

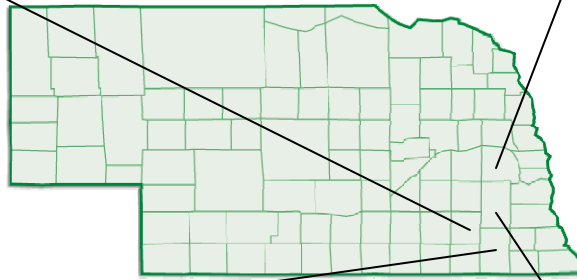
# MADD Court Monitoring Program in Four Nebraska Counties



Saline County



Saunders County



Gage County

Lancaster County



**MADD**®

**CAMPAIGN TO  
ELIMINATE  
DRUNK DRIVING**

# **MADD Court Monitoring Program in Four Nebraska Counties**

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## **INTRODUCTION**

### **A Look at Drunk Driving in Nebraska**

In 2007, there were 13,437 driving under the influence (DUI) arrests, and 10,711 DUI convictions in Nebraska (Appendix A), which translated to 37 arrests and 29 convictions daily for DUI. On Nebraska roadways, 34.3% (n=79) of the 230 fatal motor vehicle crashes (Appendix B) were alcohol related, which was slightly higher than the national level of 31.7%. Of the 79 fatal alcohol-related crashes, 91 individuals died (Appendix B). This represented 39.6% of all fatalities reported and means that one person died every four days on Nebraska roads as a result of drunk driving.

### **The Case for Court Monitoring**

Research has shown that first-time DUI offenders have driven drunk an average of 87 times before they are finally arrested (Zader, Krawchuk, Moore, 1997). The main reason that drivers continue to drive drunk is because they can. Nationally, about one-third of all drivers arrested for DUI have had a previous drunk driving conviction, which is similar to Nebraska's rate. Across the country, DUI cases are often handled inconsistently, amended to a lesser charge, or simply dismissed by the justice system. MADD Nebraska advocates for swift and equitable treatment for all DUI cases, yet little is known whether DUI cases are equally adjudicated across the state.

In 2005, MADD Nebraska implemented a Court Monitoring Program (CMP), part of a state-wide coordinated effort to hold the criminal courts system accountable for the adjudication of DUI cases. MADD's CMP was designed to ensure that DUI arrests are prosecuted, unwarranted dismissals are decreased, and justice is achieved. Funds were provided from the Nebraska Office of Highway Safety to initiate court monitoring in eight counties: Gage, Lancaster, Saline, Saunders ("Core Four"), Adams, Hall, Otoe, and Sarpy. Goals of the CMP are to:

- Compile pertinent information on how DUI court cases are handled from county to county.
- Share mutual concerns about the outcomes of criminal cases with professionals in the legal arena.

- Report information gathered by trained volunteers to relevant entities and community members to ensure the system can be maintained and improved.

To achieve these goals, MADD Nebraska sent trained volunteers to observe court procedures and collect pertinent information in DUI cases. Some of the data collected included offense type, age and gender of the offender, and sanctions imposed. Court monitoring activities were introduced in Lancaster County in October 2005, in Gage, Saline, Saunders, Adams, and Hall counties in October 2006, and Otoe and Sarpy Counties in October 2007. This report presents data on the core four counties only. Data for Adams, Hall, Otoe, and Sarpy counties will be presented in a subsequent annual report after additional data collection has been completed and analyzed.

### **Goals**

The primary goal of this report is to describe and document the trends and patterns in the adjudication of DUI cases prior to (base year) and after court monitoring activities were introduced in the core four counties. Secondary purposes are to determine if DUI sanctions are consistent across the four counties and to elicit feedback from key stakeholders in the adjudication of drunk driving on their awareness of MADD's CMP and thoughts about sanctions imposed for DUI.

## **PROCEDURE**

### **County Selection**

Gage, Lancaster, Saline, and Saunders, were identified as the “core four” counties for initiation of MADD Nebraska’s Court Monitoring Program (CMP). From 2002-04, Nebraska averaged a 75% DUI conviction rate. Over the three years, total DUI arrests declined in Gage County from 151 in 2002, 99 in 2003, to 90 in 2004, with the average conviction rate falling short of the state at 70%. Although the conviction rate in Saunders County averaged 79% from 2002-04, the overall conviction rate declined, from 129 in 2002 to 179 in 2003, to 168 in 2004. Despite an increase in DUI arrests in Saline County from 75 in 2002, 107 in 2003, and 126 in 2004, the conviction rate averaged 71%, which was still below the state average of 75%. Lancaster County was selected as a “model” county for DUI arrests and convictions. The conviction rate in Lancaster County was 78% and DUI arrests increased overall from 1,946 in 2002, 1,727 in 2003, and 2,036 in 2004.

### **Quantitative Data Collection**

Court Monitoring Program data were obtained from two sources: court trial forms, completed by MADD Nebraska staff and volunteers, and the Nebraska Trial Courts Case Search System database, hereafter called Justice. CMP volunteers included concerned community members, college students interested in volunteering and/or requiring internship hours for a class, and retired adults. Data from the court trial forms (Appendix C) were collected from five categories: 1) case information, 2) efficiency of the court, 3) charges, 4) sanctions/sentences, and 5) observations. Examples of case information included defendant name, date of birth, and name and location of court. Efficiency was assessed by whether court began and ended on time, the presence of delays, and if the defendant appeared or was late for court. Charges recorded included the type and number of offense, arresting agency, and whether the defendant was currently on probation/parole. Examples of sanctions/sentences imposed included jail time, fines, ignition interlock, license suspension/revocation, and probation.

Information collected by court program monitors was verified by MADD Nebraska CMP staff through records accessed from Justice. This database provided a detailed record of each DUI case presented to the court. With the exception of court efficiency and observational data recorded on the court trial form, case information, charges, and sanctions imposed were available through the Justice system. Data obtained from the Justice database was compared to information recorded on the court trial form to assure accuracy of data collection by court program monitors.

Activities to introduce court monitoring into Lancaster County began in October 2005 and in Gage, Saline, and Saunders counties in October 2006. To show trends in the adjudication of DUI offenses before and after initiation of court monitoring activities, data were selected in the year prior to and after the introduction of court monitoring in each county. Consequently, case files with offense dates ranging from October 1, 2004 through September 30, 2007 in Lancaster County and from October 1, 2005 through September 30, 2007 in Gage, Saline, and Saunders counties were chosen for analysis. An October 1-September 30 date range was selected based on the MADD Nebraska grant year. A timeline of CMP activities is shown in Appendix D.

One hundred percent of all cases were included in the analysis if a county had 300 or fewer DUI arrests in the year of interest for analysis. If a county had more than 300 DUI arrests (i.e., Lancaster County) a random number of cases, for a total of 300, were chosen for analysis for expedited data analysis. Among the 300 initial cases, felony cases were removed from analysis because of the small sample number of cases and the difference in sanctions imposed compared to misdemeanor cases. Dismissed cases and those amended to reckless driving were also excluded because sanctions were not representative of a DUI offense or were discretionarily imposed. If the sample size for Lancaster County decreased as a result of excluding felonies, dismissed, or amended cases, these cases were replaced with misdemeanor, sanctioned DUI cases to provide a final sample size of 300 DUI cases. Open, re-opened, and appealed cases and cases where the offender was less than 18 years of age were not selected for analysis for any of the four counties.

### **Qualitative Data Collection**

Survey and individual interviews were also conducted with law enforcement, probation, and prosecution from each county who were actively involved in with DUI cases to assess knowledge of MADD's CMP and perspectives on the adjudication of DUI offenses. When feasible, face-to-face interviews were conducted. An online survey option was also available to all respondents who were not able to be interviewed face-to-face. Surveys were developed using the online Survey Monkey program. An email request was sent to law enforcement, prosecution, and probation supervisors to distribute the link to the anonymous, online survey to those actively involved in the adjudication of DUI offenses. Individual interviews were conducted with a total of five county prosecutors, with the remaining results obtained from online surveys. An example of interview/survey questions is shown in Appendix E.

### **Data Analysis**

Data from closed and misdemeanor DUI cases with sanctions imposed were entered into Microsoft Excel spreadsheets for analysis. Variables of interest for this report included rulings, number and type of amended cases, length of case, offender age and gender, offense type, and sanctions imposed. Data were reported by frequencies, percentages, and averages. Qualitative data from interviews and surveys were analyzed using thematic analysis.

## **QUANTITATIVE FINDINGS**

### **Presentation of Data**

Cross-sections of data were presented for the “base” year prior to initiation of court monitoring efforts in each of the four counties and the subsequent years from which data were available. Data were available for three grant years for Lancaster County: 2004-05 (base year), 2005-06, 2006-07, and two years for Gage, Saline, and Saunders counties: 2005-06 (base year) and 2006-07.

### **County Demographics**

An overall demographic profile of Gage, Lancaster, Saline, and Saunders counties compared to the state is presented in Appendix F. A gender and age breakdown for each county for each year is shown in Table 1. Males comprised over three-quarters of DUI arrests across the four counties over three years. With the exception of Saunders County in 2006-07, the majority of offenders were 40+ years of age. Of note, this was the largest of the three age ranges, which were categorized by life experience. The average age of males ranged from 31 to almost 35 years across the four counties over three years. Females ranged on average from 28 to 34 years.

### **DUI Convictions**

The DUI conviction rate for Lancaster County was 95% across all three years. In 2005-06 and 2006-07, the DUI convictions were 93.5% and 87.6% in Gage County, 89.7% and 92.8% in Saline County, and 90% and 91.4% in Saunders County, respectively. These conviction rates for all four counties over the three year time period were higher than the state conviction rate in 2005 (78%), 2006 (84.7%), and 2007 (79.7%) reported by the Nebraska Office of Highway Safety (NOHS). The difference in conviction rates may be explained by the reporting year used for data analysis and the types and number of cases included in each sample. MADD CMP data were collected during the grant years from October to September compared to the calendar year reported by the NOHS. Data included in this report were from Justice only, and open, dismissed, bench warrant, and cases included minors were excluded from analysis to capture sanctioning practices of adjudicated DUI cases only.

**Table 1. Gender and age breakdown by county.**

County	Males	Females	18-20 years	21-25 years	26-39 years	40+ years
<b>Lancaster</b>						
2004-2005 (n=296) <sup>1</sup>	249 (84.1%)	47 (15.9%)	26 (8.8%)	80 (27%)	119 (40.2%)	71 (24%)
2005-2006 (n=296) <sup>1</sup>	229 (77.4%)	67 (22.6%)	33 (11.1%)	84 (28.4%)	118 (45.5%)	61 (20.6%)
2006-2007 (n=298) <sup>2</sup>	241 (80.9%)	57 (19.1%)	21 (7%)	103 (34.6%)	115 (38.6%)	59 (19.8%)
<b>Gage</b>						
2005-2006 (n=69)	55 (83.3%)	11 (16.7%)	7 (10.1%)	18 (26.1%)	21 (30.4%)	20 (29%)
2006-2007 (n=149)	128 (86.5%)	20 (13.5%)	14 (9.4%)	40 (26.8%)	48 (32.2%)	46 (30.9%)
<b>Saline</b>						
2005-2006 (n=82)	70 (85.4%)	12 (14.6%)	7 (8.5%)	24 (29.3%)	32 (39%)	19 (23.2%)
2006-2007 (n=83)	72 (86.7%)	11 (13.3%)	5 (6%)	22 (26.5%)	29 (34.9%)	27 (32.5%)
<b>Saunders</b>						
2005-2006 (n=146)	117 (80%)	29 (20%)	17 (11.6%)	39 (26.7%)	55 (37.7%)	34 (23.3%)
2006-2007 (n=158)	137 (86.7%)	21 (13.3%)	17 (10.8%)	38 (24.1%)	47 (29.7%)	56 (35.4%)

<sup>1</sup>Four gender unknown.

<sup>2</sup>Two gender unknown.

### Case Length

The average length of a DUI case in Lancaster County was 285 days in 2004-05, decreasing to 247 days in 2005-06, and to 192 days in 2006-07. In Gage County, DUI case length averaged 119 days in 2005-06 and 138 days in 2006-07. A DUI case in Saline County lasted an average of 162 days in 2005-06 and 147 days in 2006-07, and in Saunders County, the length of a DUI case averaged 123 days in 2005-06 and 129 days in 2006-07.

### DUI Amendments

Across the four counties, the proportion of total amended cases for each county ranged from a high of 40.9% in Gage County to a low of 14.4% in Saline County (Table 2). Amended cases were those reduced from a higher DUI charge to a lesser DUI charge. Over the three years, Lancaster County had the lowest proportion of amended cases. Gage County had the highest proportion amended at 40.9% in 2005-06, with a reduction to 28.2% in 2006-07. The proportion

of DUI cases amended to reckless driving ranged from zero in 2006-07 in Lancaster County to a high of 52.1% in Saunders County in 2005-06. However, the proportion cases amended to reckless driving decreased in Saunders to 28.2% the subsequent year.

**Table 2. Amended cases by county.**

County	Total Amended <sup>1</sup>	Amended to a Lesser DUI Charge <sup>2</sup>	Amended to Reckless Driving <sup>2</sup>
<b>Lancaster</b>			
2004-2005 (n=300)	29 (9.7%)	18 (62.1%)	11 (37.9%)
2005-2006 (n=300)	23 (7.7%)	17 (73.9%)	6 (26.1%)
2006-2007 (n=300)	13 (4.3%)	13 (100%)	0
<b>Gage</b>			
2005-2006 (n=93)	38 (40.9%)	21 (55.3%)	17 (44.7%)
2006-2007 (n=177)	50 (28.2%)	45 (90%)	5 (10%)
<b>Saline</b>			
2005-2006 (n=97)	14 (14.4%)	10 (71.4%)	4 (28.6%)
2006-2007 (n=97)	20 (20.6%)	14 (70%)	6 (30%)
<b>Saunders</b>			
2005-2006 (n=190)	48 (25.3%)	23 (47.9%)	25 (52.1%)
2006-2007 (n=198)	78 (39.4%)	56 (71.8%)	22 (28.2%)

<sup>1</sup>Proportion of total sample.

<sup>2</sup>Proportion of total amended.

### Offense Types

A DUI 1<sup>st</sup> was the most frequent offense type in each county (Figure 1). Lancaster County had a lower proportion of DUI 1<sup>st</sup> offenses, but higher proportions of repeat DUI and aggravated repeat DUI offenses (i.e., BAC  $\geq$  .15+). The absence of aggravated offenses in 2004-05 in Lancaster County, with the gradual increase in these offenses in 2005-06 and 2006-07 in all counties are depicted in Figure 1.

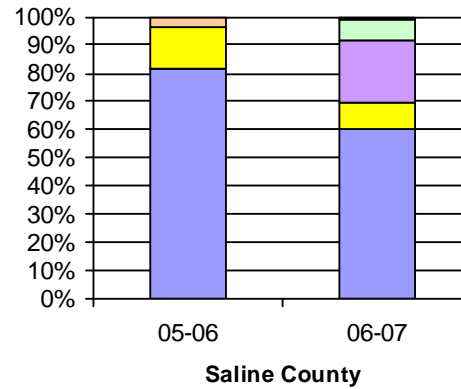
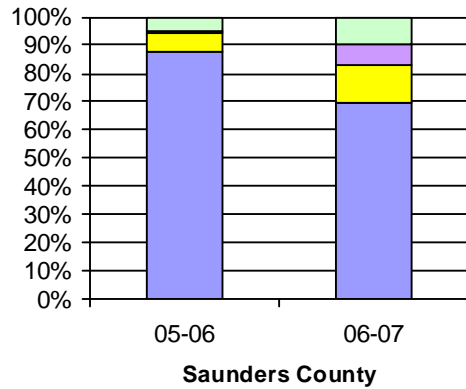
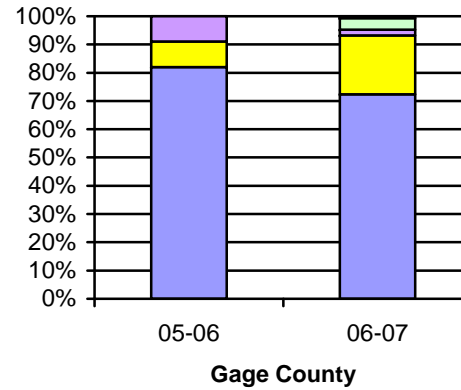
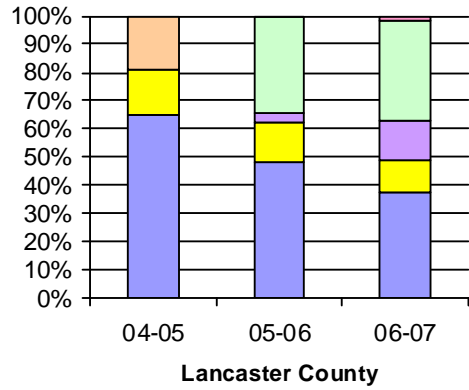


Figure 1. Offense type by county.

DUI 1st	DUI 2 <sup>nd</sup>	DUI 1 <sup>st</sup> .15+	DUI 3 <sup>rd</sup> 1	> DUI 2 <sup>nd</sup> /Repeat .15+	Zero Tolerance
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<sup>1</sup> After 2004-05, DUI 3<sup>rd</sup> was combined with > DUI 2<sup>nd</sup>/Repeat .15+; In Saline County in 2005-06, there were no repeat .15+ so DUI 3<sup>rd</sup> was kept as a separate category.

## **Sanctions Imposed**

Seventeen sanctions imposed for DUI offenders for each county over the three years were examined: alcohol and drug education, alcoholics anonymous (AA), attitudinal dynamics class, community service, counseling, defensive driving, electronic monitoring/house arrest, fines, interlock ignition, jail, license impoundment, license revocation/suspension, ordered not to drive, probation, restitution, vehicle immobilization, victim impact panel (VIP), and work/school release. The following data regarding sanctions imposed in each county were based on data from the Justice system only. Consequently, some of the data presented, or lack thereof, may not be a complete representation of the sanctioning practices in each county.

Alcohol and Drug Education: The proportion of offenders sentenced to attend Alcohol and Drug Education in Saunders County increased from 0% in 2005-06 to 19% in 2006-07 and decreased from 13.4% in 2005-06 to 6% in 2006-07 in Saline County.

Alcoholics Anonymous: A 24% increase in the proportion of offenders in Saunders County, from 1.3% to 25.9%, and a 12.3% decrease in Saline County, from 15.9% to 3.6% sentenced to attend Alcoholic Anonymous were observed between 2005-07.

Attitudinal Dynamics Class: Saunders County was the only county of the four to order offenders to attend Attitudinal Dynamics class, with fewer than 1% sentenced in 2005-06 to 34.8% sentenced from 2006-07.

Community Service: Fewer than 1% of offenders were sentenced to perform community service in Gage and Saunders Counties. Lancaster County sentenced less than 5% of offenders to perform community service over the three years, ranging from 10-480 hours.

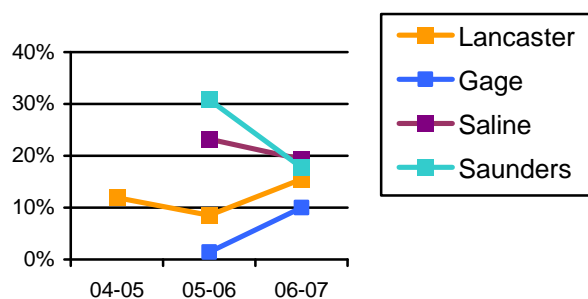
Counseling: Saline County was the only county to order offenders to attend counseling, with the proportion of offenders decreasing by 15% from 17.1% in 2005-06 to 2.4% 2006-07.

Defensive Driving: Only one offender, from Saline County (1.2%), was ordered to take defensive driving from 2005-06; none were sentenced in 2006-07.

Electronic Monitoring/House Arrest: Only two offenders, in 2006-07, were sentenced to house arrest in Saline County (2.4%); none were sentenced in 2005-06. A 10% increase in the proportion of offenders receiving house arrest was observed in Lancaster County, from 2% in 2004-05 to 3.1% in 2005-06 to 12.1% in 2006-07. The number of days offenders were ordered to house arrest ranged from 2-180 days. Gage and Saunders Counties did not sentence any offenders to electronic monitoring. Electronic monitoring or house arrest, are alternatives to incarceration where offenders are fitted with an ankle bracelet that is equipped with a transmitter. The offender is required to wear the bracelet 24 hours a day at home, work, school, or any other activity outside the home. In some instances, the offender is required to wear the bracelet while confined to his/her home (house arrest/home detention).

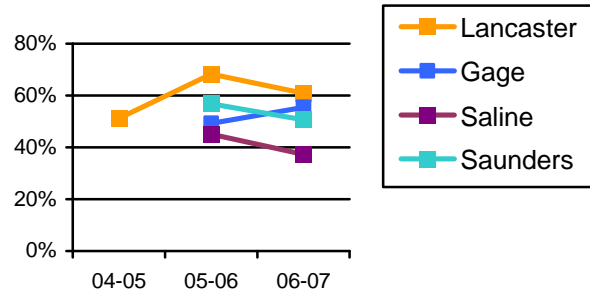
Fine: Fines were imposed in all four counties over the three years. No fewer than 96.4% of offenders were fined for their offense over the three years. Fines were dependent on the gradation of the DUI offense and ranged from \$50-\$1000.

Ignition Interlock: Ignition interlock was sanctioned in all four counties across the three years (Figure 2). The proportion of offenders who received ignition interlock increased from 2005-06 in Gage County, but decreased in Saline and Saunders counties. The proportion decreased by 3.4% from 2004-05 to 2005-06, but increased by 7% in 2006-07 in Lancaster County. Despite the decreases in Saline and Saunders counties, the proportion of offenders remained higher than Lancaster and Gage. Overall, proportions were similar across counties.



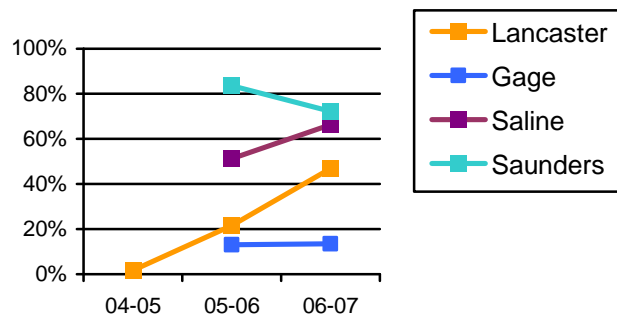
**Figure 2. Ignition interlock sanctions imposed by county.**

Jail: At least one-third of offenders in all four counties were sentenced to jail time for DUI (Figure 3). The proportion of offenders receiving jail sentences was similar across counties, increasing from 2004-05 in Lancaster County. Decreases were observed from 2005-06 to 2006-07 in Lancaster, Saline, and Saunders counties, with a slight increase in Gage County. Jail time ranged 2-2700 days, depending on the offense. Overall, the proportion of offenders sentenced to jail time was similar among the core four counties.



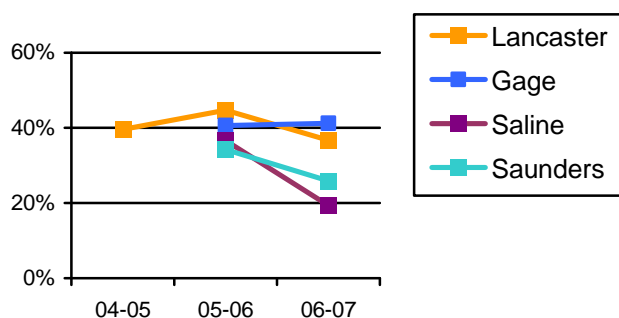
**Figure 3. Jail sanctions imposed by county.**

License Impoundment: License impoundment varied across the four counties. A 45% increase from 2004-07 in the proportion of offenders who received license impoundment was observed in Lancaster County (Figure 4), along with a 15% increase in Saline County from 2005-06 to 2006-07. A decrease was observed in Saunders County, but remained essentially the same in Gage County over the two years. The large increase in Lancaster County the proportion of offenders who had their licenses impounded, however, remained lower than Saline County and Saunders County, despite their decrease. Days of impoundment ranged from 2-5475 days, depending on the offense.



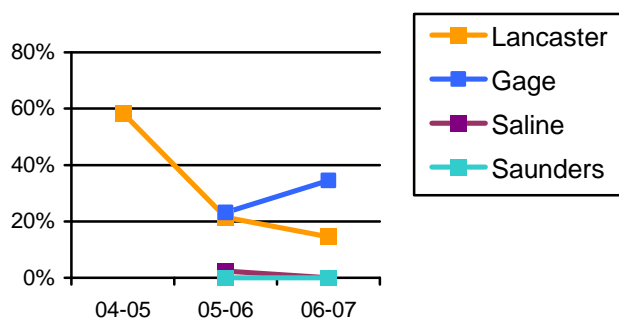
**Figure 4. License impoundment sanctions imposed by county.**

License Revocation/Suspension: License revocation/suspension decreased by about 18% in Saline County and 8% in Saunders County from 2005-06 to 2006-07, and increased by only 1% in Gage County. License revocation/suspension increase from 2004-05 to 2005-06 by 5.1% in Lancaster County, but decreased by 8% from 2005-06 to 2006-07 (Figure 5). The number of days for license revocation across counties ranged from 60-5475 days depending on the offense.



**Figure 5. License revocation/suspension sanctions imposed by county.**

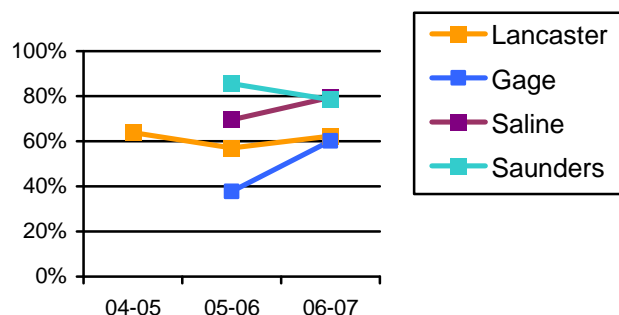
Ordered Not to Drive: The proportion of offenders ordered not to drive varied by county. The proportion decreased from almost 60% in 2004-05 to 14.5% in 2006-07 in Lancaster County, but increased in Gage County from 23.2% to 34.5% over two years (Figure 6). The proportion in Saline County decreased by 2%. The number of days offenders were ordered not to drive varied by offense type and ranged from a low of 60 days to 5475 days.



**Figure 6. Ordered not to drive sanctions imposed by county.**

Probation: With the exception of Gage County (37.7%) in 2005-06, at least half of the offenders were sentenced to probation (Figure 7). Increases in the proportion of offenders were observed in Gage (22%) and Saline (10%) counties, but decreased in Saunders County (7%). Lancaster County showed a decrease of 7% in offenders sentenced to probation from 2004-05 to 2005-06 with a 5% increase to 2006-07, but the proportion remained below the base year. In general, the

proportion of offenders sentenced to probation was comparable among the four counties. Probation sentences varied according to the type of offense and ranged from 6-60 months.



**Figure 7. Probation sanctions imposed by county.**

Restitution: Only one offender from Gage County (1.4%) in 2005-06 and one offender from Lancaster County (<1%) in 2006-07 were sentenced to pay restitution as a result of DUI.

Vehicle Immobilization: Only one offender (1.4%), from Gage County in 2005-06, had his/her vehicle immobilized.

Victim Impact Panel: According to Justice data, among the four counties, only seven offenders: five from Saline County from 2005-07 and two from Lancaster County in 2006-07 were sentenced to attend a victim impact panel. These data must be taken with caution, however. MADD Nebraska VIP records show that in 2007, for example, 678 attendees were sentenced in Lancaster County and highlighted the large discrepancy between Justice data and actual sanctions imposed.

### **Consistency in Sanctions by Offense Type: A Look at DUI First Offenses**

To gain a better understanding of the consistency of sanctions across the four core counties with respect to offense type, sanctions imposed for a DUI first offense in each county were examined (Table 3). DUI first offenses were chosen because they were the most prevalent in each county.

An analysis of the sanctions imposed for a DUI first offense, based on Justice data, showed that fines, ignition interlock, jail, and probation were the only sanctions imposed consistently in all

four counties. Gage County sentenced the highest proportion of offenders to jail and Saunders County sentenced nearly all of their offenders to probation. The range of fines, jail time, and probation were quite consistent, with a first time offender receiving around a \$400 fine, 2-60

**Table 3. Sanctions imposed for a DUI 1<sup>st</sup> offense in the core four counties.**

Sanction	Lancaster (n=111) <sup>1</sup>	Gage (n=107) <sup>1</sup>	Saline (n=50) <sup>1</sup>	Saunders (n=71) <sup>1</sup>
Alcohol & Drug Education	<1%	0	8%	31%
Alcoholics Anonymous	0	36.4%	10%	28.2%
Attitudinal Dynamics Class	0	0	0	45.1%
Community Service	1.8% 60, 90 days	0	0	0
House Arrest	6.3% 7-14 days	0	0	0
Fine	100% \$400-500	100% \$300-500	100% \$400	100% \$400-500
Ignition Interlock	16.2%	13.1%	18%	18.3%
Jail	28.8% 7-45 days	42.1% 2-60 days	16% 7-60 days	23.9% 2-30 days
License Impoundment	51.4% 60-180 days	0	66% 2, 60 days	94.4% 60 days
License Revocation	96% 60-365 days	0	16% 180 days	1.4% 180 days
Ordered Not to Drive	14.4% 60 days	39.3% 60 or 180 days	0	0
Probation	67.6% 6-18 months	65.4% 9-24 months	84% 6-24 months	97.2% (6-12 months)
Restitution	<1%	0	0	0
Victim Impact Panel	1.8%	0	2%	0

<sup>1</sup> Cells represent the proportion of offenders who received each sanction and/or the range of sanction imposed (e.g., days of impoundment). Data obtained from Justice.

days in jail, and 6-24 months probation. The proportion of first time offenders who received ignition interlock was similar across counties, ranging from 13-18%. License impoundment, license revocation, and AA were imposed in three of the four counties, with Lancaster County imposing license revocation to nearly all of their offenders compared only 16% in Saline and 1.4% in Saunders counties. Saunders County was more likely to sanction offenders to license impoundment than revocation, compared to Saline and Lancaster counties.

Overall, a first time offender was likely to receive license impoundment for 60 days and/or a revocation around 180 days. A DUI first time offender in Lancaster and Gage counties were also ordered not to drive for about 60 days. Lancaster and Saline County sentenced first time offenders to VIPs, but as noted earlier, large discrepancies between Justice data and MADD VIP attendance logs were apparent.

Saunders County was the only county to sentence their offenders to attend attitudinal dynamics class. Lancaster County was the only county to impose community service, house arrest, and restitution, but the proportions were small. Administrative license revocation was not included in these data because it is an administrative procedure rather than a court sanction.

## **QUALITATIVE FINDINGS**

### **Interview/Survey Respondent Demographics**

Age, gender, and years of service for law enforcement, probation and prosecution respondents to the online surveys are shown in Table 4.

#### Law Enforcement

A total of 36 law enforcement officers (LEO) responded to the survey. Fifty percent of respondents were from Lancaster County, followed by 19.4% from Saline County, 16.7% from Saunders County, and 8.3% from Gage County. Other counties where LEO reported working included Otoe, Nemaha, Pawnee, and Seward counties. Two of the LEO reported working in two or more of the core four counties.

Nearly half (47.2%) of LEO worked for a local police department, followed by 25% from the Nebraska State Patrol, 22.2% from the Lancaster County Sheriff's Department, and two (5.6%) from the University of Lincoln Police Department. A total of 41.7% of officers had been working in law enforcement for 1-5 years.

### Prosecution

Three county attorneys (CA) responded to the survey and five prosecutors were interviewed face-to-face. Two of the prosecutors had been working in their counties for 6-10 years and the other for 1-5 years.

**Table 4. Age, gender, and years of profession.**

Profession	Mean age $\pm$ SD (range)	Gender		Years in Profession			
		Male	Female	< 1 year	1-5 years	6-10 years	> 10 years
<b>Law Enforcement (n=36)</b> <sup>1, 2, 3</sup>	35.1 $\pm$ 7.3 (24-54)	30	5	0	7	14	14
<b>Prosecution (n=8)</b> <sup>4</sup>	32 $\pm$ 1.7 (30-33)	7	1	0	1	2	0
<b>Probation (n=12)</b> <sup>5</sup>	47.6 $\pm$ 10.7 (32-60)	8	4	1	2	0	9

<sup>1</sup> Three ages not reported.

<sup>2</sup> One gender not reported.

<sup>3</sup> One respondent did not indicate number of year in the profession.

<sup>4</sup> Five ages and number of years in profession not collected; included County and Deputy County Attorneys.

<sup>5</sup> One age not reported.

### Probation

Twelve probation officers (PO) responded to the survey, but one completed the demographic section only. Probation was represented from Gage, Lancaster, and Saunders counties, with no respondents from Saline County. Almost half of the probation officers (45.5%) had been working in Gage, Lancaster, or Saunders counties for 1-5 years. Additional counties were PO reported working included Thayer-Jefferson and Johnson counties.

## **Knowledge of MADD's Court Monitoring Program**

### Law Enforcement

Almost half of the 31 LEO responding to this question were aware of MADD's CMP and the remaining respondents were not aware of the CMP. One LEO thought that there had been a program in the past, but wasn't sure it was still in existence.

### Prosecution

Six of the eight CA had knowledge of MADD's CMP. Four of the six were sometimes aware when CMP volunteers were present in the courtroom. One CA was not aware of the presence of a CMP volunteer unless the volunteer was pointed out, where as another CA had no idea if a CMP volunteer was in the courtroom. Three of the four CA that were aware when a CMP volunteer was present indicated that the volunteer's presence did not affect their prosecution of DUI cases, while the other CA remarked that he would explain himself more on the record when he knows a volunteer is observing.

### Probation

Five of the PO surveyed knew that MADD monitored DUI cases and while the remaining respondents reported not knowing anything about MADD's CMP.

## **View of Support Provided by MADD to Enforcement/Management/Prosecution of DUI Cases**

### Law Enforcement

Eleven of 26 respondents felt that MADD supported them in some way in the enforcement of DUI cases, either through their presence in the courtroom, "keeping pressure on the courts," maintaining public awareness of DUI enforcement, and coordinating press releases. The remaining LEO were not sure or did not know if MADD supported them in the enforcement of DUI cases.

### Prosecution

One CA stated that as a result of MADD's presence in the courtroom that, "We don't feel that we're quite alone in the convictions of DUI." Another CA noted that MADD's assistance was appreciated when CMP volunteers were present in the courtroom and community. In contrast, some CA remarked that MADD's presence did not have an influence on their practices and "we do what we're going to do."

### Probation

The majority of PO did not know if MADD supported them in the management of DUI cases. Only one PO remarked that indirectly it “keeps the seriousness of drug [sic] driving at the forefront of stakeholders [sic] minds.”

## **Challenges Encountered in DUI Cases**

### Law Enforcement

Challenges encountered by LEO were numerous and varied from enforcement through prosecution. Lack of interest by management or too much focus in apprehending DUI cases were cited by a small number of LEO. One LEO noted that the “Refusal” law makes it difficult to enforce and later defend in court, while another commented that it was challenging to ensure that all aspects are covered during an arrest so the offender does not get off on a technical error. Issues with prosecution were also mentioned by LEO, such as city attorneys trying to dictate LEO conduct in DUI investigations or frequent plea bargaining for lesser sentences. Challenges with the court system and court procedures were also reported, each by one LEO. Each challenge reported by one LEO and included scheduling of DUI court cases and sympathetic juries. Other issues outside the court system included language barriers in counties with a larger Hispanic population, and lack of resources, such as little staff and time to process cases due to the large amount of paperwork. Problem with DUI statutes or statutes surrounding DUI arrests were also a challenge. One LEO remarked that a BAC of 0.02 being a violation is an initial problem, because very little paperwork is involved in proving an infraction and little “punishment or societal gain” results. Another LEO stated that DUI arrests in university parking lots are often argued by defense attorneys as private lots and thus, these cases dismissed.

### Prosecution

Time factors were cited the most by CA as a challenge in DUI cases, such as time constraints and “time wasted with defense attorneys.” Two or fewer CA stated that issues with law enforcement investigation, frequent suppression motions in DUI hearings, “defense attorney pressure,” amendments to lesser charges, and difficulty in locating DUI offenses in other states and jurisdictions were also challenges encountered.

### Probation

The most prevalent challenge among PO was a lack of resources (i.e., financial, personnel) to handle DUI cases. Other challenges mentioned by two or fewer PO included high case loads, recidivism/repeat offenders, and lack of follow through or commitment of the court system.

### **Challenges Faced by LEO as a Witness in DUI Cases**

Judges were viewed as a challenge to LEO when testifying in DUI cases for things such as inconsistency in rulings, allowing defense attorneys to “do attacks on a personal level,” acting in a defense attorney role or cross-examining rather than as an impartial party, and “interrupting state statute in favor of the defense.” Defense and prosecuting attorneys were also seen as a challenge. Issues with defense attorneys included badgering, lack of knowledge in DUI cases, where as issues with CA included “making false or unrealistic arguments” or their refusal to appeal “ANY” decision made by the judge. Ancillary challenges, cited two or fewer LEO were the amount of repeat paperwork, the need to “memorize” all steps taken during a DUI stop and having to testify on it months later, time constraints, last minute testimony, and lack of sleep in relation to time of trial and work shift.

### **Improvements in the Enforcement/Management/Prosecution of DUI Cases**

#### Law Enforcement

Improvements in the enforcement of DUI cases were prevalent, but mentioned each by three or fewer LEO. Improvements included additional/continued education for LEO, more resources in the form of staff, grant money, and roadside testing equipment, stiffer penalties, Improvements mentioned each by only one LEO were “continue with court monitoring and put pressure on court system from MADD to support law enforcement,” education of prosecutors with DUI classes, allowing LEO to work in areas where drunk driving is more prevalent, more probable cause to stop vehicles, and “a true following of legislative intent concerning 0.08.”

#### Prosecution

Improvements in the prosecution of DUI cases were diverse and each mentioned by two or less CA. They included the need for updated statutes, better on scene investigation, more

prosecutors, more training with law enforcement and the prosecutor's office ("what works, doesn't work, what we want to see"), and to quit changing laws. One CA thought that everything was "working fine."

### Probation

Four PO (30%) stated that an increase in the use of funds to supply greater electronic monitoring devices would assist in managing DUI cases. Lower case loads, application of Evidence Based Practices, and more resources were cited by two or fewer PO.

## **Improvements in DUI Sentencing**

### Law Enforcement

There was an overwhelming response by LEO for stricter sentences, primarily for repeat offenders, with some LEO providing specific examples, including longer suspension of drivers licenses, and increased fines that would have a stronger financial impact on offenders. One LEO remarked, "Sentences should be tougher. The ALR program is good, but most people just drive under suspension. So hit em in the pocket book and let them sit in jail." Another improvement noted was more consistency in the sentencing process and more attention to the factual details of a DUI case and sentences imposed accordingly. Only two LEO felt that the penalties were strict enough or did not need changing.

### Prosecution

Suggested improvements in the sentencing of DUI cases were mentioned by two or fewer CA and included judicial consistency, continue to "give everyone" statutory minimums, "do more with PSI," less liberal judges, make DUI statutes less confusing, and stop changing DUI statutes because they are difficult to keep up with.

### Probation

Suggested improvements for DUI sentencing were variable and mentioned by less than three PO. Improvements included stricter sanctions, such as not allowing repeat offenders to have house arrest or work release instead of jail time, or tightening up plea bargaining, more consistent

sanctions across the state, and additional sanctions such as more community based treatment options and the right to drive for employment and treatment, in compliance with abstinence. Two PO felt that the current sanctions did not need to be changed.

## **Thoughts about Sanctions Imposed for DUI**

### Law Enforcement

Several LEO thought that DUI sanctions were not severe or consistent enough for offenders, especially for multiple offenders. One LEO commented that, “Overall, they are too lenient for repeat offenders and to inconsistent.” Some LEO provided specific improvements, such as a higher financial penalty and longer license suspensions. Two LEO noted that cases aren’t being enhanced and the “ability to enhance has been restricted by the legislature.” In contrast, a similar number of LEO thought the current sanctions, for the most part, were fair or adequate and have improved over the years.

### Prosecution

Thoughts about DUI sanctions were diverse and mentioned each by one or two CA. One CA didn’t think the penalties were harsh enough, and another commented that initial sanctions aren’t enough for first time offenses and remarked that sanctions should be higher to increase deterrence. This same CA was satisfied with “thirds and enhancements.” In contrast, another felt that the statutory provisions were “largely within reason,” but commented that probation may not be the best option for repeat offenders, rather enforcing mandatory incarceration and license revocation. One CA didn’t understand the logic behind the gradation of DUI sanctions, noting that they end up trying more cases. Another CA noted that interlock devices may make it easier to get convictions since offenders will be able to drive.

### Probation

Thoughts about the sanctions imposed for DUI sentencing were variable and cited by three or fewer PO. Four of eleven respondents had favorable comments about the sanctions. Some thought they were “pretty good,” “gotten better over the years,” and benefited offenders by showing offenders the consequences for their behavior. Others thought that the sanctions were

not strict enough or weak and inconsistent. Some had comments about specific sanctions, with one PO reporting a dislike of interlock devices and that probation for first time DUI offenders was a “joke.” One PO commented that each case needs to be looked at individually, while another reported that public transportation should be provided for offenders in rural areas.

### **Inclusions/Exclusion if Developing an Adjudication Program for DUI Offenders**

#### Law Enforcement

Many LEO would have DUI sanctions mandated rather than discretionary. Cited by three or fewer LEO, these included mandated education classes, license suspension/revocation, jail time, or installation of “breath testing equipment” in vehicles. Other inclusions or exclusions, each noted by one or two LEO were starting a DUI court similar to drug court, individualized treatment evaluations, tougher sanctions with repeat offenders, offender attendance at victim impact panels, more community service, greater attention to past DUI offenses, and ensuring that all judges across the state allow preliminary breath test results to be introduced into court pending officer testimony to its calibration and maintenance.

#### Prosecution

Longer periods of license revocation or eliminating an offender’s ability to apply for reduction in license revocation were mentioned by two CA if they were in charge of developing a program for DUI offenders. Greater use of ignition interlock devices was mentioned by three CA. Other changes, each cited by two or less CA were stronger pre-sentence investigations and no house arrest. One CA advocated for longer probation periods for DUI, while another thought that probation should not be an option for offenders with the third offense with a blood alcohol content of  $\geq 0.15$ .

#### Probation

PO identified a variable number of things they would include or not include if developing a program for the adjudication of drunk drivers. One that was reported by several PO was the need for greater accountability of offenders and monitoring. Suggestions, each cited by one PO, included the use of SCRAM, weekly reporting, testing, and therapy run by the offender’s PO,

and residential rehab programs that included living in house with alcohol monitoring and random drug testing. Other inclusions, each reported by one PO, were to have stricter sanctions and guidelines, standardized alcohol education classes, and a DUI court like drug court. Two PO wanted to see treatment/assessment individualized to the offender.

### **Additional Comments**

#### Law Enforcement

Numerous LEO praised and thanked MADD for supporting law enforcement. One LEO stated, “Much appreciation to MADD for all of their efforts and for even taking the time to seek out LEO’s opinions on this! THANKS!” One LEO commented that if there was available transportation, offenders “would not drive impaired.” Another LEO highlighted the need for a DUI grant to be written to form a DUI team, noting that due to low manpower, “good DUI officers” are unable to devote time to DUI enforcement. Similarly, a LEO stated that their department does not want to pay overtime for court and tries to restrict officers from making DUI arrests. A long-time LEO remarked that, “I’ve been in this for a long time now, and I just hope that everything I’ve done and been involved in hasn’t been for naught.”

#### Prosecution

Additional comments provided by CA were diverse. One CA remarked that “there is difficulty determining what it means for an offender to have more than one DWI at a criminal proceeding at the same time, which affects their sentences. It may be helpful to define criminal proceeding.” One CA thought MADD could be a significant force in the state for improved DUI prosecution.

#### Probation

Only a few PO had additional comments. Two PO were supportive of MADD’s work, while another two PO felt MADD was not supportive, with one stating that MADD was focused more on working with law enforcement than probation. Another PO emphasized the need for more money and resources in communities.

## **SUMMARY**

The purposes of this report are to show trends and patterns in the adjudication of DUI cases, determine if DUI sanctions are consistent across counties, and elicit feedback from key stakeholders in the adjudication of drunk driving on their awareness of MADD's CMP and thoughts about sanctions imposed for DUI.

### **Sanctions Across All DUI Offenses**

Based on Justice data obtained from the four core county samples, the types of sanctions imposed overall did differ by county.

- Saline and Saunders counties ordered offenders to attend Alcohol and Drug Education and AA, but Lancaster and Gage counties did not.
- Electronic monitoring was sanctioned only in Saline and Lancaster counties.
- Saline County was the only county to sentence offenders to counseling and defensive driving.
- Lancaster County was the only county to sentence offenders to community service.

Among the specific sanctions imposed in at least three of the counties, there was some inconsistency in the proportion of offenders or change in the proportion of offenders who received certain sanctions. Although the proportion of offenders who received license impoundment decreased in Saunders County, it remained about 20% higher than Lancaster County and almost 60% greater than Gage County, who showed little change. In addition, in Gage County, the proportion of offenders who were ordered not to drive increased and was over 20% greater in Lancaster County, which decreased over 40% from the base year. In contrast, fewer than 2% of offenders received impoundment in Saline County compared to none from Saunders County. Overall, the inconsistencies observed across the four counties were related to the types of sanctions imposed more than the proportion of offenders receiving each sanction.

### **Sanctions for DUI First Offenses**

- Fines, jail, ignition interlock, and probation were sanctioned in all four counties.
- License impoundment and license revocation were sanctioned in all counties except Gage County.
- Alcoholics Anonymous was sanctioned in all counties except Lancaster County.

- Saunders County was the only county to sentence offenders to attend attitudinal dynamics class.
- Lancaster County was the only county to impose community service, house arrest, and restitution, although proportions were small.

Sanctions imposed for first time DUI offenders was fairly consistent across the four counties. Fines, ignition interlock, jail, and probation were imposed in all four counties. A first time offender in Lancaster County was more like to receive license revocation compared to other counties and a first time offender in Saunders County was more likely to receive license impoundment, probation, and attend attitudinal dynamics class than a first time offender in another county.

### **Surveys/Individual Interviews**

In general, the majority LEO, PO, and CA overall were knowledgeable of MADD's CMP. LEO were more likely to feel that MADD supported them in the enforcement of DUI cases than PO and CA. Lack of financial resources and low staffing were common challenges among LEO, PO, and CA encountered with DUI cases. Stricter sanctions, especially for repeat offenders, was a common improvement recommended by respondents for improving the adjudication of DUI cases and inclusion of developing an adjudication program for DUI offenders, such as DUI court. The recommendation for stricter sanctions was consistent with the overall theme from stakeholders for the need to hold offenders accountable for their crimes and in tandem with findings from a survey conducted by Research Associates who found that 47% of the state felt more severe penalties was the best way to eliminate drunk driving (Research Associates, 2008).

## CONCLUSION

Inconsistencies in the types of sanctions imposed overall and in the proportion of offenders sanction to license impoundment and those ordered not to drive were observed across counties. Fines, ignition interlock, jail, and probation were enforced consistently in all four counties for first time offenders. First time offenders in Lancaster and Saunders counties were more like to receive sanctions not imposed in other counties.

Numerous factors impact how law enforcement, prosecutors, and judges adjudicate DUI cases. These may include city ordinances, state and federal laws, technical issues with breath testing equipment, and circumstances of each individual case. Currently, there are many strong statutes and laws in place for the adjudication of DUI cases, but the results from this report indicate, these statutes and laws need to be enforced in a more consistent and stricter basis, which was reiterated by stakeholders. Another concern is the number of cases reduced to reckless driving. Although the proportion of cases reduced to reckless driving decreased in three of the four counties, the concern is that reckless driving is not an enhance able offense, whereas DUI is enhance able. Consequently, if an offender is convicted of a DUI, which is reduced to reckless driving, a subsequent DUI would not be enhanced from the initial DUI conviction. For example, if an offender is charged with a DUI 2<sup>nd</sup> offense, which is reduced to reckless driving and he/she is arrested again on a DUI, that new offense is regarded as a DUI 2<sup>nd</sup>, not a DUI 3<sup>rd</sup>.

One concern identified from interviews and survey was that although a majority of stakeholders were aware of MADD's CMP, there was some misconception about what court monitoring was, such as pressuring courts and encouraging judges to be more neutral. These findings highlight the need for education of law enforcement, probation, and prosecution about court monitoring.

The limitations of this report must be acknowledged and included:

- Use of a select sample of 300 cases from Lancaster County. Time limitations and ease of analysis precluded the analysis of all DUI offenses from Lancaster County from 2004-07.
- Diverse socio-demographic factors in each county that may impact the adjudication process and its outcomes in each county, such as a higher immigrant population, as seen in Saline County, and the potential challenges encountered.

- Changes in staffing and personnel, such as reassignments, retirements, and transfers to different shifts may impact the dynamics of DUI enforcement, management, and prosecution.
- Data were obtained from Justice only. Greater involvement with and partnership between MADD Nebraska and probation to obtain probation orders for each DUI case would provide a more completed and representative picture of sanctions imposed during sentencing.
- A standardized “template” of probation orders provided to each county attorney may allow for greater consistency in the sentencing of DUI cases across the state.

Highlights and observations generated from this report included:

- A decrease in the proportion of DUI cases amended to reckless driving in three of the four counties.
- Inconsistencies in the overall types of sanctions imposed were seen across the four counties, including alcohol and drug education, AA, electronic monitoring, counseling, defensive driving, and community service.
- Inconsistency in the proportion of offenders or change in the proportion of offenders sanctioned to license impoundment and those ordered not to drive was found across the four counties.
- Fines, ignition interlock, jail, and probation were enforced consistently in all four counties for first time offenders.
- First time offenders in Lancaster County were more likely to receive community service, house arrest, and restitution; first time offenders in Saunders County were more likely ordered to attend attitudinal dynamics classes.
- Need for comprehensive and continuing education of stakeholders about the MADD CMP to accommodate for changes in job assignments, staffing changes, attrition, elections, etc.
- MADD CMP was generally well-received by stakeholders.
- Stricter sanctions, especially for repeat offenders was recommended for improving the adjudication of DUI cases.

**WHAT'S NEXT**

MADD Nebraska is currently compiling CMP data from Adams, Hall, Otoe, and Sarpy counties. These data will be analyzed and included in next year's CMP annual report. CMP will continue to be collected in the core four counties and updated and also included in the subsequent report. MADD Nebraska will also continue court monitoring in the core four counties and identify high-risk counties (Appendix G) for initiation of court monitoring efforts. It is MADD Nebraska's hope to establish better working relationships throughout the state to ensure that there is support for our stakeholders and equitable treatment of offenders to sustain MADD's mission in supporting the victims of this violent crime and eliminating drunk driving.

## **ACKNOWLEDGEMENTS**

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- Kathleen Hutchinson, County Attorney, Box Butte County
- MADD State Operations Council and Leadership Committee
- Nebraska Office of Highway Safety

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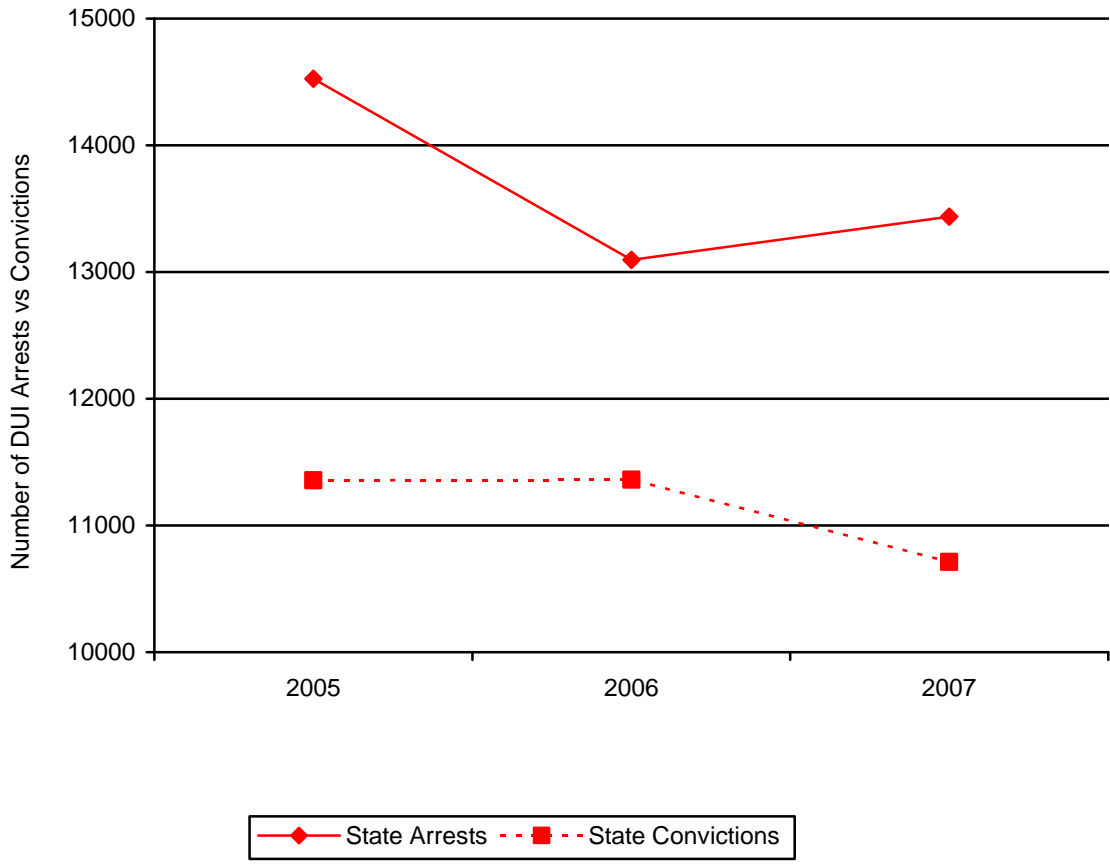
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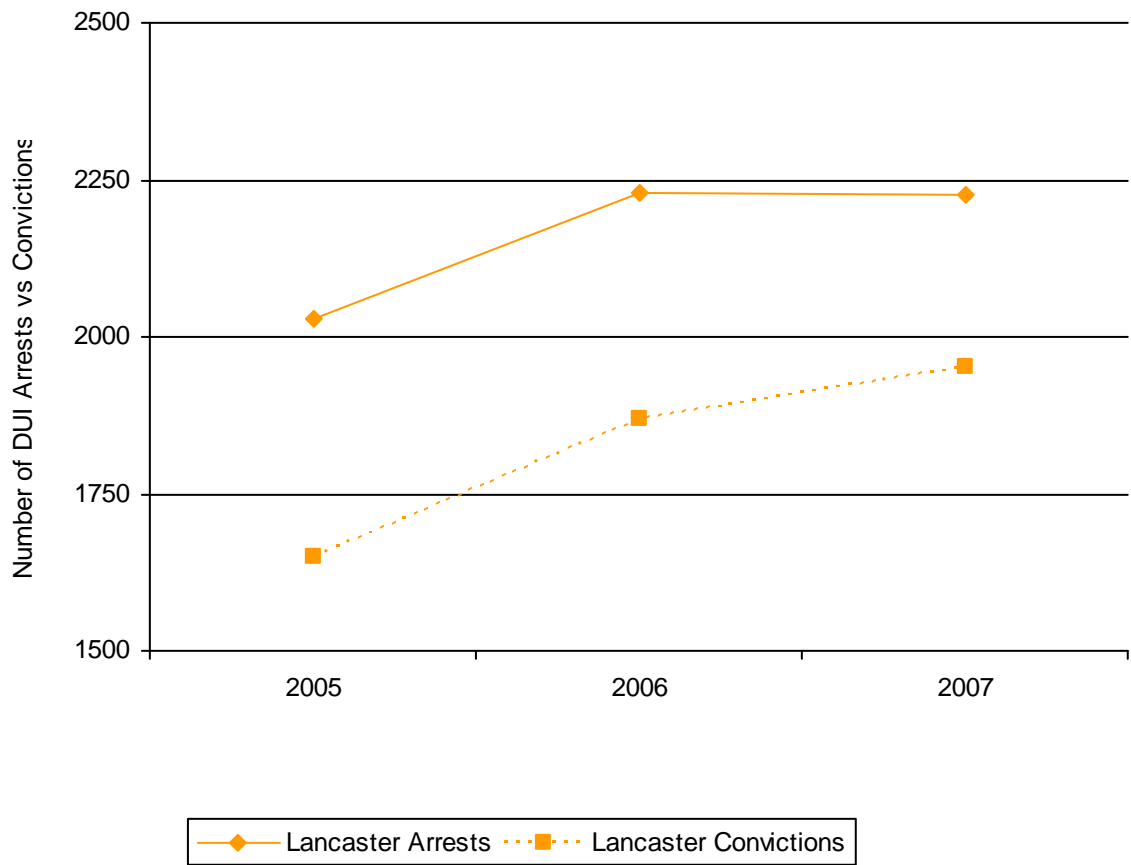
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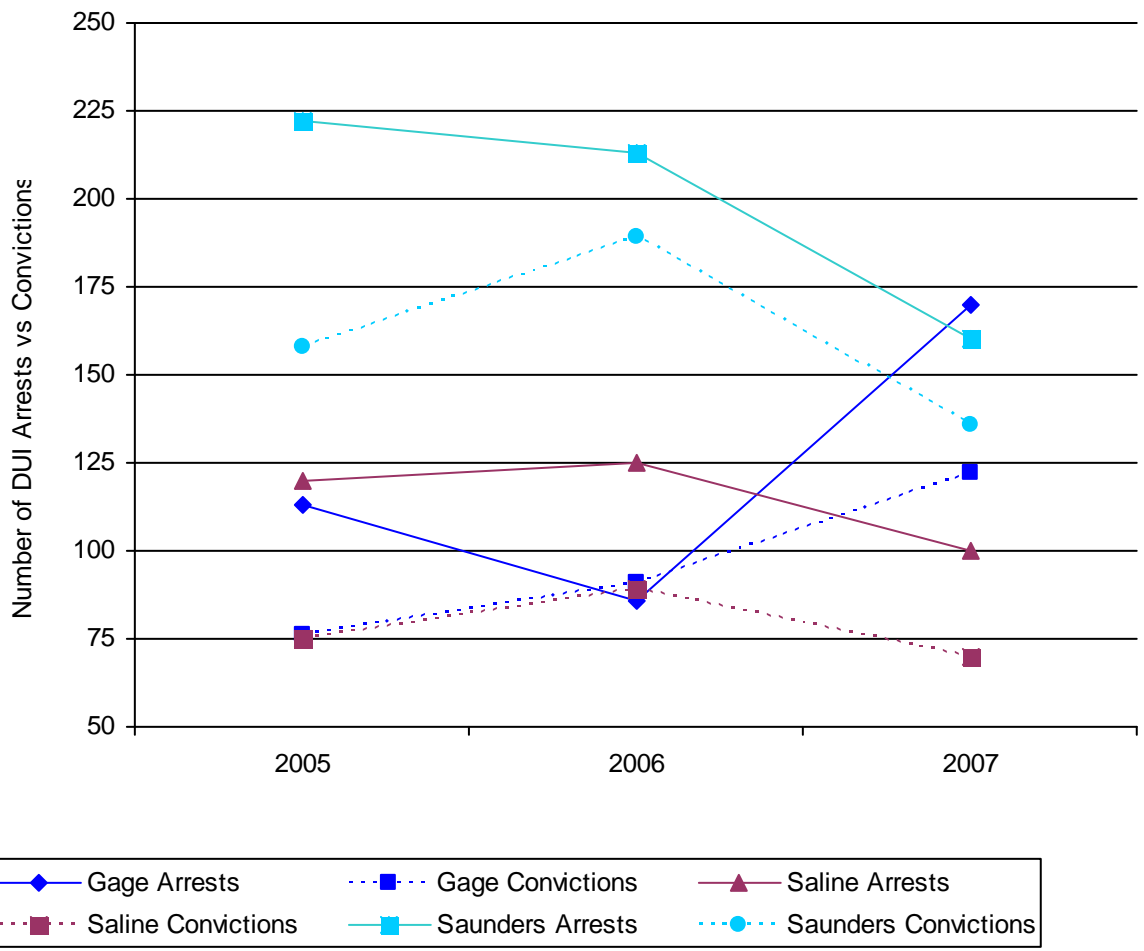
# Appendix A: State and Core Four Counties DUI Arrests vs. Convictions



Source: Department of Motor Vehicles. Office of Highway Safety.

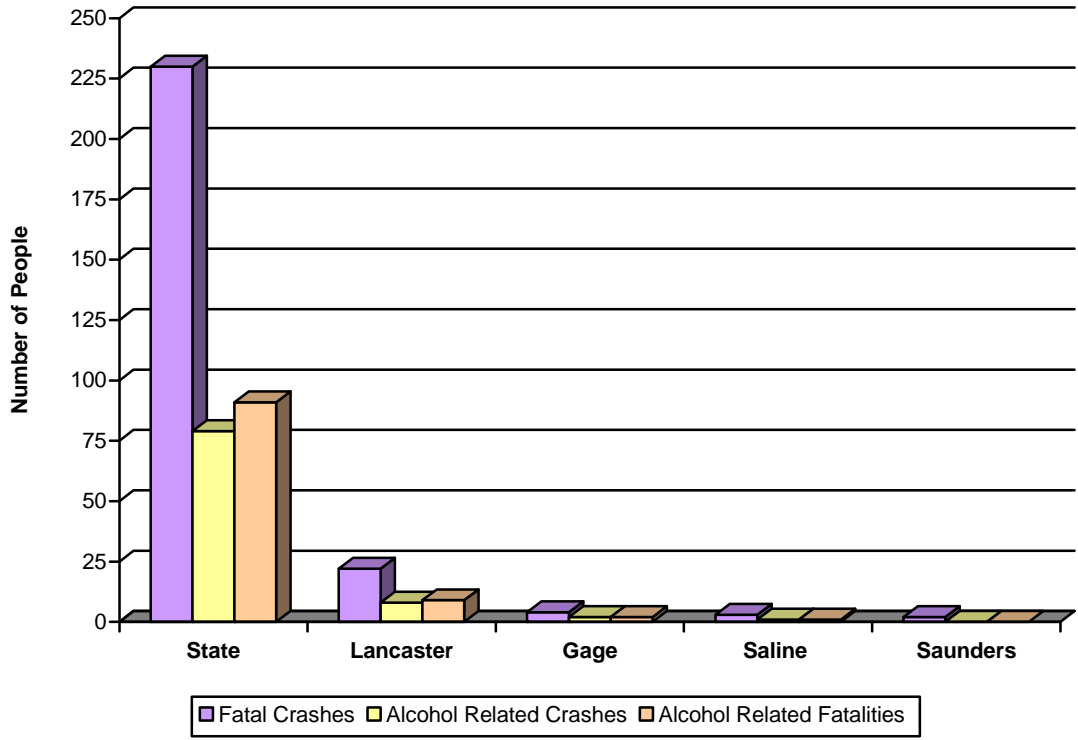


Source: Department of Motor Vehicles. Office of Highway Safety.



Source: Department of Motor Vehicles. Office of Highway Safety.

# Appendix B: Fatal Crashes, Alcohol Related Crashes, and Alcohol Related Fatalities by State and Core Four Counties in 2007.



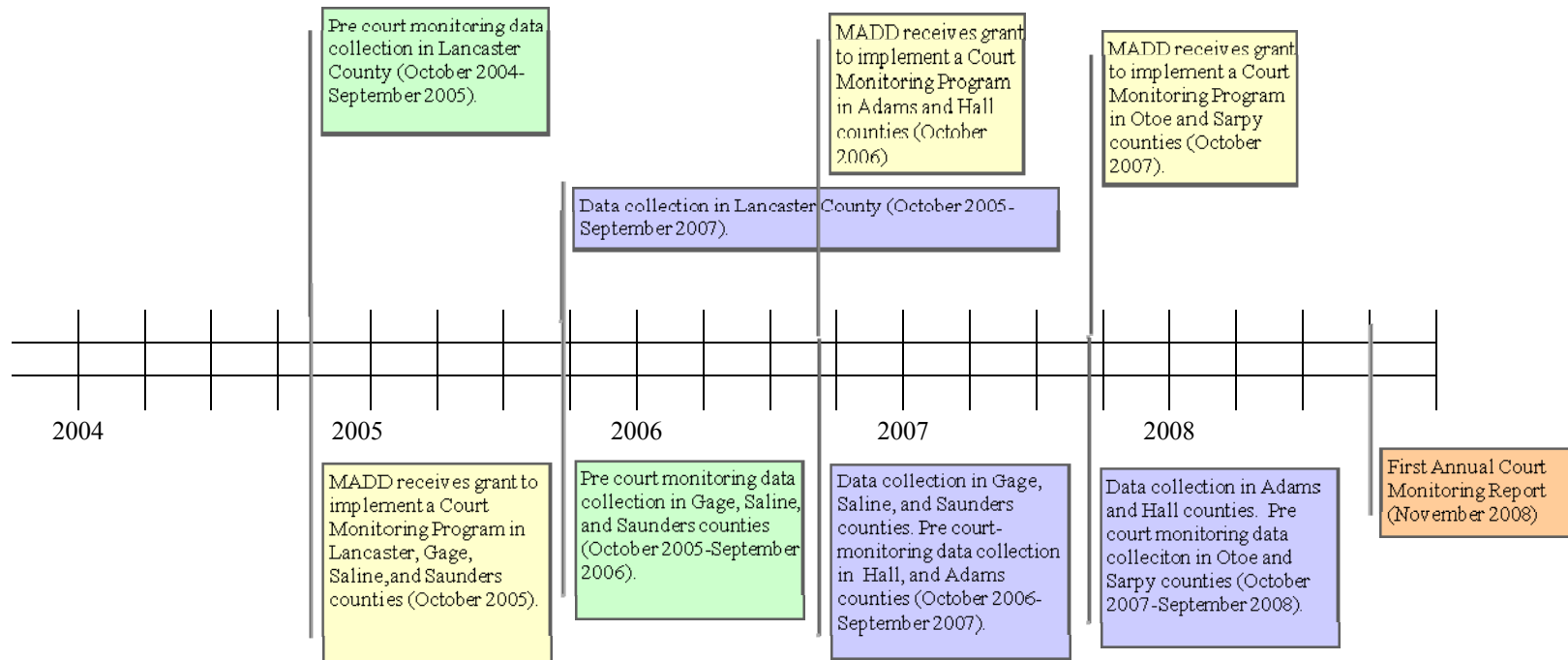
Source: Department of Motor Vehicles. Office of Highway Safety.

## Appendix C: Court Trial Form

<b>A. CASE INFORMATION:</b>			
1. Date: _____ 2. State: _____ 3. Monitor: _____ 4. Case#: _____			
5. Defendant (Full Name): _____ 6. DOB/Age: _____ U [ ] 7. Sex: M [ ] F [ ]			
8. Ethnicity: AA [ ] W [ ] H [ ] N Am [ ] Asian [ ] PI (Pac.Isl) [ ] Other: _____ [ ] U [ ]			
9. Needs interpreter: Y [ ] N [ ] If yes, Interpreter Present?: Y [ ] N [ ]			
10. Name and Location of Court: _____			
11. Type of Proceeding: Bench Trial [ ] Jury Trial [ ] Plea [ ] Motion for Continuance [ ] Motion to Suppress [ ] Court Setting [ ] Other: _____			
12. Prior continuances: Y [ ] N [ ] U [ ]			
13. Judge (Full Name): _____ Elected [ ] Appointed [ ] Visiting [ ]			
14. Prosecutor (Full Name): _____			
15. Defense lawyer (Full Name): _____			
16. Defense lawyer: Retained [ ] Appointed [ ] Pub. Defender [ ] Pro Se [ ] Not available [ ] U [ ]			
<b>B. EFFICIENCY OF COURT:</b>			
1. Time Scheduled? ____:____ 2. Time Began? ____:____ 3. Time End? ____:____ 4. Block Schedule [ ]			
5. Delay? Y [ ] N [ ] If yes, Reason for Delay? Defendant late [ ] Defendant failed to appear [ ] Waiting for witness [ ] Waiting for interpreter [ ] Court delay [ ] Other: _____ U [ ]			
<b>C. CHARGES</b>			
1. DWI/DUI Y [ ] N [ ] Other: _____ U [ ] 2. BAC: _____ **Arresting Agency: _____			
3. Prior DWI/DUI Convictions: 0 [ ] 1 [ ] 2 [ ] 3 [ ] 4+ [ ] if 4+, provide #: _____ 4. Defendant Currently on Probation: Y [ ] N [ ]			
5. Defendant Currently on Parole: Y [ ] N [ ] U [ ] 6. Child Endangerment Charge: Y [ ] N [ ]			
<b>D. SANCTIONS/SENTENCE</b>			
Y	N	N/A	DETAILS OF SANCTIONS
[ ]	[ ]	[ ]	1. Jail Days _____ Months _____ Years _____
[ ]	[ ]	[ ]	2. Prison Days _____ Months _____ Years _____
[ ]	[ ]	[ ]	3. Sentence Suspended in Part Details: _____
[ ]	[ ]	[ ]	4. Sentence Suspended Fully
[ ]	[ ]	[ ]	5. Fine \$ _____
[ ]	[ ]	[ ]	6. Fees/Costs \$ _____
[ ]	[ ]	[ ]	7. Supervised Probation Details: _____
[ ]	[ ]	[ ]	8. Ignition Interlock Details: _____
[ ]	[ ]	[ ]	9. Home Incarceration/Electronic Monitoring Days _____ Months _____ Years _____
[ ]	[ ]	[ ]	10. Alcohol/Drug Rehabilitation Details: _____
[ ]	[ ]	[ ]	11. Driver Rehabilitation Hours _____
[ ]	[ ]	[ ]	12. Community Service Hours _____
[ ]	[ ]	[ ]	13. License Restrictions Details: _____
[ ]	[ ]	[ ]	14. License Revocation/Suspension Days _____ Months _____ Years _____
[ ]	[ ]	[ ]	15. Vehicle Sanctions Details: _____
[ ]	[ ]	[ ]	16. Vehicle Seized
[ ]	[ ]	[ ]	17. Restitution \$ _____
[ ]	[ ]	[ ]	18. Victim Impact Panel
[ ]	[ ]	[ ]	19. Judge agreed with plea negotiation
[ ]	[ ]	[ ]	20. Judge modified plea negotiation
[ ]	[ ]	[ ]	21. Judge refused plea negotiation
[ ]	[ ]	[ ]	22. Other: _____
<b>E. OBSERVATIONS:</b>			
1. Judge toward defendant: Friendly [ ] Bureaucratic [ ] Firm/Formal [ ] Condescending [ ] Harsh [ ]			
2. Judge toward complaining witness: Friendly [ ] Bureaucratic [ ] Firm/Formal [ ] Condescending [ ] Harsh [ ]			
3. Could you hear the proceedings: Y [ ] N [ ] 4. Bailiff present at all times: Y [ ] N [ ] U [ ]			
5. Prosecutor familiar with facts: Y [ ] N [ ] U [ ] 6. Defense attorney familiar with facts: Y [ ] N [ ] U [ ]			
7. Do you think the judge was aware that you were observing this case? Y [ ] N [ ] U [ ]			
8. Do you think the prosecutor was aware that you were observing this case? Y [ ] N [ ] U [ ]			
9. Do you think the defense attorney was aware that you were observing this case? Y [ ] N [ ] U [ ]			

## Appendix D: Court Monitoring Program Timeline

### Court Monitoring Program Activity Timeline



## **Appendix E: Sample Online Survey Questionnaire**

## Appendix F: State and Core Four Counties Demographic Profiles

### State and County Demographic Profiles

Because 2006-07 was the most recent year of data collection for the four counties presented in this report, a demographic profile was based on 2000 census data unless otherwise indicated.

Demographic	State	Gage	Lancaster	Saline	Saunders
<b>2007 Estimated Population (% of population)<sup>1</sup></b>	1,774,571	23,219 (1.3%)	275,665 (15.5%)	13,873 (0.78%)	20,184 (1.1%)
<b>2007 Licensed Drivers (% of 2007 population)</b>	1,363,094 (76.8%)	17,878 (77%)	204,345 (74.1%)	9,977 (71.9%)	16,388 (81.2%)
<b>Age (% of population)<sup>2</sup></b>					
< 18 years	25.2%	21.6%	23.5%	23.9%	24.5%
18-64 years	61.5%	59.5%	66.1%	60.6%	60.8%
≥ 65 years	13.3%	18.9%	10.4%	15.5%	14.7%
<b>Median age</b>	36 <sup>2</sup>	39.93	32.9 <sup>2</sup>	36.9 <sup>2</sup>	38 <sup>3</sup>
<b>Males/Females (%)<sup>2</sup></b>	49.6%/50.4%	49%/51%	50.1%/49.9%	50.3%/49.7%	50.5%/49.5%
<b>Race (% of population)<sup>2</sup></b>					
<b>White alone (not Hispanic or Latino)</b>	84.9%	96.3%	87.1%	80.3%	97%
<b>Hispanic or Latino</b>	7.4%	1.3%	4.4%	16.2%	1.6%
<b>Urban/Rural Status<sup>4</sup></b>		Urban, non-metro <sup>5</sup>	Urban Metropolitan <sup>5</sup>	Large Rural <sup>5</sup>	Large Rural <sup>5</sup>
<b>Median Household Income</b>	\$45,474 <sup>2</sup>	\$38,922 <sup>6</sup>	\$48,564 <sup>2</sup>	\$47,404 <sup>2</sup>	\$47,848 <sup>6</sup>

<sup>1</sup> U.S. Census Bureau 2007 Population Estimates Program

<sup>2</sup> U.S. Census Bureau 2006 (estimated) data

<sup>3</sup> U.S. Census Bureau 2000 data

<sup>3</sup> Source: <http://www.dhhs.ne.gov/hew/hpe/cvh/docs/methodology.pdf>

<sup>5</sup> **Urban non-metro:** At least one city in the county has a population of 10,000 residents or greater;

**Urban metropolitan:** At least one city in the county has a population of 50,000 residents or greater and a county population of at least 100,000; **Large rural:** At least one city in the county has a population of 2,500 residents or greater.

<sup>6</sup> Based on 2004 Census data.

## **Appendix G: Nebraska Priority Counties for FY2008**