

## Specifics & Findings

- **In this brief:** Our review of DWI-Drug Court clients and Probation comparison group members focused on determining differences in the re-arrest rates for DWI.

### Main Findings:

- Almost 75% of the DWI-Drug Court clients graduated from the DWI-Drug Court, while 17.7% were terminated, and 8.8% absconded.
- DWI-Drug Court 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).
- Being a member of the Probation comparison group, being younger at intake, and being male increased the odds of being re-arrested for DWI.
- Probation comparison group members odds for re-arrest for DWI were 2.3:1 compared to DWI-Drug Court study group members.
- Probation comparison group members were 69.7% more likely to recidivate before DWI-Drug Court group members.
- 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.

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## Report in Brief: Bernalillo County Metropolitan Court DWI-Drug Court Intent-to-Treat Outcome Study

The goal of this study is to better understand the effectiveness of the Bernalillo County Metropolitan Court (BCMC) DWI-Drug Court 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 intake into either the DWI-Drug Court program or the matched comparison group.

This is an 'intent-to-treat study' that includes all DWI-Drug Court clients who were in the program a minimum of 90 days, regardless of whether they finished the program and became graduates. This is a more rigorous way to analyze study results than an 'on-treatment study' or analysis that only looks at the clients who completed the program.

Our study includes a literature review, a brief review of the DWI-Drug Court, and an analysis of DWI-Drug Court program clients and a matched comparison group composed of individuals in the Metropolitan Court Probation Division.

### Literature Review

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, 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/>).

Methodologically rigorous 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

The study incorporates two stages. Stage 1 included 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. As noted earlier, this is an intent-to-treat study. Comparison group individuals were part of the Metropolitan Court's Probation Division and so were part of the "business as usual" process. This process typically included mandatory minimum jail time, formal probation supervision, and abiding with standard and additional conditions of probation, which typically include alcohol treatment.

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

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- 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 includes 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 policymakers; law enforcement agencies; prosecution and defense attorneys; and criminal justice researchers.

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 (i.e. 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: at admission, in treatment, and near discharge. Stage 2 is not 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 Probation comparison group members. We collected DWI-Drug Court referral, admission, treatment service, court, and probation data on DWI-Drug Court clients and available court and probation data on Probation comparison group members.

### Program Description

Our brief review of the Bernalillo County Metropolitan Court DWI-Drug Court indicates the program follows national standards. This includes the ten key components for Drug Courts and the 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 three 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 accepts 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

This section provides a description of the complete DWI-Drug Court group from which the treatment sample was drawn, a more limited description of the Probation comparison group, and an intent-to-treat analysis of the matched DWI-Drug Court treatment sample and Probation comparison group sample.

#### *DWI-Drug Court Clients*

Almost 75% of the DWI-Drug Court clients sample graduated from the program, 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). On average absconders spent 55 days less in the program than terminated clients.

Almost 80% of the clients were male and 67.8% were between 18 and 39 years of age with a mean age of 34.8 years at intake into the program. Slightly more than half

(51.9%) of the clients were Hispanic, 26.0% were White, 19.6% were Native American, 1.8% were African American, and 0.5% were Asian American. Half (50.4%) of the clients did not complete high school, 36.3% achieved some college, 11.5% had a high school degree or GED, and 1.8% had a college degree.

### Probation Comparison Group

Slightly more than 80% of the sample was male and 67.3% was between 18 and 39 years of age. Almost 60% of the sample was Hispanic, 23.7% was White, 13.9% was Native American, and 2.0% was African American.

### DWI-Drug Court and Probation Comparison Matched Study Sample

The DWI-Drug Court matched treatment sample includes individuals who were in the program a minimum of 90 days and includes graduates and non-graduates. The Probation comparison group sample includes individuals who were referred to the program, were deemed eligible to become clients, but chose not to participate. These individuals became clients of the Metropolitan Court's Probation Division. The comparison group does not include individuals who were determined to be ineligible by DWI-Drug Court program staff.

Using propensity score matching we were able to match 540 Probation comparison group members and 540 DWI-Drug Court clients. The study group only includes individuals who were exposed to re-arrest for DWI (recidivism) for a minimum of 365 days and a maximum of 1,095 days (3 years). This was done in order to control for exposure time for the study sample.

Table 1 reports the re-arrest rate for DWI for the propensity score matched DWI-Drug Court group and Probation comparison group. During the study period 9.1% of the DWI-Drug Court group and 13.5% of the Probation comparison group were re-arrested for DWI. This difference of 4.4% was statistically significant.

| Table 1. Re-Arrest for DWI |                      |         |                            |         |
|----------------------------|----------------------|---------|----------------------------|---------|
|                            | DWI-Drug Court Group |         | Probation Comparison Group |         |
|                            | Count                | Percent | Count                      | Percent |
| No Re-Arrest for DWI       | 491                  | 90.9    | 467                        | 86.5    |
| Re-Arrest for DWI          | 49                   | 9.1     | 73                         | 13.5    |

chi-square= 5.323, df=1, p=.01

| Table 2. Logistic Regression Model of Re-Arrest for DWI: DWI-Drug Court and Probation Study Members |            |
|---|------------|
| Variable  | Odds Ratio |
| Demographic Variables   |            |
| Age At Drug Court Intake  | ***0.960   |
| Males   | **1.626    |
| Race/Ethnicity  |            |
| Hispanic  | 1.204      |
| African American  | 1.116      |
| Native American   | 1.406      |
| Other   | 1.659      |
| Referring Offense   |            |
| DWI   | 1.107      |
| Aggravated DWI  | 1.137      |
| Probation Comparison Study Group  | ***2.325   |
| Constant  | .720       |
| Included in Analysis  | 1,080      |

\*p<0.1, \*\*p<0.05, \*\*\*p<0.01, \*\*\*\*p<0.001

Table 2 models the odds of re-arrest for DWI following intake into the DWI-Drug Court or Probation. Three significant variables effecting re-arrest were age at intake into the study (either DWI-Drug Court intake date or Probation group probation start date), being male, and being a member of the probation comparison group. The odds of probation group member's recidivating were 2.3:1 compared to DWI-Drug Court group members and the odds of male's recidivating were 1.6:1 compared to females. Age at intake was also significant. With each year increase in age at intake, study group member's odds of recidivating were reduced by 4%. Study group members who were 10 years older at intake had an odds ratio of 2.9:1. Younger study group members at intake had a higher odds of recidivating.

In Table 3, three variables statistically significantly modeled time to recidivism. Probation comparison

| Table 3. Cox Regression Model of Time to Recidivism |               |
|---|---------------|
| Variable  | Hazards Ratio |
| Demographic Variables                               |               |
| Age At Drug Court Intake                            | ***0.947      |
| Females   | **1.501       |
| Race/Ethnicity                                      |               |
| Hispanic  | 1.401         |
| African American                                    | 1.668         |
| Native American                                     | 1.081         |
| Other   | 0.224         |
| Referring Offense                                   |               |
| DWI   | 1.118         |
| Aggravated DWI                                      | 1.178         |
| DWI-Drug Court Study Group                          | ***2.297      |
| Log Likelihood                                      | 741.941       |
| Included in Analysis                                | 1,080         |

\*p<0.1, \*\*p<0.05, \*\*\*p<0.01, \*\*\*\*p<0.001

group members were 69.7% more likely to recidivate before DWI-Drug Court group members and males were 60% more likely to recidivate before females. Age was also statistically significant with younger study group member's recidivating more quickly. With each year increase in age at intake study group members time to recidivism increased by 5%.

## Conclusion

We found, in our analysis of the intent-to-treat sample, a number of variables statistically significantly increased the odds of re-arrest for DWI. These variables were being a member of the probation comparison group, being younger at intake, and being male. We also found that being a member of the DWI-Drug Court group, being older at intake, and being female increased the time to re-arrest for DWI.

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 DWI 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 clients from a DWI prevention program in 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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## Annotation

This report is designed to supplement the report completed in June 2009 entitled: *Bernalillo County Metropolitan Court DWI-Drug Court Study Stage One: A Report in Brief*. This report provides a more detailed, and explicit statement of our intent-to-treat study findings.

While responding to requests for more information about the June 2009 report we decided to explore, in more detail, cases which were excluded from the Probation comparison group sample because they were missing information. We were able to collect missing data for the majority of these cases and re-analyzed the data with an enhanced focus on an intent-to-treat study.

## 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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