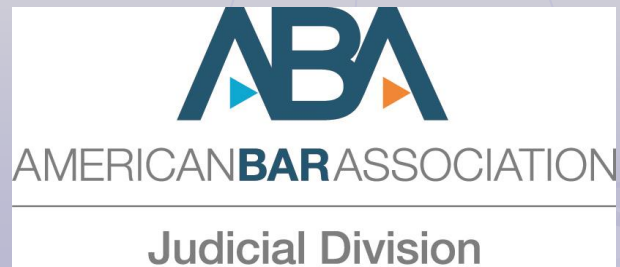


Judicial Outreach Liaisons: A Valuable Resource for DWI Courts

Judge Neil Edward Axel – ABA Judicial Fellow

Judge Mary Jane Knisely – Region 10 Judicial Outreach
Liaison

2019 NADCP All Rise 19



Learning Objectives

As a result of this program, participants will be able to:

- Identify the differences between the drug-impaired driver and the alcohol-impaired driver
- Recognize what a Judicial Outreach Liaison (JOL) is and ways in which the JOL can be a resource in addressing impaired drivers and implementing evidence-based practices

The Good News

American's roads are safer today as a result of public awareness, enforcement campaigns, and evidence-based practices that began in the early 1980's

- The number of alcohol-related traffic fatalities has declined by one half since 1982
- Recidivism rate for drunk drivers declined from 33% to 25% from 1995 to 2011

Decline in DUI of Alcohol Rates

Estimated Percentage of Weekend Nighttime Drivers with BACs ≥ 0.08

1973 – 7.5%

1986 – 5.4%

1996 – 4.3%

2007 – 2.2%

2013 – 1.5%

The Bad News:

The Changing Face of the Impaired Driver

■ Alcohol Use

1973: 35.9%

2007: 12.4%

2013/2014: 8.3%

■ Marijuana Use

2007 marijuana use (THC): 8.6%

2013/2014 marijuana use (THC): 12.6%

■ Overall Drug Use (all categories): 22.5%

Source: *Results of the 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers*, NHTSA Research Note (DOT HS 812 118)(February 2015)

The Problem

- Increased Use and Abuse of Rx
- Illegal & Designer Drugs
- Legalized Medical Marijuana
- Decriminalization of Marijuana
 - ↑ Marijuana use
 - ↑ Public acceptance of use
 - ↓ Penalties for possession
 - ↓ Public perception of harmfulness

The Changing Face of the Impaired Driver

- Drugged drivers with 3 or more drugs in system doubled to **21.5%**
- 70% of drivers who tested positive for cocaine, also tested positive for alcohol
- 55% of drivers who tested positive for marijuana, also tested positive for alcohol
- Prescription drugs most prevalent drug found in drugged drivers involved in fatal crashes in 2010 (46.5%)

F. Wilson, J. Stimpson, *Fatal Crashes from Drivers Testing Positive for Drugs in the U.S., 1993–2010*, 129 Public Health Reports, p. 342-250 (Jul-Aug. 2014)

Effects of Drugs on Driving: A Resource

Drugs & Human Performance Fact Sheets
(NHTSA, April 2014)

Found at:

<http://www.nhtsa.gov/people/injury/research/job185drugs/>

Alcohol vs. Drugs?

Alcohol

- Alcohol level = impairment
- All alcohol is the same
- Absorbed directly through walls of the stomach & small intestine, goes into the bloodstream, & travels through the body to the brain.
- Eliminated from the body at about 1 drink per hour.

Drugs

- Drug level \neq impairment
- All drugs are not the same
- Effect of drugs vary based on history of use & combination with other drugs and alcohol
- Drugs can be metabolized slowly or quickly.
- Traces of drugs can remain in the body long after impairment.

Science: Presence vs. Impairment

Generally

“The development of impairment standards for drugs similar to the .08 *per se* standard for alcohol has failed, not for want of trying and not for want of serious research. This is because no standard relationship between blood levels of a drug or drug metabolites and impairment has been established.”

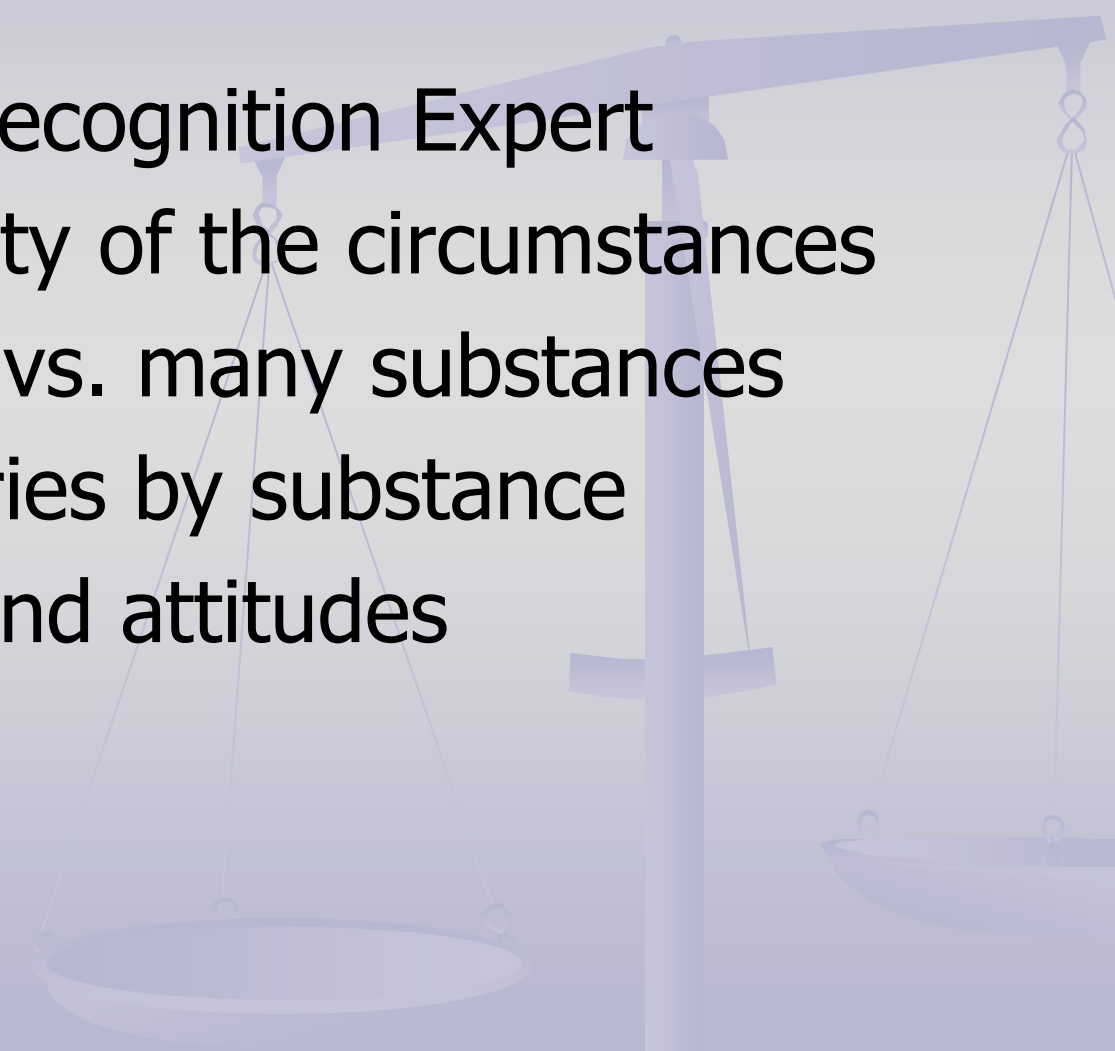
DuPont, R.L., Voas, R.B., Walsh, J.M., et al. (2012). The need for drugged driving *per se* laws: a commentary, *Traffic Injury Prevention* 13(1), 31-42.

Science: Presence \neq Impairment

Generally

- Some drugs/metabolites can remain in the body for days or weeks:
 - Different rates of absorption, distribution & action
 - Elimination of drugs
- Some more sensitive to the effects of drugs
- In experimental studies, wide ranges of drug concentrations produce similar levels of impairment in individuals.

Drunk Driving vs. Drugged Driving

- BAC vs. Drug Recognition Expert
 - *Per se* vs. totality of the circumstances
 - One substance vs. many substances
 - Impairment varies by substance
 - Varied beliefs and attitudes
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Essentials for DWI Court Professionals

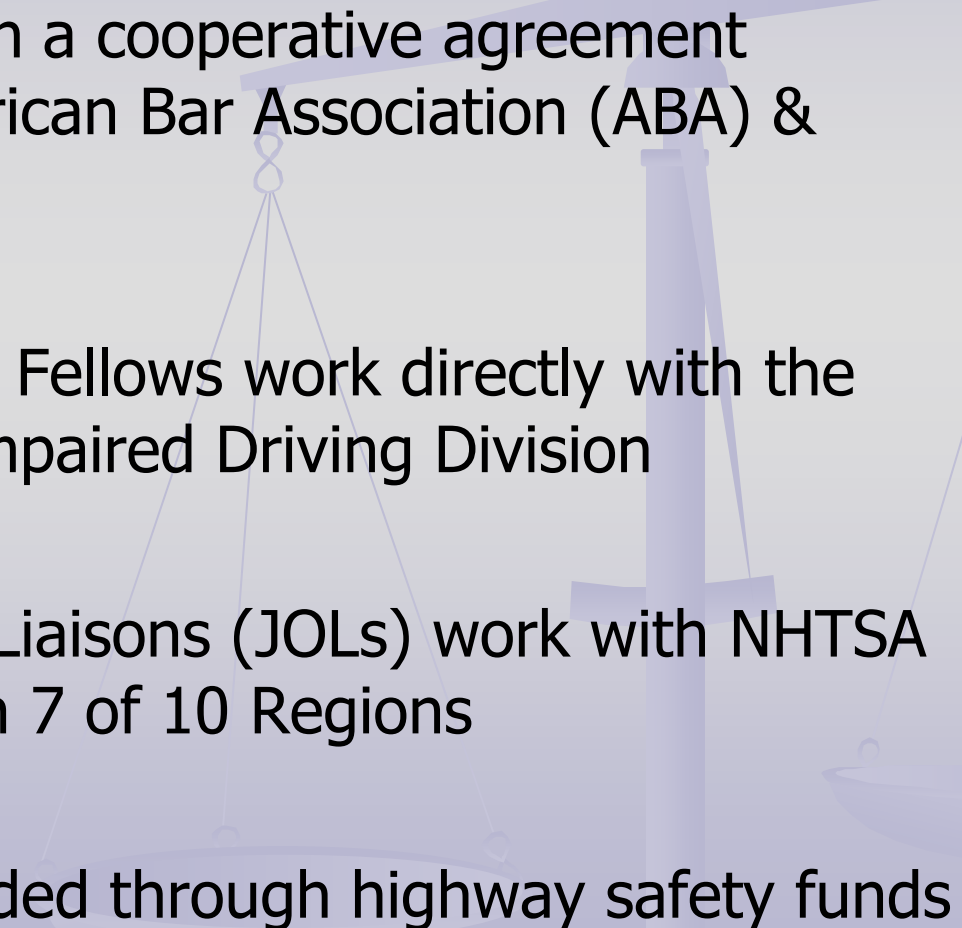
- Understand & apply DWI Court best practices
- Explore & use evidence-based practices
- Keep current on pharmacological, medical, mental health issues
- Network with criminal justice & treatment professionals

Resources



Judicial Outreach Program

An Additional Valuable Resource

- Developed through a cooperative agreement between the American Bar Association (ABA) & NHTSA
 - 2 National Judicial Fellows work directly with the ABA & NHTSA's Impaired Driving Division
 - Judicial Outreach Liaisons (JOLs) work with NHTSA Regional Offices in 7 of 10 Regions
 - 12 State JOLs funded through highway safety funds
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NHTSA Regions



Regional Judicial Outreach Liaisons

- Region 1: Hon. Brian L. Burgess (VT)
- Region 2: Hon. John S. Kennedy (PA)
- Region 3: Hon. Andrew R. Hassell (NC)
- Region 5: Hon. Phyllis McMillen (MI)
- Region 7: Hon. Chaney Taylor, Jr. (AR)
- Region 9: Hon. Richard Vlavianos (CA)
- Region 10: Hon. Mary Jane Knisely (MT)

State Judicial Outreach Liaisons

Indiana: Hon. Earl Penrod

Penn.: Hon. Michael Barrasse

Kentucky: Hon. John Holbrook

South Dakota: Ms. Nancy Allard

Louisiana: Hon. Marion Edwards

Tennessee: Hon. Leon Burns

Maine: Judge David Kennedy

Texas: Hon. Laura Weiser

Michigan: Hon. Patrick Bowler

Virginia: Hon. Gordon Wilkins

Oklahoma: Hon. Rod Ring

Washington: Hon. Scott Bergstedt

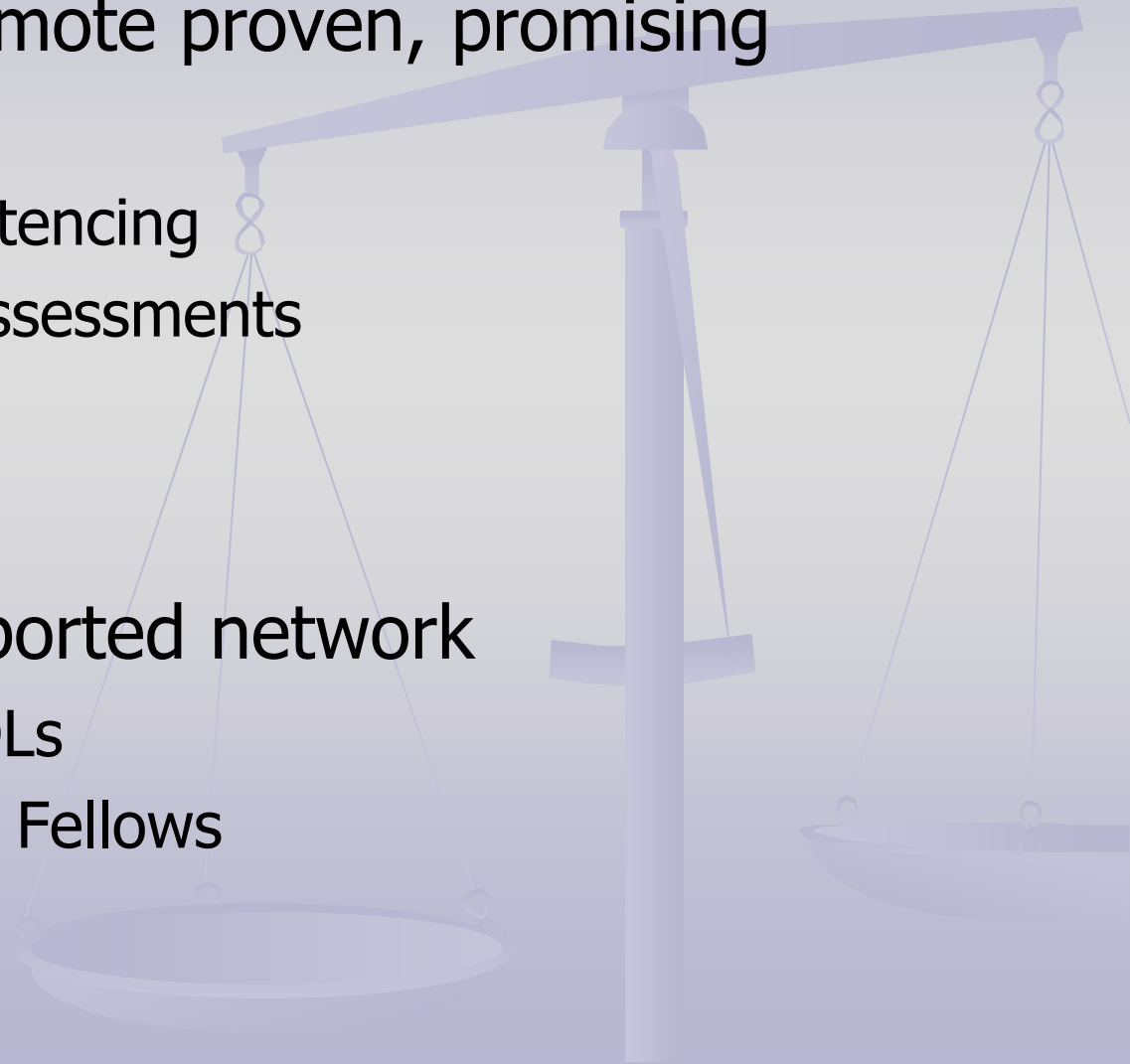
The Judicial Outreach Program



- Serve as a resource to & on behalf of traffic court and DWI Court judges through:
 - teaching, writing, consulting, advocating and speaking
- Serve as a resource to other traffic safety stakeholders
 - Highway safety offices
 - DWI Courts
- No particular agenda
- GOAL: provide judges with the tools to make better decisions

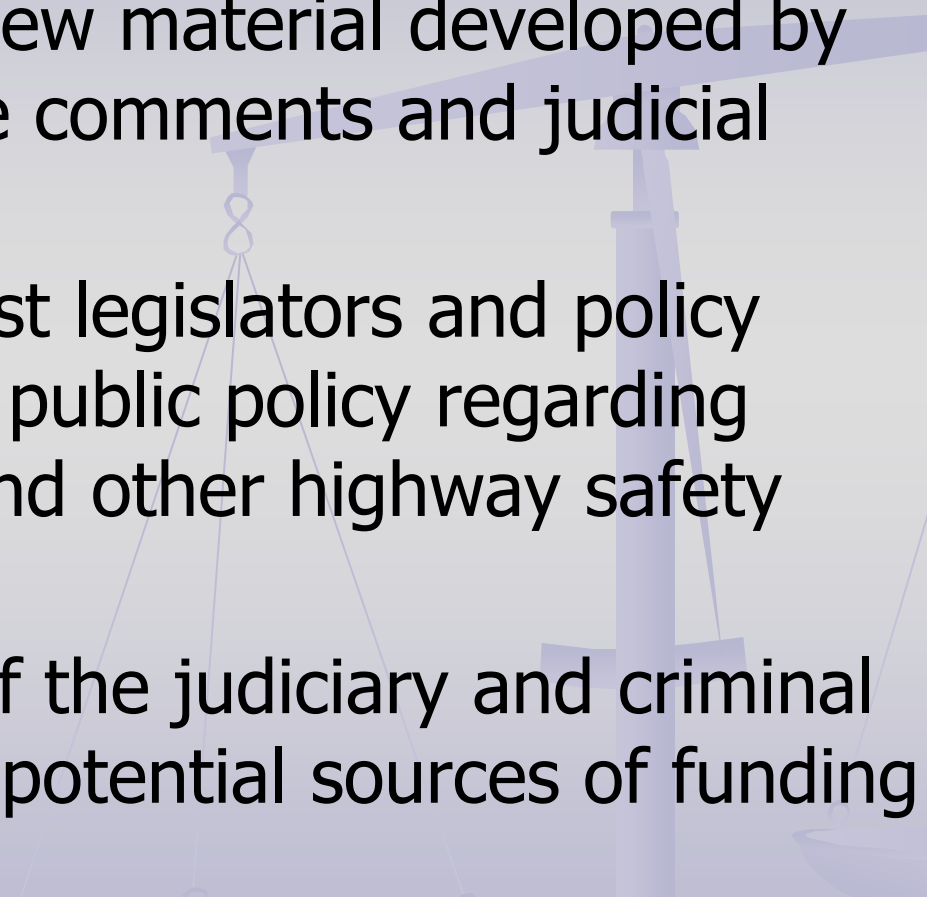
The Judicial Outreach Program: Peer to Peer Outreach

- JOLs support & promote proven, promising practices:
 - Evidence based sentencing
 - Use of risk/needs assessments
 - Ignition Interlock
 - DWI Courts
- Part of NHTSA-supported network
 - Regional & State JOLs
 - Judicial & Probation Fellows
 - TSRPs & LELs



Judicial Outreach Liaisons: Duties & Responsibilities Generally

1. Promote evidence-based and promising court, sentencing and supervision practices that relate to impaired driving and other traffic cases, including use of DWI Courts and Ignition Interlocks
2. Share information & coordinate with LELs, SJOLs, TSRPs, SHSOs, and other criminal justice professionals
3. Advise NHTSA & other highway safety officials about judicial issues
4. Provide education & technical assistance to judges & other criminal justice officials

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- Upon request, review material developed by others and provide comments and judicial insights.
 - When invited, assist legislators and policy makers in crafting public policy regarding impaired driving and other highway safety issues.
 - Advise members of the judiciary and criminal justice officials on potential sources of funding and resources.

Working with the Judiciary




- Develop a network of contacts to promote judicial education related to impaired driving and traffic safety
 - Judges
 - Judicial educators
 - DWI Court Judges & program coordinators
- Provide training & education to judges and other court officials regarding impaired driving and other traffic safety issues
- Provide technical assistance to judges and courts, upon request, regarding impaired driving or other traffic safety issues

Networking with National Organizations

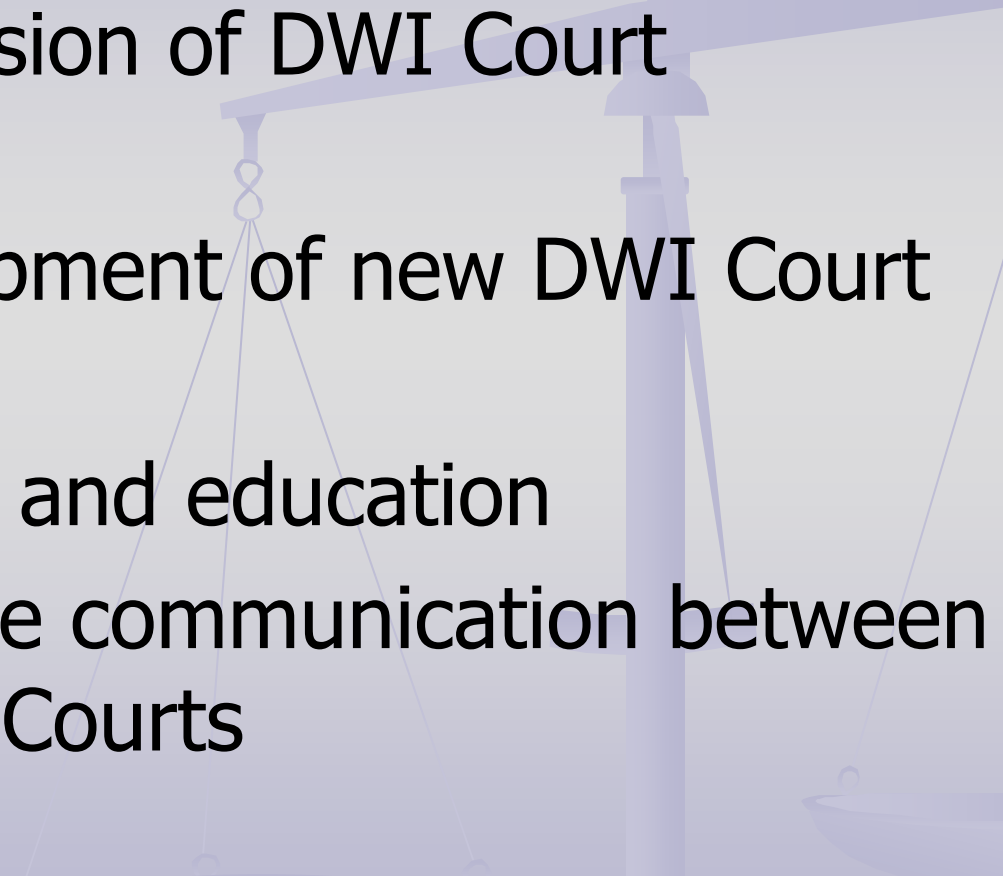
- National Assn of Drug Court Professionals
- National Center for DWI Courts
- National Center for State Courts
- National Judicial College
- Lifesavers
- Center for Court Innovation
- Governor's Highway Safety Association
- American Bar Association
- AAA Foundation
- National Drug Court Resource Center

JOLs & DWI Courts

A Shared Vision

- Common goals and interests
 - Emphasis on impaired driving
 - Emphasis on reducing recidivism
 - Emphasis on public safety
 - Both are specialists in:
 - Impaired driving
 - Risk assessments
 - Evidence based practices
- 

What Can JOLs Do for a DWI Court?

- Facilitate expansion of DWI Court programs
 - Assist in development of new DWI Court programs
 - Provide training and education
 - Work to facilitate communication between SHSO and DWI Courts
 - Be a resource
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Contact Information



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