



# The Working Group

on **DWI System Improvements**

[dwiwg.tirf.ca](http://dwiwg.tirf.ca)

## Steps to a Strategic Review of the DWI System

The education resources of the Working Group on DWI System Improvements are produced by the **Traffic Injury Research Foundation** with funding from **Anheuser-Busch**. The Working Group on DWI System Improvements is a prestigious coalition of senior leaders of organisations representing frontline professionals in all segments of the criminal DWI system (law enforcement, prosecution, judiciary, supervision, and treatment).

**What are common issues that have an impact on all levels of the criminal DWI system (e.g., enforcement, prosecution, sanctioning, monitoring)?**

- Excessive paperwork
- Inadequate or inconsistent evidence
- Refusal by offenders to cooperate with police investigations or submit to evidentiary breath tests
- Poor access to current driver and criminal history records
- Failure of offenders to appear in court
- Heavy caseloads
- Delays in processing DWI cases
- The lack of appropriate sanctions

**What mechanisms can facilitate a strategic review of the DWI system?**

Legislators can pursue a strategic review of the DWI system in their state using one or more of the following approaches:

- Convene legislative hearings.
- Establish a task force or commission to study the issue.



- Appoint legislative staff to conduct a study of the system and report back to the legislature.
- Appoint agencies to conduct a review with legislative involvement and oversight.
- Pass an interim bill or memorial to study the issue.

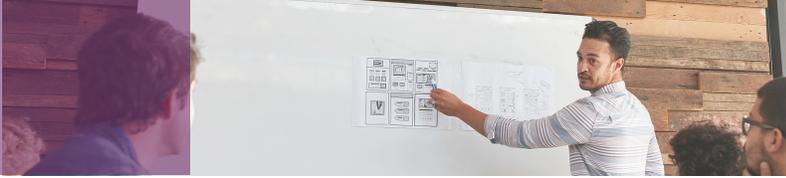
### What are essential steps to strategic review?

- **Build an effective team** representing a suggested list of agencies<sup>[1]</sup> and conduct the review. The review should identify a strategy for conducting the review; establishing a review team of qualified stakeholders; limiting the size of the team; and involving other stakeholders in secondary roles to create buy-in and elicit ideas from public perspectives. Other stakeholders may include victims and their families, former offenders and their families, and members of citizens' groups.
- **Establish short-term and long-term goals** of the review; assign responsibilities to team members; promote communication and cooperation among members/agencies; and avoid partisanship.
- **Establish guiding principles** to direct the review process including:
  - **Achievable.** Recommended outcomes should be practical and realistic.
  - **Context.** Understand and recognize differences between jurisdictions.
  - **Comprehensive.** The review should encompass the broader criminal justice system and consider any peripheral agencies.
  - **Compromise.** Participants should expect to compromise on some issues and solutions.
  - **Constructive.** Discussion should focus on existing problems and positive steps to overcome obstacles.
  - **Culturally and socio-economically sensitive.** Efforts should be culturally and socioeconomically sensitive to various populations.
  - **Evidence-based.** Agencies and participants should rely on hard data and peer-reviewed research.
  - **Inclusive.** The perspectives of agencies affected by recommendations should be considered.
  - **Measurable.** Identify specific outcome measures for evaluation of the review process.
  - **Responsive.** The process should be responsive to the concerns of the professionals and agencies involved.
  - **System-centered.** Integrate segments of the criminal DWI system and facilitate cooperation among agencies and do not limit improvements to one segment.
- **Conduct a strategic assessment** of the system using critical questions developed from existing research.<sup>[2]</sup> Jurisdictions need to determine their current situation before they can decide where they need to go. The assessment should include interviews with key staff in the system, the gathering of data and locating the source of problems.

<sup>[1]</sup> Agencies to be considered for involvement: law enforcement, court administrators, records, employment offices, prosecutors/defense, probation, driver licensing, victims/public, judges, treatment/medical staff, social services, mental health.

<sup>[2]</sup> Please refer to the Critical Questions section below.





- **Discuss and evaluate potential solutions.** Evaluation criteria should be derived from the goals and objectives previously established. Each suggested solution should be carefully vetted to avoid unintended negative consequences and to gauge the costs associated with implementing the changes. The recommended changes should be cognizant of the core functions of agencies to avoid assigning tasks that are unrelated to their main purpose. Finally, evaluators should consider the role of offender assessment and treatment as part of the review. Failing to address the root cause of the problem will likely result in continued offending.
- **Select reasonable and viable solutions to all identified problems.** Negotiate the most effective strategies after members of the review are afforded opportunities to share their thoughts, concerns, concurrence, or disagreement. Integrate system components and facilitate communication to reduce duplication in the system. Streamline the process and fill gaps using concrete steps that are practical and measurable to guide the implementation process.
- **Create consensus among stakeholders by building support.** Review members should be encouraged to remain focused on outcomes that will contribute to the overall goal and recognize concessions will be part of the negotiation process. Encourage cooperation and compromise by staying mindful of long-term goals, risk-reduction, and public safety. Agency buy-in can be achieved by presenting hard data and evidence. To the extent possible, recommendations should be substantiated by facts, not anecdotes or isolated events.

### Develop clear, concise, unambiguous and practical recommendations.

- Each recommendation should outline practical, feasible, and achievable strategies that can be supported and endorsed by all members of the review. Recommendations should contain a clear statement of the rationale for the steps to be taken, referencing the problem being addressed. Reasons for rejecting alternative solutions should be explained. The means of achieving the recommendations should be clearly articulated and conveyed to agencies they have an impact on. Recommendations should be communicated within agencies and to the public in unambiguous and concise language that is linked to concrete objectives.

### Assign responsibilities and set timelines for completion.

- Setting responsibilities for agencies and creating timelines are critical to ensure the implementation of the recommendations. A detailed implementation plan should also be developed. Some recommendations will need to be implemented prior to others so there is a logical flow of work. Contingency plans should be available in case members encounter obstacles that impede their ability to affect scheduled changes. Inter-agency coordination will be vital to success.
- **Measure outcomes and share successes.** An evaluation component permits legislators and others to measure the impact of the review process and its success. Considerable thought should be given to identifying the most important measures and ensuring there is a realistic method for gathering data. The evaluation should be an ongoing process with established mechanisms to ensure outcomes are used to inform the review process and provide feedback to professionals that help them improve their effectiveness and efficiency. Concrete examples of success should be tracked and shared with other jurisdictions to contribute to overall reductions in impaired driving. Jurisdictions should take responsibility for communicating to the public the benefits of the review process and providing exemplars of the gains that can be accrued.



## What caveats should be considered during the strategic review to be efficient?

- **Scan the system.** To a large extent, problems identified in the DWI system are going to depend on which parts of the system are included in the review. For this reason, it is important: (1) to study the entire system to ensure recommendations for improvement have overall effects rather than isolated ones, (2) to be inclusive and, (3) to consider input from a variety of agencies, even if they are not directly involved in the process.
- **Avoid unintended negative consequences.** The review team should have a good understanding of the current state of the system and the implications changes to one part have on other parts. Any proposed solutions should ensure system departments and organisations are able to cope with existing demands before adopting new strategies.
- **Feedback.** It is critical professionals working in the system receive feedback about outcomes of cases. Knowing outcomes of current cases allows professionals to make determinations about what strategies are effective in which cases or with which offenders.
- **Special populations.** Almost all jurisdictions face issues pertaining to special populations (e.g., indigenous, non-English speaking, mentally ill and indigent populations). Additionally, gender-specific issues may also arise. These populations require consideration in the development of recommendations for change. Providing these groups with respectful opportunities to share their perspectives, concerns, and ideas ensures the review process is inclusive and has a beneficial impact on all segments of the population.
- **Assessment and treatment.** Validated assessments are needed to help professionals determine how best to manage offenders that pose varying levels of recidivism risk. A one-size-fits-all approach is detrimental to the system. Assessments can assist professionals in identifying what level of resources should be expended and what programs are most likely to be effective with each offender type. The reality is jurisdictions cannot invest maximum resources in all cases. Assessments can guide decisions based upon objective facts, available resources, and proven countermeasures. When indicated, treatment should be considered central to reducing repeat offenses. Mental health issues and poly-drug use are common, and treatment should be flexible in dealing with these issues.
- **Public education.** Efforts are needed to educate the public about the operation of the criminal justice system and the various countermeasures used to reduce impaired driving. Providing explanations about the features of the system is the first step towards moving public opinion to embrace alternative solutions, such as treatment and electronic monitoring, which are likely to be more effective in reducing impaired driving.
- **A model system.** Members of the review process should be encouraged to identify communities within their own jurisdictions that are making progress in reducing impaired driving. However, rural and urban jurisdictions likely require solutions amenable to available resources and must consider structure and operating practices. Efforts should be made to afford jurisdictions flexibility to tailor recommended solutions in ways that best suit their respective capabilities.
- **Sharing successes.** Throughout this process, jurisdictions should be encouraged to identify successful strategies agencies are already using to overcome obstacles and share them with other agencies. The systems review process provides opportunities for agencies to get together to discuss common problems and explore ways they can be addressed. Such opportunities should be encouraged and actively facilitated. More importantly, these opportunities should not be limited to the review process.



Mechanisms should be established allowing agencies to interact as a part of regular activities to promote communication and cooperation as hallmarks of the system.

## Critical Questions

The following list of critical questions is derived from research examining priority problems facing all criminal justice professionals involved in processing impaired driving offenders. These questions can serve as a framework for identifying systemic problems.

1. Do police and prosecutors have regular opportunities to interact, discuss cases, and develop an understanding of the demands of each other's role? Do professionals receive assistance from each other when needed?
2. Do police and medical professionals understand policy regarding their responsibilities in dealing with suspected impaired drivers who are admitted to the hospital? Does this result in appropriate levels of cooperation?
3. Are agencies exchanging paperwork able to communicate easily and share information? Are there suitable efforts to minimize the paperwork associated with impaired driving cases?
4. Do professionals (e.g., law enforcement, prosecutors, judges, probation) receive enhanced training and education related to hardcore repeat offenders, which are more challenging to detect and process? Do opportunities exist for mentoring and on-the-job training with experienced professionals?
5. Is a traffic safety resource prosecutor available to provide education, assistance, and guidance to new and experienced prosecutors throughout the state?
6. Is there a database to track expert witness testimony in impaired driving cases?
7. Is the look-back period for counting prior criminal offenses appropriate and compatible with the periods for which relevant records are kept?
8. Is sufficient training available to all professionals pertaining to the science associated with impaired driving cases? Are professionals afforded opportunities to gain knowledge about substance abuse, addiction, and relevant treatment?
9. Are reasons for plea agreements and case outcomes routinely and consistently recorded on court records within a reasonable period?
10. Are diversion records maintained for the look-back period?
11. Are the conditions of probation relevant, realistic, and research-based?
12. Do judges receive regular and rapid information regarding offender non-compliance allowing them to take action?
13. Do communication mechanisms exist to facilitate regular dialogue and exchange of information among judges, probation officers, treatment and service providers to ensure the comprehensive supervision of offenders?
14. Are police and probation agencies able to share information about offenders and collaborate when necessary?



15. Are professionals adequately trained and provided access to relevant technologies, including:
  - passive sensors;
  - preliminary breath testing devices;
  - automated paperwork systems;
  - in-vehicle and booking video systems;
  - caseload management systems; and,
  - electronic monitoring technologies including ignition interlocks and transdermal alcohol monitoring devices?
16. Are professionals regularly informed about and provided access to legislative and regulatory changes and new case law?
17. Do professionals have consistent access to current, uniform driver and criminal history records from within their home state and from out-of-state areas?
18. Are driver and criminal history records available for the legislated look-back period stipulating the period for counting prior convictions?
19. Is there adequate legislation addressing the following issues:
  - test refusal (to minimize the benefits of refusing to cooperate);
  - failure to appear (to ensure offenders do not avoid convictions or the serving of sanctions);
  - leaving the scene of an accident (to ensure offenders are not encouraged to leave an accident scene to avoid detection and arrest for DWI);
  - case processing guidelines (to ensure cases are processed in a timely fashion as undue delays can lead to dismissals are minimized);
  - jury trials (to ensure offenders are not acquitted based on public empathy);
  - judicial driving permits (to ensure unlicensed driving is not encouraged);
  - tiered sanctions (to provide judges with options to sanction repeat offenders according to the severity of their crime);
  - empirically-based sentencing options (to provide judges with effective alternatives to incarceration);
  - caseload limits (to ensure offenders receive the level of attention and quality of supervision required); and,
  - certification of treatment providers (to ensure a minimum quality of treatment for all offenders)?
20. Do communication channels exist to facilitate regular dialogue among legislators, criminal justice professionals, and other interested parties to resolve issues when they arise?



## What educational materials does The Working Group on DWI System Improvements provide?

The efforts of the Working Group on DWI System Improvements have served to identify critical system needs, to make needed educational materials available, to articulate the complex issues associated with program and policy implementation embedded within broader systems, and to give voice to the concerns of practitioners in the DWI system and identify achievable solutions. The Working Group provides educational primers, policy documents, and guides for DWI system professionals to help strengthen the efficiency and effectiveness of the DWI system.

Key topics discussed on this site include:

- Impaired drivers;
- Impaired driving programs and policies;
- Strategies to improve the DWI System;
- DWI Dashboard; and,
- other special topics.

Each of these topics contains a series of fact sheets structured in a question and answer format which are available for free download and sharing (with attribution). These resources are designed to support the training efforts for agencies that work within the DWI system.

To view more fact sheets, or to get more information about alcohol, its effects on driving skills, and impaired driving, visit [dwiwg.tirf.ca](http://dwiwg.tirf.ca).



### Acknowledgements

Production of this fact sheet was made possible through the sponsorship of Anheuser-Busch.



**ANHEUSER-BUSCH**

### Traffic Injury Research Foundation

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries. TIRF is a national, independent, charitable road safety research institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

Email: [tirf@tirf.ca](mailto:tirf@tirf.ca) Website: [tirf.ca](http://tirf.ca)  
ISBN: 978-1-989766-68-2

© Traffic Injury Research Foundation 2020  
Registered Charity No. 10813 5641 RR0001