

Pre-Trial Actions for Repeat DUI Offenders

Accused repeat drunk driving defendants often re-offend between arrest and trial/resolution of pending DUI charges. Pre-conviction, court-imposed actions are often required as conditions of bail. These actions address public safety issues while the defendant is awaiting trial. These pre-trial actions can include assessment, technology (IIDs and continuous alcohol monitoring devices), counseling programs, license restrictions, and daily reporting to the court. Any pre-trial release conditions imposed by the court should be related to public safety and/or the likelihood of appearance at future court dates.

A pre-trial assessment will provide the court with the defendant's level of risk. Assessments often reveal a history of serious driving behavior (multiple DUI convictions, high BAC levels, BAC test refusals, driver license suspensions, failure to appear, and convictions for other violations such as reckless driving which may have been originally a DUI charge). Assessments can also reveal other criminal convictions, alcohol and/or drug abuse issues, and other co-morbidities.

Pre-trial requirements as a condition of release can connect the repeat DUI defendant with appropriate treatment and supervision as soon as possible. Defendants are not jailed, as long as they comply with their court-ordered bail bond conditions and appear for their court dates. Supervision programs monitor repeat DUI defendants for compliance and progress in treatment. This will increase the likelihood that the defendant will appear before a judge to continue their case and will protect the public. Pre-trial program participation can be voluntary on the part of the defendant and can result in a reduced jail sentence.

Research Highlights:

- Recidivism of defendants in pre-trial programs was significantly lower than other DUI offenders from the same courts who did not participate in pre-trial programs (McKnight et al., 2012).
- In 2009, the Wisconsin Community Services (agency that handles pretrial supervision) recorded an 89.25% compliance rate - 13% greater than the national average (McKnight et al., 2012).
- Two years after the Wisconsin pre-trial program began, crashes involving alcohol-impaired drivers in Milwaukee County declined by more than 20% and alcohol-related injuries and fatalities were reduced by over 30% (McKnight et al., 2012).

Responsibility.org Position:

The Foundation for Advancing Alcohol Responsibility supports pre-trial actions for repeat DUI offenders to reduce recidivism, protect public safety, reduce failures to appear, and ensure supervision for repeat DUI offenders from the time of arrest.

References:

McKnight, S., Fell, J., & Auld-Owens, A. (2012). *Transdermal Alcohol Monitoring: Case Studies*. DOT HS 811 603. Washington, D.C.: U.S. Department of Transportation.