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Working Group

**on DWI System
Improvements:**

Proceedings of
the Inaugural Meeting



*TRAFFIC
INJURY
RESEARCH
FOUNDATION*

A DRIVING FORCE FOR SAFETY



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Working Group on DWI System Improvements: Proceedings of the Inaugural Meeting

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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 an independent, charitable road safety institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in identifying the causes of road crashes and developing programs and policies to address them effectively.



A DRIVING FORCE FOR SAFETY

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This report highlights the outcomes of the inaugural meeting of the *Working Group on DWI System Improvements*. It examines both the guiding principles and priority initiatives, identified by members of the *Working Group* and their invited observers, to improve the efficiency and effectiveness of the criminal DWI system for dealing with hard core drinking drivers.

We acknowledge with special gratitude the technical expertise, assistance and enthusiasm provided by our partners in the *Working Group* initiative: Carl Wicklund, Executive Director of the American Probation and Parole Association; the Honorable Michael McAdam, President of the American Judges Association; John Bobo, former Director of the National Traffic Law Center of the American Prosecutors Research Institute; and Richard Ashton, Grant/Technical Management Manager of the Highway Safety Committee of the International Association of Chiefs of Police. These individuals also reviewed and provided comments on a draft of this report. Their energy and commitment provided us with essential leverage in moving forward the recommendations that will improve the effectiveness and efficiency of the DWI system, thereby reducing deaths and injuries on the road.

We also acknowledge with gratitude the participation and involvement of dedicated, experienced professionals from a range of criminal justice and traffic safety organizations. Significant improvements in the DWI system will not be accomplished without their collective cooperation and assistance. The names and affiliations of *Members of the Working Group* are provided in the beginning of this document; the names and affiliations of the others who participated in the meeting are provided in Appendix A.

In addition to the authors of this report, other members of TIRF staff who facilitated various aspects of the project were: Barbara Koppe, Steve Brown, Gisele Perron, and Emerita D'Sylva.

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The views and opinions expressed in this report are intended to reflect those of the criminal justice and traffic safety organizations represented at the meeting but the authors are solely responsible for the interpretation of these views and opinions and, therefore, the content of this report.

LIST OF ABBREVIATIONS USED IN THE REPORT

AAMVA	American Association of Motor Vehicle Administrators
AJA	American Judges Association
APPA	American Probation and Parole Association
APRI	American Prosecutors Research Institute
ATSIP	Association of Transportation Safety Information Professionals
BAT	Blood Alcohol Testing
BJA	Bureau of Justice Assistance
CDAА	California District Attorneys Association
COSCA	Conference of State Court Administrators
CSG	Council of State Governments
DRE	Drug Recognition Expert
DMV	Department of Motor Vehicles
DWI	Driving While Impaired - See footnote, page 1.
GHSA	Governors Highway Safety Association
HGN	Horizontal Gaze Nystagmus
IACP	International Association of Chiefs of Police
IJIS	Integrated Justice Information Systems Institute
IPTM	Institute of Police Technology and Management
MMUCC	Model Minimum Uniform Crash Criteria
NACM	National Association for Court Management
NAPC	National Association of Prosecutor Coordinators
NASADAD	National Association of State Alcohol and Drug Abuse Directors
NASJE	National Association of State Judicial Educators
NATTC	Addiction Technology Transfer Center Network
NCJA	National Criminal Justice Association
NCSC	National Center for State Courts
NCSL	National Conference of State Legislatures

LIST OF ABBREVIATIONS *continued...*

NDAAs	National District Attorneys Association
NHTSA	National Highway Traffic Safety Administration
NIAAA	National Institute on Alcohol Abuse and Alcoholism
NIC	National Institute of Corrections
NIJ	National Institute of Justice
NJC	National Judicial College
NTLC	National Traffic Law Center
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
PBT	Preliminary Breath Test
PPG	Performance Partnership Grant
PSR	Pre-sentence Report
SAMHSA	Substance Abuse and Mental Health Services Administration
SAPT	Substance Abuse Prevention and Treatment
SFST	Standardized Field Sobriety Tests
TEA-21	Transportation Equity Act for the 21st Century
TIRF	Traffic Injury Research Foundation
TRCC	Traffic Records Coordinating Committee
TRF	Traffic Records Forum

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BACKGROUND

In recent years alcohol-related traffic fatalities have increased, resulting in a renewed focus on impaired driving. In particular, efforts have targeted hard core drinking drivers, who are responsible for a significant amount of the problem. However, their ability to avoid apprehension, prosecution and sanctioning seriously undermines the efficiency and effectiveness of the criminal driving while impaired (DWI¹) system. This problem has been extensively documented in a comprehensive study of the criminal DWI system involving several thousand frontline professionals across the United States. The findings and recommendations from this research were published in a series of reports by the Traffic Injury Research Foundation (TIRF) -- Enforcement (Simpson and Robertson 2001), Prosecution (Robertson and Simpson 2002a), Sanctioning (Robertson and Simpson 2002b) and Monitoring (Robertson and Simpson 2003a). These reports, which have been embraced by leading criminal justice organizations and other traffic safety agencies, identified key problems at each phase of the criminal DWI system and recommended practical solutions to overcome them.

The priority recommendations contained in the four major reports were recently summarized and synthesized (Robertson and Simpson 2003b). That report also underscored the high level of consensus that exists among criminal justice professionals regarding system problems and how to overcome them. Moreover, it placed special emphasis on the fact that the various professional components -- enforcement, prosecution, adjudication/sanctioning, and supervision -- are part of a highly interdependent system and demonstrated that improvements in one problem area can have beneficial effects throughout the system. This highlights the need for improved communication and cooperation among criminal justice professionals to address common problems and improve the system at all levels.

¹ 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) or DUI (driving under the influence), and in some states they refer to different levels of 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 drinking drivers.

To move the recommendations forward and to facilitate cooperation among the key professionals, a *Working Group on DWI System Improvements* was formed by TIRE, in consort with the American Judges Association (AJA)², the American Probation and Parole Association (APPA), the Highway Safety Committee of the International Association of Chiefs of Police (IACP), and the National Traffic Law Center (NTLC) of the American Prosecutors Research Institute (APRI). Initial membership in the *Working Group* has been restricted to criminal justice professionals representing the four segments of the system -- enforcement, prosecution, adjudication and sanctioning, and supervision -- to ensure a focus on clearly identified priority criminal justice concerns.

The goals of the *Working Group* are three-fold:

- to identify priority initiatives for improving the efficiency and effectiveness of the DWI system;
- to develop an action plan for implementing these initiatives; and,
- to encourage the appropriate agencies to take the needed action.

INAUGURAL MEETING

To commence the activities of the *Working Group*, an inaugural meeting was held in Orlando, Florida on March 1-2, 2004, and this report summarizes the results of that meeting. The objectives of the meeting were to:

- identify shared concerns and priorities for action;
- exchange information and learn about new and ongoing initiatives to improve the DWI system;
- network with other professionals working in the DWI system to improve communication and cooperation; and,
- identify opportunities for collaboration.

²The names of the various organizations cited in this report will be reiterated periodically, in addition to the use of acronyms, to familiarize the reader with the many criminal justice organizations participating in this meeting, and to improve communication. The websites for each of these organizations are listed in Appendix B.

Participants

The *Working Group* is comprised of 18 members – two from TIRF and four from each of the criminal justice sectors (enforcement, prosecution, sanctioning, and supervision). A complete list of members and their organizations can be found at the beginning of this report. The members of the *Working Group* who attended the meeting represent the core professionals involved in the justice system and have demonstrated a commitment to improving the efficiency and effectiveness of the DWI system.

To broaden the expertise represented at the meeting, other organizations with a vested interest in impaired driving were also invited to attend the meeting to observe the proceedings and exchange information. A list of the participating agencies can be found in Appendix A.

Agenda

A copy of the meeting agenda appears in Appendix C. The meeting was structured to address two basic questions:

- what initiatives are currently in place to address problems in the DWI system (i.e., who is doing what?); and
- what additional measures are needed to improve the efficiency and effectiveness of the system (i.e., what needs to be done?).

In order to address each of these questions, the discussion was organized around the following six priority recommendations that were previously identified by criminal justice professionals and summarized in the synthesis report (Robertson and Simpson 2003b):

- **Communication and Cooperation:** Improve communication and cooperation within and between the professional groups (police, prosecutors, judges, probation officers) as well as among other key stakeholders (e.g., DMV, service providers, medical professionals).

- **Training and Education:** Enhance training and education for all professional groups, especially initiatives that bring together the professionals whose work is intimately connected in the system.
- **Technology:** Prioritize the expanded, uniform use of new products and technologies that can improve the identification, processing and supervision of hard core repeat offenders.
- **Legislation:** Simplify and streamline existing DWI statutes. To achieve this, states should undertake a legislative review that seeks input from key stakeholders and aims to close existing loopholes that permit hard core offenders to avoid prosecution, conviction, and appropriate sanctioning.
- **Record Linkages, Availability and Access:** Develop, improve and evaluate record systems to promote integration and to coordinate data-sharing capabilities among agencies that will ensure timely access to appropriate, accurate and current information.
- **Resources:** Enhance resources and/or allocate them more effectively to ensure agencies and professionals can achieve their goals and objectives.

Some of these priority recommendations were addressed in the meeting using discussion groups that paired relevant justice professionals; other more cross-cutting priorities were discussed in plenary sessions.

To provide an overview of some of the system problems identified at several phases in the DWI system and to underscore that many of the problems at one phase of the system can have reverberations throughout it -- impacting its effectiveness and efficiency -- initial, background presentations were made by TIRF staff.

NEW AND ONGOING INITIATIVES: WHO IS DOING WHAT?

Members of the *Working Group* and observers each gave a brief presentation on the mission or role of their respective organization, highlighting any recent activities that address the six priority recommendations. This provided a contemporary inventory of initiatives aimed at improving the effectiveness of the DWI system and provided the basis for subsequent discussions regarding what other initiatives are required and how they may be accomplished.

The following inventory of new and ongoing initiatives has been edited to include only the more recent efforts of organizations and only those that address the priority recommendations. A limited number of initiatives appear under more than one of the six priority recommendations because they address multiple issues.

Communication and Cooperation

“Improve communication and cooperation within and between the professional groups (police, prosecutors, judges, probation officers) as well as among other key stakeholders (e.g., DMV, service providers, medical professionals).”

Communication and cooperation among criminal justice professionals are essential for the system to work effectively because activities within the justice system are highly interdependent. For example, prosecutors rely on evidence collected and documented by police officers; judges rely on the information provided by probation officers in a pre-sentence report (PSR). Information sharing and cooperation are imperative because impaired driving cases are among, if not, the most complicated criminal cases. However, lines of communication within, between and among professional organizations are often inconsistent and sometimes even non-existent. Within groups, new professionals may have limited opportunities to interact and learn from more experienced professionals, and cooperative relationships among natural alliances (e.g., police and prosecutors) are not always fostered.

This lack of communication and cooperation also has negative consequences for the ability of professionals to improve the system by capitalizing on effective initiatives already in place. *This was underscored by discussions at the meeting. Many of the agencies and professional groups were unaware of the activities of other agencies represented at the meeting and, in some cases, even unaware of the existence of the agency itself.* This has obvious implications for the success of these initiatives since they are being underutilized and are often disconnected from other similar or complementary initiatives. Moreover, the lack of knowledge about who is doing what can contribute to the costly duplication of efforts.

The need for more communication was underscored by the lack of awareness of other agencies and their mandates.

For many participants, this was the first opportunity they had to meet and interact with members from other key organizations, specifically to share concerns about the DWI system and to discuss means for improving its effectiveness. The eagerness with which participants shared ideas, exchanged information and established contacts was testimony to the value of the meeting and demonstrated that improvements in communication and cooperation can be achieved.

Some steps have already been taken to improve communication and cooperation within, between, and among criminal justice professionals and other related organizations. The following initiatives were described by participants at the meeting.

Conferences:

- Symposium on alcohol and drug enforcement: This annual summer conference brings together police officers and prosecutors for joint training and educational initiatives. More information can be obtained from the Institute of Police Technology and Management (IPTM) at (904) 620-IPTM.
- Criminal justice summit: The National Criminal Justice Association (NCJA) hosted a Criminal Justice Summit on Impaired Driving in

November 2002, under funding from the National Highway Traffic Safety Administration (NHTSA), which involved criminal justice professionals, researchers, and government officials. This conference sought to identify key problems in the field of impaired driving, ways they can be overcome, and the action that is needed. The proceedings from this conference are available at www.ncja.org.

- Traffic records forum: The Association of Transportation Safety Information Professionals (ATSIP) hosts the annual Traffic Records Forum for state and local traffic system managers, including collectors and users of traffic records data. Researchers and practitioners are able to interact, exchange ideas and learn about new practices. ATSIIP also coordinates the collection, management and use of highway safety information among jurisdictions through the State Traffic Records Coordinating Committee. Information on the 2004 Forum can be obtained at www.atsip.org/forum2004.

Programs

- Protecting lives, saving futures program: This is a National Traffic Law Center (NTLC) initiative in partnership with NHTSA to improve training and communication between police and prosecutors by using novel approaches such as trading roles (www.ndaa-apri.org).
- Riverside impaired driver enforcement (RIDE): Developed by the Riverside County Police Department in California, this program complements the Avoid the 30 Program (see resources section). It also includes a training component -- the California District Attorneys Association (CDA) conducts a series of training sessions with law enforcement on issues that are critical to a successful prosecution.
- Vehicular homicide prosecution: This program developed by the CDA involves a designated deputy district attorney who reviews vehicular homicide cases for filing of charges and assists law enforcement in coordinating high-profile investigations; they also conduct training for law enforcement and prosecutors in the best practices for investigating and prosecuting vehicular homicide cases.

Newsletters

- Between the lines: This national newsletter from the NTLC highlights current issues, events and resources pertaining to highway safety laws and enforcement. The newsletter is available electronically at www.ndaa-apri.org.
- State newsletters: Several state prosecutor associations that are members of the National Association of Prosecutor Coordinators (NAPC) produce separate newsletters to keep prosecutors up-to-date about traffic safety and legal issues relating to DWI in their respective states. (e.g., Green Light News by the Prosecuting Attorneys Association in Michigan (see www.paamtrafficsafety.com), and The DUI News by the Tennessee District Attorneys General Conference (see www.tndagc.com).

Training and Education

“Enhance training and education for all professional groups, especially initiatives that bring together the professionals whose work is intimately connected in the system.”

Impaired driving cases involve complex laws and statutory requirements as well as highly technical, scientific evidence. Among professionals, these cases are frequently considered some of the most challenging to process. Police officers must ensure that investigations meet constitutional standards and that evidence is collected and documented according to statutory requirements. Prosecutors and judges must be familiar with various methods of breath testing and the science surrounding horizontal gaze nystagmus (HGN) tests as well as legal rulings on the admissibility of test results.

While many criminal justice professionals receive considerable training as they begin their careers, they are often not well equipped to deal with the remarkably complex issues associated with DWI cases, especially those involving hard core repeat offenders. For example, at the enforcement

level, these individuals are frequently alcohol tolerant and, therefore, difficult to detect and less likely to cooperate with police investigations. Specialized training is essential for all professionals in the DWI system.

Continuing education is also necessary for professionals to keep pace with legislative and regulatory changes and scientific advancements. Many professionals report that the quality and quantity of such training can vary considerably among jurisdictions. Some larger jurisdictions that can better accommodate dedicated law enforcement units and prosecutors appear to have more training opportunities in the form of specialized courses or conferences, usually because there are more professionals to attend these events and greater resources available to support them. Smaller jurisdictions with fewer resources find it more difficult to consistently offer specialized training or permit professionals to take time away from their regular duties to expand their skills and expertise. Paradoxically, it is these very jurisdictions that need the training most because a majority of DWI cases are handled in rural jurisdictions and lower courts.

Specialized training and continuing education are essential for professionals to keep pace with legislative changes and scientific advancements.

The importance of training and education for criminal justice professionals has long been recognized as critical to the success of the DWI system. The following, rather extensive, list of ongoing initiatives is testimony to that recognition.

Educational Courses

- Enforcement courses: A variety of standard training courses relating to DWI enforcement are offered at the Institute of Police Technology and Management (IPTM). These courses focus on Standardized Field Sobriety Tests (SFSTs), in-car videos, case preparation and courtroom testimony. For a complete list of available courses, consult the IPTM training catalog.
- Medical foundations of visual testing systems for drug recognition experts (DREs) and prosecutors: This course, also offered at

IPTM, is presented by Dr. Karl Citek, and permits DREs to qualify as experts in court. This facilitates the introduction of horizontal gaze nystagmus (HGN) testimony and the interpretation of the test results in relation to impairment. More information about this course can be obtained from IPTM at (904) 620-IPTM.

- Prosecuting intoxicated drivers: This NHTSA course, offered by the National Association of Prosecutor Coordinators (NAPC) and the American Prosecutors Training Institute (APRI), teaches the basics regarding the prosecution of DWI cases.
- Lethal weapon course: This NHTSA course examines complex cases involving alcohol and a vehicular crash or collision, and trains prosecutors to process these cases effectively and respond to challenges presented by the defense. It is offered annually by NAPC and APRI and other state prosecutor training associations.
- Drugged drivers course: This NAPC course provides training on the prosecution of drugged drivers, develops the skills needed to respond to challenges raised by the defense, and provides training in the interpretation of scientific testimony.
- Regional training courses: The California District Attorneys Association (CDAA) offers regional DWI training for newer prosecutors, and some with more experience, to improve their skills, permitting them to handle increasingly difficult cases.
- Alcohol education courses: This joint training initiative, supported by the National District Attorneys Association (NDAA), assists police and prosecutors in understanding the effects of alcohol and relating BAC levels to the impairment of motor skills, through personal experience.
- Judicial educational courses: The National Judicial College (NJC) offers several standard courses for judges on the issue of impaired driving including, DUI Primer for Judges, Sentencing Motor Vehicle Law Offenders, and Traffic Issues in the 21st Century (www.judges.org).

- Problem solving courts course: The NJC and the Conference of State Court Administrators (COSCA) are developing courses on problem solving courts. Judges can receive training on how to implement these courts and then return to their own jurisdiction to educate other judges. For more information contact Dennis Jones, Director of Operations, NJC, at jones@judges.org.
- Substance abuse course: The American Probation and Parole Association (APPA) is working with the American Judges Association (AJA) to develop a curriculum for educating judges on substance abusing offenders. Part of the curriculum will focus on court-ordered conditions and responses that are graduated, based on offender behavior. More information on this initiative can be obtained by contacting Kent Wagner or Denise Dancy at the National Center for State Courts.

Programs

- Drug recognition expert (DRE) program: The International Association of Chiefs of Police (IACP) has a long-standing relationship with the National Highway Traffic Safety Administration (NHTSA) to promote the training of officers as DREs to improve the detection of drivers impaired by drugs. Currently about 5,555 officers have been certified by NHTSA as DREs in 38 states, and of these about 1,100 have also been certified as DRE instructors. For more information about the DRE program, contact Carolyn Cockroft at 1-800-843-4227 ext.206.
- Protecting lives, saving futures program: This is a National Traffic Law Center (NTLC) initiative, in partnership with NHTSA, to improve training and communication between police and prosecutors by using novel approaches such as trading roles (www.ndaa-apri.org).
- Riverside impaired driver enforcement (RIDE): Developed by the Riverside County Police Department in California, this program complements the Avoid the 30 Program (see the resources section). It also includes a training component -- the California District

Attorneys Association (CDAA) conducts a series of training sessions with law enforcement on issues that are critical to a successful prosecution.

- Vehicular homicide prosecution program: This program developed by the CDAA involves a designated deputy district attorney who reviews vehicular homicide cases for filing of charges and assists law enforcement in coordinating high-profile investigations; they also conduct training for law enforcement and prosecutors in the best practices for investigating and prosecuting vehicular homicide cases.
- Workforce development programs: The Addiction Technology Transfer Center Network (see www.nattc.org) conducts regional workforce surveys and encourages addiction counselor development by providing adult continuing education and fostering increased opportunities for academic preparation.

Conferences

- Symposium on alcohol and drug enforcement: This annual conference is organized by the Institute of Police Technology and Management (IPTM) and brings together police officers and prosecutors for joint training and educational initiatives. More information can be obtained from IPTM at (904) 620-IPTM.
- Annual IACP drugs, alcohol and impaired driving training conference: Sponsored by the DRE Section of the IACP, this conference provides training on a broad range of issues related to impaired driving. More information about this conference can be found at www.theiacp.org/div_sec_com/sections/DRE.
- Vehicular homicide seminar: The CDAA hosts a statewide Vehicular Homicide seminar, depending on available funding, usually in the fall. It involves a 2.5 day program, covering everything from charging considerations, applicable case and statutory law, trial tactics, law and motion practices, toxicology and accident reconstruction fundamentals. This seminar is open to both prosecutors and law enforcement personnel.

- DWI sentencing summit: The National Judicial College (NJC) hosted a DWI sentencing summit in March 2004 to identify and develop best practices for sentencing DWI offenders that can be used by judges across the country. A report on the proceedings is expected in late fall 2004 (www.judges.org).

Written and Electronic Resources

- Monograph series: The National Traffic Law Center (NTLC) produces a series of concise educational monographs for prosecutors and law enforcement officers across the country. Each monograph focuses on a particular subject relating to DWI and is designed to provide training and guidance to prosecutors handling these cases. Copies of these monographs can be obtained by contacting the NTLC at trafficlaw@ndaa-apri.org or (703) 549-9222.
- Judicial leadership to reduce the incidence of impaired driving: A distance learning DWI curriculum for judges across the country is being developed by the National Center for State Courts (NCSC), under funding from NHTSA, using an expert panel with representatives from all levels of state courts, judicial educators, court administrators, law enforcement and researchers. For more information contact Gene Flango at gflango@ncsc.dni.us.
- Clearinghouse: NTLC maintains an online clearinghouse containing case law, model legislation, lists of experts and their expert testimony, research on sanctioning, trial documents and training materials. This clearinghouse can be found at www.ndaa-apri.org.
- Clearinghouse: The National Association of State Judicial Educators (NASJE) is developing a clearinghouse for the exchange of materials, techniques and information on DWI. This website, developed under funding from NHTSA, is housed at the New Mexico Judicial Education Center website (<http://nasjedui.unm.edu>).

- Reports: The National Center for State Courts recently completed a report on problem solving courts. NCSC has also recognized the need for performance measures in this area. Their reports are available online at www.ncsconline.org.
- Training and education materials: The Addiction Technology Transfer Center Network (see www.nattc.org) delivers training using symposia, workshops, videos, magazines and distance learning. Some of the issues covered in their materials include increasing organizational capacity for the use of evidence-based practices, facilitating the development of an evidence-based treatment plan, training in co-occurring disorders, and women and substance abuse treatment.

Human Resources

- Traffic safety resource prosecutors: To serve as an information source and clearinghouse to assist prosecutors handling DWI cases, the National Traffic Law Center (NTLC) is working to establish a traffic safety resource prosecutor in every state. Recently, in April 2004, under funding from NHTSA, the NTLC hosted the first annual conference to bring together traffic safety resource prosecutors.
- Mentoring: This NTLC program, funded by NHTSA, is being developed to improve prosecutors' skills and motivation, and to encourage continuity in the DWI field by providing mentors for new attorneys (**703-549-4253 or trafficlaw@ndaa-apri.org**).
- Data professionals: The Association of Transportation Safety Information Professionals (ATSIP) is a group of highway safety professionals who possess training in the analytic methods appropriate for the evaluation of highway and traffic safety information (**www.ATSIP.org**).

Research

- Research: The National Conference of State Legislatures (NCSL) transportation committee provides research and information to legislators and staff across the country as well as testimony to Congress and state legislatures. This can occur through individual requests, technical assistance projects at the state level, publications, web resources, national meetings and seminars. Some of this information is available online at www.ncsl.org.
- Research: The National Institute of Alcohol Abuse and Alcoholism (NIAAA) has produced reports on the use of alcohol as well as impaired driving. For example, NIAAA conducted a national epidemiological survey and produced a special report to the U.S. Congress on Alcohol and Health that examined issues of prevention and treatment. This report is available at their website www.niaaa.nih.gov.

Standards

- Continuing education standards: The National Association of State Judicial Educators (NASJE) has developed new principles and standards for the continuing education of state judges. This document is available through NASJE (<http://nasje.unm.edu>).

Professional Recommendations

- Recommendations: Consistent with recommendations contained in the TIRF reports, the National Association of State Alcohol and Drug Abuse Directors (NASADAD) has made recommendations regarding the expansion of treatment capacity, improved workforce recruitment, training and competency. It has also urged flexibility in program and policy implementation at the state level.

Technology

“Prioritize the expanded, uniform use of new products and technologies that can improve the identification, processing and supervision of hard core repeat offenders.”

New technologies have been developed to facilitate the work of professionals at all phases of the system to improve not only its efficiency but also its effectiveness. Police paperwork can be computerized to reduce errors and processing-time; prosecutors and judges can research new case law and track expert testimony using on-line searches; and probation officers can improve the supervision of offenders using random alcohol testing products and electronic monitoring. However, only a limited number of jurisdictions have access to these technologies, making the processing of DWI cases inconsistent.

Limited access to new technologies can make the processing of DWI cases inconsistent and work products incompatible.

Moreover, the technologies used by some jurisdictions may make their work product incompatible with that of other jurisdictions that do not have the technology. For example, computerized police forms may contain different information or use a different format than police forms that are completed manually. This can create problems when data are being collated at the state level.

Some initiatives are already underway to expand the application and use of technological solutions. The following programs were identified by meeting participants.

Technological Applications

- Breath alcohol testing (BAT) mobile program: In Austin, Texas police are using in-car videos and, more recently, a BATmobile to facilitate breath alcohol testing in the field. This has improved efficiency -- arrest processing time has been reduced by as much as 70 minutes. It has also increased the interest of new officers in

DWI enforcement because the BATmobile is a unique tool. For more information about this program contact Sharon Bauer at 1-512-974-5312.

- E-license check program: NHTSA has a program in New York to conduct e-license checks for suspended and revoked drivers. Officers are equipped with portable computers so they can verify licenses and vehicle registrations during traffic stops.
- Paperwork reduction: There is an initiative underway in Michigan to develop a standardized packet that would minimize the time it takes officers to complete DWI paperwork. Forms used in each jurisdiction have been collected, reviewed, and considered as part of the packet. This initiative involves police, prosecutors and others. Efforts to automate this process are also being considered. For more information on this initiative, contact David Wallace at Wallaced@michigan.gov.

Legislation

“Simplify and streamline existing DWI statutes. To achieve this, states should undertake a legislative review that seeks input from key stakeholders and aims to close existing loopholes that permit hard core offenders to avoid prosecution, conviction and appropriate sanctioning.”

For the past decade, legislators have passed a wealth of laws in an effort to address the drunk driving problem. The end result has been a patchwork of laws containing loopholes that savvy repeat offenders have often exploited to avoid conviction and sanctioning. Criminal justice professionals have collectively expressed their frustration over the complexity and inconsistencies in DWI legislation that frequently impede their ability to effectively complete their duties. Police officers and prosecutors report that technicalities are a common source of dismissal; judges may be required to impose mandatory minimum sentences with no resources to support them; and,

Criminal justice professionals have collectively expressed their frustration over the complexities and inconsistencies in DWI legislation.

probation officers report that it can be difficult to impose sanctions for probation violations because of legislative challenges.

Professionals are often amazed by the substantial differences in state legislation and the difficulties posed by vague and/or conflicting laws. For example, some states have much greater constitutional freedom than others to address issues such as test refusal and the admissibility of HGN evidence.

The most common concerns of all meeting participants involved complex statutory requirements, the admissibility of evidence and the management of out-of-state offenders. Issues concerning HGN, counting prior convictions, obtaining information about defendants and admissible records of identification were also frequently raised.

In recognition of such concerns, efforts are already underway to simplify and streamline existing legislation to close loopholes and to encourage consistency in the development of new legislation.

Legislation

- Database: The National Conference of State Legislatures (NCSL) has developed a legislative database that tracks all impaired driving legislative initiatives in each state (www.nhtsa.dot.gov/ncsl).
- Reform: Associations, such as the National District Attorneys Association (NDAA), work with legislatures to effect change. For example, in Missouri legislation has been initiated specifying that once a DWI offense has been prosecuted as a felony, every subsequent offense is prosecuted as a felony.

Policy

- Policy development: The National Criminal Justice Association (NCJA) serves as a catalyst for the careful consideration and promotion of effective and efficient criminal justice policies at the federal level and represents state interests in these matters.

- Policy development: The Council of State Governments (CSG) has a Public Safety and Justice Task Force that works to develop policy and educate legislators who can take this knowledge home to their respective states. CSG is also working in partnership with the National Institute of Corrections (NIC) to supervise the introduction of the Interstate Compact on Adult Supervision that will coordinate the supervision of all offenders moving across state lines. CSG also has a Suggested State Legislation program that works to inform state legislators about important policy issues (www.csg.org).
- Policy guidance: NCSL gathers information from a variety of sources, including researchers and practitioners, to provide assistance and guidance on proposed legislative changes. This information may be offered through formal presentations to legislators or through written documents (www.ncsl.org).
- Standards: The Addiction Technology Transfer Center Network (see www.nattc.org) is working to develop uniform testing and certification standards in Florida to institutionalize new education requirements based on new addiction counselor's scope of practice competencies in Florida.

Recommendations

- Organizational recommendations: Consistent with proposals contained in the TIRF reports, the National Association of State Alcohol and Drug Abuse Directors (NASADAD) has made recommendations regarding the expansion of treatment capacity, improved workforce recruitment, training and competency. It has also urged flexibility in program and policy implementation at the state level.
- Resolution process: CSG monitors a broad range of issues that impact state governments. For example, CSG recognizes impaired driving as a significant problem and is providing support for agencies, such as the Century Council, that are working to address this problem.

- **Advocacy:** The Governors Highway Safety Association (GHSA) represents the interests of the States to the federal government on a broad range of issues, including the re-authorization of the federal transportation safety legislation (TEA-21).

Research and Evaluation

- **Assessments:** States can request, through NHTSA, an “assessment” by a panel of experts that comes to the state to assess all aspects of the DWI system, including prevention, criminal justice responses, treatment and program management. These assessments take approximately five days to complete and the state is provided with a written assessment identifying areas where improvements can be made. The Region IV office in Atlanta has also recently developed a “DWI System Assessment Tools” process that is currently being piloted in three local jurisdictions in each state. Experts from their 8 states (AL, AR, FL, GA, MI, NC, SC, TN) established measures or standards relating to enforcement, prosecution, adjudication and treatment.

Record Linkages, Availability and Access

“Develop, improve and evaluate record systems to promote integration and to coordinate data-sharing capabilities among agencies that will ensure timely access to appropriate, accurate and current information.”

Criminal justice professionals unanimously agree that record systems require considerable improvement. Different records share common problems in that they often contain incomplete information, are often inaccurate, difficult to access, and/or are not available in a timely fashion. Moreover, professionals often rely on different sources of records to obtain needed information. This can impede effective decision-making because different professionals base their decisions on different

Professionals often rely on different sources of records to obtain information and this can impede effective decision-making.

information. For example, a prosecutor may recommend a harsher sentence based on prior convictions, whereas the judge may have no record of those priors.

Many key agencies are not aware of comprehensive initiatives to improve the quality of records.

Professionals may also be unaware of alternative sources of records (e.g., rely on state driving record repositories instead of the National Driver Register). This was highlighted at the *Working Group* meeting by the fact that many professionals were unfamiliar with a variety of comprehensive record initiatives (e.g., the Global Justice Information Sharing Initiative, Records Improvement Quality Committee), or were unaware that their respective organizations had not taken advantage of opportunities to become involved in such initiatives (e.g., there is no judicial representation in the ATSIP). Of course, this problem again underscored the need for and value of improved communication.

Participants at the *Working Group* meeting identified the following initiatives that seek to improve the exchange of information and the accessibility of information necessary to process DWI cases.

Standards

- Technology standards: The National Center for State Courts (NCSC), in conjunction with the Conference of State Court Administrators (COSCA) and the National Association for Court Management (NACM), is working to develop technology standards that will define the data elements needed for court procedures and processes. More information about this initiative can be found at www.ncsconline.org/D_Tech/Standards/Standards.htm.
- Evaluation and standards: The Association of Transportation Safety Information Professionals (ATSIP) works to develop, improve and evaluate traffic records data systems in terms of standards, policies and applications. For example, their Data Quality Committee is working to develop practical quality control measures for every step

in the traffic records process, from collection to storage, management, analysis and interpretation.

The ANSI D-16 standard (maintained by ATSIP) and the ANSI D-20 standard (maintained by AAMVA – American Association of Motor Vehicle Administrators) as well as U.S. DOT guidelines such as the Model Minimum Uniform Crash Criteria (MMUCC) maintained by NHTSA, all define information that should be collected related to impaired driving and its consequences.

Cooperation

- Joint initiatives: The National Criminal Justice Association (NCJA), the International Association of Chiefs of Police (IACP), and other key organizations are active participants in the Global Justice Information Sharing Initiative. This initiative seeks to develop and implement a “standards-based electronic information exchange capability, providing the justice community with timely, accurate, complete and accessible information in a secure and trusted environment”. For more information on this initiative, see www.it.ojp.gov/global.
- Exchange of information: ATSIP hosts the annual Traffic Records Forum for collectors, managers and users of traffic records data. Researchers and practitioners are able to interact, exchange ideas and learn about new practices in other states (www.ATSIP.org).

Most states in the U.S. have a Traffic Records Coordinating Committee (TRCC) that directs improvements to and the management of highway and traffic safety information systems in an effort to meet the needs of collectors, managers and users of these data sources.

Resources

“Enhance resources and/or allocate them more effectively to ensure agencies and professionals can achieve their goals and objectives.”

Criminal justice professionals have long identified the lack of resources as a serious impediment to their efficiency and effectiveness. In the past decade, most professional groups have endured stagnant funding; many have experienced cutbacks in resources. Not surprisingly, many professionals identify a lack of manpower to keep pace with expanding workloads as a priority problem. Moreover, many agencies lack the resources to invest in new technologies that could potentially address priority problems by increasing efficiencies.

There is an abundance of new technologies that can improve the detection, processing and supervision of hard core drunk drivers. But many police agencies still complete paperwork manually, prosecutors in smaller jurisdictions do not have consistent computerized access to legal databases, and probation departments can not offer some effective alternative sanctions (e.g., interlocks, electronic monitoring) because funding is not available to support these programs.

Professionals agree that it is unlikely that significant new resources will be allocated to impaired driving in light of the current financial challenges

Agencies need to become more creative in accessing funding streams, re-allocating existing funds and identifying new sources of revenue.

faced by most states. Therefore, agencies need to become more creative in accessing existing funding streams, re-allocating existing funds, and identifying new sources of revenue. This will require organizations to look beyond traditional partners and explore new avenues and opportunities to collaborate with other agencies that are external to the criminal justice system.

Participants at the *Working Group* meeting identified the following initiatives that seek to enhance the use of resources in a more effective and efficient manner.

Programs and Projects

- **High visibility enforcement program:** The International Association of Chiefs of Police (IACP) works with NHTSA on high visibility enforcement, saturation patrols and checkpoints programs. This has been identified as a priority by NHTSA in 2004. More information can be found in *Initiatives to Address Impaired Driving*, published by NHTSA in December 2003.
- **Traffic safety resource prosecutors:** To serve as a state-wide information source and clearinghouse to assist prosecutors handling DWI cases, the National Traffic Law Center (NTLC) is attempting to establish a resource prosecutor position in every state. Recently, in April 2004, under funding from NHTSA, the NTLC hosted the first annual conference to bring together traffic safety resource prosecutors.
- **Avoid the 30:** This program, encouraged by the California District Attorneys Association (CDAA), involves all 30 law enforcement agencies in Riverside County and is funded by a grant from the California Office of Traffic Safety. Agencies use sobriety checkpoints and saturation patrols, coupled with public awareness and education through the media, to target specific areas that have high numbers of DWI arrests.
- **Clearinghouse:** The National Association of State Judicial Educators (NASJE) is developing a clearinghouse for the exchange of materials, techniques and information on DWI. This website was developed under funding from NHTSA and is housed on the New Mexico Judicial Education Center website (<http://nasjedui.unm.edu>).
- **Model tracking system:** NHTSA is funding the implementation of model impaired driving tracking systems in four states (AL, IA, NE, WI). NHTSA plans to add more states to this project as it progresses and create linkages between these systems.
- **State criminal justice initiatives:** The state organizations that are represented by the Governors Highway Safety Association (GHSA)

fund a wide variety of state initiatives in the area of impaired driving. For example, in some states, the state association provides funds to support the traffic safety resource prosecutor (described above).

- Research and Evaluation: The National Institute of Justice (NIJ) produced a major report on Alcohol and Crime (available at their website) that has evaluated a number of relevant programs (www.ojp.usdoj.gov/nij).

Funding

- Research: The American Probation and Parole Association (APPA) recently received a grant from NHTSA to accomplish a number of goals including: gathering data on current community corrections policies and practices for supervision of pretrial defendants or convicted offenders involved in a driving offense while impaired by mood altering substances; developing guidelines and model protocols for effective supervision of these offenders; and, disseminating information through publications and presentations for community corrections professionals on the implementation of the guidelines and protocols.
- Technical assistance and training: The National Institute of Corrections (NIC) Community Corrections Division provides technical assistance and training to state and local governments that need to better supervise DWI offenders. NIC can either send staff from one agency to another to observe an effective program (e.g., probation officers from Minnesota observed a program and met with staff in Connecticut) or consultants can be sent to the requesting agency to provide training. Requests for assistance can be made in writing to the Community Corrections Division of NIC, outlining the goals of the technical assistance.
- Grants: The National Association of State Alcohol and Drug Abuse Directors (NASADAD) is working with the Substance Abuse and Mental Health Services Administration (SAMHSA) on the

transition from the current Substance Abuse Prevention and Treatment (SAPT) Block Grant to a Performance Partnership Grant (PPG). The PPG would focus on State systems accountability by requiring States to measure current performance, set targets, and adjust State system activities and priorities based on performance relative to the targets as well as within the context of their current operational capabilities.

- Grant availability: The National Criminal Justice Association (NCJA) provides information on justice assistance funding, including programs, authorizing statutes, funding uses, funding levels, eligible grantees and the granting agency (www.ncja.org).
- Call for proposals: The National Institute of Justice (NIJ) recently issued a solicitation for crime and justice research including, law enforcement, justice systems, offender programs and treatment, and drugs, alcohol and crime. More information is available at the NIJ website www.ojp.usdoj.gov/nij.

INITIATIVES TO ADDRESS PRIORITY RECOMMENDATIONS: WHAT STILL NEEDS TO BE DONE?

It is readily apparent from the previous section that criminal justice professionals have already undertaken an impressive array of initiatives to improve the effectiveness and efficiency of the DWI system. However, participants at the *Working Group* meeting emphasized that much more needs to be done. To illustrate, despite the significant advances that have been made in the area of training and education, professionals still identify this as a priority concern. It is evident that current initiatives are not uniformly available or as comprehensive as they need to be -- e.g., many training initiatives address the specific needs or concerns of a particular professional group in isolation from the needs and concerns of other professional groups within the DWI system.

Communication, cooperation, and coordination must become hallmarks of the criminal justice system.

Similarly, a number of current initiatives are designed to facilitate and increase communication among the various professionals. Yet few of these measures create the consistent communication and cooperation that criminal justice professionals require. Greater efforts are necessary to ensure that channels of communication are clearly established and that the collaboration of professionals and exchange of information become standard practice and a hallmark of the justice system.

As well, many of the current initiatives that address the priority recommendations are, to date, limited in scope, available only in certain jurisdictions, and lack long-term sustainability. This is particularly true of technological, legislative and records initiatives. A more strategic effort is required to ensure that agencies are provided with the necessary tools and are uniformly capable of addressing the priority recommendations.

Consequently, action is still needed by all agencies to develop new initiatives to address the priority recommendations, and to do so in a cooperative and coordinated manner. This section describes the views and opinions of participants in the *Working Group* meeting regarding other initiatives that are needed to improve the efficiency and effectiveness of the DWI system. In this context, participants also identified principles that should govern the development and operation of such initiatives as well as issues and concerns they should address. These principles and issues as well as the specific initiatives are described below, separately for each of the six priority areas.

Communication and Cooperation

“Improve communication and cooperation within and between professional groups (police, prosecutors, judges, probation officers) as well as among other key stakeholders (e.g., DMV, service providers, medical professionals).“

Developmental Principles and Issues

Participants identified several principles that should guide the development of initiatives to improve communication and cooperation among criminal justice professionals as well as several issues that need to be addressed in their development and implementation.

- **Sensitivity:** There is a need to understand and respect that legal and ethical constraints will often limit the level of communication and cooperation that professional groups can exercise. For example, judges must remain as impartial as possible, so they are often restricted in how openly they can communicate and share information on certain issues, especially those related to a specific DWI case. Groups may also differ in the scope of their mandate and these differences need to be communicated so that others have realistic expectations regarding what assistance can be provided, legally and ethically. Furthermore, professionals have to make their information needs known and identify what formats and content are most easily accessed and used.
- **Flexibility:** The development and establishment of lines of communication and strategies for cooperation should be flexible – for example, urban and rural jurisdictions have varying capabilities and may face different concerns. As well, different professional groups are traditionally accustomed to certain protocols and formats in communication and information exchanges. These differences need to be recognized and respected.
- **Resistance:** Communication and cooperation will develop naturally and rapidly between some groups; in other cases it will require considerable time and effort because of barriers, both real and perceived. Not only are some agencies unaccustomed to working with others but, in some instances, adversarial tendencies have developed because of competing interests. Frontline professionals are often resistant to change, so there is a need to demonstrate the goals and benefits of working cooperatively with others. Improved communication can overcome these barriers and produce more effective working relationships.

- Recognition: Local programs that demonstrate effective communication and cooperation should be identified and promoted as models or best practices of the beneficial impact of interagency action.

Initiatives

In addition to the principles and issues described above, participants at the *Working Group* meeting identified a number of specific initiatives that can foster more effective communication within, between and among professional groups. Many of these initiatives can also be expected to have halo effects that will improve communication and teamwork on other issues.

- Traffic safety resource prosecutors: Specialized prosecutors should be established in every state to serve as an information clearinghouse for prosecutors handling DWI cases and to provide guidance and mentoring. Currently, 20 states have resource prosecutors (AR, CT, FL, GA, IN, IA, LA, MD, MA, MI, MT, NY, NC, SC, TN, TX, VT, WA, WV, WI) and the National Traffic Law Center (NTLC), under funding and in partnership with NHTSA, is currently working to establish them in other states and to establish a national network of resource prosecutors. The first annual conference of resource prosecutors was held April 6-7, 2004 in Washington, DC.
- Joint training initiatives: Training courses and programs that bring a diversity of criminal justice professionals together are to be encouraged and expanded. Such initiatives enhance the understanding of the interdependence of the various segments in the system, and give new meaning to individual roles, duties and responsibilities. Currently, the most common joint initiatives involve police and prosecutors.
- Multi-jurisdictional teams: A variant on joint training initiatives is the multi-jurisdictional team, implemented in some locations (e.g., CA). They typically involve police, prosecutors, and criminalists who come together to train and work jointly on impaired driving

issues using mock situations. Experience with this approach suggests that it helps to improve communication as well as an understanding of the needs of the other professionals.

- Other cooperative opportunities: There are a variety of methods -- e.g., ride alongs, breakfast clubs, and sobriety checkpoints -- that can be used to enhance interaction and communication among professional groups at the local level. Different professionals within a jurisdiction can meet for breakfast to exchange ideas and concerns on a monthly basis; prosecutors can participate in sobriety checkpoints to enhance their appreciation of the dynamic, complex environment in which DWI arrest data are gathered.
- Traffic safety forums: Forums involving local professionals are needed to address specific jurisdictional issues and improve communication around them. Members representing police, prosecutors, judges, probation officers and political officials could meet regularly to ensure that problems are identified and addressed. These are particularly important in light of local issues that often impact the handling of these cases; in many instances, judges are often in the best position to bring these individuals together.
- Clearinghouse: A national clearinghouse operated by a neutral entity is needed to provide comprehensive, objective information for all criminal justice professionals. This is particularly important for judges who often have concerns regarding impartiality and ethics and desire information from an unbiased source. Professionals want to be able to easily access information on DWI that pertains to their respective professions as well as information pertaining to others to understand their concerns and inform them about new initiatives and research. Currently, much of the research is maintained in a diversity of academic, research, traffic safety and criminal justice organizations.

Training and Education

“Enhance training and education for all professional groups, especially initiatives that bring together the professionals whose work is intimately connected in the system.”

Developmental Principles and Issues

Participants identified several principles that should guide the development of initiatives to improve the content, delivery and availability of training and education for all criminal justice professionals as well as several issues that need to be addressed in the development and implementation of these initiatives.

- Needs assessment: Training and education initiatives should be sensitive to the needs of front-line professionals to ensure that they receive the appropriate quality and quantity of training, delivered in a format that they find effective and practical.
- Flexible delivery: Methods of delivering training should be flexible to accommodate the requirements and capabilities of jurisdictions with varying resource and time constraints. For example, rural jurisdictions may find distance learning programs or day-training by visiting instructors more practical; larger jurisdictions may benefit from multi-day conferences with a variety of instructors.
- Leadership: Leadership by senior and middle management is a backbone to training and education -- it is needed to encourage and promote training initiatives as a priority for front-line professionals. In turn, such leadership will instill the needed motivation in front-line professionals to pursue DWI offenders and cases in a more consistent and effective manner.
- Institutional memory: One of the reasons that a heavy investment is required in training is the rapid turnover in professionals working on DWI cases. As a consequence, the pool of experienced

professionals is quickly diminished and institutional memory suffers. There is a need to ensure that experienced professionals are retained and their knowledge is shared and passed on to new recruits. Leadership can also assist in this regard by assigning greater priority to impaired driving and ensuring that experienced professionals are provided with incentives and opportunities for growth and advancement so they are encouraged to remain in this field.

- **Continuity of experts:** Continuity is greatly needed not only among criminal justice professionals but also among specialized experts who serve in a training and education capacity (e.g., HGN, toxicology). Currently, there is a limited pool of “experts” who can assist with training as well as actively assist in the prosecution of DWI cases. Efforts are needed to expand the number of available experts who can serve as both educators and certified court “experts”.
- **Cross-professional training:** Not surprisingly, all professional groups emphasized that existing and new training and educational programs should be expanded and broadened to facilitate information exchange across professional groups.
- **Generality of training:** Educational courses and conferences should be promoted as opportunities for professionals to develop skills and knowledge that will transcend DWI cases. The acquired skills and knowledge can also be applied to other areas and will enhance understanding of other professions and provide opportunities for advancement.

Initiatives

In addition to the principles and issues described above, participants identified a number of specific initiatives that can be used to foster more effective training and education within and among professional groups.

- **Traffic safety resource prosecutors:** Specialized prosecutors should be established in every state to provide training and serve as an

information clearinghouse for prosecutors handling DWI cases. Currently, 20 states have resource prosecutors (AR, CT, FL, GA, IN, IA, LA, MD, MA, MI, MT, NY, NC, SC, TN, TX, VT, WA, WV, WI) and the National Traffic Law Center (NTLC), under funding and in partnership with NHTSA, is currently working to establish more of these resource prosecutors in other states to establish a national network of resource prosecutors. The first annual conference of resource prosecutors was held April 6-7, 2004 in Washington, DC.

- **Mentoring:** Programs should be developed to encourage experienced professionals to mentor new recruits, passing along information and advice in the handling of DWI cases. This mentoring can occur directly from senior members who are retained, or indirectly using “source books” that others have developed based on their experience.
- **Expansion of experts:** Incentives are needed to encourage scientific specialists to become active in DWI issues and provide their expert services. There is a considerable need to build a larger knowledge base that criminal justice professionals can draw upon.
- **Newsletters:** Newsletters or other forms of publications are needed to expand knowledge about scientific and legal issues associated with DWI cases. Several examples can serve as models, including: the “Green Light News”, published by the Prosecuting Attorneys Association of Michigan; “The DRE”, published by the Maricopa County’s Prosecuting Attorneys Office; and, “The DUI News”, published by the Tennessee Conference of District Attorneys General. Awareness of these publications needs to be increased and states should be encouraged to develop similar publications to address issues specific to their jurisdiction. These publications also need to describe the various roles and responsibilities of professionals to foster a greater appreciation for the complexity and inter-connectedness of the roles of professionals within the system and illustrate how it can operate more effectively.

- Sanction effectiveness: Educational materials on what sanctions work best with what type of offender need to be developed for the judiciary to ensure that the sentences they impose will be effective. The educational materials should be brief and developed in cooperation with judges to maximize their reach and penetration.
- DWI court models: The principles associated with these problem-solving courts should be adopted as part of effective training to encourage teamwork and overcome the sometimes adversarial nature and attitudes of court professionals.
- Permanent entity of DWI professionals: An entity like the *Working Group on DWI System Improvements* is needed to provide professionals with a forum for sharing new information and strategies as well as for improving communication and collaboration. This entity can also assist organizations in developing institutional knowledge and can keep professionals informed about new initiatives occurring within other professions.

Technology

“Prioritize the expanded, uniform use of new products and technologies that can improve the identification, processing and supervision of hard core repeat offenders.”

Developmental Principles and Issues

Participants identified a number of principles that should guide the development and implementation of specific initiatives that will increase the use and availability of technology by criminal justice professionals, as well as several issues that need to be addressed in the development and implementation of specific initiatives.

- Effectiveness: New technologies should only be implemented if they have been demonstrated to improve the efficiency and effectiveness of the system. It is commonly assumed that

technology has such benefits but that is not always the case. Sometimes technological solutions actually increase workload. For example, police may be required to collect much more information because technology facilitates the collection process. So the net effect can be an increase in workload in some instances.

- **Interoperability:** New technologies should be compatible with existing systems to ensure that organizations can communicate and share information as necessary. In this regard, the Global Justice Information Sharing Initiative is developing a data dictionary and technology standards to enhance the sharing of information among justice professionals. More information about this initiative can be found at www.it.ojp.gov.
- **Needs assessment:** Before implementing new technology, organizations should conduct a needs assessment to ensure that they have the capabilities to properly implement and support the new technologies -- i.e., staff should be capable of using the technology and it should be appropriate for the organization. Staff is less likely to use technology if they are not familiar or comfortable with its use. Communication at the line level is needed to achieve acceptance, overcome resistance to change and create a climate of receptivity.
- **Standards:** Standards should be developed for new technologies to ensure that privacy concerns are addressed and clarified, and information-sharing procedures are identified. The Global Justice Information Sharing Initiative is also addressing this issue. Moreover, there is a need for software programs to be more universal or “off-the-shelf” as opposed to agency specific so that others can implement successful programs at lower costs and reduce conversion time.
- **Evidentiary standards:** States have different standards for the admissibility of evidence that is collected using technology (e.g., PAS). Organizations should ensure that new technologies meet the

foundational hurdles for admissibility in court within their respective jurisdictions.

- **Availability:** New technologies should be made available to organizations in a more uniform manner. There is a difference between the existence of new technology that will solve problems and its uniform availability to all jurisdictions.

Initiatives

In addition to the principles and issues described above and in addition to the specific technological recommendations already contained in our summary report, participants identified a number of other initiatives that can facilitate the use of technology, thereby improving the efficiency and effectiveness of the system.

- **Access to information:** Criminal justice professionals require readily accessible, user-friendly information about new technologies, their application, and where they are being used. The Integrated Justice Information System Institute is a good source of information on new technologies and can provide impartial professional expertise to states seeking advice or consultations (www.ijis.org).
- **Availability of scientific research:** Judges require access to comprehensive, research-based information about new technologies so they can effectively rule on their application and/or admissibility in court.

Legislation

“Simplify and streamline existing statutes. To achieve this, states should undertake a legislative review that seeks input from key stakeholders and aims to close existing loopholes that permit hard core offenders to avoid prosecution, conviction, and appropriate sanctioning.”

Developmental Principles and Issues

Participants identified a number of principles that should guide, and issues that should be addressed in any critical review of existing legislation or in the development of any new legislative initiatives.

- **Educating legislators and changing mindsets:** For the past two decades legislators have believed that new laws are necessary to improve the system and that problems can be fixed simply by passing more laws. Efforts are needed to educate legislators about the loopholes in existing laws and the need for legislative reform to address them. The need for new laws should be identified as a lesser priority.
- **Leadership:** Legislative reform is a difficult task that cannot be accomplished without dedicated leadership. Political and state leadership is necessary to motivate people to effect the needed changes. Reform is a long-term process but can be expedited if criminal justice organizations work in concert to leverage change.
- **Evidence-based support:** In many instances, legislation is a reaction to isolated events. This can often result in ineffective legislation that has unintended negative consequences. Before new legislation is implemented, careful scrutiny is needed to ensure that it is consistent with scientific evidence and will address identified problems without creating new loopholes.
- **Administrative systems:** In some instances, it may be more effective to rely on administrative systems rather than criminal ones to handle problems and streamline activities (e.g., licensing actions and ignition interlock programs).
- **Federal mandates:** Federal mandates can result in ineffective legislation because of unclear requirements or because of challenges based on state constitutional standards. If federal mandates are to be imposed, this should be done with careful consideration to ensure that what is being mandated is supported by states and can be accomplished.

Initiatives

In addition to the principles and issues described above, participants identified a number of legislative initiatives that will help improve the effectiveness and efficiency of the DWI system.

- **State reviews:** States need to conduct a comprehensive review of existing DWI legislation to identify and eliminate inconsistencies and streamline practices. Some states have already completed this process (e.g., MN, VA). This review should be undertaken with representation from all criminal justice professionals who have direct experience with legislative applications and are in the best position to identify problem areas. In this context, states can request an assessment by NHTSA, who will assemble a panel of impartial experts to review all parts of the DWI system and identify areas where practices can be improved. This assessment is a service provided by NHTSA at the request of the state. More information on state assessments is available at the NHTSA website (www.nhtsa.dot.gov/people/perform/trafrecords/pages/State%20Assessments.htm).
- **Model legislation:** Model legislation should be developed to address key legislative issues and provide guidance to states attempting to implement priority initiatives. This may be difficult to accomplish in light of differences among state constitutions. However, it should be pursued since it can facilitate legislative change in many states.
- **Peer-reviewed HGN studies:** A common concern of prosecutors is the requirement to establish HGN as a valid scientific test in almost every DWI case where HGN is presented. The development of peer-reviewed HGN studies should provide sufficient evidence to recognize it as a valid, generally accepted scientific test and support the passage of legislation recognizing the validity of HGN evidence. This would preclude the need for prosecutors to repeatedly meet foundational hurdles and facilitate the processing of these cases.

- Articles and newsletters: Efforts are needed at the state level to track and document legislative changes and case law developments to inform prosecutors and judges. Some states have already developed such initiatives to assist legal professionals (e.g., MI). The National Traffic Law Center (NTLC) also tracks key issues and serves as a resource for prosecutors nationally.
- Lawyer involvement in legislative development: Many criminal justice professionals acknowledge that not all legislators possess the necessary legal training to fully understand some of the more complex issues associated with the development of legislation, particularly in terms of identifying how other existing legislation will be affected by changes. The input of practicing professionals should be sought before passing legislation.

Record Linkages, Availability and Access

“Develop, improve and evaluate record systems to promote integration and to coordinate data sharing capabilities among agencies that will ensure timely access to appropriate, accurate and current information.”

Developmental Principles and Issues

Participants identified several principles that should guide, and issues that should be addressed in the development of initiatives to improve linkages between important record systems and their users, as well as the availability and access of records that are critical to a DWI case.

- Awareness: There is a pressing need to increase awareness about new and ongoing developments in the area of record systems, particularly those of the Integrated Justice Information Systems Institute (IJIS) and the Traffic Records Forum. Discussion at the meeting underscored this need, since many agencies were unaware of parallel efforts taking place in other agencies, or of developments

that have already addressed concerns or problems they are presently encountering.

- **Enterprise architecture:** This is a new technological development that allows professionals to mine data from other systems and display it in a format that is consistent with the protocol already familiar to them. For example, driver abstracts currently use different formats from state-to-state to display information. Enterprise architecture technology would allow professionals to access driver abstracts from other states and have the information displayed in a format that is compatible with the one used in their own state to make them more readable and user-friendly.
- **Privacy:** Records that contain confidential information can use technologies like enterprise architecture to protect privacy while still allowing information to be accessed. Professionals can query systems only for the information they need instead of accessing the complete record. Eventually, this may permit all professionals to work from a single record source with different levels of access to information to ensure privacy is protected.
- **Mission bleed:** The development of records and collection of information should not create “mission bleed” -- i.e., criminal justice professionals should still be able to perform their core duties without being overloaded by demands for additional data and information. For example, the primary function of probation officers is to supervise offenders in the community. The more time officers spend collecting and entering data that might be useful to other agencies, or responding to data requests, the less time they have to supervise offenders.
- **Planning:** Information that is collected must have a function. Before developing record systems, planning is required to determine what information is essential, who will collect and manage it, who will use it, and for what purpose. Information and records that are not consistently or routinely used are often poorly maintained because no one is concerned about the quality of the data.

- **Governance:** Agencies and organizations should employ the concept of governance when developing or improving record systems so that lines of responsibility and accountability are clearly articulated. Communication is needed between front-line working professionals, supervisors and technology support groups to ensure that record systems are useable and meet the needs of persons requiring access to records.
- **Participation:** Criminal justice professionals should be actively involved in record initiatives to ensure their views are represented and the records will be useful to them.

Initiatives

In addition to the principles and issues discussed above, participants identified a number of record system initiatives that will help improve the effectiveness and efficiency of the DWI system.

- **‘Honest broker’ programs and industry professionals:** The IJIS provides technology assistance and makes industry expertise available to state and local jurisdictions that are implementing integrated justice systems. They also provide the public sector with an objective analysis of technology issues that are related to these systems. More information on this organization and the relevant initiatives can be found at www.ijis.org.
- **National standards:** Ongoing efforts are being made by the Global Justice Information Sharing Initiative, a committee representing more than 30 independent criminal justice organizations, to develop a universal data dictionary to encourage agencies to use comparable terms in order to facilitate the sharing of information. Nationally accepted technology standards and practices are also being developed. More information about these projects can be found at www.it.ojp.gov. or www.iir.com/global.
- **Protecting lives, saving futures:** One aspect of this program, run by the National Traffic Law Center (NTLC), encourages prosecutors and police to develop a better understanding of the information

needs of other justice professionals by having prosecutors complete police paperwork and vice versa.

- **Source organizations:** The Association of Transportation Safety Information Professionals (ATSIP) participates in a number of record initiatives (e.g., record improvement quality committee) and is an excellent source of information about what is happening at the national and state level. Similarly, the IJIS, mentioned previously, is also involved in a variety of technology initiatives and can provide guidance and expertise to states.
- **Integration:** As mentioned previously, an integrated DWI tracking system is being put in place in four states (AL, IA, NE, WI) under funding from NHTSA. There are plans to expand this initiative to establish more and efficient linkages between traffic records and criminal justice records.
- **National criminal history records:** These records should be expanded to include misdemeanor convictions as well as biometric information to ensure the accurate identification of repeat offenders and facilitate the admission of prior convictions into court proceedings.
- **Pointer systems:** A pointer system should be established to direct professionals to the availability of information that is less often used, but still needed (e.g., police narratives, identification records).

Resources

“Enhance resources and/or allocate them more effectively to ensure agencies and professionals can achieve their goals and objectives.”

Developmental Principles and Issues

Participants uniformly recognized that this is one of the most pressing issues they face -- discussion on this topic was lively. Participants

acknowledged that a major influx of new resources is unlikely at this point, so they need to be more innovative in the use of resources. At the same time, the lack of resources may serve to encourage greater collaboration across agencies. In this context, participants identified several principles that should guide the generation and re-allocation of resources, and issues that need to be addressed in doing so.

- Evidence-based programs: Criminal justice professionals should allocate resources to programs and policies that have been proven effective by independent scientific study in order to make the best use of limited resources. Practices that are not effective should be discontinued. Moreover, research in support of various methods and tactics to address impaired driving should meet certain methodological standards to ensure the validity and reliability of the findings.
- Partnerships: Professionals should work cooperatively with their natural allies to pursue common goals. For example, police and probation can work together to increase the supervision of probationers. Probation can provide police with hotsheets of probationers by zip code, so police can provide additional surveillance on patrol whenever possible. Organizations should also work cooperatively to leverage change more effectively. For example, organizations can develop joint proposals to represent their interests in legislative initiatives such as the reauthorization of the federal transportation legislation (TEA-21).
- Creativity: Organizations need to be creative to develop new sources of funding. For example, a significant portion of government resources are now allocated to homeland security. Agencies desiring to improve existing record systems may be able to access some of these resources if they can demonstrate the record system will benefit homeland security.
- User pay – a cautionary note: There is a current trend to charge fees to offenders to participate in various sentencing programs, and in some instances, fees for probation services. However, two concerns have been raised with regard to this practice. First, offenders may

not have the financial ability to participate in some programs that can be effective in changing their behavior and indigent funds may not be available to support them. Second, these fees have to be collected by some entity, usually probation, and this can have negative repercussions -- i.e., officers have less time to devote to supervision because they are collecting fees, and offenders may be retained on probation for longer periods until fees are paid, contributing to expanding caseloads.

Initiatives

In addition to the principles and issues discussed above, participants identified a number of means for enhancing resource allocation to the DWI system.

- **Non-traditional partners:** Agencies must look for non-traditional partners to access funding. For example, criminal justice treatment programs can work collaboratively with the public health sector.
- **Re-allocation of resources; re-evaluation of priorities:** Organizations need to identify policies and practices that will make the best use of current resources. For example, judges and probation officers should collectively determine which offenders are most in need of supervision. Prosecutors should identify which cases should be prosecuted and go to trial and which cases should be resolved using plea agreements. To accomplish this, better risk assessment tools are needed.
- **Identification of funding streams:** Agencies should be proactive in searching out available funding streams that can be accessed. The National Criminal Justice Association (NCJA) can assist in this regard as they identify all available funding streams from the government.
- **Donated equipment:** Some agencies will donate equipment. For example, the Center for Missing and Exploited Children will provide offices with a computer so they can participate in the program. MADD will often raise money for police equipment such as PBTs.

CONCLUSIONS

Criminal justice professionals have identified a number of initiatives that are needed to improve the efficiency and effectiveness of the criminal DWI system. They have also identified principles that need to be followed and issues that need to be addressed in the development and implementation of these initiatives to enhance their success. Of equal importance, the *Working Group* members and other agencies at the meeting evidenced a strong commitment to moving these initiatives forward.

Hopefully, this commitment will manifest itself in leadership to act on the recommendations and improve the criminal justice system's response to hard core drunk drivers. If impaired driving is set as a priority by many agencies, it will help motivate the front-line professionals to dedicate themselves to advancing this issue and working effectively to produce the needed changes.

Strategic partnerships and alliances are a key fulcrum for leveraging the necessary changes.

Many of the initiatives identified at this meeting will also require greater communication and cooperation between organizations -- strategic partnerships and alliances are a key fulcrum for leveraging the necessary changes. This initial meeting of the *Working Group on DWI System Improvements* was an important first step in accomplishing these goals. Representatives of each organization were eager to learn from other participants and identify ways in which they could work together to address shared concerns. Members also found ways they could benefit from and assist with initiatives already underway.

Organizations have already demonstrated their commitment to providing better training and education. IPTM provides education and leadership development for line officers; NTLC is an educational resource for prosecutors, and brings police officers and prosecutors together to foster understanding and improve the effectiveness of both groups through the Protecting Lives, Saving Futures program. In addition, they are also working to build a network of traffic safety resource prosecutors in many states to facilitate the prosecution of DWI offenses. NCSC will soon be promoting its web-based curriculum to provide judges across the country with the necessary DWI training. And, the NJC will be releasing a "Best

Practices on DWI Sentencing” later this year to assist judges in identifying effective sanctioning practices, based on input from researchers and innovative practitioners. The NASJE is promoting and expanding its web-based library as a resource for all criminal justice professionals and a scientific resource for judges.

In the area of offender supervision, APPA has received a NHTSA grant to identify “best practices” for DWI probation and to develop standards in the areas of supervision. Such standards will no doubt reflect the need for probation conditions to be “relevant, realistic, and research-based”.

Treatment professionals are eager to see reliable screening and assessment procedures used consistently by qualified technicians to ensure the recommended remedial steps are appropriate for the offender.

Not surprisingly, most organizations are following the trend towards evidenced-based practices. Both new and existing strategies should be evaluated for effectiveness to justify their continued use as well as to identify needed program improvements. In addition, organizations need to identify meaningful performance criteria that measure what is important, not just what is easy to measure.

Participants at the meeting consistently expressed the need to get away from a “business as usual” mentality -- to challenge the status quo and seek creative ways to support new and innovative approaches. Teamwork is necessary to create an atmosphere conducive to such change. Organizations must engage and motivate individuals at all levels to build support for new initiatives.

NEXT STEPS

Research over the past three years has identified key problems in the criminal DWI system and how they allow hard core drunk drivers to avoid apprehension, prosecution and sanctioning even if they are convicted (Simpson and Robertson 2001; Robertson and Simpson 2002a, Robertson

and Simpson 2002b, Robertson and Simpson 2003a). These system problems and their recommended solutions have been prioritized for action (see Robertson and Simpson 2003b).

To advance the priority recommendations, a *Working Group on DWI System Improvements* has been formed, bringing together key professional organizations in the criminal justice system, representing enforcement, prosecution, adjudication and supervision. The *Working Group* held its inaugural meeting and the results are contained in this report. It describes a wide range of initiatives currently in place that address the key recommendations -- it is evident that progress is being made.

The report also shows that much more needs to be done to improve the effectiveness and efficiency of the DWI system. New initiatives needed to improve the system were identified by participants at the meeting; they also identified principles and issues to be addressed in the development and implementation of these initiatives.

Interagency cooperation is not only essential, but also realistic.

Now organizations will have to determine who will take responsibility for developing and implementing the measures and changes that professionals require, and how this can be facilitated and accomplished. In many instances, cross-cutting issues will require a coordinated approach because agencies have overlapping mandates, capabilities and spheres of influence. The meeting underscored that such cooperation is not only essential, but also a realistic expectation.

This meeting was important in establishing initial lines of communication and understanding between key professional groups. Highlighting their common goals and objectives encouraged cooperation. In the coming months, these potentials need to be actualized -- communication and cooperation must be fostered and expanded so agencies will work collectively to address the priority recommendations and improve the efficiency and effectiveness of the system.

The *Working Group on DWI System Improvements* will continue to serve as a catalyst in this process because it is clear that a long-term commitment is

needed to effect change. This commitment must be founded on more than a simple acknowledgement of the need for change and a formal expression of the willingness to work with others to make a difference. It must be spearheaded by motivated leaders -- without that “fire in the belly” the status quo will survive.

The *Working Group* will continue to serve as a catalyst for the needed action.

BIBLIOGRAPHY

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Robertson, R.D., and Simpson, H.M. (2003a). DWI System Improvements for Dealing with Hard Core Drinking Drivers: Monitoring. Traffic Injury Research Foundation.

Robertson, R.D. and Simpson, H.M. (2003b). DWI System Improvements: Stopping the Revolving Door. Traffic Injury Research Foundation.

Simpson, H.M., and Robertson, R.D. (2001). DWI System Improvements for Dealing with Hard Core Drinking Drivers: Enforcement. Traffic Injury Research Foundation.

APPENDIX A

Other Agencies Represented at the Inaugural Meeting

The following organizations were represented at the inaugural meeting of the *Working Group on DWI System Improvements*.

Organizations:	Representatives:
Association of Transportation Safety Information Professionals	Dr. Robert Scopatz Second Vice Chair
Center for Substance Abuse Treatment Substance Abuse and Mental Health Administration	Neal McGarry Executive Director/CEO Florida Certification Board, Inc.
Governors Highway Safety Association	Carla Sims Coordinator Highway Safety Grant Program Florida Dept. of Transportation
Journal of Offender Monitoring	Peggy Conway Consultant
National Conference of State Legislatures	Jeanne Mejeur Research Manager Legislation Information Services
National Highway Traffic Safety Administration	Heidi L. Coleman Chief, Impaired Driving Division
National Institute of Alcohol Abuse and Alcoholism	Linda L. Chezem Special Assistant to the Executive Director
National Institute of Justice	Marlene Beckman Senior Program Analyst
The Council of State Governments	Amy Scott Senior Legislative Policy Analyst

APPENDIX B

Agency Websites

Addiction Technology Transfer Center Network (NATTC)	www.nattc.org
American Judges Association (AJA)	www.aja.ncsc.dni.us
American Probation and Parole Association (APPA)	www.appa-net.org
American Prosecutors Research Institute (APRI)	www.ndaa.org/apri
Association of Transportation Safety Information Professionals (ATSIP)	www.ATSIP.org
California District Attorneys Association (CDAА)	www.cdaa.org
Center for Substance Abuse Treatment (CSAT)	www.csat.samhsa.gov
Conference of State Court Administrators (COSCA)	www.cosca.ncsc.dni.us
Council of State Governments (CSG)	www.csg.org
Florida Certification Board	www.flcertificationboard.org
Governors Highway Safety Association (GHSA)	www.ghsa.org
International Association of Chiefs of Police (IACP)	www.theiacp.org
Institute of Police Technology and Management (IPTM)	www.iptm.org
National Association for Court Management (NACM)	www.nacmnet.org
National Association of Prosecutor Coordinators (NAPC)	www.napcsite.org
National Association of State Alcohol and Drug Abuse Directors (NASADAD)	www.nasadad.org
National Association of State Judicial Educators (NASJE)	http://nasje.unm.edu
National Criminal Justice Association (NCJA)	www.ncja.org
National Center for State Courts (NCSC)	www.ncsonline.org
National Conference of State Legislatures (NCSL)	www.ncsl.org

National District Attorneys Association (NDAA)	www.ndaa.org
National Highway Traffic Safety Administration (NHTSA)	www.nhtsa.dot.gov
National Institute on Alcohol Abuse and Alcoholism (NIAAA)	www.niaaa.nih.gov
National Institute of Corrections (NIC)	www.nicic.org
National Institute of Justice (NIJ)	www.ojp.usdoj.gov/nij
National Judicial College (NJC)	www.judges.org
National Traffic Law Center (NTLC)	www.ndaa-apri.org
Traffic Injury Research Foundation (TIRF)	www.trafficinjuryresearch.com

APPENDIX C

Meeting Agenda

Inaugural Meeting of the Working Group on DWI System Improvements

March 1-2, 2004

Ports-of-Call, Dock 21, SeaWorld, Orlando, Florida

Monday, March 1st

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|---------------|---|
| 9:00 – 9:15 | Welcome, Introductions, Housekeeping
(Herb Simpson, TIRF) |
| 9:15 – 9:30 | Background, Objectives (Herb Simpson, TIRF) |
| 9:30 – 10:00 | Overview of System Problems and Solutions
(Robyn Robertson, TIRF) |
| 10:00 – 10:45 | Overview of current and proposed initiatives to address
the priority recommendations contained in “DWI
System Improvements: Stopping the Revolving Door”:
Enforcement and Prosecution. |
| 10:45 – 11:00 | BREAK |
| 11:00 – 11:45 | Overview of current and proposed initiatives to address
the priority recommendations contained in “DWI
System Improvements: Stopping the Revolving Door”:
Judicial and Supervision. |
| 11:45 – 12:15 | Overview of current and proposed initiatives to address
the priority recommendations contained in “DWI
System Improvements: Stopping the Revolving Door”:
Observer Agencies. |
| 12:15 – 1:15 | LUNCH |

- 1:15 – 2:30 Breakout Session. Enforcement/Prosecution; Judicial/Supervision: What can/should your professional group do to advance recommendations on “Communication” and “Training”?
- 2:30 – 3:00 Report to Plenary and Discussion
- 3:00 – 3:15 BREAK
- 3:15 – 4:30 Breakout Session. Enforcement/Supervision, Prosecution/Judicial: What can/should your professional group do to advance recommendations on “Technology” and “Legislation”?
- 4:30 – 5:00 Report to Plenary and Discussion

Tuesday March 2nd

- 8:30 – 9:45 Plenary Session: What can/should your professional group or agency do to advance the recommendations on “Records”?
- 9:45 – 10:15 Plenary Session: What can/should your professional group or agency do to advance the recommendations on “Resources”?
- 10:15 – 10:45 BREAK
- 10:45 – 12:00 Breakout Session: Identification of professional group priorities and commitments to advance the recommendations.
- 12:00 – 1:00 LUNCH
- 1:00 – 2:00 Report to Plenary: Professional group priorities and commitments to advance the recommendations; Discussion
- 2:00 – 2:30 Closing Remarks



*T R A F F I C
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F O U N D A T I O N*

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