

# Case Studies of Community-Based Self-Sufficient DWI Programs



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

★★★★★  
**NHTSA**  
www.nhtsa.gov



## Technical Report Documentation Page

1. Report No. DOT HS 811 300	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Case Studies of Community-Based Self-Sufficient DWI Programs		5. Report Date July 2011	
		6. Performing Organizational Code	
		8. Performing Organization Report No.	
7. Author Laura Caldwell-Aden		10. Work Unit No. (TRAIS)  11. Contract or Grant No. DTNH22-07-C-00063  13. Type of Report and Period Covered Case Studies 09/04/2007 to 03/03/2009  14. Sponsoring Agency Code	
9. Performing Organization Name and Address Maryn Consulting, Inc./Namtra Business Solutions, Inc. 1000 Vermont Avenue NW., Suite 810 Washington, DC 20005			
12. Sponsoring Agency Name and Address National Highway Traffic Safety Administration Traffic Injury Control Office of Impaired Driving and Occupant Protection 1200 New Jersey Avenue, S.E. Washington, DC 20590			
15. Supplementary Notes Ruth Esteban-Muir served as the NHTSA Program Manager and the Contracting Officer's Technical Representative for this project.			
16. Abstract This report is intended to provide guidance to communities in developing or adapting existing programs to function more self-sufficiently. The report features five case studies of community-based, self-sufficient DWI programs operating at the local level in various communities across the country. Two of the programs are enforcement-oriented, one focusing on traffic safety violations, the other on vehicle forfeiture; two programs focus on offender supervision, one operating within the court system, the other as a human services program; one program is a multijurisdictional community traffic safety coalition providing prevention and intervention programming. While it is intended to provide information on self-sufficiency strategies and program components, it does not evaluate the specific program strategies (use of enforcement, offender supervision, coalitions, etc.).  Community-based, self-sufficient DWI programs are independently managed and operated at the local level using sustainable funding sources to cover at least 75 percent of program costs. Sustainable funding sources may include fees or fines dedicated to the DWI program, as well as an established funding stream dedicated exclusively to the DWI program. A self-sufficient DWI program must be funded through sustainable sources to function efficiently if nonsustainable funding sources cease.			
17. Key Words DWI programs, self-sufficient, funding		18. Distribution Statement Document is available to the public from the National Technical Information Service <a href="http://www.ntis.gov">www.ntis.gov</a>	
19. Security Classif. (of this report) Unclassified	20. Security Classif. (of this page)	21. No. of Pages 88	22. Price

---

## Acknowledgements

The authors are grateful to the many agencies, organizations, and people who assisted during the completion of this project.

This project would not have been possible without the assistance and information provided by numerous people involved in the Albuquerque DWI vehicle forfeiture program in New Mexico, the Eaton County DUI Court in Michigan, the Fresno, California, Police Department Traffic Bureau, the Safe Communities Coalition of the Red River Valley (SCCRRV) in Fargo, North Dakota, and the Winnebago County, Wisconsin, Safe Streets Coalition. Many thanks to the dedicated program staff who shared their time, expertise, and insight into each of these programs, in particular Sergeant Troy Luna, Jennifer Vega-Brown and Stan Harada in Albuquerque; Judge Harvey Hoffman, Judge Julie Reincke, Jeff Saulter, Connie Wilkins, Elizabeth Hoogstra, and Kathleen Brooks in Eaton County; Captain Greg Garner, Sergeant Eric Eide, Sergeant Dave Gibeault, Sergeant Rick Tucker, and Sergeant Bruce Owen in Fresno; Robyn Litke in Fargo; and Judge Scott Woldt, Sheriff Michael Brooks, Senator Carol Roessler, Mike Olig, Carol Koch, and Tom Saari in Winnebago County.

In addition, thank you to the many traffic safety experts and advocates, State highway officials, and local community program directors across the country who provided information regarding State and community level DWI programs during the initial information gathering phase of this project.

---



## Table of Contents

Executive Summary .....	v
Chapter One: Background and Methodology .....	1
Chapter Two: Self-Sufficient DWI Programs .....	4
Chapter Three: Successful Strategies Common to Self-Sufficient DWI Programs .....	11
Chapter Four: Challenges Faced by Self-Sufficient DWI Programs .....	20
Chapter Five: Community-Based Self-Sufficient DWI Program Case Studies .....	23
Albuquerque DWI Vehicle Forfeiture Program .....	23
Eaton County DUI Court Program .....	31
Safe Communities Coalition of the Red River Valley .....	39
Fresno Police Traffic Bureau .....	47
Winnebago County Safe Streets Treatment Options Program .....	61
References .....	71
Appendices .....	73
Appendix A: Program Matrix .....	74
Appendix B: Program Contacts .....	75



---

## Executive Summary

Since the early 1980s, the United States Department of Transportation National Highway Traffic Safety Administration has encouraged States and communities to create self-sufficient alcohol traffic safety programs in order to consistently address impaired-driving challenges at the local level. State DWI self-sufficiency is one of the qualifying criteria for State-level funding under Section 410 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). However, it has been difficult for States to gain support to implement at the State level.

This report of case studies has been developed for local and regional government officials, traffic safety advocates and community leaders to encourage and support local efforts to develop and implement self-sufficient DWI<sup>1</sup> programs at the community level and promote greater community participation in addressing impaired driving.

The objectives of this case studies report are to:

1. Identify and document community-level self-sufficient impaired-driving programs.
2. Provide guidance to communities initiating self-sufficient DWI programs, or adapting existing programs to function more self-sufficiently.

In order to best identify successful self-sufficient DWI programs at the community level, a detailed definition of such programs was developed. For the purposes of this case studies report, the following definition is used.

***Community-Based, Self-Sufficient DWI Program:** A DWI program that implements established DWI countermeasures, that is independently managed and operated at a local level, and that uses sustainable funding sources to cover at least 75 percent of program costs. Sustainable funding sources may include fees or fines dedicated to the DWI Program, as well as an established funding stream dedicated exclusively to the DWI program. A self-sufficient DWI program must be funded sufficiently through sustainable sources to function efficiently if non-sustainable funding sources cease.*

This report features five case studies of community-based self-sufficient DWI programs operating at the local level in various communities across the country. These programs represent the diversity of DWI programming while meeting all of the criteria specified in the definition of “self-sufficient.” Two of the programs are enforcement oriented, two focused on offender supervision, and one program is a multijurisdictional community traffic safety coalition providing prevention and intervention programming. In addition to the five programs featured as case studies, other DWI programs with self-sufficient components are briefly described.

---

<sup>1</sup> For the purposes of this report, the abbreviation “DWI” (driving while impaired) is interchangeable with the terms “DUI” (driving under the influence), “DWAI” (driving while alcohol impaired) and “OWI” (operating while intoxicated). It references all behavior involving driving while impaired by alcohol and/or drugs. NHTSA defines impaired driving as operating a motor vehicle while affected by alcohol and/or other drugs, including prescriptions, over-the-counter medicines or illicit substances. “Impaired driving” includes, but is not limited to, impairment, as defined by individual States’ statutes.

---

Despite the diversity of self-sufficient DWI programming across the country, programs that are successful in establishing sustainable funding sources and implementing effective DWI programming use similar strategies. These strategies are not exclusive to self-sufficient DWI programming, but appear to be critical to the initial development and ongoing success of such programs. These common strategies are: collaborating; defining scope and realistic objectives; ensuring leadership is supportive; communicating; recognizing success; and being flexible/problem solving.

These strategies are described in detail in an effort to guide other community-based, self-sufficient DWI program development and implementation efforts.

While using common strategies to successfully plan and implement community-level DWI-related activities, each of these programs has also faced challenges. Many times these challenges have been specific to their communities or States. However, some common challenges were identified across multiple programs. These challenges and their potential solutions are also described in this report.

---



# Chapter One

## Background and Methodology

### Background

Since the early 1980s, the National Highway Traffic Safety Administration has encouraged States and communities to create self-sufficient alcohol traffic safety programs in order to consistently address impaired-driving challenges at the local level. However, such programs are not commonplace. While New York has developed the “STOP-DWI Foundation,” an established and successful model for State-level self-sufficient impaired-driving programs (Williams, Gunnels, & Richie, 2005), most States and localities have not. In August 2005, State DWI self-sufficient programs became one of the qualifying criteria for State-level funding under Section 410 of the SAFETEA-LU. The State must have a program in which a significant portion of the fines or surcharges collected for DUIs are returned to communities for comprehensive programs for impaired-driving prevention (24 USC, Chapter 4 Section 410, 2005). However, it has been difficult for States to gain support to implement these programs at the State level.

Community-based, self-sufficient DWI programs are able to provide sustained, consistent DWI-related activities that do not rely on the local government’s annual budgeting process, the availability of State transportation allocations, or the whim of external grantors. These programs use constant and predictable funding streams that permit financial autonomy. In many cases this financial autonomy results in programmatic autonomy.

NHTSA is publishing this collection of case studies to encourage and support local efforts to develop and implement community-level, self-sufficient DWI programs, and to promote greater community participation in addressing impaired-driving. This case studies report has been developed for local and regional government officials, traffic safety advocates and community leaders. While it is intended to provide information on self-sufficiency strategies and program components, it does not evaluate the specific program strategies (use of enforcement, offender supervision, coalitions, etc.).

The objectives of this case studies report are to:

1. Identify and document community-level self-sufficient impaired-driving programs; and
2. Provide guidance to communities initiating self-sufficient DWI programs or adapting existing programs to function more self-sufficiently.

### Methodology

Below are the steps taken in the development of this case studies report:

#### **Step 1: Establishment of a Preliminary Definition of “Self-Sufficient Impaired-Driving Program”**

According to Section 410 of the SAFETEA-LU, August 2005, a self-sufficient impaired-driving program is a

*“program under which a significant portion of the fines or surcharges collected from individuals who are fined for operating a motor vehicle while under the influence of*

---

*alcohol are returned to communities for comprehensive programs for the prevention of impaired driving.”*

While this definition provides a general designation of self-sufficient impaired-driving programs at the State level, it does not identify the critical components of a community-level impaired-driving program and is not specific regarding what might be considered “significant” in regard to the portion of charges returned to the community to fund impaired-driving prevention programs.

A preliminary definition of “self-sufficient, impaired-driving program” was developed in order to begin the information gathering process. This definition cast a wide net for information-gathering and allowed any impaired-driving program that self-identified as self-sufficient to be included. Once basic information was gathered on impaired-driving programs that considered themselves self-sufficient, a more specific definition of a “self-sufficient, impaired-driving program” was developed and used for the development of this report.

## **Step 2: Preliminary Information Gathering**

Information and referrals regarding existing self-sufficient DWI programming was gathered from a variety of sources, including NHTSA staff, Governor’s Highway Safety Association, Transportation Research Board, International Association of Chiefs of Police, Traffic Injury Research Foundation, Institute for Traffic Safety Management and Research, State traffic safety resource prosecutors, State Highway Safety Offices, and traffic safety advocacy groups. In addition, a comprehensive literature review was conducted.

Referrals to more than 30 programs were obtained. These programs included community and State-level programs that provide DWI enforcement, education, court, offender supervision, prevention, or intervention services. Researchers contacted practitioners involved in these programs and gathered program specific information regarding program activities, management, and funding sources. Programs operated by both public and private sector entities were examined, with funding sources as diverse as traffic fines, DWI offender fines and fees, forfeited vehicle auction revenues, liquor taxes, property taxes, and gasoline taxes.

## **Step 3: Finalize Definition of “Community-Based Self-Sufficient DWI Program”**

Once self-funded impaired-driving programs were identified and basic information regarding the programs and their funding sources was collected and reviewed, researchers examined these programs and discussed variations in self-sufficient funding levels, funding sources, and program activities. Ultimately a narrower definition of “community-based self-sufficient DWI program” was finalized for the purpose of this report.

## **Step 4: Program Criteria for Inclusion in Guide**

Using the final definition of community-based self-sufficient DWI program, five diverse DWI programs from prevention to enforcement to offender supervision were identified for further research and inclusion in the report as case studies.

---

## **Step 5: Document Self-Sufficient, Impaired-Driving Programs**

Five community-based, self-sufficient DWI programs were examined in great detail. Program staff, local elected and appointed leadership, community partners, State partners, and when appropriate, program participants, were interviewed during the information-gathering process. A site visit to each program was conducted. Follow-up questions and interviews with additional resources were pursued via telephone and email. Upon completion, detailed descriptions of the programs were developed.

## **Step 6: Development of the Report**

This report was developed using the program information gathered. The types of self-sufficient DWI programs are discussed, along with types of funding sources. Successful program development and implementation strategies common to the five case study programs were identified. Likewise, challenges common to these programs were identified. These successful strategies and challenges are described in detail in this report. In addition, detailed narratives regarding the five community-based self-sufficient DWI programs are included, as well as summary descriptions of additional programs with significant self-sufficient components.

---

# Chapter Two

## Self-Sufficient DWI Programs

### Introduction

A variety of DWI programs exist across the country. These programs are operated by States and local communities, government agencies, and private organizations. They may focus on one aspect of DWI-related programming, or they may implement many activities in efforts to curb impaired driving. This chapter provides a definition of a community-based, self-sufficient DWI program and offers brief descriptions of diverse DWI programs across the country that uses self-sufficient funding sources or mechanisms.

### Definition of Self-Sufficient DWI Program

In order to best identify successful self-sufficient DWI programs at the community level, a detailed definition of such a program is required. For the purposes of this report, the following definition is used.

***Community-Based, Self-Sufficient DWI Program:** A DWI program that implements established DWI countermeasures that is independently managed and operated at a local level, and uses sustainable funding sources to cover at least 75 percent of program costs. Sustainable funding sources may include fees or fines dedicated to the DWI program, as well as an established funding stream dedicated exclusively to the DWI program. A self-sufficient DWI program must be funded sufficiently through sustainable sources to function efficiently if nonsustainable funding sources cease.*

Due to the variety of DWI programs that operate across the country, this definition attempts to clarify specific requirements for programs to qualify as community-based, self-sufficient DWI programs. These components are examined below.

#### **Established DWI countermeasures**

DWI program types range from prevention education to enforcement. This report focuses exclusively on programs using established DWI countermeasures documented as effective by NHTSA or other traffic safety researchers.

#### **Independently managed and operated at a local level**

Many States use State taxes on alcohol or gasoline to support community-level DWI programming. These taxes are legislatively established at the State level and a percentage of the revenues are dedicated to support specific DWI programming, at the State or community level. While conceptually these tax-generated revenues support programming in a sustainable manner, in many cases the community is required to apply for or compete for the funds, or the funds can only be used for specific programming activities. Additionally, these funding arrangements typically require legislation at the State level. In order for localities to independently establish programs at the community level, reliance on the passage of State legislation may be prohibitive.

---

## **Fees or Fines Supported**

The majority of community-level, self-sufficient impaired-driving programs are funded through offender fees and fines dedicated to the operation of the program. For example, the fines generated from DWI convictions or the fees required for offender supervision services return to the program to support staff resources or equipment purchases. In these cases, as long as individuals continue to demonstrate DWI behaviors, program revenues will continue to be generated. Revenues will increase or decrease based on the need for DWI programming. Under this model, program funding correlates directly with the need for the programs.

## **Self-Sufficient Funding Mechanism**

Some community-based, self-sufficient DWI programs and many State-level DWI funding sources are mechanisms established legislatively or administratively to support DWI programming. For example, a percentage of a statewide alcohol tax supports DWI programming across that State, or fines levied for beverage control violations support DWI program activities. In these cases the funding mechanism is sustainable and dedicated to supporting DWI programming, often through State or local legislation; however the funding source is not directly correlated with DWI behaviors.

## **Community-Based Self-Sufficient DWI Programs**

This report features five case studies of community-based, self-sufficient DWI programs operating at the local level in communities across the country as described in Chapter 5. These programs illustrate the diversity of DWI programming while meeting all the criteria specified in the definition of “self-sufficient.” Two of the programs are enforcement-oriented, one focusing on traffic safety violations, the other on vehicle forfeiture; two programs focus on offender supervision, one operating within the court system, the other as a human services program; and one program is a multijurisdictional community traffic safety coalition providing prevention and intervention programming. These programs are briefly summarized here; a summary chart of these programs is provided in Appendix A.

### **Albuquerque, New Mexico, Vehicle Forfeiture Program**

The Albuquerque DWI vehicle forfeiture program seizes, impounds, and in many cases auctions off, vehicles operated by repeat impaired drivers. In Albuquerque, repeat impaired drivers as well as those driving on revoked licenses as the result of DWI charges are subject to the immediate seizure and ultimate forfeiture of the vehicles they are operating. An Albuquerque city ordinance authorizes the Albuquerque Police Department (APD) to seize the suspect’s vehicle upon arrest. This civil nuisance abatement law is enforced independently of criminal proceedings; the owner of the vehicle is subject to civil procedures that may result in the return of the vehicle, the immobilization of the vehicle for a prescribed time period, or the forfeiture of the vehicle to the city.

Revenues from vehicle auctions as well as impound and immobilization fees fund the program’s operating costs. The law specifically requires that all revenue from the vehicle forfeiture proceedings is to be used exclusively to support the city’s DWI-related activities, including training, equipment, and personnel as well as DWI educational programming. Albuquerque’s DWI vehicle forfeiture program revenue is used to fund vehicle impound, storage, and processing fees as well as

---

five personnel to staff the program and funds to support the significant overtime hours worked by DWI law enforcement officers. Annual revenue from the program totals approximately \$1 million.

### **Eaton County, Michigan, DUI Court**

The Eaton County 56th District Court operates a DUI court program, also known as “Fast Track.” The program was started in 1997 to address offenders charged with DUI. It continues to serve DUI offenders, and has expanded to serve offenders with other misdemeanor alcohol and drug charges. The intent of the program is to allow offenders to plea to a lesser charge and quickly enter an intensive supervision and treatment program. This fast track approach reduces jail time, reunites families, and allows offenders opportunity to quickly return to work and normal life activities.

The DUI court is operated in partnership between the 56<sup>th</sup> District Court, and the Eaton County prosecutor’s office, defense bar, the sheriff’s department and other law enforcement agencies, as well as a number of substance abuse treatment providers. DUI court offenders are assessed regarding their needs for treatment and supervision, and receive services accordingly. Offenders pay court costs and fees, as well as a supervision fee. DUI court operating costs are estimated at \$114,000 annually. The DUI court program is operated and fiscally managed by the 56<sup>th</sup> District Court, and is financially self-sufficient.

### **Safe Communities Coalition of the Red River Valley, Fargo, North Dakota**

The Safe Communities Coalition of the Red River Valley (SCCRRV) is a multijurisdictional, bi-State traffic safety coalition. Fargo and West Fargo, located in Cass County, North Dakota, joined with Moorhead City in Clay County, Minnesota, to create the coalition, which operates three self-sufficient programs to combat impaired driving: alcohol compliance checks, server training, and victim impact panels. These programs operate under the direction of the coalition coordinator, whose personality, political savvy, and professionalism are attributed to much of the success of the programs.

Funds for the three self-sufficient programs are generated from the fines paid by businesses that fail alcohol compliance checks, and the fees paid by those who attend victim impact panels. These three programs operate self-sufficiently with total annual budgets of approximately \$45,000.

### **Fresno, California, Police Department Traffic Bureau**

The Fresno Police Department operates an aggressive DUI and traffic enforcement program. The consolidated program is comprised of a number of smaller programs designed specifically to reduce the damage, injuries, and fatalities associated with impaired driving. These programs include DUI checkpoint operations, bar watch operations, saturation patrols by the Neighborhood Traffic Unit (NTU), the Scared Stiff DUI education program, the Help Eliminate Alcohol Reoffends Team (HEART), and the Selective Traffic Enforcement Program (STEP). These programs are spearheaded by the Fresno Police Department’s Traffic Bureau.

Funding for the Traffic Bureau comes from traffic citation revenue, vehicle impound and release fees, and State and Federal grants. In 2008, Fresno’s Traffic

---

Bureau had an operating budget of \$9.1 million. Self-sufficiently funded DUI programming totals approximately \$120,000 per year.

### **Safe Streets Treatment Options Program, Winnebago County, Wisconsin**

The Winnebago County Safe Streets Treatment Options Program (SSTOP) is a community-level DWI program that provides court-ordered supervision and treatment or education services to second- and third-time operating while intoxicated (OWI) offenders in Winnebago County. Housed in the county's Department of Human Services, SSTOP supervises OWI offenders for approximately 12 months, during which time they must report to a case manager regularly, comply with electronic monitoring requirements, complete community service, attend a victim impact panel, cooperate with a substance abuse assessment, and comply with education or treatment services and their driver safety plan.

The program is a pilot program funded through offender fees and fines as well as county property tax revenues. SSTOP operation costs funded through county property tax revenues are balanced by savings in incarceration costs to the county sheriff. SSTOP participants serve reduced jail sentences under the condition that they participate and comply with SSTOP requirements. The program is housed in the county's Department of Human Services and operates with an approximate budget of \$66,000 per year.

In addition to the above five case studies in this report, summary information regarding other community-based, self-sufficient DWI programs was also gathered. Summary information about two other community-based, self-sufficient DWI programs is presented below.

### **Northampton County, Pennsylvania, DUI Program**

Operated by the Northampton County Court of Common Pleas, the Northampton County DUI program provides probation and parole supervision and treatment referral and monitoring for all DUI offenders sentenced by the court. These offenders include first-, second-, and third-time offenders. The program staff also provides prevention and education programming to community groups and schools (Court of Common Pleas, 2008).

DUI offender fees and fines fully cover the costs of the program, which has an annual budget of about \$1 million. Offender fees and fines are paid directly into the general court budget and are not allocated exclusively to DWI offender supervision. No State or local legislation prescribes the use of these fees and fines to exclusively support the DUI program (Heimbach, 2008).

### **St. Croix Valley Restorative Justice Center, River Falls, Wisconsin**

The St. Croix Valley Restorative Justice Center operates victim impact panels (VIP) and underage consumption panels, using restorative justice principles to prevent impaired-driving behavior. OWI offenders in St. Croix and Pierce Counties are required to attend VIPs operated by the Restorative Justice Center as a component of their State-mandated driver safety plans. The center holds one VIP each month, with approximately 50 attendees. Underage consumption panels are held monthly or weekly, depending on the volume, and are attended by youth cited for underage drinking and usually mandated to participate by the court.

---

The VIPs and the underage consumption panels are funded entirely through participant fees. In 2007 revenues from the VIPs totaled approximately \$19,000. Panel revenues cover administrative costs and also support additional prevention efforts by the Restorative Justice Center, including traffic-safety-related educational programming (Miner, 2008).

## **Community-Based DWI Programs With Self-Sufficient Components**

More common than community-based DWI programs that operate with self-funding levels of at least 75 percent are those that use self-sufficient principles, but which still rely on significant funding from grants or local general funds. Many of these types of programs were identified during the course of this project. They may use court-imposed fines or surcharges, offender supervision fees or assessment fees, local or State sales or excise tax revenues, and/or administrative fees to support either expansive programming or smaller, single-focus efforts. These types of programs do not meet all of the “community-based, self-sufficient DWI program” criteria, but do use self-sufficient concepts to varying degrees. Two of these programs are described below.

### **DUI Probation Program, Spokane, Washington**

This intensive-supervision probation program is operated by the court and gives DUI offenders two years of intensive, community-based supervision as well as treatment referral and monitoring services. Two probation officers provide services to approximately 30 offenders each at any given time.

The program is funded by a grant as well as by DUI fees and fines paid by the offender. Offender fees and fines are paid directly into the court budget and are not allocated exclusively to the DUI probation program. No State or local legislation requires the use of these fees and fines to exclusively support the DUI program. Once grant funding expires the program may be altered due to competing supervision priorities (Grandy, 2008).

### **DUI Supervised Probation program, Fremont County, Wyoming**

The DUI Supervised Probation program is operated by a local non-profit services organization and provides DUI offenders community-based supervision, case management and treatment referral services. While the program is available to any non-violent DUI offender sentenced to at least 12 months of probation supervision, most of the offenders participating in the program are second second-time DUI offenders and are typically Court ordered to 24-36 months of probation.

Approximately 50 percent of the program is self-funded through offender supervision fees charged by the non-profit organization. The remainder has been funded by a Federal highway grant. The managing organization faces challenges identifying future revenue sources.

## **State-Level, Self-Sufficient DWI Funding Mechanisms**

In addition to community-based DWI programs operating with self-funding principles, it is important to note that many States use varying degrees of sustainable funding mechanisms to fund statewide or community-based DWI-related programming. A few examples of this type of State-level funding process are provided below.

---

## **New York STOP-DWI program**

New York's STOP-DWI program is a comprehensive and financially self-sustaining statewide alcohol and highway safety program. STOP-DWI revenues from offender fines totaling approximately \$23 million annually fund DWI enforcement, prosecution, probation, rehabilitation, public information, and educational programming at the local level across the State. This self-sufficient, State-level program is the only one of its kind and was established through State legislation in 1981 (Williams, Gunnels, & Richie, 2005).

“The STOP-DWI law derives program funds from its two-tiered alcohol offenses: driving while intoxicated (DWI) and driving while ability-impaired (DWAI) fines. The number of arrests and convictions form the cornerstone for program resources” (Williams, Gunnels, & Richie, 2005).

## **New Jersey Drunk Driving Enforcement**

DWI offenders in New Jersey are required to pay surcharges on DWI offender fines. These fines are deposited into the Drunk Driving Enforcement Fund. Totaling close to \$3 million annually, these funds are granted to local law enforcement agencies to support or enhance DUI enforcement efforts (Groffie, 2008). In addition, a State excise tax on alcohol purchases statewide provides approximately \$11 million annually to New Jersey's 21 counties to support alcohol-related education, rehabilitation, enforcement, and adjudication (National Center of State Legislatures, 2000).

## **Vermont's Act 117**

State legislation in 1998 titled Act 117 created a DUI resource pool generated from 2 percent of the Vermont gas tax, as well as surcharges on specified driving violations. These funds support the staffing costs of 16 Vermont State Troopers dedicated to DUI enforcement across the State. In addition to funding State law enforcement resources, approximately \$450,000 from these funds is granted to local law enforcement agencies each year for DUI enforcement activities.

## **New Mexico Statewide Funding Mechanisms**

Two statewide funding streams are dedicated to community-based DWI- programming in New Mexico. In addition, their alcohol ignition interlock program is primarily self-funded through offender fees. These components of New Mexico's DWI activities are described below.

**Liquor Tax:** A statewide liquor excise tax managed by the New Mexico Department of Finance funds local DWI programming totaling approximately \$19 million each year. Three distinct local initiatives are supported: competitive DWI grants, detoxification services grants, and direct distributions to all localities across the State. The direct local distributions are based on a formula that uses each county's gross alcohol tax receipts and its DWI crash rates. Each county must apply for these funds each year to support any of eight types of DWI programming: prevention; enforcement; outpatient; compliance monitoring and tracking; alternative sentencing; coordination, planning and evaluation; screening; and alcohol-related domestic violence programming. In addition to the three initiatives, \$300,000 is passed on to the New Mexico Traffic Safety Bureau to support their alcohol ignition interlock program.

---

**DWI Offender Fees:** A DWI surcharge of \$75 is collected statewide by local courts upon each offender's conviction. These funds are remitted to the New Mexico Transportation Safety Bureau, which manages the redistribution of funds to support community-based DWI programming activities including the purchase of law enforcement equipment, prevention services, law enforcement overtime, and public marketing campaigns. Communities must submit formal proposals for the use of these funds, allocated based on the number of DWI offenders in each community. Proposals must be consistent with related State goals.

**Alcohol Ignition Interlock Program:** The New Mexico alcohol ignition interlock program is a statewide program that requires all DUI offenders with driver licenses to have alcohol ignition interlocks installed. This program is self-funded through offender fees; offenders pay a monthly fee to private companies to cover the cost of the interlock supervision, and a fee to the State of \$45 that funds drug and alcohol education programming in schools.

---

## Chapter Three

# Successful Strategies Common to Self-Sufficient DWI Programs

### Introduction

Despite the diversity of self-sufficient DWI programming across the country, programs that are successful in securing sustainable funding sources and implementing effective DWI programming use similar strategies. While not exclusive to self-sufficient DWI programming, but seemingly critical to the initial development and ongoing success of such programs, these strategies are: collaborate, define scope and realistic objectives, ensure leadership is supportive, communicate, recognize success, and be flexible/problem-solve.

This chapter provides detailed discussions of these strategies and how local communities can use these strategies as they develop and implement their own self-sufficient DWI program.

### Collaborate

Partnerships and stakeholder support are critical to initial program development and implementation activities. Involving critical partners at the outset of your efforts will ensure that sound ideas are considered, concepts are vetted, and resources are leveraged, prior to the implementation of the program. By collaborating with a key group of partners to develop the program, this group will promote the program's goals, objectives, and strategies among diverse constituents and stakeholder groups.

In some cases collaborations may benefit from the direct involvement of local, and even State leadership. Details regarding the specific strategies for engaging leaders are provided in the *Ensure Leadership Is Supportive* section that follows.

#### Identify Stakeholder Groups

Stakeholder groups will vary depending on your community's resources, and the type of DWI program you wish to develop. Begin by identifying critical stakeholder groups, prioritizing those that will be most helpful in providing resources (financial, staffing, etc.) and/or specific program area expertise. It is also important to identify stakeholder groups that represent key constituents. The type of program you envision will dictate the types of stakeholders that will be critical to program development efforts. However, also consider local resources that may be leveraged, as well as stakeholders that may provide information and expertise regarding self-sufficient funding strategies. Potential stakeholder groups:

- Law enforcement agencies
- Judiciary
- Court administration
- Prosecutor's office
- Defense bar/public defender
- Community probation
- MADD and other DWI-related advocacy groups
- Human services community

---

- Substance abuse treatment providers
- Traffic safety advocates
- Local government executive offices
- Local governing board -- relevant committee leadership
- Neighboring jurisdictional counterparts

### **Identify Individual Partners**

Once you have identified and prioritized stakeholder groups, it is important to consider individuals associated with the various stakeholders. Personality, individual leadership qualities, and relationships will affect the success of your program development and implementation efforts. These factors should be considered in your identification of individual partners.

### **Identify Partner Roles**

Once the people associated with high-priority stakeholder groups are identified, begin with a smaller group of individual partners who represent high-priority stakeholders. This smaller group should help identify their own ongoing roles as well as the roles of other partners.

There is no hard-and-fast rule regarding the size of your leadership group. At the very outset, it is recommended that you start with a small group and increase the size of that group depending on program complexities and requirements. As the program planning becomes more detailed, subcommittees or smaller working groups may be required. As the planning process moves forward, it may make sense for roles to shift, stakeholders to become more or less involved, or additional partners to join the process.

The SCCRRV in Fargo is an example of a collaborative group of stakeholders addressing a variety of traffic safety issues in a multijurisdictional area. The coalition includes approximately 30 stakeholders who represent traffic-safety-related agencies, advocacy groups, and community members. This larger group elects a smaller board and a number of committees to manage its activities. Individual partners act in distinct capacities with varying responsibilities over time.

Throughout this process it is important to strategically consider each partner's involvement and role. Additionally, communication among this group of partners is critical.

### **Define a clear scope and realistic objectives**

As your community begins to develop your local DWI program, be clear about the type of program you intend to implement, the population you want to target, and the specific services you want to provide. DWI is a serious problem, and there are many established countermeasures that work. This being said, it is important to define a focused scope as well as realistic program objectives. It is difficult for a fledgling program to successfully implement multiple efforts or countermeasures targeting a large population. Rather, successful self-sufficient DWI programs generally start out smaller in scope. This enables the organizers to more effectively manage the program and ensure measured growth.

---

## **Type of Program**

Begin by defining the specific type of program you plan to develop and implement. Documented DWI countermeasures include programs that focus on enforcement, prosecution, adjudication, DWI offender treatment, monitoring, and control, as well as community-based prevention, intervention, communications and outreach efforts (Hedlund, 2005). Ask yourself the following questions: Will you be developing an enforcement oriented program? Are you planning court-related programming? Will your effort focus on preventing underage drinking? Identifying the type of programming is the first step to defining a clear scope for the program and identifying clear objectives.

## **Target Population**

Once the type of programming is agreed upon, your group must identify the target population the program will be focused upon. For example, if you intend to increase DWI enforcement activities, will you focus on impaired drivers in certain neighborhoods by using saturation patrols or checkpoints? Or will you choose to target repeat DWI offenders by focusing on vehicle seizures. If you instead plan to develop an offender-focused program, will you be targeting first-time offenders or repeat offenders? These are important issues to consider in order to define the scope of the program and subsequently the funding levels you will need to secure.

## **Realistic Objectives**

Achieving measurable success will be important to the longevity and financial sustainability of the program. Once the type of program has been identified and the target population agreed upon, the specific programming activities must be defined. In order to develop programming activities, program objectives are required. These objectives should be realistic and measureable. Program activities should directly correspond to meeting the specified objectives.

One example of a self-sufficient program with clearly defined scope and realistic objectives is the Winnebago County SSTOP, which was specifically developed to fill a gap in the sanctions available to the court when sentencing second- and third-time OWI offenders. That lack of community supervision options was identified by the judiciary and local criminal justice practitioners. Criminal justice leadership in the county, supported by the county executive and board, examined existing programs in other States that provided offender supervision and treatment to this population, and deemed that the SSTOP would be modeled on those already proven concepts, tailored to the needs of Winnebago County. The scope of the program, as originally developed, is to provide assessment, supervision, and treatment referrals and monitoring to this specific population of OWI offenders who volunteer to participate in the program, in exchange for reduced jail time. The objective of SSTOP is to reduce recidivism among repeat OWI offenders. While there was the potential to include first time offenders in the program, or to expand the role of the judiciary in the supervision component, or to provide public treatment options, the initial development of SSTOP was more limited in focus and well-defined.

Once your program is fully implemented, there may be additional populations or services you would like the program to include. These program expansions need to be carefully considered; the usage of the additional successful strategies identified in this report is highly recommended as you consider moving forward with program expansions.

---

## Ensure Leadership is Supportive

A program's success is dependent upon support from local leadership. This support may take the form of either explicit or implicit support. However, regardless of the form in which this support is provided, it is a critical element of implementing a successful DWI program. Without either explicit or implicit support from local leadership, a community-based, self-sufficient DWI program will not succeed.

Local leadership should be defined to include elected and non-elected officials and community members. Elected officials include City or County Executives, County Board members or City Council members, members of the judiciary, and law enforcement leaders. Appointed officials include appointed City or County Executives, appointed members of judiciary, and County or City Agency Directors, including local or State criminal justice agencies. In addition to leaders holding positions in government, community leaders, activists, and advocates, as well as private sector service providers may also provide critical support to the program.

### Explicit Support

Explicit support from local leadership may include the involvement of local leaders in the actual development and ongoing oversight of the program. It may involve local leaders making public statements or providing press releases to the media regarding program activities and successes. In some cases local leaders may advocate for the development of similar programs in other communities or States. They may become involved in testifying to the State legislature regarding program outcomes and funding strategies.

In many cases explicit support from local leadership is required to initiate the development of a self-sufficient DWI program. This form of support may or may not be as critical once the program is operational. In some cases explicit support during program planning and initiation may gradually become more implicit as the program becomes more established. In other cases, ongoing explicit leadership support might be used to maintain a continued high profile for the DWI program activities.

The conceptualization of a community-based self-sufficient DWI program may begin with one local leader committing to address an unresolved DWI-related issue in his or her community. Leveraging the commitment of one local leader can foster explicit program support by a larger group of local leaders.

Tips to gaining explicit support from local leadership.

1. Identify Key Local Leaders – Be Strategic
  - ▶ These leaders should have direct involvement with DWI-related issues or be involved in local budget administration or oversight. Strong leadership skills are helpful.
  - ▶ Community-based DWI programs typically require support from local law enforcement and criminal justice leadership.
  - ▶ Small groups of local leaders may be more effective and productive than larger groups when conceptualizing the development of a DWI program and guiding its oversight; however, smaller groups may be viewed as exclusionary and may not represent all stakeholders.
  - ▶ Large coalitions of interested leaders may include stakeholders from mul-

---

multiple perspectives, but may be unwieldy to manage; competing agendas and political issues may hamper the development of program details.

## 2. Develop a Tailored Approach for Each Leader

- ▶ Most local leaders are politically involved to some degree -- be aware of the current political climate and approach each leader accordingly.
- ▶ When possible, identify a friend, political ally, or constituent of that individual to contact them personally.
- ▶ Identify the specific role that that leader may be asked to play in regards to the DWI program. Will they be involved in regular planning, implementation or oversight meetings? Will they represent the program to local budgeting authorities?

## 3. Leverage Commitments From Leaders

- ▶ Once a small group of local leaders have committed to explicitly supporting the program, tap into their political knowledge and expertise regarding the support of additional leaders.
- ▶ If a local leader supports the program implicitly, but is not willing to become involved explicitly, solicit their recommendations regarding program conceptualization, development and implementation.

## **Implicit Support**

In some cases the development and implementation of a community-based, self-sufficient DWI program does not require explicit support and involvement of local leadership. In fact, in some cases the political climate may be such that a lower profile with limited or no explicit involvement from local leaders behooves the development and implementation of the program. As mentioned earlier, implicit program support from local leadership may be more common among more established DWI programs. Once these programs are operating successfully the need for explicit program support may not be necessary.

However, even in these instances implicit support from local leadership is required for the program to succeed on an ongoing basis. Implicit support may be as simple as providing the bureaucratic structure for a program to operate, but not involving political leadership in the implementation or oversight process. It may involve identifying individual government employees to collaborate on program development and implementation details, but not requiring a specific agenda during that process.

It should be noted that even when a DWI program operates successfully with ongoing implicit support from local leadership, there may be instances when the successes of the program are publicly extolled by local leadership. This explicit support should be recorded internally by program administrators, in case explicit support from local leadership is ever required in the future.

In some cases support from State leadership is required to implement a community-based DWI program, and in other cases this level of support can enhance the activities of the program. In these instances, successful strategies include involving elected representatives from the local area, or State representatives assigned to the local or regional jurisdiction, in the leadership and oversight activities of the program.

---

## Consistently Communicate With Partners

Community-based, self-sufficient DWI programs by nature involve multiple partners working together to conceptualize and develop the program, implement program activities, leverage resources, and share funding. Communicating with one another to facilitate these activities is an obvious requirement to getting the job done. Failure to communicate results in time wasted, limited program implementation, and missed opportunities to affect impaired-driving behaviors.

Consistent communication must occur throughout the entire program lifecycle, including conceptualization, development, and program implementation. For the purposes of this discussion, we will examine communication during two phases: program development and program implementation.

### Program Development

During this phase communication is limited to the group of community members involved in planning for the implementation of the DWI program. The size of such a group may vary across programs. As was the case during the development of the Eaton County DUI Court, this may be a small group consisting of just one representative from each of the requisite government agencies. In other cases, such as the SCCRV in Fargo, a group of approximately 30 individuals is involved in conceptualizing new programming activities.

In most cases, following program conceptualization, the use of a small group of knowledgeable and dedicated individuals, is the most effective method for developing detailed program operation protocols. If a larger group has been involved in early discussions, it is beneficial to identify this smaller working group and ask that they report back to the larger group within a specified timeframe.

The working group will benefit from scheduling regular in-person meetings, supported by teleconferences, phone calls, and emails as necessary. The use of internet resources and the sharing of research findings electronically may also facilitate the planning process.

### Program Implementation

Once the program is implemented, there are typically two groups that need to be communicating among themselves on a regular basis. One group, program practitioners, should communicate regularly among themselves regarding daily program operations and activities. The second group, a program management/oversight group, should also communicate regularly regarding the program's status, budget, successes, and challenges. This group may include local leaders involved in the original program development phase of the process, local government staff representing agencies involved in program implementation, as well as program practitioners who advise the management committee of specific operational challenges or successes.

#### Program practitioners

Program practitioners should be required to communicate with program partners regularly in the performance of their job duties. The methods of communication may vary widely, depending on the type of DWI program. In some cases telephone calls and e-mails may be the primary form of communication. In other instances, particularly in enforcement programs, written communication is required. The

---

development of an information management system to support the daily activities of the program may facilitate communication among partners. For example, practitioners involved in the Albuquerque DWI vehicle forfeiture program use a system developed internally using Microsoft Access to track vehicle seizure and hearing information. In all cases, it is recommended that standardized documents be developed to communicate and record information that is regularly tracked regarding program implementation.

### Program leadership/oversight group

Once a program has been implemented, it is recommended that a leadership or oversight group be identified and convened regularly to ensure the program's ongoing success. This group may be comprised of the same members that were involved in the conceptualization and development of the program. Regular formal meetings are recommended to discuss program implementation issues. The membership and responsibilities of this group should be formally documented in the standard operating procedures governing the DWI program.

## Recognize and Reward Success

Another successful program development and implementation strategy is the recognition of success. This may take the form of rewarding staff achievement, publicly recognizing program successes, or encouraging positive behavior among DWI offenders. Each of the five programs described in Chapter Five recognizes or rewards success in a manner uniquely tailored to its program's objectives and activities. These specific strategies are described below.

### Program Success

Sharing your program's overall successes with local partners, State and national traffic safety advocates, and practitioners across the country, can benefit your program's reputation, while providing implementation guidance to others. By promoting your program's successes, you may attract supportive local partners, identify additional creative revenue sources, and raise public awareness regarding the dangers of DWI behavior.

It is recommended that program leadership specifically address the issue of promotion of program successes. In many cases, during the initial implementation of a program, the capacity of program leadership and staff may not support an extensive effort to promote program success. In other cases, program leadership may deem it most appropriate to limit program promotion to a few focused efforts. In most cases, strategic decisions can be made that will benefit the program's ongoing efforts.

In many cases it may be helpful to use the local media to raise awareness regarding your program's objectives, highlight program successes, and advertise program activities. In other cases local program success may be shared with fellow practitioners around the State or country, at conferences and conventions.

If using the media is a strategy your program leadership determines to be useful, identifying and implementing a specific public relations approach can maximize the benefits that may be reaped from local media attention. In Fargo the SCCRRV has developed an aggressive strategy for pursuing positive media coverage of underage drinking law enforcement, in addition to other coalition activities. This

---

strategy includes developing professional relationships with television and print media, drafting and submitting press releases regarding coalition activities to media contacts regularly, and inviting members of the press to Coalition activities.

### **Staff Success**

The recognition of dedicated staff members is an important strategy for promoting an effective DWI program. The police officers on DWI patrol all night who appear the next morning to testify in court regarding a DWI arrest; the judges who hold night court to encourage DWI offenders to keep up with treatment, maintain employment, and appear at required court hearings; the case managers who monitor the progress of two hundred DWI offenders at any given time; the deputy sheriffs who respond to alcohol violations by DWI offenders on electronic monitoring in the middle of the night. Successful DWI programs recognize this dedication and reward those achievements when possible. Simple certificates of appreciation at monthly staff meetings, a column in the quarterly newsletter, or monthly staff appreciation pizza nights are ways to remind staff that they are appreciated for the hard work they do. Purchases of new program-related equipment, such as field sobriety test kits, or sponsoring an employee to attend a relevant national conference, are also ways to recognize staff efforts.

### **Offender Success**

Offender supervision programs often include incentives and rewards for DWI offenders as they achieve specific treatment or supervision goals. This approach is a documented best practice for criminal justice community supervision programs (Finigan & Carey, 2001). Rewards may range from reduced supervision requirements to sobriety tokens to gift certificates. DWI offender successes reduce incidents of impaired driving, and also often promote program success. Program graduates demonstrate the success of the program as they avoid DWI behavior, and often share their experiences in the program with other community members.

## **Be Flexible/Problem Solve – Modify Activities or Processes as Needed**

Throughout this process it is important to convene your leadership group to consistently monitor program implementation details, as well as program outcomes.

### **Program Implementation**

Ongoing program implementation evaluation and oversight should be the responsibility of the leadership/management group. Details of program implementation will likely need to be ironed out during at least the first year of implementation. These issues may involve logistical details, resource issues, bureaucratic processes, or populations targeted. While many of these issues may be best resolved by program staff, the leadership team should be aware of these issues and their solutions. Issues that directly affect the original program's design, or potential limitations to its self-sufficient funding status, should always be addressed by the leadership team. It is important to incorporate the input of program staff to better understand the program implications of the issues and proposed solutions, as well as to solicit input regarding potential solutions from staff's perspective.

A good example of ongoing implementation evaluation and resulting program modification has occurred over the past ten years in the Albuquerque DWI vehicle forfeiture program. Initially conceptualized by the local legislature and high-level city executives, the legislation establishing the program resulted in logistical implementation challeng-

---

es. City attorneys and law enforcement practitioners managing the program over the years systematically addressed these logistical challenges, as well as legal challenges that arose. Ultimately, the current program differs dramatically from the initial program outlined by the establishing legislation.

There may be instances when forces outside the immediate control of your local community directly affect the implementation of your program. In those cases the leadership group may need to take direct or indirect action to influence those outside entities. This may involve seeking State policy changes, addressing legal issues at the State level, working with State legislators to draft legislation, or joining with State or national advocacy groups to push for Federal exceptions to policy or regulation modifications.

Finally, if and when your program determines it is ready and interested in expanding the scope of the original program, remember the lessons learned from your ongoing program implementation evaluation.

### **Program Outcomes**

In addition to examining program implementation details regularly, program outcomes should be evaluated regularly. During the program planning phase, as program goals and objectives are identified, outcome measures associated with each goal and objective should be identified as well. There should be a process for gathering outcome information periodically for presentation to the leadership group. It is important to keep asking the question “Is the program meeting its goals and objectives?”

If the program is not meeting its goals, or any of its objectives, the leadership group must examine the data and develop potential solutions to address identified issues. Again, as is the case when developing solutions to implementation issues, it is important to incorporate input from program staff, as well as solicit input from subject matter experts, to better understand the program implications of the issues and proposed solutions.

---

## Chapter Four

# Challenges Faced by Self-Sufficient DWI Programs

### Introduction

While using common strategies to successfully plan and implement community-level DWI-related activities, these programs also each face challenges. Many times these challenges are unique to their communities or States. However, three common challenges were identified across multiple programs. These challenges are: initial or one-time funding requirements; treatment costs; and restrictions imposed by State or Federal legislation or policy. These challenges and potential solutions are described in this chapter.

### Initial or One-Time Funding Requirements

Perhaps the most difficult challenge facing any new program is that of start-up funding. While many self-sufficient DWI programs will use a funding mechanism based on offender fees to sustain the program, start-up fees are typically necessary for program implementation. This start-up capital may be used to secure staff, office space, and equipment. Furthermore, as the program matures there may be a need for additional one-time capital influxes to purchase resources to expand the program. These costs may be beyond the program revenue available but may ultimately improve the efficiency of the program.

### Grants

In some cases, program leadership secures grant funding to cover these start-up costs. This was the case in Fresno. The Fresno Police Department Traffic Bureau used grant funding from the State of California to hire additional traffic officers and purchase traffic safety enforcement equipment. Likewise, the Eaton County DUI Court applied for and was awarded Federal funds to initiate its program.

Grant funds may be available through State or Federal departments or administrations that operate or fund programs directly or indirectly related to your type of program. Alternatively, in some cases there are local or national foundations or nonprofit groups that may make funds available for these types of costs. In pursuing these funds it will be important to emphasize the short-term nature of your program's funding requirements.

### Leveraging

In some cases it may be possible to use the existing resources among leadership agencies or organizations in the short term, until revenues become available. For example, it may be possible for local government agencies to detail existing staff to the project for a short time period, or fill a vacant position with new program staff until revenues are available to backfill the originally vacant position. Another option is to share an initial increased workload across current staff in multiple agencies, until revenues are available to hire one or two new staff to complete that work. In many cases this scenario may not be able to provide all of the required start up funding, but, in combination with other limited resources, may be enough to get the program started.

---

## General Funds

In some cases local government may be willing to fund a new position for a specified timeframe to initiate program implementation, with the understanding that this position will be funded in the future with program revenues.

## Treatment Costs

Offender-based DWI programs typically involve substance abuse assessments and referrals to treatment as necessary. In many cases DWI offenders require substance abuse treatment as a component of their supervision. This cost is often born exclusively by the offender or the offender's insurance, or as a shared cost between the offender and the supervision program. Offender supervision programs have identified rising treatment costs as a concern. The variability in treatment costs to an offender-based program each year is significant and difficult to predict. In some years the majority of offenders may have insurance to cover most of their costs. In other years this may not be the case, requiring a larger share be covered by the program. Even in programs that require the offender to pay for treatment, there are cases when individuals are unable to pay for treatment. Their inability to pay for treatment affects their successful completion of the program.

Unfortunately, there are no easy solutions to predicting or covering substance abuse treatment costs. One option is to raise program fees for all participants and reserve a percentage of those revenues as indigent treatment funds. This solution was recently introduced in the Eaton County DUI court program. The court raised offender supervision fees for all participants. A portion of these increased revenues will be set aside in a reserve fund to cover the costs of substance abuse treatment for those offenders who are unable to pay for it otherwise. Another option is to develop and provide limited substance abuse treatment in-house, as a component of the DWI program. This may require increased revenues and may not be the most effective treatment type for all offenders, but may be the most cost effective way to provide treatment to individuals who cannot afford to seek private treatment.

## Restrictions Imposed by State or Federal Legislation or Policy

Three of the five community-based, self-sufficient programs featured as case studies in this report struggled or continue to struggle with challenges to their program activities based on State or Federal law or policy. These challenges involve State or Federal DWI-related policies, or State legal challenges. Solutions to these challenges vary, depending on the specifics of each program.

### Albuquerque

In Albuquerque, the DWI vehicle forfeiture program faced criminal justice-related legal challenges to its nuisance abatement approach to vehicle forfeiture, a few years into the program's implementation. Albuquerque's city attorney's office, with the support of the APD, city council and mayor, proactively pursued a solution to these threats. A legal case was appealed to the New Mexico Supreme Court, which ultimately confirmed the legality of Albuquerque's DWI vehicle forfeiture program.

### Winnebago County

As the Winnebago County SSTOP was being developed, State OWI sentencing guidelines and probation funding levels limited the community supervision options available to local courts when sentencing OWI offenders. One component of Wisconsin's OWI sentencing guidelines is directly related to Federal highway fund requirements. SSTOP's

---

leadership slightly modified its program design, and then worked closely with Winnebago County's state senator to support legislation identifying SSTOP as a pilot program, allowing exceptions to some Wisconsin sentencing guidelines and permitting local community supervision of repeat OWI offenders.

### **Eaton County**

A recent change in Michigan law limited the autonomy the Eaton County DUI Court had used with regard to imposing and lifting driver license restrictions for OWI offenders participating in the Fast Track program. Prior to changes in the law, the court had incorporated license restrictions into its program of graduated sanctions for OWI offenders. The 2003 Michigan law removed local autonomy regarding licenses and granted driver licensing authority exclusively to a State agency. In an effort to work around these restrictions, the Eaton County DUI court leadership is involved in lobbying the State to permit an exception to these the required restrictions for the use of alcohol ignition interlocks.

The strategies common to these three programs in their efforts to overcome these State and Federal restrictions include collaboration, supportive leadership and problem-solving. In some cases State policy was modified, and in some cases modifications to program conception or implementation have occurred. Regardless, high-level leadership support or involvement was required.

---

## Chapter Five

# Community-Based, Self-Sufficient DWI Program Case Studies

## Albuquerque DWI Vehicle Forfeiture Program

### Executive Summary

The Albuquerque DWI vehicle forfeiture program seizes, impounds, and in many cases auctions off vehicles operated by repeat impaired drivers. In Albuquerque, repeat impaired drivers as well as those driving on a revoked licenses as the result of a DWI are subject to the immediate seizure and ultimate forfeiture of the vehicle they are operating. An Albuquerque city ordinance authorizes the APD to seize a suspect's vehicle upon arrest. This civil nuisance abatement law is enforced independently of criminal proceedings; the owner of the vehicle is subject to civil procedures that may result in the return of the vehicle, the immobilization of the vehicle for a prescribed time period, or the forfeiture of the vehicle to the city.

Revenues from vehicle auctions as well as impound and immobilization fees fund approximately 75 percent of the program's operating costs. The law specifically requires that all revenues from the vehicle forfeiture proceedings are to be exclusively used to support the city's DWI-related activities, including training, equipment, and personnel as well as DWI educational programming. Albuquerque's DWI vehicle forfeiture program revenues are used to fund vehicle impound, storage, processing fees, program staff, and funds to support the significant overtime hours worked by DWI officers. Revenues from the program total approximately \$1 million each year.

### Background

Located in the central part of New Mexico, surrounded by rural and tribal areas, Albuquerque is a city of approximately 181 square miles and has about 493,000 residents. According to census data, the mean age of Albuquerque residents is 35. Approximately 76 percent of the city's population is 18 and older, and 10 percent of Albuquerque residents live below the poverty level (U.S. Census Bureau, 2008).

Data suggest that the number of alcohol-impaired-driving fatalities in New Mexico has fluctuated during the past five years, with a spike in 2004 followed by a steady decline since then. These numbers are fairly constant in their percentage of the overall fatal crashes during that same time frame (NHTSA, 2008). The number of alcohol-impaired-driving fatalities in Bernalillo County, where Albuquerque is located, has fluctuated as well, spiking in 2005 and declining steadily since then. In 2006 and 2007 the numbers of fatalities per 100,000 people decreased from 4.25 to 2.83 (NHTSA, 2008).

During the past few years a number of high-profile impaired-driving crashes in New Mexico has raised public awareness of impaired driving. One result of this increased public awareness is more attention focused on Albuquerque's vehicle forfeiture program. Other New Mexico jurisdictions are in various stages of developing and implementing vehicle forfeiture programs modeled upon Albuquerque's program.

---

## Current Program

In Albuquerque, those who have prior convictions for DWI and are arrested for DWI a subsequent time, as well as arrested for driving with a license that has been revoked as a result of a DWI conviction, are subject to the immediate seizure and ultimate forfeiture of the vehicle they are operating. An Albuquerque city ordinance authorizes local law enforcement to seize vehicles suspects are operating upon arrest. This civil nuisance abatement law is enforced independently of the criminal proceeding; the owner of the vehicle is subject to civil procedures that may result in the return of the vehicle, the immobilization of the vehicle for a prescribed time period, or the forfeiture of the vehicle to the city. Vehicle owners are liable, regardless of their involvement in the act of impaired driving or driving with revoked licenses.



**Figure 1: Albuquerque DWI Seized Vehicle**

The mission of Albuquerque's DWI vehicle forfeiture program is to decrease the number of DWI offenders and DWI-related fatalities. The forfeiture ordinance states that "...motor vehicles which are used by [impaired drivers] constitute a nuisance to the general public and are dangerous to the health and safety of the general public" (§ 7-6-1, Findings). Together, the police department and the city attorney's office work to enforce this local law. The police department ensures that vehicles subject to forfeiture are seized and impounded immediately. Subsequently, the city attorney's office proceeds legally to secure an

appropriate sanction against the vehicle. In addition to these two city agencies actively pursuing vehicles involved in DWI offenses, the Office of Administrative Hearings and the New Mexico Second Judicial District Court administer legal due process hearings as requested or required during the vehicle forfeiture process.

Program activity is high. In 2007 over 2,200 vehicles were seized. Revenues from the vehicle auctions as well as immobilization or "boot" fees fund approximately 75 percent of the program's operating costs. The ordinance specifically requires that all revenues from the vehicle forfeiture proceedings are to be exclusively used to administer the vehicle forfeiture process, and to support the city's DWI enforcement, prevention and education activities. Currently, revenues fund vehicle impound, storage and processing fees, as well as five personnel to staff the vehicle forfeiture program, and funds to support the significant overtime hours worked by Albuquerque DWI police officers.

## Historical Perspective

In 1992 Albuquerque passed the State's first DWI vehicle forfeiture ordinance that sanctioned the seizure of the vehicle of anyone arrested for impaired driving with two prior DWI convictions, and the forfeiture of that vehicle upon their conviction of the third offense. A civil nuisance abatement law, the language of the original ordinance was cumbersome and costly to enforce. By requiring the seizure of the vehicle at arrest and tying the forfeiture to the criminal conviction, the APD was required to impound offenders' vehicles for extended time periods. In many cases the criminal charges were ultimately dismissed or reduced, requiring the vehicle be released after substantial costs for towing and storage had been incurred by the APD. The ordinance was rarely enforced.

In 1999 Albuquerque's city attorney's office re-examined the ordinance and recommended significant changes to the city council. These changes eliminated the conviction requirement for the vehicle forfeiture, strengthening the nuisance abatement approach to the law and easing the bureaucratic and logistical burdens of the ordinance's language. With the mayor and the city council on board, these changes were enacted. The ordinance began to be enforced.

However, during that time a separate, unrelated New Mexico Supreme Court decision ruled that property seized under New Mexico's drug seizure laws constituted double jeopardy for those defendants. Concerns were voiced that a double jeopardy argument could affect DWI criminal prosecution in Albuquerque if the driver's vehicle was seized under the city ordinance. In response the city attorney's office brought four vehicle forfeiture appeals to the New Mexico Supreme Court and argued strongly against double jeopardy, citing a clear distinction between nuisance abatement and drug seizure issues. In April 2002 the New Mexico Supreme Court ruled unanimously in favor of Albuquerque in the "White Chevy" case (*City of Albuquerque v. One (1) 1984 White Chevy*, 2002-NMSC-014, 132 N.M. 187, 46 P.3d 94) supporting the city's nuisance abatement approach to its DWI vehicle forfeiture ordinance and citing no due process violations in the enforcement of the ordinance.

Immediately following the Supreme Court's decision, the Albuquerque City Council and the mayor amended the ordinance to sanction the forfeiture of vehicles operated by all repeat impaired drivers, as well as anyone driving on a revoked license as a result of a DWI conviction. Since that time the city attorney's office and the APD have worked together to develop, implement, and modify an administrative process to enforce the ordinance.

In 2005, the Albuquerque City Council passed another amendment to the forfeiture ordinance sanctioning the forfeiture of the vehicle of anyone arrested for impaired driving, including first offenders. However, at this time the city is not enforcing this component of the ordinance.

## Operations

Two city agencies, the APD and the Albuquerque city attorney's office, are the primary agencies collaborating to enforce this local law. The Office of Administrative Hearings and the New Mexico Second Judicial District Court are also involved in the forfeiture process.

### Albuquerque Police Department

Within the APD, the DWI Division is home to the DWI Patrol Unit and DWI Seizure Unit. A group of 13 DWI police officers are the primary enforcers of New Mexico DWI laws in Albuquerque, as well as the city's forfeiture ordinance. These officers receive specialized training in DWI detection, field sobriety tests, and DWI legalities. This unit

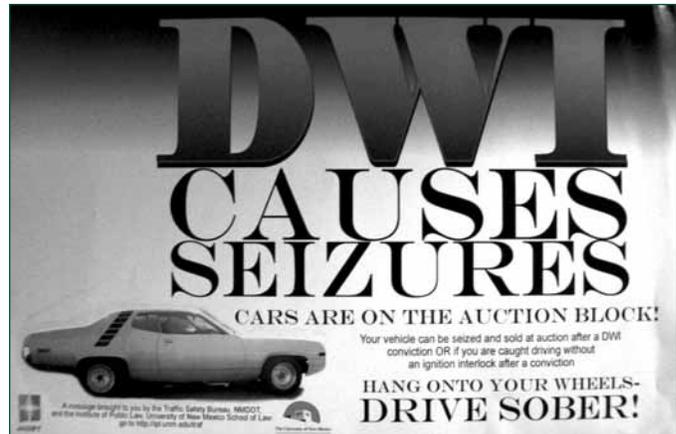


Figure 2: Albuquerque DWI Educational Poster



**Figure 3: Albuquerque Impound Lot**

is exclusively focused on DWI enforcement. In addition to regular patrol activities, these officers are required to appear in criminal court for each DWI arrest, Motor Vehicle Department hearings for each offender's license revocation, and city forfeiture hearings for each vehicle seizure. DWI police officers work significant overtime to participate in these required legal procedures.

Once a vehicle is seized as a result of a DWI arrest, the DWI Seizure Unit takes responsibility for that vehicle. The DWI Seizure Unit is comprised of a sergeant, two full-time police officers, two part-time police officers, one public service aid, and two civilian administrative staff. This

team is responsible for all vehicle-related activities, including the daily operation of the DWI vehicle seizure lot, in-processing and release of all seized vehicles, collection and management of program revenues, coordination of legal activity with the city attorney's office, and oversight of the vehicle auction process.

### **Office of the City Attorney**

Two assistant city attorneys, supported by a legal secretary and a paralegal, prosecute every vehicle seized under the city ordinance. Within 10 days the vehicle owner has the right to request an administrative hearing to determine if there is probable cause to seize, impound, and auction the vehicle under the city ordinance. Upon request, the city attorney's office must schedule an administrative hearing within 20 days. Over 75 percent of the owners request such hearings; the assistant city attorneys spend the majority of their time preparing for these hearings.

The assistant city attorney reviews the legal vehicle seizure and DWI arrest documentation, speaks with the arresting and vehicle-seizing police officers, obtains and reviews vehicle documentation from the New Mexico MVD and leinholders, and obtains and reviews the offender's prior criminal history and DWI arrest details.

Prior to each hearing, the assistant city attorney meets with the vehicle owner and/or that person's attorney to discuss any potential vehicle sanctions. During those negotiations the vehicle owner may waive the right to the administrative hearing and accept a legally binding agreement with the city attorney's office that may result in the return of the vehicle, the immobilization of the vehicle for a prescribed time period, or the forfeiture of the vehicle to the city. Fees are associated with each of these outcomes and are derived from the direct and indirect costs required to tow vehicles, operate the impound lot, and immobilize the vehicles.

Approximately 45 vehicle owners meet with the Assistant city Attorneys each week. Approximately one-third of those cases are not resolved during negotiations and require a formal administrative hearing, presided over by an impartial administrative hearing officer.

## Office of Administrative Hearings

The Albuquerque Office of Administrative Hearings employs two full-time administrative hearing officers who conduct independent hearings on city actions. The administrative hearing process

*“provides the public with a means to appeal an agency decision or an administrative citation and to have the decision reviewed in a prompt manner by an independent Administrative Hearing Officer who issues written Findings of Fact, Conclusions of Law, and an Order based on the evidence provided at a hearing.”*

This office conducts hearings on DWI vehicle forfeiture seizures, red light citations, speed citations, land use/zoning issues, waste water appeals, animal control appeals, personnel/labor board, housing appeals, and abandon/inoperable vehicle appeals. Each week approximately 15 hearings are held on vehicle forfeiture.

### New Mexico Second Judicial District Court

Each year approximately 400 vehicle forfeiture cases are filed in the New Mexico Second Judicial District Court. Most of these cases involve vehicles operated by DWI offenders arrested for felony DWI or aggravated third-DWI offenses. In these cases the city attorney pursues forfeiture of the vehicles. All vehicles auctioned off by the city have been legally forfeited to the city, either through a decision in district court or through a legally binding agreement with the city attorney’s office.

## Communication

In order to share information effectively the city attorney’s office and the APD communicate on a daily basis regarding specific cases, as well as overall program successes and challenges. The program uses a Microsoft Access database to capture and share critical vehicle and offender information. This database was developed by APD staff and can be accessed by both city attorney staff and police staff. In addition to supporting the daily vehicle forfeiture case details, statistical summaries and analysis tools also track overall program activity.

In addition, the APD ensures that its DWI officers receive extensive training on the DWI vehicle forfeiture ordinance and the associated administrative procedures that support the enforcement of the ordinance. This training ensures that the officer processes the vehicle seizure appropriately and that the offender and vehicle owner’s due process rights are respected throughout the vehicle forfeiture process.

## Program Activities

Albuquerque’s DWI vehicle forfeiture program is a very active program, involving thousands of vehicles and over \$1 million in revenue each year. Relevant program activity statistics are included below.

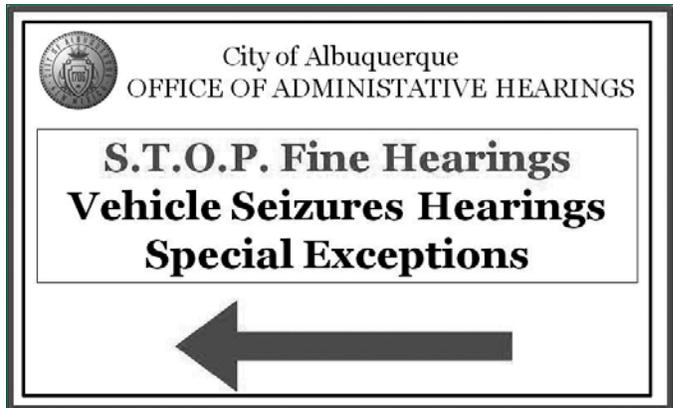
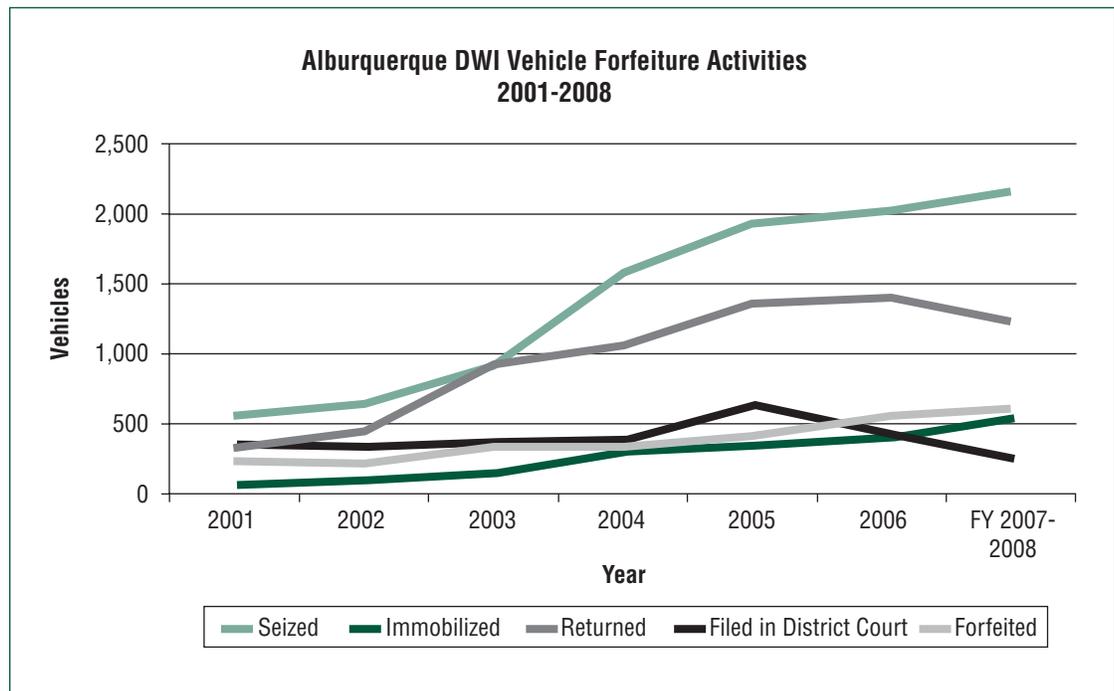


Figure 4: Vehicle Seizures Hearing sign

**Figure 5: Albuquerque DWI Vehicle Forfeiture Activities**

Year	Seizures	Immobilized	Returns	Cases Filed in District Court	Forfeited
2001	574	65	323	361	233
2002	654	101	453	334	227
2003	919	166	919	375	350
2004	1,568	301	1,064	397	337
2005	1,932	360	1,359	644	426
2006	2,016	406	1,416	437	557
FY 2008	2,161	545	1,224	250	621



**Figure 6: Albuquerque Vehicle Forfeiture Activities<sup>2</sup>**

## Key Partnerships

The Albuquerque Office of the City Attorney and the APD join to implement the DWI vehicle forfeiture program. Ongoing support from the Albuquerque police chief and the Albuquerque city Attorney, as well as the Albuquerque chief public safety officer and mayor ensures that the program operates smoothly. Support from the Albuquerque City Council and the program’s self-sufficient nature also allows the program to function with little political interference.

Support from DWI advocacy groups and traffic safety groups, is also strong. These groups include the Albuquerque Mothers Against Drunk Driving (MADD) chapter, the DWI Resource Center, and the University of New Mexico’s Institute of Public Law.

<sup>2</sup> Due to a change in the program’s internal statistics tracking process, FY 2008 statistics include data from July 1, 2007, to June 30, 2008.

---

## Funding Sources/Processes

A critical strength of the Albuquerque DWI vehicle forfeiture program is its self-sufficient funding stream. The funding process established through the city ordinance and managed by APD will continuously support DWI enforcement and forfeiture activities as long as DWI behavior persists. The Albuquerque ordinance requires that all revenues derived from the enforcement of the law be dedicated to eliminating DWI behavior. Legally these revenues cannot be used to support other city government activities.

The APD DWI Seizure Unit tracks and manages the revenues and costs associated with operating this program. Revenues are dependent on fees from vehicle owners and vehicle auction revenues. These revenues are:

**Boot Fees:** Fees are imposed for all vehicle owners whose vehicle is immobilized. This fee is dependent upon the length of time the vehicle is immobilized. Boot fees are arranged at the administrative hearing and are fixed for specific amounts of time. For example, a 30-day boot fee is \$750. A 45-day boot fee is \$825; a 60-day boot fee is \$900; a 90-day boot fee is \$1,200. These fees are not considered penalties. The Supreme Court of New Mexico has ruled that the ordinance is constitutional and does not violate double jeopardy because it is a remedial measure, as opposed to a punitive measure.

**Tow Fees:** Towing fees are imposed on the vehicle owner. The towing fee is derived from the cost charged by local towing companies to tow the vehicle from the location of arrest to the APD impound lot. The fee for towing varies depending on the location of the incident and the type of vehicle. The tow companies are on contract with the city and their fee is usually based on mileage to and from the incident. Large vehicles like dump trucks are much more expensive to tow than smaller cars. If the city loses a probable cause hearing the hearing officer will assess the actual tow fee assessed for that particular incident. If the city attorney is required to assess a general fee, \$115 is assessed in order to cover all expenses.

**Auction Revenues:** Forfeited vehicles are auctioned to the public; revenues from the auction are returned to the vehicle forfeiture program. The price for individual vehicles varies as the auction is live. In 2008, the program auctioned 751 vehicles and revenues were \$600,495.

**Storage Fees:** Each vehicle owner is assessed a daily storage fee for vehicles that have been legally released but remain in the impound lot. Storage fees are \$8 per day. The standard release fee is \$400. The program does not usually assess the storage fee unless the defendant fails to pay the boot or standard release fee in a timely manner.

Total program operation costs and revenues for the Albuquerque DWI vehicle forfeiture program during FY 2007 were:<sup>3</sup>

Program Operation Costs:	\$1,333,333
Revenues:	\$1,000,000
Percent Self-Sufficient:	75%

---

<sup>3</sup> These costs and revenues are estimates.

---

## Successful Strategies

**Ensure Leadership Is Supportive:** Beginning with the original passage of the city’s vehicle forfeiture ordinance, through the legal challenges and ordinance amendments, to the current high volume of forfeiture program activities, the city’s political leadership has been continuously supportive of the program. While the mayor and agency administrators are rarely directly involved in the implementation of the ordinance, the vehicle forfeiture program’s mission and self-sustaining nature result in a program that operates without political interference.

**Collaborate and Communicate:** Beginning in the late 1990s, as the city attorney’s office worked to amend ordinance language, the assistant city attorneys began to work more closely with the APD to craft a vehicle forfeiture law and process that was more effective. Since that time assistant city attorneys are in daily contact with APD officers and management regarding specific cases, as well as program operations. This communication and contact is critical.

**Recognize success:** The self-sustaining nature of the ordinance and the program itself provides opportunities for the APD to reward its DWI officers and Seizure Unit with updated, state-of-the-art equipment. Officers are aware that these upgrades are directly tied to DWI seizure and forfeiture activities.

**Be Flexible/Problem Solve:** The Albuquerque DWI vehicle forfeiture ordinance was originally passed more than 15 years ago. Initially it was a law that was rarely enforced due to logistical and fiscal challenges. Over time, with modifications to the law itself, as well as consistent modifications to the administrative management of the enforcement and prosecution associated with the law, it has developed into the self-sustaining, smoothly operating program that it now is. A key to its current success is the dedication and willingness of those who implement the program to modify processes and practices, as well as legal language, to best enforce the intent of the ordinance. Modifications occurred over time; as challenges were identified city staff worked diligently to problem-solve and improve upon the program.

## Challenges

The City of Albuquerque faced a number of challenges related to their DWI vehicle forfeiture program. These include legal, operational, and financial challenges. In each case, however, Albuquerque either overcame these challenges, or is working towards solutions.

**Legal:** As discussed in the Historical Perspective section, in the early 2000s an unrelated New Mexico Supreme Court decision regarding drug seizures raised concerns among Albuquerque prosecutors that DWI defendants in criminal court may raise a “double jeopardy” defense if their vehicles had been seized at arrest. Because the city had developed the DWI vehicle forfeiture ordinance as a civil nuisance abatement law, the city attorney’s office took the offensive, ultimately presented the city’s case to the New Mexico Supreme Court. The Supreme Court decision supported not only the nuisance abatement approach of the law, but the due process that the city had developed to enforce and administer the law.

While the “double jeopardy” issue has been resolved, a second legal issue is currently raising concerns. Vehicle forfeiture assistant city attorneys are finding that the definition of an “innocent owner” of a vehicle seized by APD when operated by a repeat

---

impaired driver needs more specificity. The owner of a vehicle seized under the forfeiture ordinance is considered an “innocent owner” when their vehicle was driven by the impaired driver without explicit permission, or when the owner had no knowledge of the offender’s prior impaired-driving behavior. Because a large number of vehicles seized are not legally owned by the drivers, and many different scenarios are presented by the vehicle owners during probable cause hearings, city attorneys believe that this legal definition will require further attention.

**Operational:** As was also mentioned in the Historical Perspective section, the original language of the vehicle forfeiture ordinance was logistically challenging to enforce and administer. While the language was amended to facilitate improved enforcement of the ordinance, operational challenges continue. These challenges include managing the schedule of approximately 45 administrative probable cause hearings each week, while also preparing for forfeiture hearings in district court; managing the daily operation of the impound lot to ensure that legally required vehicle paperwork has been generated and processed; ensuring that DWI officers’ schedules for criminal hearings, DMV hearings and forfeiture hearings do not conflict; and logistically tracking the whereabouts and status of thousands of vehicles seized each year.

**Financial:** Although the Albuquerque DWI vehicle forfeiture program is significantly self-sufficient, it has identified an option that would allow it to operate more economically. APD currently leases its impound lot. The volume of vehicles seized has increased dramatically during the past four years and APD is interested in purchasing a larger impound lot that would better accommodate the higher volume of vehicles. A potential site for a new impound lot has been identified. Ultimately the purchase of a new lot, further from downtown Albuquerque, would cost the city less than if it continues to lease. However, the city does not currently have money budgeted to purchase this property. At this time Albuquerque officials are examining potential funding sources for this property in order to operate the DWI vehicle forfeiture program even more efficiently.

## Eaton County DUI Court Program

### Executive Summary

The Eaton County, Michigan, 56<sup>th</sup> District Court operates a DUI court, also known as “Fast Track” because offenders are moved quickly through the court if they agree to participate in the program. The program was initially started in 1997 to address offenders charged with OWI. It continues to serve OWI offenders, and has expanded to serve offenders with other misdemeanor alcohol and drug charges. The intent of the program is to allow offenders to plea to a lesser charge and quickly enter an intensive supervision and treatment program. This fast-track approach reduces jail time, reunites families, and allows offenders an opportunity to quickly return to work and normal life activities.

The DUI court is operated in partnership between the 56<sup>th</sup> District Court, the Eaton County prosecutor’s office, the defense bar, the sheriff’s department, and other law enforcement agencies as well as a number of substance abuse treatment providers. DUI court offenders are assessed regarding their needs for treatment and supervision and receive services accordingly. Offenders pay court costs and fees as well as a supervision fee. DUI court operating costs are estimated at \$114,000 annually. The DUI court pro-

gram is operated and fiscally managed by the 56<sup>th</sup> District Court, and is approximately 100 percent financially self-sufficient.

## Background

Located in south central Michigan adjacent to the capital city of Lansing, Eaton County is a largely rural county with approximately 107,000 residents (U.S. Census Bureau, 2008). According to Census data, the average age of Eaton County residents is 38. Approximately 77 percent of the County's population is 18 or older; 8 percent of the population reportedly lives in poverty.

Data suggest that the number of annual alcohol-impaired-driving fatalities in Michigan has dropped slightly during the past four years, from 340 to 305, as has the number of alcohol impaired-driving fatalities per vehicle miles driven (NHTSA, 2008). The number of alcohol-impaired-driving fatalities in Eaton County is low, 1 in 2004 and 1 in 2005. However, in 2006 and 2007 the numbers increased to 4, a level comparable to the levels of the early 2000s, according to NHTSA.

## Current Program

Eaton County's District 56-2 Court operates the DUI court, officially titled the "SAF-T-56 Program." It is also referred to as the Fast Track program because offenders are moved quickly through the Court if they agree to participate in the program. The vast majority of DUI court participants are OWI offenders. The mission of the DUI court is to "reduce the community's substance abuse dependency problem, thereby decreasing related criminal activity."

Key program components include supervision, substance abuse treatment, case management, drug testing, and frequent court appearances to ensure accountability. The program is available to Eaton County residents arrested for OWI and assessed to have a significant substance abuse problem. Offenders do not qualify if they have other significant criminal charges pending, are unwilling to comply with program requirements, or have a criminal history of any violent offenses. The prosecutor may, upon a plea agreement, offer a reduction in charge, which reduces jail time. Typically the offender pleads guilty to a charge of Operating While Visibly Impaired (OWVI) instead of OWI. In addition to reduced jail time, fines are reduced, driver license restrictions are shortened, and only four points are assigned to the offender's license instead of six.



**Figure 7: Eaton County Courthouse**

An interim treatment plan and conditions of release are developed upon entrance into the program, typically at the arraignment. The treatment plan may be modified during the course of treatment based on the formal assessments and progress in the program. Supervision and reporting requirements "step down" to less intensive as individuals progress through the program. Additional rewards include praise from the court and graduation ceremonies.

Program participants are assigned a "phase" based on their assessed need for treatment and supervision. The phases require varying reporting requirements for probation and judicial re-

---

view hearings. The program operates with four general phases, in addition to intensive supervision and co-occurring intensive supervision. They are:

- Phase One** Defendant reports two times per month to supervising probation officer and the judge.
- Phase Two** Defendant reports one time per month to the supervising probation officer and the judge.
- Phase Three** Defendant reports once per month to the supervising probation officer only.
- Phase Four** Defendant is deemed low risk and is required to complete a substance abuse education program only prior to sentencing and not placed on probation.
- Intensive** High-risk repeat offenders and/or repeat program violators (with preference given to those with multiple addictions) are required to report to the judge once every two weeks and to the intensive probation officer once per week.
- Co-occurring** High-risk offenders who have co-occurring disorders (substance abuse and mental health issues), where the primary issue appears to be mental health, are required to have more frequent contact with the court, determined on an individualized basis.

Participants progress through the program by meeting treatment objectives, having clean drug tests, and obtaining no new charges. Participants who are noncompliant may be sanctioned to a reduction in program phase, extension of probation period, treatment plan adjustment, electronic monitoring, brief period of incarceration, increased breathalyzer testing, community service, more frequent drug screens, or, if necessary, terminated from the program and the execution of their jail sentence.

The program offers a continuum of services that are delivered by community-based private-service providers. These vendors operate programs that provide intensive outpatient individual and group counseling as well as the supervision and alcohol/drug-testing components. Each program develops an aftercare plan to help a participant identify triggers and seek help, as needed. Additional support services are offered through Alcoholics Anonymous and Narcotics Anonymous groups and sponsors.

## Historical Perspective

The Eaton County DUI Court was originally established in October 1997 under the leadership of the court administrator at that time, who advocated its establishment as the drug court concept gained popularity across the country. This individual persuaded



**Figure 8: Electronic monitoring ankle bracelet**

---

a local judge, prosecutor, and defense attorney to attend a drug court training session sponsored by the Department of Justice. Upon their return, the 56th District Court submitted a Federal grant application for start-up funding for a drug court focused exclusively on OWI offenders. Eaton County was one of three pilot sites, and received \$181,000 to initiate the program.

District court chief judge Harvey J. Hoffman was one of the participants at the original Federal training. He became the first DUI court judge and has been a key figure in the program's success. In addition to his efforts to implement the program, he has been a staunch supporter of the drug court initiative in Michigan and throughout the country. He was instrumental in the passage of Michigan's drug court legislation, which permits local courts to use some drug court fees to fund court operations. He also has been active with the National Association of Drug Court Professionals, acting as chair of the DWI Committee for four years. His support and leadership have been critical to the DUI court's establishment and ongoing success.

The court was originally developed to serve OWI offenders exclusively. The court later expanded to include individuals with charges of possession of small amounts of illegal alcohol or drugs. Seventy to eighty percent of the court's clients are currently OWI offenders.

## Operations

Multiple county agencies as well as private service providers work together to implement the DUI court program. These organizations and their roles are described below.

### **Eaton County 56th District Court**

One primary judge presides over the DUI court; a second judge also maintains a DUI court caseload. The court is the lead agency managing the program and convenes supporting agencies on a regular basis to ensure proper program operations. Fast Track hearings occur on Wednesdays; morning, afternoon, and evening dockets are scheduled in an attempt to accommodate the work schedules of offenders.

The district court judge is involved from the initial arraignment/pretrial hearing when a plea is taken, sentencing is scheduled and treatment is ordered. Strength of the program is the judge's ability to establish a relationship with each DUI court offender. Offenders' successes are encouraged and offenders are sanctioned if they fail to complete program components. Rewards for offenders include praise from the judge, less frequent court appearances, or a shortening of their probation period. Judges purchase "sobriety coins" for the participants when they reach certain levels. Offender sanctions include fines, increased intensive supervision requirements, more frequent court appearances, jail, or termination from the program. Frequent judicial oversight is considered a crucial motivator for the offenders. The judges also host a weekly case staffing, a review meeting where they are joined by probation staff, a prosecutor, a defense attorney, and a provider representative. Problem cases are discussed and strategies are established to address the issues.

### **Eaton County Prosecutor's Office**

The prosecutor's office rotates two to three staff for assignment to the DUI court. The assigned attorney will make the initial determination as to which defendants will be offered the program. This is usually based on an initial review and recommendation from the probation office. If in agreement, the prosecutor will then meet with the defen-

---

dant and defense counsel to make appropriate offers on charge reductions. If a plea is agreed upon, the recommendation is presented to the court.

### **Eaton County Defense Counsel**

The DUI court uses four members of the defense bar, who rotate assignment to the DUI court and are appointed during the pre-arraignment to represent defendants. The attorney ensures that the defendant understands his or her rights and understands the options. They then work with the prosecutor to negotiate the plea and follow the case through final case closure. The private-sector defense attorney who was involved in the initial development of the Fast Track program and who continues to remain invested in the program has developed a video used by the defense bar to explain the program to defendants as they consider participation. His input has been critical in getting other defense attorneys to support the program.

### **Eaton County District Court Probation Department**

The probation department, an arm of the court, provides a critical and ongoing role with the DUI court program. This department completes the preliminary screening of offenders to determine if they are eligible for the program. Recommendations are provided to the prosecutor and the defense attorney regarding eligibility and information to craft a plea agreement. The probation department will also conduct the substance abuse assessment, complete a pre-sentence report, develop a treatment plan, make referrals to the appropriate therapeutic partner, track progress, administer the phases of supervision, and provide updates and reports to the court and the team during case reviews. The probation department has a staff of four who provide services to the DUI court. The caseloads average between 170 and 225 offenders. One probation officer is also assigned to provide intensive supervision to those offenders with high-risk behavior. Additionally, a probation officer rides with police officers once per month to conduct home visits.

### **Alcohol and Drug Treatment Providers**

The DUI court program uses a variety of treatment providers to address the alcohol and substance abuse needs of the offender. All OWI offenders must attend MADD Victim Impact Panels. Partners from the medical community provide treatment, including prescribing the use of medications to curb and control alcohol dependence. Additional providers deliver a continuum of services from surveillance enhancements to treatment. Surveillance techniques include electronic monitoring, breathalyzers and drug screens. Treatment services include individual and group counseling as well as support services, typically requiring multiple visits per week. Offenders are required to report to the provider's location and pay all treatment costs. A representative of the provider group participates in the Wednesday morning team case reviews.

### **Communication**

Communication between the program partners is maintained through frequent telephone and e-mail contact, specific hearing days, and review meetings. The Probation Department provides the primary linkage between all of the partners, while the court schedules specific hearing times and requirements for the defendants and expectations for the attorneys, probation staff, and providers. The probation department manually retrieves information from law enforcement and the jail regarding arrests and arraignments, completes records review using the court's automated system, and provides this information to the prosecutor, defense bar and the Judge. Probation also shares infor-

---

mation with the court through the pre-sentence report and regular progress reports. The court has identified every Wednesday as Fast Track Day, with DUI court arraignments at 8 a.m., 4:30 p.m. and 5:30 p.m. All representatives are expected to appear and share information at these hearings. The court also hosts the weekly case reviews, when partner agencies appear and discuss challenging cases.

Communication between probation and the providers is maintained through telephonic communications and treatment documentation that offenders are required to maintain and submit to probation during their scheduled visits. Failure to accurately maintain and submit the documentation is grounds for a sanction.

## Program Activities

The DUI court maintains an active caseload of approximately 300 new defendants per year. The probation department reported an estimated 750 cases involved with the DUI court at any given time. The intensive probation officer manages 182 of those cases and provides intensive supervision to 35 people. Intensive probation is provided to repeat offenders and those who have repeated program violations. The remaining cases are divided among the four other probation officers.

Recidivism rates since the establishment of the drug court suggest a 13-percent re-arrest rate for program participants. The 5-year average drug/alcohol recidivism rate prior to establishment of the program exceeded 50 percent. Most of these re-offenders (60%) were incarcerated.

## Key Partnerships

The Eaton County District Court, the prosecutor's office, defense counsel, the probation office, law enforcement (including the sheriff's department, the police department, and the State police), MADD, the medical community, and a number of service providers work together to implement the DUI court. Each plays a distinct and critical role in the implementation and success of the program. By design, these partners must work closely together to properly identify, screen, select, and treat program participants. They each have very well defined and coordinated roles in the process. The prosecutor's office, probation department, defense counsel and law enforcement are instrumental in selection. The judge, probation, MADD, and the treatment providers collaborate to manage cases, provide treatment and supervision, review progress, and adjust case plans as needed for the DUI court participants.

## Funding Sources and Processes

Since its inception, the DUI court program has been operated and fiscally managed by the 56th District Court. The program was initially funded in 1997 by a Federal grant of \$181,000 from the Department of Justice. Since that grant expired, the DUI court program costs have been integrated into the court's general operating budget, which itself is approximately 75 percent fiscally self-sufficient.

All offender fees and fines are paid directly to the court; these revenues are deposited into the general operating budget of the court. Funds are not allocated exclusively to the DUI court program; no State or local legislation requires the use of these fees and fines to exclusively support the DUI court operations. However, State statute permits some DUI court fees to be used by the local court to help offset the program's operation costs as necessary. Court fees and fines required upon conviction of an OWI offense, in addi-

tion to the DUI court program fees, cover the costs of operations. In addition to required court costs and fines associated with an OWI conviction, program participants may be required to pay fees for services required as conditions of probation. These fees may be paid to the court, or to other providers.

Substance abuse assessment fee	\$80
Monthly probation supervision fee	\$25
Electric monitoring	\$19/day
Urinalysis fee	\$15-\$20
Breathalyzer fees	\$1-\$5
Treatment Costs	Varies

Projected FY 2008 program operation cost estimates and revenue estimates for the Eaton County DUI court are:

Program Operation Costs:	\$114,000
Revenues:	\$114,000
Percent Self-Sufficient:	100%

## Successful Strategies

**Supportive Leadership:** The current chief district court judge and the county prosecutor have provided key leadership in establishing and maintaining this DUI court. Both were participants in the Federal training to establish the pilot program and both took responsibility to persuade local elected officials, the defense bar, and the community, of the need for the specialized court. The judge is described by all parties as the catalyst who not only initiated the local program but also pushed for funding and support for DWI courts across the State and Nation. The judge and other DUI court team members frequently receive invitations to speak throughout the State and elsewhere, providing an overview of the DUI court operations in Eaton County.

**Collaboration and Communication Among Partners:** The judiciary, the court administrator and a defense attorney began to collaborate in the late 1990s to learn more about, and plan for the establishment of, the DUI court. Since its inception 10 years ago, the leading partners have met regularly to discuss program implementation issues. During the early years, the team met monthly on what they called "Doughnut Day," before typical office hours, to discuss the effectiveness of the program. The leadership team now meets approximately four times per year to discuss program successes and implementation modifications.

All of the partners attribute program success to ongoing collaboration and communication. In addition to the leadership quarterly meetings, frequent communications among practitioners occur via telephone, as well as the various Wednesday case staffing meetings, arraignments, and review hearings.

**Reward Success:** The judges and court administrator attribute the success of the program to the commitment of the staff and partners. The probation staff is described as young, smart, and educable. They have developed great knowledge of substance abuse and methods to respond to the problem. While there may not be formal methods of rewarding staff, they all spoke of providing praise and recognition for the work of the team, including the organization of regular pizza dinners on days when evening meetings are required. In addition, staff is recognized for successes with individual offenders and is encouraged to attend training to continue the learning process.

---

The success of the program overall is recognized and promoted as the Judge and other partners travel and present information regarding the Eaton County DUI court to State, national and international audiences.

Last, offender success is recognized by sobriety coins and occasional graduations. Offender recognition is also made during the individual's final hearing.

**Problem Solving:** The team of partners has worked through issues and maintained a cohesive program over the years. A majority of the DUI court staff and critical local partners have been constant since the court's inception. This has provided important historical knowledge and context as problems are identified and modifications are considered.

Minor administrative adjustments as well as significant programmatic modifications have been made over the program's more than 10 years of operation. In some cases, program expansions have occurred to address emerging community and offender needs. This is the case with the expansion of the target population from its originally exclusive focus on OWI offenders to its inclusion of misdemeanor drug offenders. Similarly, the development of a mental health docket within the larger DUI court is another modification the court's leadership and partners developed to address offenders with co-occurring disorders. These problem-solving efforts have served to make the DUI court more effective in supporting the rehabilitation of offenders, holding them accountable for their actions, and preventing recidivism.

## Challenges

The DUI court currently faces three challenges in the legal and financial arenas.

**Legal:** One challenge the program staff currently faces is the judiciary's lack of jurisdiction to suspend driver licenses. State legislation passed in 2003 mandates suspensions or revocations of driver licenses for alcohol-related convictions and assigns that authority to the Secretary of the State. Prior to 2003 the DUI court made license restriction decisions on a case-by-case basis for each offender, according to that offender's successful completion of supervision requirements. Court proponents believe this ability to associate license sanctions with offender behavior strengthens the DUI court program. Recent support by the National Committee of Drug Court Professionals (NCDCP) resulted in the passage of an amended Federal transportation bill that permits restricted licenses with the use of an alcohol interlock ignition system. The DUI court leadership is now working the NCDCP to permit such restricted licenses in Michigan.

**Financial:** A financial challenge the DUI court faces is the cost of substance abuse treatment. Treatment costs vary and can total up to \$1,200 per person. While this cost is required of DUI court participants, it is challenging for indigent individuals. In an effort to assist indigent offenders, a new line item of \$20,000 to be collected from the recently increased program fees will be used to help defray the cost of treatment for indigent offenders.

An additional financial challenge involves the costs of incentives and program supports. While the primary program operations are self-sustaining, individuals have expressed interest in having funding available for offender incentives and rewards.

---

# Safe Communities Coalition of the Red River Valley

## Executive Summary

The Safe Communities Coalition of the Red River Valley is a multijurisdictional, bi-state traffic safety coalition. Fargo and West Fargo, both located in Cass County, North Dakota, have joined with Moorhead in Clay County, Minnesota, to create the coalition. The coalition operates three self-sufficient programs to combat impaired driving: alcohol compliance checks, server training, and victim impact panels. These programs operate under the direction of the coalition coordinator, whose personality, political savvy, and professionalism are attributed to much of the success of the programs.

Funds for the three self-sufficient programs are generated from the fines paid by businesses who fail the alcohol compliance checks, and the fees paid by those who attend the victim impact panels. These three programs are 100-percent self-sufficient with total annual budgets of approximately \$45,000.

## Background

Located on the Red River in eastern North Dakota, Fargo is a city of approximately 37 square miles and is home to a population of approximately 90,000 residents. According to U.S. Census data, the mean age of Fargo residents is 30. Approximately 79 percent of the population is 18 or older; 11.8 percent of Fargo residents live below the poverty level. The SCCRRV includes membership from the entire Red River Valley, which includes Fargo and West Fargo in North Dakota and Moorhead in Clay County, Minnesota. This entire area is comprised of approximately 2,810 square miles and is home to a population of about 187,000 residents. Population demographics for the three towns are comparable.

Data suggests that the number of alcohol-impaired-driving fatalities in North Dakota has remained fairly constant during the past five years, although those numbers have been an increasing percentage of the overall fatal crashes during that same timeframe, according to NHTSA figures. The number of alcohol-impaired-driving fatalities in Fargo has also remained fairly constant, suggesting a slight decrease in fatalities per 100,000 persons since 2004.

## Current Program

The SCCRRV is a group of approximately 30 people who work together to address injury prevention in their communities. These individuals represent a diverse group of public and private agencies, as well as community members. The stated mission of the SCCRRV is “to decrease injuries and fatalities through collaborative and preventative partnership efforts. Safe Communities Coalition of the Red River Valley is a gathering of public and private agencies that share a common interest in injury and trauma prevention through recourses, education, and information to the ever-changing community,” according to its membership manual (SCCRRV, 2008).

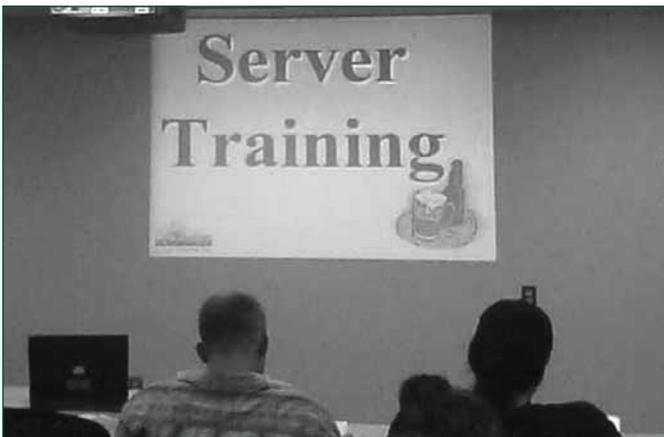
In order to promote injury prevention activities at the local level, the SCCRRV uses a “bottom-up” approach, involving the community and its citizens in identifying and addressing key injury problems.

In order to accomplish these goals, the SCCRRV operates various driver and passenger safety programs, as well as impaired-driving and alcohol safety programs in the Red

River Valley. Of these efforts, three self-sufficient programs have been selected for inclusion in this report: the alcohol compliance checks program, the victim impact panels program, and the server training program.

### **Alcohol Compliance Checks Program**

Each month the SCCRRV coordinates alcohol compliance check activities with three local police departments. The alcohol compliance checks are unannounced law enforcement inspections of local businesses to ensure that these establishments are not selling alcohol to minors. The inspections are conducted on a monthly basis in each of the Red River Valley municipalities. Penalties for serving underage patrons vary by jurisdiction. Repeat violations within one year result in escalating penalties; the minimum penalty is a \$500 fine and the maximum may be a suspension of the establishment's liquor license.



**Figure 9: Server Training session**

### **Server Training Program**

Each week the SCCRRV coordinates and provides server training classes for restaurant and bar employees that serve or sell alcohol to patrons. Local ordinances in Fargo, West Fargo, and Moorhead require all servers of alcohol in local businesses to obtain this training within 90 days of employment. Approximately 45 students attend each session, taught by local off-duty police officers. The class teaches participants about local laws pertaining to minors, the sale or delivery of alcohol to minors, how to handle obviously intoxicated people, and “dram shop” laws. Participants are taught how to identify minors using fake identification, and how to deter underage

purchases or consumption of alcohol. They also learn the proper procedures for addressing underage drinking or an attempt to purchase alcohol by underage people. The physiological effects of alcohol are discussed, as well as detecting intoxication and intervening with intoxicated people to prevent impaired driving.

### **Victim Impact Panels**

Each month the SCCRRV coordinates and provides victim impact panels to individuals convicted of impaired driving. The panels are lecture sessions that provide impaired drivers with an understanding of the potential consequences of their behavior. The purpose of the panel is to individualize and humanize the consequences of impaired driving in an attempt to change individuals' attitudes and behaviors, and to prevent impaired-driving recidivism. Each panel is comprised of three to four individuals who each speak briefly about an impaired-driving crash in which they were injured, or in which a loved one was killed or injured, and how it has affected their lives. The panel also includes a paramedic who shares stories of crash scenes and attempts to save victims of alcohol-related crashes. Each session involves a slide presentation with pictures of victims and crash site photos.

Most panel attendees are first- or second-time DWI offenders; a few have other alcohol-related offenses such as underage possession of alcohol. DWI offenders from Fargo, West Fargo, and Cass County municipal courts in North Dakota are court-ordered to attend a panel session as a result of their convictions. Local residents who commit DWI offenses in other jurisdictions may also be referred to attend a panel. In Clay County

DWI offenders may be referred to the panel during Minnesota’s alcohol assessment process that is mandated for convicted DWI offenders.

## Historical Perspective

The SCCRRV was formed in 1984 as a DUI task force, with an initial focus on identifying and addressing factors that contribute to impaired driving. In 1990 the task force expanded its role to work more comprehensively to address traffic safety, changing its name to the Traffic Safety Task Force. The Traffic Safety Task Force successfully advocated for new traffic safety legislation and executed a multitude of projects to educate motorists, bicyclists, motorcyclists, and pedestrians regarding traffic safety.

In 2001 the group changed its name to the Red River Valley Safe Communities Coalition and adopted Safe Communities concepts. The Safe Communities approach views traffic safety injuries within the context of a community’s entire injury problem. This approach also represents an evolution in the way community programs are established and managed. Programs are data-driven, require citizen involvement, involve community partnerships, include comprehensive injury prevention and control, require program planning, include an evaluation plan and are self-sufficient.



Figure 10: Fargo Police Department

Upon adopting the Safe Communities model, the group requested and received funding through a grant from the North Dakota Department of Transportation’s Office of Traffic Safety. The group began formalizing its organizational structure, reaching out to additional community members, and developing new projects, including the alcohol compliance checks, victim impact panels, and a server training program.

## Operations

The SCCRRV operates through committees, with a paid coordinator employed by the city of Fargo.

### Coalition Membership

The SCCRRV is comprised of about 30 to 35 volunteer members. Membership is open to any person who expresses a concern for Safe Communities issues. According to the organization guidelines, “Members may include but are not limited to representatives from the following areas: law enforcement, prosecution, judiciary, rehabilitation and treatment, concerned citizens, health agencies, business, clergy, education,

### Example SCCRRV Members

North Dakota State University;  
Concordia University- Moorhead;  
FM Ambulance;  
Emergency Nurses Association;  
Beverage Wholesalers; North Dakota and Minnesota Highway Patrols;  
Cass County and Clay County Sheriff’s Departments;  
Fargo, West Fargo, Glyndon, and Moorhead Police Departments;  
East Central Judicial District Juvenile Court;  
MeritCare Trauma Services;  
Cass County and Clay County Public Health Departments;  
FM Area Safe Kids;  
Lutheran Social Services of North Dakota;  
Rick’s Bar.

media, beverage industry, officials from local jurisdictions, government officials, and youth representatives.

### **Executive Committee**

The executive committee, comprised of seven elected members, supervises the work of the coordinator, sets the long term priorities of the coalition, and makes fiscal decisions. The executive committee members include a chair, vice chair, member-at-large, fiscal agent (ex-officio member), a Minnesota law enforcement representative, a North Dakota law enforcement representative, and the coordinator (ex-officio member). The chair serves as the principal executive officer overseeing the business of the coalition, including reviewing financial reports, setting agendas for the committee and coalition, and establishing committees.

### **Topical Committees**

Committee members work on topical committees according to their interests and coalition needs. These committees inform the program initiatives and activities in that subject area. The standing committees are: the occupant safety committee; the alcohol committee; and the legislative and data collection committee.



**Figure 11: Fargo Cass Public Health Department**

### **Fargo Cass Public Health Department**

The Fargo Cass Public Health Department is the fiscal agent for the coalition. The SCCRRV coordinator is an employee of Fargo Cass Public Health, and uses office space there. The coordinator, with help from a part-time assistant, manages the day-to-day operations of the programs, maintains the coalition partnerships, and facilitates the work of the coalition. The current coordinator has strong support from coalition members and she is credited with being the catalyst to expanded programs and activities.

The logistical operations of each SCCRRV self-sufficient program are summarized below:

### **Alcohol Compliance Checks Program**

The alcohol committee oversees the activities of the alcohol compliance checks program; the coordinator oversees the scheduling and coordination for these activities. Each month law enforcement agencies collaborate and conduct the alcohol compliance checks simultaneously in Fargo, West Fargo, Moorhead, Clay County, and Cass County. Business establishments that serve alcohol are selected on

a random basis; every business is checked four times per year. Those that fail are subject to additional compliance checks.

Youthful citizen volunteers, accompanied by local law enforcement officers, conduct the checks. The SCCRRV recruits and trains college or high school students over the age of 18 for this task. They are paid \$40 for their assistance. Law enforcement groups and SCCRRV staff meet before the checks; protocols are reviewed, packets are given to the volunteer minors and documentation is distributed to the officers. The volunteers are asked to sign consent statements. These individuals are either electronically wired or accompanied by plainclothes police while they attempt to purchase alcohol from the establishment. If the business fails, law en-

---

forcement intervenes immediately and issues a citation for a class A misdemeanor against the server and the establishment.

The coordinator uses the press to report the results of the compliance checks. Failures and sanctions are reported in the media as a way to encourage compliance and build community support for the effort.

Citation fines are paid to the local municipal government. Fines paid to the city of Fargo are allocated directly to Fargo Cass Public Health Department to support the costs of the server training program. Fines paid to other local municipalities are not used to directly support the work of the SCCRRV.

### **Server Training program**

The alcohol committee oversees the activities of the server training program; the coordinator oversees the scheduling, registration, and paperwork associated with the program. Each month the SCCRRV conducts approximately four server training classes. Each evening class is approximately 2 ½ hours, and is held in a conference room at the Fargo Cass Public Health Department. Approximately 45 individuals attend; servers must be at least 18 years old in Minnesota and 21 in North Dakota. A local law enforcement officer, often a coalition member, teaches the standardized course.

City ordinances in Fargo, West Fargo, and Moorhead require all alcohol servers and supervisors to attend this training at least once every three years. This course is free to the participants. Local law enforcement departments fund the instructors' overtime; administrative costs are funded through revenues derived from fines paid by liquor serving establishments for liquor license violations.

### **Victim Impact Panel program**

The alcohol committee oversees the activities of the victim impact panel program; the coordinator oversees the scheduling, registration and financial components of the program. A victim impact panel is held monthly at Fargo City Hall with an average of 75 offenders in attendance. Each participant pays \$40 (\$25 for juveniles). This fee must be paid with cash or a money order on the night of the event. These funds are used to support the administrative costs of the program, as well as compliance check and server training-related activities. Surplus funds are used to provide educational prevention activities in local schools.

The program was initiated in 1999 after gaining the support of the judges, clerks, and State's attorneys. Modifications to the program have been made over time, and the current program was developed and implemented based on NHTSA's How-To Guide for Victim Impact Panels (Lord, 2001). Volunteer speakers are recruited from the community through coalition members. These speakers are paid a small honorarium for their time. Security is provided at the session by a uniformed officer who is paid overtime through the fees collected. Local volunteers assist with registration for each panel.

Due to the sensitive nature of having victims work with offenders, speakers are carefully screened and agree to follow the program guidelines and protocols before they may participate in the panels. Speakers are required to sign an agreement to participate for one year. One speaker has received statewide publicity in Minnesota for her efforts.

## Communications

As noted earlier, the work of the coalition is coordinated between the SCCRRV executive committee and the SCCRRV coordinator. The coordinator maintains regular communication with the executive committee, topical committees and coalition members.

The SCCRRV executive committee meets monthly; the full coalition meets bi-monthly. Schedules and agendas are shared among committee members and coalition members by the coordinator. The coordinator assists the committees with communicating information among members as activities are developed.

The media is also used extensively to communicate with the general public. In order to publicize its multiple programs and activities, the SCCRRV has developed specific processes for sharing information with the media. In addition, the SCCRRV coordinator has developed positive relationships with local members of the press and works closely with the public information officer for the Fargo Cass Public Health to gain exposure for coalition activities. The media is used to announce upcoming program activities as well as report local establishment alcohol compliance check outcomes. In addition, the coordinator has also developed strong relationships with the business community and communicates program information to local business owners in an effort to encourage compliance and support for injury prevention activities.

## Program Activities

### Alcohol Compliance Checks

Alcohol compliance checks occur in each of the jurisdictions served by the SCCRRV. The SCCRRV coordinates approximately 75 inspections each month. The coordinator developed and maintains compliance records using a large database. The jurisdictions vary in the number of times they inspect per month based on the number of establishments. For instance, Fargo inspects approximately 50 establishments each month while the counties only inspect approximately 3 to 8 establishments per month.

**Figure 12: SCCRRV Program Activities**

SCCRRV Program Activities			
Totals*	Alcohol Compliance Checks	Server Training Sessions	Victim Impact Panels
Sessions	12	55	12
Number of Businesses/Participants	75	2057	300

\*average annual totals

### Server Training Program

The server training program is offered multiple times each month during the evening hours at the Fargo Cass Public Health Department. Local businesses use an online registration process managed by the coordinator to schedule their staff. Four to eight classes are offered each month; average attendance is 48 students per class; maximum capacity is 60 participants. The coordinator issues the certificates of completion and informs the local licensing offices of completions. During fiscal year 2005 2,057 servers were trained during 55 classes.

---

## Victim Impact Panels

The SCCRRV operates approximately 12 victim impact panels each year. A total of approximately 300 participants attend annually.

The VIP program uses a post-session evaluation form to gain information from participants regarding the value and initial impact of the sessions. Most of the comments have been favorable. The coalition is currently preparing to conduct a recidivism study in order to gain substantive information related to the effectiveness of the panel in deterring future behavior. A synthesis of the attendee evaluation results from June 2007 to June 2008 follows:

**Figure 13: Victim impact panel survey results**

Evaluation Question	Number of attendees who answered YES	Number of attendees who answered NO
Did you gain insight from this panel?	162	3
Do you think others could benefit from this program?	157	8
Total	319	11

## Key Partnerships

The coalition members and member groups are engaged in multiple partnerships to carry out the work of the SCCRRV. Key partners within SCCRRV include local law enforcement from North Dakota and Minnesota, the Cass Fargo Public Health Department, and executive committee members. However, the coalition's approach to inclusive partnering is a cornerstone to their operational philosophy. The partnering of numerous active, community members across multiple jurisdictions is a key to this group's success.

While oversight and logistics are the responsibility of the SCCRRV alcohol committee and coordinator, within each of the programs described, a smaller group of partners work together to implement program activities. The alcohol compliance checks involve local law enforcement agencies from Fargo, West Fargo, Moorhead, Cass County, and Clay County, as well local volunteers and the media. The server training partners are local law enforcement agencies, local businesses, and local licensing offices. Last, the VIPs involve partnerships with the courts, departments of corrections, and volunteers.

## Funding Sources/Processes

The fundamental strength of the SCCRRV programs is their self-sufficient funding strategy. The coalition was originally funded through a State grant. Through strategic efforts and budgeting processes, the three programs featured in this report are now significantly funded through compliance check failure fines and victim impact panel fees.

In addition, in-kind contributions, volunteer time and local law enforcement staff time support the programs' activities. Law enforcement agencies cover the costs of staff time to conduct compliance check activities; the City of Fargo supports the SCCRRV through in-kind resources of office space and office supplies for the SCCRRV coordinator and part-time assistant; members volunteer their time for regular meetings and activities. Additional SCCRRV programs and activities are covered by various grants and local funding sources.

---

The SCCRRV's operating costs for the server training program, compliance checks and the victim impact panels include a percentage of staff time for the SCCRRV coordinator and assistant, stipends for youth compliance check volunteers, material for server training sessions, and overtime compensation for one law enforcement officer at each VIP.

Annual SCCRRV compliance checks, server training and VIP program operation cost estimates and revenue estimates are:

Program Operation Costs:	\$45,000
Revenues:	
Victim Impact Panel Fees:	\$33,500
Compliance Check Failure Fines:	\$11,500
Percent Self-Sufficient:	100%

## Successful Strategies

**Collaboration and Communication:** Collaboration, facilitated by the work of the SCCRRV coordinator, is touted as the critical component to the SCCRRV's successes. The coalition has worked across State lines in multiple jurisdictions, each with unique local ordinances and practices, in urban, suburban, and rural settings. Through effective communication and collaboration the SCCRRV has used the strengths of a multijurisdictional approach, leveraging financial, political, and intellectual resources across the various agencies and among individual partners. By working with a large group of coalition members, the SCCRRV has been inclusive and expanded its resource base. The larger membership has elected a smaller group of more active leaders to oversee the specific activities of the coalition. Finally, the coordinator oversees program activities on a daily basis, while also facilitating critical collaborative efforts among coalition members, and ensuring communication among partners is optimal. The coordinator has mastered the ability to work within and across the multiple communities. In addition to understanding the various political landscapes and multiple legal and process-related distinctions in the multiple jurisdictions, she has diplomatically facilitated compromises and avoided potential conflicts by successfully identifying and addressing issues among partners and within the executive committee as they arise.

**Supportive Leadership:** While not actively involved as coalition members, the elected and appointed leaders of the various jurisdictions of the Red River Valley strongly support the work of the SCCRRV. Given the coalition's mission to prevent injuries, and that the programs the SCCRRV provides support all of the area's communities, it behooves local leaders to support the group. In addition, the SCCRRV has consciously provided opportunities for local leadership to participate in successful campaigns and activities, ensuring their buy-in to ongoing coalition activities.

**Recognize and Reward Success:** The SCCRRV strongly believes in evaluating the results of its projects and using data to recognize success or re-tool its operations. The coalition has developed and implemented a public relations process to promote its successes and activities in local print and media outlets. Frequent ceremonies and outreach efforts also promote the work of the SCCRRV. By including, and often recognizing, local leadership in these ceremonies and activities, critical support is generated. In addition, the SCCRRV coalition has been recognized as a model for other communities wishing to set up coalitions. The SCCRRV coordinator has served as a mentor to support newly formed coalitions in other areas of North Dakota.

---

In addition to recognizing the success of the overall coalition, SCCRRV members and volunteers are also recognized for their individual efforts. For example, officers who provide server training are recognized within the coalition, as are awarded certificates for their service to the community.

Finally, community members who successful participate in SCCRRV activities or comply with safety initiatives are also recognized. Participants who complete the server training are rewarded with laminated certificates and establishments who successfully pass all compliance checks in a given year are rewarded with a certificate from the coalition.

## **Define Scope and Realistic Objectives**

The SCCRRV is an established community coalition operating multiple programs with a goal to prevent and reduce injury. Over the years the coalition has slowly and strategically expanded its activities. Data has been collected and used to identify areas in which additional prevention or intervention activities are needed. Programs have been developed based on best practices research, and tailored to meet the needs of the Red River Valley community. Coalition members work in small groups according to their interests and expertise to develop and oversee program activities. When developing new programs, initial efforts focus on a well identified problem and a target population. Coalition members and the coordinator believe it important to not overstretch the SCCRRV, but to focus targeted efforts on identified goals.

## **Challenges**

The SCCRRV has faced unusual operational challenges since its inception. These challenges are not specific to the three self-sufficient programs, but are related to the organization's activities in general.

**Operational:** Approximately 10 years after its establishment, the SCCRRV struggled with jurisdictional turf issues. Competing interests from the multiple jurisdictions in the Red River Valley threatened to result in the dissolution of the coalition. Issues regarding the ultimate authority and oversight of the activities and the finances of the SCCRRV limited the coalition's ability to successfully develop and implement multijurisdictional efforts. Ultimately, this challenge was overcome by a decision to transfer the fiscal management of the SCCRRV from a local law enforcement agency to the more neutral public health department. At the same time a new coordinator was hired in a full-time capacity to facilitate improved collaboration and communication among partners.

A second challenge involves the volume of activities the SCCRRV is regularly engaged in. As identified earlier, the coalition has learned to carefully plan the roll out of new activities so as to not overtax its capacity.

## **Fresno Police Department Traffic Bureau**

### **Executive Summary**

The Fresno Police Department (FPD) Traffic Bureau operates an aggressive DUI and traffic enforcement program. The consolidated program is comprised of a number of smaller programs designed specifically to reduce the damage, injuries, and fatalities associated with impaired driving. These programs include DUI checkpoint operations, "Bar Watch" operations, saturation patrols by the Neighborhood Traffic Unit (NTU),

the Scared Stiff DUI education program, the Help Eliminate Alcohol Reoffends Team (HEART), and the Selective Traffic Enforcement Program .

Funding for the traffic bureau is derived from a number of sources including traffic citation revenue, vehicle impound and release fees, and State and Federal grants. In 2008, Fresno’s traffic bureau had an operating budget of approximately \$9.1 million. Core DUI programming, including sobriety checkpoints, saturation patrols, and strategic operations targeting DUI offenders, is 100 percent self-sufficient. Ticket revenues generated by the traffic bureau are allocated to the city’s general fund; the traffic bureau receives a significant portion of its funding through the city’s general fund. The traffic bureau uses a portion of these funds to support core DUI programming. Self-sufficiently funded DUI programming totals approximately \$120,000 per year. This programming is supplemented with grant funding that typically supports additional checkpoint activities.

## Background

Located in California’s Central Valley, Fresno is the sixth largest city in the State, with a population of approximately 500,000. Fresno is over 104 square miles in size and has approximately 2,000 miles of paved roadway. Fresno has a highly diverse population with over 88 ethnic backgrounds represented. Census information has identified approximately 70 percent of the city’s residents are 19 or older. The median age is 28. Approximately 23 percent of the city’s resident live below the poverty line.

Data suggest that the number of alcohol-impaired-driving fatalities in California has fluctuated during the past five years, with a spike in 2005 followed by a decline since then. These numbers are fairly constant in their percentage of the overall fatal crashes during that same timeframe, ranging between 27 percent and 30 percent (NHTSA, 2008). The number of alcohol-impaired-driving fatalities in Fresno County, where the city of Fresno is located, has fluctuated as well during this timeframe, also spiking in 2005. The numbers of alcohol-impaired-driving fatalities per 100,000 persons between 2003 and 2007 range from a low of 5.84 in 2006 to 7.39 in 2005, according to NHTSA (2008).

In addition to State and county statistics, Fresno maintains detailed collision and DUI-related statistics. In 2002, Fresno reported a total of 484 DUI collisions, of which 33 percent resulted in injuries or fatalities. Over the next five years there was a 5-percent increase in DUI collisions, though there was an approximate 8 percent decline in injuries and fatalities (Fresno Traffic Bureau, 2008b).

Category	2002	2003	2004	2005	2006	2007	% change from 2006	% change from 2002
Total Collisions	4,822	4,314	4,136	3,838	3,690	3,573	-3.17%	-25.90%
Injury Collisions	1,933	1,757	1,617	1,548	1,368	1,336	-2.34%	-30.88%
Fatal Collisions	52	46	30	42	37	27	-27.03%	-48.08%
Total DUI Collisions	484	369	423	499	511	510	-0.20%	5.37%
Injury DUI Collisions	151	126	117	125	141	138	-2.13%	-8.61%
Fatal DUI Collisions	7	7	11	16	12	9	-25.00%	28.57%
DUI Arrests	2,067	2,186	2,525	2,670	3,015	3,211	6.50%	55.35%
DUI Check Points		32	75	94	71	77	8.45%	n/a
Total Citations	26,268	62,290	85,937	94,993	90,569	85,388	-5.72%	225.06%
Speeding Citations			41,101	34,863	27,360	24,724	-9.63%	n/a
Vehicle Impounds		20,239	22,738	26,379	23,414	18,131	-22.56%	n/a

---

Beginning in 2002, the FPD engaged in a more aggressive DUI prevention and education program. This is evidenced by the substantial increase in DUI arrests between 2002 and 2007. In 2002, 2,067 DUI arrests were made. By 2007 DUI arrests were up by 55 percent, to 3,211. Much of this increase can be attributed to the series of enforcement and education programs that Fresno is engaged in (Fresno Traffic Bureau, 2008b).

## Current Program

Fresno's DUI efforts are closely related to the city's focus on traffic safety. Since 2002, Fresno has engaged in an aggressive traffic enforcement program aimed at improving community safety. This attitude is perhaps best captured by the FPD's mission statement, "The mission of the Fresno Police Department is to provide a professional, effective and timely response to crime and disorder and to enhance traffic safety in our community" (Fresno PD, 2008a).

As part of the focus on traffic safety of the city of Fresno has a number of programs that are designed to reduce DUI-related damage, injuries, and fatalities. These programs are spearheaded by the FPD Traffic Bureau, which has 75 traffic enforcement officers dedicated to traffic law enforcement. These officers are responsible for conducting DUI checkpoints, teaching DUI classes for DUI offenders, providing public education related to DUI and traffic safety, aggressively enforcing traffic laws, and monitoring establishments that serve alcohol.

The Fresno Traffic Bureau operates the following DUI related programs:

- ▶ DUI Checkpoint Operations
- ▶ Bar Watch Operations
- ▶ Neighborhood Traffic Unit
- ▶ Scared Stiff
- ▶ HEART (Help Eliminate Alcohol Reoffends Team)
- ▶ STEP (Selective Traffic Enforcement Program)

In the late 1990s, the traffic bureau grew from 20 officers funded by the police department's general fund, to approximately 75 officers funded self-sufficiently through an impound cost recovery process, a revenue sharing agreement with Fresno County, and towing fees. These revenue sources provide funding not only for officers dedicated to traffic, but also traffic-enforcement-related equipment and officer overtime.

## Historical Perspective

In the 1990s Fresno was plagued by a surge in gang- and drug-related violence. These public safety concerns made the Fresno Police Department focus its resources on combating these gang and drug-related issues. This shift in operational focus led to a reduced emphasis on traffic enforcement, and subsequently the number of traffic-related incidents rose.

In the late 1990s Fresno Police Chief Jerry P. Dyer determined that in addition to an aggressive stance against gangs, the city's law enforcement community must also address traffic safety concerns in order to foster a safer community. Following this adjustment in operational direction, the traffic bureau engaged in a considerably more aggressive traffic enforcement program, leading to an increase in the number of traffic citations being issued.

## DUI and Traffic Enforcement Program Recommendations

1. Law-abiding people should not have to pay.
2. Traffic violators should be held accountable for their choices.
3. Enforcement costs should be paid by violators.

This decision was not without controversy. Shortly after the initiation of increased traffic enforcement, newspaper editorial pages and radio shows were increasingly vocal regarding the number of citations being issued and the number of vehicles being impounded. Some of the public felt that this enforcement effort was simply a method to enhance the city's funds rather than to improve the safety of the city's streets. In order to combat this perception, the FPD entered into a public image

campaign to educate the public on the merits of the initiative, specifically the fact that this initiative provides the city with an opportunity to improve traffic safety without burdening the taxpayer, as offenders are held accountable for their actions.

Despite increased enforcement efforts, in 2002 there were 52 fatal crashes in Fresno. Statistically speaking, a person was more likely to be killed by a traffic crash than a homicide (42 deaths in 2002, according to Copeland, 2006). This sobering statistic re-energized Fresno's focus to improve traffic safety.

Chief Dyer knew that a successful traffic safety program required the three "Es": education, engineering, and enforcement. Fresno was making steady improvements in the education and engineering areas, however, improvements in enforcement required more personnel and equipment. In 2002, the traffic bureau had only 22 officers. The identification of a sustained funding source was required to support additional resources.

In late 2002, Chief Dyer renegotiated the traffic revenue sharing agreement with the county of Fresno so that a portion of each fine would return to FPD, specifically to fund traffic safety efforts, instead of remaining with the county. These combined revenue sources, coupled with a series of grants, enabled the traffic bureau to grow from 22 officers in 2002 to 76 officers by 2008 (Fresno Traffic Bureau, 2008d). The expansion of the traffic bureau led to a reduction in traffic collisions, an increase in DUI arrests, and an overall improvement in traffic safety.

In addition, the department implemented an aggressive impound policy. Fresno is not hesitant to impound a vehicle where the driver has been arrested or cited for offenses such as DUI. If a driver is arrested the vehicle will likely be impounded. This is evident at DUI checkpoints. Drivers who are under the influence or found to be driving illegally (i.e., without valid licenses or registrations) will have their vehicles impounded. To support this aggressive policy, the police department works closely with private tow truck companies in the city.

In late 2003 Fresno experienced a violent upsurge in gang-related violence. In an effort to address this public safety issue the Metro Traffic Unit was deployed into high-gang-activity zones and began a "zero-tolerance" enforcement program. The unit's efforts were successful in reducing gang-related crime. In fact, an analysis of the operation concluded that there was a correlation between traffic enforcement and the reduction of crime. The theory behind this finding is that those who commit crimes rarely have any regard for traffic laws. By stepping up traffic enforcement efforts into traditionally high-crime neighborhoods, law enforcement can remove the criminal's ability to travel with impunity.

---

Following the successful zero-tolerance operation, the FPD traffic bureau formed the Neighborhood Traffic Unit (NTU) in 2004. This unit was funded through revenues generated by the impound recovery program.

## Operations

Fresno's traffic bureau is unusual in that it is comprised of a number of specialized units with distinct responsibilities. The current organizational structure includes the Traffic Enforcement Unit (TEU), the Neighborhood Traffic Unit (NTU), and the Administrative Unit. Each of these units is described below (Fresno Traffic Bureau, 2008a):

### Traffic Enforcement Unit

The TEU is divided into three teams under three supervisor sergeants. Officers in each team operate in either a district assignment or a metro assignment, and report directly to their respective team supervisor. While both district and metro officers work to fulfill the goals and objectives of the unit, metro officers are relieved of the responsibility of traffic crash investigation as to maintain a constant focus on proactive enforcement activity.

The goal of this unit is to use aggressive education and enforcement activities in an effort to generate voluntary compliance to all traffic laws, reduce the number and severity of traffic crashes, reduce the number of fatalities and injuries related to traffic crashes, and facilitate the expeditious flow of vehicular and pedestrian traffic within the city.

Metro officers issue citations based on crash data, but do not handle calls for service or investigate crashes. Within the TEU, the Collision Reconstruction Unit (CRU) provides expert and specialized crash investigation capabilities in scenes where the possibility of felony prosecution of city liability exists. The goal of the CRU is to reduce crash incidents through investigation, education, engineering, and prosecution.

### Neighborhood Traffic Unit (NTU)

The NTU is a 34-officer, 2-sergeant nighttime DUI and gang suppression unit. The unit provides 7-day coverage during the afternoon commute and DUI and gang suppression during the late evening hours. This unit, formed in 2004, expanded Fresno's evening traffic abilities while enhancing other departmental needs. Also assigned to the NTU are State-certified phlebotomy technicians who collect administrative and evidentiary blood for laboratory analysis and perform related administrative tasks.

The primary goal of the NTU is to use aggressive education and enforcement activities in the evening hours in an effort to generate voluntary compliance to all traffic laws. In, the NTU supports and augments the patrol force in the overall reduction of crime.

### Administrative

The Administrative unit is comprised of the tow unit and administrative support clerks. The tow unit is designed to oversee the process of impound, storage, and release of all vehicles towed by the department to ensure the proper enforcement activities of department members and the fair treatment of people by tow companies on the departments rotation list (currently 52 tow companies). The unit currently maintains a staff of three civilian employees: a tow supervisor and two tow coordinators.

---

The administrative unit also employs a number of support clerks to deal with accounting and budget-related issues. The administrative staff also maintains a database with a monthly compilation of crash, citation, and other traffic-related data. The analysis of this information will be used to determine the deployment of traffic enforcement personnel and the implementation of selective enforcement strategies.

## Communication

### Internal

Fresno's traffic bureau strongly emphasizes communication. Like most law enforcement agencies, Fresno's traffic bureau engages in standard communication practices such as daily and operations briefings as well as radio and computer communications for patrol officers. This continuous flow of information between officers and commanders enables the traffic bureau to operate in an effective and efficient fashion.

In addition to patrol briefings, the traffic bureau commanders hold regular meetings where operations are planned and discussed. The traffic bureau's main office is laid out in such a way that all commanders share the same work area. This organization allows for a free flow of information between commanders.

### External

The Fresno traffic bureau also maintains effective communication channels with its various partners and stakeholders. The best example of this is the traffic bureau's relationship with the Fresno County District Attorney's Office and Probation Department to implement the HEART program. The program's objective is to reduce the frequency of repeat DUI offenders. Information-sharing is critical to the program's success. Since the program was developed, communication channels have been identified to facilitate this information-sharing. One example of a standard communication channel is the use of "hot sheets," brief documents generated by the district attorney's office to share critical information regarding repeat DUI offenders. These documents are continuously updated and shared to ensure that all partners have the same up-to-date information regarding an offender.

The Fresno traffic bureau also stresses communication with the general public in order to inform the public about its mission. The traffic bureau uses several ways to communicate with the public, including:

- ▶ Attending city council meetings;
- ▶ Providing traffic offenders with a safety awareness information when a citation is written;
- ▶ Conducting high-visibility DUI operations (DUI checkpoints);
- ▶ Sending out press releases highlighting operations; and
- ▶ Public service announcements and campaigns.

## Program Activities

The traffic bureau is responsible for enforcing traffic safety law in Fresno. In 2007 a specialized 16-officer squad wrote over 15,000 citations, impounded 900 cars, and made 44 felony and 765 misdemeanor arrests. In addition to broader traffic safety efforts, the traffic bureau implements the following DUI enforcement activities (Fresno Traffic Bureau, 2008d):

## DUI Checkpoint Operations

Fresno conducts more checkpoint operations than any other city in the United States (Copeland, 2006). The number of DUI checkpoints has grown from 32 in 2003 to 94 in 2005. Approximately 100 checkpoints were planned for 2008. These checkpoints are organized and conducted primarily by the TEU.

The FPD uses a DUI checkpoint as an educational tool. While the agency realizes that DUI checkpoints will not capture a large number of DUI offenders, the department believes that they are effective in educating the public regarding DUI enforcement. Checkpoints are “high visibility”; most Fresno drivers in have either seen, heard about, or have been through a DUI checkpoint.

The FPD conducts checkpoint operations equally throughout each of the city’s five policing districts. Their specific locations are based on crash and DUI offense data collected and analyzed through the department’s crime mapping system. In preparation for the checkpoint, traffic engineers identify a site that suits the logistical needs of the operation and produce a schematic of the site with the locations of various equipment and resources.

Prior to any checkpoint operation the traffic bureau commander completes a formal operation plan that identifies the operation commanders, supervisors, duration, district affected, radio channel, operation contact, and an operation overview. All checkpoints begin with a briefing at the Traffic bureau. The checkpoint officers get the operation plan and are briefed on roles and responsibilities. The team is then deployed and the checkpoint is assembled.

The operation Plan includes the frequency at which vehicles are to be checked; this may change, depending on the volume of traffic. Checkpoint officers are permitted to stop and check vehicles based on the frequency provided by the sergeant.

As a vehicle enters the checkpoint area it is stopped by at least two officers. Once stopped, an officer asks to see the motorist’s driver’s license. During this time the officer also searches for signs of intoxication, including slurred speech, bloodshot eyes, and the odor of alcohol. If the driver fails to provide a valid license the driver is asked to drive the vehicle into the holding area for further investigation. If signs of intoxication are detected, the driver is instructed to exit the vehicle. At this point another officer will drive the vehicle into the holding area. This is done to ensure the safety of the officers, volunteers, and suspects in the holding area.

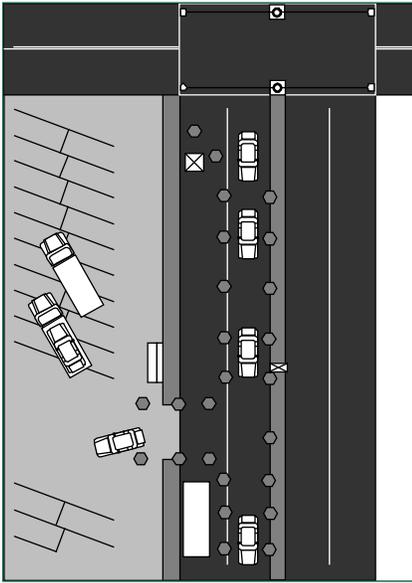


**Figure 14: Fresno checkpoint**



**Figure 15: A Fresno traffic officer inspects the identification of a motorist at the checkpoint**

If the driver is suspected of alcohol intoxication is given a field sobriety test. If alcohol is suspected following this test, the officer may administer an evidentiary breathalyzer test. If the suspect tests at a level of .08 grams per deciliter or higher the driver is arrested for DUI. In certain cases officers may request a phlebotomist to administer a blood draw for testing of alcohol or drugs. The vehicles of all unlicensed or intoxicated drivers are impounded. The FPD has contracted various tow companies to remove and impound vehicles.



**Figure 16: An overview of the checkpoint setup. (Not to scale)**

### **Operation Bar Watch**

The primary objectives of Operation Bar Watch are to remove impaired drivers from the roadways and reduce impaired-driving-related incidents in Fresno through vigorous enforcement. Operation Bar Watch locations are selected by district commanders based on high numbers of alcohol-related incidents in those areas. Bar Watch operations are conducted primarily by the TEU.

Similar to a DUI checkpoint, the Bar Watch operations require a formal operation plan be completed by the traffic bureau. This plan provides a summary of the operation, points of contact, areas of operation, and the duration of the operation. Bar Watch involves plainclothes and uniformed officers working with undercover vehicles and marked police vehicles.

At the outset of Bar Watch, plainclothes or uniformed officers position themselves outside the targeted business looking for impaired drivers. Officers may be involved in any of the following three types of scenarios (Fresno Traffic Bureau, 2008c):

If patrons are obviously so intoxicated they pose a danger to themselves or the public, they will be detained prior to entering vehicles and their sobriety is investigated. If they meet that level of public intoxication, they may be released to a responsible adult or arrested.

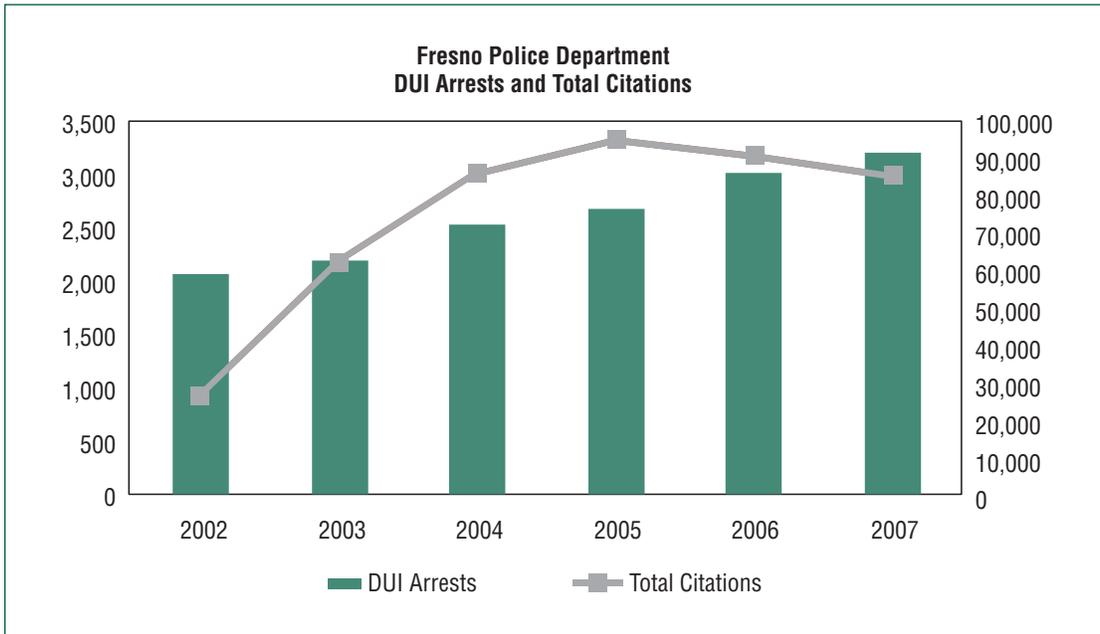
If a patron shows some signs of intoxication but the level of impairment cannot be determined, observations will establish the officer's probable cause to detain for DUI once the driver moves the vehicle. Officers make every attempt to stop the driver before exiting the parking area. If officers are not sure if the subject is an impaired driver, they may follow the driver to develop probable cause for a detention and further investigation.

Fresno encourages uniformed officers to make all detentions and arrests. Plainclothes officers are to be used only in extreme circumstances. Impaired-driving arrests or alcohol-related incidents stemming from Operation Bar Watch are documented and later discussed with the district commander and the respective business owner.

### **Neighborhood Traffic Unit**

The NTU consists of two squads of officers specially equipped with BMW 650cc dual-purpose motorcycles available to address a variety of nighttime traffic and criminal issues, including DUI (Fresno PD, 2008b). The NTU focuses enforcement efforts on hazardous driving violations in non-traditional areas of traffic enforcement. It should also be noted that the choice of vehicle, the motorcycle, was selected due to its versatility in

an urban environment. In 2007 the NTU arrested 1,339 impaired drivers, made 423 felony and 6,028 misdemeanor arrests, issued 17,063 citations, and recovered 19 firearms.



**Figure 17: FPD DUI Arrests and Total Citations**

Though the NTU is focused on all types of traffic enforcement, the unit has been extremely effective in identifying and removing impaired drivers from Fresno’s roadways. As depicted in the accompanying chart, the number of DUI arrests has increased since 2004, in part, due to the efforts of the NTU.

### Scared Stiff

The Scared Stiff program is one of a series of educational programs the FPD sponsors. Coordinated by the TEU, Scared Stiff specifically targets first-time DUI offenders 25 or younger. The incentive for offenders to participate in this program begins as financial. Fresno courts allow young, adult first-time DUI offenders to attend the Scared Stiff program in order to reduce the court-imposed fines associated with their DUI arrests. For example, the \$70 enrollment fee for the Scared Stiff program can reduce court-imposed fines by up to \$700.

The Scared Stiff program requires participation in an information session during which inspirational speakers share personal impaired-driving-related stories. A review of 1,973 first-time DUI offenders who attended the program during one year suggested that 97.9 percent did not reoffend during the review period. The FPD believes these statistics demonstrate the value and effectiveness of the Scared Stiff program.

### HEART (Help Eliminate Alcohol Reoffends Team)

The HEART program is a partnership between the district attorney’s office, the police, and the Fresno probation office. The program was developed following a fatal crash in 2004 involving a repeat drunk driver with nine prior arrests for DUI. An analysis following this crash suggested there were DUI offenders that were “lost in the system” due to a lack of prosecution continuity, probation staffing limitations, and poor information dissemination to patrol officers. At that time, multiple prosecutors were involved in any one DUI case. This resulted in DUI offenders receiving plea agreements from a

---

busy and overtaxed court. Probation officers were limited in the levels of supervision they were able to provide to DUI offenders due to large caseloads. Repeat DUI offenders continued to demonstrate the same dangerous behavior.

The HEART program was initiated to address these issues and better prosecute and supervise repeat DUI offenders. The district attorney's office implemented vertical prosecution of repeat DUI offenders, assigning one prosecutor from start to finish. This prevents cases from "slipping through the cracks" and has resulted in more successful prosecutions.

With more successful prosecutions, an increased number of repeat DUI offenders were placed on felony probation. The probation office required additional resources to supervise this increased caseload. The HEART partnership mitigated some of those resource issues as the FPD provides support to the probation office. This support has significantly improved offender monitoring. Probation officers and FPD officers conduct joint home visits to ensure offenders are compliant with court-ordered conditions of community release. Probation shares information with FPD regarding outstanding warrants for repeat DUI offenders and repeat DUI offenders with license restrictions.

Key components of the HEART program are:

- ▶ District attorney's office completes regular reviews of DUI cases;
- ▶ HEART partners annually target the worst 52 repeat offenders to locate and prosecute;
- ▶ District attorney's office uses "vertical" prosecution methods;
- ▶ Supplement probation officers resources – traffic officers support probation officers to more effectively monitor repeat DUI offenders;
- ▶ FPD and probation conducts unannounced probation searches of repeat DUI offenders' residences and vehicles. These searches are permitted by law as a part of the probation agreement;
- ▶ Probation uses GPS monitoring of repeat DUI offenders; and
- ▶ Critical information regarding warrants for repeat DUI offenders is provided by prosecutors and probation to FPD.

The HEART program is a criminal justice partnership in Fresno that resulted in 375 felony arrests during its first 30 months of operation.

### **STEP (Selective Traffic Enforcement Program)**

The STEP program is part of the FPD's ongoing effort to eliminate intoxicated and unlicensed drivers from the city's roadways. The operation targets convicted DUI offenders who continue to operate their vehicles while on court- or DMV-ordered suspensions. Undercover officers occupy the audience of court proceedings, and observe violators who have received suspension orders against their driving privileges. The undercover team will continue to observe the violators to their choice of transportation. Should a violator be observed operating a motor vehicle, a uniformed officer will be notified to conduct a traffic stop for the purpose of public safety to determine the driver's license status. Vehicles operated by drivers with suspended driving privileges will be impounded and the drivers will be cited accordingly.

---

## Key Partnerships

The FPD Traffic Bureau works closely with the Fresno County District Attorney's Office (DA) and the Fresno County Probation Department to implement the HEART program a criminal justice partnership effort to reduce recidivism among repeat DUI offenders. The FPD, DA's office and probation share information and resources to support that goal.

In addition the traffic bureau has a close relationship with MADD. In fact, a number of officers are active members of the MADD's Fresno chapter, which has created a crashed-car exhibit trailer that promotes education and prevention of drinking and driving. The traffic bureau often places this trailer on display at DUI checkpoint operations.

Traffic bureau members also participate in Alcohol Beverage Control (ABC) meetings, which involve law enforcement and local licensing authorities. During these meetings internal and external resources share information regarding establishments that may be selling alcohol to minors or committing other illegal activities. These meetings help the traffic bureau to gain a better understanding of current alcohol-related issues and to gain insight into the ABC's various operations.

It should also be noted that the FPD uses numerous local towing companies to facilitate the required towing and impound activities associated with DUI enforcement. These towing companies enter into a contractual relationship with the city to provide services to the FPD and its traffic bureau.

## Funding Sources/Process

The Fresno traffic bureau resources support traffic safety enforcement activities, including DUI prevention and enforcement programming. Revenues supporting all FPD activities are described below.

**Revenue Sharing:** In 1977, the city of Fresno and the county of Fresno entered into a revenue sharing agreement by which the city received funds generated from the local convention center, while the county received the portion of citation revenue not already accounted for by State programs. Like many cities in the United States, Fresno experienced a substantial growth spurt in the 1980s and 1990s that strained city resources. The revenues received from the aging convention center were no longer sufficient to support the growing demands from the law enforcement community.

In order to achieve a tangible improvement in traffic safety, increases in law enforcement personnel and equipment were necessary. In order to fund these increases a sustained revenue source was needed. Consequently, in late 2002, then-Police Chief Dyer renegotiated the traffic revenue sharing agreement with the county, resulting in an arrangement where a portion of each fine is returned to the police department, specifically to fund traffic safety efforts, instead of remaining with the county.

The renegotiated agreement redirected approximately \$12.50 out of every \$129 traffic fine to the Fresno Police Department. Consequently, as the number of citations increased, the revenues funding the department's DUI and traffic enforcement efforts increased. Revenue went up from \$256,710 in 2003 to \$1,961,974 in 2004 to \$1,812,172 in 2005 to \$1,295,764 in 2006 and \$2,836,196 in 2007 (Fresno Traffic Bureau, 2008d). Currently, there is no legislation requiring that these funds

be directly allocated to the traffic bureau. Once collected, these funds go into the city's general fund. Money from the general fund is then allocated across multiple entities, including the Fresno Police Department. Funds received from the general fund are used to support traffic enforcement activities. Assuming all citation-related revenue is invested back into the traffic bureau, these resources support up to 31 percent of the traffic bureau's operating budget.

**Impound Revenues:** In an effort to improve traffic safety, the FPD uses an aggressive impound program against unlicensed drivers. Similar to many of Fresno's other traffic safety programs, the impound program is designed so that the average taxpayer is not subsidizing the violator's behavior. Using this approach, the FPD has evaluated the costs associated with this program so that the fine will equal the department's actual impound costs. At present, towing fees are \$294.

The FPD charges a towing company a \$40 referral fee for each vehicle towed resulting from a traffic enforcement activity such as a DUI checkpoint. This referral fee is designed to offset the large amount of profits that companies can potentially receive should a vehicle be auctioned off because it is not claimed. Based on recent data, approximately 40 percent of vehicles impounded are never picked up. Consequently, these vehicles are sold at auction with the profits going to the towing company. The city of Fresno does not benefit directly from the auctions. Approximately 38 percent of the traffic bureau's operations are funded by these impound revenues.

**Grants:** In addition to these sustained funding streams, the FPD seeks and receives grant funding from the California Office of Traffic Safety to supplement the activities of the traffic bureau. The FPD Traffic Bureau is very active in pursuing grant opportunities to fund traffic safety and DUI enforcement programs.

Revenue sharing and impound revenues, both self-sufficient funding streams, total approximately \$6.3 million annually. These funds are used to support Fresno's traffic enforcement activities. Of those funds, approximately \$120,000 is dedicated solely to DUI enforcement activities.

Program operation costs and revenues for the Fresno Police Department traffic safety enforcement activities are:

Program Operation Cost Estimates	
Traffic Bureau	\$ 9,121,700*
DUI-related Activities (non-grant-related)	\$ 120,000
Revenue Estimates	
Vehicle Release Fees	\$ 3,500,000
Citation Fees	\$ 2,800,000
Percent Self-Sufficient	
DUI-related Activities (non-grant-related)	100%
All Traffic Enforcement Activities:	69%

\*Fresno does not maintain budget details on individual program funding. The complexity of its budget does not allow for easy identification of enforcement revenues allocated to the aforementioned programs.

---

## Successful Strategies

### Supportive Leadership

The Fresno Police Department has enjoyed significant political support from Fresno regarding their DUI and traffic enforcement operations. City leaders have supported the Chief's initiatives to combat the ongoing problem of DUI. Furthermore, city officials have given sufficient flexibility to commanders to make operational and tactical decisions related to DUI and traffic enforcement efforts. This backing was instrumental in the growth of the program. Without the city's support it would have been exceedingly difficult to secure the resources required to build up the consolidated enforcement program.

### Collaboration and Communication Among Partners

While Fresno's DUI enforcement efforts are concentrated within the traffic bureau, collaboration and communication should not be ignored. Fresno's traffic bureau works closely with other entities within the FPD, as well as outside organizations on specific impaired-driving initiatives. This collaboration and communication occurs through established information sharing protocols, as well as during city administrative meetings and hearings.

### Reward success

Fresno is eager to recognize and reward the successes of its DUI and traffic enforcement activities. From a department level, the revenues from these programs are reinvested into the traffic bureau, enabling the bureau to not only maintain current staffing levels, but also to purchase new equipment designed to facilitate law enforcement operations.

At the officer level, the FPD recognizes the outstanding contributions of officers in combating the DUI problem within the city. Fresno recognizes the officers who arrest the highest numbers of impaired drivers during the course of a year. The first-, second-, and third-place officers are recognized and awarded with a certificate. The FPD has also instituted a "DUI" pin to acknowledge superior performance. The differently colored pins include white for 50 DUI arrests, blue for 100 DUI arrests, silver for 300 DUI arrests and gold for 500 DUI arrests. The award of a gold pin includes a commendation medal.

The FPD is also active in State and national law enforcement DUI program competitions. In 2007, the FPD was awarded the "Outstanding Agency Award" at the 2007 MADD National Conference. That marked the second year in a row that the agency received this honor, an accomplishment that has never been accomplished by any other agency in MADD's history. In the International Association of Chiefs of Police's Law Enforcement Challenge, Fresno received six first-place finishes at the State level and a third, a second, and a first place finish at the national level.

There has also been significant media attention on Fresno's DUI efforts. The agency was profiled on NBC Nightly News on "What Works in America" and the *USA Today* newspaper. Fresno is also invited to present at traffic safety conventions nationwide.

### Problem-Solving

As with any enforcement program operational issues and challenges will arise as the program expands and increases in complexity. The FPD was able to address these issues and challenges though innovate problem solving. By having operational oversight of these programs, Department and bureau leaders were capable of proactively ad-

---

dressing issues before they could threaten the stability of the program. Examples of this include:

- ▶ **Public Image Campaign** - The department's aggressive public image campaign helped to educate the public about the merits of the city's many DUI programs. Ultimately, the public acceptance of the program has enabled the program to flourish.
- ▶ **Officer Quality** - The officers of the TEU are handpicked by commanders. This enables commanders to create highly effective and trusted teams. This in turn helps to ensure the ongoing success of the DUI and traffic enforcement programs.
- ▶ **Administrative Support** – Bureau leaders were able to create a number of administrative support positions within the Department. Without this administrative support, the growth of the DUI enforcement program would not have been possible.

## Challenges

The City of Fresno faced a number of operational and financial challenges related to its DUI enforcement efforts. In each case, however, Fresno demonstrated the versatility to overcome these challenges.

**Operational:** One of the most daunting challenges for the FPD was to sell the public on its traffic safety and DUI reduction programs. In 2002 when the Fresno Police Department first instituted its aggressive traffic enforcement program the public raised concerns about the programs motives. Some questioned the legitimacy of the enforcement program, stating that it was tantamount to simply raising taxes, a method for local law enforcement to gain additional funding. Fresno slowly debunked these misconceptions through a public image campaign that illustrated the enforcement effort was designed to keep people safe, not to increase city revenues. Furthermore, the city clarified that this program actually protects the general tax payer. Rather than increasing taxes across the board to pay for DUI and traffic enforcement, under Fresno's plan the violator must be responsible for his or her actions. Fresno wanted to hold the violator responsible rather than the taxpayer who obeys traffic laws. This public image campaign continues today, with the FPD routinely discussing the merits of its DUI and traffic enforcement programs with the local and national media.

An additional challenge the traffic bureau faced was the Fresno court system's inability to handle the increased load citations that the traffic bureau was issuing when they commenced the traffic safety enforcement effort. To mitigate this issue, the traffic bureau temporarily staffed eight additional court administrative positions to manage the backlog of paperwork caused by the rapid increase in citations. Once the court staff caught up with current levels of citations, it was able to maintain the necessary levels of productivity to process traffic citations in a timely manner.

**Financial:** Throughout the recent history of the Fresno Traffic Bureau, the agency has had to overcome a series of financial challenges. Specifically, the agency required significant amounts of capital to get many of its DUI programs off the ground. As discussed, the core of Fresno's DUI enforcement efforts is the officers responsible to traffic enforcement. In order to expand its influence, capital was required to hire more officers and procure more equipment. Without an infusion of capital it would have been difficult for many of these DUI programs to ever gain the critical mass necessary to become self sufficient programs.

---

Fresno was successful in overcoming this challenge through the use of grant funds. These funds enabled the FPD to increase the size of the enforcement unit, enabling the agency to generate more revenue through enforcement citations to support ongoing efforts.

It should also be noted that Fresno opted to outfit the traffic unit with motorcycles rather than traditional police cars. This was, in part, a financial decision as a fully outfitted police motorcycle costs less than a fully outfitted police cruiser.

## **Winnebago County Safe Streets Treatment Options Program**

### **Executive Summary**

The Winnebago County Safe Streets Treatment Options Program is a community level DWI program that provides court-ordered supervision and treatment or education services to second- and third-time OWI<sup>4</sup> offenders in Winnebago County, Wisconsin. Housed in the county's Department of Human Services, SSTOP supervises OWI offenders for approximately 12 months, during which time they must report to the case manager regularly, comply with electronic monitoring requirements, complete community service, attend a victim impact panel, cooperate with a substance abuse assessment, and comply with education or treatment services and their Driver Safety Plans.

The program is a pilot program, funded through offender fees and fines, and county property tax revenues. SSTOP operation costs funded through county property tax revenues are balanced by savings in incarceration costs to the county. SSTOP participants serve reduced jail sentences under the condition that they participate and comply with SSTOP requirements. Operating with an approximate annual budget of \$66,000 per year, it is 100 percent self-sufficient.

### **Background**

Located in east-central Wisconsin, Winnebago County is 579 square miles and home to a primarily rural and suburban population of approximately 160,593 residents (U.S. Census, 2008). According to Census data, the mean age of Winnebago County's residents is 37. Approximately 78 percent of the county's population is 18 or older; 10 percent of Winnebago County residents live below the poverty level.

Data suggest that the number of alcohol-impaired-driving fatalities in Wisconsin has remained fairly constant during the past five years, although those numbers have been an increasing percentage of the overall fatal crashes during that same timeframe (NHTSA, 2008). The number of alcohol-impaired-driving fatalities in Winnebago County has also remained fairly constant, suggesting a slight decrease in fatalities per 100,000 persons since 2004.

Wisconsin has traditionally been slow to embrace a more punitive approach to impaired driving. It was the last state in the nation to reduce its per se impaired-driving law from .10 g/dL to .08 g/dL, and is currently the only State in the country where an offender's first impaired-driving offense is a civil infraction rather than a criminal

---

<sup>4</sup> Wisconsin State Statute 346.63 identifies impaired-driving behavior as "Operating Under the Influence of Intoxicant or Other Drug"; this offense is commonly referred to in Wisconsin as "OWI."

---

offense. National alcohol-related crash fatality rankings consistently place Wisconsin among the States with the highest numbers of alcohol-related fatal crashes.

## Current Program

SSTOP is a pilot program that was initiated in early 2007. It is a community supervision program that allows second- and third-time OWI offenders who reside in and are convicted in Winnebago County to participate in court-ordered community probation supervision and substance abuse treatment or education services while significant portions of their jail sentences remain suspended. The program is voluntary in nature; instead of a more lengthy jail sentence, the program requires 12 months of probation, participation in substance abuse treatment or education services, and compliance with specific individualized rules, which may include electronic monitoring, participation in a day reporting program, full-time employment, community service, drug testing, and participation in a victim impact panel.

SSTOP was one of two programs developed by the Winnebago County Safe Streets Initiative, a group comprised of many county leaders, including the county sheriff, district attorney, county executive, county board members and circuit court judges. This group's mission statement states, "The primary purpose of the Winnebago County Safe Streets Initiative is community safety. We are seeking a balance between punishment and rehabilitation by providing alternatives to incarceration. Our focus will include treatment and programs to instill accountability in citizens involved in offenses against our community. Our intent is to effectively use both government and community-based programs. The goal is to have a more productive citizen upon completion of these programs thereby lowering the rate of recidivism."

Although initially conceptualized and currently guided by the Safe Streets Committee, the Winnebago County Department of Human Services (DHS) operates SSTOP on a daily basis. One case manager is responsible for the community supervision and case management of approximately 100 offenders at any given time. This case manager works closely with staff from the sheriff's Office, circuit court, and community-based service providers to ensure that participants are compliant with court-ordered requirements and program activities. The overall operation of the program and its budget is directly managed by DHS management, guided by the Safe Streets Committee.

## Program Components

### Case Management and Supervision

Throughout offenders' participation in SSTOP a case manager monitors their activities, treatment and program compliance. Following an initial assessment, the case manager refers the participant to treatment, education, victim impact panel, community service, electronic monitoring, and any other service as appropriate for the rehabilitation of the offender. The offender agrees to participation in SSTOP and to compliance with program requirements. The case manager requires regular reporting from the participant, and communicates with service providers and other partners to ensure that the offender is compliant.

### OWI Assessment and Driver Safety Plan

According to Wisconsin statute, each OWI offender must complete an OWI assessment and comply with a Driver Safety Plan. The SSTOP case manager assesses the offender and develops the Driver Safety Plan according to the OWI assessment findings. The case

---

manager is responsible for reporting all relevant information regarding the OWI assessment and Driver Safety Plan compliance to the Wisconsin Department of Motor Vehicles.

## Treatment

Based on the findings of the OWI assessment, the SSTOP participant may be referred to substance abuse treatment. This treatment may be outpatient, inpatient, individual or group therapy, or hospitalization.

## Education

Based on the findings of the OWI assessment, the SSTOP participant may be referred to substance abuse education. This programming is typically provided in classroom or group counseling settings for a specified period of time.

## Victim Impact Panel

Each month the clerk of court's office coordinates a victim impact panel. At these panels family members who have been a victim of an impaired-driving accident shares their experiences, as well as an incarcerated impaired-driving offender.

## Electronic Monitoring

The sheriff's office operates an electronic monitoring program as an alternative to incarceration. Most SSTOP participants are required to complete 10 to 15 days of electronic monitoring at the outset of their SSTOP participation at a cost of \$23.10 per day for this supervision; this covers the cost of the operation of the electronic monitoring, including the equipment, remote monitoring and staff time involved in electronic monitoring-related activities. The offender wears an ankle bracelet that tracks whereabouts, and also has an alcohol sensor. In addition to the electronic monitoring the sheriff's office will periodically conduct unannounced visits to the offender's house to ensure they are in compliance with all program requirements.



**Figure 18: SSTOP electronic monitoring equipment**

## Community Service

SSTOP participants are typically ordered to complete a prescribed number of community service hours. The SSTOP case manager may assist the participant in securing a community service position.

## Day Reporting Program

The sheriff's office operates a Day Reporting program that SSTOP participants may be required to attend if they are unemployed. This program provides supervision, employment counseling, life skills coaching, and outpatient substance abuse and mental health counseling.

## Historical Perspective

In 2004 Winnebago County court rooms were crowded with substance abuse offenders and the newly constructed local jail was operating at maximum capacity. A group of

---

county criminal justice officials, organized by a circuit court judge with support from the county sheriff and a county board member, organized a fact-finding mission to gather information from successful community supervision programs in other Wisconsin counties and neighboring States. The group ultimately formed the Winnebago County Safe Streets Initiative, a county effort to develop and support effective alternatives to incarceration. Members of the Safe Streets Committee include circuit court judges, the county sheriff, the county executive, county board members, the district attorney, the public defender, local police chiefs, the county human services director, and probation representatives.

This committee initially focused its efforts on the development of two programs, one of which involved community supervision of repeat impaired drivers. Circuit court judges reported that court rooms were full of drivers arrested for driving with revoked licenses following OWI arrests. In Wisconsin, a driver convicted of OWI is required to complete an OWI assessment and comply with a Driver Safety Plan developed based on the assessment findings. Until compliance with these requirements is reported to the Wisconsin DMV, that driver's operator's license remains revoked. If that driver is found guilty of Operating After Revocation (OAR), fines and jail time are imposed; the State requires that repeat OAR offenders serve mandatory minimums of 5-, 30-, and 60-day jail sentences, for second, third and fourth OAR offenses, respectively.

Not only were high numbers of these non-compliant OWI offenders continuing to drive on Winnebago County roads, they were using county resources as they filled the dockets in circuit court and occupied county jail beds. The Safe Streets Committee reasoned that perhaps repeat impaired drivers may be more compliant with OWI assessments and Driver Safety Plans if they are supervised in the community and receive treatment to address the alcohol-related driving behavior. The concept for SSTOP was developed in an effort to supervise repeat impaired drivers in the community, supporting rehabilitation in an effort to prevent OWI and OAR occurrences. The committee suggested that community supervision of these offenders would result in a decreased cost to county taxpayers; community supervision (SSTOP) costs approximately \$3 per day, versus a jail cost of approximately \$45 per day.

However, according to Wisconsin statute, OWI offenders cannot be placed on probation until their fourth OWI conviction. The Safe Streets Committee used the leadership skills of its each of its members, as well as political will and savvy to urge the State legislature to permit probation as a permissible consequence for second and third OWI convictions. The committee gained the support of the local State senator to sponsor the measure, and ultimately a bill was passed that permits Winnebago County to sentence second- and third-time OWI offenders to reduced jail time if the offender voluntarily submits to community supervision. Community supervision is fully funded through local government; the Wisconsin Department of Corrections is not responsible for the supervision of these offenders. This bill declares Winnebago County's program to be a pilot; at this time the law remains unchanged in the rest of Wisconsin. However, other Wisconsin counties have expressed interest in developing similar programs and during the next legislative session it is expected that the pilot program in Winnebago County will be extended to counties across the State.

During the legislative process to permit the development of SSTOP, two State agencies did not endorse the development of the program. The Wisconsin Department of Corrections (WDOC), responsible for probation and parole services statewide, did not endorse the measure due to the unfunded increase in offenders it would be required to super-

wise if such a sentencing option were approved. By identifying the sentencing option as a community-based supervision program, funded locally, this concern was addressed. An additional concern that WDOT raised was that sentencing options in Winnebago County for second- and third-time OWI offenders are not equal to those options in other Wisconsin counties, thus challenging Wisconsin's constitutional "notion of equal protection under the law" (WDOT, 2006). This remains an outstanding issue identified by WDOT.

The requisite legislation was passed and enacted on May 10, 2006. Once this bill was enacted, Winnebago County moved forward to implement SSTOP.

## Operations

While the Winnebago County Department of Human Services (DHS) operates SSTOP, many partner and support organizations are involved in the program's implementation as described below.

### Department of Human Services

The DHS manages the daily operation of SSTOP. One DHS employee serves as the SSTOP case manager, overseeing the supervision of all SSTOP participants. This case manager completes OWI assessments for all SSTOP participants, refers them to education or treatment programming as indicated by the assessment results, and refers them to community service, victim impact panel and electronic monitoring or jail time as required. The case manager monitors the participants' compliance with SSTOP, communicating regularly with education and treatment providers, community service sites and the county sheriff's office. The case manager also reports status to the circuit court, providing all legal documentation to the court as required.

In addition to the employment of the SSTOP case manager, DHS provides clinical supervision of that staff person and manages the SSTOP program financially. This involves negotiating contracts and billing with treatment providers, providing required documentation to the State regarding OWI Assessment and Driver Safety Plan activities, and requesting OWI-related funding from the State according to identified administrative processes.

The DHS Behavioral Health Services division manager is a member of the Safe Streets Committee.

### Sheriff's Office

The Winnebago County Sheriff's Office works closely with the DHS SSTOP case manager to monitor SSTOP participants during their electronic monitoring phase. This involves tracking offender's whereabouts to ensure compliance with movement restrictions, as well as unannounced home visits to ensure compliance with electronic monitoring rules prohibiting alcohol and weapons in the home. In addition, if a SSTOP participant is involved in the Day Reporting Program, or the Work Release Program, the sheriff's office communicates regularly with the SSTOP case manager regarding compliance.



**Figure 19: Winnebago County, Wisconsin Department of Human Services**



**Figure 20: Winnebago County, Wisconsin Sheriff's Department**



**Figure 21: Winnebago County Courthouse**

The Winnebago County sheriff is a member of the Safe Streets Committee.

### **Circuit Court**

All circuit court judges hear cases of repeat impaired drivers and may sentence an offender to SSTOP. These judges also hear cases of probation revocation as required. One circuit court judge was instrumental in the development of the Safe Streets Initiative and SSTOP, and continues to be extremely active with the Safe Streets Committee. A second circuit court judge has become involved and also sits on the Safe Streets Committee. In addition, the circuit court clerk’s office organizes the victim impact panels that occur monthly.

Two circuit court judges are members of the Safe Streets Committee.

### **Communication**

In order to share information effectively, the DHS SSTOP case manager communicates with relevant partner entities on a daily basis to discuss specific participants. This occurs primarily through telephone and email. SSTOP participants are also required to submit written reports regarding monthly activities. In addition to the daily communication occurring in regards to offender supervision, the Safe Streets Committee meets monthly to discuss overall program activities, successes, and challenges. The SSTOP case manager participates in these meetings to share specific operational information with the committee. These established avenues of communication promote problem solving and consensus building in support of SSTOP.

### **Program Activities**

SSTOP became fully operational in December 2006. Program statistics have been tracked since that time.

**Figure 23: SSTOP Statistics**

<b>SSTOP Participants</b>	
Females	61
Males	141
<b>TOTAL</b>	<b>202</b>
Age Range	19-77
Second OWI	88
Third OWI	114
Average BAC	.20 g/dL
Completed Driver Safety Plan	83
Successfully Completed Program	52
Revoked	38

---

A preliminary examination of recidivism among SSTOP participants suggests that of those who successfully completed SSTOP, only 6 percent have been rearrested for OWI, compared with a statewide recidivism rate of 52.4 percent.<sup>5</sup> However, due to the small number of SSTOP graduates and the limited timeframe available for recidivism analysis, it is premature to complete a statistically sound recidivism study at this time.

SSTOP participants who fail to meet the conditions are typically revoked, removed from the program and sentenced to more traditional jail time.

## Key Partnerships

The Safe Streets Committee provides oversight and guidance to SSTOP. This committee meets monthly to discuss program operations, challenges, and outcomes. The agencies represented on this committee work together to ensure that SSTOP operates as effectively as possible. Committee Members:

Two Circuit Court Judges  
Winnebago County District Attorney  
Winnebago County Sheriff  
Winnebago County Public Defender  
Winnebago County Executive  
Winnebago County Board Chairman  
Two Winnebago County Board Members  
Winnebago County Department of Human Services Director  
Winnebago County Department of Human Services Behavioral Health Services  
Division Manager  
Appleton Police Department  
Oshkosh Police Department  
State Legislator (House of Representatives)

## Funding Sources/Processes

A fundamental strength of SSTOP is its self-sufficient funding process. While program costs may vary year to year due to dynamic treatment needs, and revenues may vary based on State allocations of OWI surcharges, to date SSTOP has been almost 100 percent self-sufficiently funded through offender fees and surcharges. Additionally, the county suggests that it has saved over \$150,000 in incarceration costs by reducing jail sentences for SSTOP participants.

Direct funding sources for DHS operation of SSTOP are derived from four specific sources: offender assessment fees; offender OWI surcharge routed through the court; offender OWI surcharge routed through the State; and county tax levy funds generated through property taxes.

### Offender Assessment Fee

Each offender convicted of OWI in Wisconsin is required to complete an OWI Assessment; State law permits the assessing agency to charge a fee from the offender to support the costs associated with completing that assessment. In Winnebago

---

<sup>5</sup> Recidivism was measured for those who completed the one year program from start of program up to 5 months after completion.

---

county offenders pay a fee of \$196 to DHS; SSTOP participants' fees support their OWI assessments. The SSTOP case manager completes these assessments.

### **Offender Surcharges Routed Through Court**

According to Wisconsin State statute, offenders convicted of OWI must pay a fine and a surcharge to the court. These fines and surcharges are defined by the State and very based on level of offense. The average fine and surcharge totals \$355. Approximately 60 percent of each surcharge goes directly to DHS from the court, in accordance with Wisconsin State statute, to support OWI-related activities.

### **Offender Surcharges Routed Through State**

While 60 percent of the each OWI offender's surcharge goes directly to DHS from the court, according to Wisconsin State statute, the remaining 40 percent is forwarded to the Driver Improvement Surcharge Account at the Wisconsin Department of Administration. Local jurisdictions may apply for a portion of their locally generated funds from this account to support OWI-related activities. Funding levels for each jurisdiction are not guaranteed and must be pursued annually. Winnebago County DHS typically applies for these funds each year to cover treatment costs for SSTOP participants and other OWI offenders.

### **Winnebago County Property Tax Levy**

In Wisconsin, property taxes fund a large portion of local government operating costs. Each year approximately 60 percent of the DHS Behavioral Health Services Division budget is derived from local property taxes. Property tax levy revenues are used to cover treatment costs for DHS clients that are outstanding once all other revenue sources are exhausted, including Medicaid and private insurance. Exact treatment costs directly attributed to SSTOP participants are not available; during SSTOP's first year of operation, all treatment costs were covered by offender fees and surcharges. However, given the variability in treatment costs, some tax levy funds may be occasionally used to fund treatment costs for SSTOP participants. SSTOP participants' treatment services and costs are not tracked separately from other DHS clients.

Program operation costs are managed by the Winnebago County Department of Human Services and include one case management staff position, and substance abuse treatment services for individuals without private insurance or Medicaid coverage.

Total program operation costs and revenues for the first year of SSTOP (December 2006-December 2007) were:

Program Operation Cost Estimates:	\$65,800
Revenue Estimates:	
Assessment fees:	\$29,204
Court surcharges:	\$31,662
State surcharges:	\$ 4,934
Percent Self-Sufficient:	100%

---

## Successful Strategies

### Collaborate

From the outset of the development of SSTOP, even prior to its conceptualization, a collaborative group of county leaders committed to working together to develop effective alternatives to incarceration. With the formation of the Safe Streets Committee, and its monthly meeting schedule, the framework for collaborative planning, implementation and ongoing program guidance was established. This collaborative approach is critical to accomplishing the Initiative's goals.

### Define scope and realistic objectives

The Safe Streets Committee has a primary goal of developing effective alternatives to incarceration. Initially this committee focused on the development of two programs serving narrowly defined populations of offenders. One of those populations was second- and third-time OWI offenders. By clearly identifying the program population, and modeling the program on best practices for effectively rehabilitating that population, the scope of the committee's initial program development was well defined. As the initial two programs of the Safe Streets Initiative have become more established, and successful, the committee has begun examining the need for additional programming in the county. This has occurred in a deliberate manner, building upon existing successes and leveraging existing resources.

### Ensure Leadership is Supportive

A group of county leaders developed the Safe Streets Initiative. A circuit court judge, the county sheriff, and a county board member took leadership roles in generating support from partnering county agencies and criminal justice entities. Once the Initiative began conceptualizing programs, the Safe Streets Committee members identified key individuals and organizations whose political support would be critical in the program development and implementation phases. Many of those individuals and organizations were ultimately invited to join the Safe Streets Committee and weigh in on planning and implementation decisions. It should be noted that the organizing community leaders were politically savvy in their identification of critical partners. Specific organizations were purposefully excluded due to political concerns. Currently, political support for the Safe Streets Initiative and SSTOP is strong.

### Communicate

The Safe Streets Committee meets monthly to discuss its activities, including SSTOP. This regular forum for discussion facilitates consistent communication and collaboration. In addition to the monthly leadership meetings, the SSTOP case manager communicates regularly with supportive partners regarding daily offender supervision, as well as administrative program management issues.

### Be Flexible/Problem Solve

Using an established collaborative approach and consistently communicating with partners ensures that problem solving activities successfully identify and resolve issues that may be obstacles to the program's success. This was the case during the initial development of SSTOP, when modifications to the original design of the program were made to accommodate the concerns expressed by the Wisconsin Departments of Corrections and Transportation. Minor program modifications have been made since the program's inception, to address administrative and documentation issues. Currently the issue of

---

treatment costs is being examined by the Safe Streets Committee, as these costs are presenting a challenge to the success of individual participants, as well as to the financial management of SSTOP.

## **Challenges**

SSTOP has overcome a variety of challenges since the concept was first introduced in 2005. These challenges have been overcome by supportive leadership and collaborative problem solving.

### **Legal**

State legislation was required to establish SSTOP. According to Wisconsin State Statute, OWI offenders cannot be placed on probation until their fourth OWI conviction. The Safe Streets Committee used the leadership skills of each of its members, as well as political will and savvy to urge the Wisconsin State legislature to permit probation as a permissible consequence for second and third OWI convictions specifically for Winnebago County. SSTOP was ultimately established as a pilot program. All of the successful strategies identified above were critical to SSTOP's ability to overcome these initial legal hurdles.

### **Operational**

Because SSTOP is a program that is used as a sanction by the court, and a program that works with OWI offenders, legal and administrative documentation must be provided to the Winnebago County Circuit Court and the Wisconsin Department of Motor Vehicles. As the program became operational, many minor issues regarding how to most accurately and expeditiously meet the documentation requirements of these two entities needed to be addressed. DHS and the county sheriff's office worked together, with the circuit court, to facilitate the resolution of these issues. The strategies of collaboration and communication were critical in the successful resolutions of these issues.

### **Financial**

While SSTOP is significantly self-sufficient, the costs of substance abuse treatment for SSTOP participants are difficult to predict on an annual basis. This presents a challenge to DHS as they allocate resources. Each year a varying number of participants may or may not have private insurance, or qualify for Medicaid, to cover treatment costs. Currently the Safe Streets Committee is examining the option of operating a small outpatient treatment program for SSTOP participants without health insurance. Using a collaborative approach, the committee hopes to resolve this issue within the next year.

---

## References

Alcohol-impaired-driving countermeasures. (2005), 23 USC Chapter 4 Section 410.

City of Albuquerque Motor Vehicle Seizure and Forfeiture Ordinance. (1994). Chapter 7, Article 6 of the Revised Ordinances of Albuquerque, New Mexico.

*City of Albuquerque v. One (1) White Chevy* UT, (2002) NMSC 14; Case Number: 27067; Supreme Court of the State of New Mexico. <http://wyomcases.courts.state.wy.us/applications/oscn/DeliverDocument.asp?CiteID=392010>

City of Albuquerque Office of Administrative Hearings (2008). September 5, 2008. <http://www.cabq.gov/clerk/boardscom.html>.

Copeland, L. (2006). *Some See Fresno's DUI Crackdown as a Model*. USA Today, November 6, 2006.

Court of Common Pleas, Northampton County, Pennsylvania. (2008). *Driving Under the Influence Program*. October 17, 2008. <http://www.nccpa.org/divs/duiprogram.html>.

Finigan, M. W., & Carey, S. M. (2001, December). *Analysis of 26 Drug Courts: Lessons Learned, Final Report*. Washington, DC: National Institute of Justice. Available at <http://www.ncjrs.gov/pdffiles1/nij/grants/194046.pdf>

Fresno Police Department. (2008a). *Mission Statement*. August 21, 2008.

Fresno Police Department. (2008b). *Traffic Accountability, Increasing Traffic Safety and Reducing Crime*. Internal Document (MS PowerPoint Presentation).

Fresno Police Department Traffic Bureau. (2008a). *Fresno Police Department Traffic Bureau Operations Manual (revised January 2008)*.

Fresno Police Department Traffic Bureau. (2008b). Internal Statistics. August 21, 2008.

Fresno Police Department Traffic Bureau. (2008c). *Operation Plan, DUI Campaign, August 20, 2008*. Internal Document.

Fresno Police Department Traffic Bureau (2008d). *Can Traffic Collisions Be Reduced With a Sustained Revenue Source?* Formal Submission for 2008 Herman Goldstein Award for Excellence in Problem-Oriented Policing.

Grandy, K. (2008). DUI Probation Program, Spokane, Washington. Telephone Interview, February 6, 2008.

Groffie, P. (2008). New Jersey Division of Highway Traffic Safety. Telephone Interview, February 1, 2008.

---

Hedlund, J. H. (2005). *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*. DOT HS 809 980. Washington, DC: National Highway Traffic Safety Administration. September 30, 2008. [www.nhtsa.dot.gov/people/injury/airbags/Countermeasures/images/Countermeasures.pdf](http://www.nhtsa.dot.gov/people/injury/airbags/Countermeasures/images/Countermeasures.pdf)

Heimbach, M. The Court of Common Pleas, Northampton County, Pennsylvania. Telephone Interview, February 15, 2008.

Kalich, D., & Evans, R. (2006). Drug Court: An Effective Alternative to Incarceration. *Deviant Behavior* 27, pp. 569-590.

Lord, J. H. (2001). *A How To Guide for Victim Impact Panels: A Creative Sentencing Opportunity*. DOT HS 809 289. Washington, DC: National Highway Traffic Safety Administration. October 29, 2008. [http://www.nhtsa.dot.gov/people/injury/alcohol/VIP/VIP\\_index.html](http://www.nhtsa.dot.gov/people/injury/alcohol/VIP/VIP_index.html)

Miner, K. St. Croix Valley Restorative Justice Center, River Falls, Wisconsin. Telephone Interview, January 4, 2008.

National Conference of State Legislatures. (2000). *Dedicated State Tax Revenues: A Fifty-State Report*. October 9, 2008. <http://www.ncsl.org/programs/fiscal/pmtaxrev.pdf>.

National Highway Traffic Safety Administration (2008). *NHTSA Traffic Safety Facts Fatality Rates*. Washington, DC: National Highway Traffic Safety Administration. September 18, 2008. <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/.htm>.

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. (2005).. Pub. L. No. 109–59—Title 23 Chapter 4 Section 410 (2005).

Safe Communities Coalition of the Red River Valley. (2008). *Red River Valley Safe Communities Coalition Membership Manual*.

Wisconsin Department of Transportation State Patrol Bureau of Transportation Safety. (2006). *Memorandum: "Analysis of 2005 SB-530 (as amended by Senate Amendments 1 and 2) creating a pilot program in Winnebago County for repeat OWI offenders. May 5, 2006*. Internal Document.

U.S. Census Bureau. (2008). *State and County QuickFacts*. October 17, 2008. <http://quickfacts.census.gov/qfd/states/26000.html>.

Williams, D., Gunnels, M., & Richie, S. (2005) *A Review of New York State's STOP-DWI Program*. DOT HS 809 951. Washington, DC: National Highway Traffic Safety Administration. October 22, 2008. <http://www.nhtsa.dot.gov/people/injury/alcohol/nystopdwiprogram/index.htm>

---



## Appendices

**A: Program Matrix**

**B: Program Contact Information**

## Appendix A: Program Matrix

Program	Location	Program Type	Operational Unit	Operating Budget*	Revenue Sources	Program Description
Albuquerque Vehicle Forfeiture Program	Albuquerque, New Mexico	Enforcement	Albuquerque Police Department	\$1,333,333	Vehicle auction revenues; offender fees and fines	Vehicles driven by repeat impaired drivers are seized and immobilized or forfeited to City of Albuquerque.
Eaton County DUI Court	Eaton County, Michigan	Offender Supervision	Eaton County District Court	\$114,000	Offender fees and fines	DWI offenders are supervised and referred to treatment by Court; graduated sanctions and rewards are used.
Fresno Police Department Traffic Bureau	Fresno, California	Enforcement	Fresno Police Department	\$9,100,000 (total traffic enforcement) \$120,000 (DUI-related activities)	Offender fees and fines	Various DWI enforcement strategies target impaired drivers, including checkpoints, saturation patrols, repeat offender tracking, and targeted enforcement.
Safe Communities Coalition of the Red River Valley (SCCRRV)	Fargo, North Dakota	Prevention and Education	Safe Communities Coalition	\$45,000	Beverage control fines; offender fees	A multijurisdictional coalition provides Victim Impact Panels for first time offenders; operates server training programs for all alcohol servers; and coordinates Alcohol Compliance Checks of local establishments.
Safe Streets Treatment Options Program	Winnebago County, Wisconsin	Offender Supervision	Department of Human Services	\$65,800	Offender fees and fines; incarceration costs savings	Second- and third-time OWI offenders are placed on probation, referred to treatment, and supervised in the community for one year.

\*Operating budget figures are estimates

---

## **Appendix B: Program Contacts**

### **Albuquerque DWI Vehicle Forfeiture Program**

Sergeant Troy Luna  
DWI Seizure Unit  
Albuquerque Police Department  
400 Roma Avenue NW  
Albuquerque, NM 87102  
Phone: 505-761-4089, ext. 222  
Mobile: 505-250-7951  
Fax: 505-761-4098  
E-mail: tluna@cabq.gov

### **Eaton County DUI Court Program**

The Honorable Judge Harvey Hoffman  
Eaton County DUI Court  
1045 Independence Boulevard  
Charlotte, MI 48813  
Phone: 517-543-7500  
E-mail: HHoffman@eatoncounty.org

### **Safe Communities Coalition of the Red River Valley**

Robyn Litke, Safe Communities Coordinator  
Safe Communities Coalition of the Red River Valley  
Fargo Cass Public Health  
401 3rd Avenue N  
Fargo, ND 58102  
Phone: 701-241-1341  
Fax: 701-241-8559  
E-mail: rlitke@cityoffargo.com  
Web site: [www.mysafecommunity.org](http://www.mysafecommunity.org)

### **Fresno Police Department Traffic Bureau**

Sergeant Eric Eide  
Fresno Police Department Traffic Bureau  
1343 Bulldog Lane  
Fresno, CA 93710  
Office: 559-621-5052  
E-mail: eric.eide@fresno.gov

### **Winnebago County Safe Streets Treatment Options Program**

Safe Streets Treatment Options Program Manager  
Safe Streets Treatment Options Program  
Department of Human Services  
220 Washington Avenue  
PO Box 2187  
Oshkosh, WI 54903  
Phone: 920-236-4700









DOT HS 811 300  
July 2011



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

★★★★★  
**NHTSA**  
www.nhtsa.gov