

Overarching Comments:

1. There are many sections where there are resources in the field, many of them that NHTSA has developed, as well as NHTSA's partners. It would be helpful to those using the tool if more resources would be listed on the form. Those resources would be helpful not only to add explanation to the questions asked, but also to offer those using the tool to see what might be available or ways they should be looking to improve their systems. There are some great resources listed, but many more could be added.
2. Each worksheet ends with a series of questions about the Strengths, Challenges, and Plans for Improvement. Those sections ask excellent questions and would really give the participants the ability to think about how to address each component. Rather than just listing them in a sentence, I would recommend you create a box/line for each one and a space to answer. For some of these things there may even be resources to direct them. Each worksheet would benefit from having those great ideas set-out for responses.
3. Most of the worksheets seemed to be geared to statewide officials. While statewide officials will likely know the law and statewide resources, they may not be able to answer for every jurisdiction or be able to give details on disparate jurisdictions and practice. The inverse is true in that individual stakeholders may know how things are done in their jurisdiction but not statewide. It was not always clear what level the questions were aimed at.

Introduction:

1. The introduction should include a description of the Resources column in the self-assessment and how to use the information included in the Resources column.
2. In the opening paragraph more statements should articulate what's in it for the participants – answer the question why should they go through this effort and this exercise? Possible additional statements such as, "Completion of this self-assessment will provide participating States and/or jurisdictions with an analysis of gaps and strengths in and across the criminal justice components to ensure a cohesive and strong approach to drug impaired driving. Since Resources are provided for specific areas, it can also serve as a pointer tool for respective components to build areas that need to be addressed. The results of the evaluation tool will provide strong support for strategic planning efforts including a baseline environmental scan, a SWOT analysis (Strengths-Weaknesses-Opportunities-Threats), priority focus areas, and potential resources for strategies to address and implement efforts to strengthen the program across the criminal justice system."

Law Enforcement worksheet:

1. More resources should be listed throughout the questions. These could be listed for NHTSA resources or they could list all the numerous resources available through NHTSA partners as well such as IACP or NSA.
 - a. For the questions under 1.3 for example the SFST training NHTSA program could be listed under resources,

https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/sfst_full_participant_manual_2018.pdf

- b. Or the refresher course in the next question could be listed, https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/sfst_pm_refresher_manual.pdf
 - c. Nearly every question could have a listed resource/best practice if not from NHTSA from one or more of their partners.
2. In the section entitled Plans for Improvement/Recommendations, it would be more likely an agency responding will write answers to all 3 questions posed in the one box if they are laid out separately, i.e., a line/box for Target for Improvement, a separate line/box for Identify Your Specific Goals, and a line or separate box for Action Steps, a separate line/box for Timeframes.
 - a. In addition, add another line/box for Person or Agency to Lead each of the action steps.
 - b. Without specific places to document the next action to take place, it is unlikely this portion of the tool will be used by agencies in the field.

Prosecution worksheet:

1. In section 2.1 Leadership, I would recommend moving the Attorney General to the last on the list. While they have statewide authority, typically they have less involvement in leadership in prosecution of traffic safety. That leadership more often will come from the local prosecutor's office or the prosecutor coordinator's office. In only a couple of states, i.e., Rhode Island and Delaware, does the Attorney General serve as the prosecutor in the state and have the lead. I wouldn't want them to get hung up on whether the AG is engaged and supportive. That office may have a limited role and so their engagement may not have much impact on prosecutions in the state.
2. In Section 2.3 regarding dedicated DWI Prosecutors, in the resources section for the third line of that section, consider recommending "adequate" or "appropriate" trial skills training. Typically, if law enforcement has this responsibility, they don't need the trial advocacy program offered through the National Traffic Law Center. They do need training appropriate and adequate for the type of trial for which they are responsible, and it will be different than the type the prosecutor's office is responsible to conduct.
3. In section 2.4 consider adding monitoring "and assessment" to the description. More and more jurisdictions are requiring pre-trial risk assessment which can include not just flight risk but also need for treatment services or even pre-trial diversion programs. Perhaps expand the description in that section to include Pretrial Monitoring, Assessment, and Diversion.
4. In section 2.6 Coordination, it might be better to title it TSRP Coordination since the questions seem to more focused on states who have TSRPs.
 - a. It would also be helpful to document answers that provide more information than just yes or no. For example, it would be helpful to know if TSRPs are actively involved in state DWI task forces and impaired driving trainings but holding leadership positions, being on committees, leading some statewide multidisciplinary initiatives, and so forth. Even if you just added a request like "Please describe" it would be better than just a yes/no which could mean a lot of involvement or very little.
 - b. It might be helpful to ask another question that would apply to states that do not have any TSRPs. For example, does the prosecutor coordinator's office actively participate in

State DWI Task Forces or impaired driving trainings? All the states have a prosecutor coordinator's office but not all states have TSRPs.

- c. The first two lines seem to be geared to state level participation in impaired driving initiatives, whereas the third line is about the local prosecutor who is actually handling cases. It's not likely the person answering will know what line prosecutors handling their cases are doing for case prep and the prosecutors with a DUI caseload will not necessarily know what the TSRP or prosecutor coordinator does at the state level. It's probably best to separate those out and maybe have a new section 2.7 on Local Prosecutor Coordination at Trial or something along those lines. Then you could add plea negotiation policy questions for the local level.
5. Consider adding another section on Local Prosecutor Coordination. Move the 3rd question of section 2.6 to that newly created section.
 - a. Add a question about whether the Local prosecutor's office participates or meets with DUID task forces and specialized units on the local level?
 - b. Add, whether the local prosecutor's office has a policy of prosecution DUID cases to trial? If not, how are they handled?
 - c. You could also ask, does the local prosecutor's office have a plea negotiation policy that applies office-wide to DUID cases, or are those plea negotiations handled on a case by case basis?
 - d. What are the factors considered in plea negotiations of DUID cases?
6. In section 2.7 Data Collection I would recommend changing the wording in the third line. Instead of referring to a "case charging system" (Perhaps those types of systems are used by law enforcement?) and instead use the phrase a "case management system". Case management systems are the most commonly used system in prosecutor offices. There may be data collected there that is not being tapped for these types of cases. Generally, prosecutors do not have charging systems. Prosecutors are mandated by Constitution and statute to manage cases from charging to disposition, sentencing and post-conviction. Charging is only the first step in the prosecution of a case. Typically, a law enforcement officer charges the offender at time of arrest. The prosecutor must decide after that point whether the charges are appropriate or need to be modified or if they will engage in plea negotiations and change the underlying charges after a variety of factors are considered.
 - a. You may also want to consider more detailed questions about what the case management system is able to capture. If the state has a different statute number for DUID versus a regular impaired driving offense, they may be able to track it by statute sections. If the state does not have a separate statute, then the case management system would have to have been fine-tuned to capture that information and the distinctions, which probably less likely.
 - b. In the 4th line regarding policies in the State that inhibit prosecution, consider adding other examples, i.e. state legislation making proof beyond a reasonable doubt almost impossible, caselaw prohibiting some types of evidence at trial, and so forth.
7. Section 2.8 is very vague and is not clear about what information it is intended to assess. I'm not sure a prosecutor could ethically answer that they are not aware of caselaw in their state as that sounds like grounds for misconduct and violation of their prosecutorial responsibilities. As the question reads now, it's not likely the responses will be very informative.

- a. Maybe ask something like, “Are there mechanisms in the state to inform prosecutors about caselaw concerning drug-impaired driving in their State, such as through the TSRP, prosecutor coordinator, state Attorney General, or other mechanism? What mechanisms do they use most often?”
8. Section 2.9 Supervision, I would suggest changing the second line to be more active voice, i.e., When offenders violate probation, **do** prosecutors make recommendations for imposing a harsher sentence or additional services such as treatment, etc.?
9. For the section on Plans for Improvements/Recommendations I would recommend making the same changes recommended for the Law Enforcement worksheet to break down each of the components listed and also adding naming who will be responsible for the action steps in the timeframe.

Judiciary Worksheet:

1. Most of the question and areas of discussion are asking about statewide circumstances or implementations. It might be best to address this to the State Administrative Office of the Courts who will know what is being done statewide. A local judge may not know what other judges are doing if they are at the opposite end of the state for example.
2. The first section 3.1 about Judicial Outreach Liaison might be too cryptic for some agencies to respond. There’s no resource listed, perhaps something that NHTSA or the regions put out about the JOL program would be helpful. If this question is in introduction to the existence of the program it would be great if they could learn where to go to find out more and maybe bring the program to their state.
3. The second question in the section on JOLs may need some additional questions. In some states the Code of Judicial Conduct (or Ethics) would prohibit a judge’s participation in a state DWI task force unless the task force had both prosecutor and defense attorneys on it. I don’t know what representatives make up most state DWI task forces. Maybe add a question like, What Enhancements to the State DWI Task Force would make it possible for a JOL to participate?
4. In section 3.2 Prompt Adjudication of Drug-Impaired Driving Cases these questions may not be easy for judges to answer because they won’t have access to the information to have the answers. These questions may need to be moved to other worksheets.
 - a. On the first line with the questions about established guidelines or standards they would know if there were judicial guidelines although often judicial guidelines are created as sentencing guidelines rather than prompt adjudication. Other state statute or Constitutional requirements would likely contain standards for time of arraignment, speedy trial, and so forth. Also depending on the jurisdiction in some states, judges will have information regarding services provided and monitoring of offenders. In other states these would all be handled by probation and would only be given to the judge if the offender was in violation of the services and monitoring that were ordered in the disposition. Judges generally won’t know much about this. Perhaps moving this question to the probation sheet would provide more information to this question.
 - b. The judge is also unlikely to be able to answer the second line regarding time from arrest to adjudication. Judges are unlikely to have easy access to information about arrests. They also may not have a system to track arrest to adjudication. Often the case numbers will not be the same at time of arrest and time of adjudication which would

make it difficult to match up cases and get that timing. I would recommend this question be moved to the prosecutor questions. The prosecutors do get arrest information and would be handling the prosecution side of adjudication to know about how long it takes to move through their office from one point to the next.

- c. I would recommend removing this section for judges to answer and split the questions up so the first one would go to probation and the second one would go to prosecution. It is unlikely judges would have complete information and therefore, would be unlikely to be able to answer either question.
5. Section 3.9 about diversion programs is good but in many states, diversion programs are different in each jurisdiction or judicial district because they don't have the same resources. For example, there are often more opportunities for diversion programs in urban areas where there are more resources than in more rural areas. The state Court Administrator may be able to answer a statewide question about diversion programs easier than a local judge. But a local judge could tell you about what diversion programs are offered in their jurisdiction. It depends what information you are looking for.
6. In the second question under 3.9 about underage drug-impaired driving, juveniles are typically charged in juvenile court and the judges assigned to juvenile court will be different from those handling adult court cases. If you are asking this question of the state court administrator perhaps they will know the answer to both. Judges will know the answer for their system but if they are in adult court they may not be familiar with how juvenile offenders are handled in juvenile court. Juvenile court proceedings are almost always confidential and governed by different rules accordingly.
7. For the Strengths, Challenges and Plans for Improvement consider creating lines for each of the things you suggest they do in those sections. It's more likely they will complete the boxes if you give them space to do so.

Community Supervision sheet – appears to be for some in a statewide position rather than a local department. The same recommendations for the Strengths, Weaknesses, and Plans for Improvement at the end to separate out the lines you suggest, to allow them space to write up a plan for themselves.

Toxicology Section:

This section seems to be written for a statewide level official to complete rather than an individual toxicologist.

1. The first question in section 5.1 asks about drug-impaired driving testing. The toxicologist is likely testing blood or drugs found at the scene for drugs. "Drug impaired driving testing" is often the phrase used for SFST or DRE testing. Perhaps change the wording to make it clear this is drug testing, i.e., Do you have more than one laboratory in your state that performs drug testing for drug-impaired driving cases?
2. In section 5.1 the second box has multiple questions. It would be easier to respond if those were separated out or turned into a number followed by a, b, c, etc.
3. The last sections on strengths, challenges, and plans for improvement need multiple lines in order to respond.

Treatment section:

This section asks questions that are likely aimed at a state level official who knows about programs and practice across the state. There doesn't seem to be a way to account for differences between various jurisdictions. It's possible the collaboration and programs are not uniform across the state. These questions will likely not capture the differences between jurisdictions.

Data Section:

1. In section 8.2 EMS Data, the second question is whether EMS tracks how many times opiates are administered in the field. Is this a question about the number of times Narcan or other drugs are administered to treat opiate overdose? I'm not sure when an EMS person would be administering opiates in the field?
2. Section 8.5 prosecution charging data seems like it be better answered in the prosecutor's section rather than in this data section. Many prosecutor offices will have some kind of a case management system that could probably provide some charging and other data. Most statewide data systems would not track all the details of the prosecution and the outcomes of motions, testing, assessments, etc. that could impact the outcome of arrests and dispositions.