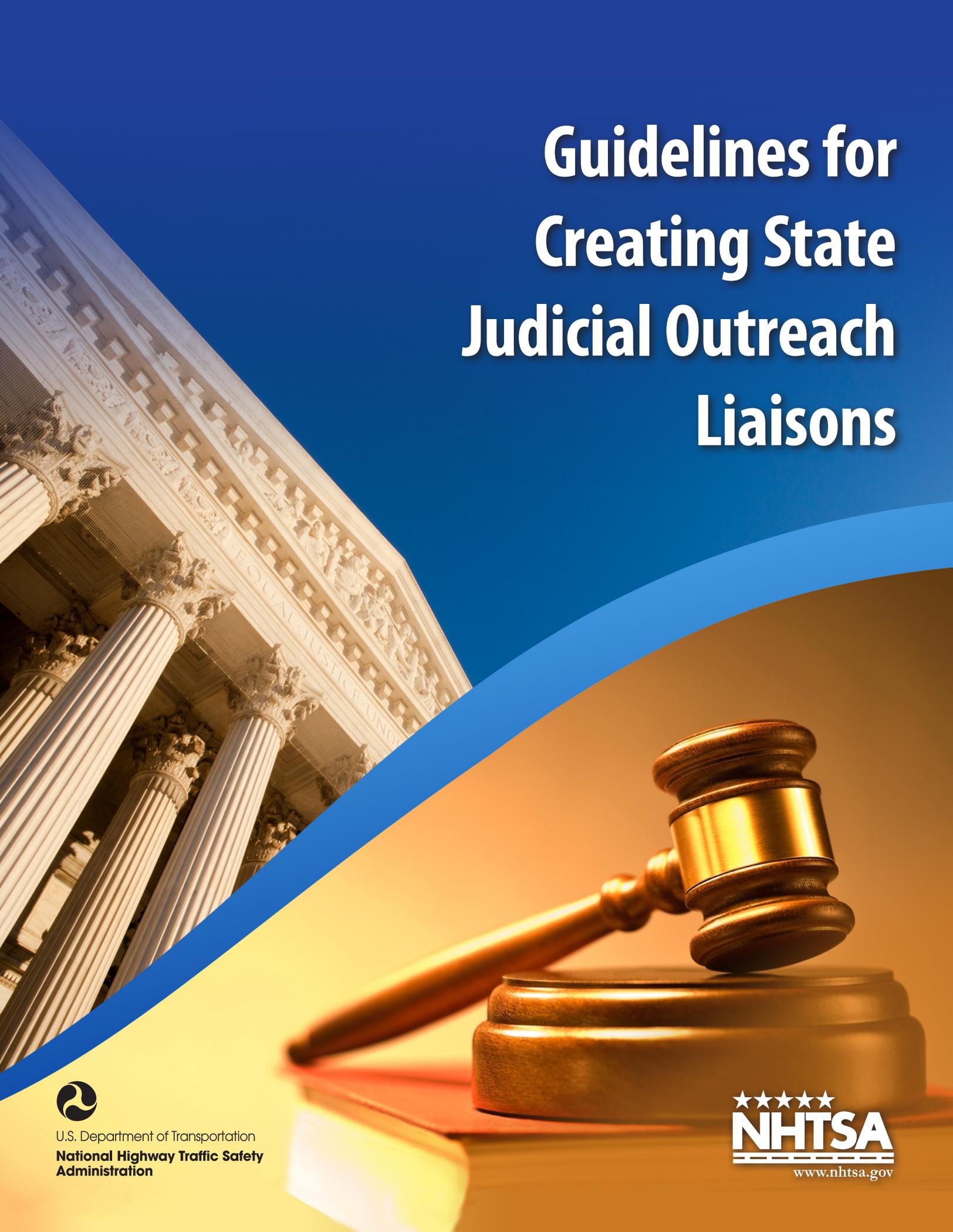


Guidelines for Creating State Judicial Outreach Liaisons



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

★★★★★
NHTSA
www.nhtsa.gov

Guidelines for Creating State Judicial Outreach Liaisons

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BACKGROUND

In 2011, 32,367 people died in motor vehicle traffic crashes in the United States and an estimated 2,217,000 people were injured in motor vehicle crashes. Of the motor vehicle fatalities in 2011, 31 percent occurred in an alcohol-impaired crash in which a driver or motorcycle rider had a blood alcohol concentration (BAC) of .08 grams per deciliter or more (which is illegal per se in every State in the United States).

The criminal justice system plays a critical role in deterring unsafe driving behaviors and assigning appropriate consequences for impaired driving and other traffic offenses. From arrest to prosecution to adjudication, it is important that all facets of the criminal justice system are aware of the efforts being made to reduce traffic fatalities. To that end, peer-to-peer training, education, and outreach have been found to be most effective in promoting proven and promising practices. The National Highway Traffic Safety Administration has developed a network of criminal justice professionals who work peer-to-peer on traffic safety:

- Regional Judicial Outreach Liaisons (RJOLs),
- NHTSA Judicial Fellows
- National Administrative Law Judge Fellows,
- Prosecutor Fellows,
- Probation Fellows,
- Law Enforcement Liaisons (LELs),
- Traffic Safety Resource Prosecutors (TSRPs), and
- State Judicial Outreach Liaisons (SJOLs).

This network has been developed in cooperation with national organizations that represent these communities, including:

- The International Association of Chiefs of Police (IACP),
- The National Sheriffs Association (NSA),
- The National District Attorney's Association (NDAA),
- The National Association of Prosecutor Coordinators (NAPC),
- The National Judicial College (NJC),
- The American Bar Association (ABA), and
- The National Center for State Courts (NCSC).

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Over time, States have created counterpart positions in order to meet the specific needs of their jurisdictions. The latest evolution of this trend is the State Judicial Outreach Liaison (SJOL). The purpose of this document is to provide guidance for the creation of such positions and the typical duties performed by SJOLs. In addition, NHTSA Judicial Fellows and Regional Judicial Outreach Liaisons are referenced throughout the document to provide an understanding of their roles and how they interact with SJOLs.

Judicial Fellows and Regional Judicial Outreach Liaisons

The purpose of the Judicial Fellowship Program is to provide a mutually beneficial working relationship between NHTSA and a judge whose jurisdiction currently involves the adjudication of motor vehicle and pedestrian-related offenses. The Judicial Fellows function as active liaisons between NHTSA, the ABA Judicial Division and judges, and their respective organizations across the country. The duties of Judicial Fellows include being teachers, writers, community outreach advocates, consultants, liaisons, reporters, and spokespeople. The purpose of Regional Judicial Outreach Liaisons (RJOLs) is similar to that of Judicial Fellows; however, they operate within the States served by particular NHTSA Regional Offices.

Under a cooperative agreement with ABA, two Judicial Fellows work directly with the NHTSA Impaired Driving Division on national impaired-driving efforts, while seven RJOLs work with NHTSA's Regional Offices to coordinate efforts within multi-State regions.

State Judicial Outreach Liaisons

Each State has its own highway safety laws, judicial and political culture, and leadership dynamics. Building on the successes achieved under the current NHTSA/ABA cooperative agreement on national and regional levels, several States have SJOLs, and others have expressed interest in creating SJOLs. One State, Texas, has had a SJOL in place for several years. A number of documents used as part of the Texas SJOL program have been included in the appendices. The theory underlying the creation of SJOLs is that local judges, whether sitting or retired, are in better positions to understand and to respond to local highway safety concerns and are more likely to have close working relationships with local players, than are the National Judicial Fellows or the Regional JOLs. In addition, SJOLs serve as direct resources to State and local judges and have access to or knowledge of national resources that benefit them.

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Fiscal Considerations for State Highway Officers

It is anticipated that the funding for SJOLs will come from each respective State Highway Safety Office (SHSO). The amount of funding needed to establish an SJOL will vary depending on the availability of the judge and the amount of work to be performed. SJOLs may be employed on a part-time, full-time, or as-needed basis. NHTSA Judicial Fellows and RJOLs serve on a part-time basis and are paid a flat, monthly stipend. The Texas SHSO funds a full-time SJOL and part-time administrative support. SHSOs should research the going rate of pay for judges in their States, along with the desired level of experience and education, and plan for a rate of pay commensurate with the level of effort they expect from the SJOL. A second consideration is travel. A large portion of the liaison effort must be conducted in person at meetings and conferences. Transportation, hotel, and per diem costs need to be adequately budgeted for. The travel cost will be much clearer when the number of court visits, trainings, and meetings is included in the work plan. Based on the experience of NHTSA Judicial Fellows and Regional JOLs, reserving a portion of the travel budget for unplanned calls for assistance is highly recommended. Once the SJOL establishes himself/herself in the State, more requests will come in.

State JOLs, depending on the areas of focus, may be paid for using highway safety grant funds received from NHTSA. SHSOs exploring funding options should consult their NHTSA Regional Office before starting a SJOL program.

Ethical and Legal Considerations for SJOLs

SHSOs unfamiliar with judicial canons should consult the Model Code of Judicial Conduct, available on the American Bar Association website at the link below. A fundamental role of the judge is to remain independent and impartial. When developing work plans, the SHSO should not overlook the ethical considerations the judge must entertain. For example, SJOLs may decline to participate in media events promoting impaired-driving enforcement crackdowns along with law enforcement and prosecutors as this could be construed as bias towards the prosecution. Additionally, State Bar Associations may set rules of behavior for their members that may limit some SJOL activities. In some States, judges may be permitted to take active roles in shaping policy or legislation. SHSOs must be aware of State and Federal restrictions on lobbying activities and discuss with the SJOLs how such restrictions will affect their duties. When developing this position, the SHSOs should consult with the State Administrative Office of the Courts to form a working relationship to understand the needs of the SHSO and the needs of the Administrative Office of the Courts. In addition, the Administrative Office of the Courts work with the State Judicial Educator to determine the educational needs of the States' judges.

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www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct.html

SJOL QUALIFICATIONS AND DUTIES

Qualifications

- Juris Doctorate or an equivalent degree from a law school accredited by the American Bar Association or the Supreme Court of the State
- A sitting or retired member of the State judiciary
- Extensive experience in handling impaired driving or other traffic-related cases
- Knowledge or willingness to learn about DWI courts and ignition interlocks
- A strong desire to increase public safety through the use of research-based practices to reduce impaired driving

Duties

This section contains suggested duties and roles of an SJOL. This list is not exhaustive, and not all SJOLs will perform all of these duties. Rather, the list helps SHSOs by identifying the recommended uses of SJOLs and developing individualized work plans in conjunction with the SJOLs. Where appropriate, these duties can be revised to become goals, objectives, or performance measures within grant agreements.

Liase Between Courts and Policymakers

- Identify issues of concern to judges and other court officials regarding impaired driving or other traffic issues and bring them to the attention of appropriate criminal justice or highway safety officials.
- Identify topics of concern to highway safety officials and work with the judicial community to develop a better understanding of the problem by sharing research and data.
- Upon request, review material developed by others and provide comments and judicial insights.
- When invited, assist legislators and policy makers in crafting public policy regarding impaired driving and other highway safety issues.
- Advise members of the judiciary and criminal justice officials on potential sources of funding and resources.

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Provide Training and Education

- Develop a network of contacts with judges and judicial educators to promote judicial education related to sentencing and supervision of DWI offenders, court trial issues, and alcohol/drug testing and monitoring technology. Make presentations at meetings, conferences, workshops, media events and other gatherings, focusing on impaired driving and other traffic safety issues.
- Identify barriers that hamper effective training, education or outreach to the courts and recommend alternative means to address these issues and concerns.

Share Information and Coordinate With Other Criminal Justice Professionals

- Consult regularly with Judicial Fellows, RJOLs, and SJOLs regarding outreach efforts and opportunities.
- Remain informed on emerging impaired-driving issues and on possible strategies to address those issues.
- Share information and coordinate with LELs, SHSOs, NHTSA Regional Offices, TSRPs, and Prosecutor and Probation Fellows to help identify opportunities for improving the criminal justice system.
- Participate in the State Traffic Records Coordinating Committee (TRCC), promote electronic DWI tracking systems, and assist in linking court data with arrest data and other available data systems.

Promote Evidence-Based and Promising Practices

- Promote development and use of DWI Courts. www.dwicourts.org/ncdc-home
- Promote use of ignition interlocks and improvements to ignition interlock programs.
- Promote other evidence-based and promising court, sentencing, and supervision practices.

Other Responsibilities

- Publish a newsletter on highway safety issues for the judiciary in his or her State;
- Write or share articles for the American Bar Association “Highway to Justice” newsletter on highway safety issues (when appropriate).
- Submit a monthly report of activities conducted.
- Comply with reporting requirements as established by the funding source.
- SJOLs are encouraged to attend JOL trainings as they become available.

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GETTING STARTED

A project kickoff meeting between the newly hired SJOL, SHSO, and other applicable grant management personnel is strongly recommended. This will provide an opportunity for introductions to be made, lines of communication to be established, the scope of work to be made clear, and any limitations on activities to be explained (such as State or Federal funding regulations). Following the introductory meeting, the newly appointed SJOLs should develop work plans in conjunction with the SHSOs. A well thought out work plan will require some research on behalf of the SJOL.

Data

In the first few weeks on the job, SJOLs should become familiar with State and national statistics related to traffic safety. This information can identify problem areas that can be addressed in the work plan.

The following are examples of commonly used data measures:

- DWI arrest and conviction rates,
- Drugged driving arrests,
- Underage drinker arrests/citations,
- Alcohol-related motor vehicle crash fatalities,
- Automobile crashes – fatalities; injuries; locations; driver demographics, and
- Motorcycle crashes – fatalities; injuries; locations; driver demographics.

NHTSA is the primary source for statistics on fatal injuries suffered in motor vehicle crashes. Fatal crash data is maintained in a database known as the Fatality Analysis Reporting System (FARS). Data can be accessed in the form of reports, tables, or custom-built queries. Data can also be filtered by national, State, or county level. Visit www-fars.nhtsa.dot.gov/Main/index.aspx to access fatal crash data. NHTSA or SHSO officials can provide a brief orientation to the Web Site.

SJOLs should also work with the SHSOs for State-specific data. While fatal crashes are the most severe, they represent 0.6 percent of all crashes. For each fatal crash that occurs there are an estimated 49 nonfatal injury crashes. States may have nonfatal injury data available for review. An important source of State-specific information is the State Highway Safety Plan. This document, prepared by the SHSO annually, is a comprehensive plan for how the State intends to reduce traffic crashes. Each plan identifies problem areas, and contains goals, strategies, and performance measures. Ideally, the SHSO will offer a new SJOL a briefing on the Highway Safety Plan.

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Additional sources of State information include:

- State Department of Transportation,
- Highway Safety Office,
- State Department of Criminal Justice,
- State Police/Highway Patrol Headquarters,
- State Sheriff's Association,
- State Association of Chiefs of Police,
- State driver's licensing agency, and
- Governor's Highway Safety Association.

Reach Out to Judicial Community

It is recommended that each new SJOL send an introductory letter to all State Judicial Educators (SJE), judges, and courts. See Appendix A for an example.

Follow up with meetings or phone calls with court staff to:

- Explore their needs;
- Identify the services you can provide;
- Find out what they are already doing—don't reinvent the wheel; and
- Offer to meet regularly.

New SJOLs should review the judicial education/training on DWI and traffic issues currently available in the State. Discussing the available training and material with the SJE can help identify any knowledge gaps. These gaps can present opportunities for the SJOL to address when developing his or her work plan.

Research State Laws, Rules, Regulations, and Procedures

SJOLs should also review State statutes, case law, definitions, and jurisdiction-specific practices regarding alcohol and drug-impaired driving.

Researching the following topics is recommended:

- Toxicology testing labs used by State and local law enforcement;
- Blood, breath, and urine testing rules and regulations;
- Instruments used for collecting specimens, including how they work;
- The types of drugs that specimens are tested for and concentration threshold levels;
- Sobriety checkpoints, "no refusal" operations, and DWI saturation patrols;
- Police pursuit laws and protocol;

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- Drug Recognition Experts/Evaluators and admissibility of their opinions; and
- Ignition interlock vendors.

Having gathered this information, a newly appointed SJOL will be ready to develop a work plan with the SHSO. An example work plan is given in Appendix B of this document.

ADDITIONAL RESOURCES FOR SJOLs

If possible, a new SJOL should seek out a fellow SJOL to shadow for several days. If meeting in person is not possible, new SJOLs should call a RJOL or SJOL in a nearby State to introduce themselves and develop working relationships. Chances are, they can provide guidance to the SJOL based on their own personal experiences. Another helpful resource is the Traffic Resource Center for Judges maintained by the National Center for State Courts at www.trafficresourcecenter.org.

It is also strongly recommended that a new SJOL attend a faculty development course offered at the National Judicial College (www.judges.org). This course, typically two days long, is designed to familiarize SJOLs with the concepts of adult learning and how to effectively conduct subject matter trainings. The National Judicial College also conducts onsite training and webinars on traffic-related topics such as drugged driving, staggered sentencing, older drivers, and others.

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APPENDIX A

Sample Introductory Letter

State Judicial Educator
Administrative Office of the Courts
Department of Transportation

Dear (TITLE, NAME):

Nationally, traffic crashes of all kinds claim nearly 33,000 lives each year. In (STATE) in 20XX, traffic crashes took the lives of xxxx people and injured scores more. Additionally, traffic-related cases—particularly DWIs and DWI fatalities—are among the most complicated cases to handle. Judges with substantial caseloads need a specialized judge to whom they can turn for help, one who focuses solely on traffic issues and the courts.

I am the State Judicial Outreach Liaison (SJOL) for (STATE). My role as a specialized judge is to provide education, training, and technical assistance to judges and court staff throughout the State. I can assist you by coordinating education in your area, giving individual technical assistance where needed, and representing your interests at State and regional traffic safety meetings.

Whether the topic is DWI, driving while a license is suspended or revoked, aggressive drivers, traffic stops, or any other traffic-related subject, I am here to support both judges and court personnel. While most States have had specialized prosecutors for many years, the Judicial Outreach Program took a great leap forward just a few years ago, when the National Highway Traffic Safety Administration made it a priority to educate judges and court staff on DWI and other traffic-related issues. Seven NHTSA regions now have JOLs, representing 36 States, and several States have their own SJOLs.

I am here to address the needs of (STATE's) judges and court staff in the traffic safety arena. We all have a common goal: to reduce the number of injuries and fatalities occurring on our State's roads. Working as a team, we can make great strides toward this goal. Please do not hesitate to contact me with your questions and concerns. I look forward to working with you.

Sincerely,

(NAME), (TITLE)
(CONTACT INFORMATION)

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APPENDIX B

Sample Work Plan

State Judicial Outreach Liaison (SJOL) Work Plan

Overarching Goals:

- To provide a mutually beneficial working relationship between the State Highway Safety Office and the judiciary involved in the adjudication of motor vehicle and pedestrian-related offenses.
- To function as an active liaison between the State Highway Safety Office, State Judicial Educators, and judges and their representative organizations.
- To improve the delivery of justice and highway safety through education, collegial communication, and outreach activities.

Tasks:

1. **Program Familiarity and Introductions.** The SJOL will establish a foundational understanding of the duties, activities, and traffic safety priorities of the State, State Highway Safety Offices (SHSOs), State Judicial Educators (SJE), DUI courts, Traffic Safety Resource Prosecutors (TSRPs), and other entities as jointly identified by the State and the SJOL. Emphasis shall be placed on activities directly related to impaired-driving prevention. Completion of this task shall be accomplished by SJOL review of the SHSO Highway Safety Plan (HSP), introductory meetings (in person or via telephone) with applicable personnel, as well as other activities jointly identified by the State and the SJOL.
2. **Judicial Outreach.** The SJOL will conduct ongoing outreach to SJE, judges, and DUI courts, as well as to other identified parties within the judicial community, to provide information, conduct outreach and training, identify resource needs, and facilitate dialogue between the judicial and highway safety communities.
3. **State Highway Safety Office Outreach.** The SJOL will conduct ongoing outreach to the State Highway Safety Office, TSRP, and other subgrantees identified by the SHSO to provide information and assist in meeting identified resource needs in matters involving the judicial system and traffic safety, with particular emphasis given to matters involving impaired driving.
4. **Contact With NHTSA Regional JOL (RJOL).** The SJOL will participate in regularly scheduled meetings as agreed upon by the SJOL and the designated NHTSA RJOL,

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maintain regular e-mail and telephone correspondence as needed to discuss matters related to program activity, and participate in meetings, conferences, and program reviews as requested.

5. **Promotion of Priority Programs.** The SJOL will provide information on priority programs and initiatives, including ignition interlocks, the 24/7 Sobriety Program, DWI courts, and Standard Field Sobriety Testing (SFST), as well as other programs identified by the State.
6. **Publication and Review.** The SJOL will publish or solicit articles for publication in newsletters distributed to the judicial community. In addition, the SJOL will review and provide feedback as requested on SHSO publications and assessment reports.
7. **Monthly Reporting.** The SJOL will provide the State Program Manager with a monthly report of activities.
8. **Annual Report.** At the conclusion of the contract period, prepare an annual report of activities undertaken to fulfill project tasks. Describe obstacles encountered, challenges overcome, and recommendations for the ensuing year's activities.

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APPENDIX C

Judicial Outreach Program Contacts

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