

THE DWI COURT REPORTER

A Publication by the  **NCDC**
NATIONAL CENTER
FOR DWI COURTS

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What's New for DWI Courts?

Do you have DWI offenders and Drug Offenders in separate tracks in your Hybrid DWI Court? Do you know the latest research on the female impaired driver? Have you heard about CARS, an up and coming mental health assessment tool for the impaired driver? If you answered no to any of these questions, [the 18th Annual NADCP Training](#)

[Conference](#) is for you. Are there supervision issues in your DWI Court? Are you using all of the available tools to monitor and test your participants? These questions and more will be discussed during the DWI Court track, the Skills Building sessions, and other conference tracks. It is going to be an exciting time and a

wonderful opportunity to get some of the latest information on managing your DWI Court.

Do you know what our Federal partners are doing about impaired driving, involving alcohol and other drugs? During the Closing Session, attendees will hear leaders from the [National](#)

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DWI Courts Coming to New Zealand

By: *Hon. Peggy Fulton Hora*
Senior Judicial Fellow NDCl

By the end of 2012, New Zealand will have its first adult Alcohol and Other Drug Treatment Courts (AODTC). Although they have had a youth Drug Court in Christchurch for 10 years, this is the first adult initiative to address alcohol and other drugs as well as impaired driving. To help launch the new courts, several NADCP trainers presented at the first AODTC Conference in Auckland in March.

The two-day conference was sponsored by the Auckland District Law Society,

Inc. (bar association) and was originally planned for 150 participants. By the time the conference actually took place, however, over 330 people were in attendance. The opening ceremony was a sight to behold. The Maori tribe on whose traditional land the hotel stood gave a *Ponuhiri*, a welcoming ceremony that includes singing greetings for the *manuhiri*, the special American guests and judges. This was followed by speeches and *bongi*, the touching of foreheads and exchange of breath. One of the Maori judges in the group being welcomed gave the singing response.

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What's New for DWI Courts?

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Transportation Safety Board (NTSB) and the **Office of Drug Control Policy** (ONDCP) discuss impaired driving, its impact on us and how DWI Courts are making a difference in the fight to save lives and end impaired driving.

With over 175 educational sessions from world leaders on Drug Courts, DWI Courts, and Veterans Treatment Courts—as well as other problem solving courts—it will be impossible to leave and not have new techniques and information on



Paul Cary discussing alcohol and drug testing of court participants at the 2011 NADCP Conference.

how your DWI Court can be more successful. The NADCP Training Conference is the world's largest

conference on substance abuse, mental health and the criminal justice system and this year it is going to be held in Music City—Nashville, Tennessee—from May 30 to June 2. Come find out the latest information, network with leaders in the field, and leave energized to continue the work of making your community a safer place to live.

To learn more about the conference, see the agenda, or to register, click [here](#).

From Start to Graduation—A DWI Court's Journey

*By: Matthew Zebe, County Magistrate
DWI Court Fort Collins, Colorado*

The Larimer County DWI Court serves Colorado's 8th Judicial District, a geographically large and diverse district, with mountain, rural, and urban environments. Its population is approximately 250,000, with concentrations in Fort Collins, home to Colorado State University, and Loveland. Approximately 1,700 DWI cases were prosecuted in Larimer County in 2011, with one-third of those cases involving hardcore DWI offenders (BAC over 0.15 or second or subsequent DWI).

These numbers represent a general decline in DWI criminal filings in the jurisdiction over the last 10 years. I credit the jurisdiction's proactive approach towards the management of DWI offenders as a significant

factor contributing to this decline. Even prior to the DWI Court, the jurisdiction practiced a graduated response for DWI offenders, with jail, treatment, and supervision interventions based on the defendant's prior history and the severity of the current offense.

The DWI Court team continues to be impressed with the success of the program participants. Time and again the relationship that develops between the participant and the team members, including the court, becomes a powerful force for positive change for the participant.

Additionally, the local jail has alternative sentencing options, such as work release and weekend programs, for appropriate offenders to maintain healthy community ties and begin treatment while serving their initial jail sentences.

The State of Colorado supports the problem-solving model and provides a state-wide coordinator

office that facilitates the growth and health of this model across the state. The 8th Judicial District also has substantial experience with the problem-solving court model. Our juvenile drug court began operation in

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The Graduate's Corner

The following was read during a DWI Court session. In this DWI Court, any participant that is being promoted from one phase to the next must write a letter to alcohol, describing what they have learned and saying good-bye.

Dear Alcohol,

Well, I don't remember my first experience with you, but I was 13 years old, and I knew you were prohibited. I had so much curiosity to meet you and later on, I had one or two experiences with you, but it was not frequent until it was legal for me to be with you all the time.

It is funny, but you were always with me in happy moments, at least that is what I used to believe. I saw you in parties, and when I wanted to be more secure about myself I would look for you. Now I look back and I see that I made many mistakes I now regret, such as disrespecting my father, and lying to my mother and my girlfriend, all with the only intention to be with you because you were the one that understood me.

Years went by and I was in a number of fights. I don't know why, but being with you made me happy and violent at the same time.

Thanks to you I met those friends that also enjoyed you, drugs, and more. When I was 27 years old, thanks to you, I tried your family member, cocaine, which made me feel more of a man (my own assumption) and I walked farther away from my real family. Just then my daughter, (name), was born and I decided to stop seeing you, again, because you weren't a good influence. Sadly, you were so inside of me that it was hard for me to leave you, I felt it was impossible because wherever I went you were always there, at least that is what I thought.

I was so infected with you that I even lost my will power. I would hide my pride and lie to myself, believing that everything was fine. I started to have serious problems with my first wife. I now realize that you were not just infecting me, but my family as well. It was then

Today, after 111 days of sobriety I am writing this letter to not see you ever again. So GOOD-BYE and I will share this story of our relationship so you can't attack and hurt more people ever.

that I decided again to break free from you because it was going to be you, or my family. But what I didn't know was that I couldn't

break away from you—by myself. I continued with arrogance, which in fact was what you were feeding me the most, so I couldn't do it. As a result, I got into serious legal problems, like the day I got arrested for disrespecting a police officer,

and then a second arrest for driving under YOUR influence. I was sick because of you, but I blamed the world. I thought that everything was unfair, that the world was conspiring against me. It is incredible how you kept me tied to



you. After this arrest, I had to go to court and follow some program. It was my first time going to AA meetings which I laughed at. I would say that I wasn't one of them, I stated and I believed that I was normal. It is amazing how you kept me so out of reality. Given all of this, the cause and effect started to show. Things started to go bad at work, horrible fights with my wife, family and friends. My world was falling all around me, and you know why? It was because of you. I decided to change again, I promised to change for my daughter, for my wife and my parents, and I did.

Years passed, things were better financially; I had a lot of money and then this is when you started to get silently back in my life again.

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The NCDC, DWI Courts, and the National Highway Traffic Safety Administration—A Partnership to Save Lives

The mission of the **National Highway Traffic Safety Administration** (NHTSA) is to save lives, prevent injuries, and reduce traffic related health care and other economic costs. One of NHTSA's strategies in pursuit of this mission is to form and maintain strategic alliances with valuable partners. Amongst those valuable partners is the National Center for DWI Courts (NCDC) and the DWI Courts around the country.

Over the past several years, NHTSA has undertaken efforts at peer to peer training, education and outreach to judges handling highway safety cases, through a Cooperative Agreement with the American Bar Association. Under the terms of this agreement, two national Judicial Fellows have been selected to work directly with NHTSA Impaired Driving Division and seven Judicial Outreach Liaisons (JOLs) work with the NHTSA Regional Offices and state highway safety offices. The Judicial Fellows and JOLs are current or retired members of the bench and are individuals with long experience in dealing with highway safety issues. Several are experienced DWI Court judges. The establishment of new DWI

Courts and the strengthening of existing DWI Courts are among the important responsibilities of these professionals.

Peer to peer training, education and technical assistance have been found to be among the best ways

for any profession, including the judiciary, to receive information about evidence-based and promising court practices. The Judicial Fellows and the

regional JOLs are available as resources to courts seeking to establish new DWI Courts and for existing programs seeking to address the myriad of challenges faced by DWI Courts. They are available to provide a wide range of trainings to the courts. If a Fellow or the JOL does not immediately know the answer to issues facing a court, they have a substantial network of resources that can be called upon as needed.

For more information about resources that are available contact Brian Chodrow at the NHTSA Impaired Driving Division, Brian.Chodrow@dot.gov or David Wallace at the NCDC, dwallace@nadcp.org.

The Judicial Fellows, and the regional JOLs are available as a resource to courts seeking to establish new DWI Courts and for existing programs seeking to address the myriad of challenges faced by DWI Courts.

Listed below are the Judicial Liaisons in your area.

Hon. Neil Edward Axel, Judicial Outreach Liaison, Region 3 (North Carolina, Virginia, Kentucky, West Virginia, Maryland, Delaware, District of Columbia):
NeilAxel49@gmail.com

Hon. Kent Lawrence, Judicial Outreach Liaison, Region 4 (Alabama, Florida, Georgia, South Carolina, Tennessee):
lawkent@gmail.com

Hon. Thomas P. Panichi, Judicial Outreach Liaison, Region 5 (Minnesota, Wisconsin, Illinois, Michigan, Ohio, Indiana, Illinois):
soj1655@aol.com

Hon. Keith Rutledge, Judicial Outreach Liaison, Region 7 (Arkansas, Missouri, Kansas, Nebraska, Iowa):
dkrutledge@sbcglobal.net

Hon. Mary A. Celeste, Judicial Outreach Liaison, Region 8 (Nevada, Utah, Wyoming, Colorado, North Dakota, South Dakota): attcel@aol.com

Hon. Peggy Hora, Judicial Outreach Liaison, Region 9 (Arizona, California, Pacific Territories):
peggyhora@sbcglobal.net

Hon. Harvey J. Hoff man, NCSCJ Judicial Fellow,
hhoffman@eatoncounty.org

Marc C. Loro, NCALJ Judicial Fellow, mlozo@ilsos.net



From Start to Graduation—A DWI Court’s Journey

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1999 and the adult drug court followed two years later. The Family Treatment Court, which operates within the dependency and neglect arena, began operating in 2008. Within this receptive environment I initiated the planning of our DWI Court in May 2008.

In February 2009, the state coordinator, the NCDC and the Colorado Highway Safety Office brought the comprehensive DWI Court Planning Training program to Colorado, which our team and other Colorado teams found invaluable. The training oriented us with the Ten Guiding Principles and introduced us to the Policies and Procedures Manual, which became the blueprint for our planning effort. The presenters educated us as to best practices for addiction generally and for DWI Courts specifically, which was crucial for producing buy-in from our more skeptical team members. Teams

were paired with experienced DWI Court practitioners from similar

jurisdictions. Our practitioner, a probation officer, listened, mediated, and provided individualized advice as we began the conversations regarding the details of our court.

The team assembled for the task of planning and implementing our nascent court included representatives from probation, treatment, pretrial services, the District Attorney’s Office, the Public Defender’s Office, the private defense bar, the Larimer County Sheriff’s Office (both jail and patrol), the criminal justice coordinator for the county, and me, the County Magistrate. We

also invited and received input from the sociology department at Colorado State University, which helped us plan for future assessment, and from other local law enforcement agencies.

The DWI Court team has enjoyed

consistent representation from its member agencies, even if the

individual representatives have occasionally changed. I credit a large measure of our success to the consistency and quality of this team. The presence of the private defense bar, for example, assists in keeping the community of private defense attorneys

informed of the program’s development and reassured of its good faith. The participation of law enforcement assists in getting street-level information about the participants to the team, and shows participants that the entire criminal justice community roots for their success. The jail representative ensures that the participant will transition smoothly from plea to the work-release portion of the sentence, and that, while at the jail, the participant is housed with other participants (contributing to a sense of community among the participants) and has access to treatment and related services.

Colorado’s problem-solving court coordinator procured a Federal Byrne Grant in 2009 and distributed the proceeds among the state’s various jurisdictions. Our apportionment funded a DWI



Judge Meyer discusses Incentives and Sanctions with the teams at the Colorado Training.



County Magistrate Matthew Zehe and Assistant Prosecuting Attorney Emily Humphrey work with NCDC Faculty Mark Pickle on creating a DWI Court at the Colorado Training.

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The Graduate's Corner

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The relationship with my wife was already destroyed by then, I had hurt her so bad. She suffered a lot because of us and it was this year when I got my second arrest for driving under YOUR influence.

That is when my marriage ended. I was alone, I lost my daughter, my wife, my house, I was alone for you to do everything you wanted to do with me. I started an empty life. I've ended up in the streets all drunk, full of you, you finished with my life. I lost my business, my friends; I suffered the shame and the loss of my dignity. I found

how bad you can be that you make men lose everything in their lives.



You know what? After my third offense of driving under YOUR influence, I decided to fight and win this battle, but this time I don't

do it for anybody else but me. God is putting good things on my path. I started to see life from a different perspective, thanks to God I live in this County that has a program for people like me that want to be cured, and with professional help I will win and I will regain the respect from my family, friends, and children. So beware; because I will have a daily war against you and I will beat you. Today, after 111 days of sobriety, I am writing this letter to not see you ever again. So GOOD-BYE and I will share this story of our relationship so you can't attack and hurt more people ever.

Georgia Passes Bill on Ignition Interlocks

*By Kent Lawrence, Judge (ret.)
DWI Court Judge, Athens, Georgia*

On April 16, 2012, **Senate Bill -236** was signed by the Honorable Nathan Deal, Governor of Georgia. Senate Bill-236 reduces the 12-month license suspension period to a minimum four-month license suspension period for a second conviction of DWI. Offenders convicted of their second DWI offense within a five-year period, who a sentencing judge certifies has demonstrated sobriety, can be permitted a limited driving permit if the offender installs an ignition

interlock device on all vehicles in the offender's name, provided the offender drives to work, to a school where the offender is enrolled, and to a treatment facility. This will be an important tool for DWI Courts in Georgia to get their participants to and from treatment, school and work while ensuring public safety using the ignition interlock.

The legislation was originally cast as Senate Bill-180 when filed in the Senate by Senator William S. Cowsert, Republican of the 46th District of Georgia in 2010. The Bill was favorably reported by a unanimous vote in the House of

Representatives on April 20, 2010. However, the legislation failed to get enough votes in the Rules

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The Signing of the Legislation. From Left to Right: Greg Dozier, Bob Bray, Judge Jennifer Ammons, Governor Nathan Deal, Judge Maelodie Clayton, and Stephanie Woodard.

Georgia Passes Bill on Ignition Interlocks

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Committee and died during the 2010 session. The legislation was thereafter reintroduced as Senate Bill-236. In 2011, the Senate unanimously passed SB-236, and the legislation was forwarded to the House of Representatives. There were two Amendments attached to SB-236, neither of which impacted the portion of the legislation relating to Section 3 relating to DWI provisions for second arrests for DWI and the implementation of ignition interlock devices. The House subcommittee favorably reported the Bill to move forward for consideration by the Rules Committee. The legislation was moved forward from Rules, to a vote on the floor of the House of Representatives by Representative Matt Ramsey, Republican of District 72. The House voted unanimously for passage. The legislation was then sent back to the Senate to pass the legislation to approve the Amendments, which had been attached. The Senate voted unanimously to pass Senate Bill-236. This is the only time in the past three years that any bill has passed both chambers unanimously.



Senate Bill-236 requires the offender to maintain the ignition interlock device on all vehicles in his or her name for a minimum period of eight months. After the eight-month period, the offender may continue to drive on the limited driving permit for a six-month period. A judge may revoke a limited driving permit if the offender fails to comply with the conditions of the limited driving permit.

The following individuals have been instrumental to the passage of SB-236. Specifically, Jennifer Ammons, Les Hammond, and Greg Dozier with the Department

This will be an important tool for DWI Courts in Georgia to get their participants to and from treatment, school and work while ensuring public safety using the ignition interlock.

of Driver Services were great assets to crafting the legislation. Additionally, much credit goes to Senator Bill Cowsert and to

Representative Matt Ramsey for their commitment to the passage of this legislation. Bob Bray, the Executive Director of the Council of State Court Judges, shepherded the legislation from its filing until its passage over a four-year period. Solicitor-General Stephanie

Woodard of the State Court of Hall County was a major contributor to the passage of the bill. Also, I personally want to thank Mother's Against Drunk Driving (MADD) for their support.

Last and not least, I want to thank all of the judges operating DWI Court programs across the state of Georgia for what they do on a daily basis.

They are in large part responsible for the success in accomplishing our goal. Senate Bill-236 becomes law on January 1, 2013. MISSION ACCOMPLISHED!

Editor's Note: *Hardcore drunk drivers (individuals with a history of prior impaired driving convictions and/or with a BAC (Blood Alcohol Content) over .15) pose a greater risk to society, and require the higher levels of supervision existing in DWI Courts. An ignition interlock device is one more tool DWI Courts should use to increase the monitoring of DWI Court participants and improve public safety.*

In June 2010, the Board of Directors of the National Association of Drug Court Professionals adopted a position statement supporting the use of ignition interlock devices with DWI Court and Drug Court participants. To read the resolution click [here](#).

DWI Courts Coming to New Zealand

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Among the attendees were the chief judges of the High Court, Youth Court, Family Court and District Court. Defense counsel, prosecutors, police, treatment providers, mental health experts, and other government officials were present as well.

The first plenary on the second day of the conference was titled, "Separate Streams for Drink-Drivers: Why separate streams, how effective are they, and what are their distinguishing features?" The audience heard about DWI Courts in the U.S. and their effectiveness, many for the first time.

Driving While Impaired or "drink driving" as it is called in New Zealand has gotten a lot of attention due to victims' rights advocates. One activist in particular has been especially

effective by issuing a report on recidivist DWI offenders and lobbying the Parliament for new laws that support evidence-based initiatives to reduce recidivism and make New Zealand's roads safer. His interest in DWIs came about when a

family friend was killed and he found out this was the defendant's 18th DWI arrest. He is a great supporter of the AODTC and welcomes a DWI Court track within the new courts.

Parliament recently passed new laws regarding impaired driving:

- A zero BAC allowance for youth (i.e. drivers under the age of 20) which came into effect in August 2011.

offenders. 'High level' means offenders who are twice the legal limit or over.

- Allowing Ignition Interlocks to be ordered by judges.

- Repeat and high level BAC offenders will be subject to a zero BAC license for 3 years after which they are eligible to hold a normal

license again, or for 3 years after the removal of an interlock if, however, required by a judge to fit one. Interlock licenses will identify interlock-required drivers who will be allowed to drive nominated interlock-fitted vehicles only.

There are roughly 30,000 drivers arrested for impaired driving in New Zealand every year. Recent research suggests that 17% of drivers in New Zealand, just like drivers in the United States, will test positive for illicit drugs that impair their driving.

There was tremendous press coverage of the conference including four radio programs, one television interview and a two-page spread in the *New Zealand Herald*, the country's largest newspaper. After the conference, two of the presenters, Dr. Doug Marlowe and Ms. Yvonne Smith Segars, had their stories published in *LawNews*, the Law Society's magazine.

The two-day conference was sponsored by the Auckland District Law Society, Inc. (bar association) and was originally planned for 150 participants. By the time the conference actually took place over 330 people were in attendance.



Some of the speakers at the conference. From left to right: Dr. Mike Finigan, Dr. Kenneth Robinson, Dr. Shannon Carey, David Wallace, Judge Ema Aitken (New Zealand Judge), Steve Hanson, Judge Peggy Hora, Judge Lisa Tremewan (New Zealand Judge), Dr. Doug Marlowe, and Yvonne Smith-Segars.

- The maximum sentence for causing death will be increased from 5 to 10 years.
- There will be a zero BAC allowance for repeat and high level BAC

From Start to Graduation—A DWI Court’s Journey

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Court coordinator and a program-dedicated probation officer. Again, the qualifications and creativity of the individuals filling these roles contribute tremendously to the success of our program. Our coordinator, for example, is a CAC-III, who has expanded the program’s relationships with treatment providers, the county, and the community. These relationships reap rewards - for example, our coordinator and the county jointly developed a database hosted on the county’s server that the DWI Court can use to track the participants’ progress in the program and recidivism after.

We opened for business in July 2010, and participants trickled in at a slow but consistent pace. We reached our initial capacity of 20 within a year. After a year, we received some additional funding from the Colorado Highway Safety Office, added a probation officer, and expanded capacity to 35.

The DWI Court team continues to be impressed with the success of the program participants. Time and again the relationship that develops

between the participant and the team members, including the court, becomes a powerful force for positive change for the participant. The court is no longer a voice heard once at sentencing. The court instead speaks regularly and meaningfully throughout the critical first months and years of a person’s recovery, as a partner in that recovery and as an ally of the people in the participant’s life who support that recovery.

The team also learns from the participants. The interactions between the team and the participants are very different than the usual interactions in the criminal justice system. We get to know each other better. We share their successes and failures. Team members learn how to be more effective partners in recovery. I, for example, had to become comfortable with replacing ultimatums, the usual means of extracting a defendant’s compliance

with sentencing orders, with a more nuanced, incremental approach. Participants consistently reach and surpass milestones in their recovery, but the experience and timing of these milestones is unique to the individual participant. Thus, I had to learn to perceive,

encourage, and reinforce the participant’s behavior that signal the arrival of these milestones.

And, the participants are indeed recovering. Our DWI Court graduated its first two

participants at a ceremony held on March 16, 2012. We invited the local press. Each participant spoke to the journalists separately, and each was asked whether they think they will drink again. Their responses, as reported, were identical and drawn from Alcoholics Anonymous – they’re taking it one day at a time.

They are recovering, and we are all better off for it. This is as sound a measure of success as we could have hoped for.

We opened for business in July 2010, and participants trickled in at a slow but consistent pace. We reached our initial capacity of 20 within a year.

Get the Home COURT Advantage!!

Questions about DWI Court? What does the research say? Find pictures and videos of DWI Court events. Get the latest NCDC publications or download TA forms.

Go to www.DWICourts.org for that and more!!





Making Your *Community* A Safer Place

1029 North Royal Street
Suite 201
Alexandria, Virginia 22314
Phone: 703-575-9400
Fax: 703-575-9402
E-mail: dwallace@dwicourts.org



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ABOUT THE NCDC

The National Center for DWI Courts (NCDC), a professional services division of the National Association of Drug Court Professionals (NADCP), is the only dedicated advocacy, policy, training and technical support organization for DWI Courts in the nation.

Dedicated to delivering research-driven practices to reduce impaired driving recidivism nationwide, the NCDC is designed to: Expand DWI Courts nationwide; Improve DWI Court operations through training and technical assistance; and Maintain operational standards for DWI Courts.

Established in June 2007 in a partnership with Beam Inc., the NCDC works toward eliminating the hardcore impaired driver through the expansion of DWI Courts nationwide. The NCDC is now bringing DWI Courts to the forefront of the repeat impaired driving problem. It is through that effort and the expansion of DWI Courts that NCDC's message of "Making Your Community a Safer Place" is coming true.

Teens Driving Under the Influence of Marijuana

According to a recent study, nearly one in five (19 percent) of teens say they have gotten behind the wheel after smoking marijuana.

As reported in USA Today, the national study of nearly 2,300 11th- and 12th-graders was commissioned by Liberty Mutual Insurance and Students Against Destructive Decisions (SADD). It showed that a growing percentage of teens do not see marijuana use as a distraction while driving, with 70 percent of teens saying it is "very" or "extremely" distracting, down from 78 percent in 2009.

Stephen Wallace, senior advisor for Policy, Research and Education at

SADD, said the findings reflect a "dangerous trend toward the acceptance of marijuana and other substances compared to our study of teens conducted just two years ago...both in terms of the increased use of marijuana and from the perspective that many think this is not a danger."

Other studies, like the University of Michigan's "Monitoring the Future" of 47,000 eighth-, 10th and 12th-graders, reflect this trend. That study revealed marijuana use

rose in 2011 for the fourth straight year, with daily use at a 30-year peak level among high school seniors.



Of those teens who have driven after smoking pot, 36 percent say it presents no distraction when operating a vehicle.

Nineteen percent say alcohol is no distraction, and 13 percent of teens report driving under the influence of alcohol.

Re-printed from *Join Together*, February 23, 2012.