


**A special
publication by the
National Center
for DWI Courts**



A Publication by the  **NCDC**
National Center for DWI Courts
Making your community a safer place

Special Points of Interest on DWI Courts.

**A DWI court is a
distinct court system
dedicated to
changing the
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arrested for Driving
While Impaired
(DWI).**

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DWI Courts—Saving Lives

To date, it has been left to the traditional courts and criminal justice system to deal with DWI cases, and it has become clear that the traditional process is not working for repeat offenders. Punishment, unaccompanied by treatment and accountability, is an ineffective deterrent for the repeat DWI offender. The outcome for the offender is continued dependence on alcohol; for the community, continued peril. A new strategy exists to fight against repeat impaired driving. Generally called “**DWI Courts**” or “**DWI/Drug Courts**,” offenders are held at the highest level of

accountability while receiving long-term, intensive treatment and compliance monitoring. In 2004 there were 176 DWI courts—86 designated DWI, and 90 “hybrid” courts. (Hybrid drug courts are courts that started as a drug court which then added a DWI offender tract to the drug court program.) As of December 31, 2008, there were 144 designated DWI courts, and 382 “hybrid” drug courts for a total of 526 DWI Courts in the country.

What Are DWI Courts?

A DWI court is a distinct court system dedicated to changing the behavior of the alcohol/drug dependant offenders arrested for Driving While Impaired (DWI). The goal of DWI court is to protect public safety by using the drug court model to address the root cause of impaired driving, alcohol and other substance abuse. With the repeat offender as its primary target population, DWI courts follow the Ten Key Components of Drug Courts and the Ten Guiding Principles of DWI Courts, as established by the National Association of

Drug Court Professionals and the National Drug Court Institute.

Unlike drug courts however, **DWI courts primarily operate within a post-conviction model. In a supported resolution by National Mothers Against Drunk Driving, “MADD recommends that DUI/DWI courts should not be used to avoid a record of conviction and/or license sanctions.”**

DWI courts utilize all criminal justice stakeholders (judges, prosecutors, defense attorneys, probation, law enforcement, and others) coupled with alcohol or drug treatment professionals. This group of professionals comprises a “DWI Court Team,” and uses a cooperative approach to systematically change offender behavior. This approach includes identification and referral of participants early in the legal process to a full continuum of drug or alcohol treatment and other rehabilitative

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New DWI Court teams being trained in Newport Beach, California.

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services. Compliance with treatment and other court-mandated requirements is verified by frequent alcohol/drug testing, close community supervision and ongoing judicial supervision in non-adversarial court review

hearing. During review hearings, the judge employs a science-based response to participant compliance (or non-compliance) in an effort to further the team's

goal to encourage pro-social, sober behaviors that will prevent future DWI recidivism.

The missions, objectives and operations of a drug court that exclusively targets illicit drug abusers, a designated DWI Court that targets alcohol or other substance impaired drivers, and a hybrid DWI/Drug Court that targets a mix of DWI offenders and illicit drug abusers are nearly interchangeable. All are part and partial of the drug court model.

The major difference from traditional drug court is that in the designated DWI Courts or hybrid DWI/Drug Courts, the offenders come to the court as a direct result of an impaired driving arrest and a documented history of impaired driving. In contrast, in the more traditional drug court docket the targeted offenders are those who have engaged in non-traffic related criminal behavior (as opposed to illegal driving behavior) as a result of their use of illegal substances. Experience has shown, however, that the participants in these two treatment court environments are far more similar than

different. Although wholeheartedly endorsing the use of either of the above-noted applications of the drug court model, there are several advantages to operating designated DWI Courts, most notably because they allow for development of a more specialized treatment focus and a more

case manageable network of relevant and supportive community resources. DWI Courts shine a spotlight on the triggers and consequences of

non-responsible alcohol intake. They embrace the community of victims of DWI episodes and encourage the fair and sensitive inclusion of victim advocates in the treatment process. Most importantly perhaps, they serve as a potential unifying hub for the myriad of agencies and organizations that have been part of piecemeal attempts to plug the gaps in the drunk driver control system. DWI Courts can and should serve as a unifying venue of accountability for the repeat DWI offender. By partnering with the respective state's department of motor vehicles, Governor's highway safety commission, highway patrol, local law enforcement accident prevention squads, MADD and other accident prevention and victim support groups, DWI Courts can add teeth to the justice system's response to repeat drunk driving.

A DWI Court's coercive power is the key to admitting DWI offenders into treatment quickly and for a period of time that is long enough to make a difference. This proposition is unequivocally supported by the empirical data on substance abuse treatment programs. Data consistently show that treatment, when completed, is effective. However, most addicts and alcoholics, given a choice, will not enter a treatment program voluntarily. Those who do enter programs rarely complete them. About half drop out in the first three months, and 80 to 90 percent have left by the end of the first year. Among such dropouts, relapse within a year is the norm.

Accordingly, if treatment is to fulfill its considerable promise as a key component of DWI reduction policy, DWI offenders not only must enter treatment but must remain in treatment and complete the program. If they are to do so, most will need incentives that may be characterized as "coercive." In the context of treatment, the term coercion - used

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In one court system, persons that did not go through the DWI Court program were 3 times more likely to be rearrested for a new criminal offense and 19 times more likely to be rearrested for a DWI charge.



West Huddleston, Chief Executive Officer and Executive Director of the National Center for DWI Courts addresses those in attendance at a Las Vegas press conference on DWI Courts.

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more or less interchangeably with “compulsory treatment,” “mandated treatment,” “involuntary treatment,” “legal pressure into treatment”- refers to an array of strategies that shape behavior by responding to specific actions with external pressure and predictable consequences. Moreover, evidence shows that substance abusers who get treatment through court orders or employer mandates benefit as much as, and sometimes more than, their counterparts who enter treatment.

DWI is the best vehicle within the criminal justice system to expedite the time interval between arrest and entry into treatment, and provide the necessary structure to ensure that a DWI offender stays in treatment long enough for treatment benefits to be realized.

Evaluation studies are vital in sustaining DWI Court programs. Courts conduct outcome evaluation studies to demonstrate the dramatic effect of DWI/Drug Courts on the community, to assess relative costs, and to maintain or seek funding.

With their rapid expansion and proven effectiveness, DWI Courts are changing the mindset of criminal justice professionals and effecting how DWI offenders are handled. Treatment with intensive supervision works with this population – and promises better long-term outcomes, through decreased recidivism.

DWI Court Outcome Statistics

As noted, DWI Courts are based on the proven Drug Court model. Drug Courts have been rigorously examined and



Law enforcement officers showing their support of DWI Courts in Las Vegas

found to be an effective method for reducing recidivism and drug addiction. DWI Court is a recent innovation to change a high risk DWI offender’s behavior.

There have been a number of evaluations done of DWI Courts; with favorable results, however, questions of their scientific rigor have been

raised. A recent meta-review of a number of DWI Court evaluations found some support that DWI Courts reduce

recidivism; however, the review concluded that more research needed to be done before one could say scientifically that DWI Courts work. According to the review, the vast majority of studies done were insufficient in participant numbers; used participants that were inappropriate, i.e. included offenders from the initial development of the program; or the evaluation processes were considered incomplete.

However, shortly after the meta-review was completed, an evaluation in

Michigan was published with sufficient scientific rigor. The Michigan evaluation examined three separate DWI courts to determine if they reduced an offender’s recidivism. It determined that participants in the DWI courts were substantially less likely to be arrested for a new DWI offense or any new criminal offense than individuals sentenced in a traditional court within 2 years of entering the DWI Court. For example, in one court system, persons that did not go through the program were 3 times more likely to be rearrested for a new criminal offense and 19 times more likely to be rearrested for a DWI charge. In other words, the recidivism rate was significantly lower for the DWI Court participants. The executive summary of the evaluation concluded with the following statement:

Overall, these results demonstrate that the [DWI] Court is effective in reducing recidivism and reducing drug and alcohol use while using less criminal system resources to accomplish these goals.”

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accomplish these goals.” Executive Summary, pg. V.

There is no question that more studies need to be done to further demonstrate the effectiveness of DWI Courts. A similar concern was expressed about Drug Courts in the initial days of its development. But it is noteworthy that, thus far, what is being published finds DWI Courts making a difference.



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Robbie Gordon, NASCAR driver and team owner, shows his support at a Law Vegas press conference for DWI Courts.

NCDC Hires First Director

February 25, 2008—The National Center for DWI Courts (NCDC) announced the appointment of David J. Wallace as the first director of NCDC. Wallace brings 23 years of experience in the criminal law field to his role as the first director of NCDC. NCDC, a professional services branch of the National Association of Drug Court Professionals (NADCP), raises awareness about the effectiveness of DWI Courts and provides training and research to court personnel as DWI Courts are launched throughout the country.

As director, Wallace will work closely with DWI Courts across the country. He will also work with government officials and legislators to establish more DWI Courts, which deal with hard core and repeat drunk driving offenders by providing long-term, ongoing accountability and rehabilitation in addition to a DWI conviction. Research demonstrates that DWI Court graduates are three times less likely to be rearrested for impaired driving.

“We are honored to have David Wallace join NCDC in the fight against drunk driving,” stated West Huddleston, executive director of the National Center for DWI Courts and the chief executive officer of the National Association of Drug Court Professionals. “David brings a wealth of experience to NCDC as a prosecutor and educator. He is committed to working with law enforcement, prosecutors, and judicial parties to expand on the success that DWI Courts have already had across the country.”

Prior to joining NCDC, Wallace served as the Traffic Safety Resource Prosecutor (TSRP) for the Prosecuting Attorneys Association of Michigan (PAAM), where he instructed prosecutors and law enforcement officers in Michigan on a variety of traffic safety topics, focusing on DWI and vehicular homicide cases. Wallace is also a former Calhoun County and Eaton County Assistant Prosecutor with

more than 15 years of active trial experience.

He is a frequent lecturer across the country on DWI issues and was on the committee that revised the NHTSA training manual, *Prosecution of Driving While under the Influence*. Wallace was also the chairperson for the committee that revised the NHTSA training manual, *Lethal Weapon*, and is a member of the Traffic Injury Research Foundation’s “Working Group on DWI System Improvements.” Wallace is the recipient of the National Commission Against Drunk Driving *Adjudication Award* for 2004, and the Mother’s Against Drunk Driving of Michigan Lifetime Achievement Award, presented in recognition of his public service in the promotion of MADD ideals.



**David J Wallace,
director for NCDC**