



MONTANA DUI RECIDIVISM

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MONTANA DUI RECIDIVISM ANALYSIS

Overview

In April 2022, the Montana Supreme Court hired NPC Research to conduct an evaluation of DUI Drug Courts. In particular, the State was interested in the recidivism rates of individuals in Montana who have felony DUI cases. Data were received from FullCourt (court records), Department of Corrections (sentencing, jail and prison stays, probation), and DIMS (treatment court program data). While the goal was to compare four groups of people and their experiences post felony conviction (those who attended WATCH only, those who attended a treatment court only, those who attended both WATCH and a treatment court, and those who attended neither), we were unable to access data about which individuals had participated in the WATCH program.

Findings

The sample covered 1,002 felony DUI convictions spanning from January 1, 2016, to December 31, 2018. This time period for the sample allowed us to look at any new convictions in the 3 years following the conviction that made them eligible for the study. Seventeen percent (17%) of convictions during this period came from Yellowstone County while 10% came from Missoula County and 9% came from Gallatin County. All remaining courts each made up 8% or fewer of total convictions.

Table 1: DUI Convictions by Year

	<i>n</i>	%
2016	356	36%
2017	305	30%
2018	341	34%

System response:

- Just over 6% of DUI convictions included in the sample received a treatment court (TC) screening ($n = 62$)
- 33% led to incarceration
- 17% led to supervision
- For the remaining 45% (Unknown), there was no clear treatment court, incarceration, or supervision episode occurring within 3 years after the DUI conviction date. Due to missing WATCH data, it is possible some of them entered that program as well.

Fifteen percent (15%) of individuals whose DUI conviction led to a TC had some type of felony reconviction after 3 years, with 5% having a new DUI conviction. Individuals who were placed under supervision had the lowest rate of reconviction at every follow-up point, with just 9% having new convictions at the 3-year mark and 3% having a new DUI conviction. Note that treatment courts serve individuals who are screened as being both high risk for reoffending and having a high need for substance use treatment.

Table 2: Follow-Up Reconvictions

	Incarceration <i>n</i> = 316		Supervision <i>n</i> = 174		Treatment Court <i>n</i> = 62		Unknown <i>n</i> = 450	
	Any Reconviction	DUI Reconviction	Any Reconviction	DUI Reconviction	Any Reconviction	DUI Reconviction	Any Reconviction	DUI Reconviction
At 6 months	9%	3%	2%	1%	5%	2%	4%	1%
At 12 months	10%	3%	3%	1%	6%	3%	6%	1%
At 24 months	14%	5%	6%	2%	11%	3%	9%	3%
At 36 months	19%	7%	9%	3%	15%	5%	14%	5%

Treatment Court Referrals

Of the 62 individuals who received a treatment court referral, 66% entered either an Adult Drug Court (ADC) or DUI Court.

Table 3: TC Type Resulting From DUI Conviction

	<i>n</i>	%
ADC	22	36%
DUI	19	31%
VTC ¹	10	16%
FTC	7	11%
MHC	4	7%
Total	62	100%

¹ Other treatment court types include veterans' treatment court (VTC), family treatment court (FTC), and mental health court (MHC).

Eighty percent (80%) of individuals entering a TC graduated successfully. Graduation rates by TC type are displayed below.²

Table 4: Program Outcomes for TC Participants With DUI Conviction

	N	Graduate %
ATC	13	81%
DUI	11	73%
VTC	7	78%
FTC	6	86%
MHC	4	100%
Total/Average	51	80%

Following program exit, both graduates and non-graduates had low reconviction rates at 6 months and 12 months. At the 2- and 3-year mark, non-graduates had higher reconviction rates than graduates. Additionally, graduates had no DUI reconvictions until the 3-year mark, where non-graduates were convicted of DUIs as early as 6 months. All non-graduates who had a DUI reconviction during the follow-up period had it by 12 months.

Table 5: Follow-Up Reconvictions for TC Graduates vs. Non-Graduates

	Graduates <i>n</i> = 41		Non-Graduates <i>n</i> = 11	
	<i>Any Reconviction</i>	<i>DUI Reconviction</i>	<i>Any Reconviction</i>	<i>DUI Reconviction</i>
At 6 months	5%	0%	9%	9%
At 12 months	5%	0%	18%	18%
At 24 months	7%	0%	36%	18%
At 36 months	12%	2%	36%	18%

² 11 individuals were identified as being Active or Other Exit at time of data extract and thus are excluded.

Exhibit 1: Rates of Any Subsequent Felony Conviction by System Response

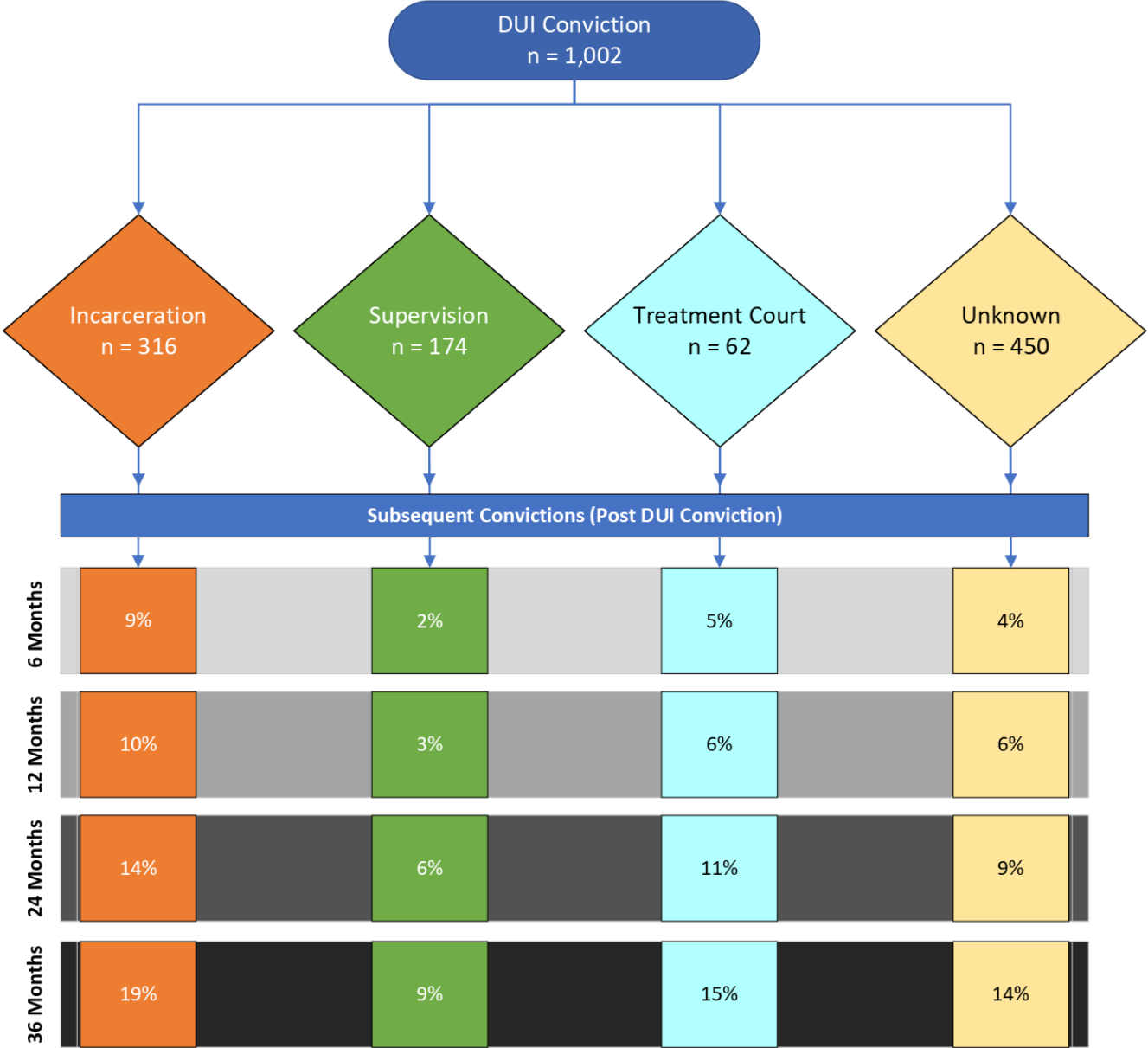
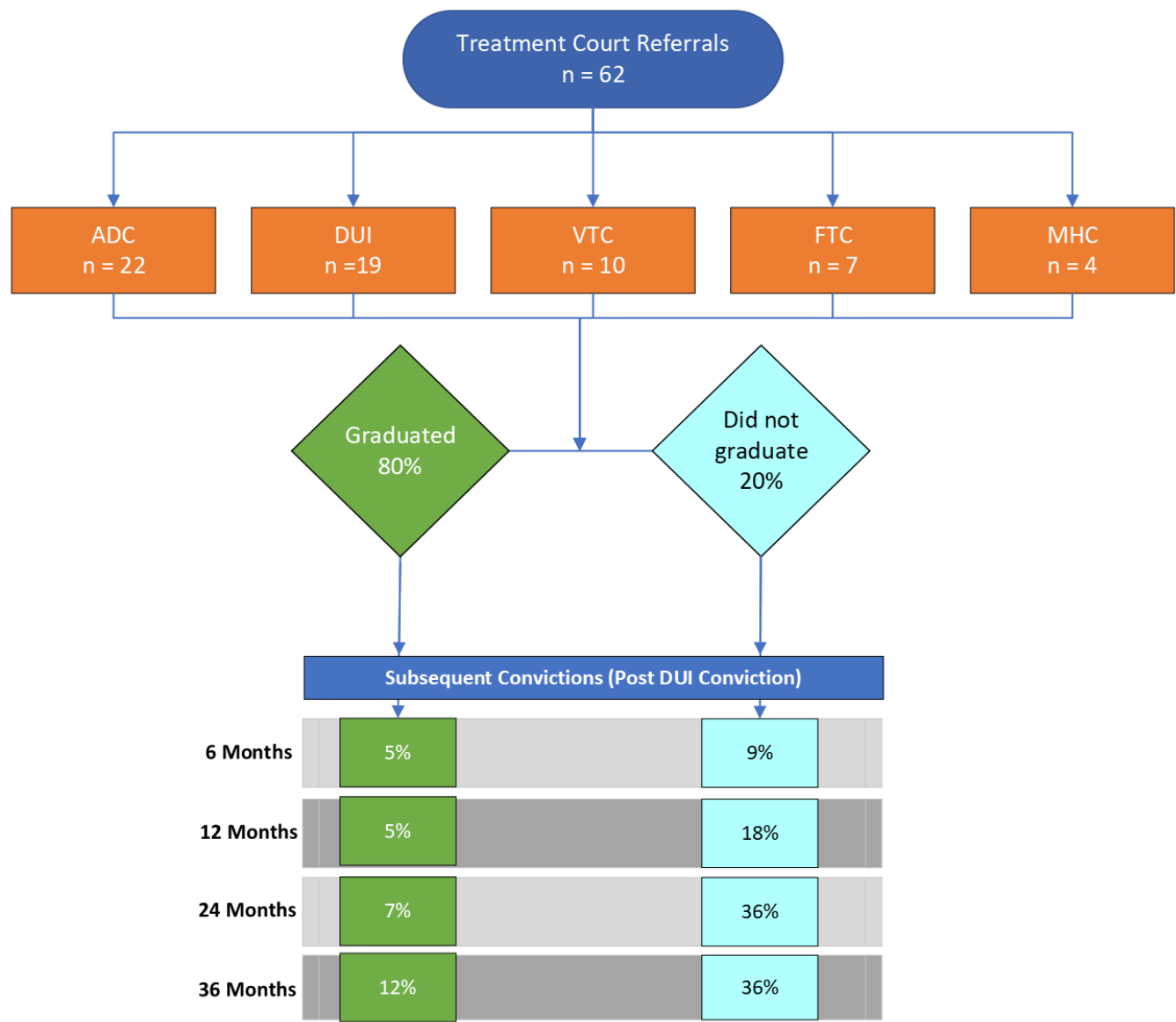


Exhibit 2: Rates of Any Subsequent Conviction for Treatment Court Participants



Summary and Conclusions

A limitation of this evaluation is that we do not have information about what happened for close to half of the sample (45%) in the 3 years after their DUI conviction date. While the rest of the sample had data to indicate they were placed on supervision, incarcerated, or attended a treatment court, we cannot say for certain what the decision was for the remaining individuals. The people who attended the WATCH program are probably part of this group, though we will need additional data to confirm

which ones. We also know that some people who attended WATCH were sometimes also in one of the other groups, such as treatment court.

The overall rate of convictions for subsequent DUIs was fairly low, with the treatment court group (a high-risk, high-need population) equivalent to the other groups. The rate for people on regular supervision was slightly lower and the rate for people who were incarcerated was slightly higher. The study sample had higher rates of new convictions when including all felonies, with a similar pattern across groups. Treatment court graduates had notably fewer new felony convictions overall than the non-graduates.

Because proportionally few individuals (6%) with a felony DUI conviction were referred to a treatment court, this is an area for potential growth in the future.