

DUI Courts

Information from the National Center for DUI
Courts

September 2009



Impaired Driving

- Alcohol impaired driving is one of America's most-often-committed and deadliest crimes.
- In 2007, 41,059 people nationwide were killed in motor vehicle traffic crashes. **Alcohol-impaired** driving accounted for 32 percent of the motor vehicle traffic fatalities. [Source: [NHTSA](#)]
- In 2007, of the 17,036 **alcohol-related** fatalities, 54% (or 9,173) involved a hardcore offender. Hardcore offenders are persons with a BAC of .15 or greater, or with a prior DWI arrest. [Source: [NTSB](#)]
- Between 1983 and 2007, more than 220,000 people died in crashes involving hardcore drinking drivers. [Source: NTSB]
- In 2006, hardcore drinking drivers were involved in a minimum of 9,414 **alcohol-related** fatalities, the estimated cost of which was over \$9.1 billion. [Source: NTSB]
- Repeat DWI offenders are over represented in fatal crashes, and have a greater relative risk to kill another person. [Source: NHTSA and NTSB]
- During an average weekend night, about 1 percent of drivers have BACs of .15 or greater and about two-thirds of fatally injured drinking drivers have BACs of .15 or greater. [Source: NHTSA]
- A driver with a .08 BAC in a fatal crash is 8 times more likely to have a prior DWI conviction than a person with no alcohol present. [Source: NHTSA]
- Drivers at .15 BAC and above are at least 20 times more likely to be involved in a fatal crash than a non-drinking driver. [Source: NHTSA]
- It is estimated that half of all drivers arrested and half of those convicted of DWI have BACs of .15 or greater. [Source: NHTSA]
- Hardcore impaired drivers are not impacted by the same general deterrence methods, such as public awareness campaigns, or only traditional sanctions such as incarceration.
- Hardcore impaired drivers meet the clinical diagnosis of alcohol dependence and abuse.

What is a DWI Court?

SIMPLY PUT: A DWI COURT IS AN ACCOUNTABILITY COURT DEDICATED TO CHANGING THE BEHAVIOR OF THE HARDCORE DWI OFFENDERS THROUGH INTENSIVE SUPERVISION AND TREATMENT.

To date, it has been left to the traditional courts and criminal justice system to deal with DWI cases, and it has become clear that the traditional process is not working for hardcore DWI offenders. (Hardcore DWI offenders are defined as individuals who drive with a BAC of 0.15 percent or greater, **or** who are arrested for or convicted of driving while intoxicated after a prior driving while impaired (DWI) conviction.)

Punishment, unaccompanied by treatment and accountability, is an ineffective deterrent for the hardcore offenders. A new strategy exists to fight these hardcore impaired drivers, generally called "DWI Courts" or "DWI/Drug Courts."

A DWI Court is an accountability court dedicated to changing the behavior of the hardcore offenders arrested for DWI. The goal of DWI Court or DWI/Drug Court is to protect public safety by using the highly successful Drug Court model that uses accountability and long-term treatment to address the root cause of impaired driving: alcohol and other substance abuse.

Recognizing that treating hardcore DWI offenders is complex and requires a combination of countermeasures is just as important as understanding that the type and timing of the intervention is critical to curbing these offenders' illegal and dangerous behaviors (**National Association of State Judicial Educators**, 2004). This is consistent with a **National Traffic Safety Board** report which suggests the importance of quickly identifying and intervening with those drivers having the highest rates of alcohol-impaired driving (Quinlan et al., 2005).

With the hardcore offender as its primary target population, DWI Courts follow **Defining Drug Courts: The Key Components** (NADCP, 1997) and the more recent **Guiding Principles of DWI Courts**. **Unlike Drug Courts, however, DWI Courts operate within a post-conviction model.** This notion is supported in a resolution by National Mothers Against Drunk Driving (MADD) stating "MADD recommends that DUI/DWI Courts should not be used to avoid a record of conviction and/or license sanctions."

In addition to **MADD**, the following organizations have also passed resolutions in support of DWI Courts:

- The Governor's Highway Safety Association (GHSA);
- The Highway Safety Committee for the International Association of Chiefs of Police (IACP);
- The National Alcohol Beverage Control Association (NABCA);
- The National District Attorneys Association; and,
- The National Sheriff's Association (NSA).

As of December 2008, there were 382 Hybrid DWI/Drug Courts in operation. (A Hybrid DWI/Drug Court is one that started out as a Drug Court that now also takes DWI Offenders.) In addition, there are another 144 designated DWI Courts bringing the total number of specialized courts dealing with hardcore impaired drivers to 526.

DWI Courts are an effective tool to combat the hardcore impaired driver. DWI Courts are accountability courts, holding the hardcore impaired drivers accountable for their decisions; decisions made before the arrest – to drink and drive, and decisions made after the conviction – to comply with the court's orders.

Research

DWI COURT OFFENDERS ARE UP TO NINETEEN TIMES LESS LIKELY TO GET A NEW DWI OFFENSE THAN THOSE OFFENDERS SENTENCED BY A TRADITIONAL COURT.

DWI Courts Are Showing Success

Early studies of DWI Courts have shown successful results. Numerous individual courts have evaluated their program to find a significant reduction in recidivism.

Furthermore, a three-county evaluation in Michigan found that participants in DWI Courts were considerably less likely than DWI offenders sentenced in a traditional court to be arrested for a new DWI offense or for any new criminal offense within 2 years of entering the programs.

The study was conducted by the Michigan State Court Administrative Office and data analyses were performed independently by NPC Research, Inc. The study examined outcomes for all participants who entered the programs, regardless of whether they graduated successfully, and drew on comparison offenders from the same counties who were matched on relevant eligibility criteria.

Some of the conclusions of the study were:

- DWI Court participants were re-arrested significantly less often than comparison group offenders who were sentenced in a traditional court. In an example from one DWI Court site, the comparison offenders from a traditional court were re-arrested nearly six times more often in the first year after starting probation for the DWI charge than the DWI Court participants.
- In another example, in a 2-year period, traditional sentenced offenders in the comparison group were more than 3 times more likely to be re-arrested for any charge and were 19 times more likely to be re-arrested for a DWI charge than the DWI Court participants.
- Participants in the DWI Court significantly decreased the percent of positive drug tests over time. This provides support that the DWI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program.
- Results show that DWI Court participants spent considerably more time in treatment than those sentenced in a traditional court. Further, the average waiting period between arrest and sentencing was significantly reduced in the DWI Court.
- The number of days spent in jail prior to program or probation start and the total time in jail for that DWI case was also significantly reduced, thus saving the criminal justice system time and money.
- Time enrolled in the program was higher for DWI Court participants. Longer time spent in the program predicts success both in completing the program and in reducing recidivism.

The Guiding Principles

DWI COURTS FOLLOW THE TEN KEY COMPONENTS OF DRUG COURTS AND THE GUIDING PRINCIPLES OF DWI COURTS

DWI Courts follow the **Ten Key Components of Drug Courts** and the **Guiding Principles of DWI Courts**, as established by the National Association of Drug Court Professionals. It is these 10 Principles that set out the guidelines for DWI Courts.

The Guiding Principles of DWI Courts

GUIDING PRINCIPLE #1: Determine the Population

- Targeting is the process of identifying a subset of the DWI offender population for inclusion in the DWI Court program. This is a complex task given that DWI Courts, in comparison to traditional Drug Court programs, accept only one type of offender: the hardcore impaired driver. The DWI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

GUIDING PRINCIPLE #2: Perform a Clinical Assessment

- A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

GUIDING PRINCIPLE #3: Develop the Treatment Plan

- Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders. Therefore, DWI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.

GUIDING PRINCIPLE #4: Supervise the Offender

- Driving while impaired presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DWI offenders and to protect against future impaired driving.

GUIDING PRINCIPLE #5: Forge Agency, Organization, and Community Partnerships

- Partnerships are an essential component of the DWI Court model as they enhance credibility, bolster support, and broaden available resources. Because the DWI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI Court program.

GUIDING PRINCIPLE #6: Take a Judicial Leadership Role

- Judges are a vital part of the DWI Court team. As leader of this team, the judge's role is paramount to the success of the DWI Court program. The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DWI Court team, therefore, is of utmost importance.

GUIDING PRINCIPLE #7: Develop Case Management Strategies

- Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI Court program.

GUIDING PRINCIPLE #8: Address Transportation Issues

- Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI Court program. In many cases, the participant and court team can solve the transportation problem created by the loss of their driver's license through a number of strategies. The court must hold participants accountable and detect those who attempt to drive without a license and/or insurance.

GUIDING PRINCIPLE #9: Evaluate the Program

- To convince stakeholders about the power and efficacy of DWI Court, program planners must design a DWI Court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI Court team to rigorously abide by the rules of the evaluation design.

GUIDING PRINCIPLE #10: Ensure a Sustainable Program

- The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.

DWI Academy Courts

DWI COURTS USING EXEMPLARY PRACTICES SERVE AS MODELS FOR OTHER DWI COURTS.

In 2008, NADCP, in partnership with [NHTSA](#), created four "DWI Academy Courts." These courts, located across the country, are recognized by NADCP as DWI Courts that use exemplary practices and will:

- Serve as role models for other DWI Courts;
- Be used to create learning and training for newly created DWI Courts;
- Provide ongoing mentoring with DWI Courts in their region; and
- Be a research platform for the development, identification, and testing of improved DWI Court practices.

Before they were selected, the courts went through a rigorous evaluation process competing against other DWI Courts. They will be a DWI Academy Court for a three year period. The four courts are described at <http://www.dwicourts.org/learn/about-dwi-courts/dwi-academy-courts>. These four courts are located in

- Newport Beach, California
- Athens-Clarke County, Georgia
- Traverse City, Michigan
- Greene County, Missouri

Three and one half training programs are available (see <http://www.dwicourts.org/resources/training-programs>) for courts to become a DUI court. These training programs are **team oriented only** with team members representing the following professions all present:

- Judge
- Prosecutor
- Defense Counsel
- Treatment representative
- DWI/Drug Court coordinator/ Planning coordinator
- Expert in research or evaluation
- Probation/Supervision
- Law Enforcement