health information, particularly around the topic of participant relapse, should be disclosed by treatment providers at staffing sessions so that the team can make an appropriate and informed decision regarding incentives and sanctions for the participant. To assuage the fear that treatment providers exhibited regarding the possible negative consequences related to sharing this information, the SSLC is encouraged to modify its existing team member MOUs to specify what type of information is expected to be shared at staffing sessions and for what purposes. The MOU language should also clearly outline that information acquired over the course of participant treatment sessions and disclosed at staffing sessions cannot be shared outside the DWI court. Information about participant relapse plays a crucial role in monitoring participant progress, and without this information, the benefit of the entire program to effect participant behavior change is lost.

### **KEY COMPONENT #2: USING A NON-ADVERSARIAL APPROACH, PROSECUTION AND DEFENSE COUNSEL PROMOTE PUBLIC SAFETY WHILE PROTECTING PARTICIPANTS' DUE PROCESS RIGHTS.**

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

#### National Research

Research by Carey, Finigan, and Pukstas (2008) and Carey et al. (2012) found that participation by the prosecution and defense attorneys in team meetings and at drug court status review hearings had a positive effect on graduation rate and on recidivism costs.

In addition, courts that allowed non-drug-related charges also showed lower recidivism costs. Allowing participants into the drug court program only post-plea was associated with lower graduation rates and higher investment costs while drug courts that mixed pre-trial and post-trial offenders had similar outcomes as drug courts that keep those populations separate (Carey, Finigan, & Pukstas, 2008).<sup>8</sup>

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<sup>8</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.



### SSLC DWI Court Process

- The county attorney, city attorney, and two public defenders are part of the DWI court team and do not rotate on a regular basis. There is a primary public defender designated by the office, and the second public defender is available when case conflicts arise. All attorneys make every effort to attend staffing and court. Designated staff can back up the primary city and county attorney in the event they are not available.
- The public defenders on the team represent about 75% of clients in the DWI court; thus they are highly active and valued members of the team.
- During observations of the staffing meeting, the prosecutors and public defenders worked as a high-functioning team to devise appropriate sanctions for participants who had violated the conditions of the program. Considerable time was spent working through a plan that would satisfy each side, and information was always presented in a collaborative manner.
- The prosecutors and public defenders noted the importance of working as a team toward ensuring greater public safety of the community while maintaining their professional responsibilities and obligations to their respective agencies.
- Public defenders noted that they have a complicated role in that they are always looking out for the best interest of the client, but are also providing input to responses and consequences from the court. They work hard to keep this role in balance and are always aware of their responsibilities to protect clients' due process rights.

### Commendations

- **The SSLC has two permanent prosecuting attorneys (one each for city and county) and two defense attorneys assigned to the program, and all members regularly attend team meetings and court sessions.** Additionally, all of the attorneys assigned to the DWI court are on a permanent, non-rotating term. The SSLC team has successfully implemented a structure that protects participants' due process rights, while also promoting public safety. Best practices research indicates that this results in more positive participant outcomes including lower recidivism. Research also indicates that when defense attorneys regularly attend staffing meetings, programs exhibit a 93% increase in cost savings, compared to programs that do not perform this practice (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **All DWI court attorneys have been trained in the drug court model.** Interviews with attorneys and observations of team meetings revealed that the SSLC attorneys have a strong background with the drug court model and clearly understand their specific roles and responsibilities as members of the team. Programs that have incorporated training on a non-adversarial approach have better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

### Recommendations

**The SSLC is performing best practices under Key Component #2.** 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 Court Guiding Principle on determining the population, is on the development and effectiveness of the eligibility criteria and referral process.<sup>9</sup> 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 meet other “suitability” requirements that the team uses to determine whether they believe specific individuals will benefit from and do well in the program. Drug and DWI courts should have clearly defined eligibility criteria. It is advisable to have these criteria written and provided to the individuals who do the referring so that appropriate individuals that 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 drug court.

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

**National Research**

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

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

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

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<sup>9</sup> DWI Court Guiding Principle #1

### SSLC DWI Court Process

- The probation officer, county attorney, and city attorney may identify and refer potential participants to the program.
- The SSLC DWI court program eligibility requirements are written. All referring team agencies have copies of the eligibility criteria.
- Participants may enter the program under pre-plea status, but this is done only to expedite the entry process and start services. In these cases, part of the plea agreement is that they enter DWI court and all participants must be in post-plea status prior to their first phase advancement. The program also accepts post-conviction cases.
- The target population consists of adult offenders arrested for felony DWI (four or more DWI convictions within 10 years); those facing a violation of probation on a DWI that could result in revocation of their stay of execution (at least 1 year); and those facing Criminal Vehicular Operation (CVO). Federal funding also prohibits certain violent offenses (mostly assault charges) from entering the program; otherwise, offenders with current violence charges or prior violence convictions may be allowed into the program on a case-by-case basis. Participants must also reside in a pre-determined boundary within the county.
- The probation officer has excellent communication with both the county attorney's office and colleagues at the probation office. When potential participants are arrested or violate their probation due to use, the DWI court probation officer either identifies these potential clients himself or is notified immediately and typically makes contact with these clients while they are still in custody. Participants are identified and screened immediately by the probation officer, resulting in court involvement quickly after arrest. This results in a minimum total estimated time from arrest to DWI court entry of less than 1 week. There may be exceptions that take several months, but this is not the norm.
- The probation officer conducts a Level of Service Inventory (LSI-R), an Adult Substance Use and Driving Survey (ASUDS-R) and a Pre-Sentence Investigation (PSI) on each program participant to formulate a comprehensive, individualized case plan. The treatment director screens potential participants using a narrative "in-house" assessment that covers mental health, substance abuse, and other factors affecting treatment. This screening helps inform the treatment plan and is not a screen for program eligibility.
- The treatment director's assessment is used as a case plan for the DWI court program and can be used to refer to mental health or other agencies. A Chemical Dependency (Rule 25) assessment is conducted for all those who ask and who may be eligible for public funding to pay for treatment services.
- Entry into the program is generally decided by team consensus. After reviewing the program requirements with potential participants and verifying interest in the program, the probation officer makes a recommendation to the judge, and the case is discussed within the team. The program is voluntary, but due to the average length of incarceration that most clients are facing, the majority of potential participants are eager to accept the terms of the program.
- The court obtained an expansion grant in 2011 allowing it to serve approximately 20 participants with gross misdemeanors in addition to the existing felony caseload. According to team members, the DWI court's capacity is reported to be 40-50 participants with current resources, and the court is approaching program capacity. As of September 2012, the program had 48 active participants.

### Commendations

- **Participants are identified and referred to the program within 1 week of arrest.** The SSLC team should be applauded for its swift referral and placement process into the DWI court. Research shows that drug courts with a referral and placement process of 50 days or less (from arrest to drug court entry) have higher cost savings than those courts that had a longer time period between arrest and entry (Carey et al., 2012).
- **The team has written guidelines for program eligibility.** The SSLC team has clearly identified program eligibility requirements, all members have copies, and all members are familiar with the definitions. This ensures that appropriate participants are referred to the program and in a timely manner.
- **The team does not disqualify “unsuitable” participants.** Although there is a comprehensive screening that takes place at client intake, there is not a formal “suitability” requirement (e.g., requirements based on the team’s subjective belief in the likelihood that the participant will “make it” through the program) for program participation. Research shows that screening participants for suitability and excluding “unsuitable” participants has no effect on program outcomes including graduation and recidivism rates (Carey, Finigan, & Pukstas, 2008; Carey & Perkins, 2008; Carey et al., 2011). Additionally, the program serves its community most effectively when individuals with behavioral problems are able to successfully fulfill the goals of the program.
- **The DWI court allows offenders with mental health issues.** The SSLC DWI court performs a mental health assessment on all incoming participants to determine if they need additional services. If a participant is identified as needing mental health treatment, an appropriate plan is incorporated into their drug court case management plan.
- **The program caseload (number of active participants) is less than 125.** As of September 2012, the SSLC DWI court had an active caseload of 48 active participants. Research indicates that programs with 125 active participants or fewer have significantly greater outcomes than those programs with more than 125 participants (Carey et al., 2012).

### Recommendations

- **The SSLC is performing best practices under Key Component #3.** There are no recommendations in this area at this time.

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

The focus of this key component is on the drug court’s ability to provide participants with a range of treatment and other services appropriate to participant’s 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, devel-

oping a treatment plan, and ensuring that services to address DWI court participants' unique transportation issues are available.<sup>10</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 assessment should include alcohol use severity, drug involvement/severity, level of needed care, medical and mental health status, employment and financial status, extent of social support systems including family support, alcohol (or drug) triggers, refusal skills, thought patterns, confidence in their ability to stop using alcohol/drugs, and motivation to change.

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

### National Research

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) maintains an updated guide on the reliability and validity of alcohol assessment instruments (Allen & Wilson, 2003). The American Society of Addiction Medicine (ASAM) publishes non-proprietary patient placement criteria for matching substance abuse clients to indicated levels or modalities of care. The ASAM guidelines specify the areas that should be covered in a clinical assessment and matches the clients' results with levels of care that guide a patient's placement in treatment services (American Society of Addiction Medicine, 1996).

Programs that have requirements for the frequency of group and individual treatment sessions (e.g., group sessions 3 times per week and individual sessions 1 time per week) have lower investment costs (Carey et al., 2005), substantially higher graduation rates, and improved recidivism costs (Carey, Finigan, & Pukstas, 2008). Clear requirements of this type may make it easier 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."

<sup>10</sup> DWI Court Guiding Principles #2, #3, and #8

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.

### SSLC DWI Court Process

- The treatment director performs a comprehensive assessment of the client's treatment needs at intake, which includes the six dimensions of ASAM and a SOCRATES assessment to gauge motivation, among other clinical and social components. This assessment is used to formulate a highly individualized plan based on participant needs. Participants are also screened for co-occurring psychiatric disorders and for suicidal ideation when appropriate. For those found to have co-occurring disorders, mental health treatment is required as part of their program-related treatment. Participants do not need to be assessed as alcohol dependent in order to be admitted to the program, but they do need to have a chemical dependency or abuse problem, and an individualized case management plan is tailored to the specific needs of each participant.
- The SSLC program consists of four phases. Graduation occurs at the end of Phase 3 and participants remain in Phase 4 throughout the duration of their probation. The first three phases incorporate individual and group counseling sessions, depending upon the individual's need. Frequency of attendance at individual and group sessions is determined on a case-by-case basis. Participants are required to attend two self-help meetings and one pro-social activity (such as fishing or volleyball) every week of the program until graduation.
- The final phase consists entirely of graduates, whose requirements mirror those on standard probation. The length of Phase 4 is determined by the remaining length of the participant's probation. Check-ins are initially monthly with the probation officer, and decrease each year. Court is only required twice a year. Requirements are minimal in this phase, but do include random drug testing, court appearances, involvement with the alumni group, and probation visits.
- Services required for all participants are based on assessed level of care and include relapse prevention, self-help meetings, such as Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), and pro-social activities.
- Services required for some participants include detoxification, outpatient individual and group treatment sessions, residential treatment, mental health counseling, psychiatric services, language-specific or culturally specific programs, and aftercare. Treatment services at the main provider, CADT, also include evidence-based treatment practices and programs, including Motivational Interviewing and Thinking for Change.

- Services offered to participants, but not required, include anger management/violence prevention, job training/vocation program, employment assistance, health education, family/domestic relations counseling, General Educational Development (GED)/education assistance, and housing assistance.
- Aftercare services are available through CADT, and there is also an alumni group (organized by the probation officer) that meets regularly after graduation. The team noted that graduates have been slow to engage with the alumni group, a sentiment which was confirmed by the focus group participants, who found the meetings somewhat burdensome with their schedules. The team is currently brainstorming other ideas to increase engagement and support for graduates, such as establishing a mentor/orientation program in which graduates are paired with new participants.
- In order to complete the program, all participants must write a sobriety/relapse prevention plan prior to graduation.
- Although the primary treatment provider is CADT, the agency provides numerous referrals throughout the community to participants for mental health treatment and other medical and social service needs. The program has an established relationship with the Human Development Center, a local community-based center providing mental health services. CADT also has the ability to refer participants to in-patient dual-disorder services, if needed, although this agency is not located locally. The treatment providers on the team continue to work towards establishing connections with other agencies.
- In addition to being the locus for referrals to other agencies, the treatment director at CADT is also the central point of contact for all of the other providers treating participants. Team members noted that there is some difficulty in obtaining information from other agencies on a timely basis, but they are consistently working to increase communication.
- Some participants are required to use the interlock system in their cars if they have their driver's licenses reinstated. Additionally, graduates of the program continue to use the interlock system for a period of time, varying by participant. The interlock system prevents driving under the influence by requiring participants to blow into the device every 30 minutes. Failure to blow or a result indicative of intoxication will turn the ignition off. The interlock system can be installed through multiple private companies.
- SSLC does not provide transportation services. Sometimes community service opportunities are provided to participants with their licenses to help drive other participants that do not have licenses. Despite limitations on residency within the county, a lot of participants still live in rural areas. The court coordinator assists participants who are interested in regaining their licenses, and bus passes are provided as an incentive to some participants, or to those in need.

### Commendations

- **Treatment services are coordinated through a single organization.** The majority of DWI court participants receive treatment through the CADT; for other participants receiving treatment elsewhere, the clinical director at CADT is responsible for treatment coordination and communication with that agency. Research shows that having one to two agencies providing treatment is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012). The SSLC is commended for following best practices in this area, by having an umbrella organization that coordinates an array of treatment services.



- **The program offers an array of treatment services and uses evidence-based programming.** The SSLC offers a breadth of diverse and specialized services to program participants through its partnership with CADT and various other treatment facilities throughout the community. At CADT, participants have access to evidence-based treatment practices, such as Motivational Interviewing and Thinking for Change, as well as a scope of services that are tailored to the participant's needs. The program also has a relationship with the local tribal reservation, which provides culturally specific treatment services to its members. Drug court programs offering mental health treatment, culturally specific services, anger management classes, and family/domestic relations counseling have better participant outcomes (Carey et al., 2012).

#### Suggestions/Recommendations

- **Create a Memorandum of Understanding (MOU) regarding treatment communication for each treatment agency providing services to DWI court participants.** Team members reported that communication from periphery treatment agencies (treatment agencies beyond the primary treatment provider, CADT) is not always delivered in a timely manner to the team. To increase timely communication, the SSLC is encouraged to draft an MOU for each participating treatment agency, specifying the frequency and type of treatment information the agency is to supply to the DWI court team.
- **Create a treatment communication template for each treatment agency providing services to DWI court participants.** As a second option to help increase communication between periphery treatment providers and the DWI court team, the SSLC is encouraged to draft a template treatment communication form, including all aspects of the participant's progress in treatment (e.g., sessions missed/attended, services received, drug testing results, etc.) that the team feels is necessary to make informed decisions about participant progress in DWI court. Providing examples of the type of treatment updates the DWI court expects to receive may clear up confusion over provider responsibilities and/or help the provider organize treatment notes so that they are more easily translatable to the needs of the DWI court team.
- **Continue to assess transportation needs of participants and look for resources to provide transportation to those participants who need it.** Team members noted significant challenges in providing transportation to participants. The team currently provides bus passes to participants and facilitates driver's license reinstatement, but transportation issues remain. The program is encouraged to continue to discuss transportation support for participants, perhaps by reaching out to community organizations in creative ways. For example, a DWI court in another state secured a broken down school bus and partnered with a local community college auto-mechanics class to provide free upgrades and repairs on the bus. Once DWI participants reinstated their licenses, they received community service points for driving other participants in the bus.



## **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.<sup>11</sup> Drug testing is important both for supervision by the court and the team and for participant accountability. It is seen as an essential practice in participants' treatment. This component encourages frequent testing but does not define the term "frequent" so drug courts develop their own guidelines on the number of tests required. Related to this component, and specifically outlined in the principle, is that the drug courts or DWI courts must assign responsibility for testing and community supervision to its various partners, and establish protocols for electronic monitoring, drug test collection, and communication about participant accountability.

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

### National Research

Because of the speed with which alcohol is metabolized, electronic methods of monitoring and detection are recommended, such as transdermal alcohol detection devices (e.g., SCRAM bracelets) and Ignition Interlock Devices (person must take a breath test before her/his car will start).<sup>12</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).

<sup>11</sup> DWI Court Guiding Principle #4

<sup>12</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](http://www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf)

## SSLC DWI Court Process

- SSLC administers a 5-11 panel urine analysis (UA) and breathalyzer tests for cause and on a random basis. Breathalyzer tests are administered by the probation officer on every field visit (as frequent as twice a week in Phase 1), except in some cases when the field visit takes place at the participant's place of employment, in which case the officer performs a visual inspection of the client and assesses for whether there is cause to administer a breathalyzer. UA panel results are received immediately, and UA tests can be sent to a lab for further testing on an as-needed basis, with results typically reported within 48 hours. The team attempts to do several ethyl glucuronide (ETG) tests per month, in addition to regular testing. Tests are also sent to a lab to test for synthetic marijuana and bath salts, although this is infrequent due to the high cost.
- The probation officer organizes the call-in drug testing system by utilizing an online random number generator. For each participant, the probation officer inputs the number of desired drug tests per month (according to the participant's phase or previous use history) and the number generator selects the days of the month for testing. The probation officer keeps this monthly schedule and records a daily message on a designated hotline with the list of participants selected for testing. The message is left at 7:00 a.m. each morning, and participants have approximately 4 hours to call in and make arrangements for testing.
- Most UAs are collected by the probation officer, either during home visits or at the officer's office in the courthouse. Participants typically report directly to the courthouse for UA testing. Female officers are typically available at the courthouse to collect samples from female participants, but the court coordinator is also available and occasionally collects UAs. For those participants that are employed, the probation officer does his best to work with their schedules, and if the situation warrants, a probation officer may collect a UA test at a participant's place of employment, or arrangements can be made for after-hours testing at Bethel Outpatient Services (a drug and alcohol rehabilitation center). If a participant fails to call in or report to the courthouse on time, they are sent to Bethel Outpatient Services and required to pay for the drug testing fee.
- UAs are randomly administered at least twice a week in the first phase, decreasing in frequency as the participant progresses through the program phases, to approximately 3 times per month in Phase 3. Members of the team and focus group participants reported that UAs are always fully observed by the probation officer, court coordinator, or treatment providers.
- Breathalyzers are used during field visits by probation, the police department, and the sheriff's department. Field visits are conducted by the probation officer twice a week during Phase 1, and approximately 6 times per month for participants in Phases 2 and 3. In addition, if there is police contact or a participant is pulled over, police records indicate that a breathalyzer is required.
- Focus group participants reported that testing is very frequent and gradually reduces by phase, but it is extremely random and can occur for several days in a row, or have several days in between.

*Focus group participant:*

*"It gets in the back of your head every time, if I have a drink I know I'll get a UA...on Phase 3 I didn't have one for 3 months and then had 2 in 3 days."*

- Occasional drug testing occurs at the treatment provider location independent of the call-in system run by the probation officer.
- Participants must remain drug and alcohol free for 300 days in order to graduate from the program. If participants are caught using, they are returned to Phase 1, day 60, and must progress through the program requirements again.

#### 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 SSLC is commended for adhering to this best practice.
- **Frequent, fully observed, and truly random drug testing.** In the first phase of drug court, UAs are randomly collected at least 2 times per week. Best practices research shows that drug courts testing at least 2 times per week in the first phase have better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). The court also ensures fully observed drug tests, which are important both for the integrity of drug testing and because they are linked to better participant outcomes. The SSLC appears to have effectively implemented Key Component #5, using frequent and fully observed testing, as well as testing for a variety of substances.
- **Participants are required to test clean for at least 90 days in order to graduate.** Research shows that the longer clients are required to be clean before graduation, the more positive their outcomes in terms of lowered recidivism and lower costs (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

#### Suggestions/Recommendations

- **Reevaluate the required length of sobriety to help make program completion a more realistic goal for participants.** The SSLC requires that all participants complete 300 days of sobriety in order to graduate. Although there is a clear relationship that indicates the longer a person remains clean (as shown through negative drug tests) the less likely he/she will be to relapse, there are diminishing returns to the participant remaining in the program for an extended length of time (Carey et al., 2005). In addition, sanctioning participants by putting them into prior phases of the program can lead to learned helplessness and a feeling of defeat and hopelessness, which are significant barriers to behavior change. The SSLC should continue its ongoing discussion about the required length of sobriety (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Regardless of the length of time participants are required to stay clean, the team response to use (particularly near the end of the program) should include reworking participants' aftercare and relapse prevention plans until they can be successfully accomplished.
- **Keep drug and alcohol testing frequency consistent for longer periods of time, while decreasing supervision and other treatment requirements.** After participants progress from Phase 1, the number of field visits (where the participant submits to a breathalyzer test) and random UA tests are also reduced. National drug court researcher Doug Marlowe (2008) suggests that the frequency of drug testing be the last requirement that is ratcheted down as participants progress through program phases. As treatment sessions and court appearances are decreased, checking for drug and alcohol use becomes increasingly important, to determine if the participant is doing well with less structure, more independence, and less supervision. The SSLC should examine its timing of the decrease in

the frequency of drug and alcohol testing and ensure that it does not occur before other forms of supervision have been decreased successfully.

#### **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.<sup>13</sup> Drug and DWI courts have established a system of rewards and sanctions that determine the program response to acts of both non-compliance and compliance with program requirements. This system may be informal and implemented on a case-by-case basis, or may be a formal system applied evenly to all clients, or a combination of both. The key staff involved in decisions about the appropriate response to participant behavior varies across courts. Drug and DWI court team members may meet and decide on responses, or the judge may decide on responses in court. Drug and DWI court participants may or may not be informed of the details on this system of rewards and sanctions so their ability to anticipate a response from their team may vary significantly across programs.

#### National Research

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

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

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

#### SSLC DWI Court Process

- Participants receive intangible rewards during court sessions, such as applause and praise from the judge. Tangible rewards are provided by the judge in court and also by the coordinator outside of court on a case-by-case basis.
- A list of possible incentives and sanctions was created by the coordinator, along with a proposed model of proximal and distal goals by phase. Copies of this list are laminated and present at all staffing meetings to remind team members of the variety of responses to participant behavior.

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<sup>13</sup> DWI Court Guiding Principle #7

- The team attended an incentives/sanctions training earlier in 2012 and the consensus among the team appears to be that they are not providing many incentives. Reasons provided for the limited incentives included trying out certain ideas (e.g., fish bowl drawings) on a trial basis and feeling like they weren't effective, believing that participants are not motivated by tangible incentives (e.g., gift cards), the challenge in determining who should get something or how much to give, and the concern that rewards are not commensurate with behaviors (e.g., being sober for 1 year merits a \$10 gift card).
- The focus group participants reiterated that the fishbowl incentives were not their primary motivations, but they were nice every once in a while. They also expressed an interest in the use of overnight passes. Although not directly tied to behavioral incentives, participants also appreciated the social events organized by the team, such as the barbecues and hikes.
- Until recently, a standardized process was used to provide sanctions (i.e., the first relapse or a missed UA results in 48 hours in jail, 7 days for the second, and 30 days for the third), but the team is moving toward making sanctions more individualized, after recognizing that jail was not effective with some participants. Jail is still the most likely sanction following a relapse (generally a 48-hour jail stay), but the team uses a creative approach for other sanctions in order to figure out what truly impacts participant behavior (e.g., earlier curfew times and extended phase lengths).
- The severity of sanctions increase with more frequent or more serious infractions. Program responses to participant non-compliance include community service, sentence to serve/community service, and more frequent drug testing. In addition, participants can be returned to an earlier phase. Sanctions may also be more severe for dishonesty.
- If a participant uses alcohol, the treatment provider usually reassesses the participant's case plan; if there is a recommended treatment response this treatment will become a part of the court's response.
- Initial decisions about sanctions and rewards are made during staffing meetings prior to court sessions. Although the judge makes the final decision about whether to impose the rewards and sanctions suggested by the team, he follows suggestions and decisions made by the team almost all of the time.
- Case management is performed primarily by the probation officer. The court coordinator and treatment providers also assist participants a great deal with ancillary needs such as driver's license reinstatement and employment. Participants meet with the probation officer on a regular basis (2 times per week during the first phase, decreasing as they progress through the program). The probation officer reviews the weekly requirements of attending two self-help meetings and engaging in one pro-social activity. The probation officers do most of their face-to-face meetings during home visits.
- Charges that led participants to DWI court are not dismissed upon graduation; however, participants avoid significant jail and prison sentences by participating in the DWI court program. Gross misdemeanors typically carry a sentence of 1 year in jail and felony DWI charges carry a sentence of 3 years in prison, but participants agreeing to participate in DWI court serve an alternative minimum sentence of 6 consecutive days in jail, and then are released to the supervision of the DWI court. Successful completion of the DWI court

*Focus group participant:*

*"They shouldn't have to bribe us...phasing up is enough."*

program requirements (i.e., successful completion of the treatment plan, maintaining sobriety, and meeting all other requirements of the DWI court) occurs at the end of Phase 3, at which point participants are placed in Phase 4 for the duration of their probation term (which can be several years). Phase 4 requires minimal supervision and mimics that of traditional probation. As an incentive for participating, the majority of the original jail and/or prison sentence is not served.

- Participants must have sober housing, complete community service (for second-time felons only), prepare a sobriety plan, pay all DWI court and/or treatment fees, pay any other DWI-related fines (i.e., restitution), and have at least 300 days sober to be eligible for graduation. Participants may complete community service in lieu of paying fees.
- Graduation occurs during normal DWI court sessions. The graduate's family and friends are invited to speak and then the judge comes down from the bench to present the graduate with a plaque and a hug. The court takes a small break where the judge and team members mingle with participants and their family members while enjoying cake and ice cream.

### Commendations

- **Written responses to participant behavior.** The SSLC created a laminated chart with graduated responses to participant behavior (both incentives and sanctions). This chart allows the team to administer a sanction or incentive that will be most effective with the individual participant, while still maintaining consistency across the program. Research shows reductions in recidivism and greater cost savings when team members are given a copy of the guidelines for sanctions (Carey et al., 2012).
- **In order to graduate, participants must have a sober housing environment.** Research has revealed improved cost savings when participants are required to obtain sober housing, compared to those programs that do not establish this requirement (Carey et al., 2012).
- **Participants are required to pay all court-ordered fines and fees before graduation.** Participants may perform community service in lieu of paying fees, and any restitution ordered in the case must also be paid before a participant can graduate from the program. Drug court programs that require participants to pay all fees prior to graduation exhibit small trends in greater reduction in recidivism than those courts that do not establish this requirement (Carey et al., 2012).

### Recommendations/Suggestions

- **Continue to review the use of jail time as a sanction versus other treatment responses.** The SSLC is currently making improvements to its standardized use of 48 hours of jail time as a response to participant relapse. It is important that drug court programs differentiate treatment responses from sanctions. This program may want to have additional discussions about relapse as part of the recovery process. If a participant admits to use or is found to have used, increasing treatment supports is an appropriate therapeutic response, although it is important to consider treating those who admit to use less harshly than those who have lied. Programs that impose jail sanctions greater than 7 consecutive days have significantly worse outcome than program that impose shorter jail sanctions. In addition, programs that impose jail for the first positive UA have worse outcomes than programs that impose other, non-jail sanctions for first use (Carey et al., 2012).

- **Increase the focus on rewards for participants who are doing well.** The SSLC has identified the need to provide more meaningful incentives to their DWI court participants. The SSLC currently provides a wide range of intangible rewards, such as praise from the judge and applause for participants, but only occasionally provides tangible rewards, such as gift cards or tickets to sports games. Focus group participants mentioned the value of overnight passes. The team might consider raffling off or awarding overnight stays or similarly valued reward for positive behaviors or advancement in the program. The court may also consider creating an “A-list” of participants doing well and publicly grant these participants extra privileges (e.g., explaining to the entire court population what type of behaviors and actions the program is seeking from participants, calling out the names of those doing well, and allowing those participants to report first in court and leave early). This will help the participants observing court to learn what positive behaviors they should be doing rather than just learning what they should not do.
- **Explain the reasons for rewards and sanctions in court and be aware of the importance of appearing fair.** Because this DWI court often imposes rewards and sanctions on an individualized basis, the team needs to take into consideration the appearance of equal treatment for similar infractions. The program is encouraged to explain this program element during orientation and to explain the reward or sanction decision in court, both for the benefit of the participant before the judge and for the participants who are observing.
- **Require all participants to complete community service prior to graduation.** The SSLC requires that some participants complete community service prior to graduation. We recommended that *all* participants complete a community service project as a way to give back to the community (not just as a sanction), as programs that require completion of community service for graduation have lower recidivism and greater cost savings (Carey et al., 2012).
- **Consider holding graduation ceremonies separate from the drug court hearing or implementing practices that would make them more distinct from regular drug court hearings.** Graduations provide an opportunity for community partners to witness DWI court program successes. Inviting community partners to observe and participate in graduations is a low-cost way to highlight the effectiveness of the program and garner interest for continued and future involvement with the program. The team may also want to query participants about what would make these ceremonies meaningful for them.

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

This component and the associated DWI Court Guiding Principle focus on the judge’s role in a drug or DWI court.<sup>14</sup> The judge has an 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 policymaking. One of the key roles of the drug court judge is to provide the authority to ensure that appropriate treatment recommendations from trained treatment providers are followed.

<sup>14</sup> DWI Court Guiding Principle #6



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

### National Research

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

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

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

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

### SSLC DWI Court Process

- The DWI court judge is assigned to the DWI court indefinitely.
- In addition to the main judge, there is another judge (who was the founding judge of the DWI court program and is thus familiar with the program and model) available to fill in for hearings as a back-up judge. The back-up judge also runs a separate mental health court program in the county.
- The main judge received formal DWI court training. In addition, he has observed other DWI courts and has attended professional DWI and/or drug court-related conferences.
- DWI court participants typically attend court sessions every week in Phase I, with court attendance reducing over the phases so that participants appear less than once per month during the final phase.
- The court meets every Friday. Participant court dates are set based on their current phase.
- During observations, the judge averaged 3.5 minutes per participant. However, time spent with each participant varied substantially. Significant time was devoted to two graduates during the court session, which resulted in one participant receiving only a few seconds before the judge.



- The judge spoke directly to participants during their court appearances and referred to the probation officer for status updates. He provided consistent follow-through on warnings and sanctions to participants, and followed the recommendations put forth by the team during the staffing meeting.
- Throughout the entire interaction with the participants the judge was very personable with participants, asking several follow-up questions about work, family, school, and home. He also asked what went wrong when participants were not doing well. He was compassionate and understanding—a theme noted and appreciated by focus group participants.

### Commendations

- **The judge has presided over the program for over 2 years.** Experience and longevity are correlated with more positive participant outcomes and significantly higher cost savings, particularly 2 years and longer (Carey et al., 2008, 2012).
- **The judge requires participants to stay through the entire court hearing** to take full advantage of the hearing as a learning experience for participants. Because drug court hearings are a forum for educating all participants and impacting their behavior, it is recommended that the court continue to require 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.
- **The program has a back-up/alternate judge as part of the team.** In addition to the DWI court, St. Louis County also has a mental health court, and this judge provides back-up for the DWI court. Having a back-up judge who is familiar with the drug court model is highly recommended in the case of illness or vacation of the current judge or in the event of future transitions. The SSLC is commended for adhering to this recommended practice.

*Focus group participant:*

*“It doesn’t matter if you’re coming back from getting in trouble or just starting, his compassion level is the same... He doesn’t favor anyone or pretend like he cares for only those who are succeeding.”*

### Suggestions/Recommendations

- **Review program requirements for the frequency of court appearances.** Currently, participants in Phase 1 are required to attend weekly court sessions. Research shows that programs that require participants to appear once every 2 weeks in Phase 1 have outcomes as good as or better than programs that require weekly court appearances (except in very high-risk populations) (Marlowe et al., 2006; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Having participants attend court less frequently (i.e., every 2 weeks) may also be a strategy for increasing each participant’s time before the judge.
- **Continue to increase participant time spent before the judge.** An average of 3 minutes per participant is related to graduation rates 15% higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey et al., 2011, 2012). While this average threshold was technically met during the site visit, the amount of time varied substantially between participants. We again recommend that graduation ceremonies be moved to a separate day and/or adjust the frequency at which participants in Phase 1 attend court sessions (i.e., consider switching some participants to every 2 weeks). This would free up more of the judge’s court time and allow him to spend more

time with each participant discussing successes, progress of relapse prevention plans, and other relevant topics that could benefit participants.

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

This component and the associated DWI Court Guiding Principle encourage drug or DWI court programs to monitor their progress toward their goals and evaluate the effectiveness of their practices.<sup>15</sup> The purpose is to establish program accountability to funding agencies and policy-makers as well as to themselves and their participants. Further, regular monitoring and evaluation provides programs with the feedback needed to make adjustments in program practices that will increase effectiveness. Finally, programs that collect data and are able to document success can use that information to increase funding and community support. Monitoring and evaluation require the collection of thorough and accurate records. Drug and DWI courts may record important information electronically, in paper files, or both. Ideally, courts will partner with an independent evaluator to help assess their progress. Lastly, it is important to determine how receptive programs are to modifying their procedures in response to feedback.

#### National Research

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

#### SSLC DWI Court Process

- The SSLC uses an electronic data tracking system for case management, which contains treatment information. The probation officer is the main person responsible for tracking participant progress, with the help of the primary treatment provider and the court coordinator. The probation officer also documents case notes and contacts with participants, and prepares a staffing meeting debrief document based on this information. The SSLC makes changes to the information system, such as expanding charge types, as data needs shift.
- The SSLC uses the SCAO database to collect information on participant tracking. These data include treatment information entered by the DWI court coordinator. The program monitors the information it collects on program participants to assess whether the program is moving toward its goals.
- In 2011, the SSLC program was evaluated by an outside evaluator from the University of Minnesota, Duluth. The evaluator performed a process evaluation of the court, which included descriptions of participants (demographics and prior criminal history), as well as a description of court process from intake to graduation/termination.

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<sup>15</sup> DWI Guiding Principle #9

### Commendations

- **This program has successfully implemented an electronic data system.** The program should continue to collect data electronically, as well as accumulate and analyze data about participants and use the information for program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program.
- **Evaluated by an independent evaluator.** The SSLC has been previously evaluated by another, independent evaluator. Best practices research suggests that drug courts that have multiple program evaluations have greater improvement in cost savings (Carey, Finigan, & Pukstas, 2008).

### Suggestions/Recommendations

- **Share evaluation and assessment results.** The team should set aside time to discuss the overall findings and recommendations in this report, both to appreciate their accomplishments and determine what program adjustments will be made. In addition, the evaluation results can be used in grant applications to fund additional positions or resources and when seeking local support and resources.
- **Upgrade the participant monitoring system to an online, drug court-specific program.** The SSLC expressed interest in upgrading its monitoring system to an online system more streamlined with the monitoring needs of the team. An online system would allow all team members to check on participant progress from any location and also let each team member enter his/her own data as appropriate (e.g., treatment providers and probation officers could enter their own progress notes). One suggestion is to look into the Drug Court Case Management (DCCM) information system, which is geared specifically for drug court administrators and can be tailored for the specific needs of the client (<http://www.actinnovations.com/solutions/details/drugCourt.aspx>). If cost is a concern for the court, the SSLC may consider partnering with other DWI courts in Minnesota to share the cost of the program over several sites.

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

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

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

### National Research

Research on the use of evidence-based and promising practices in the criminal justice field has consistently shown that in order to operate effective programs as intended, practitioners must receive the necessary resources to make the program work, receive ongoing training and technical assistance, and be committed to the quality assurance process (Barnoski, 2004; Latessa & Lowenkamp, 2006). Andrews and Bonta (2010) maintain that correctional and court programs must be focused not only on targeting high-risk offenders and matching offenders to appropriate treatment (needs), but must also concentrate on effectively building and *maintaining* the skill set of the employees (in the case of drug courts—team members) that work with offenders. Training and support allows teams to focus on translating drug court best practice findings into daily operations and builds natural integrity to the model (Bourgon, Bonta, Rugge, Scott, & Yessine, 2010).

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

### SSLC DWI Court Process

- In addition to on-the-job training, the judge, DWI court coordinator, defense attorneys, city attorney, county attorney, treatment provider, probation, and law enforcement have received past training or education specifically on the drug court model.
- With the exception of law enforcement officials, all other team member roles were represented when the program attended the 2012 National Association of Drug Court Professionals (NADCP) conference. Several team members have also attended numerous local and state conferences/trainings specific to drug court and/or the DWI court model. Some have also received training specific to their roles and strength-based philosophy and practices.
- New DWI court staff members get training on the DWI court model before or soon after starting work. New team members are provided with online and on-the-job training until the next conference or training workshop becomes available.
- It was reported that team members have not received training specifically about the population of the program including age, gender, race/ethnicity and drugs of choice.

### Commendations

- **The program has invested time on regular training for all staff.** The SSLC program has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members on a regular basis. Programs that provide training for all team members have significantly better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **The program works to obtain training for team members in a timely manner.** The SSLC program has attempted to train all members, including new members, as soon as possible after joining the team. Best practices research shows reductions in recidivism when all new employees complete a formal orientation or training (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

### Suggestions/Recommendations

- **Train staff members specifically about the population, including age, gender, race/ethnicity, and drugs of choice.** In order to ensure that services offered through the DWI court are culturally specific/sensitive, staff members working directly with participants need to understand the cultural characteristics of the populations served (e.g., Native Americans). It is advised that the program ensure that new team members are trained in cultural awareness shortly after starting with the DWI court. Additionally, the team is encouraged to seek out training opportunities to appropriately address other needs within the participant population, including age, gender, and drugs of choice.

### **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>16</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 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.

### SSLC DWI Court Process

- The DWI court has developed and maintained relationships with organizations that can provide services for participants in the community and refers participants to those services when appropriate, including education, employment, and transportation.

<sup>16</sup> DWI Court Guiding Principle #10

- The SSLC does not have a steering committee or advisory board. Policy issues and issues related to sustainability, community connections, and participant needs are discussed within team meetings on occasion. Further, a quarterly policy meeting that includes all team members is held to discuss larger issues.
- The DWI court team includes a representative from the tribal community (Fond du Lac Reservation).
- The DWI court team has relationships with agencies that provide housing, employment, education, transportation, as well as other community agencies that work regularly with the DWI court participants.
- The SSLC was initially funded through the National Highway Traffic Safety Administration (NHTSA) and has continually received funding through that organization and through the Bureau of Justice Assistance (BJA). For future programming, SSLC plans to approach the county—which currently funds two drug courts—to redistribute funds across the district.

### Commendations

- **This program has successfully established partnerships across community agencies.** The SSLC DWI court gives excellent attention to developing and maintaining relationship with agencies that can provide services for participants in the community, including mental health services. The program is encouraged to continue to build relationships with service providers and local businesses wherever possible.
- **The program includes community members on the team.** As described in Key Component #1, the SSLC has a local tribal representative and a victim advocate on the DWI court team. The SSLC demonstrates a commitment to developing and maintaining an integrated DWI court team and developing community connections, following the best-practice guidelines for achieving success within these components.

### Suggestions/Recommendation

- **Create a steering committee.** The program is encouraged to create an advisory committee composed of DWI court team members and representatives from other community agencies, representatives of the business community and other interested groups. Not only could this result in expanded community understanding and support of the program, it may result in additional services, facilities, and rewards for the program. It can also contribute substantially to the sustainability of the program.
- **Apply to be a DWI Academy Court.** Based on the success of its operations, its commitment to best practices, and its strong team, we recommend that the SSLC apply to the National Center for DWI courts in the next round of applications (Summer 2013) to be a NCDC DWI Academy Court.

### **ADDITIONAL RESOURCES**

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

## Summary of Process Findings and Recommendations

The SSLC was implemented in February 2008. This program, designed to take 12-24 months to complete (depending on charges), accepts participants in pre-plea, post-plea/pre-conviction, and post-conviction (including probation referral) status. The program population consists of repeat DWI offenders, meaning all have at least two or more DWI offenses. It has a reported capacity to serve approximately 50 participants at one time. As of September 2012, there were 48 active participants.

Overall, the SSLC 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 best practices:

- **The program includes a law enforcement representative on the team.** Drug court programs that included a representative from law enforcement on the drug court team had 88% greater reductions in recidivism and an increase of 44% in cost savings compared to programs that did not include law enforcement (Carey et al., 2012).
- **The program includes community members on the team.** The SSLC has a local tribal representative and a victim advocate on the DWI court team. The SSLC demonstrates a commitment to developing and maintaining an integrated DWI court team and developing community connections, following the best-practice guidelines for achieving success within these components.
- **The judge, prosecution, defense, treatment, program coordinator, and probation attend staffing meetings as well as court sessions.** The SSLC promotes excellent communication between team members. All team members attend every staffing meeting and report on participant status and progress on a regular basis. Best practices research shows that programs have 50% greater reductions in recidivism when these staff members regularly attend staffings, compared to programs that do not perform this practice (Carey et al., 2012).
- **The SSLC holds quarterly policy committee meetings and regularly updates the policy manual and participant handbook.** The SSLC is commended for its implementation of quarterly policy committee meetings, which promotes understanding of each team member's role, provides a dedicated space for regular review of the program process, and allows the team to become united on DWI court goals. The participant handbook is also updated regularly, which ensures that participants are well informed about the program's expectations.
- **The SSLC has two permanent prosecuting attorneys (one each for city and county) and two defense attorneys assigned to the program, and all members regularly attend team meetings and court sessions.** Additionally, all of the attorneys assigned to the DWI court are on a permanent, non-rotating term. The SSLC team has successfully implemented a structure that protects participants' due process rights, while also promoting public safety. Best practices research indicates that this results in more positive participant outcomes including lower recidivism. Research also indicates that when defense attorneys regularly attend staffing meetings, programs exhibit a 93% increase in cost savings, compared to programs that do not perform this practice (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).



- **All DWI court attorneys have been trained in the drug court model.** Interviews with attorneys and observations of team meetings revealed that the SSLC attorneys have a strong background with the drug court model and clearly understand their specific roles and responsibilities as members of the team. Programs that have incorporated training on a non-adversarial approach have better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **Participants are identified and referred to the program within 1 week of arrest or probation violation.** The SSLC team should be applauded for its swift referral and placement process into the DWI court. Research shows that drug courts with a referral and placement process of 50 days or less (from arrest to drug court entry) have higher cost savings than those courts that had a longer time period between arrest and entry (Carey et al., 2012).
- **The DWI court allows offenders with mental health issues.** The SSLC DWI court performs a mental health assessment on all incoming participants to determine if they need additional services. If a participant is identified as needing mental health treatment, an appropriate plan is incorporated into their drug court case management plan.
- **Treatment services are coordinated through a single organization.** The majority of DWI court participants receive treatment through the Center for Alcohol and Drug Treatment (CADT); for other participants receiving treatment elsewhere, the clinical director at CADT is responsible for treatment coordination and communication with that agency. Research shows that having one to two agencies providing treatment is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., 2012). The SSLC is commended for following best practices in this area, by having an umbrella organization that coordinates an array of treatment services.
- **The program offers an array of treatment services and uses evidence-based programming.** The SSLC offers a breadth of diverse and specialized services to program participants through its partnership with CADT and various other treatment facilities throughout the community. At CADT, participants have access to evidence-based treatment practices, such as Motivational Interviewing and Thinking for Change, as well as a scope of services that are tailored to the participant's needs. The program also has a relationship with the local tribal reservation, which provides culturally specific treatment services to its members. Drug court programs offering mental health treatment, culturally specific services, anger management classes, and family/domestic relations counseling have better participant outcomes (Carey et al., 2012).
- **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 SSLC is commended for adhering to this best practice.
- **Frequent, fully observed, and truly random drug testing.** In the first phase of drug court urinalysis tests (UAs) are randomly collected at least 2 times per week. Best practices research shows that drug courts testing at least 2 times per week in the first phase have better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). The court also ensures fully observed drug tests, which are important both for the integrity of drug testing and because they are linked to better participant outcomes. The SSLC appears to have effectively implemented Key Component #5, using frequent and fully observed testing, as well as testing for a variety of substances.



- **Participants are required to test clean for at least 90 days in order to graduate.** Research shows that the longer clients are required to be clean before graduation, the more positive their outcomes in terms of lowered recidivism and lower costs (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **Written guidelines for responses to participant behavior.** The SSLC created a laminated chart with graduated responses to participant behavior (both incentives and sanctions). This chart allows the team to administer a sanction or incentive that will be most effective with the individual participant, while still maintaining consistency across the program. Research shows reductions in recidivism and greater cost savings when team members are given a copy of the guidelines for sanctions (Carey et al., 2012).
- **In order to graduate, participants must have a sober housing environment.** Research has revealed improved cost savings when participants are required to obtain sober housing, compared to those programs that do not establish this requirement (Carey et al., 2012).
- **Participants are required to pay all court-ordered fines and fees before graduation.** Participants may perform community service in lieu of paying fees, and any restitution ordered in the case must also be paid before a participant can graduate from the program. Drug court programs that require participants to pay all fees prior to graduation exhibit small trends in greater reduction in recidivism than those courts that do not establish this requirement (Carey et al., 2012).
- **The judge has presided over the program for over 2 years.** Experience and longevity are correlated with more positive participant outcomes and significantly higher cost savings, particularly 2 years and longer (Carey et al., 2008, 2012).
- **The judge requires participants to stay through the entire court hearing** to take full advantage of the hearing as a learning experience for participants. Because drug court hearings are a forum for educating all participants and impacting their behavior, it is recommended that the court continue to require 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.
- **The program has a back-up/alternate judge as part of the team.** In addition to the DWI court, St. Louis County also has a mental health court, and this judge provides back-up for the DWI court. Having a back-up judge who is familiar with the drug court model is highly recommended in the case of illness or vacation of the current judge or in the event of future transitions. The SSLC is commended for adhering to this recommended practice.
- **This program has successfully implemented an electronic data system.** The program should continue to collect data electronically, as well as accumulate and analyze data about participants and use the information for program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program.
- **Evaluated by an independent evaluator.** The SSLC has been previously evaluated by another, independent evaluator. Best practices research suggests that drug courts that have multiple program evaluations have greater improvement in cost savings (Carey, Finigan, & Pukstas, 2008).
- **The program has invested time on regular training for all staff.** The SSLC program has engaged in a substantial amount of training for staff and is commended on its dedication to educating team members on a regular basis. Programs that provide training for all

team members have significantly better participant outcomes (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).

- **The program works to obtain training for team members in a timely manner.** The SSLC program has attempted to train all members, including new members, as soon as possible after joining the team. Best practices research shows reductions in recidivism when all new employees complete a formal orientation or training (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012).
- **This program has successfully established partnerships across community agencies.** The SSLC DWI court gives excellent attention to developing and maintaining relationship with agencies that can provide services for participants in the community, including mental health services. The program is encouraged to continue to build relationships with service providers and local businesses wherever possible.

Although this program is functioning well, 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 enhancement 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 after this summary.

- **Continue to streamline communication between treatment providers and the court.** In order for the team to make informed and fair decisions about their response to participant behavior, it is crucial that all current and relevant treatment information be provided to the team. Continue to monitor communication between all treatment agencies, mental health providers, and other team members to ensure timely information sharing.
- **Modify the current team member Memoranda of Understanding (MOU) to include language about the use and disclosure of protected health information at staffing sessions.** Protected health information, particularly around the topic of participant relapse, should be disclosed by treatment providers at staffing sessions so that the team can make an appropriate and informed decision regarding incentives and sanctions for the participant. To assuage the fear that treatment providers exhibited regarding the possible negative consequences related to sharing this information, the SSLC is encouraged to modify its existing team member MOUs to specify what type of information is expected to be shared at staffing sessions and for what purposes. The MOU language should also clearly outline that information disclosed at staffing sessions cannot be shared outside the DWI court. Information about participant relapse plays a crucial role in monitoring participant progress, and without this information, the benefit of the entire program to effect participant behavior change is lost.
- **Continue to assess transportation needs of participants and look for resources to provide transportation to those participants who need it.** Team members noted significant challenges in providing transportation to participants. The team currently provides bus passes to participants and facilitates driver's license reinstatement, but transportation issues remain. The program is encouraged to continue to discuss transportation support for partic-

ipants, perhaps by reaching out to community organizations in creative ways. For example, a DWI court in another state secured a broken down school bus and partnered with a local community college auto-mechanics class to provide free upgrades and repairs on the bus. Once DWI participants reinstated their licenses, they received community service points for driving other participants in the bus.

- **Reevaluate the required length of sobriety to help make program completion a more realistic goal for participants.** The SSLC requires that all participants complete 300 days of sobriety in order to graduate. Although there is a clear relationship that indicates the longer a person remains clean (as shown through negative drug tests) the less likely he/she will be to relapse, there are diminishing returns to the participant remaining in the program for an extended length of time (Carey et al., 2005). In addition, sanctioning participants by putting them into prior phases of the program can lead to learned helplessness and a feeling of defeat and hopelessness, which are significant barriers to behavior change. The SSLC should continue its ongoing discussion about the required length of sobriety (Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Regardless of the length of time participants are required to stay clean, the team response to use (particularly near the end of the program) should include reworking participants' aftercare and relapse prevention plans until they can be successfully accomplished.
- **Keep drug and alcohol testing frequency consistent for longer periods of time, while decreasing supervision and other treatment requirements.** After participants progress from Phase 1, the number of field visits (where the participant submits to a breathalyzer test) and random UA tests are also reduced. National drug court researcher Doug Marlowe (2008) suggests that the frequency of drug testing be the last requirement that is ratcheted down as participants progress through program phases. As treatment sessions and court appearances are decreased, checking for drug and alcohol use becomes increasingly important, to determine if the participant is doing well with less structure, more independence, and less supervision. The SSLC should examine its timing of the decrease in the frequency of drug and alcohol testing and ensure that it does not occur before other forms of supervision have been decreased successfully.
- **Continue to review the use of jail time as a sanction versus other treatment responses.** The SSLC is currently making improvements to its standardized use of 48 hours of jail time as a response to participant relapse. It is important that drug court programs differentiate treatment responses from sanctions. This program may want to have additional discussions about relapse as part of the recovery process. If a participant admits to use or is found to have used, increasing treatment supports is an appropriate therapeutic response, although it is important to consider treating those who admit to use less harshly than those who have lied. Programs that impose jail sanctions greater than 7 consecutive days have significantly worse outcome than program that impose shorter jail sanctions. In addition, programs that impose jail for the first positive UA have worse outcomes than programs that impose other, non-jail sanctions for first use (Carey et al., 2012).
- **Increase the focus on rewards for participants who are doing well.** The SSLC has identified the need to provide more meaningful incentives to their DWI court participants. The SSLC currently provides a wide range of intangible rewards, such as praise from the judge and applause for participants, but only occasionally provides tangible rewards, such as gift cards or tickets to sports games. Focus group participants mentioned the value of overnight passes. The team might consider raffling off or awarding overnight stays or similarly valued reward for positive behaviors or advancement in the program.

The court may also consider creating an “A-list” of participants doing well and publicly grant these participants extra privileges (e.g., explaining to the entire court population what type of behaviors and actions the program is seeking from participants, calling out the names of those doing well, and allowing those participants to report first in court and leave early). This will help the participants observing court to learn what positive behaviors they should be doing rather than just learning what they should not do.

- **Require all participants to complete community service prior to graduation.** The SSLC requires that some participants complete community service prior to graduation. We recommended that *all* participants complete a community service project as a way to give back to the community (not just as a sanction), as programs that require completion of community service for graduation have lower recidivism and greater cost savings (Carey et al., 2012).
- **Consider holding graduation ceremonies separate from the drug court hearing or implementing practices that would make them more distinct from regular drug court hearings.** Graduations provide an opportunity for community partners to witness DWI court program successes. Inviting community partners to observe and participate in graduations is a low-cost way to highlight the effectiveness of the program and garner interest for continued and future involvement with the program. The team may also want to query participants about what would make these ceremonies meaningful for them.
- **Review program requirements for the frequency of court appearances.** Currently, participants in Phase 1 are required to attend weekly court sessions. Research shows that programs that require participants to appear once every 2 weeks in Phase 1 have outcomes as good as or better than programs that require weekly court appearances (except in very high-risk populations) (Marlowe et al., 2006; Carey, Finigan, & Pukstas, 2008; Carey et al., 2012). Having participants attend court less frequently (i.e., every 2 weeks) may also be a strategy for increasing each participant’s time before the judge.
- **Look into options for upgrading the participant monitoring system to an online, drug court-specific program.** The SSLC expressed interest in upgrading its case management system to an online system more streamlined with the monitoring needs of the team. An online system would allow all team members to check on participant progress from any location and also let each team member enter his/her own data as appropriate (e.g., treatment providers and probation officers could enter their own progress notes). One suggestion is to look into the Drug Court Case Management (DCCM) information system, which is geared specifically for drug court administrators and can be tailored for the specific needs of the client (<http://www.actinnovations.com/solutions/details/drugCourt.aspx>). If cost is a concern for the court, the SSLC may consider partnering with other DWI courts in Minnesota to share the cost of the database over several sites.
- **Create a steering committee.** The program is encouraged to create an advisory committee composed of DWI court team members and representatives from other community agencies, representatives of the business community and other interested groups. Not only could this result in expanded community understanding and support of the program, it may result in additional services, facilities, and rewards for the program. It can also contribute substantially to the sustainability of the program.

- **Apply to be a DWI Academy Court.** Based on the success of its operations, its commitment to best practices, and its strong team, we recommend that the SSLC apply to the National Center for DWI courts in the next round of applications (Summer 2013) to be a NCDC DWI Academy Court.

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



## SECTION II: OUTCOME EVALUATION

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

### Outcome Evaluation Methods

For the outcome/impact evaluation, we identified a sample of participants who entered the DWI court program, along with a sample of individuals eligible for the DWI court but who received traditional court processing for their DWI charge (a policy alternative). It is important to identify a comparison group of individuals who are eligible for the DWI court because those who are not eligible represent a different population of DWI offenders; thus, any differences that cause individuals to be ineligible for DWI court could also be the cause of any differences found in outcomes. (Our methods for selecting the comparison group are described below.) Data for both program and comparison participants were tracked through existing administrative databases for a period of 1 to 3 years post DWI court entry depending on the availability of the data. The evaluation team used criminal justice, traffic safety, and treatment utilization data sources as described in Table 1 to determine whether DWI court participants and the comparison group differ in subsequent arrests, crashes, use of interlock devices, and license removal or reinstatement.

The outcome 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-, 2-, and 3-year increments.

Evaluations sometimes exclude the first year of participants from analysis to allow the program time to be fully implemented. However, there were several sites in Minnesota in which we needed every available case to detect significant differences between groups. In the case of SSLC, there was a total of 102 DWI court participants available for analysis, so we elected not to exclude any of these participants. Outcomes for Year 3 are included in most graphs for reference; however, all results were statistically insignificant and should be interpreted with the understanding that a large majority of the Year 3 participants entered in the DWI court during its first year of implementation. For these reasons, some analyses were limited to 2 years of outcomes (e.g., survival analysis, discussed later), so as to include a larger, more representative proportion of the entire DWI court population.

#### ***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 SSLC. Additional information was gathered from the State Court Administrator's Office Court (SCAO) database on this initial list of potential comparison group members that indicated whether they fit the eligibility criteria for the DWI court program. This information included detailed demographics and criminal history. All DWI court participants were removed from the list, and then the DWI court participants and comparison individuals were matched on all available information (described in detail below) using propensity score matching.



## Step 2: Matching the Comparison Groups to the DWI Court Groups - Application of Propensity Score Weighting

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

We matched participants with potential comparison group members on a number of participant characteristics including: 1) race, 2) age, 3) gender, and 4) prior criminal history/prior DWI history.<sup>17</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**

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

<sup>17</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
<p><b><i>Treatment Data</i></b></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• Identifiers and demographics</li> <li>• Treatment modality</li> <li>• Dates of treatment sessions and/or start and end dates for each modality</li> <li>• Dates of assessments performed</li> <li>• Assessment score (e.g., needs assessment)</li> <li>• Billing information for treatment services</li> </ul>	<p>Minnesota Department of Human Services (DHS)</p>
<p><b><i>Court-Related Data</i></b></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• Identifiers</li> <li>• Incident dates (arrest dates)</li> <li>• Dates of case filings</li> <li>• Charges</li> <li>• Dates of convictions</li> <li>• Dates of court appearances</li> </ul>	<p>SCAO/Judicial Branch (MNCIS)</p>
<p><b><i>DWI History and Recidivism Data</i></b></p> <p><i>Examples:</i></p> <p>Identifiers</p> <ul style="list-style-type: none"> <li>• Dates of DWI arrests</li> <li>• Dates of DWI convictions</li> <li>• Dates of DWI-related crashes</li> </ul>	<p>Department of Public Safety, Driver and Vehicle Services (DVS) data</p>
<p><b><i>Department of Corrections Recidivism-Related Data</i></b></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• Identifiers</li> <li>• Demographics</li> <li>• Jail entry and exit dates</li> <li>• Prison entry and exit dates</li> <li>• Parole start and end dates</li> <li>• Probation start and end dates</li> <li>• Dates of drug tests</li> <li>• Results of drug tests</li> <li>• Risk assessment results (LSIR/RANT)</li> </ul>	<p>Minnesota Department of Corrections (DOC)</p>

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

*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. 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 have 3 full years of outcome time available. Outcomes are based upon program entry date (or a similarly assigned date for the comparison group).

### RESEARCH QUESTION #1: WHAT IS THE IMPACT OF DWI COURT ON RECIDIVISM?

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

Independent sample *t* tests and univariate analysis of covariance (ANCOVA) were performed to compare the mean number of all rearrests (including those for DWI charges) for all DWI court participants and the comparison group for each year up to 3 years after DWI court start date or an equivalent date for the comparison group (*in the interest of simplicity, we will refer to this as the “program start date” for both groups going forward*). In the event of heterogeneous covariate slopes, we assessed simple group main effects of rearrests for low, average, and high levels of the covariate (e.g., evaluating mean differences between DWI court participants and the comparison group for those with low, average, and high numbers of prior arrests). Means generated by univariate analysis were adjusted in the analysis based on gender, age at program start date, race, and number of prior arrests.<sup>18</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.

<sup>18</sup> Time at risk is NOT controlled for in this or subsequent research questions as the intention of the analysis is to determine whether DWI court participation (which typically occurs in the community) reduces recidivism more effectively than business-as-usual, which typically includes at least some incarceration. If incarceration was used for non-DWI court participants and was effective in reducing crime, then controlling for this factor would prevent us from determining which path (DWI court or business as usual) was more effective.

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

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

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

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

Due to the low prevalence of DWI rearrests, survival analysis of time to DWI rearrest was inappropriate. In its place, we used survival analysis to examine the time to *any* rearrest after program start date between the DWI court group and the comparison group (DWI offenders who went through “business as usual” probation processing). Time to any rearrest, or survival time, was calculated by subtracting the date rearrested from the program start date. The survival opportunity window for each individual was calculated by subtracting the date of program entry from the date of the earliest outcome dataset collected for this study (court data received on August 23, 2013). The number of days 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 is reported for groups, up to 3 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 3 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 3 years following program start date. 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 September 2012. The average graduation rate (for participants entering between 2008 and 2012, to allow for enough time to complete the program) is compared to the national average for DWI court graduation rates, and the differences are discussed qualitatively.

To measure whether the program is graduating participants in its expected time frame, the average amount of time in the program was calculated for participants who had enrolled in the DWI court program between February 2008 and September 2012, by DWI court entry year, and have been successfully discharged from the program. The average length of stay for graduates and for all participants was compared to the intended time to program completion, and the differences are discussed qualitatively.

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

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

Participant characteristics and arrest history were also examined in relation to whether an individual was rearrested following DWI court entry. Chi-square and independent samples *t* tests 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.

Overall, Table 2 shows that about four out of five DWI court participants were male, nine out of 10 were White, and the average age at program entry was 38 years old with a range in age from 18 to 67 years old. None of these characteristics was statistically different in the comparison group.

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

	<b>SSLC Participants N = 106</b>	<b>Comparison Group N = 118</b>
Gender		
<b>Male</b>	<b>81%</b>	<b>76%</b>
<b>Female</b>	<b>19%</b>	<b>24%</b>
Race/Ethnicity <sup>a</sup>		
<b>White</b>	<b>88%</b>	<b>93%</b>
<b>American Indian/Alaska Native</b>	<b>7%</b>	<b>6%</b>
Black/African American	5%	3%
Hispanic/ Latino	1%	2%
Age at Entry Date		
<b>Average age</b>	<b>38 years</b>	<b>38 years</b>
Range	18–67	21–64

<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).

In terms of prior criminal history, the DWI court participants and comparison group were very similar, with the exception of one characteristic: eligible arrest charge level (Table 3). When selecting potential comparison group members for inclusion in the study, we attempted to select a similar proportion of people who were arrested for a felony DWI, as 76% of DWI court participants were referred to the program for this type of conviction. Unfortunately, there were very few felony DWI offenders in the comparison pool (indicating that the SSLC is doing an excellent job of referring high-risk/high-need individuals). We ultimately matched DWI court participants and comparison group members based on the next most severe charge: those arrested for a gross misdemeanor DWI, with two or more DWI arrests in the 10 years prior to the eligible arrest (i.e., the eligible arrest is their third or greater DWI arrest in the last 10 years).

Due to this challenge, the percent of DWI court participants with a felony DWI index arrest is significantly higher than the comparison group, but the combined group of felony and gross misdemeanors is not significantly different. Correspondingly, the average number of DWI arrests in the 10 years prior to index arrest for DWI court participants is significantly higher than that of the comparison group ( $p < .001$ ), as well as prior drug and felony arrests (both  $p < .01$ ). All other characteristics, including the number of total arrests in the 2 years prior to program entry, were not significantly different between the two groups.

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

	<b>SSLC Participants N = 106</b>	<b>Comparison Group N = 118</b>
<b>Prior Arrests</b>		
Percent with felony DWI as index arrest (the arrest that led to participation in DWI court)	76%***	23%
<b>Percent with a felony or gross misdemeanor DWI as index arrest and two or more DWI arrests in the 10 years prior to index arrest<sup>a</sup></b>	<b>89%</b>	<b>81%</b>
<b>Average number of DWI arrests 10 years prior to index arrest</b>	<b>2.39***</b>	<b>1.89</b>
<b>Average number of arrests 2 years prior to program entry</b>	<b>2.05</b>	<b>2.06</b>
<b>Average number of DWI arrests 2 years prior to program entry</b>	<b>1.24</b>	<b>1.13</b>



	SSLC Participants N = 106	Comparison Group N = 118
Prior Arrests		
Average number of person arrests 2 years prior to program entry	0.25	0.23
Average number of property arrests 2 years prior to program entry	0.12	0.11
Average number of drug arrests 2 years prior to program entry	0.02**	0.14
Average number of other arrests 2 years prior to program entry	1.58	1.57
Average number of misdemeanor arrests 2 years prior to program entry	1.18	1.39
Average number of gross misdemeanor arrests 2 years prior to program entry	1.16	1.16
Average number of felony arrests 2 years prior to program entry	0.86**	0.53

<sup>a</sup> The percent of individuals with a gross misdemeanor DWI and two or more DWI arrests in the 10 years prior to index arrest are 14% and 60%, for the DWI court and comparison group, respectively.

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

Table 4 displays additional characteristics of the DWI court program participants who were not available for the comparison group. Fewer than one-third (30%) of DWI court participants had some college or were college graduates, and about half (55%) were employed either full or part time. Approximately two-thirds of participants had a mental health diagnosis at program entry. Program participants were asked about all substances used in the last year before program entry; all of them reported alcohol consumption, followed by marijuana use (32%), and methamphetamine use (17%).

**Table 4. DWI Court Participant Characteristics: Other**

	SSLC Participants N = 106
Education <sup>a</sup>	
Less than high school	10%
High school/GED	60%
Some college, technical school, or college graduate	30%
Employment at Program Entry	
Unemployed	45%
Employed full or part time	55%
Mental Health Diagnosis <sup>b</sup>	
Yes	33%
No	67%
Chemical Health Assessment	
Dependent	100%
Risk Assessment Level <sup>c</sup>	
Low Risk	13%
Moderate/Medium Risk	21%
High Risk	66%
Substances Used in Last Year <sup>d</sup>	
Alcohol	100%
Marijuana	32%
Methamphetamine	17%
Prescription Drugs (Pills)	8%
Crack or Cocaine	6%

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

<sup>a</sup> 27% (29 people) of DWI court participants were missing this information, mostly from the 2012 cohort of participants.

<sup>b</sup> 41% (43 people) of DWI court participants were missing this information.

<sup>c</sup> 43% (45 people) of DWI court participants were missing this information.

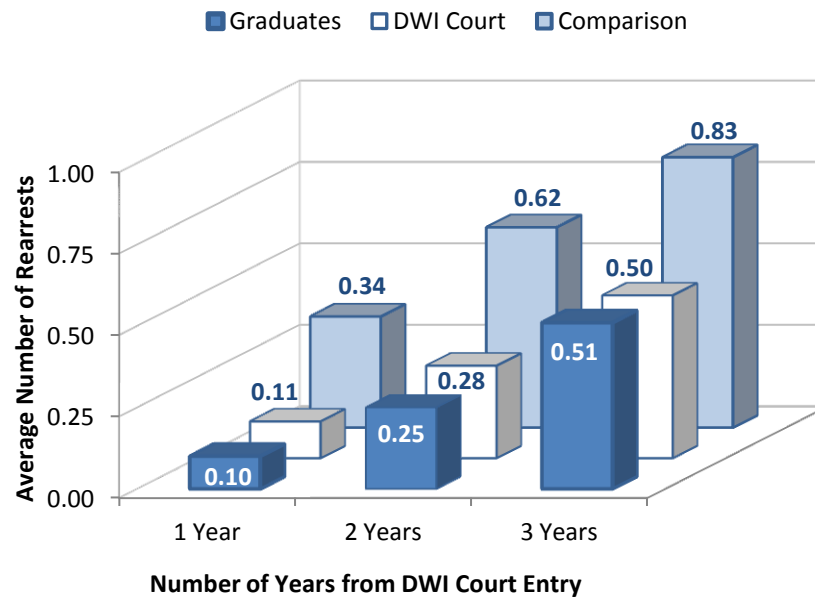
<sup>d</sup> Numbers based on data from Chemical Health Assessment performed at DWI court entry. Numbers do not add up to 100% as participants could report more than one type of substance.

**RESEARCH QUESTION #1: WHAT IS THE IMPACT OF DWI COURT ON RECIDIVISM?*****1a. Does participation in DWI court reduce the average number of all rearrests and DWI rearrests for those individuals compared with traditional court processing?***

**YES.** DWI court participants had fewer rearrests for any offense and for DWI offenses than the comparison group. Significance varied by outcome year and prior arrests (see below).

Figure 1 illustrates the average number of cumulative rearrests for each year up to 3 years after program entry for SSLC graduates, all SSLC participants, and the comparison group. As a whole, DWI court participants had significantly fewer rearrests 1 year after program entry ( $p < .01$ ), and fewer rearrests in years 2 and 3 (not statistically significant most likely due to smaller sample size of individuals who had outcomes 2 and 3 years after program entry). Program graduates had similar recidivism outcomes as the entire DWI court group.<sup>19</sup> The reported average number of rearrests for all participants and the comparison group were adjusted for age, race, gender, and prior arrests.<sup>20</sup>

**Figure 1. DWI Court Participants Had Fewer Rearrests over 3 Years<sup>21</sup>**



<sup>19</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.

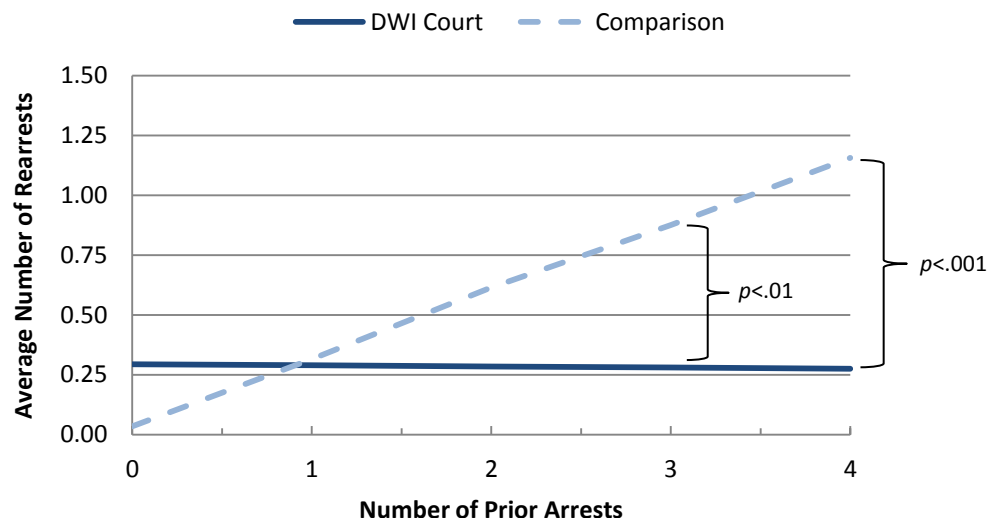
<sup>20</sup> Adjusted means were not significantly different from unadjusted means.

<sup>21</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 83, 60, 47$ ; All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 118, 84, 71$ .

Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense treatment and supervision provided by the full drug court model (NADCP, 2013). According to program assessment results, all SSLC participants are scored at high need (i.e., alcohol dependant). To test whether the program was more effective with participants who were higher risk (as measured by a greater number of prior arrests), we examined the number of rearrests, taking into account the number of prior arrests in the 2 years before program entry. As depicted in Figure 2, we found a positive relationship for the comparison group between the number of prior arrests and the number of subsequent rearrests; that is, comparison individuals with more prior arrests had a greater number of rearrests. However, the number of rearrests for DWI court participants remained relatively consistent at 0.28, regardless of the number of prior arrests. For DWI court participants, those with a greater number of prior arrests did NOT have a greater number of rearrests.

In addition, holding age, race, and gender constant, we evaluated the differences in rearrests based on number of prior arrests (zero through four). There were no significant differences between DWI court participants and the comparison group for those with two or fewer arrests, but there were significant differences between DWI court participants and the comparison group for those with three to four prior arrests. This pattern held true for 1- and 2-year outcomes ( $p < .001$  and  $p < .01$ , respectively).<sup>22</sup> In other words, we compared higher risk participants (those with three or greater prior DWIs) to higher risk comparison group members and found significantly lower recidivism in the DWI court participants, while lower risk participants and comparison group members (those with two or fewer priors) had no significant difference in recidivism. This indicates that the DWI court program is particularly effective for individuals with a more extensive DWI history (i.e., higher risk participants).

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

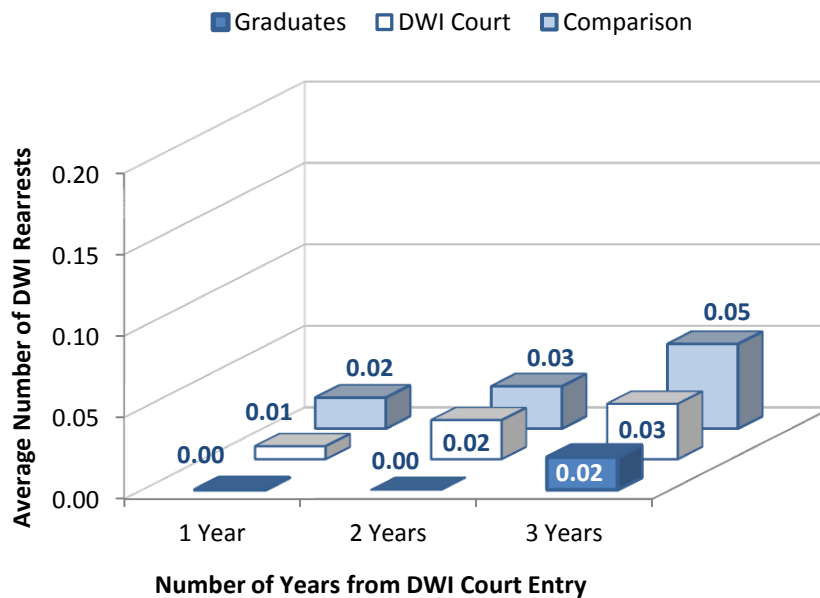


<sup>22</sup> Sample was too small for sub-group analysis for Year 3.

The SSLC recidivism findings are consistent with prior drug court research and suggest that the highest risk group—those participants with three or more arrests in the 2 years prior to program entry—are benefitting the greatest from the SSLC program. The SSLC is doing an excellent job of targeting high-risk participants for its program, as 76% of participants entered the program on a felony DWI arrest, and two-thirds were considered “high risk” based on supervision assessments. We recommend that the SSLC continue its current efforts to target high-risk/high-need individuals, and if possible, incorporate recent criminal history activity (e.g., number of arrests in the past 2 years) into its eligibility considerations.

Figure 3 illustrates that DWI court participants had fewer DWI rearrests. However, the total number of DWI rearrests in both groups was too small to detect statistical differences (Year 1 = 3, Year 2 = 4, Year 3 = 6). We should be encouraged that the average number of DWI rearrests even 3 years after program entry is remarkably small, less than a tenth of the overall arrest rate for DWI court participants and the comparison group.

**Figure 3. Average Number of DWI Rearrests over 3 Years<sup>23</sup>**



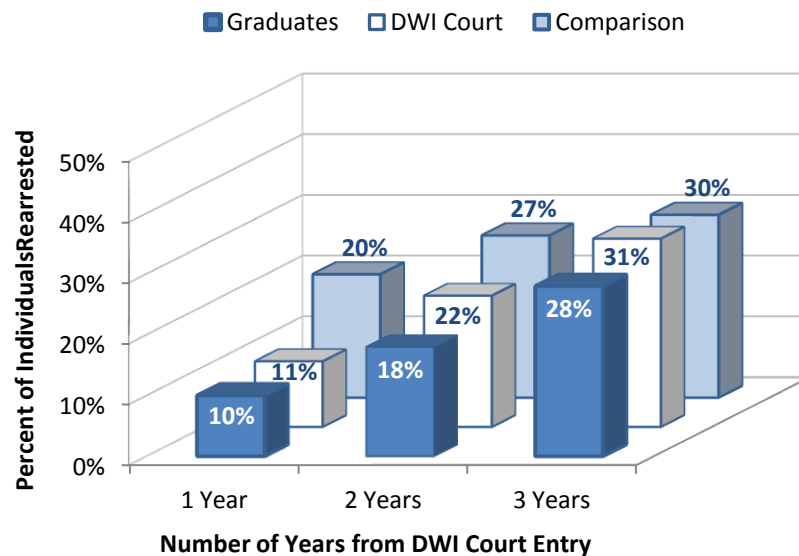
<sup>23</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 83, 60, 47$ ; All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ .

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

**POSSIBLY.** *The percent of DWI court participants rearrested were lower than the comparison group in Years 1 and 2, but did not differ significantly.*

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 4 illustrates the percent of DWI court graduates, all DWI court participants, and comparison group members who were rearrested over a 3-year period for any charge following program entry. The percent of DWI court participants rearrested was lower than the comparison group in Year 1 (11% compared to 20%, respectively), and Year 2 (22% compared to 27%), but not statistically significant. By Year 3 outcomes were similar. The majority of DWI court participants who started the program 3 or more years ago entered the SSLC during its first year of implementation, and results should be interpreted keeping this fact in mind. Most programs are not as effective in the first year as they are still working on getting the team together and establishing consistent policies and procedures. We recommend the program continue to monitor outcomes as the program ages. The percent of DWI court graduates rearrested was lower each year than that of the comparison group, but cannot be statistically compared. The logistic regression comparing DWI court participants and comparison group members controlled for age, race, gender, and prior arrests.

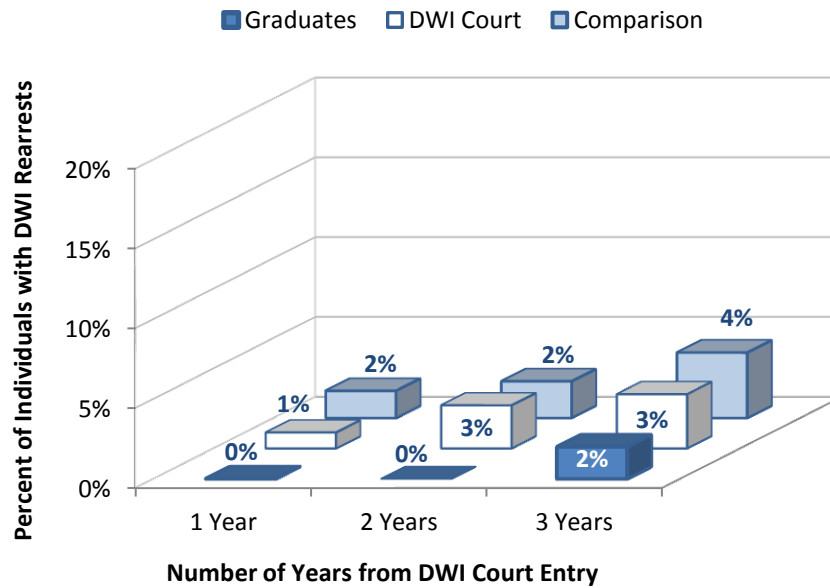
**Figure 4. Percent of Individuals Rearrested over 3 Years<sup>24</sup>**



<sup>24</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 83, 60, 47$ ; All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ .

A key indicator of DWI court outcomes is the percent of individuals rearrested for a DWI offense. Figure 5 shows the percent of DWI court graduates, all DWI court participants, and the comparison group who were rearrested with a DWI charge. Comparisons here should be made with caution as there were so few people rearrested for a DWI offense.

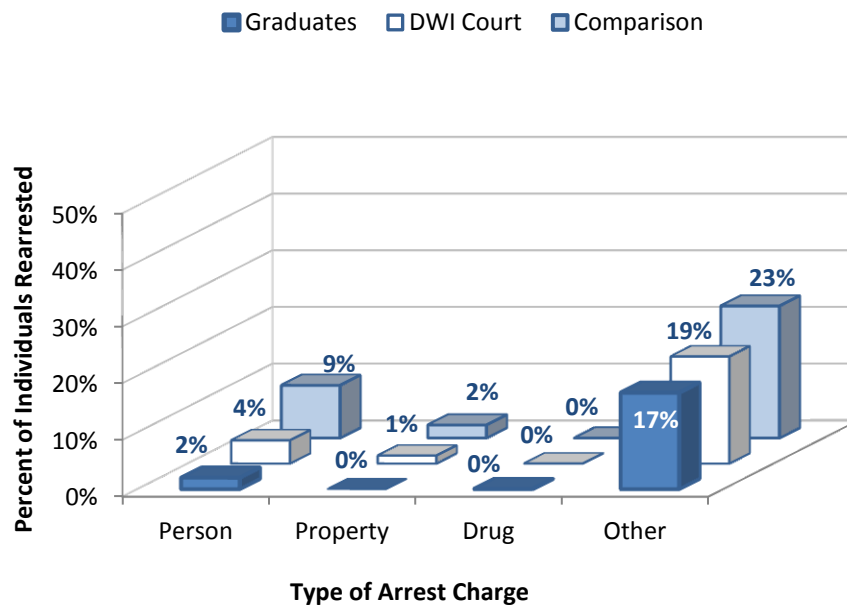
**Figure 5. Percent of Individuals Rearrested with a DWI Charge over 3 years<sup>25</sup>**



<sup>25</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 83, 60, 47$ ; All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ .

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 6.<sup>26</sup> Logistic regressions were run to control for age, race, gender, and prior arrests. Again, DWI court participants had lower rearrest rates than the comparison group by arrest type, but were not significantly different. “Other” arrests account for the greatest portion of rearrests and include a wide variety of offenses such as driving under a suspended or canceled license, speeding, public disorder, restraining order violations, and disturbing the peace, some of which may be directly or indirectly linked to alcohol use and may be more typical of DWI offenders than the other categories.

**Figure 6. Percent of Individuals Rearrested by Arrest Charge at 2 Years<sup>27</sup>**



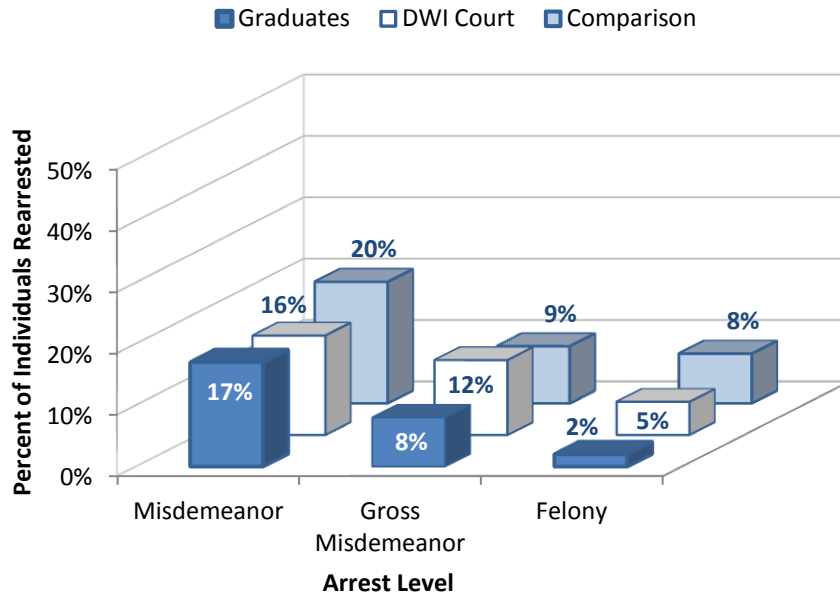
<sup>26</sup> When an individual received more than one charge per arrest, a single arrest could be coded as both a person and drug crime. Therefore, the percents in Figures 6-7 do not add up to the percent of total arrests reflected in Figure 4.

<sup>27</sup> Sample sizes by group: Graduates  $n = 60$ ; All DWI Court Participants  $n = 74$ ; Comparison Group  $n = 84$ .



Figure 7 displays the arrest charge level (misdemeanor, gross misdemeanor, or felony). Again, there is no statistical difference between the DWI court participants and the comparison group, which is a positive outcome, given the fact that a significantly larger proportion of the DWI court population was arrested for a felony DWI offense, and has greater numbers of felony arrests in the 2 years prior to program entry.

**Figure 7. Percent of Individuals Rearrested by Arrest Level at 2 Years<sup>28</sup>**



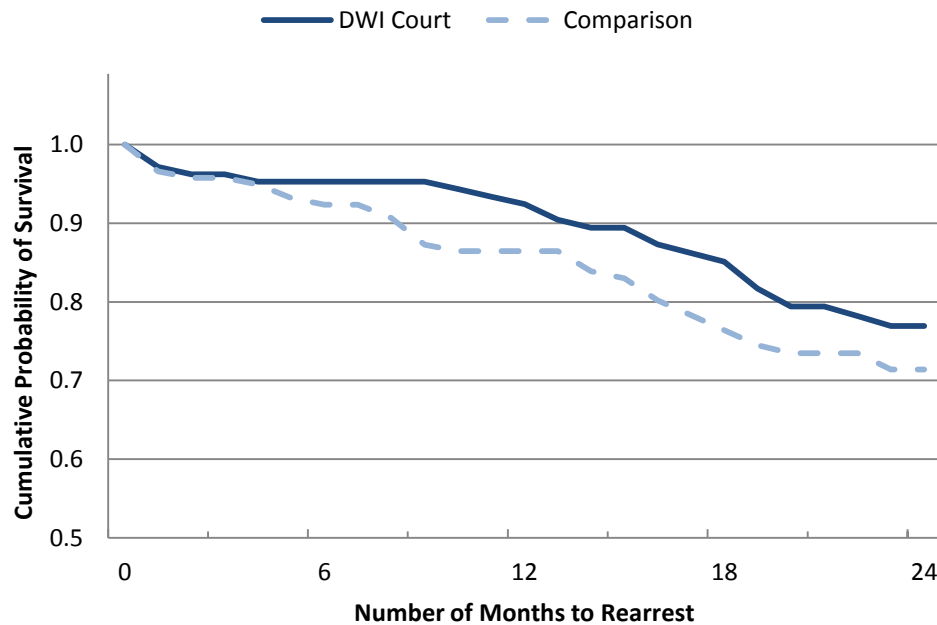
<sup>28</sup> Sample sizes by group: Graduates  $n = 60$ ; All DWI Court Participants  $n = 74$ ; Comparison Group  $n = 84$ .

***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?***

**POSSIBLY.** We were unable to conduct a survival analysis due to the low number of DWI rearrests (a total of four arrests over 2 years). DWI court participants were rearrested for any offense at a lower rate than comparison group, but the difference was not significant.

We conducted a survival analysis of participants with up to 2 years (presented in months) of outcome data. Results in Figure 8 show that the time to any rearrest occurred at different rates for DWI court participants and the comparison group. The solid blue line represents the DWI court group and the dashed line represents the comparison group. The line dropping indicates the occurrence of rearrests over time. A steeper drop in the line indicates a greater number of rearrests occurring sooner. As displayed in the graph, the DWI court group's line is consistently above the comparison group's line, indicating a longer time to rearrest for DWI court participants. The average time to first rearrest for program participants was 21.7 months and for the comparison group, 20.5 months (not significantly different). At the end of the 2-year period, 22% of DWI court participants and 27% of comparison group members had been rearrested (again, not significantly different). Although the difference in time to rearrest was not significantly different, given the relatively higher risk of the DWI court participant group, the increase in survival time for DWI court participants is a very positive finding.

**Figure 8. Probability of Remaining Un-Arrested over Time (Survival Function)**

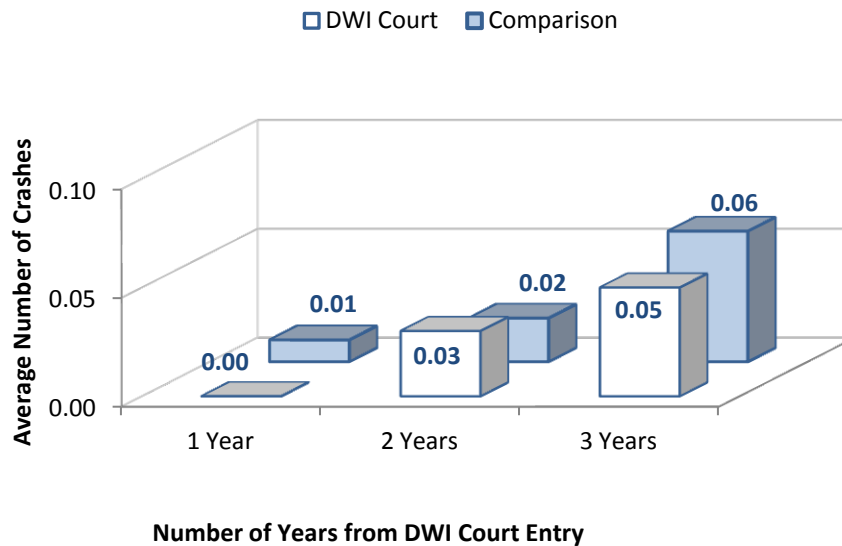


***1d. Does participation in DWI court reduce the number of traffic-related crashes for those individuals compared with traditional court processing?***

**NOT ENOUGH CRASHES TO DETERMINE.** *The average number of crashes was similar among DWI court participants and the comparison group. However, the number of crashes was so small (11 crashes over a 3-year period) that a valid analysis cannot be performed.*

Figure 9 shows the average number of crashes for DWI court graduates, all DWI court participants, and the comparison group over the 3 years after program entry. Comparisons should be made with caution, as there were 11 total crashes over the 3-year period (Year 1=1, Year 2=4, and Year 3=6). Due to the low prevalence of crashes we could not conduct statistical tests for crashes, crashes involving drugs or alcohol, or crashes with injuries.

**Figure 9. Average Number of Crashes over 3 Years<sup>29</sup>**



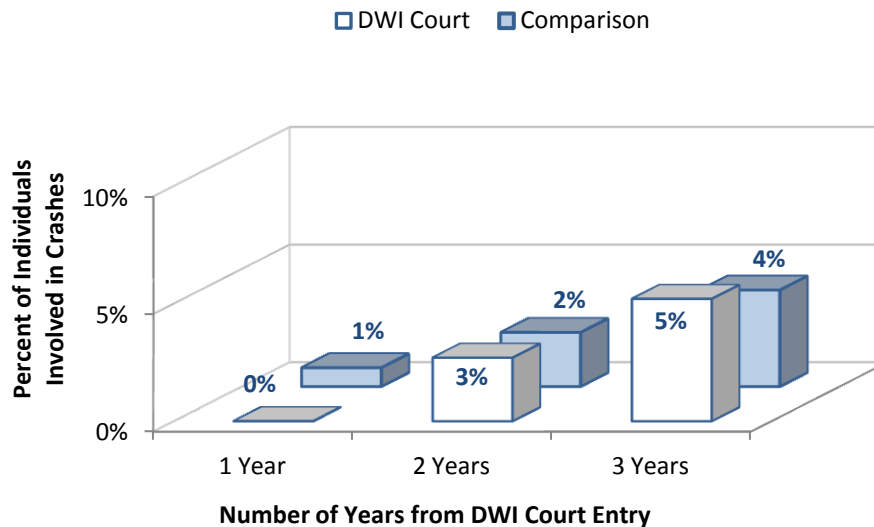
<sup>29</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ . Graduates were not presented separately due to the low prevalence of crashes.

***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 CRASHES TO DETERMINE.** *A similar percent of DWI court participants and the comparison group were involved in crashes.*

Figure 10 shows the percent of DWI court graduates, all DWI court participants, and comparison group members in crashes over a 3-year period after program entry. Comparisons should be made with caution, as there were 11 total crashes over the 3-year period (Year 1=1, Year 2=4, and Year 3=6). 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.

**Figure 10. Percent of Individuals in Crashes over 3 Years<sup>30</sup>**



<sup>30</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ . Graduates were not presented separately due to the low prevalence of crashes.

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

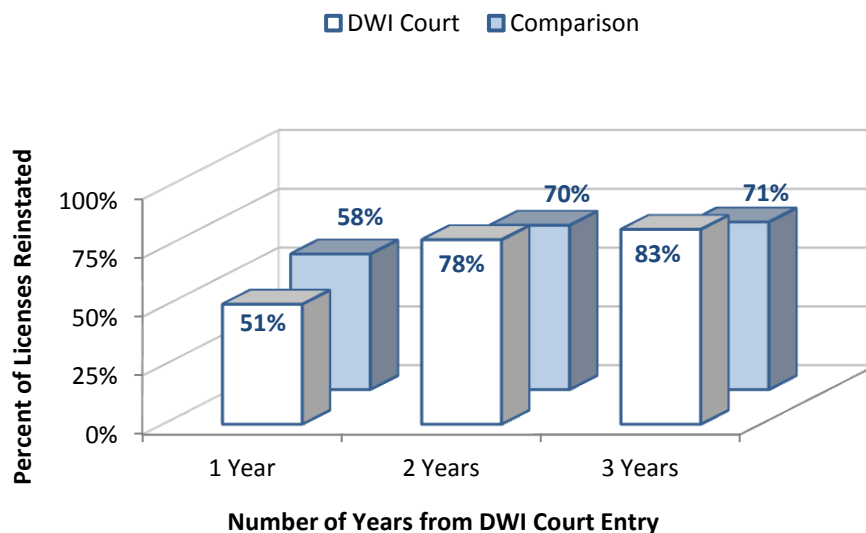
### *2a. Does participation in DWI court lead to an increased rate of license reinstatement (the percent of people whose license is reinstated) compared with traditional court?*

**YES.** DWI court participants were more likely than the comparison group to have their licenses reinstated in the second year following program entry (other years were not significantly different).

Figure 11 illustrates percent of individuals within the DWI court group and comparison group who had their driver's license reinstated in the 3 years after program entry. DWI court participants were more likely than the comparison group to have their license reinstated in the second year after program entry (78% and 70%, respectively;  $p < .05$ ); differences for other years were 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.

Just over half of repeat DWI offenders received a license reinstatement in the year following program entry, and an estimated three in four received a license reinstatement after 3 years. These results should be interpreted with caution, as there are two notable data limitations. First, while we know there was one DWI court participant who had a valid driver's license at the time of program entry, we did not have this information available for the comparison group, and therefore did not exclude this person from the analysis. Second, a license reinstatement appears to be a temporary outcome for some individuals. For example, at the 2-year mark, for those who had a license reinstatement, there was an average of 2.2 license reinstatements. Licenses are reinstated on a temporary basis and renewed periodically for some DWI offenders.

**Figure 11. Percent of Licenses Reinstated over 3 Years<sup>31</sup>**



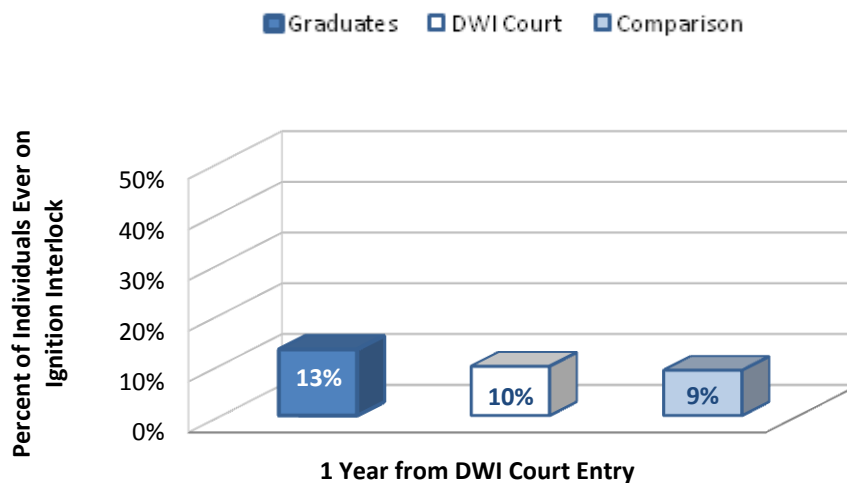
<sup>31</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): All DWI Court Participants  $n = 102, 74, 58$ ; Comparison Group  $n = 116, 84, 71$ .

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

**POSSIBLY.** A very low number of DWI court participants and comparison group members used ignition interlock at some point in the first year; differences could not be compared statistically.

Figure 12 shows the percent of DWI court graduates, all DWI court participants, and comparison group members using interlock in the first year following program entry. Of the DWI court participants, 10% (three people) used the ignition interlock device sometime during the first 12 months after program entry, compared to 9% (four people) in the comparison group. We recommend that further analyses be conducted when more ignition interlock data are available.<sup>32</sup>

**Figure 12. Percent of Individuals Ever on Ignition Interlock in the Year Following Program Entry**



<sup>32</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.

**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 SSLC is 86%, which is higher than the national average of 50%.*

Whether a program is bringing its participants to successful completion and doing so in the intended time frame is measured by program graduation (completion) rate, and by the amount of time participants spend in the program. Program *graduation rate* is the percentage of participants who graduated from the program, out of a cohort of participants who started during a similar time frame and who have left the program either by graduating or by being unsuccessfully discharged. Active participants ( $n = 7$ ) are excluded from the calculation. Graduation rate was calculated for each entry year from 2008 to 2012. The program's graduation rate for all participants entering between February 2008 and September 2012 is 86% (not shown). Table 5 shows status outcomes by 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. SSLC Completion Status by Entry Year**

<b>Program Entry Year</b>	<b>2008 <math>n = 21</math></b>	<b>2009 <math>n = 28</math></b>	<b>2010 <math>n = 16</math></b>	<b>2011 <math>n = 19</math></b>	<b>2012 <math>n = 22</math></b>
Graduates	76%	82%	94%	84%	68%
Non-Graduates	24%	14%	6%	11%	5%
Other Exit	0%	4%	0%	0%	0%
Actives	0%	0%	0%	5%	27%

The SSLC is doing extremely well in graduating participants compared to the national average. The programs 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—as the SSLC is doing. 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 child care while they participate in program requirements.

The analysis for Research Question #4 examines more closely the difference between graduates and non-graduates to determine if there are any clear trends for non-graduates that will point to a need for different types of services.

To measure whether the program was following its expected time frame for participant completion, the average amount of time in the program was calculated for participants who had enrolled in the SSLC and have graduated from the program. The minimal requirements of the SSLC

would theoretically allow for graduation at approximately 12 months from the time of entry to graduation (or 24 months for participants entering with a felony DWI arrest). The average length of stay in DWI court for all participants, both graduates and non-graduates, was 500 days (about 17 months). Graduates spent an average of 497 days in the program, ranging from 12 months to 3.3 years in the program. Approximately 25% graduated within 13 months, and 50% graduated within about 14 months of program entry. Participants who did not graduate spent an average of 18 months in the program.

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

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

**YES.** *Graduates of the DWI court program were more likely to be older, have no identifiable mental health disorder at program entry, and have completed all treatment requirements; however, when analyzed together, no characteristic predicted graduation above and beyond all other factors.*

Graduates and non-graduates were compared on demographic characteristics and criminal history to determine whether there were any patterns in predicting program graduation. The following analyses included participants who entered the program from February 2008 through September 2012. Of the 106 people who entered the program during that time period, 13 (12%) were unsuccessfully discharged from the program and 85 (80%) graduated. Due to the low number of non-graduates, these analyses may not be valid. The results should be interpreted with caution.

Analyses were performed to determine if there were any demographic or criminal history characteristics of participants that were related to successful DWI court completion, including gender, race/ethnicity, age, criminal history, education, employment, length of time in the program, mental health status, and substance use history. Tables 6-9 show the results for graduates and unsuccessfully discharged participants from chi-square and *t* test analyses. Characteristics that differ significantly between graduates and unsuccessfully discharged participants are formatted in bold text in the tables below ( $p < .05$ ). Additional analyses were performed to determine if any characteristics were significant, holding all other factors constant; however, none was significant.



As presented in Table 6, male and female participants had similar rates of graduation, and graduates did not differ significantly by race from unsuccessfully discharged participants (although not significant, it is notable that there are more female, fewer White, and more American Indian/Alaska Native non-graduates, relative to the entire population). *T* test analysis revealed that graduates were more likely to be older than non-graduates (39 years compared to 31 years, respectively), but this difference was not statistically significant when controlling for all other factors. We suggest that SSLC monitor the age of participants who are unsuccessfully discharged from the program, and explore whether the program requirements and services being provided to these participants are age appropriate. In particular, AA/NA programs are typically not designed for younger individuals, and younger participants may require more structured guidance from the staff when selecting an appropriate self-help group to meet program requirements.

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

	<b>Graduates <i>n</i> = 85</b>	<b>Non-Graduates <i>n</i> = 13</b>
<b>Gender</b>		
Male	86%	67%
Female	14%	33%
<b>Race/Ethnicity<sup>a</sup></b>		
White	92%	75%
American Indian/Alaska Native	5%	17%
Black/African American	4%	0%
Hispanic/ Latino	0%	8%
<b>Age at Entry Date</b>		
<b>Average age</b>	<b>39 years</b>	<b>31 years</b>
Range	18 – 67	23 – 44

<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).

Table 7 displays the criminal history of graduates and unsuccessfully discharged participants prior to entering the program. There were no statistically significant differences between graduates and non-graduates (likely due to the low number of non-graduates), although non-graduates do appear to have higher numbers of arrests in the 2 years prior to program entry.

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

	<b>Graduates <i>n</i> = 85</b>	<b>Non-Graduates <i>n</i> = 13</b>
<b>Prior Arrests</b>		
Percent with felony DWI as index arrest	77%	92%
Average number of DWI arrests 10 years prior to index arrest	2.35	2.83
Average number of arrests 2 years prior to program entry	1.99	2.42
Average number of DWI arrests 2 years prior to program entry	1.21	1.42
Average number of person arrests 2 years prior to program entry	0.25	0.17
Average number of property arrests 2 years prior to program entry	0.09	0.08
Average number of drug arrests 2 years prior to program entry	0.02	0.00
Average number of other arrests 2 years prior to program entry	1.54	1.92
Average number of misdemeanor arrests 2 years prior to program entry	1.13	1.42
Average number of gross misdemeanor arrests 2 years prior to program entry	1.09	1.50
Average number of felony arrests 2 years prior to program entry	0.87	0.92

Table 8 illustrates that DWI court graduates and non-graduates had similar educational backgrounds, employment upon program entry, and length of stay in the DWI court program (no significant differences for any category). It is notable that non-graduates attended more DWI court hearings and spent a longer time in the program compared to graduates, indicating that the SSLC team spends considerable time with participants before deciding to discharge them from the program for unsuccessfully adhering to program requirements.

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

	<b>Graduates <i>n</i> = 85</b>	<b>Non-Graduates <i>n</i> = 13</b>
<b>Education<sup>a</sup></b>		
Less than high school	9%	17%
High school/GED	61%	50%
Some college, technical school, or college graduate	30%	33%
<b>Employment at Program Entry</b>		
Unemployed	41%	42%
Employed full or part time	59%	58%
<b>Arrest to Program Entry</b>		
Average number of days from index arrest to DWI court program entry	235 days	116 days
<b>DWI Court Hearings</b>		
Average number of DWI court hearings	32.3	41.8
<b>Program Length of Stay</b>		
Average number of days in program	496	528

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

<sup>a</sup> 22% (21 people) of DWI court participants were missing this information, mostly from the 2012 cohort of participants.

As depicted in Table 9, DWI court graduates were less likely to have a mental health diagnosis (assessed at program entry) and more likely to have completed the treatment requirements of the program, although these differences were not statistically significant when accounting for all other characteristics.

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

	<b>Graduates <i>n</i> = 85</b>	<b>Non-Graduates <i>n</i> = 13</b>
<b>Mental Health Diagnosis<sup>a</sup></b>		
<b>Yes</b>	<b>28%</b>	<b>64%</b>
<b>No</b>	<b>72%</b>	<b>36%</b>
<b>Substances Used in Last Year<sup>b</sup></b>		
Alcohol	100%	100%
Marijuana	30%	42%
Methamphetamine	14%	25%
Crack or Cocaine	5%	17%
<b>Reported Addiction Severity at Program Entry</b>		
Dependent	100%	100%
<b>Risk Assessment Level<sup>c</sup></b>		
Low Risk	14%	12.5%
Medium/Moderate Risk	23%	12.5%
High Risk	63%	75%
<b>Completed Treatment Requirements<sup>d</sup></b>		
<b>Yes</b>	<b>96%</b>	<b>60%</b>
<b>No</b>	<b>4%</b>	<b>40%</b>

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

<sup>a</sup> 36% (35 people) of DWI court participants were missing this information, mostly from the 2012 cohort of participants.

<sup>b</sup> Numbers based on data from Chemical Health Assessment (CHA) performed at DWI court entry. Numbers do not add up to 100% as participants could report more than one type of substance. Additionally, CHA results were missing for 22% (21 people) of DWI court participants, mostly from the 2012 cohort of participants.

<sup>c</sup> 38% (37 people) of DWI court participants were missing this information.

<sup>d</sup> 38% (38 people) of DWI court participants were missing this information.

After reviewing the characteristics listed in Tables 6-9, all background and criminal history characteristics were entered into a logistic regression (with the exception of program length of stay and number of DWI court hearings attended) to determine which characteristics were most strongly tied to graduation, above all other factors. Due to the relatively low number of non-graduates (13 people) and challenges with missing data, there were no significant differences detected between graduates and non-graduates. We recommend that further analyses on program status be performed at a later time when more participants have gone through the program.

### ***Characteristics Related to Recidivism***

Another indicator of program success is whether or not participants are being rearrested. All program participants were reviewed to determine whether any factors or characteristics were related to being rearrested within 2 years after program entry. Similar to the results detailed above, there were no significant differences for any characteristic between participants rearrested and those not rearrested within 2 years after program entry. Overall, we found the lack of significant results to be a promising result, as it appears the SSLC is performing well in meeting the diverse needs of participants, as there are no observable characteristics at program entry that appear to predict future rearrests.

## **Summary of Outcome Results**

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

- 3 times fewer rearrests for any charge in Year 1
- 66% fewer rearrests, and 66% fewer new DWI arrests 3 years after program entry
- Half as many victimizations (person and property arrests) 2 years after entry
- 60% fewer felony arrests 2 years after entry

Overall the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. Moreover, high-risk/high-need participants (alcohol-dependant individuals with three or more prior DWIs) are benefitting the greatest from this program. In terms of the percent of DWI court participants rearrested at least one time, as many or fewer participants were rearrested in the 2 years following program entry, and DWI court participants remain unrarrested for longer periods of time (although these differences were not statistically significant).

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 11 crashes over a 3-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. DWI court participants have their licenses reinstated at higher rates than the comparison group, and a similar proportion of participants use ignition interlock in the first year after program entry, as contrasted with the comparison group, though graduates were slightly more likely to have used the interlock device. Finally, participants who were younger, female, non-White, had a mental health diagnosis, and used drugs other than alcohol were less likely to graduate from the program. However, the number of terminated participants was so

small that these findings should be interpreted with caution. Finally, there were no characteristics that predicted future recidivism.

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

## SECTION III: COST EVALUATION

### Cost Evaluation Design and Methods

NPC conducted full cost-benefit analyses for seven of the DWI court programs that participated in this study to assess the extent to which the costs of implementing the program are offset by cost-savings due to positive outcomes. The SSLC 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>33</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 each transaction that occurs for program participants. TICA is an intuitively appropriate ap-

<sup>33</sup> See Drug Court cost-benefit studies at <http://www.npcresearch.com>

proach to conducting costs assessment in an environment such as a DWI court, which involves complex interactions among multiple taxpayer-funded organizations.

### ***Cost to the Taxpayer***

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

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

### ***Opportunity Resources***

Finally, NPC's cost approach looks at publicly funded costs as "opportunity resources." The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term opportunity resource describes these resources that are now available for a 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 occur within this flow (i.e., where clients interact with the system).	Analysis of process information gained in Step 1
Step 3:	Identify the agencies involved in each transaction (e.g., court, treatment, police).	Analysis of process information gained in Step 1 Direct observation of program transactions
Step 4:	Determine the resources used by each agency for each transaction (e.g., amount of judge time per transaction, amount of attorney time per transaction, number of transactions).	Interviews with key program informants using program typology and cost guide Direct observation of program transactions Administrative data collection of number of transactions (e.g., number of court appearances, number of treatment sessions, number of drug tests)
Step 5:	Determine the cost of the resources used by each agency for each transaction.	Interviews with budget and finance officers Document review of agency budgets and other financial paperwork
Step 6:	Calculate cost results (e.g., cost per transaction, total cost of the program per participant).	Indirect support and overhead costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction. The transaction cost is multiplied by the average number of transactions to determine the total average cost per transaction type. These total average costs per transaction type are added to determine the program and outcome costs.

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

actions. For example, to calculate the cost of drug testing, the unit cost per drug test is multiplied by the average number of drug tests performed per person. All the transactional costs for each individual were added to determine the overall cost per DWI court participant/comparison group individual. This was reported as an average cost per person for the DWI court program, and outcome/impact costs due to rearrests, jail time and other recidivism costs, as well as any other service usage. In addition, due to the nature of the TICA approach, it was also possible to calculate the cost of DWI court processing per agency, so that it was possible to determine which agencies contributed the most resources to the program and which agencies gained the most benefit.

## COST DATA COLLECTION

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

### *Program Costs*

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

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

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

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

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

The cost per day of county probation was obtained from probation department staff. If the cost per day of probation had not yet been determined, NPC used the agency’s adult supervision budget and caseload to calculate the average cost per day.

The cost of crashes, by severity of injury, was found on the National Safety Council’s Web site and updated to fiscal year 2014 at the time of the cost calculations using the Consumer Price Index:

- [http://www.nsc.org/news\\_resources/injury\\_and\\_death\\_statistics/Pages/EstimatingtheCostofUnintentionalInjuries.aspx](http://www.nsc.org/news_resources/injury_and_death_statistics/Pages/EstimatingtheCostofUnintentionalInjuries.aspx)

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

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

## Cost Evaluation Results

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

#### *How much does the SSLC program cost?*

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

#### *Program Transactions*

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

- 6<sup>th</sup> Judicial District Court (judge, coordinator, court reporter, and court clerk);
- St. Louis County Attorney's Office (assistant county attorney, victim witness coordinator);
- Duluth Office of the City Attorney (assistant city attorney);
- Public Defender's Office (assistant public defenders);
- Private Defense Attorney (defense attorney);
- Arrowhead Regional Corrections (probation coordinator, probation officers, and corrections agent);
- Center for Alcohol and Drug Treatment (clinical director, client advocate);
- Human Development Center (psychologist);
- Fond du Lac Band of Lake Superior Chippewa Reservation (Tribal representative);
- Duluth Police Department (sergeant);
- St. Louis County Sheriff's Office (lieutenant, sergeant); and
- Minnesota State Patrol (trooper).

The cost of a **DWI Court Appearance** (the time during a session when a single program participant interacts with the judge) is calculated based on the average amount of court time (in minutes) each participant interacts with the judge during the DWI court session. This includes the direct costs for the time spent for each DWI court team member present, the time team members spend preparing for the session, the time spent in staffing, the agency support costs, and jurisdictional overhead costs. The cost for a single DWI court appearance is \$123.78 per participant.

**Case Management** is based on the amount of staff time dedicated to case management activities during a regular work week and is then translated into a total cost for case management per participant per day (taking staff salaries and benefits, and support and overhead costs into account).<sup>34</sup> The agencies involved in case management are the 6<sup>th</sup> Judicial District Court, Arrowhead Regional Corrections, Duluth Police Department, St. Louis County Sheriff's Office, and treatment agencies. The daily cost of case management is \$4.78 per participant.

**Drug and Alcohol Treatment** costs used for this analysis were based on Minnesota's Medicaid Drug and Alcohol Treatment Reimbursement Rates.<sup>35</sup> 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;<sup>36</sup> and hospital inpatient is \$300.00 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 SSLC team members to estimate the percentage of participants using public funds for treatment. Because an estimated 50% of SSLC participants use public funds for their treatment, the final treatment costs used in this report were 50% 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 probation officers, coordinator, and a treatment facility that provides testing on weekends and other days off. The DWI court pays for all drug and alcohol testing. The cost per UA test is \$4.71, and breathalyzer tests are \$0.19. Drug and alcohol testing costs were obtained from the DWI court coordinator.

<sup>34</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.

<sup>35</sup>

[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_FILE&RevisionSelectionMethod=LatestReleased&Render=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16\\_160263](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Render=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_160263)

<sup>36</sup> There are three reimbursement rates for residential: low, medium, and high intensity. Because the treatment usage data did not differentiate the level, NPC used the medium intensity reimbursement rate for all residential treatment days, plus the room and board reimbursement.

**Jail Sanctions** and **Jail Bookings** are provided by the St. Louis County Sheriff's Office. The cost of jail was acquired from the Minnesota Department of Corrections Performance Report,<sup>37</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 is \$120.97 per day. St. Louis County also has the Northeast Regional Corrections Center, which is operated by Arrowhead Regional Corrections. The cost at this facility is \$117.52 per day. Jail booking costs include all staff, facilities, and support and overhead costs. The cost of a jail booking is \$23.55. Unfortunately, the jail data did not allow NPC to determine which jail days were due to DWI court sanctions, so jail sanction and jail bookings were not included in the program costs. However, any jail sanctions received will show up in the outcome cost section, so all jail sanction costs are accounted for.

SSLC participants pay a **DWI Court Fee** to the DWI court which helps to pay for drug and alcohol testing, graduation supplies, incentives, and training for team members. The fee is \$100.00 per month. However, due to a lack of data on the exact amount of fees paid by each participant, fees were not taken into account in this cost analysis.

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<sup>37</sup> <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

### 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 ( $n = 85$ ) and for all DWI court participants ( $n = 97$ ), 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	\$123.78	32.32	\$4,001	33.49	\$4,145
Case Management Days	\$4.78	496.48	\$2,373	500.40	\$2,392
Individual Treatment Sessions	\$35.00	2.36	\$83	2.64	\$92
Group Treatment Sessions	\$17.00	17.17	\$292	18.21	\$310
Residential Treatment Days	\$91.55	8.49	\$777	23.09	\$2,114
Hospital Inpatient Days	\$150.00	0.00	\$0	0.00	\$0
UA Drug Tests <sup>38</sup>	\$4.71	77.30	\$364	77.40	\$365
Breathalyzer Tests	\$0.19	70.14	\$13	68.82	\$13
<b>TOTAL</b>			<b>\$7,903</b>		<b>\$9,431</b>

<sup>38</sup> Note that the average number of UA drug tests is a proxy based on program policy.

The unit cost multiplied by the number of events per person results in the cost per person for each transaction during the course of the program. When the costs of the transactions are summed the result is a total SSLC program cost per participant of \$9,431. The cost per graduate is \$7,903. The largest contributor to the cost of the program is DWI court sessions (\$4,145), followed by treatment (\$2,516) and case management (\$2,392). Note that the graduates cost slightly less than the participants in general and use fewer program resources than all participants for every transaction except for breathalyzer tests. This implies that participants who eventually terminate unsuccessfully from the program use more of nearly every program resource than those who graduate. In NPC's experience in evaluating DWI and drug courts nationally, the situation is usually reversed. This indicates that the program is working hard to keep participants in the program and to provide them with the resources to succeed. Another note of interest is that because an estimated 50% of participants pay for their own drug and alcohol treatment via private insurance or private pay, the program saves an average of \$2,516 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**

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

<sup>a</sup> Note that NPC did not receive a response from the Fond du Lac Band of Lake Superior Chippewa regarding costs, so NPC was unable to include their contributions to the SSLC in this cost analysis.

<sup>b</sup> Note that the private defense attorney on the team donates his time. Because there are no costs to taxpayers, the private defense attorney costs were not included in this cost analysis.



Table 12 shows that the costs accruing to treatment (outpatient and residential treatment, case management, and DWI court sessions) account for 30% of the total program cost per participant. The next largest cost (25%) is for Corrections due to case management, DWI court sessions, and drug and alcohol testing, followed by the District Court (19%) for DWI court sessions, case management, and drug and alcohol testing.

### *Program Costs Summary*

In sum, the largest portion of SSLC costs is due to DWI court sessions when multiple team members from multiple agencies are in attendance (an average of \$4,145, or 44% of total costs), followed by treatment (\$2,516, or 27% of total costs) and case management (\$2,392, or 25%). When program costs are evaluated by agency, the largest portion of costs accrues to treatment (\$2,860, or 30% of total costs), followed by Corrections (\$2,380, or 25%) and the District Court (\$1,782 or 19%). Emphasis in the program is clearly focused on working as a team (in staffing and court sessions), on treatment (which is crucial for individuals who are dependent—who have severe substance use disorder) and case management, which support participants in their ability to successfully complete program requirements (resulting in an extraordinarily high graduation rate).

## **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).<sup>39</sup> This study compares recidivism costs for the two groups over 2 years by transaction as well as 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

<sup>39</sup> A two year time period was chosen for the cost analysis of participant outcomes because the number of participants with two years since program entry was higher than the number at three years, lending more power to the analysis and leading to more robust cost numbers.

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 6<sup>th</sup> Judicial District Court; St. Louis County Attorney's Office; Duluth Office of the City Attorney; the Minnesota Board of Public Defense; the Minnesota State Court Administrator's Office; the Minnesota Department of Corrections; Arrowhead Regional Corrections; St. Louis County Sheriff's Office; Duluth Police Department; Minnesota State Patrol; the National Safety Council; and the National Institute of Justice. 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 St. Louis County Sheriff's Office, Duluth Police Department, and the Minnesota State Patrol (the three main arresting agencies in South St. Louis 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 three law enforcement agencies is \$168.09.

**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 \$638.72. The cost of a Gross Misdemeanor Court Case is \$733.68, and the cost of a Felony Court Case is \$1,798.66.

**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>40</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 Sheriff's Office staff 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 \$23.55.

Jail costs were acquired from the Minnesota Department of Corrections Performance Report,<sup>41</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 is \$120.97 per day. St. Louis County also has the Northeast Regional Corrections Center, which is operated by Arrowhead Regional Corrections. The cost at this facility is \$117.52 per day.

The cost per day of parole was found on the Minnesota Department of Corrections' Web site<sup>42</sup> and updated to fiscal year 2014 using the Consumer Price Index. The cost of parole is \$4.07 per day.

Probation is provided by Arrowhead Regional Corrections. The cost of probation was acquired from a representative of the agency, using budget and caseload information. The cost per person per day of probation is \$4.00.

Crash costs were found on the National Safety Council's Web site<sup>43</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 was a very small number of deaths in the participant and comparison group samples, and the high cost (over \$4.5 million per death) would artificially inflate any cost results.

Victimizations were calculated from the National Institute of Justice's *Victim Costs and Consequences: A New Look* (Miller et al., 1996).<sup>44</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.

<sup>40</sup> <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

<sup>41</sup> <http://www.doc.state.mn.us/pages/files/large-files/Publications/legislative-reports/2012DOCPerformanceReport.pdf>

<sup>42</sup> <http://www.doc.state.mn.us/pages/files/7913/6582/4656/ISRBackgrounder.pdf>

<sup>43</sup>

[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)

<sup>44</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 (CPI).

### 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 = 60)	DWI Court Participants Per Person (n = 74)	Comparison Group Per Person (n = 86)
Rearrests	0.25	0.28	0.58
Misdemeanor Court Cases	0.18	0.19	0.42
Gross Misdemeanor Court Cases	0.10	0.14	0.12
Felony Court Cases	0.03	0.07	0.14
Prison Days	0.00	15.68	25.55
Jail Bookings	1.35	2.03	1.33
St. Louis County Jail Days <sup>a</sup>	7.24	16.30	17.71
Northeast Regional Corrections Center Jail Days <sup>b</sup>	5.03	10.86	28.89
Parole Days	0.00	0.00	0.00
Probation Days	497.37	451.09	486.72
Crashes with Incapacitating Injury	0.02	0.01	0.00
Crashes with Non-Incapacitating Injury	0.00	0.00	0.00
Crashes with Possible Injury	0.02	0.01	0.01
Crashes with Property Damage Only	0.02	0.01	0.00
Property Victimizations <sup>c</sup>	0.00	0.01	0.09
Person Victimizations	0.02	0.04	0.10

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

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

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

Overall, as demonstrated in Table 13, DWI court participants use fewer criminal justice system resources than the comparison group with fewer rearrests, new court cases (except for gross misdemeanors), days on probation, days in jail, and days in prison. Besides gross misdemeanor court cases, the only criminal justice transaction that DWI court participants use more of is jail book-

ings, which is likely due to more numerous stints in jail due to jail sanctions while in the program. DWI court participants also have fewer property and person victimizations than the comparison group, but have more crashes with incapacitating injury and property damage.

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

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

<b>Transaction</b>	<b>Unit Costs</b>	<b>DWI Court Graduates Per Person (n = 60)</b>	<b>DWI Court Participants Per Person (n = 74)</b>	<b>Comparison Group Per Person (n = 86)</b>
Rearrests	\$168.09	\$42	\$47	\$97
Misdemeanor Court Cases	\$638.72	\$115	\$121	\$268
Gross Misdemeanor Court Cases	\$733.68	\$73	\$103	\$88
Felony Court Cases	\$1,798.66	\$54	\$126	\$252
Prison Days	\$86.10	\$0	\$1,350	\$2,200
Jail Bookings	\$23.55	\$32	\$48	\$31
St. Louis County Jail Days	\$120.97	\$876	\$1,972	\$2,142
Northeast Regional Corrections Center Jail Days	\$117.52	\$591	\$1,276	\$3,395
Parole Days	\$4.07	\$0	\$0	\$0
Probation Days	\$4.00	\$1,989	\$1,804	\$1,947
<b>SUBTOTAL</b>	<b>\$</b>	<b>\$3,772</b>	<b>\$6,847</b>	<b>\$10,420</b>
Crashes with Incapacitating Injury	\$237,619.00	\$4,752	\$2,376	\$0
Crashes with Non-Incapacitating Injury	\$60,645.00	\$0	\$0	\$0
Crashes with Possible Injury	\$28,928.00	\$579	\$289	\$289
Crashes with Property Damage Only	\$2,583.00	\$52	\$26	\$0
Property Victimization	\$13,281	\$0	\$133	\$1,195
Person Victimization	\$43,024	\$860	\$1,721	\$4,302

Transaction	Unit Costs	DWI Court Graduates Per Person (n = 60)	DWI Court Participants Per Person (n = 74)	Compari- son Group Per Person (n = 86)
TOTAL		\$10,015	\$11,392	\$16,206

Because victimizations and crashes were not calculated using the TICA methodology, and because the numbers of crashes and victimizations were very small for both the participant and comparison group, the outcome cost results are presented first without, then with, crash and victimization costs. Table 14 shows that the difference in total outcome cost between the DWI court participants and the comparison group is \$3,573 per participant. When costs due to crashes and victimizations are included, the difference increases to \$4,814 per participant. This difference is the benefit, or savings, due to DWI court participation. Overall, these findings show that participants in the SSLC show substantial savings compared to the comparison group.

Not including crashes and victimizations, Table 14 shows that the majority of DWI court participant outcome costs are due to jail (an average of \$3,248, or 47% of total costs) and probation (an average of \$1,804, or 26% of total costs). Because there was no way to differentiate time in jail due to sanctions versus time in jail due to new charges, it is possible that the large amount of jail time for participants is actually a reflection of jail sanctions that occurred during program participation. The majority of outcome costs for the comparison group were due to jail (an average of \$5,537, or 53% of total costs) and prison (an average of \$2,200, or 21% of total costs). The largest savings for the DWI court group (when compared to the comparison group) was due to less time in jail (an average savings of \$2,289 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 among the agencies involved based on their level of participation. Table 15 provides the cost for each agency and the difference in cost between the DWI court participants and the comparison group per person. A positive number in the difference column indicates a cost savings for DWI court participants.

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

<b>Agency</b>	<b>DWI Court Outcome Costs per Participant</b>	<b>Comparison Group Outcome Costs per Individual</b>	<b>Difference/ Savings per Individual</b>
District Court	\$128	\$217	\$89
County Attorney	\$65	\$130	\$65
City Attorney	\$37	\$61	\$24
Public Defender	\$120	\$200	\$80
Department of Corrections	\$1,350	\$2,200	\$850
Arrowhead Regional Corrections	\$3,080	\$5,342	\$2,262
Law Enforcement	\$2,067	\$2,270	\$203
<b>SUBTOTAL</b>	<b>\$6,847</b>	<b>\$10,420</b>	<b>\$3,573</b>
Crashes <sup>a</sup>	\$2,691	\$289	(\$2,402)
Victimizations <sup>a</sup>	\$1,854	\$5,497	\$3,643
<b>TOTAL</b>	<b>\$11,392</b>	<b>\$16,206</b>	<b>\$4,814</b>

<sup>a</sup>These costs accrue to a combination of many difference sources including the individual, medical care, etc. and therefore cannot be attributed to any particular agency above.

Table 15 shows that every agency has a benefit, or savings, as a result of DWI court. As demonstrated in Tables 14 and 15, the total cost of recidivism over 2 years for the SSLC per DWI court participant (regardless of graduation status) was \$6,847, while the cost per comparison group member was \$10,420. The difference between the DWI court and comparison group represents a

benefit of \$3,573 per participant. Although DWI court participants have slightly higher number of crashes than the comparison group, when crashes and victimization costs are added to the overall amount, the difference in costs increases, with DWI court participants costing a total of \$4,814 *less* per participant than non-DWI court offenders due to fewer victim crimes for participants.

### *Cost-Benefit Analysis*

Over time, the SSLC results in substantial cost savings and a return on taxpayer investment in the program. The program investment cost is \$9,431 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$4,814. This amount does not quite result in a positive return on the investment over the 2-year time period covered in this study. 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, Carey & Cox., 2007) this cost-benefit ratio will improve over time as the investment is repaid. If these cost savings are projected just 3 more years (to 5 years) the savings come to \$12,035 per participant, resulting in a cost-benefit ratio of 1:1.28.<sup>45</sup> That is, for every taxpayer dollar invested in the program, there is \$1.28 return. This ratio can increase over time as the investment is repaid and the savings continue to accumulate. At 10 years the cost-benefit ratio comes to 1:2.55. These are criminal justice system savings only. If other system costs, such as health care and child welfare were included, studies have shown that an even higher return on investment can be expected, up to \$10 saved per \$1 invested in the program (Finigan, 1998).

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

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

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

### *Costs between Arrest and DWI Court Entry*

Key Component #3 of the Key Components of Drug 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 he or she is less likely to be rearrested and therefore less likely to be using other criminal justice resources such as jail, as well as protecting public safety. The longer the time between arrest and DWI court entry, the greater the opportunity for offenders to re-offend before getting into treatment. This leads to the question, what is the impact in terms of rearrests, court cases, and jail in the time between arrest and entry into the DWI court for SSLC participants?

This section describes the criminal justice costs experienced by DWI court participants between the time of the DWI court-eligible arrest and DWI court entry. All transactions were described in the outcome costs section above. Costs were calculated from the time of the DWI court-eligible arrest to program entry. For the SSLC, the mean average length of time between arrest and pro-

<sup>45</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.



gram entry was 213 days. Although it should be noted that the median was 30 days, which means half of all participants in the SSLC enter the program in 30 days or less.

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

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

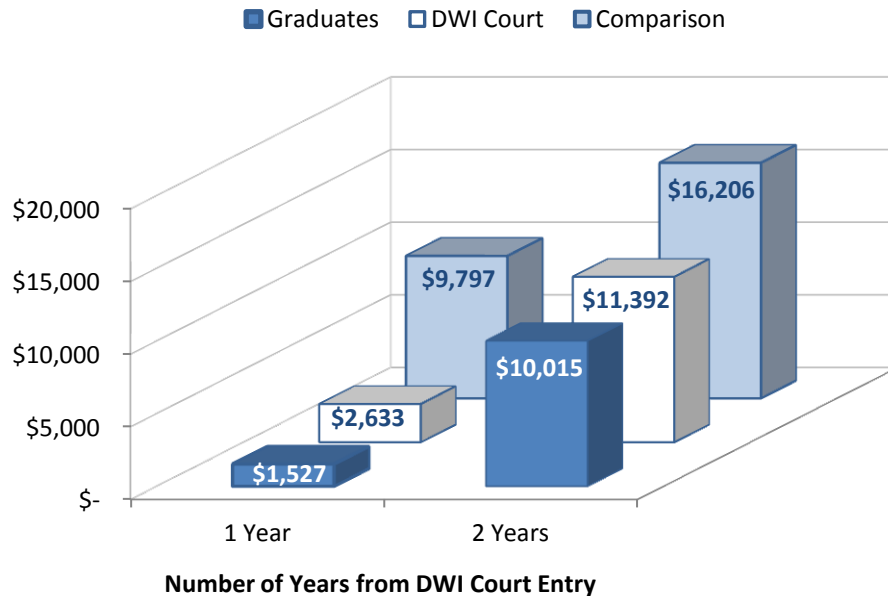
<b>Transaction</b>	<b>Transaction unit cost</b>	<b>Avg. # of transactions per DWI Court participant</b>	<b>Avg. cost per DWI Court participant (n = 106)</b>
Rearrests	\$168.09	0.19	\$32
Misdemeanor Court Cases	\$638.72	0.11	\$70
Gross Misdemeanor Court Cases	\$733.68	0.12	\$88
Felony Court Cases	\$1,798.66	0.02	\$36
Jail Bookings	\$23.55	1.51	\$36
St. Louis County Jail Days	\$120.97	20.40	\$2,468
Northeast Regional Corrections Center Jail Days	\$117.52	13.60	\$1,598
<b>Total</b>			<b>\$4,328</b>

As demonstrated in Table 16, there are substantial costs accruing to the criminal justice system per offender from the time of the DWI court-eligible arrest through entry into DWI court (\$4,328 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 213 days from the DWI court-eligible arrest to entry into the SSLC. 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.

## Summary of Cost Evaluation

Figure 13 provides a graph of the outcome costs for graduates, all participants, and the comparison group over 2 years.

**Figure 13. Criminal Justice Recidivism Cost Consequences per Person: DWI Court Participants and Comparison Group Members over 2 Years**



The cost savings illustrated in Figure 13 are those that have accrued in just the 2 years since program entry. Many of these savings are due to positive outcomes while the participant is still in the program. Therefore, it is reasonable to state that **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 SSLC continues to serve a cohort of 50 participants annually, the conservative savings of \$3,573 per participant (not including crashes or victimizations) over 2 years results in an annual savings of \$89,325 per cohort, which can then be multiplied by the number of years the program remains in operation and for additional cohorts per year. After 5 years, the accumulated savings come to over \$1.3 million. When crashes and victimizations are included, the savings of \$4,814 per participant over 2 years results in an annual savings of \$120,350 per cohort. After 5 years, the accumulated savings, including crash and victimization savings, exceed \$1.8 million.

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

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## **APPENDIX A: THE GUIDING PRINCIPLES OF DWI COURTS**



# **The Guiding Principles of DWI Courts**

## **GUIDING PRINCIPLE #1: Determine the Population**

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

## **GUIDING PRINCIPLE #2: Perform a Clinical Assessment**

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

## **GUIDING PRINCIPLE #3: Develop the Treatment Plan**

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

## **GUIDING PRINCIPLE #4: Supervise the Offender**

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

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

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

## **GUIDING PRINCIPLE #6: Take a Judicial Leadership Role**

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

## **GUIDING PRINCIPLE #7: Develop Case Management Strategies**

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

## **GUIDING PRINCIPLE #8: Address Transportation Issues**

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

## **GUIDING PRINCIPLE #9: Evaluate the Program**

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

## **GUIDING PRINCIPLE #10: Ensure a Sustainable Program**

The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.



## **APPENDIX B: MINNESOTA OFFENDER DRUG COURT STANDARDS**





## Minnesota Judicial Branch Policy

**Policy Source:** Minnesota Judicial Council

**Policy Number:** 511.1

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**Category:** Statewide Court Programs

**Title:** Drug Court Standards

**Effective Date:** July 0, 2007

**Revision Date(s):** January 16, 2009

**Supersedes:**

### Minnesota Offender Drug Court Standards

**FOR ALL JUVENILE, HYBRID,<sup>1</sup> 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

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<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.

Successful drug court initiatives will also improve the quality of life for addicted offenders, their families, and communities through recovery and lead to greater system collaboration and ongoing analysis to ensure effective and fair case outcomes.

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

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

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

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

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

## I. STANDARD ONE

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

- 1.1 Completion of the federal Drug Court Planning Initiative (DCPI) training or the Minnesota equivalent for the specific approved drug court model before becoming operational. Hybrid drug court teams that seek to combine multiple models of drug court must complete team-based drug court training for all relevant models.
- 1.2 Development of a written agreement setting forth the terms of collaboration among the prosecutor's office, the public defender's office, probation department, the court, law enforcement agency(ies), and county human services.
- 1.3 Creation of a steering committee comprised of key officials and policymakers to provide oversight for drug court policies and operations, including development and review of the drug court budget, and to communicate regularly with the county board and/or city council.
- 1.4 Establishment of written policies and procedures which reflect shared goals and objectives for a drug court; at a minimum, the goals of the drug court shall be those of the DCI: enhancing public safety, ensuring participant accountability, and reducing costs to society. (An outline example for a local policies and procedures manual is found in Appendix B.)
- 1.5 Provision of written roles and responsibilities of each of the core team members. The core team members are as follows:
  - A. Judge
  - B. Drug Court Coordinator
  - C. Prosecutor
  - D. Public Defender
  - E. Probation/Case Manager
  - F. Law Enforcement Representative
  - G. Chemical Dependency Expert (Provider, Rule 25 assessor, etc.)
  - H. Tribal Representative (when appropriate)

DWI- All of the above and a victim's representative

Juvenile Drug Court- All of the above and a school official

### Recommended Practices

1. Drug court teams should take a minimum of six months to plan and prepare for implementation. This amount of time allows for a cohesive team to form; one that has effectively and collaboratively reached consensus on the variety of issues inherent in the implementation of a drug court.
2. When developing a written agreement, teams should include a tribal entity when appropriate.
3. Other possible members of the team, may include, but are not limited to:
  - a. Mental Health Professional
  - b. Rule 25 Assessor
  - c. Social Service Representative<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).

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<sup>2</sup>Specifically these representatives could come from public health, housing, employment, etc.

### Recommended Practice

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

## **III. STANDARD THREE**

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

- 3.1 Offense eligibility screening based on established written criteria, which cannot be changed without the full agreement of the drug court team.
- 3.2 Only individuals with a finding of substance dependence consistent with the most current DSM (Diagnostic and Statistical Manual) diagnostic criteria shall be considered appropriate for drug court.

### **For Juveniles:**

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

- 3.3 Only those individuals assessed as having a high recidivism potential are admitted into the drug court. All drug courts must use validated risk tools to assess the risk of the potential drug court candidate. Those individuals who are assessed to be low-risk *or* medium-risk are not appropriate for drug court and shall not be admitted.
- 3.4 Participants who have a history of violent crimes, crimes to benefit a gang, or who are an integral part of a drug distribution or manufacturing network are excluded from the drug court. If the drug court team intends to use information other than a conviction to determine whether the participant has a criminal history that would exclude the participant from participating in drug court, local drug court team members must determine as part of their written procedures what additional information may be considered by the drug court team in making a determination as to the participant's criminal history.
- 3.5 The local drug court team members must determine, in writing, what constitutes a violent or gang-related crime for purposes of disqualification from the drug court. Other disqualifying crimes or disqualifying factors are as determined in writing by the local drug court team.

### Recommended Practices

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

## **IV. STANDARD FOUR**

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

- 4.1 Regular drug court team meetings for pre-court staffings and court reviews to monitor each participant's performance.
- 4.2 Ongoing communication among the court, probation officer and/or case manager, and treatment providers, including frequent exchanges of timely and accurate information about the individual participant's overall performance.
- 4.3 Progression by participants through the drug court based upon the individual's progress in the treatment plan and compliance with court requirements; drug court phases and an individual's progress through those phases are not to be based solely upon pre-set court timelines.
- 4.4 Responses to compliance and noncompliance (including criteria for termination) explained orally and provided in writing to drug court participants during their orientation.



### Recommended Practices

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

## **V. STANDARD FIVE**

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

- 5.1 Initial appearances before the drug court judge do not exceed:
  - 14 days after arrest, charging, or initial appearance in court for those drug courts which are pre-conviction or pre-adjudication for Juvenile drug courts.
  - 14 days after conviction for those drug courts which are post-conviction or 14 days after adjudication for all post-adjudication Juvenile drug courts. 14 days after first appearance on a violation of probation
- 5.2 All chemical dependency and mental health assessments include collateral information to ensure the accuracy of the assessment.
- 5.3 Defense counsel must review the standard form for entry into the drug court as well as potential sanctions and incentives with the participant, informing them of their basic due process rights.
- 5.4 The standard Consent Form must be completed by all parties – team members, observers, and adjunct team members - to provide communication about confidentiality, participation/progress in treatment, and compliance with the provisions of 42 CFR, Part 2 and HIPAA (*in development*).
- 5.5 Once accepted for admission into the drug court, the participant must participate as soon as possible in chemical dependency treatment services and be placed under supervision to monitor their compliance with court expectations.

### Recommended Practices

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

## VI. STANDARD SIX

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

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

### Recommended Practices

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

## VII. STANDARD SEVEN

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

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

Recommended Practice

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

**VIII. STANDARD EIGHT**

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

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

Recommended Practices

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

**IX. STANDARD NINE**

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

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

Recommended Practices

1. Services should be trauma-informed<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**

***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;

<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>

- c. Increased frequency of testing and court appearances;
- d. Confinement in the courtroom or jury box;
- e. Increased monitoring;
- f. Fines;
- g. Required community service or work programs;
- h. Escalating periods of jail or out-of-home placement, including detention, for Juveniles (drug court participants remanded to jail or out-of-home placement, including detention should receive AOD treatment services while confined); and
- i. Termination from the court and reinstatement of regular court processing.

## **XI. STANDARD ELEVEN**

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

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

### Recommended Practices

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

## **XII. STANDARD TWELVE**

*Drug courts must evaluate effectiveness by:*

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

### Recommended Practice

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

## **APPENDIX A:**

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

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

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

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

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

## ***APPENDIX B:***

### ***Policy and Procedures Manual Outline***

#### **COURT OVERVIEW**

Introduction

Mission Statement  
Goals and Objectives

#### **COURT PLAN**

Model

Target Population

Eligibility Criteria

Referral Process

Screening and Intake Process

Entry Process

Incentives & Sanctions

Graduation Requirements

Termination Criteria

Staffing (frequency, team operating norms, times)

Court Session (frequency, times)

#### **ROLES AND RESPONSIBILITIES OF THE KEY PLAYERS OF THE OPERATIONS TEAM**

#### **CONFIDENTIALITY**

#### **CHEMICAL DEPENDENCY TREATMENT**

Provider Network

Protocols

Phases and Duration

Long Term Recovery Supports/Continuing Care

#### **ANCILLARY SERVICES**

## **CULTURAL AWARENESS & INCLUSION POLICY**

### **COURT OVERSIGHT AND SUSTAINABILITY PLAN**

Marketing and Community Awareness

Cross Training

Management Information System

Evaluation Design

Budget

#### ***APPENDICES***

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