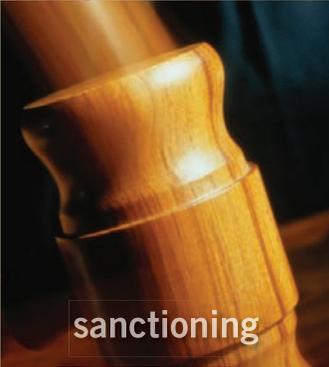




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Improving Cooperation and Communication:

A Report from the Working Group on
DWI System Improvements



Improving Cooperation and Communication in the DWI System

Cooperation and communication between and among criminal justice agencies can ensure that DWI offenders are detected, appropriately sanctioned and removed from the road to protect the public and reduce alcohol-related deaths and injuries. Good cooperation and communication enable police officers to correctly identify impaired drivers as first offenders or repeat offenders at the roadside, and make sure that compelling and much-needed evidence is correctly gathered, documented, and presented in court. Cooperation and communication can also provide prosecutors and judges with essential information to make meaningful decisions regarding cases, offenders, and sentencing. Finally, cooperation and communication can ensure that offenders are effectively monitored by probation and parole, and that offenders receive the necessary follow-up and support to reduce recidivism.

This guide has been designed to help agencies identify common barriers to cooperation and communication and provide insights into practical ways these issues can be addressed. More importantly, it also contains a brief survey that will help agencies gauge how well they are doing.

BACKGROUND

The criminal DWI system is a complex array of interdependent agencies with diverse and overlapping mandates, leadership, policies, priorities, and funding sources. Collectively, they are responsible for identifying drunk drivers, removing them from the road, determining their culpability in court, imposing sanctions on the guilty, and applying and monitoring programs to change offender behavior and reduce recidivism. As such, cooperation and communication between and among professional groups within the justice system is a pre-requisite to the effective and efficient apprehension, prosecution, conviction, and sanctioning of impaired driving offenders.

COOPERATION

Cooperation is defined as working with other agencies and providing needed assistance to achieve common goals. Consistent cooperation 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, and demonstrate agency commitment to improving case outcomes.

COMMUNICATION

Communication refers to the timely exchange of information about offenders and cases that is relevant to decision-making at all levels of the system. It also refers to the use of electronic data exchange among agencies. Good communication can ensure that impaired driving offenders are correctly identified as first or repeat DWI offenders, that quality evidence is appropriately gathered, documented and presented in Court to obtain convictions of guilty offenders, that sanctions imposed by the Court are targeted to meet the needs of offenders and promote long-term risk reduction, and that offenders are effectively monitored to protect the public and discourage future offending by supporting sustainable changes in behavior.

Common Barriers

Of concern, 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. This problem is often more pronounced in major, urban centers where case volume is larger and more staff is involved in processing cases. In these instances, agencies and staff can be anonymous and frequently bound by bureaucracies, procedures, and protocols. Within professions, new staff may have limited opportunities to interact with and learn from more experienced professionals, and institutional memory can be quickly eroded due to rapid turnover.

The lack of cooperation and communication hinders the identification of offenders and hampers decision-making within the system, which can lead to inappropriate sanctions for offenders and high levels of recidivism. On a larger scale, this obstacle has impeded the effectiveness and efficiency of the system for dealing with drunk drivers and enabled persistent offenders to slip through the cracks, avoiding the very sanctions and programs put in place to protect the public and change behavior.

In recent years, there has been widespread recognition that cooperation and communication within and between the many agencies involved in the criminal DWI system are essential to the effective and efficient processing of DWI offenders. The challenge is for agencies to institutionalize cooperation and communication such that it becomes a hallmark of the system.

Cooperation and communication can become institutionalized across agencies using a range of formalized processes and procedures in conjunction with informal arrangements and practices. Depending on circumstances, some strategies may be more appropriate at some levels or between some agencies than others. However, in all instances, cooperation and communication can be enhanced and encouraged by providing regular feedback to agencies regarding outcomes. Such feedback can clearly illustrate the value of cooperation and communication and strengthen a team-approach to resolving common concerns.

The first step towards improving cooperation and communication is to recognize barriers that exist. Common barriers that agencies encounter may include:

- **Silo mentality:** Agencies naturally place more emphasis on adherence to internal policies and procedures and agency objectives. As a result, they may be unaware of how their policies and practices can contribute to successful or failed outcomes at other levels of the system and detract from the processing of cases on a larger scale.
- **Stereotypes:** Over time, agencies may develop misperceptions of other agencies based on individual past experiences, high-profile events, rumors, inexperienced or dissatisfied staff, poor communication and incomplete information. Negative stereotypes and poor understanding of others' roles, responsibilities, and environmental constraints can discourage cooperation and communication.
- **Territorial imperatives:** Agency budgets are often tied to projects, outcomes, and responsibilities as opposed to staff and workload. Given the historical struggle for adequate funding that many agencies have experienced, they may view others as 'competitors' and be less amenable to sharing responsibilities due to fears it may result in an erosion of funding or authority. A tendency towards territorial imperatives can inhibit cooperation and communication at all levels.
- **Politics:** Every agency must manage the 'politics' associated with doing business. Differences in politics can lead to a cultural divide between some agencies. For example, while courts and probation are part of the justice system, treatment agencies providing services to them may be community-based and external to the justice system. As such, the former may

emphasize community safety whereas the latter may emphasize the best interests of the offender. This difference in perspective can result in opposing viewpoints on appropriate management strategies and hinder cooperative efforts and communication.

- **Rigid communication structure:** Some agencies may emphasize a top-down approach to management. Insufficient opportunities for bottom-up communication from staff to management may lead to unawareness among administrators of problems that impede working with other agencies. Without bottom-up communication, such problems persist and negatively impact communication and cooperation with other agencies and detract from successful outcomes.
- **Resistance:** Management styles, policies, procedures, and attitudes become ingrained in agency operations over time. For this reason, agencies can become resistant to change and new ways of doing business. This is particularly true in instances in which changes are imposed upon staff without opportunity for input or feedback. Operational changes that are necessary to improve cooperation and communication can not be achieved without buy-in and support from staff.
- **Confidentiality:** Much of the information relating to offenders and cases that is generated by the justice system is confidential in nature. Given the liability associated with failing to protect confidential information, agencies are naturally hesitant to share it with others without explicit approval.
- **Competing priorities:** Almost all agencies in the justice system must cope with competing priorities. Despite the fact that impaired driving is the leading criminal cause of death, other issues such as sex offenders, gangs, and drugs are often treated as higher priorities due to the intense public attention and scrutiny these issues receive. Of concern, this frequently translates into more resources being allocated to these issues and agencies struggle to implement programs and strategies targeting impaired driving.
- **Blaming:** Blaming creates a negative atmosphere and frequently results in a defensive and non-constructive response. Such an atmosphere fails to encourage or stimulate improvement and can ultimately lead to a lack of responsiveness and discourage information-sharing and cooperation.
- **Poor feedback:** Given the heavy caseloads and workloads that most agencies are coping with, feedback is rare. For this reason, many agencies are unaware of how their responses to requests and cooperative opportunities can result in successful outcomes or how their lack of response and cooperation can detract from successful outcomes. Without such feedback to gauge the importance of cooperation and communication, agencies have limited incentives to continue to provide it and may fail to see their role in producing successful outcomes at a system-level.
- **Costs:** Many criminal justice agencies are currently coping with stagnant budgets and reductions in funding. This challenging situation requires that agencies reduce costs while trying to maintain operations and outcomes. As a result, the costs associated with agency cooperation with collaborative initiatives and timely responses to requests for information are not insignificant. Costs may include attendance at additional meetings, hiring of additional staff to manage new responsibilities, increased workload, the shifting of timelines, and delayed completion of tasks. Similarly, the use of electronic information exchange protocols can greatly improve cooperation and communication, however these systems can have substantial costs.

- **DWI system performance measures:** The DWI system outcome measures that are traditionally relied upon (e.g., conviction rates, recidivism rates, and reductions in alcohol-related deaths and injuries) indicate the effectiveness and efficiency of individual agencies, but are not employed to measure the effectiveness and efficiency of the DWI system as a whole. Without a method for holding individual agencies responsible for shared outcomes, these agencies have few incentives to cooperate and communicate to achieve better system-wide outcomes.

Strategies to Overcome Barriers

Agencies can overcome or reduce barriers to cooperation and communication by encouraging strategies that support these activities. Some suggested strategies are identified below. In addition, many jurisdictions are implementing new and unique approaches to working cooperatively and improving communication. Agencies are encouraged to investigate what approaches are being tried in other jurisdictions to identify opportunities to improve their own operations.

- **Trust:** Agencies earn trust by consistently delivering on expectations and requests, and demonstrating their commitment to achieving both agency objectives and successful system outcomes. Trust can reduce territorial imperatives, politics, and resistance by encouraging strong partnerships and alliances with other organizations. Trust is the foundation for good cooperation and communication.
- **Appreciation:** Agencies that develop an appreciation of the roles and responsibilities of other agencies within the system, and environmental constraints that exist, can overcome stereotypes and resistance to change and work to encourage communication and cooperation.
- **Interpersonal exchanges:** Agencies that encourage interpersonal exchanges among administrators, front-line staff, and across agencies can create an environment that overcomes tension and stereotypes among these groups. These exchanges also open lines of communication to reduce the silo mentality and provide opportunities for feedback, which in turn encourages teamwork.
- **Institutionalized protocols:** Agency policies and practices (whether formal or informal) that institutionalize the importance of cooperation and communication at all levels can ensure that staff turnover does not erode this commitment.
- **Common goals:** Agencies that engage in facilitative planning and share goals with other agencies inherently develop cooperative approaches to tasks and good communication strategies. This occurs because of their mutual dependence and understanding of what is needed to achieve common goals.
- **Service-oriented architecture:** Agencies that ensure the information they collect is meaningful and available to other agencies can improve communication and decision-making at all levels of the system while simultaneously addressing confidentiality concerns. Shared information can reduce workload (i.e., requests from other agencies) while still providing assistance and thereby fostering an atmosphere of cooperation.
- **Electronic exchange protocols:** The use of electronic protocols can improve cooperation and communication by providing easy access to information as needed, streamlining tasks to reduce demands on staff, and providing feedback regarding outcomes such that obstacles can be recognized and addressed.
- **Constructive feedback:** Agencies that provide opportunities for constructive feedback to staff and other agencies can enhance cooperation and communication by allowing them

to be recognized for their contribution to larger efforts and positive outcomes. At the same time, it can improve outcomes by illustrating gaps in existing systems that can be addressed.

- **Shared successes:** Agencies that share stories of success provide feedback that can further encourage cooperation and communication by fostering a team approach and demonstrating the positive benefits/outcomes that can be achieved.
- **Accountability:** Establishing a culture of accountability in which tasks, timelines and responsibilities are transparent can facilitate cooperation and communication. In these instances, expectations are clear and performance can be measured. Consequences for work that is not completed can be anticipated and ways to improve performance can be implemented.

Guiding Principles

Agencies can stimulate the development of cooperation and communication within and between agencies by ensuring that policies and practices (both formal and informal) embody the following principles:

- **Accessibility:** To the extent possible, agencies should ensure that the information they produce is readily accessible (as necessary) and available to other agencies in a user-friendly format to improve decision-making at all levels of the system.
- **Compromise:** Agencies should demonstrate a willingness to work with other agencies and explore opportunities to compromise to achieve mutually beneficial outcomes.
- **Constructive approaches:** Agencies should endeavor to work with others in a constructive manner and avoid blaming and personal attacks. They should also provide feedback that is useful and meaningful to improve future outcomes.
- **Context:** Requests made to other agencies should be placed in context such that each agency involved in a request understands the rationale and implications associated with it and is motivated to respond accordingly.
- **Flexibility:** Agency policies and practices should contain appropriate flexibility such that staff can respond to requests for information and support from other agencies along a continuum of possibilities.
- **Privacy:** Agencies should be made aware of relevant privacy policies that impact an agency's ability to respond to internal and external requests and respect privacy concerns.
- **Professionalism:** Agencies should employ strategies that emphasize professionalism through enhanced training, and remain focused on institutional outcomes on a larger scale.
- **Reciprocity:** Agencies should provide others with the same level of information-sharing and assistance that they expect to receive from others.
- **Sensitivity:** Agencies should be sensitive to the culture and organization of other agencies and structure communications and partnerships accordingly.
- **System-centered policies:** Agency policies and practices should ultimately support the achievement of successful system outcomes as well as agency objectives.

External Communication and Cooperation

- | | | |
|--|----------|----------|
| 1) Are the roles and objectives of other agencies involved in the DWI system clear to all relevant staff in your agency? | Y | N |
| 2) How frequently and in what manner does your agency communicate with other agencies? | | |
| 3) What agencies rely upon the information you produce? | | |
| 4) Does staff prioritize requests from other agencies? | Y | N |
| 5) Is staff encouraged to/able to respond to requests from other agencies in a timely manner? | Y | N |
| 6) Do the policies and procedures in your agency promote information sharing with other agencies or impede the sharing of information with other agencies? | Y | N |
| 7) Is the information you produce accessible to other agencies? | Y | N |
| 8) Is the information you produce in a usable format for other agencies? | Y | N |
| 9) Do you know the names and contact information of your counterparts in other agencies? | Y | N |
| 10) Does your agency/staff receive feedback on the requests it handles from other agencies? | Y | N |

Critical Questions

The following critical questions can assist agencies in identifying gaps in, and barriers to effective cooperation and communication both internally and externally.

Internal Communication and Cooperation

- | | | |
|---|----------|----------|
| 1) Is impaired driving a priority issue within your agency? | Y | N |
| 2) Does staff have sufficient training, tools, and information to complete tasks? | Y | N |
| 3) Is decision-making at senior levels effectively communicated to front-line staff? | Y | N |
| 4) Are there opportunities for discussion and sharing of alternative perspectives on issues between management and staff? Do front-line staff persons have an opportunity to provide input or feedback to management? | Y | N |
| 5) Are meetings frequent enough, useful and productive? | Y | N |
| 6) Do meetings result in clear action items for participants? | Y | N |
| 7) Are timelines assigned to tasks and shared with those responsible? | Y | N |
| 8) Do heavy workloads/caseloads impede the ability of staff to respond to requests or to complete tasks in a timely manner? | Y | N |
| 9) Do the files relevant to decision-making contain up-to-date information? | Y | N |
| 10) Does staff receive feedback regarding the work they complete, including errors that are made or successes that are achieved? | Y | N |

Fourteen criminal justice organizations are represented on the Working Group:

American Judges Association

American Probation and Parole Association

Bureau of Justice Statistics

California District Attorneys Association

Institute of Police Technology and Management

National Center for State Courts

National Association of State Judicial Educators

National Association of Prosecutor Coordinators

National Criminal Justice Association

National Judicial College

International Association of Chiefs of Police, Highway Safety Committee

International Association of Chiefs of Police, State and Provincial Police Directorate

National Association of State Alcohol and Drug Abuse Directors

National Traffic Law Center of the American Prosecutors Research Institute



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