

THE TEXAS A&M TRANSPORTATION INSTITUTE'S

# Training on the Treatment & Referrals Services in Impaired Driving Cases in Texas



# Texas DWI Definition

**A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.**

*(Texas Penal Code Section 49.01)*

## **“Intoxicated” means:**

- a) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or
- b) having an alcohol concentration of 0.08 or more.

*(Texas Penal Code Section 49.04)*



# Snapshot of the Impaired Driving Problem

# DWI - ALL Related Reportable Motor Vehicle Traffic Crashes and Fatality Counts

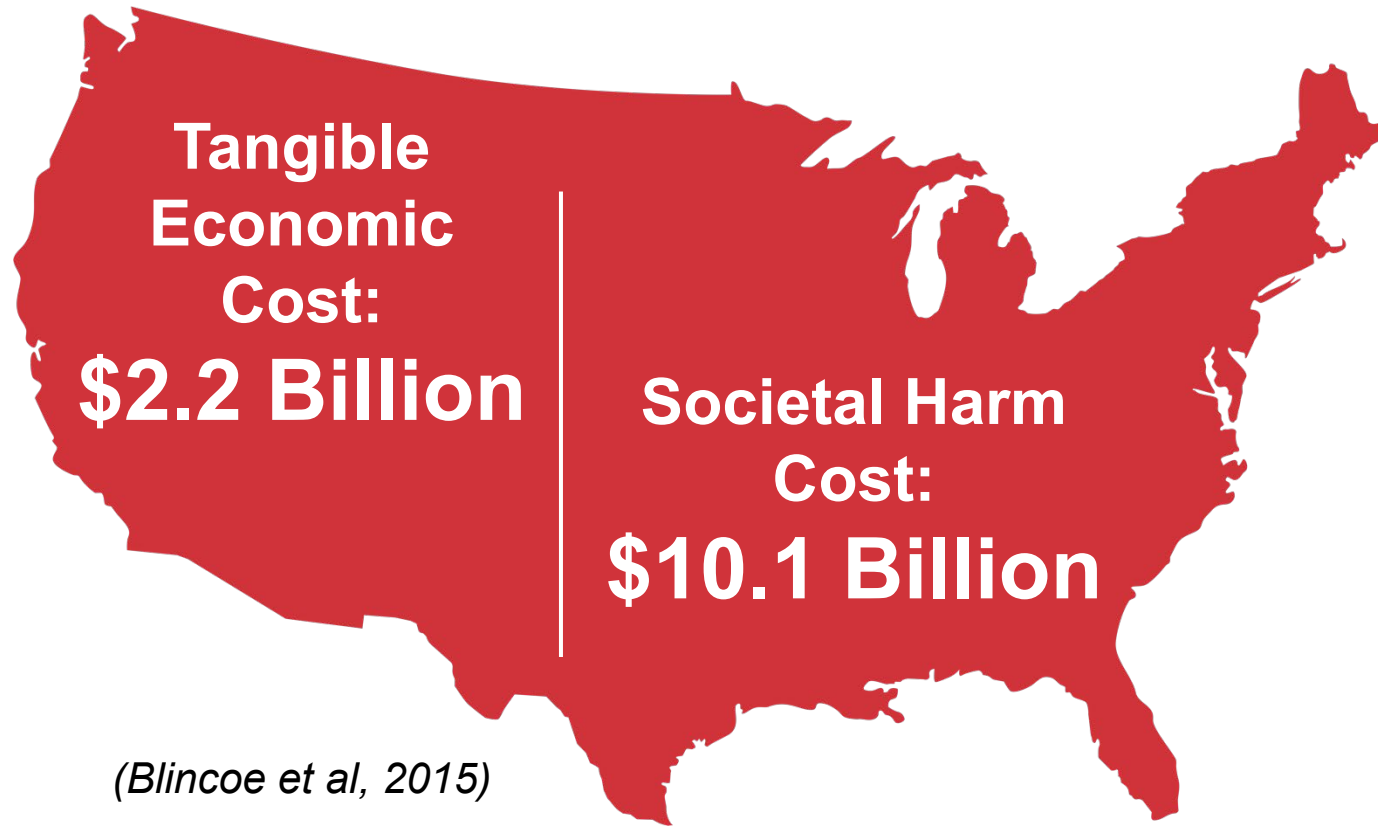
## Statewide 2015 –2019

Crash Year	Fatalities	Fatal Crashes	Suspected Serious Injury Crashes	Suspected Minor Injury Crashes*	Possible Injury Crashes	Non-Injury Crashes	Unknown Injury Crashes	Total Crashes
2015	1,397	1,235	1,864	4,435	4,270	14,678	1,310	27,792
2016	1,436	1,258	1,910	4,501	4,404	14,467	1,219	27,759
2017	1,439	1,268	1,822	4,370	4,132	13,905	1,119	26,616
2018	1,329	1,195	1,790	4,092	4,418	14,350	1,052	26,897
2019	1,282	1,134	1,786	4,008	4,729	14,551	1,105	27,313
<b>TOTAL</b>	<b>6,883</b>	<b>6,090</b>	<b>9,172</b>	<b>21,406</b>	<b>21,953</b>	<b>71,951</b>	<b>5,805</b>	<b>136,377</b>



# The Cost of Impaired Driving to Texas

National Cost for 2010



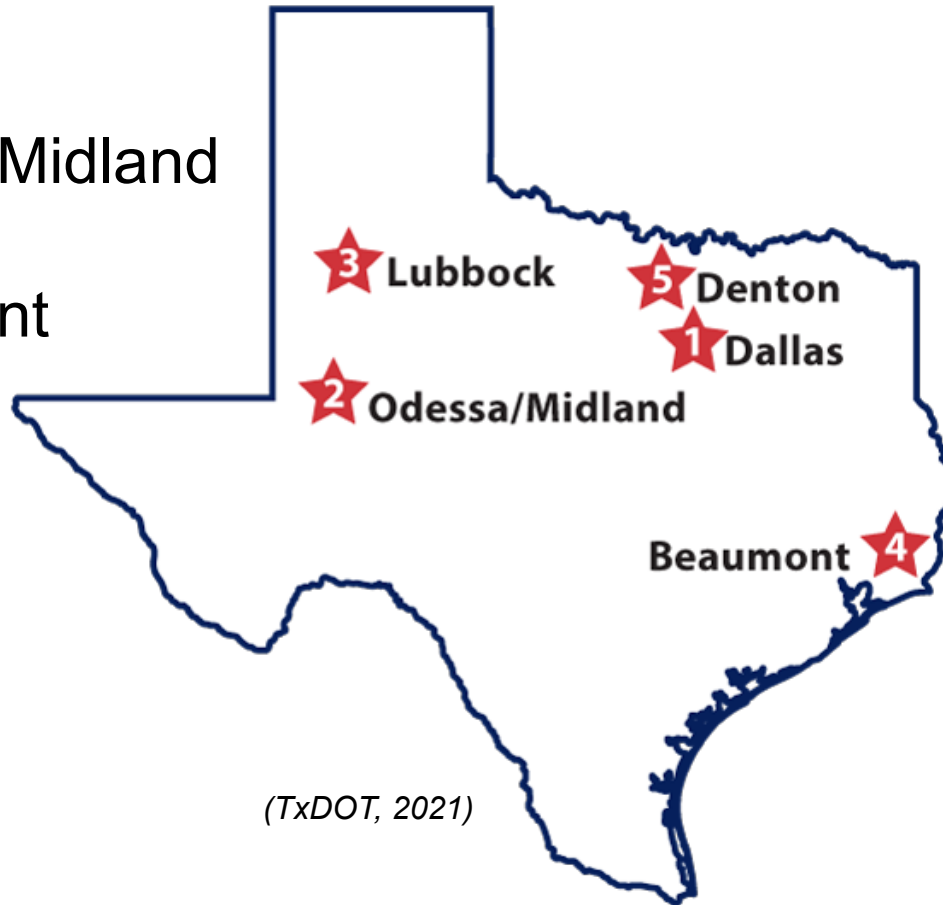
2020 Estimate  
Economic Loss  
of Alcohol-Impaired  
Driving in Texas:

**\$10,850,000,000**

(TxDOT, 2021)

# Top 5 Regions with Highest Percentage of Impaired Driving Deaths per 10K population–5 yrs

1. Dallas
2. Odessa/Midland
3. Lubbock
4. Beaumont
5. Denton





# Impaired Driving Episodes Prior to Getting Caught

In 2012, an estimated **4.2 million U.S. adults** reported at least one episode of alcohol-impaired driving during the preceding 30 days, equating to an estimated **121 million annual alcohol-impaired driving episodes.**



(CDC, 2015)

An average drunk driver has **driven drunk over 80 times** *before first arrest.*

(MADD, 2015)

# National DWI Driving Recidivism Rates



**25% based**  
on arrests  
(2014)

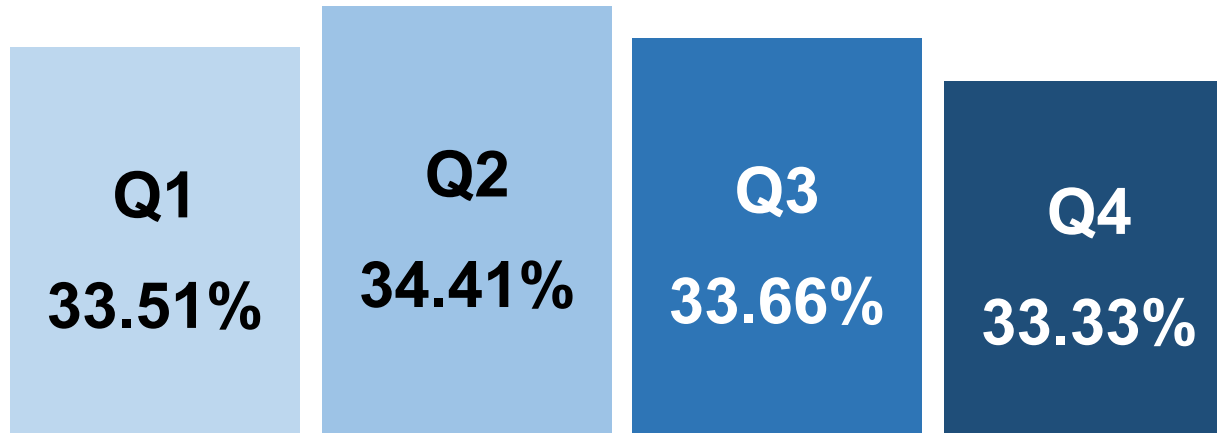


*(Warren-Kigenyi & Coleman, 2014)*

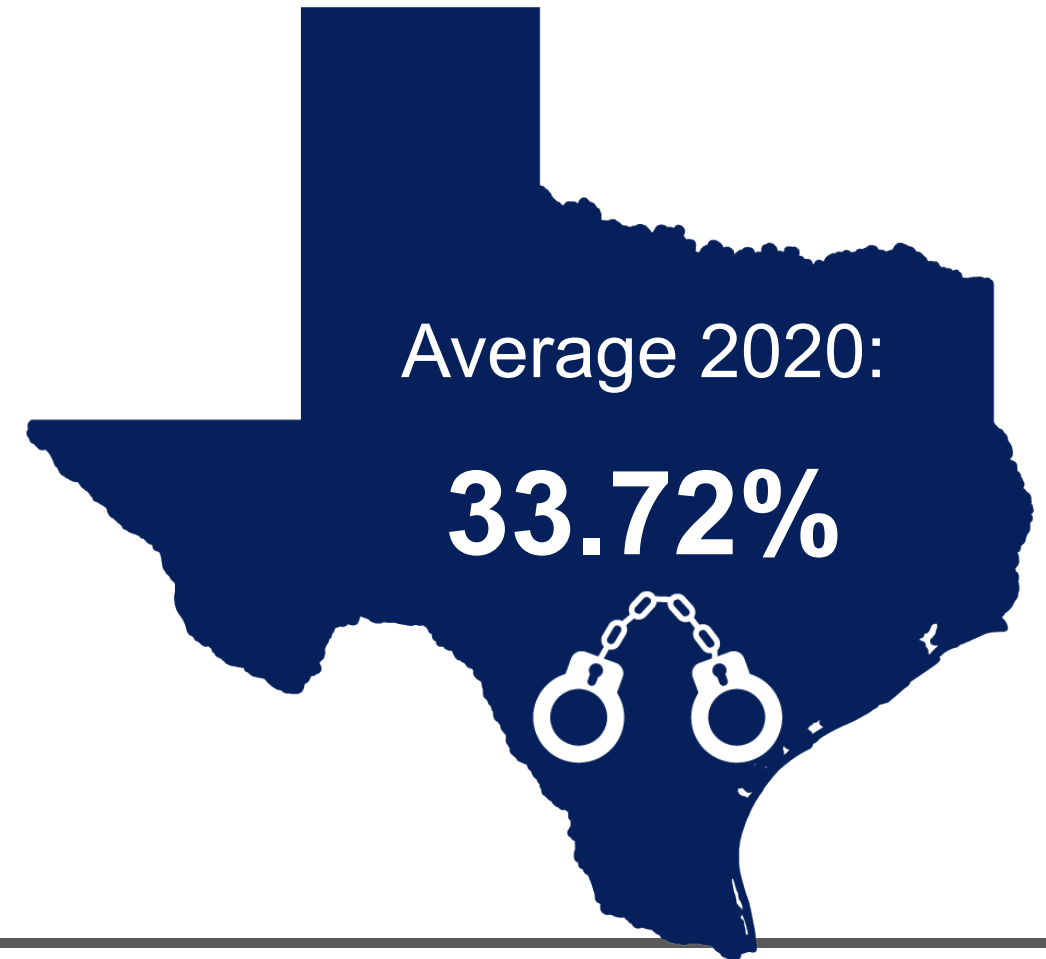


# Texas DWI Driving Recidivism Rates

**33% based** on arrests (2020)



(TxDPS, 2020)



# Factors Influencing DWI Recidivism Rates



# First Time DWI Offenders

First-time DWI offenders often  
**suffer from co-occurring  
problems.**

*(C'de Baca et al., 2004; Lapham, et al., 2001; Palmer et al., 2007, Shaffer et al., 2007)*



# First Time DWI Offenders

*First time DWI offenders and repeat offenders drinking habits are **more similar than you might think...***



**“Recidivist offenders do not report heavier, more frequent drinking compared with non-offenders and those with a single DWI.”**

*(C'de Baca et al., 2001; Cavaiola et al., 2007; Couture et al., 2010; Portman et al., 2010, Miller & Fillmore, 2014)*



# Repeat DWI Offenders

“Levels of cognitive and emotional preoccupation as well as attentional bias to alcohol were successful in distinguishing recidivists from first-time offenders.”

“Thus, the **problem of recidivism** *might not be an issue of the amount or frequency of consumption*, but rather the **stimulus control that alcohol/alcohol-related cues have over repeat offenders.**”

(Miller & Fillmore, 2014)

# Overview of Criminal Activity Literature



# Risk Needs Responsivity (RNR) Model

## The Risk Principle

**Criminal behavior can be predicted.** This principle also points to tailoring treatment plans based on the risk level of offenders.



## The Needs Principle

Offenders have a variety of static and dynamic (criminogenic) factors but **focusing on improving criminogenic needs** leads to more successful treatment outcomes.



## The Responsivity Principle

Champions the importance of **individually tailored intervention practices** that account for an individual's learning styles, strengths, and abilities



*(Andrews & Bonta, 2010)*

# Theoretical Framework of Criminal Conduct

## An individual's:

Criminal history

Pro-criminal attitudes

Pro-criminal associates

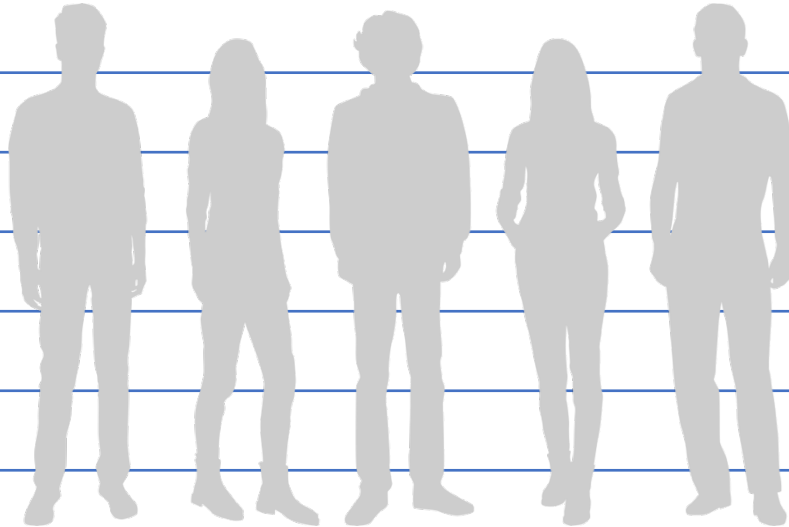
Antisocial personality patterns

Family/Marital issues

School/Work issues

Substance Abuse issues

Leisure/Recreation involvement



This model describes  
the **psycho-social-  
biological factors** that  
influence criminal  
behavior

*(Andrews and Bonta, 2010)*



# Crucial Non-Criminogenic Factors to be Addressed

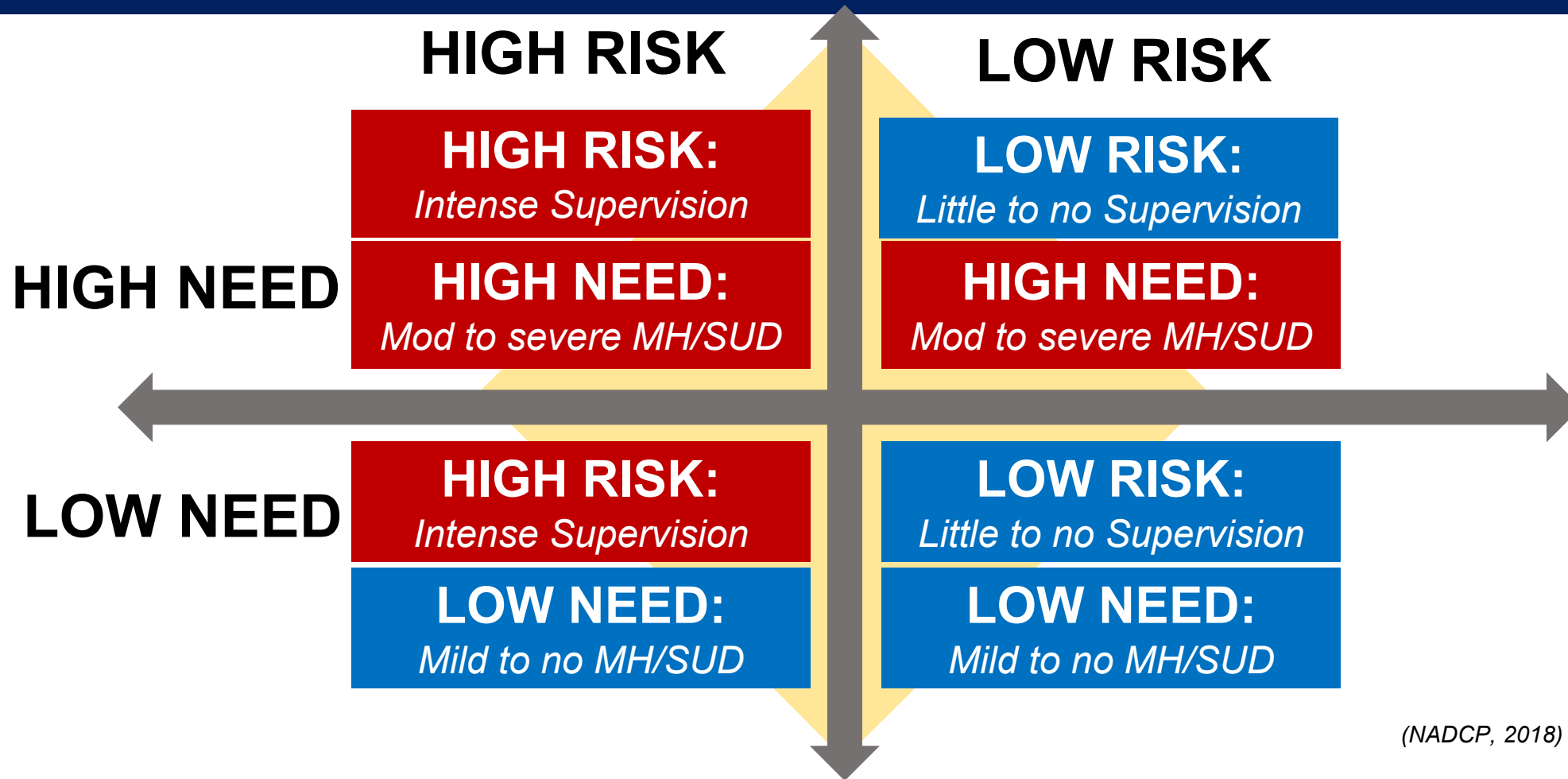
**Increasing a DWI offender's responsivity levels aids to reduce barriers to successful treatment.**



- Motivation
- Treatment readiness
- History of trauma
- Personal strengths and aspirations
- Mental illness

*(Andrews & Bonta, 2016)*

# Risk Needs Matrix



(NADCP, 2018)



# Common Characteristics of DWI Offenders

**Several studies have pointed common characteristics of high-risk/chronic impaired drivers:**

- High school education (or less)
- Low income
- Unmarried/divorced
- Caucasian males
- Alcohol use disorders issues
- Multiple prior DWI offenses
- Previous involvements with the criminal justice system

*(Jones & Lacey, 2000; Siegel et al., 2000; New Jersey Division of Addiction Services Intoxicated Driving Program Statistical Summary Report, 2006)*



# How to detect DWI Defendant's RNR?

## DWI Validated Screening/Assessment Tools

- CARS\*
- IDA\*
- DUI- RANT\*
- SBIRT
- RIASI

**VERSUS**

- Risk and Needs triage (RANT)
- Ohio Risk Assessment System (ORAS)
- Level of Service Case/Management Inventory (LS/CMI)

(NDCI; NCDC)



# Mental Health and Substance Use Disorders

*Nora Charles, Ph.D.*

# Mental Health and Substance Use Disorders

- Mental health disorders
- Substance use disorders
- Special Topics





# Prevalence of MH & SU Disorders



**20%** of adults in the U.S. have a current **mental health disorder**



**8%** have a current **substance use disorder**

**About 4%** have both a **MH diagnosis and an SUD**

**Serious mental illness refers to more impairing conditions**

*5% of the population, more females and more young adults*

*(NIMH, 2021; SAMHSA, 2021)*

# The Justice-Involved Population

A majority of incarcerated people have a mental health or substance use disorder

- **25%** report a history of physical or sexual abuse
- Most common disorders are **depression, bipolar disorder, psychosis**



**More than half** report substance misuse

Among those with a **mental health disorder**, it is **more than 75%**

**Approximately 20%** of offenses can be directly related to **psychological problems**

*(Gottfried & Christopher, 2017)*

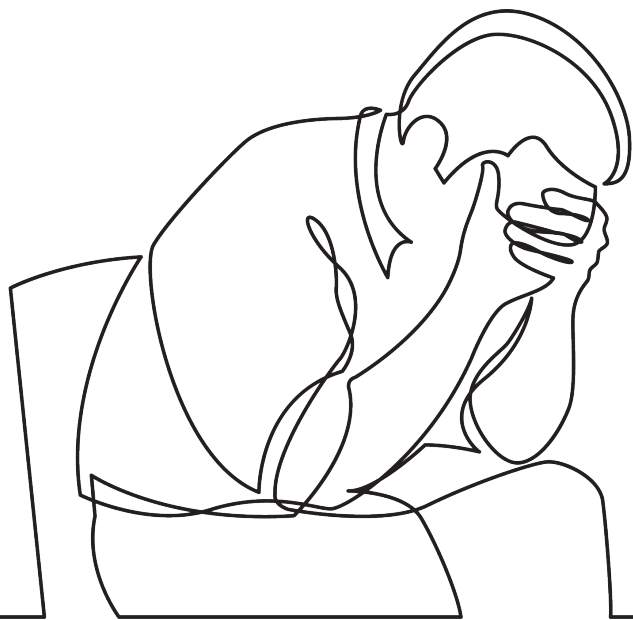


# Mental Health Disorder

# What is a Mental Health Disorder?

*Pattern of emotions, behaviors, and/or thoughts inappropriate to the situation that leads to distress and/or impairment in life*

- Interaction of biological, brain, social, and life history factors



## Types of symptoms:

**Cognitive:** having trouble remembering or concentrating

**Physical:** fatigue, tense muscles, upset stomach

**Emotional:** feeling sad, panicky

**Behavioral:** aggression, odd or erratic behaviors



# Development of MH Disorders

## Biological

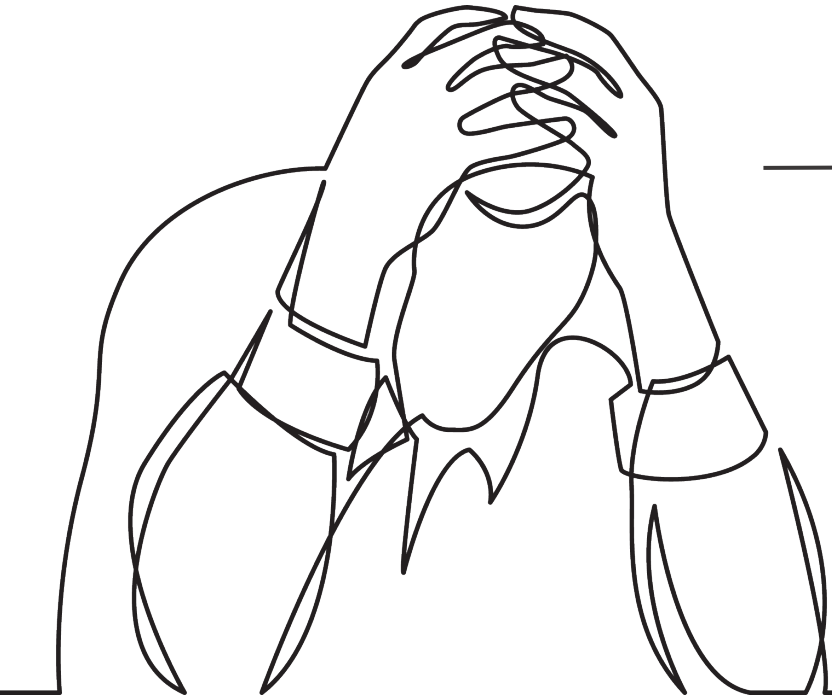
- Family history
- Vulnerability

## Environmental

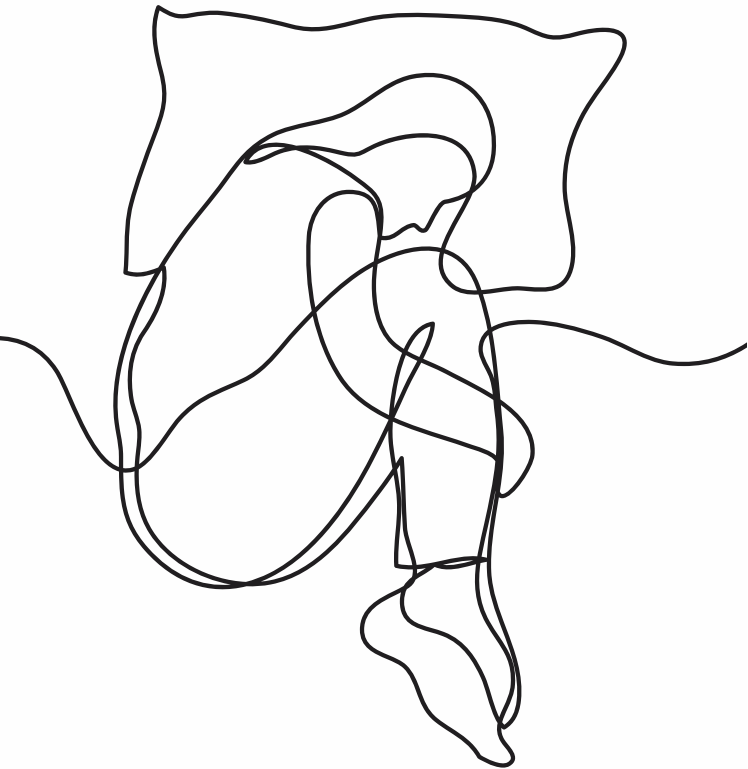
- Stress/trauma
- Family functioning

## Age of onset

- Behavioral problems—childhood
- Psychosis—adolescence, early adulthood
- Mood disorders—adulthood
- Anxiety—lifespan



# Major Depressive Disorder



***Two or more weeks of depressed moods, feelings of worthlessness, changes in sleeping, eating, energy levels, and diminished interest or pleasure in most activities.***

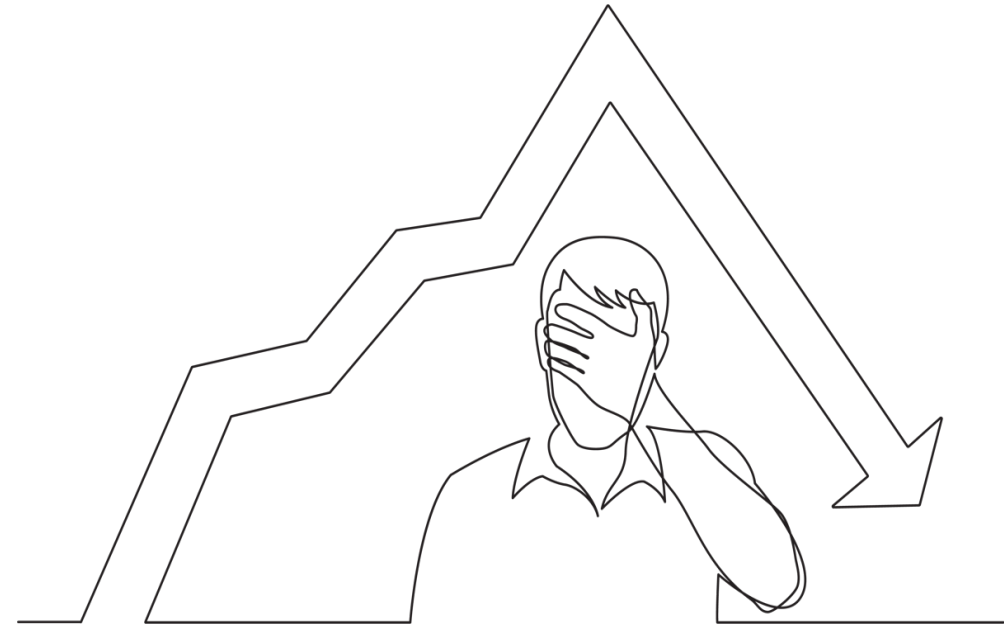
- Different from grief, sadness
- Can cause as much impairment as physical health problems
- Some biological vulnerability
- Can be a chronic condition, medication and/or therapy can help



# Bipolar Disorder

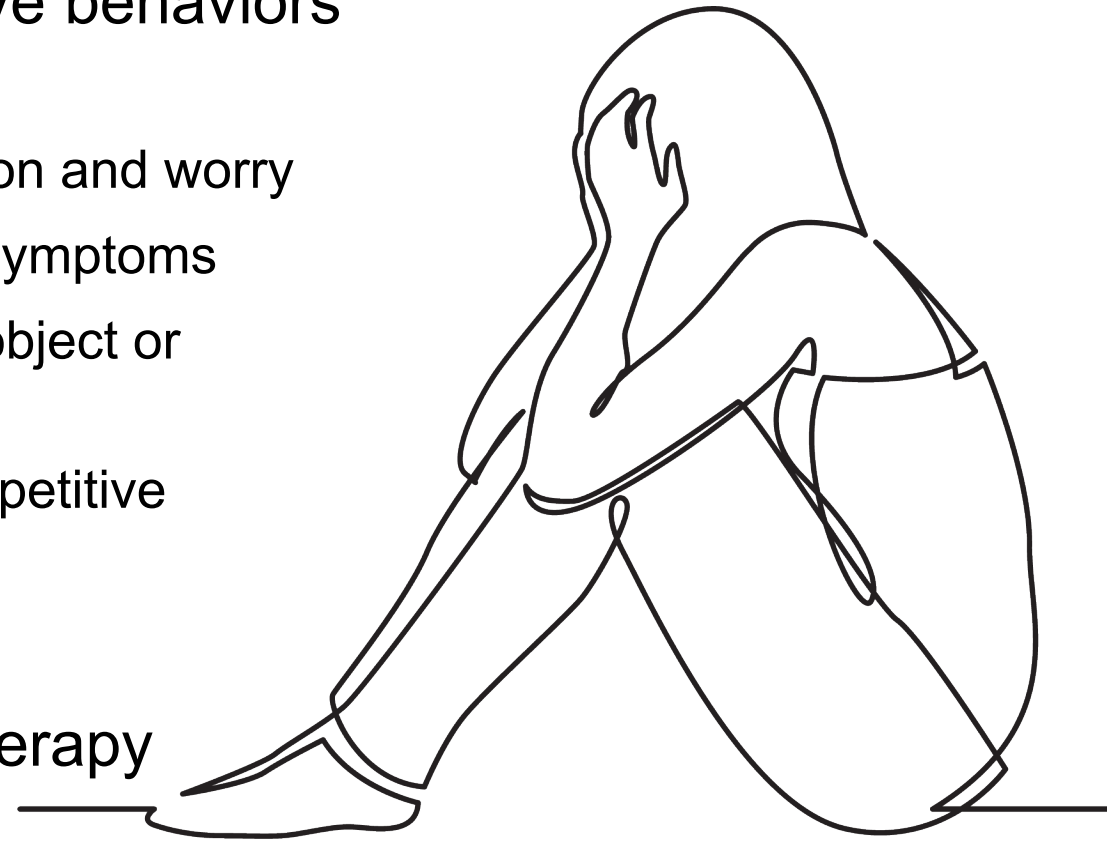
## *Alternating between depression and mania or hypomania*

- Mania/hypomania:
  - Excessively “up” mood
  - Decreased need for sleep, more active
  - High distractibility, poor concentration, racing thoughts
  - Pressured speech
- Usually managed with medication, therapy can also help
- Strong biological basis
- Chronic condition, may get better with age, can cause a lot of impairment but not necessarily



# Anxiety

- Distressing, persistent anxiety or maladaptive behaviors that reduce anxiety
  - **Generalized Anxiety Disorder:** persistent tension and worry
  - **Panic Attacks:** episodes of terror and physical symptoms
  - **Phobias:** persistent, irrational fear of a specific object or situation
  - **Obsessive Compulsive Disorder:** unwanted repetitive thoughts and/or actions
- Less biologically-based
- Can all be treated with medication and/or therapy





# Post-Traumatic Stress Disorder

- Experiencing a traumatic event can lead to post-traumatic stress disorder
  - Intrusive thoughts
  - Nightmares/flashbacks
  - Avoidance
  - Changes in emotional and behavioral functioning
- First documented among war veterans, but can occur in response to many types of events
- Traumatic event required, but people vary in biological vulnerability
- Can be treated with therapy, medication may help



# Schizophrenia

## *Severe but rare mental health disorder*

- Symptoms:
  - Disorganized and delusional thinking
  - Disturbed perceptions (hallucinations)
  - Inappropriate emotions and actions
- Strong biological basis
- Lifelong disorder, medication usually needed





# Other Types of Psychosis

***People who are psychotic think and behave in ways that have little to do with reality***

- Likely to be impaired in multiple life domains
- May be difficult to reason with or control
- Brief psychosis
- Postpartum psychosis
- Medication- or substance-induced psychosis

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# Substance Use Disorder

# What is a Substance Use Disorder?

## *Problematic pattern of use that impairs functioning*

- 2 or more within 1 year:
  - Failure to meet obligations
  - Physically hazardous use
  - Relationship problems
  - Continued use despite problems in life
  - Physical tolerance or withdrawal
  - Using more than you meant to
  - Not being able to cut down or stop
  - Reducing other activities because of use
  - Strong cravings



# SUD Diagnoses



- The same criteria are applied to all substances
- SUDs are specified as currently mild, moderate, or severe
- Remission
  - Early: 3 months with no criteria met
  - Sustained: 12 months with no criteria met

# Development of SUDs

## Biological

- Children of someone with an SUD are at least **4x more likely** to develop their own SUD

## Environmental

- Peer substance use
- Stress/trauma
- Regulation of emotions

## Age of onset

- Adolescence through mid-adulthood
- First use is usually mid-adolescence



# Substance Use Disorder Facts



**Alcohol** is the **most commonly used** substance in the U.S.

**29%** of U.S. adults will meet criteria for **Alcohol Use Disorder** in their lifetime

*Half of them will be classified as having severe SUD*

**10%** will meet SUD criteria for another substance

***Cannabis is most common***



About 50% more common in men

(APA, 2017)



# Course of SUDs

- Medications can help for some substances
- Can be chronic, but there are effective treatments
- Addressing the reasons for substance use in someone's life through treatment can help change behavior





# Special Topics

# Co-occurring Disorders

**38%** of people with  
**SUDs also have a  
MH disorder**


**18%** of people with  
**an MH disorder  
have an SUD**

- Why?
  - Self-medication
  - Shared vulnerability
- More than half of Americans with co-occurring MH and SU disorders do not receive treatment for either condition
- Best practice is to treat both problems
  - Fewer than 10% receive this

*(NIDA, 2018)*



# Medical Disorders

- 
- Some medical conditions are associated with violent, impulsive, or criminal behavior
  - Up to 70% of patients with brain injuries exhibit irritability and aggression
  - Brain infections, strokes, and degenerative diseases can also bring on psychotic, mood, or behavioral problems
  - Medications can also affect behavior

# Developmental Disorders

***20% of prisoners and 30% of jail inmates have a developmental disorder***

## Intellectual Disability

- Significant limitations in both intellectual functioning and everyday social and practical skills that begins in childhood
- Intellectual ability in the bottom 5% of the population

## Autism

- Deficits in communication, social interaction, and behavior
- Sometimes intellectual deficits, but not always
- 1.5% of the population, more common in males

(DOJ, 2019)



# Cultural Factors



***MH disorders and SUDs are universal.***

**Culture can influence:**

- Risk factors
- Types of symptoms experienced
- Willingness to seek help
- Availability of treatments

# Risk for Suicide

- Suicide is the leading cause of death in local jails
- Recent arrest and recent release from prison increase risk for suicide

People with an SUD are at least

**10x more likely to attempt suicide**

*More than 20% of people who die by suicide were legally intoxicated*

Half of people who **die by suicide had a current MH disorder**

*Schizophrenia (15x) and bipolar disorder (13x) associated with greatest risk*

(DOJ, 2020)



# Suicide

Each year,  
about **25%** of  
people who  
think about  
suicide make  
a plan.

**10% make an  
attempt**

***People with mental health and substance use disorders  
are more likely to consider suicide***

## Steps:

- Providing crisis line information
- Encouraging coping & communication with loved ones
- Restricting access to common methods of suicide
- Treatment of depression and substance misuse
- May be necessary to be evaluated at an ER or by a crisis specialist



(CDC, 2021)

# Risk for Suicide

## Warning Signs

- Increased alcohol and drug use
- Aggressive behavior
- Withdrawal from friends, family and community
- Dramatic mood swings
- Impulsive or reckless behavior



## Suicidal behaviors

- Giving away possessions
- Tying up loose ends, like paying off debts
- Saying goodbye to friends and family



# Risk for Violence

- **SUD** is associated with **25-35% risk of lifetime violence**
- **MH** diagnoses are associated with **10–15% risk**

## Assessing Risk

- History of trauma, suicide attempts, violence
- Thoughts/plans to harm
- Current psychotic symptoms
- Current intoxication
- Lower IQ, SES
- History of poor treatment compliance
- Environment supports violence
- Access to weapons

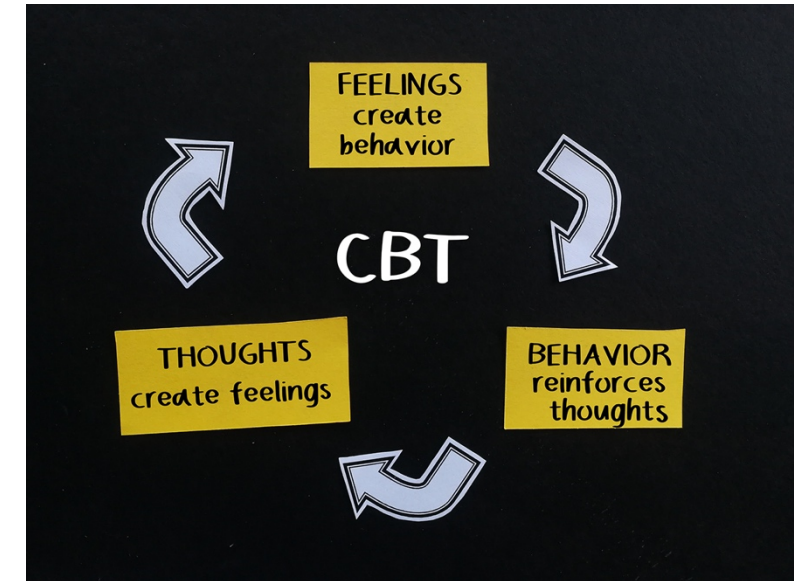
*Males and people ages 15–24 more likely to be violent*

# Treatment



# Cognitive-Behavioral Therapy (CBT)

- Psychological problems are based, in part, on
  - Problematic ways of thinking
  - Learned patterns of unhelpful behavior
- People can learn better ways of coping and more effective behaviors to reduce symptoms and improve overall adjustment
- Studies show that CBT is as effective as, or more effective than, other forms of therapy or medications for many disorders
- Sometimes best to do CBT + medication



# Cognitive-Behavioral Therapy (CBT)

## **Tries to reduce symptoms through:**

- Education about the disorder
- Learning skills to manage symptoms
- Developing new ways to think about problems and solutions

- Focus on the present
- Homework
- Targets:
  - Learn coping skills for anger and other emotions
  - Relaxation techniques
  - Communication skills



# Substance Use Disorders

- Detox
- Inpatient/ residential vs. outpatient
- Self-help/ 12-step
- Medication

*(NIDA, 2019)*



# Substance Use Disorders

- Psychotherapy
  - CBT
  - Contingency Management
  - Motivational Enhancement
  - 12-step facilitation

*(NIDA, 2019)*





# Co-Occurring Disorders

- Single model
  - Once the “primary disorder” is treated effectively, the client’s substance use problem will resolve
- Sequential model
  - Treats MH and SU disorders one at a time
- Parallel model
  - Disorders treated at the same time by separate professionals and often at separate facilities.



# Co-Occurring Disorders

- Integrated Model of Treatment
  - Single treatment team at the same facility
- An integrated model of care assumes that:
  - One disorder is necessarily “primary”
  - May not be a causal relationship between co-occurring disorders
  - Disorders need to be treated simultaneously
- This is an evidence-based practice that has good research support but is not consistently being used in practice



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# Applications of Psychological Information in Legal Settings

*Nora Charles, Ph.D.*



# Presentation Outline



- Detecting psychological problems
- Managing crises
- Legal outcomes
- What to expect



# Detecting Psychological Problems



# Stigma

- A negative belief about a group of people
- Stigma, prejudice and discrimination against people with MH or SU problems is a fact in our culture
  - May be especially strong for some communities of color
- Can have negative effects
  - Lower self-esteem, hope for the future
  - Worsening symptoms
  - Difficulties in social, work, and family domains
  - Reluctance to seek and stay in treatment

**Only 20% of U.S. employees are completely comfortable discussing mental health with their employer**

*(APA, 2019; 2020; NIDA, 2021)*

# How to Ask about MH or SUD History



## Avoid stigmatizing language

- Crazy, delusional, nuts, addict
- Person with schizophrenia vs. a schizophrenic
- Substance abuse vs. use/misuse



## Less likely to be successful:

*“Do you have a MH/SU problem?”*



## More likely to be successful:

- *“Have you ever seen a counselor or doctor for things like feeling down, worrying a lot, or having trouble managing your life?” “Have you ever considered it or wanted to?”*
- *“How often do you drink alcohol?” “Has your alcohol use ever led to any problems?”*



# How to Ask about MH or SUD History

## Topics to check on when screening:

- History of symptoms/treatment
- Current feelings of depression, anxiety
- Current stressors
- Current substance use
- Thoughts of suicide or self-harm
- Difficulties with sleep or daily functioning



# Good Communication

- Speak slowly and clearly to ensure understanding
- Avoid jargon
- Clearly explain what is happening or what is needed
- Ask them to confirm understanding
- Write instructions down if dates/address are involved
- Problem-solving vs. punitive approach





# Signs to Watch for

- Odd or inappropriate behavior, appearance
- Appears sad/depressed, or too high-spirited
- Does not understand where they are or why
- Seems confused or disoriented
- Has gaps in memory of events
- Acts belligerent or disrespectful
- Is not paying attention or does not understand the seriousness of their legal situation
- Does not make eye contact
- Switches emotions abruptly
- Speaks too quickly or too slowly
- Talks about hurting themselves or someone else

*(The Council of State Governments Justice Center, 2012)*

# Managing Crises



# What is a Crisis?

***A situation in which someone is having extreme difficulty coping with a personal problem, event, or interpersonal situation.***

- Can be substance-induced, related to a MH disorder, or from lack of coping skills
- Crisis events may involve:
  - Individuals Family altercations
  - Substance intoxication
  - Suicide attempts
  - Physical or sexual assaults with serious disorders (e.g., psychotic) may have a distorted sense of reality during a crisis
- May also be experiencing fear, insecurity, difficulty concentrating, agitation, over-stimulation, and poor judgment
- May become preoccupied, withdrawn, or argumentative

# De-escalation

Moving from a  
state of high  
tension to a state  
of reduced  
tension

- **Goal:** Assist the individual in crisis in regaining control emotionally and resolve or reduce the crisis
- **Active listening**
  - Acknowledging you hear them
  - Using “I” statements
  - Restating statements
  - Mirroring/reflecting
  - Summarizing/paraphrasing

*(Oliva et al., 2010)*

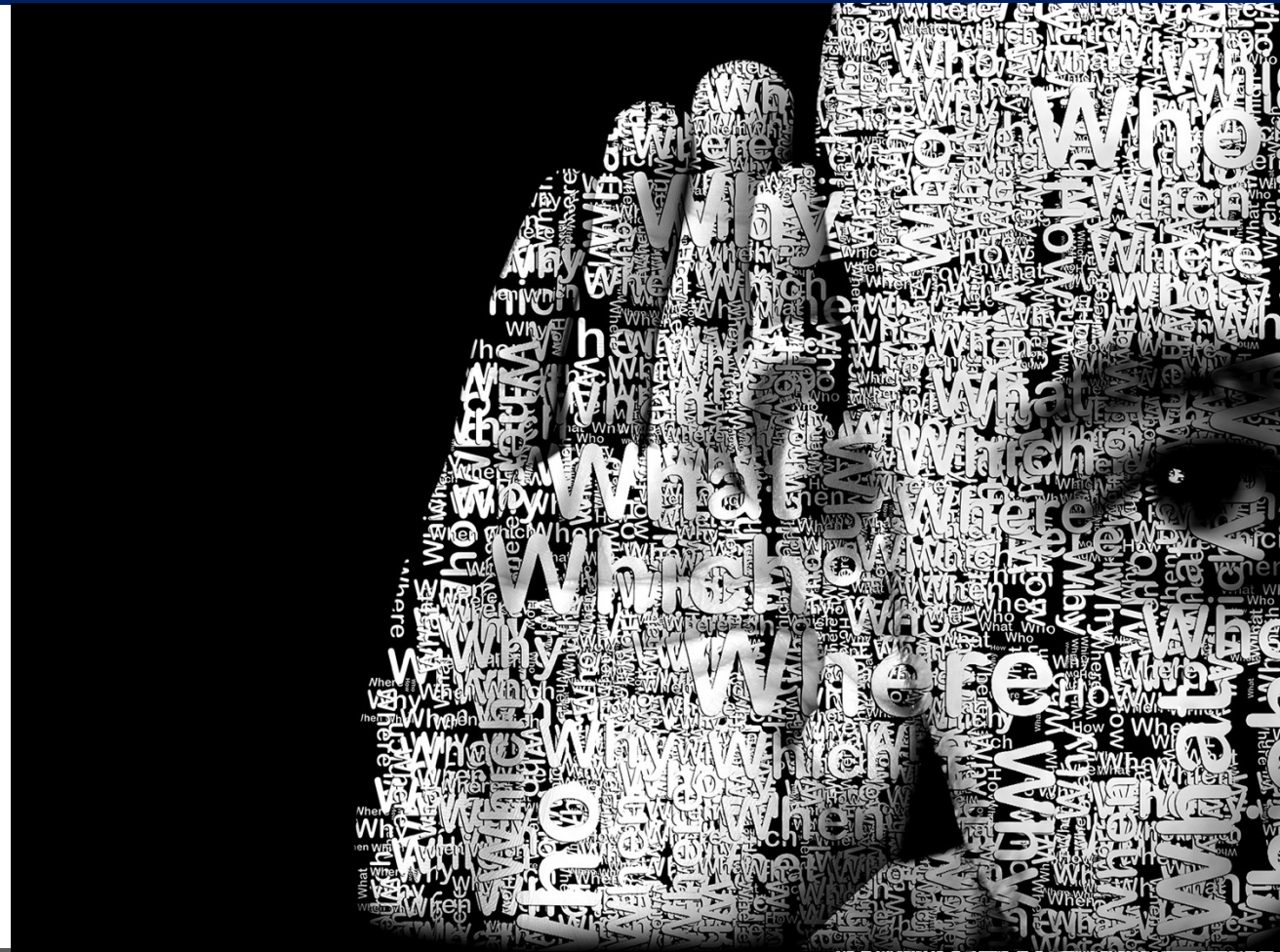


# De-escalation

## Do:

- Ask questions
- Be courteous
- Make it clear that you want to understand and help
- Open body posture
- Comfortable eye contact
- Remain calm and speak slowly in short sentences

(Oliva et al., 2010)





# De-escalation

## Don't:

- Ask why they are reacting like this
- Raise your voice
- Rush through the conversation
- Take it personally
- Challenge hallucinations or delusions

*(Oliva et al., 2010)*





# People to Call

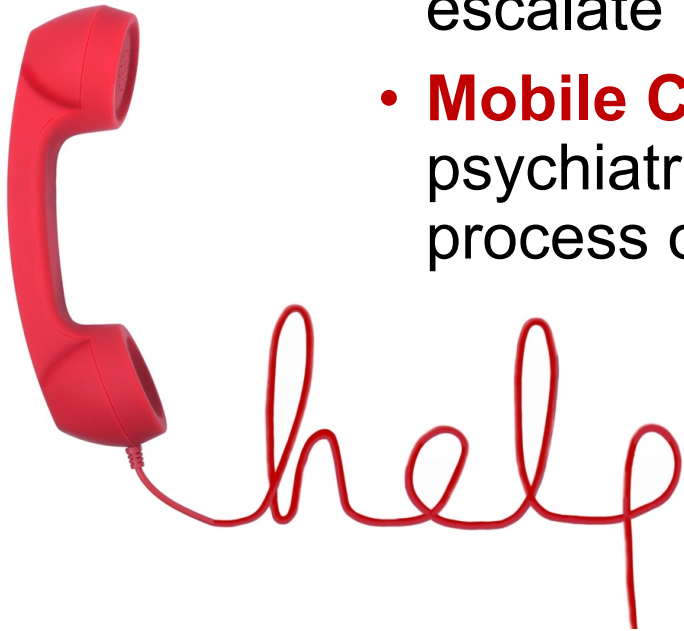
***You can facilitate a crisis line call or  
provide someone with this information***

- **The MHMR Crisis Hotline:**  
1-800-765-0157
- **National Suicide Prevention Lifeline:**  
1-800-273-8255
- **Veterans Crisis Line:**  
1-800-273-TALK (8255) and press 1;  
or text 838255
- **Crisis Text Line:**  
text the word 'Home' to 741-741
- **Your county mental health agency crisis hotline:** available on HHS website
- **2-1-1** can help with resources but not an active crisis
- **Beginning in July 2022, 9-8-8**

# People to Call

## Resources that may be in your area:

- **Crisis Intervention Team:** specially trained LEOs who can de-escalate and help get someone needed treatment
- **Mobile Crisis Outreach Team:** Two or more staff providing psychiatric emergency care that go into the community to begin the process of assessment and provide recommendations
- **Mental Health Deputy:** specially trained LEO  
*Calling police who are not trained in crisis management is a less preferable option*





# Outcomes of a Crisis Situation

- **The person calms down and does not need immediate intervention.**
- **They need to be evaluated by a mental health professional soon.**
  - Facilitate an appointment, if possible
- **They need to be seen by a professional today.**
  - May need to be transported to the ER or psych hospital for evaluation
- **The person cannot regain control of their behavior and may need to be held against their will.**

# Legal Outcomes for Individuals with MHD or SUD



# Competency

- Typical profile of someone found incompetent to stand trial
  - Severe mental health disorders or cognitive impairments
  - Cannot understand the charges against them and participate in their own defense
  - Individuals who have severe psychotic symptoms or intellectual disabilities are less likely to be restored to competency
- Competency restoration typically involves admission to an inpatient forensic unit with educational, therapeutic, and recreational activities
  - May include medication
- 81 percent of people are restored to competency
  - usually within 90–120 days

*(Danzer et al., 2019; Pirelli et al., 2011)*

# Not Guilty by Reason of Insanity

- Plea or verdict that someone was so mentally disturbed or incapacitated at the time of the offense that they did not have the required intent to commit the crime
  - Assaulted someone because they believed that person was possessed by the devil and going to harm them
- Voluntary substance use generally not accepted for NGRI defense
  - Could still be diminished capacity



(AAPL, 2014)



# Court-ordered Treatment

- Offenders may be appropriate for mandated treatment
  - Many people in substance use treatment cite legal pressure as an important reason for seeking treatment
  - Connection to voluntary treatment resources can also help
- Less intensive interventions (drug education, self-help groups) may be appropriate in less severe cases

**Outcomes for those who are legally pressured to enter treatment are as good as or better than outcomes for voluntary treatment**

- *Higher attendance rates and staying in treatment longer*



(NIDA, 2014)

# Court-ordered Treatment

- Offenders with MH or SU problems often have other problems
  - Family difficulties, limited social skills, educational and employment problems, medical issues
  - Treatment can help address these and aid in recovery/management
- Longer treatment may be indicated for individuals with severe or multiple problems



**Better outcomes are associated with substance use treatment that lasts longer than 90 days**

- *Drug relapse is common and multiple episodes of treatment may be needed*

(NIDA, 2014)



# What to Expect

# Compliance

- MH and SUD symptoms can interfere with compliance
  - Keeping a job
  - Showing up at appointments
- People with MH and SU disorders are more likely to recidivate
- Many MH disorders are chronic

(Sinha, 2013; Yukhnenko et al., 2019)

**Risk of relapse continues for months and years after substance use treatment**



**More than 2/3 relapse**  
*within weeks to months* of  
starting treatment

**More than 85%** of *individuals*  
*relapse within 1 year of treatment*



# Treatment Issues

- Medication compliance
- Attendance at therapy
  - Willfully, lack of transportation, life complications
- Factors that are more common in justice-involved people have been associated with poorer treatment outcomes
  - Antisocial traits
  - Impulsivity
  - Aggression
  - Substance misuse
  - Difficult interpersonal style

*(Charles et al., In Press)*

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# Mental Health Resources in the Community



# Finding Services

- State Health Dept-  
<https://dshs.texas.gov/mentalhealth.shtm>
- Community Mental Health Centers
- Hospitals
- Private Practices
- Training Clinics

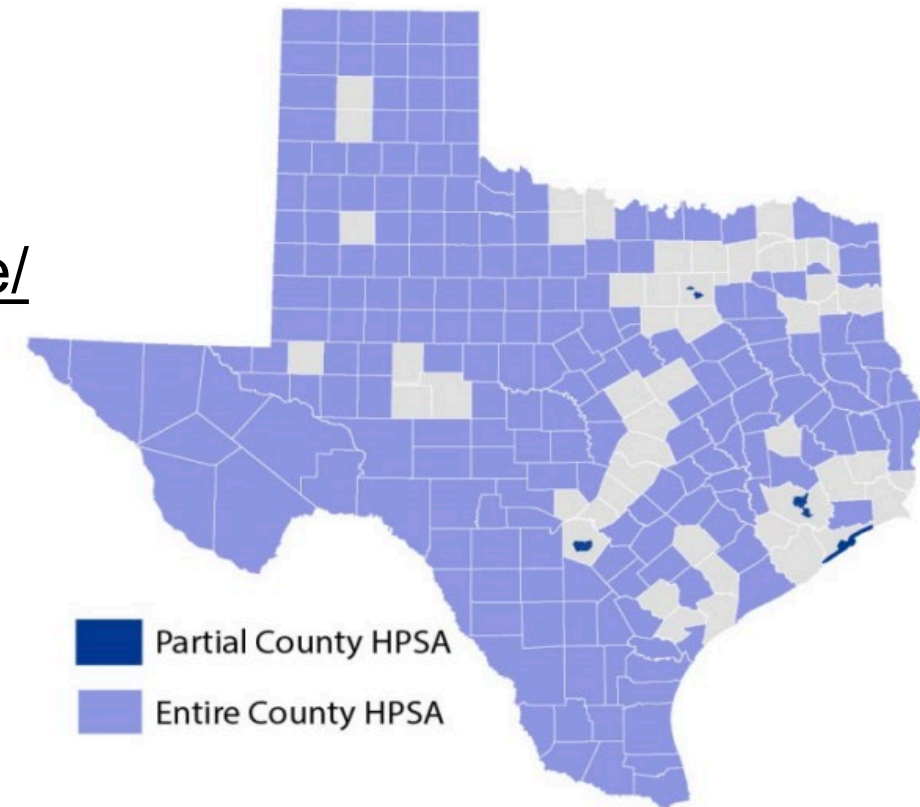




# Finding Services

- Licensing laws
- Telehealth can help!
  - <https://health.tamu.edu/care/telebehavioral-care/>
  - <https://utrgvcounselingclinics.com/>  
(English and Spanish)

Texas Counties with  
Mental Health HPSA Designations



# Working with Mental Health Professionals



- Referrals
- Consulting
- Grants
- Student training

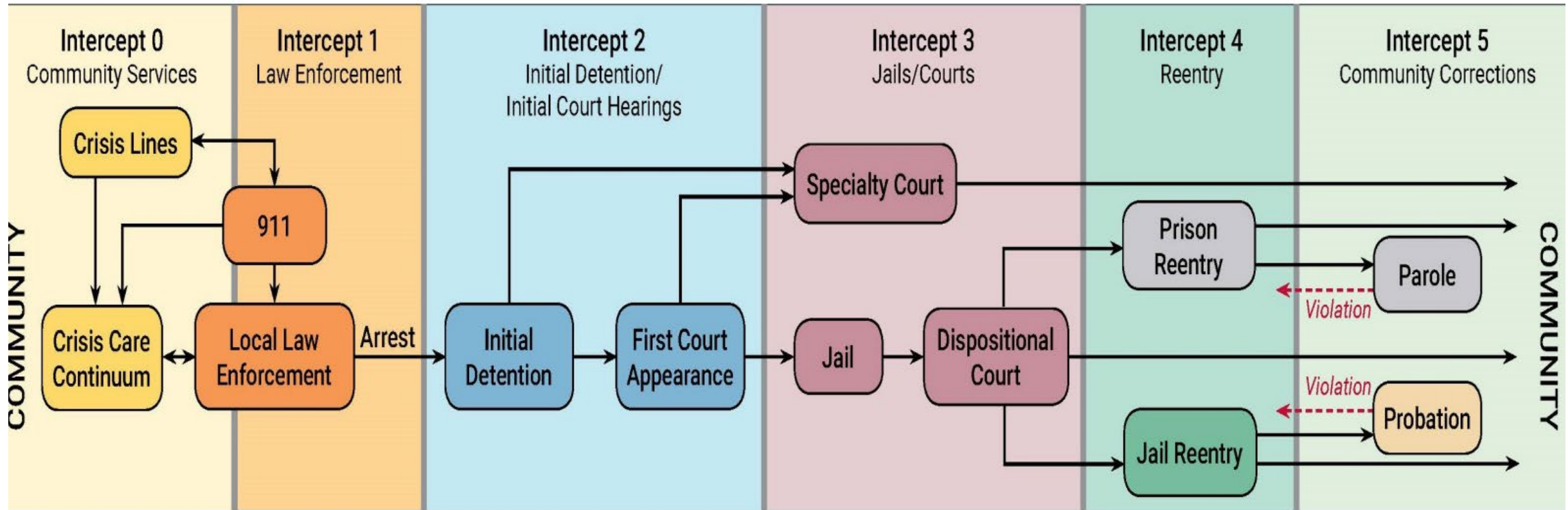


# Criminal Justice Best Practices



# National Recommendations

## SAMHSA's Sequential Intercept Model





# Case Studies



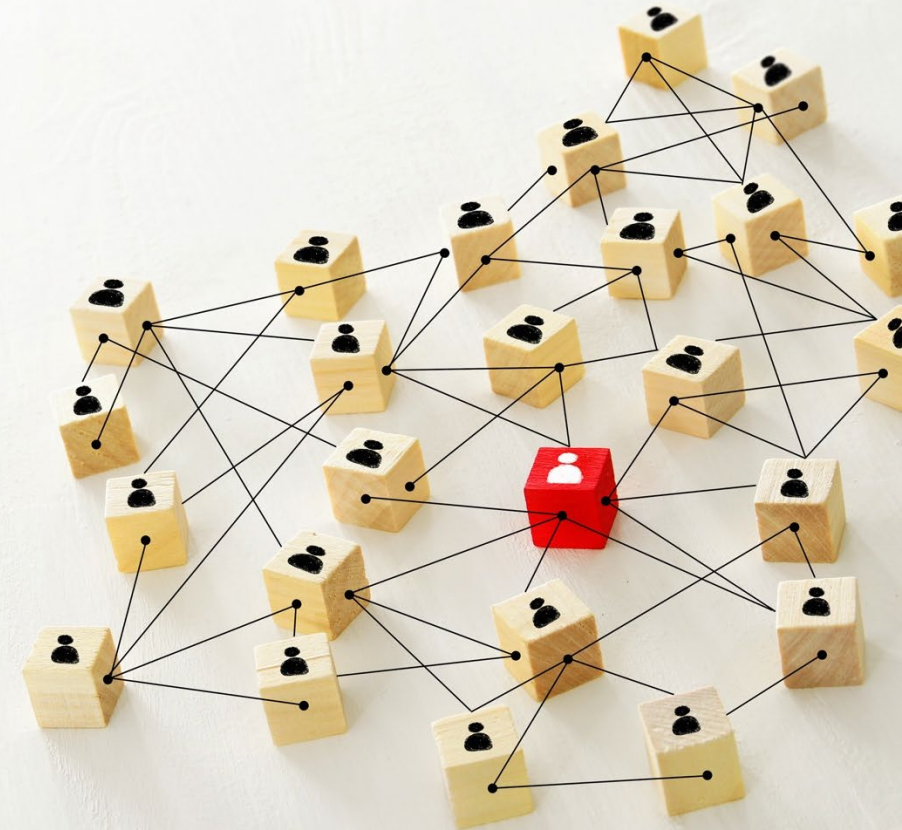
## **Example I: Isanti, MN Pre-trial Program**

- **High risk offenders**
- **Used electronic alcohol monitoring and bail practices**

## **Example II: South Dakota's 24/7 Sobriety program**

# Connecting with Community Resources

- Local Mental Health Authority or Jailer
- Screening, Brief Intervention, and Referral to treatment (SBIRT)
- Telehealth
- University Students
- United Way



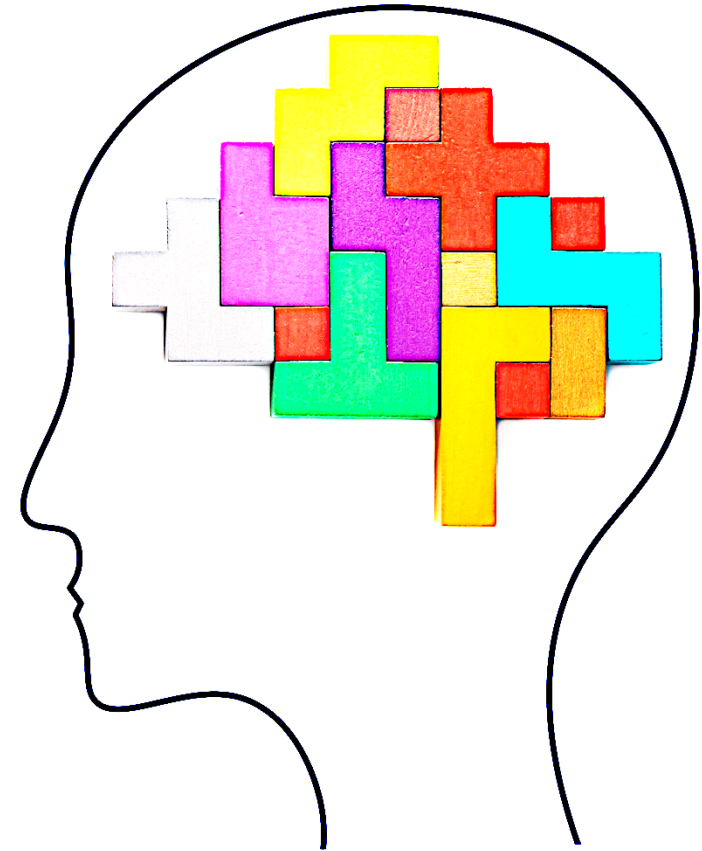




# Takeaways

# Course Wrap-up

- Q&A
- Discussion
- Evaluation





# Thank you!

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