



National Highway Traffic Safety Administration  
National Center for DWI Courts  
**DWI Court Training**

**The  
Ten Guiding Principles**

**Hon. Patrick C. Bowler, ret.**



NCDC: A Professional Services Division of NADCP




**Example**  
DWI Treatment Court – What ‘Subset’


**Data Research Trends**

**2014 Drinking and Driving Fatalities**

	Fatalities	Alcohol Related	Alcohol Impaired	.15 or greater
U.S.	32,675	1,764 (5%)	9,967 (31%)	6,852 (21% of total fatal.) (69% of alcohol fatal.)
N. Carolina	1,284	49 (4%)	378 (29%)	267 (21% of total fatal.) (71% of alcohol fatal.)




NCDC: A Professional Services Division of NADCP




**INTERVENTION**

An ‘encounter’ with the Criminal Justice System offers a unique opportunity to intervene; to identify and (re)habilitate drug involved offenders.

**The question is:** Have we done it EFFECTIVELY?





**What are DWI Courts ?**

DWI Courts are specialized, **COMPREHENSIVE** court programs, modeled after DRUG COURTS, which provide a structure of appropriate treatment, supervision, and accountability, targeting high risk/ high need, repeat offenders, **DESIGNED TO CHANGE BEHAVIOR**, and reduce recidivism, with long-lasting results, thus **saving lives** in the process.

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Drug Treatment Courts A "New Way" of Doing business

- ✓ Partner with Treatment
- ✓ Transform Roles
- ✓ Non-adversarial/Team
- ✓ Shared Goal of Recovery
- ✓ Communication
- ✓ Immediate Responses
- ✓ Staffing
- ✓ Status Review Hearing
- ✓ Sanctions and Incentives
- ✓ Team Discussions
- ✓ Treatment Issues



NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Why the Success? DWI COURT COMBINES



**Treatment**





**Accountability**


NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Treatment Works . . . BUT . . .

Not if the person isn't  
there...

DWI Court keeps  
them there




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS


## How Do They Work?

10 Operational Characteristics that  
Problem Solving Courts  
Share as  
Benchmarks for Performance!  
*(With some 'special tweaking' for  
some special courts)*


NCDC: A Professional Services Division of NADCP

 **NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## 10 Key components




NCDC: A Professional Services Division of NADCP


 **NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## The 10 Guiding Principles

1. Target the Population
2. Provide a Clinical Assessment
3. Develop the Treatment Model
4. Supervise and Detect Behavior
5. Develop Community Partnerships
6. Take an Active Judicial Role
7. Provide Case Management
8. Solve Transportation Barriers
9. Evaluate the Program
10. Ensure Sustainability




NCDC: A Professional Services Division of NADCP

 **NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Fidelity To The Model

It is critical to adhere to the 10 Guiding Principles.

Why?



NCDC: A Professional Services Division of NADCP

 **NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## IT'S THE LAW!

**The Minimum Standards for the North Carolina Drug Treatment Courts**

- Article IX – Operating a Local Drug Treatment Court
- §9.1. Ten Key Components for Local Drug Treatment Courts:

“The local court **shall adhere** to the Ten Key Components of a Drug Treatment Court, as adopted by the U.S. Department of Justice.”

**DTC Minimum Standards – 2010 Revision**

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Drug Treatment Courts Work\*

**Reduce Crime**

- Recidivism Rates: Average 8 to 25 % Lower
- Best Drug Courts: 45% Lower
- Reductions in Crime: Last minimum 3 years
- Most Far-Reaching Study: Effects last 14 years

**Save Money**

- Direct Benefits (measurable cost-offsets):
  - For \$1 spent - \$2.21 saved to CJS (221%);
  - For more serious offenders - \$3.36 (336%).
- Indirect Benefits: Savings Foster Care, Healthcare, Employment, Welfare, etc. (\$2 to \$27 for every \$1)
- Net Benefit for Community: \$3,000 - \$13,000 per Drug Court Participant.

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## DWI Courts REDUCE RECIDIVISM

The Campbell Collaboration conducted a meta-analysis of 28 evaluations of DWI Courts

**CONCLUSION:**

- DWI Courts reduced both DWI recidivism and general criminal recidivism by an average of more than 12 percent.
- The best DWI Courts reduced recidivism by as much as 50-60 percent.


NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## DWI Treatment Courts Believe the Research

“We can now say that there is “Clear and Convincing Evidence” that DWI Courts significantly reduce recidivism of DWI crimes and do so with substantial cost savings.”

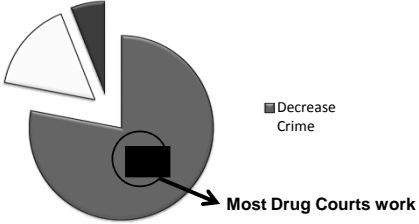
Dr. Doug Marlow, NADCP  
Annual Conference 2014



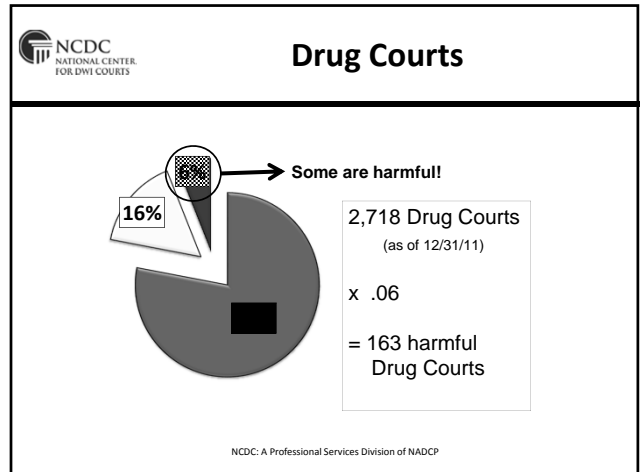
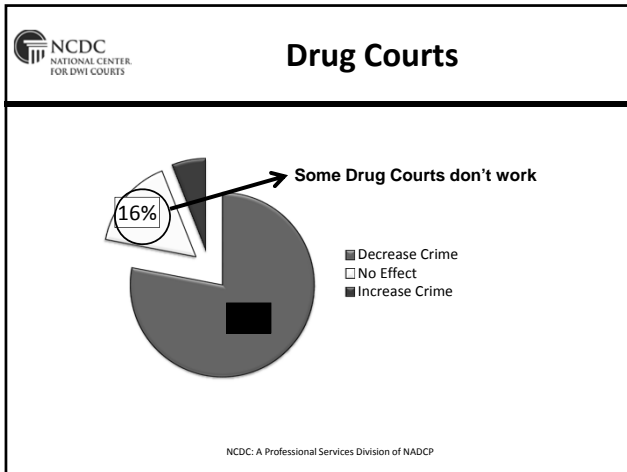
NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Drug Courts



NCDC: A Professional Services Division of NADCP



**Guiding Principle #1**

- **Determine the Population**
  - Develop a target population in collaboration with the community
  - Develop eligibility criteria

NCDC: A Professional Services Division of NADCP

**How Do You Decide Who the Eligible Participants Are?**

Targeting is the process of identifying a subset of the offender population for inclusion in the Problem Solving Court program.

The QUESTION is: Which offenders are included in the “subset”?

ANSWER:  
You establish criteria that produces:  
**Outcomes! Outcomes! Outcomes!**

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## What do we mean by "Outcomes"

**Outcomes:**  
Successfully changing the BEHAVIORS of those offenders whose criminal and dependency issues are having the **most negative** impact on our communities...

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Targeting – Data and Resource Considerations. Who gets admitted?

2/3 Arrests  
DWI 1st  
DWI 2nd >  
1/3 Arrests  
.15 >  
42 %  
Question: How Many in your Jurisdiction?:

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Arrests /Resource Considerations

- Problem- Solving Court Capacity?  
*How Many?*
- Treatment Capacity? *How Many?*
- Supervision/Testing Capacity ?  
*How Many?*
- Ancillary Capacity *How Many?*

**The Key: Balance the need for the widest participant involvement with the resource limitations.**

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## The "Continuum"

**What We Know:** Research tells us that Repeat Offenders cause disproportionate # fatalities/crashes.

**What We Want:** Good Outcomes - Greatest Reduction in Harm

DWI 1st  
Out  
In: DWI 2<sup>nd</sup> /3<sup>rd</sup>/4<sup>th</sup> >  
High risk/High Needs  
Out  
Vehicular Homicide

Waste of valuable resources  
Lack of public support

NCDC: A Professional Services Division of NADCP

**Building Eligibility**

NCDC NATIONAL CENTER FOR DWI COURTS

*Qualifiers vs. Disqualifiers*

	Qualifying	Disqualifying
Offender Characteristics	Offender	
Offense Characteristics	Offense	

NCDC: A Professional Services Division of NADCP

**Entry Process...Speed....**

NCDC NATIONAL CENTER FOR DWI COURTS

**Entry – DWI Court Goal: 20 Days**

“Best Practices” - Courts in which participants entered the program within 20 days of arrest had twice the savings.

NCDC: A Professional Services Division of NADCP

**The Entry Process – “An Exercise”**

NCDC NATIONAL CENTER FOR DWI COURTS

NCDC: A Professional Services Division of NADCP

**Guiding Principle #2**

NCDC NATIONAL CENTER FOR DWI COURTS

- **Perform a Clinical Assessment**
  - Alcohol use severity
  - Drug involvement
  - Medical status
  - Psychiatric status
  - Employment and financial status

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Guiding Principle #2

- Family and social status
- Alcohol triggers and cognitions
- Self-efficacy and motivation for change
- Level of care placement

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## High Risk/High Needs

**High Risk:**

Relatively poor prognosis for success in traditional rehabilitation services (i.e. prognosis risk)

**High Needs:**

Clinical disorders or functional impairments that, if treated substantially reduce the likelihood of continued engagement in crime.  
(addiction to drugs/alcohol, major psychiatric disorders, lack daily living skills, employment skills, etc.)

NCDC: A Professional Services Division of NADCP

## Risk & Needs Matrix

	High Risk	Low Risk
High Needs	Accountability, Treatment & Habilitation (Drug Court)	Treatment & Habilitation
Low Needs	Accountability & Habilitation	Prevention

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Unique Characteristics for specific Problem Solving Courts

- Example: IDA - Impaired Driving Assessment by American Probation and Parole Association
- "...the level of alcohol or drug use disorder is **not** the underlying characteristic shaping DWI recidivism patterns...repeat impaired driving is a crime 'rooted in anti-social attitudes, values and beliefs and learned throughout the life course.'


**"Impaired Driving Risk Assessment: What Practitioners Need to Know"**

NCDC: A Professional Services Division of NADCP



**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Impaired Driving Assessment




- Lack of Moral Responsibility
- Antisocial Attitudes
- Unwillingness to Change

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Guiding Principle # 3




### Develop A Treatment Plan

- ✓ Effects of alcohol and drugs on the brain
- ✓ Recent Research
- ✓ Effectiveness of Treatment

NCDC: A Professional Services Division of NADCP


**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Addiction



A state in which an organism engages in a compulsive behavior

- Behavior is reinforcing (rewarding or pleasurable)
- Loss of control in limiting intake
- Evidence-based approaches




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Guiding Principle #3 Cont.

- **Develop the Treatment Plan**
  - ✓ Motivational Approaches
  - ✓ Cognitive-Behavioral Therapy
  - ✓ (CBT) Approaches



NCDC: A Professional Services Division of NADCP

**NCDC NATIONAL CENTER FOR DWI COURTS**

### Guiding Principle #3 (cont.)

- Develop the Treatment Plan
  - ✓ Pharmacological Treatments – Naltrexone and Campral (Acamprosate)
  - ✓ Aftercare
  - ✓ 12-Step Self Help/ Mutual Aid Approaches



NCDC: A Professional Services Division of NADCP

**NCDC NATIONAL CENTER FOR DWI COURTS**

### Guiding Principle # 4 Supervise the Offender

#### Accountability Court

Monitoring medication, abstinence  
And relapse detection

Court  
Contacts

Testing  
Testing  
Testing  
And more  
Testing

Home  
Visits

Appointments  
Counseling  
12 Step  
Education  
Jobs

**NCDC NATIONAL CENTER FOR DWI COURTS**

### Introduction to Phases & DWI Court Requirements


Phase 1	Phase 2	Phase 3	Phase 4
Court – Every 2 Wks	Court – 1 / month	Etc.	
Testing drug 2X/Wk	Etc.		
PBT's			
Home Visits			
12 Step			
Community Svc			
V.I.P.			
Curfew			
Edu/Employ.			

Fill in the blanks

NCDC: A Professional Services Division of NADCP

**MADCP**  
MICHIGAN ASSOCIATION OF DRUG COURT PROFESSIONALS

DRUG TESTING FOR  
CRIMINAL JUSTICE INVOLVED  
INDIVIDUALS IN MICHIGAN




July 2012

**NCDC NATIONAL CENTER FOR DWI COURTS**

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Guiding Principle #5

- **Forge Agency, Organization and Community Partnerships**
  - Partnerships support the DWI court
  - Enlist partners and supporters
  - ✓ Steering Committee
  - ✓ Advisory Committee
  - ✓ Community Mapping



NCDC: A Professional Services Division of NADCP



**DRUG COURT**

Mapping Exercise – Engaging the Community

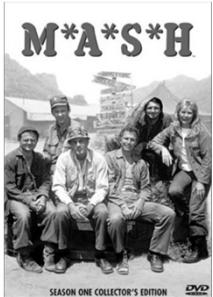
**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Guiding Principle #6

- **Take a Judicial Leadership Role**
  - Selection of a judge
  - Capabilities of a DWI Court judge
  - Funding a DWI Court program
  - Community outreach on the part of the judge
  - Considerations for a judge considering implementing a DWI Court



NCDC: A Professional Services Division of NADCP

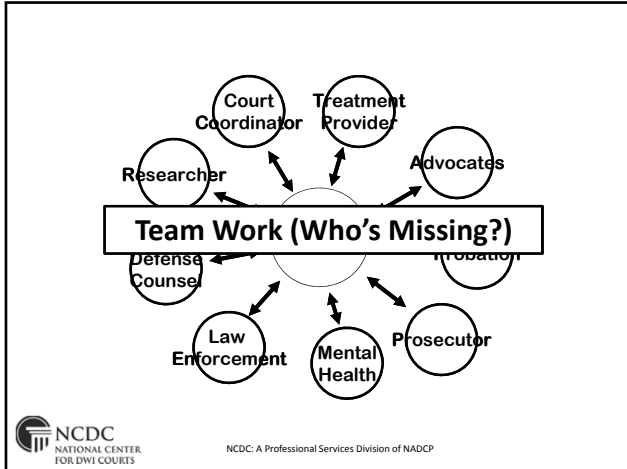
## “Positive Judicial Attributes”

- Attentiveness
- Enthusiasm
- Respectfulness
- Consistency/reliability
- Fairness
- Caring
- Knowledge

... champions for the d.t.c.

North Carolina Best Practices





**The Team Core Competencies**

- Each team member has important roles and core responsibilities for the team and the DWI Court.

NCDC: A Professional Services Division of NADCP

**Due Process**

**“How well drug courts accomplish their goals depends upon how faithfully they adhere to the 10 Key Components.”**

NPC Research  
Carey, NPC Research

**Key Component #2 of Drug Courts**

Use of a nonadversarial approach by prosecution and defense that promotes public safety while **protecting any participant's due process rights.**

NCDC: A Professional Services Division of NADCP

**Due Process: Substantive and Procedural**

Procedural protections are due under the 5<sup>th</sup> and 14<sup>th</sup> Amendments when the defendant will **potentially suffer a loss to a recognized liberty or property right.**

**what process is due?**

*“When we talk about Due Process we are referring to the procedural protections which ensure that the defendant is **treated fairly** by the criminal justice system.” Fuentes v. Shevin, infra; Morrissey v. Brewer, infra.*

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Why Talk About Due Process?

The research is clear: Fairness and the Perception of Fairness are “consistently associated with better outcomes.” NADCP Adult Drug Court Best Practice Standards, Vol. II, P 40.

A participant’s willingness to obey a court’s order is linked to his or her perception of the court’s legitimacy. The ‘Power’ of the four principles of procedural fairness.

- Voice
- Neutrality
- Respectful Treatment
- Trustworthy


NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS


### Sharing of Information and Ethics

**Confidentiality**

- ✓ 42 CFR Part 2
- ✓ HIPAA
- ✓ Consent



- ✓ Canons of Ethics
- ✓ Professional Ethics




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Guiding Principle #7

- **Develop Case Management Strategies**
  - Functions of case management in DWI Courts
  - Case management with alcoholics




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### 5 Core Functions of Case Management

- 1. Assessment
- 2. Planning
- 3. Linking
- 4. Monitoring
- 5. Advocacy




**Managing Chaos: .70**

NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Guiding Principle #8 Address Transportation Issues

- Transportation of participants in custody
- Transportation during the DWI Court program (Issuing limited driver's licenses?)
- Monitoring compliance




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Guiding Principle #9

#### Evaluate The Program

- Jurisdictional characteristics
- Client variables or risk factors
- Supervision variables
- Treatment variables
- Short-term outcomes
- Longer-term outcomes
- Determining types of data to be gathered




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Guiding Principle #10

#### Ensure a Sustainable Program

- Planning for sustainability
- Resources for sustainability
- Partnering for sustainability
- Administration and standards
- Team engagement and judicial involvement




NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

### Sustainability

*"Where are we now and where do we want to be?"*

- Grant Funding
- Fundraising
- Community Resources



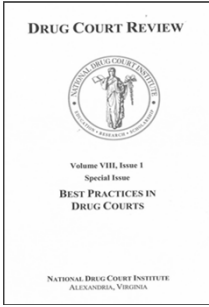
NCDC: A Professional Services Division of NADCP

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Best Practices

What Works?  
The Ten Key Components  
of Drug Courts:  
Research-Based Best  
Practices

DCR Volume VIII, Issue 1  
NPC Research



NCDC: A Professional Services Division of NADCP


**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## Best Practices

NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the COURTS*

**Best Practices for North Carolina  
Drug Treatment Courts**

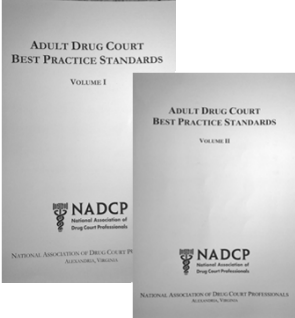
August 2010  
Court Programs Division



NCDC: A Professional Services Division of NADCP


**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

## NADCP Standards



- **Evidence Based** – Proven in tightly controlled studies and happens twice in two studies
- **Best Practices** – Not studied but what courts with better outcomes are doing

NCDC: A Professional Services Division of NADCP



**Hon. Patrick C. Bowler, ret.**  
[pcbowler@gmail.com](mailto:pcbowler@gmail.com)  
616 644-2178

**NCDC**  
NATIONAL CENTER  
FOR DWI COURTS

NCDC: A Professional Services Division of NADCP