

DRUG TESTING ANALYSIS OF THE NORTHERN HILLS DRUG COURT

Institute for Court Management
Court Executive Development Program
Phase III Project
May 2015

Michael A. Pisciotta
4th Circuit Court Administrator
Unified Judicial System
Deadwood, South Dakota

I. ACKNOWLEDGMENTS

- Thank you to the UJS Northern Hills Drug Court Staff and Team for their continued efforts in serving the citizens of the Fourth Judicial Circuit of the State of South Dakota.
- Thank you to Northern Hills Drug Court Support Specialist Katie O'Bryan for her assistance with the participant survey and for gathering drug testing results data.
- Thank you to Northern Hills Drug Court Intensive Probation Officer Chris Pankratz for his drug court knowledge and program insight.
- Thank you to the participants and graduates of the Northern Hills Drug Court for their willingness to participate and take the time to complete the survey and provide valuable feedback.
- Thank you to Roland Loudenburg of Mountain Plains Evaluation, LLC, for providing drug testing statistical data.
- Thank you to Fred Cheesman, my project advisor at the National Center for State Courts.
- Thank you to Patricia Duggan of the National Center for State Courts for her support and encouragement to enter the ICM Fellow Program.
- Thank you to the Honorable Warren G. Johnson, Presiding Judge of the Fourth Judicial Circuit of the South Dakota Unified Judicial System, for his support and encouragement during my efforts throughout the entire CEDP process.
- Thank you to South Dakota Supreme Court Chief Justice David Gilbertson and State Court Administrator Greg Sattizahn for their willingness to allow me to continue with the Court Project phase of the ICM Fellow program.
- Thank you to Chief Judge Mark Thompson of the Colorado Judicial Branch, Fifth Judicial District, for authorizing me to continue in the ICM Fellows program.
- Thank you to Court Judicial Assistant Melissa Follis for her technical assistance with the statistical analysis and graphic design of this research paper.
- Thank you to Andrew Pisciotta for his technical assistance with the power-point presentation.

TABLE OF CONTENTS

	Page
I. ACKNOWLEDGMENTS	2
II. LIST OF TABLES	4
III. ABSTRACT	5
IV. INTRODUCTION	8
V. LITERATURE REVIEW	15
VI. METHODS	20
VII. FINDINGS	26
VIII. CONCLUSIONS AND RECOMMENDATIONS	40
IX. REFERENCES	46
X. APPENDICES	
Appendix 1 - Northern Hills Drug Court Statistical Report	47
Appendix 2 - Mountain Plains Evaluation Drug Testing Summary (9/07-6/12)	48
Appendix 3 - Odyssey Case Management System Supervision Drug Testing Results (7/12-12/14)	49
Appendix 4 - Odyssey Case Management System Supervision Drug Testing Results (1/14-12/14)	50
Appendix 5 - Buffalo System Contact Count (7/13-5/14)	51
Appendix 6 - Northern Hills Drug Court Participant Survey & Disclaimer	52

II. LIST OF TABLES

Page

• Table 1: NHDC Team Training	8
• Table 2: NHDC Eligibility Criteria	9
• Table 3: NHDC Referral Process	11
• Table 4: NHDC Key Component #5	11
• Table 5: NHDC Participant Rules & Regulations	12
• Table 6: NHDC Program Fees	12
• Table 7: The Key Components	16
• Table 8: Key Component #5	17
• Table 9: Northern Hills Drug Court Participant Survey Questions & Disclaimer	21
• Table 10: Drug Testing Results – Group 1	26
• Table 11: Drug Testing Results – Group 2	27
• Table 12: Adjusted Drug Testing Results – Group 2	28
• Table 13: Drug Testing Tracking Period – Groups 1, 2a, & 2b	29
• Table 14: Drug Testing Averages & Percentages – Groups 1, 2a, & 2b	30
• Table 15: Participant Gender – Group 1	31
• Table 16: Participant Age Classification – Group 1	32
• Table 17: Participant Ethnicity – Group 1	32
• Table 18: Program Completion Rates – Group 1	33
• Table 19: Graduate Gender – Group 1	33
• Table 20: Participant Gender – Group 2	34
• Table 21: Participant Age Classification – Group 2	35
• Table 22: Participant Ethnicity – Group 2	35
• Table 23: Program Completion Rates – Group 2	36
• Table 24: Graduate Gender – Group 2	36
• Table 25: Responses to Open-ended Questions	38

DRUG TESTING ANALYSIS OF THE NORTHERN HILLS DRUG COURT

Michael A. Pisciotta

III.ABSTRACT

“Drug Court Supporters: Thank you for all your help and support. If it wasn’t for Drug Court I wouldn’t be who I am today. I’m happy, proud, and alive and 1-year sober.”

-Quote from a current Northern Hills Drug Court participant.

The main focus of this paper was whether requiring a drug court participant to pay for drug testing, versus having drug testing conducted at no cost to the participant, was a major factor in the participants’ success for drug testing, program completion, and recidivism rates. The 2012 decision to change the South Dakota drug testing policy that no longer requires probationers to pay for drug testing was something that concerned the author, because the author believed heuristically that individuals place more value on things that costs them something, than on something they get for free. Prior to the policy change, the author saw first-hand the sacrifices drug court participants made to pay the \$5 fee, two to three times per week, to cover the costs of drug testing. It was believed that because the participants were financially vested in their drug testing and programming, they made more of an effort to remain clean and sober. Through this research, it was hoped that drug court statistics regarding drug testing, program completion, and recidivism would provide algorithmic evidence that this hypothesis was correct.

Multiple factors were also considered to examine the relationship to program completion rates for both groups of participants. These factors included gender, age, ethnicity, and participant drug of choice. The entry requirements into the Northern Hills

Drug Court program require that all prospective participants be convicted of a non-violent felony related to the use of a controlled substance, and also that the prospective participants have a chemical dependency evaluation indicating a diagnosis of abuse or dependence upon methamphetamine. Therefore, criminal history data was not compiled for this study, and limited drug of choice data was gathered.

The participants were divided into two categories; those that paid for drug testing prior to July 2012, and those that were no longer required to pay for drug testing after the policy change. The results of the research were mixed. Comparing the drug testing results between the two groups, the participants in the non-pay group had fewer positive tests than the participants who paid the \$5 fee. These results are adulterated, however, because some of the drug testing data for both groups was incomplete. For example, the number of tests administered is available, but not the test results.

Several factors limited the research, such as the availability of drug testing data. This included:

- The multitude of drug testing sites/options
- A lack of tracked drug test results
- A lack of data regarding substances indicated for positive tests
- The duplicity of computer systems tracking drug testing

The program completion results between the two groups showed that the participants who paid for drug testing had a higher graduation percentage than the participants who did not pay. These findings may also be flawed because there are several participants in the non-pay group that are currently active in the program; it is unknown whether they will graduate. In addition, the recidivism rates between the two groups showed that the participants who paid for drug

testing had a higher rate of re-arrest after graduation, and that none of the participants in the non-pay group have been re-arrested for another crime.

In summary, the results demonstrated the importance of accurate data collection regarding drug testing, and that continued evaluation of programming is essential to demonstrate the effectiveness of specialty courts. Because the data was insufficient to prove the hypothesis, it is recommended that the drug testing tracking period for the non- pay group be extended, and that continued accurate data be compiled and correctly entered into the Odyssey and Buffalo systems to track the number of tests, and the results of testing, including positive tests and substances indicated. The importance of accuracy in documentation and continued monitoring of drug testing results to maintain compliance is the major contribution of this study. Independent program evaluation may be more beneficial to program success than in-house evaluation, and further research into the impact of drug testing on sobriety, program completion, and recidivism is recommended.

IV. INTRODUCTION

During the 2005 Legislative session, the South Dakota Unified Judicial System requested permission to begin a pilot drug court program in the Fourth Judicial Circuit in Sturgis, South Dakota. The reasoning behind the request for the implementation of a drug court program in Sturgis was to address the high rate of methamphetamine cases in Meade County. Approval was granted from the South Dakota Legislature to fund a “pilot” drug court program for one year beginning in July of 2007. The Fourth Judicial Circuit then submitted applications to the Bureau of Justice Administration for an Implementation and Team Training grant. A drug court Team was formed consisting of a Magistrate Judge, the Meade County States Attorney, a local defense attorney, the Meade County Sheriff, and a supervising probation officer. The initial program design was based on the Campbell County Drug Court program in Gillette, Wyoming. After forming the initial Team, the members made several trips to observe the Wyoming drug court in action. In 2006 the members then attended Team training in Los Angeles, California, through the National Association of Drug Court Professionals. The training provided to the Team members was designed to meet the requirements of the initial Northern Hills Drug Court Program Manual.

Table 1

TEAM TRAINING
The NHDC Team is encouraged to attend any and all Drug Court specific training as offered by the National Association of Drug Court Professionals, training coordinated through State of South Dakota Drug Court Liaison, and/or any training or webinar opportunities specific to Drug, DUI, or other specialty track courts.

At minimum, all members of the Drug Court Team will be required to complete a 10-hour training curriculum offered through the National Drug Court Institute. Completion of the course must be documented before new Team members are allowed to sit at the Drug Court table and participate in the Team process. (South Dakota Unified Judicial System, Northern Hills Drug Court, Program Manual 2013)

In July and August of 2007 the Northern Hills Drug Court program hired their initial operational staff consisting of a Drug Court Coordinator, a Drug Court Intensive Probation Officer, and a Drug Court Support Staff. The Team consisted of the original members who attended the court sessions in Gillette and the NADCP Team training in California, except for the Intensive Probation Officer. In September of 2007, the program accepted its first two participants, a male and a female. Although the number of methamphetamine cases in Meade County was significant at that time, the number of applicants for entry into the program were few. Some contributing factors included the “newness” of the drug court program and the local bar being unaware of the drug court as an option for their clients, the lack of probation violators at the time that the program was starting, and the strict eligibility requirements for entry into the program.

Table 2

ELIGIBILITY CRITERIA
<ul style="list-style-type: none">• Be structured as a post-adjudication sentencing alternative.• Provide services only for felony offenders over the age of eighteen.• Only accept candidates that are willing to participate in the drug court program on a voluntary basis.

- Exclude any person seeking to enter drug court based on a present conviction for the distribution of a controlled substance or marijuana.
- Exclude any person currently required to register as a sex offender.
- Exclude any candidate convicted of a violent offense as defined by SDCL 22-1-2(9).
- Target offenders for admission who have been assessed for eligibility using a validated clinical assessment tool, who are addicted to illicit drugs or alcohol and are at substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision.
- Require that offenders pass a legal screening for entry into the drug court program.
- Not exclude candidates from participation solely because of the existence of a co-occurring disorder or other medical condition.
- Make all reasonable efforts to ensure timely entrance into the NHDC.
- Utilize a collaborative team process that seeks community involvement.
- Mandate residency restrictions that allow for intensive supervision.

(South Dakota Unified Judicial System, Northern Hills Drug Court, Program Manual 2013)

A major factor that also limited the initial number of participants in the program were concerns of several Fourth Circuit States Attorneys and their reluctance to refer potential candidates into the program due to political pressure. To alleviate the “Hug a Thug” concerns of the various States Attorney offices, it was determined that veto power be granted with each office having the final say so regarding which clients would be referred to the drug court program as a sentencing option.

Table 3

REFERRAL PROCESS

Candidates must complete a NHDC application and have a pending charge or probation revocation within the jurisdiction of the 4th or 7th Judicial Circuit. A Treatment Needs Assessment (Drug & Alcohol Eval) must be obtained and released to the NHDC, identifying significant areas of drug abuse and/or dependency. The Defendant must plead guilty to the offense, or admit to the violation, accepting full responsibility. Defendants must be screened to determine legal eligibility for Drug Court and approved by the prosecution. The Drug Court Team will review the application and approve or deny entry into the program. Acceptance by the Team holds no guarantee that a Defendant will be given a probationary sentence. If accepted into the program, applicants must meet with the NHDC Defense Attorney and review and sign the NHDC Basic Understanding, Waivers and Agreement. Defendants accepted into the program hold no guarantee of admission. The applicant's sentencing Judge has complete and absolute authority with regard to sentencing. (South Dakota Unified Judicial System, Northern Hills Drug Court, Program Manual)

Two major items of program compliance that the participants were expected to abide by in order to successfully complete the program were frequent and random drug testing and the payment of program fees.

Table 4

KEY COMPONENTS

- **Key Component #5:** Abstinence is monitored by frequent alcohol and drug testing;

Table 5

PARTICIPANT RULES & REGULATIONS
<ul style="list-style-type: none"> • Drug & Alcohol Testing – Participants must be present and prompt upon receiving directives in regards to drug and alcohol screening times and locations. Testing may be unannounced and at times inconvenient. Failure to report, failure to produce, or dilute or altered samples will be considered a positive test resulting in swift and immediate sanctions

Table 6

PROGRAM FEES

NHDC Participants are required to pay certain drug-testing fees and a portion of their treatment costs. Participants must have all drug-testing and treatment costs paid to date, prior to becoming eligible for Phase IV advancement. Participants must also make regular payments to any previous court-imposed financial obligations. Participants are required to develop a financial plan which will be evaluated and re-evaluated throughout the course of their treatment.

(South Dakota Unified Judicial System, Northern Hills Drug Court, Program Manual 2013)

The frequent and random drug testing for drug court participants began on September 4, 2007, the first day of operations for the program. The initial testing in Phase I of the program was conducted every 48-72 hours and consisted of a urine screen administered to the participant in a random manor. The \$5 cost of the testing was paid for by each participant at the time of the testing. This procedure was in line with the statewide drug testing policy of the South Dakota Unified Judicial System requiring probationers to submit to reasonable search and seizure of their person including bodily fluids for the purpose of drug testing to monitor abstinence, and the requirement of the probationer to pay \$5 for such testing.

The drug court policy remained in effect until July 1, 2012, when the statewide drug testing policy was changed to no longer require the \$5 payment by the probationer. It was the general consensus of the Chief Probation Officers and the State Court Administrator's office that drug testing was a "tool of supervision" and, as such, should be paid for by the state and provided free of charge probationers and drug court participants. As the current Court Administrator for the Fourth Judicial Circuit, and despite disagreeing with the decision, I agreed to implement the change in policy within the Northern Hills Drug Court program.

Having been the first South Dakota Intensive Probation Officer supervising the initial program participants, I knew first-hand the importance of the frequent and random drug testing, and the impact the testing had on influencing abstinence and compliance with program rules. I also believed that requiring the participants to pay for their own drug testing helped ensure that the participants were "vested" in the program and made better efforts to remain clean and sober. While attending a drug court graduation ceremony in the autumn of 2012 and inadvertently hearing the conversation between a graduate of the program and a current participant. The graduate stated how she couldn't believe that the current participants no longer were required to pay for drug testing when she had sacrificed to pay her \$60 per month drug testing fees. I believe that anything worth having is worth working for, and I believe that requiring participants to pay for a portion of their treatment and for their drug testing fees serves to have them vested in their programming and increases the potential for positive outcomes.

The goal of my research paper is to examine the drug testing results of the Northern Hills Drug Court program, from the beginning of the program until the change in drug testing policy in July 2012. I will then compare those drug testing results to the results obtained from the

participants in the program from July 2012 until December 2014 to see if substantial differences exist between paying for drug testing and not paying. I will also examine the program completion rates of the participants from both time periods, and then examine the recidivism rates of participants for both groups that have graduated from the program.

V. LITERATURE REVIEW

The first drug court program was developed in 1989 in Dade County, Florida, in response to the crack cocaine epidemic and the increasing recidivism rates of drug offenders. The drug court model is based on a therapeutic behavioral modification approach utilizing ten key components. In order to obtain maximum effectiveness, a practicing drug court should attempt to implement as many of the ten key components as possible. Drug courts are considered therapeutic because of their emphasis on substance abuse treatment instead of the more traditional criminal justice interventions and rather than punishment, take more of a problem-solving approach. Drug courts are credited with reducing recidivism, retaining clients in treatment, and improving outcomes for substance abusing offenders. (Huddleston, Freeman-Wilson, & Marlowe, 2005) (Marlowe, DeMatteo, & Festinger, 2003).

This therapeutic court model has emerged as a national phenomenon in the court community. The drug court model is considered to be therapeutic because of the emphasis placed on treatment for the offender, instead of more traditional criminal justice case processing (Huddleston, Freeman-Wilson, & Marlowe, 2005). In 2014 the total number of operational drug court programs in the United States has reached 4,500 (NADCP National Statistics, 2014). Considerable research has been conducted on the effectiveness of these alternative sentencing programs and the results credit drug courts with reducing recidivism, improving outcomes for drug offenders, and increasing treatment retention rates. (Marlowe, DeMatteo, & Festinger, 2003)

The drug court model is premised on a behavioral model based on Ten Key Components, at its core, this behavioral model focuses on operant conditioning, which means that behavior is a consequence of reinforcements and punishments (Skinner, 1950).

Table 7

The Key Components

Key Component #1

Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3

Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5

Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6

A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7

Ongoing judicial interaction with each drug court participant is essential.

Key Component #8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

(National Association of Drug Court Professionals, Drug Court Standards Committee, 2004)

Table 8

Key Component #5

Abstinence is monitored by frequent alcohol and other drug testing.

Frequent court-ordered drug testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to measure each participant's progress. Current technology provides highly reliable testing to determine if an individual has recently used specific drugs. It is also commonly recognized that alcohol use frequently contributes to relapse among individuals whose primary drug of choice is not alcohol. Drug testing results are objective measures of treatment effectiveness, as well as a source of important information for continued assessment of treatment progress. Drug testing helps mold the ongoing interaction between the court and each participant, and timely and accurate test

results promote frankness and honesty among program participants.

Drug testing is central to the drug court's monitoring of participant compliance. It is both objective and cost-effective, and gives the participant immediate information about their own progress. This makes the participant actively involved in the treatment process rather than a passive recipient of services, especially when participants are required to pay for their own drug testing.

(National Association of Drug Court Professionals, Drug Court Standards Committee, 2004)

Continued research into the effectiveness of drug testing indicates that frequent testing and the immediacy and certainty of testing results provides greater cost savings to the programs while holding participants more accountable. Participants report that knowing they will be tested and caught serves as a deterrent to drug use. There is also evidence that requiring participants to pay for drug testing, especially for positive drug tests as a sanction, increases cost savings. Further research also shows that requiring participants to pay programming fees assists with program sustainability and cost savings occurring outside of programming directly related to recidivism. (Carey, S., Mackin, J., & Finigan, M. (2012)).

Research practices can be improved by providing a uniform baseline for evaluation and measurement. Performance measurement standards for drug courts consist of Retention, Sobriety, Program Recidivism, and Units of Service. "Sobriety, both during and after drug court participation, is a goal of all drug courts because it fosters offender rehabilitation, public safety, and offender accountability. Two indicators of participant sobriety, both measured during the

course of participation, were recommended: (1) average length of continuous sobriety and (2) the average number of failed tests. As the participant proceeds through the program, a trend of decreasing frequency of failed tests should occur. Research has shown that increasing amounts of time between relapses is associated with continued reductions in use. Both the trends and the average of these measures should be useful performance measures.” (Performance Measurements of Drug Courts: The State of the Art, Rubio, Cheesman, & Federspiel, 2008)

Despite their popularity and the allocation of millions of dollars to fund local drug court programming over the past twenty years, drug courts have faced considerable criticism in the area of evaluation and documentation and there has been limited uniform data on actual drug court success nationwide. Congress has asked the Government Accountability Office (GAO) to review drug court evaluation and outcome research to determine the effectiveness of drug courts and the most recent findings from these evaluations indicated uniformly that drug courts produce positive results. A lack of a broader selection of methodologically sound evaluations leads to continued skepticism and has created difficulties for the national drug court movement, especially in the area of funding. At various times, scholars and politicians have questioned both the effectiveness and efficacy of drug court programs and some continue to argue that drug courts are not worth the money being spent. Efforts have been made to develop a uniform research plan for drug court data collection and analysis at the national level, and also to establish uniform and manageable data collection and effective evaluation strategies for local programs. (GAO, Feb. 2005).

Independent evaluations of programming produces 100% greater cost savings for the drug court program, especially when the program is willing to utilize data provided to institute changes that improve the services of the program. (Carey, S., Mackin, J., & Finigan, M. (2012)).

VI. METHODS

A survey instrument was developed to gather demographic data from current and former participants of the Northern Hills Drug Court and to gain insight into the primary question of whether charging a drug court participant for the cost of their drug testing has any impact on successful outcomes of the program, including drug screens, program completion rates, and recidivism. Open-ended questions were selected and developed after reviewing numerous surveys in the literature and online. The questions were developed to gather demographic information regarding the participants, and also with the hope that asking participants specific questions about their drug testing and drug use, this author could gain a better understanding of the financial impact on the participants who either paid, or did not pay for their testing.

Draft survey questions were forwarded to the Legal Department of the South Dakota Unified Judicial System for approval and review by the Chief Justice and the State Court Administrator. Initial concern of the SCAO was whether any response to a question about the use of mind altering substances could be construed as an admission against interest. On August 12, 2014, authorization to administer the Drug Court participant survey was given by the South Dakota Director of Trial Court Services. On that date this author was advised that the Chief Justice of the South Dakota Supreme Court approved the concept of the participant survey and believed it would provide good information for the Unified Judicial System to have. The Chief Justice stressed that the survey needed to be anonymous and voluntary for the participants. The Chief Justice also had some potential concerns about a couple specific questions on the draft survey and wanted the survey reviewed by the Legal Department for any changes or removals prior to the administration of the survey. The Legal Department modified the survey to ensure that responses could not be traced back to any one individual. On September 5, 2014, this author

was notified that the proposed survey questions were reviewed by the Legal Department of the South Dakota State Court Administrator's Office and changes were made to the survey questions according to the Legal Department's direction and the following participant disclaimer was added to the survey questions:

Table 9

Northern Hills Drug Court Participant Survey Questions

Participation in this survey is completely voluntary. You may refuse to answer any question at any time and there is no consequence for declining to participate in this survey. The choice to participate is solely yours. While it is not required that you complete this survey, your participation would be beneficial to the improvement of Drug Courts in South Dakota. The results will be used for educational purposes and program development only. This is an anonymous survey sent to participants and former participants. Your identity (name, address or email address) will not be linked to this survey for any purpose.

- Please list your participant status in the Northern Hills Drug Court program: Current participant__ Former participant__.
- Please indicate your gender: Male____ Female____
- Please indicate your age-group while a participant in the drug court program: 18-29__ 30-39__ 40-59__.
- Please indicate your racial background: White__ Hispanic__ Native American__ African American__ Asian __.
- Please indicate the type of criminal offense that placed you in the drug court program: Drug Offense__ Theft__ DUI__ Other__.
- Please indicate the number of felony convictions prior to your participation in Drug Court ____.
- What was your age at your first felony conviction? ____.
- If you are a former participant, did you successfully complete/graduate from the Northern Hills Drug Court program? Yes__ No__.

- While a participant in the Northern Hills Drug Court program, were you required to submit to drug testing? Yes___ No___
- While a participant in the Northern Hills Drug Court program, were you required to pay the \$5 fee for your drug testing? Yes___ No___ Paid for tests some of the time___.
- Did being required to pay the \$5 fee for your drug testing have a positive/negative impact on your sobriety? Yes___ No___.
- What was that impact? _____.
- Did being required to pay the \$5 fee for your drug testing have a positive/negative financial impact? Yes___ No___.
- What was that financial impact? _____.
- Did not being required to pay for your drug testing have a positive/negative impact on your sobriety? Yes___ No___.
- What was that impact? _____.
- While a participant in the Drug Court program did you ever test positive for a mind-altering substance? Yes___ No___.
- If you tested positive for a mind-altering substance while a participant, what type(s) of substance(s) tested positive? Marijuana___ Methamphetamine___ Cocaine___ Opiates___ Synthetic Marijuana___ Benzodiazepine___
- **For Graduates:** Have you used any **legal** mind-altering substances (alcohol or prescription medications) since graduating from the program? Yes___ No___.
- **For Graduates:** Have you used any **illegal** mind-altering substances since graduating from the program? Yes___ No___.
- **For Current Participants:** Have you used any **legal** mind-altering substances (alcohol or prescription medications) while in the program? Yes___ No___.
- **For Current Participants:** Have you used any **illegal** mind-altering substances while in the program? Yes___ No___
- **For Graduates:** Have you been convicted of another crime or been sentenced to the penitentiary since graduating from the program? Yes___ No___

- **For Graduates:** How long after graduating from the program were you convicted of another crime?
- **For Graduates:** Have you participated in any Drug Court Alumni Group activities?
- What strategies/support systems did you use to maintain your sobriety while a participant in the program?
- What strategies/support systems do you use to maintain your sobriety as a former participant in the program?
- Did you complete Intensive Outpatient Treatment while a participant of the drug court program?
- Did you attend support group meetings (AA/NA) meetings on a regular basis while a participant of the drug court program?
- Do you currently have an AA/NA sponsor?
- Did you complete MRT while a participant of the drug court program?
- Have you ever attended and/or completed Inpatient Chemical Dependency Treatment while a participant?

The survey sample population consisted of all current or former participants of the Northern Hills Drug Court program. The former participants were individuals that had successfully graduated from the program or had been expelled from the program. An accurate count of the participants was obtained from the Drug Court Support Specialist. The survey was mailed to 127 of the current and former drug court participants via U.S. mail service by the Drug Court Support Specialist of the Northern Hills Drug Court program. Of the 147 total participants of the program, the Support Specialist could not locate the addresses for 20 participants because they either had been accepted but had not started the program yet, or had been sentenced to jail or treatment and were unavailable.

The 127 surveys were mailed out mid-November along with a letter thanking the participants for taking the time to complete the survey and requesting that surveys be returned to the Northern Hills Drug Court with a return deadline of November 26, 2014. Of the 127 surveys mailed out, only 11 completed surveys were returned to the drug court office by the participants of the program resulting in a response rate of 8.67%. It is unclear why the response rate was so low, but there were possibly concerns that questions regarding illegal drug use by the participants both during and after the program may have influenced the participants not to respond to the survey for fear of reprisal.

After the survey response period was closed, a report was generated detailing the responses including demographic information and responses to the open-ended questions. The author was very concerned about the lack of substantial data due to the response rate of 8.67%. Therefore, other avenues of data collection were explored in an attempt to gather enough information to address the multivariate possibilities that may have influenced the outcomes regarding positive urine screens, program completion rates, and recidivism.

To investigate the question of whether being required to pay for drug testing had any influence over participants regarding relapse, the participants were separated into two groups. In July of 2012, the Unified Judicial System changed the drug testing policy and no longer required participants or probationers to pay for the cost of their drug testing. The first group was the participants that entered the Northern Hills Drug Court program prior to the change in drug testing policy in July 2012 and were required to pay the \$5.00 fee per drug test. The second group was the participants that entered the program after the July 2012 and were not required to pay for the \$5.00 fee.

Drug testing data regarding the first group was obtained from the first independent evaluator of the program, Mountain Plains Evaluation, LLC, of Salem, South Dakota. Mountain Plains Evaluation provided independent monitoring of the effectiveness of the Northern Hills Drug Court program for five years beginning in September 2007, and ending in June 2012 with the hiring of a statewide Drug Court Liaison and the implementation of an in-house evaluation program called the Buffalo system, along with the new statewide Odyssey Case Management system. Drug testing data provided by Mountain Plains indicates that the first participant was accepted into the program on September 4, 2007, and the first drug screen on that participant was conducted on September 5, 2007. Mountain Plains data indicates that the last drug screen monitored by Mountain Plains was conducted on June 28, 2012. The data collected by Mountain Plains Evaluation was prepared and summarized into annual comparisons of the Northern Hills Drug Court program to National Benchmark standards in three benchmark areas: Program Retention, Drug Testing, and Program Completion. Demographic information regarding gender, ethnicity, age, and drug of choice was not included in the annual summaries.

Drug testing data regarding the second group was obtained by the Northern Hills Drug Court Support Specialist from the Odyssey Case Management System and the Buffalo system. Data was compiled from these two systems between the dates of July 1, 2012, and December 8, 2014. Also compiled in the Buffalo system was demographic information regarding gender, ethnicity, age, and drug of choice.

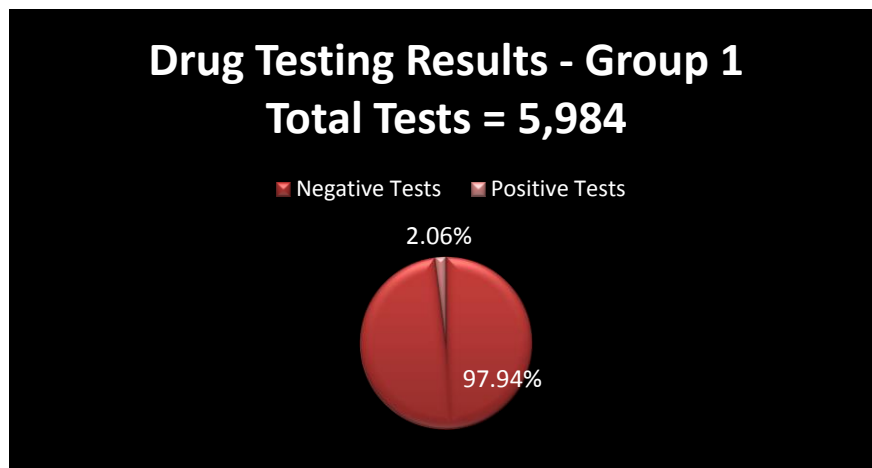
Because the variable of whether paying the cost of drug testing, or not paying for the drug testing was not the only influencing factor, NSCS advisor Fred Cheesman was consulted for his expertise in multivariate statistical analysis. To assist with the analysis several charts were completed comparing the different variables for both groups of participants.

VII. FINDINGS

DRUG TESTING RESULTS

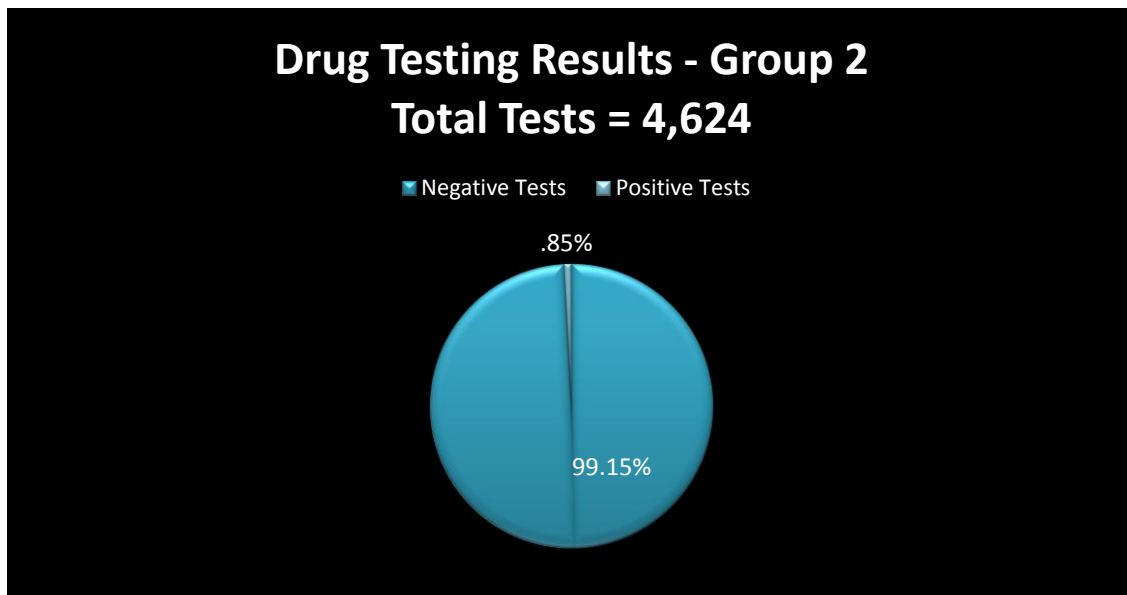
The participants of the Northern Hills Drug Court were divided into two categories and were numbered 1-144. **Group #1** participants were those that entered the program from its beginning in September 1997 until the change in South Dakota Unified Judicial System drug testing policy in July 2012. The drug testing results for **Group #1** were compiled by Mountain Plains Evaluations, and consisted of fifty-six (56) participants. As part of the programming fees, these participants were required to pay a \$5.00 fee for each drug test that was administered. There were 5,984 drug tests completed on the participants of **Group #1** over a fifty-eight (58) month period beginning September 5, 1997, and ending June 28, 2012, with one hundred twenty-three (123) positive tests for an illicit substance (2.06%). Statistical data regarding the types of substances in the positive tests was unavailable. The type of testing administered to **Group #1** participants consisted of urinalysis testing.

Table 10



Group #2 participants were those that entered the program after July 1, 2012, and were not required to pay the \$5.00 fee for drug testing. The drug testing results for **Group #2** was compiled by the Unified Judicial System's Odyssey case management system and consisted of eighty-eight (88) participants, numbers 58-144. There were 4,624 drug tests administered on the participants of **Group #2** over a twenty-nine (29) month period beginning July 1, 2012, and ending December 8, 2014, with thirty-nine (39) positive tests for an illicit substance (.85%). Statistical data regarding the types of substances in the positive tests is inconsistent. The types of testing administered to **Group #2** participants consisted primarily of urinalysis testing, but also included saliva testing, preliminary breath testing, and drug patch testing. Of the thirty-nine (39) positive tests, thirty-six (36) were from urinalysis testing and three (3) were from saliva testing.

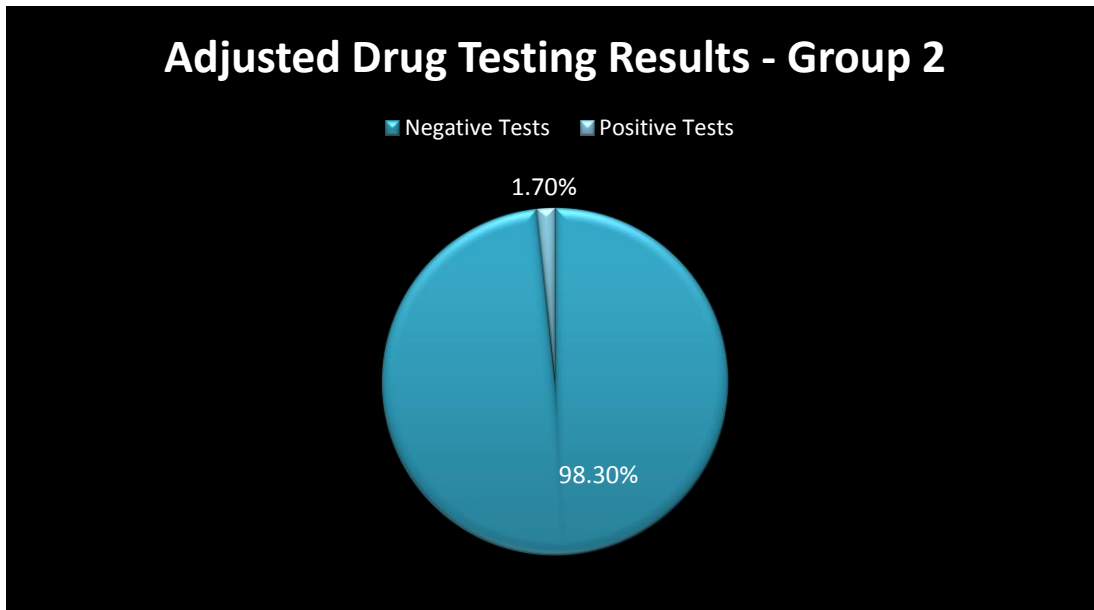
Table 11



Of the 4,624 drug tests conducted on Group #2 Participants, 2,310 of those tests were tracked in the Buffalo system, and the results of the testing were not recorded. The Buffalo system is used by the Unified Judicial System to track Participant contacts only, counting the

number of tests administered but not indicating test results. Subtracting the 2,310 unrecorded test results from the 4,624 total test results in 2,314 which increases the positive test percentage to 1.7% and reduces the negative test percentage to 98.3%.

Table 12



There was a small segment consisting of four (4) participants who submitted to drug testing in both time periods. Participant #46 submitted to thirty-eight (38) drug tests that required the \$5 fee, and sixty-seven (67) drug tests that were conducted without cost to the participant. Participant #46 had no positive tests in either time period. Participant #48 submitted to fifty (50) drug tests that required the \$5 fee with no positive tests, and one-hundred eighty-two (182) drug tests conducted without cost to the participant with one positive test. Participant #50 submitted to fifty (50) drug tests that required the \$5 fee, and ninety-nine (99) drug tests that were conducted without cost to the participant, with no positive tests in either time period. Participant #54 submitted to fourteen (14) drug tests that required the \$5 fee, and one-hundred eighty-six (186) drug tests conducted without cost to the participant, with no positive tests in either time period.

The drug testing tracking period for Group #1 was four years and ten months, compared to the tracking period for Group #2 which was two years and five months. The difference in the length of this follow-up period is due to the Northern Hills Drug Court program being established in September of 2007 and then the change in South Dakota drug testing policy which occurred in July of 2012. The shorter two year and five month follow-up period for Group #2 began July 1, 2012, and ended in December of 2014 for the purposes of this study, explaining the differences in duration for the drug testing tracking of the Groups.

Table 13

Group	Sample	Follow-Up Period
1	Admissions September 2007 - July 2012	4 Years, 10 Months
2a	Admissions July 1, 2012 - December 8, 2014	2 Years, 5 Months
2b	Admissions July 1, 2012 - December 8, 2014	2 Years, 5 Months

The percentage of positive tests between the Groups indicated that Group #1 had 2.06% of drug tests positive. Group #2a which included all tests conducted, had .84% positive, and Group #2b, which included only the tests where results were recorded, had 1.69% positive. The average number of tests per participant also varied greatly with Group #1 averaging 106.9 drug tests per participant, Group #2a averaging 52.5 drug tests per participant, and Group #2b averaging 26.3 drug tests per participant.

Table 14

Number Tested	Number of Drug Tests	Number of Positive Drug Tests	Average Number of Tests per Participant	% Positive
56	5,984	123	106.9	2.06%
88	4,624	39	52.5	0.84%
88	2,314	39	26.3	1.69%

For Group #1, the drug testing was conducted primarily by one Probation Officer, and at times utilized staff from the Meade County 24/7 program to conduct the testing, especially for female participants. These drug test results were tracked by the Probation Officer because the program participants were required to pay for the testing, and paperwork was filed at the Meade County Clerk of Courts to monitor the payments. This payment monitoring ended in July 2012 when the participants no longer paid for their UA tests.

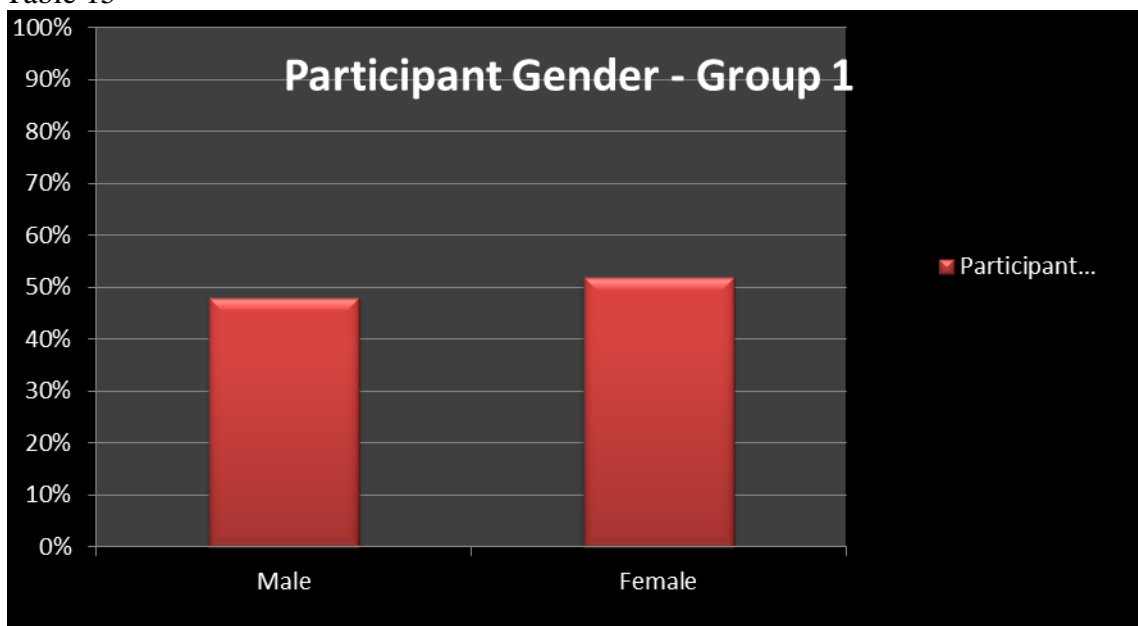
In October of 2010 the drug court increased the supervision of the participants through collaboration between the Fourth Judicial Circuit and the Seventh Judicial Circuit in Rapid City. This added two more Probation Officers for supervision and drug testing of participants that were sentenced to the program from both the Fourth and Seventh Judicial Circuits. In 2011 the Northern Hills Drug Court program obtained a second Probation Officer and so the drug testing was then conducted by four staff. A Drug Court Support Specialist was added in February of 2014 and this position was designed to assist with the drug testing, bringing the total number of drug court staff conducting drug testing to five. These staff additions took place during the tracking period for both Group #1 and Group #2 which resulted in other drug testing protocol changes due to the collaborative efforts between the two Circuits. One major change was the

practice of having drug court participants report to the Pennington County 24/7 program in Rapid City, and the use of a drug testing reporting center operated by Seventh Circuit probation staff. The Meade County 24/7 program in Sturgis was continued to be utilized for drug testing.

PROGRAM COMPLETION RESULTS

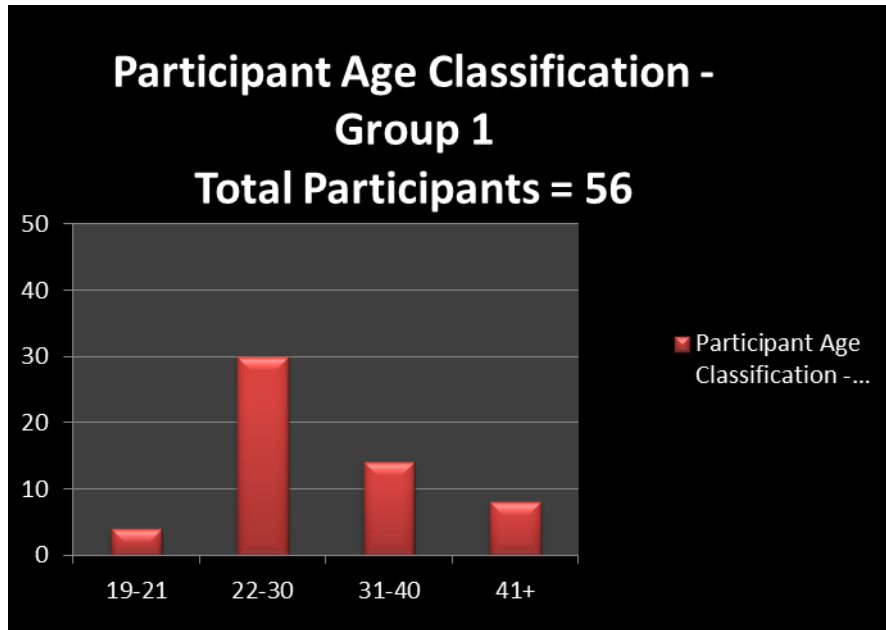
Group #1 Gender consisted of fifty-six (56) participants. Of those fifty-six (56) participants, twenty-seven (27) were male (48%) and twenty-nine (29) were female (52%).

Table 15



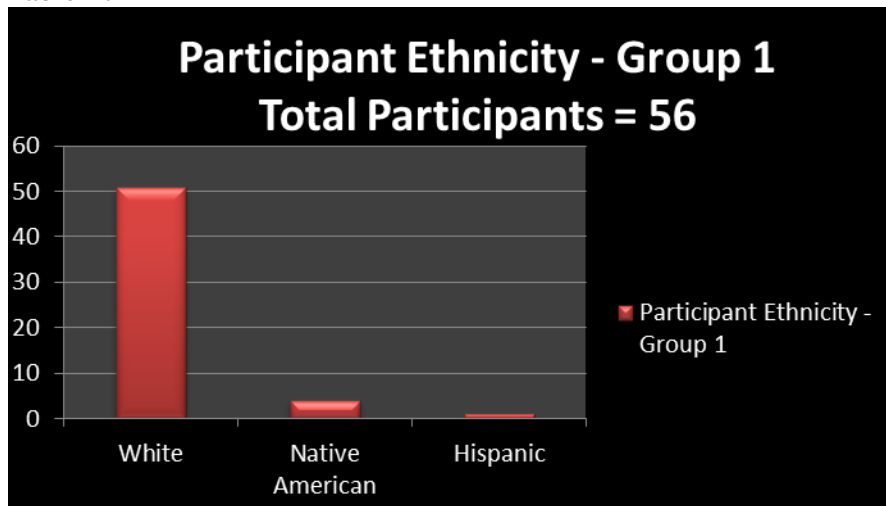
Group #1 Ages of the participants were separated into four categories ranging from (19-21), (22-30), (31-40), and (41+). Four (4) participants ranged in age from 19-21 (7%). Thirty (30) participants ranged in age from 22-30 (54%). Fourteen (14) participants ranged in age from 31-40 (25%). Eight (8) participants were 41+ in age (14%).

Table 16



Group #1 Ethnicity of the participants was fifty-one (51) White (91%), four (4) Native American (7%), and one (1) Hispanic (2%).

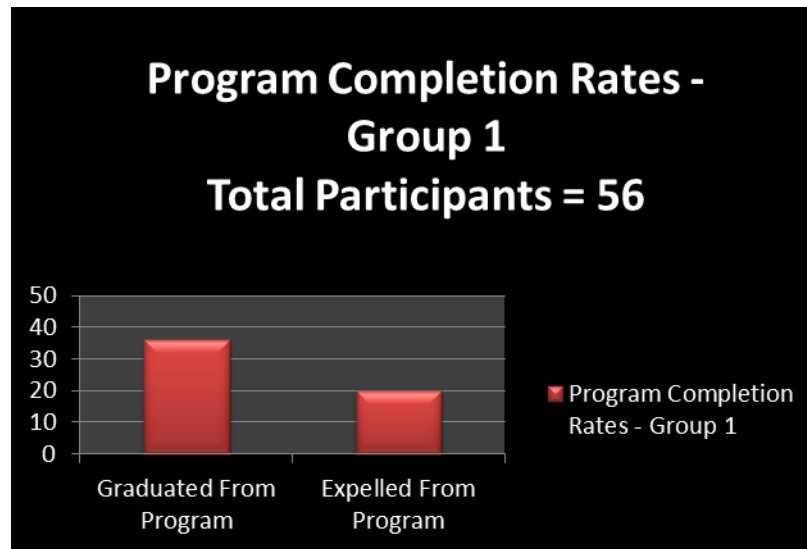
Table 17



Group #1 Drug of Choice of the fifty-six (56) participants was: Methamphetamine – thirty-three (33); Marijuana - six (6); Opioids - six (6); Alcohol/Meth - five (5); Salts - three (3); Alcohol - two (2); and Cocaine - one (1)

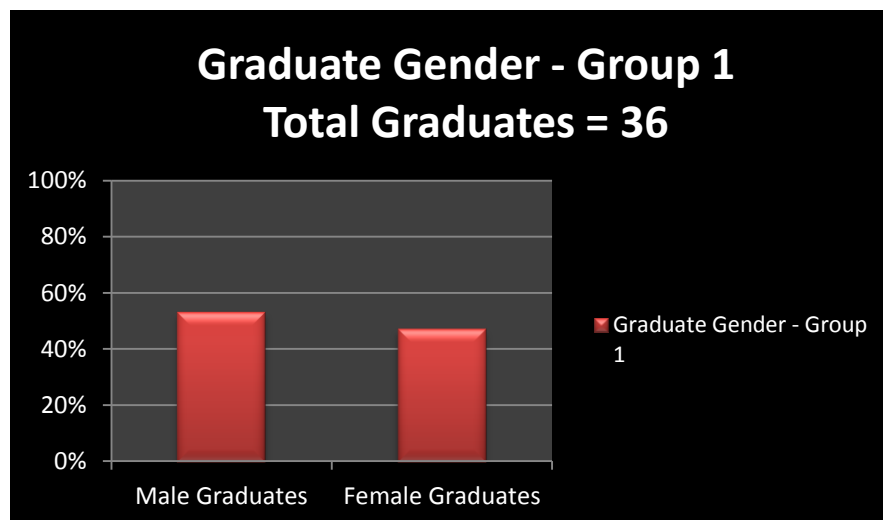
Successful Completion Rates: Of the fifty-six (56) participants in **Group #1**, thirty-six (36) graduated from the program for a successful completion rate of 65%. Twenty (20) participants were expelled from the program and returned to their sentencing Judge to be sent to the penitentiary, for a failure rate of 35%.

Table 18



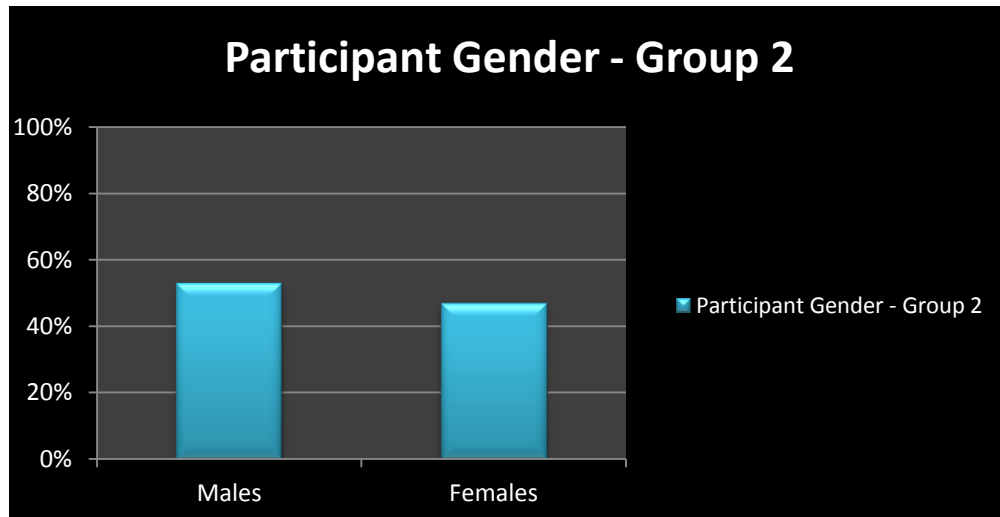
Of the thirty-six (36) graduates in Group #1, nineteen (19) were male (53%), and seventeen (17) were female (47%).

Table 19



Group #2 Gender consisted of eighty-eight (88) participants. Of those eighty-eight (88) participants, forty-seven (47) were male (53%) and forty-one (41) were female (47%).

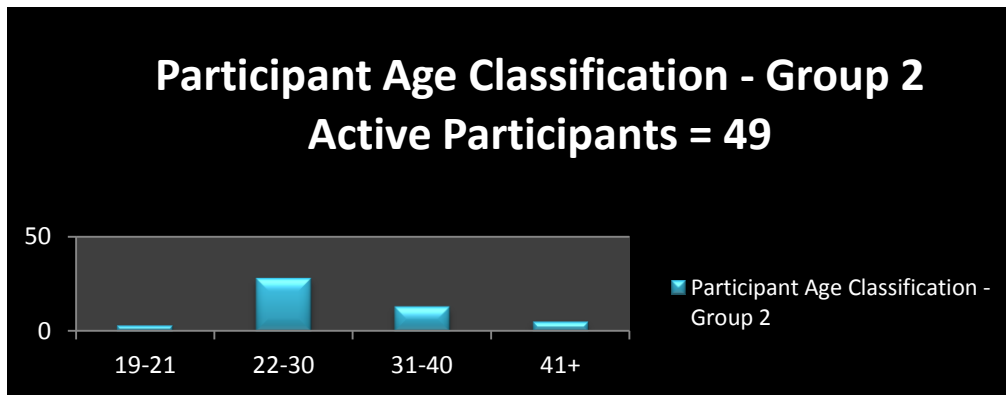
Table 20



Of the eighty-eight (88) participants in **Group #2**, forty-nine (49) remain active in the Northern Hills Drug Court program and were not calculated into the success/failure rates of the program because of their active status.

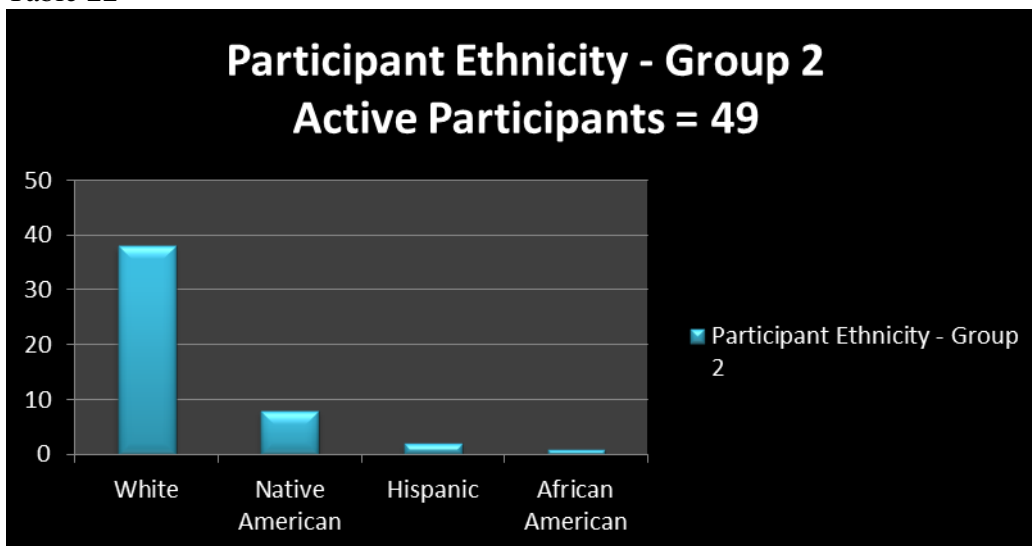
Group #2 Ages of the 49 active participants were separated into four categories ranging from (19-21), (22-30), (31-40), and (41+). Three (3) participants ranged in age from 19-21 (6%). Twenty-eight (28) participants ranged in age from 22-30 (57%). Thirteen (13) participants ranged in age from 31-40 (27%). Five (5) participants were 41+ in age (10%).

Table 21



Group #2 Ethnicity of the 49 active participants was thirty-eight (38) White (78%), eight (8) Native American (16%), two (2) Hispanic (4%), and one (1) African American (2%).

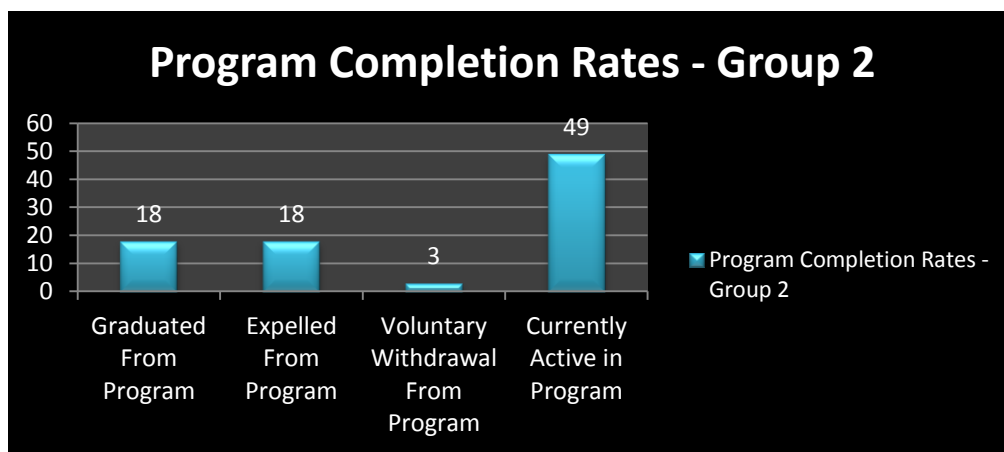
Table 22



Group #2 Drug of Choice of the forty-nine (49) active participants was:
Methamphetamine - twenty-seven (27); Opioids - nine (9); Alcohol - five (5); Marijuana - four (4); Other - two (2); Cocaine - one (1); Missing - one (1).

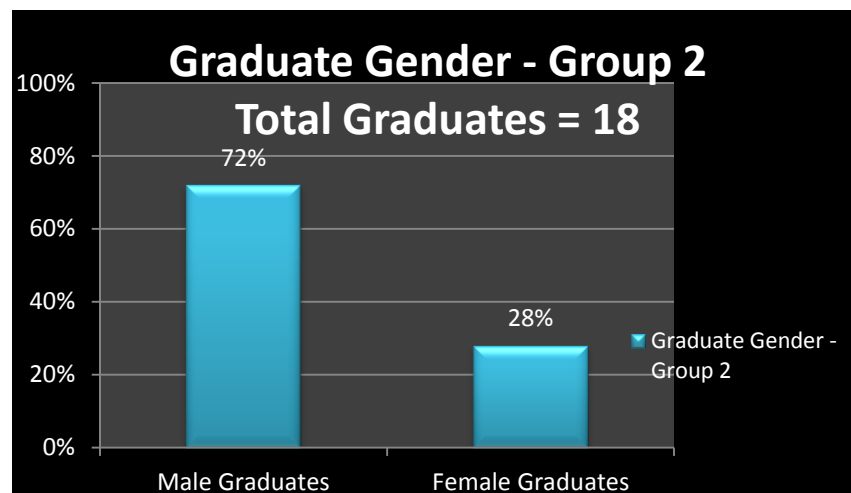
Successful Completion Rates: Of the thirty-nine (39) graduated/terminated participants in **Group #2**, Eighteen (18) graduated from the program for a successful completion rate of 46%. Eighteen (18) participants were expelled from the program and returned to their sentencing Judge to be sent to the penitentiary, for a failure rate of 46%. Three (3) participants voluntarily withdrew from the program and returned to their sentencing Judge to be sent to the penitentiary for a withdrawal rate of 8%.

Table 23



Of the eighteen (18) graduates, thirteen (13) were male (72%), and five (5) were female (28%).

Table 24



RECIDIVISM RATE RESULTS

The recidivism rates for both groups of drug court participants were gathered from the Unified Judicial System Odyssey case management system and institution knowledge of the Northern Hills Drug Court Intensive Probation Officer. The participant data was compared to national benchmark standards for recidivism rates of re-arrest and conviction of another felony within one year after graduation from a drug court program, within two years after graduation from a drug court program, and within five years after graduation from a drug court program.

Group #1 had a total of thirty-six (36) graduates. Of those graduates, nineteen (19) were male (53%), and seventeen (17) were female (47%). Of the graduates seven (7) were rearrested and charged with another crime resulting in a penitentiary sentence for a 20% rate of recidivism. Five (5) of those participants rearrested were within one year after graduating from the drug court program. Three (3) of those rearrested were male (60%), and two (2) were female (40%). Two (2) of those participants rearrested were within two years after graduation from the drug court program. One (1) of those rearrested was male (50%), and one (1) was female (50%).

Group #2 had a total of eighteen (18) graduates. Of those graduates, thirteen (13) were male (72%), and five (5) were female (28%). None of the graduates from **Group #2** have been rearrested or charged with another crime in any category which represents a recidivism rate of 0%, or a 100% success rate. Fourteen (14) participants are within one year after graduation, and four (4) are within two years after graduation from the program.

PARTICIPANT SURVEY RESULTS

Of the 127 surveys that were mailed to the current and former participants of the Northern Hills Drug Court, only 11 completed surveys were returned. This was somewhat disappointing in that it was hoped that there would be significant input from the participants themselves regarding drug testing and the influence of either paying, or not having to pay for testing. Of the 11 participants that responded, eight (8) were current participants and three (3) were graduates.; five (5) were male and six (6) were female; ten (10) were White and one (1) was Hispanic; six (6) were ages 18-29, three (3) were ages 30-39, and two (2) were ages 40-59.

Due the lack of responses, the drug testing and program completion data was collected from other sources, however, some of the responses to the open-ended questions have been added to provide the perspective of the participants.

The open ended questions that related directly to the premise of this paper were:

Table 25

Were you required to pay the \$5 fee for drug testing? Did being required to pay the \$5 fee have a positive/negative impact on your sobriety? What was that impact?

- **Response #1:** “Paid for tests some of the time. I also paid \$1,300.00 so it put a lot of stress on me.”
- **Response #2:** “Paid for tests some of the time. No impact on sobriety.”
- **Response #3:** “Paid for tests some of the time. It had a negative impact because the cost of extra things makes life hard.”
- **Response #4:** “Paid for tests some of the time. It was kind of stressful when not working.”
- **Response #5:** “Yes I paid. The impact was positive: it helped me stay sober.”

- **Response #6:** “Yes I paid. The impact was positive, kept me from doing drugs.”
- **Response #7:** “Not yet. Not having to pay has been positive.”
- **Response #8:** “Paid at 24/7 program. No impact.”
- **Response #9:** “Not yet.”
- **Response #10:** “Did not have to pay. No impact.”
- **Response #11:** “Paid for tests some of the time. Not always easy to have the money.”

VIII. CONCLUSIONS AND RECOMMENDATIONS

Conclusions regarding Impact of Fee Requirements for Drug Testing on Participant Behavior

The results of my study were mixed and at best inconclusive. The drug testing results indicate that participants that were not required to pay for drug testing had a lower incidence of positive tests, with 1.7% of positive tests for that group, versus 2.06% of positive tests for participants that were required to pay for their drug testing. The program completion rate results indicate that the participants that were required to pay for drug testing had a higher successful completion rate of 65%, compared to 46% for the participants who were not required to pay for testing. The recidivism rate results was higher for the participants who were required to pay for testing with 20% being rearrested and charged with another crime upon successful completion of the Northern Hills Drug Court program. As of December 2014, none of the participants who did not pay for drug testing have been rearrested. The results of the open-ended questions from the Participant Survey were also mixed, with five (5) of the eleven (11) respondents stating that paying for drug testing had a negative impact, two (2) of the respondents stating that paying had a positive impact, and four (4) of the respondents stating that paying had no impact whatsoever. The common themes among the participants stating that paying for drug testing had a negative impact on them was that not always having the money to pay was stressful and made life hard. The common themes among the participants stating that paying for drug testing had a positive impact on them was that it helped them to stay sober and kept them from doing drugs.

Recommendations regarding Impact of Fee Requirements for Drug Testing on Participant Behavior

My initial goal for my research was to reconsider the South Dakota Unified Judicial System's

policy implemented in July of 2012 which no longer required probationers and drug court participants to pay the costs of their drug testing. The rationale for the change in policy is that drug testing is a “tool of supervision” and, as such, should be provided by the state. It was also suggested that requiring probationers and drug court participants to pay for testing placed an undue financial strain on them and was counterproductive to rehabilitation. Proponents of the change in fee requirements stated that this additional stress on the probationers was noticed by Probation Officers who then became reluctant to conduct drug testing because of the financial hardship. It was also theorized that Probation Officers would actually conduct more drug tests on probationers and drug court participants if the cost of the testing was paid for by the state. I don’t believe the results of my project produced enough evidence to change the 2012 South Dakota drug testing policy and recommend that the no-fee requirement stays the same. The results do show, however, that the average number of tests of the participants of the Northern Hills Drug Court program were 106.9 tests per participant when they were required to pay for testing, versus 52.5 tests per participant when they were not required to pay for testing, indicating that fewer tests are now being conducted.

Conclusions regarding Drug Testing Results

The drug testing results from the two groups of participants indicates that while both groups of participants had a low percentage of positive drug tests, the participants from Group #2 had better results with fewer positive tests (Group #1: 2.06% and Group #2: .85%). Concerns include the lack of data for positive test results for both groups. The data collected and provided by Mountain Plains Evaluations for Group #1 indicated the positive test results but did not list the types of illicit substances that the specimens tested positive for. The data collected and

provided by the Buffalo system for Group #2 also only indicated the total number of drug tests, with no positive or negative results being listed. The data collected and provided by the Odyssey case management system for Group #2 indicated the positive test results but not the types of substances that the specimens are testing positive for on a consistent basis. Because test results were not listed for Group #2 in the Buffalo system, there were 2,310 tests that were listed as conducted but provided no positive or negative results. This increases the positive test percentages for Group #2 from .85% to 1.7%.

Recommendations regarding Drug Testing Results

The drug testing tracking period for Group #1 was four years and ten months, compared to the tracking period for Group #2 which was two years and five months. The difference in the length of this follow-up period is due to the Northern Hills Drug Court program being established in September of 2007 and then the change in South Dakota drug testing policy which occurred in July of 2012. The shorter two year and five month follow-up period for Group #2 began July 1, 2012, and ended in December of 2014 for the purposes of this study, explaining the differences in duration for the drug testing tracking of the two Groups.

For Group #1, the drug testing was conducted primarily by one Probation Officer, and at times utilized staff from the Meade County 24/7 program to conduct the testing, especially for female participants. These drug test results were tracked by the Probation Officer because the program participants were required to pay for the testing, and paperwork was filed at the Meade County Clerk of Courts to monitor the payments. This payment monitoring ended in July 2012 when the participants no longer paid for their UA tests.

In October of 2010 the drug court expanded the parameters of the program through

collaboration between the Fourth Judicial Circuit where the program started, and the Seventh Judicial Circuit in Rapid City. This added two more Probation Officers for supervision and drug testing of participants sentenced to the program from both the Fourth and Seventh Judicial Circuits. In 2011 the Northern Hills Drug Court program obtained a second Probation Officer and so the drug testing was then conducted by four staff. A Drug Court Support Specialist was added in February of 2014 and this position was designed to assist with the drug testing, bringing the total number of drug court staff conducting drug testing to five. These staff additions took place during the tracking period for both Group #1 and Group #2 which resulted in other drug testing protocol changes due to the collaborative efforts between the two Circuits. One major change was the practice of having drug court participants report to the Pennington County 24/7 program in Rapid City, and the use of a drug testing reporting center operated by Seventh Circuit probation staff. The Meade County 24/7 program in Sturgis was continued to be utilized for drug testing.

It is recommended that for the drug testing of the participants of the Northern Hills Drug Court program continue to remain in compliance with Key Component #5 of the Drug Court Model: Abstinence is monitored by frequent and random alcohol and other drug testing. It is obvious from the sheer number of drug tests that the Northern Hills Drug Court staff is doing an excellent job conducting frequent and random drug tests. The main concern regarding the testing system is that results may not be accurately or consistently recorded, which negates the hard work and effort put in by the staff to conduct the testing. If results are not accurately accounted for in the Buffalo or Odyssey system, program results will be negatively impacted. It is

recommended that the Odyssey and Buffalo system be linked to share drug testing information including number of drug tests conducted, testing results, and illicit substance results from positive tests. It is further recommended that staff continue to accurately enter these drug testing results into the computer systems.

Conclusions regarding Program Completion Results

The program completion results indicate that the fifty-six (56) participants in Group #1 had a higher successful completion rate of 65% with thirty-six (36) graduating from program, and twenty (20) being expelled from the program. While Group #2 had more participants with a total of eighty-eight (88), forty-nine (49) of those participants remain active in the drug court program and were not counted as “completing the program”. Of the thirty-nine (39) Group #2 participants that “completed” the program, the successful completion rate was 46% with eighteen (18) graduating from the program, eighteen (18) being expelled from the program, and three (3) voluntarily withdrawing from the program.

Recommendations regarding Program Completion Results

With the continuation over time of the Northern Hills Drug Court, the potential exists for many more participants to graduate from the program, and the successful completion rate percentage should increase. By utilizing the current admissions screening process, the implementation of the new sanctions & incentives grid, and continued monitoring of participant sobriety through a variety of drug and alcohol testing devices, the completion rate should continue to rise while the number of participants expelled from the program should decrease.

Conclusions regarding Recidivism Rate Results

The participants from Group #1 had a higher recidivism rate with seven (7) of the thirty-six (36) graduates being re-arrested. Five of those re-arrested occurred within the first year of graduation from the drug court program, and two occurred within two years of graduation. These results indicate an 80% success rate regarding recidivism for Group #1. Group #2 has had eighteen (18) graduates from the drug court program, with four (4) of those graduates surpassing the one year mark. These results indicate a 100% success rate regarding recidivism for Group #2.

Recommendations regarding Recidivism Rate Results

It is recommended that statistical information regarding graduates from both groups of participants continue to be gathered to monitor recidivism rates to compare to the drug court national benchmark standards of re-arrest within one-year, two-years, and five-years after graduation. This on-going monitoring would be beneficial to South Dakota's Unified Judicial System in demonstrating the effectiveness of the specialty court programs statewide in the utilization of tax dollars for the rehabilitation of drug and alcohol offenders within the statewide court system.

IX. REFERENCES

- Adult Drug Courts: Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes. (February 28, 2005). *United States Government Accountability Office*.
- Carey, S. M., Mackin, J. R., & Finigan, M. W. (2012). What works? The Ten key components of Drug Court: Research-based best practices. *Drug Court Review*, 8(1), pp. 6-42.
- National Association of Drug Court Professionals. (1997). *Defining Drug Courts: The key components*. Washington, DC: Office of Justice Programs: U.S. Dept. of Justice.
- Huddleston, C. W., Feeman-Wilson, K., Marlowe, D.B., & Roussell, A.P. (2005, May). Painting the Current Picture: A National Report Card on Drug Courts and Other Problem Solving Courts, I(2). *Alexandria, VA: National Drug Court Institute, National Association of Drug Court Professionals*.
- Marlowe, D. B., Dematteo, D.S. & Festinger, D. S. (2003). A sober assessment of drug courts. *Federal Sentencing Reporter*, 16, pp. 153-157.
- Rubio, D. C., Cheesman, F., & Federspiel, W. (2008, July). Performance Measurements of Drug Courts: The State of the Art. *Statewide Technical Assistance Bullentin, Volume 6*.
- Skinner, B. (1950). Are theories of learning necessary? *Psychological Review*, 57(4), pp. 193-216.
- South Dakota Unified Judicial System, Northern Hills Drug Court (2007). Program Manual: Eligibility Criteria, pp. 3-4.
- South Dakota Unified Judicial System, Northern Hills Drug Court (2007). Participant Manual: Program Fees, pp. 5.

Appendix 1 - Northern Hills Drug Court Statistical Report



South Dakota Unified Judicial System

7/1/13 TO 12/8/14

Northern Hills Drug Court

Statistical Report

Clients Admitted During Period: 48

GENDER

Total Males	19	Total Females	29
Percentage	39.58%	Percentage	60.42%

ETHNICITY

African American:	1	%	2.08%
Caucasians:	37	%	77.08%
Hispanic:	2	%	4.17%
Native American:	5	%	10.67%
Asian:	2	%	0.00%
Other:	2	%	0.00%
Missing Ethnicity:	0	%	0.00%

AGE CLASSIFICATION

12-16:	0	%	0.00%
17-18:	0	%	0.00%
19-21:	2	%	5.25%
22-30:	27	%	56.25%
31-40:	13	%	27.08%
41 or Over:	5	%	10.42%
Missing:	0	%	0.00%

DRUG OF CHOICE

Opioids:	9	%	18.75%
Crack:	0	%	0.00%
Cocaine:	1	%	2.08%
Marijuana:	4	%	8.33%
Alcohol:	0	%	0.00%
Methamphetamine:	27	%	56.25%
Other:	2	%	4.17%
Missing:	1	%	2.08%

CASE STATUS

Active during Period:	48
Graduated during Period:	20
Missing (No Status marked):	2
Terminated during Period:	14

CASE STATISTICS (ALL TIME)

Total Cases: 80	Retention Rate: 52.50%
Currently Active: 48 % 60.00%	Graduation Rate: 58.33%
Graduates: 20 % 25.00%	Retention % Rate = $\left(\frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} + \frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} \right) \div \left(\frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} + \frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} \right)$
Missing: 2 % 0.00%	Graduation % Rate = $\left(\frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} \right) \div \left(\frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} + \frac{\text{Total number of graduates since program's inception}}{\text{Total number of graduates currently enrolled}} \right)$
Terminated: 14 % 17.50%	

Children Affected: 117

Appendix 2 - Mountain Plains Evaluation Drug Testing Summary (9/07-6/12)

1	46c0700017A0	9/4/2007	9/5/2007	9/9/2008	371	134	2.79	134	0
2	46c05000391A0	9/4/2007	9/7/2007	5/5/2009	607	215	2.84	214	1
3	46c06000171A0	10/4/2007	10/2/2007	11/24/2008	420	141	3.00	139	2
4	46c07000735A0	11/9/2007	11/9/2007	11/24/2008	382	133	2.89	133	0
5	46c06000199A0	12/4/2007	12/7/2007	8/27/2009	630	215	2.94	214	1
6	46c07000984A0	12/18/2007	12/24/2007	1/8/2009	382	130	2.96	130	0
7	09c08000028A0	3/24/2008	3/27/2008	4/1/2009	371	130	2.88	124	6
8	46c07001236A0	7/8/2008	7/11/2008	8/28/2009	414	151	2.76	151	0
9	09c08000022A0	7/21/2008	7/15/2008	12/4/2009	508	170	3.01	168	2
10	46c08000240A0	7/17/2008	7/24/2008	9/24/2008	63	11	6.30	11	0
11	40c06000195A0	9/2/2008	8/29/2008	11/15/2009	444	151	2.96	151	0
12	40c08000465A0	9/23/2008	9/26/2008	9/15/2010	720	209	3.46	209	0
13	40c06000328A0	9/25/2008	10/5/2008	4/21/2010	564	205	2.76	205	0
14	09c05000228A0	12/7/2008	12/23/2008	2/8/2009	48	16	3.20	6	10
14a	46c05000208A0	1/16/2008	1/20/2008	4/17/2008	89	28	3.30	28	0
14b	46c06000749A0	4/10/2008	4/10/2008	4/22/2008	13	5	3.25	3	2
15	46c07000754A0	1/21/2009	1/21/2009	6/15/2011	876	260	3.38	260	0
16	09c06000018A0	3/12/2009	3/27/2009	5/31/2009	66	24	2.87	23	1
17	40c07000236A0	7/8/2009	5/5/2009	6/28/2010	420	165	2.56	165	0
18	46c08000964A0	7/20/2009	4/20/2009	9/20/2010	519	127	4.12	127	0
19	46c07000947A0	5/26/2009	5/25/2009	9/27/2010	491	132	3.75	132	0
20	46c09000491A0	1/25/2010	10/29/2009	5/9/2011	558	148	3.80	148	0
21	46c09000228A0	12/10/2009	12/8/2009	12/6/2011	729	181	4.05	179	2
22	40c09000070A0	12/15/2009	12/8/2009	9/7/2011	639	198	3.24	198	0
23	46c09000792A0	1/21/2010	1/12/2010	5/9/2011	483	135	3.60	135	0
24	46c09000783A0	4/13/2010	2/18/2010	6/28/2011	496	143	3.49	143	0
25	40c09000148A0	7/21/2010	7/20/2010	12/2/2011	501	125	4.04	97	28
26	46c09000822A0	6/11/2010	3/23/2010	6/28/2011	463	91	5.14	91	0
27	46c09000732A0	5/24/2010	5/24/2010	5/3/2011	345	93	3.75	93	0
28	46c10000130A0	2/7/2011	1/1/2011	2/24/2012	420	122	3.47	123	3
29	46c09000766A0	7/26/2010	9/27/2010	12/15/2011	445	115	3.90	113	2
30	46c10000292A0	7/21/2010	9/3/2010	10/11/2011	404	94	4.34	94	0
31	51c10001612A0	2/4/2011	12/21/2010	8/23/2011	246	70	3.57	70	0
32	51c10004876A0	3/21/2011	3/23/2011	6/25/2012	461	151	3.07	150	1
33	033	6/28/2011	6/28/2011	6/28/2011	1	1		1	0
34	034	4/26/2011	5/2/2011	6/25/2012	421	121	3.51	121	0
35	035	11/17/2011	7/18/2011	6/28/2012	347	99	3.54	42	58
36	036	7/18/2011	7/18/2011	6/25/2012	344	99	3.51	99	0
37	037	11/3/2011	10/29/2011	6/28/2012	244	79	3.13	79	0
38	038	5/31/2011	6/3/2011	5/21/2012	354	91	3.93	90	1
39	039	6/28/2011	7/1/2011	5/22/2012	327	89	3.72	89	0
40	040	10/4/2011	7/18/2011	12/23/2011	159	53	3.06	53	0
41	041	11/17/2011	11/21/2011	5/8/2012	170	50	3.47	50	0
42	042	10/4/2011	9/29/2011	10/24/2011	26	9	3.25	9	0
43	043	12/1/2011	12/27/2011	6/28/2012	185	62	3.03	62	0
44	044	11/4/2011	10/4/2011	6/28/2012	269	79	3.45	79	0
45	045	10/18/2011	12/23/2011	6/28/2012	189	63	3.05	63	0
46	046	12/6/2011	3/11/2012	6/28/2012	110	38	2.97	38	0
47	047	2/21/2012	2/21/2012	6/28/2012	129	40	3.31	40	0
48	048	1/17/2012	2/3/2012	6/28/2012	147	50	3.00	50	0
49	049	3/30/2012	4/1/2012	6/28/2012	89	32	2.87	32	0
50	050	4/20/2012	4/21/2012	6/28/2012	69	25	2.88	25	0
51	051	3/1/2012	2/24/2012	6/28/2012	126	43	3.00	43	0
52	052	3/15/2012	3/6/2012	6/28/2012	115	39	3.03	39	0
53	053	6/26/2012	5/23/2012	6/28/2012	37	14	2.85	14	0
54	054	5/22/2012	5/23/2012	6/28/2012	37	14	2.85	14	0
55	055	5/1/2012	5/25/2012	6/28/2012	35	14	2.69	10	4
60	060	7/10/2012				0		0	0

Appendix 3 - Odyssey Case Management System Supervision Drug Testing Results (7/12 – 12/14)

Supervision Drug Test Results

SDDYPROD

Date Range: 07/01/2012 to 12/31/2013 Case Type: Case Status: Officer: Pankratz, Chris, Fred Location: Meade Adult

Meade Adult

Date	Party Name	Level	Case #	Reason	Test Type	Drug Panels	Overall Drug Test Results	Drug	Drug Results	Specimen ID	Requested By
12/02/2013		Intensive	51C12002089A0; 51C12000536A0		Urinalysis	Cassette5	Negative				

Total Meade Adult: 1,558

Grand Total: 1,558

Printed on 12/11/2014 3:21 PM

Page 107 of 107

Appendix 4 - Odyssey Case Management System Supervision Drug Testing Results (1/14-12/14)

Supervision Drug Test Results

SDODYPROD

Date Range: 01/01/2014 to 12/08/2014 Case Type: Case Status: Officer: Panikratz, Chris, Fre Location: Meade Adult

Meade Adult

Date	Party Name	Level	Case #	Reason	Test Type	Drug Panels	Overall Drug Test Results	Drug	Drug Results	Specimen ID	Requested By

Total Meade Adult: 1,568

Grand Total: 1,568

Printed on 12/08/2014 12:33 PM

Page 99 of 99

Appendix 5 - Buffalo System Contact Count (7/13-5/14)

South Dakota Unified Judicial System

Contact Count

07/01/13 Through 05/21/14

Client

Collateral

Court

Field Visit

Office
Meeting

Phone Call

Breathalyzer

Urine Tox

Law
Enforcement
Contact

29

24

39

51

10

0

73

0

2

3

9

4

2

3

5

0

48

35

44

51

9

2

83

0

10

12

41

9

10

0

62

0

26

32

73

28

176

7

111

0

25

20

63

47

9

1

103

0

1

2

11

12

6

0

11

0

23

15

30

12

47

2

40

0

36

7

18

3

52

0

12

0

20

35

44

61

11

1

98

0

Appendix 6 - Northern Hills Drug Court Participant Survey Questions & Disclaimer

Northern Hills Drug Court Participant Survey Questions

Participation in this survey is completely voluntary. You may refuse to answer any question at any time and there is no consequence for declining to participate in this survey. The choice to participate is solely yours. While it is not required that you complete this survey, your participation would be beneficial to the improvement of Drug Courts in South Dakota. The results will be used for educational purposes and program development only. This is an anonymous survey sent to participants and former participants. Your identity (name, address or email address) will not be linked to this survey for any purpose.

- Please list your participant status in the Northern Hills Drug Court program: Current participant__ Former participant__.
- Please indicate your gender: Male____ Female____
- Please indicate your age-group while a participant in the drug court program: 18-29__ 30-39__ 40-59__.
- Please indicate your racial background: White____ Hispanic____ Native American____ African American____ Asian ____.
- Please indicate the type of criminal offense that placed you in the drug court program: Drug Offense____ Theft____ DUI____ Other____.
- Please indicate the number of felony convictions prior to your participation in Drug Court ____.
- What was your age at your first felony conviction? ____.
- If you are a former participant, did you successfully complete/graduate from the Northern Hills Drug Court program? Yes____ No____.
- While a participant in the Northern Hills Drug Court program, were you required to submit to drug testing? Yes____ No____
- While a participant in the Northern Hills Drug Court program, were you required to pay the \$5 fee for your drug testing? Yes____ No____ Paid for tests some of the time____.

- Did being required to pay the \$5 fee for your drug testing have a positive/negative impact on your sobriety? Yes___ No___.
- What was that impact? _____.
- Did being required to pay the \$5 fee for your drug testing have a positive/negative financial impact? Yes___ No___.
- What was that financial impact? _____.
- Did not being required to pay for your drug testing have a positive/negative impact on your sobriety? Yes___ No___.
- What was that impact? _____.
- While a participant in the Drug Court program did you ever test positive for a mind-altering substance? Yes___ No___.
- If you tested positive for a mind-altering substance while a participant, what type(s) of substance(s) tested positive? Marijuana_____ Methamphetamine_____ Cocaine_____ Opiates_____ Synthetic Marijuana_____ Benzodiazepine_____
- **For Graduates:** Have you used any **legal** mind-altering substances (alcohol or prescription medications) since graduating from the program? Yes___ No___.
- **For Graduates:** Have you used any **illegal** mind-altering substances since graduating from the program? Yes___ No___.
- **For Current Participants:** Have you used any **legal** mind-altering substances (alcohol or prescription medications) while in the program? Yes___ No___.
- **For Current Participants:** Have you used any **illegal** mind-altering substances while in the program? Yes___ No___
- **For Graduates:** Have you been convicted of another crime or been sentenced to the penitentiary since graduating from the program? Yes___ No___
- **For Graduates:** How long after graduating from the program were you convicted of another crime?
- **For Graduates:** Have you participated in any Drug Court Alumni Group activities?
- What strategies/support systems did you use to maintain your sobriety while a participant in the program?

- What strategies/support systems do you use to maintain your sobriety as a former participant in the program?
- Did you complete Intensive Outpatient Treatment while a participant of the drug court program?
- Did you attend support group meetings (AA/NA) meetings on a regular basis while a participant of the drug court program?
- Do you currently have an AA/NA sponsor?
- Did you complete MRT while a participant of the drug court program?
- Have you ever attended and/or completed Inpatient Chemical Dependency Treatment while a participant?