

# **WINDSOR COUNTY DUI TREATMENT DOCKET IN-PROGRAM OUTCOME EVALUATION**

## **REPORT**

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**SUBMITTED TO:**

Kim Owens, Court Programs Manager  
Vermont Judiciary

**SUBMITTED BY:**

Peter Wicklund, Ph.D., Research Associate  
Crime Research Group

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## Windsor County DUI Treatment Docket In-Program Outcome Evaluation

### EXECUTIVE SUMMARY

#### INTRODUCTION

The Windsor County DUI Treatment Docket (hereafter, the “WCDD”) is a voluntary program that targets “moderate to high risk/high need” repeat DUI offenders. To be eligible for the WCDD program, individuals must be at least 18 years of age and repeat DUI offenders with an addiction to alcohol (and perhaps other substances as well), and who are able and willing to address their addiction(s) and follow program requirements. Individuals must reside in Windsor County, Vermont or an area supervised by the Hartford or Springfield, Vermont Probation and Parole offices. Those convicted of offenses that involved serious bodily injury are ineligible. Individuals with a history of violent behavior or with unresolved charges are also precluded from participating in the program. The first participant entered WCDD orientation in December 2013.<sup>1</sup>

As stated in its *Policy and Procedures Manual*, the goals of WCDD are:

- 1) participant sobriety and recovery from substance dependence and addiction;
- 2) reduction in recidivism rates; and
- 3) enhanced public safety.

The program is designed to meet these goals by “providing coordinated, comprehensive, and intensive treatment, supervision, and judicial oversight of high risk DUI offenders.”<sup>2</sup>

#### METHODOLOGY

An outcome evaluation attempts to determine the effects that a program has on participants. In the case of the WCDD, a relatively new program with only one graduate as of this report, the objective of this outcome evaluation was to provide a first look at the effectiveness of the WCDD with respect to what extent participants remain conviction free while active in the program.

An analysis of the criminal history records of 30 subjects who were referred to the WCDD from October 28, 2013 to July 21, 2015, was conducted using the Vermont criminal history record of participants as provided by the Vermont Criminal Information Center (VCIC) at the Department of Public Safety. The Vermont criminal history record on which the analysis was based included

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<sup>1</sup> Belas, Marcia L., Ph.D. *WINDSOR COUNTY DUI TREATMENT DOCKET PROCESS EVALUATION*. Rep., Sept. 2015, page 4.

<sup>2</sup> Windsor County, *Vermont DUI Treatment Docket (WCDD) for Repeat Offense Impaired Driving Cases Policies and Procedures Manual* (revised May 4, 2015), page 2.

all charges and convictions prosecuted in a Vermont Superior Court – Criminal Division that were available as of September 14, 2015. The criminal records on which the study was based do not contain Federal prosecutions, out-of-state prosecutions, or traffic tickets.

It is important to note when the criminal records from VCIC were searched by matching names and dates of birth, only 25 of the 30 subjects referred to the WCDDT were found to have criminal records. Further investigation using the Vermont Courts Online database revealed some minor errors in the name / date of birth data for these five subjects resulting in the non-matching records. The data for these five subjects was subsequently corrected using the additional data from the Vermont Courts online database.

Of the 30 subjects referred to the WCDDT, eight subjects were found ineligible for the program, and it was necessary to drop one subject from the study due to a change in venue. The study cohort consisted of the remaining 21 subjects, 18 who are currently active in the WCDDT, one who graduated in June 2015, and two who were eligible for the program, received some services during orientation, but were both terminated -- one because of a new charge, the other because they chose to withdraw.

## **SUMMARY OF CONCLUSIONS**

1. The in-program recidivism analysis for the WCDDT program revealed that only two of 21 subjects, were convicted of some type of crime during their participation in the program. On a positive note, and a possible indicator of the potential effectiveness of the WCDDT, only one of the 19 participants that are currently active in the WCDDT was convicted of a crime.
2. A total of only three crimes were committed by the two recidivists, consisting of only two different offenses. One recidivist, who is currently active in the program, was convicted on two drug charges. The other recidivist, who was eligible for the WCDDT but subsequently terminated from the program, was convicted of driving with license suspended.
3. Looking at recidivism rates with respect to how long a subject was in the WCDDT program and able to recidivate revealed that in-program recidivism occurred within 6 to 15 months of participation.

## BACKGROUND

In 2012 Robert Sand, then Windsor County State's Attorney, Judge Patricia Zimmerman, then Windsor County Superior Court, and a Team of other stakeholders attended a National Center for DWI Courts (NCDC) training in California. The Team was composed of individuals involved in Windsor County's "Sparrow Project," a pre-conviction treatment program for offenders with substance abuse and co-occurring mental health issues.

After attending the NCDC training, the group committed to establishing a DUI court in Windsor County. The WCDDT Team expanded to include additional representatives. With guidance from Judge Zimmerman, an experienced treatment court judge, the Team worked collaboratively to identify a target population, and develop protocols and eligibility guidelines.

The Court Administrator's Office obtained funding for the pilot program from the Vermont Governor's Highway Safety Education Program, administered by the Department of Public Safety. Funding was effective October, 2012 and has been renewed annually. The grant funds the Program Coordinator's, Case Manager's, and part of the Supervising Case Manager's and the Defense Attorney's time.

Stephanie Clark, a former Ohio magistrate, was hired as program coordinator in August, 2013. Although Judge Zimmerman intended to stay on as the WCDDT judge during retirement, she ultimately decided not to do so. Her replacement, Judge Karen Carroll, took over in September, 2013. The Deputy State's Attorney and Defense Counsel jointly made their first referral to the program in October, 2013. Aimee Tucker, the WCDDT Case Manager and employee of HCRS was hired in April, 2014, replacing the program's initial Case Manager. The first participant entered WCDDT orientation in December 2013.

WCDDT is a voluntary program that targets "moderate to high risk/high need" repeat DUI offenders. To be eligible for the WCDDT program, individuals must be at least 18 years of age and repeat DUI offenders with an addiction to alcohol (and perhaps other substances as well), and who are able and willing to address their addiction(s) and follow program requirements. Individuals must reside in Windsor County, Vermont or an area supervised by the Hartford or Springfield, Vermont Probation and Parole offices. Those convicted of offenses that involved serious bodily injury are ineligible. Individuals with a history of violent behavior or with unresolved charges are also precluded from participating in the program.<sup>3</sup>

## RESEARCH OBJECTIVES

An outcome evaluation attempts to determine the effects that a program has on participants. In the case of the WCDDT, a relatively new program with only one graduate as of this report, the objective of this outcome evaluation was to provide a first look at the effectiveness of the program with respect to what extent participants remain conviction free while active in the program. With this study, the program can begin establishing a baseline recidivism rate to assist

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<sup>3</sup> Belas, Marcia L., Ph.D. *WINDSOR COUNTY DUI TREATMENT DOCKET PROCESS EVALUATION*. Rep., Sept. 2015, page 5.

in monitoring the effectiveness of the program.

This outcome evaluation of the WCDTD was designed to answer three questions associated with the in-program behavior of subjects who are currently participating in the program.

1. Which subjects were convicted of crimes during their participation in the WCDTD?
2. For those subjects who were convicted of crimes during their participation in the WCDTD, what crimes did they commit?
3. For those subjects who were convicted of crimes during their participation in the WCDTD, when were they convicted?

## **EVALUATION METHODOLOGY**

An analysis of the criminal history records of the 30 subjects who were referred to the WCDTD from October 28, 2013 to July 21, 2015, was conducted using the Vermont criminal history record of participants as provided by the Vermont Criminal Information Center (VCIC) at the Department of Public Safety. The Vermont criminal history record on which the recidivism analysis was based included all charges and convictions prosecuted in a Vermont Superior Court – Criminal Division that were available as of September 14, 2015. The criminal records on which the study was based do not contain Federal prosecutions, out-of-state prosecutions, or traffic tickets.

It is important to note when the criminal records from VCIC were searched by matching names and dates of birth, only 25 of the 30 subjects referred to the WCDTD were found to have criminal records. Further investigation using the Vermont Courts Online database revealed some minor errors in the name / date of birth data for these five subjects resulting in the non-matching records. The data for these five subjects was subsequently corrected using the additional data from the Vermont Courts online database.

Of the 30 subjects referred to the WCDTD, 8 subjects were found ineligible for the program, and it was necessary to drop one subject from the study due to a change in venue. The study cohort consisted of the remaining 21 subjects, 18 who are currently active in the WCDTD, one who graduated in June 2015, and two who were eligible for the program, received some services during orientation, but were both terminated -- one because of a new charge, the other because they chose to withdraw.

### **How was Recidivism Determined?**

For the WCDTD in-program outcome evaluation, a “zero tolerance” standard for recidivism was used such that any WCDTD participant who was convicted of any crime prosecuted in a Vermont Superior Court – Criminal Division, including violations of probation and motor vehicle offenses, during their participation in the program would be considered a recidivist. In order to determine which subjects recidivated, a recidivism clock start date was set for each subject based on the date of entry into Phase 1 of the program. Using this start date and the criminal records from the VCIC, a subject was considered a recidivist if s/he committed and was

convicted of any new offense after the recidivism start date. The elapsed time to recidivate was measured between the start of the participant’s recidivism clock and the date the participant was arrested for the new offense that ended in conviction.

**RESEARCH QUESTION 1: WHICH SUBJECTS WERE CONVICTED OF CRIMES DURING THEIR PARTICIPATION IN THE WCDDT?**

**Summary of Findings**

Table 1 shows a summary of the recidivism rate determination for the total study cohort and two segments, 19 who are currently in the program (includes one graduate), and two who were eligible but subsequently were terminated from the program. Examination of the criminal records of the total study cohort revealed that only two subjects were convicted of crimes during their participation in the program. Further, and more indicative of the potential effectiveness of the WCDDT, only one of the 19 subjects that are currently active in the program was convicted of a crime, resulting in a very low recidivism rate of 5.3%.

**Detailed Findings**

**Table 1  
WCDDT In-Program Recidivism Rates**

	Active in Program		Eligible - Terminated		Total	
	N	%	N	%	N	%
<b>Recidivist</b>	1	5.3%	1	50.0%	2	9.5%
<b>Non-recidivist</b>	18	94.7%	1	50.0%	19	90.5%
<b>Total</b>	19	100.0%	2	100.0%	21	100.0%



**RESEARCH QUESTION 2: WHAT CRIMES DID THEY COMMIT?**

**Summary of Findings**

Table 3 shows the types of in-program crimes for which the subjects were convicted. A total of three crimes were committed by the two recidivists, consisting of only two different offenses. One subject, who was active in the program, was convicted on two drug charges. The other recidivist was convicted of driving with license suspended.

**Detailed Findings**

**Table 2  
All In-Program Crimes for Which Subjects Were Convicted**

	Active In Program		Eligible-Terminated		Total	
	N	%	N	%	N	%
Driving License Suspended	0	.0%	1	100.0%	1	33.3%
Drug Offense	2	100.0%	0	.0%	2	66.7%
<b>Total</b>	<b>2</b>	<b>100.0%</b>	<b>1</b>	<b>100.0%</b>	<b>3</b>	<b>100.0%</b>

**RESEARCH QUESTION 3: FOR THOSE SUBJECTS WHO WERE CONVICTED OF CRIMES DURING THEIR PARTICIPATION IN THE WCDDT, WHEN WERE THEY CONVICTED?**

**Summary of Findings**

The calculation summarized in the previous section represents the recidivism rate at the time this study was conducted. This section takes a closer look at recidivism rates with respect to how long a subject was in the WCDDT program and when they recidivated.

The results of this analysis show that in-program recidivism occurred within 6 to 15 months of participation in the program. The recidivist who was still active in the program was not convicted of a crime (two drug charges) until after being in the program for 12 to 15 months.

**Detailed Findings**

Table 3 presents recidivism data for all WCDDT participants (n=21), focusing on the number of subjects who were able to recidivate during a time period and the number who were convicted of a crime during that time period. Looking at the column under "1 to 6 months", the data show that all 21 subjects were able to recidivate during that time period, and that none were convicted of a crime. The column of data under "6 to 9 months" shows the recidivism status of the 11 subjects who were in the program for that time period. One of the 11 subjects was convicted on the charge of driving with a suspended license. The subject was eligible for the program, but was subsequently terminated. The second recidivist, an active program participant, was convicted on two drug charges after being in the program for 12 to 15 months.

**Table 3  
Time to Recidivate by Months of Eligibility to Re-offend**

In-Program Elapsed Time	1 to 6 months	6 to 9 months	9 to 12 months	12 to 15 months	15 to 18 months
Number of Participants Who Recidivated During the Time Period	0	1	0	1	0
Total # of Participants Who Were Able to Recidivate During the Time Period*	21	11	9	6	2
% Recidivated	0.0%	9.1%	0.0%	16.7%	0.0%

\*The data in this row represents all of the WCDDT participants who were able to recidivate while in the program for the time periods shown. Participants may appear in more than one column based on how long they have been in the WCDDT program. For example each of the 9 WCDDT participants who appear in the "9 to 12 months" column are also included with the 11 subjects in the "6 to 9 months" column, and the 21 subjects in the "1 to 6 months" column".

## **CONCLUSIONS**

- 1. The in-program recidivism analysis for the WCDDT program revealed that only two of 21 subjects, were convicted of some type of crime during their participation in the program. On a positive note, and possible indicator of the potential effectiveness of the WCDDT, only one of the 19 participants that are currently active in the WCDDT was convicted of a crime.**
- 2. A total of only three crimes were committed by the two recidivists, consisting of only two different offenses.**

One recidivist, who is currently active in the program, was convicted on two drug charges. The other recidivist, who was eligible for the WCDDT but subsequently terminated from the program, was convicted of driving with license suspended.

- 3. Examining the recidivism rates with respect to how long a subject was in the WCDDT program and able to recidivate, revealed that the in-program recidivism occurred within 6 to 15 months of participation in the program.**