



## FOURTH JUDICIAL DISTRICT

# Property Drug Calendar Evaluation and RANT (Risk and Needs Triage) Assessment

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August 2009

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## ***Executive Summary***

- The Fourth Judicial District's Property Drug Calendar (PDC) began February 26, 2007, combining first appearances for felony property and drug cases onto one calendar; prior to this, these cases were handled on separate calendars.
- Case filings for drug felonies decreased by 17% from 2005 to 2007 (comparing August – November for each year); case filings for property felonies remained fairly stable, increasing by less than 1%.
- Felony drug case dispositions stayed relatively similar from 2005 to 2007 – in both years about half the cases were convicted and slightly over one-third were continued for dismissal or diverted; felony property case dispositions changed somewhat between 2005 and 2007 – 8% more cases were continued for dismissal or diverted and 7% fewer were convicted.
- Fewer court appearances were needed to reach case resolution for both felony property and drug cases filed in 2007 as compared to 2005. Property felonies required one less appearance and drug felonies required two less appearances in 2007 than in 2005.
- In the first year, nearly 3,300 felony PDC cases were filed with the court; 59% were property cases and 41% were drug cases. Defendants in 20% of all PDC cases filed during this time period received a Risk and Needs Triage (RANT) assessment; 18% were property cases and 82% were drug cases.
- Of the 666 cases receiving a RANT assessment, 627 (94%) were convicted, continued for dismissal, or diverted and placed on some level of court supervision; 602 were assigned to Hennepin County probation supervision.
- Both low risk groups were nearly evenly split between white and non-white defendants, while the two high risk groups had higher proportions of non-white defendants; more than two-thirds of the high risk/high need group was non-white, as was nearly three-fourths of the high risk/low need group.
- The two high risk groups had higher proportions of males than the two low risk groups. The high risk/high need group was three-fourths male, while the high risk/low need group was nearly 90% male; the low risk/high need group was two-thirds male, while the low risk/low need group was slightly less than three-fourths male.
- The average age for each of the four risk/need groups was between 30 and 35 years. High risk/low need defendants were the youngest group (average age 30 years) while the high risk/high need defendants were the oldest (average age 34 years).
- 59% of the cases receiving a RANT assessment scored high risk/high need, indicating a need for Model Drug Court (MDC); 26% scored high risk/low need (Neighborhood Probation); 5% scored low risk/high need (Traditional Probation); and 10% scored low risk/low need (Reporting Center, Administrative Probation, or diversion).

- Actual probation supervision placement often differed from that indicated by the RANT. Fewer defendants went to MDC and Neighborhood Probation than was recommended by the RANT and more went to Traditional Probation and the Reporting Center, Administrative Probation, or diversion - 23% of defendants went to MDC, 7% to Neighborhood Probation, 57% to Traditional Probation, and 13% to the Reporting Center, Administrative Probation, or diversion.
- The RANT accurately predicted defendants' likelihood to reoffend. As hypothesized, high risk/high need defendants had the highest rates of recidivism (both new charges and new convictions), high risk/low need had the second highest, low risk/high need the third highest, and low risk/low need the lowest.
- Only two of the four hypotheses regarding recidivism rate based on defendants' actual probation supervision placement were supported – those sent to Model Drug Court did reoffend at the highest rate and those sent to the Reporting Center, Administrative Probation, or diversion reoffended at the lowest. Those supervised by Traditional Probation reoffended at the second highest rate rather than the third, while those in Neighborhood Probation had the third highest rate of recidivism.
  - When looking at just those defendants who were assigned to the type of probation recommended by their RANT score, all four hypotheses are supported. The defendants who scored high risk/high need, but went to Traditional Probation rather than to MDC, reoffended at approximately the rate as those who went to MDC as recommended, which drives up the Traditional Probation group's overall recidivism rate.
- High risk/high need drug offenders reoffended within twelve months at approximately the same rate whether they were assigned to MDC (34%) or to Traditional Probation (30%). However, high risk/high need *property* offenders assigned to MDC as recommended by the RANT reoffended at a much lower rate (24%) than those who went to Traditional Probation (44%).
  - Nearly one-fourth (24%) of high risk/high need property offenders on Traditional Probation were convicted of new felony-level property/weapons offenses within one year, compared to only 3% of those in MDC.
- Defendants in MDC were convicted of new offenses occurring within twelve months at a higher rate (31%) than those defendants in the old Drug Court system (26%). This higher rate is driven by non-felony convictions - while MDC defendants had fewer new felony convictions (9%) than old Drug Court defendants (12%), they had higher rates of new non-felony convictions (22%) compared to old Drug Court defendants (15%).

## **Introduction**

The Fourth Judicial District's Property Drug Calendar (PDC), which handles first appearances for defendants charged with felony level property or drug offenses, began February 26, 2007. Prior to implementation of this calendar, property and drug felonies were each handled separately. One of the reasons that the court decided to combine these first appearances was to allow for early detection of defendants who might have chemical dependency issues from both pools of offenders. Professionals working in property court felt that many of the defendants had chemical health issues that were not being addressed under the traditional system. In addition to the changes made to this calendar, the Hennepin County Drug Court went through a major reorganization that is documented in other reports.<sup>1</sup> The key element for this report is that only those defendants deemed chemically dependent and at high risk to reoffend were sent to the new Model Drug Court.

Since March 2007, defendants appearing on the Property Drug Calendar who were deemed to have a possible substance abuse problem were evaluated using the Risk and Needs Triage (RANT) tool developed in conjunction with Professor Doug Marlowe of the Treatment Research Institute (TRI) in Philadelphia, PA. In addition, PDC defendants with court conditions that were monitored by probation were also assessed using the RANT tool. This tool identifies the need level (substance abuse) and risk level (criminogenic issues) of defendants so that the appropriate level of supervision can be assigned to each defendant. The RANT identifies four levels: high risk/high need, high risk/low need, low risk/high need, and low risk/low need. Hennepin County Department of Community Corrections and Rehabilitation (DOCC-R) supervision levels were aligned to these four risk levels.

The PDC **process evaluation** compares case processing statistics under the old system - in which felony property and drug cases were handled separately - versus the new system - which combines first appearances for both felony property and drug cases into one calendar. Types of offenses, types of disposition, length of time to disposition, and the number of appearances required to resolve cases under the old and new systems will be compared.

The **outcome evaluation** analyzes recidivism for those defendants who had a felony property or drug case filed during the first year of PDC, received a RANT evaluation, and were subsequently placed on probation with monitorable conditions in Hennepin County. These defendants were followed for one year after sentencing to determine recidivism - new charges and convictions - statewide during that time period. The outcome evaluation analyzes recidivism both in terms of how cases were categorized by the RANT evaluation and how those cases were actually supervised by Hennepin County DOCC-R. In addition, it compares the rates of recidivism for felony drug offenders who entered Drug Court under the old separate calendar system to that of felony property and drug offenders who entered Model Drug Court under the new PDC system.

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<sup>1</sup> Calendar changes and issues leading up to these changes are documented in *Hennepin County Chemical Dependency Task Force - Final Recommendations for Adult Drug and DWI Offenses* (2006). How Model Drug Court was designed and how it is functioning can be found in the *Fourth Judicial District's Model Drug Court Activity Report: April 2007 – June 2008* (2008).

## **Process Evaluation**

Case processing statistics - including types of offenses, types of disposition, length of time to disposition, and the number of appearances required to resolve cases – were compared for those felony property and drug cases filed under the new Property Drug Calendar (PDC) system in 2007 to those felony property and drug cases filed during the same time period in 2005 (August-November of each year). Since the Fourth Judicial District implemented a new court information system in July 2007, it made sense to wait until after the implementation was complete to begin the comparison period. In addition, waiting until August 2007 to start the comparison period, when the new PDC began in late-February, allowed the court nearly six months to work through any procedural issues arising under the new system.

### **Case Processing Statistics - Filings**

Table 1 shows that during the sample time period in 2007, there was a 7% decrease overall in new felony level property and drug cases being filed with the court when compared with the same time period in 2005. From August-November 2007, there were 1,089 new felony level property and drug case filings; during the same time period in 2005, 1,175 cases were filed. Felony drug filings decreased by 17% from 2005 to 2007, while felony property filings increased slightly - by less than 1% - during the same time period. In the 2007 time period, 451 new felony drug cases were filed compared with 541 in 2005; 638 new felony property cases were filed in the 2007 time period compared with 634 in 2005.

**Table 1. New Felony Property and Drug Cases Filed by Year**

| Case Type                |                 | Year Case was Filed |              | Percent Change<br>2005-2007 |
|--------------------------|-----------------|---------------------|--------------|-----------------------------|
|                          |                 | Aug-Nov 2005        | Aug-Nov 2007 |                             |
| <b>Property Felonies</b> | <i>Count</i>    | 634                 | 638          | +0.6%                       |
|                          | <i>Column %</i> | 54.0%               | 58.6%        |                             |
| <b>Drug Felonies</b>     | <i>Count</i>    | 541                 | 451          | -17%                        |
|                          | <i>Column %</i> | 46.0%               | 41.4%        |                             |
| <b>Total</b>             | <i>Count</i>    | 1,175               | 1,089        | -7%                         |
|                          | <i>Column %</i> | 100.0%              | 100.0%       |                             |

There are a number of different types of property offenses that funnel through the Property Drug Calendar. Table 2 shows the variety of property cases filed with the court during August-November 2005 and during the same time period in 2007. These case types include arson, burglary, forgery, possession of burglary/theft tools, property damage, receiving stolen property, and theft. All case types except theft decreased from the time period August-November 2005 to the same time period in 2007. Felony theft case filings increased by 14% from 2005 to 2007; arson and receiving stolen property felony filings decreased the most, although the arson decrease should be interpreted with caution due to the limited number of case filings in this category.

**Table 2. Type of Felony Property Cases Filed by Year of Case Filing**

| Type of Property Felony                       |                 | Year Case was Filed |              | Percent Change<br>2005-2007 |
|-----------------------------------------------|-----------------|---------------------|--------------|-----------------------------|
|                                               |                 | Aug-Nov 2005        | Aug-Nov 2007 |                             |
| <b>Arson *</b>                                | <i>Count</i>    | 2                   | 0            | -100%                       |
|                                               | <i>Column %</i> | 0.3%                | 0.0%         |                             |
| <b>Burglary</b>                               | <i>Count</i>    | 106                 | 93           | -12%                        |
|                                               | <i>Column %</i> | 16.7%               | 14.6%        |                             |
| <b>Forgery</b>                                | <i>Count</i>    | 89                  | 78           | -12%                        |
|                                               | <i>Column %</i> | 14.0%               | 12.2%        |                             |
| <b>Possession of<br/>Burglary/Theft Tools</b> | <i>Count</i>    | 19                  | 16           | -16%                        |
|                                               | <i>Column %</i> | 3.0%                | 2.5%         |                             |
| <b>Property Damage</b>                        | <i>Count</i>    | 39                  | 34           | -13%                        |
|                                               | <i>Column %</i> | 6.2%                | 5.3%         |                             |
| <b>Receiving<br/>Stolen Property</b>          | <i>Count</i>    | 38                  | 28           | -26%                        |
|                                               | <i>Column %</i> | 6.0%                | 4.4%         |                             |
| <b>Theft</b>                                  | <i>Count</i>    | 341                 | 389          | +14%                        |
|                                               | <i>Column %</i> | 53.8%               | 61.0%        |                             |
| <b>Total</b>                                  | <i>Count</i>    | 634                 | 638          | +0.6%                       |
|                                               | <i>Column %</i> | 100.0%              | 100.0%       |                             |

\*Very small cell numbers should be interpreted with caution

Table 3 shows felony drug offenses filed with the court by degree during both the 2005 and 2007 time periods. Most drug cases filed with the court in both time periods were Fifth Degree level offenses – at 78% in 2005 and 81% in 2007. All felony level drug filings decreased from 2005 to 2007. Third Degree, Fourth Degree, and Simulated Controlled Substances drug offense case filings decreased the most, although the Fourth Degree and Simulated Controlled Substances decreases should be interpreted with caution due to the limited number of case filings in those categories.

**Table 3. Degree of Felony Drug Cases Filed by Year of Case Filing**

| Degree of Drug Felony                   |                 | Year Case was Filed |              | Percent Change 2005-2007 |
|-----------------------------------------|-----------------|---------------------|--------------|--------------------------|
|                                         |                 | Aug-Nov 2005        | Aug-Nov 2007 |                          |
| <b>First Degree</b>                     | <i>Count</i>    | 20                  | 16           | -20%                     |
|                                         | <i>Column %</i> | 3.7%                | 3.5%         |                          |
| <b>Second Degree</b>                    | <i>Count</i>    | 36                  | 32           | -11%                     |
|                                         | <i>Column %</i> | 6.7%                | 7.1%         |                          |
| <b>Third Degree</b>                     | <i>Count</i>    | 53                  | 34           | -36%                     |
|                                         | <i>Column %</i> | 9.8%                | 7.5%         |                          |
| <b>Fourth Degree*</b>                   | <i>Count</i>    | 8                   | 2            | -75%                     |
|                                         | <i>Column %</i> | 1.5%                | 0.4%         |                          |
| <b>Fifth Degree</b>                     | <i>Count</i>    | 422                 | 366          | -13%                     |
|                                         | <i>Column %</i> | 78.0%               | 81.2%        |                          |
| <b>Simulated Controlled Substances*</b> | <i>Count</i>    | 2                   | 1            | -50%                     |
|                                         | <i>Column %</i> | 0.4%                | 0.2%         |                          |
| <b>Total</b>                            | <i>Count</i>    | 541                 | 451          | -17%                     |
|                                         | <i>Column %</i> | 100.0%              | 100.0%       |                          |

\* Very small cell numbers should be interpreted with caution



## Case Processing Statistics - Dispositions

Table 4 shows how felony property and drug dispositions have changed for cases moving through the Property Drug Calendar in 2007 as compared to 2005, when property and drug cases were handled separately. Property felony convictions and dismissals decreased slightly while cases continued for dismissal or diverted increased in 2007 compared to 2005. In general, over half of property felonies are convicted and about 11% are dismissed or acquitted. In 2005, about 30% of the property cases were diverted or continued for dismissal (an interim disposition which will revert to a full dismissal if the defendant follows court orders); this disposition type increased to 37% in 2007. Felony drug case dispositions stayed relatively similar across both years – about half of the cases are convicted, slightly over one-third are continued for dismissal or diverted, and about 15% are dismissed.

**Table 4. Felony Property and Drug Cases: Disposition Type by Year Case was Filed**

| Disposition Type                             |                 | Type of Case    |                 |                 |                 |
|----------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                              |                 | Property        |                 | Drug            |                 |
|                                              |                 | Aug-Nov<br>2005 | Aug-Nov<br>2007 | Aug-Nov<br>2005 | Aug-Nov<br>2007 |
| <b>Conviction</b>                            | <i>Count</i>    | 373             | 332             | 274             | 222             |
|                                              | <i>Column %</i> | 58.8%           | 52.0%           | 50.6%           | 49.2%           |
| <b>Continue for Dismissal/<br/>Diversion</b> | <i>Count</i>    | 184             | 238             | 191             | 155             |
|                                              | <i>Column %</i> | 29.0%           | 37.3%           | 35.3%           | 34.4%           |
| <b>Dismissal/<br/>Acquittal</b>              | <i>Count</i>    | 77              | 68              | 76              | 74              |
|                                              | <i>Column %</i> | 12.1%           | 10.7%           | 14.0%           | 16.4%           |
| <b>Total</b>                                 | <i>Count</i>    | 634             | 638             | 541             | 451             |
|                                              | <i>Column %</i> | 100.0%          | 100.0%          | 100.0%          | 100.0%          |

## Case Processing Statistics – Time to Resolution and Number of Hearings

Table 5 compares the number of days and appearances necessary for case resolution of felony level property and drug cases in the two sample years. Both adjusted and unadjusted means are presented. Adjusted means are averages where an analysis has been performed to remove cases that are determined to be statistical outliers, and thus not an accurate portrayal of these case types. Many people believe that these adjusted means depict a truer average and therefore the adjusted averages will be interpreted here.

For property felonies, the longest part of processing a case is the time between the offense date and the date that the case is filed with the court (an average of 87 days for felony property cases filed in 2005 and 104 days for those filed in 2007). For drug felonies, these filing decisions occur more quickly (an average of 28 days for drug cases filed in 2005 and 51 days for those filed in 2007) because these cases typically originate as in-custody cases. When a defendant is in custody, the charging decisions get made more quickly than when the defendant is out of custody. Many property cases are brought to court by summons; that is, the defendant is out of custody.

Once a felony property or drug case has been filed with the court, these cases take nearly the same amount of time to reach resolution. Felony property cases filed in both 2005 and 2007 took an average of 79 days between filing and case resolution. Felony drug offenses filed in 2007 took slightly longer to reach case resolution (83 days) than those filed in 2005 (77 days).

Fewer appearances were necessary to reach case resolution for both felony property and drug cases filed in 2007 than for those filed during the same time period in 2005. Overall, an adjusted average of one less appearance was required to reach case resolution in 2007 (an average of 4.6 appearances in 2005 versus an average of 3.6 in 2007). The number of appearances necessary for felony drug cases decreased the most, from an average of 5.5 in 2005 to an average of 3.9 in 2007. The number of appearances required for felony property cases decreased at a lesser rate, from an average of 3.9 in 2005 to an average of 3.4 in 2007.

**Table 5. Case Processing Indicators for Felony Property and Drug Cases**  
Unadjusted Means and (*Adjusted Means*)

| Offense Type                                  | Days from offense to filing |              | Days from filing to case resolution |              | Number of appearances to case resolution |              |
|-----------------------------------------------|-----------------------------|--------------|-------------------------------------|--------------|------------------------------------------|--------------|
|                                               | Aug-Nov 2005                | Aug-Nov 2007 | Aug-Nov 2005                        | Aug-Nov 2007 | Aug-Nov 2005                             | Aug-Nov 2007 |
| <b>Property</b><br>(2005: n=634, 2007: n=638) | 123<br>(87)                 | 128<br>(104) | 81<br>(79)                          | 81<br>(79)   | 4.0<br>(3.9)                             | 3.4<br>(3.4) |
| <b>Drug</b><br>(2005: n=541, 2007: n=451)     | 28<br>(28)                  | 52<br>(51)   | 79<br>(77)                          | 84<br>(83)   | 6.0<br>(5.5)                             | 3.9<br>(3.9) |
| <b>Total</b>                                  | 79<br>(59)                  | 97<br>(82)   | 80<br>(78)                          | 82<br>(81)   | 4.9<br>(4.6)                             | 3.6<br>(3.6) |

Table 6 shows differences in case processing time by the type of felony property offense. Burglary, property damage, receiving stolen property, and theft cases filed in 2007 all showed an increase in the number of days from offense to filing when compared with the same time period in 2005, while forgery and possession of burglary/theft tools showed a decrease. The number of days from the filing of a case to its resolution increased for property damage and possession of burglary/theft tools offenses. At the same time, burglary, forgery, receiving stolen property, and theft cases all showed a decrease or remained stable. While the average number of hearings necessary to resolve property cases decreased overall from 2005 to 2007, there was a slight increase for both possession of burglary/theft tools and property damage cases.

**Table 6. Felony Property Case Processing Indicators by Offense Type**  
Unadjusted Means and (*Adjusted Means*)

| Type of Property Offense                                              | Days from offense to filing |              | Days from filing to case resolution |              | Number of appearances to case resolution |              |
|-----------------------------------------------------------------------|-----------------------------|--------------|-------------------------------------|--------------|------------------------------------------|--------------|
|                                                                       | Aug-Nov 2005                | Aug-Nov 2007 | Aug-Nov 2005                        | Aug-Nov 2007 | Aug-Nov 2005                             | Aug-Nov 2007 |
| <b>Burglary</b><br>(2005: n=106, 2007: n=93)                          | 36<br>(36)                  | 71<br>(48)   | 97<br>(92)                          | 95<br>(89)   | 5.0<br>(4.7)                             | 4.1<br>(4.1) |
| <b>Forgery</b><br>(2005: n=89, 2007: n=78)                            | 125<br>(110)                | 112<br>(100) | 84<br>(82)                          | 71<br>(69)   | 3.9<br>(3.6)                             | 3.3<br>(3.3) |
| <b>Possession of Burglary/Theft Tools</b><br>(2005: n=19, 2007: n=16) | 42<br>(42)                  | 32<br>(32)   | 61<br>(61)                          | 71<br>(71)   | 3.4<br>(3.4)                             | 3.8<br>(3.8) |
| <b>Property Damage</b><br>(2005: n=39, 2007: n=34)                    | 82<br>(68)                  | 107<br>(107) | 60<br>(60)                          | 90<br>(90)   | 2.7<br>(2.7)                             | 3.5<br>(3.5) |
| <b>Receiving Stolen Property</b><br>(2005: n=38, 2007: n=28)          | 58<br>(58)                  | 65<br>(65)   | 73<br>(73)                          | 69<br>(69)   | 4.3<br>(4.0)                             | 3.5<br>(3.5) |
| <b>Theft</b><br>(2005: n=341, 2007: n=389)                            | 167<br>(106)                | 156<br>(124) | 79<br>(78)                          | 80<br>(79)   | 3.9<br>(3.8)                             | 3.3<br>(3.3) |
| <b>Total</b> <sup>*</sup><br>(2005: n=632, 2007: n=638)               | 123<br>(87)                 | 128<br>(104) | 81<br>(79)                          | 81<br>(79)   | 4.0<br>(3.9)                             | 3.4<br>(3.4) |

\* Very small number of arson cases (2 in 2005, 0 in 2007) – not included in analysis

Table 7 shows differences in case processing time by the degree of felony drug offense. All drug cases filed in 2007, except for Fourth Degree cases, showed an increase in the average number of days from offense to filing when compared with the same time period in 2005; however, the decrease seen in Fourth Degree cases should be interpreted with caution due to the limited number of filings in that category. Although the average number of days from the filing of a case to its resolution increased overall from 2005 to 2007, this increase was for Second and Fifth Degree cases only; First, Third, and Fourth Degree cases all showed a decrease in the average number of days from case filing to resolution. The average number of hearings required to resolve felony drug cases decreased across all levels of drug felonies from 2005 to 2007.

**Table 7. Felony Drug Case Processing Indicators by Degree**  
Unadjusted Means and (*Adjusted Means*)

| Degree of Drug Offense                                      | Days from offense to filing |              | Days from filing to case resolution |              | Number of appearances to case resolution |              |
|-------------------------------------------------------------|-----------------------------|--------------|-------------------------------------|--------------|------------------------------------------|--------------|
|                                                             | Aug-Nov 2005                | Aug-Nov 2007 | Aug-Nov 2005                        | Aug-Nov 2007 | Aug-Nov 2005                             | Aug-Nov 2007 |
| <b>First Degree</b><br>(2005: n=20, 2007: n=16)             | 25<br>(25)                  | 37<br>(37)   | 124<br>(116)                        | 110<br>(110) | 7.1<br>(6.6)                             | 4.4<br>(4.4) |
| <b>Second Degree</b><br>(2005: n=36, 2007: n=32)            | 29<br>(29)                  | 45<br>(45)   | 103<br>(103)                        | 131<br>(131) | 7.8<br>(7.4)                             | 4.1<br>(4.1) |
| <b>Third Degree</b><br>(2005: n=53, 2007: n=34)             | 32<br>(32)                  | 52<br>(52)   | 108<br>(108)                        | 79<br>(79)   | 7.3<br>(6.7)                             | 4.2<br>(4.2) |
| <b>Fourth Degree</b> <sup>*</sup><br>(2005: n=8, 2007: n=2) | 102<br>(102)                | 40<br>(40)   | 86<br>(86)                          | 74<br>(74)   | 4.5<br>(4.5)                             | 3.5<br>(3.5) |
| <b>Fifth Degree</b><br>(2005: n=422, 2007: n=366)           | 27<br>(27)                  | 53<br>(51)   | 71<br>(69)                          | 79<br>(78)   | 5.6<br>(5.2)                             | 3.9<br>(3.8) |
| <b>Total</b> <sup>**</sup><br>(2005: n=539, 2007: n=450)    | 28<br>(28)                  | 52<br>(51)   | 79<br>(77)                          | 84<br>(83)   | 6.0<br>(5.5)                             | 3.9<br>(3.9) |

\* Very small cell numbers should be interpreted with caution

\*\* Very small number of Simulated Controlled Substance cases (2 in 2005, 1 in 2007) – not included in analysis

## Outcome Evaluation

### RANT Evaluation and Probation Supervision Placement

The Property Drug Calendar (PDC) went into operation on February 26, 2007. Defendants appearing on this calendar who were deemed to have a possible substance abuse problem were evaluated using the Risk and Needs Triage (RANT) tool developed in conjunction with Professor Doug Marlowe of the Treatment Research Institute (TRI) in Philadelphia, PA.<sup>2</sup> In addition, PDC defendants assigned to probation with conditions that probation monitors were also assessed using the RANT tool.

Defendants evaluated by the RANT are placed into one of four quadrants according to two scales, one of risk and one of need. As defined by Dr. Marlowe, **criminogenic risks** are “those characteristics of offenders that make them less likely to succeed in traditional forms of rehabilitation and thus more likely to return to drinking, drug-taking, or crime”<sup>3</sup>; examples include early onset of substance abuse or crime, recurring criminal activity, and previously unsuccessful treatment attempts. **Clinical needs** are “those areas of psychosocial dysfunction that, if effectively addressed, can substantially reduce the likelihood of return to substance abuse, crime and other misconduct”<sup>4</sup>; examples include drug/alcohol addiction, psychiatric symptoms, and chronic medical conditions.

As shown in Table 8 below, the four quadrants into which a defendant can score are high risk/high need, high risk/low need, low risk/high need, and low risk/low need. Type of probation supervision is indicated by a defendant’s RANT score. Those who score in the high risk/high need quadrant are referred to Model Drug Court, those in high risk/low need are supervised by Neighborhood Probation if available, those whose score places them in the low risk/high need category should be monitored by Traditional Probation, and low risk/low need defendants should be supervised at the Reporting Center, placed on unsupervised Administrative Probation, or sent to diversion at Operation DeNovo.

**Table 8. Type of Probation Indicated Based on RANT Score**

|           | HIGH RISK              | LOW RISK                                                 |
|-----------|------------------------|----------------------------------------------------------|
| HIGH NEED | Model Drug Court       | Traditional Probation                                    |
| LOW NEED  | Neighborhood Probation | Reporting Center, Administrative Probation, or Diversion |

<sup>2</sup> Questions about the specific items or scoring algorithms on the RANT should be directed to Dr. David Festinger, Director of the Section of Law and Ethics at the Treatment Research Institute (dfestinger@tresearch.org).

<sup>3</sup> Retrieved March 20, 2009, from <http://www.trirant.org/development.htm>.

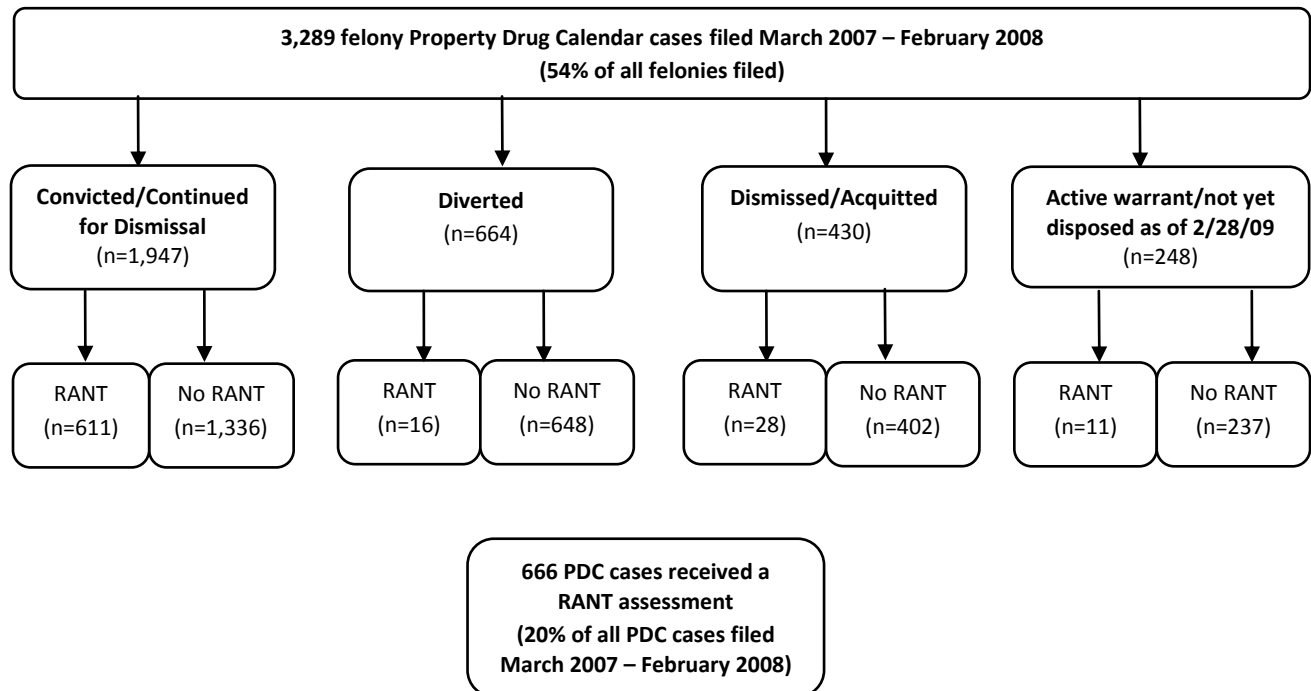
<sup>4</sup> Retrieved March 20, 2009, from <http://www.trirant.org/development.htm>.

## Sample for the RANT Evaluation

In order to obtain a sufficient number of cases to evaluate the RANT's ability to predict recidivism, we expanded the four-month timeframe of the process evaluation (August – November 2007) to a full year (March 2007 – February 2008).

Between March 2007 and February 2008, more than six thousand felony cases (6,127) were filed with the Court. As shown in the flowchart below, slightly more than half (3,289) of these felony filings were Property Drug Calendar (PDC) cases and therefore eligible to be evaluated by the RANT; nearly three-fifths (59%) were property offenses and the remainder (41%) were drug offenses. Of those cases eligible to receive a RANT assessment, nearly one-third (32%) were diverted, dismissed, or acquitted without receiving one and an additional seven percent did not receive a RANT and were on active warrant status or not yet disposed as of the end of February 2009. In addition, more than two-thirds (69%) of the nearly two thousand PDC cases that were convicted or continued for dismissal did not receive a RANT assessment – nearly three-fourths (72%) of these cases were property offenses and the remainder (28%) were drug offenses.

Defendants in twenty percent of all PDC cases filed during this time period received a RANT assessment; less than one-fifth (18%) of these cases were property offenses - the majority (82%) were drug offenses. Nearly all (98%) of those cases receiving a RANT were disposed of by the end of February 2009. Of the 655 disposed cases, twenty-eight (4%) were dismissed or acquitted and therefore not assigned to any form of probation. The remaining 627 disposed PDC cases (96%) were convicted, continued for dismissal, or diverted and placed on some level of court supervision.



The idea of the RANT, as first conceived, was that the vast majority of the cases moving through the Property and Drug Calendar (PDC) would be assessed using this tool. Originally, the RANT assessment was to occur at the pretrial stage (see Appendix A for a flow diagram of the PDC process). However, in order for this to occur attorneys had to ask for or agree to their client having a RANT and the judges had to order a RANT to be conducted. This process broke down on a number of fronts - defense attorneys were not always convinced that this was in their clients' best interests and prosecutors did not always recognize chemical issues of defendants. Regardless of these two stakeholders, judges could have ordered a RANT but quite often they did not if the attorneys did not request it. Additionally, over the time period of the study the judges assigned to this calendar expanded and also rotated off and onto this assignment, making it difficult to keep them trained on the idea of and method for using the RANT. Operationally, this piece of the PDC calendar did not work as anticipated.

Finally, probation could have asked for a RANT to be ordered after sentencing, but probation officers would only have done that if the conditions were monitorable (e.g., if defendants were not serving an executed prison sentence or if they weren't simply given conditions of restitution or 'Sentence to Serve', a community service sanction not monitored by probation officers). Although the RANT assessment helps to triage cases into four quadrants of high risk/low risk and high need/low need, it does not provide enough in-depth information to probation officers to help them set up a case plan for each defendant, so using the RANT post-disposition was not as helpful as other tools that probation was using.

Nevertheless, we did have 627 cases where a RANT was completed, the case was disposed, and the defendant was placed on probation. This is a sufficient sample to analyze the RANT's performance.

### **Demographic Profile of the Sample**

As shown in Table 9, the two low risk groups were nearly evenly split between white and non-white defendants, while the two high risk groups had higher proportions of non-white defendants. The high risk/high need category was comprised of approximately one-third white defendants and two-thirds non-white, while the high risk/low need group was nearly three-fourths non-white.

The two high risk groups had a higher proportion of males than the two low risk groups. The high risk/high need group was three-fourths male, while the high risk/low need group was nearly 90% male. The low risk/low need group was slightly less than three-fourths male, while the low risk/high need group was two-thirds male.

The average age for all four groups was between 30 and 35 years. High risk/low need defendants were the youngest group (average age 30 years), while the high risk/high need defendants were the oldest (average age 34 years).

**Table 9. Comparison of Demographics by How the RANT Categorized Defendants**

| Demographics                  | High Risk/High Need<br>(n=371) | High Risk/Low Need<br>(n=161) | Low Risk/High Need<br>(n=29) | Low Risk/Low Need<br>(n=66) |
|-------------------------------|--------------------------------|-------------------------------|------------------------------|-----------------------------|
| Black                         | 62.0%                          | 67.1%                         | 34.5%                        | 37.9%                       |
| White                         | 30.5%                          | 27.3%                         | 48.3%                        | 50.0%                       |
| Other                         | 7.5%                           | 5.6%                          | 17.2%                        | 12.1%                       |
| Male                          | 76.0%                          | 88.8%                         | 62.1%                        | 72.7%                       |
| Female                        | 24.0%                          | 11.2%                         | 37.9%                        | 27.3%                       |
| Average Age –<br>Date of RANT | 34.25 years                    | 30.29 years                   | 32.17 years                  | 32.11 years                 |

### Validation of the Individual Items on the RANT

Since the RANT is a new tool, we tested each of the risk variables<sup>5</sup> for race and gender bias<sup>6</sup> and for significant relationships to recidivism (new charges for offenses occurring within twelve months of sentencing). The needs side of the tool does not require a relationship to recidivism since these variables assess clinical needs rather than criminogenic risk. All risk factors but three had significant relationships with recidivism; in other words, having one of these risk factors significantly increased the likelihood of being charged with a new offense occurring within twelve months of sentencing. Three of the risk factors (R1, R2, and R6\_7) that did not have a significant relationship with recidivism for this sample also had no relationship to race or gender. The correlation matrix for the risk variables can be found in Appendix B.

### RANT Recommendation versus Actual Probation (DOCC-R) Placement

As shown in Table 10, approximately three-fifths (59%) of the sample cases scored high risk/high need on the RANT, one-fourth (26%) scored high risk/low need, and the remainder scored either low risk/high need (5%) or low risk/low need (10%).

**Table 10. RANT Recommendation for Property Drug Calendar (PDC) defendants (n=627)**

|                  |                | HIGH RISK | LOW RISK |
|------------------|----------------|-----------|----------|
| <b>HIGH NEED</b> | <i>Count</i>   | 371       | 29       |
|                  | <i>Total %</i> | 59.2%     | 4.6%     |
| <b>LOW NEED</b>  | <i>Count</i>   | 161       | 66       |
|                  | <i>Total %</i> | 25.7%     | 10.5%    |

<sup>5</sup> Questions about the specific items or scoring algorithms on the RANT should be directed to Dr. David Festinger, Director of the Section of Law and Ethics at the Treatment Research Institute (dfestinger@treserach.org)

<sup>6</sup> If an element is unrelated to the indicator it is supposed to predict (recidivism) but is related to race or gender, then it is deemed biased and should be removed. None of the risk factors on the RANT were race or gender biased.



There were situations where the RANT evaluation placed a defendant into one quadrant, but a different level of probation supervision was actually assigned. For example, defendants who scored in the high risk/high need quadrant and were referred to Model Drug Court but declined to be involved were instead typically assigned to Traditional Probation. Defendants who scored high risk/low need and therefore were to be assigned to Neighborhood Probation were typically placed on Traditional Probation when no neighborhood probation office was available where they lived. Table 11 shows the differences between the type of probation recommended by the RANT score and the actual type of probation (DOCC-R) placement to which defendants were assigned; Table 12 shows the RANT scores for defendants assigned to each of the four probation types. Not all 627 cases in the sample were assigned to probation supervision - eighteen were sent to prison, six lived outside of Hennepin County and were transferred to another jurisdiction for supervision, and one received a sole sanction disposition of restitution-only. The remaining 602 cases were placed on probation supervision with monitorable conditions.

**Table 11. Probation Supervision Recommended by RANT Score versus Actual Probation (DOCC-R) Supervision Placement**

| <b>Probation Type</b>                                    |                                 | <b>RANT Recommendation<br/>(n=627)</b> | <b>DOCC-R Placement<br/>(n=602)</b> |
|----------------------------------------------------------|---------------------------------|----------------------------------------|-------------------------------------|
| Model Drug Court                                         | <i>Count</i><br><i>Column %</i> | 371<br>59.2%                           | 138<br>22.9%                        |
| Neighborhood Probation                                   | <i>Count</i><br><i>Column %</i> | 161<br>25.7%                           | 44<br>7.3%                          |
| Traditional Probation                                    | <i>Count</i><br><i>Column %</i> | 29<br>4.6%                             | 343<br>57.0%                        |
| Reporting Center, Administrative Probation, or diversion | <i>Count</i><br><i>Column %</i> | 66<br>10.5%                            | 77<br>12.8%                         |

**Table 12. Type of Probation (DOCC-R) Supervision Assigned  
(n=602)**

|                  | <b>HIGH RISK</b>                                                                                                                                                                                   | <b>LOW RISK</b>                                                                                                                                                                                                                      |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HIGH NEED</b> | <p><b>Sent to:</b> Model Drug Court</p> <p>138 cases</p> <p><b>138 (100%) scored H/H</b></p>                                                                                                       | <p><b>Sent to:</b> Traditional Probation</p> <p>343 cases</p> <p><b>24 (7%) scored L/H</b><br/>           202 (59%) scored H/H<br/>           115 (34%) scored H/L<br/>           2 (1%) scored L/L</p>                              |
| <b>LOW NEED</b>  | <p><b>Sent to:</b> Neighborhood Probation</p> <p>44 cases</p> <p><b>37 (84%) scored H/L</b><br/>           4 (9%) scored H/H<br/>           2 (5%) scored L/H<br/>           1 (2%) scored L/L</p> | <p><b>Sent to:</b> Reporting Center, Administrative Probation, or Diversion</p> <p>77 cases</p> <p><b>63 (82%) scored L/L</b><br/>           7 (9%) scored H/L<br/>           5 (6%) scored H/H<br/>           2 (3%) scored L/H</p> |

As shown in Table 12 above, all 138 cases that were sent to Model Drug Court scored high risk/high need on the RANT.

Of the 343 cases sent to Traditional Probation, nearly three-fifths (59%) scored high risk/high need on the RANT and were therefore initially referred to Model Drug Court. These cases either declined to participate in Model Drug Court or were rejected by the Model Drug Court team (for example, due to a criminal or violent history, not being chemically dependent according to a chemical health assessment, or being a drug seller/dealer). One-third (34%) of the cases sent to Traditional Probation scored high risk/low need on the RANT and were therefore initially referred to Neighborhood Probation, but no neighborhood office was available where they lived. Two cases scored low risk/low need on the RANT but were assigned to Traditional Probation rather than to the Reporting Center, Administrative Probation, or diversion. This assignment to a higher level of probation supervision than is indicated by the RANT could be due to the judge or probation officer feeling that more intensive supervision was needed.

Of the 44 cases assigned to Neighborhood Probation, most (84%) scored high risk/low need on the RANT and were therefore assigned to the probation type to which they were originally referred. Six cases (14%) scored either high risk/high need or low risk/high need on the RANT and were referred to Model Drug Court or Traditional Probation before being assigned to Neighborhood Probation instead. On occasion, a defendant referred to Traditional Probation may be assigned to Neighborhood Probation if there is an office where s/he lives and if Neighborhood Probation feels that s/he is a good candidate for the program. One case scored low risk/low need on the RANT; as discussed above, the judge or probation officer may have felt

that this individual needed a higher level of supervision than the Reporting Center, Administrative Probation, or diversion could provide.

Most (82%) of the 77 cases assigned to the Reporting Center, Administrative Probation, or diversion scored low risk/low need on the RANT and therefore should have been assigned to this level of probation. The remaining fourteen cases (18%) were assigned here even though their RANT score indicated that a higher level of supervision was needed - five scored high risk/high need and were initially referred to Model Drug Court, two scored low risk/high need and were referred to Traditional Probation, and seven scored high risk/low need and were referred to Neighborhood Probation. If defendants have a minimal criminal conviction history and their RANT risk level was based on such things as age of onset of criminal activity, housing status, or employment, they may be assigned to the Reporting Center, Administrative Probation, or diversion instead.

## **Recidivism Rates**

The recidivism analysis for those Property Drug Calendar (PDC) cases filed between March 2007 and February 2008 includes both new charges (case was filed with the court) and new convictions for offenses occurring within a twelve-month period after sentencing.<sup>7</sup> Of the 627 cases in the sample, there were 459 defendants who had at least a twelve-month window prior to the end of March 2009 in which to reoffend. Recidivism for these defendants is analyzed in two ways: first, by looking at recidivism rates of each quadrant into which a defendant was categorized by the RANT, and then by looking at recidivism rates with regard to the type of probation to which these defendants were actually assigned.

Based upon how the RANT categorizes defendants, it was hypothesized that those deemed high risk/high need would have the highest rate of recidivism, while those scoring low risk/low need would have the lowest rate. High risk/low need defendants were hypothesized to have the second highest risk of recidivism, while those with low risk/high need would have the third highest.

Hennepin County Department of Community Corrections and Rehabilitation (DOCC-R) probation supervision levels were designed around the theory that produced the RANT – that level of supervision should be assigned based upon the level of risk to reoffend. As shown in Table 13 below, those defendants who end up in Model Drug Court are supervised more intensely than defendants sent to other types of probation, due to being classified as both posing a high criminogenic risk and as having a high chemical dependency need. Neighborhood probation was designed to provide more direct, intimate supervision for those defendants classified as posing a high risk but having a low chemical dependency need score.

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<sup>7</sup> In this jurisdiction, pretrial jail bed space is very limited. The vast majority of non-felony cases are never arrested and booked into a jail, so arrests actually yield a lower percentage of new offenses when compared to charges. Therefore, new charges filed with the court were used instead of arrests. All defendants' time to reoffend was standardized to one year; however no attempt to assess "street time" was done. In other words, if someone was incarcerated for a few days during the year, we did not account for this in the one year period.

Traditional probation was organized to provide the care required for a high need person who poses a low criminogenic risk. The Reporting Center and other forms of low-level probation supervision were designed for those defendants who pose both a low criminogenic risk and a low chemical dependency need.

**Table 13. Recidivism Hypotheses Based on RANT Categorization of Defendants and Type of Probation (DOCC-R) Supervision Assigned**

|           | HIGH RISK                                                                                                                                                                                                                                                                         | LOW RISK                                                                                                                                                                                                                                          |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HIGH NEED | <p><b><i>These defendants need:</i></b> court supervision, intensive drug treatment, rewards &amp; sanctions, UA monitoring</p> <p><b><i>Sent to:</i></b> Model Drug Court</p> <p><b><i>Hypothesis:</i></b> Highest recidivism</p>                                                | <p><b><i>These defendants need:</i></b> probation supervision, intensive drug treatment, rewards &amp; sanctions, UA monitoring</p> <p><b><i>Sent to:</i></b> Traditional Probation</p> <p><b><i>Hypothesis:</i></b> Third highest recidivism</p> |
| LOW NEED  | <p><b><i>These defendants need:</i></b> probation supervision, pro-social rehabilitation, rewards &amp; sanctions, intermediate punishment for non-compliance</p> <p><b><i>Sent to:</i></b> Neighborhood Probation</p> <p><b><i>Hypothesis:</i></b> Second highest recidivism</p> | <p><b><i>These defendants need:</i></b> pretrial services supervision, prevention/ education</p> <p><b><i>Sent to:</i></b> Reporting Center, Administrative Probation, or diversion</p> <p><b><i>Hypothesis:</i></b> Lowest recidivism</p>        |

Table 14 shows twelve-month recidivism rates for both new charges and new convictions by the RANT recommendation and the actual probation (DOCC-R) placement for those defendants placed on probation with monitorable conditions who had at least a twelve-month window to reoffend after disposition on the case for which they received a RANT. All hypotheses regarding recidivism rates based on the RANT recommendation were supported, but only the hypotheses regarding the highest and lowest rates of recidivism were supported when looking at actual probation placement. The shaded areas indicate where the hypotheses were not supported.

**Table 14. Twelve-month Recidivism Rates: Percent of Group with New Charges and Convictions by RANT Recommendation and Actual Probation (DOCC-R) Placement (n=459)**

|                                                                                     | CHARGES             |                      | CONVICTIONS         |                      |
|-------------------------------------------------------------------------------------|---------------------|----------------------|---------------------|----------------------|
|                                                                                     | RANT Recommendation | DOCC-R Placement     | RANT Recommendation | DOCC-R Placement     |
| <b>High Risk/High Need (Model Drug Court)</b>                                       | 44%                 | 44%                  | 31%                 | 31%                  |
| <b>High Risk/Low Need (Neighborhood Probation)</b>                                  | 38%                 | 34%                  | 27%                 | 26%                  |
| <b>Low Risk/High Need (Traditional Probation)</b>                                   | 29%                 | 41%                  | 24%                 | 29%                  |
| <b>Low Risk/Low Need (Reporting Center, Administrative Probation, or Diversion)</b> | 14%                 | 18%                  | 10%                 | 12%                  |
| <b>Hypothesis</b>                                                                   | <i>Supported</i>    | <i>Not supported</i> | <i>Supported</i>    | <i>Not supported</i> |

### Recidivism Rate: New Charges

**RANT Recommendation:** Based on new charges, the RANT accurately predicted defendants' likelihood to reoffend. As shown in Table 14 above, those defendants who were placed in the high risk/high need category according to their RANT score reoffended at the highest rate – 44% were charged with at least one offense occurring within twelve months of disposition on the case for which they were assessed by the RANT. Those placed in the high risk/low need category by the RANT reoffended at the second highest rate – 38% were charged with at least one new offense occurring within twelve months. Low risk/high need defendants reoffended at the third highest rate (29% within twelve months), and low risk/low need defendants reoffended at the lowest rate (14% within twelve months).

**Actual Probation Placement:** Those defendants who were sent to Model Drug Court did reoffend at the highest rate – 44% were charged with at least one new offense occurring within twelve months of disposition on the case for which they were assessed by the RANT. Also as hypothesized, those defendants who were assigned to the Reporting Center, Administrative Probation, or diversion reoffended at the lowest rate – 18% were charged with at least one new offense occurring within twelve months. However, the hypotheses that those defendants sent to Neighborhood Probation would have the second highest rate of recidivism and that those sent to Traditional Probation would have the third highest were not supported; defendants sent to Traditional Probation had the second highest rate of recidivism (41%), while those in Neighborhood Probation had the third highest rate (34%).

## Recidivism Rate: New Convictions

**RANT Recommendation:** A similar trend appears with the rate of new convictions. The hypotheses laid out prior to the study hold when applying the classifications recommended by the RANT. As shown in Table 14 above, those defendants who were placed in the high risk/high need category according to their RANT score were convicted of new offenses at the highest rate – 31% had at least one new conviction for an offense occurring within twelve months of disposition on the case for which they were assessed by the RANT, as compared to 27% of the high risk/low need defendants, 24% of those deemed to be low risk/high need, and 10% of low risk/low need defendants.

**Actual Probation Placement:** However, when looking at new conviction rates based upon defendants' actual probation assignment only two of the four hypotheses were supported, as we also saw when looking at new charge rates. The highest new conviction rate was for those defendants sent to Model Drug Court - 31% had at least one new conviction for an offense occurring within twelve months of disposition on the case for which they were assessed by the RANT – and the lowest (12%) was for those defendants sent to the Reporting Center, Administrative Probation, or diversion. The hypotheses for those defendants sent to Neighborhood and Traditional Probation were not supported. Neighborhood Probation defendants had the third highest conviction rate (26%) rather than the second highest, and Traditional Probation defendants had the second highest conviction rate (29%).

It is likely that those defendants sent to Traditional Probation reoffended at the second highest rate rather than the third because nearly three-fifths (59%) of them scored high risk/high need on the RANT and were initially referred to Model Drug Court (see Table 12), where we find the highest level of recidivism. Because defendants who score high risk/high need on the RANT but decline to participate in Model Drug Court or are rejected by the Model Drug Court team are instead sent to Traditional Probation, it makes sense that they would reoffend at a rate closer to that of those who also scored high risk/high need on the RANT but went to Model Drug Court as recommended.

This is supported by the data shown in Table 15 below. The top row shows the overall twelve-month recidivism rates (new convictions) for defendants sent to each of the four types of probation, while the shaded areas indicate the twelve-month recidivism rates for defendants sent to the type of probation recommended by the RANT. Defendants who scored low risk/high need on the RANT and were sent to Traditional Probation as recommended reoffended at a lower rate (24% within twelve months) than those who went to Traditional Probation, but had been recommended for MDC (32%) or Neighborhood Probation (27%) instead. In addition, if we look at just those defendants who scored high risk/high need on the RANT but were sent to Traditional Probation instead of Model Drug Court (due to refusing MDC or being rejected by the MDC team), we see recidivism rates nearly the same as that of the MDC defendants - 32% were convicted of a new offense occurring within twelve months after sentencing on the case for which they received a RANT assessment, as compared to 31% of those who went to Model Drug Court as recommended.

**Table 15. Twelve-month Recidivism Comparison: New Conviction Rates, Based on RANT Recommendations and Type of Probation Assignment  
(n=459)**

|                                                                                       |                                               | Type of Probation (DOCC-R) Placement |                                         |                                         |                                                           |
|---------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------------------------|
|                                                                                       |                                               | <i>Model Drug Court</i><br>(n=108)   | <i>Neighborhood Probation</i><br>(n=35) | <i>Traditional Probation</i><br>(n=259) | <i>PRC, Administrative Probation, Diversion</i><br>(n=57) |
| <b>Overall Twelve-Month New Conviction Rate Based on Type of Probation Assignment</b> |                                               | 31%                                  | 26%                                     | 29%                                     | 12%                                                       |
| <b>RANT Recommendation</b>                                                            | <i>Model Drug Court (H/H)</i>                 | 31%                                  | 0%*                                     | 32%                                     | 0%*                                                       |
|                                                                                       | <i>Neighborhood Probation (H/L)</i>           | ---                                  | 31%                                     | 27%                                     | 20%*                                                      |
|                                                                                       | <i>Traditional Probation (L/H)</i>            | ---                                  | 0%*                                     | 24%                                     | 50%*                                                      |
|                                                                                       | <i>PRC, Admin. Probation, Diversion (L/L)</i> | ---                                  | ---                                     | 0%*                                     | 11%                                                       |

\*Very small cell numbers, should be interpreted with caution

Table 16 shows that high risk/high need *drug offenders* assigned to Model Drug Court as recommended by the RANT were convicted of new offenses of all levels at approximately the same rates as those who were recommended for MDC by the RANT but went to Traditional Probation instead. Overall, 34% of drug offenders in MDC reoffended within twelve months as compared with 30% of those who were recommended for MDC but went to Traditional Probation.

Overall, high risk/high need *property offenders* who were assigned to MDC as recommended by the RANT were convicted of new offenses at a much lower rate than those who went to Traditional Probation instead – 24% of property offenders in MDC reoffended within twelve months as compared with 44% of those who went to Traditional Probation. Property offenders were convicted of new non-felony, felony drug, and felony person offenses at approximately the same rates whether they were assigned to MDC or to Traditional Probation; however, they were convicted of new felony-level property and weapons offenses at much higher rates if they went to Traditional Probation rather than MDC, as was recommended by the RANT – 24% of those assigned to Traditional Probation committed a new felony-level property or weapons offense within twelve months, as compared with only 3% of those who went to MDC as recommended. As shown in Table 16, Model Drug Court appears to be successful in reducing property offenders' involvement in criminal activities, particularly felony-level property and weapons offenses.



**Table 16. Twelve-Month Recidivism Rate Comparison for High Risk/High Need Defendants: Drug versus Property Offenders by Type of Probation Assigned**

|                                      | Type of Probation Assigned |                              |                           |                              |
|--------------------------------------|----------------------------|------------------------------|---------------------------|------------------------------|
|                                      | Model Drug Court           |                              | Traditional Probation     |                              |
|                                      | Drug Offenders<br>(n=74)   | Property Offenders<br>(n=34) | Drug Offenders<br>(n=125) | Property Offenders<br>(n=25) |
| New Conviction Rate                  | 34%                        | 24%                          | 30%                       | 44%                          |
| Most Serious New Conviction Rate:    |                            |                              |                           |                              |
| <i>Non-felony</i>                    | 24%                        | 18%                          | 22%                       | 16%                          |
| <i>Drug Felony</i>                   | 5%                         | 0%                           | 6%                        | 0%                           |
| <i>Person Felony</i>                 | 1%                         | 3%                           | 2%                        | 4%                           |
| <i>Property/ Weapon/Other Felony</i> | 3%                         | 3%                           | 0%                        | 24%                          |

**Recidivism Rate Comparison: Old Drug Court versus Model Drug Court**

Prior to the implementation of Model Drug Court in early 2007, all felony-level drug cases were assigned to Drug Court, while felony-level property offenders with chemical dependency issues were not eligible; participation in Drug Court was not voluntary. Under the new Model Drug Court, which began in early 2007, all felony-level drug and property offenders are eligible to participate if they are deemed both chemically dependent and at high risk to reoffend; participation is voluntary and eligible offenders must be accepted by the Model Drug Court team.

In order to most directly compare recidivism in the old Drug Court to the new Model Drug Court, we looked at twelve-month recidivism rates (both new charges and new convictions) for all defendants with felony drug convictions for cases filed August – November 2005<sup>8</sup> compared with all defendants with felony drug or property convictions for cases filed March 2007 – February 2008 who both received a RANT assessment and subsequently entered Model Drug Court. Results are shown in Table 17 below. Defendants in MDC were both charged with and convicted of new offenses at a higher rate than defendants in the old Drug Court - 44% of MDC defendants were charged with a new offense occurring within twelve months, compared to 32% of those in the old Drug Court; 31% of MDC defendants compared to 26% of old Drug Court defendants were convicted of a new offense occurring within twelve months. Although their overall new conviction rate was higher, MDC defendants were convicted of fewer felony-level offenses of all types than old Drug Court defendants – 9% of MDC defendants had at least one new felony-level conviction as compared to 12% of drug offenders in the 2005 sample. The significantly greater number of new non-felony convictions is what drives the higher overall new conviction rate for the MDC defendants – 22% of MDC defendants had a new non-felony level conviction as compared to 15% of drug offenders in the 2005 old Drug Court sample.

<sup>8</sup> See Table 4 on page 8 of this report.



**Table 17. Twelve-Month Recidivism Rate Comparison:  
2005 Drug Court Defendants versus 2007 Model Drug Court Defendants**

|                                      | <b>Old Drug Court</b><br><i>Felony drug convictions, cases filed<br/>Aug-Nov 2005<br/>(n=459)<sup>9</sup></i> | <b>Model Drug Court (MDC)</b><br><i>MDC felony drug and property convictions,<br/>cases filed Mar 2007–Feb 2008<br/>(n=108)</i> |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| New Charge Rate                      | 32%                                                                                                           | 44%                                                                                                                             |
| New Conviction Rate                  | 26%                                                                                                           | 31%                                                                                                                             |
| Most Serious New Conviction Rate:    |                                                                                                               |                                                                                                                                 |
| <i>Non-felony</i>                    | 15%                                                                                                           | 22%                                                                                                                             |
| <i>Drug Felony</i>                   | 5%                                                                                                            | 4%                                                                                                                              |
| <i>Person Felony</i>                 | 3%                                                                                                            | 2%                                                                                                                              |
| <i>Property/ Weapon/Other Felony</i> | 4%                                                                                                            | 3%                                                                                                                              |

### ***Conclusions and Recommendations***

The Fourth Judicial District’s Property Drug Calendar (PDC), which combines first appearances for defendants charged with both felony property and drug offenses, began operations on February 26, 2007, and has contributed to more efficient processing of these types of cases. The number of court appearances required to reach case resolution decreased for both felony property and drug cases from 2005 to 2007 - overall, one less appearance was necessary in 2007 for property felonies and two less appearances for drug felonies.

Most defendants appearing on the Property Drug Calendar should have received a Risk and Needs Triage (RANT) assessment during the pretrial stage to determine their levels of criminogenic risk to return to substance abuse or crime and clinical needs in the areas of substance abuse and mental health; in practice, only one-fifth of all PDC cases received a RANT assessment. This process broke down on a number of fronts and resulted in only twenty percent of those eligible cases being referred to have a RANT done. If the RANT is to be continued to be used as an assessment tool for Model Drug Court, it will be important to administer it consistently.

It was predicted that defendants scoring high risk/high need on the RANT assessment would have the highest rate of recidivism, while those scoring high risk/low need would have the second highest rate, low risk/high need the third, and low risk/low need the lowest rate of recidivism. These hypotheses were all supported when looking at both new charges and new convictions for offenses occurring within twelve months of disposition on the case for which defendants were assessed by the RANT.

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<sup>9</sup> Because this analysis is at the person level, rather than case level, six cases from the 2005 Process Evaluation analysis (see Table 4 on page 8) were excluded due to two or more cases being filed for a single person during the 2005 timeframe.

Defendants were not always assigned to the level of probation supervision recommended by their RANT score, due to a number of factors. The hypotheses for placement into Model Drug Court and for referral to the Reporting Center, Administrative Probation, or diversion were both supported; however the hypotheses for those sent to Neighborhood Probation and those in Traditional Probation were not supported. Had defendants been assigned to the level of probation supervision indicated by their RANT score, all hypotheses would have been supported.

Defendants in Model Drug Court, which include both felony drug and property offenders, had a higher overall rate of recidivism than those in the old Drug Court system, which included only felony drug offenders. This higher rate was driven by non-felony convictions.

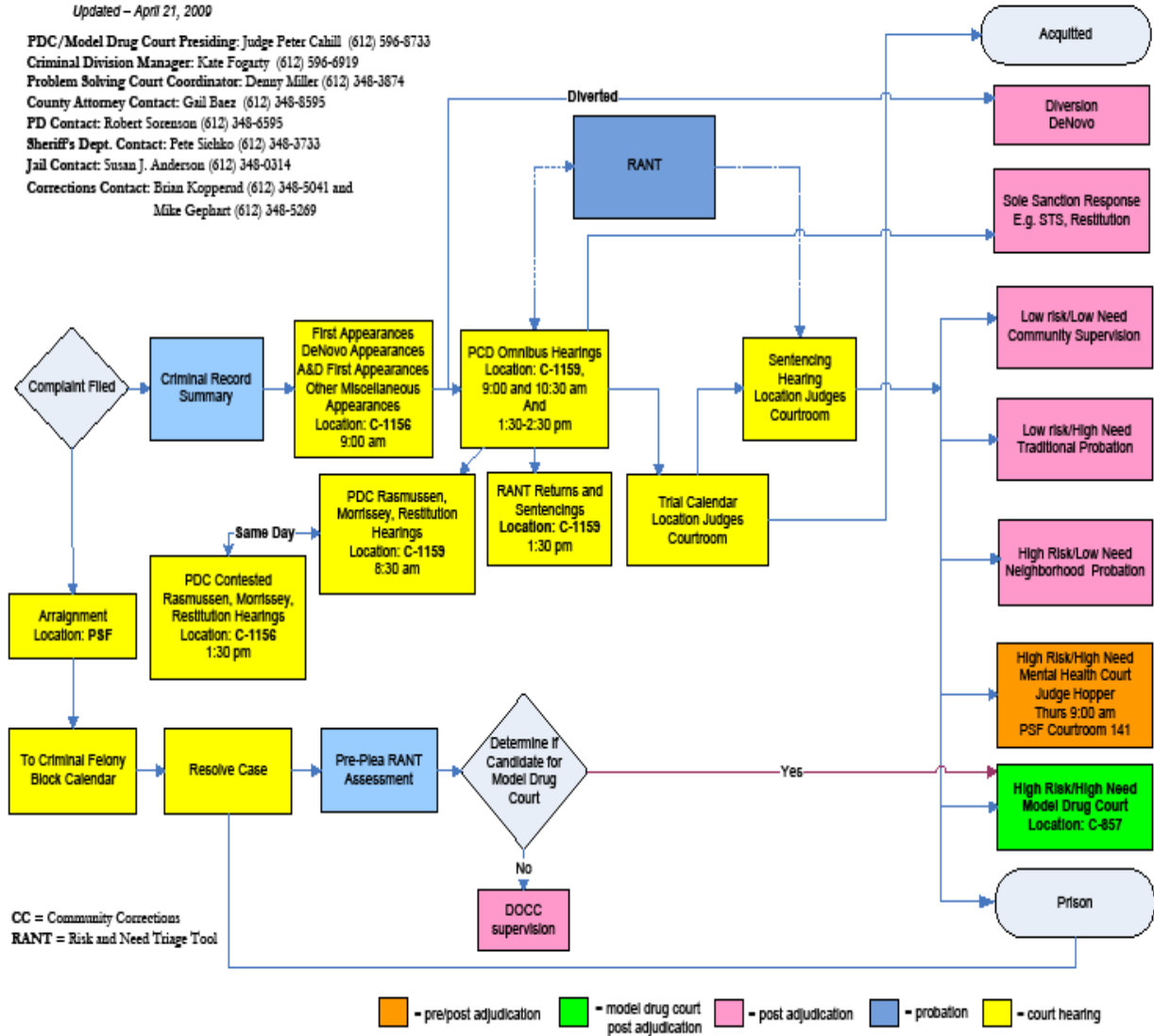
Overall, the structure of the Property Drug Calendar appears to be working well and the RANT Assessment correctly classifying defendants into risk and need levels. If defendants are placed into the level of supervision recommended by the RANT as often as possible, they will better receive the type and level of probation services and supervision they require. In addition, if the RANT recommends Model Drug Court (high risk/high need), but defendants decline to participate or are rejected by the MDC team and are referred to Traditional Probation instead (which was designed to serve low risk/high need defendants), probation case plans should be tailored to specifically address the high risks of these defendants in addition to their high needs.

**Appendix A.**  
**Flow Diagram of Property Drug Calendar Process**

# Property Drug Calendar (PDC)

Updated – April 21, 2009

**PDC/Model Drug Court Presiding:** Judge Peter Cahill (612) 596-8733  
**Criminal Division Manager:** Kate Fogarty (612) 596-6919  
**Problem Solving Court Coordinator:** Denny Miller (612) 348-3874  
**County Attorney Contact:** Gail Baez (612) 348-8595  
**PD Contact:** Robert Sorenson (612) 348-6595  
**Sheriff's Dept. Contact:** Pete Siehko (612) 348-3733  
**Jail Contact:** Susan J. Anderson (612) 348-0314  
**Corrections Contact:** Brian Koppernd (612) 348-5041 and  
 Mike Gephart (612) 348-5269



## Appendix B: Correlation Matrix

Correlations  
N=459

|      | Recidivism<br>(New Charges) | Race    | Sex     | R1      | R2     | R3     | R4     | R5     | R6_7   | R8     | R9     |
|------|-----------------------------|---------|---------|---------|--------|--------|--------|--------|--------|--------|--------|
| Race | .250**                      |         |         |         |        |        |        |        |        |        |        |
| Sex  | -.076                       | -.188** |         |         |        |        |        |        |        |        |        |
| R1   | .063                        | .052    | -.087*  |         |        |        |        |        |        |        |        |
| R2   | .047                        | .078*   | -.020   | .131**  |        |        |        |        |        |        |        |
| R3   | .094*                       | .148**  | -.070   | .160**  | .267** |        |        |        |        |        |        |
| R4   | .143**                      | .183**  | -.001   | -.011   | .193** | .101*  |        |        |        |        |        |
| R5   | .207**                      | .201**  | -.030   | .078*   | .127** | .178** | .279** |        |        |        |        |
| R6_7 | .064                        | .028    | -.051   | -.239** | .014   | -.009  | .134** | .145** |        |        |        |
| R8   | .184**                      | .062    | .025    | .027    | .101*  | .195** | .227** | .280** | .257** |        |        |
| R9   | .115**                      | .136**  | -.154** | -.352** | .115** | .158** | .127** | .132** | .379** | .278** |        |
| R10  | .188**                      | .085*   | .017    | -.016   | .182** | .194** | .291** | .299** | .154** | .210** | .143** |

\* . Correlation is significant at the 0.05 level (1-tailed).

\*\* Correlation is significant at the 0/01 level (1-tailed).