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**AN OUTCOME EVALUATION OF THE IRON COUNTY, MICHIGAN  
DRUG COURT TREATMENT PROGRAM**

Jason Paul Wickstrom

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AN OUTCOME EVALUATION OF THE IRON COUNTY, MICHIGAN  
DRUG COURT TREATMENT PROGRAM

By

Jason Paul Wickstrom

THESIS

Submitted to  
Northern Michigan University  
In partial fulfillment of the requirements  
For the degree of

MASTER OF SCIENCE

Graduate Studies Office

2006

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## ABSTRACT

### AN OUTCOME EVALUATION OF THE IRON COUNTY, MICHIGAN DRUG COURT PROGRAM

By

Jason Paul Wickstrom

Drug courts have become an alternative to incarceration for drug offenders. Intense supervision along with treatment programs have helped reduce the number of repeat offenders who have graduated from drug court. This study examines the Iron County Drug Court's effect on technical violations and recidivism on its participants. Thirty-five participants were followed over a two and a half year period and data was collected for technical violations and recidivism. A group of comparable offenders were taken from the Houghton County Probation Department. Both groups were compared on technical violations and recidivism over that period.

The results showed that drug court offenders incurred more technical violations than the district court probationers, but recidivated less than the probationers. The study also showed that the type of criminal histories and current charges that offenders have influence how well they do while in each program. Offenders in the drug court with violent backgrounds had more technical violations and rearrests, while offenders in district court probation with property crime backgrounds had more technical violations and rearrests.

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2006

## DEDICATION

This thesis is dedicated to my wife and family for all their support and patience while I worked on my studies.



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This thesis follows the format prescribed by the APA Publication Manual and the Department of Criminal Justice.

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## INTRODUCTION

Drug courts have been in use for more than 15 years in many parts of the United States. As of June 2001, there was almost 700 drug courts already operating and over 400 more planned (Listwan, Sundt, Holsinger, & Latessa, 2003). The purpose of the drug court is to give an option, other than incarceration, to people charged with drug crimes such as use and possession. The goal of the program is to reduce drug and alcohol use and the crime that accompanies it. Drug courts also expedite the court process by reducing court case loads and ultimately the number of drug offenders in the prison system. Drug courts also reduce the cost associated with the court process and incarceration.

Drug courts can either be a diversionary type which puts offenders into the treatment program following their arrest and dismisses charges after completing the program or a post conviction type which puts convicted offenders in treatment programs with a delay of sentence recommendation upon completion of the program (Gottfredson & Exum, 2002). Offenders in the drug treatment program are more carefully supervised than typical probation or parole offenders and are often required to regularly attend substance abuse meetings, submit to urine tests, and meet with drug court judges on a regular basis. The responsibility to meet these requirements is left to the participants who control the outcome of the process.

Many drug courts have produced positive results in terms of treatment completion. Drug courts completion rates vary from 8 percent to 95 percent with about

one half of all participants graduating (Gottfredson & Exum). Further studies have shown a reduction in use among participants in drug court programs as well as a reduction in recidivism rates of participants versus non-drug court comparison groups. Finally, studies have shown that drug courts have a positive cost savings. This cost savings is obtained as a result of fewer arrests and subsequent court appearances. The major savings is not in the court costs itself, but instead in trying to enforce the court rulings. The extra hours spent in trying to serve additional paperwork (warrants, court orders) on offenders as well as the time wasted in processing each offender for every new charge is reduced. (Shanahan et al., 2004).

## CHAPTER ONE: EFFECTS OF DRUG COURTS ON PARTICIPANTS A REVIEW

There are several factors that influence the outcome of drug court participants and also successful completion of the program. Employment is considered very important for completion of drug court programs, and for drug treatment programs. Employment helps drug addicts make productive relationships with people outside their “drug using circle” both socially and professionally. Employment also generates legal income versus illegal income. This helps the drug addict keep occupied and stay away from criminal activities (Leukefeld, McDonald, Staton, & Mateyoke-Scrivner, 2004).

Butzin, Saum, & Scarpitti (2002) conducted a study using the Delaware Superior Court Drug Court and 720 offenders consisting of 520 offenders ordered into a treatment program and 180 offenders not ordered into a treatment program by the drug court. The results showed that offenders with less than a high school diploma had a significantly lower completion rate for drug court. The results also showed that offenders who were employed had a higher level of completion than those unemployed, particularly those with higher level jobs. The study also concluded that drug court offenders are more likely to complete their treatment programs if they are white, married or once married, educated, and employed.

A study by Peters and Murrin (2000) describe drug courts as designed to provide defendants an opportunity to play an active role in their own drug treatment. Many drug courts require that participants be employed and may assist participants in obtaining

training to learn a skill. Drug courts also give participants strict court supervision and guidance to help them reintegrate back into the community.

The Peters & Murrin study evaluated two drug courts in Florida's First Judicial Circuit in Escambia and Okaloosa counties. The purpose of the study was to determine if being assigned to the drug court affected frequency of arrest, duration of arrest, and type of new arrest charge. The experiment group consisted of 226 drug court participants from both counties who entered the program after June 1993 and either graduated or were kicked out of the program by June, 1996. The comparison group consisted of persons who had been placed on at least one year probation from June 1, 1993 to October 31, 1995. The groups were matched up based on county of residence, gender, race, and type of offense. The results showed that 48% of the drug court graduates in Escambia County were rearrested after 30 months of the start date of the program compared to 63% of the comparison group. The results in Okaloosa County mirrored Escambia County with 26% of drug court graduates being rearrested after 30 months compared to 55% of the comparison group.

Wolfe, Guydish, and Termond (2002) examined the outcomes of drug court participants in San Mateo County, California. The goal of this drug court was to reduce drug abuse recidivism and court and jail crowding. The study focused on participants who entered the program at its conception in 1995 and followed their progress over a two year period.

The drug court group for this study consisted of all persons eligible for the drug court from November 1, 1995 through October 31, 1998 which totaled 618 people. The comparison group consisted of persons who were eligible for drug court, but were



processed through the normal court system from January 1, 1995 through April 30, 1995 which totaled 75 people. The drug court participants were tracked for two years after the end of supervision. The supervision period included all time spent in the drug court or any probation incurred on top of drug court, and ended with the disposition of initial arrest and the time spent on probation. The comparison group was followed for two years after the disposition of their initial arrest. The outcome evaluation was designed to look at recidivism within a two year follow-up period for the drug court and non-drug court participants and also graduates versus non-graduates of the program.

The results showed that over a two year period drug court participants were rearrested 1.8 times compared to 2.0 times for the comparison group. These results were not statistically significant for the study however. When comparing drug court graduates to non-graduates there was a significant difference in rearrest. Non-graduates were rearrested 53 % of the time versus 19 % for graduates. The study also found that offenders were less likely to recidivate if they were older, female or without a history of prior convictions (Wolfe et al., 2002)

Gottfredson and Exum (2002) studied the Baltimore City Drug Treatment Court which began operation in 1994. Their study, which started in 1997, was a follow up to an initial study conducted in 1995. The study expanded on the earlier study by evaluating data using a longer follow-up period, looking at outcomes other than rearrest, and looking at the mechanisms that affect the outcomes.

The study used 235 offenders who were eligible for drug court from February 1997 until August 1998. The offenders were randomly assigned to either the drug treatment court or to a normal treatment program. The offenders were chosen from

circuit court cases (supervised by probation office), district court cases (supervised by probation), and less serious district court cases (processed by Alternative Sentencing Unit). The offenders agreed to a “conditional” drug court offer which meant they accepted the idea that they had a chance (50 percent-district court, 67 percent-circuit court) to be assigned to the treatment program. Those offenders who signed the offer were then randomly assigned to the treatment or control groups. The assignments were recommended by probation and accepted by the sentencing judges, who agreed to participate in the study. The study looked at past behavior prior to the drug court, prior criminal history, and data on recidivism and treatments during the 12 months after assignment to the group.

The major finding in the study was offenders assigned to the treatment group had a rearrest rate of 48 % compared to 64 % for the control group over a 12 month period following randomization into the study (Gottfredson & Exum, 2002). The data also showed that offenders in the treatment group were given longer sentences, but also had more days of those sentences suspended on completion of the program. The treatment groups also had longer probation, more drug tests, and were exposed to more treatment options.

A study done by Miethe, Lu, and Reese (2000) looked at the role “reintegrative shaming” plays in drug courts and how it influences the risk of recidivism among its participants. The theory of reintegrative shaming was developed out of the labeling theory. Reintegrative shaming uses the same principle of labeling the act committed by the person as deviant, but also uses other techniques to help build up the person’s self-

image. The researchers felt that the drug court atmosphere should produce a positive “reintegrative shaming” effect and reduce recidivism.

The data for the study were obtained from the Comprehensive Justice Information System for Clark County, Nevada. This system gave the basic information on all persons selected for the study. Separate samples were selected from the drug court and other courts in Clark County. There were 301 defendants taken from the drug court in 1995 and a comparison sample of equivalent size was picked from the population of 24,008 defendants who were brought to court in Clark County in 1995. A stratified random sample was used to select these cases. The 24,008 defendants were placed in categories according to drug type and type of charge and the sample was randomly selected from these categories to match the proportion found in each category in the drug court.

(Miethe et al., 2000).

The main variable measured was recidivism risk, based on subsequent court appearances during 1997 in Clark County. Drug offenses were measured separately from non-drug offenses to see if the drug court affected other crimes outside of drug-related offenses. The independent variables for the study included type of court setting, sociodemographic characteristics, prior convictions, and type of charges.

The results showed that recidivism rates for drug court defendants were ten percent higher than non-drug court defendants. The overall recidivism risk for drug court defendants was 1.8 times higher than for non-drug court defendants. Also, non-white offenders had a higher rate of recidivism than white offenders. There were no significant differences in recidivism risk when sociodemographic characteristics were matched and no differences for prior convictions or type of charges (Miethe et al., 2000).

Listwan, Sundt, Holsinger, and Latessa (2003) looked at a drug court in Cincinnati, OH. Their main research goal was to determine if the drug court had a lasting effect on reducing recidivism on its participants. The Hamilton County, Ohio, Drug Court screens potential participants after arrest, but before arraignment and targets people who are drug dependent or in danger of becoming dependent.

The sample used for the study consisted of all persons arrested and prescreened for the drug court from March 1995 through October 1996. The drug court treatment group consisted of 301 individuals who were determined to have a drug dependency problem. The comparison group consisted of 224 individuals who were eligible for drug court, but either refused the treatment program or were refused during the prescreening (Listwan et al., 2003).

Follow up arrest data were collected in January 1997 and January 1999. Although not at a significant level, the results showed that 32 % of drug court participants were rearrested for a new offense and 37 % of the comparison group. The results also showed a significant difference on the type of new arrest between the two groups. The comparison group was rearrested for property crimes 32 % of the time compared to 18 % for the drug court group and the drug court group were rearrested for conduct/disorder crimes 21 % of the time compared to 6% for the comparison group.

The majority of studies done on drug courts have shown that participants recidivate less after completion of their court process versus before they entered the drug court. Research does vary on the degree of recidivism reduction caused by the drug court and some studies have shown no reduction or even an increase in recidivism. One reason participants might recidivate more is the intense supervision associated with the drug

court, especially during the probation period (Gottfredson & Exum, 2002). Another theory suggests that the study sample taken for drug court involved subjects with more extensive criminal histories or more severe drug problems (Miethe et al., 2000). Most proponents of drug courts state that overall, graduates of drug courts not only have less recidivism, but also have reduced use of drugs compared to nongraduates (Listwan et al., 2003).

A study by Brewster (2001) looked at the Chester County, Pennsylvania Drug Court program and its effect on several different outcomes of its participants. The study measured outcomes by looking at rearrest, incarceration during the program, termination from the program, employment, housing status, and substance abuse. These factors were measured at entry into the program, discharge from program, and 30 and 90 days after discharge.

The drug court sample used for the study consisted of all drug court participants put into the program between October 1, 1997, and January 31, 1999. In order to be eligible for the program offenders must be charged with non-mandatory drug crimes, not be already under probation or parole for a drug charge at the time of arrest, and have no prior criminal history of violent offenses. The comparison group was made up of subjects who were placed on probation before the drug court became operational. The subjects were placed on probation between December 1996 and September 1997 and would have been eligible if the drug court was in operation. Both groups were comparable in that they met the requirements for eligibility into the drug court program and they also were similar in terms of sociodemographics, prior records, and prior drug treatment characteristics (Brewster, 2003).

The results of the study showed that 5.4 % of the drug court participants had been rearrested over the observation period compared to 21.5% of the comparison group. Rates for positive drug tests were lower for drug court participants than the comparison group of the period. Overall, 45.8 % of the drug court sample and 45 % of the comparison group tested negative every time during the study. The difference in the average number of positive drug test was not statistically significant with the drug court averaging 1.742 and the comparison group 2.282, but it is important to note that the drug court group averaged 27.47 drug tests per person compared to 4.548 for the comparison group.

Spohn, Piper, Martin, and Frenzel (2001) evaluated the effectiveness of the Douglas County, Nebraska Drug Court on reducing recidivism. The study compared three different groups of offenders. The first group consisted of all drug court participants from inception of the court in April 1997. The second group of offenders were those assigned to the Douglas County Attorney's Diversion Program prior to April 1997. The third comparison group consisted of offenders who were charged with felony drug offenses between January 1997 and March 1998 and processed through the Douglas County District Court. To be eligible for the drug court, offenders can have no more than one prior non-violent felony conviction, show they have a substance abuse problem, and have a medium or high "Level of Service Inventory" risk/need level.

All participants in the three groups were matched on the basis of most serious offense, gender, race, and age. Information was not complete for all groups on prior criminal history so this was not used as a matching tool. The study collected 12 separate indicators of recidivism during a 12-month follow-up period from the time each

participant started the study. These indicators included rearrests, convictions for misdemeanors and felonies, number of times arrested, and number of months until the first new arrest (Spohn et al., 2001).

The results of the study showed that 42.1% of drug court participants were rearrested for a misdemeanor or felony during the 12 month follow-up period compared to 60.8% of the traditionally adjudicated district court cases and 28.9% of the diversion participants. Drug court participants were also less likely to be arrested during the follow-up period than traditionally adjudicated offenders, but more likely than diversion participants. This pattern for all three groups continued throughout the study and was attributed to the type of offenders in each program. When the data was controlled for the offender's level of risk, the difference between drug court participants and the diversion participants was very minimal.

A study done by Fielding, Tye, Ogawa, Imam, and Long (2002) examined several drug courts in the Los Angeles, CA area. The study focused on outcome data on recidivism after leaving the drug court program. The research collected information after 12 months of graduation from the drug court. The study had results on program completion, recidivism, time to new arrest, time to new drug arrest, failure rates, and program costs.

Two comparison groups were used along with the drug court group for the study. One comparison group was made up of defendants charged with felony possession who were put into a diversionary program. The program consisted of a 20 week treatment program at which time the charges would be dropped against the defendant. The other group was made up of defendants who went to trial.

All three groups were matched on the basis of risk scale scores which assigned defendants a low, medium, or high risk. The scale is based on several factors including age at first arrest, prior probation, employment, social support, and severity of substance abuse. The drug court had an even number of persons in each group, while the diversion program consisted of more low risk defendants. The trial group consisted of more high risk persons. All three groups were tracked for 12 months between 1995 and 1996 (Fielding et al., 2002).

The results showed that 65 % of the drug court participants graduated from the program. The study showed that graduates were less likely to be rearrested than the comparison groups. The low risk group of the drug court did not differ significantly from the low risk diversion group in terms of rearrest, but showed a significant difference when matched up with the medium and high risks groups in both comparison groups. The days until new arrest were significantly longer for the drug court participants, who averaged 493 days, while the comparison groups were 284 days and 265 days, respectively. The time to new drug arrest also reflected the significant difference between the groups. Finally, 80 % of drug court graduates remain free of any new arrest during the twelve month study compared to 63% of diversion participants and 49% of the trial defendants.

A study done by Bavon (2001) examined the effects the Tarrant County, Texas Drug Court had on recidivism. The Tarrant County Drug Court was established in 1995 and focused on minor drug offenders at least 17 years old. Participants in the program must agree to complete a 12-month treatment program. As of May 1998 the program had 292 participants comprising of active, graduated or removed defendants. The typical



participant was charged with possession of less than 3 grams of a controlled substance, or possession of more than 4oz., but less than 1 lb of marijuana, or attempting to obtain a controlled substance by fraud.

The comparison group used in the study consisted of similar substance abuse defendants who did not participate in the drug court. The drug court group consisted of 72 graduates and 85 drop outs for a total of 157 participants. The comparison group consisted of 107 opt-outs (Bavon, 2001). Recidivism was measured by looking at the rearrest rates of both groups one year after final contact with the drug court.

The results of the study showed that the 12.7 % of the drug court participants were rearrested within 1 year of final contact with the drug court compared to 16.8 % of the opt-outs. The data also revealed that 80% of the rearrests were dropouts from the drug court and not graduates. The study did show that the number of months between leaving the drug court and the commission of a new offense was 5.3 months for drug court people and 8.2 months for the comparison group. This point was not explained further by the author of the study.

A study by Martinez & Eisenberg (2003) looked at the overall effectiveness of drug courts in the State of Texas. Texas has only 6 drug courts in operation in the state compared to 650 drug courts nationwide as of May 2001. They also have a low capacity to handle drug court cases. In 2000, there were 22,054 persons arrested for drug possession in the 5 counties with drug courts. The capacity of the five drug courts was only 855 people annually. This outcome evaluation compared recidivism rates of drug court participants to recidivism rates of defendants who did not participate in the drug court, but were eligible. The drug court group consisted of offenders admitted to the

program between January 1998 and August 2000. The comparison group consisted of offenders not admitted to the program for the same time period. Both groups were tracked for two years ending in September, 2002. The average time to complete a drug program was 12 to 15 months.

The results of the study showed that after two years of entry into the program 19.5 % of the offenders who completed the program were rearrested compared to 48.6 % who dropped out and 46.9 % of the comparison group. The percentage of offenders incarcerated reflected the same statistics as rearrests with 1.0 % of offenders completing the program being incarcerated compared to 12.5 % who did not complete the program and 19.7 % of the comparison group.

## CHAPTER TWO: STUDY DEMOGRAPHICS

### *Iron County*

Iron County is located in the southern part of the Upper Peninsula of Michigan. According to the 2000 census the total population of the county is 13,138 people with the median age being 45.4 years. The population is almost exactly half male and half female and over 96 % of the population is white. The median household income is \$28,560 and the median value of a house is \$47,500. Over 82 % of the homes are owned in the county. Approximately 13.7 % of the population holds a bachelor's degree or higher and 11.3% of the population lives below the poverty line.

### *Houghton County*

Houghton County is located in the northwestern part of the Upper Peninsula of Michigan. According to the 2000 census the total population of the county is 36,016 people with the median age being 34 years. The population is 53.2 % male and 46.8 % female and the total population is over 95 % white. The median household income is \$28,817 and the median value of a house is \$54,800. Over 71 % of the homes are owned in the county. Approximately 23 % of the population holds a bachelor's degree or higher and 16.8 % of the population live below the poverty line.

## CHAPTER THREE: RESEARCH

### *Purpose of Study*

The Iron County Drug Court became operational in May 2003 with goals similar to many other drug courts. These goals include reductions in recidivism, court costs, substance abuse, and an improved quality of life. Because the drug court is relatively new there has not been any follow-up data collected on outcomes of the program participants. This study looks at the effect the drug court has on participants during the program compared to offenders who are placed on regular court probation. The comparison group for this study was developed from Houghton County District Court probationers who would have been eligible for the drug court if they lived in Iron County. Participants for both groups will be chosen from a group who entered either program between May 2003 and October 2005. The study examines technical violations and recidivism and how drug court affects these versus probation. The study also examines the effect past criminal history, length of supervision and drug dependency have on technical violations and rearrest for both groups. The study looks to support the following hypotheses:

Hypothesis 1. Drug court participants have more technical violations while in drug court than traditional probationers.

Hypothesis 2. Drug court participants recidivate less than traditional probationers while in the program.

### *Definitions*

Drug Court Offenders – Defendants arrested in Iron County and placed into the Iron County Drug Court.

Drug Dependency – Drug dependency is classified as either alcohol dependent or drug dependent.

Length of Supervision – Actual time spent either in the drug court program or on probation during the study timeline.

PBT – Preliminary breath test which is an oral test used to determine the amount of alcohol in a person's body.

Recidivism – The rearrest of a drug court offender or probationer for a new arrest during the study timeline.

Technical Violation – The failure of a PBT or urine test by a drug court offender or probationer during the study timeline. Other technical violations include failure to show for meetings or other scheduled events.

Traditional Probationers – Suspects arrested in Houghton County and placed on probation as part of their sentence.

### *Participants*

Two groups of offenders are included in this study. The first group of offenders are all subjects accepted into the Iron County Drug Court. At the start of the study the drug court had 56 people in the program with 12 graduates. To be eligible for the drug court offenders must be charged with a drug related crime with a possible jail sentence of 1 year or more, have no violent offenses pending against them, have a prior drug charge on their record, and have a history of substance abuse.

A comparison group was developed from Houghton County District Court. This county was chosen because of similar demographic characteristics used in matching drug court participants with probationers. The comparison group was chosen from district court defendants, who would have been eligible for the Iron County Drug Court if they lived in Iron County. The comparison group included offenders who had been put on probation for at least six months. Because Michigan Technological University is located in Houghton County, students who do not live full time in the area were not included in the study.

### *Procedure*

The comparison group was selected from Houghton County District Court from May 2003 until October 2005. Both groups were matched until there was an equal number of subjects for each group. The comparison group was matched to the drug court group using information obtained from the "Report of Substance Abuse Assessment". This form is prepared by the Coordinating Agency Assessment Service based in Kingsford, MI. Any person who is arrested for a drug or alcohol crime is assessed for substance abuse by this agency. Both Houghton County and Iron County use this assessment. All information used to match the groups is included on the assessment. The groups were matched on gender, age, diagnoses, and past criminal history. Because of the varying criminal histories offenders with two or less alcohol offenses were matched together and offenders with more than two alcohol offenses or offenders with a property crime or a victim crime were matched together. Diagnoses is what the assessment determines is the type of drug or drugs that are being abused. For the study either the offenders were diagnosed with alcohol abuse or drug abuse. After matching all

available offenders the sample group for this evaluation totaled 35 participants from each group.

Descriptive statistics were used to analyze the data. Analysis of offender characteristics, length in program, average number of technical violations and rearrests are included. An analysis of the relationship between criminal history and dependency as it relates to technical violations and rearrests is also included.

Iron County Drug Court participants have signed a waiver granting Northern Michigan University access to this information. The Iron County Probation Department has this information compiled on an individual basis and has it available for the study. Houghton County Probation was used to obtain the data needed for the comparison group. All information will be kept confidential and subjects in the study were identified by a number code instead of their real names. The forms used by both courts are explained and included in Appendix A.

Both groups were evaluated over the period of entry into the drug court or the start of probation through the end of participation in the program or March 2006, whichever came first. Data on each subject was collected on past criminal history, current drug dependency, current charges, technical violations during the program, and rearrests during drug court or probation.

## CHAPTER FOUR: FINDINGS

### *Sample Characteristics*

The drug court participants and the district court participants were similar in that both groups fit the criteria for entry in the Iron County Drug Court program. Table #1 shows that both groups are primarily Caucasian which reflects the majority of the population in both counties. Both groups had the same breakdown in regards to sex and drug dependency. A larger amount of participants in both groups have an alcohol dependency. This also represents a larger problem in both counties in that alcohol is the drug of choice for many people.

The criminal histories of both groups are similar in regards to property and alcohol crimes, but not with violent crimes and drug crimes. Over half of the drug court participants have a conviction for a violent crime compared to 22% of the district court probationers. This difference comes from the fact that the Iron County Drug Court sometimes goes outside the standard entry parameters for its participants. When determining whether a defendant should be admitted to the drug court program the court looks to see if the drug dependency played a major role in committing the crime. Thirty four percent of drug court participants have a drug conviction compared to 17% of the district court defendants. This might mirror a trend in Iron County where drug crimes per year handled by the court almost doubled from 31 in 2003 to 56 in 2005.

The current offense charged to each defendant also varies between the two groups. The drug court has participants who have committed property crimes and violent crimes where the Houghton County group does not. This is also a reflection of the admittance practices of the drug court. Eighty-six percent of the Houghton County group



are charged with an alcohol offense and which is a reflection of how the sample group was collected. The sample group for Houghton County was selected using the guidelines set up by the Iron County Drug Court.

**Table #1 Offender Characteristics**

	<b>Iron County Group (n=35)</b>	<b>Houghton County Group (n=35)</b>
<b>Age</b>	Mean = 35.1	Mean = 34.8
<b>Race (%)</b>		
Caucasian	99	99
Native American	1	1
<b>Sex (%)</b>		
Male	80	80
Female	20	20
<b>Dependency (%)</b>		
Alcohol	89	86
Drug	11	14
<b>Criminal History (%)</b>		
Property	40	34
Violent	54	22
Drug	34	17
Alcohol	97	91
<b>Current Offense (%)</b>		
Property	14	0
Violent	11	0
Drug	23	14
Alcohol	52	86

*Supervision*

Table #2 shows the average length of participants in each group. The Iron County Drug Court participants average six months more in the program than the Houghton County group. This can be explained by the fact that one of the goals of drug court is to help reduce substance abuse and which is best done by supervision. Instead of taking a participant out of the drug court an offender who has a technical violation is dropped back a phase in the program or is put in jail for several days, but is kept in the program. In contrast, defendants who violate probation are usually sentenced to serve their time and once the time is served they are released.

**Table #2 Length in Program (Months)**

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<u>Iron County</u>	<u>Houghton County</u>
16.7	10.9

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*Technical Violations*

Table #3 shows the percentage of offenders that incurred a technical violation during participation in the drug court or probation. Forty-five percent of drug court participants had a least one technical violation for alcohol compared to 11% of the Houghton County participants and 31% for drugs compared to 5%. Both groups showed a high level of technical violations in the “Other” category. Drug court participants are required to attend many different meetings including Alcoholics Anonymous, Narcotics Anonymous and meetings with substance abuse counselors and probation officers. The goal of the drug court is to have the participant make all of these, but that doesn’t always happen.

When a participant fails to attend these meetings a technical violation can occur and the participant could be dropped down a phase in the program.

Offenders on probation also need to attend meetings and report to their probation officers, but in a normal probation program offenders who have a technical violation are usually taken off of probation and made to serve their jail sentence. The chance of being kept on probation are less than in the drug court.

**Table #3 Technical Violations (during supervision)**

	<b>Iron County (n=35)</b>	<b>Houghton County (n=35)</b>	<b>TOTAL (n=70)</b>
<b>PBT (%)</b>	45	11	27
<b>URINE (%)</b>	31	5	18
<b>OTHER (%)</b>	34	20	29

Table #4 shows the average number of technical violations per participant in each group. The drug court had 1.7 violations per participant compared to 0.3 per Houghton County participant. Many of the Iron County Drug Court participants had multiple technical violations during the period they were in the program. This reflects not only the increased supervision of the program, but also the goal of the program not to remove participants after a technical violation.

Many of the probationers in Houghton County were taken off probation after one technical violation and made to serve their sentence. Houghton County participants also had shorter length of supervision giving them less time to commit several technical violations.

**Table #4 Average Number of Technical Violations per Person**

---

<u>Iron County Drug Court</u>	<u>Houghton County Probation</u>
1.7	0.3

---

*Rearrests*

Table #5 shows the rearrest pattern of both groups. Eighty-nine percent of the total participants in the study had no rearrests during the study period. Only 9 % of the drug court participants were rearrested while in the drug court compared to 14 % of Houghton County probationers. The largest proportion of rearrests for the drug court were for violent crimes and property crimes was the largest for the Houghton County group.

The larger number of violent crime rearrests with the drug court could be accounted for by the fact that a large portion of the drug court participants have a prior conviction for a violent crime. It should be noted that both groups had a very small proportion of rearrests.

**Table #5 Rearrests (during supervision)**

---

	<b>Iron County (n=35)</b>	<b>Houghton County (n=35)</b>	<b>TOTAL (n=70)</b>
<b>Arrest (%)</b>			
Yes	9	14	11
No	91	86	89
<b>Type of Arrest (%)</b>			
Property	0	9	4
Violent	6	3	4
Drug	0	0	0
Alcohol	3	3	3

---

*Multiple Relationships*

Table #6 shows the relationship between technical violations and rearrests as they compare to criminal history and dependency. Of all the participants in the drug court who had a technical violation 86% of them had an alcohol dependency. Also, 68 % had a conviction for a violent crime and 95% had a conviction for an alcohol crime. Eighty percent of the Houghton County probationers who had a technical violation were alcohol dependent and 50% of those had a prior property crime conviction, while 80 % had an alcohol conviction. The violent crimes for the drug court and property crimes for the Houghton County group are the two largest groups of technical violations outside of alcohol.

There were three rearrests in the Iron County group all of which had an alcohol dependency. All three also had a prior conviction for a violent crime and an alcohol crime. The Houghton County group had five arrests with 60% of them having a drug dependency. Sixty percent of the offenders had a prior conviction for alcohol .

**Table #6 Relationship between criminal history and dependency with technical violations and rearrests**

	Technical Violations		Rearrests	
	Iron (22)	Houghton(10)	Iron (3)	Houghton (5)
<b>Criminal History (%)</b>				
Property	41	50	67	40
Violent	68	20	100	40
Drug	36	20	0	40
Alcohol	95	80	100	60
<b>Dependency (%)</b>				
Drug	14	20	0	60
Alcohol	86	80	100	40

Figure #1 below shows the proportion of total offenders from each group who committed a technical violation over a 14 month period. After 14 months no participant from either group had their first violation, participants either did not have a violation or had multiple violations by month 14.

Twenty percent of drug court participants had at least one technical violation at the end of two months compared to zero for the Houghton County group. The drug court group showed a steady increase until peaking at 65% of the participants having committed some type of violation. The Houghton County group showed an increase between 2 months and 6 months then leveled out at just under 25%.

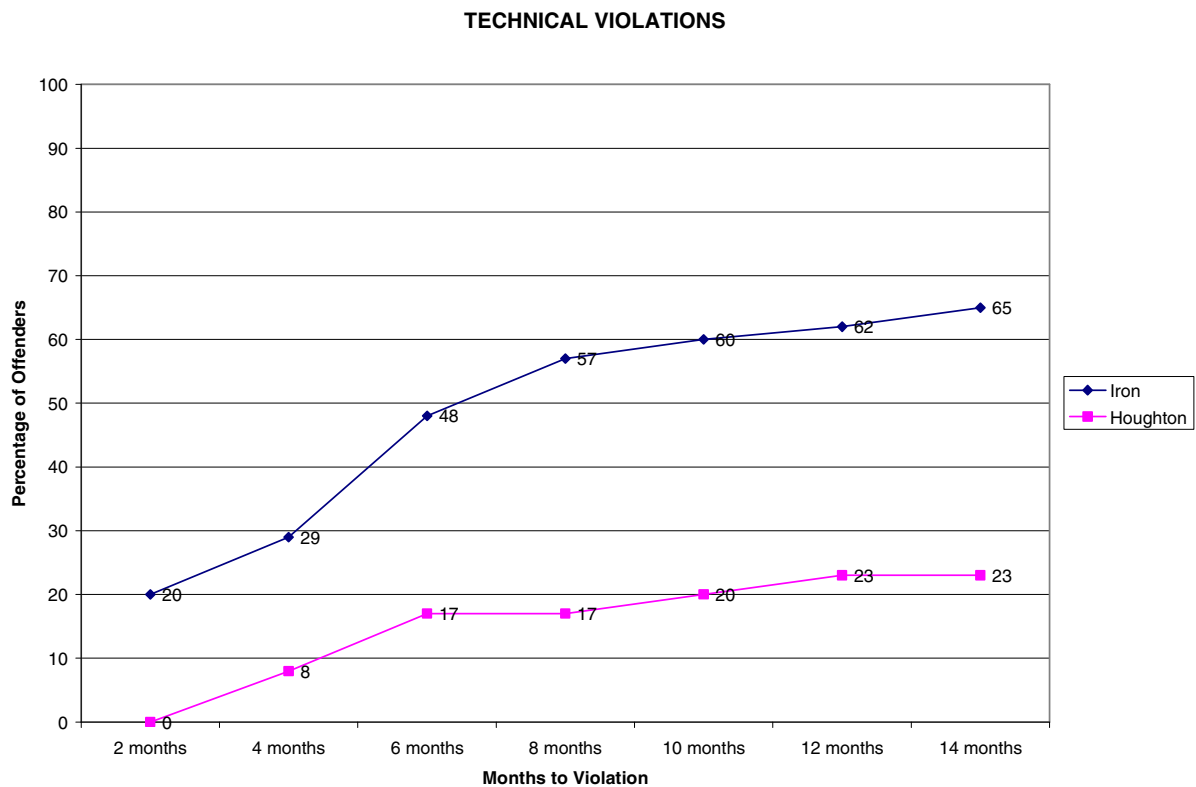


Figure 1. This figure shows the Percentage of Offenders as a function of Months to Technical Violation for offenders in two counties.

Figure #2 below shows the proportion of total offenders from each group who were rearrested over a 20 month period. After 20 months no participant from either group was rearrested. Four months into the drug court no participants had been rearrested compared to 3% of the probationers. At 8 months, 3% of the drug court participants had been rearrested compared to 9% of the probationers. District court probationers leveled off at 14% by the 20 month and drug court participants leveled off at 9 percent.

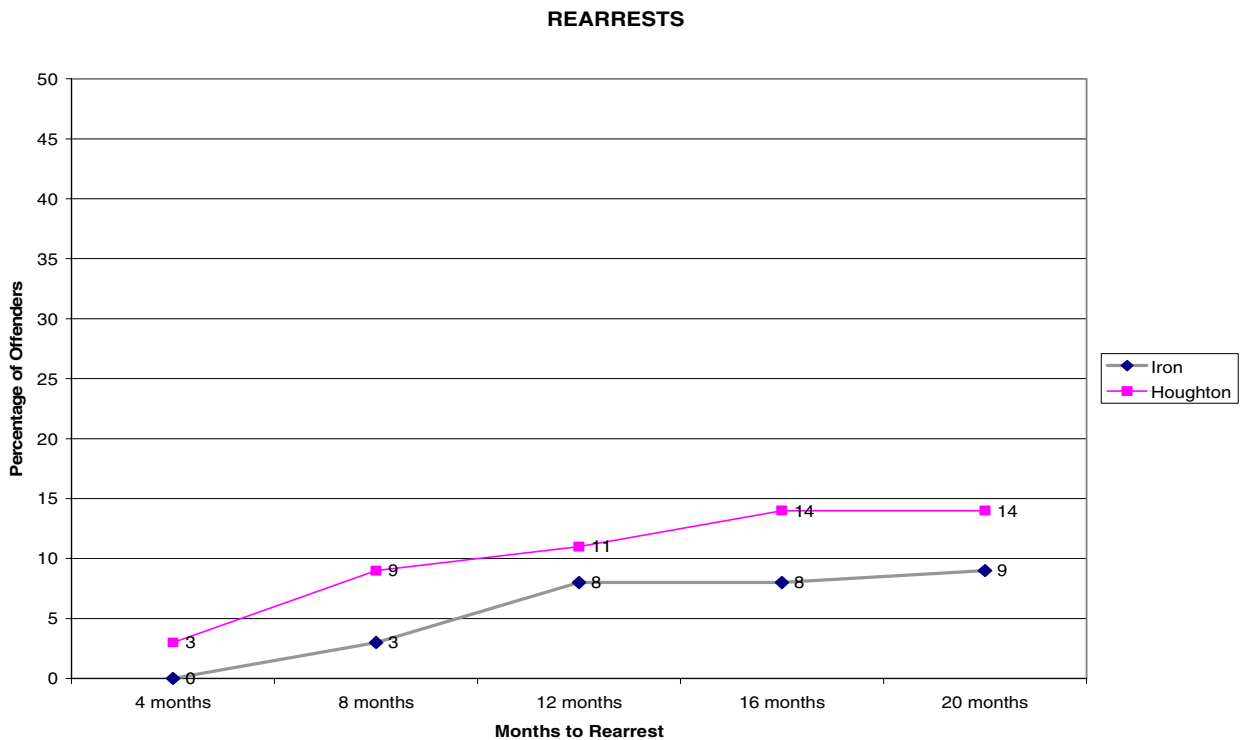


Figure 2. This figure shows the Percentage of Offenders as a function of Months to Rearrest for offenders in two counties.

## CHAPTER FIVE: CONCLUSIONS

### *Hypothesis Tests*

Hypothesis #1 stated that drug court participants have more technical violations while in drug court than traditional probationers. The data collected for the study support this hypothesis and the results are stronger for this hypothesis than for hypothesis #2.

Table #2 shows that drug court participants average almost six months more time in the program compared to district court probationers. This extra supervision time should naturally lead to more violations because they have a chance of being tested that many more days. Table #3 also shows a much higher percentage of technical violations for each category of drug court participants. The largest support for hypothesis #1 is found in Table #4 which shows a large disparity in average number of technical violations per participant for each group. This large difference can be explained by the fact that the drug court participants are kept in the drug court process even after numerous technical violations while district court probationers are made to serve out their sentence after one technical violation.

Hypothesis #2 stated that drug court participants recidivate less than traditional probationers while in the program. This hypothesis is also supported by the data, but not as strongly. Because of the limited number of rearrests for both groups it would be hard to say the results showed strong support for the hypothesis.

Table #5 showed that only 9% of drug court participants were rearrested compared to 14% of the district court probationers. When broken down into type of arrest the highest proportion of rearrests of the drug court were for violent crimes and the highest proportion for the probationers was property crime. These numbers could come



from the fact that 54% of drug court participants had a violent crime conviction on their criminal history and 34% of probationers had a property crime on their criminal history. The only conviction higher in both groups was for alcohol.

Table #6 looked at the relationship between technical violations and rearrests with criminal history and dependency. The results showed support for both hypothesis's again, but also showed a strong relationship between violent crime convictions and technical violations for the drug court participants and property crime convictions for the district court probationers. Sixty-eight percent of drug court participants who had a technical violation had a violent crime conviction compared to 20% of the district court probationers. Ninety-five percent of drug court participants had an alcohol crime conviction compared to 80% of the district court and 41% of drug court participants had a property crime conviction compared to 50% of the district court probationers.

These results might be explained by the way both sample groups were chosen. The Houghton County District probation group was selected by using the criteria set forth in the Iron County Drug Court program. This includes only "non-violent" current offense charges, at least one prior alcohol or drug conviction and no "delivery/selling of drug" current charges or convictions. The Iron County Drug Court chose to go outside those guidelines when choosing which offenders would be allowed in the program. The drug court based entry into the program on whether a drug dependency caused the current offense, which led to offenders with violent crime charges and property crime charges being admitted to the drug court program.

### *Recommendations*

There are several things that should be done to duplicate this study. Even though the Houghton County District Court was a suitable comparison group, most drug court studies obtain experimental and control samples from the same court system. This however would mean that the drug court would have to put some offenders that would qualify for drug court into the regular probation system. This would seem to be a counter-productive idea based on drug court philosophy. This might also lead to decreased numbers which could effect funding.

Studying offenders from just the Iron County Drug Court would also lead to a better understanding of specific dependencies and other detailed information not available from the Houghton County Court because of confidentiality. The drug court offenders have signed several waivers to permit various entities to look at confidential information prior to entry in the drug court, during drug court and after completion or termination from drug court. This would greatly help in having a more detailed study.

Another area to look at would be the assigning of offenders with violent charges or property crimes. The Iron County Drug Court went outside the parameters of the model drug court when it accepted violent offenders and offenders with property crimes. Offenders with either current charges or criminal histories that have these backgrounds should probably not be included in the drug court program. The limited data and results from this study do support that these offenders have more technical violations and rearrests.

Finally, the size of the sample should be increased and a better data system should be implemented to track the progress of offenders. The Iron County Drug Court is

putting statistics into a software program which will help in the future. Increasing sample size will need to be done by extending the observation period to five or six years or trying to get more offenders into the program. A larger sample size would provide a more randomized sample which would provide for a much better experiment.

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## APPENDIX A – COURT FORMS

### ***Report of Substance Abuse Assessment (Iron County)***

This form is used to evaluate Iron County Drug Court participants. The form gives information on the demographics of each participant and an extensive background on them. The background includes legal, substance use, medical/psychiatric, education/employment and family. Each category has a detailed description about the individual participant. The assessment was used by the drug court to compile the data used in the study. The actual assessment was not given out for the study.

### ***Report of Substance Abuse Assessment (Houghton County)***

This form is used by the court at sentencing to determine if a defendant needs to be put in a treatment program. The form is not a detailed report like the Iron County form, but is a summary of that form used by the court at the time of sentencing. It gives recommendations on the type of treatment the defendant should be in and the duration of treatment. The assessment was used by the district court probation department to compile data used in the study. The actual assessment form was not given out for the study.

### ***Drug Court Eligibility (Iron County)***

This form is used to determine if a defendant is eligible for drug court. It has a check list that includes crimes committed while under the influence of drugs or alcohol, criminal convictions that may exclude the defendant, current charges that may excluded the defendant and whether or not the prosecutor's office recommends entry into the drug court.

***Iron County Trial Drug Treatment Court Agreement (Iron County)***

This form, which is signed by the participant, gives the requirements and responsibilities of the participant while in the program. These include attending and completing a treatment program, submitting to urine, breath and other drug testing, appearing for all court dates and complying with probation orders. It also forbids the use of drugs and alcohol and the maintaining of a current address.

***Exchange of Information/Release/Authorization (Iron County)***

This form gives consent for the persons or organizations to release and share information about each participant. It specifies the information that can be disclosed including identity, assessment findings, diagnosis, drug test results, criminal history, progress in the program, and recommendations.

COORDINATING AGENCY ASSESSMENT SERVICE  
818 PYLE DRIVE  
KINGSFORD, MI 49802  
906/779-1999 (FAX) 906/779-5745

**REPORT OF SUBSTANCE ABUSE ASSESSMENT**

DATE OF ASSESSMENT: 3/22/2005

TO: Joe Arcand from Drug Court

CLIENT NAME: [REDACTED]

DATE OF BIRTH: [REDACTED] 1979

AGE: 25

ETHNIC BACKGROUND/RACE: Biracial

The client, [REDACTED] was evaluated by this agency on 3/22/2005. This agency recommends that the client will benefit from the services specified below. Participation should continue as recommended by the treatment provider and drug court.

TREATMENT SERVICES RECOMMENDED: Intensive Outpatient

(SECOND TREATMENT OPTION)\*: (The assessment agency must be contacted for authorization before this level of care may be offered.)

AREA AGENCY(IES) PROVIDING SERVICE: CSAS

[REDACTED]

**- CONFIDENTIAL INFORMATION -  
- NOT TO BE KEPT IN LEGAL CASE FILE -**

\* Consider if first treatment option is unavailable or if client is not responsive to first level of care.

Patrick Smith  
Patrick Smith  
Assessor

3/23/05  
Date



Page 2 of 4

DATE OF ASSESSMENT: 3/22/2005

CLIENT NAME: [REDACTED]

**REFERRAL:** John Forshey was referred to the Coordinating Agency Assessment Service by Joe Arcand from Iron County Drug Court.

**LEGAL:** Mr. [REDACTED] was assessed at the Iron County Correctional Facility in Crystal Falls. He was jailed 6 days ago when he missed his Breathalyzer appointment. He was scheduled for an assessment for testing positive for marijuana a month ago but missed the initial appointment. He initially tested positive for marijuana when he was picked up on a warrant in November 2004. He is interested in participating in the Drug Court Program. He realizes that he'll need the supervision of the drug court program in order to stay drug free. The only hesitation about his participation in drug court is that he may need to get knee replacement surgery which would require pain medication. He will need to work this out with drug court. I am recommending intensive outpatient treatment.

**INTERVENTION HISTORY:** Mr. [REDACTED] was assessed by the CDR in 9/2003 and recommended into intensive outpatient treatment with domicile care but never followed up with treatment. He admits to completing outpatient treatment at Dickinson Iron Substance Abuse Services in Iron Mountain at age 16. He also complete a alcohol education class in Iron River as a teenager. He denies any other intervention history.

**SUBSTANCE USE:** Mr. [REDACTED] reports his last use of marijuana was about a month ago. He denies using any other illicit substances within the last month. His substance use history was reported as follows:

**Alcohol:** Last use in October 2004. He reports drinking alcohol every other day and consuming a 12 pack of beer per occasion. He reports this is went on for 1 ½ months. It appears that he's been misusing alcohol since a teenager.

**Marijuana:** He reports smoking marijuana on about 6 occasions within the last year. He reports limiting his use because of his probation. Prior to probation, he smoked marijuana 2 to 3 times per week for several years.

**Opiates:** He reports no recent use. He was using pain medication 1 to 2 times per week for the last 10 years after a motorcycle accident. He denies any physiological addiction to the medicine and also denies any interpersonal problems related to this use.

**Amphetamines:** He reports last use was 1 ½ years ago. He reports using every couple of months.

**Other:** He denies any other illicit drug use during his lifetime.

I suspect that he may under reporting his drug use particularly with marijuana. He seems to be desperate right now with all the negative consequences. If he is going to succeed he will require supervision. Drug Court appears to offer the needed supervision. Intensive outpatient treatment and regular attendance at support groups are necessary.

**MEDICAL/PSYCHIATRIC:** Mr. [REDACTED] claims to have arthritis in his right knee and hip from a motor cycle accident 10 years ago. He reports needing knee replacement surgery but does not have health insurance at this time. He describes the pain as considerable. He reports not having taken any pain medication since he lost his medical insurance. He also claims to have

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DATE OF ASSESSMENT: 3/22/2005

CLIENT NAME: [REDACTED]

sleep apnea. He denies receiving any treatment for the problem at this time. His medical needs are not being addressed because of no medical insurance. He seems to live with the discomfort at this time.

Mr. [REDACTED] reports having a history of mood swings and suggested he may have bipolar illness but has never sought out any psychiatric services. He reports experiencing moderate levels of stress because of the legal problems but denies any serious psychiatric symptoms at this time. He was encouraged to seek out a more thorough mental health evaluation to rule out bipolar illness.

EDUCATION/EMPLOY: Mr. [REDACTED] is unemployed. He has skills as a carpenter and expects to work for Lato Lumber after he is released from jail. He mentioned wanting to complete his GED as well as earn a contractors license. He is encouraged to follow up on these intentions.

FAMILY/SOCIAL: Mr. [REDACTED] is a 25 year-old, single, male. He reports living alone in an apartment before jail. He says that his mother is paying his rent while in jail so that he doesn't lose it and will need to earn an income soon. He has been dating a girl for the last 2 years. He was spending most of his time with her watching television. He denies that she has a substance abuse problem. He identified a stepfather as being alcoholic but denies anyone from his mother's side of the problem with current substance abuse problems. He did mention that he may have fetal alcohol syndrome because of his mother's drinking while she was pregnant with him. He denies any emotional, physical, or sexual abuse issues.

TESTING: Mr. [REDACTED] is diagnosed as Cannabis and Alcohol dependent. DSM-IV Dependency

Symptom Categories

(3 or more required for Dependence)

- xx 1. Tolerance
- xx 2. Withdrawal
- xx 3. Use in larger amounts than intended
- xx 4. Desire or efforts to control use
- xx 5. Time spent obtaining, using, or recovering from use
- xx 6. Giving up or reducing social, occupational, or recreational activities
- x 7. Continued use despite physical or psychological problems

DSM-IV Abuse Symptom Categories

(1 or more required for Abuse)

- 1. Failure to fulfill role obligations
- 2. Use presents physical hazard
- 3. Legal problems
- 4. Social or interpersonal problems

The American Society of Addiction Medicine Patient Placement Criteria, Second Edition (ASAM - PPC-2) place this client at level 2.1, intensive outpatient treatment.

- 0 1. Acute Intoxication and/or Withdrawal Potential
- 1 2. Biomedical Conditions and Complications
- 2.1 3. Emotional/Behavioral Conditions and Complications

Page 4 of 4

DATE OF ASSESSMENT: 3/22/2005

CLIENT NAME: [REDACTED]

- 2.1 4. Treatment Acceptance/Resistance
- 2.1 5. Relapse Potential
- 2.1 6. Recovery Environment

ASI (Addiction Severity Index) indicates serious problems with legal and substance use. Employment issues were scored within the moderate range. Medical problems were scored with the low range.

RELEASES: Joe Arcand from Iron County Drug Court. Any treatment provider under contract with the CDR.

STATE OF MICHIGAN <input type="checkbox"/> JUDICIAL DISTRICT <input type="checkbox"/> JUDICIAL CIRCUIT <input type="checkbox"/> RECORDER'S COURT	<b>REPORT OF SUBSTANCE ABUSE ASSESSMENT</b>	CASE NO. _____
---	---	----------------

Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

The Defendant, \_\_\_\_\_ :

- 1.  was evaluated by this agency on \_\_\_\_\_  
Date
- 2.  failed to report for evaluation.

This agency recommends that the Defendant:

- 3.  will not benefit from substance abuse service.
- 4.  will benefit from the services specified below. Participation should continue for \_\_\_\_\_  
Period of time
  - a.  Alcohol Highway Safety Education (AHSE)
  - b.  Treatment services:       outpatient     inpatient     residential     mental health

5. Comments:

6. Suggested providers:

To be completed on direction of Court:

TYPE OF SERVICE AHSE, Outpatient, Inpatient, Residential or Mental Health	AREA AGENCY(IES) PROVIDING SERVICE Name, address and telephone number

**CONFIDENTIAL INFORMATION - NOT TO BE KEPT IN LEGAL CASE FILE**

Agency _____	Signature _____
Address _____	Title _____
City, state, zip _____	Telephone no. _____ Date _____

**DRUG COURT ELIGIBILITY**

Name: \_\_\_\_\_  
                    Last                      First                      Middle

Incident # \_\_\_\_\_ Agency: \_\_\_\_\_

**Has Defendant been charged with 1 or more prior offenses while under the influence of drugs or alcohol?**

Y or N (circle)

**CRIMINAL HISTORY:**

Criminal *Convictions* Excluding Eligibility: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Criminal Charges that *MAY* Exclude: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is Defendant Eligible? Y or N (circle)

P.A. recommends Drug Court ? Y or N (circle)

P.A. Offer if recommending Drug Court? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IRON COUNTY TRIAL DRUG TREATMENT COURT AGREEMENT**

People of State of Michigan

VS

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**Whereas**, the purpose of the Drug Court is to provide assistance to me in an effort to address my substance abuse problem.

**Whereas**, a great deal of time, effort and money will be expended solely for my benefit.

**Whereas**, the Drug Court is a treatment-based non-adversarial process designed to support my sobriety.

**Whereas**, I have been offered and have accepted the opportunity to participate in the program.

**I HEREBY VOLUNTARILY AGREE TO THE FOLLOWING:**

1. To Attend and Complete any treatment program that I am referred to by the Court, and to be supervised by persons designated by the Court. I will obey all rules of the treatment program and pay all required fees.
2. To submit to urine, breath and other drug testing as ordered by the Court. Further, to cooperate during random home visits by probation/police officer, including breath testing and cursory searches of my person and home.
3. To appear for any and all court dates, treatment meetings, or other scheduled appointments as ordered by the Court, and I will be on time.
4. I will be rewarded for having done well in the program, given different levels of the program to achieve and strive for, and other incentives.
5. To comply with my probation order, and pay all fines and costs in a timely manner.
6. I agree to keep the Court & Treatment Providers informed of my current address and phone number(s), and to report any change within two (2) days.
7. I am not to use or possess alcohol or any mood altering substance while participating in the program. Furthermore, I understand that I must have prior permission from court staff before consuming medication.
8. The Court may impose immediate sanctions for noncompliance with conditions of the program, which may include placement in the county jail or other detention without a hearing.
9. I hereby waive the requirement of the filing of an Order To Show Cause or Bench Warrant for probation violation before the Court can impose any immediate sanctions.
10. I have discussed this with my attorney and fully understand this waiver and freely and voluntarily agree to the terms contained herein.
11. I \_\_\_\_\_ agree to the terms set by Drug Court, and understand that if I do not follow the Drug Court rules, I will be terminated from the program. I have received a copy of this document and the Trial Court Participant Handbook and agree to its terms and conditions. I also understand that full compliance may result in the early termination of my probation.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Defense Attorney Signature

Date: \_\_\_\_\_


Date: \_\_\_\_\_

## APPENDIX B – HUMAN SUBJECTS FORM



College of Graduate Studies  
1401 Presque Isle Avenue  
Marquette, MI 49855-5322  
906-227-2300  
FAX: 906-227-2315  
Web site: www.nmu.edu

**TO:** Jason Wickstrom  
Criminal Justice Department

**FROM:** Cynthia A. Prosen, Ph.D.  
Dean of Graduate Studies & Research 

**RE:** Human Subjects Proposal #HS05-051  
Outcome Evaluation of Iron Country Drug Court

The Human Subjects Research Review Committee has reviewed your proposal and has given it final approval. To maintain permission from the Federal government to use human subjects in research, certain reporting processes are required. As the principal investigator, you are required to:

- A. Include the statement "Approved by HSRRC: Project # (listed above) on all research materials you distribute, as well as on any correspondence concerning this project.
- B. Provide the Human Subjects Research Committee letters from the agency(ies) where the research will take place within 14 days of the receipt of this letter. Letters from agencies should be submitted if the research is being done in (a) a hospital, in which case you will need a letter from the hospital administrator; (b) a school district, in which case you will need a letter from the superintendent, as well as the principal of the school where the research will be done; or (c) a facility that has its own Institutional Review Board, in which case you will need a letter from the chair of that board.
- C. Report to the Human Subjects Research Review Committee any deviations from the methods and procedures outlined in your original protocol. If you find that modifications of methods or procedures are necessary, please report these to the Human Subjects Research Review Committee before proceeding with data collection.
- D. Submit progress reports on your project every 12 months. You should report how many subjects have participated in the project and verify that you are following the methods and procedures outlined in your approved protocol.
- E. Report to the Human Subjects Research Review Committee that your project has been completed. You are required to provide a short progress report to the Human Subjects Research Review Committee in which you provide information about your subjects, procedures to ensure confidentiality/anonymity of subjects, and the final disposition of records obtained as part of the research (see Section II.C.7.c).
- F. Submit renewal of your project to the Human Subjects Research Review Committee if the project extends beyond three years from the date of approval.

It is your responsibility to seek renewal if you wish to continue with a three-year permit. At that time, you will complete (D) or (E), depending on the status of your project.

ljh