



DWI Courts: Making Your Community A Safer Place

A Publication by the

NATIONAL CENTER FOR DWI COURTS



**Special Points of Interest on DWI Courts**

- A DWI court is a distinct court system dedicated to changing the behavior of the alcohol/drug dependant offenders arrested for Driving While Impaired (DWI). For the DWI Court Guiding Principles go to: [www.ndci.org/dwi\\_drug\\_court.htm](http://www.ndci.org/dwi_drug_court.htm)
- DWI courts operate within a post-conviction model.
- In the University of New Mexico 's evaluation of the Bernalillo County Metropolitan Court 's DWI/ Drug Court Program, only 36 of the 341 graduates had been rearrested for DWI since the program's inception, which reflects a recidivism rate of only 10.6%.

## NCDC and Beam Global Recognize Nevada DWI Courts

On February 27, 2007, West Huddleston, CEO of the National Association of Drug Court Professionals, (NADCP) and Executive Director of the National Center for DWI Courts (NCDC) along with president and CEO of Beam Global Spirits & Wine Tom Flocco, and champion race car driver Robby Gordon recognized Nevada's successful DWI Courts and Senate Bill 277 which allows for the



**Nevada judges, legislators, and law enforcement showing support for DWI Courts.**

establishment of more DWI Courts throughout the state.

Joining Huddleston, Flocco, and Gordon

outside of the Regional Justice Center in Las Vegas, Nevada, were DWI Court judges,

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## National Center for DWI Courts Appoints First Director

The National Center for DWI Courts (NCDC) has announced the appointment of David J. Wallace as director. Wallace brings 23 years of experience in



**David Wallace**

the criminal law field to his role as the first director of NCDC.

NCDC, a division of the National Association of Drug Court Professionals (NADCP), raises

awareness about the effectiveness of DWI Courts and provides training and research to court personnel as DWI Courts are launched throughout the country.

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## Nevada DWI Courts Recognized



**Judge Hardcastle addresses the those in attendance.**

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prosecutors and law enforcement officials to support the expansion of DWI Courts in Nevada, to thank Nevada state legislators for their support, and to acknowledge the life-saving efforts of DWI Courts. Honored guests included Chief Justice of the Nevada State Supreme Court Mark Gibbons, Chief Judge of the 8<sup>th</sup> Judicial District Kathy Hardcastle and Senator Valerie Wiener, co-sponsor of Senate Bill 277

With more than 17,000 people killed by drunk drivers every

year, Beam Global and NCDC have partnered together to bring national attention to the effectiveness of DWI Courts in reducing the recidivism rate of offenders. DWI Courts deal with hardcore and repeat drunk driving offenders by providing long-term, ongoing accountability and rehabilitation, in addition to a DWI conviction.

### DWI Courts Work

DWI Courts retain DWI offenders in treatment and under judicial supervision for up to six times longer than other strategies. In fact, 70 percent who are ordered to the court successfully complete treatment and graduate a year later. Why is that important? Clinical research has shown that the longer an alcoholic stays in treatment, the better their outcomes.

“We are pleased that Nevada has had great success with DWI Courts and applaud state legislators for passing Senate Bill 277,” stated West Huddleston. “The Nevada DWI Court pilot program has proven that blending long-term

treatment with the accountability, immediacy and certainty of court response works more effectively than punishment alone. We hope to build on that success by raising awareness for DWI Courts in Nevada and throughout the country.”

### A Pilot Project

Clark County, Nevada established a pilot program with one DWI Court in its jurisdiction eight years ago. Nearly 400 offenders have successfully completed the program. Of those who successfully graduated, only 12 percent had a repeat drunk driving offense within three years of their graduation.

**“DWI Courts are saving lives”  
Judge Kathy A. Hardcastle**

“Nevadans have seen firsthand that DWI courts are an effective way to punish those who break the law and to deter drunk drivers by targeting repeat offenders and individuals with high BAC levels. Expanding this effort, along with programs to teach drivers about the dangers of impairment, are two ways that we can make America’s roads and highways safer. As co-chair of the Congressional STOP DWI caucus, I applaud the men and

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## Nevada DWI Courts Recognized

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women of law enforcement and our courts for protecting the public and for their support of efforts to prevent drunk driving,” said Congresswoman Shelley Berkley (D-NV).

“I am very pleased that Nevada has been so committed to the expansion of DWI Courts in the state,” said Jon Porter (D-NV), co-chair of the STOP DWI caucus.

“Individuals who have driven under the influence of alcohol, or driven while impaired, have taken thousands of lives and shattered so many families. As public officials, it is our responsibility to reduce drunk driving incidents and this is a huge step in the right direction.”

“We need to keep our roads safe from drunk drivers,” commented Nevada State Senator Valerie Wiener (D-NV). “Hardcore drunk drivers are causing the vast majority of alcohol related traffic fatalities and we need to address this severe form of drunk driving head on. I am proud to have

been the sponsor of legislation supporting Nevada’s DWI courts and their efforts to protect our community.”

“DWI Courts are saving lives,” stated Chief Judge Kathy A. Hardcastle, Eighth Judicial District Court. “Nevada is a

powerful example of how effective DWI Courts can be. On behalf of other DWI Court judges, we would like to thank Nevada legislators for supporting this program. I

encourage other courts and judges to demonstrate leadership by establishing a DUI Court. It’s been my experience that DUI Courts provide tremendous public safety while addressing the core problem of addiction”.

“I am truly impressed with the results of DWI Courts to reduce drunk driving,” commented Robby Gordon. “I would like to offer my

appreciation to Beam Global for supporting the National Center for DWI Courts and for including me in their efforts to help raise awareness for this life-saving program. I thank Nevada legislators for their efforts in expanding DWI Courts throughout the state and encourage other states to follow Nevada’s lead.”

### A Partnership for DWI Courts

Beam Global and NADCP partnered in May 2007 to launch the National Center for DWI Courts, which focuses solely on hardcore and repeat drunk driving offenders. Beam Global is in its second year working with NCDC to help raise awareness about the effectiveness of DWI Courts. In 2007, 25 states established

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**“I am truly impressed with the results of DWI Courts to reduce drunk driving.”**  
**NASCAR Driver Robby Gordon**



**Chief Justice of the Nevada State Supreme Court Mark Gibbons, with Robby Gordon and the Jim Beam NASCAR car.**

## A Risk-taker is Sold on DWI Courts—A Prosecutor’s Viewpoint

By: Jeff Sauter  
Eaton County,  
Michigan Prosecutor



I’ve been called a risk-taker...and much worse. In my 25 years of prosecution, the last 18 as the elected prosecuting attorney, I have believed in individual accountability and punishment. I have also been skeptical of new government programs which promise, in glowing words and politically-correct phrases, to “prevent” crime. To me, government is usually best described by the phrase “when all is said and done, there is usually more said than done.”

We started our first “drug treatment court” –

usually called by us in Michigan a sobriety court, because we focus on DWI cases – over ten years ago. I’m a big supporter of the drug treatment court approach, but I didn’t always feel that way.

When it was proposed that we start a DWI court, I was skeptical. But, I didn’t voice my concerns immediately when I learned that our team had to

attend a national training, because when you’re from Michigan you don’t say anything to put a winter trip to Los Angeles at risk.

### The National Training

At the national training, I worried that I was being asked to support another concept designed to insulate criminal defendants from the consequences of their own behavior. Our team planned to see if drug treatment court principles could be applied to drunk drivers. But I did not want to agree to something that increased the risks to the public.

I am glad that I listened with an open mind, because the trainers, judges and other professionals answered my concerns. Like any experienced prosecutor, I was familiar with substance-abusing defendants and the frustrating regularity with which they re-offend. I also understood that incarceration and fines had

not reduced the incidence of drinking and driving, but I wasn’t ready to embrace a theory of justice based on a feel-good hope that treatment would work.

### It’s More than Just Treatment

Treatment providers are proud of their methods, but most will admit that treatment sessions do no good if the offender isn’t there. I learned that DWI courts are more effective than treatment alone because the court coerces the offender to attend. I also liked the sound of immediate consequences for any violations. That concept balanced my initial discomfort with “rewards” being given out in court.

Immediate consequences are possible because DWI courts require frequent “review hearings” with the judge. The probation agents and treatment providers communicate about the offender’s progress or failures so the judge personally knows what is going on during the review



**Everyone works together .**



**Testing is one way to ensure accountability .**

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## A Risk-taker is Sold on DWI Courts—A Prosecutor’s Viewpoint

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hearing. That incentives or punishment would be meted out without the usual delay appealed to my commonsense belief that lessons are best learned that way: immediately.

### It Takes Teamwork

The last concept that helped sell me on DWI courts was the team approach. I liked that the various participants in the court would have a say about the procedures to be used.

While I support DWI courts, I do not suggest that everything goes smoothly or that the tension between judge and prosecutor, or prosecutor and defense counsel, is eliminated. Without intending to point a finger, I have learned that some team members sometimes consider themselves *more* equal than others. To be fair, I have undoubtedly caused the other team members a good share of aggravation over the years, and nothing good comes easily. A team approach requires work, a commitment to the team, and a willingness to consider problems from the perspective of others.

### Being Smart

When we started our DWI court in 1997, I knew that I was taking a risk. Prosecutors, of course, are supposed to be “Tough On Crime,” and every elected prosecutor knows that the next election cycle could

bring a challenge that he or she is “soft” on drugs or drunk drivers. This is the stuff that keeps us up at night.

But prosecutors are also supposed to be smart and are expected to make effective use of limited resources. I had taken the tough, punishment-only approach for years, but limited jail and prison space in Michigan had reduced the actual available incarceration for drunk driving. That meant that a drunk driving defendant could not be removed from the road for any meaningful length of time.

Moreover, while probation agents were well-intentioned, their

caseloads were too large to monitor probationers closely. All things considered, I decided that the greater risk was in not trying a new approach.

### It’s A Success

And, over the course of ten years, I have found that the residents of our county approve of our efforts to deal with the underlying substance abuse. I believe that our effort has been a success. I’m not suggesting that every case has been a success. But, overall, I believe that as a result of our program, a number of participants have returned to productive lives at work, and returned to relationships with children and other family. What skeptic could disagree with that?

**Editor’s Note:** Jeff Sauter has served as the Eaton County Prosecuting Attorney in Michigan since January 1, 1991. Eaton County has had a DWI Court since 1997.

***I also liked the sound of immediate consequences for any violations. That concept balanced my initial discomfort with “rewards” being given out in court.***



**There are immediate consequences.**

## New Director Appointed

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As director, Wallace will work closely with DWI Courts across the country. He will also work with government officials and legislators to establish more DWI Courts, which deal with hard core and repeat drunk driving offenders by providing long-term, ongoing accountability and rehabilitation, in addition to a DWI conviction. Research demonstrates that DWI Court graduates are four times less likely to be rearrested for impaired driving.

“We are honored to have David Wallace join NCDCC in the fight against drunk driving,” stated West Huddleston, executive director of the National Center for DWI Courts and the chief executive officer of the National Association of Drug Court Professionals. “David brings a wealth of experience to NCDCC as a prosecutor and educator. He is committed to working with law enforcement, prosecutors, and judicial parties to expand on the success that DWI Courts have already had across the country.”

Prior to joining NCDCC, Wallace served as the Traffic Safety Resource Prosecutor (TSRP) for the Prosecuting Attorneys

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## Nevada DWI Courts Recognized

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29 DWI Courts to address hardcore drunk driving.

“Beam Global Spirits & Wine is committed to eliminating drunk driving,” said Tom Flocco, president and CEO, Beam Global Spirits & Wine, Inc.

“We support programs that reduce drunk driving and are committed to working with any state willing to help save lives by establishing more DUI Courts. Nevada’s pilot DUI Court illustrates the effectiveness of this program. We encourage others to join us in support of NCDCC and the fight to eliminate hardcore drunk driving.”

“Beam Global recognizes the common sense approach of DWI Courts. That is, if we are truly going to deal with repeat DWI offenders, they will need long-term treatment

and enhanced judicial accountability to turn their lives around,” said Huddleston, “and for the 400 DWI offenders who

have participated in the program in Clark County, the outcomes are phenomenal. Only 12 percent of graduates have been arrested for a repeat drunk

driving offense within three years. That means a safer Clark County for you and me. What could be more important than celebrating a solution that drastically reduces repeat drunk driving and saves lives?”

**“I am proud to have been the sponsor of legislation supporting Nevada’s DWI courts and their efforts to protect our community.”**

**Nevada State Senator  
Valerie Wiener**



**West Huddleston addresses those in attendance.**

## Michigan Study Finds DWI Courts Effective

A three-county evaluation in Michigan found that participants in DWI Courts were considerably less likely than DWI offenders sentenced to probation to be arrested for a new DWI offense or for any new criminal offense within 2 years of entering the programs. The study was conducted by the Michigan State Court Administrative Office and data analyses were performed independently by NPC Research, Inc. The study examined outcomes for all participants who entered the programs, regardless of whether they graduated successfully, and drew on comparison probationers from the same counties who were matched on relevant eligibility criteria.

### The Questions

Five important questions were answered by an analysis of the data. The questions were:

1. What is the impact of participation in a DWI court on recidivism (re-arrests) compared to traditional court processing?
2. Does participation in DWI court reduce levels of alcohol and other substance abuse?
3. How successful is the program in bringing program participants to completion and graduation within the expected time frame?
4. What participant characteristics predict successful outcomes (program completion, decreased recidivism)?

5. How does the use of resources differ between DWI court versus traditional probation?

### The Answers

Below are a few of those questions with brief answers using examples from the locations that participated.

**#1: Does participation in DWI court reduce recidivism? YES.** DWI court participants were re-arrested significantly less often than comparison group offenders who were sentenced to traditional probation. In an example from one DWI court site, the comparison offenders on traditional probation were re-arrested nearly six times more often in the first year after starting probation for the DWI charge than the DWI court participants.

**#2: Does participation in DWI court reduce levels of substance abuse? YES.** Participants in the DWI Court significantly decreased the percent of positive drug tests over time. This provides support that the DWI Court was instrumental in reducing the amount of illegal drug use during the first year participants spend in the program.

**#5: Does the use of resources differ between DWI courts versus traditional probation? YES.** Results show that DWI court participants spent considerably more time in treatment than those on



The three DWI Courts that participated in the study were Ottawa, Bay, and Clarkston.

traditional probation. Further, the average waiting period between arrest and sentencing was significantly reduced in the DWI court. The number of days spent in jail prior to program or probation start and the total time in jail for that DWI case was also significantly reduced, thus saving the criminal justice system time and money. Time enrolled in the program was higher for DWI court participants. Longer time spent in the program predicts success both in completing the program and in reducing recidivism.

### Bottom Line

Overall, the evaluation results demonstrate that the DWI court is effective in reducing recidivism and reducing drug and alcohol use while using less criminal justice system resources to accomplish these goals.

For a copy of the Executive Summary or the full study, go to: [www.npcresearch.com/news.php](http://www.npcresearch.com/news.php)



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We're on the web

[www.nadcp.org](http://www.nadcp.org)

## Upcoming Conferences and Training Programs

### NADCP's 14<sup>th</sup> Annual Drug Court Training Conference

May 28-31, 2008  
Americas Center  
St. Louis, MO

### National Center for DWI Courts Training

#### 3.5 Day Planning Training Programs

June 3-6, 2008—Austin, Texas  
July 15-18, 2008—Athens, Georgia

#### 1 Day Enhancement Training

March 28, 2008—St. Louis, Missouri  
April 18, 2008—Buffalo, New York

For more information on the NADCP Annual Drug Court  
conference go to: [www.nadcp.org](http://www.nadcp.org).

For more information on the NCDC Training, contact Sarko  
Gergerian at [sgergerian@nadcp.org](mailto:sgergerian@nadcp.org)

## New Director Appointed for the National Center for DWI Courts

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Association of Michigan  
(PAAM), where he instructed  
prosecutors and law  
enforcement officers in  
Michigan on a variety of traffic  
safety topics, focusing on DWI  
and vehicular homicide cases.  
Wallace is also a former  
Calhoun County and Eaton  
County Assistant Prosecutor  
with more than 15 years of  
active trial experience.

He is a frequent lecturer across  
the country on DWI issues and  
was on the committee that  
revised the NHTSA training  
manual, *Prosecution of Driving  
While under the Influence*.

Wallace was also the  
chairperson for the committee  
that revised the NHTSA training  
manual, *Lethal Weapon*, and is  
a member of the Traffic Injury  
Research Foundation's  
"Working Group on DWI System  
Improvements." Wallace is the  
recipient of the National  
Commission Against Drunk  
Driving *Adjudication Award* for  
2004, and a Governor's  
Highways Safety Association -  
Certificate of Commendation in  
July 2003.

Wallace received his Juris  
Doctor from Southwestern  
University School of Law in Los  
Angeles, California and a

Bachelor of Arts degree from  
Alma College in Alma, Michigan.  
He is licensed to practice law in  
Michigan and California,  
(currently inactive status).

#### About The National Association for Drug Professionals:

*The National Association of Drug Court  
Professionals (NADCP), a not-for-profit  
organization, was founded in 1994 by  
a group of visionaries to reduce the  
negative social impact of substance  
abuse, crime, and recidivism by:*

- *promoting and advocating for the  
establishment and funding of drug  
courts, DWI courts and other problem-  
solving courts;*
- *providing for the collection and  
dissemination of information;*
- *providing training, technical  
assistance and mutual support to  
courts nationwide*