



## DWI Courts

DWI Courts are specialized, post-conviction court programs that provide a structure of effective supervision, accountability, and treatment for high-risk impaired drivers. These specialty courts follow the well-established [drug court model](#) and are based on the premise that drunk driving can be prevented if the underlying causes of the offending (e.g., substance dependence and mental health issues) are identified and addressed. Unlike drug courts, offenders who participate in DWI Courts do not have their convictions expunged upon successful completion of the program.

The population that these courts target is DWI offenders who are not deterred by traditional sanctions and are highly resistant to behavior change (as demonstrated by their multiple convictions). These offenders are most commonly classified as high-risk/high need. Each DWI Court participant will have individualized supervision and treatment plans that are designed to address both their risk level and specific criminogenic/treatment needs. To determine what this plan entails, courts rely heavily on screening and assessment to guide decision-making.

In contrast to the traditional court process which is adversarial in nature, in DWI Courts a team approach is utilized. Judges, prosecutors, defense counsel, law enforcement, probation officers, treatment practitioners, and other stakeholders work collaboratively with court participants and create support and accountability. For courts to achieve maximum benefits and successful outcomes, it is imperative that they have fidelity to the program model and adhere to the National Center for DWI Courts' (NCDC) [Ten Guiding Principles](#). These principles were established by NCDC and are meant to guide court teams as they implement their programs and oversee participants. By maintaining fidelity to these principles, courts ensure that they are targeting the right population, using best practices, and ensuring that common challenges can be adequately addressed.



To ensure accountability, DWI Court participants are subject to intense supervision. The team determines specific conditions but generally, court clients are:

- Subject to scheduled and unscheduled visits to their home and place of employment;
- Required to adhere to both regular and random alcohol and drug testing;
- Appear regularly before the judge to review progress; and,
- Complete treatment that addresses underlying issues.

Decisions regarding participants are agreed upon by the DWI court team. The team meets regularly prior to participants' court appearances to discuss the individuals on the docket that day. These discussions include updates on performance regarding phase requirements, progress in treatment, any violations or instances of non-compliance in addition to progress and positive/pro-social actions of the participants. Violations and non-compliance are typically met with graduated sanctions deemed appropriate. Positive performance may result in a modest "incentive" (e.g., gift card of a nominal amount, verbal praise from the judge, etc.) to encourage

continued progress and reinforce pro-social behaviors. Best practices include regular face-to-face meetings between the judge and each participant. This practice promotes offender accountability and builds judge-participant relationships which can help motivate individuals to succeed.

DWI Courts that follow best practices are structured in phases. The number of phases and phase requirements are determined by individual courts although there are frequently five phases including acute stabilization, clinical stabilization, pro-social habilitation, adaptive habilitation, and continuing care. Participants may advance to the next phase based on their performance and whether they meet the phase requirements. Upon completion of the final phase a participant “graduates” from the program. Best practices include a post-graduation program that involves peer-to-peer support from prior graduates.

### **Research Highlights:**

- A 2012 meta-analysis (Mitchell et al.) found significantly better outcomes for DWI Court participants compared to offenders subject to traditional probation. The most conservative estimates show that DWI Courts reduce drunk driving and general criminal recidivism by 12%. The best DWI Courts reduce recidivism by as much as 60%.
- A Michigan study of three DWI Courts found that participants were 19 times less likely to be re-arrested for another drunk driving offense during a two-year follow-up period than offenders processed through a traditional court (Carey et al., 2008). DWI Courts were also determined to be cost-effective and efficient in the adjudication and supervision of offenders.
- An evaluation of three Georgia DWI Courts funded by the National Highway Traffic Safety Administration (NHTSA) found that DWI Court participants had a recidivism rate of 15% (this includes participants who were terminated from the program in addition to those who graduated) compared to a recidivism rate of 35% among DWI offenders who were processed through traditional courts (Fell et al., 2011). It is estimated that DWI Courts prevented between 47 and 122 repeat DWI arrests over a four-year period.
- A study of the Waukesha County Alcohol Treatment Court in Wisconsin revealed that participants had a significantly lower recidivism rate two years post-entry when compared to traditional probationers (29% versus 45%) (Hiller and Saum, 2009).
- In evaluations of DWI Courts in Arizona (Maricopa County), California (Los Angeles County), and Georgia (Athens), it was found that graduates had lower recidivism rates than offenders processed through traditional courts (Marlowe et al., 2009).
- Studies have demonstrated significant cost savings, return on investments, decreases in crashes, and long-term reductions in recidivism. DWI courts produce average net cost savings of \$1,505 per participant and \$5,436 per graduate (Mackin et al., 2009a; 2009b).
- A multisite evaluation of Minnesota DWI Courts determined that the program produced a 200% return on investment (NPC Research, 2014). The combined savings of seven DWI Courts exceeded \$1.4 million over a two year period.
- A five-year pilot study program in Michigan examined the outcomes associated with requiring an ignition interlock for DWI Court program participants. In comparison to the non-interlock offenders in DWI/Sobriety Court, and standard probationers, interlock participants have the lowest recidivism rates for operating under the influence (OUI) after one, two, three, and four years of follow-up; interlock participants have the lowest recidivism rates for all criminal offenses after one to four years of follow-up. These findings support the practice of combining the use of interlocks with intensive supervision and treatment.

### **Prevalence**

The [most recent national survey](#) of DWI Courts was released in 2016 and data is current as of December 2014. At that time, there were 262 standalone DWI Courts and 407 hybrid DWI/Drug Courts throughout the country. Since then, the model has continued to expand and new courts as well as variations of the model (e.g., multi-

track courts) have been established. There are currently four [DWI Academy Courts](#) that are designated as such on account of their strong adherence to NCDC's Principles and for their demonstrated success with client outcomes. These courts are also sites for annual foundational trainings as prospective DWI court teams travel to one of the four jurisdictions to learn from these experienced practitioners and observe how their programs operate.

Access Responsibility.org's interactive [State Laws Map](#) to see which states have the highest number of DWI and hybrid courts.

### **Responsibility.org Position:**

Responsibility.org supports the DWI Court model and recognizes the importance of utilizing an approach that balances accountability and rehabilitation to address offending among the high-risk/high need impaired driver population. We believe screening, assessment, and treatment coupled with intensive supervision is imperative to address the behavioral health needs of repeat offenders who are at heightened risk of recidivism; DWI Courts include and emphasize the importance of each of these components within the program model.

Responsibility.org further supports NCDC's [expansion efforts](#) to bring this model to counties across the country to address the critical threat posed by high-risk impaired drivers.

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