



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

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## **INTERRUPTING THE HARDCORE DRUNK DRIVING CONTINUUM**

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### **ADJUDICATING JUVENILES: A CHANCE TO INTERVENE**

The hardcore drunk driver begins abusing alcohol much earlier than his or her third or even first DWI; in fact, most hardcore drunk drivers begin their abuse of alcohol at an early age. They establish patterns of drinking and driving while still in their teens and may actually receive their first DWI before adulthood. In addition, a NHTSA-funded study, released in October 2000, found that people who begin using alcohol before age 21 are more likely to be drivers in alcohol-related crashes later in life (1999 Youth Fatal Crash and Alcohol Facts, NHTSA 2001).

Adolescents who are chronic high-consumers of alcohol are likely to obtain illegal entrance to bars or other establishments where alcohol is served. This behavior also correspondingly increases their likelihood of drinking and driving. While these juveniles represent a small fraction of the overall offender pool, they often represent a great risk to public safety, are more frequently seen in the adult court, and are more likely to become hardcore drunk drivers.

Adjudicating juveniles for alcohol-related offenses gives the justice system an opportunity for early intervention in the truest sense of the word. Judges are in a unique position to make a difference in their communities by dealing more effectively with the juvenile alcohol offender. They can take a pro-active leadership role in the development of community-based comprehensive prevention and intervention programs and networks.

### **CHALLENGES AND OBSTACLES FACED BY JUDGES IN ADJUDICATING JUVENILES**

In many communities around the country, the largest barrier to adjudicating juvenile alcohol-related offenses is simply that, in many cases, the juvenile never makes it before a judge. This is, in part, because of our societal attitudes toward underage drinking. Do any of these statements sound familiar?

Mother: "At least my daughter doesn't use drugs, she only drinks beer."

Father: "If they're going to drink anyway, I'd rather they did it in our house while we're here to supervise."

Officer: "I told the kids to pour their beer out on the side of the road. The driver only had two beers, and he wasn't driving drunk. Why give him a juvenile record when he's such a good kid?"

- Judge: “Kids will be kids! There’s no DWI here. We must turn our attention to those teenagers using hard drugs.”
- Prosecutor: “Your Honor, you honestly want me to waste my time prosecuting these kids for having that keg party last Saturday night? They come from good families, and I can’t waste my time baby-sitting some kids when there are really serious offenses that need my attention.”
- Teenager: “We’re old enough to vote, go off to college and enlist in the armed forces at 18. You tell us to get a job, grow up, act responsible. So why is it we’re supposed to wait until we’re 21 to drink?”

These attitudes create an atmosphere in which many juveniles are not arrested or adjudicated for alcohol-related infractions. The other barriers to adjudication involve the judicial partners in law – law enforcement officers and prosecuting attorneys. Each of these groups face their own challenges in adjudicating juveniles.

For law enforcement officers there are several challenges involved in arresting juvenile offenders: time constraint; supervision issues for juveniles – few detention spaces; extra paperwork; personal attitudes; too few staff; places/times of adolescent use; community norms and attitudes. Prosecuting attorneys must deal with other crime control priorities; politics (there are other "high profile" cases to deal with); lack of sanctions; lack of staff; personal attitudes; community norms and attitudes.

## **HOW JUDGES CAN OVERCOME THE CHALLENGES OF ADJUDICATING JUVENILES**

Judges can increase the effectiveness of law enforcement and prosecutors in overcoming the challenges to enforcing the laws and increase the community’s awareness and response to the issues surrounding juvenile DWI and alcohol use. Working in partnership with law enforcement, prosecutors, and the community, judges can have an enormous impact in their jurisdictions. This community and justice partnership can focus their efforts in three distinct areas:

### **Education/Prevention**

- X a pro-active process to initiate action prior to the time that a problem begins to occur
- X targets groups of people who may be at risk
- X improves knowledge and skills of the target population
- X links the efforts of many organizations to promote community health and well-being

One example of a prevention program is the Driver’s License Ceremony in the Commonwealth of Virginia. Virginia law requires that juveniles receive their driver’s license, accompanied by a parent, at a special court ceremony conducted by the judge of the juvenile and domestic relations court district in which the juvenile lives. Judge Philip Trompeter reaches every new recipient of a driver’s license in the community, as well as their parents, and focuses the ceremony exclusively around the subject of alcohol and other drug use. In an active teaching opportunity, he administers a drinking patterns survey, and he teaches the new drivers and their parents

- X that *drunk* driving is not the only cause of alcohol-related accidents
- X even minimal alcohol use by youth produces the same drinking pattern dynamics as heavy drinking

X                   nearly all teen drinking involves the use of a car

Another example of a prevention program is the Courage to Live Program: Three Steps to Safer Communities. This innovative program is designed to address the seriousness of underage drinking and driving through community education and judicial outreach. The program's key goals are to help students devise action plans that they can use in their own schools to combat drinking and driving. The Courage to Live program is a curriculum developed by the National Judicial College that brings judges to schools to educate students about the serious consequences of underage drinking and driving. Part of the program involves judges conducting actual live DWI hearings in the classroom. The Courage to Live Program makes it possible for interested judges to get involved in prevention education in their local schools. The program also provides our nation's judges with the teaching tools, resources, and the information they need to deliver a strong prevention message to our nation's youth. It is critical that young people are aware of the fact that the choice they make regarding underage drinking and driving could be a life or death decision.

### **Deterrence - Hinders the likelihood of adolescent AOD use and impaired driving**

- X                   increases the perception of risk
- X                   increases the fear of being caught
- X                   increases awareness of and application of consequences

An example of a program designed to deter impaired driving is called Triple Jeopardy. This program enforces the premise that impaired driving, speeding, and not wearing seat belts are the common denominators that result in serious injury and death in most traffic crashes investigated by the police. Under this program, a person stopped by a law enforcement officer for any of these violations is automatically checked for the other violations as well.

### **Intervention - Interrupting a situation in which there is a high likelihood of impaired driving**

- X                   target adolescents who have used alcohol and other drugs and are considered to be at high risk for AOD-related problems

One example of an intervention program is Administrative License Revocation - ALR. These laws mandate that police officers, at the time of arrest, seize a driver's license as an administrative license suspension or revocation on behalf of the State's driver licensing agency. They ensure that DWI offenders receive a license restriction within a relatively short period of time after their arrest, independent of their progress through the justice system.

## **STRATEGIES FOR WORKING WITH JUVENILE OFFENDERS**

When planning for dispositions of juvenile DWI and other alcohol-related services, the following strategies may prove useful. These eight strategies, excerpted from the sixteen strategies found in the Bureau of Justice Assistance's "Juvenile Drug Courts: Strategies in Practice" monograph, have been used with great success in the juvenile drug court field, and have implications for the juvenile court as a whole.

1.     Community partnerships and collaborative planning. Building partnerships with community organizations will expand the range of opportunities available to youth and their families and will create an interdisciplinary, coordinated and systemic approach to adolescent substance abuse.
2.     Judicial involvement and supervision. The judge's involvement with and supervision of youth is essential. Frequent court hearings provide an open forum where everyone

involved in a case can gather to share information, discuss issues, and research consensus on the next step(s) toward a youth's successful rehabilitation and completion of a program.

3. Comprehensive treatment plan. Whenever possible, interventions should be tailored to the complex and varied needs of the youth and families involved.
4. Developmentally appropriate services. Because the brain develops in stages, young people think and react differently than adults. Treatment interventions must be thoughtfully designed and based on principles and practices that are developmentally appropriate and take into account the emotional and chronological age of each youth.
5. Focus on strengths. A strengths perspective encompasses participants' capabilities and weaknesses and it recognizes youth as potential contributors to their communities. Working from this perspective, everyone associated with the court strives to identify, harness, and build the strengths and competencies of the youth and families they serve.
6. Family engagement. Unlike adults, youth are usually dependent on and involved with family members who powerfully influence their choices. By building alliances with families, recognizing their strengths, and helping them address possible barriers to change in their children's lives, the court increases the likelihood of success for the youth.
7. Educational linkages. Coordinate with the school system to ensure that juveniles are enrolled in and attending an educational program that is appropriate to his or her needs.
8. Goal-oriented incentives and sanctions. Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify behavior of youth.

## **DISPOSITIONAL ALTERNATIVES FOR JUVENILE OFFENDERS**

There are a wide variety of dispositions available to judges when adjudicating juveniles with alcohol related offenses.

According to the Balanced Approach philosophy, any sentence or disposition should seek to:

- X Protect the public safety
- X Hold the offender accountable to the victim and/or community by having the offender acknowledge the impact of his/her behavior and work actively to make reparation
- X Develop offender competencies through education and/or treatment

Some dispositional treatment options that have proven effective with juvenile DWI offenders include:

**Motivational Counseling** incorporates a strengths-based approach to working with youth. Since teens rarely accept labels such as addiction, view their use as something that they will outgrow, and have higher levels of resistance to confrontational counseling, building motivation and "buy-in" is viewed as a foundational component of change. Several techniques used include partializing and prioritizing tasks, providing incentives and consequences, identifying strengths, and building on earlier successes.

**Behavioral Contracting** can be seen as part of motivational counseling or a separate approach that is often tied to the "Reality Therapy" model. It is also part of an individual approach to cognitive behavioral change conducted in group settings. Contracts are agreements specifying behaviors that a youth will do and what the "professional" or parent will do as well. The agreement can specify consequences both positive (reduction in supervision) and negative (stricter curfew). Putting the contract in writing and signing the document is an important part of

the process.

**Day Treatment or Intensive Outpatient** generally involves the youth in a full day of highly structured activities that include substance use/abuse treatment – individual and group, education programs and family interventions. These programs are operated by substance abuse treatment professionals (with the aid of a multidisciplinary team) and are usually affiliated with a residential program. While allowing the youth to return home in the evenings, the program has a comprehensive array of services with progressively increased re-integration in the community.

**Outpatient Intervention** may be a post-release program from residential treatment, or a group and individual treatment service provided by a residential setting. As noted above, an array of services may be provided with a professional team affiliated with a residential program.

**Residential Programs** can range from 30 days to 6 months depending on the range of services provided and the target population served. These settings may use any of the individual, group or family interventions noted and may have aftercare services.

**Group Therapy** helps youth strive for abstinence and stabilize their functioning. They often deal with issues underlying substance abuse. Therapy groups should be led only by professionals with extensive training and experience.

**Cognitive Behavioral Change Groups** help members identify and change thinking errors that result in behavioral problems, learn problem-solving and pro-social interpersonal skills, and provide a supportive environment for rehearsing new thinking and behavioral patterns.

**Support Groups** provide opportunities for youth to share experiences and provide camaraderie. Support for behavior change is often a goal of these groups, and recovery support groups often fit in this category.

**Educational Groups** provide information on issues related to substance abuse. A variety of topics might be covered in educational groups for youth, including co-dependence, stress management, HIV/AIDS, basic living skills, and many others.

**Family Therapy** with the family unit usually consists of working with the entire family, sometimes as a group, and sometimes with individual members. Therapy focuses on recognizing underlying family problems that may be contributing to the adolescent's substance abuse and strengthening the family's ability to communicate, set limits, and cope with other problems.

**Multiple-Family Therapy Groups** consist of three to ten multi-generational families that meet together. Families share experiences and concerns and provide help to each other. This provides a unique forum for parents and allows families to identify with and learn from the conflicts other families experience. It also increases their network of support and friendships.

**Parent Support Groups** often help families who feel isolated and need to know others have experiences similar to theirs. Self-help groups provide this support, and often they provide education parents need to understand and deal with a youth's substance abuse.

## **CONCLUSION**

Through the effective use of developmentally appropriate dispositions with juveniles, judges can impact and interrupt the hardcore drunk driving continuum. Much of this article was excerpted from the National Council of Juvenile and Family Court Judges "A Judicial Curriculum on Youth DWI and Alcohol & Other Drug Related Issues." The purpose of this curriculum, which was funded by the National Highway Traffic Safety Administration, is to aid judges in reducing the crashes, and thereby, the resulting deaths and injuries that are caused from the use of alcohol and other drugs by juveniles. It is important for the court to provide community leadership to deter and prevent DWI and similar offenses by the community's youth. Judges who hear DWI and other cases involving juveniles using alcohol and other drugs are uniquely able to take positive steps to help solve this problem. To request copies of the curriculum or additional information, please contact Iris A. Key, Manager, Alcohol and Other Drugs Division, at (775) 784-1663 or by e-mail at [ikey@ncjfcj.org](mailto:ikey@ncjfcj.org).

## **ABOUT THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES**

The National Council of Juvenile and Family Court Judges (NCJFCJ), founded by a group of judges in 1937, is the oldest national judicial membership organization in the United States. The National Council of Juvenile and Family Court Judges pursues a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families while acknowledging and upholding victims' rights, the safety of all family members, and the safety of the community.

The NCJFCJ membership of nearly 1,700 judges, commissioners, masters, and other juvenile and family law professionals represents all 50 states and several foreign countries; however its reach extends far beyond the membership. Through the availability of training and assistance for judges and other professionals around the country and the world, the NCJFCJ continues to play a key role in improving the practice of juvenile and family justice.

## **ABOUT THE ALCOHOL AND OTHER DRUGS DIVISION**

The National Council of Juvenile and Family Court Judges recognizes the impact that alcohol and other drugs have on the children and families who come before our nation's juvenile justice system. The abuse of alcohol and other substances represents an underlying problem in the majority of juvenile and family court cases. In response, the National Council established a special division focused on alcohol and other drugs (AOD) within the Continuing Judicial Education Department. Through the AOD Division, judges and other professionals receive training and technical assistance in how to best respond to the effect alcohol and other drugs continue to exert in all areas of juvenile and family court systems, including delinquency, domestic violence, child abuse, and custody and visitation.

The AOD Division received funding in 1998 from the National Highway Traffic Safety Administration to update and revise its Youth DWI Curriculum, a successful product first developed in 1989. The revision expanded its content and scope, producing a more comprehensive curriculum that examines drug use, adolescent development, assessment, and treatment. The expanded curriculum consists of seven training modules employing proven adult learning techniques to effectively maximize the information provided. NCJFCJ pilot-tested the curriculum in a series of ten workshops in diverse locations around the country. It is now being implemented by State Highway Safety Offices. Copies of the curriculum are available free of charge by calling NCJFCJ.

Since 1998, the AOD Division has been working under a cooperative agreement with the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice to enhance their efforts in the juvenile drug court field. This collaborative effort allows the AOD Division to provide training and technical assistance to jurisdictions who have received funding from BJA for planning, implementing, or enhancing juvenile drug courts.

With funding from the Bureau of Justice Assistance, The National Drug Court Institute, in conjunction with NCJFCJ's Alcohol and Other Drugs Division, worked with practitioners to develop "Juvenile Drug Courts: Strategies in Practice." This important document details 16 strategic practices that can serve as the basic framework for effective juvenile drug courts: collaborative planning; teamwork; clearly defined target population and eligibility criteria; developmentally and gender-appropriate services; monitoring and evaluation; community partnerships; quality assurance; judicial review; comprehensive treatment planning; cultural competence; strengths-based focus; educational linkages; drug testing; goal-oriented incentives and sanctions; and confidentiality. This publication is available on-line at <http://bja.ncjrs.org/publications>.

Additional information regarding the AOD Division's training, technical assistance, and publications is available from the National Council of Juvenile and Family Court Judges, AOD Division, University of Nevada, Reno, P.O. Box 8970, Reno, Nevada 89507, (775) 784-8078, FAX: (775) 784-6628, website: [www.ncjfcj.org](http://www.ncjfcj.org).