

**The Benefit of Starting a DUI Court or Tract**  
 JUDGE KATE HUFFMAN  
 ABA NATIONAL JUDICIAL FELLOW



1

---

---

---

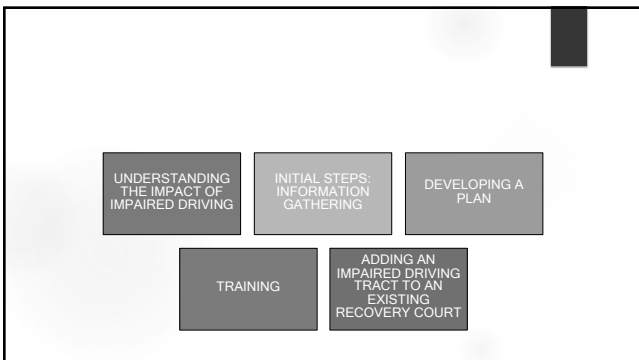
---

---

---

---

---



2

---

---

---

---

---

---

---

---

**Why is it important?**

Driving is “a complex activity requiring alertness, divided yet wide-ranging attention, concentration, eye-hand-foot coordination, and the ability to process visual, auditory, and kinesthetic information quickly.”

P. Larkin, *Medical or Recreational Marijuana and Drugged Driving*, 52 Am. Cr. L. Rev. 454 (2015)

3

---

---

---

---

---

---

---

---

### DWI Courts Defined

"Treatment courts that serve individuals repeatedly charged with driving under the influence/impaired. Similar to adult drug courts, DUI/DWI courts engage participants in individualized treatment plans, case management, and recovery support services. Participants attend frequent status hearings with a judge to report on program progress and challenges. The overarching goal of these courts is to protect public safety while at the same time provide participants with the knowledge and skills needed to change their behavior."

National Drug Court Resource Center (2016)

4

---

---

---

---

---

---

---

---

### Recovery Courts

=3500 nationwide  
257 impaired driving courts

Illinois

122 total  
4 impaired driving courts  
32% of all traffic fatalities result from impaired driving



5

---

---

---

---

---

---

---

---

### Adult Treatment Courts

Drugs of Use

Alcohol 63%  
Cocaine/crack 19.6%  
Heroin 30.4%  
Marijuana 58.7%  
Methamphetamine 67.4%  
Opioids 50.0%

6

---

---

---

---


---

---

---

---

- ✓ In 2019, 1,024,508 drivers arrested for DUI, with 121 million drunk driving episodes
- ✓ In 2020, 14% increase in DUI fatalities over 2019
- ✓ Less than 5% of drivers account for about 80% of the impaired driving episodes



7

---

---

---

---

---

---

---

---

### Important Data

- Every day, about 32 people in the U.S die in drunk-driving crashes - that's one person every 45 minutes
- About 30% of all traffic crash fatalities in the U.S. involve drunk drivers with a BAC of .08 or higher
- In 2020, 68% of the alcohol-related traffic fatalities occurred in crashes where one driver had a BAC of .15>

8

---

---

---

---

---


---

---

---

### Impaired Drivers

- ✓ One of many high-risk populations
- ✓ More likely to be male and slightly older than drug court participants
- ✓ In 2021, ratio of 4 male to 1 female alcohol-impaired driver involved in a fatal crash
- ✓ Unique transportation concerns
- ✓ Impaired driving courts contribute to reducing recidivism
- ✓ Graduation rate in impaired driving courts - 79%



9

---

---

---

---

---

---

---

---

BLOOD ALCOHOL CONCENTRATION	NUMBER OF DRINKS	EFFECTS ON DRIVING
0.02% BAC		<ul style="list-style-type: none"> <li>Decline in visual functions</li> <li>Inability to perform two tasks at the same time</li> <li>Loss of judgment</li> <li>Altered mood</li> </ul>
0.05% BAC		<ul style="list-style-type: none"> <li>Reduced coordination</li> <li>Reduced ability to track moving objects</li> <li>Difficulty steering</li> <li>Slower response to emergency driving situations</li> </ul>
0.08% BAC		<ul style="list-style-type: none"> <li>Reduced ability to concentrate</li> <li>Short-term memory loss</li> <li>Lack of speed control</li> <li>Impaired perception and self-control</li> </ul>
0.10% BAC		<ul style="list-style-type: none"> <li>Clear deterioration of reaction time</li> <li>Reduced ability to maintain lane position</li> <li>Reduced ability to brake appropriately</li> <li>Slurred speech</li> </ul>
0.15% BAC		<ul style="list-style-type: none"> <li>Substantial impairment in vehicle control</li> <li>Loss of auditory information processing</li> <li>Major loss of balance</li> <li>Vomiting may occur</li> </ul>

Source: Centers for Disease Control and Prevention

10

---

---

---

---

---

---

---

---

More data

- 50% of first-time DUI offenders may have an alcohol use disorder; the other half probably compromise individuals who made a poor decision to drink and drive
- About 2/3 of all first-time DUI offenders never reoffend
- 40% of fatally injured impaired drivers have a history of repeat DUI offenses

11

---

---

---

---

---

---

---

---

### The Cost of Impaired Driving

- 14,219 fatalities resulting from alcohol-related crashes
- 497,000 non-fatal injuries
- \$68.9b in economic costs
- Crashes involving drivers with a BAC of .08 or higher accounted for 84% of the total economic cost of all alcohol-related crashes

*The Economic and Society Impact of Motor Vehicle Crashes, 2019, NHTSA (December, 2022)*

12

---

---

---

---

---

---

---

---

**Some Startling Numbers**

Total population under supervision: 3,745,000

About 15% (562,000) have at least one impaired driving conviction on their record and approximately 8% (300,000) are repeat DUI offenders

13

---

---

---

---

---

---

---

---

**The challenge:**

- Identify through screening those drivers not likely to reoffend and supervise accordingly
- Identify through screening and assessment the high-risk offenders/those likely to reoffend and supervise appropriately

14

---

---

---

---


---

---

---

---

**Major Risk - DUI Recidivism**



- ✓ Prior involvement in the justice system specifically related to impaired driving
- ✓ Prior non-DUI involvement in the justice system
- ✓ Prior involvement with alcohol and other drugs
- ✓ Mental health and mood adjustment problems
- ✓ Resistant to and non-compliance with current and past involvement in the justice system

15

---

---

---

---

---

---

---

---

Who is the impaired driver?

- Often display manipulative behavior
- Addiction or antisocial behavior?
- Deny a substance abuse problem
- Minimal/no insight into the criminal nature of actions
- Minimal motivation to change behavior

16

---

---

---

---

---

---

---

Impaired Drivers

- Often lack an extensive criminal history
- High degree of denial - drinking is legal, highly prevalent, and socially encouraged
- Tend to be employed and have a stable social network
- Do not have a self-view as a criminal
- Yet repeatedly engage in behavior that is dangerous

17

---

---

---

---

---

---

---

Drug-Impaired Driving

DUID offenders 5x more likely to reoffend as compared to DUI offenders

DUID offenders where a scheduled prescription involved reoffend less frequently (~17%) compared to those taking illicit drugs (68%)

18

---

---

---

---

---

---

---

**Information Gathering**

How many impaired driving arrests occurred in your jurisdiction last year?

How many of those were repeat offenses?

How many revocations of probation or revoked diversions were due to a new impaired driving charge?

19

---

---

---

---

---

---

---

---

**Determining the Need**

How many days in jail on average does someone receive on an impaired driving conviction?

What percentage of impaired drivers on community supervision are successfully discharged?

What percentage of impaired drivers need treatment and of those who received treatment?

20

---

---

---

---

---

---

---

---

**Developing a Plan**

Who are the stakeholders that need to be at the table?

Who are the experts that may provide assistance?



21

---

---

---

---

---

---

---

---

**The Planners**

- ▶ Judges
- ▶ Court administrators
- ▶ Prosecutors
- ▶ Defense Bar
- ▶ Sheriff
- ▶ Probation/pre-trial services
- ▶ Recovery community/Peer support
- ▶ Substance use treatment agencies
- ▶ Mental health treatment agencies
- ▶ Other social service agencies
- ▶ Vocational and educational communities
- ▶ Job skills/training/placement agencies




---

---

---

---

---

---

---

---

22

**Planning Processes**

- Business plan
  - A blueprint of the steps to build the court
- Strategic plan
  - Documents core values and purpose, long-term strategic vision, top priorities for next quarter/one year/three-year term
- Sustainability plan
  - Updates plan and operations

---

---

---

---


---

---

---

---

23



**Ten Guiding Principles**

1. Determine the population
2. Perform a clinical assessment
3. Develop a treatment plan
4. Supervise the offender
5. Forge agency, organization, and community partnerships
6. Take a judicial leadership role
7. Develop case management strategies
8. Address transportation issues
9. Evaluate the program
10. Ensure a sustainable program

---

---

---

---

---

---

---

---

24



## Illinois Problem-Solving Courts Standards

### 3.21 Problem-Solving Court

Common features include, but are not limited to, a designated judge and staff; specialized intake and screening procedures; intense and coordinated treatment procedures administered by a trained multidisciplinary professional team; close evaluation of court participants, including continued assessment and modification of the court requirements and/or use of sanctions, incentives and therapeutic adjustments to address behavior; frequent judicial interaction with participants; less formal court process and procedures; voluntary participation; a low treatment staff-to-client ratio; and additional goals of cost savings and an increase in public safety.

25

---

---

---

---

---

---

---

---

## Illinois Problem-Solving Courts Standards

### 4.4 Target Population/Eligibility

- Target individuals who are moderate-high to high criminogenic risk and have high behavioral health treatment needs
- Separate and defined track based upon risk/needs

26

---

---

---

---

---

---

---

---



## Developing a DUI Court

DUI offenders *are* different  
Most inconsistently supervised population  
More likely to be outwardly compliant

27

---

---

---


---

---

---

---

---



**Screening and Assessment**

DUI-RANT  
 Impaired Driving Assessment (IDA)  
 Computerized Assessment and Referral System (CARS)

28

---

---

---

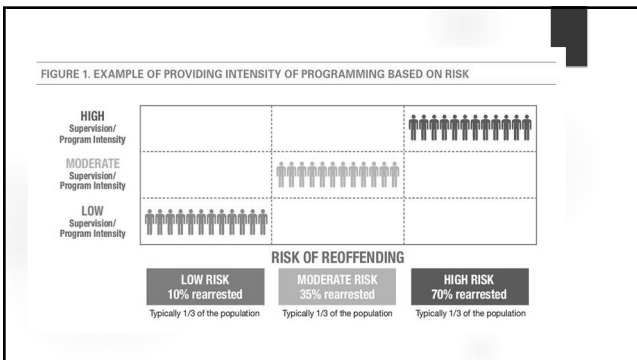
---

---

---

---

---



29

---

---

---


---

---

---

---

---



**Evidence Based Practice**

“Corrections practices that have been proven through scientific corrections research to work to reduce offender recidivism.”

30

---

---

---


---

---

---

---

---



This is not evidence-based!

31

---

---

---

---

---

---

---

### Evidence-Based Practices

What doesn't work:

- Fines
- Incarceration
- License revocation/suspension

What works:

- Formal sanctioning
- Rehabilitation/treatment



32

---

---

---

---

---

---

---

### Planning

Developing:

- Phases
- Program documents and forms
- Participant handbooks

Selecting:

- The right team

33

---

---

---

---

---

---

---

## Training

Impaired Driving Solutions (formerly National Center for DWI Courts)

- Foundational training
- Operational tune-up
- Academy courts




---

---

---

---

---

---

---

---

34

## Foundational Training

- ✓ Even if experienced with treatment court, impaired driving treatment court training provides subject matter-specific guidance on identifying and supervising the impaired driver
- ✓ Ensures practitioner familiarity with the 10 Guiding Principles of DWI Courts
- ✓ Pre- or post-implementation
- ✓ Provides observation of an Academy Court

---

---

---

---

---

---

---

---

35

## Operational Tune-Up Training

- ✓ Responding to Client Behavior: Incentives, Sanctions, and Therapeutic Adjustments
- ✓ Intent v. Impact
- ✓ Multidisciplinary Team
- ✓ DWI Court Treatment Continuum
- ✓ DWI Court Target Population
- ✓ DWI Court Phases

---

---

---

---

---

---

---

---

36

### Other Training Opportunities

National Judicial College  
American Probation and Parole  
AllRise (NADCP)

---

---

---

---

---

---

---

37

### Implementation



- ✓ Referral process
- ✓ Inform other judges, pre-trial and probation staff
- ✓ Launching the recovery court
- ✓ Public support

---

---

---

---

---

---

---

38

### Developing a DUI Tract

- Separate session
- Phases
- DUI-specific conditions of supervision
- Continuous alcohol monitoring program
- Graduation criteria



---

---

---

---

---

---

---

39

