

# IMPAIRED DRIVING PRIORITIES: A CRIMINAL JUSTICE PERSPECTIVE



The knowledge source for safe driving



# IMPAIRED DRIVING PRIORITIES: A CRIMINAL JUSTICE PERSPECTIVE

Produced by:  
The Traffic Injury Research Foundation  
for  
The Working Group on DWI System Improvements

This report is based on discussions at the 5th Annual Meeting of the Working Group on DWI System Improvements which was held June 15-17 in Williamsburg, Virginia at Kingsmill Resort & Spa.

This initiative was made possible by a charitable contribution from Anheuser Busch Companies.

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## **The Traffic Injury Research Foundation**

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries.

TIRF is a national, independent, charitable road safety institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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# EXECUTIVE SUMMARY

## Introduction

The U.S. Federal “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users,” commonly referred to as “SAFETEA-LU” governs federal transportation surface spending and encompasses a broad range of critical transportation issues, including road safety. Impaired driving is a key focus of the safety aspect of this bill. Initiatives in this area are essential in reducing deaths and injuries.

The pending re-authorization of this bill, expected to occur in 2010, has become the focus of much debate, lobbying, and negotiation, as agencies with a vested interest in impaired driving are engaged in the process of determining what safety priorities and activities should be included in and supported by the bill. In light of the challenging financial climate in the U.S., it is imperative that the bill contain a strategic emphasis on those policies, programs, and initiatives that will have the greatest impact.

It is critical that government officials consider the views of experienced practitioners who work on the frontlines of the DWI system everyday as part of the re-authorization discussions. The Working Group on DWI System Improvements, a coalition of 14 criminal justice organizations, has developed a list of top recommendations for offender-based initiatives that are needed to reduce the impaired driving problem.

## **Recommendation #1: Improve the quality and quantity of data and data collection to support research initiatives and decision-making.**

Good quality data are essential to understanding the magnitude, characteristics, and trends of the impaired driving problem. It is needed to both guide and drive the research process and to set priorities. Gaps in available data impede decision-making and the development of impaired driving policies, sanctions, and interventions. These gaps must be identified and addressed to achieve new gains in reducing the problem. Overcoming such limitations can enable researchers and practitioners to identify priorities that require further research, and increase understanding of the dynamics of the problem in order to pinpoint ways to increase the effectiveness of strategies to address it.

## **Recommendation #2: Discover answers to key research questions.**

Key research questions require answers to improve understanding of the scope of the DWI offender problem, particularly in relation to special sub-populations of the problem. Answers will support the development of effective and targeted intervention strategies and guide the application of these interventions in both urban and rural jurisdictions. This research is needed

not only to ensure that funding is commensurate with the magnitude of the problem and the ability of practitioners to address it, but also to ensure that programs are cost beneficial.

### **Recommendation #3: Expand programs that work and discontinue those that do not.**

An important strategy to increase effectiveness in reducing impaired driving is to identify and encourage the implementation of programs and strategies that research has shown to be effective and to discontinue programs and strategies that have not demonstrated positive results. Jurisdictions must invest resources in initiatives that maximize benefits and improve outcomes. Jurisdictions cannot afford to waste scarce resources on programs and strategies that have little or no impact. Failing to evaluate programs can result in the superfluous spending of resources that fails to achieve positive gains, and ongoing investment in programs that do not produce results.

### **Recommendation #4: Establish effective practices and principles for the implementation and delivery of impaired driving strategies.**

To achieve the benefits and effectiveness shown through research, practices that work are needed to guide program implementation and delivery. Programs often fail as a result of inappropriate or inadequate resource allocation, a lack of training among practitioners, poor communication and coordination across agencies, and unmanageable workloads. In order to improve the way that programs and interventions are implemented, practitioners need more information regarding guiding principles and effective practices. This can save practitioners considerable time, energy and resources.

### **Recommendation #5: Enhance training and education for practitioners regarding effective impaired driving strategies.**

The proven benefits associated with various interventions, programs, and policies reported in research studies will not be realized unless the research is translated into practice. Too often, practitioners are not aware of the findings from evaluation research or the benefits of various programs and interventions; even in those cases where they are aware of the program/intervention and its benefits they are often uncertain about the details regarding its implementation and delivery. There is, therefore, a need for training to ensure that effective programs/interventions are adopted and delivered appropriately.

### **Recommendation #6: Increase funding to support agency personnel.**

Successful implementation of interventions and/or programs requires an increase in personnel to support such initiatives. At the same time, staff needs proper training and education so they can adequately meet the demands of their respective roles in relation to implementation.

Without sufficient staff or resources to handle increasing responsibilities and workloads it is unlikely that the implementation of the intervention or program will deliver improved outcomes. Too often, personnel are taken for granted when they make some of the greatest contributions to the system. Personnel who deal with insufficient resources, inadequate training, and immense caseloads often suffer “burnout” which contributes to high rates of staff turnover.

### **Recommendation #7: Make DWI a priority across the justice system.**

Significant progress in reducing impaired driving has stalled. While reductions in traffic fatalities in general have occurred, there has been little significant change regarding alcohol-related fatalities. At the same time, funding allocated to address this issue has stagnated. This has important implications for agencies within the criminal justice field. Resources have diminished but caseloads and workloads have not. Accordingly, efforts must re-direct the attention of politicians, policymakers, and administrators towards the importance of impaired driving as a pressing social problem in need of continued funding due to the immense costs that this problem has for the justice system. Impaired driving needs to be moved up the list of priorities for the public, politicians, and agencies.

### **Recommendation #8: Enhance measures of system effectiveness.**

To increase the reliability and validity of findings and develop more accurate determinations of “success”, a consistent working definition of recidivism must be created. However, recidivism should not be the sole measure of success. Other potential indicators include the successful completion of treatment, family stability, employment, drinking behavior, reductions in impaired driving crashes and fatalities, improved physical health, educational achievements, and reduced reliance on community resources. Agencies and practitioners should also be consistent in the application of any measures used to determine whether reductions in impaired driving are achieved.

### **Recommendation #9: Improve communication and cooperation across all levels of the system.**

Across the justice system and agencies, communication and cooperation are necessary components for effectively addressing the impaired driving problem. As a result of the silo mentality, agencies are often unaware of how their policies and practices contribute to successful or failed outcomes at other levels of the system. By working beyond agency borders, practitioners can form partnerships that can lead to increased funding, improved training, and new/improved strategies and approaches for addressing the impaired driving problem.

## **Recommendation #10: Make screening and treatment available at all phases of the system.**

The treatment of DWI offenders for assessed alcohol use disorders is a critical element in reducing recidivism. There is a growing recognition that appropriate treatment is a necessary component of the DWI system. Treatment is designed to lessen and prevent negative consequences associated with substance abuse (e.g., impaired driving) and to provide support to the offender during relapses. Given the limited resources that are available for and the extensive costs associated with treatment, offenders who do not need or will not benefit from treatment should be screened out.

## **Conclusions**

The ten recommendations contained in this report have been identified by justice professionals as essential to reducing impaired driving among drunk driving offenders in the future. These recommendations are designed to improve the availability and quality of research, to improve the ability of practitioners to put research into practice through the efficient and effective delivery of programs, and to develop new initiatives that will improve the DWI system as a whole.

Increases in dialogue, education and training, and the formation of collaborative partnerships are common themes throughout each of the sections in this report. Researchers, practitioners, and policymakers have a joint responsibility to work together in an effort to reduce the occurrence of impaired driving-related injuries, fatalities, and social costs.

The pending re-authorization of the U.S. Federal “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users,” in 2010, is an opportunity for practitioners and policymakers to push for the inclusion of impaired driving as a priority issue.

## About the Working Group

In 2003, the Traffic Injury Research Foundation (TIRF) completed a comprehensive review of the criminal DWI<sup>1</sup> system under funding from Anheuser-Busch Companies. This study identified common problems that impede the processing of offenders across all levels of the justice system and was based on the insights and experiences of more than 5,000 frontline practitioners representing police, prosecutors, judges and probation and parole officers. Findings from the research showed that many problems in the system were cross-cutting and could be overcome with practical solutions, including:

- > improving communication and cooperation among practitioners;
- > improving education and training;
- > streamlining and simplifying legislation;
- > expanding the use of viable, proven technologies;
- > enhancing record systems to provide accurate, timely, and accessible records; and,
- > increasing resources or re-allocating existing resources.

In an effort to advance these recommendations TIRF formed the Working Group on DWI System Improvements, a coalition of 14 influential criminal justice organizations.

## Activities of the Working Group

Previous meetings of the Working Group have focused on a range of activities including:

- > identifying available programs, initiatives, and resources in each of the priority areas of concern (Proceedings of the Inaugural Meeting of the Working Group);
- > identifying and sharing best practices;
- > encouraging jurisdictions to undertake a comprehensive review of their respective DWI systems at a statewide, county, or local levels (A Policymakers Guide to Strategic Review of the DWI System);
- > identifying gaps in the delivery of alcohol ignition interlock programs and ways to overcome these problems (A Criminal Justice Perspective on Ignition Interlocks);
- > developing a comprehensive educational primer on screening, assessment, and treatment (Screening, Assessment, and Treatment: A Primer for Justice Practitioners); and,
- > developing a brochure to encourage agencies to improve communication with key partners and develop cooperative initiatives (Improving Communication and Cooperation).

<sup>1</sup> The abbreviation DWI (driving while impaired, or intoxicated) is used throughout this report as a convenient descriptive label, even though some states use other terms such as OUI (operating under the influence) and DUI (driving under the influence), and in some cases these terms refer to the severity of the offense. We have used DWI not only to maintain consistency throughout the report but also because it is more descriptive of the offense usually associated with hard core drunk drivers.

Continuing in this tradition of identifying effective and efficient means for improving the DWI system, the Working Group met on June 15-17<sup>th</sup>, 2008 at the Kingsmill Resort in Williamsburg, VA., to develop a "*Drunk Driving Agenda*" to help guide DWI offender-based initiatives and impaired driving priorities for the next 3-5 years.

# INTRODUCTION

The U.S. Federal Transportation Bill, also commonly referred to as “the highway bill”, governs federal transportation surface spending and encompasses a broad range of critical transportation issues. It contains a variety of provisions and earmarks that are intended to improve and maintain surface transportation infrastructure, including the interstate highway system, transit systems across the country, bicycling and pedestrian facilities, and freight rail operations. Key principles that are emphasized in the bill include equity, innovative finance, congestion relief, mobility and productivity, efficiency, environmental stewardship/streamlining and safety.

The safety component of the bill addresses a wide spectrum of road user issues such as seatbelt usage, driver fatigue, construction zones, older drivers and pedestrians. Priorities and grant opportunities related to these issues are included as part of a core Highway Safety Improvement Program designed with the goal of reducing highway fatalities.

In particular, impaired driving is a primary focus of the program and impaired driving grants include:

- > Section 403 Highway Safety Research and Development Grants – provides funding for research and evaluations of effectiveness of impaired driving initiatives.
- > Section 410 Alcohol Impaired Driving Incentive Grant Program – requires states to have an alcohol-related fatality rate of .05 or below per 100 million vehicle miles traveled, or satisfy eligibility criteria which includes measures such as implementing checkpoints, prosecution/adjudication outreach programs, high risk driver programs, underage drinking programs, etc.
- > Section 410 Alcohol Impaired Driving Incentive Grant Program – requires states to have an alcohol-related fatality rate of .05 or below per 100 million vehicle miles traveled, or satisfy eligibility criteria which includes measures such as implementing checkpoints, prosecution/adjudication outreach programs, high risk driver programs, underage drinking programs, etc.
- > Section 410 Maintain High Fatality Rate Grants – assists the ten states with the highest-impaired driving related fatalities.

The previous Federal Transportation Bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), was signed into law on August 10, 2005 with an estimated worth of \$286.4 billion. It is slated to expire on September 30, 2009.

The pending re-authorization of this bill, expected to occur in 2010, is now becoming the focus of much debate, lobbying, and negotiation, as agencies with a vested interest in road safety are engaged in the process of determining what safety priorities and activities should be included in and supported by the bill. In light of the challenging financial climate in the U.S., it is imperative that the bill contain a strategic emphasis on those policies, programs, and initiatives that are going to have the greatest impact on reducing impaired driving and related fatalities and injuries on the nation's highways.

## PURPOSE

It is essential that government officials, as part of the dialogue surrounding the re-authorization of the highway bill, consider the views of experienced practitioners who work on the frontlines of the DWI system every day. They have first-hand experience in processing these cases and dealing with impaired driving offenders. More importantly, they possess considerable knowledge and understanding regarding where problems are occurring within the system, and what is needed to improve its efficiency and effectiveness and increase safety benefits.

Accordingly, the goal of the 2008 meeting of the Working Group, held June 15-17<sup>th</sup> at the Kingsmill Resort in Williamsburg, VA., was to develop a *“Drunk Driving Agenda”* to help guide DWI offender-based initiatives and impaired driving priorities for the next 3-5 years. The purpose of this Agenda is to inform discussions surrounding the re-authorization of the highway bill and inject a practitioner perspective into the debate.

Generally speaking, many agencies pursue drunk driving initiatives independently with limited knowledge of or consideration for what activities other agencies are undertaking and little understanding of how such initiatives contribute to the *“bigger picture”*. The consequences of this approach are profound. It leads to the needless duplication of activities (i.e., agencies re-inventing the wheel), detracts from the success of such initiatives (i.e., multiple initiatives to accomplish the same goal resulting in inconsistencies and mixed messages across agencies), and depletes finite resources.

Of some concern, practitioners at the frontline who are most often responsible for delivering such programs frequently have limited input into what activities are pursued at a political or administrative level, despite their considerable knowledge of and practical experience with the virtues and shortcomings of the justice system. A lack of dialogue across agencies further serves to compound this problem.

To rectify this situation, the Working Group has developed a list of top recommendations regarding offender-based initiatives that are considered by a diverse body of seasoned justice professionals to be critical to reducing impaired driving in the coming years.

These recommendations are based upon a justice practitioner perspective regarding what strategies are needed to improve the system at all levels and reduce the number of injuries, fatalities, and overall social costs of impaired driving.

These recommendations are the focus of this report and are categorized according to three main strategies:

- > Research recommendations (to answer critical questions and direct the development of evidence-based practices);
- > Program and intervention recommendations (to enhance, improve or expand existing, proven programs); and,
- > System effectiveness recommendations (to develop new initiatives to improve the overall efficiency and effectiveness of the DWI system).

This report is designed to inform politicians, policymakers, and administrators about what strategies are needed to reduce impaired driving in the coming years, and that should be considered as part of re-authorization discussions. These recommendations clearly reflect the practical realities and needs of the practitioners who work on the frontlines and deal with impaired driving offenders on a daily basis.

# RESEARCH RECOMMENDATIONS

Research and data are cornerstones to the development of a long-term risk reduction approach to impaired driving. They provide the foundation for understanding the magnitude and characteristics of the impaired driving problem and why it exists. As well, research and data can suggest ways to reduce and prevent the problem. Research also provides the basis for evaluating the efficiency and effectiveness of programs, policies, and practices, thereby informing the allocation of funding. For this reason, investing in research is critical and should be a major focus in the re-authorization of the highway bill.

At the same time, there must be commensurate efforts to make research available to practitioners at all levels of the system so findings can be implemented on the frontlines. Research must be communicated effectively and disseminated widely to ensure it is accessible to those on the frontlines who have the ability to turn research into practice.

Similarly, efforts are needed to engage practitioners in the peer review of research to ensure that the findings are relevant and achievable, but also to inform the development of research initiatives and generate new lines of inquiry and exploration. Fostering such partnerships between practitioners and researchers can both encourage and promote the implementation of evidence-based practices and ensure that the views and experiences of practitioners are reflected in the research process. The goal is to eliminate the silos that separate research and practice and encourage communication and cooperation.

Practitioners agree that there are two priority research recommendations that should be included in the re-authorization of the highway safety bill. First, there should be a continued emphasis on improving the quality and quantity of data and data collection. Second, research initiatives should center on finding answers to remaining critical questions.

These questions include:

- > What are the pathways to DWI offending?;
- > What intervention strategies for offenders are most effective?;
- > What strategies are effective with whom (including emphasis on youth)?;
- > What gender-specific strategies are needed?;
- > What are financially viable strategies that can be utilized by rural jurisdictions?; and,
- > How can polysubstance offenders be effectively identified, processed, and treated?

The following section contains a discussion of these recommendations.

## **Recommendation #1: Improve the quality and quantity of data and data collection to support research initiatives and decision-making.**

Good quality data are essential to understanding the magnitude, characteristics, and trends of the impaired driving problem. It is needed to both guide and drive the research process and to set priorities. Gaps in available data impede decision-making and the development of impaired driving policies, sanctions, and interventions.

As such, these gaps in available data and limitations of the data collection process must be identified and addressed to achieve new gains in reducing the problem. Overcoming such limitations can enable researchers and practitioners to identify issues and priorities that require further research, and enhance understanding of the dynamics of the problem in order to pinpoint ways to increase the effectiveness of strategies to address it.

Critical gaps in the available data and the data collection process can be overcome with the following tactics:

**Developing uniform definitions.** The acceptance and use of uniform definitions of key research concepts and/or measures can improve data collection and comparisons across data sets to strengthen research initiatives. Terms such as “recidivism” are currently defined differently by various agencies which can lead to confusion and cloud understanding about the extent of the problem. For example, in some instances recidivism is defined as any re-offense; in others it may refer to new impaired driving offenses. This term may also refer to both new arrests or new convictions and over varying periods of time. This holds true across agencies and research studies. Depending on the definition used, the magnitude of the recidivism problem will vary substantially and impact decisions about it as a priority problem.

The development of uniform definitions for such common concepts, will enable researchers to make important comparisons across jurisdictions and research studies, improve understanding of the magnitude and characteristics of important issues, and identify priorities for program and policy development.

**Sharing of data and information.** The sharing of information across jurisdictions and among agencies is key to improving current data collection to support research initiatives. Many agencies involved in the justice system have traditionally operated as silos – practices built on cooperation and lines of communication across agencies have been limited, constrained, and in some instances non-existent. Although practitioners recognize the interdependent nature of the system, for various reasons, many have refrained from translating this knowledge into everyday operating procedures.

Partnerships must be forged across agencies to facilitate the sharing of data and information. Such sharing of information can facilitate a more complete understanding of the problem, result in the production of higher-quality research, and assist agencies in finding solutions to the many facets of the impaired driving problem.

One of the best strategies to accomplish this is to encourage and facilitate communication between researchers and practitioners. Such efforts can guide the identification of new facets of the problem; issues that are not as yet well recognized or understood. For example, what interventions or sanctions are most effective with young impaired driving offenders, or what is the extent of the magnitude and characteristics of polysubstance impaired<sup>2</sup> driving offenders to determine whether they should be treated as a special population. The sharing of information is critical to enable both researchers and practitioners to recognize and quantify relevant gaps in existing knowledge about impaired driving.

**Streamlined data collection guidelines.** In conjunction with the identification of gaps in existing data, there is a need to focus on the development of sound data collection strategies. Streamlined data collection guidelines are necessary to ensure that all data collection occurs in a common fashion across jurisdictions. Discrepancies in the collection process can result in impaired driving offenses being counted differently across jurisdictions and lead to a false estimation of the problem. The reliance on common data collection procedures can reduce these discrepancies and create a more uniform data source for researchers to investigate the problem and for policymakers to set priorities.

Examples of such systems include the NHTSA DWI Tracking System, or the state-wide tracking system being used in Tennessee (<http://www.duitracker.com>). Such systems which rely upon common data collection guidelines across a jurisdiction can be used to improve the accuracy of research findings and overcome conflicting research results because it can allow researchers to access a larger and more complete pool of data.

There are a number of ways in which data collection can be improved, such as creating linkages between existing data systems utilizing the National Information Exchange Model (NIEM; <http://www.niem.gov/index.php>). To achieve this, agencies must be encouraged to work collaboratively so as to prevent needless duplication of activities and to avoid establishing multiple initiatives that accomplish the same goals. At the same time, these agencies should be encouraged to utilize a common data system architecture such as NIEM. It is also important to determine what data are collected by each agency so efforts can be coordinated. Instances in which several agencies collect the same information in different ways can create unnecessary competition and inconsistencies that will affect research results and potentially distort priorities. Finally, a coordinated effort is needed to integrate traffic

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<sup>2</sup> For the purposes of this report, polysubstance abuse refers to dependence on at least three substances which can include alcohol as well as illicit drugs.

safety data with criminal justice data in order to get a more complete picture of the impaired driving problem which cuts across both transportation and criminal justice data sets.

Improving data collection methods through the creation of uniform definitions and guidelines, in addition to the establishment of partnerships between practitioners and researchers and amongst agencies, can promote stronger research initiatives and lead to more informative results. Ultimately, these efforts can result in the identification of gaps in existing impaired driving research literature and suggest ways that these gaps can be addressed to assist practitioners in implementing best practices and to reduce the occurrence of impaired driving.

This priority recommendation is currently supported by Section 403 grants under the existing highway bill and should be continued.

## **Recommendation #2: Discover answers to key research questions.**

Some key research questions require answers to improve understanding of the magnitude, characteristics and causes of the DWI offender problem, particularly in relation to special sub-populations of the problem. The answers will support the development of effective and targeted intervention strategies and guide the application of these interventions. This research is needed to ensure that funding is commensurate with the magnitude of the problem and our ability to address it. For example some problems might be large but may have few simple or cost effective solutions. This is needed to ensure that programs are cost beneficial.

### **A) Understanding the pathways that lead to DWI offending.**

Due to the relatively heterogeneous nature of the impaired driver population, there is a great deal of confusion surrounding what effective strategies should be used to intervene with these offenders. Subtypes of offenders can be classified in terms of drinking behavior, age or gender, among other things.

Research has shown that the typical profile of the hardcore repeat offender is a single white male, under the age of 40, with limited education, a history of prior DWI arrests or convictions and a high BAC (blood alcohol content) at the time of arrest (Simpson, 2004). However, little is known about what characteristics or experiences lead these individuals to become repeat offenders.

Identification of the pathways that lead to DWI offending is an area where research is desperately needed in order to develop appropriate and effective intervention strategies to

prevent the development of this pattern of offending. Practitioners can benefit from this information because it can suggest ways to best identify, sanction, monitor, and treat this population much earlier in order to reduce the risk of repeat offending in the long-term. Moreover, knowledge about which individuals are more prone to becoming repeat offenders, would better equip practitioners to employ appropriate prevention strategies and potentially halt the development of this behavior much earlier.

Specific research questions regarding pathways to DWI offending that need to be addressed include:

- > Whether or not there are certain characteristics that are more likely to lead an individual to drink and drive?;
- > What behaviors are likely to lead to impaired driving?; and,
- > Whether there are commonalities among DWI offenders in terms of their history, characteristics or experiences.

Answers to these questions can assist practitioners with the early identification of those who are at a higher risk of becoming a repeat offender. The ability to differentiate between various types of offenders is particularly important as not all individuals convicted of impaired driving are in need of costly, extensive and resource-intensive monitoring and treatment. Identification of those individuals with a higher propensity to continue to drink and drive earlier on in the pattern of offending will allow practitioners to strategically target them for additional and more intensive preventative measures/strategies to reduce financial and social costs in the long-term.

Understanding of the pathways that lead to impaired driving can also provide practitioners with more targeted tools to effectively sanction and treat offenders. The ability to determine what places an individual at risk of becoming a repeat offender has important implications for applying appropriate interventions to address the level of risk posed by different offenders as they can receive specialized programming that may not be necessary for an offender who is likely to only receive a single conviction. There is research showing that applying more intensive interventions than is necessary can do more harm than good (Andrews and Bonta 1998; Lowenkamp and Latessa 2004).

## **B) Effective strategies for dealing with impaired driving offenders.**

Evaluation efforts should focus on a broad spectrum of interventions ranging from early intervention and prevention with a specific focus on high-risk individuals, to those that target hard core offenders. Existing impaired driving programs and policies should be evaluated for effectiveness (if they have not already been adequately evaluated) to ensure that funding is dedicated towards those strategies that produce the best outcomes.

Some of the measures for which additional research regarding effectiveness was proposed include:

- ✓ **Sobriety checkpoints:** How effective are low manpower checkpoints and how can the impact of checkpoints be maximized (i.e., time of day, day of week, time of year, etc.)?
- ✓ **Administrative license suspension:** Is ALS effective enough to justify the amount of paperwork that it generates?
- ✓ **Vehicle impoundment:** How effective and practical is vehicle impoundment?
- ✓ **Specialized prosecutors:** Does a specialized DWI prosecutor have better outcomes as opposed to a prosecutor who handles a variety of different types of cases? What are the principles being applied in specialized offices that can be utilized by a general prosecutor?
- ✓ **Technologies:** How effective are different technologies in reducing recidivism? Is this information being made available to judges prior to sentencing?
- ✓ **Supervision levels and techniques:** What supervision techniques are most effective with offenders (i.e., home visits, office appointments, etc.)? What level of supervision is most effective with different offender typologies?
- ✓ **DWI courts:** Are DWI courts effective in addressing the problem of impaired driving? What principles or practices from a DWI court/unit can be transferred to smaller jurisdictions or regular courts?
- ✓ **Treatment readiness:** Does the readiness of the offender to enter treatment impact whether or not treatment is successful?
- ✓ **Treatment delivery:** What strategies are effective in identifying at-risk offenders and delivering treatment to impaired driving offenders? What strategies are effective/not effective when treatment is not available?

**Identification of optimal length of supervision.** Additional information is also needed to determine what length of sentence is most appropriate for each type of sanction. This is a particularly significant gap in the research literature. Using alcohol interlocks as an example, researchers know that the minimum amount of time that an offender should have the device installed is six months, but few studies have been done to determine the optimal length of program participation in general or in relation to specific types of offenders.

Due to the costs associated with devices such as alcohol interlocks, continuous transdermal alcohol monitoring device (such as SCRAM), and treatment protocols, it is important that

offenders not be kept in programs for undue lengths of time. In addition, research has recognized that administering sanctions that are too harsh or too lenient can also have adverse effects and erode deterrent effects. As such, the identification of an optimal period of supervision is a key in sentencing – i.e., research in this area is much needed to inform decision-making among practitioners. Policymakers can also benefit from such research given that the length of the period of supervision or probation that an offender will receive is often specified in legislation.

### **C) Targeted interventions for specific types of impaired driving offenders.**

The ability to identify those individuals at risk of becoming or continuing to be impaired drivers is only half of the battle. Knowing who is likely to offend is of little value unless there are effective strategies and adequate resources in place to prevent those who have a greater probability of offending or re-offending from doing so.

Current research on impaired drivers identifies a variety of effective interventions but is less definitive about the types of offenders who are most likely to benefit from these interventions. More research is needed to determine how best to reduce recidivism by specifically targeting the needs and issues of different categories of offenders. This however, is not an easy task for a number of reasons. Common challenges include conducting random assignment or finding comparison groups, obtaining sufficiently large sample sizes, and generalizing research findings across impaired drivers.

For example, with regard to evaluation of many strategies such as DWI courts, treatment protocols, and alcohol interlocks, researchers have encountered difficulty in conducting random assignment studies, obtaining sufficient sample sizes or identifying appropriate comparison groups. These challenges make it difficult to determine what interventions are most effective with which sub-populations of offenders. Similarly, few screening and assessment instruments have been adequately validated using offender populations, much less DWI offender populations.

Research is also needed to assist practitioners in prioritizing offenders for different interventions according to the level of risk that they pose to society. Risk assessment tools are essential to help policymakers and practitioners distinguish between those offenders that society is mad at versus those who pose a significant risk. A top priority involves targeting those offenders who present the greatest danger to the public – the hardcore offender or the repeat drunk driver.

It is equally important to develop effective strategies for dealing with first-time offenders. Many of these individuals will not offend again simply as a result of having come into contact with the justice system. Hardcore drinking drivers, on the other hand, are unlikely to be

affected by restrictions placed upon them and will continue to drive while impaired. As such, they should be given greater priority when it comes to investigating effective alternatives.

Enhanced knowledge about what strategies are effective to reduce offending can help improve decision-making at all levels of the system. The development of sentencing guidelines can improve sentencing decisions as judges can rely upon a tool to assist them in selecting sanctions that are most likely to have the greatest impact with individual offenders.

**Effective sanctions for young impaired driving offenders.** While there have been substantial efforts to address impaired driving among youth over the past two decades, the focus has largely been on the development of prevention, education, enforcement, and community-based intervention strategies aimed at reducing the risks associated with alcohol and driving. By contrast, less attention has been directed towards the nature of sanctions that are applied to these offenders once they have been arrested and convicted, and the extent to which they are effective with this population.

Indeed, little is known about what happens to these young offenders once they enter the justice system, or whether the sanctions and programs imposed upon them are having the desired effects. There are a number of recognized distinctions between teen and adult drunk drivers, such as brain development, living arrangements, social characteristics, access to a vehicle, employment, etc. (Arnette 2002; Blackman and Abrams 2008; Keating 2007) that suggest different interventions are needed. Given that teens and adults are two separate groups, researchers should turn their attention to examining these different characteristics as a basis for developing more targeted interventions. Answering these questions can assist researchers in developing a profile of young impaired drivers to begin to examine what alternatives work best with this special population.

Of some importance, based on existing evidence that demonstrates that young impaired drivers pose a greater crash risk and the possibility that these offenders can potentially have longer impaired driving careers, it is important that the existing sanctions and interventions that are applied to these offenders be evaluated to determine whether they are effective in reducing recidivism, and to guide the development of promising programs. There is a greater likelihood of and more opportunities for changing the problem behavior and reducing fatalities and injuries with this population over the long-term. Not only are young people more amenable to behavior change, but also the justice system tends to be more forgiving of youth due to their age and immaturity.

Currently, the sanctions that are most commonly imposed by the court tend to be comparable to those applied to adult offenders such as fines and probation. The courts need to develop age appropriate responses for dealing with youth. For example, issuing a fine may not have much of a deterrent effect, particularly if it is paid by the parents of the

youth. Sentences such as requiring the young impaired driver to participate in programming, community service, or a restorative justice initiative may have a more positive impact. More recently, strategies involving substance abuse treatment and alcohol monitoring technologies are being studied (Robertson and Holmes 2008).

In conjunction with the creation of age appropriate responses, specific risk assessment tools and treatment programming need to be developed for youth. Placing youth with adults in treatment or using assessments that are designed for an adult population are likely unsuccessful in meeting the specialized needs of youth. The important thing to remember is that this specific offender population is different from the typical impaired driver and by effectively sanctioning and treating them at an early age the likelihood of them committing further impaired driving offenses as an adult will decrease.

### **D) The use of gender-specific strategies.**

Research suggests that male and female offenders respond differently to sanctions and treatment (White and Hennessey 2007). In order to determine what types of approaches have the greatest impact, research is needed to determine what interventions work best with each gender. For example, applying different approaches when female offenders are brought to court on an impaired driving charge can improve outcomes. This is because women experience different realities than men, and often they are less responsive or even shut down in response to traditional confrontational approaches.

Gender-sensitive approaches will become increasingly important in the next few years. Currently, DWI is the largest category of alcohol-related crimes bringing women into the justice system. Unfortunately, very few women are being referred to treatment even though most of them require it in some form or another. Of greater concern, over the last decade, the incidence of female fatal crashes has increased while male crashes have decreased (White and Hennessey 2007). The women involved in these crashes were also found to generally have a lower level of intoxication than men (White and Hennessey 2007). Research has already demonstrated that while female DWI offenders are less likely to be re-arrested than their male counterparts (White and Hennessey 2007), there are still those female offenders who will re-offend. The focus should therefore be to treat women in an attempt to address the underlying problem that caused the impaired driving in the first place and further reduce the likelihood of recidivism.

On a positive note, it has been found that women who complete gender-sensitive treatment are nine times more likely not to reoffend – with men they are only two times more likely to not reoffend (White and Hennessey 2007). These numbers suggest that gender-competent treatment is much more effective for women than it is for men and a worthwhile investment

of resources. It may also suggest that a gender-sensitive strategy may be needed and/or appropriate for men as well.

In addition, it is also important that practitioners receive education about and learn to develop and apply gender-based approaches and competency so that they can use these strategies in situations where they believe the offender will benefit from them. The area where gender-based approaches are likely to have the greatest impact is in dealing with female impaired driving offenders.

### **E) Financially viable strategies for rural jurisdictions.**

One of the greatest impediments to implementing effective measures to combat impaired driving is a lack of available funding and resources, particularly in rural jurisdictions. Practitioners encounter distinct challenges when dealing with impaired driving in rural as opposed to urban areas. Rural areas tend to have higher levels of indigency, a lack of alternative sanctions or support services, and a lack of transportation options.

Research is needed to determine what strategies and sanctions are most effective and how they can best be applied in rural environments. It is critical that flexible strategies are developed that will enhance the ability of jurisdictions to implement necessary sanctions and programs and maximize the allocation of existing resources. The goal is to develop ways for jurisdictions to implement needed programs and sanctions without placing a greater strain on already limited funding. Therefore, professionals must rely upon creative and new ways to acquire maximize the available resources and funding.

Certain states have found creative ways to deal with these rural issues. For example, regarding the use of alcohol interlocks, in New Mexico, service providers are available throughout the state and they share territories in order to minimize the burden that is placed upon vendors. Offenders therefore, are not required to travel extensively in order to report to a service provider, thus minimizing inconvenience and maximizing the opportunity for compliance. In Maryland, the closely regulated and monitored use of mobile service centers (vans equipped with the necessary technology to download data) are utilized to enable offenders in less populated areas where permanent centers are not located to be monitored more effectively. Instead of traveling to a service center, the service center travels to them. Through adaptations such as these, rural areas are able to sanction offenders and in essence, ensure that they are able to carry out the terms of their sanction.

In conjunction with the use of financially viable strategies for rural jurisdictions, it is also important to recognize that educational opportunities are less available in rural jurisdictions. Therefore, program authorities in rural areas must determine what type of education and/or training is needed for all practitioners. Research is needed to identify how best to modify

existing practices to compensate for less populated regions and to train practitioners accordingly.

**Partnerships.** The creation of partnerships is perhaps the most promising strategy to address the delivery of programs in rural jurisdictions. By doing this, agencies are able to share/pool resources and develop collaborative initiatives. Reaching out across sectors provides justice agencies with the opportunity to tap into new funding sources such as government departments (i.e., Department of Homeland Security) who may have common interests. The establishment of partnerships also brings together differing viewpoints which can facilitate the development of fresh ideas and initiatives and overcome barriers that can impede implementation in rural areas.

Cooperation among agencies can allow each of them to streamline operations, address priority issues, manage and overcome obstacles, promote teamwork, and demonstrate agency commitment to improving case outcomes. As well, through cooperation, agencies can band together and present a stronger and more compelling case to potential funding sources.

**Accommodating indigent offenders.** In jurisdictions where a large segment of the population is of a lower socio-economic status, strategies are needed to help subsidize the cost of sanctions and responses if the offender is unable to pay for them. For example, some jurisdictions have indigent funding for their alcohol ignition interlock programs. The indigent funding ensures that anyone who is required to have an alcohol interlock installed in their vehicle will have one, even if they are unable to pay for it. These types of funding initiatives are necessary and important because cost should not be an impediment to protecting the public. When an offender is given a sanction, compliance is a must. Jurisdictions should collaborate when developing these types of funding programs and look to successful examples such as New Mexico when establishing programs of their own. Professionals must also keep in mind that they should be looking for ways to balance the sentence – i.e., to ensure that the offender receives effective programming and sanctions while also ensuring that the community does not have to absorb all of the costs.

**Cost-benefit analysis.** A final issue to consider with regard to rural communities is the costs and benefits of using resource intensive strategies designed for larger centers in rural areas. Some practitioners believe there is a need to determine whether the types of strategies employed should be related to the size of the population or the number of impaired driving collisions. For example, if a rural area experiences a high number of impaired driving incidences despite having a relatively small population should a comprehensive program be implemented? And if so, how can it be accomplished when resources may be scarce.

Perhaps the best way to do this is to first determine what the most cost effective strategies are in urban centers and then see if they can be implemented on a smaller scale in the rural jurisdictions utilizing some or all of the principles employed by the urban center strategy.

Additional research is needed to determine how exactly rural jurisdictions can deliver the most effective sanctions and programming without being resource-intensive. In this regard, researchers may want to examine if and how rural areas can implement some of the key principles of effective practices demonstrated by research (without actually implementing the whole package) and still achieve better outcomes. Also, researchers should determine if and how rural areas can implement programs from urban areas if they do not have large enough numbers to make a program financially viable.

The development of financially viable strategies for implementing sanctions and programming is paramount to effectively reducing impaired driving. A more strategic and collaborative approach to funding is needed, particularly given the immense costs that this problem has for the criminal justice field. With the scarcity of resources, research must be done to determine what are the most effective and cost-efficient strategies available for sentencing offenders in rural jurisdictions.

### **F) Effective strategies for polysubstance abuse offenders.**

Driving while under the influence of alcohol is recognized as a priority in the justice system. The issue of driving while impaired by drugs has been more recently recognized, although estimates of the problem have been challenging to gauge. What is known is that many offenders who use drugs use them in combination with alcohol – polysubstance impaired drivers. Indeed, some jurisdictions report that as many as 69% of drug-impaired drivers also consume alcohol (Simpson et al. 2006). Unfortunately, many of these offenders are not consistently identified due to the challenges associated with detecting and prosecuting these offenders. As such, research is needed to better understand the magnitude and characteristics of this problem, to identify ways to improve detection, and to develop appropriate interventions for dealing with this population. Research on this issue can ultimately help determine how much funding and resources should be allocated to addressing this population of impaired drivers.

Driving while under the influence of drugs is not confined to illegal substances. Prescription medications and over-the-counter drugs can also affect the driving performance of individuals and impair their reaction time. Research on the effects of prescription and over-the-counter drugs on elderly and teen drivers should also be a priority as it has relevance to prevention and intervention strategies.

Finally, determining what sanctions/treatment is most effective in dealing with offenders who have been convicted of driving while under the influence of drugs is required. Are these offenders different from drunk drivers and if so, should they be handled differently? Are the sanctions that are used for drunk drivers also effective in dealing with offenders who have dependency to more than one substance? Research needs to focus on determining whether

or not effective strategies can be used on this type of impaired offender and if not, are there specific improvements or alterations that can be made to make current programs meet the specialized needs of these offenders.

## Summary

Data collection and research is the foundation for effective programs, policies, and practices and is needed to guide decision-making processes. As a result, efforts to improve the quality and quantity of data and to address priority research questions should be a major focus in the re-authorization of the highway bill.

Research findings must be easily accessible to practitioners to ensure they are able to take what has been proven to be effective and put it into action. As such, partnerships between researchers and practitioners must be formed in order to identify and answer the critical questions that will assist practitioners in performing their jobs.

Areas that have currently been identified as requiring more research include determining what pathways lead to DWI offending; identifying what intervention strategies are most effective with offenders; identifying what strategies are effective with youth; determining what gender-specific strategies are needed in dealing with offenders; developing financially viable strategies for rural areas; and identifying how to best deal with polysubstance offenders.



# PROGRAM AND INTERVENTION RECOMMENDATIONS

The efficient delivery of effective impaired driving programs (that are designed to target and assist groups of offenders) and interventions (that are designed to target and assist individuals) is critical to improving the justice system's response to impaired driving. This will enable the system to better protect the public and prevent future impaired driving offenses.

Greater efforts are needed to identify new and promising programs/interventions, existing programs/interventions that are effective, as well as problems with existing programs/interventions and the means to improve them. Although there are many programs and interventions currently in place, there is a continuing need for new and creative means to address this complex problem. As well, there is a need to continue to evaluate existing programs/interventions to identify what works and ways to maximize the benefits that can be achieved with limited resources and funding. The development of effective practices can enable practitioners to implement programs/interventions that are more likely to meet the needs of various offender populations and improve outcomes.

For these reasons, the identification of optimal programs/interventions, practices, and strategies are essential and should be a major focus in the re-authorization of the highway bill.

At the same time, from the perspective of the practitioner, the identification of effective programs/interventions for dealing with impaired driving is only a first step. Not only do they need to be made aware of such programs and their effectiveness but also educated in their implementation and delivery. The following section contains a number of recommendations for improving program/intervention delivery that have been identified by practitioners as vital to improving the effectiveness and efficiency of the justice system. First, given the challenging economic climate, there is an even greater need to expand programs that work and discontinue those that do not. In addition, initiatives are needed to provide more training/education regarding effective impaired driving strategies, develop good practices for the implementation and delivery of services, and share experiences among practitioners in order to identify and overcome barriers to implementation. Finally, it is imperative that practitioners receive adequate funding so that they have the ability to put research into practice. They must be supplied with the resources and technologies that will increase effectiveness and efficiency in the delivery of programs and interventions.

### **Recommendation #3: Expand programs that work and discontinue those that do not.**

An important strategy to increase effectiveness in reducing impaired driving is to identify and encourage the implementation of programs and strategies that research has shown to be effective, and to discontinue programs and strategies that have not demonstrated results in reducing impaired driving. It is important that jurisdictions invest resources in initiatives that will maximize benefits and improve outcomes, and that they do not waste scarce resources on programs and strategies that will have little or no impact. Agencies should be encouraged to take stock of and evaluate their current programs to determine exactly where resources are being allocated and whether or not cutbacks can be made to those programs that are deemed unnecessary or unsuccessful. Such a process can also illustrate to agencies the need to evaluate programs and policies. Failing to evaluate programs can result in the superfluous spending of resources that fails to achieve any positive gains, and can preclude the ongoing investment in programs that do not produce results.

Practitioners recommend several strategies that should be considered for expansion:

- > traffic safety resource prosecutors (TSRPs) who provide guidance, support and training statewide to prosecutors in relation to impaired driving cases;
- > increasing staff training, support, and resources;
- > DWI courts that provide accountability, supervision and treatment for impaired driving offenders;
- > multi-agency task forces; and,
- > screening, assessment and treatment.

In particular, the increased availability and use of treatment interventions is seen as a priority. These approaches are essential to enable offenders to recognize and begin to address the root cause of their offending – their drinking problem. Participation in treatment can provide offenders with the tools to recognize and deal with their alcohol dependency problems and move them towards readiness for change. Treatment combined with other sanctions has been shown to have an impact in reducing recidivism amongst impaired driving offenders (Hon 2004) and therefore, treatment techniques that have proven to be effective should be implemented more frequently.

Specific treatment strategies should include:

- > gender and culturally sensitive strategies which take into account the way people react to certain types of treatment based upon their gender or cultural/ethnic background;

- > quality assessments which can determine the nature of the intervention that is needed and determine whether the treatment intervention is having a positive impact on the offender population that is being targeted;
- > use of medications that can help treat offenders who suffer from addiction or other mental health problems that have led them to offend;
- > cognitive behavioral approaches which identify thoughts, beliefs, and behaviors that contribute to negative consequences and then seek to correct and replace them with more acceptable ones;
- > motivational interviewing which empowers the offender to recognize problematic behavior and then alter it; and,
- > impaired driving technologies (e.g., transdermal alcohol monitoring such as SCRAM and alcohol ignition interlocks) that can be partnered with an appropriate treatment intervention to improve outcomes and ensure that offenders cannot drive while impaired if they suffer a relapse.

**Strategic resource allocation.** The implementation of these initiatives will require appropriate resources. Given the current budget crisis that many jurisdictions are facing, resources and funding are precious commodities. However, too often resources are wasted on ineffective programs, practices, and policies, or are invested too heavily in one program at the expense of others. Individual agencies must determine what needs they should be meeting and then make a determination as to how much of their resources should be allocated to it – i.e., agencies need to determine what initiatives will give the best return on investment. One way to achieve additional resources is through the formation of partnerships with agencies that have common goals and the development and implementation of comprehensive strategies. By pooling together funding and sharing the burden of overseeing programs the financial load can be lightened for all parties involved.

### **Recommendation #4: Establish effective practices and principles for the implementation and delivery of impaired driving strategies.**

To achieve the benefits and effectiveness demonstrated by research, practices that work are needed to guide program implementation and delivery. Programs often fail as a result of inappropriate or inadequate resource allocation, a lack of training among practitioners, poor communication and coordination across agencies, and unmanageable workloads. Of equal concern, the implementation of strategies varies widely across jurisdictions and few programs or interventions are alike.

In order to improve the way that programs and interventions are implemented and delivered, practitioners need more information regarding guiding principles and effective practices. Successful examples of program and intervention implementation should be identified and examined in order to support the development of guiding principles and effective practices. The development of effective practices can save practitioners considerable time, energy and resources that are often wasted trying to “reinvent the wheel”. More importantly, this can enable jurisdictions to avoid the repetition of mistakes across programs.

In order to guide the development of effective practices, it is vital for practitioners to learn about and share new and successful strategies. Information sharing and communication regarding experiences between practitioners is a must. Such efforts serve to refine effective practices, minimize resources, and streamline programs/interventions to further encourage implementation. Dialogue across jurisdictions can work to address and resolve common problems, and barriers that impede implementation. More importantly, this information can enable jurisdictions to prevent future problems and achieve the ultimate goal of providing better services to the offenders that they process, engage and/or manage.

One particular obstacle that practitioners face when attempting to implement and deliver programming and interventions involves location. Practitioners in rural areas do not have the same access to resources as those who work in urban areas. Creating effective programming and interventions is therefore, challenging in rural areas. More effort must be devoted to determining how effective strategies can be made to work in less densely populated locations. In order to accomplish this, practitioners first have to determine what elements of larger programs will translate best to rural areas. They must then be flexible and be willing to implement alternative strategies if it is determined that certain approaches are not feasible in total.

Practitioners in rural jurisdictions must also be cognizant of the types of offenders that they are targeting for programming and intervention. Due to the lack of resources, programs/interventions should be implemented based on an established need for their services and not simply because they are proven to be effective. Rural jurisdictions might consider focusing on the development of cost effective strategies for implementing programs/interventions. If there is a lack of funding perhaps only the most important elements of programs/interventions can be utilized as opposed to implementing them as a whole.

**Partnerships.** Collaborative partnerships across agencies can help open doors and improve program delivery and the development of effective practices. Partnerships not only allow for the sharing of strategies and experiences, but they can also result in the sharing of resources which tend to be a scarce commodity. If the burden of programming is taken on by more than one agency or jurisdiction, there may be more resources available to ensure its successful implementation and to reduce the duplication of activities. Establishing partnerships also

allows for the addition of multiple perspectives when it comes to determining how best to implement/deliver programs and/or interventions. It is always useful to have new and fresh ideas as opposed to always replicating what was done in the past which may not have been proven effective. Through brainstorming and creative collaboration programs/interventions can be amended and altered to meet the needs of different populations in different locations under different funding constraints. Partnerships are also less likely to result in the duplication of activities thus freeing up even more resources.

### **Recommendation #5: Enhance training and education for practitioners regarding effective impaired driving strategies.**

The proven benefits associated with various interventions, programs, and policies reported in research studies will not be fully actualized unless the research is translated into practice. Too often practitioners are not aware of the findings from evaluation research regarding the benefits of various programs and interventions; even in those cases where they are aware of the program/intervention and its benefits they are often uncertain about the details regarding its implementation and delivery. There is, therefore, a need for training and education to ensure that effective programs/interventions are adopted and delivered appropriately.

The provision of training and education to these professionals is crucial because it allows them to gain access to information and techniques that will assist them in performing their roles and responsibilities according to effective practices. Consequently, a concerted effort to improve training and education with regards to different strategies used to prevent and reduce DWI offending is essential.

Research findings need to be accessible to practitioners in non-technical language so they can readily determine how to implement and deliver programs to target offender populations. Practitioners need to know how they can use the research findings and why they are important for their work and what benefits can be accrued. These knowledge transfer initiatives and educational opportunities can ensure the application of optimal practices to detect, process, and sentence offenders. More importantly, training can support the use of individualized treatment, supervision, and monitoring of impaired driving offenders to meet their respective needs.

Continuing educational efforts are also critical because knowledge gained from research is constantly expanding and evolving, and some agencies experience high rates of staff turnover. As a result, there must also be ongoing cooperation and communication between the worlds of research and practice. Finally, it is important to consistently implement training equally throughout regions to ensure that practices are comparable across jurisdictions.

**Rural jurisdictions.** There is a need to deliver educational opportunities through a variety of sources, materials, and delivery strategies. The ability of and resources for agencies to effectively deliver training sessions to practitioners vary across jurisdictions and organizations, hence a variety of means are necessary. In particular, efforts are needed to ensure that the comparable training and education opportunities are available in rural as well as urban jurisdictions as this is often where a majority of DWI cases are processed. Special efforts are needed to include representatives from rural jurisdictions in training sessions for law enforcement, prosecutors, judges, probation/parole officers, and treatment officials. Training also needs to be accessible and cost effective as different strategies may be more appropriate in rural jurisdictions. For these reasons, there has been a recent trend toward more web-based learning tools and resources.

**Cross-professional training.** Practitioners can also benefit from increased understanding of how activities at one phase of the justice system can have implications for other professionals at other phases. For example, judges that are not knowledgeable about the use of certain sanctions may inadvertently impose a sentence that is not suitable for a particular offender. This in turn can create challenges for probation officers responsible for monitoring that offender. Inappropriate sanctions can increase the likelihood of recidivism which creates more work for probation officials who monitor and report violations.

Law enforcement officials, prosecutors, judges, probation officers, and treatment professionals all have a stake in reducing the impaired driving problem. Each plays a vital and different role in the justice system when it comes to dealing with DWI offenders. Therefore, training initiatives that reach across various professions and include diverse practitioners can better inform them about the implications that their decisions can have on other parts of the system.

The benefit of cross-professional training opportunities is that it can encourage collaborative approaches and improve communication so that practitioners that process DWI offenders are not working at cross-purposes. Cross-professional training can create a shared understanding of activities and their linkages throughout the system to improve the management of individual cases.

**Gender and culturally sensitive training.** The selection of appropriate interventions is related, in part, to individual offender characteristics and traits, and is essential to reduce recidivism. For this reason, education initiatives must include information regarding gender, culturally, and demographically sensitive programs and strategies. An understanding of which techniques will likely have a greater impact with certain types of offenders can be extremely beneficial. For example, treatment professionals can be more effective in treating female offenders using a gender-specific intervention than they would be by applying a more traditional and confrontational approach.

It is recommended that practitioners receive training about the availability of these different, tailored approaches as it can assist them in delivering the most appropriate sanctions and treatment to offenders. Moreover, knowing how to best deal with offenders can assist practitioners in establishing better rapport and relationships with the offenders that they are managing or processing. For these reasons, every effort is needed to incorporate training and education relating to culturally and gender-specific interventions into all areas of the system.

**Training in specific strategies.** Practitioners have also identified the need for more training and education in relation to a variety of strategies:

- > DWI detection strategies;
- > DWI training and certification;
- > pre-sentence reports;
- > impaired driving technologies;
- > targeted interventions;
- > DWI courts;
- > screening tools; and,
- > motivational interviewing.

**Detection strategies.** Law enforcement agencies require more education about the use of sobriety checkpoints (particularly low manpower checkpoints) and breath alcohol testing (BAT) mobile vehicles. They need information not only about the impact of these tactics but also when they are most effective. Of particular importance is the ability to determine whether or not it would be appropriate and beneficial to employ these strategies under particular circumstances or whether it would be more beneficial to allocate resources elsewhere. Training is also needed to ensure that officers achieve program fidelity and are consistent in how these strategies are implemented.

**DWI training and certification.** Law enforcement also desires standard DWI training and certification for all officers. Uniform training can promote consistency in dealing with impaired drivers and improve the quality of cases that are brought to court. Such training can ensure that all officers would have guidelines to follow and would be equipped with the same tools for identification and arrest. Many problems at the court level arise from errors made by officers at the time of arrest. Increased training and education efforts are likely to reduce the amount of errors made and improve implementation which in turn would result in fewer opportunities for offenders to challenge their arrest in court.

**Impaired driving technologies.** Law enforcement, prosecutors, judges, probation officers and treatment professionals can also benefit from comprehensive education regarding the application of impaired driving technologies (e.g., license plate readers, passive

alcohol sensors, alcohol interlocks and transdermal monitoring devices). For example, if these practitioners lack knowledge about alcohol interlocks, then judges are unlikely to order the device, probation officers will not be able to manage violations, prosecutors will be unprepared to prosecute offenders for probation violations, and police will not be able to tell if the driver they stopped is interlock-restricted or has a properly installed and functioning device.

In particular, judges require more education on the technology that is available to them and appropriate at the time of sentencing. Often times, judges are reluctant to order an offender to install a device such as an alcohol interlock or a transdermal monitoring device because they lack knowledge about how the devices work and their effectiveness. As a result, despite a wealth of research demonstrating the effectiveness of alcohol interlocks, many judges have misconceptions about these devices and less than 10% of impaired drivers receive this sanction. The bottom line is that the more confidence judges have in the technology, the more likely they will be to rely upon the devices appropriately as sentencing tools.

It should be noted that technologies are simply tools and are not a replacement for supervision – personnel are needed to monitor and to interpret the information provided by the technologies. They are also needed to respond to any violations that occur. While technology can produce better outcomes, it is there to inform decision-making and cannot be a substitute for offender monitoring without staff support.

**Pre-sentence reports.** These reports are designed to assist judges in making informed decisions about the most appropriate sanction for individual offenders. The report is requested by a judge prior to sentencing and is written by a probation or court officer who reviews the offender's arrest and correctional files to detail the circumstances for which the offender has been convicted, and may even interview the offender, family members, employers, and others. The purpose of the report is to provide the judge with information that can provide insight into the level of risk that the offender poses to the community and to identify any treatment or other needs that they may have so that an appropriate sentence can be imposed. Judges can benefit from an expanded use of these reports so that they can ensure that sentences that are imposed will lead to reduced offending and risk to the community.

**Training about targeted sanctions.** As was previously discussed, knowing what sanctions are most appropriate for different types of DWI offenders greatly improves the chances that individual offenders will receive the programming that meets their needs. Both prosecutors and judges require more education regarding what sanctions are available and necessary and what types of offenders are most amenable to them. Without such education there is a danger that courts may be too lenient or too punitive at the time of sentencing which can detract from outcomes. The more education that is provided to court officials

about targeted sanctions, the more likely they are to impose appropriate penalties and improve outcomes.

**DWI courts.** Special courts that focus on and are designed to address DWI offenders have gained in popularity in recent years and are widely supported. Since 2004 there has been an increase in the number of DWI courts across multiple jurisdictions as they are better equipped to incorporate treatment and regular monitoring of high-risk offenders. These courts deal with impaired drivers and in particular repeat offenders, have specialized prosecutors, judges, and probation officials who are experienced in adjudicating and overseeing this type of case, and are able to access a range of treatment options and interventions.

More training is needed for prosecutors, judges, and probation and treatment officials who may be interested in starting a DWI court in their jurisdiction and/or becoming a DWI court team member. In particular, efforts are needed to educate practitioners about the principles of DWI courts that distinguish them from traditional courts to ensure program fidelity, and to increase understanding about which types of offenders are most appropriate for this type of sanction. These courts incur a higher workload per case due to their intensive nature and practitioners must be prepared to manage this. These officials must also be cognizant of the fact that almost all offenders who enter the court will fail at some point and to some degree during the process due to the fact that most are at the very least dependent on alcohol, if not addicted. Subsequently, judges and probation officials have to be equally willing to increase sanctions and also to recognize and acknowledge successes.

Increased DWI court training will lead to improved implementation of these programs and the proliferation of these courts. Even if creating a DWI court is not a viable option in some jurisdictions, both prosecutors, judges, and probation and treatment officials are still likely to benefit from the training as they can take away elements that will improve their handling of impaired driving cases by applying the DWI court principles they learn to a regular courtroom setting or supervision agency responses.

**Screening tools.** Education about available screening tools and their application is another priority area where court, probation and treatment officials can benefit from additional education. Practitioners require more information regarding what effective screening and assessment tools are available, how they can be employed, and who should be screened or assessed. More importantly, practitioners can also benefit from information that suggests when screening<sup>3</sup> or assessment<sup>4</sup> should take place.

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3 Screening is a process designed to identify who can be excluded from a more detailed examination for the presence of substance abuse.

4 Assessment is a process for designed to determine the nature and severity of a substance abuse problem and to develop specific treatment recommendations.

Screening is useful to determinations about which offenders are in need of certain types of treatment and monitoring. Early screening (prior to sentencing) can assist judges in deciding whether to order a more complete assessment of the individual which will assist in handing down appropriate sanctions. Screening done post-sentencing during the monitoring phase is particularly useful as it can isolate those offenders in need of a more comprehensive assessment to help determine who are at increased risk to reoffend and those who have a serious alcohol dependency problem. Identifying these types of offenders allows probation and treatment practitioners to intervene and aggressively target those who present the greatest risk to the public. It also ensures that resources will not be wasted on those who may not derive any benefit from treatment. The more that practitioners are trained in using these types of tools, the better that service delivery (particularly treatment) will be.

**Motivational interviewing.** Judges, probation officers and treatment officials in particular require training in relation to the use of motivational interviewing. This technique (used effectively in medical and treatment settings) is used to resolve offender ambivalence and promote intrinsic motivation to make positive changes in behavior. For example, offenders that are mandated to attend treatment may not be willing to or have not recognized the need to change their behavior, and motivational interviewing can help overcome this barrier. Motivational interviewing is a non-judgmental approach that focuses on trying to empower offenders to think differently about their behavior and to see the benefits of changing it. Practitioners help offenders become aware of the problems and consequences that have been caused by their behavior in the hopes that they will then be motivated to change it. This technique is used to establish a rapport with the client, get them to discuss change, and then elicit a commitment to take the steps necessary to achieve change. Many practitioners are unaware of the benefits that this type of interviewing has with offenders and consequently, more education and training is needed.

## **Recommendation #6: Increase funding to support agency personnel.**

Successful implementation of any interventions and/or programs requires a commensurate increase in available personnel that are needed to support such initiatives. It is equally important that staff be provided with necessary training and education that enables them to adequately meet the demands of their respective positions and role in relation to implementation. If there is not sufficient staff or resources to handle increasing responsibilities, cases and workloads, it is unlikely that the implementation of the intervention or program will meet expectations for improved outcomes.

In the vast range of priorities in the system, it is often the need for adequate personnel is overlooked or not addressed. If there is an expectation to put research into practice and reap the potential benefits, it is imperative that practitioners on the frontlines are supplied with resources and technologies that will ensure that increases in effectiveness and efficiency are achieved. Too often, personnel are taken for granted when they make some of the greatest contributions to the system, and personnel who must cope with insufficient resources, inadequate training, and immense caseloads often suffer “burnout” which also contributes to high rates of turnover in staffing.

For example, alcohol interlock programs in many states lack the personnel to make them effective because there are not enough individuals available to closely monitor offenders in the program. Violations can go unnoticed which means that they are not addressed, leaving more opportunities for the offender to complete the program without exhibiting proper compliance. Funding must be provided to expand the number of practitioners on the frontlines who are responsible for the delivery of programs such as these so that they can be implemented in accordance with their original goals.

## Summary

The delivery of effective programs and interventions is critical to addressing the impaired driving problem. In order to assist practitioners in meeting the needs of specific offender populations, programs/interventions must be continually evaluated to determine which programs are effective and those that are not. Through this process, effective programs/interventions can be expanded and those that have little success or are found to be a drain on resources, without notable benefits, can be discontinued. The formation of partnerships amongst agencies is one strategy that can be utilized when seeking to improve the delivery of effective programs/interventions.

More education and training for practitioners has also been identified as a necessary step for improving the delivery of programs and interventions. It is not enough to know which programs are effective – practitioners must be educated on how to properly implement, deliver, and sustain these initiatives. In addition, increased funding should be allocated to support the agency personnel who make the delivery of these programs/interventions possible. Practitioners on the frontlines will only be able to put research into practice if they are supplied with resources and technologies needed to do so.



# SYSTEM RECOMMENDATIONS

The justice system is primarily responsible for detecting, adjudicating, monitoring, and treating impaired driving offenders in an effort to protect the public and prevent offenders from repeating their dangerous behavior. It aims to achieve this through incapacitation, deterrence, punishment and rehabilitation. Impaired driving is a tremendous drain on the justice system but it tends to have less profile than crimes involving sex offenders, drugs or gang violence.

Practitioners stress that there is a need to elevate DWI as a priority within the justice system and to improve the efficiency and effectiveness of the system itself. This section deals with these issues.

## **Recommendation #7: Make DWI a priority across the justice system.**

Impaired driving has been an important social problem and source of public concern for more than three decades. Historically, jurisdictions often allocated substantial resources to address this problem. However, in light of the significant progress that was achieved in reducing the problem in the late 1980s and early 1990s, more recent political interest in this issue appears to have waned. As a consequence, the resources allocated to study and address the problem have also stagnated or been eroded in order to address other priority concerns such as the economy, healthcare, child welfare, violent crime, sex offenses and gang violence.

At the same time, progress in reducing impaired driving has declined. While reductions in traffic fatalities in general have occurred, there has been little change in the problem of alcohol-related fatalities. Most recently, in 2008, some forty states reported an average decline in traffic fatalities of 10.7 percent although this decline has been primarily attributed to vehicle and infrastructure design and not impaired driving measures (GHSA 2009). This has important implications for those agencies within the criminal justice field. Resources have diminished but caseloads and workloads have not.

Accordingly, the attention of politicians, policymakers, and administrators must remain focused on the importance of impaired driving as a pressing social problem in need of continued funding, particularly given the immense costs that this problem has for the criminal justice field. It is equally important that financial resources are dedicated towards effective, proven, and research supported initiatives. Traffic safety and impaired driving must remain high on the list of priorities for the public, politicians, and agencies. Practitioners have identified a number of ways this can be achieved.

**Illustrate the impact/consequences of impaired driving.** In order to bring impaired driving to the forefront of political issues, the impact and consequences of this offense must be clearly illustrated. This requires determining what data are currently available on the magnitude of the problem and what data or information in particular will have the greatest weight amongst the public, politicians, and agencies.

Some information about the extent of the problem is available -- e.g., impaired driving fatalities – but other information is not as readily available – e.g., frequency of repeat drunk driving, number of plea agreements, prosecution and conviction rates, details about non-fatal crashes, etc. There is a need to create an inventory of relevant data on the impaired driving problem and use this as the basis for reliably estimating its impact on the justice system. More specifically, what are the aspects of the impaired driving problem that have yet to be quantified? Practitioners must determine where the gaps in existing research are and if it is possible to fill them. The consequences of not measuring certain aspects of the problem are for agencies and the system as a whole must be determined. For example, there has yet to be an effective means to track the number of impaired driving cases that are plead to lesser offenses as a result of plea agreement. As a result, it is impossible to determine how well the system is functioning. By filling in these missing pieces, practitioners can better to present a more compelling case to justify continued attention to the impaired driving problem.

In this context, there is a need to determine what data in particular will most effectively raise the profile of impaired driving as a priority issue within the justice system. Practitioners may need to focus on ways and means for effectively conveying this information to their target audience(s) in a way that demonstrates the magnitude of the impaired driving problem and the need for continued resources to deal with it in an efficient manner. As well, they should endeavor to measure the impact that impaired driving has on individual agencies and present this information to politicians, in fiduciary terms, to demonstrate the burden created by this offense.

**Make the problem more visible.** Raising the issue of impaired driving on the political agenda can be accomplished by raising it on the public agenda. One way to achieve this is through the use of consistent messages that articulate what has been accomplished and what efforts are needed to achieve further declines. These messages may include the cost of impaired driving or the need for guiding principles and system-wide improvements. How the message is conveyed will of course be determined by who the target audience is. Overall, efforts must both personalize the issue and build a compelling business case to generate continued high-level support of this issue.

When personalizing impaired driving it is important to articulate the number of fatalities and injuries in a way that resonates with the audience. A compelling visual is needed to translate the intangible number of fatalities, injuries, and personal costs. The impact of impaired

driving can be shown at the federal, state, or local level. Such messages can make the issue personal for jurisdictions and specific to legislators by showing how many people are killed and injured in their localities. The more personal the issue is made, the more likely it is to have an effect with those who view the messages.

Additionally, emphasis should be placed on the costs associated with impaired driving at the community level. Communities can be influenced by making impaired driving a financial issue and demonstrating the budget implications and the strain that it puts on community services such as employment, and healthcare. Politicians and agencies must be made aware of the drain that impaired driving puts on not only the justice system, but also other related sectors and how combating this problem can save money.

**Leverage legislative and funding opportunities.** There are a variety of legislative opportunities that can be leveraged to increase the focus on impaired driving. Several bills that are or that will come up for re-authorization in the next few years could be amended to increase the emphasis on the importance of addressing the impaired driving issue. One of these bills is, of course, the highway bill, but this is not the only legislative opportunity that exists. Practitioners can influence legislators to get language into bills that will make impaired driving initiatives possible and gain support for them, particularly if they also provide the resources necessary to carry out the legislation. Some of these bills could be Vice President Biden's Crime Act, the Department of Justice bill that is up for re-authorization every five years, tribal legislation, and the Substance Abuse and Mental Health Services Administration (SAMHSA) re-authorization. Creativity on the part of practitioners is needed to find these opportunities and appeal for the inclusion of impaired driving as a focus when it comes time for re-authorization and appropriations.

As an additional consideration, there is a belief that focusing on impaired driving as a separate legislative bill may be necessary so that the issue does not get overlooked in the highway bill or lost in the larger transportation issue. There is some sense that by framing impaired driving as a transportation issue and not a criminal justice issue, it receives lesser attention and may even be overlooked in the discussions surrounding a much broader number of transportation issues. Perhaps it may be necessary to make impaired driving a separate bill from both transportation and justice to prevent the issue from getting lost in the fray.

**Build funding partnerships.** Similarly, legislators and practitioners must become creative when it comes to finding new sources of funding or untapped resources. Funding opportunities exist at the federal, state, and local level and do not necessarily have to be in the criminal justice or transportation sectors. Funding can be attained from health and human services, tribes, foreign aid, non-profit charitable trusts, etc. The key to securing funding/resources is finding the converging common interests that were discussed earlier in this

report. Policymakers and practitioners need to look outside the justice field and ask what other agencies or departments might have a vested interest in addressing impaired driving. If they can illustrate the benefits that reductions in impaired driving would have for these outside agencies they are more likely to gain their support.

Legislators and practitioners may also want to familiarize themselves with which impaired driving initiatives are currently being funded and which initiatives should be funded. These initiatives may include things such as pre-sentence investigations, supervision, pre-trial screening, and information sharing. The acquisition of additional funding should result in resources being allocated to the areas that are most likely to produce positive results but are not currently receiving the attention and support that other initiatives like DWI courts are receiving. The bottom line is being cognizant of where the most value is likely to come from – i.e., where you will get the biggest bang for your buck.

### **Recommendation #8: Enhance measures of system effectiveness.**

Recidivism has tended to be the standard measure of system success in relation to impaired driving. Lower recidivism rates suggest that the justice system is succeeding in preventing offenders from continuing to drive under the influence of alcohol. Yet, a single uniform definition of recidivism has never been developed. Recidivism can be defined differently based upon time periods or jurisdictions. It can be defined as re-arrest for impaired driving or it can be for any criminal offense. It can also be defined as a violation of probation terms without a new charge being added.

In order to increase the reliability and validity of findings and have more accurate determinations of “success,” a consistent working definition of recidivism must be created. If the definition of recidivism varies from one jurisdiction to another, it is very difficult to calculate outcomes for individual states let alone the justice system as a whole. Secondary and tertiary definitions can also be created for use in practical settings if they are needed or desired. For example, the standard definition of recidivism in this context may be re-arrest for impaired driving but a secondary definition could be re-arrest for any criminal offense, and a tertiary definition could be violation of the offender’s terms of probation.

Should recidivism however, be the sole measure of what constitutes system success? Recidivism is only one outcome measure as there are many others that could serve as indicators for system evaluation. Other potential measures could be the successful completion of treatment, family stability, steady employment, reductions in drinking behavior, reductions in the number of impaired driving crashes and fatalities, improved physical health, educational achievements, and a reduction in the drain on community resources. All of these variables can be used to gauge the effectiveness that the system is having in dealing

with impaired driving offenders. There is a need to reach agreement on what measures are appropriate for evaluating the success of the system and to move beyond the use of single measures. Agencies and practitioners need to be consistent in the application of whatever measure they are using to determine whether they are effectively dealing with impaired driving.

When examining effectiveness, it is important to hold the system collectively accountable. Each agency and every phase of the system is responsible for achieving the desired outcome of reduced impaired driving. Accordingly, each agency and phase should be evaluated for effectiveness. No agency can function in a vacuum and if overall success is to be achieved each of the interdependent parts must function together. Failures are failures of the system no matter where they occur which is why cooperation amongst practitioners and agencies is of such importance.

### **Recommendation #9: Improve communication and cooperation across all levels of the system.**

Across the justice system and agencies, communication and cooperation are necessary components for effectively addressing the impaired driving problem. As a result of the silo mentality that tends to define the area, agencies are often unaware of how their policies and practices contribute to successful or failed outcomes at other levels of the system. By working beyond agency borders, practitioners can form partnerships that can lead to increased funding, improved training, and new/improved strategies and approaches for addressing the impaired driving problem.

**Increase cooperation and information sharing.** There is a need for various agencies within the justice system to identify goals and objectives they have in common and for these collaborations to be facilitated and encouraged at a political level. This can increase dialogue and cooperation among agencies, thus breaking down barriers. Agencies that engage in facilitative planning and share goals with other agencies inherently develop cooperative approaches to tasks and good communication strategies. This occurs as a result of their mutual dependence and understanding of what is needed to achieve common goals. Once communication channels are opened, agencies can start sharing information and knowledge with one another. Knowledge in and of itself can be considered a resource. Agencies that share stories of both successes and failures and provide feedback to one another can benefit from each other's experiences by knowing what does and does not work without having to repeat mistakes that have already been made.

Collaboration is also important in the area of training and should be encouraged and facilitated at political and organizational levels. In an effort to save money and improve consistency in enforcement, adjudication, monitoring, and treatment, individuals from various agencies can be educated collectively. Cross-disciplinary training will also enable various practitioners to bring back the same information to their respective agencies and implement programs in a consistent fashion. Collaborative training also helps practitioners network with other individuals in the field. This in turn, is another avenue for information sharing. Through collaborative education and training sessions, practitioners from different disciplines and various jurisdictions can be brought together to discuss the challenges they face and share the successes or failures that they have had. Together, practitioners can then work to develop solutions or strategies to overcome the barriers that they face through the sharing of ideas and knowledge.

**Create a unified front that has mutual benefits.** Partnerships must also be forged and encouraged in order to work towards gaining political attention and subsequently, support. Agencies can establish task forces and summits or expand the scope of existing task forces in an attempt to gain political impact and influence decisions being made in relation to impaired driving. These task forces can be created at the local or state level and should include as many stakeholders as feasible. For agencies to have a voice and influence policy they must be visible within the political landscape. While individual agencies lack the resources and manpower to be effectively heard, the formation of task forces with a strong sense of collaboration and leadership and a focused mission can present a solid case to the local and/or state government. As was previously mentioned, the responsibility for making impaired driving a priority across the system will rely mainly on practitioners' ability to organize and present a case for its increased attention. As such, the use of a task force approach should be supported by politicians.

In presenting the need for collaboration, practitioners must demonstrate "what is in it" for potential partners. Legislators and other agencies must be made aware of how collaboration and cooperation will benefit them. Consistent cooperation and automated sharing of information across agencies can ensure that each receives needed information and data in a timely manner, adequate support to achieve agency-specific objectives that contribute towards common goals, and effective training programs to develop skills and appropriately apply tools to enhance operations. Cooperation among agencies can allow each of them to streamline operations, address priority issues, manage and overcome obstacles, promote teamwork, integrate automated information systems and demonstrate agency commitment to improving case outcomes. Collaboration with legislators can lead to the identification of impaired driving as a priority issue, the improvement of existing impaired driving laws and programs, and the acknowledgment and addressing of issues as they arise.

**Secure funding.** Every agency and/or initiative faces the challenge of securing funding and broader access to funding opportunities should be facilitated. Many justice agencies are currently coping with stagnant budgets and even reductions in resources. This challenging situation requires that agencies reduce costs while trying to maintain operations and outcomes. One way that agencies can look to augment their current funding is by seeking funding from outside sources. Establishing partnerships with other agencies/departments that have common goals or invested interests can lead to resource sharing or the allocation of additional funds.

Justice agencies need to be creative in finding agencies in different sectors that may have an interest in reducing impaired driving. Any time that a service can be provided to another agency during the course of routine criminal justice work is an opportunity to secure funding. For example, the Department of Homeland Security may be interested in the information ascertained by law enforcement when they conduct sobriety checkpoints or traffic stops. Through the creation of a partnership of this nature, law enforcement officials are likely to gain more resources for combating impaired driving with minimal effort expended and Homeland Security can benefit from increased access to information across jurisdictions. If politicians and justice professionals can facilitate these types of links and convergence of interests between themselves and other agencies, new funding opportunities can be achieved.

### **Recommendation #10: Make screening and treatment available at all phases of the system.**

The treatment of DWI offenders, particularly for assessed alcohol use disorders, is a critical element in reducing recidivism. Accordingly, there is a growing recognition that appropriate treatment is a necessary component of the DWI system. Treatment is designed to lessen and prevent negative consequences associated with substance abuse (e.g., impaired driving) and to provide support to the offender if they relapse.

The goal of treatment should primarily be risk reduction (Taxman 2007). Despite its positive benefits, treatment is also very costly and places a substantial burden on the system. Not all offenders require placement in treatment services, and resource limitations do not allow for all offenders to receive treatment. Offenders found to possess moderate to serious alcohol issues and who pose a high-risk of DWI recidivism are most in need of controlling their drinking behavior. These offenders should be prioritized for referrals to treatment services that are tailored to their individual needs (SAMHSA 2005; Williams et al. 2000). Offenders who are at risk of developing severe alcohol problems should be prioritized as well.

In order to determine which offenders are likely to benefit from treatment, screening and pre-sentence investigation must first take place (see Robertson et. al 2008). Screening is normally a precursor to a comprehensive assessment and treatment. It is a process designed to identify who can be excluded from a more detailed examination for the presence of substance abuse issues, and who needs to be included for further examination or assessment. It is typically based on the results of specific testing instruments given to offenders to establish whether they have an alcohol-use disorder and/or a drug-use disorder that requires intervention. Screening is not designed to explain the nature and severity of alcohol use problems, but rather to raise suspicion of them and determine whether or not further assessment is needed (Connors and Volk 2003). Screening therefore, is an important first step in the broader process of substance abuse treatment.

Screening can be administered by police officers, prosecutors, judges, court assessors, counselors, clinicians, offenders themselves, city and county jail employees, hearing officers or probation officers, and pre-trial staff. Who delivers the screening is often a function of which setting or point in the justice system that the screening takes place and whether formal or informal methods are being used. The majority of available screening instruments can be administered by clinical, administrative, or clerical staff with a minimal degree of training, and many instruments can also be self-administered (Connors and Volk 2003).

Screening should first be introduced at the pre-trial stage in order to screen people out of the system as opposed to into it.

Given the limited resources that are available and the extensive costs associated with treatment, offenders who do not need or will not benefit from treatment should be screened out. Another important phase where screening and assessments should be conducted is prior to sentencing. The information ascertained from screening and assessments can be provided to judges to assist them in making decisions regarding the sanctions that they impose upon offenders. If a judge is cognizant of an offender's alcohol issues they can then order participation in treatment as a mandatory component of the offender's sentence. Failure to complete treatment could result in further consequences and sanctions.

Prior to ordering treatment, judges should be aware of what programs exist in their jurisdiction since not all offenders will benefit from the same type of treatment. Some practitioners are concerned about the lack of necessary treatment options, particularly in rural communities. As a consequence practitioners have limited options for effective treatment services and if practitioners want to incorporate a treatment protocol they are obliged to send all offenders (regardless of their issues, characteristics, severity of problem) to the same generic program. Among practitioners, there is concern that, by sending offenders to inappropriate programs, they may be doing more harm than good. To overcome these

challenges, jurisdictions should promote the benefits of effective treatment in order to encourage political and public support of these alternatives.

In some jurisdictions, justice practitioners can encounter resistance to applying screening, assessment, and treatment alternatives to some segments of the population. There may be a strong overall lack of public support for these alternatives, and some communities may resist such options due to the stigma and personal impact on reputation, employment, and family that can be associated with participation in treatment in these areas. Practitioners should be aware of these challenges, particularly in small and rural communities.

Policymakers need to be informed about the benefits of effective treatment so that it can be incorporated into impaired driving legislation and sanctioning. Too great an emphasis is placed on punitive sanctions which may not address the underlying factors that lead to impaired driving.

Priority recommendations identified by justice practitioners that can encourage and improve the application of quality screening, assessment, and treatment include the following:

- > **Good research to guide decision-making** – more definitive research is needed in order to assist practitioners in developing adjudication and sanctioning strategies and to identify at risk offenders early in the justice process so that they can be targeted for intervention.
- > **Education and cross-professional training** – this can assist practitioners in understanding evidence-based practices and promising practices as they relate to screening, assessment, and treatment of DWI offenders. Practitioners can then make more informed decisions about what strategies are likely to be effective with individual offenders.
- > **Resource allocation** – treatment interventions for impaired driving offenders should occur as a function of community decision-making among local justice practitioners as they have the knowledge of what interventions are effective and how the system operates in their jurisdiction. Subsequently, they will be in a good position to determine what interventions and strategies are likely to work in their locality.
- > **Comprehensive services** – the provision of various approaches and combining interventions has shown to have the most desirable outcomes and, therefore, comprehensive treatment services should be offered to address a range of offender issues.
- > **Consistent identification of appropriate offenders** – agencies should be encouraged and funded to use informal screening methods at every phase of the system and formal methods where they are appropriate and practical. This will allow practitioners to consistently identify offenders who are in need of treatment.

- > **Streamlined policy and practices** – streamlining provides practitioners with more comprehensive information to improve decision-making throughout the processing of offenders so they can use it to effectuate the goal of reducing the rate of recidivism and changing the behavior of the offender.
- > **Information sharing protocols** – sharing information regarding offender screening and treatment may move offenders towards readiness for change and has the ability to assist them in recognizing the effects of their drinking. There is also a need for information sharing across agencies to increase accountability among offenders and to ensure that interventions are effectively and appropriately applied.
- > **Accountability and aftercare** – throughout the course of any intervention, monitoring of offender behavior can improve outcomes by ensuring that offenders are accountable for their behavior and that successes are positively reinforced and further encouraged. Aftercare is necessary to provide offenders with ongoing support which will assist them in maintaining behavior changes and reduce opportunities for the offenders to return to negative behavior.

## Summary

With a variety of issues competing for attention within the justice system, there is a need to elevate impaired driving as a priority and to improve the overall efficiency and effectiveness of the system for dealing with this issue. In order to make DWI a priority practitioners recommend: emphasizing the impact and consequences of impaired driving; making the issue more visible; leveraging legislative and funding opportunities; and developing partnerships across the system. By making impaired driving a priority practitioners can access a broader range of resources that can assist them in combating the DWI problem and ensure continued declines in the problem based upon a strategic approach.

The recognition of DWI as a priority is only the first step in improving the overall efficiency of the system. Measures of effectiveness must also be enhanced and communication/cooperation must be improved across the entire system. This can be facilitated through information sharing, the creation of a unified front, and securing funding. A final recommendation for system improvement is to make screening and treatment available to offenders at all phases of the process.

# CONCLUSION

The ten recommendations contained in this report have been identified by justice professionals as essential to reducing impaired driving among drunk driving offenders in the future. These recommendations are designed to improve the availability and quality of research, to improve the ability of practitioners to put research into practice through the efficient and effective delivery of programs, and to develop new initiatives that will improve the DWI system as a whole.

Increases in dialogue, education and training, and the formation of collaborative partnerships are common themes throughout each of the sections in this report. Researchers, practitioners, and policymakers have a joint responsibility to work together in an effort to reduce the occurrence of impaired driving-related injuries, fatalities, and social costs.

The pending re-authorization of the U.S. Federal "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," in 2010, is an opportunity for practitioners and policymakers to push for the inclusion of impaired driving as a priority issue. Many of the recommendations included within this report can serve as starting points for the development of strategies that will effectively combat impaired driving and contribute to continued declines in the magnitude of the problem. As such, these recommendations can be used to inform discussions and negotiations pertaining to the re-authorization of the Federal highway bill, and to guide future directions and strategy to reduce this important problem.



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