

**A MODEL
DRIVING WHILE INTOXICATED
DIVERT COURT**

**Institute for Court Management
Court Executive Development Program
Phase III Project
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TABLE OF CONTENTS

| | |
|------------------------------------|-------|
| Acknowledgments..... | 2 |
| Table of Contents..... | 3 |
| List of Illustrations..... | 4 |
| Abstract..... | 5 -7 |
| Introduction..... | 8-10 |
| Review or Relevant Literature..... | 11-26 |
| A Model DWI Divert Court..... | 27-48 |
| Conclusion..... | 49-50 |
| Evaluation of Program..... | 51-56 |
| Executive Summary..... | 57-59 |
| Bibliography..... | 60-61 |

LIST OF ILLUSTRATIONS

| | | |
|----------------------|---|------------|
| Graph 1.1 | Estimated Number of DWI Arrest on the Decline..... | Page 22 |
| Graph 1.2 | Estimated Number of DWI Arrest in States with a legal BAC limit of 0.08 in 1997..... | Page 23 |
| Evaluation Form..... | | Page 54-56 |

ABSTRACT

The objective of this project is to evaluate the need for an alternative means for reducing the number of repeat Driving While Intoxicated offenders. The primary goal of the project is to propose an alternative sentencing option to reduce recidivism rates in Dallas County, Texas. Relevant data on the recidivism rates in Dallas County and similar states where the Blood Alcohol Content or BAC has been reduced from 0.10 to 0.08 will be presented and compared. Evaluation of programs and analysis of relevant statistics in this paper are to provide a comparison for future efforts to improve our system.

This paper will propose a new sentencing model whose goal is to reduce recidivism and reduce the number of probation revocations among Driving While Intoxicated offenders. The number of arrests for Driving While Intoxicated has been on a steady decline in every state due to the increase in the legal age to purchase and drink alcohol. (See graph 1.1, Bureau of Justice Statistics). However, in most of the states where the BAC was reduced to 0.08 the number of arrest increased. This paper purposes an alternative model for first time Driving While Intoxicated offenders who are identified as having an ongoing alcohol abuse problem.

Probation reporting, fines, court costs, community service, DWI school and Victim Impact Programs serve their purposes for the large part of first time offenders. According to Dallas County Probation records 60% of all Driving While Intoxicated probationers have some type of violation while on probation. Historically, first time offenders with alcohol abuse problems are not identified and slip through the cracks of the justice system. Consequently, they are more likely to repeat this same behavior, at the same time putting themselves and the public at risk.

The application of the Drug Court Program as to Driving While Intoxicated could better serve the offender and the public. Not all probationers that are unsuccessful while on probation have a drinking problem. At the same time realizing that the probationers which are truly in need of an alternative program are not being recognized and effectively treated to aid in the reduction of recidivism in Dallas County Criminal Courts.

The program outlined in this paper is specifically for the first time offender. Of the programs that exist today, none relate to Driving While Intoxicated first time offenders.

INTRODUCTION

The Dallas County Criminal Courts have statutory authority over all A and B misdemeanors filed in Dallas County. There are thirteen (13) County Criminal Courts, one is devoted entirely to family violence cases. County Criminal Court of Appeals # 1, has been an appeals court taking only Class C misdemeanors from the city courts until this past September 1999, and it is now taking filings on a limited basis of A and B misdemeanors. September 1, 1999 was also the first day of our newly established County Criminal Court #11 which is taking 25 % of all the family violence cases filed in Dallas County and 75% of their existing docket is made up of A and B misdemeanors.

The new Driving While Intoxicated (DWI) laws adopted September 1, 1999, in Texas have caused some concerns about caseload management issues. Lowering of Blood Alcohol Content, (BAC) from 0.10 to 0.08 could backlog our system in Dallas County. (See graph 1.2 Bureau of Justice Statistics). Backlog could exist in the number of cases filed, the number of cases set for trials and pleas plus the added number of offenders placed on probation. Looking toward the future leads to the justification of a DWI diversion court.

The challenges of establishing a DWI Diversion Court present many obstacles. Some of these obstacles are outlined in the “National Drug Court Institute DUI/Drug Courts: Defining a National Strategy”:

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| Education. | There is little information and few educational resources available to the courts. |
| Recruitment. | Sitting on the bench of any DWI court, is not perceived by many Judges or the public as a prestigious position or a career builder. |

Soft on Crime Perception. Educating the public that the courts are trying to concentrate on rehabilitation rather than just penalties. Need for a National Strategy. Strategies must be formulated to guide efforts to establish and institutionalize DWI/Drug Courts and convince the public that the model can work for DWI offenders.

The legislature has strengthened the laws regarding repeat Driving While Intoxicated offenses, including mandatory jail time. Today, judges are searching for methods of case management and alternative sentencing models which will reduce the number of repeat offenders coming before their courts.

According to the Dallas County Probation Department 6,211 DWI offenders were placed on probation in 1997. Of those probationers, 1,431 failed to complete their probation goals, were revoked and placed in jail. In 1998, 5,674 DWI offenders were placed on probation and 1,186 were revoked. According to the Dallas County Criminal Court Annual Term Report for 1999, 6,469 DWI offenders were found guilty and were placed on probation or served jail time for their offense. During that same period of time, 3,166 had their probation revoked.

REVIEW OF RELEVANT LITERATURE

The goal of this program is to treat the offender in a way that the recidivism rate is actually reduced. Many people view Diversion Courts as a “soft on crime” effort. According to The National Drug Court Institute, some of the public view treatment as a reward for bad behavior. The DWI Divert Court will make the offender accountable for his or her own actions, through early intervention, monitoring and treatment.

The National Institutes of Health Guide: “Effectiveness of Strategies for Preventing DWI Recidivism,” has stated that the total number of DWI offenses has been decreasing, but DWI remains a major alcohol-related problem in the United States and is the leading cause of death for persons between the ages of 1 and 24. The National Institute of Health Guide also illustrates the problem with the following data:

“Of the 41,967 persons killed in traffic crashes in 1997, 16,189 (39percent) died in alcohol-related crashes. This translates into one alcohol-related death every 32 minutes during 1997.

An additional 327,000 persons (about 10 percent of all those injured in crashes) received their injuries in alcohol-related crashes.

At some point in their lives, three in every 10 Americans will be involved in an alcohol-related crash.

About 1.5 million people were arrested in 1996 for driving under the influence (DUI) or driving while intoxicated (DWI).

Approximately one-third of drivers arrested or convicted of DWI nationally each year are repeat offenders.”

DWI 1st offense arrests have gone down since 1990 according to the Bureau of Justice Statistics.(See Graph 1.1). These reductions have been in part from the changes in legislation, such as increasing the legal minimum drinking age to 21 by all states. Other legislation includes

implementing administrative license revocation and increasing the severity of punishments. However, in several states where the BAC level was reduced to .08 the number of arrests are on the rise. (See Graph 1.2, Bureau of Justice Statistics).

Article 49.01 of the Texas Penal Code defines intoxicated as not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or having an alcohol concentration of 0.08 or more. Alcohol concentration means the number of grams of alcohol per: 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine.

The range of punishment for a DWI, first offense in Texas, is found in the Texas Penal Code. Below is a list of punishment, collateral consequences, special conditions of bail, diversionary programs, community supervision and other provisions of the Texas Penal Code, and Texas Code of Criminal Procedures which deals with 1st offense DWI.

Driving While Intoxicated

Offense Location:

Section 49.04, Penal Code

Punishment:

First Offense, sec. 49.04(a): A fine not to exceed \$2,000; confinement in jail for a term of not less than 72 hours and not to exceed 180 days; or both such fine and confinement.

Open Container, sec. 4904(c): A fine not to exceed \$2,000, confinement in jail for a term of not less than 6 days and not to exceed 180 days; of both such fine and confinement.

Non-Applicable; Community Service, art. 42.03G (a), C.C.P: Confinement cannot be discharged by performing community service.

Community Supervision art. 42.12, sec. 13, C.C.P: A defendant may be placed on community supervision for this offense. (See below).

All convictions for driving while intoxicated are considered to be “final convictions” regardless of whether the defendant is placed on community supervision (see sec. 49.09(d), Pen. Code).

Collateral Consequences:

Driver’s License Suspension, Adult Over 21, Alcohol, sec 521.371, 521.372(a) (2), Transportation Code: Automatic suspension on conviction for not more than 180 days.

Driver’s License Suspension, Adult Over 21 Drug, sec.521.344(a)(2)(A). Trans. Code: Automatic suspension on conviction for not less than 30 days or more than 1 year.

Driver’s License Suspension, Minor Under 21 On Date of Offense, Alcohol or Drug. Sec 521.342(b). Trans. Code: Automatic suspension on conviction for not more than 1 year.

Restitution Judgement, art. 42.037(a). C.C.P: The judge may enter an order of restitution for personal or property damage suffered by a victim of the offense. The order may be conformed as a condition of community supervision [see subsection (h)] or by civil suit [see subsection {m}].

Reimbursement for Emergency Response, art. 102.018(c)(1), C.C.P: In addition to costs for administration of the breath test and visual recording of offenders after arrest in counties of 25,000 or more, on proper proof, the judge can order reimbursement to an agency for the seasonable expense associated with an accident response.

Reimbursement For Expenses of Confinement:, art. 42.038, C.C.P: A defendant may be ordered to pay \$25 per day for each day of confinement served while discharging a sentence. This provision does not apply to confinement served as a condition of community supervision.

Special Conditions of Bail:

Ignition Interlock, art. 17.441(a)(1) and (a)(2), C.C. P: A judge may order installation of an ignition interlock on the defendant's vehicle or the vehicle most regularly driven by the defendant; and not operate any motor vehicle unless the vehicle is equipped with the device.

Diversionsary Programs:

Pretrial Interventions, art. 76.011, Gov't Code: The judge, with consent of the prosecutor, may permit a defendant to complete a program designed to supervise and rehabilitate an offender without the entry of a plea of guilty or nolo contendere. The duration of the program is limited to one year and actual program costs may not exceed \$500.00 [see art. 102.012, C.C.P].

Alternative Sentencing: A judge may actually replace confinement and a fine with commitment for care and treatment under Section 462.081, Health & Safety Code.

Community Supervision:

Eligibility: A defendant charged with driving while intoxicated is not eligible for deferred adjudication community supervision [see art. 42.12, sec. 5(d), C.C.P.].

A jury, on motion of the defendant, may recommend regular community supervision The judge is required to follow that recommendation [see art. 42.12, sec 4(a), C.C.P.].

A judge has the discretion to place a defendant on community supervision on his or her own motion, or that of the defendant.

A judge may place a defendant on community supervision without the defendant's consent or request [see Speth v. State, (No. 0425-98, Tex. Crim.App. 12-1-99) (concurring opinion by Judge Wommack that community supervision is not contractual but may be imposed on a defendant who does not wish it. Citing Roberson v. State, 852 S.W.2d 508, 512 (Tex. Crim. App. 1993).

The offender may be placed on community supervision for an initial term not to exceed two years, however, this period may be increased by up to one year to a maximum of three years [see sec. 22(c)].

A defendant may not be “early terminated” from the initial term of a supervision {see sec. 20(b)}.

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In addition to the statutorily prescribed conditions of community supervision found in subsection 11, certain other conditions may be uniquely applicable to the DWI offender.

1. Misdemeanor “shock probation” [sec. 7];
2. Community service of not less than 24 or more than 100 hours [sec. 16(b)(6)].

DWI offenders are subjected to the following specific conditions:

1. Requiring the offender to pay all or part of the cost of a court-ordered alcohol/drug dependence program [subsection 13(d)];
2. Attend a T.C.A.D.A .certified alcohol education program or lose driving privileges [subsection 13(f)];
3. Installation of an ignition interlock device on the defendant’s vehicle or the vehicle most regularly driven by the defendant [subsection 13(i)];

Other Provisions:

In addition to community supervision, other provisions of Chapter 42, code of criminal procedure also may be useful as tools in a specialized DWI program. These include:

1. Confinement during off work hours [art. 42.033];
2. County Jail Work Release [art. 42.034];
3. Electronic Monitoring and House Arrest [art/ 42.035].

Texas DWI Education Program: Sec 521.245 of the Texas Transportation Code requires persons convicted of first offense DWI and receiving probation, to attend and successfully

complete and educational program certified by the Texas Commission on Alcohol and Drug Abuse. Failure to complete the program within 180 days (unless an extension was granted) from the date probation was granted will result in the offender's license being revoked. The license cannot be reinstated until the educational program is completed. The standardized program is 12 hours in length and is designed to help DWI offenders increase their knowledge about alcohol and drugs as these substances relate to driving skills, to identify their own individual drinking/drug and traffic safety problems, Texas laws relating to DWI, effects of alcohol/drugs on humans, alcohol/drugs and driving task abilities, chemical dependency, symptoms of dependence, sources of assistance, costs of DWI, and decision-making. This program is usually taken in four day - three hour sessions. The program is responsible for submitting a completion letter with recommendations or continued care.

According to the Bureau of Justice Statistics, in 1996 police made 1,467,300 DWI arrests nationally. That calculates to one for every 122 licensed drivers. That number is down considerable from an all-time high reached in 1983, when 1,921,100 DWI arrests were made (one for every 80 licensed drivers).

The Bureau of Justice, special Report, June 1999, the number of arrests between 1990 and 1997 for driving under the influence of alcohol or drugs decreased 18%, but the number of licensed drivers increased nearly 15%. DWI offenders account for nearly 14% of probationers, 7% of jail inmates, and 2% of State prisoners. The largest number of DWI offenders under correctional supervision (89%) were on probation; the remaining 11% were in jail, 8% in county jails and 3% in prison.

One third of DWI offenders on probation, compared to about two-thirds in jail, reported prior DWI sentences. Of DWI offenders, 34% in jail and 8% on probation reported three or more prior DWI offenses.

Of DWI offenders, about 37% on probation and nearly 47% in jail exhibited indicators of past alcohol dependence. Over one-half of DWI offenders in jail (66%) are on probation and 55% reported a domestic dispute while under the influence of alcohol.

The National Highway Traffic Safety Administration defines the DWI problem with the following statistics.

- * One alcohol related traffic fatality is estimated to cost society \$797,000.
- * Each alcohol related injury averages in cost \$19,200.
- * In 1994, alcohol related traffic crashes were estimated to cost our nation over 445 billion dollars.

The Texas Office of Court Administration provide the following statistics for DWI's filed September 1, 1997 through August 31, 1998. The number of misdemeanor cases are representative of both DWI 1st and DWI 2nd. The felony numbers represent the offenders with 2 or more convictions.

| | |
|--|---------|
| <u>Misdemeanor DWI Cases Pending</u> | 104,231 |
| New DWI Cases Added | 99,362 |
| Convictions | 98,414 |
| <u>Felony DWI Cases Pending</u> | 10,392 |
| New DWI 3 rd and Subsequent Added | 12,281 |
| Convictions | 12, 120 |

| | |
|---|---------|
| <u>Total of All DWI Pending in Texas</u> | 114,623 |
| Total DWI Cases Added | 111,643 |
| Total DWI Convictions | 110,534 |
| Total of DWI 2 nd and Subsequent Cases | 45,197 |

The Texas Department of Public Safety reported the number of parolees release in 1997 with DWI offenses and the number of license suspensions for 1998.

| | |
|--|--------|
| 1997 Parolees Release with DWI Offenses: | 830 |
| 1998 License Suspensions: | 31,103 |

Alcohol plays a significant role in offenses committed other than DWI's. The Bureau of Justice Statistics released statistics of the use of alcohol at the time of offense committed by defendants on probation as 40% and jail inmates as 60%.

In 1998, practitioners from seven jurisdictions in four states formed a DUI / Drug Court Advisory Panel to consider application of drug court - type programs in the DUI arena, to weigh the costs and benefits of wide-scale implementation of DUI courts (of DUI/Drug Court combinations), and to lay a foundation for constructing a viable National DUI / Drug Court Strategy. Each jurisdiction represented on the panel is already applying the drug court model in some form to DUI cases, and achieving promising outcomes.

Maricopa County (Phoenix), Arizona operates a federally funded court that applies drug court principles but focuses solely on DUI cases.

Dona Ana County (Las Cruces and Mesilla), New Mexico has established three "DWI drug courts" to hear both DUI and more traditional drug court cases; the majority of defendants are charged with DUI offenses.

The Bernalillo County, New Mexico DWI drug court also works primarily with DUI offenders; 101 of 118 offenders accepted into the program since it began operating in July

1997 were DUI cases.

Bakersfield, California operates a drug court that has broadened its purview to include DUI cases.

Payne County (Stillwater), Oklahoma does the same in both its adult and juvenile drug courts.

Hancock County, Indiana Superior Court remands all DUIs, all alcohol offenses, and most drug cases to the same courtroom. It applies drug court-like principles to DUI cases, but clearly disassociates its DUI and drug programs.

Butte County, California also applies drug court principles to DUI cases heard in Superior Court. Depending upon need, offenders can be assigned to any of a number of different treatment regimens, including an innovative Naltrexone drug treatment program that has been in place since 1996.

The DUI / Drug Court Advisory Panel met in November 1998 in Washington, D. C., at the invitation of the National Drug Court Institute (NDCI), in partnership with the American Council on Alcoholism, the National Commission Against Drunk Driving, the National Sheriffs Association, the Drug Courts Program Office of the U.S. Department of Justice, and the National Association of Drug Court Professionals. For two days, the panelists participated in a series of concentrated exercises designed to draw comparisons between DUI and traditional drug court cases and build a National DUI/Drug Court Strategy. Together, they considered a wide variety of issues and challenges. Among them, the state of the practice in each area, offender characteristics and treatment needs, public and judicial perceptions, legally mandated incarceration, and the impact of treatment-based programs on public safety and community economics.

As a framework on which to build their discussions, the DUI / Drug Court Advisory

Panel formulated a working “mission” for the nation’s DUI / Drug Courts. The mission, which was formed by consensus, is “to make offenders accountable for their actions, bringing about a behavioral change that ends DUI recidivism, stops the abuse of alcohol, and protects the public; to treat the victims of DUI offenders in a fair and just way; and to educate the public as to the benefits of DUI courts for the communities they serve”.

The missions of a DUI court, a drug court, or a court that hears both DUI and drug cases are nearly interchangeable. Offender accountability is the key in every case, as are the goals to change offender behavior, eliminate substance abuse, end recidivism, and treat victims with fairness and sensitivity.

There is a major distinction between drug offenders and DUI offenders. Drug courts must strive to give drug offenders the means to become productive members of society. DUI offenders, on the other hand, are often productive in spite of their alcohol abuse. They already have jobs, families, and homes, and the goal becomes more one of providing the tools they need to keep what they have.

Because alcohol is legal, DUI offenders sometimes have a problem seeing themselves as an addict or abusive. DUI offenders are often in a state of denial about their substance abuse. Therefore, one of the goals of the program is to provide meaningful education. A number of key components have been identified. Treatment is a critical factor in reducing recidivism for alcohol abusers. Timely admission for the DUI offender into the DUI Court can sometimes be a problem because of paperwork, delays in filing the case, and knowledge of the programs.

All court officers must work together for the good of the offender. The judge, prosecutor,

defense attorney, probation officer must be trained to recognize the importance of a DUI court and the importance of not delaying admission to the program. Delaying admission to the program also delays treatment.

DUI offenders may find it difficult to get to the treatment sites, to the court, or to rehabilitation services due to the loss of driving privileges. Article 724.035 of the Texas Penal Code suspends a drivers license for up to 90 days if the person is 21 years of age or older for refusing to take a breath test. If the person is younger than 21 years of age the license suspension is 120 days.

Graph 1.1

Estimated Number of DWI Arrests on the Decline

| | 1997 | 1994 | 1991 |
|----------------|-------------|-------------|-------------|
| Colorado | 23,500 | 30,900 | 38,900 |
| Indiana | 26,700 | 29,200 | 33,700 |
| Louisiana | 17,300 | 19,500 | 19,600 |
| Ohio | 44,500 | 47,100 | 53,000 |
| Oklahoma | 20,400 | 23,000 | 24,000 |
| South Carolina | 14,500 | 17,300 | 23,100 |
| Texas | 84,300 | 102,800 | 112,600 |

| | | | |
|-----------|--------|--------|--------|
| Wisconsin | 33,200 | 35,300 | 35,200 |
| Wyoming | 4,300 | 4,800 | 5,600 |

Graph 1.2

Estimated Number of DWI Arrests In States with a Legal BAC Limit of .08 in 1997

| | 1997 | 1994 | 1991 |
|----------------|-------------|-------------|-------------|
| Alabama | 21,600 | 19,800 | 24,000 |
| California | 193,400 | 207,000 | 311,200 |
| Hawaii | 5,300 | 4,300 | 7,900 |
| Idaho | 10,400 | 10,400 | 9,500 |
| Maine | 7,600 | 7,100 | 9,900 |
| North Carolina | 67,600 | 30,800 | 29,300 |

- * Over 80% of all first offenders are problem drinkers or alcoholics
- * An offender spends about \$16.00 per day on alcohol
- * Majority of DWI arrested individuals are heavy smokers
- * The average Breath Alcohol Content for a DWI offender at time of arrest is 0.17
- * White males, ages 40-42, 12th grade education, and fully employed
- * Body weight for male 180 lbs, 2 hr period, 5 drinks = .11
(Drinks defined as 1 ½ ozs. 80 proof liquor, 12 ozs. 5 ozs. wine)
- * The breakdown by occupation of DWI offenders:
 - 35% Blue-collar
 - 13% Managers
 - 43% Professionals
 - 06% Self-employed
 - 02% Students

Smart Start has found that Ignition interlocks, when combined with appropriate treatment and monitoring programs, have reduced re-arrests for DWI offenders to under 1% in most jurisdictions with active interlock programs. Assessment of the offender before sentencing, combined with an interlock, a program for monitoring, and a follow-up treatment program is the best way to reduce the recidivism in DWI cases.

A quote from Judge Albert L. Kramer, in an article that appeared in *Traffic Safety Magazine*, stated as follows: “ we are failing to alter the destructive behavior of the hundreds of thousands of drunk drivers who come before us each year ... these offenders will continue their flagrant misconduct, driving drunk hundreds upon hundreds of times before we get a chance to catch them again... we must employ sentencing strategies that compel them to abstain from

drinking ...when it comes to alcoholism and drunk driving, judges and probation officers are sincere, but too many are lenient through misguided compassion, or perhaps misunderstanding.”

The Center for Substance Abuse Treatment (CSAT), September 1999, in an article, "Treatment Demand Exceeds Availability" cited that the people who need treatment are unable to receive it. One study found that 47% of men and 41% of women in need of treatment for illicit drug abuse are not treated, and that while men, the poor, and the criminally-involved are more likely to need treatment, they do not receive it at significantly higher rates than other population groups. Persons needing treatment for alcohol abuse of alcoholism are less likely to receive treatment than a person suffering from drug abuse or dependence, as shown by Arizona: 8% of those needing alcohol treatment received it, compared with 30% for those needing drug treatment. New Jersey reported similar findings: 26% received alcohol treatment compared with 74% for marijuana, 88% for cocaine, and 94% for stimulants.

To enhance program effectiveness, the need for early intervention is an area all courts need to take into consideration. The proposed Driving While Intoxicated Divert Court beginning with the eligibility standards and the phases that are necessary to successfully reach graduation are outlined in the following pages.

A MODEL FOR DRIVING WHILE INTOXICATED DIVERT COURT

A MODEL FOR A DRIVING WHILE INTOXICATED DIVERSION COURT

Eligibility Standards

Standard:

A. Meet the eligibility criteria adopted by the Judiciary of Dallas County for pre-trial release, including participants bonded from jail prior to a pre-trial services interview and individuals bonded from surrounding counties.

2. The offender will hold a full time job, forty hour work week.

3. Is charged with Driving While Intoxicated 1st offense.
4. The offender has no holds from other jurisdictions for an offense greater than a Class C misdemeanor and is otherwise eligible for Pre-Trial Release Bond, and, therefore, is available for counseling.
5. The offender has no other misdemeanor or felony offenses pending.
6. The offender has no history of a violent offense.
7. The offender has no prior misdemeanor or felony convictions.
8. The offender is evaluated and/or admits to having an alcohol abuse problem.
1. Final determination on the admission of an offender to the DIVERT Program will be made by the a panel consisting of: the district attorney, alcohol abuse counselor, and Judge.

PARTICIPANT HANDBOOK

Introduction

The DWI DIVERT Court Program has been developed to help you achieve sobriety and total abstinence from alcohol. The program is designed to reduce your chances of recidivism.

As a participant in this program you will become aware of yourself and your community. Your self-esteem and ability to actively participate with family, friends, and co-workers will increase.

The program is voluntary and is your personal choice. The Judge, the court staff, and your

alcohol counselor are present to guide and assist you, but the final responsibility is yours. You must be motivated to make these changes and commit to a life free of alcohol.

The program involves working with the court, treatment, and supervision teams, all dedicated to your recovery for a minimum of one year. **Your charge is not prosecuted in exchange for compliance with the conditions of the program and successful graduation.**

It is important that you understand the long-term commitment involved in this program. You will be involved with Alcoholics Anonymous, attend office visits as scheduled by your alcohol counselor, make regular court appearances for progress updates, and submit to random alcohol testing. Our team will be working with you toward successful completion of the program but the choice is yours to become alcohol free.

Program Description

The Dallas County DWI DIVERT Court Program is a court-supervised, comprehensive program for DWI defendants. This is a voluntary program which includes regular court appearances before a designated county criminal court judge.

Arrest

For individuals arrested and taken to Lew Sterrett Jail, or individuals arrested in surrounding cities.

Evaluation

If you meet the standard eligibility requirements, have an evaluation by a LCDC licenced counselor, obtain an attorney or public defender, are recommended into the program by the district attorney and judge - an appointment will be made for you to attend an orientation for DIVERT Court.

Court Appearance

Your first Court appearance as an observer provides you with an orientation to the program. If you choose to participate in the program and you are evaluated to be alcohol dependent, you will be instructed to appear in court the next available court session for intake into the program.

When you arrive at Court for your intake, your Attorney, or a Public Defender, will advise you of your choices and discuss the DIVERT Court Program with you. If you are accepted into the Program, your Attorney and/or Public Defender will continue to represent you

throughout your participation in DIVERT.

Treatment

Your alcohol counselor will coordinate your alcohol abuse treatment with the court. Most providers have a sliding fee scale based on your income, or treatment will be arranged through providers approved by your insurance company.

Graduation

Successful completion and “graduation” from the Program will result in having the charges dismissed. Failure or dismissal from the Program will result in the reinstatement of the original charges and prosecution.

Following your one year anniversary date, you will be eligible for graduation. Eligibility is determined by the judge, the court team, and your alcohol counselor. You will be required to submit a written long-term sobriety plan outlining your future plans for leading an alcohol-free life. Your plan will be reviewed by the court team prior to graduation. You will be required to participate in a review to support your plan. Reviews are conducted by the court team prior to graduation.

At the time of graduation you will enter a six month mentoring program to continue your support and give back to your community as a form of community service. You will be assigned a new offender to help through the DWI DIVERT Program.

Court Supervision

Progress Reports

As a DIVERT Court Program participant, you will be required to appear in Court on a regular basis. At each appearance, the Judge will be given a progress report prepared by your alcohol counselor regarding your alcohol test results, attendance and participation at a Alcohol Anonymous, attendance as recommended to any community-based treatment facilities. The judge may ask you and/or your alcohol counselor questions about your progress, and discuss any specific problems you have been experiencing.

If you are complying with or meeting program goals, you will be encouraged to continue with the Program and work with your alcohol counselor toward success. If you are not complying with or meeting your program goals, the Judge will discuss this with you and your alcohol counselor to determine further action. The goal of the DWI DIVERT Court is to help you achieve total abstinence from alcohol; however, a positive alcohol test does not automatically disqualify you. The Judge may order increased testing, counseling, meeting attendance, residential treatment or intensive outpatient treatment in the community.

Failure to Appear

Failure to appear in Court on the date and time you are scheduled may result in a warrant being issued for your arrest, unless you have prior permission from your alcohol counselor or a member of the court staff. If you cannot appear in Court as scheduled, you must notify the alcohol counselor or court staff as soon as possible to explain why you cannot appear. If you have any questions regarding your court appearances, you may contact the court staff directly at (phone number) or your alcohol counselor at their number.

Termination from the Program

Warrants and/or new arrests could result in your being terminated from the DWI DIVERT Court Program and the prosecution of your pending charge. Other violations which could result in termination include consistently missing alcohol tests, demonstrating a lack of program response by failing to cooperate with the treatment program and violence or threats of violence directed at treatment staff of other participants. All decisions regarding termination from the program will be made by the DWI DIVERT Court Judge with agreement of the District Attorney.

Withdrawal from the Program

You will have several opportunities to withdraw from the program: the pre-trial level, the evaluation level; or following your first court date. In addition, if you request participation and then decide later to withdraw, you may exercise the 10-day withdrawal option. If you choose to opt-out of the program, your case will proceed by affidavit and information to county criminal court for prosecution.

Program Rules

As a DWI DIVERT Court participant, you will be required to abide by the following rules:

1. Attend all ordered sessions .

This includes individual and group counseling, educational sessions, and AA meetings. If you are unable to attend a scheduled session, you must contact your alcohol counselor as soon as possible.

2. Be on time.

If you are late, you may not be allowed to attend and will be considered

non-compliant. Contact your alcohol counselor or court staff if there is a possibility you may be late.

3. **Do not make threats toward other participants or staff or behave in a violent or disrespectful manner.**
Disrespect, violence, or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the DWI DIVERT Court Program.
4. Do not bring any alcohol, drugs or weapons onto any of the community- based treatment facility grounds or into the facility or court.
5. Dress appropriately for Court and treatment sessions.
As a participant, you will be expected to wear a shirt or blouse, pants, dress, or skirt of reasonable length. Shoes must be worn at all times. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses are not to be worn inside the Court or at the treatment facility unless medically approved. Speak with your alcohol counselor if you need assistance with clothing.

Total Cost

As a participant, you agree to pay program cost which are based upon your reasonable ability to pay. These court cost will be determined by the DWI DIVERT Court Judge, in an amount not to exceed \$500.00, after fully considering your financial status.

The cost will be set in Court and payments shall be made directly to your alcohol counselor. Payment records will be reported to the Judge as part of your regular progress report. Inability/failure to pay will not automatically result in termination from the program. You may be required to participate in a community service program for a specific number of hours if you are unable to make monetary payments. This will be subject to the review and order of the DIVERT Judge.

Treatment Procedures

Following your acceptance into the DWI DIVERT Court Program, you will be instructed to report to your alcohol counselor. Your alcohol counselor will help you develop a treatment plan, instruct you on the requirements of urinalysis testing, refer and instruct you on 12-step meetings in the community.

Treatment Plans

An “initial” treatment plan will be developed by you and your alcohol counselor following an overall assessment of your problems and needs. The plan will act as a guide through Phase I. This plan will help you set goals, select methods for meeting those goals, and develop target dates for achieving those goals. The plan will be kept in your treatment file for regular review and necessary updates as you progress through the Program. Any revision to the plan will be made and signed by you and your alcohol counselor.

Field and Home Visits

Your alcohol counselor will make random field and home visits to assess and observe the participant’s home and/or work environment. Random urinalysis testing may be conducted during home visits.

Urinalysis Testing

You will be tested throughout the entire treatment process. As you progress through the program, testing could be required on a random, less frequent basis. The DWI DIVERT Judge

will have access to all alcohol test results, including any failures to test, and may order an alcohol test at any time. The Judge will be reviewing your overall performance in the program.

Counseling

Alcohol abuse counseling is comprised of three separate formats: individual, supportive group sessions, and educational workshops. As part of your treatment plan, you will be required to participate in all three types of counseling. Together they are designed to develop self-awareness, realize self-worth, and practice self-discipline. The individual and group counseling sessions will include problem identification and alternative solutions. The educational component will consist of films, lectures, and handout materials regarding various subjects such as the disease concept of alcohol abuse, relapse prevention, AIDS/HIV education and twelve step orientation, Your attendance at counseling sessions will be reported to the Judge as part of your progress report. You must contact your alcohol counselor if you are unable to attend or will be late to a scheduled session.

Twelve-Step Meetings

Attendance will be required at 12- step meetings such as Alcoholics Anonymous (AA). You will be required to submit attendance sheets to the judge and / or alcohol counselor. Frequent attendance is particularly important at the beginning of your recovery process to help familiarize you with the 12 - step philosophy and help you develop a level of trust to learn and create social bonds with other recovering alcohol abusers and addicts. Your alcohol counselor will provide you with information regarding the time and location of 12 - step meetings and will

also direct you to special interest and recovery events in the community.

Treatment Phases

The DWI DIVERT Court Program is a three-phase, highly structured, outpatient treatment program lasting one year which may vary depending upon your individual progress. Each phase consists of specified treatment objectives, therapeutic and rehabilitative activities and specific requirements for “graduation” into the next phase. The components and requirements for advancement from each phase are described below:

Phase I - Stabilization, Orientation, Assessment

(Goal: 2-8 weeks)

In Phase I you will be assigned a alcohol counselor who will provide an orientation / overview of the DWI DIVERT Court Program. Your problems and needs will be assessed and an initial treatment plan will be developed.

1. Individual and group counseling sessions. (4 per week or as instructed by your alcohol counselor).
2. Regular attendance at 12 - step meetings (3- 4 per week or as instructed by your alcohol counselor.
3. Urinalysis testing (as directed by your alcohol counselor).
4. Ignition interlock installed on car.
5. Continue to be employed and work a forty- hour work week.
6. Payment of DWI DIVERT court costs.
7. No violations in Phase I.

Criteria for advancement into Phase II includes ALL of the following:

- No positive urinalysis results for 30 consecutive days;
- No unexcused absences from scheduled services for 30 treatment days;

- Employed

Phase II - Intensive Treatment

(Goal: 12 to 16 weeks)

In Phase II an updated treatment plan will be developed by you and your alcohol counselor to identify your treatment goals and objectives. Counseling and meetings will focus on your problem areas and help you to identify ways of coping with stressful situations. Phase II requirements include:

1. Individual and group counseling (3 per week or as instructed by your alcohol counselor).
2. Urinalysis testing (as recommended by your alcohol counselor).
3. Ongoing review and updating of treatment / transition plans;
4. Continued attendance at 12 - step meetings (3 - 4 per week or as recommended by your alcohol counselor).
5. Completion of DWI school.
6. Payment of DWI DIVERT court costs.
7. No violations in Phase II

Criteria for advancement into Phase III includes ALL of the following:

- No positive alcohol tests for 90 consecutive days;
- No unexcused absences from a scheduled service for 60 days;
- Employed;
- Completion certificate from DWI school;
- No false starts or failure to starts on ignition interlock;

- Demonstrated adjustment to treatment as determined by the alcohol counselor.

Phase III - Transition Phase

(Goal: 12 to 16 weeks)

Phase II will address your ongoing recovery needs including maintaining total abstinence from all alcohol and drugs. The focus will be on daily living skills, the application of educational training, and consistent attendance in 12 - step meetings. This period is designed to support you in your return to the community as a productive and responsible member. Phase II requirements include:

1. Individual and group counseling (1 Group- 1 Individual every two weeks or as recommended by your alcohol counselor.
2. Urinalysis testing (as recommended by your alcohol counselor).
3. Continued attendance at 12 - step meetings (3 - 4 per week or as recommended by your alcohol counselor.
4. Attendance and completion of the Victim Impact Program.
5. Payment of the DWI DIVERT Court costs.
6. No Violations in Phase III.

Criteria for program graduation includes ALL of the following:

- No positive urinalysis results for 90 consecutive days;\
- No unexcused absences from scheduled services for treatment;
- Employed
- Payment in full of DWI DIVERT court costs.
- Fulfillment of treatment plan goals.

Sanctions

If you fail to comply with the Treatment Program, the following sanctions are available to the court. The DWI DIVERT Judge may, at his discretion, order one or more of the following:

- Admonishment by the court;
- Participant will explain to the group why he or she consumed alcohol and also present a plan of action to avoid usage;
- Participant will attend additional court reviews as an observer;
- Zero Tolerance Initiative will be implemented.
- Participant will be placed in jail (3-day weekend in custody).
- Participant will be placed in jail (length of time to be determined by the judge).

Zero Tolerance Initiative

The Zero Tolerance Initiative will be implemented following recommendations from the case manager regarding non-compliance. Zero Tolerance will remain in effect for at least 30 days, or until a request is made by the alcohol counselor to remove the provision and allow the regular program to be reinstated.

Zero Tolerance is the court's last attempt to get compliance prior to using jail and / or termination from the program.

Zero Tolerance consists of:

- No positive test for alcohol

- No missed counseling sessions or support meetings such as AA **or** similar meetings.
- No missed court appearances.
- Weekly progress reports from the alcohol counselor.
- Appearances before the court every week.

Incentives

The court applies appropriate incentives to match the participant's treatment progress. Compliance with program rules will result in praise from the judge, the court team, the alcohol counselor, and other court participants.

Graduation

Once you have successfully completed the criteria for each Phase (as described in the Treatment Phases Section), you will advance to the next level and eventually "graduate" from the Program. Advancement from each phase and graduation from the program shall be determined by the Judge. At transition from one phase to another and at final graduation your family will be invited to join you in Court as the Judge congratulates you on successfully completing the DWI DIVERT Court Program and achieving your goal to establish an alcohol- free life. After graduation for a period of time not to exceed six months, you will serve your community service requirements by mentoring a new offender into the DWI DIVERT Program. You will report to the Judge and probation officer in the court once a month with your new offender. This will aid in your continued success of the program.

Confidentiality

State licensing requires that your identity and privacy be protected. In response to these regulations, the DWI DIVERT Court Program has developed policies and procedures which guard your confidentiality. You will be asked to sign a statement releasing appropriate information to the DWI DIVERT Judge. An identification number will be assigned to you that will be used in all research and evaluation activities to safeguard your identity. Successful completion of the program will result in dismissal of the case against you. You may report on job applications that you have not been convicted of a misdemeanor offense; however, the report of this offense and your arrest record will not be expunged (erased), and may be used against you by the District Attorney if you are charged with a separate offense in the future.

Anything you say concerning your alcohol or drug usage while in the program cannot be used against you in a prosecution of this case, but your statements and information about your treatment may be forwarded to the Judge, your alcohol counselor, court staff, probation officer, your attorney, District Attorney, and the DWI DIVERT staff may be used to evaluate your compliance with the program.

Inmates who claim that they can “do jail time standing on their heads” do not relish the discipline of a tough treatment program that holds them accountable for their conduct every minute of the day. Treatment is far more difficult than incarceration, as it involves altering negative behavior. While some correctional facilities allow inmates to become tougher and meaner, treatment programs often work to expose an addicted offender’s vulnerabilities. Treatment consists of not only learning about and dealing with the addiction, but also changing

the behavior associated with the addiction. Treatment also deals with other issues addicts may not have confronted. For example, if an alcoholic was drinking at the time of the death of his or her spouse, the alcoholic may not actually have confronted the feelings of loss caused by the death.

Treatment aggressively forces offenders to become accountable and take responsibility for his or her actions. In the case of DWI offenders, in addition to criminal justice penalties, assessment and rigorous alcohol treatment should be mandated.

Frequent alcohol testing teaches accountability to offenders. It is within the offender's power to ensure that his or her urine is "clean" and to avoid punishment. Alcohol testing is also helpful for screening and compliance. Alcohol testing is not always reliable due to false negatives and the addict's savvy on how to beat the tests. Because of this it is very important to have trained alcohol counselor's and personnel to do regular assessments.

Detoxification alone is not treatment. Detoxification is the first phase in, and only a prerequisite to, the treatment phase. Alcoholics will not reach recovery without formal treatment after detoxification. In other words, an offender that receives jail time for a DWI has the potential to become a repeat offender upon his release from jail with time served.

Treatment programs, such as religious communities or psychiatric services (psychiatrists and psychologists) must be certified or recommended as an alcohol treatment program and must be certified or recommended by the single state authority of alcohol abuse to work with addicts in the criminal justice system. No program should be above scrutiny.

**DALLAS COUNTY
OUTPATIENT SUBSTANCE ABUSE PROGRAMS**

The New Place Inc. (214) 821-8212
4301 Bryan St., Suite 120 Fax (972) 821-9930
Dallas 75204
Mapsco: 46A
Hours: 8:30am-5pm
Access: Bilingual, DART, taped materials
How to Apply: Call for appointment.
Support: Sliding scale fees., insurance, TCADA, TDCJ

Nexus Recovery Center Inc. (214) 321-0153
8733 La Prada Fax (214) 321-3096
Dallas 75228
Mapsco: 39W
Hours: 8:30am-5:30pm, M-F
Access: Bilingual, DART, sign language interpreters.
How to Apply: Call for information
Support: Sliding scale fees, United Way, Texas Rehabilitation Commission,
Texas Commission on Alcohol and Drug Abuse, City of Dallas, contributions.

Oaklawn Community Services (214) 520-8108
4300 MacArthur Fax (2214) 528-9145
Dallas 75209
Mapsco: 34V
Hours: 9am-6pm, M-F; evening counseling hours available.
Access: Bilingual, DART, sign language interpreter.
How to Apply: Call for appointment.
Support: Sliding scale fees, grants, donations.

One Day At A Time Ministries (214) 275-7394
2702 S. Buckner Blvd. Fax (214) 275-7016
Dallas 75227 24 HR (214) 410-1606
Hours: 9am-9pm, M-F

Access: DART, sign language interpreters, taped materials.
How to Apply: Call or walk in for an appointment.
Support: Texas Dept of Criminal Justice, insurance, fees.

Our Brothers Keeper-Ndugu, Inc.

4200 S. Fitzhugh Ave (214) 421-7871
Dallas 75210 Fax (214) 565-0722

Mapsco: 46R

Hours: 7:30am-4pm, M-F

Access: DART, Agency Van.

How to Apply: Call 421-7817 for appointment: serves zip code 75210, 75215,
75216, 75224, 75232, 75233, 75237, 75241, 75208, 75206, 75228.

Support: Donations, TCADA

St. Joseph Adolescent Services

Catholic Charities (214) 946-4896
325 W. Pembroke Fax (214) 946-4826
Dallas 75208

Mapsco: 54G

Hours: 9am-8pm, M-F

How to Apply: Call during office hours to schedule assessment.

The Salvation Army Texas

Carr P. Collins Social Service Center 24 HR(214) 688-4494
Substance Abuse Services Fax (214) 688-5234

5302 Harry Hines Blvd

Dallas 75235

Mapsco: 34x

Hours: 24hours

How to Apply: Referral through Council on Alcohol and Drug Abuse,
Probation and Parole.

Access: Bilingual, DART

Support: United Way, contributions, government contracts.

Trinity Works(Formerly Trinity

Ministry to the Poor)

(214) 653-1711

134 Oaklawn Ave

Fax (214) 747-1507

Dallas 75207

Mapsco: 44H

Hours: 8am-5pm, M-F

Access: Bilingual, DART, sign language interpreters by appointment.

How to Apply: Call Intake Coordinator at ext. 300 for appointment.

Support: Individuals, foundations, religious organizations, and corporations.

Veterans Affairs, Department
North Texas Health Care System 24HR (214) 742-8387
Chemical Addiction Program Fax (214) 857-2045
4500 S. Lancaster
Dallas 75216
Mapsco: 46L
Hours: 8am-4pm, M-F
How to Apply: Contact Admissions Office at the Medical Center or call the
Program directly.
Support: Department of Veterans Affairs.

West Dallas Community Center, Inc.
8200 Brook River Dr, Suite N-704 (214) 630-6281
Dallas 75247 Fax (214) 634-3417
Mapsco: 33Q
Hours: 9am-5pm, M-F

Alcoholics Anonymous
Dallas Intergroup Association 24HR (972) 239-4599
Central Service Office
4300 Alpha Rd. #211
Dallas 75244
Mapsco: 14P
Hours: 9am-5pm, M-F: A.A. group hours vary.
Access: DART< brailled, large print and taped materials.
How to Apply: Call the office to locate the nearest group or contact any group.
In telephone directory (White Pages-Business Listings).
Support: Contributions from A.A. groups and members only.

Austin Street Shelter
2929 Hickory 24HR (214) 428-4242
Dallas 75226 Fax (214) 428-8158
Mail: PO Box 710729
Dallas 75371-0729
Mapsco: 46N
Hours: 4pm-6am, 7 days a week
Access: Bilingual, DART, readers, interpreters for the deaf.
How to Apply: Walk in 4pm-10pm; ask for Evening Supervisor.
Support: Private sector donations, foundations, churches.

Collin County MHMR Center

Administration

Metro (972) 562-0190

1416 N Church

McKinney 75069

Mapsco: 361F

Hours: 8am-5pm, M-F

Access: Multilingual; DART service to Plano office only.

How to Apply: Call, walk in or write. Appointments needed for non-crisis and Psychiatric services.

Support: Federal, State, County, sliding scale fees.

Daytop Village, Inc.

2345 Reagan St.

(214) 559-3770

Dallas 75219

Mapsco: 35S

Hours: 9am-5pm, M-F (Intake)

Access: Bilingual, DART, Sign Language interpreters.

How to Apply: Call and ask for Rueben Silverio.

Support: TCADA, sliding scale fees, scholarships.

Ethel Daniels Foundations Inc.

1900 N. Prairie

24HR (214) 823-9090

Dallas 75204

Fax (214) 823-6595

Mapsco: 36W

Hours: 8am-5pm, M-F

Access: DART

How to Apply: Call for an appointment.

Support: TDCJ, TDH, donations, sliding scale fees, Ryan White Care Act

Greater Dallas Council on Alcohol
and Drug Abuse

4525 Lemmon, Suite 30

(214) 522-8600

Dallas 75219

Fax (214) 521-7253

Mapsco: 35s

Metro (800) 246-4673

Hours: 8am-5pm, M-F

Access: Bilingual, DART, Handicapped, Service delivery sites in central Dallas, Oak Cliff, Garland, Irving, Denton, Plano

How to Apply: Call

Support: United Way, State grants, foundations, donations, and service fees.

Help Is Possible

723 Peak

(214) 8276965

Dallas 75233

Fax (214) 823-5866

Mapsco: 46K

Admin Hours: 8am-5pm, M-F

Access: Bilingual, DART

How to Apply: Call for appointment.

Support: Federal, State, County, contributions, sliding scale fees.

The Miracle Network

1266 E. Ledbetter Dr

(214) 974-7709

Dallas 75216

Fax (214) 374-7754

Mapsco: 65L

Hours: 8am-8:30pm, M-F, 9am-5pm, Sat.

Access: DART, sign language interpreters.

How to Apply: call or walk in for appointment.

Support: Sliding scale fees.

The Reginald House

Center For Chemical Dependence

(214) 275-7003

445 Bruton Terrace Shopping Center

Fax (214) 275-4999

9009 Bruton Rd.

Dallas 75227

CONCLUSION

The programs goal is to help lower the number of arrest for Driving While Intoxicated offenses by early intervention. But more than that, it will help control the number of repeat offenders. The number of repeat offenders in Dallas County, as in most counties, has become a safety issue for all drivers. Potential problem alcohol abusers need to be treated when they are first presented to us and not waiting for multiple arrests to decide there is a problem. Thus, waiting for an accident or another death on our highways.

Research summarized in the Department of Transportation publication entitled, "Court Procedures of Identifying Problem Drinkers," Vol.2, June 1981, concludes that as many as 80% of all first-time offenders have serious alcohol involvement that leaves them at high risk to repeat their crimes. The same study by the Department of Transportation concluded that 78% of the DWI offenders interviewed were alcoholics, probable alcoholics, or pre-alcoholics.

These facts suggest that efforts to control the DWI problem must deal with alcoholism and alcohol-related problems, as well as with violations of the law. While traditional sanctions such as jails, fines, and driver's license suspension may be justified, they must be complemented by rehabilitative efforts to remedy the underlying drinking problem.

The DWI DIVERT Program is specifically geared to deal with the DWI offender that has the potential to repeat his behavior as a law offender and as a problem drinker. The program is comprehensive with evaluations and intervention programs that work simultaneously with the offender, courts and probation officer/alcohol counselor so, that both the needs of the offender

and of society will be met.

EVALUATION OF PROGRAM

The mission of the DWI Divert Court Program is to return sober, law-abiding citizens to the community and to close the “revolving door” to the criminal justice system. An outcome evaluation will be conducted to identify the strengths and weaknesses of the DWI Divert Program during the first six months of its existence. The evaluation focuses on three aspects:

Retention of Participants in the program

Reduction in levels of alcohol usage

Successful graduation by participants from each phase of the program within reasonable time standards

Studies have shown that drug usage by participants in drug court programs is substantially reduced and significantly lower than that reported for non-drug court defendants. (Looking at a Decade of Drug Courts, American University, June, 1998). It is naive to assume that substance abusers will abstain from all alcohol immediately upon entering the program. The initial outcome is to reduce the level and frequency of alcohol use; the long-term expected outcome is total abstinence. To ensure that this outcome is achieved, each Divert participant must submit to alcohol testing (urinalysis) as directed by the alcohol counselor. The reduction of alcohol usage will be measured by determining the initial alcohol usage and comparing that number to the amount of positive urinalysis tests after one month of participation in the program. Initial alcohol usage amounts will be attained by self-reporting.

The evaluation will monitor the participants in the program. The number of offenders who applied to the DWI Divert Program, the number of offenders accepted, graduated, currently active, length of time in the program and the number terminated from the program. The numbers

will be further broken down by sex, gender, educational levels, and employment.

Monitoring and evaluation will continue with each successful graduate from the DWI DIVERT Program. Monitoring of each graduate will include medical issues and status, family issues and status, new arrests, evidence of relapse or danger of relapse, and compliance with or participation in other programs.

The DWI Divert Program should prove to reduce the cost to the criminal justice system. Reduction in costs will follow from reduced recidivism rates. The early costs that will be recognized include money saved by eliminating the cost for police officer overtime while testifying in court trials. Additional savings will also come for witness time from work and travel for trial settings. Juror fees and time will no longer be needed for these cases. If the cycle of recidivism is broken with the first time offenders, money will be saved in future arrests, grand jury indictments, and examining trials.

The DWI Divert Program is an alternative method for sentencing the first time Driving While Intoxicated offender. Based on the analysis and success of the data collected from the evaluation of the DWI Divert Court, this new method of sentencing could be expanded to all of the misdemeanor county criminal courts. The DWI Divert Court data should prove to lower recidivism rates, probation violations, revocations and jail populations in Dallas County.

EVALUATION

Table I

Participant Profile
Program Intake
January-June, 2001

Ethnic: African-American

Caucasian

Hispanic

Other _____

—

Gender: Male - Female

Educational

Background: High School Graduate College Degree
Less than High School Advanced Degree
2 Years College Technical Training

Age Entering Program: 21- 25_____ 26-30_____ 31-35_____

36-40_____ 41-45_____ 45-50_____ 51-55_____ over 55_____

Total Number Enrolling in Program 1-01_____

Total Number of Dirty Urinalysis _____

Total Number Non Compliant_____

Total Number Absconder_____

Total Number with New Arrest_____

Total Number Enrolled in Program 12-01_____

Table III
Graduation Between Phases
January 2001- June 2002

Total Graduating from Phase I_____

Total Graduating from Phase II_____

Total Graduating from Phase III_____

Table IV
Graduation and Successful Completion of Mentoring Program

Total Enrolled in Program Jan. 01_____

Total Number Graduating from Mentoring Program June 2002_____

EXECUTIVE SUMMARY

This paper is a proposed model for an alternative means of reducing the number of Driving While Intoxicated recidivism rates. Drug courts around the country are having great success with their Drug Divert Court Programs. These same objectives should be applied to a legal addiction, alcohol.

Legislation passed in 1999 have strengthened the laws regarding repeat Driving While Intoxicated offenses. Laws can not be viewed as solutions. Alternatives, while still remaining inside the laws, can produce an outcome that will save lives and produce law-abiding citizens to the community and close the “revolving door” to the criminal justice system.

A Model for Driving While Intoxicated Divert Court based on Drug Court standards and practices addresses the need for early intervention. The DWI Divert Court Model begins with proposed eligibility standards, a comprehensive program for the DWI offender with three Phases outlined, graduation requirements and a mentoring phase. Also included in this paper are cost to the alcohol offender, program rules, and an evaluation for the program. An extensive list of agencies in the Dallas-Fort Worth Area that are available to aid in treatment and recovery is also included.

The evaluation focuses on the aspects of retention of participants in the program, reduction in levels of alcohol usage, and successful graduation from participants into each Phase within a reasonable time standard. The evaluation identifies the number of offenders who apply to the DWI Divert Program, the number of offenders accepted into the Divert Program, and relevant information to aid in reduction of recidivism. Data is collected at each phase of the program to measure the success rate of each phase. Standards provided in the DWI Divert Court Handbook outline guidelines for successful graduation from each phase.

The goal of this paper is to reduce recidivism rates starting with the first driving while intoxicated arrest. To many times Driving While Intoxicated first offenders continue the same bad behavior and are consequently arrested again and again. These future arrests factor into diversion of judicial resources, money wasted, and lives being put in danger on our public streets and highways. Alcohol offenders who continue to drink and drive need an alternative program to stop their addiction.

Alcohol plays a large role in offenses. According to the Bureau of Justice Statistics alcohol was used in 60% of all offenses reported by those offenders serving time in jail. It is obvious by the statistics in this paper that there is an alcohol problem in this country and we are missing a perfect opportunity to fight this continuing problem. The problem could best be dealt with on the first arrest for driving while intoxicated. If the problem is not dealt with at that time we will only spend more money and time later.

END MATERIALS

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