

Impaired Driving: Best Practices & Emerging Issues

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What Is a Judicial Outreach Liaison (JOL)?

- JOL = judge or retired judge contracted to work with judges & State officials to share information
- Developed through a cooperative agreement between the American Bar Association & NHTSA
- 7 Judicial Outreach Liaisons (JOLs) work with NHTSA Regional Offices
- Region 3 – Virginia, Maryland, D.C., Delaware, North Carolina, West Virginia & Kentucky

Functions of JOLs



- **Provide education and technical assistance** to judges, other criminal justice officials, and other political and opinion leaders regarding impaired driving and other traffic issues
- **Advise state highway safety officials** about judicial issues that arise in impaired driving and other traffic cases
- **Share information and coordinate** with LELs, TSRPs, SHSO, NHTSA Regional Office, the Courts and other criminal justice professionals
- **Promote evidence-based and promising court, sentencing and supervision practices** that relate to impaired driving and other traffic cases

Impaired Driving: Best Practices & Emerging Issues



Best Practices



- Problem Solving Courts/DWI Courts
 - Harford, Anne Arundel, Howard & St. Mary's Counties
- In Traditional Courts: Effective Sentencing & Supervision Practices
 - Assessments and treatment
 - Use of Technology
 - Supervision
 - Sentencing practices/techniques

DWI Courts: In General

- Focused on repeat or hardcore impaired drivers with significant substance abuse problem
- Post-conviction model
- Follows evidenced-based practices & Drug Court model
- The Court directly manages, oversees and supervises treatment and recovery
- Able to react quickly to relapses, violations, failure to attend treatment, etc.

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

Omaha Man Sent Back to Prison After 8th DUI

Posted 9 months ago

By Scott Carlson

“Authorities say that just **five days** after **37-year-old** Daniel Cano left prison after serving time for drunken driving, he was caught driving drunk again. Daniel Cano was sentenced on Wednesday to seven to 12 more years in prison.”

BAC = 0.317



DWI Courts are Endorsed by:

International Association of Chief's of Police

National MADD

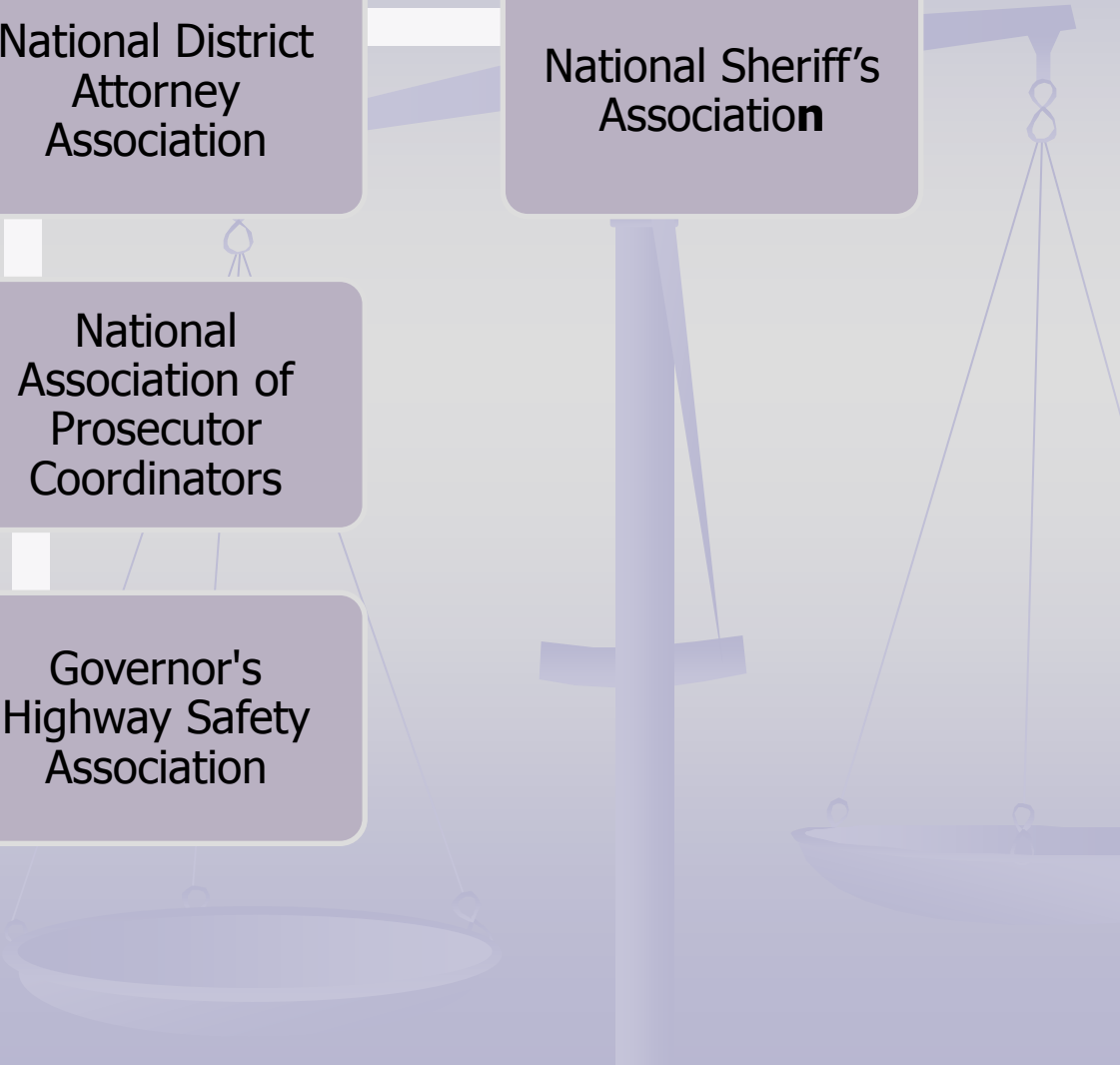
National Highway Traffic Safety Administration

National District Attorney Association

National Association of Prosecutor Coordinators

Governor's Highway Safety Association

National Sheriff's Association



Key Components of DWI Courts



- **Non-adversarial team approach**
 - Integration of treatment and criminal justice system case management
 - Direct court monitoring via frequent court appearances
 - Designed to effect changes in behavior
- **Early identification, assessment & treatment**
- **Intensive post-conviction court supervision**
 - Frequent drug/alcohol testing
 - Evaluation & Treatment plan follow up
- **Ability to respond immediately/promptly**
 - Incentives and Sanctions (“the carrot & the stick”)
 - Accountability

DWI Courts - Outcome Studies

■ Michigan

- Program participants 3-times less likely to re-offend than non-program participants
- Re-arrest rates (2 years out): 13.6% vs. 0.7%



■ Georgia

- Repeat drunk drivers 65% less likely to re-offend

Best Practices: Technology

■ Use of Technology

- SCRAM
- Ignition Interlocks
- Remote alcohol breath testing



Best Practices: Community Supervision

- **Sentencing/supervision practices**
 - More effective supervision
 - Reliable assessments
 - Effective treatment
 - Increased supervision
 - 24/7 supervision
 - NHTSA Guidelines



Emerging Issues



- ***Missouri v. McNeely* (2013)**
 - Non-consensual blood draw constitutes a “search”
 - Statute that requires blood draw may be unconstitutional
 - Without consent and absent exigency, a warrant is required
 - Metabolization of alcohol is not *per se* exigency
- **Drugged driving**
- **Expansion of DWI Courts**

Questions?



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