



A Publication by the  **NCDC**
National Center
for DWI Courts

NADCP 16th Annual Training Conference

Join us in Boston on June 2-5, 2010, as we return to the East Coast!

The 2010 Conference will be held at the Hynes Convention Center and Sheraton Boston Hotel.

The NCDC And Beam Global Honor Texas Lawmakers

On April 20, 2010, Beam Global Spirits & Wine, Incorporated and the National Center for DWI Courts (NCDC) awarded Rep. Jerry Madden and Sen. Kel Seliger the National Center for DWI Courts Community Safety Award for their work to pass legislation that has tripled the number of DWI Courts established in Texas since 2007.

House Bill 530 requires a DWI Court in all counties with a population of 200,000 people

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Beam Global , NCDC, and Texas DWI Courts on the Texas Capital steps recognizing Representative Madden and Senator Seliger for their work supporting DWI Courts.

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Alcoholics Anonymous as a Resource for Drug and Alcohol Court Professionals

Cooperation with the professional community has been an objective of Alcoholics Anonymous (A.A.) since its beginnings. A.A. is always seeking to strengthen and expand its communication with the Drug and Alcohol Courts and it welcomes comments and suggestions. Many local A.A. service committees will, upon request, provide informational presentations to the courts.



What Does A.A. Do?

- A.A. members share their experience with anyone seeking help with a drinking problem.
- A.A. members offer person-to-person “sponsorship” to the alcoholic coming to A.A. from any source or referred by any source.

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The Graduate Corner

Editor's Note: *This article is by a DWI Court graduate. If you have the opportunity, I highly recommend that you go to a graduation and see what is possible.*
DJW

I just want to start out by saying that this is a great program, and I can tell that it will help out a lot of people. It is much more involved than just a probation officer, jail time, or community service. It is a constant reminder of the mistakes you have made and what you need to do to change. It teaches you through an in-

depth process, that you have an in-depth problem that is going to take a lot of work to solve. I learned a lot in DWI Court and I will take all of it with me through life to continue to maintain my sobriety.

At the start of the program, I learned a lot about myself and just who I am during all my therapy at the health department. I learned how intense this program was going to be and that I had to be ready for some serious life changes. I learned a lot from going to



the MADD meetings and realized that I honestly never wanted to drink and drive again. All of the stories I heard

there were horrible and I could just imagine it happening to me. These crashes happen in an instant and leave behind family and friends, I now know how lucky

I was that I learned my lesson before I hurt or killed myself, my wife, or an innocent stranger while driving drunk.

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Alcoholics Anonymous as a Resource for Drug and Alcohol Court Professionals

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- A sponsor helps the new member in working the Twelve Steps and in developing a satisfying life without alcohol.

What A.A. Does Not Do

- Provide A.A. recovery for addictions other than alcohol, i.e., drugs, gambling, overeating, etc.
- Provide letters of reference to parole boards, lawyers, court officials, social agencies, employers, etc.
- Furnish initial motivation for alcoholics to recover.
- Keep attendance records or case histories.
- Solicit members.

- Provide progress reports on court clients to the referring agency.
- Follow up or try to control its members.
- Provide housing, food, clothing, jobs, money, or any other welfare or social services.
- Accept any money for its services or any contributions from non-A.A. sources.

Court and Treatment Program Referrals

A.A. groups have welcomed many new members from court programs and treatment facilities. Some have come to A.A. on their own; others arrived under a degree of pressure. While the voluntary nature of meeting attendance is part of A.A.'s strength, many A.A.s first attended meetings because attendance was mandated either by someone else or by their own inner

discomfort. How someone found us or who referred them isn't important; their drinking problem is A.A.'s sole concern. A.A. cannot predict who will recover, nor can it specify how recovery is sought. Those in A.A. know only that frequent exposure to A.A. has helped many understand the true nature of alcoholism.

Proof of Attendance at Meetings

Some judges require written proof that offenders have attended a certain number of meetings. Often, when the court-ordered newcomer attends an A.A. meeting, the group secretary (or other group officer) is willing to sign their first name, or to initial a slip furnished by the court saying so-and-so was at the meeting on a

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1st DWI Court in the Country Celebrates 15 Years

In 1994, Judge Oscar C. Frieze of the Dona Ana Magistrate Court in Las Cruces, NM organized and implemented the nation's first DWI Court Program. Prior to his many successes, during his twenty years of dedicated service as Magistrate Judge, Judge Frieze was a New Mexico State Police Officer for 21 years. Judge Frieze recalls that it was during his tenure as a patrolman in Gallup, New Mexico, near the Native American Reservations, that he began to recognize repeat DWIs as a growing menace that was becoming exceedingly difficult to curtail. According to Frieze, "Incarceration alone was not effective and there were no provisions for treatment and rehabilitation."

In 1990, when elected as Magistrate Judge, he was still concerned about the high costs of DWIs to the community. Judge Frieze recalls that he wanted to establish a cost-effective alternative to incarceration that would help curtail recidivism, foster the family structure and provide for a safer community.

"Incarcerated offenders usually

"The growth and success that I've witnessed participants experience, as a result of the program, remains among the greatest of rewards that I've experienced in my long career." Judge Frieze

lose their jobs and taxpayers end up paying for the detention center housing costs," he explained, "and if a breadwinner can't provide for their family, the government inevitably will provide for their subsistence



Judge Frieze and his current DWI Court Team.

also."

Judge Frieze began to attempt garnering support from the community for some type of treatment for repeat DWI offenders. "I faced a lot of skepticism from the community," he noted, "people didn't think my idea would actually work." It was at this point that Judge Frieze began to examine the idea of attaining grant funding through combining the same premise of Drug Court with DWIs. Eventually, Judge Frieze's dream turned to reality and the Dona Ana Magistrate DWI Drug Court Program started in January of 1995.

Over the course of its existence, the Dona Ana Magistrate DWI Court Program has proven itself to be a viable asset to the community. However, for most of its existence, the program

operated without full resources; specifically, the program lacked a court coordinator and a fully configured DWI Court team. Judge Frieze recalled, "We planted a very valuable seed, but unfortunately, we

didn't evolve as a result of the lack of resources."

In March of 2008, a court coordinator was hired and became responsible for facilitating an evolution in the program that would result in adherence to programmatic national standards. Currently, the program has a fully staffed DWI Court team, which continuously seeks to provide participants with a variety of rehabilitation services. In addition, the team has established significant collaboration through continuous, open communication and the ongoing sharing of information and ideas. Through those same collaborative advances, the team drafted the program's first policy and procedure manual and has begun tracking data, resulting in the generation of valid performance measures. Similarly, team members consistently exceed their scope of professional practice in an effort to meet the individual needs of program participants.

On January 19, 2010, the Dona Ana Magistrate DWI Drug Court Program celebrated its 15-year anniversary of being in existence. However, Judge Frieze was celebrating more than an anniversary; he was celebrating the rebirth of his program and relishing in the manifestation of its success, as was highlighted by the four smiling participants who graduated on that day. Judge Frieze humbly noted, "The growth and success that I've witnessed participants experience, as a result of the program, remains among the greatest of rewards that I've experienced in my long career."

Limitations on Ordering “A.A. or N.A.” Possible Personal Liability

By: Hon. Peggy Fulton Hora (Ret.)

When I first became a judge over 25 years ago, I discovered very quickly that the vast majority of people appearing before me had serious problems with alcohol and other drugs. Soon thereafter I began ordering people to attend Alcoholics Anonymous (A.A.) or Narcotics Anonymous (N.A.) and continued to do so for many years. The local A.A. chapter came to visit to familiarize me with the program and we reached an accommodation that lasted throughout my career. The best retirement present I received was a chance to hold the 20 year chip of one of my former defendants.

In the early 90's some cases were published that held that requiring criminal defendants to attend A.A. was a violation of the Establishment Clause. This trend has continued throughout two decades and the Constitutional violation is “so well established,” according to a recent case,¹ that notice of this requirement is assumed. Personal liability may be imposed on DWI Court team members who require A.A. or N.A.. The quasi immunity provided government officials and workers in the field are extinguished if they violate an established constitutional right. Probation departments,² parole officers,³ drug court case managers,⁴ and a drug court director and

community services board⁵ were all denied immunity in recent cases. Prisons or jails may not spend state funds on in-custody programs that have a religious basis even though the program may be a licensed substance abuse program in that state.⁶

Does that mean that DWI court participant may not be required go to A.A. meetings? Absolutely not, so long as “non-religious” meeting choices are included.

Does that mean that DWI court participant may not be required go to meetings? Absolutely not, so long as “non-religious” meeting choices are included.⁷ Best practices require dissemination of information not only about A.A. and N.A. but also Smart Recovery, Life Ring, Rational Recovery, Secular Organizations for Sobriety and such other support programs that do not rely on a “higher power.” The participants’ handbook should include websites for the many different self help programs. Probation forms and client contracts should refer to “12-Step meetings” or “peer support groups” rather than “A.A.” and “N.A.” All other documents including treatment progress reports, coordinators reports and court dockets should likewise use broad language. A court program must

comply with the United States Constitution and it’s an easy fix to avoid this issue.

Editor’s Note: Judge Peggy Fulton Hora retired in 2006 from the California Superior Court after serving 21 years. She had a criminal assignment that included presiding over the Drug Treatment Court. She is a former dean of the B.E. Witkin Judicial College of California and has been on the faculty of the National Judicial College since 1992. She is a recipient of the Bernard S. Jefferson Judicial Education Award from the California Judges’ Association.

FOOTNOTES

1. *Hanas v. Inner City Christian Outreach, Inc.*, 542 F.Supp.2d 683 (E.D. Mich. 2008)
2. *Warner v. Orange Co. Dept. Probation* 115 F. 3d 1068 (2d Cir. 1997), cert. den. ___US___ (1999)
3. *Inouye v. Kemna* 504 F.3d 705 (9th Cir. 2007); *Anderson v. Craven* 2009 WL 804691 (D. Idaho), ___F.Supp.2d ___
4. *Hanas v. Inner City Christian Outreach, Inc.*, *supra*
5. *Thorne v. Hale*, 2009 U.S. Dist. LEXIS 25938 (E.D. Va. March 26, 2009)
6. *Americans United for Separation of Church and State v. Prison Fellowship Ministries, Inc.* 509 F.3d 406 (8th Cir. 2007)
7. *O’Conner v. Calif.* 855 F.Supp 303 (C.D. Calif. 1994); *In re Restraint of Garcia*, 24 P.3d 1091 (Wash. App. 2001); *Anderson v. Craven*, *supra*.



Law Enforcement and the DWI Court

By Officer Bill Clock, Ann Arbor Police

The 15th District DWI Court is in Ann Arbor, Michigan. In 2004, one of the 15th District Court Judges decided to form a DWI Court. The judge approached many different groups and agencies in the community to form the “team” needed to get this program up and running for this new DWI Court. The Ann Arbor Police Department was one of those agencies contacted.

Soon after that I was summoned into the deputy chief’s office where he described, best he could, the DWI Court concept. He then explained that the judge had asked for me to be part of this and that the chief strongly supported the program. At the time, I was a 14 year veteran, and currently assigned as a traffic officer in Special Services, spending my days writing tickets to motorists and I was also one of the police department’s accident reconstructionist. I was happy in my career!

After two NADCP trainings, one in North Carolina and the other in Michigan, I was more than confused about what this all still had to do with me and/or the police. When we returned to Ann Arbor, I continued to be confused about my



role with DWI Court. I didn’t know if I should be attending team meetings, court reviews, home visits, breath testing participants, etc. I had many conversations with the probation officer assigned to this court and quickly discovered I was expected at team meetings, court reviews, home visits, etc.

Since that time in late 2004 my role, police liaison, in the program has evolved into being a very active and vital part of the team and a true believer that DWI Courts work! Since my training and actual involvement as part of the team, I have gone from a “lock ‘em up” cop; to being part of something bigger, a court that helps saves lives. I am involved at all the team meetings, present at the court sessions, I contact other police/probation agencies (in-state and out of state) when participants travel so

they can breath test, coordinate and conduct all home visits, and assist the team and participants as needed. I am still a police officer. The participants know I am there to help, but they also know if they break the law, I will do my job and I have.

I won’t claim to know it all when it comes to DWI Courts; I can’t even recite the 12 steps of A.A..

However, I do know that I am a vital part of this team and program. DWI Courts work; plain and simple. I have seen many successes in my 5 ½ years as “police liaison” with the 15th District DWI Court. It is amazing to look out in the courtroom and see people I know have been arrested more than once smiling, laughing, and testing clean.

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I do believe Law Enforcement needs to play a role in the DWI Court. In our court my role has been defined, in yours it may not be yet. Whatever the role is or becomes, Law Enforcement can be a great asset to your team

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!!



Alcoholics Anonymous as a Resource for Drug and Alcohol Court Professionals

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particular date. Hopefully, all involved recognize that neither the group nor its members are “bound” in any way by the signature, nor does this courtesy signify affiliation of the A.A. group with any other program or guarantee that the attendee was present for the entire meeting; it simply illustrates cooperation. Court professionals should understand too, that attendance at A.A. meetings doesn’t guarantee sobriety.

Placing great emphasis on A.A.’s principle of Anonymity, we understand that some A.A. members are uncomfortable when asked to sign their full name or to supply other personal information indicating that they are A.A. members. This cherished Tradition of Anonymity provides protection to all A.A.s from being publically identified as alcoholics, a safeguard especially important to the

newcomer. Since each group is autonomous, and providing proof of attendance at meetings is not a specific part of A.A.’s program, each group and

group member has the right to choose whether or not to sign court slips.

While some groups have elected not to sign court cards, is it A.A.’s general experience that most groups will try to cooperate with its professional friends. In some areas, courts furnish cooperating A.A. groups with sealed, stamped envelopes addressed to the court. In

general, the secretary of the group announces that anybody needing an envelope may get it after the meeting. The newcomer takes the envelope, privately writes his or her name and/or return address on it, and mails it. In other areas, each cooperating group has a

sheet, furnished by the court, that the secretary announces is available for court ordered newcomers to sign after the meeting. The secretary returns the sheets in envelopes furnished by the referring agency. In this way, it is not the A.A. group, but the prospect’s own signature which affirms he or she was at the meeting.

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Singleness of Purpose and Problems Other Than Alcohol

Some professionals refer to alcoholism and drug addiction

as “substance abuse” or “chemical dependency,” therefore the nonalcoholic is sometimes introduced to A.A. and encouraged to attend A.A. meetings. A.A.’s singleness of purpose is essential to our successful recovery from alcoholism. Anyone is welcome to attend open meetings; closed meetings of Alcoholics Anonymous are limited to those who have a

problem with alcohol. Any person who has a desire to stop drinking is a member of Alcoholics Anonymous if they say they are.

Reporting to Court Professionals

Regardless of an A.A. member’s vocation,

reporting on the “progress” of another A.A. member is strictly outside the scope of what A.A. does.

Local Committees

Local Cooperation With Professional Community (C.P.C.) Committees are generally most willing to discuss with referring professionals ways in which local A.A. members and groups can cooperate while maintaining A.A.’s singleness of purpose, Tradition of Anonymity and meeting integrity.

Communication is the key.

For more information, or to arrange a meeting with a local committee member, contact: A.A. World Services, Inc. P.O. Box 459, Grand Central Station, New York, New York 10163, or call (212) 870-3400. A.A.’s website is www.aa.org

Editor’s Note: *This is an article/memo that was written by Alcoholic Anonymous World Services and provided to the NCDC.*



Beam Global and NCDC Honor Texas Legislators

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or more. The bill passed unanimously in both the Texas House of Representatives and Senate and was signed into law in June 2007.

“We are pleased to honor Rep. Madden and Sen. Seliger,” stated David

Wallace, director, National Center for DWI Courts. “DWI Courts save lives, and through Rep. Madden and Sen. Seliger’s work, Texas has tripled the number of DWI Courts in the state and is a leader in the battle against hardcore drunk driving.”

“Beam Global Spirits & Wine thanks Rep. Madden and Sen. Seliger for their work to help establish more DWI Courts,” said Matt Stanton, vice president of public affairs, Fortune Brands. “Now in our fourth year

supporting the National Center for DWI Courts, we are committed to battling hardcore drunk driving through DWI

Courts. Texas has been a leader on this front, and we encourage all states to join us in the fight to eliminate hardcore drunk driving.”

The innovative DWI Court system goes beyond traditional discipline. In addition

to a conviction, DWI Courts provide hardcore drunk driving offenders with long-term, ongoing accountability and rehabilitation. As DWI Courts are launched throughout the country, NCDC provides training and research to the personnel needed to operate them.

Hardcore drunk drivers are drivers with a blood alcohol concentration of .15 and above and/or are repeat offenders. These drunk drivers are 20 times more likely to be involved in a crash. In Texas, there were nearly 1,500 alcohol-related traffic fatalities in 2008 with 26 percent of those deaths caused by hardcore drunk drivers.

“This is a great honor, and I thank the National Center for DWI Courts and Beam Global for their support,” stated Rep. Jerry Madden, District 67. “DWI Courts have proven that long-term ongoing accountability and rehabilitation is more effective than punishment alone. I am proud to support effective and cost-efficient ways to fight alcohol abuse and

reduce crime.”

“I appreciate both this award and the shared commitment of my Senate colleagues for making real progress in terms of the rehabilitation of individuals with substance abuse problems, and the protection of the public from those who drive while impaired, while hopefully diverting people away from expensive prison cells that increase the costs to all Texas taxpayers,” stated Sen. Kel Seliger, District 31.

“DWI Courts have proven that long-term ongoing accountability and rehabilitation is more effective than punishment alone. I am proud to support effective and cost-efficient ways to fight alcohol abuse and reduce crime.” Representative Madden



Representative Madden receiving the NCDC DWI Court Community Safety Award from Director David Wallace



Senator Seliger receiving the NCDC DWI Court Community Safety Award from Director David Wallace



Law Enforcement and DWI Courts

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Since our first graduation in 2006, I have come to realize that DWI Courts are a much better way to deal with non-violent substance abusing defendants. Simply locking them up for a year or two doesn't treat the problem, it just delays it.

I do believe Law Enforcement needs to play a role in the DWI Court. In our court my role has been defined, in yours it may not be yet. Whatever the role is or becomes, Law Enforcement can be a great asset to your team. For all of you non converts out there in the Law Enforcement community give this program a chance, it does work!!

Editor's Note: Officer Clock has been in Law Enforcement since 1990. He has been active in the 15th District DWI Court since Sept 2004, and his current assignment is in Special Services working Traffic Issues and as a Crash Reconstructionist.

The Graduate Corner

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My weekends in jail were awful, and I felt like a loser. I promised myself I would never be back.

When I was first sober, I felt lost and bored and didn't really know what to do with myself. DWI court taught me that I needed to come up with things to replace my drinking and ways to keep it that way. I began to do more constructive things around the house to keep myself busy in my free time. Some of the activities I started that replaced my drinking will really help me to maintain my sobriety through life, such as reading books and working out at the gym. I learned how to avoid situations



where I would feel pressured to drink. I found that some of my so-called friends were actually just drinking buddies. I had to stop hanging out with those people altogether. My real friends knew that if they were hanging out with me, that we would not be drinking anymore. They now know that they can call me when they were ready for sober activities like golf or bowling. I also worked on

getting some new friends that don't drink. Most of them I met through my A.A. meetings twice a week.

Alcoholic Anonymous is a great resource to assist those in need of a helping hand. At first, it was hard for me to speak in front of all those strangers, but every time I did, I would start to feel better. Talking in front of people has always been hard for me, so I chose a small group as my home group. I was more comfortable and it was much easier for me to talk. A.A. is a great tool and I understand why it is part of this program.

