



A Publication by the

Special Point of Interest on DWI Courts.

DWI Courts are based on the Drug Court model and follow both the 10 Key Components and the 10 Guiding Principles as set out by NADCP.

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Community Supervision: A Vital Component of a DWI Court Program

*By: Karen Barnes
Drug/DWI Court Supervisor
Maricopa County, Arizona*

As the number of DWI Courts grow across the country, many have faced obstacles in developing community supervision for their programs. Many times probation is not involved with misdemeanor courts, police and sheriff are facing budget cuts, and there are fewer resources. Therefore, it takes a collaborative effort to implement community supervision in your program, because, the lack of effective community supervision puts your program at risk.

What Is Community Supervision?

Community supervision is the effort made to monitor the participant’s behavior outside of the courtroom. It is imperative that your whole team is aware of what the participant is doing in the community. Do they live in a stable environment, who are they associating with,

what is the criminal activity in the neighborhood they live in? These are questions that can be answered by the



person that is doing community supervision. A community supervision officer learns more about

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“Copology” – Involving Law Enforcement in Your DWI Court Program

*By: Ron Thrasher, Deputy Chief
Stillwater, Oklahoma*

Many therapeutic courts find reduced client recidivism with the addition of a law enforcement component. At the same time many courts find it near impossible to either recruit a law enforcement partner or even garner support from their local law enforcement

community. This article examines possible benefits from law enforcement involvement, law enforcement culture, and finally how to attract and select that ideal cop for your DWI Court Team.

What Are The Benefits?

Only imagination limits the benefits of a law enforcement partner. One advantage is **information**. Cops know the streets and who “hangs” together.

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NCDC Accepting Applications for the National DWI Court Leadership Award

The National Center for DWI Courts (NCDC) is pleased to announce that it is taking applications for the annual “National DWI Court Leadership Award.” This award shines a spotlight of commendation on an individual and/ or organization that through their tireless efforts have saved countless lives and made communities a safer place. The nominee must meet the eligibility requirements listed below. The qualifications of the nominee must be



outlined in three (3) letters of nomination from three (3) different DWI Court professionals.

Eligibility requirements and guidelines

The nomination must meet the following three criteria to be considered:

- The person and/or organization contributed to the advancement of the nation’s DWI Court effort, and demonstrated significant personal leadership and exemplary

performance through both specific results and public recognition at the local, regional, state, or national level; and,

- The person and/or organization must be named in a letter of nomination from three separate DWI Court practitioners, articulating how the nominee meets the foregoing criteria; and,
- Nominating individuals must be members of NADCP.

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A DWI Court Judge—Times Two

*By: Kent Lawrence, Judge
Athens, Georgia*

DWI Court programs around the country typically already have in place a team made up from various disciplines who are essential to the operation of DWI Court programs targeting high risk repeat offenders. Typically, team members include a judge, prosecuting attorney, a public defender or local defense attorney, probation officers, law enforcement, and treatment services. Most programs find a need to add a DWI Court coordinator and/or a program evaluator. However, one critical component which is often missing in DWI Court programs is the need for a substitute judge at times when the primary drug court judge is not able to conduct matters relating to the operation of the DWI Court program.

It should be noted that most, if not all, judges who are engaged in DWI Court programs are actively involved with and primarily responsible for both criminal and civil dockets. Many judges conduct

criminal and civil jury and non-jury trials on a continuing basis. This being the case, it is not unusual for a criminal or civil jury trial to overlap scheduled activities for the DWI Court program. Additionally, judges have to regularly schedule criminal arraignments, set criminal and civil motion hearings, and conduct jail calls and probation revocation hearings. Also, judges have administrative and staff responsibilities which add to the potential for conflicts with DWI Court schedules.

It Is Critical To Have A Backup

In my opinion, it is extremely important to have a substitute judge available to provide judicial assistance for DWI Court operations when the primary court judge is unavailable to address issues involving program participants. Unavailable situations may include, but not necessarily be limited to, other



scheduled court matters, sickness, meetings, vacation, etc. It is essential that the substitute judge be trained and knowledgeable of the drug court model, and the day to day operations of the program. Furthermore, the substitute judge needs to feel as a member of the team, and attend when possible, all staffing sessions and court sessions with the program participants. In fact, the primary court DWI judge, even when present, should on occasion defer to the secondary judge to conduct court sessions

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An Old Dog Learning New Tricks—A Few Reflections

By: David Wallace

Director

National Center for DWI Courts

It was the day after New Year's Day twenty-five years ago, a particularly icy and cold day, that I walked into a courtroom as a new assistant prosecuting attorney (APA) in Eaton County, Michigan, a rural community outside of Lansing, Michigan. I was eager to start doing jury trials, and ultimately make my community a safer place to live. I became a prosecutor because I believe that holding people accountable for their actions will make the world a better and safer place. But what does it mean to hold a person accountable?

Prosecutors across the country take an oath to "do justice." That is our obligation; it is not to get a conviction. Many times, justice is

served by obtaining the conviction, and recommending to the court that the person serve some time behind bars. Other times, it is appropriate to allow for a reduced charge and possibly probation in lieu of jail. On occasion it could even mean to dismiss a case.

In The Courtroom

As a new prosecutor, the vast majority of the cases I handled were driving while impaired charges, although at the time in Michigan, the charge was called "Operating Under the Influence of Intoxicating Liquor." (OUIL). It was routine to allow a first time offender to plea to the charge of impaired driving, a less serious charge, but still an alcohol offense, and probation. For repeat offenders, we would be more stringent. We very rarely ever



reduced an OUIL charge to a non-alcohol offense. That would usually only happen if there was a problem in proving the case in court.

As time passed, I handled the felony cases, the OUIL 3rd offenses – and some of them went to prison and some received jail with probation. But what I didn't understand was that these individuals were alcohol

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A DWI Court Judge—Times Two

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with the participants. It is important that participants develop a comfort level with both judges. A substitute judge should also continue to attend annual state Drug Court and the NADCP annual conferences in order to remain current on developments in the DWI Court arena.

What About Retirement?

The last issue which needs to be addressed is the matter of judicial retirement by the primary judge of the court program. At some point in time, all programs will face

the situation where the primary judge of the DWI Court program has made a decision to retire from the bench. If a second judge is not already in place, a program is likely to experience issues of concern which are not likely to occur if that judge is ready and able to continue the program without any disruption of established services for the participants.

Without question, the addition of a substitute judge is vital to the

However, one critical component which is often missing in DWI Court programs is the need for a substitute judge at times when the primary drug court judge is not able to conduct matters relating to the operation of the DWI court program.

continued success of an DWI Court program. I highly recommend that programs consider the addition of a second judge who is trained, capable, and passionate to carry on the operations of the existing court program.

Editor's Note: Hon. Kent Lawrence is the judge of the State Court of Clarke County in Athens, Georgia. He was appointed by the Governor to complete the unexpired portion of the term of the late Honorable Grady Pittard from November 1985 through December 1986. On January 1, 1987, he continued service as State Court Judge after having been elected by the citizens of Clarke County to each term thereafter. He is currently a DWI Court Academy Judge and on the Board of Directors for NADCP.

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

By: Graduate

The choice to enter the _____ County DWI Court Program was ultimately mine. Little did I know what it really meant. My attorney, knowing my history of DWI convictions, recommended that I enter the program. I suspect he really believed that it would be beneficial to me in the long term. The alternative was to spend a great deal of time as a guest of the county, spend more money than I had available, lose my privilege to drive as well as continue to add up more losses from sources that I had yet to consider. Did I really understand what the commitment entailed? Not yet; that was part of the program yet to unfold itself. My initial thought was that I could complete the requirements laid out before me, but I didn't really have to change much about my life in general. My understanding of why DWI Court programs were started was nil and, of course, I was the exception.

"It [DWI Court] is an opportunity to change a life, a pattern of destructive habits and become a productive member of society."

It Takes More Than Getting By

Attendance at AA meetings, counseling sessions, evaluations, court appearances, random drug testing, and other program requirements all seemed little to accomplish. The fees were, at the time, manageable and I would be able to continue to live my

life as I had for the previous ten years. However, that basic premise was faulty. I have always enjoyed the fellowship of other AA members and didn't have any qualms about participation. When attending the mandatory court appearances, there was always an element of fear. Fear that my name would be called even if only to get a birthday card, receive a certificate to the next phase of the program or knowing that a sanction was in the offing.

The outside requirements (doing what was required to maintain my driver's license, attend risk reduction classes, etc.) were probably the easiest of the requirements, although the most costly. Over time, I learned what an impact the random screening process could have and what the counseling sessions were meant to do. The cost became very high for me

because I thought I could do just enough to "get by." I had yet to take the program seriously and make a commitment to getting better as a family member, employee, friend, and most importantly, for myself.

My Learning Curve

Because of my general attitude upon entering the program, I had a number of sanctions and spent more time than I ever expected in the _____ County Jail. That was probably the

start of the process of my "getting it" in terms of just exactly what the program was designed to do. I was angry, defiant and resentful that there were so many controls that I couldn't avoid. As a result of my behavior, I lost my job, my home, and a great deal of self esteem. I learned more about addiction issues and met more people with serious criminal records than I ever suspected. As I violated the terms of the program, the

sanctions became more serious and my life, as it had been, disappeared.

The challenges presented are vast and consequential in nature. I learned that the program was designed for me

to understand that I cannot ever drink and drive. Participation in counseling was a mandate in order to understand how I got to where I had arrived. Learning to live life without the crutch of alcohol was an imperative if I wanted to live and be a better person to all of the people that genuinely cared and loved me. It became so important for me to learn that I only had one chance to change; the option of completing the program and then continuing to drink wasn't an option at all. I truly didn't want to be one of the people who sailed through the program without incidence and then returned because they hadn't changed their habits and were still having problems with family, employment, friends, and their general lifestyle. I didn't want to be one of the people who had this



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News It or Lose It— Having A Newsletter To Spread the Word

By: David Wallace

For several years, I have been an absolute believer in the benefits of distributing a newsletter. I created one in the position I had before I became the director here at the National Center for DWI Courts, and I do this one as well, and I've seen the benefits from those publications.

I believe a DWI Court should also have its own newsletter. A newsletter can easily put out the word on the work being done and it can be put in a format that gets the message across effectively and in a way that it should be covered. But what is critical to a successful newsletter is making it useful to the readers. One way to have useful content in a newsletter is to develop and write your own articles, or include a calendar of upcoming events.

Raising Awareness

Over the past several months, I received sample newsletters from around the country, including one from the 6th District DWI Court in Duluth, Minnesota. When asked about it, **Assistant Chief Judge Shaun Floerke** from the court said: "I regularly forward our newsletter to friends, policy makers, system



partners, contacts, etc. In these times of the politicization of sentencing and corrections spending, it is essential to inform everyone we can about the impact of our courts, the changed lives, the long term impact of those changed lives, and also the vast amount of resources saved using the problem-solving model." **Amy Lukasavitz**, the DWI Court Coordinator noted: "We started doing this in December 2008, and we have had a lot of success with it. Local news media is on our list and they have picked up stories from the newsletter or they have helped with stories in it. The Newsletter itself has raised over \$500 thus far. But much of the PR especially with our County Commissioners is priceless."

What Does It Take?

A newsletter doesn't have to be 25 pages to be effective – it can be one page or 8 pages or any number of

pages that is useful. And now, with the convenient software such as Microsoft Publisher or Adobe InDesign CS4 or Scribus, or Broderbund: The Print Shop, or... well you get the idea. There are now so many software variations to publish a newsletter that the list can go on and on, and they easily give it a more professional look. Also with email, it makes it possible to have a newsletter at virtually no cost, after the software is purchased. All that is needed is the time of putting it together and then sending out the finished product attached to an email. You will be amazed at the response from everyone, and the requests you get down the road to add another person to your distribution list.

"In these times of the politicization of sentencing and corrections spending, it is essential to inform everyone we can about the impact of our courts, the changed lives, the long term impact of those changed lives, and also the vast amount of resources saved using the problem-solving model." Judge Floerke

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!!



“Copology” – Involving Law Enforcement in Your DWI Court Program

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Cops know the players even if they haven't been arrested and inducted into our criminal justice system. Seeing our DWI client together with a known drug dealer provides treatment with valuable information. Officers entering clients into police CAD (Computer Aided Dispatch) systems allow other officers to report seeing clients for example in bars and taverns, or late at night, sometimes in violation of court orders. CAD systems may even generate computer reports of traffic infractions or other misdemeanor offenses otherwise unknown to the DWI Court team.

Keeping Safe

Another benefit is **safety**. Regardless of who conducts home visits, having a law enforcement partner provides an increased level of safety. Cops receive countless hours of training to recognize and respond to dangerous situations.

Subtle cues alert a cop to the presence of drugs, weapons or the escalation of violence. Cops have buddies that are only a radio call away and nothing

sounds quite like approaching sirens, after dark, when a home visit goes bad. When the visit yields contraband but treatment is indicated, the cop may seize contraband, enter it into police custody, and make a report to the judge solving another problem for the non-law enforcement case manager. Finally it is nice to hear the friendly advice from the cop partner who notices some red phosphorus or iodine stains and reminds their non-law enforcement partner that



they just entered a current or former meth lab and to leave and to remove their contaminated shoes before walking across their carpet at home where their children play!

Knowledge is Power

Cops say there is no right-of-passage like that of becoming a law enforcement officer. Cops solve problems. We empower and expect our law enforcement officer to fix anything from a barking dog to a murder investigation, often in the middle of the night without assistance. Cops by their nature must be informed and empowered to do their jobs. Imagine what it would be like to be that patrol officer, first on the scene of an infant rape and murder only to be relieved by a detective who investigates the crime.

The stress increases when the case is either prosecuted or pled all without ever informing the initial officer of “what happened.” These and other job stressors relate to law enforcement officers being as much as seven times more likely to take their own lives through suicide than to be otherwise killed in the line of duty. Still, cops care.

How To Get Law Enforcement Involved?

Realizing the benefit and culture of the law enforcement partner, how do we get them involved?

Finally, invite the arresting officer to graduation. You get a cop to a DWI Court graduation; you got them hooked for life. (Remember your own experience.)

- **Participate** – Invite your case managers, your director, even your treatment professionals to go

on a police ride-along.

Experience police culture from the front seat of a “black & white” (and take advantage of the opportunity to

discuss DWI Courts with your host officer);

- **Information** – Send the arresting officer a memo or e-mail telling them that their arrestee is in DWI Court (and a little about the court). Follow up with progress e-mails or court minutes (successes and failures along with the related sanctions and incentives). Finally invite the arresting officer to graduation. You get a cop to a DWI Court graduation; you got them hooked for life (remember your own experience);

- **Training** – Most law enforcement officers are required annual CEU (continued education training) to maintain their license or certification. Cops like to be trained by cops. Find a law enforcement officer with experience in DWI Courts to provide training to your staff and invite local law enforcement officers;

- **Accept** – Accept your law enforcement team member as a professional partner. Cops don't like to be talked down to; hear

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South St. Louis County DWI Court: An Observer's Perspective.

By: *Laraine Lekander*

I am a resident of a neighboring county and a corrections professional with 15 years of experience. I recently attended a session of the South St. Louis County DWI Court (located in Minnesota) and participated in the initial team meeting and viewed the court process. As a resident, I was thoroughly impressed with the effectiveness of this process and as a corrections professional I say, "What has taken us so long?"

Crime in our country, be it DWI, theft, armed robbery or sexual conduct cases takes a toll on our society. It reduces our ability to trust, it takes away our freedoms and it is enormously costly. If crime creates such a deficit in our country, it begs the question, "What alternative options are available?" The second question we must ask is, "Are we brave enough to advocate for an alternative to our traditional court process?" My response to this is that we must.

Being Held Accountable

Many offenders will be held accountable for their crime in the form of incarceration in our local jails or prisons. 95% of them will be returned to our community. They will become our neighbors. It behooves us to look for alternatives to our current justice system and it behooves us to review our definition of accountability. Time and time again, studies show that programs such as our local DWI Court hold people accountable and are the answer to the recidivism dilemma.

Personally and professionally I have lived on both sides of the argument on the definition of what it means to hold people "accountable" for their

Accountability and rehabilitation are pivotal factors in the work of a court. The work that is being done in the St. Louis County DWI Court addresses these pivotal factors at a different level.

actions. It is not an easy question to answer. I have seen the harm that has been caused due to crime and criminal behavior. I witness offenders who show up for meetings, sit in the back of the room and work minimally toward their treatment goals. I too have thought that prison must be the only answer. As I continue to educate myself and volunteer as an advocate for Restorative Justice and alternative sentencing, I see great benefit to continue the exploration and work within this philosophy of responding to crime.

It Takes A Community

The court I viewed promoted accountability, offered opportunities for the client to understand the impact of the harm that is created due to personal choices, and creates an amazing network of support that clients can utilize when difficulties arise. I saw smiles that were rewarded, I heard concerns that were addressed and I saw a coming together of community folks – not roles or positions, but of community; all supporting each other through challenges, hopes, and accomplishments.

Accountability and rehabilitation are pivotal factors in the work of a court. The work that is being done in the St. Louis County DWI Court addresses these pivotal factors at a different level. It seeks rehabilitation: rehabilitation of the offender through early intervention,

monitoring and treatment. It seeks accountability: accountability through the acknowledgement that a harm has been caused and that actions are required to change the destructive behavior. The revolving door in our criminal justice system can move more slowly if we advocate for and work towards accountability and rehabilitation by coming together in this supportive framework.

Take An Active Role

If you are a part of this court process, I applaud you. If you are not, please spend a day with this court. Questions and theoretical debates around the issues of accountability, effectively meeting the needs of victims, rehabilitation, prevention of crime, and re-entry of an offender to the community are issues for all of us to discuss.

Thank you to the court and clients for their willingness to allow us to be a part of their day.



An Old Dog Learning New Tricks—A Few Reflections

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dependent. I didn't understand what it meant to have that dependency. An OUIL felony defendant that received jail and was placed on probation would routinely violate the probation order once released from jail. Many times it was because of another OUIL charge, or for just drinking after having been ordered by the court not to drink. At the probation violation hearing, my usual argument was that he had his chance on probation and it was time to send him to prison. After all, I knew that it was a privilege to receive probation. I didn't believe the person deserved a second chance; it was time to send him to jail or prison depending on the case. It was simple. As I say, I didn't understand the compulsion to drink by a person dependent to alcohol. Drug Courts and DWI Courts didn't exist then, and treatment was mumbo jumbo; not to be relied on in the criminal courts.

What would happen of course is that the person who was sent to jail or to prison would soon be back before the court for another OUIL charge. Jail hadn't changed their behavior. With another violation, I argued for more time behind bars – at least that would keep the community safe while the person was incarcerated. I assumed that he would be back before the judge again, but I hoped I was wrong this time and he would learn his lesson.

It has been said by some that the courts are a catch and release system or a revolving door. This could not be more wrong. At that time, the courts imposed the sentence as allowed by the law, without having a true

understanding of what addiction really is. Someone violates the law, and the answer was jail or prison. However, jail alone will not change behavior. States across the country have thousands and thousands of repeat DWI offenders, persons who did not learn their lesson in jail or prison, unable to do so because of their dependency to alcohol.

Training Prosecutors and Learning Something New

After 16 years in the courtroom, I decided it was time for a change; I had tried every type of case possible, from underage drinking to numerous first degree murder trials. I decided it was time to train prosecutors and law enforcement officers on how to successfully arrest and prosecute DWI offenders. It was those types of cases where, typically, innocent people die, and we needed knowledgeable prosecutors and law enforcement officers to ensure a successful prosecution. I became a Traffic Safety Resource Prosecutor (TSRP) for the state of Michigan, one of the first ones in the country. A short time after becoming a TSRP, I started to hear about a program

I now know that while jail is part of the whole process, it is not the way that we will ultimately change an addicted person's behavior.

called "Sobriety Court." (Note: Michigan calls their DWI Courts Sobriety Courts.) It was a court that specialized in working with the high BAC and repeat DWI offenders, using intensive supervision and long-term treatment to change the person's behavior. It was such a



novel concept. Of course it was a mistake, after all, jail was more important than treatment, right? Wrong. Time and time again, DWI Courts prove just how wrong that belief is with DWI offenders graduating and leading alcohol free and crime free lives.

Change Takes Time

After working with the courts in Michigan to educate myself and other prosecutors, and now having the opportunity to educate criminal justice professionals on a national scale, I now know that while jail is part of the whole process, it is not the way that we will ultimately change an addicted person's behavior. It takes time and effort by the offender, it takes an understanding of the issues involved, and it takes hard work. For every two steps forward, there can be a step backward. DWI offenders don't grow up saying I want to become dependent on alcohol. It is a process that happened over time for a variety of reasons. Those reasons have to be brought out into the light of day, examined and processed. The only way a person will do that is through long-term treatment. Of course, with the power of the courts to enforce a person's attendance in treatment, the individual will be significantly more successful. It is

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“Copology” – Involving Law Enforcement in Your DWI Court Program

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stories about bad cops; and they don't fix tickets. You will be surprised with the education, training, and insight provided by “your cop;”

Ask – Cops solve problems. The concept of “Community Oriented Policing” focuses on the ability of the first-line officer to find innovative ways to navigate the local bureaucracy and solve problems. Everyone (even cops) likes to be involved and to be needed. Involve your cop.

Conclusion

Finally, the time comes to select and welcome your law enforcement

partner to your DWI Court team. Traditionally the Judge or Director approaches the Chief begging for an officer to be assigned to the team. Follow these suggestions and who knows; just maybe there will be officers begging the Chief to be assigned to this “new thing” that saves lives, reduces recidivism, reduces the carnage of drunk drivers, and “saves money” for the Chief and his/her department and their community by reducing police calls for service.

Editor's Note: *Dr. Ron Thrasher is the Deputy Chief of the Stillwater, OK Police Department, is a Visiting Assistant Professor at Oklahoma State University, and the President of the Board of Directors of the Payne County Drug Court, Inc.*

A study, released March of 2008, entitled “Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs” 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 considering that Key Component, NPC Research looked at 18 Drug Courts, and found that some do and some do not have law enforcement officers on the team. In examining 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.”

The Graduate Corner

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chance and then received another DWI, killed someone in a DWI related car accident, continued behaviors that led them back to jail for another type of offense or died. I didn't want to be one of the many that I know who drank and/or drugged until their body was so ravaged that health issues and death were their final sentence.

Taking Charge Of Myself

My drinking career was very short in comparison to many. Because my son committed suicide just over 10 years ago and I couldn't comprehend why, I turned to alcohol as solace to ease the pain and learn to sleep at night. It became a habit to get up, go to work and then come home and drink. Too many of those years brought isolation, loneliness and a general overall feeling of detachment and degradation. It wasn't until I had made a commitment

to the DWI Court program that I began to understand the consequences of my actions and accept responsibility for my daily living and behavior. For that, I am sincerely grateful. Through participation in the various requirements of the program, I finally understood what an opportunity I had been given and grasped the concept that it was a “once in a lifetime” offer. It was my responsibility to grab hold of the resources made available to me and make a life change that would be long lasting and continual.

Saving Lives

Recently, I have encouraged a number of people to participate in a DWI Court program. It is an opportunity to change a life, a pattern of

destructive habits and become a productive member of society. Family relationships can be repaired, positive friendships will begin to reappear and the pride of accomplishment is paramount. The most important part of this program is that it can save an individual's life and, most probably, the life of another. I would like to see more young people enter the program before they have set a pattern that could last the rest of their years. I would implore those considering the program to take advantage of all the time, energy, concern, and dedication

of all the team members that spend so much time to make all of us more healthy human beings.



Community Supervision: A Vital Component of a DWI Court Program

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the participant in five minutes of a home visit versus three or four office and/or court visits.

Who Does It?

Consider all of the agencies that may be able to assist with community supervision including probation, police, sheriff, pre-trial and marshals. Possibly one of these agencies can do it, or a mixture of different agencies. Often, probation is a good fit as they have the experience of supervising the participant in the community and they may be sworn peace officers. They can bring a balanced approach to the team. However, with limited resources they may not be able to do all the supervision required. Police or sheriff can also assist with things like curfew checks and give information to the team if the participant is seen at a known drug house or in a high crime area.

Why Do It?

The benefits of community supervision to your program are multiple. First and probably most important is protecting public safety. Often times, participants live in high

risk situations, but are unaware of the dangers in their living environment that could lead to relapse or reoffending. They are used to the way it has always

been, and a community supervision officer can help clients see the danger in their living situations. Community supervision officers can support the

progress of the participant, and provide early intervention and accountability to the participant. Probation or community supervision officers can fill a gap in the community by providing accountability, information, identification of barriers to success, relapse detection, and early intervention opportunities to the team. This extends treatment and the court into the community. Community supervision protects your program's integrity to the participant as well as to the community. An example of a DWI Court requirement is a participant is not allowed to drive without a valid driver's license. Most participants have a suspended or restricted driver's license. The participant driving without a valid driver's license can threaten public safety. If the court does nothing to check on compliance, the participant will drive without a valid license. The danger then comes when the participant relapses on alcohol and thinks nothing of driving because he has been driving all along.

How To Do It?

Community supervision officers can monitor the participant's compliance through several means. First it is important to identify all the cars that are used by anyone that lives in the

home. Ensure that any car driven by the defendant is in compliance with orders such as the interlock device. Mark the tires of the defendant's car that is not supposed to be driven or check the odometer. Frequently set up surveillance at treatment and or court to see who drives there illegally. Each violation of this must be met with a swift response from the court so that the participant gets a clear picture that all court requirements must be followed.

Another goal of community supervision should be trying to "catch the participant doing something right." Giving positive feedback and providing incentives for compliance is a strong motivator to change behavior. Developing positive relationships with the participant and the family can lead to better supervision and a more positive outcome.

Home Visits—What Are They?

Community supervision needs to include announced and unannounced home visits. Announced visits are a good way to see the client at her best, meet any other family or friends that live in the home and build a sense of trust. Unannounced visits give us the chance to see how the participant "really lives". Often times, the unannounced visits gives an officer insight into barriers that may be hindering the participant's progress. It is very important that whoever does the home visits be trained in safety and given the appropriate equipment. There may be times that the team receives information that the participant has a weapon, or is selling drugs or is using a device to alter or "beat" the drug testing, all of which are

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Community supervision officers can support the progress of the participant, and provide early intervention and accountability.

Community Supervision: A Vital Component of a DWI Court Program

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a threat to the credibility of the program. Officers must have the ability to search the client and their person or property at any time. Any search done should be done in a respectful way and not a go in and toss the place. The most typical search would be to open the refrigerator or kitchen cabinets looking for alcohol. In more serious reports of drug sales, a search of the entire house, car and person is conducted. Often times the community supervision officer gets complacent and think they “know the participant” but it is not infrequent to find weapons and/or drugs in the home along with people that may be involved in criminal activity. Officer safety must always be considered as a high priority.

Share the Knowledge!

A very important piece of community supervision is that the information gained is related to the entire DWI Court team. Communication between all team members is imperative. Remember that some of the information relayed among the team may be protected by federal or HIPPA



It is critical to share the knowledge

guidelines, so first and foremost, have the appropriate release forms signed so the team can freely communicate. Then develop a protocol for how the information is relayed to the team. Some jurisdictions have the capability of doing this through computer information systems; others do it by progress reports to the team or a verbal report in staffing. Your team will need to develop a policy as to what the response will be to non-complaint and compliant behaviors. For example, if a client is found intoxicated at home how should the community supervision officer respond. In some jurisdictions it would result in an immediate arrest while others it would not. This is why your whole team must have input in developing the community supervision

guidelines and polices.

What Is The Case Load?

One last consideration is that effective community supervision is not done between governmental hours of 8-5. It requires home and field contacts at varying hours of the day and night. Also, the frequency the participants are seen is usually tied to phases in the program. The beginning phases require very frequent contacts in both the field and the office. Another consideration is the size of the supervision area to be covered by the officer. With all that in mind the team must consider what is a reasonable caseload size for the community supervision officer.

***Editor's Note:** Karen Barnes is currently the Drug Court Project Director for Maricopa County Adult Probation, as well as an Adult Probation Officer Supervisor in Phoenix, Arizona. She is a past president of the Arizona Association of Drug Court Professionals. She is in her eleventh year with the DWI/Drug Courts in Phoenix, Arizona. Ms Barnes also serves as a trainer/consultant for the National Center for DWI Courts.*

An Old Dog Learning New Tricks—A Few Reflections

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the two together, the courts saying, “you will go,” and the treatment provider saying “welcome, let’s work on these issues,” that makes success possible.

Twenty-five years ago as a “newbie” assistant prosecutor, I had no idea of the issues on addiction. I saw jail as

the end all, be all. Break the law, go to jail. It was simple. I now know that on issues of addiction, jail won’t change much of anything. It is not simple. While jail and prison are necessary parts of our society as we have individuals that we need to be protected from, those that hurt us physically and mentally; we also need to be responsive to those individuals

that are alcohol dependent with a broader range of tools. We still need to hold those persons accountable, and at the same time, do everything in our power to ensure that they actually do change their behavior. That’s what making a safer community is all about.

What's On The Docket?

DWI Court Events From Around The Globe

MICHIGAN: *This is an update from the previous newsletter.* House Bill No. 5273 was introduced on August 19, 2009. House Bill No. 5273 passed the House in the Michigan Legislature and on January 26, 2010, it passed the Senate Judiciary Committee, moving on to the full Senate. 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.



AUSTRALIA: In late October of last year, the Director of the NCDC was honored to be a speaker at two separate conferences on DWI Courts. The 10th Annual Alcohol Interlock Symposium took place on the Mornington Peninsula, Australia on October 25-28th, 2009. Hosted by the Traffic Injury Research Foundation in partnership with VicRoads, this high-profile international event attracted 85

participants from more than 15 countries. The theme for this year's event was “Knowledge Transfer: Taking Research to Practice” which emphasized ways to encourage and support the implementation of evidence-based practices for alcohol interlock programs across jurisdictions. The topics discussed by the director included examples of the types of programs that can be partnered with alcohol interlock programs, and how agencies representing each part of the criminal justice system have partnered with others to deliver alcohol interlocks.

Following the symposium, a companion one-day impaired driving workshop was held in Melbourne which attracted 120 interested drug and alcohol treatment professionals, judges, and legal practitioners who were unable to attend the symposium. The distinguished list of attendees included the Chief Magistrate for the state of Victoria, Ian Gray. At this conference, the Director discussed DWI Courts and how they have been changing the face of the American criminal justice system when dealing with the hardcore DWI offenders.

DWI Court Task Force Rolling Along

In December, the [DWI Court Task Force](#) held its second in-person meeting in Washington D.C. Following a review of the new DVD on DWI Courts, the discussion revolved around ensuring fidelity to the model. DWI Courts are based on the Drug Court model but have in addition to the 10 Key Components the 10 Guiding Principles. It is those Guiding Principles that ensure DWI Courts are following the model and giving the most to their participants. However, as one member of the task force noted “this does not mean a cookie cutter approach. The Guiding Principles are just that, guidelines on what it means to be a DWI Court.” Work will continue on developing a checklist that lays out what a DWI Court is and is not.

The DWI Court Task Force was created in 2009, and it will establish

and ensure implementation of best practices for DWI Courts, examine policy issues on impaired driving as it relates to DWI Courts, and provide members of the task force to be a presence at national and state conferences, as well as congressional events. The Task Force is made up of thirty-four (34) persons comprising DWI Court practitioners, DWI Academy Court judges, national subject-matter experts on impaired driving, law enforcement agency representatives, and relevant non-profit associations. The Task Force will meet in person at least twice each calendar year and conduct



NCDC Director David Wallace with Craig Wolf, WSWA President & CEO; Karin Moore, WSWA Vice-President & Co-General Counsel; and, Honorable Kent Lawrence, Chairperson DWI Court Task Force. WSWA is a sponsor of the DWI Court Task Force.

conference calls at other times during the year.

The DWI Court Task Force is supported by a charitable contribution from the [Wine & Spirits Wholesalers of America \(WSWA\)](#).



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NCDC Accepting Nominations for the National DWI Court Leadership Award

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These three individuals should be well acquainted with the person being nominated for the award. They should be able to articulate in writing why the nominee should receive the award. They should also be ready to discuss their nominee with the director of the National Center for DWI Courts.

Important Dates

Nominations should be submitted to the Director of the National Center for DWI Courts **no later than April 1, 2010**. The winner will be announced during the NADCP 16th Annual Training Conference in June 2010, in Boston, Massachusetts.

Editor's Note: Some applications last year were not submitted by NADCP members. For the application to be accepted, please be sure that all three of the individuals submitting the application are members.

We're on the web
www.dwicourts.org

The 1st All Rise Contest of 2010

Tell us and the world what 'ALL RISE' means to you and your court for a chance to win a free conference registration!!! We want to hear how 'ALL RISE' has impacted courts and how you interpret these words in your courtroom!

Be creative & heartfelt! Winners & notables will be published on our website!

Rules

1. Must be a current NADCP member to enter & win. [Join NADCP here](#). Each member is limited to 1 entry.
2. 5 members will win a free conference registration (\$550 value). Winners will be selected by

a 3-person panel of non-NADCP employees and announced on April 7, 2010.

3. 500 Word limit
4. Deadline is March 12, 2010
5. Runners-up in each category will win prizes also!

Submission Requirements

1. Word .doc formatted entries of 500 words or less
2. Include:
 - Name
 - Member #
3. Email submissions to Rob Foster at rfoster@nadcp.org
4. Deadline is March 12, 2010

NADCP 16th Annual Conference

Join us in Boston on June 2-5, 2010 as we come back to the East Coast! The 2010 Conference will be held at the Hynes Convention Center and Sheraton Boston Hotel.

With over 150 cutting-edge sessions, opportunities to reconnect with colleagues, and celebrity speakers from the worlds of entertainment and politics, you will come away educated and energized! Whether you're a new practitioner or you've been in the field for years, this is a conference not to be missed.



NADCP
National Association of
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