

DRIVING WHILE INTOXICATED TRACKING SYSTEMS

**Volume I:
Design & Operation**



DWI TRACKING SYSTEM
VOLUME 1:

DESIGN & OPERATION

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REPORT ABSTRACT: DWI TRACKING SYSTEM

Each year more than 1.6 million drivers are arrested for DWI: *driving while intoxicated or under the influence of drugs and/or alcohol*. An alcohol-related fatality occurs, on average, every 30 minutes. In 1993, 17,461 fatalities occurred in alcohol-related crashes nationwide. This accounted for approximately 44 percent of all fatal crashes that year. On average, one person is injured every two minutes in crashes where police-reported alcohol was present.¹ Alcohol-impaired driving is a nationwide problem that affects millions of individuals through loss of life and injuries. The cost to society for health care treatment / rehabilitation is staggering, and the bottlenecks created by DWI only compounds the problem for an already clogged court system.

Surprisingly, despite the enormity of the problem of DWI in our nation, most state traffic safety administrations lack a powerful tool that can be used to identify, adjudicate, prosecute, and track incidences involving alcohol-impaired drivers: DWI Tracking Systems. Although many programs have already been initiated to educate, rehabilitate, treat, or punish DWI offenders, greater efforts must be pursued to continue reducing the rate of DWI.

An online, real-time DWI Tracking System with statewide, centralized access can close the opportunity for offenders to "fall through the cracks."

A DWI Tracking System would provide better control of the factors encompassing DWIs for many "stakeholders." The system would be able to identify historical offenses, charges, and sanction completion status immediately. Fines and fees assessed and collected because of DWI would be managed through the system. Offender records would be monitored from arrest through sanction completion. Court and administrative actions would be posted to the system as they occur.

Before planning a DWI Tracking System, DWI must be recognized as a problem, and information management must be viewed as a critical component in the reduction of DWI. The State's legislature must also identify that DWI is a problem, championing the drive for an improved solution. In addition, key stakeholders must agree that information management is crucial to the success of DWI reduction. Without these agreements, the "system" of tracking DWIs is likely to fail. In addition, realizing that a DWI Tracking System does not necessarily limit the system design to DWI is important for stakeholders. States should design their system around a "class" of offenses. For example, if DWIs would easily be classed with other motor vehicle violations, a system should be designed around all traffic citations. This type of design would greatly enhance the appeal and utility of the tracking system to the key stakeholders.

Many traffic safety experts and the judges and prosecutors who regularly deal with DWI cases have long recognized the need for more effective management of DWI data. Most stakeholders create and require copious DWI and offender data. This is especially true for organizations in the criminal justice systems that "handle" DWI offenders. Efficient access to DWI incidence data is required to impose "swift and certain" punishment for each offense, and accurate, comprehensive records are imperative for appropriate sentencing, sanctioning, and/or treatment of offenders.

DWI TRACKING SYSTEM

A DWI Tracking System should be online and provide real-time data for time-sensitive information such as license status or warrant information, and be able to compile statistics in a variety of parameters. It should centralize access to data collected statewide so that all stakeholders have total, accurate information on DWI offenders and for each DWI incidence. Regular data exchange procedures accepted as policy by stakeholders will enable data to be shared more efficiently, while rights and privileges to data will be secured and protected. Better data collection and exchange lead to higher quality data for compiling statewide aggregate statistics. The effectiveness or impact of specific laws, countermeasures, programs, treatments, etc. can be determined and optimized.

A DWI Tracking System can close the opportunity for offenders to “fall through the cracks.” The tracking system can provide data on a case by case basis, as a chronic record of a repeat offender, or as aggregate statistics. This kind of access to relevant DWI data can enable stakeholders to advance to the next stages of reducing DWI. A DWI Tracking System can simplify and enable several core functions to be performed, such as:

- Identification of problem drivers.
- Determination of appropriate and equitable sanctions by prosecutors and judges.
- Effective evaluations of sanctions, penalties, fines, etc.
- Review of results for agency policies and the subsequent actions taken by other agencies.
- Tracking of DWI fines assessed and collected, and increase rate of collection.
- Detection of attempts to circumvent the judicial and corrections systems.

Never before has an investigation of the current state of existing DWI tracking methods and technologies been presented as a guide to designing, developing, and implementing state-level DWI Tracking Systems. Critical issues concerning project goals, methodology, design, technologies, legislation, scope of effort, and real lessons learned are presented in this report. Identifiable objectives, system characteristics—both advantages and disadvantages, and applicable recommendations have been included. This report is practical in its guidance and provides specific examples so state Task Force groups can develop a DWI Tracking System following this reports methodology.

Critical issues concerning project goals, methodology, design, technologies, legislation, scope of effort, and real lessons learned are presented in this report.

Volume 1, “Design & Operation,” of this report is a qualitative analysis of state-level DWI tracking system designs and the operations that must be supported. It includes extensive recommendations for system development aspects and provides a methodology for assessing the most effective state-level design. Volume II, is a collection of eight “State Descriptions” of the DWI tracking systems reviewed for this report. Volume III, “DWI State Statistics,” is a quantitative presentation of DWI estimates that are based upon state-level data.

¹Source for DWI statistics in this paragraph: US DOT/National Highway Traffic Safety Administration, National Center for Statistics and Analysis, Research and Development. *Traffic Safety Facts, 1993, Alcohol*. Washington, D.C., 1993.

EXECUTIVE SUMMARY: DWI TRACKING SYSTEM

Each year more than 1.6 million drivers are arrested for DWI: *driving while intoxicated or under the influence of drugs and/or alcohol*. Surprisingly, despite the enormity of the problem of DWI in our nation, most state traffic safety administrations lack a powerful tool that can be used to identify, adjudicate, prosecute, and track incidences involving alcohol-impaired drivers: DWI Tracking Systems. Although many programs have already been initiated to educate, rehabilitate, treat, or punish DWI offenders, greater efforts must be pursued to continue reducing the rate of DWI. A DWI Tracking System would provide better control of the factors encompassing DWIs for many "stakeholders." The system would be able to identify historical offenses, charges, and sanction completion status immediately. Fines and fees assessed and collected because of DWI would be managed through the system. Offender records would be monitored from arrest through sanction completion. Court and administrative actions would be posted to the system as they occur.

Following the Traffic Safety Summit II meeting, NHTSA recognized that sufficient information regarding the general presence and condition of state level DWI tracking systems was unavailable. In addition, many at NHTSA have long recognized that national quantitative data regarding DWI statistics have never been collected or analyzed. NHTSA concluded that a qualitative study of existing DWI tracking systems would provide the traffic safety community with a snapshot of the systems pervasiveness. The public could then begin to understand the condition, or absence, of the systems currently being pursued by various state-level governments. NHTSA also determined that a quantitative study would serve as a baseline for the overall DWI offense picture, and it would allow detection of weak or nonexistent data capabilities. Based on these conclusions, NHTSA decided to pursue investigation of these areas and develop a document that addresses each of these concerns.

DWI Tracking System - Volume 1: Design & Operation, attempts to illustrate three basic points:

- Characteristics of existing DWI Tracking Systems
- Descriptions of how a tracking system can improve the DWI Critical Path
- State needs and foundations for building a DWI Tracking System

This report defines a DWI Tracking System (DWITS) as having the characteristics to enable the following objectives:

- To ***effectively manage DWI information*** from arrest through sanction completion and/or license reinstatement.

DWI TRACKING SYSTEM - EXECUTIVE SUMMARY

- To adequately gauge DWI trends and the effectiveness of a wide range of education, information, legislation, and other countermeasures and targeted reduction programs.
- To provide key decision makers (law enforcement, DMV, prosecutors, judges, etc.) with adequate and timely information to allow equitable imposition of charges and penalties.
- To reduce the administrative burden on system stakeholders and improve efficiency while increasing the punitive nature of state laws and processes.

Although the focus of this report is DWI, DWI is only part of the larger traffic records picture. A DWITS is applicable to more than processing DWI data. The DWI process is associated with other information needs, such as routine traffic citations, criminal activity and convictions, tax and revenue information, etc. A DWITS that tracks DWIs must also support and incorporate associated activities not directly related to the DWI offense. **Consideration must be given to a system that administratively manages more than DWIs. A system could be designed solely around DWI; however, given operational and procedural changes, funding requirements, software development, and system implementation, the contributing economies of scale would likely dictate a broader system design.**

It is understood that one system cannot maintain all the necessary information required to adjudicate each case or provide a census of information (e.g., criminal activity, tax information, etc.). However, as part of the state's strategic planning process, the DWI tracking system should be built so that a "class" or "classes" of offenses (of which DWI is categorized) are captured by the case management system. For example, the State of New Jersey's integrated management information system has classed all traffic violations, including DWIs, to be captured by its case management system. Since DWI is a non-criminal traffic offense in New Jersey, the class to which DWIs belonged naturally fell into the traffic records arena. Due to different state statutes, another state may require DWIs to be classed as criminal offenses.

Recommended DWI Tracking System Type

Since each state is unique in its government formation and strategies, a "single" DWI tracking system design cannot be developed. The purpose of this report is to provide the *framework* of a core system, describe the key system characteristics, discuss the criticality of DWI tracking, lay the foundation for developing a DWITS, and perhaps, change the course of thinking, especially within the judiciary, about the value of information as it relates to other stakeholders' needs (e.g., traffic safety analysis). As mentioned above, the primary goal of

a DWI tracking system is to give stakeholders access to the necessary tools to effectively address the problem of DWI and to manage the high volume of DWI cases efficiently.

A DWI tracking system should provide the means to accomplish two specific ends. **First**, the DWI "critical path" of each offender should be monitored from arrest through dismissal or sentence completion. Any weakness in the critical path may be perceived by an offender as an inability of "the system" to provide adequate punishment and may not deter the offender from repeating the offense. For example, if alcohol treatment was part of the sentence conditions and the offender successfully regains driving privilege without completing treatment, program effectiveness may be reduced because sanctions were never enforced. The system should monitor all offenders and ensure that sanctions are completed, thereby imposing some deterrent-based actions that may discourage them from duplicating the offense. As discussed earlier, this type of system, one that follows the individual from arrest through sentence completion, is entitled a "**case management system**" in this report.

Second, the DWI tracking system should provide aggregate DWI data on various demographic groups that will allow legislators, policy makers, treatment professionals, etc. to evaluate the current DWI environment, countermeasure programs, and laws designed to reduce DWI or rehabilitate DWI offenders. At a minimum, annual statistical reports should be available that identify arrests, convictions, fines assessed and paid, pleas, sanctions, sentences, and treatment effectiveness by age, sex, county or court. This type of system is described as a "**statistical system**" in this report.

Both system types would create a comprehensive DWITS. The case management system would enable management of individual incidences while collecting relevant data into a case management database. The case management database would be used to conduct regular updates to other databases, specifically to the agency responsible for maintaining historical or offender-based information (usually DMV). This type of combined system meets each objective discussed above, and each objective identified at the Traffic Safety Summit.

The most common weakness concerning DWI tracking identified during this study were court operations, processing, and reporting by multiple levels and types of courts within the state. To overcome this and other common weaknesses, this report recommends centralization and consistency of information as crucial to the success of a DWITS. Without consistency within court operations, DWI reporting and data quality will suffer. In most states, courts are the primary creators of critical DWI-related data, therefore, their participation and cooperation is necessary to the success of a DWITS.

This report recommends that each state explore options that will allow the development of a comprehensive, judiciary-based case management information tracking system to allow monitoring of a "class" or "classes" of offenses (incidences). The system will be capable of generating DWI statistical reports by accessing incidence information contained within the case management system database(s) and driver information from offender-based database(s).

Supporting the DWI Critical Path

The success of the administrative and judicial sanctions and procedures are believed to be "critical" in increasing the measure of deterrence upon the DWI offender. This report proposes that one of the key provisions in the effectiveness of the Critical Path relies on the availability of timely and relevant information regarding the offender's driving and DWI history, in addition to current offense information. It is critical that penalties must be proportionate to the severity of the offense. Furthermore, compliance to penalties and payment of monetary fines by the DWI offender must be swiftly enforced to ensure the certainty of punishment for the offense. An integrated DWI tracking system provides the information necessary to support the processing of a DWI offender through the various phases of the Critical Path. Without the ability to monitor the progress of an offender through each step of the Critical Path, the opportunity of "falling through the cracks" or evading the punitive process is increased. Each step of the Critical Path should be closely monitored, preventing the judicial or administrative processes from being thwarted.

Chapter III describes the generic step-by-step procedures of processing a DWI offender from arrest to disposition. The manual procedures from arrest to post-adjudication is the enterprise that must be supported by an effective DWI tracking system. The Critical Path is generally consistent in all the states studied for this report and can be generally characterized by the single description presented below. A model DWI Tracking System and how it supports the Critical Path to ensure punitive burden of the offender will be discussed in detail.

Chapter IV is designed to provide the framework and foundation needed in the development of a DWITS. The primary foundation must be built with active participation of key agency stakeholders, working together to conduct, what this report calls, an "**Environmental Assessment.**" This term should not be confused with saving an endangered species; it connotes the broad spectrum of state conditions that must be investigated and known before design finalization and development of a state's DWITS. The Environmental Assessment

makers can be provided with a clearer definition of the DWITS mission, goals, economic impacts, and development needs.

Seven foundation advisements are made in this report. These are:

1. Design the DWI Tracking System to encompass data beyond DWI. The system should provide a robust variety of information for a class or classes of offenses.
2. Include input of all involved stakeholders. Clear understanding of stakeholder benefits, responsibilities, and duties will enhance cooperative participation.
3. Develop a clearly defined, statewide mission statement and build consensus among all stakeholders: A state must agree that a DWITS can assist other statewide DWI reduction strategies by providing empirical information on each strategy, and through effective DWI management.
4. Conduct an Environmental Assessment of agency roles, needs, requirements, technology, etc. The assessment will result in a better understanding of the existing state resources and situations so that realistic objectives can be formulated.
5. Develop a conceptual design, followed by a "needs statement" and a comprehensive cost-benefit analysis of the DWITS.
6. An interagency coalition must impress upon the legislature the realistic cost and benefits of implementing a statewide DWI Tracking System.
7. An Interagency Agreement must establish the cooperation of key stakeholders as well as an evaluation of state resources must ensure the interoperability and connectivity of the agencies' systems.

I. DWI TRACKING SYSTEM - PROJECT GOALS & METHODOLOGY

I.A. Project Initiation & Scope

Many legal and social terms are used to refer to the act of alcohol-impaired driving: drunk driving, driving while intoxicated (DWI), driving under the influence (DUI), driving while alcohol impaired (DWA), alcohol-related reckless driving, etc. Variations of meanings and legal classifications for these and other terms for alcohol-impaired driving define distinct civil or criminal offenses from state to state. Despite the terminology, the issue the words describe is clear. Alcohol-impaired driving is a nationwide problem that affects millions of individuals through loss of life and injuries. The cost to society for health care treatment / rehabilitation is staggering. In addition, the bottlenecks created by DWI only compounds the problem for an already clogged court system. For purposes of simplicity, this report uses the single term "DWI" to refer to all legal classifications of alcohol-impaired driving, unless other more specific legal term must be used for clarity.

State legislators have taken to task the development of stiffer laws involving punishment, education, and treatment meant to deter drinking and driving. Citizens have formed effective oversight groups such as MADD to lobby for stiffer penalties actively. The federal government has sponsored several programs meant to stem growth in DWI rates, such as Campaign Safe and Sober, and state level sobriety checkpoints. Although data systems, such as the National Highway Traffic Safety Administration's (NHTSA) Fatal Accident Reporting System¹ and the Federal Bureau of Investigation's (FBI) Uniform Crime Report², provide empirical evidence that a DWI "problem" exists, effective *management* of DWI at a state level has long been overlooked by most states.

At Traffic Safety Summit II³, the judges and prosecutors who formed the panel "Group IV," pointed out that appropriate record keeping is vital to the successful functioning of local, state, and national criminal justice systems. They stated that DWI was of most concern to them regarding traffic safety because, among other reasons, it dominated their dockets and their time. Consequently, most of their discussions concentrated on records and record keeping related to DWI charges and dispositions. Furthermore, the members of "Group II" listed as a primary recommendation the "disposition of DWI cases speedily, consistently, and with the imposition of sanctions as a certainty."

¹According to the National Highway Traffic Safety Administration's, Fatal Accident Reporting System 17,461 persons were killed in alcohol related traffic crashes in 1993.

²Federal Bureau of Investigation (FBI), US Department of Justice, Uniform Crime Report, 1993

³US Department of Transportation, Traffic Safety Summit II, Orlando, FL June 2-4, 1991

GOALS & METHODOLOGY

Without DWI tracking systems, the ability to mount effective prevention, deterrence, and intervention programs is limited. Knowing the impact of its policies is impossible for an agency if a tracking system is not available to provide objective feedback. For example, legal sanctions can be mandated by state legislatures, yet assessing their impact is difficult if appropriate tracking information is not available about certain trends, such as sanction completion and recidivism. Moreover, an effective DWI tracking system can be a key enforcement and management tool that enables a reduction of administrative burden for law enforcement, prosecutors, judges, court dockets, treatment centers, and others affected by drinking and driving. Greater administrative efficiency can also lead to enhanced record keeping and improved customer service capabilities.

To deal with DWI offenders better, a DWI tracking system can simplify and enable several core functions to be performed, such as:

- Identification of problem drivers.
- Determination of appropriate and equitable sanctions by prosecutors and judges.
- Effective evaluations of sanctions, penalties, fines, etc.
- Review of results for agency policies and the subsequent actions taken by other agencies.
- Tracking of DWI fines assessed and collected.
- Detection of attempts to circumvent the judicial and corrections systems.

The ability to perform the functions listed above was recognized to be among the critical advantages of a DWI tracking system during Traffic Summit II. Recommendations made by Group IV specified that states should adopt DWI tracking systems that consist of the following features:

- Standard forms and procedures for processing DWI arrests.
- Complete accountability system for DWI arrests.
- Excellent law enforcement, court adjudication and driver licensing data.

The use of standard forms and procedures would enable states to develop similar databases and DWI tracking systems. This could theoretically facilitate interstate cooperation on DWI tracking and provide the basis for national estimates of DWI statistics. Such estimates should include statistics, such as:

- Drivers arrested for DWI
- Number of arrestees convicted
- Sentencing frequency of certain sanctions
- Rate of sentence completion
- Number of repeat offenders

The recommendations emphasized the need for data of a quality, scope, and completeness that permit more efficient and effective program management and evaluation, beyond comprehensive traffic safety research.

This report focuses on tracking adult DWI offenders and their incidences of alcohol-involved offenses. Whereas this report does briefly address the issues regarding alcohol-involved offenses for minors and commercial vehicle operators, it is not intended to provide extensive descriptions of these specific cases. Nor does this report fully explain the transfer of data among states, although the necessity of having such capabilities should be a high priority in the secondary development stages. The primary purpose of this report is described further in the sections to follow.

I. B. Project Goals

Following the Traffic Safety Summit II meeting, NHTSA recognized that sufficient information regarding the general presence and condition of state level DWI tracking systems was unavailable. In addition, many at NHTSA have long recognized that national quantitative data regarding DWI statistics have never been collected or analyzed. NHTSA concluded that a qualitative study of existing DWI tracking systems would provide the traffic safety community with a snapshot of the systems pervasiveness. The public could then begin to understand the condition, or absence, of the systems currently being pursued by various state-level governments. NHTSA also determined that a quantitative study would serve as a baseline for the overall DWI offense picture, and it would allow detection of weak or nonexistent data capabilities. Based on these conclusions, NHTSA decided to pursue investigation of these areas and develop a document that addresses each of these concerns. This report is a product of that investigation.

The “DWI Tracking System” report comprises three, separately bound volumes:

- **Volume I: Design & Operation** is a qualitative analysis of state-level DWI tracking system designs and the operations that a DWI tracking system must support. In addition, Volume I includes extensive recommendations for system development with illustrative examples of specific state systems.
- **Volume II: State Descriptions** is a compilation of eight individual state descriptions of each state's respective DWI tracking systems reviewed for this report.
- **Volume III: DWI State Statistics** is a quantitative presentation of DWI estimates that are based upon state-level data provided by eight states with DWI tracking systems. Many references and examples cited in brief in Volume I of this report are written in greater detail in the appropriate state description.

I. C. Project Methodology

As the first step in the evaluation of state DWI tracking systems, a separate study was conducted to determine the extent to which states maintained their own DWI tracking systems, if any. A DWI tracking system was defined as being able to assess DWI activity at the state level, or the ability to track an offender from arrest through sentence completion. All DWI tracking systems were reviewed whether they simply provided annual reports on statewide DWI activity, or were on-line, real-time systems providing up-to-the-minute information to law enforcement, prosecutors, and motor vehicle administrations.

Following the findings of the initial study, nine states said that a tracking system was maintained. While some of these systems were no more than offender information residing at the state's DMV, each of the tracking systems were reviewed. Virginia initially indicated the presence of a DWITS; however, a system description was not obtained. The tracking systems of each of the following eight states were studied for this report:

- California
- Florida
- Louisiana
- Mississippi
- New Jersey
- New Mexico
- New York
- Utah

Capital Consulting Corporation (CCC) contacted each state to schedule information discussion meetings with DWI system managers. CCC focused on groups crucial to DWI such as law enforcement, court adjudication, motor vehicle administration, and post-adjudication. Initial meetings were scheduled with representatives from each of the eight states.

CCC assessed the overall characteristics and design of the states' DWI tracking systems using a discussion guide developed to encompass the procedural, operational, and information flow of the DWI tracking system particular to each state. The discussion guide was created by CCC and then reviewed by a DWI Advisory Panel made up of recognized state leaders in the DWI field who were selected especially for this project.

The Advisory Panel was made up of the following individuals:

Steve Flint

Chief, Traffic Safety Bureau
New Mexico State Highway and Transportation Department

Cliff Helander	Research Manager, Research and Development California Department of Motor Vehicles
Ronald Lipps	Senior Safety Engineer, Office of Traffic and Safety Maryland Department of Transportation
Mary Ann LaMantia	Assistant Director, Traffic Safety Services New York Department of Vehicles
Marlen Schultz	Highway Safety Coordinator, Office of Traffic Safety Nevada Department of Motor Vehicles and Public Safety

The Advisory Panel was charged with two main input items: (1) to provide active input into the development of the discussion guide, and (2) to participate in the finalization of this report through draft reviews and a panel meeting held in Washington, D.C. to discuss the report's key technical points.

Although time constraints played a significant role in our ability fully to develop the intricate operations and design of each state level DWI tracking system, every effort was made to identify and document specific system characteristics. Our primary goal was to identify the key information flows of data from arrest through court adjudication and sanction completion

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II. CHARACTERISTICS OF A DWI TRACKING SYSTEM

II.A. DWI Tracking System Defined

The phrase DWI Tracking System (DWITS), has different meanings to different people. To the motor vehicle administrator, a DWITS may mean having the ability and data necessary to develop statistical reports highlighting the volume of DWI cases for a specific period. To a prosecutor, it may mean having complete records available for the prosecution of a first time or a recognized habitual offender. To a state legislator, it may mean having instantaneous information about an individual or groups of individuals that will allow specific legislation to be developed. All these ideas are part of our conceptual DWITS.

This report defines a DWITS as having the characteristics to enable the following objectives:

- To *effectively manage DWI information* from arrest through sanction completion and/or license reinstatement.
- To adequately gauge DWI trends and the effectiveness of a wide range of education, information, legislation, and other countermeasures and targeted reduction programs.
- To provide key decision makers (law enforcement, DMV, prosecutors, judges etc) with adequate and timely information to allow equitable imposition of charges and penalties.
- To reduce the administrative burden on system stakeholders and improve efficiency while increasing the punitive nature of state laws and processes.

Although the focus of this report is DWI, DWI is only part of the larger traffic records picture. A DWITS is applicable to more than processing DWI data. The DWI process is associated with other information needs, such as routine traffic citations, criminal activity and convictions, tax and revenue information, etc. A DWITS that tracks DWIs must also support and incorporate associated activities not directly related to the DWI offense. Consideration must be given to a system that administra-

A system could be designed solely around DWI; however, given operational and procedural changes, funding requirements, software development, and system implementation, the contributing economies of scale would likely dictate a broader system design.

CHARACTERISTICS

tively manages more than DWIs. A system could be designed solely around DWI; however, given operational and procedural changes, funding requirements, software development, and system implementation, the contributing economies of scale would likely dictate a broader system design.

It is understood that one system cannot maintain all the necessary information required to adjudicate each case or provide a census of information (e.g., criminal activity, tax information, etc.). However, as part of the state's strategic planning process, the DWI tracking system should be built so that a "class" or "classes" of offenses (of which DWI is categorized) are captured by the case management system. For example, the State of New Jersey's integrated management information system has classed all traffic violations, including DWIs, to be captured by its case management system. Since DWI is a non-criminal traffic offense in New Jersey, the class to which DWIs belonged naturally fell into the traffic records arena. Due to different state statutes, another state may require DWIs to be classed as criminal offenses.

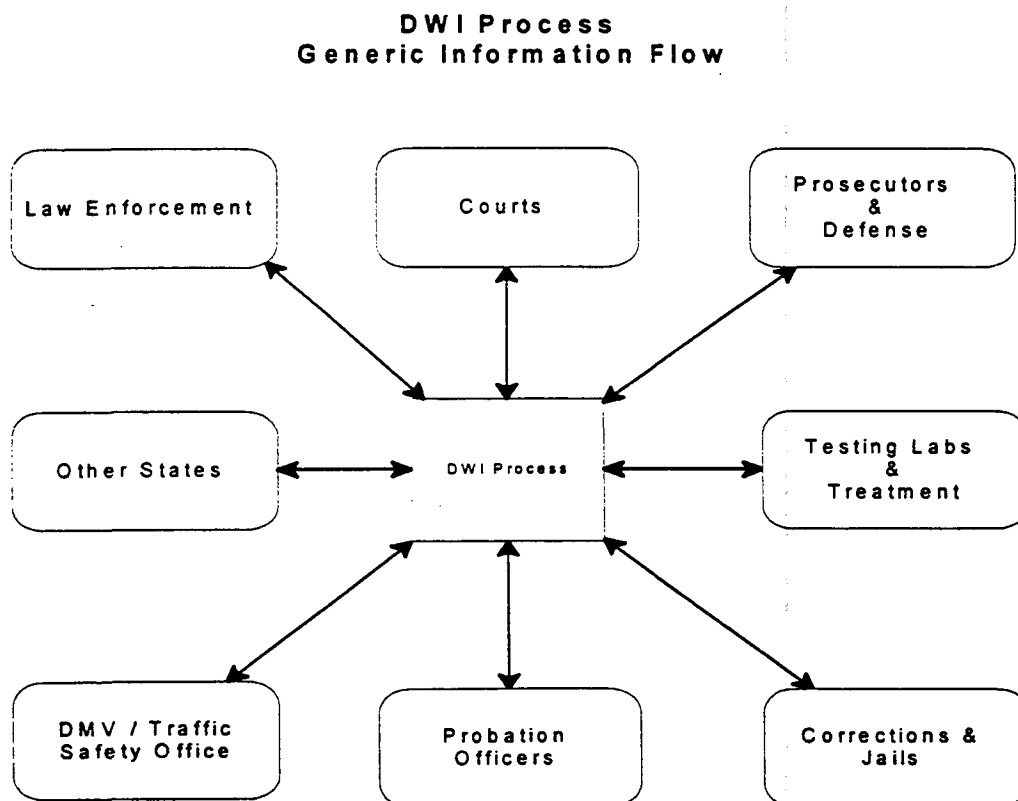


Figure 1

For example, managing fine monies assessed and collected can be incorporated into the DWITS design. The system would automatically track fines, fees, and time payment status

for the entire class of offenses, updating court and licensing files upon failure to comply or completion. In addition, fiscal accountability could be improved through the system design.

The ability to effectively manage DWI information is integral to the design of a DWI tracking system. If a DWITS can adequately manage the information from LEAs, courts, treatment facilities, corrections facilities, and other stakeholders, the system is set up to provide the means to meet an array of other goals.

Figure 1, "DWI Process, Generic Information Flow," (above) presents a simplified data needs/output model. It illustrates the complexity of the DWI information exchange among many stakeholders. With the DWI process as the center of activity, the arrows represent the data flow into and out of likely stakeholder agencies. As illustrated in figure 1, even in a simplistic model, several stakeholders are providing information to the DWI process and an equal number receive updated information. The management of information in a timely, efficient method requires each of these stakeholders to agree on policies, procedures, data standards, and centralization of information.

Statistical and Case Management Systems

Two central tracking concepts are pervasive throughout the United States. One type means having the ability to understand trends associated with DWI, gauge the effectiveness of DWI sanctions and treatment, and aggregate DWI activity at a specific demographic / psychographic level. Based on the information provided, legislators and policy makers can react to the DWI problem. This type of system, known as a statistical tracking system (data aggregation), is usually developed around several existing state level systems, where data are matched, aggregated, and presented on a regular basis (e.g., annually). Of the four objectives listed on page 2-1, this type of system best meets the second objective, "To adequately gauge DWI trends and the effectiveness of [countermeasures]...", and could possibly meet the third objective, "To provide key decision makers...with adequate and timely information."

The other information tracking concept that is gradually beginning to have presence in the United States defines DWI tracking as being able to track each DWI incidence throughout its life span. Data is centralized and is used by the key system stakeholders to enter and monitor the activity of the DWI incidence. A primary aspect of this type of system, known as a case management tracking system, is the ability to have up-to-the-minute information available to all stakeholders about a specific DWI incidence. This system design allows key stakeholders to take a proactive position to reduce DWI through tightening of the DWI critical path with improved capabilities to monitor the individual case, and better case administration.

CHARACTERISTICS

Aspects of both system types should be integrated within a DWITS. The ideal system should provide timely information to support the DWI critical path effectively (*see Volume 1, Chapter III, "DWI Critical Information Path"*). At the same time, the system must be able to provide timely trends and aggregate data so effective countermeasures and legislation can be developed.

This type of combined system design meets all of the key objectives on the previous page, and most of the primary objectives formulated into Traffic Safety Summit II recommendations, such as:

- *[DWI tracking systems should] improve the quality and completeness of records presented to the court for sentencing purposes, and require that alcohol assessments be available to the court in each driving under the influence case, as well as probation reports when the aggravating factors are extensive - Recommendation 1.4*
- *States should adopt a computerized reporting system for courts which has direct access to all criminal justice elements. This system should include information regarding arrests, dispositions, sentencing, and completion of sentence - Recommendation 4.8*
- *[Courts should] dispose of DWI cases speedily, consistently, and with the imposition of sanctions as a certainty - Recommendation 2.1*
- *States should adopt a uniform method for reporting DWI arrests and convictions - Recommendation 2.8*

II.B. Recommended DWI Tracking System Type

Since each state is unique in its government formation and strategies, a "single" DWI tracking system design cannot be developed. The purpose of this report is to provide the *framework* of a core system, describe the key system characteristics, discuss the criticality of DWI tracking, lay the foundation for developing a DWITS, and perhaps, change the course of thinking, especially within the judiciary, about the value of information as it relates to other stakeholders' needs (e.g., traffic safety analysis). As mentioned above, the primary goal of a DWI tracking system is to give stakeholders access to the necessary tools to effectively address the problem of DWI and to manage the high volume of DWI cases efficiently.

A DWI tracking system should provide the means to accomplish two specific ends. **First**, the DWI "critical path"¹ of each offender should be monitored from arrest through dismissal or sentence completion.

Any weakness in the critical path may be perceived by an offender as an inability of "the system" to provide adequate punishment and may not deter the offender from repeating the offense. For example, if alcohol treatment was part of the sentence conditions and the offender successfully regains driving privilege without completing treatment, program effectiveness may be reduced because sanctions were never enforced. The system should monitor all offenders and ensure that sanctions are completed, thereby imposing some deterrent-based actions that may discourage them from duplicating the offense. As discussed earlier, this type of system, one that follows the individual from arrest through sentence completion, is entitled a "case management system" in this report.

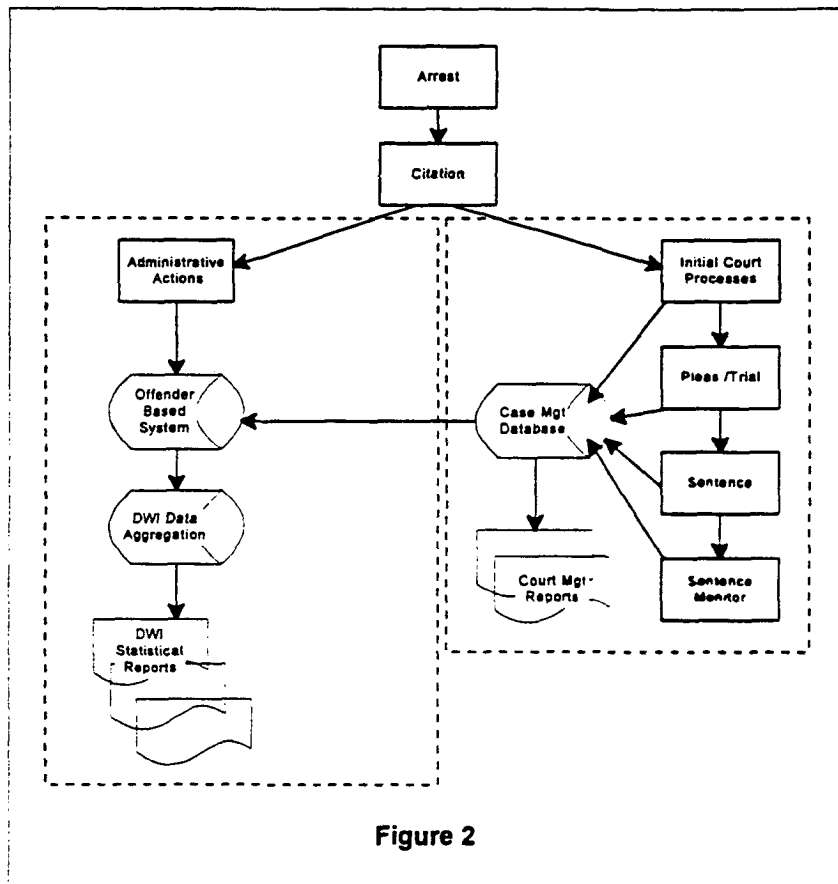


Figure 2

Second, the DWI tracking system should provide aggregate DWI data on various demographic groups that will allow legislators, policy makers, treatment professionals, etc to evaluate the current DWI environment, countermeasure programs, and laws designed to reduce DWI or rehabilitate DWI offenders. At a minimum, annual statistical reports should be available that identify arrests, convictions, fines assessed and paid, pleas, sanctions, sentences, and treatment effectiveness by age, sex, county or court. This type of system is described as a "statistical system" in this report.

¹The term "critical path" is defined and discussed in detail in Volume 1, Chapter III, "DWI Critical Information Path."

CHARACTERISTICS

As figure 2, "Combined System Design," illustrates, both system types would create a comprehensive DWITS. The case management system would enable management of individual incidences while collecting relevant data into a case management database. The case management database would be used to conduct regular updates to other databases, specifically to the agency responsible for maintaining historical or offender-based information (usually DMV). This type of combined system meets each objective discussed above, and each objective identified at the Traffic Safety Summit.

The most common weakness concerning DWI tracking identified during this study were court operations, processing, and reporting by multiple levels and types of courts within the state. To overcome this and other common weaknesses, this report recommends centralization and consistency of information as crucial to the success of a DWITS. Without consistency within court operations, DWI reporting and data quality will suffer. In most states, courts are the primary creators of critical DWI-related data, therefore, their participation and cooperation is necessary to the success of a DWITS.

This report recommends that each state explore options that will allow the development of a comprehensive, judiciary-based case management information tracking system to allow monitoring of a "class" or "classes" of offenses (incidences). The system will be capable of generating DWI statistical reports by accessing incidence information contained within the case management system database(s) and driver information from offender-based database(s).

II.C. DWITS Data Types

Accurate DWI tracking requires the collection of specific types of data for aggregate reporting of DWI statistics. Table 1, "Examples of Data Types," is meant to illustrate some typical data types and the likely stakeholder source and origination points. In most states, many of these data elements are already available from one or more data system(s). The actions required to report the chosen data in a timely manner accurately, and the possible difficulties or manipulations that must occur to "track" or "manage" a DWI case need to be considered. The ease and timeliness of collecting the data, analyzing the data, and reporting statistical findings, along with maintaining data quality should be considered in context of a DWITS.

In table 1, the third column shows which phase of the DWI process the specified data element would likely be entered into the data system and by which function of the DWITS the information would be processed. Data can be entered into the DWITS and processed by either the judicial (case management system) or administrative (offender-based/historical

system). The data types illustrated below are not meant to serve as a comprehensive list; they are listed so readers may understand where within the system life-cycle certain data is generated. This paper makes no assumption as to the completeness of this list, or to the feasibility of data collection.

<p align="center">Table 1 Examples of Data Types for a DWITS</p>		
<i>Data Type</i>	<i>Typical Information Initiator(s)</i>	<i>Phase</i>
Arrest Date & Time	LEA	Arrest - CMS and ADM
Name	LEA	Arrest - CMS and ADM
Date of Birth	LEA	Arrest - CMS and ADM
Drivers License No.	LEA	Arrest - CMS and ADM
Arrest Location	LEA	Arrest - CMS and ADM
Citation No.	LEA	Arrest - CMS and ADM
Physical Characteristics (Sex, height, weight, etc)	LEA	Arrest - CMS and ADM
Refusal	LEA	Arrest - CMS and ADM
BAC Test Results	LEA, Court	Arrest - CMS and ADM
Arraignment Date	LEA, Court	Arrest or Arraignment - CMS
Court Date (Judicial or Admin)	LEA, Court	Arrest or Arraignment - CMS and ADM
Current Charges	LEA, District Attorney	Arrest or Arraignment - CMS and ADM
Previous DWI Arrests	Court, DMV	Arrest or Arraignment - CMS and ADM
Previous Charges	Court, DMV	Arrest or Arraignment - CMS and ADM
Drugs Used	LEA	Arrest - CMS and ADM
Accident Involved, Personal Injury, Fatality	LEA	Arrest - CMS and ADM
Current Attorney Info	Court	Arraignment or Prosecution - CMS
Presiding Judge	Court	Arraignment or Prosecution - CMS
Previous DWI Treatment	Court, District Attorney	Arraignment or Prosecution - CMS
Failure to Appear	Court	Arraignment or Prosecution - CMS
Conviction Date	Court	Arraignment or Prosecution - CMS
Sentence Start Date(s)	Court	Sentencing - CMS
Sentence Finish Date(s)	Court	Sentencing - CMS
Jail	Court	Sentencing - CMS
Probation	Court	Sentencing - CMS
Community Svc Hours	Court	Sentencing - CMS
Sentence Date	Court	Sentencing - CMS
Assessments	Court	Sentencing - CMS

CHARACTERISTICS

Table 1 Examples of Data Types for a DWITS (continued)		
<i>Data Type</i>	<i>Typical Information Initiator(s)</i>	<i>Phase</i>
Treatment	Court	Sentencing - CMS
Treatment Location/Provider	Court	Sentencing - CMS
Actual Start Date(s)	Detention center, probation officer, treatment center, etc.	Post-Adjudication - CMS
Actual Sentence Finish Date(s)	Detention center, probation officer, treatment center, etc.	Post-Adjudication - CMS
Fines Assessed / Collected	Court	Post-Adjudication - CMS
Fees Assessed / Collected	Court	Post-Adjudication - CMS
DWI Evaluation Status	Treatment center	Post-Adjudication - CMS
Marital Status	Treatment center	Post-Adjudication - CMS
Years Employed	Treatment center	Post-Adjudication - CMS
Employment	Treatment center	Post-Adjudication - CMS
Dependents	Treatment center	Post-Adjudication - CMS
Income	Treatment center	Post-Adjudication - CMS
Degrees	Treatment center	Post-Adjudication - CMS
Years School	Treatment center	Post-Adjudication - CMS
Ethnicity/Race	Treatment center	Post-Adjudication - CMS
DL Suspension Date End	Court, DMV	All
DL Suspension Date Start	Court, DMV	All
DL Status	Court, DMV	All
ACRONYMS - ADM: Administrative System; CMS: Case Management System; DMV: Department of Motor Vehicle (or other licensing agency); LEA: Law Enforcement Agency		

II.D. DWI Tracking System Types & Characteristics

General descriptions of the following tracking systems types currently in use today are provided so that the basis of this report's recommendations can be better understood:

- Case Management Systems
- Statistical Systems
- Hybrid Systems

Each system is covered in the subsections below with actual state examples provided to illustrate particular system characteristics. *(Detailed evaluations of each state's system reference can be found in Volume 2, "State Descriptions," of this report.)*

II.D.1. Case Management DWI Tracking System

Case management is a concept in traffic records adopted by only a few states. New Jersey maintains a very effective case management information system. New Mexico is currently in the design process of a similar case management information system. Case management is defined in this paper as the ability to manage (track) a case from inception (arrest) through completion (dismissal or sanction completion). Most DWI traffic citations are generally maintained locally by the court of jurisdiction. The final disposition is eventually stored on the individual's driver file (offender-based system) located at the motor vehicle licensing department.

Figure 3, "DWI Process - Independent System," illustrates the separate databases maintained by various agencies and the information activities required to manage and operate the complex array of related information. Actions are decentralized and for the most part, the information is unmanageable. In this scenario, the agency that is responsible for DWI tracking and reporting is held captive by other agencies and stakeholders until information is received, or it bypasses required information altogether. No consistent method for ensuring or reporting cases that are actually adjudicated can easily be developed. No method for effectively monitoring

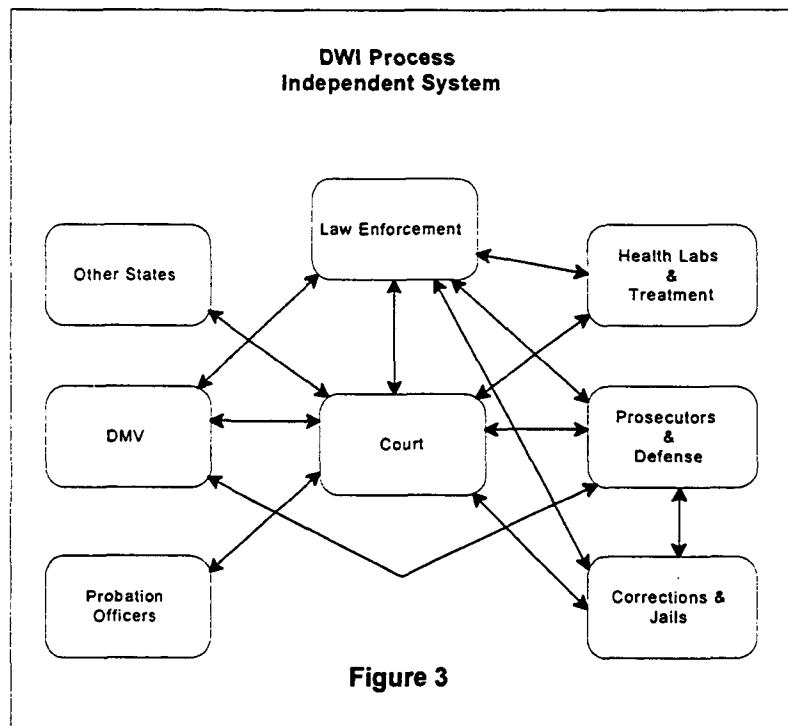


Figure 3

and reporting the likelihood offenders appear for trial and sentencing can be easily developed. Additionally, no method for ensuring all of the necessary information for adjudication, sentencing, or compliance is collected and reported can be developed. In Nevada and California, no process is currently available to allow arrests to be matched to convictions. California must run a program that automatically identifies offenders by name. Case management centralization would be difficult to achieve because each stakeholder would maintain assorted types of information, with varying input and management schedules, in data formats are not necessarily compatible.

CHARACTERISTICS

Case management, on the other hand, treats each offense as a separate case (i.e., incidence). Figure 4, "DWI Process - Case Management System," illustrates how one *centralized* database can house the information stakeholders need to share and retrieve on an ongoing basis. Each case has definite starting and ending points. The starting point is the arrest, and the end is either dismissal or sentence completion. All the steps in between are administered by the appropriate stakeholder, and related data are available through a centralized data repository. (The centralized data repository may be a single database, procedures for assimilating data, or networked distributed databases with access gateways.) Whenever an action is taken on a case, a notation is made to update

the central electronic case file. For example, if a pre-trial hearing is held, results of the hearing would be available through the case management system immediately. If the offender complies with the sentence, a notation is made on the file. The system provides users/stakeholders with dynamic, relevant information about each case. In addition, whenever an action needs to be taken with an offender's status, the system will make on-line amendments to the appropriate record (e.g., driving record, criminal record) based upon information provided by the initiating stakeholder.

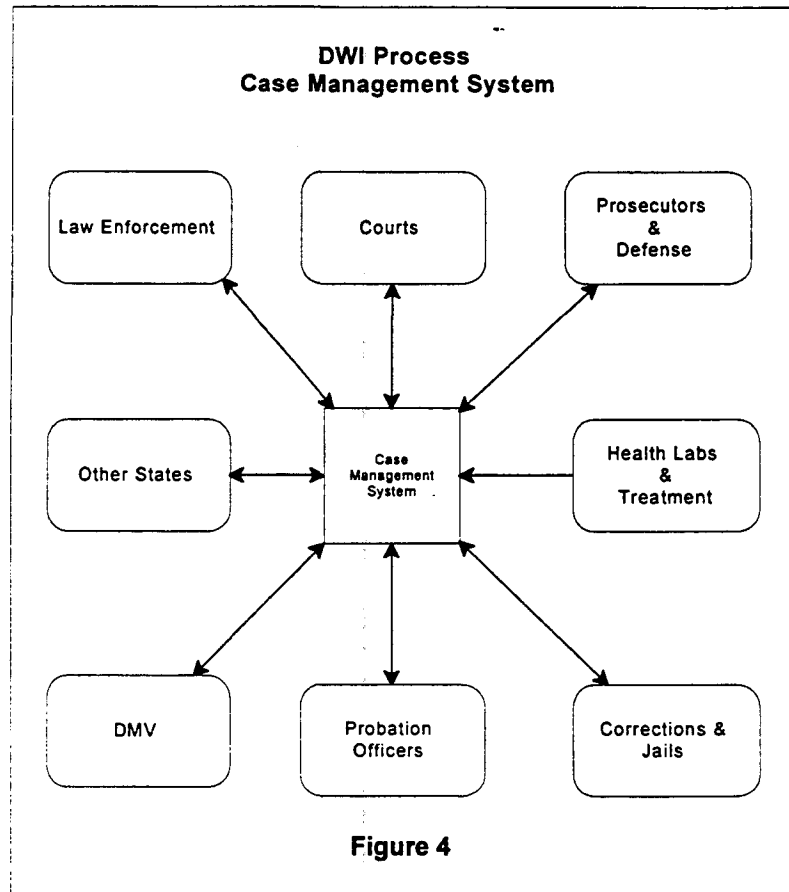


Figure 4

Case Management System Characteristics

- A case management system must be "on-line/real-time" where updates are accessible immediately to the stakeholders. Therefore, if a driver's license is suspended, the new status would be updated on the day the suspension order was given. If the individual is stopped for a traffic offense the following day, the officer would be notified of the suspension. The technology required to design and implement an

CHARACTERISTIC #1

"On-line / Real-time"

"on-line/real-time" case management system is becoming commonplace. Many states have the necessary communications infrastructure to support the network requirements for an on-line system. For example, the State of Florida is currently designing an on-line/real-time system using an existing statewide network owned by the Department of Health & Human Services. The network was designed to transfer data among Family Services facilities that monitor and track child support payments. Florida recognized that only 10% of the network's capacity was being used; therefore, development of a traffic record system that would also use the state's existing resource was both feasible and practical.

- There must be a central data repository or a method of centralizing data that contains DWI, or complete class information. Centralization of data provides stakeholders equal access to identical information. Without centralization capabilities, case activities or activities occurring in other jurisdictions may be unreported or unknown to the system stakeholders. **The goal of data centralization is to eliminate the possibility of items or events going unreported, especially when the changing status of the data could affect the outcome of another activity (e.g., sentencing, license reinstatement, etc.).**

CHARACTERISTIC # 2
DWI Information Must Have a Central Access Point

Since the case management system is on-line/real-time, stakeholders will have consistent, comprehensive information available to them at all times. The type of information that would be available to the stakeholders would depend on the state's goals and the system design. Data centralization does not necessarily mean the construction of a single data repository from which all information flows in and out. For example, in the State of New Mexico, 40 percent of the DWIs are adjudicated in the Albuquerque Metro Court. Early on, Metro Court recognized the need to develop an intra-court case management system to administer their high volume of cases. The operational success of the Metro Court system superseded the potential benefits of redesigning their system; therefore, they will not adopt the state's new case management system. However, Metro Court's interoperability (e.g., data sharing and compatibility) with the new case management system and DMV are top priorities in the new system development plans.

CHARACTERISTICS

- Primary stakeholders must establish operations and procedures that provide for a regular exchange of data, both into and out of the DWITS. As part of the "Interagency Agreement²," key stakeholders must agree on the operating procedures for the exchange and transmission of data. Where possible, automated online connections should be developed to facilitate the transfer of information. Where connectivity is either unavailable or impractical, other standard procedures for data conveyance must be developed, such as using online interfaces provided by third-party vendors. This will ensure that the most up-to-date information is available on the system. The system must also be able to generate management reports that track the timely submission of data, and other administrative requirements. Various incentives can be provided to jurisdictions to encourage timely submission of data. For example, the State of New York reimburses the court for the cost of data processing if DWI sanction information is provided within 96 hours of the decision. Legislation may be necessary to require participation to ensure that consistent and timely information is being delivered by all stakeholders. In New Mexico, some magistrate judges regularly fail to provide conviction data until after sentencing is imposed. Therefore, if a six-month delay in sentencing occurs, then a six-month delay in conviction posting may also occur. Policy or procedural changes may rectify these weaknesses, but legislative mandates may be required to enforce compliance.

CHARACTERISTIC #3

Regular Data Exchange Procedures

- Specific rights and privileges to data must be identified. Since the case management system will likely contain confidential information about specific actions or offenders, privacy of this information must be maintained. Currently, an explosion of legislation is being introduced around the United States that deals with issues concerning the privacy, confidentiality, authentication, and certification (admissible as evidence) of data in electronic form. For example, in the State of New Jersey, only certified hardcopy records of driver history are admissible in court. Whereas the certified records must be signed and sealed by the Administrative Director of DMV, the hard copies are generated from online database records and "signed" by stamp. The New Jersey state legislature is currently reviewing the change in laws to authorize electronically-certified records, transferred online to the courts from DMV to be recognized as evidentiary materials. This next step will facilitate eliminating redundant paper trails that must follow or backup the online information that is available now.

CHARACTERISTIC #4

Rights and Privileges to Data

²The "Interagency Agreement," is an agreement signed by all involved stakeholders that formalizes each stakeholder's commitment, responsibilities, and roles in the DWI tracking system development. The Agreement is described in detail in Volume 1, Chapter IV, "Foundation for Building the DWI Tracking System."

Case Study: New Jersey's Case Management Tracking System

The State of New Jersey has developed a high-quality tracking system that possesses the four system characteristics identified above. Their system, known as the Automated Traffic System (ATS), inventories and tracks each citation issued by any law enforcement agency within the state at any given date until disposition. The system operates solely at the judicial level through statewide coordination of all of the state's 538 municipal courts. ATS is operated entirely by the Administrative Office of the Courts (AOC), Municipal Services.

Traffic citation data is entered into ATS and is continuously updated online throughout each citation's life span regardless of who the initiates each judicial action. Up-to-date citation information is available online to law enforcement, attorneys, judges, DMV, and other necessary stakeholders, or is obtainable through request made to ATS operators. Upon court disposition, daily data transfers to DMV update driver records with convictions, warrants, dismissals, etc. Timeliness of the judicial process has been steadily improving with ATS implementation as shown by the shortening of the average time to disposition. The state average time has decreased from more than 100 days (in the first quarter of 1993) to 90 days (in the first quarter of 1995).

The New Jersey system works well for several unique factors that must be addressed. Before the citation tracking system was developed, New Jersey already had an established information infrastructure used to build ATS. The infrastructure consisted of five interconnected data centers operated by various state agencies and linked via statewide communications lines maintained by the state's Office of Telecommunication Information Service. Furthermore, New Jersey is a geographically small state with approximately 5.5 million licensed drivers whose annual traffic offense volume is manageable. Most (more than 99 percent) of the traffic offenses are adjudicated through the municipal courts as traffic violations. These factors have contributed to New Jersey's success in creating uniform court procedure—a primary stumbling block for the development of an effective case management tracking system.

In New Jersey, the AOC is responsible for the development and operational control of ATS. AOC gained the support of local law enforcement agencies, corrections, DMV, etc. Based on the anticipated benefits each stakeholder could receive from the successful implementation of the system, cooperation was widespread. To gain court cooperation, New Jersey AOC began a program in which AOC offered to provide all the necessary hardware, software, and training to the courts. In return, the courts agreed to meet AOC standards for procedures, work environment, and internal ergonomic design. The changes were more than aesthetic. The new designs forced court offices to reconsider old ways of handling bulk paper and learn better methods to utilize a new automated environment. The idea was a tremendous success, and with the arrival of the superior technology and more comfortable

CHARACTERISTICS

work space, office morale inside the court also improved. All of this has led to a thriving, productive work force, dramatically improving court efficiency.

One aspect of the New Jersey system that should be improved to meet each of the key system objectives fully (*listed on page 2-1*) is consistent reporting and analysis of DWI data. Currently, New Jersey has not established a policy to provide regular DWI reporting on an aggregate basis, although ad hoc reports are generated for specific DWI statistics. An agreement with DMV should be established and regular reports generated. (*Please refer to Volume 2, "State Descriptions," of this report for a complete description of New Jersey's case management system.*)

Advantages of a Case Management System

- Provides real-time information exchange.
- Provides on-line information updates to other stakeholder systems.
- Offers users and analysts case "snapshots" or aggregate "snapshots."
- Strengthens the DWI critical path.
- Speeds up processing times and shortens time to adjudication.
- Improves operating efficiency for stakeholders.
- Enhances data quality through centralization of data.
- Supports financial operations and management.

Disadvantages a Case Management System

- Could require large capital and operational investments to design, implement, and operate³.
- Needs cooperation of all stakeholders to be effective.
- Depends upon court admissibility of online records.

Considerations for a Case Management System

A state must be aware of certain considerations and be willing to act on as part of their planning process. A few considerations are identified below:

- **State-Wide Infrastructure** - An appropriate statewide infrastructure must either exist, be planned, or be possible before a case management system can be developed. Necessary infrastructure may include the willingness of key stakeholders (e.g., courts) to modify their operations and procedures to create consistent operations, procedures, and data centralization. If multiple levels of court authority adjudicate DWIs, controlling the data flow

³New Jersey AOC supplements its operation budget by assessing a \$2 fee for each traffic citation.

for each court may create an insurmountable operational/management problem. Other infrastructure may include the location of existing data centers, current and/or planned communication links, or legislative desire and interest in the establishment of a DWITS. *(Please refer to Volume 1, Chapter IV, "Foundation for Building a DWI Tracking System" for further discussion.)*

- **Sole Owner** - For handling DWIs, the core need for information is usually within the judiciary organizations. The primary consequences of a DWI are a product of the judicial actions and legally-mandated sanctions. Besides Administrative License Revocation and evaluations of sanction effectiveness, the judiciary demands the most extensive and varied scope of data and information to support adjudication and disposition activities. On the other hand, data aggregation and reporting would likely occur at DMV due to its responsibility and function to maintain historical (offender) information. **This report recommends that the case management system should be owned by an office for court administration where regular data feeds to an offender-based system (such as one operated by DMV) is established.**

- **Cooperation and Coordination** - Critical to the operational success of the case management project is cooperation from the major stakeholders. Every action affects the file, therefore, operational consistency is a primary concern. New Mexico has established an inter-agency task force to resolve operating and procedural issues among the stakeholders. The task force will encourage stakeholders to present their concerns so effective resolutions can be created.

- **Legislation** - While legislation may not be a requirement to establish a case management system, various legislative initiatives may be inevitable. Areas of concern include participation by various stakeholders, acceptance of electronic files as court approved records, privacy and confidentiality, amendments to existing legislation to account for the automated system design, and funding. The State of New York has mandated participation by all law enforcement agencies and courts in their DWI tracking system. New Jersey has mandated that every municipal court must be online by the end of 1996. Given the advantages the system provides the courts, 100% participation is expected to be realized during 1995.

Admissibility of electronic files as court records poses an interesting problem. Allowing stakeholder participants to download or print specific records for use as official court documents is currently in review in many states. Accurate offender identification, privacy, authentication, and confidentiality are among the chief concerns to legislators and system administrators. Because a case management system will likely be designed as an incidence-based system (tracking cases rather than offenders), historical (or offender-based) information must be obtained from the appropriate agency authorized to maintain such

CHARACTERISTICS

records (e.g., DMV). If online records are to be allowed as court evidence, key data repositories must work in unison to allow historical offender matching to current offenses.

Any automated system should not contradict or jeopardize existing laws and regulations. For example, if administrative license revocation is active in the state, and the laws indicate the driver can appeal the license actions within 10 days of ticketing, the system requirements and operational requirements must be able to effectively meet the imposed deadline. If the system cannot consistently meet the time frames, the laws may need to be amended. On the other side, laws and regulations may be allowed to become more restrictive and punitive based on the effectiveness of new system capabilities. As will be discussed in Volume 1, Chapter III, "DWI Critical Information Path," the DWI critical process would likely be bolstered by a strong DWI tracking system. In turn, the strength of the system may allow more effective and efficient sentencing and sanctioning to exist.

- Technological Vision - The individuals or group leading the system development must have a vision of technological advancement. Given the pace of technological change, features unavailable or impractical at the start of the process will likely be available during the development or after its completion. These features may include remote laptop links to LEAs, digital recognition (photos, signatures, fingerprints), or integration with other state or federal systems.

II.D.2. Statistical DWI Tracking System

A statistical DWI tracking system is based on the ability of a state agency/stakeholder (e.g., DMV), to obtain statistical information on DWI events and trends. The information is usually obtained in aggregate form, not on an individual offender basis. As illustrated in figure 5, "Generic Statistical System Design," various agencies/stakeholders may be required to submit information to the reporting agency or the reporting agency may be required to extract the data in order from various data sources to tabulate the DWI results for the state. The State of California provides an excellent example of a statistical DWI tracking system. California compiles annual results on DWI statistics, obtaining information from several sources. A thorough report describing arrests, convictions, and treatments, stratified by age, sex, and race is generated annually for the calendar year two-years prior. (Please refer to Volume 3, "State Descriptions," of this report for a complete description of California's Statistical DWI tracking system.)

Generic Statistical System Design

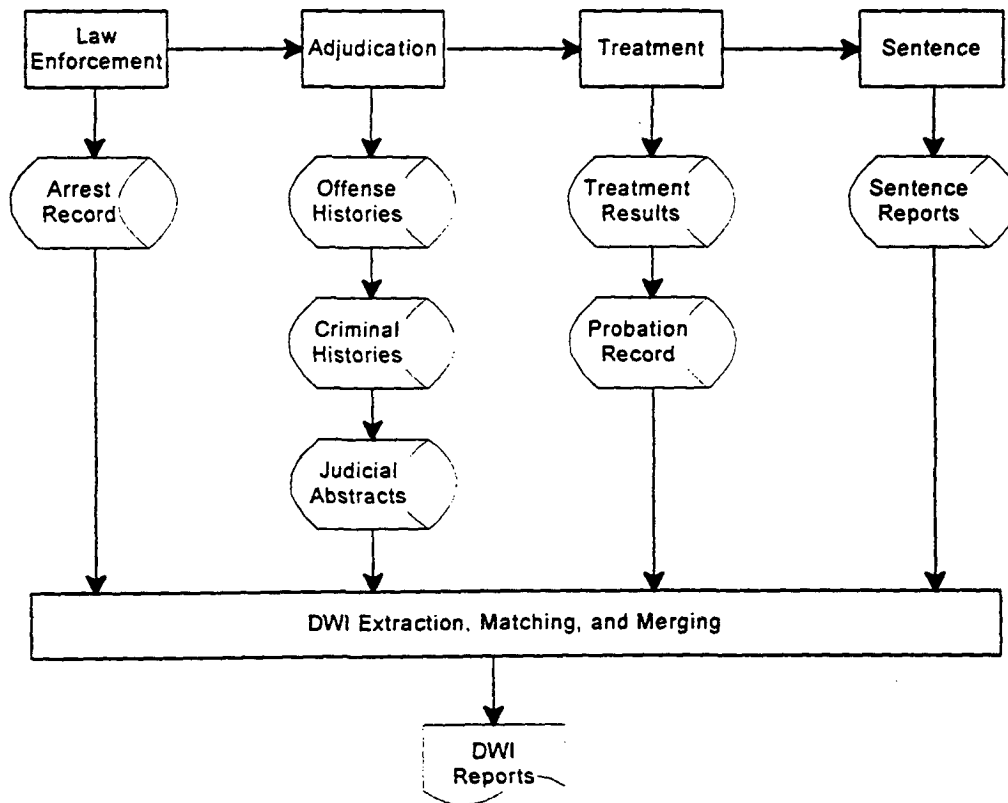


Figure 5

CHARACTERISTICS

Characteristics of a Statistical System

- The data for a statistical system is obtained from many sources. These sources may include arrest file(s), court records, treatment facilities, and sentencing reports. The sources may have on-line connection with the reporting agency or hardcopy information may be input before data extraction and matching. Regardless, relationships must be established with each source provider.

CHARACTERISTIC #1

Data Provided by Disparate Systems

- A statistical system gathers information about DWI activity from other agencies or stakeholders. The information is maintained by the reporting agency, usually the motor vehicle department or an agency responsible for traffic safety reporting and analysis. Since the data is received from many other sources, timely reporting is virtually impossible. Most statistical systems will publish their data following a lengthy time lag.

CHARACTERISTIC #2

Historical Review of DWI Activity

- As in a case management system, a single data repository must be developed. The key difference between case management data centralization and the statistical data repository is that the repository for a statistical system does not require the real-time dynamics associated with the case management system. The statistical data repository is owned and maintained by the reporting agency using unique data identifiers, and updated only after receipt of DWI data, as opposed to the case management system that is continually receiving DWI information. The master database may reside on a separate piece of hardware, or set aside as a table created from a master database (e.g., a DB2 table).

CHARACTERISTIC #3

One Master Database Created

Advantages of a Statistical System

- Enables utilization of existing information sources for most of the necessary data.
- Focuses operation on information aggregation, rather than system design.
- System establishment will be faster than the implementation of a case management system.
- Provides aggregate data for analysis of trends and responses to DWI reduction strategies.

Disadvantages of a Statistical System

- Provides only aggregate information; case tracking not possible and regression analysis may be difficult.
- Creates data time lags.
- Requires case matching (e.g., arrests to convictions) since data sources are decentralized and autonomous.
- Requires intra-system changes if one or more data sources amend operating or design procedures.
- Possible data duplication.
- Makes quality control of data difficult.
- Requires data re-formatting.

Considerations of a Statistical System

The creation of a statistical DWI tracking system may enhance the analytical capabilities within the state. However, some inherent weaknesses should be considered before investing the time and resources required to develop such a system:

- Reliance on External Information Providers - A statistical system typically draws its information from two or more information sources. In some instances, such as California, information is obtained from many sources including many layers of courts. Cooperation, coordination, and conflicts in operations, data standards, data reporting, quality control, etc., can lead to mounting problems that must be addressed to produce reliable data and/or data estimates.

- Time Lags - Data collection will likely postpone actual aggregation by at least a year or more. Although a certain delay in reporting is necessary to receive associated data on recidivism, most data, such as response to policy actions (such as ALR) or clinical treatment effectiveness, may not be available in a timely enough manner to assist in time-sensitive evaluation.

- Stakeholder Level Design and Operating Changes - Changes to a stakeholder's operations, procedures, data collection policies, quality control procedures, etc., may have a severe, detrimental impact on the established statistical system operation and data quality.

The recommended system design, as described in this report, would include statistical capabilities that would serve as the primary vehicle for reporting trends and reduction strategy effectiveness associated with DWI. The recommended case management system would continually provide information to the offender-based system, which would in turn provide data to the statistical system. The real-time design of the case management system.

CHARACTERISTICS

utilized for various administrative actions, would allow the state to produce DWI reports and statistics on a more regular basis efficiently, and allow meaningful regression and causative analysis of data.

II.D.3. Hybrid DWI Tracking System

A hybrid DWI tracking system is defined as a system that is predominantly statistical, but maintains some elements of a case management system. A hybrid system can easily produce statistics on DWI incidences, but can also provide automated updates to specific data files. For example, New York maintains a citation tracking system where the arrest information is entered onto a computer file that is automatically transmitted to DMV's driver file. After arrest entry, the tracking system awaits hardcopy input from the court system identifying the resulting case disposition. After the court information is received, it is entered into the system and again automatically updates the driver record. *(Please refer to Volume 2, "State Descriptions," of this report for a complete description of New York's hybrid DWI tracking system.)*

Advantages of a Hybrid System

- Enables automated input into data files.
- May be less expensive to design and implement than a case management system.
- Offers agency specific reports useful in the reduction of DWI.

Disadvantages of a Hybrid System

- Limits (or eliminates) interaction with stakeholder agencies.
- Lacks the ability to "track" activities of individual DWI incidences.
- Does not affect court procedures; therefore, adjudication speed is not affected.
- Preserves decentralized design of data sources and transfer processes.

II.E. Related Operational Considerations

The following aspects of a case management system are general conditions that were found during our state level reviews of the DWI tracking systems. Some aspects may vary from state to state; however, each of these aspects should be reviewed by the stakeholders during the development of the overall mission statement, and prior to the determination of the system design.

- Law enforcement should continue to provide citation information to court clerk - In most states, LEA's provide a copy of the citation to the court. Currently, the move toward automating the citation process at the LEA level is limited, primarily due to the hardware and

software requirements needed to fully equip an agency. LEA's should continue to submit citation copies to the court following the same procedures more than likely in place today. The court would be responsible for data entry and posting to the DWITS. Guidelines and procedures for citation submission may require improvement depending on the overall system objectives established by the state.

- Correction centers and probation officers should have on-line access - Controlled access should be provided to correction centers and probation officers that allow them to update an offenders status. Upon initial booking, the detention center should note, on-line, if the offender was detained and the length of detainment. Probation officers should be required to post the status of an offender shortly after their periodic visits or upon completion of the probationary period. This will allow the DWITS to react to certain conditions automatically such as parole violation or noncompliance with sanctions.

- Procedures should be developed for posting BAC results to the system - BAC results are often the key piece of information needed to receive either indictment or conviction. Procedures should be established and protocol developed to allow either LEA's, laboratories, or other testing agencies to update an offenders case status with accurate and timely BAC information. If laboratories enter the data, official records must be maintained for evidential purposes. On-line records may be suitable as evidence if the state's legislation addresses this aspect.

- Court dockets should be automated - To track each DWI case effectively, the court docket should be automated to allow the necessary parties (judges, attorneys, etc.) to review the status of each case. Currently, most state's court dockets are text files, and as such, searches are impractical and statistics regarding case status cannot be accumulated. Following a database design, most fields in a court docket can be defined, allowing the DWITS owner to query the system, identifying case aspects or specific statistics necessary for the overall evaluation of the DWI problem. For example, a report could be generated that identifies the number of plea reductions by a specific district attorney's office.

- Management reports should be regularly generated - Various management reports should be generated allowing each court operation, treatment facility, detention center, probation officer, etc, to understand the status of judicial actions. For example, New Jersey can monitor court activities and identify operational problems by reviewing trends on court backlog, trends in charges and disposition, outstanding failure to appear (FTA) warrants, etc.

- Treatment and assessment data should be automated - Information relating to the completion of treatment should be automated. Procedures should be established to allow treatment counselors to either transfer data electronically into the case management system or provide the data to the case management system owner for input. In addition, as part of

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the management reports described above, reports should be generated on a regular basis identifying aspects such as individuals who are required to report for treatment, follow up counseling sessions, probation interviews, etc.

This could aid counseling and treatment professionals to analyze the relationship between substance abuse assessments and treatment programs to offender types. With individual or demographic information, treatment professionals could assess the effectiveness of various programs based on these identifiers. For example, 25-year-old females evidently arrested for their first DWI who are sentenced to attend DWI education classes are not likely to repeat the offense. Whereas, the data may suggest that 40-year-old males with two prior convictions will only be deterred by substantial punitive treatment (fines, jail, auto confiscation, etc.).

III. DWI CRITICAL INFORMATION PATH

III.A. Critical Information Path Defined

DWI by alcohol and/or drugs is considered a violation of state laws. States treat DWI either as a traffic or criminal offense and have specific laws and regulations that describe the actions to be taken upon a DWI offender. Each state's laws mandate administrative and/or judicial sanctions for DWI offenders. The procedures used to enforce the sanctions comprise (what this report calls) the "Critical Path" of a DWI offender that begins at arrest and ends with adjudication and compliance with sanctions and license reinstatement.

The success of the administrative and judicial sanctions and procedures are believed to be "critical" in increasing the measure of deterrence upon the DWI offender. This report proposes that one of the key provisions in the effectiveness of the Critical Path relies on the availability of timely and relevant information regarding the offender's driving and DWI history, in addition to current offense information. It is critical that penalties must be proportionate to the severity of the

DWI offenders must experience sufficient punitive burden (e.g., clinical treatment, education, fines, jail, etc., and related expenses, such as legal and insurance costs) as a result of their offense to deter them from repeating the offense.

offense. Furthermore, compliance to penalties and payment of monetary fines by the DWI offender must be swiftly enforced to ensure the certainty of punishment for the offense. An integrated DWI tracking system provides the information necessary to support the processing of a DWI offender through the various phases of the Critical Path. Without the ability to monitor the progress of an offender through each step of the Critical Path, the opportunity of "falling through the cracks" or evading the punitive process is increased. Each step of the Critical Path should be closely monitored, preventing the judicial or administrative processes from being thwarted.

This section describes the generic step-by-step procedures of processing a DWI offender from arrest to disposition. The manual procedures from arrest to post-adjudication is the enterprise that must be supported by an effective DWI tracking system. The Critical Path is generally consistent in all the states studied for this report and can be generally characterized by the single description presented below. A model DWI Tracking System and how it supports the Critical Path to ensure punitive burden of the offender will be discussed in detail. On the other hand, the information flow and exchange that makes a tracking system effective varies greatly state to state. (Please refer to Volume 2, "State Descriptions" for a complete description of eight states' systems.)

DWI Critical Path Elements

The following attributes for each of the eight critical path elements illustrated in figure 1, will be identified:

- What activities are typically associated with each critical path element.
- How a DWITS would assist or strengthen the critical path element.
- Where applicable, procedures developed by other states.

III.B.1. Phase: Law Enforcement Agency - Arrest and Citation***Critical Path Element #1 - Identification and Arrest***

A driver may be stopped by a law enforcement officer as a potential DWI offender in several ways, including: evidence of impaired driving (e.g., weaving, etc.), violation of a traffic rule (e.g., running a red light, etc.), or roadblock sobriety checks to name a few. Once a driver has been stopped with probable cause and the law enforcement officer has suspicion that the driver is impaired by alcohol in some way, the officer will initiate procedures to establish driver identity and arrest for DWI.

Establishing the correct identity of the driver is often difficult if the individual does not produce a valid drivers license or identification. In the State of Mississippi, during 1993, the Highway Patrol reported 11,634 arrests of drivers without a valid license for all offenses. This accounts for almost 5 percent of the total arrests. Several states indicated that they were investigating various initiatives to overcome this problem, such as digitized signatures, photos, and fingerprints. The technologies for these solutions are available, but as with other systems, funding, operations, and legislation must be considered. Mandatory detainment pending identification allows jurisdictions to somewhat overcome this problem by providing additional time to investigate histories.

The primary form of identification used in traffic citations is the driver license. Several states are investigating the use of digitized identifiers on the driver license. The identifiers would assist the officer to make a positive identification of the suspected offender. Supported by a strong DWITS, the officer would have access to sufficient information to be used in their arrest. New Jersey has developed an effective driver license identification algorithm. Based on several consistent factors (e.g., name, date of birth, sex, eye color, etc.), an alphanumeric drivers license number is computed. If a law enforcement officer stops an offender without a driver license, the officer can simply provide to the dispatcher these characteristics. A license number can be generated, and the driving record can be obtained by searching for likely matches in state database(s).

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The identification of the driver may alert the officer to outstanding warrants for arrest or provide other relevant background information. A DWITS should provide the officer full information needed to make an arrest. For example, if the offender failed to appear for a previous charge or failed to comply with previous sanctions, the officer would be aware via the DWITS and could make the arrest. In addition, a DWITS can provide LEA

specific quantitative reports on arrests and convictions. It can also identify areas with a concentration of DWI activity and information on habitual offenders.

Critical Element # 2 - BAC Testing

The DWI offender is generally taken to the local law enforcement agency and given a chemical test for alcohol content. Breath, blood, and/or urine tests may be available. An "implied consent law" allows law enforcement officers to request the suspected DWI offender to submit to chemical tests. Refusal is usually treated as evidence. Otherwise, the results of the chemical test are recorded and can be used as evidence. Several states said that BAC reporting was inconsistent in some areas or in some jurisdictions. Because BAC results are important as evidence, procedures should be established to ensure maximum levels of reporting of BAC data. For example, New York sends a listing of missing BACs to each LEA on a monthly basis. The LEA completes the information and returns it to DMV for data entry.

Some states reported that if a blood test was required, the sanctions may not be imposed because test results "never make it back in time to legally pursue action." Procedures for reporting results of chemical analyses should be reviewed with the laboratories. Refined procedures may assist in timely delivery and receipt of results.

Critical Element #3 - DWI Charge

A uniform traffic citation (UTC), used for all traffic violations, may be used to write a citation for DWI offenses. Some states have established separate *DWI Citations* used specifically

A DWITS May Assist IDENTIFICATION & ARREST by:

- ***Providing timely and complete information on bench warrants, driver history, probation violations, etc.***
- ***Delivering management reports on DWI arrests such as habitual offenders, hot spots for DWI, etc.***

A DWITS May Assist BAC TESTING by:

- ***Providing on-line access or improve reporting procedures with laboratories, and other BAC testing personnel.***
- ***Strengthening the procedures between stakeholders and testing laboratories.***
- ***Centralizing BAC test results in one data repository.***
- ***Providing LEA and laboratories information on missing BAC test results.***

to write citations for DWI offenses. These may, or may not include other traffic violations the driver has committed besides DWI.

The citation should specify the violations and provide instructions for the driver regarding administrative and/or court proceedings and the responsibilities of the driver in such actions. Some states reported that the citation process is complicated and loopholes are created due to the use of many citation types, confusing instructions for filling out citations and duplicate/excessive paperwork. Efforts should be taken on to reduce the administrative burden on law enforcement officers, while strengthening the overall citation and information collection process.

The arresting officer may be required to submit copies of the citation and/or report to various related agencies, such as: DMV, courts, and criminal investigations, and to be kept in-house for LEA records depending upon state requirements. Receipt of arrest notifications initiates administrative procedures regarding driving privileges, administrative and judicial actions, and inclusion in other data records. As the event that instigates the data flow in the DWI critical path, timely receipt of citation information is imperative. The DWITS should facilitate the reciprocal relationship between the LEA and other stakeholders by improving DWI notification and case status among the stakeholders.

Effective tracking of traffic citations, especially case management tracking, would allow states to forgo using multiple traffic citations. In Mississippi, for example, the officer must be provided enough information about each offender to charge the offender with the correct DWI charge and complete the appropriate DWI citation (*i.e.*, 1st, 2nd, 3rd, etc.). If the officer is not provided the appropriate information, an incorrect charge may be booked, thus forcing the judicial system to adjudicate the wrong charge. In New Mexico as well, the officer must make the charge at the time of booking. If the information the officer receives is inaccurate, the offender may ultimately receive a lesser charge than deserved.

<p><i>A DWITS May Assist in the DWI CHARGE by:</i></p> <ul style="list-style-type: none"> • <i>Potentially simplifying the ticketing process and reducing citation paperwork.</i> • <i>Reducing the loopholes resulting from the citation process.</i> • <i>Improving citation posting times.</i> • <i>Providing officers adequate information on prior convictions and driver histories.</i> • <i>Tracking issued and non-issued citations.</i>

Most states have established an "illegal *per se*" law that makes DWI a criminal offense at or above a specific alcohol (or drug) concentration (usually 0.08 or 0.10) to operate a motor vehicle despite other factors. Also, a separate "administrative *per se*" limit (that may be the same or lower than the illegal *per se* limit) may be used for administrative adjudication regarding license sanctions by the driver licensing agency. The DWI offender may or may

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not be fingerprinted and "booked" into the jail. Offenders may be sent to "detoxification facilities" or detained in "holding cells" until sober. Meanwhile, arresting officers will complete arrest reports and relinquish custody of the offender to the jail.

III.B.2. Phase: Administrative - Status of Driving Privileges

Critical Element #4 - Status of Driving Privileges

Many states have laws outlining "administrative action" for DWI that process the offense separately from, and in addition to, criminal adjudication. These states may have regulations that require separate penalties, fines, and requirements for treatment to be decided upon in administrative hearings, in addition to criminal hearings. States may legislate mandatory change in license status based upon the number and severity of DWI offenses. Administrative fees and fines are incurred by the offender and must be paid as part of administrative adjudication and records processing.

**A DWITS May Assist
DRIVING PRIVILEGE STATUS by:**

- **Providing DMV with accurate conviction information from the courts.**
- **Providing information on sanction completion.**
- **Automatically revoking, suspending, or reinstating driving privilege.**

The status of driver licenses, such as suspension or revocation¹, is maintained by the DMV and requires the exchange of information from the courts regarding convictions and the licensing sanctions invoked in court adjudication. A DWITS will improve the exchange of information between the courts and the administrative branch.

III.B.3. Phase: Courts - Court Adjudication and Sentencing

Critical Element #5 - Arraignment & Plea

During this phase in the critical path, the offender is formally charged with the appropriate penalties associated with the DWI. As mentioned earlier, the charge may have been originated by the law enforcement officer or agency, or by the district attorneys office. Especially if charges are brought by the LEA at the time of booking, accurate prior histories are needed within a short amount of time. If the charges are brought by the district attorney, a system must be in place that provides accurate historical records expeditiously. After

¹It is generally accepted that the term "suspension" refers to the licensing sanction which prohibits an offender from driving for a determined period of time (and/or under certain condition) after which time, upon payment of any reinstatement fines/fee, the driver license is reinstated. On the other hand, "revocation" refers to the licensing sanction which prohibits an offender from driving for a determined period of time (and/or under certain conditions) after which time the offender must re-apply for a new driver license rather than it being administratively reinstated.

arraignment, most states do not allow amendments to charges. Therefore, initial charges must be accurate. This includes information about lesser charges that would impact a DWI charge. For example, in New York, a previous reduction from a "DWI" (BAC 0.10) to a "Driving While Ability Impaired (DWA)" (BAC 0.06 to 0.09) counts as a first "alcohol offense."

During the arraignment, the offender is brought before a judge, charges are read, and the offender will either plead guilty, *nolo-contendere*, or not guilty. If the offender pleads guilty or *nolo*, the case will await sentencing. If the offender pleads not guilty, the necessary court processes will begin. A DWITS may assist the court operations by automatically routing case information to the appropriate parties and stakeholders.

***A DWITS May Assist In
ARRAIGNMENT & PLEA by:***

- ***Providing accurate historical offense information.***
- ***Ensuring that arraignment charges are accurate.***
- ***Providing LEAs, attorneys, and judges accurate historical information.***
- ***Setting in motion the judicial process after a plea is made.***

Critical Element #6 - Judicial Prosecution

One of the most important elements in the DWI critical path is the judicial prosecution of the offense. Without consistent application of sanctions and penalties, the critical process and associated processes begin to disintegrate. The courts play a pivotal role in the creation and review of key data and documents. Efforts should be focused on strengthening the judicial process through a case management system and perhaps a judicial review board using the information obtained from the case management system. New Jersey has developed a model judicial review program called the "Presiding Judge Program" consisting of sitting judges who evaluate and administrate operations in an advisory capacity in other courts.

One common complaint heard throughout the states was regarding the variance in penalties and sanctions given within their states. New Mexico even cited a disturbing problem: Some officers do not make DWI arrests because "the system is so clogged and sentencing so weak that it does not warrant their time²." Without an effective means of measuring and affecting court and/or judge performance, the critical path will be inconsistent and compromised.

A case management DWITS within the judicial process would benefit judges, DAs, and prosecutors by providing them up-to-the-minute case histories. Obtaining information about prior events that have occurred on a case is sometimes a laborious and time-consuming effort. A case management system would provide up-to-the-minute information about each

²According to New Mexico law enforcement officer interviewed for this report, Santa Fe, New Mexico April 10, 1995.

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case. Online access could be given to judges, providing them full case chronology at their fingertips. The court docket could be automated utilizing the strengths inherent in today's database software. By automating the court docket, a judge or attorney could have the power to search for specific events. For example, if a DWI offender violated his parole, the judge could quickly determine what the initial parole period had been, parole conditions, fines assessed and paid, etc. Using this information, the judge will have the necessary information in mind when sanctioning the convicted offender.

The case management system can also be used as the means to create a court scheduling system for use by LEA's, attorneys, and other court personnel. As part of the state's strategic planning, in conjunction with a DWITS or as part of the DWITS, a scheduling module could be created that would allow law enforcement officers, attorneys, judges, etc., to coordinate court hearing dates. Most states have some form of manual or automated scheduling in place, and the DWITS can be designed to provide various scheduling tools for statewide access.

A DWITS May Assist JUDICIAL PROSECUTION by:

- ***Streamlining and unifying court operating procedures and the lines of communication with officers, laboratories, attorneys, DMV, and other agency stakeholders.***
- ***Providing information that can be used to evaluate court and/or judge performance/activities.***
- ***Decreasing the likelihood of a court required appearance overlapping with an officers prior commitments by encouraging development of a scheduling system.***
- ***Providing current case information to the attorneys, and judges.***
- ***Providing accurate historical driving records for the attorneys, judges, officers, or others who use the information to pursue actions.***

To administrate the DWI critical path effectively, two primary objectives must be targeted:

- Reducing the backlog of cases currently in the system by speeding the adjudication process.
- Making the penalties more uniform across courts and among judges.

Both obstacles were addressed in the Traffic Safety Summit II report, as described earlier, and there are several ways a DWITS could help in meeting these two objectives. A DWITS, in particular a case management system, would provide specific (or trend) information on the sanctions and sentences being handed out by court or judge. If desired, the state could use the information to assess and compare the performance of various courts. The results of this information could be used to measure and evaluate the consistency of courts and/or judges in their conviction and sentencing practices.

The DWI critical path emphasizes swift and, if needed, severe punishments. While a DWITS can provide timely and accurate information, punitive countermeasures are imposed by individual judges. Therefore, in conjunction with a DWITS, the state should investigate the

possibility of establishing a program to ensure that court practices, charges, dispositions, and sanctions remain consistent and firm. The State of California has begun to address this by enacting legislation that limits judicial discretion by mandate. New Jersey's approach is based upon peer review of judges' management of their courts.

Critical Element #7 - Sentencing

After a DWI offender either pleads guilty or is found guilty, the appropriate sentence must be given. Judges rely on historical driving offense records, pre-sentence reports, clinical treatment and assessment reports, etc. to evaluate the conditions under which the offender will be sentenced. Accurate historical conviction data and assessment information is imperative if the equitable sentence is to be given. One of the conditions of the DWI critical path is to ensure swift and certain punishment. A DWITS could provide timely information to judges that they may consider when making their decisions. With a centralized case management system, judges would have online access to the case records to help them to make the proper sentence determination. For example, in some states, a readily offered guilty plea raises suspicion as to the appropriateness of the charge and subsequent sentence. The offender may have realized an error on the court's behalf, and opted for an apparent weaker sentence. An effective DWITS could aid in reducing judicial error due to misinformation.

<p><i>A DWITS May Assist in SENTENCING by:</i></p> <ul style="list-style-type: none"> • <i>Providing judges accurate historical information.</i> • <i>Providing judges recidivism and treatment effectiveness data.</i> • <i>Providing judges complete traffic and DWI offense information.</i>
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III.B.4. Phase: Facilities - Compliance with Sentencing

Critical Element #8 - Post-Adjudication

Once sentence and sanctions have been imposed, compliance is supervised or facilitated by jails, probationary agencies, clinical treatment centers, and other organizations. Status of compliance is recorded in court and driver records. Accurate information is crucial in post-adjudication for many reasons.

First, to evaluate the effectiveness of various sanctions, assessments or treatments, consistent, comparable information is critical. For example, understanding recidivism rates following a specific sanction is only possible if accurate reporting is conducted. Users of the information (stakeholders) must provide timely information on each offender's status with regard to sanctions. Procedures must be developed to input timely post-adjudication data into the DWITS.

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Second, in most states, sanction completion must be proven before reinstatement of driving privileges. If the post-adjudication stakeholders were on-line, the DWITS could monitor each sentence and ensure sanction completion before driver license reinstatement.

Third, information on probationary periods, probation violations, and sentence completion is crucial to the critical path. Whenever offenders violate their parole or fails to comply with their court ordered sentence, an immediate warrant or revocation must be issued. In addition, the offender must be notified of the state actions.

This increases the punitive burden on the offender and reinforces the state position to be tough on DWI. A DWITS will increase the efficiency in which the information is distributed to the necessary stakeholders. In a case management system environment, the information on FTCs (failure to comply) or parole violations will be immediate. This will help LEAs by providing relevant data for arrest.

A DWITS May Assist POST-ADJUDICATION by:

- ***Providing data on sanction effectiveness.***
- ***Improving the mechanisms for proving sanction completion prior to driving privilege reinstatement.***
- ***Providing Failure to Comply information to stakeholders.***

III.C. DWI Process / Context

To put the critical process in context with the overall scope of information flow and exchange in the critical path, a generic inventory has been developed that identifies typical data and documents created because of a DWI and the typical initiators and recipients of the data. There will be differences in data and documents depending on the state, however, table 2, "DWI Data Initiation & Receipt," should represent the types of information associated with the average DWI arrest.

Table 2 illustrates the pivotal function the court plays in the information processing of DWIS. Each document or data item generated during the "criminal" actions are initially generated by either the court, or the court must receive the information to continue processing the DWI along the critical path. Many more documents are usually associated with a DWI other than those listed in the table depending upon state laws or court requirements. A case management system should serve as the central information repository for each document or data items listed in table 2 and provide access to the data to eligible individuals or organizations.

The table also points out the need for developing coordinated operating procedures and guidelines, along with strict channels for the flow of information. All of the stakeholders must agree on system design, procedures, standards, reporting formats, etc. Volume 1, Chapter IV, "Foundation for Building a DWI Tracking System," further discusses establishing the building blocks necessary for the development of a DWITS.

Table 2 DWI Data Initiation & Receipt		
Court Actions		
Data or Document	Initiator	Recipients
Citation	LEA	Court, DMV, Offender, Criminal Investigations, LEA, attorneys, detention center
Criminal Complaint	LEA	Court, DMV, Offender, Criminal Investigations, LEA, attorneys, detention center
BAC Report	LEA, Laboratory	Court, DMV, Offender, LEA, attorneys
Booking Reports	LEA, Detention center	Court, LEA, attorneys
Bond	Court	Offender, attorneys, detention center
Trial Notification	Court	LEA, Offender, attorneys, witnesses
Case docket	Court	Attorneys
Waivers	Court	LEA, DMV, Offender, attorneys
Failure to appear	Court	LEA, Offender, attorneys, DMV
Warrants	Court	LEA, Offender, DMV
Revocation of DL	Court, DMV	Court, DMV, Offender, attorneys
Subpoena	Court	LEA, Witnesses, Offender
Dismissal of Complaint	Court	LEA, DMV, Offender, attorneys
Pre-Sentence Reports	Court	LEA, DMV, detention center, probation
Pleas or Judgement	Court	LEA, DMV, Offender, attorneys, Court administration, detention center, treatment centers, probation
Sentence	Court	LEA, DMV, Offender, attorneys, court administration, detention center, treatment centers, probation
Fine assessment & collection	Court	Court administration, DMV, Offender, attorneys, probation
Treatment or School	Court	DMV, Offender, treatment center, probation
Failure to Comply	Treatment center, detention center, probation	DMV, Court, Offender, attorneys
Sentence Completion	Detention center, treatment center, probation	DMV, Court, Offender, attorneys, probation

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DWI Data Initiation & Receipt (continued)		
Administrative Actions		
<i>Data or Document</i>	<i>Initiator</i>	<i>Recipients</i>
Drivers License	LEA	DMV, Offender
Revocation	LEA, Court	DMV, Offender
Temporary License	LEA	DMV, Offender
Hearing notification	DMV	LEA, Offender, attorneys
Hearing results	DMV	LEA, Offender, attorneys
Appeal	Offender, attorneys	LEA, DMV, attorneys
Driving History	DMV	LEA, Courts, attorneys, private companies

IV. FOUNDATION FOR BUILDING THE DWI TRACKING SYSTEM

Technological advancements and changing social expectations are starting to galvanize a movement by many states to develop a statewide DWI Tracking System. DWI Tracking System development plans range from upgrading processing capabilities of existing information systems to complete re-engineering of the information management infrastructure within the state.

This chapter is designed to provide the framework and foundation needed in the development of a DWITS. The primary foundation must be built with active participation of key agency stakeholders, working together to conduct, what this report calls, an “**Environmental Assessment**.” This term should not be confused with saving an endangered species; it connotes the broad spectrum of state conditions that must be investigated and known before design finalization and development of a state's DWITS. The Environmental Assessment includes organizational assessments, technological assessments, procedural assessments, etc. Following the environmental assessment, agency stakeholders, legislators, and policy makers can be provided with a clearer definition of the DWITS mission, goals, economic impacts, and development needs.

Laying the Foundation

DWI dominates court dockets and time. Better records and record keeping related to DWI charges and dispositions could relieve court backlog, improve completeness of records, provide the capability to evaluate the effectiveness of DWI countermeasures objectively, and enable DWI fines assessed and collected to be accounted. Without DWI tracking systems, the ability to mount effective prevention, deterrence, and intervention programs is limited. Knowing the impact of its policies is impossible for an agency if a tracking system is not available to provide needed feedback on violation trends. For example, legal sanctions can be mandated by state legislatures, yet assessing their impact is difficult if appropriate tracking information is not available about sanction completion and recidivism rates. Furthermore, it is evident from the review of DWI Tracking Systems currently in use, the system can function as a critical management tool to evaluate and to improve the processes involved in administering and adjudicating DWI offenders. Without an adequate DWI fine tracking system, millions of dollars could be lost to a state each year.

As discussed in this report, the design of the DWI Tracking System (i.e., case management, statistical, or hybrid) predicates its functionality. States must weigh its technological and budgetary resources, as well as legislative and public support in the state to design a DWI Tracking System that can enforce mandated legal sanctions intended to reduce the impact

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of DWS in the state. According to the studies on the effectiveness of various sanctions for DWI offenders, the ability of the enforcement and judicial agencies to swiftly and with certainty enforce DWI laws has been shown to have the greatest deterrent effect¹.

In states where DWI tracking systems are already in place, the most successful systems have evolved into more than mechanisms to provide feedback as aggregate statistics. The capabilities of a DWITS are being used as dynamic management tools that provide real-time information for case management and quality control of both administrative and judicial procedures, and, data for statistics. A state's DWI Tracking System cannot be entirely dedicated only on DWI information. It must be part of a whole effective data system providing a robust variety of necessary and complementary information. The New Jersey Automated Traffic System (ATS), for example, tracks all traffic citations; therefore, they can extrapolate DWI information from the data system, as well as all other traffic related violations and court management reports. Data relevancy and context are enhanced by this design.

RECOMMENDATION NO. 1

Design the DWI Tracking System to encompass data beyond DWI. The system should provide a robust variety of information for a class or classes of offenses.

Because multiple factors such as increased public awareness, impact and effectiveness of sanctions, or changing social pressures may contribute simultaneously to affect DWI statistics, further studies need to be conducted to isolate the specific catalyst for the change. Regardless, there is clear indication that an effective DWI Tracking System can play an active role in fighting the problem of DWI as shown in the improvement in time to disposition, enhanced record keeping capabilities, and increased payment of fines.

IV.A. Identification of Stakeholders

The key to successfully designing and implementing a DWITS is to understand the needs and requirements of the stakeholders who will use and maintain the information system. The system must be cooperative and interoperative. Before establishing the statewide mission, the creative and functional input of the state agencies as the primary stakeholders of the DWI system must be considered. Ancillary private or non-state agencies should also be consulted to ensure the maximum cooperation among all the stakeholders in the DWI system. Agencies and organizations that participate in the Critical Path of DWI offenders are potential stakeholders in the DWITS, as well as all major users and contributors of information

¹Nichols, James L. (National Highway Traffic Safety Administration) and Ross, H. Laurence (University of New Mexico), "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." *Alcohol, Drugs and Driving*, Volume 6, No. 2, April/June, 1990.

regarding the offense and the offender such as legislators and policy makers. The typical stakeholders in a DWI Tracking System may include the following organizations:

- Law Enforcement Agencies
- Local, District, State Courts
- DMV / Administrative Licensing Agency
- Policy Makers / Legislators
- Highway Traffic Safety Office
- Corrections / Jail
- Public Health Services / Non-public Treatment Facilities / Education Programs
- Other Agencies / Groups (e.g., MADD, insurance organization, etc.)

RECOMMENDATION NO. 2

Include input of all involved stakeholders. Clear understanding of stakeholder benefits, responsibilities, and duties will enhance cooperative participation.

Task Force of DWI Tracking System Stakeholders

The development of a statewide mission must include the input of all involved stakeholders. A Task Force comprising representatives from stakeholder agencies should be formed to explore and to identify the objectives that can be met with the support of a DWITS. Stakeholders should represent not only DWI, but the entire class of offenses that could potentially be part of the DWITS or case management system. The Task Force must collaborate to address issues concerning:

- Stakeholder Duties & Responsibilities
- Expectations & Benefits
- System & Program Objectives
- Legislation & Policies
- Budget & Cost-Benefits
- Standardization
- Leadership
- Measurements of Progress (Milestones)

Many states have developed sophisticated information systems for their state agencies, but they exist as insular pools of data. An effective DWI Tracking System must be able to tap these separate pools of data into a cooperative network of relevant information to work toward achieving the statewide mission for DWI.

The Task Force must conduct a self-examination of existing state resources and carefully consider the investments each state agency has already incurred. Often, separate agencies within a state are attempting to initiate DWI-related programs without an awareness that other agencies already had development plans and/or funding to establish similar programs. For example, in New Mexico, the Judicial Information System Division had planned and started development of a case management system, while simultaneously, the state's Division of

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Epidemiology was initiating the design and development of a post-adjudication tracking system for DWI. Both agencies are well-funded, and collaboration could create one of the most comprehensive systems in the United States. Stakeholders should explore how to leverage these advances to create a better cooperative and interoperative system. The task force must also identify that the state is willing to accept change at each stakeholder level, and that the resulting changes will benefit not only the stakeholders, but the entire DWI critical path process as well.

By working together in the initial phases of the development process, stakeholders can ensure that data and procedures will be relevant for all stakeholders and that all will be able to contribute to and have access to the DWI Tracking System. Clear understanding of stakeholders responsibilities and benefits will enhance the cooperative participation of many stakeholders.

Leadership

A stakeholder representative must lead the effort to develop the DWITS. The representative selected to lead the development efforts must serve as leader, advocate, mediator, liaison, and public relations representative for the Task Force. The agency that the leader represents will similarly become the organization that most aggressively champions the project. Although general participation in the planning and implementation of the DWITS is integral to a well-designed system, cohesive statewide organization requires focused leadership. All stakeholders must agree to a focused statewide mission and coordinate to develop an interoperative system methodically. The Task Force leader must convincingly promote the system and provide enough information about the DWITS to all stakeholders so that a consensus is obtained.

IV.B. Statewide Mission

Commencing the state-level DWI Tracking System development process with a clear definition of the statewide mission is essential. The statewide mission must focus on the goal of reducing drunk driving and its impact on society. Different approaches can be used to address the problem of DWI, whether by prevention, deterrence, incapacitation, or rehabilitation of drunk drivers. The foundation of the programs that aim to reduce DWI comprises the following key factors:

- **Legislation** - Laws must be passed illegalizing drunk driving as civil and/or criminal violations, as well as, establishing adequate sanctions to punish offenders.
- **Public Information & Education** - The public must be aware of laws and be educated about the legal, social, medical, and economic consequences of driving drunk.

- **Enforcement** - Law enforcement and motor vehicle/licensing agencies must identify violators, and the judicial system must, swiftly and with certainty, apply the laws established for driving drunk.
- **Information Tracking and Management** - Objective data must be collected to evaluate trends and effectiveness of programs, to facilitate the identification of offenders and access to information, and to support the operation of programs.

The effective use of an information tracking and management system is an important tool for tracking DWI activities and managing the DWI programs in the state. The statewide mission must recognize that a DWI Tracking System is an integrated and integrating element of its comprehensive effort to fight the problem of drunk driving. Without a well-designed information tracking and management system, the effectiveness of laws, public information and education, and enforcement cannot be efficiently managed or objectively evaluated. A state must agree that it can further reduce drunk driving by implementing a statewide DWI Tracking System.

RECOMMENDATION NO. 3

Develop a clearly defined, statewide mission statement and build consensus among all stakeholders: A state must agree that a DWITS can assist other statewide DWI reduction strategies by providing empirical information on each strategy, and through effective DWI management.

Reducing DWIs With Information Tracking and Management

A well-developed DWITS will have associated impact upon the state's other DWI efforts. DWI laws and the effort to enforce the laws are enhanced with accurate case management of each DWI offense. The accurate identification of repeat drunk drivers is also important so that swift and certain punishment may be imposed upon all DWI offenders. The state's ability to identify and track DWI offenders could have a possible deterrent effect upon both repeat offenders and the public. **Often cited by stakeholders as the weakest factor in dealing with DWI offenders is the availability to access up-to-date information. Ineffective case management usually results in offenders "slipping through the cracks" of administrative and/or judicial procedures, thus mitigating the effectiveness of sanctions.** At the time of sentencing, inaccurate offender records may also beguile the chronic nature of an offender's DWI history.

Studies on the effectiveness of legal sanctions related to DWI, such as one conducted by Drs. James Nichols and Laurence Ross², find that "policies based on increasing the certainty and swiftness of punishment" have better "deterrent impact than policies based on increasing the severity of punishment." They suggested that "deterrence-based drunk-driving

²ibid.

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countermeasures should focus on increasing the risk of detection and punishment for violators" and that emphasis should be "given to license actions." These recommendations to improve deterrence of drunk drivers depend heavily upon an effective DWI information tracking system.

The next part of this report will discuss the process of defining the objectives of the state and determining the DWITS that meets the needs and requirements of the state in context with existing state resources. The process includes the following steps:

- Environmental Assessment of Statewide and Stakeholder Resources
- Assessment Report with Documentation and Recommendations
- Interagency Agreement
- Action on Agreement
- Design & Development
- Implementation

IV.C. Environmental Assessment

An environmental assessment can aid the state in developing the most effective DWI Tracking System. The assessment will result in a better understanding of the existing state resources and situations so that realistic objectives can be formulated. An environmental assessment will provide a broad spectrum of statewide activities, providing delineation to the critical process areas such as organizational operations and procedures, technology, communications, etc. The environmental assessment must answer several critical questions:

- Who Does What and How Is It Done?
- Why Are Things as They Are?
- What Resources Are Currently Available (Technology, Legislation, etc.)?
- What Do We Need?

Each stakeholder must be examined as a separate functioning agency, and in context of its role as a stakeholder in the DWI system. In addition, the assessment should include a study of available and planned technology, references, and methodologies in use by states that already operate DWI Tracking Systems. The availability of technologies, such as in-vehicle laptops for LEAs, may greatly affect how the DWITS will function and facilitate meeting objectives not considered before.

RECOMMENDATION NO. 4

Conduct an Environmental Assessment of agency roles, needs, requirements, technology, etc. The assessment will result in a better understanding of the existing state resources and situations so that realistic objectives can be formulated.

IV.C.1. Who Does What and How Is It Done?

Understanding the role and processes of each stakeholder is important. The Task Force must begin by clarifying how DWIs are processed. Operations, procedures, and technology presently in existence and in practice for each stakeholder must be distinguished. As part of the environmental assessment, an operations review should be conducted by each stakeholder for each aspect involved the DWI critical path. In other words, if DWI arrests are made by state police, county sheriff's, and local police, the procedures, operations, data transfer, and technology of each group must be understood to assess their needs and requirements for a DWITS. If DWIs are adjudicated in three levels of court operations, each court's procedures, from arrest notification and arraignment through sentencing and monitoring must be understood. The results of the operations review will give the Task Force information addressing the magnitude of efficiently tying together stakeholder operations in a way that will allow timely, efficient tracking.

The DWI Task Force should delegate the responsibility of completing the operations review either to individuals with an understanding of the specific processes or to consultants who may have a more objective view of operations. The final product of the operations review should be comprehensive activity and data flows depicting the actions of each stakeholder or group. Detail required in the review is dependent on the overall goals and mission of the DWITS. If comprehensive real-time case management is being considered, a more detailed review should be performed.

IV.C.2. Why Are Things as They Are?

Once an understanding of stakeholder responsibility and how these responsibilities are currently performed is established, the Task Force should debate the reason why things are as they are. The Task Force must decide if a DWI Tracking System can provide the technology to initiate procedural changes for stakeholders or if stakeholder procedures are innate within the agency. If so, the DWI Tracking System must accommodate these innate characteristics. For example, in New Mexico the new Judicial Tracking System being implemented statewide fits the separate, but compatible, data system operated by the Albuquerque Metro Court. The Albuquerque Metro Court preceded the state in implementing a judicial case management system. The state decided that requiring Albuquerque to adopt the new statewide system would not be cost-effective or desirable. Functional capabilities have been built into the new state system to establish connectivity to the Albuquerque system. On the other hand, New Jersey required all 538 Municipal courts in the state to convert over to the state-provided computer system and establish online connectivity to the central court data system. New Jersey had the legislative mandate and financial resources to overhaul its entire court system and was designed to fit into the existing state communica-

tion infrastructure. (Please refer to Volume 2, "State Description," of this report for a complete description of New Jersey's DWI tracking system.)

IV.C.3. What Resources Are Currently Available?

A DWI Tracking System must be designed and implemented as a complementary system within the information network already operational within the state. Collaboration with existing information systems and use of available state resources is both fiscally sound, and functionally necessary. An off-the-shelf "ideal" DWITS does not exist. Basic principals can guide the development of a system, but an environmental assessment of state resources and operations will allow the DWITS to be developed that complements and enhances the statewide information systems, communication networks, and legislative fiat.

The Task Force must attempt to use resources already in existence or currently planned in the DWITS development. For example, the State of Florida is developing a statewide tracking system. In their plan, they have intentions to utilize an existing, extensive communications network used by the Family Services Child Support System. With data hubs located throughout the state, Florida DMV intends to use this existing state resource to facilitate statewide exchange of offender data. Similarly, in New Jersey, a well-designed program for tracking traffic citations was implemented statewide by leveraging upon an extensive communications backbone maintained by the New Jersey Office of Telecommunications and Information Systems. The Administrative Office of the Courts (who maintain the DWITS) can transfer data among its courts via these existing lines, and the five data centers operated by the state function as hubs to exchange data with extraneous agencies with the AOC. By utilizing its state resources, New Jersey was able to build a well-designed database into a statewide management and tracking tool.

Other non-tangible resources may include the current legislative environment. Various groups (such as MADD) have influence within state, and coupled with the information available from the environmental assessment, the immediacy of a DWITS may evolve into amended legislation providing for its development.

IV.C.4. What Do We Need?

To answer this question, the Task Force should propose a conceptual design that addresses system goals and objectives (will the system seek to provide statistical data or will the system focus on case management and information delivery). It must also indicate how much change each stakeholder is willing to bear and delineate the resources

RECOMMENDATION NO. 5

Develop a conceptual design, followed by a "needs statement" and a comprehensive cost-benefit analysis of the DWITS.

currently available or planned. Based on these aspects, a "needs" statement should be developed outlining perceived resource requirements, hardware/software requirements, and operational/procedural changes. It should be noted that neither the conceptual design nor needs statement is meant to be the overall "system design." Both ideas should be used as the basis for gaining the necessary support. Next, the Task Force should conduct a cost-benefit analysis based on the needs statement described above.

Cost-Benefit Analysis

The cost-benefit analysis should be conducted before the development of a comprehensive system development plan. The costs associated with developing a system that meets each objective and statewide mission statement can be carefully estimated to evaluate if the project is feasible, if it should be upscaled or downscaled, and if it can gain enough support within the state. The cost-benefit analysis should only highlight the likely costs associated with development and compare them with the overall benefit to the state and its residents. A working document should be created that addresses the following six aspects:

- Stakeholder benefits
- Statewide benefits
- Intangible costs (costs other than dollar outlays)
- Tangible costs (actual dollar outlays)
- Cost estimate scenarios and benefits
- Funding mechanisms

The first step is clearly identifying both the stakeholder benefits, and the benefit to state residents. Each benefit should be clearly developed to support the DWITS position. They may include:

- Improving stakeholder operations, efficiency, and data quality
- Providing a safer traffic environment for the state residents
- Increasing the amount of fine money collected from offenders
- Protecting more lives by keeping high risk drivers off the road

Using the needs statement developed above, the task force or project consultants must identify each cost associated with developing the DWITS.

Tangible cost estimates should be divided into groups, such as:

- Hardware purchases or upgrades
- Software purchases or development
- Communications infrastructure

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- State and contractor personnel wages (design and development)
- State and contractor personnel wages (implementation)
- State and contractor personnel wages (training and support)
- Restructuring and reorganization

Intangible cost estimates should include items that may not have a direct dollar impact, but could substantially affect the overall system design, such as:

- Operational restructuring impacts
- Recruitment of stakeholder support - time and effort
- Legislative initiatives
- Internal / stakeholder support (e.g., Law enforcement support, judge / prosecutor support)

Following the identification of specific costs, scenarios should be developed that depict best and worst case cost scenarios. The assumptions used to develop the cost scenarios should be clearly laid out, as well as, the ranges within which the costs were developed. For example, the actual system design may contain three scenarios; existing state personnel will design and develop the core system; existing and additional state personnel will design and develop the system; or expert consultants will design and develop the system. Each aspect should contain cost and time estimates, as well as benefits to each approach.

Finally, the Task Force should provide various funding alternatives. Based on the estimated costs, funding alternatives can be developed that provide for the system to be paid for out of the state's general fund, by the offenders, through increased taxes (e.g., on alcohol), or any number of methods. The task force should advocate a method that fully pays for the system design, development, and operation, while having limited impact on the public.

Case Study: New Mexico Crime Lab Fund Tracking

Although the following example is not a true "DWITS Cost / Benefit" analysis, it does represent the effectiveness of using manual features that can be easily built into a DWITS system design.

The State of New Mexico implemented Community DWI Prevention programs paid for by offenders. These offenders pay a \$75 Community DWI Prevention fee and a \$35 crime lab fee. The monies are intended to be distributed to local jurisdictions for use in curbing the DWI problem. While the funds were set aside for specific use, fiscal accountability of the funds was not guaranteed. The New Mexico Traffic Safety Bureau established a program aimed at improving the financial management and accountability for maximum efficiency of

the fees. To accomplish this, a \$40,000 grant was awarded to the state via NHTSA's Section 402.

The goals of the project were:

- Train and assist 30 clerks in magistrate and municipal courts to track assessment and collection of the fees
- Monitor collection efforts of all courts monthly to determine progress and identify problems
- Provide monthly reports of fees collected by the courts to the Traffic Safety Bureau
- Provide three presentations on request to community DWI task forces regarding court processes and fee collection

The program was to last for two years initially, followed by continued funding and support from the Administrative Office of the Court. Based on the manual procedures established by the New Mexico Traffic Safety Bureau, revenues for these fees have increased \$260,000 annually. More than a sixfold return.

This illustrates the usefulness of a tracking system. Such fiscal controls can easily be designed into the DWITS, monitoring all of the fees and fines collected, while automatically imposing the appropriate penalty if the offender fails to comply.

IV.D. Assessment Report

The product of the Task Force will be an Assessment Report of the findings of the self-examination of stakeholders, evaluation of state resources, and agreed objectives and plans. The Assessment Report should be used as the document to draw up a formal Interagency Agreement. The Agreement will be signed by all the stakeholders who will be involved in the development of the DWI Tracking System. The report should include the following information, at a minimum:

- Identification of Stakeholders
- Needs of Stakeholders
- Cost and Benefit to Stakeholders and to the State
- Ownership / Leadership
 - Responsibilities of the Leader
 - Responsibilities of the Stakeholders
- Short- and Long-term Objectives
- Recommendations
 - System Ownership
 - Standardization of Data & Procedures

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- ~ Ideal System Design & Development Plans
- ~ Anticipated Cost & Estimated Benefits
- ~ Evaluation of Current Laws
- ~ Proposed Legislation
- Dissenting Opinions of the Stakeholders Regarding Recommendations

Legislative Support

The purpose of the environmental assessment is to develop a clear understanding of the scope and nature of the project. Following this, needs and cost estimates are developed. Now, action on these items should be pursued. The necessary catalyst for these changes has been legislative support. Advocacy by state and local legislators and the passage of key laws mandates minimum requirements, regulate statewide standards, and allocate state funds or permit the collection of user fees help to ensure consistency throughout the state. Often, the cause is championed by a legislator or prominent public figure who has a personal relationship to a victim of a drunk driver. If a state has a DWI tracking system development plan well-established and thought-out, the Task Force can be positioned to respond to a sudden surge in public awareness and concern for DWI rapidly. This usually happens unexpectedly because of a well-publicized DWI arrest or fatality.

RECOMMENDATION NO. 6

An interagency coalition must impress upon the legislature the realistic cost and benefits of implementing a statewide DWI Tracking System.

A system, by definition, functions based on standard operations and input. The need for a DWITS originates from disparate pools of data and effort; logically, the effectiveness of a DWITS increases proportionately with the organization of data and cooperative effort on a statewide level. For example, Mississippi said they could create a closer, more cohesive environment if their legislature would allow a \$1 surcharge to be added to the offender's fine. Louisiana initiated a \$1 surcharge for the planning and design of the state system, and has increased the fee to \$2 for plan implementation. Louisiana's surcharge is estimated to bring in approximately \$2 million per year for system development and operation.

Existing legislation needs to be reviewed for evidence of current requirements not being met that can be addressed better with a DWITS. For example, "double-jeopardy" is a prominent issue currently being debated in state courts. The argument is that subjecting a DWI offender to both administrative hearings and criminal charges amounts to "double-jeopardy" for the same offense. By some estimates, trial courts in 18 states have ruled for the double-

jeopardy argument in DWI cases³. The Task Force should discuss the implications of this rising argument can, or will, have on administrative and judicial procedures.

New legislation should also be suggested to certify data exchanged via a DWITS will be treated as official records of the state, otherwise, a redundant flow of paper documents will slow the DWI process and mitigate the potential advances that an electronic DWITS can provide. The nature and severity of punishment are not of issue in the development of a DWITS, but the system must be responsive to the legislation passed. Without the capability to enforce and monitor, the legislation cannot be as effective. One consequence of increased severity of sanction can be increased caseloads due to a decreased number of automatic "guilty" pleas; therefore, the system must be ready to respond the dynamics of changing legislation.

An interagency coalition must impress upon the legislature the realistic cost and benefits of implementing a statewide DWI Tracking System. Legislative mandates enable the raising of funds to install and operate a new system and ensures uniformity statewide of reporting and access procedures, and increase the likelihood of statewide implementation.

IV.E. Interagency Agreement

It is imperative that the new system work cooperatively with existing systems; additional work loads should be minimized as much as possible or compensated with increased productivity or revenue. Participation and fulfillment of stakeholder responsibilities and duties are more likely if the benefits of the participation are direct and obvious to the stakeholders. The design of the system as recommended by the Assessment Report should be amended, if necessary, during the ratification of the interagency Agreement. The Agreement will produce the final recommendations and plans for the development of the DWI Tracking System. The Agreement should be signed by cognizant representatives of all system stakeholders and used to initiate action on the provisions of the Agreement.

RECOMMENDATION NO. 7

An Interagency Agreement must establish the cooperation of key stakeholders as well as an evaluation of state resources must ensure the interoperability and connectivity of the agencies' systems.

IV.F. Action on Agreements

Upon acceptance of the Interagency Agreement, the Leading Stakeholder must instigate the process to obtain legislative approval of laws to set aside funding, establish mandates, and

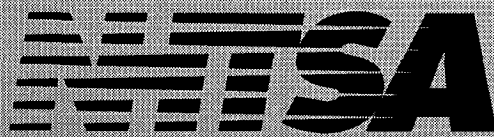
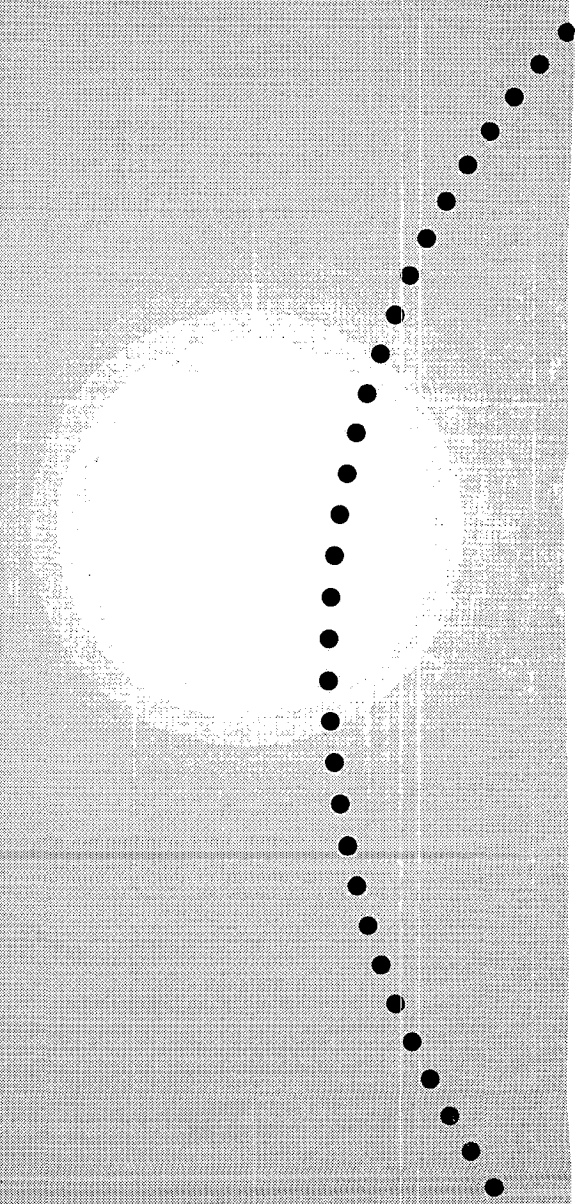
³Sangchompuphen, T. Drunk Drivers Claim They Are Punished Twice. *The Wall Street Journal* pp B1, B4, June 21, 1995.

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initiate policy changes necessary to implement the plans as outlined in the Assessment Report.

The design, development, and implementation of the actual data system should be guided by the recommendations and plans of the Interagency Agreement.

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