

**IMPAIRED DRIVING
TECHNICAL ASSESSMENT**

of the

STATE OF TEXAS



OCTOBER 17-22, 2010

**National Highway Traffic Safety Administration
Technical Assistance Team**

**Vincent M. Burgess
Linda L. Chezem
Brian D. Jones
Robert P. Lillis
Joan L. Vecchi**

TABLE OF CONTENTS

TABLE OF CONTENTS	2
ACKNOWLEDGEMENTS	6
INTRODUCTION.....	7
BACKGROUND/DEMOGRAPHICS	7
PRIORITY RECOMMENDATIONS.....	13
I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING	16
1-A. State, Local and Tribal DWI Task Forces or Commissions	16
Advisory	16
Status.....	16
1-B. Strategic Planning.....	20
Advisory	20
Status.....	20
Recommendations.....	21
1-C. Program Management.....	22
Advisory	22
Status.....	22
Recommendations.....	28
1-D. Resources	29
Advisory	29
Status.....	29
Recommendations.....	30
1-E. Data and Records.....	31
Advisory	31
Status.....	31
Recommendations.....	33

1-F. Communication Program	34
Advisory	34
Status	34
II. PREVENTION	35
2-A. Responsible Alcohol Service	35
Advisory	35
Status	36
Recommendations	39
2-B. Transportation Alternatives	40
Advisory	40
Status	40
Recommendations	42
2-C. Community-Based Programs	43
2-C-1. Schools	43
2-C-2. Employers.....	47
2-C-3. Community Coalitions and Traffic Safety Programs	48
Recommendations	51
III. CRIMINAL JUSTICE SYSTEM	52
3-A. Laws	52
Advisory	52
Status	53
Recommendations	55
3-B. Enforcement	56
Advisory	56
Status	57
Recommendations	61
3-C. Publicizing High Visibility Enforcement	63
Advisory	63

Status	63
Recommendations	67
3-D. Prosecution	68
Advisory	68
Status	68
Recommendations	69
3-E. Adjudication	70
Advisory	70
Status	71
Recommendations	73
3-F. Administrative Sanctions and Driver Licensing Programs	74
3-F-1. Administrative License Revocation and Vehicle Sanctions:	74
3-F-2. Programs	79
Recommendations	81
IV. COMMUNICATION PROGRAM	82
Advisory	82
Status	83
Recommendations	84
V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment, Treatment and Rehabilitation	85
5-A-1. Criminal Justice System	85
Advisory	85
Status	86
Recommendations	87
5-A-2. Medical or Health Care Settings	88
Advisory	88
Status	88
Recommendations	89

5-B. Treatment and Rehabilitation	90
Advisory	90
Status	90
Recommendations	92
5-C. Monitoring Impaired Drivers.....	93
Advisory	93
Status	93
Recommendations	94
VI. PROGRAM EVALUATION AND DATA.....	95
6-A. Evaluation.....	95
Advisory	95
Status	95
Recommendations	97
6-B. Data and Records (see Section 1-E).....	98
Advisory	98
Status	98
Recommendations	100
6-C. Information and Records Systems (including Licensing)	101
Advisory	101
Status	101
Recommendations	102
APPENDIX 1 – Team Credentials	103
APPENDIX 2 – Assessment Agenda	110

ACKNOWLEDGEMENTS

The Technical Assistance Team acknowledges and thanks Mr. Terry Pence, Director of Traffic Safety Section, Texas Department of Transportation (TxDOT), for his support and able assistance in making this review possible. The team acknowledges and thanks Mr. Frank Saenz, Alcohol and other Drug Program Manager, TxDOT, Traffic Safety Section. Mr. Saenz played a major role in this assessment through identifying presenters and scheduling their appearances, developing and compiling briefing materials, and assistance with meeting facilitation during the course of the week.

Evelyn Avant, Impaired Driving Division, National Highway Traffic Safety Administration (NHTSA) facilitated the assessment process. Frank Marrero, Region 6 also assisted with the facilitation of the assessment process. The team would like to thank NHTSA for helping to give a national and regional perspective to the assessment.

The team also thanks each of the participants in the review for the time and energy invested in preparing and delivering their presentations. Their candor and thoroughness in discussing their activities to target impaired driving in Texas greatly assisted the team in conducting a complete review.

The team believes this report will contribute to the State's efforts to enhance the effectiveness of its impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Texas State's roadways.

The team realizes the assessment is a review of all impaired driving activities and commends all who are involved in the day-to-day efforts to reduce impaired driving in Texas.

INTRODUCTION

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce alcohol-related traffic crashes and subsequent fatalities and injuries, NHTSA offers Highway Safety Program Assessments to the States.

The Highway Safety Program Assessment is a technical assistance tool that allows management to review various highway safety programs. Program assessments are provided for impaired driving, occupant protection, emergency medical services, traffic records, motorcycle safety, and police traffic services. Highway safety assessments provide an organized approach, along with well-defined procedures, that States can use to meet their objectives, and be used as a management tool for planning purposes and for making decisions about how to best use available resources.

Highway Safety Program Assessments are cooperative efforts among State Highway Safety Offices, State EMS Offices, Program Development and Delivery (PDD) Offices and NHTSA Regional Offices (RO). In some instances (e.g., EMS) the private sector is also a partner in the effort.

Highway Safety Program assessments are generally based on the “Uniform Guidelines for State Highway Safety Programs,” which are required by Congress and periodically updated through a public rulemaking process. For each highway safety program area, the criteria against which each state program is assessed have been developed through use of the uniform guidelines, augmented by current best practices.

The Texas Department of Transportation, Traffic Operations Division, requested NHTSA’s assistance in assessing the States’ alcohol and drug impaired driving countermeasures program.

The Texas Impaired Driving Assessment was conducted at the Radisson Hotel & Suites – Town Lake, in Austin, TX from October 17-22, 2010. Under the direction of Mr. Terry Pence, Director of Traffic Safety Section, TxDOT, arrangements were made for program experts (see Agenda) to deliver briefings and provide support materials to the team on a wide range of topics over a three-day period.

BACKGROUND/DEMOGRAPHICS

About 660 miles wide by 790 miles long at its most distant extremes, Texas is the largest of the lower 48 states. It is bounded by Oklahoma (N); Arkansas (NE); Louisiana (E), the Gulf of Mexico (SE); Mexico, (SW); and New Mexico. The state encompasses 261,797 square miles of land and 6,784 square miles of water. The vast expanse of the state contains great regional differences, (the distance from Beaumont to El Paso is greater than that from New York to Chicago).

The state of Texas has Spanish and Mexican roots. Spanish explorers, including Álvar Núñez Cabeza de Vaca and Francisco Vásquez de Coronado, were the first to visit the region in the 16th

and 17th centuries, settling at Ysleta near El Paso in 1682. In 1685, Robert Cavelier, Sieur de la Salle, established a short-lived French colony at Matagorda Bay.

Spanish settlers were the first Europeans to live in Texas, and Mexico, after becoming independent of Spain, ruled Texas until 1821. Battles led by Stephen F. Austin and Sam Houston eventually gained Texas independence, despite the loss at the Alamo. Texas later joined the United States as the 28th state on December 29, 1845, contributing over 260,000 square miles to the growing nation.

Possessing enormous natural resources, Texas is a major agricultural state and an industrial giant. Second only to Alaska in land area, it leads all other states in such categories as oil, cattle, sheep, and cotton. Texas ranches and farms also produce poultry and eggs, dairy products, greenhouse and nursery products, wheat, hay, rice, sugar cane, and peanuts, and a variety of fruits and vegetables.

Sulfur, salt, helium, asphalt, graphite, bromine, natural gas, cement, and clays are among the state's valuable resources. Chemicals, oil refining, food processing, machinery, and transportation equipment are among the major Texas manufacturing industries.

Millions of tourists spend well over \$44 billion annually visiting more than 100 state parks, recreation areas, and points of interest such as the Gulf Coast resort area, the Lyndon B. Johnson Space Center in Houston, the Alamo in San Antonio, the state capital in Austin, and the Big Bend and Guadalupe Mountains National Park.

INTERESTING STATE FACTS

Texas Flag



- ★ **Capital:** Austin
- ★ **State abbreviation/Postal code:** Tex./TX
- ★ **Governor:** Rick Perry, R (to Jan. 2011)
- ★ **Lieut. Governor:** David Dewhurst, R (to Jan. 2011)
- ★ **Senator:** John Cornyn, R (to Jan. 2015); Kay Bailey Hutchison, R (to Jan. 2013)
- ★ **U.S. Representatives:** 32
- ★ **Historical biographies of Congressional members**
- ★ **Secy. of State:** Hope Andrade (apptd. by gov.)
- ★ **Comptroller:** Susan Combs, R (to Jan. 2011)
- ★ **Atty. General:** Greg Abbott, R (to Jan. 2011)
- ★ **Entered Union (rank):** Dec. 29, 1845 (28)
- ★ **Present constitution adopted:** 1876
- ★ **Motto:** Friendship

STATE SYMBOLS

flower	bluebonnet (1901)	reptile	horned lizard (1993)
tree	pecan (1919)	stone	petrified palmwood (1969)
bird	mockingbird (1927)	plant	prickly pear cactus
song	“Texas, Our Texas” (1929)	insect	monarch butterfly
fish	guadalupe bass (1989)	pepper	jalapeño pepper
seashell	lightning whelk (1987)	mammal	longhorn
dish	chili (1977)	small mammal	armadillo
folk dance	square dance (1991)	flying mammal	Mexican free-tailed bat
fruit	Texas red grapefruit (1993)		
gem	Texas blue topaz (1969)		
gemstone cut	Lone Star cut (1977)		
grass	sideoats grass (1971)		

Nickname: Lone Star State

Origin of name: From an Indian word meaning “friends”

Land area: 261,797 sq mi. (678,054 sq km)

Geographic center: In McCulloch Co., 15 mi. NE of Brady

Number of counties: 254

State forests: 5 (7,314 ac.)

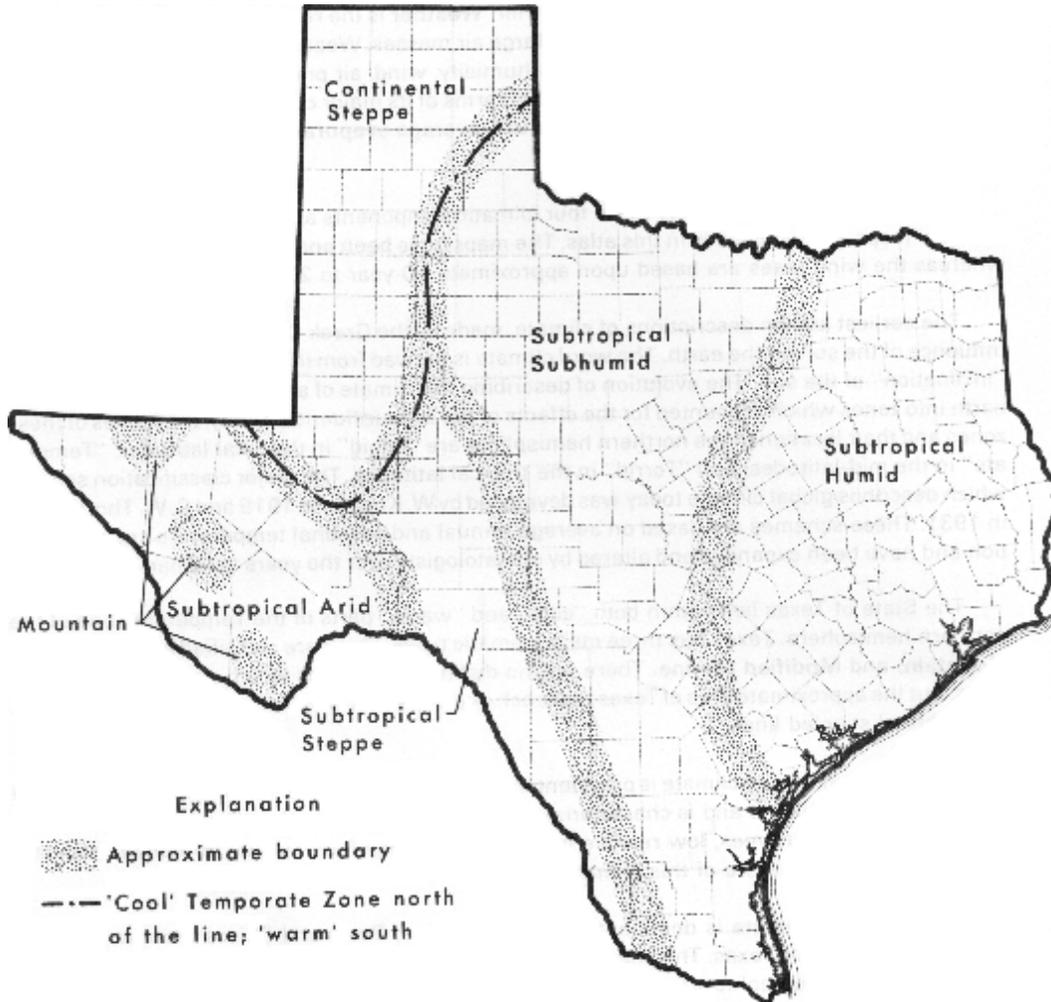
State parks: 115 (600,000+ ac.)

Population

Texas is one of the fastest-growing states in the nation. Since 2000, the state’s population has increased by 12.7 percent, nearly twice that of the nation (6.4 percent). Based on the United States census estimates for 2009, the Lone Star State reached 24,782,302. Texas gained more people (478,000) than any other state and remained the second most populous state between July 1, 2008, and July 1, 2009 according to a December 2009 Census press release. Texas includes some of the largest metropolitan areas in the country in terms of population; Houston, San Antonio, Dallas, Austin, and Fort Worth. Additionally, there is a large Spanish speaking population in the state.

Climate

The state of Texas lies within both "cool" and "warm" parts of the Temperate Zone of the Northern Hemisphere. Texas has three major climatic types which are classified as **Continental**, **Mountain**, and **Modified Marine**. There are no distinct boundaries which divide these climate types, but the approximate area of Texas that each encompasses is indicated on the following map by the broad stippled lines.



Transportation

Texas' central location facilitates in providing timely access to national and international markets via air, rail, roads, and water. Texas has 305,855 miles of highways, which is more than any other state.

In FFY 2007, there were 20.9 million registered vehicles in the state, including rental trailers, exempt vehicles and other special categories (TxDOT Vehicle Titles and Registration Division). Licensed drivers numbered 15,184,123 in 2007 (FHWA: Highway Statistics 2007). Of these,

6.3% (956,727) were under 21 years of age (with more than 229,000 under 18) and 12.8% were 65 or older (1,948,316).

There are approximately 80,067 centerline miles of state-maintained roadways, including 3,233 miles of Interstate highways, 12,105 miles of US highways and 16,354 miles of Texas State highways. Another 40,969 miles on the state system are designated as Farm or Ranch to Market roads. In addition to the state-maintained roads, there are approximately 226,000 miles of city and county maintained streets and highways.

In addition to the state-maintained roads, there are approximately 226,000 miles of city and county maintained streets and highways. While only 26.1 percent of roadways in Texas are state maintained, 73.8 percent of all vehicle miles traveled (VMT) occurs on state-maintained highways. In 2007, the average daily VMT on state maintained highways was 489 million miles.

The average daily VMT on all roadways in the state was 662 million miles. The average annual VMT on state-maintained highways was 178.5 billion miles; 241.7 billion on all state roadways (TxDOT – Transportation Planning and Programming Division, FFY 2007 Certified Files).

Texas Fatality Crash Data

According to the 2008 Fatality Analysis Reporting System (FARS) and NHTSA, Texas has the highest number of people killed in alcohol-related crashes. FARS (Fatality Analysis Reporting System) of the National Highway Traffic Safety Administration (NHTSA) reports 1,310 fatalities in crashes involving a driver or motorcycle operator with a BAC of 0.08 or above in Texas during 2008.

NOTE: *The information included in this document has been collected from a variety of sources including websites, and other materials. Sources may not be consistent. Some copyrighted information has been used under the “fair use” doctrine of the U.S. copyright statute*

PRIORITY RECOMMENDATIONS

I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING

- Create and convene a DWI Task Force consisting of membership, at the highest level, of stakeholder organizations to review the findings and recommendations of the October, 2010 Impaired Driving Assessment Report.
- Implement recommendations from the Impaired Driving Assessment Report with priorities set by the DWI Task Force.

1-B. Strategic Planning

- Undertake the state's strategic planning process in a holistic, coordinated and comprehensive manner.

1-D. Resources

- Fill the Traffic Safety Section vacant program manager and Traffic Safety Specialist positions as soon as possible.
- Establish funding based on portions of fines, court costs, etc., to support long term projects and promote self-sufficiency.

1-E. Data and Records

- Develop a statewide DWI tracking system and designate the appropriate agency to act as its custodian.
- Provide grant funding for middleware to make existing law enforcement records management systems compatible with Law Enforcement Advanced DUI/DWI Reporting System (LEADRS).

II. PREVENTION

2-A. Responsible Alcohol Service

- Increase the State excise tax rates for all alcoholic beverages to equal the national average.

III. CRIMINAL JUSTICE SYSTEM

3-A. Laws

- Enact a statute that allows well planned and fairly executed sobriety checkpoints.
- Strengthen Administrative License Revocation to allow the process to immediately remove impaired drivers from the road.

3-B. Enforcement

- Expand utilization of DRE officers in DWI mobilizations and fatality collision investigations.
- Expand development and deployment of the LEADRS.

3-D. Prosecution

- Hold a listening session for all elected prosecutors in the state to identify what strategies and resources they need to improve their prosecution of impaired driving.

3-E. Adjudication

- Increase probation resources for the management impaired driving cases.

3-F-1. Administrative License Revocation and Vehicle Sanctions:

- Commission an assessment of ALR in Texas to establish best practices and identify the most effective design and focus on ways to optimize interactions between administrative and criminal proceedings.

V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment, Treatment and Rehabilitation

- Require completion of appropriate treatment, as determined by standardized screening and assessment as a condition of relicensing.

5-A-2. Medical or Health Care Settings

- Repeal Alcohol Exclusion Laws in Texas.

5-C. Monitoring Impaired Drivers

- Support training for clergy to provide substance abuse counseling in rural areas.

VI. PROGRAM EVALUATION AND DATA

6-A. Evaluation

- Develop a database or system to collect requisite data to demonstrate the number of DWI arrests in the state annually, and the timeliness and consistency of sanctions or disposition of the adjudicatory process.

I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING

Effective impaired driving programs begin with strong leadership, sound policy development, program management, strategic planning, and an effective communication program. Program efforts should be data driven, focusing on populations and geographic areas that are most at risk, and science based, determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification and carefully managed and monitored for effectiveness. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers.

1-A. State, Local and Tribal DWI Task Forces or Commissions

Advisory

States, local subdivisions and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment and coordination among all parties interested in impaired driving issues. A Statewide task force, commission or leadership team should be convened following each Impaired Driving Assessment to develop a Statewide Strategic Plan for implementing the Assessment recommendations and to oversee its implementation. Task forces and commissions should:

- Enjoy active support and participation from the highest levels of leadership.
- Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries.
- Recommend goals and objectives, provide policy guidance and identify available resources, based on their wide variety of interests and through leveraging opportunities.
- Coordinate programs and activities to ensure that they complement rather than compete with each other.
- Operate continuously, based on clear authority and direction, established by law.

Status

It was apparent from presentations and materials provided to the assessment team that the Traffic Operations Division, Traffic Safety Section (TRF-TS) of Texas Department of Transportation (TxDOT) enjoys working relationships with all sectors of government as well as traditional and non-traditional partners.

In 1992 the state of Texas through the TSS of TxDOT and with the assistance of the National Highway Traffic Safety Administration (NHTSA) convened a panel of experts to conduct an Impaired Driving Assessment for the state.

A major recommendation of that report was to form a Statewide DWI Task Force which could review the findings of the 1982 Governor's Task Force Report to assess the status of its recommendations and determine the need for any changes.

In 1996, under the leadership of Governor George Bush, a Governor's DWI Task Force was formed to review the recommendations of the 1992 Impaired Driving Report. Since that time several of the task force recommendations have been considered and some have been implemented.

Since 1996, TxDOT has funded 18 local and regional safe community coalitions. One of the most successful to date is the "Fiesta Safe San Antonio" which has evolved into a much broader coalition of traffic safety partners from the San Antonio community, now known as the Traffic Jam Coalition. This coalition includes members of the highway safety community, enforcement, liquor law enforcement, criminal justice, public health, driver education programs, local schools, local businesses, military bases, medical, health care, multi-cultural, faith-based, and other community groups. They meet on a monthly basis and the district Traffic Safety Specialist for TRF-TS hosts the coalition at the TxDOT regional office.

TRF-TS has the responsibility for the oversight of impaired driving programs. The Alcohol and Other Drug Countermeasures Program Manager reports to the Program Director of the TSS. This management structure provides effective communication between the Highway Safety Office (HSO) and the Program Partners, therefore maximizing the effectiveness of the projects funded through the Alcohol and Other Drug Countermeasures Program.

TSS has the responsibility for facilitating projects and activities statewide which address a diverse set of priorities targeting the reduction of alcohol-related crashes and fatalities. In an effort to ensure these projects and activities are integrated so that the funding can be utilized effectively and the state can have the biggest impact on impaired driving problems, TRF-TS decided to use NHTSA's impaired driving assessment guidelines as an internal roadmap to provide direction to the Traffic Safety Section Alcohol Program.

A series of four meetings that began in 2002 and ended in August of 2003 allowed for the completion of the internal impaired driving assessment. Since that time, a diverse group of individuals representing state and local organizations with a stake in traffic safety have met on a regular basis. The intent of this effort has been to use the assessment as well as the resulting information as an internal management tool or framework for measuring progress towards reducing impaired driving incidents in the state. The individuals as well as the organizations represented have changed somewhat over the years as the group identified gaps.

In addition to the TRF-TS, the group consists of representatives from the following agencies and organizations (listed alphabetically):

- Brazos County Criminal Attorney's Office
- Drug Evaluation and Classification (DEC) Program State Coordinator
- Hillcrest Hospital

- Mothers Against Drunk Driving (MADD)
- National Highway Traffic Safety Administration (NHTSA)
- Sherry Matthews Advocacy Advertising
- Texas A&M University's Center for Alcohol and Drug Education Studies
- Texas Alcoholic Beverage Commission (TABC)
- Texas Association of Counties (TAC) – Judicial Education Section
- Texas Center for the Judiciary (TCJ)
- Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE)
- Texas Cooperative Extension (Safe Communities)
- Texas Department of Criminal Justice (Probation Section)
- Texas Department of Public Safety (DPS), Drivers' Records Bureau
- Texas Department of Public Safety (DPS), Law Enforcement
- Texas Department of State Health Services (Environmental Epidemiology & Injury Surveillance Group)
- Texas District and County Attorney Association (TDCAA)
- Texas Education Agency (TEA)
- Texas Engineering Extension Service (TEEX), Public Safety
- Texas Justice Court Training Center (TJCTC)
- Texas Municipal Courts Education Center (TMCEC)
- Texas Municipal Police Association (TMPA)
- Texans Standing Tall
- Texas Transportation Institute (TTI)
- ThinkStreet Marketing Agency

This has been an on-going process and is now fully integrated into the planning and evaluation associated with the TRF-TS statewide Alcohol and Other Drug Countermeasures Program.

The task force identified that the existing Impaired Driving Program Partners creates a strong and diverse group, but there are areas or stakeholders who are underrepresented or absent from the group.

The partners felt it would be helpful to integrate representatives from public health, driver licensing (as specific part of the Texas Department of Public Safety), military safety personnel, post secondary educators (community college and university), secondary education, multi-cultural organizations, insurance organizations, and/or faith-based groups.

There are other representatives who are not regularly active with the partners: health care and trauma providers, community supervision, along with treatment and prevention specialists. Additionally, it would be beneficial to highlight projects that are considered local in order that they might be deployed in other communities or at a statewide level.

It was also felt that although TRF-TS has been utilizing the NHTSA Alcohol State Program Assessment materials as a guideline for their strategic and operational planning for at least ten years, it would be beneficial to the program to have NHTSA conduct an external assessment of the program to provide additional insight related to the effectiveness of the program in addressing the reduction of impaired driving crashes and fatalities.

Recommendations

- Create and convene a DWI Task Force consisting of membership, at the highest level, of stakeholder organizations to review the findings and recommendations of the October, 2010 Impaired Driving Assessment Report.
- Implement recommendations from the Impaired Driving Assessment Report with priorities set by the DWI Task Force.
- Document and evaluate the impact of the San Antonio Traffic Jam coalition model and if proven successful build similar regional and local coalitions where appropriate.

1-B. Strategic Planning

Advisory

States should develop and implement an overall plan for short and long term impaired driving activities. The plan should:

- *Be based on careful problem identification that uses crash, arrest, conviction, driver record and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals.*

Status

Texas Traffic Safety Section (TRF-TS) historically relied on a crash reporting system and data base that by 1999 was obsolete and in need of major upgrades. For the most part the TRF-TS had FARS and locally collected data for problem identification since the crash data was not available in a timely manner. In July of 2006, the state successfully implemented Crash Records Information System (CRIS). Since 2006 a very aggressive effort was put in place to eliminate the backlog and provide timely crash information. Now, the State can examine current data as well as have access to previous crash data so that the State now has a continuous history of crash records to use for analysis.

Texas crash reports capture extensive data related to each crash event. The variables entered into the crash record include, but are not limited to the following:

- o Location (County, city, street address, mile marker, etc.)
- o Demographics of driver and passengers (age, gender, etc.)
- o Crash factors (violations like speeding, failure to yield right of way, etc.)
- o Under the influence of alcohol and/or other drugs
- o Environmental conditions (wet conditions, night or day, etc.)
- o Safety protection (safety belt or helmet)
- o Type of roadway (interstate, US highway, rural, two lane, etc.)
- o Number of vehicles involved in the crash
- o Indication of fatality and severity of injury

TRF-TS measures the impact of the projects through traditional quantitative measures (number of arrests, citations, people trained, etc.) as well as qualitative methods such as assessing public attitudes and changes in awareness and behavior.

Although the Program Partners are developing approaches to address the problem, Texas faces some significant challenges to track offenders from arrest through the adjudication process and determine their compliance with sanctions. Understanding this process is a critical part of measuring the success of some of the countermeasures that the State invests in as part of its

impaired driving program. A NHTSA sponsored Traffic Records Assessment was conducted for the State in October of 2007, to assist TSS in identifying where the gaps are and what recommendations should be considered to address those gaps.

TRF-TS has also utilized input and guidance from the statewide Traffic Records Coordinating Committee to assist the Program Partners and the Alcohol and Other Drug Countermeasures Program to optimize current initiatives and plan projects to address identified gaps.

Traffic Safety Program Manual (TSPM), states that TxDOT will host a strategic planning meeting every two to three years to review performance goals and strategies for the Highway Safety Performance Plan (HSP). TxDOT's previous strategic planning meetings appear to have been a valuable tool for the State.

Beginning with the traffic safety planning process for FY 97, TRF-TS initiated periodic, formal traffic safety strategic planning sessions. The strategic planning meeting for 2005-2010 was held in June of 2003. The attendees re-evaluated all strategies and goals and reviewed the Traffic Safety Program's vision and mission statement. Participants in the strategic planning sessions included traffic safety and engineering professionals from TxDOT headquarters, TxDOT district traffic safety specialists, NHTSA Region 6, and other traffic safety partners.

As an outgrowth of the strategic planning process, Texas developed 18 specific goals for the traffic safety program, 64 specific strategies, and 38 specific performance measures. Objectives have been established for all 38 performance measures for the 2011 Highway Safety Plan 2011 Highway Safety Performance Plan (HSPP)

As part of the strategic planning cycle, program goals and strategies were re-evaluated and modified as needed to make them more consistent with each other and better indicate progress toward those goals. Through both the formal strategic planning efforts and the on-going management and administration of the Traffic Safety Program, TRF-TS continues to comply with both the letter and the spirit of all state and federal highway safety program requirements.

TRF-TS had planned a strategic planning process for June 2008. A hiring freeze created vacant positions which limited the ability of the State to input crash data. Therefore, the strategic planning process was not initiated. However, more current State crash data is now available through the CRIS and current fatality data is available through FARS. To continue this important step in the State's highway safety planning process, TRF-TS has identified in the current HSPP a strategic planning meeting to be convened in FY10 to plan for future HSPPs.

Recommendations

- Undertake the state's strategic planning process in a holistic, coordinated and comprehensive manner.
- Implement remaining recommendations from the 2007 Traffic Records Assessment.

1-C. Program Management

Advisory

States should establish procedures to ensure that program activities are implemented as intended. The procedures should provide for systematic monitoring and review of ongoing efforts to:

- *Designate a lead agency that is responsible for overall program management and operations.*
- *Ensure that appropriate data are collected to assess program impact and evaluation.*
- *Measure progress in achieving established goals and objectives.*
- *Detect and correct problems quickly.*

Status

Federal involvement in traffic safety dates from the passage of the National Highway Safety Act of 1966. Texas passed a companion act, the Traffic Safety Act of 1967. The laws and regulations of the State of Texas and TxDOT policies also govern the Texas Traffic Safety Program.

Chapter 723, Texas Transportation Code, the Traffic Safety Act, declares it to be a vital government purpose and function of the state and its legal and political subdivisions to establish, develop, and maintain a program of traffic safety in Texas.

The Federal Highway Safety Act of 1966 makes the governor of Texas responsible for preparing and administering a statewide Traffic Safety Program designed to reduce traffic crashes and the resulting property damage, injuries, and fatalities.

The governor has named the executive director of TxDOT to act as his or her representative in the Texas Traffic Safety Program. The State Code authorizes TxDOT to enter into grants and contracts to carry out a duty or activity that is part of the statewide Traffic Safety Program.

The Traffic Safety Program became an integral part of the TxDOT in 1979. Before that time it was housed in the Governor's office.

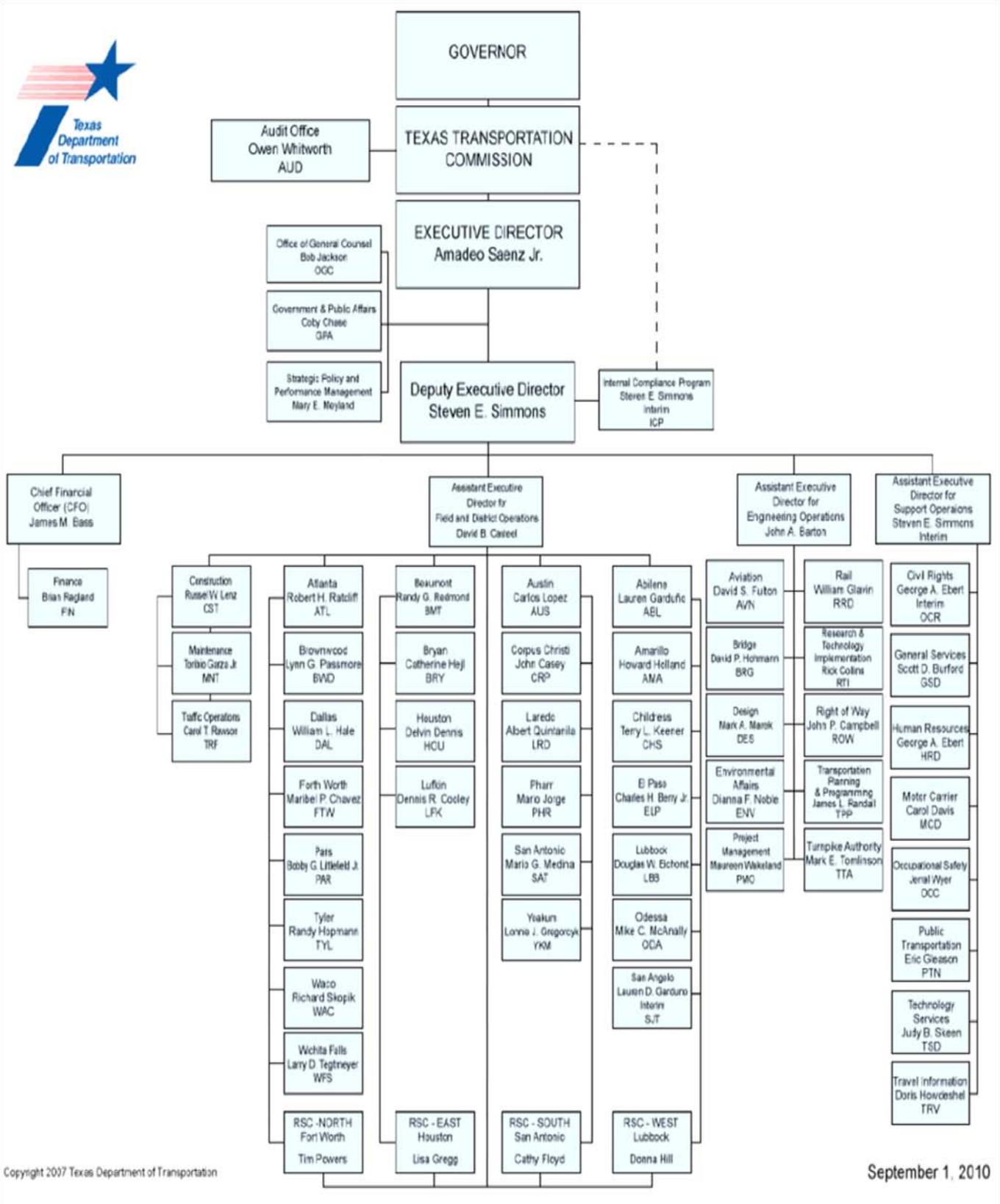
Before October 1, 2010, the 25 TxDOT districts assumed responsibility for local projects while the responsibility for the overall Traffic Safety Program resided with the TxDOT Traffic Operations Division's TSS. The leadership of TxDOT has made the determination that centralization of TSS functions will only enhance TxDOT's traffic safety program effectiveness. Therefore a decision to transfer the reporting of the 19 Traffic Safety Specialist positions located in TxDOT districts to Traffic Safety Section (TSS) office was put in place on October 1, 2010. This is a very positive move since it should increase the lines of communications within TxDOT as well as between TSS and its traffic safety partners.

The mission of the Texas Traffic Safety Program is to operate in a manner that saves lives and prevents injuries.

The goal of the program is to identify traffic safety problem areas and programs to reduce the number and severity of traffic-related crashes, injuries, and fatalities.

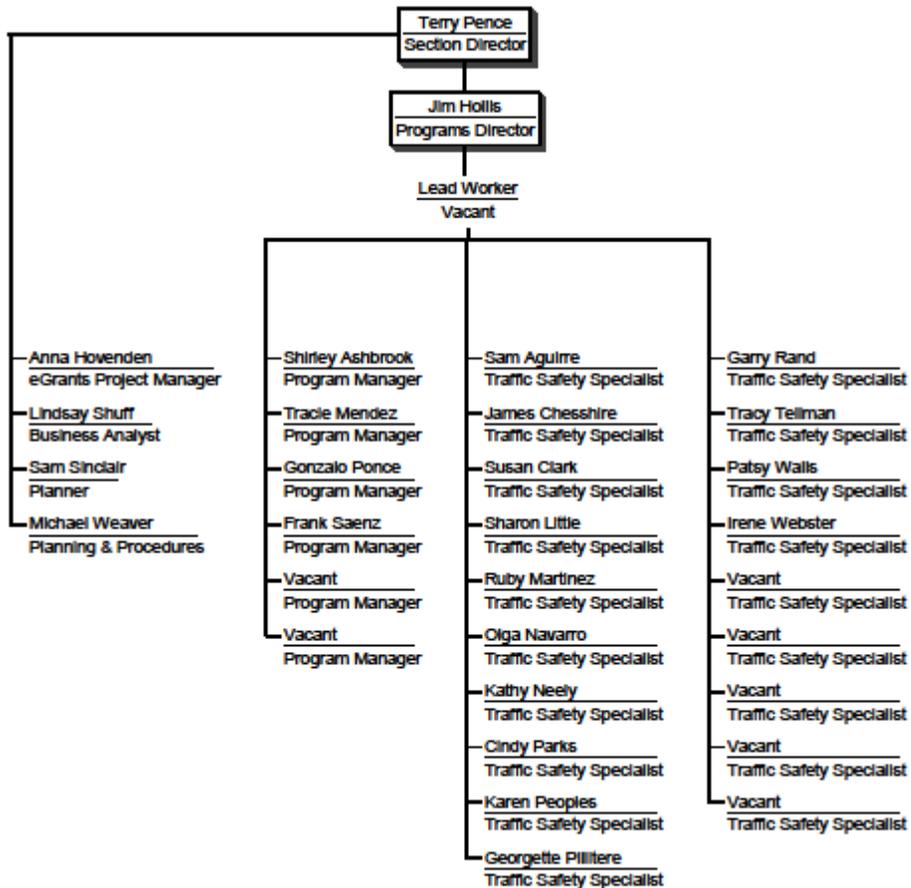
The strategy employed by TSS includes the use of information, technology, resources and skills to identify priority traffic safety issues, plan initiatives, generate coordinated action, and evaluate and communicate results.

The mission, goal and strategy directly supports the Texas Department of Transportation's mission "*to provide safe, effective, and efficient movement of people and goods*".





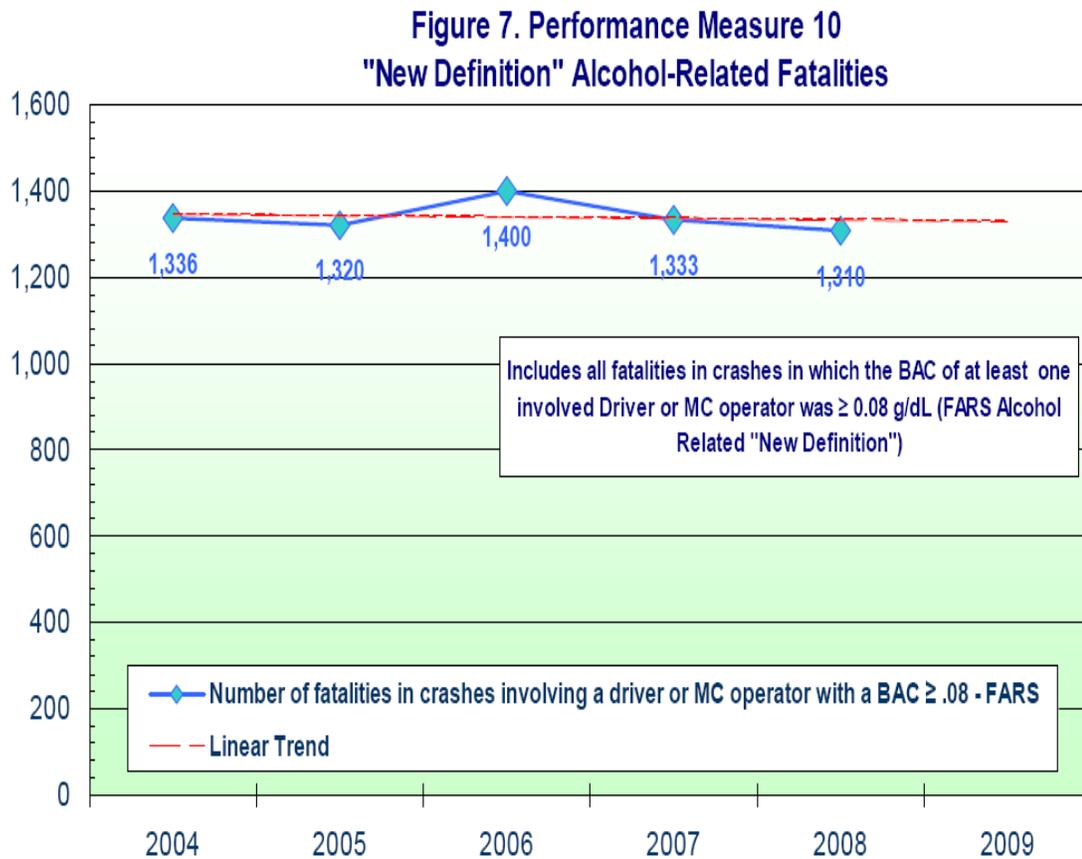
Texas Department of Transportation
Traffic Operations Division
Traffic Safety Section
October 2010



The traffic safety program planning process begins with strong problem identification. Local jurisdictions (cities and counties) work with the district traffic safety specialist to identify traffic safety problems, conduct needs assessments, and develop proposals.

Texas will focus on alcohol-related fatalities which continue to be a problem in Texas. FARS (Fatality Analysis Reporting System) of the National Highway Traffic Safety Administration (NHTSA) reports 1,310 fatalities in crashes involving a driver or motorcycle operator with a BAC of 0.08 or above in Texas during 2008. Texas ranks seventh in the nation for the number of alcohol related fatalities per 100 million vehicle miles traveled. Texas is now classified as a high fatality state eligible for additional Section 410 funding.

The following graph is an example of data collection to ensure program impact and evaluation. This graph from the 2011 Highway Safety Performance Plan (HSPP) clearly demonstrates the continued downward trend in alcohol related traffic fatalities since 2006.



Through the successful implementation of the Crash Records Information System (CRIS) system TSS is now able to use timely crash data to assist with the ranking of local and state-wide project requests submitted for funding consideration each year.

TRF-TS should be commended for the implementation of the electronic grants management system, known as eGrants. The web-based technologies allow electronic completion and quick transmission of performance reports, financial reports, and proposals, thus reducing paperwork, processing time, and errors. The implementation of eGrants has improved the efficiency of the processing and management of the Texas traffic safety grant program related to the estimated 358 highway safety projects funded each year. eGrants appears to be a great administrative tool and continues to be improved each year as problem issues are identified and corrected. TRF-TS provides related training to subgrantees, TxDOT, and NHTSA users.

The eGrants system also provides an on-line electronic method for TxDOT personnel at the district and headquarters levels to monitor and receive reports on grant activities throughout the life of the projects, as well as conducting reviews of subgrantees' performance reports and requests for reimbursements (RFR).

eGrants provides TxDOT personnel with a convenient way to complete monitoring reports and review performance reports and RFRs. Continued training of all personnel, especially the 19 newly transferred TSS positions will ensure that full utilization of this excellent tracking and reporting system will be realized.

Despite a hiring freeze and travel restrictions placed on TRF-TS, the office has realized efficiencies, due in large part, to the implementation of eGrants and other TxDOT sections sharing their administrative positions with TSS. However, the program manager position and TRF-TS field position vacancies are critical and need to be filled.

Each project conducted as part of the Alcohol and Other Drug Countermeasures Program is required to submit monthly or quarterly performance reports. Some projects have additional evaluation components built into the project tasks (evaluation of training conducted, conference feedback, focus group results, etc.).

Sometimes it is difficult to directly connect the impact of a particular project with the overall performance measures of reduction in crashes, fatalities, and injuries. Although the Police Traffic Services Program maintains the oversight of Selective Traffic Enforcement Program (STEP), enforcement is a major component of any impaired driving program. The primary performance measure in an enforcement project is number of citations and arrests. There needs to be the ability to connect the performance on an enforcement campaign to crashes. One approach is to assume that as the number of citations and arrests increase in a target area the number of crashes would decrease. Another approach might be to measure the attitudes of drivers (perceived risk of being caught, social acceptance of impaired driving, frequency of impaired driving trips, etc.) before and after a campaign.

It would be beneficial to conduct a program evaluation in addition to the administrative evaluation conducted at the Traffic Safety Section level that addresses the Impaired Driving

Program area. It would be helpful for the Program Partners to identify performance measures that seem appropriate and use their diverse expertise to identify activities that may help reduce crashes, fatalities and injuries.

Recommendations

- Conduct training on the eGrant system for the new Traffic Safety Specialists who have recently transferred or been hired as part of the Texas Traffic Safety Section (TRF-TS)
- Conduct program evaluation in addition to an administrative evaluation of the Impaired Driving Program area.

1-D. Resources

Advisory

States should allocate sufficient funding, staffing and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for State impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources. States should allocate funding, staffing and other resources to impaired driving programs that are:

- *Adequate to meet program needs and proportional to the impaired driving problem.*
- *Steady and derived from dedicated sources, which may include public or private funds.*
- *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*

Status

Under the Section 402 formula, each year Texas receives the second highest amount of Section 402 funds in the nation, totaling \$15.9 million in FY'10. Texas received a total of \$33.7 million in federal highway safety grants (Sections 402, 405, 406, 408, 410, and 2010) in FY'09. In FY'09, the Traffic Safety Section (TRF-TS) awarded and monitored 347 federally funded projects, which were reimbursed a total of \$34.6 million.

In FFY'10, based upon preliminary FARS data, Texas is also eligible for a Section 410 High Fatality Rate grant, bringing the total Section 410 funding to just under \$18 million which is a significant increase in impaired driving resources available to the State.

The TRF-TS has placed a great emphasis on the generation of match for all projects which require federal funding to be supplemented by state and local funds. Program Partners are encouraged to team up on projects that tap into private funding sources and public resources other than TxDOT. These efforts help to augment the available TxDOT funding especially on those projects that are intended to be in place long term. TRF-TS should continue to investigate opportunities to establish funds based on portions of fines, court costs, etc. to support long term projects and promote self-sufficiency.

As stated earlier, before October 1, 2010 the TxDOT traffic safety program was decentralized. There was a small TRF-TS staff of 14 positions at TxDOT headquarters and before October 1st a full time or part time Traffic Safety Specialist in each of the 25 TxDOT districts under the supervision of the District Engineer who reports to the Assistant Executive Director for Field and District Operations. Due to this organizational arrangement, more coordination, communication, and oversight was required by TRF-TS to effectively administer the highway safety program. However, on September 1, 2010 TxDOT Executive Director and GR issued a memorandum centralizing the TxDOT traffic safety program and the TRF-TS effective October 1, 2010. This

decision by TxDOT leadership should greatly improve and streamline the operations of the traffic safety program.

As of October 1, 2010 there were six vacant positions from the 14 positions assigned to TRF-TS. These positions include three program managers, one contract specialist, one team leader and one administrative assistant. Due to a department hiring freeze, three of these positions have been vacant since the summer of 2009 and the remaining three since 2008. The existing staff have been tasked with handling the responsibilities of these six vacant positions. Many functions such as training and monitoring have been delayed or not completed. The department hiring freeze has also caused delays or cancellation of training for staff and subgrantees, delayed HSP strategic planning, and obligation and Grants Tracking System (GTS) vouchering of funds by the TxDOT Finance Division.

Optimum staffing levels need to be in place to face the challenges in the impaired driving program especially with the prospect of additional Section 410 funds. TRF-TS will need sufficient personnel and travel available to effectively manage and administer the new Sections 410 High Fatality and FFY 2011 grants. The State currently provides the funding for TRF-TSS positions and district traffic safety positions with no Federal Planning and Administration or Program Management funds used for salaries and travel.

Recommendations

- **Fill the Traffic Safety Section vacant program manager and Traffic Safety Specialist positions as soon as possible.**
- Import NHTSA sponsored training in Program Management, Safe Communities, Impaired Driving and Financial Management for all program managers and traffic safety specialists.
- **Establish funding based on portions of fines, court costs, etc., to support long term projects and promote self-sufficiency.**

1-E. Data and Records

Advisory

States should establish and maintain records system that uses data from other sources (e.g., U.S. Census, Fatality Analysis Reporting System (FARS), Crash Outcome Data Evaluation System [CODES]) to fully support the impaired driving program, and that is guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders and the wide range of disciplines that need the information.

Status

In current difficult economic times, government increasingly finds itself dealing with budget constraints and the desire of the citizenry that its tax dollars be wisely spent. There is little doubt that the costs of impaired driving in this country, both in terms of human life and suffering, as well as through the use of fiscal resources, drive an expense that can and should be reduced in meaningful and sustainable ways.

The means by which to determine the effectiveness of countermeasures lies in the exacting collection of data related to education, engineering, enforcement, prevention and treatment efforts expended to attack both the problem and its root causes. The most key pieces of data for reliable determination of enforcement impact are the total scope and nature of the enforcement efforts and the crash incidence within the state, including the contributing factors, whether they involve human behavior, roadway configuration or vehicle design or mechanical defect.

There is little evidence that these data are currently available in a complete and usable form to traffic safety advocates and researchers within the state. Great strides have been made in the collection of crash data in the past four years, particularly in terms of timeliness. There may, however, be quality control measures that can increase the assurance that this data is complete. Regular review of the volume of reports received from each county or from individual law enforcement agencies cross-checked against county populations and demographics, VMT, and miles of roadway, are helpful in terms of determining when reports from a specific agency or county may be missing from the central crash file.

The fact that there is no uniform citation, nor a means by which to track citations issued within the state, provides the opportunity for cases to disappear from the court archives without being reported either on the criminal record or the driver history record. Contributing to the difficulty of citation tracking are the lack of a unified court system, and the large number and various types of adjudicatory bodies that may handle traffic cases.

While the size of the state and the vast number of counties and courts make citation tracking and/or DWI tracking a challenge, it should not be viewed as an impossibility. Pilot projects and proofs of concept are potentials for making determinations of what would be the most promising opportunities to address the larger, statewide collection of data. One of the easiest means by which to track citations involves developing a statewide numbering system, with controls on voiding and disposal of individual citations. Another opportunity might involve having DWI charges (including drivers' name, date of birth and citation number) reported to a central entity.

At a minimum, reporting of such data should be required of all officers who are paid from federal grant dollars to work the STEP program or other types of saturation patrols, when DWI charges are filed. Such data would provide a means by which to determine whether a problem exists with getting cases through the courts in a timely manner, or at all, as well as the types of dispositions, deferrals, or plea bargains that result from DWI charges. These data should be used to make a determination about the value of the expense of grant funding for saturation patrols.

An electronic DWI reporting system has been developed for use by law enforcement and is called LEADRS, which is the acronym for Law Enforcement Advanced DUI/DWI Reporting System. This software allows peace officers to enter arrest information online and print out case reports and associated forms required both for criminal prosecution as well as administrative hearings after filling in the individual details into a template containing appropriate charging language. The goal of LEADRS development, when it was begun in 2004, was to reduce processing time by 30 percent. However, it exceeded expectations and currently is saving officers as much as half of the time it takes to process a DWI arrest on paper. The software is available to any law enforcement agency without the need for licensing fees. Support services for the software are available from a centralized group making the process efficient for police, prosecutors, the Driver License Division staff and the hearing officers handling administrative matters.

LEADRS is an example of a successful electronic endeavor which should be marketed fully by the traffic records community, including the judiciary, law enforcement, and motor vehicle staff. One problem that has been described is a failure of LEADRS to integrate fully with the individual law enforcement agencies' Records Management Systems (RMSs). Since this programming effort was funded by Texas Department of Transportation grant monies, it would be helpful to expand the effort to assure that middleware is developed to allow for the transmission of the requisite data from LEADRS to the various RMSs as well as to the courts where possible and to the Driver License Division for administrative processes. This effort would improve the usefulness of the software and encourage its use by more agencies. It was reported that currently fewer than one hundred agencies are using the software, but that where it is being used, it is considered user-friendly and efficient. As LEADRS use expands, it too can be deemed a potential infrastructure for a DWI tracking system for the state.

The members of the Traffic Records Coordinating Committee (TRCC) for Texas are responsible for determination of the best means by which to accomplish the daunting task of data collection related to traffic enforcement. As is displayed by the LEADRS project, focus on electronic transmission of data can help to accomplish this task without resulting in additional data entry. Because of the size and diversity of the state, the TRCC has both the opportunity and the responsibility to help create a resource for all types of electronic data capture and transfer, assuring that integration of systems and data repositories are a part of an overall plan to collect and use the data that is generated by the various data collectors throughout the state.

A determination of the best means of developing a citation or DWI tracking system in Texas should be undertaken by the TRCC or a subcommittee thereof. Money spent on collection and analysis of data helps to ensure that the funding provided for enforcement efforts will be most efficiently used in the long term, which is one means to provide for sustainability of the effective enforcement efforts in Texas.

Recommendations

- **Develop a statewide DWI tracking system and designate the appropriate agency to act as its custodian.**
- **Provide grant funding for middleware to make existing law enforcement records management systems compatible with Law Enforcement Advanced DUI/DWI Reporting System (LEADRS).**

1-F. Communication Program

Advisory

States should develop and implement a comprehensive communication program that supports priority policies and program efforts.

Status

Further details regarding the Communications Program can be found in Section IV.

Please See Section IV.

II. PREVENTION

Prevention programs should aim to reduce impaired driving through approaches commonly associated with public health – altering social norms, changing risky or dangerous behaviors, and creating safe environments. Prevention programs should promote communication strategies that highlight and support specific policies and program activities, and promote activities that educate the public on the effects of alcohol and other drugs, limit the availability of alcohol and other drugs, and discourage those impaired by alcohol and other drugs from driving.

Prevention programs may include responsible alcohol services practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities and by community coalitions. Programs should prevent underage drinking and drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be science-based, determined to be effective, and include a communication component.

2-A. Responsible Alcohol Service

Advisory

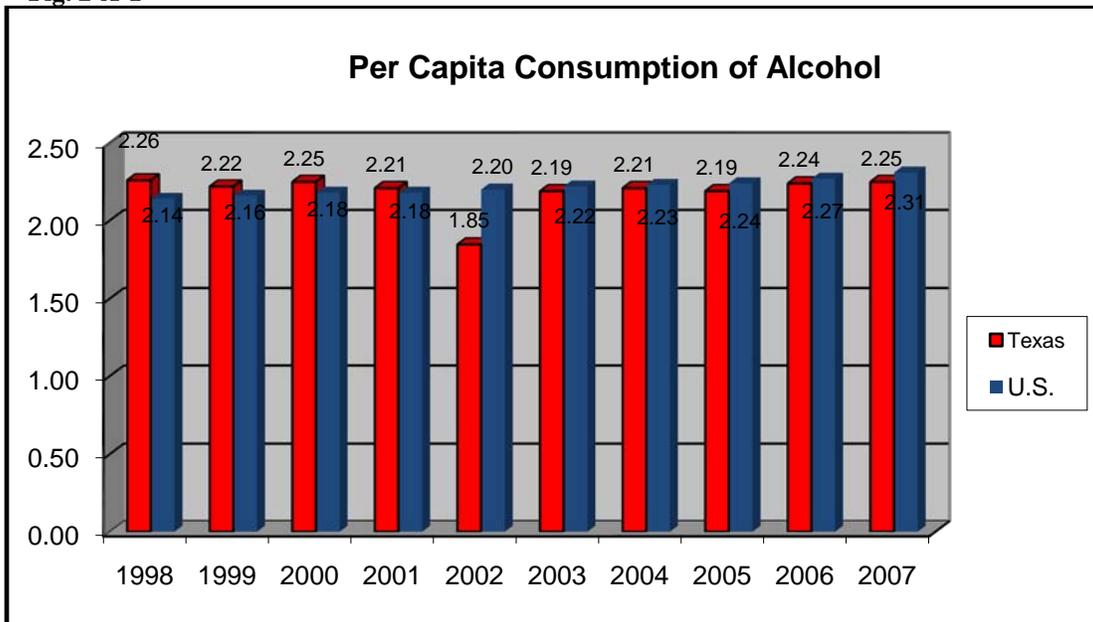
States should promote policies and practices that prevent underage drinking by persons under 21 years of age and over-service to persons 21 and older. States should:

- *Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- *Adopt and enforce alcohol beverage control regulations to prevent over-service. Prohibit service to visibly intoxicated patrons, restrict alcohol sales promotions (such as “happy hours”), limit hours of sale, establish conditions on the locations of establishments to limit impaired driving (e.g., zoning restrictions) and require beer keg registration.*
- *Provide adequate resources (including funds, staff, and training) to enforce alcohol beverage control regulations. Coordinate with traditional State, county, municipal and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- *Promote responsible alcohol service programs, written policies, and training.*
- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Provide that commercial establishments and social hosts may be held responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

Status

According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA) per capita consumption of alcohol in Texas (2007) was slightly below the national average. Texans age 14 and older consumed the equivalent of 2.25 gallons of ethanol compared to the national average of 2.31 gallons. Nationally alcohol consumption has been increasing steadily for several years. Texas showed decreases in per capita consumption until 2002 but has seen steady increases since then. (Fig. 2-A-1) Per capita consumption estimates are based on taxed sales of alcoholic beverages up to 2007, the last year for which complete national data are available.

Fig. 2-A-1



Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Texas	2.26	2.22	2.25	2.21	1.85	2.19	2.21	2.19	2.24	2.25
U.S.	2.14	2.16	2.18	2.18	2.20	2.22	2.23	2.24	2.27	2.31
Difference	5.3%	2.7%	3.1%	1.4%	-18.9%	-1.4%	-0.9%	-2.3%	-1.3%	-2.7%

Texas's alcohol excise taxes on distilled spirits, wine and beer are among the lowest in the U.S. and well below the national average. (see fig. 2-A-2).

Fig. 2-A-2

State Alcohol Excise Tax Rates	Distilled Spirits (\$ per gallon)	Wine (\$ per gallon)	Beer (\$ per gallon)
National Average	\$3.63	\$0.74	\$0.24
Texas	\$2.40	\$0.20	\$0.19

Figure 2-a-3 shows the estimated potential impact of increasing the State excise tax rates in Texas to equal the national average rates. The figures presented in the table are crude estimates

and intended for illustration only. However, increasing alcohol tax rates will clearly provide substantial new revenues, some of which could be dedicated to liquor-law enforcement, impaired driving prevention and/or alcohol abuse services. Such an increase would generate approximately \$45 million in new revenues annually while increasing the cost of a quart of distilled spirits by less than \$.30; a quart of wine by \$.12 and a six-pack of beer by less than \$.03.

Fig. 2-a-3.

Current Revenue

State	Distilled Spirits	Wine	Beer	Total
Texas	\$59,500,800	\$4,958,400	\$4,710,480	\$69,169,680

Revenue if Increased to National Average

State	Distilled Spirits	Wine	Beer	Total
Texas	\$89,987,447	\$18,383,004	\$5,928,691	\$114,299,142

Increase in Revenue if Increased to National Average

State	Distilled Spirits	Wine	Beer	Total
Texas	\$30,486,647	\$13,424,604	\$1,218,211	\$45,129,462

Note: Rates are crude estimates and do not take into account different rates for various types of wine.

Note: Current revenues are crude estimates based on monthly figures from September 2010

Texas is a license state, that is, wholesale and retail; on - and off - premise outlets for alcohol are licensed by the Texas Alcohol Beverage Commission (TABC). Through statute and rule TABC enforces regulations and requirements for alcohol sales. There are approximately 48,000 permits for retail sales.

Texas law allows for the sale of alcohol from 7:00 am to 2:00 am except for Sundays when alcohol sales may not begin until noon. Alcohol may be consumed for 15 minutes after closing. Counties have the option for earlier closing requirements.

Texas does not have a keg registration program.

Texas does not prohibit happy hours or other promotions except that there can be only one period of discounts each day and customers may not have more than two drinks at any one time.

Texas does not mandate responsible server training except for licensees who have violated a provision of the code or rules relating to the sale, service, dispensing or delivery of alcoholic beverages to a minor or intoxicated person more than once in a twelve month period. TABC has a successful voluntary program of certified courses for seller/server training. These courses are provided to employees of certified private businesses or retailers whose curriculum has been reviewed and approved by the TABC and whose trainers are also certified. These courses cover the laws applicable to the sales or service of alcoholic beverages to minors, intoxicated persons, and non-members of a private club. The courses also teach techniques to identify these persons

and prevent sales to them. Individuals who successfully complete an approved program are issued certificates and licensees or permittees could, under certain terms, receive a restrained administrative case. Under the Safe Harbor program licensees who meet training requirements can be exempt from some administrative actions. Safe Harbor requires licensees to have employees trained and to establish and implement clear policies for responsible service.

There are currently over 510,000 certified seller/server trainees with active certifications in the TABC system. Approximately 250,000-300,000 certificates are issued each year with certificates valid for two years. Of approximately 43,000 retailers, TABC records indicate that 21,658 retailers reported that they would require seller/server training.

TABC, by rule, requires on-premises outlets to display a warning sign on the door to each restroom on the permitted premises that informs the public of the risks of drinking alcohol during pregnancy.

As the designated state administrator for the Enforcing the Underage Drinking Laws (EUDL) Block Grant, the TABC serves as a conduit through which approximately \$350,000 per year flows from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention to various statewide and local initiatives to reduce underage drinking in Texas. The agency uses this funding to support a limited number of agency underage drinking projects and to award grants to Texas non-profits, colleges, and communities. However, at this time only law enforcement agencies are eligible for EUDL 2010-2011 funding.

TABC has a unique and aggressive program in which the business practices of licensees are monitored to identify those who have apparent problems or irregularities that result from financial distress. TABC has determined that practices such as late payments are often associated with violations of regulations such as service after-hours or giving prohibited discounts. In addition, TABC identifies licensees with multiple violations or complaints as "At-risk" and subject to careful monitoring.

TABC employs approximately 300 enforcement agents who respond to complaints while primary enforcement is the responsibility of local law enforcement.

TABC agents collaborate with local law enforcement to provide training and assist in conducting controlled party dispersal; training on false ID; third party purchase (shoulder-tap) programs; underage sales compliance checks; basic ABC law training and; update training.

Recent under-age compliance checks conducted by TABC indicated that more than 85% of establishments were in compliance.

TABC provides monthly reports of per capita consumption based on excise tax collections. These monthly figures provide a unique resource for monitoring alcohol sales which serves as an indicator of consumption. This information could be used to assess the impact of major prevention initiatives as well as positive and/or negative environmental influences.

Texas has Dram shop and social host liability statutes that allow server liability for injuries or damage caused by intoxicated or underage individuals served by licensed establishments or social hosts.

Texas has open-container laws prohibiting any open container of alcohol in the passenger compartment of vehicles with the exception of limousines.

Texas law allows for local election of “dry” status, that is, localities can elect to prohibit the sale of some or all types of alcohol. While there are over 500 localities designated as totally dry, many are actually considered, “damp” because they allow private clubs that are licensed to sell alcohol. There are also many localities that allow only certain types of sales.

Recommendations

- **Increase the State excise tax rates for all alcoholic beverages to equal the national average.**
- Dedicate a portion of the State excise tax on alcohol to alcohol control enforcement, impaired driving countermeasures and alcohol abuse prevention and treatment services.

2-B. Transportation Alternatives

Advisory

States should promote alternative transportation programs that enable drinkers 21 and older to reach their destinations without driving. States should:

- *Actively promote the use of designated driver and safe ride programs, especially during high-risk times, such as holidays or special events.*
- *Encourage the formation of public and private partnerships to financially support these programs.*

Status

Texas has a large number of campaigns providing information on designated drivers and other safe ride programs. Support for these campaigns can be demonstrated by a review of public information/education campaigns promoting designated driver and safe ride programs.

The following are just a few examples of the ways in which these programs are advertised and encouraged.

Who's Driving Tonight?

College-age adults continue to be among the worst offenders when it comes to drinking and driving. Whether it's Spring Break at South Padre Island, tailgating before a football game or just a night on the town, entertainment and events for many in this demographic often include consumption of alcohol in mass. The *Who's Driving Tonight?* public education campaign uses peer-to-peer outreach and online tactics to reach young adults between 18 and 24 to promote the importance of designating a sober driver.



To expand its reach, the whosdrivingtonight.com microsite migrated to a *Who's Driving Tonight?* branded channel on the wildly popular video-sharing website, *YouTube*. The *YouTube* channel gave TxDOT the opportunity to connect and create sustained relationships with college students online in their own world. The headlining video was an engaging, in-your-face

animation about the financial costs of a DWI. The user-generated videos featured on the *Who's Driving Tonight?* channel star college students who recorded their own brand of DWI prevention at the video kiosk. The *Who's Driving Tonight?* outreach efforts produced:

- 275 student-generated videos;
- More than 23,000 channel views;
- More than 8,000 video views

Videos were shared more than 700 times on Facebook and nearly 2,000 times through email, chat and text messages.

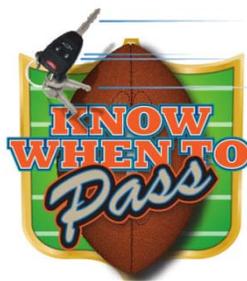
Know When to Pass

The intent of the *Know When to Pass* campaign is to reduce the number of DWI crashes and fatalities after football games. The messaging encourages football watching drinkers to find a safe ride home when they are at a friend's house or at the stadium.

Perhaps the most important aspect of this campaign is that it encourages utilizing a designated driver, but, more importantly, emphasizes how a designated driver should not drink at all.

This is a particularly important time to emphasize a designated driver as;

- Most people watch football at home or at a friend's house
- When watching at a friend's house
 - 48% consume alcohol
 - 45% report driving home
 - 14% of those drinking consume six drinks or more
- When attending a game:
 - 12% report having six drinks or more
 - 73% drive home



These public information spots are advertised in a variety of media markets to include:

- Television (English and Spanish) with game day buys on Monday Night Football, Big XII, College Game Day on ESPN, bowl games, and home games.
- Radio, in both English and Spanish on weekday buys on sports talk radio with DJ endorsements.
- Online - Fantasy football, ESPN, Evite, interactive fan pages.
- Sports Sponsorships

- Cowboys, Texans, UT, Texas Tech, A&M
- Video board, LED scoreboard, display space, online banners, promo item distribution.

Additional outreach includes the use of an interactive *Know When to Pass* truck at sporting venues and a variety of social marketing sites to include *Facebook*, *Twitter* and online videos posted on *You-Tube*, in both English and Spanish versions.

There are several programs that utilize taxi vouchers, especially during times of high visibility enforcement campaigns, to encourage drivers to take a cab in lieu of driving after drinking.

There was no information presented regarding partnerships with other forms of public transit.

The Metropolitan Transit Authorities serve areas with populations of 200,000 or more, Urban Transit Systems serve populations between 50,000 and 200,000 and Rural Transit Systems cover regions with populations below 50,000. Denton County also operates its own transit agency.

In addition to public transit, Texas is served by a number of private coach lines and railways.

Research indicates that designated driver programs are often misused. Groups often choose the least impaired person as their designated driver, in lieu of selecting an individual who chose not to drink at all. Use of a designated driver may unintentionally encourage passengers to drink more than they otherwise may.

Recommendations

- **Require that designated driver programs stress no alcohol for the designated driver.**
- Continue to develop public/private partnerships designed to promote alternative methods of transportation.
- Ensure alternative transportation programs do not encourage or enable excessive drinking.
- Require that both designated driver and safe ride programs prohibit consumption of alcohol by underage individuals and do not unintentionally promote over-consumption.

2-C. Community-Based Programs

Community-based programs implement prevention strategies at the local level through a variety of settings, including in partnerships involving traffic safety, schools, employers, medical and health care professionals and community coalitions and traffic safety programs.

2-C-1. Schools

Advisory

School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant and coordinated with drug prevention and health promotion programs. States should:

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of a comprehensive health education program.*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom and graduation.*
- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*
- *Provide training to school personnel (such as resource officers, health care providers, counselors, health educators and coaches) to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs (Drug Impairment Training for Education Professionals).*
- *Encourage colleges, universities and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities.*

Status

The Youth Risk Behavior Survey (YRBS) monitors priority health risk behaviors that contribute to the leading causes of death, disability, and social problems among youth and adults in the United States. The national YRBS is conducted every two years during the spring semester and provides data representative of 9th through 12th grade students in public and private schools throughout the United States. The Texas YRBS also is conducted every two years and provides data representative of 9th through 12th grade students in public schools throughout Texas.

The 2009 YRBS reported 76 percent of Texas high school students in grades 9–12 had drunk alcohol at least once, 45 percent had drunk in the past month, and 26 percent had drunk five or more drinks in a row in the last month. In comparison, in 2001, 81 percent had ever drunk alcohol, 49 percent had used in the last month, and 31 percent had drunk five or more drinks at a time. It is likely that the decrease is, at least in part, due to the prevention activities described below.

The Texas Education Agency (TEA) has developed Texas Essential Knowledge and Skills (TEK) for Health Education. The standards for health behaviors include the following.

The student analyzes the relationship between unsafe behaviors and personal health and develops strategies to promote resiliency throughout the life span.

The student is expected to: (A) analyze the harmful effects of alcohol, tobacco, drugs, and other substances such as physical, mental, social, and legal consequences; (B) explain the relationship between alcohol, tobacco, and other drugs and other substances used by adolescents and the role these substances play in unsafe situations such as Human Immunodeficiency Virus (HIV)/Sexually Transmitted Disease (STD), unplanned pregnancies, and motor vehicle accidents; (C) develop strategies for preventing use of tobacco, alcohol, and other addictive substances;

The Department of State Health Services (DSHS), Substance Abuse & Mental Health Services Section, funds approximately 200 school and community based programs statewide to prevent the use and consequences of alcohol, tobacco and other drugs (ATOD) among Texas youth and families. These programs provide evidence-based curricula and effective prevention strategies identified by the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention (CSAP) in over 500 school districts.

Shattered Dreams is a two-day, school-based program that promotes responsible decision-making among high school students regarding underage drinking and impaired driving (driving after drinking or riding with a drinking driver) by showing them how irresponsible choices can end their dreams. The program was developed by the Bexar County DWI Task Force Advisory Board on Underage Drinking in 1998 as an expansion of the *Every 15 Minutes* program introduced in Chico, California. The *Every 15 Minutes* program was started by the Chico Police Department and named to signify the number of alcohol-related fatalities in the United States during the mid nineties. The *Shattered Dreams* program emphasizes the results of alcohol-related crashes: the shattered dreams of those who drive after drinking, the innocent victims, and their friends and families. *Shattered Dreams* is designed to be a comprehensive underage drinking and impaired driving prevention program that involves the school administration and faculty, students, parents, community organizations, law enforcement, emergency medical services, and area hospitals in the planning and implementation of the activities. Due to the comprehensive nature of the program, planning with these organizations usually begins six months prior to the main two-day event. The partnership between the school and community organizations serves as a foundation for follow-up activities to reinforce the program's prevention messages. The program includes: parent-student workshop; the Living Dead mock alcohol-related crash (including medical and law enforcement response); mock death notifications; student retreat; parent retreat; mock memorial; mock sentencing trial and other activities.

Texas Alcohol Beverage Commission (TABC) collaborates in presenting the *Shattered Dreams* program and offers mini-grants to high schools to assist in implementing the program.

TABC also provides the *STAR-CART* program in which students attempt to drive a golf-cart through an obstacle course while wearing Fatal Vision goggles.

Starting on March 1, 2010, Texas law changed to require persons from 18 to under 25 years of age who wish to obtain a driver's license to successfully complete a six hour driver education course exclusively for adults or a complete adult and teen driver education course (32 hours of classroom, 7 hours behind-the-wheel, 7 hours observation). The driver education course exclusively for adults includes information on alcohol and drug awareness; the traffic laws of this state; highway signs, signals, and markings that regulate, warn, or direct traffic; and issues commonly associated with motor vehicle crashes, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle. As part of the course, participants must pass the Texas Department of Public Safety (DPS) Road Signs and Road Rules written examinations. Persons successfully completing the exams at the school do not have to take them again at DPS.

The 2005 Texas college survey found that 84 percent of college students had drunk alcohol at least once in their lifetime, and 66 percent had drunk in the past month. Almost 30 percent of college students reported binge drinking (38 percent of males and 23 percent of females).

Texas has over 200 colleges and universities including over 70 community colleges. Major four-year universities have traditionally had some form of alcohol and drug abuse prevention programs while community colleges have begun to develop these programs in recent years. Many four-year schools have programs that mandate alcohol abuse screening for policy infractions and use parent notification as a deterrent for alcohol use on campus.

Over 25 Student Conduct Officers from two and four-year colleges attended the 2010 Municipal Judges Conference to learn about underage drinking, impaired driving and other legal issues related to college student alcohol use.

There are also several prevention programs directed at college students offered by a variety of organizations.

The Travis County Attorney's Office provides programs during freshman orientation at the University of Texas.

There are several projects devoted to the use of alternative transportation especially in college areas. These are local programs that are either student supported activities or community-based. Two examples are *Driving Jacks* at Stephen F. Austin State University and *CARPOOL* (Caring Aggies R Protecting Over Our Lives) at Texas A&M University.

The Center for the Study of Addiction and Recovery (CSAR) at Texas Tech University (TTU) has gained national attention for its recovery program for college students. The Center presently serves about 80 students who are in recovery and enrolled in its Collegiate Recovery Community (CRC) program. Most of these students live off the Texas Tech campus, avoiding the typical college dorm life that consistently tolerates alcohol and other drug use. Students participating in the program spend most of their on-campus free time in the recovery-based environment provided by the Center where they have access to 12-Step meetings, a computer lab, a den area with a big-screen television, and a recreation room complete with ping-pong, pool, and foosball.

Over 500 recovering students have graduated from TTU with the aid of CRC. Fewer than seven percent of these students have relapsed while participating in the program.

Many states have developed college consortiums to promote and coordinate campus alcohol abuse and impaired driving prevention strategies. There is no active consortium in Texas.

For schools and community groups that are interested in hosting a safe prom or graduation event, the Texas Department of Transportation has developed a program called “Project Celebration: How to Host a Successful Graduation Event.” Organizations are offered the services of a TABC agent to come and speak to schools or community groups about the dangers of underage drinking. Related to Project Celebration, TABC website offers links to Prom Night Tips and other information

Recommendations

- Provide schools with current, accurate impaired driving information to assure that Texas Essential Knowledge and Skills (TEK) for Health Education are met.
- Replicate *Shattered Dreams* and other prevention strategies in schools throughout Texas.
- Establish a college alcohol abuse/impaired driving prevention consortium.

2-C-2. Employers

Advisory

States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by their employees and their families. These programs should include:

- *Model policies to address underage drinking, impaired driving and other traffic safety issues, including safety belt use and speeding.*
- *Employee awareness and education programs.*
- *Management training to recognize alcohol and drug use and abuse, and appropriate responses*
- *Screening and brief intervention, assessment and treatment programs for employees, as appropriate, such as through an employee assistance program.*
- *Underage drinking and impaired driving prevention programs for youthful employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

Status

Ensuring Solutions for Alcohol Problems is a program offered to employers in Texas through by the National Safety Council (NSC). The program shows how employers can reduce alcohol problems among employees and their family members through: recognizing the difference between safe and risky drinking; screening for alcohol problems; covering treatment through health insurance and; supporting treatment and recovery. The program also helps employers to find information about Employee Assistance Programs, health plans, insurance, screening and brief intervention.

Through a grant from Texas Department of Transportation, NSC developed *Reducing the Risk of Impaired Driving Among Employees & Their Families: A Guide For Employers*. The guide addresses what employers can do to reduce the risk of impaired driving among employees and their families and how to establish programs and enhance policies required by Drug Free Workplace legislation.

An estimated 2,000 employers have utilized these resources.

Recommendations

None

2-C-3. Community Coalitions and Traffic Safety Programs

Advisory

Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level and provide communications toolkits for local media relations, advertising and public affairs activities, and may include representatives of government - highway safety, enforcement, criminal justice, liquor law enforcement, public health, driver licensing and education; business – employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups; and as appropriate neighboring countries.

States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders.*
- *Provide information and technical information to these groups, including data concerning the problem in the community and information identifying science-based underage drinking and impaired driving programs.*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving, including designated driver and alternative transportation programs for persons 21 or older.*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

Status

Texans Standing Tall (TST) is the statewide coalition working to support and create healthier and safer communities for youth. The TST vision is to make alcohol, tobacco, and other drugs irrelevant in the lives of youth. TST consists of community coalitions, individual adults and youth, state agencies and other organizations. Current efforts involve reducing and preventing youth substance abuse, with a particular focus on youth alcohol use.

TST works to energize and mobilize citizens to advocate for community change, serve as a current and reliable information source and advocate changing attitudes, behaviors and regulations to create healthier communities and protect our youth. TST provides community coalitions with training and support to assist them in advancing positive change on the community level.

TST sponsors Regional Forums and provides local coalitions and individuals with information on topics such as Screening Brief Intervention Referral and Treatment (SBIRT), ALCOPOPS (fruit drinks with alcohol marketed to youth) and zero tolerance laws.

TST's Annual Report Card includes a wealth of information such as survey results and other assessment data as well as a report on environmental strategies and other prevention initiatives.

The Report Card serves as a resource document for local coalitions and individuals.

The Texas Department of Transportation Traffic Safety Section (TxDOT) promotes the Safe Communities model for establishing impaired driving prevention strategies in local coalitions. To enhance this capability, TxDOT will be funding a Statewide Safe Communities Coordinator in the Texas Transportation Institute (TTI). The Safe Communities model will be promoted with local traffic safety coalitions, Drug Free Communities Coalitions, Strategic Prevention Framework- State Incentive Grant (SPF-SIG) Coalitions and other community groups.

There are approximately 21 Drug Free Communities coalitions in Texas. Drug Free Communities coalitions address goals of building community capacity to provide substance abuse prevention and to implement prevention strategies to reduce alcohol and substance abuse. Coalitions include active participation from every sector of the community including law enforcement, schools, substance abuse treatment providers and others.

In October of 2004, the State of Texas, through the Governor's Office, entered into a cooperative agreement with the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) to oversee the SPF SIG Program authorized under Section 516 of the Public Health Service Act, as amended. The Governor designated the Department of State Health Services to oversee the approximately \$2.4 million annual award to develop and implement a comprehensive substance abuse prevention strategy to optimize the use of all state and federal funding streams and resources. To support the development of effective prevention approaches at the local level, this program awarded 85 percent of the funding, approximately \$1.8 million, to 10 community coalitions for implementation of the five steps of the strategic prevention framework to reduce underage and college-age binge drinking and related intoxicated driver traffic fatalities.

SPF-SIG coalitions are culturally appropriate substance abuse prevention community-based coalitions. Funds were targeted for conducting in-depth needs assessment regarding binge drinking and alcohol-related car crashes among 12-25 year olds; building capacity to address this need; and planning, implementing, and evaluating evidence-based programs, policies and practices. These practices are designed to address the intervening variables related to binge drinking and alcohol-related car crashes among youth and young adults. Funding ended in 2009, however, eight of 10 SPF-SIG coalitions have continued to function. The comprehensive assessment conducted under SPF-SIG remains a valuable strategic planning resource but will need to be updated periodically.

The mission of the Travis County Underage Drinking Prevention Task Force is to create a community consensus that underage drinking is illegal, unhealthy, and unacceptable. The task force is comprised of social service, law enforcement, and other agencies and individuals, including TxDOT, Mothers Against Drunk Driving, the Travis County Sheriff's Office, the Texas Alcoholic Beverage Commission (TABC), Austin Police Department (APD), area school districts, local colleges and universities, and health care providers. Meetings are held on a regular basis.

The *Busted* presentation offered by the Travis County Comprehensive Underage Drinking

Prevention and Education Program focuses on the consequences that result from the choices teens make about alcohol. *Busted* educates youth on the impact their actions have on themselves and others (victims and the community). The program also serves as an early prevention tool for underage DWI.

Busted is an alcohol awareness video depicting a day in the life of a detainee at the Travis County Gardner Betts Juvenile Justice Facility. The video explores the experience teens face when they are detained at the facility. The program is free and is best suited for 6th, 7th and 8th grade students and there are alternate programs for high risk youth.

TeenSafe is an injury prevention program sponsored by Hillcrest Regional Trauma Center in cooperation with the TxDOT. Their mission is to promote education, responsibility and empowerment concerning traffic safety for preteens, teens, parents, schools and communities in Central Texas.

The *TeenSafe* program emphasizes that crashes are not accidents. There are multiple factors that contribute to crash fatalities (cell phone use, texting, speeding, seatbelt use, and alcohol/drug use to name a few) and Hillcrest believes that these crashes are preventable.

The Reality Education for Drivers (RED) program is a one day hospital based injury prevention program supervised by Hillcrest Baptist Medical Center Trauma Department. The RED Program serves as an educational sentencing alternative for juveniles (ages 15 – 19) who have been identified through the court system. These participants have exhibited risky traffic behaviour, endangering themselves or others (speeding, non-use of seatbelts, minors in possession/consumption of alcohol, driving while intoxicated, etc.) and are referred to the program by the judge hearing their case.

The program is administered through *TeenSafe*, a jointly sponsored program of Hillcrest Baptist Medical Center and the Texas Department of Transportation, and is free of charge to all participants.

The Enforcing Underage Drinking Laws (EUDL) Program, administered by the Texas Alcohol Beverage Commission (TABC) supports and enhances community efforts to prevent the sale of alcoholic beverages to minors and the purchase and consumption of alcoholic beverages by minors. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) helps states address the problem of underage drinking through block grants, discretionary programs, and training and technical assistance. The EUDL program helps develop comprehensive and coordinated initiatives to enforce state laws that prohibit the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors (defined as individuals under 21 years of age). For 2010-2011, TABC has determined only law enforcement agencies are eligible for EUDL funding.

TABC offers several 30 second public service announcements for the general public. These PSA's include:

"If It Happens" – A lot of parents think it is a good idea to let their teenager and friends

drink only in their home. This PSA targets parents and informs them of some of the consequences of providing alcohol to minors at their home.

"You Drink. You Drive. You Pay" – Some teenagers may not know that Texas has a Zero Tolerance when it comes to minors (a person under the age of 21) driving under the influence of alcohol. This PSA targets teenagers and informs them of some of the consequences of driving with **ANY** detectable amount of alcohol in their system, this means even one drink.

"It's Your Duty" – Texas has the second most active duty military personnel in the United States. For many retailers this provides a moral dilemma. They have underage service men and women that come into their establishments trying to purchase alcohol, they are old enough to go to war, but can't buy alcohol. What is a retailer to do? This PSA targets those retailers and informs them on the consequences of selling alcohol to minors, even military minors.

TABC also provides presentations at fairs and other community events.

The Texas Department of State Health Services Substance Abuse Services funds 11 Prevention Resource Centers across the state. These centers provide communities with prevention information, resources and expertise. They also serve as the regional headquarters for the *2young2drink* campaign against underage drinking.

Recommendations

- Coordinate the Safe Communities model with Drug Free Communities, Strategic Prevention Framework-State Incentive Grant (SPF-SIG), and other local traffic safety and substance abuse prevention coalitions throughout Texas.
- Provide funding to sustain community coalitions developed under the Strategic Prevention Framework-State Incentive Grant (SPF-SIG).

III. CRIMINAL JUSTICE SYSTEM

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal and administrative sanctions and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted and subject to swift, sure and appropriate sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe consequences, discouraging individuals from driving impaired.

A multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, county, municipal and tribal levels to create and sustain both specific and general deterrence.

3-A. Laws

Advisory

Each State should enact impaired driving laws that are sound, rigorous and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. The offenses should include:

- *Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences.*
- *A Blood Alcohol Concentration (BAC) limit of 0.08, making it illegal “per se” to operate a vehicle at or above this level without having to prove impairment.*
- *Zero Tolerance for underage drivers, making it illegal “per se” for persons under age 21 to drive with any measurable amount of alcohol (e.g., 0.02 or greater).*
- *High BAC (e.g., 0.15 or greater), with enhanced sanctions above the standard impaired driving offense.*
- *Repeat offender, with increasing sanctions for each subsequent offense.*
- *BAC Test refusal, with sanctions at least as strict as the state’s highest BAC offense.*
- *Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional sanctions.*
- *Open container, which prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way.¹*
- *Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a safety belt violation.*

¹ Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

Laws should include provisions to facilitate effective enforcement that:

- *Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs.*
- *Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.*
- *Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests and screening and confirmatory tests for alcohol or other impairing drugs.*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

Effective penalties should include:

- *Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test.*
- *Prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock.*
- *Enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide or causing personal injury while driving impaired, including: Longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment.*
- *Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring.*
- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.*

Status

Texas has enacted several impaired driving laws that are sound, rigorous and easy to enforce and administer. The statutes contain provisions that promote the effective enforcement, prosecution and adjudication of impaired driving. For example, Texas impaired driving laws provide that:

Both driving while impaired by alcohol or impaired by other drugs (whether illegal, prescription, or over-the-counter) offenses are treated with similar consequences.

A Blood Alcohol Concentration (BAC) limit of 0.08 makes it illegal "per se" to operate a vehicle at or above this level without proof of impairment.

It is illegal “per se” for persons under age 21 to drive with any measurable amount of alcohol (e.g., 0.02 or greater). (Driving while impaired)

Driver license will be suspended for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.

Sanctions will be increased for each subsequent impaired driving offense.

Driving with a license suspended or revoked for impaired driving (DWS), DUI manslaughter or causing personal injury while driving impaired will be prosecuted as separate offenses, with additional sanctions.

Open container law prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way.

Primary seat belt provisions do not require that officers observe or cite a driver for a separate offense other than a safety belt violation.

Law enforcement is authorized to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests and screening and confirmatory tests for alcohol or other impairing drugs.

Texas does not meet the National Highway Traffic Safety Administration’s recommendation to have a statutory provision for enhanced sanctions above the standard impaired driving offense when the offender has a high blood alcohol content (BAC) (e.g., 0.15 or greater). The BAC Test refusal does not have sanctions at least as strict as the state’s highest BAC offense.

Texas lacks adequate statutory provisions to facilitate effective enforcement. A law to authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs is needed. Texas does not have a statute that specifically authorizes law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.

National Highway Traffic Safety Administration (NHTSA) recommends that the state require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes. While Texas requires the reporting of BAC test results for all fatal crashes through the Crash Reporting Information System (CRIS) not all drivers in fatal crashes are tested. The testing must be ordered by the Justice of the Peace or conducted by the Medical Examiner. One of the statewide projects addresses the issues related to the poor level of reporting, but whether the driver is tested is under the discretion of the local official.

NHTSA suggests that effective penalties should include the administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test. Also suggested is that the law provide for prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State’s “per se” level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock.

Texas has a number of opportunities to improve the administrative license revocation process. Some of the options include strengthening the administrative penalties which some offenders ignore and continue to drive without a license or receive an occupational license which defeats the intent of the ALR. The penalties for refusal may not be sufficient to decrease the number of refusals to submit to testing.

NHTSA recommends enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, DUI manslaughter or causing personal injury while driving impaired. Such sanctions and penalties include longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment. While the law permits these sanctions, they are not widely applied in Texas. The use of ignition interlocks or other monitoring devices as a condition of bond are not typically ordered. These devices are sporadically employed as a condition of probation.

Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring are neither mandatory nor common, except in cases of Drug and DWI courts.

Recommendations

- Enact a statute that allows well planned and fairly executed sobriety checkpoints.
- Strengthen Administrative License Revocation to allow the process to immediately remove impaired drivers from the road.

3-B. Enforcement

Advisory

States should conduct frequent, highly visible, well publicized and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, especially in locations where alcohol-related fatalities most often occur. To maximize visibility, the State should conduct periodic heightened efforts and also sustained efforts throughout the year. Both periodic and sustained efforts should be supported by publicity. To maximize resources, the State should coordinate efforts among State, county, municipal and tribal law enforcement agencies. To increase the probability of detection, arrest and prosecution, participating officers should receive training in the latest law enforcement techniques. States should:

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources.*
- *Develop and implement a year round impaired driving law enforcement plan (coordinated with a complimentary communication plan), which includes:*
 1. *periods of heightened enforcement (e.g., three consecutive weekends over a period of 16 days) and frequent (e.g., monthly), sustained coverage throughout the year*
 2. *high level of participation and coordination among State, county, municipal and tribal law enforcement agencies, such as through law enforcement task forces*

Use law enforcement professionals to serve as law enforcement liaisons in the State and help enhance coordination and the level of participation, and improve collaboration with local chapters of police groups and associations that represent diverse groups to gain support for enforcement efforts.

- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol-related fatal or other serious crashes most often occur.*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during and after they occur.*
- *Coordinate efforts with liquor law enforcement officials (see section II.A. Responsible Alcohol Service).*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors and mobile data terminals) to enhance law enforcement efforts.*
- *Require that law enforcement officers involved in traffic enforcement receive state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC).*
- *Expedite the arrest process (e.g., by reducing paperwork and processing time, from the time of arrest to booking and/or release).*
- *Measure success, emphasizing quantitative data, including the level of effort (e.g.,*

number of participating agencies, checkpoints conducted, arrests made), public awareness (e.g., of message and actual enforcement), reported change in behavior (e.g., reported number of drinking driving trips) and outcomes (e.g., alcohol-related fatalities, injuries and crashes).

Status

Serving the 25 million citizens of Texas (2009 Texas Department of State Health Services) there are approximately 73,000 peace officers from 2,597 agencies who patrol the extensive roadway systems within the state.

There are approximately 80,067 centerline miles of state-maintained roadways, including 3,233 miles of Interstate highways, 12,105 miles of US highways and 16,354 miles of Texas State highways. Another 40,969 miles on the state system are designated as Farm or Ranch to Market roads. In addition to the state-maintained roads, there are approximately 226,000 miles of city and county maintained streets and highways.

While only 26 percent of roadways in Texas are state maintained, nearly 230 billion vehicle miles traveled (VMT) occurred on these highways. (TxDOT – Transportation Planning and Programming Division).

Texas geography presents some unique challenges to law enforcement including both land and water international borders, as well as numerous topography changes across the state. Additionally there are areas of dense population, with four cities ranking within the top 15 most populous in the country (Houston #4, San Antonio #7, Dallas #9 and Austin #15) and expansive areas that are largely rural and sparsely populated. Approximately 63% of the 254 counties in Texas have less than 30,000 residents. The population of Texas is projected to increase by 12%, to nearly 28 million, by the year 2015.

In 2008, there were 21.2 million registered vehicles in the state, including rental trailers, exempt vehicles and other special categories (TxDMV Vehicle Titles and Registration Division). Licensed drivers numbered 15,374,063 in 2008 (FHWA: Highway Statistics 2008) and of these, 6.3% (968,981) were under 21 years old (with more than 226,739 under 18) and 13.2% were 65 or older (2,026,136).

There is clear evidence that Texas has established impaired driving as a priority traffic safety issue. As outlined in the Texas Highway Safety Performance Plan (HSP) for 2011:

- There were 1,268 alcohol related fatalities in 2008 (FARS) in Texas.
- Texas ranks 7th in the nation for the number of alcohol related fatalities per 100 million vehicle miles traveled. Texas is now classified as a high fatality state eligible for additional Section 410 funding.
- Reducing the number of fatalities in crashes involving a driver or motorcycle operator with a blood alcohol concentration of 0.08 g/dL or higher is listed as a core outcome measure in the 2011 HSPP.

Larger municipal agencies such as Houston, Dallas, San Antonio and Austin Police Departments provide traffic law enforcement services for a significant percentage of the state's population. The leadership in each of these agencies demonstrates a commitment to traffic safety with an emphasis on impaired driving enforcement, as evidenced through the existence of dedicated traffic enforcement units within their jurisdictions.

The Highway Patrol Division of Texas Department of Public Safety (DPS) is also significantly engaged in this effort, and they were responsible for 28,221 Driving While Intoxicated (DWI) arrests during 2009.

In response to a high number of DWI related collisions, Austin PD has developed a dedicated DWI enforcement unit, comprised of 2 sergeants, 2 corporals and 14 officers, whose only responsibilities are the identification and apprehension of DWI offenders. Austin PD has arrested an average of over 2,950 DWI subjects a year since 2002, and reports a significant reduction in the number of DWI related collisions since the implementation of their DWI enforcement teams.

Due in part to an increasing number of breath test refusals, some law enforcement agencies use search warrants to obtain blood samples. Blood samples provide for best evidence for a DWI prosecution and frequently yield evidence that suspected DWI drivers also have drugs in their system. (80% of drivers arrested by Austin PD who provided blood as a result of a warrant had drugs in their systems).

This practice has evolved into emphasis patrols entitled "No Refusal Weekends" where law enforcement agencies publicize that they will engage in efforts to obtain a warrant for blood in every DWI arrest where the suspect refuses a breath or blood test. Anecdotal information from Montgomery County indicates that breath test refusals decrease during these No Refusal patrols, from an average of 50 percent to approximately 20 percent and warrants are granted approximately 95 percent -98 percent of the time when requested.

There were concerns raised by a number of presenters that in many jurisdictions around the state, DWI laws are neither rigorously enforced, nor prosecuted. The reasons were varied, citing a lack of law enforcement and prosecutorial resource availability, to community pressures in more rural areas that create a reluctance on the behalf of some courts to aggressively manage these cases.

Texas does not currently conduct sobriety checkpoints; however, legislation was introduced in the last session to authorize the use of this tool, which is a proven strategy in the deterrence of driving while intoxicated. Although checkpoints were not authorized in this last session, there is the potential for this issue to be re-introduced in the upcoming legislation session, scheduled to begin in January 2011.

Texas law enforcement agencies do participate in Selective Traffic Enforcement Program (STEP) through funding provided by the Highway Safety Office. The Highway Patrol Division of Texas DPS also utilized approximately \$10 million in state funds in support of state STEP projects.

Although there was no information presented that indicated the Highway Patrol Division of DPS was utilizing DWI crash data in any deployment methodology, their number of DWI arrests are commendable.

STEP or Impaired Driving Mobilization (IDM) patrols are conducted in conjunction with public education/information campaigns, consistent with established best practices. (See 3.C Publicizing High Visibility Enforcement for details on these campaigns).

There was limited indication of coordinated efforts with Texas Alcohol Beverage Commission (TABC) during STEP or IDM campaigns. Compliance checks are not conducted in conjunction with DWI enforcement efforts. Although there is a central repository for TABC data, there was little indication of data sharing between law enforcement officers and TABC investigators. TABC does use breath test data as part of an ongoing risk assessment to help determine compliance with over serving and other alcohol service related issues.

TABC is actively engaged in “source investigations” that support DWI collision investigations by back tracking to a potential source where alcohol was purchased and/or consumed by an individual involved in these collisions. These investigations can greatly assist TACB with both their criminal and administrative regulatory responsibilities.

Most law enforcement agencies do appear to be appropriately equipped with newer technologies to enhance the efforts of their officers. The use of Portable Breath Test (PBT) instruments is a common practice as is the use of in-car digital video cameras to capture and support testimonial evidence of impairment by officers.

Since 2005, all certified peace officers in Texas receive Standardized Field Sobriety Training (SFST) during their basic academy training. Although there is no mandatory ongoing requirement for re-certification in SFST, the Texas Commission on Law Enforcement officers Standards and Education (TCLOSE) the agency that regulates licensure of peace officers, offers voluntary re-certification training. TCLOSE is currently considering terminating these training opportunities as a lack of re-certification of officers is being raised as an issue by defense attorneys in DWI cases.

Texas participated in an assessment of the SFST program in 2006. The recommendations from this assessment included:

- Develop a standardized update or refresher training curriculum that should be required every two years. Require SFST refresher or update training to be a core law enforcement training program for certification.

Texas is one of 46 states that have a Drug Recognition Expert (DRE) program to enhance the identification and apprehension of impaired drivers. This program is coordinated through the College of Criminal Justice at Sam Houston State University. DRE basic certification trainings are offered three times a year, and there are approximately 400 DRE trained officers in Texas. The training relies heavily on the Standardized Field Sobriety Tests (SFST) which provides the foundation for the program. Once trained and certified, DRE’s become highly effective officers

skilled in the detection and identification of persons impaired by alcohol and/or drugs.

No information was presented as to the distribution of DRE's either geographically or by law enforcement agency, and their specific usage in the identification of DWI offenders was not quantified. There was some limited information presented that DRE's are not frequently utilized in STEP mobilizations or in the investigation of fatality collisions. Issues relating to jurisdictional or resource availability were cited as reasons for a consistent lack of utilization of DRE's.

No information was provided regarding the number of DWI arrests as a result of a DRE evaluation, or of any differentiation in the overall numbers of DWI arrests where an individual was suspected of being under the influence of alcohol, drugs, or a combination of both.

Nationally, those drivers determined to be under the influence of either illicit or prescription drugs has increased dramatically in recent years. At least one study has shown that 48 percent of drivers involved in fatality collisions with BAC levels of 0.08 or greater also had drugs in their systems. (Dr. Barry Logan; Drug Impaired Driving: Importance of Toxicology Addressing the Problem and Developing Countermeasures, June 2006).

The use of DRE's in DWI mobilization patrols is "highly encouraged" by TxDOT, as indicated in the National Highway Traffic Safety Administration, High Visibility Enforcement 410 Incentive Grant application.

In addition to DRE training the Advanced Roadside Impaired Driving Enforcement (ARIDE) program is also available to law enforcement officers in Texas. ARIDE was created to address the gap in training between the Standardized Field Sobriety Testing (SFST) and the DRE Program.

ARIDE is intended to bridge the gap between these two programs by providing officers with general knowledge related to drug impairment and by promoting the use of DRE's in states that have the program. One of the more significant aspects of ARIDE is its review of and required student demonstration of the SFST proficiency requirements. The ARIDE program also stresses the importance of securing the most appropriate biological sample in order to identify substances likely causing impairment.

ARIDE is a 16-hour training course and may be taught by DRE's and DRE instructors. The training will be conducted under the administration and approval of the DEC Program state coordinator.

ARIDE training is available at no cost to law enforcement agencies in Texas. The program is provided through grant funds from the Texas Department of Transportation and administered by Sam Houston State University.

Since the inception of ARIDE in Texas in 2007, over 660 officers have received this training.

Texas law enforcement recognized that processing DWI arrests was a complex and time consuming process. To address this issue the LEADRS (Law Enforcement Advanced DUI/DWI Reporting System) a web based reporting system was developed. Available at no cost from the Texas Municipal Police Association (TMPA) this system is reported to reduce the time needed to

complete a DWI report from as much as four to six hours to an average of one and one-half to two hours.

Although not widely used by larger agencies as a result of a lack of interoperability with some agency records management systems, LEADRS provides significant increases in the accuracy and efficiency in the completion and timely submission of DWI arrest reports. Information from LEADRS generated reports is automatically downloaded to TABC for their use in determining risk assessments. 69 new agencies were added to the LEADRS system in Federal Fiscal Year 2010.

Last year the Texas Department of Transportation (TxDOT), in partnership with local, county and state law enforcement agencies, developed and executed a plan to address the DWI issue that included the following components:

- Increased high visibility driving while intoxicated (DWI) enforcement through the use of a coordinated Selective Traffic Enforcement Project (STEP) on a quarterly basis.
- Increased earned media efforts focusing on DWI related topics.
- Increased paid media.

Texas does utilize quantitative data to evaluate the progress of their programs. Data supplied by TxDOT indicates that during STEP/IDM enforcement efforts, an average of 96.40% of the state's population was served and 31,392 arrests were made during these.

- **DWI Arrests by STEP/IDM Agencies – 2,108**
- **DWI Arrests by Texas Department of Public Safety – 29,284**

Traffic fatalities in Texas dropped significantly in 2009, from 3,477 in 2008 to 3,089. This represents more than an 11 percent decline in the last year for traffic deaths in Texas. Since 2003, the annual number of traffic deaths in Texas has declined by over 19 percent (from 3,821 deaths in 2003 to 3,089 in 2009). The last time Texas traffic fatalities were this low was 1993, when the total was 3,037.

For FFY 2011, TxDOT plans to invest nearly \$3.5 million with law enforcement agencies, including Sheriff's Offices, Police Departments and TxDPS to conduct Impaired Driving Enforcement during four quarterly waves plus the Labor Day crackdown. In addition, 15 incentive awards will be given to non-funded agencies participating in the Labor Day Crackdown.

Information on public awareness campaigns will be included in Section 3.C.

Recommendations

- Enact a statute that allows well planned and fairly executed sobriety checkpoints.
- Implement mandatory SFST refresher certifications.

- **Expand utilization of DRE officers in DWI mobilizations and fatality collision investigations.**
- **Expand development and deployment of the LEADRS.**
- Increase use of TABC agents in STEP/IDM activities.

3-C. Publicizing High Visibility Enforcement

Advisory

States should communicate their impaired driving law enforcement efforts and other elements of the criminal justice system to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Publicity should be culturally relevant, appropriate to the audience, and based on market research. States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution and punishment for impaired driving.*

- *Develop and implement a year round communication plan that includes:*
 1. *messages that are coordinated with National campaigns*
 2. *special emphasis during periods of heightened enforcement and high risk holiday periods (including coverage before and reports of results after)*
 3. *regular (e.g., monthly), sustained coverage throughout the year, using messages (or "media hooks") that are law enforcement related*
 4. *paid, earned and donated advertising²*

- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages (e.g., that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, insurance, etc.).*

- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior.*

Status

Texas Department of Transportation (TxDOT) continues to provide year round support to publicize high visibility enforcement campaigns, and to coordinate these messages with national mobilizations.

The creative nature of these campaigns, as well as the use of both traditional and non-traditional media outlets, to include Facebook, Twitter and other similar social marketing outlets, appear to be well suited to reach the universe of drivers who are over-represented in DWI related collisions.

Most messages are also created in Spanish language versions to reach the large Hispanic population in Texas. Nearly 37% of Texas residents identify themselves as of Hispanic origin. (U.S. Census Bureau 2009). This is particularly important as in 2008:

- 15% of all DWI drivers involved in crashes were Hispanic drivers with a BAC of 0.08 or above
- 336 Hispanic drivers were fatally injured in a DUI crash representing 33% of all DUI fatalities (TxDOT)

² NHTSA Research Note, March 2004, DOT HS 809 708.

- In fatal crashes, over two-thirds of the drivers killed and who had a previous DWI conviction were also alcohol-impaired (BAC 0.08+). Hispanics led this category with 70 percent of drivers killed with a previous DWI conviction and alcohol impairment (NHTSA).

A sampling of these efforts in support of high visibility campaigns are as follows;

Drink, Drive, Go to Jail –

- From August 21 – September 7, TxDOT provided \$440, 241 in paid media in support of the “Drink, Drive, Go to Jail” campaign over the Labor Day weekend.



Choose Your Ride –

- Combining the \$936,000 in media donations with the over \$755,000 of earned media value, the 2009 *Drink. Drive. Go to Jail*, public education campaign garnered more than \$1.69 million of value for its \$731,000 investment.



These messages were also posted on the bottoms of beer glasses, window clings, and decals at point of sale locations, all to remind drivers that enforcement of DWI laws was in effect and reminding drivers of the consequences if they choose to drink and drive.

Holiday Emphasis Campaigns

- TxDOT spent \$599,974 on paid media from December 15, 2008 to January 1, 2009. The campaign consisted of festive, friendly reminders that used humor to deliver the serious message not to drink and drive.



LLEGA A TU CASA O A LA CÁRCEL. TU ESCOGE.
(End up in jail or end up at home. You Choose.)

Campaign Dates; November 15 – 28, 2010; April 11 – 24, 2011; June 20 – July 3, 2011;
September 12 – 25, 2011

A series of tella-novellas set in a style popular with Hispanic viewers, intended to publicize the consequences of drinking and driving. These are scheduled to air in conjunction with national DWI enforcement campaigns.

Don't Drink and Drive – World Cup.

A Spanish-language impaired driving campaign during the 2010 World Cup to reach a Hispanic audience that is overrepresented in impaired driving incidents and crashes in major Texas markets.



As evidence by the following calendar, publicizing of high visibility enforcement is a high priority for TxDOT, as the majority of PI&E efforts planned for FFY 2011 are dedicated to alcohol related campaigns.

**Texas Department of Transportation - Traffic Safety Division
FY2011 Public Information and Education Campaign Calendar**

Blue reflects alcohol-related campaigns, grey reflects other traffic safety campaigns.

CAMPAIGN	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Know When to Pass (TV, Radio, Interactive)		■	■	■	■	■	■					■	■
Adult Drinker - Fall (TV, Interactive, Outreach)		■	■										
End Up at Home or End Up in Jail. You Choose. (Spanish) (TV, Radio, Newspaper)			■					■		■	■		■
Adult Drinker - Holiday (TV, Radio, Outdoor, Interactive, Alternative)				■	■								
Adult Drinker - Super Bowl (TV, Radio, Outdoor, Interactive, Alternative)						■							
Weekend PASS (Interactive, Radio)						■	■	■	■	■	■		
College Who's Driving Tonight (Outdoor, Interactive, Alternative, Outreach)							■	■					■
Adult Drinker - Summer Outreach (Alternative)											■		
Labor Day Impaired Driving Mobilization (TV, Radio, Outdoor, Interactive, Alternative)												■	■
Motorcycle Awareness (TV, Radio, Outdoor, Interactive)								■	■				
Click It or Ticket (TV, Radio, Outdoor, Interactive, Alternative)									■	■			
Teen Click It or Ticket (TV, Radio, Interactive, Channel One)						■	■						
Talk to You Later, I'm Driving (Radio, Interactive)								■	■				

Online public education efforts followed the focused strategy of the larger campaign by targeting Texans online who were planning to purchase or consume alcohol. DWI-prevention messaging was placed within local online nightlife guides, such as Austin360.com and Guidelive.com, as well as on broad entertainment and dining sites such as Yelp.com. Web users were invited to click through to the revamped TexasDWI.com where they viewed authentic dash-cam footage from alcohol-related traffic stops and learned about the devastating consequences associated with a DWI conviction.

The combined efforts of these alternative media tactics is intended to raise awareness of the impaired driving mobilization by Texas law enforcement and keep DWI prevention on the mind of those purchasing and consuming alcohol.

Recommendations

- Expand the use of awareness surveys to measure the effectiveness of the media campaign.
- Expand the use of the TxDOT web site to promote impaired driving related PIE materials.

3-D. Prosecution

Advisory

States should implement a comprehensive program to visibly, aggressively and effectively prosecute and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Prosecutors who handle impaired driving cases often have little experience, handle hundreds of cases at a time, and receive insufficient training³ States should:

- *Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors.*
- *Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes.*
- *Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors.*
- *Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State.*
- *Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in SFST, DEC, emerging technologies for the detection of alcohol and other drugs; prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel.*
- *In Driving While Impaired by Drugs (DWID) cases, encourage close cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including Drug Recognition Experts). Their combined expertise is needed to successfully prosecute these cases.*
- *Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense.*

Status

Most Texas prosecutors are elected officials. Texas has put a great deal of effort into prosecutor education. The technical support for impaired driving prosecutions at the state level is provided by Texas District and County Attorneys Association (TDCAA) with funding support from TxDOT. The TDCAA is a non-profit organization dedicated to serving Texas prosecutors and their staffs, as well as attorneys in government representation. The TDCAA provides training specifically related to the prosecution of alcohol-related fatalities. The prosecutor resource program coordinates and delivers training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Some of the larger jurisdictions have made it a

³ *Robertson, Robyn D. and Herb M. Simpson “DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.*

priority to vigorously prosecute individuals for alcohol-related fatalities and injuries caused by crashes. There is no evidence that such a priority is assigned to prosecution of impaired driving without crashes in the majority of counties. The assessment team was informed that in many counties the prosecutor who handles impaired driving cases often has little experience, handles hundreds of cases at a time, and receives insufficient support from local sources.

It is not clear that most jurisdictions in Texas are making impaired driving cases a high priority for prosecution and assign these cases to the most knowledgeable and experienced prosecutors. The encouragement of vigorous and consistent prosecution of impaired driving (including youthful offender) cases, even when the impaired driving results in a fatality or injury, under both impaired driving and general criminal statutes appears to vary greatly from county to county. The great variation in the placing of priority on impaired driving prosecution arises from a number of conditions. It is very difficult for some counties to provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors. Rather than criticize prosecution of impaired driving for not being more uniform, it may be that a better approach is to embrace the strength that the additional perspectives can give the program.

Texas has employed an experienced prosecutor as the State Traffic Safety Resource Prosecutor, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State. There is a great deal of interaction between TDCAA and the DEC Program administration in the state. DREs are available for expert testimony in relevant cases in some counties. Based on the operational structure of the Texas toxicology process, a case could be processed at the DPS lab or a local laboratory. The location of testing will direct the ability of toxicology personnel to support the cases. The prosecutors that attend the trainings are able to receive state-of-the-art training, such as in SFST, DEC, emerging technologies for the detection of alcohol and other drugs.

The prosecutors in Texas have not as a group established and nor do they adhere to strict policies on plea negotiations and deferrals in impaired driving cases.

Recommendations

- Hold a listening session for all elected prosecutors in the state to identify what strategies and resources they need to improve their prosecution of impaired driving.

3-E. Adjudication

Advisory

States should impose effective, appropriate and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering SFST, DEC, alternative sanctions and emerging technologies.

Each State should utilize DWI courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI courts also increase access to testing and assessment to help identify DWI offenders and addiction problems and to help prevent them from re-offending, DWI courts additionally help with sentence monitoring and enforcement. Each State should provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.

States should:

- *Involve the State's highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges.*
- *Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury.*
- *Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges.*
- *Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DEC testimony, emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for offenders who abuse these substances.*
- *Use court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug court practices; these courts increase the use of drug or alcohol assessments, identify offenders with alcohol or drug use problems, apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs and closely monitor compliance, leading to a reduction in recidivism⁴*
- *Provide adequate staffing and training for probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.*

⁴ Freeman-Wilson, Karen and Michael P. Wikosz, "Drug Court Publications Resource Guide, Fourth Edition." Alexandria, VA: National Drug Court Institute, 2002.

Status

There are 3,271 elected (or appointed, in the case of most municipal judges) judicial positions in Texas (2008 data). An 1891 constitutional amendment established the basic structure of the present court system of Texas providing that the Supreme Court serves as the highest state appellate court for civil matters, and the Court of Criminal Appeals is the court of last resort for criminal matters. The Texas Court of Criminal Appeals consists of a presiding judge and eight judges. They are elected by the voters of the entire state, and they hold their offices for terms of six years. There are also 14 courts of appeals that exercise intermediate appellate jurisdiction in civil and criminal cases.

District courts are the state trial courts of general jurisdiction. The geographical area served by each district court is established by the specific statute creating that court.

In addition to these state courts, the Texas Constitution provides for a county court in each of the 254 counties. The county judge also serves as head of the county commissioners' court, the executive governing body of the county. To aid the constitutional county court with its judicial functions, the Legislature has established statutory county courts, generally designated as county courts at law or statutory probate courts, in the more populous counties. Looking at the number of impaired driving cases for adults, the following chart (2009) provides a sense of the volume of cases that make it to court.

Court	Disposed	Jury trial-NG	Jury Trial G	Dismissal	Deferrals	Acquittals
District	17,038	41	120	1540	?	?
County	111,710	724	1072	19,685	1186	1431
Total	128,748	765	1192	21,225	?	?

No data was available for those driving while impaired cases handled in the justice courts or as juvenile cases.

While a more detailed analysis is needed of not only the courts' statistics, but also the arrest data linked to each court, it appears that the issues around the adjudication of DWI in one part of the state may not be the same as in another part of the state and planning will need to take the local differences into account.

The Texas Constitution also authorizes not less than one nor more than 16 justices of the peace in each county. The justice of peace courts do not have jurisdiction over the impaired driving cases by adults but do carry out magistrate functions for those cases. By statute, the Legislature has created municipal courts in each incorporated city in the state. These courts have concurrent jurisdiction with the justice courts over misdemeanor state law violations, limited to the geographical confines of the municipality. Trials in the justice courts and most municipal courts are not of record. Appeals from these courts to the county court require trials de novo, except in certain counties, where the appeal is to a county court at law or to a district court. When an appeal is by trial de novo, the case is tried again in the higher court, just as if the original trial had not occurred. To understand the importance of the justice courts to the state of Texas,

consider that the judges conducted 18,729 inquests and collected \$394,851,319 in fines and costs in 2009.

Jurisdiction of the various levels of courts is established by constitutional provision and by statute. To determine the jurisdiction of a particular court, referral is made first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters (such as the Family Code, which requires, for example, that judges who are lawyers hear appeals from cases heard by non-lawyer judges in juvenile cases).

No evidence was received that would indicate that the State's highest courts are involved in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases. The judges are elected and the appellate courts have no role in assigning cases to specific judges. There is no mechanism that would assure that DWI cases are assigned to knowledgeable and experienced judges.

The variety of courts, the overlapping of jurisdiction so that more than one court may take action in a single impaired driving case, and the requirement that some judges be law trained while other judges are not lawyers creates significant differences across the state of Texas in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury.

The team heard that the adequacy of resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges varies across the state. Some jurisdictions are able to process the cases more quickly than others. This disparity in docket management reflects the local and community economic situations as well as the justice system priorities of the community. Texas Mothers Against Drunk Driving (MADD) has implemented a two level court monitoring program. One level is a case by case monitoring effort. The second level monitors all components of the justice system where the offender is tracked from traffic stop to court disposition. This program uses paid staff and volunteers. The rationale appears to be that watching the courts will inspire the judges to impose more stringent penalties and to do so more quickly.

Texas is providing judicial education opportunities for judges who handle the driving while intoxicated cases as well as education for those who carry out magistrate responsibilities. The subject matter may include technical evidence presented in impaired driving cases, including SFST and DEC testimony, emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for offenders who abuse these substances. The Texas Center for the Judiciary (TCJ), Texas Municipal Courts Education Center (TMCEC) and the Texas Justice Court Training Center (TJCTC) as well as the county judges through the Texas Association of Counties (TAC) are educating the judges.

There have been some challenges in the education of the administrative law judges who handle driver license hearings for impaired driving cases.

In a few larger counties, such as Travis County, Texas has established a DWI court that has a clear mission and is focused on the offender and changing the offender behavior. Sec. 469.006. Program in Certain Counties Mandatory. (a) The commissioners court of a county with a population of more than 200,000 shall establish a drug court program under Subdivision (1) of Section 469.002. Texas is increasing its use of court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug court practices. The courts are using alcohol assessments and seek to identify offenders with alcohol or drug use problems. There are programs in the courts to allow imposition of effective and appropriate sentences for the DWI offenders and closely monitor compliance.

The information provided to the assessment team indicates that probation caseloads range from 200 to 250 unless the offender is in a drug court or a DWI court. These caseload numbers are evidence that the staffing is inadequate. The training for probation programs offers some hope that the officers who get the training do have a better understanding of the impaired driving offenders and the issues around alcohol misuse and drugs. On the other hand, statewide, Texas is not providing the probation programs with the necessary resources, including technological resources, to monitor and guide offender behavior.

Recommendations

- Analyze the filings and dispositions from all courts, statewide and link to the arrest data and prosecution information for each court to identify weaknesses both geographically and systemically to strengthen efforts to improve the adjudication of impaired driving.
- Apply the analysis to planning and management of resources to improve the adjudication of impaired driving.
- Continue to develop and improve the science content in the judicial education about alcohol and other drugs.
- Map the judicial education resources and see where and how synergies might be created.
- Review the probation education and the DWI court education and identify opportunities to share education resources.
- Increase the consistency of information given on alcohol and other drugs in impaired driving cases so that the police, prosecutors, judges and probation hear the same science.
- Increase probation resources for the management of impaired driving cases.

3-F. Administrative Sanctions and Driver Licensing Programs

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization or forfeiture of a vehicle; the impoundment of a license plate; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.⁵ In addition, other driver licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers. Publicizing related efforts is a part of a comprehensive communications program.

3-F-1. Administrative License Revocation and Vehicle Sanctions:

Advisory

Each state's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the state's impaired driving laws.

The code should provide for:

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal.*
- *The period of suspension for a test refusal should be longer than for a test failure.*
- *Prompt suspension of the driver's license (within 30 days of arrest), which should not be delayed, except when necessary, upon request of the State.*
- *Vehicle sanctions, including impoundment of or markings on the license plate, or impoundment, immobilization or forfeiture of the vehicle(s), of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving.*
- *Installation of ignition interlocks on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle.*

Status

Administrative driver license sanctions afford the State agency making the determination about a person's competence to safely operate a vehicle on the public roadways the authority to make determinations about whether or not, at any given time, the continued provision of a driving privilege is warranted.

Besides the control of the issued license, administrative sanctions serve the purpose of immediately addressing dangerous driving behavior, thereby providing a safer environment for all persons using the highways of the state, by quickly revoking the driving privilege of any person who shows him or herself to be a safety hazard by driving with an excessive amount of alcohol or other intoxicant in his or her body or who refuses to submit to a test to make that determination.

⁵ *Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Foundation 2002.*

Administrative sanctions are also accompanied by the opportunity for a hearing on the sanction or restraint to ensure that the deprivation of driving privileges is appropriate. Additionally, administratively managed restraints can prevent the relicensing of a person until the licensing agency is satisfied that the person's alcohol or other drug problem is under control and that s/he no longer constitutes a safety hazard to other highway users.

Finally, administrative sanctions provide for consistency and uniformity of both sanction and treatment of offenders, apart from the political or social viewpoints of the various judicial jurisdictions within a state. This is particularly important in a state as large and diverse as Texas, where attitudes about drinking and driving vary greatly from region to region.

The table below demonstrates the administrative restraints and their timeframes that may be taken in Texas.

Administrative Restraints

Subsequent conviction of no liability insurance	Indefinite
Child support non-compliance	Indefinite
Drug conviction	Indefinite
Failure to maintain SR-22	Indefinite
Fraudulent use of driver's license	90 days to 1 year*
Liability judgment resulting from MV crash	Indefinite
DWI first offense	90 days to 1 year *
DWI second offense	180 days to 2 years*
DWI third or subsequent offense	180 days to 2 years**
Motor fuel theft, subsequent offense	180 days
.08 or higher BAC	90 days
.08 or higher BAC, subsequent offense	1 year
.08 or higher BAC with prior alcohol-related conviction	1 year
Refusal to submit to alcohol testing	180 days
Refusal, subsequent offense	2 years
Refusal with prior alcohol related conviction	2 years
DWI first offense, driver under 21 years	1 year
DWI second offense, driver under 21 years	18 months
Test failure, driver under 21, first offense	60 days
Test failure, driver under 21 subsequent offense	120 days
Test failure, driver under 21 with prior alcohol-related conviction	180 days
Refusal, driver under 21 (Administrative)	180 days
Refusal, driver under 21, subsequent offense (Administrative)	2 years
Refusal, driver under 21, with prior alcohol-related conviction	2 years

Administrative sanction (no specimen) first offense for driver under 21 years, any detectable amount of alcohol	60 days
Administrative sanction (no specimen) second offense for driver under 21 years, any detectable amount of alcohol	120 days
Administrative sanction (no specimen) subsequent offense for driver under 21 years, any detectable amount of alcohol	180 days
Public intoxication***, first offense	30 days
Public intoxication***, second offense	60 days
Public intoxication***, subsequent offense	180 days
Failure to complete minor education program*	1 to 12 months
DWI and Drugs	365 days or until 19 th birthday

*as determined by the court

**if the DWI is probated, the driver may be required to complete a DWI Education Program within 181 days of the conviction. Failure to do so may result in revocation of driving privileges.

***also Alcohol Beverage Code Offenses (minor in possession, attempt/purchase of alcohol, consumption of alcohol, misrepresentation of age)

The 1992 Texas Impaired Driving Assessment characterized Administrative License Revocation (ALR) as a “screaming need” in the state in order to remove impaired drivers from Texas highways in a timely fashion. Legislation was subsequently enacted and the first administrative notices were served in the state of Texas in 1995.

Administrative license restraints for impaired driving are for a period of 90 days to one year, pursuant to statute. The restraint span for the refusal to submit to a chemical test of blood/breath alcohol content is for a minimum of 180 days.

Upon arrest for implied consent violations, drivers are relieved of their driver license and given a permit to drive which affords them due process, as the permit is valid until a hearing is held, or until the time limit to request a hearing expires. The maximum time a permit is valid is 40 days.

Concerns were expressed to this Assessment team that the administrative hearing provides a means by which the defense can conduct a pre- (criminal) trial discovery and prepare more fully for the criminal trial, thereby damaging the prosecution’s chances of prevailing. There were also concerns about lack of advocacy by the prosecutor in administrative hearings, which are administered under the oversight of the Administrative Law Judges in the state of Texas.

The Administrative Hearing is limited in scope in Texas, as it is in most states. However, administrative findings necessarily include findings related to police jurisdiction, probable cause to believe the operator was in control of the vehicle and was impaired to some degree, and that the test was conducted in substantial compliance with state protocols or rules, and, obviously, that the test results exceeded the statutory limit for alcohol content in the blood or breath. If the

test was refused, the finding would need to include that the operator failed to consent, complete, or cooperate in the completion of the test by an objective standard.

Officers are reportedly either not appearing at administrative hearings or are appearing unprepared, so as not to unwittingly provide discovery to the defense attorney that might not be included in the paperwork provided to the administrative authority. Sometimes this failure to appear or cooperate is at the urging of the prosecutors for the criminal impaired driving cases. Additionally, the criminal DWI case adjudication is reportedly often a many months or years long process that is inefficient.

According to a publication by the United States Department of Transportation related to the effectiveness of administrative license sanctions, research showed that ALR laws in combination with other laws reduced alcohol-related fatal crashes by thirty percent over the period of 1982 through 1997. Further, the Centers for Disease Control concluded that ALR and ALS effectiveness is so well established that a synthesis of the evaluation evidence is not needed. (www.nhtsa.dot.gov/people/injury/airbags/countermeasures/pages/Chapt1/1p1AdminLic) Texas has no administrative vehicle sanctions such as immobilization or plate impoundment, but there is a provision for judicially imposed ignition interlock devices. The law is permissive for first offenders and mandatory for repeat offenders and for those first offenders whose Blood Alcohol Content level exceeded 0.15.

The ignition interlock program is administered by the Department of Public Safety and it requires that they oversee the interlock providers, but there is little guidance in the statute related to the expectation for the oversight of the restricted driver and the review of the computer downloads from the devices. This begs the question of legislative intent. If the use of ignition interlock is intended to transcend its value as a prophylactic and address the issue of treatment and long-term behavior change, the downloads are an essential aspect of the assignment and should guide eventual removal of the interlock device requirement. Continued non-compliance or renewed non-compliance at the end of the restricted license period is indicative of a greater likelihood of recidivism. Essentially, the interlock does provide for a reduction in impaired driving but generally only for the period of time that it is mandated. Once the device is removed from the vehicle, the recidivism rate returns to the pre-device level. Thus, it is apparent that the treatment aspect of the interlock is essential in making the use of the device effective in the long-term.

Interlock-restricted drivers are required to have the devices installed in their vehicles and data from their devices downloaded periodically. The vendors are provided with information related to the point at which unsuccessful attempts to start the vehicle are non-compliant with the provisions of the use of the device. Reportedly the long term oversight of the device and review of the downloaded data become the responsibility of the probation officer. The Department of Public Safety has no real way of knowing when a judge has imposed an interlock restriction which makes oversight difficult at best.

Once the restriction has been applied, the driver is required to go to the Driver License Division to have his/her license replaced by an interlock-restricted license. Reportedly, it often takes months before the interlock license is issued to the restricted driver.

The administrative license restraint laws and implementation in Texas have resulted in some loopholes, data and communication gaps, and overlap that are causing frustration, lack of coordination and cooperation between the various entities that administer impaired driving programs. The team heard that these issues have led to a significant dissatisfaction amongst prosecutors and law enforcement officers who advocate abolishing ALR. There are a number of issues with the management of impaired driving cases in Texas which must be addressed and decisions made about the best way to handle these problems. It seems premature to kill a program without first attempting to optimize its effectiveness.

Texas would benefit from an unbiased external assessment. The assessment should compare ALR in Texas to established best practices and identify the most effective design and focus on ways to optimize interactions between administrative and criminal proceedings.

Recommendations

- Commission an assessment of ALR in Texas to establish best practices and identify the most effective design and focus on ways to optimize interactions between administrative and criminal proceedings.
- Establish a forum for regular communication between the judiciary and administrative adjudicators of impaired driving proceedings.

3-F-2. Programs

Advisory

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- *Graduated Driver Licensing (GDL) for novice drivers that includes three distinct licensing phases for young novice drivers (learner's permit, restricted license and unrestricted license) and provides that:*
 1. *Requires a learner's permit for a minimum of 6 months and a total combined period of one year prior to being eligible for an unrestricted license.*
 2. *Requires that drivers practice driving with parental or adult supervision for a minimum number of hours and demonstrate safe driving practices before they may drive unaccompanied by a parent or adult.*
 3. *Requires a nighttime driving restriction and limits on the number of young passengers who may be in the vehicle during phase two.*
 4. *Provides that the permit, the restricted and the unrestricted license, as well as licenses to drivers under and over the age of 21, are easily distinguishable.*
 5. *Provides for license suspension for drivers under age 21 who drive with a BAC exceeding the limit set by the State's zero tolerance law.*
 6. *Provides for primary enforcement of safety belt use laws for young novice drivers.*
- *A public information program that describes alcohol's effects on driving and the consequences of being caught driving impaired or above the State's zero tolerance limit.*
- *A program to prevent individuals from obtaining and using a fraudulently obtained or altered driver's license including:*
 1. *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them.*
 2. *Training for license examiners to recognize fraudulent documents and individuals seeking to fraudulently apply for them.*

Status

Prevention of risky driving behavior and poor choices while behind the wheel are matters that should be a part of driving instruction as well as the laws that govern novice drivers. The Graduated Driver License model law was developed in order to prevent crashes caused by novice drivers and to mitigate the number one public health problem in the United States for teenagers—injury or death resulting from those motor vehicle crashes.

Texas's Graduated Driver License law took effect on January 1, 2002. As shown in the table below (See Figure 15: from the Texas Highway Safety Annual Report for 2009), 2002 showed a precipitous drop in the number of fatalities and injuries resulting from DUI crashes involving

teen drivers that year. Both the law itself and the publicity that surrounded it seem to have had an impact on teen driving behavior. Although there has been an increase in the number of fatalities since 2002, the number of fatal and serious injury DUI crashes continues to remain below pre-GDL levels.

The Texas experience is similar to findings by the National Highway Traffic Safety Administration, which reports that states have experienced between five percent and 29 percent decreases in crash rates for sixteen and seventeen year-olds following enactment of Graduated Driver Licensing laws.

Model GDL laws have a number of components, including the age at which one can obtain a learner's permit, the length of time the permit should be held, the amount of practice driving that should be required, the phases of licensure and the accompanying restrictions, including limitations on passengers, hours of nighttime driving, receipt of citations for law violations, and use of cell phones and other electronic devices.

The Texas GDL law sets the minimum age for receipt of a learner's permit at 15 years and the permit must be held for a minimum of six months prior to licensure, but the minimum age for licensure is 16 years.

Practice hours required in order to take the driving skills test are twenty, of which ten must be night driving. Restrictions include only one passenger less than twenty-one years of age who is not a family member and no driving between midnight and 5 a.m., except when the driving is for work or school activities or a medical emergency. Full driving privileges begin at a minimum age of 16 years, six months.

Licensure is phased in Texas, with full licensure requiring completion of driver education courses, labeled phase one and two education. In fact, driver education is required for any driver under 25 years of age. The driver education and traffic safety course must be approved by the Texas Education Agency.

The learner's permit and the initial restricted license include the passenger and hours of operation restrictions listed above, unless a licensed operator 21 years or older is present in the front seat. Texas statutes do provide for hardship licenses at age 15 if statutorily mandated conditions are met.

Licenses and other identity documents for persons under twenty-one years of age are easily distinguishable from adult licenses. Minor licenses are in a vertical format with a front facing photo which appears at the bottom right hand side of the license or ID. For ages 18-21, "under 21 license" is printed in red across the top. If the license is a commercial license, "under 21 commercial DL" is printed in brown. Additionally, "under 21 until (MMDDYY)" is printed in red on the first line of the license or ID. For ages 16-18, "provisional driver license" is printed in purple across the top.

Minor drivers who are arrested for Driving Under the Influence of Alcohol (DUI) receive an administrative license restraint of 60 days if they fail the breath test. Refusal to take the test results in a more serious restraint of 180 days.

Texas has a number of statutes that seek to deter fraudulent use of a license, use of a counterfeit license, or loaning a license to another person. All of these provisions are deterrents to minors seeking to obtain alcohol.

While there is no mandatory training of alcohol servers in the state, the Texas Alcohol Beverage Commission (TABC) provides an incentive to licensees who send their employees to training. The TABC program is called Safe Harbor and it exempts a licensee from administrative suspension of the license when the employees have been properly trained and have signed off that they have read and understand the policies of the establishment. The free server training provided by members of TABC includes a program for recognizing fraudulent or counterfeit identity documents.

Public information campaigns that describe the effects of alcohol on driving capability and the consequences of being caught driving impaired or above the state's zero tolerance limit have been developed and distributed.

Both alcohol beverage servers and driver licensing staff are provided with fraudulent document or document recognition training, to prevent issuance of fraudulent documents by driver licensing staff and acceptance of counterfeit documents by liquor licensees.

Driver License examiners are likewise trained in Fraudulent Document Recognition techniques in order to prevent the unwitting issuance of a fraudulent document to an underage person that would make it possible for the minor to obtain beverage alcohol.

Texas has a true zero tolerance law which allows that for drivers less than twenty-one years of age, the legal intoxication level is any detectable amount of alcohol in the driver's system.

A primary seat belt law also has been enacted in Texas providing law enforcement with the opportunity to contact young drivers regarding the risks of not wearing a seatbelt even if they are otherwise observing traffic laws and ordinances.

Recommendations

- Provide information regularly to minor drivers and law enforcement regarding the provisions of Graduated Driver Licensing, as awareness has definitely been shown to drive down the crash rates of this age group.

IV. COMMUNICATION PROGRAM

States should develop and implement a comprehensive communication program that supports priority policies and program efforts. Communication strategies should be directed at underage drinking, impaired driving, and reducing the risk of injury, death and the resulting medical, legal, social and other costs. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience. States should:

Advisory

- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes and influencing and sustaining appropriate behavior;*
- *Adopt a comprehensive marketing approach that coordinates elements like media relations, advertising and public affairs/advocacy; Use traffic-related data and market research to identify specific audiences segments to maximize resources and effectiveness;*
- *Develop and implement a year round communication plan that includes:*
 1. *Policy and program priorities*
 2. *Messages that are coordinated with National campaigns*
 3. *Special emphasis during holiday periods and other high risk times throughout the year, such as New Year's, 4th of July, Labor Day, Halloween, Prom Season and Graduation*
 4. *Appropriate use of core message platforms that emphasize underage drinking, impaired driving enforcement and personal responsibility, including use of designated drivers and alternative transportation*
 5. *Messages that are culturally relevant and linguistically appropriate*
 6. *Paid, earned and donated media*
 7. *Key alliances with private and public partners*
 8. *Evaluation and survey tools*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems (such as youth, young adults, repeat and high BAC offenders and drivers who use prescription or over-the-counter drugs that cause impairment).*
- *Use creativity to encourage earned media coverage, using a variety of messages or "hooks" (such as inviting reporters to "ride-along" with law enforcement officers, conducting "happy hour" checkpoints or observing under-cover liquor law enforcement operations).*
- *Encourage communities, businesses and others to financially support and participate in communication efforts to extend their reach, particularly to populations and in geographic areas at highest risk.*

Status

The Texas Highway Safety Performance Plan For Fiscal Year 2011 includes a goal: *To increase public knowledge, perception and understanding of traffic safety.* The strategies identified for reaching this goal are to develop and implement public information and education efforts on traffic safety issues and to conduct and assist local, state and national traffic safety campaigns.

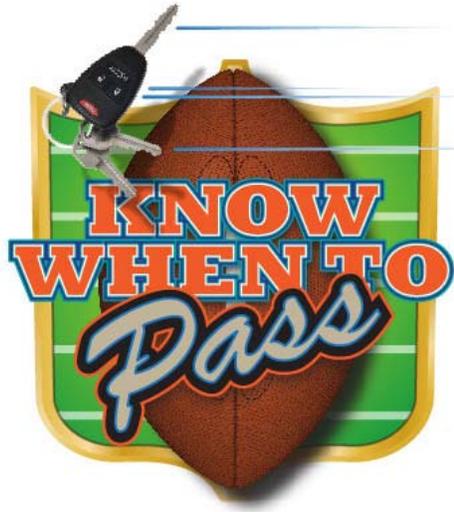
The Traffic Safety Section, Texas Department of Transportation (TxDOT) coordinates its messages related to impaired driving campaigns with national campaigns to ensure a consistent message is delivered. TxDOT also works to capitalize on the use of earned media as a complement to the paid media activities. The State works to secure match with media to maximize the exposure of the message. Texas is a large state with a diverse population. Care is taken to ensure that messages are not only translated appropriately, but also is delivered in a culturally appropriate method. The State also takes care to craft messages that are not only appealing to people based on their culture, but also target other demographics such as vehicle specific messaging; urban verses rural differences, age and gender differences.

In the last several years, Texas has focused on engaging employers as a means of communicating multiple traffic safety messages to their employees and customers. The main focus of this effort is reducing the impact of impaired driving on the work place in terms of lost work time, cost, etc.

Last year the public was exposed to over 1.1 billion media impressions with traffic safety messages (2009 Annual Report). As a complement to national campaigns that emphasize the legal consequences of impaired driving, e.g. *Over the Limit – Under Arrest*, major campaigns developed in Texas are characterized as appealing to logic. Themes such as the *Drink Drive Go to Jail* and holiday don't drink and drive campaigns emphasize that drivers who drink should use alternative transportation.



Of special note is the inclusion of messages such as *Know When to Pass* that also suggest that individuals consider moderation or abstinence as means of avoiding impaired driving.



This campaign was a result of a strategic planning effort in which a survey was conducted and revealed that most people watch football at home or at a friend's house. When watching at a friend's house:

- 48% consume alcohol
- 45% report driving home
- 14% of those drinking consume six drinks or more

When attending a game:

- 12% report having six drinks or more
- 73% drive home

This campaign also used mobile messages on trucks that are present at sporting events. The message encourages fans to *Pass Up That Drink or Pass Off Your Keys*. Television spots feature four football players in a car talking about knowing when to pass.

Another unique campaign targeted at Hispanic drivers uses television spots that imitate scenes from "telenovelas", the soap opera-like series that are very popular on Hispanic television.

Recommendations

- Continue to coordinate messages related to impaired driving campaigns with national campaigns to ensure a consistent message is delivered.

V. ALCOHOL AND OTHER DRUG MISUSE: Screening, Assessment, Treatment and Rehabilitation

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.⁶ Moreover, individuals with alcohol or other drug abuse or on average, such individuals drive several hundred times within two hours of drinking before they are arrested for driving while impaired.⁷

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers - those with the most serious injuries - test positive for alcohol. In addition, studies report that 24-31 % of all ED patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

5-A. Screening and Assessment

Each State should encourage its employers, educators, and health care professionals to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. A marketing campaign should promote year-round screening and brief intervention to medical, health, and business partners and to identified audiences.

5-A-1. Criminal Justice System

Advisory

Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement. The assessment should be:

⁶ "Repeat DWI Offenders in the United States." Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

⁷ On average, 772 such episodes, according to Paul Zador, Sheila Krawchuck .and Brent Moore "Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior" Washington DC: U.S. Department of Transportation, HHTSA Technical Report o. DOT HS 809 184, December 2000..

- *Conducted by a licensed counselor or other professional holding a special certification in alcohol or other drug treatment.*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate.*
- *Based on standardized assessment criteria, including standard psychometric instruments, historical information (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews.*
- *Appropriate for the offender's age and culture (e.g., use specialized assessment instruments tailored to and validated for youth or multi-cultural groups).*

Status

Texas law does not require alcohol or substance abuse screening or assessment for DWI offenders. Screening in the criminal justice system is not required or common. Courts do not have screening information available for consideration in sentencing.

Texas law does not mandate completion of alcohol or substance abuse treatment as a condition of license reinstatement for DWI offenders.

In the absence of mandated screening and treatment, DWI offenders are required to complete only education programs.

Article 42.12, Section 13(h), Code of Criminal Procedure requires persons convicted of first offense DWI and receiving probation, to attend and successfully complete an educational program certified by the Texas Department of State Health Services (DSHS). Failure to complete the program within 180 days (unless an extension was granted) from the date probation was granted will result in the offender's license being revoked. The license cannot be reinstated until the educational program is completed.

The standardized program is 12 hours in length and is designed to help DWI offenders increase their knowledge about alcohol and other drugs as these substances relate to driving skills, to identify their own individual drinking or other drug use and driving patterns, and to assist them in developing plans which will reduce the probability of future DWI behavior.

Specific course topics include alcohol or other drug and traffic safety problems, Texas laws relating to DWI, effects of alcohol or other drugs on humans, alcohol or other drugs and driving task abilities, chemical dependency, symptoms of dependency, sources of assistance, costs of DWI, and decision-making.

Article 42.12, Section 13(j), Code of Criminal Procedure requires persons convicted of subsequent DWI offenses to attend a program for "repeat offenders" approved by DSHS. Failure to complete the program will result in the offender's license being revoked until the program has been completed.

This standardized program is 32 hours in length and is designed for multiple DWI offenders and/or others who have alcohol/drug related problems which the first offender program was not

designed to address. The program purpose is to intervene in the alcohol/drug abusing lifestyles of the offenders in order to encourage entry into treatment where indicated as well as to prevent further substance abuse related problems.

Specific course topics include lifestyle issues, values, self-esteem, positive thinking vs. irrational beliefs, responsibility, physiological/psychological effects of drugs, alcoholism, chemical dependency, how drug abuse affects family members, co-dependency, Al-Anon, treatment options, 12-Step Self-Help Groups, peer pressure, relapse prevention, problem solving and action planning.

DWI education programs use one of several approved screening instruments to determine offenders' alcohol or substance abuse problems. However, there is no mandate to comply with treatment recommendation or to complete treatment.

Section 106.115, Alcoholic Beverage Code, requires minors convicted of first or subsequent offenses for the purchase, possession or consumption of alcoholic beverages to attend an alcohol awareness course approved by the department in addition to assessing a fine.

If a DSHS approved course is not available, the court shall require the defendant to perform 8-12 hours of community service. Failure to complete the alcohol awareness course or community service within 90 days of conviction will result in a license suspension of up to 6 months.

DSHS has adopted minimum operational requirements for the "Alcohol Education Programs for Minors" curriculum. Administrator/instructor training in the use of the standardized curriculum is offered quarterly. The standardized program is six hours in length and is designed to help participants increase their knowledge about alcohol and drugs among young people. The curriculum contains information on the following topics: societal values related to alcohol consumption by minors, the influence of alcohol advertising on young people, the physical, social and psychological effects of alcohol upon young people; the relationship between motor vehicle and other accidents and alcohol use; relevant laws relating to the purchase, possession or consumption of alcoholic beverages by minors, drinking patterns and problems of young people including abuse and addiction and decision making skills. Training for instructors and administrators in the use of the curriculum is ongoing.

Recommendations

- Require, develop and implement a program of screening and assessment for all DWI offenders prior to sentencing.
- Provide results of screening and assessment and treatment recommendations to courts for consideration in sentencing of DWI offenders.
- Require completion of appropriate treatment, as determined by standardized screening and assessment as a condition of relicensing.

5-A-2. Medical or Health Care Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by medical or health care professionals should be screened to determine whether they may have an alcohol or other drug abuse problem. A person may have a problem with alcohol abuse or dependence, a brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment. The screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physician's offices, health clinics, employee assistance programs and other medical and health care settings.*
- *Used to decide whether an assessment and further treatment is warranted.*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief intervention strategies.*⁸

Status

Screening Brief Intervention Referral and Treatment (SBIRT) is used in some trauma centers in Texas. SBIRT is also used in other settings including university health services at a major university campus and in one or more family health clinic and community hospital.

Some SBIRT services are supported through funding by the Texas Department of State Health Services.

Texas is one of a decreasing number of states that still has Alcohol Exclusion laws that allow insurance providers to deny coverage for medical services provided as a result of impairment. V.A.T.S. Insurance Code, Art. 3.70-3: (B)(9): *Intoxicants and Narcotics: The insurers shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.* Thus, injured impaired drivers might not be covered by insurance. This creates an impediment for health care providers to test for and/or report impairment or the presence of alcohol.

⁸ For a discussion of assessment instruments, see: Allen, John and M. Columbus (Eds.) *NIAAA Handbook on Assessment Instruments for Alcohol Researchers* (2nd) edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003.

For an overview of alcohol screening, see: "Screening for Alcohol Problems: An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

Recommendations

- Implement Screening Brief Intervention Referral and Treatment in all hospital emergency rooms in Texas.
- Provide insurance coverage for Screening Brief Intervention and Treatment services.
- Repeal Alcohol Exclusion Laws in Texas.

5-B. Treatment and Rehabilitation

Advisory

Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other entities. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated. These programs should:

- *Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria.*
- *Provide assessment, treatment and rehabilitation services designed specifically for youth.*
- *Provide treatment and rehabilitation services for non-English speaking offenders and culturally relevant treatment for special populations (e.g., Native Americans or newly arrived immigrant groups).*
- *Facilitate health insurance parity treatment for alcohol and other drug abuse disorders, to permit access for persons regardless of ability to pay and encourage States to pursue legislative changes to support health insurance parity payment for alcohol and other drug abuse disorders, particularly in rural and underserved areas.*
- *Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders.*
- *Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions.*
- *Require that drivers, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined that their alcohol or drug use problem is under control before their license is reinstated.*

Status

Texas has a comprehensive system of alcohol and substance abuse services regulated, and in some cases funded by the Texas Department of State Health Services (DSHS). However, many rural counties have few or no services available. Many DWI offenders fall in the group whose resources are too great to qualify for public assistance but not enough to allow them to pay the cost of treatment when it is not mandated.

Texas law does not require alcohol or substance abuse screening or assessment for DWI offenders. Screening in the criminal justice system is not required or common. Courts do not have screening information available for consideration in sentencing.

Texas law does not mandate completion of alcohol or substance abuse treatment as a condition of license reinstatement for DWI offenders.

There is no evidence that screening results in the ability to match offender treatment needs to treatment services.

In the absence of mandated screening and treatment, DWI offenders are required to complete only education programs.

Article 42.12, Section 13(h), Code of Criminal Procedure requires persons convicted of first offense DWI and receiving probation, to attend and successfully complete an educational program certified by the Texas Department of State Health Services (DSHS). Failure to complete the program within 180 days (unless an extension was granted) from the date probation was granted will result in the offender's license being revoked. The license cannot be reinstated until the educational program is completed.

The standardized program is 12 hours in length and is designed to help DWI offenders increase their knowledge about alcohol and other drugs as these substances relate to driving skills, to identify their own individual drinking or other drug use and driving patterns, and to assist them in developing plans which will reduce the probability of future DWI behavior.

Specific course topics include alcohol or other drug and traffic safety problems, Texas laws relating to DWI, effects of alcohol or other drugs on humans, alcohol or other drugs and driving task abilities, chemical dependency, symptoms of dependency, sources of assistance, costs of DWI, and decision-making.

Article 42.12, Section 13(j), Code of Criminal Procedure requires persons convicted of subsequent DWI offenses to attend a program for "repeat offenders" approved by DSHS. Failure to complete the program will result in the offender's license being revoked until the program has been completed.

This standardized program is 32 hours in length and is designed for multiple DWI offenders and/or others who have alcohol or other drug related problems for which the first offender program was not designed to address. The program purpose is to intervene in the alcohol or other drug abusing lifestyles of the offenders in order to encourage entry into treatment where indicated as well as to prevent further substance abuse related problems.

Specific course topics include lifestyle issues, values, self-esteem, positive thinking vs. irrational beliefs, responsibility, physiological/psychological effects of drugs, alcoholism, chemical dependency, how drug abuse affects family members, co-dependency, Al-Anon, treatment options, 12-Step Self-Help Groups, peer pressure, relapse prevention, problem solving and action planning.

DWI education programs use one of several approved screening instruments to determine offenders' alcohol or substance abuse problems. However, there is no mandate to comply with treatment recommendation or to complete treatment.

Section 106.115, Alcoholic Beverage Code, requires minors convicted of first or subsequent offenses for the purchase, possession or consumption of alcoholic beverages to attend an alcohol awareness course approved by the department in addition to assessing a fine.

If a DSHS approved course is not available, the court shall require the defendant to perform 8-12 hours of community service. Failure to complete the alcohol awareness course or community service within 90 days of conviction will result in a license suspension of up to 6 months.

DSHS has adopted minimum operational requirements for alcohol awareness programs seeking approval. Administrator/instructor training in the use of the standardized curriculum is offered quarterly. The standardized program is six hours in length and is designed to help participants increase their knowledge about alcohol and drugs among young people. The curriculum contains information on the following topics: societal values related to alcohol consumption by minors, the influence of alcohol advertising on young people, the physical, social and psychological effects of alcohol upon young people; the relationship between motor vehicle and other accidents and alcohol use; relevant laws relating to the purchase, possession or consumption of alcoholic beverages by minors, drinking patterns and problems of young people including abuse and addiction and decision making skills. Training for instructors and administrators in the use of the curriculum is ongoing.

Recommendations

- Require, develop and implement a program of screening, assessment and treatment for all DUI offenders prior to sentencing.

5-C. Monitoring Impaired Drivers

Advisory

Each State should establish a program to facilitate close monitoring of impaired drivers. Controlled input and access to an impaired driver tracking system, with appropriate security protections, is essential. Monitoring functions should be housed in the driver licensing, judicial, corrections, and treatment systems. Monitoring systems should be able to determine the status of all offenders in meeting their sentencing requirements for sanctions and/or rehabilitation and must be able to alert courts to noncompliance. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of judicial system. Noncompliant offenders should be handled swiftly either judicially or administratively. Many localities are successfully utilizing DWI courts or drug courts to monitor DWI offenders. States should:

- *Have an effective monitoring system for all impaired driving offenders (including out-of-state offenders).*
- *Use effective technology (e.g., ignition interlock mechanisms, electronic confinement and monitoring) and its capability to produce reports on compliance.*
- *Include driver license tracking systems as an essential component of monitoring.*
- *Generate periodic reports on offender compliance with administrative or judicially imposed sanctions.*

Status

DWI offenders in Texas are monitored primarily by county probation departments. It is not clear how many offenders are subject to active supervision.

Screening, referral and treatment are not required for DWI offenders for license reinstatement. Offenders must complete a DWI education program. Proof of completion is required for relicensing. Thus, there is only a passive system of monitoring.

Texas has approximately 17 DWI courts and numerous Drug Courts. H.B. 530, passed in 2007, requires counties with a population greater than 200,000 to create a Drug Court or DWI court. However, no funding was included in the bill.

There appears to be adequate treatment resources in larger population areas. DWI court clients are monitored by county probation and DWI Court judges. DWI and Drug Courts utilize a variety of monitoring devices such as SCRAM ankle bracelets and home monitoring devices.

The Texas Department of Transportation Traffic Safety Section (TxDOT) is supporting the Texas Association of Counties Rural Judges DWI Court Project to address the needs of over 160 counties too small to have county courts-at-law. DWI courts have potential to provide monitoring for DWI offenders in these counties. However, these small counties face challenges in that many have no treatment resources and the nearest services might require travelling 100

miles or more. Some DWI courts rely on self-help groups such as Alcoholics Anonymous for treatment.

While most rural counties lack formal treatment services, virtually all rural communities have one or more faith community with a pastor, minister or other clergy, The U.S. Substance Abuse Mental Health Services Administration (SAMHSA) has sponsored development of principles of effectiveness for using clergy to provide substance abuse counseling. (*see Counselors and Clergy: Partners in Healing. Counselor Magazine, June 2005.*)

Ignition interlock mechanisms are required for second and subsequent offenders. However, the use of ignition interlocks or other monitoring devices as a condition of bond are not typically ordered. These devices are used by the DWI court and otherwise are only sporadically employed as a condition of probation.

Recommendations

- Expand the use of DWI Courts for monitoring DWI offenders.
- Support training for clergy to provide substance abuse counseling in rural areas.

VI. PROGRAM EVALUATION AND DATA

6-A. Evaluation

Advisory

Each State should routinely evaluate impaired driving programs and activities to determine their effectiveness, and have access to and analyze reliable data sources for problem identification and program planning. Each State should conduct several different types of evaluations to effectively measure progress, to determine effectiveness, to plan and implement new program strategies and to ensure that resources are allocated appropriately. The evaluation should be:

- *Planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated.*
- *Designed to use available traffic records and other injury data.*
- *Used to determine whether goals and objectives have been met and to guide future programs and activities.*
- *Organized and completed at the State and local level.*
- *Reported regularly to project and program managers and policy makers.*

Status

Texas's Problem Identification is found in its *Texas Highway Safety Performance Plan for Fiscal Year 2010 and 2011*. The areas listed that have been identified as needing special emphasis in order to improve traffic safety include: Impaired driving, Occupant protection, Motorcycles, and Speeding. Impaired driving has found itself in the number one spot because of the fact that Texas ranks within the top ten states in the nation for alcohol-involved crashes and fatalities. This unpleasant fact points out the value and importance of evaluating the various countermeasures available to traffic safety advocates reducing crash incidence.

One of the most important aspects of evaluation is the need to establish good baseline data prior to application of each enforcement countermeasure. This provides the opportunity for the state to make precise determinations of the impact of each enforcement effort, separate from any other. Obviously, some enforcement efforts are much more costly than others, yet, if their impact is substantial, the cost/benefit ratio may be much more favorable for the more expensive effort.

Planning for evaluation in concert with development of the project concept is essential. Understanding of the expected impact of the effort is necessary for the development of a comprehensive project plan. Additionally, outlining the potential for improvement, developing performance measures that can be used to measure the outcomes of various projects helps the Texas Department of Transportation, Traffic Safety Section (TSS-TS) spend its limited funds in the manner most beneficial to the state and its inhabitants.

In reviewing the Problem Identification conducted in Texas for the current year's Performance Plan, it appears that the data used by the state was relatively broad in its scope. Generally, crash data was the major source for the determination of the traffic safety problems in Texas. Most of this data came from the Texas crash file, called the Crash Record Information System (CRIS), as well as data from the National Highway Traffic Safety Administration's Fatality Analysis and Reporting System (FARS). In order to determine demographic representation in crash involvement, data from the driver file was used.

Roadway characteristics in locations where crashes occurred were garnered from the state and local roadway files and seatbelt use and child passenger safety seat data were captured from statewide observational surveys. While the Crash Outcome Data Evaluation System is not currently operational in Texas, emergency response data and injury data were collected from the Texas Department of State Health Services.

Texas Problem Identification relied on a broad spectrum of data from the various components of the traffic records system. The obvious and critical missing puzzle piece here is the enforcement and adjudication data. There is no way to adequately measure the effects of enforcement on traffic safety without a means by which to integrate and compare enforcement and crash data. Adjudication plays a critical role in this analysis. Enforcement without sanction may act as behavior modification by reinforcing inappropriate behavior. When one breaks the law and is arrested, but faces ineffective sanctions or none at all, s/he is more likely to relax her/his fears and efforts to avoid arrest in the future. A detailed evaluation or analysis of the effectiveness of both the criminal justice handling of Driving While Intoxicated cases and the administrative hearing regarding blood alcohol test result or refusal cases should be conducted and could prove to be a means of defusing the disagreement about the value of each process in Texas.

The grant request process that the Texas Department of Transportation conducts has an evaluation component and does require the requester to outline what will be accomplished with the funding provided. Some of the grant applications had performance objectives that are strictly measures of workload; for example, present programs to a specified number of participants, or present a specified number of classes. These measures are outputs, and should be accompanied by measurements of outcomes. If, for example, the classes were provided to 500 students, a measure of the effectiveness of the program (the outcome of the effort) might include the number of participants that had been involved in a crash over the two years subsequent to the training, or who were cited for either a liquor code violation or an alcohol-related driving violation. The evaluation criteria should always be broad enough to measure how the effort or project that was funded impacted traffic safety in some measurable way. This provides a means by which to measure effectiveness of the program, or the efficiency of its participants, and by extension, provides a clear picture of the cost/benefit of the activity in relation to all types of prevention or deterrent activities that are funded. In other words, it allows the state to determine what activities provide the highest return on its investment.

Recommendations

- Develop a database or system to collect requisite data to demonstrate the number of DWI arrests in the state annually, and the timeliness and consistency of sanctions or disposition of the adjudicatory process.
- Evaluate the success of impaired driving countermeasures being used in the state.

6-B. Data and Records (see Section 1-E)

Advisory

States should establish and maintain records systems to fully support their impaired driving program. Each system should use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS) and the Crash Outcome Data Evaluation System (CODES), to fully support the impaired driving program. The State records systems should:

- *Permit the State to quantify:
 1. *the extent of the problem (e.g. alcohol-related crashes and fatalities)*
 2. *the impact on various populations (e.g. by age, gender, race and ethnicity)*
 3. *the level of effort dedicated to address the problem (e.g. level of enforcement activities, training, paid and earned media)*
 4. *the impact of the effort (e.g. public attitudes, awareness and behavior change).**
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions and other sanctions of DWI offenders.*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions.*
- *Be accurate, timely, linked and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials and treatment providers.*
- *Be guided by a State-wide traffic records coordinating committee (TRCC) that represents the interests of all public and private sector stakeholders, and the wide range of disciplines that need the information.*

Status

Texas has developed a Traffic Records System and has, according to 408 requirements had its system assessed by a team assigned by the National Highway Traffic Safety Administration. Since the time of that evaluation, a number of upgrades have been made to some components of the traffic records system. The crash system, for example, at the time of the last traffic records assessment was limited to complete data that was six years old. The age of such data severely limits the ability to perform meaningful evaluation of current efforts to address safety issues. The Texas Department of Transportation has, however, made great strides in development of the Crash Records Information System and did determine to enter its five year backlog of crashes into a database rather than abandoning those years and beginning with more current data. As a result, a clearer picture of the crash incidence in the state became available. The data provided a disturbing picture of the involvement of alcohol-impaired drivers in injury and fatal crashes, rocketing the state into the top ten worst states in this category.

The sustained efforts to collect and aggregate this data did provide the state with the information it needed to begin to address its very dangerous drinking driver issues. On the other hand, the Texas Codes project, which was well-developed and effective, became less so and the Emergency Medical Data fell out of timeliness and data collection waned. The effort is now

being rejuvenated and the state hopes to have a more complete picture of its injury surveillance data in the near future.

A new driver license system was being planned at the last assessment and progress on that system was made as expected. Driver data was used in the analysis of this year's problem identification, providing for a more thorough picture of the age and gender of problem drivers in the state. The level of effort dedicated to address the problems with crash and driver behavior is more difficult to discern due to the lack of easily aggregated, complete and consistent enforcement and adjudication data. The state continues to need a comprehensive citation tracking system. In order to develop such a system, it will need to find a way to establish some uniformity in the data collected both by the law enforcement officer who is issuing the citation and the court that is adjudicating the charges.

Very little data was presented during this assessment about the total enforcement effort in the state related to impaired driving. While Department of Public Safety (DPS) could determine the number of charges Highway Patrol Officers filed, the more than two-thousand other departments have varying degrees of ability to provide that same data. Even when the data is available to the individual department through its own Records Management System, it is rarely available at the state level, and complete aggregate data is simply non-existent for Texas. This is a critical piece of missing data that needs to be addressed as quickly as possible.

The number of courts in the state makes development of a consistent Court Case Management System difficult as well. As a result, it is incumbent on the leadership of the Traffic Records Coordinating Committee (TRCC) to ensure that effort is expended to study the issue and find the most reasonable solution for a centralized tracking system for the state. The Law Enforcement Advanced DUI/DWI Reporting System (LEADRS) system would potentially provide the infrastructure for a DWI tracking system, which in turn could be scaled down for a state-wide citation tracking system. Planning for necessary data elements, data dictionaries and schema for such a system would bring together staff with the appropriate skill sets to plan for and develop the system. Justification of the expense of enforcement efforts is a critical part of an efficiently managed traffic safety program.

Electronic collection of data can provide tremendous savings for the state. Once the officer on the street collects crash data, for example, it must be re-keyed into a central database for aggregation. If an average data entry effort for a crash report is ten minutes, and 600,000 reports are entered each year, the savings could be substantial – particularly since reports were being keyed in duplicate to prevent data entry errors. Electronic reports have the advantage of allowing for built-in quality controls and quicker reporting, assuring that the officer on the street makes fewer errors, thus fewer reports have to be returned and data entry of over a million crash reports could be avoided. Manpower savings can be shifted to provide for sustainability of the project by providing for an IT support function of which officers could take advantage and could provide for a technology replacement fund to ensure that the system was replaced in a timely manner, rather than when it became outdated and maintenance burdensome.

Some of the electronic technology exists and is in use, but it is failing to provide the savings that are possible because data entry of information already in electronic format is being performed.

The reports collected in the Crash Reporting Information System and the electronic DWI system are being re-keyed, and potential cost-avoidance is being lost.

The Traffic Records Coordinating Committee should establish a technology subcommittee to determine the extent of electronic capture by the various law enforcement agencies, the types of data currently available in electronic format and means by which to integrate the data into or create linkages with existing systems or databases to avoid costly data entry both in terms of manpower and accuracy of the data. An inventory of systems, software and platforms is useful when new programming is planned and integration can be completed more easily during the initial development.

Accessibility of crash data, FARS data, driver data, and roadway data for problem identification were noted. More work and attention is needed to ensure that the data currently available remains so, and the enforcement data finds its way into the hands of those who need it.

Recommendations

- Fund efforts to improve data quality as a priority, in order that future funding decisions are made based on the most cost-effective data-driven and evidence-based information that is available.
- Establish a technology subcommittee within the Traffic Records Coordinating Committee.

6-C. Information and Records Systems (including Licensing)

Advisory

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts. The record system should:

- *Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement and other parties with a need for this information.*
- *Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record.
Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving.*
- *Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts.*
- *Provide for the effective exchange of data with State, local, tribal and military agencies, and with other governmental or sovereign entities.*

Status

The Texas Driver License System provides for real-time availability of data to law enforcement officers, who have access to driver status and other pertinent information. Though the system has recently been upgraded, court personnel still report that driver histories are not readily available to them. With enhanced sentencing possible on a variety of traffic offenses, it is essential that adjudicators have immediate access to driver history data. This is particularly important in the case of a juvenile, since the other source of prior arrest and conviction data is the criminal record, which would not be available for juvenile offenders. Generally, it is expected that the prosecutor will obtain a copy of the driver history for each case. Reportedly, that does not happen regularly, which means that some portion of potential sentencing enhancements is missed.

Data from the courts are sent both electronically and on paper. Again, the number and diversity of the courts make uniformity difficult. With no uniform case management system, the Driver License Division at the Texas Department of Public Safety would need to develop a means by which to receive data from a variety of computer systems. Without a uniform citation or minimally, a uniform set of data elements that are consistently formatted, transfer of data electronically will continue to be difficult. Any upgrades or consolidation of case management systems within the judiciary should be overseen by the members of the Traffic Records Coordinating Committee. Thus it is important that the Driver License Division (DLD) participate actively in the TRCC making sure to encourage the court system to develop some sort

of uniformity and to assist it with any effort made to facilitate electronic transfer of conviction information.

There are three federally recognized Native American tribes in Texas. It was reported that information about drivers' convictions are not shared between the state and reservation officials.

The DLD provided statistics related to the administrative sanctions that they handle annually. These were the most comprehensive statistics available about the number of DWI arrests throughout the state. The annual report of the judiciary in Texas provides DUI statistics, but they are in summary form that is not particularly user friendly and requires that total numbers for the various courts be added together to come up with a state-wide total. The DLD also provided total numbers of DWI convictions it receives from the courts for inclusion onto the driver history files.

Recommendations

- Participate actively in the Traffic Records Coordinating Committee to stay apprised of opportunities to be involved in any database changes or development that would impact the transmission of electronic conviction data to the Driver License Division.

APPENDIX 1 – Team Credentials

VINCENT M. BURGESS

6000 Watch Harbor Road
Midlothian, VA 23112-2030

Cell 804-357-5224

vince.viv.burgess@verizon.net

Vincent M. (Vince) Burgess entered government service in July of 1974 as a planner for the City of Portsmouth, Virginia. In July of 1975 he was hired by the Highway Safety Office of Virginia as a program director to help set up and manage the day to day operations of the newly formed Virginia Alcohol Safety Action Program (VASAP). In 1978 he was promoted to VASAP Administrator and headed up the program statewide for the Virginia Department of Transportation Safety.

Vince was elevated to the position of Administrator of Transportation Safety Services for the Virginia Department of Motor Vehicles in July of 1983, then to Assistant Commissioner in 1995. He was promoted to Acting Deputy Commissioner for Administration and Finance in 2004, and serviced in that capacity until October of 2005 when he was appointed by Governor Warner and then Governor Kaine to head the Virginia Department of Veterans Services. Vince retired from state service on May 1st, 2010.

Vince served in the U.S. Army as a combat engineer from July 1966 to April 1969, with a tour of duty in Vietnam from July 1967 to September 1968. He ended his service with an honorable discharge and the rank of E-5. Vince received an undergraduate degree in Business Administration at Old Dominion University in June of 1974 and earned a M.P.A. from Virginia Commonwealth University in June of 1980.

He completed the Federal Executive Institute's 7-week executive management program in June of 2002 and the Virginia Executive Institute's 2 week executive management program in July of 2002. Over his career Vince has served on several national Committees and Commissions which include:

- National Child Occupant Safety Blue Ribbon Commission
- National Juvenile Judges Curriculum Development Committee
- National Association of Governors Highway Safety Representative (NAGHSR) Past Chair of Professional Development Committee
- NHTSA Drunk Driving Assessment Panels
- National Hard Core Drunk Driving Committee
- National Commission Against Drunk Driving (NCADD)
- Governors Highway Safety Association (GHSA) Board Member and Vice Chair
- National Association of State Directors of Veterans Affairs Treasurer

He served as well on State Task Forces, Boards and Commissions which include:

- Governor Appointed EMS Advisory Board
- Governor Appointed VASAP Commission
- State Health Prevention Advisory Committee
- Governor Appointed DUI Task Forces (1983, 1993 & 2003)
- Governor Appointed Virginia Board of Veteran Services
- Governor Appointed Joint Leadership Counsel
- Governor Appointed Virginia Military Advisory Counsel
- Governor Appointed Virginia War Memorial

Finally, Vince has served on several local and regional Not for Profit and Government Boards and organizations including:

- Richmond ARC Board of Directors Chair from 2002 to 2004
- Camp Baker Management Board Chair from 2000 to 2007
- Chesterfield Alternatives Board Chair from 1990 to 1996
- Loaned Executive to the Richmond Area United Way Campaign from June through November 1992
- State Government Coordinator for the Richmond Area Combined Virginia Campaign from June through November 1993
- Appointed in January 2010 by the Board of Supervisors to be an at large member of the Community Services Board for Chesterfield County.
- Virginia MADD Advisory Board

LINDA L. CHEZEM, JD

530 Denny Drive,
 Mooresville, IN 46158

317-409-5050 wk
317-831-8464 fax
lchezem@aol.com

Linda L. Chezem, J.D. served as a judge in Indiana for 22 years. One of her primary interests is the appropriate adjudication of underage drinking cases.

Linda Chezem received her law degree from Indiana University School of Law at Bloomington, Indiana. After practicing law for 5 years, she began her judicial career as a trial court judge, then as a judge of the Indiana Court of Appeals, and finally as a Senior Judge by appointment of the Indiana Supreme Court. During her time on the bench, Judge Chezem won two contested elections, wrote more than 1,000 majority cases and participated in deciding more than 3,000 cases before the Indiana Court of Appeals.

Judge Chezem is now a professor at Purdue University. She also holds an adjunct appointment at the Indiana University School of Medicine in the Department of Medicine, and is an Affiliated Scholar with the Center for Public Health Law Partnerships at the University Of Louisville School Of Medicine.

Throughout her legal career, Judge Chezem focused on improving adjudication through judicial education on alcohol problems. Her work in that regard includes service on: the Indiana Judicial Conference Education Committee; the American Bar Association, Judicial Administration Division; and the National Council of Juvenile and Family Court Judges. During her appointment to a National Highway Traffic Safety Administration Judicial Fellowship, Judge Chezem wrote *The Improvement of the Adjudication of Driving Under the Influence*, a training course and manual for judges. She then helped train other judges to present the course in cooperation with the National Judicial College and the National Association of the State Judicial Educators. Judge Chezem also has worked closely and extensively with the U.S. Department of Justice on issues ranging from underage drinking to domestic violence.

Judge Chezem served for ten years on the Indiana Governor's Task Force to Reduce Underage Drinking. She chaired the Indiana Addiction Services Advisory Council and was a member of the Law Enforcement Advisory Committee for a White House Conference for a Drug Free America. Judge Chezem also has served on the Indiana Task Force on Co-Occurring Mental Illness and Substance Abuse Disorders, and on the Advisory Committee to the Indiana Bureau for Mental Health Promotion and Addictions Prevention.

Some honors accorded Judge Chezem include: recognition by the Indiana General Assembly with a Joint Resolution of the Indiana House of Representatives and the Indiana Senate; the National 4-H Alumni Award, given for Outstanding Service to the 4-H Program; and the Hoosier Hero Award from The Honorable Dan Coats, United States Senator from Indiana.

BRIAN D. JONES

PO Box 40944
621 8th Avenue, SE
Suite #409
Olympia, Washington 98501

Wk 360-725-9896
BJones@wtsc.wa.gov

Brian is currently the Program Director for the Washington Traffic Safety Commission. The Traffic Safety Commission is responsible for coordinating and facilitating traffic safety initiatives throughout Washington State at the city, county, state, Tribal and federal levels to ensure a safe motoring environment. The Washington Traffic Safety Commission is recognized nationally as a leader in this important area of public safety.

Prior to his employment with the Traffic Safety Commission, Brian served 25 years with the Washington State Patrol (WSP). He began his career with the WSP in September, 1979, and was promoted through the ranks from trooper to captain, with a variety of assignments in both operational and administrative areas of the agency. As captain, Brian commanded the Training Division, Office of Professional Standards and Human Resources Divisions.

He served as a member of the State and Provincial Association of Academy Directors, and is a member of the board of directors, and past president, of the WSP Memorial Foundation.

Brian has a bachelor's degree in Business Administration from The Evergreen State College and is a graduate of the Federal Bureau of Investigations National Academy, 207th Session.

ROBERT P. LILLIS

Evalumetrics Research
58 Scotland Road
Canadaigua, NY 14424

585-394-5811

rlillis@rochester.rr.com

CURRENT ACTIVITIES

EVALUMETRICS RESEARCH

Mr. Lillis currently works as an independent consultant through Evalumetrics Research (DBA). He is Research Consultant to numerous State, County and local substance abuse and violence prevention programs and conducts detailed needs assessments, develops outcomes based plans and designs evaluations for numerous initiatives. He is also conducting evaluations of numerous youth development programs as well as criminal justice treatment programs working with substance abusers.

PARTNERSHIP FOR ONTARIO COUNTY INC.

Mr. Lillis is the Research Consultant and Chair of the Research Data and Evaluation Committee of the Partnership for Ontario County, Inc. a community based comprehensive substance abuse prevention task force. In this role he has conducted numerous surveys and needs assessments and developed a data based strategic planning process. He also has designed evaluations for numerous school and community-based programs and prevention activities.

DRUG COURT

Mr. Lillis is the Research and Evaluation Consultant to the Finger Lakes Drug Court and the Ontario County Juvenile Drug Court. He is responsible for all aspects of project design, data collection, database development and analysis of process and outcome data.

UNIVERSITY OF ROCHESTER SCHOOL OF MEDICINE AND DENTISTRY

From 2000 to 2001 Mr. Lillis served as Director of the Research for the Department of Emergency Medicine. From 1996 to 2001 Mr. Lillis served as Director of the Accident Investigation Team and served as Principal Investigator and was responsible for all aspects of numerous injury research projects. These include:

Detection of Drugs in Injured Drinking Drivers Project. A project funded by the National Highway Traffic Safety Administration to determine the role of drugs in selected highway crashes by measuring the presence of any of over 50 psychoactive substances in the blood of drivers injured in motor vehicle crashes.

The Identification, Enforcement and Referral Project for Injured Impaired Drivers. This Project was funded by the New York State Governor's Traffic Safety Committee to conduct an intensive assessment of the dynamics of the treatment of injured drinking drivers and how such injuries and treatment impede the process of identification, arrest, and conviction for Driving While Intoxicated and/or Driving While Ability Impaired.

NEW YORK STATE DEPARTMENT OF HEALTH

From 1988 through 1991 Mr. Lillis served as Manager of Highway Safety Programs in the Injury Control Program, Division of Epidemiology, New York State Department of Health. He was responsible for the development and evaluation of state and local highway injury prevention initiatives. He was Project Director of the Comprehensive Community Traffic Injury Prevention Project. The Project provided technical assistance in needs assessment, program development, and evaluation as well as "mini-grants" to help establish coordinated community based highway safety efforts in high-risk counties in New York State.

NEW YORK STATE DIVISION OF ALCOHOLISM

From 1978 to 1988 Mr. Lillis served as Project Director on numerous research projects at the New York State Division of Alcoholism and Alcohol Abuse. These included the Special Highway Safety Policy Analysis Project, supported by Federal highway safety funds through a grant from the Governor's Traffic Safety Committee. As Project Director he was responsible for development and maintenance of a comprehensive computerized data base, data analysis, research design, preparation of research reports including scientific publications and providing technical assistance to the highway safety community, the Governor's Office, the Legislature and members of the public. Other Projects he directed at the Division of Alcoholism included The Research and Evaluation Support System and the Youth Alcohol Study. In 1980 he served as research consultant to Governor Carey's Task Force on Drunk Driving. Mr. Lillis was the primary source of research and data support to Governor Cuomo and Senate and Assembly sponsors of legislation that increased New York's legal drinking age from 18 to 19 in 1982 and from 19 to 21 in 1985. Research conducted during this time and subsequent to the law's passage resulted in numerous scientific publications. His study of state border crossing by young drinking drivers was credited by the National Highway Traffic Safety Administration as a major influence in President Reagan's support for Federal legislation which directed states to increase their drinking age or face loss of Federal funds.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Since 1991 Mr. Lillis has served as a member of the Impaired Driver Assessment consultant team for the National Highway Traffic Safety Administration (NHTSA). He has conducted reviews of impaired driving prevention and treatment activities in Maryland, California, Arizona, Texas (2), Connecticut, West Virginia, Wisconsin(2), Oregon, New Mexico, North Carolina, Minnesota, Tennessee, Missouri, Delaware, North Dakota, Montana, Utah, Ohio, South Carolina, Illinois, Rhode Island and Puerto Rico, Washington and Maine. Combined, Mr. Lillis has conducted more than 50 Impaired Driving Assessments and continues to offer follow-up support to the States.

U. S. GENERAL ACCOUNTING OFFICE

Since 1985, Mr. Lillis has served as a Special Consultant to the U. S. General Accounting Office (GAO). During 1985 and 1986 he consulted with GAO on their review of existing research and evaluations related to minimum drinking age laws to determine the extent to which they provide empirical support for federal and state initiatives to change the legal drinking age. He was responsible for development of a procedure for classification and methodological review of research and evaluation documents and establishment of criteria for a minimum threshold of acceptability of research for policy analysis. Mr. Lillis also served on the review panels for a study of Motorcycle Helmet Law effectiveness and a study of Mandatory Seatbelt Use Laws.

JOAN VECCHI

Colorado Department of Revenue
Division of Motor Vehicles
1881 Pierce Street, Room 100
Lakewood, CO 80214

Phone: 303-205-8388

Email: jvecchi@spike.dor.state.co.us

Joan Vecchi is currently the Senior Director of the Colorado Motor Vehicle Division, with responsibility for driver licensing, traffic records, driver control activities, vehicle titling and registration, motor carrier services, vehicle emissions, and motor vehicle investigations. Her duties include policy development and legislative strategy development related to traffic safety and prevention of identity theft. The Investigations Section is responsible for the administration of one of the largest facial recognition systems in use in the U.S. today. The Colorado Motor Vehicle Division is this year's recipient of the National Security Excellence Award from the Coalition for a Secure Driver's License in Washington D.C.

Joan holds an undergraduate degree in Criminal Justice and a Master's Degree in Management with emphasis in Human Relations and Organizational Behavior. Having worked in Motor Vehicle for the past ten years, her previous work experience includes 12 years as a Denver Police Officer/Sergeant, 6 ½ years as State Liquor Enforcement Field Operations Supervisor, and three years as a Department of Revenue Program/Budget Analyst. During the course of her employment with the state of Colorado, Joan has been responsible for the implementation of many new programs, including limited stakes gaming, tobacco enforcement and mandatory interlock.

Joan is the immediate past President of the Association of Transportation Safety Information Professionals (ATSIP). She has participated as a member of the consensus body for the 7th edition of the ANSI D16.1 Motor Vehicle Traffic Accident Classification, and the 2009 edition of ANSI D20 Data Dictionary for Traffic Records Systems. Additionally, she has served as a team member in the development of the Model Impaired Driver Information Systems Project, the ANSI Identity Theft Prevention and Identity Management Standards Panel (2009), a chairperson for the expert panel charged with the development of performance measures for Traffic Records Systems (2009) and has participated as a team member in eighteen state Traffic Records Assessments and three Impaired Driving Assessments since 2002.

As a member of the Colorado Persistent Drunk Driver Committee, she worked with a multi-disciplinary team to develop proposals for education and prevention activities related to persistent drunk driving, and made recommendations for funding of a variety of initiatives including DUI courts and curriculum review for alcohol education. She also participated as a team member for the state's Teen Motor Vehicle Alliance, which worked to provide information to teen drivers and their parents about motor vehicle laws and safety issues.

Joan has been a member of the Colorado Traffic Records Coordinating Committee and was chair in 2004 and 2005, during the state's revision of its Traffic Accident Report form.

APPENDIX 2 – Assessment Agenda

**Texas Impaired Driving Assessment
Radisson Hotel & Suites
Austin, Texas 78701**

Sunday, October 17, 2010

Location: Radisson Conference Center

4:00 – 6:30 p.m.

Welcome Briefing

Speakers:

- Carol T. Rawson, P.E., Director, Traffic Operations Division, Texas Department of Transportation (TxDOT)
- Terry Pence, Director, Traffic Safety Section, Texas Department of Transportation (TxDOT)
- Frank Saenz, Traffic Safety Program Manager Alcohol and Other Drugs, Texas Department of Transportation (TxDOT)
- Nigel Lowrie, Account Manager, Sherry Matthews Advocacy Marketing

Monday, October 18, 2010

Location: Radisson Conference Center

8:00 – 9:15 a.m.

State and Local Enforcement & LEADRS

Major William Diggs Jr., Texas Department of Public Safety Highway Patrol

Lt. Randy Pogue, DWI Unit, Austin Police Department

Cdr. Jason Dusterhoft, Austin Police Department

Ray Dittrich, Law Enforcement Liaison, Texas Municipal Police Association

9:15 – 9:30 a.m.

Break

9:30 – 10:45 a.m.

Traffic Records, Breath Alcohol Concentration & DWI Reporting Overview

Carol T. Rawson, P.E., Director, Traffic Operations Division, Texas Department of Transportation (TxDOT)

Debra Vermillion, Safety Construction Program Analysis Supervisor, Texas Department of Transportation

Troy Walden, Associate Research Scientist, Texas Transportation Institute's Center for Transportation Safety

10:45 – 11:00 a.m.

Break

Monday, October 18, 201 (continued)

Location: Radisson Conference Center

- 11:00 – 12:15 p.m. Education Programs/Underage Drinking/College & Universities/Alcohol Program Assessment**
Brittany Hibbs, Public Policy Liaison, Texans Standing Tall
Melissa Walden, Program Manager & Research Scientist, Texas Transportation Institute's Center for Transportation Safety
- 12:15 – 1:15 p.m. Lunch**
- 1:15 – 2:30 p.m. Media/Outreach**
Tracie Mendez, Traffic Safety Program Manager Driver Education and Behavior, Texas Department of Transportation
Nigel Lowrie, Account Manager, Sherry Matthews Advocacy Marketing
Andrea Wolfe, Account Manager, ThinkStreet Marketing
- 2:30 – 2:45 p.m. Break**
- 2:45 – 4:00 p.m. Prevention Outreach**
Gloria Souhami, Director, Travis County Attorney's Office
Sarah Marinez, Community Specialist, Travis County Attorney's Office
Daniel Donaldson, TeenSafe Assistant Coordinator, Hill Crest Baptist Medical Center
- 4:00 – 4:15 p.m. Break**
- 4:15 – 5:30 p.m. Prevention Outreach Continued**
Samuel Aguirre, Traffic Safety Specialist, Texas Department of Transportation
Audrey Hukari, Program Manager, Texas Municipal Police Association

Tuesday, October 19, 2010

Location: Radisson Conference Center

- 8:00 – 9:15 a.m. Mothers Against Drunk Driving (MADD)**
Reita Hill, Project Manager/Court Monitoring & Community Education, MADD Texas State Office
Julio Zaghi, Manager of Victim Services, Houston MADD Office
- 9:15 – 9:30 a.m. Break**

Tuesday, October 19, 2010 (Continued)

Location: Radisson Conference Center

- 9:30 – 10:45 a.m. Liquor Control, Enforcement & Education**
Joel Moreno, Chief of Field Operations, Texas Alcoholic Beverage Commission
Greg Lewis, TABC Agent, Texas Alcoholic Beverage Commission
Dexter K. Jones, Asst. Chief of Field Operations, Texas Beverage Commission
- 10:45 – 11:00 a.m. Break**
- 11:00 a.m. –
12:15 p.m. Judicial & Justice of the Peace**
David Hodges, Texas Judicial Liaison, Texas Association of Counties
Ann Blankenship, Grant Program Manager, Texas Center for the Judiciary
Bronson Tucker, Program Attorney, Texas Justice Court Training Center
- 12:15 – 1:15 p.m. Lunch**
- 1:15 – 2:30 p.m. Prosecution & Driver License**
Clay Abbott, Texas DWI Resource Prosecutor, Texas District and County Attorneys Association
Warren Diepraam, Assistant District Attorney, Montgomery County District Attorney's Office
Rebecca Davio, Diver License Division, Texas Department of Public Safety
Rebekah Hibbs, Manager, Texas Department of Public Safety
Lanette Rusmiser, Manager, Texas Department of Public Safety
- 2:30 – 2:45 p.m. Break**
- 2:45 – 4:00 p.m. County & Municipal Judges Training and Texas Interlock Program**
Jay Johnson, Education Program Manager, Texas Association of Counties
Hope Lochridge, Executive Director, Texas Municipal Courts Education Center
Brenda Musgrove, Program Specialist, Texas Department of Public Safety
- 4:00 – 4:15 p.m. Break**
- 4:15 – 5:30 p.m. Impaired Driving & SFST Training**
Cecelia Marquat, Grant Coordinator/Manager, Sam Houston State University
Jim Kuboviak, Alcohol Task Force and Mobile Video Instructor
Kim Vickers, Director of Education and Credentials, Texas Commission on Law Enforcement

Wednesday, October 20, 2010

Location: Radisson Conference Center

- 8:00 – 9:15 a.m. Adjudication & Prosecution of Alcohol Related Cases**
Maurice Dennis, Alcohol/Drug Expert Witness Program to Assist Prosecutors, Texas Transportation Institute
Judge Elizabeth Earle, Blackwell-Thurman Criminal Justice Center
Nancy Nicolas, Assistant County Attorney, Travis County
- 9:15 – 9:30 a.m. Break**
- 9:30 – 10:45 a.m. Education, Prevention, Intervention, Treatment & Rehabilitation**
Celeste Lunceford Davis, Director of Offender Education Programs, Texas Department of State Health Services
Calvin Holloway, Team Lead Treatment Services, Texas Department of State Health Services
- 10:45 a.m. – 12 p.m. Texas Department of Transportation Representatives Return (Questions/Answers)**
- 12:00 p.m. Adjourn**
- 12:00 – completion Assessment Team Report Development**

Thursday, October 21, 2010

Location: Radisson Conference Center

- 8:00 a.m. – Assessment Team Report Development Completion**

Friday, October 22, 2010

Location: Radisson Conference Center

- 8:00 – 10:00 a.m. Assessment Team Debriefing Report Out**