# Michigan Drug Court Recidivism

# Definitions and Methodology



# Michigan Supreme Court

# State Court Administrative Office

# Introduction

Drug courts are judicial programs that offer an alternative to imprisonment for nonviolent criminal offenders with substance use disorders (SUD).  To combat offenders cycling in and out of the criminal justice system, problem-solving courts use a specialized therapeutic jurisprudence model designed to treat the SUD underlying the criminal behavior, thus reducing the likelihood of reoffending.  Participants are held accountable through intensive supervision, frequent judicial status review hearings, random and frequent drug testing, and a variety of incentives and sanctions.  Drug courts emphasize a holistic and team approach that includes judges, prosecutors, program coordinators, probation officers and case managers, law enforcement, defense counsel, and treatment providers.  Drug courts save lives by helping participants achieve long-term recovery while protecting public safety.

There are several measurements of whether drug courts are effective.  Retaining participants in a program is an important measure because studies prove that staying engaged in treatment while working the program increases the likelihood of graduating a program and continued sobriety.  In addition, measuring recidivism is necessary to determine whether the program had a positive impact on future criminality.  Research studies define recidivism in many different ways, including new arrests, new charges, new incarceration, and new convictions.  Despite the varying definitions among studies nationwide, drug courts have proven to be effective at reducing further entanglements with the criminal justice system.

The purpose of this document is to describe how Michigan evaluates recidivism for its drug courts using what data is available and according to the statutory definition of recidivism.  The recidivism results can be found in Michigan's Problem-Solving Courts Performance Measures and Outcomes Report.

# Michigan's Recidivism Definition

In 2017, Public Act 2 amended the Code of Criminal Procedure to include specific measures for evaluating recidivism.  MCL 761.1(s) states, "'Recidivism' means any rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation of an individual as measured first after 3 years and again after 5

years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later."

Drug courts in Michigan sentence eligible offenders into programs differently. Some prosecutors may require that upfront jail time be served prior to the probationary term in the program, while others expedite sentencing directly into a program diverting offenders from jail. Others enter a program on a deferred/delayed status where sentencing is dependent upon participant compliance with court orders and treatment. Because of the varying sentencing approaches as well as data limitations in collecting start and release dates of incarceration and probation, Michigan's drug court recidivism methodology uses the time of admission into a program as the starting point for evaluating new convictions.

## Methodology

**Matching Process**

Michigan's Problem-Solving Courts (PSC) use a web-based case management system called the Drug Court Case Management Information System (DCCMIS) to collect program specific data. The database houses information about the county in which the program operates, the court of supervision, gender of the participant, the type of offense that the participant committed that brought them to drug court, and the date of the participant's admission to the program. These data are extracted from the DCCMIS and used to find comparison members from Michigan's statewide court database, or the Judicial Data Warehouse (JDW).

The JDW is a database that contains extracts from courts' case management system. Programmers first use drug court participants' names, dates of birth, and last four digits of their Social Security numbers to identify drug court participants within the JDW. Once found, the number of court cases they had in the two years prior to their drug court admission is calculated, as well as their age at the time of admission into drug court. Next, the JDW is searched for comparison members that are similar to drug court participants and who have not participated in a drug court program. Several data are used to match a comparison member to a participant:

- Similar geographical areas where offense occurred

- Gender

- Age range at the time of offense

- Year range when offense occurred

- Number of prior offenses range

- Offense category (see Table 1.)

In addition, the comparison group candidate must not have participated in any drug court program, and may not have a violent offense on his or her record, as this would have excluded the individual from eligibility in drug court. This methodology results in pairs of drug court participants and comparison members that have similar demographics, criminal histories, offense types, and geographic locations. Analyses are conducted to ensure that the pairs are statistically comparable. Once a pair has been identified, participants are evaluated for any new offense occurring after admission into a drug court program, and for comparison members, any new offense occurring after their matching offense was opened in the court's case management system.

Table 1.

| Description | Category |
|---|---|
| Violent Offense | 0 |
| C.S. Use/Possession | 1 |
| C.S. Manufacturing/Distribution | 2 |
| Other Drug Offense | 3 |
| DUI of Alcohol/C.S. 1st | 4 |
| Other Alcohol Offense | 5 |
| Other Traffic Offense (Criminal) | 6 |
| Property Offense | 7 |
| B&E/Home Invasion | 8 |
| Non-violent Sex Offense | 9 |
| Juvenile Status Offense - Incorrigible | 10 |
| Juvenile Status Offense - Runaway | 11 |
| Juvenile Status Offense - Truancy | 12 |
| Juvenile Status Offense - Curfew Violation | 13 |
| Neglect And Abuse Civil | 14 |
| Neglect And Abuse Criminal | 15 |

| Description | Category |
|---|---|
| DUI of Alcohol/C.S. 2nd | 16 |
| DUI of Alcohol/C.S. 3rd | 17 |
| Domestic Violence/Assault | 18 |
| Money Crimes | 19 |
| Weapons Offense | 20 |
| Fraud | 21 |
| Other | 99 |

**Analysis**

Michigan evaluates recidivism in two ways differing by the offense categories. The first analysis considers **Any New Conviction** as recidivism within all categories shown in Table 1, excluding "Other Traffic Offenses (Criminal)" such as driving while license suspended, and "Other", which fall outside the above categories. The second analysis only considers a **New Drug or Alcohol Conviction** as recidivism. Analyzing specifically this subset of offenses is in answer to questions from team members as to whether they were reducing crimes specific to drug and alcohol use. When evaluating for new drug or alcohol convictions, only the following categories are used: controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses, driving under the influence of drugs or alcohol first offense, second offense, or third offense, and other alcohol offenses. Michigan reports on new convictions under both definitions occurring within three and five years of the starting dates.

**Time at Risk**

The time at risk refers to the same opportunity to engage in criminal behavior for both groups. To be eligible for the three year analysis, the drug court participant had to have been admitted into drug court at least three years prior to the time of the evaluation, and their comparison member had to have their case opened in the case management system at least three years prior to the time of the evaluation. Similarly, participants and comparison members both must have had five years of time at risk to be evaluated over the five-year period.

**Intent-to-Treat Analyses**

Outcomes should be evaluated for all eligible participants that participated in a drug court program regardless of their discharge reason. This is known as the intent-to-treat analysis because it measures outcomes for all individuals for whom the program intended to help. Evaluating participants that successfully completed a program can also be telling since graduates would have received the full swath of treatment and social services. Thus, Michigan runs two separate analyses examining new crimes for those that successfully graduated a program, and again for all who had participated in a program regardless of their outcome.

# Conclusion

Evaluating drug court programs is critical in determining where improvements to operations should be made, whether programs are adhering to best practices and the drug court model, and ultimately whether they are effective at reducing crime. As with many evaluations, there are limitations to the study, often in what data are collected. Although Michigan is forward moving in its repository of court data, certain elements for evaluation are either not collected or are not mandatory data entry. This study however, adheres to the best practices for evaluations of drug courts and the components to which the research should include according to the National Association of Drug Court Professionals.