



The Latest Findings on DWI Court Outcomes and Practices: What do we know so far?

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Overview

- What's the difference between a DWI Court and a Drug Court?
- Are DWI court participants really that different from adult drug court participants?
- What evidence do we have that DWI Courts truly reduce recidivism and protect public safety?
- What happens if you change the system and ***all*** repeat DWI offenders are monitored and held accountable by the Court?
- What do we know about DWI court best practices?

What We Already Know

Recidivism

- Drug Courts reduce recidivism
- Recidivism is decreased up to 14 years after participation
- Average reduction is about 18%
- Some courts more than 70%



What about DWI Courts?

What is a DWI Court, anyway?
(What's the difference?)



What is different about a DWI Court?

- ❑ A DWI Court is an problem solving court dedicated to changing the behavior of DWI Offenders.
- ❑ The goal of DWI Court is to protect public safety by using the adult Drug Court model to address the root cause of impaired driving: alcohol and other substance abuse.



Are DWI offenders really that different from drug offenders?

What's special about DWI offenders?

- ☐ DWI Offenders engage in behavior that is dangerous and frequently causes serious injury or fatalities
- ☐ Drinking alcohol is not illegal

Are DWI offenders really that different from drug offenders?



Repeat DWI offenders are over represented in fatal crashes, and have a greater risk to kill another person.



Are DWI offenders really that different from drug offenders?

- ❑ Alcohol impaired driving is one of America's most-often-committed and deadliest crimes.
- ❑ 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.
- ❑ In 2007, of the 17,036 **alcohol-related** fatalities, 54% or 9,173, involved a hardcore DWI offender.

(Hardcore offenders are persons with a BAC of .15 or greater, or with a prior DWI arrest.)



Are DWI offenders really that different from drug offenders?

- ☐ Is their dangerous behavior enough reason to have a special program that targets just DWI offenders?

What if we add:

- ☐ DWI offenders are different than drug offenders in that they are more likely to be high functioning in other areas of their lives (with higher education levels and jobs)



Are DWI offenders really that different from drug offenders?

Recent Research comparing first time DWI offenders with repeat offenders (DeMichele and Lowe 2013 – Federal Probation)

Repeat DWI offenders :

- ☐ Were more likely to show emotional instability
- ☐ Were more likely to have difficulty following rules
- ☐ Showed more disregard for the law
- ☐ And once punished for misconduct, were more likely to continue with their law-violating behaviors



Colorado Study

- ☐ DUI (DWI) .08 BAC
- ☐ DWAI .05 BAC
- ☐ Misdemeanor offense
- ☐ DUI with two or more previous convictions
 - ☐ Mandatory 60 days jails
 - ☐ Two years probation
 - ☐ One year suspended jail sentence
 - ☐ Treatment mandated in statute

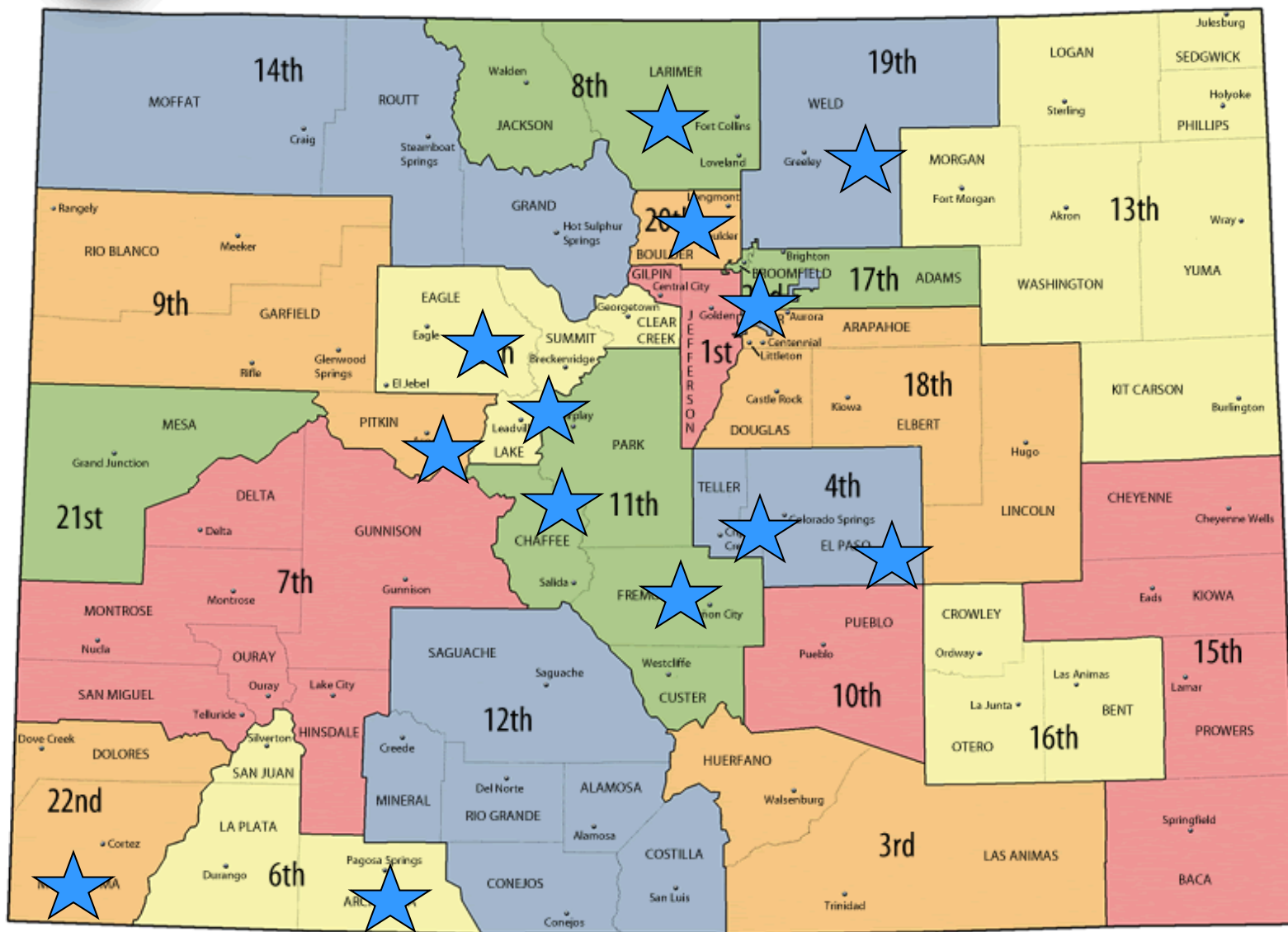


Colorado DUI Courts

- ❑ Eligibility Criteria
 - ❑ 3 or more DUI Convictions or
 - ❑ 2nd DUI with .15 or higher BAC
- ❑ Post plea and Voluntary
- ❑ Assessment Instruments: ASUDS and LSI
- ❑ Average length of Programs 12-18 months



COLORADO JUDICIAL DISTRICTS

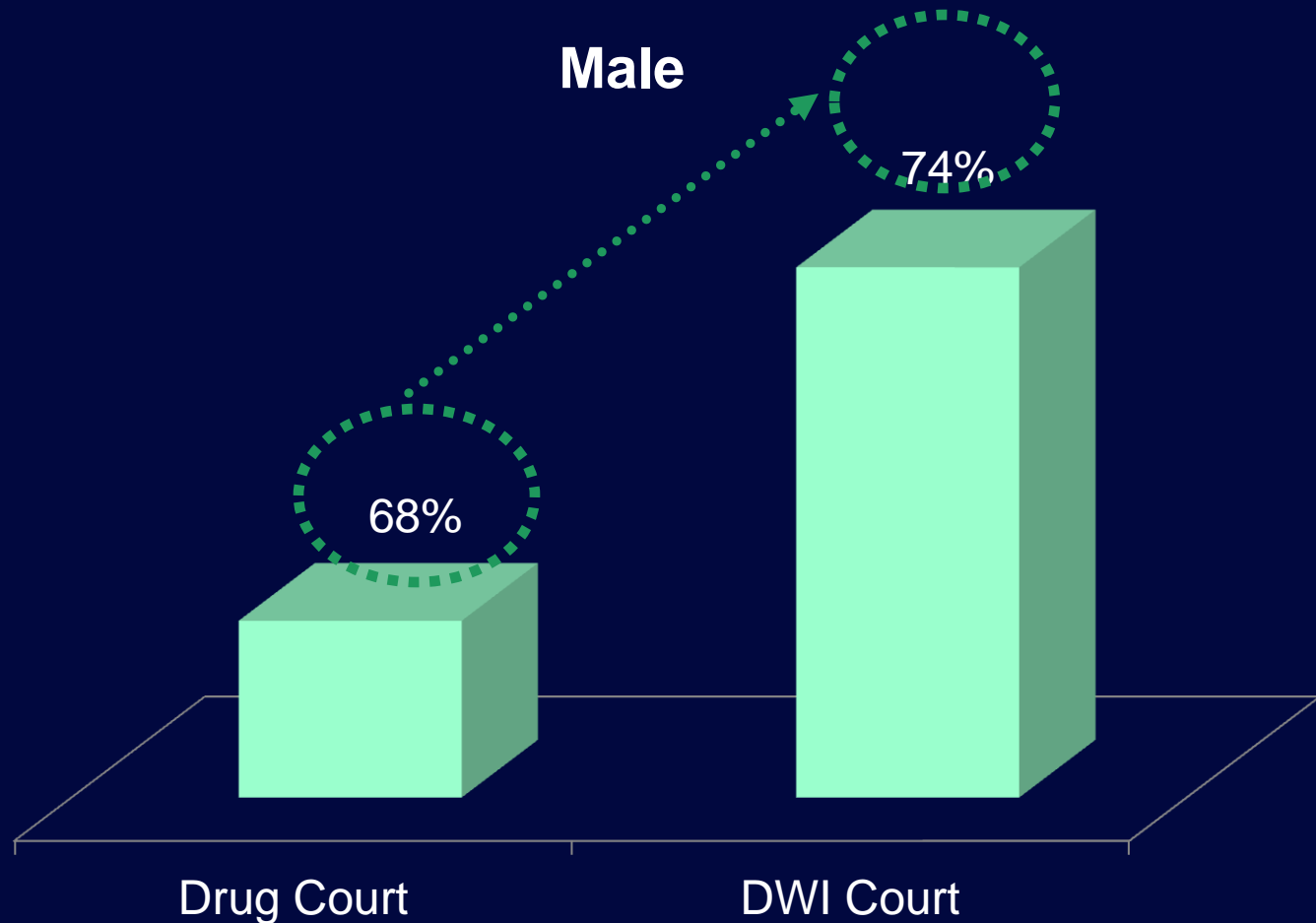


Are DWI offenders really that different from drug offenders?

- ☐ What do we find when we compare drug court participants to DWI Court participants?
- ☐ Colorado study included all adult drug courts (24) and DWI courts (9)
- ☐ Compared ADC participants and DWI participants

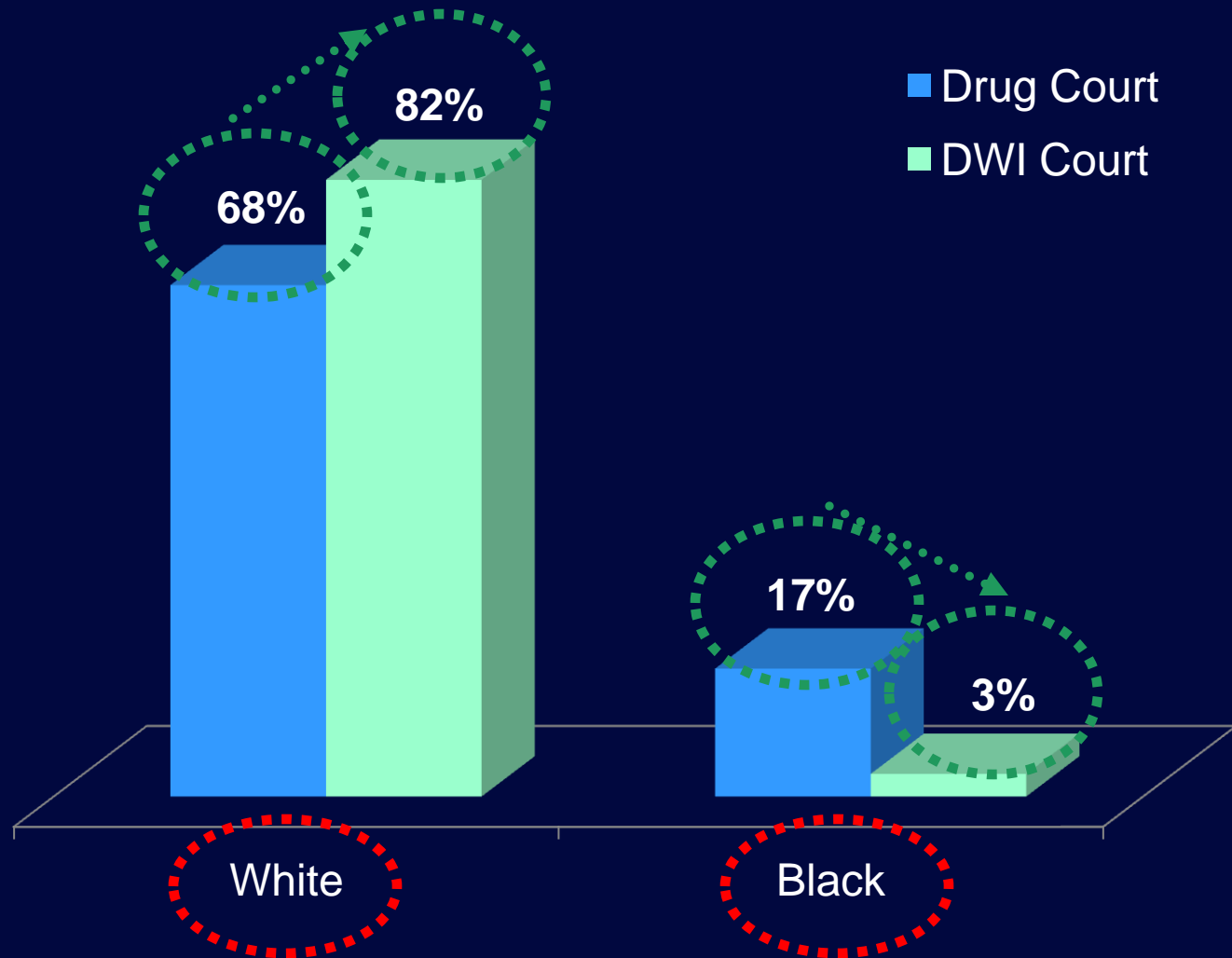
Are DWI offenders really that different from drug offenders?

Colorado
Study



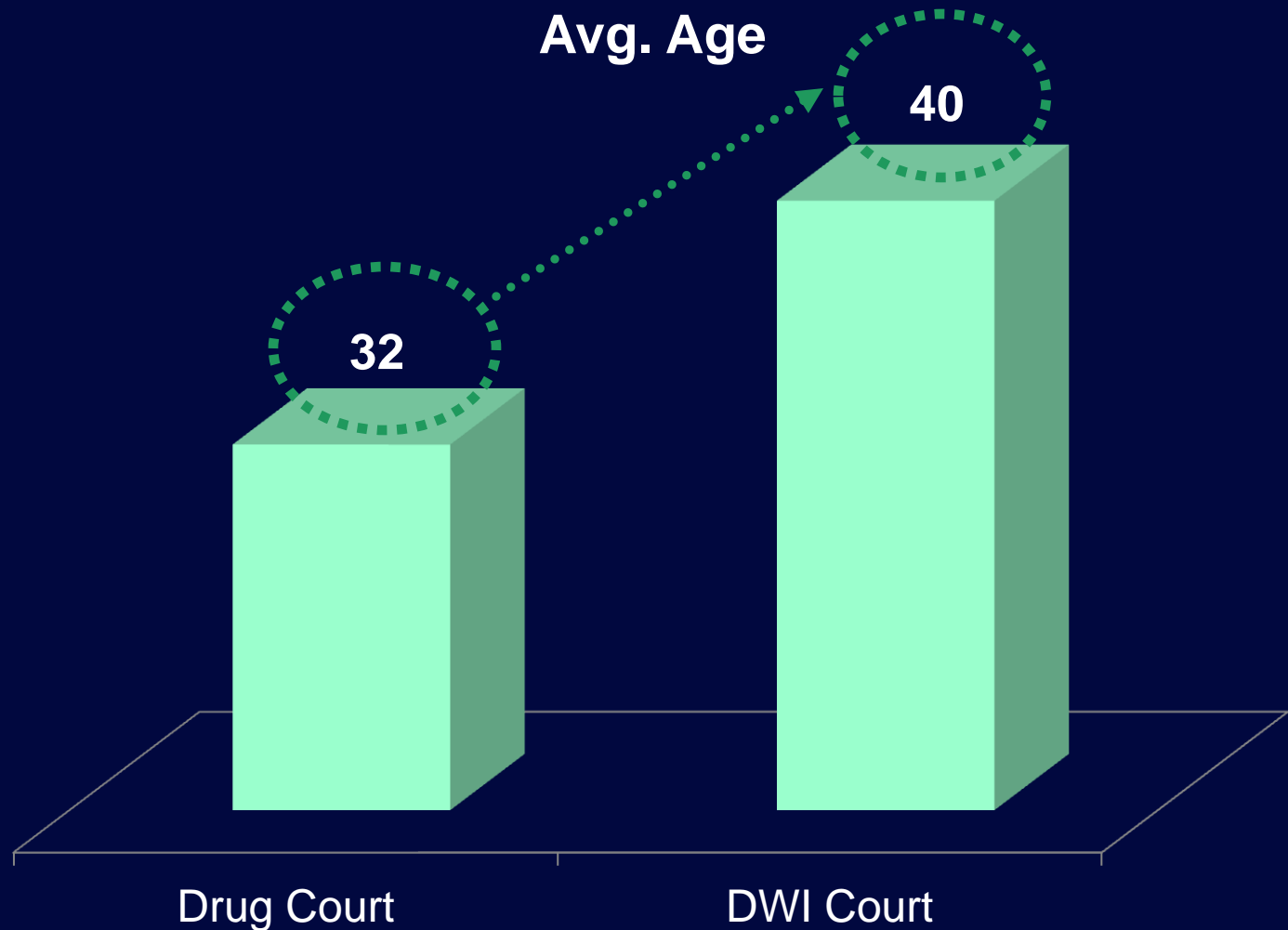
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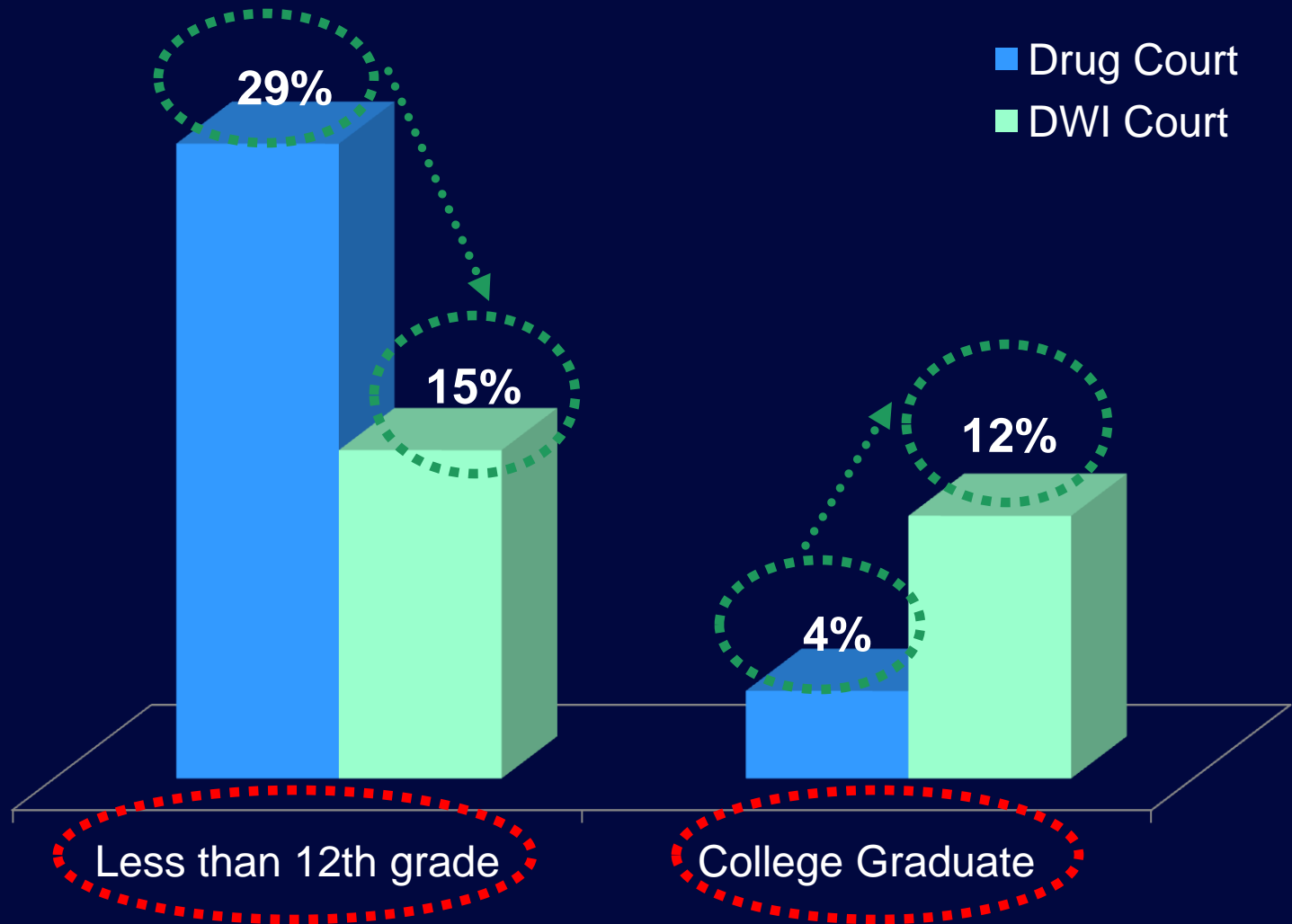
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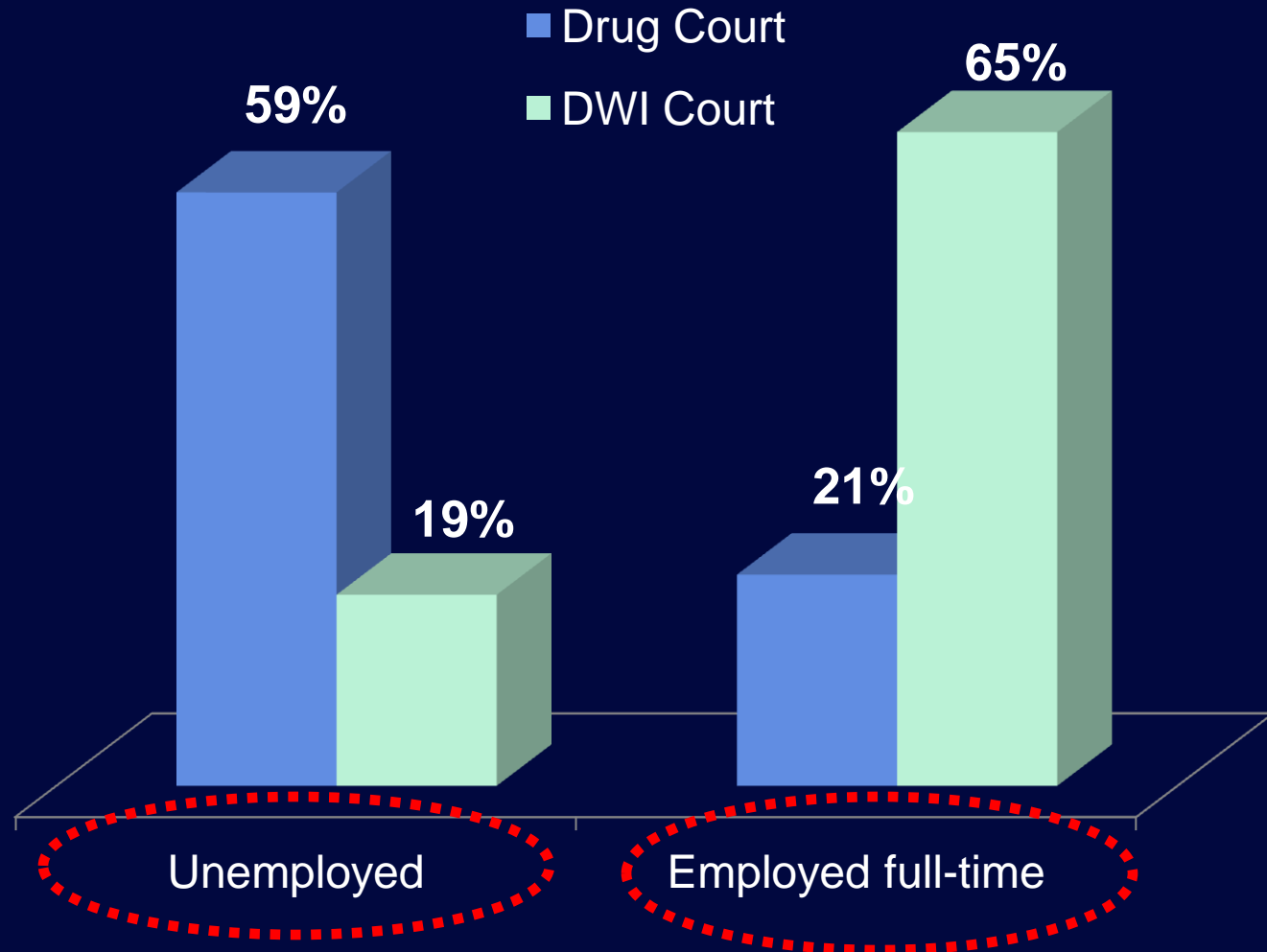
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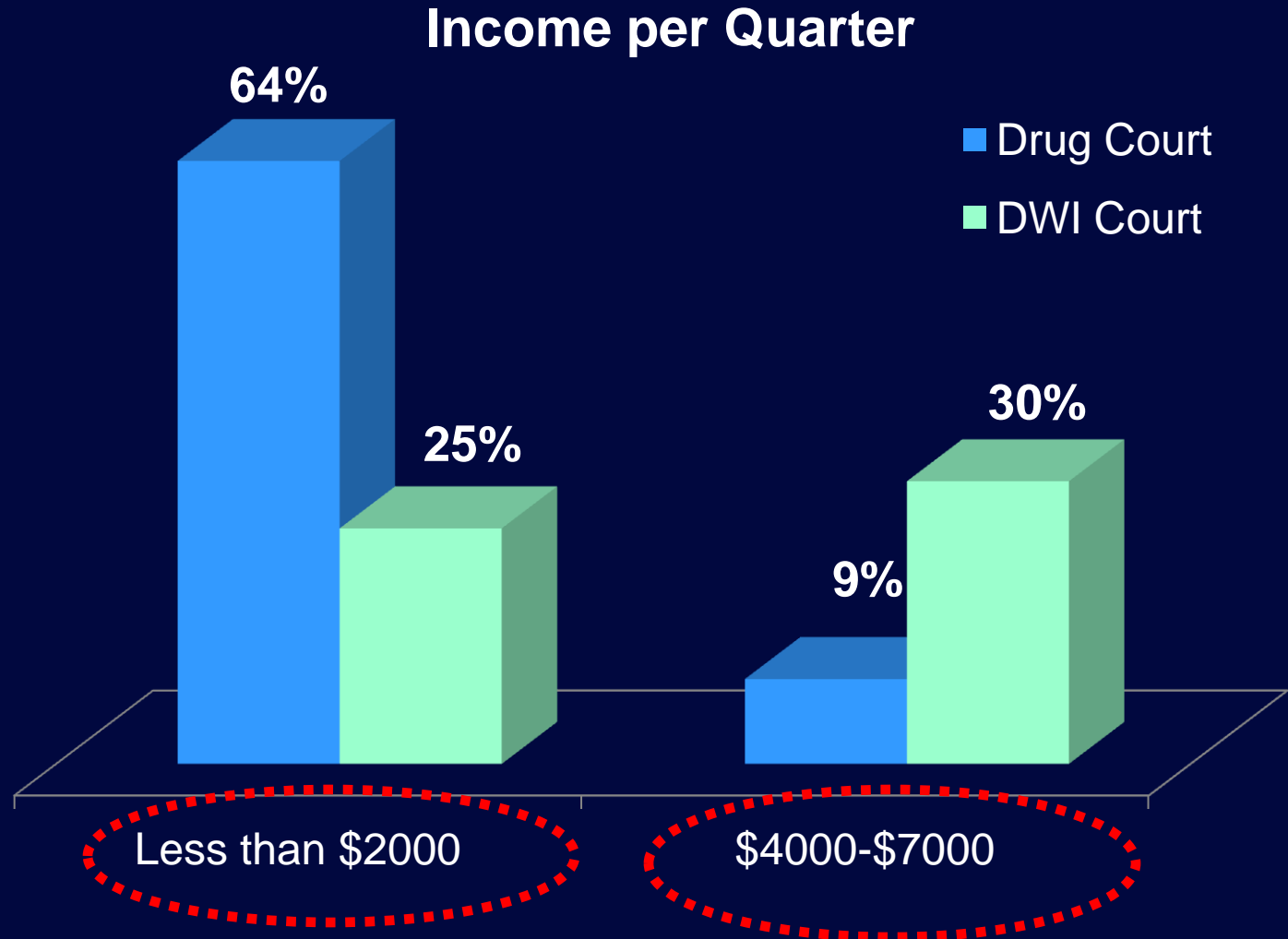
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Are DWI offenders really that different from drug offenders?

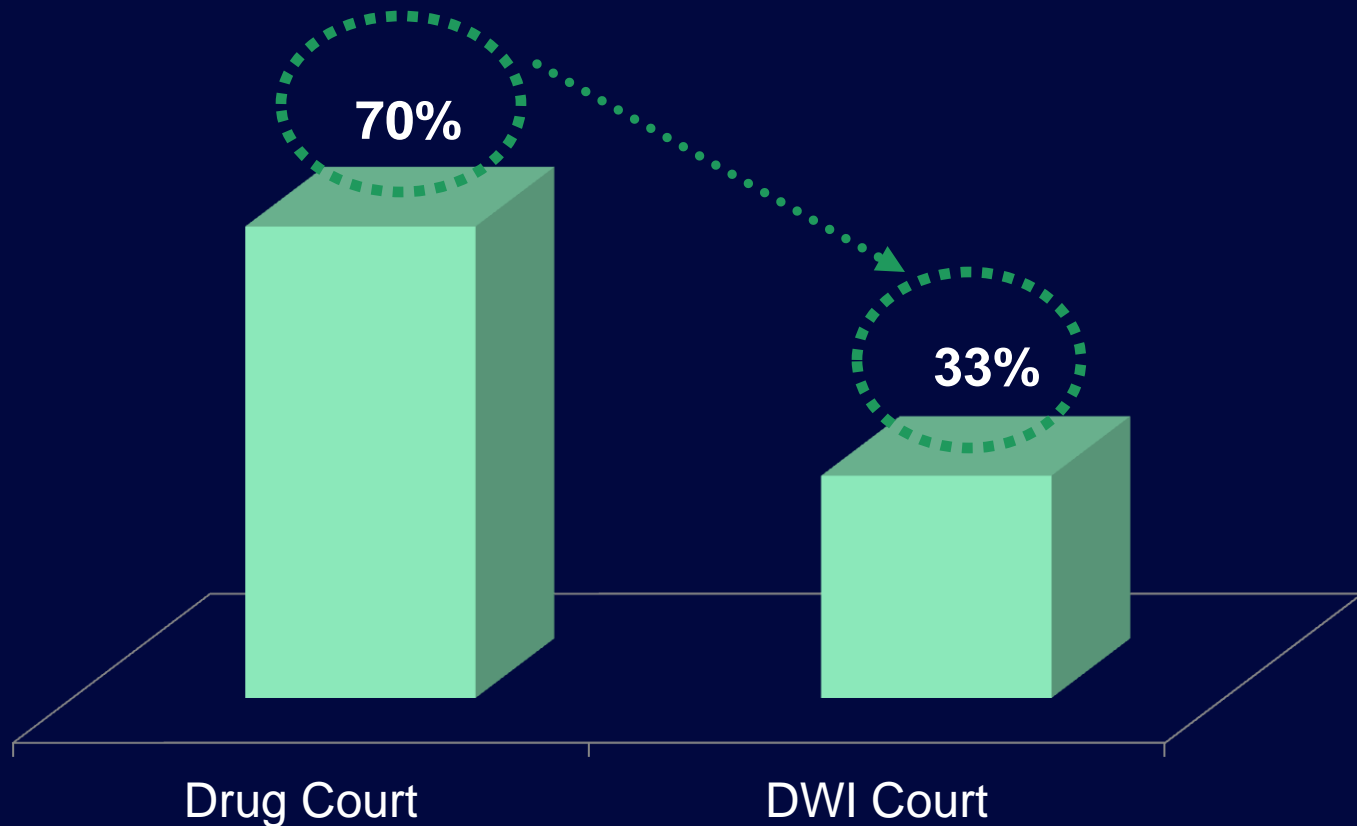
Colorado
Study



Are DWI offenders really that different from drug offenders?

Colorado
Study

Scored at medium to high risk (LSI)





So, what's the take away from Colorado Study?

And what's the take away from the recent research on repeat DWI offenders?

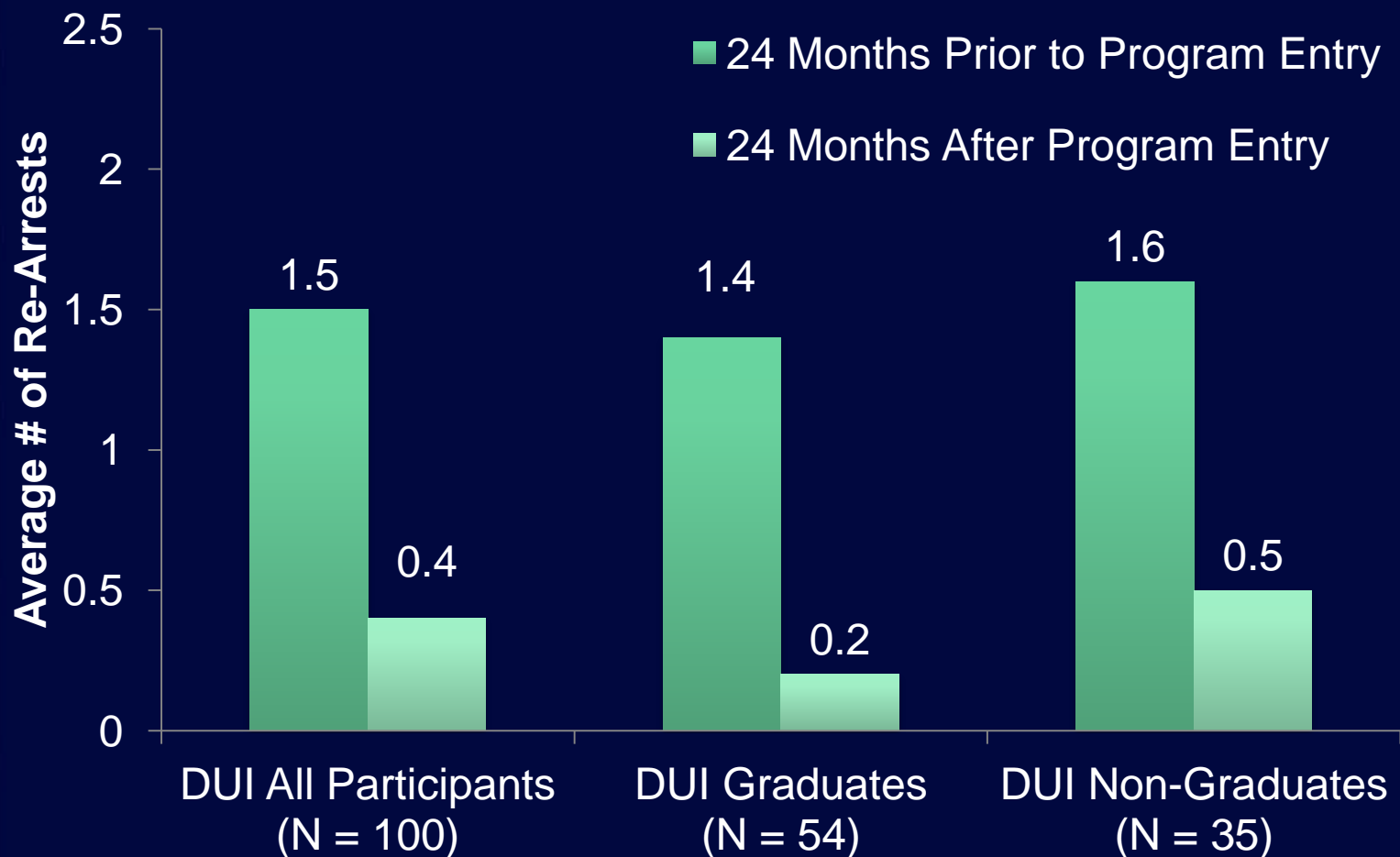
DUI offenders are different! These differences should be addressed in program services, treatment and responses to behavior

Are DWI Courts Effective?



Are DWI Courts Effective?

YES! (Colorado)



Are DWI Courts Effective?

YES! (Colorado) – Type of Charge



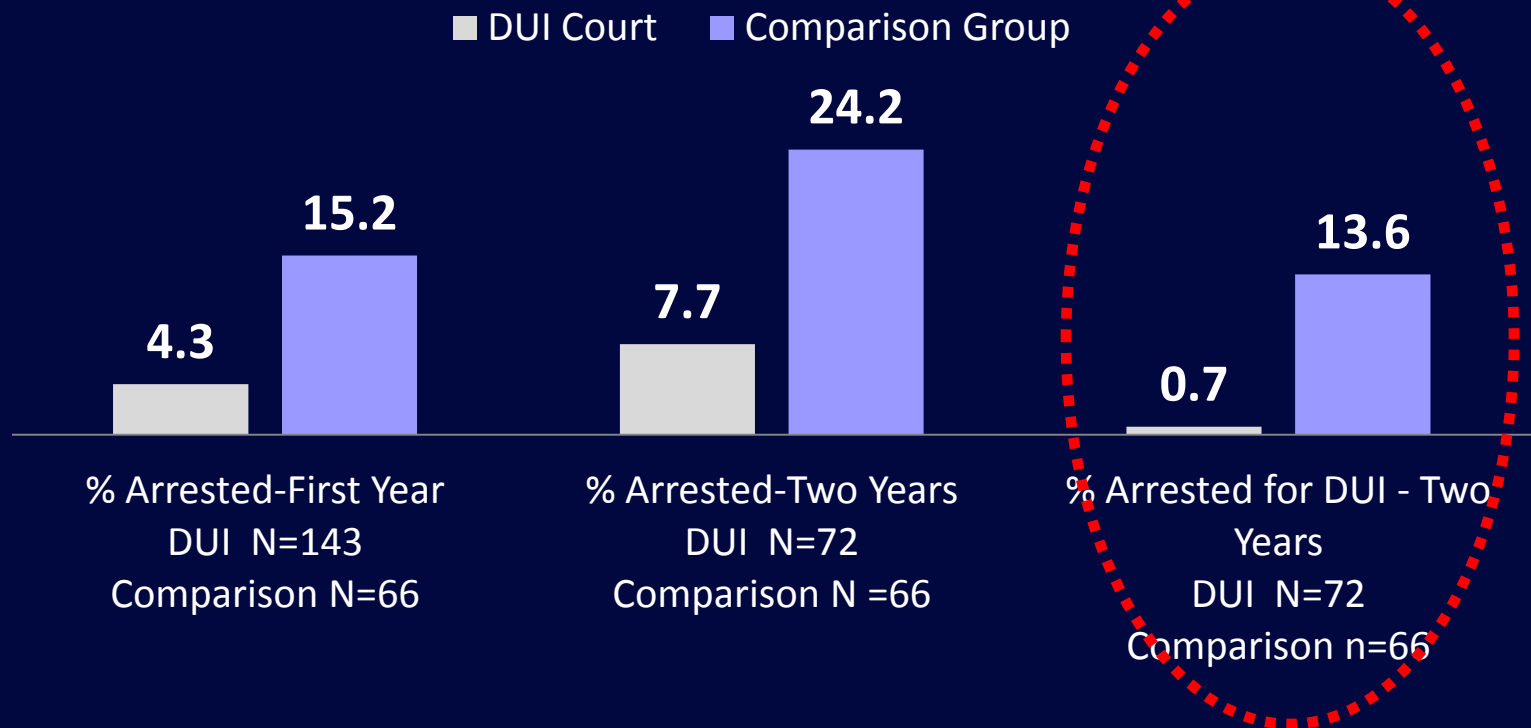
Are DWI Courts Effective?

A study of 3 DWI Courts in Michigan

- ❑ 3 Counties - Ottawa, Bay, Oakland (Clarkston)
- ❑ Comparison group of eligible DWO offenders prior to DWI Court implementation
- ❑ Examined recidivism, length of time to re-arrest, and the use of CJ system resources

DWI Court participants were 19 times less likely to be re-arrested on a DWI charge

Percent of People Re-Arrested



DUI Court Participants:

- Were over **3 times** less likely to be re-arrested on any charges

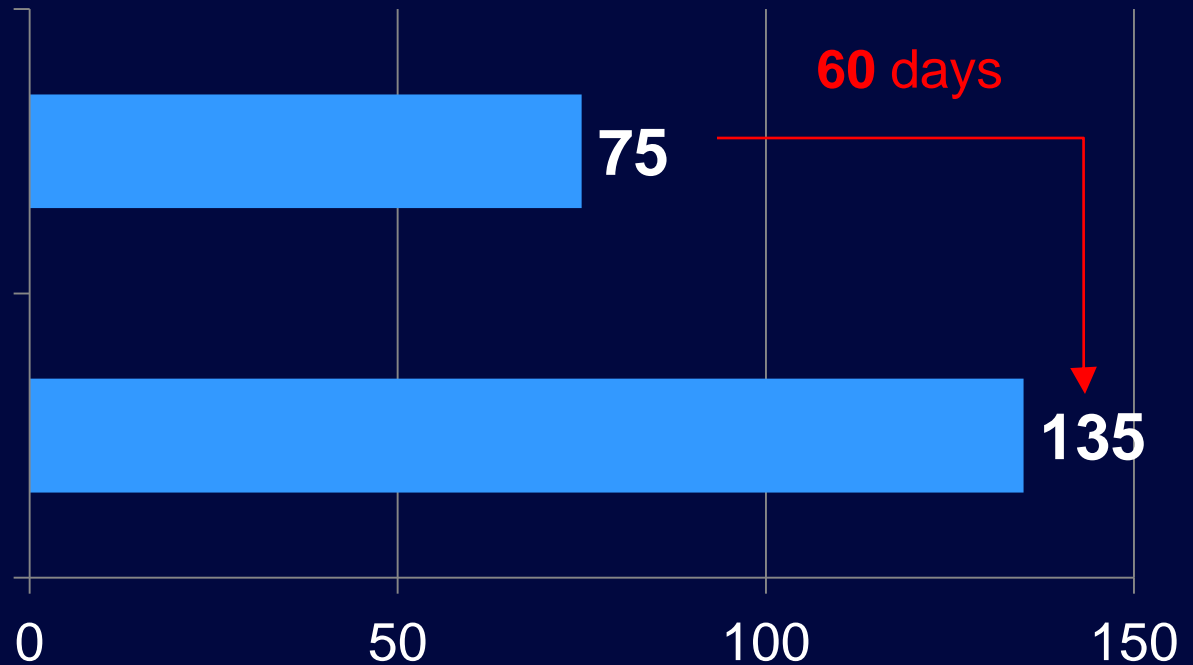


DWI Court Participants had almost twice as long to their first re-arrest

Days to New DUI Arrest

Comparison
N=66

DWI Court
Participants
N=143



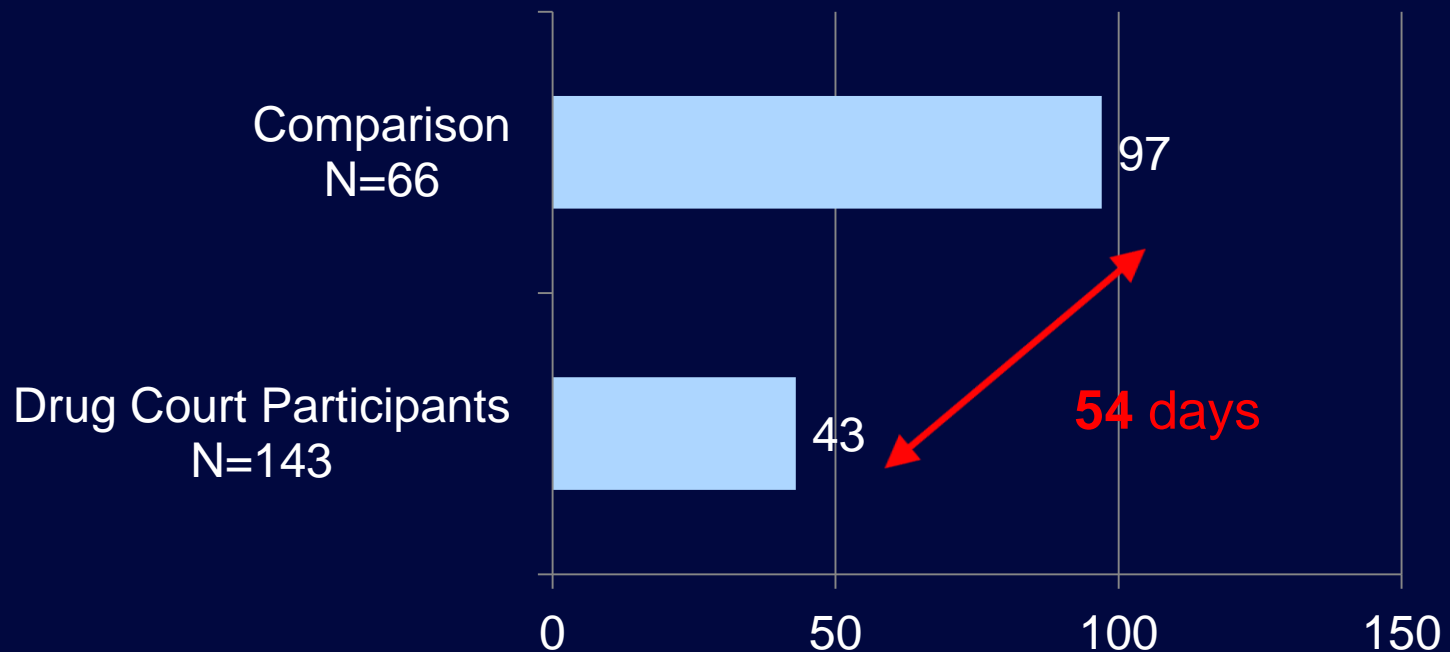


**DWI Court
Participants also
used less criminal
justice system
resources (which
means lower costs
and more savings)**

DWI Court Participants Entered the Program in Less Than Half the Time

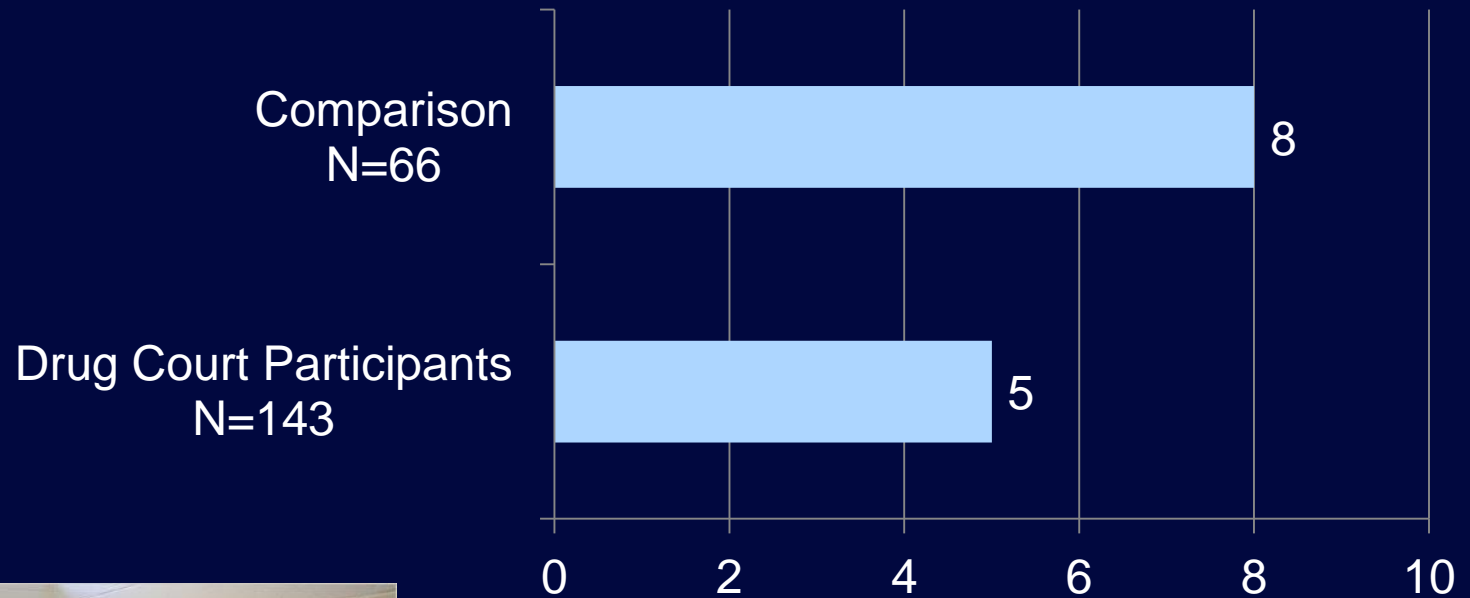


Days Between Arrest and Program/Probation Entry



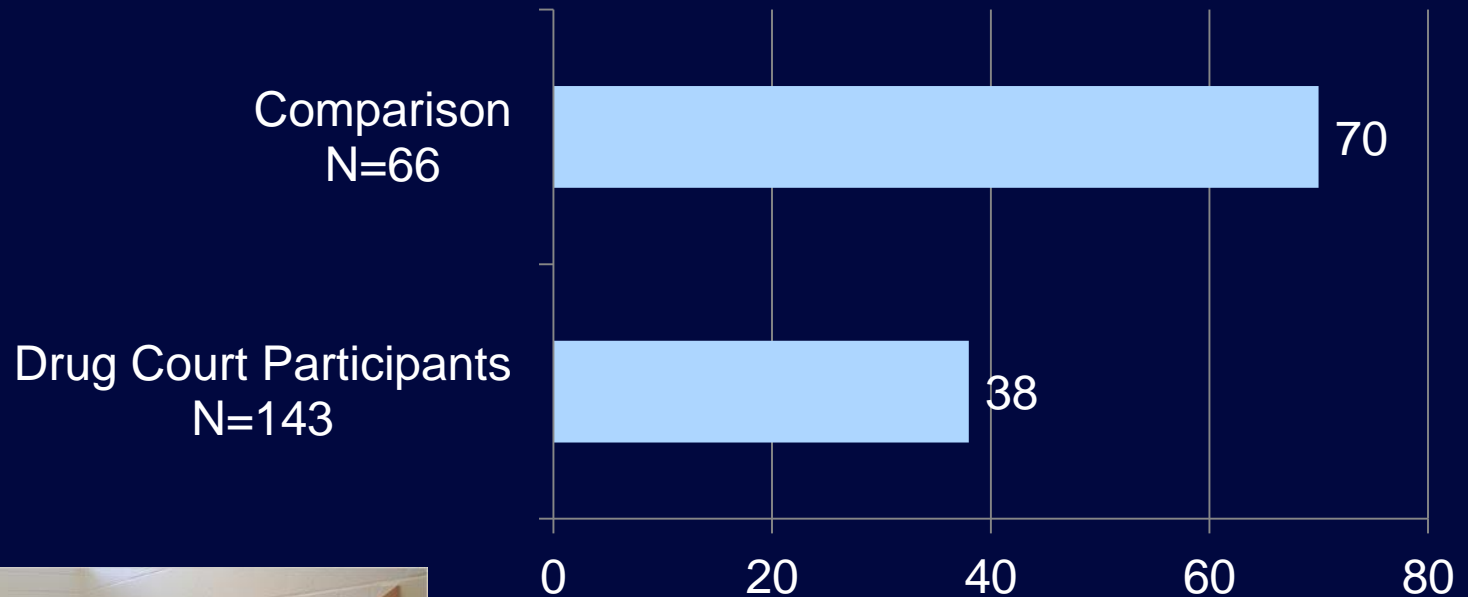
DWI Court Participants Spent Almost Half the Time in Jail Before Entering the Program for Their DWI Case

Days in Jail Before Entry



DWI Court Participants Spent Almost Half the Time in Jail After Entering the Program for Their DWI Case

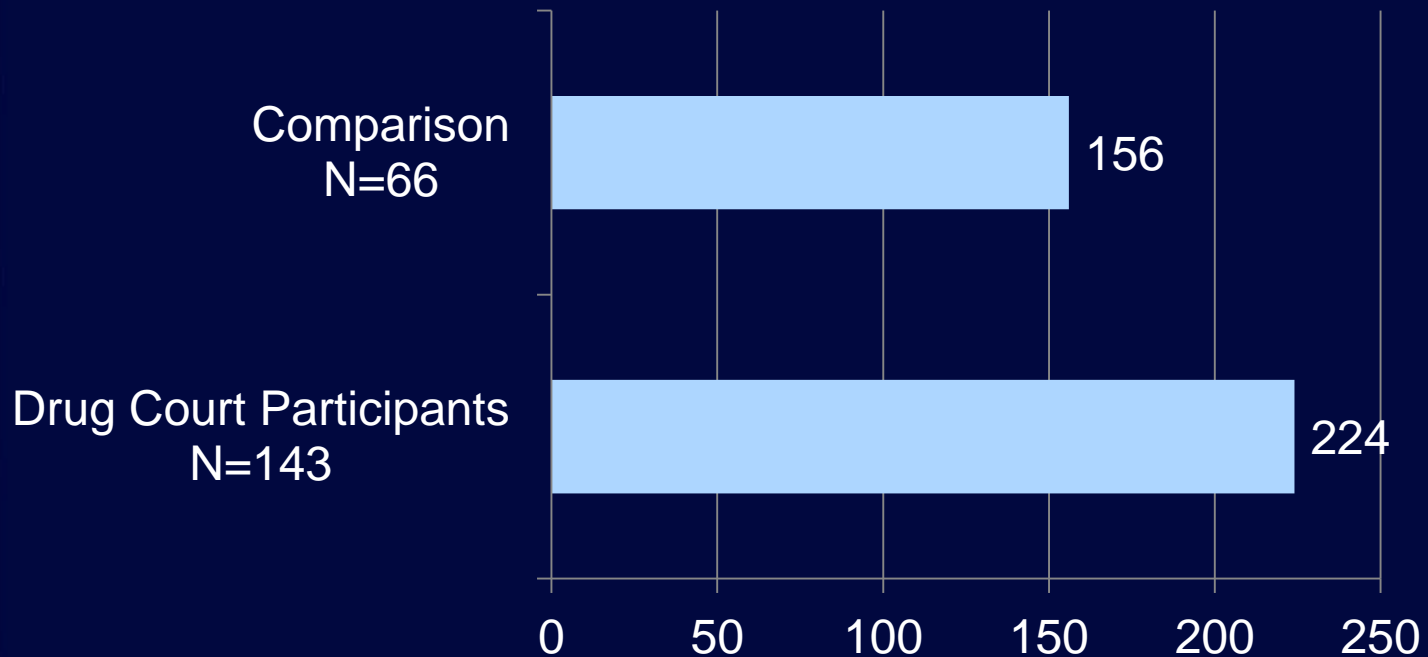
Days in Jail After Entry



DWI Court Participants Spent More Time in Treatment



Days in Treatment



Are DWI Courts Effective?



So far, there is good evidence that DWI Courts are more efficient and more effective for treating DWI offenders than traditional probation

- What happens if you expand the system and ***all*** repeat DWI offenders are monitored and held accountable by the Court?



Expanding the System

- San Joaquin County, CA
- All repeat DWI offenders go to DWI system (no ability to opt out)
- Two Levels:
 - Track 1 - the accountability track
 - Track 2 - the treatment track

Expanding the System

- Repeat Offenders with High Drug Treatment Needs
 - High risk and high drug treatment needs
 - Need treatment and DWI Court model
- Repeat Offenders with Lower Drug Treatment Needs
 - High risk with different and lower drug treatment needs
 - Need monitoring/different intervention
- Different Needs/Different Tracks

Expanding the System

- Traditional DWI Court/Treatment track
- Designed for high treatment needs, substance dependent/addicted offenders
 - Intensive treatment
 - Intensive court supervision
 - 75 – 100 participants, no >125
 - Great success rates
- Promising practice for addicted offenders
 - based on validated model

Expanding the System

- Limitations of DWI Court Model
- Limited Numbers (no >125)
 - Over 500 repeat offenders per year in SJ County
 - Need to work with more than traditional DWI Court can handle
- Exclusions - DWI Courts appropriately exclude many high risk substance abusers who need lesser interventions
- Offenders can opt out



Expanding the System

- DWI Court principles applicable to other tracks
- Accountability to court
 - Same judge
- Compliance monitored
- Consequences – concrete, certain & immediate
 - Perception critical
- Positive reinforcement



Expanding the System

- San Joaquin Model
- Grant from NHTSA & California OTS
- Multiple Tracks - I & II
 - FTA, outreach, prevention
- Core Team
 - Judge, Coordinator
 - Program providers
 - Case Managers
 - Probation Officers



Expanding the System

- Design
- All Repeat Offenders, no opt out!!!
- Track One – High Risk, Low Drug Treatment Needs
 - Substance Abusers, anti-social thinkers
 - Monitoring, no treatment
- Track Two – High Risk, High Drug Treatment Needs
 - Substance dependent/ addicts
 - DWI Court model



Expanding the System

- Track I – Monitoring (568 – 79%)
- Report to Case Manager
 - Monitoring, Education Program, Jail, Fines
- Court review dates
 - 1 month; 6 months; 1 year if compliant
 - Calendared upon non-compliance
- Sanctions for non-compliance
 - Increased monitoring, court appearances
 - Increased supervision or track level
 - Jail
- Recognition for compliance



Expanding the System

- Track II – Treatment/DWI Court (153-21%)
- Assessment for Alcohol/Drug Treatment Program
 - In addition to education program
 - Residential, out-patient or individual
- Treatment program part of probation
- Progress monitored by court
- DWI Court model



Expanding the System

- SJDWI implemented in 2008
(As of July 2012)
- 2,167 repeat DUI offenders entered
- 721 currently active/153 in Track 2
- 1,055 successfully completed
- 391 discharged unsuccessfully (absconded, transferred, deceased, or deported)
- NO terminations due to non-compliance (no other option for repeat DWI).



Expanding the System

Study compared

- All DUI Court participants 2008-2011
- Comparison group = No DUI Court

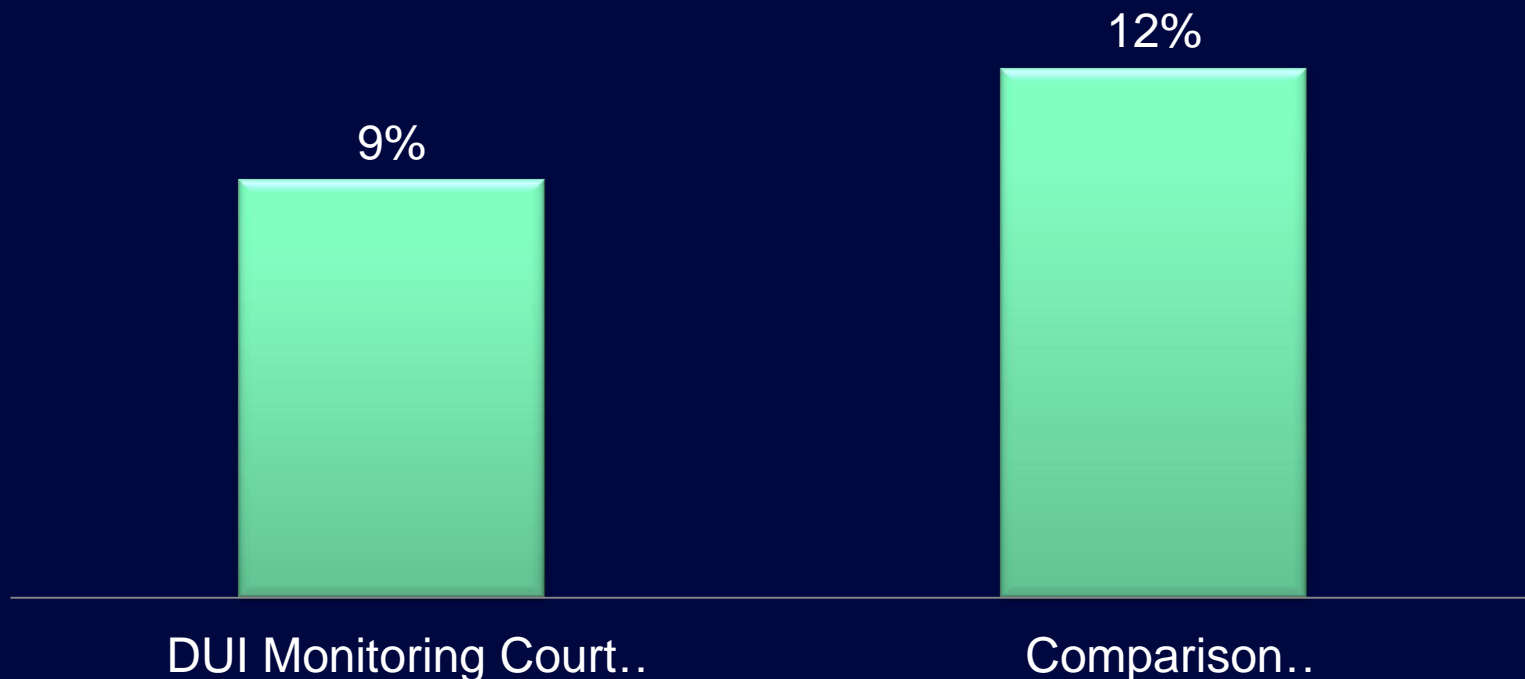
All repeat DUI offenders 2006-2007



Expanding the System

Did it work?

YES! 25% fewer DUI Court participants had New DUI Convictions 18 Months after Index DUI Conviction Date



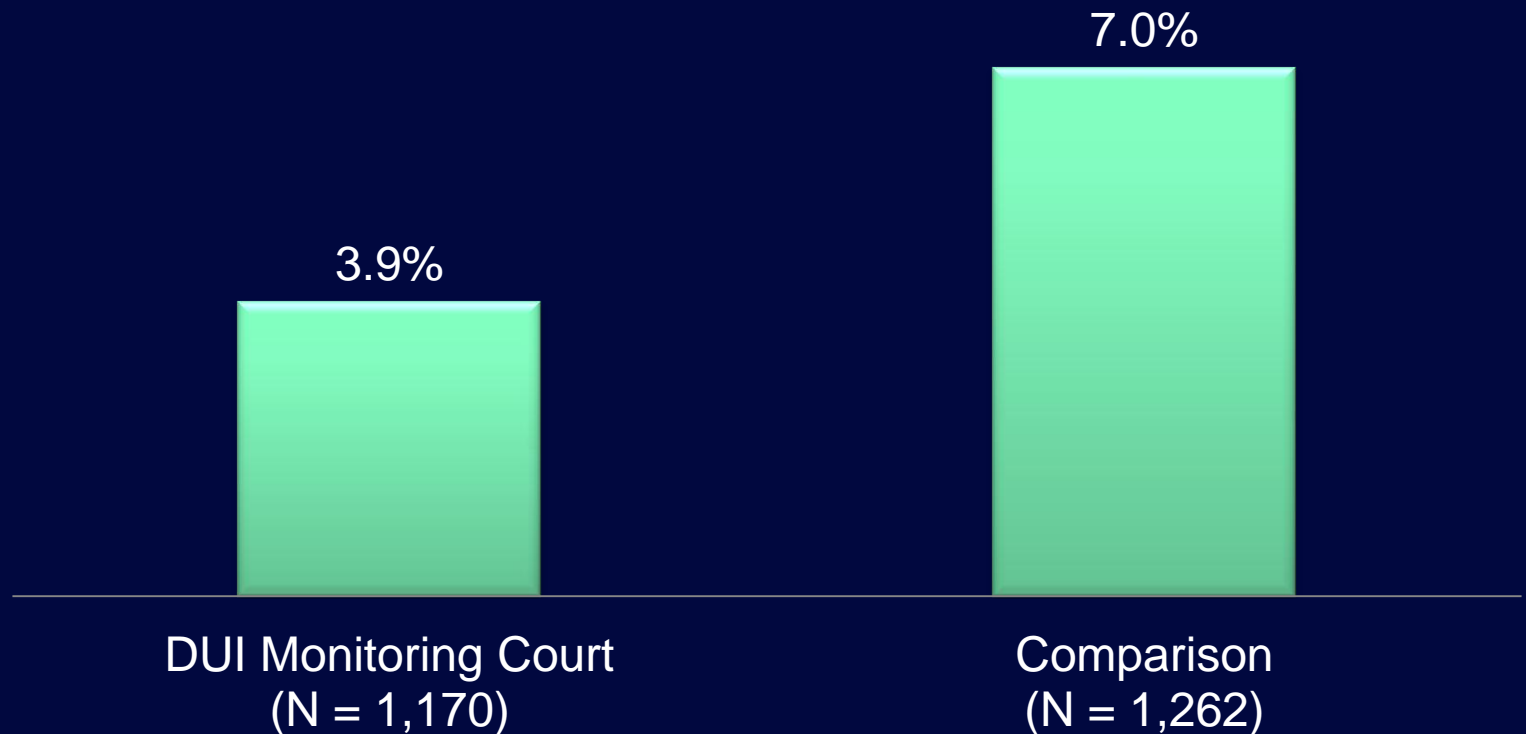
This translated to 33% fewer new DUI convictions.

Expanding the System

Did it work?

Yes! DUI Court Participants were half as likely to have crashes 18 months after index DUI date

Percent of Individuals With Crashes





Expanding the System

Did it work?

- Comparison group had twice as many traffic accidents/crashes (DUI and non DUI combined)
- Comparison group had four times greater number of crashes related to DWI convictions
- DWI Court participants were 2.5 times more likely to have their license reinstated
- DWI Court participants were significantly more likely to comply with court, probation, and DMV requirements



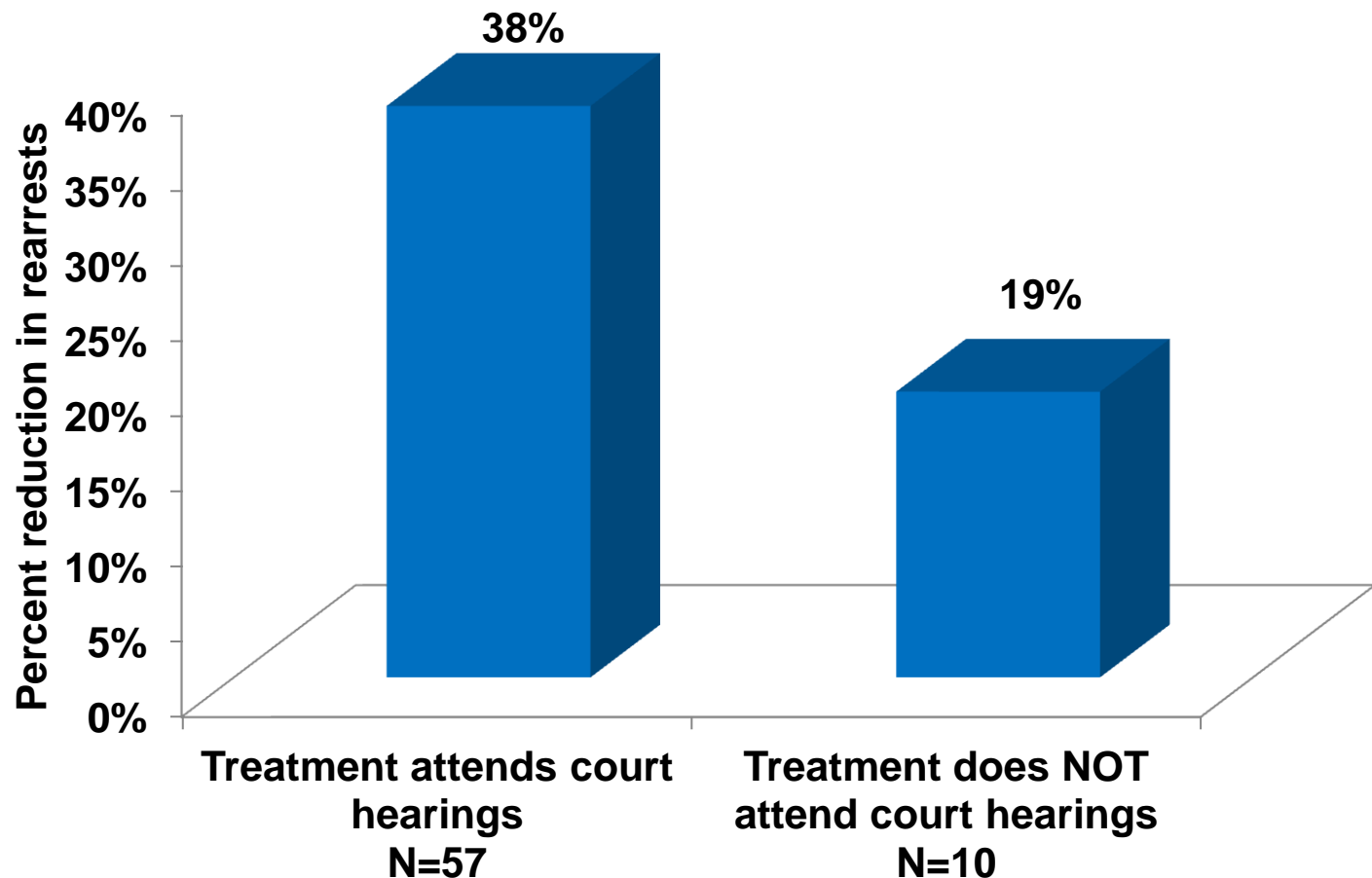
Expanding the System Conclusion

Expanding the System
Is an Option Worth
Considering

What do we know about DWI court
best practices?

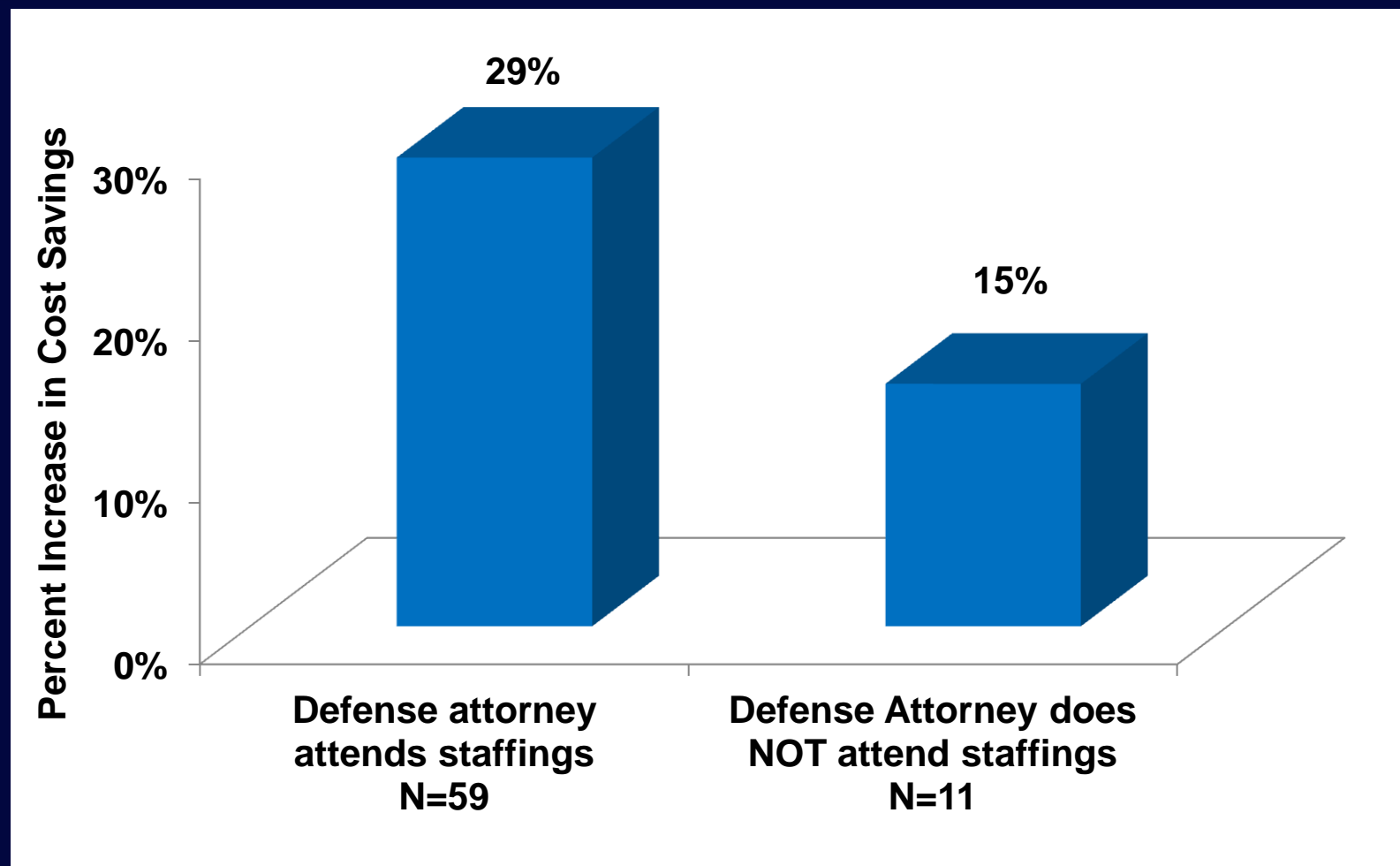
Do adult drug court best practices
apply?

Drug Courts Where a Treatment Representative Attends Court Hearings had 100% greater reductions in recidivism



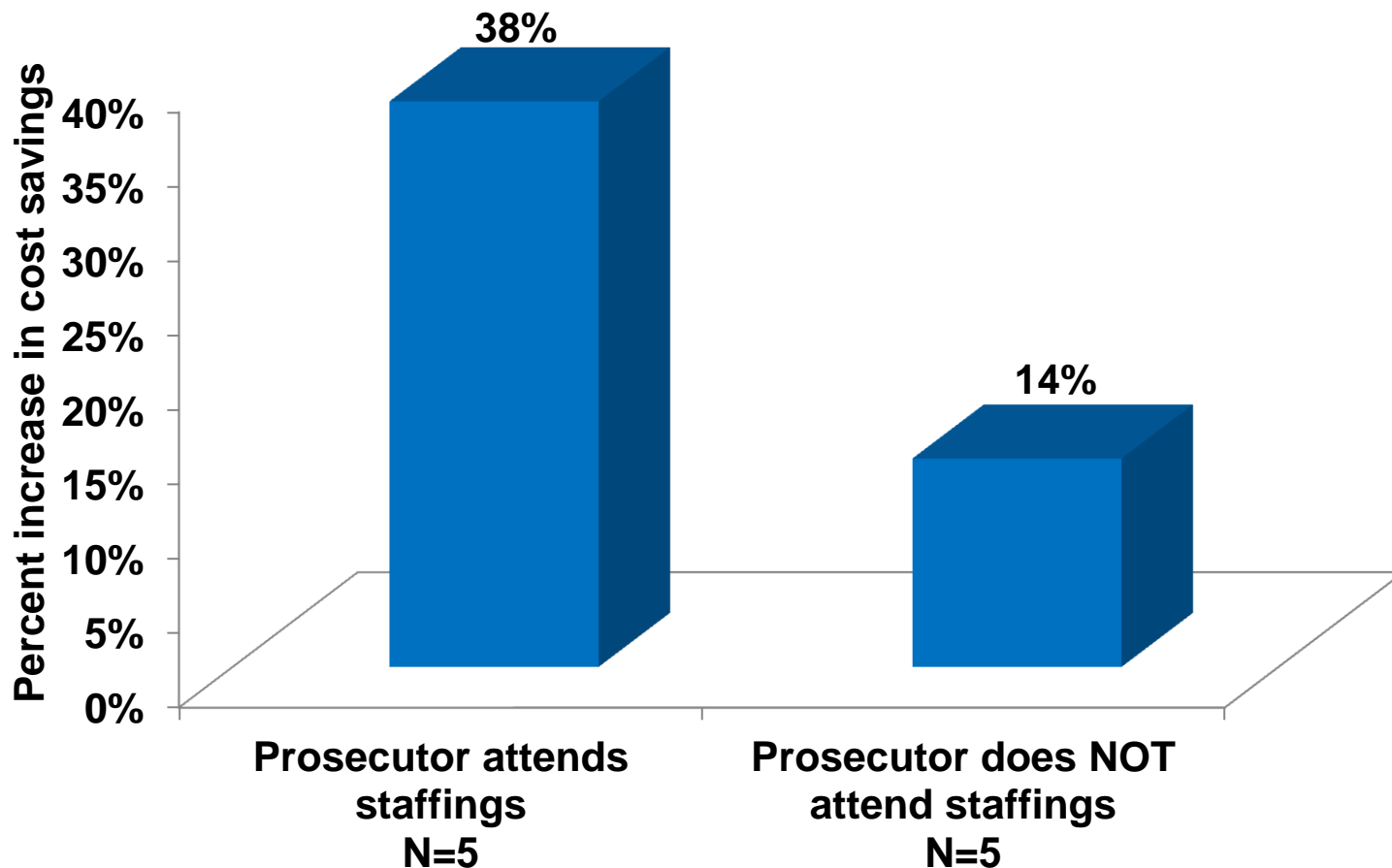
Note 1: Difference is significant at $p < .10$

Drug Courts Where the Defense Attorney Attends Drug Court Team Meetings (Staffings) had a 93% Higher Cost Savings



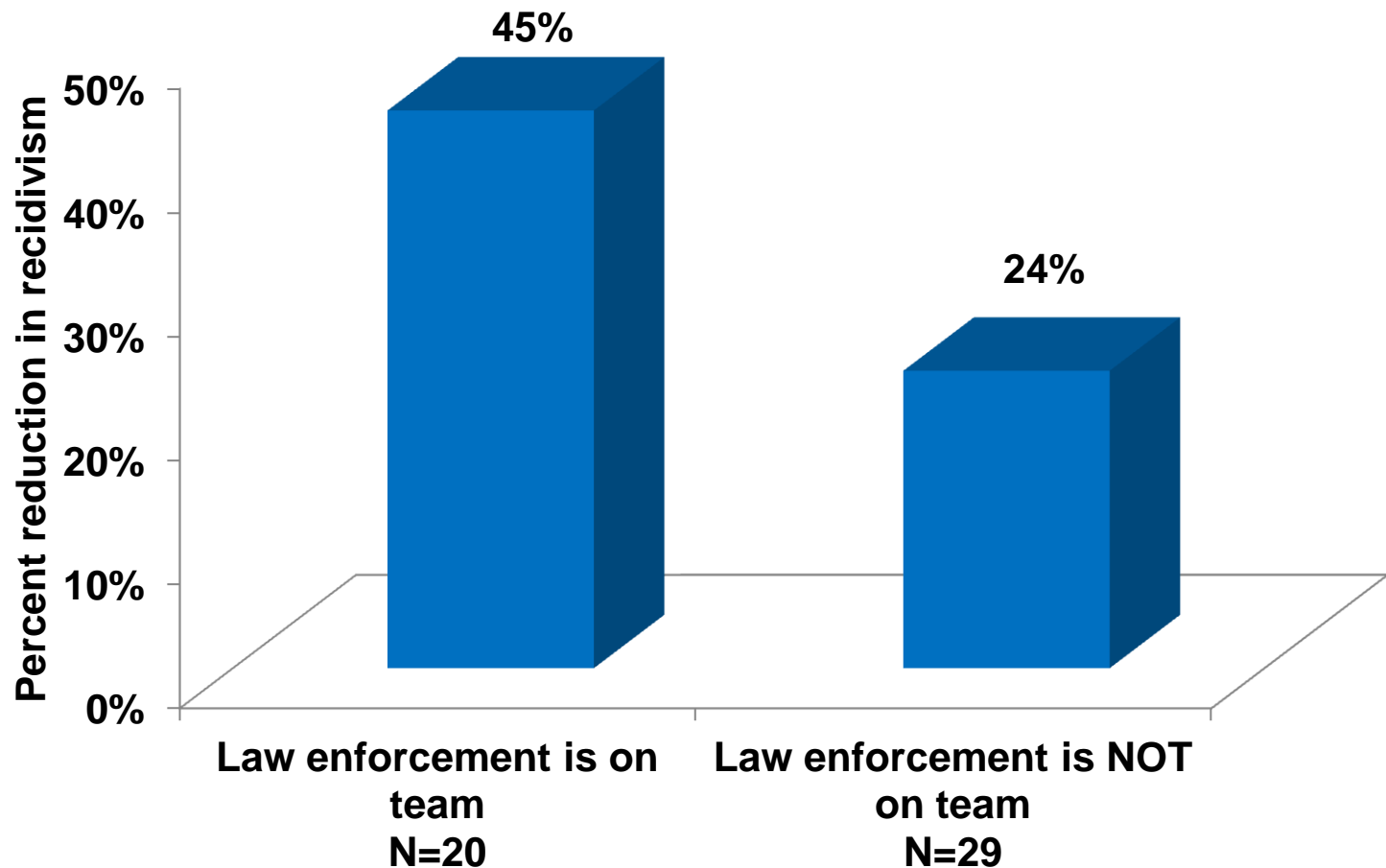
Note 1: Difference is significant at $p < .05$

Drug Courts Where the Prosecutor Attends Staffings had a 171% Higher Cost Savings



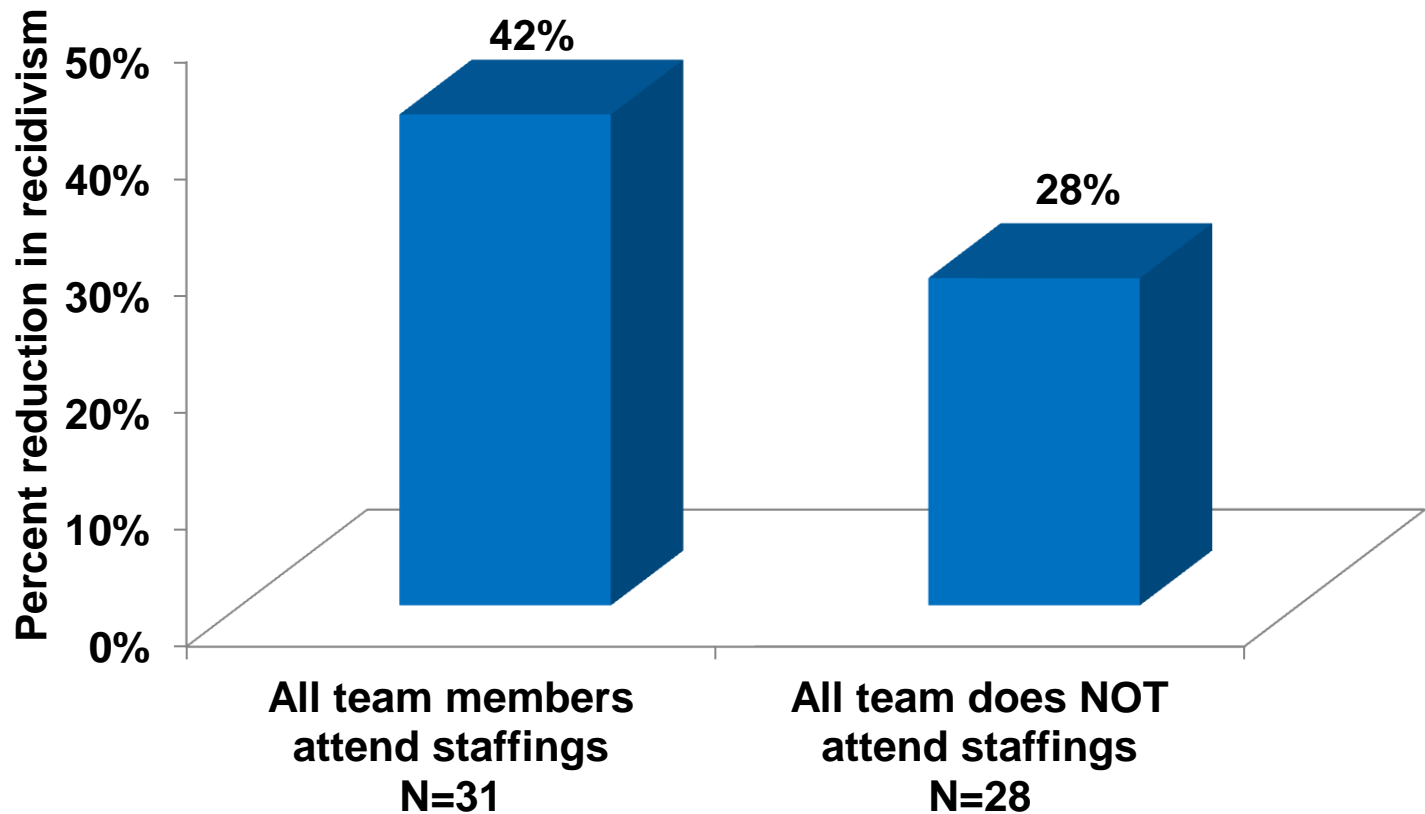
Note: Difference is significant at $p < .05$

Drug Courts where Law Enforcement is a member of the drug court team had
88% greater reductions in recidivism



Note 1: Difference is significant at $p < .05$

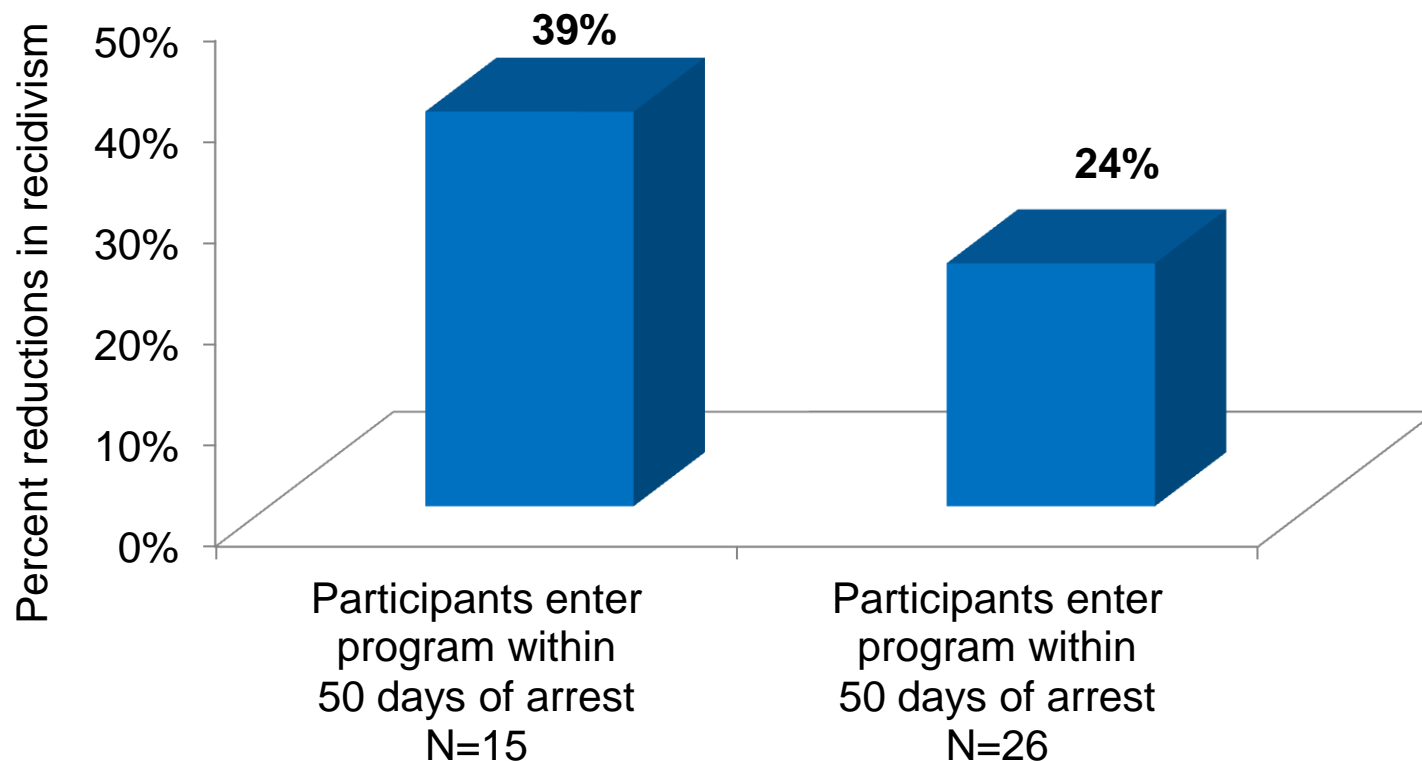
Drug Courts where all team members attended staffings had
50% greater reductions in recidivism



Note 1: Difference is significant at $p < .05$

Note 2: "Team Members" = Judge, Both Attorneys, Treatment Provider, Coordinator, Probation

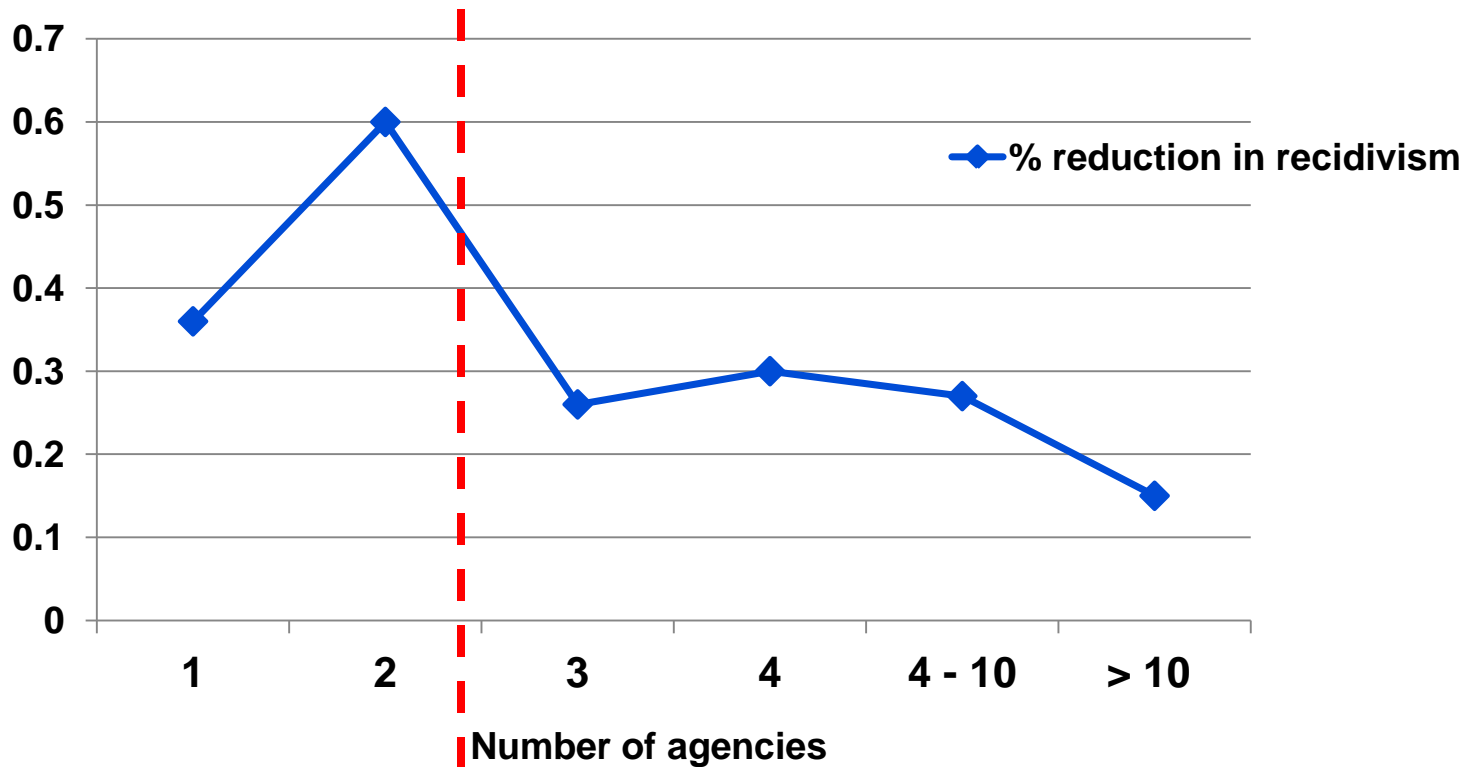
Drug Courts In Which Participants Entered the Program *within 50 Days of Arrest* Had 63% Greater Reductions in Recidivism



Note: Difference is significant at $p < .05$

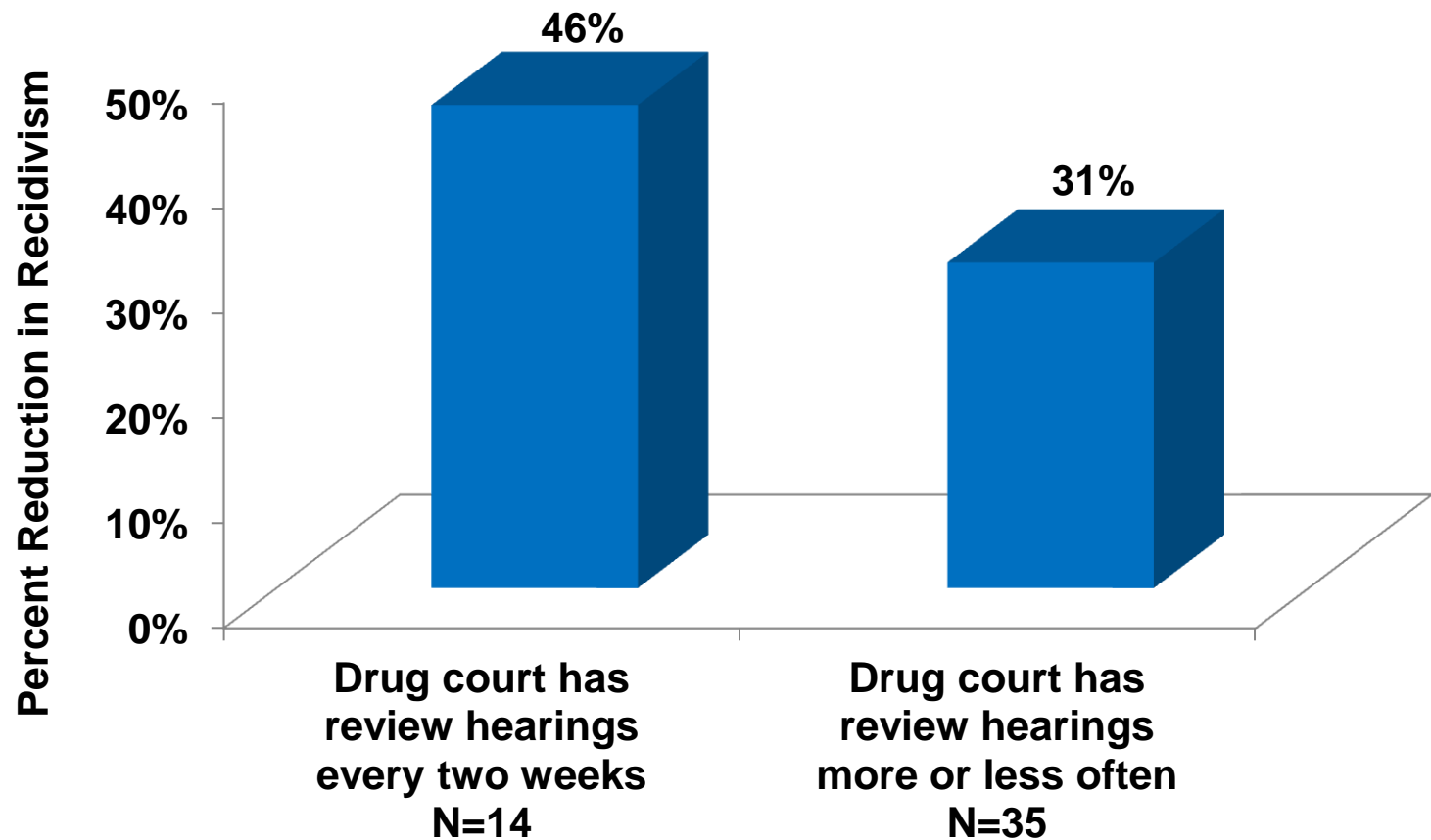
Drug Courts That Used One or Two Primary Treatment Agencies Had 76% Greater Reductions in Recidivism

Fewer treatment providers is related to greater reductions in recidivism



Note: Difference is significant at $p < .05$

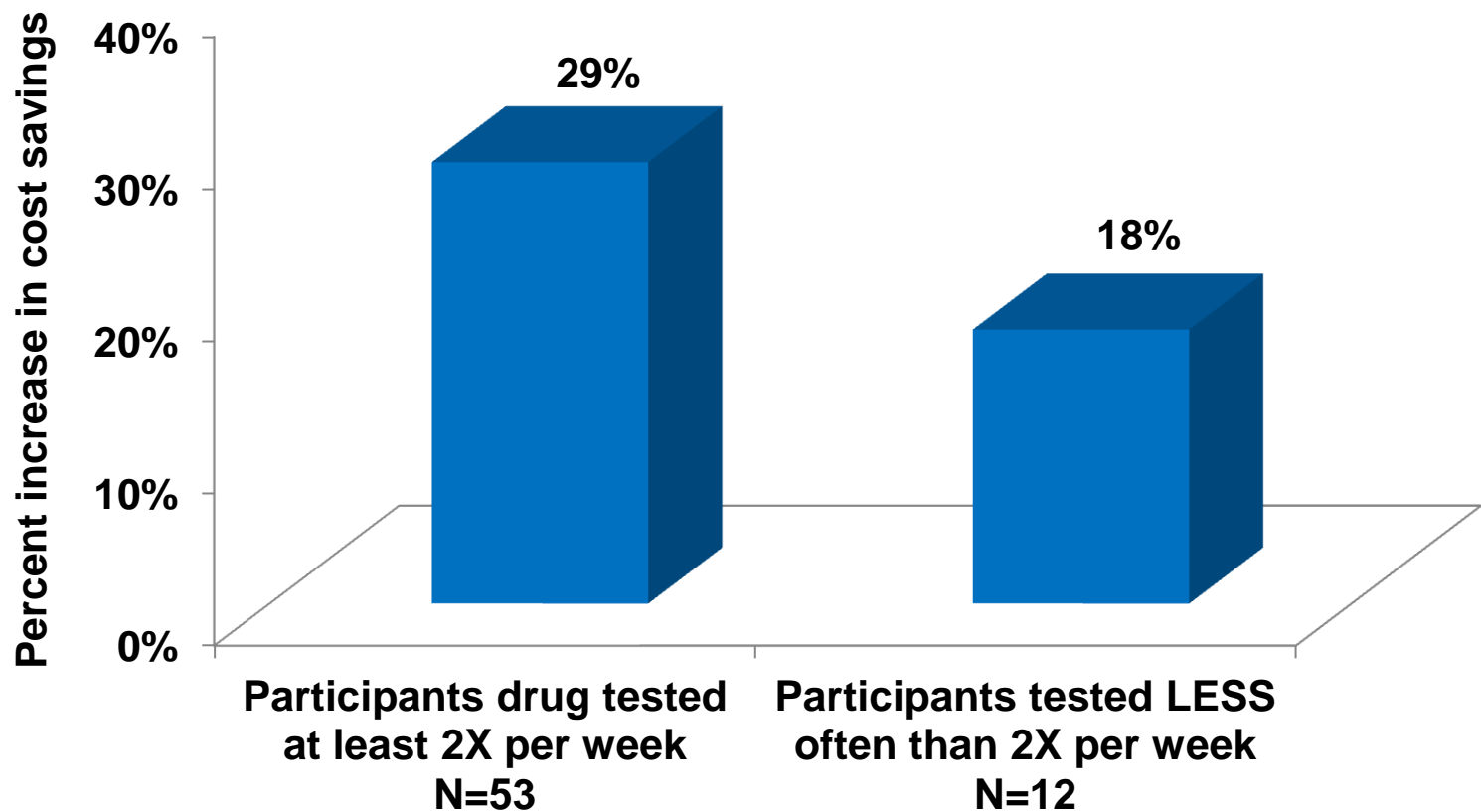
Drug Courts That Held Status Hearings Every 2 Weeks During Phase 1 Had 50% Greater Reductions in Recidivism



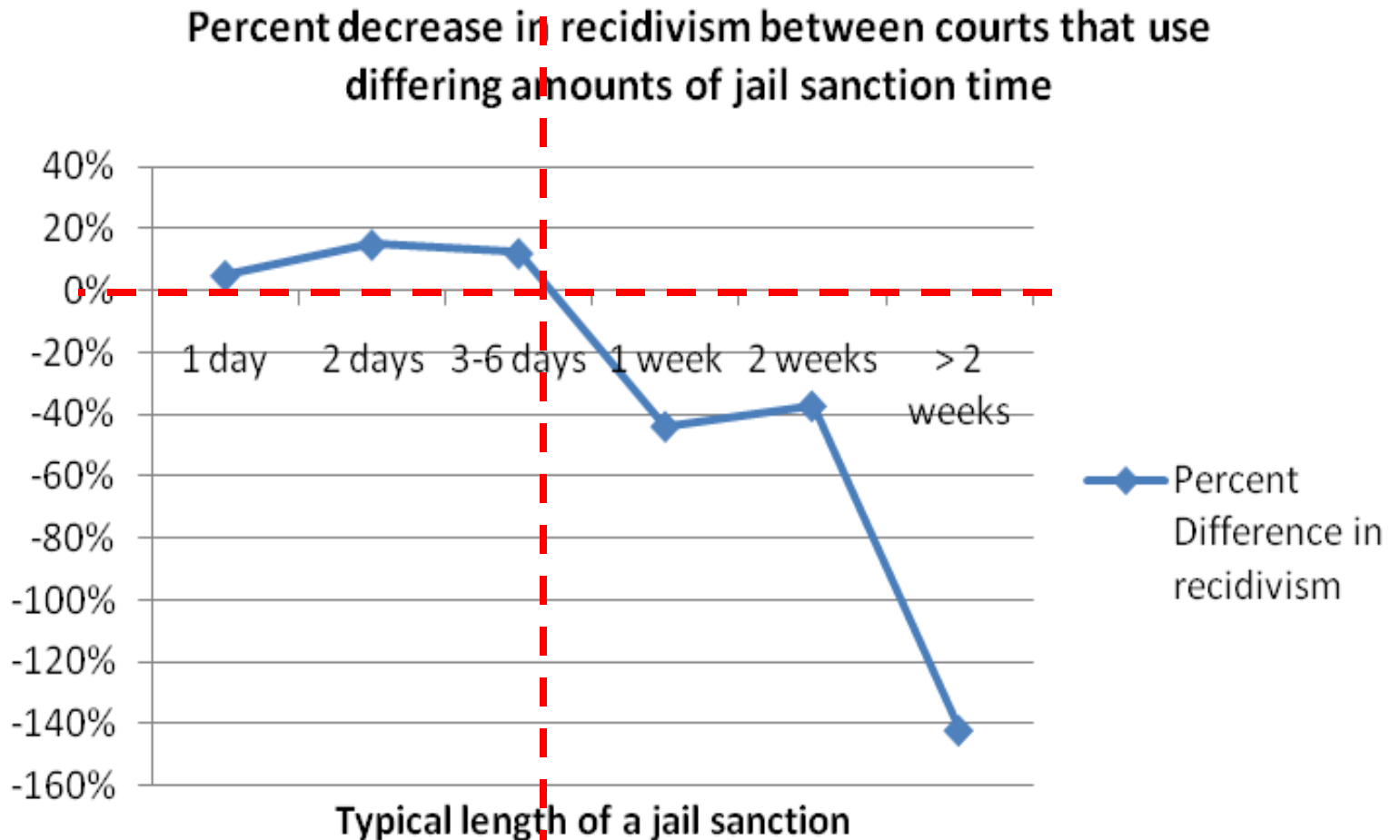
Adult

Note: Difference is significant at $p < .1$

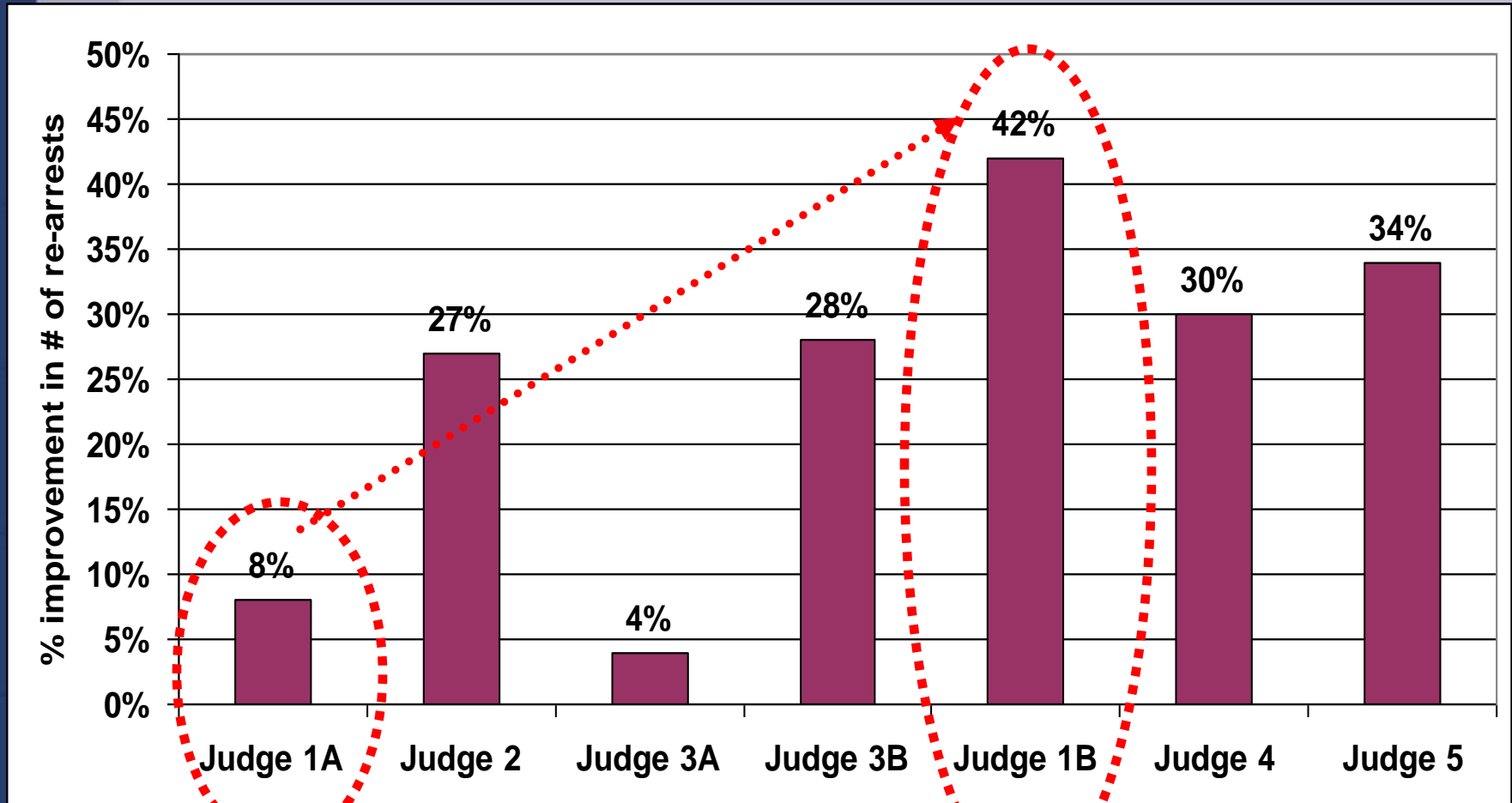
Drug Courts Where Drug Tests are Collected at Least Two Times per Week In the First Phase had a 61% Higher Cost Savings



Courts that use jail greater than 6 days have **worse** (higher) recidivism

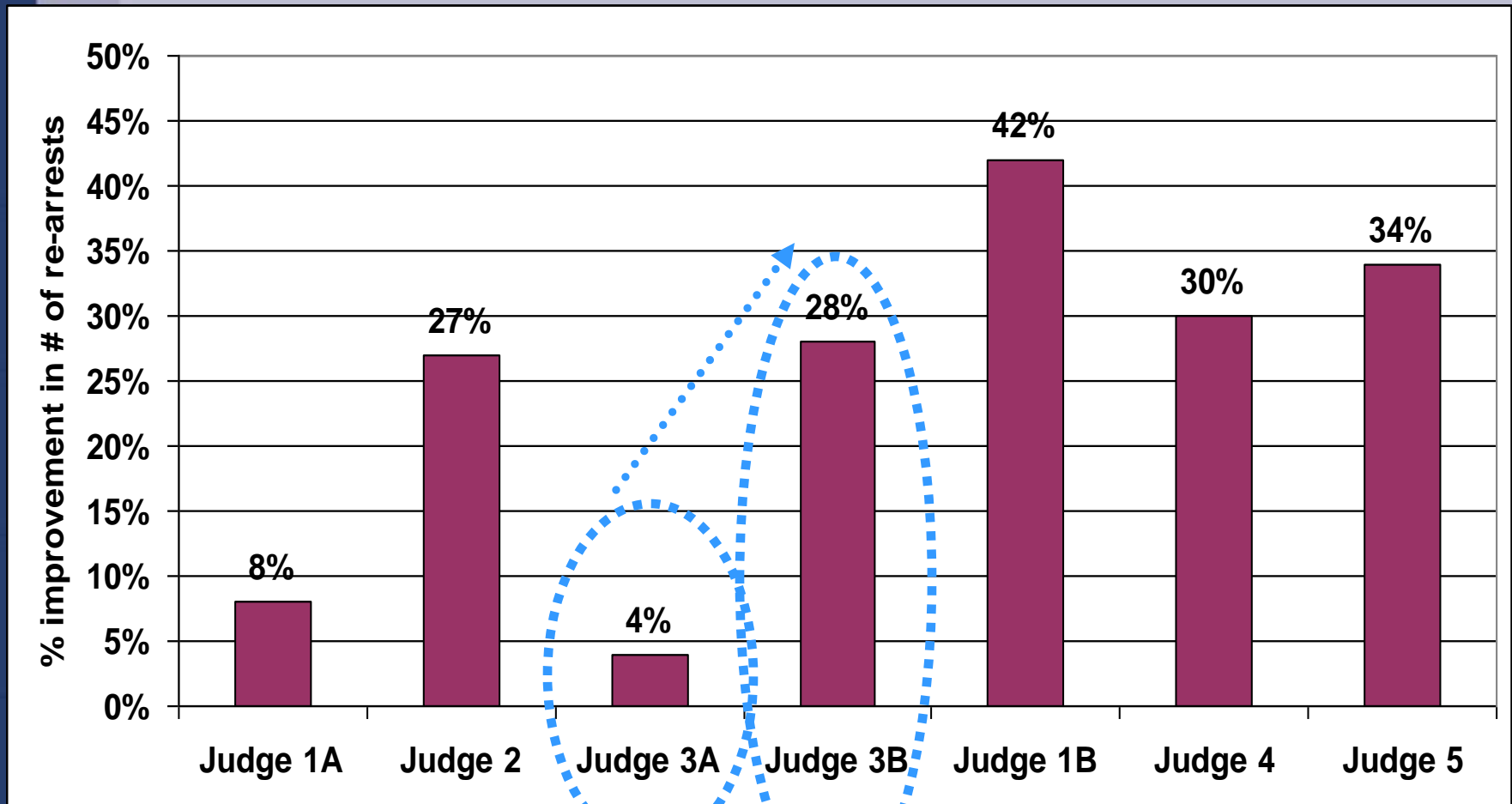


The Longer the Judge Spends on the Drug Court Bench, the Better the Client Outcomes



- Different judges had different impacts on recidivism
- **Judges did better their second time**

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To learn more about NPC or more about drug court evaluations including cost-benefit evaluations go to
www.npcresearch.com