

## MINNESOTA DWI COURTS: A SUMMARY OF EVALUATION FINDINGS IN NINE DWI COURT PROGRAMS

DWI courts are criminal justice programs that bring together drug and alcohol treatment and the criminal justice system with the goal of reducing recidivism in DWI offenders. 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 drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives collaborating on a common goal. The team typically includes a coordinator, case managers, substance abuse treatment providers, prosecuting attorneys, defense attorneys, law enforcement officers, and parole and probation officers who work together to provide needed services to program participants. Prosecuting and defense attorneys modify their traditional adversarial roles to support the treatment and supervision needs of program participants. DWI court programs blend the resources, expertise and interests of a variety of jurisdictions and agencies. DWI courts 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 (including fewer rearrests, less time in jail and less time in prison) (Carey, Fuller, Kissick, Taylor, & Zold-Kilbourn, 2008).

Minnesota's Offender Drug Court Standards state:

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.

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, the evaluation plan was approved, 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 (due to small sample sizes in two of the nine programs). The overall goal of the DWI court project was to have a credible and rigorous evaluation of the process and effectiveness of Minnesota's DWI courts. A fully detailed report describing the process, outcome, and cost evaluation was produced for each site; this document briefly summarizes the findings across sites.

## What programs participated in this evaluation?

Table 1 provides some basic information on each of the DWI court programs that participated in this study.

**Table 1. Program Descriptions**

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

\* Remainder of probation term is served after "completion" but still in last phase of the program

\*\* Number as of August 2012 (available for study sample)

\*\*\*Follow-up interval for all sites was through 11/30/13

## RESULTS

### Are the Minnesota DWI Courts Following the 10 Key Components of Drug Courts and the 10 DWI Court Guiding Principles?

**Yes. The majority of the DWI courts that participated in this evaluation had a strong foundation in the Key Components and Guiding Principles.**

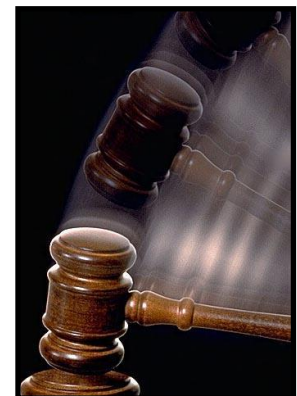
The DWI courts participating in this evaluation had many characteristics that closely follow the 10 Key Components of Drug Courts (NADCP, 1997) and the 10 Guiding Principles of DWI Courts (NCDC, 2005). In the majority of these courts, the teams are composed of partners from many different treatment, judicial and community agencies, and generally worked collaboratively. Two out of the seven courts, however, would benefit from greater unity among team members; consistent, immediate, and appropriate implementation of sanctions; and intervention programs targeting their unique client population. Two programs also struggled with having an appropriate level of defense attorney involvement. In seven of the nine courts, participants had access to evidence based treatment and ancillary services. All programs followed the best practice of a minimum program length of at least 12 months.

All the DWI court programs struggled with the best practice of consistently getting offenders into the program within 50 days from arrest (or probation violation) to program entry. All teams expressed concern around securing and maintaining adequate funding, especially to pay for staff member time for their DWI court related work. Three programs struggled with adequate drug testing procedures, such as drug testing agencies discarding urine samples rather than storing them for potential confirmation tests and treating participants disrespectfully. While all programs support staff training, the incorporation of continued work on cultural sensitivity to address the differences in success between Whites and Native Americans is merited. Ongoing professional development would increase staff skills and contribute to enhanced program quality. The DWI courts should continue to build on their strong community connections and support from various facets of the community, including businesses and places of worship.

### Does the participant population differ in different DWI court programs?

**Yes. The participant population in each program varied widely.**

Table 2 shows that the program participants at each site differ on all characteristics except for age and gender. The majority of participants at every site were male, and the average age in eight of the nine programs was between 37 and 39 years, with one program averaging lower at 34 years. Most participants in eight of the nine programs were white; the percent of participants of other ethnicities varied with Native American participants ranging from 0% to 61% and African American ranging from 0% to 22%. The percent of participants who used other illegal drugs in addition to alcohol also varied. For example, the use of methamphetamine ranged from 2% to 17%; and cocaine/crack use from less than 1% to 17%. Education level varied from 3% with less than a high school education to 26%, while those with some college or graduating from college ranged from 11% to 57%.



**Table 2. Participant Characteristics from Nine DWI Courts\***

Status at Entry	DWI Court # 1	DWI Court # 2	DWI Court # 3	DWI Court # 4	DWI Court # 5	DWI Court # 6	DWI Court # 7	DWI Court # 8	DWI Court # 9
<b>Male</b>	74%	62%	77%	66%	76%	67%	76%	78%	81%
<b>Female</b>	26%	38%	23%	34%	24%	33%	24%	22%	19%
<b>Ethnicity</b>									
White	57%	39%	96%	74%	95%	96%	71%	81%	88%
Native American	41%	61%	4%	0%	5%	3%	0%	14%	7%
African American	0%	0%	4%	22%	0%	3%	19%	0%	5%
Hispanic	2%	0%	0%	6%	0%	0%	8%	0%	1%
<b>Average Age</b>	<b>34 years</b>	<b>37 years</b>	37 years	<b>38 years</b>	<b>38 years</b>	<b>39 years</b>	<b>38 years</b>	<b>39 years</b>	<b>38 years</b>
Range	19 – 61	21 – 72	21-62	19–72	21–72	19–64	18-69	24-55	18-67
<b>Substances Used in Last Year</b>									
Alcohol	100%	100%	100%	100%	100%	100%	100%	100%	100%
Marijuana	30%	41%	39%	39%	38%	26%	30%	22%	32%
Methamphetamines	4%	8%	6%	7%	16%	2%	6%	3%	17%
Crack or cocaine	2%	10%	6%	17%	16%	0%	15%	3%	6%
<b>Education</b>									
Less than high school	15%	26%	12%	7%	10%	14%	8%	3%	10%
High school/GED	35%	48%	49%	36%	79%	47%	38%	84%	60%
Some college or technical school, college graduate	50%	26%	39%	57%	11%	39%	54%	14%	30%
<b>Employment Status</b>									
Unemployed	44%	47%	47%	34%	17%	49%	40%	27%	45%
Employed full or part time	56%	53%	53%	66%	83%	51%	60%	73%	55%

Status at Entry	DWI Court # 1	DWI Court # 2	DWI Court # 3	DWI Court # 4	DWI Court # 5	DWI Court # 6	DWI Court # 7	DWI Court # 8	DWI Court # 9
<b>Chemical Assessment</b>									
Abusing	13%	5%	0%	8%	46%	2%	17%	8%	0%
Dependent	87%	95%	100%	92%	54%	98%	81%	92%	100%
<b>Mental Health Diagnosis</b>	8%	50%	34%	27%	35%	31%	28%	6%	33%
<b>Risk Assessment</b>									
Low Risk	30%	12%	4%	Missing	14%	33%	15%	36%	13%
Moderate/Medium Risk	28%	31%	6%		17%	28%	29%	33%	21%
High Risk	42%	57%	90%		69%	39%	56%	31%	66%
<b>Charge at entry</b>									
Percent with felony DWI as the arrest that led to DWI court participation	33%	34%	26%	7%	21%	14%	<1%	27%	76%
<b>DWI History</b>									
Average number of DWI arrests 10 years prior to index arrest	2.19	1.90	1.98	1.83	1.43	1.73	1.64	1.84	2.39
<b>Arrest History</b>									
Average number of arrests (any charge) in the 2 years prior to entry**	2.15	2.30	1.25	2.18	1.97	1.90	1.88	2.11	2.05

\*Participant characteristics are based on demographics of study sample

Table 2 also shows that most program participants were employed part or full time at each site, ranging from 51% to 83%. Of particular interest is the wide variety in risk and need level of participants in different programs. In all but one court at least 4 in 5 participants were assessed as dependent at intake (between 81% to 100%); one court had 54% of participants assessed as dependent. Between 6% and 50% of participants had a mental health diagnosis at the time of program entry. Risk assessments performed at program entry revealed that the percent of participants scoring as high risk ranged from a low of 31% at one site to a high of 90% at another. Criminal history and index charges (the charge that led to participation in DWI court) also varied. The percent of participants with a felony DWI as their index charge varied from less than 1% to 76%. The average number of DWI convictions in the 10 years prior to the index arrest ranged from 1.4 to 2.4 per participant and the number arrests in the two years prior to DWI court entry ranged from an average of 1.3 to 2.3.. The DWI court model has been shown to be most effective with high risk, high need participants. The following results provide some evidence that the range in risk and need level in these programs impacted participant outcomes.

It is important to be aware that, because of these large differences in program population, the DWI courts are not directly comparable. These variations in participant demographics can impact DWI court participant outcomes; therefore **the evaluation results for these programs should be compared with caution and with these differences in mind.**

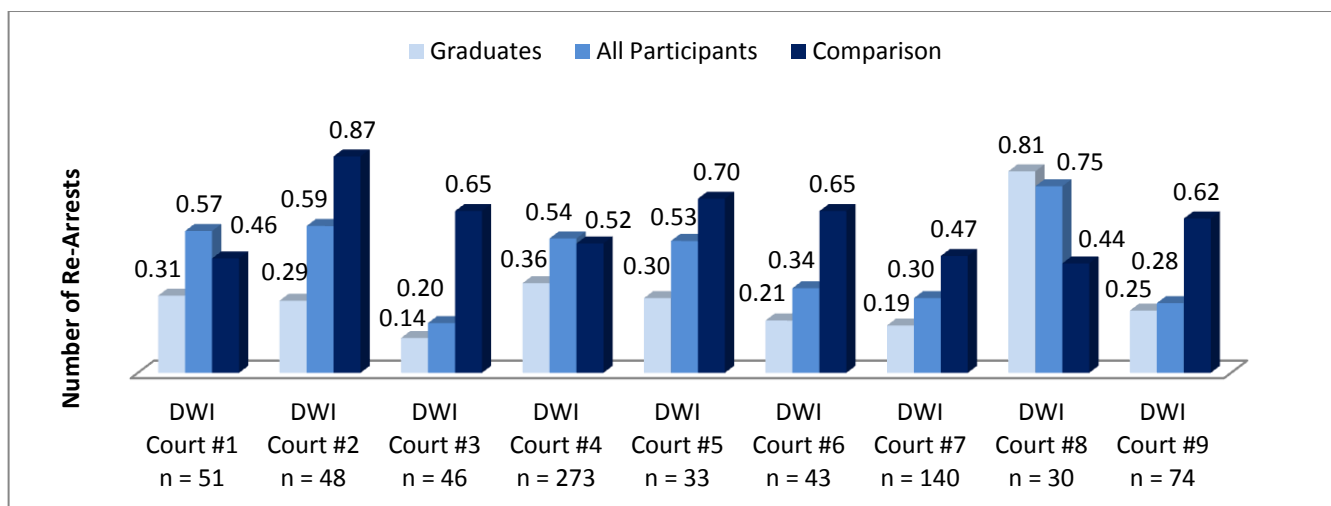
Despite these demographic differences, the nine DWI courts all had high **graduation (completion) rates**, ranging from **65% to 86%** - all well above the national average of 53% for drug and DWI court programs. In addition, these graduation rates are at least double the national completion rate (35%) for intensive (non-court monitored) outpatient treatment (SAMHSA, 2002). This indicates that the court monitoring component in DWI courts may well lead to participants staying in the program longer, and to higher completion rates.

### Do DWI courts reduce recidivism (rearrests)?

**Yes. Graduates in eight of the nine programs had lower re-arrest rates.**

**All participants (regardless of graduation status), at six out of the nine DWI courts had lower re-arrest rates.**

**Figure 1: Re-Arrest Rates for Graduates, All Drug Court Participants and the Comparison Group<sup>1</sup>**



<sup>1</sup> N sizes for each site reported in the figure are for the DWI court participants only. N sizes for the comparison group were approximately twice the size of the participant groups.

Figure 1 shows that recidivism (re-arrest) rates<sup>2</sup> for *all participants* (regardless of completion status) were lower for six of the nine programs two years after program entry compared to similar offenders who were eligible for DWI court but did not participate. Differences in recidivism were significant ( $p < .05$ ) in five programs. The recidivism rates for program *graduates* were substantially lower for eight of the nine programs.<sup>3</sup> Two of the three programs that did not demonstrate lower recidivism for all participants had process concerns including issues with DWI court team cooperation and communication, adequate drug testing, appropriateness of treatment services provided, and the availability of culturally appropriate services. All three programs without reduced recidivism had fewer high-risk participants and more low to moderate-risk participants. Resolution of these process concerns and targeting the appropriate population should contribute to a future decrease in recidivism for these sites. The relationship between high-risk participants and program outcomes is explored further under the next question.

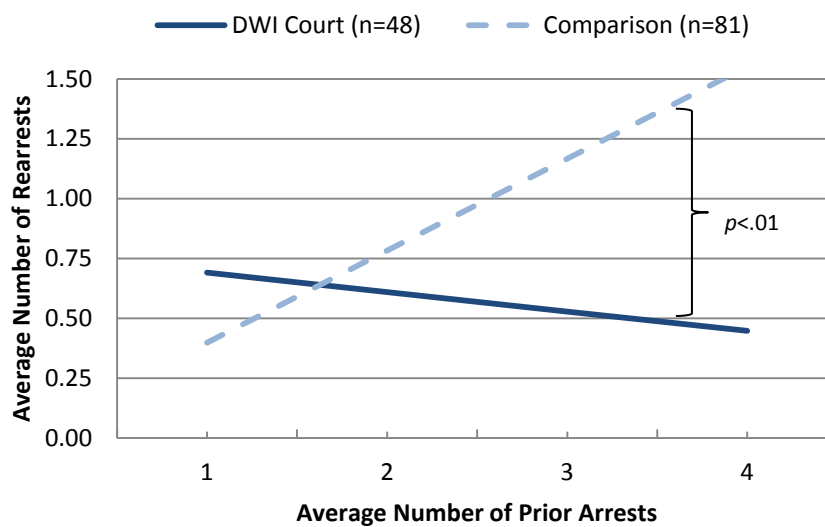
**DWI Recidivism.** Reduced DWI recidivism is of particular interest to DWI courts. Data on DWI recidivism was collected for this study, however, the DWI recidivism rate was so low in the majority of sites that valid statistical analyses could not be performed. Percent of participants rearrested for a DWI charge ranged from 0% to 4% in most programs, with a high of 10% in one site.

## Do DWI Courts Work Better for Some Participants than Others?

**Yes. Participants that are high-risk and high-need had better outcomes.**

Research indicates that drug and DWI courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). Figure 2 provides an example from DWI Court # 2 of how higher risk participants (those with higher numbers of arrests in the two years prior to DWI court entry) have lower recidivism than lower risk participants, while higher risk offenders in the comparison group have higher recidivism. That is, the number of rearrests for *DWI court participants* decreased as the number of prior arrests increased.

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



<sup>2</sup> Recidivism rates are defined in this study as the number, or percentage, of participants who were re-arrested at least once in the two years after program entry out of the total number of participants in the sample.

<sup>3</sup> Graduates cannot be directly compared to the comparison group as there is no way to separate out "graduates" within the comparison group.



There were no significant differences between DWI court participants and the comparison group for those with a lower number of prior arrests (those with two or fewer priors), but there were significant differences between DWI court participants and the comparison group for higher risk participants (those with an average number of 3.5 prior arrests) ( $p < .01$ ). For DWI court participants, those with a greater number of prior arrests actually had fewer rearrests (lower recidivism). This indicates that the program is more effective with higher risk individuals and less effective with lower risk individuals.

A similar pattern for high-risk participants was found in the majority of the DWI court programs in this evaluation.<sup>4</sup> We recommend that Minnesota's DWI courts continue efforts to target high-risk/high-need individuals, and incorporate recent criminal history activity (e.g., number of arrests in the past 2 years) into its eligibility considerations. In addition, we recommend that the DWI courts adjust supervision requirements to better fit those who are NOT high risk, so as to avoid the potential harmful effects of over-supervising those that do not need the same intense supervision needed by high-risk individuals. For example, the lower risk participants may do better with less frequent court hearings and supervision appointments. In addition, it is best to keep lower risk and high-risk participants separate, as high-risk individuals can be a negative influence on lower risk individuals.

### Do Minnesota DWI courts save taxpayer money?

**Yes. Six of the seven programs that were included in the cost analysis showed cost savings due to reduced recidivism for drug court participants.**

The average cost savings over the 2-year follow-up period to the local agencies and state in six of the seven programs ranged from **\$1,694 to \$11,386 per participant** (see Table 3). These savings are due to positive DWI court participant outcomes including fewer rearrests, fewer court cases, less jail time, and less prison time relative to the comparison group. One DWI court had worse outcomes than the comparison group with a loss of \$2,407 per participant over the 2-year follow up period. This program, when comparing outcomes for only high-risk participants had substantially reduced recidivism, but when the lower risk participants were included, had overall worse outcomes. A shift in target population for this program, and/or an adjustment of services to fit the individual assessed needs of each participant would very likely result in improved outcomes.

**Table 3. Cost Savings for DWI Court Participants over Two Years from Program Entry**

	DWI Court #1	DWI Court #2	DWI Court #3	DWI Court #4	DWI Court #6	DWI Court #7	DWI Court #9
Cost savings per DWI court participant	\$2,647	\$8,946	\$3,076	(\$2,407)	\$11,386	\$1,694	\$4,814
Total cost savings for all participants since program implementation*	\$142,938	\$545,706	\$156,876	(\$796,717)	\$580,686	\$293,062	\$491,028
<b>Total savings to local agencies and state = \$1,413,579**</b>							

\*Savings per participant multiplied by the number of participants that enrolled since program implementation.

\*\* This amount does not take into account program investment costs. Also, this total is for only those participants included in the study sample (participants who enrolled since program implementation through the end date of the study sample 8/2012). Additional participants may result in additional savings.

<sup>4</sup> Some programs did not have a high enough number of high risk participants to perform this analysis reliably.



Other less tangible but important savings that were not factored into the costs presented in Table 3 include improved family and community relationships, a decrease in health care expenses, improved public safety, and DWI court participants working and paying taxes. Overall, across all seven courts (including the program with a loss) and based on the number of clients served to date, the outcome savings to local agencies and to the state of Minnesota was greater than **\$1.4 million dollars** (this translates to **\$700,000 saved per year**). Note that this does not include the costs invested in the program. The cost-benefit analysis described below does include the program investment costs.

### **Is there a return on taxpayer investment in Minnesota's DWI courts?**

**Yes.** Over time, there can be a return of up to \$2.06 for every \$1.00 invested in the program.

Over time, if these programs continue saving money each year, all programs (aside from the program that did not produce savings) will recoup their investment costs.<sup>5</sup> The number of years before these programs receive a return on their investment varies widely from 3 years to just over 10 years. Five out of the seven DWI courts had a return on their program investment after 10 years. (Of the two programs that had no return on investment, one program did not have reduced recidivism and therefore had no savings, and the other still had not quite achieved a full return on the investment after 10 years). Returns on investment varied from \$1.12 to \$3.19 for every dollar invested in the program. After investment costs are repaid (from the cost savings due to lower recidivism), savings continue to accrue every year, resulting in a continuously growing return on taxpayer investment. For those programs with savings due to positive outcomes, the average rate of return after ten years would be **\$2.06** on the dollar.

**Note:** More detailed cost results can be found in Attachment A.

### **Summary**

In spite of the differences in demographics as well as DWI court characteristics and practices, all programs experienced a graduation rate above the national average, and most resulted in cost-savings to local agencies and the state of Minnesota. The combined savings associated with all seven DWI courts totaled over **\$1.4 million** in a two year period.<sup>6</sup>



Results from this study showed that the majority of these Minnesota DWI courts:

- Reduced recidivism - (up to 69%)
- Had program completion rates well above the national average
- Had a bigger impact on high-risk participants
- Showed an average yearly savings of \$700,000 in taxpayer dollars
- Can produce a return of up to \$3.19 for every \$1.00 invested in DWI court

<sup>5</sup> Research has shown that these savings can continue to accrue for at least 14 years after drug court participation (Finigan, Carey, and Cox, 2007).

<sup>6</sup> Not including investment costs.