



Issue Brief: DWI/DUI Courts

Issue Brief 6: DWI/DUI Courts (June 2014)

This Brief was produced by the Traffic Resource Center for Judges, an initiative of the National Center for State Courts (NCSC). The Traffic Resource Center is a cooperative effort between the Department of Transportation and the National Center for State Courts (NCSC) to establish a resource for judges, court administrators, court clerks, and other court staff on issues related to traffic adjudication.



About the Author: The Brief was prepared by Deborah Smith, NCSC Knowledge and Information Services Analyst. Points of view or opinions expressed in the Brief are those of the author and do not represent the official position of the NCSC or NHTSA.



Problem-solving courts have seen exponential growth in the last 25 years. Typically these specialized courts or dockets focus on underlying chronic behaviors and use graduated sanctions and incentives combined with treatment and services in an effort to reduce recidivism. Generally, a problem-solving court involves a single judge devoted to a single type of case. The judge works with a community team that typically includes the prosecutor, defense attorney, probation, law enforcement, and treatment providers to develop a case plan and to closely monitor a defendant's compliance with this plan. The first drug court opened in Miami-Dade Florida in 1989 and recently celebrated its 25th anniversary.

DWI/DUI courts developed out of this initial drug court model. However, there is a critical difference between drug addiction and driving while impaired. While addiction is the key to both types of courts, drug courts expect and tolerate a certain degree of backsliding which is met quickly with a sanction. Driving while intoxicated does not have this same leeway in terms of allowing an infraction. DWI cannot be tolerated due to public safety issues. DWI courts can use the drug court sanctions and rewards to address the addiction but not to address the driving while impaired behavior which cannot be tolerated under any circumstances.

As of June 2013, there were a total of 651 DWI courts operating in the US according to the National Center for DWI Courts. The organization recommends the use of ignition interlock devices for participants of both DWI and drug courts due to the dangers associated with hardcore impaired drivers. Hardcore DWI offenders are typically defined as having a BAC of .15 and/or one or more prior convictions for DWI. DWI Court is specifically meant for these hardcore drivers as opposed to first time offenders who have a much lower risk of recidivism. (National Center for DWI Courts)



The ten key components of drug courts have been adapted to apply specifically to DUI Courts. These include:

- GUIDING PRINCIPLE #1: Determine the Population
 - GUIDING PRINCIPLE #2: Perform a Clinical Assessment
 - GUIDING PRINCIPLE #3: Develop the Treatment Plan
 - GUIDING PRINCIPLE #4: Supervise the Offender
 - GUIDING PRINCIPLE #5: Forge Agency, Organization, and Community Partnerships
 - GUIDING PRINCIPLE #6: Take a Judicial Leadership Role
 - GUIDING PRINCIPLE #7: Develop Case Management Strategies
 - GUIDING PRINCIPLE #8: Address Transportation Issues
 - GUIDING PRINCIPLE #9: Evaluate the Program
 - GUIDING PRINCIPLE #10: Ensure a Sustainable Program
- (See DWI Courts follow the Ten Key Components of Drug Courts and the Guiding Principles of DWI Courts)

DWI Courts have not been studied as thoroughly as drug courts. (For a listing of DWI/DUI Court Evaluations see <http://home.trafficresourcecenter.org/Impaired-Driving/DWI-DUI-Court-Evaluations.aspx>) Doug Marlowe reports inconsistent results in evaluations but notes that this is often related to variability in court structure and evaluation procedures. Positive outcomes have been noted when courts maintained fidelity to the ten guiding principles, participants are followed for at least two years, and the sample size is large enough to provide statistical analysis. Simply adding DUI offenders to existing drug or hybrid courts without addressing their particular needs has not been found to be effective. (Marlowe)

The DWI Academy Court program started in 2008 under the auspices of The National Center for DWI Courts (NCDC) and the National Highway Traffic Safety Administration (NHTSA). Four DWI Academy Courts are selected for a three year period. These courts provide guidance and training to judges and court staff from other states within their region on policies and procedures for effective DUI court practices. The original four courts were located across the country in:

- Newport Beach, California
- Athens, Georgia
- Traverse City, Michigan
- Springfield, Missouri

The second group of courts went through an extensive screening process to choose a group that could serve as role models for other courts, provide training and mentoring for courts in their region, and serve as a testing ground for DWI practices. The second group of courts was selected in 2011 and retained several of the original group:

- Athens Clarke County DWI Court - Athens, Georgia
- Greene County DWI Court - Springfield, Missouri
- Harbor Justice Center and West Justice Center - Newport Beach, California
- Ottawa County DWI Court - Holland, Michigan



The third group of Academy courts was selected in early 2014 and included two of the original cohort and two new courts. The 2014 DWI Academy courts include the following courts:

Athens Clarke County DWI Court

The original Athens Clarke County DWI Court in Athens, Georgia has been in operation since February of 2001. It was the first court of its kind in the state. Since that time the court has worked with over 650 high-risk offenders and over 275 have successfully completed the program. This includes completing a five phase program which typically takes about 17 months. The phases include an orientation, an extended assessment, treatment and early recovery, relapse-prevention sessions, and finally a continuation of care. <http://www.athensclarkecounty.com/994/DUI-Drug-Court>

Harbor Justice Center in Orange County

This voluntary post-conviction program is located in Newport Beach, California and has been in operation since October of 2004. The program has three phases and typically lasts twelve months. Since its inception the court has assessed more than 1,450 impaired drivers and accepted more than 760 to the program. Over 430 of these have graduated from the program (retention rate above 75 percent and a recidivism rate below 3 percent). <http://www.occourts.org/general-info/dui-court/applicants/>

DWI Drug Court Intervention and Treatment Program - El Paso, Texas

This was the first DWI court in the state of Texas and it began operations in 2004. The court accepts both misdemeanor and felony offenders and has assisted 270 participants to date. <http://judges.org/news/news140321.html>

Hennepin County DWI Court of the 4th Judicial District

Hennepin County, Minnesota DWI Court was founded in January 2007. The court has enrolled 445 participants and graduated over 250. As of early 2014 there were 123 participants in the three phase program. The three phases include intensive treatment, an individualized case plan, and maintenance of the plan. Continuing care and mentorship are available to graduates. http://www.mncourts.gov/Documents/4/Public/Court_Administration/DWI_Court_Brochure_5-10_final.pdf

DWI Courts were one of the first problem solving courts to follow the drug court model. While they have not been evaluated as thoroughly as drug courts, current evaluations indicate that when the ten key components are followed and evidence based treatment is utilized following an appropriate clinical evaluation outcomes are positive. DWI Academy Courts provide an opportunity for courts to share best practices.



Resources

Kavanaugh, Judge J. Michael. DWI Courts are no longer a promising experiment—THEY WORK! The Brief Addiction Science Information Source (BASIS) (April 2014) <http://www.basionline.org/>

Marlowe, Douglas B. The Facts on DWI Courts.

National Center for DWI Courts. "DWI Court: First-Time DWI Offenders – In or Out?" The Bottom Line. (<http://www.dwicourts.org/sites/default/files/ncdc/The%20Bottom%20Line.pdf>)

National Center for DWI Courts. DWI Courts follow the Ten Key Components of Drug Courts and the Guiding Principles of DWI Courts <http://www.dwicourts.org/learn/about-dwi-court/-guiding-principles>

National Center for DWI Courts. Ignition Interlock Device Guidelines for DWI Courts <http://www.dwicourts.org/sites/default/files/ncdc/Guidelines%20for%20the%20Use%20of%20Ignition%20Interlock%20Devices%20in%20DWI%20Courts%20-%20Final.pdf>

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