

# PERFORMANCE MEASURES IN THE DWI SYSTEM



**Working Group** on DWI System Improvements

## 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 research institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in identifying the causes of road crashes and developing program and policies to address them effectively.



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

This report is based on discussions at the 8th Annual Meeting of the Working Group on DWI System Improvements which was held September 21st-23rd, 2011 in St. Louis, Missouri.

---

Traffic Injury Research Foundation  
171 Nepean Street, Suite 200  
Ottawa, Ontario K2P 0B4  
Ph: (613) 238-5235  
Fax: (613) 238-5292  
Email: [tirf@tirf.ca](mailto:tirf@tirf.ca)  
Website: [www.tirf.ca](http://www.tirf.ca)

Traffic Injury Research Foundation  
Copyright © March 2014  
ISBN: 978-1-926857-52-7

# **PERFORMANCE MEASURES IN THE DWI SYSTEM**

Robyn D. Robertson / Erin A. Holmes



# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>VII</b>
<b>PROLOGUE</b>	<b>1</b>
About the Working Group	1
Activities of the Working Group	1
<b>1. INTRODUCTION</b>	<b>3</b>
1.1 Why use performance measures?	3
1.2 What factors should be considered when selecting performance measures?	4
1.3 What about impaired driving performance measures?	5
<b>2. PURPOSE</b>	<b>8</b>
<b>3. TRAFFIC SAFETY PERFORMANCE MEASURES</b>	<b>10</b>
<b>4. CRIMINAL DWI SYSTEM PERFORMANCE MEASURES</b>	<b>13</b>
4.1 Law enforcement	14
4.2 Prosecution	19
4.3 Sanctioning	25
4.4 Supervision	30
4.5 Treatment	37
<b>5. RECOMMENDATIONS</b>	<b>43</b>
<b>CONCLUSIONS</b>	<b>47</b>
<b>RESOURCES</b>	<b>49</b>
<b>PERFORMANCE MEASURES BY PROFESSION</b>	<b>51</b>



# EXECUTIVE SUMMARY

## Performance Measures

Performance measures and benchmarks are an emerging interest generally in the traffic safety field, and in relation to impaired driving specifically. The globalization of our environment has created an increasing demand for leadership to enable the development of meaningful and standardized measures of problems, and to facilitate comparisons across jurisdictions that are local, regional, national, and international. Such measures are essential to increase understanding of the different facets of the impaired driving problem, and afford policymakers new insight into available opportunities to not only address the issue, but more importantly, to measure progress in doing so. The ability of jurisdictions to measure progress is closely connected to their success in effectively filling gaps that exist and developing evidence-based actions to reduce impaired driving.

Professionals involved in each phase of the DWI<sup>1</sup> system rely upon a variety of measures to determine their effectiveness in achieving their respective goals and objectives. However, these measures may not be consistent across jurisdictions, or even within a profession, depending on the management structure within a state or Tribe, and the branch of government in which the professionals are situated. To date, there is no national set of widely accepted, essential benchmarks for each of the phases of the criminal DWI system.

This report from the Working Group on DWI System Improvements is designed to inform practitioners, program administrators, and policymakers about the most commonly available performance measures that currently exist at each phase of the system, their strengths and limitations, and opportunities to bolster the measurement of impaired driving progress. It



<sup>1</sup> The abbreviation DWI (driving while impaired or intoxicated) is used throughout this report as a convenient descriptive label, even though some states use other terms such as OUI (operating under the influence) 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.

was created through input from practitioners and provides context to inform decisions about performance measures, describes what measures generally exist, and identifies recommendations to improve available measures for the system as a whole.

## **Criminal DWI System Performance Measures**

The criminal DWI system is a complex array of interdependent agencies with diverse and overlapping mandates, leadership, policies, priorities, and funding sources. Collectively, these agencies are responsible for the identification of drunk drivers, their removal from the road, their prosecution in court, the imposition of sanctions, and the supervision of offenders to ensure compliance with penalties. The degree to which the criminal DWI system achieves these goals is most often measured in terms of general outcomes such as conviction rates, recidivism rates, and reductions in alcohol-related fatalities and injuries. However, while such general measures provide insight into the overall effectiveness of the criminal DWI system, they are insufficient to quantify the effectiveness and efficiency of the individual segments of the criminal DWI system, or the agencies, programs and policies represented within them.

In order to better quantify the degree to which these agencies are achieving their specific objectives through an array of programs and policies, and to aid in the identification of needed improvements, performance measures for individual facets of the criminal DWI system are essential. However, it is useful to keep in mind that the system is interdependent and that one facet relies on another in order to achieve successful outcomes (e.g., prosecutors rely on the evidence provided to them by law enforcement in order to gain a conviction).

Although most agencies have undertaken to develop such measures, they are not always robust, comparable, or meaningful such that agencies are able to accurately gauge where gaps are occurring and why, or make comparisons to other segments of the system or jurisdictions. They also cannot account or control for other variables that have an impact on measures unless there is coordination among agencies. For this reason, more specific measures of the performance of the DWI system that are generally accepted and widely used are vital, not only to create accountability for programs and policies, but also to provide incentives for partnerships and increased communication among these agencies.

The following chart summarizes the priority performance measures and priority needs identified by practitioners for each facet of the criminal DWI system.

## Performance Measures by Profession

Profession	Priority Measures	Priority Needs
<b>Law Enforcement</b>	<ul style="list-style-type: none"> <li>&gt; Number and percentage of impaired drivers involved in alcohol-related crashes and fatal crashes</li> <li>&gt; Number of DWI arrests</li> <li>&gt; Number of countermeasures implemented (e.g., saturation patrols, sobriety checkpoints)</li> <li>&gt; Number and percentage of patrol officers with specialized DWI training (e.g., SFST, ARIDE, DRE)</li> <li>&gt; Number and percentage of arrests that lead to a conviction (for the original DWI charge or a reduced charge)</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Create linkages between measures.</li> <li>&gt; Increase information-sharing with other agencies.</li> <li>&gt; Allow for context in the interpretation of measures.</li> <li>&gt; Increase the uniformity of data reporting and interpretation.</li> <li>&gt; Develop linkages with other agencies.</li> <li>&gt; Identify how policies and practices influence data interpretation.</li> </ul>
<b>Prosecution</b>	<ul style="list-style-type: none"> <li>&gt; Ratio of post-arraignment cases adjudicated vs. cases charged</li> <li>&gt; Number of cases not adjudicated for prosecutorial reasons</li> <li>&gt; Number of dismissals, dispositions, and pleas</li> <li>&gt; Frequency of prosecutorial error or disciplinary actions</li> <li>&gt; Caseload ratio vs. workload ratio</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Develop uniformity in data collection procedures and definitions.</li> <li>&gt; Establish a clear definition of what constitutes 'prosecutorial success.'</li> <li>&gt; Take into consideration a lack of discretion in decision-making when interpreting data due to office policies or statutory requirements.</li> <li>&gt; Increase access to data and records.</li> <li>&gt; Underscore the importance of data collection to practitioners.</li> </ul>

<p><b>Judiciary</b></p>	<ul style="list-style-type: none"> <li>&gt; Number of cases assigned and number of cases presided over</li> <li>&gt; Number of continuances per case</li> <li>&gt; Number of decision reversals on appeal</li> <li>&gt; Average amount of time to resolve a case (pleas, plea agreements, trials)</li> <li>&gt; Court clearance rate</li> <li>&gt; Number and type of treatment orders for offenders assessed as having substance use issues</li> <li>&gt; Recidivism rates per disposition type</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Ensure the consistent collection and reporting of data in order to track trends and performance.</li> <li>&gt; Develop uniformity in definitions, particularly recidivism (and distinguish between recidivism for various offense categories).</li> <li>&gt; Consider timeframes for data reporting and account for case carry-overs from one year to the next.</li> <li>&gt; Establish Judicial Performance Evaluation programs.</li> <li>&gt; Improve linkages and information-sharing between the courts and treatment.</li> </ul>
<p><b>Supervision</b></p>	<ul style="list-style-type: none"> <li>&gt; Frequency of risk and substance use assessment</li> <li>&gt; Number of referrals compared to appropriate interventions</li> <li>&gt; Number and types of violations</li> <li>&gt; Recidivism rate</li> <li>&gt; Rate of successful completion of supervision</li> <li>&gt; Caseload ratio vs. workload ratio</li> <li>&gt; Fidelity to program models</li> <li>&gt; Frequency of use of evidence-based principles and best practices</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Develop strong case management protocols.</li> <li>&gt; Develop measures to assess communication, coordination, and information-sharing with other agencies.</li> <li>&gt; Identify ways to measure performance in rural jurisdictions acknowledging associated challenges.</li> <li>&gt; Strengthen linkages between supervision and treatment agencies.</li> <li>&gt; Develop opportunities for knowledge transfer.</li> </ul>

<p><b>Treatment</b></p>	<ul style="list-style-type: none"> <li>&gt; Number of admissions</li> <li>&gt; Average wait times for program admission</li> <li>&gt; Number of discharges</li> <li>&gt; Rate of successful completion</li> <li>&gt; Amount of time between when treatment is completed and when the client returns (e.g., time between relapses)</li> <li>&gt; Recidivism rate</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Interface with criminal justice systems.</li> <li>&gt; Develop mandatory reporting protocols for treatment agencies.</li> <li>&gt; Develop treatment performance measures specific to DWI offenders.</li> <li>&gt; Track measures of accessibility and availability of treatment services.</li> <li>&gt; Find opportunities to combine treatment and licensing data.</li> </ul>
-------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Recommendations

In an effort to improve the collection, reporting, and use of performance measures throughout the DWI system, agencies are encouraged to consider the following recommendations.

1. **Identify priority measures.** Agencies are encouraged to determine which performance measures will best gauge progress and outcomes, and focus on the consistent collection of these data.
2. **Locate data.** Once priority measures are identified, agencies can endeavor to locate the corresponding data needed to track performance for each measure. It is necessary to determine which agency collects the data, whether it requires filtering, and if it is reported consistently across counties or jurisdictions.
3. **Identify points of contact for particular data sources.** Following the selection of priority measures and the location of the data required to analyze performance, it is important to identify points of contact within the agencies that collect and maintain the data. The identification of these individuals can facilitate the process of reporting, collection, access, and analysis of measures.
4. **Develop uniform definitions of performance measures.** It is important to develop uniform definitions to ensure that data are comparable, particularly if a jurisdiction is interested in gauging system performance beyond local levels.
5. **Create standardized reporting formats for indicators.** In order to encourage practitioners to report data for the purposes of performance measurement, it is necessary

to make this process as seamless as possible. As such, it is suggested that agencies create standardized reporting formats for indicators to be collected.

6. **Allow for context.** One suggestion to improve performance measurement is to request that agencies supply important caveats to provide context for data that are submitted and explain how particular measures are counted (e.g., through a notes field). Providing important context to those who analyze and review performance measurement can increase their understanding of the needed background to correctly interpret the data.
7. **Reinforce the importance of data collection and reporting of indicators to practitioners.** Agencies sometimes overlook the importance of informing frontline practitioners about how data are used to inform decisions and why collection is essential. It is imperative to demonstrate what ‘actionable data’ entails and to make data meaningful for practitioners. In order to gain buy-in, agencies might consider illustrating the importance of data collection to inform decision-making and the need to enter data into central state and national repositories.
8. **Facilitate information-sharing among agencies and create linkages.** Opportunities for linkages with other agencies in the DWI system are worthwhile to consider and pursue. The creation of information-sharing protocols or processes can establish mutually beneficial relationships and provide greater context for various performance measures. Information-sharing also provides a broader picture of performance throughout the system as a whole and offers the ability to illustrate how performance in one facet can affect another facet of the system.
9. **Use performance measurement to cut costs and strategically allocate resources.** The use of performance measures is integral to inform decision-making and, as such, agencies should endeavor to take them into consideration when making budgetary decisions in relation to DWI countermeasures, interventions, and policies. Performance measurement can provide agencies with an indication of where resources should be allocated in order to achieve the best outcomes.
10. **Link policy to outcomes.** In a similar vein to resource allocation, performance measures can be used to develop targeted DWI policy. The justification for decisions, particularly at a policy level, should be informed and data-driven. Performance measures help determine whether agencies are meeting their stated goals and objectives, and also provide insight into areas for improvement. Policy can be created or modified to address shortcomings or gaps that are identified through performance measurement.
11. **Consider performance measures during the development of data systems.** Performance measures must be built in when automated data management systems are being designed; add-ons to include performance measures after the fact are costly. The

discussion about performance measures and evaluation should occur at this juncture so that this issue can be addressed at the outset of system development or during an update phase.

## Conclusions

Ultimately, performance measures are useful tools that enable agencies to set goals, monitor progress, guide decision-making, and strategically allocate resources. At present, however, few of the indicators developed to measure performance in traffic safety and criminal justice are specific to DWI. Those measures that do exist identify what is currently being done, but are limited in their capacity to explain how or why certain strategies have been implemented.

More work is needed to develop DWI-specific measures for all phases of the DWI system to begin to measure useful factors that can contribute to successful outcomes and to identify and reduce barriers to progress. Agencies are encouraged to identify current measures and understand data limitations. Agencies are further encouraged to identify priority measures, locate appropriate data, identify points of contact for data sources, develop uniform performance measure definitions, standardize reporting formats for indicators, and communicate to practitioners the importance of performance measurement. In addition, information-sharing among agencies should be facilitated in order to increase collaboration and to gain greater insight into the performance of the DWI system as a whole as well as to identify gaps and develop strategies to address weaknesses.

Overall, performance measurement has the ability to strengthen the DWI system. Performance measurement will ultimately serve as a guide to how to do a better job of reducing impaired driving and assist agencies in the strategic allocation of limited resources.



# PROLOGUE

## About the Working Group

In 2003, the Traffic Injury Research Foundation (TIRF) completed a comprehensive review of the criminal DWI system. This study was completed with funding from Anheuser-Busch and it involved more than 5,000 frontline practitioners representing police, prosecutors, judges and probation and parole officers. The study not only identified common problems that impede the processing of offenders across all levels of the system, but, more importantly, recommended practical solutions to overcome these challenges.

As a result of the high level of consensus regarding problems and their solutions that was evident across different practitioners involved in this study, TIRF formed the Working Group on DWI<sup>1</sup> System Improvements. The Working Group is a coalition of 16 influential criminal justice organizations that have united to advance priority recommendations emerging from the research. These recommendations are:



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

## Activities of the Working Group

Previous meetings of the Working Group have involved a range of activities focused on increasing understanding of the DWI problem, identifying effective interventions and funding sources for them, highlighting gaps in the DWI system and priority activities to improve it,

<sup>1</sup> The abbreviation DWI (driving while intoxicated or impaired) 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 drunk drivers.

developing knowledge transfer initiatives, developing strategies to enhance data collection and data systems, and practical strategies to support the implementation of proven measures. Several reports have been produced as a result of the Annual Meetings of the Working Group, including:

- A complete inventory of current activities and available resources in priority areas was produced that also proposed needed enhancements in conjunction with principles to guide future initiatives (2004);
- Showcased model programs and explored opportunities to expand such programs in both urban and rural jurisdictions (2005);
- A Criminal Justice Perspective on Ignition Interlocks (2006);
- 10 Steps to a Strategic Review of the DWI System: A Guidebook for Policymakers (2006);
- Screening, Assessment, and Treatment: A Primer for Criminal Justice Practitioners (2007);
- Improving Communication and Cooperation (2007);
- Impaired Driving Priorities: A Criminal Justice Perspective (2008);
- Impaired Driving Data: A Key to Solving the Problem (2009);
- Funding Impaired Driving Initiatives (2009);
- Understanding Drunk Driving (2009); and,
- Effective Strategies to Reduce Drunk Driving (2010).

For more information on this project, previous initiatives of the Working Group on DWI System Improvements, and to access these publications, please visit [www.dwiwg.tirf.ca](http://www.dwiwg.tirf.ca)

# 1. INTRODUCTION

When faced with a problem, policymakers, program administrators, and even frontline practitioners ask the same question – what works? They want to know what solutions are available to address the problem and which of the available options are most effective and achievable. To determine what works, it is imperative that agencies are able to measure the success or effectiveness of programs, strategies, and interventions (i.e., that they achieve stated goals and objectives) using empirical evidence.

Measuring the success or the effectiveness of interventions is based in part on performance measures. Performance measurement is applied to strategies that are implemented by agencies and it is used to draw conclusions about their effectiveness. These measures are indicators that allow decision-makers to gauge whether current policies or actions meet their objectives and where improvements are needed. To this end, the use of performance measures is trans-disciplinary as agencies in many fields use this strategy to improve the effectiveness and efficiency of their policies and programs, and to allocate resources wisely.



## 1.1 Why use performance measures?

Performance measures are important to create accountability at all levels. They enable agencies to set goals, monitor and evaluate progress in achieving goals, connect goals to actions and strategic decisions, allocate limited resources in accordance with need, communicate results, and make informed decisions. Performance measures can help define priority objectives, focus programs, measure progress, control costs, and increase collaboration within a particular field.

Other reasons to use performance measures include:

- > increased focus on priorities;
- > greater linkages between policy formulation and goals;
- > improved understanding of the effects of various decisions on the achievement of identified objectives; and,

- improved communication and feedback among stakeholders.

With regard to specific interventions, performance measures can monitor the implementation and effectiveness of strategies, determine the gap between actual and targeted performance, and determine organizational effectiveness and operational efficiency. The bottom line is that performance measures are integral to informed decision-making. In light of current economic conditions, there is a growing trend towards the use of performance measures across disciplines and agencies to maximize the progress achieved with available resources.

There are several different categories of performance measures, including:

- **Effectiveness.** Has the program, strategy, and/or policy met its stated objectives in terms of its process or activities as well as its outcomes or results?
- **Efficiency.** Has the program, strategy, and/or policy been implemented and delivered in a cost-effective, organized fashion, and in accordance with plans?
- **Quality.** Has the program, strategy, and/or policy met the delivery standards developed prior to implementation?
- **Timeliness.** Has the program, strategy, and/or policy been implemented according to pre-determined timeframes or were there delays?
- **Productivity.** Has the program, strategy, and/or policy produced the desired or expected outputs?

Such measures can inform the development of agency plans and identify changes that are needed. The results of performance measurement can also provide the evidence needed to justify future funding or the discontinuation of interventions and strategies.

## 1.2 What factors should be considered when selecting performance measures?

There are some important questions to consider in the selection of appropriate performance measures for any strategy:

- What are your goals?
- What measures best demonstrate whether goals are being achieved?
- What do you have the ability to measure and are these measures useful?
- Do you have the capacity to collect and analyze data for various measures?
- Are current practices producing desired results?

Ultimately, agencies must determine what they should measure (and not just what is easy to measure) in order to track real progress in relation to desired outcomes. Trends can then

be monitored and compared from one year to the next to determine whether and to what extent gains are achieved. It is also important to consider capacity and be selective at the outset to ensure workload is manageable.

**Criteria of good performance measures.** A consensus-based approach or the establishment of some minimum guidelines is essential to guide the selection of performance measures. This can help ensure that locales within a jurisdiction are using measures that facilitate comparisons, at a minimum, within a given jurisdiction, and perhaps even across jurisdictions. To illustrate, in 2008, the National Highway Traffic Safety Administration (NHTSA) in collaboration with the Governors Highway Safety Association (GHSA) developed fourteen traffic safety performance measures categorized according to outcomes, behaviors, and activities. These measures were developed for use by states as well as federal agencies as part of the development of behavioral highway safety policies and programs. Other required criteria that were agreed upon as measures should be:

- > operationally defined;
- > important and valid (i.e., demonstrate an effect on the issue);
- > uniform to facilitate comparisons;
- > sensitive to trends;
- > long-term to make comparisons over time;
- > acceptable and agreed upon by stakeholders;
- > accurate, reliable, and repeatable so they can be replicated by others;
- > understandable such that what is measured can be easily communicated;
- > collected in a timely fashion; and,
- > cost-efficient in that they have value and are not costly to collect.

Although not all performance measures will satisfy each of these criteria, these are important features to consider when selecting appropriate performance measures.

### 1.3 What about impaired driving performance measures?

While there are many general traffic safety performance measures, few are specific to impaired driving, and those that are available reveal little about the overall effectiveness of the many phases of the DWI system (i.e., law enforcement, prosecution, the judiciary, supervision, and treatment) or its individual components. Performance is ultimately measured according to the number of alcohol-related crashes, injuries, and fatalities, but these numbers provide limited insight into how or why these results are achieved, or, more importantly, how they can be improved.

The current economic climate has given rise to increasing demands that governments and agencies allocate resources to those interventions that have proven benefits, and discontinue funding to those that do not. For this reason, there is a considerable need to better measure the effectiveness of different parts of the criminal DWI system, as well as the many individual interventions and tools that are implemented within it to reduce impaired driving.

The development of specific impaired driving performance measures is complicated by the distinct goals associated with diverse phases of the criminal DWI system. While each of these disciplines seeks to achieve the overarching goals of protecting the public and changing behavior to reduce impaired driving, the specific objectives of each phase are unique and measure success in different ways, meaning that performance measures often vary across them.

To illustrate:

- Law enforcement often measures impaired driving arrests, the location of arrests, the number of tickets issued, the number of crashes, and the number of service calls.
- Prosecutors utilize measures of convictions, the number and type of plea agreements, the time to resolve cases, the number of cases dismissed, and the number of cases pled.
- Judges track the timeliness of dispositions (e.g., case management and court backlog), the number of continuances, case clearance rates, adherence to processing standards, failure to appear rates, and trial date certainty.
- Supervision officials monitor contacts with probationers/parolees, caseload/workload, testing frequency and results, the number of violations and the sanctions applied, staff activities and program fidelity, and risk to re-offend.
- Treatment providers rely upon measures of the length of treatment and the frequency of both relapse and recidivism.

It is apparent that while interconnected, each discipline employs different measures of performance in an effort to quantify success. Even though these disciplines may use some of the same measures (e.g., recidivism), they frequently define these measures in different ways.

For this reason, efforts are needed to increase understanding and awareness of what measures are currently available at each phase of the system, but also the appropriateness, usability, and comparability of these measures. This is the first step towards the development of a meaningful continuum of measures that better enable practitioners to make comparisons across the different segments in a uniform way, and to better measure the overall effectiveness of the system.

Ultimately, such measures can provide much needed insight into system priorities and the allocation of resources. Through the use of performance measures, practitioners are better

positioned to identify those interventions that are working well, those that are not, and areas for improvement so that loopholes are closed and the integrity of the DWI system is maintained.

The bottom line is that performance measures are essential to enable agencies to identify priority initiatives. This can help them to improve the efficiency and effectiveness of the DWI system in sum based and to guide the development of action plans to implement these initiatives. Ultimately, this can inform a business case to encourage decision-makers to take the needed action.

## 2. PURPOSE

Performance measures and benchmarks are an emerging interest generally in the traffic safety field, and in relation to impaired driving specifically. The globalization of our environment has created an increasing demand for leadership to enable the development of meaningful and standardized measures of problems, and to facilitate comparisons across jurisdictions that are local, regional, national, and international. Such measures are essential to increase understanding of the different facets of the impaired driving problem, and afford

polymakers new insight into available opportunities to not only address the issue, but more importantly, to measure progress in doing so. The ability of jurisdictions to measure progress is closely connected to their success in effectively filling gaps that exist and developing evidence-based actions to reduce impaired driving.

Professionals involved in each phase of the DWI system rely upon a variety of measures to determine their own effectiveness in achieving their respective goals and objectives. However, these measures may not be consistent across jurisdictions, or even within a profession, depending on the management structure within a state or Tribe, and the branch of government in which the professionals are situated. To date, there is no national set of widely accepted, essential benchmarks for each of the phases of the criminal DWI system.

This report from the Working Group on DWI System Improvements is designed to inform practitioners,

program administrators, and policymakers about the most commonly available performance measures that currently exist at each phase of the system, their strengths and limitations, and opportunities to strengthen the measurement of impaired driving progress. It was created through input from practitioners and provides context to inform decisions about performance measures, describes what measures generally exist, and identifies recommendations to improve existing measures for the system as a whole.



The report answers the following questions:

- > Why use performance measures?
- > What to consider when using performance measures?
  - » What are the criteria of good performance measures?
- > What performance measures are currently available (for traffic safety, law enforcement, prosecutors, the judiciary, supervision, and treatment)?
- > What are the strengths and limitations of available performance measures?
  - » What are some caveats to consider?
  - » What role do data systems play?
  - » What other measures would be useful?
- > What are the most needed performance measures to track DWI system progress?

Ultimately, this practitioner perspective on performance measures can inform Federal, State, and Tribal initiatives to measure progress in relation to the many facets of the DWI problem. These performance measures could also inform recommendations for future highway safety re-authorizations to address critical issues.

# 3. TRAFFIC SAFETY PERFORMANCE MEASURES

Unlike the criminal justice system, there have been concerted efforts in the traffic safety field to measure and track progress in reducing impaired driving. As noted previously, the NHTSA and GHSA developed and agreed upon a minimum set of 14 traffic safety performance measures to be used by federal and state agencies during the development and implementation of highway safety plans and programs. These consensus measures are not intended to define a full range of traffic safety program objectives, measure progress of

every objective, or compare state programs. Instead, these performance measures enable states to set goals in their highway safety plans and track and report on their progress. These measures also enable NHTSA to track and report on progress nation-wide and objectively report findings to Congress, agencies, and the general public.

NHTSA produced two key reports that summarize traffic safety performance measures that may be of interest to practitioners:

- > Traffic Safety Performance Measures for States and Federal Agencies Model (Available online: [https://www.transportationresearch.gov/dot/fhwa/pm/Lists/aReferences/Attachments/89/811025\[1\].pdf](https://www.transportationresearch.gov/dot/fhwa/pm/Lists/aReferences/Attachments/89/811025[1].pdf)).
- > Model Performance Measures for State Traffic Records Systems (Available online: <http://www-nrd.nhtsa.dot.gov/Pubs/811441.pdf>).

Briefly, three different types of traffic safety performance measures are considered:

1. Activity measures identify practices that influence traffic safety (e.g., the use of sobriety checkpoints by law enforcement);
2. Behavior measures are gauges of road user behavior which are captured through observation (e.g., seatbelt use) or self-report (e.g., surveys on drinking and driving); and,
3. Core or outcome measures identify consequences which include crashes, injuries, and fatalities.



Collectively, these measures provide a picture of overall traffic safety system performance. Activity measures gauge what has been done, behavior measures determine what effect, if any, activities had on behavior. Outcome measures determine whether the behavior change resulted in reductions in crashes (and subsequent injuries and fatalities) (Hedlund 2008). To summarize, activity and behavior data provide intermediate performance measures whereas outcome data provide information on effects such as lives saved and injuries prevented. Of these categories, behavior measures are the hardest to gather whereas outcome measures are the easiest.

**DWI-specific performance measures.** Of note, just two of the fourteen consensus measures (one activity measure and one outcome measure) are DWI-specific.<sup>2</sup> The activity measure is the number of impaired driving arrests made during grant-funded enforcement activities; the outcome measure is the number of fatalities in crashes involving a driver or motorcycle operator with a breath alcohol concentration (BAC) of .08 or above, which is subsequently reported in the Fatality Analysis Reporting System (FARS) data. Hence, information captured about impaired driving in traffic safety data is limited and provides an incomplete picture of overall DWI system performance.

However, there are some other measures, in addition to the consensus measures, of DWI system performance. Data are also collected for the following three measures:

- > alcohol-related motor vehicle crashes:
  - » number, percentage, rate;
  - » single and multi-vehicle;
  - » presence of other factors (e.g., speeding, distraction); and,
  - » BAC.
- > alcohol-related motor vehicle fatalities:
  - » number, percentage, rate.
- > alcohol-related motor vehicle injuries:
  - » number, percentage, rate.

**Current limitations.** FARS data is the best source of fatality data but there are issues related to inconsistent reporting. One of the key gaps associated with measures of alcohol-related crashes is the variable alcohol testing rate among drivers that occurs in jurisdictions across the United States. In many states, testing rates of fatally injured drivers are low (under 20% in some instances); only half of states test over 70% of fatally injured drivers for the presence of alcohol. As a result, FARS uses a multiple imputation method to account for missing data and create reliable estimates of the percentage of fatalities involving alcohol. Additionally,

---

<sup>2</sup> Other measures that relate to seatbelt use, speeding and aggressive driving, motorcyclist, pedestrian, and young driver fatalities are potentially related to impaired driving in an indirect capacity, but do not necessarily capture the issue in its entirety.

FARS data only has a look-back period of three years, whereas many of the highest-risk drunk drivers engage in this behavior repeatedly over the course of their lifetime.

Another important gap with these measures relates to the inconsistent way in which injury data is collected and classified. This is due, in large part, to the absence of a uniform or standardized national classification system. The severity of injury rankings (killed, serious, minor, possible, nothing) may vary significantly across agencies, much less from one jurisdiction to another. At present, no uniform definition for injuries exists although Model Minimum Uniform Crash Criteria (MMUCC)<sup>3</sup> has begun exploring the creation of standard definitions. Emergency medical services (EMS) data is another potential source of alcohol-related injury data. To date, injury crashes are weak measures but provide some insight into the magnitude and severity of the impaired driving problem. Injury performance measures have been considered for future development and inclusion in the NHTSA consensus measures.

**Key questions.** Traffic safety agencies that are contemplating augmenting existing DWI system measures may wish to consider the following as part of discussions:

- > How are DWIs tracked in your agency and among other agencies in your jurisdiction?
- > How are data reported and entered into the system?
- > How does data enter the driver record?
- > Are definitions standardized for documentation and data collection purposes?
- > What measures are to be given priority?

**Future efforts.** Looking forward, there is the potential for the development of additional impaired driving measures such as more measures of enforcement activities (and associated workload). A 2011 NHTSA report<sup>4</sup> on the feasibility of collecting traffic safety data from law enforcement agencies highlights what information is currently collected by these agencies and the resources and strategies utilized to carry out traffic safety enforcement. Similarly, the exploration of the possible inclusion of additional measures in the FBI Uniform Crime Reports Database (e.g., to further examine DWI arrests by offense type or BAC level) has also been suggested.

---

<sup>3</sup> For more information on MMUCC please visit: [www.mmucc.us](http://www.mmucc.us)

<sup>4</sup> Feasibility of Collecting Traffic Safety Data From Law Enforcement Agencies; available online: [www.nhtsa.gov/staticfiles/nti/pdf/811447.pdf](http://www.nhtsa.gov/staticfiles/nti/pdf/811447.pdf)

## 4. CRIMINAL DWI SYSTEM PERFORMANCE MEASURES

The criminal DWI system is a complex array of interdependent agencies with diverse and overlapping mandates, leadership, policies, priorities, and funding sources. Collectively, these agencies are responsible for the identification of drunk drivers, their removal from the road, their prosecution in court, the imposition of sanctions, and the supervision of offenders to ensure compliance with penalties. The degree to which the criminal DWI system achieves these goals is most often measured in terms of general outcomes such as conviction rates, recidivism rates, and reductions in alcohol-related fatalities and injuries. However, while such general measures provide insight into the overall effectiveness of the criminal DWI system, they are insufficient to quantify the effectiveness and efficiency of the individual segments of the criminal DWI system, or the agencies, programs and policies represented within them.



In order to better quantify the degree to which these agencies are achieving their specific objectives through an array of programs and policies, and to aid in the identification of needed improvements, performance measures for individual facets of the criminal DWI system are essential. However, it is useful to keep in mind that the system is interdependent and that one facet relies on another in order to achieve successful outcomes (e.g., prosecutors rely on the evidence provided to them by law enforcement in order to gain a conviction).

Although most agencies have undertaken to develop such measures, they are not always robust, comparable, or meaningful such that agencies are able to accurately gauge where gaps are occurring and why, or make comparisons to other segments of the system or jurisdictions. They also cannot account or control for other variables that have an impact on measures unless there is coordination among agencies. For this reason, more specific measures of DWI system performance that are generally accepted and widely used are vital not only to create accountability for programs and policies, but also to provide incentives for partnerships and increased communication among these agencies.

The first step towards the development of generally accepted specific measures of criminal DWI system performance involves a review of what measures are frequently available and the strengths and limitations of these measures. The second step involves consideration of what other measures may be more insightful, and the extent to which they may be available or can be achieved, particularly through new initiatives. A brief overview of these issues in relation to each phase of the criminal DWI system is contained in this section and described below.

## 4.1 Law enforcement

Law enforcement agencies are responsible for the surveillance, detection, pre-arrest investigation, arrest, and post-arrest investigation of DWI suspects. Of all of the agencies involved in the DWI system, law enforcement agencies collect the most DWI data. However, many of these data reflect activities, and most of these data are used internally for administrative purposes and are not publicly available.



**National.** Currently, there is only one nationwide performance measure of law enforcement effectiveness in relation to impaired driving, which is overseen by the Federal Bureau of Investigation (FBI). The FBI Uniform Crime Reports (UCR) are based on data collected by a majority of law enforcement agencies across the United States; an estimated 95-96% or 18,000 agencies. The UCR contains a breakdown of the number of DWI arrests by age and sex. This data does have its limitations as it does not include information

about BAC level, the nature of the offense (i.e., first vs. repeat offense), or identify individual persons who were arrested multiple times.

**Agency.** There are several different measures that are typically used to gauge the performance of law enforcement agencies and that are collected fairly consistently across agencies. Some of the most common measures include:

- number and percentage of impaired drivers involved in alcohol-related crashes and fatal crashes;
- number and percentage of impaired drivers detected on roadways;
- number of DWI arrests;
- number of tickets issued;
- number of service calls;
- number of DWI saturation patrols conducted annually;

- number of sobriety checkpoints conducted annually;
- number and percentage of officers who receive DWI-specific training;
- number and percentage of officers who have received standardized field sobriety test (SFST) training;
- number and percentage of officers who receive Advanced Roadside Impaired Driving Enforcement (ARIDE) training;
- number and percentage of officers who are certified drug recognition experts (DREs);
- number of DRE evaluations; and,
- number of person hours dedicated to these activities.

These law enforcement data are useful to gauge the frequency and location of impaired driving crashes, the frequency with which impaired drivers are detected on roadways, and whether specific activities result in increased detection of impaired drivers and reductions in the occurrence of impaired driving behaviors in specific locations. In particular, law enforcement agencies have the capability to track a wealth of DWI arrest and crash data. Most agencies collect these data on a daily or monthly basis and make it available to officers as a measure of performance.

**Current limitations.** There are three main limitations associated with law enforcement performance measures. First, these measures often cannot be linked to other important data sources to provide greater insight into how they should be interpreted. For example, while agencies collect information about the tickets or violations that is summarized monthly and made available to officers, there are no linkages made between traffic tickets and involvement in crashes. Similarly, arrest data is reported but not linked to case outcomes as a result of limited or no interface with court systems. Hence officers are not consistently able to gauge the “effectiveness” of the arrest (i.e., whether the arrest provided sufficient evidence to produce a conviction).

This lack of linkages between measures is a major limitation of law enforcement data and is a missed opportunity to gain insight into the DWI problem. It generally occurs as a result of legacy data systems and inadequate or nonexistent technology interfaces. However, in instances where interface capabilities do exist, cases can be tracked from point of arrest through to disposition, providing a better measure of performance and usable feedback for officers if the appropriate data is entered.

Second, some agencies are inherently reluctant to share data due to privacy legislation and concerns about how data are used, interpreted, or with whom it is shared. For example, State Highway Offices may be unable to access law enforcement data (for a myriad of reasons) which would preclude them from using certain measures in annual reports, even though

these data could provide important context to help interpret a state's progress in achieving its goals.

Third, law enforcement data, particularly activity measures, can be challenging to interpret in the absence of context. For instance, an increase or decrease in arrests could possibly be attributed to perceived changes in drunk driving behavior when it may in fact be a result of the hours spent devoted to DWI patrols or the increased use of sobriety checkpoints. These additional variables are important factors to consider when drawing conclusions about practice or policy effectiveness. Such context, however, is often unavailable or too fragmented to easily track. Law enforcement officials have repeatedly underscored the importance of these activity data being viewed in relation to staffing. To illustrate, it is difficult to understand the number of DWI arrests without data about the number of person hours that officers spend on enforcement, the number of people contacted, or the number of checkpoints conducted. Information about level of staffing, size and scope of jurisdiction, and use of overtime are all needed to put context around any law enforcement measures. In the absence of context, meaningful comparisons cannot be made and sound conclusions as to effectiveness cannot be drawn.

**Other measures of interest.** There are some other important measures that law enforcement has identified as useful and instructive to better measure performance in relation to impaired driving enforcement efforts. These measures are:

- > number of arrests:
  - » according to BAC level and drug type;
  - » according to charges (e.g., in the case of multiple offenses);
  - » according to enforcement method (e.g., saturation patrols, regular; enforcement, sobriety checkpoints);
  - » per fatal crash; and,
  - » per vehicle miles traveled (VMT).
- > number and percentage of arrests that lead to a formal charge;
- > number and percentage of arrests that lead to a conviction (for the original DWI charge or a reduced charge);
- > frequency and location of arrests;
- > number of contacts per sobriety checkpoint;
- > hours spent on DWI enforcement; and,
  - » number of officers involved.
- > cost of DWI enforcement.

Law enforcement agencies are encouraged to consider the collection of these measures as part of any review. This information would provide greater insight into the effectiveness of enforcement strategies on different types of impaired drivers, provide context to better interpret measures of arrests, and identify useful patterns that may help better target enforcement efforts.

**Future efforts.** Looking forward, there are a number of initiatives underway that have considerable potential to further augment existing performance measures for law enforcement agencies and their efforts to reduce impaired driving. These agencies collect a vast amount of important data that could potentially be used not only to measure performance but also to inform targeted enforcement strategies. These initiatives are briefly highlighted below.

- > **Data-Driven Approaches to Crime and Traffic Safety (DDACTS).** A relatively new effort that has the potential to further augment performance measures in relation to policing is the proposed creation of a nationwide DDACTS repository. DDACTS “integrates location-based crime and traffic data to establish effective and efficient methods for deploying law enforcement and other resources.” The technique of ‘geomapping’ is used to identify high crime and/or traffic collision areas, which can then in turn identify areas in need of additional enforcement or patrol. The overall goal of DDACTS is to reduce the incidence of crime, crashes, and traffic violations.

DDACTS is used in different jurisdictions, both rural and urban.<sup>5</sup> However, to date, there have been no efforts to centralize all of this data to create a national picture of police effectiveness in addressing impaired driving. Implementation of a system like DDACTS has the potential to standardize reporting through the creation of guidelines on what data to collect, how to collect it, and how to report it. This is very similar to the development of CompStat in New York more than two decades ago, which enabled law enforcement to pinpoint the location of crimes and crashes on a map and target resources and activities accordingly. More information about DDACTS can be found at <http://www.nhtsa.gov/ddacts>

- > **Target Zero in Washington State.** This initiative is another effective data-driven program that has the potential to augment existing law enforcement performance measures. This initiative is led by a statewide coalition seeking to align priorities and leverage resources in a concerted effort to improve traffic safety, including reductions in the occurrence of impaired driving. The root of this initiative is a strategic highway safety plan that measures performance in priority areas of engineering, enforcement, emergency medical services, and education. The plan calls for investment in proven strategies as demonstrated through the use of performance measures. The initiative was eventually transformed into a data-driven, evidence-based, statewide integrated systems approach that reveals how law enforcement agencies and others can utilize performance

<sup>5</sup> DDACTS has been used successfully in Baltimore County, MD, Nashville, TN, Burlington, VT, Oakland, CA, and Louisiana to effectively allocate resources.

measures to focus efforts and translate them into real gains. To learn more about this initiative please visit <http://targetzero.com/>

**Considerations and caveats.** Given the breadth of data that law enforcement agencies generate, any discussion of performance measures should consider the following:

- > **Uniformity.** Officers should be trained to record and interpret data in the same manner in an effort to increase the consistency, quality, and integrity of said data. This makes measures much more reliable and, subsequently, useful. The accurate interpretation of the data is essential because these measures often have practical implications for policy, enforcement strategies, and resource allocation.
- > **Linkages.** Law enforcement agencies should consider relevant linkages as part of the selection of performance measures to increase the value of each measure. In other words, it might be beneficial to link performance measures to other agencies and/or partners (e.g., DA's offices, probation departments, Tribal government, and so forth). Opportunities for linkages with these other agencies are worthwhile to consider and to pursue whenever possible because law enforcement does not work within a vacuum; the data collected from this facet of the DWI system can inform decision-making in other facets. Jurisdictions have pursued the creation of strategic committees, task forces, or integrated information systems to facilitate sharing of information. Target Zero is an example of the integration of multiple entities including law enforcement agencies, with a common goal of reducing DWI.
- > **Policies and practices.** Agencies should have a very clear understanding of how data is captured and recorded, and consider how policies and practices may influence the interpretation of data. Agencies should also articulate and make clear the implications of policies and practices for the interpretation of data, particularly when comparisons are being made or their data are being used by external agencies. Consider the following:
  - » Within an agency, if a suspect is arrested and charged with five different offenses, is this counted as one arrest or five arrests?
  - » Does the release policy of the law enforcement agency have an impact on re-offense? (e.g., those who stay in jail may be less likely to re-offend than those who are released at the roadside).
  - » Is there any distortion in data collection or agency jurisdictional authority due to the effects of state or county borderlines? For example, if a football game occurs near a state border, does this result in a much higher number of arrests or cases in one state and a much lower number in the other?

## 4.2 Prosecution

Once suspects are charged with a DWI offense, prosecutors assume responsibility for the processing of their case. Prosecutors oversee DWI cases in the courtroom through to disposition. From a performance measurement standpoint, there is the potential for accumulation of a tremendous amount of data as it relates to the handling of DWI cases. But the collection and analysis of such data is inconsistent and often lacking across jurisdictions, which makes comparisons difficult. Further complicating the issue of performance measurement among prosecutors is that success may be defined differently from one office to the next. For example, a conviction in one jurisdiction may be the sole outcome that is considered favorable, while resolution of cases (regardless of outcome) may be considered a measure of success in another jurisdiction. The roles and goals of prosecutors can also be different across states or even within states. This lack of consistency must be considered as performance measures are discussed: it presents challenges that are more pronounced than those of law enforcement agencies.



**Common prosecutorial performance measures.** Prosecution rates should not be used as the sole measure of prosecutorial performance. The most important purpose of this rate is to identify discrepancies across jurisdictions as to how frequently DWI arrests are processed through the criminal justice system. The standard indicator of performance for prosecutors is the number of convictions or conviction rate<sup>6</sup> (i.e., how many cases result in either the defendant pleading guilty or being found guilty by a judge or jury). It is important to note that, while this data warrants collection, it is also necessary to view it within the appropriate context. Prosecutors have an ethical obligation not to pursue cases if evidence requires them to do so (e.g., suggests innocence). To illustrate, a conviction rate of 100% is problematic because it implies that every defendant who is prosecuted is treated as guilty regardless of how the evidence unfolds.

Other common measures related to the processing of cases include:

- > ratio of post-arraignment cases adjudicated/cases charged;
- > number and percentage of cases not adjudicated for prosecutorial reasons;<sup>7</sup>
- > number of dismissals;
- > number of dispositions (excluding dismissals);

<sup>6</sup> The conviction rate is commonly calculated by dividing the number of convictions in a calendar year by the number of arrests. This can be problematic because an arrest can be made in one year and the corresponding conviction in another.

<sup>7</sup> Prosecutorial reasons not to pursue a DWI case may include insufficient evidence, failure to appear by a witness, speedy trial violation, and so forth.

- ratio of dispositions entered into state and/or national databases relative to total number of dispositions;
- number of pleas to original charges;
- number of pleas to lesser charges (i.e., number of plea agreements);
- ratio of offense reductions to plea agreements;
- number of reductions relative to BAC levels;
- number of defendants who enter into diversion programs;
- number of placements in programs/treatment;
- number of referrals to DWI/Drug Court;
- number of motions filed per case;
- number of trials;
- number of appeals;
- frequency of prosecutorial error or disciplinary actions;
- staff workload (e.g., number of DWI cases assigned to each prosecutor – misdemeanor vs. felony; average number of cases assigned to each prosecutor at any given time);
- number of prosecutor hours spent per DWI case; and,
- ratio of supervisors to prosecutors.

Additional measures to consider include the number of prosecutor trainings delivered annually by Traffic Safety Resource Prosecutors (TSRPs),<sup>8</sup> the number of DWI-specific training sessions delivered annually to prosecutors, and the evaluation of work performance or other internal quality assurance outcomes. The ultimate measure of performance would be to determine whether offenders who are processed through the justice system recidivate and end up in court again on future DWI charges. This, however, is difficult to track and most jurisdictions do not consistently collect sufficient data to be able to analyze future recidivism. Furthermore, recidivism is rarely well-defined and can have different meanings from one jurisdiction to the next. There is the potential to overcome these challenges but in order to make progress in this regard, there would need to be coordinated system-wide efforts.

Ideally, prosecutors would like to be able to examine how many offenders have previous convictions as well as the number of previous convictions and make linkages to other types of criminality. In other words, it would be beneficial to know more about the DWI offender population to determine the existence of any additional criminal history and the frequency of the same offenders making appearances on the court docket for other types of crimes.

<sup>8</sup> TSRPs also respond to inquiries made by prosecutors via phone and email. It might be important to capture the frequency of these inquiries and the timeliness, relevance, and usefulness of responses.

**Models and resources for performance measurement.** Expanding the variety of prosecutorial performance measures will necessitate better data collection. A couple of resources can act as guides for District Attorneys' (DA) offices that are interested in the evaluation of performance and the collection of more complete information:

- *Performance Measures for Prosecutors: Findings from the Application of Performance Measures in Two Prosecutors' Offices* (developed by the National District Attorneys Association and available online: [http://www.ndaa.org/pdf/performance\\_measures\\_findings\\_07.pdf](http://www.ndaa.org/pdf/performance_measures_findings_07.pdf)).
- Bureau of Justice Assistance's Center for Program Evaluation and Performance Measurement (<https://www.bja.gov/evaluation/about.htm>).

Several U.S. jurisdictions have developed tracking systems for DWI cases that can serve as models for data collection within the criminal justice system. For example, the Drunk Driving Audit is completed annually in Michigan and focuses on the collection of information on how many DWI arrests and convictions occur in Michigan annually. The Audit also takes stock of how cases are disposed of on a county by county basis (for more information about this initiative and for previous copies of the Audit, please refer to: [http://www.michigan.gov/msp/0,1607,7-123-1645\\_3501\\_4626-27728--,00.html](http://www.michigan.gov/msp/0,1607,7-123-1645_3501_4626-27728--,00.html)). Several other states have comparable DWI tracking systems, although the majority of these systems rely on court officials to voluntarily enter data and, as such, do not have the same level of completeness. The good thing about some of these systems is that not only are prosecutors using them, but also court clerks are now able to enter data on which judges can rely for their decisions.

Other examples of system tracking include:

- In California, there is an annual report of the DWI management system. A California Law Enforcement Telecommunications System (CLETS)<sup>9</sup> query can also be done where a certified CLETS operator can provide documentation that can be used as proof in court. This system allows user agencies to obtain information directly from federal, state, and local computerized files. It also provides fast and efficient point-to-point delivery of messages between agencies to improve communication and information-sharing. The problem is that not all counties consistently report data: some counties report 50% whereas the statewide average is 70%. If documents are misplaced, they cannot be registered in the system.
- Missouri also tracks arrests and justice system outcomes. The Traffic Arrest System/DWI Tracking System (TAS/DWITS) is used by a variety of practitioners. Some judges are taking notice of the information being recorded in the system to guide their acceptance of pleas and other judicial decisions.

---

<sup>9</sup> For more information about CLETS, please refer to: [http://ag.ca.gov/meetings/pdf/102908\\_PPPs.pdf](http://ag.ca.gov/meetings/pdf/102908_PPPs.pdf)

- Tennessee's use of vertical prosecution can provide some meaningful measures and opportunities for tracking of DWI cases. Vertical prosecution is a case management method in which a single prosecutor is assigned to a case from the initial point of referral through to completion. The utilization of such a strategy results in greater continuity, improved ability to track cases, and a single source of information and oversight on individual cases.

**Current limitations.** There are several limitations associated with prosecutorial performance measures. The greatest challenge is being able to make comparisons between jurisdictions and offices. This ability is hindered by a number of factors.

The first limitation is a lack of uniformity in data collection procedures. As mentioned previously, the extent to which data (e.g., disposition outcomes) is gathered and entered into a database varies substantially from one county to the next. Some jurisdictions are more advanced and/or diligent in this regard and, as such, have the ability to more accurately identify progress as well as areas for improvement. The tracking of DWI case dispositions in particular is one data element that all district attorney or city attorney offices should strive to collect on a consistent basis. If nothing else, this information is useful in the identification of trends and provides some insight into the ways in which DWI cases are processed within a jurisdiction.

Another limitation relates to assessing prosecutorial performance because the definition of success varies across the profession. Some prosecutors would view the resolution of a DWI case or the placement of a defendant in an appropriate intervention as success, while others may only associate success with a guilty plea or conviction for the original charge. Given that there is no standard measure of what constitutes a successful case outcome, it is difficult to compare the achievements of one office to another. Those offices that have more stringent performance criteria might also foster an environment where the ultimate goal is to secure a conviction and to not explore other options such as diversion or referrals to interventions.

It should also be noted that prosecutors in some jurisdictions have greater independence and discretion than those in others, either because of office policies (such as "no-drop" rules) or statutory restraints. Examples of areas that could be affected by the extent of prosecutorial discretion include: what charges are filed, how pleas are negotiated, what pleas are offered, what is the cut-off for a high BAC, and so forth. Again, this lack of uniformity from one jurisdiction or office to the next makes comparisons challenging. In instances where prosecutors have leeway or flexibility in their decision-making, the rate of plea agreements or diversion placements may be higher, whereas in offices where prosecutors are required to follow set parameters (e.g., statutory requirements or office policies) there may be a greater occurrence of trials. Prosecutors can also theoretically manipulate performance measures or skew conviction data through case selection (i.e., only prosecuting cases that they can win).

In addition to different degrees of discretion, offices and states also have very different approaches and policies in place that could affect the approach taken in the processing of DWI cases. For example, in New York DWI offenses are commonly pled down as a result of the .06 statute (Driving While Ability Impaired);<sup>10</sup> consequently, offenders may be arrested for six charges but only convicted of two. A comparable example is the reduction of DUIs to ‘wet reckless’ charges in California.<sup>11</sup> These types of policies have an impact on conviction and disposition data as a whole.

Lastly, comparing arrest numbers to conviction numbers as a measure of prosecutorial success can be misleading, even though it is frequently utilized. With many measures, the meaning of the number may not be adequately communicated to practitioners. With regard to arrest, just because charges were filed does not mean that the case is strong. Charges reveal nothing about whether a DWI case can be proven in court. The absence of the requisite evidence to effectively try a case can result in a dismissal or a plea agreement to a lesser charge, either of which could influence perceptions on performance.

**Future efforts.** There are a number of strategies that prosecutorial offices can employ to improve the collection of data and measurement of performance. The focus of future efforts centers on conviction rates, recidivism, and data sharing.

1. Conviction rates highlight disparities and are a primary source of investigation. As previously stated, conviction rates are one of the most common prosecutorial performance measures but the value of this measure is questionable given the number of variables that can affect case dispositions. Nonetheless, the conviction rate has the potential to serve as a starting point to determine where and how certain cases/defendants slip through cracks in the system. For a measure of conviction rate, the number of post-arraignment DWI cases that are adjudicated should be compared to the total number of arrests. Then offices can examine those cases that are not adjudicated and determine how many are failure to appear (FTA) vs. those not pursued for prosecutorial reasons. The end result is a measure of system efficiency.
2. The development of a uniform definition of recidivism to be utilized at the county and possibly state level could vastly improve data collection and allow for comparisons. Definitions of recidivism that would be useful include recidivism for DWI convictions and prior alcohol-related driving convictions. Furthermore, the creation of standardized look-back periods<sup>12</sup> is also needed. Finally, agencies would also benefit from the development of methods for coding court data (including missing data) in a way that would allow for easy sharing, merging, and analysis.

<sup>10</sup> DWAI is a lesser charge of DWI (which is a criminal misdemeanor). DWAI is classified as a traffic infraction and has a BAC range of above .05 but lower than .08.

<sup>11</sup> DUIs in California are often reduced to the lesser charge of reckless driving involving alcohol, commonly referred to as ‘wet reckless.’ Penalties include a \$1,000 fine and mandatory completion of a DUI education program.

<sup>12</sup> The length of time that DWI offenses remain on a driver’s record. For example, some jurisdictions have a look-back period of ten years, which means that if an individual is charged with DWI, their record would be reviewed for DWI offenses within the previous ten years to determine whether they are to be classified (and subsequently handled) as a first or repeat offender. Extended look-back periods facilitate the identification of high-risk offenders and those who are eligible for increased sanctions.

3. The issue of access to data and reciprocity among agencies is another challenge that might warrant additional attention. Differences among criminal justice and licensing data systems limit opportunities for system interface. However, the provision of access to national Department of Motor Vehicle (DMV) data to prosecutors could enable them to better measure performance so opportunities to work within existing system capabilities should be explored.
4. Increased collaboration and communication between prosecutors and local law enforcement agencies could improve officer report writing skills, court testimony, and also assist in identifying areas where additional training is needed. This could ultimately result in a closer relationship between DA/city attorney offices and law enforcement. An additional benefit from such a relationship is an overall improvement in the quality of cases filed and, potentially, higher conviction rates as a result.

**Considerations and caveats.** There are several additional considerations and caveats to keep in mind when one examines prosecutorial performance measures. The following steps are needed to improve the collection of data and to allow the identification of important linkages between the licensing and criminal justice systems:

- > **Outline the importance of data collection.** In order to gain buy-in from prosecutors, state, district, or city attorney offices might consider discussing the importance of data collection and the need to enter data into central repositories. If it is clearly communicated to practitioners why the data is needed, what it is to be used for, and how it can be beneficial for them, there may be less reluctance on their part to maintain records. In other words, it is not enough to ask practitioners to track certain data elements; it is necessary also to demonstrate and reinforce why the collected information is of value and how it can aid them in the performance of their job.
- > **Uniformity in definitions.** The lack of standardization or uniform definitions for common data elements such as recidivism presents challenges and can make comparisons of performance next to impossible. It is important to develop standard definitions to ensure that all agencies (or, at a minimum, attorney offices) are measuring the same thing in the same way. While this may not be feasible at the national level, it might be a goal to work toward at the state level or, at a minimum, at the county level.
- > **Classification of offenders.** Diversion programs can factor into whether or not an individual is classified as a first time or repeat offender. It is important to be aware of whether a defendant is new to the system or has several previous convictions because it is often more difficult to measure outcomes for repeat offenders. In processing repeat offender cases, there is a much broader range of factors and outcomes; there is typically more flexibility and discretion in terms of what can happen.

- > **Identification of offense categories.** Agencies should endeavor to track not only convictions, but also dispositions for different offense categories (e.g., misdemeanor vs. felony). It is important to be able to distinguish outcomes between these types of offenses for comparison purposes.
- > **Access to records.** Prosecutors need proper records from licensing authorities (i.e., DMV) to determine whether convictions are entered on the driver record and can subsequently be accessed by law enforcement. Access is also important in instances where there has been a prior offense history (i.e., a defendant previously had a conviction expunged by completing a diversion program). The provision of access to driver records provides prosecutors with the information required to make informed decisions with regard to DWI case processing.
- > **Establishment of correlations.** If prosecutors have access or can link to other data systems, they may be able to establish correlations between convictions, past offense histories, violations, and recidivism. This data may also be important to inform decision-making as prosecutors can link dispositions with recidivism and determine which approaches appear to be effective with different categories of offenders.

Additional questions that prosecutorial offices might consider during the implementation of data collection include:

- > What is the significance in collecting each form of data?
- > What happens to the data collection process when certain charges are dismissed?
- > What are the look-back periods for prior offenses?
- > How are convictions and dismissals associated with diversion programs tracked and entered?
- > Are violations considered independent criminal convictions?

### 4.3 Sanctioning

Judges are responsible for the oversight of the adjudication process and for the imposition of dispositions, sanctions, and conditions of supervision. Once DWI defendants are brought before the court, judges preside over all of the proceedings including arraignments, pre-trial processes, trials, verdicts, sentencing (in the event of a conviction or guilty plea), and the appeals process. Performance measures for judges are slightly different than for other professions within the criminal justice system, because due process requires an impartial finder of facts and trial manager. There is a presumption of impartiality and the judges' role is not to secure convictions but rather weigh the facts of each case, apply the appropriate burden of proof, and render a verdict accordingly. In instances where there is a jury trial as opposed to a bench trial, judges are responsible for determining the admissibility of evidence

and the provision of appropriate instructions to the jury. Therefore, judges cannot rely on conviction rate as a measure of their performance.

**Common judicial performance measures.** Judicial performance can be measured by the efficiency and professionalism through which judges manage their courtrooms and their ability to apply appropriate evidentiary standards, criminal trial procedures, and, for convicted defendants, sanctions and interventions. This speaks to the importance of professional ethics as well as the importance of risk assessment and substance use screening to inform decision-making. Timely disposition, fairness, courtroom decorum, and equity are all important factors in the administration of justice and should be considered as potential performance measures.



Other pieces of data that can be used to assess judicial performance, when they are not mandated by statute or court rules, include:

- > number of cases assigned;
- > number of cases presided over;
- > number of continuances per case;
- > number of dismissals (with and without prejudice);
- > average amount of time to resolve a case (pleas, plea agreements, trials);
- > maintenance of trial date certainty;
- > number of appellate reversals;
- > court clearance rate (i.e., number of cases going in and out);
- > number of case referrals to specialized courts;
- > frequency of use of assessment/screening tools in sentencing;
- > number and type of treatment orders for offenders assessed as having substance use issues;
- > consistency of dispositions among similar cases;
- > compliance with mandatory sentencing guidelines;
- > adherence to processing standards and professional ethics;
- > recidivism rates (re-arrest rates and re-conviction rates); and,
- > recidivism rates per type of disposition.

An additional area of performance to consider is the number of judicial trainings or continuing legal education (CLE) sessions attended per year specific to DWI.

**DWI Courts.** DWI Courts are specialized and distinct from traditional courts in that they have a separate docket of those who are considered high-risk drunk driving offenders (e.g., repeat or high-BAC first offenders) who are less likely to be deterred by traditional penalties and interventions and are more likely to continue driving after drinking. These courts aim to reduce drunk driving by treating the underlying issue (i.e., substance misuse) and holding offenders accountable for their behavior. These courts utilize a team approach, led by the judge in collaboration with other criminal justice practitioners, who develop a program, supervision, and treatment plan tailored to individual offender risks and needs.

These courts provide an opportunity to examine a different set of performance measures that cannot be applied in a traditional court setting. These measures include:

- > number of offenders who participate;
- > offender retention rate;
- > number of offenders sent to treatment;
- > number of offenders who successfully complete treatment;
- > number of offenders who graduate;
- > number of offenders who drop out or violate;
- > rate of substance use among graduates pre-DWI Court, during participation, and post-graduation;
- > rate of employment among graduates; and,
- > rate of recidivism among graduates.

There is also the potential to determine whether problem-solving courts such as the DWI model are cost effective. Several evaluations in recent years have examined many of these performance measures and found that DWI Courts can lead to reductions in recidivism (see: Fuller et al. 2008 (Michigan); Fell et al. 2011 (Georgia); Marlowe et al. 2009 (Arizona/California/Georgia); NHTSA 2004 (Georgia); Hiller and Saum 2009 (Wisconsin)).

**Models and resources for performance measurement.** Similarly to prosecutors, the main challenge in assessing judicial performance is inconsistent data collection. In an effort to address these shortcomings, several resources have been developed to assist jurisdictions in the implementation of performance evaluation. Some of these models are more generalized and include all types of crimes, whereas others are more specific to DWI.

- > The National Center for State Courts (NCSC) developed a resource guide for judicial performance evaluation (<http://www.ncsc.org/Topics/Judicial-Officers/Judicial-Performance-Evaluation/Resource-Guide.aspx>). Judicial Performance Evaluation (JPE) programs can help ensure accountability in the judiciary while also promoting judicial

independence. NCSC offers technical assistance to jurisdictions interested in the development and implementation of this type of process.

- The Institute for the Advancement of the American Legal System (IAALS) out of the University of Denver produced *A Blueprint for Judicial Performance Evaluation* that provides a step-by-step guide for “building a transparent courthouse.” This resource details how jurisdictions can create their own JPE programs. Sample surveys, statutes, and court orders from a variety of jurisdictions are included. The Blueprint is available online: [http://iaals.du.edu/images/wygwam/documents/publications/TCQ\\_Blueprint\\_JPE2006.pdf](http://iaals.du.edu/images/wygwam/documents/publications/TCQ_Blueprint_JPE2006.pdf) An additional resource produced by the same Institute is *Shared Expectations: Judicial Accountability in Context*: [http://iaals.du.edu/images/wygwam/documents/publications/Shared\\_Expectations\\_Judicial%20Accountability\\_Context2006.pdf](http://iaals.du.edu/images/wygwam/documents/publications/Shared_Expectations_Judicial%20Accountability_Context2006.pdf)
- In New Mexico, the Administrative Office of the Courts (AOC) tracks DWI court dispositions and compiles them in an annual statistical report. Other jurisdictions can track DWI court statistics in a similar manner. An example of one of the state reports can be found here: [http://www.nmcourts.gov/dwi\\_reports/2012dwicourtdispositions.pdf](http://www.nmcourts.gov/dwi_reports/2012dwicourtdispositions.pdf)
- Mothers Against Drunk Driving (MADD) developed a Court Monitoring Program that has been implemented in several jurisdictions. The goal of this program is to “create an environment of accountability” through the observation of drunk driving cases and outcomes on a consistent basis. Part of the initiative involves the collection of data that can be shared with judges, prosecutors, public defenders, and law enforcement to identify both strengths and weaknesses within the system. Some of the data elements collected include rate of plea agreements and reduced plea acceptance, plea agreements by type of offense, use of victim impact statements, compliance with mandatory sentencing provisions, and types of sanctions/dispositions applied (incarceration, probation, fines, use of technology). There is some peer-review to ensure that the measures are accurate and that data are correctly interpreted. Quarterly interim reports are produced to show trends.

**Current limitations.** The limitations associated with judicial performance measures in relation to DWI are comparable to the challenges inherent to many of the prosecutorial measures. The biggest limitation is a lack of information; specifically, complete information. Courts have the ability to track case disposition data but many do not for a variety of reasons, most commonly a lack of resources or staffing. The potential to track DWI data and trends is there, but someone must be responsible to enter, accumulate, and report it.

Secondly, definitional differences also impede the ability to measure performance. As is the case with each facet of the system, definitions of recidivism vary. Recidivism rate is the primary outcome measure for the judiciary but quality and consistent data needed to determine this rate are often insufficient. It would be beneficial for judges to have

information in relation to DWI offenses such as re-arrest rates, re-arrest followed by conviction rates, and re-incarceration rates. Each of these measures requires a standardized definition in order for comparisons among courts to be possible. Additionally, a distinction between recidivism for DWI, alcohol-related offenses, and other criminal offenses is an important consideration to facilitate comparisons.

Lastly, timeframes in which court data are collected can affect performance measures. For example, cases may carry over from one year to the next or involve multiple charges that are resolved using different options. This can potentially skew numbers and rates if not properly accounted for during collection; the resulting analyses would then provide an inaccurate representation of dispositions. Other issues such as the inclusion of DWI offenses that are expunged by the courts, juvenile DWI offenses, and diversion programs also have the potential to influence outcomes and should be taken into consideration.

**Future efforts.** One way to improve judicial performance measurement is to establish a JPE process. The IAALS Blueprint provides all of the information necessary to develop such an effort and to identify the data that should be collected, the benchmarks that should be set, and how to disseminate findings. Sample statutes for the establishment of State commissions to review judicial performance along with governing rules are provided. Perhaps one of the most important elements of the JPE process is that it creates opportunities for dialogue with judges about concerns and issues. This brings together judges and other criminal justice actors to participate in the conversation and evaluation process, increasing accountability. The provision of constructive feedback can assist judges in the administration of their courtrooms and provide them with outside perspectives, as well as new strategies and approaches to case disposition.

**Considerations and caveats.** Judicial performance measurement is hindered by a lack of data. As with prosecutors, the importance of data collection for judicial performance needs to be communicated to court staff. It is imperative that someone track disposition data and other court-related statistics, and that this data be recorded accurately and consistently. The need for uniformity in definitions is also applicable in this instance.

Several additional considerations related to the collection and evaluation of judicial performance data include:

- **Use of DWI Courts for comparisons.** DWI Courts can be compared to traditional courts as to their relative effectiveness in recidivism reduction.<sup>13</sup> Some examples of comparisons include:
  - » comparison of participants of the court to offenders who have received traditional sanctions;
  - » comparison of graduates of the court to offenders who have received traditional sanctions;

---

<sup>13</sup> Comparisons must acknowledge differences in resources applied in each case.

- » comparison of participants to drop-outs of the program; and,
- » comparison of graduates to drop-outs of the program.

However, an important caveat is that certain offenders are screened out of DWI Courts by eligibility criteria (e.g., no violent offenders or first-time offenders). Such factors can produce selection bias since traditional courts do not have this option. Moreover, offenders may voluntarily enter the DWI Court to avoid incarceration, and might subsequently be more motivated to change. The bottom line is that comparisons can be insightful, if properly applied so that groups are matched and truly comparable.

- > **Examination of the impact of treatment.** It might be beneficial for courts to understand how many offenders are sent to treatment or receive treatment post-conviction, what kinds of treatment they receive, and to what extent this reduces recidivism. DWI and treatment have become inextricably linked, so it might be of value for judges to be aware of the frequency with which offenders are in need of referrals (by court order) to these services.
- > **Importance of screening and assessment.** If judges are aware of the important role that treatment can play in the reduction of recidivism for DWI, it is also necessary to communicate the benefit of considering screening and assessment results in sentencing. Hence judges and others might benefit from performance measures that include the frequency of substance use, the timeliness of assessments, and availability and results of their use to inform sentencing.

## 4.4 Supervision

Community supervision or community corrections agencies (also referred to as probation<sup>14</sup> and parole<sup>15</sup>) are responsible for the supervision of individuals in the community as an alternative to incarceration. At the end of 2011, 4,814,200 adults were under community supervision orders; this represents approximately 1 in every 50 adults in the United States (Glaze and Parks 2012).<sup>16</sup> Community supervision agencies manage people at several stages of the criminal justice process: pre-trial, pre-sentence, post-sentence, and following release from a correctional facility. Supervision agencies aim to monitor individuals to ensure that they comply with conditions, hold them accountable if they violate these conditions, and motivate them to change their behavior by matching their risks and needs with appropriate services, interventions, and community resources. It is these areas in which probation/parole performance can be measured.

<sup>14</sup> Probation is a judicial or a suspended sentence, or court order that places convicted individuals under supervision in the community. This permits adjudicated individuals to avoid jail or prison if they comply with probation conditions. Most misdemeanor probation sentences are a maximum of two years. In special circumstances, this period of supervision may be extended.

<sup>15</sup> Parole supervision is very similar to probation with a few key differences. People on parole have served a period of incarceration and are subject to longer periods of supervision. Parole officers may also be able to impose sanctions for non-compliance. Parole officers may work closely with incarcerated individuals who are nearing eligibility for release. They develop a release plan for inmates and then monitor their activity when they re-enter the community. These released individuals are often deemed higher risk than those on probation due to the sentences they have received (which usually results from the commission of a serious crime/felony).

<sup>16</sup> Glaze, L., & Parks, E. (2012). Correctional Populations in the United States, 2011. *Bureau of Justice Statistics Bulletin*. NCJ 239972. Washington, D.C.: U.S. Department of Justice. Available online: <http://www.bjs.gov/content/pub/pdf/cpus11.pdf>

**Common supervision performance measures.** Similar to other aspects of the criminal justice system, the overarching performance indicator for probation/parole is recidivism rate; however, community corrections agencies require a better understanding of why individuals fail while under supervision and, as such, measures that detail the monitoring process and referral decisions are often of greater value. These measures assist agencies in making determinations as to why some individuals successfully complete their supervision and others do not in an effort to guide future decision-making.

- > Assessment and referral performance measures:
  - » frequency and quality of substance use screening and assessment;
  - » frequency of risk assessment;
  - » frequency of use of specialized risk assessment tools for different offense populations;
  - » relevance of case management plan to individual risks and needs;
  - » number of referrals to appropriate treatment programs/interventions;
  - » rate of participation in and successful completion of treatment;
  - » number of referrals to community/social services;
  - » number of supervised individuals who gain and maintain employment; and,
  - » number of supervised individuals who complete education (e.g., GED, college).
- > Monitoring performance measures:
  - » number of contacts between practitioner and supervised individual (weekly/monthly basis);
  - » intensity of reporting required and associated compliance rate;
  - » number of home visits;
  - » frequency of substance use testing (i.e., number of urinalysis tests);
  - » scope of substance use testing (i.e., number of substances that can be tested);
  - » methods of substance use testing available (e.g., transdermal alcohol monitoring, urinalysis, EtG/EtS, and so forth);
  - » number of positive substance screens compared to number of negative substance screens;



- » number and types of violations;
  - » number of violations filed compared to number of violations upheld;
  - » frequency of action based on violations (i.e., practitioner follow-up);
  - » timeliness of response to violations;
  - » frequency of use of technologies (alcohol interlock, GPS, transdermal alcohol monitoring);
  - » recidivism rates;
  - » absconder rates;
  - » rate of successful completion of pre-trial supervision (i.e., adherence to pre-trial release conditions);
  - » rate of successful completion of community service hours;
  - » number of individuals who pay victim restitution orders;
  - » rate of successful completion of supervision; and,
  - » number of individuals returned to jail/prison for violations.
- Agency performance measures:
- » number of cases supervised;
  - » average number of cases per officer;
  - » caseload ratio vs. workload ratio (i.e., supervision of many low-risk individuals, supervision of several high-risk individuals, or combination);
  - » number of specialized caseloads;
  - » frequency of use of evidence-based principles and best practices;
  - » fidelity to program models;
  - » staff turnover/burnout rate; and,
  - » number of specialized trainings offered annually.

As the aforementioned list reveals, there is a plethora of data that supervision agencies have the potential to collect and that could be used to establish accepted performance indicators for DWI supervision. The challenge is to achieve consistency in the tracking and recording of many of these statistics, which can be problematic due to limited resources and staffing.

**Models and resources for performance measurement.** Two of the primary barriers to the implementation of performance measurement within community corrections are a

lack of resources and the absence of consistent data entry. As such, the following three initiatives provide general examples of how jurisdictions may address these issues and identify shortcomings, improve DWI offender monitoring, and inform policy.

**1. Community Corrections Performance Incentives Act (CCPIA).**<sup>17</sup> In 2009, California passed Senate Bill 678 to address the problem of prison overcrowding. The Act provides funding to counties that are successful in reducing the rate at which they revoke probation and send individuals to state prison. Of the savings that the state accrues as a result of reduced incarceration, 40-45% is awarded to the county probation department to facilitate the implementation of evidence-based practices and programs such as risk and needs assessment, cognitive-behavioral therapy, and the use of graduated sanctions and reinforcements. In addition to this funding, counties that have very low probation failure rates are provided with additional resources through High Performance Grant awards. In the first year of CCPIA implementation, there was a 23% reduction in revocations throughout the state which translated into correctional savings of \$179 million.

For more information on performance incentive funding programs, please visit: <http://www.vera.org/project/performance-incentive-funding>

**2. Standardized Model for Delivery of Substance Abuse Services (Nebraska Model).** This model is a state-level, collaborative system that collects both probation and treatment data and houses it in two centralized databases (the Nebraska Criminal Justice Information System (NCJIS) and the Nebraska Probation Management Information System (NPIMS)) that can be accessed by the courts, supervision authorities, and treatment providers. Data<sup>18</sup> for all supervised individuals (not just DWI offenders) are collected according to standardized reporting procedures. The model further requires uniform assessment (i.e., use of specific instruments such as the Simple Screening Instrument (SSI), Addiction Severity Index (ASI), and the Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)) and treatment practices (i.e., standardized levels of care) to maintain efficacy and consistency throughout the state. Practitioners receive training on how to collect individual case information, input and retrieve the data from the management information system, and communicate with agencies as needed. Another important aspect of the Nebraska Model is that it tracks individuals as they transition through various phases of the criminal justice and treatment systems. All practitioners have access to assessment and treatment information which facilitates informed decision-making on the part of judges, probation officers, and treatment providers. The system also creates consistency statewide as individuals with comparable risk assessments are monitored and treated similarly; this has the potential to reduce costs as resources can be used strategically.

<sup>17</sup> To read a copy of SB 678, please refer to: <http://www.courts.ca.gov/documents/sb678.pdf>

<sup>18</sup> The types of data collected include: demographics, index offense, legal history, substance use history, medical/psychiatric history, work/school/military records, diagnostic/screening tools, clinical impression, reports from family/friends, and recommendations for care (level and availability).

To learn more about Nebraska’s Standardized Model for Delivery of Substance Abuse Services, please refer to: <http://supremecourt.ne.gov/supreme-court-rules/2418/appendix-standardized-model-delivery-substance-abuse-services>

**3. Maricopa County Adult Probation Department’s (MCAPD) Electronic Filing (E-Filing) System.** The E-Filing project was developed to automate the data entry and distribution of petitions and warrants across seven agencies in Arizona, strengthening linkages between probation and the courts.<sup>19</sup> This initiative involved transitioning from a paper-based system to an electronic one to deliver documentation (related to violation behaviors) from probation to judicial officers in a timely manner. Previously, the manual paper-based system resulted in an average of 10-14 business days for the courts to process these notifications and post-arrest warrants. Following the implementation of the E-Filing pilot in January 2013, this processing period was reduced to five days. The new system also allows for swift entry of petition and warrant information into state and national warrants databases through linkages to Sheriff’s offices. Other benefits associated with this initiative include: improved data quality, increased data integration with partner agencies, reduction of filing time, faster processing of warrants and subsequent apprehension of probation violators, and reduction in spending on materials (e.g., paper, printers). Moving forward, the goal is to work toward the development of a system that will transmit all documents filed with the Superior Court by MCAPD.

**Current limitations.** Aside from common challenges such as uniformity in definitions and lack of consistency in reporting from one jurisdiction to the next, a few additional limitations need to be taken into consideration when developing supervision performance measures for DWI offenders. The first limitation is that there are no measures of communication, coordination, and/or information-sharing with other agencies even though these are important factors and have the potential to have an impact on outcomes. Many agencies operate independently, and in the absence of communication channels and information-sharing, miss valuable opportunities to work collaboratively to inform the development of case management and treatment plans and improve outcomes. Probation/parole officers and treatment professionals in particular can mutually benefit from sharing information about client progress. The degree to which these entities are able (and willing) to work with one another should be classified as a measure of overall performance and quantified in some manner (e.g., perhaps number of contacts or meetings with partner agencies).

Another limitation of supervision performance measurement is that the ability of practitioners to utilize evidence-based practices and make appropriate referrals can be compromised as a result of location. Supervised individuals in rural jurisdictions face greater challenges due to a lack of resources. For example, there may be substantially fewer treatment interventions/ programs and community services available for practitioners to make referrals. Furthermore, in some instances, supervision conditions may not be realistic or achievable due to a lack

<sup>19</sup> The seven agencies involved in the initiative include: MCAPD, Administrative Office of the Courts, Superior Court in Maricopa County, Clerk of the Court for Maricopa County, Maricopa County Sheriff’s Office, Integrated Criminal Justice Information Systems, and Superior Court Technology Services.

of resources or staffing (i.e., they could be too onerous from a workload standpoint). Also, justice personnel may be less familiar with the use of monitoring technologies such as alcohol interlocks. Coordination with courts in rural areas presents an additional challenge in that it may be exceedingly difficult to schedule violation hearings in a timely fashion. Lastly, rural jurisdictions are also more likely to have outdated data management systems that further impedes monitoring and data collection which limits the potential for performance management. This means that DWI performance measurement should acknowledge barriers that exist in rural jurisdictions when performance indicators are selected and these areas are measured in accordance with them.

One final element that has the ability to influence supervision performance measurement is offender indigency rates. If probation officers are assessed in relation to whether they make appropriate referrals to treatment interventions or programming, the ability of supervised individuals to pay for these interventions must be taken into consideration when examining outcomes. As it relates to treatment in particular, individuals may not be able to afford the treatment program that is best suited to their risks and needs and instead attend a less tailored or intensive or more generic option because it is cheapest. Many supervised individuals lack insurance and without it, they often find their selection of treatment intervention dictated largely by cost. Therefore, it might be prudent for supervision agencies to determine how to measure and quantify the indigency issue and gauge the impact that it can have on outcomes such as successful completion of supervision, successful completion of treatment, and recidivism rates.

**Future efforts.** Supervision agencies continually aim to develop measures that will provide greater insight into the effectiveness of various interventions among different offense populations. In an effort to improve supervision outcomes and reduce recidivism, the focus of future initiatives is the strengthening of linkages between monitoring and treatment. More agencies are beginning to look at outcome-based contracting as an option for increasing the quality of treatment provided by private treatment contractors. By instituting policies whereby contracts are negotiated on the basis of results, supervision agencies are able to put pressure on treatment contractors and their employees to implement evidence-based practices. Some jurisdictions are also in the process of developing mechanisms to assess the effectiveness of treatment providers and to increase the level of rigor associated with the certification process in order to improve the overall quality of service delivery.

Other areas for potential measures include the examination of treatment outcomes for linkages with supervision in order to identify opportunities to reduce recidivism. In other words, practitioners endeavor to use treatment data to inform case management plans and adjust risk level to correspond with demonstrated progress in relation to supervision and treatment on an ongoing basis. Additional linkages can also be made regarding which types of interventions individuals respond to and which they do not and how practitioners can engage with their supervisees to identify appropriate programming so that maximum benefit

is derived. So measures to quantify the exchange of information between probation and treatment agencies in relation to DWI outcomes could have benefits.

A final area of focus for supervision practitioners is determining the best ways in which to have practice guided by research. Much of the focus in community corrections is on the implementation of evidence-based practices; however, research needs to be effectively translated and made meaningful to frontline practitioners who operate in different environments and under different constraints. One future agency performance indicator could be knowledge transfer to practitioners and awareness of relevant research findings.

**Considerations and caveats.** There are several additional considerations that warrant further discussion. In order to develop sound DWI supervision performance measures and facilitate the collection of data, it is important that identified measures acknowledge relevant factors such as case management protocols, risk level, and fidelity to models.

- > **Develop strong case management protocols.** As case management systems become more sophisticated, tracking individuals becomes easier as does the collection of performance indicators. The development of standardized systems, such as the one in Nebraska, has the potential to greatly improve data reporting and ensure that all agencies collect and report comparable information. These types of systems allow program administrators to track and assess progress and also identify areas for improvement.
- > **The importance of risk assessment.** The identification of risk levels and individualized needs helps probation officers prioritize the people on their caseload. This level of prioritization allows practitioners to maximize their effective use of limited resources. However, it is important to remember that conditions of supervision can vary according to an individual's level of risk which does not necessarily remain static over time. Therefore, practitioners benefit from re-assessment and re-classification of supervised individuals at various stages of the process, and performance measures should take account of changing risk levels of DWI offenders.
- > **Consider fidelity.** In relation to the previous point, consideration must also be given to whether fidelity to practice models should be used as a supervision performance measure. There is general acceptance that practitioners might need to adapt practice in order to make its implementation and delivery feasible in different jurisdictions (e.g., rural areas), but at what point has it strayed so far from the original approach/delivery that practice is no longer grounded in research? Also, how is fidelity quantified and measured and should adaptability be considered an overall measure of performance for supervision agencies?

Additional questions that monitoring agencies might consider during the development and implementation of performance indicators include:

- > What is the mission of the supervision agency and does it align with practices (i.e., emphasis on rehabilitation, deterrence, punishment)?

- > What are the characteristics of an effective supervision staff?
- > What are the most effective DWI supervision styles and tools?
- > What are the workload implications of various DWI supervision tools?

## 4.5 Treatment

The purpose of treating DWI offenders is to help identify the presence and severity of substance dependence or abuse and to address those addictive patterns. Treatment is designed to lessen and prevent negative consequences of substance abuse (such as drunk driving) and also to support the client during times of relapse, which are to be expected. The goal of treatment is to reduce the risk of recidivism by addressing the root cause of offending. Not all DWI offenders require treatment however, through the use of screening and assessment during the court process and the subsequent supervision phase, those individuals who do require intervention are identified and referred to appropriate programming.



In terms of performance measurement, the focus of treatment outcomes center on relapse and recidivism rates. Unfortunately, there is great variation in how these measures are defined which makes comparisons challenging. The reliance on private enterprise to provide treatment services as opposed to state agencies also creates inconsistencies as there tends to be an absence of standardized reporting and the maintenance of central repositories of treatment data available that can be accessed by practitioners in other facets of the system. This can make it challenging to identify and capture appropriate performance measures for treatment services.

However, treatment performance measures have the potential to inform decision-making, particularly at the time of disposition and in the development of case management plans and supervision strategies. The information obtained during the treatment process can potentially improve overall system outcomes (i.e., recidivism) if practitioners are granted access to data about offender substance use and can subsequently utilize these measures to inform decision-making.

**Common treatment performance measures.** As mentioned, the most common benchmarks of treatment success are the rate of relapse and the rate of recidivism among those who enter in, drop out of, and successfully complete treatment programs. Other common measures include:

- > number of referrals to treatment;
- > number of admissions;

- number of mandatory admissions vs. number of voluntary admissions;
- admission rates for different treatment modalities/environments (residential, outpatient);
- average wait times for program admission;
- number of referrals to additional services or specialized treatment;
- frequency and quality of substance use assessment;
- percentage of referrals assessed as having alcohol dependence, drug dependence, poly-substance dependence;
- frequency and quality of risk assessment;
- frequency of substance use testing (i.e., number of urinalysis tests);
- number of positive substance screens compared to number of negative substance screens;
- number of discharges;
- attrition rate and reasons for leaving programs;
- average length of stay in program;
- rate of successful completion (i.e., remaining in treatment for the duration of programming);
- change in substances used and frequency of use between admission and discharge;
- percentage of clients who opt to serve a period of incarceration as opposed to completing treatment;
- amount of time between when treatment is completed and when the client returns (e.g., time between relapses); and,
- recidivism rate.

Other potential performance measures focus on treatment agencies and individual practitioners. These include adherence to professional code of ethics, quality of services delivered, adherence to state rules and regulations, up-to-date certification or accreditation, and frequency of skills training on an annual basis.

**Treatment data sources.** There are several sources of data available to all practitioners that examine substance use and treatment generally. The Substance Abuse and Mental Health Services Administration (SAMHSA) oversees and funds several of these resources that provide insight into the prevalence of substance use and mental health in the United States. While not all of these data sources contain specific measures that are applicable to DWI offenders,

they may provide useful insight into what types of measures are common in this field and may be applicable specifically to a DWI population.

1. **The National Survey on Drug Use and Health (NSDUH)** is an annual nationwide survey that involves interviews with approximately 70,000 randomly selected individuals who are age 12 and older. Data from the NSDUH provide both national and state-level estimates on the use of tobacco, alcohol, illicit drugs (including non-medical use of prescription drugs), and the prevalence of mental health in the United States. The NSDUH provides prevalence data on drunk driving which makes it a valuable tool, however the annual report lags in its release as it takes time to compile and analyze the data collected.

To obtain additional information about the NSDUH and access copies of the report, please visit: <https://nsduhweb.rti.org/>

2. **The Treatment Episode Data Set (TEDS)** is a system that tracks more than 1.8 million annual substance abuse treatment admissions from more than 10,000 facilities nationwide.<sup>20</sup> TEDS provides information on the “demographic and substance abuse characteristics” of admissions to treatment programs. The types of facilities that report data are those that are licensed or certified and receive State alcohol and/or drug agency funds for the provision of substance abuse treatment. Treatment facilities that are operated by private for-profit agencies, hospitals, and the State correctional system may be excluded. The TEDS data is updated quarterly and is reported by “sex, age, and race/ethnicity for each of 15 categories of primary substance of abuse.”

The advantages of this data set are that individual users can run their own tables and depending on the state, DWI might be identified as the admission referral source.

To obtain additional information about TEDS and access the data set, refer to: <http://oas.samhsa.gov/dasis.htm#teds2>

3. **The National Survey of Substance Abuse Treatment Services (N-SSATS)** is an annual survey designed to “collect data on the location, characteristics, and use of alcohol and drug abuse treatment facilities and services” across the United States. Data is collected on an annual basis from both state-run and private facilities that provide substance abuse treatment services. Similar to TEDS, N-SSATS is not client-specific but it can provide insight into which programs nationally have specialized services for drunk driving offenders. The data obtained through N-SSATS is used primarily for policy analysis and program administration purposes.

To obtain information about N-SSATS response rates and copies of questionnaires, survey schedules, and reports, visit: <http://www.dasis.samhsa.gov/dasis2/nssats.htm>

---

<sup>20</sup> This is a representative sample of admissions as it does not comprise all admissions to treatment programs however, it does include admissions that are covered by public funds. TEDS comprises data that are routinely collected by states in monitoring their individual substance abuse treatment systems. The system is also admission-based, not individual-based and, as such, one offender could have multiple admissions.

**Current limitations.** Aside from a lack of consistency in reporting, there are several other limitations inherent in the treatment system that act as barriers to the use of performance measures for DWI services. First, the treatment and criminal justice systems utilize different vocabularies for behaviors, outcomes, and measures. While intertwined, these two facets of the DWI system are not always directly linked and the way in which measures such as relapse or recidivism are defined in one system, may not be classified the same way in the other. This makes it challenging to leverage available indicators used in each system, thus missing an opportunity to better inform practitioners.

There are also gaps in performance measures because treatment agencies do not necessarily collect complete or adequate data. This problem is compounded in jurisdictions that do not have mandatory reporting protocols in place.<sup>21</sup> Common performance gaps include the percentage of DWI offenders referred to treatment, the percentage of DWI offenders screened/assessed for alcohol dependency, completion rates of DWI education and intervention programs, and the impact of various treatment interventions on recidivism among a DWI offender population. Very few performance indicators exist in relation to DWI and treatment, and those that are available may not be comparable such that they can be used across jurisdictions. In order to address these limitations, criminal justice and treatment practitioners need to work together to share data and enhance communication.

**Future efforts.** There are several ways in which the collection and use of treatment data can be used to improve performance measurement. One option to consider is not only sharing treatment and criminal justice data, but also finding opportunities to combine treatment and licensing data. This process is already underway in some jurisdictions.

Many states require the completion of screening/assessment and/or treatment for high-risk DWI offenders and in some jurisdictions all DWI offenders as a condition of license reinstatement. Given that there is required communication between these two entities, there is the possibility to establish further linkages and begin to use treatment data to inform licensing decisions. One example of this practice is in Nova Scotia, Canada, where the alcohol interlock program includes a rehabilitative component. Participation is voluntary for first-time offenders deemed to be a 'low' or 'medium' risk, as determined by Addiction Services of Nova Scotia through the Alcohol Rehabilitation Program, and mandatory for those who are deemed to be a 'high' risk or are repeat offenders. During their time in the interlock program, supervised individuals must participate in on-going rehabilitation counseling sessions. Addiction Services is responsible for the completion of a risk assessment of all individuals convicted of impaired driving, monitoring supervised individual performance on the interlock device, and the delivery of treatment services as appropriate. Counselors also make recommendations to the Registry of Motor Vehicles (RMV) in relation to the individual's exit from the interlock program based on their likelihood of recidivism. As mentioned previously,

---

<sup>21</sup> For example, some jurisdictions do not require treatment facilities to report all violations. Facilities may only submit information when individuals leave or are removed from treatment programs.

a performance indicator that quantifies sharing of treatment data with other agencies (e.g., probation, licensing) can be very insightful.

Another useful performance indicator within the treatment system is the consistent use of high quality screening and assessment instruments specific to DWI offenders. At present, a wide range of tools that have not been validated for this particular population are utilized by practitioners. It is necessary to increase knowledge and understanding of the profile and characteristics of drunk drivers, the factors that put them at risk for recidivism, and the available risk assessment and substance use instruments available to practitioners. Use of a standardized and validated tool specific to drunk drivers could assist both criminal justice and treatment practitioners in the identification of individual risks and needs and improve outcomes as a result of appropriate intervention referrals. The American Probation and Parole Association (APPA) is currently in the final stages of piloting such an assessment tool. To learn more about APPA's initiative, visit: <http://www.appa-net.org/eweb/docs/APPA/PRDWI-DRAFT.pdf>

The evaluation of performance in the treatment system can further be augmented by expanding existing measures to provide a holistic representation of services offered. Said in another way, it may be beneficial to identify practices that go beyond 'standard' programming and adopt best practices or innovative approaches that have proven to be effective in the maintenance of sobriety and reduction of recidivism. Possible performance measures to consider in the future include:

- > availability of aftercare assessment and services;
- > prevalence of culturally-sensitive treatment; and,
- > prevalence of gender-specific treatment.

**Considerations and caveats.** Treatment performance measures can potentially be affected by a lack of interface with other systems such as those utilized by the courts and probation as well as influence from private industry. While there are considerable gaps in terms of DWI performance measures, there is also the potential for expansion of existing treatment measures to include accessibility and availability of services and correlation of DWI with other behaviors.

- > **Interface with criminal justice systems.** There is a lot of alcohol and treatment data but it is not linked to or easily merged with criminal justice data, therefore it is challenging to examine treatment data for DWI-specific measures. Agencies might consider the feasibility of interfacing justice and treatment systems or developing information-sharing protocols to ensure that useful DWI performance measures are developed.

- > **Impact of private industry.** A good portion of treatment services are not provided by state agencies but instead are delivered by contracted treatment providers. While there typically is a state agency that is responsible for the certification and/or accreditation and oversight of these private contractors, there is the potential for a lesser degree of accountability if strong quality assurance measures are not in place. In relation to performance measures, if treatment providers are required to submit data there is the potential that the numbers submitted are not representative of actual data, particularly if there are funding incentives to exaggerate the reporting of successful outcomes. It is recommended that states develop standardized reporting procedures, clearly defined measures, and have stringent quality assurance and monitoring protocols in place.
- > **Measures of accessibility and availability.** Two types of measures that typically are not used to gauge performance in the treatment system are the accessibility and availability of services. However, program administrators might find it useful to take stock of what treatment interventions and services are available in their jurisdictions for different types of supervised individuals. For example, are there a multitude of options for DWI offenders available (i.e., individual counseling, group therapy, mixed gender vs. gender-specific programming, alcohol-only groups, and so forth)? Can all individuals access these services or are the majority of these interventions only an option for clients with insurance?
- > **DWI as a screener.** One area that treatment practitioners might begin to explore and consider for future research is whether DWI offending correlates with other problem behavior. Practitioners are encouraged to collect data and determine whether linkages exist between this type of offending and other substance use issues, mental health issues, behavioral issues, or criminal history.

## 5. RECOMMENDATIONS

There are a myriad of performance measures available in each facet of the DWI system. Some of these indicators are more readily available than others. This availability is often a function of the quality of reporting and/or data collection protocols. In an effort to improve the collection, reporting, and use of performance measures throughout the DWI system, agencies are encouraged to consider the following recommendations.

- 1. Identify priority measures.** Agencies are encouraged to determine which performance measures will best gauge progress and outcomes and focus on the consistent collection of these data. The inclusion of too many measures initially could create confusion or exceed agency collection and/or analysis capabilities. Therefore, it is prudent to identify priority measures and begin to collect necessary data; additional measures or more detail can be made available if needed and as capacity grows. Two important questions that agencies might consider are: how much of the data collected is actually used to measure performance or is linked to performance; and, what data are other agencies collecting within the jurisdiction?
- 2. Locate data.** Once priority measures are identified, agencies can endeavor to locate the corresponding data needed to track performance for each measure. It is necessary to determine which agency collects the data, whether it requires filtering, and if it is reported consistently across counties or jurisdictions. At this juncture, agencies can make a determination as to whether the desired measure is based upon robust and quality data, or if it may not be feasible to utilize the measure because of reporting inconsistencies or lack of availability of requisite information. If certain measures cannot be consistently reported and analyzed without developing entire new data collection protocols, they may not be the best choices for agencies to rely on as initial indicators of performance.
- 3. Identify points of contact for particular data sources.** Following the selection of priority measures and the location of the data required to analyze performance, it is



important to identify points of contact within the agencies that collect and maintain the data. The identification of these individuals can facilitate the process of reporting, collection, access, and analysis of measures. These individuals can answer inquiries in a timely fashion and help address issues that may arise. In a system that is as multi-faceted as the DWI system, it is important to establish these types of ongoing contact points to maintain channels of communication.

4. **Develop uniform definitions of performance measures.** As noted throughout this report, the lack of uniform definitions or standardization for common measures such as recidivism presents challenges. These problems can make comparisons of performance extremely challenging, not just within a single agency but also among agencies. Therefore, it is important to develop uniform definitions to ensure that data are comparable, particularly if a jurisdiction is interested in gauging system performance beyond local levels.
5. **Create standardized reporting formats for indicators.** In order to encourage practitioners to report data for the purposes of performance measurement, it is necessary to make this process as seamless as possible. The less onerous it is on practitioners, the greater the likelihood that they will complete the task. As such, it is suggested that agencies create standardized reporting formats for indicators that are to be collected. It is important to create reporting policies and also develop electronic forms, databases, or other online platforms that make the reporting of data fast, easy, and consistent. This will in turn improve both the completeness and quality of the performance measurement data.
6. **Allow for context.** One suggestion to improve performance measurement is to request that agencies supply important caveats to provide context for data that are submitted and explain how particular measures are counted (e.g., through a notes field). Through the provision of this context, those who analyze and review performance measurement will have a greater understanding of needed background to correctly interpret the data. Context is important in another regard. It is necessary to be aware of various agency constraints outside the control of the practitioners that may influence their performance. Without taking into account policies that might limit decision-making (for example, statutory limitations on the ability of prosecutors to plea bargain or on judges' sentencing discretion), certain measures may not provide a complete picture of what is actually occurring or the reasons why particular outcomes are being achieved. For this reason, performance measures should not be looked at in a vacuum in the absence of appropriate context.
7. **Reinforce the importance of data collection and reporting of indicators to practitioners.** Agencies sometimes overlook the importance of informing frontline

practitioners about how data are used to inform decisions and why collection is essential. It is imperative to demonstrate what ‘actionable data’ entails and to make data meaningful for practitioners. In order to gain buy-in, agencies might consider illustrating the importance of data collection to inform decision-making and the need to enter data into central state and national repositories. Clear communication to practitioners about why the data is needed, what it is to be used for, and how it can be beneficial can all help overcome reluctance to continually measure performance. In other words, practitioners need an understanding of the tangible purpose behind reporting certain indicators, and must understand how results and policy decisions are influenced by this information.

8. **Facilitate information-sharing among agencies and create linkages.** Opportunities for linkages with other agencies in the DWI system are worthwhile to consider and pursue. The creation of information-sharing protocols or processes can establish mutually beneficial relationships and provide greater context for various performance measures. Information-sharing also provides a broader picture of performance throughout the system as a whole and offers the ability to illustrate how performance in one facet can affect another facet of the system. Through the establishment of linkages or automated integration of information systems, agencies can move away from working in silos and increase collaboration with the common goal of improving outcomes. This approach makes it easier to identify gaps in the system and areas that can be targeted for improvement.
9. **Use performance measurement to cut costs and strategically allocate resources.** The use of performance measures is integral to inform decision-making and, as such, agencies should endeavor to take them into consideration when making budgetary decisions in relation to DWI countermeasures, interventions, and policies. In the current fiscal climate it is important that agencies allocate resources in a strategic manner – i.e., invest resources in initiatives that maximize benefits and improve outcomes as opposed to those that do not. Too often resources are wasted on ineffective programs, policies, or practices, or are invested too heavily in one initiative at the expense of others. Performance measurement can provide agencies with an indication of where resources should be allocated in order to achieve the best outcomes.
10. **Link policy to outcomes.** In a similar vein to resource allocation, performance measures can be used to develop targeted DWI policy. The justification for decisions, particularly at a policy level, should be informed and data-driven. Performance measures help determine whether agencies are meeting their stated goals and objectives and also provide insight into areas for improvement. Policy can be created or modified to address shortcomings or gaps that are identified through performance measurement.

**11. Consider performance measures during the development of data systems.**

Performance measures must be built in when automated data management systems are being designed; add-ons to include performance measures after the fact are costly. Modern data systems are abundant in many law enforcement, judicial, and treatment agencies which provide a “back door” look into places where gaps have previously existed. Subsequently, this is a good time to inject needs and perspectives into state agencies that are now beginning to buy and/or develop new data systems. The discussion about performance measures and evaluation should occur at this juncture so that this can be addressed at the outset of system development or during an update phase.

# CONCLUSIONS

Much work has been done in the area of performance measurement, particularly as it relates to general traffic safety and criminal justice performance measures. These measures are utilized by policymakers, administrators, and practitioners to gauge the success or effectiveness of programs, strategies, and interventions through the use of empirical evidence. Ultimately, performance measures are useful tools that enable agencies to set goals, monitor progress, guide decision-making, and strategically allocate resources. At present, however, few of the indicators developed to measure performance in traffic safety and criminal justice are specific to DWI. Those measures that do exist identify what is currently being done, but are limited in their capacity to explain how or why certain strategies have been implemented.

One major barrier to the creation of common indicators within the DWI system is a lack of standard or commonly accepted measures. These are rare or non-existent in many instances due to limitations such as consistency in definitions and data collection. For example, much less work has been done in the development of performance indicators for treatment in comparison to indicators in other facets of the system such as law enforcement. More work is needed to develop DWI-specific measures for all phases of the DWI system, including treatment, to begin to measure useful factors that can contribute to successful outcomes and to identify and reduce barriers to progress.

Agencies are encouraged to identify current measures and understand data limitations. Work can then be done to overcome these challenges and develop a system of reporting that will facilitate performance assessment. A multitude of models are available that can serve as guides or points of reference. Practitioners can also work collaboratively within the field to identify strategies for greater standardization.



Agencies are further encouraged to identify priority measures, locate appropriate data, identify points of contact for data sources, develop uniform performance measurement definitions, standardize reporting formats for indicators, and communicate to practitioners the importance of performance measurement. In addition, information-sharing among agencies should be facilitated in order to increase collaboration and to gain greater insight into the performance of the DWI system as a whole. This, in turn, will allow agencies to identify gaps and develop strategies to address weaknesses. Subsequently, performance measures that capture communication as well as information or data-sharing should be a focus of agency attention. To convey the importance of these activities, the development of measures that describe these events is essential.

Overall, performance measurement has the ability to strengthen the DWI system. Given that each component is inextricably linked and performance in one affects others, it is imperative for law enforcement, prosecution, judiciary, supervision, and treatment agencies to work towards the goal of combating DWI through positive outcomes and reductions in recidivism. Performance measurement will ultimately serve as a guide to how to do a better job of eliminating this problem and assist agencies in the strategic allocation of limited resources.

# RESOURCES

The following is a list of the resources that are mentioned throughout this report that traffic safety and criminal justice practitioners can refer to for additional information on performance measurement and data sources specific to various facets of the DWI system.

## Traffic safety

- Traffic Safety Performance Measures for States and Federal Agencies (NHTSA): [https://www.transportationresearch.gov/dot/fhwa/pm/Lists/aReferences/Attachments/89/811025\[1\].pdf](https://www.transportationresearch.gov/dot/fhwa/pm/Lists/aReferences/Attachments/89/811025[1].pdf)
- Performance Measures for State Traffic Records Systems (NHTSA): <http://www-nrd.nhtsa.dot.gov/Pubs/811441.pdf>
- Feasibility of Collecting Traffic Safety Data from Law Enforcement Agencies (NHTSA): <http://www.nhtsa.gov/staticfiles/nti/pdf/811447.pdf>

## Law enforcement

- Data-Driven Approaches to Crime and Traffic Safety (DDACTS): <http://www.nhtsa.gov/ddacts>
- Target Zero (Washington State): <http://targetzero.com>

## Prosecution

- Performance Measures for Prosecutors: Findings from the Application of Performance Measures in Two Prosecutors' Offices (NDAA): [http://www.ndaa.org/pdf/performance\\_measures\\_findings\\_07.pdf](http://www.ndaa.org/pdf/performance_measures_findings_07.pdf)
- Bureau of Justice Assistance's Center for Program Evaluation and Performance Measurement: <http://www.bja.gov/evaluation/about.htm>
- Michigan Drunk Driving Audit: [http://www.michigan.gov/msp/0,1607,7-123-1645\\_3501\\_4626-27728--,00.html](http://www.michigan.gov/msp/0,1607,7-123-1645_3501_4626-27728--,00.html)
- California Law Enforcement Telecommunications System (CLETS): [http://ag.ca.gov/meetings/pdf/102908\\_PPPs.pdf](http://ag.ca.gov/meetings/pdf/102908_PPPs.pdf)

## Sanctioning

- Judicial Performance Evaluation Resource Guide (National Center for State Courts): <http://www.ncsc.org/Topics/Judicial-Officers/Judicial-Performance-Evaluation/Resource-Guide.aspx>
- A Blueprint for Judicial Performance Evaluation (Institute for the Advancement of the American Legal System): [http://iaals.du.edu/images/wygwam/documents/publications/TCQ\\_Blueprint\\_JPE2006.pdf](http://iaals.du.edu/images/wygwam/documents/publications/TCQ_Blueprint_JPE2006.pdf)
- Shared Expectations: Judicial Accountability in Context (Institute for the Advancement of the American Legal System): [http://iaals.du.edu/images/wygwam/documents/publications/Shared\\_Expectations\\_Judicial%20Accountability\\_Context2006.pdf](http://iaals.du.edu/images/wygwam/documents/publications/Shared_Expectations_Judicial%20Accountability_Context2006.pdf)
- Annual Statistical Report on DWI Court Dispositions in New Mexico (Administrative Office of the Courts): [http://www.nmcourts.gov/dwi\\_reports/2012dwicourtdispositions.pdf](http://www.nmcourts.gov/dwi_reports/2012dwicourtdispositions.pdf)

## Supervision

- Probation performance incentive funding programs: <http://www.vera.org/project/performance-incentive-funding>
- Nebraska's Standardized Model for Delivery of Substance Abuse Services: <http://supremecourt.ne.gov/supreme-court-rules/2418/appendix-standardized-model-delivery-substance-abuse-services>

## Treatment

- National Survey on Drug Use and Health (NSDUH): <https://nsduhweb.rti.org>
- Treatment Episode Data Set (TEDS): <http://oas.samhsa.gov/dasis.htm#teds2>
- National Survey of Substance Abuse Treatment Services (N-SSATS): <http://www.dasis.samhsa.gov/dasis2/nssats.htm>

# PERFORMANCE MEASURES BY PROFESSION

The following chart summarizes the priority performance measures and priority needs identified by practitioners for each facet of the criminal DWI system.

Profession	Priority Measures	Priority Needs
<b>Law Enforcement</b>	<ul style="list-style-type: none"> <li>&gt; Number and percentage of impaired drivers involved in alcohol-related crashes and fatal crashes</li> <li>&gt; Number of DWI arrests</li> <li>&gt; Number of countermeasures implemented (e.g., saturation patrols, sobriety checkpoints)</li> <li>&gt; Number and percentage of patrol officers with specialized DWI training (e.g., SFST, ARIDE, DRE)</li> <li>&gt; Number and percentage of arrests that lead to a conviction (for the original DWI charge or a reduced charge)</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Create linkages between measures.</li> <li>&gt; Increase information-sharing with other agencies.</li> <li>&gt; Allow for context in the interpretation of measures.</li> <li>&gt; Increase the uniformity of data reporting and interpretation.</li> <li>&gt; Develop linkages with other agencies.</li> <li>&gt; Identify how policies and practices influence data interpretation.</li> </ul>
<b>Prosecution</b>	<ul style="list-style-type: none"> <li>&gt; Ratio of post-arraignment cases adjudicated vs. cases charged</li> <li>&gt; Number of cases not adjudicated for prosecutorial reasons</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Develop uniformity in data collection procedures and definitions.</li> <li>&gt; Establish a clear definition of what constitutes 'prosecutorial success.'</li> </ul>

<p><b>Prosecution</b></p>	<ul style="list-style-type: none"> <li>&gt; Number of dismissals, dispositions, and pleas</li> <li>&gt; Frequency of prosecutorial error or disciplinary actions</li> <li>&gt; Caseload ratio vs. workload ratio</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Take into consideration a lack of discretion in decision-making when interpreting data due to office policies or statutory requirements.</li> <li>&gt; Increase access to data and records.</li> <li>&gt; Underscore the importance of data collection to practitioners.</li> </ul>
<p><b>Judiciary</b></p>	<ul style="list-style-type: none"> <li>&gt; Number of cases assigned and number of cases presided over</li> <li>&gt; Number of continuances per case</li> <li>&gt; Number of decision reversals on appeal</li> <li>&gt; Average amount of time to resolve a case (pleas, plea agreements, trials)</li> <li>&gt; Court clearance rate</li> <li>&gt; Number and type of treatment orders for offenders assessed as having substance use issues</li> <li>&gt; Recidivism rates per disposition type</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Ensure the consistent collection and reporting of data in order to track trends and performance.</li> <li>&gt; Develop uniformity in definitions, particularly recidivism (and distinguish between recidivism for various offense categories).</li> <li>&gt; Consider timeframes for data reporting and account for case carry-overs from one year to the next.</li> <li>&gt; Establish Judicial Performance Evaluation programs.</li> <li>&gt; Improve linkages and information-sharing between the courts and treatment.</li> </ul>
<p><b>Supervision</b></p>	<ul style="list-style-type: none"> <li>&gt; Frequency of risk and substance use assessment</li> <li>&gt; Number of referrals compared to appropriate interventions</li> <li>&gt; Number and types of violations</li> <li>&gt; Recidivism rate</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Develop strong case management protocols.</li> <li>&gt; Develop measures to assess communication, coordination, and information-sharing with other agencies.</li> </ul>

<p><b>Supervision</b></p>	<ul style="list-style-type: none"> <li>&gt; Rate of successful completion of supervision</li> <li>&gt; Caseload ratio vs. workload ratio</li> <li>&gt; Fidelity to program models</li> <li>&gt; Frequency of use of evidence-based principles and best practices</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Identify ways to measure performance in rural jurisdictions acknowledging associated challenges.</li> <li>&gt; Strengthen linkages between supervision and treatment agencies.</li> <li>&gt; Develop opportunities for knowledge transfer.</li> </ul>
<p><b>Treatment</b></p>	<ul style="list-style-type: none"> <li>&gt; Number of admissions</li> <li>&gt; Average wait times for program admission</li> <li>&gt; Number of discharges</li> <li>&gt; Rate of successful completion</li> <li>&gt; Amount of time between when treatment is completed and when the client returns (e.g., time between relapses)</li> <li>&gt; Recidivism rate</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Interface with criminal justice systems.</li> <li>&gt; Develop mandatory reporting protocols for treatment agencies.</li> <li>&gt; Develop treatment performance measures specific to DWI offenders.</li> <li>&gt; Track measures of accessibility and availability of treatment services.</li> <li>&gt; Find opportunities to combine treatment and licensing data.</li> </ul>

## MEMBERS OF THE WORKING GROUP

Research and Policy	Treatment
<p><b>Robyn D. Robertson</b> President and CEO <i>Traffic Injury Research Foundation</i></p> <p><b>Erin Holmes</b> Research Scientist <i>Traffic Injury Research Foundation</i></p>	<p><b>Dr. Jane Maxwell</b> Senior Research Scientist Center for Social Work Research <i>The University of Texas at Austin</i></p>
Law Enforcement	Prosecution
<p><b>Major Dave Salmon</b> Director of Traffic Services <i>New York State Police</i> (Represented by T/Sgt. Doug Paquette)</p> <p><b>Leonard R. Jacob</b> Former Director (retired) <i>Institute of Police Technology and Management</i></p> <p><b>Master Sgt. Johnny Poulos</b> Director, Public Affairs Division <i>Mississippi Highway Patrol</i></p> <p><b>Commissioner Warren Stanley</b> <i>California Highway Patrol</i></p>	<p><b>Joanne E. Thomka</b> Director, National Traffic Law Center <i>National District Attorneys Association</i></p> <p><b>Tom Kimball</b> Assistant District Attorney <i>Tennessee District Attorneys General Conference</i></p> <p><b>David Wallace</b> Traffic Safety Consultant / Former Director <i>National Center for DWI Courts and National Association of Drug Court Professionals</i></p> <p><b>Cregor Datig</b> Assistant District Attorney <i>Riverside County District Attorney's Office</i></p>
Sanctioning	Supervision
<p><b>Honorable Michael R. McAdam</b> Kansas City Municipal Court, Missouri Past-President <i>American Judges Association</i></p> <p><b>Paul L. Biderman</b> Past-President <i>National Association of State Judicial Educators</i></p> <p><b>Greg Hurley</b> Senior Knowledge Management Analyst <i>National Center for State Courts</i></p> <p><b>Honorable Harvey Hoffman</b> Eaton County, District Court, Michigan <i>National Judicial College</i></p>	<p><b>Carl Wicklund</b> Executive Director <i>American Probation and Parole Association</i></p> <p><b>Drew Molloy</b> Chief Deputy Director <i>Virginia Department of Criminal Justice Services</i></p> <p><b>Tom Roy</b> Commissioner of Corrections <i>Minnesota Department of Corrections</i></p>



Traffic Injury Research Foundation (TIRF)  
171 Nepean Street, Suite 200  
Ottawa, Ontario  
Canada K2P 0B4

[www.tirf.ca](http://www.tirf.ca)  
Toll Free: 1-877-238-5235  
Fax: 613-238-5292

Registered Charity No. 10813 5641 RR0001