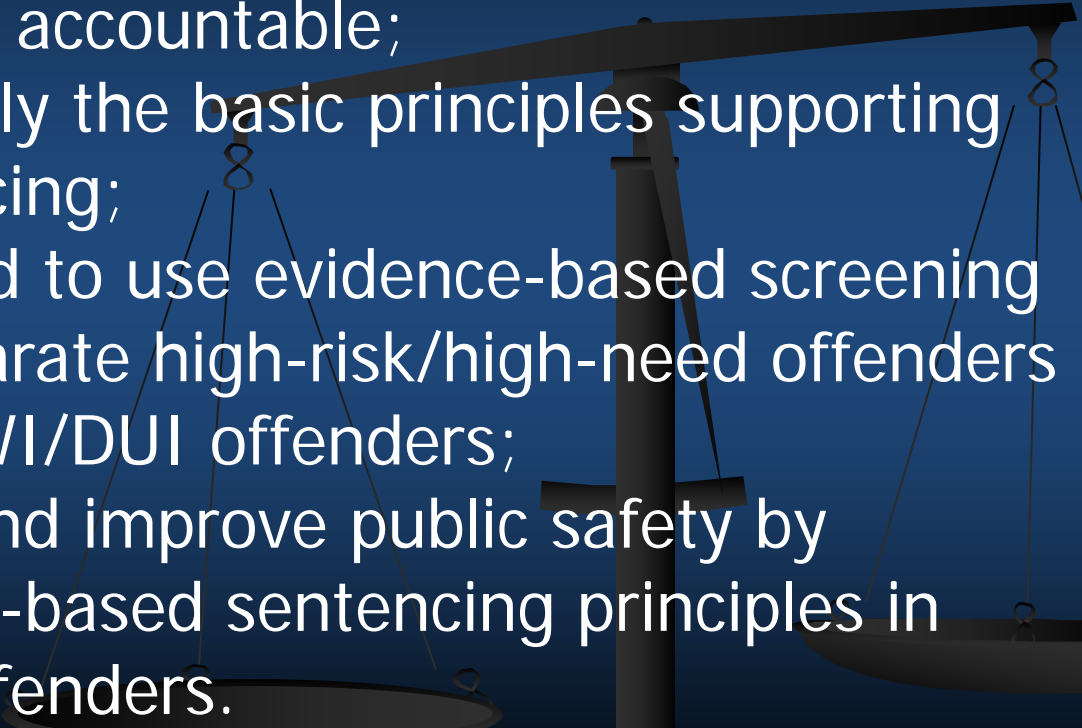


Effective Strategies and Sentencing Practices for Impaired Driving Cases

Going to Scale for Public Safety

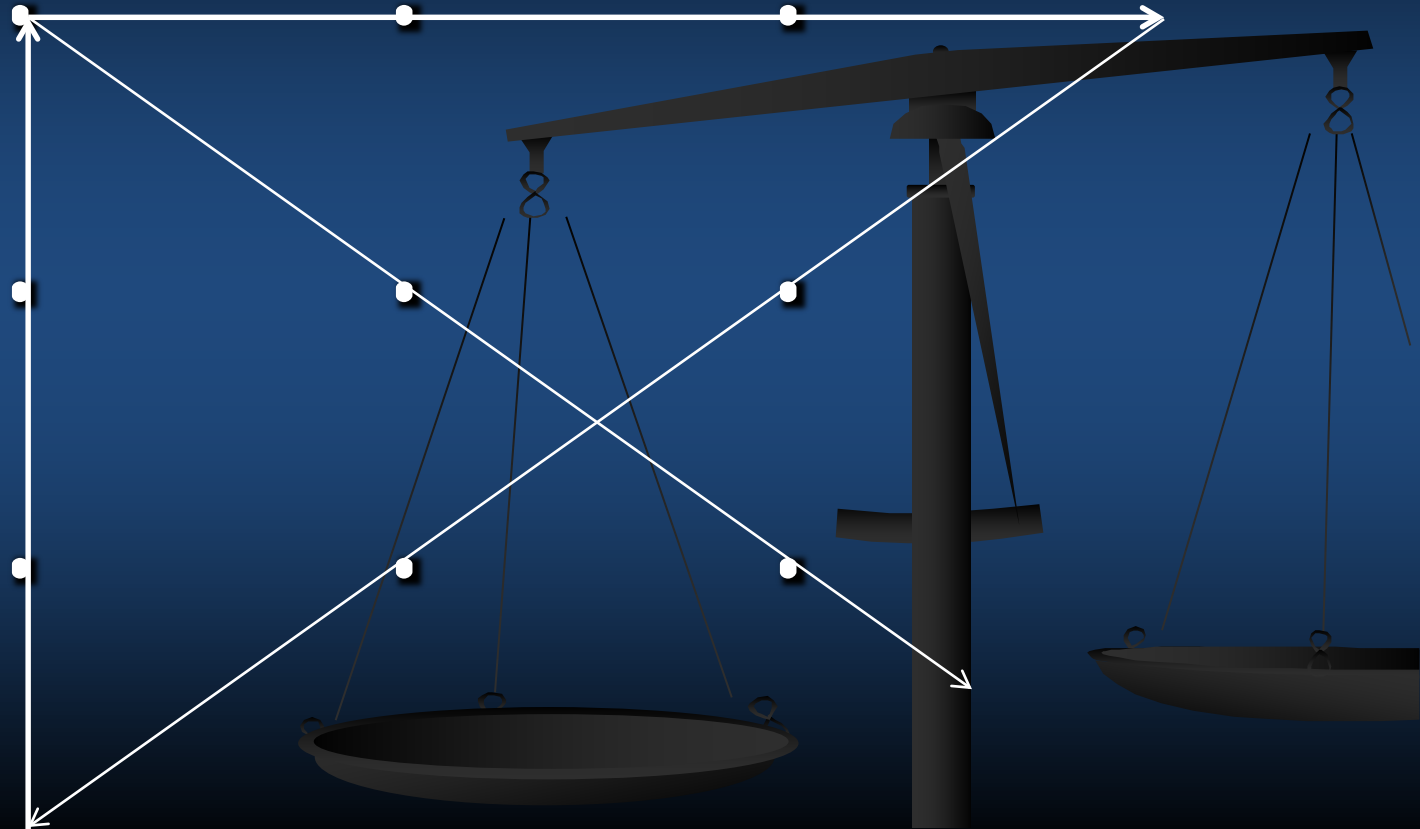
Judge Richard A. Vlavianos
San Joaquin County, California

Objectives:

1. Identify the highest risk DWI/DUI offenders and design a strategy to hold them accountable;
 2. Understand and apply the basic principles supporting evidence-based sentencing;
 3. Understand the need to use evidence-based screening and assessment to separate high-risk/high-need offenders from other high-risk DWI/DUI offenders;
 4. Reduce recidivism and improve public safety by applying basic evidence-based sentencing principles in sentencing DWI/DUI offenders.
- 

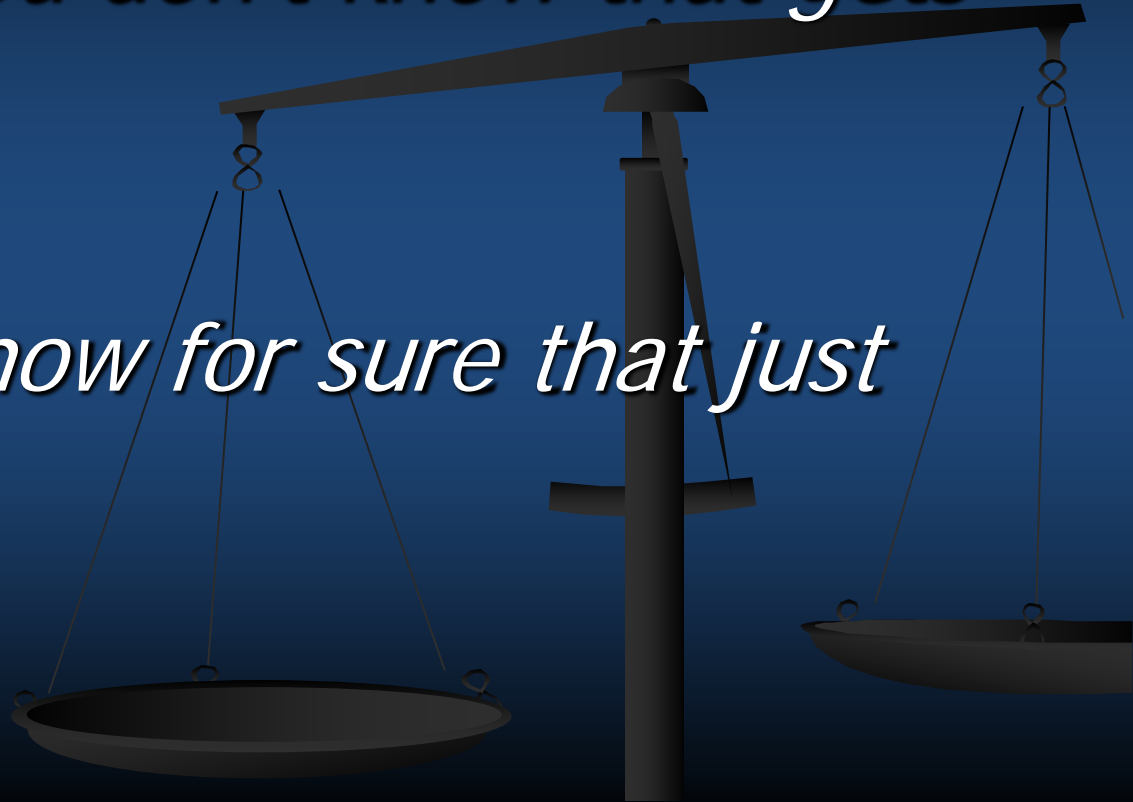
Expanding Our Vision

Task - Draw four straight lines connecting all nine boxes



"It ain't what you don't know that gets you in trouble.

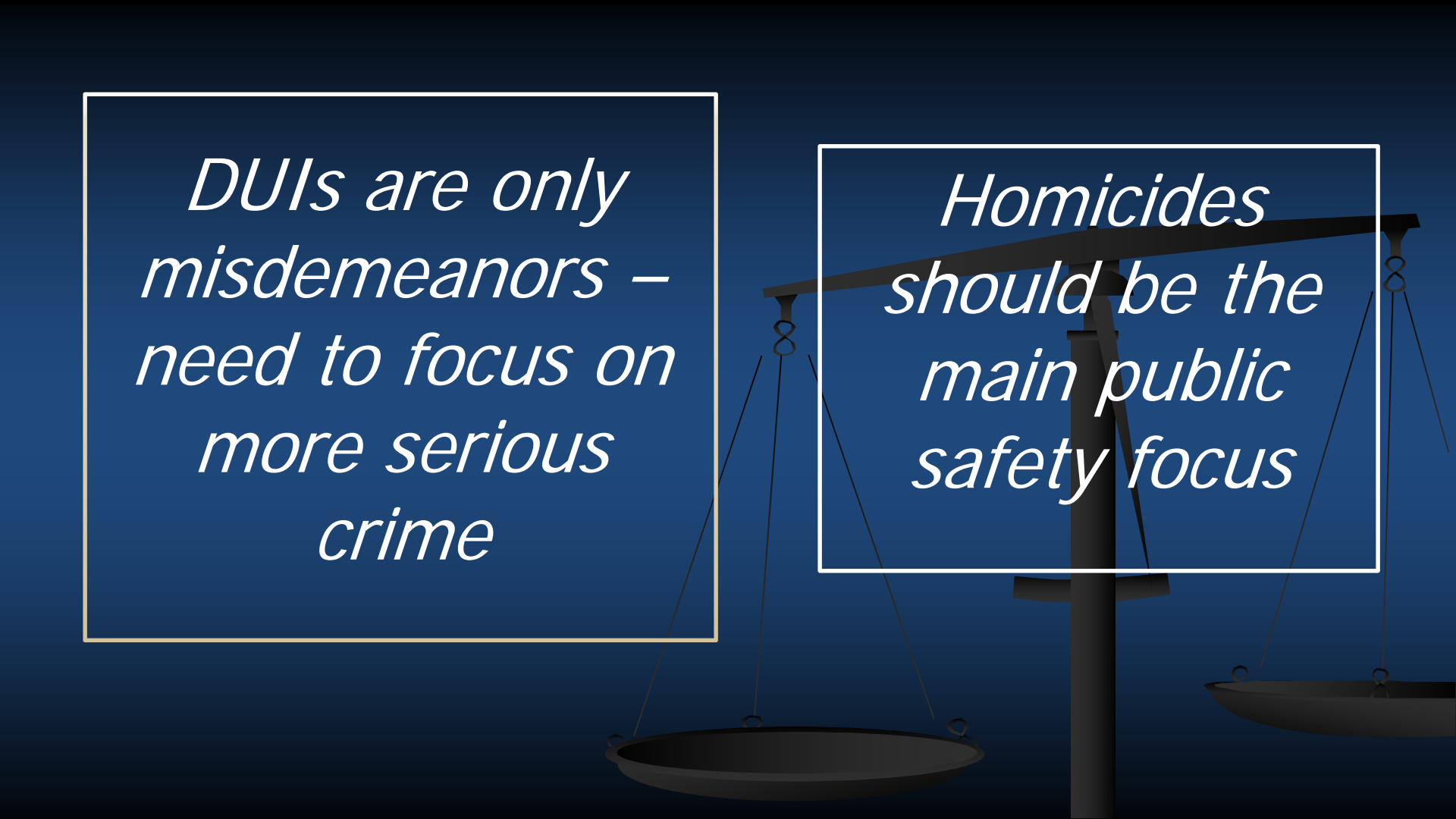
It's what you know for sure that just ain't so."



WHY DUI?



What we know for sure
that just ain't so!



*DUIs are only
misdemeanors –
need to focus on
more serious
crime*

*Homicides
should be the
main public
safety focus*

California Homicides 2015



1,861

California DOJ

California Alcohol & Drug Involved Crash Fatalities 2015

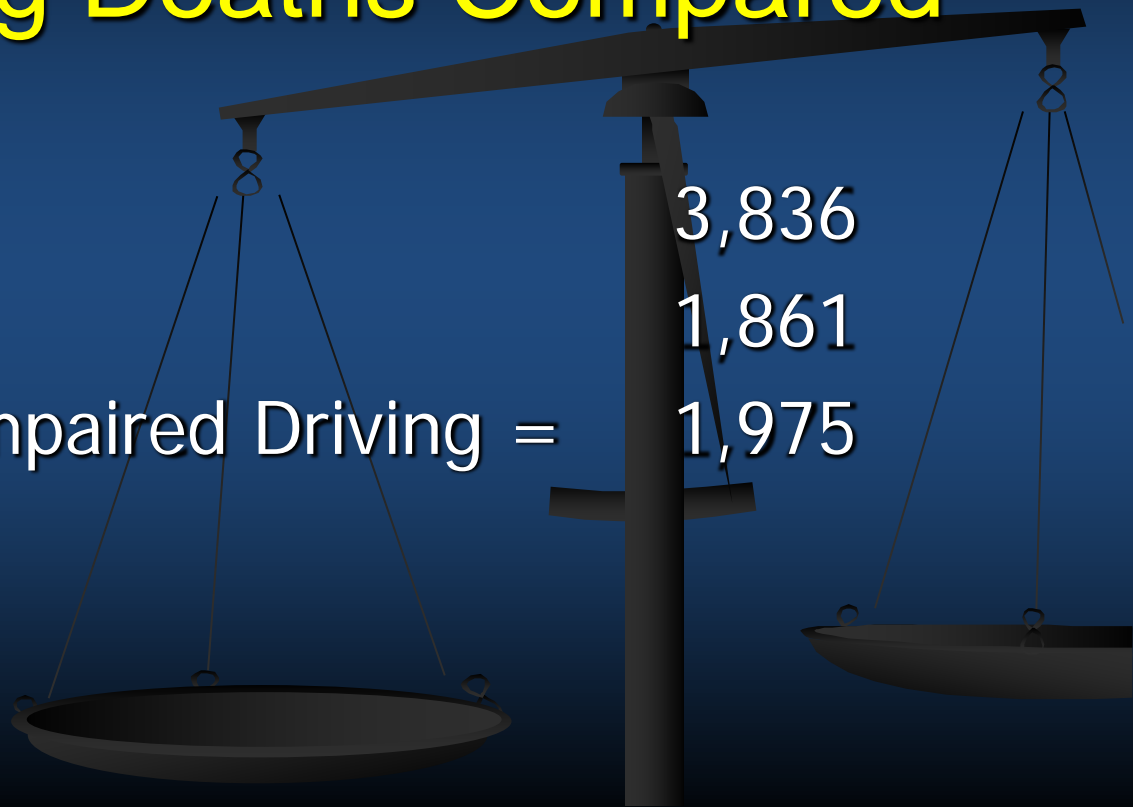


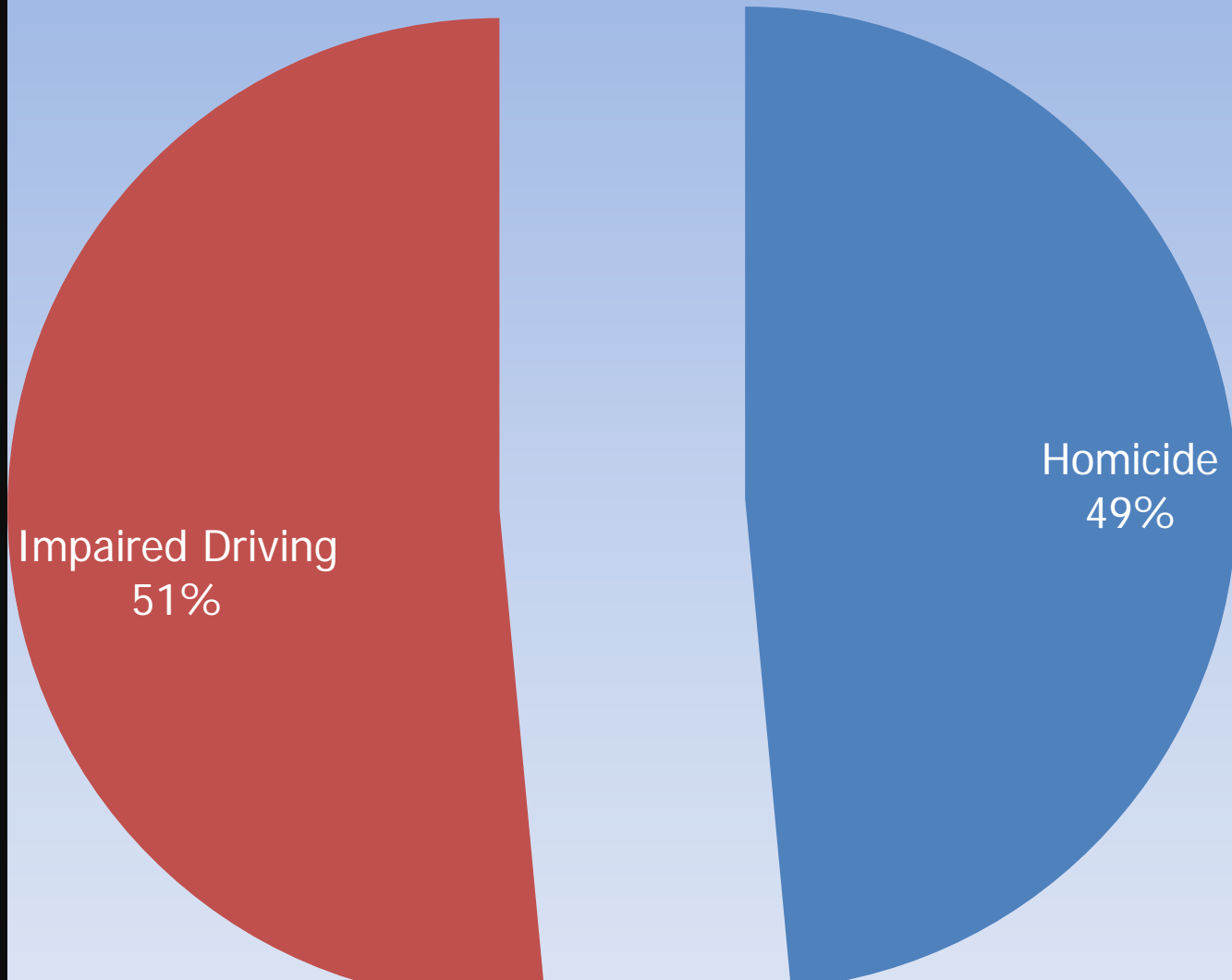
1,975

DMV DUI MIS Report

2015 - California Homicides and Impaired Driving Deaths Compared

- Total = 3,836
 - Homicide = 1,861
 - Alcohol/Drug Impaired Driving = 1,975



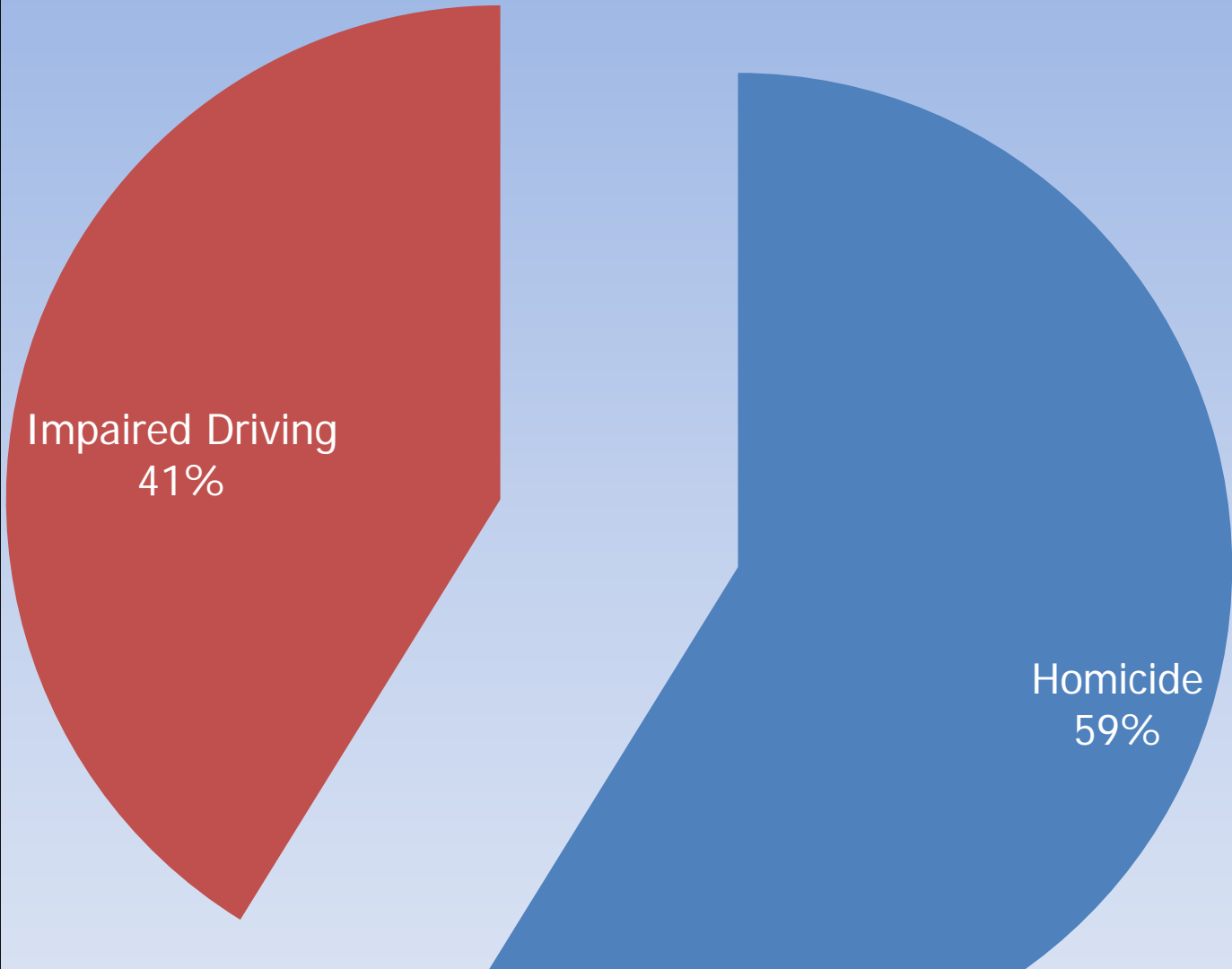


Imagine - 34% Reduction in DUI Deaths

- Total = 3,125
 - Homicide = 1,861
 - Alcohol/Drug Driving = 1,303

-672 lives

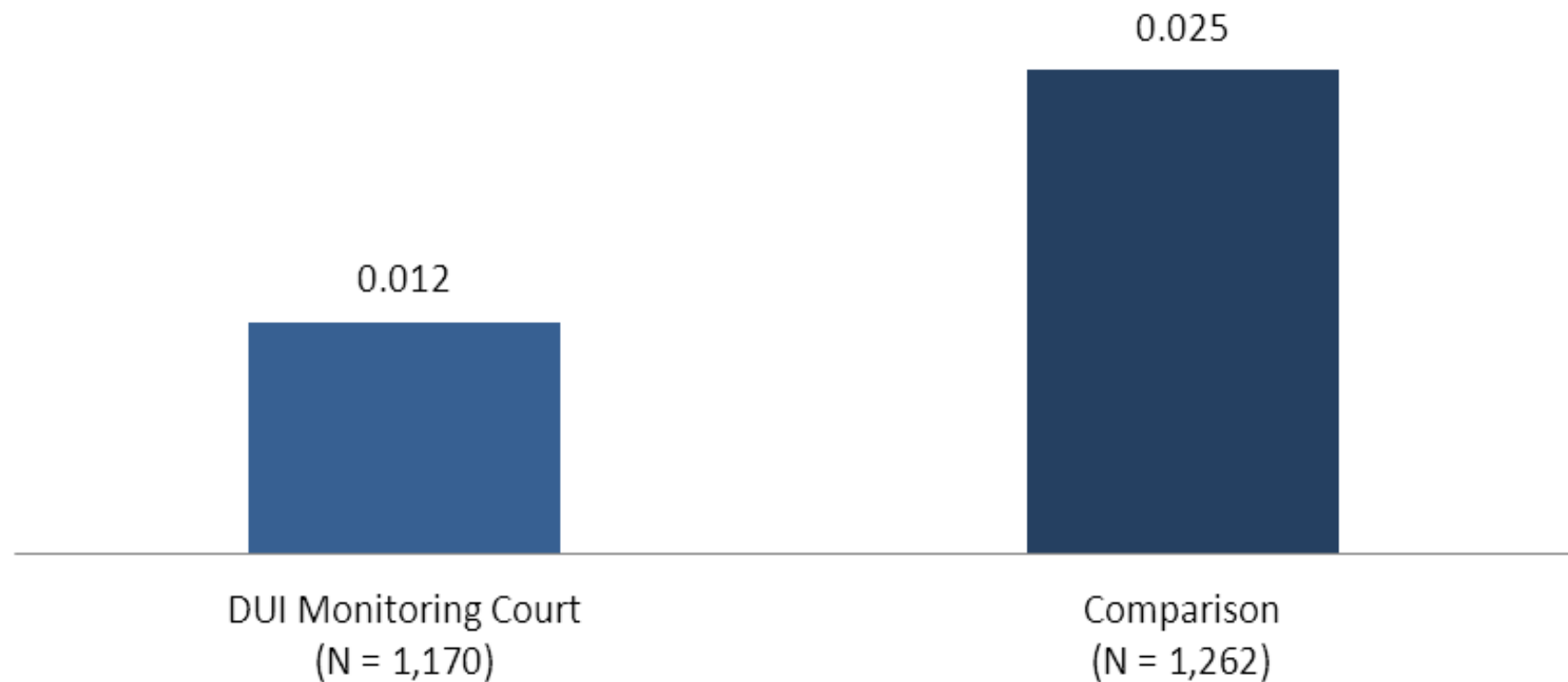


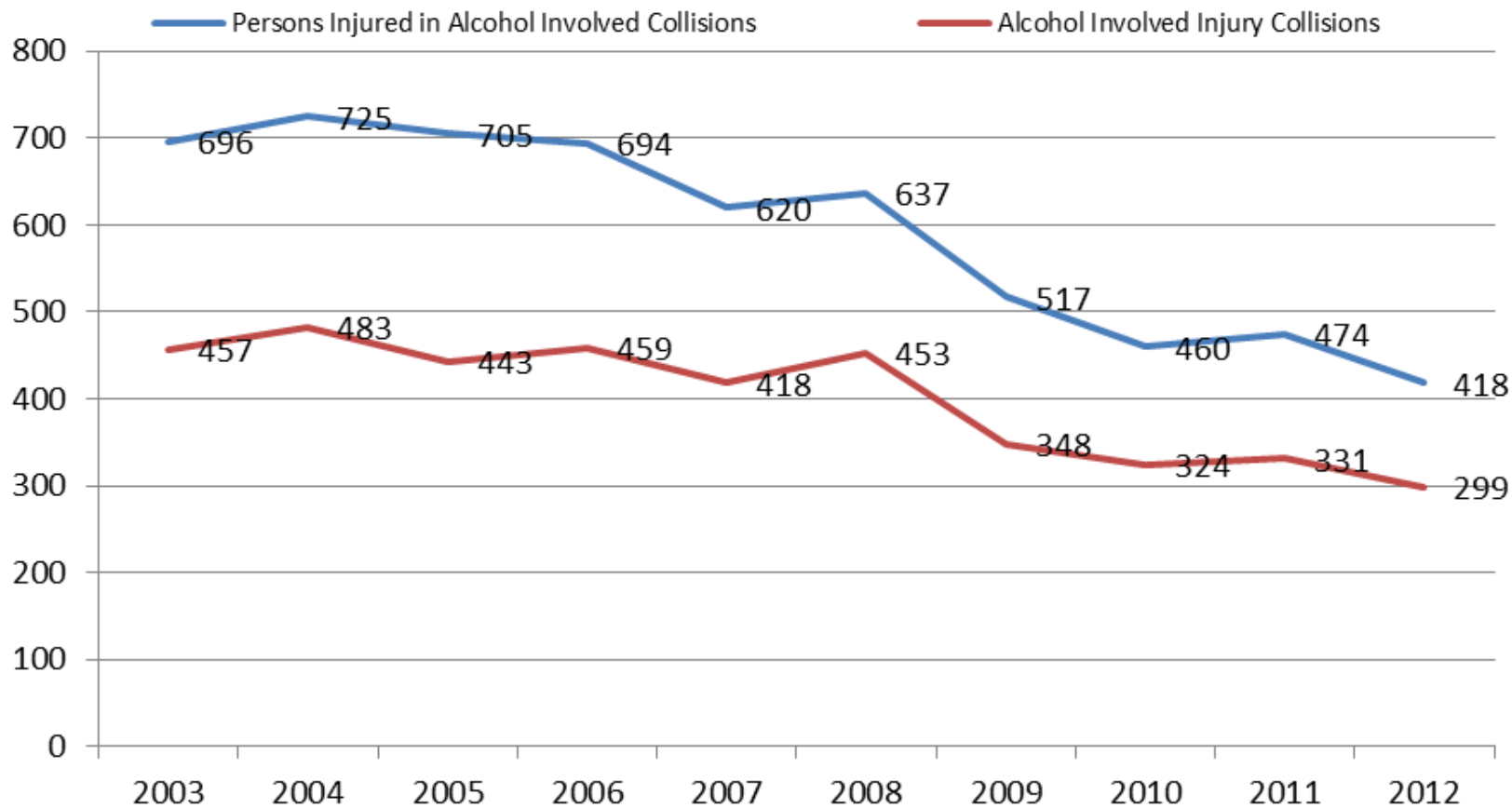


WHAT CAN BE DONE!

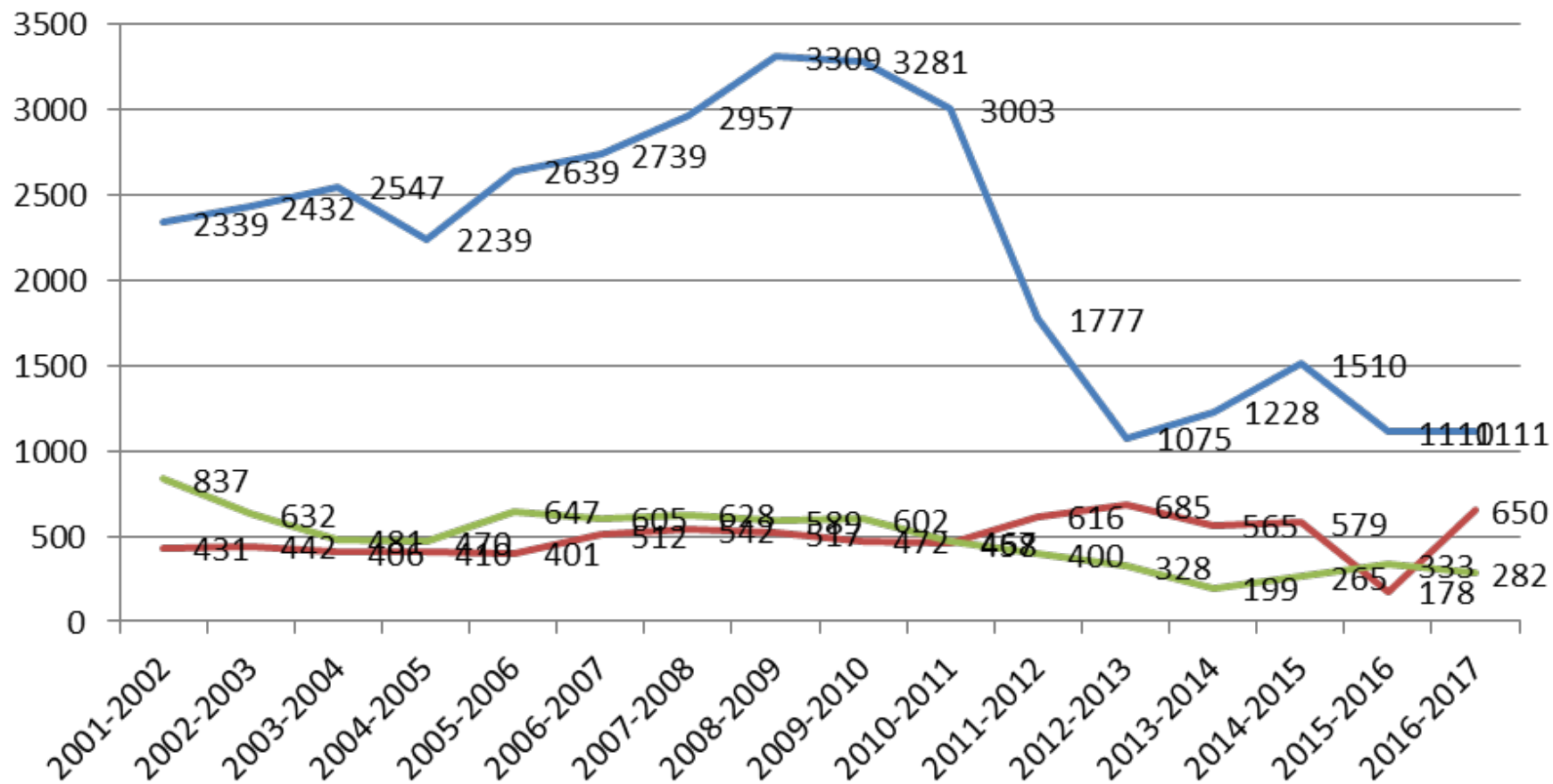


Average Number of Accidents





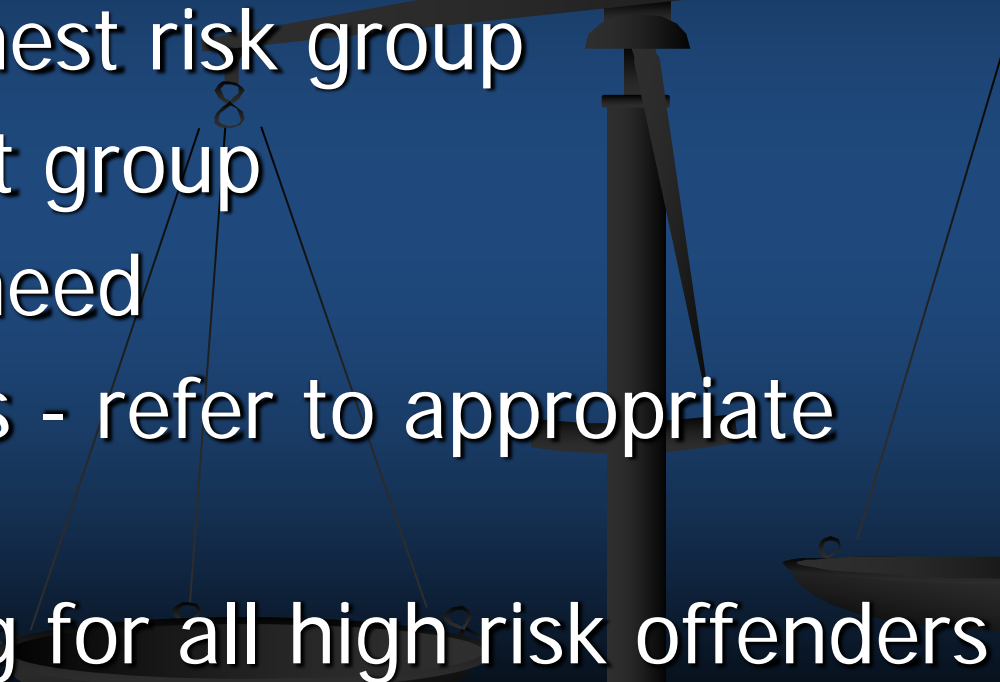
Stockton South County Lodi



EVIDENCE BASED SENTENCING PRINCIPLES



Evidence Based Sentencing Principles

- Identify the highest risk group
 - Target all of that group
 - Screen for risk/need
 - Assess for needs - refer to appropriate programming
 - Court monitoring for all high risk offenders
- 

Evidence Based Sentencing Principles

- Accountability to the Court
- Court Leadership Role



TARGETING THE HIGH RISK GROUP

**REPEAT
OFFENDERS**



Repeat Offenders Constitute:

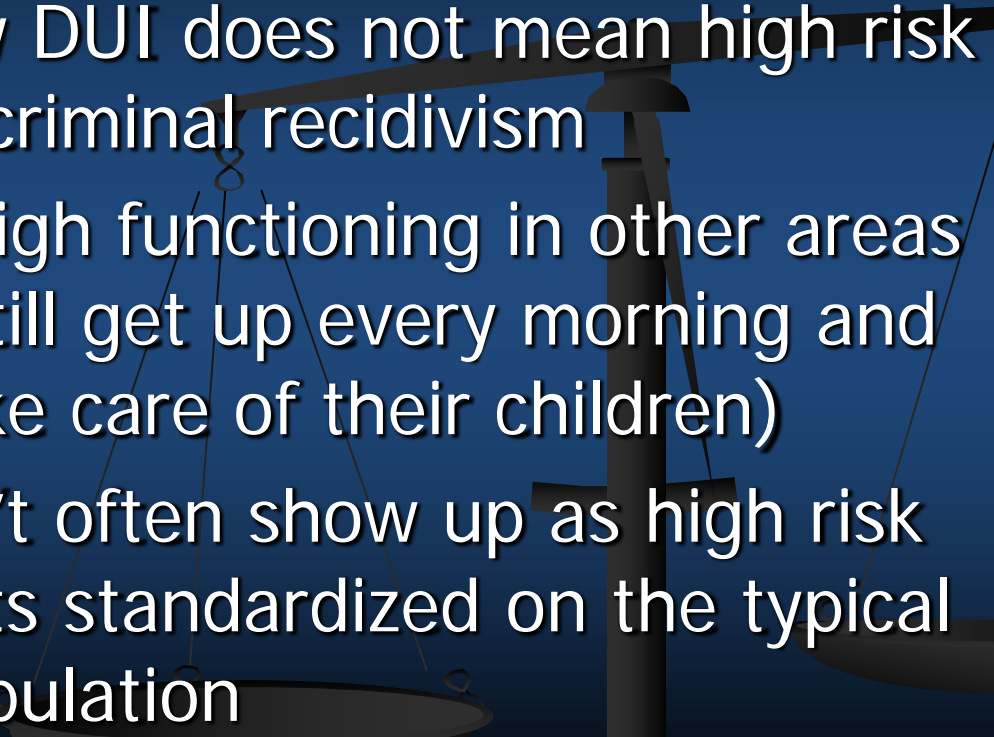
- 1.43% of California Drivers
- 26% of California DUI Offenders
- **59%** of California drivers in alcohol/drug fatal or injury crashes

KNOWING THE CLIENT

**DUI OFFENDERS
ARE DIFFERENT!**

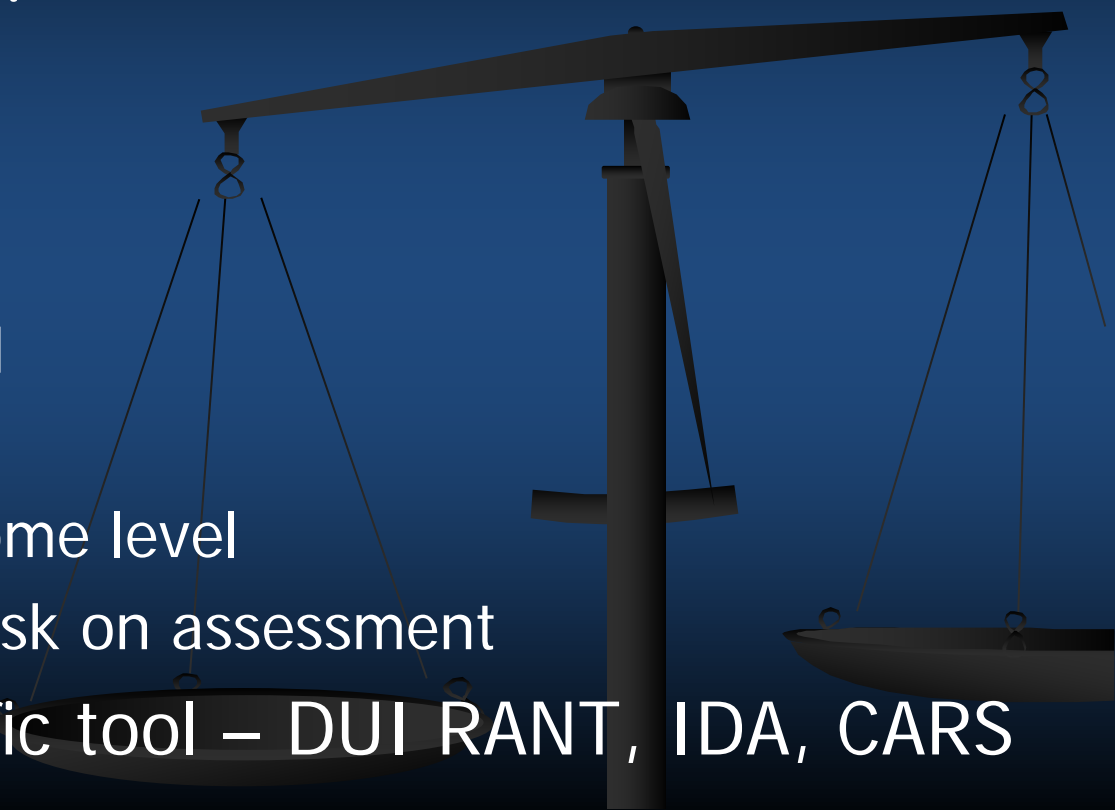


What do we know about DUI offenders?

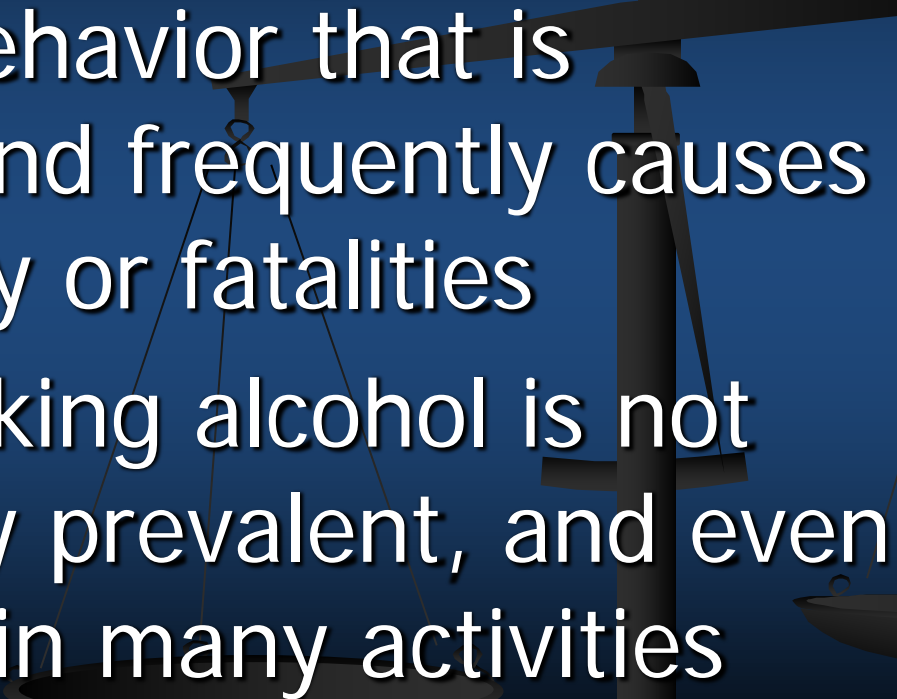
- High risk for a new DUI does not mean high risk for other types of criminal recidivism
 - More likely to be high functioning in other areas (Many alcoholics still get up every morning and go to work and take care of their children)
 - DUI offenders don't often show up as high risk on risk assessments standardized on the typical criminal justice population
- 

Are DUI offenders really different?

- More likely to be:
 - Male
 - White
 - Older
 - Highly educated
 - Employed
 - Of a higher income level
 - Scored as low risk on assessment
- Need DUI specific tool – DUI RANT, IDA, CARS



Are DUI offenders really that different from drug offenders?

- ❑ Engage in behavior that is dangerous and frequently causes serious injury or fatalities
 - ❑ Denial - drinking alcohol is not illegal, highly prevalent, and even encouraged in many activities
- 

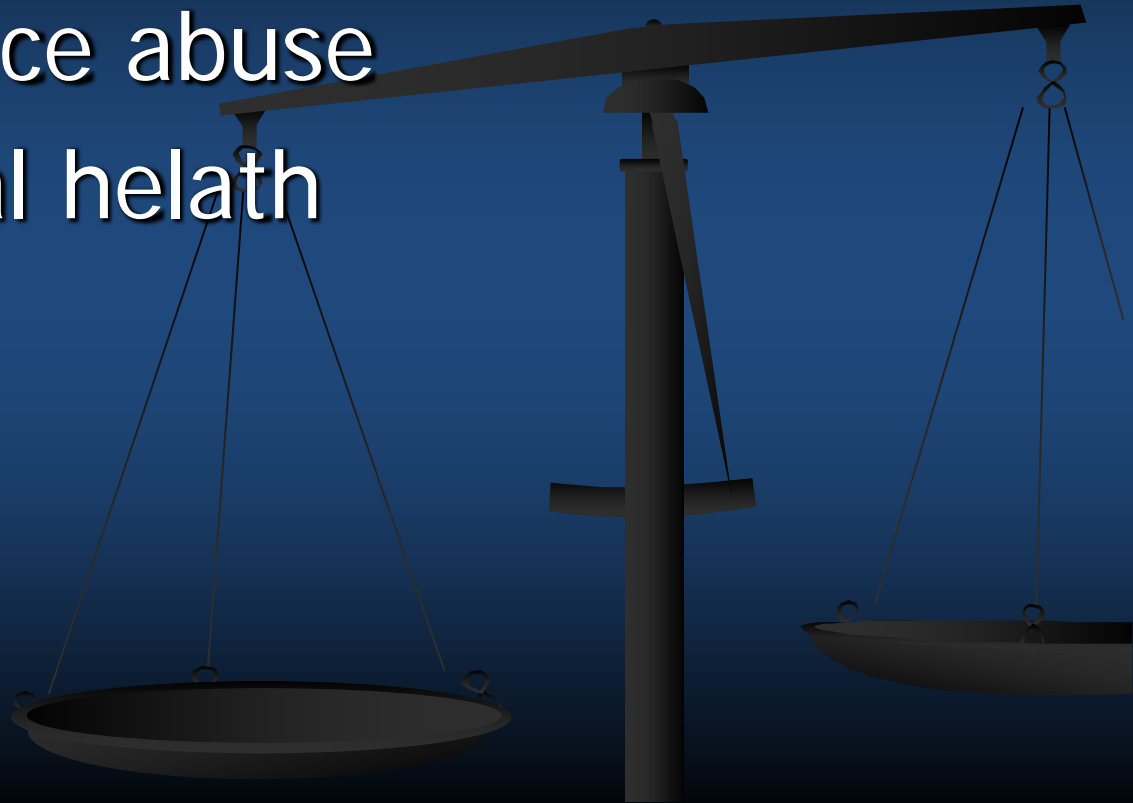
Screening Tools

- DUI RANT – substance abuse
- CARS – mental health



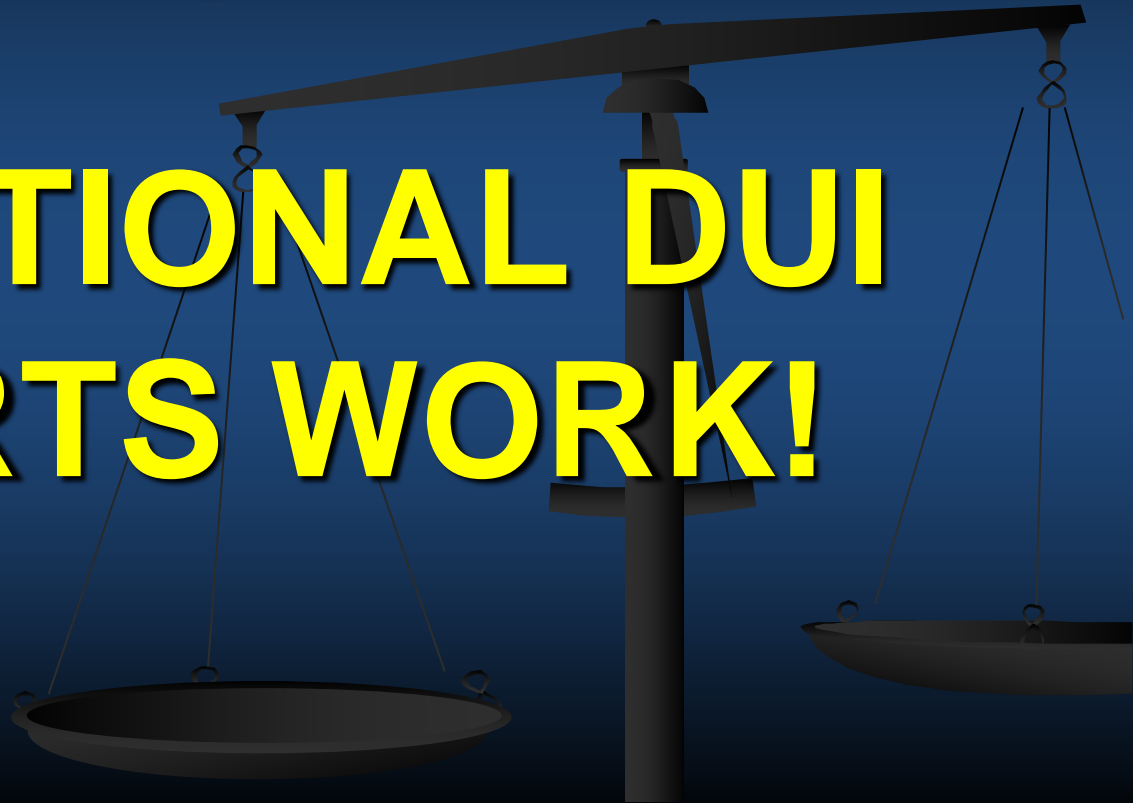
Assessment Tools

- IDA – substance abuse
- CARS – mental health



Court Monitoring – Good News

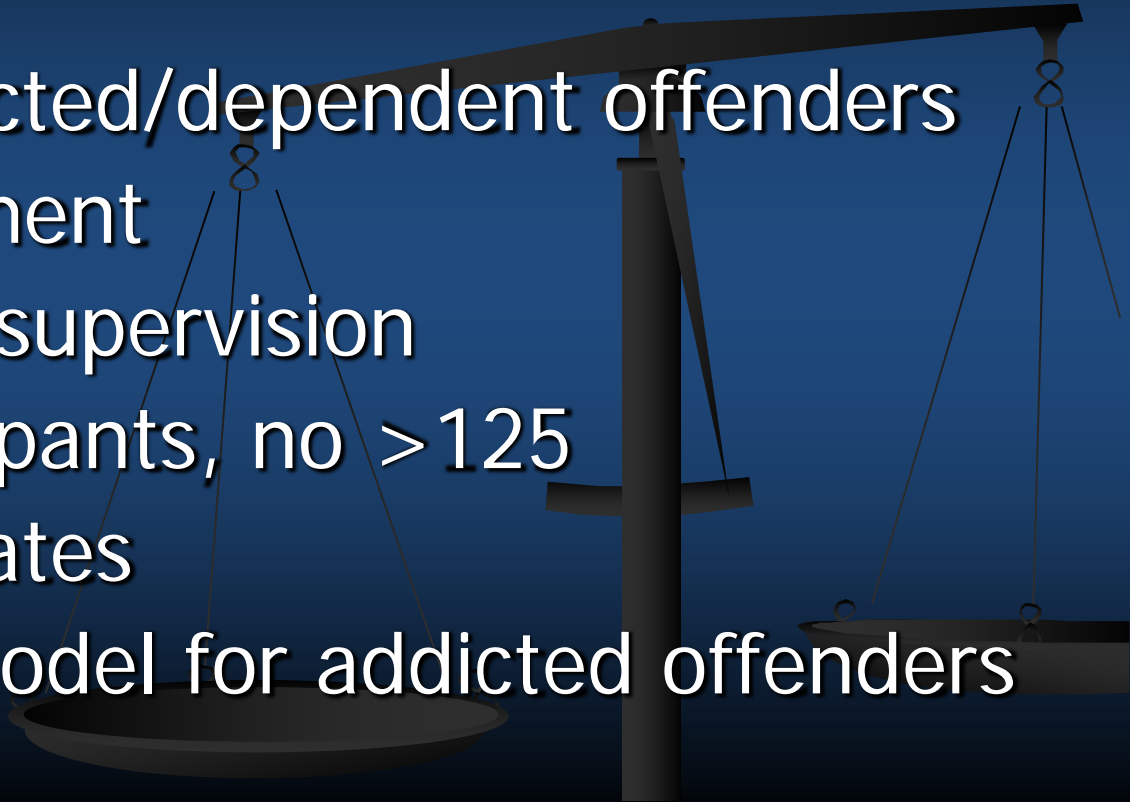
**TRADITIONAL DUI
COURTS WORK!**



TRADITIONAL DUI COURT

Treatment

- Designed for addicted/dependent offenders
 - Intensive treatment
 - Intensive court supervision
 - 75 – 100 participants, no > 125
 - Great success rates
- Evidence based model for addicted offenders



Traditional DUI Court Data



- Georgia study – 3 courts (NHTSA)
 - 20% reduction in recidivism
 - Up to 65% for graduates
- Wisconsin study – 1 court (Temple)
- Michigan study – 3 courts (NPC)
- Minnesota study – 9 courts (NPC)

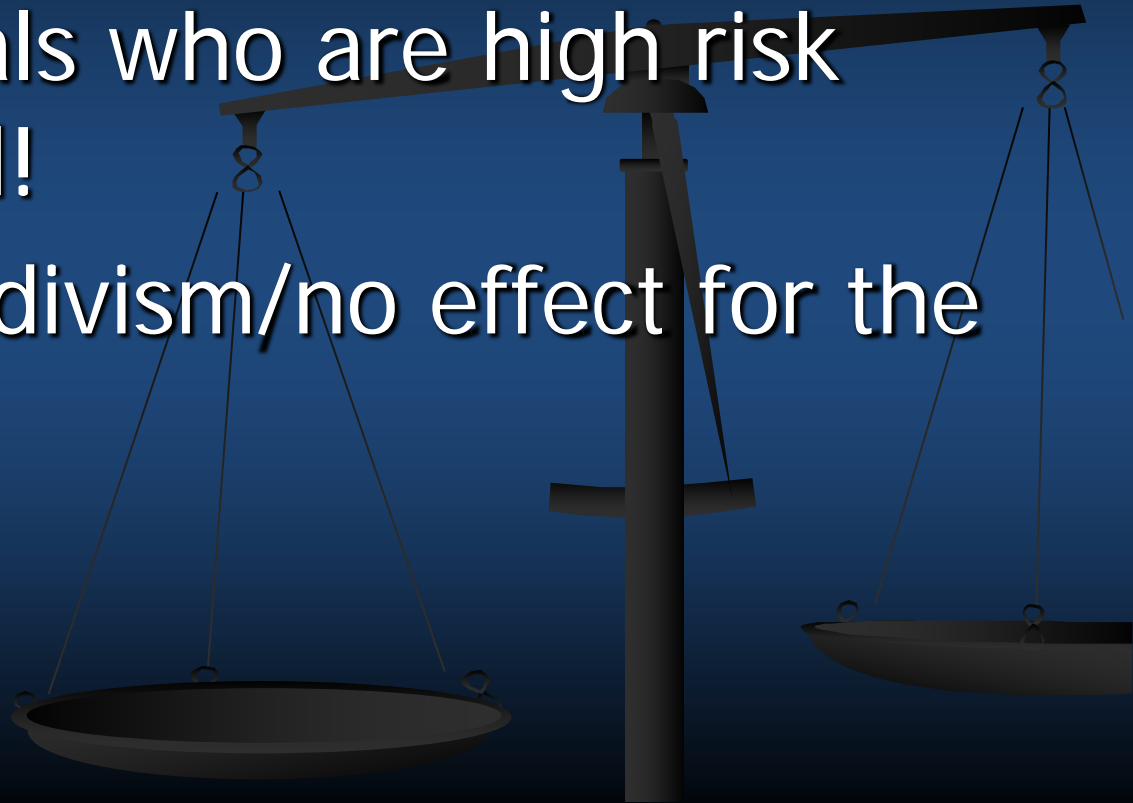
Court Monitoring- Bad News

**TRADITIONAL DUI
COURTS ARE NOT
FOR EVERYONE!**



Who They Work For

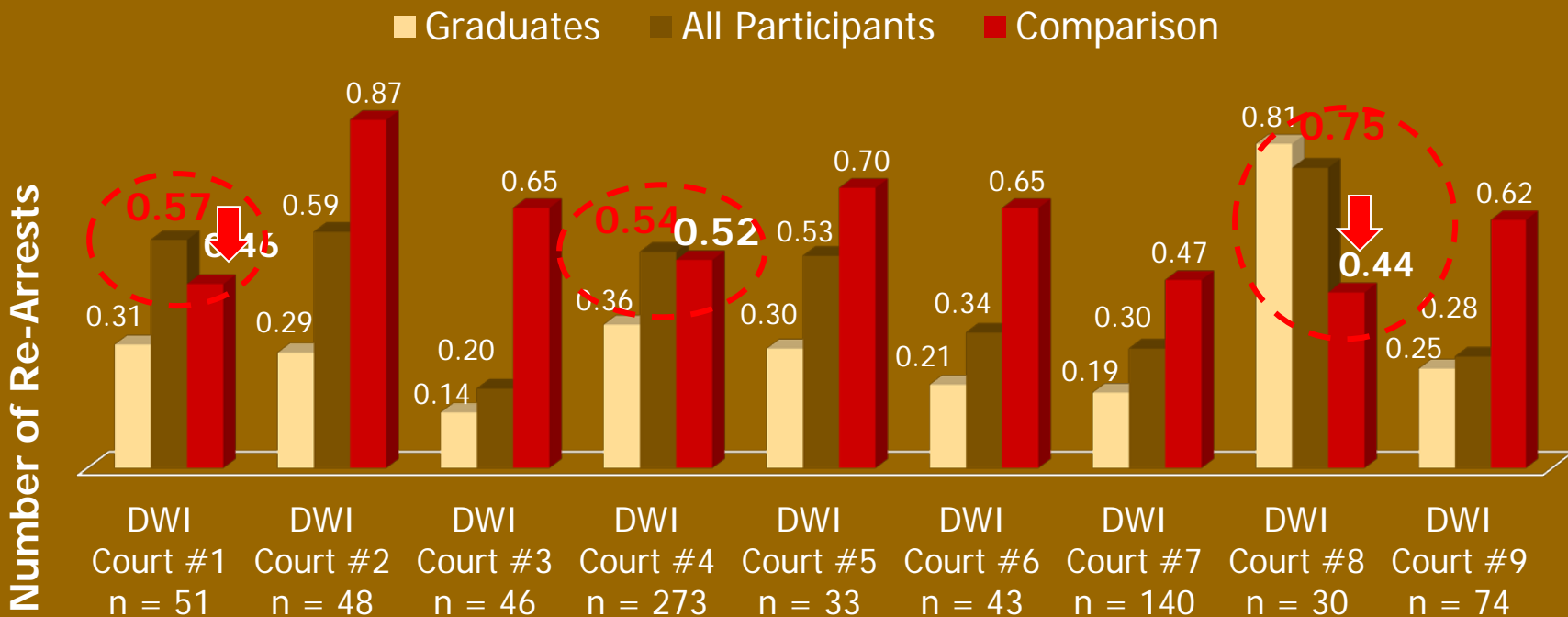
- Only Individuals who are high risk and high need!
- Increases recidivism/no effect for the rest



Minnesota Study in 9 DWI Courts

Completed September 2014

Participants (regardless of graduation status), at the majority of the 9 DWI courts had lower re-arrest rates **but not all of them**



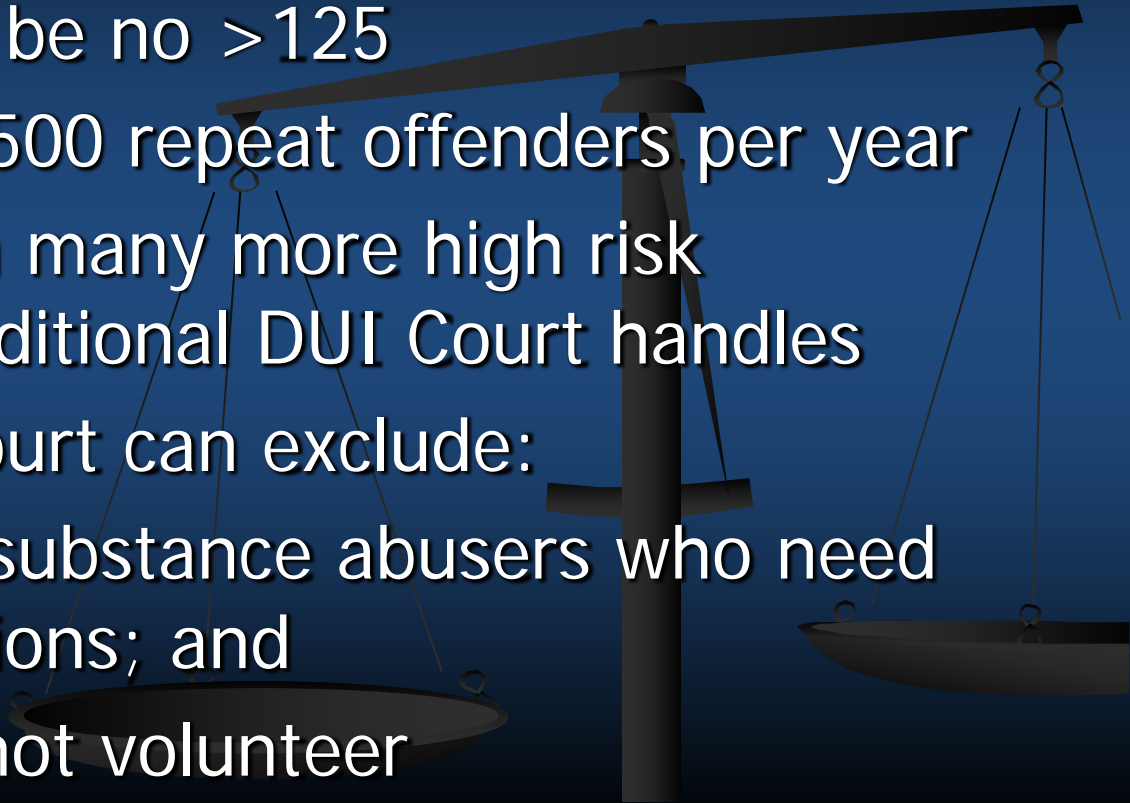
% Appropriate for DUI Court

- Risk/Needs Data on Repeat Offenders - San Joaquin Co. using DUI RANT
 - 1133 over 36 months in S.J. County
 - 31% High Risk/High Need
 - **69% not** – Traditional DUI Court is **NOT APPROPRIATE**
 - **48%** - High Risk/Low Needs
 - 17% - Low Risk/Low Needs
 - 4% - Low Risk/High Needs

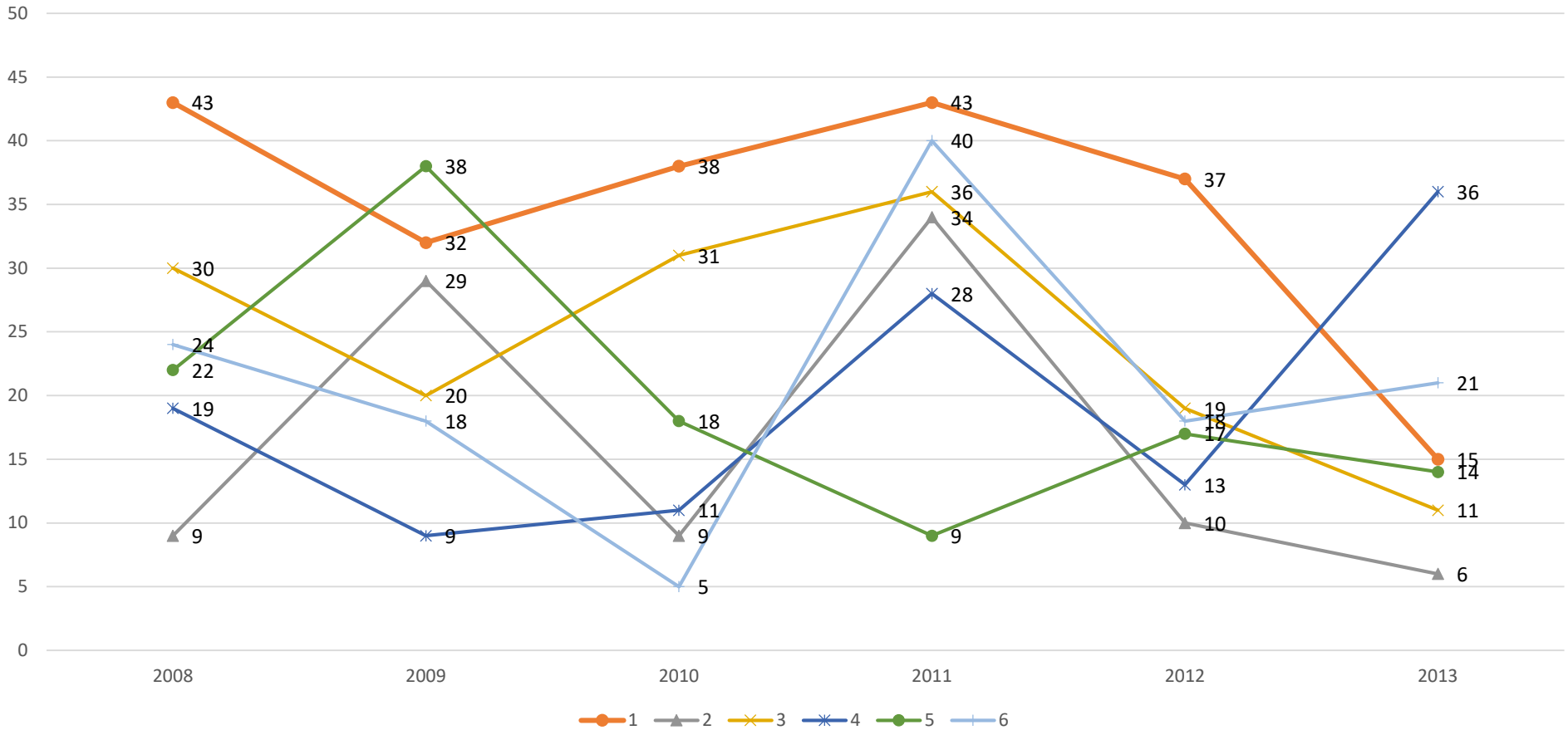


LIMITATIONS OF TRADITIONAL DUI COURTS

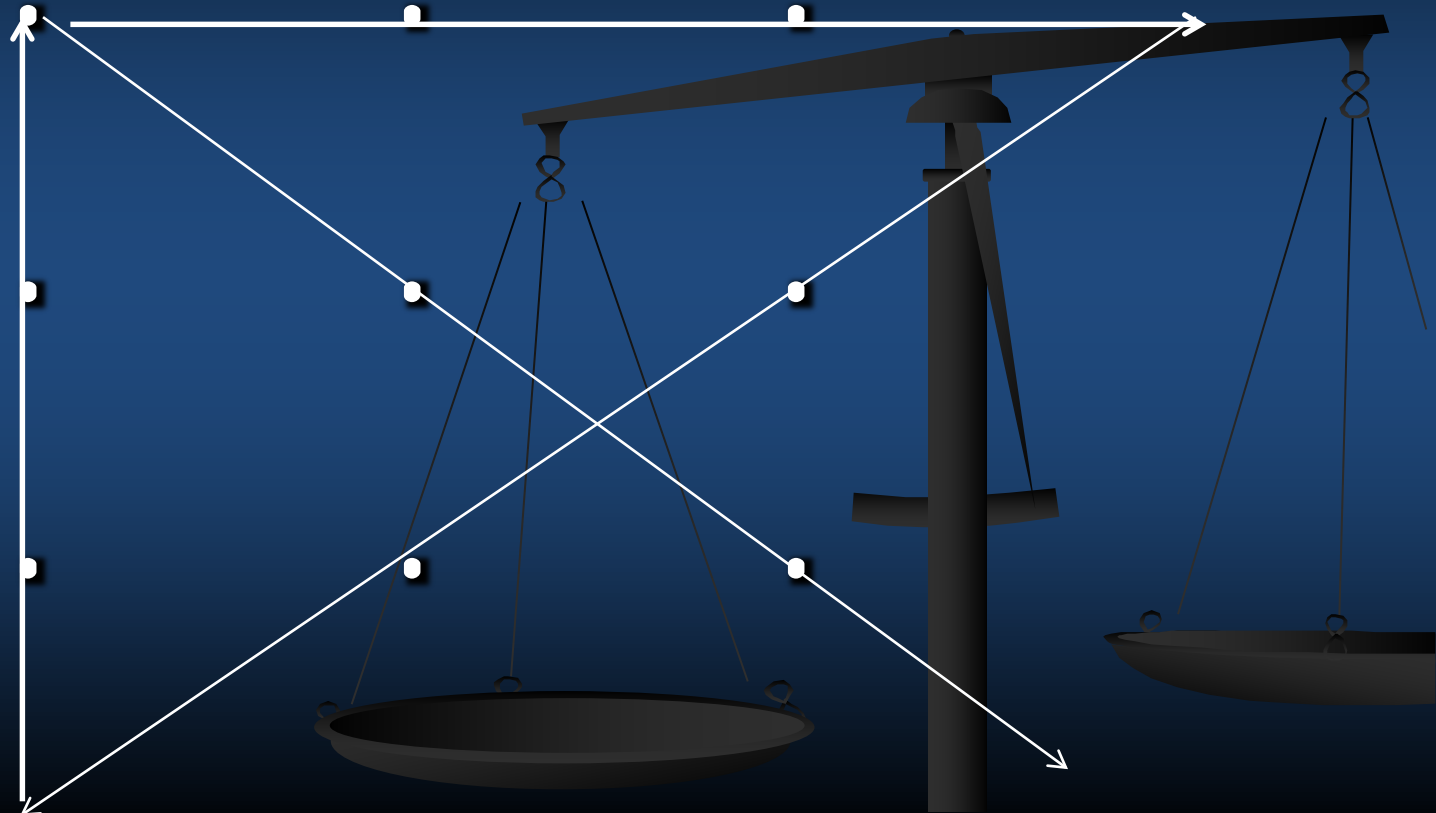
- Numbers - should be no >125
 - S.J. County - >500 repeat offenders per year
- Need to work with many more high risk offenders than traditional DUI Court handles
- Traditional DUI Court can exclude:
 - Many high risk substance abusers who need lesser interventions; and
 - Those who do not volunteer



California OTS Safety Ranking Alcohol Involved Collisions By County 1=Worst; 58=Best



Expanding Our Vision



Court Monitoring - Good News

THE MULTI-TRACK DUI COURT

Moving the traffic safety needle through
a more comprehensive and systemic
approach

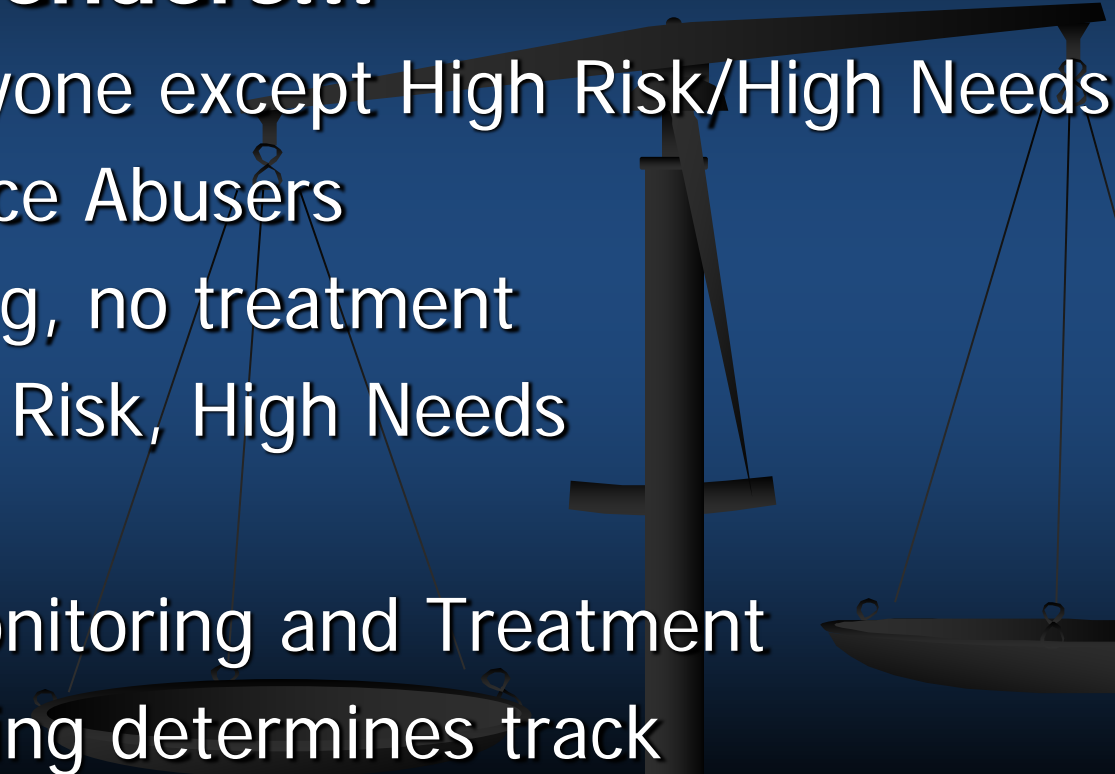


TRADITIONAL DUI COURT PRINCIPLES THAT CAN BE USED

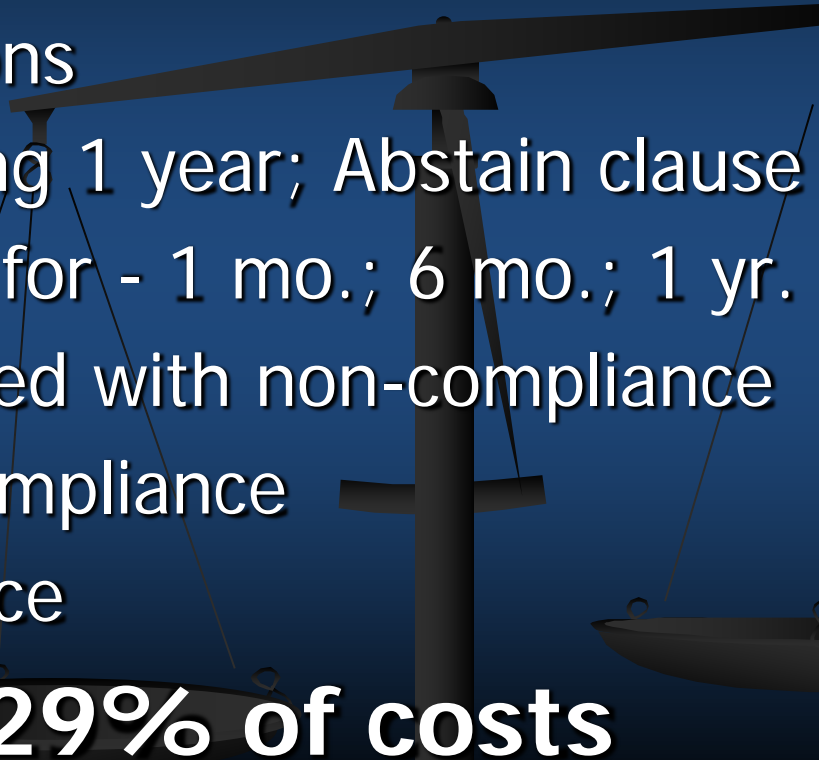


- Monitoring & accountability to court
 - Same judge
- Compliance monitored
- Consequences - certain & swift
- Positive reinforcement
- **ACCOUNTABILITY WORKS!!!**

MULTI-TRACK MODEL DESIGN

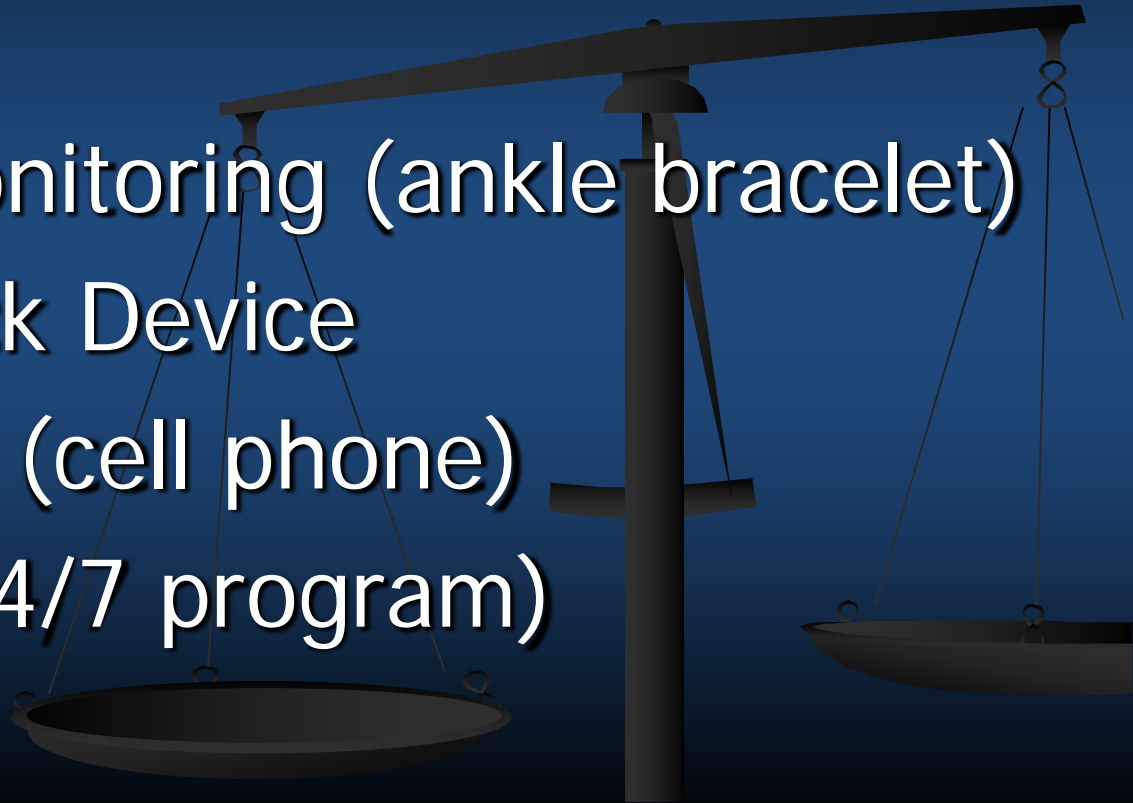
- **All Repeat Offenders!!!**
 - Track One – Everyone except High Risk/High Needs
 - Mostly Substance Abusers
 - Court Monitoring, no treatment
 - Track Two – High Risk, High Needs
 - Addicts
 - DUI Court – Monitoring and Treatment
 - DUI RANT Screening determines track
- 

COURT MONITORING TRACK

- Report to Case Manager - verifies compliance
 - Added probation conditions
 - Alcohol/drug monitoring 1 year; Abstain clause
 - Court reviews scheduled for - 1 mo.; 6 mo.; 1 yr.
 - Court appearance added with non-compliance
 - Swift response to non-compliance
 - Recognition for compliance
 - **81% of clients - 29% of costs**
- 

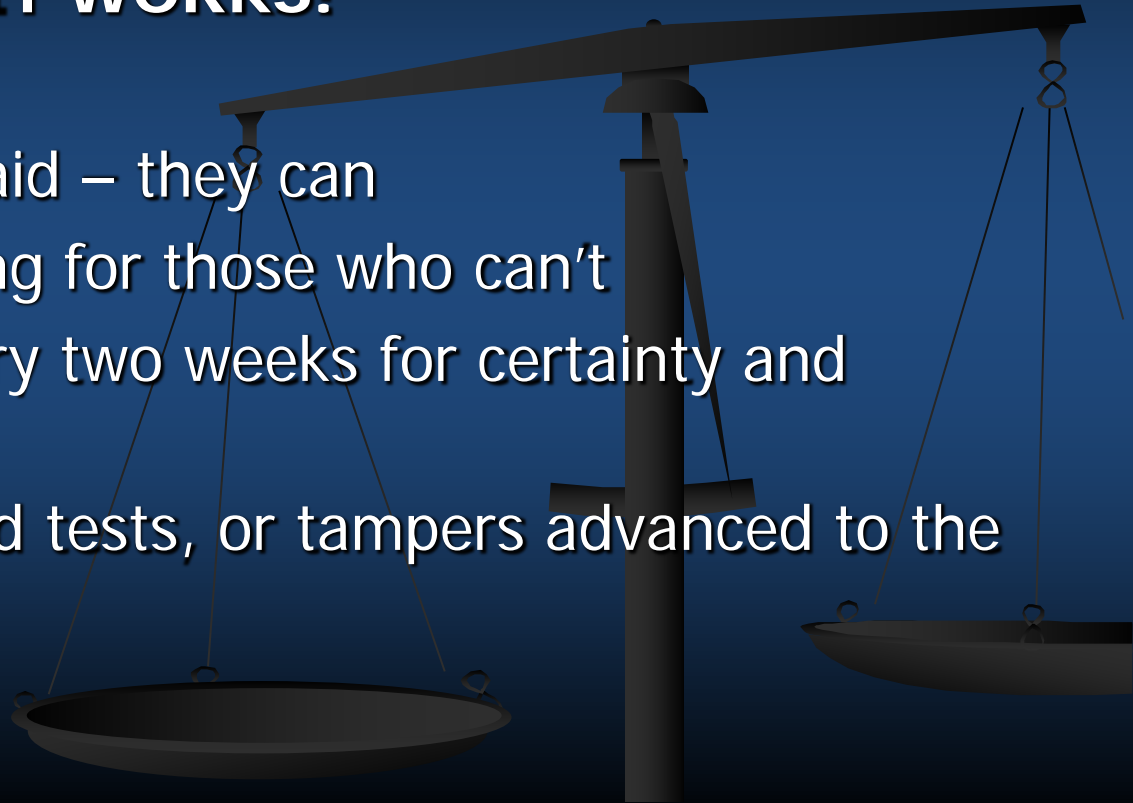
MONITORING TECHNOLOGIES

- Transdermal Monitoring (ankle bracelet)
- Ignition Interlock Device
- Remote Testing (cell phone)
- Daily Testing (24/7 program)
- Drug Testing



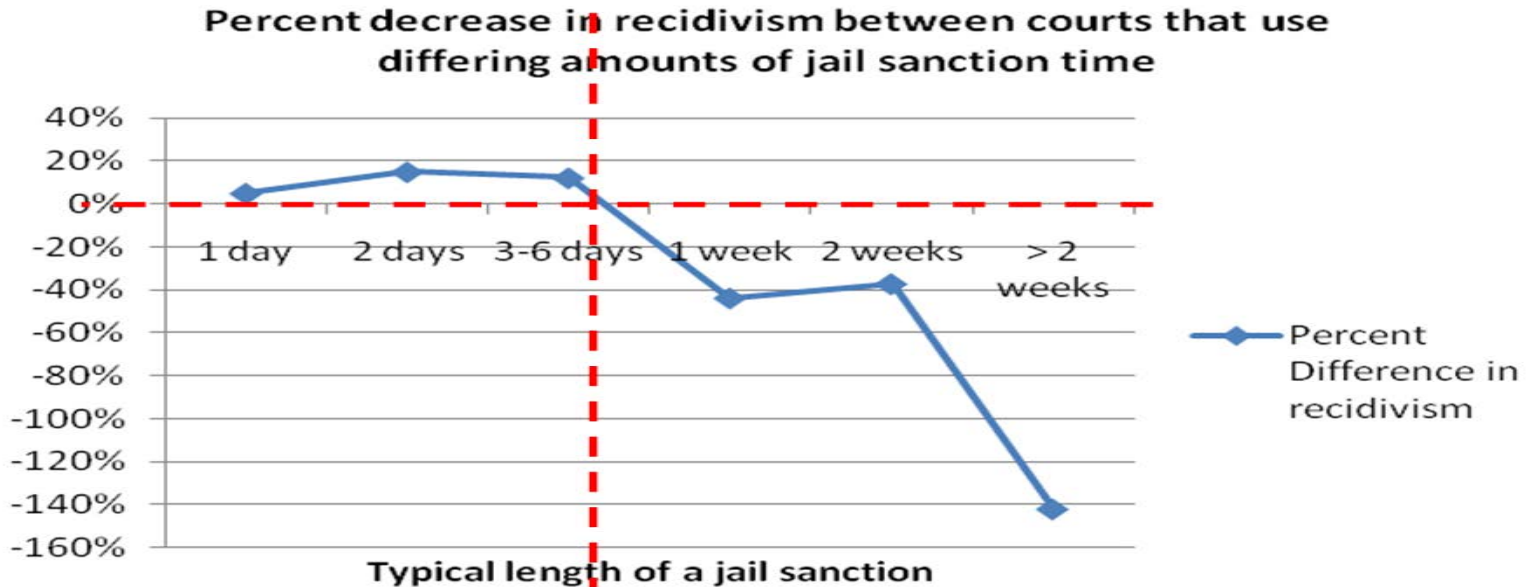
Making Monitoring Work

- **Non-negotiable – IT WORKS!**
- Costs
 - Mostly offender paid – they can
 - Some grant funding for those who can't
- Checked at least every two weeks for certainty and celerity
- Any violations, missed tests, or tampers advanced to the next court calendar



Use of Jail

Courts that use jail greater than 6 days have **worse** (higher) recidivism



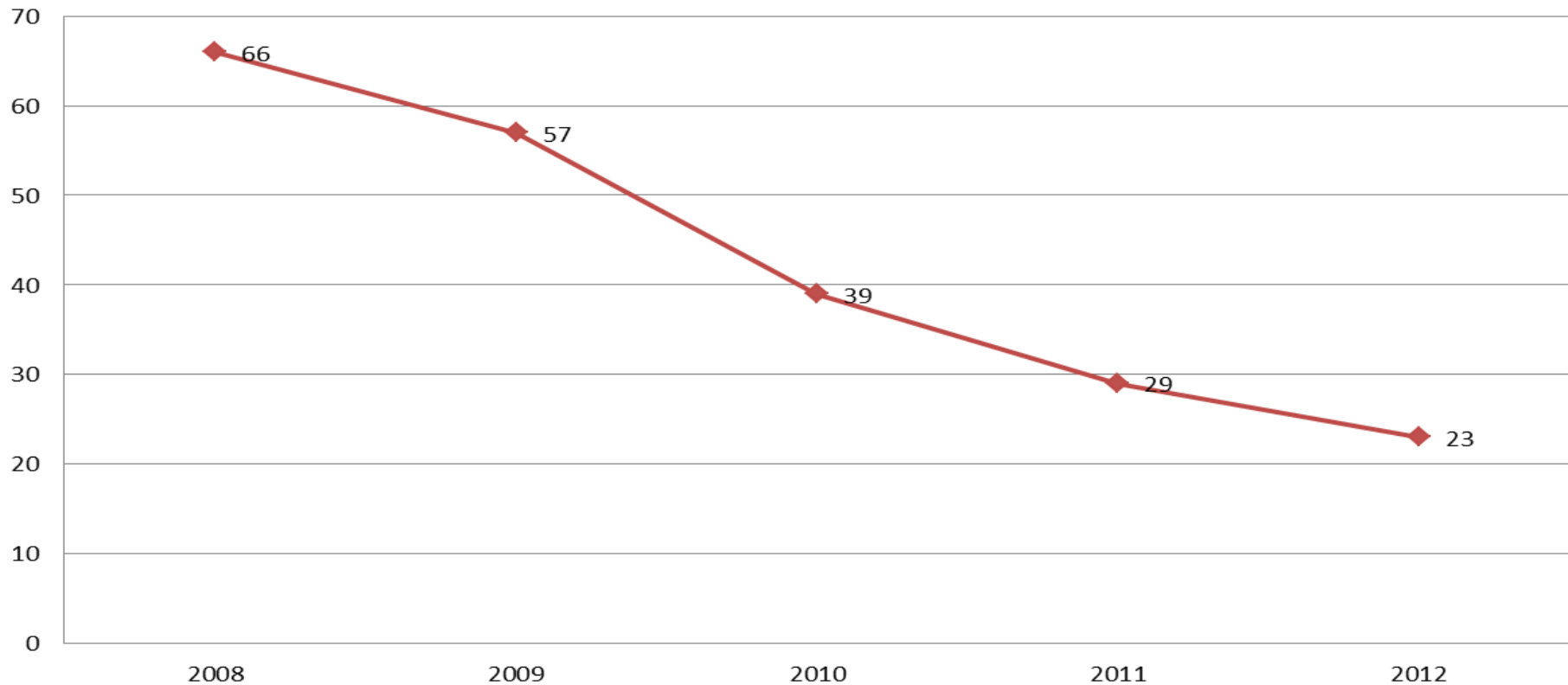


OUTCOMES

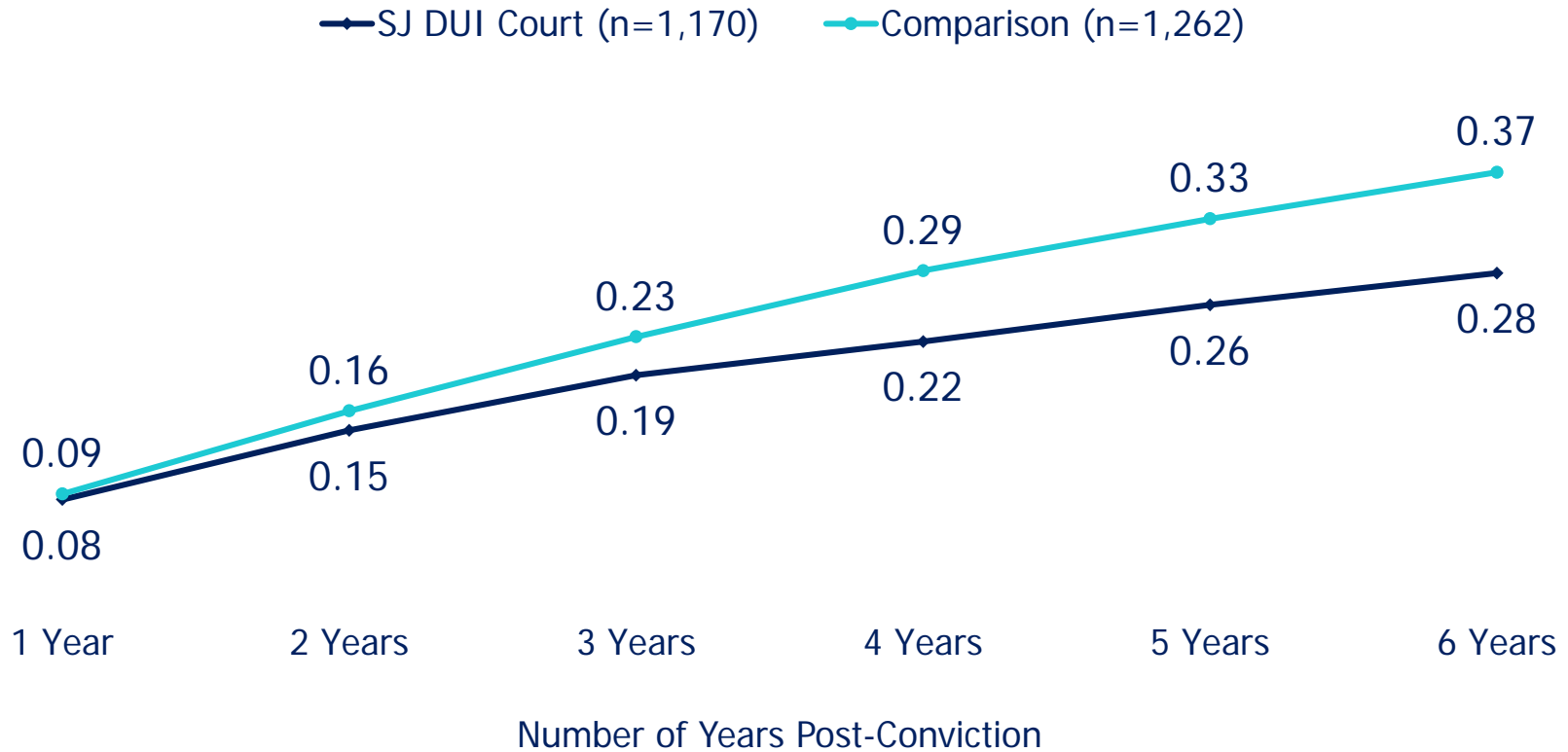
Safety

Recidivism Reduction Among Second Offenders Since Implimentation of DUI Court in San Joaquin County

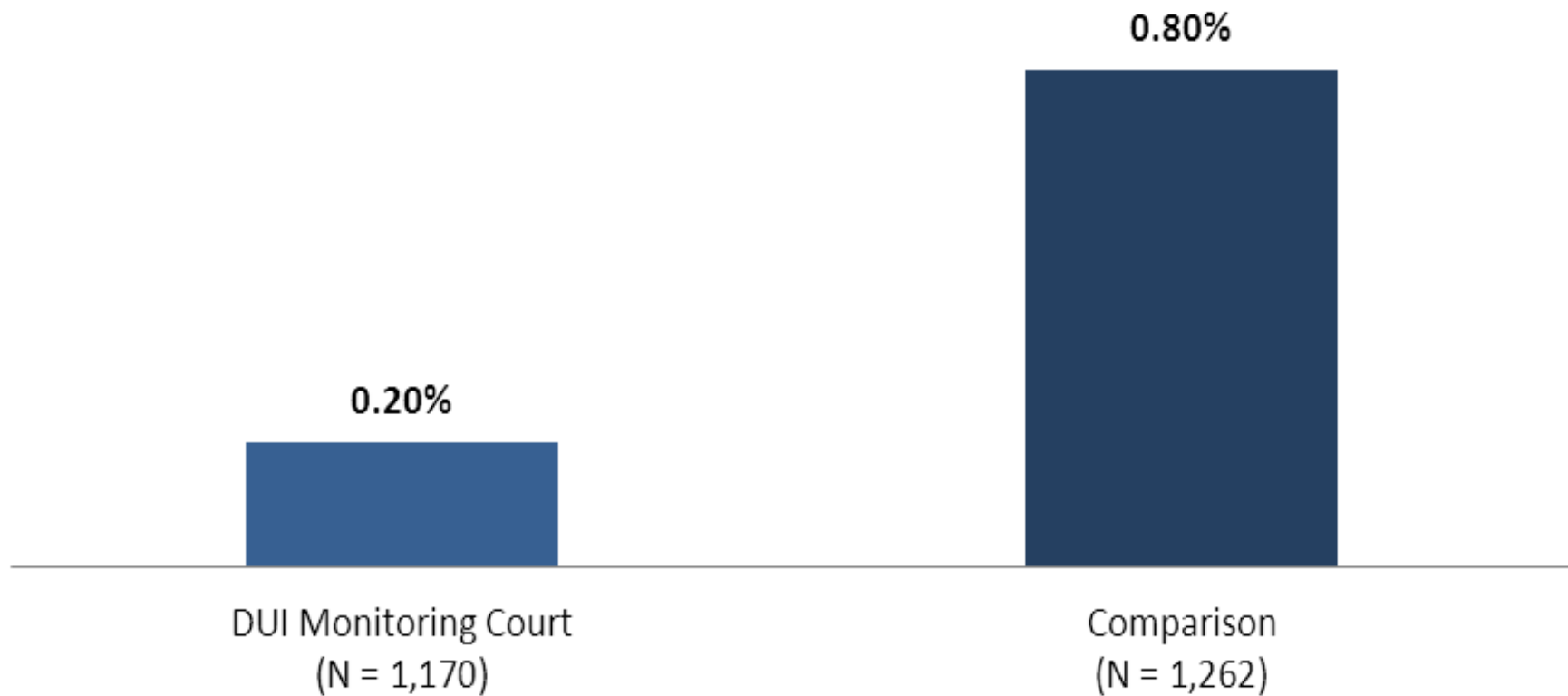
Source: DMV MIS Reports 2010-2015



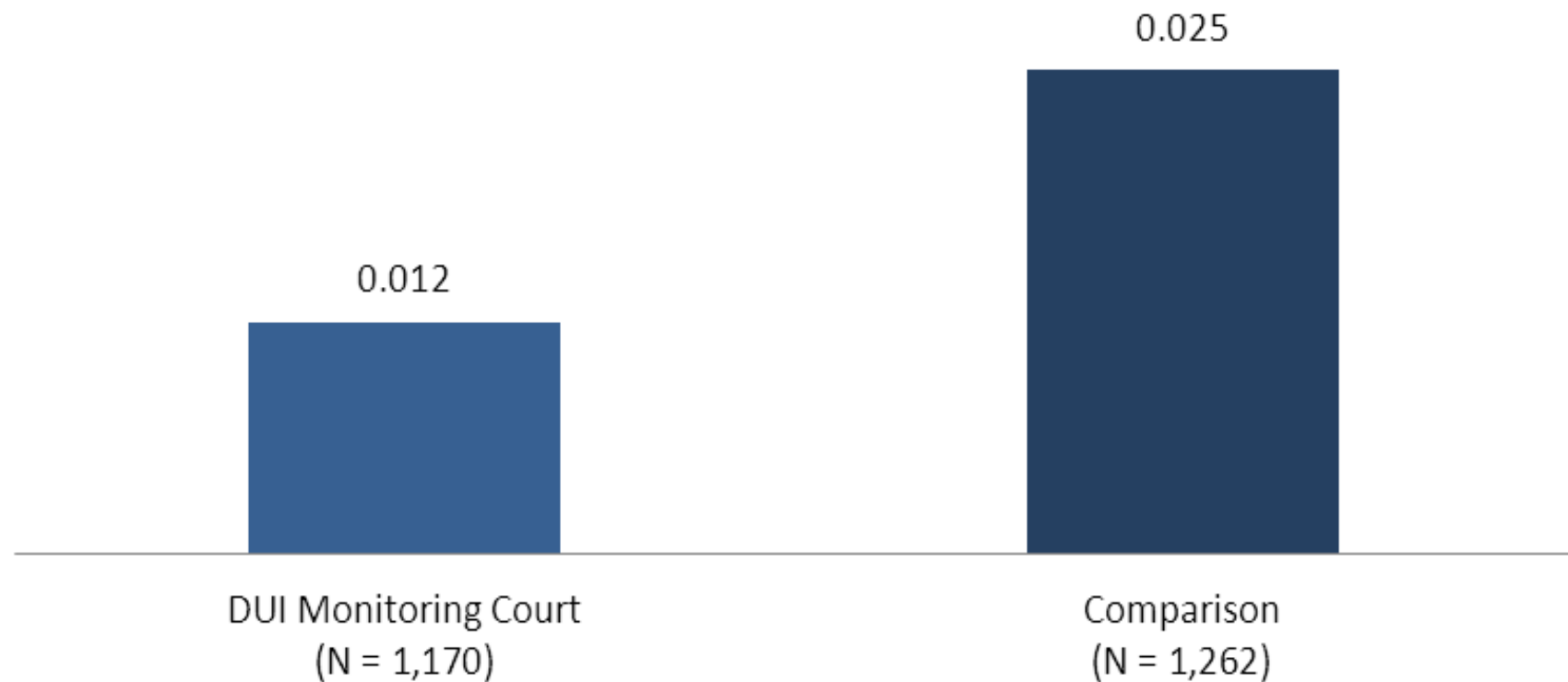
Participants in the SJ DUI Court had Fewer DUI Arrests 6 Years After Program Entry



Percent of Individuals With Accidents



Average Number of Accidents



OTHER OUTCOMES



Percent of Individuals With Licenses Reinstated

19%



DUI Monitoring Court
(N = 1,861)

8%



Comparison
(N = 1,525)

OVERALL IMPACT



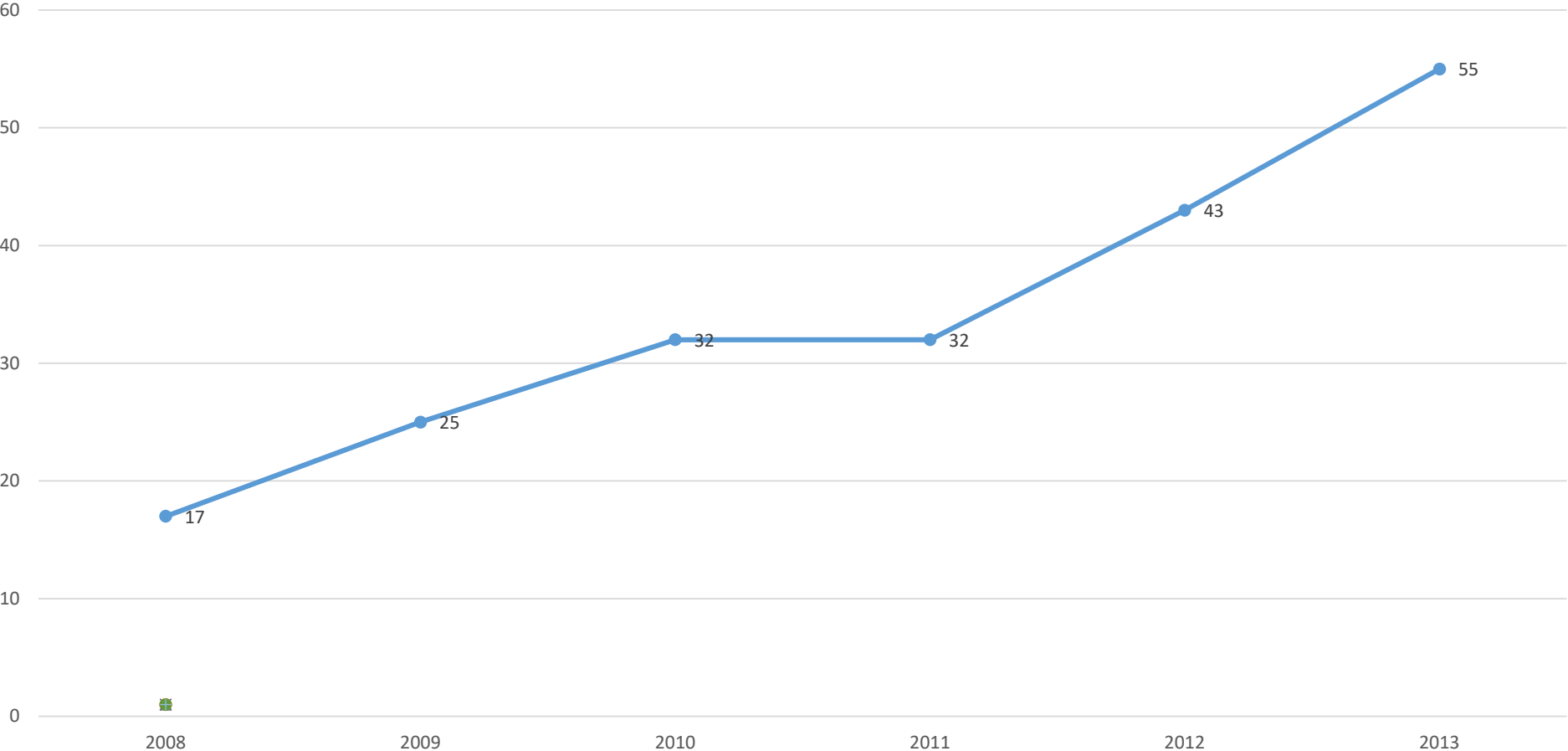
NUMBERS

- Active clients - **274**
- Since inception (11.5 years) - **4,679**
- Completions – **4,105**
 - Successful – **84%** (3,430)
- Recidivism – **11%** (506)
 - 32% Reduction overall
 - **>50% Reduction in collisions**

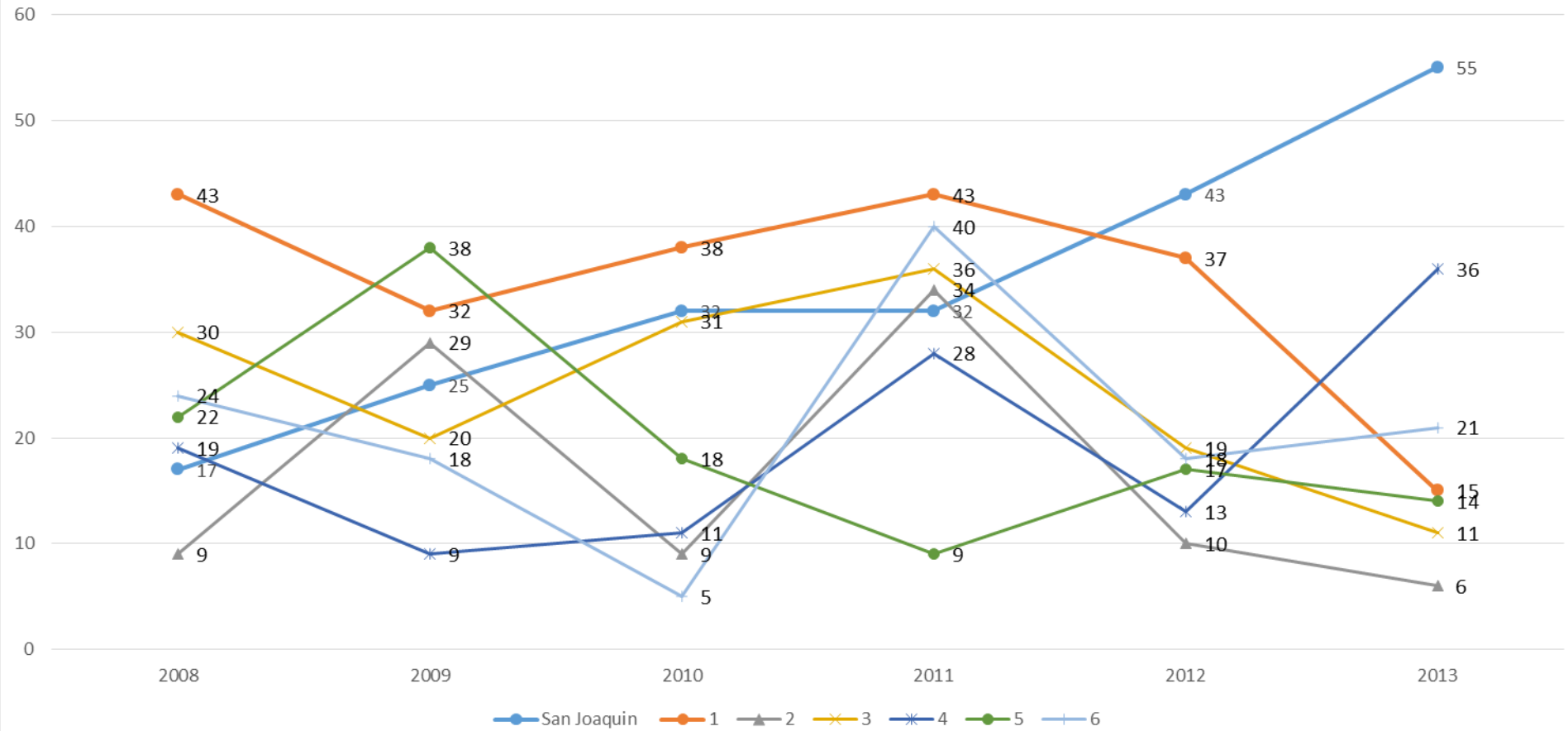


California OTS Safety Ranking
Alcohol Involved Collisions By County
1=Worst; 58=Best

San Joaquin County –
4th best



California OTS Safety Ranking Alcohol Involved Collisions By County 1=Worst; 58=Best



Questions?