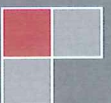


2014

# Collection of Executive Summaries - Evaluation Findings in Nine DWI Court Programs



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

DWI courts are criminal justice programs that bring together drug and alcohol treatment and the criminal justice system with the goal of reducing recidivism in DWI offenders. DWI court programs follow both the 10 Key Components of Drug Courts (NADCP, 1997) and the 10 Guiding Principles of DWI Courts (NCDC, 2005). In the typical DWI drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives collaborating on a common goal. The team typically includes a coordinator, case managers, substance abuse treatment providers, prosecuting attorneys, defense attorneys, law enforcement officers, and parole and probation officers who work together to provide needed services to program participants. Prosecuting and defense attorneys modify their traditional adversarial roles to support the treatment and supervision needs of program participants. DWI court programs blend the resources, expertise and interests of a variety of jurisdictions and agencies. DWI courts have been shown to be effective in reducing recidivism (both of DWIs and other crimes) and in reducing taxpayer costs due to positive outcomes for DWI court participants (including fewer rearrests, less time in jail and less time in prison) (Carey, Fuller, Kissick, Taylor, & Zold-Kilbourn, 2008).

Minnesota's Offender Drug Court Standards state:

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. In June 2012, the evaluation plan was approved, including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost-benefit evaluation in seven of these programs (due to small sample sizes in two of the nine programs). The overall goal of the DWI court project was to have a credible and rigorous evaluation of the process and effectiveness of Minnesota's DWI courts. A fully detailed report describing the process, outcome, and cost evaluation was produced for each site; this document briefly summarizes the findings across sites.

## What programs participated in this evaluation?

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

Table 1. Program Descriptions

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

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

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

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



## RESULTS

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

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

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

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

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

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

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

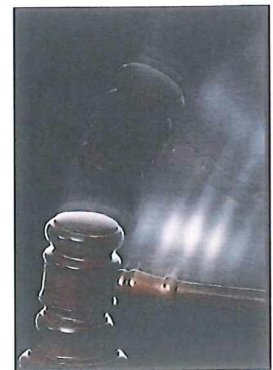




Table 2. Participant Characteristics from Nine DWI Courts\*

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

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

\*Participant characteristics are based on demographics of study sample



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

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

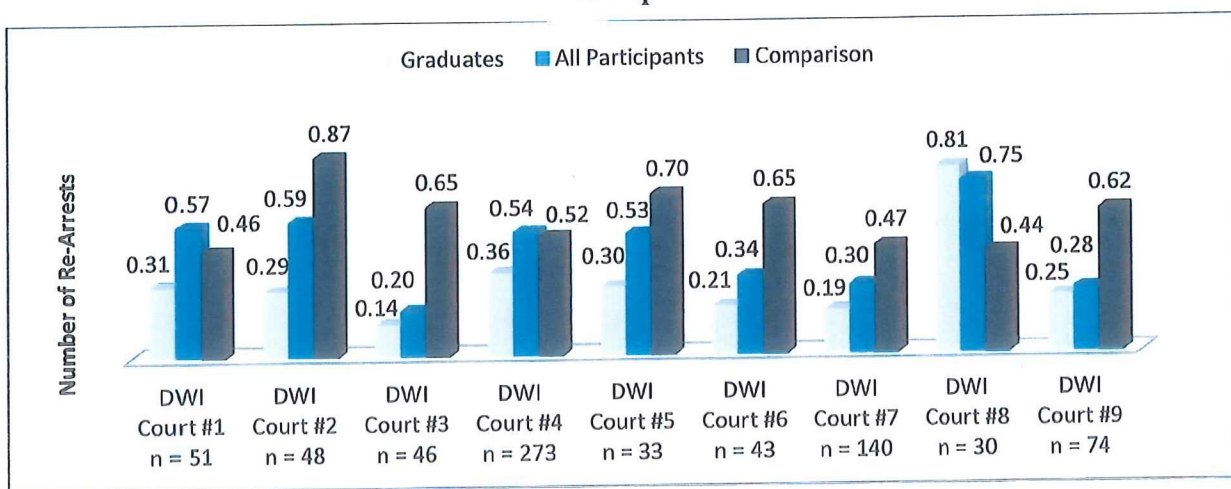
Despite these demographic differences, the nine DWI courts all had high graduation (completion) rates, ranging from 65% to 86% - all well above the national average of 53% for drug and DWI court programs. In addition, these graduation rates are at least double the national completion rate (35%) for intensive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

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

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

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

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



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



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

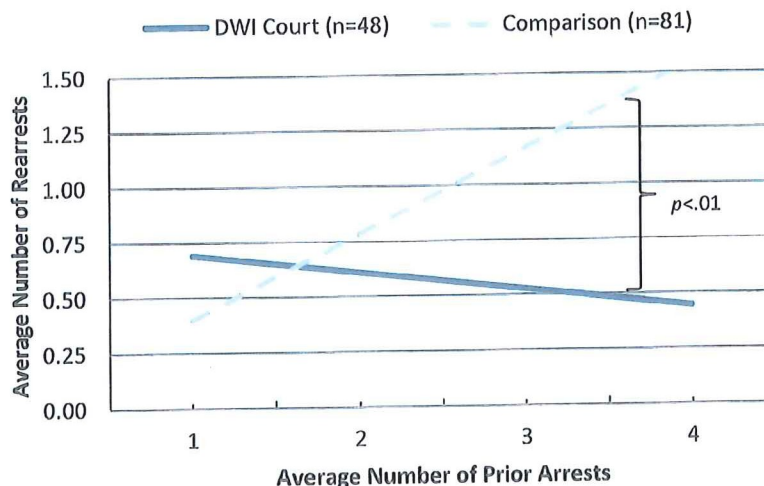
**DWI Recidivism.** Reduced DWI recidivism is of particular interest to DWI courts. Data on DWI recidivism was collected for this study, however, the DWI recidivism rate was so low in the majority of sites that valid statistical analyses could not be performed. Percent of participants rearrested for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

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

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

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

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



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

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



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

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

### Do Minnesota DWI courts save taxpayer money?

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

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

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

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

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

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

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



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

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

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

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

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

### Summary

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

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

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



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

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



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project was to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost-benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the Beltrami County DWI Court (BCDWI).

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

**Process Evaluation Summary.** The BCDWI has been responsive to the community needs and strives to meet the challenges presented by substance dependant individuals. The BCDWI has implemented its DWI court program within the guidelines of the 10 Key Components and 10 Guiding Principles. The program is implementing some research-based best practices including having a law enforcement representative on the team, ensuring that both the prosecuting attorney and the public defender have been trained in the DWI court model, coordinating treatment through just two organizations, offering gender-specific and mental health treatment, and having a swift team response to participant behavior as well as incorporating a variety of incentives and sanctions, having written guidelines for team responses to participant behavior provided to the team, and having a judge that has been with the program long term and spends at least 3 minutes with participants during court hearings.

Although this program is functioning very well in many areas, NPC's review of program operations resulted in some recommendations for program improvements. These recommendations include the following examples:

- **Work toward having all team members attend team meetings and court hearings.** The BCDWI program does not have a defense attorney on the team who is able to attend staffing and court sessions on a regular basis. Best practices research shows that programs have 90%

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



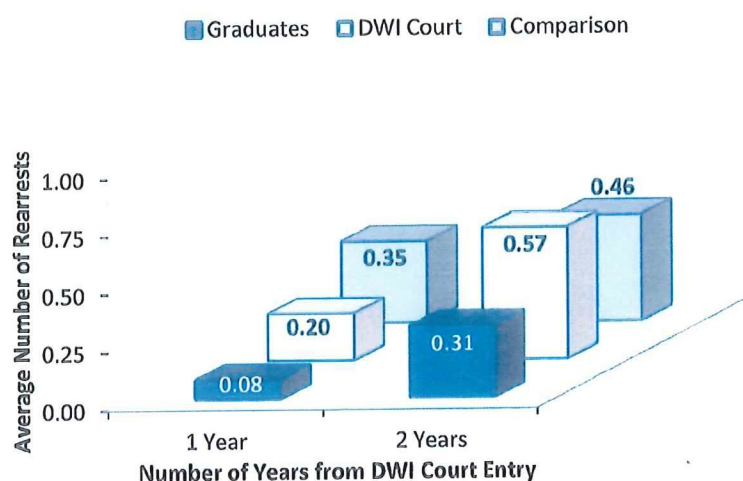
greater cost saving when the defense attorney regularly attends staffing, compared to programs that do not perform this practice (Carey et al., 2012).

- **Continue to increase communication between all team members.** Team members reported that communication outside of staffing and court is limited to only a few members on the team, and that group emails regarding participant progress are rare. Since BCDWI meets every other week, this delay in communication occasionally results in delayed decision-making. We recommend that BCDWI make regular efforts to actively engage all team members when it comes to reporting on participant status and progress. Drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email (Carey et al., 2011).
- **Create a memorandum of understanding (MOU) between all team members.** Some members reported confusion about other team members' responsibilities, particularly in terms of providing information to the DWI court. We recommend that BCDWI develop a MOU with each agency represented on the team that describes each team member's role, including expected duties and tasks.
- **Review assessment results to ensure that participants are both high risk and high need.** A number of participants indicated that they misrepresented their substance use in order to gain entry into the program; however, team members reflected that participants may still be coming to terms with how much their addiction has impacted their lives and believe the program is reaching the intended population. In addition, the DWI court model is best suited to offenders who are both high risk and high need. If other offenders who are lower risk and/or lower need are being served, the program should adjust the supervision and treatment requirements to best suit the participants' level of need.
- **Follow through on sanctions for noncompliant behavior.** During the site visit, it was noted that a number of participants violated the rules of the program without any consequences (e.g., missed treatment sessions and interlock device failures linked to the use of mouthwash, which participants admitted knowing is not an acceptable excuse). The BCDWI should review the requirements of the program and consistently apply the sanctions for program violations to all participants.
- **Consider moving all BCDWI team members to the front of the courtroom, to present a more unified appearance to participants.** With the exception of the judge, coordinator, and probation officer, all remaining team members sit in the gallery some distance from the judge. During the observed court session this made it more difficult for the judge to elicit information from the team. We recommend that team members move up toward the front of the court to present a more unified team presence and enhance communication during court sessions.

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on BCDWI participants who entered the DWI court program from July 2007 through November 2011, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than BCDWI.

Figure A illustrates the average number of cumulative rearrests for each year up to 2 years after program entry for BCDWI graduates, all BCDWI participants, and the comparison group. DWI court participants had a lower number of rearrests than the comparison group in the first year after program entry, but had significantly higher numbers of rearrests in the second year after program entry ( $p < .05$ ).

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



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

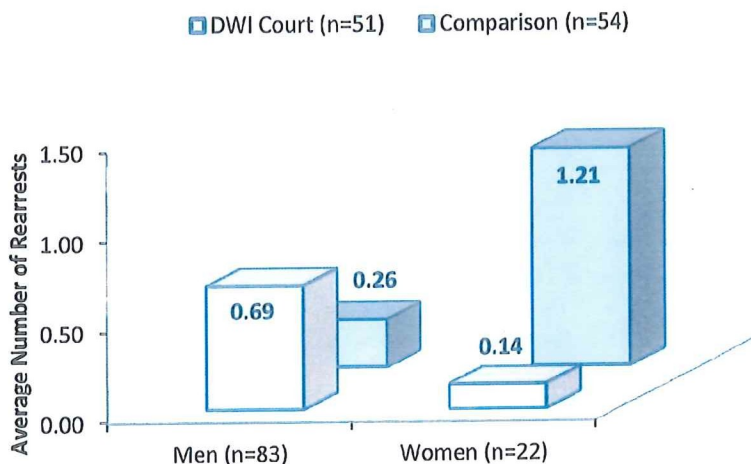
- Had fewer rearrests in the first year after program entry (not significant), but had significantly more rearrests in the second year
- Had an 88% reduction in rearrests for female participants at 2 years post entry

<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates  $n = 40, 39$ ; All DWI Court Participants  $n = 54, 51$ ; Comparison Group  $n = 65, 54$ .



Figure B shows the average number of rearrests for men and women at 2 years after program entry. As seen in the graph, men had a higher number of rearrests than comparison men (although not significant), while women had a significantly lower number of rearrests than comparison women ( $p < .05$ ).

**Figure B. Average Number of Rearrests by Gender at 2 Years**



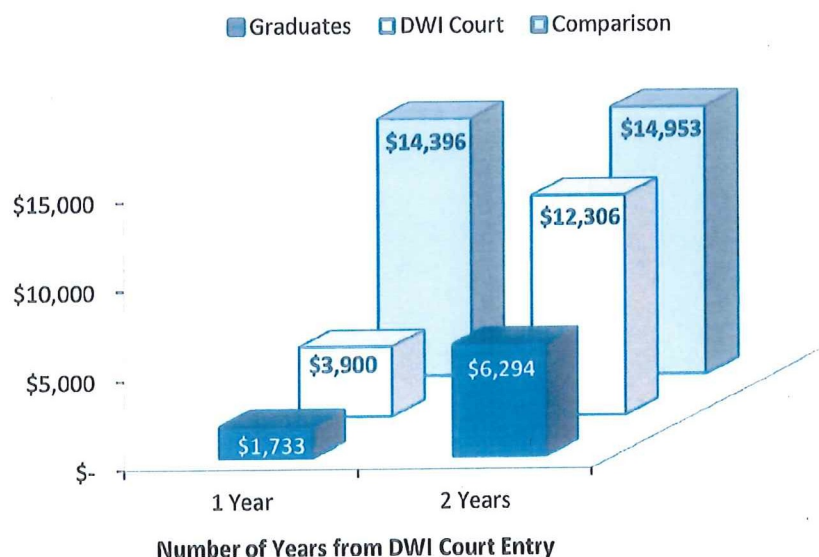
The average graduation rate for the BCDWI program is 77%, which is higher than the national average of 57%. The BCDWI team should continue to work toward ways to assist participants in addressing challenges to following program requirements so that an even greater number can stay in the program longer and successfully complete the program as well as focus on a continuing care plan to help participants in the transition from the program into the community.

We recommend that the BCDWI program discuss these outcome results in conjunction with the process evaluation findings, and continue review of program policies and practices in an effort to achieve its main goals of reducing recidivism and increasing public safety.

**Cost Evaluation Summary.** The BCDWI is a substantial taxpayer investment and, while it does result in a small cost savings, it takes an extended time to recoup its investment. The program investment cost is \$11,797 per DWI court participant, which fits within the average costs for a DWI and drug court program (e.g., Carey, Mackin & Finigan, 2012). The benefit due to reduced recidivism (mainly reduced time in prison) for DWI court participants over the 2 years included in this analysis came to \$2,647, or \$1,324 per year. This means that it would take just under 9 years for the savings to overtake the initial investment per participant.

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

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



Overall, although the BCDWI had mixed recidivism results, the cost analysis showed:

- A criminal justice system cost savings of \$2,647 per participant over 2 years
- A 112% return on its investment after 10 years (a 1:1.12 cost-benefit ratio)

BCDWI court participants appear to do well in the first year during program participation. As participants exit the program, recidivism events including rearrests, jail and probation are substantially higher. The BCDWI may want to examine the program requirements in the final phase, and ensure that the focus is on relapse prevention and/or other services to help prevent recidivism (e.g., Criminal Thinking, employment, education, etc.). It is possible that there is something about the transition of the program (either to the final phase or when participants leave the program) that is not meeting the participants' needs. In addition, only one-third of BCDWI participants were assessed as high risk. The program should also focus on targeting high-risk offenders, as the intensive supervision in DWI courts is beneficial for high-risk participants, while it could be harmful to lower risk participants. If the BCDWI prefers to continue to serve both high- and low-risk participants, the program should ensure that the appropriate level of treatment and supervision is provided to participants according to their assessed level of need.

**Recommendations.** There are several possibilities to consider for explaining some of the non-significant outcomes and for potential program improvements. Since there appears to be a dramatic shift in recidivism in the second year after program entry, we recommend that the BCDWI look at the policies and practices that change during this time. For the typical DWI court participant, this is the time when treatment has concluded, supervision is relaxed, and court sessions are less frequent. The BCDWI should ensure that participants have a continuing care plan that focuses on relapse prevention and other positive activities participants in which participants can engage.



In addition, we found that women in the BCDWI had significantly fewer rearrests than women in the comparison group, whereas men in the program had more rearrests than men in the comparison group. We could find no other differences between men and women (e.g., risk scores) that explained these differences in recidivism. We recommend that the BCDWI treatment providers continue to work toward expanding the current repertoire of treatment services to provide participants with a wider breadth of services, perhaps gender-specific services for men and more individualized planning, particularly for men in the program.

Finally, of the participants included in the outcomes analysis, just one-third (35%) entered into the program on a felony DWI charge, and one-third were assessed as high risk, which indicates that the majority of participants are lower risk. The research-based best practice standards (NADCP, 2013) state that the drug court model is best suited to high-risk/high-need participants, and lower risk participants may not do well with high intensity structure and supervision. Analyses in other Minnesota DWI court programs found that these programs performed substantially, and significantly better when working with higher risk participants, specifically with participants who had three or more arrests (for any charge) in the 2 years prior to DWI court entry. We recommend that the BCDWI target population be high-risk/high-need individuals, or that the program adjust program practices on an individual basis to best fit the risk level of their participants.

Overall, the BCDWI has implemented many research-based best practices within the 10 Key Components of Drug Courts and the 10 Guiding Principles of DWI Courts and has several recommendations for implementing other best practices that will enhance participant outcomes. This program is having some positive impact on its participants, including reducing recidivism in the first year, and reducing time in prison, as well as realizing some cost savings. The BCDWI should continue its efforts to enhance its services to best serve its participants and the community.

## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost-benefit evaluation in seven of these programs.<sup>1</sup> The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. This is the site-specific report for the Cass County/Leech Lake Band of Ojibwe Wellness Court (CCDWI).

The CCDWI was implemented in April 2006 and is a multi-jurisdictional court that targets chronic DWI offenders. Although the program was transitioning between judges during the site visit, the program typically operates (and plans to continue to operate) with a 9<sup>th</sup> Judicial District Judge and a Leech Lake Band of Ojibwe Tribal Court Associate Judge participating on the team. Both judges attend staffing and court sessions via videoconferencing, with one judge in each of the designated locations. In the event of one judge's absence, the other is available to maintain continuity within the program, but both judges typically participate in staffing and court. The program, designed to take a minimum of 18 months to complete, takes only post-adjudication individuals or those already serving a term of supervision on probation. The general program population consists of repeat DWI offenders with gross misdemeanor or felony cases (two or more DWI offenses within 10 years) charged in Cass County or the Leech Lake Reservation who voluntarily agree to participate in the program.

**Process Evaluation Summary.** The CCDWI has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating good practices within each of the 10 Key Components of Drug Courts and the 10 DWI Court Guidelines including good communication between team members, having a representative from law enforcement on the team, coordinating treatment within two primary agencies, a prosecutor who has dedicated time for the program, specialized drug testing with a rapid turnaround time, written guidelines, good coordination for team response to participant behaviors, a focus on positive participant behaviors, and dedicated judges who spend longer than 3 minutes per participant during court hearings.

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



Among the recommendations from the process study, there were two key suggestions for program enhancements. The program should continue to work toward having a consistent, dedicated defense attorney on the team, and should implement drug testing at least twice per week throughout the majority of the programs, only decreasing the frequency at the end of the last phase, after the participants have demonstrated that they are succeeding with their continuing care plan. Specifically,

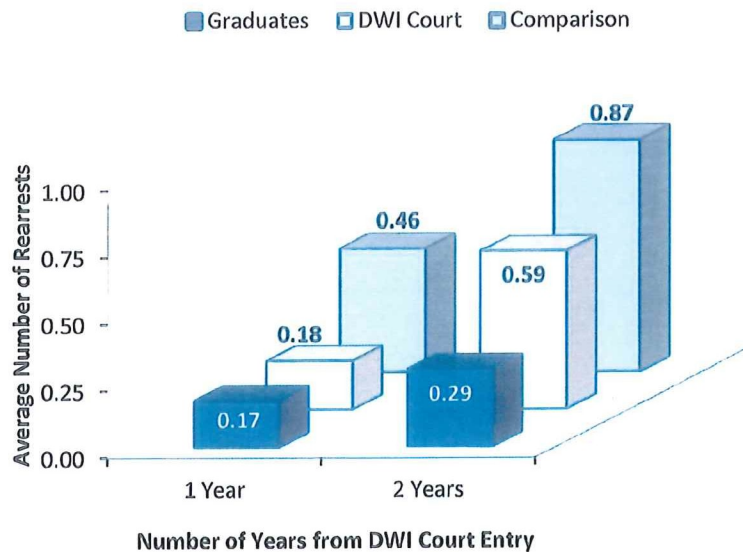
- **Continue efforts to include a defense attorney on the team.** Multiple team members noted the importance of having a defense attorney on the team, as they bring an important perspective during team discussions. Due process and the right to counsel at all proceedings are constitutional principles that do not change. Drug court clients are seen more frequently, supervised more closely, and monitored more stringently than other offenders.

The CCDWI team is constrained by the limited number of private attorneys located within Cass County. Participation by either the public defender's office or a private attorney would have to be on a volunteer basis at this time. The team has approached Regional Native Public Defense Corporation to request staffing support as well. Efforts to provide defense attorney representation on the team should continue. *The team suggested that if the Minnesota Public Defender's Office could designate just one public defender for each district, it would be a small number of positions to fund and they should be able to manage all the counties in the state.*

- **Maintain a higher frequency of UA and other drug testing through Phase 3 of the program.** The CCDWI should examine their current practice of decreasing the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. NADCP best practices standards (2013) state that the frequency of drug testing be the last requirement that is decreased as participants progress through program phases. As treatment sessions and court appearances are decreased, verifying sobriety becomes increasingly important to determine if the participant is doing well with more independence and less supervision.

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on CCDWI participants who entered the DWI court program from May 1, 2006, to August 23, 2012, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than CCDWI.

Figure A illustrates the average number of rearrests for 1 and 2 years after program entry for CCDWI graduates, all CCDWI participants, and the comparison group. DWI court participants had significantly fewer arrests in both years following program entry ( $p < .05$  in both years).

**Figure A. DWI Court Participants Had Fewer Rearrests over 2 Years<sup>2</sup>**

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

- 60% fewer rearrests 1 year after program entry;
- 33% fewer rearrests, 2 years after program entry;
- 44% fewer new property crimes, 2 years after program entry;
- No new felony arrests 2 years after program entry; and
- A significantly longer time before being rearrested compared to the comparison group (22 months versus 18 months, respectively)

The data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. An important note is that high-risk/high-need participants (alcohol-dependant individuals with more than three prior arrests) benefitted the greatest from this program. That is, those participants who were higher risk had better outcomes than those who were lower risk. This indicates that the CCDWI should continue to target high-risk/high-need offenders, or that the program should ensure that participants are rigorously assessed and that the services and supervision received meet each participant's risk and need level.

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

<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates  $n = 35, 34$ ; All DWI Court Participants  $n = 61, 48$ ; Comparison Group  $n = 95, 81$ .



group participants had their licenses reinstated and used ignition interlock in the first year after program entry.

The average graduation rate for the CCDWI program was 65%, which is higher than the national average of 57% (Huddleston & Marlowe, 2011). The CCDWI team is doing well at helping participants successfully complete the program and should continue to work toward ways to assist participants in addressing challenges to following program requirements so that an even greater number can stay in the program longer and successfully complete the program.

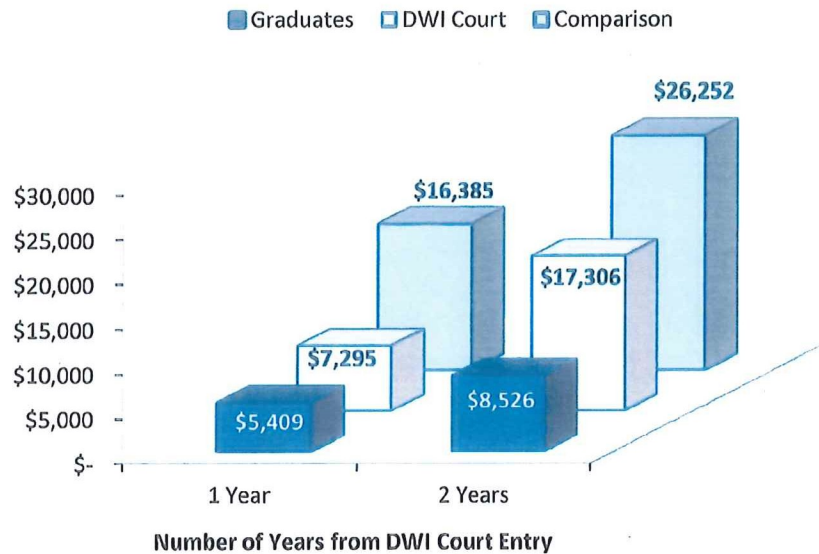
An examination of differences between those who graduated and those who terminated unsuccessfully showed that participants who were female, Native American or Alaska Native, unemployed at program entry, and did not complete the treatment requirements of the program were less likely to graduate from the program. However, the number of terminated participants was so small that these findings should be interpreted with caution.

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

**Cost Evaluation Summary.** Although the CCDWI is a substantial taxpayer investment, over time it results in significant cost savings and a return on its investment. The program investment cost is \$19,710 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$8,946. If these cost savings are projected 3 more years (to 5 years) the savings come to \$22,365 per participant, resulting in a cost-benefit ratio of 1:1.13. That is, for every taxpayer dollar invested in the program, there is \$1.13 return after 5 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate.

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

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



Overall, the CCDWI program had:

- A criminal justice system cost savings of \$8,946 per participant over 2 years, and
- A 113% return on its investment after 5 years (a 1:1.13 cost-benefit ratio).

These savings will also continue to grow with the number of new participants that enter the program each year. If the CCDWI program continues to serve a cohort of 28 new participants annually, the accumulated savings after 5 years come to almost \$1.9 million.

As the existence of the CCDWI continues, the savings generated by DWI court participants due to reduced substance use and decreased criminal activity can be expected to continue to accrue, repaying investment in the program and beyond. Taken together, these findings indicate that the CCDWI is both beneficial to participants and beneficial to Cass County and Minnesota taxpayers.



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the Crow Wing County DWI Court (CWC).

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

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

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

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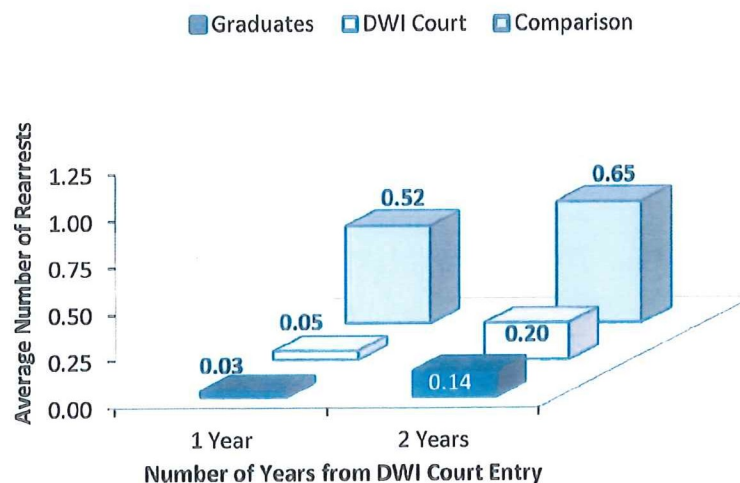
<sup>1</sup> No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to the very small participant samples sizes available in those programs.

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

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

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

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



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

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

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



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

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

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

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

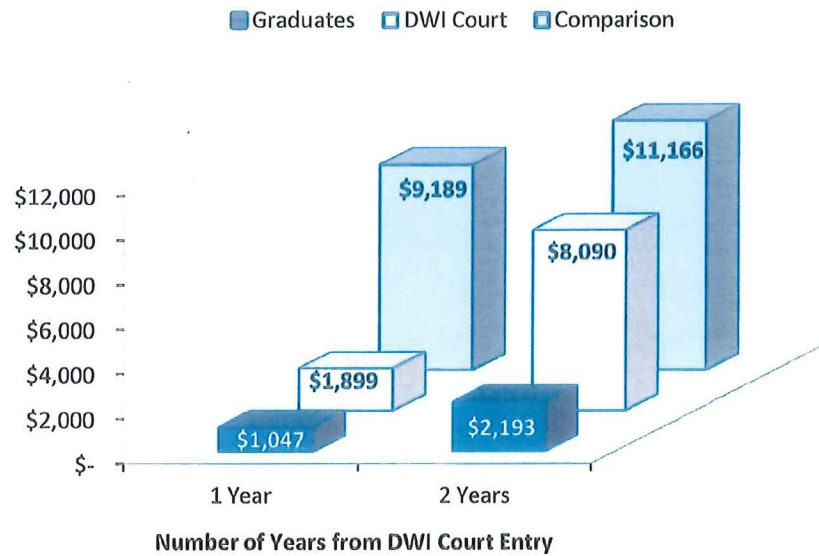
These extended time frames before the program sees a return on its investment are due largely to the costs of DWI court participants who were unsuccessfully terminated from the program. These individuals spent substantially longer time in prison than the comparison group, indicating the possibility of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

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

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

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

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



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



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the Fourth Judicial District Adult DWI Court (FJDWI).

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

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

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

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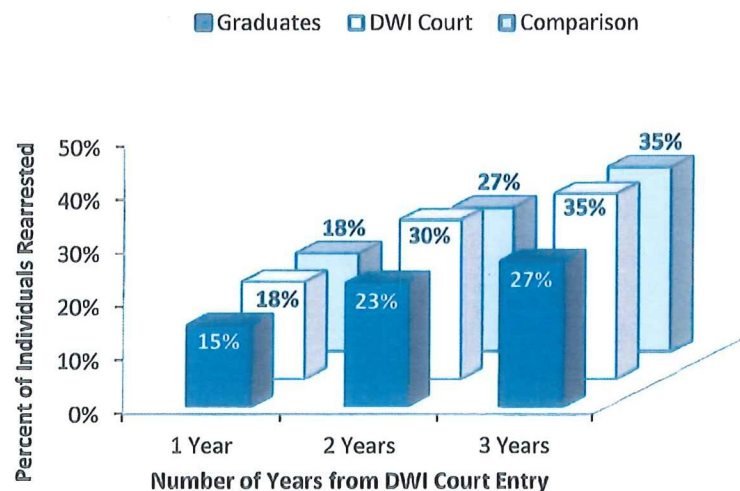
<sup>1</sup> No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to the very small participant samples sizes available in those programs.

Some key recommendations from the process study included:

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

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

**Figure A. Percent of Individuals Rearrested over 3 Years<sup>2</sup>**

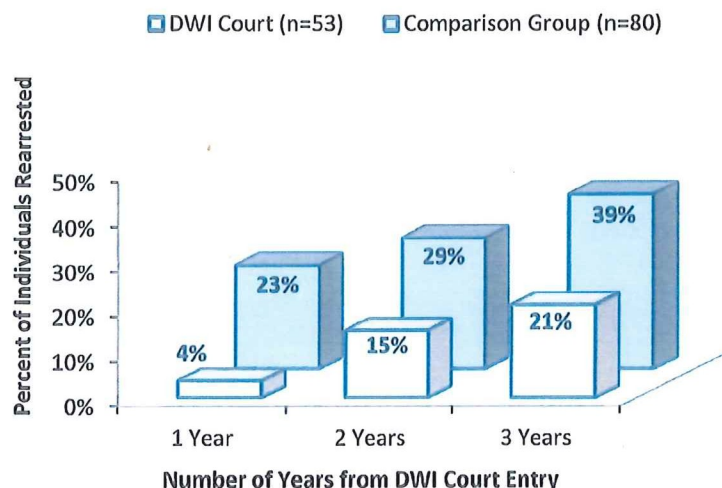


<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 234, 210, 153$ ; All DWI Court Participants  $n = 331, 272, 199$ ; Comparison Group  $n = 533, 420, 334$ .



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

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



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

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



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

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

Overall, the FJDWI program had:

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

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

We recommend the following activities for the program.

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

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

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



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project was to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost-benefit evaluation in seven of these programs. No cost evaluation was performed for the Borderland Substance Abuse Court (BSAC) and the Roseau County DWI Court due to the very small participant sample sizes available in those programs. For this reason, this site-specific report for the BSAC contains only process and outcome evaluations.

The BSAC was implemented in April 2007 as a DWI court, but now is a hybrid model also accepting charges where substance abuse may have been a factor. This program, designed to take 18 months to complete, takes post-plea/pre-conviction and post-conviction participants. The general program population of this hybrid drug court model consists of DWI offenders (first-time and repeat) as well as probation violators (due to substance abuse).

**Process Evaluation Summary.** The BSAC has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating some exemplary practices within each of the 10 Key Components including regular communication between team members, dedicated prosecuting attorneys on the team, creative incentives, and rapid results from drug testing.

The site visits generated several recommendations that could enhance outcomes that the court was considering or was in the process of implementation in our last discussion. These recommendations include the following examples.

- **Review/expand treatment program offerings.** At the time of the evaluation, treatment length appeared to be limited with the same curriculum used for all participants. The team noted that they were currently seeking new treatment services with additional treatment modalities and varying lengths of treatment. In addition to seeking a replacement provider for core services, the team may want to consider supplementing treatment options through online or Webcam treatment services.
- **Create a Memorandum of Understanding (MOU) to outline duties and tasks of all team members and their agencies.** Clarification of roles, responsibilities, and protocols

can help team members maximize their effectiveness, prevent overlap of roles, and reduce liability concerns.

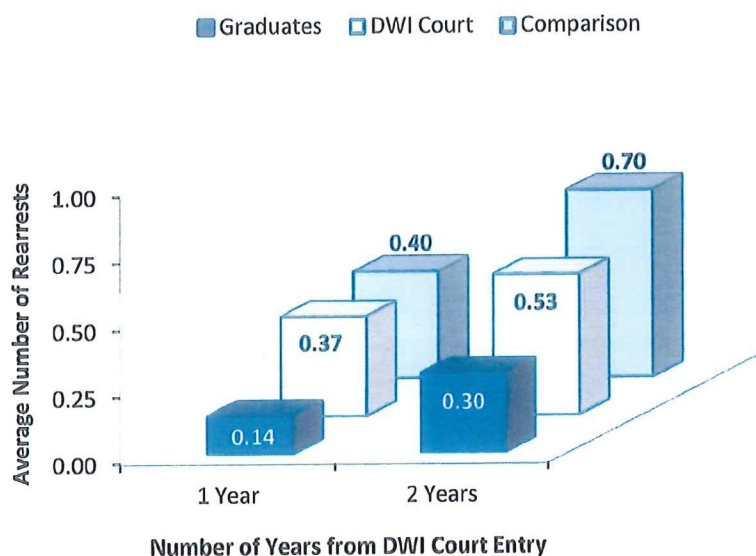
- **Utilize approved and evidence based treatment programs.** It was reported that treatment sessions on issues such as co-dependency have been conducted with participants and family members by non-treatment staff. Help and support from the team is a crucial aspect of the program, but treatment should be based on approved methods and applied by persons with appropriate professional training and certification. Such treatments and providers could be included in the MOU recommended above.
- **Ensuring standards with all drug testing sites.** The BSAC is commended for its flexibility in offering multiple test locations and the ability to test on the weekends to make testing as accessible as possible. However, due to this setup variations may exist that make it difficult to ensure consistency across locations. Due to the importance of maintaining the consistency and integrity of drug testing, establishing a protocol across locations, perhaps as part of an MOU, is recommended.
- **Consider alternative sanctions to jail.** The program reports the use of jail as a sanction for all positive drug tests. Although the option to use jail as a sanction is an integral piece of an effective drug court (Carey, Finigan, & Pukstas, 2008), it is important to use jail judiciously.
- **Continue efforts to include a defense attorney on the team.** Multiple team members noted the absence of a public defender/defense attorney. It was stated that the team could benefit from additional advocacy on behalf of participants. In addition to this, the presence of a public defender could lower the use or length of jail sanctions for participants. Prosecution and defense attorneys should not engage in activities with the court without the other attorney being present. Working together, attorneys can facilitate the goals of the court and simultaneously protect the client and the Constitution.

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



Figure A illustrates the average number of rearrests for the first and second years after program entry for BSAC graduates, all BSAC participants, and the comparison group. The DWI court group had a lower average number of rearrests than the comparison group, but this difference was not large and was not statistically significant.

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



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

- Had 24% fewer rearrests 2 years after program entry
- Were 32% less likely to be rearrested for any charges
- Had no rearrests for person crimes
- Had a total of just two new DWI arrests over the 2 years after DWI court entry
- Had a longer time to the first rearrest for any charge (20 months versus 18 months)
- Had a substantially higher graduation rate than the national average (77% versus 57%)

In general, the data showed that DWI court participants were rearrested less often than the comparison group, despite the fact that the DWI court group had more offenders with felony DWI arrests than the comparison group. The majority of participants in this program (69%) were scored as high risk on the intake assessment. Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). These positive results indicate that the BSAC is targeting the correct population and should continue to focus on high-risk individuals.

<sup>1</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates  $n = 29, 27$ ; All DWI Court Participants  $n = 37, 33$ ; Comparison Group  $n = 46, 41$ .

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

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



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the Otter Tail County DWI Court (OTC-DWI).

The OTC-DWI was implemented in February 2008. This program, designed to take 18 months to complete, takes post-conviction participants, but also allows some participants to enter the program pre-plea (offenders who know they are pleading guilty and want to start the program before their court hearing). The general program population consists of repeat DWI offenders (with two or more DWI offenses) charged in Otter Tail County with a gross misdemeanor or felony level DWI, who are determined substance dependent.

**Process Evaluation Summary.** The OTC-DWI has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating some exemplary practices within each of the 10 Key Components of Drug Courts including good communication between team members, rapid results from drug testing, an appropriate range of services, written incentive and sanctions guidelines, and swift response to participant behaviors.

The process evaluation did reveal some recommendations that could further enhance program outcomes that the court was considering or was in the process of implementing in our last discussion. These recommendations included the following:

- **Flexible hours for the probation officer.** The probation officer currently works 24 hours per week on a set schedule of every Monday, Wednesday, and Friday. It is strongly recommended that the probation officer position have flexible hours. This would allow for more random drug testing (especially for the female participants) and allow the probation officer to do more home and workplace visits.

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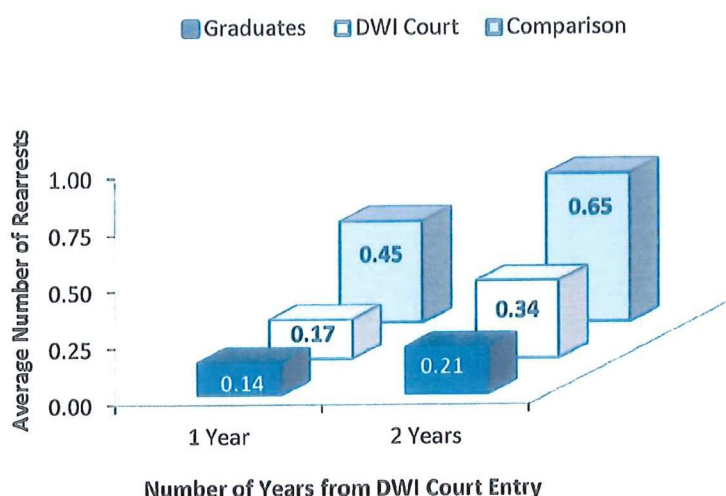
<sup>1</sup> No cost evaluations were performed for the Borderland Substance Abuse Court or the Roseau County DWI Court due to the very small participant samples sizes available in those programs.

- **Ensure that the home and workplace visits are truly random and ensure appropriate training for the surveillance position.** Participants reported that the visits mostly occur in the evening and they are often able to determine when the visit will occur (or were actually told when the next visit would occur). It is recommended that the OTC-DWI develop procedures to ensure that participants are unable to determine the visit schedule. In addition, due to reports of frequent turnover in the surveillance officer position, it is recommended that guidelines be created for this role and training instituted to ensure that all surveillance officers are following appropriate procedures.
- **Schedule staffing meetings and court sessions for a recurring day and time when all team members are able to attend.** Participant feedback and site visit observations indicated that many team members do not regularly attend court sessions. It is strongly recommended that the staffing meeting and court session be held at a time when all team members are able to regularly attend.
- **Continue efforts toward getting a defense attorney on the team.** It was reported that some public defenders support the program and some do not (because they feel their clients do not receive due process and are better served by taking jail time instead of participating in DWI court). The OTC-DWI has made efforts to reach out to and educate the public defenders about DWI court, but due to a severe lack of funding the public defender office does not have time or resources to participate.
- **Consider sentencing more offenders into the program, specifically felons and high-risk offenders.** It was reported that the option of sentencing an offender into the OTC-DWI is rarely used. It is recommended that the program be explained to all judges and that they consider it among their sentencing options. In addition, the OTC-DWI currently has only two felons in the program, and only four felons have been in the program over the past year. It is recommended that the team make an effort to take on more felons in the program since it is the higher risk offenders who most need the services and intensive supervision provided in the OTC-DWI.

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on OTC-DWI participants who entered the DWI court program from January 2009 through December 2011, and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than OTC-DWI.

Figure A illustrates the average number at 1 year and 2 years after program entry for OTC-DWI graduates, all OTC-DWI participants, and the comparison group. DWI court participants were rearrested about half as often as comparison group members across both years; this difference was statistically significant in Year 1 ( $p < .05$ ).



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

The results of the outcome analysis for the OTC-DWI are positive. Overall the data showed fewer average arrests among DWI court participants than the comparison group. While most differences were not statistically significant, some of this is attributable to the small sample size. We recommend the program continue to track participants and perhaps conduct another study several years hence.

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

- Had 3 times fewer rearrests 1 year after program entry
- Had 2 times fewer rearrests 2 years after program entry
- Had only one person with a DWI arrest over 2 years from program entry
- Were 4 times less likely to be rearrested for a person crime
- Were 5 times less likely to be rearrested for a property crime
- Were 34% less likely to be rearrested for other crimes (e.g., public disorder)
- Had a longer time to the first rearrest for any charge (22 months versus 19 months)
- Had a substantially higher graduation rate than the national average (83% versus 57%)

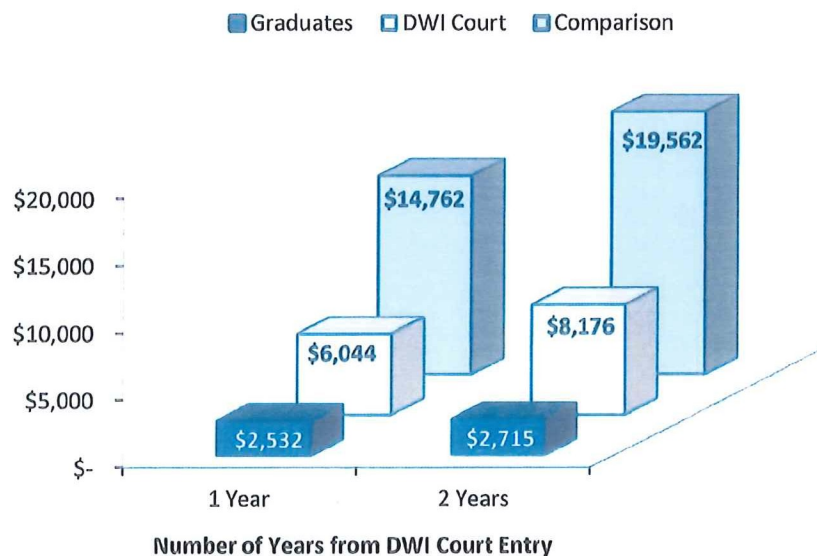
In general, the data showed that DWI court participants had lower recidivism than the comparison group, although (most likely due to small sample sizes) the majority of these findings were not statistically significant. Due to lack of data availability and low incidence of outcomes such as crashes, license reinstatements, and interlock use, limited conclusions can be made for other outcomes of interest. With a total of two crashes over a 2-year period for the participant and comparison group combined (one in each group), it was not possible to measure the impact of the program on the number of subsequent crashes or the percent of individuals involved in crashes.

<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates  $n = 29, 29$ ; All DWI Court Participants  $n = 51, 43$ ; Comparison Group  $n = 79, 56$ .

Overall, these outcomes indicate that the OTC-DWI is implementing its program with fidelity to the DWI court model and is having the intended impact on its participants. One note of concern is that only one-third of participants in this program (35%) were scored as high risk on the intake assessment, and most had very few prior arrests. Research indicates that drug courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense supervision provided by the full drug court model (NADCP, 2013). The program should continue its efforts in serving a population of high-risk/high-need offenders, as it appears to be making a substantially positive impact on future recidivism for these participants in particular. We recommend that the OTC-DWI continue to collect data and periodically analyze these data in accordance with their eligibility criteria and desired program outcomes. The OTC-DWI should consider conducting a subsequent evaluation in several years once the pool of former participants is larger and additional data can be collected on outcomes such as DWI rearrests, crashes, and interlock use.

**Cost Evaluation Summary.** Although the OTC-DWI is a substantial taxpayer investment, over time it results in significant cost savings and a return on its investment. Figure B provides a graph of the outcome costs for graduates, all participants, and the comparison group over 2 years, including victimizations and crashes.

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



The program investment cost is \$17,824 per DWI court participant. The benefit due to significantly reduced recidivism for DWI court participants over the 2 years included in this analysis came to \$11,386. If these cost savings are projected just 2 more years (to 4 years) the savings come to \$22,772 per participant resulting in a cost-benefit ratio of 1:1.28. That is, for every taxpayer dollar invested in the program, there is a \$1.28 return after 4 years. This ratio increases over time as the investment is repaid and the savings continue to accumulate. At 10 years the cost-benefit ratio comes to \$3.19 saved for every \$1 invested in the program.

Overall, the OTC-DWI program had:

- A criminal justice system cost savings of \$11,386 per participant over 2 years



- A 128% return on its investment after 4 years (a 1:1.28 cost-benefit ratio)
- A 319% return on its investment after 10 years (a 1:3.19 cost-benefit ratio)

These savings will also continue to grow with the number of new participants that enter the program each year. If the OTC-DWI program continues to serve a cohort of 25 new participants annually, the accumulated savings after 5 years come to over \$2.1 million.

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

**Recommendations.** Based on the outcome and cost evaluation, there are some key possibilities for program adjustments that may improve program outcomes. These include:

- Ensuring that the program is targeting high-risk/high-need offenders (e.g., felony DWIs)
- Decreasing the frequency of court sessions in Phase 2, or seeing some participants who are doing well less often so that the judge can spend at least 3 minutes per participant and also decrease the costs of court appearances

## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the Ramsey County DWI Court (RDWI).

The RDWI was implemented in 2005 to enhance public safety by helping repeat DWI offenders become law-abiding citizens. Currently, there are two judges, each serving in the role of RDWI judge. The judges alternately preside over staffing and court sessions, depending on scheduling and availability, and do not typically attend sessions in which they are not presiding. The program, designed to take a minimum of 13 months to complete, takes only post-conviction participants. The general program population consists of repeat DWI offenders with gross misdemeanor cases (two or more DWI offenses within 10 years) charged in Ramsey County who voluntarily agree to participate in the program. The RDWI has a capacity to serve approximately 60 participants at one time. As of March 2013, there had been 82 graduates and 36 terminated participants.

**Process Evaluation Summary.** The RDWI has been responsive to the community needs and strives to meet the challenges presented by substance-dependant individuals. This program is demonstrating good practices within each of the 10 Key Components, including good team member communication, dedicated defense and prosecuting attorneys assigned to the program, swift participant identification and entry into the program, an array of evidence-based treatment services, random and frequent drug testing, good coordination of team response to participant behavior, regular training for team members, and judges that have presided over the program long term.

Although this program is functioning well in many areas, NPC's review of program operations resulted in some recommendations for program improvements. These included:

- **Work to streamline communication between treatment providers and the probation officer.** In order for the team to make informed and fair decisions about responses to partic-

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



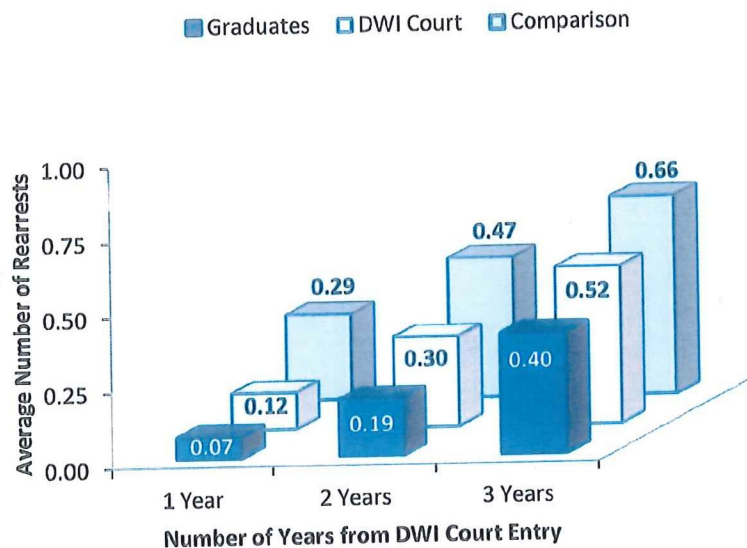
ipant behavior, it is crucial that all necessary treatment information be provided to probation and the court before these decisions need to be made.

- **To the extent possible, coordinate treatment through a single organization.** The team noted during the follow-up phone call that this recommendation may be difficult to achieve, as the program does not usually have any influence on where a participant attends treatment.
- **Consider adjusting some program requirements for those diagnosed as substance abusers.** Research has shown that identifying whether participants are substance abusers (low to moderate substance use disorder) can help ensure that appropriate care is provided and suitable expectations are imposed on participants. It is recommended that the RDWI explore alternative requirements or programs for abusers.
- **Review and adjust drug testing procedures to ensure effectiveness.** Multiple concerns were reported during the site visit by both team members and focus group participants regarding the drug testing system. Due to the importance of maintaining integrity in drug testing, establishing a protocol (or MOU) with the drug testing center may help increase accountability. At a minimum, the sample collectors should be trained in appropriate communication skills and professionalism while collecting drug tests.
- **Explain the reasons for rewards and sanctions in court and be aware of the importance of appearing fair.** Because this DWI court often imposes rewards and sanctions on an individualized basis, the team needs to take into consideration the appearance of unequal treatment for similar infractions. It is important to communicate the rationale behind decisions regarding sanctions, even if it seems redundant at times.
- **Consider decreasing the required frequency of court appearances in Phase 1.** Participants in the RDWI are required to attend court once per week during Phase 1 (minimum of 90 days). As recent research has shown that court appearances every 2 weeks can have comparable or even better outcomes compared to more frequent appearances (Carey, Finigan, & Pukstas, 2008; Carey, Mackin, & Finigan, 2012; Marlowe, Festinger, Lee, Dugosh, & Benasutti, 2006), the RDWI may want to consider reducing the frequency of DWI court appearances to once every 2 weeks for some participants in the first phase.
- **Increase participant time spent before the judge, particularly for participants who are doing well.** During the court session observation, participants spent an average of 1 minute speaking with the RDWI judge. An average of 3 minutes per participant is related to graduation rates 15 percentage points higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey, Waller, & Weller, 2011).

**Outcome Evaluation Summary.** The outcome analyses were primarily performed on RDWI participants who entered the DWI court program from January 2005 through August 2012 ( $N = 173$ ) and a matched comparison group of offenders eligible for DWI court but who received the traditional court process rather than RDWI ( $N = 274$ ).

The results of the outcome analysis for the RDWI are mainly positive. RDWI participants show reduced recidivism for all 3 years. These recidivism reductions are significant at 1 and 2 years, but are no longer significant after 3 years (see Figure A).

**Figure A. Average Number of Rearrests over 3 Years<sup>2</sup>**



Overall, the recidivism findings showed that compared to the comparison group, DWI court participants had:

- 59% fewer rearrests in Year 1
- 36% fewer rearrests in Year 2
- 21% fewer rearrests in Year 3
- Half as many person (violent) arrests and felony arrests
- 50% fewer property arrests

Other outcomes of interest such as rates of license reinstatements and number of crashes in the 3 years after DWI court entry were similar for both the DWI court and comparison groups. The rate of use of the ignition interlock was exactly the same in DWI court participants and the comparison group (14% of offenders in all groups used interlock over a 1-year period).

The average graduation rate for the RDWI program is 71%, which is substantially higher than the national average of 57%. The RDWI team should continue to continue their good work in assisting

<sup>2</sup> Sample sizes by group and time period (1 Year, 2 Years, 3 Years): Graduates  $n = 122, 106, 86$ ; All DWI Court Participants  $n = 173, 140, 114$ ; Comparison Group  $n = 270, 230, 191$ .



participants in addressing challenges to following program requirements to successfully complete the program.

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

**Cost Evaluation Summary.** The cost of the RDWI is \$7,358 per participant. Compared to other cost studies completed by NPC Research, this cost is relatively low. Out of 69 DWI and drug court cost evaluations performed, the average program cost per participant was \$14,372 per participant, nearly twice the cost of the RDWI program (Carey et al., 2012). The RDWI also results in a small cost savings due to decreased recidivism and fewer victimizations. The benefit due to reduced recidivism and victimizations for DWI court participants over the 2 years included in this analysis came to \$1,694. Figure B provides a graph of the outcome costs for graduates, all participants and the comparison group over 2 years, including victimizations and crashes.

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



The cost savings illustrated in Figure B are those that have accrued in the 2 years since program entry (including jail sanctions). Many of these savings are due to positive outcomes while the participant is still in the program. It is important to note that if DWI court participants spent less time on probation, the cost savings would be higher. The current cost savings would take almost 9 years to recoup the investment cost per participant. However, on the encouraging side, when the yearly per participant savings for positive outcomes is multiplied by the capacity of the program per year (a cohort of 60 offenders), the total amount "saved" by the program per year due to positive outcomes for its participants (i.e., lower recidivism) is \$50,820, which can then be multiplied by the number of years the program remains in operation and for additional cohorts of 60 participants per year. After 5 years, the accumulated resource savings come to \$762,300 (*not including program investment costs*).

There are several possibilities for program adjustments that may improve program outcomes, many of which were described in the process evaluation. These include:

- Ensuring that the program is targeting high-risk/high-need offenders
- Exploring ways to allow longer terms for the DWI court judge
- Allowing longer time for court sessions, or see some participants who are doing well less often so that the judge can spend at least 3 minutes per participant
- Look for options to decrease the number of treatment agencies (one or two is best practice)
- Ensure drug testing is consistent and high quality

Although the program outcome results were somewhat mixed, overall, the recidivism and cost results were positive and there is good indication that the program is having a positive impact on its participants and can improve outcomes over time.



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project was to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost-benefit evaluation in seven of these programs. No cost evaluation was performed for the Borderland Substance Abuse Court (RCDWI) and the Roseau County DWI Court due to the very small participant sample sizes available in those programs. For this reason, this site-specific report for the BSAC contains only process and outcome evaluations.

The RCDWI was implemented in April 2008. This program is designed to take 18 months to complete and takes post-conviction (including probation referrals) participants only. The general program population consists of repeat DWI offenders. It has a reported capacity to serve approximately 20 participants at one time. As of September 2012, there were seven active participants.

During observations, it was noted by staff that a DWI court had been established in Kittson County within the last year, and includes the same team members as the RCDWI. Some data and information reported in the online assessment survey included information from both courts. For the purposes of this report, only the RCDWI is being discussed and evaluated.

**Process Evaluation Summary.** The RCDWI strives to meet the challenges presented by substance dependant individuals. This program is demonstrating some best practices within each of the 10 Key Components, including rapid results from drug testing, fully observed drug testing, a judge that has presided over the program long term (over 2 years), and successful partnerships across community agencies.

The site visit and review of the RCDWI process generated several recommendations that could improve program outcomes. These included the following examples:

- **Review the staffing meeting process and consider ways to enhance and focus the discussion.** During the course of the staffing meeting, the team discussed multiple policy issues, including eligibility, prescription drug abuse, and the participant contract. The team noted that the judge's schedule makes it difficult to have a separate committee or meeting time to discuss policy issues, and as a result, program issues are addressed during staffing sessions. It is recommended that during staffing sessions the RCDWI should focus on the

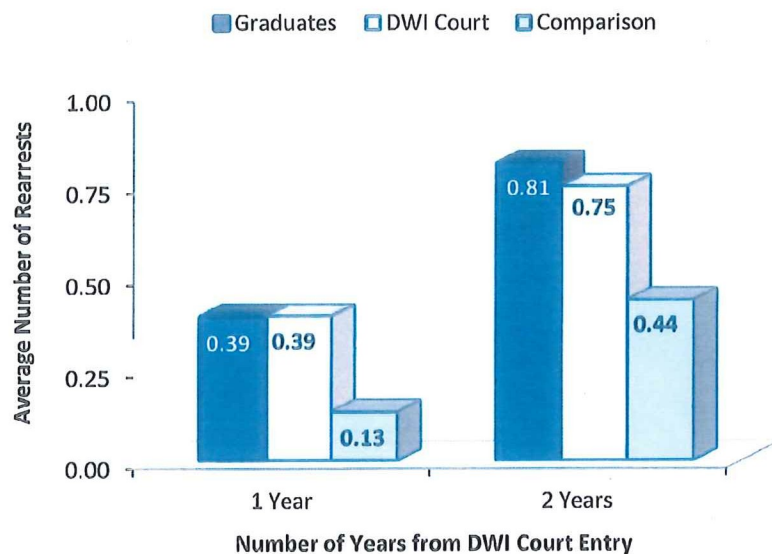
progress of the participants and new admissions or discharges from the program, and reserve policy questions for separate meetings.

- **Ensure all DWI court attorneys are trained in the drug/DWI court model, non-adversarial approach, and program eligibility criteria.** In order to fully develop a collaborative team environment, the county attorney and public defender are encouraged to attend drug/DWI court training and role-specific training since the roles of counsel on the drug/DWI court team differ from traditional attorney roles.
- **Continue efforts to have a county attorney and public defender at all staffing meetings.** It was noted that the county attorney was planning to train an assistant county attorney so a representative is always available for staffing. The presence of a participant advocate is an important piece of the staffing process, especially when jail sanctions are used.
- **Review program eligibility criteria.** During staffing the team discussed whether individuals who violate probation can enter the program, with some team members being unclear of their eligibility. Given the results of the outcome study in Roseau and other DWI courts in Minnesota, we recommend that the program target high-risk DWI offenders, or adjust the program requirements to fit lower risk participants (or both if the program chooses to take both high- and low-risk participants).
- **Review/expand treatment program offerings.** During the site visit, some individuals noted that the treatment approach was the same for all participants and particularly redundant for those with previous treatment experience. The treatment cycle is also relatively short in duration. As noted in the NDCI Judicial Benchbook (2011), substance abuse clients present with a wide range of needs for various types of treatments and other services. A one size fits all approach does not work and is inconsistent with evidence-based practices and best practices. Possessing more treatment alternatives (having more “tools in the toolbox”) allows the program to be even more effective with participants.
- **Review/reevaluate drug testing procedures to ensure effectiveness.** There are several testing locations and different protocols are used at each. It was reported by staff that drug tests are often discarded after instant results are obtained at law enforcement locations rather than stored in a fridge for confirmation testing if necessary. The RCDWI is commended for its flexibility in offering multiple test locations; however, this may be causing issues for the participants and the staff involved. Due to the importance of maintaining integrity in drug testing, establishing a protocol (or MOU) with each location may help define roles and increase accountability.



**Outcome Evaluation Summary.** The results of the outcome analysis for the RCDWI revealed no significant differences between DWI court participants and those individuals who went through the traditional DWI court process (e.g., see figure A). There were four DWI court participants with unusually high numbers of rearrests, which inflated the average number of rearrests for the entire DWI court group, due to small sample sizes. The percent of DWI court participants rearrested over a 2-year period was similar to that of the comparison group. Participants were rearrested at slightly faster rates than the comparison group during the first year after program entry (not significant), but the recidivism rates began to even out during the second year after program entry.

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



Since neither the DWI court participants nor the comparison group members were involved in any crashes, it was not possible to analyze whether participation in DWI court reduces the crash rate. In terms of other research questions of interest, fewer DWI court participants had their licenses reinstated, but more participants used the ignition interlock device in the first year after the program than did the comparison group. Finally, since there were very few non-graduates of the program (five people), we could not determine with any certainty if there were any significant characteristics related to graduation. However, the high graduation rate is a positive finding for this program.

There are several possibilities to consider for lack of significantly reduced recidivism and lack of other positive outcomes for RCDWI participants. Our more detailed exploration of the DWI court group showed that a large percentage of participants were assessed as lower risk offenders and therefore may be receiving services at a higher intensity than is needed. Fewer than one-third of participants were assessed as high risk by probation. Research indicates that drug/DWI courts should target high-risk/high-need individuals, as lower risk participants require different intervention methods and may not benefit (or may actually be harmed) from the intense treatment and

<sup>1</sup> Sample sizes by group and time period (1 Year, 2 Years): Graduates  $n = 31, 26$ ; All DWI Court Participants  $n = 37, 30$ ; Comparison Group  $n = 56, 39$ .

supervision provided by the full drug/DWI court model (NADCP, 2013). Based on the recidivism findings, the RCDWI should explore treatment and behavior response protocols geared toward lower risk participants or target the high-risk/high-need offenders for the DWI court program and offer some other program to lower risk/lower need participants.

The RCDWI risk and need assessment results show that the program was doing an excellent job of targeting high-need participants (i.e., those who are chemically dependent, or have severe substance abuse disorder) for the program. However, the program is using a standardized response to participant substance use (the first use of alcohol/drugs prompts a mandatory 2-day jail stay, and the second use requires a 4-day jail stay). There are some behaviors that are extremely difficult for true addicts to perform in the early phases of the program, particularly abstinence, and therefore best practices indicate the use of increased treatment early in the program. The lack of significant differences between program participants and the comparison group suggest that participants are not sustaining the practices necessary for them to be successful with their abstinence and avoid criminal behavior. We recommend that the RCDWI review its incentives and sanctions policy, particularly the use of jail as a sanction for substance use (unless public safety is threatened), to ensure that court responses to behavior are aligned with current research on behavior modification. In addition, the treatment available follows a short time frame and is not individualized to participant needs. As recommended in our process study, possessing more treatment alternatives (having more “tools in the toolbox”) allows the program to be even more effective with a wide range of participants, particularly if the treatment provider is trained and following evidence-based treatment models for the specific population being treated.

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

We suggest that the RCDWI review the recommendations presented in the process evaluation section of this report, as we have included a list of practices that are associated with significantly reduced recidivism and/or higher cost savings in other drug and DWI courts. We recognize that not every recommendation will be feasible, especially in rural areas with limited access to resources, but these recommendations may be helpful when discussing methods to improve program policies and practices.



## EXECUTIVE SUMMARY

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

In late 2011, NPC Research was contracted by the State of Minnesota's Department of Public Safety, Office of Traffic Safety (OTS) to conduct an assessment of Minnesota's DWI courts and to determine the work necessary and the feasibility of performing process, outcome, and cost evaluations in these programs. The overall goal of the DWI court project is to have a credible and rigorous evaluation of Minnesota's DWI courts. In June 2012, it was decided to move forward with a full evaluation including a detailed process evaluation and outcome evaluation in all nine of Minnesota's DWI court programs and a cost benefit evaluation in seven of these programs.<sup>1</sup> This is the site-specific report for the South St. Louis County DWI Court (SSLC).

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

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

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

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

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



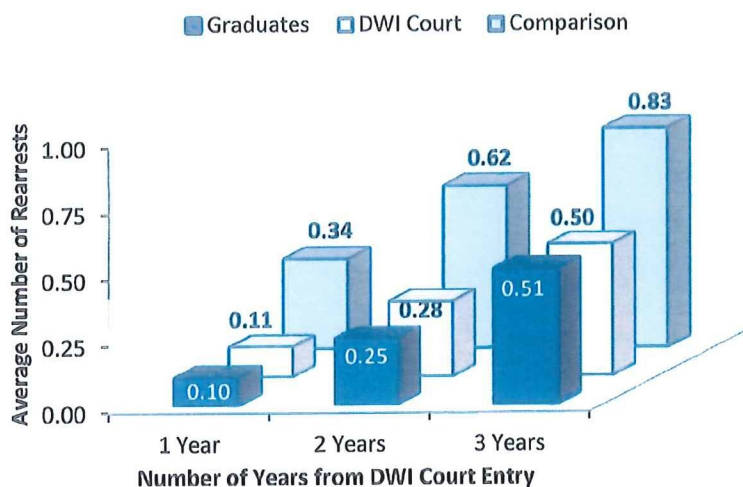
team can make an appropriate and informed decision regarding incentives and sanctions for the participant.

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

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

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



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

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

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

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

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

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

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

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

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

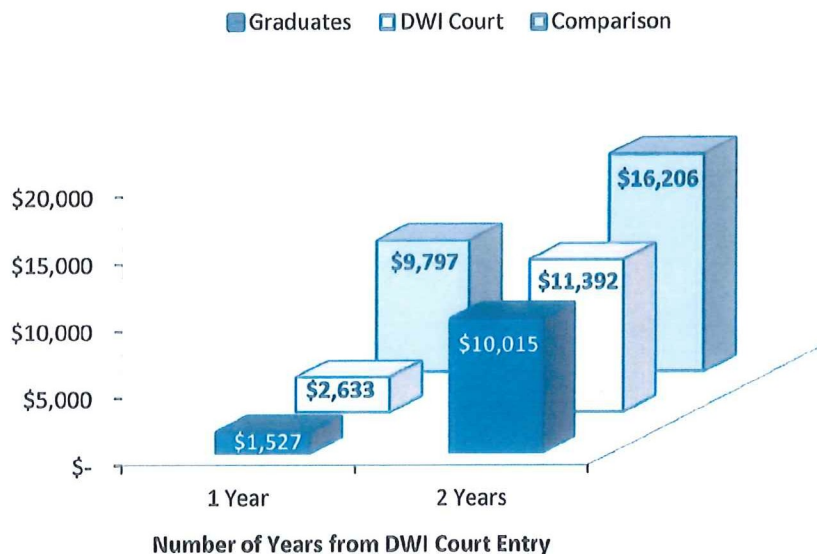
Overall, the DWI court program has been successful in its main goals of reducing recidivism among its participants and increasing public safety.

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

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

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

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



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



Overall, the SSLC program had:

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

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

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