

## Specifics & Findings

**In this brief:** Our review of DWI-Drug Court participants and comparison group members focused on determining differences in the recidivism rates of the DWI-Drug Court treatment group members compared to comparison group members.

### Main findings:

- Almost 75% of the treatment sample graduated from the DWI-Drug Court, while 17.7% were terminated, and 8.8% absconded.
- Clients were in the program an average of 332 days. The average length of stay was longer for graduates (359 days) and shorter for non-graduates (255 days).
- Graduates from the program were 1/3 as likely to recidivate as comparison group members.
- Those who entered the DWI-Drug Court program but did not finish were 1.8 times as likely to have another arrest for DWI as comparison group members.
- A client that did not graduate from the program was 2.3 times more likely to recidivate than a client who graduated from the program.
- Graduation compared to not graduating was not a statistically significant predictor of the time to recidivism. When graduates recidivated they did so in about the same amount of time as non-graduates.
- Graduates took 1.8 times as long to re-offend as comparison group members, while participants who did not graduate recidivated in less than half the time as comparison group members.

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## Bernalillo County Metropolitan Court DWI-Drug Court Study Stage One: *A Report in Brief*

The goal in conducting this study is to better understand the effectiveness of the Bernalillo County Metropolitan Court DWI-Drug Court in graduating program participants and reducing the recidivism rates of participants (graduates and non-graduates) compared to a matched comparison group. of Metropolitan Court Probation clients. Program effectiveness is defined as a reduction in re-arrest for DWI and increased time to arrest for participants after they left the program when compared to a matched comparison group.

This study included a literature review, a brief review of the program, an analysis of DWI-Drug Court program clients, and an analysis of DWI-Drug Court program clients and comparison group members.

### LITERATURE REVIEW

“A drug court is a form of mandated judicial supervision and addiction treatment alternative to incarceration (Anderson, 2001, p. 470).” Drug courts emerged in the late 1980s as a response to rapidly increasing felony drug convictions that placed a serious strain on the Nation’s courts as well as its jails and prisons. (National Institute of Justice, *Drug Courts: The Second Decade*, 2006). Drug Courts are specialty dockets designed to handle cases involving addicted citizens under the adult, juvenile, family, and tribal justice systems. The drug court model represents a blending of justice, treatment, and social service systems to actively intervene and break the cycle of substance abuse, addiction, crime, delinquency and child maltreatment (National Drug Court Institute, <http://www.nadcp.org/>).

Overall, methodologically sound studies have consistently shown that drug court programs

are effective in reducing recidivism and improving treatment retention (Belenko, 1998; Cissner & Rempel, 2005; Goldkamp, 2003; Harrell, 2003; Marlowe, Dematteo & Festinger, 2003; Roman, Townsend & Bhati, 2003).

### METHODOLOGY

This study incorporates two stages. Stage 1 includes a broad examination of the DWI-Drug Court characteristics and an outcome evaluation of the DWI-Drug Court comparing program participants (graduates and non-graduates) with a matched comparison group of individuals who were referred and eligible for the program but chose not to enter the program.

DWI-Drug Court clients were matched with eligible Metropolitan Probation clients using propensity score matching. This technique was used to help ensure subjects in the DWI-Drug Court group and comparison group were as similar as possible and to reduce selection bias between the two groups.

The outcome study is focused on analyzing two different outcomes:

- Recidivism-defined as official re-arrest for DWI.
- Time to re-arrest.

Stage 2 elaborates on these findings by including a second comparison group comprised of similarly situated individuals (e.g. DWI offenders convicted of similar offenses with similar characteristics such as age, gender, and race/ethnicity) served by a DWI program in neighboring Sandoval County, and by expanding the time frame of the study to five years from the current three

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- A number of variables profiled successful graduation from the program. Increasing age, employment at entry into the program, a higher number of negative UA's, a smaller number of UA stalls and sanctions, and a smaller percentage of positive breathalyzers increased the odds of graduating.
- The Bernalillo County Metropolitan Court DWI-Drug Court follows national standards. This includes the ten key components for Drug Courts and ten guiding principles for DWI Courts.
- Our review did not study the extent to which the program follows these standards, or how the different components of the program contribute to successful outcomes, or whether the program follows best practices.
- Overall, methodologically sound studies have consistently shown that drug court programs are effective in reducing recidivism and improving treatment retention.

### Proposed Stage 2

Stage 2 will include a second comparison group comprised of similarly situated individuals (e.g. DWI offenders convicted of similar offenses with similar characteristics such as age, gender, and race-ethnicity) served by a DWI program in neighboring Sandoval County, and by expanding the time frame of the study to five years from the current three years. Stage 2 also includes a prospective study that provides detailed information regarding behavioral and attitudinal change at three critical phases in the DWI-Drug court process including at admission, in treatment, and near discharge. For a full description of the proposed Stage 2 portion of the study, see the full report.

**Target Audience:** Administrative Office of the Courts staff, Metropolitan Court Judges and staff, Legislators and legislative staff; state and local government policy-makers; law enforcement agencies; prosecution and defense attorneys; and criminal justice researchers.

years. Stage 2 also includes a prospective study that provides detailed information regarding behavioral and attitudinal change at three critical phases in the DWI-Drug court process including at admission, in treatment, and near discharge. Stage 2 is not a part of this report but will be completed in a future study. For a complete description of the Stage 2 portion of the study, see the full report.

### DATA COLLECTION

Data collection occurred on two different levels. First, we collected information at the program level including policies and procedures, a survey of the program, and surveys of DWI-Drug Court team members that described the program and its development. Second, we collected information on study group members that included DWI-Drug Court clients and comparison group members. We collected DWI-Drug Court referral, admission, treatment service data, court, and probation data on DWI-Drug Court clients and court and probation data on comparison group members who were on probation.

### PROGRAM DESCRIPTION

Our brief review of the Bernalillo County Metropolitan Court DWI-Drug Court follows national standards. This includes the ten key components for Drug Courts and ten guiding principles for DWI courts. Our review did not study the extent to which the program follows these standards, how the different components of the program contribute to successful outcomes, or whether the program follows best practices.

The program is located in Bernalillo County with a current design capacity of 350 clients and includes 3 judges who hold eight hearings bi-weekly. Four of the hearings are regular DWI-Drug court hearings and four are special track hearings (two Spanish, one Native American, and one Co-Occurring). The program is designed to be nine months in length with three phases and a transitional care phase; has been in operation since 1997; and uses a local, private, for-profit alcohol/substance abuse treatment agency.

The program includes offenders convicted of a second or third DWI, offenders who are convicted of a first DWI that was originally charged as a second DWI or higher, and offenders charged and convicted of a first DWI that have previous convictions for a first DWI. The program has mandatory treatment requirements that vary by phase and are partly based on individual progress and compliance with program and court requirements.

### FINDINGS

Almost 75% of the sample graduated from the DWI-Drug Court, while 17.7% were terminated, and 8.8% absconded. Table 1 presents the average length of stay for all clients and clients with different exit dispositions from the program. Clients were in the program an average of 332 days. The average length of stay was longer for graduates (359 days) and shorter for non-graduates (255 days). . On average absconders spent 55 days less in the

**Table 1. Average Length of Stay**

Client Type	Count	Percent	Average Length of Stay in Days
All Clients	855	100.0	332
Graduates	628	73.4	359
Non-Graduates	227	26.6	255
Terminated	152	17.8	273
Absconders	75	8.8	218

program than clients who were terminated from the program.

The logistic regression models both the probability of graduating from the program and recidivating after the program in the "Graduation Model" and "Recidivism Model" (Table 2). The explanatory variables used in the model were included because of theoretical importance or statistical importance. The most important part of this analysis is how the probability of graduating and recidivating is affected by the explanatory variables.

Table 2. Graduation and Recidivism Model		
Variables	Graduate Model	Recidivism Model
	Odds Ratio	Odds Ratio
<b>Demographic Variables</b>		
Age at Intake Date	** 1.06	0.98
Unemployed At Entry	* 0.46	0.83
<b>Race/Ethnicity</b>		
Hispanic	0.65	0.89
Native	0.53	0.74
<b>Living Arrangement</b>		
Alone	0.97	1.30
With Family	1.15	0.86
With Own Family	0.86	1.37
<b>Marital Status</b>		
Divorced	1.47	2.43
Married	3.23	1.84
Never Married	1.65	3.05
Single	1.57	1.68
<b>Drug Court Screening Variables</b>		
Years of Abuse	0.99	0.99
Age of First Use	1.03	1.03
Whether or Not Client Has a Interlock Installed	1.00	0.87
<b>Evolution Group/Treatment Activities &amp; Drug Screening</b>		
IRW Group Count	1.24	1.09
Other Group Count	1.00	1.00
Sanction Count	** 0.34	0.49
Number of Negative UA's	*** 1.06	1.01
Number of Positive UA's	1.02	0.97
Stall Count	*** 0.48	0.96
Percentage of Positive Breathalyzers	*** 0.03	1.16
<b>Exit Disposition Variables</b>		
Graduated		* 0.43

\*p<0.05 \*\*p<0.01 \*\*\*p<0.001

The Graduation Model profiles graduation from the DWI-Drug Court program. Only about a quarter of the explanatory variables in the model (6 out of 23) had significant odds ratios. Only two demographic variables were statistically significant, age and unemployment at entry into the program. None of the treatment variables were statistically significant, but they did show a positive effect on graduating. Finally, increasing the number of negative UAs significantly increased the odds of graduating, while increasing the number of sanctions, stalls, and percentage of breathalyzers that were positive all significantly decreased the odds of graduating.

In the Recidivism Model (Table 2), the logistic regression presents evidence that only graduation was a statistically significant predictor of recidivism. More importantly, the odds ratio shows that a client that did not graduate from the program was 2.3 times more likely to recidivate compared to a client who graduated from the program. None of the treatment and drug screening variables significantly predicted the odds of recidivating.

The model analyzing recidivism shows that the completion of the DWI-Drug Court program has an effect on recidivism, and that participation in the program was not enough.

After creating the matched treatment and comparison groups (propensity to participate, propensity to graduate, and propensity to recidivate) we conducted analyses to determine differences in the recidivism rates for the treatment and comparison groups (Table 3). Across all three models, two significant variables effecting recidivism were participation in and graduation from the program. Specifically, those who graduated from the program were 1/3 as likely to recidivate as comparison group members, while those who entered the DWI-Drug Court program but did not finish were 1.8 times as likely to have another DWI as comparison group members. While counterintuitive, this may have occurred because some individuals in the comparison group may have successfully completed court ordered treatment programs.

Table 3. DWI-Drug Court and Comparison Group			
Variables	Propensity to Participate	Propensity to Graduate	Propensity to Recidivate
	Odds Ratio	Odds Ratio	Odds Ratio
Age At Drug Court Intake Date	***0.947	*0.970	1.000
Female	0.296	0.627	0.924
White	*2.251	9.32	0.912
African American	2.153	0.612	0.762
Native American	**2.910	9.215	1.033
DWI	1.530	0.988	1.017
Aggravated DWI	0.972	1.229	0.922
Participated in Drug Court	***3.154	****3.098	****1.832
Graduated From Drug Court	***0.368	****0.342	***0.337

\*p<.1 \*\*p<0.05 \*\*\*p<0.01 \*\*\*\*p<0.001

These results are similar to analyses conducted with the treatment group only and indicate the completion of the DWI-Drug Court program has an effect on recidivism, and that participation in the program did not reduce recidivism.

Graduation from and participation in the DWI-Drug Court program were the only factors that consistently had an effect on time to recidivism across all three models. In the propensity to recidivate model. Graduates took 1.8 times as long to re-offend as comparison group members, while participants who did not graduate recidivated in less than half the time as the comparison group.

## CONCLUSION

In conclusion, our Stage 1 study found a number of variables profiled graduation from the DWI-Drug Court program including age at intake, employment status at intake, a higher number of negative urinalysis tests, the number of stalls and sanctions, and a lower percentage of positive breathalyzer tests. We also found graduates recidivate at a lower rate compared to non-graduates. Further, we found when graduates do recidivate they do so in about the same amount of time as non-graduates from the DWI-Drug Court program. . We found participation and graduation from the DWI-Drug Court program were the only variables that consistently profiled recidivism across the different statistical models. Graduating from the program was more important for reducing DWI recidivism than participation in the program .

Stage 2 of this study will expand the current study by adding two additional years of data, by adding a second comparison group of individuals who participated in a treatment program in a neighboring county, and by adding a prospective study of DWI-Drug Court clients surveyed near admission, in treatment, and near discharge.

The addition of two years of Metropolitan Court DWI-Drug Court and Metropolitan Court Probation data will allow us to study five years of recidivism. The addition of a program of clients from Sandoval County will allow us to compare DWI-Drug Court clients to clients from another treatment program that will include treatment data. Using only Metropolitan Court Probation clients in the current study we could not control for treatment effects. The addition of a prospective study will allow us to better understand how the program works for clients at different stages of the program. This includes barriers to treatment, satisfaction with life, evaluation of self and treatment,

satisfaction with treatment, and a set of interview questions designed to provide important information about aspects of a client's life which may contribute to his/her substance abuse problem. ■

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## About The Commission

The New Mexico Sentencing Commission serves as a criminal and juvenile justice policy resource to the State of New Mexico. Its mission is to provide information, analysis, recommendations, and assistance from a coordinated cross-agency perspective to the three branches of government and interested citizens so that they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems. The Commission is made up of members from diverse parts of the criminal justice system.

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