Making Communities Safer
Holding Offenders Accountable
Saving Taxpayer Dollars
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DWI Courts

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NCDC
NATIONAL CENTER FOR DWI COURTS
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Legislators have made great strides in the fight against the deadly, costly cycle of drunk driving. Still, hardcore drunk drivers kill thousands every year. DWI Courts are a proven solution.

**DWI Courts:**
- Save taxpayer dollars
- Make communities safer
- Hold DWI offenders accountable and treat the underlying cause of repeat drunk driving.

By passing legislation that promotes DWI Courts, legislators can reap the economic and societal benefits of drastically reducing hardcore drunk driving.

There are over two million drivers with three or more Driving While Impaired (DWI) convictions in the United States. Every year more than half of the alcohol-impaired fatalities involve a driver with a BAC (Blood Alcohol Content) of .15 or higher. These individuals, repeat DWI offenders and/or those with a high BAC, are known as hardcore DWI offenders. Most first-time DWI offenders do not repeat the crime: they learn from the consequences of their arrest and decide not to reoffend. However, one-third of DWI offenders reoffend, which means they are either unwilling or unable to change their dangerous behavior.

DWI Courts are the most effective intervention for breaking this cycle. DWI Courts permanently change the behavior of hardcore DWI offenders, following the highly successful Drug Court model. DWI Courts blend accountability and long-term treatment to address the root cause of repeat and high BAC drunk-driving: alcohol and other drug dependency.

“As a judge, I have seen first-hand the devastation caused by drunk driving. After 13 years on the bench and 10 years as a District Attorney, I have never seen a solution as successful, socially responsible and cost-effective as DWI Court. There is simply no better criminal justice response to hardcore drunk driving than DWI Court.”

**Honorable Michael Barrasso, DWI Court Judge, Scranton, Pennsylvania**
MADD supports the use of post-adjudication DUI/DWI Courts that employ the strategies of close supervision, frequent testing, and ongoing judicial interaction to integrate alcohol and other drug treatment services with the justice system.”

MADD National Resolution

“The National District Attorneys Association endorses the establishment and funding of DWI Court programs for alcohol abusing offenders as an effective and cost effective means of reducing crime and enhancing public safety.”

National District Attorneys Association Resolution
DWI Courts save critical resources from the moment offenders enter the program to leaving the criminal justice system as responsible, taxpaying and law abiding citizens.

For example:
• Orange County, California’s four DWI Courts have saved more than 109,000 individual nights in jail, resulting in an $11 million savings.
• DWI Courts significantly reduce DWI arrests and crashes.
• DWI Courts have high rates of success and low rates of recidivism.

DWI Courts encourage defendants to resolve their cases quickly, reducing the delay between arrest and sentencing. With fewer trials, counties save money on witness and juror fees, prosecutors’ time, and overtime for law enforcement officers. DWI Courts incarcerate participants strategically and more effectively; for instance, mandatory jail sentences may be served through electronic confinement.

Studies demonstrate that DWI Courts reduce the number of re-arrests of repeat DWI offenders, saving vast amounts of money that would be needed for jail confinement and probation services. Fewer re-arrests ensures officers are on the road protecting our communities from other types of criminal behavior.
“From a law enforcement perspective, the benefits gained from our DWI Court are substantial as evidenced by the decreased levels of drunk driving. Thanks to DWI Court WE EXPERIENCE reduced roadway carnage and material loss as well as cost savings associated with police services, jail and court time.”

**Police Chief Joseph Lumpkin, Sr.**

Athens-Clarke County, Georgia
Taking hardcore DWI offenders off our roads, assessing and treating their needs, and supervising them for extended periods of time ensure safer communities and saves lives.

Recent studies of DWI Courts demonstrate:
• DWI offenders participating in DWI Courts were up to 65% less likely to be re-arrested for a new DWI offense.\(^8\)
• A recidivism rate of 15% for all DWI Court participants versus a recidivism rate of up to 35% for those not in DWI Court.\(^9\)
• DWI Court participants were up to 19 times less likely to reoffend than non-participants.\(^10\)

In an evaluation by the Pacific Institute for Research and Evaluation (PIRE) and funded by the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), the findings were clear: DWI Courts significantly reduce recidivism. Three DWI Courts in Georgia prevented between 47 and 112 repeat DWI arrests,\(^11\) saving taxpayer money and preventing fatal crashes.

In Michigan’s DWI Courts, participants had significantly better outcomes than non-participants. The Michigan study noted that DWI Courts saved the criminal justice system time and money compared to traditional courts.\(^12\) Similar results were found in a study of a DWI Court in Wisconsin.\(^13\)

As a result of their proven effectiveness, these national organizations have issued official resolutions in support of DWI Courts:
• American Judges Association (AJA)
• Governors Highway Safety Association (GHSA)
• International Association of Chiefs of Police (IACP)
• Mothers Against Drunk Driving (MADD)
• National Alcohol Beverage Control Association (NABCA)
• National Association of Prosecutor Coordinators (NAPC)
• National District Attorneys Association (NDAA)
• National Sheriffs’ Association (NSA)
“Because of my general attitude upon entering the program, I had a number of sanctions and spent more time than I ever expected in the county jail. That was probably the start of the process of my ‘getting it.’”

DWI Court Graduate Peter
Hardcore DWI offenders are likely to re-offend, putting us all at risk. In DWI Court, participants are intensely supervised and their underlying addiction treated.

In DWI Court, participants:
- Are tested regularly and randomly for alcohol and other drugs
- Are subject to scheduled and unscheduled visits at work and at home
- Appear regularly in court for judges to review their progress
- Enter into individualized long-term treatment.

To ensure DWI Court participants abstain, frequent drug and alcohol screening is ordered. If late to an appointment at the courthouse or a court-ordered treatment, participants are located and brought before the court to face swift and certain responses. This rapid response and strict accountability teaches DWI Court participants that there are consequences for their decisions. Regular court appearances allow judges to acknowledge progress or sanction when obligations are not met.

The strategic use of evidence-based sanctions and incentives is critical in DWI Court. Sanctions, ranging from community service to incarceration, provide structure and underscore the importance of adhering to program requirements. Praise, applause, and certificates reward participants for testing clean, achieving sobriety dates, and holding a job. Sanctions and incentives, coupled with close supervision and intensive treatment, bring about behavioral change in even the most addicted and unwilling DWI offenders.

Participants receive individualized, intensive, and long-term alcohol dependency treatment. Some individuals with alcohol dependence also suffer from co-occurring mental health disorders. An individualized treatment plan allows the court to address these needs as well as dependency issues to ensure long-term success.
“Recently, I have encouraged a number of people to participate in a DWI Court program. It is an opportunity to change a life, a pattern of destructive habits and become a productive member of society. DWI Court can save an individual’s life and, most probably, the life of another.”

DWI Court Graduate Hana“ii
DWI Courts make a difference in communities across the nation. Yet hundreds of thousands of hardcore DWI offenders are arrested every year. More DWI Courts are needed. It is time to invest in DWI Courts: a proven solution. By passing legislation in support of DWI Courts, legislators can save tax dollars, make communities safer, and hold hardcore DWI offenders accountable.

For more information on DWI Courts, go to www.dwicourts.org or contact the National Center for DWI Courts (NCDC).

“...I stand here today with 2 years, 7 months, and 8 days clean. I have been cleaning up this wreckage for a long time. I owe a big part of that to DWI Court and all the people involved.”

DWI Court Graduate Emilio
DWI Courts

The future is bright. DWI Courts are a cost-effective proven solution to overextended state budgets and recidivism.
Making your community a safer place
Checklist for Drafting DWI Court Legislation

DWI Courts have been shown to save money and reduce recidivism, leading several states and the federal government to pass legislation expanding the number of DWI Courts.

Key elements for legislators to consider when drafting DWI Court legislation:

- Ensure compliance of the “Ten Guiding Principles of DWI Courts” to maintain fidelity to the evidence-based model of using incentives and sanctions and long-term treatment to change participant behavior.

- Ensure the court structure includes:
  - Post-conviction adjudication
  - Intensive probation supervision
  - Random and frequent alcohol/drug testing
  - Individualized long-term treatment
  - Graduation and termination criteria
  - Payments by offender for court costs, treatment costs, supervision fees and/or program user fees.

- Allow for local jurisdictions to establish target populations based upon factors including, but not limited to:
  - Offenders who have a high risk of failing to respond to standard interventions
  - Offenders who are clinically dependent on drugs and/or alcohol
  - Residence of offender in relation to the jurisdiction of the DWI Court
  - A target population consisting of hardcore drunk drivers.

- Ensure DWI Courts do not dismiss, expunge or vacate any DWI conviction

- Allow for DWI Courts to establish flexible criteria for sanctions, including short-term incarceration, and incentives
Ensure the DWI Court team includes, but is not limited to, the following key stakeholders:

- Judge
- Prosecutor
- Defense Counsel
- Probation
- Treatment Professional
- Law Enforcement
- Coordinator.

Ensure current, accurate information on the progress of program participants is collected and shared with the DWI Court team for evaluation prior to each DWI Court session.

Allow judge’s discretion to provide DWI Court participants a limited driving license to attend court mandated functions with the condition of the installation of an Ignition Interlock Device.

“Sample DWI Court Legislation” is available from the NCDC or at www.dwicourts.org/legislative-activity.

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1. Hardcore drunk drivers are those individuals who have one or more previous drunk driving offenses, or have a BAC of 0.15 or more when stopped for an offense.
2. Mothers Against Drunk Driving, New Data Shows Disturbing Number of Repeat Drunk Drivers on America's Roadways, press release, November 25, 2009.
5. Orange County, California, launched its first DWI Court in 2004 and now has four in operation. The cost of confining a defendant to county jail in Orange County has averaged $100 per night during that time.
8. Ibid.
9. Ibid.
11. An Evaluation of the Three Georgia DUI Courts, supra.
15. The Federal Transportation reauthorization or MAP-21 (Moving Ahead for Progress in the 21st Century Act) includes DWI Courts as an authorized program for U.S. Department of Transportation Grant Funds under “Impaired Driving Countermeasures.”
16. DWI Courts follow the Ten Guiding Principles of DWI Courts as well as the Ten Key Components of Drug Courts, both established by the National Association of Drug Court Professionals (NADCP). A complete discussion of The Ten Guiding Principles for DWI Courts is available at: http://www.dwicourts.org/learn/about-dwi-courts/-guiding-principles.

i. For purposes of this document, DWI (Driving While Impaired) is the same as OWI (Operating While Intoxicated/Impaired) or DUI (Driving Under the Influence). These terms are used interchangeably in the literature. States may have different names for the behavior, but it is all the same: Driving after having consumed alcohol, with the alcohol affecting a person’s ability to drive safely.
ii. Out of respect for the participants, the names are fictional; however these are actual quotes made by DWI Court participants during their graduation.
About the NCDC and WSWA

The National Center for DWI Courts (NCDC), a professional services division of the National Association of Drug Court Professionals (NADCP), is the only dedicated advocacy, policy, training and technical support organization for DWI Courts in the nation.

Established in June 2007, the NCDC is dedicated to delivering research-driven practices to reduce impaired driving recidivism nationwide.

**The NCDC is designed to:**
- Expand DWI Courts nationwide
- Improve DWI Court operations through training and technical assistance
- Maintain operational standards for DWI Courts.

Through these efforts, NCDC's message of “Making Your Community a Safer Place” is coming true.

The NCDC is supported by the National Highway Traffic Safety Administration, U.S. Department of Transportation; Beam Inc.; and the Wine & Spirits Wholesalers of America. For more information, go to www.dwicourts.org.

The Wine & Spirits Wholesalers of America, Inc. is the national trade organization representing the wholesale tier of the wine and spirits industry. Founded in 1943, WSWA has more than 350 member companies in 50 states and the District of Columbia. The mission of WSWA is to advance the interests and independence of wine and spirits wholesale distributors in order to ensure the success of its members and the beverage alcohol industry. The vision of the association is for key stakeholders to understand and value the significant contribution of wine and spirit wholesale distributors to the nation’s economy and their critical role in the most innovative, efficient, consumer-friendly and socially responsible beverage-alcohol distribution system in the world. WSWA is committed to becoming an industry leader in social responsibility and the leading voice on responsible access and distribution of alcohol. For more information, go to www.wswa.org.