

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF HENNEPIN

2013 OCT 11 AM 8:29

FOURTH JUDICIAL DISTRICT

BY: _____ DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

In the Matter of:

ORDER

Hennepin County DWI Court Evaluation

WHEREAS, Hennepin County and the Fourth Judicial District participate collaboratively on a special court that handles certain Driving While Intoxicated (“DWI”) cases (“Hennepin County DWI Court”); and

WHEREAS, NPC Research, under a contract with the Minnesota Office of Traffic Safety is conducting a process and outcome evaluation of all 9 existing Minnesota DWI Courts; and

WHEREAS, The study is designed to measure the impact of DWI Courts and substance abuse treatment on public safety (including subsequent DWIs, other criminal offenses, traffic accidents and fatalities) and provide a cost analysis of the DWI Court process as compared to not handling these cases with a DWI specialty court; and

WHEREAS, NPC Research has agreed to perform the “Hennepin County DWI Court Evaluation” pursuant to the proposal attached as **Exhibit A**; and

WHEREAS, NPC Research requires access to data from Hennepin County’s Department of Community Corrections and Rehabilitation (“DOCCR”) regarding DWI Court participants and a comparison group of DWI offenders not participating in DWI Court for this Evaluation; .

WHEREAS, DOCCR and NPC Research have executed a Nondisclosure Agreement and pursuant to that Agreement, DOCCR will provide required data to NPC Research and NPC will protect the private data that is produced.

WHEREAS, Minn. Stat. § 13.03, subd. 6, 13.05, subd. 6, and 13.82, subd. 5(f) authorize this Court to issue and order providing disclosure of private and not public data subject to the court’s order;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. The DOCCR may provide private and confidential correction data to NPC Research regarding individuals charged with DWI offenses. NPC may only use this data to perform the Hennepin County DWI Evaluation.

2. The Court finds that the benefit to the court system and the criminal justice system outweighs any harm to the confidentiality interests of the parties who are the subject of the data.
3. This Order shall remain in effect until the completion of the Hennepin County DWI Evaluation.

BY THE COURT:



Digitally signed by Peter A. Cahill
DN: cn=Peter A. Cahill, o=Minnesota Judicial
Branch, ou=Fourth Judicial District Court,
email=peter.cahill@courts.state.mn.us, c=US
Date: 2013.10.10 14:08:00 -05'00'
Adobe Acrobat version: 11.0.4

Dated: October 10, 2013

Peter Cahill
Chief Judge of District Court

EXHIBIT A

The following youth are included in the Hennepin County Crossover Youth Pilot Project:

Research Proposal for Hennepin County Department of Community Corrections and Rehabilitation, Office of Planning, Policy, and Evaluation

A. Project Title - Evaluation of Minnesota DWI Courts

B. Project Abstract - NPC Research, under a contract with the Minnesota Office of Traffic Safety, is conducting a process and outcome evaluation of all 9 existing Minnesota DWI Courts. Objectives of the study include measuring the impact of DWI Courts and substance abuse treatment on public safety (including subsequent DWIs, other criminal offenses, traffic accidents and fatalities) and providing a cost analysis of the DWI Court process compared to the business-as-usual track. Information from correctional supervision agencies, including supervision level, risk assessment scores, and drug test results, for DWI Court participants and a comparison group of offenders not participating in DWI Court is crucial to this effort.

C. Statement of Research Questions – There are numerous research questions related to the process, outcome, and cost sections of the evaluation. For the sake of brevity, only those involving DOCCR data are included below.

1. Does participating in DWI Court reduce the number of DWI re-arrests and all re-arrests compared to traditional court processing?
2. Does participating in DWI Court reduce levels of substance abuse (compared to those under non-DWI Court supervision)?
3. What does it cost to put a DWI offender through the traditional court process?
4. What are the 1-, 2- and 3-year cost impacts on the treatment and criminal justice systems of sending offenders through DWI Court compared to traditional court processing?

5. What is the average cost of treatment and criminal justice recidivism per agency for DWI Court participants compared to DWI offenders in the traditional court system?

6. What is the cost-benefit ratio for investment in the DWI Court?

D. Expected Benefits – Funding at the local, state, and federal levels is increasingly contingent on empirically supported evidence that demonstrate program benefits in a concrete manner and constrained budgets have strengthened this desire. If the study results demonstrate positive outcomes (lower rates of recidivism and substance abuse, and increases in public safety) and favorable cost-benefits (reduced costs for DWI Courts as compared to traditional court processing and recidivism costs) the findings could serve to secure future funding for DWI Courts, thus extending the impact of the program for both individuals and the community. The evaluation may also result in specific suggestions where the program could improve based on empirically verified principals and practices among specialty courts, which could also expand the impact of the program.

E. Risk Minimization – There is minimal risk to the individuals in this study as we are not contacting clients. Rather we are requesting individual-level archival data for the purposes of statistical analysis only. Individual identifiers are necessary to accurately merge the DOCCR data with other data sources, but any unique identifiers will be removed once this is accomplished. Data will be stored securely and destroyed according to procedures outlined in the IRB waiver agreement (attached).

F. Research Design and Methodology – This summary will focus on the outcome and cost-benefit portions of the study (the process evaluation does not require DOCCR data). NPC has adapted procedures for data collection, management, and analysis of the DWI Court data from

tried and true procedures developed and applied in numerous drug court evaluation projects previously conducted by the company, in particular by Shannon Carey, the principal investigator for the current study. The outcome evaluation will measure short and long term impacts of the DWI Court programs, including whether the program is delivering the intended amount of services, whether participants receive treatment more quickly and complete treatment more often than those who don't participate, whether substance use is reduced, and whether recidivism – particularly DWI recidivism – is reduced.

For the outcome/impact evaluation, we have obtained information on participants who have entered the DWI Court programs since program inception to yearend 2011. We have also obtained from the Office of Traffic Safety a roster of individuals with 2 or more DWIs in the last decade who were not processed through DWI Court. Ideally, the comparison sample is composed of individuals who are similar to those who have participated in the DWI Court program (e.g., similar demographics, treatment and criminal history and involvement in child welfare) but have not participated in the DWI Court program. Eligibility criteria vary by district – in most districts DWI Court eligibility is based on 3 or more DWIs - comparison group individuals will be matched based on district eligibility criteria and propensity score matching for individual and criminal justice characteristics.

We will obtain data for both program and comparison participants through existing administrative databases for a period of 1 to 3 years post DWI Court entry based on data availability. The evaluation team plans to utilize criminal justice, traffic safety and treatment data sources to determine whether DWI Court participants and the comparison group differ in subsequent re-arrests and treatment experiences.

For DOCCR data, we propose providing DOCCR staff with a listing of persons included in the Hennepin County DWI Court evaluation, ask that DOCCR staff search the database for these individuals from 2005 forward, and provide us with a data file or spreadsheet containing individual identifiers (for purposes of person-verification and data merging), correctional supervision term(s), level of supervision, drug test dates and results, and risk assessment dates and results.

Once we have obtained individual-level data from various sources (courts, probation offices, DVS, DHS, jails, DOC) we will then be able to identify a comparison group using propensity score matching. Propensity scoring is a weighting scheme designed to mimic random assignment. The first step of propensity score analysis is to estimate the probability that an offender will or will not be a DWI Court participant. To do this we examine a number of participant characteristics that prior research has shown to predict entry into this program including: 1) race, 2) marital status, 3) education level, 4) employment status, 5) age, 6) age of first drug use, 7) prior criminal history/prior DWI history, 8) risk level,¹ 9) gender. This prediction (the estimated probability of whether an individual is likely to enter the program) is known as the propensity score. Once the propensity score for each individual is established, the extent to which DWI Court system participants differed from comparison group members is calculated for each program using Weighted Least Squares (WLS) regression. This is done by using the propensity scores to weight the parameters in the equation, which adjusts for any pre-existing differences between the two groups. This methodology has advantages over other techniques that statistically adjust for pre-existing differences because it uses a multivariate approach (taking into account many possible measured variables) to create propensity weights

¹ Risk level for this study will be defined using whatever measurement of risk is used locally for both the DWI court participants and the comparison group. If risk assessment information is available for only one of the two groups (or in neither group) then risk level will not be used in the propensity score procedure.

and thus reduces potential bias in impact (e.g., recidivism) results. In this manner, the DWI Court and comparison groups will be matched for impact and cost analyses.

The cost approach utilized by NPC Research is called Transactional and Institutional Cost Analysis (TICA). The TICA approach views an individual's interaction with publicly funded agencies as a set of transactions in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. In the case of DWI Courts, when a DWI Court participant appears in court or has a drug test, resources such as judge time, defense attorney time, court facilities, and urine cups are used. Court appearances and drug tests are transactions. In addition, the TICA approach recognizes that these transactions take place within multiple organizations and institutions that work together to create the program of interest. These organizations and institutions contribute to the cost of each transaction that occurs for program participants. TICA is an intuitively appropriate approach to conducting costs assessment in an environment such as a DWI Court, which involves complex interactions among multiple taxpayer-funded organizations.

To maximize the study's benefit to policymakers, a "cost-to-taxpayer" approach will be used for this evaluation. This focus helps define which cost data should be collected (costs and avoided costs involving public funds) and which cost data should be omitted from the analyses (e.g., costs to the individual participating in the program). The central core of the cost-to-taxpayer approach in calculating benefits (avoided costs) for DWI Court specifically is the fact that untreated substance abuse will cost various tax dollar-funded systems money that could be avoided or diminished if substance abuse were treated. In this approach, any cost that is the result of untreated substance abuse and that directly impacts a citizen (through tax-related expenditures) is used in calculating the benefits of substance abuse treatment.

Finally, NPC's cost approach looks at publicly funded costs as "opportunity resources." The concept of opportunity cost from the economic literature suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term opportunity resource describes these resources that are now available for different use. For example, if substance abuse treatment reduces the number of times that a client is subsequently incarcerated, the local sheriff may see no change in his or her budget, but an opportunity resource will be available to the sheriff in the form of a jail bed that can now be filled by another person, who, perhaps, possesses a more serious criminal justice record than does the individual who has received treatment and successfully avoided subsequent incarceration.

The cost evaluation involves calculating the costs of the program and the costs of outcomes (or impacts) after program entry (or the equivalent for the comparison group). In order to determine if there are any benefits (or avoided costs) due to DWI Court program participation, it is necessary to determine what the participants' outcome costs would have been had they not participated in the DWI Court. One of the best ways to do this is to compare the costs of outcomes for DWI Court participants to the outcome costs for similar individuals who were eligible for the DWI Court but did not participate. The comparison group in this cost evaluation will be the same as that used in the preceding outcome evaluation.

The TICA methodology is based upon six distinct steps (listed in the table below).

The Six Steps of TICA

	Description	Tasks
Step 1:	Determine flow/process (i.e., how program participants move through the system).	Site visits/direct observations of program practice Interviews with key informants (agency and program staff) using a drug court typology and cost guide.
Step 2:	Identify the transactions that occur within this flow (i.e.,	Analysis of process information gained in Step 1

	where clients interact with the system).	
Step 3:	Identify the agencies involved in each transaction (e.g., court, treatment, police).	Analysis of process information gained in Step 1 Direct observation of program transactions
Step 4:	Determine the resources used by each agency for each transaction (e.g., amount of judge time per transaction, amount of attorney time per transaction, number of transactions).	Interviews with key program informants using program typology and cost guide Direct observation of program transactions Administrative data collection of number of transactions (e.g., number of court appearances, number of treatment sessions, number of drug tests)
Step 5:	Determine the cost of the resources used by each agency for each transaction.	Interviews with budget and finance officers Document review of agency budgets and other financial paperwork
Step 6:	Calculate cost results (e.g., cost per transaction, total cost of the program per participant).	Indirect support and overhead costs (as a percentage of direct costs) are added to the direct costs of each transaction to determine the cost per transaction. The transaction cost is multiplied by the average number of transactions to determine the total average cost per transaction type. These total average costs per transaction type are added to determine the program and outcome costs.

G. Confidentiality Agreement – Below are details of NPC standard operating procedures related to research, confidentiality, and the issue of informed consent.

AEA Standards

NPC uses the American Evaluation Association's (AEA) performance standards to guide project work. These standards include:

1. Utility: To ensure that the evaluation serves the information needs of the intended users;
2. Feasibility: To ensure the evaluation is realistic, prudent, diplomatic and frugal;

3. Propriety: To ensure that the evaluation is conducted legally, ethically, and with due regard to the welfare of all those involved and affected by the evaluation; and
4. Accuracy: To ensure that the evaluation conveys technically accurate information.

NPC prides itself on maintaining established, rigorous protocols for data warehousing and storage that ensure the confidentiality of data. Included in this protocol are standards for keeping electronic data password protected, filing cabinets locked, and offices protected with alarm systems. A signed staff confidentiality agreement clearly spells out expectations for confidentiality and consequences for violations.

Confidentiality

NPC Research follows strict standards of research practice, including a firm commitment to protecting confidential and sensitive data. We endorse the five guiding principles for evaluators published by the American Evaluation Association.

1. Systematic Inquiry: Evaluators conduct systematic, data-based inquiries about whatever is being evaluated.
2. Competence: Evaluators provide competent performance to stakeholders.
3. Integrity/Honesty: Evaluators ensure the honesty and integrity of the entire evaluation process.
4. Respect for People: Evaluators respect the security, dignity and self-worth of the respondents, program participants, clients, and other stakeholders with whom they interact.

5. Responsibilities for General and Public Welfare: Evaluators articulate and take into account the diversity of interests and values that may be related to the general and public welfare.

NPC has the following procedures and expectations in place for all projects.

1. Project staff members sign confidentiality agreements to underscore the importance of the sensitivity and confidentiality of information. These forms list general intent, specific practices, and penalties for rule infractions.
2. Projects gathering primary data have an informed consent process for focus groups, key stakeholder interviews, and survey data collection.
3. Data in electronic form are maintained on password-protected computers. Our office computer network is protected from external access by a firewall.
4. Data in hard copy form are maintained in locked filing cabinets.
5. As soon as practical, names and other identifiers are stripped from data files. Once identifiers and hard copy materials are no longer needed, they are shredded. Once other data, including disks, audiotapes, etc., are no longer needed, they are destroyed.
6. Data are never shared with unauthorized parties and information is never published that identifies individuals.
7. Draft reports of data and findings are discussed with the clients prior to publication and dissemination of information, to maximize accurate interpretation of the information.
8. Data from all projects are retained for a minimum of 3 years, according to the federal research guidelines.

Informed Consent

Obtaining individual consents to access this data would be prohibitively expensive (beyond the budget available for this study) and would reduce our sample size to just those cases for which we have complete information, thus impeding our ability to produce accurate statistics on the effect of treatment efforts on reducing recidivism and improving public safety. There is no impact on any individual included in the study beyond how the findings overall impact the future of DWI Courts in Minnesota. For these reasons, we have obtained a waiver from our IRB to collect individually identifiable administrative data from a variety of sources for research and evaluation purposes. NPC has a wealth of experience in collecting, protecting, and storing such data securely (see previous section).

H. Staffing – Shannon Carey (Principal Investigator), Paige Harrison (Project Director), and Charlene Zil (Researcher) will have access to the individual-level records. Mark Waller (Cost Analyst) will only be using aggregate counts for the cost portion of the study. See brief bios for each below.

Shannon M. Carey, Ph.D.

Dr. Shannon Carey, Executive Vice President and Senior Research Associate at NPC Research, has worked in the areas of criminal justice and substance abuse treatment for 15 years, particularly in the area of drug courts and cost analyses. Her experience includes managing, designing, and implementing research and evaluations of programs related to substance abuse prevention and treatment, and adult criminal justice and juvenile justice policy. Altogether, Dr. Carey has been involved in performing process, outcome and/or cost evaluations in over 150 adult, juvenile, family, re-entry and DWI drug courts across the United States. She led the efforts

to build web based tools in California and Michigan that drug courts can use to determine their own costs and benefits. She has also performed several NIJ funded projects including an examination of 10 years of recidivism data and a detailed cost-benefit analysis of the drug court in Portland, Oregon; a study investigating changes in drug courts with the implementation of Prop 36 in California; and a paper exploring the 10 Key Components, outcomes and cost in 18 drug courts in 4 different states. She is currently working on a national evaluation of Second Chance Act re-entry courts, a statewide study of Ohio's Family Dependency Courts, and a process and recidivism analysis of the DWI Courts in New Mexico. Dr. Carey recently completed a statewide cost analysis in 27 Oregon Drug Courts, and a project looking at best practices within the 10 Key Components using evaluation results in 101 adult drug courts nationally. Dr. Carey has acted as consultant for the Portland Police Bureau on economic crime (such as identity theft) and juvenile offender issues. As Project Coordinator for the Risk Screening and Assessment Project of the Oregon Juvenile Department Directors' Association (OJDDA), she was responsible for developing and implementing a statewide set of instruments for use with juvenile offenders and youths at risk of juvenile justice involvement.

Paige Harrison, Ph.D.

Paige Harrison, Research Associate, joined NPC Research in August 2012. She previously worked for 12 years as a statistician and project manager for various programs at the Bureau of Justice Statistics to provide characteristics of correctional populations and systems, including the National Prisoner Statistics, the National Inmate Survey, the National Survey of Youth in Custody, and the National Former Prisoner Survey. She helped develop, test, and implement multiple large-scale data collections under the Prison Rape Elimination Act of 2003 (P.L. 108-79), and assisted in data analysis and subsequent reports. In the course of these and other data

collections, she has worked closely with prison, jail, and juvenile justice administrators, data providers, expert researchers, and other stakeholders across the nation to produce meaningful measures and analyses using both administrative and interview-based data. Ms. Harrison's subject areas of expertise include trends in correctional populations, sexual victimization of inmates and juveniles in residential facilities, substance abuse and treatment among inmates, mental health issues and treatment among inmates, and recidivism of released offenders.

Charlene Zil, M.P.A

Charlene Zil, Researcher 2, joined NPC Research in July 2012. Ms. Zil previously worked in Portland Public Schools (PPS) as an evaluator for grant-funded programs and district initiatives, including the district's racial equity initiative. Ms. Zil has also worked as an external researcher for local and state agencies, including Oregon's Department of Administrative Services (DAS) and Clackamas County, where she evaluated client and employee satisfaction. In each of these roles, Ms. Zil's duties included survey design and administration, data collection and cleaning, database management, statistical analysis and interpretation, as well as writing reports and presenting findings to key stakeholders. Additionally, as a part of a research team assessing Clackamas County's four-day work week pilot project, Ms. Zil examined the county's energy consumption and the environmental impact of switching all local government offices to a four-

Mark Waller, B.A.

Mark Waller, Cost Analyst at NPC Research, specializes in the gathering and management of cost and utilization data, cost analysis, and the coordination of research efforts. He has worked in the areas of drug court evaluations including DWI, adult, juvenile and family drug courts, youth mentoring and gang prevention, early literacy programs, and environmental projects. Mr.

Waller's current work includes coordinating process, cost, and outcome evaluations for drug courts in New York, Texas, Washington, Oregon, and Indiana, as well as a cost and outcome evaluation of seven Healthy Start programs in Oregon.

Mr. Waller is experienced in coordinating research and evaluation efforts and conducting cost analysis, providing direct assistance to principal investigators. His primary responsibilities include collecting and analyzing cost and utilization data, managing large administrative databases, coordinating data collection efforts, evaluation and research planning, supervising staff, instrument development, creating data storage systems and databases, conducting key informant interviews, and drafting and editing reports.

I. Tasks and Timelines – Timeline tasks and dates in the box below exclude activities related to site visits for process evaluation, which are being conducted concurrently with outcome and cost evaluation activities. Note that we aim to obtain data from all sources in April 2013. This allows NPC staff adequate time to merge the data, identify and resolve data issues, conduct propensity score matching and analysis, and submit the final report by September 30, 2013 as contracted. At the same time, we are maximizing the window of elapsed time to capture changes or updates to the status of individuals, such as DWI Program completion, subsequent recidivism, or release from supervision.

Activity	Target date
Obtain DWI Court participants	September 2012 (done)
Obtain list of potential comparison individuals (2+ DWIs in last decade)	October 2012 (done)
Obtain DHS treatment data	April 2013
Obtain probation (DOCCR, DOC) data	April 2013
Obtain court data	April 2013
Obtain DVS data on traffic incidents	April 2013
Obtain rearrest data	April 2013
Obtain incarceration data (jails and DOC)	April 2013

Merge data from various sources	May/June 2013
Propensity score matching to identify comparison group	June/July 2013
Analysis	July/Aug 2013
Submit final report to Office of Traffic Safety	September 30, 2013 (contract deliverable date)