Minnesota Statewide Adult Drug Court Evaluation

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Minnesota Judicial Branch

June 2012

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Chapter 1 Acknowledgements

This evaluation could not have been completed without assistance from many individuals and organizations. However, special thanks go out to the drug court coordinators and probation & corrections employees across the state who helped collect an immense amount of data over the years of the evaluation.

Coordinators updated information on drug court participants in quarterly tracking sheets and provided clarifications, qualifications, and corrections as necessary. Coordinators were responsive and helpful in ensuring the evaluators had the best data possible, especially on short notice.

Probation officers and staff across 80 counties in the state helped gather and interpret information on participants in the evaluation. Probation officers reviewed files and pre-sentence investigations (PSI), working closely with the evaluators to complete the data collection process. Cooperation and support from probation officers ensured evaluation staff had the best quality information on participants.

In addition, the authors would like to thank researchers and evaluators Dr. Shannon Carey, Dr. Michael Finigan, and Dr. Douglas Marlowe for their guidance and advice throughout the life of the Minnesota Statewide Drug Court Evaluation. Dr. Carey assisted early in the process in mobilizing researchers across the nation to respond to questions of approach and methodology, and provided support and encouragement during the 2011 Statewide Drug Court Conference. Dr. Finigan engaged the evaluators in a pivotal discussion in 2008 regarding the statewide approach for the study, and helped to focus the evaluators on a path to completing a statewide evaluation. For over five years, Dr. Marlowe provided a sounding board for evaluators and program staff in reshaping and refining the methodology and was always available and accessible for advice. The Minnesota Statewide Drug Court Evaluation would not have been as successful without the guidance of these accomplished researchers.

Finally, the Statewide Drug Court Evaluation Committee must be thanked. For over four years the Committee played a role in planning, brainstorming, problem-solving, and discussing challenges with the State Court Administration staff. The Committee, like any good peer group, provided both support and criticism ensuring this evaluation is of the highest quality possible. The committee members are listed below.

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Chapter 2 Executive Summary & Definitions for Key Terms

Definitions for Key Terms

There are various terms used in this report that have unique or complex meanings. Some of the key terms are included below as a reference.

Drug Court Cohort: The Drug Court Cohort is a group of drug court participants who entered drug court during a similar timeframe (July 2007 – December 2008) from adult and hybrid drug courts across Minnesota. The Drug Court Cohort is the focus of this evaluation. Participants in the Drug Court Cohort are also regularly referred to as "drug court participants."

Comparison Group: The Comparison Group is a group of participants who have similar characteristics as drug court participants, but did not receive drug court. The Comparison Group is used to compare outcomes of the Drug Court Cohort to "business-as-usual." The Comparison Group is comprised of felony offenders whose cases were disposed in 2007 and 2008 and met various drug court eligibility requirements. Participants in the Comparison Group are also regularly referred to as "comparison group participants."

Completers: Completers are drug court participants who successfully complete drug court. Most drug court teams refer to completers as "graduates."

Non-Completers: Non-completers are drug court participants who have been discharged from drug court, but have not successfully completed. These participants are often referred to by drug court teams as "terminated" participants.

Discharged participants: Discharged participants are drug court participants who complete drug court during the evaluation period. Discharged participants include both completers and non-completers. Some drug court participants were still active at the end of the evaluation period and are not considered discharged participants.

Start Date: Start dates are used as parameters for outcomes such as recidivism and incarceration, as well as other measures. For drug court participants, the start date is the drug court acceptance date. For comparison group participants, the start date is the disposition date for their offense. Start dates for all participants are between 2007 and 2008.

Discharge/End Date: Discharge dates are used to describe the end of drug court, or a similar time period for comparison group participants. Drug court discharge dates are program end dates for drug court participants. Discharge/end dates for comparison group participants are calculated by adding 18 months to each participant's disposition date. Eighteen months was selected since it represented the average length of time in drug court by drug court participants at the time the evaluation plan was completed (June 2008).

Evaluation Period: The time period in which participants were selected and followed for outcomes. The study period begins with each participant's start date (2007-2008) and ends June 30, 2011.

Hybrid Courts: Hybrid courts are defined by the Minnesota Drug Court Standards as drug courts that combine multiple models. For purposes of this evaluation, hybrid courts enroll participants with DWI offenses and other crimes (e.g. drug, property). DWI offenders are excluded from this evaluation, but non-DWI participants from hybrid drug courts are included in the Drug Court Cohort.

Additional terms and definitions can be found in the appendix.

Objectives of the Minnesota Statewide Drug Court Evaluation

The first drug court in Minnesota started in Hennepin County in 1996. However, not until the mid-2000s did drug courts spread throughout the state, primarily in counties where judges had interest in the drug court concept. By July 2007, Minnesota had 27 operational drug courts, covering one third of Minnesota counties. In 2007, the Judicial Council approved, upon the Drug Court Initiative Advisory Committee (DCI) recommendation, the Drug Court Standards, which became Judicial Council Branch Policy 511.1. The Standards, based on the 10 Key Components published by the U.S. Department of Justice's Office of Justice Programs, and written by the National Association of Drug Court Professionals (NADCP), require all drug courts to follow uniform practices. The Standards allow flexibility at the local level, while keeping basic and foundational aspects of drug courts uniform across all locations. The Standards provide the foundation for the evaluation. The research questions evaluate if drug courts meet the three goals of drug courts, as well as the extent courts are employing the practices required and recommended by the Standards. A comparison group is used to evaluate outcome measures related to incarceration and recidivism.

In June 2008 the DCI approved the Statewide Drug Court Evaluation plan. The plan focused on a cohort of adult and hybrid drug court participants entering drug courts from July 2007 to December 2008. All drug courts in Minnesota operational during the evaluation period are included in the evaluation. The evaluation measures drug court processes, compliance with the standards, outcomes for incarceration time served by participants, and recidivism rates of new charges and convictions. The comparison group includes court participants meeting drug court eligibility criteria (e.g. chemically dependent) and matching similar characteristics of the selected drug court participants (e.g. offenses, criminal history, and demographics).

All profile characteristics of the Drug Court Cohort and Comparison Group can be found in Chapter 5.

The Drug Court Cohort

The final Drug Court Cohort has the following characteristics:

- 535 participants from 16 different courts
- Half (51%) of participants enter drug courts in metro counties (7-county metro) and half (49%) enroll in non-metro counties
    - 40% of Cohort from Hennepin County[1]
- Eighty percent (80%) of participants have a felony drug charge
    - Approximately 18% have person, property, or other felony offenses
- Average age of participants is 32
- Most participants are male (63%)
- Most participants are Caucasian/White (63%)
- Most participants are single (never married) (66%)
- Most participants do not have a diagnosed mental health disorder (64%)
- Most participants are unemployed at drug court entry (62%)

[1] Hennepin County is analyzed separately from other drug courts for some measures to better understand the impact of Hennepin County on statewide results.

The Comparison Group

The contemporaneous Comparison Group was selected from a random sample of felony cases disposed in 2007 and 2008 in all counties across Minnesota. With the assistance of probation agencies across Minnesota, data were collected to determine if participants were chemically dependent, thus eligible for inclusion in the Comparison Group. Once these participants were identified, a statistical technique of propensity score matching was applied to select a final comparison group. Key criteria used in the propensity scores included criminal history, originating offenses, and personal demographics.

The final Comparison Group has the following characteristics:

- Participants come from 71 different Minnesota counties
- Slightly over half (53%) of participants are charged in non-metro counties (7 county metro)
- Eighty five (85%) of participants have a felony drug charge
    - The remaining participants were charged with property or other felonies
- Average age of participants is 32
- Most participants are male (70%)
- Most participants are Caucasian/White (68%)
- Most participants are single (never married) (63%)
- Most participants are unemployed at disposition (63%)

Methodology Overview

The evaluation is focused on the aggregation of all drug court participants in the 16 courts included in the evaluation. DWI participants are excluded for several reasons, including differences in outcomes for DWI offenders. Results are reported for all drug court participants in Minnesota, together. Since one aggregate group is used for the drug court participants, a statewide comparison group is used to assess and compare outcomes. This approach is different from approaches used in other statewide evaluations. In other statewide evaluations presumptions are made about the effectiveness of all courts in a state based on the results from a representative sample of courts. The statewide approach chosen in Minnesota includes the entire population of adult drug participants in Minnesota, instead of a sample of drug courts or a sample of participants in those drug courts.

The Comparison Group is selected from a stratified random sample of felony offenders whose cases were initially disposed in 2007 and 2008. Chemical health assessment information was collected and only participants with diagnoses of dependence (and a small group of participants diagnosed as chemically abusive). Once these participants were deemed eligible for the final comparison group, a propensity score matching process was used to match the groups on key criteria such as criminal history, chemical health status, and personal demographics.

Descriptive and more sophisticated statistical techniques are used to analyze and report outcomes in this evaluation. More information about the techniques used, and other methodological considerations are included in the body of this report and in the appendix.

Findings of the Minnesota Statewide Drug Court Evaluation

Goal 1: Enhancing Public Safety

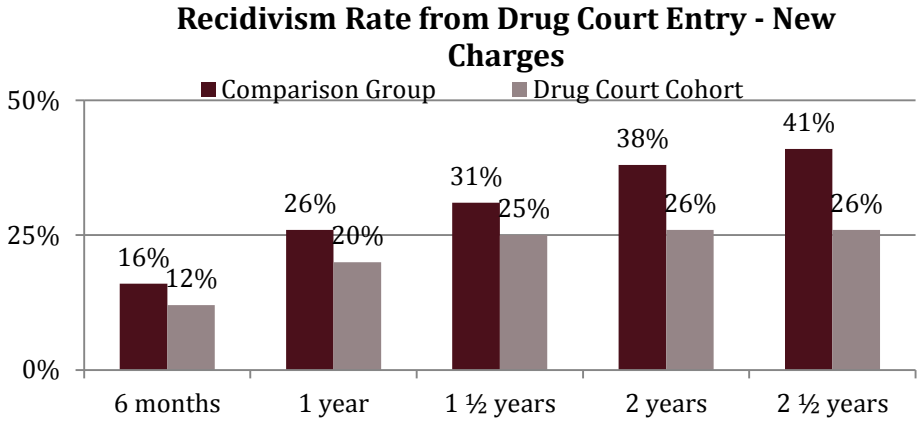
To understand if drug courts enhance public safety, drug court participants are compared to comparison group participants to determine if comparison group participants are charged and convicted more frequently or to a greater extent. Recidivism is measured both by the proportion of participants with new

charges or convictions and the number of new offenses per participant. Recidivism is reported for six month intervals from drug court start, during drug court, and within one year after drug court discharge.

Full results of key measures related to Goal 1: Enhancing Public Safety are included in Chapter 6.

Recidivism Within 2 ½ Years from Start Date

For each recidivism measure descriptive results (e.g. recidivism rates) and regression results (whether drug court has an impact, and whether that impact is statistically significant) are provided. Recidivism measures standardize each participant's at risk time to ensure participants have comparable opportunities to recidivate. Recidivism within two and one half years after start date track participants both during and after drug court.



- Two and one half years after drug court start, one quarter (26%) of drug court participants are charged with a new offense compared to 41% of the comparison group.
    - These results are statistically significant and represent a 37% reduction in recidivism for the Drug Court Cohort.
- Reconviction rates indicate a similar trend:
    - 17% of the Drug Court Cohort is re-convicted within two and one half years as compared to 32% of the Comparison Group.
    - These results are also statistically significant and represent a 47% reduction in recidivism for the Drug Court Cohort.
- Additional measures analyzing the number of new offenses charged and convicted also show drug court participants receive fewer new charges and convictions than the comparison group.
    - These results are also statistically significant.

Recidivism During Drug Court

Again, descriptive results (e.g. recidivism rates) and regression results (whether drug court has an impact, and whether that impact is statistically significant) are provided for recidivism during drug court. Recidivism is tracked for discharged drug court participants during drug court. At risk time is not standardized during drug court, but comparison group participants incarcerated for all 18 months after their disposition date are removed from this analysis as they had no time at risk for reoffending.

- One in five drug court participants (19%) are charged with a new offense during drug court as compared to almost one-third (29%) of comparison group participants.
- Drug court participants are also re-convicted at a lower rate (14%) than the Comparison Group (24%) during drug court.

- Drug court participants also have fewer new charges and convictions during drug court than the Comparison Group.
- All results are statistically significant.

Recidivism After Drug Court Discharge

When evaluating recidivism measures, very few drug court evaluations focus primarily on "post program" recidivism –the reoffending rate for drug court participants after they have completed (successfully or not) drug court. Recidivism solely after drug court discharge is included to provide some comparative information and because stakeholders requested this information.

There are limitations when comparing the Drug Court Cohort and Comparison Group "post-program." First, finding a comparable "end date" for the comparison group proves difficult since there is no similar "end date" for the comparison group. Many comparison group participants going to prison will be on probation for extended periods of time with varying levels of supervision, and those who did go to prison may be on supervised release. These limitations should be considered when interpreting results for post-program outcomes for the Drug Court Cohort and Comparison Group.

- The Drug Court Cohort has a slightly lower recidivism rate (charges) one year after drug court discharge than the Comparison Group, but this difference is not statistically significant.
    - Re-conviction rates are similar for the groups showing no statistical difference.
- Recidivism rates are lower for drug court participants when analyzing all time during drug court and within one year after drug court discharge. Rates for the Drug Court Cohort are 12 percentage points lower for new charges, and 10 percentage points lower for new convictions than the Comparison Group.
    - Results are statistically significant.
- A subgroup of participants with at least 3 years of time at risk, thus available for recidivism analysis 3 years after drug court start, show significant differences between drug court participants and comparison group participants.
    - Drug court participants' recidivism rates for charges are 14 percentage points lower
    - Drug court participants' reconviction rates are 12 percentage points lower
- Further follow-up should examine recidivism rates for the Drug Court Cohort from start date up to three to four years.

The primary measure of recidivism for this evaluation is recidivism from start. This is the most inclusive measure of recidivism including both during and post program recidivism and measures differences over standardized time intervals. To understand whether recidivism reductions last over time, further analysis of recidivism from start date should be completed.

Drug Court Cohort Recidivism

Drug court completers are compared to non-completers for all recidivism measures. Fewer completers commit new offenses and commit fewer total new offenses across all measures.

Goal 2: Ensuring Participant Accountability

To understand if drug courts are ensuring participant accountability, drug court participant progress is measured from entry to discharge. Participant accountability is assessed through examination of drug court participant improvements in key community functions such as employment, sobriety, education, and housing while enrolled in drug court. The Comparison Group is not used to answer these research questions, but is included for comparing treatment engagement.

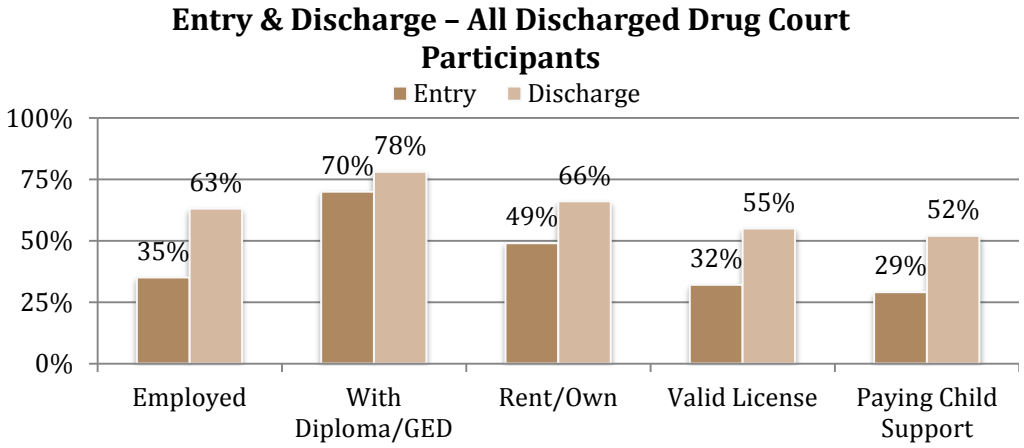
Full results of key measures related to Goal 2: Ensuring Participant Accountability are included in Chapter 7.

Graduation & Termination from Drug Court

- Adult drug courts in Minnesota have a 54% graduation rate, indicating over half of participants entering drug court successfully complete program requirements.
    - Removing Hennepin County from the analysis (39% graduation rate) results in a statewide graduation rate of 62%.
    - Nationally, graduation rates range from 40% to 65%.
- For those unsuccessful in drug court, the most frequent termination reason (57%) is participant non-compliance resulting from repeated substance use, failure to make progress, unresolved mental health issues or failure to comply with drug court contracts.

Community Functioning

- Community functioning progress is mixed.
    - Completers are more likely to show improvement across community functioning measures.
- Half (49%) of discharged participants unemployed at entry are employed or full-time students at discharge.
    - Unemployment dropped from 62% at entry to 37% for all discharged participants.
    - Completers are more likely to be employed at discharge (81%) than non-completers (27%).
- Twenty percent (20%) of discharged participants improve their highest educational attainment during drug court.
    - Over three quarters (78%) of all discharged drug court participants leave drug court with a high school diploma or GED.



- Slightly more than half (55%) of discharged participants have a valid license at discharge.
    - Almost one-third (29%) of discharged participants entering drug court without a valid license obtain a valid license while in drug court.
    - Completers without valid licenses at entry are more likely to obtain a valid license during drug court than non-completers (47% completers, 14% non-completers).
    - Non-metro participants without a valid license at entry are more likely to obtain a valid license during drug court than metro participants (43% non-metro, 18% metro).
- Half of all discharged participants rent or own their residence upon entering drug court and two-thirds (66%) of participants rent or own their residence at discharge.
    - Almost half (46%) of discharged participants without a permanent home at entry rent or own their residence at discharge.
- Half (52%) of discharged participants who are required to pay child support pay support at discharge.

- Almost three-fourths (73%) of completers who are not compliant at entry are paying child support at discharge (14% non-completers).

Treatment Engagement During Drug Court

- One of the most important features of drug court is participant engagement in treatment to support long-term sobriety.
- Almost all (94%) participants receive treatment while in drug court and 80% complete at least one treatment episode while enrolled in drug court.
- Drug court participants are more likely to complete a treatment episode during drug court than the Comparison Group (80% Drug Court Cohort, 49% Comparison Group).
  - However, individual treatment episode completion rates are similar for two groups.
  - Drug court participants receive twice as much treatment and the Comparison Group.
- On average, drug court participants actively participate in some type of treatment for one-third of their days in drug court.
- Generally, drug court participants dependent on Methamphetamines (76%) and Cocaine powder (68%) have higher treatment completion rates.
- Sobriety at discharge is measured by the average number of days since known substance use.
  - Discharged drug court participants are sober for an average of 10 months at discharge.
  - All completers (100%) are sober for at least 90 days at graduation.

Goal 3: Reducing Costs to Society

The third goal of drug courts is to reduce costs to society. Comprehensively assessing whether drug courts reduce, save, or avoid costs to society, requires a thorough cost-benefit analysis. However, funding for a cost benefit analysis was cut during several budget cuts incurred by the Minnesota Judicial Branch. Thus, a cost benefit analysis is not part of this evaluation.

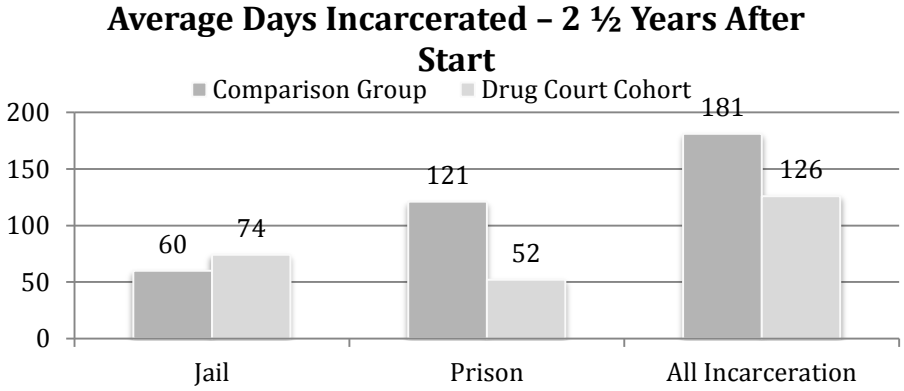
The only costs compared in this evaluation are incarceration costs. Incarceration costs are compared for the Drug Court Cohort and Comparison Group. Incarceration costs derive from actual days participants spend in jail and prison during the evaluation period. The analysis is straightforward and simple; determining if drug court participants spend less time in jail, prison, or both, than the comparison group participants. The analysis does not separate or analyze reasons for incarceration, such as sentences imposed or executed, probation violations, new arrests or new sentences, or sanctions for drug courts. Given all reasons for incarceration, this analysis shows total incarceration days and costs for all participants in the evaluation.

The full results of key measures related to Goal 3: Reducing Costs to Society are included in Chapter 8.

Incarceration Within 2 ½ Years From Start Date

- Drug court participants spend fewer days, on average, incarcerated overall (jail & prison) and in prison.
  - Results are statistically significant.
- Drug court participants spend more days, on average, in jail than the comparison group participants.
  - Most, but not all, results are statistically significant.

- When separating Hennepin County drug court and comparison group participants from the other courts and counties, other Minnesota drug court participants serve less jail time than comparison group participants
    - Results are statistically significant.



Incarceration During Drug Court

- Drug court participants spend fewer average days incarcerated overall (jail & prison) and in prison during drug court.
    - Results are statistically significantly.
- Jail time is slightly, but not statistically significantly, higher for drug court participants, during drug court.
    - When Hennepin County participants are separated, results again indicate participation in drug court statistically significantly lowers the jail time served during drug court for other Minnesota drug court participants.

Incarceration 1 Year After Drug Court Discharge

Similar to post-program recidivism measures, caution should be used in interpreting incarceration rates and days served post-program. Incarceration served after drug court discharge is included to provide some comparative information, and because stakeholders requested this information. However, the primary measure of incarceration is within two and one half years from start date.

- Incarceration rates one year after drug court discharge are statistically similar for the Drug Court Cohort (50%) and Comparison Group (51%).
    - When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show a lower proportion of participants incarcerated (39%) than the comparison group participants (52%), a difference that is statistically significant.
    - Drug court completers (17%) are over five times less likely to be incarcerated one year after drug court discharge as compared to non-completers (91%), a difference that is statistically significant.
- Almost all (95%) drug court participants incarcerated one year after discharge are non-completers.
    - Six in ten (60%) non-completers spend some time in prison one year after drug court discharge, as compared to 0% of completers.
    - Over three-fourths (83%) of non-completers spend some time in jail one year after drug court discharge compared to 17% of completers.
    - All differences between completers and non-completers are statistically significant.

Incarceration Costs Within 2 ½ Years From Start Date

Incarceration costs are calculated using marginal per diems provided by the Department of Corrections (DOC) which include costs for clothing, feeding, and housing offenders. All incarceration days of all participants in each group (i.e. Drug Court Cohort or Comparison Group) are used to determine the average

cost, per participant. The costs for the Drug Court Cohort are then compared to the costs for the Comparison Group.

- Overall, the incarceration costs are lower for the Drug Court Cohort through two and one half years from drug court start.
    - Over two and one half years, an average of $3,189 less per participant was spent on incarcerating drug court participants.
- Prison costs are much higher per participant for the Comparison Group ($3,961 more per participant).
- Jail costs are higher, per participant, for the Drug Court Cohort than the Comparison Group ($772 more per participant).
    - When jail costs are analyzed separately for participants outside of Hennepin County jail costs are $879 lower for the non-Hennepin County drug court participants than the non-Hennepin County comparison group participants.

Key Measures related to the Drug Court Standards

While the primary focus of the evaluation is to assess the impact of drug courts on its participants, the drug courts' compliance with the Drug Court Standards is also measured. Additionally, during completion of the evaluation, NPC Research[2] released new research identifying cost-effective drug court practices. The NPC Study refers to cost savings from various practices as "Improvement in Outcome Costs." These outcome costs include costs incurred due to criminal justice recidivism for both the drug court participants and comparison group members after drug court entry (or an equivalent date calculated for the comparison group). The cost effective practices, if implemented, were found to predict improvements in outcomes costs over traditional case processing, or "business-as-usual." The extent to which Minnesota drug courts are using these cost effective practices is determined to predict improvements in outcome costs Minnesota drug courts may have if a cost-benefit analysis is completed.

Drug court program and process information is provided primarily from surveys of drug courts and drug court team members. Drug court team members were asked to complete Team Member Surveys annually from 2008-2010. Drug court coordinators completed a Policies & Practices Survey in 2010 to identify the cost-effective practices used in their court. Results of these surveys were provided to courts throughout the evaluation period. In addition, results of the Policies & Practices Survey were presented at a plenary session of the 2011 Statewide Drug Court Conference.

The full results of key measures related to the Drug Court Standards are included in Chapter 9.

Drug Court Survey Results

The results of the surveys indicate most drug courts meet the requirements of the Drug Court Standards.

- Most courts also use most of the cost-effective practices identified in the 2010 NPC Research report.
- Survey results indicate the drug court program processes with the most potential for improvement include:
    - Full participation and distinct roles of prosecutors and defense counsel
    - Some courts could expand eligibility criteria (e.g. non-drug offenders)
    - Further coordination of treatment agencies and providers

[2] NPC Research is a research organization based in Oregon that has conducted numerous drug court evaluations and meta-analyses. For more information, see http://www.npcresearch.com.

Other Findings Related to the Drug Court Standards

There are also opportunities for improved statewide policies clearly promoting and defining standards for drug courts.

- The definition of "high risk" in the Drug Court Standards lacks clarity and consequently drug court participants, among all courts, vary in many characteristics traditionally considered "risk" factors.
    - The DCI should define high risk more precisely so individual drug courts can target acceptance of high risk participants as required by the Standards.
- Drug court participant data show drug court programs have opportunity to improve processes regarding:
    - Expediting entry into drug court and into treatment
    - Admitting only chemically dependent participants (two courts)

For a detailed summary of all findings for all 24 Research Questions and Key Measures, see the appendix.

Conclusions & Recommendations of the Minnesota Statewide Drug Court Evaluation

There are 8 major conclusions and recommendations from this evaluation. The complete description of conclusions and recommendations are included in Chapter 10.

- **Conclusion 1: Drug court has a significant impact on reducing recidivism– both new charges and new convictions – for 2 ½ years after acceptance in drug court.**
    - Recommendation 1: Continue tracking recidivism outcomes to determine if effects last over time.
- **Conclusion 2: Drug court participants make modest improvements in community functioning characteristics like improved education, employment, and housing.**
    - Recommendation 2: State and local drug court stakeholders should determine whether additional or different strategies should be used to support increased community functioning among participants.
- **Conclusion 3: Most participants are incarcerated to some extent. Drug court participants are generally incarcerated for less time in prison, but results are mixed for jail time. Drug courts use jail as a sanction to varying degrees across the state.**
    - Recommendation 3: Policy makers and drug court teams should review policies and practices to ensure incarceration, especially jail time, is used only when necessary to achieve drug court goals.
- **Conclusion 4: Incarceration costs are $3,189 lower, per participant, for drug court participants than comparison group participants. Statewide prison costs are higher for comparison group participants, but jail costs are slightly higher, when including Hennepin County. Also, most non-completers are sent to prison upon unsuccessful completion of drug court.**
    - Recommendation 4: To reduce incarceration costs, policies and practices regarding the use of jail and prison both during and after drug court (e.g. executed sentences) should be reviewed and modified, if appropriate. Policy makers should also discuss how to balance drug court goals regarding public safety and cost reduction.
- **Conclusion 5: Drug court completers perform better than non-completers on virtually all measures.**
    - Recommendation 5: Identify the most effective methods for increasing graduation rates and implement policies to encourage their use.

- **Conclusion 6: Most drug courts only admit individuals with a high need for treatment – identified by a diagnosis of chemical dependence – but two courts accept non-dependent participants on occasion.**
    - Recommendation 6: The two courts accepting non-chemically dependent participants should review their eligibility criteria in conjunction with the Drug Court Standards, and consider revising their eligibility criteria and admission decisions.
- **Conclusion 7: "High risk" is not specifically defined in the Drug Court Standards. It is also unclear if all drug courts assess risk of participants before the participants are accepted into drug court.**
    - Recommendation 7: Statewide policy makers should refine the Drug Court Standards to specifically define "high risk" and provide guidance to drug courts on the tools and factors that should be used to assess risk. Drug court teams should ensure assessments of risk are completed prior to a participant's entry in drug court.
- **Conclusion 8: Most drug courts are generally in compliance with the Drug Court Standards, 10 Key Components, and utilize many of the cost-effective practices for drug courts. However, there are opportunities for improvements for all courts.**
    - Recommendation 8: Drug court teams should review their policies and practices to determine if improvements can be made, specifically in promptly enrolling drug court participants and getting all participants into treatment quickly.

Judicial Council Action on Preliminary Report Findings & Presentation

On May 17, 2012, the Judicial Council of the Minnesota Judicial Branch received a presentation of the results, and a preliminary report. The Judicial Council at that meeting asked the Drug Court Initiative Advisory Committee (DCI) to review the 8 recommendations contained in the report and to report back to the Judicial Council with an action plan for implementation.

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Chapter 3 Background

Drug Courts in Minnesota

Program History & Description

The first drug court was created in a Miami-Dade County courtroom in 1989 as a way to manage the rapid increase of cocaine-related crimes in that area. While the main goal of the first drug court was ideally to manage cases coming through the system, drug courts evolved greatly over the next decade. Drug court took a more comprehensive treatment-based approach promoting abstinence, a lifestyle of recovery and reduced recidivism. As more drug courts began combining judicial supervision and treatment in the early to mid-1990's, the Department of Justice Office of Justice Programs and the National Association of Drug Court Professionals (NADCP) published "Defining Drug Courts: The Key Components" in 1997. This was the first attempt at systematically defining the philosophies and practices of drug courts nationwide.

Today, an adult drug court is defined as

> a specially designed criminal calendar or docket, the purposes of which are to achieve a reduction of recidivism and substance abuse among nonviolent substance abusing offenders and increase the offenders' likelihood of successful habilitation. Interventions include early, continuous and intensive judicially supervised treatment, mandatory periodic drug testing, community supervision, and the use of appropriate sanctions, incentives and habilitation services.[3]

Hennepin County created the first drug court in Minnesota in 1996. Because this court began prior to the 10 Key Components (see Appendix), the court's function was consistent with early drug courts' main function of case processing and supervision. The court later redefined itself to integrate principles of the 10 Key Components (prior to this evaluation). While drug courts expanded rapidly nationwide, with a little over one thousand drug courts by 2002, only two operational drug courts existed in Minnesota. In the mid-2000s Minnesota witnessed a boom of drug courts. Minnesota began the infrastructure and policy work for drug courts in Minnesota. The primary reason for the increase in drug courts was a "grass roots" effort at the city and county level primarily through word-of-mouth praise and interest among judges. In addition, the Minnesota Judicial Branch was examining the most effective means of dealing with the addicted population in the criminal justice system. The Minnesota Supreme Court commissioned a special, cross-discipline committee, the Chemical Dependency Task Force, with this task. The Task Force identified problem-solving courts as part of the solution to deal with addicted populations. The Minnesota Judicial Branch adopted this notion as a strategic priority in 2006-2007 and it remains in the 2012-2013 Judicial Branch Strategic Plan.

The significant and swift growth of drug courts did not come without a price. The Judiciary saw potential issues with implementing drug courts rapidly such as funding issues and ensuring drug courts maintained fidelity to the drug court model. If drug courts were to be measured by effect on recidivism and cost, the courts needed to operate according to understood philosophies of drug courts across the nation. Thus, the Minnesota Judicial Branch, through the State Court Administrator's Office (SCAO), undertook oversight of consistent implementation and operation of drug courts throughout Minnesota.

[3] Huddleston, West and Marlowe, Douglas, J.D., Ph.D. Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Court Programs in the United States (2011).

Drug Court Initiative Advisory Committee

The Minnesota Judicial Branch received funding for drug courts for the first time from the Minnesota Legislature in 2007. That same year the Judicial Council, the administrative policy-making authority for the Judicial Branch, formed a multi-disciplinary, cross-branch Drug Court Initiative Advisory Committee (DCI) to oversee the implementation of drug courts/problem-solving approaches in Minnesota. The DCI's charge is to "oversee and advise policy formulation and implementation as well as funding distribution for drug courts/problem-solving approaches in Minnesota." Recognizing the DCI's role in implementing drug courts across the state, evaluators developed an evaluation plan for a statewide approach to evaluating Minnesota's drug courts rather than an evaluation of a sample of individual drug courts.

In addition, upon the DCI's recommendation, in July 2007 the Judicial Council approved a policy on Drug Court Standards for all drug courts in Minnesota (see standards). The standards, based on the 10 Key Components of Drug Courts (see 10 Key Components), set guiding principles and minimum requirements for all Minnesota drug courts, regardless of the individual court's funding source. The standards "seek to create a minimum level of uniform practices for drug courts."[4] The standards also include minimum requirements for participant eligibility. Consequently participants entering drug courts before the implementation of the standards are potentially fundamentally different than participants entering after the standards became statewide policy. The implementation of the statewide standards compelling consistency across the state on the key drug court processes was pivotal in creating the evaluation plan. The statewide approach based on the timing of this policy was crucial in many methodological decisions.

Statewide funding and implementation of the Minnesota Drug Court Standards were recognized as substantial and important events for creating a methodology for evaluation of Minnesota's drug courts. Thus, the evaluation only includes participants entering drug courts after approval of the drug court standards (July 2007). More specific information about the statewide approach and the participants included in the evaluation can be found later in this report.

Oversight Committee

The Minnesota State Court Administrator's Office convened a group of experts in evaluation and drug court operations, in the fall of 2006, to design a comprehensive statewide plan for evaluating the implementation, impact, and efficiency of Minnesota's specialty courts. This group, the Statewide Drug Court Evaluation Committee, develops and provides critique for drug court evaluation plans. The Committee also monitors and recommends uniform methods for data collection and reporting. This Committee consists of representatives from criminal justice and human services agencies in Minnesota, including:

- State Court Administrator's Office
- Department of Public Safety – Office of Justice Programs & Office of Traffic Safety
- Sentencing Guidelines Commission
- Department of Corrections
- Department of Human Services
- Local Drug Court Teams

See the appendix for a detailed member directory complete with background information on the Committee members.

Throughout the evaluation, the Statewide Drug Court Evaluation Committee was regularly consulted for feedback and assistance. The Committee assisted the evaluators in formulating methodology to define recidivism, at-risk time, jail and prison use, as well as analysis approaches and reporting plans.

[4] *Drug Court Standards* Minnesota Judicial Council Policy No. 5.11(1) (July 20, 2007).

Evaluation Foundation – Minnesota Standards & Previous Drug Court Evaluations

The goals of drug courts, as stated in the Drug Court Standards, serve as the foundation of the evaluation of Minnesota's drug courts. The Standards state the goals:

> *The goal of the drug court initiative is to improve outcomes for alcohol and other drug (AOD) addicted individuals in the courts through justice system collaboration, thereby:*
>
> 1. *Enhancing public safety*
> 2. *Ensuring participant accountability; and*
> 3. *Reducing costs to society*
>
> *Successful drug court initiatives will also improve the quality of life for addicted offenders, their families, and communities through recovery and lead to greater system collaboration and ongoing analysis to ensure effective and fair case outcomes*[5].

In addition to the Standards, there are evaluations and reports critical to the creation of the approach and methodology for this evaluation. One of the primary reports relied upon for this evaluation is the 2005 United States Government Accountability Office (GAO) report assessing the validity of the claims of drug courts across the nation[6]. The report reviewed methodology and outcomes of over 100 studies assessing policies and practices as well as outcomes such as recidivism, cost-benefit analyses, and other outcomes (e.g. drug relapse). The report and its recommendations for effective and proper techniques and methodologies for analyzing drug courts heavily influenced this evaluation. The GAO reviewed the methodological strength of drug court evaluations completed prior to 2003 and assessed the following factors:

- Whether data were collected during or after program completion
- The appropriateness of outcome measures
- Statistical analysis used
- Reported results

In consideration of these GAO report factors and the drug court standards employed in Minnesota, ten principles formed the approach to sampling, data collection, and analysis approach. These principles can be found in the appendix.

[5] *Drug Court Standards,* Minnesota Judicial Council Policy No. 5.11(1) (July 20, 2007).
[6] U.S. Government Accountability Office. 2005. "Adult Drug Courts: Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes." Retrieved October 12, 2011. (http://www.gao.gov/new.items/d05219.pdf).

Chapter 4 Methodology

Scope of the Minnesota Statewide Drug Court Evaluation – Adult Drug Courts

The focus of the statewide evaluation is on adult drug court participants. There are significant differences between adult, DWI, and juvenile participants, which require that they be evaluated separately.

Non-DWI (adult drug) participants from hybrid courts are included in the evaluation. Many drug court evaluations have reviewed the efficacy of adult drug courts for drug offenders specifically. Again, the GAO report heavily influenced the decision to exclude DWI and juvenile participants from this evaluation.

Important Differences Between Adult, DWI, and Juvenile Participants
DWI and juvenile participants have different measures for recidivism than adult drug participants (i.e. additional driving offenses for DWI participants, or status offenses for juveniles)[7]
DWI participants tend to require higher levels of supervision and specialized drug testing for alcohol use[8]
Court responses to juveniles and juvenile crime differ widely and significantly from responses to adults and adult crimes[9]

Additionally, as of June 2008, there were 28 Offender Drug Courts in Minnesota. The 16 courts with adult non-DWI participants served approximately 80% of the drug court population enrolled in drug courts at the time (DWI served approximately 14% and Juvenile served approximately 7%). Conducting an evaluation of the adult and hybrid drug courts in Minnesota covers over three-fourths of the drug court participants in Minnesota in 2008.

The DWI participants from hybrid courts, who are excluded from this evaluation, may be included in future evaluations of DWI courts. For more information regarding how DWI participants were identified and excluded, see the Participants section.

Statewide Approach – Aggregating All Participants

The statewide approach to the evaluation of Minnesota drug courts requires a focus on the aggregated group of adult drug court and non-DWI hybrid court participants from all adult and hybrid courts operational in Minnesota during the specified evaluation period (see Participants section). This approach is different from approaches used in other statewide evaluations. In other statewide evaluations presumptions are made about the effectiveness of all courts in a state based on the results from a representative sample of courts. The statewide approach chosen in Minnesota includes the entire population of adult drug participants in Minnesota, instead of a sample of drug courts or a sample of participants in those drug courts.

Aggregating Drug Court Participants Across Drug Courts

One approach that has been used to evaluate multiple drug courts is aggregating results across multiple courts. In 2003, the Center for Court Innovation completed a statewide drug court evaluation of the drug

[7] For an in-depth discussion of evaluation methodology, and differences for DWI participants, see Marlowe, Douglas. 2009. "Introductory Handbook for DWI Court Program Evaluations." Pp. 29-30.

[8] The DWI offender is often considered a greater risk to public safety than the offenders in drug courts resulting increased supervision and accountability as well as specialized technology to detect the quick absorption rate of alcohol in the body.

[9] Juveniles are a product of their environment with limitations on decision-making and motivation. For more information see Linden, Pamela et al. 2010. Drug Court Review, Volume VII, Issue 1. Pp. 125-170.

courts in New York State.[10] This evaluation tracked eleven separate courts in New York State claiming to be "among the first [studies] to demonstrate consistent and meaningful recidivism impacts across a large number of sites and over a relatively long-term tracking period."[11] The evaluation analyzed the eleven courts separately, citing that the courts' "policies vary substantially across drug courts."[12] In the end, only six courts were reviewed for the "impact evaluation" in which recidivism was reported. The impact evaluation was defined and implemented as "six impact evaluations" because there were court-specific differences necessary in the methodology due to the program and policy differences.[13]

As previously mentioned, in 2007 Minnesota's statewide standards became Judicial Council policy. All drug courts included in this evaluation employed policies modeled after the Ten Key Components. Unlike the New York evaluation, which was required to analyze courts separately because of varying standards, the implementation of the Drug Court Standards in Minnesota allow the drug courts to be evaluated collectively.

Size of Population

When considering the feasibility of a drug court evaluation the number of drug court participants is important. First, there must be enough participants to have valid results. Second, the size must be limited to a number of participants for which data collection and analysis is feasible. In Minnesota, these two considerations demonstrate a unique opportunity to approach the evaluation using the population of all drug court participants from across the state.

The drug courts included in this evaluation vary in size and capacity. Many courts are located in small and medium size counties that do not have sufficient participants to produce valid results. Drug court evaluations "require sample sizes of at least 100 drug court clients and a similar number of comparison offenders" to reach this threshold.[14] Other evaluators completing statewide evaluations have chosen to focus on a sample of drug courts, in part, because the individual courts had sufficient participants to study the courts individually.[15] Conversely, some evaluations select a sample of the population because the number of participants is too great to make an evaluation feasible.

All drug courts included in this evaluation, except Hennepin County Adult Drug Court, had less than 50 participants entering drug courts between July 1, 2007 and December 31, 2008. The population of participants beginning drug court after June 2007 and before December 31, 2008 is 535 statewide. Evaluating the courts separately would not be likely to produce valid results, but aggregating all participants produces enough participants to have valid results and not too many participants to make an evaluation impossible.

Considering the factors discussed above, using the population, rather than a sample, of drug court participants admitted to operation courts during a specified time period was deemed the preferred method for this evaluation. The courts included in this statewide approach can be found in the appendix.

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[10] Rempel, Michael, et al. 2003. "The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts."
[11] Id.
[12] Id.
[13] Id.
[14] Belenko, Steven. 1998. "Research on Drug Courts: A Critical Review." *National Drug Court Institute: Drug Court Review*. 1:10-55.
[15] Id.

Research Questions and Key Measures

The evaluation plan for this evaluation includes research questions and key measures for the three DCI goals as well as specific requirements stated in the Drug Court Standards (see standards). A comparison group is used to measure research questions for Goals 1 and 3 (Enhancing Public Safety and Reducing Costs to Society). An assessment of Goal 2: Ensuring Participant Accountability and the key measures related to the Drug Court Standards do not require the use of a comparison group as they are drug court-specific.

Goal 1: Enhancing Public Safety

The research questions and key measures for Enhancing Public Safety measure the occurrence and frequency of new charges and convictions for the Drug Court Cohort and the Comparison Group.

Recidivism of All Participants

All drug court participants are included in recidivism measures, including "terminated" participants.[16] While many early drug court evaluations analyzed recidivism for completers only, this "tends to inflate the overall effect" of drug courts (Belenko 1998). To ensure an accurate assessment of the impact of drug courts in Minnesota, an analysis of all drug court participants – both completers and non-completers - is necessary.

Longer Follow-up for Recidivism

To ensure valid recidivism results, participants should be tracked for longer periods of time, with a comparison group (Belenko 1998). This evaluation tracks participants from 2007 to 2011, compiling up to two and one half years of potential time to recidivate for most participants. Recidivism is tracked at six month intervals from the date of admission[17] to drug court. Based on this timeframe, the participants' time in drug court is included.

Additionally, recidivism is tracked to include post-program recidivism. In defining and reporting recidivism post-drug court, a similar comparison is defined for the comparison group. The "end date" for comparison group participants is set at 18 months after their disposition date. This approach is selected because the average length of time in drug court by participants is 18 months. There are, however, limitations to this approach. Many of the comparison group participants are still incarcerated or on probation 18 months after their disposition date, thus are still under some type of supervision. The post-program recidivism analysis compares participants who may be under supervision of probation or on supervised release, while some individuals may be under no supervision. However, this scenario exists for both drug court and comparison group participants (either group may still be under supervision).

Recidivism: New Charges & Convictions

New offenses, for purposes of recidivism, include targeted misdemeanors, gross misdemeanors and felony level charges and convictions. Stakeholders and agencies involved in drug courts are interested in different measures of recidivism depending on their goals and perspectives (e.g. law enforcement may be more interested in contact with law enforcement, i.e. arrests, while court stakeholders may be more concerned with convictions). Other drug court studies have generally conducted recidivism analyses focused on re-arrests or reconvictions (Rempel 2003) (see the appendix for a table of relevant recidivism statistics and measures).

All of the potential recidivism measures (arrests, charges, and convictions) have limitations. Some of the limitations of these measures are included below.

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[16] Only discharged drug court participants are included for measures during drug court and after drug court.
[17] "Admission to drug court" is defined as acceptance in drug court as collected in the Offender Drug Court Tracking Sheet.

In order to meet the needs of the multiple stakeholders, data on charges and convictions are collected. Due to the difficulty in interpreting arrest records from the BCA, such as identifying legitimate arrests from bookings and other activity, arrests are not collected as part of this evaluation. Both charges and convictions are included in this analysis, but for the reasons listed above conviction data appear to be the least biased and most accurate measures of recidivism and are considered the primary measure for recidivism.

Potential Limitations for Recidivism Measures
Arrests can reflect police "sweeps" or targeting of a particular area;
Arrests and convictions may not be up-to-date in terms of their entry into the Bureau of Criminal Apprehension (BCA) data base ("suspense file" issues);
Arrests may never be charged and may have a disproportionate effect on minorities;
Arrest data from BCA can include bookings and other activity that do not represent new criminal activity;
To the extent that in some jurisdictions individuals are cited or summoned for misdemeanors instead of being arrested, the number of charges could be greater than arrest data alone might suggest;
Charges can be dismissed; and
Charges and convictions can reflect plea bargaining.

In identifying new charges and convictions, MNCIS case filings are used.[18] When an offense occurred after each participant's start date for recidivism, the case associated with that offense constitutes a new offense for purposes of recidivism. The only exception to counting cases is when two MNCIS cases for one individual have the same offense date, in which case those two cases are counted as one new offense. The charges on all of the cases are ranked and the most serious chosen to characterize the new offense.

Accounting for Time at Risk

In calculating recidivism for drug court and comparison group participants it is essential to adjust the time the offenders have "at risk" to re-offend to determine whether participants re-offend less, when on "the street." Time spent in jail or prison does not generally put participants at risk to re-offend. More sophisticated recidivism analyses account for this at risk time, controlling for differences in recidivism due to time incarcerated as well as creating standardized timeframes for each individual participant (Belenko 1998).

In determining the at-risk time the total number of days spent in jail during that interval of reporting is added to that participant's interval.[19] For example, if Participant A spends 10 days in jail in the first 6 months after acceptance into drug court, then in the reporting for recidivism for 6 months, Participant A's 6 month interval is 190 days, instead of 180 days. Thus, in analyzing whether a participant recidivated within the first six months, evaluators look 190 days after the participant's start date to identify if a new offense had been committed.

[18] It is important to note that when referring to charges, and convictions, the unit of analysis is a case as initiated in MNCIS. For example, if an individual is charged with two counts on one case, that will be counted as one new offense (charge) for purposes of the recidivism analysis.
[19] Participants' time in inpatient treatment is deemed "at risk."

Goal 2: Ensuring Participant Accountability

Goal 2 research questions examine if participants meet drug court requirements and show improvement in community functioning during drug court. Criticism of some drug court evaluations is that "few studies…have included follow-up data on outcomes other than [recidivism statistics]" (Belenko 1998).

Drug courts in Minnesota promote outcomes for participants that are more expansive than reduced recidivism. The research questions for Goal 2 are intended to demonstrate whether those other outcomes are realized and analyze graduation rates, changes in community functioning through factors such as housing, employment, and child support payment compliance, as well as treatment engagement for drug court participants. The measures are analyzed for all discharged participants.

Goal 3: Reducing Costs to Society

Research questions for Reducing Costs to Society measure the days drug court and comparison group participants serve in jail and prison following each participant's start date. Incarceration costs are also collected and compared for both groups.

Not a Cost-Benefit Analysis

A cost-benefit analysis is not part of this evaluation. A cost-benefit analysis is necessary to determine what, if any, monetary cost savings drug courts provide.[20] Evaluation, including a cost-benefit analysis was part of the proposed Judicial Branch Strategic Plan for FY 2010-2011, specifically Strategic Goal 2A: "Maintain current problem-solving courts and evaluate their effectiveness." However, due to budget reductions and constraints resources for a cost-benefit analysis were not available.

Jail and Prison Data Collection Process

Jail and Prison days are collected by gathering entry and discharge dates from the Statewide Supervision System (S^3). The S^3 includes information on Minnesota Sentencing Guidelines Worksheets, Supervision/Probation status and conditions, detention (jail) status and days incarcerated, and prison incarceration information. The system is maintained by the Minnesota Department of Corrections (DOC). The system is updated by individual law enforcement and correction agencies.

In 2003, the DOC conducted training to these agencies in order to ensure valid data are included in the S^3 system.[21] Prior to the data collection, evaluators confirmed with DOC that data load issues for several counties were resolved as well as confirming incarceration dates with several facilities to ensure the information in S^3 was complete. In addition, the dates participants spent in prison were obtained from the DOC. Additional data quality efforts during analysis were conducted to ensure no duplication of incarceration days existed for participants.

Methodology and Limitations of the Jail and Prison Analysis

A hypothesis tested in this evaluation is that drug court participants spend less time in jail and prison than individuals with similar characteristics who proceed through traditional case processing. This theory is based on one of the primary goals of drug courts; to enroll participants in treatment rather than incarcerate them.

Jail is also used as a sanction in drug courts, similar to how jail may be used as a sanction for probation violations in traditional case processing. Further, jail and prison time may be served by drug court and comparison group participants for new offenses (i.e. recidivism). In a traditional cost-benefit analysis,

[20] See the 2003 GAO report for a full discussion and description of high quality cost-benefit analyses (pp. 25-35).
[21] Minnesota Department of Corrections, Data Definition Team 2007. "Minnesota Statewide Probation & Supervised Release Outcomes."

these different types of "transactions" are separated to identify outcome transactions versus program costs.[22]

This evaluation is not capable of differentiating the different reasons for jail time. The data source, S^3, does not adequately identify the reason for the jail time served by an individual. For example, case numbers are not reliably or regularly included in S^3 for detention information. Consequently, jail time recorded in S^3 cannot be connected to cases in MNCIS. Also, time served in jail may be allocated both to a current offense and as jail credit for a different offense. Because these differences are outside of the scope of the original research question, they are not analyzed for this evaluation.

This evaluation only analyzes the total days served in jail and prison, standardized for each participant (e.g. two and one half years after an individual's start date). This analysis does not provide the information to assess the amount of time served for participants related to sanctions in drug courts, or time served for new offenses. Additionally, it is not possible from this data to assess the total days spent in jail or prison for the particular offense that qualified the individual into drug court (or the comparison group). However, inferences may be made that drug court practices impact the total days served in jail or prison for drug court participants. Drug court teams should interpret the data according to their knowledge of their court's use of jail and prison.

This evaluation looks more generally at the total incarceration time served, rather than an estimate or the total time pronounced. The benefit to this approach is that this question can be answered: do drug court participants spend less total time in jail or prison than the comparison group, both during and after drug court? Regardless of the sanctions, original sentences, and incarceration imposed for new offenses, within a certain timeframe, do drug court participants spend less time in jail and prison? The comparison group, similar to the methodology for recidivism, has a similarly defined period of time following their disposition date that is compared to the time drug court participants spend in drug court (see Longer Follow-up for Recidivism above).

Key Measures Related to the Drug Court Standards

Research questions and key measures related to the drug court standards measure the proportions of drug courts utilizing practices either required by the Minnesota Drug Court Standards or practices found to be cost-effective through other drug court research. Most of the key measures relating to the drug court standards focus on the drug court program itself rather than on achievements and characteristics of individual drug court participants. These key measures assist ongoing process evaluations of the adult and hybrid drug courts, as well as the participants in those programs. While no comparisons are made to comparison group participants for these measures, results from other Problem-Solving Courts are used to compare the courts included in this evaluation (see Policies and Practices Survey results).

Data sources for these key measures are described in the appendix.

Participants

Participants – The Drug Court Cohort

Selection of adult drug court participants for inclusion in the evaluation ("Drug Court Cohort") is based on several factors. Specifically, the program length, amount of time recommended for tracking participants on key measures following the program, and approval of the Drug Court Standards, were all used to identify the participants included in the Drug Court Cohort.

[22] Carey, Shannon et al. 2005. "California Drug Courts: A Methodology for Determining Costs and Benefits. Phase II: Testing the Methodology Final Report." NPC Research.

The average program length for adult and hybrid drug courts is approximately 18 months.[23] It is essential to track participants for at least one year after program completion to enable reporting for both in-program and post-program recidivism. Combining the 18 months of drug court participation, and a year of follow-up, the evaluation period had to be at least two and one half years.

There are also constraints on the timing of participants' entry into drug courts across Minnesota for the evaluation. Some of the constraints are:

- The DCI created standards for all Minnesota drug courts effective in July 2007. The eligibility criteria contained in the standards may not have been aligned with the individual program eligibility that existed prior to the standards. For example, risk of re-offending may not have been a factor included in the eligibility criteria for some drug courts prior to the standards.
- Generally, outcome evaluations should not be conducted during the first six months of program operation. At this early point, the program is more likely to make changes to its structure and operation. Most of the drug courts included in the evaluation were in operation for at least 6 months by July 2007.
- Hennepin County's adult drug court underwent significant revisions in March 2007 to be in closer alignment with the 10 Key Components. These participants were potentially fundamentally different than other drug court participants.

Due to these key events and recommendations, participants entering drug courts from July 1, 2007 through December 31, 2008 are included in the evaluation. This decision allows participants entering the program before December 2008 18 months to participate in and complete the program (through June 2010) (whether successful or not), with one additional year of post-drug court time for tracking outcomes. Drug court participants who were admitted prior to July 2007 were not included (see Background section for further explanation).

Exclusion Criteria

The Offender Drug Court Tracking Sheet is the primary data source for identifying the Drug Court Cohort. Drug court coordinators diligently record all available information in individual drug court tracking sheets. As a result, only one individual is excluded from the Drug Court Cohort due to missing information. All other non-DWI participants who entered an adult or hybrid drug court from July 2007 – December 2008 were included in the Drug Court Cohort.

In addition to tracking sheet data, court data (see appendix for information about court data) are used to supplement tracking sheet information to identify DWI participants for exclusion from the Drug Court Cohort (see Scope of Statewide Evaluation). DWI offenders are defined as participants for whom the primary charge on their case is a DWI. The primary case for each individual (i.e. the case that qualified them for drug court) is analyzed. If the participant's case has a DWI of any degree as the only charge, or a DWI as the most serious charge (e.g. Felony DWI with a misdemeanor drug charge), the participant is determined to be a DWI participant, thus excluded from the Drug Court Cohort. However, a DWI offense is not automatic criterion for exclusion. For example, if a participant has a case with a felony fifth degree drug possession charge and an accompanying DWI (of any level), this participant is included in the evaluation. For more information about the offense types of participants, see the Drug Court Cohort Profile.

The unit of analysis for the research questions discussed above is a participant, rather than admission or case. Some participants have multiple admissions into the same court or other drug courts in the state.

[23] This was the average length of time in drug court as of June 2008, when the Evaluation Plan was approved.

There are four individuals included in the Drug Court Cohort who had previously been discharged from a drug court in Minnesota (prior to July 2007). It is also possible that some of the participants in Drug Court Cohort for the first time between July 2007 and December 2008 will have future admissions. However, there are not enough participants to analyze this group separately. None of the participants with multiple admissions, whether before or after the Cohort time period, are excluded from the Drug Court Cohort.

Statewide Contemporaneous Comparison Group – The Comparison Group

One statewide contemporaneous comparison group of non-drug court participants is selected to serve as a comparison group for the Drug Court Cohort. The use of one statewide comparison group is based on the statewide approach for the evaluation. Since all drug courts share similar policies under the statewide standards, and are aggregated for analysis, it is essential to have a statewide comparison group comparable to the aggregated Drug Court Cohort. The comparison group participants must also be similar to the drug court participants on key characteristics such as criminal history and demographics.

The advantages and disadvantages of using different types of comparison groups were considered. Some considerations are included in the table below.

Considerations for Types of Comparison Groups
An experimental design method would provide the most similar comparison group. Experimental design requires drug courts to randomly assign participants to the drug court and to the comparison group.
Quasi-experimental designs, such as historical or contemporaneous comparison groups, involve a one-time data collection effort because information needed to construct the groups and track outcomes is not readily available. Quasi-experimental designs do not require drug courts to change their admission practices (e.g. randomly assign participants).

After it was determined that an experimental design method of selecting a comparison group would not be feasible, consideration was given to both historical and contemporaneous comparison groups. As the GAO report noted, historical comparison groups are typically "formed from individuals who received conventional case processing during a period of time shortly before the drug court program was implemented." A contemporaneous comparison group could be formed in several ways (GAO 2003):

1. Participants eligible for drug court but receiving traditional case processing during the same time period as the Cohort.
2. Participants eligible for drug court but who were from a different court within a court's jurisdiction from which individuals were not eligible to participate in the drug court.
3. Participants eligible for drug court who had similar charges and were matched on certain characteristics.

The final comparison group combines all three of these options. All comparison group participants have cases disposed during a similar time frame, with similar charges, as the Drug Court Cohort. Individuals in counties with drug courts have the opportunity to be selected, if they meet certain sampling criteria. Additionally, participants are selected from non-drug court counties, again if they met certain sampling criteria. Finally, the comparison group participants are matched using statistical techniques to ensure comparability to the Drug Court Cohort on key characteristics.

Any non-experimental methodological design has shortcomings. The advantages and disadvantages of the chosen contemporaneous comparison group include:

Advantages	Disadvantages
• Individuals are selected from the same time frame as current participants. • Laws, drug use trends, and other relevant events are comparable.	• Difficulty of comparing populations across counties or participants in drug court counties who chose not to participate in drug court • Potential effect of differences in legal culture (including judicial discretion regarding sentencing) across non-drug court counties

Analysis Approaches Used in Other Drug Court Evaluations

While statistical techniques can be used to balance differences between the Drug Court Cohort and the comparison group, as noted in the GAO report, "[t]he extent to which they reduce bias depends upon the richness and quality of the control variables that are used to estimate" the differences. The processes utilized to control for the differences range from pre-matching techniques (e.g. propensity score matching) to post-matching techniques which presume

> that by selecting for inclusion in the comparison group only those defendants who matched drug court participants on these observed characteristics, the evaluation would create a comparison group that was similar in composition to the drug court participants… these evaluations attempted to control for differences in key, nonmatch variables (such as criminal justice risk-level differences) in their analysis (GAO 2003).

Other drug court evaluators have approached this various ways. The New York State evaluation used a combination of these techniques for accounting for differences in the drug court and comparison groups. For five of the courts included in the impact evaluation, traditional propensity score methods were employed. However, in the Bronx Court the researchers found in assessing the comparability of the two groups on "all available and relevant background characteristics" that "the *initial* comparison sample already provided a close match to the characteristics of actual [Bronx Treatment Court] drug court participants." The researchers did find, however, the participants were not closely matched on gender and prior drug convictions. This "led to a decisions to retain the initial participant and comparison samples *in full* but to assign to those comparison group defendants with each of the four propensity scores a different relative *weight*." The weighting process "achieved the same general effect that propensity score matching achieved in the other impact evaluations – namely using propensity scores to generate greater comparability between the final samples." In the evaluation of the North Carolina Treatment Court[24] a contemporaneous comparison group was selected based only on drug addiction and eligibility for drug court. Other demographic differences and offense characteristics that could were controlled in the analysis using regression techniques, rather than in the sample selection.

Sampling and Analysis Approach Selected for Statewide Drug Court Evaluation

This evaluation addresses selection bias by selecting a comparison group with commonalities on key factors related to the outcome measures such as chemical dependence and initial offense type and level. Next, propensity scores are used to further control for differences between the groups on key characteristics, such as prior criminal convictions and personal demographics. Finally, linear and logistic regression models are used as analysis tools to further control for any differences in the groups, including identifying other factors that may be impacting the final outcomes.

[24] Craddock, *A. North Carolina Drug Treatment Court Evaluation: Final Report.* Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Drug Court Program Office, 2002.

More detail about the sampling approach, variables collected, the propensity score quartile sub-classification technique used, and the regression models used for analysis can be found in the appendix.

Data Collection and Data Sources

Data Collection was completed over five years (2007-2012). Information was gathered on the Drug Court Cohort from July 2007 through June 30, 2011. Additionally, starting in 2010, supplemental information was gathered from across the state, including some statewide agencies, local probation offices, and from the Minnesota Judicial Analytical Database or MNJAD (see the appendix for more detail). This supplemental information consisted of additional criminal history data, demographic information, LSI-R™ assessments, sentencing and hearing data, and treatment information.

Detail on the data sources, and collection processes used, are included in the appendix.

Chapter 5 Profile Results

Profile of Drug Court Cohort and Final Comparison Group

The final Drug Court Cohort and Comparison Group form two separate groups of fairly similar size and characteristics. The Drug Court Cohort contains 535 participants and the Comparison Group contains 644 participants.

Drug court participants enter drug court with current offenses, criminal history, and personal demographics. Most participants, in both the Drug Court Cohort and the Comparison Group, are Caucasian (two-thirds), and male (two-thirds), with an average age of 32. Half of participants have cases in metro counties and half have cases in non-metro counties. Almost half (48%) of comparison group participants have cases in counties with drug courts. Most participants are single and have never been married (two-thirds) and have no military experience (95-96%).

Slightly more than two-thirds of participants have a high school diploma or GED entering drug court, or at their case disposition for the comparison group. Almost two-thirds are unemployed at start. The majority of participants do not have a diagnosed mental health disorder, but drug court participants have a slightly higher proportion of participants who have a diagnosed disorder (46% Drug Court Cohort; 39% Comparison Group).

Most participants are felony drug offenders (at least 80%) and have an average criminal history score of approximately 1 and an average of approximately 1.5 prior felony convictions. Drug Court participants entering drug court pre-plea or at disposition have similar conviction rates to comparison group participants (over two-thirds), but are more likely to have their case continued or stayed, while the comparison group participants are more likely to receive probation before conviction.

Almost all participants in both groups are chemically dependent (98-99%), and over half of participants in both groups used alcohol and/or marijuana within the year before drug court or their disposition date for the comparison group. Additionally, over half of the Drug Court Cohort used cocaine or crack within the year before drug court. Slightly less than half of participants used methamphetamines within the year before their start date.

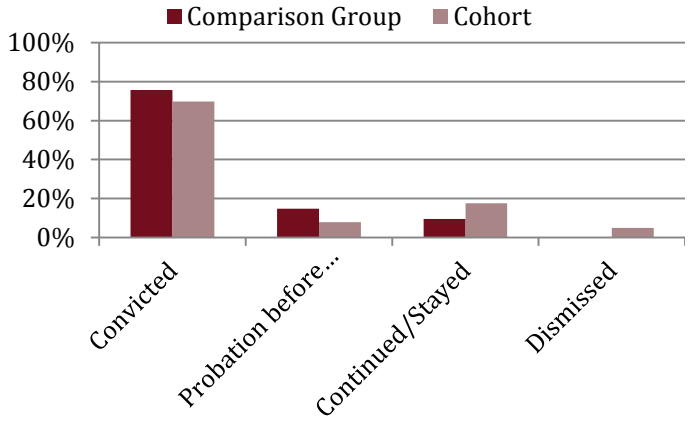
Entry into the Drug Court Cohort & the Comparison Group

The Drug Court Cohort participants enter drug court at various points in a case, while comparison group participants were selected only if their case was disposed and they were found (or pleaded) guilty. Almost two-thirds (61%) of drug court participants enter drug court "post adjudication"[25] or after pleading guilty, and usually after disposition, as the comparison group participants. However, almost three in ten (28%) drug court participants enter drug court pre-plea.[26] The final source of entry to drug court is through a probation violation, either with (2%) or without (9%) a new accompanying offense.

[25] This entry option is characterized as post-adjudication in the tracking sheet, and colloquially, but many of the participants entering post-adjudication are not technically adjudicated at the point of entry. The term is used, for drug court purposes, not as a legal term and not necessarily with the legal meaning a reader may assume.
[26] Pre-plea entry requires participants to be charged, and there is admission of guilt, but they haven't pled (this includes pocket pleas and cases disposed with a continuance for dismissal or stay of adjudication).

The evaluation period includes participants who enter drug court between July 2007 and December 2008 and comparison group participants whose cases were disposed in 2007 or 2008 (for more information on the role and use of disposition in selecting the comparison group, see the methodology section). However file dates of the cases varied for both drug court and comparison group participants. File dates ranged from 1999 – 2008 for the Drug Court Cohort and from 2001-2008 for the Comparison Group. Half of all participants (50%) in the study had their cases filed in 2007. For the drug court participants who enter drug court after post-adjudication and have a disposition, the average number of days between filing and disposition is 162, (approximately five months) as compared to 239 days (approximately eight months) for the comparison group participants.

Figure 5.1: Disposition Type by Group



Since some drug court participants enter drug court pre-plea, not all participants have disposed cases. Additionally, if the participant completes drug court, the disposition on the case may indicate a dismissal of all charges. Also, as previously indicated, some participants enter drug court on probation violations and their initial disposition and sentence is unrelated to their participation in drug court. For participants whose cases are disposed and do not enter drug court through a probation violation, comparisons are made between the Drug Court Cohort and the Comparison Group. Three-fourths (76%) of the Comparison Group is convicted of their offense compared to 70% of the Drug Court Cohort. The proportion of participants receiving probation before conviction is greater for the Comparison Group (15%) than the Drug Court Cohort (8%). The proportion of participants with Continued or Stayed dispositions are greater in the Drug Court Cohort (17%) than the Comparison Group (9%). Additionally, 5% of the drug court participants whose cases are disposed have a first final disposition of dismissed (comparison group participants were excluded if their charges were dismissed – see the criteria for selection above).

Discharge from Drug Court

Drug court participants, at some point after entry, are discharged from drug court. Participants who successfully complete drug court – or graduate – are referred to as completers. Participants who do not successfully complete drug court – or are terminated – are referred to as non-completers. At the end of the evaluation period, June 30, 2011, not all drug court participants had been discharged from drug court. Of the 535 drug court participants included in the evaluation, 7% had not yet been discharged from drug court.[27] Information on graduation rates can be found under Research Question 4.

Of those not discharged, almost two-thirds (65%) are active, 27% are active-on hold, and 8% are enrolled but inactive. Participants active, but on hold, are actively enrolled in drug court but may have a bench warrant or hold in another jurisdiction. They also may be residing in jail either in or outside of the county in which their drug court is located. Participants who are inactive are enrolled but due to incarceration, military service, or other reasons are not currently receiving drug court services.

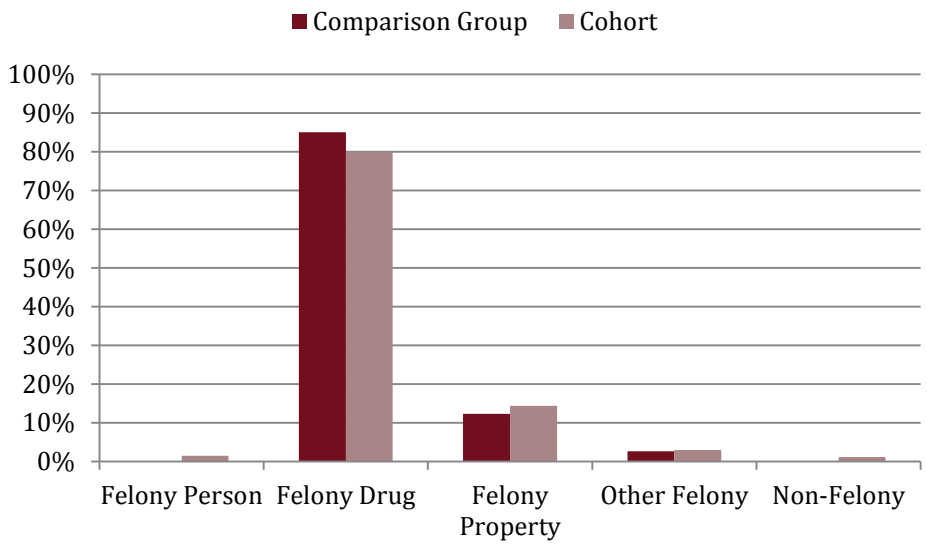
[27] For any measures summarizing activities occurring "during drug court" these participants are excluded. Additionally, any post-drug court measures exclude these participants as well.

Criminal Offenses of Participants

Current Offense Profile

The offense type and level of the Drug Court Cohort is one of the criteria utilized to identify a similar comparison group (for more information on the role and use of offense type and level, see the methodology section). While the groups are similar, they are not identical. Almost all (99%) of the drug court participants have a felony offense that makes them eligible for drug court. Similarly, all (100%) comparison group participants selected have a felony offense. Eight in ten (80%) drug court participants enter drug court on a felony drug offense, as compared to 85% of the comparison group. Eighteen percent (18%) of the Drug Court Cohort enters drug court on other felony offenses (14% property, 3% other felony, 1% person) as compared to 15% of the comparison group, with an additional 1% of the drug court participants entering with non-felonies such as gross misdemeanor and misdemeanor property, drug, or other cases.

Figure 5.2: Offense Type and Level – By Participant Type



While the primary offenses on the case can characterize a case, cases may have multiple charges that are not of the same offense type. The groups have a similar average number of charges per case at 1.9. Each case is also characterized of whether there are person, drug, or DWI charges on the case. Very few cases in either group have a person offense on the case (4% Drug Court Cohort; 1% Comparison Group). Less than one in ten cases have a DWI offense on the case (7% Drug Court Cohort; 9% Comparison Group). However, over three-fourths of cases have a drug offense on the case (81% Drug Court Cohort; 85% Comparison Group).

Criminal History Profile

Criminal history of participants is measured by prior convictions and adjudications, as well as custody status at the commission of the current crime.[28] Similarly to the policy of the Minnesota Sentencing Guidelines Commission, juvenile adjudications for participants over 24 are not reported or considered in calculating the criminal history score of participants.

Criminal History Scores

The average criminal history score[29] for drug court participants is 1, with a median of 1 as compared to an average score of 1 for comparison group participants, who also have a median score of 1. Criminal history

[28] For more information on the criminal history, see the methodology section and appendix.
[29] All average criminal history scores are truncated, rather than rounded, to exclude partial points (per MSGC calculation instructions).

scores range from 0 to 12 for the Cohort and 0 to 13 for the Comparison Group. Slightly less than half of participants have a criminal history score of 0 (48% Drug Court Cohort; 49% Comparison Group), and over eight of ten participants have a score of 3 or less (83% Drug Court Cohort; 85% Comparison Group). Only 1% of each group's participants have criminal history scores of 10 or more.

Of the participants with a criminal history score of 0, some have prior convictions and adjudications. One in ten participants has one prior felony conviction (11% Drug Court Cohort; 9% Comparison Group). Approximately 15% (15% Drug Court Cohort; 14% Comparison Group) have at least one prior targeted misdemeanor or gross misdemeanor conviction, and one quarter of participants have 3 targeted misdemeanor or gross misdemeanor convictions (24% both groups). Finally, less than 5% of participants with a criminal history score of 0 have one prior juvenile adjudication (2% Drug Court Cohort; 3% Comparison Group).

Criminal history scores for males (1.8 Drug Court Cohort; 1.7 Comparison Group) are at least 50% higher than scores for females (1 Drug Court Cohort, 1 Comparison Group). Criminal history scores for African American/Black participants (2 Drug Court Cohort; 2 Comparison Group) are higher, within the Drug Court Cohort and Comparison Group, than Other Race participants (1 Drug Court Cohort; 1 Comparison Group) and Caucasian/White participants (1 Drug Court Cohort; 1 Comparison Group).

Figure 5.3: Criminal History Characteristics

Criminal History	Comparison Group	Drug Court Cohort
Scores		
% 0 - Criminal History Score (CHS)	49%	48%
% 1 - 3 CHS	35%	36%
% 4 - 6 CHS	11%	12%
% More than 6 - CHS	4%	5%
Prior Convictions		
Any Level	64%	64%
Felony	48%	49%
Custody Status Point	32%	35%

Prior Convictions and Juvenile Adjudications

The average number of felony convictions per participant is 1.6 for the Drug Court Cohort and 1.5 for the Comparison Group. The number of prior felony convictions ranges from 0 to 16 in both groups. Participants with at least one felony prior have an average criminal history score of 3, in both groups, and also have, on average, at least 1 prior misdemeanor or gross misdemeanor conviction (1.4 Drug Court Cohort; 1.1 Comparison Group). For the participants with a criminal history score of at least 1, drug court participants have an average of 3 felony convictions and comparison group participants have an average of 2.8 felony convictions.

Participants have, on average, less than one prior targeted misdemeanor or gross misdemeanor conviction (0.9 Drug Court Cohort; 0.8 Comparison Group). The number of prior targeted misdemeanor or gross misdemeanor convictions ranges from 0 to 12 for the Drug Court Cohort and 0 to 8 for the Comparison

Group.[30] For all participants with at least one prior targeted misdemeanor or gross misdemeanor conviction, they average at least 2 prior gross misdemeanor convictions (2.2 Drug Court Cohort; 2.0 Comparison Group). For the participants with a criminal history score of at least 1, drug court participants have an average of 1.4 targeted misdemeanor or gross misdemeanor convictions and comparison group participants have an average of 1.2 targeted misdemeanor or gross misdemeanor convictions.

For individuals 24 years old or younger at their start date, approximately 16% of the Drug Court Cohort and 17% of Comparison Group have at least one prior juvenile adjudication. The average number of adjudications for this group is .3 for both groups. For the participants 24 and younger with a criminal history score of at least 1, the drug court participants have 0.8 juvenile adjudications, on average, compared to 0.7 for comparison group participants.

Custody Status

The final component of a criminal history score is the custody status of the individual at the time they committed their current offense. Approximately one-third of participants were under some type of supervision or custody at the time they committed their current offense (35% Drug Court Cohort; 32% Comparison Group). Participants in the 25-34 age range are the most likely to be under some custody status at the time of their current offense (40% Drug Court Cohort; 38% Comparison Group). Racial minorities are also more likely than Caucasian participants to be under some custody status (43% Afr. Am., 40% Other, 30% Cauc. Drug Court Cohort; 37% Afr. Am., 42% Other, 29% Cauc. Comparison Group). Participants not under any type of custody have lower criminal history scores (0.9 average Drug Court Cohort; 0.7 Comparison Group) and fewer priors (1 felony, 0.6 misd./gross Drug Court Cohort; 0.9 felony, 0.6 misd./gross Comparison Group) than participants who are under some form of custody at the time of their offense (Criminal history scores: 2.9 Drug Court Cohort; 3 Comparison Group & Priors: 2.7 felony priors for each group and 1.5 misd./gross priors Drug Court Cohort; 1.2 misd./gross priors Comparison Group).

Demographics of the Drug Court Cohort and Comparison Group

The demographics collected on the participants in both groups include personal demographics such as gender, race, marital status, veteran status, as well as community functioning demographics such as educational attainment, employment status, and mental health diagnosis. Each will be described below.

Personal Demographics

Males comprise approximately two-thirds of the participants in each group (63% Drug Court Cohort; 70% Comparison Group). Caucasian/White participants comprise approximately two-thirds of the participants in each group as well, with African American/Black participants consisting of 28% in the Drug Court Cohort and 22% in the Comparison Group, and 9% of the Drug Court Cohort and 11% of the Comparison Group consisting of other races (e.g. American Indian/Native American, Asian, Hispanic/Latino, and Multi-racial). The groups have similar proportions of participants in four separate age groups. Approximately one-quarter of each group is 18-24 (26% Drug Court Cohort; 27% Comparison Group), the largest proportion is 25-34 (36% Drug Court Cohort; 37% Comparison Group), almost one-quarter are between 35-44 (24% Drug Court Cohort; 22% Comparison Group), and slightly more than one in ten participants are 45 and over (14% Drug Court Cohort; 13% Comparison Group). Both groups have an average age of 32, with the Drug Court having a wider range of ages (54 – minimum 18, maximum 58) as compared to the Comparison Group (40 – minimum 18, maximum 72).

[30] When assigning a criminal history score, participants cannot receive more than one "point" for targeted misdemeanor and gross misdemeanor convictions. Therefore, some MSGC worksheets only list up to four targeted misdemeanors/gross misdemeanors. For these reasons, the number of prior convictions for these offenses may be underreported.

Marital and veteran status for the groups are also collected.[31] Almost two-thirds of participants have never been married (66% Drug Court Cohort; 63% Comparison Group). Slightly over one in ten participants is divorced (13% Drug Court Cohort; 14% Comparison Group), followed by 9% of the Drug Court Cohort being married as compared to 11% of the Comparison Group. Similar proportions of the Drug Court Cohort are partnered[32] (6%) or separated (5%). More of the Comparison Group is partnered (10%) than separated (2%). An additional 1% in each group is widowed. When characterizing veteran status, individuals who have served, or are serving, in any armed forces are considered veterans, regardless of their discharge status. Five percent (5%) of drug court participants are veterans as compared to six percent (6%) of the comparison group participants.

Figure 5.4: Personal Demographics

Demographic	Comparison Group	Drug Court Cohort
Gender		
Male	70%	63%
Female	30%	37%
Race		
Afr. Amer./Black	22%	28%
Caucasian/White	68%	63%
Other Races	11%	9%
Age		
18-24	27%	26%
25-34	37%	36%
35-44	22%	24%
45 and Over	13%	14%
Marital Status		
Single (Never Married)	63%	66%
Divorced	14%	13%
Widow(er)ed	1%	1%
Separated	2%	5%
Partnered	10%	6%
Married	11%	9%
Veteran Status		
Veteran	6%	5%
Never in Military	94%	95%

Community Functioning Demographics

Where available, information about educational attainment, employment status, and diagnosis for a mental health disorder data are collected on both groups.

Slightly more than two-thirds of the participants have at least a diploma or GED at their start date (69% Drug Court Cohort and Comparison Group). Similar proportions of the groups have completed less education than junior high (7% Drug Court Cohort; 10% Comparison Group). When analyzing the

[31] All demographics identifying a status at a point in time reflect data collected from within 6 months (either before or after) the start date for the participant (either acceptance into drug court or disposition date).
[32] Partnered is defined as individuals who are cohabitating with a partner but not legally married to that partner. If an individual is divorced and cohabitating with a partner, that person would be characterized as partnered.

educational attainment of participants at start date, by race, the two groups are similar, but there are differences by race. African American/Black participants (42% Drug Court Cohort and Comparison Group) and participants of Other Races (42% Drug Court Cohort; 38% Comparison Group) are more likely than Caucasian/White participants (25% Drug Court Cohort; 26% Comparison Group) to have less than a diploma/GED.

Approximately two-thirds of participants are unemployed at their start date (62% Drug Court Cohort; 63% Comparison Group). As with educational attainment, there are variations among participants by race. Approximately two in ten African American/Black participants are employed at start (17% Drug Court Cohort; 21% Comparison Group) as compared to almost four in ten Caucasian/White participants (38% Drug Court Cohort and Comparison Group). Participants of Other races (32% Drug Court Cohort; 26% Comparison Group) are slightly higher than African American/Black participants, but not as likely to be employed as Caucasian/White participants.

The presence of a diagnosed mental health disorder is also collected for both groups of participants. Slightly less than half (46%) of the Drug Court Cohort has a diagnosed mental health disorder as compared to 39% of the Comparison Group. Some variations exist across groups and across race and gender classification. The proportions of participants, by race, with a mental health diagnosis do not vary greatly within the Drug Court Cohort (43% of Afr. Amer. participants; 47% Cauc.; 46% Other Races), but vary to a larger degree within the Comparison Group (27% Afr. Amer.; 40% Cauc.; 52% Other Races). Additionally, females (65% Drug Court Cohort; 53% Comparison Group) have a higher likelihood of having a mental health diagnosis than males (35% Drug Court Cohort; 33% Comparison Group).

Figure 5.5: Community Functioning Demographics

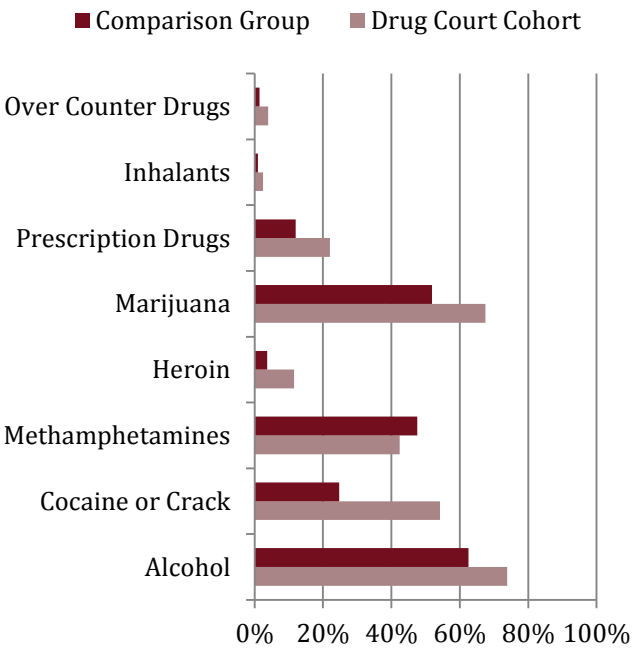
Demographic	Comparison Group	Drug Court Cohort
Highest Education Attainment		
Jr. High or Less	10%	7%
Some HS	20%	24%
Diploma/GED	47%	45%
More than High School	23%	24%
Employment Status		
Employed	33%	32%
Unemployed	63%	62%
Not Applicable	4%	7%
Mental Health Diagnosis		
Yes	39%	46%
No	61%	54%

Chemical Health Demographics

Some of the research questions address issues regarding chemical health status and treatment, but some information is included here as well to describe the groups.

Almost all participants in both groups are assessed or diagnosed as chemically dependent, or with a substance use disorder (98% Drug Court Cohort; 97% Comparison Group). An additional 2% of each group are assessed or diagnosed as chemically abusive. While almost all participants are chemically dependent, there is slight variation by the offense type that makes the participant eligible for inclusion in the Drug Court Cohort or the Comparison Group. Individuals with drug offenses are more likely to be assessed as abusing (2% Drug Court Cohort; 3% Comparison Group) than participants with property and other felony offenses (0% Drug Court Cohort; 1% Comparison Group).

Figure 6.6: Substances Used Prior to Start Date



Information is also summarized regarding the substances participants used in the year prior to their start in drug court (or disposition date for the comparison group).[33] Rather than a identifying a "primary" drug, information was collected on all substances used by the participant (primary drug is included for individuals who received treatment, which can be found below).

Alcohol and Marijuana are the substances most frequently used prior to a participant's start date, across both groups. Alcohol is the most frequently used substance (74% Drug Court Cohort; 63% Comparison Group) with Marijuana following (67% Drug Court Cohort; 52% Comparison Group). However, the third most frequently used substance varies for the Drug Court Cohort and Comparison Group. Over half (54%) of the Drug Court Cohort also used Cocaine or Crack within the year prior to drug court entry as compared to one-quarter (25%) of the Comparison Group. For the Comparison Group, the third most frequently used substance is Methamphetamines (48%) as compared to 42% of the Drug Court Cohort. Drug court participants are also three times as likely (12%) to have used Heroin in the year prior to drug court entry than the comparison group participants (4%).

In addition to all substances used prior to a participant's start date, for the participants who received treatment, information about their primary drug is summarized. Participants receiving treatment receive a diagnosis of dependence or abuse, along with the substance to which they are dependent or abusive. The primary substances of dependence/abuse for participants who receive treatment during drug court (or within 18 months of disposition for comparison group participants) vary somewhat between the Drug Court Cohort and the Comparison Group.[34] Over one-quarter of drug court participants receiving treatment were diagnosed as marijuana dependent/abusive, 21% with cocaine or crack

[33] Use of the substances may be self-reported or the results of a positive drug or alcohol test. For more information on the data sources use, see the appendix.

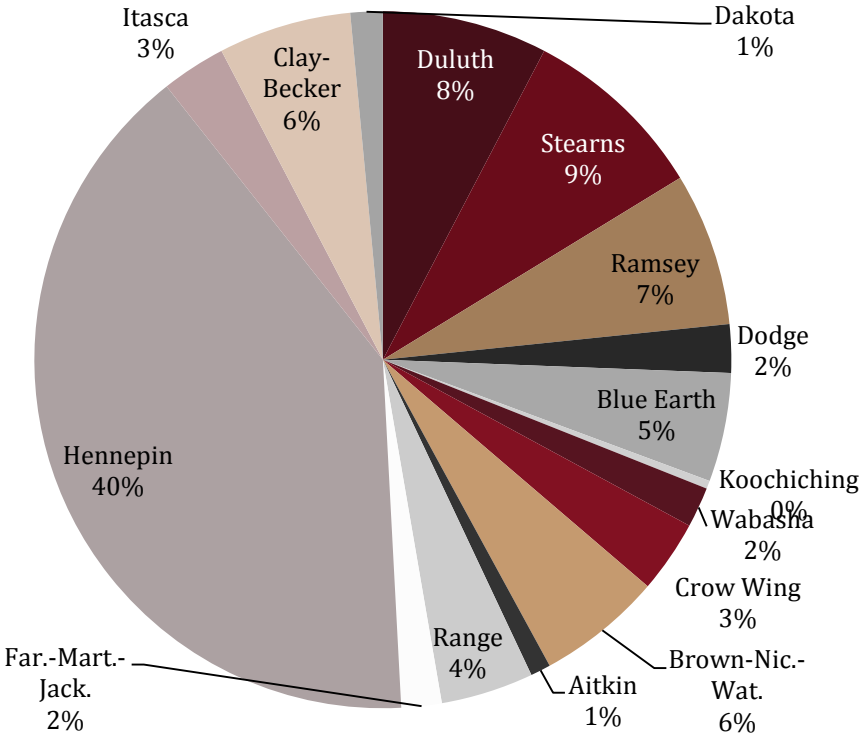
[34] Sixty one percent (61%) of the Drug Court Cohort (discharged participants only) receive treatment during drug court and 44% of the Comparison Group receives treatment during drug court.

dependence/abuse, 20% alcohol dependence, and 18% Methamphetamine dependent/abusive. For the Comparison Group, 26% of participants are alcohol dependent/abusive or methamphetamines dependent/abusive (26% each), with 23% marijuana dependent/abusive and 14% cocaine or crack dependent/abusive. Less than 10% of each group are heroin/opiate dependent/abusive (8% Drug Court Cohort; 6% Comparison Group). Both groups have similar proportions of poly-substance dependence/abusive participants (3% Drug Court Cohort; 4% Comparison Group).

Geographic Distribution of Participants

The scope of the evaluation is statewide, thus participants in the evaluation may commit the offense that makes them eligible for the drug court or the comparison group in any county in Minnesota. The drug courts in this evaluation cover 20 of the 87 counties in Minnesota. Additionally, some of the participants may be transferred from counties in which a drug court does not exist. The following information describes the geographic distribution of the participants in the Drug Court Cohort and the Comparison Group.

Figure 5.6: Participants by Drug Court



County of Offense

Drug Court Cohort participants' offenses originate from 23 different counties. Comparison Group Participants' offenses originate in 71 different counties. The counties with the highest proportion of participants, for the Drug Court Cohort are Hennepin (40%) and St. Louis (12%) with the remaining counties contributing less than 10% of the participants in the Drug Court Cohort. For the Comparison Group, the counties contributing the highest proportion of participants are Hennepin (13%), Ramsey (11%) with the remaining counties contributing less than 10% of the participants in the Comparison Group. Almost half (48%) of comparison group participants are from counties with drug courts. For a full table of the proportion of participants from each county, see the appendix.

In addition to looking at each county individually, counties are grouped together by metro and non-metro counties. The seven-county metro area counties[35] are combined and compared to the rest of the state. Approximately half of both the Drug Court Cohort and the Comparison Group come from metro counties and non-metro counties. Fifty one percent (51%) of the drug court participants' offense originated in non-metro counties as compared to 53% of the comparison group participants.

[35] Seven-county metro area counties include Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Drug Court Cohort – Drug Court Type

Drug Court Cohort participants from 16 drug courts are included in this evaluation. The court with the comprising the highest proportion of participants is Hennepin County (40%). No other court contributes over 10% of the participants. Only Aitkin, Dakota, and Koochiching have fewer than 10 participants included in the evaluation. Those three courts will not be reported separately in any of the measures due to their small numbers.

Judicial District of Offense

In addition to county, the judicial districts of participants' cases are summarized. Drug Court Cohort participants' offenses originate in eight of the ten judicial districts in Minnesota (all but Districts 8 and 10). There are no drug courts in judicial districts 8 and 10. Comparison Group participants' offenses originate in all ten judicial districts. The highest proportion of drug court participants have cases originating in the fourth judicial district (40%), as compared to the tenth judicial district for comparison group participants (17%) with the first district close (16%). For a full table of the proportion of participants from each judicial district, see the appendix.

Similar to the aggregation of counties by metro or non-metro characterization, districts can also be characterized as primarily metro or non-metro.[36] Slightly more than half (51%)of the Drug Court Cohort has an offense originating in a non-metro judicial district as compared to slightly less than half of the Comparison Group (44%).

Variations in Participant Demographics by Geographic Distinctions

Since demographics in Minnesota vary by geographic location, race, gender, and age are summarized by the characterization of the county of the participants' offense as a metro or non-metro county.

Over three-fourths of participants in non-metro counties are Caucasian/White (84% of Drug Court Cohort participants in non-metro counties; 78% Comparison Group) as compared to approximately half in metro counties (41% Drug Court Cohort; 57% Comparison Group). African American/Black participants are approximately one of ten comparison group participants (11% Comparison Group) in non-metro counties, with lower proportions for drug court participants (6% Drug Court Cohort) and more than triple that proportion in metro counties. The proportion of African American/Black participants in metro counties is 51% of the Drug Court Cohort and 33% of the Comparison Group.

Non-metro counties have a higher proportion (32% Drug Court Cohort; 30% Comparison Group) of participants in the 18-24 age category than metro counties (20% Drug Court Cohort; 24% Comparison Group). The average age for participants in metro counties is slightly higher in both the Drug Court Cohort (33 metro; 31 non-metro) and the Comparison Group (33 metro; 31 non-metro).

Drug Court Cohort participants from non-metro counties have a lower proportion of female participants (57%) as compared to the metro counties (70%). The Comparison Group participants, however, are similar across metro and non-metro counties with female participants constituting 69% of participants in non-metro counties and 70% in metro counties.

Hennepin County & Other Minnesota Drug Courts

For some measures, Hennepin drug court and comparison group participants are separated from participants from other counties. Hennepin County drug court participants comprise 40% of the Drug Court Cohort. Consequently, Hennepin County results can have a significant impact on the results. By removing Hennepin County participants and analyzing them separately, patterns in other drug courts may

[36] Metro districts include the first, second, fourth, and tenth judicial districts.

emerge and be instructive in understanding the operation and impact of all adult drug courts in Minnesota. When Hennepin County drug court participants are separated from the other drug court participants, the comparison group participants in Hennepin County may also be separated and used for a comparison. Demographic comparisons of the two populations are included below.

Hennepin County participants generally have more criminal history than the other Minnesota drug court participants. Participants in Hennepin County are more likely to be male and much more likely to be Black/African American. The average age is slightly higher for Hennepin County participants. Analyses of outcomes separating Hennepin County from other drug court locations (e.g. regression) include measures that control for other factors that may be impacting the results.

Figure 5.7: Demographics Comparing Hennepin and Other Minnesota Drug Courts

	Hennepin County		Other Minnesota Drug Courts	
Demographic	**Comparison Group**	**Drug Court Cohort**	**Comparison Group**	**Drug Court Cohort**
Personal Demographics				
% Male	82%	71%	68%	59%
Race				
% Black/Afr. Amer.	68%	56%	15%	9%
% Cauc./White	22%	37%	74%	80%
Age – Mean/Average (at Start)	34	35	32	31
Age – Median (at Start)	34	34	29	29
Criminal History				
% 0 - Criminal History Score (CHS)	42%	29%	50%	60%
% More than 6 - CHS	6%	11%	4%	1%
% Prior Conviction (Any Level)	71%	80%	64%	53%
% Prior Felony Conviction	57%	69%	47%	36%
Offense Information				
% Non-Drug	7%	27%	16%	15%

Chapter 6 Enhancing Public Safety Results - Recidivism

Results by Research Question and Key Measure

Goal 1: Enhancing Public Safety

The primary 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."[37] In order to ensure the public safety, drug court participants should be monitored to prevent new offenses, both during and after drug court. The research questions related to the goal of Enhancing Public Safety measures the frequency and extent to which drug court participants are charged, or convicted, of new offenses.

These research questions are measured by a combination of descriptive and statistical information. The recidivism rates and average number of new offenses are reported for the appropriate measures. In determining whether inclusion in drug court is a factor explaining the difference between recidivism rates, a logistic regression model is used. Variables originally included in the propensity score regression are included again as factors that may influence whether or not an individual is charged with a new offense. The model is also used to determine whether the difference between the two groups is meaningful. Additionally, to determine whether inclusion in drug court is a factor explaining the difference between the average numbers new offenses for each group, a linear regression model is used. Variables originally included in the propensity score regression are included again as factors that may influence the amount of new offenses an individual acquires. The model is also used to determine whether the difference between the two groups is meaningful.

For each key measure descriptive results (e.g. recidivism rates) and regression results (whether drug court has an impact, and whether that impact is statistically significant) are provided. Additional tables with more information are included in the appendix.

Descriptive and regression results are also provided for discharged drug court participants for the purpose of comparing outcomes for completers and non-completers. Results for completers and non-completers should not be compared to the Comparison Group results. No comparable "completion" status exists for participants in the Comparison Group, thus "completer" comparison group participants are not identifiable to use for comparison purposes. Since these differences are unknown, the comparison of drug court completers and all comparison group participants would be unfair. In his "Introductory Handbook for DWI Court Program Evaluations" Dr. Douglas Marlowe summarizes the reasons why this comparison is inappropriate:

> It is essential to analyze outcomes for *all* individuals who participated in the DWI Court, regardless of whether they successfully graduated or were unsuccessfully terminated from the program. . . . It is not appropriate only to report outcomes for graduates because this unfairly inflates the apparent success of the program. . . . The most important question is how the program fared for all participants.
>
> This is particularly important when outcomes are contrasted against those of a comparison group, such as probationers. Selecting out the most successful DWI Court cases and comparing their outcomes to all of the probationers would be unfair. It would be akin to

[37] *Drug Court Standards,* Minnesota Judicial Council Policy No. 5.11(1) (July 20, 2007).

selecting out the A+ students from one classroom, comparing their academic success to all of the students in another classroom, and then concluding that the first class had a better teacher. This would clearly be a biased and unfair comparison.[38]

Research Question 1: Are rates of recidivism lower for drug court participants?

Drug court is a statistically significant factor in reducing new charges and convictions for participants in all time intervals analyzed (through 2 ½ years) after a participant's start date. At the end of 2 ½ years the Drug Court Cohort shows a 37% reduction in new charges and 47% reduction in new convictions as compared to the Comparison Group.

Figure 6.1: Recidivism from Start Date – Charges

Time from Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	16%	12%	*622*	*531*
1 year	26%	20%	*618*	*523*
1 ½ years	31%	25%	*598*	*513*
2 years	38%	26%	*562*	*477*
2 ½ years	41%	26%	*514*	*415*

Key Measure 1a) Charge recidivism rates for participants 2 ½ years from start date

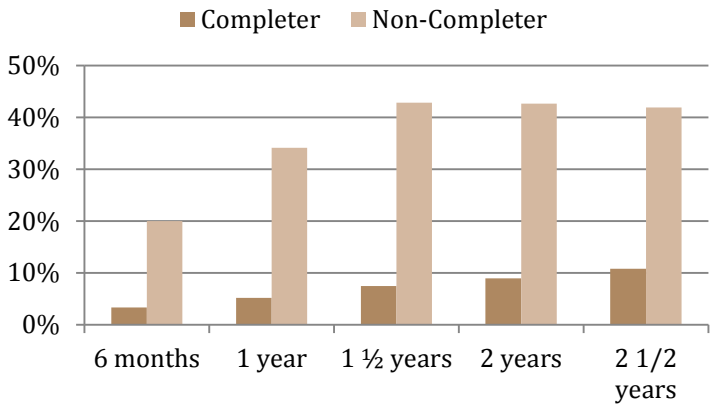
One quarter (26%) of the Drug Court Cohort receives a new charge within 2 ½ years after start date compared to 41% of the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend.

The Drug Court Cohort has a smaller proportion of participants who are charged with new offenses, after drug court start date, as compared to the Comparison Group. Participants are analyzed at six month intervals, with each interval showing a smaller proportion of drug court participants with new offenses. For example, six months after participants' start date, 16% of the Comparison Group is charged with a new offense compared to 12% of the Drug Court Cohort. At three and one half years 42% of the Comparison Group is charged with a new offense compared to 20% of the Drug Court Cohort. See figure 6.1 for new charge recidivism rates for each six month interval.

To determine whether inclusion in drug court is a factor explaining the difference between whether participants receive new charges or not, a logistic regression model is used. Results of the regression show that drug court is a statistically significant factor in predicting whether or not a participant is charged with a new offense, across all time intervals analyzed. For a full table of coefficients and significance, see Table 6.2 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are charged with a new offense. This

Figure 6.2: Recidivism from Start Date – Charges



[38] Marlowe, Douglas. 2009. "Introductory Handbook for DWI Court Program Evaluations." Pp. 17.

is significant across all time intervals through two and one half years after start date. For a full table of coefficients and significance, see Table 6.4 in the appendix.

Key Measure 1b) Average number of new charges for participants 2 ½ years from start date

Drug court participants are charged with an average of 1.5 new offenses within 2 ½ years after start date compared to 1.9 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new charges per participant.

When analyzing only the participants who do receive new charges, the average number of new offenses (charges) for the Comparison Group is higher than the Cohort across all time intervals analyzed. New offenses for the Comparison Group range from 1 to 12 new offenses within three and one half years after disposition date. New offenses range from 1 to 8 for the Drug Court Cohort during the various time intervals with 1 to 4 within three and one half years after drug court start.

To determine whether inclusion in drug court is a factor explaining the difference between the average numbers of new offenses for each group, a linear regression model is used. Results of the regression show that drug court is a statistically significant factor in predicting differences in the number of new offenses the participants acquire during all time intervals analyzed after their start date. For a full table of coefficients and significance see Table 6.6 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting the number of new charges participants acquire. This is significant across all time intervals through two and one half years after start date. For a full table of coefficients and significance see Table 6.8 in the appendix.

Key Measure 1c) Conviction recidivism rates for participants 2 ½ years from start date

Less than two in ten (17%) drug court participants receive a new conviction within 2 ½ years after start date compared to one-third (32%) of the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend.

Figure 6.3: Recidivism from Start Date – Convictions

Time from Start Date	Comparison Group	Cohort	(N) CG	(N) Cohort
6 months	12%	9%	622	531
1 year	20%	14%	618	523
1 ½ years	25%	18%	598	513
2 years	30%	18%	562	477
2 ½ years	32%	17%	514	415

The Drug Court Cohort has a smaller proportion of participants who are convicted of new offenses, after drug court start date, as compared to the Comparison Group. Participants are analyzed at six month intervals, with each interval showing a smaller proportion of drug court participants with new offenses. For example, six months after participants' start date, 12% of the Comparison Group is convicted of a new offense compared to 9% of the Drug Court Cohort. At three and one half years 34% of the Comparison Group is convicted of a new offense compared to 16% of the Drug Court Cohort. See Figure 6.3 above for reconviction recidivism rates for each six month interval.

Results of the logistic regression model show that drug court is a statistically significant factor in predicting whether or not a participant is charged with a new offense, across most, but not all, intervals analyzed. For the time interval six months after drug court start, participation in drug court has an inverse relationship to

a new conviction (i.e. participation in drug court indicates less likelihood for a new conviction), but the difference is not statistically significant. For a full table of coefficients and significance see Table 6.10 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are convicted of a new offense. This is significant across all time intervals through two and one half years after start date. For a full table of coefficients and significance see Table 6.12 in the appendix.

Key Measure 1d) Average number of new convictions for participants 2 ½ years from start date

Drug court participants are convicted of an average of 0.2 new offenses within 2 ½ years after start date compared to 0.3 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new convictions per participant.

When analyzing only the participants who do receive new convictions, the average number of new offenses (convictions) for the Comparison Group is similar or higher than the Cohort across all time intervals analyzed. New convictions for the Comparison Group range from 1 to 10 new convictions during the various time intervals, including within three and one half years after disposition date. New convictions range from 1 to 4 for the Drug Court Cohort during the various time intervals with 1 to 3 within three and one half years after drug court start.

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number of new offenses the participants acquire during some, but not all, time intervals analyzed after their start date. For example, differences in the number of new convictions for the Drug Court Cohort and Comparison Group are not significant within six months of drug court or three and one half years after drug court start, but are significant for all other intervals. For a full table of coefficients and significance see Table 6.14 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting the number of new convictions participants acquire. This is significant across all time intervals through two and one half years after start date. For a full table of coefficients and significance see Table 6.16 in the appendix.

Research Question 2: Are rates of recidivism lower for drug court participants during drug court?

Drug court participants are less likely to receive a new charge or conviction during drug court than the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend during drug court.

The recidivism analysis for new charges during drug court differs from the analysis after the drug court start. Drug court and comparison group participants' at risk time is not standardized in the same manner as controlled for in the other recidivism measures. Participants are excluded from the analysis if they spent the entire time in drug court - or within 18 months of disposition date for the comparison group participants - incarcerated in prison and/or jail. The amount of time incarcerated varies for each participant – as does the total length of time in drug court - thus the time at risk is not controlled for the participants. Descriptive information is given for participants regarding the length of time in drug court as compared to the comparison group. New charges are counted if the offense date for the charged occurred between the drug court acceptance (disposition date for the comparison group) and the drug court discharge date (18 months after disposition date for the comparison group).

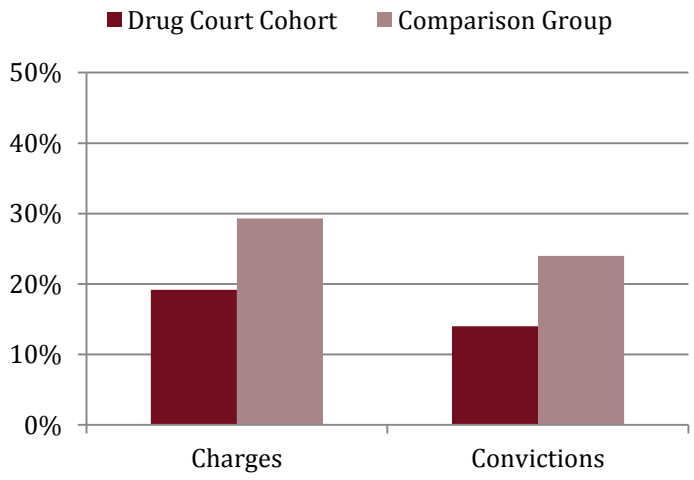
Key Measure 2a) Charge recidivism rates for participants during drug court (within 18 months for the Comparison Group)

Two in ten (19%) drug court participants receive a new charge during drug court compared to 29% of the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend.

Drug court participants (19%) are less likely to be charged with a new offense during drug court as compared to the comparison group participants (29%). The Drug Court Cohort (0.2) has a lower average number of offenses during drug court as compared to the Comparison Group (0.5). Participants in drug court for one year or less had higher recidivism rates (24%) as compared to participants who spend more than one year in drug court (18%).

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is charged with a new offense during drug court. For a table of coefficients and significance see Table 6.18 in the appendix.

Figure 6.4: Recidivism During Drug Court



When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are charged with a new offense during drug court. Completers have a recidivism rate of 9% as compared to 31% for non-completers, during drug court. For a full table of coefficients and significance see Table 6.20 in the appendix.

Key Measure 2b) Average number of new charges for participants during drug court (within 18 months for the Comparison Group)

Drug court participants are convicted of an average of 0.2 new offenses during drug court compared to 0.5 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new charges per participant.

Drug court participants receive 0.2 new charges during drug court as compared to 0.5 for the Comparison Group. When analyzing only the participants who do receive new charges, the average number of new offenses for the Comparison Group (1.5) is higher than the Drug Court Cohort (1.2) during drug court. New offenses for the Comparison Group range from 1 to 6 new offenses during drug court as compared to 1 to 3 new charges for the Drug Court Cohort.

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number of new charges the participants acquire during drug court. For a full table of coefficients and significance see Table 6.22 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting the number of new charges participants acquire. Completers have, on average 0.1 new offenses during drug court compared to 0.4 for non-completers. For a full table of coefficients and significance see Table 6.24 in the appendix.

Key Measure 2c) Conviction recidivism rates for participants during drug court (within 18 months for the Comparison Group)

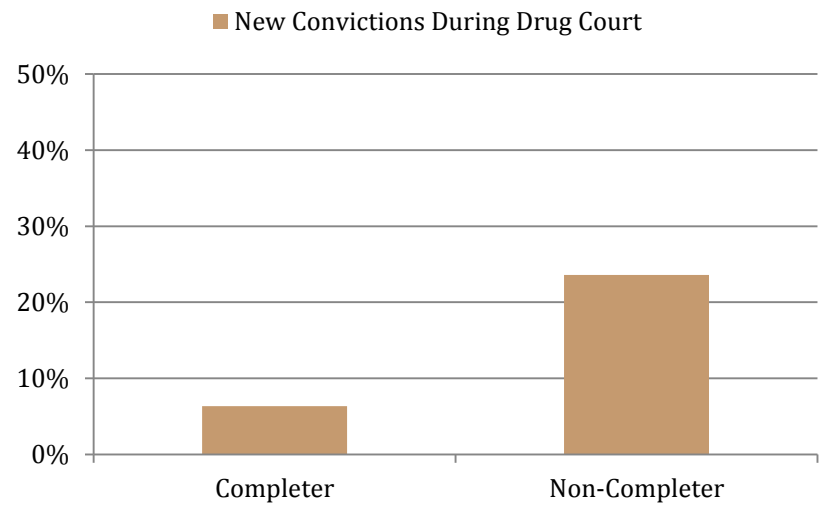
Drug court participants are less likely to receive a new conviction during drug court (14%) than the Comparison Group (24%). Participation in drug court statistically significantly predicts less likelihood to reoffend.

Drug court participants (14%) are less likely to have a conviction for a new offense during drug court as compared to the comparison group participants (24%). Participants in each group have similar average numbers of new convictions during drug court, with the Drug Court Cohort showing a slightly lower average (0.2 Drug Court Cohort; 0.3 Comparison Group). Participants in drug court for one year or less had slightly higher recidivism rates (17%) as compared to participants who spend more than one year in drug court (13%).

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is convicted of a new offense during drug court. For a table of coefficients and significance see Table 6.26 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are convicted of a new offense during drug court. Completers have a recidivism rate of 6% as compared to 24% for non-completers, during drug court. For a full table of coefficients and significance see Table 6.28 in the appendix.

Figure 6.5: Recidivism During Drug Court



Key Measure 2d) Average number of new convictions for participants during drug court (within 18 months for the Comparison Group)

Drug court participants are convicted of an average of 0.2 new offenses during drug court compared to 0.3 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new convictions per participant.

When analyzing only the participants who do receive new convictions, the average number of new offenses (convictions) for the Comparison Group is slightly higher than the Cohort, during drug court. New offenses for the Comparison Group range from 1 to 4 new offenses during drug court as compared to 1 to 3 new convictions for the Drug Court Cohort.

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number of new convictions the participants acquire during drug court. For a full table of coefficients and significance see Table 6.30 in the appendix.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting the number of new convictions participants acquire. Completers have, on average 0.1 new offenses during drug court compared to 0.3 for non-completers. For a full table of coefficients and significance see Table 6.32 in the appendix.

Research Question 3: Are rates of recidivism lower for drug court participants within one year after drug court discharge?

Recidivism rates for all time from drug court start and within one year after drug court discharge show a 30% reduction in new charges, and 32% reduction in new convictions, for the Drug Court Cohort. Recidivism rates isolating new offenses after drug court discharge, but within one year, are not statistically significant. Further follow-up should examine recidivism rates beyond one year after drug court discharge.

When evaluating recidivism measures, few drug court evaluations focus primarily on "post program" recidivism – that is the reoffending rate for drug court participants after they have completed (successfully or not) drug court. The only post-program recidivism evaluation discussed in detail in the 2005 GAO Report is New York State's evaluation.[39] For this evaluation, the primary measure of recidivism is reflected in Research Question 1 – analyzing new offenses both during and after drug court.

There are limitations to this analysis isolating post-program recidivism. First, finding a comparable "program end date" for the comparison group proves difficult since the comparison group has no "end date" similar to drug court participants' graduation or unsuccessful discharge. Many comparison group participants who do not go to prison will be on probation for extended periods of time, and with varying levels of supervision. Second, those who are sent to prison may also be on supervised release after their release. Finally, participants may have already committed new offenses prior to the "end date" and are serving additional sentences for those new offenses or potentially become less likely to commit additional new offenses.

For this evaluation, the best possible approximation of an "end date" for the comparison group is calculated by adding 18 months to each comparison group participant's disposition date. Eighteen months was the average length of time participants were in drug court in 2008 when the evaluation plan was finalized. While this approach has limitations, it is used as the best feasible measure given the various programs, incarceration, or other intervention – or combination of interventions - received by each comparison group participant.

To provide additional insight, the Drug Court Cohort completers and non-completers are reported separately. Recidivism rates for participants within one year after drug court (including new offenses during drug court) are also provided. Finally, a group of participants in the Drug Court Cohort and Comparison Group with at least 3 years of time at-risk are compared to determine whether lower recidivism rates for drug court participants endure beyond two and one half years.

Key Measure 3a) Charge recidivism rates for participants within 1 year after drug court discharge

Less than one-third (28%) of the Drug Court Cohort is charged with a new offense between start date and one year after drug court as compared to 40% of the Comparison Group. Drug court participants who do commit new offenses within one year after drug court discharge split fairly evenly between during program recidivism (53%) and post-program recidivism (47%). Most comparison group participants (68%) committing new offenses do so within the first 18 months after their disposition date.

[39] Rempel, Michael et al. 2003. "The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts."

Charge Recidivism Rates After Discharge

The Drug Court Cohort has similar or smaller proportions of participants who are charged of new offenses, after drug court discharge, as compared to the Comparison Group. Participants are analyzed at six month intervals up to one year after discharge, with both intervals showing a similar or smaller proportion of drug court participants with new offenses. Six months after participants' start date 11% of participants in both groups are charged with a new offense. One year after discharge, 17% of the Drug Court Cohort has new charges as compared to 18% of the Comparison Group. A table showing the recidivism rates, of new charges, for both time intervals can be seen to the left.

Figure 6.6: Recidivism After Discharge - Charges

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	11%	11%	*611*	*464*
1 year	18%	17%	*588*	*407*

Results of the logistic regression show that drug court is not a statistically significant factor in predicting whether or not a participant is charged with a new offense within one year of discharge. For a full table of coefficients and significance, see the appendix.

Figure 6.7: Recidivism After Discharge – Charges for Drug Court Participants

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are charged with a new offense after drug court discharge. This is significant for both six months and one year after drug court discharge. For a full table of coefficients and significance, see Research Question 2, Table A in the **appendix**.

Interval	Completer	Non-Completer	*(N) CG*	*(N) Cohort*
6 months	5%	19%	*259*	*200*
1 year	7%	29%	*228*	*174*

Charge Recidivism Rates Within One Year After Discharge

Within one year after drug court discharge, 40% of the Comparison Group has been charged with a new offense as compared to 28% of the Drug Court Cohort either during or after drug court. Results of the logistic regression indicate that drug court is a statistically significant factor in predicting whether or not a participant is charged with a new offense during, and within one year after, drug court. For a full table of coefficients and significance, see the appendix.

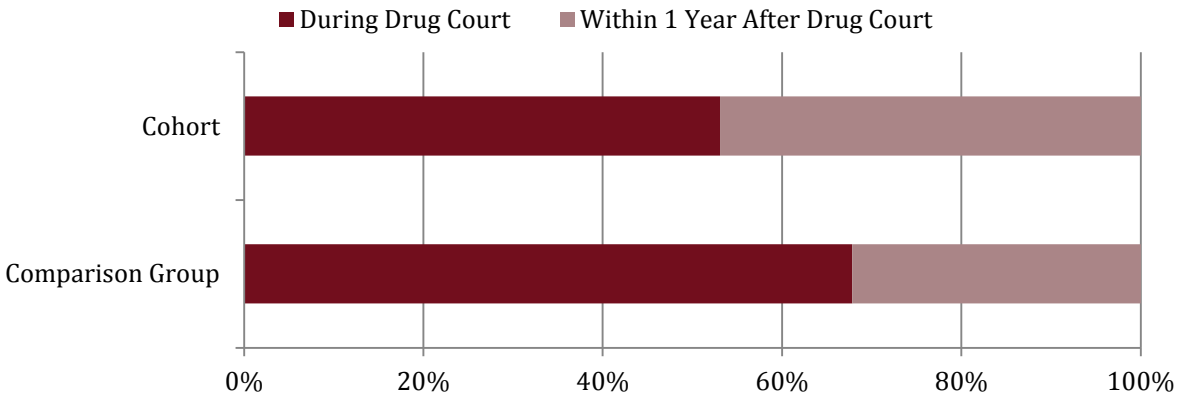
Figure 6.8: Recidivism Within 1 Year After Discharge – Charges

For those with a new offense, over two-thirds (68%) of the Comparison Group commit the offense during the drug court period (18 months after disposition date) as compared to approximately half (53%) of the Comparison Group. This indicates most (68%) Comparison Group participants who recidivate within one year after drug court discharge tend to do it during the first 18 months, rather than after the "drug court" discharge. Results for the drug court participants indicate that approximately

Interval	Comparison Group	Cohort
During Drug Court	**27%**	**15%**
One Year After Drug Court Discharge	**13%**	**13%**
Total Within 1 Year After Discharge	**40%**	**28%**

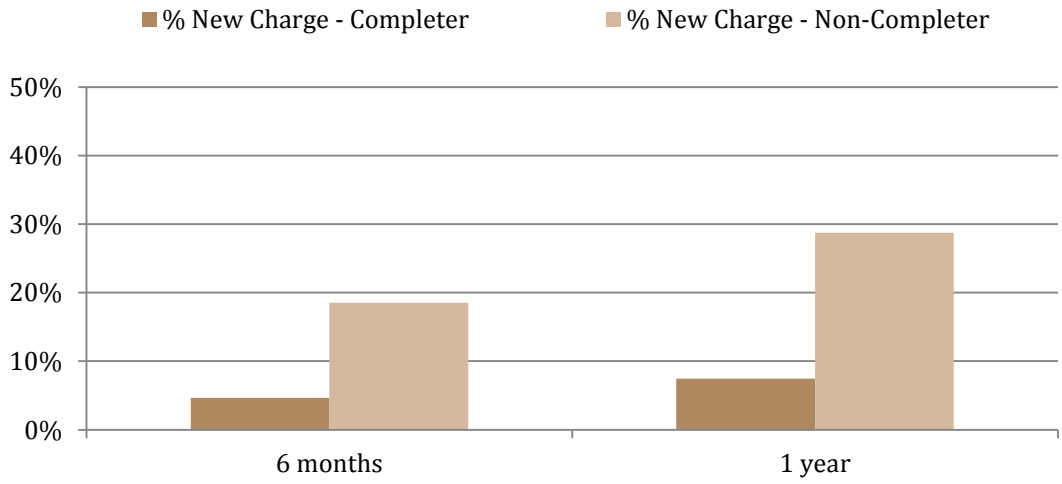
half (53%) of drug court participants who will recidivate within one year after drug court discharge will recidivate during drug court and approximately half (47%) after drug court discharge.

Figure 6.9: Recidivism Within 1 Year After Discharge – Charges Timeframe Committed



When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are charged with a new offense after drug court discharge. This is significant for both six months and one year after drug court discharge. For a full table of coefficients and significance, see the appendix.

Figure 6.10: Recidivism Within 1 Year After Discharge – Charges for Drug Court Participants



Charge Recidivism Rates – 3 Years After Start

Due to the limitations in comparing "post-program" recidivism of the Drug Court Cohort and the Comparison Group, as outlined above, additional analysis is included of a sub-group of the Drug Court Cohort and Comparison Group that have 3 years of time at risk, from start date (drug court entry/court disposition). A demographic profile of this subgroup can be found in the Appendix of Tables.

The Drug Court Cohort has smaller proportions of participants who are charged with new offenses, from start, as compared to the Comparison Group across all time intervals analyzed. Six months after drug court entry, 6% of drug court participants and 13% of comparison group participants are charged with a new offense. Two and one half years after start one-quarter (26%) of drug court participants have a new

charge as compared to 40% of comparison group participants. A figure showing the recidivism rates, of new charges, for all six month intervals can be seen below.

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is charged with a new offense across all time intervals. For a full table of coefficients and significance see the Appendix of Tables.

Figure 6.11: Recidivism 3 Years After Start – Subgroup of Participants

Time from Start	Comparison Group	Drug Court Cohort
6 months	13%	6%
1 year	22%	10%
1 ½ years	27%	16%
2 years	33%	19%
2 ½ years	37%	21%
3 Years	40%	26%

Key Measure 3b) Conviction recidivism rates for participants within 1 year after drug court discharge

Two in ten (21%) drug court participants are convicted of a new offense between start date and one year after drug court as compared to almost one-third (31%) of comparison group participants. Drug court participants from New York State's 6-court evaluation have similar or higher (12-30%) re-conviction rates as Minnesota (11%) within one year. In addition, Minnesota's completers have comparable re-conviction rates to New York State's 6-court evaluation rates (4-12%).

Figure 6.12: Recidivism After Discharge–Convictions

Time from Discharge	Comparison Group	Cohort	(N) CG	(N) Cohort
6 months	8%	8%	611	464
1 year	14%	13%	588	407

Conviction Recidivism Rates After Discharge

The Drug Court Cohort has similar or smaller proportions of participants who are convicted of new offenses, after drug court discharge, as compared to the Comparison Group. Six months after participants' discharge dates, 8% of participants in both groups are convicted of a new offense. One year after discharge, the Drug Court Cohort (13%) has a slightly lower proportion of new convictions, as compared to the Comparison Group (14%). A figure showing the recidivism rates, of new convictions, for both six month intervals can be seen below.

Results of the logistic regression show that drug court is not a statistically significant factor in predicting whether or not a participant is convicted of a new offense within one year of discharge. For a full table of coefficients and significance, see the appendix.

Figure 6.13: Recidivism After Discharge–Convictions – Drug Court Participants

Interval	Completer	Non-Completer	(N) CG	(N) Cohort
6 months	3%	15%	259	200
1 year	5%	24%	228	174

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are convicted of a new offense after drug court discharge. This is significant for

both six months and one year after drug court discharge. For a full table of coefficients and significance, see the appendix.

Conviction Recidivism Rates Within One Year After Discharge

Within one year after drug court discharge, 31% of the Comparison Group has been convicted of a new offense as compared to 21% of the Drug Court Cohort either during or after drug court. Results of the logistic regression indicate that drug court is a statistically significant factor in predicting whether or not a participant is convicted of a new offense during, and within one year after, drug court. For a full table of coefficients and significance, see the appendix.

Figure 6.14: Recidivism Within 1 Year After Discharge – Convictions

Interval	Comparison Group	Cohort
During Drug Court	21%	10%
One Year After Drug Court Discharge	10%	11%
Total Within 1 Year After Discharge	31%	21%

For those convicted of a new offense, over two-thirds (68%) of the Comparison Group commit the offense during the drug court period (18 months after disposition date) as compared to approximately half (48%) of the Comparison Group. This indicates most (68%) Comparison Group participants who recidivate within one year after drug court discharge tend to do it during the first 18 months, rather than after the "drug court" discharge. Results for the drug court participants indicate that approximately half (48%) of drug court participants who will recidivate within one year after drug court discharge will recidivate during drug court and approximately half (52%) after drug court discharge.

When isolating drug court participants, successful completion of drug court is a statistically significant factor predicting whether or not participants are convicted of a new offense after drug court discharge. This is significant for both six months and one year after drug court discharge. For a full table of coefficients and significance, see the appendix.

Figure 6.15: Recidivism Within 1 Year After Discharge – Convictions

Conviction Recidivism Rates – 3 Years After Start

Additional analysis is included below of a sub-group of the Drug Court Cohort and Comparison Group that have 3 years of time at risk, from start date (drug court entry/court disposition). A demographic profile of this subgroup can be found in the Appendix of Tables.

The Drug Court Cohort has smaller proportions of participants who are convicted of new offenses, from start, as compared to the Comparison Group across all time intervals analyzed. Six months after drug court entry, 4% of drug court participants and 9% of comparison group participants are convicted of a new offense. Three years after one in five (21%) drug court participants have a new conviction as compared to one-third (33%) of comparison group participants. A figure showing the reconviction rates for all six month intervals can be seen below.

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is convicted of a new offense across all time intervals. For a full table of coefficients and significance see the Appendix of Tables.

Figure 6.16: Recidivism 3 Years from Start – Convictions for Subgroup of Participants

Time from Start	Comparison Group	Drug Court Cohort
6 months	**9%**	**4%**
1 year	**16%**	**6%**
1 ½ years	**21%**	**12%**
2 years	**25%**	**13%**
2 ½ years	**30%**	**15%**
3 Years	**33%**	**21%**

Results by Research Question and Key Measure

Goal 2: Ensuring Participant Accountability

Ensuring participant accountability is central to the drug court goals. One of the objectives of drug courts in Minnesota is to "improve the quality of life for addicted offenders, their families, and communities" as stated in the Purpose section of the Minnesota Drug Court Standards. Participant accountability includes setting goals for participants to improve many aspects of their lives, including gaining employment, acquiring valid driver's licenses, holding stable housing, becoming sober, attending and completing treatment, and finally graduating from drug court.

Drug courts in Minnesota "promote recovery through a coordinated response to participants."[40] Since recovery is primary, significant efforts were made as part of this evaluation to obtain and analyze treatment information for participants. Through this process, information was also obtained on comparison group participants who received treatment, including treatment in prison. Even though the research questions and key measures related to Goal 2 are unique to drug court participants, measures related to treatment are compared to the comparison group where possible.

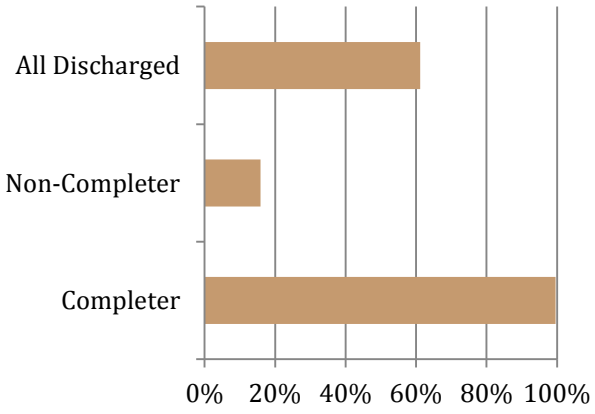
Of the 535 Drug Court Cohort participants, 93% were discharged as of June 30, 2011 (the end of the study). For most Goal 2 research questions, outcomes and analysis are based on status at discharge. For that reason participants who are not discharged before June 30, 2011 are excluded from these measures.

Research Question 4: Are drug court participants complying with treatment requirements?

Key Measure 4a) Proportion of drug court participants in compliance with treatment requirements

Almost two-thirds of discharged participants are compliant with their treatment requirements at discharge, with 99.6% of Completers completing their treatment requirements at discharge.

Figure 7.1: Compliance with Treatment Requirements



For all discharged participants, almost two thirds are compliant with their Drug Court's treatment requirements. The treatment requirements require the participant, at the time of discharge, to complete their engagement in treatment services, as required by their personal treatment plan.

Almost all (99%) completers complete their treatment requirements at graduation. Only one graduating participant is not in compliance with their treatment requirements.

However, less than two in ten terminated participants are in compliance with their treatment requirements.

[40] *Drug Court Standards,* Minnesota Judicial Council Policy No. 5.11(1) (July 20, 2007).

This also corresponds to Key Measure 6b, which shows over half of non-completers are terminated for non-compliance which includes repeated substance use. Over 84% of the participants terminated for participant non-compliance are also not in compliance with their treatment requirements. However, participants terminated for other reasons also had high rates of non-compliance with their treatment requirements (e.g. Voluntary Withdrawal - 93% not in compliance).

Some courts have high rates of compliance with treatment among non-completers. Several courts have over half of non-completers (up to 60%) in compliance with treatment requirements at discharge. However, several courts had zero non-completers who were compliant with their treatment requirements at discharge (see Table 7.2 in Appendix of Tables).

Research Question 5: Do drug court participants show improvement in community functioning?

Improvements in community functioning are mixed - with varying results for completers and non-completers as well as by the type of community functioning measure. Overall, discharged participants show improvement in most areas. Completers generally show improvement during drug court in most community functioning measures.

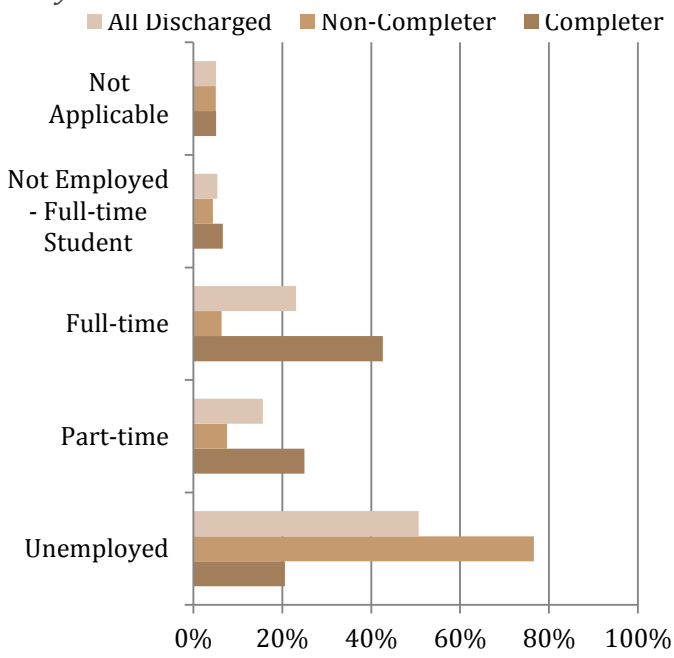
One-third (31%) of discharged participants, at discharge, are employed, have a diploma/GED, are renting/owning their residence, have a valid license, and are paying child support, if applicable.

One of the objectives of drug courts in Minnesota is to "improve the quality of life for addicted offenders, their families, and communities" as stated in the Purpose section of the Minnesota Drug Court Standards. To measure this improvement, all drug courts track progress of drug court participants on several community functioning areas.

Key Measure 5a) Proportion of drug court participants who were unemployed at entry and are employed at discharge

Half (49%) of discharged participants unemployed at entry are employed at discharge. Unemployment dropped from 62% at entry to 37% for all discharged participants. Completers are more likely to be employed or enrolled full-time as students at entry (44%) and at discharge (81%) than the non-completers (21% at entry, 27% at discharge).

Figure 7.2: Employment at Discharge – Unemployed at Entry

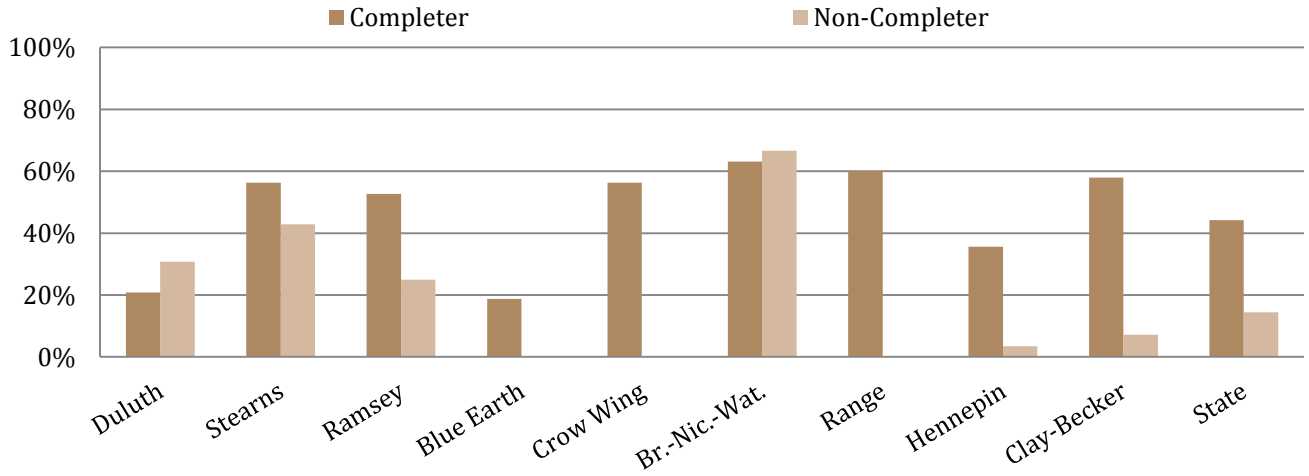


Most (62%) participants enter drug court unemployed. At discharge, one-third (37%) of participants are unemployed. At entry, one-third (34%) of the discharged participants are employed, at least part-time, or are full-time students. At discharge, over half (56%) of participants are employed, at least part-time, or in school. Additionally, one-third (33%) of discharged participants who are employed part-time have full-time employment at discharge.

Completers make the most significant improvements in gaining employment, starting with 52% unemployment at entry to 14% at discharge. Non-Completers overall decrease unemployment from 72% unemployed at entry to 65% at discharge.

Improvements in employment status for completers vary by court, ranging from 19% to 63% showing increases from part-time to full-time status or from unemployment to some form of employment. Improvements for non-completers vary even more, ranging from 0% to 67%. Several courts show higher rates of improvement for non-completers than completers, however completers overall showed more improvements than non-completers (44% for completers, 14% for non-completers across all courts).

Figure 7.3: % Participants with Improvement in Employment Status at Discharge - by Court

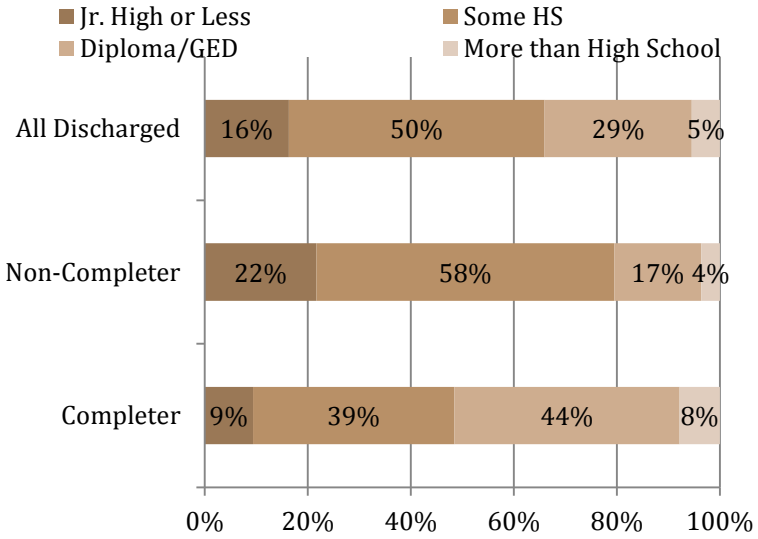


Key Measure 5b) Proportion of drug court participants with improvements in educational status from entry at discharge

Two in ten (21%) discharged participants increase their highest educational attainment while in drug court. Over half (52%) of completers without a diploma/GED at entry had at least a diploma/GED at discharge.

At entry, seven in ten (70%) discharged participants have their high school diploma or GED. At discharge, of the 30% of participants who did not have a diploma or GED, one-third (34%) have a diploma/GED and some have attended college or obtained a technical degree. Of all discharged participants, almost eight in ten (78%) leave drug court with a diploma/GED or post-secondary education. Twenty percent (21%) of discharged participants make some improvement in their highest level of education while in drug court.

Figure 7.4: Education at Discharge



Approximately nine in ten (87%) completers leave drug court with a diploma or GED. Almost one quarter (24%) of completers increase their highest level of education while in drug court. Fewer than one fifth (16%) of non-completers improve their education while in drug court. Of the non-completers who enter drug court without their diploma or GED, 21% at least obtain a diploma or GED during drug court. Two-thirds (66%) of drug court non-completers leave drug court with their diploma or GED.

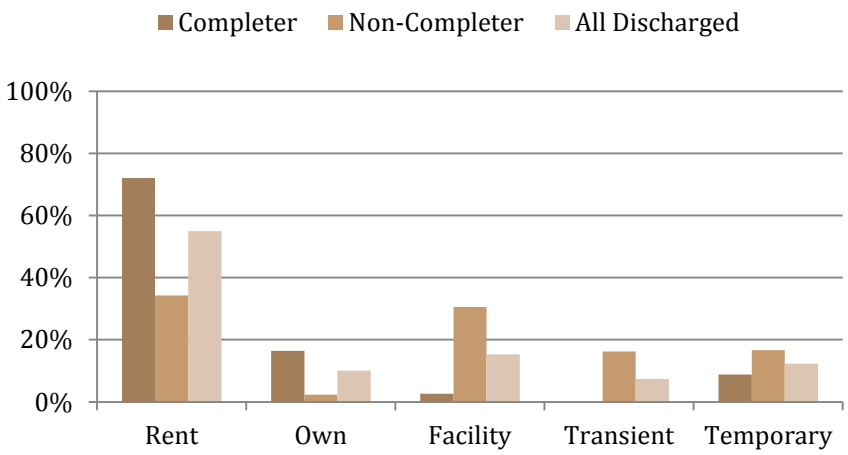
Key Measure 5c) Proportion of drug court participants who were homeless at entry and have a place to live at discharge

Almost half (46%) of discharged participants without a permanent home at entry rent or own their residence at discharge. For discharged participants homeless at entry, 78% have some other type of housing at discharge (e.g. facility, temporary), but 46% rent or own. Two-thirds (66%) of discharged participants rent or own their residence at discharge.

Half of discharged participants rent or own their residence upon entering drug court, with two-thirds (66%) of participants renting or owning their residence at discharge. Almost one in ten (7%) of discharged participants who rent their residence at discharge own their residence at discharge.

At entry, one-third (34%) of discharged participants are living in a facility, in temporary housing, or are homeless. Of those individuals without a permanent home (rent/own) at entry, 46% rent or own their residence at discharge. Completers (78%) who did not rent or own at entry are almost four times more likely to rent or own at discharge than the non-completers (20%).

Figure 7.5: Housing at Discharge



Completers are more likely than non-completers to rent or own their residence at entry. Over half (58%) of completers rent or own their home at entry, but only slightly over one-third (38%) of non-completers rent or own their home at entry. At discharge, completers (89%) are also more likely to rent or own their residence than non-completers (37%).

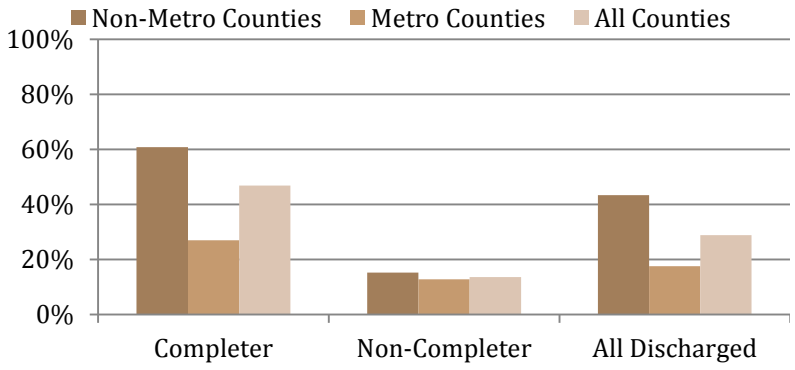
Non-completers (31%) are much more likely to be in a facility at discharge than completers (3%). Housing in a facility could include a mental health facility, sober housing, a halfway house, women's shelter, jail or correctional facility. Almost half (44%) of the non-completers discharged for criminal activity are housed in a facility at discharge.

Key Measure 5d) Proportion of drug court participants who did not have a valid driver's license at entry and have a valid driver's license at discharge

Almost one-third of discharged participants without a valid driver's license at entry have a valid driver's license at discharge. Slightly more than half (54%) of discharged participants leave drug court with a valid driver's license. Discharged participants in rural counties who enrolled in drug court without a valid license are more likely to leave drug court with a valid driver's license.

Slightly more than half (54%) of discharged participants have a valid license at discharge - or chose not to ever obtain a license[41] (72% of completers, 33% of non-completers). Over half (59%) of all discharged participants do not have a valid driver's license at entry, leaving 41% of participants with a valid license or never having obtained a driver's license. Completers have a higher proportion of participants with a valid license at entry (49%) than non-completers (32%). Slightly more than one in ten (14%) of non-completers who enter drug court without a valid license are discharged with a valid license and 22% of the non-completers who have a valid license at entry leave drug court with a cancelled, revoked, limited, or suspended license. Almost half (47%) of the completers who enter drug court without a valid license obtained one during drug court and only 3% of completers entering drug court with a valid license but are discharged with a cancelled, revoked, limited, or suspended license.

Figure 7.6: Valid Driver's License at Discharge

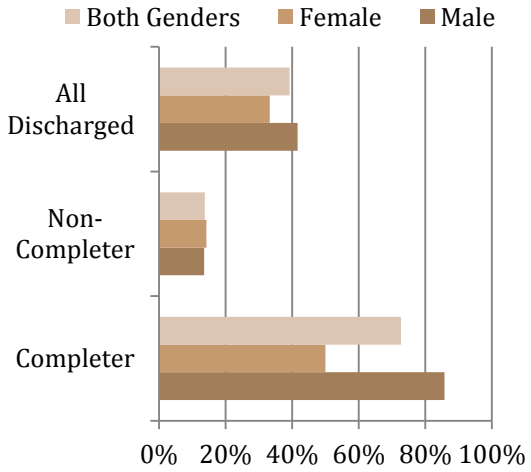


In addition to differences by graduation status, the ability to gain a valid license during drug court varies by metro and non-metro counties. Of the discharged participants in non-metro counties who do not have a valid license at entry, almost half (43%) obtain a valid license while in drug court as compared to 18% in the metro counties. Rates are also higher for completers (61% non-metro, 27% metro) and non-completers (15% non-metro, 13% metro).

Key Measure 5e) Proportion of drug court participants who were out of compliance with child support obligations at entry who are in compliance with obligations to pay child support at discharge

Over one-third (36%) of discharged participants who entered drug court out of compliance with required child support payments were paying child support at discharge. Half (52%) of discharged participants required to pay child support are making payments at discharge. A higher proportion of discharged males (42%) start paying child support by drug court discharge as compared to discharged females (33%).

Figure 7.7: % In Compliance with Child Support Payments at Discharge (Not Compliant at Entry) – by Gender



The last measure of community functioning is related to participants who have obligations to pay child support. The drug courts track whether participants are compliant with their obligations at entry and discharge from drug court. Compliance does not necessarily indicate that backlogs in child support have been fully paid, but instead that the current required payments are being made.

At discharge, half (52%) of discharged participants who are required to pay child support are compliant with their payments

[41] Overall, less than one in ten (9%) discharged participants chose not to ever obtain a license and had no license violations. Participants not obtaining a license but receiving license violations are characterized as "CONAX" and identified as having invalid licenses.

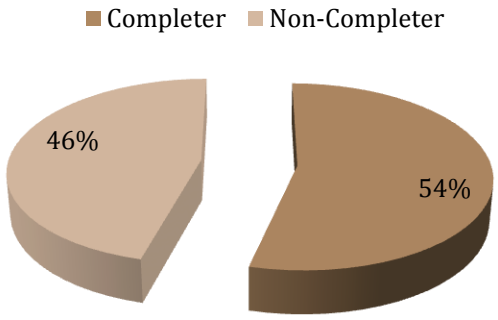
(79% of completers, 29% of non-completers). Of the discharged participants who are not in compliance at entry, 39% are at discharge (73% of completers, 14% of non-completers).

There are slight differences in all discharged participants across genders. One-third (33%) of female participants who are not compliant with child support payments at entry are compliant at discharge, compared to 42% of male participants. Differences across genders are seen for completers. Half (50%) of female completers became compliant with payments but 86% of male completers improved during drug court.

Research Question 6: How many drug court participants successfully complete the program?

Minnesota's graduation rate is 54% for all drug court participants in the Drug Court Cohort, which is comparable to other rates seen nationally (40-65%). For those unsuccessfully completing drug court, the most frequent reason (57%) for discharge is participant non-compliance resulting from repeated substance use, failure to make progress, unresolved mental health issues or failure to comply with drug court contracts.

Figure 7.8: Graduation Rate for Discharged Participants



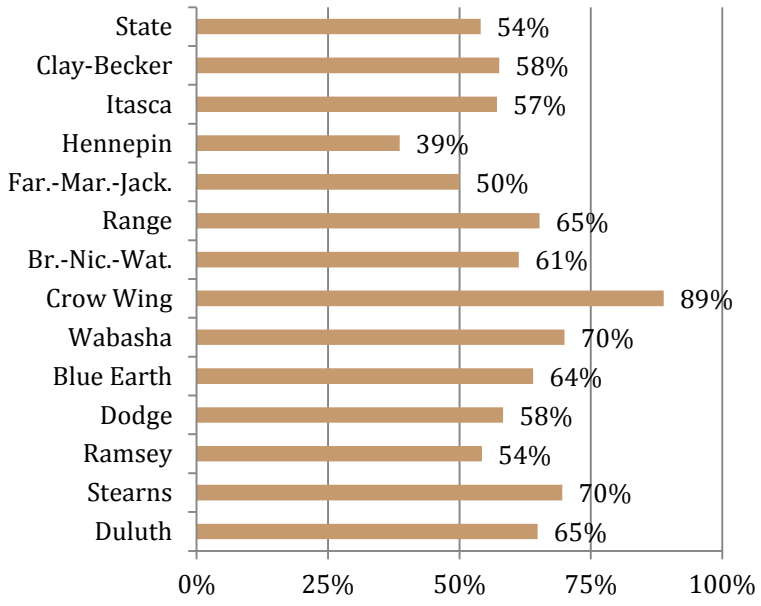
Key Measure 6a) Proportion of drug court participants who complete drug court (i.e. graduation rate)

The Minnesota graduation rate is 54%, indicating slightly over half of participants successfully complete requirements of drug courts. When isolating Hennepin County (40% of the Drug Court Cohort, 39% graduation rate) from the remaining courts, the Minnesota graduation rate increases to 62%.

Of the 535 Cohort participants, 498 were discharged as of June 30, 2011 (the end of the study). Over half (54%) of the discharged participants have completed drug court, making the graduation rate 54% for Drug Courts in Minnesota.

According to the National Drug Court Institute's 2011 Painting the Current Picture report, in 2008 the national average graduation rate was 53%. The rate "was substantially influenced by a small number of jurisdictions that were serving a small census (<500) of participants statewide." When analyzing larger courts only, the average graduation rate increases to 57%. The report indicates "[m]ost [survey] respondents reported graduation rates ranging from approximately 40% to 65% in their Drug Courts."[42]

Figure 7.9: Graduation Rates by Drug Court



Of the thirteen drug courts included in the evaluation with at least 10 discharged participants (see Analysis Notes), seven courts have graduation rates of over 60% (Crow Wing 89%, Stearns 70%, Wabasha 70%, St. Louis – Range 65%, St. Louis – Duluth 65%, Blue Earth 64%, and Brown-Nicollet-Watonwan 61%). Of these thirteen courts, only Hennepin County has a graduation rate lower than 50% (39%).

If Hennepin County were excluded from the

[42] Huddleston, West and Marlowe, Douglas, J.D., Ph.D. Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Court Programs in the United States (2011).

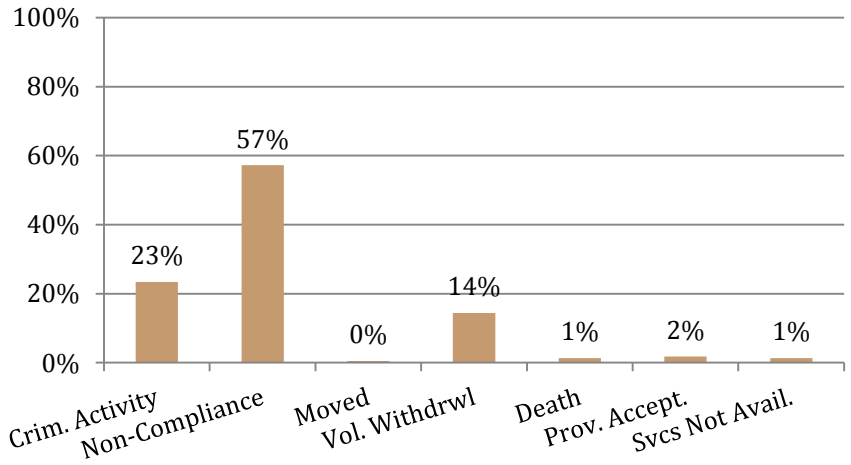
statewide total[43] the overall graduation rate would be 62%, showing 196 of 309 discharged participants graduating from drug court.

In analyzing the graduation rates for different racial groups, one important consideration is the impact of other characteristics of participants (e.g. criminal history, age, gender) as well as the drug court where they are enrolled (e.g. hybrid, adult, mandatory or not, etc.). For the analysis of graduation rates by race, Hennepin County is separated from the remaining courts. Graduation rates do vary for some racial groups. Black/African American participants have lower graduation rates in Hennepin County (32%) and in the other Minnesota drug courts (48%). However, while graduation rates are similar for Caucasian/White (65%) and other racial groups (63%) for most drug courts in Minnesota, Hennepin County's graduation rate for Caucasians/Whites is much higher (51%) than other racial groups (15%).

Key Measure 6b) Primary reason for unsuccessful drug court completion

The most frequent reason (57%) for unsuccessful drug court discharge is participant non-compliance resulting from repeated substance use, failure to make progress, unresolved mental health issues or failure to comply with drug court contracts. A higher proportion of Hennepin County participants are terminated due to criminal activity (29%) than in other Minnesota drug courts (18%).

Figure 7.10: Reasons for Unsuccessful Completion

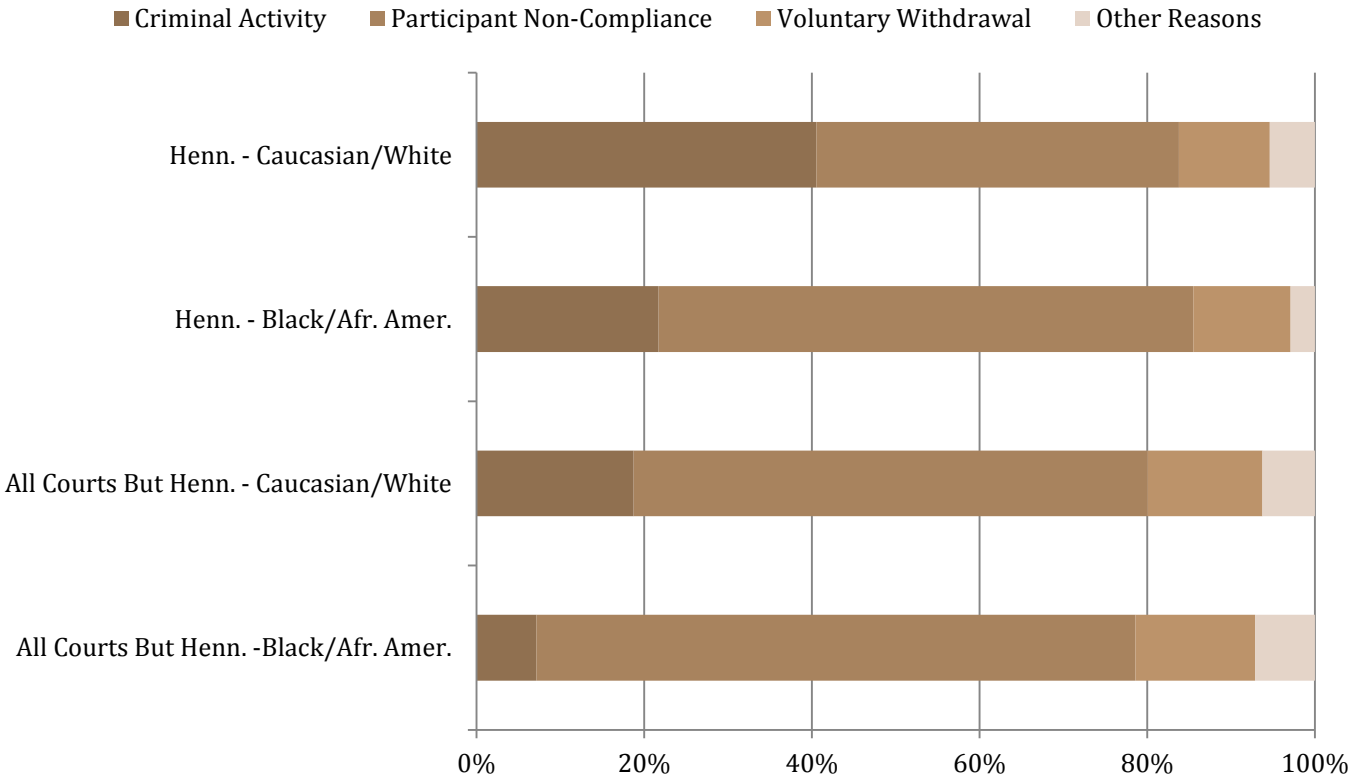


Over half (57%) of the participants who do not successfully complete drug court are terminated due to participant non-compliance. Non-compliance consists of repeated substance use, failure to make progress, unresolved participant mental health issues or non-compliance with the drug court contracts that lead to the termination of the client by the program.

Reasons for termination also vary by race and by court. Hennepin County[44] has a higher proportion of non-completers terminated due to criminal activity (29%) as compared to other Minnesota drug courts (18%). Four in ten (41%) Hennepin County Caucasian/White non-completers are terminated for criminal activity, which is twice the proportion for other courts (19%). Termination reasons for Caucasian/White and Black/African American non-completers are included below, by Hennepin County and other Minnesota courts.

[43] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information about why separate analyses may be conducted for this segment of the Drug Court Cohort.
[44] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information about why separate analyses may be conducted for this segment of the Drug Court Cohort.

Figure 7.11: Reasons for Unsuccessful Completion by Hennepin County and Race



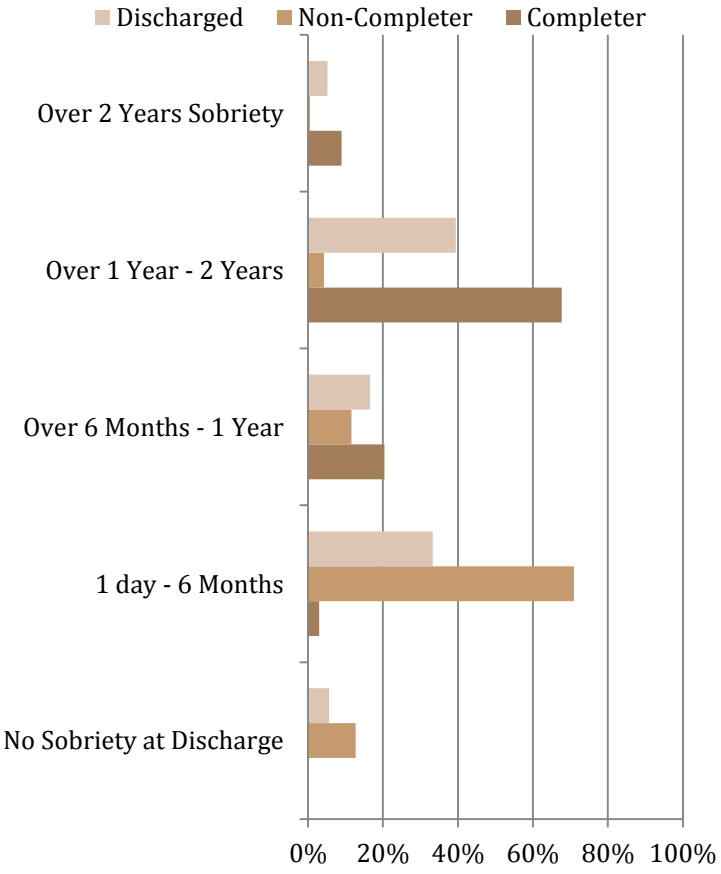
Research Question 7: How many days are drug court participants sober before discharge?

Key Measure 7a) Average number of days since last known use prior to discharge for drug court participants

Discharged drug court participants have, on average, over 10 months of sobriety at discharge. Completers, on average, have over 16 months of sobriety at discharge and all completers have at least 90 days of sobriety. One in ten (13%) non-completers has no sobriety at discharge, but over one-third of non-completers have at least 6 months of sobriety at discharge.

Minnesota Drug Court Standards require "random, frequent, and observed alcohol and other drug testing" of drug court participants. One measure of participant sobriety is the total amount of days that have passed, at discharge, since the drug court team has knowledge of substance use. Drug courts track this information in the Offender Drug Court Tracking Sheet.

Figure 7.12: Days Since Last Known Use at Discharge



Half (48%) of all discharged participants have at least one year of sobriety at discharge. Only 6% of participants had zero days of sobriety, with 15% having 10 days or less, at discharge. When isolating completers, the total percent of participants with at least one year of sobriety at discharge increases to 82%.

On average, discharged participants have 312 days since their last known substance use – approximately 10 months. Completers have 491 days since their last known substance use – or 16 months. Additionally, all completers have at least 90 days of sobriety at discharge.

Many of the non-completers also have some sustained sobriety at discharge. On average, non-completers have 91 days of sobriety at discharge – or 3 months. Of the non-completers who are terminated for participant non-compliance, over one quarter (28%) have over 90 days of sobriety.

The drug court with the highest average (mean) days of sobriety for all discharged participants is Crow Wing County with 553 – or over 18 months. Crow Wing County also has a higher proportion of completers than non-completers (see Key Measure 6b), which contributes to the higher average days of sobriety for all discharged participants.

The courts with the lowest average days of sobriety for discharged participants are St. Louis – North/Range and Hennepin County with 242 and 205, respectively. While Hennepin County has a lower graduation rate, St. Louis – North/Range has a higher-than-average graduation rate. The median days of sobriety for St. Louis – North/Range is much higher at 1 year of sobriety at discharge. One-third of the St. Louis-

North/Range discharged participants have zero days of sobriety, which brings down the total average days of sobriety for participants in that drug court.

Research Question 8: Do drug court participants succeed in treatment?

Almost all (94%) drug court participants receive treatment during drug court. More than three-quarters (80%) of discharged participants complete at least one treatment episode during drug court. Discharged participants participant in treatment one-third (35%) of their days enrolled in drug court. Discharged participants show the highest treatment episode completion rates for participants whose primary dependence is Methamphetamines (76%) and Cocaine powder (68%).

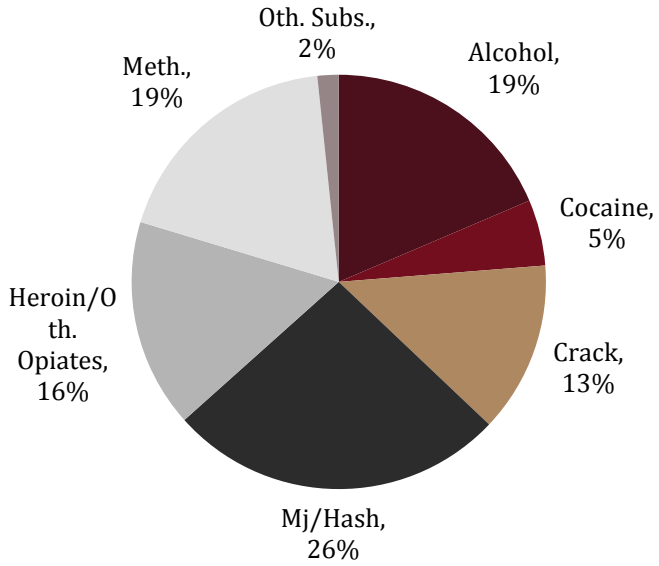
Drug court participants receive more treatment than the Comparison Group. Drug court participants have a 34% increase in treatment received over the comparison group, and drug court participants are over one and one half times as likely to complete a treatment episode as the comparison group (80% Drug Court Cohort; 49% Comparison Group). Treatment completion rates, per episode, however, are similar for the two groups (61% Drug Court Cohort; 63% Comparison Group). Drug court participants receive over two times as much treatment as comparison group participants (2.3 episodes Drug Court Cohort; 1.1 episodes Comparison Group).

Key Measure 8a) Proportion of drug court participants who receive treatment during drug court

Almost (94%) all drug court participants receive some type of treatment during drug court. Seven in ten (70%) comparison group participants receive treatment within 18 months of their disposition date. Drug court participants participate in 2.3 average treatment episodes during drug court compared to 1.1 for the Comparison Group.

Treatment is an integral part of drug court for most participants. While some drug court participants receive treatment prior to drug court, almost all (94%) discharged participants receive treatment as part of drug court. All of these discharged participants receive treatment from a DHS licensed facility rather than in prison[45]. Some drug court participants who go to prison also receive treatment in prison, but no drug court participants only receive treatment in prison.

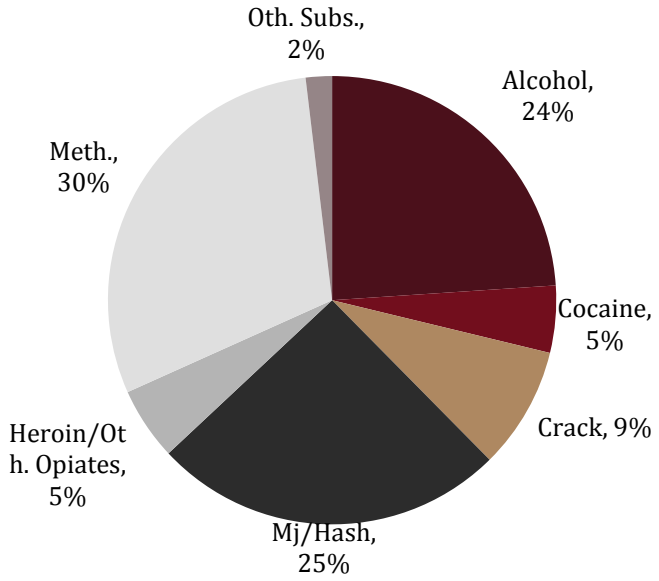
Figure 7.13: Primary Substance at Issue – Discharged Drug Court Participants Receiving Treatment



For the comparison group participants, two-thirds (65%) receive treatment from a DHS facility, with an additional 5% receive treatment in prison within 18 months of their disposition date. Some comparison group participants receive treatment both from a DHS licensed facility and in prison during that time period as well. One in ten (9%) comparison group participants receiving treatment in prison participate in more than one treatment program, resulting in an average of 1.2 treatment admissions per participant. Almost three-fourths (71%) of prison treatment admissions are completed.

[45] The DAANES system maintained by the Minnesota Department of Human Services contains treatment admission and discharge information from all facilities in Minnesota that receive any state or federal funds. Prisons and veteran's hospitals are exempt from reporting through DAANES as they report directly to the federal government.

Figure 7.14: Primary Substance at Issue –Comparison Group Participants Receiving Treatment



Excluding prison treatment, discharged drug court participants receiving treatment receive an average of 2.3 treatment admissions while in drug court compared to 1.1 for the comparison group participants (within 18 months of their disposition date). Discharged drug court participants have a higher proportion of treatment admissions with primary substances addressed of Crack (13%), and Heroin/Methadone/Other Opiates/Synthetics (16%) than the comparison group (9% and 5%, respectively). Conversely, the comparison group has a higher proportion of treatment episodes in which the primary substances addressed are Methamphetamine (30%) and Alcohol (24%) than the discharged drug court participants (19% and 19% respectively).

Key Measure 8b) Proportion of drug court participants who successfully complete a treatment episode during drug court

Eight in ten (80%) discharged drug court participants complete at least one treatment episode during drug court. Half (49%) of the Comparison Group complete a treatment episode within 18 months of their disposition date. Completion rates, per episode, are similar for the groups (61% Drug Court Cohort; 63% Comparison Group).

While 94% of discharged drug court participants and 70% of comparison group participants receive treatment, not all complete treatment. Of those receiving treatment, 85% of the discharged drug court participants and 76% of the comparison group participants complete at least one of their treatment episodes. In total, eight in ten (80%) discharged drug court participants complete treatment while in drug court compared to half (49%) of comparison group participants. When looking at all treatment admissions, however, drug court participants and comparison group participants have similar overall completion rates (61% drug court, 63% comparison group). While drug court participants receive more treatment (i.e. more admissions), they complete a similar proportion of those treatment episodes as the comparison group participants. However, since discharged drug court participants receive more treatment, more are likely to leave drug court with at least one treatment episode completion. Thus, a higher proportion of discharged drug court participants leave drug court having completed some type of treatment as compared to the comparison group.

Inpatient treatment completion rates show 11% increase in completion rates over outpatient treatment for all participants. Discharged drug court participants have slightly higher completion rates (70%) than the Comparison Group (62%). Outpatient treatment completion rates are 58% for the Comparison Group and 59% for discharged drug court participants. Over one-quarter (28%) of the Comparison Group who receive treatment receive both inpatient and outpatient treatment as compared to one-third (33%) of discharged drug court participants.

Non-completers (96%) are slightly more likely than completers (92%) to attend treatment while in drug court. However, completers are more likely than non-completers to successfully complete a treatment episode while in drug court (98% completers complete, 70% non-completers). Of the discharged drug

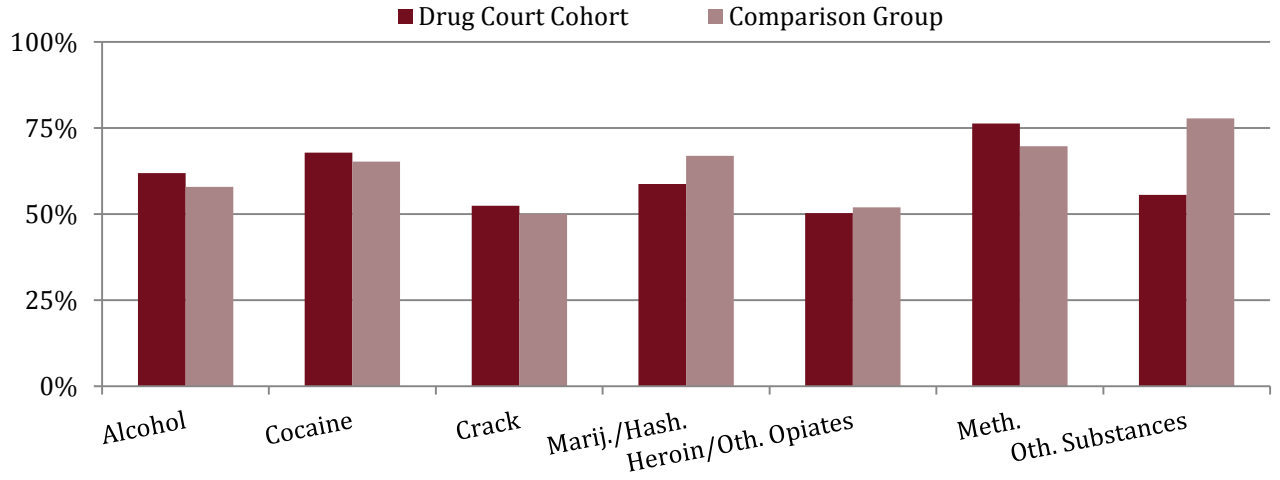
court participants receiving inpatient treatment[46] 95% of completers complete the treatment compared to 83% of non-completers.

Key Measure 8c) Treatment completion rates by primary substance of dependence/abuse

Treatment completion rates are highest for participants when Methamphetamine (76% Drug Court Cohort; 70% Comparison Group) and Cocaine powder (68% Drug Court Cohort; 65% Comparison Group) are the primary substances.

Treament episode completion rates vary by the primary substance at issue for the treatment episode. For example, when Cocaine (powder) is the primary substance at issue in the treatment episode, the discharged drug court participants show 68% completion of the treatment episode compared to 65% of the comparison group admissions addressing cocaine powder as the primary substance at issue. However, when Crack Cocaine is the primary substance at issue, the completion rate is 52% for the discharged drug court participants compared to 50% for treatment admissions in the comparison group. Treatment episode completion rates vary by drug and, for some drugs, by participant type.

Figure 7.15: % of Treatment Admissions Completing Treatment by Primary Substance



Key Measure 8d) Proportion of drug court days participants participate in treatment

Discharged participants participate in treatment one-third (35%) of their days in drug court. Non-completers generally spend a higher proportion of their treatment days in treatment with room and board (41%) than completers (26%)

Coordinators track the total number of days participants spend in some type of treatment, while they are in drug court (see Tracking Sheet). Discharged drug court participants spend, on average, one-third (35%) of their days in drug court receiving some type of treatment (e.g. inpatient, outpatient, continuing care). Discharged participants spend, on average, 160 days receiving some type of treatment. Completers (187 days) spend almost one and one half times as many days in treatment as non-completers (128), but also

[46] Inpatient treatment, for purposes of this measure, includes Hospital Inpatient and Residential Inpatient Treatment for less than 30 days.

spend one and one half times as many days in drug court (Completers 568 days, Non-Completers 391 days).

Treatment days are categorized as treatment with room and board (e.g. hospital, inpatient treatment) and treatment without room and board (e.g. outpatient, continuing care). Discharged participants spend more treatment days (68%) in treatment without room and board than treatment with room and board (32%). However, non-completers spend more than half (59%) of their treatment days in treatment with room and board, as compared to the completers who spend almost three-fourths of their treatment in treatment without room and board (74%).

Chapter 8 Reducing Costs to Society Results – Incarceration Use & Costs

Results by Research Question and Key Measure

Goal 3: Reducing Costs to Society

The primary 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."[47] The research questions related to the goal of Reducing Costs to Society measures the frequency and extent to which drug court participants are incarcerated in jail, prison, and the combination.

These research questions are measured by a combination of descriptive and statistical information. The incarceration rates and average number of days incarcerated are reported for the appropriate measures. In determining whether inclusion in drug court is a factor explaining the difference between incarceration rates, a logistic regression model is used. Variables originally included in the propensity score regression are included again as factors that may influence whether or not an individual is incarcerated. The model is also used to determine whether the difference between the two groups is meaningful. Additionally, to determine whether inclusion in drug court is a factor explaining the difference between the average numbers of days incarcerated for each group, a linear regression model is used. Variables originally included in the propensity score regression are included again as factors that may influence the amount of incarceration days an individual serves. The model is also used to determine whether the difference between the two groups is meaningful.

For each key measure descriptive results (e.g. incarceration rates) and regression results (whether drug court has an impact, and whether that impact is statistically significant) are provided. Additional tables with more information are included in the appendix.

Research Question 9: Are drug court participants spending less time in jail and prison?

Incarceration rates for drug court and comparison group participants are similar. A higher proportion of comparison group participants spend time in prison, but a slightly higher proportion of drug court participants spend time in jail.

Drug court participants spend less time in prison than the comparison group participants after their respective start dates. However, drug court participants spend more time in jail than comparison group participants in a similar time frame. If Hennepin County, which comprises 40% of the Drug Court Cohort, is analyzed separately, other Minnesota drug court participants spend less time in jail than non-Hennepin comparison group participants, a difference that is statistically significant. In analyzing all incarceration time, drug court participants spend, on average, fewer days incarcerated, than the comparison group participants.

When isolating time incarcerated after drug court, drug court participants are more likely to spend time in prison, and for more days, than the comparison group.

Factors Impacting Incarceration

Many factors impact the amount of time a participant is incarcerated during the study period. Some of the common factors are arrests for new offenses, sentences imposed by the court, and sanctions for refusing to follow the court's order (e.g. probation violations, drug court sanctions). This analysis does not attempt to

[47] *Drug Court Standards,* Minnesota Judicial Council Policy No. 5.11(1) (July 20, 2007).

identify the source or reason for incarceration other than to determine if the participants in the Drug Court Cohort are incarcerated more or less than the Comparison Group. The Comparison Group is selected to be similar to the Drug Court Cohort on key criteria such as criminal history, current offense type and level, age, race, and gender. The research questions regarding incarceration time then aim to understand whether drug court, versus "business-as-usual", has any impact on the jail and prison days served over time.

While sentencing practices have a significant impact on the incarceration time (prison time in particular) served by participants, other factors, such as varying criminal justice programs and interventions, may also have an impact on the incarceration time of participants. Some counties may employ diversion or other programs with felony offenders that may impact jail or prison time served. This evaluation does not intend to understand whether drug courts have more or less of an impact than any specific intervention (e.g. program, prison). The local or judicial criminal justice system responses across the state are not being evaluated in comparison to drug court. The question answered here is simply whether or not participants who go to drug court spend fewer days incarcerated over a period of time than those who do not receive drug court. Whether the pronounced sentences are longer or shorter sentences is not determinative, or even predictive in many circumstances, of the total days an individual actually serves in jail or prison.

Key Measure 9a) Proportion of participants incarcerated in jail from 2 ½ years after admission/disposition date for participants

Drug court and comparison group participants have similar jail incarceration rates, meaning similar proportions of participants receive at least 1 day in jail 2 ½ years after drug court acceptance (81% Drug Court Cohort; 80% Comparison Group). Results are not statistically significant. Completers show a 22% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

The Drug Court Cohort has similar, or higher, proportions of participants who are incarcerated in jail as compared to the Comparison Group within two and one half years from drug court acceptance. Participants are analyzed at six month intervals, with each interval showing a similar or larger proportion of drug court participants with jail time. At the end of two and one half years, the proportion of the Drug Court Cohort who receive some incarceration time in jail (81%) is similar, but slightly higher than, the Comparison Group (80%). A table showing the incarceration rates, for jail only, for each six month interval can be seen below.

Figure 8.1: % Incarcerated in Jail from Start Date

Time From Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	62%	68%	*644*	*535*
1 year	70%	76%	*644*	*535*
1 ½ years	75%	79%	*644*	*535*
2 years	77%	81%	*644*	*535*
2 ½ years	80%	81%	*644*	*535*

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is incarcerated in jail within 6 months and 1 year after drug court. However, drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated in jail for the remaining time intervals, including two and one half years after drug court start. For a full table of coefficients and significance see Table 8.3 in the appendix.

When isolating drug court participants, results indicate completers are less likely to be incarcerated across all time intervals through two and one half years. Two and one half years after drug court acceptance, completers show a 22% reduction in incarceration as compared to the non-completers (72% Completers; 92% Non-Completers). These results are statistically significant.

Key Measure 9b) Average number of days in jail for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend more days, on average, in jail than comparison group participants 2 ½ years after drug court acceptance. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show statistically significant fewer days incarcerated in jail than the comparison group participants outside Hennepin County. Drug court completers (23 days) show 80% reduction in jail days served over the non-completers (127 days).

Since most participants spend some time in jail, the extent to which the participants are incarcerated in jail is analyzed. The average number of days drug court participants are incarcerated in jail is similar or higher than the average number of days for the comparison group participants for all time intervals analyzed, including two and one half years after start date. Half of participants in both groups have less than 30 days incarcerated in jail (52% Drug Court Cohort; 53% Comparison Group) during the two and one half years following start date. When isolating those who are incarcerated, slightly less than half spend 30 days in jail or less (41% for each group), but a slightly higher percentage of drug court participants (20%) spend at least 8 months in jail as compared to 14% of the Comparison Group.

Figure 8.2: Average Number of Days Incarcerated in Jail from Start Date

Time From Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	21	22	*644*	*535*
1 year	34	40	*644*	*535*
1 ½ years	43	54	*644*	*535*
2 years	51	66	*644*	*535*
2 ½ years	60	74	*644*	*535*

Results of the linear regression show that drug court is not a statistically significant factor in predicting differences in the number days the participants are incarcerated through the first year after their start date. However, drug court is a significant factor in predicting more jail time for drug court participants for the time intervals from one and one half years to two and two half years after start date. For a full table of coefficients and significance see Table 8.7 in the appendix.

When isolating drug court participants, results indicate completers have significantly less average days in jail across all time intervals analyzed. Two and one half years after drug court acceptance, non-completers spend over five and one half times as much time in jail as the completers (23 days Completers; 127 days Non-Completers). These results are statistically significant.

To better understand differences in jail time across drug courts, Hennepin drug court and comparison group participants are separated[48] from participants from other counties. When analyzing drug court participants, excluding Hennepin County, to non-Hennepin County comparison group participants, the drug court participants spend 42 days in jail as compared to 58 for the Comparison Group within two and one half years after their start date. This difference in the number of days participants spend in jail is statistically significant for all six month intervals analyzed, except for two years after start date. This demonstrates that for drug court participants, outside of Hennepin County, participation in drug court is a statistically significant factor in predicting less jail time two and one half years after drug court start date or disposition date for the comparison group. Moreover, each six month interval analyzed (with the exception of two years after start date) show drug courts are a statistically significant factor indicating fewer days in jail for drug court participants than comparison group participants.

[48] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

Conversely, Hennepin County drug court participants spend over one and one half times as much time in jail (121 days, on average) as the Hennepin County comparison group participants (70). This difference is also statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting more jail time for drug court participants than the comparison group.

Key Measure 9c) Proportion of participants incarcerated in prison from 2 ½ years after admission/disposition date for participants

Drug court participants have lower prison incarceration rates 2 ½ years after drug court acceptance (30% Drug Court Cohort; 38% Comparison Group). Results are statistically significant. Completers show 51% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

The Drug Court Cohort has a lower proportion of participants who are incarcerated in prison as compared to the Comparison Group. Participants are analyzed at six month intervals, with each interval showing a similar or larger proportion of the Comparison Group in prison.

At the end of two and one half years, 30% of the Drug Court Cohort spends some incarceration time in prison as compared to 38% of the Comparison Group. A table showing the incarceration rates, for prison only, for each six month interval can be seen below.

Figure 8.3: % Incarcerated in Prison from Start Date

Time From Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	26%	12%	*644*	*535*
1 year	29%	16%	*644*	*535*
1 ½ years	33%	22%	*644*	*535*
2 years	36%	24%	*644*	*535*
2 ½ years	38%	30%	*644*	*535*

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is incarcerated in prison for all intervals up to one and one half years after drug court. However, drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated in prison for two or two and one half years after drug court start. For a full table of coefficients and significance see Table 8.15 in the appendix.

When isolating drug court participants, results indicate completers are less likely to be imprisoned across all time intervals through two and one half years. Two and one half years after drug court acceptance, only 2% of completers spend some time in prison compared to over half (53%) of the non-completers. Not all results are statistically significant, but results at two and one half years are statistically significant.

Key Measure 9d) Average number of days in prison for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend fewer days in prison than comparison group participants 2 ½ years after drug court acceptance. These results are statistically significant. Drug court completers spend virtually no time in prison (1 day) within 2 ½ years as compared to non-completers (93).

Most participants, in both groups, do not spend time in prison within two and one half years of their start date. The average number of days incarcerated in prison for the Drug Court Cohort is higher than the average number of days for the Comparison Group for all time intervals analyzed, including two and one half years after start date. In the two and one half years after start date, drug court participants spend, on average, less than half (52 days) of the time in prison of comparison group participants (121). Most drug

court participants who do spend time in prison spend one year or less in prison (84%) as compared to less than two-thirds (65%) of the Comparison Group during the two and one half years following start date.

Figure 8.4: Average Number of Days Incarcerated in Prison from Start Date

Time from Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	30	2	*644*	*535*
1 year	60	14	*644*	*535*
1 ½ years	84	27	*644*	*535*
2 years	105	41	*644*	*535*
2 ½ years	121	52	*644*	*535*

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number days the participants are incarcerated in prison for all time intervals through two and one half years after start date. For a full table of coefficients and significance see Table 8.19 in the appendix.

When isolating drug court participants, results indicate completers spend fewer days in prison, on average, across all time intervals analyzed. Not all results are statistically significant. Two years after drug court acceptance, non-completers spend 93 average days in prison compared to 1 day for completers (these results are statistically significant).

Key Measure 9e) Proportion of participants incarcerated (jail and prison) from 2 ½ years after admission/disposition date for participants

Drug court and comparison group participants have similar incarceration rates 2 ½ years after drug court acceptance (83% Drug Court Cohort; 85% Comparison Group). Results are not statistically significant. Completers show a 25% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

When combining all incarceration – jail and prison – the Drug Court Cohort has a similar proportion of participants who are incarcerated as the Comparison Group. Participants are analyzed at six month intervals, with each interval showing a similar as the Comparison Group. At the end of two and one half years, 83% of each group spends some time incarcerated. A table showing the incarceration rates for each six month interval can be seen below.

Figure 8.5: % Incarcerated in Jail and/or Prison from Start Date

Time From Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	68%	68%	*644*	*535*
1 year	77%	77%	*644*	*535*
1 ½ years	81%	80%	*644*	*535*
2 years	83%	83%	*644*	*535*
2 ½ years	85%	83%	*644*	*535*

Results of the logistic regression show drug court is not a statistically significant factor predicting if a participant is incarcerated within two and one half years after the start of drug court (and all other time intervals). For a full table of coefficients and significance see Table 8.23 in the appendix.

When isolating drug court participants, results indicate completers are less likely to be imprisoned across all time intervals through two and one half years. Two and one half years after drug court acceptance, completers show a 25% reduction in incarceration as compared to the non-completers (72% Completers; 96% Non-Completers). All results are statistically significant.

Key Measure 9f) Average number of days incarcerated (jail and prison) for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend almost one and one half times fewer days incarcerated than comparison group participants 2 ½ years after drug court acceptance (126 Drug Court Cohort; 181 Comparison Group). These results are statistically significant. Drug court completers (25 days) spend almost 10 times fewer days incarcerated than non-completers (245).

While the proportion of participants incarcerated within two and one half years after start date is similar across both groups, the number of days incarcerated varies by group. The average number of days incarcerated for the Drug Court Cohort within two and one half years (126) is almost one and one half times less than the average number of days for the Comparison Group (181). Across all time intervals the average number of days incarcerated for the Drug Court Cohort is less than the Comparison Group. When isolating only those who are incarcerated, the average number of days for the Comparison Group (214) is still almost one and one half times as much as the Drug Court Cohort (151).

Figure 8.6: Average Number of Days Incarcerated from Start Date

Time From Start Date	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	52	24	*644*	*535*
1 year	94	54	*644*	*535*
1 ½ years	127	81	*644*	*535*
2 years	156	107	*644*	*535*
2 ½ years	181	126	*644*	*535*

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number days the participants are incarcerated for all time intervals through two and one half years after start date. For a full table of coefficients and significance see Table 8.22 in the appendix.

When isolating drug court participants, results indicate completers spend less average days incarcerated in jail and prison across all time intervals analyzed. All results are statistically significant. Two and one half years after drug court acceptance, non-completers spend almost ten times as many days incarcerated as completers (25 completers; 245 non-completers).

Key Measure 9g) Proportion of participants incarcerated in jail during drug court

Drug court and comparison group participants have similar jail incarceration rates during drug court (77% Drug Court Cohort; 75% Comparison Group). Results are not statistically significant. Completers show a 24% reduction in incarceration rates over non-completers during drug court, a reduction that is statistically significant.

The Drug Court Cohort has a slightly higher proportion of participants who are incarcerated in jail as compared to the Comparison Group during drug court. Three-fourths of participants receive some jail time during drug court (within 18 months for the comparison group) (77% Drug Court Cohort; 75% Comparison Group).

Figure 8.7: % Incarcerated During Drug Court

Type of Incarceration	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
Prison	29%	2%	*644*	*441*
Jail	75%	77%	*644*	*441*
All Incarceration	81%	77%	*644*	*441*

Results of the logistic regression show that drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated in jail during drug court. For a full table of coefficients and significance see Table 8.31 in the appendix.

When isolating drug court participants, results indicate completers are less likely to be incarcerated in jail during drug court. Completers show a 24% reduction in incarceration as compared to the non-completers (67% Completers; 88% Non-Completers). The difference in the proportion of participants incarcerated is statistically significant.

Key Measure 9h) Average number of days in jail for participants during drug court

Drug court and comparison group participants spend similar days in jail during drug court (45 Drug Court Cohort; 43 Comparison Group). These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show statistically significant fewer days incarcerated in jail (23) than the comparison group participants outside Hennepin County (41). All drug court completers (21 days) spend three and one half times fewer days incarcerated than all non-completers (74), a statistically significant difference.

Since most participants spend some time in jail during drug court, the extent to which the participants are incarcerated in jail is analyzed. Drug court participants spend slightly more days (45), on average, incarcerated in jail during drug court, than the comparison group participants (43). Half of participants who spend time in jail during drug court serve less than 30 days (53% Drug Court Cohort; 50% Comparison Group). However, approximately 15% in both groups spend at least 4 months in jail during drug court (15% Drug Court Cohort; 14% Comparison Group).

Results of the linear regression show that the difference in the number of days drug court participants spend in jail, as compared to the Comparison Group, is not statistically significant. Therefore, drug court is not a statistically significant factor in predicting differences in the number days the participants are incarcerated in jail during drug court. For a full table of coefficients and significance see Table 8.35 in the appendix.

When isolating drug court participants, results indicate non-completers spend three and one half times as many days incarcerated in jail as the completers during drug court (21 days completers, 74 days non-completers). The difference in the proportion of participants incarcerated is statistically significant.

To better understand differences in jail time across drug courts during drug court, Hennepin drug court and comparison group participants are separated[49] from participants from other counties. When analyzing drug court participants, excluding Hennepin County drug court and comparison group participants, the drug court participants spend 23 days in jail as compared to 41 for the Comparison Group during drug court. This difference in the number of days participants spend in jail is statistically significant. This

[49] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

demonstrates that for drug court participants outside of Hennepin County participation in drug court is a statistically significant factor in predicting less jail time during drug court.

Conversely, Hennepin County drug court participants spend more days in jail (80), on average, than the Hennepin County comparison group participants (55). This difference is also statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting more jail time for drug court participants than the comparison group, during drug court.

Key Measure 9i) Proportion of participants incarcerated in prison during drug court

Drug court participants have significantly lower prison incarceration rates during drug court (2% Drug Court Cohort; 29% Comparison Group). Results are statistically significant. Completers (1%) are less likely to spend time in prison than non-completers (4%), but the difference is not statistically significant.

The Comparison Group's prison incarceration rate is almost 15 times the rate of the Drug Court Cohort. Almost one-third of the Comparison Group (29%) is incarcerated in prison during drug court as compared to 2% of the Drug Court Cohort.

Results of the logistic regression show that drug court is a statistically significant factor in predicting whether or not a participant is incarcerated in prison during drug court. For a full table of coefficients and significance see Table 8.43 in the appendix.

When isolating drug court participants, results indicate completers are less likely to be imprisoned during drug court (1% completers; 4% non-completers). The difference in the proportion of participants incarcerated in prison during drug court is not statistically significant.

Type of Incarceration	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
Prison	84	1	*644*	*441*
Jail	43	45	*644*	*441*
All Incarceration	127	46	*644*	*441*

Figure 8.8: Average Number of Days Incarcerated During Drug Court

Key Measure 9j) Average number of days in prison for participants during drug court

Drug court participants spend significantly fewer days in prison (1 day) than comparison group participants (84) during drug court. These results are statistically significant. Most drug court participants do not spend time in prison during drug court and differences in the average days for completers (0 day) and non-completers (3 days) are not statistically significant.

Drug court participants spend significantly fewer days, on average, incarcerated in prison during drug court, than the comparison group participants (1 Drug Court Cohort; 84 Comparison Group). When isolating only those participants who serve some prison time during drug court, the Comparison Group

serves over four times as many days in prison as the Drug Court Cohort participants who go to prison (64 Drug Court Cohort; 287 Comparison Group).[50]

Results of the linear regression show that the difference in the number of days drug court participants spend in prison, as compared to the Comparison Group, is statistically significant. Therefore, drug court is a statistically significant factor in predicting fewer days in prison for drug court participants, during drug court. For a full table of coefficients and significance see Table 8.47 in the appendix.

When isolating drug court participants, results indicate non-completers spend three days in prison, on average, as compared to 0 days for completers during drug court. The difference in the proportion of participants incarcerated is not statistically significant.

Key Measure 9k) Proportion of participants incarcerated (jail and prison) during drug court

Drug court participants have slightly lower incarceration rates during drug court than the comparison group, but the difference is not statistically significant (77% Drug Court Cohort; 81% Comparison Group). Completers show a 23% reduction in incarceration rates over non-completers during drug court, a reduction that is statistically significant.

The Comparison Group has a higher rate of total incarceration than the Drug Court Cohort. Eight in ten (81%) comparison group participants are incarcerated during drug court as compared to 77% of the Drug Court Cohort.

Results of the logistic regression show that the difference in the proportion of the Drug Court Cohort and Comparison Group who are incarcerated is not statistically significant. Drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated during drug court. For a full table of coefficients and significance see Table 8.51 in the appendix.

When isolating drug court participants, results indicate completers are almost one and one half times less likely to be imprisoned during drug court than non-completers (68% completers; 88% non-completers). The difference in the proportion of participants incarcerated in prison during drug court is statistically significant.

Key Measure 9l) Average number of days incarcerated (jail and prison) for participants during drug court

Drug court participants spend almost three times fewer days incarcerated (46 days) than comparison group participants (127) during drug court. These results are statistically significant. Drug court completers (21 days) have a 73% reduction in incarceration days over non-completers during drug court (77 days), a difference that is statistically significant.

Since most participants spend some time incarcerated during drug court, the extent to which the participants are incarcerated is analyzed. Comparison group participants spend over two and one half times as many days (127), on average, incarcerated during drug court, than the drug court participants (46). Half of the drug court participants who spend time incarcerated during drug court serve 30 days or fewer as compared to one-third of comparison group participants who are incarcerated during drug court (53% Drug Court Cohort; 32% Comparison Group). Additionally, 36% of Comparison Group participants who are incarcerated during drug court spend more than five months (150 days) incarcerated, as compared to 15% of similar drug court participants.

[50] This difference is also statistically significant.

Results of the linear regression show that the difference in the number of days drug court participants spend incarcerated during drug court, as compared to the Comparison Group, is statistically significant. Therefore, drug court is a statistically significant factor in predicting differences in the number days the participants are incarcerated during drug court. For a full table of coefficients and significance see Table 8.47 in the appendix.

When isolating drug court participants, results indicate non-completers spend over three and one half times as many days incarcerated in jail and prison as the completers during drug court (21 days completers, 77 days non-completers). The difference in the proportion of participants incarcerated is statistically significant.

Key Measure 9m) Proportion of participants incarcerated in jail 1 year after drug court

Figure 8.9: % Incarcerated in Jail Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	28%	40%	*644*	*483*
1 year	41%	47%	*644*	*441*

Drug court participants have slightly higher incarceration rates one year after drug court discharge than the comparison group, but the difference is not statistically significant (47% Drug Court Cohort; 41% Comparison Group). Completers are five times less likely to be incarceration in jail (17%) than non-completers (83%) one year after drug court discharge, a difference that is statistically significant.

The Drug Court Cohort has a higher proportion of participants who are incarcerated in jail as compared to the Comparison Group within one year after drug court discharge. At the end of one year, almost half of the Drug Court Cohort (47%) receives some incarceration time in jail as compared to 41% of the Comparison Group. A table showing the incarceration rates, for jail only, for both six month intervals is shown above.

Results of the regression show that drug court is a statistically significant factor six months after drug court discharge, demonstrating drug court participants are more likely to spend at least one day in jail after drug court discharge. Results one year after drug court are not statistically significant. For a full table of coefficients and significance see Table 8.59 in the appendix.

When isolating drug court participants, results indicate completers are five times less likely to be incarcerated in jail one year after drug court discharge than non-completers (17% completers; 83% non-completers). The difference in the proportion of participants incarcerated in jail one year after drug court discharge is statistically significant.

Key Measure 9n) Average number of days in jail for participants 1 year after drug court

Drug court participants spend slightly more days incarcerated (23 days) than comparison group participants (17) one year after drug court discharge. These results are statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show similar days in jail (17) as the comparison group (18), a difference that is not statistically significant. All drug court completers (1 day) spend significantly fewer days in jail than non-completers one year after drug court discharge (40 days), a difference that is statistically significant.

Figure 8.10: Average Number of Days Incarcerated in Jail Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	8	15	*644*	*483*
1 year	17	23	*644*	*441*

While almost half of participants spend some time in jail after discharge, the extent to which the participants are incarcerated in jail is also analyzed. The average number of days drug court participants are incarcerated in jail is higher than the average number of days for the comparison group participants for both time intervals analyzed. Most participants in both groups have less than 30 days incarcerated in jail (84% Drug Court Cohort; 91% Comparison Group) within one year following discharge date. When isolating those who are incarcerated, approximately two-thirds spend 30 days in jail or less (61% Drug Court Cohort; 67% Comparison Group).

Results of the linear regression show that drug court is a statistically significant factor in predicting differences in the number days the participants are incarcerated through the first year after discharge from drug court. Thus, drug court is a significant factor in predicting more jail time for drug court participants than comparison group participants within one year after discharge. For a full table of coefficients and significance see Table 8.63 in the appendix.

When isolating drug court participants, results show a 98% reduction in jail days for completers as compared to the non-completers one year after drug court discharge (1 day completers, 40 days non-completers). The difference in the number of days participants are incarcerated is statistically significant.

To better understand differences in jail time across drug courts after drug court discharge, Hennepin drug court and comparison group participants are separated[51] from participants from other counties. When analyzing drug court participants, excluding Hennepin County drug and comparison group participants, the drug court participants spend 17 days in jail as compared to 18 for the Comparison Group one year after drug court discharge. This difference in the number of days participants spend in jail is not, however, statistically significant.

Conversely, Hennepin County drug court participants more days in jail (32), on average, than the Hennepin County comparison group participants (15). This difference is statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting more jail time for drug court participants than the comparison group, one year after drug court.

Key Measure 9o) Proportion of participants incarcerated in prison 1 year after drug court

Drug court participants have slightly higher prison incarceration rates one year after drug court discharge than the comparison group, but the difference is not statistically significant (25% Drug Court Cohort; 22% Comparison Group). Six in ten (60%) non-completers are incarcerated in prison within one year after drug court discharge as compared to 0% of completers, a difference that is statistically significant.

[51] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

The Drug Court Cohort has a higher proportion of participants incarcerated in prison, after discharge, as compared to the Comparison Group.

Within one year after discharge, 25% of the Drug Court Cohort spends some time in prison as compared to 22% of the Comparison Group. A table showing the prison incarceration rates for both six month intervals is shown in Figure 8.11.

Figure 8.11: % Incarcerated in Prison Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	17%	21%	*644*	*483*
1 year	22%	25%	*644*	*441*

Results of the logistic regression show that drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated in prison one year after drug court. For a full table of coefficients and significance see Table 8.71 in the appendix.

When isolating drug court participants, results indicate over half of non-completers are imprisoned one year after drug court discharge (0% completers; 60% non-completers). The difference in the proportion of participants incarcerated in prison one year after drug court discharge is not statistically significant.

Key Measure 9p) Average number of days in prison for participants 1 year after drug court

Drug court participants spend more days incarcerated in prison (47 days) than comparison group participants (37) one year after drug court discharge. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show fewer days in prison (28) than the comparison group (37), but the difference is not statistically significant. All drug court completers (0 day) spend virtually no time in prison one year after drug court discharge, as compared to non-completers (120 days), a difference that is statistically significant.

Figure 8.12: Average Number of Days Incarcerated in Prison Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	20	28	*644*	*483*
1 year	37	47	*644*	*441*

Drug court participants spend more days in prison (47), on average, than comparison group participants (37) one year after drug court discharge. In analyzing only participants who serve prison time after discharge, almost half (45%) of drug court participants spend more than 6 months in prison within the first year after discharge, as compared to 38% of the Comparison Group.

Results of the linear regression show that the difference between the Drug Court Cohort and the Comparison Group is not statistically significant. Therefore, the difference is not statistically meaningful. For a full table of coefficients and significance see Table 8.75 in the appendix.

When isolating drug court participants, results indicate completers spend, on average, 0 days in prison as compared to 120 days for non-completers one year after drug court discharge. The difference between the groups in the days spent in prison is statistically significant.

To better understand differences in prison time across drug courts after drug court discharge, Hennepin drug court and comparison group participants are separated[52] from participants from other counties. When analyzing drug court participants, excluding Hennepin County, to non-Hennepin County comparison group participants, the drug court participants spend 28 days in prison as compared to 37 for the Comparison Group one year after drug court discharge. This difference in the number of days participants spend in prison is not, however, statistically significant.

Conversely, Hennepin County drug court participants more days in prison (76), on average, than the Hennepin County comparison group participants (39). This difference is statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting more prison time for drug court participants one year after drug court.

Key Measure 9q) Proportion of participants incarcerated (jail and prison) 1 year after drug court

Drug court and comparison group participants have similar incarceration rates one year after drug, with a slight difference that is not statistically significant (50% Drug Court Cohort; 51% Comparison Group). When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts shower a lower proportion of participants incarcerated (39%) than the comparison group participants (52%), a difference that is statistically significant. All drug court completers (17%) are over five times less likely to be incarcerated one year after drug court discharge as compared to non-completers (91%), a difference that is statistically significant.

The Drug Court Cohort has a similar proportion of participants (50%) who are incarcerated within one year after discharge as the Comparison Group (51%). Also, within six months after discharge, 44% of the Drug Court Cohort spends some time in prison as compared to 40% of the Comparison Group. A table showing the incarceration rates for both six month intervals can be seen below.

Figure 8.13: % Incarcerated in Jail and/or Prison Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	40%	44%	*644*	*483*
1 year	51%	50%	*644*	*441*

Results of the logistic regression show that drug court is not a statistically significant factor in predicting whether or not a participant is incarcerated within one year after drug court. For a full table of coefficients and significance see Table 8.83 in the appendix.

When isolating drug court participants, results indicate completers are over five times less likely to be incarcerated one year after drug court discharge than non-completers (17% completers; 91% non-completers). The difference in the proportion of participants incarcerated in jail one year after drug court discharge is statistically significant.

To better understand differences in incarceration across drug courts after drug court, Hennepin drug court and comparison group participants are separated[53] from participants from other counties. When analyzing drug court participants, excluding Hennepin County, to non-Hennepin County comparison group

[52] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.
[53] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

participants, 39% of the drug court participants are incarcerated within one year after drug court discharge, as compared to 52% of the Comparison Group. This difference is statistically significant. This demonstrates that for drug court participants, outside of Hennepin County, participation in drug court is a statistically significant factor reducing the likelihood participants will be incarcerated one year after drug court discharge.

Conversely, Hennepin County drug court participants are more likely to be incarcerated within one year after drug court discharge (66%) than the Hennepin County comparison group participants (46%). This difference is also statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting participants will be incarcerated within one year after drug court discharge.

Key Measure 9r) Average number of days incarcerated (jail and prison) for participants 1 year after drug court

Drug court participants spend more days incarcerated in prison (70 days) than comparison group participants (54) one year after drug court discharge. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show fewer days incarcerated (44) than the comparison group (54), but the difference is not statistically significant. All drug court completers (1 day) spend little time incarcerated one year after drug court discharge, as compared to non-completers (160 days), a difference that is statistically significant.

Drug court participants spend more days incarcerated (70), on average, than comparison group participants (54) one year after drug court discharge. In analyzing only participants who are incarcerated within one year after discharge, over half (54%) of drug court participants spend more than 6 months incarcerated within the first year after discharge, as compared to 39% of the Comparison Group.

Figure 8.14: Average Number of Days Incarcerated in Jail and/or Prison Within 1 Year After Discharge

Time After Discharge	Comparison Group	Cohort	*(N) CG*	*(N) Cohort*
6 months	29	42	*644*	*483*
1 year	54	70	*644*	*441*

Results of the linear regression show that the difference between the Drug Court Cohort and the Comparison Group is statistically significant. This demonstrates that drug court participants are more likely to spend more time incarcerated than the comparison group within one year of discharge. For a full table of coefficients and significance see Table 8.91 in the appendix.

When isolating drug court participants, results indicate completers show 99% reduction over the non-completers in the days incarcerated one year after drug court discharge (1 day completers; 160 days non-completers). The difference between the groups in the days spent incarcerated is statistically significant.

To better understand differences in incarceration time across drug courts after drug court discharge, Hennepin drug court and comparison group participants are separated[54] from participants from other counties. When analyzing drug court participants, excluding Hennepin County drug court and comparison group participants, the drug court participants spend 44 days incarcerated as compared to 54 for the

[54] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

Comparison Group one year after drug court discharge. This difference in the number of days participants spend in prison is not, however, statistically significant.

Conversely, Hennepin County drug court participants spend twice as many days incarcerated (108), on average, than the Hennepin County comparison group participants (53). This difference is statistically significant, demonstrating participation in Hennepin County's drug court is a statistically significant factor in predicting more days incarcerated for drug court participants one year after drug court.

Research Question 10: Are incarceration costs lower for drug court participants?

The costs per participant vary by participant group. Jail costs are higher ($772 per participant) for the Drug Court Cohort than the Comparison Group. However, prison costs are much higher ($3,961 per participant) for the Comparison Group than the Drug Court Cohort. Overall, the incarceration costs are lower for the Drug Court Cohort across all time intervals analyzed. Over two and one half years, an average of $3,189 less was spent on incarcerating drug court participants than on incarcerating participants in the comparison group.

Most Participants are Incarcerated to Some Extent

Most participants, across both groups, serve some incarceration time after their contact with the court system.[55] Over two and one half years, approximately 85% of participants incarcerated at least one day (83% Cohort; 85% Comparison Group). Less than 10% of the Drug Court Cohort (9%) spends one year or more incarcerated as compared to 19% of the Comparison Group. Of the drug court participants who are incarcerated at some point after their start date, 71% spend their incarceration time in jail only, with 2% going to prison only and 26% incarcerated in both jail and prison. A higher proportion of the Comparison Group is incarcerated in both prison and jail (37%) and prison alone (6%), and less than two-thirds (57%) are incarcerated in jail only.

Cost Calculations – Marginal Per Diem for Prison and Jail

For this analysis, all jail and prison time spent by all participants is collected. The incarceration time may, or may not, be related to their sentence. It may be related to incarceration for new offenses. It may be related to sanctions imposed by probation or the drug court. It may include incarceration for prior or concurrent cases of the participants.

This analysis is not a cost benefit and does not include any costs other than the cost of clothing, feeding, and housing offenders. The jail and prison costs used for this analysis are provided by the Department of Corrections. The DOC recommends using a marginal per diem for prison and jail costs (average cost over the years of the study is $57.21).[56] A marginal per diem includes only the costs associated with clothing, feeding, and housing offenders. In addition to marginal per diems, the DOC calculates two operational per diems for the legislature, as required by statute. The operational per diems are calculated several different ways, defined by statute.[57] The DOC recommends against using the operational per diems as they include staffing and construction costs.[58] Absent a comprehensive analysis that would evaluate whether at least

[55] The same start dates are used for this analysis as the other Research Questions – drug court admission date for the Drug Court Cohort and disposition date for the Comparison Group.
[56] A table of all marginal and operational per diems, by year, can be found in the appendix.
[57] *See* Minn. Stat. §241.016 (2011).
[58] The evaluators deferred to the expertise of the DOC in using the marginal per diem costs as the best per diem for the key measures included in Research Question 9, but also include the costs if the operational per diem were used to provide a range and a reference only. The evaluators use the marginal per diem to answer the research question and do not consider the costs using the operational per diem in answering the research question. The operational per diem costs can be found in the appendix.

1,000 prison beds are saved by drug courts, the DOC indicates the operational per diem should not be used.[59]

In addition to the marginal per diem for prison, a per diem for jail is necessary to analyze the incarceration costs incurred by jail. Jails are required, by statute, to provide the DOC with the operational per diems annually for inclusion in the DOC report to the legislature. However, the DOC does not collect, and local jails do not provide, a marginal per diem. As such, the DOC recommends using a jail per diem of $55.00 as the daily rate the DOC has paid county jails to house state prisoners.[60]

Key Measure 10a) Total dollars spent on prison costs for participants from 2 ½ years after admission/disposition date for participants

Prison costs are $2,936 per drug court participant and $6,948 per comparison group participant. In total $3,961 fewer dollars are spent on prison per drug court participant than per comparison group participant.

Figure 8.15: Average Cost of Prison per Participant from Start Date

Time from Start Date	Comparison Group	Cohort	Difference (CG – Cohort)
6 months	$ 2,965	$ 1,357	**$ 1,608**
1 year	$ 5,374	$ 3,089	**$ 2,284**
1 ½ years	$ 7,265	$ 4,621	**$ 2,645**
2 years	$ 8,953	$ 6,149	**$ 2,804**
2 ½ years	$ 6,948	$ 2,986	**$ 3,961**

One-quarter (24%) of the Drug Court Cohort is incarcerated in prison within two and one half years after drug court entry. One and one half times as many of the comparison group participants (36%) are incarcerated within the same time period following their disposition date. As such, there are more incarceration costs, per participant, for the Comparison Group ($6,948) than the Drug Court Cohort ($2,986). The difference between the incarceration costs is $3,961. The prison incarceration costs for the Drug Court Cohort are $3,961 less, per participant, than the Comparison Group. Prison costs are less for the Drug Court Cohort for all time intervals analyzed.[61]

Key Measure 10b) Total dollars spent on jail costs for participants from 2 ½ years after admission/disposition date for participants

Jail costs are $4,062 per drug court participant and $3,291 per comparison group participant. In total, $772 more dollars are spent on jail per drug court participant than per comparison group participant.

[59] Duwe, G. et al. 2008. Removing a Nail From the Boot Camp Coffin: An Outcome Evaluation of Minnesota's Challenge Incarceration Program. *Crime Delinquency* 2008; 54; 614.

[60] Similar to the prison per diems, the operational per diems for jail are provided in the appendix, but were not considered in answering Research Question 9.

[61] As described in Research Question 8, drug court is a statistically significant factor in reducing the number of days incarcerated in prison for all time intervals included in Research Question 9.

Figure 8.16: Average Cost of Jail per Participant from Start Date

Time from Start Date	Comparison Group	Cohort	Difference (CG – Cohort)
6 months	$1,181	$1,199	$(18)
1 year	$1,867	$2,227	$(360)
1 ½ years	$2,347	$2,947	$(600)
2 years	$2,826	$3,655	$(829)
2 ½ years	$3,291	$4,062	$(772)

Over three-fourths (81%) of the Drug Court Cohort is incarcerated in jail within two and one half years after drug court entry as compared to 80% of the Comparison Group. Since drug court participants tend to spend more time in jail, incarceration costs for jail are higher for the Drug Court Cohort ($4,062), per participant, than the Comparison Group ($3,291). The difference between the jail incarceration costs is $772. The jail incarceration costs are $722 more, per participant, for the Drug Court Cohort as compared to the Comparison Group. Jail costs are more for the Drug Court Cohort for all time intervals analyzed.[62]

To better understand differences in jail time across drug courts, Hennepin drug court and comparison group participants are separated[63] from participants from other counties. When analyzing drug court participants, excluding Hennepin County, to non-Hennepin County comparison group participants, the jail incarceration cost for drug court participants is $2,333 per participant. This is $879 lower, per participant, than the non-Hennepin County comparison group participant cost which is $3,212 per participant.

Figure 8.17: Average Cost of Jail per Participant – Excluding Hennepin

Time from Start Date	Comparison Group	Cohort	Difference (CG – Cohort)
6 months	$ 1,125	$ 744	$382
1 year	$ 1,800	$ 1,257	$544
1 ½ years	$ 2,248	$ 1,634	$614
2 years	$ 2,731	$ 2,095	$636
2 ½ years	$ 3,212	$ 2,333	$879

Key Measure 10c) Total dollars spent on incarceration costs (jail and prison) for participants from 2 ½ years after admission/disposition date for participants

Incarceration costs are $7,049 per drug court participant and $10,238 per comparison group participant. In total $3,189 fewer dollars are spent per drug court participant than per comparison group participant.

[62] As described in Research Question 9, drug court is a statistically significant factor in increasing the number of days incarcerated in jail for time intervals 1 ½ years, 2 years, and 2 ½ years included in Research Question 9.
[63] Hennepin County drug court participants comprise 40% of the Drug Court Cohort. See the appendix for more information regarding why separate analyses may be conducted for this segment of the Drug Court Cohort.

Most participants spend some time incarcerated after their start date (83% Cohort; 85% Comparison Group). In combining total costs for jail and prison for all participants, the Drug Court Cohort incarceration costs are lower than the Comparison Group incarceration costs for all time intervals analyzed. In two and one half years, the incarceration costs for the Drug Court Cohort are $7,049 per participant as compared to $10,238 for the Comparison Group. The difference between the incarceration costs is $3,189 per participant. Total incarceration costs are less for the Drug Court Cohort for all time intervals analyzed.[64]

Figure 8.18: Average Cost of All Incarceration per Participant from Start Date

Time from Start Date	Comparison Group	Cohort	Difference (CG – Cohort)
6 months	$ 4,145	$ 2,556	$ 1,590
1 year	$ 7,240	$ 5,316	$ 1,924
1 ½ years	$ 9,612	$ 7,568	$ 2,045
2 years	$ 11,779	$ 9,804	$ 1,976
2 ½ years	$ 10,238	$ 7,049	$ 3,189

[64] As described in Research Question 9, drug court is a statistically significant factor in reducing the number of days incarcerated for all time intervals included in Research Question 10.

Chapter 9 Process Results – Statewide Drug Court Standards Key Measures

Results by Research Question and Key Measure

Key Measures Related to the Drug Court Standards

This study uses multiple methods to assess policies, actions, and drug court team members' observance of the best practices for drug courts. To assess these Key Measures, several techniques and data sources are used.

The first source of information for these Key Measures is Team Member Surveys. Team Member surveys were administered in 2008, 2009, and 2010. All drug court team members were asked to complete the survey each year. See the appendix for the surveys and full results for each year.

A second source of information is the Policies and Practices Survey that was administered in December of 2010. Drug Court Coordinators were asked to answer questions about the policies and practices of their drug court. The policies and practices chosen were selected because they are identified as best practices by NPC Research as part of their "Exploring Key Concepts" study ("NPC Study").[65] The NPC Study refers to cost savings from various practices as "Improvement in Outcome Costs." These outcome costs include costs incurred due to criminal justice recidivism for both the drug court participants and comparison group members after drug court entry (or an equivalent date calculated for the comparison group). Recidivism costs include re-arrests, new court cases, probation time served, and incarceration (jail and prison).

The final type of information for these Key Measures is individual drug court participant data collected from various sources during the study (e.g. court data). When analyzing policies and practices it is helpful to assess how these policies or practices are implemented with admitted drug court participants. For example, a drug court may have a policy that allows acceptance of participants with non-drug charges (Key Measure 15), but they may not actually have any participants who have been accepted with non-drug charges. This information is provided where possible.

Research Question 11: Do drug court teams work together collaboratively? (Standard I and IV)

Drug court team members generally agree policies are developed collaboratively, courts include proper stakeholders on their drug court teams, and most require core team members to attend staffings and court hearings, and most drug court teams have formal community partnerships in their communities.

Policies and Procedures Developed Collaboratively

Over nine of ten (92%) drug court team members agreed or strongly agreed in 2010 that policies and procedures are developed collaboratively. Over the three years the Team Member Survey was conducted this was the highest percentage of agreement among team members of drug courts in the Statewide Evaluation (91% 2009, 89% 2008).

Treatment Representatives Attend Court Hearings

Slightly over half (56%) of the drug courts in the Statewide Evaluation require treatment representatives to attend court hearings. According to the NPC study, these courts may see up to 9 times greater savings in Outcome Costs than courts without treatment providers at hearings. In the 2010 Team Member Survey,

[65] Shannon Carey, et al. (2008). *Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs.* Portland, OR: NPC Research, available at http://npcresearch.com/Files/NIJ_Cross-site_Final_Report_0308.pdf.

almost all (96%) drug court team members agreed or strongly agreed that the Treatment Professional on their drug court team "is an active participant in the drug court process."

Including Law Enforcement as a Team Member

Almost all (94%) drug courts in the Statewide Evaluation include law enforcement as team members. According to the NPC study, these courts may see up to 4 times greater savings in Outcome Costs than courts without law enforcement as a team member. In the 2010 Team Member Survey, over eight in ten (84%) drug court team members agreed or strongly agreed that the Law Enforcement representative on their drug court team "is an active participant in the drug court process."

Core Drug Court Team Member Attendance at Staffings

Three-fourths (75%) of drug courts in the Statewide Evaluation require core team members[66] to attend staffings. However, there are some differences regarding the requirement of prosecutors and defense attorneys to attend staffings.

In June, 2008, the State of Minnesota Board of Public Defense issued a "Resolution on Service Priority and Delivery" in response to the declining economy and subsequent budget cuts. Stated in the resolution, the Board mandated "service in 'post-adjudication' specialty courts no longer be provided effective July 8, 2008" (see appendix for the resolution). All but one of Minnesota's drug courts have a post-adjudication track for entry.[67] This mandate directly impacted how the role of defense counsel was represented on drug court teams. If drug courts could not obtain pro bono services or pay for the services of defense counsel, this vital role was no longer included on the team.

The absence of defense counsel on the drug court team has a ripple effect on the rest of the team as well. The absence poses an ethical dilemma for a number of drug court prosecutors and judges due to the potential of ex parte communication occurring during staffings and hearings (which may be off the record). Due to these concerns, some prosecutors now refuse attendance at staffings to avoid any perceived or actual unfairness.

The distinct roles of the prosecutor and defense counsel are one of the 10 Key Components and included in the Minnesota Drug Court Standards. In order to maintain compliance with these guidelines, many courts have explored ways to ensure both roles are preserved, such as providing pro bono private defense attorneys at staffings. However, as funding and resources vary throughout the state, not all teams are able to secure the services of prosecutors and/or defense attorneys, unless the participant is being given a sanction and when civil liberties are at stake.

Formal Community Partnerships

Three-fourths of drug courts in the Statewide Evaluation have formalized partnerships with community organizations or have individual community members who are active in the drug court process. Standard I, recommended practice 4 states drug court teams "should engage in community outreach activities to build partnerships that will improve outcomes and support self-sustainability." Additionally, the National Drug Court Institute has encouraged courts to engage community partnerships for some of the following reasons:

> Community partnerships provide necessary resources and create the network of community and political support needed to maintain the drug court effort in the long term.

[66] Team members required to attend include Judge, Coordinator, Prosecutor, Defense Counsel, Probation/Case Manager, Law Enforcement Representative, Chemical Dependency Expert, Tribal Representative (when appropriate).
[67] Dakota County Adult Drug Court does not have a post-adjudication track.

> Community partners link with drug courts because they have an overlapping mission and see the drug court partnership as a means to enhance their results. Drug courts, working closely with community-based providers, create the leverage that is one of the foundations of the success of the drug court movement. [68]

Blue Earth County Hybrid Drug Court has partnered with the company producing "Angie's Kettle Corn". The employers at Angie's provide stable jobs for some of the drug court participants, which enable them to achieve the required goal of having stable employment. In return, Angie's has the ability to hire from a group of individuals seeking employment while engaging in other services through drug court to maintain their sobriety and encourage them to engage in lawful behavior. While many employers may view hiring from this group as a risk, the employers at Angie's feel they can hire from a group of people seeking to prove themselves and who are closely monitored to ensure they arrive for work, are sober and perform on the job. Established community partnerships such as this are the type promoted by the drug court standards.

[68] Reilly, Dennis A. and Pierre-Lawson, Atoundra. Ensuring Sustainability for Drug Courts: An Overview of Funding Strategies. National Drug Court Institute (2008).

Research Question 12: Are the distinct roles of the prosecutor and defense counsel maintained in drug court? (Standard II)

Most prosecutor and defense counsel team members attend staffings, however, fewer defense counsel attend staffings due in large part to the 2008 Minnesota State Board of Public Defense resolution barring participation of defense counsel in post-adjudication drug courts.

Prosecutor Role and Participation

Most (81%) drug courts in the Statewide Evaluation require prosecutors to attend drug court staffings, in addition to regular drug court hearings. According to the NPC Study, these courts may see up to 3 times greater savings in Outcome Costs than courts in which the prosecutor does not attend staffings. In the 2010 Team Member Survey, three-fourths (74%) of the drug court team members agreed or strongly agreed that the Prosecutor on their drug court team "is an active participant in the drug court process."

Defense Counsel Role and Participation

Less drug courts (63%) require defense counsel to attend drug court staffings than require prosecutors to attend (81%). As described in Research Question 8, the Minnesota State Board of Public Defense passed a resolution in 2008 barring participation of defense counsel in post-adjudication drug courts. This likely impacted individual drug court team policies regarding the requirement of prosecution and defense counsel at drug court staffings. Due to the resolution, the staffings are considered outside the normal course of traditional court practice and the resolution prohibits attendance unless compensated.

According to the NPC study, the courts requiring defense counsel to attend staffings may see up to 8 times greater savings in Outcome Costs than courts in which defense counsel does not attend staffings. In the 2010 Team Member Survey, three-fourths (76%) of drug court team members agreed or strongly agreed that the Defense Counsel on their drug court team "is an active participant in the drug court process."

Research Question 13: Are drug court team members assigned to the team for at least one year? (Standard II)

Most courts (88%) require the drug court judge to stay on the drug court team at least 2 years. In addition, in a 2008 survey 76% of team members indicated they were with their team for at least 2 years.

Drug courts have differing policies on the length of time drug court team members should commit to participate. The actual or preferred requirements for team members to commit to remain on the drug court team for a specified number of years varies in formality and strict compliance. For example, most drug courts (88%) in this evaluation require the judge to stay on the drug court team for at least 2 years. Over two-thirds of drug court team members completing the team member surveys in 2008, 2009, and 2010 indicated their years of involvement with the court was at least two or more years. In 2008, 76% of the team members completing the survey were with their team at least two years (29% for at least four years). In 2009, that number decreased slightly to 73% of team members involved with their team at least two years (35% for at least four years), but increased in 2010 to 86% of the responding drug court team members indicating involvement for at least two years (42% for at least four years).

Research Question 14: Are drug courts participants assessed as high risk, high need? (Standard III)

Participants are almost exclusively chemically dependent, but some participants are accepted into drug court without a diagnosis or assessment of chemical dependence. The Drug Court Standards do not define "high risk" with enough specificity to determine whether drug court participants meet the definition. Without further determination of what "high risk" means in relation to the assessment tools being used, as well as other eligibility criteria, it is not possible to determine whether individuals in drug courts are "high risk" from the Drug Court Standards.

Standard III of the Minnesota Drug Court Standards requires courts to 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." The standard requires participants to be high risk and high need.

Research Question 14a) Are drug courts participants assessed as high need? (Standard III)

Participants are almost exclusively chemically dependent, but some participants are accepted into drug court without a diagnosis or assessment of chemical dependence. The non-chemically dependent participants are accepted in two of the sixteen courts included in this evaluation.

High need is defined by the standards as having a high need for treatment, further specified in Standard 3.1 as "individuals with a finding of substance dependence consistent with the most current DSM (Diagnostic and Statistical Manual) diagnostic criteria." The standard states individuals with DSM criteria less serious than dependence are not "appropriate" for drug court. Further, the "Recommended Practices" section of Standard 3 states that individuals "should not be accepted to or excluded from drug court solely on the basis of a Rule 25 assessment."

Rule 25 is a Minnesota administrative rule promulgated by the Department of Human Services that sets forth the placement criteria for individuals with alcohol and other drug problems. The goal and purpose of the rule is to align a comprehensive assessment of an individual's needs with an individualized package of services, as well as, to provide access to public funding for treatment, through the Consolidated Chemical Dependency Treatment Fund (governed by DHS Administrative Rule 24).[69] Once an individual is placed in a treatment setting, a comprehensive diagnostic evaluation is conducted to provide a chemical health diagnosis and a treatment plan. The Drug Court Standards state a Rule 25 should not be the sole source for determining high need and acceptance into drug court; the assessment is a valid instrument in the placement of individuals into treatment. This enables drug courts to provide prompt treatment services. However, drug courts must rely on a diagnosis to ensure the high need threshold is met and drug court services are appropriate.

In addition to being assessed as having high recidivism potential, the Standards require that participants have a high need for treatment – or chemically dependent. Almost all (98%) of discharged drug court participants had an initial chemical health assessment of Chemically Dependent[70]. Ten of the discharged drug court participants had assessments less than chemically dependent, which the Drug Court Standards identify as having a high need for treatment. Most of the non-dependent participants (80%) were assessed as Chemically Abusive, with only two individuals assessed as having no identifiable problem or at risk.

[69] Minnesota Supreme Court Chemical Dependency Task Force. Report on Adult and Juvenile Alcohol and Other Drug Offenders (2006).

[70] An assessment as Chemically Dependent includes an assessment of a "Substance Use Disorder."

Fourteen (88%) of the sixteen courts included in this evaluation accept only participants who are chemically dependent or have a substance use disorder. The remaining two courts (Duluth and Dodge) admit participants with an assessment of less than chemical dependence, including in two circumstances participants "at risk" or with "no identifiable problem" according to assessments done by private assessors and Rule 25 assessments.

Research Question 14b) Are drug courts participants assessed as high risk? (Standard III)

The Drug Court Standards do not define "high risk" with enough specificity to determine whether drug court participants meet the definition. Without further determination of what "high risk" means in relation to the assessment tools being used, as well as other eligibility criteria, it is not possible to determine whether individuals in drug courts are "high risk" from the Drug Court Standards. For descriptive purposes, indicators of risk are summarized.

While it is unclear whether courts use risk assessments as part of the screening process or as part of a case plan after drug court entry, 98% of discharged participants receive some type of risk assessment (59% LSI-R™, 39% RANT, and 5% Wisconsin). Three-quarters (77%) of the participant assessed with an LSI-R™ are moderate or high risk (32% medium/high or high), 100% of those assessed with the RANT are high risk, and 91% of participants assessed with the Wisconsin tool are high risk. Two-thirds of discharged participants have a prior conviction (67%) and half (49%) have a prior felony conviction at entry. Half (52%) of participants have a criminal history score of 1 or more.

High risk individuals are defined by the standards as "individuals assessed as having a high recidivism potential" by standard 3.3. Standard 3.3 further states:

> 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.

Being high risk to re-offend can be defined many different ways, both quantifiably and anecdotally. Risk can be defined by past criminal activity, unstable community functioning characteristics, or a combination of factors. While the Standards call for the use of validated risk tools, there is no further definition of what tools should be used or what "high recidivism potential" means in terms of those tools or any relationship to an individual's criminal history or other risk factors. The Standards were established in consideration of drug court research identifying the optimal participants based on participants' outcomes in early drug courts. In particular, the work of Dr. Douglas Marlowe was used to focus eligibility requirements.[71] To further determine the definition of high risk, Dr. Marlowe identifies the following criteria as associated with high risk:

- Younger age
- Male
- Early onset of substance abuse or delinquency
- Prior felony convictions
- Previous unsuccessful attempts at treatment
- Diagnosis of antisocial personality disorder

[71] Marlowe, Douglas B. Evidence-Based Sentencing for Drug Offenders: An Analysis of Prognostic Risk and Criminogenic Needs. *Chapman Journal of Criminal Justice* 1:1 (2009).

- Preponderance of antisocial peers/affiliations[72]

While some of these factors can be used to determine whether a participant has a high recidivism potential, others are inappropriate to determine eligibility for drug court. For example, while younger age and male gender may be risk factors, drug courts would not exclude female participants or older participants if they comply with the eligibility criteria. The number of prior felony convictions, however, may weigh heavily in the decision of a drug court team of whether or not to accept a potential participant.

Dr. Marlowe also characterizes a "high risk high need" offender as follows:

> This individual suffers from drug or alcohol dependence, severe mental illness and/or deficiencies in adaptive functioning. In addition, he or she has a poor prognosis for success in standard treatment or rehabilitation, because of such negative risk factors as an early onset of delinquency or substance abuse, antisocial personality traits, previous failures in rehabilitation, or a preponderance of antisocial peers.[73]

While Dr. Marlowe's research helps identify characteristics that impact risk, these factors, and the "validated risk tools" to be used by drug courts, are not specifically identified by the Drug Court Standards as factors to consider when determining high recidivism potential. Additionally, the assessed risk level is not defined. For example, is a risk level of low on the LSI-R™ comparable to a risk level of low on the RANT? Also, it is possible that one indicator, such as the LSI-R™ tool, may indicate a participant is low risk, but due to the participant's age, criminal history, and lack of non-criminal peer support, the individual may have "high recidivism potential."

Without further determination of what "high risk" means in relation to the assessment tools being used by the courts it is not possible to determine whether individuals in drug courts are "high risk" according to the use of the term in the Drug Court Standards. Thus, this research question cannot be answered by this evaluation. Rather, the various factors that impact recidivism, such as criminal history, risk assessment results, and other factors available will be used to determine whether drug court participants are "high risk" on those factors, without concluding that drug court participants are or are not high risk, as required by the Drug Court Standards.

Risk as Determined by Risk Assessment Tools

All drug courts use risk assessments. However, drug courts use risk assessments either to identify whether a participant qualifies for drug court or to identify what services a participant needs once accepted into drug court. Not all drug courts use the assessments in determining whether an individual qualifies as "high risk" for drug court. Additionally, while the courts use some validated risk tool, three separate tools are used by the different courts in Minnesota: the Level of Service Inventory – Revised (LSI-R™), a Modified Wisconsin Risk Assessment, and the Risk and Needs Triage Assessment (RANT). All three tools have different scales, factors, and weights for scoring an offenders likelihood to reoffend[74] and no analysis of the common characteristics driving the "high recidivism potential" has been identified[75].

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[72] Id.

[73] Id.

[74] The scales, factors, and weights are proprietary information of the organizations that develop the tool and are not available for free to the public (see, e.g. LSI-R™ information: http://www.mhs.com/product.aspx?gr=saf&prod=lsi-r&id=overview).

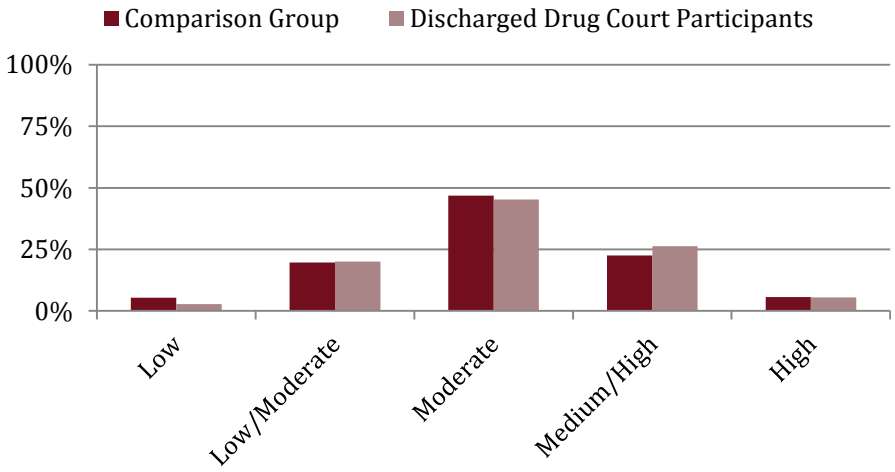
[75] The Minnesota Department of Corrections supports an "Offender Risk Assessment Network" (ORAN) that "is a statewide network of Minnesota corrections practitioners, supervisors, and trainers supporting the use of evidence-

Ninety-eight (98%) of discharged drug court participants received some type of risk assessment before or close to drug court entry[76] (participants can be assessed at entry and at discharge – both dates are recorded by the drug courts in the Offender Courts Tracking Sheet). Of the participants assessed by a risk assessment, over half (59%) of participants are assessed by the LSI-R™, 39% are assessed with the RANT, and 5% with the modified Wisconsin Risk Assessment Tool.

Analysis of participants who scored "High" or "High Risk" on any of the assessment tools used by drug courts shows wide variation in other risk factors such as criminal history score and past convictions. Participants scoring High on the LSI-R™ tool have a range of prior felony convictions from 0 to 16 and criminal history scores that range from 0 to 12. The average criminal history score for these participants is 3, with an average of 3.4 prior convictions, which indicate higher risk, but individuals with no prior convictions and criminal history scores of 0 are also assessed as High risk on the LSI-R™ tool. Twenty percent (20%) of participants scoring high on the LSI-R™ tool have a criminal history score of 0. Similarly, for individuals scoring High on the Wisconsin risk assessment, 55% have criminal history scores of 0, with criminal history scores ranging from 0 to 4 and prior felony convictions ranging from 0 to 5. Individuals assessed as High Risk (paired with either low need or high need) have between 0 and 16 felony convictions and 0 and 12 criminal history scores. Almost one-third (31%) of participants assessed as High Risk on the RANT have criminal history scores of 0. On average, individuals scoring High Risk on the RANT have criminal history scores of 3 and 2.7 prior felony convictions.

LSI-R™ Risk Assessment Results

Figure 9.1: LSI-R™ Risk Level



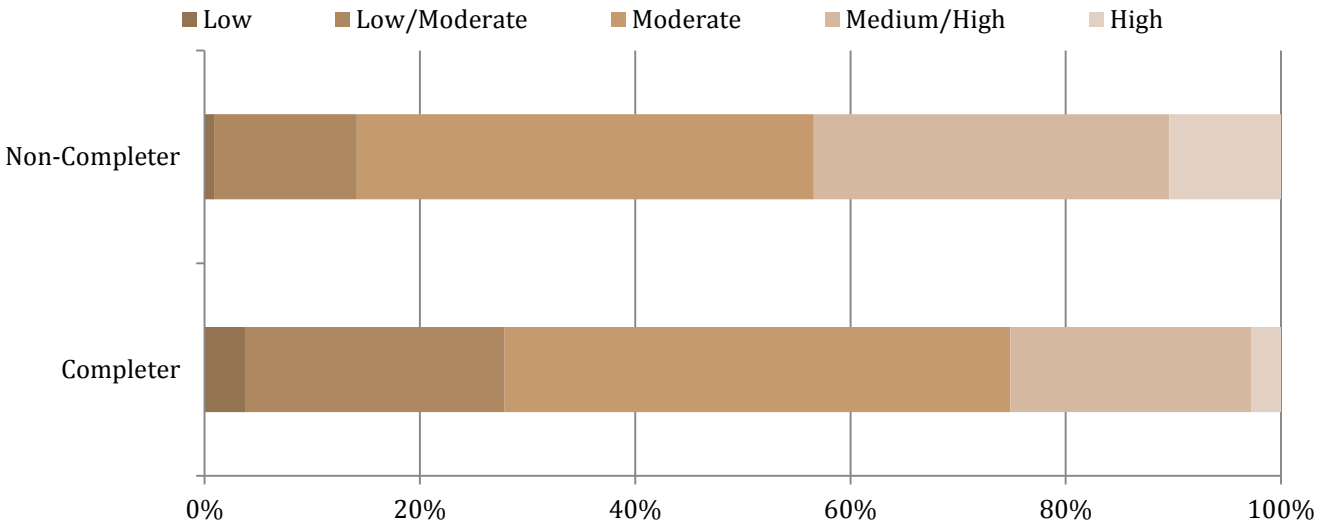
The LSI-R™ tool is used to assess participants in all drug and hybrid court counties except Crow Wing, Aitkin, and Hennepin Counties. For the discharged drug court participants assessed with the LSI-R™ tool, almost one-third (32%) are assessed as Medium/High or High risk on the LSI-R™ scale (see Appendix for information on the LSI-R™ scale used). An additional 45% were assessed as Moderate Risk on the LSI-R™ scale. The average score for discharged drug court participants is 29, which is characterized as Moderate risk. The median score for discharged drug court participants is 30, which is also characterized as Moderate risk. Completers (28 mean; 28 median) tend to have lower scores than non-completers (32 mean; 32 median), but both mean and median scores for the groups of discharged participants are characterized as Moderate risk by the LSI-R™ scale. Both groups of participants have fairly similar proportions of participants characterized as Moderate (47% Completers, 42% Non-Completers).

based practices for assessment of offender risk levels and criminogenic needs, and for effective case management. More information can be found on the DOC's website at https://forums.doc.state.mn.us/site/ebp/oran/default.aspx.

[76] The date of the risk assessment is not collected in the Offender Tracking Sheet, so this information is not available.

LSI-R™ scores were also collected for the comparison group participants. However, less than two-thirds (61%) are assessed with the LSI-R™ assessment tool.[77] Of the comparison group participants assessed, the distribution of scores by level of risk is similar to the discharged drug court participants.[78] Almost half (47%) of comparison group participants are assessed as "Moderate" risk on the LSI-R™ assessment tool, as compared to 45% of drug court participants. The proportions of Medium/High and High risk assessments are similar across the groups, with 32% of drug court participants scoring at least Medium/High as compared to 29% of comparison group participants.

Figure 9.2: LSI-R™ Risk Level by Completion Status



Wisconsin Risk Assessment Scores

The Wisconsin risk assessment was developed and originally validated in 1984. In 2009, the Council of State Governments examined the tool and validated it based upon modifications. Similar to the LSI-R, the Wisconsin tool assesses factors associated with criminal risk to reoffend. However, the Wisconsin assessment is far less comprehensive, only examining 11 risk factors.

Twenty-two drug court participants are assessed by the Wisconsin risk assessment. Of those, all participants were assessed as Medium/High or High risk. Almost all participants (91%) are assessed as High risk. All participants assessed by the Wisconsin tool are discharged, with 82% completely successfully and 18% completing drug court unsuccessfully. Of those competing unsuccessfully, all are assessed as High risk according to the Wisconsin risk assessment.

RANT Risk Assessment Scores

The RANT assessment is used only in Hennepin County. The drug court in Hennepin County uses the RANT as a screening tool to determine eligibility in drug court. The RANT was designed specifically for use in drug court as a screening tool for identifying high risk and high need participants.[79] All (100%) discharged Hennepin County drug court participants are assessed with the RANT before acceptance to drug court. All

[77] An additional 6% are assessed with the RANT tool (see the RANT section for information about the comparison group participants assessed with the RANT). Wisconsin Risk assessment scores were not gathered as part of this evaluation.

[78] Please note the LSI-R™ scores of participants are not used in the propensity score creation process (for more information see the methodology section).

[79] For more information on the RANT, visit http://www.trirant.org/.

participants accepted into Hennepin County's drug court must be high risk high need, thus, all participants score "High Risk, High Need" on the RANT assessment.

Approximately half (56%) of the comparison group participants in Hennepin County are assessed with the RANT. Of those assessed, 73% are assessed as "High Risk, High Need," with an additional 18% assessed as "High Risk, Low Need" and the remainder assessed as "Low Risk, Low Need" or "Low Risk, High Need."[80] Comparison group participants scoring "High Risk, High Need" may have been eligible for drug court, but refused to participate, or were ineligible due to other criteria (e.g. not a Hennepin County resident).

Risk Related to Criminal History

In addition to using validated risk assessments to gauge an individual's "high recidivism potential," other criminogenic factors such as criminal history may be used to identify an individual's eligibility for drug courts. Drug court participants have varying levels of criminal history. In analyzing criminal history for this evaluation, prior convictions, as well as criminal history scores, are used.[81]

Two-thirds (67%) of drug court participants have at least one conviction (or juvenile adjudication for participants 24 and younger) for a targeted misdemeanor, gross misdemeanor, or felony offense. Half (49%) of drug court participants have at least one felony conviction.

Risk Related to Other Factors

In addition to risk assessment scores and criminal history, some of Dr. Marlowe's factors impacting risk are summarized for the Drug Court Cohort and Comparison Group in the profile results above. Specifically, information regarding age, mental health diagnosis, and gender – all risk factors according to Dr. Marlowe – are summarized.

[80] Please note the RANT scores of participants are not used in the propensity score creation process (for more information see the methodology section).

[81] Criminal history scores include prior convictions (and juvenile adjudications for individuals 24 years of age or younger) as well as custody status (e.g. whether they were supervised at the time of the offense). For more information about criminal history scores and their creation, visit http://www.msgc.state.mn.us/. For more information about the creation of criminal history scores for purposes of this evaluation, see the methodology section. For more analysis of criminal history, see the Criminal History Profile of the Drug Court Cohort and Comparison Group.

Research Question 15: Are participant eligibility criteria flexible? (Standard III)

Most (69%) drug courts have eligibility criteria allowing non-drug offenders in their drug court, and all those courts have non-drug offenders in their courts. Most drug court participants are felony drug offenders (80%), but 17% are other and property felony offenders.

Over two-thirds (69%) of drug courts in the Statewide Evaluation have policies that allow non-drug offenders into drug court. According to the NPC study, these courts may see up to 2 times greater savings in Outcome Costs than courts that do not allow participants with non-drug offenses in their drug courts.

In addition to having policies allowing for admission for non-drug offenders, those courts (69%) also actually have participants admitted for non-drug offenses. Eight in ten (80%) discharged drug court participants are referred to drug court from felony drug cases.[82] The second largest type of case that refers drug court participants is felony property (14%), followed by Other felonies (3%) and Person felonies (2%), with less than 1% that are gross misdemeanor or misdemeanor cases.

[82] Each participant's case is characterized by the most serious charge on the case; thus while a felony drug case may have additional charges such as a DWI or theft charge, the most serious charge is a felony drug charge and the case is characterized as such.

Research Question 16: Is there a coordinated strategy governing responses of the drug court team to each participant's performance and progress? (Standard IV)

Most drug courts in Minnesota do not use a single coordinated treatment agency for participants. However, many treatment providers across the state are not able to provide all treatment options necessary for drug court participants.

Nineteen percent (19%) of drug courts in the Statewide Evaluation utilize a single coordinated treatment agency. According to the NPC study, these courts may see up to 12 times greater savings in Outcome Costs than courts who use multiple treatment agencies. Minnesota's population is spread through many rural cities and towns and only a small number of larger cities located outside the Twin Cities Metro Area. Thus, many of the drug courts in Minnesota are located in smaller communities (approximately half of participants are from non-metro counties – see the Profile for more information). By way of comparison, the entire continuum of treatment services is not abundant in the rural areas of greater Minnesota as it is in the Twin Cities Metro Area or larger cities in greater Minnesota. This results in fewer treatment professionals and treatment beds being available to the greater Minnesota drug courts in or close to their communities. Therefore, drug court teams generally utilize a cache of treatment options to meet the treatment needs of the participant as well as gender and culturally specific treatment options. This practice may have a direct impact on the ability for some drug courts to use a single coordinated treatment agency. While the NPC study highlights "slightly better graduation rates and significantly better outcome costs," courts who utilize more than one agency still show better outcome costs over business-as-usual.[83]

Over two-thirds (69%) of drug courts in the Statewide Evaluation include a phase in their process that focuses on relapse prevention for participants. According to the NPC study, these courts may see up to 1.3 times greater savings in Outcome Costs than courts that do not include a phase for relapse prevention.

Over three-fourths (81%) of drug courts in the Statewide Evaluation have written rules for the drug court team responses for sanctions and incentives. These are frequently recorded in Policy and Procedure manuals.

[83] Shannon Carey, et al. (2008). *Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs.*

Research Question 17: Are drug court participants assessed promptly? (Standard V)

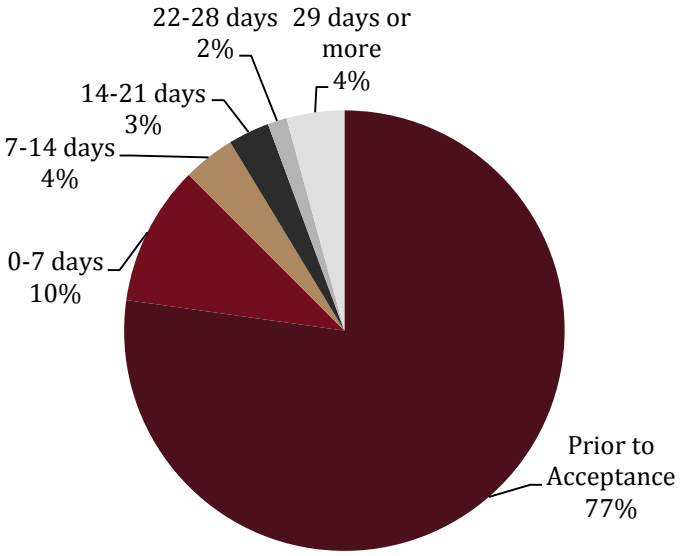
Three quarters (77%) of discharged participants are assessed prior to drug court entry, and 96% are assessed within one month of acceptance to drug court.

Most (77%) drug court participants have chemical health assessments prior to drug court acceptance. Almost all participants (96%) are assessed within one month of acceptance into drug court. Taking both participants assessed prior to and after drug court acceptance, the average number of days between acceptance into drug court and chemical health assessment is -32, or approximately one month before acceptance into drug court.

For participants assessed before drug court acceptance, the average number of days prior to acceptance is 49, or seven weeks prior to acceptance. The median number of days is 15 days, or approximately two weeks. Approximately 4% of the participants assessed before drug court acceptance are assessed at least 6 months prior to drug court acceptance, which heavily impacts the average number of days.

For participants assessed after drug court acceptance, the average number of days is 26, or approximately three weeks. The median number of days is 10, with several participants (3%) being assessed more than 6 months after drug court acceptance.

Figure 9.3: Days Between Drug Court Acceptance and Chemical Health Assessment



Research Question 18: Are drug court participants attending treatment promptly? (Standard V)

Almost half (49%) of discharged participants enter treatment within one week of acceptance to drug court and 23% start treatment prior to drug court acceptance, but 26% do not start treatment for at least one month after drug court acceptance.

Within one week of acceptance in drug court half (49%) of discharged participants start treatment. However, one quarter (26%) of participants start treatment at least one month after drug court acceptance.

Almost one quarter of discharged drug court participants who attend treatment start treatment prior to drug court (see Key Measure 8 for information about drug court participants receiving and completing treatment). Some of these participants also complete treatment before entering drug court. Within one week of drug court acceptance, an additional one quarter (26%) enter treatment. The remaining half of drug court participants who receive treatment start the month following acceptance (26%) and beyond (26%).

The range of days between drug court acceptance and treatment start is wide – from almost three years prior to drug court acceptance (1070 days) to over two years (860) after drug court acceptance. Taking both participants who start treatment prior to and after drug court acceptance, the average number of days between acceptance into drug court and treatment is 46, or approximately six weeks after acceptance into drug court. The median number of days between acceptance and treatment start is 19.

For individuals who start treatment before drug court acceptance, the participants start treatment, on average, 143 days before acceptance – or approximately five months before drug court acceptance. However, the median number of days is 82, or less than 3 months before drug court acceptance.

Individuals starting treatment after drug court acceptance start an average of 62 days after acceptance, or approximately two months. Almost one in ten participants (8%) starting treatment after drug court acceptance start treatment at least six months after acceptance. The median number of days participants start treatment after drug court acceptance is 22, or approximately three weeks.

Research Question 19: Are drug court participants appearing in front of the drug court judge promptly? (Standard VI)

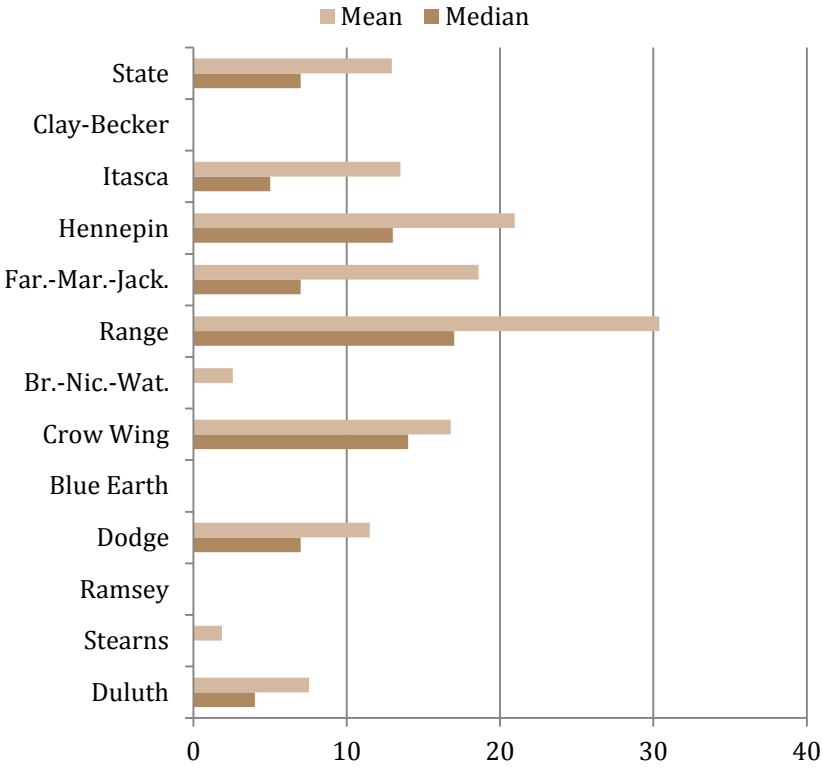
Most (77%) participants appear before a drug court judge within 2 weeks after drug court acceptance. However, most participants (81-91%) are not enrolled in drug court within 20 days of filing.

Key Measure 19a) Proportion of drug court participants appearing before a drug court judge within 2 weeks after drug court acceptance

Most (77%) participants appear before a drug court judge within 2 weeks after drug court acceptance. On average, participants appear before a drug court judge in 13 days.

Three-fourths (77%) of drug court participants appear in front of the drug court judge within 14 days after acceptance in drug court. On average, drug court participants see a judge 13 days after acceptance into drug court (median of 7). There is variation by court, due in large part to procedural and policy requirements not prescribed by the Drug Court Standards.

Figure 9.4: Mean & Median Days to First Drug Court Appearance

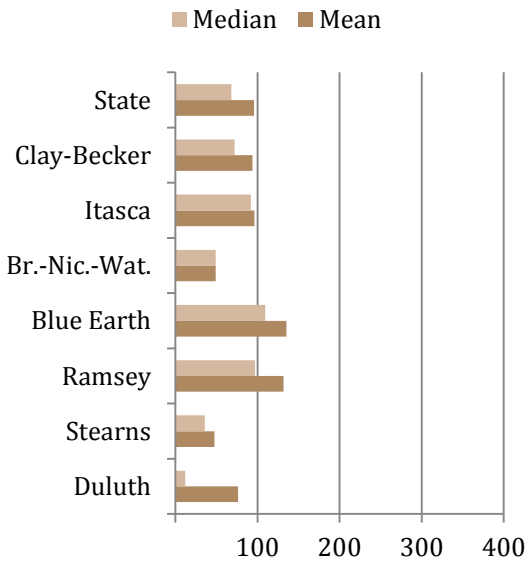


For example, all participants in Blue Earth, Clay-Becker, and Ramsey Counties have 0 days from drug court acceptance to their first appearance in drug court. In Ramsey County, most participants are asked to observe a drug court hearing prior to entry into drug court as part of their conditional release. Additionally, when the drug court team has information with which to make a determination of acceptance into drug court (meaning the drug court team has approved the participant's acceptance into drug court), they will ask the potential participant to attend the next drug court hearing, noting this may be their first appearance as an accepted drug court participant. The drug court team staffing takes place on the same day as the hearing. If the team accepts the individual, the first appearance will be on the same day as the acceptance. Ramsey County has structured the quick appearance after team acceptance, resulting in all participants promptly appearing in front of the drug court judge the same day the team accepts them into the drug court program.

Key Measure 19b) Proportion of drug court participants enrolled in drug court within 20 days of filing

Most participants are not enrolled in drug court within 20 days of filing. Two in ten (19%) drug court participants entering drug court pre-plea are enrolled within 20 days of filing. Half that (9%) of the participants entering drug court post-adjudication are enrolled within 20 days of filing.

Figure 9.4: Mean & Median Days from Filing to Drug Court Entry – Pre-plea

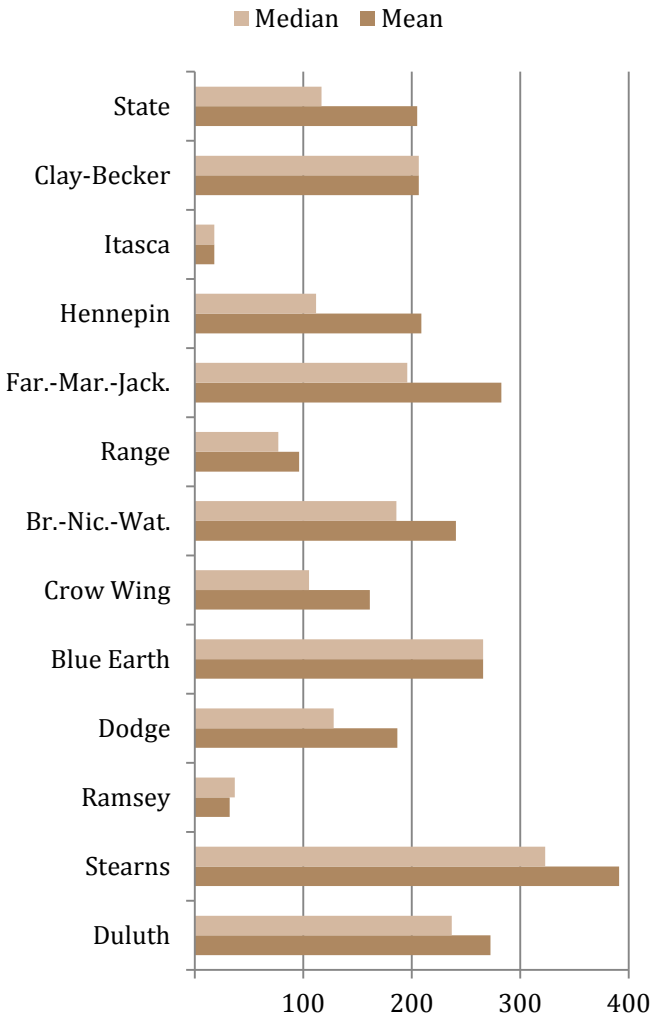


According to the NPC study, courts with 20 days or less between arrest and drug court entry 29% improved outcome costs over business-as-usual. For purposes of this evaluation, arrest dates are not available, so date of filing is used as a proxy for date of arrest. For this analysis, participants entering drug court pre-plea are analyzed separately from participants entering drug court post-adjudication.[84]

Two in ten (19%) drug court participants entering drug court pre-plea are accepted into drug court within 20 days of filing. The average number of days from filing to acceptance for participants entering drug court pre-plea is 96 days, with a median of 68.

One in ten (9%) drug court participants entering drug court post-adjudication are enrolled in drug court within 20 days of filing. The average number of days from filing to acceptance for participant entering drug court post-adjudication is 205 days, with a median of 117days.

Figure 9.5: Mean & Median Days from Filing to Drug Court Entry - Post Adjudication



[84] Participants entering on probation violations are excluded from this analysis as no proxy is available for arrest or filing date.

Research Question 20: Do drug courts require participants to appear in front of a judge at least twice monthly for the first four months? (Standard VI)

Three quarters (77%) of discharged participants have at least twice monthly occurred drug court hearings with a judge within 90 days of drug court acceptance. According to the 2009 Minnesota Judicial Workload Assessment, hearings for drug court participants were 3.5 minutes per participant, on average.

All drug courts in the Statewide Evaluation require participants to appear in front of the drug court judge at least twice monthly in the first phase. According to the NPC study, these courts may see up to 2 times greater savings in Outcome Costs than courts who do not require twice monthly appearances with the judge.

Almost all (98%) discharged drug court participants have at least one held hearing recorded in MNCIS within the 90 days after drug court acceptance. Three-quarters (77%) of discharged drug court participants have at least twice monthly drug court hearings with a judge within the 90 days after acceptance. Drug court participants have, on average, 8 hearings with the judge within the first three months of drug court (approximately one hearing every 11 days in the first three months).

According to the 2010 Policies and Practices survey, almost all (88%) drug courts in the Statewide Evaluation have a judge that stayed with the team at least two years. According to the NPC study, these courts may see up to 3 times greater savings in Outcome Costs than courts in which the judge does not stay with the court for at least two years. Additionally, over two-thirds of drug court judges completing the team member surveys in 2008, 2009, and 2010 indicated their years of involvement with the court as two or more years. In 2008, 87% of the judges completing the survey were with their team at least two years (33% for at least four years). In 2009, that number decreased to 70% of judges involved with their team at least two years (40% for at least four years), but increased again in 2010 to 90% of the responding drug court judges indicating involvement for at least two years (60% for at least four years).

Finally, all courts indicated in the 2010 Policies and Practices survey that all participants spend at least 3 minutes with the judge during drug court hearings. In May 2009, all judges in the state participated in a time study as part of the Minnesota Judicial Workload Assessment. The duration of each hearing was recorded by court staff and included in the final assessment of judicial need. Hearings for drug courts were included in this assessment[85]. Regular hearings[86] for drug court participants lasted, on average, 3.5 minutes during the time study during the month of May. The median hearing length was 3, with a range of 1 (the minimum amount allowed during the study) to 30 minutes.

[85] Hearing duration was recorded for each individual case rather than a block or calendar of cases, which made this analysis possible.

[86] Sentencing, disposition, and probation violation hearings were excluded from this analysis. Only hearings and review hearings occurring while the participant was active in drug court were included.

Research Question 21: Is abstinence monitored by frequent alcohol and drug testing? (Standard VII)

All (100%) drug courts require at least twice weekly drug testing during their court's first phase. Over half (56%) of drug courts receive results within 48 hours. Almost all courts (94%) require completers to have 90 days of sobriety at discharge, and 100% of completers in the Drug Court Cohort have at least 90 days of sobriety.

All drug courts in the Statewide Evaluation require participants to be drug tested at least twice per week during Phase 1. According to the NPC study, not using this practice will actually increase costs, instead of decrease.

Over half (56%) of drug courts in the Statewide Evaluation receive drug test results within 48 hours. According to the NPC study, these courts may see up to 3 times greater savings in Outcome Costs than courts receiving results in more than 48 hours.

As part of the Team Member Surveys conducted 2008-2010, drug court team members were asked whether they agreed with the statements "Treatment agencies give the court timely information about a participant's progress" and "The court is immediately notified when a participant has tested positive, failed to submit a test, or falsified test results." Over 85% of drug court team members agreed or strongly agreed with both statements all three years of the survey. Agreement that treatment agencies provide the court timely information on treatment progress was highest in 2009 (92%), but showed little change across the three years (90% 2008, and 88% 2010). Agreement that the court immediately received notification of positive tests was highest in 2010 (93%), which increased over the three years of the survey (88% 2008, 89% 2009).

Almost all (94%) drug courts in the Statewide Evaluation have policies requiring 90 days of sobriety at graduation. According to the NPC study, these courts may see up to 3 times greater savings in Outcome Costs than courts not requiring 90 days of sobriety. Not only do courts have these policies, but they are also implemented, as shown by the individual participant data. All Completers had at least 90 days of sobriety at discharge, with one third (32%) of non-completers having at least 90 days of sobriety at discharge. In total, 70% of all discharged participants have at least 90 days of sobriety at discharge. For more information on sobriety at discharge, see Key Measure 7.

Research Question 22: Are the services provided respectful of cultural diversity? (Standard IX)

Discharged participants receiving treatment indicate their treatment was provided in a language they could understand and 99.7% stated the treatment services were respectful of their culture.

Treatment providers in Minnesota that are required to provide information to the Department of Human Services through the DAANES system are also required to survey treatment participants on several questions related to language and cultural respect. Treatment participants are asked whether the services they received were 1) offered in a language they could understand and 2) whether the services were respectful of their culture.

All (100%) drug court participants receiving treatment who responded to the survey question "Did you receive treatment services in a language that you could understand?" responded that they did. When asked "were the treatment services that you received respectful of your culture?" almost all (99.7%) drug court participants indicated "yes," with only 1 participant reporting "no." Participants were also asked "how much were you helped by the counseling or treatment you got?" to which nine in ten (91%) drug court participants indicated "somewhat" or "a lot" for their first treatment episode after drug court acceptance.

Research Question 23: Do drug court team members receive continuing interdisciplinary education? (Standard XI)

Most (67-71%) team members indicate opportunities for ongoing training are available. Most also believe all drug court team members receive the needed education and training (64-72%).

At least two-thirds of drug court team members agree or strongly agree that opportunities exist for them to receive ongoing training as needed. In 2008, 67% of team members agreed or strongly agreed with that statement, 71% in 2009, and 67% in 2010.

In 2009 and 2010 drug court team members were also surveyed on whether or not they agreed that all drug court team members receive needed education and training. In 2009, 72% of team members agreed or strongly agreed with this statement and 64% agreed or strongly agreed in 2010.

Some team members indicated a desire for more training or education in areas traditionally unfamiliar to them. For example, one team member noted "I understand the CD aspect; I'd like to understand the criminal side of our clients better." Some indicated they had missed some basic training - "I have never had any Drug Court or Hybrid Court training" – or that resources were limited – "Training dollars are few" and "I am hesitant to list training requests because of the serious funding issues we are experiencing at this time. We do not have adequate funds for training."

Research Question 24: Do drug courts evaluate their effectiveness and use data to make modifications? (Standard XII)

Three quarters (75%) of drug courts indicate they have conducted a process or outcome evaluation, but less than half (44%) report they have implemented changes based on evaluations.

Three quarters of Minnesota Drug Courts have conducted a process or outcome evaluation. According to the NPC study, these courts may see up to 4 times greater savings in Outcome Costs than courts who have not completed an evaluation.

Less than half of the Minnesota Drug Courts implemented changes in their courts based on descriptive participant data or evaluation recommendations. According to the NPC study, these courts may see up to 4 times greater savings in Outcome Costs than courts who have implemented changes based on participant data or evaluation recommendations.

Chapter 10 Conclusions and Recommendations for Next Steps

Conclusion 1: Drug court has a significant impact on reducing recidivism– both new charges and new convictions – for 2 ½ years after acceptance in drug court.

Drug courts are a statistically significant factor in reducing recidivism virtually any way analyzed. Fewer drug court participants commit new crimes while in drug court for a 2 ½ year period of follow-up after drug court acceptance. Fewer drug court participants commit crimes during drug court, but the proportion of drug court participant committing new offenses during drug court (15% new charges) is higher than the offenses within one year of discharge, indicating fewer participants commit crimes after drug court discharge.

Recommendation 1: Continue tracking recidivism outcomes to determine if effects last over time.

Recidivism from start of drug court should be tracked for longer follow-up periods to ensure reductions in charge and conviction recidivism rates last over time. Further study should be done to identify the populations most likely to re-offend and whether additional programs or interventions may decrease likelihood to reoffend.

Conclusion 2: Drug court participants make modest improvements in community functioning characteristics like improved education, employment, and housing.

Many drug court participants make progress on community functioning variables such as education, employment and housing. Some community functioning measures show substantial improvement but only one-third (31%) of discharged participants leave drug court with all of the following: valid driver's license, diploma/GED, renting/owning their residence, and paying child support, if applicable. While half (51%) of completers leave with all of these characteristics, there is significant opportunity for improvement across all types of participants (7% for non-completers).

Recommendation 2: State and local drug court stakeholders should determine whether additional or different strategies should be used to support increased community functioning among participants.

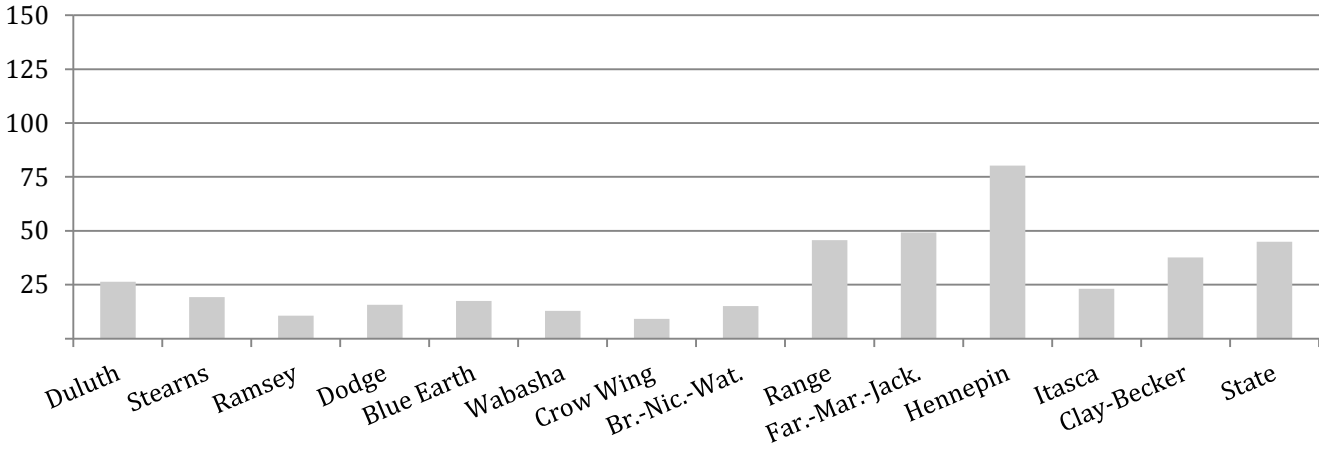
Successful programs, initiatives, or approaches to engaging drug court participants in services aimed at increasing their social capital should be discussed and shared across drug courts and with state policy makers. Populations that are not as successful in increasing their community functioning characteristics should be identified (e.g. younger participants, abusive participants) and drug court teams and policy makers should make efforts to ensure programs are equally accessible across diverse populations.

Conclusion 3: Most participants are incarcerated to some extent. Drug court participants are generally incarcerated for less time in prison, but results are mixed for jail time. Drug courts use jail as a sanction to varying degrees across the state.

Drug court is a statistically significant factor in predicting fewer days incarcerated for two and one half years after drug court acceptance. Drug court participation also significantly decreases the likelihood participants go to prison – for up to 1 ½ years. Completers spend virtually no time in prison through 2 ½ years after drug court acceptance (2% of completers; 1 average day). Minnesota drug courts incarcerate participants in jail more than comparison group participants. Removing Hennepin County from the statewide analysis shows the use of jail by other courts, collectively, to be less than the comparison group,

but individual courts should assess their use of jail to determine whether their court incarcerates participants more than necessary. There is wide variation in the average number of days in jail during drug court across drug courts (average of 9 to 80 days).

Figure 10.1: Average Number of Days in Jail During Drug Court – by Drug Court



Recommendation 3: Policy makers and drug court teams should review policies and practices to ensure incarceration, especially jail time, is used only when necessary to achieve drug court goals.

Incarceration included in the evaluation may be impacted by prior sentences, sentencing orders from non-drug court judges, local culture and many other factors unrelated to drug court. However, policy makers and drug court teams should determine the policies and practices they can influence, and take action to improve those policies and practices. Use of incarceration as a sanction during drug court should also be reviewed both statewide and locally as a practice. Since jail days vary widely by court drug courts should discuss practices used across locations to find successful sanctions that may replace use of jail, or decrease the incarceration duration that participants serve as a sanction. Further recommendations about the proper uses, and extent of use appropriate should be discussed and policies should be implemented, if appropriate.

Conclusion 4: Incarceration costs are $3,189 lower, per participant, for drug court participants than comparison group participants. Statewide prison costs are higher for comparison group participants, but jail costs are slightly higher, when including Hennepin County. Also, most non-completers are sent to prison upon unsuccessful completion of drug court.

Incarceration costs are less for drug court participants, but statewide jail costs are higher for drug court participants. While separating Hennepin County participants from the other Minnesota drug courts shows lower costs for the remaining drug courts, the overall statewide results indicate costs for jail are higher for the Drug Court Cohort than the Comparison Group over two and one half years after start. The average costs saved for each drug court participant in the study is $3,189. However, most non-completers (60%) spend some time in prison within one year after drug court discharge.

Recommendation 4: To reduce incarceration costs, policies and practices regarding the use of jail and prison both during and after drug court (e.g. executed sentences) should be reviewed and modified, if appropriate. Policy makers should also discuss how to balance drug court goals regarding public safety and cost reduction.

Drug court policy makers and teams regularly balance the goals of drug courts; enhancing public safety and reducing costs to society in particular. Policy makers and drug court teams should discuss the balance of these goals in furthering the effectiveness of drug courts in Minnesota. Specifically, policy makers should discuss the benefits of using jail and prison for public safety purposes and how this should balance with the goal of reducing financial and social costs to the participants and the public. Consideration should be given to conducting a full cost-benefit analysis for either a sample or the population of drug courts in Minnesota.

Conclusion 5: Drug court completers perform better than non-completers on virtually all measures.

Completers are less likely to commit new criminal offenses, more likely to improve community functioning characteristics, and less likely to be incarcerated during and after drug court. Completers show significant and substantial improvements over non-completers and, when combined with non-completers, show improvements over comparison group participants as well.

Recommendation 5: Identify the most effective methods for increasing graduation rates and implement policies to encourage their use.

Further study by evaluators and local drug court teams should identify and understand what methods increase likelihood for graduating from drug court. Additionally, populations that are not as successful[87] in drug court should be identified (e.g. younger participants, abusive participants) and drug court teams and policy makers should make efforts to ensure programs are equally accessible across diverse populations.

Conclusion 6: Most drug courts only admit individuals with a high need for treatment – identified by a diagnosis of chemical dependence – but two courts accept non-dependent participants on occasion.

Fourteen of the sixteen courts in this evaluation exclusively accept participants diagnosed or assessed as chemically dependent. Two courts do, on occasion accept participant who are not chemically dependent. National research shows drug court show improvements in outcomes and outcome costs for individuals assessed as chemically dependent over those assessed as chemically abusive or without any identified problem.[88] For more information, see Research Question 14a.

Recommendation 6: The two courts accepting non-chemically dependent participants should review their eligibility criteria in conjunction with the Drug Court Standards and consider revising their eligibility criteria and admission decisions.

The drug courts accepting non-chemically dependent participants should review their written policies to identify whether they allow the team to admit participants who are not chemically dependent to their drug

[87] Data are not collected statewide on the participants screened out by local drug court screening processes. Data are also not collected statewide on the populations who are offered drug court. Thus it is unknown if certain populations are being rejected from drug court discriminately who may be likely to succeed in drug court.

[88] Marlowe, Douglas B. Evidence-Based Sentencing for Drug Offenders: An Analysis of Prognostic Risk and Criminogenic Needs. *Chapman Journal of Criminal Justice* 1:1 (2009).

courts. If their policies allow for these admissions, the court should consider aligning their policies and procedures with the Drug Court Standards. Also, these courts should reconsider the policies as best practice research largely indicates chemically dependent individuals are the proper individuals to admit to drug court.

Additionally, if the policies and procedures of these courts do not provide the team with the ability to accept non-chemically dependent participants, these drug courts are in violation of their own policies. The teams should have a discussion about these decisions and consider changing their procedures and practices to conform to their written criteria.

Conclusion 7: "High risk" is not specifically defined in the Drug Court Standards. It is also unclear if all drug courts assess risk of participants before the participants are accepted into drug court.

The standards do not specifically describe "high risk" participants. While the standards require the use of "validated risk assessments" the requirements for those assessments are not defined and the appropriate levels to constitute "high risk" are not provided. In addition, it is unclear whether drug court teams use risk assessments in the drug court screening process or only after drug court acceptance for case planning. Further, there are no requirements for prior criminal activity or other factors that may impact the potential risk for a participant to reoffend. It is unclear whether criminal history is reviewed by courts in determining whether a participant is eligible for drug court as a "high risk" offender, but half (51%) of drug court participants have no prior felony convictions.

Recommendation 7: Statewide policy makers should refine the Drug Court Standards to specifically define "high risk" and provide guidance to drug courts on the tools and factors that should be used to assess risk. Drug court teams should ensure assessments of risk are completed prior to a participant's entry in drug court.

The risk factors to be considered, or assessments to be used, in assessing risk should be clearly defined in the Drug Court Standards. Further study, if necessary, should be done to determine the risk factors present for the appropriate drug court participants. Where discretion should be included for individual drug court teams, factors or guidelines for assessing risk should be provided in the Standards. If risk assessment tools are proscribed, the appropriate levels should be clearly stated (e.g. medium and high risk on the LSI-R™). Also, drug courts that do not assess risk systematically as part of the screening process should revise their procedures to ensure high risk participants are enrolled in their drug courts.

Conclusion 8: Most drug courts are generally in compliance with the Drug Court Standards, 10 Key Components, and utilize many of the cost-effective practices for drug courts. However, there are opportunities for improvements for all courts.

Most courts are meeting most Drug Court Standards, which are based on the 10 Key Components. In assessing the number of courts using practices identified as cost effective in a recent NPC Study, most of Minnesota's drug courts use practices that show improvements in outcome costs. However, some program characteristics show areas of opportunity. For example, most drug courts could improve timelines for getting participants enrolled in drug court quicker (Key Measure 19b) and focus on getting all participants in treatment more quickly (Research Question 18). Also, the lack of consistent defense counsel presence in staffings and drug court hearings in some locations presents concerns for the potential imbalance on the teams as decisions are made for participants specifically, or generally.

Recommendation 8: Drug court teams should review their policies and practices to determine if improvements can be made, specifically in promptly enrolling drug court participants and getting all participants into treatment quickly.

Since many of the practices analyzed in this study can have a substantial impact on outcome costs, these practices should be reviewed by drug court teams and policy makers. The Standards may need to be revised to promote the use of cost-effective practices by local courts. Additionally, drug court teams should meet and discuss their practices collaboratively so that teams can learn from each other what how cost-effective practices have been successfully implemented in other locations. Drug court teams should focus on what can be done, locally and at a state level, to improve timelines for getting participants enrolled in drug court and into treatment. Since stakeholders across the criminal justice system are collaborating locally (e.g. drug court steering committees and teams) and statewide (e.g. DCI), opportunities exist to facilitate these discussions and for changes to be implemented based on those discussions.

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Chapter 12 Appendix

Executive Summary Detailed Findings

Goal 1: Enhancing Public Safety Findings

Research Question 1: Are rates of recidivism lower for drug court participants?

Drug court is a statistically significant factor in reducing new charges and convictions for participants in all time intervals analyzed (through 2 ½ years) after a participant's start date. At the end of 2 ½ years the Drug Court Cohort shows a 37% reduction in new charges and 47% reduction in new convictions as compared to the Comparison Group.

Key Measure 1a) Charge recidivism rates for participants 2 ½ years from start date
One quarter (26%) of the Drug Court Cohort receives a new charge within 2 ½ years after start date compared to 41% of the Comparison Group. Participation in drug court is a statistically significant factor in predicting smaller proportions of participants reoffending.

Key Measure 1b) Average number of new charges for participants 2 ½ years from start date
Drug court participants are charged with an average of 1.5 new offenses within 2 ½ years after start date compared to 1.9 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new charges per participant.

Key Measure 1c) Conviction recidivism rates for participants 2 ½ years from start date
Less than two in ten (17%) drug court participants receive a new conviction within 2 ½ years after start date compared to one-third (32%) of the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend.

Key Measure 1d) Average number of new convictions for participants 2 ½ years from start date
Drug court participants are convicted of an average of 0.2 new offenses within 2 ½ years after start date compared to 0.3 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new convictions per participant.

Research Question 2: Are rates of recidivism lower for drug court participants during drug court?
Drug court participants are less likely to receive a new charge or conviction during drug court than the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend during drug court.

Key Measure 2a) Charge recidivism rates for participants during drug court (within 18 months for the Comparison Group)
Two in ten (19%) drug court participants receive a new charge during drug court compared to 29% of the Comparison Group. Participation in drug court statistically significantly predicts less likelihood to reoffend.

Key Measure 2b) Average number of new charges for participants during drug court (within 18 months for the Comparison Group)

Drug court participants are convicted of an average of 0.2 new offenses during drug court compared to 0.5 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new charges per participant.

Key Measure 2c) Conviction recidivism rates for participants during drug court (within 18 months for the Comparison Group)

Drug court participants are less likely to receive a new conviction during drug court (14%) than the Comparison Group (24%). Participation in drug court statistically significantly predicts less likelihood to reoffend.

Key Measure 2d) Average number of new convictions for participants during drug court (within 18 months for the Comparison Group)

Drug court participants are convicted of an average of 0.2 new offenses during drug court compared to 0.3 offenses for the Comparison Group. Participation in drug court is a statistically significant factor in predicting fewer new convictions per participant.

Research Question 3: Are rates of recidivism lower for drug court participants within one year after drug court discharge?

Recidivism rates for all time from drug court start and within one year after drug court discharge show a 30% reduction in new charges, and 32% reduction in new convictions, for the Drug Court Cohort. Recidivism rates isolating new offenses after drug court discharge, but within one year, are not statistically significant. Further follow-up should examine recidivism rates beyond one year after drug court discharge.

Key Measure 3a) Charge recidivism rates for participants within 1 year after drug court discharge

Less than one-third (28%) of the Drug Court Cohort is charged with a new offense between start date and one year after drug court as compared to 40% of the Comparison Group. Drug court participants who do commit new offenses within one year after drug court discharge split fairly evenly between during program recidivism (53%) and post-program recidivism (47%). Most comparison group participants (68%) committing new offenses do so within the first 18 months after their disposition date.

Key Measure 3b) Conviction recidivism rates for participants within 1 year after drug court discharge

Two in ten (21%) drug court participants are convicted of a new offense between start date and one year after drug court as compared to almost one-third (31%) of comparison group participants. Drug court participants from New York State's 6-court evaluation have similar or higher (12-30%) re-conviction rates as Minnesota (11%) within one year. In addition, Minnesota's completers have comparable re-conviction rates to New York State's 6-court evaluation rates (4-12%).

Goal 2: Ensuring Participant Accountability Findings

Research Question 4: Are drug court participants complying with treatment requirements?

Key Measure 4a) Proportion of drug court participants in compliance with treatment requirements

Almost two-thirds of discharged participants are compliant with their treatment requirements at discharge, with 99.6% of Completers completing their treatment requirements at discharge.

Research Question 5: Do drug court participants show improvement in community functioning?

Improvements in community functioning are mixed - with varying results for completers and non-completers as well as by the type of community functioning measure. Overall, discharged participants show improvement in most areas. Completers generally show improvement during drug court in most community functioning measures.

One-third (31%) of discharged participants, at discharge, are employed, have a diploma/GED, are renting/owning their residence, have a valid license, and are paying child support, if applicable.

Key Measure 5a) Proportion of drug court participants who were unemployed at entry and are employed at discharge

Half (49%) of discharged participants unemployed at entry are employed at discharge. Unemployment dropped from 62% at entry to 37% for all discharged participants. Completers are more likely to be employed or enrolled full-time as students at entry (44%) and at discharge (81%) than the non-completers (21% at entry, 27% at discharge).

Key Measure 5c) Proportion of drug court participants who were homeless at entry and have a place to live at discharge

Almost half (46%) of discharged participants without a permanent home at entry rent or own their residence at discharge. For discharged participants homeless at entry, 78% have some other type of housing at discharge (e.g. facility, temporary), but 46% rent or own. Two-thirds (66%) of discharged participants rent or own their residence at discharge.

Key Measure 5d) Proportion of drug court participants who did not have a valid driver's license at entry and have a valid driver's license at discharge

Almost one-third of discharged participants without a valid driver's license at entry have a valid driver's license at discharge. Slightly more than half (54%) of discharged participants leave drug court with a valid driver's license. Discharged participants in rural counties who enrolled in drug court without a valid license are more likely to leave drug court with a valid driver's license.

Key Measure 5e) Proportion of drug court participants who were out of compliance with child support obligations at entry who are in compliance with obligations to pay child support at discharge

Over one-third (36%) of discharged participants who entered drug court out of compliance with required child support payments were paying child support at discharge. Half (52%) of discharged participants required to pay child support are making payments at discharge. A higher proportion of discharged males (42%) start paying child support by drug court discharge as compared to discharged females (33%).

Research Question 6: How many drug court participants successfully complete the program?

Minnesota's graduation rate is 54% for all drug court participants in the Drug Court Cohort, which is comparable to other rates seen nationally (40-65%). For those unsuccessfully completing drug court, the most frequent reason (57%) for discharge is participant non-compliance resulting from repeated substance use, failure to make progress, unresolved mental health issues or failure to comply with drug court contracts.

Key Measure 6a) Proportion of drug court participants who complete drug court (i.e. graduation rate)

The Minnesota graduation rate is 54%, indicating slightly over half of participants successfully complete requirements of drug courts. When isolating Hennepin County (40% of the Drug Court Cohort, 39% graduation rate) from the remaining courts, the Minnesota graduation rate increases to 63%.

Key Measure 6b) Primary reason for unsuccessful drug court completion

The most frequent reason (57%) for unsuccessful drug court discharge is participant non-compliance resulting from repeated substance use, failure to make progress, unresolved mental health issues or failure to comply with drug court contracts. A higher proportion of Hennepin County participants are terminated due to criminal activity (29%) than in other Minnesota drug courts (18%).

Research Question 7: How many days are drug court participants sober before discharge?

Key Measure 7a) Average number of days since last known use prior to discharge for drug court participants

Discharged drug court participants have, on average, over 10 months of sobriety at discharge. Completers, on average, have over 16 months of sobriety at discharge and all completers have at least 90 days of sobriety. One in ten (13%) non-completers has no sobriety at discharge, but over one-third of non-completers have at least 6 months of sobriety at discharge.

Research Question 8: Do drug court participants succeed in treatment?

Almost all (94%) drug court participants receive treatment during drug court. More than three-quarters (80%) of discharged participants complete at least one treatment episode during drug court. Discharged participants participant in treatment one-third (35%) of their days enrolled in drug court. Discharged participants show the highest treatment episode completion rates for participants whose primary dependence is Methamphetamines (76%) and Cocaine powder (68%).

Drug court participants receive more treatment than the Comparison Group. Drug court participants have a 34% increase in treatment received over the comparison group, and drug court participants are over one and one half times as likely to complete a treatment episode as the comparison group (80% Drug Court Cohort; 49% Comparison Group). Treatment completion rates, per episode, however, are similar for the two groups (61% Drug Court Cohort; 63% Comparison Group). Drug court participants receive over two times as much treatment as comparison group participants (2.3 episodes Drug Court Cohort; 1.1 episodes Comparison Group).

Key Measure 8a) Proportion of drug court participants who receive treatment during drug court

Almost (94%) all drug court participants receive some type of treatment during drug court. Seven in ten (70%) comparison group participants receive treatment within 18 months of

their disposition date. Drug court participants participate in 2.3 average treatment episodes during drug court compared to 1.1 for the Comparison Group.

Key Measure 8b) Proportion of drug court participants who successfully complete a treatment episode during drug court

Eight in ten (80%) discharged drug court participants complete at least one treatment episode during drug court. Half (49%) of the Comparison Group complete a treatment episode within 18 months of their disposition date. Completion rates, per episode, are similar for the groups (61% Drug Court Cohort; 63% Comparison Group).

Key Measure 8c) Treatment completion rates by primary substance of dependence/abuse

Treatment completion rates are highest for participants when Methamphetamine (76% Drug Court Cohort; 70% Comparison Group) and Cocaine powder (68% Drug Court Cohort; 65% Comparison Group) are the primary substances.

Key Measure 8d) Proportion of drug court days participants participate in treatment

Discharged participants participate in treatment one-third (35%) of their days in drug court. Non-completers generally spend a higher proportion of their treatment days in treatment with room and board (41%) than completers (26%)

Research Question 9: Are drug court participants spending less time in jail and prison?

Incarceration rates for drug court and comparison group participants are similar. A higher proportion of comparison group participants spend time in prison, but a slightly higher proportion of drug court participants spend time in jail.

Drug court participants spend less time in prison than the comparison group participants after their respective start dates. However, drug court participants spend more time in jail than comparison group participants in a similar time frame. If Hennepin County, which comprises 40% of the Drug Court Cohort, is analyzed separately, other Minnesota drug court participants spend less time in jail than non-Hennepin comparison group participants, a difference that is statistically significant. In analyzing all incarceration time, drug court participants spend, on average, fewer days incarcerated, than the comparison group participants.

When isolating time incarcerated after drug court, drug court participants are more likely to spend time in prison, and for more days, than the comparison group.

Key Measure 9a) Proportion of participants incarcerated in jail from 2 ½ years after admission/disposition date for participants

Drug court and comparison group participants have similar jail incarceration rates, meaning similar proportions of participants receive at least 1 day in jail 2 ½ years after drug court acceptance (81% Drug Court Cohort; 80% Comparison Group). Results are not statistically significant. Completers show a 22% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

Key Measure 9b) Average number of days in jail for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend more days, on average, in jail than comparison group participants 2 ½ years after drug court acceptance. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show statistically significant fewer days incarcerated in jail than the

comparison group participants outside Hennepin County. Drug court completers (23 days) show 80% reduction in jail days served over the non-completers (127 days).

Key Measure 9c) Proportion of participants incarcerated in prison from 2 ½ years after admission/disposition date for participants

Drug court participants have lower prison incarceration rates 2 ½ years after drug court acceptance (30% Drug Court Cohort; 38% Comparison Group). Results are statistically significant. Completers show 51% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

Key Measure 9d) Average number of days in prison for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend fewer days in prison than comparison group participants 2 ½ years after drug court acceptance. These results are statistically significant. Drug court completers spend virtually no time in prison (1 day) within 2 ½ years as compared to non-completers (93).

Key Measure 9e) Proportion of participants incarcerated (jail and prison) from 2 ½ years after admission/disposition date for participants

Drug court and comparison group participants have similar incarceration rates 2 ½ years after drug court acceptance (83% Drug Court Cohort; 85% Comparison Group). Results are not statistically significant. Completers show a 25% reduction in incarceration rates over non-completers in 2 ½ years, a reduction that is statistically significant.

Key Measure 9f) Average number of days incarcerated (jail and prison) for participants from 2 ½ years after admission/disposition date for participants

Drug court participants spend almost one and one half times fewer days incarcerated than comparison group participants 2 ½ years after drug court acceptance (126 Drug Court Cohort; 181 Comparison Group). These results are statistically significant. Drug court completers (25 days) spend almost 10 times fewer days incarcerated than non-completers (245).

Key Measure 9g) Proportion of participants incarcerated in jail during drug court

Drug court and comparison group participants have similar jail incarceration rates during drug court (77% Drug Court Cohort; 75% Comparison Group). Results are not statistically significant. Completers show a 24% reduction in incarceration rates over non-completers during drug court, a reduction that is statistically significant.

Key Measure 9h) Average number of days in jail for participants during drug court

Drug court and comparison group participants spend similar days in jail during drug court (45 Drug Court Cohort; 43 Comparison Group). These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show statistically significant fewer days incarcerated in jail (23) than the comparison group participants outside Hennepin County (41). All drug court completers (21 days) spend three and one half times fewer days incarcerated than all non-completers (74), a statistically significant difference.

Key Measure 9i) Proportion of participants incarcerated in prison during drug court

Drug court participants have significantly lower prison incarceration rates during drug court (2% Drug Court Cohort; 29% Comparison Group). Results are statistically significant.

Completers (1%) are less likely to spend time in prison than non-completers (4%), but the difference is not statistically significant.

Key Measure 9j) Average number of days in prison for participants during drug court

Drug court participants spend significantly fewer days in prison (1 day) than comparison group participants (84) during drug court. These results are statistically significant. Most drug court participants do not spend time in prison during drug court and differences in the average days for completers (0 day) and non-completers (3 days) are not statistically significant.

Key Measure 9k) Proportion of participants incarcerated (jail and prison) during drug court

Drug court participants have slightly lower incarceration rates during drug court than the comparison group, but the difference is not statistically significant (77% Drug Court Cohort; 81% Comparison Group). Completers show a 23% reduction in incarceration rates over non-completers during drug court, a reduction that is statistically significant.

Key Measure 9l) Average number of days incarcerated (jail and prison) for participants during drug court

Drug court participants spend almost three times fewer days incarcerated (46 days) than comparison group participants (127) during drug court. These results are statistically significant. Drug court completers (21 days) have a 73% reduction in incarceration days over non-completers during drug court (77 days), a difference that is statistically significant.

Key Measure 9m) Proportion of participants incarcerated in jail 1 year after drug court

Drug court participants have slightly higher incarceration rates one year after drug court discharge than the comparison group, but the difference is not statistically significant (47% Drug Court Cohort; 41% Comparison Group). Completers are five times less likely to be incarceration in jail (17%) than non-completers (83%) one year after drug court discharge, a difference that is statistically significant.

Key Measure 9n) Average number of days in jail for participants 1 year after drug court

Drug court participants spend slightly more days incarcerated (23 days) than comparison group participants (17) one year after drug court discharge. These results are statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show similar days in jail (17) as the comparison group (18), a difference that is not statistically significant. All drug court completers (1 day) spend significantly fewer days in jail than non-completers one year after drug court discharge (40 days), a difference that is statistically significant.

Key Measure 9o) Proportion of participants incarcerated in prison 1 year after drug court

Drug court participants have slightly higher prison incarceration rates one year after drug court discharge than the comparison group, but the difference is not statistically significant (25% Drug Court Cohort; 22% Comparison Group). Six in ten (60%) non-completers are incarcerated in prison within one year after drug court discharge as compared to 0% of completers, a difference that is statistically significant.

Key Measure 9p) Average number of days in prison for participants 1 year after drug court

Drug court participants spend more days incarcerated in prison (47 days) than comparison group participants (37) one year after drug court discharge. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show fewer days in prison (28) than the comparison group (37), but the difference is not statistically significant. All drug court completers (0 day) spend virtually no time in prison one year after drug court discharge, as compared to non-completers (120 days), a difference that is statistically significant.

Key Measure 9q) Proportion of participants incarcerated (jail and prison) 1 year after drug court

Drug court and comparison group participants have similar incarceration rates one year after drug, with a slight difference that is not statistically significant (50% Drug Court Cohort; 51% Comparison Group). When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts shower a lower proportion of participants incarcerated (39%) than the comparison group participants (52%), a difference that is statistically significant. All drug court completers (17%) are over five times less likely to be incarcerated one year after drug court discharge as compared to non-completers (91%), a difference that is statistically significant.

Key Measure 9r) Average number of days incarcerated (jail and prison) for participants 1 year after drug court

Drug court participants spend more days incarcerated in prison (70 days) than comparison group participants (54) one year after drug court discharge. These results are not statistically significant. When separating Hennepin County from the other Minnesota drug courts, the remaining drug courts show fewer days incarcerated (44) than the comparison group (54), but the difference is not statistically significant. All drug court completers (1 day) spend little time incarcerated one year after drug court discharge, as compared to non-completers (160 days), a difference that is statistically significant.

Research Question 10: Are incarceration costs lower for drug court participants?

The costs per participant vary by participant group. Jail costs are higher ($772 per participant) for the Drug Court Cohort than the Comparison Group. However, prison costs are much higher ($3,961 per participant) for the Comparison Group than the Drug Court Cohort. Overall, the incarceration costs are lower for the Drug Court Cohort across all time intervals analyzed. Over two and one half years, an average of $3,189 less was spent on incarcerating drug court participants than on incarcerating participants in the comparison group.

Key Measure 10a) Total dollars spent on prison costs for participants from 2 ½ years after admission/disposition date for participants

Prison costs are $2,936 per drug court participant and $6,948 per comparison group participant. In total $3,961 fewer dollars are spent on prison per drug court participant than per comparison group participant.

Key Measure 10b) Total dollars spent on prison costs for participants from 2 ½ years after admission/disposition date for participants

Jail costs are $4,062 per drug court participant and $3,291 per comparison group participant. In total, $772 more dollars are spent on jail per drug court participant than per comparison group participant.

Key Measure 10c) Total dollars spent on incarceration costs (jail and prison) for participants from 2 ½ years after admission/disposition date for participants

Incarceration costs are $7,049 per drug court participant and $10,238 per comparison group participant. In total $3,189 fewer dollars are spent per drug court participant than per comparison group participant.

Research Question 11: Do drug court teams work together collaboratively? (Standard I and IV)

Drug court team members generally agree policies are developed collaboratively, courts include proper stakeholders on their drug court teams, and most require core team members to attend staffings and court hearings, and most drug court teams have formal community partnerships in their communities.

Research Question 12: Are the distinct roles of the prosecutor and defense counsel maintained in drug court? (Standard II)

Most prosecutor and defense counsel team members attend staffings, however, fewer defense counsel attend staffings due in large part to the 2008 Minnesota State Board of Public Defense resolution barring participation of defense counsel in post-adjudication drug courts.

Research Question 13: Are drug court team members assigned to the team for at least one year? (Standard II)

Most courts (88%) require the drug court judge to stay on the drug court team at least 2 years. In addition, in a 2008 survey 76% of team members indicated they were with their team for at least 2 years.

Research Question 14: Are drug courts participants assessed as high risk, high need? (Standard III)

Participants are almost exclusively chemically dependent, but some participants are accepted into drug court without a diagnosis or assessment of chemical dependence. The Drug Court Standards do not define "high risk" with enough specificity to determine whether drug court participants meet the definition. Without further determination of what "high risk" means in relation to the assessment tools being used, as well as other eligibility criteria, it is not possible to determine whether individuals in drug courts are "high risk" from the Drug Court Standards.

Research Question 14a) Are drug courts participants assessed as high need? (Standard III)

Participants are almost exclusively chemically dependent, but some participants are accepted into drug court without a diagnosis or assessment of chemical dependence. The non-chemically dependent participants are accepted in two of the sixteen courts included in this evaluation.

Research Question 14b) Are drug courts participants assessed as high risk? (Standard III)

The Drug Court Standards do not define "high risk" with enough specificity to determine whether drug court participants meet the definition. Without further determination of what "high risk" means in relation to the assessment tools being used, as well as other eligibility criteria, it is not possible to determine whether individuals in drug courts are "high risk" from the Drug Court Standards. For descriptive purposes, indicators of risk are summarized.

While it is unclear whether courts use risk assessments as part of the screening process or as part of a case plan after drug court entry, 98%of discharged participants receive some type of risk assessment (59% LSI-R™, 39% RANT, and 5% Wisconsin). Three-quarters (77%) of the participant assessed with an LSI-R™ are moderate or high risk (32%medium/high or high), 100% of those assessed with the RANT are high risk, and 91% of participants assessed with the Wisconsin tool are high risk. Two-thirds of discharged participants have a prior conviction (67%) and half (49%) have a prior felony conviction at entry. Half (52%) of participants have a criminal history score of 1 or more.

Research Question 15: Are participant eligibility criteria flexible? (Standard III)

Most (69%) drug courts have eligibility criteria allowing non-drug offenders in their drug court, and all those courts have non-drug offenders in their courts. Most drug court participants are felony drug offenders (80%), but 17% are other and property felony offenders.

Research Question 16: Is there a coordinated strategy governing responses of the drug court team to each participant's performance and progress? (Standard IV)

Most drug courts in Minnesota do not use a single coordinated treatment agency for participants. However, many treatment providers across the state are not able to provide all treatment options necessary for drug court participants.

Research Question 17: Are drug court participants assessed promptly? (Standard V)

Three quarters (77%) of discharged participants are assessed prior to drug court entry, and 96% are assessed within one month of acceptance to drug court.

Research Question 18: Are drug court participants attending treatment promptly? (Standard V)

Almost half (49%) of discharged participants enter treatment within one week of acceptance to drug court and 23% start treatment prior to drug court acceptance, but 26% do not start treatment for at least one month after drug court acceptance.

Research Question 19: Are drug court participants appearing in front of the drug court judge promptly? (Standard VI)

Most (77%) participants appear before a drug court judge within 2 weeks after drug court acceptance. However, most participants (81-91%) are not enrolled in drug court within 20 days of filing.

Key Measure 19a) Proportion of drug court participants appearing before a drug court judge within 2 weeks after drug court acceptance

Most (77%) participants appear before a drug court judge within 2 weeks after drug court acceptance. On average, participants appear before a drug court judge in 13 days.

Key Measure 19b) Proportion of drug court participants enrolled in drug court within 20 days of filing

Most participants are not enrolled in drug court within 20 days of filing. Two in ten (19%) drug court participants entering drug court pre-plea are enrolled within 20 days of filing. Half that (9%) of the participants entering drug court post-adjudication are enrolled within 20 days of filing.

Research Question 20: Do drug courts require participants to appear in front of a judge at least twice monthly for the first four months? (Standard VI)

Three quarters (77%) of discharged participants have at least twice monthly occurred drug court hearings with a judge within 90 days of drug court acceptance. According to the 2009 Minnesota Judicial Workload Assessment, hearings for drug court participants were 3.5 minutes per participant, on average.

Research Question 21: Is abstinence monitored by frequent alcohol and drug testing? (Standard VII)

All (100%) drug courts require at least twice weekly drug testing during their court's first phase. Over half (56%) of drug courts receive results within 48 hours. Almost all courts (94%) require completers to have 90 days of sobriety at discharge, and 100% of completers in the Drug Court Cohort have at least 90 days of sobriety.

Research Question 22: Are the services provided respectful of cultural diversity? (Standard IX)

Discharged participants receiving treatment indicate their treatment was provided in a language they could understand and 99.7% stated the treatment services were respectful of their culture.

Research Question 23: Do drug court team members receive continuing interdisciplinary education? (Standard XI)

Most (67-71%) team members indicate opportunities for ongoing training are available. Most also believe all drug court team members receive the needed education and training (64-72%).

Research Question 24: Do drug courts evaluate their effectiveness and use data to make modifications? (Standard XII)

Three quarters (75%) of drug courts indicate they have conducted a process or outcome evaluation, but less than half (44%) report they have implemented changes based on evaluations.

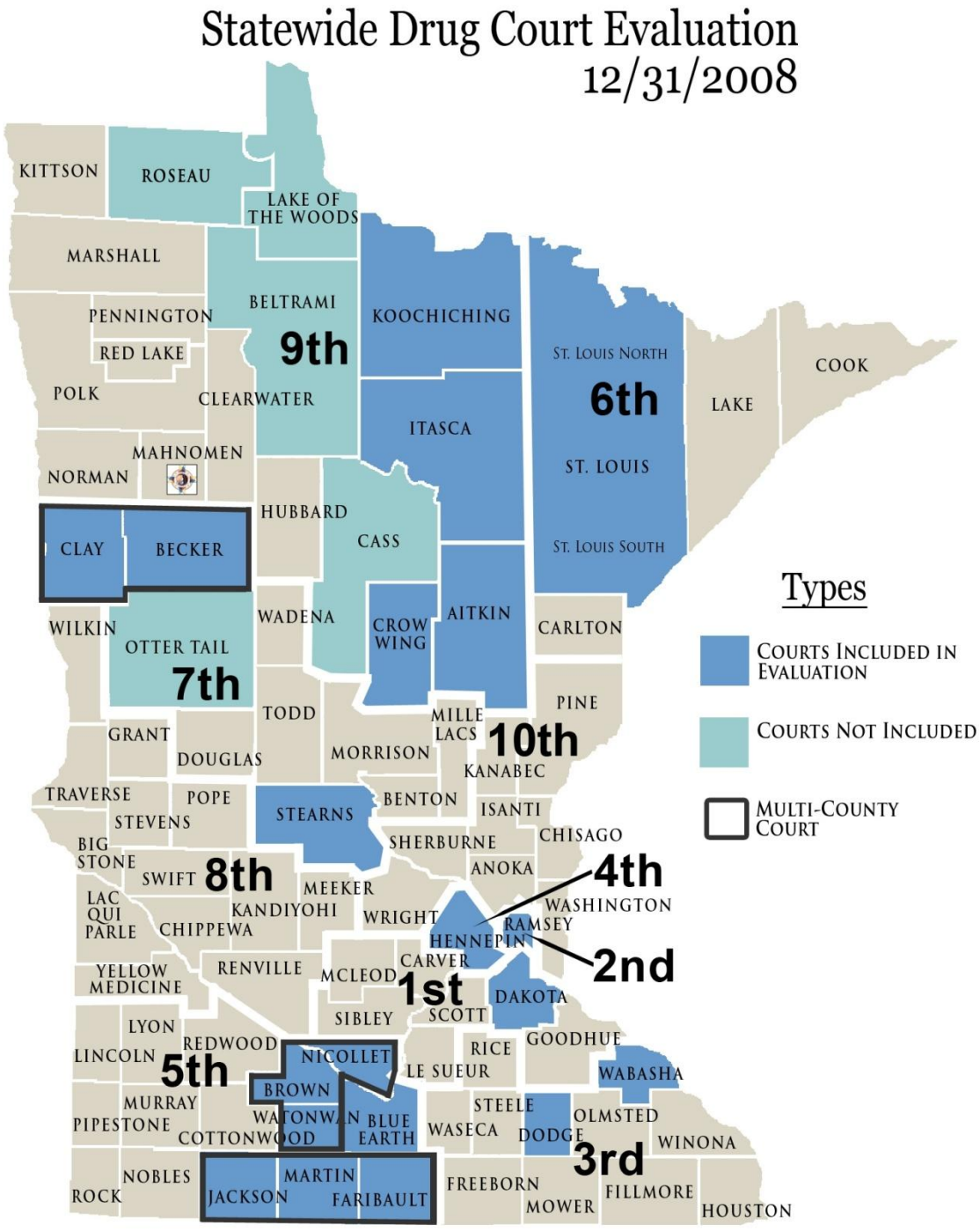
Chapter 3 References

Program History Resources

The Chemical Dependency Task Force Reports can be found here.

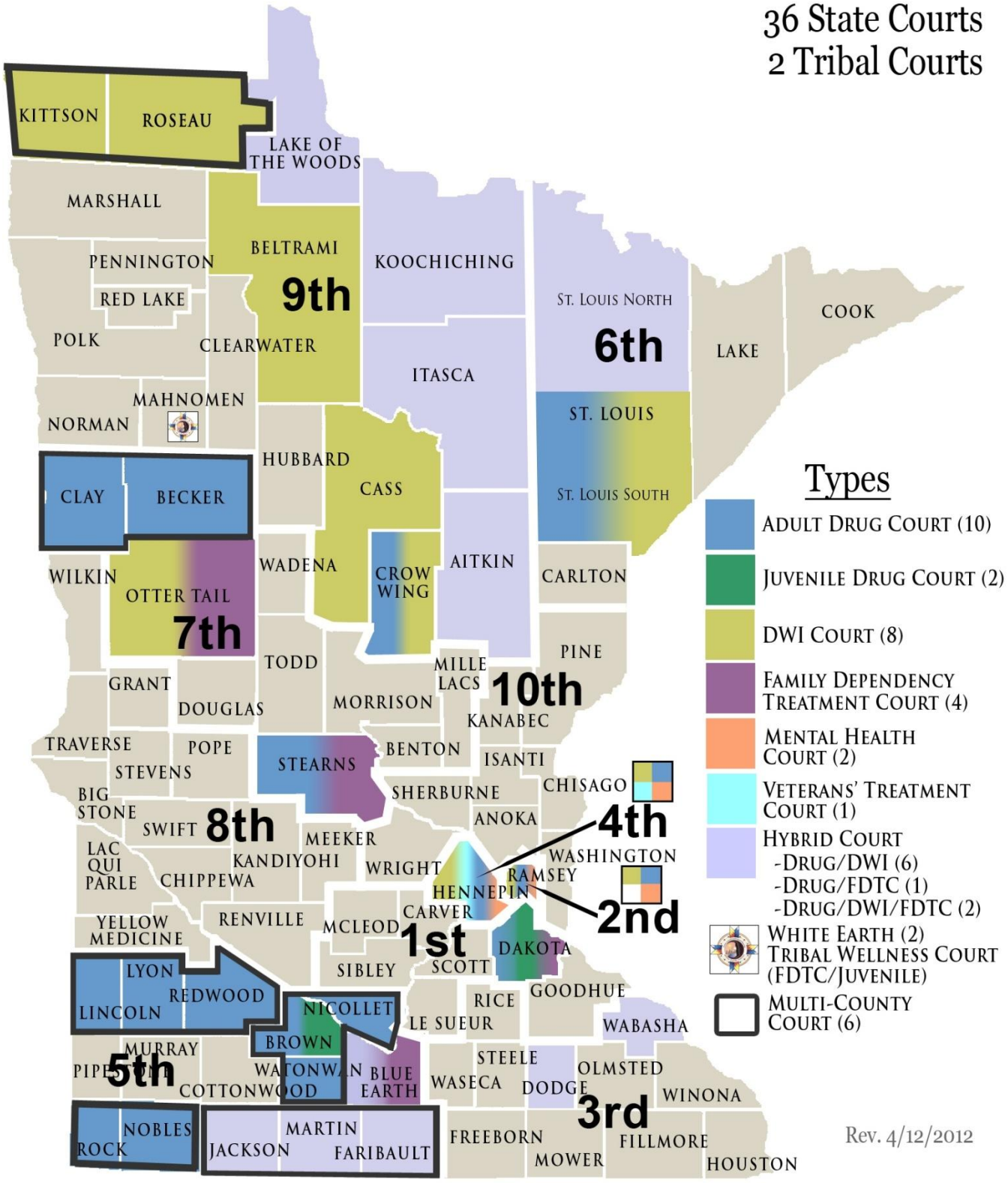
The Minnesota Judicial Branch 2012-2013 Strategic Plan can be found here.

Map of Operational Drug Courts - 2008



Map of Operational Drug Courts – 2012

Operational Problem-Solving Courts in Minnesota (38)



Guiding Principles for Evaluation – Principles & Definitions

Principles:

1. A statewide approach is used to answer the research questions regarding whether adult drug courts in Minnesota are achieving their stated goals and meeting statewide standards.
2. The study seeks to determine whether offenders placed in Minnesota drug courts (cohort) have lower recidivism rates than offenders randomly selected across the state who have been charged with similar crimes, are at similar risk to reoffend and have a similar need for treatment but were not placed in a drug court.
3. The study also seeks to determine whether offenders placed in drug courts spend less time incarcerated in jail or prison than the comparison group.
4. This approach is not designed to analyze the specific components of drug courts and their potential impact on recidivism and incarceration.
5. The study analyzes whether drug courts are holding offenders accountable to the sentences for their crimes.
6. The study analyzes whether drug courts are holding offenders accountable to the requirements of the drug court.
7. The study analyzes whether drugs courts are meeting certain statewide standards adopted by the Judicial Council.
8. The study provides a demographic profile of both the cohort and the comparison group.
9. The study examines whether differences in recidivism exist in the comparison group by various breakdowns including demographics, dispositions, sentences, and social and risk & need factors where possible. If feasible, this study examines compare recidivism rates between the cohort and comparison group controlling for these types of breakdowns.
10. The study examines whether differences in recidivism exist in the cohort by similar characteristics as the comparison group, where feasible, as well as structural characteristics of the drug courts included in the evaluation.

Additional Definition of Key Terms:

Definitions for most key terms can be found in the executive summary. Additional definitions for terms in the Guiding Principles are listed below.

1. **Similar crimes:** The offenses for the Cohort were used to determine the offenses for inclusion in the comparison group. The most serious charge for almost all Cohort participants (97%) was Felony Drug, Felony Property, or Felony Other. These were the "similar crimes" used to identify potential comparison group participants.

2. **Similar risk to reoffend:** Risk to re-offend is the level of risk attributed to a participant from a risk assessment tool.

3. **Similar need for treatment:** A participant's need for treatment is defined as an assessment of chemical dependence or substance use disorder in a Rule 25 or private assessment.

4. **The specific components of drug courts:** The specific components of drug courts include, but are not limited to differences in eligibility criteria, single or multiple judge court, treatment providers (one or multiple providers), type of treatment and other services available, etc.

5. **Certain statewide standards:** In June 2007, the Judicial Council passed the Drug Court Standards (JC Policy 511.1). This evaluation will monitor whether drug courts are in compliance with some of these standards. The standards to be evaluated as part of the evaluation are: I, II, III, IV, V, VI, and XI.

6. **Demographics:** The demographics of interest in this evaluation are race, age, geographic location, and gender.

7. **Dispositions:** The disposition type for comparison group participants include convicted, continued/stayed (which includes diversion), and probation before conviction.

8. **Sentences:** Sentence components include, but are not limited to incarceration, treatment, and community service.

9. **Social factors:** Social factors include income, marital status, family status (kids), education, employment, and driver's license status.

10. **Risk & need factors:** Risk factors include criminal history and risk as defined by a risk assessment tool (e.g. LSI-R). Need factors are chemical dependency assessments from a Rule 25 or private assessment.

11. **Structural characteristics:** These include, but are not limited to, drug/hybrid court, mandatory/non-mandatory courts, and courts who take expanded sets of offenses to the traditional 4th and 5th degree drug cases.

Statewide Drug Court Evaluation Committee Member Directory

The Statewide Drug Court Evaluation Committee Member Directory can be found here.

Drug Court Standards

The Minnesota Offender Court Standards can be found on the Minnesota Judicial Branch website here.

10 Key Components

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol and other drug and related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

Chapter 4 References

Methodology and Analysis Approach

Table of Relevant Recidivism Statistics and Measures

Program	Follow-up Period	Recidivism Results	Type of Recidivism	Offenses	Author	Title
Minnesota Probation and Supervised Release	Three years after leaving supervision (only offenders who complete probation or supervised release without revocation)	Probation 15% Supervised Release 27%	Convictions	Felony offenses	Data Definition Team, Minnesota Department of Corrections (2011)	Minnesota Statewide Probation and Supervised Release Outcomes: Annual Report
Indiana Drug Courts	Two years from drug court start date	For 5 courts evaluated: Drug Court 1: • Participants 30% • Comparison 39% Drug Court 2: • Participants 43% • Comparison 41% Drug Court 3: • Participants 20% • Comparison 39% Drug Court 4: • Participants 18% • Comparison 34% Drug Court 5: • Participants 17% • Comparison 33%	Arrests, Charges	Arrests in which charges are filed in court	Wiest, K. L., Carey, S. M., Martin, S. J., Waller, M. S., Cox, A. A., Linhares, R. (2007)	Indiana Drug Courts: A Summary of Evaluation Findings in Five Adult Programs
Multnomah County Drug Court	5 years after the Drug Court petition hearing	Mean number of rearrests: Participants: 4.2	Arrests	Focus on drug offenses	Finigan, Carey, Cox (2007)	The Impact of a Mature Drug Court Over 10 Years of

Program	Follow-up Period	Recidivism Results	Type of Recidivism	Offenses	Author	Title
		Comparison: 5.9				Operation: Recidivism and Costs: Final Report
California Drug Courts	Four years from drug court entry	In nine drug courts included in the study: • Participants 29% • Comparison 41%	Arrests	New arrests Includes arrest for misdemeanors and felony charges but NOT citations (e.g. traffic violations)	Carey, Finigan, Crumpton, Waller (2006)	California Drug Courts: Outcomes, Costs and Promising Practices: An Overview of Phase II in a Statewide Study
New York State Drug Courts	3 years after initial arrest	Bronx • Participants 16% • Comparison 29% Brooklyn • Participants 17% • Comparison 23% Queens • Participants 12% • Comparison 25% Suffolk • Participants 23% • Comparison 32% Syracuse • Participants 28% • Comparison 35% Rochester • Participants 30% • Comparison 37%	Convictions	New arrests leading to a conviction. Felony and Misdemeanor offenses further categorized as drug, property, other violent, prostitution, other	Rempel, Fox-Kralstein, Cissner, Cohen, Labriola, Farole, Bader, Magnani (2003)	The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts
Washington	8 years	In 5 courts	Convictions	4 categories	Barnoski, R.,	Washington

Program	Follow-up Period	Recidivism Results	Type of Recidivism	Offenses	Author	Title
State Drug Courts		included in the study: • with drug court 40% • without drug court 46%		of convictions (felonies and misdemeanors): Total • Felony Only • Violent felony • Drug felony	and S. Aos. (2003)	State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis
Ohio Drug Courts	Unstandardized	In 4 Common Pleas Courts (felony offenders) included in the study: • Participants 32% • Comparison 44%	Arrests	Not defined	Latessa, Shaffer, and Lowenkamp (2002)	Outcome Evaluation of Ohio's Drug Court Efforts: Final Report
North Carolina Drug Treatment Courts	12 months after discharge	In four courts included in the study: • Participants 34% • Comparison 44%	Arrests	Felony, misdemeanor and serious traffic offenses by offense type	Craddock (2002)	North Carolina Drug Treatment Court Evaluation: Final Report
Kentucky Drug Courts	Up to 12 months after exit the program, and after the initial 12 month follow-up period	After the initial 12 months: Felony Conviction • Graduates 3% - 9% • Terminated 7% - 25% • Comparison 4% - 40% Misdemeanor conviction • Graduates 12% - 27%	Charges, Convictions	Charges/arrests for 14 different classifications (e.g. property, drug trafficking, drug possession, violent, traffic, etc.) and type (felony,	Logan, Hoyt, and Leukefeld (2001)	Kentucky Drug Court Outcome Evaluation: Behavior, Costs, and Avoided Costs to Society

Program	Follow-up Period	Recidivism Results	Type of Recidivism	Offenses	Author	Title
		• Terminated 23% - 53% • Comparison 21% - 47%		misdemeanor, violation) Convictions by the same classifications and types.		

Sampling Approach and Final Comparison Group Selection

The initial obstacle in defining a comparison group was the inability to readily obtain one of the most important elements for comparability: need for treatment. Standard III required that drug court participants have a high need for treatment, which is defined as being chemically dependent.[89] Unfortunately, this information was not readily accessible in any format in Minnesota. Therefore, the sampling approach started with a selection of a sample of the population of cases disposed in the court system over a period of several years, which also accounts for the offense types (e.g. drug) and levels (e.g. felony) needed for comparability to the drug court participants. Next, estimates of the proportions of participants who would likely be found chemically dependent were made to ensure a large enough sample is selected. Estimates were based on findings from a data collection pilot. Finally, statistical analysis techniques were used to ensure comparability between the two groups of participants.

Sampling Process

A sampling method was necessary to take the population of cases in the court system during the evaluation time period (over 23,000 cases) and identify a sample to create a manageable comparison group.

Figure 11.1: Population of Cases before Sampling

Offense Group	Count	% of All Offense Groups
Felony Drug	9,247	39%
Felony Property	12,600	53%
Felony Other	1,828	8%
Total	23,675	100%

The types and proportion of cases enabling drug court participants to enter drug court are not representative in type and proportion of the population of criminal cases. To ensure comparison group participants are similar to drug court participants, a stratified sample of the population was needed. The proportions of criminal cases of the types enabling participation in drug court (i.e. drug, property, felony) were imposed on the population of criminal cases. There are exclusions in drug courts for certain types of violent crimes (e.g. sex offenses), or crimes of limited severity (e.g. misdemeanors).

The proportion of cases for drug court participants, by offense level and type, are approximately 80% felony drug crimes, 15% felony property crimes and 3% for other felony crimes. It was presumed that this should be mimicked in the comparison group population. In order to create proper proportions of cases with appropriate type and level (e.g. 80% of comparison group participants with felony drug cases), proportional sampling was used based on the proportions of the drug court participants (.8, .15 and .03, respectively). These sample proportions were then applied to the offense groups in the population to

[89] Rule 25 evaluations finding a "substance use disorder" also qualify as chemically dependent.

ensure the proportions of cases for the comparison group participants were similar to the drug court participants.

The first step in creating the sample is to determine a sufficient sample size. As noted in the Size of Population section above, a comparison group should have a similar size to the drug court participant group. From the population of dispositions (i.e. cases that are disposed), the sample was created using the proportions associated with the drug court participants, as noted above.[90] To ensure a sufficient number of cases across offense groups, each offense group was treated as a population and the sample of cases are selected from the offense group, rather than the total population of felony drug, property, and other cases.

Estimating the Chemically Dependent Proportion of Offenders

In reviewing the characteristics used to include participants in the comparison group, the next important step in creating a sample from which to select participants was identifying a participant's need for treatment. The population of all offenders with disposed cases in the three selected offense groups does not represent the population of defendants with a need for treatment. Since the proportion of participants who are chemically dependent, or have a need for treatment, is not known, it was necessary to estimate what proportion of these defendants are chemically dependent.

As previously noted, chemical dependency status is not readily available information on the population of cases used in this evaluation (cases disposed in 2007 and 2008). In order to estimate the population needed to obtain a sufficient number of chemically dependent participants, reports of chemical dependency in offenders were consulted. In 2002, a study of prisoners in Minnesota found 54% of prisoners were chemically dependent.[91] Additionally, the Department of Corrections reported 67% of the prisoners who received chemical dependency evaluations in fiscal year 2007 were assessed as chemically dependent.[92]

However, the hypothesis was that property and other felony offenders have a lower incidence of chemical dependence that drug offenders. To refine this hypothesis, a pilot data collection visit was conducted in Washington County in August 2010. Goals of the pilot were:

- Identify availability of information, particularly the proportion of participants with a chemical dependency diagnosis, to inform decision regarding sampling and definitions for key variables
- Test our data collection instrument and proposed collection process
- Test the process of planning the visit, traveling to a site, and reviewing court and probation files

Evaluators, through coordination with staff in Washington County Court Administration and Washington County Community Corrections, collected information on 77 individuals who could potentially qualify for the comparison group.

A primary purpose of the visit was to identify the proportion of potential comparison group participants who were chemically dependent to inform our sampling approach. Washington County was selected due to its size (larger county), somewhat diverse population (mix of suburban and rural, part of the 7 county metro region), its proximity to the evaluators (located in St. Paul), and its willingness to participate in the pilot. This process included an analysis of court and probation case management systems and paper files, both by evaluators and probation staff.

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[90] Kish, Leslie. 1965. *Survey Sampling*. New York: John Wiley & Sons, 82-85.
[91] Hoffman, Norman. 2003. "Diagnosis of Substance Use Disorders: Prepared for Sex Offender/Chemical Dependency Services Unit, Minnesota Department of Corrections." *Evince Clinical Assessments*. Retrieved October 19, 2011 (http://www.doc.state.mn.us/publications/documents/substanceusedisorder2002annualreport.pdf).
[92] Minnesota Department of Corrections. 2007. "Notable Statistics about the Minnesota Department of Corrections."

The pilot results indicate the proportion of persons chemically dependent vary by offense group. More accurate proportions of participants with a diagnosis of chemical dependence, within the offense groups, were found to be 40% for drug cases and 15% for both property and other felony cases. Some of the difference was due to a lack of information, such as a Rule 25 assessment, for other felony and property offenders. Rule 25 assessments are regularly ordered in drug cases, but not as regularly in other felony and property cases.[93] Also, there were so few other felony cases to review, and none were found to be chemically dependent, that the proportion found for property cases was imposed on the other felony group.

Please see Figure 11.2 for the proportion of participants, from the pilot, found to be chemically dependent, by offense group.

Figure 11.2: Washington County Pilot: Proportion of Participants Chemically Dependent by Offense Group

Offense Groups	Dependent	Abusing	At Risk	No Identifiable Prob	*No Chemical Dependency Evaluation*	Total
Felony Drug	38%	10%	10%	10%	*32%*	100%
Felony Property	15%	8%	0%	15%	*62%*	100%
Felony Other	0%	0%	0%	50%	*50%*	100%
Total	32%	9%	8%	13%	*38%*	100%

The pilot demonstrated the need to augment the sample in order to insure proper proportions of chemically dependent cases were selected. More detailed information about the selection criteria listed above is given below.

Variables Collected

It is important to identify the key characteristics for which the Drug Court Cohort and the comparison group needed to be similar. To begin, the variables to be collected for the evaluation, generally, needed to be identified. In a National Drug Court Institute Drug Court Review Article, Charles Michael Johnson and Shana Wallace of the U.S. General Accounting Office identified a list of variables that should be collected as part of a comprehensive and sound evaluation:

- Demographics
- Criminal history
- Substance abuse history
- Substance use at time of arrest (i.e. entry)
- Drug treatment motivation (if possible)
- Level and type of substance abuse treatment received
- Relapse while in the program
- New offenses while in the program
- Completion status (e.g. graduation or retention rate)
- Whereabouts or contact information at drug court discharge

[93] This evaluation does not speculate or conclude, one way or the other, whether the true incidence of chemical dependency differs for drug, property, and other felony offenders. The results of the pilot showed that the proportion of individuals who were confirmed through an assessment or treatment admission as chemically dependent varied by offense group.

- Substance abuse relapse after program discharge
- New offenses after program discharge[94]

Most of these variables in the list were either already collected within the tracking sheet, or were identified as necessary data collection items in the data collection process. Additionally, there were other measures identified in the evaluation plan - such as educational and employment status at drug court discharge - that were identified as key elements to collect (see key measures for Goal 2).

Some of these elements however, were difficult to identify or collect as there were not proper data sources. For example, relapse of participants after drug court discharge is not collected by any agency, unless a participant is still on probation. Even if the individual is on probation, relapse information is not consistently reported. Another option for collecting this information would be to contact drug court participants and ask them to complete a survey (which would have required contact information for the drug court participant at discharge). This was not feasible as part of this evaluation because individual consent forms were not signed by drug court individuals and contact information was not obtained. However, access to treatment data allowed the evaluators to identify a group of individual drug court participants who received treatment during the evaluation period.

The final list of variables collected on individuals can be found in the appendix. The final list of variables for which drug court participants should match the Drug Court Cohort were identified as the following:

- Date of disposition
- Offense Type
- Risk for Re-offending
- Need for Treatment
- Demographics

Through sampling and statistical analysis the final Drug Court Cohort and Comparison Group are similar on all of the characteristics listed above.

Disposition

To ensure a contemporaneous comparison group, individuals whose cases were disposed between January 1, 2007 and June 30, 2008 were included for possible selection of the comparison group. Many of the potential comparison group participants were incarcerated for a period of time following their sentence. When measuring recidivism, it is important to calculate rates based on a participant's actual at-risk time, meaning the time they are at risk to re-offend. When participants are incarcerated, the risk to re-offend is limited (see methodology for recidivism for more information). To ensure comparable at-risk time periods for the comparison group and cohort, it was necessary to slightly move the time period from which the comparison group was selected. By staggering the timeframe of the comparison group 6 months, relevant laws and other policies were still similar, but more time was available to meet the at-risk timeframes necessary and complete the evaluation by December 2011.

In defining the disposition of a particular case, the first final disposition on a case was used. This disposition date is defined as the date when all charges on a case are disposed for the first time. Thus, if a case had two charges, one dismissed on October 1, 2006, and the other continued for dismissal on January 15, 2007, the first final disposition on that case would be January 15, 2007. The charge that was continued for dismissal may have been dismissed January 15, 2010, but this would not be date when all charges were

[94] Johnson, Charles Michael and Shana Wallace. 2004. "Critical Elements to Consider for Methodologically Sound Impact Evaluations of Drug Court Programs." *Drug Court Institute: Drug Court Review*. 4:35-48.

disposed for the first time. This case would have been selected as part of the comparison group population because the first final disposition fell into the selection timeframe (January 2007 – June 2008).

In addition to excluding participants based on the time period in which their cases were disposed, cases for which all charge dispositions were dismissed, acquitted, or other/unknown (e.g. mistrial, conviction set aside) were also excluded. Participants with these dispositions are unlikely to receive any program or cr4iminal justice response to which comparisons can be drawn to the Drug Court Cohort. Participants receiving acquittals, dismissal and mistrials do not receive a finding of guilt and also do not necessarily have a system intervention, program, or response and thus are poor candidates to compare to the Drug Court Cohort. However, if an individual had several cases disposed between January 2007 and June 2008, one of which all charges were not dismissed/acquitted/other, that individual could have been included in the comparison group based on that case.

Offense Type

In order to ensure greater comparability between the Drug Court Cohort and the comparison group, comparison group candidates were selected based on the offense types of the adult drug court participants included in the evaluation. Data on drug court participants suggested excluding cases in which the most serious degree on any charge was Gross Misdemeanor or less (non-felony cases). Also, the cases in which a DWI was the most serious charge were excluded; similar to how the individuals in the Drug Court Cohort were selected (see Participants section for more detail).

Risk for Re-offending

Standard 3.3 of the Drug Court Standards states "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."

Due to this standard requirement of drug courts, and the significant potential to impact results (e.g. recidivism rates), it is crucial that comparison group candidates are have similar risk as drug court participants. Initially, risk scores (i.e. LSI-R™) were proposed to serve as the indicator of risk to reoffend. However, this information is not available for all offenders. Some counties do not use the LSI-R™ as a risk assessment and instead use another tool (e.g. Modified Wisconsin, RANT). For example, Hennepin County had not historically assessed drug court participants with the LSI-R™. Instead, Hennepin County assesses participants with the RANT (Risk and Needs Triage), which is currently not used by any other drug courts across the state.

To standardize the assessment of risk to reoffend, criminal history indicators are used. Criminal history information is obtained through the Minnesota Sentencing Guidelines Commission (MSGC) for individuals convicted of felonies. The evaluators worked with the MSGC to obtain datasets with detailed information from the worksheets, including criminal history scores. The criminal history scores include prior convictions and adjudications as well as a current custody status (e.g. on supervised release at the time of the offense)[95]. Where worksheets were not available (approximately 45% of the original population of comparison group and drug court participants), the elements of criminal history scores are collected and calculated to create a standardized way to compare criminal history for all participants in the evaluation. This criminal history information is then included in the statistical analysis process for selecting the final comparison group (see Statistical Analysis section).

[95] For more information on the MSGC worksheets and criminal history scores, visit http://www.msgc.state.mn.us/.

Need for Treatment

Comparison group candidates need to meet the same eligibility criteria as drug court participants with respect to the need for chemical dependency treatment as specified in the Drug Court Standards. To ensure comparability, the need for treatment of comparison group candidates is aligned with that of the Drug Court Cohort. Data on drug court participants suggests any potential comparison group participant should have a Rule 25 or private assessment of Abusing or Dependent (or Substance Use Disorder in the jurisdictions that do not differentiate between Abusing and Dependent). Additionally, a referral to inpatient treatment also served as an indicator of chemical dependence.

Other Exclusions

In addition to the sampling and exclusion criteria above, there are several other factors that affect the ability of an individual to be included in the comparison group population. If a case was sealed, expunged, or confidential, that case is excluded from the comparison group population. However, if the person attached to that case had another case, they would be available for inclusion in the comparison group through that case.

Final Comparison Group Selection Using Propensity Score Matching

As mentioned above, it is important that the comparison group participants are selected on characteristics similar to the Drug Court Cohort. First, all felony offenders[96], from all counties in the state, were eligible for inclusion in the comparison group.[97] The selection criteria listed were used to carve out a population of individuals who are comparable to the Drug Court Cohort.

Once all eligible participants were identified, propensity scores were created. Scores were created using characteristics such as age, gender, race, criminal history, offense type and level, and other key criteria (see sections below for more information about this process). After propensity score creation, it was necessary to ensure the distribution of scores in the Comparison Group were similar to the Drug Court Cohort. The information below describes these processes.

Creating the Scores

After all chemical health data were collected for the comparison group population and participants were excluded, additional steps were necessary to ensure the participants in the groups are comparable. Sampling on offense groups does not ensure comparability on the other selection criteria. The evaluators, after much discussion and consultation with the Statewide Drug Court Evaluation Committee, selected an analysis approach that includes the creation and stratification of propensity scores. Propensity scores were created for each individual in the Drug Court Cohort and the Comparison Group. The propensity scores were created using the following variables:

- Chemical Health Level
- Offense Type & Level
- Custody Status (MSGC variable)
- Number of Juvenile prior adjudications
- Number of Misdemeanor/Gross Misdemeanor prior convictions
- Number of Felony prior convictions
- Gender

[96] All drug, property, and other felony offenders were eligible, as described in the Offense Type criteria section.
[97] This does not mean all counties were represented in the comparison group, but that individuals from all counties had the opportunity to be randomly selected in the comparison group from the population. To see the counties included in the comparison group, please see the Results section.

- Race
- Age at Disposition/Acceptance into drug court

Propensity score matching is a well-tested method for creating unbiased estimates of treatment impact. Scores are computed by creating a logistic regression model in which the predicted probability of each record, or participant, is assigned a probability of being selected into the cohort. The scores range from 0 to 1 (1 being the most probable to be accepted into drug court). Drug court participants are, consequently, more likely to have higher scores than the Comparison Group participants.

Stratification Matching for Final Comparison Group Selection

Since drug court participants tend to have higher scores, adjustments must be made so the comparison group participants have similar scores. There are a number of methods that can be utilized to ensure that distribution of the groups is comparable[98]. For this sample we utilized stratification or interval matching. It has generally been shown that such a method eliminates biases associated with the covariates.[99] In this sample the range and distribution of the scores were found to be similar and the propensity scores were then sub-classified into quartiles. For example, the first quartile contained Drug Court Cohort and Comparison Group participants with propensity scores ranging from 0 to 0.25, the second quartile from approximately 0.26 to 0.37, etc. Using the proportions of Drug Court Cohort participants in each quartile, Comparison Group participants were randomly selected from each quartile to ensure proper proportions of comparable participants from each group. For example, only 11% of the Drug Court Cohort participants' propensity scores fell into the first quartile, but originally 33% of the Comparison Group participants' scores were in the first quartile. The Comparison Group proportion, in the end, needed to be a similar proportion of participants with score in the first quartile. The final Comparison Group, arrived at through the quartile sub-classification sampling, is 644, as compared to the initial Comparison Group population of 871. The profiles of the Cohort and Comparison Group can be found in the Profile section.

Analysis Methodology – Use of Descriptive and Statistical Information

Descriptive statistics on the Drug Court Cohort and the Comparison Group are included for both profile and outcome measures. The profile characteristics include each group's prior criminal history, personal demographics, community functioning and chemical health demographics, and geographic distribution. In addition to the descriptive statistics for the outcome measures, sophisticated techniques including multivariate linear regression and logistic regression are used to examine the research questions and key measures related to the goals of drug courts. For Goal 1 (Enhancing Public Safety) recidivism is measured at six month intervals for up to two and one half years, reflecting the period of time both during and after discharge from drug court. Three separate time periods are reported – from the start date of drug court, during drug court, and after discharge from drug court. To the extent possible, equivalent dates for the Comparison Group marked the beginning or end of each of these time periods. The same six month intervals and three time periods are also used to measure Goal 3 (Reducing Costs to Society).

To determine whether participation in drug court is a factor that may explain any observed differences in the outcome measures between the Drug Court Cohort and the Comparison Group, multivariate linear regression and logistic regression models are utilized. Linear regression models are used to assess the impact of drug court and other factors on the number of new charges and new convictions. In the Impact

[98] Dehejia, Rajeev H. and Sadek Wahba. 2002. Propensity Score-Matching Methods for Nonexperimental Causal Studies. *The Review of Economics and Statistics* 84(1): 151-161.

[99] Caliendo, Marco and Sabine Kopeinig. 2008. Some Practical Guidance For the Implementation of Propensity Score Matching. *Journal of Economic Surveys* 22(1): 31-72.

Evaluation of the Bronx Treatment Court researchers used regression techniques to measure the probability of the total number of reconvictions.[100] Logistic regression models are appropriate, and are used to, understand the factors that are present in whether participants recidivated or not. Logistic regression techniques were used in the evaluation of drug courts in Kentucky to determine whether selected outcome measures were more likely to occur in one group or another (graduates, terminators, and assessed offenders).[101] Both the linear regression and the logistic regression models included demographic factors (age, gender and race), chemical health status, offense type, and criminal justice involvement (prior convictions and custody status) as control variables.

Goal 2 (Ensuring Participant Accountability) examines graduation rates, treatment results, and whether there were improvements in community functioning measures such as education, employment and housing situation of the Drug Court Cohort. Where data are available and analysis is possible, the Comparison Group is compared to the Drug Court Cohort.

Finally, the research questions and key measure related to the standards are described by summarizing primarily survey data regarding the practices, policies, and operation of the drug courts.

Evaluation Period Timeline

- Comparison Group Participants Receive Dispositions on their cases
  - January 1, 2007 – June 30, 2008
- Drug Court Cohort Enter Drug Courts
  - July 1, 2007 – December 31, 2008
- Final Recidivism Collected on Participants
  - From Disposition Date/Drug Court Acceptance through June 30, 2011

Drug Courts Included in the Evaluation

The 16 drug courts included in this evaluation are:

[100] Rempel, M., D. Fox-Kralstein, A. Cissner, R. Cohen, M. Labriola, D. Farole, A. Bader, and M. Magnani. *The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts*. New York: Center for Court Innovation, 2003.

[101] Logan, T. K, W. Hoyt, and C. Leukefeld. *Kentucky Drug Court Outcome Evaluation: Behavior, Costs, and Avoided Costs to Society*. Lexington, Ky.: Center on Drug and Alcohol Research, University of Kentucky, October 2001.

Adult:

- St. Louis County – Duluth
- Stearns County
- Ramsey County
- Crow Wing County
- Brown-Nicollet-Watonwan Multi-County
- St. Louis County – North
- Faribault-Martin-Jackson Multi-County
- Hennepin County
- Itasca County
- Clay-Becker Multi-County
- Dakota County

Hybrid:

- Dodge County
- Blue Earth County
- Koochiching County
- Wabasha County
- Aitkin County

Data Sources & Data Collection Processes

Generally

Court data are obtained through MNJAD. MNJAD is the analytical data warehouse maintained by Minnesota Judicial Branch that houses data from MNCIS, the court information system. Queries against the database, for this evaluation, are performed by research staff in Court Services, State Court Administrator's Office.

Table of Data Sources

Data Sources	Nature of Data	Organization Source
DAANES	Treatment admission/discharge information	Department of Human Services
DOC Treatment	Treatment information for participants in prison	Department of Corrections
DOC Prison	Prison admissions and discharges	Department of Corrections
DOC LSI-R™	Risk assessment results for Comparison Group	Department of Corrections
Probation/DOC Files	Chemical health assessments, PSI's, criminal history, personal demographics, etc.	Department of Corrections/County Probation Offices
MNCIS/MNJAD	New charges and convictions (recidivism); primary offense characteristics for all participants	Judicial Branch
MSGC Worksheet Extract	Criminal history worksheets and results	Minnesota Sentencing Guidelines Commission
Offender Drug Court Tracking Sheet	Drug court participant data	Judicial Branch

Statewide Supervision System	Jail admissions and discharges	Department of Corrections
RANT	Risk/Need assessment results	Judicial Branch - Hennepin County
Drug Court Policies	Policy & Procedure Manuals	Judicial Branch - Drug Courts
Policies & Practices Survey	Survey of drug court practices	Judicial Branch
Drug Court Team Member Survey	Survey of drug court team members	Judicial Branch

Targeted Misdemeanors for Enhancing Public Safety key measures (Source: BCA)

The targeted misdemeanors included for purposes of recidivism analysis are:

- 5th degree assault (609.224)
- Domestic assault (609.2242)
- Interference with Privacy (609.746)
- Harassment—Restraining Order Violation (609.748)
- OFP Violation (518B.01)
- DWI (169A.20, 169A.27)
- Indecent Exposure (617.23)

Offender Drug Court Tracking Sheet

The Offender Drug Court Tracking Sheet template can be found here.

Chemical Dependency and Probation Data

Data collection efforts with probation agencies started in 2010. As described in the Participants section, individuals whose cases were disposed between 2007 and 2008 were included in the sampling process. After gathering information on these participants from the court data, it was necessary to collect information related to the participants' need for treatment as well as other demographic and background information from probation documents (e.g. Pre-Sentence Investigations). Since the treatment information is exclusionary, meaning if a participant is not chemically dependent he or she cannot be included in the comparison group, it was deemed to be the most important data to collect. Thus, the first step in collecting data for the comparison group is collecting chemical dependency status information. It was also important to collect this information knowing if participants were not chemically dependent no additional information would need to be collected for these individuals. Along with treatment information, probation documents and other information were collected on individuals found to be chemically dependent.

Data Collection from Probation Offices – Two Phases

There were two phases for each county's probation agency. The first phase required the probation director to provide chemical dependency status of potential comparison group participants. The second phase, completed only for those identified as chemically dependent, required probation directors to provide Pre-Sentence Investigations (PSI) or other similar documents for both potential comparison group participants and individuals from the Drug Court Cohort who were missing this information.

Early on in the data collection process, it was clear that many probation offices did not consistently complete a PSI for every felony offender. Additionally, individuals who were sent to prison often had no information, file, or record with the local probation office. Since there was a substantial amount of missing information, it was essential to contact the DOC to obtain information for individuals who went to prison. It was essential to collect this information so as not to bias the selection of participants into the comparison group. If individuals who were sent to prison were excluded, from the beginning, from the comparison group this could have substantially bias the sample with lower risk individuals. Information is also collected from drug court coordinators on individuals who may have been eligible for drug court, but are not admitted for various reasons, but these participants are eligible for the comparison group (e.g. chose not to participate, probation transferred from drug court county).[102]

Phase One

For phase one, emails were sent to each probation agency director with a list of individuals who were selected in the sampling process. Templates for the data collection process can be found below. Court orders established for each judicial district requested each probation director to provide chemical health information, as well as other probation information. Additionally, treatment data were collected from the Department of Human Services and the Department of Corrections (see Treatment Data section for more information). After a participant was identified as "dependent" or had a "substance use disorder," that individual would be identified as moving through to "phase two" of the data collection process with the probation offices.

The template used for those communications included the following:

> *Good Afternoon Ms. Doe,*
>
> *As referenced in the attached March 23, 2011 order from Judge X, the Chief Judge of your judicial district, the Court Services Division of the State Court Administrator's Office is currently conducting a Statewide Drug Court Evaluation.*
>
> *We seek your assistance in obtaining important data contained in probation files, specifically the chemical dependency status of individuals who have been identified for inclusion in the comparison group for the evaluation. We are providing you with a list of names of individuals, and ask that you provide their chemical dependency status. This is Phase One of the data collection process in your county. Most of the individuals included in this effort will be felony offenders and I believe those will be under DOC supervision, rather than CPO direction (i.e. DOC would have the files/information to complete this data collection effort), so I am just sending this file to you and not the CPO director.*
>
> *After the chemical dependency status of those individuals has been identified, we can discuss the best approach to the next phase of data collection in your county. This second phase includes collecting primarily demographic information about individuals in PSIs (e.g. marital status, education, employment, veteran's status, substances used in previous year, etc.). It is possible that we could work together remotely to get the information we need (e.g. PSIs could be shared electronically). We may also want to visit your location and analyze the PSIs in person. We would like to get your input on the best way to gain the relevant information in your location. We would be happy to set up a phone conference with you to discuss the plan in more detail., or we can communicate through email if you prefer.*
>
> *In the meantime, we have attached the file of individuals for which we need chemical dependency status for your county.* ***PLEASE NOTE:*** *as referenced in the attached court order, the Chief Judge has ordered the disclosure of the information requested. All information sent to your office, including the attached list of individuals, and all*

[102] There are so few of these participants that no separate analysis for those participants is possible.

information received from your office pursuant to the court order are not accessible to the public. See also Minn. Stat. § 13.03, subd. 4(e). Because the information is not accessible to the public, it is important to use a communication method that minimizes the risk of unintended disclosure. Since email is the method we have chosen for this first phase of data collection, information should be sent securely, in attachments, which are password-protected. No identifying information should be sent in the subject line or the body of an email. A separate email will follow this one with the password for the attached file.

Please read the attached PDF on identifying chemical dependence for purposes of the evaluation before reporting any information about chemical dependency status. We have worked with the DHS-Chemical Health Division to identify the criteria for finding an individual Chemically Dependent for purposes of our evaluation. Please feel free to call me or email me with questions at any time at katie.schurrer@courts.state.mn.us or 651/205-4439.

Thank you for your continued support of our Statewide Drug Court Evaluation.

In addition to this letter, several attachments were also sent describing the evaluation and the information necessary from the probation directors. Each district had a court order, signed by the chief judge, as well as a document describing how to complete the excel file noting the chemical health status for each individual. Those are included below as well.

STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF DAKOTA | FIRST JUDICIAL DISTRICT

IN RE ACCESS TO AND DISCLOSURE OF PROBATION RECORDS MAINTAINED BY COMMUNITY CORRECTIONS, COURT SERVICES AND MINNESOTA DEPARTMENT OF CORRECTIONS DEPARTMENTS IN THE FIRST JUDICIAL DISTRICT TO FACILITATE THE STATEWIDE DRUG COURT EVALUATION PERFORMED BY THE STATE COURT ADMINISTRATOR'S OFFICE

ORDER

WHEREAS, the Minnesota State Court Administrator's Office is performing a Statewide Drug Court Evaluation to assess the effectiveness of drug courts operating throughout Minnesota; and

WHEREAS, the evaluation will require review of various probation records of participants in drug courts and other individuals under probation supervision for comparison purposes; and

WHEREAS, the community corrections and court services agencies throughout the First Judicial District maintain records and other information related to participants in drug court programs and other individuals under probation supervision; and

WHEREAS, sound public policy supports access to and disclosure of these records in order to ensure an accurate, thorough evaluation of drug courts operating in Minnesota; and

WHEREAS, Minn. Stat. §§ 609.115, subds. 4 and 6, and 13.84, subd. 5(f), allow for disclosure of the information contained in those files pursuant to a court order; and

WHEREAS, the undersigned serves as the Chief Judge of the First Judicial District.

NOW, THEREFORE, pursuant to Minn. Stat. §§ 609.115, subds. 4 and 6; 13.84, subd. 5(f); and 484.69, subd. 3,

IT IS HEREBY ORDERED that access to and disclosure of records and other information maintained by the following agencies related to participants in drug court programs and other individuals under probation supervision pursuant to Orders issued by courts in the First Judicial District shall be provided to representatives of the Minnesota State Court Administrator for purposes of conducting the Statewide Drug Court Evaluation:

Carver County Court Services,
Dakota Community Corrections Department,
Goodhue County Court Services,
Le Sueur County Court Services.

Determining a Participant is Chemically Dependent

For the Statewide Drug Court Evaluation being conducted by the Minnesota Judicial Branch – State Court Administrator's Office, it is crucial that we know the Chemical Dependency status of participant to ensure all members of the Comparison Group are chemically dependent so they are comparable to the Drug Court Participants. To help us determine authorized sources and documentation to determine chemical dependency, we consulted with the Department of Human Services-Drug and Alcohol Abuse Division. The following sources were determined as acceptable means for identifying chemically dependent offenders around the time of their disposition.

Chemical Health Assessment Sources:

Rule 25 Assessment: The Rule 25 Assessment, completed by the county assessor is a potential source for the Chemical Dependency status for a participant. If the participant received a Rule 25 assessment, record the result. The Rule 25 may have the following categories:

- **No Identifiable Problem**
- **At Risk**
- **Abusing**
- **Dependent**
- **Substance Use Disorder**

Private Assessment: A private assessor may have completed a chemical dependency evaluation. The categories should be similar to those in the Rule 25, but maybe include DSM diagnoses. Please record the diagnosis level (abusing, dependent, etc.) for each participant.

Treatment Admission: For purposes of this evaluation, any individual referred to, or receiving, inpatient treatment is determined to be dependent. If a participant received inpatient chemical dependency treatment, or was referred to inpatient chemical dependency treatment, please record the chemical health level as "dependent." Participants referred to other types of treatment (including outpatient) should not be deemed "dependent" without any accompanying Rule 25 or private assessment indicating they are chemically dependent.

Other: Probation officers have a wide variety of information on participants that may indicate an individual is chemically dependent. That information will most likely come from one of the sources listed above, but may not. Any other source used by the probation officer to determine chemical dependency status can be recorded under the chemical health level, and the source can be identified as "other." However, the participant must conclusively be chemically dependent – not abusing or any other level of chemical use/abuse.

An example of the Excel Worksheet is below. You will only need to provide information in the brown/tan section.

Identifying Information						Chemical Health Status			
Participant GroupID	Current_Case_Number	Participant Name_ CurrentParty	SID Number	DOB	DispDate	Chem Health Level	Chem Health Source	Chem Health Date	Comments (if any)
26	01CR07123456	Doe, John M	MN07111111	1/1/1950	1/1/2008	Dependent	Tx Admission	1/15/2008	Participant entered inpatient Tx on 1/15/2008

Questions? Contact Katie Schurrer (MJB - SCAO Research Analyst) at 651/205-4439 or katie.schurrer@courts.state.mn.us

Phase Two

The second phase of data collection with each county's probation office involved obtaining information on the participants deemed chemically dependent from phase one. A new list of only chemically dependent

individuals would be provided to the probation directors. At this time, probation officers did not need to complete any spreadsheets or analysis of the individual. Instead, they were asked to upload PSIs and other similar documents to a secure SharePoint site. SCAO staff coded information from the probation documents into the proper variables.

Treatment Data

Treatment is an integral piece of drug court. The evaluators made substantial efforts to collect information on treatment and substances used by both the Drug Court Cohort and comparison group participants. The best sources for this information were identified as the Department of Human Services' (DHS) Drug and Alcohol Abuse Normative Evaluation System (DAANES) data and the Department of Corrections (DOC) prison treatment information.

The DHS required the State Court Administrator's Office (SCAO) to complete an application to the DHS Institutional Review Board (IRB), and give a short presentation on the study, in late 2010. Additionally, an agreement was constructed to ensure the protection of this sensitive data. The IRB approved the evaluation and granted the request for access to DAANES data.

The DOC also required a data sharing agreement to ensure the protection of the sensitive data. DOC treatment data included assessments of individuals in the Comparison Group population who were in prison during the study period and who received some treatment, whether or not they completed the treatment.

Prison Information

In addition to obtaining treatment data from the DOC, admission and departure dates were provided for all individuals in the Cohort and Comparison Group who were in prison during the study period. This information was used, along with the data collected from the Statewide Supervision System to ensure the total jail and prison days were not duplicated.

DOC also provided the per diem rates for prison and jail during the study. This was used to ensure proper rates for use in the calculation of cost for days in jail and prison for both the Cohort and Comparison Group.

Risk Assessment Scores

The DOC also maintains the statewide system of LSI-R™ assessments completed by probation officers across the state. Since DOC maintains the database, the agreement with DOC and SCAO included an extract of the LSI-R™ scores for all participants in the Cohort and Comparison Group who were assessed with the LSI-R™ during the study period. Total scores, as well as individual scores for each question, were included in the extract.

Drug Court Team Member Survey

Additional data was collected from a survey of all members of drug court teams in Minnesota. The Drug Court Team Member survey was conducted annually from 2008 - 2010. The survey focuses on drug court team members' opinions on their court's progress on a variety of conditions. The information from this survey informs several of the goals and key measures from the standards, described above.

Drug Court Team Member Survey

2008 Team Member Survey – Results

2009 Team Member Survey – Results

2010 Team Member Survey – Results

Drug Court Policy and Practices Survey

In the winter of 2010, SCAO conducted a survey of all the drug courts included in the evaluation to assess their policies and practices on a variety of indicators found by a recent study to be cost-effective practices and policies. These responses, by court, are included in this evaluation.

Drug Court Policy and Practices Survey

In 2008, NPC Research issued Exploring Key Concepts, a study comparing practices of 18 Adult Drug Courts across the nation. The report identified practices that, if implemented, were found to be more cost effective than traditional case processing, or "business-as-usual," with participants eligible for Drug Court. The NPC Report referred to cost savings from various practices as "Improvement in Outcome Costs." These outcome costs included costs incurred due to criminal justice recidivism for both the drug court participants and comparison group members after drug court entry (or an equivalent date calculated for the comparison group). Recidivism costs include re-arrests, new court cases, probation time served, and incarceration (jail and prison). The analysis of the survey is an assessment of practices employed in Drug Courts in Minnesota, as compared to the findings of the NPC Report, and the use of the practices in the courts included in that analysis. Improvements in Outcome Costs for drug courts "not using practice" represent the improvement in Outcome Costs of Drug Court over business-as-usual, even without the practice. Improvement in Outcome Costs for drug courts "using practice" represent the improvement in Outcome Costs for drug courts using the practice, over business-as-usual.

2010 Survey- Results

Chapter 5 References

General Analysis Notes

Discharged Participants

For any measures summarizing activities occurring "during drug court" participants who were not discharged as of June 30, 2011 are excluded. Additionally, any post-drug court measures exclude these participants as well. Discharged participants include both completers and non-completers.

Missing Data

When reporting on the key measures, generally missing data is excluded from the analysis. For example, when analyzing Measure 2, participants missing data on whether or not they were compliant with treatment requirements are not included in the calculation of the total proportion of participants in compliance with treatment requirements (e.g. Total N=498, Total Known N=458). All measures exclude missing data from the calculations of proportions, unless specified.

Small Courts

This evaluation focuses on all adult drug and hybrid courts in Minnesota. Collectively there are over 500 participants to analyze. However, when attempting to analyze the results by individual drug courts, some courts were too small to analyze. In hybrid courts, participants who entered with DWI cases were excluded from this analysis, thus diminishing the total number of participants included in this evaluation. Additionally, Dakota County just started its adult drug court in September 2008 and was not at full capacity before December 31, 2008. Courts with less than 10 participants included in the evaluation, thus unable to analyze separately, are:

- Aitkin County Hybrid (N=5)
- Dakota County Adult (N=8)
- Koochiching County Hybrid (N=2)

Hennepin County Impact

Hennepin County has the most filings, per county, in the state of Minnesota, and also has the most drug court participants, per court, in Minnesota. Hennepin County participants constitute 40% of the total Drug Court Cohort in the evaluation. Because of the large impact Hennepin County Drug Court participants may have on the statewide total, some analyses exclude Hennepin County or compare Hennepin County results with other drug court results. By removing Hennepin County, patterns in other drug courts may emerge and be instructive in understanding the operation and impact of all adult drug courts in Minnesota.

Metro and Non-Metro Counties

One way to analyze the key measures of the drug court and comparison group participants is to categorize the county in which their case originated as either metro or non-metro. The metro counties include the Seven County metro area of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties. The non-metro counties include the remaining eighty counties in Minnesota.

Scale Used for LSI-R™ Level of Risk

Risk assessments, such as the LSI-R™, typically grant the assessor the ability to override the level of services recommended if aggravating or mitigating circumstances that are not measured in the assessment. In lieu of this practice, local jurisdictions using the LSI-R™ tool often adjust the measurement tool to create supervision levels that differ from the original assessment levels. This allows the correction agency to match the tool to the population they serve as well as manage caseload sizes for their staff. For this evaluation, the LSI-R™ national scale is used. The national scale for the LSI-R™ is (1 -13= Low Risk) (14 - 23=Low/Moderate) (24 - 33=Moderate) (34 - 40=Medium/High) and (41 -54=High).

Public Defender Resolution

STATE OF MINNESOTA
BOARD OF PUBLIC DEFENSE

331 Second Avenue South
Suite 900
Minneapolis MN 55401

(612) 379-2565

FAX (612) 349-2565

STATE OF MINNESOTA BOARD OF PUBLIC DEFENSE
RESOLUTION ON SERVICE PRIORITY AND DELIVERY
6-08

Whereas the mission of the Board of Public Defense is to provide quality criminal defense services to indigent Minnesotans;

And whereas budget constraints have resulted in a need to significantly reduce the Board's attorney staffing;

And whereas with staffing reductions, caseloads for district public defenders are projected to be nearly double the caseload standards recommended by the American Bar Association and the Board's Weighted Caseload Study;

And whereas caseloads are increasing;

And whereas budget considerations will force the Board to reduce services at the district and appellate level;

Therefore be it resolved by the Board of Public Defense that,

- the provision of services not mandated by statute be discontinued as of July 8, 2008, that Assistant Public Defenders not accept any cases involving non-mandated services after this date, and that Assistant Public Defenders not be available for proceedings in non-mandated cases following the Rule 41.01 hearing, nor the courts' termination decision pursuant to rule 39.05 for cases opened prior to July 8, 2008 and that,

- Service in "post-adjudication" specialty courts no longer be provided effective July 8, 2008. and

Be it further resolved that the Board restates its past priorities for service delivery to clients who are determined to be financially eligible for representation by a public defender:

-Constitutionally mandated criminal defense services for in custody clients
-Statutorily mandated criminal defense services for in custody clients
-Constitutionally mandated criminal defense services for out of custody