

National Survey of Driving While Impaired (DWI) Courts

Question-By-Question Justification

The purpose of this survey is to provide details about the operation of DWI Courts and Hybrid DWI/Drug Courts so that NHTSA will have the information it needs to design an evaluation program assessing the effectiveness of this Problem Solving Court. From these questions, NHTSA will determine what variable conditions to subject to testing and what Court program information to collect within an evaluation program. The survey will also reveal whether the Courts are following the Ten Guiding Principles of DWI Courts issued by the National Center for DWI Courts (NCDC). The Guiding Principles are:

- Determine the population;
- Perform a clinical assessment;
- Develop the treatment plan;
- Supervise the offender;
- Forge agency, organization, and community partnerships;
- Take a judicial leadership role;
- Develop case management strategies;
- Address transportation issues;
- Evaluate the program; and
- Ensure a sustainable program.

Section 1 – General Information

This section will obtain basic information concerning who the Court programs serve and their case flow. It will provide demographic information that will be applied by NHTSA to decisions regarding site criteria when developing the agency's DWI Court evaluation plan; specifically, the extent to which designated demographic characteristics are to be represented in DWI Courts participating in evaluation efforts. The case flow information will provide data on program size and attrition, which also will fit into decisions regarding what Courts to include in evaluation efforts. Reasons for attrition may point to specific program characteristics that NHTSA will wish to focus on in designing its evaluation program.

Contact: The questionnaire will first ask for contact information pertaining to the primary individual responsible for filling out the questionnaire. This is so that NHTSA can follow up with that person if some question of importance arises from the information the Court has submitted. It also provides a contact if NHTSA later has an interest in inquiring whether the Court would be interested in participating in an evaluation study.

Q1, 1a, 1b	Q1 will identify whether the respondent is a DWI Court or a Hybrid DWI/Drug Court. If the Court no longer fits into one of those two categories, the questionnaire will ask why it no longer does (Q1a; Q1b), and then terminate the interview.
Q2	Q2 will ask how the Court identifies itself.
Q3	Q3 asks the year the Problem Solving Court first began operating. This will allow NHTSA to consider the maturity of programs when reading through the program characteristics.
Q4-9	These questions collect basic demographic information: urbanicity of area served (Q4, 5) and distribution of DWI Court program participants by age and sex (Q6), race and ethnicity (Q7, 8), and employment status (Q9).
Q10-12	Q10 seeks to confirm that entry into the DWI Court program occurs post-conviction, which is a different sequence from what occurs with Drug Courts. The following two questions explore incentives the Courts have to entice offenders to agree to enter the DWI Court program, with Q11 asking if offenders first serve jail time before entering the Court program and Q12 asking what happens to charges upon graduation from the program.
Q13-13.a	These questions identify the overall program size by recording the number of active participants.
Q14-15b	These questions will identify the maximum capacity of the program in terms of the number of offender cases it can handle (Q14), whether more offenders are eligible for the program than can participate (Q15), and how decisions are made on whom gets to enter the program if more are eligible than can participate (Q15a-15.b). Combined with responses to other questions, this will tell us if programs are typically operating at-capacity, below capacity, or above capacity.
Q16-21	These questions will provide information on the inflow and outflow of offender cases. Inflow information is the number that entered in the previous calendar year (Q16). Outflow information covers graduation (Q17-18) and attrition (Q19-20) from the program, including reasons for attrition (Q21).

Section 2 – Program Structure

This section addresses the criteria that offenders must meet to enter the program, whether the program changes as offenders progress through it, and the expected duration of the program. Each of these areas will likely impact NHTSA decisions regarding what DWI Courts to recruit for evaluation efforts.

- Q22-22.a The section begins by asking if the Court assignment rotates among judges (Q22) and how long judges typically are assigned to the DWI Court (Q22.a). This provides an indicator of stability of program oversight at the Court.
- Q23-23.b1 These questions ask whether the program changes for individual offenders as they progress through it (Q23-23.a), including whether the program is structured in phases (Q23.b-23.b1). A major objective of DWI Courts is to tailor program services to the needs of the participating offenders. The information obtained here will tell us whether offenders are receiving services updated over time to meet their needs as they evolve in the program.
- Q24-26 These questions ask the minimum (Q24) and average (Q25) amounts of time offenders spend in the program, and whether expected length (Q26) varies according to specified factors. Programs that are effective in dealing with substance use problems are known to require substantial treatment time. Answers to these questions will tell us if the program duration is sufficient for treatment to have a chance to be effective.
- Q27-33.b DWI Courts will only be effective if they are able to direct their program services to people who can benefit from those services. In other words, it's a matter of getting the right people into the program while screening out those for whom the program is not expected to work. These questions explore how the Courts are deciding on their treatment populations by asking the criteria used to determine that an offender is eligible or ineligible to participate in the DWI Court program. The initial questions ask the factors whose presence would exclude offenders from entering the program: criminal history (Q27-27.b), failure to meet a DWI violation threshold (Q28), and other exclusionary criteria (Q29). Respondents are also asked if offenders must sign a contract agreeing to program rules (Q30) and whether failing a substance use test results in expulsion (Q31). Remaining questions ask what is used to determine program eligibility (Q32-32.a) and whether a mental health assessment is part of that determination (Q33-33.b).

Section 3 – Program Operations

This section focuses on how the Courts manage their DWI Court program. It covers automated systems used by the DWI Court programs to monitor their operations, and how personnel that are part of the DWI Court program manage individual cases. This will provide a sense of the types and quality of information that DWI Courts could provide for evaluation efforts.

- Q34-34e Any evaluation of DWI Courts will require that participating Courts have management information systems through which Court operations and client progress can be tracked. This subsection provides information on whether Courts are using and maintaining automated systems for those purposes. It asks if the Court has a computerized system for tracking client progress (Q34), and if so, who is required to enter data into the system (Q34.b), how often client records are updated (Q34.c-34c.1.), who uses the system for monitoring (Q34.d), and what is the type of information maintained in the system (Q34.e)? A sidebar to this is a question asking respondents who don't have a computerized system whether they are aware of a web-based performance monitoring tool called TRI-CEP (Q34.a). This tool was developed with funding from NHTSA. Since NHTSA was involved in its development, we want to find out if there is a problem in that Courts not using a computerized system don't know about TRI-CEP.
- Q35-35a Since cost benefit analysis is an important part of program evaluation, we want to see if automated systems used by the Courts contain cost information. Thus respondents will be asked if they are using a computerized system that tracks program operations costs (Q35), and if so, what cost categories are tracked (Q35.a).
- Q36 This question (Q36) asks the length of time between offenders' initial arraignment in Court and their entry into the DWI Court program. It identifies the extent to which treatment may be delayed for offenders.
- Q37-39.c1 The DWI Court model is built on, and dependent upon, a strong team approach. The information obtained from these questions will guide NHTSA's decision as to whether the agency will test different approaches to the team strategy during program evaluation and what those test conditions would be. Respondents will be asked who the team members are (Q37), the amount of turnover on the team (Q38), some details about the team's conduct of staffing meetings (Q39-39.b), whether the team makes

recommendations about what will happen to the program participant during the offender's next Court appearance (Q39.c), and whether the judge follows through on the recommendations (Q39.c1).

Q40-42 The structure provided by the Court for the interaction between the offender and his/her case manager is another potential variable to test in an evaluation of DWI Courts. Q40 asks which part of the justice system the case manager is based in, Q41 asks if the frequency of meetings with the case manager varies over time in the program, and Q42 asks the frequency of meetings with the case manager during the first months in the program.

Q43-44 An NCDC Guiding Principle for DWI Courts is that they address transportation issues of their clients. The clients will typically have their driving licenses suspended or revoked upon conviction for an impaired driving offense, and this loss of driving privileges will tend to pose significant issues for them and lead some of them to drive without a license. The information obtained here will identify the approach that the Courts are taking to address the transportation needs of program participants (Q43), and whether the Courts monitor participants' compliance with any license restrictions they have received (Q44).

Section 4 – Treatment and Drug/Alcohol Testing

DWI Courts are designed to change the behavior of hardcore DWI offenders, with treatment being at the core of dealing with the complexity of the problem. Drug/alcohol testing is also a critical feature of the DWI Court program as it is used to monitor whether the participant is adhering to prohibitions against substance use and responding to treatment. Thus treatment and testing are areas that NHTSA wants to look at closely as it decides how best to structure a plan for program evaluation. Specifically, NHTSA will need to know the treatment and substance testing regimens carried out by DWI Courts in order to determine what configurations to subject to evaluation. The questions seek to determine who conducts the treatment and substance testing for the Court program, what is subsumed under treatment and testing, and procedures for treatment and testing.

Q45-47 These questions ask about treatment service providers. They will provide information on whether treatment is operated through the Court (Q45), the number of substance abuse treatment providers serving Court clients (Q46), and the treatment services or community groups being used (Q47).

Q48 This question asks which drugs are used by the Court program for treatment.

- Q49 This question asks if treatment includes cognitive behavioral therapy.
- Q50 This question asks whether the Court program is finding sufficient numbers of slots for its clients in specified types of treatment programs. It is an indicator of whether the Court is encountering obstacles in meeting its treatment goals with clients.
- Q51 This question asks if the Court integrates mental health and substance abuse treatment for participants with co-occurring disorders. Addressing these independently would tend to mean that the program participant is not receiving the right treatment to deal with his or her complex disorder.
- Q52 This question asks about the application of technology in the Court program for monitoring and testing purposes.
- Q53-60 This battery of questions will provide details about the substance testing practices of the Court. It asks how drug/alcohol samples are collected (Q53), who collects the samples (Q54), whether the collection of test specimens is supervised (Q55), which substances are tested for (Q56), whether testing is conducted by the Court or an outside party (Q57), the speed with which test results are available (Q58), whether the frequency of drug/alcohol testing varies over the course of the program (Q59), and how often program participants are tested (Q60).

Section 5 – Courtroom Processes

Other important aspects of the DWI Court program are the schedule of appearances in Court that the participant must fulfill during the course of his or her participation in the program, and the incentive system set up to press participants to adhere to program requirements and follow through with their treatment.

- Q61-64 Program participants are typically required to appear in Court on a periodic basis during which the Court goes over how the participant is progressing in the program and addresses any issues. In particular, the Court notes any violations of program rules and responds in a manner it deems appropriate. If NHTSA finds wide variation across Courts in how they manage this process of imposing accountability on program participants, then this is a likely test variable when planning program evaluation efforts. The section begins by asking how frequently the participants appear in Court during the initial phase of the program (Q61), whether that frequency changes over time (Q62), and if so, what

the frequency is during subsequent phases (Q62.a). The purpose is to see how tightly the Court is maintaining control over the participant. Respondents next are asked the level of direct interaction between the judge and the program participant during the Court appearance (Q63) as an indicator of involvement in the case by the judge. Respondents are then asked whether the participant leaves the courtroom after his/her case has been addressed or else stays to witness the proceedings of following cases (Q64). Staying for other cases would lead to participants seeing the consequences of program violations by other program participants.

- Q65-70.a Sanctions for violating program rules are necessary tools used by DWI Courts to keep a difficult population on-track to overcoming their problem behavior. But what are the sanctions that DWI Courts apply, and how do the Courts apply them? NHTSA needs to make those determinations before deciding on what sanctions and related procedures to include in program evaluation efforts. The necessary information will be provided by questions asking:
- What infractions result in sanctions (Q65);
 - How are rules for sanctioning communicated to program participants (Q66-66.a), and how often are those sanctioning rules followed (Q66.b);
 - Do sanctions progressively increase with repeated infractions (Q67);
 - How soon are sanctions imposed for positive drug tests (Q68) and for other types of infractions (Q69); and
 - Who has authority to impose the sanction (Q70-70.a)?

- Q71-71.b The other side of the coin is rewards that DWI Courts provide to program participants for achievements. These questions ask if the Court has a formal reward system (Q71), and if so, to specify the achievements that elicit rewards (Q71.a) and what rewards are given (Q71.b).

Section 6 – Graduation

This section will collect information on the criteria that DWI Courts use to determine that program participants have successfully completed the program. It reflects what the Courts are hoping to attain, and will provide information on orientation that will be useful when later recruiting Courts to participate in program evaluation.

- Q72-72b This item asks the minimum time that program participants must be clean and sober, and sanction-less, to graduate from the program.

- Q73 This item asks respondents to identify any other graduation requirements for the program.
- Q74 Of interest is whether the program maintains ties with participants after graduation. This question asks if there are opportunities for graduates to return as mentors or in some other capacity to work with the program.

Section 7 – Other Issues

- Q75-75.b Among the NCDC Guiding Principles is the axiom for DWI Courts to evaluate their programs. These questions ask if the Court has conducted any evaluation (Q75), and if so, inquires as to what was evaluated (Q75.a). In addition, NHTSA would like to see the results of any Court evaluations that have been conducted, and therefore has asked respondents to upload any reports that are available (Q75.b).
- Q76-78 Lastly, the NCDC Guiding Principles include a call for ensuring the sustainability of the program. To that end, the questions here ask about the presence of grant funding (Q76), other sources of funding being used (Q77), and whether the Court has developed a written plan for sustaining its DWI Court program (Q78).