



Judicial Education as a Tool to Prevent DWIs

To stem the rising tide of impaired driving cases, The National Judicial College (NJC) is on a mission to educate as many judges as possible about the intricacies of these cases. In many jurisdictions, impaired driving cases can be more complex than murder cases, yet judges often aren't given the educational resources to manage them. With funding from the National Highway Traffic Safety Administration (NHTSA), NJC developed four programs to assist judges in handling these complicated issues. The courses consist of a *DUI Primer for Judges: Impaired Driving Case Fundamentals*, *Sentencing Motor Vehicle Law Offenders*, *Traffic Issues in the 21st Century* and *Practical Approaches to Substance Abuse Issues*.

A WEALTH OF INFORMATION OFFERED IN THESE NJC COURSES

DUI Primer for Judges: Impaired Driving Case Fundamentals: DUI cases can often be quite complex. After attending this course, participants will be able to summarize the substantive Fourth and Fourteenth Amendment questions regarding search, seizure and arrest issues; identify the circumstances under which a police officer may legally stop a car, detain a driver and search the driver, passengers and vehicle; assess and rule confidently on the admissibility of evidence including pretrial statements, admissions, physical and non-verbal evidence; recognize the elements of a constitutionally valid guilty plea and administer such pleas effectively; summarize the principles and applications of pharmacology as they relate to intoxicated drivers; evaluate the results of field sobriety tests and motions to exclude them; evaluate expert testimony about pharmacology and sobriety testing; converse intelligently regarding some of the scientific principles that serve as foundations for the admissibility of evidence in impaired driving cases, such as: horizontal gaze nystagmus, retrograde extrapolation, Widmark's formula, blood/breath partition rates and infrared spectrometry; and recognize the challenges of DUI case management and develop strategies to deal with them. The course will also include a sentencing workshop in which participants will review sentencing parameters and options, including fines, incarceration, license revocation and probation conditions such as evaluation, treatment, abstinence and restitution.

Sentencing Motor Vehicle Law Offenders: This course is specifically designed for traffic court judges, magistrates, and hearing officers who handle sentencing in motor vehicle-related cases, including impaired, reckless and aggressive driving cases. It focuses on the objectives and philosophies of sentencing, such as due process, treatment,

rehabilitation, restitution, retribution and deterrence. Innovative probation conditions such as mandated evaluations, treatment and community service will be evaluated. After this course, participants will be able to appropriately sentence motor vehicle law offenders; apply the Frye and Daubert tests to determine the admissibility of scientific evidence in traffic courts; identify technological sentencing tools that can be utilized in sentencing traffic offenders; recognize the psychological profiles of certain defendants and fashion sentences accordingly; effectively and appropriately sentence youthful offenders; impose valid conditions of probation; and identify situations requiring the appointment of counsel.

Traffic Issues in the 21st Century: This course provides an overview of legal and evidentiary issues related to plea taking, searches, seizures, arrests and confessions. It also provides information on the role of the traffic court judge in the community; ethical judicial outreach and bridge- building; new approaches to aggressive driving offenses; techniques in dealing with the aging driving population; racial profiling issues; pretextual traffic stops; and new challenges in commercial motor vehicle cases. After attending this course, participants will be able to analyze and discuss current and emerging issues in blood alcohol pharmacology and sobriety testing; evaluate the principles of addictive behavior based upon current research; handle Fourth Amendment issues in court cases alleging racial profiling, unconscious bias in pretextual stops and judicial decision-making; apply new strategies to substantially reduce racial profiling; identify aggressive drivers through driving history; and skillfully utilize judicial discretion to create and impose effective sentences. During the course, discussion groups will participate in an interactive mock trial to provide proactive study. In addition, participants are encouraged to develop ideas for implementing successful partnerships with national, state, and community-based traffic safety entities.

Practical Approaches to Substance Abuse Issues: This course provides judges with a thorough understanding of substance abuse issues that may arise in their courts. After attending this course, participants will be able to describe the extent of the substance abuse problem; recognize the physiological and pharmacological aspects of substance abuse; interpret drug test results; select appropriate judicial strategies and tools for the treatment process; evaluate the effectiveness of alternative judicial models to deal with substance abuse; and design a plan for implementation.

OTHER PROGRAMS AND RESOURCES TO CONSIDER

Courage To Live Faculty Development Workshop: NJC can provide education to judges about how they can teach others about combating the DWI problem. Through the *Courage To Live Faculty Development Workshop*, the College educates judges on the best methods of educating youth about the serious consequences of drinking and driving. Part of the program involves judges conducting live DUI hearings in the classroom. The workshop teaches judges how to replicate the *Courage To Live* and other programs in their own communities. After attending this workshop, participants will have the teaching

tools, resources and information necessary to get involved in prevention education in their local schools and deliver a strong message to their communities' youth.

Commercial Drivers' Licensing Faculty Development Workshop: Similarly, with a grant from the Federal Motor Carrier Safety Administration, NJC educates judges about commercial vehicle safety and how to teach others about those important issues. In 2002, there were almost 5,000 fatalities in crashes involving commercial vehicles. NJC designed a program to educate judges and court personnel about methods of increasing commercial vehicle safety. After attending the program, participants will be able to describe basic terms and classes of commercial motor vehicle licenses, identify the various disqualifying offenses and sanctions, and rule upon legal issues and objections presented in evidentiary scenarios commonly encountered in impaired driving trials. They will also be able to identify sanctioning standards appropriate to specific types of commercial driving infractions, explain the potential impact of traffic courts' actions on the outcome of administrative commercial drivers' license disqualification hearings, and describe the importance of judicial outreach efforts and the judicial canons of ethics applicable to such efforts. Ultimately, the participants are able to create a judicial outreach action plan, describe how teaching to different learning styles of audiences can increase teaching effectiveness and integrate more appropriate instructional methods into judicial outreach presentations.

Strategies for Addressing the DWI Offender: 10 Promising Sentencing Practices: In addition to programs, NJC, in collaboration with the National Highway Traffic Safety Administration, has developed a compendium of resources for judges who wish to try new techniques in sentencing impaired driving offenders. The compendium explains ten promising sentencing practices including:

- (1) DWI courts;
- (2) staggered sentencing;
- (3) sentencing circles;
- (4) vehicle and license plate sanctions;
- (5) ignition interlock devices and SCRAM;
- (6) electronic monitoring;
- (7) victim impact panels;
- (8) cognitive behavioral therapy;
- (9) drug therapy; and
- (10) reentry courts and programs.

Please call (800) 255-8343 if you would like a copy of the publication.

Custom Academic Program: Finally, NJC can contract with your organization to create a custom program that NJC will bring to your jurisdiction. Please contact Academic Director William Brunson at (800) 255-8343 or brunson@judges.org for further information about custom program opportunities.