

Michigan Drug Treatment Courts

2009 Annual Report and Evaluation Summary



Project Years

October 1, 2007 – September 30, 2008

October 1, 2008 – September 30, 2009

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Executive Summary

Eighty-seven drug treatment court programs operate in Michigan to reduce substance abuse and criminal activity through a combination of therapeutic services and judicial supervision. Programs admit nonviolent offenders from circuit and district courts, drunk driving offenders, juvenile offenders, parents with cases in the family division of circuit court, and defendants in tribal court. During fiscal years 2008 and 2009, more than 5,199 people were admitted to drug courts, more than 8,112 cases were active in drug court, and more than 2,545 participants completed a drug court program.

The Michigan Supreme Court's State Court Administrative Office (SCAO) administers state and federal grant programs to fund drug courts throughout the state. In 2009, SCAO awarded \$1,748,000 in state funds to 51 drug courts. SCAO also awarded \$1,725,000 in federal dollars from the Edward Byrne Memorial Justice Assistance Grant Program to 11 courts, and \$527,000 in federal dollars from the Office of Highway Safety Planning to 7 courts.

Graduates of Michigan's adult circuit and adult district drug courts are unlikely to be charged with new offenses in the first 12 months after graduation. Of the individuals who successfully completed an adult circuit drug court program, only 11.4 percent were charged with committing a new crime in the first 365 days after graduation. Of the individuals who successfully completed an adult district drug court program, only 10.8 percent were charged with committing a new crime in the first 365 days after graduation.

Graduates of Michigan's driving while intoxicated (DWI) courts are very unlikely to be charged with either a drunk driving charge or any criminal offense. Of the individuals who successfully completed a DWI court program, only 0.9 percent were charged with committing a new drunk driving offense, and only 7.6 percent were charged with committing either a new drunk driving offense or a criminal offense.

These postgraduation recidivism rates were calculated for individuals who successfully completed drug court prior to December 31, 2008. Additional measures of success, including retention, completion, improvement in employment and education, and postgraduation recharge rates, are provided in this report and generally pertain to participants discharged in fiscal years 2008 and 2009.

This report summarizes drug court activity for the two fiscal years between October 1, 2007, and September 30, 2009. Grant information and full evaluation reports are available online at <http://courts.michigan.gov/scao/services/tcs/spec.htm>. To request information by phone, contact SCAO's Specialty Courts Program at 517-373-7351.

Overview of Drug Courts in Michigan

Also known as “problem-solving courts,” specialty courts have steadily gained acceptance as an alternative to imprisonment for nonviolent criminal offenders who abuse drugs or alcohol. Many repeat offenders have substance use disorders, causing them to cycle in and out of the justice system. To break this cycle, specialty courts employ “therapeutic jurisprudence,” which emphasizes treatment, rehabilitation, intensive supervision, judicial status hearings, frequent drug testing, and graduated incentives and sanctions. Core drug court team members consist of judges, probation officers, law enforcement personnel, prosecutors, defense counsel, and substance use disorder treatment providers.

Spurred in part by the problem of jail overcrowding, many Michigan courts have turned to the problem-solving approach. Beginning in the late 1980s, drug courts offered an effective solution to alcohol- and drug-related crime by addressing the underlying cause and treating addiction as a complex disease. Recognizing that repeat criminal offenders often have alcohol and substance use disorders, many judges, prosecutors, and city attorneys have implemented drug treatment courts in their jurisdictions.

Descriptions of Drug Court Types

Although they share the same judicial model of therapeutic jurisprudence, drug treatment courts, family dependency treatment courts, juvenile drug treatment courts, and DWI treatment courts all have program-specific components designed to meet the specific needs of their target population.

Adult Circuit and Adult District Drug Treatment Courts

In 2009, 18 circuit court and 15 district adult drug treatment courts were operational, and 3 adult drug treatment courts were in the planning phase. The adult drug court model is the oldest and most frequently-implemented drug court model. It is characterized by a specially-designed court docket focusing on nonviolent drug-related felony and misdemeanor cases. The judge is actively involved in supervising drug court offenders during regularly-scheduled review hearings that involve most of the drug court treatment team members. The primary purposes of a drug treatment court are to achieve a reduction in recidivism and substance abuse, to increase the likelihood of successful rehabilitation through early, continuous, and intense judicially-supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other rehabilitation services.

Driving While Intoxicated (DWI) Treatment Courts

There were 23 operational DWI treatment courts as of December 2009. DWI treatment courts, also known as “sobriety” courts, target offenders who have been charged with driving while under the influence of drugs or alcohol. Each DWI treatment court contains key program components recommended by the Bureau of Justice Assistance in *The Ten Guiding Principles of DWI Courts*. This target population poses a high risk to the community because, in most cases,

their driving privileges have been revoked. Addressing transportation issues is a vital program component of this type of court.

Family Dependency Treatment Courts

As of December 2009, there were nine operational family dependency treatment courts, and one additional family dependency treatment court was in the planning phase. The enactment of the federal Adoption and Safe Families Act of 1997 has given added impetus to the establishment of family drug courts by calling for states to initiate termination of parental rights proceedings for children who have been in foster care for 15 of the previous 22 months. This short time frame makes it more important that court systems develop mechanisms to ensure judicial supervision and coordination of, and accountability for the services, provided to juveniles and families in crisis. Because many more individuals and entities need to be involved with these family dependency cases than other types of drug courts, development of family dependency drug courts is proving to be a more complex task than the development of other drug courts.

Family dependency drug court dockets consist of selected abuse, neglect, and dependency cases where parental substance abuse is a primary factor in the allegations of abuse or neglect. Judges, attorneys, child protection services workers, and treatment personnel unite with the goal of providing safe, nurturing homes for children, while simultaneously providing parents the necessary support and services to become drug-free and alcohol-free. Family dependency drug courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within the mandatory legal time frames.

Juvenile Drug Treatment Courts

At the conclusion of 2009, there were 15 operational juvenile drug treatment courts. A juvenile drug court is a docket within the family division of circuit court to which selected delinquency cases, and in some instances status offenders, are referred for handling by a designated judge. The youths referred to this docket are identified as having problems with alcohol and/or other drugs. The juvenile drug court judge maintains close oversight of each case through regular status hearings with the parties involved. The judge both leads and works as a member of a team that is comprised of a defense attorney, and representatives from treatment providers, juvenile justice, social and mental health services, school and vocational training programs, law enforcement, probation, and the prosecutor's office. Over the course of a year or more, the team meets frequently, determining how best to address the substance abuse and related problems of the youth and the youth's family.

Healing to Wellness Tribal Courts

The Tribal Advisory Committee describes its drug courts as Healing to Wellness courts. These courts operate within the tribal justice system to address alcohol- and drug-related crime. The programs use the core principles of drug treatment court and also incorporate customs and

traditions of the native community. There were three of these specialty courts in operation in Michigan during 2009.

Table 1
Types of Drug Courts
As of December 2009

| Type of Drug Court | Operational Drug Courts | Drug Courts in Development | Total |
|---------------------------------|------------------------------------|---------------------------------------|--------------|
| Adult Circuit | 18 | 1 | 19 |
| Adult District | 15 | 2 | 17 |
| Driving While Intoxicated (DWI) | 23 | 0 | 23 |
| Family Dependency | 9 | 1 | 10 |
| Juvenile | 15 | 0 | 15 |
| Tribal | 3 | 0 | 3 |
| Total | 83 | 4 | 87 |

Michigan has been a leader in the drug court movement. In June 1992, the first woman's drug treatment court in the nation was established in Kalamazoo County for the 9th Circuit Court. The program was a success and other courts sought to establish their own drug court programs. The drug courts in operation as of December 2009 are listed by county on the next two pages.

Table 2
Michigan Drug Courts
As of December 2009

| County | Court | Type of Drug Court |
|----------------|---|---------------------------|
| Alcona | 23 rd Circuit Court | Adult |
| Alger | 93 rd District Court | Adult |
| Barry | Barry County Trial Court | Adult |
| Barry | Barry County Trial Court | Juvenile |
| Bay | 18 th Circuit Court | Family Dependency |
| Bay | 74 th District Court | DWI |
| Benzie | 19 th Circuit Court | Juvenile |
| Benzie | 85 th District Court | Adult |
| Calhoun | 37 th Circuit Court | Adult – Men |
| Calhoun | 37 th Circuit Court | Adult – Women |
| Calhoun | 10 th District Court | Adult |
| Cass | 4 th District Court | Adult |
| Cass | 43 rd Circuit Court | Family Dependency |
| Charlevoix | 33 rd Circuit Court | Juvenile |
| Charlevoix | 90 th District Court | DWI |
| Cheboygan | 53 rd Circuit Court | Adult |
| Chippewa | Gwaiak Miicon Drug Court | Tribal |
| Dickinson | 95B District Court | Adult |
| Eaton | 56 th Circuit Court | Adult |
| Eaton | 56 th District Court | DWI |
| Emmet | 57 th Circuit Court | Juvenile |
| Emmet | Odawa Youth Healing to Wellness Program | Tribal |
| Genesee | 7 th Circuit Court | Adult |
| Genesee | 7 th Circuit Court | Family Dependency |
| Grand Traverse | 13 th Circuit Court | Family Dependency |
| Grand Traverse | 13 th Circuit Court | Juvenile |
| Grand Traverse | 86 th District Court | DWI |
| Hillsdale | 1 st Circuit Court | Family Dependency |
| Hillsdale | 1 st Circuit Court | Juvenile |
| Ingham | 30 th Circuit Court | Family Dependency |
| Ingham | 54A District Court | DWI |
| Ingham | 55 th District Court | DWI |
| Ionia | 64A District Court | DWI |
| Iron | 41 st Circuit Court | Adult |
| Iron | 95B District Court | Adult |
| Isabella | 21 st Circuit Court | Adult |
| Isabella | 21 st Circuit Court | Juvenile |
| Isabella | 76 th District Court | Adult |
| Jackson | 4 th Circuit Court | Adult |
| Jackson | 4 th Circuit Court | Family Dependency |
| Kalamazoo | 8 th District Court | DWI |
| Kalamazoo | 9 th Circuit Court | Adult - Men |
| Kalamazoo | 9 th Circuit Court | Adult - Women |
| Kalamazoo | 9 th Circuit Court | Family Dependency |

Table 2
Michigan Drug Courts
As of December 2009

| County | Court | Type of Drug Court |
|---------------|--|---------------------------|
| Kalamazoo | 9 th Circuit Court | Juvenile |
| Kent | 61 st District Court | Adult |
| Leelanau | Grand Traverse Band Tribal Court | Tribal |
| Livingston | 44 th Circuit Court | Adult |
| Livingston | 53 rd District Court | DWI |
| Luce/Mackinac | 92 nd District Court | DWI |
| Macomb | 16 th Circuit Court | Adult |
| Macomb | 16 th Circuit Court | Juvenile |
| Macomb | 37 th District Court | Adult |
| Macomb | 39 th District Court | DWI |
| Macomb | 41B District Court | Adult |
| Manistee | 19 th Circuit Court | Juvenile |
| Marquette | 96 th District Court | DWI |
| Midland | 42 nd Circuit Court | Adult |
| Monroe | 38 th Circuit Court | Juvenile |
| Muskegon | 60 th District Court | DWI |
| Oakland | 6 th Circuit Court | Adult |
| Oakland | 6 th Circuit Court | Juvenile |
| Oakland | 43 rd District Court | DWI |
| Oakland | 47 th District Court | DWI |
| Oakland | 51 st District Court | DWI |
| Oakland | 52 nd District Court – Division 1 | DWI |
| Oakland | 52 nd District Court – Division 2 | DWI |
| Oakland | 52 nd District Court – Division 3 | DWI |
| Ogemaw | 34 th Circuit Court | Family Dependency |
| Otsego | 87 th District Court | Adult |
| Ottawa | 20 th Circuit Court | Adult |
| Ottawa | 20 th Circuit Court | Juvenile |
| Ottawa | 58 th District Court | DWI |
| Saginaw | 10 th Circuit Court | Family Dependency |
| Schoolcraft | 93 rd District Court | Adult |
| Van Buren | 36 th Circuit Court | Adult |
| Washtenaw | 15 th District Court | DWI |
| Washtenaw | 22 nd Circuit Court | Juvenile |
| Wayne | 3 rd Circuit Court | Adult |
| Wayne | 3 rd Circuit Court | Juvenile |
| Wayne | 16 th District Court | DWI |
| Wayne | 19 th District Court | Adult |
| Wayne | 23 rd District Court | Adult |
| Wayne | 28 th District Court | Adult |
| Wayne | 33 rd District Court | DWI |
| Wayne | 35 th District Court | Adult |
| Wayne | 36 th District Court | Adult |

Caseload Statistics

Between October 1, 2007, and September 30, 2009, Michigan drug courts screened and admitted more than 5,199 individuals, a 9.1 percent increase in the last three years. During fiscal years 2008 and 2009, drug courts handled a total of 8,112 cases, a 16.6 percent increase across the last three years. Of the new admissions, more than 2,295 participants (44 percent) were drunk drivers, more than 1,325 participants (26 percent) were adults in circuit court, 929 participants (18 percent) were adults in district court, and 481 participants (9 percent) were juveniles. An additional 169 participants (3 percent) were individuals with civil petitions in the family division of circuit court who were admitted to a family dependency drug court.

Table 3
New Admissions and Active Cases

| Type of Drug Court | New Admissions | | Active Cases | |
|--------------------|----------------|------------|--------------|------------|
| | # | % | # | % |
| Adult Circuit | 1,325 | 26 | 2,167 | 27 |
| Adult District | 929 | 18 | 1,464 | 18 |
| DWI | 2,295 | 44 | 3,617 | 45 |
| Family Dependency | 169 | 3 | 198 | 2 |
| Juvenile | 481 | 9 | 666 | 8 |
| Total | 5,199 | 100 | 8,112 | 100 |

This table includes new admissions and active cases during fiscal years 2008 and 2009 from 82 drug courts.

Michigan drug courts provide services to persons charged with a variety of nonviolent offenses and persons involved in family division child abuse or neglect petitions. Of the participants with active cases during fiscal years 2008 and 2009, 35 percent were charged with one or more felony offenses, 62 percent were charged with one or more misdemeanors, and 4 percent were involved in civil petitions or status offenses.

Table 4
Most Serious Charge

| Type of Drug Court | Felony | | Misdemeanor | | Civil Petition | | Status/Other | |
|--------------------|--------------|-----------|--------------|-----------|----------------|----------|--------------|----------|
| | # | % | # | % | # | % | # | % |
| Adult Circuit | 2,112 | 98 | 53 | 2 | 0 | 0 | 2 | 0 |
| Adult District | 85 | 6 | 1,376 | 94 | 0 | 0 | 3 | 0 |
| DWI | 450 | 12 | 3,150 | 87 | 2 | 0 | 14 | 0 |
| Family Dependency | 1 | 0 | 0 | 0 | 185 | 93 | 12 | 6 |
| Juvenile | 181 | 27 | 415 | 62 | 33 | 5 | 37 | 6 |
| Total | 2,829 | 35 | 4,994 | 62 | 220 | 3 | 68 | 1 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts.

Ninety eight percent of the offenders admitted into an adult circuit drug court were charged with at least one felony. The number of the remainder of the offenses, with misdemeanor charges, resulted from one circuit court program becoming a district court program

during the reporting time frame and DWI third offense cases pled down to DWI second offense cases. For 94 percent of the offenders admitted into adult district courts, the most serious offense charged was a misdemeanor. The remaining six percent were largely felony controlled substance use and possession charges, and cases accepted by rural courts without a local circuit drug court program. Participants in the family dependency drug court are involved in civil petitions in the family division, which may involve allegations of child abuse or neglect. Ninety-three percent of participants in family dependency court were related to civil petitions. The majority (87 percent) of the offenders in DWI courts were charged with a misdemeanor. Exceptions were likely the result of drug court programs forging relationships with local prosecutors that allow for accepting felony cases into the programs. Juveniles in drug court were charged with a variety of offenses, including felonies (27 percent) and status offenses (6 percent).

**Table 5
Drug of Choice**

| Type of Drug Court | Alcohol % | Marijuana % | Cocaine/ Crack % | Heroin % |
|---------------------------|------------------|--------------------|-------------------------|-----------------|
| Adult Circuit | 33 | 15 | 20 | 13 |
| Adult District | 46 | 20 | 20 | 9 |
| DWI | 83 | 9 | 3 | 1 |
| Family Dependency | 12 | 35 | 29 | 7 |
| Juvenile | 14 | 82 | 1 | 1 |
| Total | 56 | 19 | 11 | 6 |

| Type of Drug Court | Multiple Drugs % | Opiate % | Methamphetamine Amphetamine % | Other % |
|---------------------------|-------------------------|-----------------|--------------------------------------|----------------|
| Adult Circuit | 7 | 6 | 5 | 2 |
| Adult District | 1 | 2 | 0 | 1 |
| DWI | 2 | 1 | 0 | 1 |
| Family Dependency | 6 | 5 | 7 | 0 |
| Juvenile | 1 | 0 | 0 | 2 |
| Total | 3 | 2 | 2 | 1 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts. Barbiturates, benzodiazepine, club drugs, hallucinogens, inhalants, sedatives, and hypnotics are included as other drugs.

The primary drug of choice for participants in an adult circuit drug court includes alcohol (33 percent), cocaine/crack (20 percent), marijuana (15 percent), and heroin (13 percent). Multiple drugs (7 percent), opiate (6 percent), and methamphetamine/amphetamine (5 percent) were also somewhat common.

Nearly half (46 percent) of the participants in adult district drug courts choose alcohol as their primary drug. Cocaine/crack and marijuana each accounted for 20 percent of the district court drugs of choice. An additional nine percent choose heroin as their primary drug of choice. The majority (83 percent) of participants in the DWI drug courts choose alcohol as their primary drug of choice. Nine percent choose marijuana and three percent choose cocaine/crack.

Marijuana (35 percent) was the most common drug of choice for family dependency drug court participants. Cocaine and crack cocaine were the second most common drug of choice for 29 percent of the participants in the family dependency drug courts. Alcohol (12 percent) was also relatively common for participants in the family dependency drug courts. Methamphetamine or amphetamine was the drug of choice for seven percent of the participants in the family dependency drug courts. The majority (82 percent) of juveniles in the juvenile drug courts reported marijuana as their primary drug. An additional 14 percent indicated alcohol was their primary substance. Very few juveniles choose any other drug as their primary drug of choice.

Across the last three years, drugs of choice have remained consistent in DWI and juvenile drug courts. Adult circuit drug courts have seen a five percent reduction in the number of individuals choosing cocaine and crack cocaine as their drug of choice, and a corresponding six percent increase in alcohol as the primary drug of choice. Adult district drug courts have seen a seven percent decrease in alcohol as the primary drug of choice, and have seen a slight increase in marijuana, cocaine and crack cocaine, and heroin. In the last three years, drugs of choice have shifted markedly in family dependency courts. A 19 percent decrease in cocaine and crack cocaine and a 4 percent decrease in alcohol has been accompanied by a 12 percent increase in marijuana, a 4 percent increase in heroin, and a 4 percent increase in the use of multiple drugs.

**Table 6
Gender**

| Type of Drug Court | Females | | Males | | Total |
|-------------------------------|----------------|-----------|--------------|-----------|--------------|
| | # | % | # | % | # |
| Adult Circuit | 568 | 26 | 1,599 | 74 | 2,167 |
| Adult District | 586 | 40 | 878 | 60 | 1,464 |
| DWI | 948 | 26 | 2,669 | 74 | 3,617 |
| Family Dependency | 160 | 81 | 38 | 19 | 198 |
| Juvenile | 147 | 22 | 519 | 78 | 666 |
| Total | 2,409 | 30 | 5,703 | 70 | 8,112 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts.

Overall, males were more likely than females to be admitted to a drug court. However, the majority (81 percent) of participants in family dependency drug courts were female. Close to three-quarters of the participants in the DWI courts, which handled 3,617 cases, were male. Adult district courts had the most even distribution of the genders. Throughout the last three years, adult district drug courts have seen a nine percent increase in female participants, while family dependency drug courts have seen a seven percent decrease in female participants.

The 2007 Michigan census¹ identified 81.2 percent of Michigan residents as White, including Hispanics. The drug court population is reflective of the ethnic composition of Michigan. Hispanic and White individuals totaled 79.8 percent of the drug court population. The only notable trend in ethnicity of drug court participants across the last three years has been a nine percent decrease in White participants in adult district drug courts, corresponding to a six

¹ U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, Census of Population and Housing, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report.

percent increase in African American participants in adult district drug courts and a small increase in participants identifying their ethnicity as “other.”

**Table 7
Ethnicity**

| Type of Drug Court | White % | African American % | Hispanic % | Other % |
|---------------------------|----------------|---------------------------|-------------------|----------------|
| Adult Circuit | 75.1 | 21.0 | 1.6 | 2.3 |
| Adult District | 67.4 | 29.2 | 1.6 | 1.7 |
| DWI | 82.0 | 8.5 | 6.4 | 3.1 |
| Family Dependency | 65.7 | 26.3 | 4.0 | 4.0 |
| Juvenile | 66.2 | 22.5 | 4.4 | 6.9 |
| Total | 75.8 | 17.2 | 4.0 | 3.0 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts. Asian/Pacific Islander, Multi-racial, Native American, and individuals not identifying with any of the above categories are included in Other.

A substantial portion (31 percent) of drug court participants were between the ages of 22 and 30 when screened for admission. An additional 21 percent were between 31 and 40 years old at screening. The majority of juveniles screened and admitted to juvenile drug courts were 15 or 16 years old. In the last three years, the distribution of ages of participants accepted into drug court programs has been consistent, with the exception of family dependency drug courts. Family dependency drug courts have seen a 9 percent increase in the number of participants that are younger than 30.

**Table 8
Age at Screening**

| Type of Drug Court | 16 or Younger | 17-18 | 19-21 | 22-30 | 31-40 | 41-50 | 51 or Older |
|---------------------------|----------------------|--------------|--------------|--------------|--------------|--------------|--------------------|
| Adult Circuit | 0 | 3 | 9 | 33 | 26 | 23 | 7 |
| Adult District | 0 | 6 | 14 | 31 | 23 | 20 | 7 |
| DWI | 0 | 5 | 11 | 35 | 21 | 19 | 9 |
| Family Dependency | 0 | 3 | 5 | 51 | 31 | 10 | 1 |
| Juvenile | 93 | 7 | 0 | 0 | 0 | 0 | 0 |
| Total | 9 | 5 | 10 | 31 | 21 | 18 | 7 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts.

Offenders admitted to DWI courts had a higher level of education than offenders admitted to other types of drug courts. Forty-two percent had more than a high school education. Additionally, more than half (55 percent) of the offenders admitted to DWI courts were employed full-time. In comparison, 48 percent of offenders admitted to a family dependency drug court had less than a high school education and 76 percent were unemployed. Sixty-six percent of the juveniles admitted to juvenile drug court were in 9th or 10th grade at screening.

In the last three years, there has been a five percent increase in participants with more than a high school education in both adult circuit and adult district drug courts. Juvenile drug courts have experienced a shift in their participants, as well. A four percent increase in participants attending 9th and 10th grades has been accompanied by a two percent decrease in participants enrolled in a grade less than 9th grade and a two percent decrease in participants in 11th or 12th grades.

Also in the last three years, the number of participants entering a drug court program while unemployed increased by eight percent in family dependency drug courts, five percent in DWI courts, and three percent in adult district drug courts. For family dependency drug courts, the shift was almost exclusively from part time work to unemployment. In DWI courts, the increase in unemployment was due to a decrease in full time employment. In adult district drug courts, a ten percent decrease in full time employed participants was coupled with a ten percent increase in those indicating they are not in the labor force (e.g., full time students, homemakers, retired individuals).

**Table 9
Education at Admission**

| Type of Drug Court | Less Than 12th Grade % | HS Diploma or GED % | More Than HS % | Total % |
|---------------------------|--|--|---|----------------|
| Adult Circuit | 30 | 46 | 24 | 100 |
| Adult District | 31 | 42 | 27 | 100 |
| DWI | 18 | 39 | 42 | 100 |
| Family Dependency | 48 | 30 | 22 | 100 |
| | Less Than 9th Grade | 9th and 10th Grades | 11th and 12th Grades | Total |
| Juvenile | 29 | 66 | 6 | 100 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts.

**Table 10
Employment Status at Admission**

| Type of Drug Court | Unemployed % | Employed Part Time % | Employed Full Time % | Not in Labor Force % | Total % |
|---------------------------|---------------------|-----------------------------|-----------------------------|-----------------------------|----------------|
| Adult Circuit | 56 | 12 | 24 | 8 | 100 |
| Adult District | 39 | 14 | 31 | 16 | 100 |
| DWI | 26 | 15 | 55 | 4 | 100 |
| Family Dependency | 76 | 7 | 9 | 9 | 100 |
| Juvenile | 20 | 7 | 0 | 73 | 100 |

This table includes active cases during fiscal years 2008 and 2009 from 82 drug courts.

Performance Outcomes

Several factors can be used to evaluate the success of drug courts, including retention in the program, completion of the program, improvement in employment or education, post-graduation and postdischarge recidivism rates, and postadmission recidivism rates. Recidivism measures are more meaningful when a comparison group measure is included to weigh drug court performance against. Thus, for the first time, this report includes measures of drug court recidivism against a comparison group of similar offenders.

Retention

National studies indicate that participants who stay in treatment longer and complete treatment are more likely to have positive outcomes and are less likely to be rearrested for a drug related crime.

Table 11
Retention

| Type of Drug Court | Percent Retained in Program |
|-------------------------------|--|
| Adult Circuit | 75.7 |
| Adult District | 64.6 |
| DWI | 78.1 |
| Family Dependency | 56.4 |
| Juvenile | 70.0 |

This table includes a subset of cases that were active during fiscal years 2008 and 2009. It includes all successful cases, all transferred cases, cases discharged unsuccessfully or by voluntary withdrawal within 12 months, and any case active for at least 12 months.

The retention rates differed for each court type. DWI courts achieved the highest retention rate at 78.1 percent. Adult circuit (75.7 percent) and juvenile drug courts (70.0 percent) also achieved high retention rates. Adult district courts retained 64.6 percent of participants for one year. The family dependency drug courts, which serve relatively few individuals, retained over half of their participants (56.4 percent) for at least 12 months. In the last three years, adult circuit drug courts and DWI courts have each seen a six percent increase in retention rates. Only adult district drug courts have witnessed a reduction in retention rates (five percent).

Completion

Over 50 percent of all individuals discharged from Michigan drug courts, totaling 2,545 individuals, successfully completed a drug court treatment program in fiscal years 2008 and 2009. Fifty seven percent of individuals discharged from DWI courts completed the program. Almost half of the participants in juvenile drug courts completed the program. Forty seven percent of individuals discharged from adult circuit courts successfully completed the programs, while adult district drug court success rate tied with family dependency drug courts at forty-two percent successful completion. These rates are within the range of completion rates reported by

the U.S. Government Accountability Office for adult drug courts throughout the nation.² In that report, the national range of completion rates for the adult drug courts ranged from 27 percent to 66 percent. In the last three years, the number of participants who successfully completed an adult district drug court decreased by nine percent. The successful discharges from DWI and juvenile drug courts also decreased, three percent and four percent, respectively.

**Table 12
Completion**

| Type of Drug Court | Successfully Completed | |
|-------------------------------|-------------------------------|-------------|
| | # | % |
| Adult Circuit | 605 | 46.8 |
| Adult District | 427 | 41.5 |
| DWI | 1,248 | 57.2 |
| Family Dependency | 52 | 41.5 |
| Juvenile | 213 | 48.1 |
| Total | 2,545 | 50.1 |

This table includes participants discharged during fiscal years 2008 and 2009 from 82 drug courts.

Improvement in Employment and Education

Despite poor employment rates in Michigan, many participants were able to improve their employment status by the time they were discharged from drug court. More than half (56 percent) of the graduates from adult district drug courts and more than half (55 percent) of the graduates of the adult circuit drug courts reported improved employment. Half of family dependency court graduates improved their employment status during program participation, as well. For juveniles, 91 percent reported an improvement in their educational level, suggesting that they were able to stay in school and continue to the next grade.

In the last three years, the most notable increases in employment and education have occurred in adult district drug court programs. Adult district drug courts have witnessed a 16 percent increase in successful participants improving their employment while in the programs, and a 13 percent increase in successful participants improving their education while in the programs. Other important increases occurred in family dependency drug courts, where successful participants improved their employment by six percent while in the programs, and adult circuit drug courts, where participants improved their education by six percent while in the programs. Also worthy of recognition is the fact that no drug court type saw a decrease of more than one percent in participants improving their education level or employment status across the last three years.

² United States Government Accountability Office, Report to Congressional Committees. (February, 2005) *Adult Drug Courts: Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes*. This report is available on-line at www.gao.gov/new.items/d05219.pdf.

Table 13
Improvement in Employment and Education

| Type of Drug Court | Employment | | Education | |
|-------------------------------|-------------------|-------------------|-------------------|-------------------|
| | All | Successful | All | Successful |
| | Discharges | Discharges | Discharges | Discharges |
| | % | % | % | % |
| Adult Circuit | 31 | 55 | 12 | 21 |
| Adult District | 28 | 56 | 16 | 31 |
| DWI | 31 | 45 | 13 | 18 |
| Family Dependency | 25 | 50 | 13 | 27 |
| Juvenile | 21 | 39 | 62 | 91 |
| Total | 30 | 49 | 17 | 27 |

This table includes participants discharged during fiscal years 2008 and 2009 from 82 drug courts.

Comparison of Recidivism Rates for Successful and Unsuccessful Participants

Participants are significantly less likely to be recharged with a new criminal offense within 365 days of exiting a drug court program if they successfully completed the program.³ Only 11.6 percent of drug court graduates were recharged within one year of completing a drug court program, while 22.7 percent of drug court participants who were discharged from a drug court program as unsuccessful in the program were recharged within one year.

Recidivism of Successful Participants

Adult Circuit and Adult District Drug Courts

Graduates of Michigan's adult circuit and adult district drug courts are unlikely to be charged with new offenses in the first 12 months after graduation. Of the individuals who successfully completed an adult circuit drug court program, only 11.4 percent were charged with committing a new crime in the first 365 days after graduation. Those completing an adult district drug court program were even less likely (10.8 percent) to be recharged within 365 days of graduation. These rates are almost identical across the last three years, with adult circuit drug courts increasing by only 0.4 percent and adult district drug courts increasing by only 0.2 percent.

DWI Courts

Graduates of Michigan's driving while intoxicated (DWI) courts are very unlikely to be charged with either a drunk driving charge or criminal offense. Of the individuals who successfully completed a DWI court program, less than one percent were charged with committing a new drunk driving offense, and only 7.6 percent were charged with committing either a new drunk driving offense or a criminal offense. This represents a 1.7 percent decrease

³ $\chi^2(1, N=6508) = 0.014, p < 0.001$

in drunk driving charges across the last three years and a 1.1 percent increase in criminal and drunk driving charges.

Family Dependency and Juvenile Drug Courts

Only 6.8 percent of graduates from family dependency drug courts were recharged within one year of graduation. However, 35.5 percent of juvenile drug court participants were recharged within 365 days of their graduation from a drug court program. Family dependency and juvenile drug courts' recidivism rates have not been reported in previous years, rendering three year trend data unavailable.

Table 14
Recidivism of Successful Participants

| Type of Drug Court | Drug Court Graduates | Graduates Recharged | Recidivism Rate |
|------------------------------------|-----------------------------|----------------------------|------------------------|
| Adult Circuit Drug Courts | 814 | 93 | 11.4 |
| Adult District Drug Courts | 594 | 64 | 10.8 |
| DWI Courts | | | |
| Drunk Driving Charges | 1,493 | 14 | 0.9 |
| Drunk Driving and Criminal Charges | 1,493 | 113 | 7.6 |
| Family Dependency Drug Courts | 44 | 3 | 6.8 |
| Juvenile Drug Courts | 282 | 100 | 35.5 |
| Total | 3,227 | 373 | 11.6 |

Participants were tracked for 12 months after graduation from drug court to determine if they were charged for new criminal offenses, or in the case of DWI courts, for new drunk driving offenses. The column of drug court graduates includes those who successfully completed a drug court program prior to December 31, 2008. The column of graduates recharged includes those who successfully completed a drug court prior to December 31, 2008, and were charged with a new offense in the first 365 days after graduation.

Graduate Characteristics Associated with Recidivism

Male graduates and female graduates were equally likely to recidivate.⁴ The recidivism rate for male graduates was 11.6 percent, while the recidivism rate for female graduates was 11.4 percent.

More African American graduates were recharged within 365 days of graduation than Caucasian graduates.⁵ The recidivism rate for African American graduates was 15.0 percent while the recidivism rate for Caucasian graduates was 11.1 percent.

Graduates whose drug of choice was a substance other than alcohol were more likely to recidivate than graduates whose drug of choice was alcohol.⁶ The recidivism rate for those using

⁴ $\chi^2(1, N=3227) = 0.02, p > 0.05$

⁵ $\chi^2(1, N=2995) = 4.76, p < 0.03$

⁶ $\chi^2(1, N=3227) = 50.50, p < 0.001$

a nonalcohol drug was 17.1 percent, while the recidivism rate for those using alcohol was 8.7 percent.

Graduates were no more likely to recidivate if they entered drug court while facing a felony rather than a misdemeanor.⁷ Nearly thirteen percent (12.7) of graduates accepted into a drug court program with a felony offense were recharged within one year, whereas almost eleven percent (10.9) of graduates accepted into a drug court program with a misdemeanor offense were recharged within one year.

Recidivism of Unsuccessful Participants

Not all drug court participants successfully complete the drug court programs they enter. An examination of recharge rates revealed that participants who participated in drug court programs but who were unsuccessful in completing the programs were still unlikely to be charged with committing a new criminal offense in the first 12 months after discharge. Of all the participants who were discharged from a drug court prior to December 31, 2008, but who did not successfully complete the program, only 22.7 percent were recharged within the first 365 days of their discharge.

Adult Circuit and Adult District Drug Courts

In Michigan's adult circuit drug courts, 28 percent of unsuccessful participants were charged with committing a new crime in the first 365 days after discharge. Seventeen percent of unsuccessful participants discharged from an adult district drug court program were recharged within the first 365 days.

DWI Courts

Participants unsuccessfully discharged from Michigan's Driving While Intoxicated (DWI) courts are very unlikely to be charged with another drunk driving offense within one year (2.6 percent). Of the individuals who unsuccessfully completed a DWI court, 17.7 percent were charged with committing a new criminal offense within one year.

Family Dependency and Juvenile Drug courts

Family dependency and juvenile drug court programs witnessed the highest recidivism rates for unsuccessful participants. Thirty percent of participants who failed to complete a family dependency drug court program were recharged within one year of discharge. Thirty-three percent of unsuccessful juvenile drug court participants were recharged within 365 days of their discharge from a drug court program.

⁷ $\chi^2(1, N=3142) = 2.29, p > 0.05$

Table 15
Recidivism of Unsuccessful Participants

| Type of Drug Court | Unsuccessful Drug Court Participants | Unsuccessful Participants Recharged | Recidivism Rate |
|------------------------------------|---|--|------------------------|
| Adult Circuit Drug Courts | 1,128 | 316 | 28.0 |
| Adult District Drug Courts | 715 | 123 | 17.2 |
| DWI Courts | | | |
| Drunk Driving Charges | 1,088 | 28 | 2.6 |
| Drunk Driving and Criminal Charges | 1,088 | 193 | 17.7 |
| Family Dependency Drug Courts | 76 | 23 | 30.3 |
| Juvenile Drug Courts | 274 | 91 | 33.2 |
| Total | 3,281 | 746 | 22.7 |

Participants were followed for 12 months after discharge from drug court to determine if they were charged for new criminal offenses, or in the case of DWI courts, for new drunk driving offenses. The column of drug court unsuccessful participants includes those who were discharged from a drug court prior to December 31, 2008. The column of unsuccessful participants recharged includes those who discharged from a drug court prior to December 31, 2008, and were charged with a new offense in the first 365 days after discharge.

Unsuccessful Participant Characteristics Associated with Recidivism

Male unsuccessful participants and female unsuccessful participants were equally likely to recidivate.⁸ The recidivism rate for unsuccessful male participants and unsuccessful female participants was 22.7 percent.

Unsuccessful African American participants were recharged within 365 days of discharge equally as often as unsuccessful Caucasian participants.⁹ The recidivism rate for unsuccessful African American participants was 23.6 percent, while the recidivism rate for unsuccessful Caucasian participants was 22.6 percent.

Unsuccessful participants whose drug of choice was a substance other than alcohol were more likely to recidivate than unsuccessful participants whose drug of choice was alcohol.¹⁰ The recidivism rate for those using a nonalcohol drug was 27.2 percent, while the recidivism rate for those using alcohol was 16.9 percent.

Unsuccessful participants accepted into a drug court program with a felony offense were recharged within one year (27.4 percent) more often than unsuccessful participants accepted into a drug court program with a misdemeanor offense (18.8 percent).¹¹

⁸ $\chi^2(1, N=3281) = 0.00, p > 0.05$

⁹ $\chi^2(1, N=3097) = 0.30, p > 0.05$

¹⁰ $\chi^2(1, N=3281) = 48.65, p < 0.001$

¹¹ $\chi^2(1, N=3143) = 32.99, p < 0.001$

Standard Probationer vs. Drug Court Participant Recidivism

Development of Group

Through grant funding made available by the Bureau of Justice Assistance, the State Court Administrative Office developed a process that identifies standard probationers in the Judicial Data Warehouse who have characteristics that are similar to drug court participants. Once identified, standard probationers and drug court participants are paired and the pairs are tracked longitudinally for the purposes of recidivism comparisons.

In order to be considered a match to a drug court participant, a standard probationer must have an offense originating from the same county and court as the drug court participant. The standard probationer must have committed a similar type of offense, must have committed the offense when roughly the same age as the drug court participant, and must have committed the offense within a few years of the drug court participant's offense. The standard probationer must also be of the same gender as the drug court participant and must have a similar number of previous cases within the two years prior to being matched to a drug court participant in order to equate the criminal histories of the drug court participants and standard probationers.

Once standard probationers are paired to as many drug court participants as possible, the pairs' new criminal activity is examined. For drug court participants, new criminal activity includes new criminal charges after admission into a drug court program. For standard probationers (the comparison group), new criminal activity includes new criminal charges occurring after the offense that matched the standard probationer to a drug court participant. This innovative process allows for the SCAO to track drug court participants throughout the remainder of their lifetimes. As a result, Michigan is now capable of reporting recidivism rates that extend well beyond the one to three years postdischarge to which many other states are limited.

Recidivism

Comparison group participants have been recharged significantly more often than drug court participants.¹² More than half (55.4 percent) of the comparison group participants have been charged with committing a new criminal offense. In contrast, only 38.5 percent of drug court participants have been recharged since admission to a drug court program. This is noteworthy because some participants have had as many as nine years to recidivate. Additionally, these figures include any individual who has entered a drug court and are not limited to those who successfully completed a program.

¹² $\chi^2(1, N=6237) = 395.91, p < 0.001$

Table 16
Recidivism Rates of Drug Court and Comparison Group Participants

| Type of Drug Court | Drug Court Participants | Comparison Group Participants |
|-------------------------------|--------------------------------|--------------------------------------|
| Adult Circuit Drug Courts | 45.8 | 62.4 |
| Adult District Drug Courts | 41.8 | 57.9 |
| DWI Courts | 29.0 | 48.5 |
| Family Dependency Drug Courts | 27.3 | 33.8 |
| Juvenile Drug Courts | 70.5 | 75.7 |
| Total | 38.5 | 55.4 |

Percent of drug court participants and paired comparison group participants recharged. For drug court participants, the figures include any new criminal charge since admission to a drug court program. For comparison group participants, the figures include any new criminal charge since the offense that was used to pair the individual to a drug court participant.

As would be expected, drug court participants who are discharged from a drug court program as unsuccessful are equally as likely to recidivate (63.50 percent) as the comparison group participants (61.44 percent).¹³

Table 17
Recidivism Rates of Unsuccessful Drug Court and Comparison Group Participants

| Type of Drug Court | Unsuccessful Drug Court Participants | Comparison Group Participants |
|-------------------------------|---|--------------------------------------|
| Adult Circuit Drug Courts | 72.7 | 68.6 |
| Adult District Drug Courts | 61.5 | 63.6 |
| DWI Courts | 55.0 | 54.3 |
| Family Dependency Drug Courts | 68.4 | 36.8 |
| Juvenile Drug Courts | 86.6 | 73.2 |
| Total | 63.5 | 61.4 |

Percent of unsuccessful drug court participants and paired comparison group participants recharged. For drug court participants, the figures include any new criminal charge since admission to a drug court program. For comparison group participants, the figures include any new criminal charge since the offense that was used to pair the individual to a drug court participant.

In contrast, comparison group participants recidivate significantly more often than successful drug court graduates.¹⁴ The recidivism rate for successfully discharged participants (since admission to a drug court program) is 42.45 percent. For the comparison group members paired with the successful drug court participants, the recidivism rate is 56.51 percent. This is further evidence that completing a drug court program reduces recidivism long term. Twenty

¹³ $\chi^2(1, N=1600) = 1.49, p > 0.05$

¹⁴ $\chi^2(1, N=1828) = 78.86, p < 0.001$

percent fewer graduates recidivated than unsuccessful participants since admission to a drug court program.

Table 18
Recidivism Rates of Drug Court Graduates and Comparison Group Participants

| Type of Drug Court | Drug Court Graduates | Comparison Group Participants |
|-------------------------------|---------------------------------|--|
| Adult Circuit Drug Courts | 51.4 | 66.1 |
| Adult District Drug Courts | 44.5 | 55.3 |
| DWI Courts | 29.9 | 47.4 |
| Family Dependency Drug Courts | 33.3 | 60.0 |
| Juvenile Drug Courts | 82.8 | 83.4 |
| Total | 42.5 | 56.5 |

Percent of drug court graduates and paired comparison group participants recharged. For drug court participants, the figures include any new criminal charge since admission to a drug court program. For comparison group participants, the figures include any new criminal charge since the offense that was used to pair the individual to a drug court participant.

In every drug court type, drug court graduates recidivated less often than their paired comparisons. Recidivism rates were lowest for DWI court participants, followed closely by family dependency drug court participants.