



# Hennepin County DWI Court Evaluation, 2013-2016

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## Executive Summary

Minnesota's Fourth Judicial District DWI Court, which shares the same jurisdictional geography as Hennepin County, originated in 2007. The target population consists of repeat DWI offenders, including gross misdemeanor and first-time felons. Eligible offenders have a moderate or severe substance use disorder according to a chemical health assessment, and are at least moderate-high risk to reoffend based on a specific DWI risk assessment tool.

Since its inception, Hennepin DWI Court has graduated 557 participants. This evaluation explores outcomes for 210 individuals who completed DWI Court for the first time between January 1, 2013 and December 31, 2016. The primary objective is to evaluate whether the DWI program is effective in meeting its stated goals, which include reducing participant recidivism, facilitating defendant sobriety, and increasing compliance with court-ordered conditions. The report compares two populations: those who graduated DWI Court versus those who terminated,<sup>a</sup> and those who participated in DWI Court matched to a group of DWI offenders who received a "justice as usual" response to their offenses.<sup>b</sup>

The following key findings emerge from this evaluation:

### DWI Court Program and Population Profile

- Model Drug Court acts in accordance with national standards through a participant phase-structure; the requirement that all participants receive chemical dependency treatment; the use of graduated sanctions and incentives; the presence of a multi-disciplinary DWI Court Team; and a dedicated judge.
- During the evaluation period, DWI Court participants were 76% male. Seventeen percent entered the program with a felony DWI and 65% were White, non-Hispanic. The average age of participants was 37.6 years old and, on average, participants had 2.9 criminal convictions prior to participating in the program.
- DWI Court serves a higher percentage of felony offenders and a lower percentage of people of color than are observed among all DWI convictions in the county. Graduation or termination from DWI Court was not statistically different by offense severity, gender or age. Preliminary analysis suggested there was a statistically significant difference in graduation by participant race, but a more robust logistic analysis determined factors other than race were driving the difference in program success.

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<sup>a</sup> Terminated participants include those discharged by the program for violations as well as those who voluntarily request execution of their sentence.

<sup>b</sup> The Hennepin County Department of Community Corrections and Rehabilitation provided the comparison group population. Propensity Score Matching resulted in 299 matches of the MDC participant cohort and the probation population based on age, gender, offense type, race/ethnicity and prior criminal history.

## Goal 1: Reduce Recidivism

- The DWI Court program measures recidivism by comparing the reoffending of those who exit the program (both graduates and non-completers) to that of a statistically comparable group of probationers who did not participate in DWI Court. The program defines recidivism as new DWIs or other driving related charges or convictions within a period of two years post-program or probation start.<sup>c</sup>
- Approximately 11% of DWI Court completers had *any* new DWI charges and convictions compared to 7% of the comparison group. This is not a statistically significant difference. Approximately 23% of participants had *any* new driving related charge compared to 25% of the comparison group—again, this is not a statistically significant difference. The comparison group was, however, statistically more likely to be *convicted* than the DWI Court cohort of a new driving related offense (14% vs. 7%).
- During this evaluation period, the DWI Court cohort largely did not reoffend at a statistically lower rate during the two-year recidivism window than the comparison group. The DWI cohort and the comparison group had a statistically similar *number* of DWI charges and convictions, and other driving related charges and convictions.

## Goal 2: Facilitate Defendant Sobriety

- Between 2013 and 2016, the DWI Court program conducted over 16,600 urine analysis (UA) drug tests. Drug testing also occurs in treatment programming and law enforcement conducts portable breath tests (PBTs) while enforcing curfew. Some participants were on *Secure Continuous Alcohol Monitoring (SCRAM)*<sup>d</sup> (14%) or Ignition Interlock<sup>e</sup> (17%) which monitor for alcohol, specifically.
- Just 6% of UAs resulted in positive tests, as did less than one percent of PBTs. Data from SCRAM, Ignition Interlock, and treatment providers are unavailable. Based on average UA frequencies, each participant received one drug test per week during the average 20-month program—excluding testing from other services.
- The DWI Court program appears to be meeting its stated goal of facilitating defendant sobriety through myriad testing procedures and low chemical use rates among participants.

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<sup>c</sup> Driving related offenses include Minnesota Statutes related to driving after suspension, revocation or cancellation (171.24), violations of limited license laws (171.30) and violations of Ignition Interlock program (171.09(g)) or no alcohol restrictions (171.09.3).

<sup>d</sup> Similar to an ankle bracelet, the device monitors for transdermal alcohol leaving the body (through sweat).

<sup>e</sup> Ignition Interlock is a program facilitated by MN DVS where drivers with cancelled and revoked licenses can re-gain driving privileges by having a breathalyzer-type device attached to the ignition of their vehicle.

### **Goal 3: Increase Compliance with Court Ordered Conditions**

- One goal of the DWI Court program is to measure participant retention. Based on this study, the participant retention rate is 90%. During this evaluation period, participants could try the program for six-weeks prior to committing to the program. If persons who were not likely to complete the program successfully opted out early, graduation rates may be affected.
- DWI Court participants had over 9,600 review hearings for an average of 45 hearings per person. The average number of hearings between those who did and did not graduate from the program was not statistically different.
- A goal of DWI Court is to monitor compliance with treatment and aftercare during the program. Graduates were statistically less likely than those who terminated to have participated in inpatient treatment. Those in inpatient treatment were statistically more likely to have a Severe Substance Use Disorder diagnosis (97%); just 3% of participants in inpatient had a Moderate Severe Substance Use Disorder diagnosis. There was no statistically significant difference in graduates and non-completers on receipt of outpatient treatment.
- This assessment includes investigation of in-program probation violations, new offending and use of jail days. Probation violations were uncommon, as were new charges and convictions for DWI and other driving related offenses during the program. Not surprisingly, those with in-program probation violations and new DWI charges/convictions were less likely to graduate from the program. Use of jail days was statistically more common among those who terminated the program than those who graduated.

### **Predictors of Program Success**

While the graduation rate for DWI Court is high, it is nevertheless worthwhile to explore what factors make graduation from DWI Court more or less likely. Logistic regression takes variables shown to have statistically significant relationship with graduation or termination into a single model. This analysis allows for the inclusion of many variables to see which ones affect program success while holding the remaining variables constant. That is, it can isolate the individual effect of each variable on program success. According to the logistic regression model, the following elements affect graduation status in the DWI Court program:

- Participation in SCRAM or Ignition Interlock services had a positive relationship with graduation. These services may help a higher-risk population of participants to graduate.
- Not surprisingly, participants who fail to appear for review hearings or serve jail days (either for new offenses or as a program sanction) are less likely to graduate from DWI Court.



- Finally, those who experience unemployment as of the end of the DWI Court program are statistically less likely to graduate than those with employment or those who attend an education/training program. Employment is, with few exceptions, a condition of graduation.
- Age, gender, race and the severity of a participant's DWI offense did not have a statistically significant relationship with program graduation or failure. Those with a longer or more severe criminal history at the time they entered the program, however, were statistically less likely to graduate.

## Recommendations

Based on the findings of this evaluation, the following are select recommendations to improve program outcomes and data collection.

### Target Population

- The DWI Court Program should investigate why a lower percentage of people of color are in the program than are present among DWI offenders in the jurisdiction overall. Any systemic issues that might be making people of color ineligible, less likely to be referred, or more likely to opt out should be addressed.
- The data suggest that people of color graduate at a rate lower than their White peers. Participant race, however, does not drive the difference. Other variables historically affected by race, such as longer criminal histories, more difficulty procuring employment, or the need for culturally specific treatment programming, could affect the success of people of color. The DWI Court program should continue to monitor these issues related to participants of color.

### Reduce Recidivism

- For this evaluation cohort, DWI Court did not meet the primary program goal of reducing subsequent DWIs and other driving related offenses as compared to a group of similarly situated probationers. This is the case even among a population primarily consisting of program graduates.
- The program should continuously monitor to ensure that the population served meets the target population intended for DWI Courts and the services are consistent with best practices. Specifically, the program should evaluate program elements intended to address primary criminogenic risk factors such as antisocial attitudes, behaviors and peers.

## Facilitate Defendant Sobriety

- According to NADCP, Drug and DWI Courts should test participants randomly and at least twice per week until the final phase of the program. The Hennepin County DWI Program should assess if they are meeting testing and randomization expectations between tests conducted by probation and those provided by other services such as treatment programs, home visits, SCRAM and Ignition Interlock.

## Increase Compliance with Court-ordered Conditions

- The six-week “test drive” of the program allows for those who may not have otherwise been successful in the program to opt-out and follow traditional sentencing. This extended opt-out period should be eliminated so the graduation rates of DWI Court are calculated in a manner comparable to Hennepin County’s other treatment courts.
- While the presence of a “severe substance use disorder” diagnosis was not predictive of program success or failure, participation in inpatient treatment did show a statistically significant relationship. Those who require inpatient treatment may need enhanced support or accountability from the DWI Court program to be successful.
- At present, data capture the total number of jail days served during a program participant’s tenure. It cannot be determined if jail days are in response to new offending and sentencing, or for program related sanctions. A new data management system capable of capturing this information will be operational in 2021.

## Logistic Regression

- Those with a longer and/or more severe criminal past may need special attention to address drivers of ongoing criminal or antisocial thinking or behavior that compromises their ability to complete the program successfully.
- Participants may be on SCRAM or Ignition Interlock services because they are higher risk to use alcohol or reoffend, however it may also help with the accountability necessary to complete the DWI Court program successfully. Interviewing SCRAM and Ignition Interlock participants may help illuminate how these services are helpful to their success.
- Failure to appear for review hearings may illustrate a disregard for the rules or expectations of the program. Conversely, it may indicate a level of chemical dependency, mental health or other obstacles that impedes one’s ability to meet program expectations. An exploration into the specific drivers of failure to appear behavior may help the program to decrease these events.

- A new database, slated for implementation in 2021, will have the ability to track with greater specificity in the use of program sanctions, including jail time.
- Employment or enrollment in a trade or education program is an expectation of the program for successful completion. As such, employment and graduation go together as a matter of program policy. Any additional assistance supporting participants to gain employment may be beneficial, especially if lack of employment is disparately affecting participants of color.

## Introduction

Since the inception of Drug Courts in the early 1990s, specialized treatment courts focusing on providing treatment and a heightened level of judicial review for program participants have expanded in number and scope.<sup>1</sup> Beginning with a single adult Drug Court in Miami-Dade County in 1989, by 2018 there were over 4,100 problem solving court programs operating in the United States serving the needs of adults, juveniles, families, DWI offenders, Veterans and those with co-occurring disorders.<sup>2</sup>

According to the National Center for DWI Courts (NCDC), “a DWI Court is an accountability court dedicated to changing the behavior of the hardcore offenders arrested for DWI. The goal...is to protect public safety by using the highly successful Drug Court model that uses accountability and long-term treatment to address the root cause of impaired driving: alcohol and other substance abuse.”<sup>3</sup> DWI Courts grew out of the Drug Court model and is a “specialized, comprehensive Court program that provides individual treatment, supervision and accountability for repeat DWI offenders.”<sup>4</sup> In following the well-established Drug Court model, DWI Courts have extensive best practice standards and guiding principles. As of 2018, there were 278 active DWI Courts in the United States.<sup>5</sup>

According to the U.S. Department of Justice, Drug Court Standards Committee, the purpose of Drug Courts is to stop the abuse of alcohol and other drugs and related criminal activity in lieu of traditional justice system processing.<sup>6</sup> By investing in chemical dependency treatment, addressing other risk factors likely to perpetuate continued involvement in the justice system, and building on proximal and distal goals, Drug Courts aspire to help participants make lasting change toward sobriety and pro-social behavior.<sup>7</sup>

The *National Association of Drug Court Professionals* heralds Drug Courts as an effective intervention for the drug-driven offender population and one that can reduce recidivism, save public money, enhance participant compliance with treatment and recovery, and promote family reunification.<sup>8</sup> According to meta-analyses, Drug Courts are more effective than jail or prison; more effective than probation and treatment alone; and reduce crime by as much as 45% over other sentencing options.<sup>9</sup> Opponents of Drug Court do not feel that management of a public health issue such as addiction with a criminal justice response is appropriate and that treatment through a Drug Court structure is no more effective than non-justice system oriented treatment interventions.<sup>10</sup>

In 2013 and 2015, the NADCP published two volumes of *Adult Drug Court Best Practice Standards*, which include 10 tenants of best practices in implementing and monitoring a Drug (or DWI) Court Program. The list culminates in the importance of regular evaluation of both in-program outcomes and post-program recidivism.<sup>11</sup>

## Report Purpose

Minnesota's Fourth Judicial District DWI Court, which shares the same jurisdictional geography as Hennepin County, originated in 2007. Hennepin County includes the City of Minneapolis as well as 44 other municipalities.<sup>12</sup> According to U.S. Census Bureau estimates for 2018, Hennepin is the most populous county in the state with over 1.25 million residents, 26% of whom represent communities of color.<sup>13</sup>

Since its inception, the Hennepin DWI Court has graduated 557 out of 673 participants—an 83% graduation rate. This is the fifth evaluation of Hennepin DWI Court to date. The first four evaluations occurred internally and focused on the first, second, third, and fifth years of program operation (2008-2010, 2012). NPC Research, an external agency, completed the most recent evaluation in 2014. That study investigated outcomes for all DWI Court participants between 2007 and 2012.<sup>14</sup> This DWI Court evaluation picks up where the Harrison et al. study left off and looks at outcomes for DWI Court participants who exited the program (successfully or unsuccessfully) between 2013 and 2016.

The purpose of this report is to evaluate whether Hennepin County DWI Court is meeting its stated program goals, and whether those who participate in the DWI Court program have lower rates of recidivism two-years after programming than similarly situated offenders who do not participate in the program. The current stated goals of the DWI program are to reduce recidivism, facilitate defendant sobriety and increase compliance with court ordered conditions. The evaluation will further explore whether factors such as age, race, gender, education level, employment or housing status affect success or failure in DWI Court.

The recidivism aspect of the study compares the cohort of DWI Court participants to a group of individuals supervised by Hennepin County probation who did not have any referral to or engagement with DWI Court or any other treatment courts in the state.<sup>f</sup> As explained below, the comparison group is statistically identical to the DWI cohort on numerous demographic and criminal metrics. This aspect of the evaluation explores offending behavior between the two populations at two years after program completion to see if the program has a positive, lasting impact on DWI recidivism compared to a traditional justice system response in Hennepin County. When appropriate, this report makes policy and practice recommendations intended to improve graduation rates or reduce recidivism among DWI Court participants.

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<sup>f</sup> The Fourth Judicial District also operates a Mental Health Court, Veterans Court and Drug Court.

## Minnesota DWI Laws

For background, Minnesota has four classes of DWI ranging from a misdemeanor to a felony.<sup>15</sup> In each, there is the requirement that the individual operates or is in control of a motorized vehicle when under the influence of alcohol or a controlled substance. In statute, motorized vehicles include cars, trucks, motorcycles, boats, snowmobiles and all-terrain vehicles (ATVs). The operator's level of intoxication, willingness to provide a chemical test to law enforcement, time since other DWI offenses, and additional "aggravating factors" all determine the level of DWI offense for which they are charged.

The following DWI offense levels and criteria provide context for who is eligible for DWI Court and give a brief overview of each charge level:

**Fourth Degree DWI** is a misdemeanor level offense. Fourth degree DWI applies when the operator's alcohol concentration at the time of the offense or within 2 hours is .08 or more. Fourth degree DWI is a first-time offense (MS 169A.27). In the event a person refuses to submit a chemical test, the offense elevates to a Third Degree DWI charge.

**Third Degree DWI** is a gross misdemeanor offense. Third Degree DWI applies if an operator refuses to submit a chemical test or one aggravating factor is present. Aggravating factors include:

- An alcohol concentration at the time of offense or within 2 hours of 0.16 or more (twice the legal limit),
- A child under the age of 16 is in the vehicle if the child is more than 36 months younger than the offender,
- Or a prior impaired driving incident within ten years (MS 169A.26).

**Second Degree DWI** is a gross misdemeanor offense. Second Degree DWI applies when there is a refusal to test plus one additional aggravating factor, or two aggravating factors other than test refusal (MS 169A.25).

**First Degree DWI** is a felony offense. First Degree DWI applies when a person has:

- Three or more prior DWIs within 10 years;
- A prior felony DWI;
- Or a prior felony conviction for criminal vehicular homicide/injury related to substance use (MS 169A.24).

## Section 1: DWI Court Overview

While best practices are now abundant for DWI Court programs, the culmination of twenty-years of research has led to consensus on effective and ineffective methods for serving a drug and alcohol-addicted criminal justice population. Even with best practices information widely available, DWI Courts around the country have great autonomy to set their own goals, policies and practices. The following section describes the main programmatic elements in place for Hennepin County DWI Court for those who participated in the program between 2013 and 2016.

### **Mission and Goals**

Since its inception in 2007, the Hennepin County DWI Court has undergone numerous changes to policy and practice. Despite this, the mission and goals of the DWI Court program have largely remained unchanged. The content below, excerpted from the *2015 DWI Court Policy and Procedure Manual*, was in effect for those who participated during the 2013 to 2016 evaluation period.<sup>16</sup>

#### Mission:

The mission of the Fourth Judicial District Adult DWI Court program is to increase public safety and reduce the number of alcohol related traffic deaths and injuries by effectively partnering with the justice system and community resources to focus on the specific issues of repeat DWI offenders.

#### Goals Related to Participant Outcomes (2012-Present):

- Reduce recidivism
- Facilitate defendant sobriety
- Increase compliance with court-ordered conditions

Support to defendants for progress toward a sober, crime-free life is the overall goal of DWI Court. Components of DWI Court for all participants include intensive probation supervision, frequent review appearances before a single DWI Court judge, mandatory chemical dependency treatment, and random drug and alcohol tests. In addition, it is an expectation that participants will make progress towards education or employment, use of community recovery resources such as *Alcoholics Anonymous* or *Narcotics Anonymous*, and development of treatment/relapse prevention plans. Following successful graduation from DWI Court, participants remain on administrative probation for two years until their probationary period expires.

## DWI Court Target Population

The target population for DWI Court has periodically changed during this evaluation period. Based on existing copies of *DWI Court Policy & Procedures Manuals*, the following illustrate the various target populations by year:

**2013:** The target population consists of gross misdemeanor and first-time felony DWI offenders who are at high-risk to reoffend and who are chemically dependent and in need of intensive supervision and treatment services.

**2014-2015:** The target population consists of DWI offenders with two or more prior DWI convictions, including presumptive probation<sup>8</sup> felony DWI offenders, who have a moderate or severe substance use disorder and are in need of intensive supervision and treatment services.

**2016:** The target population consists of repeat DWI offenders, including gross misdemeanor and first-time felons. Assessment of a defendant's risk/need status determines their program eligibility. Eligible offenders will have:

1. Been determined as having a moderate or severe substance use disorder according to the Rule 25 or chemical health assessment, AND
2. Had a risk assessment (IDA\*) showing high-medium risk to re-offend.

While Hennepin DWI Court has never allowed 4<sup>th</sup> Degree misdemeanor DWI offenses in the program, prior DWI offenses have not always been a requirement. It is possible to receive a gross misdemeanor DWI with no priors provided an aggravating factor is present. In 2014, DWI Court explicitly stated only repeat DWI offenders are eligible. In 2016, the court clarified that only first-time felony DWIs were eligible for participation. In addition, after 2013, language changed from an assessment showing "chemical dependency" to one that shows a "moderate or severe substance use disorder" consistent with changes to the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5).

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<sup>8</sup> The Minnesota Sentencing Guidelines Commission sets standardized sentences for certain serious offenses. Felony DWI calls for presumptive probation and stayed local confinement of up to one year for individuals with two or fewer criminal history points. See <http://mn.gov/msgc-stat/documents/Guidelines/2019/StandardGrid.pdf> for more information.



## Program Eligibility and Ineligibility

### Eligibility

DWI Court is an adult, voluntary, post-disposition program of Hennepin County. As such, the four main eligibility criteria include the following: the participant is at least 18 years of age, they reside in Hennepin County, the charges occurred in Hennepin County, and they plead guilty to a DWI offense. Referrals to DWI Court come from the traditional criminal calendars to determine potential eligibility of all program requirements.

An additional participation requirement is that referrals receive a *Rule 25 Chemical Dependency Assessment* performed by the county. Alternatively, individuals may have a chemical assessment completed by a private practitioner. Although diagnostic criteria change periodically, most DWI Court participants meet “dependent” or “severe” substance use disorder (SUD) criteria according to *The Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition* criteria.<sup>17</sup>

In 2016, DWI Court began using the *Impaired Driving Assessment (IDA)* as an added assessment to determine if referrals were also at-risk to reoffend, consistent with best practices. This assessment, created by the American Probation and Parole Association, helps identify risk for future DWI offending and assigns an appropriate probation supervision level for this group of offenders. DWI Court requires a score of at least *high-medium risk* to reoffend on the IDA to participate in the program.

### Ineligibility

Several criteria manifest in ineligibility to participate DWI Court. Mental competency to meet the requirements of the program is a primary necessity, which excludes those deemed mentally incompetent to participate. In addition, those who have a history of violent offenses, certain dangerous weapon offenses, those involved in gangs, or those deemed integral parts of drug manufacturing or distribution rings are generally ineligible. The DWI Court Team makes final decisions regarding these referrals on a case-by-case basis.

## DWI Court Judge

Having a single judge dedicated to the DWI Court program is a best practice. Typical tenure for a DWI Court judge is three-years in Hennepin, at which time they rotate to a new assignment. Any judge in the county is eligible to handle a Hennepin County treatment court. Between 2007, when DWI Court began, and 2019, four judges have overseen DWI Court. This evaluation period largely reflects the tenure of one judge who was on the bench for DWI Court from 2014 through the first half of 2016.

## **DWI Court Team and Steering Committee**

Consistent with best practices, DWI Court has a team responsible for the ongoing supervision and treatment of participants. Studies suggest that the presence of a multidisciplinary team responsible for the day-to-day operations of Drug Courts can positively influence key outcomes for clients including recidivism and cost-effectiveness.<sup>18</sup> Hennepin County DWI team membership meets best practices criteria and includes the presiding Judge and law clerk, the DWI Court program coordinator, the probation agents assigned to supervision of DWI Court clients, the specific prosecutors and public defenders assigned to DWI Court, the program’s chemical health assessor, and a variety of direct treatment providers.

The DWI Court team meets each day that court is in session to discuss or “staff” the progress and needs of each participant who will appear in court that day. Decisions occur collectively, surrounding the need for additional services or accountability measures, as well as the formal use of incentives and sanctions.

In addition to the DWI Court Team, each Hennepin County treatment court has a multi-disciplinary Steering Committee that sets the policies and program priorities. The group meets monthly and membership includes the presiding judge, the program coordinator, a Hennepin County corrections supervisor, a law enforcement representative, a Hennepin County chemical health supervisor, and leadership from the Hennepin County Attorney’s Office and Public Defender’s Office. The purpose of the Steering Committee is to ensure that policies and procedures are in line with best practices and to authorize high-level changes to the program. The DWI Court team can bring issues or proposed changes to the Steering Committee for discussion and resolution. National research has not evaluated the presence or absence of a governing body such as a Steering Committee.<sup>19</sup>

## **Key Program Elements**

### **Program Capacity**

The current capacity of Hennepin County’s DWI Court (2019) is approximately 115, under the supervision of 2.6 probation officers. This equates to a targeted caseload of 40 active participants per officer when operating at capacity.<sup>20</sup> At the time of this evaluation, the policy manuals indicated probation officers would carry a caseload of approximately 50 DWI Court participants.<sup>21</sup> The NADCP best practices standards support examination of the Courts ability to meet service needs anytime the program exceeds 125 participants and caseloads exceed 30, and that probation agents should not supervise in excess of 50 DWI Court clients.<sup>22</sup>

## Phase Structure

During the 2013 to 2016 evaluation period, DWI Court operated using a four-part phase structure. Three phases occur during the program and the fourth phase occurs after successful completion. Phase 1 was designed to be the shortest and include an orientation or “trial period” during which participants could “opt-out” of the program. Those who opt-out return to a regular criminal calendar for sentencing. The DWI Court Judge formally sentences those who elect to remain in the program. The target length of phases 1 through 3 is 18 months.

During the evaluation period, all phases of the DWI Court program required that participants remain crime free, attend regularly scheduled court reviews, submit to random drug screens, report as required to their probation officer, and petition the court to advance to the next phase. Each phase also consisted of its own, unique requirements that targeted participants’ needs at different times in the program. Below are the additional expectations that corresponded with each DWI Court phase:

### Phase 1: Pre-Trial Engagement and Orientation (60 Days)

- Attend court weekly
- Complete orientation
- Complete chemical health assessment
- Develop and adhere to treatment plan
- Complete *Introduction to Recovery*
- Attend recovery support groups as directed
- Adhere to curfew (eight hours)
- Submit to random, unannounced home checks
- Abstain from alcohol and drugs for a minimum of 30 consecutive days

### Additional elements added at Phase 2: Treatment and Continuing Care (8 Months)

- Attend court every other week
- Adhere to treatment or continuing care plan
- Attend recovery support groups as directed
- Participate in pro-social activities as directed
- Complete STS or community service
- Complete victim impact panel
- Prepare a relapse prevention plan
- Seek or secure employment/education/training
- Adhere to curfew (seven hours)
- Develop payment plan for participant fees and other program costs
- Develop plan for driver’s license reinstatement and Ignition Interlock
- Abstain from alcohol and drugs for a minimum of 60 consecutive days

#### Additional elements added at Phase 3: Sustained Recovery (8 Months)

- Attend court every three weeks
- Complete cognitive-behavioral group or Study & Action, if required
- Maintain employment/education/training
- Satisfy fees and other program costs
- Adhere to curfew (six hours)
- Petition for graduation
- Abstain from alcohol and drugs for a minimum of 180 consecutive days

#### Phase IV: Administrative Probation (2 years)

- Participant must sign and abide by the Administrative Probation Contract signed at graduation.
- Successful completion of Phase 4 results in discharge from probation.

Best practices in DWI Courts support the use of a phase structure. NADCP states that the early phases of drug courts should address issues of insufficient housing, mental health issues, and issues connected to chemical use, cravings and withdrawal. The intent of the interim stages is to address criminogenic needs while the latter stages should “maintain treatment gains by enhancing their long-term adaptive functioning, such as vocational or educational counseling”.<sup>23</sup> Drug Courts have significantly better outcomes when they have a clearly defined phase structure and concrete behavioral requirements for advancement through the phases (NADCP, 2013). During the evaluation period, and currently, Hennepin DWI Court phases are consistent with the overarching recommendations of best practices in the field.

### Chemical Dependency Treatment

Chemical dependency treatment and services are a cornerstone of DWI Court and are expected of all participants for the entirety of their time in the program. The intensity of treatment depends on the unique needs of individuals and their progress therein. The expectation of the participants is to attend residential inpatient treatment, outpatient treatment and aftercare from an approved DWI Court treatment provider. They are also required to access community-based groups such as *Alcoholics Anonymous* or *Narcotics Anonymous*. Failure to comply with treatment can be grounds for termination from the DWI Court program.<sup>24</sup>

Best practices promotes that DWI Courts be able to offer a continuum of care ranging from detoxification and sober living to inpatient, outpatient and day treatment services. In addition, these treatment services should meet the cultural and gender-specific needs of clients.<sup>25</sup>

### Program Completion Requirements

Participants graduate from the DWI Court program when they successfully complete the first three phases. Participants petition for graduation through a written document, which explores their sobriety

and sponsorship, employment and education, housing and personal relationships. Participants are also required to have paid all program fees and criminal fines, have no new pending charges, and have at least 180 continuous clean and sober days. Upon graduation, participants transition from supervised to administrative (unsupervised) probation for a period of two years.

Unsuccessful termination from DWI Court generally occurs only after imposition of graduated sanctions have failed and the participant continues to disregard program or supervision rules. Unsuccessful completion of DWI Court can also occur when the participant absconds from the program, fails to attend treatment or court sessions, or receives a new DWI conviction. Participant behavior can come before the Court as a formal Probation Violation. A proven violation can result in program sanctions, revocation of stayed local incarceration time, or execution of the stayed prison sentence.

## Section 2: Research Design

The remainder of this evaluation assesses the impact and effectiveness of the DWI Court program on participants who completed their tenure in the program between 2013 and 2016. Comparison of both DWI Court participants who did and did not successfully complete the program determine if the DWI Court program is meeting its stated goals of reducing recidivism, facilitating defendant sobriety, and increasing compliance with court-ordered conditions. In addition, the study compares a cohort of probationers under the authority of the Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) who did *not* participate in the program to all participants in the DWI Court program, regardless of program outcome. This exploration will determine if DWI Court reduces future offending (recidivism) when compared to those who underwent traditional justice system processing.

### DWI Court Evaluation Sample

Between January 1, 2013 and December 31, 2016, 248 individuals were either graduated or terminated from the DWI Court program.<sup>h</sup> These participants served as the base population from which to select the DWI Court evaluation population. Selection of this date range for this evaluation was dependent upon it following a previous evaluation period and it largely overlaps the tenure of one judge in DWI Court, which may shed light on the impact of a particular judicial officer upon participant outcomes.<sup>i</sup> In addition, these dates allow for the ample exploration of recidivism two years post-program involvement.

Of the 248 individuals, the study excludes two because of participation in a treatment court prior to Hennepin DWI Court.<sup>j</sup> This exclusion is to control for the effect of any prior treatment court interventions. An additional participant deceased during the DWI Court program and is not included in the study. All participants in the evaluation group are residents of Hennepin County, as is a requirement of the program, and all had a gross misdemeanor or felony level DWI offense which led to their involvement in DWI Court.

Finally, it is relatively common for DWI Court participants (both those who have successfully and unsuccessfully completed the program) to have multiple engagements with DWI Court over time. Thirty-five individuals in the pool of DWI Court participants had more than one program engagement. The study excludes individuals for whom their second engagement occurred during the evaluation period. If a second engagement with DWI Court occurs after the study period, they are included in in-program evaluation measures but excluded from the recidivism metrics. This is because the program “refresher” could affect reoffending and other outcomes.

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<sup>h</sup> Terminated participants include those discharged by the program for violations, as well as those who voluntarily request the execution of their sentence.

<sup>i</sup> Dates in which participants began DWI Court involvement ranged from January 2011 to May 2016.

<sup>j</sup> The Fourth Judicial District also operates a Mental Health Court, a Veterans Court and a Model Drug Court.

The DWI Court evaluation sample consisted of a final 210 individuals who exited after a first-time DWI Court engagement, either successfully or unsuccessfully, between January 1, 2013 and December 31, 2016.<sup>k</sup> As is a requirement based on the admission standards of the program, all individuals in the DWI Court group are chemically dependent based on a Rule 25 or comparable private chemical dependency assessment.<sup>l</sup>

## Comparison Population

Hennepin County DOCCR provided data on 8,478 adult probation cases related to a felony or gross misdemeanor DWI conviction between 2013 and 2016—the time-period that most closely overlaps the period when DWI Court participants were engaging in programming. The total probation population was then pared back to create a potential comparison group based on DWI Court eligibility criteria. The section *Goal 1: Reduce Recidivism* describes the process for creating a probation comparison group, known as Propensity Score Matching (PSM), in detail.

## Data Limitations

While Propensity Score Matching is a respected technique for creating comparison groups and reducing bias between the groups, it is not as robust a methodology as truly random assignment to a treatment or control group, considered the gold standard of research methodology. Due to the decision to use PSM *without-replacement*, seven additional DWI Court participants (beyond the 20 dropped for re-engagement) did not match to a probationer within the PSM. Therefore, the entire pool of 210 DWI Court participants is not included in the post-program evaluation.

As it relates to the chemical assessment, DWI Court participants receive a full chemical dependency assessment by a licensed professional. DWI Court participants must receive a diagnosis of a moderate or severe chemical use disorder in order to be eligible for the program. Conversely, the comparison group was documented as ‘high-risk’ related to drug or alcohol use, but this is based off a chemical health subscale of the *Level of Service-Case Management Inventory (LS-CMI)* or the *Hennepin Pre-screener Assessment*. Probation agents complete *Pre-screeners* and *LS-CMIs*, while licensed assessors complete the chemical dependency assessments. In these ways, the DWI Court and probation groups may be different with regard to risk assessment since each group utilized different tools and possesses different skill-sets.

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<sup>k</sup> Excluded are five participants who terminated between 2011 and 2013 because their termination reason was “deceased.”

<sup>l</sup> When a person seeks chemical dependency treatment and needs public funding to pay for the treatment DOCCR conducts a Rule 25. Rule 25, Minnesota Rules parts 9530.6600 through 9530.6655 govern the assessment process and decision criteria. It determines needed treatment and type of treatment.

Finally, as occurs with any retrospective study, there is the potential for missing data. Personal information about DWI Court participants such as housing, employment and education level can be particularly difficult to obtain after the fact. Finding missing data was a priority, however, some remains missing. As such, some analyses only include participants where the data are complete.

## **Data Sources**

To accomplish the aforementioned report objectives, this evaluation uses data from the following sources:

### [Minnesota Court Information System \(MNCIS\)](#)

This database, owned by the Minnesota Judicial Branch, provides data on defendant demographics and criminal case information. Data in this system is the basis for criminal history and recidivism, as well as court-related compliance such as failure to appear at hearings, probation violations and warrants issued. MNCIS also captures length of stay in the DWI Court program and sentencing information such as jail or prison days ordered.

### [Court Services Tracking System \(CSTS\)](#)

The Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) uses the statewide Court Services Tracking System (CSTS) as their offender case-management package. Probation officers track specific conditions and contacts in this database, which are often helpful to corroborating or supplementing missing data elements. The Fourth Judicial District Research Division primarily relies on the CSTS database to track the number and outcome of drug and alcohol tests performed by probation agents on DWI Court participants.

### [Hennepin County Treatment Court Database](#)

The Fourth Judicial District Research Division maintains an internal database to measure outcomes specific to the various treatment courts. Members of the DWI Court staff team provide intake and exit data related to client education, housing, employment, and social engagement. In addition, this database documents dates of chemical dependency evaluations, risk assessments and mental health evaluations, along with their respective scores. This database also tracks the number of chemical dependency treatment days and jail days used during the program.



## Section 3: DWI Court Population Profile

Prior to comparative analysis, it is helpful to understand the characteristics and demographics of the full 210 DWI Court participants at the time they began the program. It is also helpful to know how the DWI Court population is similar to or different from the population of convicted gross misdemeanor and felony level DWI offenders in the county as a whole.<sup>m</sup> In addition, the following section explores the demographics and characteristics of those who successfully completed the DWI Court program as compared to those who did not.

During the evaluation period, DWI Court participants were more likely to graduate than terminate. Just 10% of participants did not complete the program compared to 90% who successfully graduated. A study of nine Minnesota DWI Courts completed in 2014 found graduation rates ranging from 65% to 86%.<sup>26</sup> The same study cites the national graduation average for Drug and DWI Courts as 53%. A different 2014 study showed national Drug Court graduation rates range between 50% and 57%.<sup>27</sup>

### Instant Offense

As a post-disposition program, participants must plead guilty to either a gross misdemeanor or felony DWI offense. The offense that results in their referral to DWI Court is termed the “instant offense.” Of the 210 DWI Court participants who exited between 2013 and 2016, 83% had a gross misdemeanor DWI as their instant offense and 17% had a felony DWI as the instant offense connected with their program participation.

Countywide data for Hennepin in 2014 indicates that convictions for gross misdemeanor and felony DWIs are 94% and 6%, respectively. The DWI Court calendar serves a higher proportion of felony DWIs, likely due to repeat DWI offenses, which elevate a gross misdemeanor to a felony level.

**Table 1.** Instant Offense of DWI Cohort by Graduation Status n=210

	Did not Complete		Graduated		Total (% of Offense)	
Gross Misdemeanor DWI	21	12%	153	88%	174	83%
Felony DWI	1	3%	35	97%	36	17%
Total (% of Status)	22	10%	188	90%	210	100%

Whether participants were involved in DWI Court primarily due to a felony or a gross misdemeanor was not indicative of success or failure in the DWI Court program ( $p=.098$ ). Table 1 illustrates that the vast majority of both felony participants (97%) and gross misdemeanor participants (88%) graduated from

<sup>m</sup> 2014 is used as a comparison year for all DWIs in Hennepin County, as it is a midpoint year in the evaluation. N=2,136 gross misdemeanor or felony DWI convictions under MN statute 169A.

the program. While a higher percentage of gross misdemeanor participants did not complete (12% vs. 3% of felonies) this was not a statistically significant difference by instant offense.

## Gender

Drug Court policy indicates that gender is not a criterion for inclusion or exclusion from DWI Court. Table 2 illustrates that those who exited DWI Court during the evaluation period were approximately one-quarter female (24%) and three-quarters male (76%).

Court data for 2014 show males account for 74% of DWI convictions in Hennepin County while females are 24%. Two percent of gender data are missing for countywide DWI cases. The DWI Court program serves a comparable gender distribution as exists among DWI convictions as a whole.

**Table 2.** Gender of DWI Cohort by Completion Status n=210

	Did not Complete		Graduated		Total (% of Gender)	
Male	18	11%	142	89%	160	76%
Female	4	8%	46	92%	50	24%
Total (% of Status)	22	10%	188	90%	210	100%

A slightly larger percentage of females graduated DWI court during the evaluation than males (92% vs. 89%). This was not, however, a statistically significant difference (p=.512).

## Race and Ethnicity

As with gender, DWI Court has no inclusionary or exclusionary criteria related to race or ethnicity. In the evaluation group, 65% of participants are White, non-Hispanic whereas 35% of participants represent communities of color. In Hennepin County as a whole, 58% of persons convicted of a felony or gross misdemeanor DWI are White. DWI Court serves a larger percentage of White participants than are present in the DWI population in the county as a whole.

**Table 3.** Race/Ethnicity of DWI Cohort by Graduation Status n=210

	Did not Complete		Graduated		Total (% of Race)	
American Indian	0	0%	1	100%	1	0.5%
Asian/Pacific Islander	0	0%	8	100%	8	4%
Black/African American	12	24%	39	76%	51	24%
Latin(x)	0	0%	11	100%	11	5%
Multiracial	0	0%	2	100%	2	1%
White	10	7%	127	93%	137	65%
Total (% of Status)	22	10%	188	90%	210	100%

Table 3 illustrates that White and Black/African American participants represent the largest racial groups in DWI Court at 65% and 24%, respectively. Latin(x) participants represent 5% of DWI Court participants, followed by Asian or Pacific Islanders at 4%. American Indians and multiracial participants account for 1% or less of participants.

Hennepin County DWI convictions in 2014 were comparable to the DWI Court values for Black/African Americans at 26% and Asian/Pacific Islanders at 5%. Hispanic or Latin(x) convictions were 8% of DWI convictions but just 5% of DWI Court participants. American Indians represent 1.4% of DWI convictions countywide but are 0.5% of DWI Court participants. "Other" or multiracial persons account for the remaining 3% of DWI convictions.

In this evaluation cohort, all races were successful in completing the program with the exception of White and Black/African American participants. Black/African American participants had a 76% graduation rate while White participants had a 93% graduation rate. This is a statistically significant difference ( $p=.021$ ). However, in a later analysis that looks at many variables contributing to graduation simultaneously, race alone is not predictive of success or failure in the program.

## Age

At the time of acceptance to DWI Court, Table 4 shows the largest percentage of participants was between the ages of 31 and 40 (31%). The second largest age group was between 25 and 30 years old (26%). The smallest age range was those under age 25 (9%).

Comparable percentages of participants were between the ages of 41 and 50 at program start (16%) and over age 51 (19%). The youngest participant in the program was 20 and the oldest participant was 65. The average age of DWI Court participant during the evaluation period was 37.6 years old.

Overall, the age of individuals convicted of a comparable DWI offense in 2014 were similar in age to those in the DWI Court program. Those age 25 and under accounted for 9% of cases; those 25 to 30 accounted for 26%; those 31 to 40 accounted for 31%; and those 41 to 50 accounted for 16%. The percentage of cases where the defendant was age 51 or older was higher in DWI Court than in the general DWI population at 19% and 14%, respectively. The youngest age in the general DWI population was 18 and the oldest was 77, for an average age of 37 at sentencing.

**Table 4.** Age Groups of DWI Cohort by Graduation Status n=210

	Did not					
	Complete	Graduated	Total	(% of Age)		
Under 25	4	22%	14	78%	18	9%
Ages 25 to 30	6	11%	48	89%	54	26%
Ages 31 to 40	6	9%	59	91%	65	31%

Ages 41 to 50	4	12%	30	88%	34	16%
Ages 51 and Older	2	5%	37	95%	39	19%
Total (% of Status)	22	10%	188	90%	210	100%

Age of the participant when they began the DWI Court program is not statistically significant in relationship to program success (p=.402). Nevertheless, the likelihood of success appears to increase gradually as participants move up in age group. Those age 25 or under had the lowest graduation rate (78%), while those age 51 and over had the highest (95%). It is possible that additional support or accountability could help the youngest participants to succeed in the DWI Court program.

Table 5 below illustrates the average age of participants who graduated versus those who did not successfully complete. On average, graduates were approximately 3.5 years older. This is not, however, a statistically significant difference in average age (p=.166).

**Table 5.** Average Age of DWI Cohort by Graduation Status n=210

	Did not Complete	Graduated	Overall
Average Age	34.4	38.0	37.6
Minimum/Maximum	Min: 20; Max:52	Min: 22; Max:65	Min: 20; Max:65
Total (% of Status)	n=22	n=188	n=210

**Criminal History**

A final characteristic of interest regarding the DWI Court population is the extent of their criminal history prior to entering the program. Those with more or different types of criminal offenses prior to program engagement may have different levels of success in the DWI Court program. Table 6 depicts the number of prior criminal convictions. Criminal convictions include violations of Minnesota Statute 609 (Criminal Code) or 169A (DWI) with a severity of misdemeanor or higher. Section headings with asterisks illustrate a statistically significant difference in the criminal history of those who graduated the program versus those who did not successfully complete.

**Table 6.** Criminal History Metrics of DWI Evaluation Cohort

	<i>Total Prior Convictions**</i>			
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	4.3	0	12	2.797
Graduates n=188	2.8	0	12	1.776
Full DWI Cohort n=210	2.9	0	12	1.954
	<i>Total Prior Felony Convictions**</i>			
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	0.8	0	5	1.307
Graduates n=188	0.1	0	2	0.385

Full DWI Cohort n=210	0.2	0	5	0.585
<i>Total Prior Gross Misdemeanor Convictions</i>				
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	1.6	0	5	1.098
Graduates n=188	1.3	0	4	0.851
Full DWI Cohort n=210	1.4	0	5	0.881
<i>Total Prior Misdemeanor Convictions*</i>				
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	1.9	0	7	1.875
Graduates n=188	1.3	0	8	1.238
Full DWI Cohort n=210	1.4	0	8	1.330
<i>Total DWI Convictions (Any Level)</i>				
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	2.2	0	4	0.813
Graduates n=188	0.7	0	1	0.479
Full DWI Cohort n=210	2.0	0	4	0.864
<i>Total Criminal History Points**</i>				
	Mean	Minimum	Maximum	Std. Deviation
Non-Completers n=22	6.2	0	23	5.261
Graduates n=188	3.2	0	18	2.594
Full DWI Cohort n=210	3.5	0	23	3.108

\*\*Difference between graduates and non-completers is statistically significant at the  $p < .001$  level

\*Difference between graduates and non-completers is statistically significant at the  $p < .05$  level

Among all DWI Court participants, the fewest prior convictions was zero, and the highest was 12. On average, participants had 2.9 convictions of any kind prior to DWI Court. Those who did not graduate started the program with an average of 4.3 prior convictions—a statistically significant difference from graduates ( $p = .001$ ).

Non-completers were statistically more likely to have prior felony and misdemeanor convictions than those who graduated ( $p = .000$ ). There was no statistically significant difference among those with gross misdemeanors and the total count of prior DWI convictions of any severity level ( $p = .048$ ).

Finally, Table 6 depicts participants' "Criminal History Points." The measure gives four points for each prior *person felony* conviction, three points for each prior *non-person felony*, two points for each *non-felony person* conviction, and one point for each prior *non-person, non-felony* conviction. In this way, an individual's total criminal history points are a reflection of both the number and severity of prior convictions.

The greatest number of Criminal History Points assigned in the DWI Evaluation cohort was 23. Among those who graduated from DWI Court, the highest number of Criminal History Points prior to programming was 18 as compared to 23 in the non-completers group. On average, graduates entered

the program with 3.2 Criminal History Points as compared to an average of 6.2 for those who did not successfully complete. This is a statistically significant difference between the two program populations ( $p=.000$ ).

## Length of Program

As was described in the program requirements section, the typical minimum length of the DWI Court program is 18 months. Table 7 illustrates the average number of months spent in the program by those who did and did not successfully complete the program. Those who did not complete spent an average of 19.3 months in the program. The minimum was 3.4 months and the maximum was 45.0 months. Similarly, those who graduated DWI Court spent an average of 20.3 months in the program. There was no statistically significant difference in the average time spent in the program between graduates and non-completers ( $p=.377$ ). The minimum amount of time spent in the program by a graduate was 16.3 months, however, as compared to 3.4 months for non-completers.

**Table 7.** Average Length of Time in DWI Cohort in Program by Program Status n=210

	Did not Complete	Graduated	Overall
Average Mos. in Program	19.3	20.3	20.2
Minimum/Maximum	Min: 3.4; Max: 45.0	Min: 16.3; Max: 46.7	Min: 3.4; Max: 46.7
Total (% of Status)	n=22	n=188	n=210

Table 8 illustrates participants divided into groups based on their length of time in the program. No participants who exited the program in less than 18 months successfully graduated.

**Table 8.** Length of Program of DWI Cohort by Graduation Status n=210

	Did not Complete		Graduated		Total	
		(% of Prog. Length)		(% of Prog. Length)		(% of Prog. Length)
Under 1 Year	4	100%	0	0%	4	2%
1 Year to 18 Months	7	6%	116	94%	123	59%
19 Months to 2 Years	5	9%	48	91%	53	25%
25 Months to 2.5 Years	3	19%	13	81%	16	8%
Over 2.5 Years	3	21%	11	79%	14	7%
Total (% of Status)	22	10%	188	90%	210	100%

The vast majority of participants exited the program between 1 year and 2 years (84%). Graduation rates for these participants are the highest at 94% for those between 1 year and 18 months and 91% for those in the program between 19 months and 2 years. Those who remained in the program 25 months and longer saw graduation rates drop to approximately 80%. There is a statistically significant difference between graduates and non-graduates by length of program ( $p=.000$ ).

## Section 4: Program Goals

Major goals of the Hennepin County DWI Court program include reducing recidivism, facilitating defendant sobriety, and increasing compliance with court ordered conditions. The program has identified the following measurements for their goals:

### **Goal 1.** Reduce recidivism

#### Measurements:

1. New DWI charges and convictions anywhere in the state.
2. New driving related charges and convictions anywhere in the state.

#### Additional measurements included in this study:

3. Post-program Warrants for Probation Violations, Failure to Appear, and other Bench Warrants

### **Goal 2.** Facilitate defendant sobriety

#### Measurements:

1. Portable Breathalyzer Test (PBT) and Urine Analysis (UA) test results to detect drug and alcohol use.
2. Ignition Interlock results, when appropriate.
3. SCRAM and other alcohol monitoring company results, when appropriate.

### **Goal 3.** Increase compliance with court ordered conditions.

#### Measurements:

1. Retention Rates (Terminations vs. Completions)
2. Appearance at Judicial Reviews
3. Treatment and Aftercare Attendance

#### Additional measurements included in this study:

4. In-program probation violations
5. In-program DWI and driving-related charges and convictions
6. In-program jail days served

## Goal 1: Reduce Recidivism

The ultimate goal of any treatment court is to reduce current and future offending. A reduction in crime is of benefit to the program participant but also to victims and communities. A return to criminal activity, also known as recidivism, is both harmful and costly to victims and communities. Evaluations often focus on the effectiveness of treatment courts in reducing subsequent crime. The following section explores the offending behavior of DWI Court participants compared to a matched sample of DWI probationers.

### Recidivism Definition

Criminal justice related studies often focus on recidivism and can vary in the stage of the system at which recidivism is measured. The *National Institute of Justice*, for instance, recommends that the measurement of recidivism be rearrests, reconvictions and return to prison with or without a new sentence.<sup>28</sup> The most common stages include new arrests, new charges, new convictions and new incarceration. Research finds no one measurement superior to another, as each has strengths and limitations, and methods vary from study to study. A statewide 2012 evaluation of drug courts in Minnesota, for example, used both charge and conviction as measures of recidivism, but limited offense types to felonies, gross misdemeanors, and seven ‘targeted misdemeanor’ crimes.<sup>29</sup>

For the purpose of this evaluation, two measures constitute recidivism—*charges* for a new DWI or driving-related offense and *convictions* for a new DWI<sup>n</sup> or driving-related offense<sup>o</sup>. These charges and convictions can occur in any jurisdiction in the state of Minnesota. While this study includes both measures of recidivism, the standard measurement for the Fourth Judicial District is conviction because of the strength of a case needed to procure a conviction. Issues of racial disparities, particularly at the point of arrest, make arrest a questionable indicator of program success or failure. A study conducted by the ACLU found that arrests of African Americans and American Indians in the city of Minneapolis for low-level offenses was at rates over 8 times that of their White peers.<sup>30</sup> In addition, persons from communities of color are more likely to have their cases dismissed in Hennepin County such that criminal charges are also a questionable indicator for recidivism.<sup>31</sup> A conviction means that an individual has had their full due process on the case and has admitted guilt or been found guilty of the charges beyond a reasonable doubt.

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<sup>n</sup> DWI offenses include Minnesota Statutes 169A.20 and 160A.24-169A.27.

<sup>o</sup> Driving related offenses include Minnesota Statutes related to driving after suspension, revocation or cancellation (171.24), violations of limited license laws (171.30) and violations of Ignition Interlock program (171.09(g)) or no alcohol restrictions (171.09.3).



## Offense Timing

There are different points in time for which an evaluation can explore offending behavior for defendants. Offenses and convictions prior to a program are part of one's criminal history. If a new charge occurs during one's time in the program (even if conviction does not occur until after they exit), it is in-program offending (this is explored as part of DWI Court Goal 3). Recidivism occurs when both the offense date and the conviction date happen *after* treatment court participation has ended.

The question of how long to track a participant after the treatment period is also relevant. The NADCP recommends following drug court participants for reoffending behavior for three to five years after program completion. Research has demonstrated that after three years, statistically significant differences in recidivism between treatment and control groups are likely to remain significant going forward. In addition, after five years recidivism rates tend to plateau. If an offender has not recidivated by that time, they are unlikely to do so.<sup>32</sup> In the interest of monitoring the program using more recent participants and policies, this evaluation tracks DWI Court participants and a comparison group through 2016, which only allows for a recidivism two years after their completion of DWI Court (2018)<sup>p</sup>, rather than the best practice of a three to five year recidivism window.

It is important when comparing the DWI Court cohort and the comparison group that all individuals have the same amount of time at-risk to reoffend. This evaluation period is often called "street time." As such, if an individual is incarcerated for any amount of time (i.e., two months), an additional two months is added on to the end of their two year potential recidivism window. This addresses the "incapacitation effect" whereby people in study groups literally may not be able to reoffend because of incarceration. Both the DWI Court cohort and the comparison group cohort have two years of street-time.

## The Treatment Group

For the purpose of recidivism analysis, this study excludes several participants from the DWI Court cohort who were included in the demographics section. Twenty participants had a return to DWI Court for a readmission or a "refresher" period during the two-year recidivism window. The recidivism analysis excludes these individuals, as they had additional formal supervision and support during their reengagement period, while others did not. The treatment group does include both graduates of the program and non-completers to assess the impact of the program on reoffending for all participants. The number of DWI participants eligible for the recidivism analysis is 190.

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<sup>p</sup> For some study participants, the two-year recidivism window extends into 2019 to account for incarceration time.

## The Comparison Group

Hennepin County DOCCR provided data on 8,478 adult probation cases related to a felony or gross misdemeanor DWI conviction between 2013 and 2016—the time that most closely overlaps the period when DWI Court participants were engaging in programming. The total probation population was then pared back to create a potential comparison group based on DWI Court eligibility criteria.

To begin, probationers were only included in the potential comparison group if they were on *Supervised Probation*. This level of service level most closely matches the type of regular 1:1 contact and monitoring that a probation officer has with a DWI Court client. This reduced the probation file significantly to under 1,500 records.

Chemical dependency is another requirement of DWI Court. Rule 25 Chemical Assessment data are not readily available for the probation population, but some proxy variables exist. Probationers often receive a Hennepin Pre-screener Assessment to assign a preliminary level of risk. This instrument includes assessment of both alcohol and drug use. Persons scoring two points in either area have “frequent abuse” that causes “significant disruption” and requires treatment. Probationers meeting this criterion within 90 days of probation start were eligible for the comparison population.

A more rigorous probation assessment is the *Level of Service Case Management Inventory (LS-CMI)*. This tool assesses for risk in numerous “domains,” one of which is drug and alcohol use. If a client scores between five and eight in the drug and alcohol subscale, they are *high* to *very-high* risk in this domain. Probationers meeting this criterion within 90 days of probation start were eligible for the comparison population as well. The potential comparison pool excludes probationers with no documented Pre-screener or LS-CMI score, since it was not possible to assess the impact of substance abuse.

As a final consideration, an appropriate comparison group should not have prior participation in or referral to treatment courts. Potential comparison individuals do not include those with a past referral to treatment court (n=59). Ultimately, this methodology identified 375 probationers as potential matches for the DWI Court cohort.

## Creating the Comparison Group: Propensity Score Matching

In a truly randomized design, participants eligible for DWI Court would be randomly assigned either to the DWI Court program or to receive the traditional sentence for their offense (typically jail or prison time plus probation). Because DWI Court is a voluntary program, this type of design is neither possible nor ethical. Instead, creation of an appropriate comparison group for the DWI Court population used a quasi-experimental statistical matching process called Propensity Score Matching (PSM). This technique matches a treatment group to a comparison group who did not receive the intervention by making the groups as similar as possible based on the estimated likelihood of being in the treatment group.<sup>33</sup> A goal of PSM is to find individuals “who are similar to the participants in all relevant pre-treatment

characteristics” from a large group of non-participants.<sup>34</sup> Propensity score matching reduces potential observation bias between the sample of DWI Court participants and the comparison group.

PSM identifies the best matches of the 375 probationers to a pool of 190 DWI Court participants. The PSM model matches the two populations on the following criteria:

- Gender
- Age at start of DWI Court or Supervised Probation
- Race: White or Person of Color
- Instant Offense: Felony or Gross Misdemeanor DWI
- Number of Criminal History Points<sup>q</sup>

PSM runs a logistic regression on the selected variables and assigns a propensity score. This score is highest when the individuals in the probationer pool most closely resemble those in the DWI Court pool. One selection method within PSM is *without-replacement* matching that allows each DWI Court participant to match to one comparable probationer. This selection method will only select a probationer once for a match with a DWI Court participant.<sup>r</sup> Ultimately, between the two cohorts, 306 individuals consisting of 153 from the DWI Court cohort and 153 from the DOCCR probationer cohort compose the sample for this portion of the evaluation. The PSM process retained 81% of the DWI Court sample eligible for recidivism matching.

**Table 9.** DWI Court and Comparison Group Populations Using Propensity Score Matching

Matching Variables	Total File (Unmatched)*		Propensity Score Matched File	
	DWI Court	Comparison	DWI Court	Comparison
	N=190	N=375	N=153	N=153
Females	25%	18%	21%	25%
Persons of Color*	35%	53%	39%	32%
Av. Age at Program/Probation Start	35	36.4	36.1	37
Instant Offense: Felony*	15%	38%	17%	16%
Average Criminal History Score*	3.4	8	3.4	3.3

\*In the Unmatched file, DWI Court cohort elements are statistically different from the comparison group at  $p \leq .001$

Table 9 above illustrates how the PSM process helps to make the two populations more similar to control for the effect of variables other than the DWI Court program. For example, prior to matching, the DWI Court group was 35% people of color while the comparison group was over half people of color (53%). The matching process then selects fewer people of color from the comparison group in order to align the two groups more closely. Similar adjustments to other variables results in more balanced populations with respect to gender, age, instant offense and criminal history. The result is two

<sup>q</sup> See page 25 for an explanation of how Criminal History scores are calculated.

<sup>r</sup> The PSM matching caliper was set at 0.05

populations that are not statistically different from one another on any of the selected matching variables.

### DWI Charges and Convictions

Reducing or eliminating DWI reoffending is a primary goal of DWI Courts. Table 10 illustrates that among the DWI Cohort, 16 individuals (11%) had one or more DWI charges in the two-year recidivism window. Similarly, 11 individuals (7%) in the comparison group had a new DWI charge. For both study populations, all DWI charges resulted in a DWI conviction. As such, 11% of the DWI Cohort and 7% of the comparison group received a conviction for a DWI offense during the recidivism window. These are not statistically significant differences between the two populations regarding new DWI charges or convictions ( $p=.314$ , respectively).

**Table 10.** Recidivism Outcomes: Any New DWI Offense, DWI Cohort and Comparison Group

		Individuals with New DWI Charges	Individuals with New DWI Convictions
DWI Court Group n=153	Count	16	16
	% of Group	10.5%	10.5%
Comparison Group n=153	Count	11	11
	% of Group	7.2%	7.2%

The following Table (11) explores the *number* of DWI charges and convictions received during the recidivism period. Among those in the DWI Court group, the maximum number of DWI charges was two—in the comparison group, the maximum number of DWI charges was one. This is an average of .12 DWI charges per person for the DWI cohort and .07 per person for the comparison group. Again, this is not a statistically significant difference between the treatment group and the comparison group on the number of DWI charges ( $p=.314$ ). Again, because all charges resulted in convictions, there is also no statistically significant difference between the two groups on DWI convictions ( $p=.165$ ).

**Table 11.** Recidivism: Number of New DWIs Offenses, DWI Cohort and Comparison Group

	<i>All Subsequent DWI Charges</i>			
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.12	0	2	0.39
Comparison Group n=153	0.07	0	1	0.26
	<i>All Subsequent DWI Convictions</i>			
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.12	0	2	0.39
Comparison Group n=153	0.07	0	1	0.07

## Driving Related Charges and Convictions

In addition to driving under the influence, DWI Courts often have the reduction of other driving related offenses among their program goals. Nearly all DWI Court participants have either fully lost their driving privileges or have restrictions on when they are allowed to drive. The analysis in Table 12 shows how many participants in the study had one or more charges related to a driver’s license violation. These include driving after suspension, revocation, or cancellation, or violating the terms of a limited license.

In the DWI Court cohort, 35 individuals (23%) had one or more driving related charges during the recidivism window. Thirty-eight members of the comparison group had driving related charges (25%). The number of people receiving charges for driving related offense during the recidivism window are not a statistically different between the two study populations ( $p=.687$ ).

Unlike DWI charges, not all driving related charges resulted in convictions. In the DWI cohort, 35 individuals had driving related charges but just 10 had a driving related conviction (7% of cohort). Among the comparison group 38 individuals had charges but 22 individuals received a driving related conviction (14% of cohort). The number of individuals receiving one or more driving related convictions was statistically higher for the comparison group than the DWI Court cohort ( $p=.025$ ).

**Table 12.** Recidivism: Any New Driving Related Offenses, DWI Cohort and Comparison Group

		Individuals with New Driving Related Charges	Individuals with New Driving Related Convictions
DWI Court Group n=153	Count	35	10
	% of Group	22.9%	6.5%
Comparison Group n=153	Count	38	22
	% of Group	24.8%	14.4%

Table 13 below explores the *number* of driving related charges and convictions in the study cohorts. The DWI Court cohort ranged from zero to eight driving related charges during the recidivism period, while the comparison group ranged from zero to nine charges. The average number of charges for the DWI Cohort was .33 while the average number for the comparison group was .43. This is not a statistically significant difference between the two populations as it relates to the number of driving related charges during the recidivism window ( $p=.388$ ).

**Table 13.** Recidivism: New Driving Related Offenses, DWI Cohort and Comparison Group

	<i>All Subsequent Driving Related Charges</i>			
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.33	0	8	0.85
Comparison Group n=153	0.43	0	9	1.12
	<i>All Subsequent Driving Related Convictions</i>			
	Mean	Minimum	Maximum	Std. Dev.

DWI Court Group n=153	0.08	0	2	0.32
Comparison Group n=153	0.18	0	2	0.40

Both the DWI cohort and comparison group ranged from a minimum of zero and a maximum of two convictions. On average, DWI Court participants had .08 new driving related convictions while the comparison group had .18. Again, this is not a statistically significant difference in the average number of driving related convictions between the two populations ( $p=.057$ ).

As it relates to reoffending, the DWI Court group did not have statistically fewer DWI charges or convictions during the two-year recidivism window, nor did they have statistically fewer driving-related charges or convictions. The goal of reducing recidivism appears to be falling short compared to similarly situated probationers.

## Warrants

While warrants are not necessarily indicative of new criminal behavior, another factor to consider is whether program participants and those in the comparison group abided by the terms of the court during the recidivism window. One way to explore this is to examine the number and type of warrants issued during this time. Not only does this reflect compliance with supervision, it also has an impact on the use of law enforcement, jail, and court resources.

This section explores warrants issued on the 153 DWI Court participants and the 153 probationers in the comparison group for statistically significant differences. The types of warrants included in the analysis are for failure to appear in court (FTA), probation violations (PVs), and other bench warrants.

Among those who exit DWI Court are graduates, who are not under supervision. As such, one would expect to see more PVs and FTAs among the comparison group purely as a function of their supervision status.

### Type of Warrant Issued

Table 14 below illustrates the number of individuals in each group who received one or more warrants during the recidivism period. In total, 11% of the DWI Court cohort had one or more warrants issued compared to 26% of the comparison cohort ( $p=.001$ ).

Warrant types for which individuals in the comparison group show higher frequencies than the DWI Court cohort are Probation Violations (21% vs. 10%,  $p=.007$ ) and Failure to Appear (5% vs. 1%,  $p=.018$ ). The number of individuals receiving other bench warrants was not statistically significant between the comparison group and the DWI Court cohort (4% vs. 1%,  $p=.056$ ).

**Table 14.** Individuals with One or More Warrants during the Recidivism Window

		DWI Court Cohort	Comparison Group
		n=153	n=153
Total Warrants (Any Type)	Count	16	39
	% of Group	11%	26%
Probation Violation Warrants	Count	15	32
	% of Group	10%	21%
Fail to Appear Warrants	Count	1	8
	% of Group	1%	5%
Other Bench Warrants	Count	1	6
	% of Group	1%	4%

\*Differences are statistically significant at  $p \leq .05$

### Number of Warrants Issued

Table 14 above illustrates that a larger percentage of comparison group participants received warrants than the DWI Court cohort. Table 15 below investigates whether the two groups yielded a statistically different *number* of warrants.

In terms of total warrants, the court issued 20 for the DWI Court cohort, while the comparison group received 65. As such, the comparison group had an average of .42 warrants compared to .13 for the DWI Court cohort. This is a statistically significant difference ( $p = .000$ ).

The most common type of warrant issued for both groups were for probation violations. The comparison group received 49, while the DWI Court cohort received 18. The comparison group had an average of .32 probation violation warrants compared to a mean of .12 for the DWI Court cohort. This is a statistically significant difference ( $p = .003$ ).

Failure to appear warrants and other bench warrants were the least common warrants issued. The comparison group had 10 FTA warrants and 6 bench warrants. The DWI Court cohort had one FTA warrant and one bench warrant. There is a statistically significant difference between the average number of FTA warrants between the two populations ( $p = .018$ ), but not a significant difference in the number of bench warrants ( $p = .056$ ).

**Table 15.** Number of Warrants Issued during Recidivism Period, DWI Cohort and Comparison Group

	<i>Total Warrants (Any Type) Issued*</i>			
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.13	0	4	0.45
Comparison Group n=153	0.42	0	4	0.84

*Probation Violation Warrants Issued\**

	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.12	0	4	0.48
Comparison Group n=153	0.32	0	3	0.70
<i>Failure to Appear Warrants Issued*</i>				
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.01	0	1	0.08
Comparison Group n=153	0.07	0	2	0.30
<i>Other Bench Warrants Issued</i>				
	Mean	Minimum	Maximum	Std. Dev.
DWI Court Group n=153	0.01	0	1	0.08
Comparison Group n=153	0.04	0	1	0.19

\*Differences are statistically significant at  $p \leq .05$

With regard to warrants, the comparison group was more likely to have a warrant issued during the recidivism window, and they accrued issued warrants in greater numbers. This was applicable to total warrants, probation violation warrants and failure to appear warrants. It is perhaps not surprising that the comparison population has more warrants, as they are on active, supervised probation. Conversely, the DWI cohort is on Administrative Probation, which does not have the same level of monitoring.



## Goal 2. Facilitate Defendant Sobriety

A top priority of drug courts is to intervene in behaviors and attitudes pervasive among addicted offenders. The DWI Court program expects all participants to make meaningful progress towards a sober lifestyle and agree to this as a condition of the voluntary program. Mandatory components of DWI Court include inpatient and/or outpatient chemical dependency treatment, aftercare, community-based support such as AA or NA, sponsorship, and frequent random drug screens. These requirements are most rigorous early in the program in order to stabilize the participant’s chemical use but continue throughout to promote ongoing sobriety.

### Drug of Choice

Records at the beginning of a defendant’s time in DWI Court indicate their drug of choice. Numerous participants report a preference for more than one substance. Table 16 illustrates the distribution of preferences across the DWI Court population. The most preferred drug among participants was alcohol (100%), followed by marijuana (30%). Crack or cocaine was a preferred drug by just under 1-in-10 participants (8%), as were prescription medications (8%). A small number (3%) expressed a preference for methamphetamines or “other drugs” (3%). Other drugs included hallucinogens, benzodiazepines, heroin, or over-the-counter medications.

**Table 16.** DWI Court Participants: Drugs of Choice at Program Start

Substance	N	%
Alcohol	210	100%
Marijuana	62	30%
Crack/Cocaine	16	8%
Prescriptions	16	8%
Methamphetamines	7	3%
Other	6	3%

Participants could select more than one drug of choice

### Chemical Screening: Urine Analysis (UAs) and Secure Continuous Alcohol Monitoring (SCRAM)

The DWI Court program utilizes numerous mechanisms to monitor participant sobriety. In addition to drug and alcohol tests collected at their treatment programs, participants are randomly tested at court, probation appointments, and unscheduled home visits by law enforcement. Further, participants receive a “color” whereby they call the probation office daily and, if their color is announced, they must appear at the probation office for testing. Different colors require different frequencies of UAs. The CSTS

database contains drug and alcohol testing results completed by probation and law enforcement. Tests completed at drug and alcohol treatment facilities are not included in the following data.

## Use of UAs and SCRAM

The number of UAs given to DWI Court participants ranged from a minimum of eight to a high of 263. The 210 participants collectively received over 16,600 UAs during their program involvement, for an average of 79 screens each.

*Secure Continuous Alcohol Monitoring (SCRAM)* is a tool used to monitor a participant's alcohol use at all times. Similar to an ankle bracelet, the device monitors for transdermal alcohol leaving the body (through sweat). This tool can prevent skipped or missed drug tests from occurring and allows for continuous monitoring of participants throughout their day. In the cohort of 210 DWI court participants, 29 (14%) were on SCRAM one or more times during their tenure in DWI Court. Of those on SCRAM, 24 graduated (83%) while five did not complete DWI Court successfully (17%). Graduation and termination rates among those on versus not on SCRAM are not statistically different.

Since SCRAM only monitors for alcohol, participants continue to supply UAs that monitor for other substances. The drug screening data below includes UA results but not SCRAM results due to unavailability.

## Positive Drug Screens

Of the 16,642 UAs performed upon the DWI Court study cohort, 1,030 (6%) resulted in a positive test after consideration for prescribed medications. Over half of positives (58%) were for Creatinine alone, which implies a diluted sample. By DWI Court policy, diluted UAs are positive. Similarly, 8% of UAs performed were positive when the defendant failed to show up to the test or could not produce a sample. These are also positive tests under DWI Court policy. Table 17 below shows that, on average, all DWI Court participants had 79 drug screens. On average, graduates had more screens (81) than those who did not successfully complete the program (57).

Table 17 also explores the average number of positive tests documented for both groups. On average, graduates had 4.8 positive tests during programming. Those who did not successfully complete averaged 6.3 positive tests. This is not a statistically significant difference in the average number of positive UAs between graduates and terminated participants.

**Table 17.** Average Number of Drug Tests in DWI Cohort, by Graduation Status n=210

	Did not Complete	Graduated	Overall
Average # of Tests	57.0	81.0	78.7
Minimum/Maximum	Min: 8; Max: 162	Min: 11; Max: 263	Min: 8; Max: 263

Total (% of Status)	n=22	n=188	n=210
Average # Positive Tests	6.3	4.8	5.0
Minimum/Maximum	Min: 0; Max: 29	Min: 0; Max: 46	Min: 0; Max: 46
Total (% of Status)	n=22	n=188	n=210

Table 18 shows the substances for which participants tested positive during the program. As the most preferred substance among the DWI Court population, tests for alcohol use were positive 13% of the time (alcohol or N-ETG). Eight percent of tests were positive for alcohol, while an additional 5% were positive for N-ETG, an enzyme that is present as the body breaks down alcohol in the system. N-ETG tests catch alcohol use that did not occur recently enough to result in a positive for alcohol. Positive tests for marijuana use also occurred in 9% of tests.

**Table 18.** DWI Court Participants: Positive Drug Screens

Substance	N	%
Total Tests Given	16,642	
Positive Tests	1,030	6%
Creatinine Only (Diluted Test)	595	58%
Marijuana	96	9%
No Show/Missed Test	87	8%
Alcohol	86	8%
N-ETG	50	5%
Opiates	35	3%
Amphetamines	22	2%
Cocaine/Crack	15	1%
K2	12	1%
Benzodiazepines	11	1%
Other	11	1%
Substance Result not Recorded	10	1%

Positive tests for substances other than alcohol and marijuana were less common. Three percent of tests were positive for opiates (where a prescription was not documented), and 2% of tests were positive for amphetamines. The remaining drug categories accounted for 1% or less of total positive drug tests. “Other” includes positive tests for methamphetamines, ecstasy and hallucinogens. Having a positive UA is not necessarily grounds for termination. Relapse is a built-in expectation of the DWI Court program for which participants receive both accountability and support.

Of the 210 DWI Court participants in this study, 58 (28%) had no positive or missed drug tests during their time in the program. Of these 58 individuals, 54 (93%) graduated the DWI Court program.

## Home Visits and Breathalyzer Tests

As a condition of DWI Court, participants are subject to random home visits by law enforcement. These visits can serve a dual purpose of enforcing program curfew and spot-checking for alcohol use with a portable breathalyzer test (PBT). Home visit records are available for 66 of the 210 study participants (31%). It is likely that more participants had home visits, but tracking of this variable was not consistent in the earlier years of this study cohort. Of the 66 individuals with law enforcement visits, the number ranged from one to 48. The average number of visits was 18.

Positive PBTs during home visits were somewhat rare. Of the 66 individuals receiving visits, seven had a positive test (11%). For all seven, each had just one positive test. Therefore, out of 1,152 PBTs performed in the field, just 0.6% were positive.

## Ignition Interlock

DWI Courts monitor and use numerous methods to promote both sobriety and the safe, legal operation of vehicles. According to the National Drug Court Institute, best practices for DWI Courts include “restrict[ing] motor vehicle access through ignition interlock devices, driver’s license suspensions or restrictions, or mandatory motor vehicle sales.”<sup>35</sup>

Ignition Interlock is a program facilitated by DVS where drivers with cancelled and revoked licenses can re-gain driving privileges by having a breathalyzer-type device attached to the ignition of their vehicle.<sup>36</sup> The driver must blow into the device and register no alcohol to start their engine. There is a cost to install the interlock device and a monthly monitoring fee. The Hennepin DWI Court Program has a grant to help alleviate the costs of interlock for participants.

Among the DWI Court study cohort, 34 individuals (17%) had Ignition Interlock during some portion of their DWI Court program. All 34 participants on Ignition Interlock graduated, which is statistically significant as compared to the graduation rate of those not on interlock (88%,  $p=.029$ ).

## Goal 3. Increase Compliance with Court Ordered Conditions

### Retention Rate

Collectively, the graduation (retention rate) for DWI Court participants during the evaluation period is 90%. The retention rate is high, in part, due to a unique “trial period” defendants are offered before they must plead into the program. Generally, DWI Court defendants have a period of six weeks to try the program prior to sentencing. During this time, the defendant can elect to withdraw and follow traditional sentencing. These instances are program “opt-outs” and not program terminations. As such, DWI Court statistics underrepresent the number of participants who tried the program but did not complete since it is possible that some defendants who opted out during this period would not have completed the program. An evaluation of Hennepin DWI Court evaluation completed in 2014 found a 79% graduation rate between 2007 and 2012.<sup>37</sup>

### Reasons for Termination

Probation officers document the reasons participants discontinue involvement in DWI Court at program exit. Table 19 illustrates that the primary reason for termination during the evaluation period was due to non-compliance with program rules or expectations/failure to make progress (46%). Non-compliance can span a variety of issues including failure to attend or make progress in treatment, continued chemical use, and failure to remain law abiding.

**Table 19.** Reasons for DWI Court Termination

Termination Reason	n	%
Non-Compliance; Failure to Make Progress	10	46%
Voluntary Withdrawal	7	32%
New Criminal Charge	4	18%
AWOL/Bench Warrant Issued	1	5%
Total	22	100%

The second most common reason participants did not complete (32%) was for a voluntary withdrawal. These participants requested execution of their original sentence and discontinued the program. In these situations, defendants serve the stayed jail or prison sentence on their DWI offense.

Charges or convictions of a new offense while in the program may also result in termination. Of those terminated, 18% had “new charge” documented as the reason for exit. Finally, absconding from the program can lead to the issuance of a warrant. If a warrant is open for an extended period, indicating a participant is AWOL from the program, termination may result—as was the case with one participant during the study period.

## Number of Review Hearings

Regular in-court review hearings are an integral component of the DWI Court program. Participants begin Phase 1 with weekly review hearings, followed by every other week in Phase 2. Phase 3 has the fewest required hearings at once every three weeks. This model provides a high level of structure and accountability early in the program with tapering intensity as participants successfully progress through the phases.

Collectively, the DWI Court cohort had 9,669 review hearings. Table 20 below shows the average number of review hearings attended by participants as a whole, and by graduation status. On average, participants attended 45.6 hearings during DWI Court. The minimum number of hearings attended was seven and the highest was 105. Based on the phase structure and hearing schedule described on pages 15-16, the absolute minimum number of hearings needed to graduate would be 35. All graduates had at least 35 hearings with the exception of one, who had 16. This individual was likely in for a six-month DWI Court “refresher” but without documentation as a second time participant.

**Table 20.** Review Hearings during DWI Program n=210

	Did not Complete	Graduated	Overall
Average	45.6	46.1	45.6
Minimum/Maximum	Min: 7; Max:105	Min: 16; Max:87	Min: 7; Max:105
Total (% of Status)	n=22	n=188	n=210

Graduates had a slightly higher mean number of review hearings than those who did not successfully complete (46.1 vs. 45.6). This is not a statistically significant difference between the two populations. There were two instances where participants who did not complete had the highest total number of hearings in the program (105 and 97). Even when removed from the sample as potential outliers affecting the average number of hearings, the difference between graduates and terminated participant review hearings was not statistically different.

## Chemical Dependency Treatment

It is an expectation of all DWI Court participants that they participate in and complete chemical dependency treatment. Depending on their assessed level of need, this may begin with inpatient treatment, where a participant resides at a treatment facility, followed by outpatient where they may spend the day or return regularly for continuing groups and sessions. Finally, many programs have a portion of aftercare to provide continuing support to those in the recovery community. This “step-down” process is a best practice in supporting recovery. Adult drug court best practice standards promote a minimum of 200 hours of counseling over nine to twelve months to ensure participants receive “sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction”.<sup>38</sup>

As it relates to DWI Court data, probation officers provide the total number of days in treatment as well as program characteristics (inpatient, outpatient, dual diagnosis, etc.). Unfortunately, probation must often work from case-notes or memory, as no database exists that is accessible to the agents to validate the number of treatment days completed.

### Inpatient Treatment

Of the 210 DWI Court participants in this study, all but one participated in treatment during DWI Court. The individual who did not had successfully completed chemical dependency treatment prior to enrolling in the DWI program. Participants must meet a certain threshold of dependency and need in order to require inpatient treatment services. A trained chemical assessor makes the recommendation for inpatient treatment, if needed. Of the 209 program participants requiring treatment, 29% completed one or more days of inpatient chemical dependency treatment (Table 21). The average number of days in inpatient treatment was 18.9. The fewest number of days completed was five, while the greatest number was 483, or just over 16 months. Eighteen percent of those who participated in inpatient treatment did so for 30 days or fewer. An additional 7% attended for 31 to 90 days, and 4% for 90 days to over a year.

**Table 21.** Time in Inpatient Chemical Dependency Treatment n=209

	Did not				Total (% of Offense)	
	Complete		Graduated			
None	7	32%	142	76%	149	71%
30 Days or Less	8	22%	29	78%	37	18%
31 to 90 Days	3	21%	11	79%	14	7%
91 Days to a Year or More	4	44%	5	56%	9	4%
Total (% of Status)	22	100%	187	100%	209	100%

While 76% of graduates had no inpatient treatment, this was the case for just 32% of non-completers. This may suggest non-completers had higher levels of need than those in the graduating group. Those who participated in inpatient treatment were more likely to have a Severe Substance Disorder diagnosis (97%)—just 3% of those in inpatient treatment had a Moderate Substance Use Disorder documented. Terminated participants were statistically more likely to have had one or more days of inpatient treatment than were graduates ( $p=.000$ ). However, graduates spent an average of 16.6 days in inpatient treatment while those who did not successfully complete DWI Court spent an average of 38.8 days in inpatient. This is not a statistically significant difference in terms of the average number of days attended ( $p=.073$ ).

## Outpatient Treatment

Table 22 illustrates the majority of DWI Court participants spent between 91 days and 1 year in outpatient treatment (63%), a period that can include aftercare programming. Two-in-10 participants (20%) spent 90 days or less in treatment while 6% had no reported days in outpatient treatment. Across all lengths of time in outpatient treatment (including zero days), 83% to 100% of participants were graduates of DWI Court.

**Table 22.** Time in Outpatient Chemical Dependency Treatment n=209

	Did not complete		Graduated		Total (% of Outpatient)	
	n	%	n	%	n	%
None	2	17%	10	83%	12	6%
90 Days or Less	4	10%	37	90%	41	20%
91 Days to 6 Mos.	6	9%	58	91%	64	31%
6 Mos. to 1 Year	7	11%	59	89%	66	32%
1 Year to 2 Years	3	12%	21	88%	24	11%
Over 2 Years	0	0%	2	100%	2	1%
Total (% of Status)	22	11%	187	100%	209	100%

There was no statistically significant difference in whether graduates or terminated participants attended one or more days of outpatient treatment ( $p=.551$ ). On average, DWI Court participants spent 208.8 days in outpatient treatment. Graduates spent an average of 210.4 days, while non-completers spent an average of 195.0 days. This is not a statistically significant difference in outpatient treatment days by completion status ( $p=.675$ )

## In-Program Failure to Appear (FTA) at a Hearing

Another way to measure compliance with court-ordered conditions is to monitor attendance at required review hearings. In total, 47 individuals (23%) had one or more FTA events during DWI Court. These individuals had 63 FTA events, which is a small percentage of total review hearings (0.7%). Among graduates, 83% had no FTA events, compared to just 32% of terminated participants.

As illustrated by Table 23, graduates averaged 0.2 FTAs during the program, as compared to terminated participants who averaged 1.0 FTAs. This is a statistically significant difference in the average number of FTA events between the two groups ( $p=.000$ ).

**Table 23.** Failure to Appear Events during the DWI Program n=210

	Did not Complete	Graduated	Overall
Average Number of FTA Events	1.0	0.2	0.3
Minimum/Maximum	Min: 0; Max:2	Min: 0; Max:3	Min: 0; Max:3
Total (% of Status)	n=22	n=188	n=210



## In-Program Probation Violations (PVs)

When participants begin DWI Court, they sign a contract agreeing to follow all the rules and expectations of the program. Probation violations may result if a participant fails to do so. Examples of behavior that can lead to a PV include missing court hearings, failing to attend treatment, missing drug tests or curfew, and continued use of drugs or alcohol. Violations were the exception, not the rule for participants in DWI Court. In total, 170 participants (81%) had no probation violations during their time in the program.

Table 24 below illustrates the number of probation violations found or admitted by program participants. Those who failed DWI Court had an average of 1.2 probation violations during the program, compared to less than one-quarter of one violation for those who graduated (0.2). This is a statistically significant difference in the mean number of violations between graduates and non-completers ( $p=.000$ ).

**Table 24.** Probation Violations During DWI Program n=210

	Did not Complete	Graduated	Overall
Average	1.2	0.2	0.3
Minimum/Maximum	Min: 0; Max:7	Min: 0; Max:4	Min: 0; Max:7
Total (% of Status)	n=22	n=188	n=210

## In-Program Offending: Charges and Convictions

Similar to recidivism after the program, it is of interest to see how many participants in the DWI Program reoffend while active in the program. This section examines new DWI and driving related charges and convictions during the program. The same definitions are used here as in the recidivism assessment (see footnotes k and l for pertinent statutes).

### DWI Charges and Convictions

In total, two participants (1%) each had one new DWI charge during their time in the program. These same two DWI charges resulted in convictions. Neither of these participants successfully completed the DWI Court program. Because both of the convictions resulted in termination, there is a statistically significant difference between graduates and terminated participants ( $p=.000$ ). While this is an extremely small sample of new DWIs during the program, the policy of the program is to terminate new DWI offenders, so the statistical significance would remain with any sample size.

## Driving Related Charges and Convictions

Driving related charges other than DWI were more common among the DWI Court population. In total, 46 participants (22%) had one or more driving related charges during the program. The number of charges ranged from a low of zero to a high of 10. The average number of charges was 0.4. There was not a statistically significant difference between non-completers and graduates on either having a new driving related charge ( $p=.520$ ), or a new driving related conviction during the DWI Court program ( $p=.200$ ).

## In-Program Jail Days Served

Another way to measure participants' compliance with court-ordered conditions is by exploring the use of jail days during the program. In the event a participant has repeated issues, violations of policy, or new minor violations of the law, the Court may use jail as a short-term consequence. Participants may also have brief contact with jails as a direct result of new illegal behavior. Generally, best practices in treatment courts support the use of no more than six jail days at a time as a sanction. This analysis examines the *total number* of jail days served during participants' engagement in the DWI Court program, as reported by their probation officer. Several distinct jail admissions may occur resulting in total jail days served.

To begin, there is a statistically significant difference in the use of jail days among those who graduate and those who do not ( $p=.000$ ). Among graduates, 29% served one or more jail days during the program. Conversely, 91% of those who did not successfully complete served one or more jail days during the program.

**Table 25.** Jail Days Served During the DWI Program n=210

	Did not Complete	Graduated	Overall
Av. Number of Jail Days	75.3	5.6	14.2
Minimum/Maximum	Min: 0; Max:205	Min: 0; Max:125	Min: 0; Max:205
Total (% of Status)	n=22	n=188	n=210

The number of jail days served also differed by graduation status. Table 25 illustrates that among DWI Court participants overall, the average number of jail days served was 14.2. When looking at graduates only, the average number of days was 5.6. This is a statistically significant difference from those who terminated who served an average of 75.3 jail days ( $p=.000$ ).

## Section 5: Predictors of Success

While the graduation rate for DWI Court is high, it is nevertheless worthwhile to explore what factors make graduation from DWI Court more or less likely. This analysis explores the binary outcome of DWI Court (graduation or non-completion) in relationship to multiple attributes of program participants. Analyses such as these may provide key information as to how to better support participants to increase their likelihood of success. Similarly, some areas may be less predictive of success or failure in the program and may not require as much attention or resources.

### Review of Variables Analyzed

Typically, if a statistically significant difference between graduates and non-completers is not found when looking at that single variable alone, it will not be significant in a multivariate analysis exploring the impact of many variables simultaneously. Table 26 summarizes the binary analyses completed in this study thus far, and whether the variables had a statistically significant relationship to graduation or termination:

**Table 26.** Bivariate Difference between Graduates and Non-completers

Program Related Variables	Stat. Sig.
<b>Race (people of color vs. white)</b>	<b>Yes</b>
Age	No
Gender	No
Instant offense	No
<b>Criminal history score</b>	<b>Yes</b>
Length of time in program	No
<b>On Ignition Interlock</b>	<b>Yes</b>
On SCRAM	No
Number of positive UAs	No
Number of review hearings	No
<b>Failure to appear events during program</b>	<b>Yes</b>
<b>Probation violations during program</b>	<b>Yes</b>
<b>Probation violation warrant during program</b>	<b>Yes</b>
<b>In-program DWI charges and convictions</b>	<b>Yes, small numbers</b>
In-program other driving related charges and convictions	No

## Logistic Regression

Logistic regression takes variables shown to have statistically significant relationship with graduation or termination into a single model. This analysis allows for the inclusion of many variables to see which ones affect program success while holding the remaining variables constant. That is, it can isolate the individual effect of each variable on program success. The logistic regression illustrated in Table 27 also explores some other variables known about participants in the DWI Court program.<sup>5</sup>

**Table 27.** Determinants of DWI Court Graduation n=199

Variable	Odds Ratio	Std. Error	Significance
<i>Demographic/Static Variables</i>			
Person of Color	0.529	0.855	0.456
<b>Criminal History Score</b>	0.639	0.176	<b>0.011</b>
Dependency SUD Diagnosis	5.263	1.382	0.230
<i>Program Compliance</i>			
<b>Scram/Ignition Interlock in Program, Yes</b>	33.251	1.566	<b>0.025</b>
<b>Failure to Appear Event in Program, Yes</b>	0.075	0.990	<b>0.009</b>
Probation Violation in Program, Yes	0.568	0.908	0.534
<b>Jail Days Served During Program, Yes</b>	0.026	1.266	<b>0.004</b>
<i>Program Exit Variables</i>			
<b>Unemployed at Exit, Yes</b>	0.022	1.015	<b>0.000</b>
Independent Housing at Exit, Yes	2.025	1.136	0.535
HS/GED Education or Less at Exit, Yes	0.740	0.902	0.738
<i>Constant</i>	491.549	2.323	0.008
Nagelkerke R Square= 0.724			

### Demographic and Static Variables

One demographic variable, race, was included in the regression analysis, as it was the only one that potentially impacted graduation based on binary analysis. Once included in a larger regression, however, race of the participant ceased to be predictive of graduation. That is, factors other than the participant's race are influencing graduation but they may have a disparate impact on people of color.

Static variables are those that are either unchanging or are at a fixed state at the beginning of the program. For instance, a participant's criminal history prior to beginning the program is a finite score at

<sup>5</sup> Only cases for which there was data for all the regression elements could be included in analysis. Of the 210 in the DWI cohort, the analysis includes data from 199 DWI Court participants.

that point in time. In binary analysis, criminal history score prior to beginning of the program had a statistically significant relationship with graduation. In multivariate analysis, criminal history remains a predictive factor related to graduation ( $p=.011$ ). The odds ratio is below one, which indicates a negative relationship between these variables. That is, the lower one's criminal history score, the greater the odds of graduation. The odds ratio further suggests that for every increase in criminal history point, the odds of graduation decreases about 36%.

A participant's chemical dependency diagnosis at the outset of programming is also static. Included in the regression was whether a participant had a diagnosis of dependent or abusing. This is to explore whether a more serious diagnosis at the outset of programming had an impact on success. The regression model suggests that severity of diagnosis at program outset was not predictive of program graduation.

### Program Non-Compliance

This section of the regression explores various aspects of program compliance to establish if, when viewed collectively with other elements that are potentially predictive of success or failure, they remain statistically significant. The first explores whether the use of Ignition Interlock or SCRAM technology affects success or failure in the program. The regression shows that this element is statistically significant. The odds ratio above one suggests a positive relationship whereby those on SCRAM and/or interlock during the program are more likely to graduate than those who are not.

Two program non-compliance issues are also statistically significant: Failure to appear at one or more hearings ( $p=.009$ ) and serving one or more jail days during the program (.004). Both of these variables have an odds ratio below one such that if one has a failure to appear or serves jail days, one is statistically less likely to graduate DWI Court. The odds ratios suggest that a failure to appear or serving jail days make graduation over 90% less likely. Conversely, one or more probation violations during the program was not predictive of program success or failure.

### Exit Variables

DWI Court collects certain metrics when participants both start and exit the program. Three of those relate to employment, housing and education level. This regression includes these elements to explore if they have a statistically significant bearing on program graduation.

The first variable compares those who are unemployed at program exit to those who are not. The employed include those who work full- or part-time, are students, or are retired. The regression finds that those who are unemployed at the time of program exit are statistically less likely to have graduated ( $p=.000$ ). The odds ratio suggests that those who are unemployed at program exit are over 95% less likely to graduate than their employed peers are.

The second variable in Table 27 explores housing status. This regression compares those who have independent housing at the end of the program (defined as owning or renting) to those who live with friends or relatives, in a residential setting, or are experiencing incarceration or homelessness. Having independent housing at program exit did not rise to the level of a statistically significant predictor of program graduation.

Finally, the regression explores participants' education status at program exit. This variable compares those who have a high school diploma/GED or less to those who have any education above high school. In the regression model, having an education level of high school or less was not predictive of program graduation or failure.

## Summary

Although a regression of this nature is somewhat precarious in its results due to the high graduation rate among participants and the small sample of non-completers, some utility exists. The regression suggests that those who enter the program with a longer or more serious criminal history prior to the program are less likely to graduate. Identifying these individuals at the outset may prioritize them for greater structure, services or supervision to increase their odds of graduation.

While Ignition Interlock and SCRAM are interventions that have financial costs, those using these services are presumably higher risk to use alcohol. Graduation rates are higher among those who have this heightened monitoring. Possibly, bearing some cost of the service enhances commitment to the program or serves as a motivator for compliance.

Not surprisingly, those who fail to appear at hearings are less likely to graduate, as are those who experience one or more jail days during the program. Jail days typically result from new offenses or as a short-term sanction imposed by DWI Court for program non-compliance. This is not to say that FTAs or jail days cause program non-completion, rather these are likely indicators of issues meeting program requirements or remaining law abiding.

Finally, the regression illustrates that employment (or student status) at the end of the program is predictive of graduation. A requirement of program Phase 2 is that participants seek employment, education or training. They are to maintain this employment or training during Phase 3. Education or employment is, in almost all circumstances, a condition of graduation. Those without are not eligible to petition for graduation. Providing any assistance to overcoming employment or educational barriers should be a priority of the DWI Court program.

## Section 6: Conclusions and Recommendations

The Fourth Judicial District’s DWI Court has been serving felony and gross misdemeanor-level DWI offenders since 2007. The program engages in regular evaluation to ensure the program’s policies and practices are consistent with best practices including articulated program goals, specific participant eligibility criteria, a dedicated DWI Court judge and DWI Court team, a participant phase structure, and the use of graduated sanctions and incentives.

The primary purpose of this evaluation is to determine if the DWI Court program is meeting its stated goals to reduce recidivism, reduce illegal drug usage, and improve compliance with court ordered conditions. The following Table (28) summarizes key findings related to these goals, including data-driven recommendations to improve programming and graduation rates.

**Table 28.** Goal Assessment of Hennepin County DWI Court

Goal	Assessment
Target Population	County-level data from 2014 show that those with a DWI conviction make up a comparable population as those in DWI Court as it relates to gender and age. DWI Court serves a higher percentage of felony offenders and a lower percentage of people of color than are observed among all DWI convictions.

Graduation or termination from DWI Court was not statistically different by offense severity, gender or age. Preliminary analysis suggested there was a statistically significant difference in graduation by participant race, but a more robust logistic analysis determined factors other than race were driving the difference in program success.

**The DWI Court Program could investigate why a lower percentage of people of color are in the program than are present among DWI offenders in the jurisdiction overall. Any systemic issues that might be making people of color ineligible, less likely to be referred, or more likely to opt out should be addressed.**

**The data suggest that people of color graduate at a rate lower than their White peers. Participant race, however, does not drive the difference. Other variables historically affected by race, such as longer criminal histories, more difficulty procuring employment, or the need for culturally specific treatment programming, could affect the success of people of color. The DWI Court program should continue to monitor these issues related to participants of color.**

1. Reduce Recidivism      DWI Court participants did not have statistically lower DWI or other driving-related recidivism rates than a statistically identical group of people who went through the traditional court and probation process in Hennepin County for DWI offenses.

Both the treatment court group and the comparison group had comparable levels of new DWI charges and convictions following two years of street time. While the number of individuals who received one or more driving related charges was not different between the two populations, the comparison group was more likely than the treatment group to have a driving related conviction during the recidivism window.<sup>t</sup>

**For this evaluation cohort, Hennepin County DWI Court did not meet primary program goal of reducing subsequent DWIs and other driving related offenses. This is the case even among a population primarily consisting of program graduates.**

**The program should continuously monitor to ensure that the population served meets the target population intended for DWI Courts and the services are consistent with best practices. Specifically, the program could evaluate program elements intended to address primary criminogenic risk factors such as antisocial attitudes, behaviors and peers.**

2. Facilitate Defendant Sobriety      Probation administered urine analysis supports that participants are making progress towards sobriety. Of over 16,600 UAs given, just 6% resulted in positive tests. Of home visit PBTs given by law enforcement, less than 1% tested positive for alcohol.

The average length of time in the program for the treatment cohort was approximately 80 weeks (20.2 months). On average, each DWI Court program participant received 79 UAs during the program, which equates to an average of one probation administered UA per week.

**According to NADCP, Drug and DWI Courts should test participants randomly and at least twice per week until the final phase of the program. The Hennepin DWI Program should assess if they are meeting testing and randomization expectations between probation tests and those provided by other services such as treatment, home visits, SCRAM and Ignition Interlock.**

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<sup>t</sup> See page 33 for the definition of driving related offenses.



During the study period, 17% of DWI Court program participants received Ignition Interlock and 14% used SCRAM. While these services help promote sobriety and public safety, positive readings on SCRAM or interlock are not tracked or available for a retrospective study.

**If SCRAM and Ignition Interlock results continue to be goal measurements for DWI Court, a system of tracking and recording individual readings must be established—similar to the timely recording of UA results.**

3. Increase Compliance with Court-ordered Conditions

One goal of the DWI Court program is to measure participant retention. Based on this study, the participant retention rate is 90%, which leaves little room for improvement.

**During the time of this assessment, participants could “test drive” the program for up to 6 weeks before formal entrance. This allows for those who may not have otherwise been successful in the program to opt-out and follow traditional sentencing. This extended opt-out period should be eliminated so the graduation rates of DWI Court are calculated in a manner comparable to Hennepin County’s other treatment courts.**

The program also monitors attendance at review hearings. The DWI Cohort had over 9,600 review hearings during the program for an average of 45 hearings per person. The average number of hearings between those who did and did not graduate from the program was not statistically different.

**In total, 15% of DWI Court participants engaged in the program for more than 2 years. This is longer than the target length of program of 18 months. People who remain in the program for an extended time elevate the average number of review hearings overall. The DWI Court program must be judicious in the number of clients permitted to stay longer than the guidelines suggest. Not only is there a negative impact upon program resources, graduation rates also decline after the optimal program length.**

A goal of DWI Court is to monitor compliance with treatment and aftercare during the program. Graduates were statistically less likely than those who terminated to have participated in inpatient treatment. Those in inpatient treatment were statistically more likely to have a Severe Substance Use Disorder diagnosis (97%); just 3% of participants in inpatient had a Moderate Severe Substance Use Disorder diagnosis. There was no statistically significant difference in graduates and non-completers on receipt of outpatient treatment.

**While a “severe substance use disorder” diagnosis is not statistically predictive of program success or failure, participation in inpatient treatment did show a statistically significant relationship. Those who require inpatient treatment may need enhanced support or accountability from the DWI Court program to be successful.**

This assessment includes investigation of in-program probation violations, new offending and use of jail days. Probation violations were uncommon, as were new charges and convictions for DWI and other driving related offenses. Not surprisingly, those with in-program probation violations and new DWI charges/convictions were less likely to graduate from the program. However, there was no statistically significant difference as to another driving related charge or conviction and graduation status. Use of jail days was statistically more common among those who terminated the program than those who graduated.

**At present, data capture the total number of jail days served during a program participant’s tenure. It cannot be determined if jail days are in response to new offending and sentencing, or for program related sanctions. A new data management system capable of capturing this information will be operational in 2021.**

Logistic  
Regression

An analysis to investigate which factors about individuals or programming are predictive of program graduation revealed the following:

A higher criminal history score at the beginning of programming was predictive of program failure.

**Those with a longer and/or more severe criminal past may need special attention to address drivers of ongoing criminal or antisocial thinking or behavior that compromises their ability to complete the program successfully.**

Individuals who participated in SCRAM or Ignition Interlock services while in the DWI Court program were more likely to graduate.

**It may be that participants have these more intense monitoring services because they are higher risk, however it may help with the accountability necessary to complete successfully. Interviewing SCRAM and Ignition Interlock participants may help illuminate how these services are helpful to their success.**

Failure to appear at hearings during the program is predictive of program failure.

**FTA may illustrate a disregard for the rules or expectations of the program. Conversely, it may indicate a level of chemical dependency, mental health or other obstacles that impedes one's ability to meet program expectations. An exploration into the specific drivers of FTA behavior may help the program to decrease these events.**

Those who served jail days during the program were less likely to graduate. This makes sense as jail days typically result related to new criminal behavior or as a sanction for repeated program infractions.

**A new database, slated for implementation in 2021, can track with greater specificity the use of sanctions, including jail time.**

Finally, employment at program exit is predictive of graduation. Those who were unemployed at program's end were statistically less likely to be graduates.

**Employment or enrollment in a trade or education program is an expectation of the program for successful completion. As such, employment and graduation go together as a matter of program policy. Any additional assistance supporting participants to gain employment may be beneficial, especially if lack of employment is disparately affecting participants of color.**

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