

# Strategies for Success

## COMBATING JUVENILE DUI

PB2000-101725



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# Foreword

The illegal use of alcohol by minors contributes significantly to juvenile delinquency and violence. Motor vehicle crashes kill and injure more young people than any other cause, and alcohol is a factor in about a third of these crashes.

Combating underage drinking is a key factor in the ongoing efforts of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to protect youth and society. At the same time, youthful drinking and driving represents a sizeable portion of the traffic safety problem challenging the National Highway Traffic Safety Administration (NHTSA).

OJJDP and NHTSA have collaborated on numerous initiatives to address the serious problem of juvenile alcohol use and to reduce the harmful effects that this unlawful and unhealthy practice can lead to.

We recognize that the development and implementation of effective prevention and intervention programs is crucial to solving this problem. We also know that the enactment of sound laws and their rigorous enforcement through swift criminal justice intervention is critical to success.

The purpose of this publication is to empower criminal justice professionals to take the lead in working with others to plan a coordinated response to alcohol-related delinquency, particularly as it relates to traffic offenses.

We hope that *Strategies for Success: Combating Juvenile DUI* will assist you in your efforts to make a difference by providing a healthier and safer environment for your community and its youth.

Shay Bilchik  
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# Introduction

This publication is part of “Strategies for Success: Combating Juvenile DUI,” a four-part series that describes the Juvenile DUI Enforcement Program. The comprehensive program connects eight foundation elements in a single framework. Series documents are as follows:

**Part I: Building Programs That Work** covers overall strategy and individual steps that the police chief executive or other local justice official can use to lead the implementation of those components that will work best in the local community.

**Part II: The Eight Foundation Elements of a Successful DUI Strategy** presents the building blocks of the comprehensive Juvenile DUI Enforcement Program. Each block or element combines with others to create a multidisciplinary program uniting the local justice system with social services and the private sector. Included here are short descriptions of innovative programs targeted toward preventing juveniles from driving under the influence of alcohol or other drugs (DUI).

**Part III: Support Tools for Building Programs That Work** contains policies, procedures, press releases, and other information the executive can use to facilitate the process of implementing the eight foundation elements.

**Part IV: Leadership Roles for Officials** contains three action-oriented papers addressing police, prosecutors,

and judges, each written by a current or former official from that discipline. The papers describe specifically why leadership by each official is essential to implementation of the eight foundation elements in the community. The papers also describe approaches that worked well for the authors and their colleagues.

**To obtain copies of these documents, please contact:**

Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20849-6000, phone (800) 638-8736, or

National Highway Traffic Safety Administration, Office of Traffic Injury Control Programs, 400 Seventh St., S.W., Washington, DC 20590, phone (202) 366-2727.

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# Preface

## *The Juvenile DUI Enforcement Program*

**M**otor vehicle crashes are the number-one killer of teenagers and other young adults (*Vital Statistics Mortality Data, 1994, Centers for Disease Control and Prevention*). Over 35 percent of motor vehicle fatalities of people 15 to 20 years of age are alcohol related. These tragedies have shaken nearly every community in the country.

Faced with the dramatic and deadly problem of juvenile impaired driving, police executives and their communities are struggling to shape a response. Education and other prevention-oriented programs implemented in the schools yield only limited results. Juvenile arrestees, undeterred by their sanctions and the potential consequences of their actions, continue to drive after consuming alcohol. Without an integrated, coordinated local strategy, communities soon learn that the individual decisions made by police, prosecutors, and judges are often inconsistent and can be ineffective.

The Juvenile DUI Enforcement Program, jointly sponsored by the Office of Juvenile Justice and

Delinquency Prevention and the National Highway Traffic Safety Administration, was created to unify the various elements of anti-DUI enforcement in a single, comprehensive framework. The program represents a blueprint for action: a set of instructions and resources for a local, system-wide response to juvenile impaired driving due to alcohol and other drugs. The program goes beyond the traditional police response to DUI by linking enforcement efforts with public education, prosecution, adjudication, and treatment. Rather than just responding to events as they occur, the program helps communities get ahead of the curve to reduce juvenile drug- and alcohol-related crashes, injuries, and fatalities.

The Juvenile DUI Enforcement Program was implemented in five demonstration sites: Albany County, New York; Astoria, Oregon; Hampton, Virginia; Phoenix, Arizona; and Tulsa, Oklahoma. The information presented in this publication is based on the experiences and reflections of officials in those sites. With the help of a comprehensive program, the sites were able to present a more unified, aggressive, and proactive response to juvenile DUI. Their successes may be replicated and improved on in other jurisdictions.



# Acknowledgments

The Juvenile DUI Enforcement Program series benefited greatly from the insightful suggestions of several expert advisors who devoted their time in reviewing this project's draft materials: **Honorable Philip Trompeter**, Juvenile and Family Court Judge, Roanoke, Virginia; **Iris Hart**, National Council on Juvenile and Family Court Judges, Reno, Nevada; **Patricia Gould**, Director, National Traffic Law Center, American Prosecutors Research Institute; **Chuck Pena**, Executive Director, Northern Virginia Mothers Against Drunk Driving (MADD); **Joseph Trotter**, Director, Justice Programs Office, The American University; **Kay Chopard**, Office of Communications and Outreach, National Highway Traffic Safety Administration (NHTSA); **Judy Kosterman**, Community Anti-Drug Coalitions of America; and **Amy Schapiro**, former Research Assistant, Police Executive Research Forum (PERF). This series could not have been produced without the outstanding contributions of **Molly McConville**, former Research Specialist, PERF, who completed work on the four final work products.

Special thanks go to the expert advisors who provided early and ongoing review of project activities. Each has an impressive record of involvement with initiatives to prevent driving under the influence of alcohol or other drugs (DUI) and with other justice system innovations, and each contributed that expertise generously over the course of the project. The advisors are former **Lt. Col. Thomas Carr**, Maryland State Police (now Director, Washington-Baltimore High Intensity Drug Trafficking Areas, or HIDTA); **Darrel W. Stephens**, Assistant City Manager, St. Petersburg, Florida; **Honorable J. Dean**

**Lewis**, Judge, Juvenile and Domestic Relations Court, Spotsylvania, Virginia; **Honorable Andrew Sonner**, former Montgomery County State's Attorney (now Circuit Court Judge, Rockville, Maryland); **John V. Moulden**, President, Transportation Safety Associates; **Bill Butynski**, former Executive Director, National Association of State Alcohol and Drug Abuse Directors; **Barbara Harsha**, National Association of Governors' Highway Safety Representatives; and **Charles Hurley**, National Safety Council.

Perhaps most important, the information presented in the Juvenile DUI Enforcement Program publications is based on the experiences and reflections of the demonstration sites. The personnel at these sites were able to present a more unified, aggressive, proactive response to juvenile DUI: **Rose Ewing**, Community Service Council, Tulsa, Oklahoma; **Lt. Lynn Jones**, Tulsa Police Department, Tulsa, Oklahoma; **Maj. Jerry Hunter** and **Lt. Tom Clifford**, Hampton Police Department, Hampton, Virginia; **Dr. Denis Foley**, Director, Albany County STOP-DWI Program, Albany, New York; **Assistant Chief William Georges**, Albany Police Department, Albany, New York; **Insp. Craig Masterson**, New York State Police; **Kay Diaz**, **Sgt. Bill Niles**, and **Sgt. Joe Knott**, Phoenix Police Department, Phoenix, Arizona; and **Carol Servino**, DUI Coordinator, Astoria Police Department, Astoria, Oregon.

Last but not least, gratitude and deep appreciation go to the program managers, **Sharie Cantelon** of the Office of Juvenile Justice and Delinquency Prevention and **Jim Wright** of NHTSA, for their patience, perseverance, and willingness to explore the best ways to get the job done.



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# Strategies for Success

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COMBATING JUVENILE DUI

*Part I*  
*Building*  
*Programs*  
*That*  
*Work*



# Foreword

Leadership by police executives is a vital element in the comprehensive Juvenile DUI Enforcement Program developed by the National Highway Traffic Safety Administration and the Office of Juvenile Justice and Delinquency Prevention. But before a police executive can be convinced to take on that program, he or she needs to understand why it is necessary and how central is his or her acceptance of the key leadership role. Without this vital foundation, the rest of the comprehensive program cannot get started. And in order to initiate the program, the chief needs to understand what leadership means in this context and how that role can actually be welcomed and supported by community leaders who are equally dedicated to preventing deaths and serious injuries.

*Part I: Building Programs That Work* represents our effort to bring together the wisdom of many national experts and the rich experience of the five demonstration sites. We believe that we have distilled the necessary lessons and that they are presented in clear and simple language that every executive can pick up and run with—and every group in the community can support.

Clifford L. Karchmer  
Project Director  
Police Executive Research Forum  
Washington, D.C.



# The Juvenile DUI Problem

## *2 teenagers dead as speeding car flips on Route 7*

Driver loses control less than two miles from Thursday's fatal crash; alcohol is an apparent cause.

*Does this headline sound familiar? Have you seen similar tragedies in your own community?*

Of course you have. Throughout your law enforcement career, you have seen these headlines, been there at the scene, and had to make those calls to a teenager's parents, telling them their child was killed or injured in a terrible crash. If only teens and parents could see what you have seen, those headlines wouldn't be so common. Right?

Obviously, the solution to juvenile DUI (driving under the influence of alcohol or other drugs) is not that simple. But you are the chief, and the community holds you and your department responsible. Is that fair? Fair or not, it's true. You have a choice: do what you can to prevent the problem, or risk having the community perceive that you are at least partly responsible for it. Surely the first option, which saves lives and shows law enforcement at its best, is the one to aim for. How will you address the problem of juvenile DUI? Will your department be active or inactive? Helping you, the police executive, answer those questions is the purpose of this publication.

The information presented here was derived from the collective experience of police departments in five juvenile DUI enforcement demonstration sites:

- Albany County, New York (in cooperation with the New York State Police)

- Astoria, Oregon
- Hampton, Virginia
- Phoenix, Arizona
- Tulsa, Oklahoma

*But is this really a major problem in my town?*

*First, the broad facts:*

- One-third of all deaths of people 15-20 years of age are caused by motor vehicle crashes, and more than 35 percent of those fatalities are alcohol related. In 1997, that meant 2,218 youths died in alcohol-related crashes. (Note: The National Highway Traffic Safety Administration defines as "alcohol related" any crash in which either the driver or a non-occupant, such as a pedestrian or bicyclist, had a blood-alcohol content (BAC) of 0.01 percent or higher.)

### Leading Causes of Death (Ages 15-20)

Rank	Cause	Percent of Deaths	Number of Deaths
1	Motor Vehicle Crashes	33%	6,232
2	Homicide	22%	4,159
3	Suicide	13%	2,395
4	Other Injury (falls, drowning, etc.)	9%	1,608
5	Cancer	5%	867
6	Heart Disease	3%	511

Source: National Center for Health Statistics (NCHS), *Vital Statistics Mortality Data*, 1995, Multiple Causes of Death (MCOB) File, NCHS, Centers for Disease Control and Prevention.

- There were 14 young drinking drivers involved in fatal crashes for every 100,000 young licensed drivers in 1995—twice the rate for drivers aged 21 and older.

- The 1995 National Institute on Drug Abuse (NIDA) “Monitoring the Future” survey found that nearly one-fourth of youths 16-20 years old have

### Crash Fatality Rate: Adult vs. Youth

Numbers Killed Per 100,000 Population

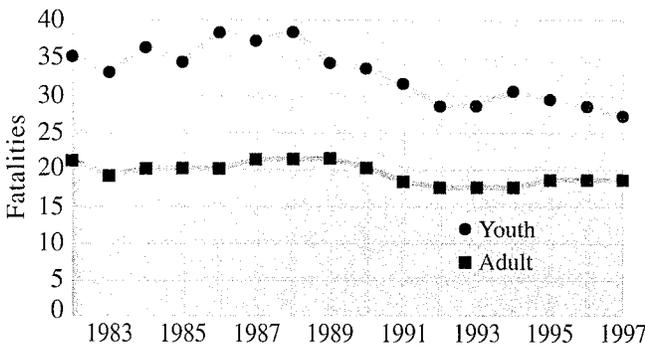
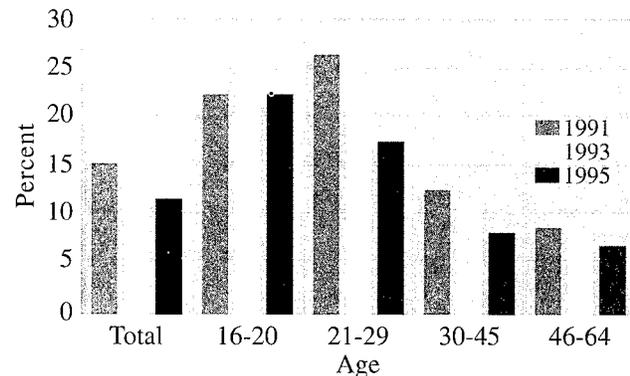


Chart refers to all crashes, not just those that are alcohol related.

been in a car with a driver they felt had consumed too much alcohol.

- The 1997 “Monitoring the Future” survey found that high school senior binge drinking is increasing.

### Rode with Driver Who May Have Consumed Too Much Alcohol



In the past 12 months, did you ever ride in a motor vehicle with a driver you thought might have consumed too much alcohol to drive safely?

- The youth population is expected to increase every year for the next 10 years.
- The U.S. Census Bureau estimates that in the year 2000 the youth population will be 23.9 million, an increase of 10 percent from 1995.
- More youths in the population means more young drivers and passengers, which usually means more total and alcohol-related crashes. Thus, the projected increase in the youth population can be expected to increase the youth DUI problem, even if present enforcement programs are maintained.
- Youth alcohol consumption is not a victimless crime. In addition to the costs and trauma associated with alcohol-related crashes, alcohol use contributes to increased rates of violent crime. Alcohol is a key factor in up to 68 percent of manslaughters, 62 percent of assaults, 54 percent of murders/attempted murders, 48 percent of robberies, and 44 percent of burglaries.
- The direct economic impact of alcohol-related crashes is estimated to be \$40.1 billion per year.

### Characteristics of Youth DUI

- **Place:** *Youths drink in different locations than adults.* Those places (parks, homes, etc.) are usually not covered by DUI patrols.
- **Time:** *Youths drink and drive in concentrated periods, usually Friday and Saturday, 10 p.m.-1 a.m.*
- **Driving Cues:** *Speeding, aggressive driving, and hard weaving suggest youth DUI.*
- **Arrest Processing:** *For youths, this can be even more difficult than typical DUI, requiring special holding facilities, parental notification, etc.*

Take a look at the next page. It contains a quick checklist to see how well your community is doing. *If you answer “no” to more than one question, this publication is definitely for you!*

# The Chief's Youth DUI Checklist

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The following statements and questions are designed to help you ascertain how extensive the youth DUI problem is in your community:

1) *Nationally, about 1 percent of licensed drivers (of all ages) are arrested for DUI each year. Drivers under age 21 are about 8 percent of licensed drivers but about 17 percent of fatally injured drivers.*

■ **What percentage of DUI arrestees in your jurisdiction are under age 21?** \_\_\_\_\_

■ **What percentage of fatally injured drivers in your jurisdiction are under age 21?** \_\_\_\_\_

2) *Officers will make DUI arrests when DUI enforcement is supported and promoted by police management.*

■ **Is there a command emphasis on DUI and youth DUI enforcement in your department?**

Yes     No

3) *Youths drink and drive at times and places that differ from older drivers. Often large numbers of youths congregate in houses or fields for keg parties.*

■ **Are DUI patrols deployed at key times and locations to detect youthful DUI offenders?**

Yes     No

■ **Does your department have an effective strategy for dealing with large concentrations of impaired youths in one place at one time?**

Yes     No

4) *Commanders in police agencies with high DUI enforcement rates consistently emphasize the importance of training. New youth DUI laws such as Zero Tolerance for Youth (.00-.02 BAC) and Use & Lose require special training.*

■ **Do police officers in your department receive initial and periodic training to maintain and upgrade their DUI enforcement skills and knowledge?**

Yes     No

5) *BACs at or below the per se or presumptive limit are common among youth DUIs. Prosecutors' failure to prosecute and judges' reluctance to convict low-BAC and/or youthful offenders have a direct effect on officers' decisions to arrest or not arrest impaired drivers.*

■ **Are low-BAC DUIs and youth DUIs prosecuted in your jurisdiction?**

Yes     No

■ **Are low-BAC and youth DUIs convicted in your jurisdiction?**

Yes     No

6) *Law enforcement agencies with proactive youth DUI programs typically have broad community support.*

■ **Is there widespread support in your community for youth DUI enforcement?**

Yes     No

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Source: D. F. Preusser, P. L. Ulmer, and C. W. Preusser, *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving* final report to NHTSA under contract DTNH22-91-C-05020.



# Why Take On This Issue in Your Community?

## *Disturbing The Status Quo*

**A**fter assessing the youth DUI problem in your community, you still may ask, “Why disturb the status quo?” Perhaps community awareness of this problem is low. Embarking on a new enforcement program without the requisite “political permission” is certainly a risky endeavor. Even if the youth drinking and driving problem is significant, what can a police chief accomplish without community support?

Your police colleagues in the five juvenile DUI enforcement demonstration sites asked the same questions and then showed that they could make a difference. Their choice, and yours, is *whether to be active or inactive*. If it hasn’t happened already, one day a high-profile youth DUI crash will awaken the community to the seriousness of the problem. Instead of waiting for a tragedy to happen, you can take a stance now to prevent it. The demonstration sites made progress, and so can you. The benefits of taking an active approach are numerous:

- Saving lives
- Reducing the short- and long-term economic costs of youth DUI crashes
- Enhancing your department’s image
- Improving the quality of life in your community
- Improving community policing efforts
- Enhancing cooperation with prosecutors, judges, probation officers, and other members of the criminal justice system
- Reducing your department’s civil liability

## *Taking Active Steps*

Many issues in the community compete for your department’s attention and resources: drugs, gangs, carjacking . . . you name it! If you decided to police according to public opinion polls, you’d probably be conducting a different crackdown every week. Events can overtake even the best strategic planners and push your department into campaigns that you, as a professional, know are unproductive. Police executives in the juvenile DUI demonstration sites took steps to get ahead of the curve.

So the choice is this: *Pull the community in the right direction before you get pushed in the wrong one, or flow with the status quo.*

Once you have decided to take an active position to combat the juvenile DUI problem in your community, step back and assess your department’s current enforcement approach. Is your department primarily using proactive efforts, such as keg ID, underage decoy operations, and teenage alcohol patrols, or reactive efforts, such as focusing on the arrest, processing, or rehabilitation of young DUI offenders? Modern policing has to be a combination of both proactive and reactive elements.

### **Underage drinking target of Cops in Shops**

- Program will place undercover officers behind store counters

arrest large numbers of underage purchasers,” said Lt. Michael Geraci, traffic division commander for the Colonie Police Department. “The purpose is to stop them from attempting to make a purchase in the

Identifying strategies that have worked in the demonstration sites may help your department step up its efforts. Here are some examples of what has been accomplished:

- The Colonie Police Department (within Albany County) increased its proactive efforts by putting undercover police officers in retail stores where alcohol is sold. The Cops in Shops program has been highly successful in apprehending (1) teens before they make a purchase with a false ID and (2) adults who attempt to purchase for them.
- The Phoenix Police Department's Youth Alcohol Education and Enforcement Squad also tried the program. It made 37 arrests in just six Cops in

Shops campaigns. Phoenix also employs a reactive approach by sending six specially equipped DUI enforcement vans out on patrol five nights per week. The program has drastically reduced the amount of time it takes to process DUI violations.

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*“The trick is finding the hot spots—where the kids are going.”*

Tempe Police Officer Ben Scott

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# A Comprehensive Youth DUI Enforcement Strategy

In 1992, the Police Executive Research Forum (PERF) entered into a cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for a project jointly funded by that agency and the National Highway Traffic Safety Administration (NHTSA). The project sought to increase cooperation among members of the criminal justice system and the community for the purpose of combating juvenile impaired driving. The project also sought to reduce the overall incidence of drug- and alcohol-related traffic crashes, injuries, and fatalities involving juveniles.

PERF first developed a demonstration project to identify innovative methods used in jurisdictions around the country. PERF's approach was to unite key components of the criminal justice system (police, prosecutors, judges, and probation officers) into a single, comprehensive Juvenile DUI Enforcement Program.

After creating the Juvenile DUI Enforcement Program, PERF solicited the involvement of five jurisdictions that had agreed to take a comprehensive approach to addressing juvenile DUI. Those jurisdictions served as demonstration sites where the DUI enforcement program could be implemented and tested. Although the sites were already employing innovative programs for juvenile impaired drivers, they took on added responsibilities in implementing the project's new program.

Use of the techniques and policies identified and developed in the comprehensive Juvenile DUI Enforcement Program has resulted in increased arrests of juveniles driving under the influence and subsequent declines in juvenile-related crash, injury, and death rates.

A year after the demonstration period ended, PERF, OJJDP, and NHTSA convened a forum with representatives from each site to review the juvenile DUI program and suggest changes based on their departments' experiences. The comprehensive Juvenile DUI Enforcement Program that resulted reflects their real-

world experience and advice. That program consists of eight major elements.

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## *Major Elements of the Juvenile DUI Enforcement Program*

- Policy Oversight and Coordination
  - Strategic and Tactical Planning
  - Reactive and Proactive Enforcement
  - Prosecution
  - Adjudication and Diversion
  - Supervision and Treatment
  - Public Education
  - Feedback and Evaluation
- 

## *Why is this program so inclusive? (Or, why you cannot do it alone)*

One of the canons of effective traffic safety programs, reinforced by experiences in the demonstration sites, is that all components of the traffic safety system must be included up front and either participate in or at least not interfere with the program. For example, every chief knows what happens to arrests when prosecutors routinely decline to pursue low-BAC cases or judges refuse to "take judicial notice" of a new piece of equipment or technique—arrests decline.

This "criminal justice feedback system" operates at all levels, both formally and informally, and defines how far participants can go in pursuing their responsibilities. Successful enforcement programs plan to *inform, include, and acknowledge* all the key "actors" in the community. Those parties include the police, prosecutors, judges, probation officers, driver licensing and treatment personnel, the general public, businesses, and special interest and civic groups.

Take a look at each major component of the program.

## *Policy Oversight and Coordination*

Central to the implementation and success of a youth DUI enforcement program is the establishment of a community policy group. Whether called a task force, council, or advisory group, this new or pre-existing organization contains the community's key players or

---

*Don't assume everyone is operating with the same level of understanding about the issue or the criminal justice process.*

---

their representatives. Group members are responsible for taking the basic framework of the juvenile DUI program and adapting it to the needs and resources of their jurisdiction. They have several jobs:

- Help form a consensus for action.
- Provide political support for program activities.
- Provide a forum for frequent communication and problem solving.
- Ensure the cooperation and participation of all necessary elements of the criminal justice system and key government agencies.
- Manage the program and develop resources to support it.

The group should include both official criminal justice system members, such as law enforcement, judiciary, prosecution, prevention, treatment, and probation representatives, and community members who are not part of the criminal justice system. See Chapter 4 for more information on organizing this key group.

## *Strategic and Tactical Planning*

Determining the nature and extent of the juvenile DUI problem is essential to effective strategic and tactical program planning. Strategic and tactical planning for the program by the core group should come first, before enforcement activities are begun. It should include these elements:

- *Problem identification and goal setting.*
- *Information collection* (especially from youths themselves and alcohol servers and sellers).
- *Use of allied agencies* (such as alcohol beverage control, zoning, and health departments; and natural resources, parks, and fish and game commissions) in enforcement efforts.
- *Focus on general deterrence*—that is, increasing perception of risk of arrest and penalty.

Effective strategic and tactical planning will improve arrest efficiency and deterrence. Standard information-collection techniques, such as analyzing youth crash and alcohol-related arrest data, will help suggest patrol deployment changes. However, other excellent sources of information are available from youths themselves. Party hot lines, announcements posted on bulletin boards, Web sites, flyers, and in-school talks have all been productive.

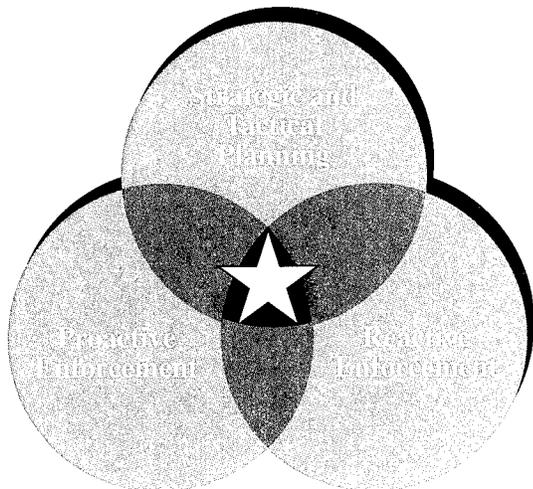
General deterrence, the strategy of preventing criminal activity before it occurs, is the hallmark of effective

policing. Without all the elements of deterrence—increased perceived risk of arrest and effective sanctions quickly applied—sustained crime reduction is not likely. See the companion document, *Part III: Support Tools for Building Programs That Work*, for more information on how to plan strategically for your community.

Enhanced DUI enforcement occurs through the combination of proactive, reactive, and planning elements, represented below by three circles. After an initial self-assessment, communities can increase their efforts where needed until all three circles interlock and overlap. The circles *interlock* because all three are needed for successful DUI enforcement, and they *overlap* because each effort builds on the others. This area of overlap represents the juvenile DUI program’s strategy for success. What works will be different with each locality, but all communities can structure their efforts according to this strategy.

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**Strategy for Success = Strategic and Tactical Planning + Proactive Enforcement + Reactive Enforcement**



## *Reactive and Proactive Enforcement*

### *Reactive*

Responding to the situation already on the street consumes the majority of most departments’ time and energy. Maximizing the deterrent effect of each traffic stop is important. Concepts such as “triple jeopardy” stress that stops for impaired driving, speed, or seat belt use must trigger checks for all three violations. The concept of “looking beyond the ticket” recognizes traffic enforcement’s ability to identify and suppress other crimes. These initiatives require no additional resources from the police. They do, however, require a commitment from the command staff, the patrol division, and any other unit assigned to traffic or DUI enforcement.

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*Don't worry if statistics go up at first.*

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Other reactive enforcement programs focus on reducing the time a patrol officer spends processing a DUI arrest; having taxi drivers and other motorists report suspected impaired drivers; and setting up sobriety checkpoints to target areas of extensive underage drinking.

Finally, reactive enforcement strategies should include the use of driver’s license sanctions such as administrative license revocation (ALR). Many advocates believe that prompt, mandatory suspension or revocation of juvenile drivers’ licenses for DUI is a successful deterrent.

## *Proactive*

Without question, every officer and chief would prefer to prevent or suppress juvenile drinking and driving rather than make an arrest or investigate a crash. Identifying local ordinances, patrol techniques, or other activities to accomplish that goal is what proactive law enforcement is all about. For example, one site enacted a local keg registration ordinance that helped identify purchasers and sellers of beer kegs (kegs were often found abandoned when underage drinkers scattered). Publicity about the program helped reduce youths' access to alcohol and encourage responsible sales practices.

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*Use technology, such as video cameras and portable breath-alcohol testers, where appropriate.*

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Police should also make use of available technology to help reduce the occurrence of juvenile impaired driving. In Hampton, the DUI Video Program was implemented as a tool to assist officers during the trials of suspected impaired drivers. In that program, a video camera is mounted in a patrol unit and is used to record the actions of a suspected impaired driver during the sobriety testing phase of the traffic stop. According to police, the program has been an extremely valuable addition and has received the support of the public and the acceptance of the courts.

For examples and details of specific enforcement programs, see the NHTSA report *Underage DWI Enforcement*, written by officers for officers, and the document *Strategies for Success: Combating Juvenile DUI—Part II: The Eight Foundation Elements of a Successful DUI Strategy*.

## *Prosecution*

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*Prosecutors should establish a written office policy to ensure consistency and uniformity of prosecutions.*

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Overwhelming prosecutors with a flood of unanticipated juvenile DUI cases would obviously doom any new enforcement initiative. However, with reasonable planning and the personal involvement of the chief and the courts, new strategies have been successfully implemented. Phoenix created a Prosecutor's Pretrial Conference, which allows a first-time juvenile DUI or minor-in-possession offender (along with his or her parents) to meet with the prosecutor to discuss a plea agreement in lieu of trial. Prosecutor case time has been significantly reduced, as has the juvenile court's DUI and minor-in-possession docket. Other examples of effective prosecution strategies can be found in *Strategies for Success: Combating Juvenile DUI—Part II: The Eight Foundation Elements of a Successful DUI Strategy*.

Prosecutors should examine the issues and write a policy to ensure consistent and uniform prosecutions. The policy should be comprehensive but leave an escape clause that allows the chief prosecutor to exercise discretion when appropriate. With a clear prosecutorial policy, police can be assured of support in court that will complement their efforts in the field. They should also be given the courtesy of an explanation when exceptions are made.

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### **Characteristics of Departments with High Arrest Rates for Youths Driving While Intoxicated (DWI)**

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- Police management emphasizes proactive DWI enforcement.
- Officers are commended for a DWI arrest.
- Arrests at and below the presumptive limit are made and prosecuted.
- Regular patrols “hand off” suspects to DWI specialists (limiting the regular patrol processing burden).
- Police are involved in community alcohol/drug prevention.
- Community provides positive support for DWI enforcement.
- Officers are provided extensive training (DWI detection, gaze nystagmus, DWI processing).

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Source: D. F. Preusser, P. L. Ulmer, and C. W. Preusser, *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*, final report to NHTSA under contract DTNH22-91-C-05020.

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*“Judges should reinforce law enforcement’s efforts. They should set special dockets for juvenile alcohol-related offenses at convenient times for officers, if necessary.”*

Honorable Philip Trompeter, Roanoke

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### *Adjudication and Diversion*

New strategies have also been employed to reduce the juvenile DUI and minor-in-possession caseloads before the courts. While most traffic safety experts, NHTSA, and the National Commission Against Drunk Driving recommend against traditional diversion programs, administrative adjudication under such new laws as “use and lose,” which applies driver’s license sanctions, are proving successful. California has employed a similar procedure that uses court-appointed traffic hearing officers to adjudicate juvenile cases in a private setting.

Judges must recognize that they can, and should, take a proactive stance in addressing juvenile DUI, and communities must take steps to increase the participation of the judiciary. PERF has developed an excellent new video and discussion guide for judges on juvenile DUI, titled *Beyond the Bench: How Judges Can Help Reduce Juvenile DUI and Alcohol and Other Drug Violations*. (For a copy of the video, contact OJJDP or NHTSA at the addresses and phone numbers listed at the beginning of this document.)

## *Supervision and Treatment*

The challenge for the criminal justice system is to fashion treatments appropriate to the juvenile offender and the offense. The best sanctions achieve both deterrence and treatment or remediation.

Court-referred education programs usually provide classroom instruction on alcohol and the consequences of drinking and driving in an attempt to reduce recidivism among DUI offenders. Research on offenders who attended Alcohol Drugs Education Traffic Schools (ADETS) has shown, however, that these programs are more effective in reducing crashes if they are combined with licensing sanctions or other punitive approaches. (See “The Deterrent Effect of Education on DWI Recidivism” by Carol Lederhaus Popkin in *Alcohol, Drugs and Driving*, Volume 10, Numbers 3-4, Los Angeles: University of California at Los Angeles Brain Information Service/Brain Research Institute, 1994.) Driver’s license sanctions coupled with a referral for education or treatment and supervision appear to be the best approach.

**Drinking, Driving on Rise**  
Young Anti-DUI Program Working, Judges Say

**STOP**

One example of a strategy that has achieved excellent results is Tulsa’s Youthful Drunk Driving (YDD) Program, which targets first-time offenders aged 16-25. The program gives young offenders a chance to observe the traumatic consequences of drunk driving and to reflect on the severity of their offense. Requirements of the program include a visit to a hospital emergency room to observe alcohol-related trauma; a trip to a rehabilitation center to see people

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*“If I had killed anyone that night, it wouldn’t have just destroyed me, it would have torn apart a family, and there would be nothing I could ever say or do to make things right.”*

Aaron Smith  
Participant in Tulsa’s  
Youthful Drunk Driving Program

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who have suffered from spinal cord or brain injuries; an alcohol education and counseling session to discuss ways to avoid drinking and driving in the future; and participation on a victim impact panel. Participants must also write a 1,000-word essay describing their program experiences and what they learned. The program has just a 1-percent recidivism rate, illustrating its success in responding to juvenile offenders.

## Public Education

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*Establish rapport  
with the media up front.  
Give feedback on  
your efforts.*

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*Without an aggressive public education and media component, prevention and deterrence are unlikely. The community advisory council can play a large role in leveraging private and public support for mounting a professional media and public relations campaign. A media subcommittee should include the police department's media officer, local public relations company representatives, and local media representatives on the advisory council.*

*Used alone, public service announcements do not constitute a program and are simply ineffective. Communities have employed in-school programs such as Drug Abuse Resistance Education (D.A.R.E.®) and victim impact panels, alcohol server and seller training programs, prom and graduation programs, and many other communication ideas. *Strategies for Success: Combating Juvenile DUI—Part II: The Eight Foundation Elements of a Successful DUI Strategy* offers the details.*

School officials should be educated about the extent of the youth DUI problem, and they need to be told if any students are arrested or involved in an illegal activity. Schools are also capable of imposing sanctions, such

as a suspension from playing sports, which can be effective in reducing the incidence of impaired driving among juveniles.

Educating and involving the parents of underage youths is also crucial. Often parents are unaware of or simply refuse to acknowledge their children's use of alcohol or other drugs. Even when parents recognize a problem, they may be unaware of how they can work with law enforcement and other members of the community in youth DUI efforts. See *Part III: Support Tools for Building Programs That Work* for more information on parental education.

## Feedback and Evaluation

Determining whether all the program activities and expended resources have achieved their intended result is important. Therefore, you'll need to obtain structured feedback and conduct an evaluation of the eight foundation elements. Adjustments may have to be made based on recommendations from participants. Some evaluations will require the elimination of unsuccessful programs or the creation of new ones. If the feedback indicates that programs are working, an evaluation will still provide information that can be used to sustain support for the overall program. The evaluation should be creative, as it will help sell the program to people who will engage in these projects.

There are many ways to evaluate DUI enforcement efforts. Surveys of justice system personnel, public interest groups, parents, high school students, and juvenile DUI offenders themselves can all yield valuable answers as to how well the program is working. Other approaches are quantitative rather than qualitative: testing to see whether specific numerical

targets, or milestones, have been met is a necessary component of the evaluation phase. Data should be collected on changes in the number of DUI crashes, arrests, prosecutions, convictions, and other results. If communities calculate how much they have spent on the DUI program, they will be able to see exactly how much was spent for each life saved, each additional prosecution, etc. Communities able to show high rates of return—great results at low cost—will serve as models for other communities.

Many communities have found success by evaluating the results of their DUI efforts in dollar terms. Tulsa found that its Youthful Drunk Driving Program had just a 1-percent recidivism rate but wanted to know how much money was being saved because of the program. Tulsa examined the costs of recidivist cases in a similar city's court. By comparing those findings to Tulsa's low costs of recidivism, Tulsa was able to pinpoint an important measure of savings.

Members of the community should be kept updated about the results of each evaluation, including what the

DUI program has accomplished or failed to accomplish and the impact of those successes or failures on the overall problem of juvenile DUI. These reports should stem from both “hard” evaluations, such as the dollar amounts the community has saved, and “soft,” which identify what kind of goodwill has been created. The use of these evaluations, whether positive or negative, ensures that a community's DUI enforcement efforts are ongoing and constantly evolving. Juvenile DUI enforcement is a cyclical process, and this final component of the Juvenile DUI Enforcement Program allows the process to begin again and to strive for ever greater efficiency and effectiveness.

The question most communities face is *how to accomplish these activities with limited resources*. With the right members, the community advisory council can help leverage evaluation support. Local colleges and universities have the expertise needed. Also, funds are available from federal and state highway safety offices (Section 402 and 410 grants) and public health agencies.

# How To Get Started

## *Finding a Leader*

*Do you want to be the convener or the leader?*

**G**etting started begins with finding someone who will step up to the plate and get things moving. That person is the convener, the one who gets a core group together or calls the first

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*Respect all stakeholders' positions and roles.*

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meeting. The convener may or may not become the eventual *leader*, who takes charge and runs the show. As chief you may be more comfortable asking key people in the community to come together to hear about the juvenile DUI problem and your appeal to address it. Perhaps the mayor, the chief prosecutor, or a prominent business leader would be the best person to manage a new youth initiative and keep everyone cooperating. Maybe you would rather run the show.

The decision should be based on your local community, its politics, and a realistic assessment of who can best get each job done.

## *Convening a Community Policy Group*

The convener must first form a community-based group, for grassroots initiatives and citizen input are crucial ingredients for success. The leader of the group can then be selected. The title doesn't matter, as long as the chosen leader is someone with authority and

respect in the community, as well as the influence and ability to get things started. An energetic and motivated leader will inspire others in the community to play a role, or increase their current role, in combating juvenile DUI.

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*Expect turnover. Plan for it.*

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The members of the policy group must be committed individuals and, if possible, passionate about reducing juvenile DUI. Committed people will help ensure that the group will not stop when difficulties arise. The group should also be structured so that if there is turnover, group positions can be replaced with minimal disruption. The driving force should be the committee, no matter how its representation changes.

The group should include at least the following:

- Local and state police
- Prosecutors
- Criminal and juvenile court judges
- Probation officers
- Intake and detention personnel
- Representatives of local government leadership (such as the mayor, city council, or county executive)
- Education and treatment providers
- School officials
- Local business leaders
- Public interest groups, such as Mothers Against Drunk Driving (MADD) and Students Against Destructive Decisions (SADD)
- Media representatives

- Alcohol beverage control officials
- Military representatives
- Parent-teacher associations (PTAs) and other parents' groups
- Students
- Victims' groups
- Local professionals, including the medical community

The group may face the problem of dealing with uncooperative members or convincing key people to join. Representatives of education, the media, and victims' groups may be able to persuade others to join in.

Once the policy group is established and the leader is selected, the group should develop *formal or informal operating agreements* with members, defining their positions and expected contributions. A mission statement could also be included.

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### *Set long- and short-term goals with achievements all can share.*

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*The core group must develop realistic, specific numerical targets and time frames.* Typical targets would be the number of DUI crashes, arrests, prosecutions, or convictions. (These numerical goals or targets are also helpful when it comes time to evaluate the program.) Such targets also serve as milestones that help a community gauge, for example, how much it has spent per life saved. Communities can usually show big returns on their investment.

A mix of goals—such as process goals (cooperation and communication, for example) and program impact goals—may also help. The articulation of clear goals

helps in orienting new members, eliminating the need to repeat the process with each replacement.

## *Building Community Support*

Once the vision is stated, the group begins its essential task of reaching out to work with other members of the community. *The first task the policy group should undertake is to raise awareness of the problem through*

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*Establish a rapport with the media in the beginning, and give the media follow-up feedback on your efforts as they progress.*

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*a public education and media campaign.* There must be consensus in the community that a problem exists, followed by discussion of the problem and the formation of consensus on the need for more enforcement. Police ride-alongs for the policy group and media can be quite effective. Putting the effects of DUI in dollar terms will help convince citizens that both lives and money can be saved through enhanced DUI enforcement. If a high-profile DUI crash has occurred recently, that crisis can also help motivate individuals to combat the problem.

There are several proactive ways the policy group can raise awareness of the problem. One is to enlist the involvement of outside groups, such as MADD. MADD members are bound together by their

shared tragedy and are passionate about the issue. A second method the core group must undertake to build consensus is to create partnerships within the community.

The five demonstration sites point to partnerships as a key to success. In Albany County, the Bethlehem Community Partnership began when over 40 community members joined together to address the problem of youth alcohol and drug use. The members signed a compact (COMPACT also stands for Community Partnerships in Albany County), spelling out their vision and goals for the community. The partnership continues to meet and work on projects that further the goals set out in the compact. Approximately 1,000 people are now involved in six community partnerships in Albany County, and their achievements are enhanced by excellent coverage in local newspapers.

One information-gathering technique that is helpful in building public support for attacking the problem is a survey of teen alcohol use. Albany used such a survey with great success: *“When we released the results, that’s what generated an outcry.”* Local colleges can design and conduct surveys via phone or in schools. Questions can be taken from the NIDA “Monitoring the Future” annual survey of 8th-, 10th-, and 12th-grade students.

## *Building Criminal Justice System Support*

If you decide to take on the role of convening a core group, there is simply no better way to gain the attention and, hopefully, the support of key members of the criminal justice system than meeting each one face to face. Police chiefs in the demonstration sites emphasized that sitting down with the chief prosecutor, chief judge, or local judges was critical to their success. *Do not delegate these key initial meetings.*

## *What if the judges, prosecutors, or other key people aren’t interested?*

Don’t stop; use your allies. The help that MADD or the media can offer in this situation has already been mentioned. However, there are some important allies in other agencies that can help even if youth DUI cases are not getting the proper attention and response from other elements of the criminal justice system. Various regulatory agencies, for example, can be very helpful in dealing with alcohol servers and sellers who are illegally selling to underage youths. Often these agencies’ enforcement arms are even more understaffed than the police and appreciate help in identifying violators. And these agencies have administrative sanctions that can be applied quickly. These initiatives are also important because a department can undertake them at no cost, with no new police resources required.

The Albany Police Department routinely works with health, fire, the liquor commission, and even the lottery commission to get the attention of problem bars, clubs, and stores that persistently sell alcohol to underage youths. As the assistant chief commented, “We take the State Liquor Commission agent along on sting operations . . . and if the establishment has a lottery machine, we let the Lottery Commission know that [the bar] was charged with selling to a minor. That’s a violation of their contract. These agencies can pull a permit the next day if there is cause.”

### **Can these agencies play a role in your youth DUI initiative?**

- State tax or alcohol beverage control department
- State, county, or city health department
- Immigration department
- Insurance commission
- Natural resources or fish and game commission

- Fire marshal or fire department
- Lottery commission

It can also be worthwhile to bring insurance companies on board. An insurance agent in Astoria proposed a “Stop & Shop” program that would require a youth charged with DUI to stop drinking and driving or be forced to find a new insurance company. If the juvenile commits a second offense, police officers would notify the juvenile’s insurance agent, and the policy, which is often a parent’s or guardian’s policy as well, would be canceled.

Training for police officers is a key element of this program. Starting a comprehensive juvenile DUI enforcement program in your department may require a redefinition of traditional law enforcement roles to incorporate nontraditional means of combating juvenile DUI, such as public awareness, education, and working with outside agencies. The department may need to develop training materials that consider the relationships among the various components of the local justice system and the community organizations that work with them. Your department may also need additional training in strategic and tactical planning or in implementing specific enforcement programs. The type of training undertaken will depend on current enforcement efforts, local needs, and the ever-present reality of limited resources. More information on training can be found in the companion document, *Part III: Support Tools for Building Programs That Work*.

In addition, it’s important to coordinate the DUI enforcement program with neighboring jurisdictions. Otherwise, when enforcement efforts intensify, the problem will simply move right next door, and real improvements won’t be seen. Underage violators are

well aware of where to go to buy alcohol illegally. Word travels fast regarding which communities have tight, consistent enforcement procedures and which do not.

## *Getting Program Support*

*With all these generals . . . where are the troops?*

While obtaining the backing and support of a public-private community advisory group is essential, getting the day-to-day administrative and operational staff support needed is also critical. Written memoranda of understanding (MOUs) between agencies should also address staff support needs. But what minimum support is really needed to get this program going and keep it going day to day?

The consensus from the demonstration sites and forum experts is that, at a minimum, *one half-time position for a program coordinator or manager is needed*. Their combined experience says that expecting a lieutenant or civilian agency staffer to assume the coordinator position in addition to his or her existing full-time job is a prescription for failure. A half- or full-time coordinator should have enough time to deal with the many responsibilities of coordination, public relations, resource management, and other managerial duties.

The police agencies involved in the juvenile DUI enforcement demonstration are willing and eager to share their experience with colleagues in other jurisdictions. A contact point for each department can be found in *Part III: Support Tools for Building Programs That Work*.

## *Sustaining Community Support*

The experience gained from the five demonstration sites and the results from the 1996 project forum focused on five critical elements for sustaining community support for this and most traffic enforcement initiatives.

- *Effective program leadership* (by the chief or another influential community member)
- *An active community coordination or oversight group* with broad membership
- *An effective program coordinator or manager* (usually full time)
- *Effective communication* of the problem, the program's goals, and actual results to the community and program participants
- *Success* in saving lives, reducing injuries and property damage, increasing arrests, and achieving other goals

Each community must also engage in activities to institutionalize its local program. These activities include seeking outside sources of funding, hosting a

variety of media-oriented events and activities, and using the information collected through evaluations to inform the public. The public should be kept informed about the status of specific components of the enforcement program—whether the components are working or not—and how those successes or failures are affecting the juvenile DUI problem.

Some communities, such as Albany County, were able to benefit from existing traffic safety organizations and programs such as STOP-DWI. STOP-DWI is an innovative concept that uses dedicated DUI offender fines to support official, ongoing anti-DUI efforts. In New York State, fines are dedicated at the county level to STOP-DWI programs. In Albany County, the program uses those funds to support stings, New York State Liquor Authority seminars, and victim panels to complement other local and federal Section 410 funding. When Section 410 funds were no longer available, a local health maintenance organization provided funding for local community partnerships' underage drinking countermeasures. However, most communities with effective leadership, a supporting community group, and dedicated criminal justice system members are able to mount successful programs with existing budgets, donated services, and smart use of media.



# Inventory of Do's & Don'ts

The following list offers helpful tips from the five demonstration sites. Some of the items were mentioned earlier, while others are new. These are ready reminders, simple statements of what the sites would make sure to do—or make sure to avoid—if they had known at the beginning what they know now.

## *Don't:*

- Expect immediate results.
- Assume everyone is operating with the same level of understanding about the issue or the criminal justice process.
- Tell other participants how to do their jobs.
- Create win/lose situations; it turns people off.
- Worry if statistics go up at first.
- Give up if your community cannot include all of these components.
- Expect the same level of commitment from everyone.
- Expect staffs of local agencies (police officers, assistant district attorneys, or probation officers) to take on new responsibilities willingly. Include them in the communication process to win their support.
- Expect everyone to follow through on commitments. Follow up.

## *Do:*

- Establish ground rules.
- Gather relevant statistics.
- Set short- and long-term goals, with a focus on near-term achievements that everyone can share.
- Hear all participants' views (and have a good facilitator). Many views are never aired or discussed because some members feel intimidated.
- Set a time line for achievement of goals so people do not have to wait forever for certain actions to be taken.
- Respect all stakeholders' positions and roles.
- Expect turnover.
- Plan and provide for continual training and education for participants. Identify who needs education about what. For example, brand-new prosecutors may need more education about technical DUI issues, and police may need to improve case presentation.
- Take the trouble to do your homework and access technical support before approaching judges and other criminal justice system members.
- Respect local political relationships.
- Establish rapport with the media in the beginning, and be fair and give the media follow-up feedback on your efforts.
- Regularly monitor and evaluate the project's progress.
- Expect success.



# Strategies for Success

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COMBATING JUVENILE DUI

*Part II*  
*The*  
*Eight*  
*Foundation*  
*Elements*  
*of a*  
*Successful*  
*DUI*  
*Strategy*





# Foreword

The literature on DUI interventions, on the one hand, and youth alcohol use, on the other, represents one of the most extensive and fastest-growing collections in the public safety arena. What really stands out is that most of that literature points to successful interventions that saved lives and reduced injuries.

What is less understood is the mixture of leadership and commitment among non-police officials, whose support and direction appear to be critical to positive results. After investing a considerable amount of resources in finding out what works, the National Highway Traffic Safety Administration decided to collaborate with the Office of Juvenile Justice and Delinquency Prevention in a joint effort to put all of this together. What emerged is a fairly pared-down list of elements, or major components, that are designed to be implemented together. When they are used that way, they reinforce each other. For example, prosecutors and the courts must support police initiatives, and the community must support police use of arrest and other punitive sanctions.

Without some overarching policy machinery to refine the different components and decide how they will be implemented in the community, the program cannot be

truly comprehensive. Nor can its full impact be brought to bear against the deadly peril of impaired driving by youth.

The comprehensive program that is detailed in these pages benefits from the extra impact of combined, cooperative efforts. We believe that the program, which has now been implemented and validated in five bellwether communities, holds out great promise to other localities that want to effect similar reductions in deaths, injuries, and automobile crashes due to juvenile drivers who are impaired by alcohol and other drugs. To help the reader understand the philosophy behind this approach, we have presented options for specific enforcement and other efforts that have shown demonstrated results.

It is our hope that communities throughout the nation will pick up the comprehensive Juvenile DUI Enforcement Program and realize both the amount of hard work and planning necessary for its implementation *and* the positive benefit of lives saved as a result.

Clifford L. Karchmer  
Project Director  
Police Executive Research Forum  
Washington, D.C.



# Introduction

Law enforcement managers have come to realize that a range of organizational and operational innovations can have a significant impact on juvenile impaired driving (driving under the influence of alcohol or other drugs; commonly termed DUI). Progressive law enforcement executives understand that to be effective, they must confront this problem on two fronts. First, the enforcement of impaired-driving laws must remain the primary objective, with the rest of the criminal and juvenile justice systems backing up the police use of the arrest sanction. Second, it is necessary to educate juveniles and their families on the dangers of impaired driving, with one of the educational messages being the probability of arrest and its consequences.

Research efforts by the National Highway Traffic Safety Administration (NHTSA), the Police Executive Research Forum (PERF), and others have uncovered a number of innovative approaches that are currently being implemented by law enforcement agencies, prosecutors, juvenile courts, and prevention and treatment agencies. The most successful programs have at their core a leadership (policy oversight) council or a coordinating task force that is the vehicle by which all the necessary disciplines come together to achieve a common purpose. Through the diligent work

of the policy groups and task forces, new initiatives have been developed in enforcement, prevention, public education, adjudication, and treatment of the underlying problems of the juvenile offender.

The initiatives discussed in this document were identified by Preusser Research Group through telephone surveys, supplemented by PERF member information and self-reporting of promising results by the named agencies or organizations. Many examples were derived from the experiences of police departments in five juvenile DUI enforcement demonstration sites: Albany County, New York (in cooperation with the New York State Police); Astoria, Oregon; Hampton, Virginia; Phoenix, Arizona; and Tulsa, Oklahoma. The criteria for selection of these programs were innovative characteristics and evidence that the initiative worked, according to self-reported data and other information. Because validation of success depends on a formal evaluation of each program, the separate initiatives are treated as promising (as distinct from empirically validated) parts of a local strategy. The following numbered headings list components believed to be necessary for an effective anti-DUI program. The initiatives listed under each component are offered as examples only and are not to be considered the universe of all possible initiatives that could work in that component.



# Policy Oversight and Coordination

## *Community-Based DUI Policy Group*

The policy group is expected to develop and oversee the administration of the juvenile DUI enforcement program. The ideal local group should provide a forum in which members of the criminal and juvenile justice systems convene regularly to discuss project-related problems, exchange information, review new laws and court decisions, and design and develop a comprehensive public education campaign based on arrest. Finally, the policy group should provide a friendly environment in which law enforcement and the judiciary can discuss enforcement problems and potential solutions.

Policy groups should include at least the following justice system core members: state and local police, prosecutors, criminal and juvenile court judges, probation officers, and intake and detention personnel. Optional but recommended representatives would be treatment agencies, school officials, local business leaders, and public interest groups such as Mothers Against Drunk Driving (MADD), Students Against Destructive Decisions (SADD), and other prevention-oriented partnerships (such as those funded by the federal Center for Substance Abuse Prevention,

Department of Health and Human Services, and other grant programs).

The most successful programs examined under this project had at their core a community-based DUI policy group. The establishment of such a group sends a positive message throughout the community that impaired driving, particularly by local youths, will not be tolerated. Additionally, the policy group becomes the means by which a comprehensive and unified approach to the problem can be developed. Without such a group, each organization with an interest in the DUI problem generally implements its own countermeasures according to its own agenda, without regard to their impact on the rest of the criminal and juvenile justice systems. This results in selective enforcement and fragmented services for the offender and prevents truly comprehensive remedial programs from developing. By contrast, the cooperation fostered by the policy group offers citizens an opportunity to change community values regarding impaired driving rather than just reacting to problems and tragedies as they occur. See Chapter 2, "Policy Oversight and Coordination," in the companion document, *Part III: Support Tools for Building Programs That Work*, for a detailed example of policy group process and achievements.



# Strategic and Tactical Planning

Before attempting enforcement efforts, the policy group should undertake strategic and tactical planning to analyze the extent of the community's juvenile DUI problem. The elements of planning include problem identification and goal setting; information collection to determine where and when juveniles are drinking; the formation of partnerships with the media and allied agencies; and general deterrence to increase juveniles' perception of risk.

These crucial steps will help lay the foundation for informed, targeted enforcement efforts, enhancing their ultimate effectiveness. In addition, the planning process acts as a signal to the community that law enforcement understands the patterns of youth alcohol use and is ready to confront the challenge of juvenile impaired driving.

For detailed examples of strategic and tactical planning, see the companion document, *Part III: Support Tools for Building Programs That Work*. Useful information is provided in Chapter 3, "Strategic and Tactical Planning," and Chapter 5, "Juvenile DUI Program Goals and Objectives" (pages 21-25).



# Reactive and Proactive Enforcement

## *Reactive Enforcement*

Police have traditionally engaged in reactive enforcement by responding to impaired driving as patrol and traffic officers have detected it. Detecting, stopping, and arresting impaired drivers removes them from the streets, and the sanctions those offenders receive should act as a deterrent to similar occurrences in the future. Reactive enforcement strategies can be augmented by “looking beyond the ticket” for other criminal violations, reducing the amount of time a patrol officer spends processing a DUI arrest, and detecting a larger proportion of impaired drivers. Many jurisdictions have implemented programs to further those objectives. They have also found that working with the media to publicize reactive enforcement efforts is highly effective in increasing juveniles’ perception of risk and punishment. Above all, reactive enforcement is important, because that mode of response is what many departments may be able to afford.

## *Triple Jeopardy*

This program enforces the premise that impaired driving, speeding, and not wearing seat belts are the common denominators that result in serious injury and death in most traffic crashes investigated by the police. Under this program, a person stopped by a law enforcement officer for any one of these violations is automatically checked for the other violations as well.

This initiative is a high-visibility public relations campaign that requires no additional resources from the police. It does require, however, a commitment from the command staff, the patrol division, and any other unit assigned to traffic or DUI enforcement. Over the next two years, NHTSA will be placing the highest priority on the Combined Alcohol/Occupant Protection Program, an enforcement-centered national

program that will target impaired drivers and drivers who do not use seat belts.<sup>1</sup>

## *Impaired Driver Enforcement Unit (IDEU)*

This program, initially funded in several locations by NHTSA, has been instrumental in reducing the time a patrol officer spends processing a DUI arrest. Since processing time appears to be an important deterrent to more DUI enforcement in many departments, this is an important initiative. Once the officer makes an initial determination that the driver is impaired, he or she requests that the specially equipped IDEU van respond to the incident location. The arresting officer then releases the suspect to the care and custody of the IDEU officers. After writing a report detailing the arrest, the patrol officer is free to resume normal patrol functions while the officers assigned to the IDEU van complete the booking process.

Phoenix, Arizona, has six such enforcement vans in service today. Police there have experienced a marked decrease in the time it takes to complete the arrest and booking process on DUI suspects. What used to take over three hours to complete now can be done in just one hour. From October through December 1996, the DUI vans made 726 arrests, saving approximately 1,557 hours of officers’ time. Although this project was not designed specifically to target juvenile DUI offenders, the IDEU vans could be used during a selective enforcement initiative targeting juveniles. This could be accomplished in part because those suspects typically are not incarcerated but released to the custody of a relative or family friend at the scene of the arrest.

<sup>1</sup>NHTSA has upgraded its alcohol and seat belt programs. Those programs were also the subjects of major initiatives in fiscal year 1998.

Several factors affect the cost of maintaining this project. The most obvious, of course, is the cost of purchasing the vans and outfitting them with the necessary equipment. In addition, selecting, training, and retaining IDEU personnel imposes some long-term expenses. Due to the long-term financial requirements necessary to bring this project to fruition, many agencies have sought aid in the form of grants from both the state and federal government.

### *Report All Intoxicated Drivers (RAID)*

The RAID program encourages motorists to call a toll-free number to report suspected intoxicated drivers. Dispatchers who receive such calls dispatch the nearest unit from any agency. In Hampton, Virginia, a public education campaign comprises an important part of this program, and can be targeted to individual citizens, community organizations, and neighborhood watch groups.

### *Sobriety Checkpoints*

Alcohol-impaired drivers can be very difficult to detect, especially at lower blood-alcohol content (BAC) levels. It is not possible for law enforcement officials to apprehend more than a minority of DUI drivers on any given night. Often, impaired drivers are not identified until it is too late. Sobriety checkpoints are an example of how law enforcement agencies can actively seek out drivers above a particular state's legal BAC level. The checkpoints can be especially effective as a deterrent for teens, because many states have established lower BAC thresholds for youths than for adults. Sobriety checkpoints typically result in

low arrest rates, however, and police officers disagree about their effectiveness. Nevertheless, they can be highly effective as part of a proactive information campaign or "media blitz" with newspaper stories, television and radio advertisements, and press conferences all warning the public about the hazards and consequences of impaired driving. They should be sustained, highly visible, and publicized to ensure that reductions in crashes are lasting.

Sobriety checkpoints were employed as part of reactive enforcement programs in several of the demonstration sites. In 1994, Hampton conducted 13 sobriety checkpoints, resulting in 23 arrests, including one of a 16-year-old female with a BAC above .30. The checkpoints are generally conducted in four-hour blocks, and in 1994 each checkpoint processed an average of 400 vehicles.

### *Cabs On Patrol (COP)*

This program exemplifies the partnership that can be forged between the police department and the private sector. Taxi drivers are instructed to report suspected impaired drivers to their company dispatcher immediately. The dispatcher in turn notifies the police department, which attempts to intercept the vehicle. Each cab participating in the COP program displays an emblem that reminds the public of the program's existence.

This low-cost, high-visibility program is a very attractive public information tool, highlighting the partnership between the private and public sectors. With varying degrees of success, some jurisdictions have expanded this concept to other private sector companies, such as utilities and mass transit systems.

## *Bar Patrols*

The Ames (Iowa) Police Department administers the bar patrol program. The patrol consists of four full-time officers and a sergeant who are on the street in and near the bars four nights a week, making arrests for underage drinking every weekend. Most of the arrests are for violations of the laws forbidding minors on premises or minors in possession of alcohol. The patrols may also use underage decoys for periodic buy-bust operations to apprehend sellers of alcoholic beverages who do not ask for proof of age.

Appreciating the value of public information and education, the four special operations officers assigned to the bar patrol implement educational programs in schools and make presentations to civic groups. The Ames Police Department hopes that, over time, these presentations will reduce the number of minors being arrested during bar patrol operations.

## *Proactive Law Enforcement*

The goal of proactive law enforcement is to prevent or suppress juvenile drinking and driving before it takes place. Unfortunately, many juveniles are able to walk into a convenience store or a bar and purchase alcohol or are successful in having adults buy alcohol for them. The impaired driving that results should come as no surprise. By working with local alcohol retailers, police can send a message of “zero tolerance” and help reduce juveniles’ access to alcohol. Specific proactive enforcement campaigns are often successful in deterring juveniles, retailers, and other adults from breaking the law in the first place, thereby restricting the amount of alcohol available to juveniles.

## *Keg ID*

This initiative, instituted in Marlborough, Massachusetts, has served as a model for other communities. The local ordinance requires all sellers of beer to place an identification band around each keg of beer sold. At the point and time of purchase, the seller secures positive identification from the buyer and keeps a record of the sale. If the keg shows up at a party where underage drinkers are served, the buyer can be held legally responsible.

Historically, this enforcement effort has not resulted in many arrests. However, the publicity generated by those arrested, in addition to the public awareness campaign that must accompany such a program, has significantly reduced the problem in communities where it is enforced. This program allows law enforcement to be proactive, limiting juveniles’ access to alcohol.

Obviously, for this program to be effective, a state law or local ordinance must make the actions of the buyer illegal. Additionally, the police must be committed to placing charges in all cases where probable cause exists. The local prosecutor must also aggressively prosecute each violation.

## *Underage Decoy Operations*

Underage decoy operations are an immediate, successful, but highly controversial initiative in which police departments send an underage person—either a training cadet or a trained civilian—into a convenience store or bar to attempt to buy alcohol. The establishment could be one that is known to cater to minors; at other times, locations are selected on a random basis. Because some members of the court and

enforcement system believe that these sting operations constitute entrapment and thus are illegal, many jurisdictions have eliminated the use of stings and have opted to conduct expensive and often lengthy surveillance operations outside the businesses. In the latter cases, after the sale is completed, the police are able to arrest not only the seller but also the minor for being in possession of alcohol.

Law enforcement agencies that mount such initiatives should not expect a large number of arrests. However, as in other programs, the arrests that are made focus the public's attention on the problem and send a warning that this type of irresponsible behavior will not be tolerated. Although decoy operations are controversial, many feel they send the strongest message of "zero tolerance" to alcohol sale establishments and the public. The true purpose of the operations is not to arrest violators, but to deter businesses from breaking the law in the first place.

### *Badges in Business/Cops in Shops*

In these programs, sometimes referred to as point-of-purchase (POP) operations, convenience and retail stores cooperate with the police by permitting undercover officers to pose as employees. Each business affixes a sticker to its door, warning that there may be an undercover officer on the premises. The officers apprehend minors attempting to purchase alcohol with no identification (ID), a false ID, or an altered ID. As part of the initiative, liquor control officers often provide educational presentations to employees of licensees on how to protect themselves by detecting false IDs. In third-party sales, a variation on this type of sting, underage youths approach the undercover officer and ask him or her to buy alcohol.

These programs are not designed to generate a large number of arrests, but rather to raise public awareness of the problem and prevent minors from attempting to purchase alcohol in the first place. The initiatives have an advantage over other sting operations because they target the purchaser rather than the seller. In addition, they give the police department an opportunity to work cooperatively with the business community to combat the manufacture, sale, and use of false IDs.

Cops in Shops programs were undertaken in both Albany County and Phoenix. These initiatives have been successful—as measured by increased arrests—in apprehending both teens before they purchase alcohol and adults who attempt to purchase for them.

### *Saturation Patrols*

Saturation patrols are cooperative enforcement activities targeting high-volume areas. In addition to detecting impaired drivers, they increase the perception of risk by enhancing the public's expectation that those who drink and drive are likely to encounter a police officer and suffer the consequences of a legal sanction. Due to their collaborative nature, saturation patrols often require several months of planning among agencies. However, they demonstrate the powerful enforcement capabilities of combining several strengths to attack the juvenile DUI problem, and they present an excellent opportunity for press conferences and other media contacts.

In Albany County, driving while intoxicated (DWI) blanket patrol "stings" are a joint effort that allow all participating law enforcement agencies to maximize their resources and coverage for DWI enforcement during a specific period. Some blanket patrols target all drivers, while others focus on underage drivers during such times as holidays, prom and graduation

season, and the return of college students. Since 1989, Albany County has conducted announced, county-wide patrols to intercept impaired drivers on weekend nights. All 11 municipal agencies, the sheriff's department, capitol police, State University of New York (SUNY) Albany Police, and the New York State Police participate in these patrols.

For a complete guide on establishing saturation patrols, write or call for the following publication: *Saturation Patrols Targeting Impaired Driving: Guidelines for Community-Based Alcohol Enforcement Programs*, available from NHTSA, Traffic Law Enforcement Division, Room 5118, 400 Seventh Street, S.W., Washington, DC 20590. The phone number is (202) 366-4300.

### *Kid Rid*

Modeled after the Remove Intoxicated Drivers (RID) program, this project uses comprehensive corridor patrols to target areas with high juvenile substance abuse and related problems. In 1995, the Tulsa, Oklahoma, Kid Rid grant funded enhanced police presence in areas where juveniles congregate and use drugs or alcohol and also provided overtime funds for street officers and undercover officers to conduct buy-busts at stores suspected of selling alcohol to minors. The educational component of the program had police working with the Community Service Council to develop anti-DUI materials. The same officers

attended area high schools to discuss the perils of drug use and drinking and driving.

### *Teenage Alcohol Patrols*

The New Castle County (Delaware) Police Department designed this program to ensure that trained officers remain available at the times and places where underage drinking is most likely to occur. The additional patrols are scheduled for 10 p.m. to 2 a.m., Tuesday through Thursday, with added resources available during the peak periods of Friday and Saturday evenings. One objective of this program is to ensure that underage persons do not scatter when police arrive and continue to consume alcohol elsewhere. Even if some youths do scatter, officers are stationed where their vehicles are parked, preventing them from driving.

Regular patrols benefit from this enforcement initiative because the officers are able to hand off large parties to the specialized teen patrol. Working in pairs enables the teen patrol units to provide a more concentrated police response to the affected area. This program relieves single-officer patrol units from handling such complaints but allows them to respond as backup units when necessary. During a recent five-month period, the program resulted in 667 arrests, primarily of minors for consumption of alcohol. Nearly half of the arrests involved young persons attending parties where alcohol was present.



# Prosecution

In recent years, juvenile impaired driving has been one of the most publicized social issues facing the nation. Almost all state legislatures have lowered the BAC threshold for youths and increased the penalties imposed against impaired drivers in general; police have increased the number of DUI arrests; and citizens' groups such as MADD and SADD have called for the prosecution of offenders to the fullest extent of the law. Increased enforcement by police has resulted in an increase in arrests, which in turn has flooded the courts with an influx of DUI and related cases. Unfortunately, the courts are seldom equipped to handle that many cases.

From an enforcement standpoint, prosecutors now have at their disposal new evidentiary aids and rulings from the courts that have shaped the way DUI cases are presented to the courts. In addition, prosecutors working with members of the judiciary have developed new strategies dealing specifically with juvenile offenders.

## *Prosecutor's Pre-Trial Conference*

This program operates in many jurisdictions throughout the country. Each juvenile charged for the first time with either a DUI or minor-in-possession offense is given an opportunity, along with his or her parents or guardian, to meet with the prosecutor to discuss a plea agreement. Most first-time offenders will agree to the recommendations of the prosecutor rather than request a hearing before a judge. If the juvenile fails to appear or is subsequently arrested for a second or third offense, the case is referred directly to juvenile court. In most cases the prosecutor then

requires the defendant to participate in an alcohol- and drug-screening program, as well as attend an alcohol or other drug education and treatment program, as part of the plea agreement. Supervised probation and community service are additional options in many localities.

This program has been operating successfully in Phoenix, where it has reduced the amount of time a prosecutor spends preparing a case. In addition, it has significantly reduced the juvenile court's DUI and minor-in-possession trial docket. In Hampton, the pre-trial conference results in the increased presence and input of police in the prosecutorial process. Previously, police officers would often appear for trial only to learn that the case had been disposed of. The pre-trial conference has led to increased police confidence in prosecution and increased enforcement against juvenile offenders.

## *Police-Prosecutor*

Misdemeanors, including DUI and minor-in-possession cases, are brought before the court by a police officer who is cross-trained in the role of a prosecutor. The police-prosecutor holds a full-time position and has an office located in the police department. Candidates are selected from a pool of qualified officers and receive extensive training before prosecuting a case in court.

Allowing the police to function as prosecutors of minor offenses is a practice that dates back to colonial times in Massachusetts. It is still practiced there in many communities. Criminal justice officials there feel this approach serves the public interest better because it fosters a closer relationship between the

victim and the prosecutor, as well as the accused. Enabling legislation grants the lower (juvenile or municipal) courts the authority to handle misdemeanor cases in this manner. For most jurisdictions, adopting such an innovation would require a change in state law.

## *DUI Video Program*

This program was implemented by the Hampton Police Department as a tool to assist officers during the trials of suspected impaired drivers. Under this program, a video camera is mounted in a patrol unit and is used to record the actions of a suspected impaired driver during the sobriety testing phase of the traffic stop. According to the police, the program is an extremely valuable addition and has received the support of the public and the acceptance of the courts.

# Adjudication and Diversion

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**I**ncreased public awareness of impaired drivers can swamp the local judiciary with new cases. Unfortunately, the vast majority of juvenile and adult court systems are ill equipped to handle a larger caseload of juvenile DUI arrestees.

The criminal justice system has begun to employ a number of new approaches in juvenile and municipal courts to relieve the burden that might result from a large volume of DUI arrests. Many practitioners feel the simplest and most efficient course is to divert these cases from the courts. Myriad diversion programs are sprinkled throughout the nation's criminal justice systems. During the information-gathering phase of this project, PERF located successful programs housed in police departments, prosecutors' offices, and courts.

In 1983, the Presidential Commission on Drunk Driving addressed the critical issue of diversion. The commission recommended that "pre-conviction diversion" to alcohol education or alcohol treatment programs be eliminated in favor of harsher sanctions. However, some states and many private professional and advocacy groups disagree. They believe sanctions can be effectively combined with diversion programs that address the underlying problems that cause juveniles to drink and drive. Perhaps the best approach is to provide a mix of treatment and punitive sanctions.

PERF found that in many jurisdictions, officials strongly support a court finding on the DUI or other charge. Subsequently, the court should require participation in some type of education or treatment program as a condition of the sentence. Likewise, charges should not be dismissed after the juvenile has satisfactorily completed participation in a prescribed diversion program. Such an approach could undermine the objective of both enforcement and treatment, because the first offender would be likely to receive as punishment only a requirement to attend an educational program or a comparable sanction. Meaningful deterrence requires that a hard

line be taken so that offenders may be sanctioned (license suspension, fines, etc.) and then motivated to participate in treatment.

## *Police-Based Diversion*

One of the most common forms of diversion is the police-based program that historically is housed in the department's youth bureau. Its objective is to remove youths from the criminal justice system. In Bismarck, North Dakota, the goal of the Police Youth Bureau is to combine consequential and therapeutic approaches in working with young people who have been referred through law enforcement, school, juvenile court, the family, or self-referral. A key ingredient to the success of this program is the intense supervision it affords the child. This includes screening for alcohol and other drug problems, intake, probation, education programs, treatment alternatives, and case management.

The Bismarck diversion program indicated that cases remain with the police department youth bureau and are only referred up through the system after each of the lower-level steps has been tried and has failed. Another unique aspect of this program is that education and treatment for the child and the family are provided by bureau staff. A child who offends again is reevaluated and may be offered participation in the Minor in Possession Level II (MIP II) treatment program, which combines education and awareness with pre-evaluation for juvenile offenders, if he or she has not already gone through the class. The MIP II class combines education and awareness with pre-evaluation for juvenile offenders and is discussed in the next chapter. However, depending on various factors, staffers may forward the case to the juvenile court for a hearing.

Juvenile court judges rarely hear a juvenile DUI case in their courtrooms under this system. Only the most chronic offender who needs extensive inpatient treatment comes before the court. The youth bureau

commander reports diverting over 400 minor-in-possession cases from the juvenile court docket in 1996. This aggressive program could not exist without cooperation among the police, prosecutor, and judiciary.

Bismarck's statistics indicate that from 1991 to 1996, juvenile DUI citations decreased by 35 percent. Another source of satisfaction has been the degree of cooperation among the various disciplines involved, directly or indirectly, in the program. This is particularly true regarding the relationships among schools, probation, and the police. Most of the funding required for the Bismarck program is provided by the city council. Other sources include contractual service agreements with other jurisdictions, along with grants, fees, and donations. The Bismarck experience recognizes that the juvenile justice system must remain flexible and maintain a high degree of cooperation between the police and the courts or suffer the consequences of an overburdened and costly adjudication process.

### *First-Offense, Community-Based Diversion*

The Juvenile Conference Committee project in Bergen County, New Jersey, is designed as a first-offender diversion program for minors found in possession of alcohol. The committee is appointed by the local school board and the police department. In Mahwah, New Jersey, the committee is composed of a juvenile

officer, a member of the clergy, a businessman, and a town council member. Conferences are informal and are held in the evening for the convenience of the parents, who must appear with the child.

Typically, first offenders for possession of alcohol must perform a community service project and write a research paper on alcohol (for example, about a visit with the medical examiner). Offenders who elect not to appear before the conference committee are scheduled for a hearing in juvenile court through family court. What makes this program unique is that it depends on the cooperation of community leaders from a number of different disciplines. Moreover, this unique program operates within the judicial system.

### *Court-Based Diversion*

The juvenile offender and his or her family are brought before a traffic-hearing officer, an officer of the court who is appointed by a superior court judge. This approach affords the offender an opportunity to have a private hearing without going before a juvenile court judge. Numerous factors determine how many cases each hearing officer will preside over daily, but it is not unusual for one officer to hear more than 30 traffic cases per day, including DUI cases.

The use of traffic-hearing officers has done much to reduce the logjam once experienced in many of California's juvenile courts. Judges are now able to focus more of their attention on violent offenders.

# Supervision and Treatment

Once a juvenile is adjudicated either a delinquent or a "child in need of services," the challenge for the criminal justice system is to fashion treatment alternatives appropriate to the offender and the offense. It is not always apparent to the court whether a child has an alcohol abuse or dependency problem that requires treatment. Therefore, the court should use a screening and assessment mechanism that identifies whether the child is an abuser and, if so, prescribes a course of treatment. Treatment alternatives range from counseling to education.

Justice-system-oriented court programs that address driving while impaired have four basic components:

- Deterrence (license revocation and fines)
- Education (remedial driving and other mandatory educational programs, victim impact panels)
- Rehabilitation (substance abuse treatment, community service, and victim restitution)
- Incapacitation (detention, supervised probation, and court-mandated driving restrictions)

Officials in the juvenile justice system have come to realize that no single component, acting in isolation from the others, provides the answer to reducing juvenile DUI. Instead, communities must initiate comprehensive programs and identify available resources that can work together to create a long-term impact. Even when police, prosecutors, and judges work together, the next vital component—supervision and treatment alternatives—must be included. Judges must have workable alternatives to the extremes of

probation and institutionalization for juvenile DUI offenders. The following initiatives further one or more of the four objectives noted above.

## *Minor in Possession: Level I*

This education and counseling program is administered by the Bismarck Police Department Youth Bureau as part of its comprehensive diversion program. To participate in the program a youngster need not have been arrested for an alcohol or other drug-related offense; he or she must only have an identified problem. In fact, many program participants are referred to the program by parents, schools, or the local division of juvenile services.

The objectives of the program are to teach the laws that apply to juveniles regarding alcohol and other drug use, require youths to develop a plan to stay out of trouble, give information on how to say no to drugs and alcohol, and offer various alternatives. To be appropriate for the program, a youth must be too young or inexperienced in usage to be with other youths in the MIP II class. This must be the youth's first drug or alcohol offense, and he or she must never have attended an MIP class before. Youths must also show no indication of an alcohol or drug problem and must never have been referred for treatment, pre-treatment, or drug/alcohol evaluation in the past.

The MIP I class is conducted either on an individual basis or with a small number of youths (one to four participants).

## *Minor in Possession: Level II*

This program, administered by the Bismarck Police Department Youth Bureau as a second-level initiative, is designed as an education, awareness, and pre-evaluation program for juvenile offenders and violators of school policy. The program addresses drug and alcohol use, the progression of substance abuse to dependency and addiction, and pre-evaluation. Topics include DUI laws, alcohol content of drinks, BACs, tolerance issues, and the physical effects of alcohol on the body.

A youth is viewed as being appropriate for the program if he or she has a previous alcohol or drug offense but has not attended an MIP II class before. Youths are eligible if they have attended an MIP I class and there are no further recommendations for pre-treatment, a drug/alcohol evaluation, or treatment. Youths are also deemed appropriate if they have received a drug/alcohol evaluation that recommends an educational program. Youths are not appropriate for this class if a previous alcohol or drug evaluation recommended treatment (regardless of whether the family followed through with the treatment); if lack of parental concern or funds kept them out of treatment; or if they have attended the MIP II class, pre-treatment, or treatment in the past.

This uniquely placed treatment program gives juveniles an opportunity to look at their personal involvement with alcohol or drugs. Most discover they are not alone in their present situation. In this program offenders are forced to confront their actions, make decisions, and plan for the future.

Summaries of the youths' class participation, concerns, and recommendations are provided to the referral source upon completion of either MIP class. These recommendations can range from "no follow-up necessary" to "recommend drug/alcohol evaluation."

Both the MIP I and MIP II programs recognize that the family plays a vital role in changing the child's behavior. Bismarck officials emphasize this important ingredient in the program's foundation by inviting the parents of affected youths to participate in the program.

## *Y.E.S. Program (Youth Enhancement Skills)*

The Youth Enhancement Skills Program, operating in Albany County, New York, is a two week/six-session adventure-based education program for youths aged 13-17 referred by the court system as "high risk." Y.E.S. is designed to work with youths, including first-time DUI offenders, who are at risk of becoming seriously involved in the court system. Juvenile offenders attend a victim impact panel sponsored by Albany's STOP-DWI program to heighten their awareness of the relationship between irresponsible behavior and negative consequences. The Y.E.S. Program's educational activities help juveniles examine the behaviors and factors that led to their involvement in the court system, take personal responsibility for their behavior, and make appropriate decisions for their future. Other components are interactive and hands on and challenge the youths physically, emotionally, and psychologically. Group discussions are a key component. In addition, the program screens youths for possible substance abuse and mental health problems and makes recommendations for referral.

## *Youthful Drunk Driving (YDD) Program*

The Tulsa Community Service Council applied for and received a grant from the Oklahoma Highway Safety Office to develop and implement the Youthful Drunk Driving Program in Tulsa, Oklahoma. Modeled after a

similar program in Orange County, California, this comprehensive approach utilizes a variety of community resources, including the Tulsa Police Department, Tulsa County District Court, the District Attorney's Office, MADD, and several area medical and rehabilitation centers. The program's goal is to confront first-time DUI offenders aged 16-25 with powerful, real-life experiences about the traumatic consequences of drinking and driving.

When ordered by the court, participants must complete the following elements:

- *Emergency room visit*—Participants spend several hours in the emergency room of a local medical center to observe the treatment of patients during this time, especially any alcohol-related trauma. An alternative is an emergency room trauma presentation conducted by the hospital emergency services staff.
- *Rehabilitation center visit*—Participants spend two hours at a hospital rehabilitation center specializing in the rehabilitation of patients suffering from severe spinal cord or neurological

injuries to observe and participate in a patient therapy session.

- *Victim impact panel*—Participants attend a MADD victim impact panel where surviving family members recount the effects of drunk driving on their families.
- *Alcohol education/counseling session*—The youths attend a small group session with other participants to discuss their program experiences, evaluate their personal behavior, learn about substance abuse, and obtain referral information.
- *Essay*—Participants write a 1,000-word essay for the court relating their experiences and reactions to the YDD Program.

Implemented in November 1994, the YDD Program has achieved outstanding results in a short time. After two years, a total of 328 youths referred by the court had completed the orientation for the YDD Program. By November 1996, only four participants had been re-arrested for a drinking and driving violation, a recidivism rate of 1.2 percent, as compared with the national DUI re-arrest rate of approximately 30 percent.



# Public Education

Until recently the task of educating the public about juvenile DUI was undertaken almost exclusively by such groups as MADD, SADD, and other advocacy groups. Recent years have seen the emergence of more law-enforcement-based substance abuse educational programs. Criminal justice officials have come to realize that it is less expensive to prevent impaired driving through education than to initiate enforcement programs later on—although both components are necessary in truly comprehensive programs.

## *Alcohol Servers Knowledge Program and State Liquor Authority Seminar*

Many owners and employees of establishments that sell alcohol have little or no knowledge of the legal responsibilities they incur when patrons leave under the influence of alcohol. The Alcohol Servers Knowledge (ASK) program, a five-hour course sponsored by the Knoxville (Tennessee) Police Department, raises those liability issues for discussion. Similar to the ASK program, a valuable initiative for alcohol license holders is to listen to representatives of the criminal justice system speak about the effects of drinking and driving. More than half of the 900 alcohol license holders in Albany County, New York, were trained at a New York State Liquor Authority (SLA) seminar. The chief of police would write letters inviting license holders to listen to speakers such as a DWI victim, an attorney, and a police officer, along with a representative of the licensing board.

These inexpensive programs boast many advantages. For example, rather than viewing each other as adversaries, now police officers, owners, and servers

can work together toward a common goal. This initiative can also be made self-sufficient by requiring each participant to pay a registration fee.

## *School Programs*

In cooperation with the Sears Foundation, police in Hampton sponsor an Officer Friendly program. Selected officers are assigned to work with the public schools (grades K-3) to present role models for youth. The officers teach traffic safety, pedestrian safety, and responsible citizenship. Hampton served as the pilot city for this nationally recognized program.

Under the Adopt-A-School program, Hampton police officers are assigned to a middle school to work with administrators, teachers, and students. The officers then participate with the students at school events and make themselves available to interact with students one-on-one, emphasizing the negative effects of alcohol and substance abuse.

Hampton's School Anti-Crime Detail involves assigned officers working with the Hampton School Administration. The officers' activities are generally directed at area high schools, where they provide surveillance, patrol, informal counseling, and intervention and perform arrests if necessary. Additionally, they utilize a drug detection dog to conduct limited searches of school property.

## *Prom and Graduation Programs*

Statistics indicate that alcohol-related peer pressure is strongest at prom time, due to the large number of parties in a short period. Because of the heightened attention paid to alcohol use during this period, the Phoenix Police Department, in cooperation with the local chapters of MADD and SADD, sponsors a

number of educational assemblies, mock DUI crashes, and crash reenactments for students. Operation Prom in Hampton also encompasses after-prom activities, such as providing locations where supervised after-prom parties can be held.

In its own approach to this issue, the Hayward (California) Police Department works through the local Council for the Prevention of Drinking and Driving (a nonprofit organization). The Hayward department has also solicited the assistance of local florists and formal-wear businesses. Those establishments agreed to distribute a DUI prevention message with each corsage sold or tuxedo rented for the special occasions.

In most jurisdictions the prom and graduation season can run as long as eight weeks. The public and private sectors can use that window of opportunity to step up their DUI and alcohol-abuse public awareness campaigns. The local media play a pivotal role in both the public awareness and enforcement campaigns, which should be implemented simultaneously for maximum reinforcement during this special time in the school year.

### *Victim Impact Panels*

Each of Albany County's eight high schools has held victim impact panels composed of victims who have personal ties to the school, such as the mothers and siblings of drunk driving victims. The high school

panels are held during prom season, and a police officer joins the panel to discuss the experience of death notification and its impact on both the officer's and victim's families.

It is difficult to measure the success of this type of approach, just as it is with most prevention programs. Many jurisdictions that find this approach effective have included as panel members not only innocent victims but also defendants. In some cases, defendants are required to participate in these DUI assemblies as part of their punishment.

### *Juvenile Court Education*

In the juvenile court component of the Hayward-San Leandro Municipal Court District, officials have begun showing DUI prevention videotapes in the visitors' area. These tapes play continuously while court is in session and are viewed by adults and juveniles waiting for cases to be heard or remaining in the building for other purposes. This approach may prove effective because the program is seen by a captive audience.

This is another example of a community uniting for a solution to its DUI problem. The cost of developing this innovative approach was borne by the Hayward Council for the Prevention of Drinking and Driving, which includes community leaders from the public and private sectors.

# Feedback and Evaluation

**D**etermining whether all the program activities and expended resources have achieved their intended result is important. Therefore, communities need to obtain structured feedback by conducting an evaluation of the eight foundation elements. Adjustments may have to be made based on recommendations from participants. Some evaluations will require the elimination of unsuccessful programs or the creation of new ones. If the feedback indicates that programs are working successfully, an evaluation will still provide important information that can be used to sustain support for the overall program. The evaluation should be creative, as it will help sell the program to people who will engage in these projects.

There are many ways to evaluate DUI enforcement efforts. Surveys of justice system personnel, members of public interest groups, parents, high school students, and juvenile DUI offenders themselves can all yield valuable answers as to how well the program is working. Other approaches are quantitative rather than qualitative: testing to see whether specific numerical targets, or milestones, have been met is a necessary component of the evaluation phase. Data should be collected on changes in the number of DUI crashes, arrests, prosecutions, convictions, and other results. If communities calculate how much they have spent on the DUI program, they will be able to see exactly how much was spent for each life saved, each additional

prosecution, etc. Communities that are able to show high rates of return—great results at low cost—will serve as models for other communities.

Many communities have found success by evaluating the results of their DUI efforts in dollar terms. Tulsa found that its YDD Program had just a one-percent rate of recidivism but wanted to know how much money was being saved because of the program. Tulsa examined the costs of recidivist cases in a similar city's court. By comparing those findings to Tulsa's low costs of recidivism, Tulsa was able to pinpoint an important measure of savings.

Members of the community should be kept updated about the results of each evaluation, including what the DUI program has accomplished or failed to accomplish, and the impact of those successes or failures on the overall problem of juvenile DUI. These reports should stem from both "hard" evaluations, such as the dollar amounts the community has saved, and "soft," which identify what kind of goodwill has been created. The use of these evaluations, whether positive or negative, ensures that a community's DUI enforcement efforts are ongoing and constantly evolving. Juvenile DUI enforcement is a cyclical process, and this final element of the Juvenile DUI Enforcement Program allows the process to begin over again and to strive for ever greater efficiency and effectiveness.



# Strategies for Success

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COMBATING JUVENILE DUI

*Part III*  
*Support  
Tools for  
Building  
Programs  
That  
Work*





# Foreword

The Juvenile DUI Enforcement Program, developed by the National Highway Traffic Safety Administration and the Office of Juvenile Justice and Delinquency Prevention, consists of eight foundation elements designed to be implemented together. This document, *Part III: Support Tools for Building Programs That Work*, is intended for the police chief executive or other justice official who has read and believes in the comprehensive program. To activate the program and transform it into a workable community effort, priorities must be set, policies articulated, and specific components adapted to local conditions and then implemented.

This volume contains a series of policy statements, news releases, and other backup material. It is designed for the staff member who receives the program materials and wonders how to address the early steps that capture both a change of heart on the DUI issue and a commitment to do things differently—do more!—as a result. By proceeding in this way, we hope to facilitate the process of implementation and to start the process of comprehensive planning among several justice agencies with realistic expectations—and within a pervasive spirit of cooperation.

Clifford L. Karchmer  
Project Director  
Police Executive Research Forum  
Washington, D.C.



# Citywide Policy Statement

A citywide policy statement or resolution is a valuable resource for capturing the official consensus of the community as a whole. A sample resolution, supplied by the city of Hampton, Virginia, is provided here. The resolution delineates the problems of alcohol, tobacco, and other drugs; goals for improving the community's approach to those problems; and general steps to reach the goals. Adopted at a city council meeting and signed by the mayor, the resolution represents a symbolic "contract" between the city and its citizens. Perhaps most important, it pledges the city's efforts in the fight against juvenile driving under the influence of alcohol and other drugs (DUI) and asks for cooperation from citizens.

**RESOLUTION**  
**Hampton's policies regarding the use of**  
**alcohol, tobacco, and other drugs**

Whereas the City of Hampton is committed to the health and well-being of all its citizens, and recognizes, in order to become the most livable city in Virginia, the importance of addressing the issue of chemical abuse; and

Whereas the research of Peter Bell, which is supported by other experts, states that "when the line between appropriate and inappropriate drug use is clear, it stops some people from approaching or crossing the line. When the line is vague or unclear, it tends to enable chemical abuse"; and

Whereas the hazards of the use of illicit drugs and chemical solvents by both young people and adults have been well documented and these drugs are known to lead to significant legal, employment, health, and social problems; and

Whereas alcohol, tobacco, and pharmaceuticals, though legal for adult use, when used inappropriately are the most abused drugs in our country, often causing significant consequences to the abuser, the family, and the economy; and

Whereas the use of alcohol, tobacco, and other drugs by youth is illegal and potentially harmful both physically and emotionally, and adults must recognize their responsibility to send clear and consistent messages to the youth of the community in order for them to make and maintain the choice of a lifestyle free from alcohol, tobacco, and other drugs;

Now, therefore be it resolved that Hampton is committed to becoming a community where all of its citizens have the knowledge, skill, and ability to choose a lifestyle free of chemical abuse.

- youth are encouraged and supported in their efforts to impact issues related to chemical abuse
- attention is paid to the relationship between chemical abuse and the health, well-being, and self sufficiency of families
- youth are protected from negative influences that promote the use of alcohol, tobacco, and other drugs

And be it resolved that Hampton is committed to becoming a community that emphasizes enforcement and deterrence of illicit drug abuse.

- individuals involved in the manufacture, sale, or distribution of illicit substances are aggressively pursued and punished
- comprehensive efforts exist to ensure prevention of driving under the influence and punishment of impaired drivers
- there is strict enforcement of sales of alcohol and tobacco to minors

And be it resolved that Hampton is committed to becoming a community where the problem of chemical abuse is addressed through a continuum of prevention, intervention, and treatment.

- primary emphasis is placed on prevention
- quality intervention and treatment services are available and accessible

And be it resolved that Hampton is committed to becoming a community where the line between appropriate and inappropriate drug use is clear.

- the primary focus of all city-sponsored events does not include alcohol
- all citizens have the right to smoke-free public facilities
- young people, adults, community groups, and businesses promote and uphold these policies

And be it further resolved that the City of Hampton is committed to these fundamental philosophies in all future policymaking.

Adopted at a regular meeting of the City Council of the City of Hampton, Virginia, held January 25, 1995.

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Mayor

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Clerk



# Policy Oversight and Coordination

Communities need a locally based policy advisory and coordination group to oversee the development, implementation, and evaluation of the DUI Enforcement Program. The group members, including justice system representatives and other community leaders, should be responsible for taking the basic framework set out in this program and adapting it to the needs and resources of their own jurisdiction. The work of the policy group is clearly a key ingredient to success in combating juvenile DUI. But how can a leader mobilize the community to form such a group? What are the specific steps involved? Presented here is *A Framework for Community Mobilization*, a guide used in Tulsa, Oklahoma, and developed by the Southwest Regional Center for Drug-Free Schools and Communities. The guide may help your agency initiate and continue the work of its policy oversight group.

# A Framework for Community Mobilization

# Stage 1: Entry/Initiating

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>(What communities do when they mobilize; descriptive)</p> <p>One or more individual(s) see a need.</p> <p>These individuals identify and contact key people (including formal and informal leaders) and target significant constituencies for involvement (e.g., youth, ethnic minorities, elderly, etc.). A loosely formed group begins to develop.</p> <p>Group members:</p> <ul style="list-style-type: none"> <li>• begin preliminary definition of community</li> <li>• identify and contact existing groups</li> <li>• create/increase awareness and involve community</li> </ul>	<p>(What communities mobilize; options from which to choose)</p> <p>Responding to trigger events</p> <p>Supporting the emergence of natural or charismatic leaders</p> <p>Involving political/powerful/formal leaders</p> <p>Using media—public service announcements, specials on local news</p> <p>Seeking the support and leadership of key organizations or agencies</p> <p>Using powerful language when appropriate as a marketing tool (“drug-free”)</p> <p>Initiating other awareness activities (beginning the appeal to entire community)</p>	<p>(Expected results from actions of the community)</p> <p>A core group of people commits to continue the process of comprehensive, communitywide prevention (safety, access, opportunity).</p> <p>This group begins to:</p> <ul style="list-style-type: none"> <li>• identify its leaders</li> <li>• seek representation that reflects the entire community</li> <li>• seek community acknowledgement of the need for health promotion</li> <li>• identify issues of common concern</li> </ul>	<p>(What support might help the group)</p> <p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• how to get started</li> <li>• how to identify and engage critical individuals and groups</li> <li>• how to identify and develop leaders</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• general information on prevention</li> <li>• general information on social change and community</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• activation</li> <li>• awareness-building</li> <li>• team-building</li> </ul>

# Stage 2: Readiness

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>Group begins to evolve into a coalition.</p> <p>This emerging coalition begins to:</p> <ul style="list-style-type: none"> <li>• assess community's level of readiness to change</li> <li>• establish readiness to effect change among community members</li> <li>• activate the community (bringing people on board)</li> <li>• develop network and resource linkages</li> <li>• educate its own members relative to activation, the change process, and common issues</li> </ul> <p>The coalition continues to:</p> <ul style="list-style-type: none"> <li>• develop relationships with key individuals and groups</li> <li>• develop leadership among its members</li> <li>• identify issues of common concern</li> </ul>	<p>Taking advantage of educational/training opportunities and materials</p> <p>Engaging key community legitimizers to invest themselves in issues of concern</p> <p>Engaging in team-building processes or activities</p> <p>Conducting large meeting(s) involving any community members willing to attend</p> <p>Engaging in a visioning process for the community</p> <p>Establishing a preliminary impression of community readiness</p> <p>Pulling together assessment instruments</p> <p>Establishing and maintaining coalition record of its history and activities</p> <p>Recruiting new members through telephone calls, lunches, informal networking, etc.</p> <p>Conducting regular coalition meetings</p> <p>Choosing a name for coalition</p> <p>Establishing preliminary group norms</p>	<p>An intact, functional coalition (with some kind of organizational structure) is established. This coalition embraces the need for the community at large to work together.</p> <p>The coalition has begun to:</p> <ul style="list-style-type: none"> <li>• establish a common vision and a willingness to share that vision and involve others in it</li> <li>• identify common ground on issues, concerns, and strengths</li> <li>• establish inclusiveness as an important value</li> <li>• understand the benefits of collaboration</li> </ul>	<p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• facilitating meetings</li> <li>• marketing</li> <li>• awareness activities</li> <li>• team-building</li> <li>• networking</li> <li>• conflict resolution</li> <li>• consensus</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• facilitation</li> <li>• marketing</li> <li>• activation</li> <li>• team-building</li> <li>• group process</li> <li>• community mobilization and social change</li> <li>• prevention principles</li> <li>• visioning</li> <li>• consensus</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• activation</li> <li>• team-building</li> <li>• group process and facilitation</li> <li>• visioning</li> <li>• consensus</li> </ul>

# Stage 3: Assessment

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>Coalition completes the process of defining its target community.</p> <p>Coalition begins to:</p> <ul style="list-style-type: none"> <li>• assess where its community stands on the issue(s)</li> <li>• identify and assess community resources</li> <li>• identify and assess current activities relative to issue(s) of concern</li> <li>• assess community safety, access, and opportunity</li> <li>• identify community policies/norms</li> <li>• identify service/resource gaps and needs</li> <li>• assess community problems and underlying causes</li> <li>• describe demographic variables for its community</li> <li>• work on an environmental/social/economic assessment</li> <li>• assess its individual values</li> </ul>	<p>Conducting public meetings</p> <p>Conducting public polls and/or youth polls</p> <p>Conducting key informant survey or interviews</p> <p>Analyzing currently existing incidence and prevalence data</p> <p>Acquiring and analyzing what information social service agencies/schools will provide</p> <p>Recording and sharing assessment results</p> <p>Administering a “use” survey</p> <p>Holding public forums targeted at specific populations</p> <p>Developing an inventory of current programs</p> <p>Reviewing current research regarding what works</p> <p>Evaluating current programs and activities regarding what works</p> <p>Conducting field observations</p> <p>Conducting a normative analysis</p> <p>Conducting interviews—informal and formal</p>	<p>Individuals have established a personal investment in issue(s) of common concern.</p> <p>Coalition has established:</p> <ul style="list-style-type: none"> <li>• further identification of common ground</li> <li>• some kind of picture of the community’s resources and problems</li> <li>• clear ideas of what needs to happen to bridge the gap between the vision and existing conditions</li> </ul> <p>Coalition is continuing to engage in:</p> <ul style="list-style-type: none"> <li>• broadening of its constituency</li> <li>• awareness-raising processes and activities aimed at the entire community</li> <li>• marketing of need/resources</li> </ul>	<p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• assessment</li> <li>• coalition-building</li> <li>• facilitation</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• assessment</li> <li>• defining community</li> <li>• coalition-building</li> <li>• facilitation</li> <li>• surveys</li> <li>• case studies</li> <li>• sample interviews</li> <li>• sample assessment tools</li> <li>• marketing</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• assessment</li> <li>• marketing</li> <li>• coalition-building</li> <li>• facilitation</li> <li>• leadership</li> </ul>

# Stage 4: Planning

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>Coalition identifies a team that engages in a systematic planning process. This plan includes coalition maintenance and expansion. Coalition continues to develop leadership.</p>	<p>Examining and sharing community assessment information Defining coalition's unique role/mission Defining coalition's goal(s) Developing a community philosophy statement Developing action plans incorporating evaluation steps Revisiting norms/operating guidelines Negotiating roles and responsibilities of coalition members and the organizations they represent Recruiting new members (ongoing)</p>	<p>Individual efforts evolve into collective effort. Team develops a written plan that reflects coalition members' priorities. A common ground is clearly articulated. The coalition establishes a commitment/willingness to carry out plan.</p>	<p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• preparation for team training</li> <li>• planning</li> <li>• maintenance and expansion of team</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• planning</li> <li>• team maintenance and expansion</li> <li>• documenting efforts</li> <li>• evaluation</li> <li>• grant writing</li> <li>• fundraising</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• planning</li> <li>• team-building</li> <li>• team maintenance and expansion</li> <li>• prevention strategies</li> <li>• social policy/norms</li> <li>• social change</li> <li>• prevention</li> </ul>

# Stage 5: Implementation

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>Coalition and community members:</p> <ul style="list-style-type: none"> <li>• implement action plan</li> <li>• monitor and assess progress</li> </ul>	<p>Developing methods for conflict resolution</p> <p>Continuing assessment</p> <p>Developing work groups or subcommittees as needed</p> <p>Conducting regular meetings</p> <p>Continuing to negotiate roles and responsibilities</p> <p>Getting commitment from relevant agencies/organizations/individuals to implement relevant parts of plan</p> <p>Celebrating and publishing successes</p> <p>Gaining broad-based support for plan</p>	<p>New needs (e.g., resources, technical assistance, training) are identified.</p> <p>Values articulated earlier are now demonstrated.</p> <p>Service delivery is established/strengthened.</p> <p>Community makes tangible movement toward goals.</p> <p>Individual and group growth occurs.</p> <p>Community members' needs are met.</p> <p>Commitment to change expands beyond coalition members.</p> <p>Community needs are met.</p> <p>Networking is enhanced.</p> <p>Community begins a paradigm shift.</p> <p>Coalition establishes readiness to replan.</p>	<p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• overcoming unforeseen obstacles</li> <li>• team-building</li> <li>• conflict resolution</li> <li>• consensus</li> <li>• collaboration</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• prevention strategies</li> <li>• marketing</li> <li>• prevention information</li> <li>• social change and community mobilization</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• assessment</li> <li>• social change</li> <li>• consensus</li> <li>• collaboration</li> </ul>

# Stage 6: Sustaining/Reinforcing/Replanning

Action Steps	Methods/Strategies	Outcomes	Support Needed
<p>Team replans.</p> <p>Coalition:</p> <ul style="list-style-type: none"> <li>• builds a broad base of financial support for prevention initiatives</li> <li>• links needs assessment, program plan, and funding plan</li> <li>• continues to build relationships that support coordination and continue to cultivate common ground among organizations and individuals</li> <li>• conducts ongoing evaluation of the effectiveness and responsiveness of both the coalition and communitywide prevention initiatives</li> <li>• continues to inform and involve public</li> <li>• addresses the issue of common customers (individuals or groups interacting with multiple systems in the community)</li> <li>• nurtures and supports itself and its members</li> <li>• continues leadership development</li> </ul>	<p>Engaging in grant writing</p> <p>Engaging in fundraising</p> <p>Performing ongoing needs assessment, evaluation, and feedback concerning coalition needs and activities</p> <p>Performing ongoing training and development of coalition</p> <p>Modifying coalition structure and leadership as needed</p> <p>Modifying coalition and community programs as needed</p> <p>Recognizing accomplishments of coalition members, both individual and organizational</p> <p>Continuing expansion</p> <p>Continuing team-building</p> <p>Continuing negotiation of roles</p> <p>Renorming as needed</p> <p>Engaging in conflict resolution as needed</p> <p>Celebrating and publishing successes</p>	<p>A functioning coalition is established and ongoing.</p> <p>Prevention initiatives are ongoing.</p> <p>Evaluation and modification of prevention initiatives are ongoing.</p> <p>Measurable social change occurs.</p> <p>Community demonstrates an enhanced capacity to deal effectively with emerging issues.</p> <p>Community members experience increased safety, access, and opportunity.</p>	<p>Data Collection Requirements: outcomes and impact</p> <p>Technical Assistance:</p> <ul style="list-style-type: none"> <li>• team maintenance and expansion</li> <li>• conflict resolution</li> <li>• consensus</li> <li>• team-building</li> <li>• collaboration</li> </ul> <p>Materials:</p> <ul style="list-style-type: none"> <li>• team maintenance and expansion</li> <li>• conflict resolution</li> <li>• consensus</li> </ul> <p>Training:</p> <ul style="list-style-type: none"> <li>• team maintenance and expansion</li> <li>• conflict resolution</li> <li>• consensus</li> <li>• team-building</li> <li>• collaboration</li> </ul>

# Strategic and Tactical Planning

Community DUI policy and advisory groups should not underestimate the importance of strategic and tactical planning. To develop a comprehensive approach against juvenile DUI, communities must first understand the extent of the problem. Problem identification and information collection will help law enforcement determine where and when juveniles are congregating and drinking. Forming partnerships with allied agencies and increasing juveniles' perception of risk will also prepare the community for informed, targeted enforcement efforts and their consequences for offenders. The following article, "How to Plan Strategically for Your Community," outlines the basic process of good planning. The article first appeared in *Community Policing Exchange*, a bimonthly publication of the Community Policing Consortium. While its focus is neither youths nor DUI, the strategic steps in developing a DUI enforcement program run parallel to those in the article. If you would like to receive future issues of the *Community Policing Exchange*, please contact the Consortium at 1726 M St., N.W., Suite 801, Washington, DC 20036, phone (202) 833-3305.

# How to Plan Strategically for Your Community

Yogi Berra once said, “When you come to a fork in the road, take it.” His mangled advice could describe how we often plan for the future. Most police chiefs and sheriffs were promoted through the ranks of their organizations and still carry with them the old habits that made them good street cops—the ability to size up a situation, act quickly and resolve the problem. But complex crime problems require police leaders to take a planned, community-based, long-term approach.

Many communities have developed strategic plans and know the problems and benefits associated with that process. Strategic planning can be done in any size agency. While the level of complexity will vary widely with the size and characteristics of each community, the fundamentals that lead to an effective plan are the same. By using some basic planning steps, communities and police organizations can avoid common mistakes and accelerate the benefits of community policing.

## What is Strategic Planning?

A strategic plan is both a document and a process. The *document* is the map that helps keep both the community and police on track. It is the standard against which budgeting, workplans, hiring, promotion, deployment, organizational structure and all other implementation elements are tested. The *process* strengthens the relationship between the community and police, while developing consensus and long-term political support for changes made as a result of strategic planning.

For strategic planning to achieve its potential, the police and community must jointly develop long-term solutions. This requires patience, understanding and commitment to hearing the various involved groups and individuals, so the plan truly incorporates community ideas.

## Making it Happen

The basics of good planning are simple: listen, plan, act, evaluate, then repeat. The challenge comes in listening well, planning appropriately, acting effectively and evaluating with accuracy.

Key partners in the process include the following participants:

- **Chiefs, sheriffs and elected officials.** In the hands of a good leader, a strategic plan is a tool for improving the organization. If the leadership doesn't support the plan, it will fail.
- **Department personnel.** The people who will be most responsible for implementation (supervisors, officers and nonsworn personnel) must be involved.
- **Community leaders.** The process should model the partnerships that are integral to community policing, a step that is crucial for developing the ongoing support of the community.
- **Interagency partners.** Involve other agencies and keep them informed.

The following pieces are key ingredients of an effective plan.

- **Mission and values.** These elements should be as constant as the northern star. Also, without a strong, guiding mission, an organization will be unable to adjust to change.
- **Short-term strategies.** While the document has a long-term vision, it must also define short-term steps. Personnel must clearly see how the mission is translated into action.
- **A distinction between goal and process.** The goal is to reduce crime, fear and disorder. Don't confuse that with the *process*; partnership, problem solving, arrest and investigation are processes that help achieve the goal.
- **Required action by units.** Units should create workplans that address how strategies will be implemented day-to-day. This is crucial for establishing internal ownership of the plan.
- **Budget connection.** Unless the plan is used to drive the budget process, it will remain a wish list. Work with the political leaders to develop multiyear budget projections.

## Sustaining the Change

Making deep, institutional changes requires a long period of time. The following steps will help to ensure that the plan becomes a reality.

- **Don't divide the mission.** Some departments have described the "new" elements (partnerships and problem solving) in a way that suggests the "old" elements (call response, investigation, arrest) are obsolete. Community policing does not throw out existing tools. It adds to them by developing new ways to solve long-standing problems.
- **Define new roles for everyone.** It is essential to define new roles for patrol officers. But without specific roles for supervisors and managers, little can be accomplished. When an officer is given more discretion, the sergeant's role also changes. Each person in the organization must know that his/her role will change. People in the community should also work jointly with police to redefine citizens' roles in community safety.
- **Institutionalize.** To sustain community policing over the long term, each element of the organization and community must incorporate community policing into its behavior. Good ideas falter when they never become part of the daily life of officers, supervisors or managers. Job descriptions, recruiting and hiring, training, rewards and discipline, promotions and management practices must all change. Community members must also change from being passive recipients of services to active participants in making neighborhoods safer.
- **Focus on organizational culture.** Sergeants and field training officers, in particular, must be involved. When these "keepers of the culture" adopt the approach, profound change will follow.
- **Renew the plan.** New strategies should be developed to ensure the plan remains pertinent and up to date for each new budget cycle.

- **Maintain flexibility.** The mission and values are constant. Goals and objectives are stable for five, or even ten, years. But strategies evolve and timelines become obsolete. Plans that identify actions by the month for the next five years are unrealistic. Require that unit workplans fill in the short-term detail.
- **Disseminate the plan.** After the plan is complete, distribute it. Make sure community and agency leaders who participated in developing the plan receive a copy. Make familiarity with the plan part of employee evaluations and promotions.
- **Don't wait to implement.** The transition is necessarily incremental—an agency that works 24 hours, every day, cannot stop to retool. Some strategies should begin right away.

Policing in America is at a fork in the road. One path leads to business as usual—reacting to individual crimes, but not focusing on solving problems that lead to crime, fear and disorder. The other path leads to solving chronic problems and uses the resources of whole communities, not just “the thin blue line.”

Transforming organizations and creating new community roles requires planning, commitment, involvement, patience and hard work. While community policing is not a panacea, it is an opportunity to make a difference. That's why we got involved. That's why an effective strategic plan matters.

By Tom Potter and John Campbell

*Tom Potter lives in Portland, Ore., and is a 27-year veteran of the Portland Police Bureau. Mr. Potter retired in 1993 as the Bureau's chief of police.*

*John Campbell is president of a consulting company that works with law enforcement agencies and specializes in community policing.*

# Department Policies and Procedures

This material, compiled by the Hampton (Virginia) Police Department, illustrates how a department condensed a variety of laws and ordinances covering juvenile alcohol use and possession, DUI, and other offenses into one succinct source. The document provides an excellent summary of alcohol-related offenses that frequently involve juveniles, as well as procedures to be followed by officers, and contains statements about the objective of an enforcement program and the role of compliance with each law or ordinance.

**ALCOHOL-RELATED OFFENSES  
INVOLVING JUVENILES**

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**REF: ACC.STD. 4.1.1. P&P 1129, 1137, 1139, 1140 CH.DIR. 1129.1**

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**I. PURPOSE:**

The purpose of this policy is to establish procedures and responsibility for the investigation and disposition of all alcohol-related offenses involving juvenile offenders.

**II. POLICY:**

Realizing that Hampton's population of young citizens represents the City's future, the Hampton Police Division is committed to promoting a continued healthy community by reducing the risks associated with the illegal use of alcohol by juveniles. Accordingly, it shall be the policy of the Hampton Police Division to thoroughly investigate all alcohol-related offenses involving juveniles. The responsibility for the proper and adequate disposition of these investigations is shared by all members. To that end, all personnel shall be thoroughly knowledgeable of these procedures.

**III. PROCEDURE:**

**A. Offenses Defined:**

The following definitions represent the most frequent alcohol-related offenses that may involve juvenile offenders.

1. Drinking and driving (18.2-323.1). Consuming an alcoholic beverage while driving a motor vehicle upon a public highway. Violation is a class 4 misdemeanor.

2. Public intoxication (18.2-388). It shall be unlawful to be intoxicated in public. Violation is a class 4 misdemeanor.
3. Illegal possession (4.1-305). No person to whom an alcoholic beverage may not lawfully be sold (4.1-304) shall purchase or possess any alcoholic beverage. Violation is a class 1 misdemeanor.
4. Driving after illegally consuming alcohol (18.2-266.1). It shall be unlawful for any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol (BAC of .02 or more). This violation is an unclassified misdemeanor.
5. Drinking in public (4.1-308). A person who takes a drink of an alcoholic beverage, or offers a drink thereof to another, whether accepted or not, at or in a public place, shall be guilty of a class 4 misdemeanor.
6. Drinking or possession of alcoholic beverages in or upon public school grounds (4.1-309). No person shall possess or drink any alcoholic beverage in or upon the grounds of any elementary or secondary school during school hours or student activities. Violation is a class 2 misdemeanor.
  - a. To insure the proper dissemination of information, alcohol-related offenses handled by school administration officials should be coordinated with the officers assigned to the school anti-crime detail.

- B. When investigating alcohol-related offenses involving juveniles, officers will carefully assess the following considerations to insure both the welfare of the juvenile and the proper disposition of the case:
1. The seriousness of the violation.
  2. The extent of impairment.
  3. The juvenile's attitude.

4. A history of similar offenses.
  5. Any need of medical attention.
  6. Attitude of the parent or guardian.
  7. Victim and witness statements.
- C. Whenever an officer believes, as a result of his or her investigation, that a juvenile offender is in need of medical assistance, the juvenile will be immediately transported to the nearest authorized medical facility, and the officer will notify the parent or legal guardian as soon as possible. In the event the parent or legal guardian cannot be located or is unknown, the officer will notify the Intake Office to obtain the necessary authorization for treatment.
- D. Case Dispositions:

The importance of maintaining accurate information on situations involving juveniles who have come to the attention of the police division during alcohol-related offenses cannot be overstated. Without such records, juvenile offenders may come to the attention of several different officers during different offenses and the pattern would go unnoticed. In EVERY situation where an officer has occasion to investigate an alcohol-related offense involving a juvenile, one of the following official dispositions will be completed describing how the situation was resolved:

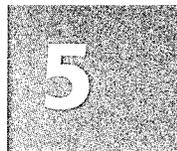
1. **ARREST AND RELEASE TO THE PARENT OR LEGAL GUARDIAN AS OUTLINED IN 16.1-260.** After the officer issues the juvenile offender a Uniform Traffic Summons, the parent(s) or guardian is issued a Subpoena for Witness form and the juvenile is then released into their custody. The arresting officer will also complete a “field interview card” outlining the circumstances of the arrest. The officer will circle the word “arrest” at the top of the card.
2. **POLICE DIVERSION OF FIRST-TIME OFFENDER** (informal diversion at the officer’s discretion). This procedure involves the completion of a “field interview card” with the information about the incident, the juvenile’s information and the action taken by the officer. The officer will place the word “diversion” in the upper right corner of the field interview card.

3. REFERRAL OF THE OFFENDER. This requires the officer to complete the “field interview card” as outlined above, but instead of the word “diversion” being placed in the upper right of the card the officer will place the word “referral” in that location. This disposition will result in the Intake Office determining the correct course of action for the offender.

- E. All field interview cards will be completed and submitted at the end of the officer’s tour of duty.
- F. After processing the information, the Crime Analysis Unit will forward copies of the field interview cards to the Intake Office.
- G. It is possible that a juvenile may have a more extensive record than is known at the time an officer decides on a disposition. For that reason, an Intake Officer will review case dispositions and notify officers in the event a more extensive record is found. Officers will obtain petitions and present evidence in these cases.



# Juvenile DUI Program Goals and Objectives



Through the following listing of juvenile DUI program goals and objectives, the Tulsa Police Department summarizes how the goal of reducing underage drinking and driving can be achieved. An important component is its numerical target: Tulsa set out to reduce alcohol- and drug-related traffic crashes by 5 percent during fiscal year 1996. Also outlined here are a description of the project; the expected contributions of the police department, the Oklahoma Highway Safety Office, and administrative personnel; plans for educational and safety programs; and a proposal for additional fines to be attached to the penalties of juvenile offenders. Those funds can help sustain support for the Juvenile Alcohol Prevention and Enforcement Program. Tulsa notes that if \$40 were added to the fine of each of the 200 or more offenders arrested each month, over \$96,000 could be raised for the program.

**TULSA POLICE DEPARTMENT**  
***JUVENILE ALCOHOL PREVENTION AND ENFORCEMENT PROPOSAL***  
***FY 95/96***

**GOAL:**

The goal of the Tulsa Police Department is to make the streets of Tulsa safe for all citizens and visitors. The prevention of underage drinking and the apprehension of drinking and drugged drivers is of the highest priority in our efforts to make Tulsa the safest city in which to live and raise a family.

The Tulsa Police Department will decrease the availability of alcoholic beverages to juveniles and will reduce underage drinking and driving through intensive efforts including education and public awareness, prevention, and enforcement specifically directed at juvenile drinking drivers.

Hours worked will permit non-uniform officers to interrupt and prevent the sale of alcoholic beverages to juveniles and allow uniformed personnel to reduce alcohol and drug-related traffic accidents an estimated 5 percent during the FY-96 contract year (October 1995 to September 1996).

**PROBLEM IDENTIFICATION:**

In 1994, Tulsa had 34 fatality and 2,062 class A and B injury accidents. Ninety-eight of the class A and B injury accidents involved drinking or drugged drivers. Tulsa recorded 15,602 traffic crashes for 1993. Most of the injury collisions occurred during normal traffic hours. The drinking and driving accidents occurred during the night time hours. However, the number of drivers appearing on Tulsa streets after 9:00 P.M. who have been drinking is increasing.

Tulsa has shown a significant increase in traffic accidents involving drivers under the age of 21 that are driving under the influence of drugs and alcoholic beverages. By targeting businesses that sell alcoholic beverages to minors, there will be a significant reduction in alcohol abuse by drivers under the age of 21.

**PROJECT DESCRIPTION:**

The Juvenile Alcohol Prevention and Enforcement Project is directed by a police sergeant. The project director will coordinate the efforts of the Uniform Divisions, Chief's Staff, Payroll Division, News Media, Public Schools, and the Community Service Council. The director will spend thirty percent of his time on this federal grant.

The remaining required personnel will allow the department to:

1. Provide a rotating squad of uniformed officers to work overtime on the enforcement phase of the Juvenile Alcohol Prevention and Enforcement Project.
2. Provide non-uniform officers to investigate and prevent the sale of alcoholic beverages to minors.
3. Assign officers to patrol the highest alcohol/drug-related traffic accident locations and time frames.
4. Provide instruction in all high school drivers' education classes in the hazards and results of using alcohol or drugs and driving.

5. Cooperate with the Community Service Council to develop educational material including a Parent's Guide to distribute to all parents of children in ninth and twelfth grades.
6. Provide information meetings with parents and students in cooperation with the public schools and the Community Service Council.
7. Utilize all public information sources to increase the visibility of the Juvenile Alcohol Prevention and Enforcement Program by raising awareness of the consequences of drinking and driving and other drug offenses.
8. Continue cooperative efforts with local traffic safety committees, other law enforcement agencies, and the ODOT community program specialist for the purpose of actively supporting and maintaining public awareness in all phases of traffic safety to include campaigns on alcohol-related traffic safety and occupant protection for drivers under the age of 21.
9. Provide timely and accurate reports of activities and monthly claims.

**THE TULSA POLICE DEPARTMENT WILL MATCH IN-KIND THE FOLLOWING:**

1. Administrative duties (project manager), 30 percent of the salary of the director.
2. Vehicle and equipment maintenance, gas and accident repair.
3. Personnel benefits, court overtime for project officers, and the self-insured portion for city vehicles.
4. The department will continue to speak to area high school drivers' education classes throughout the area. This instructor will flex his duty hours, and the cost will be incurred by the department.
5. The department will coordinate with the Community Service Council in the development of a Parent's Guide to be distributed to the parents of students in ninth and twelfth grades.
6. The department will continue to complete its Annual Traffic Accident Survey in January. This will be compiled by non-sworn personnel in the Information and Technical Services Division with assistance from the City Traffic Engineering Department with cost incurred by the City.

**EQUIPMENT:**

1. A van with a mobile breathalyzer will be made for on-site breath test capabilities.
2. The purchase of printed materials of the handouts developed from the collaboration of parents, officers and safety groups is needed.

### **ADMINISTRATIVE EVALUATION:**

Administrative personnel will:

1. Document the number of hours worked by overtime personnel.
2. Document the number of juveniles contacted per hour that resulted in arrest or citation.
3. Document the number of arrests or citations for persons who were caught selling or providing alcoholic beverages and/or drugs to juveniles.
4. Document the number of occupant protection citations issued.
5. Document the number of parents and students contacted through school programs and news media presentations.

### **CONTINUATION AND COST ASSUMPTION:**

The Tulsa Police Department will approach the Tulsa City Council and propose that additional fines and fees be attached to penalties given to juvenile offenders convicted of DUI, DWI, APC, Possession of Beer by a Minor, Possession of Alcohol by a Minor, and Public Intoxication by a Minor. These funds will be placed in a special overtime account to fund a continuing Juvenile Alcohol Prevention and Enforcement Program once the federal assistance ends. If only \$40.00 were added to the fine of each of the 200+ offenders arrested each month, over \$96,000 could be raised to continue this program.

### **SAFETY PROGRAMS:**

Community Traffic Safety Programs (CTSP):

For traffic safety efforts to be successful, all segments of the community must be involved and committed to eliminating unsafe conditions. In addition to law enforcement elements, we intend to involve schools, churches, courts, health care professionals, and the Community Service Council.

Safety Programs are a proven method of providing communication and cooperation between individuals, public agencies, and private organizations. Active CTSP projects have been productive, effective ways to identify and address community problems and to create lasting solutions.

### **EDUCATION:**

The Tulsa Police Department will continue the high school Drivers' Education Program currently conducted by a sergeant who combines a video session along with a question and answer program on the hazards of using alcohol and drugs when operating a vehicle.

The Tulsa Police Department will provide the DARE Program to students in the tenth grade and relate the problems to driving.

The Tulsa Police Department, in cooperation with the Community Service Council, will develop and produce a Parent's Guide for distribution to parents of students in grades nine and twelve in Tulsa area high schools.

The Tulsa Police Department, in cooperation with the Tulsa Public Schools and other area public and private high schools, will conduct information meetings for parents and students at all area high schools.

The Tulsa Police Department will coordinate with other public and private agencies to produce and distribute public service announcements designed to prevent or discourage underage drinking and driving.

The Tulsa Police Department will coordinate with the Community Service Council and the Tulsa office of the Oklahoma Safety Council to inform and educate area businesses that sell or furnish alcoholic beverages to underage drinkers.

**WORK STATEMENT:**

The Oklahoma Highway Safety Office (OHSO) will reimburse the Tulsa Police Department for approximately 2000 hours for field enforcement of the DUI, DWI, and APC laws within the jurisdictional boundaries of the City of Tulsa.

OHSO will reimburse the Tulsa Police Department for approximately 420 hours for non-uniform officers to monitor, conduct checks of businesses that sell and furnish alcoholic beverages to juveniles, and enforce related laws for selling to juveniles in the jurisdictional boundaries of the City of Tulsa.

OHSO will reimburse the Tulsa Police Department for approximately 100 hours to conduct high school drivers' education classes relating to drinking and driving and occupant safety.

OHSO will reimburse the Tulsa Police Department for approximately 24 hours to conduct information meetings for parents of students in grades nine through twelve in area high schools.

The majority of enforcement will be on Friday and Saturday nights during the school year and other selected nights during the summer months when school is not in session. The mobile van will be used for 6 hours per night on Friday and Saturday nights, and other special occasions as deemed necessary.

Hours of operation may be for any four-hour period and for special occasions as agreed jointly by the project director and the OHSO program manager.

Reimbursement will not exceed \$30.00 per overtime hour.

Any unused funds will be used to increase enforcement hours.

Under this contract the administration and supervision of the project will be handled by on-duty supervisory personnel within the Tulsa Police Department. Special projects will be supervised by the project director.

Project officers will be used to transport and book DUI offenders for normal on-duty field officers to allow said complement to return to normal detection and apprehension efforts in a timely manner.

Special programs will be developed to target the most active holidays for underage drinking and driving activities, including: spring break, fall break, summer vacation months, graduation and prom events, and other holidays. The man hours involved will result from the restructuring of normal shifts the week of the holiday or other available scheduled hours.

The OHSO-funded Juvenile Alcohol Prevention and Enforcement Program squad will be responsible for achieving a sufficient number of arrests to maintain an enforcement index of 6.0 arrests for drinking and driving per each fatality in class one and two (A & B) type traffic accidents.



A crucial step in any community anti-DUI effort is to keep the public informed through the use of the media and the thoughtful development of media campaigns. During the Office of Juvenile Justice and Delinquency Prevention/National Highway Traffic Safety Administration (OJJDP/NHTSA) project demonstration period, the five sites realized the importance of establishing rapport with the media and continuing to give them follow-up feedback on enforcement efforts. In addition to the benefit of partnership with the media, levels of public awareness and cooperation will increase. Included here is a sample press release used by the Phoenix Police Department to announce its participation in the DUI project, as well as a statement regarding the Hampton Police Division's "Life Force" program. Hampton's press release also makes citizens a part of overall enforcement efforts by asking them to call the police to report underage persons purchasing alcoholic beverages.<sup>1</sup>

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<sup>1</sup>Communities may also obtain reports and press releases concerning drug abuse from Join Together, a national research center for communities fighting substance abuse. The address is 441 Stuart Street, 6th Floor, Boston, MA 02116, phone (617) 437-1500, and the Internet site, which contains the full text of these reports and press releases, is <http://www.jointogether.org>.



# City of Phoenix

POLICE DEPARTMENT

Winner of the  
Carl Bertelsman  
Prize for



October 14, 1994  
For Immediate Release  
Contact: Sgt. William Niles, DUI Coordinator  
(602) 534-0815

## PHOENIX POLICE DEPARTMENT SELECTED AS DEMONSTRATION SITE FOR OJJDP/NHTSA PROJECT

The Phoenix Police Department has been selected as a demonstration site for a special project, *Enforcement Strategies to Combat Juvenile Impaired Driving Due to Drugs and Alcohol*. Phoenix is one of six agencies selected to participate in this project, which is administered by the Police Executive Research Forum (PERF), a national law enforcement research center.

Through joint funding by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Highway Traffic Safety Administration (NHTSA), PERF developed a comprehensive model aimed at reducing injuries and deaths caused by juvenile impaired driving. PERF then announced a nationwide competition for demonstration sites to put the working model into practice. The jurisdictions selected were required to propose at least one initiative to address each of nine issue areas identified in the working model.

Within the Phoenix Police Department, a great deal of the enforcement strategy centers on the recent formation of a Youth Alcohol Education and Enforcement Squad. The department reassigned four motor officers to form the squad who will be providing classroom lectures on traffic safety and specifically alcohol and drug impairment in the high school drivers' education classes during the week. The squad will be involved in concentrated enforcement events dealing with juveniles on the weekends. Additionally, the Youth Alcohol Education and Enforcement Squad will target the source of the underage drinking problem by participating in the Cops In Shops program designed to work with liquor establishments to apprehend juveniles attempting to purchase alcohol, and adults attempting to purchase alcohol for juveniles. Enforcement activities will occur at peak times and will focus on beer parties in residences, neighborhoods, concerts, sporting events and at desert keg parties.

Other sites selected to participate in this project are the New York State Police (City of Albany), the Massachusetts State Police (City of Quincy), the Astoria (Oregon) Police Department, the Tulsa (Oklahoma) Police Department, and the Hampton (Virginia) Police Department.

**HAMPTON POLICE DIVISION  
PRESS RELEASE**

**For Immediate Release**

**MARCH 23, 1995**

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HAMPTON POLICE DIVISION IS DEEPLY CONCERNED WITH THE PROBLEMS ASSOCIATED WITH ALCOHOL CONSUMPTION BY THE YOUTH OF OUR COMMUNITY. IN OUR CONTINUING EFFORTS, DURING THE UPCOMING WEEKS THE POLICE DIVISION WILL BE UTILIZING RESOURCES TO INVESTIGATE ALLEGED ALCOHOL-RELATED CRIMES INVOLVING PERSONS UNDER 21 YEARS OF AGE. THIS WILL BE ACCOMPLISHED THROUGH OUR "LIFE FORCE PROGRAM" ALREADY IN EXISTENCE. THIS PROGRAM IS DESIGNED TO ENHANCE COMMUNITY AWARENESS AND EDUCATE THE PUBLIC ON THE PROBLEM OF PERSONS UNDER 21 YEARS OF AGE PURCHASING AND CONSUMING ALCOHOLIC BEVERAGES, AND THE IMPACT IT HAS ON THE COMMUNITY. CHIEF MINETTI IS ASKING THE CITIZENS TO REPORT ANONYMOUSLY THE LOCATION OF PERSONS UNDER 21 YEARS OF AGE PURCHASING ALCOHOLIC BEVERAGES IN THE CITY. THIS CAN BE ACCOMPLISHED BY CALLING THE POLICE DIVISION AT 727-6111.



**T**his section highlights the importance of education, particularly for the parents of youth. Often parents are unaware of or simply refuse to acknowledge their children's use of alcohol or other drugs. Even when parents recognize a problem, it is necessary for law enforcement to educate and involve them in a community anti-DUI effort. The following pages contain:

- A notice from Astoria's Clatsop County Driving Under the Influence or Impaired (DUII) Advisory Team (CDAT) warning of alcohol and drug use during spring break.
- A fact sheet titled "Parents, Teens and Alcohol," compiled by Albany County to dispel myths about teen drinking.
- A parent's legal guide summarizing juvenile drinking and driving offenses, provided by the Tulsa Police Department and the Community Service Council.

# **SPRING BREAK STARTS MARCH 17TH**



**1000s of young adults will be visiting  
the North Coast area.**

**Problems with abuse of alcohol and  
illegal drugs will occur in our area.**

**KNOW where your kids are during  
spring break...**

**Please don't let them  
become a statistic...**

**CDAT (Clatsop County DUII Advisory Team)**

# PARENTS, TEENS AND ALCOHOL

## Fact Sheet

61 Percent of Youths (Age 16-20) Say Their Parents Accept, Ignore or are Unaware They Use Alcohol

PARENTAL MYTH	FACT
20% of parents believe their teenage child will definitely, or is very likely to, drink alcohol July 4th weekend.	39% of youths (age 16 through 20) say they will definitely, or are very likely to, use alcohol July 4th weekend.
45% of parents believe heavy drinking is an extremely or very widespread problem in their teenage child's school.	79% of youths say heavy drinking is an extremely or very widespread problem at school.
36% of parents believe their teenage child used alcohol during the past month.	56% of youths say they used alcohol during the past month.
82% of parents say their teenage child would call them and ask for a ride home if he/she had too much to drink. 10% say their son or daughter has called for a ride.	65% of youths say they would ask their parents for a ride home if they had too much to drink. 20% say they have called in the past.
55% of parents believe their son or daughter abstains from alcohol.	33% of youths described themselves as "abstainers" from alcohol.

The study is based on a representative cross section of young adults throughout the United States aged 16-20, and parents of young adults in that age range. Respondents were selected on a random basis. Respondents included 529 teens and 536 parents.

## PARENT'S LEGAL GUIDE

### **OFFENSE: POSSESSION OF ALCOHOLIC BEVERAGE BY A MINOR.**

It is an offense for any person under the age of 21 to be in possession of any intoxicating alcoholic beverage in any public place.

Punishable by a fine of not more than \$100, excluding court costs, and by imprisonment in the City Jail for not more than 30 days.

### **OFFENSE: POSSESSION OF NON-INTOXICATING ALCOHOLIC BEVERAGE BY A PERSON UNDER 21 YEARS OF AGE.**

It is an offense to consume or possess with intent to consume any non-intoxicating alcoholic beverage or beer containing more than .5% alcohol and not more than 3.2% alcohol in any public place.

Punishable by a fine of not more than \$100, excluding court costs, or by appropriate community service not to exceed twenty (20) hours.

Does not apply when "under direct supervision of parent or legal guardian," but not allowed to consume in "any public place licensed to dispense non-intoxicating alcoholic beverages."

### **OFFENSE: MISREPRESENTATION OF AGE.**

It is an offense for any person under the age of 21 to misrepresent his/her age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him/her alcoholic beverages.

Punishable by a fine of not less than \$250 nor more than \$500, excluding court costs. It is also a State Misdemeanor punishable by a fine of \$100 and/or 30 days in the County Jail.

### **OFFENSE: CONSUMING ANY INTOXICATING SUBSTANCE IN A PUBLIC PLACE.**

It is an offense for any person to consume any intoxicating liquor or any other intoxicating substance in a public place.

Punishable by a fine of not more than \$100, including court costs.

### **OFFENSE: APPEARING IN ANY PUBLIC PLACE WHILE INTOXICATED.**

It is an offense for any person to appear in any public place while intoxicated.

Punishable by a fine of not more than \$100, including court costs.

### **OFFENSE: DISTURBING THE PUBLIC PEACE WHILE INTOXICATED.**

It is an offense for any person to disturb the peace while intoxicated and in a public place.

Punishable by a fine of not more than \$100, including court costs.

**OFFENSE: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR OTHER INTOXICATING SUBSTANCE.**

It is an offense for any person to operate a motor vehicle while under the influence of alcoholic beverages or any other intoxicating substance. Breath or Blood Alcohol Concentration must be .10% or more.

Punishable by imprisonment in the City Jail for not less than 10 days nor more than 90 days, and a fine of not more than \$500, excluding court costs, for first offense in Municipal Court. Plus a driver's license suspension.

If first offense is filed as a State Misdemeanor the punishment is imprisonment in the County Jail for not less than 10 days nor more than 1 year, and a fine of not more than \$1,000. Plus a driver's license suspension.

Second offense can be filed as a State Felony with a punishment of not less than 1 year and not more than 5 years in the custody of the Department of Corrections, and a fine of not more than \$2,500. Plus a driver's license suspension.

**OFFENSE: DRIVING WHILE IMPAIRED BY ALCOHOL OR OTHER INTOXICATING SUBSTANCE.**

It is an offense for any person to operate a motor vehicle while impaired by alcohol or other intoxicating substance. Breath or Blood Alcohol Concentration must be more than .05% and less than .10%.

If filed as a City Misdemeanor this offense is punishable by a fine of not less than \$100 nor more than \$500, excluding court costs, and/or by imprisonment in the City Jail for not more than 90 days. Plus a driver's license suspension.

If filed as a State Misdemeanor the punishment is a fine not less than \$100 and not more than \$500, or imprisonment in the County Jail for not more than 6 months, or both. Plus a driver's license suspension.

**OFFENSE: DUI/APC UNDER AGE 18. (ZERO TOLERANCE BILL)**

It is an offense for any person under the age of 18 to drive, operate or be in actual physical control of a motor vehicle with a Breath or Blood Alcohol Concentration of .02% or more, or evidence of other intoxicating substances.

First offense, punishment by a fine of not less than \$100 nor more than \$500, or a minimum of 20 hours of community service, or both.

Second offense, punishment by a fine not to exceed \$1,000 or by not less than 40 hours of community service, or both. The court may assess additional community service hours in lieu of any fine specified.

**MANDATORY REVOCATION OF DRIVER'S LICENSE:** First offense — 6 months, or 1 year, or 6 months (2 years effective 7-1-95) and until the person attains the age of 18, whichever is longer. Second offense — Minimum 1 year (2 years effective 7-1-95) or until the person attains 18 years of age, whichever is longer.

**CUSTODIAL PARENT, PARENT OR LEGAL GUARDIAN:** Of a defendant under the age of 18 years. Notified on first conviction that a "penalty may be imposed" on the parent or legal guardian not exceeding \$500 for each "subsequent violation" by the defendant while under the age of 18, provided that the motor vehicle involved in the offense was owned or controlled by the parent or legal guardian.

**OFFENSE: TRANSPORTING OPEN CONTAINER OF ALCOHOLIC BEVERAGE.**

It is an offense for any person to transport a container of alcoholic beverage in a vehicle, except in the original container with the seal unbroken, and not accessible to the driver.

Punishable by a fine of not less than \$200, excluding court costs, and/or by imprisonment in the City Jail for not more than 90 days.

**OFFENSE: TRANSPORTING OPEN CONTAINER OF BEER.**

It is an offense for any person to transport a container of non-intoxicating alcoholic beverage (beer) containing more than .5% alcohol and not more than 3.2% alcohol, except in the original container with the seal unbroken, and not accessible to the driver.

Punishable by a fine of not more than \$50, including court costs.

**OFFENSE: CREATING, PUBLISHING OR MANUFACTURING OKLAHOMA OR OTHER STATE DRIVER'S LICENSE OR I.D. CARD.**

It is a Felony to create, publish or manufacture a false Oklahoma or other state driver's license or state identification card.

Punishable by a fine up to \$10,000 and/or imprisonment not to exceed 7 years in the custody of the Department of Corrections.

**OFFENSE: DISPLAYING, POSSESSING ANY STATE COUNTERFEIT OR FICTITIOUS DRIVER'S LICENSE OR IDENTIFICATION CARD.**

It is a Felony to display or possess any counterfeit or fictitious state driver's license or state identification card bearing a false date of birth, false name, or a photograph of any person other than the person named.

Punishable by a fine up to \$10,000 and/or imprisonment not to exceed 7 years in the custody of the Department of Corrections.

**OFFENSE: UNLAWFUL USE OF DRIVER'S LICENSE.**

It is a Misdemeanor offense for any licensee:

1. To lend his/her license to any other person or knowingly permit the use thereof by another person.
2. To display or possess a license issued to him/her which bears altered information concerning the date of birth, expiration date, etc.
3. To permit the unlawful use of a license issued to him/her.

Punishable by a fine of not less than \$25 nor more than \$200, excluding court costs.

**OFFENSE: CONTRIBUTING TO DELINQUENCY OF A MINOR OR TO MINOR'S COMMISSION OF A FELONY.**

It is an offense for any person to "knowingly or willfully cause, aid, abet or encourage" a minor to become a delinquent. A Delinquent Child is any person under the age of 18 who violates any penal statute of the state. This includes "Frequenting any saloon...or any place where intoxicating liquors are manufactured, stored or sold" and "Possessing, transporting, selling, or engaging or aiding or assisting in the sale, transportation or manufacture of intoxicating liquor, or the frequent use of same."

First offense is a Misdemeanor punishable by a fine not to exceed \$1,000 and/or imprisonment in the County Jail not to exceed 1 year.

Second offense is a Felony punishable by imprisonment in the State Penitentiary not to exceed 3 years and/or by a fine not to exceed \$5,000.

**OFFENSE: FALSE PERSONATIONS.**

It is a Felony offense for any person to falsely personate another by assuming their true identity where the act would create liability on the true person. This would include the incurring of charges, forfeiture of penalty, or payment of money in the name of the true person.

Punishment by imprisonment in the state prison not to exceed 10 years.



# Highlights of Training Curricula

The following materials, prepared by James Scutt and the Police Executive Research Forum (PERF), provide an overview of training developed to assist justice agencies and community organizations involved in juvenile DUI enforcement efforts. They are based on the theory that the best training materials are those that are most responsive to the day-to-day needs of users. Training should also consider the relationship between the various components of the local justice system and the key advocacy of community organizations that work with them. These major areas of emphasis in DUI training curricula are intended to help agencies initiate programs for on-the-job training as well as training courses in local and regional academies. Users are encouraged to adapt the contents to current enforcement efforts, local needs, and the ever-present reality of limited resources.

## *How Trainers Can Use and Modify the Model Curriculum*

The various components of the local justice system, as well as community service and advocacy organizations, should come together for training. The ideal is to train them all together, but the reality is that one or more disciplines may not be represented in training because they have opted out of the local program coalition. Still, training is designed for multidisciplinary groups.

Training should instruct participants that they can make a difference as well as advance their agency objectives while participating in a comprehensive, community-based, multidisciplinary juvenile DUI policy group. This focus is substantially different from approaches that stress strict enforcement without addressing how to build support among other agencies for that approach.

Training will also be needed for specific groups. One way to modify the curriculum for a particular group is to select faculty directly suited to the needs of that group. For example, in discussing traditional and proactive law enforcement intervention strategies, the group could be split into more than one discussion group, with a special instructor teaching advanced participants who are already familiar with traditional strategies. Another method of adapting the curriculum is to select technical and specialized background readings for the participants and to gear those readings to the participants' experience levels or specialized disciplines. One publication designed to identify such material is the American Prosecutors Research Institute/National District Attorneys Association manual on DUI enforcement.

Because of the range of disciplines represented among the participants and the need to find locally acceptable ways to implement the DUI program and confront obstacles, it may be necessary to break into workshops to discuss these implementation issues.

## *Comprehensive Curriculum on Enforcement Strategies to Combat Juvenile Impaired Driving Due To Alcohol or Other Drug Abuse*

### *Public Policy Development: Understanding the Need for a Public Policy Group*

Unless each discipline participates in a well-developed and comprehensive session of "consciousness raising" at the beginning of training, the skills and techniques taught later in the course may not seem relevant to the

needs of the practitioner or agency. To educate law enforcement practitioners and others about (1) the dynamics of underage drinking and driving and (2) the need for a community-based, multidisciplinary juvenile DUI (driving under the influence) policy group, the following training objectives are recommended:

- To communicate a specific, operational definition of juvenile impaired driving and to define other alcohol- and drug-related offenses that affect that issue.
- To identify the effect of the “top-down command” emphasis that police executives and command staffs must use for successful arrest-based, underage DUI enforcement.
- To identify the public and private sector agencies that should compose the community-based DUI policy group.
- To clarify agencies’ individual and joint objectives.
- To understand the roles and relationships among the criminal justice system and private sector agencies in establishing a discussion forum and designing and implementing a comprehensive juvenile DUI policy.
- To communicate students’ responsibility to educate the general public, businesses, and professional associations about the need to combat juvenile drunk driving, the goal of such education being to prevent such violations, to increase the likelihood that violations will be reported to law enforcement, and to increase the community’s cooperation with law enforcement and treatment professionals.

## *Challenging the Traditional Intervention Methods*

To introduce the student to nontraditional means of combating underage DUI, such as public awareness and education, the following training objectives are recommended:

- To evaluate traditional law enforcement intervention strategies such as sobriety checkpoints, selective enforcement, Cabs on Patrol, and diversion.
- To identify and evaluate proactive measures such as Operation Keg ID, underage decoy operations, and Badges in Business.
- To develop a familiarity with the incident reduction methods currently employed in various states, including but not restricted to lower blood alcohol contents (BACs) for youths, nighttime driving restrictions, graduated licensing, curfews, and administrative license revocation.
- To determine the factors or obstacles that contribute to the low impaired-driving arrest rate for youth, including but not limited to time and place; DUI detection cues; juvenile processing and adjudication; and lower BACs for youthful offenders.
- To address how to adopt and implement the operational aspect of a program based on locally available resources.
- To examine the role of the media and the benefits of involving the media in the planning, implementation, and evaluation processes, remembering that when members of the local

media support an arrest-based strategy, the police executive's job, indeed the job of all the policy group members, becomes much easier.

### *Leadership Issues: Helping the Chief of Police Assume a Leadership Role*

To identify the roles and responsibilities of the chief law enforcement official in establishing and chairing a community-based policy group, the following training objectives are recommended:

- To enable the police executive to do the following: analyze intelligence, agency referrals, complaints, and other information to determine the scope of the problem; conduct a needs assessment; and identify available resources before developing a policy group.
- To suggest ways of developing a liaison with other public and private agencies in order to gain a broad base of political support for the long-term success of the program.
- To identify and draw upon the team-building technique known as the five R's (rules, roles, relationships, responsibilities, and results), which will assist in building a consensus and moving the program forward.
- To examine the benefits of a multidisciplinary team that contains a cross section of the community and therefore has a greater chance of self-sufficiency through various funding sources.
- To identify various external resources and support (such as funding and personnel) that the police department will require if it is to meet the challenge.

### *Policy Group Development*

To help the police executive identify the community stakeholders who are most affected by this issue and to offer insights into the relationships the various organizations must develop among themselves to achieve their stated objective, the following training objectives are recommended:

- To assist the police executive in identifying which public and private sector organizations have a stake in the development of the policy group and its mission.
- To communicate specific roles for each of the organizations so that they understand and acknowledge their own and each other's limits.
- To recommend ways to develop and maintain liaisons, operating relationships, and unification through letters of agreement among the agencies responsible for the integrity of the program.
- To communicate the importance of educating the public, businesses, and professional associations about the need to combat underage DUI; this education is aimed at deterring such violations, making it more likely that violations will be reported and increasing the community's cooperation with enforcement agencies.
- To demonstrate how the use of a broad-based multidisciplinary team can increase the community's chance of gaining funds from such sources as the National Highway Traffic Safety Administration (402 and/or 408 funds), the Bureau of Justice Assistance, and the Office of Juvenile Justice and Delinquency Prevention.

## *Round Table Discussion: Developing a Community Action Plan*

To allow agency and organization executives an opportunity to develop an action plan for creating the community-based, multidisciplinary policy group, the following training objectives are recommended:

- To encourage dialogue among the various disciplines involved in the community planning process.
- To identify any legislative initiatives needed before starting an arrest-based program.
- To develop a preliminary list of potential public- and private-sector funding sources.
- To draft a working document that will be the basis for the development of a community-wide policy group.

# Contact List

After reviewing this guide, you or other members of your community may still have questions and experience difficulties in implementing the Juvenile DUI Enforcement Program. The following list provides the names, addresses, and phone numbers of representatives of the five project demonstration sites. These individuals will be happy to discuss their experiences and offer further suggestions.

## *Five Sites Representatives*

### **Lt. Tom Clifford**

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# Strategies for Success

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COMBATING JUVENILE DUI

*Part IV*  
*Leadership*  
*Roles*  
*for*  
*Officials*





# Foreword

**T**he philosophical basis of the Juvenile DUI Enforcement Program is the use of arrest and other punitive sanctions by police to combat the juvenile DUI problem. Police executives must take leadership roles, and it is essential that other justice officials back up the police in using those sanctions.

We believe that many justice officials will support the conceptual basis of this project . . . and then move on to other pressing business. Nothing can be more effective than convincing these officials that they too can be leaders and can make as much difference in the community as police. To do that, we turned to a number of other law enforcement and judicial officials and asked them to pen some advice for their peers.

We are confident that we have collected the kind of advice that can have an impact on the peers of key justice officials, and that readers will heed the advice and begin to fill leadership positions in their communities. The result, we hope, will be juvenile DUI programs as effective as the ones featured in these publications.

Clifford L. Karchmer  
Project Director  
Police Executive Research Forum  
Washington, D.C.



# The Police Executive: Facing the Challenges of Underage Drinking

*Thomas H. Carr*

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*Office of National Drug Control Policy*

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The facts are clear. In the United States, impaired driving is the most frequent violent crime. In 1995, 8,934 people died in traffic crashes involving 15- to 20-year-old drivers. Approximately 40 percent of the fatally injured drivers had a positive blood-alcohol content (BAC). Close to 60 percent of the people who died in crashes where a young driver was involved were young people themselves. Additionally, persons aged 15 to 20 years comprised 7.1 percent of licensed drivers in the recent past but accounted for 14.9 percent of all driver fatalities, according to the National Highway Traffic Safety Administration.

Statistics on alcohol consumption among juveniles are also alarming. Former Surgeon General Antonia Novello, an outspoken advocate for reducing underage drinking and a crusader for enhanced prevention efforts and enforcement of the laws, has cited surveys that estimate that 40 percent of the 20 million junior and senior high school students in the United States drink weekly and as many as 7 million of them purchase the alcohol themselves.

For these and other reasons, more and more people are beginning to recognize that underage drinking is a very serious problem demanding more deterrents than just a 21-year-old minimum drinking age. However, the reality is that, in the United States, there is ambivalence toward drinking in general and especially toward minors' drinking. Many feel that teenagers always have drunk and always will drink; consequently, juvenile drinking is not treated

as a serious infraction. All too often, parents regard underage drinking as a "rite of passage" and express relief that at least their children are not using illicit drugs.

How can we begin to reexamine existing laws and policies relating to underage drinking to at least reduce juvenile access to alcohol and discourage juvenile impaired driving? It is clear that responsibility for change rests with a number of different groups—teenagers, parents, law enforcement officials, prosecutors, judges, and retailers, among others.

Because of the nature of the offense and the risks to public safety, law enforcement—specifically, police executives—can and must take the lead in this issue. Today, enlightened police executives acknowledge that reducing underage alcohol use and driving under the influence (DUI) requires passing new legislation with strict penalties, requiring the courts and juvenile agencies to use the penalties, and encouraging law enforcement to enforce those statutes aggressively.

To lead an underage DUI campaign in the community and build a comprehensive enforcement program that involves police, prosecution, court, and other public agency and private citizen cooperation, the police executive must begin with the very basics. Clearly, to address underage drinking and driving, one has to recognize that there is a problem. This recognition comes from gathering information from a variety of sources on a jurisdiction-by-jurisdiction or statewide basis to get a true picture of the nature and extent of

the issue in question. (See the description of Albany's community survey and the chief's DUI checklist in *Strategies for Success: Combating Juvenile DUI—Part I: Building Programs That Work*.) All states have central repositories or data bases for this key information. The Department of Motor Vehicles can readily identify the number of teenage drivers involved in alcohol-related traffic crashes and the number whose licenses are suspended or revoked due to an alcohol infraction. Most state medical examiners' offices keep detailed data gathered from autopsies that police executives can use to discover more about juvenile alcohol usage. All this information can be compared with data maintained in the state's juvenile justice system and, of course, in the FBI's Uniform Crime Reports. Together with drug and alcohol treatment data available from state and local departments of health, police executives can obtain an informed understanding of the juvenile drinking problem in their area of responsibility.

Police executives must also examine the laws governing alcohol use by minors. Twenty-three states fail to prohibit minors from trying to buy alcoholic beverages. Twenty-one states have no laws to govern alcohol consumption by minors. Several states do not ban minors from possessing alcoholic beverages. Just as alarming, 19 states do not make it illegal for minors to present false identification in order to buy alcoholic beverages. The simple truth is that it is not difficult for a minor to obtain alcohol in most states. The U.S. Department of Transportation recently found that the alcohol-related automobile crash fatality rate for 16- and 17-year-olds was double that for drivers 25 years and older. For drivers aged 18 to 20, the rate was triple that of drivers 25 and older.

Does this mean new laws are needed to keep minors from consuming alcohol and driving under the influence? Not necessarily. Perhaps the best way to

answer this question is for police executives to take a closer look at existing laws that form the basis for the enforcement efforts in their departments. If underage drivers are not being arrested for driving under the influence at a rate commensurate with the fatality rate for underage drivers, enforcement efforts may indeed be lax. On the other hand, this disparity between the fatality rate and the arrest rate may be tied to the BAC required for a prima facie case for driving impaired. Maryland, as an example, lowered the legal BAC for minors to .02, as compared to the .10 BAC then in effect in most states. *This translated almost immediately into an 11-percent reduction in collisions where minors were at fault.* When Maryland mounted a public awareness campaign regarding its new law and targeted high school students, the number of crashes caused by minors *fell by 50 percent.*

A recurring challenge in the whole underage drinking issue rests in the business community itself, where alcohol may be readily available to minors. Law enforcement agencies must determine whether establishments in or near their jurisdictions sell to minors, whether they check for proper identification, and whether these businesses are, in fact, being penalized for any illegal activity.

Another way police executives can learn more about underage drinking problems in their jurisdictions is to poll their officers. Beat officers know the problems the community is facing. They also know how cool the court system is to the issue of underage drinking. Often, officers are reluctant to arrest minors engaged in alcohol-related activities if they believe the court, the juvenile justice system, or even their own department is not responsive. All too often, this is a greater barrier to overcome than lax or outdated laws.

It is also useful for police executives to talk with the business community. In particular, police executives should seek out those who operate businesses catering

to the young. Fast food and convenience store managers and their employees, for example, generally have a firsthand view of the underage drinking problem in the community that they are eager to share with law enforcement. The local insurance community has a stake in this problem, too. Automobile insurance agents routinely gather facts about drinking and driving for their companies. Candid conversations with these groups can be a source of very telling information about underage drinking.

Community-based groups formed to reduce underage drinking and DUI should not be overlooked. Such groups as Students Against Destructive Decisions (SADD) and Mothers Against Drunk Driving (MADD) serve not only as excellent sources of information about these issues but also as catalysts to ignite community concerns. The zeal of SADD and MADD members can bolster law enforcement executives' efforts to convince others of the soundness of an arrest-based underage drinking campaign.

One group that astute executives should consider throughout the planning, implementation, and evaluation process is the media. Both the written and electronic media will be keenly interested in this program. The media should be invited to join in the effort to reduce underage drinking. When the members of the media serving the community support an arrest-based strategy, the police executive's job—indeed the work of all members of the criminal justice system, as well as the treatment, prevention, and education disciplines—becomes much easier.

Armed with the latest and most accurate information about underage drinking, police executives must take the lead in assembling a team to develop community-based solutions. One of the most efficient and proven methods of creating a team is to identify the principal stakeholders who are most affected by the issue. In addition to the police, other governmental groups are

clearly responsible for dealing with at least a portion of this broad-based problem. Likewise, a number of civic and business groups will want to offer their input.

An enforcement-driven underage drinking program requires that everyone involved—police, prosecutors, judges, legislators, juvenile justice practitioners, social services providers, educators, and community and religious leaders—be a part of the problem-solving process. Police executives must patiently and wisely work with all these groups to develop solutions for the community.

One of the greatest challenges is for police executives to ensure that the group works as a team. Perhaps the best method for accomplishing this is to employ the team-building technique known as the five R's. The R's stand for **rules, roles, relationships, responsibilities, and results**.

Each member of the group must understand the **rules**, in this case the laws that govern an enforcement-oriented underage drinking program. Unreasonable or unrealistic expectations as to what the police, courts, and juvenile justice system can legally do to curb underage drinking will quickly lead to a breakdown within the team. A thorough understanding of the laws currently in place will save the team valuable time. Prosecutors are generally the best choice to examine the laws and explain them to the team.

Each team member must understand the **roles** that the team and the various governmental components and private groups have in curbing underage drinking. Police, prosecutors, judges, ministers, business owners—all the various members of the community have a role to play. The key is for everyone to understand and acknowledge the limits of each group's role. The police executive must allow time at team meetings for roles to be defined and agreed on.

Because this is a team whose members have a stake in the solution, the police executive must nurture the **relationships** that exist or establish those that need to be developed. Police depend on prosecutors to present evidence to the court. The court depends on the juvenile justice system and the treatment community to treat those committed to their care effectively. Parents depend on educators and the school system to reinforce the idea that minors should not drink alcoholic beverages. This domino-like relationship must be understood if the team and, eventually, the community are to be successful.

Once the relationships are developed, police executives must be sure that team members understand and accept their individual **responsibilities** as well as those of the team. All too often the best-intentioned teams falter because their members fail to accept responsibility or understand where their responsibility ends and another's begins. Again, police executives must closely monitor the team's activities to safeguard against a breakdown in this area.

Once rules, roles, relationships, and responsibilities are established, police executives and all others who are part of the team have to agree on the **results**. Unrealistic expectations frequently lead to conflict between team members and in the community as a whole. If the team locks onto the notion, for example, that the intended results of its work must be the complete elimination of underage drinking, problems may arise. Further, intensive evaluation plans need to be established to determine what works, what does not work, and what would be likely to work in the future.

One benefit of having a multidisciplinary team composed of a broad cross-section of the community is widespread political support and a greater chance of gaining funding for the program. More specifically, any grant application showing numerous resources devoted to a single, comprehensive program designed to reduce underage drinking will have great credibility

that in turn will increase the likelihood of funding. Funding could be sought for enforcement-based programs coupled with an intensive public education campaign or for an alternative sanction program, to name a few approaches.

The degree of success an enforcement-oriented underage drinking program will enjoy is directly related to the police executive's commitment and the department's command structure. Police departments with high numbers of DUI arrests all have one thing in common—a top-down command emphasis on traffic enforcement and, more specifically, on DUI enforcement.

The posture of law enforcement executives toward underage drinking must be clearly and concisely communicated to their entire departments. Every department member must accept DUI and underage drinking enforcement as an extremely important task and a professional responsibility. The police executive's job is to create an atmosphere of enthusiasm for the program.

A reward system is frequently useful for instilling in the department an enforcement-based approach to underage drinking. High arrest producers should be rewarded for their efforts. Incentives designed to acknowledge an individual officer's or a shift's performance tend to raise and sustain a department's overall performance.

Training is also a primary ingredient for ensuring success in this type of undertaking. Underage drinkers and minors who drink and drive exhibit different characteristics than do adults. When consuming alcohol, minors typically congregate in parking lots or fields as opposed to meeting in bars or nightclubs. Underage drinkers generally operate on Friday and Saturday nights between 10:00 p.m. and 2:00 a.m. Adults charged with DUI are normally arrested throughout the week and tend to be detected later at

night. Additionally, youthful drivers tend to increase their speeds and engage in risk-taking maneuvers when driving under the influence. Older drivers drive more slowly and are prone to be less daring than their youthful counterparts. In 1993, researchers at the University of Michigan Transportation Research Institute uncovered some startling facts about teenagers and nighttime driving that underscore the differences in drinking and driving patterns between minors and adults. The research showed that while only 20 percent of teenage driving occurs between 9:00 p.m. and 5:00 a.m., more than 50 percent of the fatal accidents involving teenagers occur then. Patrol officers usually require additional training geared to the detection and arrest of underage violators.

There are many components police executives may want to consider incorporating in enforcement-driven underage drinking programs. As mentioned earlier, Maryland's .02 BAC law, when coupled with an intensely focused public information campaign, cut crashes caused by minors by 50 percent. But another technique some states have used in conjunction with lower BAC laws is the administrative license revocation, or ALR. Under ALR, a police officer can confiscate a driver's license on the scene if the driver refuses to take a chemical test or shows an illegal level of alcohol in his or her system. Studies show that ALR is effective in reducing driving fatalities.

Another component police executives may want to discuss with their teams is provisional licensing. Research on provisional licensing laws in the United States and abroad has found that the number of juvenile-involved motor vehicle collisions dropped when a provisional licensing system was installed. Under this system, young drivers are generally restricted as to the time of day they are allowed to operate a vehicle and, in some instances, to the number and age of passengers that may accompany them. Needless to say, when used with the .02 BAC laws and ALR, a law enforcement-driven underage drinking program can really begin to take shape.

Many law enforcement executives grow discouraged over the fact that these new and innovative laws are not in place in their jurisdictions. Indeed, some use this as an excuse for not employing an arrest-oriented program to curb underage drinking. Other police executives, however, work to amend existing laws and introduce new ones, while using the laws that are available to tackle the problem. The main goal of an alcohol control policy is to limit the harm drinkers do to themselves and to others, but another goal is to control the costs associated with the policy itself and with its unwanted side effects.

Most scholars who have studied our nation's Prohibition era attribute the mob violence of the 1920s and 1930s to the strict controls placed on alcohol production, transportation, and sale. The Volstead Act (prohibition's enforcement statute) undoubtedly cut down on the national consumption of alcohol; arrests for drunkenness fell sharply, as did deaths from alcoholism. Fewer working men squandered their hard-earned wages on drink. But in insisting on total abstinence, the law drove millions of moderate people to direct violation of the law. "Bootlegger" became a household word. The saloon disappeared, but the speakeasy emerged, usually operating under the benevolent eye of the local police. As could have been predicted, most liquor traffic fell into the hands of gangsters. Hijackings, bloody turf wars, drive-by shootings, and huge illegitimate alcohol trafficking profits took their toll on public sentiment. The lessons learned in the "noble experiment" should not be forgotten when developing modern alcohol control policies.

School policies, for example, often call for expelling students who are caught drinking or possessing alcohol on school property or at school events. Unless an alcohol treatment component is available and made part of the consequences for violating school policy, the act of expelling the student for inappropriate behavior may result in reinforcing the child's temptation to drink. "What do I have to lose now?"

is the attitude many children take when placed in this position.

Some communities have experimented with imposing curfews on young people in an attempt to limit their ability to obtain and use alcohol in public settings. Extreme care should be taken in designing a curfew ordinance. Curfews can punish all minors, not just those who misbehave or violate the drinking laws. The infringement on personal liberties and the perceived unfairness of such policies generally lead to their failure. Some curfews are not easily enforced. Many are manpower-intensive for the police, and they tend to strain an already overworked juvenile justice system. Furthermore, if the penalties set for the curfew violations are too minor or too severe, or if they are too sparingly or too selectively imposed, the value of the curfew may be severely diminished.

For enhanced effectiveness, curfew ordinances should be community based and combined with other services, such as teen recreation centers and jobs programs. Phoenix designed a curfew as one component of its citywide crime prevention and reduction program. After the implementation of a

juvenile curfew in May 1993, Phoenix experienced a 10-percent decrease in juvenile arrests for violent crimes (homicide, sexual assault, robbery, and aggravated assault) during the 11-month period from June 1993 to April 1994, compared with the period from June 1992 to April 1993. For more information on representative curfew programs, see *Curfew: An Answer to Juvenile Delinquency and Victimization?* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 1996 (April)), which is available from the Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20849-6000, phone (800) 638-8736.

The question for law enforcement executives is whether they can devise a policy able to protect the legal uses of alcohol while controlling the harm so often befalling drinkers and others. Unquestionably, alcohol policy must be constructed around two primary objectives: preventing children from drinking and preventing all people from drinking and driving. Police executives are duty bound to develop an enforcement policy that meets these objectives.

# The Prosecutor's Leadership Role in Juvenile Impaired Driving Programs: Supporting the Arrest Alternative

*A. Gallatin Warfield*  
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## *The Case*

On a crisp Friday evening in October there was a football game at the Mill Valley High School. The home team won, and the crowd was jubilant. After the game, students with cars began rounding up their friends. One of their schoolmates was having a party. His parents were out of town, and their large home was ideal for a celebration. Also, there would be several kegs of beer on hand.

Seventeen-year-old Tom Johnson was a senior. His academic and disciplinary records at school were exemplary, and he was well liked by everyone. He was on the student council and had just been accepted to State University. He was thrilled about the game and his early admission to college. Three friends hopped in his car, and they were off to the party.

At two o'clock the next morning, Sally Winters was driving home from her mother's house. She had spent the day and most of the evening helping her mother can fruits and vegetables from her garden. Sally had to work later that afternoon at the phone company, so she couldn't stay over at her mother's. She also had to get her two small children to bed.

The roads in Mill Valley were typical of most rural jurisdictions: winding, unlit, two-lane asphalt structures whose markings had not been repainted in years.

Sally made a turn out of the woods and entered a straightaway. She squinted as the high beams of approaching headlights hit her eyes. She was two miles from home.

Tom Johnson groggily reached for the high-beam switch and activated the windshield wipers. He was very tired, and the wind rushing in the window and the blast of rock and roll from the radio were not keeping him alert. He nodded forward, then snapped his head back. He wished he could sleep like the others, the three friends snoozing beside and behind him. He was almost there. A couple more miles and he'd be home.

Sally wondered why the approaching car was not dimming its lights. She flashed her high beams, but the other car did not respond. It was approaching fast, almost upon her. Sally glanced at her three-year-old daughter, limp with sleep in the passenger-side seat belt, and then she looked at the other car. The headlights were no longer in the other lane—they were directly in front of her. Sally screamed.

Tom Johnson was the only survivor of the crash. Sally and her two children were killed, as were the three passengers in Tom's car. Tom's blood-alcohol content (BAC) was 0.11 percent. He was charged by police with driving while intoxicated and six counts of automobile manslaughter. And now the case has been presented to you, the prosecutor.

As horrifying as the previous scenario is, it is not atypical of juvenile impaired-driving cases that have occurred in virtually every jurisdiction in the United States. A combination of youthful bravado, social habits, speed, low alcohol tolerance, and peer pressure often lead to tragedy. The question for the prosecutor receiving the Tom Johnson case is not just how to handle the particular case. It is, or should be, this: How could the tragedy have been prevented?

The following presentation deals with the overall issue of prevention. Also considered is the role the prosecutor's office should play in the prevention and prosecution of juvenile impaired-driving cases?

Overall, juvenile impaired-driving cases are but a small proportion of the country's total number of drunk driving cases. However, fatalities are far more likely to occur with a juvenile impaired driver than an adult. The potential for a case like Tom Johnson's haunts every prosecutor's office in the nation. Are prosecutors prepared to deal with this type of case?

## *Policy*

The first step in analyzing preparedness is to determine the office policy regarding impaired driving by juveniles. Aside from the obvious, that is, that the prosecution opposes impaired driving, the chief prosecutor in each jurisdiction should look at the issues and determine whether there is a specific office policy regarding the matter. An office policy on prosecution of juvenile impaired-driving cases ensures consistency and uniformity of prosecutions throughout the office. Moreover, it allows the prosecutor to refer to a clearly articulated position on the issue when dealing with the public or the media.

The policy should state, very clearly, a specific position on the issues. It should be written in concise, unequivocal terms. It should be comprehensive as to all the aspects of the subject matter, but it should contain an escape clause that allows the chief prosecutor to exercise discretion in making exceptions.

The policy itself should be tailored to the needs and resources of the particular jurisdiction. It could state that any juvenile with a blood-alcohol content above a certain level will be prosecuted to the fullest extent the law allows. It could provide for diversion programs that take into account prior record, BAC, factual circumstances (for example, whether a crash occurred), and any other factors that would make a diversion program preferable to full prosecution. It could limit plea bargaining in certain circumstances. The policy could set virtually any parameters that the chief prosecutor feels are appropriate. It should provide a firm foundation on which the prosecution of all juvenile impaired-driving cases can rest.

The absence of a written policy could be a nightmare. With the stratification of most prosecutors' offices, the lower echelon trial attorneys are the troops in the field carrying out orders from above. But they must know exactly what those orders are. If a prosecutor in the trenches plea bargains a case such as Tom Johnson's, he can compromise the integrity and credibility of the chief prosecutor in an instant. If, however, there is a specific written policy, the trial prosecutor knows the limits in each case. Without a written policy, assistants may unknowingly place the chief prosecutor in an awkward position by their trial decisions. With a written policy, everyone in the office knows the rules. If an exception is needed, the escape clause may be used under the express direction of a supervisor.

Another important reason to have a specific, articulated policy concerning impaired driving by juveniles is that the policy requires the chief prosecutor to focus on the issues before a Tom Johnson case arises. The issues can be confronted and a decision made in advance on how to handle them. Diversion programs can be used, a hard-line stance maintained, or new approaches or diversion programs invented by the prosecutor. The policy can be innovative or conservative, but the office will be prepared. No reporter will be able to stick a microphone in the face of a prosecutor after a Tom

Johnson case and elicit indecision or equivocation, and the prosecutor will be able to use the policy affirmatively in dealings with police, victims, advocacy groups, and the general public.

If a policy has already been prepared, it should be examined periodically to determine if it is still consistent with current law and if it works. In the prosecution business, nothing can be written in stone. An outdated or ineffective policy may be worse than no policy at all.

## *Police-Prosecutor Relations*

Once a policy has been developed, it is important for the prosecutor to ensure that local law enforcement agencies are aware of the policy and agree with it. The prosecutor's authority to establish a policy is, however, independent and absolute. He or she need not consult with any outside agencies before establishing it, but it may be beneficial to discuss the policy with the police before it is finalized. The police in the field are crucial to the success of any prosecutorial program concerning juvenile impaired drivers. Their strategy, enthusiasm, morale, and effectiveness depend on the support they receive from prosecutors when cases go to court. For this reason, it is imperative that police and prosecutors be on the same wavelength with respect to the issue of juvenile impaired drivers.

There sometimes exists a love-hate relationship between police officers and prosecutors. The police work diligently to resolve a case only to see it plea-bargained away or dismissed in court with little or no explanation. This is extremely demoralizing to officers on the force and saps their desire to extend themselves on such cases in the future. They may forgo stops of suspected juvenile impaired drivers if they feel the cases will be slighted in court.

The flip side to lack of coordination between police and prosecutors is a concerted strategy built on the

foundation of a clearly enunciated prosecutorial policy. In that situation, the police are assured that there will be a follow-up in court to complement their efforts in the field. They know their efforts will not be undercut by arbitrary decisions of assistant prosecutors, and they should be given the courtesy of a full explanation of the rationale for any exceptions to the rule.

As a practical matter, then, the earlier the prosecutor obtains police input on his or her juvenile impaired-driving policy, the better. This can be done by way of meetings or memos between the chief prosecutor and the chief of police. Once there is an agreement or understanding between them as to what the policy is, then it is absolutely imperative that everyone in the system be notified and given a copy of the final policy statement. Periodic update memos or meetings should then be arranged to fine-tune the policy with feedback from the field as to its effectiveness.

An obvious drawback to the coordinated police-prosecutor approach is the lack of time and resources that a chief prosecutor may wish to devote to such a project. The demands of major felony prosecutions often overshadow issues such as juvenile impaired driving. The good news is that this policy can be promulgated in a reasonably short time. The resource materials, statistics, program alternatives, and suggested strategies have been compiled by the Police Executive Research Forum (PERF) and are available on request.<sup>1</sup> The meeting or memo time also need not be extensive. It must merely ensure that both wings of enforcement, police and prosecution, are beating in unison. The alternative—not preparing such a policy—can be illustrated by reference to the Tom Johnson case that led off this chapter. With six people dead, and a seemingly responsible “A” student held accountable, the prosecutor will be challenged. The media and public will focus attention on the

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<sup>1</sup>Contact PERF at 1120 Connecticut Ave., N.W., Suite 930, Washington, DC 20036.

prosecutor's office, and the outcry will be deafening. How could this have happened? What is the prosecutor's record on juvenile impaired drivers? What steps had the prosecutor taken to discourage such conduct? And on and on . . . .

The prosecutor who has dealt with the issue and has a set of responses already prepared via a stated policy will be able to weather the storm. To carry the notion even further, if such a policy had existed, perhaps Tom Johnson would not have attempted to drive that night and the crash would never have occurred. It is food for thought, and certainly incentive enough to take the short time necessary to confront the issue of juvenile impaired driving and articulate a policy concerning it.

## *Programs*

Once a prosecutor has opted to establish a policy, it is incumbent on him or her to know what alternatives are available in the enforcement arsenal. The following are examples of elements that may be included in an articulated policy.

### *Arrest*

The policy may decree that all juveniles will be arrested and processed and that there will be no exceptions. To facilitate this approach, all states have lowered the BAC necessary for conviction to a minimal amount (.02 or less for drivers under age 21). The arrest is then followed by full processing and prosecution with no plea bargaining allowed. This approach, coupled with a public relations campaign designed to alert juveniles to the consequences of drinking and driving, is a deterrent-oriented concept that requires following through on the threat of full prosecution. If frequent exceptions are made or the approach is watered down by either police or prosecutor action, it may not deter such behavior. Both prosecutors and police must speak with a single voice on this issue, and juveniles must listen.

## *Diversion Programs*

An alternative to the harsh "arrest and process" approach may be the post-arrest diversion of certain qualified juvenile DUI offenders into programs before and instead of court proceedings. These programs may be set up and administered by the police, the prosecutor's office, or another appropriate agency. The responsible agency might use combinations of training classes, alcohol rehabilitation, driving school, community service, victim-impact panels, or other means that teach the offender the perils of alcohol and driving. The parameters as to who qualifies for such a program may be based on the seriousness of the offense, the age of the offender, BAC, or any other characteristic that makes that particular juvenile offender susceptible to a treatment approach. In any event, the use of diversion programs should not be allowed to be construed by juveniles in the jurisdiction as a free shot at impaired driving. The programs should be demanding and punitive enough to provide a deterrent in and of themselves. They should also be designed to educate and rehabilitate young offenders.

## *Alcohol Enforcement*

Juveniles are not permitted to drink alcoholic beverages, much less drink and drive. Another aspect of the overall juvenile impaired-driving policy that a prosecutor may wish to coordinate with police is enforcement of laws on underage drinking and possession of alcohol as well as monitoring of liquor-serving and liquor-selling establishments. Sting operations, keg identification programs, and monitoring of bars, athletic events, and student gatherings all aim to stop minors in possession of alcohol before they drive under its influence. It is another approach with the same ultimate goal: to prevent the offenses.

If such an approach had been in effect in Mill Valley, perhaps Tom Johnson would not have been able to drink that night and six lives would have been saved.

The keg might not have been as readily available. The seller might not have been so lax in letting a minor buy if the jurisdiction had been actively policing and enforcing its liquor laws.

Speculation after the fact cannot undo the damage, but a cohesive, energetic policy in place before the fact may prevent the damage from occurring.

### *Public Awareness*

A policy on juvenile impaired driving loses much of its effectiveness if the public is unaware of it. There is less deterrent value to the program, and the risk of cases like Tom Johnson's increases. It is necessary for the prosecutor, therefore, in concert with the police department, to inform the public. Participation in public forums, attendance at PTA meetings, liaison with groups such as MADD (Mothers Against Drunk Driving) and SADD (Students Against Destructive Decisions), press conferences, press releases, billboards, newsletters, and any other means of communication by prosecutors or police personnel can assist in creating awareness. This approach not only alerts juvenile drivers to the possible consequences they face if they drink and drive, it also educates them as to the seriousness of the offense itself. In this regard, it has been effective sometimes to shock young drivers by confronting them with paralyzed victims or convicted peers who can warn of the terrible aftermath of such conduct.

The use of public awareness programs concerning juvenile impaired driving raises the consciousness of the community, promotes debate and discussion on the issues, and increases the effectiveness of the prevention mode of the prosecutor's policy. Clearly, such an approach adds to the visibility of both the prosecutor's office and the police and sets them up as leaders in the war against juvenile impaired driving.

### *Judicial Support*

Combining the best prosecution policy with the best policing, the best public relations campaign, and the best prevention measures goes for naught if the court system does not impose appropriate sanctions when cases are litigated. Lenient, inconsistent, or inappropriate sentences can undercut the best efforts of the prosecution team.

It is important that prosecutors communicate their position and policy to judges. The judges need to know why the prosecutors take the positions they do on the issue, and they need to know the range of sanctions that the prosecutor finds acceptable. If prosecutors take a consistent position on an issue, judges know what to expect and will be more readily prepared. It is important, therefore, that prosecutors not make frequent use of the escape clause and lose credibility with the court. If the policy is strict, prosecutors should be consistently strict.

On a practical level, informing judges of prosecutors' juvenile impaired-driving policy can be done via several means. Many jurisdictions have regular bench-bar meetings that allow a forum for such a presentation. If this is not available, a meeting can be requested that includes representatives of the defense bar to preclude allegations of impropriety; the policy can be aired there. The policy can also be forwarded in written form, either in a special memo or as part of a bar association newsletter or similar publication. The bottom line is that judges need to be aware of the policy. They might not always provide dispositions consistent with it, but they need to know of its existence and of prosecutors' commitment to it. Under those circumstances, everyone in the process—from police in the field to prosecutors to judges—is fully aware of the policy and the philosophy behind it.

## *Resource Allocation*

Often, inexperienced prosecutors are assigned to juvenile court in an on-the-job training mode until they are ready to tackle adult misdemeanors and serious felonies. In addition, the financial resources of most prosecutors' offices do not allow the luxury of keeping experienced people in juvenile court.

If a chief prosecutor has decided to take a stand on the issue of juvenile impaired driving and has established a policy in this regard, he or she must address resource allocation. Who will be assigned to oversee the policy? What training will be provided? Who will coordinate the public relations campaign? Who will evaluate the program and make recommendations as to changes that should be made? The answers to these questions do not necessarily require a restructuring of the office. If the juvenile court is staffed by less experienced personnel, there must be an experienced supervisor at some level who is up to speed on all aspects of the juvenile impaired-driving policy and can provide guidance and training to less experienced personnel. The chief prosecutor cannot simply formulate the policy, disseminate it, and hope that it flies. He or she must appoint an experienced, enthusiastic supervisor to oversee the project. Day-to-day operations may be carried out by less experienced prosecutors, but if the policy has any chance of success, someone in the organization must devote the supervisory time and effort to implement it.

## *Training*

Another aspect of juvenile impaired-driving prosecutions that must be addressed is training for personnel who administer the program—that is, police in the field and prosecutors in court. Each must be fully trained on the latest techniques, laws, procedures, and rules that affect their areas of responsibility.

Again, the best policy in the world is in jeopardy if the people carrying it out are using ineffective methods.

It is important for the chief prosecutor, therefore, to include juvenile impaired-driving procedures in continuing legal education programs in the office. Of course, if no such education programs exist, they should be created. Court holidays make excellent opportunities for prosecutors to close the office and set up in-house training. This approach can be inexpensive, practical, and extremely informative. It ensures that those carrying out the policy are fully informed of all the latest information on the subject.

The police usually have their own in-service training programs that are mandatory for all officers. Many of these programs feature techniques for apprehending drunk drivers, as well as impaired juvenile drivers. If chief prosecutors have established comprehensive juvenile impaired-driving policies, it is important for them to confirm that the police are, in fact, receiving training on those policies. As a bonus, they could allow their prosecutors to attend the sessions and to participate in ride-along programs with police. This not only improves the working relationship between police and prosecutors, but it also allows a firsthand look at the practical aspects that must be dealt with in these kinds of cases. The more joint police-prosecutor training programs that can be arranged, the better. But it is incumbent on chief prosecutors to ensure that such training takes place.

## *Motor Vehicle Administration*

In most states, the motor vehicle administration (MVA) has several ways to control juvenile drivers. Restrictive licenses, graduated licenses, administrative license revocations, driver training programs, and strict testing procedures are but a few of the methods

that MVA administrators could use in combating juvenile impaired driving. Because MVAs are independent of the prosecutor's office and the court system, it is difficult for prosecutors to incorporate MVA procedures directly into their policies. They can, however, complement their enforcement philosophy with the administrative penalties that await a convicted offender. It is very important, therefore, for prosecutors to know the full range of administrative restrictions available in their jurisdictions and to have a line of communication open to the MVA concerning suggestions or changes. Communication and coordination between the prosecutor's office and the MVA can only assist, not hamper, the overall juvenile impaired-driving policy.

## *Task Force*

If a chief prosecutor wants to take an extra step beyond the establishment of a comprehensive policy regarding juvenile impaired driving, he or she could institute or join a community-based task force to address the issue. This would be a very desirable approach: an opportunity to involve the police, the schools, the prosecutors, the courts, citizen groups, motor vehicle administrators, legislators, and other interested parties. Moreover, the visibility of the problem would be enhanced, and all available resources could be marshaled to combat it. For more information on setting up a task force or policy group, see *Strategies for Success: Combating Juvenile DUI—Part I: Building Programs That Work*.

## *An Alternative Ending*

The prosecutor in Mill Valley had established a comprehensive juvenile impaired-driving policy that included strict enforcement, aggressive control of alcoholic beverages, an aggressive public awareness campaign, extensive police training, and a task force. Kegs were registered; police patrolled football games and set up sobriety checkpoints; parents and students signed pledges not to serve alcohol or drink and drive; and the school had just hosted a speech by a quadriplegic victim of an underage impaired driver.

Tom Johnson went to the party, but there was no keg. He did drink one beer from a can, and he partied until 2:00 a.m., but he did not drive his car. The car was driven by a friend who had not touched alcohol. Tom knew he should not and could not get behind the wheel of his car after consuming even one beer. He knew that the prosecutor would seek the maximum penalty against him, and he would lose his license. He was also terrified of ending up in a wheelchair. There was no peer pressure for him to drive; in fact, the pressure was for him not to drive.

Sally Winters made her turn out of the woods and confronted the high beams of an oncoming car. She glanced at her sleeping child and flicked her lights. The beams of the other car immediately went to low, and the two vehicles passed. Sally continued home and put her two daughters to bed.



# A Judge's Response to Combating Juvenile Impaired Driving

*Honorable Philip Trompeter  
Juvenile and Domestic Relations District Court  
Roanoke, Virginia*

## *Introduction*

It has become the maxim of the 1990s that society's problems can only be solved through a community-wide approach. If the problem is poverty, community members understand what that means. If the problem is child sexual abuse, citizens grasp the issues. If the problem is juvenile impaired driving, however, members of almost every community fail to understand its dynamics.

The following are examples of typical attitudes toward juvenile drinking:

- "At least my daughter doesn't use drugs. She only drinks beer," a mother says.
- "Well, if they're going to drink anyway, I'd rather they did it in our house while we're here to supervise. After all, we did it when we were their age," a father says.
- "I told the kids to pour their beer out on the side of the road. The driver only had two beers, and he wasn't driving drunk. Why give him a juvenile record when he's such a good kid?" asks a police officer.
- "Kids will be kids! There's no DUI here, and we've got to turn our attention to those teenagers using hard drugs," says a judge.

■ "Your Honor, you honestly want me to waste my time prosecuting these kids for having that keg party last Saturday night? They come from good families, and I can't waste my time baby-sitting some kids while worrying about really serious offenses that need my attention," a prosecutor insists.

And so it goes.

But judges and other law enforcement officials who deal with issues concerning juvenile impaired driving should ask themselves the following questions:

- Are juveniles' drinking patterns different from those of adults?
- Do I know what is meant by a juvenile's alcohol-related crash?
- Do I know why kids are not allowed to drink until they are 21 years old?
- Do I approach alcohol-related offenses involving juveniles in much the same way as I approach drunk-driving cases involving juveniles?
- Can I recognize which kids may need court intervention and treatment?
- Do substance abuse prevention efforts aimed at youths and initiated by the court relate at all to enforcement and treatment issues for kids?

- Can a law enforcement official positively affect the community by addressing any of these issues?

If the answer to any of these questions is no, then law enforcement officials cannot possibly combat the problem of juvenile impaired driving in their communities.

## *The Sobering Rite of Passage*

Teenagers often contend that a law prohibiting them from drinking until they are 21 years old is unfair. If they can vote at the age of 18 and, if male, be required to register for the draft, why are they forbidden to drink? If, at 18, they are adults in the eyes of the law, why are they denied some of the privileges and responsibilities adulthood entails?

These compelling arguments can easily trip up every community player who is tackling this problem. One cannot expect teenagers to respect the law if they do not understand why it exists. And how can one expect parents to dispel the myth that drinking is an innocent rite of passage unless they, too, know the reason for the law? Both juveniles and parents must understand the rationale, and parents must help their children make appropriate choices.

## *It Is Not All in the Alcohol*

Juvenile impaired driving is best understood as a process—and not as a problem represented solely by one’s blood-alcohol level. The most compelling revelation about this process comes from a national survey developed by the National Highway Traffic Safety Administration.

The survey explored and compared drinking patterns of adults and juveniles of driving age. Adults were asked to answer six questions and to give reasons for their answers. Juveniles were then asked to answer the same six questions and to give reasons for their

answers. What follows is a summary of the survey results, along with the rationale behind both the adult and the juvenile responses. Additionally, the significance of the juvenile responses is discussed.

### **Comparison of Drinking Patterns**

	Adults	Juveniles
1. If you decide to drink anything, how do you consume it?	Sip or consume moderately	Guzzle or gulp
2. If you now decide to get in your car, where do you go?	Home	Cruise around
3. What time of the day or night are you most likely to do so?	2:00 a.m.-4:00 a.m.	11:00 p.m.-1:00 a.m.
4. How do you operate your vehicle?	Slowly or erratically	Fast
5. Is there anyone in the car with you?	No	Yes, three to five friends
6. Where are you when you decide to drink?	At a bar or a home party	At a party and around a car

## *Adult vs. Juvenile Drinking Patterns*

Survey respondents were asked, “If you decide to drink anything [alcoholic], how do you consume it?” Adults generally responded that they sip a drink or consume it moderately. Adults usually are in some sort of social setting, often around food at restaurants or parties, and are more patient about alcohol consumption.

Juveniles generally responded that they consume the drink quickly, guzzling or gulping it. Juveniles attach a thrill to drinking and want to consume all the alcohol that is available. The faster the juvenile consumes it, the faster he or she will feel its effects.

The significance of the juvenile response is that, even if the juvenile consumes only one beer, the alcohol is rushed into the bloodstream and reaches the brain's sensory areas very quickly. Although the juvenile will not experience drunkenness, the juvenile will feel the effects of the rush of alcohol more quickly than if he or she had consumed it slowly.

Survey respondents were then asked, "If you now decide to get in your car, where do you go?" Adults generally responded that they head home. Adults do not usually drive from place to place after they consume alcohol. In fact, most adults are headed home when stopped by law enforcement officers for alcohol-related offenses.

Juveniles generally responded that they cruise around. Juveniles are very social, and they like to drive from place to place and to see and be seen.

The significance of the juvenile response is that it will take the juvenile more time to get home than it will take the adult. The odds of having a crash increase the longer a driver stays on the road. And this is true even if the driver has had nothing to drink.

Next, survey respondents were asked, "If you decide to get in your car after you have had something to drink, what time of the day or night are you most likely to do so?" Adults generally responded that they drive between 2:00 a.m. and 4:00 a.m. Many responded that they would only drive when traffic was minimal, as is the case during those hours. Interestingly enough, the peak hours for arrests of adults for drunk driving—across the nation—are 2:00 a.m. to 4:00 a.m.

Juveniles generally answered that they drive between 11:00 p.m. and 1:00 a.m. Most juveniles live in

jurisdictions where curfews prevail, and they tend to observe them.

The significance of the juvenile response is that, because there are more cars on the road from 11:00 p.m. to 1:00 a.m. than there are from 2:00 a.m. to 4:00 a.m., the juvenile's odds of having an accident increase considerably. Again, this is true even if the driver has had nothing alcoholic to drink.

Survey respondents were then asked, "If you decide to have a drink and then you drive, how do you operate your vehicle?" Adults generally responded that they drive slowly and, if they have had a lot to drink, somewhat erratically. Unlike juveniles, adults sometimes tend to overcompensate. Many drive slower than the speed limit allows. Ironically, these adults call attention to themselves by doing so and are often stopped by law enforcement officers for that reason.

Juveniles generally responded that they drive fast. Again, if the juvenile has only had one drink, he or she will not be drunk. However, because the juvenile consumed that drink quickly, the juvenile is likely to feel good, causing the juvenile driver to take chances he or she might not ordinarily take—such as driving fast. In addition, many juveniles believe they are invincible, a belief that often prompts them to take unnecessary risks. Juveniles are therefore at greater risk of getting into an accident, and a serious accident at that.

Next, survey respondents were asked, "Is there anyone in the car with you?" Adults generally responded that they have no passengers. In fact, most adults who are stopped for DUI are alone in their cars. The reason? Most adults are wise enough not to ride with someone who is too impaired to drive safely.

Juveniles responded that they usually have three to five friends in the car. Most juveniles are very social, and they like to be in the company of friends.

The significance of the juvenile response is that, in an overwhelming number of cases of alcohol-related crashes involving teen drivers, at least one of those three to five friends had nothing to drink—yet that friend did not drive. Youths tend to be trustful and will often let a friend drive when he or she has no business behind the wheel.

Finally, survey respondents were asked, “Where are you when you decide to drink?” Adults generally responded that they are at a bar or a home party. Adults tend to drink in social settings.

Juveniles generally responded that they are at a party. But in almost all cases, they are also around a car.

The significance of the juvenile response is that it reflects a pattern, not a BAC. It is the pattern of combining social drinking with driving that accounts for juveniles’ alcohol-related crashes—and not simply drunk driving. Consequently, it is vital that judges, police officers, juveniles, parents, prosecutors, and policymakers understand that both high and low amounts of alcohol consumed by kids produce the same result: alcohol-related crashes. This is the true meaning of juvenile impaired driving.

Because motor vehicle crashes are the number-one cause of teen death and serious injury in the United States, alcohol use by juveniles should be considered one of the most critical public health problems today. And remember, alcohol—specifically, beer—remains the number-one drug of choice for American teenagers.

## *A Springboard from the Court into the Community*

This paper takes a different approach to the issue of juvenile impaired driving. The author maintains that there can be no community-wide approach—no united front—for combating teen drinking unless everyone starts from the same point of reference. The following strategies are proposed:

- ***Judges should encourage law enforcement officers to regard all alcohol-related offenses by youths with the same seriousness as impaired driving.*** This requires education. If a judge begins a program similar to the driver’s license ceremony described later in this article, then he or she should invite police officers to attend. Judges should meet with police chiefs and educate them about juvenile drinking patterns. Kids and parents cannot be expected to understand the seriousness of this issue unless the law enforcement community is willing to do the same. Consequently, judges should also educate prosecutors about juvenile drinking patterns.
- ***Judges should reinforce law enforcement’s efforts.*** Judges should make their courtrooms user friendly. They should take alcohol-related offenses involving juveniles seriously by setting special dockets at convenient times for officers, if necessary. If a state does not have an “abuse and lose” law, then judges should assist the police in getting one enacted. Strong and logical sanctions as well as substance abuse assessments may deter teens from committing further offenses. Remember: The number-one predictor of adult onset of alcohol addiction is the age at which a juvenile begins to drink alcohol. Judges should make sure their courts have staff support or community resources to intervene immediately with juveniles who commit alcohol-related offenses. Treatment may prevent juveniles from becoming full-blown addicts.
- ***Judges should use their authority to convene community leaders.*** Judges have the unique ability to assemble community members to address almost any community problem. Judges should encourage local government officials and staff to assess community attitudes about juvenile impaired driving. Judges should explore prevention, treatment, and enforcement efforts with community leaders and help establish a

community-wide coalition to monitor efforts in these three key areas. The traffic safety division of the state department of motor vehicles may provide assistance. In addition, judges should review legislation that will enhance their efforts, ranging from juvenile driver's license requirements to juvenile court jurisdictional issues. Not only will such judges gain the respect of their communities, but they will also be well prepared to help change community-wide norms.

- ***Judges should be patient.*** Changing attitudes is a long process that is often generational in scope, but it can be accomplished, and a great deal of progress has already been made. Just consider how attitudes have changed over the past 20 years with regard to cigarette smoking. Although certain national trends may be important, it is the individual communities in which judges live that must be given attention. Combating juvenile impaired driving is an enforcement effort that can succeed.

## *A Unique Courtroom Rite of Passage*

Unlike any other state in the United States, the Commonwealth of Virginia requires juveniles to receive their driver's licenses, while accompanied by a parent, at a special court ceremony conducted by the judge of the juvenile and domestic relations court district in which the juvenile lives.<sup>2</sup> The judge has discretion in the design of this ceremony. Virginia law also provides for the suspension of a juvenile's driver's license (as well as the suspension of the privilege of securing a driver's license for a juvenile who does not yet have one) as a result of certain alcohol- and other drug-related offenses.<sup>3</sup> This law is known as "abuse and lose."

<sup>2</sup>Va. Code Ann., Section 46.2-336.

<sup>3</sup>Va. Code Ann., Section 16.1-278.9.

The author has designed the driver's license ceremony exclusively around the subject of alcohol and other drug use. Each driver's license ceremony is usually attended by 75 to 100 juveniles and their parents. Thus, the judge has the opportunity to reach literally every new recipient of a driver's license in the community, as well as his or her parents.

The cornerstone of the ceremony is the drinking patterns survey discussed earlier. The judge (the author) reviews the entire survey with the courtroom audience, using a chart of drinking pattern comparisons, which is reproduced on a large easel at the front of the courtroom. At the ceremony, the chart does not reveal the answers given by the juveniles in the survey. Rather, the driver's license recipients are randomly called on to give and explain their answers, while one of their peers records those answers on the chart. The ceremony thus becomes a teaching exercise. This technique involves the students and shows that the responses given were not made up by adults.

What does the driver's license ceremony teach the new drivers and their parents?

- It teaches them that *drunk* driving is not the only cause of alcohol-related accidents.
- It teaches them that even minimal alcohol use by youths produces the same drinking pattern dynamics as heavy drinking.
- It teaches them that nearly all teen drinking involves the use of a car.
- It teaches them why the state has enacted an "abuse and lose" law and what the consequences are for violating it.
- It teaches parents to exercise serious discretion in letting their teens drive—discretion that can save lives.

- It teaches teens, in the presence of one another, the consequences for breaking the law, which may ease the peer pressure to which teens are sometimes subjected when they decline to use alcohol.

## *Additional Benefits of the Driver's License Ceremony*

The driver's license ceremony can be used as a springboard for the judge to propose other strategies for new drivers and their parents, such as discussions or interventions for alcohol-related services. Note that the answers teens tend to give to the six questions about drinking patterns do not reflect an immoral or irresponsible teenage population; rather, the answers merely reveal how teens most often choose to drink.

The driver's license ceremony allows the judge to reach almost every teenager and parent in the community, thereby allowing the judge to set a community-wide norm that the use of alcohol and other drugs will not be tolerated. It also lets the students and parents know what to expect from the court system. Consequently, the teenagers may think twice about losing the important privilege to drive.

The importance of the ceremony to parents cannot be overemphasized. As teens approach adulthood, parents often mistake issues of trust with issues of structure. The ceremony ends with new license recipients individually approaching the judge, accompanied by their parents, to receive their licenses. Parents must pledge that they will not give the license to the new driver until parents and drivers have discussed a strategy for dealing with this issue. This literally empowers parents and renews their obligation to continue to monitor this perilous time in their child's

development. It makes parents true participants in the process and partners with the court. Parents and teens are told how to structure their discussion and are provided with information on how they can obtain help for problems that may exist in their family.

The ceremony serves other purposes, as well. First, it allows the judge to showcase the court itself and describe the types of cases heard in the system. Second, special guest speakers from the law enforcement community discuss other ways new drivers could lose the cherished driver's license. Third, the ceremony reveals to the law enforcement community how committed the court is to youth-related substance abuse issues. Fourth, it provides an outstanding public relations tool for the court by serving as a positive experience to congratulate and honor new driver's license recipients. In addition, speakers address important topics such as "What can a juvenile expect to happen during a traffic stop?" or "What are the signs of alcohol and other drug use by youths?" The author goes over the format of the driver's license itself and distributes driving-related information produced by other community agencies or the traffic safety division of the department of motor vehicles.

## *Conclusion*

Juvenile impaired driving is one of the most serious problems facing the nation today. If there is ever to be an end to the carnage it wreaks, law enforcement personnel must educate other community members about its dynamics and work with the public to prevent its occurrence. By exploring prevention, treatment, and enforcement options and by instituting programs such as the driver's license ceremony, law enforcement personnel can do just that.