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Evaluation of the DUI Court Program in Maricopa County, Arizona

Final Report

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16. Abstract This is the final report of a project that evaluated the effectiveness of a DUI court program aimed at reducing felony DUI offenders' subsequent alcohol-related traffic violations. The evaluation involved a descriptive and quantitative analysis of the program, and an impact evaluation of the program's effect on the alcohol-related traffic law conviction recidivism of randomly assigned offenders to the DUI court program and the county's standard probation program. The evaluation found that the DUI court concept as applied in Maricopa County was effective in reducing the recidivism of felony DUI offenders as measured by the time before a subsequent alcohol-related traffic conviction. The study also found that the DUI court program was more effective in reducing recidivism than the county's standard probation program for the target group of offenders.					
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Foreword

Since 2005, the National Highway Traffic Safety Administration and the National Drug Court Institute (NDCI) have partnered teamed up to train and provide technical support to 94 jurisdictions that have instituted Driving While Impaired (DWI) or DWI-hybrid courts. DWI post-adjudication courts represent a rapidly growing strategy with a comprehensive criminal justice and treatment approach. Since 1998, when this study was launched, NHTSA has become increasingly familiar with drug courts. Using drug courts as a model, NHTSA (in cooperation with NDCI) developed the Ten Guiding Principles of DWI Courts. These guidelines blend court supervision with judicial oversight, monitoring, and a treatment regimen. These components begin shortly after the initial court appearance, last at least 12 to 18 months, and use a team concept to address repeat- and high-BAC (blood alcohol concentration) DWI offenders.

The Maricopa County, Arizona, Driving Under the Influence Court was NHTSA's initial attempt to rigorously evaluate this type of program. The Maricopa County DUI Court program is of value because it provides an early record of the basic and essential elements used in current DWI courts; compared the DWI court program to the rigorous standard probation services already offered by Maricopa County; and the evaluation employed random assignment of the participants to each of the programs. This study was also an important factor in further developing current DWI Courts, in that it had results that were associated with reducing recidivism, particularly for those who graduated from the program. Since the end of this study, changes to DWI courts based on the Ten Guiding Principles have helped to refine the processes and strategies that are believed to be strongly associated with reducing recidivism. Some of the most salient changes to the DWI court model include continued judicial monitoring, extended counseling and treatment for up to 36 months, increased alcohol and other drug testing, and increased contact with probation officers.

NHTSA continues to identify opportunities to evaluate the efficacy of current DWI courts to better serve the population and to reduce recidivism.

The Ten Guiding Principals for DWI Courts may be found at <http://www.dwicourts.org/learn/about-dwi-courts/-guiding-principles> located on the National Association of Drug Courts Web site, www.nadcp.org.

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- Karen Barnes, DUI Court Program Director, and
- Irene Ayala, Program Analyst

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EXECUTIVE SUMMARY

OBJECTIVES AND APPROACH

This report documents the evaluation component of a DUI¹ court program in Maricopa County Arizona. The DUI court program sought to test whether the drug court model of sanctioning can successfully be transferred to the sanctioning of serious repeat DUI offenders and whether such an approach is more effective than traditional sanctions for such offenders. The primary objective of the evaluation reported here was to determine the impact of the Maricopa County DUI court program on the DUI recidivism of its clients, and to compare their recidivism to that of a control group of clients assigned to the county's standard probation program. The evaluation also described the DUI court program and quantified the activities that were performed by participating staff in operating that program over a 63-month period, starting in March 1998 and ending in May 2003. No offenders were assigned to the program after May 2003.

The evaluation used a randomized design in which drivers convicted of felony DUI offenses were assigned to either the DUI court program or the county's standard probation program. Program impact was determined through a survival analysis using the Arizona driver records of the offenders. Quantitative information on the characteristics of the DUI court participants and program activities was also collected and analyzed.

FINDINGS

A total of 421 randomly assigned offenders entered the DUI court program during the study period. Of these, 34 were still in the program at the study cutoff date (October 31, 2003) and were excluded from the program evaluation. The remaining 387 subjects had been incarcerated an average of 88 days, and of these, 270 (77%) graduated from the program and 117 did not graduate. Reasons for non-successful termination included probation revocation for engaging in certain non-compliant behaviors (such as another DUI conviction and repeated use of alcohol) and deportation of foreign nationals ordered by the U.S. Immigration and Naturalization Service (now the U.S. Citizenship and Immigration Services). The median time and the average time the DUI court participants spent in the program were about 15 months and 18 months, respectively, and approximately 80% of the entrants had left the program after two years in the program.

Recidivism was measured as the probability of another alcohol-related traffic offense on or before a given time after program entry. First, the recidivism of the DUI court entrants was compared to that of the 397 standard probation entrants, the results showing that the DUI court entrants had lower recidivism than did standard probation entrants. For example, 4.9% of the DUI court entrants had been convicted of another DUI offense two years after entry compared to 6.7% of the standard probation entrants. The

¹ The term "DUI" (driving under the influence) is used to describe a criminal, alcohol-related traffic violation in Arizona, and is often used interchangeably with such terms as "DWI" that are used in other States.

probability of obtaining these figures by chance alone (that is, the significance level, p) was 0.147. Further, people who graduated from the DUI court program had lower recidivism than those who graduated from the standard probation program²: only 3.6% of the DUI court graduates had recidivated after two years compared to 5.4% of the standard probation graduates ($p=0.145$). Analyses using a more powerful statistical model that included number of prior alcohol-related traffic offenses showed similar, but more statistically significant results for the comparison of DUI court graduates and standard probation graduates ($p=0.042$).

Rough estimates of operational costs of the DUI court program and the standard probation program also were made. Data provided by Adult Probation Department (APD) staff were used in the analysis which indicated that the cost to process a DUI court client through the program is about the same as it is for a standard probation client. Thus, any reduction in recidivism of DUI court clients relative to that of standard probation clients would result in a higher effectiveness-cost ratio for the DUI court program. A more detailed cost analysis was not conducted in this project, but future studies should include such an analysis.

CONCLUSIONS

We conclude that the DUI felony offenders who were randomly assigned to the DUI court program in Maricopa County achieved a lower rate of recidivism as measured by the time before a subsequent alcohol-related traffic offense. The evaluation also suggests that the DUI court program was more effective in reducing recidivism than the County's standard probation program for the target group of offenders and that the effectiveness of the DUI court program relative to that of the standard probation program was greater for participants who graduated from their program than for participants who attended but did not necessarily graduate. Stronger statements about the relative effectiveness of the Maricopa County DUI Court program cannot be made at this time because most of the recidivism analyses showed that the reduced recidivism of the DUI court clients was not statistically significant at the traditional 0.05 level of significance. However, the increased effectiveness of the DUI court program over the standard probation program at the significance levels found is noteworthy because of the very low recidivism achieved by the standard probation program. We know of very few programs that have had such low rates even for less persistent offenders

These results strongly suggest that completing the DUI court program improves its effectiveness, and other analyses described in this report indicate that offenders with certain characteristics are more likely to complete the program than other offenders. A factor analysis was performed to determine whether *combinations* of descriptive variables would emerge that would shed more light on characteristics that distinguished DUI court graduates from non-graduates. Two such factors were identified, the first (Factor 1) with

² The term "graduates" is used in this report to describe people who completed their court-required DUI court regimen and does not include any subsequent periods of probation supervision by the Adult Probation Department. It is also used to describe people who completed their court-required participation in the county's standard probation program, and were terminated from the program. DUI court clients spent an average of 1.5 years in the program, and standard probation clients averaged about 3 years in that program.

heavy loadings on *academic education, race, and occupational status* and the second (Factor 2) with heavy loadings on *primary language, spouse, and work*. These results do not, of course, imply that all offenders scoring low on these factors should be excluded from DUI court programs, but do suggest that special attention should be given to these individuals in such programs.

1 - INTRODUCTION

This document is the final report of a project to develop, operate, and evaluate a DUI court program in Maricopa County, Arizona. This report documents the evaluation component of the project, which was funded jointly by the National Highway Traffic Safety Administration (NHTSA) and the U.S. Department of Justice (DOJ). The DUI court program sought to test whether the drug court model of sanctioning can successfully be transferred to the sanctioning of serious repeat DUI offenders and whether such an approach is more effective than traditional sanctions for such offenders.

Mid-America Research Institute's role in the project has been to:

- Establish an experimental design by which felony DUI offenders are randomly assigned to two different probation supervision models, DUI court and standard probation;
- Develop procedures for tracking and comparing the progress of offenders supervised under each of these models;
- Monitor evaluation-related program activities to ensure that tracking and related data-collection procedures are being followed;
- Provide support to the collection of evaluation-related program data;
- Prepare pertinent data describing the participation of the offenders assigned to the two probation supervision models;
- Arrange for obtaining driver records of offenders assigned to both probation-supervision models;
- Prepare an analysis file containing both program data and driver records data;
- Use the analysis file to determine offender recidivism as a function of probation-supervision model and various offender characteristics; and
- Prepare a report describing the DUI court program, the evaluation design, the evaluation results, and related conclusions and recommendations that may be applied to future DUI court programs.

BACKGROUND

DUI courts are an outgrowth of the drug court approach to dealing with drug and drug-involved cases, which had grown to such an extent in the 1980s that jail and prison populations were overflowing. Drug courts use the combined resources and processes of the criminal justice system and the health care delivery system³ in a unique way to address the drug usage problems that lead to drug-related criminal violations. Law enforcement agencies act as case finders for subsequent therapies that are provided by treatment agencies. The treatment regimen is monitored and enforced by a team of professionals from both systems, and each defendant's progress is reviewed periodically by the team in courtroom proceedings before a judge. Drug courts have become

³ This combined system has been called the "Health-Legal System." Jones et al. (1979) described its functioning in various modes in dealing with drunk-driving offenders *circa* 1979.

increasingly popular in the United States, growing in number from a single court in 1989 to 12 courts in 1994 to more than 2,100 currently in operation (Office of National Drug Control Policy, 2010).

DUI courts work in a similar manner, dealing with alcohol-impaired driving offenders rather than drug law violators. The Superior court of Maricopa County (Phoenix), Arizona, in collaboration with the Arizona Adult Probation Department (APD), developed one such DUI court program. The program development was sponsored by NHTSA, and was later provided additional funding by the DOJ. Funding was also provided by these agencies for evaluation of the program, to include both a process evaluation and an impact evaluation. As a part of this effort, Mid-America Research Institute provided technical support to Maricopa County and performed the evaluation.

Most of Maricopa County's DUI court participants are on probation for felony DUI. Failure to successfully complete the program can result in a presumptive prison term in the Arizona Department of Corrections for 2½ years. The other participants in the DUI court program are on probation for a combination of misdemeanor DUI and endangerment; these participants are facing 1 year in the Arizona Department of Corrections if they fail to complete the program.

Participants are required to appear in court before the DUI court judge at least once per month. The participant enters into a contract with the judge that spells out the expectations of the court and the probation department. These contract expectations include attendance at support group meetings or pro-social activities (such as Alcoholics Anonymous meetings), substance abuse treatment, the Mothers Against Drunk Driving (MADD) Victim Impact Panels, reporting to the probation department, employment training (if necessary) and/or job search training, random monitoring of probation conditions, and, of course, total sobriety. At subsequent meetings with the judge, the participant will receive either rewards or sanctions according to fulfillment of the contract requirements.

The DUI court program was designed to take one year to complete. After graduation from DUI court, the participants are placed on minimum supervision for 3 months and then unsupervised probation for 6 months. Only after completing all of these requirements are they released from court supervision.

OBJECTIVES

The general objective of the evaluation reported here was to determine the *impact* of the Maricopa County DUI Court Program on the DUI recidivism of its clients, primarily by comparing their recidivism to that of a control group of clients assigned to the county's standard probation program. A secondary objective was to describe in detail the DUI court program and to quantify the *activities* that were performed by participating staff in operating that program over a 63-month period, starting in March 1998 and ending in May 2003.

STUDY APPROACH

The major research question addressed by the impact evaluation was:

What is the recidivism of offenders participating in the DUI court program and how does it compare with the recidivism of offenders given standard probation?

The term “recidivism” as used here is defined as the probability of a re-conviction of an alcohol-related traffic offense on or before a given time, *t*. Such offenses include both criminal offenses and non-criminal offenses such as breath test refusals.

The process evaluation described the stages performed in processing both groups of offenders and the procedures followed in performing the functions included in those stages. The sequencing and interdependencies of the stages were indicated through narrative descriptions and flow charts. Also, measures of performance of the DUI court program were quantified

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The evaluation had of two parts, a process evaluation and an impact evaluation. The process evaluation described both the functioning and the performance of the DUI court program, and the impact evaluation sought to determine the effect of the program on offender recidivism, measured as the time before a subsequent alcohol-related traffic violation. The evaluation design compared the recidivism of felony DUI offenders assigned to the DUI court program to that of felony DUI offenders assigned to the APD's standard probation program. Assignment was made on a random basis following the protocol described in the next chapter.

PROCESS EVALUATION

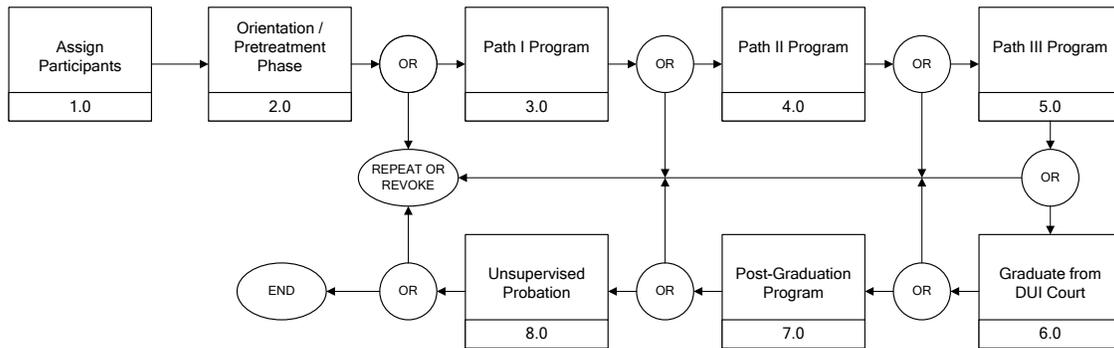
The process evaluation was tied to a functional description of DUI court operations. Each stage of the program was described both in narrative fashion and quantitatively in terms of its performance (for example, subject characteristics, number of subjects entering, number of subjects completing, time spent in the program, and number of subjects receiving various types of treatments). Subject characteristics associated with program completion were also examined in detail. Interactions among stages were depicted graphically through flow charts.

DUI Court Program Description

The DUI court program evaluated here involved eight sequential stages in interacting with convicted felony DUI offenders (see Figure 2-1). First, felony DUI offenders were assigned randomly to either the DUI court program or a program of standard probation. For the evaluation, every other person convicted of a felony alcohol-related driving offense in Maricopa County was assigned to the DUI court program subject to the conditions that (1) they resided in a specified area of Phoenix in Maricopa County and (2) they had no prior violent offenses as defined by Federal guidelines. Felony offenders had to have served at least four months in prison prior to beginning probation. Formal random assignment to the DUI court or to standard probation was made by a Superior Court judge in response to a recommendation by the court's pre-sentence probation officer.

Note that after assignment to probation, an offender can still choose not to accept probation and go to prison instead. Such a prison sentence can be significant, amounting to 1 year to 2½ years. Also, offenders who have accepted probation may not actually enter probation for any one of a number of reasons, ranging from simply changing his or her mind and accepting the remaining prison time, to absconding or being deported.

Figure 2-1: DUI Court Stages



After assignment to DUI court, the offender enters the four-week orientation and pretreatment phase of the program (Stage 2.0). Here, the terms and conditions of DUI court are explained to the participant, and the foundation is laid for the participant’s forthcoming treatment and rehabilitation regimen. The participant signs various forms and acknowledgements, and a schedule for the surveillance officer is prepared. Then, the participant attends his or her first operating DUI court session. After the session, the judge explains the expectations and requirements of the program, and gives participants their first DUI contracts (see Appendix A). The contract may be changed later in response to the participant’s progress in the program. In general, the contract requires the participant to:

- Contact a designated treatment provider and enroll in the stipulated treatment program,
- Report in person not less than once per month to the assigned probation officer,
- Appear before the DUI court judge not less than one time per month, and
- Submit to alcohol and/or drug testing as directed by the probation officer.

Actual participation in the DUI court program begins in the next stage (3.0, Path I Program). This part of the DUI court program lasts for 12 to 16 weeks (depending on the contract for the participant) and is structured around a primary substance abuse education and treatment program provided by a designated agency. The participant also must attend three community-based support groups (Alcoholics Anonymous, Narcotics Anonymous, pro-social activity, or other approved support group) weekly and provide written verification to the APD. The participant must obtain a 12-step support group sponsor or identify a support person in the participant’s life and have weekly verified contact with that person. Other requirements set forth in the contract (including appearance before the judge, contact with the probation officer, and alcohol/drug testing) also must be met during this and subsequent parts of the program.

There are special activities for Native American and Spanish-speaking participants in the program. Native American participants must attend the Native American support group (two hours) and one other community-based support group weekly and provide written verification. Spanish-speaking participants must attend the Spanish-speaking support group (one hour) and two community-based support groups weekly and provide written verification.

After successful completion of the Path I Program, the participant enters the Path II Program (Stage 4.0), which requires 12 weeks to complete. Appearances before the judge, contacts with the probation officer and alcohol/drug testing continue as in Path I. Also, the participant must continue to maintain weekly contact (with verification) with his/her sponsor or support person, and provide written verification of attendance of assigned support group at least three times weekly. Additional activities include participation in and successful completion of a specified program of relapse prevention, and attendance (with verification) at a MADD victim impact panel. Finally, the participant must satisfactorily discuss what was learned in DUI court, in the presence of other DUI court offenders, the judge, and the probation officer.

In the Path III Program (Stage 5.0) the participant receives aftercare treatment at the designated treatment provider's facility and must successfully complete all other counseling, treatment, and assistance programs ordered by the sentencing judge or deemed necessary by the DUI court team. The participant must continue to report in person not less than once a month to the probation officer, and must continue to submit to alcohol and/or drug testing as directed by the probation officer. However, the frequency of appearance at the DUI court sessions is reduced from once a month to once every 8 weeks. Three months after promotion into Path III, the participant will begin paying any court-ordered costs, including fines, fees, and any retribution payments to victims. The amount of time spent in Path III depends upon each individual participant's needs.

After successfully completing all of the above stages and three additional conditions, the participant is eligible for graduation from the DUI court program (Stage 6.0). The additional conditions are:

- Having maintained steady employment for 6 months,
- Having been sober for a minimum of 6 months, and
- Having a stable residence at the time of graduation.

Although court appearances are not required after graduation, contact with the DUI court *program* does not end after graduation, but continues for 9 more months. First, the participant must complete a 3-month Post-Graduation Program (Stage 7.0) that requires:

- Reporting to the probation officer one time,
- Paying as directed any unpaid court ordered monies, and
- Submitting to alcohol and/or drug testing as directed by the probation officer.

After these requirements have been met, supervised probation ends and the participant undergoes unsupervised probation for another 6 months (Stage 8.0).

As indicated in Figure 2-1, at any point in the program participants may be required to repeat prior portions of the program or may have their probation revoked and be terminated from the program. Also, program requirements for future participation may be changed to reflect a participant's progress or lack of progress. Both compliant and non-compliant behaviors by the participant may trigger modifications of that individual's track through the program. Some *compliant behaviors* that are encouraged are:

- Attending counseling and participating as directed,

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- Staying sober since the last court appearance,
- Completing community service hours as directed,
- Reporting to the court appearance and probation officer appointments as directed,
- Attending victim impact panel as directed,
- Completing support group attendance as directed,
- Obtaining a sponsor,
- Maintaining steady employment,
- Becoming a sponsor,
- Mentoring other DUI court clients who are struggling, and
- Changing attitudes about their offenses.

Rewards given by the judge in open court for encouraging such compliant behaviors include:

- Reduction in deferred jail days,
- Lengthen time between court visits,
- Actual printed certificates (such as diplomas) of completion of goals,
- Movement to the next path,
- Being placed on front of the court calendar,
- Graduation from the program, and
- Praise in from the judge in open court.

To discourage non-compliant behaviors, disincentives have been developed. Very specific *non-compliant behaviors* addressed fall into the following three categories:

- Behavior in court and substance use behaviors,
- Continued criminal behaviors including DUI, and
- Uncooperative program, probation, and treatment behaviors.

A very detailed schedule of non-compliant behaviors within these categories has been developed by program staff, along with the consequences of each behavior. The consequences have the objective of deterring the occurrence of such behaviors and range from warnings to additional community service to jail time to revocation of probation (see Appendix B for a listing of non-compliant behaviors and consequences).

This description applies only to the DUI court program. The standard probation program is similar in many respects to DUI court program with the obvious exception that the clients' continued interaction with the court does not occur. A major difference between the two programs is the length of time over which treatment is given – in the DUI court program, treatment may be provided over the entire length of the program, but treatment in standard probation is only provided over a period of 3 months or less. Further, treatment may include education programming as well as actual treatment. And while the ratio of clients to probation officers is the same for both programs (60 to 1), there is much more communication between clients and officers in the DUI court program. Most important, the standard probation program does not provide surveillance of its clients, and does not involve the group participation of attorneys, probation officers, and treatment staff. Finally, DUI court clients complete their probation in about 21

months on average (including the post-graduate phase of 9 months), while the standard probation clients are on probation for as long as 36 to 60 months.

DUI Court Personnel

Key operational personnel of the DUI court program function as a team, and consists of the judge, probation officer, counselors, case managers, county attorney, and the public defender. The judge is the team leader. Weekly meetings of the team are held in which each team member provides treatment and supervision recommendations for each DUI court participant appearing in court that week. These meetings (called “staffings”) are held in confidence and the recommendations flowing from them are based on the participant’s compliance with prior court-ordered requirements. All input is encouraged at these confidential discussions, and the specifics are not disclosed to the public. The judge considers the recommendations of the team members and makes the final decision on treatment and supervision requirements for each DUI court participant. After staffing is concluded and court is convened, the team members present an image of unanimity to the attending participants. Specific duties and responsibilities of each team member are described briefly below.

DUI Court Judge

The DUI court judge has the ultimate legal responsibility to motivate the DUI court participants through sanctions and rewards given according to their compliance with program requirements. In addition, the judge does the following:

1. Conducts “DUI Court Status Conferences” about once a month in Paths I and II, and every other month in Path III on each DUI court participant’s case.
2. Conducts weekly staffings attended by the DUI court team members to discuss the cases set for status conference that week.
3. Conducts probation violation matters involving DUI court participants.

Program Managers

The position of DUI court program manager consists of a partnership between the probation supervisor and clinical supervisor. Both are employees of the APD. As a team, they are responsible for coordinating with the court administration office, probation administration, county attorney’s office, public defender’s office, contracted counseling agencies, evaluators, and the judges regarding DUI court operations. They also maintain, evaluate, and disseminate DUI court statistics to the stakeholders, and develop and implement program upgrades and improvements. They develop proposal requests biannually to contract with community treatment agencies to provide services for the DUI court participants. Finally, they are responsible for coordinating public relation activities with the community.

In addition, the *probation supervisor* supervises, trains, and handles all personnel issues involving the probation officers and support staff assigned to DUI court as covered

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in the Maricopa County Adult Probation Policy and Procedure Manual. The supervisor completes annual performance evaluations, completes the monthly AOC (Administrative Office of Courts) statistical reports and monitors and insures officer compliance to AOC guidelines through caseload reviews and regular field ride-alongs with the officers.

The *clinical supervisor* also oversees the contracted community treatment agencies to ensure that the treatment agencies are following the contract guidelines in providing treatment services to the DUI court participants. The supervisor is responsible for maintaining copies of all contracts, treatment protocols, and data submitted by the treatment providers. Also, the clinical supervisor maintains treatment data and is responsible for research and evaluation to ensure treatment services are derived from “best practices.”

Probation Officers

The probation officers are primarily responsible for monitoring and insuring compliance of DUI court participants to their individual terms of probation and DUI court contracts. The probation officer is also responsible for maintaining all contract requirements and other job duties as specifically addressed in the Maricopa County Adult Probation Policy and Procedure Manual. In addition, probation officers monitor completion of community service hours, payment of counseling fees, attendance at groups and court, and conduct home visits of the participants. Officers also verify employment and continually assess the participant’s ability to complete the program while ensuring the safety of the community. Officers are also responsible for maintaining accurate and up-to-date information in APETS (Adult Probation Enterprise Tracking System). Officers have regular and ongoing contact with the DUI court surveillance officer to ensure that their defendants are maintaining sobriety and living in an appropriate home environment. Officers have regular contacts with the treatment agencies to monitor the participant’s progress in counseling. The officer sees the defendant a minimum of one time monthly in the office. The officer prepares progress reports for each participant that will be used in DUI court and makes informed and appropriate recommendations to the DUI court judge during staffing.

Surveillance Officers

The main duty of the surveillance officers is conducting random and frequent breath-alcohol tests on the defendants in the community. The minimum contact standard is one breath-alcohol test per defendant every 4 weeks. In addition, the surveillance officer notifies the probation officer of any suspicious or positive activity observed at the defendant’s home. The surveillance officers enter their contacts into APETS under the guidelines under the Maricopa County Adult Probation Policy and Procedure Manual. In addition, the surveillance officer submits a weekly form that shows all contact made on their assigned defendants and keep a monthly form to assist them in keeping track of clients that still need to be seen within a 4-week period.

Contracted Treatment Providers and Case Managers

The treatment providers are responsible for providing appropriate and effective treatment to DUI court participants as defined in the contract with the adult probation department. In addition, each treatment agency provides a case manager for the specialized caseload assigned to their agency. The agency submits a client list with its monthly billing to verify clients receiving services from the case manager. Each agency provides a support group once a week for its assigned DUI court participants and provides individual counseling to these individuals. Clients must pay for their treatment, with the payment amount based their ability to pay. Each agency also has a representative in the weekly staffing to report on clients' progress in treatment and to make treatment recommendations. A written progress report on each client is submitted to the adult probation department. Counselors and case managers report any infractions by clients to the probation officer for appropriate actions. The counseling agency provides a record of money owed by each participant.

County Attorneys

The Maricopa County Attorney's Office is committed to the mission of DUI court, but because the program is a post-conviction program, the role of the county attorney is restricted. The county attorney participates in the weekly staffing meetings and represents the State on any matters pertaining to probation violations.

Public Defenders

The Maricopa County Public Defender's Office represents clients sentenced to DUI court as a condition of their probation. As with the county attorney, the role of the public defender is restricted. However, the public defender is there to insure that clients are treated fairly during their terms in DUI court and the public defender provides counsel regarding legal issues that may arise relating to the client's representation in DUI court. In addition, the public defender represents the defendant in any probation violation matters.

IMPACT EVALUATION

Survival analysis methods were used to estimate the recidivism of the DUI court group and the standard probation group. Recidivism was defined as a subsequent alcohol-related offense as defined in Arizona statutes. The APD provided the Arizona Motor Vehicles Department (MVD) the subjects' driver license numbers and social security numbers, and the MVD returned a file containing the dates of each subject's alcohol-related traffic violations. This file was then match-merged with APD's file containing pertinent information about the subjects, including the date they entered their assigned program and, if they completed the program, the date of program completion. The time to the first violation after program entry was then calculated.

Separate analyses were performed on:

METHOD

1. Offenders who entered their randomly-assigned program, and
2. Offenders who entered and completed their assigned program.

The Cox proportional hazard rate survival analysis method (Cox & Oakes, 1984) was used for all of these recidivism analyses, with the exception of a confirmatory analysis using the accelerated failure time method (Lawless, 1982).

3 - RESULTS

PROCESS EVALUATION

Participants

The characteristics of the DUI court participants are shown in Table 3-1. The participants were predominately male (83%), and 94% were age 21 to 54.⁴ Approximately 80% of the participants were white, 59% of which self-identified as Hispanic. About 70% were unmarried, that is, single, divorced, separated, or widowed. Forty-seven percent had less than a high school education, but 23% had attended one or more years of college. Most of those whose primary language was English had an English reading ability above the sixth grade level. Nearly 70% were employed either full-time or part-time at the time of their pre-sentence investigation, 66% worked as either skilled or unskilled labor, and 22% had service jobs.

A problem faced by court systems staff is determining which offenders to place in which probationary programs. A major consideration is whether a given offender will complete the program and realize the program's intended benefits. Thus, we devoted a number of analyses to examining the participant characteristics that were associated with a participant's graduating from the DUI court program. The raw data indicate that graduates and non-graduates of DUI court differed significantly with respect to four characteristics: age, race/ethnicity, primary language, and employment status at the pre-sentence investigation (Table 3-2). Older participants (55 and older) had the highest probability of graduating (91%), and younger participants (age 18 to 20) had the lowest (25%). However, most participants were of 21 to 54 years old and had a graduation probability in the 70% range.

⁴ Note that because of missing data, the number of subjects measured by some variables do not total to the 387 subjects who participated in the DUI court program.

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Table 3-1: Characteristics of DUI Court Participants

Variable	Frequency	Percent	Variable	Frequency	Percent
<u>Age</u>			<u>Education</u>		
18 - 20	12	3.22	Less than HS	181	46.77
21 - 34	173	46.38	HS graduate	47	12.14
35 - 54	177	47.45	GED	35	9.04
55+	11	2.95	Some voc. training	7	1.81
	373	100.00	Voc. or trade certificate	17	4.39
<u>Sex</u>			Some college	79	20.41
Female	67	17.31	Undergraduate degree	9	2.33
Male	320	82.69	Advanced degree	2	0.52
	387	100.00	Unknown	10	2.58
<u>Race/Ethnicity</u>				387	99.99
White	126	32.56	<u>English Reading Level</u>		
Black	25	6.46	Above 6th grade level	251	64.86
Asian	3	0.78	Below 6th grade level	27	6.98
American Indian	50	12.92	English not language	87	22.48
Hispanic/Latino	183	47.29	Unknown	22	5.69
	387	100.01		387	100.01
<u>Primary Language</u>			<u>Employment at PSI</u>		
English	290	74.94	Disabled	10	2.74
Spanish	97	25.06	Full-time	237	64.93
	387	100.00	Other	2	0.55
<u>Marital Status</u>			Part-time	12	3.29
Single	184	47.67	Part-time student	1	0.27
Married	102	26.42	Retired	4	1.1
Divorced	59	15.28	Student	4	1.1
Separated	19	4.92	Unemployed	95	26.03
Widow	7	1.81		365	100.01
Common law	15	3.89	<u>Occupational Status</u>		
	386	99.99	Professional	20	6.58
			Clerical	13	4.28
			Service	66	21.71
			Labor	201	66.12
			Other	4	1.32
				304	100.01

Participants of Hispanic origin had the highest probability of graduating (74%), and Black participants the lowest (48%). Also, subjects whose primary language was Spanish were more likely to graduate than subjects whose primary language was English (80% versus 66%). And finally, participants who worked full-time or part-time had by far the highest probability of graduating (81% and 92%, respectively). Collapsing the marital-status categories revealed some significant differences with respect to graduating or not graduating, indicating that those who were married or had a common-law spouse were significantly more likely to graduate than were other participants (79% versus 65%).

Table 3-2: Characteristics of DUI court Participants That Differed Significantly With Respect to Graduating or Not Graduating

Variable	Graduates		Non-Graduates	
	%	n	%	n
<u>Age</u>				
18 – 20	25.0	3	75.0	9
21 – 34	71.1	123	28.9	50
35 – 54	72.3	128	27.7	49
55+	90.9	10	9.1	1
<u>Race/Ethnicity</u>				
White	69.1	87	31.0	39
Black	48.0	12	52.0	13
NA Indian	64.0	32	36.0	18
Hispanic	74.3	136	25.7	47
<u>Primary Language</u>				
English	66.2	192	33.8	98
Spanish	80.4	78	19.6	19
<u>Employment Status at PSI</u>				
Disabled	60.0	6	40.0	4
Employed Full-time	81.0	192	19.0	45
Other	100.0	2	0.0	0
Employed Part-time	91.7	11	8.3	1
P/S	100.0	1	0.0	0
Retired	75.0	3	25.0	1
Student	100.0	4	0.0	0
Unemployed	50.5	48	49.5	47

We also examined the odds of graduating as a function of several of the above characteristics, finding that for each age groupings listed above, the odds of graduating increased by a factor of 1.04 ($p=0.012$), and that having a full-time or part-time job increased the odds of graduating by a factor of 6.3 ($p=0.0001$).

It would be misleading to expect that our initial descriptive analyses of the participant characteristics would be sufficient for making predictions about the effectiveness of participation in the DUI court program. Therefore, we performed a factor analysis to see if *combinations* of descriptive variables would emerge that would shed more light on characteristics that distinguished DUI court graduates from non-graduates. Two such factors were identified, the first (Factor 1) with heavy loadings on *Academic Education*, *Race*, and *Occupational Status* and the second (Factor 2) with heavy loadings on *English*, *Spouse*, and *Work*.

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These variables were recoded from the variables in Table 3-3 as follows:

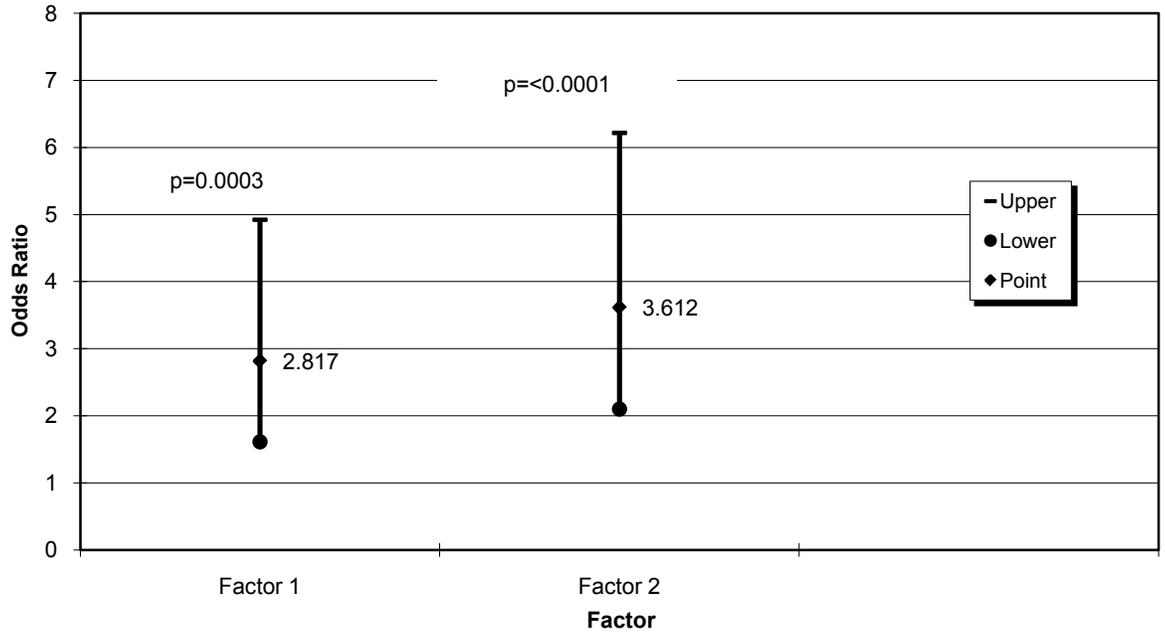
Table 3-3: Factor Analysis Loadings

Factor 1	Factor 2
<ul style="list-style-type: none"> ▪ Academic Education, recoded from <i>Education</i>: <ul style="list-style-type: none"> ✓ 0: <12 years ✓ 1: High school graduate ✓ 2: Some college (non-graduate) ✓ 3: Undergraduate degree ✓ 4: Some graduate work ✓ 5: Graduate degree ▪ Race, recoded from <i>Race/Ethnicity</i>: <ul style="list-style-type: none"> ✓ 0: Non-White ✓ 1: White ▪ Occupational status, recoded: <ul style="list-style-type: none"> ✓ 1: Labor ✓ 2: Service ✓ 3: Clerical ✓ 4: Professional 	<ul style="list-style-type: none"> ▪ English, recoded from <i>Primary Language</i>: <ul style="list-style-type: none"> ✓ 0: Spanish ✓ 1: English ▪ Spouse, recoded from <i>Marital Status</i>: <ul style="list-style-type: none"> ✓ 0: Single, divorced, separated or widowed ✓ 1: Married or common law ▪ Work, recoded from <i>Employment Status</i>: <ul style="list-style-type: none"> ✓ 0: Not working ✓ 1: Working full-time or part-time

Factors 1 and 2 were used as explanatory variables in a logistic regression model of the 0-1 response variable “graduation,” with graduating indicated by a value of 1 and not graduating indicated by a value of 0. The results are shown in Figure 3-1, which depicts the odds⁵ ratio of graduating and associated 95% confidence levels for the two factors. It is seen that the odds of graduating increases by a factor of 2.8 for each unit increase in *Factor 1* and increases by a factor of 3.6 for each unit increase in *Factor 2*.

⁵ Odds may be converted to a probability through the relationship $p = \frac{odds}{1 + odds}$.

Figure 3-1: Odds Ratio of Graduating for Factor 1 and Factor 2



Activity

A total of 421 randomly assigned subjects entered the DUI court program between March 1998 and May 2003. Of these, 34 were still in the program at the study cutoff date (October 31, 2003) and were excluded from the program evaluation. The remaining 387 subjects had been incarcerated an average of 88 days, and of these, 270 had graduated from the program. Reasons for not graduating, based on available data from 317 subjects, included probation revocation for engaging in certain non-compliant behaviors (such another DUI conviction and repeated use of alcohol) and deportation of foreign nationals ordered by the U.S. Immigration and Naturalization Service (Figure 3-2).

The standard probation group was composed of 438 randomly assigned entrants to the standard probation program. Of these, 41 were still in the program at the study cutoff date, leaving 397 in the study group. These 397 subjects had been incarcerated an average of 99 days, and 284 had completed the program and were terminated from it. (In this report, we call the individuals who completed probation “graduates,” even though there was no formal graduation ceremony.)

Figure 3-2: Percentage of DUI Court Participants Terminated by Reason Terminated (Based on Available Data From 317 Subjects)

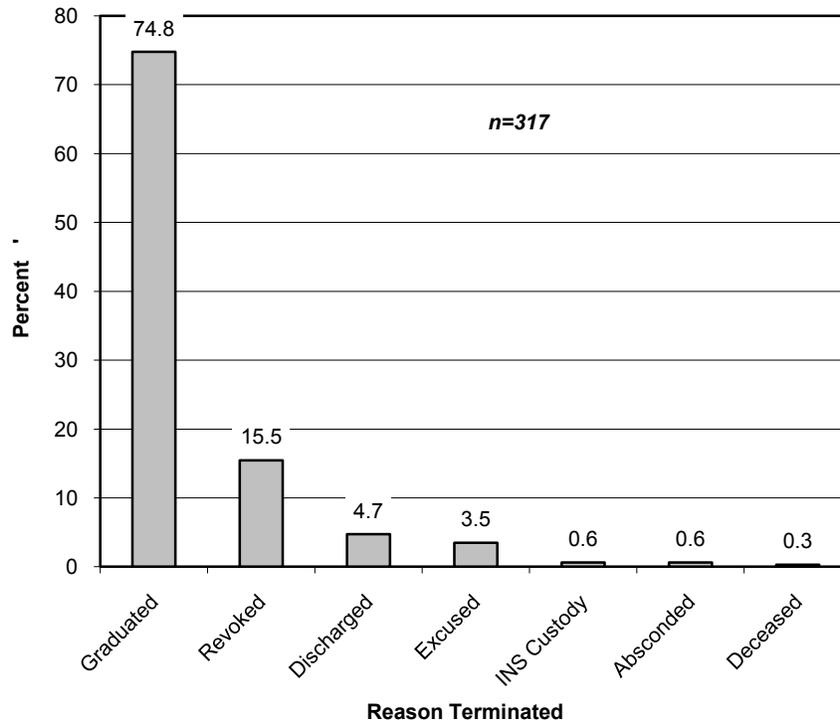


Figure 3-3 shows how the cumulative number of DUI court entrants varied over time, indicating an overall rate of entry of about 83 per year. The distribution of the time spent in the program is shown in Figure 3-4, indicating a median time of about 15 months (mean time=18 months) and also that some 80% of the entrants had left the program after two years. However, graduates and non-graduates had different distributions of time in the program⁶ (Figure 3-5). After one year, only 6% of the ultimately successful participants had graduated, while 35% of the non-graduates were no longer in the program. However, non-graduates who remained in the program after one year tended to stay there longer than graduates, suggesting that the non-graduates were given more time to succeed in the program before finally leaving the program.

Three major categories of regimens were available for the participants: treatment, community service, and education. On the average, participants spent 47 hours in treatment, and nearly 81% of the participants completed their treatment programs successfully. Participants who completed treatment spent an average of 52 hours in treatment. Participants also spent an average of five hours in community service, and two hours in substance abuse education.

⁶ In this instance, time in the program for graduates was calculated as the time from entry to graduation and excludes the required 9 months of post-graduation time.

Figure 3-3: Cumulative Number of Subjects Entering the DUI Court Program by Month

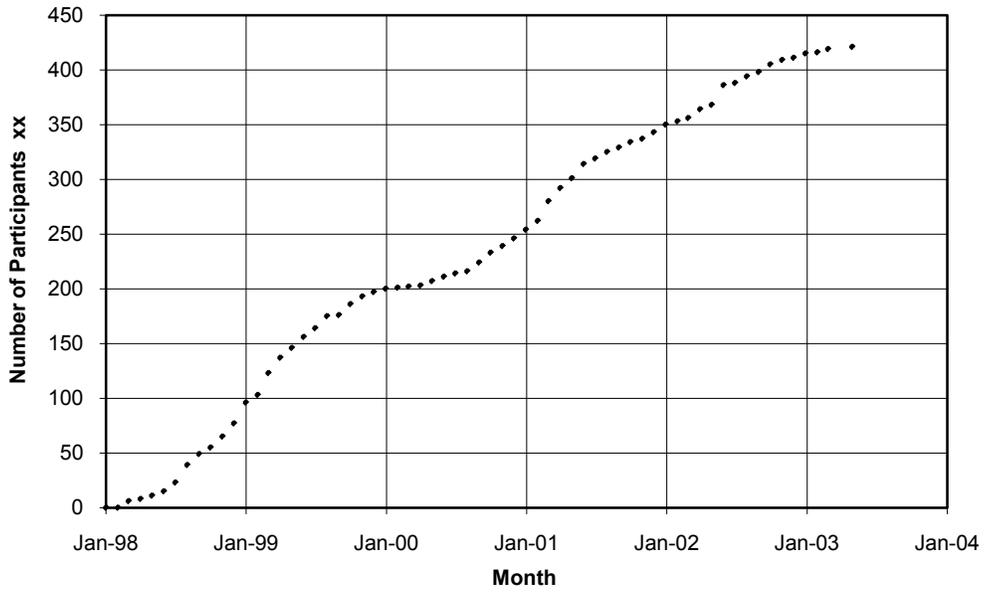


Figure 3-4: Cumulative Distribution of Time Participants Spent in the DUI Court Program

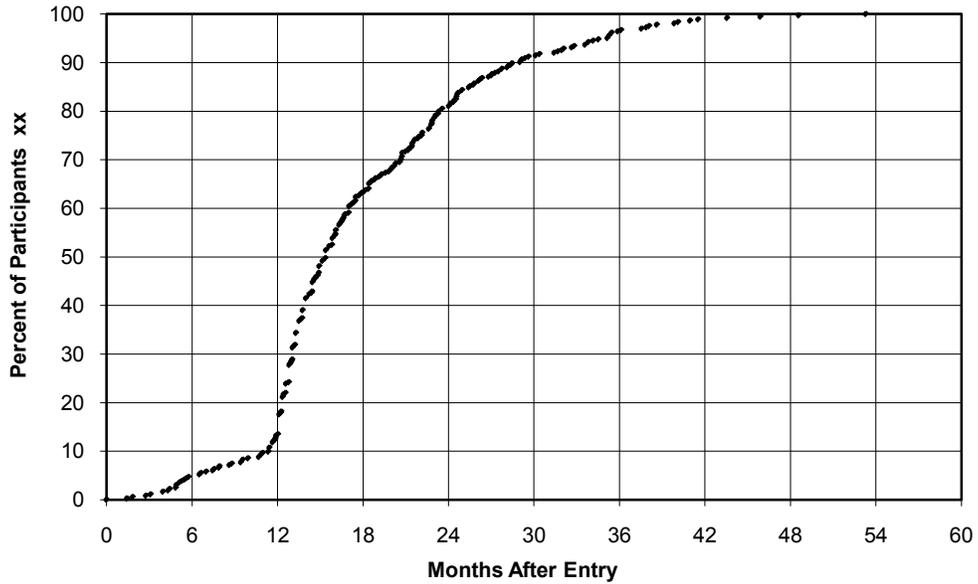


Figure 3-5: Cumulative Distribution of Time Spent the DUI Court Program by Graduates and Non-Graduates

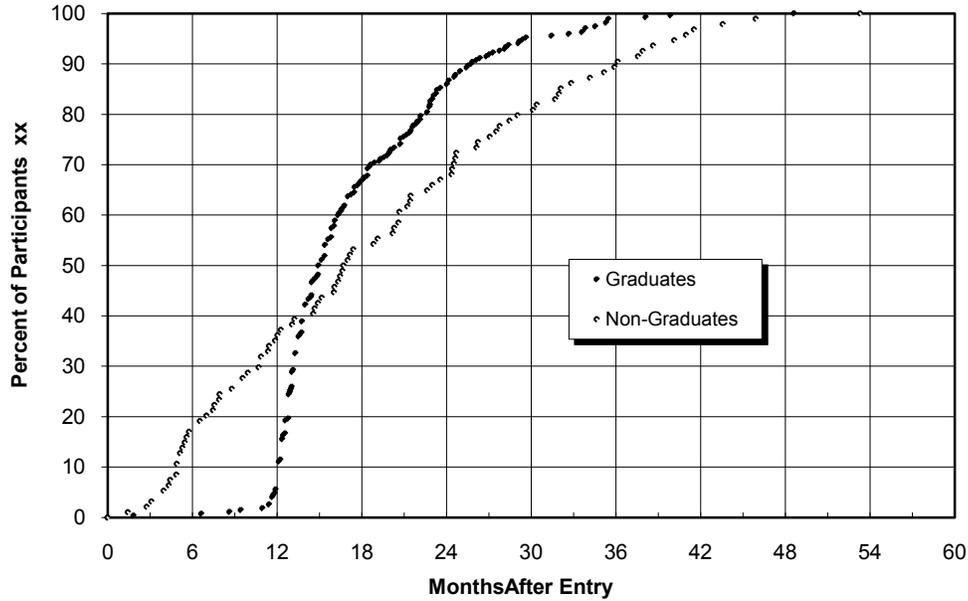
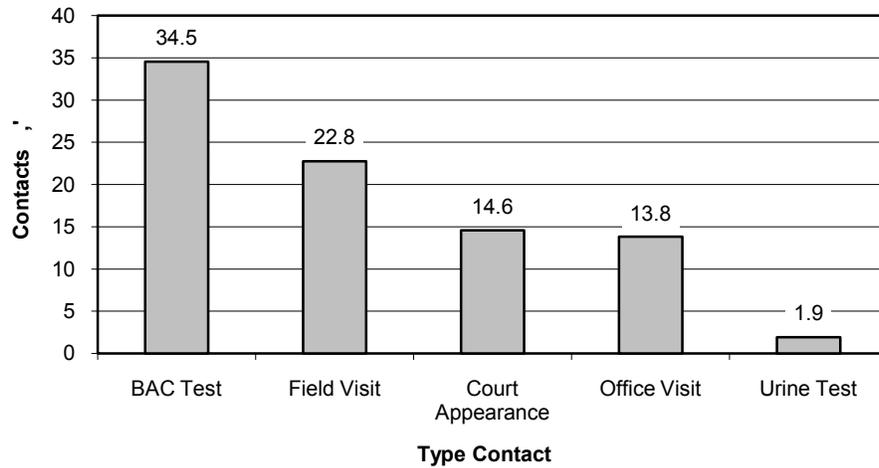


Figure 3-6: Mean Number of DUI Court Participant Contacts by Type of Contact



Frequent contact with program staff was a major feature of the DUI court program. The mean number of appearances before the DUI court was 15, and BAC testing and field visits by a probation officer were even more frequent (Figure 3-6).

The means of three of these measures differed significantly for graduates and non-graduates (Table 3-4). Compared to non-graduates, graduates had significantly more court appearances, office visits, and BAC tests; and graduates also had significantly more hours of treatment and education. However, graduates and non-graduates did not differ significantly with respect to number of field visits and number of urine tests.

Table 3-4: Mean Values of Selected Activity Variables for DUI Court Graduates and Non-Graduates

Variable	Graduates	Non-Graduates	P
Treatment Hours	52.1	32.1	< 0.0001
Education Hours	2.3	0.1	< 0.0001
Court Appearances	14.7	10.1	0.006
Office Visits	14.7	11.3	0.006
BAC Tests	36.5	17.1	< 0.0001
Field Visits	23.8	19.7	0.425
Urine Tests	2.0	1.8	0.774

Program Cost

Rough estimates of steady-state operational costs of the DUI court program and the standard probation program were made using data provided by APD staff. The costs were computed for program operation during the year 2000 and included estimated salaries, fringe benefits, other direct costs, and overhead. Personnel included in the DUI court estimate were the probation officers, surveillance officers, prosecuting attorney, defense attorney, judge, and support staff. Standard probation personnel included only the probation officers and support staff. The one-year cost for a caseload of 150 clients was \$1,385 per client for the DUI court program and \$705 per client for the standard probation program. On the average, each DUI court client spent 18 months in the program, compared to 36 months for the standard probation program. Thus, the total cost per client was \$2,055 for the DUI court program and \$2,114 for the standard probation program.

We emphasize that these estimates provide only a rough idea of actual costs. Nevertheless, they do suggest that the cost to process a DUI court client through the program is about the same as it is for a standard probation client. Clearly, any reductions in the recidivism of DUI court clients relative to that of standard probation clients would result in a higher effectiveness-cost ratio for the DUI court program. A more detailed cost analysis was not conducted in this project, but future studies should include such an analysis.

IMPACT EVALUATION

The recidivism of the DUI court and standard probation groups was modeled for two sub-groups:

- All participants, defined as subjects who entered their assigned programs, but who did not necessarily complete the programs, and
- Program graduates, defined as subjects who entered and completed their assigned programs.

The analyses estimated recidivism as the probability that a subject had another alcohol-related traffic violation on or before *t* months after program entry. Two different models were used for the analysis of each of the two sub-groups. Both used *group* (DUI court or standard probation) as an independent variable, but Model I had no additional independent variables and Model II used *priors* (the number of a participant’s prior

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alcohol-related traffic violations) as an independent variable. The proportional hazards method of survival analysis was used in both models and confirmatory analyses were performed using the accelerated failure time method of survival analysis.

All Participants

Model I – Group Alone Used as an Independent Variable. We found that the hazard rate⁷ for the DUI court group was 0.726 of that for the standard probation group ($p=0.147$). While not statistically significant at the 0.05 level, the DUI court group still had a lower recidivism than the standard probation group. Recidivism after a given number of months is shown in Figure 3-7. After two years 4.9% of the DUI court group and 6.7% of the standard probation group had recidivated.

Model II – Group and Priors Used as Independent Variables. The hazard rate for the DUI court group was 0.731 of that for the standard probation group ($p=0.157$), quite close to the numbers obtained from the above model without *priors* as an independent variable. Again, the relationship was not statistically significant at 0.05 level, but the DUI court group had a lower recidivism than the standard probation group.

Each prior offense increased the hazard ratio by a factor of 2.62 ($p<0.0001$). Recidivism two years after program entry is illustrated graphically in Figure 3-8 as a function of number of priors. The very large effect of priors on the recidivism of both the DUI court group and the control group is apparent from the figure.

Program Graduates

Model I – Group Alone Used as an Independent Variable. The results from this analysis indicate that the hazard rate for the DUI court group was 0.659 of that for the standard probation group ($p=0.145$). As with all entrants, the hazard ratio was not statistically significant at the 0.05 level, but the DUI court group still had a lower recidivism than the standard probation group. Recidivism after a given number of months is shown in Figure 3-9, which indicates that after two years 3.6% of the DUI court group and 5.4% of the standard probation group had recidivated.

Model II – Group and Priors Used as Independent Variables. The results from this model indicate that the hazard rate for the DUI court group was only 0.55 of that for the standard probation group ($p=0.042$). Each prior offense increased the hazard ratio by a factor of 2.76 ($p<0.0001$). The effect of priors on recidivism two years after program entry is shown in Figure 3-10

⁷ Hazard rate is the instantaneous recidivism rate per unit time of a subject, and is in general a function of time. However, the *ratio* of the DUI court group hazard rate to the control group hazard rate (the so-called hazard ratio) is a constant and not a function of time. Thus, a hazard ratio less than 1 would indicate lower DUI court group recidivism than standard probation group recidivism, and the smaller the hazard ratio, the lower the DUI court group recidivism would be relative to the standard probation group recidivism. Note that the hazard ratio for the variable *group* is also a constant when the variable *priors* is included as an explanatory variable.

Figure 3-7: Recidivism of All DUI Court Group and Standard Probation Group Participants by Months After Program Entry – Model Without Priors as an Independent Variable

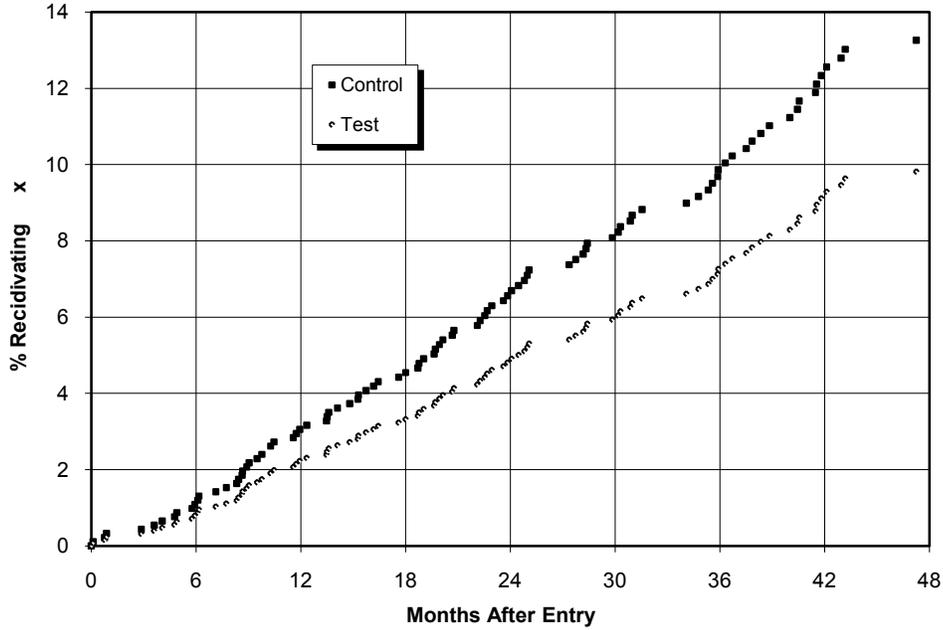
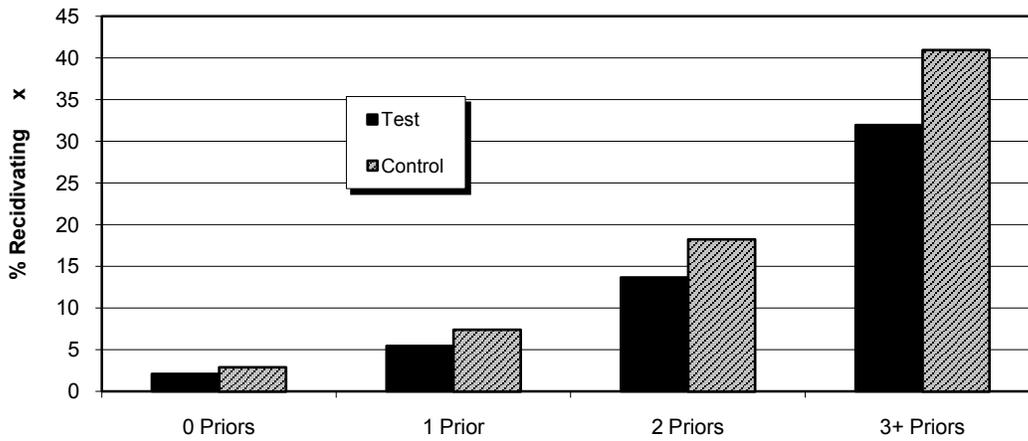


Figure 3-8: Recidivism of All DUI Court Group and Standard Probation Group Participants Two Years After Program Entry, by Number of Priors – Model With Priors as an Independent Variable



RESULTS

Figure 3-9: Recidivism of All DUI Court Group and Standard Probation Group Graduates by Time After Program Entry – Model Without Priors as an Independent Variable

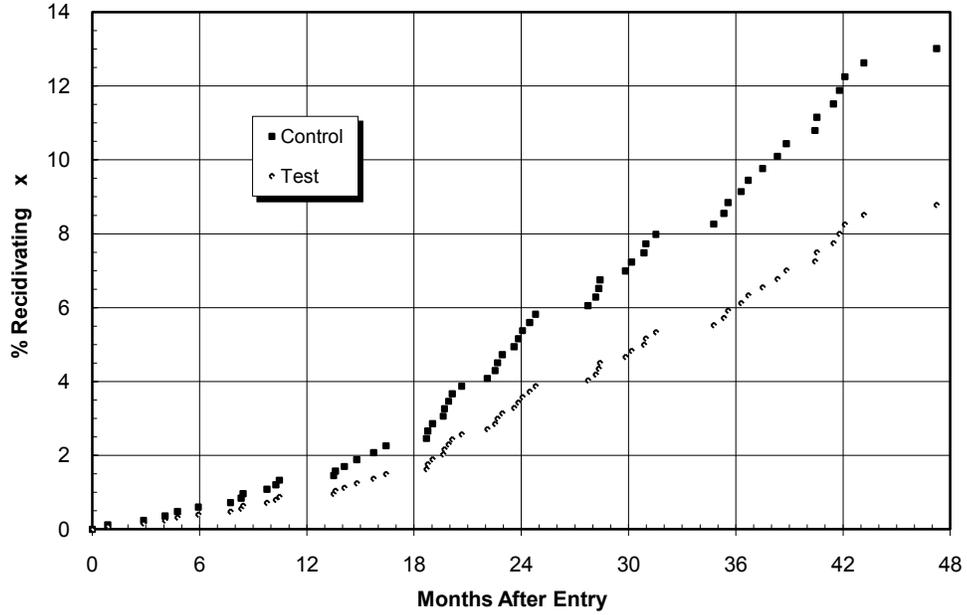
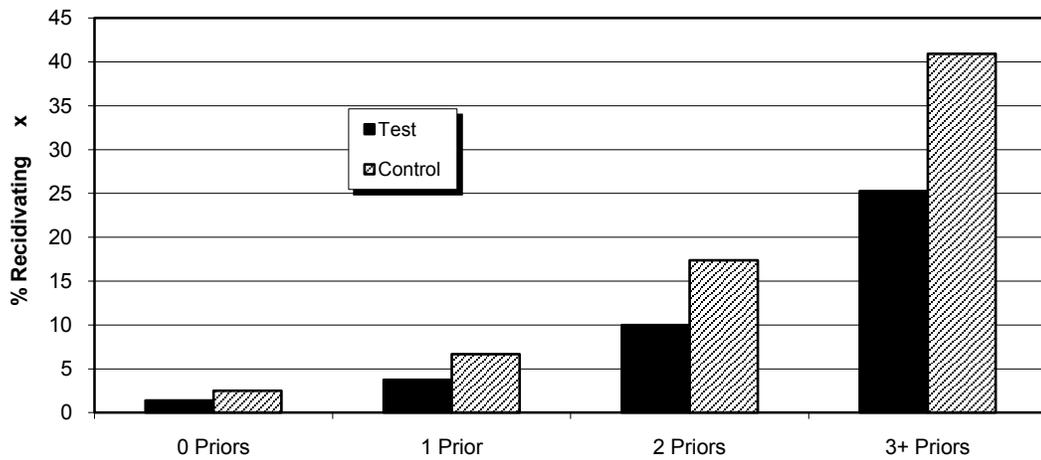


Figure 3-10: Recidivism of All DUI court Group and standard probation Group Graduates Two Years after Program Entry, by Number of Priors – Model With Priors as an Independent Variable



DUI Court Graduates and DUI Court Non-Graduates

We also compared the recidivism of the DUI court graduates with that of DUI court participants who did not graduate, this time using *priors* as a covariate. We found that the hazard rate of the graduates was about half that of the non-graduates, and that the graduates had correspondingly lower recidivism rates than the non-graduates. However, the relationship did not reach the 0.05 level for significance ($p=0.078$) most likely due to the relatively small number of non-graduating subjects ($N=117$)

4 – CONCLUSIONS AND RECOMMENDATIONS

This evaluation considered both the impact of the Maricopa County Arizona DUI Court program on subsequent alcohol-related traffic convictions, and the process of applying the county's DUI court protocol and regimens. As a result, we conclude that the DUI court concept as applied in Maricopa County was effective in reducing the recidivism of felony DUI offenders as measured by the time before a subsequent alcohol-related traffic violation. The evaluation also suggests that the DUI court program was more effective in reducing recidivism than the county's standard probation program for the target group of offenders and that the effectiveness of the DUI court program relative to that of the standard probation program was greater for participants who graduated from their program than for participants who attended but did not necessarily graduate. Stronger statements about the relative effectiveness of the Maricopa County DUI court program cannot be made at this time because most of the recidivism analyses showed that the reduced recidivism of the DUI court clients was not statistically significant at the traditional 0.05 level of significance. However, the increased effectiveness of the DUI court program over the standard probation program at the significance levels found is noteworthy because of the very low recidivism achieved by the standard probation program. We know of very few programs that have had such low rates even for less persistent offenders.

Rough estimates of steady-state operational costs of the DUI court program and the standard probation program also were made. Data provided by APD staff were used in the analysis which indicated that the cost to process a DUI court client through the program is about the same as it is for a standard probation client. Thus, any reduction in recidivism of DUI court clients relative to that of standard probation clients would result in a higher effectiveness-cost ratio for the DUI court program. A more detailed cost-benefit analysis was not conducted in this project, but future studies should include such an analysis.

These results strongly suggest that completing the DUI court program improves its effectiveness, and other analyses described in the prior chapter indicate that offenders with certain characteristics are more likely to complete the program than other offenders. For the offenders studied here, those scoring high on two factors had the highest likelihood of completing the Maricopa County DUI Court Program. Elements of the first factor are: increased formal education, white race, and higher occupational status. Elements of the second factor are: English as the primary language, married or living with a common-law spouse, and being employed. These results do not, of course, imply that all offenders scoring low on these factors should be excluded from DUI court programs, but do suggest that special attention should be given to these individuals in such programs.

The randomized design of the evaluation provides maximum assurance that these effects were not spurious, but were due to the influence of the program. One possible reason for the program's positive effects is that it provides strong support and

reinforcement for its clients that extend over a long time period lasting well beyond graduation. Experience with other specific deterrence programs aimed at repeat DUI offenders suggests that maintaining close contact over an extended period of time reduces recidivism (Jones, Wiliszowski, & Lacey, 1996; Wiliszowski, Murphy, Jones, & Lacey, 1996). Another possibility is the very special configuration of the treatments, which include a range of therapies carefully tailored to individual needs. Again, research provides evidence that tailored sanctions can be more effective than broadly defined sanctions, provided that there is a sufficient range of available alternatives (Jones & Lacey, 1998).

Our evaluation also indicates that the program operated essentially as planned and that the process data provided were useful in understanding the performance that can be achieved in an operational program dealing with severe DUI offenders. Of particular interest to those considering implementing such a program or improving their existing program is the information on types of offenders who would benefit most from a DUI court program such as the program we evaluated.

Finally, we note that although the DUI court concept is receiving more and more attention, these programs are relatively new and evaluations of their effectiveness are complex and have taken some time to conduct. One such documented evaluation was performed for a program that operated in Bernalillo County, New Mexico (Guerin & Pitts, 2002). That evaluation did not use a randomized assignment design but attempted to control for differences between the DUI court group and the standard probation comparison groups by matching comparison group subjects to DUI court group subjects on gender, ethnicity, and referring offense. The sample size of the test group was only 168, survival analysis methods were not used, and the statistical significance of the difference in recidivism between the two was not determined. Further, the therapies used in Bernalillo County were not entirely the same as those in Maricopa County. In spite of these differences, the ratio of test group recidivism to comparison group recidivism was quite similar to that found in this Maricopa County evaluation.

Meanwhile, DUI court programs in other jurisdictions are continuing and still others are being planned. Several agencies of the Federal Government support the increased use of DUI courts nationwide in dealing with serious DUI offenders. For example, a new initiative at NHTSA will collaborate with the DOJ's Office of Justice Programs to promote increased use of DUI courts and encourage jurisdictions that use existing drug courts to accept repeat DUI offenders (NHTSA, 2003). It is important that these programs be thoroughly documented and their traffic safety impact determined. In particular, the area of cost-effectiveness needs to be examined to allow other interested jurisdictions to determine the feasibility of a DUI court under their budgetary constraints.

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APPENDIX A – DUI COURT PROGRAM CONTRACT

PATH _____ / _____ WEEK CONTRACT

DEFENDANT _____ CR# _____

Defendant is _____ present, _____ not present

IT IS ORDERED: (check, complete the appropriate item(s))

- _____ Defendant not present. ISSUED: Bench Warrant.
- _____ Defendant released from custody. ISSUED: Order of Release.
- _____ Quashing the Bench Warrant that was issued on _____.

During this contract period, you are responsible for completing the following:

- _____ ATTEND SUBSTANCE ABUSE COUNSELING AS DIRECTED BY PROBATION OFFICER
- _____ ATTEND RELAPSE PREVENTION GROUP
- _____ ATTEND AFTERCARE GROUP
- _____ ATTEND COGNITIVE GROUP
- _____ ATTEND 3 AA MEETINGS PER WEEK AND PROVIDE VERIFICATION + _____ CONTACT PROBATION OFFICER IN PERSON ON _____.
- _____ OBTAIN SPONSOR AND VERIFY WEEKLY CONTACT
- _____ PAY \$ _____ TOWARDS YOUR ARREARAGE IN COUNSELING FEES, IN ADDITION TO YOUR REGULAR PAYMENTS
- _____ COMPLETE _____ HOURS OF COMMUNITY SERVICE
- _____ ATTEND THE VICTIM IMPACT PANEL
- _____ PRODUCE CLEAN UA’S _____ TASC “COLORS” PROGRAM
- _____ PRODUCE CLEAN BA’S
- _____ ADDITIONAL REQUIREMENTS:

RESULTS

_____ Defendant remanded to custody of Sheriff of Maricopa County to serve _____ days of deferred jail, commencing _____ and not to be released until _____

ISSUED: Order of Confinement.

_____ Reduce jail term by _____ days.

**Your next court date is Friday, _____ at _____ 201 W. Jefferson St., 8th Floor
Central Court Building**

JUDGE ARTHUR T. ANDERSON

DEFENDANT

DATE

APPENDIX B – NONCOMPLIANT AND COMPLIANT BEHAVIORS

Standardized responses to noncompliant and compliant behaviors are used in the DUI Court program to provide fairness, but unique circumstances may occur that require deviation from these responses. This appendix lists these behaviors and their consequences. The consequences, both negative and positive, are administered by the judge in open court to allow participants to learn from the experiences of others and to see how the DUI Court team responds consistently to a variety of behaviors.

Noncompliant Behaviors

Consequences

Court and Substance Use Behaviors:

- | | |
|--|--|
| <ul style="list-style-type: none"> a. Late for court b. No show for court c. Intoxicated in court <ul style="list-style-type: none"> --- Below .10 --- Above .10 d. Uses alcohol --- 1st time <ul style="list-style-type: none"> ---Second time ---Third time ---Fourth time ---Fifth time e. Uses alcohol/drugs and drives f. Uses illegal drugs g. Uses legal, addictive, RX drugs | <ul style="list-style-type: none"> a. Placed at end of calendar; verbal reprimand b. Bench Warrant c. Taken into custody <ul style="list-style-type: none"> --- 1 to 2 days jail (first occurrence) --- 3 to 10 days jail (first occurrence) d. 10 to 15 hours Community Service <ul style="list-style-type: none"> --- 1 to 3 days jail --- 7 to 10 days jail --- 45 to 50 days jail, halfway house; residential treatment --- Probation Revocation, removal from program e. Probation Revocation; removal from program f. Same as d. above and TASC “Colors” g. Option to change to non-addictive RX; detox program |
|--|--|

Continued Criminal Behaviors:

- | | |
|---|--|
| <ul style="list-style-type: none"> a. Arrested/ cited for DUI b. Arrested/cited violent offense c. Arrested/cited non-violent Felony d. Drives vehicle w/o a valid license <ul style="list-style-type: none"> ---Second occurrence e. Possess a weapon | <ul style="list-style-type: none"> a. Revocation; termination from program b. Revocation; termination from program c. Indeterminate d. 1 to 3 days jail, 6 week cognitive class <ul style="list-style-type: none"> --- 14 days in jail e. 7 days jail, revocation, termination from program |
|---|--|

Uncooperative Program, Probation and Treatment Behaviors:

- | | |
|--|--|
| a. Avoids SO contact at residence | a. Warning in court, curfew, BA's at Garfield |
| b. Doesn't report the PO 1 st time
---Second time - | b. 10 hours Community Service
--1 to 3 days jail |
| c. Doesn't report to TX-1 st time
---Second time - | c. 10 hours Community Service
--2 to 3 days jail |
| d. Terminated from TX (attitude) | d. 7-day jail, reinforce compliance,
referral to another program |
| e. Terminated from TX (sub. use) | e. 7 to 14 days jail, halfway house, |
| f. Doesn't do C/S hours as directed | f. 1 to 2 days jail |
| g. Doesn't pay restitution as directed
---2 months delinquent

---3 to 4 months delinquent

---5 to 6 months delinquent | g. Consequences
---PO notifies DUI Court Judge,
financial assessment
---Warning from judge; C/S hours,
budget classes
---C/S hours, weekend in jail, budget
classes, possible revocation |
| h. Doesn't pay for treatment | h. Warning from judge then C/S hours
then jail, not allowed to promote
to next path |
| i. No proof of AA attendance | i. Warning from judge, must make up,
then C/S hours, then jail |
| j. Doesn't obtain a sponsor | j. same as i above |
| k. Doesn't attend VIP | k. Same as i above |
| l. Doesn't obtain employment within
---6 weeks in program
---12 weeks in program

---18 weeks in program | l. Placement at end of calendar and:
--- warning from Judge
--- 10 to 20 C/S hours in addition to
the above, delay level change and
program graduation
--- Weekly C/S hours |
| m. Moves out of supervision area | m. Sat or Sun report to Garfield,
30 days to move back in area or
halfway house |
| n. Changes residence w/o approval
--- Absconds | n. same as m above
--- Petition to Revoke Probation |

Other consequences, which may be used:

- Shorten length of time between court visits
- Admonishment from the Judge
- Delay graduation to the next path
- No reduction in deferred jail days
- Delay graduation from the program
- Additional referral(s) to needed treatment/assistance
- Residential or halfway house program placement
- Curfew

Place at end of DUI Court calendar
BA testing at Garfield center 6AM to 8AM Saturdays/Sundays
Detox program
Attend additional VIP
Cognitive restructuring group
Other...

Compliant Behaviors

Attends counseling and participates as directed
Sobriety since last court appearance
Completes community service hours as directed
Reports to court appearance and PO appointments as directed
Attends VIP as directed
Completes support group attendance as directed
Obtains a sponsor
Maintains steady employment
Becomes a sponsor
Mentor for other DUI court clients who are struggling
Changes thinking/attitude/beliefs
Other...

Rewards

Reduction in deferred jail days
Movement to the next path
"Atta Boys" in court
Being placed on front of the court calendar
Graduation from the program
Lengthen time between court visits
Certificates of completion of goals
Other...

DOT HS 811 302
July 2011



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

