

# IMPAIRED DRIVING EPIDEMIC

There is a disturbing upward trend in the number of annual impaired-driving-related fatalities due to repeat driving while intoxicated (DWI) offenders and drivers with a blood alcohol concentration (BAC) of .15 or higher. However, the criminal justice system's traditional response of incarceration and other punishment does not deter these offenders because it does not address the root cause of the problem: **addiction**.

DWI court participants are **19 times less likely to reoffend**.<sup>6</sup> DWI courts are **changing the criminal justice system's approach** to impaired driving:

- ✓ Provide intense supervision
- ✓ Provide individualized, long-term treatment
- ✓ Change participants' thinking and behavior
- ✓ Demand accountability
- ✓ Save taxpayers' money
- ✓ Improve public safety

<sup>1</sup> National Center for Statistics and Analysis (2015). Alcohol-impaired driving: 2014 data. (Traffic Safety Facts. DOT HS 812 231). Washington, DC: National Highway Traffic Safety Administration (NHTSA). Available at <http://www-nrd.nhtsa.dot.gov/Pubs/812231.pdf>.

<sup>2</sup> Mothers Against Drunk Driving (MADD) (2009). New Data Shows Disturbing Number of Repeat Drunk Drivers on America's Roadways.

<sup>3</sup> Mitchell, O., Wilson, D.B., Eggers, A., & MacKenzie, D.L. (2012). Assessing the effectiveness of drug courts on recidivism: A meta-analysis review of traditional and nontraditional drug courts. Journal of Criminal Justice, 40(1).

<sup>4</sup> National Center for DWI Courts (NCDC), 2014.

<sup>5</sup> Carey, S., Harrison, P., Johnson, A., & Zil, C. (2014). Minnesota DWI Courts: A summary of evaluation findings in nine drug court programs. Portland: NPC Research.

<sup>6</sup> Carey, S., Fuller, B., & Kissick, K. (2008). Michigan DUI Courts Outcome Evaluation: Final Report. Portland: NPC Research.

WALWORTH COUNTY



W I S C O N S I N

**The OWI Court Program has a graduation percentage of 88%.**

**For graduates, only 3 (of 59) have been convicted of a new crime since graduating the program, which is a crime rate of 0.05.**

**The OWI Court Program has a retention percentage of 92.6%.**

**The OWI Court Program is experiencing a significant number of jail days saved with over 28,000 supervised days saved since inception<sup>1</sup>.**

**From October 2011 to October 2015, the OWI Court Program has a recidivism rate of 5%.**

**27% of graduates improved their employment status while in the OWI Court Program.**

The Walworth County OWI Court holds offenders accountable, saves valuable resources, and makes the community safer. Walworth County operates a post-conviction model using intensive supervision and treatment to change the participant's behavior. Since inception of October of 2011, the Walworth County OWI Court has had 130 participants enter the program, with OWI 3<sup>rd</sup> offenders and OWI 4<sup>th</sup> offenders comprising of 75% and 25% of admissions respectively. 65% of participants have been diagnosed as Alcohol Dependent and 35% have been diagnosed as Alcohol Abuse<sup>2</sup>, with over 40% of participants diagnosed with co-occurring disorders. The Walworth County OWI Court is not only impacting the participant, but family, friends, co-workers, and the community around them.

<sup>1</sup> "Supervised days" includes jail, Huber, and electronic monitoring services.

<sup>2</sup> In September of 2015, diagnoses are made using the DSM-V identified as Alcohol Use Disorder, Mild, Moderate, or Severe. Those diagnosed as Alcohol Use Disorder, Mild or Moderate are classified as alcohol abuse; those who are diagnosed as Alcohol Use Disorder, Severe are classified as alcohol dependent.

# WALWORTH COUNTY OWI COURT

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## **THE GUIDING PRINCIPLES OF DWI COURTS**

1. Determine the Population
2. Perform a Clinical Assessment
3. Develop the Treatment Plan
4. Supervise the Offender
5. Forge Agency, Organization, and Community Partnerships
6. Take a Judicial Leadership Role
7. Develop Case Management Strategies
8. Address Transportation Issues
9. Evaluate the Program
10. Ensure a Sustainable Program

**GUIDING PRINCIPLE #1:  
DETERMINE THE POPULATION**

- Targeting is the process of identifying a subset of the DWI offender population for inclusion in the DWI Court Program.
  
- This is a complex task given that DWI Courts, in comparison to traditional Drug Court programs, accept only one type of offender: the hardcore impaired driver. The DWI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.

**DETERMINE THE POPULATION  
WALWORTH COUNTY**

- Inception: OWI 3<sup>rd</sup> offenders
  - Funding through 2009 Act 100
- January 2013: OWI 4<sup>th</sup> offenders
  - Funding through Office of Justice Assistance (DOJ) grant
- May 2013: OWI (4<sup>th</sup> w/ 5 yrs) Felony offenders
  - Funding through Office of Justice Assistance (DOJ) grant

### **DETERMINE THE POPULATION WALWORTH COUNTY**

- In 2011, OWI (4<sup>th</sup> w/in 5 yrs) Felony charges constituted 33% of all OWI Felony charges with OWI 5<sup>th</sup>/6<sup>th</sup> Felony charges making up 43% of all OWI Felony charges.
- In 2014, OWI (4<sup>th</sup> w/in 5 yrs) Felony charges constituted 31% of all OWI Felony charges with OWI 5<sup>th</sup>/6<sup>th</sup> Felony charges making up 56% of all OWI Felony charges.
- Greater attention needs to be focused on this specific offender population therefore the continued inclusion of OWI 4<sup>th</sup> Misd and the addition of OWI (4<sup>th</sup> w/in 5 yrs) Felony offenders is vital.

### **DETERMINE THE POPULATION WALWORTH COUNTY**

- OWI 3<sup>rd</sup>, OWI 4<sup>th</sup>, or OWI (4<sup>th</sup> w/ 5 yrs) Felony Offense;
- Walworth County Resident;
- Have a pattern of serious substance abuse;
- Not currently taking psychotropic medication for any severe mental illness that would interfere with participation in the treatment program;
- Have no charges relating to a crash involving homicide or serious bodily injury;
- No prior serious violent offenses, no record of any felony weapons violations, and no criminal cases pending in another jurisdiction;
- Be able to read at least at sixth grade level.

## **DETERMINE THE POPULATION WALWORTH COUNTY**

### Screening

- Participants complete the Alcohol Use Disorders Identification Test (AUDIT) to identify those at risk of alcohol problems
  - Score of 8 and higher indicates harmful behavior
- Participants complete the Drug Abuse Screening Test (DAST-20) to identify index of drug abuse problems
- Shipley Institute of Living Scale to assess general intellectual functioning and aid in detecting cognitive impairment.

## **GUIDING PRINCIPLE #2: PERFORM A CLINICAL ASSESSMENT**

- A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change.
- Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.

### **PERFORM A CLINICAL ASSESSMENT WALWORTH COUNTY**

- The WCOC assumes that persons who are repeatedly convicted of Operating While Intoxicated have an identifiable alcohol use disorder that can be changed through participation in specific treatment activities.
- Participants complete an intake assessment with the OWI Court Clinician within days of the participant's release from jail.
  - Assessment determines the participants' alcohol/drug use severity, identifies existing co-occurring disorders, and makes referrals for additional treatment needs.

### **PERFORM A CLINICAL ASSESSMENT WALWORTH COUNTY**

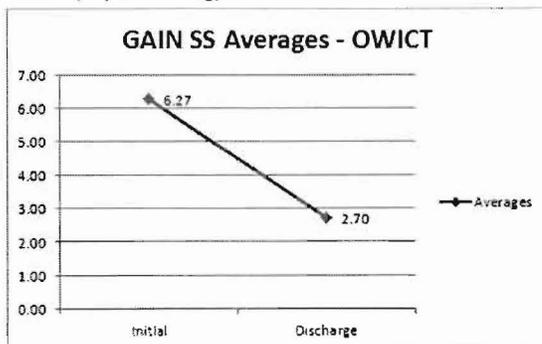
- In accordance with State Strategy of Substance Abuse Treatment and the Wisconsin Department of Health Services, the Wisconsin Assessment of the Impaired Driver (WAID) is used by the WCOC Clinical Coordinator to determine a client's need for group dynamics or formal treatment services.
- If treatment services are recommended by the WAID, the OWI Clinical Coordinator utilizes the WI-Uniform Placement Criteria (UPC) to determine appropriate level of care.

## PERFORM A CLINICAL ASSESSMENT WALWORTH COUNTY

- All WCOC participants are required to complete an OWI/Driver License Assessment. As part of the assessment, the assessor develops a driver safety plan for the driver.
- The Global Appraisal of Individual Needs (GAIN-SS) is a conjoint screening measure for both mental illness and substance use disorder that is utilized by the Clinical Coordinator to assess risk/needs.

## PERFORM A CLINICAL ASSESSMENT WALWORTH COUNTY

- The GAIN-SS is also used to monitor symptom change over time. The graph represents the number of clinically significant symptoms the participants are reporting at intake versus discharge. Through this, we're able to show that our programming is impacting our participants in a number of ways. We expect to see reductions in alcohol use when they're so closely monitored, but we also observe improvements in mental health symptomatology.



### **GUIDING PRINCIPLE #3: DEVELOP THE TREATMENT PLAN**

- Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DWI population also suffers from a variety of co-occurring mental health disorders.
- Therefore, DWI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.

### **DEVELOP THE TREATMENT PLAN WALWORTH COUNTY**

- Treatment is the cornerstone of the Walworth County OWI Court Program
- The WCOC is unique! In-House Treatment - all services are provided by WCDHHS, including individual therapy referrals.
- The WCOC has a long-standing relationship with the WCDHHS to ensure fidelity of treatment and proper reporting requirements.
- All WCOC participants are required to attend weekly, open-group, 90 minute treatment sessions provided through WCDHHS.

## **DEVELOP THE TREATMENT PLAN WALWORTH COUNTY**

- The WCOC follows cognitive behavioral therapy (CBT), an evidence-based treatment intervention.
- The treatment model is based on the Relapse Prevention model and is objective-based and solution-focused.
- The treatment program itself is divided into specific levels that must be completed in order prior to moving forward. This process requires participants to develop and demonstrate mastery of skills and steps necessary to eliminate future usage.

## **DEVELOP THE TREATMENT PLAN WALWORTH COUNTY**

- As the WCOC has grown more inclusive, participants with co-occurring disorders have been admitted with increasing frequency.
- Inclusion of the Trauma Symptom Inventory (TSI-2) = broadband measure designed to evaluate posttraumatic stress and other psychological sequelae of traumatic events.
- Use of Gender Specific Treatment Groups.

## **DEVELOP THE TREATMENT PLAN WALWORTH COUNTY**

- Female substance abusers experience a number of unique barriers to AODA and mental health treatment success.
  - Female OWI offenders are on the rise.
  - Women represent 49.9% of Walworth County's population, only account for 35% of outpatient AODA treatment admissions.
  - In 2011, only 37% of women participating in AODA treatment at WCDHHS successfully completed while male participants successfully completed treatment at a rate of 80%.

## **GUIDING PRINCIPLE #4: SUPERVISE THE OFFENDER**

- Driving while impaired presents a significant danger to the public.
- Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DWI offenders and to protect against future impaired driving.

## **SUPERVISE THE OFFENDER WALWORTH COUNTY**

- Electronic GPS Monitoring while serving jail sentence
- Placed on Probation - Agent completes COMPAS assessment for risk and criminogenic needs
- Weekly Probation Appointments - Includes drug/alcohol test
- Random Home Visits
- Curfew as Established by Probation Agent
- Alcohol Monitoring
  - First 24 weeks (minimum), participant is continuously monitored for alcohol consumption
- Truly Random Drug Tests
  - Personal ID call-in System
- Frequent court status hearings - bi-weekly or monthly

## **SUPERVISE THE OFFENDER WALWORTH COUNTY**

- Sanctions used for non-compliance
  - Most commonly used sanctions include Verbal Warning, Thinking Reports, Essays, Community Service
  - Jail used sparingly and only when necessary
- Continued behavior modification through rewards/positive incentives
  - Fish Bowl - “go fishing” has corresponding gift card the participant can use for fines, gas, and meals

**GUIDING PRINCIPLE #5:  
FORGE AGENCY, ORGANIZATION, AND  
COMMUNITY PARTNERSHIPS**

- Partnerships are an essential component of the DWI Court model as they enhance credibility, bolster support, and broaden available resources.
- Because the DWI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DWI Court program.

**FORGE AGENCY, ORGANIZATION, AND  
COMMUNITY PARTNERSHIPS  
WALWORTH COUNTY**

- 20 hours of community services required per week in the program
  - Many community agencies are aware of the program and accept WCOC participant volunteers
- Relationship with local technical college for participants to obtain GED/HSED
- Partnership with UW-Whitewater for internship opportunities with the WCOC
- Additional resources through ADRC, APFV, Women's Wrap Around, Crisis Case Managers
- Housing Assistance with Community Action

**FORGE AGENCY, ORGANIZATION, AND  
COMMUNITY PARTNERSHIPS  
WALWORTH COUNTY**

- The team is comprised of many different agencies within the Criminal Justice System
  - Memorandum of Understanding for expectations
- Engaged and supportive Criminal Justice Coordinating Committee (CJCC)
- Frequent presentations at the Bar Association

**GUIDING PRINCIPLE #6:  
TAKE A JUDICIAL LEADERSHIP ROLE**

- Judges are a vital part of the DWI Court team. As leader of this team, the judge's role is paramount to the success of the DWI Court program.
- The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders.
- The selection of the judge to lead the DWI Court team, therefore, is of utmost importance.

## **TAKE A JUDICIAL LEADERSHIP ROLE WALWORTH COUNTY**

- Judge David Reddy
  - Project Director
  - OWI Court and Drug Court Judge
  - Instrumental in the development and implementation of Treatment Courts in Walworth County
- Dedicated and committed to the success of the participants
  - Spends ample time with participants at status hearings
- OWI Team Motivator
- Attends frequent, adequate training and ensures training for WCOC Team Members

## **GUIDING PRINCIPLE #7: DEVELOP CASE MANAGEMENT STRATEGIES**

- Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DWI Court program.

## DEVELOP CASE MANAGEMENT STRATEGIES WALWORTH COUNTY

- OWI Court Team
  - Judge
  - Defense Attorney-Reviews cases and refers for screening
  - Prosecuting Attorney- Assists in reviewing cases for eligibility for program
  - Probation Agent- Provides direct supervision of participants
  - Treatment Provider- Responsible for educating the participants and helping them deal with alcohol/drug abuse issues
  - Treatment Court Coordinator- Conduct screening for new participants
  - Law Enforcement Representative
  - Corrections Representative
  - Higher Education Representative
  - Program Evaluator
- Unique Case Management Approach - shared with Probation Agent, OWI Court Clinician, and Treatment Court Coordinator

## DEVELOP CASE MANAGEMENT STRATEGIES WALWORTH COUNTY

- ⦿ Recent purchase of the Accountability Court Case Management System will assist with daily tasks, data collection, record keeping, and statistical analysis.

### **GUIDING PRINCIPLE #8: ADDRESS TRANSPORTATION ISSUES**

- Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DWI Court program.
- In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

### **ADDRESS TRANSPORTATION ISSUES WALWORTH COUNTY**

- Major barrier for OWI Court Participants
  - As a result of having their license suspended or revoked, if only for a short time, every participant in a DWI court will face some transportation problems.
- Courthouse, treatment location, probation office, random drug testing facility centrally located in county and are close proximity to one another
- WCOOC offers assistance to obtain occupational licenses
  - WCOOC curriculum satisfies DOT treatment requirements
  - WCOOC monitors compliance with IID requirements
  - WCOOC participants receive mandatory minimums for license revocation and IID requirements

## **ADDRESS TRANSPORTATION ISSUES WALWORTH COUNTY**

- Drug tests can be administered at participants home
- Encourage and incentivize carpooling and ride sharing
- If a participant receives another OWI offense in the program, they are terminated from the program
- Swift and serious sanctions issued for driving without a license

## **GUIDING PRINCIPLE #9: EVALUATE THE PROGRAM**

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

## EVALUATE THE PROGRAM WALWORTH COUNTY

- Dr. Paul Gregory, Associate Professor at UW-Whitewater responsible for all data collection, analysis, and process/outcome evaluations
- 4 year process evaluation will be completed in Spring of 2016. 10/2011-10/2015

## DWI/OWI COURTS

- There are over two million drivers with three or more Driving While Impaired (DWI) convictions in the United States.
- Every year more than half of the alcohol-impaired fatalities involve a driver with a BAC (Blood Alcohol Content) of .15 or higher.
- These individuals, repeat DWI offenders and/or those with a high BAC, are known as hardcore DWI offenders.

### DWI/OWI COURTS

- Most first-time DWI offenders do not repeat the crime: they learn from the consequences of their arrest and decide not to reoffend.
- One-third of DWI offenders reoffend, which means they are either unwilling or unable to change their dangerous behavior.
- This type of serious offender causes undeniable negative community impacts.

### DWI/OWI COURTS

- DWI Courts are the most effective intervention for breaking this cycle.
- DWI Courts permanently change the behavior of hardcore DWI offenders, following the highly successful Drug Court model.
- DWI Courts blend accountability and long-term treatment to address the root cause of repeat and high BAC drunk-driving: alcohol and other drug dependency.

## FACTS ABOUT DWI COURTS

- In a Michigan study of three DWI Courts, DWI Court offenders were up to 19 times less likely to re-offend, compared to traditional court
- In a Georgia study of three DWI Courts, participants who had graduated have a 9% recidivism rate versus 35% for traditional courts.
  - In the same study, it was estimated that DWI Courts results in between 47-112 fewer DWI arrests for those jurisdictions.
- In a DUI Court-Meta-Analysis DUI Court had a 37% recidivism rate, while the base rate was 50%

## GUIDING PRINCIPLE #10: ENSURE A SUSTAINABLE PROGRAM

- The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding.
- Becoming an integral and proven approach to the DWI problem in the community however is the ultimate key to sustainability.

## **ENSURE A SUSTAINABLE PROGRAM WALWORTH COUNTY**

- Creating a proven approach to the DWI problem in Walworth County
  - Monthly status reports to the CJCC
  - Frequent media attention
  - Interest of County Board and County Administrator
    - County support through the development of the OWI Court Clinician and the Treatment Court Coordinator full-time positions
- Strict adherence to evidence-based and best practices is most cost-effective and produces most ideal outcomes.
- Cross-utilization of funding through DOC, HHS, grant awards, and county funding.