The Implications of High-Risk Impaired Drivers: Using Assessment & Supervision to Reduce Recidivism.

Judge Neil Axel, James Eberspacher & Mark Stodola September 27

Session Objectives

- Alcohol technology countermeasures and researchbased practices to reduce the possibility of reoffense by high risk impaired drivers
- How the Impaired Driver Assessment can impact supervision strategies
- How DUI Courts can effectively reduce recidivism for high risk impaired drivers
- Research-based supervision strategies that are effective in the supervision of DWI offenders
- Evidence-based resources to increase effectiveness in the supervision of high risk impaired drivers

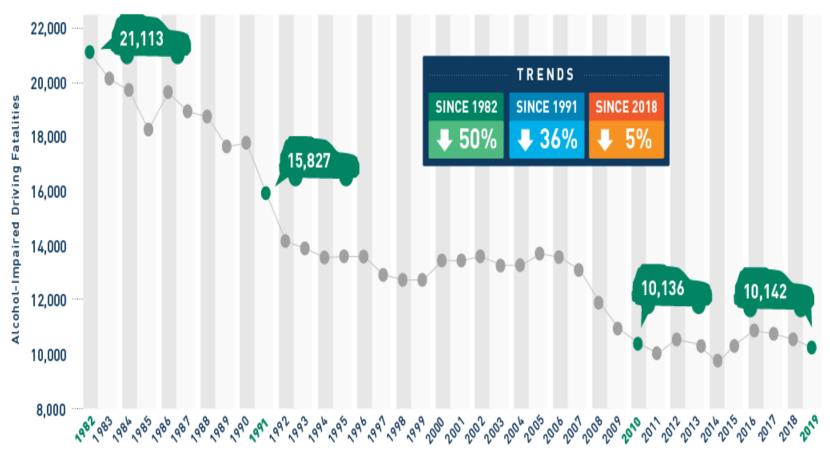
ALCOHOL-IMPAIRED DRIVING

Drunk Driving by the Numbers...

- In 2019, there were over one million drivers arrested for DUI.
- An alcohol-impaired driving fatality occurs every 48 minutes.
- In 2019, there were 10,142 alcohol-related traffic fatalities.
 - 68% were in crashes where one driver had a BAC of .15>
- In 2018, the most frequently recorded BAC among drinking drivers in fatal crashes was .16
- **111 million** drunk driving episodes occurred in 2018.



Drunk Driving Deaths Decreased in 2019



And we are committed to lead this fight until we reach zero.

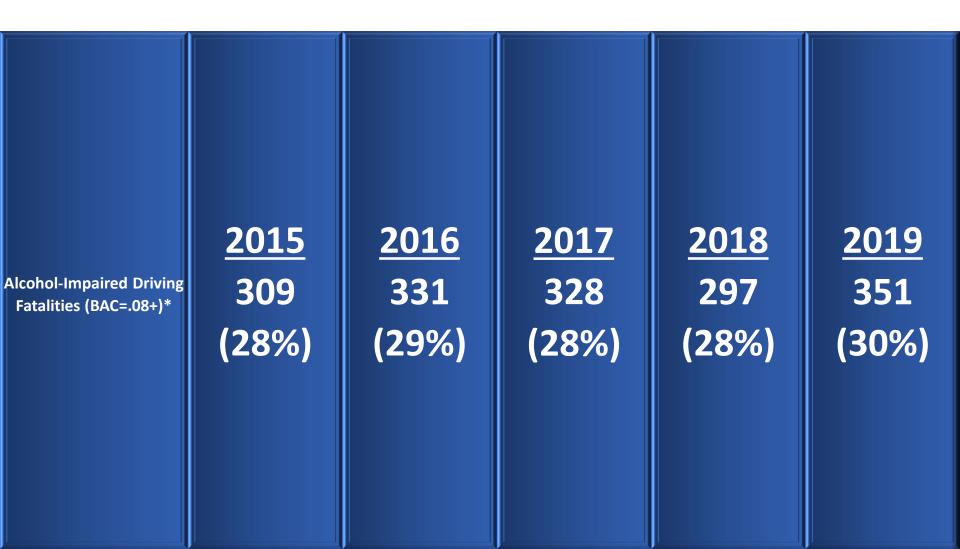


Data Source: NHTSA, FARS, 12/20

Ohio DUI Arrests

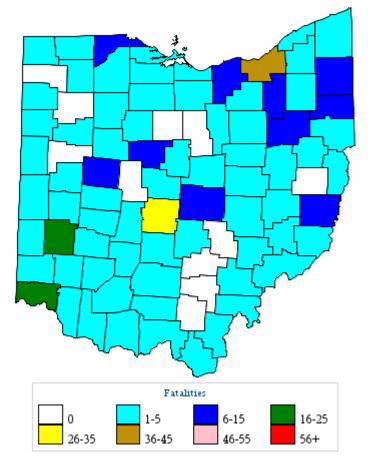


Ohio DUI Fatalities

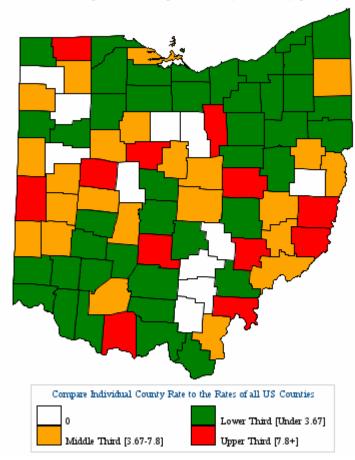


Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+) by County for 2019

Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+)



Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+) per 100,000 Population



Traditional impaired driving enforcement

- DUI is the ONLY crime where the investigation stops after obtaining a minimum amount of evidence.
- Current protocols prevent drug testing once a suspect registers an illegal BAC.
- Implications:
 - » Hinders the ability to measure the true magnitude of the drug-impaired driving problem.
 - » Many DUI arrests are inaccurately attributed to alcohol alone.





With impaired drivers, don't assume! The drunk driver before you could actually be a polysubstance user.

Good News!!! Two Thirds of DWI Offenders self correct!



Unique challenges when supervising the 1/3...



Who is most likely to recidivate?



IMPAIRED DRIVERS: NOT THE USUAL SUSPECTS



Impaired driver profiles

- Predominantly male (70-80%)
- Between the ages of 20-45; majority between ages 20-30
- Employed/educated at a higher rate than other offenders
- High-BAC levels (.15>)
- Often drink more per occasion and consume more alcohol than the general population; majority are binge drinkers
- Often have SUDs
- Have personality and psychosocial factors that increase risk of offending: irritability, aggression, thrill-seeking, impulsiveness, external locus of control (blaming others), antiauthoritarian attitudes

High-risk impaired drivers... who ARE these people?





Repeat impaired drivers

- Overwhelmingly male (90%); ages 20-45
- More often single, separated, or divorced
- Tend to have lower levels of education/income and higher levels of unemployment compared to first offenders
- More likely to have BACs exceeding .20 or refuse to provide a chemical sample
- Age of onset of drinking, family history, and alcohol misuse are risk factors



Repeat impaired drivers

- Likely to have cognitive impairments (executive cognitive functioning) due to long-term alcohol dependence
- More likely to have a higher disregard for authority and show greater indications of anti-social personality characteristics
- May result in lack of motivation which can affect willingness to engage in treatment

High-Risk Impaired Drivers: A Judicial Perspective



The Mission

- Accountability
- Long-Term Recovery
- Positive & Sustained Behavior Change

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Improved Public Safety by Reducing Recidivism

Seizing the Opportunity



"An encounter with the criminal justice system provides a valuable opportunity to intervene in an individual's life by identifying the clinical needs of substance abusers and then confronting them with the consequences of their own drug and alcohol use."

"Responding to Substance Abuse: The Role We All Play," 1999



Pretrial Release: Early Intervention

• The earlier the better

 Pretrial services report

 Conditions to reasonably protect the community

• Pretrial supervision

Sentencing the Impaired Driver

"Controlling and preventing drunk driving is complex, requiring a variety of inter-related alcohol and therapeutic activities that are often directed toward the behavioral and cultural attributes of alcohol consumption."

Source: Michigan DWI/Sobriety Court Ignition Interlock Evaluation Report (2016)



Information is Key

"Every judge understands that with more information about an offender's circumstances, a sentence can be better tailored to the person to ensure he or she doesn't repeat the offense."



Source: David Wallace, *Highway to Justice,* at p. 5-6 (a publication of the American Bar Association, Summer 2015).

9/1/2021

Bench Issues & Challenges Faced

- Docket pressures
- Lack of information
- Lack of tools to effectively address high-risk offender
- Perhaps -- an incomplete understanding about community supervision



Suggestions

- Establish reduced recidivism as a specific goal
- •Combine substance use treatment with mental health services
- Insist upon presentence assessments and evaluations
- •One size does not fit all!

Use of Evidence-Based Practices: What Works?

- •Validated risk and needs assessments
- Reliable assessments an treatment plans
- DWI Court models
- Increased and on-going supervision



Three Essential Elements of Effective Supervision



1. Monitor behavior and compliance

2. Enforce conditions of supervision

 Assist supervisees to change their behavior

Working Together

Collaborate	Promote	Coordinate
Collaborate with treatment court community	Promote judicial education	Promote coordination and communication

WHAT IS A DWI COURT?



collaborative team approachholistic and comprehensivecourt monitoringchange behavioraccountabilityhigh-risk / high-needlong-term treatmentfrequent alcohol and drug testingintensive supervisionnon-adversarial

Research on DWI Courts



- "DWI Courts reduce DWI recidivism and general criminal recidivism while returning substantial cost savings to the taxpayers."
- Recidivism reduced by an average of >12%; and by as much as 50-60%

Source: National Center for DWI Courts, *Research Update on DWI Courts* (The Bottom Line, January 2015)

REDUCES RECIDIVISM

Michigan

An analysis of three counties in a two-year period found DWI court participants were 19x less likely to be arrested for a DWI (2008).

Minnesota

An evaluation of nine DWI courts found that high-risk individuals had better outcomes, including reducing recidivism by up to 69% (2014).

Georgia

Repeat offenders graduating from DWI court were 65% less likely to be rearrested for a new DWI, and between 47-112 repeat DWI arrests were prevented (2011).

Campbell Collaboration

A meta-analysis of 28 evaluations found an average reduction of DUI and general criminal recidivism by 12%. The best DUI courts reduced recidivism by 50-60% (2012).

DECREASES CRASHES



San Joaquin County, California DUI court participants were half as likely to be involved in an alcohol- or drug-related crash over a period of 18 months (2012).



COST-EFFECTIVENESS



Maryland

DUI courts produce net cost-benefits to taxpayers of more than \$1,500 per participant and more than \$5,000 per graduate (2009).

Minnesota

DUI courts saved taxpayers \$700,000 annually and produced an average of \$2.06 (a high of \$3.19 in one court) in benefits for every \$1 invested – a 200% return on investment (2014).





USE OF EVIDENCE-BASED PRACTICES

Reasons For Success

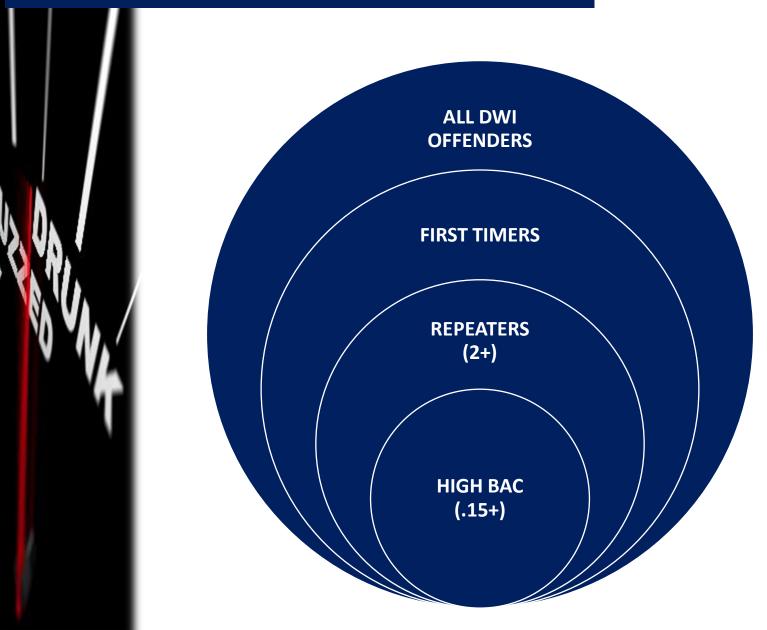


MOVING INDIVIDUALS FROM COMPLIANCE TO COMMITMENT CLOSE SUPERVISION & ACCOUNTABILITY



CLOSE COORDINATION BETWEEN TREATMENT & SUPERVISION

TARGETING DWI OFFENDERS



RISK-NEED-RESPONSIVITY (RNR)

Model as a Guide to Best Practices

RISK

WHO Match the intensity of the individual's intervention to their risk of reoffending

Deliver more intense intervention to higher-*risk* offenders

NEED

WHAT Target criminogenic needs: antisocial behaviors and attitudes, SUD, and criminogenic peers

Target criminogenic *needs* to reduce risk for recidivism

RESPONSIVITY

HOW Tailor intervention to learning style, motivation, culture, demographics, and abilities of the offender

Address the issues that affect *responsivity*



RISK PRINCIPLE

- Not necessarily a risk for violence or dangerousness
- Risk essentially means a difficult prognosis or lesser amenability to treatment
- The higher the risk level, the more intensive the supervision and accountability should be; and vice versa

Mixing risk levels is contraindicated



NEED PRINCIPLE

- Clinical syndromes or disorders
- The higher the need level, the more intensive the treatment or rehabilitation services should be; and vice versa
- Mixing need levels is contraindicated

INTENT VS. IMPACT



Applying the wrong intervention may have undesirable effects

Treatment alone Intensive supervision Frequent testing Ignition interlock Incarceration DWI courts

SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT

Early intervention for persons with risky alcohol SCREENING: To identify people at risk for developing substance use disorders

BRIEF INTERVENTION: To raise awareness of risks and consequences, motivate for change, and help set healthier goals

REFERRAL TO TREATMENT: To aid access to treatment and coordinate service for people with high risk and/or dependence

SBIRT: DULUTH, MN PILOT

Process

- Team approach
- First-time impaired drivers go through process within a few weeks of arrest
- Assessment

<u>Results</u>

- System improvements
- Clients receive information, self-awareness, and treatment when appropriate
- Self-reported appreciation
- None have committed a 2nd DWI

ASSESSMENTS



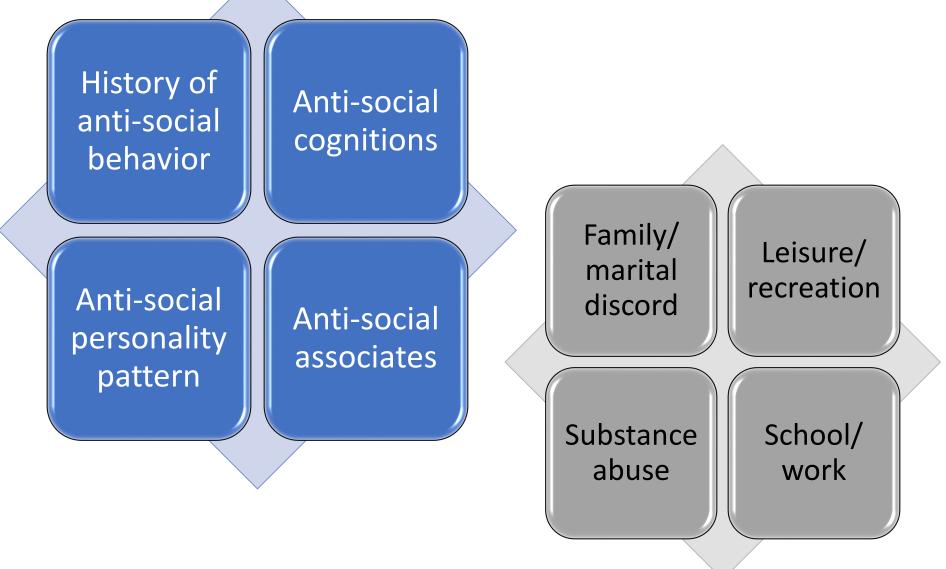
- **ADS** (Alcohol Dependence Scale)
- **ASUDS-R** (Alcohol Substance Use and Driving Survey-Revised)
- ASI (Alcohol Severity Index)
- **AUDIT** (Alcohol Use Disorders Identification Test)
- **IDTS** (Inventory Drug-Taking Situations)
- DAST (Drug Abuse Screening Test)
- LSI-R (Level of Service Inventory-Revised)
- **MAST** (Michigan Alcoholism Screening Test)
- **SASSI** (Substance Abuse Subtle Screening Inventory)
- **RIASI** (Research Institute on Addiction Self Inventory)
- **IDA** (Impaired Driver Assessment)
- **CARS** (Computerized Assessment and Referral System)

MAJOR RISK AREAS OF DWI RECIDIVISM



- 1. Prior involvement in the justice system specifically related to impaired driving
- 2. Prior non-DWI involvement in the justice system
- 3. Prior involvement with alcohol and other drugs (AOD)
- 4. Mental health and mood adjustment problems
- 5. Resistance to and non-compliance with current and past involvement in the justice system

Criminogenic risk factors



The need for mental health assessment among impaired drivers

- Very high level of psychiatric comorbidity in DUI populations.
- Mental health issues linked to recidivism.
- Treatment has traditionally consisted of alcohol education/interventions that focus solely on substance use.
- Screening or assessment for mental health issues is not always available/performed.
- DUI treatment providers rarely have the training/experience to identify mental health issues among their clients.
- Misses an intervention opportunity.

Implementation challenges

Engaging all stakeholders

Availability and access to services

Training treatment providers

Costs/program funding



COMPREHENSIVE APPROACH: ASSESSMENT, SUPERVISION, TREATMENT

POLY-SUBSTANCE USE

Focus on the behavior, not the drug of choice. Addiction is a disease and

drug of choice is a moving target.

Improving supervision outcomes



- Assess actuarial risk/needs
- Enhance intrinsic motivation

Target interventions (risk-needs-responsivity)



- Skill train with directed practice
- Use of cognitivebehavioral treatment modalities
- Increase the use of positive reinforcement



- Engage in ongoing support in communities
- Measure relevant practices and processes
- Provide measurement feedback

FINANCIAL IMPLICATIONS FOR DWI SUPERVISION

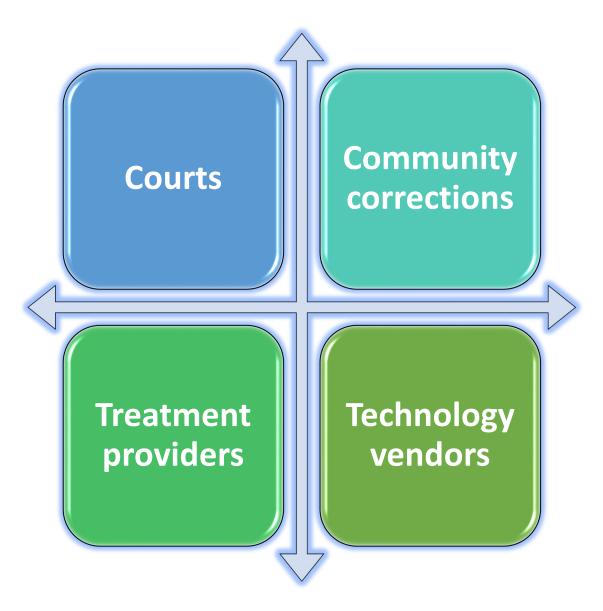
Costs associated with offense

- Court fines
- Probation service fees
- Attorney fees
- Increase in insurance rates
- Ignition interlock or other technologies
- Treatment
- Court program costs
- Transportation costs after license suspension
 - Average costs-\$300-\$500 a month



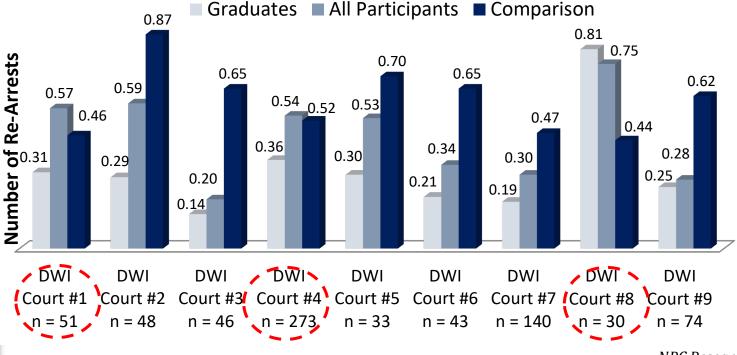


Partnering & Collaboration



FIDELITY TO THE MODEL 0.87 Number of Re-Arrests 0.70 0.65 0.59 0.57 0.54_{0.52}0.53 0.46 0.36 0.30 0.29 0.20 0.14 / DWI 🔪 DWI DWI DWI

Participants (regardless of graduation status) at the majority of MN's 9 DWI Courts had lower re-arrest rates but not all of them



NPC Research



Individualize justice

- Understand that there is more to the offending than just driving drunk.
- Avoid judgments and focus on the individual; there is no one-size-fits-all model for supervision and treatment.
- Respect for the individual coupled with accountability.
- Utilize a comprehensive approach that addresses individual risk factors and treatment needs.

QUESTIONS?

Contact Information

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