REPEAT OFFENDER SUBSTANCE USE SENTENCING INITIATIVE

AN INTERVENTION FOR PEOPLE WHO HAVE REPEATEDLY ENDANGERED OR HARMED OTHERS UNDER THE INFLUENCE OF DRUGS AND ALCOHOL: A PROMISING INTERVENTION MODEL FOR AUSTRALIA?

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Inspector Bill Mathers
THE PROBLEM

- Tas: 2008 to 2012, 53 fatalities and 317 serious injuries were identified as having alcohol as a factor.

- Vic.: Drink driving is responsible for up to 30 per cent of deaths and 11 per cent of serious injuries on Victoria's roads.

- Repeat drink drivers account for 30 per cent of all drivers caught drink driving.

- More than 50% of family violence offence in Victoria are repeat offences

- Around 42% are definitely alcohol-related
IS DRINKING A RIGHT OR A PRIVILEGE?
WHAT ARE THE BEST FORMS OF CRIME PREVENTION?

• Guaranteed detection
• Guaranteed punishment
• Immediate punishment
  – Punishment should not be disproportionate
SOUTH DAKOTA- 24/7 SOBRIETY

DUI FELONIES were 34.9% of all felony convictions

DUI and controlled substances felonies total 59.9%

15% of state prison population were DUI felonies

Repeat/recidivist DUI offenders a major problem.

-measures in place were not working
<table>
<thead>
<tr>
<th>Year/Year</th>
<th>Charges</th>
<th>Convictions</th>
<th>DUI 1</th>
<th>Convictions</th>
<th>DUI 2</th>
<th>TOTAL</th>
<th>2nd offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/7</td>
<td>9,850</td>
<td>7,304</td>
<td>2,496</td>
<td>1,416</td>
<td>8,720</td>
<td>12,346</td>
<td>20%</td>
</tr>
<tr>
<td>2005/6</td>
<td>9,097</td>
<td>6,918</td>
<td>2,158</td>
<td>1,294</td>
<td>8,212</td>
<td>11,255</td>
<td>19%</td>
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<tr>
<td>2004/5</td>
<td>6,559</td>
<td>5,537</td>
<td>1,405</td>
<td>1,198</td>
<td>7,964</td>
<td>7,962</td>
<td>18%</td>
</tr>
<tr>
<td>2003/4</td>
<td>6,700</td>
<td>5,517</td>
<td>1,262</td>
<td>1,105</td>
<td>6,622</td>
<td>7,962</td>
<td>17%</td>
</tr>
<tr>
<td>2002/3</td>
<td>5,863</td>
<td>4,847</td>
<td>1,256</td>
<td>1,074</td>
<td>5,921</td>
<td>7,119</td>
<td>18%</td>
</tr>
<tr>
<td>2001/2</td>
<td>7,001</td>
<td>5,770</td>
<td>1,359</td>
<td>1,146</td>
<td>6,916</td>
<td>8,360</td>
<td>17%</td>
</tr>
<tr>
<td>2000/1</td>
<td>7,456</td>
<td>6,093</td>
<td>1,325</td>
<td>1,079</td>
<td>7,172</td>
<td>8,781</td>
<td>15%</td>
</tr>
</tbody>
</table>
A NOVEL SOLUTION

• Address alcohol consumption, rather than behaviour
• No alcohol
• No bars
• Breath test- 7am and 7pm
• If you skip or fail you go to jail.
• Immediate short term incarceration (1 day for first/second offence, 2 days 3rd offence, stricter monitoring for subsequent offences)
• Escalating surveillance
BENEFITS

• Families safer
• Public is safer
• Defendant will spend less time in jail
• Treatment prospects improve
• Defendant’s employer happy
• ALMOST NO COST TO TAXPAYER
NUMBER OF SHOW AND FAILS

- 680 (66.6%) never failed a test
- 175 (17.1%) failed only one test
- 100 (9.7%) failed only twice
RESULTS

• January 2005 through May 31, 2009

• 11,956 participants (active and completed)
• 2,087,390 total tests
• 2,079,359 (99.6%) passed tests
• 14,207 (.4%) failed tests or no show
South Dakota 2003-2008
Alcohol-Impaired MV Fatalities and 24/7 Participation

Alc. Imp. MV Fatalities
24/7 participants
AN INDEPENDENT EVALUATION

- Kilmer, Nicosia, Heaton & Midgette (2013)
- Evaluation of 24/7 project between 2005-2010
- 17,000 participants
- 99.3% passed breath tests
  - .36% fail
  - .34% no show
- 2.25 million days without a detected alcohol violation
AN INDEPENDENT EVALUATION

- 12% reduction in repeat DUI arrests
- 10% reduction in domestic violence arrests
- Modest reduction in traffic crashes for male drivers aged 18-40 years
REMAINING QUESTIONS

• Is the effect of enforced abstinence carried on once the person is no longer on the court order?
  – Interlocks show poor behaviour change post sentence
  – Still under investigation

• Would adding therapeutic interventions improve effectiveness and/or longevity?

• Would it be accepted by Australian public?

• Will it work in Australia?
OTHER EXAMPLES OF THE MODEL

• Physician Health Programs (PHPs)
  – a 5-yr, longitudinal, cohort study involving 904 physicians consecutively admitted to 1 of 16 state PHPs between 1995 and 2001.

• HOPE (Hawaii Opportunity Probation with Enforcement)
  – 1,500 Probationers at present in HOPE,
  – Including over 1,350 felons
Special article

Setting the standard for recovery: Physicians’ Health Programs

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Abstract

A sample of 904 physicians consecutively admitted to 16 state Physicians’ Health Programs (PHPs) was studied for 5 years or longer to characterize the outcomes of this episode of care and to explore the elements of these programs that could improve the care of other addicted populations. The study consisted of two phases: the first characterized the PHPs and their system of care management, while the second described the outcomes of the study sample as revealed in the PHP records. The programs were abstinence-based, requiring physicians to abstain from any use of alcohol or other drugs of abuse as assessed by frequent random tests typically lasting for 5 years. Tests rapidly identified any return to substance use, leading to swift and significant consequences. Remarkably, 78% of participants had no positive test for either alcohol or drugs over the 5-year period of intensive monitoring. At post-treatment follow-up 72% of the physicians were continuing to practice medicine. The unique PHP care management included close linkages to the 12-step programs of Alcoholics Anonymous and Narcotics Anonymous and the use of residential and outpatient treatment programs that were selected for their excellence. © 2009 Elsevier Inc. All rights reserved.
According to a study conducted at Pepperdine University, HOPE Probationers:

- Are 72% less likely to test positive for drugs
- Are 68% less likely to miss an appointment with their probation officer
- Are 55% less likely to be arrested for a new crime
- Are 53% less likely to have their probation revoked
- Served 48% fewer days of incarceration than those in the conventional probation program
- Save Hawaii taxpayers between $4,000 and $8,000 per year in incarceration costs alone
AN EFFECTIVE INTERVENTION WORTH PILOTING

• Reduce offences
• Reduces fatalities
• Increased opportunities for rehabilitation
• Allows alcohol/drug use to be addressed, but a tough alternative to jail
• Easily expanded to other problem areas
  • Domestic violence, child protection
• Can be revenue positive, depending on model.
EVALUATION MODEL

• Drink driving and domestic violence re-offenders
• Randomised Control Trial
• Repeat Offender Substance use Sentencing Initiative vs. sentence as normal
• 3 sites: metro/regional/rural
• 2 year subject recruitment
• 2 year follow up after completion
BARRIERS TO IMPLEMENTATION

• Police/corrections resources
• Culture shock
• Legal impediments (not relevant for Victoria)
• Perceived privacy/human rights violations
SOME TECHNOLOGICAL SOLUTIONS

• SCRAM bracelets

• SMART START IN-HOM
THANK YOU

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