

**"Criminal Justice Champions
Fighting Impaired Driving"**

DWI Courts

Hon. Peggy Fulton Hora (Ret.)
Judicial Outreach Liaison, Region 9, NHTSA
LifeSavers Conference, Phoenix AZ March 28, 2011

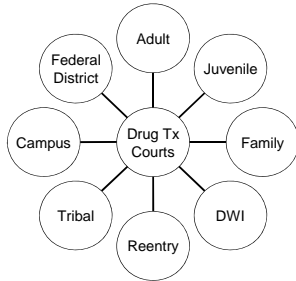
Don't drink and make signs



Problem Solving Courts

- Problem Solving Courts a.k.a Collaborative Justice, Solution-Focused Courts
- Problem Solving Focus
- Team Approach to Decision Making
- Integration of ancillary services
- Judicial Supervision of Treatment Process and Proactive Role of Judge In and Out of Court
- Direct Interaction between Participants and Judge
- Community Outreach

**~2,500 Drug Tx Courts in U.S.
+ 1,200 other problem-solving courts**



**DWI Courts
172 designated DWI, 354 hybrid = ~525 DWI Courts**



Making Your Community A Safer Place
www.allrise.org

Direct Interaction with Participants

- Prerequisite for behavior modification
- Motivates participants for success
- Finds crucial needs of participant and addresses them
- Lays backbone for positive solutions

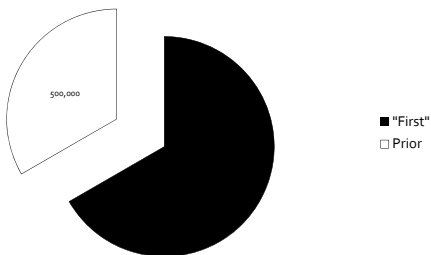
Ongoing Judicial Supervision

- Participants reports back (usually weekly, bi-weekly or monthly)
- Minimum is every 2 weeks for best results
- Team members update Court regularly
- Sentence adapted as participant progresses or regresses

Endorsements

- Governor's Highway Safety Association
- International Association of Chiefs of Police
- Mothers Against Drunk Driving
- National Alcohol Beverage Control Assn.
- National Assn. of Prosecutor Coordinators
- National District Attorneys Association
- National Sheriff's Association

1.5 million DWI arrests/year

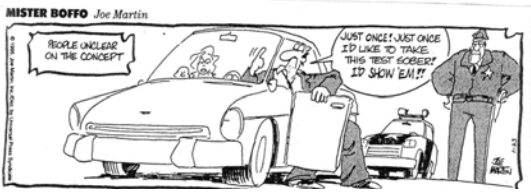


Repeat offenders

- There are >2 million drivers with three or more DWI convictions
- 400,000 with five or more
- ½ fatal alcohol related crashes were .15 or > OR a repeat offender with a drunk driving arrest or conviction in the last ten years

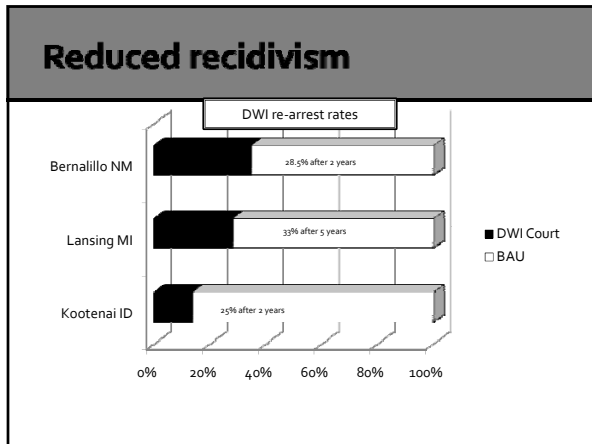
DWI Facts

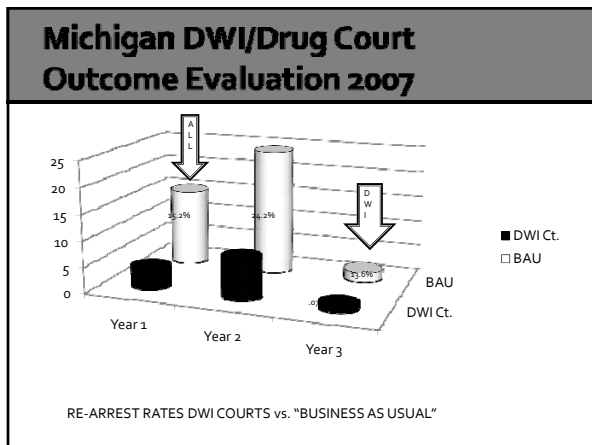
- A "first time" DUI defendant has driven 400 times under the influence before being caught.
- Average BAC .15



Why DWI Courts?

- Many traditional responses are not effective
- DWI Courts reduce recidivism
- Combines punishment with treatment AND supervision
- Oversight by Court
- Dramatic cost savings to jurisdiction and state
- \$20,000 to incarcerate one year
- \$2500 to \$3500 per year for drug court





- ### 10 Guiding Principles
- 1. Determining the Population
 - 2. Performing a Clinical Assessment
 - 3. Develop the Treatment Plan
 - 4. Supervise the Offender
 - 5. Forge Agency, Organization and Community Partnerships
 - 6. Take a Judicial Leadership Role
 - 7. Develop Case Management Strategies
 - 8. Address Transportation Issues
 - 9. Evaluate the Program
 - 10. Ensure a Sustainable Program

Who Is our Target Population?

- Convicted DWI-multiple offenders
- Exceptions for 1st time offenders
- Alcohol and/or Drug Use Identified
- Community resident
- Ability to Complete Program Successfully
- Participants congruent with resources

Determining Target Population

- Collaborate with Community
- Law enforcement, Prosecutors, Victims groups (e.g., MADD), civic clubs, defense counsel, treatment community, faith community
- Sufficient size for community impact
- Modest enough to provide quality services
- Consider first time offenders with appropriate assessment
- Focus on repeat offenders/high BAC
- Unique target population for your community

TARGET: High risk, high needs

- ✓ Frequent status hearings
- ✓ Tx and habilitation
- ✓ Compliance/attendance is proximal
- ✓ Restrictive consequences
- ✓ Positive reinforcement
- ✓ Medically assisted tx

Man eats underwear to beat breathalyzer

By D'ARCY RICKARD
of The Advocate
STETTLEB — An 18-year-old Stettler man tried to eat his underwear in the hope that the cotton fabric would absorb alcohol before he took a breathalyzer test, provincial court heard this week.

David Zurfluh was subsequently acquitted of a charge of impaired driving because he blew 48, the legal limit.

But the testimony broke up people in Judge David MacNaughton's provincial court here Thursday afternoon.

Mr. Zurfluh was collared by RCMP Const. Bill Robinson after he ran from his vehicle, which had been seen weaving down the highway.

While sitting in the back of the patrol car, Mr. Zurfluh tried to eat his shorts, Const. Robinson told the court.

Mr. Zurfluh said he ripped the crotch out of his shorts, stuffed the fabric in his mouth and then spat it out.

A class of law students from William E. Hay Composite High, in court as observers,

was removed by the teacher when testimony enlivened the proceedings. The Grade 11 and 12 students had difficulty maintaining composure.

"People were leaving the courtroom with tears in their eyes, trying not to laugh," said RCMP Const. Peter McFarlane.



<http://go.to/funpic>

Could you complete program?

- Three intensive phases to graduate
- Phase I-Most Intensive Phase lasts 3 to 6 months
- Phase II-Educational Period lasts 6 to 9 months
- Phase III-Self-Motivational Phase-3 to 6 months
- Successful participant requires 12 to 18 months
- Graduation then six months Aftercare component
- Up to 2 years for completion!

Getting Your Community Involved

- Form Steering Committee
- Form Team for Training
- Include Prosecutors, Law Enforcement, Defense Counsel (probably Public Defender), Treatment Community, Judges, Community Supervisor
- Attend FREE NCDL Trainings

Other Program Requirements

- Drug Court Staff Supervision
- Frequent Drug Testing
- Counseling Sessions (Treatment)
- 12-Step meetings
- Employment, Education or Community Service
- Adult Education/Family Learning
- Scheduled Court Sessions

Take Home Question:



- What are some of the partnerships that you would consider essential to have a successful DWI Court in your community?

Sentencing Options DWI Offenders

- Ignition Interlock Device (IID)
- Home Electronic Alcohol Monitoring (HEMI)
- Frequent Alcohol/Drug Testing (breath, blood, saliva ,hair, liver panels)
- Staggered Sentencing/Imprisonment
- Home Confinement/Curfews
- Home checks
- Instant breathalyzer tests



Court Sessions

- Staff Team Meetings
- Discuss Individual Cases
- Input from team members
- Consensus on Individual case plan
- Judge carries out decision in courtroom

Resources

- National Center for DWI Courts, www.allrise.org
- HARDCORE DRUNK DRIVING JUDICIAL GUIDE, National Association of State Judicial Educators, www.nasje.org
- National Highway Traffic Safety Administration, www.nhtsa.dot.gov
- National Judicial College, www.judges.org

Show Me the Money

- Dept. of Transportation (National Highway Traffic Safety Administration)
- 23 CFR Part 1313 (implements 23 U.S.C. 410) effective 6/20/06
- States receive Incentive Grants (called Section 410 Grants)
- Alcohol-impaired driving prevention programs



CONCLUSION

- DWI Court is Problem Solving Court
- Incorporates Punishment, Treatment & Oversight
- DWI Courts save money, reduce recidivism, increase public safety
- DWI Courts will save many lives
