



# The Working Group

## on DWI System Improvements

[dwiwg.tirf.ca](http://dwiwg.tirf.ca)

## Impaired Drivers & The Criminal Justice System

The education resources of the Working Group on DWI System Improvements are produced by the **Traffic Injury Research Foundation** with funding from **Anheuser-Busch**. The Working Group on DWI System Improvements is a prestigious coalition of senior leaders of organisations representing frontline professionals in all segments of the criminal DWI system (law enforcement, prosecution, judiciary, supervision, and treatment).

### What barriers do DWI defendants face navigating the criminal justice system?

- It can be difficult to help defendants locate and access the services that they need, or such services are simply unavailable. Court-ordered services and programs are often not attainable, not readily available to defendants, inappropriate, or not affordable (e.g., substance abuse assessments, treatment).
- Defendants are typically unemployed or under-employed and, thus, do not possess financial resources. Literacy or inability to speak English can also be significant barriers (Robertson, Wood, and Holmes, 2014).

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- The costs associated with arrest and conviction for a DWI offense are numerous, disparate, daunting and discouraging for defendants. Whether they are unemployed or employed in a low-paying job, these defendants often are making ends meet on a benefit payment or paycheck. There can be bail payments to get released from jail pretrial as well as a plethora of fines and fees that must be paid post-conviction, often without a reasonable payment plan, which leads to non-compliance with court-ordered conditions.



- Substance abuse may be the *tip of the iceberg*, and merely external evidence of more complex issues that are often not diagnosed or treated (e.g., mental health issues, history of trauma).

### Why do impaired driving offenders need referral guidance and financial assistance in accessing community programs?

- DWI probationers are often court-ordered to participate in expensive programs or services as well as pay fines and other costs. These requirements, which may be mandated by statute, vary from state to state, but may include payments to the clerk of court for fines and surcharges, defense attorneys, substance abuse or mental health services, defensive driving classes, increased insurance premiums, fees to electronic monitoring companies (e.g., ignition interlock, alcohol monitoring), driver licensing agencies, paying for transportation, employers, and probation staff. Whether or not deserved, these costs impose serious burdens on most offenders, inhibiting their ability to meet other personal and family obligations, and causing many to commit probation violations when the combined costs simply get beyond their ability to pay.
- There are more costs associated with the supervision of DWI offenders than most individuals on community supervision. This issue is compounded when criminal justice agencies work in silos and do not recognize the full impact of these costs on offenders.
- The combined heavy costs and multiple paperwork and compliance responsibilities inherent in the penalties for DWI are difficult for anyone to navigate. There is often a misperception and expectation that offenders can independently navigate these complex systems and staff, often in a limited time span, while maintaining employment, and managing family obligations. This would be a daunting challenge for anyone, but even more so for many DWI offenders who struggle with substance abuse or mental health issues, who lack transportation, and who hold work shift work jobs or are not permitted to take time off work to fulfill these tasks.

### What types of services are needed by impaired drivers and why?

- **Supervision Services.** DWI defendants and offenders may be subject to supervision in the community. Community supervision includes pretrial, probation and parole supervision which are essentially alternatives to detention or incarceration. In all three supervision strategies, the party is supervised and expected to follow certain rules and guidelines. These guidelines are called conditions of release or supervision. In jurisdictions where it exists, pretrial release supervision allows defendants to be

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released from jail and remain in the community prior to a DWI case being adjudicated. Its primary purposes are to ensure defendants appear at court hearings and remain law-abiding. Probation supervision occurs prior to and often instead of jail or prison or as a stand-alone community-based sentence. Parole or supervised release is an early release from prison. Both probation and parole supervision have the dual purposes of ensuring persons

supervised remain law-abiding and facilitating efforts designed to rehabilitate them to reduce the risk of further criminal acts. Community supervision is often the starting place for access to many community services.



- **Substance Abuse and Mental Health Services.** It has been well-documented that DWI offenders present with substance abuse and/or mental health issues at a rate greater than the general population (Lapham et al., 2011). DWI defendants or offenders are often involved in some facet of substance abuse or mental health services. These services consist of three primary components – screening, assessment and treatment.
  - **Screening.** Screening is normally a precursor to assessment and treatment. It is a brief process designed to identify who can be excluded from a more detailed examination for the presence of substance abuse and/or mental health issues, and who needs to be included for further examination or assessment.
  - **Assessments.** In contrast to screening, assessments are more formal, comprehensive processes, which require specially trained practitioners and generally take place in mental health or health care settings. Assessment is a process for determining the nature and extent of a problem and developing specific recommendations for addressing the problem. Its purpose is to confirm the presence and severity of the *problems* and identify the appropriate level of care needed to address them.
  - **Treatment.** Treatment to address substance abuse and/or mental issues can vary in approach and intensity, with the objective that it be matched to the specific needs of the individual client.
- **Education and Vocational Services.** A large proportion of DWI offenders have educational and vocational deficits as compared to a general population. These deficits may be related to learning disabilities. DWI offender illiteracy, limited reading and math capabilities, and unrealized vocational skills manifest themselves in unemployment, under-employment and challenges complying with court-ordered conditions. Services to address these deficits may include but are not limited to assessments (e.g. academic deficits, learning disabilities, job skills); General Education Diploma (GED) or high school equivalency instruction and testing; high school, or post-secondary skill development for a specific trade or for college degree programs.
- **Employment Services.** Persons who were employed prior to an arrest and/or conviction for DWI may find their prospects to maintain employment compromised; those who were previously unemployed often experience even more profound challenges securing a job. A common consequence associated with being detained in jail either immediately after arrest or as a result of a conviction is job loss due to an unexcused absence or because of the arrest or conviction. Additionally, people with criminal convictions often are restricted by various state laws from working in myriad professions. Employment services may include public and private job readiness programs, state and private employment agencies, temporary employment placement agencies, and day labor agencies.
- **Housing Services.** A DWI arrest or conviction can result in defendants or offenders being incarcerated. In turn, any period of incarceration can result in the loss of housing due to inability to pay rent or make a mortgage payment, or separation from a significant other due to the criminal behavior. Housing services may be provided by local or state housing authorities or non-profit advocacy groups.

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**Transportation Services.** Offenders who have had their driving privileges revoked depend on the availability of transportation services to attend the series of appointments, programs, and locations that are associated with supervision requirements, as well as maintain employment. In urban areas, there may be public transportation (e.g. buses, light rail, subways) to assist with transportation. These options are generally non-existent in rural areas. Reliance on family, co-workers and friends for transport can put a burden on relationships and may not always be reliable.

### What are the benefits of building community partnerships to enable DWI offenders to access and utilize needed services?

- There are often a range of services at the community level that can help offenders manage and overcome personal barriers. Unfortunately, offenders may be unaware of the availability of these services, or unable to access them without guidance and support. Courts and community supervision

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professionals can play an important role in filling this gap by increasing their own familiarity with these types of services and establishing working relationships and partnerships with agencies that deliver community services. This knowledge can contribute to improved outcomes by linking offenders with essential services and

increasing their ability to comply with conditions of supervision. It is the responsibility of justice professionals to help make sure offenders can be compliant with sentences imposed, and ensure they are reasonably able to comply with conditions.

### How can supervision professionals help DWI offenders access community services?

It is important to be aware of any associated costs for services and ways to pay for the service. It is also essential to maintain positive working relationships with service providers.

- Substance abuse and mental health treatment.** It is important to first know the types of payments accepted when referring a supervisee to either substance abuse and/or mental health assessment and treatment. Next, it needs to be determined if the person has insurance coverage, what the insurance covers and the ability to pay for an assessment or treatment whether insured or not. Finally, the needs and characteristics of the supervisee should be considered and appropriately matched to the treatment intensity and approach.
- Educational and Vocational Services.** To assist supervisees with educational or vocational needs, it is first important to understand what, if any, deficits could be addressed. Next, assist the supervisee to locate needed services by having information of locally available public and private services (e.g., schools, tutors) that can help address individual needs.
- Employment Services.** Be cognizant of the available state and local employment services in the area as well as available employment opportunities. Keep a list of job categories that are legislatively restricted for DWI offenders or require an unrestricted driver's license. Recognize those jobs that may not work for the supervisee due to skill level.
- Housing Services.** Keep a list of temporary housing alternatives and work with local landlords to create housing options.





- **Transportation Services.** In urban areas, be aware of public transportation services routes and schedules. When possible, at least initially, provide the supervisee with the necessary fare and schedules to use the service. In rural areas, work with the supervisee's family or friends to help provide transportation. Also, be aware of any faith communities or service clubs that may assist with transportation.

## What educational materials does The Working Group on DWI System Improvements provide?

The efforts of the Working Group on DWI System Improvements have served to identify critical system needs, to make needed educational materials available, to articulate the complex issues associated with program and policy implementation embedded within broader systems, and to give voice to the concerns of practitioners in the DWI system and identify achievable solutions. The Working Group provides educational primers, policy documents, and guides for DWI system professionals to help strengthen the efficiency and effectiveness of the DWI system.

Key topics discussed on this site include:

- Impaired drivers;
- Impaired driving programs and policies;
- Strategies to improve the DWI System;
- DWI Dashboard; and,
- other special topics

Each of these topics contains a series of fact sheets structured in a question and answer format which are available for free download and sharing (with attribution). These resources are designed to support the training efforts for agencies that work within the DWI system.

To view more fact sheets, or to get more information about alcohol, its effects on driving skills, and impaired driving, visit [dwiwg.tirf.ca](http://dwiwg.tirf.ca).



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