# Michigan Drug Court Recidivism

# Definitions and Methodology

# Michigan Supreme Court

# State Court Administrative Office

**Introduction**

  Drug courts serve nonviolent offenders with drug or alcohol substance use disorders that underlie their entanglement with the legal system. The theory behind drug courts is that involvement in the legal system is a symptom of the disease of addiction. Treating the symptom with incarceration will not cure the offenders of their disease. As a result, when offenders are discharged from their jail or prison stay, they return to their old habits. Judges have called this the *Revolving Door* effect. To break the cycle, drug courts allow addicted offenders the opportunity to address their addictions through a program that involves judicial supervision, treatment of their disorders, drug and alcohol testing, and community services tailored to the participants' unique circumstances instead of lengthy jail or prison sentences. If drug court participants do not complete the drug court program, they serve the sentences that were initially delayed. But for those participants that are able to overcome their addictions, incarceration is avoided and the participants have placed themselves on the path to sober living.

  The popularity of drug courts has soared in the last decade. Nationally, there were 2,734 Drug Courts in Operation as of June 30, 2012.[1] While anecdotal evidence has suggested that drug courts are effective and life changing, national scientific studies of the impact that these programs have had on offenders' recidivism have lagged behind the movement. The difficulty of quantifying the effect of drug courts nationally is partially due to the fact that there is no nationally accepted definition of recidivism. Therefore, each researcher has the opportunity to define recidivism differently. As a result, it has been difficult to compare studies and to draw conclusions about the effect that drug courts have on their participants. A statistical technique called meta-analysis can address this problem by statistically accounting for the differences in the individual studies that have been published to arrive at a scientifically valid conclusion regarding what the body of evidence as a whole suggests about drug court performance. In 2006, the Washington State Institute for Public Policy identified 57 evaluations of adult drug courts and calculated that the average adult drug court program reduced the recidivism rate of participants by eight percent.[2] More recently, in 2011, the United States Government Accountability Office analyzed 32 programs and identified that drug court participants' recidivism rates were lower than the comparison group by 6 to 26 percentage points.[3] Among the studies that were identified as most rigorous, the reduction in recidivism for the drug court participants ranged from 10 to 14 percentage points.

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[1] http://www.ndcrc.org/faq. This figure includes Adult, Juvenile, Family Dependency, Tribal Healing to Wellness, DWI, Campus, Reentry Drug, Federal Drug, Veterans Treatment, and Co-occurring Disorder drug court types.
[2] http://www.wsipp.wa.gov/rptfiles/06-10-1201.pdf
[3] http://www.gao.gov/assets/590/586793.pdf

**Michigan's Recidivism Methodology**

The Michigan State Court Administrative Office (SCAO) has recognized the difficulty of drawing conclusions about drug courts from multiple individual studies with inconsistent definitions of recidivism and varying methodologies. The purpose of this document is to disseminate the definition of recidivism and a description of the methodology that the SCAO has identified for the state of Michigan. The recidivism results can be found in the Annual Report and Evaluation Summary. The SCAO administers a web-based case management system called the Drug Court Case Management Information System (DCCMIS) which all drug court, sobriety court, juvenile drug court, and family dependency drug court staff use to report data and manage drug court participants' cases. In addition to treatment information, drug testing results, and judicial status review hearings, the database houses information about the county in which the program operates, the court that the drug court participant is supervised by, the gender of the participant, the type of offense that the participant committed to come to the attention of the court, and the date of the participant's admission to the program. These data are extracted from the DCCMIS database and used to identify comparison participants in the Judicial Data Warehouse.

The Judicial Data Warehouse is a database that contains extracts from court case management systems in Michigan. If a court is not submitting data to the Judicial Data Warehouse, no comparison participants can be selected from the Judicial Data Warehouse (due to the requirement that the comparison participants come from the same courts as the drug court participants). By using drug court participants' names, dates of birth, and last four digits of their Social Security number, programmers are able to identify drug court participants within the Judicial Data Warehouse. After identifying the drug court participants, the number of court cases they have had in the two years prior to their drug court admission is identified, and the individuals' age at the time of admission to drug court is calculated. Then, the Judicial Data Warehouse is searched for comparison participants that are similar to individual drug court participants. In order to be considered a match to a drug court participant, the comparison candidate must have a matching offense in the same county and court as the drug court participant. The comparison candidate must also be of the same gender as the drug court participant. The potential comparison participant must fall within the same age range, year of offense range, and the offense under consideration must fall within the same offense category as the drug court participant. The number of court cases in the two years prior to the potential comparison participant's offense must fall within the same range as the drug court participant. Lastly, 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 and comparison members that have similar demographics, criminal histories, offense types, and geographic locations. Analyses are conducted to ensure that the drug court and comparison participant pairs are not statistically different from one another in age or criminality (gender, county, and court are exact matches within each pair). Only the pairs that are statistically comparable are included in the Annual Report and Evaluation Summary. Once a pair has been

identified, any new offenses since the drug court participants' admission to drug court are reported to the SCAO. Likewise, for comparison participants paired to drug court participants, any new offenses since their matching offenses are reported to the SCAO.

In this report, the SCAO is defining recidivism broadly and narrowly under two different definitions.

1. Recidivism is defined as **Any New Conviction** within the categories of violent offenses, controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses, driving under the influence of drugs or alcohol first offense, driving under the influence of drugs or alcohol second offense, driving under the influence of drugs or alcohol third offense, other alcohol offenses, property offenses, breaking and entering or home invasion, nonviolent sex offenses, juvenile status offenses of incorrigible, runaway, truancy, or curfew violations, neglect and abuse civil, and neglect and abuse criminal. This definition excludes traffic offenses and offenses that fall outside the above categories.

2. Recidivism is defined as a **New Drug or Alcohol Conviction** including controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses, driving under the influence of drugs or alcohol first offense, driving under the influence of drugs or alcohol second offense, driving under the influence of drugs or alcohol third offense, and other alcohol offenses.

In order to calculate recidivism rates, specific timeframes must be selected. The SCAO is reporting on new convictions under both definitions occurring within two years and within four years of admission.[4] In order for recidivism to be evaluated over the two-year period, the drug court participant had to have been admitted into drug court at least two years prior to the time the annual evaluation was conducted, and their comparison member had to have had their case opened in the case management system at least two years prior to the annual evaluation. Similarly, when evaluating over the four-year period, only those matched pairs where the drug court participant had been admitted into a drug court program at least four years prior to the time the annual evaluation was conducted, and their comparison member had their case opened in the case management system at least four years prior to the annual evaluation, would the pair be eligible for evaluation.

Lastly, the SCAO is defining a drug court participant as an individual who has been admitted to and successfully completed the requirements of a drug court program within the state of Michigan. Drug court programs within this evaluation include drug courts operating in circuit courts, drug courts operating in district courts, sobriety courts, and juvenile drug courts. Family dependency drug courts were excluded due to the limited number of participants that were paired with comparison group members using the above methodology.

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[4] For comparison group members, the timeframe is calculated from the date that the court case matching them to a drug court participant was opened in the court's case management system.

**Conclusion**

Successful drug court participants use the tools and techniques that they learn during recovery to combat their addiction on a daily basis. One way to identify if participants have continued to address their addictions long-term is to examine criminal recidivism rates several years after admission to a drug court program. By narrowly defining recidivism as new drug or alcohol convictions and extending the time frame in which drug court participants could commit new offenses to four years, a critical analysis of the impact of drug court programs on drug and alcohol use is achieved.

Although defining recidivism as new drug or alcohol convictions provides a measure of return to drug or alcohol use, it is important to remember that drug court programs accept participants whose charges encompass a larger variety of offenses other than drug or alcohol offenses and they do so because many offenses, such as larceny, were committed in order to obtain money to support an addiction. Including these types of convictions in an examination of recidivism is important because it captures the offenses that may be driven by drug or alcohol use in addition to measuring the participants' return to a law abiding lifestyle.

The goals of this report were to provide definitions of recidivism and a description of the methodology that will be used by the State Court Administrative Office to evaluate and monitor drug court programs operating in Michigan. In addition to monitoring recidivism rates in the future, the State Court Administrative Office staff plans to investigate programs with participant recidivism rates that are overwhelmingly positive to identify what components of their programs produce the low recidivism rates and success that their participants experience and to avail programs throughout the state with these programs' best practices.