

A MODEL  
DRIVING WHILE INTOXICATED  
DIVERT COURT

Institute for Court Management  
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#### ABSTRACT

The objective of this project is to evaluate the need for an alternative means for reducing the number of repeat Driving While Intoxicated offenders. The primary goal of the project is to propose an alternative sentencing option to reduce recidivism rates in Dallas County, Texas. Relevant data on the recidivism rates in Dallas County and similar states where the Blood Alcohol Content or BAC has been reduced from 0.10 to 0.08 will be presented and compared. Evaluation of programs and analysis of relevant statistics in this paper are to provide a comparison for future efforts to improve our system.

This paper will propose a new sentencing model whose goal is to reduce recidivism and reduce the number of probation revocations among Driving While Intoxicated offenders. The number of arrests for Driving While Intoxicated has been on a steady decline in every state due to the increase in the legal age to purchase and drink alcohol. (See graph 1.1, Bureau of Justice Statistics). However, in most of the states where the BAC was reduced to 0.08 the number of arrest increased. This paper purposes an alternative model for first time Driving While Intoxicated offenders who are identified as having an ongoing alcohol abuse problem.

Probation reporting, fines, court costs, community service, DWI school and Victim Impact Programs serve their purposes for the large part of first time offenders. According to Dallas County Probation records 60% of all Driving While Intoxicated probationers have some type of violation while on probation. Historically, first time offenders with alcohol abuse problems are not identified and slip through the cracks of the justice system. Consequently, they are more likely to repeat this same behavior, at the same time putting themselves and the public at risk.

The application of the Drug Court Program as to Driving While Intoxicated could better serve the offender and the public. Not all probationers that are unsuccessful while on probation have a drinking problem. At the same time realizing that the probationers which are truly in need of an alternative program are not being recognized and effectively treated to aid in the reduction of recidivism in Dallas

## County Criminal Courts.

The program outlined in this paper is specifically for the first time offender. Of the programs that exist today, none relate to Driving While Intoxicated first time offenders.

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