



NCDC

National Center for DWI Courts

Making your community a safer place

A Publication by the

NCDC has been taking team applications for next year's DWI Court training programs. At this time, there are still a few more openings. Therefore, the deadline has been extended. **SCHOLARSHIP MONEY IS AVAILABLE TO HELP DEFER THE COSTS.** See page 8 for more details.

The NCDC and Beam Global Challenge Missouri to Establish More DWI Courts

Beam Global Spirits & Wine, Inc., and the National Center for DWI Courts (NCDC) joined forces on October 5th to encourage Missouri to establish more DWI Courts to help build on the state's success in battling hardcore impaired driving. Missouri currently has nine DWI Courts and more than 30 "hybrid" courts that oversee both DWI and drug cases. Recently released preliminary research illustrates the success these courts have had in getting the most dangerous impaired drivers off the roads.

Hardcore impaired drivers are drivers with a blood alcohol concentration of .15 and above and/or are repeat

offenders. These impaired drivers are responsible for 65 percent of alcohol-related traffic fatalities in the United States and are 20 times more likely to be involved in a crash. In Missouri, there were 364 alcohol-related traffic fatalities in 2008, with 58 percent of those deaths caused by hardcore impaired drivers.

The innovative DWI Court system goes beyond

traditional discipline and deals with hardcore impaired driving offenders by providing long-term, ongoing accountability and rehabilitation, in addition to a conviction. As DWI Courts

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Law enforcement, judges, prosecutors, and other local and national dignitaries attend the press conference in Springfield, Missouri.

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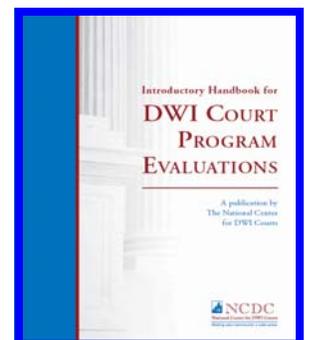
How Are You Doing?

New NCDC Publication to Help Answer That Question

You see someone you haven't talked with in a while, and one of the first questions asked is: How are you doing? That should also be one of the first questions asked by DWI Courts: "How are we doing?" Is the DWI Court achieving the "success" expected by the team and by the

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Click on the image on the right to download the handbook



New Roadside Survey Shows Decline in Alcohol Levels, Driver Drug Use is Detected

A new roadside survey by the National Highway Traffic Safety Administration (NHTSA) confirms a continuing decline in the percentage of legally intoxicated drivers.

In 1973, 7.5 percent of drivers had a blood alcohol concentration (BAC) of .08 or higher. In the latest survey, that figure had fallen to 2.2 percent. A BAC of .08 or higher is now above the legal limit in all 50 states and the District

of Columbia.

Previous roadside surveys conducted by NHTSA have measured only alcohol. But the 2007 survey used new screening techniques that detected other

substances as well and in the future may help show the extent of drug impairment among drivers.

The survey found 16.3 percent of nighttime weekend

drivers were drug positive. The survey focused on weekend nighttime drivers and found that the drugs used most commonly by drivers were: marijuana (8.6 percent); cocaine (3.9 percent); and over-the-counter and prescription drugs (3.9 percent).

Transportation Secretary Ray LaHood said he is concerned about the prevalence of drivers who use drugs, and we should continue to fight against all impaired drivers.

“I’m pleased to see that our battle against drunk driving is succeeding,”

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Drivers were more likely to be illegally drunk during late nighttime hours (1 a.m. to 3 a.m.) than during daytime or early evening hours.

How Are You Doing?

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community? How does someone know if the court is successful? The easy answer is to do an evaluation of the program. But to say it and to do it are two different things.

Over the past few years, several evaluations done of DWI Courts have had serious methodological shortcomings. (For a discussion on this issue, read the Drug Court Review, Volume VI, Issue 2 – A Systematic Review of DWI Court Program Evaluations. It can be downloaded for your review by clicking [here](#).) After all, criminal justice professionals are not generally familiar with scientific evaluations.

To help DWI Courts understand what is needed to do a proper evaluation, Dr. Doug Marlowe, with the support of the National Highway Traffic Safety Administration, wrote the DWI Court Evaluation Handbook. Written in plain language for the DWI Court team

members, it provides relatively simple and moderate-cost steps that DWI Courts can take to collect the information they need to document their services and measure their outcomes.

Chapter titles include:

- When to Measure;
- Whom to Measure;
- What to Measure;
- Where to Measure; and
- How to Measure.

This handbook is now available on the DWI Court website at www.dwicourts.org. Go to *Resources* and then to *Publications*.

This is an important tool in finding out how the DWI Court is doing, and taking the next step to demonstrate that DWI Courts are making our communities a safer place to live.

GUIDING PRINCIPLE #9: Evaluate the Program

Guiding Principle #9 of the 10 Guiding Principles for DWI Courts discusses the importance of evaluating a DWI Court program.

“To convince stakeholders about the power and efficacy of DWI court, program planners must design a DWI court evaluation model capable of documenting behavioral change and linking that change to the program’s existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DWI court team to rigorously abide by the rules of the evaluation design.”

Click [here](#) to get a complete discussion of the 10 Guiding Principles.

The Graduate Corner

Editor's Note: *This article is by a graduate—from a DWI Court graduation I attended. It was an honor to be present and to listen to where the graduates had come from and where they were at 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

On November xx, 20xx, I looked in my review mirror, heard the siren, saw the lights, and knew that everything was going to change. Once again, a bad decision fueled by alcohol was surely going to cost me everything I thought was important...my relationship, my freedom, my income.

I knew that this DWI charge (my third) would have some serious consequences associated with it. While sitting in jail and suffering the incomprehensible demoralization resulting from my actions, I knew that I was done.

After contacting my attorney and explaining what happened (AGAIN!), he explained that with my BAC and the fact that it was my third offense, I could be looking at some serious jail time. The only other option was DWI Court, a rigorous program designed for recovery as opposed to incarceration. I was in, if they would let me.

Upon enrolling in the program and learning all the requirements I would incur without a driver's license, it seemed overwhelming and close to impossible. I wasn't sure how I was going to go about accomplishing all the meetings, groups, and tests, let

alone keep a job. However, I did learn through trial and tribulation to get around by public transportation and also by asking for help, both of which I wasn't accustomed to doing. I have learned that it is possible to get to a lot of places in this county by bus or train, and in fact it can be quite relaxing. It did make me realize what a privilege it is to have a driver's license. I believe it is something we all took for granted.

After progressing through each of the phases of this program, every day seemed to get a little easier as most of the difficulty was caused by my own making. I found that through the fellowship of AA and a good group of people going through the same process, that taking life and the program a day at a time was a simple way to approach the situation at hand.

My old way of thinking seemed to be changing. I used to get caught up in the past because of guilt and shame, and the future because I wasn't there yet. I also practiced the art of self-deception combined with fear. I have learned that all of that doesn't matter and that moving forward is the only way to go.

I have benefited from a lot of things in this program and I am very grateful for it. I have learned a way of living my life differently and doing it sober. I have not had a drink of alcohol since the day I got out of jail. I think that this situation was put in front of me for a reason and because of it, I've learned a great deal about myself.

The program did not come without its share of bumps in the road, but I've learned that that is all they are, bumps. They come to pass.

I also know that I could not have done this program alone. I would like to thank my Wednesday group with _____. We shared a lot of opinions and laughs and I'm glad to have gotten to know you all. I wish you nothing but success and happiness. _____, thank you for being the ringmaster.

I would also like to thank the Health, Care, and Probation teams as well. _____ and _____, I appreciate your time and your advice.

Your Honor, thank you for creating this program and giving us an opportunity to participate in a process that offers an alternative to incarceration. It is tough sometimes as I'm sure it is meant to be. I believe that helps point out that challenges are meant to be overcome not surrendered to.

I would also like to thank my friend, _____, for taking the time to give back to this program and help me get to and from

work and lots of other appointments. Your sign at the _____ Club has helped a lot of people out in this program. Your advice and insight in the car was greatly appreciated.

Mostly, I would like to thank my _____, for your love, patience, and tolerance with me throughout this last year. I know that it was not easy, but I look forward to many great days ahead.



NCDC, Beam Global, and Others Challenge Missouri to Expand DWI Courts



Missouri Chief Justice William R. Price, Jr. addresses the crowd calling for more DWI Courts in Missouri.

(Continued from page 1)

are launched throughout the country, NCDC provides training and research to the personnel needed to operate them.

Chief Justice William R. Price, Jr., DWI Court judges, prosecutors and law enforcement officials assembled at the Greene County Historic Courthouse to highlight the success of DWI Courts, and call for the establishment of more DWI Courts in Missouri. Research was also shown at today's press conference which illustrates the effectiveness DWI Courts have in treating hardcore impaired drivers.

"Beam Global Spirits & Wine is committed to eliminating impaired driving," said Matt Stanton, vice president of corporate affairs, Beam Global Spirits & Wine, Inc. "We support programs that reduce impaired driving and are committed to working with any state willing to help save lives by establishing DWI Courts. Research of DWI Courts shows that those who go through DWI Courts are 65 percent less likely than offenders who received

traditional punishment to be re-arrested for a DWI charge. This is a powerful statistic and we encourage all states to join Missouri in the fight to eliminate hardcore impaired driving."

"The research demonstrates that DWI Courts are the most effective and cost-efficient way to fight alcohol abuse, reduce crime, and make significant improvements in the outcomes of substance abuse treatment," stated The Honorable William R. Price, Jr., Chief Justice of the Missouri Supreme Court. "Missouri currently has nine DWI Courts and we hope to increase that number."

"DWI Courts are saving lives," stated the David Wallace, director, National Center for DWI Courts. "Missouri DWI Courts have proven that blending long-term treatment with the accountability, immediacy and certainty of court response is more effective than punishment alone. These courts truly promise better long-term outcomes for the hardcore DWI offender and their success has changed the mindset of criminal justice professionals. Missouri is a powerful example of how effective these courts can be."



Robby Gordon, NASCAR driver and team owner, attends the press conference and calls for more DWI Courts to be established.

What's On The Docket?

DWI Court Events From Around The Nation

KANSAS: On October 1, 2009, the NCDC Director and Judge Peggy Davis, DWI Academy Court Judge for Springfield, Missouri, addressed the Kansas DUI Commission about DWI Courts. The DUI Commission was established by statute and charged to review past and current driving under the influence statutes in Kansas as well as other states and develop a comprehensive legislative proposal on DWI offenders to ensure that DWI offenders are held accountable, as well as assure public safety by changing the behavior of the DWI offenders.

MICHIGAN: House Bill No. 5273 was introduced on August 19, 2009. If passed, the bill creates the DWI Court Interlock Pilot Project that will allow hardcore DWI offenders in a DWI Court program to obtain a restricted license to drive to and from treatment, employment, and school, as long as an ignition interlock device is also placed on the vehicle to be driven, and as long as they are in the program. This will be a useful "carrot" to encourage repeat DWI offenders to enter the DWI Court program.

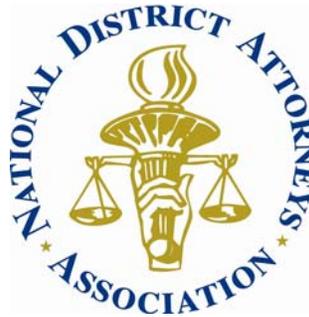
PENNSYLVANIA: House Bill No. 1919 was introduced on August 10, 2009. If passed, the bill allows local courts to establish a DWI Court as a "special criminal docket whereby defendants are admitted to a court-supervised individualized alcohol treatment program." The Pennsylvania Supreme Court may also appoint a statewide DWI Court Coordinator to encourage and assist in the establishment of DWI Courts, identify sources of funding for DWI Courts, and provide coordination and technical assistance for grant applications.

NDDA Comes Out in Support of DWI Courts

The oldest and largest national organization representing criminal prosecutors in the world is the latest national organization to officially endorse DWI Courts. In August, the National District Attorney's Association (NDAA) released an official endorsement of DWI Courts calling them an essential part of the organization's drug and traffic safety policies.

"The National District Attorney's Association is proud to endorse DWI Courts," said NDAA President Christopher Chiles. "Over the last twenty years, Drug Courts have proven to be one of our most successful justice interventions for addicted offenders. DWI Courts utilize the Drug Court model to ensure accountability and compliance monitoring, while providing hardcore, impaired drivers with the treatment they need to change their behavior. NDAA supports the establishment and funding of DWI Court programs because we recognize the need for a court system that promotes public safety and we encourage all prosecutors to explore them throughout the United States."

NDAA's endorsement comes as DWI Courts continue to spread across the country. There are currently 526 DWI Courts designed specifically to address the root cause of hardcore, impaired driving: alcohol addiction.



The rapid expansion of these courts and their proven effectiveness is changing the mindset of criminal justice professionals and affecting

how DWI offenders are handled.

"As a former prosecutor I know firsthand the commitment to public safety and justice that our nation's prosecutors share," said David Wallace, Director of the National Center for DWI Courts. "NDAA's endorsement of DWI Courts sends a strong message to the public and professionals within the justice system that DWI Courts provide the accountability and treatment hardcore impaired drivers need to forever change their behavior."

Traditional sentencing has proven unable to adequately deal with repeat DWI offenders and the support of prosecutors is critical to the

"NDAA supports the establishment and funding of DWI Court programs because we recognize the need for a court system that promotes public safety and we encourage all prosecutors to explore them throughout the United States"

Chris Chiles, President, NDAA

advancement of DWI Courts as an alternative to the application of conviction, punishment and probation.

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.

"In many locales, the number of DWI fatalities exceeds the number of homicides," said Peter Carlisle, the District Attorney of Honolulu, Hawaii. "The National Center for DWI Courts and the National District Attorney's Association working together through DWI Courts to solve this problem will save lives and make our communities safer."

The National District Attorney's Association's endorsement of DWI Courts can be found online, along with other official endorsements, at www.dwicourts.org.

Get the Home COURT Advantage!!

Questions about DWI Courts? What does the research say? Find pictures and videos of DWI Court events. Get the latest NCDC publications or download TA forms.

Go to www.dwicourts.org for that and more!!



Technical Assistance (TA) – Soup Up Your Engine

Most all of us drive a car or some other motor vehicle. And in today's economy there probably isn't a person who hasn't wondered about getting better gas mileage. The car works, but can it do better? Is there a mechanic out there that can help get better gas mileage? If we put on better tires, will that help? What about how we start up, or run the engine? As we all now know, there are a number of things that help a car get better gas mileage.



Need a hand? TAs are available.

It is no different with DWI Courts. DWI Courts start up, with a number of activities working together. But is it possible to get it running better? Is

the court working at full capacity? Does the target population need to be adjusted? Are all the team members actively participating? Do they all know their roles? Is there a new team member participating? Have the sanctions and incentives been examined for their effectiveness? What is the case management and how is it working? These and other questions need to be asked on occasion. And then, who is going to answer these questions? At times, it is useful to have someone from the outside examine the process.

The National Center for DWI Courts will do "technical assistance" for DWI Courts. With grant funding from NHTSA, the Center can bring in an expert in the DWI Court field to work with a team and ensure that all cylinders are running properly. If you would like to look into this further, have questions about the procedure, or you want the Technical Assistance Form to request a possible site visit, go to www.dwicourts.org and under *Resources* and *Technical Assistance* page.

For more information, contact Cliff Jacobs, the DWI Court Training Coordinator for the National Center for DWI Courts. He can be reached at (703) 575-9400 ext. 34, or cjacobs@nadcp.org.

New Rules for DWI Stops?

*By Hon. Peggy Fulton Hora
Judge of the Superior Court (Ret.),
Walnut Creek CA*

At the end of October, the U.S. Supreme Court denied *cert* (*Virginia v. Harris* 555 US ___ (2009)) in a Virginia Supreme Court case that decided 4:3 that police must have independent probable cause to stop a suspected DWI. Chief Justice Roberts, joined by Justice Scalia, vigorously dissented in the denial and pointed out that NHTSA and state programs such as the REDDI (Report Every Drunk Driver Immediately) program and Drunkbusters Hotline operate in many states to encourage other drivers to report suspected DWI.

In the instant case, the anonymous tip described the defendant, his car, location and path of travel. The police, however, did not see any traffic violations before

making the stop. The dissenting justices saw this situation as more akin to *Michigan v. Sitz*, 496 U.S. 444 (1990), the case that upheld checkpoints for DWI. The court majority, in denying *cert*, saw this case as more similar to *Florida v. J.L.* 529 US 266 (2000) which prohibited a search based solely on an anonymous tip that a certain person wearing specific clothing and standing at bus stop and carrying a weapon.

The Chief Justice called DWI a "danger so great it would justify the stop" and gave four criteria based on *J.L.* to consider in an anonymous tip regarding DWI:

- (1) the especially grave and imminent dangers posed by drunk driving;
- (2) the enhanced reliability of tips

alleging illegal activity in public, to which the tipster was presumably an eyewitness;

- (3) the fact that traffic stops are typically less invasive than searches or seizures of individuals on foot; and
- (4) the diminished expectation of privacy enjoyed by individuals driving their cars on public roads."



For now, the position of the State of Virginia requiring independent probable cause to justify a DWI traffic stop will remain the minority view but the denial of *cert* is a clear indication of the court's current thinking. Another case on a different day will give the definitive answer to the conflict that currently exists between jurisdictions.

New Study—More Women Driving Under the Influence

Transportation Secretary Ray LaHood released a new study by the National Highway Traffic Safety Administration (NHTSA) that shows an increasing trend among women driving under the influence of alcohol. The new analysis is based on an increase, in certain parts of the nation, in the number of alcohol-impaired female drivers involved in fatal crashes in 2008 compared to the 2007 statistics.



"Impaired driving is an issue that cuts across all segments of society and, sadly, the number of arrests of women driving under the influence is on the rise," said Transportation Secretary Ray LaHood. "This is clearly a very disturbing trend."

The Secretary pointed to statistics from the FBI showing that arrests for women driving under the influence increased by nearly 30 percent (28.8%) over the 10-year period from 1998 to 2007. Over that same decade, DUI arrests for men decreased by 7.5 percent, although the total number of men arrested during the period outstripped women by about four to one.

The NHTSA study confirmed the FBI statistics showing that impaired driving by women is becoming a

national safety issue. According to the NHTSA analysis, the number of impaired women drivers involved in fatal crashes increased in 10 states, and remained flat in five states - despite an overall decline of 9 percent in all drunk driver crashes in 2008 from 2007.

Overall, about 2,000 fatalities a year involve an impaired female driver.

The 10 states with increases in the number of drunk female drivers involved in fatal crashes are: Ohio, New Hampshire, Montana, Nevada, Wyoming, West Virginia, Indiana, Washington, Kansas, and Tennessee. The five states where the number of alcohol-impaired female drivers remained unchanged in 2008 were Iowa, Maine, Maryland, Oklahoma, and Utah.

Editor's Note: Press release by NHTSA on August 19, 2009.

New Roadside Survey Shows Decline in Alcohol Levels

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said Secretary LaHood. "However, alcohol still kills 13,000 people a year on our roads and we must continue to be vigilant in our efforts to prevent drunk driving."

"This troubling data shows us, for the first time, the scope of drugged driving in America, and reinforces the need to reduce drug abuse," said Gil Kerlikowske, Director of the Office of National Drug Control Policy. "Drugged driving, like drunk driving, is a matter of public safety and health. It puts us all at risk and must be prevented."

NHTSA is conducting further research to assess how drug traces correspond to

driver impairment since some drugs can remain in the body for days or even weeks. Should further research indicate that drugs pose the same type of traffic safety risk as alcohol, NHTSA is committed to applying lessons learned in fighting the drunk driving problem.

Among the findings of the latest roadside survey are these:

- The percentage of male drivers with illegal BAC levels was 42 percent higher than the percentage of alcohol-impaired female drivers.
- Drivers were more likely to be illegally drunk during late nighttime hours (1 a.m. to 3 a.m.) than during daytime or early evening hours.
- Motorcycle riders were more than



twice as likely as passenger vehicle drivers to be drunk (5.6 percent compared with 2.3 percent). Pickup truck drivers were the next most likely to have illegal BACs (3.3 percent).

The 2007 survey involved more than 300 roadside locations throughout the U.S.

Editor's Note: Press release by NHTSA on July 13, 2009



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The Center is supported by
a charitable contribution
from Beam Global Spirits &
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We're on the web

www.dwicourts.org

BJA Scholarship Funding Available for NCDC Training Programs

Scholarship funding through a grant from the Bureau of Justice Assistance (BJA), U.S. Department of Justice, is now available to **defray** some of the costs associated with travel and lodging for the NCDC DWI Court Training Programs.

For the 3½ day training program (Planning), the scholarship application can be submitted with the application (See article below). For the 1 day training program (Enhancement), the scholarship application should not be submitted until after acceptance into the program. This is because the per diem levels change based on the location for the program. The locations for the 1 day training program will not be set until after all teams have been approved.

The guidelines and the scholarship application for both programs can be found on the web at www.dwicourts.org under *Resources* and then go to the *Training Programs* page, at the bottom, or click [here](#).



BJA

Bureau of
Justice Assistance

Applications Are Still Being Taken for DWI Court Training in 2010

The National Center for DWI Courts (NCDC) has been taking applications for next year's DWI Court training programs. At this time, there are still a few more openings; therefore, the deadline has been extended to **November 13, 2009** to get it to the Highway Safety Offices, or **November 23, 2009** if you already have travel funds and this application is being sent directly to NHTSA.

This extended solicitation has been sent to State Drug Court Points of Contact and the Drug Court Coordinators in each state. The application is specific as to the types of training offered. Please note the following:

- Courts that are currently drug courts can apply – they will only need the one day training as opposed to the 3 ½ day training for new DWI courts that are not already drug courts.

- The application procedure is similar to last year's application. When a jurisdiction is applying for the training, they should coordinate with their State Highway Safety Office (SHSO) by applying for the training through them.

- The closing date for the application is **November 13, 2009** to State Highway Safety Offices.

- Each SHSO will determine which teams will be provided with training and then forward this information to NHTSA, Enforcement and Justice Services Division, by facsimile or email by **November 23, 2009**.

- The application requests that the Judge of the team provide a Letter of Commitment. The SHSO should provide this information in the application (page 7).

The SHSO should also provide the person and address to where the

applications should be sent (page 9).

NCDC will be working with NHTSA to coordinate the logistics for the training sessions. NCDC will locate the hotels, secure the meeting rooms, provide the materials, print the tent cards and name tags etc. The teams that are selected for the training will be notified in December 2009, in order to make plans on their court calendars and travel arrangements. The training sessions are slated to begin in March 2009.

If you have any questions about the DWI Court training, or want an application, please contact Brian Chodrow at the National Highway Traffic Safety Administration, Enforcement and Justice Services Division at (202) 366-9765 or David Wallace at NADCP – (703) 575-9400 or dwallace@nadcp.org, or go to www.dwicourts.org under *Resources* and then go to the *Training Programs* page, at the bottom of the page, or click [here](#).