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Guidelines for Sentencing DUI Offenders in the United States

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Background

- Original: "Guide for Sentencing DUI Offenders" published in 1996 in the USA.
- Sponsored by: National Highway Traffic Safety Administration (NHTSA), US Department of Transportation & National Institute on Alcohol Abuse and Alcoholism (NIAAA), US Department of Health & Human Services.
- Developed by: Multidisciplinary working group of judges, prosecutors, researchers, and practitioners.



Methods

- Literature review on effectiveness of various sanctions
- Review and update 1996 guide
- Review by expert panel of judges (3), prosecutors (3), crime assistance coordinator (1), and researchers (3)
- Review by NIAAA and NHTSA officials



Results

Effective Sanctions for DUI Offenders

- Licensing sanctions
- Vehicle actions
- Assessment and treatment/rehabilitation
- Sentencing options and alternatives to jail



Generalizations

- Consistency in sentencing balanced with needs of individual
- For repeat offenders, sentencing shifts to separation from the vehicle
- Assessment and evaluation of alcohol problem should precede sentencing
- Vehicle actions reduce recidivism while in force
- Intensive probation, frequent contact with judge, close monitoring of compliance (DUI Courts) appears to be effective for multiple offenders



Reducing Recidivism

- Assess alcohol problem
- Select appropriate sanctions
- Provide treatment
- Monitor compliance
- Correct noncompliance
- Impose vehicle actions (where appropriate)



Objectives of Sanctions

- Specific deterrence
- General deterrence
- Rehabilitation
- Restitution
- Incapacitation
- Retribution



DUI Sentencing Checklist

First Conviction

- Driver's license suspension/Revocation (90 days; 30 days hard)
- Assessment and treatment/Rehabilitation
- Fines (to help pay for programs)



DUI Sentencing Checklist

First Conviction for offenders with High BACs = .15+

- Vehicle actions
 - Impoundment/Immobilization
 - Alcohol ignition interlocks
- Sentencing options
 - Electronic monitoring
 - Home confinement
 - Intensive supervision probation



Operation of an Alcohol Ignition Interlock

- Prevents ignition switch from operating without a qualifying deep lung breath sample.
- Prevents starter motor from operating without low or zero BAC.
- Lock points vary by state or province – usually .02-.04 BAC.



Secure Continuous Remote Alcohol Monitoring (SCRAM)



Product of Alcohol Monitoring Systems Inc.



DUI Sentencing Checklist

Multiple Convictions (repeat offender)

- **Driver's license suspension/revocation (1 year; 30-90 days hard; remaining days restricted and on interlock)**
- **Vehicle actions**
 - Impoundment/Immobilization (during hard suspension)
 - Alcohol ignition interlock
- **Assessment and treatment/Rehabilitation (with compliance)**



DUI Sentencing Checklist

Multiple Convictions (repeat offender)

- **Sentencing options**
 - Electronic monitoring/Home confinement
 - Intensive supervision probation
 - Special DUI facilities
- **Higher Fines (to help pay for programs)**
- **DUI Court**



DUI Sentencing Checklist

Multiple Convictions (repeat offender)

- **DUI Court:**
 - Frequent contact with judge
 - Intensive supervision probation
 - Treatment
 - Random alcohol/drug testing
 - Lifestyle changes
 - Positive reinforcement



Drug Courts

- Rehabilitative Approach to Justice
- Intensive Drug Treatment
- Close Supervision
- Offender Accountability
- Non-Violent Drug Offenders
- Alternative to Jail
- Evidence of Reduced Recidivism

1989 – 1 Drug Court; 1994 – 12 Drug Courts

Present – Over 1100



Summary of DWI Courts

- Modeled after Drug Courts which have been shown to reduce recidivism
- Most components of DWI Courts (e.g. intensive supervision probation; alcohol and drug use monitoring; treatment) have been shown to be effective
- Preliminary evaluations of DWI Courts showing reductions in recidivism by about 50%
- Need more evaluations in peer-reviewed publications



Summary of DWI Courts

- Need analysis of what components of DWI Courts have the most effect (every Court has different components):

Is it the intensive supervision probation?

The frequent alcohol/drug testing?

The frequent contact/caring of the judge?

- Cost/Benefit Analyses need to be conducted. Are they worth the cost?
- The jury is still out as to whether they are effective and cost effective



Conclusion

- Research on DUI sentencing options should be translated to policy
- Restricting access of vehicle to offender is an important guide to sentencing
- Monitoring and compliance are essential to reducing recidivism

