



A Publication by the

**Special Points of Interest on DWI Courts.**

**May is National Drug Court Month**

**On Friday, May 15, Drug Courts in 33 states held graduation ceremonies making it the biggest Drug Court Commencement Day in history!**

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**National Groups Call for Congressional Support for DWI Courts**

On Tuesday February 17, 2009, leaders in the traffic safety and criminal justice communities gathered on Capitol Hill to make recommendations to Congress on the reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Joining The National Association of Drug Court Professionals (NADCP), The National Center for DWI Courts (a professional services branch of NADCP) and the Century Council, were five national organizations representing judges, prosecutors, defense attorneys and probation

officers. The panel of national experts focused its recommendations on measures that would lead to reductions in the number of hardcore, impaired drivers on our nation's roads.

SAFETEA-LU is a reincarnation of the Highway Transportation Bill that provides state allocations for highway funds and traffic safety. The bill is up for reauthorization in October, prompting these leaders to advocate for increased support for strategies that have the greatest effect on curbing impaired driving such as



**West Huddleston, CEO of NADCP addresses those in attendance**

DWI Courts. In the past six years since the bill was last authorized DWI Courts have emerged as one of the

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**Motivating Change Through the Use of Incentives and Sanctions: A Judge's Perspective**

*By: Honorable Peggy Davis*

Recently during a probation violation hearing, a Defendant was attempting to convince me that she deserved an opportunity to remain in the community. Her task was difficult, considering that she had



absconded from supervision on numerous occasions and had never remained sober for any length of time despite having been sentenced to three prison based treatment programs on other cases. After she took the stand, against her

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## Smoking Impedes Brain's Recovery from Alcohol Damage

Heavy drinkers can partly recover from alcohol-related brain damage with sustained abstinence, but new research shows that this process can be slowed if patients continue to smoke cigarettes, [Science Daily](#) reported May 11.

MRI studies show that individuals who quit drinking but continue



smoking experienced less improvements in blood flow in brain regions like the frontal and parietal cortices, which are often damaged by heavy drinking.

The brain's frontal lobes are involved in learning, short-term memory, reasoning, planning, problem solving, and emotional control, while the parietal lobes are involved in attentional regulation and visuospatial processing, according to researcher Anderson Mon of the University of California at San Francisco.

"At one week of abstinence, both smoking and nonsmoking ... patients had similar frontal and parietal gray-matter perfusion [blood flow]; and both groups had lower perfusion than normal controls," said Mon. "However, after five weeks of abstinence, frontal and parietal gray matter perfusion of the nonsmoking ... patients recovered to

normal control levels, whereas the smoking ... group essentially showed no recovery."

The research suggests that patients who can handle quitting both alcohol and smoking simultaneously should be encouraged to do so in order to speed up their cognitive recovery.

The study was published online in the journal [Alcoholism: Clinical and Experimental Research](#).

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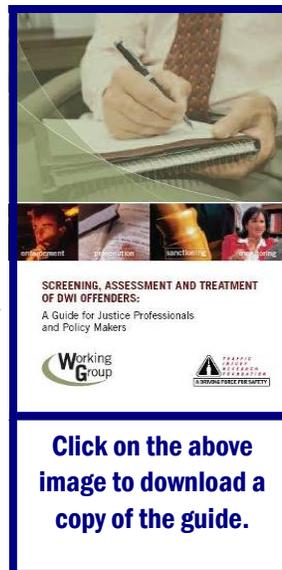
## Screening, Assessment and Treatment of DWI Offenders A Guide for Justice Professionals and Policy Makers

The Traffic Injury Research Foundation (TIRF) recently released a DWI guide entitled, *Screening, Assessment and Treatment of DWI Offenders: A Guide for Justice Professionals and Policy Makers*.

The new guide -- developed at the 4th meeting of the Working Group on DWI System Improvements -- seeks to inform justice professionals and policy makers about the importance of screening, assessment and treatment of DWI offenders, examines the strengths and limitations of the process and issues related to it, and identifies a number of priority recommendations for improving the application of quality screening, assessment and treatment of DWI offenders.

The Working Group -- a TIRF initiative -- is a coalition of criminal justice professionals representing 14 criminal justice organizations that has been improving the effectiveness and efficiency of the DWI system since 2004. Funding for the Working Group is provided by Anheuser-Busch Companies.

To learn more about the Working Group, or to download a copy of *Screening, Assessment and Treatment of DWI Offenders: A Guide for Justice Professionals and Policy Makers*, visit [www.tirf.ca](http://www.tirf.ca) and click on the DWI System Improvements icon at the bottom of the homepage.



**Click on the above image to download a copy of the guide.**

TIRF is a world leader in research, program and policy development, evaluation, and knowledge transfer focusing on the road user and behaviors that result in driver error and account for 80% of road crashes.

TIRF's mission to reduce deaths and injuries resulting from road crashes is achieved by designing, implementing, evaluating and promoting evidence-based strategies.

## National Groups Call for Congressional Support for DWI Courts

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nation's most effective strategies for dealing with our nation's most dangerous impaired drivers, those with a blood alcohol content of .15 or above or with a prior conviction.

**"In renewing SAFETEA-LU with the recommendations presented by the prestigious organizations here today, Congress has an opportunity to stem the tide of hardcore impaired driving"**  
**David Wallace, Director, NCDC**

These drivers—referred to as hardcore, impaired drivers by the National Highway Traffic Safety Administration (NHTSA) — are vastly overrepresented in fatal crashes involving alcohol. More than half of the impaired driving fatalities in this country involve hardcore, impaired drivers and today there are 2 million people currently driving with at least three prior DWI convictions.

"Hardcore drunk drivers remain a disproportionately large and growing part of the problem," said Susan Molinari, Chairman of the Century Council. "The fact is DWI cases are among the most complex to adjudicate. Without more Federal resources to enforce our nation's drunk

driving laws in our courtrooms, our national effort to reduce drunk driving is dangerously incomplete." Since 1997 the Century Council has been heavily involved with initiatives to combat hardcore drunk driving. She went on to add "I am honored to be partnering with these prestigious national organizations in issuing these joint SAFETEA-LU reauthorization recommendations."

Across the country there are 526 DWI Courts designed specifically to address hardcore drivers and their addiction. National Association of Drug Court Professionals CEO West Huddleston explained why the number of DWI Courts was growing so rapidly. "Treatment with intensive supervision works with hardcore, impaired driving offenders – and promises better long-term outcomes, through decreased recidivism," said Mr. Huddleston. "With the courts' proven effectiveness and rapid expansion across the country the time has come to expand the reach of DWI Courts and make them available to more Americans in need."

"The National Center for DWI Courts is proud to be a part of this collaborative effort to combat impaired driving in this country," said David Wallace, Director of the National Center for DWI Courts. "In



**Judge Kent Lawrence speaks about DWI Courts at the Capital Hill Briefing**

renewing SAFETEA-LU with the recommendations presented by the prestigious organizations here today, Congress has an opportunity to stem the tide of impaired driving."

Judge Kent Lawrence, State Court of Athens-Clarke County, Athens, Georgia spoke about the success of DWI Courts and illustrated the need for funding in the reauthorization of SAFETEA-LU. "DWI

Courts are changing the mindset of criminal justice professionals and affecting how DWI offenders are handled. We know that conviction, unaccompanied by treatment and accountability, especially in the case of hardcore drivers, is an ineffectual deterrent for the repeat DWI offender."

The most compelling evidence of the effectiveness of DWI Courts came when a recent DWI Court graduate stood before the audience and told her story of alcohol addiction, arrest and restoration.

[The NADCP](#), [NCDC](#) and [The Century Council](#) were joined at the event by the [American Probation and Parole Association](#), [The National District Attorneys Association](#), [The National Association of Prosecutor Coordinators](#), [The National Judicial College](#).

The partnership jointly issued the following recommendations to Congress:



**Honorable Susan Molinari addresses those at the Capitol Hill Briefing**

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## National Sheriffs' Association Supports DWI Courts

The National Sheriffs' Association (NSA) recently joined the growing list of national organization to officially support DWI Courts. Founded in 1948 and representing over 20,000 members and more than 3,000 Sheriffs, the NSA is one of the nation's premier law enforcement and criminal justice associations.

"The National Center for DWI Courts (NCDC) is thrilled to have the support of the NSA," said NCDC Director

David Wallace. "Our nation's sheriffs are on the front lines in the effort to remove impaired drivers from our roadways. It is the

responsibility of the courts to ensure that those drivers are held accountable for their actions, treated for their addiction and are never arrested for impaired driving again. This is a perfect partnership."

Across the country there are 526 DWI Courts designed specifically to address hardcore drivers and their addiction. The rapid expansion of these courts across the country and their proven effectiveness are changing the mindset of criminal justice professionals and affecting how DWI offenders are handled, which is welcome news to law enforcement. "The National Sheriffs' Association supports DWI Courts because they assist law enforcement in removing impaired drivers from roadways," said NSA Executive Director Aaron Kennard. "By employing strategies of close supervision, frequent

alcohol and other drug testing, and ongoing judicial interaction to integrate alcohol treatment services with the justice system, DWI Courts are ensuring that arrest is the intervention hardcore drivers need to change their lives. The NSA urges states to implement DWI Courts."



Hardcore drunk drivers are drivers with a blood alcohol concentration of .15 and above and/or are repeat offenders. Throughout the country there are 2 million people with three or more DWI convictions and a staggering 400,000 with five or more. DWI Courts go beyond traditional

discipline and deal with hardcore drunk driving offenders by providing long-term, ongoing accountability and rehabilitation, in addition to a conviction. According to a 2007 study by the Michigan Supreme Court, DWI Court participants are nineteen times less likely to be re-arrested for a DWI charge than those who have been through traditional sentencing. The study also found that DWI Courts saved the criminal justice system time and money by getting the impaired driver into the program quicker and using sanctions, such as jail, more strategically.

DWI Courts have become the model for getting the most dangerous drunk drivers off the roads. As DWI Courts are launched throughout the country, NCDC provides training and research to

the personnel needed to operate them.

"We know that conviction, unaccompanied by accountability and treatment, especially in the case of hardcore drivers, is an ineffectual deterrent for the repeat offender. We cannot keep asking out nation's law enforcement to continue expending valuable resources arresting the same individuals over and over again," said Wallace. "The National Center for DWI Courts is committed to expanding DWI Courts to serve every hardcore driver on the road today. The endorsement of the NSA is critical in building a coalition of law enforcement professionals, justice professionals and treatment professionals united to this end."



## Motivating Change Through the Use of Incentives and Sanction: A Judge's Perspective

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attorney's advice, she turned to me and stated, "I have had a lot of treatment in prison, but I never wanted to stay clean. Now I want to be clean and sober in order to take care of my sick mother, my out of work father and the rest of my family. I want to go to treatment and not prison."

Whether the Defendant really wanted to engage in treatment in order to become a sober and law abiding citizen or she wanted to put out the fire that was burning at her heels, she identified one of the fundamental reasons that DWI Courts work. DWI Courts work when the participant develops an "I want to change" attitude. In my opinion, one of the most effective means to help the participant develop a genuine desire to change is through the therapeutic use of sanctions and incentives.

Sanctions are a necessary response to program violations, especially those that place the public at risk such as driving on a suspended license. I am grateful to our ever diligent probation officers. They keep a close eye on our participants, some of whom seem to spend more time figuring out ways to drive without a license and not get caught than they spend "working the program". One of our probation officers, who had heard that "Joe" was driving, waited until after court, got in his car and followed "Joe" as he left riding a bicycle. Two blocks from court, "Joe" got off the bike, loaded it into the back of a pickup truck and drove away. "Joe" has no driver's license. Another of our participants arrived late in the day at the probation office. After his meeting with

**It has been my experience that the use of incentives can be a more powerful motivator of change and "buy in" by the participant.**

his probation officer, he waited outside the building for his ride who – he had advised the probation officer - wasn't going to arrive until after the probation office closed. Around 5:20pm, thinking all the probation officers had left for the day, this participant walked next door to a local business and got into his car and drove away. He also had a suspended license.

Swift responses to these violations were delivered in open court. One might think that the only ones impacted by the sanctions were the two participants who each spent several weeks in jail, but sanctions are about accountability and reach beyond the sanctioned individual. The participants are accountable to the Court; the Court is accountable to the public. The other participants who see and hear sanctions delivered in a consistent manner, learn, one sanction at a time, that the costs of breaking the rules outweigh the benefits of engaging in unacceptable and unsafe behavior.

However, I question whether in the long run, sanctions cause participants to internalize the desire to change. It has been my experience that the use of incentives can be a more powerful

motivator of change and "buy in" by the participant. Some of the most effective incentives do not have a monetary value. The participants value certificates that recognize clean time and upward movement in the program. They enjoy praise and applause for attaining a goal. We have learned to never underestimate the value of genuine concern about each individual in the program.

A few years ago, "Ken" was ordered into the DWI Court as a condition of his probation. To say that the team was not thrilled to see "Ken" make his first appearance in DWI Court is an understatement. "Ken" was tough and smart. He had served time in prison on other felony offenses, he was on probation on a subsequent felony case, and then he incurred the DWI that resulted in his being ordered to complete DWI Court. His future

did not look promising. He started DWI Court with the attitude that he'd been to prison before and he'd rather just "serve the time" and be done with us. One day "Ken" brought his small daughter to court with him because he didn't have a babysitter. It was obvious that he loved his beautiful little girl. "Ken"

carried his daughter as he approached the bench. We began to engage his daughter in conversation. She was encouraged to come closer to the bench and select whatever she wanted from a box of Dollar Store toys that are



**Simple praise can be a powerful incentive to motivate change.**

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## Time to Ask: Who's on the Team?

DWI Court graduations are a time of celebration, but also a time to reflect on who did not make it to that wonderful occasion. It is a time to consider what could have been done differently to get a better result, where more of the participants graduate. For every 2 or 3 persons that complete the program and graduate, there is that other person who did not. One factor to consider is, who is on the team? What professionals are represented on the team? Every team always has a judge – after all this is a judicially supervised program. Of course, most teams have someone from supervision and also someone from treatment. However, one profession that is often overlooked is law enforcement. This is unfortunate, since having a law enforcement officer on the team could result in greater success for the participants. A study

**Including law enforcement on the drug court team is practiced more rarely but is clearly associated with more positive outcomes.**

released last year by NPC Research found that to be the case.

The study, released March of 2008, is entitled “*Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs*” and it examined the Key Components of Drug Courts, which includes: *Key Component #10: Forging Partnerships Among Drug Courts, Public Agencies, and Community-Based Organizations Generates Local Support and Enhances Drug Court Program Effectiveness*. In examining that

particular Key Component, NPC Research looked at 18 Drug Courts, and found that some have law enforcement on the team, and some do not. In examining the those courts, it concluded that

“having a member from law enforcement on the team was associated with higher graduation

rates, 57% compared to 46% for those that did not have law enforcement on the team, and significantly greater improvement in outcome costs.” pg. 74

In considering why that was true, the report went on to say: “Including law enforcement on the drug court team is practiced more rarely but is clearly associated with more positive outcomes. Working on the street, law enforcement can contribute a unique perspective to the drug court team. Law enforcement can improve referrals to the program and can extend the connection of the drug court team into the community for further information gathering and monitoring of participants.” pg. 75.

So the question has to be asked – Are any law enforcement officers on the team? If not, why not? Remember, DWI Courts are based on the Drug Court model, and also follow the Key Components as well as the Guiding Principles. To read the study, [click here](#), or go to [www.npcresearch.com](http://www.npcresearch.com).

## Kerlikowske Appointed “Drug Czar”

On Thursday afternoon, May 7, 2009, the Senate approved the nomination of Seattle Police Chief Gil Kerlikowske as the new Director of the White House Office of Drug Control Policy (ONDCP). The Senate approved the nomination by a vote of 91-1.

Vice President Biden issued this statement after the United States Senate voted to confirm Chief Gil Kerlikowske as Director of the Office of National Drug Control Policy:

"I am very pleased by the Senate's overwhelming support for Gil Kerlikowske today. Chief Kerlikowske is the right man for the job. With over 36 years of law enforcement experience at all levels, he has long been on the front-lines in the battle against drugs. And, while the challenge before him is great, the President and I believe that he will lead our nation's efforts against illegal drugs with unshakable resolve."

The 59-year-old Kerlikowske has stated that while he and other officials

would work to reduce the international drug supply, the biggest contribution the U.S. can make is to reduce demand for illicit drugs. Kerlikowske has called our nation's drug abuse “an incredibly complex problem” noting that “it requires prosecutors and law enforcement, courts, treatment providers, and prevention programs to exchange information and to work together. And our priority should be a seamless, comprehensive approach.”

## The Graduate Corner

**Editor's Note:** *This article is by a graduate—from a DWI Court graduation I recently attended. It was an honor to be present and to listen to where the graduates had come from and where they are now. If you have the opportunity, I highly recommend that you go to a graduation and see what is possible. What you will read is what was spoken to the people in attendance.*  
DJW

### Graduation Speech

*(Names have been withheld)*

On April 24<sup>th</sup> 2006, I decided to meet a friend out for one drink. 1 turned into 2, turned into 3, turned into 4; I think you get the point. I ended up leaving the bar around 1:30 or so, I couldn't really tell you because I had no sense of time or judgment. I remember getting into my car but that's all I remember.

I was in a black-out and when I came to, I realized that I had hit something and the only

reason I knew this was because the ONSTAR in the car came on. I remember hearing Mr. (Name) saying: "You have been in an accident are you okay?" The something I hit was another car, an innocent bystander who lost control of his car because I slammed into his truck and caused him to flip over. I couldn't believe it was happening. I thought it was a bad dream, and that I would

**I owe a big part of that (change) to DWI Court and all the people involved from probation to health care. Your support and caring has been amazing. We broke the law, and the law won.**

wake up. I never did because that's where my drinking takes me. Although I was physically okay and thank God, so was he, the reality was that I wasn't and I hadn't been okay for a long time. Although the crash was what brought me to my knees, the truth was I had been dying for years. On paper I had a good life: friends, family, successful job, but there was always something missing

and I always chased that something in a bottle or a good time. I wasn't a daily drinker. I could go days without a drink, but, when I drank, I couldn't stop and I didn't want to. I would miss work, family dinners or holidays. I would get into fights with friends, but most importantly each morning after a "bad" night I always felt incomprehensible demoralization. I had no regard for anyone other than myself and what I didn't see was that my drinking was ruining my relationships with family and friends.

I stand here today with 2 years, 7 months, and 8 days clean, and I can definitely say it has been one day at a time. 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 from probation to health care. Your support and caring has been amazing. We broke the law, and the law won. The people within DWI Court are just doing their jobs – remember that. So I know sitting at probation every Monday sucks and I

know all the appointments each week suck and I know not driving sucks. But who's to blame? It all comes back to US! My advice to the new guys is STOP trying to break the rules, they always find out. I don't know how, but they do! Whether they are jumping out of the bushes or showing up at your job, the bottom line is that you will always get busted and the only person it hurts is you. Learn acceptance, patience, and tolerance. We may not always agree with what we are being told, but that's LIFE! It's not up to us to run the show. Check your ego at the

door and realize your best thinking got you busted and you are now given a chance to get your life back. I did!

I want to give a special shout-out to the 11:00 a.m. group on Mondays. I could never have done it without your guys. (Name), I used to get so frustrated when I would have to wait so long to see you at probation, but what I didn't realize is that you were taking the time to get to know us because you care. So thank you. (Name) and (Name) thank you for your continued support either in group or during my face to face. And last but not least, the Honorable Judge (Name).

Thank you for creating a program that helps the community and the participants – for going to jail for 7 months wouldn't have accomplished anything but what I have learned will stay with me forever. Thank you.



**U.S. Senator Robert Casey speaks at a recent Drug/DWI Court Graduation in Pennsylvania.**



**A graduation is a time of celebration.**



# NCDC

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We're on the web  
[www.nadcp.org](http://www.nadcp.org)

## Incentives and Sanctions—A Judge's Perspective

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kept in the courtroom. Several of the team members sat on the floor and dug through the box in order to come up with the perfect toy. It was at that moment that “Ken” and the team truly engaged. “Ken” realized that we cared about him and his family. It was no longer “Ken” against the system. He developed trust and was able to focus on his recovery because he wanted to change. “Ken” has been sober for over two years. He has become a valuable and productive member of our community.

The fair and consistent use of sanctions and incentives is a fundamental element of DWI Court. We use them to maintain and enhance program integrity and to assist our participants to be “clean and sober” law abiding citizens. Each of the above cases demonstrates the therapeutic use of sanctions and incentives. These responses to the participants’ behaviors motivate change either through their desire to avoid further pain or through the development of trust and buy-in. Once our participants themselves decide they want to “stay clean” and become law abiding citizens, they have come a long way toward achieving that goal. DWI Court then becomes the participant’s program; he or she forges ahead and we become the guides rather than the prodders.

## National Groups Call for Congressional Support of DWI Courts

*(Continued from page 3)*

- Expansion of and increased funding for DWI courts and intermediate probation responses that do not require judicial action.
- Funding of full time traffic safety resource prosecutors in every state and territory.
- Mandatory assessments on hardcore drunk drivers so judges can tailor conditions of bail and sentences to each offender.
- Comprehensive and frequent trainings for judges, prosecutors, law enforcement officers, and probation and parole officials.
- Increased communication among state and local agencies to improve DWI adjudication.
- Increased state look-back periods for repeat offenses to a minimum of 10 years.
- Develop statewide tracking and reporting systems so offenders can be tracked from arrest through conviction and sentence completion.
- Provide funding to enhance probation’s ability to effectively respond to hardcore drunk driving through training, knowledge transfer, and technical assistance.

For a copy of the recommendations go to [www.centurycouncil.org](http://www.centurycouncil.org).



**The reauthorization of SAFETEA-LU is being worked on in the nation’s capitol.**