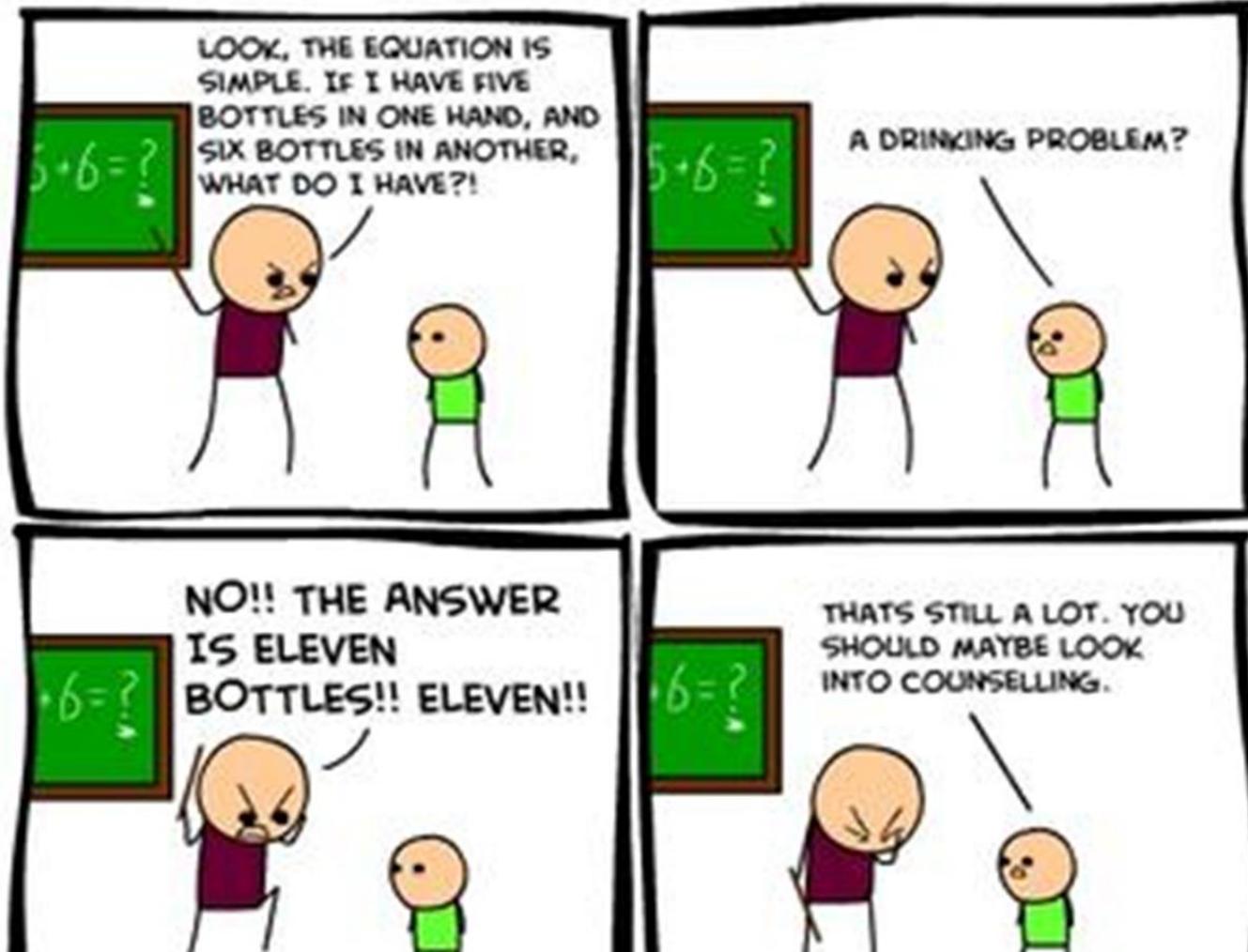


**PRE-TRIAL
SERVICES: KEY
COMPONENTS AND
BEST PRACTICE
RECOMMENDATIONS
FOR ALCOHOL-
IMPAIRED DRIVERS**

National Association of Drug Court Professionals ALL RISE 19
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OVERVIEW

- > Current climate of alcohol-impaired driving in the U.S.
- > How pre-trial services fit within the larger DWI system.
- > Identify common challenges and barriers jurisdictions face when monitoring these offenders.
- > Measures of success for pre-trial interventions.

ALCOHOL-IMPAIRED DRIVING IN THE U.S.

- > In 2017, 10,874 alcohol-impaired driving fatalities, 29% of total fatalities.
- > 12,253 drivers had a BAC of .01g/dL or higher, 56 percent (6,904) had BAC levels at or above .15 g/dL.
- > 25% repeat offenders.
- > Economic cost of alcohol-impaired driving: \$44 billion.

HOW PRE-TRIAL SERVICES FIT WITHIN THE LARGER DWI SYSTEM.

- > Upon arrest, consequences for driving while under the influence vary greatly by state and can involve both criminal and civil punishments.
- > In almost all states, a first-time DUI charge is a misdemeanor, punishable by fines and potential time in jail.
- > Bail based on the offender's past criminal and DUI history, seriousness of the DWI offense, likelihood of appearing in court for adjudication.
- > If the offender can pay the required bail, the offender is released until arraignment.

PRETRIAL PROCESS OVERVIEW

- > Purpose of pretrial practices is to increase public safety and ensure court appearances while protecting individual rights.
- > Pretrial practices include: bail and bond decisions; pretrial detention in jail; pretrial diversion; varying conditions of pretrial release; and other local pretrial services.
- > Services may include risk assessments to inform pretrial services needed to achieve the correct balance between preserving public safety and providing the proper services available to offenders.
- > Often include supervision and monitoring through use of technology.

CURRENT TECHNOLOGY

- > Ignition interlock device
- > Transdermal alcohol device
- > Home monitoring device
- > Portable handheld device
- > Oral fluid testing device

PRETRIAL DETENTION

- > In most jurisdictions, DUI offenders must appear before a bond court judge to determine the conditions of their release prior to the disposition of their criminal case.
- > Decisions typically based on public safety considerations and the likelihood appearance for subsequent court hearings.
- > Laws in 18 states and DC require a hearing to determine.
- > Usually ordered only if an arrested person presents an unmanageable risk to public safety, unlikely to appear in court, or unable to pay their monetary bail requirement.

PRETRIAL DETENTION

- > Out of 100 who have bail bond hearing, 34 are detained pretrial due to inability to pay cash bail (PJI, 2018).
 - > This can lead to overcrowding and increased financial demand on jurisdiction.
 - > Part of the larger criminal justice reform movement to do away with cash bail systems because it disproportionately affects minorities.
- > Some have implemented strategies to reduce pretrial detention and provide services to support those offenders with detected substance abuse issues.
- > Offering treatment to pretrial offenders usually determined by screening or risk assessment to affect behavior change and reduce the risk of recidivism among these offenders (Isanti County, MN).

DUI DIVERSION PROGRAMS

- > Encourage offenders to make a fresh start by disposing of or expunging charges from the offender's record after successful completion of the program.
- > Alternative to prosecution to divert certain offenders from traditional processing into supervision and services usually administered by probation services.
- > Unsuccessful participants are returned to prosecution and face traditional DUI adjudication.

DUI DIVERSION PROGRAMS

- > DUI pretrial diversion programs lack uniformity across the states.
- > In some states, there will be no record of any charges, dismissal, or completion of the diversion program (Maryland's probation before judgement).
- > Important to implement stringent tracking-available only once.
- > Ex. Oregon, the record reflects the charge and successful completion of the diversion program, but the conviction does not appear on the record.

PRETRIAL RELEASE

- > Purpose to alleviate jail crowding and cost where bail and/or bond conditions are usually set.
- > If the offender can meet these conditions, they are released on a promise to appear (PTA) in court.
- > Traditional pretrial release programs are often viewed as a serious public safety hazard since the potential for reoffending is high.
- > For this reason some jurisdictions implemented monitoring programs requiring certain offenders to participate in monitoring or supervision and sometimes treatment (York County, PA; San Joaquin County, CA; Isanti County, MN; the City and County of Denver).

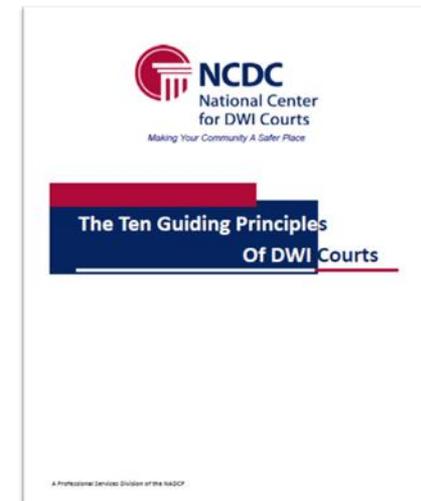
PRETRIAL RELEASE

- > Monitoring programs incorporate screening and risk assessments to determine appropriate pretrial measures for offenders.
- > For those programs that require or recommend treatment, once the charge has been adjudicated and if treatment is required, often this treatment is acknowledged and continued throughout the post-adjudication process.
- > Monitoring usually by probation use of various devices including an IID, transdermal monitoring devices, home devices, and oversight by a monitoring agency.

DWI COURTS

- > DWI courts are specialized treatment courts targeted for the high-risk/high-need offenders.
- > DWI courts follow the drug court model which addresses substance dependence and mental health issues; 10 Guiding Principles.
- > There are currently over 700 stand-alone and hybrid DWI courts in U.S.
- > The vast majority of DWI Courts are post adjudication programs, however DWI courts can be used in pretrial capacity (ex. Duluth, MN).

Research shows an increase in criminogenic factors in clients for programs that do not follow the Guiding Principles or Best Practices



DWI COURTS

- > Non-adversarial, collaborative team approach.
- > Court monitoring, intensive supervision with frequent alcohol and drug testing.
- > Goal is to change behavior through long-term treatment to recovery.
- > DWI courts that follow best practices are structured in phases.
- > DWI courts reduce recidivism among repeat offenders, especially when maintaining fidelity to the DWI court model.

OBSTACLES/BARRIERS:

- > Many jurisdictions struggle with requiring offenders to participate in services while still maintaining the presumption of innocence for the offender.
- > Often, these programs have associated costs that the offender may not be able to afford.
- > Usually volunteer-based, therefore those who do not choose the option to participate in these programs are often released without supervision and may continue to pose a threat to their community.
- > Often programs do not use a risk assessment or an assessment that is validated for the alcohol-impaired driving offender which results in improper sanctioning and referral to treatment.

KEY COMPONENTS/MEASURES OF SUCCESS:

- > Background checks on those arrested for DWI arrests to determine the individual's number of prior arrests.
- > The use of validated risk and needs assessments that incorporate criminogenic and mental health factors and are developed for the alcohol-impaired driving population (ex. CARS, IDA).
- > Monitoring of offenders during the pretrial process through use of technology devices.
- > Supervision of offenders during the pretrial process by probation or pretrial officers.
- > Treatment for DWI offenders during the pretrial process.

PRETRIAL PROGRAMS CONCLUSION

- > Untapped resource dealing with the impaired driver-misses an opportunity to intervene early in the criminal justice process.
- > Those that incorporate key components for success and evidence-based best practices can change behavior to prevent subsequent impaired driving offenses.
- > Technology has evolved to become extremely sophisticated and is a useful tool to aid in monitoring and supervising the impaired driving population and enhancing public safety.
- > Expansion of pre-trial programs through devoting resources to this intercept to get people assessed, supervised and treated as quickly as possible with measured successful interventions could further reduce alcohol-impaired fatalities across the country.

QUESTIONS?

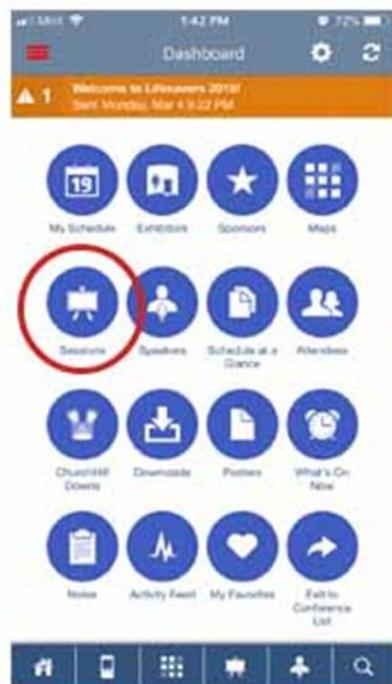
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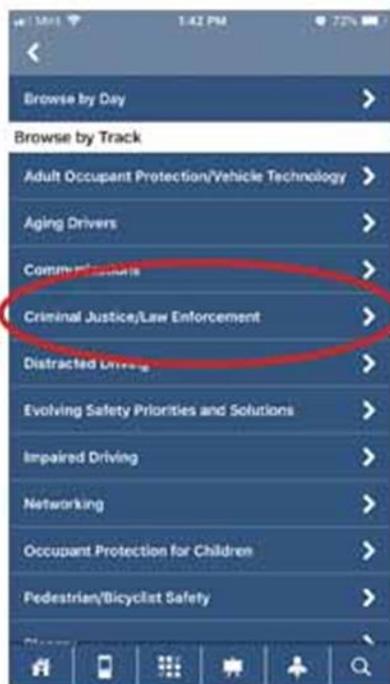




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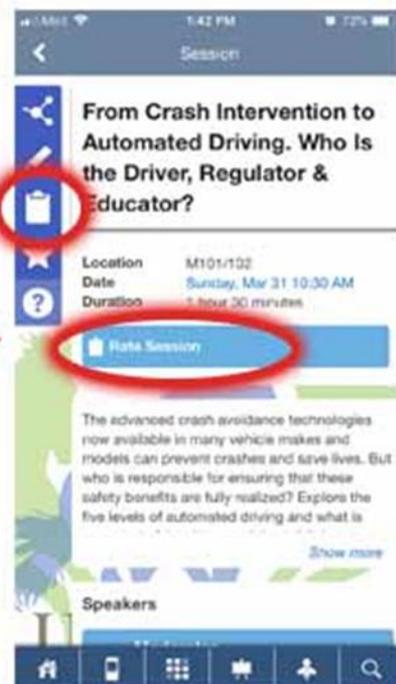
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