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Survey of DWI Courts

DWI Courts are a relatively new approach to combatting alcohol-impaired driving that borrows from the Drug Court Model and is directed at repeat DWI offenders and offenders having high BACs at time of arrest. These court programs attack the source of the problem by taking a comprehensive approach to changing behavior that includes accountability and long-term treatment.

Whereas there is a substantial body of research demonstrating the effectiveness of Drug Courts, the same depth of research is lacking for DWI Courts. NHTSA conducted a web-based survey of DWI Courts and DWI/Drug Courts (court programs that handle both DWI and drug offenders) in April through May 2015 in order to obtain detailed information on how DWI Courts were operating. NHTSA plans to use that information to help guide development of a program to evaluate DWI Courts.

NHTSA conducted the survey in collaboration with the National Center for DWI Courts, which alerted State Drug Court coordinators to the survey, supported NHTSA webinars that described the survey, and provided NHTSA with contact information for the court programs. Avar Consulting, Inc., designed, tested, and managed the data collection website for NHTSA. NHTSA sent requests for survey participation to 473 DWI Court and DWI/Drug Court programs, receiving a response back from 156 programs. Two said they were not DWI programs, 21 did not meet the minimum number of DWI cases (5) for survey eligibility, and 28 terminated the interview after completing a small number of questions, leaving 105 that filled out the questionnaire from beginning to end.

More than half (55%) the responding programs served rural areas, with 44 percent of all programs saying the geographic area they served was primarily rural, compared to 33 percent that said they served a primarily urban area and 22 percent that said suburban. There were a handful of programs whose participant population was heavily Hispanic, but overall, most DWI participants in the responding court programs were non-Hispanic, White, and English-speaking. Two-thirds of the responding programs indicated that one-half or more of their DWI participants in 2014 were employed full time. The number of DWI participants currently active in the programs ranged from fewer than 10 to more than 200. The median number among all responding programs was 25; it was 29 for the DWI Courts and 18 for the DWI/Drug Courts.

Table 1. Number of DWI Participants Currently Active in Program (n = 77 DWI Courts and 46 DWI/Drug Courts)

Number of DWI Participants In Program	DWI Courts	DWI/Drug Courts
< 10	12%	22%
10–19	25%	30%
20–29	14%	15%
30–39	13%	7%
40–49	6%	7%
50–59	9%	9%
60–74	6%	2%
75–99	6%	2%
100–124	0%	4%
125–149	5%	0%
150–199	0%	0%
200+	3%	0%
No Response	0%	2%

Percentages are percentage of responding programs.

When asked if there were more convicted DWI offenders eligible for the court program than could participate given court resource limitations, 66 percent of the responding programs answered “no.” Among those who said the number of eligible offenders exceeded capacity, 56 percent said the difference was 15 or fewer slots, but one-in-six said the difference was more than 75 slots.

Seventy-seven percent of responding court programs said that the treatment and supervision that the DWI participant receives at the beginning of the program changes as the participant continues to the end of the program; another 12 percent said it depends, usually as a function of the progress of the participant or a determination of the treatment needs of the participant. In programs where the treatment changes over time the courts structured the program in phases, with four phases being the most typical number. The minimum amount of time that DWI participants were required to be enrolled in the program in order to graduate was usually reported as 12 months (44%), 18 months (23%), or somewhere between 12 and 18 months (20%). In practice 17 percent of the responding programs said that the average amount of time that DWI participants spent in the program before graduating was 18 months

and another 29 percent said it was more than 18 months; the median response was 17 months.

Almost all of the programs had restrictions on who could enter based on the DWI offender's criminal history. Other frequently used exclusionary criteria included the presence of a severe mental disorder. Minimum criteria for eligibility for the program usually were multiple DWI convictions (89%) and/or high blood alcohol concentration (BAC) (43%).

The vast majority of responding programs (87%) had a computerized system that tracked participant progress. The courts updated records in these computerized systems at regular intervals (55%) or both regular and irregular intervals (36%), with updating at regular intervals typically occurring in intervals of less than 2 weeks (72%). The programs used the computerized system to track such things as client status and compliance with program rules. Less than a third (29%) of responding programs used a computerized data system to track costs of operating the DWI Court program.

The responding programs had DWI Court teams that were involved in decisions regarding the program for DWI participants, and in monitoring their progress. The teams included the judge (98%), supervision or probation officers (96%), the court program director or coordinator (90%), the prosecutor (89%), and the defense attorneys or public defenders (88%). Most teams (71%) experienced little to no turnover during the course of an offender's participation in the program. Virtually all of the programs held staffing meetings to discuss the offenders participating in the program, with the meetings usually held weekly (52%) or every other week (46%). Almost all said that recommendations were made at the staffing meetings about what will happen to a DWI participant in court.

The primary person in the court program responsible for managing the DWI participant's case was usually the probation/parole officer (47%), the court case manager (24%), or the court program director or coordinator (19%). The frequency of meetings that DWI program participants had with their case manager varied with the phase of the program the participant was in (93%), but were held one or more times a week at the beginning of the program (90%).

For substance treatment services, most responding programs (75%) referred their DWI participants to treatment providers operating independently from the court. Available treatment services often included group (98%) or individual (97%) counseling, support group services (94%), relapse prevention (89%), intensive outpatient (87%), drug education (81%), and residential (79%). Many of the programs included cognitive behavioral therapy in their programs for all (46%) or some (41%) of their clients. Programs tended to integrate mental health and substance abuse treatment for those DWI participants with co-occurring disorders (84%).

All of the programs had their DWI participants undergo drug/alcohol testing, with collection of test specimens supervised or observed. Testing was usually conducted by both the court and an outside party (51%) or solely by an outside party (26%). The programs typically tested the participants multiple times a week during the initial phase of the program (90%).

Almost all of the responding programs said that a positive drug test (94%), failure to appear for a hearing (93%), and a missed treatment session (84%) would always or usually result in sanctions applied to the DWI participant. Fifty-eight percent of the programs had a written policy defining which sanctions accompany given infractions. The vast majority of programs (90%) gave formal rewards for achievements, such as completing a program phase (83%) or completing requirements of the treatment program (72%).

Forty-eight percent of the responding programs had some form of evaluation conducted of their DWI Court, most often by an entity external to the court. Grant funding sources for DWI Court programs may include State government (69%), Federal Government (27%), county/municipal government (23%), or nonprofit organizations (10%). Many programs (70%) obtained funds through client fees. Less than half of the programs (45%) had a written plan for sustaining the program over time.

How to Order

To order *Survey of DWI Courts*, written by Alan Block of NHTSA, write to the Office of Behavioral Safety Research, NPD-310, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, fax 202-366-2766, or download from www.nhtsa.gov.

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