



FOURTH JUDICIAL DISTRICT

Model Drug Court Evaluation

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Executive Summary

1. Model Drug Court (MDC) admitted its first participant in April 2007. Eligible participants include chemically dependent defendants charged with felony drug or property offenses who are determined to be at high risk of reoffending and in high need of chemical dependency treatment by scoring **high risk/high need** on the Risk and Needs Triage (RANT) assessment. All participants plead guilty and receive a statutory stay of adjudication (MN §152.18) or a sentence in the Fourth Judicial District.
2. Program goals include reducing criminal recidivism, reducing illegal drug usage, and improving community functioning in the areas of employment, education and training, and housing.
3. Components of the MDC program include intensive supervision of participants by probation, frequent appearances before the MDC judge, mandatory chemical dependency treatment, regular attendance at a self-help group, and random drug testing. The program consists of three phases. Advancement to the next phase requires a certain number of points, earned for such things as maintaining contact with probation, attending scheduled judicial review hearings, participating in treatment or aftercare, abstaining from drugs, and remaining crime free. If a participant has no major setbacks, completion of the program takes between twelve and eighteen months.
4. Of the 412 MDC participants admitted between April 2007 and September 2010, 168 graduated or were terminated from Model Drug Court **and** had at least twelve months of 'street time' post-MDC as of March 2011. Street Time is time not incarcerated in a jail or prison.
5. In this evaluation, defendants terminated from MDC (98 people) are compared to graduates of MDC (70 people) on all three program goals.
6. Reasons for termination include non-compliance with the program (56%), new criminal activity (25%), voluntary withdrawal (15%), and other reasons (4%) such as death or services needed were not available.
7. More than half of all terminated defendants from MDC were non-white males (56%), and the most common reason for terminations in this group was non-compliance with the MDC program (60%). Females were more likely than males to withdraw voluntarily from MDC, particularly non-white females (38%)

8. A second comparison group of 276 property or drug felons who also scored **high risk/high need** on the RANT but were not referred to MDC is used to analyze recidivism. Of these comparison felons, 199 had at least twelve months of street time post-sentencing. This group adds a second comparison for the first program goal of reducing recidivism.
9. The comparison felons are similar to MDC defendants in terms of current offense and determined risk and need, but were sentenced in the traditional manner rather than entering MDC. This, in essence, is a 'natural experiment' with which we can compare recidivism differences of those sentenced under MDC compared to traditional sentencing. There were no 'opt-out' or ineligible defendants in the comparison group.
10. Goal 1: Reduce Recidivism – MDC graduates have significantly fewer new charged cases and convicted cases during the first twelve months they are on the street than do terminated MDC participants or the comparison group who did not receive intensive MDC services, even though each group's criminal history is very similar.
 - Fourteen percent of MDC graduates have at least one new charged case compared to 33% of MDC terminated defendants and 29% of the comparison felons.
 - Nine percent of MDC graduates have at least one new conviction compared to 27% of MDC terminated defendants and 23% of the comparison felons.
 - When all MDC defendants are combined, regardless of their graduation status, and compared to the comparison felons, the MDC defendants have lower recidivism rates although the difference is not statistically significant.
 - For MDC defendants terminated from the program, the longer they are in the program prior to termination, the lower the recidivism. This relationship is statistically significant.
11. Goal 2: Reduce Illegal Drug Usage – MDC graduates tested positive for drugs and alcohol usage at a lower rate than MDC terminated defendants.
 - Graduates had an average of 0.8 positive drug and alcohol tests, while terminated defendants had an average of 3.6 positive drug and alcohol tests.
 - Forty-two percent of graduates had no positive tests during MDC, while only 16% of terminated participants had completely clean drug/alcohol tests during the time they were in the program.

12. Goal 3: Improve Community Functioning in the areas of employment, education/training, and housing – MDC graduates had more success in increasing their levels of employment, education/training, and housing stability than participants who terminated from MDC.

- **Employment:** 31% of graduates reported employment at both entry into and exit from MDC, while 34% went from being unemployed to having a job while in MDC. In contrast, only 2% of terminated defendants were employed at both entry and exit, while 5% went from being unemployed to having a job.
- **Education/Training:** 18% of graduates increased their level of education/training while in MDC; five obtained a high school diploma or GED and six started attending college. In contrast, only 5% of terminated defendants did so; three obtained a high school diploma or GED and one started attending college.
- **Housing Stability:** 42% of graduates rented or owned at both entry into and exit from MDC, while another 44% increased the stability of their housing (for example; by moving from temporary housing to renting or owning). In contrast, only 14% of terminated defendants rented or owned at entry and exit, 13% increased their housing stability while in MDC, and 28% decreased their housing stability. Nearly half of terminated defendants remained in a facility, temporary housing, or were transient from the time they entered MDC until they terminated.

13. Future Recommendations:

- Because this evaluation only looked at recidivism within the first year after MDC, it will be important to repeat the recidivism analysis once the individuals have a longer period in which to reoffend in order to determine if the apparent positive effects of MDC for graduates remain over time. Looking at recidivism rates two, three, and five years out will help better determine the long-range effects of MDC.
- It would be beneficial to have information on community functioning for all defendants in our system both when they begin court jurisdiction and when their case is finally closed. This would allow the 'system' to assess whether or not the court conditions imposed have any type of influence on defendants. This evaluation was only able to assess MDC defendant success because probation officers filled out quarterly reports on the specific goals of the MDC program.
- The MDC team should review the specific reasons that participants are failing to complete the program. Particular focus should be on non-white males that terminate for non-compliance and females' - especially non-white females' - reasons for voluntary withdrawal. Given the early success of MDC, it is even more important to find methods to increase the number of defendants who can successfully complete the program. The collateral consequences of termination from drug court (additional new crimes, less employment, less educational attainment, less stable housing, etc.) are dire for the individual defendant and our community as a whole. Anything the Model Drug Court could do to increase the number of successful candidates would be beneficial socially and economically.

Introduction

The Fourth Judicial District has operated a specialty Drug Court since 1997; it was the first Drug Court in Minnesota. From 1997 – 2006, the Fourth Judicial District's Drug Court was nationally recognized as the largest in the country, targeting everyone charged with a felony drug offense within Hennepin County, Minnesota.

In January 2007, the Fourth Judicial District's Drug Court underwent significant revisions in order to better align with evolving national best practices. The Hennepin County Chemical Dependency Task Force sought to develop a new model of Drug Court, targeting a significantly different population than the original court. All participants in this new Model Drug Court (MDC) must plead guilty to a felony drug or property offense, be on probation, and be assessed as high risk to reoffend and as chemically dependent (high need). Participation is strictly voluntary, and defendants must meet the MDC eligibility criteria (see next page). The Hennepin County Chemical Dependency Task Force decided to include in MDC those defendants who had pled guilty to a property felony, if the defendant met the high risk/high need threshold, based on observations from the bench that a significant number of these defendants committed their crime to support a drug habit.

Overview of Model Drug Court

Mission and Goals

The mission of the Fourth Judicial District's Model Drug Court is to increase public safety, improve chemical health, and reduce crime by targeting the population of chemically dependent felony property and drug offenders who are at high risk to re-offend. A coordinated and comprehensive approach is used to facilitate short and long-term behavioral change.

The goals of the program are as follows:

- Goal #1: Reduce criminal recidivism
- Goal #2: Reduce illegal drug usage
- Goal #3: Improve community functioning in the areas of:
 - Employment,
 - Education and training, and
 - Housing

Program Structure

MDC admitted the first participant on April 19, 2007. As of September 30, 2010, the program had admitted 412 chemically dependent felony drug or property offenders who were determined to be at high risk of reoffending and in high need of chemical dependency treatment.

Components of the Model Drug Court program include intensive supervision of participants by probation, frequent appearances before the MDC judge, mandatory chemical dependency treatment, regular attendance at a self-help group (such as Narcotics Anonymous, Cocaine

Anonymous, or Alcoholics Anonymous), and random drug testing. The program has three phases and advancement between phases requires a certain number of points. If a participant has no major setbacks, all three phases are complete within twelve to eighteen months.¹

Model Drug Court differs from the Drug Court that operated in the Fourth Judicial District from 1997 – 2006 in several significant ways. MDC is a voluntary program for high need, chemically dependent felony drug or property offenders who are at high risk to re-offend and have pled guilty to their charge. Under the old system, participation was not voluntary - all felony-level drug defendants in Hennepin County automatically went into Drug Court. The old system also assessed defendants for chemical dependency but did not screen for risk to reoffend. In addition, felony property offenders with chemical dependency issues were not eligible for drug court under the old system. A team of three judges shared responsibility for overseeing the old Drug Court; in MDC, one judge handles all the cases, with backup judges to fill in if the MDC judge is unavailable. Model Drug Court probation officers supervise a caseload of approximately forty or fewer clients; under the old Drug Court system, caseloads were frequently in excess of 100 clients. Supervision is much more intensive in MDC than under the old system due to the sheer numbers of defendants per probation officer. For example, probation officers have more frequent contact with clients – at least weekly in Phase 1 and at least bi-monthly in Phases 2 and 3 – and conduct visits to defendants’ homes and in the community. They work very closely with treatment providers and play a role in developing treatment case plans, relapse prevention plans, and discharge plans. They also work individually with clients to identify education and employment resources.

The Fourth Judicial District’s Model Drug Court is a minimum twelve-month program, consisting of three phases. Advancement from phase to phase is on a point system, not specified periods of time (see Appendix A for point distribution and phase advancement criteria). To progress to a new phase, defendants must obtain a minimum number of points by complying with various criteria, such as maintaining contact with probation, attending scheduled judicial review hearings, participating in treatment or aftercare, abstaining from drugs, and remaining crime free. If participants are complying with all conditions, they can earn enough points to advance to a new phase approximately every four to six months. To advance to Phase 2 a participant must earn 85 points; to advance to Phase 3 requires 172 points. In order to graduate a participant must have earned at least 248 points, paid all fines and costs, performed all community service, and remained drug and alcohol free for a period of 120 days.

¹ Appendix A lists the requirements to advance through the three phases, as well as graduation requirements.

Eligibility Criteria

In order to participate in Model Drug Court, defendants must meet the following criteria:

1. The defendant must be a Hennepin County resident.
2. The offense for which the defendant is charged must be a felony level drug or property crime.
3. The defendant must have a chemical health assessment that indicates the offender is chemically dependent.
4. The defendant must be determined to be at high risk to re-offend according to a Risk and Needs Triage (RANT) assessment.²
5. The Model Drug Court Team must approve the defendant for admission.³
6. The defendant must agree to participate.

Disqualification Criteria

Disqualification of defendants occurs in the following situations:

1. The defendant has a prior conviction for a Controlled Substance Crime in the First or Second Degree, unless ten or more years have elapsed since completion of probation, parole, or discharge from prison.
2. The defendant has current pending charges or is on felony probation for certain types of offenses.⁴
3. The defendant alleged to have used a gun in the commission of the present offense.
4. The defendant is actively working as a police informant.
5. The defendant is on supervised release with the MN Department of Corrections or active parole from another state.
6. The defendant is mentally incompetent.
7. The defendant an integral part of a distribution or manufacturing network or actively engaged in crimes to benefit a gang.
8. The defendant suffers from mental incapacity that prohibits his/her ability to participate in treatment or the MDC program.
9. The defendant is unsuitable for MDC based on a history of failure to comply with probation supervision, as evidenced by multiple probation revocations.
10. The defendant is a Level 3 Sex Offender by the MN Department of Corrections.

² The **RANT** is comprised of two scales: Risk and Needs. The Risk scale assesses whether a defendant is at risk for performing poorly with standard supervision, and thus whether more intensive monitoring is required such as that provided in drug court. The Needs scale assesses whether the defendant suffers from a diagnosable addiction, serious mental illness, or serious medical condition requiring specialized treatment services. To qualify for MDC, a defendant must score 'High' on both scales.

³ Model Drug Court Team members include the MDC judge, a Hennepin County prosecutor, a public defender, an adult probation officer, a representative from the Minneapolis Police Department, a chemical health assessor from Hennepin County Human Services, representatives from the treatment programs providing services to MDC participants, and the Fourth Judicial District's Drug Court Coordinator.

⁴ Homicide, Robbery, Manslaughter, Kidnapping, Arson, Aggravated Assault, Vehicular Homicide, a felony Sex Offense, felony Stalking, felony Domestic Abuse, or Crimes to Benefit a Gang.

11. The defendant has a prior criminal conviction for any of the offenses listed under disqualification criteria #2. However, the defendant may be admitted if a significant period has elapsed since s/he completed probation, parole, or discharge from prison, providing that since that time there is no history of violent crime.

Termination Criteria

Termination or discharge from Model Drug Court generally occurs only after imposition of other graduated sanctions and the participant continues to disregard program rules. See Appendix B for a complete list of grounds for termination.

Research Design

Population

From April 2007 through September 2010, 412 defendants entered Model Drug Court. All of these defendants, charged with a felony level drug or property offense, were high-risk/high-need on the Hennepin County Risk and Needs Triage (RANT) tool.⁵

During this same time, 276 other defendants also charged with a felony level drug or property offense scored high-risk/high-need but did not enter Model Drug Court. Two groups of defendants were not included in this comparison population: defendants who were 'referred to MDC but opted out' and defendants who were 'ineligible' for MDC. The 276 defendants were not aware of the MDC option or possibly their attorney dissuaded their entry. In either case, referral to MDC never occurred. These defendants, sentenced in the traditional manner, are similar to the MDC defendants in terms of current offense and determined risk and need. In essence, this is a 'natural experiment'. "Natural experiments are most useful when there has been a clearly defined and large change in the treatment (or exposure) to a clearly defined subpopulation, so that changes in responses may be plausibly attributed to the change in treatments (or exposure)."⁶ In our case, the change in treatment is sentencing under MDC compared to traditional sentencing. Our clearly defined subpopulations are those charged with felony level drug or property offenses that are at high-risk of reoffending and high-need of chemical dependency treatment. Analyses later in this report will compare these populations on other demographic elements as well.

The MDC evaluation samples and comparison group sample draw from these two populations. See Appendix C for a flow diagram of both populations and samples discussed below.

⁵ See explanation of RANT on page 3.

⁶ DiNardo, J. (2008). "Natural experiments and quasi-natural experiments". In Durlauf, Steven N.; Blume, Lawrence E. *The New Palgrave Dictionary of Economics* (Second ed.). Palgrave Macmillan. doi: 10.

Evaluation Samples

Model Drug Court Samples

In order to determine whether the Model Drug Court programming was effective, only defendants who either graduated or terminated from MDC are included in the analyses. Additionally, defendants had to have a full 12 months of 'street time'⁷ in order to determine their level of recidivism. Street time is time spent out of custody.

Of the 412 defendants in the MDC population, 168 graduated or terminated from Model Drug Court **and** had at least twelve months of street time as of March 2011. These groups of MDC participants will compose the evaluation samples for the three MDC program goals: to reduce recidivism, to reduce illegal drug usage, and to improve community functioning in the areas of employment, education/training, and housing. There are 70 graduates and 98 terminated defendants in the MDC samples. This evaluation will compare these two groups on all program goals.

Comparison Sample

Of the 276 defendants in the comparison population, 199 had at least twelve months of street time after sentencing as of March 2011. These defendants comprise a separate comparison sample. This comparison sample will provide an evaluation of the first program goal of reducing recidivism to each of the previous sample described above.

Data Sources

The Fourth Judicial District's Drug Court Coordinator provided information on the total population of Model Drug Court participants during the assessment period (4/1/07 – 9/30/10), as well as those who graduated or terminated from MDC during this same time frame. In addition, the Drug Court Coordinator provided information on defendants scoring high risk/high need on the RANT but determined to be ineligible or who were eligible but declined to enter the program. These two groups were removed from the comparison population.

Information regarding both the instant offense and recidivism data is from the Minnesota Court Information System (MNCIS).

At the end of each quarter, MDC probation officers completed a Quarterly Reporting Form for defendants on their caseload, both those currently active as well as those who graduated or terminated during the previous quarter. This form includes data elements that address the three goals of MDC, such as number of urinalysis tests completed; number of positive urinalysis tests; the type of treatment in which defendants were involved during the past quarter and their

⁷ The start of 'Street Time' is post-MDC for the MDC group, or at sentencing for the comparison group. The information on incarceration came from the Statewide Supervision System (S³). We added twelve months to the sentencing date or last day in MDC and then added any time during that period spent in jail or prison onto the end of that period, so that each defendant has a standardized 12-month period in which s/he had an opportunity to reoffend.

attendance, level of participation, and compliance with treatment; employment; education; and housing status.

All charged felony level drug and property defendants are booked at the Hennepin County Jail and have full pretrial bail evaluations completed. The bail evaluation includes such demographic elements as race, ethnicity, gender, date and place of birth, level of education, marital status, number of children, number of marriages, housing stability, employment status, and chemical use, as well a criminal history score and the number of prior convictions for various types of offenses. Since both the Model Drug Court population and the comparison population are charged with felonies, everyone in these groups should have received a bail evaluation; however, some people not charged within the statutory limit (for example, if prosecutors need more time to complete an investigation prior to charging) would be released prior to a bail evaluation. Therefore, not everyone in these populations have this rich bail evaluation data. We were able to obtain bail evaluation data for about three-quarters of both the MDC population (74%) and the comparison population (76%). Information regarding demographic characteristics and criminal history was drawn from this data.

Limitations

Because Model Drug Court is voluntary, an experimental design was not feasible. That kind of design would have allowed random assignment of the potential program participants to either MDC or to the traditional sentence (i.e., workhouse time plus standard probation), thereby reducing any other differences that may exist between groups. Instead, we use quasi-experimental designs by comparing those who were eligible for and agreed to participate in MDC pre- and post-treatment as well as comparing them against those who were eligible for MDC according to the RANT assessment but were not aware of MDC or were perhaps dissuaded by their attorney and therefore not referred to the problem solving court. By using defendants charged with the same types of felonies and who are similarly assessed as being at high risk of reoffending and high need of chemical dependency help, we have created samples that are as comparable as possible without random assignment. Another option for selecting a comparison group would have been to use Propensity Score Matching⁸; however, this method was not feasible at the time the evaluation was conducted.

⁸ Propensity Score Matching (PSM) is a quasi-experimental design that involves statistically matching individuals who received a particular treatment (e.g., Model Drug Court) to a comparison group of individuals who did not receive treatment, after making the groups as similar as possible on other factors that might affect success or failure (e.g., race, gender, age, level of education, marital status, and criminal history). PSM controls for observable selection bias.

Population Profile

Demographics

Of the defendants who entered Model Drug Court in the first three to four years, nearly two-thirds (65%) were non-white and nearly three-fourths (69%) were male. The average age of a defendant on date of entry into MDC was 36 years; defendants ranged in age from 18 to 72 at entry (see Table 1).

The comparison group consists of defendants sentenced during the same timeframe as those entering MDC. This group is similar demographically to the MDC group in most areas although they are slightly more male (84%) and non-white (72%) than the MDC population.

Approximately one-fourth of both groups have less than a high school degree and nearly half of each group has a high school degree or GED. Approximately three-fourths of both groups were single and more than 95% of both groups were eligible for a public defender (a proxy for income level, as the basis for public defender eligibility criteria is the poverty guidelines). The average age of a defendant on the date of sentencing was 34 years; they ranged in age from 18 to 65.

Table 1. Demographic Comparison: Model Drug Court Population versus Comparison Population

| Demographics | Model Drug Court Population | Comparison Population |
|--------------------------------|-----------------------------|-----------------------|
| RACE | | |
| Non-White | 65.0% | 72.2% |
| White | 35.0% | 27.3% |
| Unknown | 0.0% | 0.5% |
| GENDER | | |
| Female | 31.4% | 16.3% |
| Male | 68.6% | 83.7% |
| AGE | | |
| Average Age | 35.7 years | 33.9 years |
| Age Range | 18-72 | 18-65 |
| EDUCATION | | |
| Less than high school graduate | 25.7% | 18.2% |
| High school graduate/GED | 45.2% | 43.5% |
| Some vo-tech | 0.7% | 2.4% |
| Vo-tech degree | 2.6% | 3.3% |
| Some college | 14.9% | 16.7% |
| College degree | 4.0% | 1.0% |
| Post-college | 0.0% | 0.5% |
| Other/Unknown/Refused | 6.9% | 14.3% |

| Demographics | Model Drug Court Population | Comparison Population |
|------------------------------------|-----------------------------|-----------------------|
| MARITAL STATUS | | |
| Single | 72.3% | 75.6% |
| Married | 6.6% | 8.1% |
| Divorced/Separated/Widowed | 20.1% | 13.9% |
| Unknown/Refused | 1.0% | 2.4% |
| PUBLIC DEFENDER ELIGIBILITY | | |
| Yes | 96.5% | 95.7% |
| No | 3.5% | 4.3% |

When looking at race and gender combined (see Table 2), non-white males make up the largest category of entering MDC participants (48%). The next largest group is white males, at 21% of the total group. This holds for the comparison group as well; non-white males represent 62% of the group and white males 21%.

Table 2. Race-Gender Comparison: Model Drug Court Population versus Comparison Population

| | Model Drug Court Population | Comparison Population |
|------------------|-----------------------------|-----------------------|
| Non-White male | 48.2% | 62.2% |
| White male | 20.5% | 21.1% |
| Non-white female | 16.8% | 10.0% |
| White female | 14.5% | 6.2% |
| Unknown | 0.0% | 0.5% |

Criminal History

Criminal histories for Model Drug Court defendants and defendants in the comparison group are also similar (see Table 3). In particular, both groups have a similar percentage with no prior convictions: 13%. They are also similar with regard to crimes against persons – either felony level or non-felony level. Both groups average 0.2 prior **felony** level person convictions and 0.3 prior **non-felony** level person convictions.

The populations differ a bit on non-person type offenses. The MDC population has a slightly higher history for non-person convictions; they average 2.1 prior other felony convictions compared to 1.1 for the non-MDC population, and 3.1 prior other non-felony level convictions compared to 2.0 for the non-MDC group. In addition, the comparison population has a higher percentage of defendants with no prior other non-person felony convictions (49%) compared to a third (32%) of the MDC population.

**Table 3. Comparison of Criminal History:
Model Drug Court Population versus Comparison Population**

| Type of Offense | Model Drug Court Population | Comparison Population |
|---|-----------------------------|-----------------------|
| Prior felony level person convictions | Average: 0.19 | Average: 0.20 |
| | Range: 0 - 4 | Range: 0 - 3 |
| | No priors: 88% | No priors: 86% |
| Prior non-felony level person convictions | Average: 0.32 | Average: 0.28 |
| | Range: 0 - 6 | Range: 0 - 6 |
| | No priors: 82% | No priors: 85% |
| Prior other felony convictions | Average: 2.09 | Average: 1.12 |
| | Range: 0 - 20 | Range: 0 - 21 |
| | No priors: 32% | No priors: 49% |
| Prior other non-felony level convictions ⁹ | Average: 3.14 | Average: 2.01 |
| | Range: 0 - 26 | Range: 0 - 24 |
| | No priors: 22% | No priors: 23% |
| No prior convictions | 13.2% | 13.4% |

Model Drug Court Graduates and Terminated Defendants

Through September 30, 2010, 100 MDC defendants had graduated, 158 did not complete the program, and the remaining 154 were active or active but on hold/inactive status¹⁰. Of this group, 70 graduates and 98 terminated participants had a standardized twelve-month window in which to follow them for new charges and convictions.

The remainder of this report will focus on information regarding these 168 graduates and terminated defendants, providing the reader with an in-depth look at how defendants moving successfully through MDC have done compared to those who dropped out or were removed for program violations. Additionally, with regard to recidivism, we will compare these previous groups to those similarly situated defendants who never entered Model Drug Court. For those interested in active Model Drug Court defendants, please see the previous activity report published by the court in 2008.¹¹

Graduates spent an average of 15.9 months in MDC before completing the program. The minimum time from entry to graduation was 11.0 months and the maximum was 27.2 months. Participants who did not complete MDC spent an average of 11.2 months in MDC before discharge. The minimum time from entry to termination was 1.1 months and the maximum was 25.6 months.

⁹ Excluded are traffic offenses that do not involve alcohol or drugs.

¹⁰ This status is due to the defendant being on warrant status or serving a jail sentence.

¹¹ "Model Drug Court Activity Report April 2007 – June 2008". See: <http://www.mncourts.gov/district/4/?page=891>

Table 4 compares MDC graduates with MDC terminated defendants on demographic characteristics and criminal history, while Figures 1 through 3 and Tables 6 and 7 describe MDC terminated defendants in detail by race, gender, and reason for termination. Table 5 compares graduates, terminated defendants, as well as the comparison felons on prior history since future recidivism is so highly tied to prior behavior. The difference between Table 5 and Table 3 is that this table includes only those defendants with 12 months of street time since their sentencing, regardless of whether it was to MDC or traditional sentencing.

Demographics of Graduates and Terminated Defendants

Table 4 shows that non-white participants are more likely to terminate from MDC than white participants; nearly three-fourths (73%) of MDC terminated defendants were non-white. In comparison, at the point of arrest, less than half (44%) of the graduates were non-white. Graduates are also likely to be more highly educated at the start of their case than participants who do not complete MDC. Nearly three-fourths (71%) of terminated defendants had a high school degree or less, compared to less than two-thirds (59%) of graduates. More graduates (29%) than terminated defendants (10%) had at least some college education. Graduates and terminated defendants are similar with regard to gender, age, and marital status.

Table 4. Demographic Comparison: MDC Graduates versus MDC Terminated Defendants

| Demographics | Graduates | Terminated defendants |
|--------------------------------|------------|-----------------------|
| RACE | | |
| Non-White | 44.3% | 72.5% |
| White | 55.7% | 27.6% |
| Unknown | 0.0% | 0.0% |
| GENDER | | |
| Female | 30.0% | 28.6% |
| Male | 70.0% | 71.4% |
| AGE | | |
| Average Age | 35.1 years | 34.6 years |
| Age Range | 20-55 | 18-60 |
| EDUCATION | | |
| Less than high school graduate | 17.1% | 34.2% |
| High school graduate/GED | 41.5% | 37.0% |
| Some vo-tech | 0.0% | 0.0% |
| Vo-tech degree | 2.4% | 4.1% |
| Some college | 26.8% | 4.1% |
| College degree | 2.4% | 5.5% |
| Post-college | 0.0% | 0.0% |
| Other/Unknown/Refused | 9.8% | 15.1% |

| Demographics | Graduates | Terminated defendants |
|----------------------------|-----------|-----------------------|
| MARITAL STATUS | | |
| Single | 70.5% | 74.3% |
| Married | 6.8% | 5.4% |
| Divorced/Separated/Widowed | 22.7% | 20.3% |
| Other/Unknown/Refused | 0.0% | 0.0% |

Criminal History of Graduates, Terminated Defendants and Comparison Felons

Table 5 shows the criminal history for all three groups used in the analysis of Goal 1 success: reducing recidivism. A significant percentage of each group has a conviction history; between 87% and 92% of each group have some type of prior conviction.

At the point of arrest for the current charge, graduates had fewer prior non-person convictions than participants who did not complete MDC. Those terminated defendants averaged more than twice the prior 'other' non-felony convictions (2.4 compared to 1.1 for graduates) and had a somewhat higher average for other felony convictions (1.4 compared to 1.0 for graduates). In addition, 39% of graduates had *no* prior other felony convictions, compared to 30% of terminated defendants; 27% of graduates had no prior other non-felony convictions, compared to 19% of terminated defendants.

Table 5. Comparison of Criminal History: MDC Graduates, MDC Terminated Defendants, and Comparison Felons

| Type of Offense | Graduates | Terminated defendants | Comparison Felons |
|--|----------------|-----------------------|-------------------|
| Prior felony level person convictions | Average: 0.02 | Average: 0.16 | Average: 0.20 |
| | Range: 0 – 1 | Range: 0 – 4 | Range: 0 – 3 |
| | No priors: 98% | No priors: 94% | No priors: 85% |
| Prior non-felony level person convictions | Average: 0.07 | Average: 0.07 | Average: 0.27 |
| | Range: 0 – 1 | Range: 0 – 3 | Range: 0 – 6 |
| | No priors: 93% | No priors: 97% | No priors: 86% |
| Prior other felony convictions | Average: 0.98 | Average: 1.41 | Average: 1.05 |
| | Range: 0 - 11 | Range: 0 - 13 | Range: 0 - 21 |
| | No priors: 39% | No priors: 30% | No priors: 50% |
| Prior other non-felony level convictions ¹² | Average: 1.07 | Average: 2.36 | Average: 2.01 |
| | Range: 0 - 8 | Range: 0 - 24 | Range: 0 - 24 |
| | No priors: 27% | No priors: 19% | No priors: 24% |
| No prior criminal convictions | 10.0% | 8.2% | 13.1% |

¹² Excluded are traffic offenses that do not involve alcohol or drugs.

A Closer Look at MDC Terminated Defendants

As shown in Table 6, of the 98 terminated participants, over half (56%) terminated due to non-compliance with the program – for example, failing to complete treatment, continuing to use drugs or alcohol, or failing to attend judicial reviews – and one-fourth (25%) terminated due to criminal activity. A smaller percentage (15%) voluntarily requested discharge from the program. Participants terminated from MDC for non-compliance, criminal activity, or voluntary withdrawal had their stayed prison sentences imposed.

Table 6. Reason for Termination from Model Drug Court

| Termination Reason | Total |
|--|--------------|
| Non-compliance | 55 56.1% |
| Criminal Activity | 24 24.5% |
| Voluntary Withdrawal | 15 15.3% |
| Other (Moved, Death, Services not Available) | 4 4.0% |
| Total | 98 100.0% |

When looking at race and gender combined, non-white males were most likely to terminate from MDC (see Figure 1). More than half (56%) of all terminated defendants were non-white males. Looking at terminated defendants separately by gender (Figures 2 and 3), the vast majority of males who did not complete MDC were non-white. This differed from females who did not complete MDC, who were more evenly split between white and non-white.

Figure 1. All MDC Terminated Defendants by Race and Gender

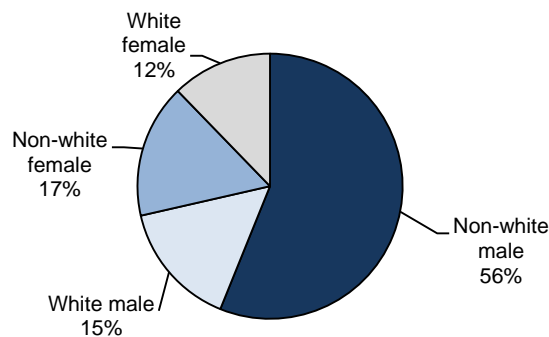


Figure 2. Male Terminated Defendants by Race

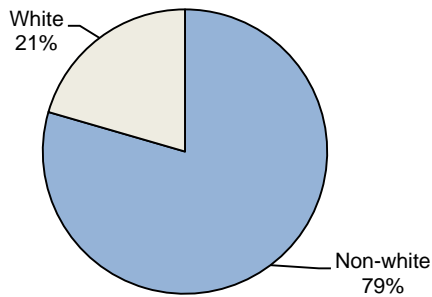
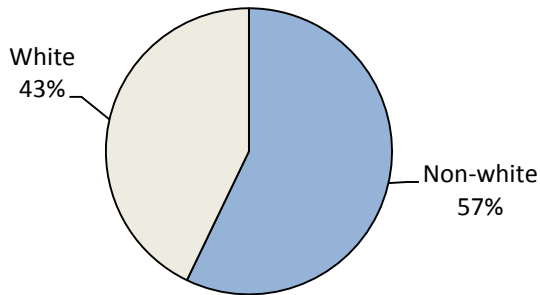


Figure 3. Female Terminated Defendants by Race



The most common reason for termination from MDC for all groups was due to non-compliance with program conditions; this was highest for non-white males (60%). Females were more likely than males to withdraw voluntarily from MDC, particularly non-white females; more than a third (38%) of non-white females voluntarily withdrew from MDC, compared to 17% of white females, 11% of non-white males, and 7% of white males.

Table 7. MDC Termination Reasons by Race and Gender

| | Noncompliance with Program Conditions | Criminal Activity | Voluntary Withdrawal | Other ¹³ |
|--------------------------|---------------------------------------|-------------------|----------------------|---------------------|
| Non-White Males | 60.0% | 23.6% | 10.9% | 5.4% |
| White Males | 46.7% | 40.0% | 6.7% | 6.7% |
| Non-White Females | 56.3% | 6.3% | 37.5% | 0.0% |
| White Females | 50.0% | 33.3% | 16.7% | 0.0% |

¹³ Death, Moved, Services not available

Achievement of Program Goals

The first goal of Model Drug Court is to reduce criminal recidivism. The expectation is that MDC graduates will have the lowest recidivism rates when compared to MDC terminated defendants and the comparison group. In addition, if the intensive services provided by MDC have a general positive effect on participants, it is expected that recidivism rates will be lower for those who spend more time in MDC regardless of whether or not they successfully complete the program.

For Goal 2 (reduce illegal drug usage) and Goal 3 (improve community functioning in the areas of employment, education/training, and housing) information is only available for those who went through Model Drug Court, unfortunately. For these goals, the comparison will be of the performance of the MDC graduates to those that terminated during the program. Success of MDC would expect MDC graduates to have lower drug usage and to have done better in employment, education, and housing than MDC terminated defendants and the comparison group.

Goal 1: Reduce Recidivism

Table 8 shows that when all Model Drug Court graduates and terminated participants are combined, recidivism rates are less than that of the comparison group who did not receive any of the intensive MDC services. Although the difference is in the direction indicating program success, it is not statistically significant. It is possible that with larger samples, the differences shown in the table could be significant. Nevertheless, one-fourth (25%) of all MDC defendants had at least one new charge during the first twelve months they were “on the street” post-MDC, compared to 29% of the comparison felons during a similar time on the street. For convictions, 19% of the MDC participants and 23% of the comparison felons had new offenses within one year.

In addition, the MDC program participants had lower felony level and common misdemeanor level recidivism than the comparison felons for both new charges and new convictions. Gross misdemeanors were the only type of case for which MDC defendants had slightly higher (1% higher gross misdemeanor charges) or the same recidivism rates.

Table 8. Twelve-Month Recidivism Rate Differences for all MDC Graduates and Terminated Participants Combined versus the Comparison Group

| | | All MDC Graduates and Terminated Defendants (n=168) | Comparison Felons (n=199) |
|------------------------|---|---|---------------------------|
| Charged Cases | Overall New Charge Rate: | 25% | 29% |
| | Most Serious New Charged Case: | | |
| | Felony | 5% | 6% |
| | Gross Misdemeanor | 3% | 2% |
| | Misdemeanor | 17% | 21% |
| Convicted Cases | Overall New Conviction Rate: | 19% | 23% |
| | Most Serious New Convicted Case: | | |
| | Felony | 4% | 5% |
| | Gross Misdemeanor | 2% | 2% |
| | Misdemeanor | 13% | 16% |

The longer the defendants spent in MDC the lower their rates of recidivism, regardless of their success in the program. Table 9 shows the relationship between the length of time in the program and a new offense through correlation coefficients. A negative correlation indicates an inverse relationship between length of time and new offenses. In other words, the longer a person is in MDC, the lower the likelihood of being charged or convicted of a new offense one year after graduating, withdrawing, or being terminated from MDC.

This difference is largely due to the lessened criminal activity of MDC terminated participants. For those who graduated, the length of time in the program does not seem to affect their recidivism; this could be because they successfully completed the program and therefore had a compressed length of time in MDC (most graduated within 12-15 months). However, when looking at just terminated defendants, the relationship is significant between the length of time in the program and recidivism for both new charges and new convictions. The longer a participant spends in MDC before graduation or termination from the program, the lower his or her recidivism rate during the first twelve months post-MDC – particularly for those who ultimately terminate from the program.

Table 9. Correlation Coefficients* of Length of Time in MDC Programming and Recidivism

| Type of Recidivism | All MDC Defendants | Graduates Only | Terminated Defendants Only |
|--|-----------------------------------|--------------------------------|-----------------------------------|
| New Charged Cases (yes=1, no=0) | -.251 (significant at .01) | -.192 (not significant) | -.185 (significant at .05) |
| New Convicted Cases (yes=1, no=0) | -.319 (significant at .01) | -.128 (not significant) | -.289 (significant at .01) |

* One-tailed Pearson Product Correlation

Table 10 shows that Model Drug Court graduates have significantly fewer new charges¹⁴ and convictions during the first twelve months they are “on the street” than do terminated MDC participants or the comparison group (reminder; these defendants also scored as high risk-high need on a RANT assessment, but did **not** receive intensive MDC services).

Fourteen percent of Model Drug Court graduates had at least one new offense within the standardized twelve months on the street post-MDC; 86% did not re-offend. In contrast, one-third (33%) of terminated MDC participants and nearly one-third (29%) of the comparison sample had at least one new charge during this time. The most serious new charge for all groups was most commonly a misdemeanor.

Nine percent of Model Drug Court graduates were convicted of at least one new offense within the standardized twelve months on the street post-MDC; 91% had no convictions of any new offense. In contrast, over one-quarter (27%) of both the terminated MDC participants and nearly one-fourth the comparison sample (23%) had convictions of at least one new offense during this time. The most serious new conviction for all groups was most commonly a misdemeanor.

These results are consistent with those of other jurisdictions around the country, which have found recidivism rates for drug court participants to be, on average, 8 to 26 percentage points lower than comparison groups of similar defendants who did not participate in drug court.¹⁵

¹⁴ Charges include all criminal misdemeanors, gross misdemeanor and felony level cases charged; non-alcohol traffic offenses are not included. In Hennepin County, charges are actually more akin to arrests in other jurisdictions since Hennepin does not arrest offenders for most misdemeanors, only for ‘targeted misdemeanors’. Offenses matching the criteria given above that begin by citation are included in this analysis.

¹⁵ Marlowe, Douglas B. (2010). Research Update on Adult Drug Courts. Alexandria, VA: National Association of Drug Court Professionals. Retrieved September 27, 2011 from <http://www.nadcp.org/learn/need-know-briefs>.

Table 10. Twelve-Month Recidivism Rate Differences among MDC Graduates, MDC Terminated defendants, and the Comparison Group

| | | MDC Graduates (n=70) | MDC Terminated defendants (n=98) | Comparison Felons (n=199) |
|------------------------|---|-----------------------------|---|----------------------------------|
| Charged Cases | | | | |
| | Overall New Charge Rate: | 14%* | 33% | 29% |
| | Most Serious New Charged Case: | | | |
| | Felony | 2% | 8% | 6% |
| | Gross Misdemeanor | 3% | 3% | 2% |
| | Misdemeanor | 9% | 22% | 21% |
| Convicted Cases | | | | |
| | Overall New Conviction Rate: | 9%* | 27% | 23% |
| | Most Serious New Convicted Case: | | | |
| | Felony | 1% | 6% | 5% |
| | Gross Misdemeanor | 2% | 3% | 2% |
| | Misdemeanor | 6% | 18% | 16% |

* Recidivism rate differences for graduates versus terminated defendants or the comparison felons are significant at the .01 level (one-tailed)

Goal 2: Reduce Illegal Drug Usage

Random Urinalysis Tests

All Model Drug Court defendants are required to participate in random drug testing. A 'color system' is used to schedule defendants for random urinalyses – all defendants are assigned a color and required to call in daily to see if their color has been selected for a drug test that day. If so, they must provide a urinalysis at the probation office. The color system provides a minimum of once a week testing, with the possibility of more frequent tests if the probation officer so chooses. Additionally, the MDC judge may order a urinalysis during a judicial review hearing if the Drug Court team or the judge feels warranted.

Table 11 summarizes the frequency of positive drug and alcohol tests for both graduates and terminated defendants. Model Drug Court graduates were tested by the Hennepin County Probation Department an average of 27.8 times per person during their tenure in drug court, while terminated participants were tested an average of 23.4 times. These figures do not include times participants were tested at their treatment programs; tests at treatment centers are not in probation's database and therefore the number of treatment-based tests is unknown. Graduates tested positive for drugs or alcohol an average of 0.8 times per person, while terminated participants tested positive an average of 3.6 times per person. Forty-two percent of all graduates had no positive readings, while 16% of terminated participants had none.

Table 11. Results of Random Drug and Alcohol Tests for Model Drug Court Graduates and Terminated defendants

| | Graduates (n=70) | Terminated defendants (n=98) |
|----------------------------------|-----------------------------|---|
| Average Number of Times Tested | 27.8 | 23.4 |
| Average Number of Positive Tests | 0.8 | 3.6 |
| Percent with No Positive Tests | 42% | 16% |

Compliance with Treatment

All MDC defendants are required to complete chemical dependency treatment followed by aftercare in order to graduate from Model Drug Court. The chemical health assessment that is required for entry into Model Drug Court determines the type of treatment program. It is unknown how many of the terminated participants completed treatment but most likely, many did not. Some defendants terminated from MDC for failing to successfully complete treatment, while others may never have entered treatment due to opting out or terminating prior to treatment.

Goal 3: Improve community functioning in the areas of education/training, employment and housing.

This goal compares the change in defendants between when they started MDC and when they exited the program. In addition, terminated defendants are compared to graduates.

Education/Training and Employment

The expectation of Model Drug Court participants is to be attending school or working during their involvement in the program unless they are participating in a treatment program that does not allow them to leave for work or school, if they have a disability, or if extenuating life circumstances prevent them from doing so. Education is a goal for those MDC defendants who have not graduated from high school or obtained a GED, or for those who express a desire to further their education or training. However, education may not be a goal for some people without a GED, dependent upon their personal situations. For example, if someone is participating in treatment, has a current good job, is older, has small children at home, or physically or cognitively is unable then additional education may not be a practical or feasible goal for that defendant.

Table 12 shows that MDC graduates had more success in increasing their level of education and training than did those defendants terminated from the program. Nearly one-fifth (18%) of graduates increased their level of education/training during their tenure in MDC, whereas only 5% of those who terminated from the program did so. Five MDC graduates obtained a high school diploma or GED while in MDC and six high school graduates started attending college, whereas three terminated defendants obtained a high school diploma or GED and one started attending college.

Table 12. Change in Education/Training Status During Model Drug Court Participation

| | | Graduates (n=70) | Terminated defendants (n=98) |
|--|-----------------|-----------------------------|---|
| No change in level of education | <i>Count</i> | 51 | 88 |
| | <i>Column %</i> | 82.3% | 94.6% |
| Increased level of education | <i>Count</i> | 11 | 5 |
| | <i>Column %</i> | 17.7% | 5.4% |
| Total | <i>Count</i> | 62 | 93 |
| | <i>Column %</i> | 100.0% | 100.0% |
| Number Missing ¹⁶ | | 8 | 5 |

Similarly, Table 13 shows that MDC graduates also had more success in maintaining or increasing their level of employment than did those terminated from the program. Nearly two-thirds (65%) of MDC graduates maintained or increased their level of employment between entry into and exit from MDC, while only 8% of MDC terminated defendants did so. In addition, nearly 90% of terminated defendants were unemployed at both entry into and exit from MDC.

Table 13. Change in Employment Status During Model Drug Court Participation

| | | Graduates (n=70) | Terminated defendants (n=98) |
|--------------------------------------|-----------------|-----------------------------|---|
| No change – still employed | <i>Count</i> | 19 | 2 |
| | <i>Column %</i> | 30.6% | 2.2% |
| No change – still unemployed | <i>Count</i> | 22 | 83 |
| | <i>Column %</i> | 35.5% | 89.2% |
| Increased level of employment | <i>Count</i> | 21 | 5 |
| | <i>Column %</i> | 33.9% | 5.4% |
| Decreased level of employment | <i>Count</i> | 0 | 3 |
| | <i>Column %</i> | 0.0% | 3.2% |
| Total | <i>Count</i> | 62 | 93 |
| | <i>Column %</i> | 100.0% | 100.0% |
| Number Missing ¹⁵ | | 8 | 5 |

¹⁶ Incomplete data due to missing information on the Drug Court Tracking Sheet.

Housing

Stable housing is a goal for all Model Drug Court participants. For those defendants who enter Model Drug Court homeless or with transient housing the goal is for them to have a stable place to live by the time they complete the MDC program. The Model Drug Court probation officers assist their clients with attempting to achieve this goal.

As shown in Table 14, MDC graduates had more success in finding or maintaining stable housing than did those who terminated from the program. More than forty percent (42%) either rented or owned both at entry and at exit, while another 44% increased their housing stability while in MDC – for example, by moving from temporary or transient housing to renting or owning. Less than 5% had decreased housing stability when they graduated. In contrast, only 14% of MDC terminated defendants rented or owned at both entry and exit, 13% increased their housing stability while in the program and more than one-fourth (28%) decreased their housing stability – for example, by moving from renting to temporary or transient housing. Nearly half (45%) of terminated defendants either remained in a facility, temporary housing, or were transient from the time they entered MDC until they terminated.

Table 14. Change in Housing Status During Model Drug Court Participation

| | | Graduates (n=70) | Terminated defendants (n=98) |
|--|-----------------|-----------------------------|---|
| No change – rent/own | <i>Count</i> | 26 | 13 |
| | <i>Column %</i> | 41.9% | 14.0% |
| No change- facility/temporary | <i>Count</i> | 7 | 36 |
| | <i>Column %</i> | 11.3% | 38.7% |
| No change - transient | <i>Count</i> | 0 | 6 |
| | <i>Column %</i> | 0.0% | 6.5% |
| Increased housing stability | <i>Count</i> | 27 | 12 |
| | <i>Column %</i> | 43.5% | 12.9% |
| Decreased housing stability | <i>Count</i> | 2 | 26 |
| | <i>Column %</i> | 3.2% | 28.0% |
| Total | <i>Count</i> | 62 | 93 |
| | <i>Column %</i> | 100.0% | 100.0% |
| Number Missing¹⁵ | | 8 | 5 |

Conclusions and Recommendations

The Fourth Judicial District's Model Drug Court, implemented in 2007, was a major shift from the Drug Court that operated earlier. The new Model Drug Court is voluntary, admits felony property offenders in addition to felony drug offenders, and requires that participants be both at high risk of reoffending and in high need of chemical dependency treatment as determined by the Risk and Needs Triage (RANT) assessment.

Of the 412 MDC participants admitted between April 2007 and September 2010, 168 graduated or were terminated from Model Drug Court **and** had at least twelve months of 'street time' post-MDC as of March 2011. Street Time is time not incarcerated in a jail or prison. In this evaluation, defendants terminated from MDC (98 people) are compared to graduates of MDC (70 people) on all three program goals: reducing criminal recidivism, reducing illegal drug usage, and improving community functioning in the areas of employment, education and training, and housing. A second comparison group of 199 defendants who also are at high risk of reoffending, are in high need of chemical dependency treatment, were charged with a felony level drug or property offense, and had at least twelve months of street time post-sentencing were compared to the MDC group on the goal of reducing criminal recidivism.

There were some limitations in terms of the control group. Because Model Drug Court is voluntary, use of an experimental design was not possible.¹⁷ Instead, a quasi-experimental design allowed comparison of MDC participants to themselves at the start versus conclusion of the program (pre- and post-test comparison) as well as to those similarly situated defendants who were unaware of the possibility of MDC participation. This allowed for a 'natural experiment' of sorts to examine the recidivism goal.

Of all 412 defendants who entered MDC, nearly two-thirds were non-white and nearly three-fourths were male. The average age of a defendant on date of entry into MDC was 36 years. The comparison group was similar demographically to the MDC group, but was slightly more non-white and male. Both groups were similar in their level of education, marital status, public defender eligibility (a proxy for income level), and criminal histories.

Through September 2010, 24% of all MDC entrants had graduated, 38% had terminated, and 37% were still active. Graduates spent an average of 15.9 months in MDC, while terminated participants spent an average of 11.2 months in the program. Graduates were more likely to have higher levels of education and to have fewer prior non-person convictions than those who terminated. Overall, non-white males were most likely to terminate from MDC (56% of all terminated defendants). For all groups, the leading reason for termination was non-compliance with the MDC program components; this was highest for non-white males. Females were more likely to withdraw voluntarily from MDC than males, particularly non-white females.

¹⁷ Since a random assignment of conditions was not possible, there is less assurance that the results documented here are because of the program and not the result of selection bias. In fact, the differences between those that terminated and those that graduated indicate a difference that suggests selection bias. However, these findings are important so that the program can attempt to determine how to keep those most likely to terminate in the program longer and more successfully.

When evaluating the performance of Model Drug Court graduates against those who did not complete MDC as well as to the comparison felons, MDC appears to be a successful program. MDC graduates had significantly fewer new cases charged and fewer cases leading to convictions during the first year out of MDC than did terminated participants or the comparison group who did not receive intensive MDC services. Even when graduates and terminated participants are combined, their recidivism rates are still lower than the comparison sample, although this difference is not statistically significant. What is statistically significant, however, is the recidivism rate of MDC participants when correlated with their length of time in the program. The longer defendants spend in MDC, the less likely they are to be charged or convicted of a new offense one year after leaving the program.

MDC graduates remained drug free at a much higher rate than terminated participants did. In addition, MDC graduates had more success in increasing their levels of employment, education/training, and housing stability than did terminated participants.

Because this evaluation only looked at recidivism within the first year after MDC, it will be important to repeat the recidivism analysis once there has been more time to reoffend in order to determine if the apparent positive effects of MDC for graduates remain over time. Looking at recidivism rates two, three, and five years out will help better determine the long-range benefits of MDC.

It would be beneficial to have information on community functioning for all defendants in our system both when they begin court jurisdiction and when their case is finally closed. That would allow the 'system' to assess whether or not the court conditions imposed have any type of an influence on defendants. This evaluation was only able to assess MDC defendant success on this goal because probation officers filled out quarterly reports on the participants of the MDC program.

The MDC team should review the specific reasons that participants are failing to complete the program. Particular focus should be on non-white males that terminate for non-compliance and females' - especially non-white females' - reasons for voluntary withdrawal. Given the early success of MDC, it is important to find methods to increase the number of defendants who can successfully complete the program, or at least to lengthen the time they spend receiving intensive MDC services before being terminated from or withdrawing from MDC. The collateral consequences of not successfully completing drug court (additional new crimes, no improvement in employment, education, or in procuring stable housing, etc.) are dire for the individual defendant and our community as a whole. Anything the Model Drug Court could do to increase the number of successful participants would be beneficial both socially and economically.

Appendix A. Phase Advancement and Graduation Requirements

The Model Drug Court program is a twelve-month program consisting of three phases. Advancement from phase to phase is based on a point system. The number listed to the right of the activities is the maximum number of points that can be earned/accrued for each activity during each phase.

Phase 1

All entering participants begin in Phase 1. It is the longest and most intensive phase, focusing on stabilization and substance abuse treatment. Each participant is given a color and must call the probation office each day to see if their “color” is called. If so, that participant must come to the UA lab for a urine screen. Acupuncture is offered to all participants but is not required.

Participants are required to:

1. Report as directed to their probation officer once per week. (16 points maximum)
2. Have daily telephone contact with probation. (1 point maximum)
3. Attend court every other week. (8 points maximum)
4. Attend one 12-step meeting per week and select a sponsor. (16 points maximum)
5. Complete a minimum of five hours of community service. (5 points maximum)
6. Find suitable housing. (1 point maximum)
7. Secure employment or attend school. (1 point maximum)
8. Remain crime free. (16 points maximum)
9. Submit to all random urine screens. (19 points maximum)
10. Attend treatment sessions. (16 points maximum)
11. Petition for advancement to Phase 2.

Phase 2

Participants in Phase 2 are required to:

1. Have 85 points to advance to Phase 2.
2. Report as directed to their probation officer every other week. (8 points maximum)
3. Have daily telephone contact with probation. (1 point maximum)
4. Attend one 12-step meeting per week; maintain sponsor; attend aftercare as required. (16 points maximum)
5. Complete a minimum of five hours of community service. (5 points maximum)
6. Submit to all random urine screens. (19 points maximum)
7. Remain drug and alcohol free. (16 points maximum)
8. Attend court every third week. (5 points maximum)
9. Maintain employment. (16 points maximum)
10. Participate in required intervention i.e. cognitive-behavioral group, school or relapse prevention. (16 points maximum)
11. Petition for advancement to Phase 3.

Phase 3

Participants in Phase 3 are required to:

1. Have 172 points to advance to Phase 3.
2. Have daily telephone contact with probation. (1 point maximum)
3. Attend court once a month. (4 points maximum)
4. Attend one 12-step meeting per week; maintain sponsor, and aftercare as required. (16 points maximum)
5. Report as directed to their probation officer every other week. (8 points maximum)
6. Submit to all random urine screens. (8 points maximum)
7. Perform a minimum of 5 hours of community service. (5 points maximum)
8. Remain crime free. (16 points maximum)
9. Maintain employment. (16 points maximum)
10. Participate in required intervention i.e. cognitive-behavioral group, school, or relapse prevention. (16 points maximum)
11. Petition for graduation

To graduate, the participant must:

1. Have at least 120 current, continuous sober/clean days.
2. Complete required treatment and aftercare.
3. Complete fifty required 12-step meetings (minimum of one meeting per week).
4. Complete a cognitive behavioral group or other programming.
5. Have a 12-step sponsor.
6. Have no pending criminal charges.
7. Pay all program fees and fines.
8. Be employed in/out of the home or in school full time or combination of work/school.
Participants with a disability may be exempted from this requirement; however, they must have full-time involvement in productive activities.
9. Complete Restorative Justice programming.
10. Complete Study in Action.
11. Attend a Drug Court Alumni Group meeting.
12. Complete a post-graduation sobriety plan.
13. Accumulate at least 248 points.

Appendix B. Grounds for Termination from Model Drug Court

The following is not an all-inclusive list of the reasons for termination from the Hennepin County Model Drug Court.

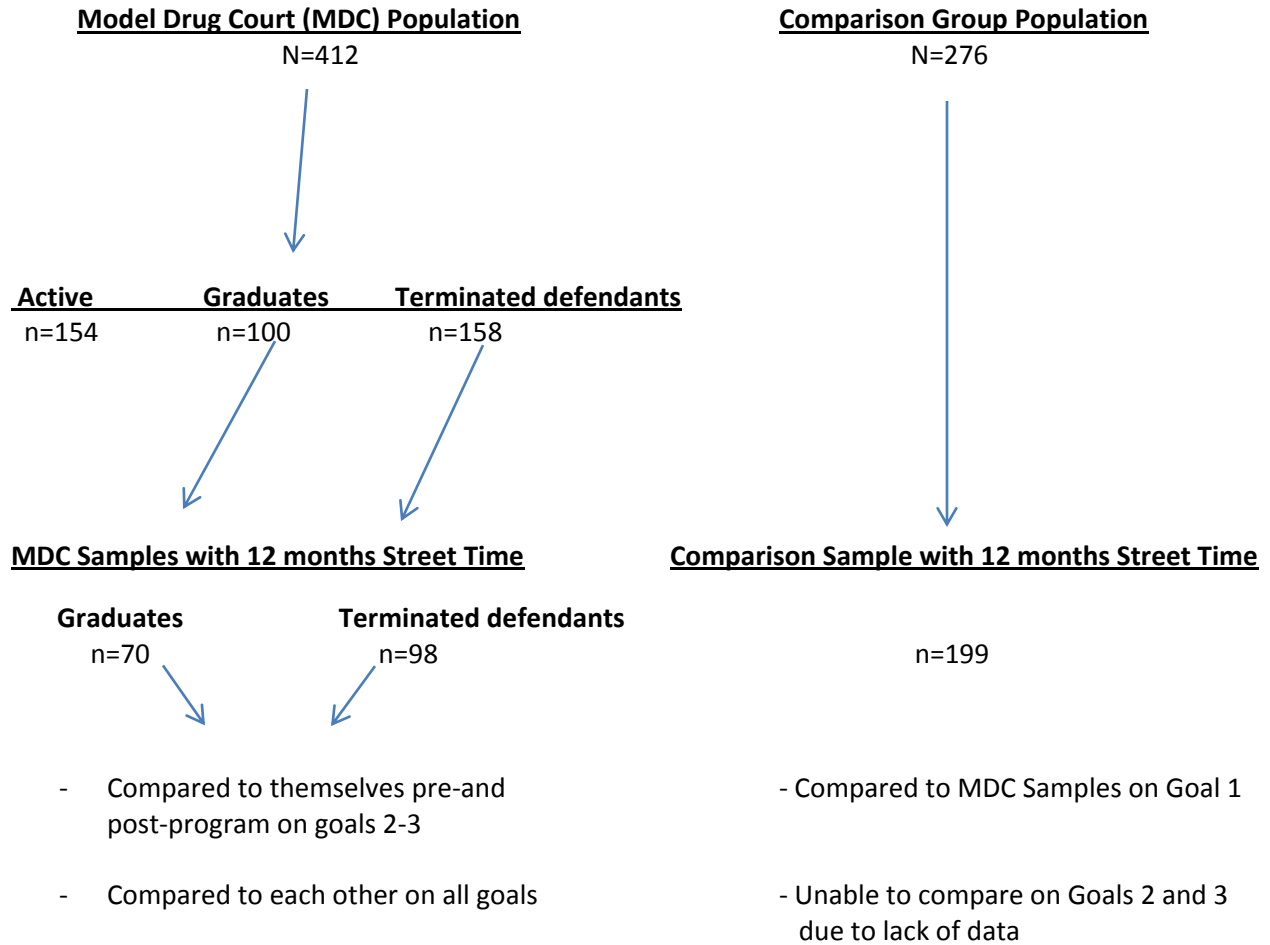
Participants **shall** be terminated from the program for the following reasons:

1. Charged with a disqualifying offense while in the program.
2. Charged with an offense involving the use of a gun while in the program.
3. Charged with a 1st or 2nd Degree Controlled Substance Crime.
4. Defendant requests execution of sentence.

Participants **may** be terminated from the program for the following reasons:

1. Tampering with urine samples is a serious violation and may result in termination. The minimum sanction for tampering is 45 days in jail.
2. Convicted of an offense involving dealing or selling illegal drugs.
3. Violence to staff, participants, or property.
4. Threats or gestures of violence to staff, participants, or property.
5. Absconding from the program for more than 30 days.

Appendix C. Flow Chart of Model Drug Court and Comparison Group Population and Samples



During 3rd Quarter 2010 (July 1 through September 30), many times has the defendant....

| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 or more |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Missed a court appearance (gotten a bench warrant)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Been convicted of a felony offense? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Been convicted of a gross misdemeanor offense? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Been convicted of a misdemeanor, non-traffic offense (include DUI here)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| # of time person has been tested using urinalysis: | # of times person has tested positive (or diluted) using urinalysis: |
|---|---|
| <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |

Is defendant currently in primary treatment or aftercare treatment?

- Primary
 Aftercare/Relapse
 Neither

Where is defendant currently in treatment? (Leave blank if not in treatment.)

Month/Day/Year of start of treatment (Leave blank if not in treatment.):

How well is defendant complying with Treatment? (Leave blank if not in treatment.)

| | Very Good | Good | Neither | Poor | Very Poor |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Please rate the defendant's attendance at treatment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please rate the defendant's participation in treatment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Please rate the defendant's compliance with treatment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Has defendant been employed during this quarter?

- Yes
 No
 Unemployable

Has employment changed during last quarter?

- Yes, employed.
 Yes, no longer employed
 No change

Is education a goal for this defendant?

- Yes No

What is the defendant's education status during this quarter? (Leave blank if not a goal.)

- Participating in school Applied to school No longer in school No change - not in school Other _____

What is the housing status for this defendant during this quarter?

- Stable housing Most of the time has a place to stay Lives at a shelter/In treatment Is homeless
 Other