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NEW STUDY HAILS SUCCESS OF QUEENS DWI COURT

*First DWI Court In New York City, Established Three Years Ago, Is Found
To Effectively Treat First-Time DWI Offenders*

Queens District Attorney Richard A. Brown, joined by Queens Supreme Court Justice Marcia P. Hirsch, presiding judge of the Queens Treatment Court, today announced that a study examining the effectiveness of the City's first DWI Court has found that it offered a successful alternative to prison by offering intensive treatment to substance abusers leading to an extremely low rate of recidivism.

District Attorney Brown said, "Drunk drivers all too often turn our streets into deadly pathways on which innocent pedestrians, passengers and other motorists are injured and killed. The Queens DWI Court has proven that it is possible to treat those first-time offenders who would drive while intoxicated before they make a habit of getting behind the wheel while drunk and putting themselves and others at risk.

The Queens DWI Court, which is presided over by Judge Hirsch, was established in October 2006 with funding provided by the National Highway Traffic Safety Administration. The first participant was accepted into the program on October 3, 2006, and since then of 384 defendants who were screened for admission, 155 defendants have been accepted. Of those, 76 defendants are still actively participating in the program and 79 defendants have graduated – with just four defendants having violated their probation between their graduation date and September 30, 2009, according to an evaluation of the DWI Court by Stony Brook Research & Evaluation Consulting, LLC, which was funded by The New York State Governor's Traffic Safety Committee.

Judge Hirsch said, "Our statistics prove that DWI Courts work. For too long, we've seen that traditional sentencing has proven unable to deal adequately with repeat DWI offenders. DWI Courts compel the offenders to be accountable for their actions and by closely monitoring their compliance, they guide the impaired drivers through the treatment that is needed to change their behavior. I am very proud of the hard work done by the Queens DWI Treatment Court Team."

After reviewing the program's progress over its first three years, the study concluded that the Queens DWI court "effectively recruits eligible offenders into the program, moves them through the program in a timely manner and with an excellent success rate, utilizes community resources to help them maintain sobriety and a productive life style, and results in a very low post-program recidivism rate."

Defendants must participate in the program for a minimum of one year and must plead guilty to

felony and misdemeanor DWI charges, with sentencing deferred. Upon successful completion of the program, the defendant's felony case is dismissed and he is sentenced on the misdemeanor charge to three years' probation, a fine, one year revocation of his driver's license and 30 days of community service. Non-compliance results in a sentence specified in the agreement that the defendant signs when he joins the program – usually one year and five days in prison, a \$1,000 fine and one year revocation of his driver's license.

Offenders who are deemed eligible for QDWI are identified at arraignment by the District Attorney's office. In order to be eligible a defendant must be a first-time felony DWI offender who is at least 18 years old and has no prior felony or violence-related convictions. The defendant must also have legal immigration status and no prior treatment court involvement. In addition, the defendant must not have a substance abuse problem or any severe mental health issues. Finally, the incident must not have caused any physical injury to anyone else.

If the defendant opts to join the program, and the court agrees, his case is assessed and an individualized treatment program is developed. Participants are initially required to attend court weekly, to submit to supervised alcohol and drug testing at every court appearance as well as randomly at treatment providers and probation visits. The program includes three days a week of treatment. Additionally, participants are also required to wear alcohol-monitoring bracelets for the first 90 days and to pay the monitoring fee of \$11 a day.

Finally, the program is conducted in three phases, each lasting a minimum of four months.

*Phase 1: Defendants are oriented to rules of the program and must maintain four months of continuous sobriety to advance to the next level.

*Phase 2: Defendants, while maintaining sobriety, focus on vocational and educational needs and attend self-help groups.

*Phase 3: Defendants maintain sobriety, complete treatment, complete GED if they do not have a high school diploma and obtain legal employment. They must have a high school diploma, employment or be in a training program in order to graduate from the program.

In addition to the Unified Court System and the District Attorney's Office, the DWI Court operates with the involvement of the New York City Department of Probation, the Queens Legal Aid Society, Queens Law Associates and various community treatment providers.

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