

**A Justice
Research Institute
Report**

**Winnipeg Drug Treatment Court
Program Evaluation
For Calendar Year 2014**

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1. Executive Summary

Overview

The Winnipeg Drug Treatment Court (WDTC) has completed just over nine years of client service (January 2006 – January 2015). This report provides an evaluation of program outcomes over that span, including: success in accessing the target population, graduation rates, discharge rates, court outcomes and recidivism rates. The study uses quantitative data from official records such as client files, court records, criminal history and corrections data. This year we are able to summarize quantitative data from 290 clients who are currently enrolled or who had attended over the past nine years. This is up from very small sample numbers in prior evaluations (e.g., only 52 in 2008-09). We provide recidivism/outcome data for 262 cases, up from 242 last year. Significantly, this year we conducted a quasi-experimental study comparing drug court participant recidivism to a group of high risk probationers with similar drug addiction scores.

The WDTC over the past nine years has been mostly federally funded, with in-kind contributions from the province of Manitoba, and started taking clients in January 2006. Over the course of the first year the program developed a staffing model of one manager, three counsellors, one administrative assistant and one case manager. In 2011 they added a housing support worker through Human Skills and Development federal funding, and a transition house. The position and residence funding was terminated at the end of 2013.

The program was modified operationally in 2014, with a team leader on-site and an off-site program manager managing the drug court along with other programs at the Addiction Foundation of Manitoba (AFM). The new team leader brought in an emphasis on evidence based programming and considerable clinical experience, which appears to have been to the program's benefit. Staff turnover was significant, but a committed group formed and delivered service over the course of the year.

The 2014-15 program year was a tumultuous one for the drug court. Earlier in 2014 the federal government indicated that they were ceasing their share of funding, while the province indicated that it was not prepared to fund it alone. Thus, the WDTC refused to take cases after April 2014, as there no funding commitment beyond March 31 2015. The federal and provincial governments have finally come to a tentative agreement, with a three year commitment by the federal government, so the program will continue. At the time of this writing, however, the Winnipeg drug court was scheduled to be on hiatus come March 31st, with the remaining 13 clients being provided drug court –type services from AFM until they transition over to the new Manitoba Justice program location. A slightly modified drug court is planned, with a program manager, two case managers and two counselor/therapists. Traditional services (individual and group counseling, court appearances, incentives, sanctions, curfew, drug testing) will be provided but case management and therapist roles will become more distinct. The provincial department of justice will oversee the court through its program manager, while AFM will provide functional support through a manager/consultant on treatment services.

The staff have generally used a detailed “stages of change” phase program that is applied through group and individual counselling. Staff also referred clients actively to community agencies and advocate on their behalf for services. The program took a “therapeutic justice” approach; clients attended court weekly and, based on performance,

could receive encouragement and incentives or admonishments and punishments from the presiding judge and court team. The WDTC applied principles of “harm reduction” in exercising considerable discretion to deal with client problems such as missed appointments, group sessions or failed urinalysis tests. Program goals centred on improving client knowledge of addictions, providing information on community resources, helping clients manage their addiction and improving client life skills. An overall goal was to reduce harms associated with drug use and addiction. The program was governed by an Executive Steering Committee comprised of representatives from criminal justice, addictions treatment and human services agencies. The WDTC will now come directly under oversight of Manitoba Justice.

This is the eighth evaluation conducted by researchers from the University of Winnipeg. Our evaluations in recent years have offered some programming suggestions but served more as administrative summaries of the program and its performance; no significant problems with the program have been observed, thus no strong recommendations have been deemed necessary in the last few years. This year, however, we recommend more careful track be kept of processing time and waiting lists to be sure the program is achieving optimally in its emphasis on reducing custody. We also believe that high performers in the program are being kept on too long, and would like to see 12 months established as an eligible discharge period.

Methods

We use a multi-method approach in our annual evaluations, including:

- accessing of official records compiled originally by WDTC staff in paper files and automated data bases;
- use of comparative offender data provided by Manitoba Corrections;
- informal interviews with the program director and program workers;
- court attendance;

This is the fifth year graduates completed a *procedural justice scale* survey that helps assess how fairly they felt that they were dealt with in the program. This scale has been used in drug court evaluations in other jurisdictions and we feel it has added an important outcome measure for annual evaluations. This year we also conducted a comparison recidivism study between DTC cases and probation cases.

Findings – Client Profile

We saw few changes in the drug court client profile for cases admitted 2006-2014.

- Drug court cases average 30 years of age (range from 18-64), two of three admissions are male, 45.6% are Indigenous and 52% Caucasian, fairly similar to last year. The proportion of First Nations or Métis clients increased significantly over the first three years of WDTC operation, but has not changed much the past four years.
- Around 72% of admissions are single and unemployed upon entering the program.
- Education levels have stayed at around 56% of cases with grade eleven or more.
- Drug trafficking (or possession for the purpose) is the typical client charge (58%), up a bit, followed by break-ins (13%) and a bit surprisingly, robberies (9%).

- 82% of participants have a criminal history, down 3% from 2013. About 31% have a record for violence. These convictions are typically for minor assaults or are old crimes.
- Most drug court cases were *high risk/needs* on the community corrections Primary Risk Assessment and Level of Service/Case Management Inventory (59%), but *low risk* on the provincial inmate Institutional Security Assessment (84%).
- The primary drug of choice cocaine (60%) is popular at a rate similar to past years, but its prominence declined from the choice of 76% of clients five years ago. Crystal methamphetamine remains the second most common drug of choice (16%) and cannabis is the third highest (10%). Other drugs of choice include opioids, hallucinogens, amphetamines and ecstasy.

In summary, the profile of drug court referrals did not change substantially since last year's evaluation.

Findings – Graduates and Discharged Cases

- Of 262 cases enrolled in the WDTC from January 2006- December 2014, 77 clients graduated, a proportion of 29.4%. Thus about one in three admissions makes it through the rigorous WDTC program.
- Compared to discharged cases, graduates were more likely to be Caucasian, divorced/separated, better educated, employed upon admission to drug court, have no criminal histories or records of violence, or showed lower ISA or PRA risk/needs scores. Most differences were relatively small.
- We were able to track the court outcomes for 161 of 185 discharged and opted out cases
 - 14% received federal terms of two years+ (17% last year);
 - 38% were sentenced to provincial terms of six months to two years (42% last year);
 - 19% received terms of less than six months (same);
 - 29% were granted either a conditional sentence or probation (up from 22% last year).

Court outcomes for discharged cases continued a trend of being less severe overall than the previous year. It is difficult to precisely assess the severity of dispositions because of presentence credits. In some cases, drug court clients may have received some credit by a judge for their time in the WDTC program, their time in custody prior to entering the drug court, or remand time after being breached for non-compliance and arrested. While we try to account for remand time in custody in sentence calculations, this data is not always available.

Findings – Recidivism Outcomes

Our program numbers are relatively small and some of our follow-up periods are short, but the WDTC crime free success rate still must be considered a most positive outcome. This year we had data available on 77 graduates and 185 discharged cases. All subjects were followed up after they entered the program and, in the case of graduates, for the 24 month period following graduation. New predatory convictions are as follows:

- The WDTC recidivism rate was estimated this year using convictions only for predatory or drug crimes (new charges are not presented). For graduates it was 13.0%, lower than 14.5% last year, very low for a serious offender group (Table 5). One administrative conviction, if counted would raise recidivism marginally to 14.3%.
- This compares favourably to Manitoba re-offence rates for offenders on probation (28%), conditional sentences (32%) or readmitted provincial custody (66%).
- 38.4% of discharged cases were convicted of a new drug or predatory crimes, down from last year (Table 5).
- Using all 262 cases (graduated, discharged, quit program on their own) recidivism for convictions tallied 30.5%, almost identical to last year.

Recidivism rate comparisons must be made with caution because the follow-up periods are, on average, longer for Manitoba Corrections cases. In addition, the drug court is a special population of drug addicted offenders, while Manitoba Corrections tracks all offenders assigned community dispositions or provincial custody. Regardless, re-offence findings are quite favourable for the WDTC.

Procedural Justice Scale

Each year we administer a short 13 item procedural justice Likert scale to WDTC graduates. The scale is intended to briefly assess how fairly they felt that they were treated in the drug court. Approval ratings were again, quite high (mean over 4 on 5 point Likert). Clients average ranking for the process itself, counsellors, lawyer and judge all over four on a five point scale and over three on a four point scale. The only relatively low score (3.5) was for the question asking the subject if they or their lawyer were listened to when they first came to drug court. Similar to last year, there was a slight improvement in the average satisfaction rates. Generally though, it seems that each cohort of graduates rates the drug treatment quite similarly (and high) in terms of procedural fairness.

Findings – Qualitative Interviews

Motivation to Join and Social Circumstances Coming into the Program

- We again found the majority of our six interviewed graduates this year reporting that avoiding jail was their primary motivation.
- A continued trend was the mention of keeping children and quitting a tiresome addict's life as motivators.
- Like last year, some respondents indicated that they chose the drug court because of recommendations from other addicts.
- No health problems were reported, except for one subject with mental health related anxiety that was being managed.
- Continuing a trend observed from last year's interviewees, clients reported employment, school, or financial support coming into the program. There were several complaints about drug court restrictions on work when starting the program.

Program Involvement

- Clients appeared to find the drug court to be a good push to become involved in pro-social activities in their spare time.
- Most clients this year did not feel that they needed much help for finances, housing or work, a continuing trend amongst graduates.
- Group work was again popular with all of this year's graduates. Some changes brought into the groups by the new WDTC supervisor were noted and commented on favourably.
- Individual one on one work was again rated highly by all graduates. There were some complaints about a counselor no longer with the program.
- Relationships with other clients were generally positive.
- The incentive program was commented on favourably, some graduates noted it was particularly important when first getting out of jail with little in the way of support.

Program and Graduation

- Graduates viewed the drug court as much different from the regular court system. Most importantly, they felt that the drug court treated them with respect. Similar to last year, there were complaints about the overuse of weekly court appearances for individuals doing well in the program.
- Clients identified most program features as strengths. The program staff were singled out as a strength. Continuing a trend in recent years, interviewees viewed accountability measures such as urinalysis and curfew checks as important.
- All six interviewees were working, a first (often graduates may not work but will attend school). All were in good health and most were still involved in AA, CA or NA community groups for support.
- Most clients recognized the value of the WDTC program, but attributed success to their genuine commitment to change. A willingness to "do the work" was mentioned. Succeeding because of their children also mentioned, a trend in the last few years.

Findings: Quasi-Experimental Study Comparing Drug Court Clients with Probationers

A weakness with the drug court's reported recidivism rates is that they are compared to a broad range of offenders serving community or custodial sentences. It is preferable that they be compared to other addicts who have similar demographic and risk characteristics. Towards this end, we compared a matched sample of 63 drug court cases with 167 probation cases from similar time periods, following up each group for 12 months and comparing on new charges.

- Offenders were taken from around 2011 and matched on age, gender, race, addiction level and risk level.
- Following up our samples for 12 months, we observed that 19% of the drug court cases faced new charges, compared to 31.1% of the probation group.
- Furthermore, the bulk of drug court charges were breaches (58.7%), while probationers faced administrative charges only 32.7% of the time.
- Finally, 29% of new probationer charges were for violent crimes, while this impacted only 8.3% of drug court cases.

Summary and Looking Forward

Despite a difficult year organizationally, the Winnipeg Drug Treatment Court outputs and outcomes continue to indicate a program that is functioning effectively. Re-offence rates are low, client perceptions of fairness generally high, and our recent quasi-experimental analysis with an equivalent group of probationers shows substantive differences favourable to the drug court.

Graduates over the last two years often appear to have had considerable support coming into the program. Complaints about the length of the program and reluctance to reduce requirements, even when participants are doing well, appear to have increased. It appears to us that the WDTC should look to reduce program time for high performing clients. We recommend that a minimum twelve month period be attainable for high performing clients as an option. This time period is offered by other drug courts, and a span of 12-24 months is a reasonable program option.

We also recommend that data be gathered to assess processing time for drug court clients and wait lists. This will help assess how efficient the WDTC are at processing cases, and how many are held back on wait lists, and for what reason.

2. The Winnipeg Drug Treatment Court

2.1 Program History and Description

The three catalysts for proposing a drug treatment court in Winnipeg were:

1. The identification of a high percentage of addiction treatment clients dealing with criminal charges¹.
2. The Winnipeg Police Service linking the arrival of methamphetamines, ecstasy and GHB (gamma-Hydroxybutyric acid,) to Winnipeg with an increase in crime rates.
3. Various advocacy groups in Winnipeg identifying special population groups where addiction and crime intersected. These groups were recognized to have specific treatment needs. They included (i) Aboriginal persons who are over represented in the criminal justice system, addictions programs, and service communities and (ii) sex trade workers whose addiction is a key barrier to exiting a criminal lifestyle.

The goals of the proposed Winnipeg court, while modeled after other Canadian DTCs, are unique to Winnipeg and focus on ensuring that the most marginalized persons have full access to drug treatment and other services necessary to address the link between criminal rehabilitation and drug treatment. The vision of the court is that it:

“...exists to break the cycle of drug use, criminal behaviour, and incarceration by establishing a partnership between courts, treatment agencies, and community agencies. The WDTC will do so in an inclusive way but will be specifically cognizant of the over-representing of aboriginal men and women incarcerated in Manitoba. The WDTC will tailor its program to address the specific needs of groups such as young aboriginal men and aboriginal women with children in a culturally appropriate way.”

¹ A prominent Winnipeg addictions program reported that an unusually high percentage of their clients (46% of adult clients and 48% of youth clients) were involved in the court system because of their drug use.

The program couples the strengths of the criminal justice system with the strengths of a focused addictions treatment program that utilizes existing community services. This model is meant to benefit the clients and the public. Short and long term outcomes include:

- direct client impact/outcomes such as increased knowledge relating to addiction;
- information on community supports to all qualified offenders;
- improving a participant's life skills through employment, vocational, and interpersonal support, and;
- societal benefits include reduction of number of crimes associated with addiction and to reduce harm due to drug use and addiction.

First Funded: June 2005. Pilot basis by the Federal Government, with in-kind resources from Manitoba's Provincial government.

Current Funding: \$516,000 operating from Federal government.
\$450,000 "in-kind" from Provincial Government (court staff, court rooms).
\$599,00 over three years (October 2011 – March 31, 2014) for the transitional housing program by federal Human Resources and Skill Development.

Office: 165 Garry Street, in downtown Winnipeg.

First admitted clients: January 2006.

Original Governance: Executive Board (Steering Committee).

Members: Co-Chaired by Federal Prosecutor and Addictions Foundation of Manitoba Director, Presiding Judge, Provincial Prosecution, Legal Aid, Behavioural Health Foundation, Court Services, RCMP, City Police, WDTC, Healthy Living, Seniors and Consumer Affairs, WDTC Program Manager, Aboriginal Court workers and other Community Agencies and Stakeholders.

Current Governance: Provincial Department of Justice

Organizational Changes

In 2014-15 drug court funding nationally was modified. Due to stalled negotiations and no clear funding forthcoming, the WDTC stopped taking new clients in May 2014. Early in 2015 The federal government made a three year commitment to Manitoba to fund part of the drug court, but the Steering Committee was eliminated in favour of direct supervision by the province's department of justice, court's division. The office at 165 Gary will be shut down March 31st 2015, and the remaining 13 clients provided DTC services out of AFM's Portage office until they graduate or the revised program is fully operational. New office space has been found on Broadway Avenue, not far from the old drug court location.

New Staffing Model: A Justice program manager, two case managers, two counselor/therapists, one administrative assistant and an AFM manager acting as clinical/treatment consultant. Compared to the previous model, the case management and therapy roles will be more distinct, with counselors focusing more on treatment. .

Program Model: Harm reduction and community advocate model with case management and group and individual counselling taking place in a stand-alone facility.

The treatment program has specified phases. Regular attendance at court, urinalysis and incentives, all features of drug court programs elsewhere, will still be used in the Winnipeg model. Clients will attend court Tuesday afternoons.

Referral Process: Clients can self-refer or are referred by defence counsel. Some are recruited through word of mouth or advertisement in correctional facilities. They are screened in by a crown prosecutor and then assessed by the treatment team.

Graduation Criteria:

- completion of phases one to five;
- a minimum of four consecutive months abstinence from drugs;
- from twelve to eighteen months of involvement with WDTC;
- significant progress toward resolving identified issues on their individual treatment plan;
- must be working; going to school or involved in significant volunteer work, and;
- must be engaged in a community support group.

3. Evaluation Questions

An interim process evaluation was conducted in the spring of 2007 and overall we found that the court program had an established treatment team, a coherent treatment program, effective court room operation, an improving referral process, and a governance structure that was moving towards more efficient management. The first evaluation answered two questions. First, what happened during the process of starting up the court? And second, how has the court functioned in terms of governance, staffing, and client referral and movement through the program? The report made seventeen recommendations. By the spring of 2008, the WDTC had responded to those recommendations agreeing and acting on twelve and accepting, with modification, four.

In 2008-09 a more outcome focused evaluation was completed and forwarded to the Steering Committee in early January 2009. Referrals and client caseload appeared to have increased and were running more smoothly; the program had built a reputation within the criminal justice system, facilitating self-referrals and lawyer based recommendations. We found in our staff and client interviews and official records review that the program had matured; processes and procedures were generally well known, the court team was comfortable with the WDTC operation and the staff were now experienced and generally confident in their performance. Even discharged clients who were interviewed expressed favourable opinions about the program and wished to have another opportunity to be involved. We defined the target population as addicted offender populations whose crimes merited custody but who were generally suitable for community placement. Through comparison with other offender populations (i.e.,

probation, conditional sentences and provincial inmates) we found that the target population appeared to have been reached. Preliminary data showed relatively low recidivism by drug court graduates, with the caveat that the sample was still small and not much time had passed since the program had started (i.e., brief follow-up period).

The third evaluation in 2009-2010, focused on Justice Canada's drug strategy key immediate outcomes (knowledge gains, retention, compliance, incentives and utilization of community services) and intermediate outcomes (strengthened community networks; reduction in drug use behavior; enhanced social stability and self-sufficiency; reduction in criminal recidivism; and evidence based improvement for the operation of DTCs). Interviews with graduates were also an important focus of 2009-2010.

The evaluation found the WDTC to be maintaining a strong program; indeed, there was a certain comfort level amongst staff and clients as the program matured. The processes of referral, program phases, group and individual work, drug testing, and graduation were all operating effectively. The target population appeared to be reached, and recidivism rates were relatively low. Qualitative feedback from graduates was quite positive, particularly towards the judge, court team, treatment staff, and the incentive program. Aboriginal referrals had increased. The program had also introduced an all-female counseling group to improve group functioning, and used an Indigenous case worker for more one on one programming with Aboriginal clients. Good follow-up was observed on recommendations from 2008-2009.

In 2010-11, little change from program performance was observed from the previous year. The program was compared by evaluators against the "thirteen guiding principles" of effective drug court performance advocated by the Canadian Association of Drug Treatment Court Professionals (CADTCP). The CADTCP emphasized the

integration of supervision, treatment, drug testing and incentives in any well run drug court. The WDTC tended to score well on the 13 drug court principles reflecting a high level of program performance. In 2010-11, recommendations centred on increasing referrals and arranging transitional housing to improve retention rates.

The past four years, our annual evaluation has focused on updating relevant program data and graduate feedback, but we also provided a descriptive overview of the housing challenges faced by WDTC clients, as part of the initial phase of the new Transitional Housing program component. Two years ago we accessed the national RCMP data base and checked on possible client recidivism outside of Manitoba, as our COMS and CCAIN provincial data bases only cover individuals charged in this province. We found only a couple of new crimes, suggesting checking via the RCMP for re-offence every year is not worth the cost (\$7 a criminal history); we believe only periodic national checks are warranted.

This year we conducted a recidivism comparison between WDTC clients and a group of probationers matched on age, gender, race, addiction level and risk. Results favoured drug court clients (see section 7).

4. Methodology

Data was collected from April of 2014 to mid-January 2015. We used multiple-methods to inform our research:

- *Official records data* collected originally by WDTC staff (paper files, Police criminal records maintained on file, local data bases, and Federal DTC data base).
- *Official records data* provided by Manitoba Justice data bases COMS (Correctional Information Management System) and CCAIN (Criminal Courts Automated Information Network).
- *Observation* through court attendance.
- *Informal interviews* with key program managers and workers.
- *In-depth interviews* with DTC graduates. We conducted interviews with recent graduates either being supervised on probation or who had just completed probation.

WDTC records and Corrections data are used primarily to update our research profiles of drug court clients, compare graduates with discharged cases and assess sentencing outcomes and recidivism rates. We are pleased this year to be able to use a good sized sample of 290 cases for most descriptive analyses (includes current clients in the program). For recidivism, we have 262 cases, a good sized group (only people finished or no longer in the program).

To arrange interviews with graduates, we again worked through Restorative Resolutions, a John Howard run program that provides probation services to WDTC

graduates assigned community supervision. Our in-depth interviews assessed client satisfaction, identify possible barriers to program completion, and have the graduates provide input on possible ways to improve the WDTC.

4.1 Client Program Data

We used program data from client files and added or validated our study data from other sources, most typically the Manitoba Corrections COMS data base. We updated our own existing evaluation SPSS data base, adding new cases and updating old ones. This year we ended up with 290 cases suitable for profiling admissions, and 262 for outcome assessment, good sample sizes for analysis.

Key Variables

- Demographic: age, gender, race, marital status, education, employment.
- Program: admission, graduation, discharge, drug of choice, criminal history, charges, history of violence.

4.2 Qualitative Interviews and Procedural Justice Survey

History of WDTC Completed Interviews:

2008 -10 (included graduates and discharged cases)

2009-10 - 13 (graduates only).

2010-11 – 6 graduates.

2011-12 – 4 graduates.

2012-13 – 7 graduates

2013-14 – 5 graduates

2014-15 – 6 graduates

Interview questions are structured around three primary themes of a) Motivation to Join and Circumstances Coming Into the Program, b) WDTC Program Involvement, and; c) Factors Impacting Graduation and Program Success.

We also conducted informal interviews with staff and the program manager. These were ad hoc discussions and print notes were kept.

We again administered a survey to graduates asking them to rate the procedural fairness of the drug court. Research has suggested that the success of a program and its legitimacy is dependent upon how fairly clients feel it is being administered. Previous drug court evaluations have linked client perceptions of fairness to drug court success (Gottfredson, Najaka & Kearly 2003²). The procedural fairness instrument consisted of ten items on a 1-5 Likert scale and asked participants about treatment in the drug court and by drug court staff (e.g., did you get to tell your side of the story, did the judge listen to you, did the judge treat others the same, were you treated fairly by the judge, was the information accurate) and three items rated 1-4 asked overall regarding fairness of drug court, their sentence and WDTC penalties for non-compliance (see Appendix). This year we had six graduates complete the scale before the audio-taped interview.

4.3 Risk and Needs Information ³

We considered two instruments to assess risk and needs of drug court clients this evaluation year; the provincial community corrections criminal risk and social needs tool the Level of Service/Case Management Inventory (LS/CMI) and the provincial institutional criminal and behavioural risk tool, the Institutional Security Assessment

² Gottfredson, D., B., Najaka & S. Kearley, (2003). Effectiveness of Drug Treatment Courts: Evidence from a Randomized Trial. *Criminology & Public Policy* 2:171-196.

³The evaluation team would like to extend its appreciation to Jan Gilchrist and Trevor Markesteyn of Manitoba Corrections for their efforts in allowing us access to the data.

(ISA). Assessment of risk and needs provides an avenue to assess the suitability of drug court referrals. Too many low risk or needs cases might suggest that intensive treatment is not required and referrals are inappropriate. Too many high risk cases might indicate that public safety is being unnecessarily compromised.

LS/CMI: This instrument has been in use in Manitoba since 2011 and assesses eight areas related to risk and need. Risk and need domains include criminal history, education/employment, family/marital, leisure/recreation, companions, alcohol/drug problems, pro-criminal attitudes, and anti-social pattern. The LS/CM I assign low, medium, high and highest rankings to help determine community supervision levels. It is based mostly on *dynamic factors*, or client needs that can be improved through intervention, like employment counseling, drug/alcohol treatment, or education. The LS/CMI replaces the Primary Risk Assessment instrument previously used by the WDTC for risk, thus for presentation purposes we have collapsed the high/highest LS/CMI categories into highest and created an amalgamated variable with high, medium and low categories.

Institutional Security Assessment: Used since 1986 by Manitoba Corrections, the ISA is an 8 item instrument that assesses risk based on behavioral items such as offence severity, prior record, age, youth committals, institutional behaviour and escapes. The ISA creates categories of high, medium and low risk to help classification staff assign security levels. It is based heavily on *static predictors*, or indicators that focus on past behaviour and are not amenable to treatment (e.g., prior convictions, parole suspensions).

It is suitable to use for inmates but not appropriate for community based probation or conditional sentence cases.

Both the ISA and PRA were validated through a large Manitoba based recidivism study (Weinrath & Coles 2003⁴).

4.4 Recidivism

We used multiple methods to track convictions: client files, the Manitoba Justice Corrections COMS data base, and the provincial court's CCAIN court system data base. We also made efforts to ascertain the dispositions of clients who quit or were discharged from the program. Data was collected from a Manitoba government computer terminal with access to these data bases. Records were loaded into the statistical software package SPSS. For recidivism, we tracked new charges as well as new convictions. Convictions are more desirable, as re-offence has been validated in these cases by the court process, whereas charges might be withdrawn / stayed or an accused could be found not guilty. Cases can take so long to work through the courts, however, that charges are sometimes needed to give a more current picture of re-offence.

⁴ M. Weinrath & R. Coles. (2003). Third Generation Prison Classification: The Manitoba Case. *Criminal Justice Studies* 16.305-316.

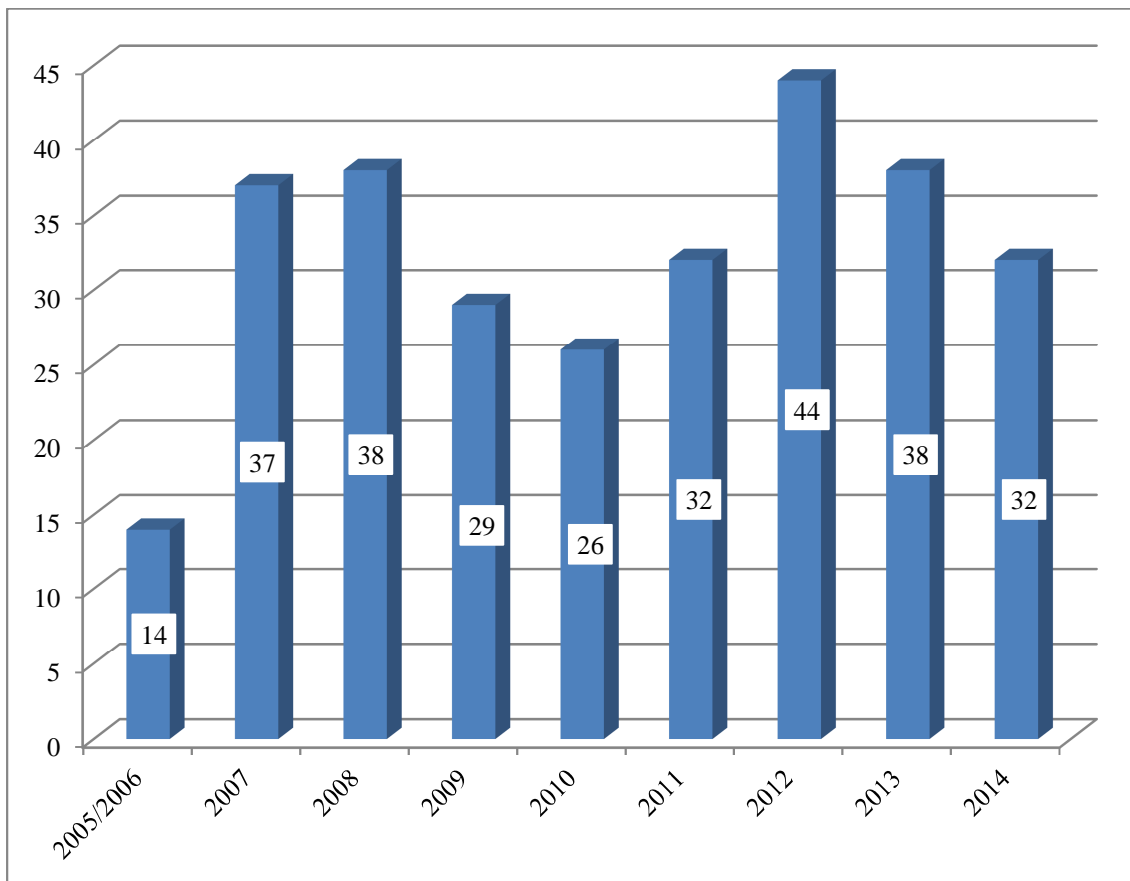
5. Evaluation Findings

5.1 Overview of WDTC Clients

5.1.1 Admissions and Graduates

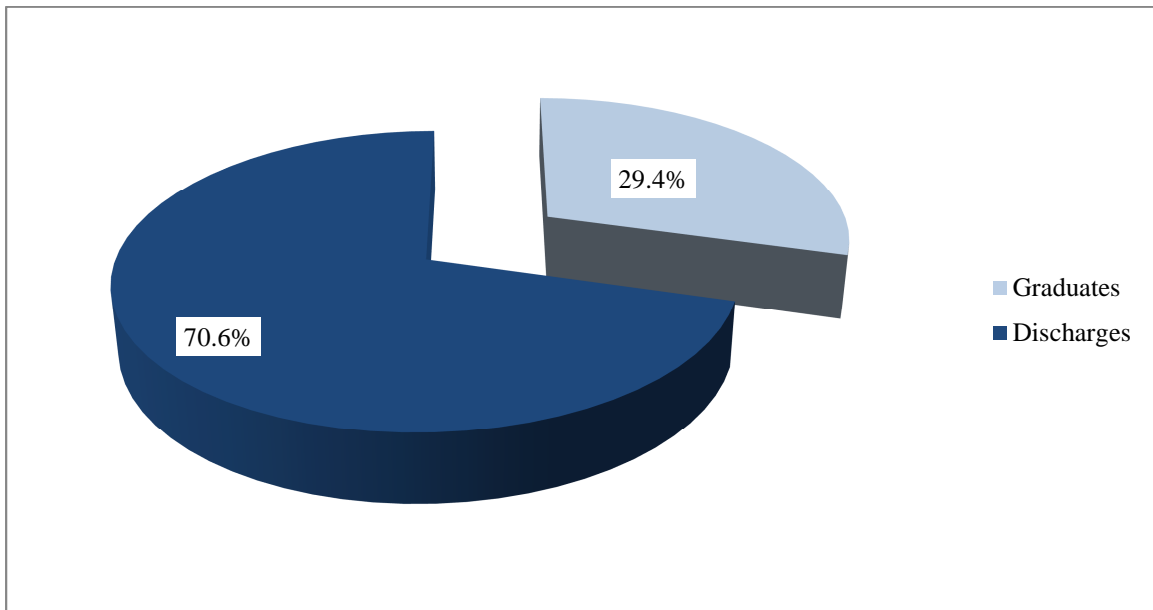
Admissions have ranged from 14 in 2005/2006, to a previous high of 44 two years ago. This year the WDTC had 32 admissions to the program (Figure 1). As discussed earlier, the program did not admit any new clients after May 1, 2014, due to the funding impasse. Even so, this year's total was equivalent to the average of 32 clients per year since 2006.

Figure 1: Admissions by Year



The overall graduate rate this year was fairly consistent with recent trends: 29.4% in 2014, 31.7% in 2013 and about 33% in 2012 (Figure 2). The proportion of clients completing the program is still likely best described as one in three.⁵

Figure 2: Graduates and Discharges



5.1.2 Demographics, Drug Profile, Legal History, and Risk Profile of Clients

Over half of the program clientele is male (61.0%). There is a small 2.2% decrease in the proportion of males in comparison to 2013. There has been only one transgendered client that has participated in the WDTC (Table 1). Since inception, the average age of the clients that the WDTC serves has been about 30 years old; this remains the case this year. The age range of 18-64 is consistent with last year's findings. About four fifths (81.4%) of the clientele have been below the age of 36 upon entering the WDTC. After experiencing a drop of 3.5% last year in the number of participants that

⁵ We reviewed admission dates this year and corrected some prior years.

are of Indigenous heritage, the rate has increased 1.4 % this year, to a total of 45.6%. The amount of Caucasian individuals participating in the WDTC program remained fairly consistent with last year, dropping only 2.2% (53.8 – 51.6%). Over two-thirds (72.0%) of the subjects who enter the WDTC program are single. Around one-fifth (20.3%) of the WDTC clientele is in a common law relationship. About 43.5% of WDTC participants have less than grade 10 or less, but 12.7% have undertaken at least some post-secondary training. Less than a third of the WDTC clientele are employed, a student or retired upon entering the program (28.7%), which is consistent with the previous year's findings.

As depicted in Table 2, over half (57.9%) of the WDTC clientele are referred to the program based on drug offences, followed by break and enter (12.8%). Other notable categories include; robbery (9.3%), assault (7.2%) and theft over and under \$1000 (7.6%). There continues to be a willingness of the WDTC to take on violent offenders, as they comprised 16.5% of all admission, down 1.8% from last. Breach of probation or recognizance was most often the second most serious charge (26.6%); this was followed by drug offenses (18.6%) and theft under (15.9%). The second most serious charge findings were consistent with last year's evaluation. About four of five WDTC participants have a prior criminal history, consistent with the past two evaluation years. In comparison to two years ago, however, clients with previous convictions for violence increased slightly (+ 3.2% in 2013; to 31.4 %).

Utilizing risk assessment allows us to determine whether or not the drug court is successfully reaching its high risk/needs target population, while taking care not to endanger the community. The clients in the WDTC ideally will be higher risk compared to less serious offenders on probation. However, they should also not be cases that would be considered high risk in a prison setting.

The risk data collected reaffirms that the drug court appears to be reaching its target population. The majority of clients were classified as high risk (58.9%) according to the community corrections Primary Risk Assessment and Level of Service Case Management Inventory; rankings are similar to last year.⁶ The instruments classified 30.6% of the clients as medium risk and only 10.5% as low risk. Similarly, the data collected from the prison based risk assessment provides evidence that cases are not too high risk for the community. Over 4/5th (83.5%) of the clientele ranked low on the Institutional Security Assessment. The remaining 16.5% of drug court clients ranked medium on the ISA, and there continues to be no cases ranked high-risk.

Based on current offences, prior criminal histories and risk profiles one can safely conclude that the individuals involved in the WDTC would have been strong candidates for imprisonment had they not been accepted in the program. The majority of the client population, however, poses a manageable risk to the community.

Figure 3 illustrates that WDTC clients' first drug of choice is cocaine (59.6%). The second and third most common first drug of choice is crystal methamphetamine (16.0%) and cannabis (9.8%). Figure 4 outlines the second most popular drugs of choice: cannabis (43.7%), cocaine (20.2%) and alcohol (16.7%). Drug choice findings are consistent with previous evaluations.

In summary, there have been no striking shifts in demographic or risk trends amongst the WDTC admissions. The program tends to engage a relatively young, single male population; however, female admissions are substantial. The two largest ethnic groups are Caucasian and Indigenous peoples, while the majority of admissions are unemployed with high school or better. Most admissions are primarily addicted to either

⁶ We appreciate that the PRA and LS/CMI are different instruments, but we combined the Highest and High categories of the LS/CMI and collapsed with the PRA for presentation purposes.

cocaine or crystal methamphetamine. Criminal charges are most often for trafficking and robbery, making them strong candidates for incarceration; however their risk profiles indicate that they pose only a moderate threat to the community.

Table 1: Demographics Profile of WDTC Clients

GENDER				LIVING ARRANGEMENTS	
Male	177	61.0%		Married	8 2.8%
Female	112	38.6%		Common-Law	58 20.3%
Transgendered	1	0.3%		Single	206 72.0%
Total	290	99.9%*		Divorced/Separated	14 4.9%
				Total	286 100%
				Missing	4
AGE				EDUCATION	
Mean	29.8	SD = 8.4		Grades 5-8	31 11.0%
Range	18-64			Grades 9-10	92 32.5%
18-25	106	36.6%		Grades 11-12	124 43.8%
26-36	130	44.8%		Post-Secondary	32 11.3%
37 & up	54	18.6%		University Grad	4 1.4%
Total	290	100%		Total	283 100%
				Missing	7
ETHNICITY				EMPLOYMENT	
Caucasian	148	51.6%		Employed, part time, student, retired	82 28.7%
Metis	58	20.2%		Unemployed	204 71.3%
First Nations	60	20.9%		Total	286 100%
Non status	13	4.5%		Missing	4
Black	3	1.0%			
Asian	5	1.7%			
Total	287	99.9%*			
Missing	3				

**Totals may not add to 100% due to rounding.*

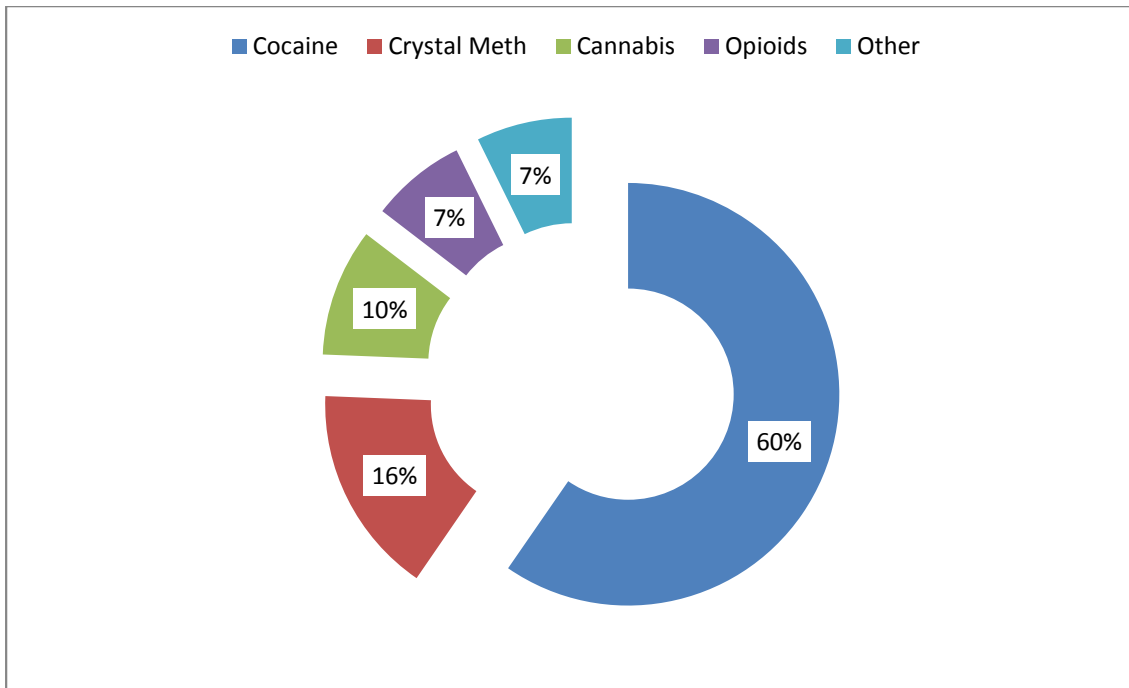
Table 2: Drug, Legal, and Risk Profile of WDTC Clients

MOST SERIOUS CHARGE				SECOND MOST SERIOUS CHARGE			
Trafficking/Poss Purpose	168	57.9%		Breach Probation/Recognize	77	26.6%	
Break & Enter	37	12.8%		Drug Offense	54	18.6%	
Robbery	27	9.3%		Theft Under	46	15.9%	
Assault	21	7.2%		Break and Enter	14	4.8%	
Theft Under	15	5.2%		Possession of Weapon	14	4.8%	
Fraud	11	3.8%		Fraud	13	4.5%	
Theft Over	7	2.4%		Theft Under	12	4.1%	
Breach Probation/Recognizance	1	0.3%		Possession of Stolen Property	12	4.1%	
Poss. Weapon	1	0.3%		Assault	4	1.4%	
Communicating Prostitution	1	0.3%		Mischief	3	1.0%	
Possession of Stolen Property	1	0.3%		Robbery	3	1.0%	
Total	290	99.8%*		Communicating Prostitution	1	0.3%	
				Arson	1	0.3%	
				None	36	12.4%	
				Total	290	99.8%*	
PRIOR CRIMINAL HISTORY				HISTORY OF VIOLENCE			
Yes	237	81.7%		Yes	91	31.4%	
No	53	18.3%		No	199	68.6%	
Total	290	100%		Total	290	100%	
INSTITUTIONAL SECURITY ASSESMENT				PRA/LSCMI**			
Low	217	83.5%		Low	23	10.5%	
Med	43	16.5%		Med	67	30.6%	
Total	260	100%		High	129	58.9%	
Missing	30			Total	219	100%	
				Missing	71		

*Totals may not add to 100% due to rounding.

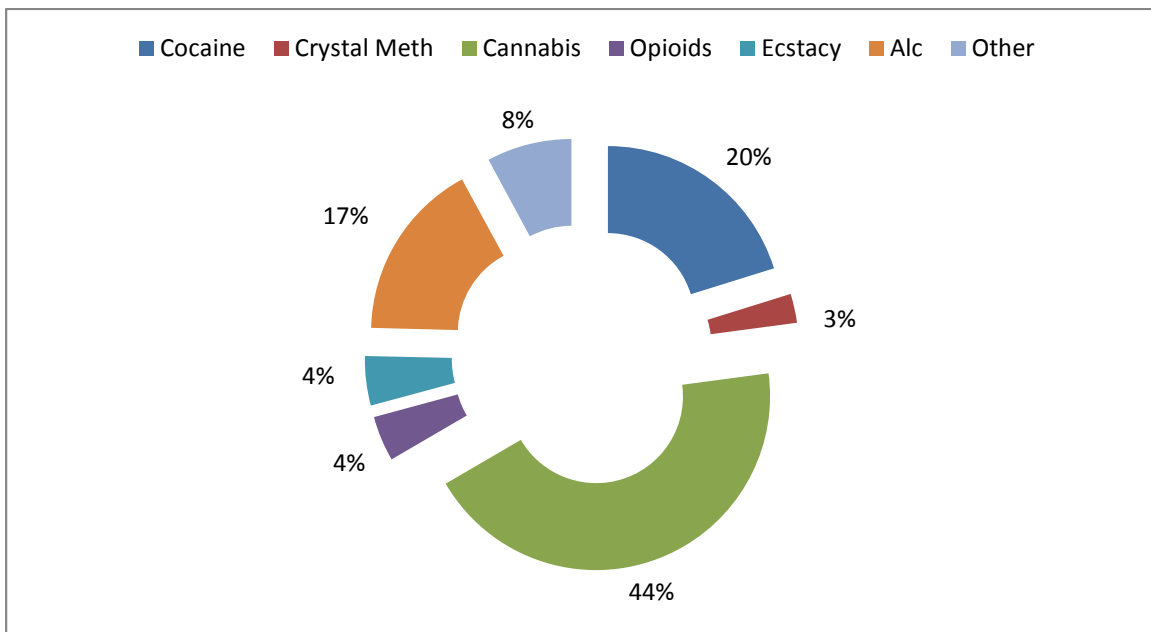
**Adjustments have been made to the LS/CMI to combine categories for presentation purposes.

Figure 3: Drug of Choice



N= 290 Missing N=3

Figure 4: Second Drug of Choice



N= 263, Not Applicable =26, Missing =1

5.2 Comparison of Graduates with Discharged Cases

5.2.1 *Comparison with Demographics*

The average age for a graduated case was essentially the same as a discharged case (about 30 years). This finding was similar to last year's evaluation, and indicates that age is not generally associated with success or failure in the WDTC. In previous years, females appeared to do a bit better than males, but failure rates have now evened out. The trend that developed in the previous evaluation, that Caucasians are more likely to graduate as compared to other ethnicities, remains true in this year's evaluation. There have only been a few Black or Asian clients, none have successfully graduated, but because of small numbers these results should be interpreted cautiously.

Similar to last year's evaluation, it was found that clients who were either separated or divorced showed a slightly greater likelihood of succeeding in the program (+7.3%). In contrast, those in common law relationships were the least likely to graduate (-8.7%). The results are similar to last year and continue to be surprising. However caution should be taken due to the fact that we still have a very small sample of clients who entered the program married, and we have not used a tool to assess the quality or strength of the couple's relationship.

Consistent with previous years, more education has a positive correlation with success in the program. Clients that have a grade 11-12 education, some form of postsecondary education or a university degree are much more likely to graduate as compared to clients with a grade 5-10 education (Table 3). Clients that are employed upon admission to the WDTC are also more likely to succeed (Table 3). These results are not surprising, as it is reasonable to assume that better educated individuals with a stable

work history will have more pro-social ties, stronger support systems and crucial life skills that help them successfully manage the drug court program requirements.

The results displayed in Table 4 show that criminal history, a history of violence, and high risk scores on the PRA and ISA are all correlated with discharge in the WDTC, consistent with previous evaluations. As one may expect, criminal history prior to entrance to the program is correlated with being unsuccessful in the program; this result is in agreement with last year's evaluation. Having a history of violence is also moderately correlated with being unsuccessful in the WDTC (-14.7%). Those clients with a high rank on the PRA and LS/CMI are 47.7% less likely to graduate, this finding is similar to last year's evaluation (-10.1% in 2012). Contrasting those who scored medium on the PRA and LS/CMI, it can be observed that they are nearly 32.0% more likely to graduate; this finding was consistent with last year. Looking at the ISA, 95.3% of graduates were ranked low-risk, while only 4.7% graduates were medium risk. It should be noted that 7.6% of the ISA and 22.1% of the PRA as well as LS/CMI scores are missing from the data, suggesting some caution be taken in weighing these findings.

Table 3 WDTC Graduate and Discharge Client Comparison on Demographic Data

		Graduated	Discharged	Difference	Comments
Total Grad & Discharged					Just over 2/3 of WDTC clients are discharged
	N	77	185		
		29.4%	70.6%		
Age					Almost no difference in average age
	Mean	30.8	29.3	+1.5%	
		(SD = 10.6)	(SD= 7.4)		
Gender					Almost no difference between genders, gap much closer than last year
	Male	61.0%	61.1%	-0.1%	
	Female	39.0%	38.4%	+0.6%	
	Transgendered	0.0%	0.5%	-0.5%	
Ethnicity					Caucasian participants have a greater likelihood of graduating as compared to other ethnicities.
	Caucasian	58.4%	49.7%	+8.7%	
	First Nations	15.6%	23.0%	-7.4%	
	Métis	20.8%	19.1%	+1.7%	
	Non-Status	5.2%	4.9%	-0.30%	
	Black	0.0%	1.6%	-1.6%	
	Asian	0.0%	1.6%	-1.6%	
Marital Status					Clients in a common law relationship are slightly less likely to graduate.
	Married	5.3%	1.1%	+4.2%	
	Common-Law	13.2%	21.9%	-8.7%	
	Single	71.7%	73.8%	+2.1%	
	Sep/Divorced	10.5%	3.2%	+7.3%	
	Missing	1%	2		
Education					More education has a positive effect on success in the WDTC
	Grades 5-10	38.7%	48.1%	-9.4%	
	Grades 11-12	48.0%	44.2%	+3.8%	
	Post-Secondary	13.3%	7.7%	+7.7%	
	Missing	2	4		
Employment					There is a positive correlation between graduation and employment
	Employed, Student, Retired	32.9%	25.7%	+7.2%	
	Unemployed	67.1%	74.3%	-7.2%	
	Missing	1	2		

Table 4: Graduates and Discharged Client Comparisons on Legal/Risk Data

		Graduated	Discharged	Difference	Comments
Criminal History	Yes	77.9%	88.6%	-10.7%	Criminal History is linked to being less successful in the WDTC program
	No	22.1%	11.4%		
History of Violence	Yes	22.1%	36.8%	-14.7%	A History of Violence is associated with less success in the WDTC program
	No	77.9%	63.2%		
PRA and LS/CMI	Low	21.4%	5.8%	+15.6%	A medium and lower risk score means a greater likelihood in graduation
	Medium	51.4%	19.4%	+32.0%	
	High	27.1%	74.8%	-47.7%	
	Missing	7	46		
Institutional Security Assessment	Low	95.3%	78.7%	+16.6%	Consistent with the 2012 report, having a low ISA means a greater chance of graduation
	Medium	4.7%	21.3%		
	High	0.0%	0.0%		
	Missing	13	7		

Table 5: Client New Convictions (No Administrative Offences)

Graduates				
	Graduated and No re-offence	68	87.0%	
	Graduated and Reoffended	9	13.0%	
	Total	77	100%	
Discharged/Opted Out				
	Discharged and No re-offence	95	51.4%	
	Discharged and Reoffended	54	29.2%	
	Opted Out and No re-offence ⁷	19	10.3%	
	Opted out and Reoffended	17	9.2%	
	Total	185	100.1%*	
Program Totals for Reoffence				
	No re-offence, Graduates and Discharges	182	69.5%	
	Reoffended Graduates and Discharges	80	30.5%	
	Total	262	100%	

All re-offences in Table 5 indicate a new conviction (not charge). Convictions noted in table five are for predatory or drug offences only.

⁷ Category consists of individuals who choose to quit program within 60 days of admission and individuals who are admitted to the program but never show up.

5.2.2 *Re-offence*

Re-offence numbers for graduates of the WDTC were still quite low (Table 5). At the end of 2014, 13.3% of all graduates had reoffended and been convicted of a new predatory crime. The rate was similar to last year's evaluation and was down from 16.4% in the 2012 evaluation. Important to note is that within the categories of re-offence, administrative breaches were not counted; we recorded only predatory or drug crimes for Table 5.⁸

For discharged cases and opted outs, we observed that over a third (38.4%) were convicted of new crimes. While a lower recidivism percentage is preferable, the fact that even offenders who leave the drug court do not reoffend reaffirms the notion the program is not putting the public at undue risk.

The WDTC re-offence rates continue to compare favourably to recidivism rates for other correctional options: Manitoba probation (28% with a two year follow up) or provincial custody (66% with a two year follow up) tend to have higher re-offence rates. The drug court has been in operation since 2006, indicating that overall success rate trends have been remained extremely positive.

5.2.3 *Sentencing of Graduates and Discharges*

A conservative criticism levelled at drug courts is that they may provide too lenient a disposition for offenders, particularly for those who fail in the program. From a justice perspective, those who leave the program should receive significant consequences for failing to follow-up on the promise to complete treatment, and evaluations should

⁸ For re-offence, two years is considered a good standard to evaluate program efficacy, because the more time that passes from a program the more likely it is that participant behaviour is affected by other things. After 24 months, program effects are much less likely to have an impact on day to day life, and relapse and re-offence might have more to do with other stressful life events.

provide evidence of this occurring. Accountability should prevent the drug court program from falling into disrepute. In order to assess this, we have tracked the outcomes for discharged cases that end up returning to the courts to be sentenced on their original charge.

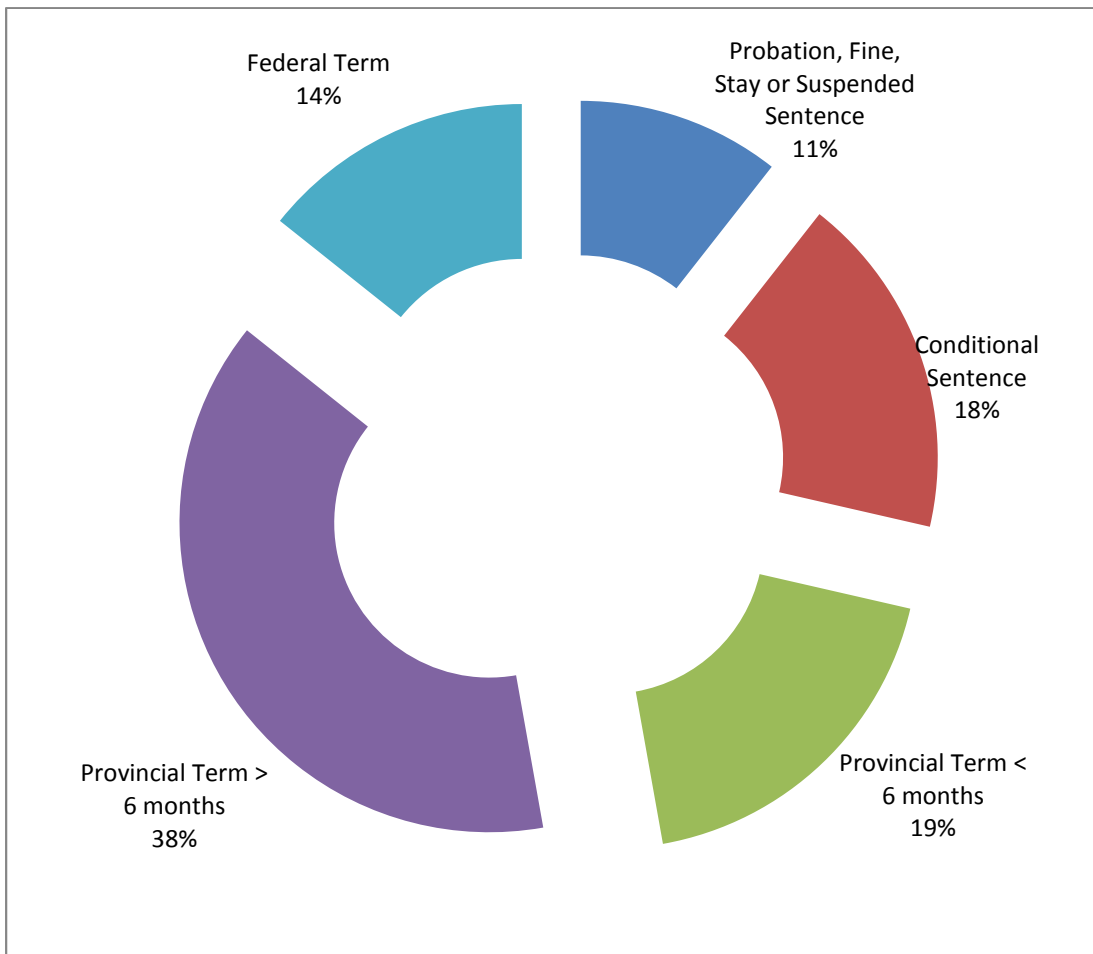
This process has ended up being more difficult to assess precisely than we had anticipated, because (consistent with the doctrine of presentence credit for time in custody) clients leaving the program have asked for credit for time spent in the program, as well as credit for remand custody they may have endured while awaiting final sentencing. Thus, the final sentence for drug court discharges may not be as severe because judges have given them credit for program attendance and days in remand.

Results showed that the courts took program-leaving seriously and that they meted out fairly stiff sentences. This year's findings are consistent with last year's; the majority of clients leaving the program receive custody terms when sentenced (Figure 5). Of the 185 cases discharged or opted out of the drug court just under one third (29%) received a community disposition such as probation, a conditional sentence or a fine. The most common disposition was a sentence of six months or more in provincial jail (38%). Almost a fifth (19%) of discharged/opted out clients received sentences that were shorter than six months and 14% received a federal term. Sentence outcomes were consistent with last year's. The dispositions were still unknown for 13% of the drug court population, but this is the result of outstanding or pending dispositions.

Findings indicated that participants who opt out or abscond from the drug court were likely to end up back in custody, and then receive a further sentence of custody. However, it should be noted that few receive a penitentiary sentence, suggesting that at least some credit for drug court attendance might be considered. In the end, there is no

data available on what crown or defense advocate for and how a judge might weight program attendance. Further, we cannot control the severity of the original offence(s); some might involve larger amounts of drugs, higher property values or more or less violence. We could learn more with an in-depth study of each case, but that is beyond the scope of this evaluation. Case studies of a group of ten cases might provide some insight into how clients manage in the justice system once they leave the drug court.

Figure 5: Court Outcomes for Discharged Cases



Dispositions Available = 161, Dispositions Unavailable = 24

5.2.4 Recidivism by New Offence Type

The following section outlines the recidivism results by offence type for all previous participants in the program. Generally, we focused on either the first or most serious new charge or conviction in the two year follow-up window.

Charges

Using charges as a criteria, just over half of clients (51.9%) were arrested for new offences after entering the program (including graduates, discharges and opt outs). Table 6 demonstrated that the bulk of crimes come from the category of administrative breaches (44.9%). The second most prevalent charge among drug court participants was a property offence (22.1%). Third, 16.2% of previous participants were charged with a violent offence, which ranged from robbery to assault causing bodily harm. Additionally, a noteworthy statistic is that only 11.8% of clients were charged with a drug related offence after leaving drug court (Table 6). Finally, 5.1% of new charges fell into the “other” category which consisted of a variety of offences such as prostitution and fraud.

We also categorized charges by severity according to Manitoba Corrections directives (see Appendix). The bulk of offences were found within the ‘low’ category, which is consistent with the large proportion of administrative breaches. On a positive note less than one third (30.2%) of previous participants become re-involved with the justice system and were charged with a medium or high severity offence (Table 6).

Table 6: Classification of New Charges and Convictions

NEW CHARGE AFTER PROGRAM (Includes Admin Offences)				NEW CONVICTION AFTER PROGRAM (Includes Admin Offences)			
	Yes	136	51.9%		Yes	112	42.7%
	No	126	48.1%		No	150	57.3%
	Total	262	100%		Total	262	100%
NEW MOST SERIOUS CHARGE TYPE				NEW MOST SERIOUS CONVICTION TYPE⁹			
	Administrative Offences	61	44.9%		Administrative Offences	31	27.7%
	Drug Offences	16	11.8%		Drug Offences	17	15.2%
	Property Offences	30	22.1%		Property Offences	40	35.7%
	Violent Offences	22	16.2%		Violent Offences	15	13.4%
	Other	7	5.1%		Other	9	8.0%
	Total	94	100.1%*		Total	112	100%
	Not Applicable, No Charges	126			Not Applicable, No Convictions	150	
MOST SERIOUS CHARGE RANK				MOST SERIOUS CONVICTION RANK			
	Low	95	69.9%		Low	77	68.8%
	Medium	28	20.6%		Medium	30	26.8%
	High	13	9.6%		High	5	4.5%
	Total	136	100.1%*		Total	112	100.1%*
	Not Applicable	126			Not Applicable	150	
<i>*Totals may not add to 100% due to rounding.</i>							

Convictions

As anticipated the conviction rate was lower than the charge rate for previous participants (-9.2%), as some individuals could have had charges withdrawn, stayed or been found not guilty. Over two fifths (42.7%) of clients who participated in the WDTC at one time or another received a conviction at some point after they left the program. The rate for convictions includes administrative offences and has increased slightly (4.2%) compared to last year. Surprisingly property offences (35.7%) were the most

⁹ Although we are only presenting the most recent and most severe offence we collect all instances of re-offence for up to two years after the clients discharge date

common types of convictions, followed by administrative breaches (27.7%). As demonstrated by Table 5, just over one quarter of clients officially re-offend after leaving the program. That being said, it is important to keep in mind that administrative breaches are not counted towards this rate because they are the result of a previous offence(s).

Again, consideration of Table 6 depicts that a similar proportion of previous participants were charged with a violent offence were also convicted of one (13.4%). The second smallest proportion of new convictions was found in the category of drug offences (15.2%). Finally, the other category (8.0%) contained offences such as prostitution and fraud.

As for the severity of new offences, most individuals, over two thirds (68.8%) of clients were ranked in the 'low' category. Another positive fact is that of all those individuals who are convicted of a new offence only 4.5% of them were convicted of a high severity offence (Table 6).

5.2.5 Perceptions of Procedural Justice

We administered a Procedural Justice (PJ) scale to our interviewees. The PJ scale endeavours to assess client perceptions of operation and fairness in the program process. There is some research that suggests that if individuals feel that they are treated fairly they will be more likely to successfully complete treatment. Fairness is measured through questions about the right to be heard, to feel that your opinions matter and that program rule transgressions committed by yourself or others are dealt with consistently and fairly. Moreover, therapeutic jurisprudence relies on establishing a relationship with participants, a relationship where caring is seen as real. Researchers have measured the concept of fairness through examining perceptions of justice, in particular procedural justice, or PJ (Gottfredson et al., 2007). PJ is concerned with perceptions of process in the

criminal justice process (how was I treated?) in contrast to other ways of thinking about justice, such as distributive justice, which is more concerned with outcome (did I deserve that?). To assess client perceptions of procedural justice, we have administered a 13 item survey to 44 drug court participant graduates to date (Table 7).

The first 10 questions are measured on a 1-5 Likert scale, (1=almost never, to 5=every time). All but one average (1/10; 10%) is over 4.0, which indicates 90% agreement or disagreement. Considering results are on a 5 point scale these results are extremely favourable. The drug court team scored highly in the following categories; accuracy (Question 3, 4, 5), equitable treatment (Question 6), respectful treatment (Question 8) and trust (Question 10). For the most part results have improved since the last assessment; all but 3 questions (Question 2, 9, 10) demonstrated an increase. Although increases were not as large as last year it is understandable given that results are already extremely favourable and are capped at the maximum of 5. The most notable mean improvement was consistent with last year and is found in question 1 (3.44-3.51).

The last 3 items on the questionnaire were measured on Likert scales of 1-4 (1=not fair at all, 4=very fair) and were concerned with assessing fairness in the program. These questions conform to the previous trend, together they demonstrate uniformly positive results, indicating approximately a 90% ranking. The averages for questions 13 had improved with the increase from 3.47-3.52, "Overall, how do you rate the fairness of the courts in using penalties for using drugs, skipping drug tests, or skipping drug treatment?" Similar to last year the mean values of the other two questions decreased, however fluctuation was minimal.

In summary, comparisons between this year's client ratings and last year's client ratings show a slight increase in positive ratings. Again this data pertains only to a small

sample of graduates, not discharged cases, who might take a different view of the program. We will further consider perceptions of fairness when we examine our graduate interview findings in the next section.

Table 7: Perceptions of Procedural Justice

	Mean (1-5)	Std. Dev	Minimum	Maximum
1. Did you or your lawyer have a chance to tell your side of the story when you came to drug court? ¹⁰	3.44	1.45	1	5
2. Did the judge listen to what you or your lawyer said when you came to drug court? ¹¹	4.05	1.29	1	5
3. Did the judge rely on reports from your case manager at the court hearings?	4.61	0.95	1	5
4. Was the information the judge had on your drug tests and treatment attendance accurate?	4.66	0.61	3	5
5. Did the judge try to consider all the facts?	4.55	0.76	2	5
6. As far as you know, did the judge apply the rules about going to drug tests and drug treatment the same way for you as for other defendants?	4.55	0.87	2	5
7. Did the judge follow the same rules every time about what would happen if you failed a drug test, skipped a drug test or did not attend treatment?	4.30	0.92	1	5
8. Were you treated politely and with respect by the judge?	4.84	0.37	4	5
9. Were you treated politely and with respect by your case manager?	4.30	0.85	2	5
10. Did you trust the judge to be fair to you in the hearings?	4.70	0.55	3	5
	(1-4)			
11. Overall, how do you rate the fairness of the courts, and drug court case managers in their handling of your case?	3.52	0.60	2	4
12. Overall, how do you rate the fairness of the sentence you received when you graduated?	3.66	0.57	2	4
13. Overall, how do you rate the fairness of the courts in using penalties for using drugs, skipping drug tests, or skipping drug treatment?	3.52	0.63	2	4
	N	44		

¹⁰ One respondent did not fill out this question (N=43)

¹¹ One respondent did not fill out this question (N=43)

6. Qualitative Outcomes

6.1 Motivation to Join Program and Personal Circumstances Upon Admission

A continuing trend was respondents reporting program motivation being driven by being “tired” of the drug addict lifestyle. While respondents often heard about the drug court through treatment staff coming to prison or via their lawyers, again this year’s six graduates also identified that other addicts had recommended drug court. A good image appeared to be growing for the WDTC.

“I figured it would be a good program for me to take and become sober. To live sober and have a better lifestyle. My life was kind of, well, it was unmanageable.”

“I had to get sober, so drug court was good.”

“Well, you know what; my primary goals were just to get out of jail, then through the program and get back to doing what I did, selling drugs. That changed, that changed.”

“My original intent was just to get out of jail. It ended up, just really appealing to me. I fought it at the beginning, and then I just gave up and I decided to put everything into it and it ended up being a great program.”

“I’d realized that I had an addiction and I realized a bunch of things about what I needed to improve but I needed the actual support, like housing support. I needed the extras that Drug Court had, could offer me. So that’s why I chose to do it, ok, I need actual support.”

“I didn’t want to be a revolving door, going in and out of jail, which I could see was where I was leading to cause jail didn’t scare me anymore. Before, my first time going to jail, jail was a bit intimidating, I didn’t want to go. But after I went my first time and realized “oh, it was nothing,” that was a scary thought for me. I needed to get back into the community and stay there.”

Respondents this year indicated generally good health, and felt that their lifestyle habits improved with drug court support. One respondent had mental health concerns, but generally graduates were satisfied with their health.

“I was not in good health; I didn’t have any serious problems though. I have always had some mental health issues.”

“I managed to quit smoking while in the program.”

Coming into the program, this year’s group of interviewees reported only limited social support from friends or family, and reported cutting off friendships with other addicts.

“I didn’t have much support, I have very little family. And whatever family I do have was not helpful, so I didn’t have anything.”

“I had very few friends to support me and I had to cut most of them out, right, because most of them were from using days. Now I’m fine. When I first came out there was very select people I hung out with, most of them were much older than me.”

6.2 Drug Treatment Court Program Involvement

6.2.1 Employment, Housing and Finances

A key feature of the drug court is the support that it provides clients in finding accommodation, financial support, and (eventually) encouragement in finding employment. They liaise with other Manitoba government agencies in performing this task. Not all drug court clients require assistance because they have support from family, or enjoy better work histories and financial circumstances and can better arrange support for themselves. This year’s group tended to have stronger work histories than past graduate cohorts, and all reported they were currently employed. While housing was difficult for a few, others had support from family or friends. This year’s group expressed greater frustration with limits on their ability to work in early program phases, and the overall time it took to work through the drug court program.

“I was working when I came into the program, they wouldn’t allow me to work so. I ended up getting EI, which was ok. I also had my own place to live.”

No, I was on unemployment when I started in the Drug Court program, about a year into it I managed to get some jobs lined up, but then I had two jobs.

“I was working evenings, my mom was watching my daughter, and I was working weekends. I was working two jobs, I would work an 18 hour shift on Saturdays and Sundays. I had to pay for my apartment. It was stressful. The drug court program takes too long.”

No, I found housing, work, did that all on my own, I started getting my head screwed on straight after a few months in the program, then things just started to happen. I was living in this church house and I said, no, I’m going to work. I got offered a job. I went to work, got my own place, and that’s what my complaint was, because, if you read this Drug Court mandated stuff, or whatever, it says I’ve got to be gainfully employed for x amount of time, I’ve gotta have my own, self-contained, like not contained, but my own self-supported living system, a certain amount of clean time, and you will be moved up in the program. Well, I wasn’t getting moved, that’s what my complaint was. I worked for six months, I paid my rent for six months and I’m still, I still wouldn’t get moved up into the maintenance end of the program. It seems they want to keep you on for too long.”

“I was in jail for a year so I really was, I had nowhere healthy to go so I used whatever housing opportunities to the very end. I’m still currently in a place I was referred to in Drug Court. I work full time now too.”

*“I kind of did it myself, f but without having their support I couldn’t have figured it out.”
“I have had great jobs and can get them if I need them. I am working right now.”*

6.2.2 Group Work

Group work is an important part of the drug court program. Subjects complete structured activities in their program along with their peers, and engage in group exchanges to share their feelings, problems, help each other work on their program and discuss personal issues. The groups can become confrontational and arguments can ensue, so counsellors play an important role as facilitators, maintaining the peace but keeping the groups effective. A continuing trend was the positive perception of group work. All six reported positively on this part of the program. While separate women’s

groups have been favoured by females in our past research, this year separate groups for males were also noted as important.

The group work was very educational at the start. The three of us kinda learned what we were going through and our coping mechanisms to deal with it, being able to talk about it. Where our addiction came from, ways to, relapse prevention plan, recovery wheels. Different educational things like that. After a while, back to the start again. So you go through a cycle, go through the same things. It was repetitive at times. It was pretty good though.”

O: I really enjoyed when they'd split up the males and females because in the morning, some girls don't want to talk about their situations, you know, some guys don't want to talk about their situations but when you sit with a group of guys it's easier, so yeah, I think there should be more of that.

I: Some more of the gender split, you think?

O: Gender split for a group setting. I didn't want to sit there in the mornings and talk about being molested as a child in front of all these people, it just wasn't comfortable but, from the male perspective, you know. Like I say, I go to AA, I go to CA, but I go to men's meetings. I may go to meetings where there's ladies but I try to focus myself at men's meetings, you know? This is not a game for me; this is not a joke for me. This is life and death. I go back out and I ain't coming back. I won't have an option to go to Drug Court again. I just believe, that's just one of my beliefs, my opinion. I really enjoyed that part of it and I thought it was fair for the ladies too. Because some of them, you could see the pain in their eyes. They don't want to talk about this in front of some little twenty year old gangbanger that's sitting there, you know.”

“Group work is very good because when you come in you lack confidence, you are insecure, you, most people are shy, so it just gets you, the worst the way to get out of your comfort zone and get to know the people you're in recovery with.”

“The morning meetings are necessary because when you're a drug addict you do not get up every morning to go to do something. And having that accountability of every single day, having somewhere you have to be, you need that in early recovery. Especially because it's perfectly aligned with the lunch time meeting too, right, so you get your day set out and, that's one thing that addicts do not have, is any sort of schedule.”

“Thursdays, they do the women's group and the traditional group. Women really need to have other women to talk to. I don't actually have any major, like, violence or any kind of issues in my life, but definitely, you need that, you need to have that segregation so girls can just talk about it in case there is domestic violence stuff they need to talk about. And other things too. The traditional group, I didn't know anything about the, that side of the culture, that culture at all, so I found it the most interesting thing there.”

6.2.3 Individual Work/Relations with Staff

This year interviewees continued the trend of reporting mostly positive relations with treatment staff. The drug court went through significant personnel changes in 2014, and this was commented on by graduates. Except for one staff member no longer with the WDTC, comments were still approving.

“You know what; my counsellor was kind of a hard ass. I got along with him but not many people did, they had a lot of problems with him. He’s not with the program anymore.”

“I changed counsellors quite a bit. They had counsellors come and go which is the only down fall I can say about Drug Court. I had one counsellor who I had gotten really close to, she had to leave, and then I got assigned to another counsellor and then she had to leave. And then another one. And then other one came back. So I had four or five counsellors throughout the whole period of time. So it was kind of frustrating. They were all really good though.”

“Personally I struggled with the individual work at first because I’m very defiant, and like I said, I fought the program at the beginning, so I probably wasn’t a very nice participant. I fought with counsellors and was just, I felt angry with them for whatever reason. Eventually my counsellor just broke down those walls and we became very, very close in the end.”

“I think change was good. I think if you’re going work on yourself, in recovery you start getting too attached to one thing, like one person or whatever is not good. Life’s about to change, so you need to be accustomed to the changing, and be ok with it. That’s what I think, anyway.”

My counsellor was a huge part of it. It was great because even when I was having issues come up, like I’d be going to the office every day because school was close. I would go in there and check if it was my day. If there was something that was pissing me off I could just go and talk with Ryan, and whatever, so it was really good to have the counsellor around to talk to.”

6.2.4 Relationships with Other Clients

This year’s interviewees continued a trend of reporting good relations with their drug court peers. The closeness of relationships varied and some continued associations once they graduated, others did not.

“I’ll talk to anybody. I don’t really like to judge people. I’ve been through hell and back and so have they, so, they might not have went through the same thing, there’s similarities in what we went through. I would always say hi to everybody else. There were people that didn’t get along but I just kept my nose out of their business. I was nice to whoever.”

“I got along great; I never had any problems with anyone I don’t think.”

“It’s hard, because you will get to know someone and very shortly afterwards they’ll relapse. But there are a handful of people that I remain very, very close with.”

“I was friendly with everybody and, maybe they’d think we were friends, but as soon as I left that program I cut ‘em out. I don’t need those people. I don’t know if they’ve changed. If I see them at meetings, I still go to NA and stuff, I’ll be friendly, but I just don’t need the social part.”

“Yeah, I was motivated, really helping out whoever I could. Lots of my friends from my old life, there were a few of us that were there, in the program together and we always supported each other, and I tried to help out as much as I could. I was really busy, so I couldn’t help out as much as the next person, but I did help out as much as I could. Gave people advice when they needed it; tried to get them to go to meetings and stuff.”

6.2.5 Incentive Program

In the drug court program an incentive system is used to encourage compliance and celebrate successes, such as regular attendance, and clean drug screens. There are vouchers for movies and other items, and a larger draw periodically from a “fish bowl” where a small pool of cash can be won. A trend starting a couple of years ago continued: a few interviewees felt that incentives were important for others but not themselves. Overall, however, there was support for the incentive program, particularly for the initial period in drug court when work is not allowed.

“I think that’s pretty good. It gives you something, it helps you out every once in a while. Gives you a few bucks, if you have to buy diapers or food or whatever.”

“That was cool, yes. I had one, I think out of four months I hadn’t gotten anything and then I got one big lump sum of Wal-Mart gift cards so. It was good, they’re good, yeah.”

“It was a nice touch. You know, at first it seemed kinda corny, a \$10 Wal-Mart card or a \$20 card, but you know what; it’s like a reward system. After a while it made me feel

good, I got a \$10 Wal-Mart card, right on, I did good. So yeah, that's what it did for me, I don't know about for anyone else. I think it's a good thing. I don't think it's an incentive cause ain't nobody gonna stay clean for a \$20 Wal-Mart card but it's just a nice thing to get when you do get your time, you go, wow. As crazy as it was, good things happen when you do the right thing. Some people were in a situation where \$20 was a lot, it's a good thing, a good incentive."

"I never really thought about the incentive program too much. It was definitely a good, added bonus, I guess, but I liked counting my days sober, so that was more of an incentive than any gift cards or anything like that."

"Super helpful, I would highly keep that. In early recovery you just don't have money for toothbrushes, you don't have money for that, so having the incentive, even though you shouldn't, I mean, it's weird, you really shouldn't be rewarded for being clean, you know, the reward is being clean. But it is really helpful when you're starting out and you get a Walmart card and you can go buy, I remember buying hair dye with it, obviously I dye my hair, just being able to do that again, it makes you feel whole again. I definitely think that was something that was good."

"It's a nice little treat. I appreciate the fact that it's for Walmart where they don't sell cigarettes or anything along those lines, so it's a lot harder to get something like that. But it's a nice little treat to get something to like, for me, I just gave them to the person I was living with to help out with groceries. It's still good to get rewarded, not just getting told that you're doing well but actually getting a reward. Even if it's simple, it still feels good to get some kind of reward saying 'Hey, you're doing good, here's something.'"

6.3 Program and Graduation

6.3.1 Comparison with Regular Court System

The drug court aims to practice therapeutic jurisprudence and provide service to offenders that differ from the more traditional court setting. The delay in sentencing (no custody if successful), the weekly meetings with the judge and court team, the latitude when it comes to failed drug tests, all these experiences are intended to differ substantially from the more rigid traditional court system, the punitive setting of jail or the strict and less personable approach of probation supervision.

All interviewees continued the trend of favouring drug court over traditional court and commented on their respectful treatment by officials and the sincere interest of the court team in their rehabilitation. Some of the stricter elements of the WDTC, like being chided by the judge for poor behaviour in open court, or in having to report weekly, were viewed by participants as necessary measures to help them succeed.

“When you go to regular court, you watch your lawyer fight, you’re not talking. Yeah, it was personal, it was more personal. At the beginning I was getting scolded but I’m getting scolded because I’m screwing up. I owned what I did, right? I used to get high and then go walk up the stairs and tell him, I just got high outside, just throw me out. They wouldn’t. I’d get scolded and I’d stand there and I didn’t like it, you know? Because, you know, you’ve got 35 people behind you listening to this guy rip you a new ass. It was personal, it was more personal. They’re there to help you; they want to see you succeed. And you could tell, they honestly did. You could tell that the judge wanted to see you do good.”

“Judge Riordan was great. Judge Guy was awesome. Judge Preston, well you know what, he was unique. That’s the first time I even seen, in Drug Court history, the judge stand up behind the thing. He was looking at me and I was standing up there and he stood up, he leaned over, he pointed his finger at me. Course I told him, didn’t your mother ever tell you it’s not nice to point your finger at somebody? We didn’t start off on a good foot. But I knew he wanted me to do well. No unfairness whatsoever. I say that ‘cause it’s just funny the way it happened, right? To me, it showed that he cared about me. Stupid as it sounds. When he stood up and did that, it was like, hey, this guy actually cares. It wasn’t, like a threat, it was like being scolded by your dad. Smarten up and do what you ought to, you know what I mean? So that’s how I took it, that’s what I’m laughing about, it was funny “The judge, for Drug Court, he’s more, try to praise people, to turn their life around and that, it’s hard to explain, it’s just the way he is in court, when he gives out feedback and he’s letting people come in and out of Drug Court, giving them more than a second chance. I’m at a loss for words for him.”

“Well, with the regular court whenever I was arrested I would have many, many charges and so, the thing I would do is plea it out, I would plea it out to whatever I could to get out as fast as I could. Thinking that that was my wisest move. But someone that is on drugs really isn’t looking for something that is, they just want to get out of jail, they’re not going to think about their best interests. So I’ve got quite the criminal record now. With drug court, everything is screened, everything is in your favor, I wish I would have known drug court a long time ago.”

“Aside from their clothing you would never know of their position as judge or prosecutor. They treat you the same as they would probably treat their family members. It’s just such, it’s so, everything’s so comfortable.”

I think that drug treatment court is way more respectful of the person who's been charged, or whatever, like wayyyy more respectful. More personal and they actually, genuinely want you to succeed. They genuinely want you to do better and help you find the way to do that. Whereas in the actual court system I find them to be...quite a bit ruder I guess. And a lot judgier, makes sense, right, their judges, but they're a lot judgier. They don't, I guess, the judges we have in Drug Treatment Court genuinely want to see change. The other judges I seen do not give a shit about change, they think you're bad, that you've done bad and this is what you have to do."

"I think the weekly court visits help teach about authority again. Because I think that's a big problem with a lot of addicts, they don't respect authority and I think that's really important for learning that respect, so I think it was really important to do that. It does really help. And it helps to hear, to know that somebody's watching, to be accountable. But reduce it for the people who don't need it. I was definitely sick of going every week, and in the end, when you're only going every two weeks I was like, ok, this is way better."

"Drug court is super supportive and everyone's just there to help you to achieve your goals. And to be there to support you, like, the team consists of counsellors and it consists of the judge and the Crown and everybody all works together to help you to get a life."

6.3.2 Program Strengths

Each year interview participants offer a diverse set of program strengths. This year the graduates were quite general in their praise. They enjoyed many features of the program, but strong counselors and accountability through rules and drug tests were emphasized (continuing a recent trend in graduate comments).

"Drug court helps you get back into life, they help you get a job, to get a place to live, get an education."

"The support system in general, they're still there for me, I can see counselors and talk. It's just an awesome program."

"I love drug court. Everything about it is fantastic; they just meet every need that someone in recovery needs. I think the staff, was another big thing. Just the community of people that are going through the same thing."

"Strengths are: the counsellors are genuine, and that's, they really care about their jobs and doing them well, and helping, helping these people out, the counsellors are key. The accountability of the pee tests, of course, right, without that you wouldn't have, you'd have too many liars in there. Well, they already do. And then, the traditional teachings piece for me."

“My impression of it now is that it’s an awesome program. It’s a hard program and it’s meant to be hard because it’s meant to set you up for life outside of the program. When I was in the program I sure wasn’t happy with lots of things but now that I’m out of it I feel that it’s exactly what I needed and it would be exactly what anyone would need.”

6.3.3 Program Weakness and Suggestions for Improvement

This year, again most graduates had few suggestions for improvement and liked the way the program ran. Continuing a trend, some interviewees indicated that they thought the program ran too long for them, and could be cut to 12 months for some. One subject felt that other clients believed she was being favoured by her counselor, a difficult issue to address in individualized treatment regimes, i.e., clients do not know all the details of each other’s cases, just what they tell each other. One suggestion of note was greater leniency for physical difficulties on urine tests be allowed for clients who had been doing well. Providing urine is not always as straightforward as one might like, and can be difficult.

“The program offers stuff, clients got everything you need, they got some good tools. I don’t see any weakness in it, they’re fair, they offer them, they keep telling people, the weakness is in the individual and the client. Unfortunately the program can’t do nothing about that. You can’t help me if I say I don’t want help. You know, and I tried to explain that to a lot of these youngsters there, like, believe me, you know.”

“More making it so people, they have a bond together and are actually building friendships in the group, you know, and are actually having fun. People can learn how to have fun again and get out of their comfort zone. Because addicts don’t know how to have fun without using or being under the influence of something. So the more you can teach them how to have fun and encourage them to go out and have fun, the more that they actually will. That would be beneficial to them.”

“Giving more time to get the screen in for people who are further along in the program. Well they did do that for me, but even if you miss by, like, five or ten minutes they would count it as a dirty screen. Whereas, sometimes people just can’t go. They should give them that leeway, if they’re sitting there, trying to go and they can’t go and they sit there and wait until they actually have to go and they go, I think they should be allowed to have

that kind of leeway cause it's really hard to a) have to try to hold it and b) to try to get it done at a certain time, you know what I mean?"

"The program can be a little bit long. Lessons become repetitive. So maybe in the morning group have a couple more topics instead of using the same stuff over and over again. Or move us through faster."

"Every two weeks going to court at the end is too much. In the maintenance phase, it could be once a month. They tell you, 'you're doing a great job, keep it up.' By then, by the time you're in maintenance, you don't need to go as much, like once a month would be fine."

"At 12 months, it kind of starts getting to drag on, repetitive. But for some people, I could see for longer for some people. It all depends on how you are, whether you're stable or not. Some people have been in there for 2 years and they are still struggling. But I'd already been sober for a while when I went into drug court, some of us don't need to be in for so long."

6.3.4 Community Involvement, Current Health and Social Circumstances

All interviewees reported themselves to be in generally good health; one ongoing mental health conditions that they were managing. All six were employed. Most had been involved with community agencies such as Alcoholics Anonymous, Cocaine or Narcotics Anonymous and some had spent time in residential placements like Eagle Women's house. All respondents had continued affiliation with community groups, even after graduation.

"For my community support I found AA a lot more useful, I still go to AA. I also went to a couple of sweats."

"I went to AA. I didn't like CA; I had never been to an NA. I still go to First Step (AA group), it's just in my area. This is one was one that my ex had brought me to actually, and it was a lot of older people who have really long spans of sobriety so it was good for me."

"I went through everything, I went through Ray, I went through Eagle Women's, I went through detox, I went through Destiny House, I used every resource that was available."

“I am hugely active with NA right now, I’ve got a home group, I’ve got a sponsor, I’m literature chair and at my home group, I’m key holder. I have Tuesdays booked off forever at work, just to go to my home group. My boss knows about everything, he’s supportive of what I’m doing, as well as the people there; they’re very supportive of what I’m doing. My family is super supportive of what I’m doing; my friends are really supportive of what I’m doing. I have a really good network in NA of people who are really supportive of change, right.”

“One of the first places I went to live, was directed to me through drug court, it was the 210 recovery and at that time it was a brand new house as well and at that time in their program it was required that you attend daily twelve step meetings. I had discovered AA before but never treated it seriously until I went to this place, so I was there about four months in which every day I did a meeting, quite a bit of meetings and I don’t want to say I depended on them but I definitely got used to going and that’s where it all got started for me, for twelve stepping it anyways.”

6.3.5 Client Perspective on Their Individual Success

Like all years, this year’s group mostly attributed success to their personal commitment to beat their addiction. Interviewees also discussed the effort and hard work involved in completing the program. . Other reasons for success included allowing yourself to trust your counselors, and keeping custody of your children.

“I wanted it and I had enough. Sometimes people just haven’t had enough, and they don’t want it, and then it’s like ‘I hate to see you go but, see you later.’ What else can you do if people don’t want it bad enough?”

“I actually wanted it. And if you don’t want it and you’re not ready you can’t do it. It doesn’t matter, if you’re just doing it to get out of jail it won’t work. You have to want to change your life because you have to change everything about who you hang out with, what you do, you’ve got to change everything. So if you don’t want to you won’t.

“It’s a lot about commitment, showing up and being on time. It’s a lot of effort to graduate. If you’re not showing up, you’re being late all the time you’re not going to graduate. They look at that stuff. In everyday life, you show up late to the job and stuff you’re not going to stay hired there very long. I put in the time and the effort, I showed up, I was never late for anything, I never missed an appointment.”

“I really wanted to be sober and I didn’t wanna live the way I was living before. It was lose my daughter or get sober.”

“A big thing was trust, letting down walls, boundaries, actually believing that someone else has your best interests in mind. I succeeded because I trusted people in the drug court.”

7. Quasi-Experimental Recidivism Comparison Study: Drug Court group versus Probation group

7.1 Comparison Group Methodology

This annual evaluation has provided recidivism data on outcomes for drug court clients that are quite flattering. We have compared the graduate re-offence rate of 16% to the Manitoba probation rate of 28%, using a similar two year period follow-up. But we have been criticized in the past by advocacy groups for not comparing WDTC clients to similar drug addicted offenders. To achieve this, an experimental design using random assignment of drug addicted offenders to drug court and to no treatment (or other treatment) would be needed. Indeed, Gottfredson and her colleagues Baltimore study used such a random design and achieved results that supported the effectiveness of drug court.

Because of concerns over service denial, random designs are generally not seen in the human services. Governments that initiate programs are uncomfortable with providing a service to some but not others, even if assignment is random. An alternative strategy that has been utilized is that of the matched comparison group. A group with similar features is identified (usually retrospectively) and matched along a number of key characteristics. For example, a cocaine addicted group taking a drug substitute like methadone might be compared to a cocaine addicted group that was not taking the drug substitute, or perhaps the matched group might be in a different program. The two groups

are matched on characteristics such as age, gender, race, education, employment record, and marital status and, if data are available, important behaviour history variables such as social assistance experience, past addictions treatment, risk assessment or criminal history.

Taking the creation of a comparison group one step further, a statistical procedure called propensity score matching has been applied to ensure that the one to one matching of cases becomes an automated process. In Canada, Somers and his colleagues (2012)¹² used this method to compare a group of Vancouver drug court clients to individuals with equivalent demographic characteristics, health problems and hospital stays, crime risk and addiction backgrounds. Drug court cases showed significant reductions in offending two years post DTC entrance, including reductions in drug related offences. Reductions were larger than those observed for the comparison group, and were statistically significant.

7.2 Creation of Drug Treatment Court Group and Probation Comparison Group

In the case of the drug court, we took advantage of data made available through a recent Manitoba Corrections probation recidivism study to compare drug court clients to probation cases.

7.2.1 Probation Comparison Group

The comparison group was derived from an original population of 2097 offenders placed on probation in Manitoba in 2011 who had a Level of Service/Case Management

¹² Somers, J. M., Currie, L., Moniruzzaman, A., Eiboff, F., & Patterson, M. (2012). Drug treatment court of Vancouver: an empirical evaluation of recidivism. *International Journal of Drug Policy*, 23(5), 393-400.

Inventory completed. LS/CMI is a risk/needs assessment tool that examines domains of criminal history, employment/education, family/marital, peers, leisure time, and attitudes and most importantly for our match, addictions. In 2014, Manitoba Corrections conducted a recidivism study to assess the predictive validity of the LS/CMI. They took all probation admissions from 2011 (N=2023). Any new charge(s) were used as a recidivism outcome, with a follow-up period of 12 calendar months. Manitoba Corrections kindly provided the Excel data set for use in this comparison study. We converted the data into SPSS format for this analysis.

7.2.2 Drug Court Group

Because the probation group was selected from 2011, we initially intended to just take drug court cases assigned in 2011. However, to come up with even a small sample, we also took cases from late 2010 and early 2012. The sample broke down into:

2010 - 20 2011- 20 2012 -32. Total DTC N=74.

This group was followed up for the same 12 month follow-up period for any new charges, similar to the probation comparison group. In addition to demographic characteristics, drug court cases had an LS/CMI completed, which allowed for later matching of criminal risk and addiction level.

7.2.3 Creating a Matched Comparison Group

As the drug court sample is urban based in Winnipeg, we deleted all rural based from the probation sample. We manually accessed Manitoba Corrections COMS information to identify cases who resided in small towns, rural areas or simply, in a place other than Winnipeg. From the original sample of 2023, we removed 843 rural cases and

further deleted three cases where residence was unavailable or difficult to discern reliably from COMS.

As the drug court admissions from 2010-2012 took in only Indigenous and Caucasian subjects, we deleted 76 probation cases with other ethnic backgrounds (Black, South Asian and other) and 44 probation cases where ethnicity was not available, and three duplicate cases (were also in drug court). For matching purposes, from the 1054 left, we manually obtained ethnic background from COMS.

A comparison of key characteristics between 1054 Winnipeg probationers from 2011 and the 74 WDTC cases is provided in Table 8. We estimated comparative statistics on age, gender, race, LS/CMI score and addictions score, LS/CMI rank and addictions severity from our base of 1054 probationers and 74 drug court cases. As can be observed, the samples are different when it comes to gender and race, as the drug court takes in twice as many females as probation, but are also 20% lower for Indigenous inmates. Differences for gender and race were statistically significant. On the other hand, the two drug court and probation groups are quite similar in age and (surprisingly) general risk and addictions severity. Manitoba has a high violent crime rate which helps to partly explain their high incarceration rate, but we were startled to observe so many high risk cases on probation. This may reflect the use of sentences combining custody and probation, availability of high risk intensive supervision probation programs like GRASP or COHROU, or a combination of all these factors.

We ran the coarsened exact matching procedure in SPSS, matching on age, gender, race, LS/CMI rank and Addictions score. The process reduced the probation sample from 1054 to 167, and thankfully only reduced the drug court sample from 74 to

63. As can be observed, the two groups are now quite equivalent in age, gender, race and risk.

7.3 Results

Table 9 shows that the drug court sample outperformed the probation group: only 19% were charged in the following 12 months, compared to 31.1% of the probation group. This difference further favours the drug court group when compared on new crime severity: just under two of three drug court cases who reoffended were breached for administrative reasons (58.2%), compared to only one in three (32.7%) probationers. In contrast, 29% of probationers faced a new violent charge, compared to only 8.3% of drug court clients.

In summary, we have compared drug court cases from around the year 2011 with probation cases on new charges. We matched the probationers quite closely with drug court cases on demographic, risk and addictions data. The drug court cases were less likely to face new charges, and the new charges that were laid were less serious than those faced by probationers.

This analysis is limited in some ways. We could not match as closely as we might have liked due to sample and data limitations. We were not able to match on serving offence (trafficking versus break and enter) or drug addiction type (e.g., cocaine versus marijuana), which might have impacted findings. Still, despite these possible improvements, we would conclude that the groups were still alike in many important ways and that the results are supportive of the drug court. Of course, probation does not have the resources available as substantial as the drug court, so the difference is not

altogether surprising. Study results are somewhat of an affirmation of the benefits of intensive treatment for high risk individuals.

Table 8: Differences between Unmatched and Matched Drug Court and Probation Samples

	WDTC (N= 74)	Probation (N= 1054)	t or Chi Statistic	WDTC PSM (N=63)	Probation PSM (N=167)	t or Chi Statistic
<i>Age</i>						
Mean	30.39	29.97		29.87	30.07	
SD	8.74	10.90	.394ns	8.74	8.43	ns
<i>Gender</i>						
Male	45 60.8%	837 81.3%		42 66.7%	111 66.5%	
Female	29 39.2%	197 18.7%	18.14***	21 33.3%	56 33.5%	ns
Total	74	1054		63	167	
<i>Race</i>						
Caucasian	42 56.8%	388 36.8%		36 57.1%	95 56.9%	
Indigenous	32 43.2%	666 63.2%	11.66***	27 42.9%	72 43.1%	ns
Total	74	1054		63	167	
<i>LS/CMI Score</i>						
Mean	21.53	21.78		21.79	22.22	
SD	9.31	9.73	.220ns	9.48	9.25	ns
<i>PRA Risk Categories</i>						
Very High	18 24.3%	269 25.5%		12 19.0%	32 19.2%	
High	27 36.5%	336 31.9%		13 20.6%	34 20.4%	
Medium	15 20.3%	290 27.5%		23 36.5%	61 36.5%	
Low	14 18.9%	159 15.1%	2.25ns	15 23.8%	40 24.0%	ns
Total	74	1054		63	167	
<i>Drug/Alcohol (0-8)</i>						
Mean	4.20	4.02		4.13	4.13	
SD	2.16	2.46	.616ns	2.20	2.19	ns

*** $p < .001$, two-tailed, ** $p < .05$, two-tailed, * $p < .05$, one-tailed, ns=not significant. Use of *t* or chi square statistic to test significance.

Table 9: Recidivism Comparison between Drug Court and Probation Matched Cases

<i>Any New Charge</i>	WDTC PSM (N=63)	Probation PSM (N=167)	Chi Statistic
No	51 81.1%	115 68.9%	
Yes	12 19.0%	52 31.1%	3.329*
	63	167	

<i>New Charge Severity</i>			
Administrative (Breach)	7 58.3%	17 32.7%	
Violent	1 8.3%	15 28.8%	
Property	3 24.9%	16 30.7%	
Other	1 8.3%	4 7.7%	
Total	12 99.9% ^a	52 99.9% ^a	

*** $p < .001$, two-tailed, ** $p < .05$, two-tailed, * $p < .05$, one-tailed, ns=not significant. Use of *t* or chi square statistic to test significance.

^aTotals may not add to 100.0% because of rounding.

8. Summary and Conclusion

The Winnipeg Drug Treatment Court went through a tumultuous year: the program has survived some rather protracted budgetary negotiations, staff turnover and a new model being introduced, but through it all staff have still attempted deliver a more focused, evidence based treatment regime. After refusing referrals while funding was being worked out, the program is on hiatus but hopefully will start again soon. While there were some staffing challenges and efforts have been made to improve the program, our interviews with recent graduates suggest that the fundamental WDTC model appears to still be working.

The targeted group of high/risk needs offenders appears to be the ones being referred and accepted into the program. Despite criteria prioritizing drug trafficking and property offenders, the WDTC accepts a fair percentage of offenders with convictions for violence, with no evident threat to public safety. Referrals still strike a reasonable balance of male vs. female and Caucasian vs. Indigenous or minority cases.

In terms of outcomes, the discharge and graduation rates are reasonable given the high risk nature of the treatment group. The recidivism rate for graduates remains very low, and the discharge re-offence rate is not high either. Graduates rank the procedural fairness of the program quite highly.

A significant finding this year was the substantively lower re-offence rate for drug court cases when compared to an equivalent group of Manitoba probationers with similar risk/need rankings and drug addiction ratings. To be fair, the WDTC is much better resourced than probation; it offers more treatment programming as well as curfews and

drug testing that is done routinely. This is also important insofar as some might suggest that probation is a less intrusive, less costly intervention than drug court for addicted offenders, and perhaps might be more cost effective if substituted as an intermediate sanction. Our findings here suggest that trying to replace drug court with probation placement for addicted offenders will not prove effective, but result in more recidivism.

The drug court will likely restart soon and introduce a modified staffing model. After eight years of evaluating the program, we urge that the traditional strategies be adhered to. Individual and group counseling, weekly court meetings, curfews, drug tests, incentives and sanctions, the basics appear to have been effective over a long period of time.

To improve drug court efficiency and better gauge need, however, we are recommending two things be focused on when the program restarts.

1. Referrals and time to drug court placement should be tracked. Are cases being moved expeditiously through the courts, reducing the use of custody? If not moved to drug court, do they receive provincial or penitentiary terms? Anecdotally, we have been told waiting lists have been forming, this needs to be assessed to see if more staff are needed.
2. A minimum period of twelve months of programming should be applied to strong performers in drug court. This is done in many other drug courts and no one has found that this damages chances for client success.

Informally, we have been told by WDTC personnel in the past that it is perhaps inappropriate to move individuals through too quickly (program looks too lenient). In addition, staff have told us they wish to keep strong, positive performers in the program to strengthen groups and have capable mentors on hand (the strong help the weak). Neither of these rationales appears reasonable to us: once clients have met the WDTC requirements, they are still placed on 12-24 months' probation, hardly a swift movement through the system. In the end, treatment staff are paid to manage their caseloads, thus keeping successful clients in the program to make their jobs easier is a self-serving rationale. The unwillingness to graduate strong performers is of further concern if wait lists or referral times are high.

APPENDIX

Informed Consent – Drug Court Graduates

Procedural Justice Scale

Manitoba Corrections Offence Severity Scale



THE UNIVERSITY OF WINNIPEG

Informed Consent – Drug Court Graduates

We are conducting an evaluation of the Winnipeg Drug Court program and are interested in hearing your opinions and learning about your experiences. The goal of this evaluation is to assess if improvements can be made to the drug court.

Description of Procedures

We are asking you to participate in an interview. The interview will be 30-45 minutes and involve questions about your past drug use and experiences with the drug court. The interview will be typed up into a transcript for analysis, along with other interviewees. No identifiers will be used.

Benefits

Your ideas and opinions are important to us. They will help us improve the drug court program.

Privacy and Confidentiality

Your identity will be kept confidential. Only we researchers will know how you responded to the questions and what you said or did. The recording of our interview will be stored securely.

Your Participation is Voluntary

Your participation is totally voluntary. If you agree to participate but later change your mind, you can withdraw from the study. This will mean destruction of any notes or recordings. In no way will your decision to participate or not affect your status with Manitoba Corrections. To recognize the time and expense involved in participating in this interview, To recognize the time and expense involved in participating in this interview, we are offering \$20.

I, _____, am 18 years of age or older and give my consent to my interview taped with an agreeable second party. I understand that I can participate anonymously in this interview and/or in the final presentation of this research through the use of a pseudonym. I am free to discontinue my participation in this research at any time. I can contact the senior researcher, Dr. Michael Weinrath, or the University of Winnipeg Criminal Justice Ethics Chair at the number listed below to have my questions addressed or if I am in any way dissatisfied with the research procedures.

I wish to remain anonymous and the pseudonym I have chosen is _____

In signing this consent form, I acknowledge that no coercion, constraint, or undue inducements were used to obtain my voluntary consent. I am aware that I may withdraw from the study at any time. Withdrawal means erasure of the interview and any related materials.

I may receive a copy of the final report upon request of Dr. Weinrath. A copy of this letter will be given to me.

My decision to participate gives me no special consideration, nor does it in any way jeopardize my current status within Manitoba Corrections.

Questions and Further Information

If you have any questions regarding the research project or your involvement please do not hesitate to contact

Project Supervisor: Dr. Michael Weinrath, University of Winnipeg, 204/786-9100

Criminal Justice Ethics Chair: Jon Franklin 204/786-9383.

I have read this form and understand the procedures outlined.

Participant's Signature and Date

Researcher's Signature and Date

Items Included in the Procedural Justice Scale:

- 1.) Did you or your lawyer have a chance to tell your side of the story when you came to drug court?
 - 2.) Did the judge listen to what you or your lawyer said when you came to drug court?
 - 3.) Did the judge rely on reports from your case manager at the court hearings?
 - 4.) Was the information the judge had on your drug tests and treatment attendance accurate?
 - 5.) Did the judge try to consider all the facts?
 - 6.) As far as you know, did the judge apply the rules about going to drug tests and drug treatment the same way for you as for other defendants?
 - 7.) Did the judge follow the same rules every time about what would happen if you failed a drug test, skipped a drug test, or did not attend treatment?
 - 8.) Were you treated politely and with respect by the judge?
 - 9.) Were you treated politely and with respect by your case manager?
 - 10.) Did you trust the judge to be fair to you in the hearings?
 - 11.) Overall, how do you rate the fairness of the courts, and drug court case managers in their handling of your case?
 - 12.) Overall, how do you rate the fairness of the sentence you received when you graduated?
 - 13.) Overall, how do you rate the fairness of the court in using penalties for using drugs, skipping drug tests, or skipping drug treatment?
-

Responses to items 1 – 10 range from one (almost never) to five (every time).

Responses to items 11-13 ranged from one (not fair at all) to four (very fair)

Offence Severity Scale

ORAMS Instructions Manual Inmate Security Assessment – Adults

High Severity: Score = 2

Most offences in the high range involve the direct and intentional use of weapons or violence, and the victim has suffered serious physical or psychological harm (ie. victim received medical attention or was hospitalized for injuries) as a result.

Give a “1” score if the following offences involve the threatened or potential use of violence or weapons to cause harm or more minor assaultive offences which do not result in serious physical harm to the victim (ie. victim received medical attention or was hospitalized for injuries).

Abduction
Accessory after fact to murder
Aggravated assault
Aggravated sexual assault
Arson
Assault with weapon or cause bodily harm
Assault with explosive or corrosive
Attempt murder
Bestiality or buggery
Cause death by criminal negligence
Cause bodily harm by criminal negligence
Escape custody with force – extortion with force
Forcible confinement
Gross indecency
Incest
Kidnapping
Manslaughter
Murder, first degree
Murder, second degree
Robbery with force/weapon/violence
Sexual exploitation of young person
Wounding with intent

Medium Severity: Score = 1

Most medium severity offences involve the threatened or potential use of violence or weapons to cause harm or more minor assaultive offences which do not result in serious physical harm to the victim (i.e. victim received medical attention or was hospitalized for injuries).

Give a "2" score if the following offences are related to the direct and intentional use of violence and the victim has suffered serious harm.

Assault peace officer
Assault, no weapon/harm
Assault, sexual, no weapon
Careless use of firearm
Common assault
Criminal negligence in operating of motor vehicle
Dangerous driving causing death
Dangerous driving cause bodily harm
Discharge firearm
Domestic assault
Escape custody, no force used
Extortion, no force used
Fire setting
Indecent exposure
Indecent assault
Invitation to sexual touching of young person (under age 14)
Point firearm
Possess weapon dangerous to public peace
Possess restricted/concealed/prohibited weapon
Robbery, no use of force, weapon, or violence
Set fire to a substance
Sexual interference of a young person (under age 14)
Trafficking and possession for purpose (NCA & FDA)
Use of firearm in commission of offence
Utter threats to property or animals
Utter threats to kill/main person
Wear disguise in commission of offence

Low Severity:Score = 0

Most offences in the low severity range do not involve violence, weapons or victim harm.

Enter a “1” or “2” score if the following offences are related to the threatened or direct use of violence and the victim has suffered harm.

Attempt theft/break & enter
Breach of probation
Breach of recognizance
Break & enter other than a dwelling house
Break & enter a dwelling house
Cause disturbance
Cause investigation with false information
Cause fire by negligence
Conspiracy
Corrupt public morals
Dangerous driving
Drive suspended
Fail to appear
False fire alarm
False pretences
Federal statutes (other than NCA & FDA)
Forgery
Fraud
Impaired driving/Drive over .08
Keep common bawdy house
Lives on avails of prostitution
Nuisance
Obscene calls
Obstruct justice
Obstruct peace officer – perjury
Possess goods obtained by crime
Possess housebreaking instruments
Provincial statues (eg. BLA, HTA)
Refuse breathalyzer
Simple possession (NCA, FDA)
Soliciting-prostitution
Take auto without consent
Theft under/theft over
Theft of telecommunications
Trespass at night
Unlawfully at large
Unlawful personation