

May 2014

NHTSA's Impaired Driving Update

National Highway
Traffic Safety
Administration

Acting Administrator Friedman helps kick-off Global Youth Traffic Safety Month



Pictured (l-r)
Paul Price*, Acting Administrator
Friedman, Josh Falkum*, Julie Garner

*2014 Project Yellow Light college
winners and students at the Savan-
nah College of Art and Design

For the national launch of **Global Youth Traffic Safety Month (GYTSM)** on May 1st, Acting NHTSA Administrator David Friedman joined the National Organizations for Youth Safety (NOYS), youth leaders, and other partners at the Washington launch of a months' worth of projects and activities aimed at improving traffic safety for youth around the nation and around the world.

Mr. Friedman commended the youth: "You are going to save the lives of friends and neighbors and countless others that you may never meet because you're actively engaged in your communities to make them safer." In 2012 alone, more than 3,400 people between 15 and 20 years of age, died in vehicle crashes. Of the 15- to 20-year-old drivers killed in motor vehicle crashes that year, 55% were not wearing seat belts, 48% were speeding, 28% had been drinking, and 9% were distracted.

Mr. Friedman announced the winners of the **Project Yellow Light / Hunter Garner Scholarship**, a contest that challenges young people to develop videos educating their peers about the dangers of distracted driving. (www.projectyellowlight.com)

To join in raising the awareness of GYTSM, go to http://noys.org/mydocuments/noys_toolkit.pdf and remember to join the **#GYTSM14 Twitter Chat on Wednesday, May 14, at 8:00 p.m. EDT.**

ANNOUNCEMENTS

The National Center for Statistics and Analysis (NCSA) has recently posted the following publications:

[2012 “State Alcohol-Impaired Driving Estimates” Traffic Safety Fact Sheet](#) (DOT HS 812 017):

This fact sheet contains estimates of driver alcohol involvement in fatal crashes for the United States and individually for the 50 States, the District of Columbia, and Puerto Rico in 2012. For comparison, data from 10 years ago (2003) is also presented. These estimates are based on data from NHTSA’s Fatality Analysis Reporting System (FARS). Unfortunately, blood alcohol concentration (BAC) test results are not known for all drivers involved in fatal crashes. Missing data can result for a number of reasons, the most frequent of which is that people are not always tested for alcohol.

[2012 “Overview” Traffic Safety Fact Sheet](#) (DOT HS 812 016):

In 2012, 33,561 people were killed in the estimated 5,615,000 police-reported motor vehicle traffic crashes; 2,362,000 people were injured; and 3,950,000 crashes resulted in property damage only. Compared to 2011, this is a 3.3-percent increase in the number of fatalities, and a 5.2-percent increase in the number of police-reported motor vehicle traffic crashes, a 6.5-percent increase in the number of people injured, and a 4.6-percent increase in crashes resulting in property damage. An average of 92 people died each day in motor vehicle crashes in 2012—one every 16 minutes.

[2012 Young Drivers Traffic Safety Fact Sheet](#) (DOT HS 812 019):

In 2012, there were 1,875 young drivers (15 to 20 years old) who died in motor vehicle crashes, a decrease of 6 percent from 1,993 in 2011. Additionally 184,000 young drivers were injured in motor vehicle crashes in 2012, an increase of 2 percent from 180,000 in 2011. The two-year comparison of total driver involvement in fatal crashes showed a 3-percent increase from 43,840 in 2011 to 45,337 in 2012. During this same period, young driver involvement decreased 2 percent from 4,362 in 2011 to 4,283 in 2012.

ANNOUNCEMENTS

Recent NHTSA Research Publications – Impaired Driving

Breath Test Refusal Rates in the United States – 2011 Update

(March 2014; DOT HS 811 881)

Breath alcohol concentration (BAC) test refusals by suspected impaired drivers are a challenge for impaired driving enforcement and prosecution. Periodically, NHTSA gathers data on State BAC refusal rates and develops an estimated national rate. This information can be useful to States and local jurisdictions. It enables them to track changes over time and compare their rates to other States and the Nation as a whole. NHTSA developed previous estimates for 1987, 2001, and 2005. The average (mean) BAC test refusal rate in 2011 was 24 percent, compared to 22 percent in 2005, 25 percent in 2001, and 19 percent in 1987.

DWI Recidivism in the United States: An Examination of State-Level Driver Data and the Effect of Look-Back Periods on Recidivism Prevalence

(March 2014; DOT HS 811 991)

In 1995, NHTSA estimated that one-third of all drivers arrested or convicted of driving while intoxicated (DWI) were repeat offenders. This study was conducted to update the 1995 estimate based on data regarding arrests, convictions, and license suspensions. It determined that since 1995, the proportion of recidivism among drivers arrested for DWI has decreased from 31% to 25%, a decline of 19%. This study also examined the extent to which recidivism prevalence differs based on the look-back period used by the State (i.e., the period of time DWI offenses remain on driver records as prior offenses).

NHTSA Region 10: MADD No-Refusal Workshop

On March 18 and 19, Mothers Against Drunk Driving (MADD) hosted a No-Refusal Workshop in Seattle, Washington for participants in states from NHTSA Regions 7, 9, and 10. The two-day workshop hosted participants from the judicial, prosecutorial, and law enforcement communities and state highway safety offices.

Participants explored and discussed No-Refusal programs that allow jurisdictions to quickly obtain search warrants for law enforcement to take blood samples from suspected impaired drivers who refuse to submit to chemical testing.

This workshop included a discussion on the response that criminal justice systems are seeing as a result of the Missouri vs. McNeely decision from the U.S. Supreme Court. As a result of the Supreme Court decision, there is renewed interest in jurisdictions to have a streamlined search warrant system in place and the No-Refusal workshop demonstrated how to set-up such systems and provided ready-made examples and experience.



JUDICIAL OUTREACH



As our effort to highlight judicial outreach continues, this month we spotlight the work of Judge Peggy Fulton Hora. Judge Hora is the Judicial Outreach Liaison for NHTSA Region 9.

In 2006, Judge Hora retired from the California Superior Court after serving 21 years. She had a criminal assignment that included presiding over the Drug Treatment Court. She is a former dean of the B.E. Witkin Judicial College of California and has been on the faculty of the National Judicial College for over 20 years. Judge Hora is a Senior Judicial Fellow for the National Drug Court Institute and the Global Centre for Drug Treatment Courts.

Judge Hora is a global leader in the solution-focused courts movement and has written comprehensively on justice issues. California state appellate courts and over 100 journals and law reviews have cited her work. She was a 2009-2010 Thinker in Residence appointed by the Premier of South Australia to study and make recommendations on the Australian justice system.

She is a recipient of the Bernard S. Jefferson Judicial Education Award from the California Judges' Association and winner of the Rose Bird Award from California Women Lawyers. She was honored as Woman of the Year by the California legislature.

For more information about the Judicial Outreach Program, please contact Linda Fisher-Lewis at Linda.fisherlewis@dot.gov

PROBATION AND PROSECUTOR FELLOWS

The National Association of Prosecutor Coordinators (NAPC), in conjunction with NHTSA, has selected Valerie Thomsen, Prosecutor II, Scottsdale, Arizona, to participate in their *Prosecutor Fellowship Program*. The NAPC/NHTSA Prosecutor Fellowship is awarded to one prosecutor nationwide and the recipient serves for up to two years.

The purpose of the Prosecutor Fellow program is to provide strong communication and a mutually beneficial relationship between prosecutors who adjudicate motor vehicle and pedestrian offenses. As the Prosecutor Fellow, Thomsen will participate in community outreach activities, teach at traffic safety seminars and ensure prosecutors are aware of the research and educational opportunities available throughout the country, from NHTSA and its partners.

The American Probation and Parole Association in conjunction with NHTSA selected Mark Stodola to serve as *Probation Fellow*. Mark Stodola currently serves as Program Services Manager in the Adult Probation Services Division of the Arizona Supreme Court and has oversight of treatment programs for Arizona's 15 adult probation departments.

As the Probation Fellow, he will actively work to expand the probation and parole community's knowledge of impaired driving and highway safety programs, provide technical assistance and guidance to probation officers and offices across the nation, and provide the probation perspective to NHTSA and to our partners.

He will promote strategies for supervision of DWI offenders including the newly released Impaired Driving risk assessment tool, DWI Courts, ignition interlocks and other community supervision strategies that have been shown to be effective in reducing recidivism.

ANNOUNCEMENTS

Screening for Risk and Needs Using the Impaired Driving Assessment

The *Screening for Risk and Needs Using the Impaired Driving Assessment* report will soon be posted on the NHTSA website. <http://www.nhtsa.gov/Impaired>

The American Probation and Parole Association (APPA) developed the assessment tool for Probation officers and DWI offender supervisors to use to identify a DWI offender's risk of driving impaired and help determine the most effective supervision to reduce the risk of recidivism.

APPA identified several major risk areas of DWI recidivism including prior involvement in the justice system, prior involvement with alcohol and other drugs and current or past resistance to and non-compliance with the justice system. This report is intended for those in the DWI supervision field and others interested in using the tool to address recidivism among DWI offenders.

Impaired Driving Courses are being offered by the



THE NATIONAL
JUDICIAL COLLEGE

2014

Drugged Driving Essentials

May 14-16, 2014 | Reno, NV

Faculty: Hon. Peggy Hora, Hon. Karl Grube, Travis Herbert, Marc Picker, Esq.

Unlike alcohol impaired driving, drugged driving has no bright line test for impairment. Drugged driving cases require a judge to utilize a variety of judicial tools to effectively adjudicate these cases. In addition to the ability to determine which kinds of drugs an individual is using, it is important to know how these drugs affect the individual and impair their ability to function. Lastly, it is imperative that a judge knows how to effectively craft sentences and include treatment options in order to provide a participant with the most beneficial mode of recovery.

Our Drugged Driving Essentials course will describe the major classes of drugs and how they affect driving; will discuss what a drug recognition expert does in the field of drug recognition; will demonstrate through a courtroom mock trial how to qualify a DRE as an expert; will identify effective and efficient sentencing options; and will demonstrate how to prepare a legally sufficient order for continued court supervision.

Traffic Issues in the 21st Century

October 6-9, 2014 | Reno, NV

Faculty: Hon. Neil Axel, Hon. Earl Penrod, Jane Pfiefer, Officer Karl Nieberlein

The arena of traffic-related legal matters is constantly evolving, and as such it is necessary for traffic adjudicators to stay abreast of the newly emerging issues. Our Traffic Issues in the 21st Century course will delve into the most up-to-date, pertinent topics that are appearing in our courts today. This years' topics will include: the fundamentals of alcohol and drug testing, understanding addiction issues; marijuana legalization and related traffic issues; and the Standardized Field Sobriety Test (SFST) information and demonstration.

After attending this course participants will be able to discuss the latest traffic-related legal topics; recognize and identify specific addiction issues; discuss the driving concerns that are specific to special populations, such as the young and the elderly; and identify the methods available for roadside drug and alcohol testing.

Tuition coverage scholarships are available for traffic judges. Additional scholarship funds for travel and lodging expenses are available to qualifying judges. The course also qualifies for Continuing Legal Education Credit.

For more information, please contact: Irene Q. Hart, Program Attorney, ihart@judges.org 775-327-8245

Social Media



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www.youtube.com/user/usdotnhtsa

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