

Status of Colorado DUI Courts

September 24, 2009

Operational DUI Courts- CDOT grants and local funding for start-up.

- 6th Judicial District; Archuleta County; Pagosa Springs- Est. February 2007
 - BAC of .20 or higher with prior DUI or DWAI
- 22nd Judicial District; Montezuma County / Cortez – Est. May 2007
 - 3rd time offenders with high BAC (.20 or greater)
- 4th Judicial District; El Paso County / Colorado Springs- Est. December 2007
 - 2nd or 3rd DUI with one prior within last 5 years
- 20th Judicial District; Boulder County, Boulder/Longmont – Est. January 2009
 - 3+ DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) or 2 DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) if second was .2 or higher and Defendant is before the court on a probation violation.

In Planning / Start-Up Phase- In March, 2009 the following jurisdictions participated in 3 days of team training sponsored by National Center for DUI Courts, State Judicial, Colorado Department of Transportation, and the National Highway and Traffic Safety Administration and are currently seeking start-up funding/resources.

- 7th Judicial District; Montrose County / Montrose
- 8th Judicial District; Larimer County / Ft Collins
- 9th Judicial District; Pitkin County / Aspen
 - Hybrid; DUI/Drug
- 19th Judicial District; Weld County / Greeley

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 three (3) times more likely to be re-arrested for any charge and were nineteen (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.

(NCDC, www.dwicourts.org)

The Guiding Principles of DWI Courts

National Center for DUI Courts (NCDC)

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.

(NCDC, www.dwicourts.org)