

STATE OF OKLAHOMA

TECHNICAL ASSESSMENT

of the



IMPAIRED DRIVING PROGRAM

November 4-9, 2012

National Highway Traffic Safety Administration

Technical Assistance Team

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The team 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 Oklahoma greatly assisted the team in conducting a complete review.

Evelyn Avant, Impaired Driving Division, National Highway Traffic Safety Administration (NHTSA) facilitated the assessment process. Harry Crum and Timothy Fitten, NHTSA 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 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 Oklahoma's roadways.

The team commends all who are involved in the day-to-day efforts to reduce impaired driving in Oklahoma.

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 process is a technical assistance tool that allows management to review various highway safety and emergency medical services (EMS) programs. Program assessments are provided for emergency medical services, occupant protection, impaired driving, traffic records, motorcycle safety, and police traffic services.

The purpose of the assessment is to allow State management to review all components of a given highway safety or EMS program, note the program's strengths and accomplishments, and note where improvements can be made. The assessment can be used as a management tool for planning purposes and for making decisions about how to best use available resources. The highway safety and EMS program assessments provide an organized approach, along with well-defined procedures, that States can use to meet these objectives. The assessments are cooperative efforts among State Highway Safety Offices, State EMS Offices, Program Development and Delivery Offices and NHTSA Regional Offices. In some instances (e.g., EMS) the private sector is also a partner in the effort.

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.

NHTSA staff facilitates the assessment process by assembling a Technical Assistance Team, a team of experts composed of individuals who have demonstrated competence in impaired driving program development and evaluation, to review all components of a given highway safety or EMS program, note the program's strengths and accomplishments, and note where improvements can be made.

The Oklahoma Highway Safety Office requested NHTSA's assistance in assessing the State's alcohol and drug impaired driving countermeasures program.

The Oklahoma Impaired Driving Assessment was conducted at the Residence Inn, Oklahoma City, Downtown/Bricktown from November 4-9, 2012. Under the direction of Garry Thomas, Director, Oklahoma Highway Safety Office, 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

Background/Demographics

Located in the South Central region of the United States of America, Oklahoma is the 20th-largest state in the United States. The State covers an area of 69,898 square miles (181,035 km²), with 68,667 square miles (177,847 km²) of land and 1,281 square miles (3,188 km²) of water. It lies partly in the Great Plains near the geographical center of the 48 contiguous states. Arkansas and Missouri bound it on the east, on the north by Kansas, on the northwest by Colorado, on the far west by New Mexico, and on the south and near-west by Texas.

Oklahoma's name is derived from the Choctaw words *okla* and *humma*, meaning "red people", and it is known informally by its nickname, *The Sooner State*. Formed by the combination of Oklahoma Territory and Indian Territory on November 16, 1907, Oklahoma was the 46th state to enter the union. Its capital and largest city is Oklahoma City. Its residents are known as *Oklahomans* or, informally "Okies".

With small mountain ranges, prairie, and eastern forests, most of Oklahoma lies in the Great Plains and the U.S. Interior Highlands. In addition to having a prevalence of English, German, Scottish, Irish and Native American ancestry, more than 25 Native American languages are spoken in Oklahoma, second only to California.

Oklahoma has four primary mountain ranges: the Ouachita Mountains, the Arbuckle Mountains, the Wichita Mountains, and the Ozark Mountains. Contained within the U.S. Interior Highlands region, the Ozark and Ouachita Mountains mark the only major mountainous region between the Rocky Mountains and the Appalachians.

A major producer of natural gas, oil, and agriculture, Oklahoma relies on an economic base of aviation, energy, telecommunications, and biotechnology. It has one of the fastest growing economies in the nation, ranking among the top states in per capita income growth and gross domestic product growth. Oklahoma City and Tulsa serve as Oklahoma's primary economic anchors, with nearly 60 percent of Oklahomans living in their metropolitan statistical areas.

Climate

Oklahoma is located in a temperate region and experiences occasional extremes of temperature and precipitation typical of a continental climate (characterized by annual variation in temperature). Most of the state lies in an area known as Tornado Alley characterized by frequent interaction between cold and warm air masses producing severe weather. An average 54 tornadoes strike the state per year—one of the highest rates in the world.

Because of Oklahoma's position between zones of differing prevailing temperature and winds, weather patterns within the state can vary widely between relatively short distances and can change drastically in a short time.

Oklahoma's climate is prime for the generation of thunderstorms.

All of the state frequently experiences temperatures above 100 °F (38 °C) or below 0 °F (−18 °C), and snowfall ranges from an average of less than 4 inches (10 cm) in the south to just over 20 inches (51 cm) on the border of Colorado in the panhandle.

Transportation



One of ten major toll highways in Oklahoma, the Will Rogers Turnpike extends northeast from Tulsa.

Transportation in Oklahoma is generated by an anchor system of Interstate highways, intercity rail lines, airports, inland ports and mass transit networks. Situated along an integral point in the United States Interstate network, Oklahoma contains three interstate highways and four auxiliary Interstate Highways. In Oklahoma City, Interstate 35 intersects with Interstate 44 and Interstate 40, forming one of the most important intersections along the United States highway system. More than 12,000 miles (19,000 km) of roads make up the state's major highway skeleton, including state-operated highways, ten turnpikes or major toll roads, and the longest drivable stretch of Route 66 in the nation.

Oklahoma's largest commercial airport is Will Rogers World Airport in Oklahoma City; Tulsa International Airport is the state's second largest commercial airport. Between the two, thirteen major airlines operate in Oklahoma. Oklahoma is connected to the nation's rail network via Amtrak's Heartland Flyer, its only regional passenger rail line. Two inland ports on rivers serve Oklahoma: the Port of Muskogee and the Tulsa Port of Catoosa.

Demographics*

Oklahoma ranks 18th in size with a land area of 68,667 square miles. Oklahoma's roadway system of 113,147 total miles includes 669 miles of Interstate, 559 miles of Turnpike, 11,601 miles of State and Federal Highways, 284 miles of State Park roads, 86,665 miles of county roads, and 12,865 miles of local city streets.

The 2010 Census shows Oklahoma's total population is 3,751,351 in 77 counties. Sixty-five percent of the state's population is urban and 35 percent is rural. During the past decade, Oklahoma's growth rate was 9.7 percent. Thirty-five of the Indian tribes represented in Oklahoma are headquartered in the state. Racial categories from Census 2010 show the following counts for Oklahoma: White only-72.2 percent, American Indian/Alaska native only-7.4 percent, Black/African American only-7.4 percent, Asian

only-1.7 percent, Native Hawaiian/Pacific Islander only 0.1 percent. The Hispanic or Latino Origin population increased by 85.2 percent from 1990 to 2010.

There were 3,882,026 registered vehicles in Oklahoma in 2010 of which 74.1 percent (2,887,797) registered automobiles. Motorcycle registrations have increased dramatically. Since 2005 registrations have increased from 81,693 to 124,926 in 2010, a 53 percent increase. There were 2,533,888 licensed drivers in Oklahoma in 2010. In addition to the Oklahoma Highway Patrol, there are 338 police departments, 77 sheriff offices, 36 campus police departments, and 23 Tribal Law Enforcement entities.

From the Oklahoma Briefing Information- Oklahoma Crash Facts. 2010. Oklahoma Department of Public Highway Safety Office.

Alcohol Related Crashes*

Calendar Year 2010

In Oklahoma in 2010, 4,614 alcohol-related crashes occurred; 6.6 percent of all reported crashes. Alcohol-related crashes in 2010 resulted in 227 fatalities, an increase of 19.5 percent from the 190 fatalities in 2009. Alcohol-related crashes in 2010 caused injuries to 3,248 persons, a decrease of 5.9 percent from the 3,452 persons injured in 2009. The alcohol-related fatality rate for 2010 in Oklahoma was .51 per 100 million vehicle miles travelled.

*Information obtained from Oklahoma Briefing Materials

PRIORITY RECOMMENDATIONS

I. Program Management and Strategic Planning

A.

- Pass and implement the proposed legislation to establish a State impaired driving task force/leadership team with clear direction, authority, and the high-level support and capabilities needed to move forward to implement and coordinate significant initiatives to reduce impaired driving.

B.

- Develop, implement and oversee a State strategic plan to reduce impaired driving that creates a vision for reducing impaired driving to which all partners can commit.

C.

- Engage the Governor in high-profile activities and leadership events in support of the impaired driving program.
- Incorporate performance measures in the entire traffic safety grants process from beginning to end – identifying performance measures expected, expecting performance measures to be included in project proposals, and using these measures to compare actual versus expected performance to analyze and report on program results in the final *Annual Report*.

D.

- Establish a single point of contact to which the public and all impaired driving partners can go for information on impaired driving programs and issues.

II. Prevention

A.

- Increase the state excise tax on alcoholic beverages and dedicate a portion of revenues to alcohol abuse and impaired driving prevention and intervention programs.

B-1

- Implement prevention strategies that will reduce impaired driving risk factors by changing parental and community attitudes and norms and young people's perceptions of these norms.

III. Criminal Justice System

A. Laws

- Pass and implement the proposed legislation to establish a State impaired driving task force/leadership team with clear direction, authority, and the high-level support and capabilities needed to move forward to implement and coordinate significant initiatives to reduce impaired driving.

B. Enforcement

- Provide funding to support the DRE program.
- Develop and implement a comprehensive sobriety checkpoint plan.
- Enact legislation to strengthen vehicle impoundment and forfeiture laws in order to reduce habitual offenders.

C. Prosecution

- Develop and implement a strategic plan to deliver state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs for prosecutors. This plan should have learning objectives and use state of the art adult education practices.

D. Adjudication

- Develop and implement a strategic plan for the delivery of the judicial education that will include technical evidence presented in impaired driving cases, including Standardized Field Sobriety Testing (SFST) and Drug Recognition Expert (DRE) testimony, emerging technologies, such as Ignition Interlock Devices (IID), for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders.

IV. Communications

- Conduct in-depth analyses and evaluation of the communications program to determine reaction to messages, identify the most effective marketing strategies, and create and implement a more effective communications plan.

V. Alcohol and Other Drug Misuse: Screening Assessment and Treatment

A-1 Screening and Assessment

- Provide results of the Alcohol and Drug, Substance Abuse Course (ADSAC) assessment to courts for use in sentencing.

B.

- Implement a DUI tracking system including information from arrest to completion of treatment.

VI. Program Evaluation and Data

B.

- Develop and implement a comprehensive DUI tracking system.

OKLAHOMA IMPAIRED DRIVING PROGRAM

I. Program Management and Strategic Planning

Effective impaired driving programs begin with strong leadership, sound policy development, effective and efficient program management, and coordinated planning, including strategic planning. Program efforts should be data-driven, focusing on populations and geographic areas that are most at risk; are evidence-based; and determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification, carefully managed and monitored for effectiveness, and have clear measurable outcomes. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers. Strategic planning should provide policy guidance; include recommended goals and objectives; and identify clear measurable outcomes, resources, and ways to overcome barriers.

A. State and Tribal DWI Task Forces or Commissions¹

Advisory

States 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. State-level and tribal task forces and commissions should:

- *Receive active support and participation from the highest levels of leadership, including the governor and/or governor's highway safety representative.*
- *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, education, 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 others.*
- *Recommend goals and objectives, provide policy guidance and identify available resources, based on a 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.*

¹ See “A Guide for Statewide Impaired Driving Task Forces” (DOT HS 811 211, September 2009) for a “how to” in support of implementing, making best use of, and continuing a task force.

Status

In 2006, Oklahoma established a Governor's Prevention Task Force which developed a state prevention plan. Although this particular task force was not formally continued under the current administration, members have continued to meet to follow the progress of the prevention plan. Members of this task force are in the process of determining whether it should continue to meet or be reconstituted in some other way.

In 2010, representatives from State agencies, tribes, colleges and universities, community and non-profit organizations that work in substance abuse prevention and mental health promotion/early intervention were convened to be part of the Oklahoma Strategic Prevention Framework (SPF) Advisory Council otherwise called the Oklahoma Prevention Leadership Collaborates (OPLC). As appointed by the Governor, the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services chairs the OPLC which is composed of 21 agencies and organizations working on prevention.

The Oklahoma Highway Safety Office (OHSO) actively serves on the Oklahoma Traffic Records Council, a state work group established to improve the quality and sharing of traffic records data. Participants include state agencies, such as the Oklahoma Department of Transportation (ODOT), Oklahoma Department of Public Safety (DPS), Oklahoma Tax Commission (OTC), and the Oklahoma State Department of Health (OSDH). Other organizations, such as the Oklahoma City and Tulsa Police Departments, Federal Highway Administration (FHWA), and the Federal Motor Carrier Safety Administration (FMCSA), and the National Highway Traffic Safety Administration (NHTSA) are also represented.

OHSO also participates on the Corridor Project Steering Committee. This Committee includes OHSO, Oklahoma Highway Patrol, and ODOT. The Committee guides project selection, implementation, and evaluation for the Oklahoma Highway Safety Corridor Program. This program is designed to address traffic safety issues in high priority areas based upon a long-term review of crash data. In collaboration with local stakeholders, activities focus on short-term impact on the targeted areas, particularly through the use of zero tolerance high visibility enforcement.

OHSO chairs regular meetings of the Oklahoma Highway Safety Forum consisting of senior representatives of OHSO, NHTSA, FHWA, FMCSA, Safe Kids Oklahoma, AAA Oklahoma, ODOT, Oklahoma Association of Chiefs of Police, and others. The Forum serves as an advocacy group. It is not specific to impaired driving, but discusses highway safety issues and solutions, legislation, and any subject related to highway safety.

In addition, OHSO staff members individually serve on numerous boards, committees, and groups related to traffic safety and impaired driving, such as the International Association of Chiefs of Police – DRE Technical Advisory Panel and the Oklahoma Underage Drinking Prevention Committee.

There is currently no state-level task force dedicated specifically to the reduction of impaired driving in Oklahoma. Establishing such a task force was recommended in the *Strategic Highway Safety Plan* (September 2007) and again in the NHTSA *Special Management Review Report* (April 2012). Initial legislation has been drafted to establish an impaired driving task force for Oklahoma. At the time of the assessment, the draft had not yet been filed as a bill. With support from the highest levels in the State, it is expected to be considered and passed during the 2013 legislative session.

There was some, but limited, indication of Indian tribal involvement in the task force efforts in the State.

Recommendations

- **Pass and implement the proposed legislation to establish a State impaired driving task force/leadership team with clear direction, authority, and the high-level support and capabilities needed to move forward to implement and coordinate significant initiatives to reduce impaired driving.**
- Ensure diverse representation and perspectives in all State impaired driving task forces.
- Continue to encourage and work with the tribes in Oklahoma to incorporate their perspectives in task force and leadership team collaborations.

B. Strategic Planning

Advisory

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

- *Define a vision for the state that is easily understood and supported by all partners.*
- *Utilize best practices in strategic planning.*
- *Be based on thorough 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. Have clear measurable outcomes.*
- *Be an integral part of or coordinate with and support other state plans, including the Highway Safety Plan and Strategic Highway Safety Plan.*
- *Establish or adjust priorities based on recommendations provided to the state as a result of reviews and assessments, including this impaired driving assessment.*
- *Assign responsibility and accountability among the state's partners for the implementation of priority recommendations.*

Status

Beginning in 2006, a comprehensive and high level team of approximately 13 organizations served as the Leadership Group for the initial development of the State's *Strategic Highway Safety Plan* (SHSP). The Oklahoma Department of Transportation (ODOT) administers the SHSP that was issued in September 2007. Participants in the planning process have included ODOT, the Oklahoma Highway Safety Office (OHSO), the National Highway Traffic Safety Administration (NHTSA) the Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), the Department of Public Safety (DPS) and the Oklahoma Highway Patrol (OHP), the State Department of Health, the Oklahoma Municipal League, metropolitan planning organizations (MPOs) and regional councils, local law enforcement, the Indian Health Service, the Oklahoma Turnpike Authority, county engineers and officials, educational

entities such as the Oklahoma Department of Education and University of Oklahoma, and numerous advocacy groups.

Impaired driving is included within the Unsafe Driving Behavior Emphasis Area of the SHSP. The SHSP identified one objective for impaired drivers:

Establish a Governor's Task Force to review the adequacy of current alcohol- and drug-impaired driving legislation and enforcement and to recommend enhancements where warranted.

No targeted objectives (e.g., reduction in deaths) were developed for the original SHSP.

Until 2012, the SHSP had not yet been updated since its adoption. According to the SHSP's website (<http://www.okladot.state.ok.us/oshsp/index.htm>), it does not appear that emphasis area meetings have been held since 2007. Revision of the SHSP did begin in Spring 2012 under a partnership between ODOT and OHSO. For the update, the OHSO is at the forefront in revising the document with participation from ODOT, NHTSA, DPS, FHWA, Federal Motor Carriers, OHP, and others. In the revision process, each individual agency will provide its own plans and strategies. These plans will be merged in one document with the OHSO's *Highway Safety Plan* (HSP) becoming a component of the SHSP. Each agency is coming together to establish mutual goals.

OHSO has established its vision, mission, and goal for the state and federally-funded traffic safety program:

Vision: Create and maintain an environment where Oklahoma roadways are safe for everyone

Mission: To combat the number and severity of traffic crashes by developing and supporting educational, enforcement, and engineering programs

Goal: To reduce deaths, injuries and societal costs resulting from traffic crashes

These are communicated to the public and other traffic safety partners through posting on the OHSO website and inclusions in various OHSO documents such as grant application forms and the State HSP.

OHSO has also established its measurable impaired driving goal as follows:

To reduce the number of fatalities involving drivers or motorcycle operators with .08+ BAC from 239 in 2010 to 237 in 2012.

While reducing the number of impaired driving fatalities is an important goal, the current established goal as defined does not represent a statistically significant reduction and, as such, does not represent a significant achievement from the status quo. Limiting a goal to fatalities-only also does not adequately represent the impact of serious impaired driving crashes nor does it represent potential achievements in other critical areas of the impaired driving system.

OHSO develops the annual HSP. In support of the HSP, each year the OHSO produces a Crash Facts book that analyzes collisions, including those that are designated as alcohol/drug-related. The OHSO data analyst conducts analyses for each county and city in the State with a population of over 5,000.

To establish priorities for program implementation, analyses of alcohol/drug-related crashes include:

- Change in collisions, fatalities, and injuries from the previous year
- Five-year trend of collisions, fatalities, and injuries
- Trend charts of collisions, fatalities, and injuries
- Tables with actual numbers of collisions, fatalities, and injuries
- Comparison of rural and urban collisions
- Causes of collisions
- Comparison of counties' collision rates per Vehicle Miles Traveled (VMT) and actual collision numbers
- Comparison of cities' collision rates per VMT and actual collision numbers
- Comparison of actual number of persons killed and injured

Crash rates are included in the data analyses. ODOT and the Oklahoma Tax Commission provide vehicle miles traveled for the entire State and each county. The Oklahoma Department of Commerce provides population data. Crash, fatality, and injury rates for counties and for the state are computed using vehicle miles traveled and population.

OHSO staff members serve as the core team for the planning process for the HSP. Other state agencies, law enforcement agencies, advocacy and minority groups serve as partners in this process. To identify goals and performance measures, strategic planning sessions are conducted with the OHSO staff. Performance goals and target dates are set based on past trends and the staff input. Data from the last three to five years are used in setting goals.

Previously, to establish traffic safety goals for the HSP, the OHSO would look at available crash data and review previous years. OHSO has recently contracted with the University of Central Oklahoma (UCO) to provide data trend analyses to establish projections and use these to project goals. To initiate this process, the primary focus is on analyzing core elements, such as fatalities and crashes. Data elements which could serve as interim performance measures for critical portions of the whole impaired driving system, such as conviction rates, are not presently included. Eventually, other elements will be brought into the analyses.

The HSP presents a multi-disciplinary approach to the impaired driving problem with strategies in enforcement, prosecution and adjudication, education and awareness, and program management. For FY 2013, the OHSO plans to administer 35 programs to reduce impaired driving:

Category	No. of Programs	Budget	Budget Source
Local impaired driving enforcement	24	\$865,450.00	§402 AL §410
Statewide impaired driving enforcement	3	\$626,915.75	§410
Education and Awareness	4	\$778,950.00	§402 AL §410
Judicial and Prosecutor Outreach	2	\$257,256.00	§402 AL §410
Law enforcement training	2	\$135,047.00	§402 AL
TOTAL	35	\$2,663,618.80	

There are several disciplines important to impaired driving that are not represented in the HSP that could benefit from state and federal resources. Some of these are further identified in this assessment.

An impaired driving summit was held in 2012. Other than this summit, there do not appear to be routine opportunities for impaired driving partners to share programs, coordinate efforts, share resources, and resolve problems.

The State does not currently have a comprehensive strategic plan specifically dedicated to reducing impaired driving. Preliminary draft legislation to form a Governor’s Impaired Driving Prevention Advisory Council calls for the Council to have the duty and responsibility to “develop, implement and oversee a strategic plan for addressing identified gaps in the State’s impaired driving criminal justice system”.

Recommendations

- **Develop, implement and oversee a State strategic plan to reduce impaired driving that creates a vision for reducing impaired driving to which all partners can commit.**
- Incorporate data elements from all facets of the impaired driving system (i.e., conviction rates, recidivism rates, outreach measures, etc.) into planning, problem identification, and project selection processes.
- Develop unifying, statewide goals that represent verifiable improvements in the State’s impaired driving problem and that incorporate all facets of the impaired driving system, including adjudication, law enforcement, prevention, education, and traffic records.

- Ensure that State plans, including the Strategic Highway Safety Plan, Highway Safety Plan, and impaired driving strategic plan, are routinely coordinated, updated and incorporate changes in priorities and programs so that all plans continue to be living, useful documents.
- Provide opportunities, such as meetings and conferences, for traditional and new partners to participate in the highway safety program through setting traffic safety goals, identifying and determining priorities, and developing and implementing creative solutions to the impaired driving problem.

C. Program Management

Advisory

States should establish procedures and provide sufficient oversight to ensure that program activities are implemented as intended. The procedures should:

- *Designate a lead agency that is responsible for overall program management and operations;*
- *Ensure that appropriate data are collected to assess program impact and conduct evaluations;*
- *Measure progress in achieving established goals and objectives;*
- *Detect and correct problems quickly;*
- *Identify the authority, roles, and responsibilities of the agencies and personnel for management of the impaired driving program and activities; and*
- *Ensure that the programs that are implemented follow evidence-based best practices.²*

Status

The Oklahoma Highway Safety Office (OHSO) operates under the auspices of the Oklahoma Department of Public Safety (DPS) with the DPS Commissioner serving as the Governor's Highway Safety Representative (GR).

The Commissioner of Public Safety reports directly to the Governor and is in regular communication with the Governor regarding traffic safety issues. The Governor is supportive of highway safety and impaired driving reduction efforts, but has not yet played a highly visible role on behalf of highway safety.

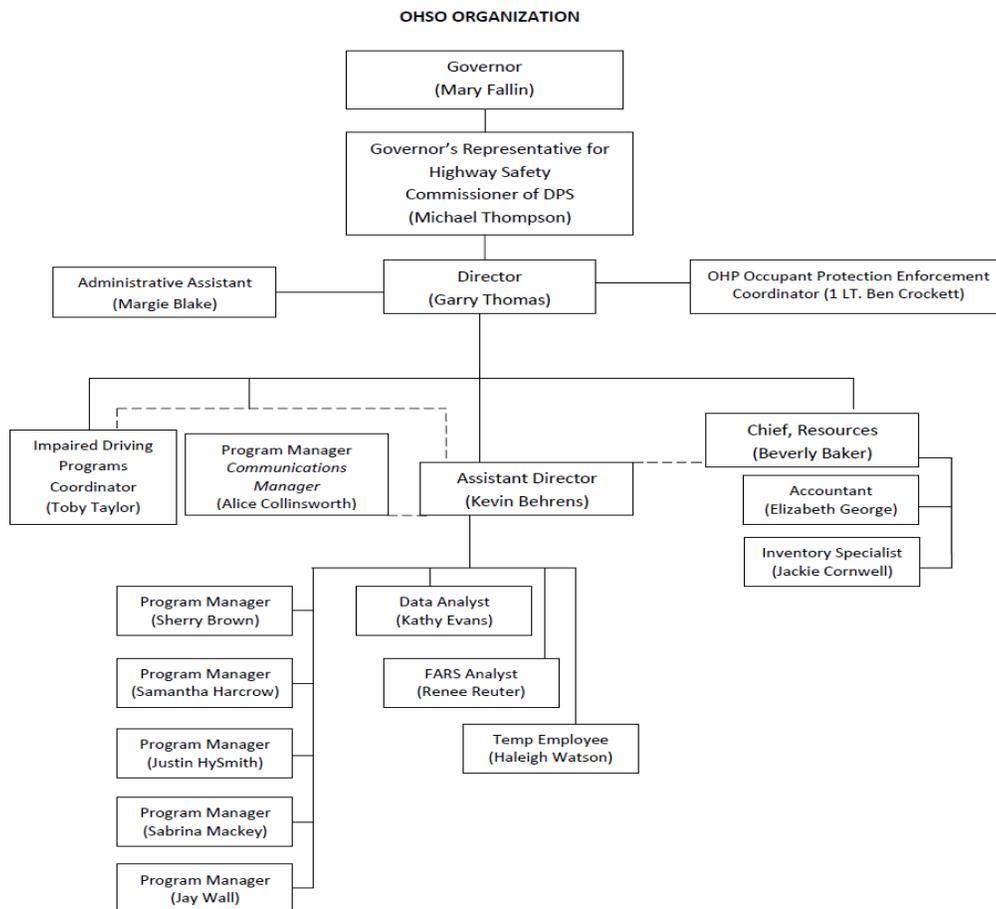
The Oklahoma Highway Safety Office (OHSO) is composed of a director, assistant director, eight program managers, three financial managers, two data managers, and one administrative support person. (See graph below.) Data management includes responsibility for the Fatality Analysis Reporting System (FARS). In addition, OHSO supports eight law enforcement liaisons (LELs).

Program management within OHSO includes a recently-hired impaired driving programs coordinator to "champion the cause of impaired driving prevention with law enforcement agencies, the legislature, safety organizations, civic organizations, and the public at

² See "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices," Sixth Edition, 2011.

large.” Other OHSO personnel – including the LELs, communications manager, a program manager with responsibility for assigned alcohol programs and other regional program managers – also have varying responsibilities for the planning and implementation of impaired driving projects and activities.

OHSO program managers are assigned to a region within the state, requiring that each program manager be responsible for a variety of highway safety projects in their area. Even though most program managers are involved to some extent in managing impaired driving projects, not all managers have completed the impaired driving training course available from the National Highway Traffic Safety Administration through the Transportation Safety Institute (TSI) in Oklahoma City. This course is intended to provide entry-level training to all highway safety professionals. OHSO has committed to provide NHTSA’s impaired driving course to appropriate staff members. This course could also be beneficial to project directors who manage OHSO’s impaired driving grants-funded projects.



OHSO grant application forms and instructions are easily accessible online. Online submission of applications and reporting is currently not available, but OHSO plans to develop and deploy an electronic grants management system using off-the-shelf software. The plan for electronic grants management calls for an online application in February 2013 and to have monitoring capabilities available after the beginning of FY 2014.

OHSO uses multi-targeted approaches to soliciting project proposals for funding consideration. These include:

- The solicitation is posted on the OHSO website.
- Program managers make announcements to current grantees.
- During the year, OHSO will seek those who haven't applied, including making road tours for personal visits to potential partners.
- Communication from the OHSO will also go through District Attorneys Council, law enforcement liaisons, Chiefs of Police, and other organizations.

For impaired driving projects, proposal solicitation tends to emphasize working with law enforcement, and the vast majority of project proposals come from law enforcement. For project selection, the OHSO uses a proactive approach to determine where there are higher than "normal" collisions, indicating that a traffic safety project could have positive effect. To evaluate proposals, the OHSO uses the following criteria: problem identification, project goals and objectives, project description, evaluation, cost assumption, and budget. Depending on the type of project, a project application is also reviewed for innovation, amount of local match, level of community involvement, and other relevant factors.

OHSO undertakes a lengthy scoring process to determine which projects are approved for funding. Each manager scores the proposal, and then all managers meet to discuss their scoring. Each proposal is ranked from the top to the bottom. Based on this ranking, the OHSO then funds as many projects on the list as possible. While this process helps ensure that top-ranked proposals will be funded, it may not as readily provide for support of long-term projects, such as traffic records system improvements that would have relatively minimal return the first or second year.

Performance measures are not specifically requested in OHSO's grant application instructions nor are they included in the grant application form; however, they do become an integral part of a traffic safety grant during the negotiation and execution of the grant. Comparison of performance measures planned versus achieved is also not a part of the State's "Annual Report" to the NHTSA, though this comparison is included as part each grantee's monthly and annual report.

Performance measures are included in quarterly on-site monitoring visits required of all managers. On-site monitoring visits are defined and reviewed in internal OHSO procedures and grant project directors' course instruction and material.

Each year, OHSO provides a grants management course for grantee project directors. In FY 2011, a new reference manual for project directors was completed and placed on flash

drives to provide readily available information to all project directors. This course focuses on grant requirements, including reporting, budget management, and oversight.

Recommendations

- **Engage the Governor in high-profile activities and leadership events in support of the impaired driving program.**
- Train program managers and project directors in impaired driving issues, programs, and management.
- Continue to support and implement an electronic grants management system which would streamline processes, ease reporting, and allow grant-related data to be more readily accessible.
- Expand the outreach of project proposal solicitation for traffic safety grant-funded projects in addition to law enforcement; use recommendations from this assessment to solicit proposals in prosecution and adjudication, education and communication, prevention, traffic records and evaluation.
- **Incorporate performance measures in the entire traffic safety grants process from beginning to end – identifying performance measures expected, expecting performance measures to be included in project proposals, and using these measures to compare actual versus expected performance to analyze and report on program results in the final *Annual Report*.**
- Review the point system and selection/funding process for traffic safety grant projects to ensure that they allow for a balanced approach of short-term and longer-range solutions appropriate to the complexities and needs of a comprehensive impaired driving system.
- Continue support of program and grants management training for all managers responsible for the appropriate, legal, and most effective use of traffic safety funds.
- Review evidence-based project examples for potential implementation in Oklahoma using *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices*, Sixth Edition, 2011.

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 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; and*
 - *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.*
- *Meet criteria to enable access to additional funding through various incentive programs.*
- *Identify opportunities and leverage resources on behalf of impaired driving efforts.*
- *Determine the extent and types of resources available from all sources (local, state, and federal; public and private) that are dedicated to impaired driving efforts.*
- *Designate a position and support the individual in that position with sufficient resources to adequately serve as a focal point for impaired driving programs and issues.*

Status

Budgetary cuts have impacted several segments of the impaired driving system in Oklahoma. Programs have been eliminated or reduced. Available prison population beds

have been reduced. Funds for DUI Courts – provided by the Department of Mental Health with state, general-revenue monies – have been reduced, and there is some discussion of further reductions.

However, though the state of Oklahoma has not escaped from budgetary issues, it is not without resources. According to The Oklahoman (November 5, 2012), Oklahoma has gained more than 59,000 jobs since 2011, personal income is rising, and the unemployment rate is one of the lowest in the country. Oklahoma’s “Rainy Day Fund” holds \$577.5 million, the second-largest total in Oklahoma history. These factors indicate that there are potential opportunities for impaired driving resources.

Fees and Fines

Though not designated specifically for impaired driving programs, fines are legislatively stipulated for DUI in Oklahoma (47 Okl.St. Ann. § 11-902):

First Offense -- a fine of not more than \$1,000 (Fine potentially doubles if a minor is present in vehicle)

Second Offense -- a fine of not more than \$2,500 (Fine potentially doubles if a minor is present in vehicle)

Second Felony Offense – a fine of not more than \$5,000

Third or Subsequent Felony Offense – a fine of not more than \$5,000

DUI Second Degree Murder or Manslaughter – a fine of not more than \$10,000

These fines do not include other fees and court costs that may be assessed to the offender for requirements such as assessment and treatment or the ignition interlock device program.

Self-sustaining programs through the use of fines or fees in the State appear to be extremely limited. More opportunities may exist in this area. As one example, administrative license revocation assessment and education is largely self-sustaining through a \$175 fee paid by the offender for assessment, a \$150 fee for a 10-hour course or a \$360 fee for a 24-hour course. State administration of the program is state-funded with two compliance reviewers funded by federal block-grant funds. Another example is Oklahoma City’s “jail stay cost-recovery” program which has been collecting between \$350,000 and \$500,000 every year since 2006, when it added a fee equivalent to the cost of a one day jail stay (\$117) to the court costs of people convicted of a municipal crime.

Federal Grant Funding

Section 402 and 410. For FY 2012, planned funding for the Oklahoma Highway Safety Office (OHSO), Alcohol Program Area, was as follows:

Federal Section 402 Total:	\$1,109,857.98
Federal Section 410 Total:	\$2,054,588.00
State Fund Total:	\$6,163,764.00
Total All Funds:	\$9,328,209.98
FY 2012 Carry Forward:	\$4,481,450.78
FY 2012 410 Carry Forward (including Paid Media):	\$3,220,479.67

Planned funding for the OHSO, Alcohol Program Area, in FY 2013 includes:

Federal Section 402 Total:	\$1,091,914.00
Federal Section 410 Total:	\$1,621,254.75
State Funds Total:	\$4,863,764.25
Total All Funds:	\$7,576,933.00
FY 2013 Carry Forward:	\$4,239,221.75
FY 2013 410 Carry Forward (including Paid Media):	\$2,535,881.75

The National Highway Traffic Safety Administration *Special Management Review* Final Report (April 2012) noted a significant amount of federal Section 410 carry forward could be made available to support an expanded highway safety effort. There are challenges to not just spend the funds, but expend them appropriately. One is a problem with focusing primarily on and then finding law enforcement partners who can and will participate. Another is a challenge regarding the ability of law enforcement to manage the funds; the fund source has specific requirements regarding how funds can be spent. In some instances, law enforcement grants have split fund sources in which the more flexible funding is expended first, leaving Section 410 money unspent. However, 410 funds are not limited solely to enforcement of impaired driving laws and could be considered for numerous other programs to assist in the reduction of impaired driving.

Section 148. FHWA guidance on the implementation of the Section 148 Highway Safety Improvement Program (HSIP), (<http://www.fhwa.dot.gov/map21/guidance/guidehsip.cfm>) specifies that non-infrastructure projects are allowed under certain conditions. These conditions are:

- the funds are being used to address a specific highway safety problem on a public roadway
- this action is consistent with the SHSP and the state's safety targets
- the action is based on data, and
- the project can contribute to the reduction in fatalities and injuries.

Section 164. In a preliminary review of Oklahoma's repeat offender laws, NHTSA's Office of Chief Counsel has concluded that the State does not comply with the "mandatory license suspension" requirement of Section 164. Federal statute requires a State to meet all Section 164 requirements on October 1 of each year. If a State is not in compliance on that date, a portion of Federal-aid highway funds will be transferred to the State's 402 traffic safety program. If funds are transferred, the State will need to

determine whether to use all or a portion of the penalty transfer funds for activities eligible under the Section 148 Highway Safety Improvement Program.

Private and Non-Governmental Resources

Private and non-governmental sectors are critical to the support of impaired driving reduction efforts, but assistance and participation seem to be limited, particularly on a widespread or extensive basis. At the local level, businesses and individuals support Safe Community activities through donations of all kinds, including food, materials, meeting space, and event logistics. One Indian casino serves as host to a major, multi-state impaired driving kick-off event, but this appears to be a unique situation.

Oklahoma has 94 Indian casinos owned by 33 tribes. Oklahoma Indian gaming is the second largest industry in the State. The total economic impact of Oklahoma's 38 American Indian tribes on the state is estimated at \$10.8 billion every year. Out of the \$10.8 billion total, gaming businesses account for \$7.6 billion. Federal law requires each tribe to negotiate a gaming compact with the state defining the games played at the casino and the share of the revenue paid to the State. Some of these resources could serve to address drinking and driving for the tribes' own communities as well as their customers.

The top ten employers in Oklahoma that might serve as both recipients and resources for impaired driving efforts are as follows (Source: Oklahoma Dept. of Commerce):

Rank	Company	Location	Employment	Type
1	State of Oklahoma	Multiple locations	35,000-36,000	Govt.
2	Walmart and Sam's Club	Multiple locations	32,500-35,000	Retail
3	Tinker AFB, including the Oklahoma City Air Logistics Center (mil. & civ., no contractors)	Oklahoma City	24,200	Govt.
4	Fort Sill & US Army Field Artillery Center	Lawton	19,000	Govt.
5	University of OK Norman, OKC,	Tulsa	12,250-12,500	Educ.
6	Integrus Baptist Medical Center	Multiple locations	8,500-8,750	Health
7	Chickasaw Nation and Enterprises	Ada	7,500-10,000	Govt.
8	US Postal Service	Multiple locations	7,000-9,000	Govt.
9	Oklahoma State University	Stillwater, Tulsa, Okmulgee, OKC	7,500-8,500	Educ.
10	Cherokee Nation of Oklahoma	Tahlequah	5,000-7,500	Govt.

The State has designated a position within the OHSO to serve as a focal point for impaired driving programs and issues. This position is the impaired driving coordinator and has recently been filled by an individual with extensive experience with impaired driving programs and issues. However, there is no single point of contact for impaired driving that partners and the public are all aware of and is acknowledged statewide as the focal point.

There is no single source in the State that identifies and collects information on the availability, distribution and use of impaired driving resources.

Recommendations

- Determine the availability of and gaps in resources for impaired driving efforts.
- Create, distribute, and maintain an updated directory of impaired driving partners, including their roles, responsibilities and resources, to provide an overall understanding of the depth and breadth of impaired driving efforts.
- Develop and implement a plan to generate and utilize additional resources from private and public sources, including the potential federal transfer funds from Section 164.
- Create a consistent, dedicated fund source, such as those in the states of New Mexico, New York, Vermont, or Washington, that can provide a high level of self-sufficiency for impaired driving programs.
- **Establish a single point of contact to which the public and all impaired driving partners can go for information on impaired driving programs and issues.**

II. Prevention

Prevention programs are most effective when they utilize evidence-based strategies, that is, they implement programs and activities that have been evaluated and found to be effective or are at least rooted in evidence-based principles. Effective prevention programs are based on the interaction between the elements of the public health model: 1) using strategies to develop resilient hosts, e.g., increase knowledge and awareness or altering social norms; 2) reducing exposure to the dangerous agent (alcohol), e.g., alcohol control policies and; 3) creating safe environments, e.g., reducing access to alcohol at times and places that result in impaired driving. Prevention programs should employ communication strategies that emphasize and support specific policies and program activities.

Prevention programs include responsible alcohol service 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 or 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 evidence-based, determined to be effective, and include a communication component.

A. Responsible Alcohol Service

Advisory

States should promote policies and practices that prevent underage drinking and over-service by anyone.

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, service in high risk situations and service to high-risk populations. Prohibit service to visibly intoxicated patrons; restrict alcohol sales promotions, such as “happy hours”; limit hours of sale; establish conditions on the number, density, and 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 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.*
- *Provide responsible alcohol service guidelines such as best practices tool kits to organizations that sponsor events at which alcohol is sold or provided.*
- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

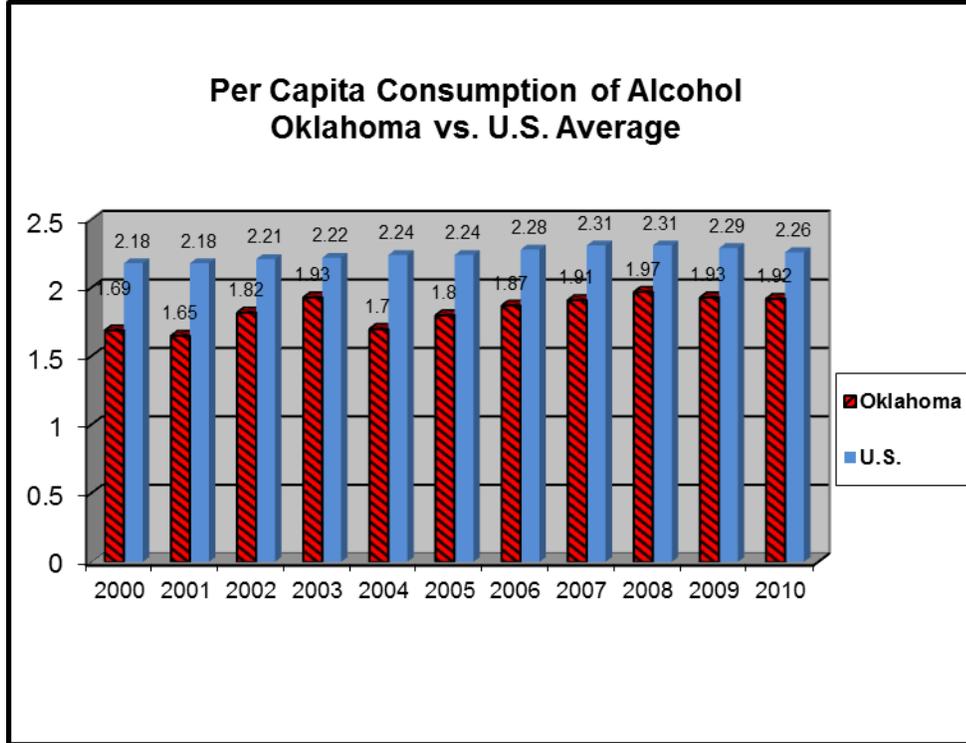
Status

Estimated per capita consumption of alcohol in Oklahoma (2010) is well below the national average with Oklahoma ranking 6th lowest among all states. The consumption rate for the population age 14 and older was the equivalent of 1.92 gallons of ethanol compared to the national average of 2.26 gallons. Alcohol consumption in Oklahoma is nearly 18 percent less than the national average. Nationally, alcohol consumption over the past decade was fairly steady with some decreases between 2007 and 2010. Oklahoma has seen a similar decrease in per capita consumption in recent years.

(Fig. 2-A-1) Per capita consumption estimates are based on taxed sales of alcoholic beverages up to 2010, the last year for which complete data were available.

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Oklahoma	1.69	1.65	1.82	1.93	1.7	1.8	1.87	1.91	1.97	1.93	1.92
U.S.	2.18	2.18	2.21	2.22	2.24	2.24	2.28	2.31	2.31	2.29	2.26
Difference	-29.0%	-32.1%	-21.4%	-15.0%	-31.8%	-24.4%	-21.9%	-20.9%	-17.3%	-18.7%	-17.7%

Fig. 2-A-2



The Oklahoma State Epidemiological Outcomes Workgroup (SEOW) is a multidisciplinary workgroup whose members are connected to key decision-making and resource allocation bodies in the state. This workgroup, funded through a federal grant from the Substance Abuse Mental Health Services Administration (SAMHSA), Center for Substance Abuse Prevention (CSAP), was established by Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) in 2006 and is patterned after the National Institute on Drug Abuse (NIDA) community epidemiological workgroup.

The *2010 Oklahoma Epidemiological Profile*, published by SEOW, provides an overview of alcohol consumption and consequences in Oklahoma including:

Indicators from the 2009 Behavioral Risk Factor Surveillance System (BRFSS) show Oklahoma is lower than the national average in current alcohol consumption, heavy consumption, and binge drinking among adults. In 2009, 42.6 percent of Oklahoma adults reported current alcohol consumption, which was 27 percent lower than the national average of 54.3 percent.

According to Oklahoma's Youth Risk Behavior Survey (YRBS), in 2009, 39.0 percent of students in grades 9–12 reported current alcohol consumption. That percentage is consistent with data collected by the National Survey on Drug Use and Health (NSDUH) for the population aged 12 and older, which showed 42.5 percent of respondents were current drinkers in 2007. NSDUH and YRBS data

also showed between 21 and 28 percent of adolescents were binge drinkers at the time of the surveys. Although youth binge drinking is on the decline, with the exception of 2009, Oklahoma has been consistently above the national average for this behavior according to the YRBS. NSDUH data from 2007 indicated 37.4 percent of 18 to 25 year-olds and 9.0 percent of 12 to 17 year-olds were binge drinkers. The 2009 YRBS showed 19.4 percent of Oklahoma students in grades 9–12 reported early initiation of alcohol; a continued indication of a steady decline in that behavior since the 2003 YRBS report of 26.8 percent.

While adolescent drinking and driving is trending downward, Oklahoma continues to have percentages higher than the national average. In 2003, Oklahoma's percentage of adolescent drunk driving was 17.5 percent, which was 45 percent higher than the national average. This dropped to 11.0 percent in 2009, which was 13 percent higher than the national average of 9.7 percent.

In 2000, the American Indian and Alaska Native (AI/AN) population in Oklahoma was 266,801, comprising eight percent of the state's total population (2011 estimate is 337,400/8.9 percent) and ranking Oklahoma second among all states for AI/AN population. Alcohol and tobacco consumption is a significant problem in this population. According to data from the 2009 BRFSS, 14.2 percent of AI/AN adults reported binge drinking, and 4.0 percent reported heavy drinking; both percentages exceed those reported by any other race.

Oklahoma has one of the most comprehensive sets of alcohol control laws and policies in the nation. Alcoholic beverages are sold in licensed establishments. For off-premise use, distilled spirits, wine and beer with more than 3.2 percent alcohol content are sold in licensed liquor stores and must be sold at room temperature. Low-point (3.2 percent) beer may be sold in licensed grocery and convenience stores. It is illegal to sell packaged liquor (off-premises sales) on Sundays. Sales also are prohibited on Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as well as on days when polling places are open and voting is taking place. Low-point beer for consumption off-premises may not be sold between 2:00 a.m. and 6:00 a.m. Liquor stores can only operate between the hours of 10:00 a.m. and 9:00 p.m., Monday through Saturday, and must close on Sundays and most statutory holidays.

A twenty member task force has been formed to consider a proposal that would allow high point beer (>3.2 percent alcohol) and wine to be sold in grocery and convenience stores across Oklahoma. The task force was announced during the 2011 legislative session by the State Senate after legislation to expand the sale of alcohol, SB 658, stalled in committee. Currently, high point beer and wine are available for purchase only at state licensed liquor stores. Advocates of the proposal argue that opportunities in economic development are being stifled by the state's current alcohol regulations.

In Oklahoma, counties chose whether to permit the sale of alcohol by the glass. There are 25 counties designated as "dry". However, alcohol can be purchased at licensed liquor stores for off premise consumption.

prevention and intervention programs. In addition, the resulting increase in price is predicted to decrease consumption and the related negative health and safety consequences.

Figure 2-A-4

**State Alcohol Taxes
As of February 1, 2010**

	Spirits Tax (Per Gallon)	Table Wine Tax (Per Gallon)	Beer Tax (Per Gallon)
Oklahoma	\$5.56	\$0.72	\$0.40
U.S. Average	\$4.26	\$0.85	\$0.26

Use of false ID by persons under 21 years of age to give the impression that they are older for the purpose of obtaining alcoholic beverages is a misdemeanor. In addition to fines of up to \$300 and up to 30 days of community service, young offenders’ driving licenses can be revoked for six months for the first offense, one year for the second offense, and two years for all subsequent offenses. Alternatively, for any offense, they can have their license revoked until they reach 21 years of age at the discretion of the judge.

Oklahoma has recently enacted a strict statewide social host law. Under the law, property owners who permit a person under 21 years of age to consume alcohol on their property face fines between \$2,500 and \$5,000 and up to five years of imprisonment. If people under 21 are gathered and drinking on private property, the person who provides the location is considered the social host, and will be held accountable. A “Social Host” can be a minor or adult and does not have to be physically present or the actual property owner.

If someone is injured or killed because of a social host violation, the social host can be charged with a felony, punishable by up to five years in prison and a fine up to \$2,500. Fines increase with additional violations — three strikes result in a felony conviction with up to five years in prison and a fine up to \$2,500. The law has been in effect for approximately a year and is being evaluated.

The Department of Mental Health and Substance Abuse Services (DMHSAS) is conducting a statewide media campaign to increase public awareness of the new social host law.

Oklahoma has no formal state statutes establishing dram shop liability; rather it is established by case law. Case law is generally based on §37-537 which states:

- A. No person shall:
 1. Knowingly sell, deliver, or furnish alcoholic beverages to any person under twenty-one (21) years of age;

2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

The Oklahoma Alcoholic Beverage Law Enforcement Commission (ABLE) has responsibility for issuing alcohol sales licenses and for enforcing alcohol sales policies. Oklahoma statutes include the following:

45:1-3-2. Purpose of the Commission

The general course and method of the Commission is prescribed by the Legislature as being an exercise of the police power of the State of Oklahoma for the protection of the welfare, health, peace, temperance and safety of the people of the State, for the purpose of licensing and regulating the liquor industry in this State by administrative, disciplinary procedures whereby licenses are issued or denied, suspended or revoked, after notice and hearing and enforcing the Oklahoma Alcoholic Beverage Control Act.

45:1-3-3. Availability of records and forms

The forms described in this Title, together with all rules and all other written statements of policy or interpretations and all final Orders, decisions and opinions, formulated, adopted or used by the Commission in the discharge of its functions are available for public inspection in the office of the Oklahoma Alcoholic Beverage Laws Enforcement Commission, 2501 North Stiles, Oklahoma City, Oklahoma.

The ABLE Enforcement Division is tasked with ensuring compliance with the Oklahoma Alcoholic Beverage Control Act. This is accomplished through regular inspections of all licensed entities and investigations of complaints alleging law violations. Priority enforcement is directed toward the elimination of access to alcoholic beverages and tobacco products to under age persons. It is the intent of the Enforcement Division to investigate all complaints concerning these types of violations through cooperative efforts with all state, county, and municipal law enforcement agencies.

ABLE has focused enforcement efforts toward over-service and service to underage drinkers and also:

- conducts compliance checks with local law enforcement and campus police;
- provides training in compliance checks to local and campus law enforcement officers;
- identifies high crime areas for targeted enforcement efforts; and
- sponsors an annual youth conference on underage drinking.

Recommendations

- **Increase the state excise tax on alcoholic beverages and dedicate a portion of revenues to alcohol abuse and impaired driving prevention and intervention programs.**

B. Community-Based Programs

B-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 state learning standards and comprehensive health education programs;*
- *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 enforce clear student alcohol and substance use policies including procedures for intervention with students identified as using alcohol or other substances, sanctions for students using at school, and additional sanctions for alcohol and substance use by students involved in athletics and other extra-curricular activities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI) 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;*
- *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;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, 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; and*

- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*

Status

Oklahoma does not have standardized K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of state learning standards and comprehensive health education programs. This is consistent with the national move to Common Core standards.

The Oklahoma State Department of Education, in partnership with the Oklahoma State Department of Health, the Office of the Governor, Action for Healthy Oklahoma Kids, and the Oklahoma Fit Kids Coalition prepared and distributed the *Healthy Oklahoma Schools Manual*. The guide is intended to provide guidance and resources to Oklahoma schools, in particular Healthy & Fit School Advisory Committees (HFSAC), to improve school health policies and programs. The guide is intended to help local schools integrate health program components into the academic structure of their schools and can be used by groups or individuals (school administrators, classroom teachers, physical education teachers, school counselors, school nurses, health care professionals, parents, students, and community members) who are interested in improving the health of children and youth. HFSACs initiate policy related to smoking, alcohol use, and the sale of nutritious foods at schools, and organize school-wide activities like health fairs and health promotion. The guide recognizes that among the topics that are critical to comprehensive school health initiatives are alcohol and substance use and unintentional injuries including highway injuries. The guide recommends addressing major risk factors including impaired driving and lack of occupant restraint use.

Oklahoma does not have a mandatory or standard curriculum addressing impaired driving or underage drinking. The Priority Academic Student Skills and the Common Core State Standards come under the umbrella of all state standards entitled Oklahoma C³ Standards. C³ standing for college, career, and citizen ready. On June 2, 2010, the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) released the final version of the K-12 standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics as part of the Common Core State Standards Initiative. These standards, developed together with teachers, school administrators, curriculum content experts and others, seek to provide a clear and consistent framework to prepare Oklahoma students for college, the workforce, and responsible citizenship. The State Board of Education adopted the standards in June of 2010 and the Governor confirmed that adoption in July 2010.

The *Priority Academic Student Skills* (PASS) were adopted by the Oklahoma State Board of Education 70 O.S. §11-103.6 (a). Each area of subject matter curriculum, except for technology curriculum, adopted by the State Board of Education for implementation by the beginning of the 2003-04 school year is reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption

cycle, and the State Board implements any revisions in such curriculum deemed necessary to achieve further improvements in the quality of education for the students of this state.

The shift from learning standards to Common Core has virtually eliminated content areas that address alcohol use or impaired driving. However, the ongoing revision of subject matter curriculum might provide a potential opportunity to integrate alcohol and impaired driving information and prevention messages into curriculum.

Many alcohol and substance abuse programs in schools were supported by the U.S. Department of Education Safe and Drug Free Schools funds. These funds have been eliminated leaving many schools without a coordinated effort. Recently the Oklahoma Department of Education and the Oklahoma Department of Mental Health and Substance Abuse Services have agreed to share support for a professional position to promote evidence based prevention in schools.

Oklahoma has an array of prevention initiatives directed at alcohol and other substance abuse and impaired driving. Many of these strategies are implemented in the school setting.

Most evidence-based substance abuse prevention strategies lack specific impaired driving information or experiential learning opportunities. Both evidenced-based substance abuse prevention efforts and impaired driving prevention programs would benefit from coordination of content and timing of presentations.

The Enforcing Underage Drinking Laws (EUDL) project aims to decrease underage drinking and related social problems, decrease youth access to alcohol, increase community-level support for environmental change, and increase youth-driven prevention activities. The project's comprehensive plan includes law enforcement training and technical assistance, community mobilization, strategic partnership development, youth leadership development, interagency collaboration, and media advocacy. This project is also known as Too Much to Lose (2M2L). 2M2L Clubs actively participate in the state's underage drinking prevention initiative by doing local and statewide action-based activities. Youth leaders are given the tools to effectively combat underage drinking utilizing the environmental prevention model.

A 10 member state 2M2L Youth Council representing each region of the state meets quarterly to plan and implement all 2M2L youth activities. Youth Council members are paid a stipend to off-set costs of travel and time. Youth Council members are on the Council for a two-year term unless they graduate high-school prior to their term.

Many 2M2L clubs are also chapters of Students Against Destructive Decisions (SADD). ODMHSAS also sponsors an annual Youth Leadership Academy at which students from 2M2L/SADD learn information such as the Strategic Prevention Framework and gain leadership skills that prepare them to be future prevention professionals.

Numerous schools utilize the Simulated Impaired Driving Experience®, or SIDNE® program. The course includes use of goggles that simulate the impaired driving experience. SIDNE® uses a battery-powered vehicle that simulates the effects of distraction and impairment from alcohol and other drugs on a motorist's driving skills. The program is operated by a law enforcement liaison who is also a drug recognition expert (DRE). This allows him to bring a high level of expertise to his presentations and discussions with young people. He takes the program statewide.

The Courts Raising Awareness of Students in High School (CRASHs Court) program is a 75-minute primary prevention program that relocates the courthouse into a high school auditorium or gymnasium. CRASHs Court is comprised of three distinct segments. First, real court is convened by a real judge who sentences real defendants charged with actual pending drug and/or impaired driving offenses from Tulsa County District Court. The sentences imposed are real and binding upon the defendants. Following the court segment, the special judge leads a discussion with the students on making "critical life choices". Video clips of crashes, deaths by alcohol poisoning, etc. are used to illustrate the serious nature of flawed decision making and the devastating consequences that could result. CRASHs Court is concluded dramatically with the personal testimonial of a victim impact speaker.

The Teaching, Educating, And Mentoring (T.E.A.M.) school liaison program is a school-based, law related curriculum, taught to grades K-12 by T.E.A.M. trained police officers. Topics include alcohol use and the danger of overdose. TEAM is offered in some schools in Oklahoma.

The State of Oklahoma Prevention Needs Assessment Survey (OPNA) was conducted during the spring of 2010 in grades 6, 8, 10, and 12 in 686 schools in Oklahoma. Results provide valuable information for assessing needs for impaired driving and underage drinking and substance use prevention. The survey indicates that alcohol is overwhelmingly the drug of choice for young people in Oklahoma. Nearly three of four (74.0 percent) 12th grade students reported drinking alcohol at least once in their life. More than four of ten (42.9 percent) reported drinking alcohol at least once in the 30 days prior to the survey. More than one in four (28.0 percent) reported "binge drinking" that is, five or more drinks on one occasion.

One of six (16.7 percent) 12th grade students reported driving after drinking at least once in the 30 days prior to the survey while more than one in four (27.0 percent) said they had ridden in a vehicle with a driver who had been drinking.

Alcohol use was reported nearly three times more often than marijuana (16.3 percent) and more than four times more often than prescription drugs (9.6 percent). In 2010, more than eight of ten (83.7 percent) 12th graders who reported alcohol use said they drank at a friend's house and three of four (76.9 percent) drank at a party. Oklahoma's recently enacted Social Host Law is intended to address this pattern.

Prevention science has identified a number of risk factors that predict a greater chance of alcohol and other substance use and protective factors that predict a lower probability of alcohol and substance use. The OPNA measured these factors and found that several were prevalent among students in Oklahoma. More than half (51.5 percent) of 12th grade students scored above the risk level on the factor, “lack of perceived parental disapproval of anti-social behavior.” These students do not believe their parents disapprove of them engaging in such behaviors as stealing, fighting or skipping school. More than four of ten (44.7 percent) scored at the risk level for the factor, “lack of perceived parental disapproval of drug use.” These students report that their parents do not disapprove of them drinking alcohol, smoking marijuana or, in some cases, using other drugs. Half of 12th grade students are at risk from perceived “norms and laws that favor substance use.” These students believe that adults in their community believe alcohol and substance use by young people are not wrong and that substance use is the norm.

These results indicate a need to address alcohol use and underage drinking and specifically, to implement prevention strategies that will reduce risk factors by changing parental and community attitudes and norms and young people’s perceptions of these norms. A major challenge when implementing prevention strategies targeting parents is to secure parent participation. Under Oklahoma law, parents receive copies of citations issued to their children who are cited for underage drinking or DUI.

Title 47 Motor Vehicles, Chapter 16 - Parties and Procedure Upon Arrest, Section 16-108 - Procedure for Officers Stopping Persons for Violations Punishable as Misdemeanor – Minors states:

(a) Whenever a person is halted by a peace officer or highway patrolman for any violation of this title punishable as a misdemeanor, the officer shall proceed in accordance with the State and Municipal Traffic Bail Bond Procedure Act, Section 1115 et seq. of Title 22 of the Oklahoma Statutes.

(b) If the person charged with the violation is a minor, then the citing police officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) days after the date of violation.

This provision applies to young offenders who are cited for alcohol possession or for DUI. This process provides a “teachable moment” for parents and the potential motivation to attend programs (or participate online) that address parent attitudes and how to express these attitudes to one’s children.

There are several evidence-based prevention programs that address parental norms. For example, Family Matters is a family-directed program to prevent adolescents 12 to 14 years of age from using tobacco and alcohol. The intervention is designed to influence population-level prevalence and can be implemented with large numbers of geographically dispersed families. The program encourages communication among

family members and focuses on general family characteristics (e.g., supervision and communication skills) and substance-specific characteristics (e.g., family rules for tobacco and alcohol use and media/peer influences). Other programs can be reviewed on the National Registry of Evidence-based Programs and Practices (NREPP) a searchable online registry of mental health and substance abuse interventions that have been reviewed and rated by independent reviewers.

Major universities in Oklahoma have alcohol abuse and underage drinking prevention programs that include education and intervention services. At the University of Oklahoma and at Oklahoma State University, all incoming students are required to complete AlcoholEdu. AlcoholEdu for College is an online alcohol prevention program designed for Population-Level Prevention®. Recent evaluation studies found significant immediate effects on self-reported drinking and binge drinking. However, there is no evidence of long-term impact. Used as part of a comprehensive prevention program with individual and environmental strategies, universal programs like AlcoholEdu can be beneficial.

The high school version of AlcoholEdu is also used in high schools throughout Oklahoma.

There are two College-Community Task Forces in Oklahoma.

In major university communities, law enforcement, including campus security offers education on alcohol issues as well as enforcement of policies including social host laws.

The website www.collegedrinkingprevention.gov, created and supported by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) offers a variety of tools and materials for college campuses to use in combating alcohol abuse, binge drinking and underage drinking. The site includes access to material related to campus policies, education and intervention strategies and other resources.

Recommendations

- Provide current and local impaired driving and traffic safety information to Healthy & Fit School Advisory Committees for use in developing comprehensive health programs.
- Coordinate content, presentations and implementation schedules of school-based evidence-based substance abuse prevention programs and impaired driving prevention programs.
- **Implement prevention strategies that will reduce impaired driving risk factors by changing parental and community attitudes and norms and young people's perceptions of these norms.**

B-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 employees and their families. These programs can be provided through Employee Assistance Programs (EAP) or Drug Free Workplace programs.

These programs should include:

- *Model policies to address underage drinking, impaired driving and other traffic safety issues, including seat 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 identified with alcohol or substance use problems (These services can be provided by internal or outside sources such as through an EAP with participation required by company policy.);*
- *Underage drinking and impaired driving prevention strategies for young employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

Status

Oklahoma does not have a comprehensive coordinated employer traffic safety program. Like many states, such a program has been discontinued for lack of resources and because of the trend away from employment in manufacturing and other large employers.

Traffic safety, alcohol abuse and impaired driving are addressed in other employer services such as Employee Assistance Programs (EAPs). EAPs are offered by many employers to help employees deal with personal problems that might adversely impact their work performance, health and well-being. EAPs generally include short-term counseling and referral services for employees and their household members. By addressing alcohol and substance abuse, EAPs have an indirect effect on impaired driving. In addition, on-the-job driving incidents can serve as the event that leads to an intervention into alcohol or substance abuse.

All companies that provide any goods or services to federal government agencies or are paid with federal funds are required to implement a Drug Free Workplace Program. These programs include drug use policies, employee education and drug testing.

The Oklahoma Drug Free Workplace Alliance includes employers, labor unions and contractors. The alliance was set up in 2004 by the U.S. Labor Department to create cooperation in order to prevent drug abuse and thereby improve the safety of workers. It is aimed specifically at the mining and construction industries. Its general goal is to focus attention on the dangers and problems in the workplace that result from alcohol and drug abuse.

Recommendations

- Implement a comprehensive employer traffic safety program.
- Provide timely, accurate and local impaired driving information for use in Drug Free Workplace programs and employee assistance programs.

B-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. Coalitions should include representatives of: government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups.

States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders;*
- *Ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control and other related coalitions, (e.g., Drug Free Communities, SPF-SIG), to assure that impaired driving is a priority issue;*
- *Provide information and technical assistance to these groups, including data concerning the problem in the community and information identifying evidence-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; and*
- *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

The Oklahoma Highway Safety Office (OHSO) participates in a number of regional traffic safety groups to address local needs. Five local Safe Communities traffic safety groups are supported by OHSO. These include:

- Metro Area Traffic Safety Coalition (Oklahoma City area)
- Safe Communities of Northeast Oklahoma (Tulsa area)
- Green Country Safe Communities
- Southeast Oklahoma Traffic Safety Coalition
- Northern Oklahoma Traffic Safety Coalition
- Cimarron Valley Traffic Safety Coalition

Safe Community Coalitions provide a variety of impaired driving prevention strategies including school based education programs and safe ride programs.

Oklahoma has over 100 community-level coalitions directly or indirectly addressing prevention of impaired driving, underage drinking and/or alcohol and substance abuse. These coalitions include five (5) Safe Communities Coalitions supported by the OHSO; 17 Strategic Prevention Framework-State Incentive Grant (SPF-SIG) Coalitions supported by a federal SPF-SIG grant through the Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) and 10 Drug Free Communities (DFC) Coalitions funded by direct federal DFC grants. The SPF-SIG coalitions are also recipients of federal substance abuse block grant prevention funds that are administered by DMHSAS.

The Oklahoma DMHSAS supports Regional Prevention Coordinators (RPC) in 17 regions in Oklahoma. The primary goal of RPCs is to provide regional prevention services by engaging community members, local organizations, public agencies, youth and the media to change community conditions that contribute to alcohol, tobacco and other drug (ATOD) related problems. Regional Prevention Coordinators develop and submit Community Strategic Prevention Plans and receive written approval of the Plans by DMHSAS prior to service implementation. The RPCs submit two Strategic Plans - the regional prevention plan and the SPF-SIG community plan.

The SPF-SIG program is one of SAMHSA's infrastructure grant programs. SAMHSA's infrastructure grants support an array of activities to help grantees build a solid foundation for delivering and sustaining effective substance abuse and/or mental health services. The SPF-SIGs, in particular, will provide funding to States and federally recognized Tribes and Tribal organizations to implement SAMHSA's Strategic Prevention Framework in order to:

- prevent the onset and reduce the progression of substance abuse, including childhood and underage drinking,
- reduce substance abuse-related problems in communities, and;
- build prevention capacity and infrastructure at the State/Tribal and community levels.

As part of the SPF-SIG program, Oklahoma State Epidemiology Outcomes Workgroup (SEOW) conducts a state level needs assessment for alcohol, tobacco, and other illicit drugs. The objective on the SEOW is to improve prevention assessment, planning, implementation, and monitoring efforts through the application of systematic and analytical thinking about the causes and consequences of substance use, misuse and abuse. The SEOW has released the *2010 Oklahoma Epi Profile* providing detailed needs assessment data and analysis.

In 1998, the Robert Wood Johnson Foundation and the W.K. Kellogg Foundation supplied Oklahoma with grant money to begin a pilot project known as Turning Point. The money was divided among three counties: Cherokee, Texas and Tulsa.

Today, there are 73 community partnerships in Oklahoma participating in the Turning Point Initiative. Coalition accomplishments range from the establishment of new community health centers to improved nutrition in schools to whole communities exercising on newly developed trails. Turning Point is helping to enhance the health status of Oklahomans. Health and wellness promotion strategies of these coalitions have significant potential impact on impaired driving.

Recommendations

- Ensure that highway safety professionals participate in all local, regional and state substance abuse, underage drinking and health and wellness task forces.

B-4 Transportation Alternatives

Advisory

Alternative transportation describes methods by which people can get to and from places where they drink without having to drive. Alternative transportation includes normal public transportation provided by subways, buses, taxis, and other means. Designated driver programs are one example of these alternatives.

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;*
- *Establish policies and procedures that ensure designated driver and alternative transportation programs do not enable over consumption by passengers or any consumption by drivers or anyone under 21 years old; and*
- *Evaluate alternative transportation programs to determine effectiveness.*

Status

Oklahoma does not place an emphasis on designated driver or alternative transportation programs.

Some local Safe Communities and other coalitions and task forces support alternative transportation programs such as Topsy Tow.

Colleges and universities have safe ride programs and in at least one case, fraternities/sororities provide students with bus/limo rides home from area bars or parties.

Recommendations

- Ensure that all designated driver programs stress “no use” of alcohol messages for the designated driver.
- Ensure alternative transportation programs do not encourage or enable excessive drinking.
- Ensure that both designated driver and safe ride programs prohibit consumption of alcohol by underage individuals or unintentionally promote over-consumption.

III. Criminal Justice System

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal penalties, 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 criminal penalties and administrative 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 and certain consequences, discouraging individuals from driving impaired.

A data-driven, evidence-based, integrated, 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.

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. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system. Noncompliant offenders should be adjudicated swiftly.

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;*
- *High BAC (e.g., 0.15 or greater), with enhanced penalties above the standard impaired driving offense;*
- *Repeat offender, with increasing penalties for each subsequent offense;*

- *BAC test refusal, with administrative 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 penalties;*
- *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; and*
- *Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a seat belt violation.*

Facilitate effective enforcement by enacting laws 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, evidentiary breath tests and screening and confirmatory tests for alcohol or other impairing drugs;*
- *Authorize law enforcement to collect blood sample by search warrant in any chemical test refusal situation, consistent with other provisions of criminal jurisprudence which allows body fluids to be collected as evidence of a crime; and*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

Effective criminal penalties and administrative sanctions 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 imprisonment;*³
- *Separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case;*
- *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.*

Effective monitoring should include:

- *supervision of out-of-state offenders;*
- *proven technology (e.g., ignition interlock device, electronic confinement and monitoring) and its capability to produce reports on compliance;*
- *impaired driver tracking systems; and*
- *periodic reports on offender compliance with administrative or judicially imposed sanctions;*
- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs; and*
- *Statutory and rule support for DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

State statutes should be written to provide a clear and consistent framework for all critical elements of preventing, enforcing, prosecuting, adjudicating and monitoring impaired driving offenders. To assist the states in their consideration of the legislative scheme relative to impaired driving, the review of a number of statutes was undertaken.

Oklahoma lacks some critical statutory elements for impaired driving strategies. The first one that needs legislative action is the creation of a statewide, multidisciplinary

³ Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

Governor's Impaired Driving Prevention Advisory Council. There is a planning effort underway to accomplish this task.

NHTSA's Office of Chief Counsel (OCC) has completed a preliminary review of Oklahoma's repeat intoxicated drivers law for compliance with the requirements of the Section 164 program, 23 U.S.C. § 164, and its implementing regulations, 23 CFR Part 1275, as recently amended by federal legislation. OCC has concluded that the State does not comply with the "mandatory license suspension" requirement of Section 164.

Overall, Oklahoma's laws contain many provisions that appear to facilitate effective enforcement. How effective the consequences are in reality has not been evaluated. A few examples (not a complete list of statutes) that support good enforcement are the following:

1. Any license issued pursuant to Sections 6-101, 6-105 or 6-114 of this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.
2. An open container statute 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.
3. Oklahoma has monitoring requirements established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system. (It is not clear that noncompliant offenders are always adjudicated swiftly.)

The Oklahoma statutes on impaired driving, for the most part, serve the purposes of law enforcement and prosecution reasonably well. The laws clearly define the offenses with a notable exception. The significant exception is the statute defining the use of drugs or intoxicating substances other than alcohol. The Oklahoma statute in question provides that a person who:

*.... is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle;
or*

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

The determination of what constitutes “under the influence” is viewed as problematic by the law enforcement and the prosecution. Unlike alcohol which has specific blood alcohol levels stated in the statute to define the offense, the other drugs do not have specific amounts that are prohibited levels in the blood content stated in the statute. And, as a preferred alternative, neither is any detectable amount prohibited. This complicates the proving of the essential element of the offense. The determination of “under the influence” requires a needlessly subjective determination. Some states have made having any detectable amount of a controlled substance in the blood or other body fluids violation of the impaired driving statute. These are known as “Per se” statutes that make it a criminal violation offense to have any drug or metabolite in one’s body/body fluids when operating a motor vehicle.

Other areas for legislative consideration and improvement include

1. Oklahoma statutes contain no provision that authorizes law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.
2. While the statutes neither authorize nor prohibit law enforcement use of sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs, the Oklahoma Supreme Court has held that checkpoints may be used with the following language:

We hold, therefore, that law enforcement agencies operating checkpoints for constitutionally sanctioned purposes (e.g., to ensure that drivers are licensed) should have written standards for the conduct of such operations and policies in place to ensure compliance with those standards. In future cases, where the constitutionality of a checkpoint is challenged by a motion to suppress evidence, the prosecution will be required to introduce into evidence the agency guidelines governing the operation of the checkpoint at issue.

¶27 In order to be constitutional, the operation of a vehicle checkpoint must meet three overarching standards: (1) the operation must be rationally related to the stated public purpose; (2) the operation must be carried out in accordance with agency guidelines limiting officer discretion and assuring all motorists are treated equally; and (3) the operation must be planned and carried out in a manner that minimizes invasion of motorist privacy.

¶28 Specific factors to be considered in determining if those standards are met include: (1) the stated purpose of the operation; (2) the approval of superior officers; (3) the degree of compliance with the established agency standards; (4) the time, location, and duration of the checkpoint; (5) the

*steps taken to inform motorists of the reason for the stop; and (6) the duration of the individual stop.*⁴

3. Oklahoma statutes have no specific provision that allows obtaining a warrant for a driver's blood in the case of a refusal. The importance of this is not clear because the courts can issue search warrants upon probable cause without specific statutory provisions.
4. A more important legislative initiative should be to provide separate or enhanced penalties for test refusal in order to discourage refusals.
5. The statute creating drug courts does not specifically authorize DUI courts.

Taking the legislative work one step at a time, the proposed advisory council should be able to develop and achieve a strong legislative agenda.

Recommendations

- **Pass and implement the proposed legislation to establish a State impaired driving task force/leadership team with clear direction, authority, and the high-level support and capabilities needed to move forward to implement and coordinate significant initiatives to reduce impaired driving.**
- Enact a "Per se" statute that makes it a criminal offense to have any detectible amount of an illegal drug or metabolite in one's body/body fluids when operating a motor vehicle.

⁴ Lookingbill v. State, 2007 OK CR 7 (March 20, 2007)

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, utilizing data to focus on locations where alcohol related fatalities most often occur. To maximize visibility, the State should conduct frequent sobriety checkpoints, periodic saturation patrols and sustained efforts throughout the year. Both periodic and sustained efforts should be supported by a combination of paid and earned media. To maximize resources, the State should coordinate highly visible, multi-jurisdictional efforts among State, county, municipal and tribal law enforcement agencies to include liquor control enforcement officers. 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 supported by a strategic communication plan which includes:*
 - *periods of heightened enforcement, e.g., three consecutive weekends over a period of 16 days, and frequent sustained coverage throughout the year; and*
 - *high levels of participation and coordination among State, liquor enforcement, county, municipal and tribal law enforcement agencies, such as through law enforcement task forces.*
- *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 frequent, ongoing sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during and after they occur;*
- *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 standardized state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement, (ARIDE) emerging technologies for the detection*

- of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC);*
- *Ensure that officers involved in traffic enforcement receive ongoing refresher training in SFST;*
 - *Evaluate the effectiveness of advanced training in the identification and apprehension of drug impaired drivers;*
 - *Provide training to enhance law enforcement officers understanding of ignition interlock devices;*
 - *Expedite the arrest process, e.g., by reducing paperwork and processing time from the time of arrest to booking and/or release;*
 - *Evaluate program effectiveness and efficiency through the use of both output and outcome based performance measures including:*
 - *the level of effort, e.g., number of participating agencies, checkpoints conducted, arrests made;*
 - *public awareness;*
 - *reported changes in behavior, e.g., reported number of drinking driving trips; and*
 - *consequences including alcohol-related fatalities, injuries and crashes.*
 - *Use law enforcement professionals to serve as law enforcement liaisons within the State. Their activities would include:*
 - *Serving as a communication bridge between the highway safety office and law enforcement agencies;*
 - *Enhancing law enforcement agencies coordination in support of traffic safety activities;*
 - *Encouraging participation in high visibility enforcement of impaired driving, occupant protection and other traffic safety enforcement mobilizations; and*
 - *Improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement.*

Status

There were 3,882,026 registered vehicles in Oklahoma in 2010 of which 74.1 percent (2,887,797) registered automobiles. Motorcycle registrations have increased dramatically. Since 2005 registrations have increased from 81,693 to 124,926 in 2010; a 53 percent increase. There were 2,533,888 licensed drivers in Oklahoma in 2010. In addition to the Oklahoma Highway Patrol, there are 338 police departments, 77 sheriff offices, and 36 campus police departments.

In Oklahoma during 2010, 4,614 alcohol-related crashes occurred; this number represents 6.6 percent of all reported crashes. Alcohol related crashes in 2010 resulted in 227 fatalities, an increase of 19.5 percent from the 190 fatalities in 2009. Alcohol related crashes in 2010 caused injuries to 3,248 persons, a decrease of 5.9 percent from the 3,452 persons injured in 2009. The alcohol related fatality rate for 2010 in Oklahoma was .51 per 100 million vehicle miles travelled. DUI arrests climbed from 17,904 in 2006 to 18,850 in 2007, to a peak of 20,115 in 2008 before declining slightly to 19,899 in 2009, to 18,804 in 2010. Interestingly, 2008 was also the peak for alcohol related fatal crashes.

In addition to the numerous law enforcement programs that are developed to enforce impaired driving laws without funding from the Oklahoma Highway Safety Office (OHSO), the OHSO funds additional enforcement through highway safety grants. The Oklahoma Highway Patrol (OHP) impaired driving program is the largest OHSO funded law enforcement program in the state. Under the grant, OHP dedicates its enforcement efforts to the 28 counties representing the most alcohol related fatalities. The OHSO supports and participates in high visibility enforcement programs including NHTSA's Drive Sober or Get Pulled Over. Law enforcement agencies and other OHSO grantees participate in this program during the Labor Day time frame. Non-grantee agencies that register and report activity to OHSO are eligible for incentive awards at the conclusion of the campaign. The Drive Sober or Get Pulled Over campaign is part of a comprehensive paid media plan. This plan is managed and implemented by an advertising agency.

To augment highway safety dollars and maximize involvement of law enforcement across the State, the OHSO provides for incentives such as traffic safety equipment to those law enforcement agencies that are non-funded but participate in mobilizations and crackdowns and report their enforcement data. These incentive awards helped attract additional law enforcement agencies. From FY 2009 to FY 2011, Oklahoma experienced a 70 percent increase in participating law enforcement agencies.

The National Law Enforcement Challenge (NLEC) is a national traffic safety awards program that recognizes excellent law enforcement traffic safety programs that includes impaired driving enforcement. This program is conducted by the International Association of Chiefs of Police. The OHSO has previously expressed interest in this

program but due to unforeseen difficulties was unable to be a full participant. The program provides law enforcement agencies with an opportunity to make a difference in the communities they serve and allows agencies to learn from one another and establish future goals in traffic safety enforcement and education. Oklahoma annually conducts ceremonies to recognize and encourage law enforcement personnel and agencies for outstanding traffic safety efforts in DUI and Seat Belt enforcement. The Oklahoma *Buckledown Program* is the largest law enforcement recognition program in the State. Each year, local, state, and federal officials gather to recognize officers, deputies, and troopers from across the State for their exceptional traffic safety enforcement and prevention efforts.

Sobriety checkpoints are used as a DUI countermeasure by some jurisdictions in the state of Oklahoma. However, there is no comprehensive sobriety checkpoint funding plan developed by the OHSO. There are multi-jurisdictional checkpoints conducted periodically throughout the state.

Technology is an integral part of Oklahoma's impaired driving prevention efforts. As an example, Portable Evidential Breath Test Devices (PBT) have been purchased by various Oklahoma law enforcement agencies over the past few years. Additionally, numerous agencies have requested PBT's as part of an OHSO grant, or as an incentive award.

OHSO and the Board of Tests of Alcohol and Drug Influence (BOT) began a project in 2011 to produce a training video for prosecutors and law enforcement officers related to ignition interlocks. This project has been delayed, but will continue to be a priority for the OHSO.

Oklahoma has a network of Oklahoma Highway Patrol Troopers who are appointed as law enforcement liaisons and assigned to different regions within the state. As part of their mission, the LELs are in the process of becoming SFST instructors in order to provide training to local law enforcement agencies. The LELs are active law enforcement officers and often participate in checkpoints and saturation patrols with local law enforcement and tribal police.

Standardized Field Sobriety Testing (SFST) training provides an opportunity for law enforcement officers to complete a course of instruction to develop skills in conducting a battery of validated tests on DUI suspects to determine their level of impairment. This training is critical for officers on DUI patrols and enables them to readily identify someone who is impaired by alcohol, to gather the necessary data and information for prosecution of a DUI case, and to prepare the officer to successfully testify in court. As a part of law enforcement training, the Oklahoma Council on Law Enforcement Education and Training requires by regulation all law enforcement be SFST trained as a part of the minimum certification.

In 2010, OHSO executed a grant agreement with the Oklahoma Association of Chiefs of Police (OACP) to conduct NHTSA's Advanced Roadside Impaired Driving Enforcement (ARIDE) course. ARIDE is intended to bridge the gap between SFST and Drug Evaluation and Classification (DEC) courses and to provide a level of awareness in the area of drug impairment in the context of traffic safety. Since ARIDE is designed to build on SFST, in order for participants to effectively utilize the information presented in the ARIDE course, NHTSA has set a prerequisite of SFST proficiency.

While not specific to alcohol use, vehicle impoundment and forfeiture ordinances have been used to prevent DUI offenders from repeating their crimes. Individuals caught violating impaired driving laws typically lose their driver's license. Vehicle forfeiture ordinances allow for law enforcement to impound vehicles of drivers who have suspended or revoked driving licenses. Some ordinances allow for the impoundment whether or not the impaired driver is the registered owner. The state laws do not allow vehicle impoundment or forfeiture for multiple offenders or as deterrent.

Rural law enforcement agencies administrators are cognizant of the effects of impaired driving within their communities. However, due to budget and staffing issues DUI enforcement is not a priority. OHSO has conducted outreach to rural agencies and provided them information on grant opportunities.

A drug recognition expert or drug recognition evaluator (DRE) is a police officer trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. The International Association of Chiefs of Police (IACP) coordinates the International Drug Evaluation and Classification (DEC) Program with support from the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation. The state has a DRE coordinator who is also a police executive. Currently, there are 209 DREs in the state and the OHSO supports expansion of the program. The DRE coordinator has assisted in developing and implementing training for judges and prosecutors in an effort to educate these critical stakeholders on the effectiveness of the DRE program. It is anticipated that future enforcement efforts will target the state's prescription drug abuse issues and focus on DUI problems in rural areas. It is noteworthy that the state will be hosting a national drug impaired conference in 2013 that will be sponsored by the IACP.

There are 38 Native American Tribes in the state. Fifteen Native American agencies are active in impaired driving enforcement with local law enforcement and OHP.

OHSO maintains a comprehensive website with a section devoted to impaired driving. Also included on the OHSO website is a significant amount of data available regarding alcohol related crashes. Law enforcement agencies are also provided access to ODOT's Statewide Analysis for Engineering and Technology (SAFE-T) website. This allows law

enforcement to map crashes based on a number of factors, including alcohol involvement. However, a review of various law enforcement web sites reveal that few agencies utilize social media as a tool to educate the public on impaired driving or traffic safety.

There are numerous effective strategies and tactics that can be relied upon to reduce impaired driving related death and injuries. All of them, however, are dependent upon public support. Accordingly, stakeholders usually can accomplish more by breaking traditional boundaries and working with other disciplines. By expanding productive partnerships and advancing collaboration, law enforcement agencies can gain vital support, amplify available resources, and share ownership for impaired driving enforcement programs and activities. The payback for expanding partnerships is well worth the investment. With this in mind, the Oklahoma legislature will consider a bill to create the Governor's Impaired Driving Prevention Advisory Council.

Recommendations

- Continue to sponsor meaningful awards and recognition programs.
- Develop and implement procedures for checkpoints using minimal staffing levels.
- **Develop and implement a comprehensive sobriety checkpoint plan.**
- Ensure that DUI enforcement is a priority for law enforcement grantees.
- Continue to develop programs to sustain high visibility DUI enforcement.
- **Provide funding to support the DRE program.**
- Continue to purchase technology in support of impaired driving enforcement.
- Continue to develop and implement annual impaired driving conferences for law enforcement, prosecutors, and judges.
- Ensure that Law Enforcement Liaisons (LEL) work with a variety of organizations to enhance impaired driving education outreach.
- **Enact legislation to strengthen vehicle impoundment and forfeiture laws in order to reduce habitual offenders.**

C. 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. Effective prosecution can include participation in a DWI Court program.

Prosecutors who handle impaired driving cases often have little experience, are responsible for hundreds of cases at a time, and receive insufficient training.⁵

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 Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and 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 drug-impaired driving cases, encourage close cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including DRE). 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; and*

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

- *Encourage prosecutors' participation in DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

The prosecutors' function is a critical component of a state's impaired driving program. Oklahoma district attorneys are elected officials who prosecute DUI /DWI in district courts, and the municipal attorneys prosecute impaired driving in the municipal courts. Oklahoma has employed an experienced defense trial lawyer as the state's Traffic Safety Resource Prosecutor (TSRP). Admittedly, this is an unusual approach but one that has great appeal in its novelty. The Oklahoma TSRP is planning to coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State.

The Oklahoma prosecutors are the sole gatekeepers to the Drug Courts/ DUI courts. Effective prosecution can include participation in a DUI Court program. How well educated the prosecutors are about the drug courts/ DUI courts is not clear. Because those courts are few in number, the concern with education is not significant.

A larger concern is with the prosecution of the impaired driving cases in both the district courts and the municipal courts. The level of interest and degree of knowledge varies greatly. There is no comprehensive program to visibly, aggressively and effectively prosecute and publicize impaired driving-related efforts, including use of experienced prosecutors. It appears that prosecutors and the municipal attorneys who handle impaired driving cases often have little experience and may handle hundreds of cases at a time.

The Oklahoma District Attorneys Council (ODAC) has not made impaired driving cases a high priority for prosecution. Nor has ODAC adopted a policy to encourage the elected district attorney to assign these cases to knowledgeable and experienced prosecutors. No evidence was available to determine if 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 is advanced in Oklahoma.

It appears that the district attorneys have sufficient resources to prosecute impaired driving cases and retain qualified prosecutors.

The municipal attorneys belong to the Oklahoma Association of Municipal Attorneys (OAMA). Their policies vary from town to town.

OAMA sponsors at least two educational opportunities a year, one in the spring and one in conjunction with the Oklahoma Municipal League's annual fall conference. The

programs have presumptive Oklahoma Bar Association (OBA) mandatory Continuing Legal Education (CLE) credit.

There appears to be inadequate communication among law enforcement, prosecutors and toxicology labs regarding testing and confirmation of drugs found in impaired driving cases.

Recommendations

- **Develop and implement a strategic plan to deliver state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs for prosecutors. This plan should have learning objectives and use state of the art adult education practices.**
- Ensure close cooperation among prosecutors, state toxicologists and arresting law enforcement officers (including DRE) in drug-impaired driving cases by holding shared appropriate training opportunities.
- 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.

D. 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. Where offender supervision⁶ is housed within the judicial branch, the guidelines of Section V(A)(1) should be utilized by the judiciary.

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 Standardized Field Sobriety Tests (SFST), Drug Recognition Expert (DRE), alternative sanctions and emerging technologies, such as ignition interlock devices (IID).

⁶ Robertson, Robyn D. and Herb M. Simpson “DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002.

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 improve access to assessment, treatment, and sentence monitoring. Each State should provide adequate staffing and training for community supervision programs with the necessary resources, including technology, such as IID, 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 DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders; and*
- *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 practice. 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 recidivism.⁷*
- *Eliminate ethical obstacles, such as ex parte or commitment communications, by adopting the current Model Code of Judicial Conduct so that judges can participate more freely in DWI Court administration;*
- *Provide adequate staffing and training for community supervision programs with the necessary resources, including technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance; and*

⁷ Freeman-Wilson, Karen and Michael P. Wikosz, “Drug Court Publications Resource Guide, Fourth Edition.” Alexandria, VA: National Drug Court Institute, 2002.

- *Incorporate into judicial education and outreach administration the position of Judicial Outreach Liaison as a judicial educator and information resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.*

Status

In understanding the adjudication of impaired driving in Oklahoma, the roles of the two courts of last resort are important. The Supreme Court determines all issues of a civil nature, and the Oklahoma Court of Criminal Appeals decides all criminal matters. But impaired driving cases can end up in either court, depending on the nature of the appeal.

The trial courts are also deceptively simple in structure. The state trial courts are the district courts and they are courts of record. The municipal courts in Tulsa and Oklahoma City are courts of record. The other municipal courts are not courts of record and their appeals result in trial de novo in the district court. The administrative licensure hearings are handled by administrative law judges and hearing officers. Appeals from those actions then go to the district courts and through the civil appeals process. This poses a rare but interesting possibility that a single defendant on a single factual event might have two separate cases proceed through two separate appeals as there is no mechanism for consolidation. The Oklahoma Supreme Court has administrative and disciplinary authority over all of the courts.

The Oklahoma Council on Judicial Complaints receives and investigates allegations of judicial misconduct and when appropriate can recommend intervention or discipline by the Supreme Court or the removal or mandatory retirement of a judge by the Court on the Judiciary. The Council has jurisdiction to investigate the conduct of all persons subject to the Oklahoma Code of Judicial Conduct, including state, municipal and administrative judges. The provisions of the Code apply to all full-time judges. A judge, within the meaning of this Code, is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, court commissioner, special master, referee, or member of the administrative law judiciary. The Code has been formulated to address the ethical obligations of any person who serves a judicial function, and is premised upon the supposition that a uniform system of ethical principles should apply to all those authorized to perform judicial functions. The one exception is set out as follows:

[3] In recent years specialized courts have been created in which judges are authorized by court rules to act in nontraditional ways. For example, judges presiding in drug courts and mental health courts who are monitoring the progress of participants in those courts' programs may be authorized and even encouraged to communicate directly with social workers, probation officers, and others outside the context of their usual judicial role as independent decision

makers on issues of fact and law. When local rules specifically authorize conduct not otherwise permitted under these Rules, they take precedence over the provisions set forth in the Code. Nevertheless, judges serving on these specialized courts shall comply with this Code except to the extent local rules provide and permit otherwise.

The Oklahoma statutes do not mention or otherwise provide for DUI Courts. The few Oklahoma DUI Courts exist as a part of the drug courts. In theory, DUI 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 operations of the drug courts vary according to local practice.

Oklahoma has recently entered into a contract with the East Central University to provide a state judicial educator position. This is an effort to incorporate the position of Judicial Outreach Liaison as a judicial educator and resource on highway traffic safety issues including impaired driving, and as an agent to create more DUI Courts into judicial education and outreach administration. The nomenclature is confusing as there is also some state judicial education available through the Oklahoma Supreme Court or the Administrative Office of The Courts but who and what office is involved is unclear.

The state plans to provide the latest state-of-the-art education to judges, covering Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE) testimony, alternative sanctions and emerging technologies, such as Ignition Interlock Devices (IID).

It appears that neither of the State's highest courts provides leadership to engage judges in effectively adjudicating impaired driving cases. There is no mechanism to ensure that these cases are assigned to knowledgeable and experienced judges. There is no mechanism or visible effort to 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.

No information was presented about trial delays or other obstacles for the adjudication of impaired driving cases in a timely manner. There was not any information made available about the effective management of the trial dockets. No mention was made of resource sufficiency.

Other than in the drug courts, no mention was made of the level of adequacy for staffing and training for community supervision programs with the necessary resources, including technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance.

Recommendations

- **Develop and implement a strategic plan for the delivery of the judicial education that will include technical evidence presented in impaired driving cases, including Standardized Field Sobriety Testing (SFST) and Drug Recognition Expert (DRE) testimony, emerging technologies, such as Ignition Interlock Devices (IID), for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders.**
- Undertake a specific planned outreach to the appellate courts to inform them of the educational efforts underway and seek their support/leadership for ethical uses of forensic science.

E. Administrative Sanctions and Driver Licensing Programs

Advisory

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 suspension of a vehicle registration; 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.⁸

In addition, other driver licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers.

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. Administrative sanctions allow the licensing agency to maintain its authority to determine the safety and competence of the driver to whom it has issued a license, and to determine whether, at any time, continued provision of driving privileges is warranted. 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.

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 suspension of the vehicle registration, 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; and*
- *Installation of ignition interlock device(s) on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use*

⁸ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002

problem will not interfere with their safe operation of a motor vehicle. Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.

Status

Oklahoma statutes provide authority for administrative suspension and revocation of driver licenses. Revocation is mandatory for the following violations:

- Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
- Driving under the influence of alcohol, any other intoxicating substance, or the combination of alcohol and any other intoxicating substance, or refusal to submit to a test to make that determination;
- Any felony during which a motor vehicle is used;
- Failure to stop and render aid as required at a motor vehicle accident resulting in the death or personal injury of another;
- Perjury or making a false affidavit or statement to the Department of Public Safety relating to the ownership or operation of motor vehicles;
- A misdemeanor/felony drug conviction involving the use of a motor vehicle;
- Failure to pay for gasoline;
- A misdemeanor conviction for abandoning property or goods under control of a motor carrier without notification of the owner;
- A misdemeanor conviction for transporting minors in possession of or consuming alcohol in a limousine or bus for hire;
- Reckless driving;
- Failure to obey a traffic control device when that failure results in great bodily injury to any other person; or
- Failure to stop or remain stopped for a school bus loading or unloading children.

The Department of Public Safety, Driver Improvement Division, also manages a system which assigns points to traffic violations which are added to the driver's record upon conviction and, when sufficient points are amassed, result in suspension of the driver's license or privilege to drive. Suspension or denial of a license may be applied due to physical or mental incompetence, based on the determination of a physician or the State's medical review board.

Pursuant to administrative authority, an alcohol or drug test failure results in a 180 day revocation, for the first offense. Refusal to submit to a test results in the same

administrative penalty, a 180 day revocation. State law provides that driver licenses may not be reinstated until the defendant driver complies with the court's order of alcohol evaluation and assessment. Length of the revocation period increases for subsequent violations.

Due process for administrative driver license sanctions is afforded through the Hearings Section, in the Legal Division of the DPS. When a driver is arrested for driving under the influence of alcohol, drugs or both, the revocation becomes effective within 30 days of the date of the arrest or the notice provided by the Department of Public Safety. When test results are immediately available and the driver has failed, or refused to be tested, the driver license is seized by the arresting officer and a temporary driving permit is issued. The driver then has 15 days in which to request a hearing on the administrative sanction. If no hearing is requested by the driver within fifteen days of the notice, the right to hearing is waived and the revocation becomes effective.

The administrative hearing process is the responsibility of the Commissioner of Public Safety or a designated hearing officer. Such hearings are conducted according to administrative procedures, and are, by law, required to be conducted in the county in which the defendant was arrested. The hearing, however, may be held telephonically. The standard of proof for administrative hearings is preponderance of the evidence and the administrative and criminal processes are bifurcated; each is completely independent of the other.

The scope of administrative hearings includes determination of whether:

- ✓ the officer had reasonable grounds to believe
- ✓ the person had been operating or was in actual physical control of a vehicle
- ✓ on a public roadway or other public place
- ✓ while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and
- ✓ was placed under arrest.

If the revocation is based on breath or blood test results, the scope of the hearing shall also include whether:

- ✓ the person was administered a test if he or she requested one in a timely manner
- ✓ the specimen was obtained within two hours of the arrest
- ✓ the person arrested was advised that the driving privileges would be revoked or denied:
- ✓ if the test reflected any quantity of alcohol for persons under 21 years of age, or
- ✓ if the test result indicated an alcohol concentration of 0.08 or more for persons 21 years of age or older, and
- ✓ the test result reflects the alcohol concentration.

If the revocation is based on the driver's refusal to submit to a test, the scope of the hearing must include whether:

- ✓ the person refused to submit to the test, and
- ✓ the person was informed that his or her driving privileges would be revoked or

denied as a result of that refusal.

Oklahoma does not have vehicle sanctions, such as impoundment, immobilization, and registration cancellation for repeat impaired driving offenders, except that forfeiture is permitted, pursuant to Title 47, §11-902b. A motion for forfeiture may be filed as a result of a conviction or guilty or nolo contendere plea to a repeat offense of impaired driving where at least one of the offenses involved the death or serious bodily injury to another person. However, it is reported that though forfeiture is permitted, it is seldom requested as a sanction for impaired driving.

Ignition Interlock Devices (IID) have been used in the State for nearly twenty years. The Interlock program is administrative, rather than judicial, and is the responsibility of the Board of Tests for Alcohol and Drug Influence. The program strives to ensure that the devices are properly certified, calibrated, and installed. A great deal of effort has been involved in developing assurances that reporting of failures to start a vehicle due to presence of breath alcohol is standardized. There appears to be less emphasis on the behavioral aspects of the persons who are required to have IIDs installed on their vehicles. Research has clearly shown that interlocks are effective in preventing impaired driving during the time period that they are installed in a vehicle. A more lasting effect on driver behavior will require that the interlock is used to help modify driver behavior in a broader sense, involving more effective monitoring of the driver's alcohol usage, based on the interlock data.

A driver who is subject to an administrative sanction for Driving Under the Influence of alcohol or drugs may request a modification of the revocation of driving privilege. This request is in lieu of a hearing on the merits of the case and, if approved, the modification provides that the driver can maintain the driving privilege if an interlock device is installed in each vehicle to which that driver has access.

Failure of the Interlock-equipped vehicle to start due to excess alcohol in the driver's breath sample generally results in revocation of the license modification rather than in an extension of the required interlock period. National research clearly demonstrates that interlocks are effective at prevention of impaired driving while installed and that recidivism rates return to normal after de-installation. Research has also shown that 70 to 80 percent of drivers whose privileges are restrained in some fashion (i.e., revocation, suspension, denial) are likely to drive in spite of that restraint. As a result, it is counter-intuitive to remove an interlock and cancel a modification, rather than to prolong the required interlock sanction as a result of continued misuse of alcohol.

In one study, researchers found that Florida drivers who were convicted of operating under the influence who did not "resolve" their behavioral issues prior to license reinstatement had 75 percent higher violation rates and 97 percent higher crash rates than drivers who were reinstated after resolving their behavioral issues. The study reported that there is a specific deterrent effect of "alcohol problem resolution" which is defined as completion of mandatory courses and payment of fines. Florida law allows DUI offenders to reinstate upon showing proof of enrollment in an approved advanced driver

improvement or DUI course. Some drivers reinstate at the time of enrollment, while others reinstate after they have completed the course and paid any fines. A significant difference in post-reinstatement behavior was found in those drivers who had completed requirements prior to reinstatement.⁹

Oklahoma's ignition interlock laws have been revised since their initial enactment. The most recent revision includes an interlock requirement for a high BAC (over .15) or for a refusal to submit to testing. Oklahoma is currently in the top third of states in per capita use of interlock devices and the new legislation will drive an even higher demand for the devices. As the demand and the number of interlock-restricted-drivers increases, it becomes imperative that any law enforcement officer who contacts a driver with a modified license, can immediately be aware of the requirement. Currently, the interlock requirement is noted only on the back side of the driver license in the restriction section. Law enforcement officers did not believe that this was an adequate differentiation in the modified license and such requirement could be overlooked. An additional indication of the interlock requirement would make it easier for an officer on the street to determine when an interlock should be present in the vehicle.

The requirement for interlock is 18 months for the first offense, 4 years for a second revocation and five years for a third or subsequent revocation.

A driver who is subject to an administrative sanction for Driving Under the Influence of alcohol or drugs may request a modification of the revocation of driving privileges. This request is in lieu of a hearing on the merits of the case and, if approved, the modification provides that the driver can maintain the driving privilege if an interlock device is installed in each vehicle which that driver operates. This may also include vehicles owned by the driver's employer, if approved by the employer.

The interlock may be, comparatively, less costly for a violator than other consequences of DUI conviction or administrative sanction. An April 2012 publication of the National Highway Traffic Safety Administration, *Case Studies of Ignition Interlock Programs*, reports that for a teen, the interlock is 3 percent to 5 percent of the cost of a first DUI. For an adult, the interlock is 4 percent to 7.8 percent of the cost of a first DUI. For a teen, insurance is 36.5 percent to 58.4 percent of the cost of a DUI. For an adult, insurance is 17.7 percent to 34.5 percent of the cost of a DUI.

There is no provision in statute or regulations for a determination that the interlock-required driver's alcohol or drug use is sufficiently controlled to permit safe operation of a motor vehicle once the statutory or administrative time frame for license modification has elapsed. Studies have shown that review of data regarding attempts to start the vehicle during the last month of interlock requirement may provide evidence of a likely return to drinking and driving behavior. Best practices include such a review prior to de-installation of the interlock. Such a review would potentially require a variation in the

⁹ Grosz III, M.J., R. Zeller, and D.F. Klein. 2001. Final Report for the Traffic Records Project. Tallahassee: Florida Department of Highway Safety and Motor Vehicles.

reporting requirements for the interlock vendors to include all data showing breath alcohol content in excess of .020 would be reported to the Interlock Program monitors during the last month of interlock requirement. Administrative hearings or an examination by the medical review board are potential avenues for facilitating such a determination.

Recommendations

- Study the recidivism rates of persons whose modified licenses were cancelled due to Interlock start failures to determine whether removal of the interlock and cancellation of the driving privilege is effective in reducing alcohol-impaired driving among previous offenders.
- Study Ignition Interlock downloads of re-offenders to determine if there is a pattern that would be indicative of increasing alcohol use and decreasing compliance that could contribute to an affirmative determination by a qualified professional(s) of likelihood of continued risky driving behavior prior to reinstating the unrestricted driver license.
- Differentiate the interlock-restricted driver license from the regular driver license, making it more readily identifiable to law enforcement to assist in detection of violations of the requirement.

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:

- (1) Graduated Driver Licensing (GDL) for novice drivers. GDL programs have been widely evaluated and all studies, although results vary significantly, have shown a reduction in crash and fatality rates.*

States' GDL program should involve a three-stage licensing system for beginning drivers (stage 1 = learner's permit; stage 2 = provisional license; and stage 3 = full license) that slowly introduces the young, novice driver to the driving task by controlling exposure to high risk driving situations (e.g., nighttime driving, driving with passengers, and driving after drinking any amount of alcohol). The three stages of the GDL system include specific components and restrictions to introduce driving privileges gradually to beginning drivers. Novice drivers are required to demonstrate responsible driving behavior during each stage of licensing before advancing to the next level.

Each stage includes recommended components and restrictions for States to consider when implementing a GDL system.

Stage 1: Learner's Permit

- State sets minimum age for a learner's permit at no younger than 16 years of age;*
- Pass vision and knowledge tests, including rules of the road, signs, and signals;*
- Completion of basic driver training;*
- Licensed adult (who is at least 21 years old) required in the vehicle at all times;*
- All occupants must wear seat belts;*
- Teenage passenger restrictions– not more than 1 teenage passenger for the first 12 months of Intermediate License. Afterward, limit the number of teenage passengers to 2 until age 18;*
- Zero alcohol while driving;*
- Learners permit is visually distinctive from other driver licenses;*
- Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed and other GDL provisions, for at least 6 consecutive months to advance to the next level;*
- Parental certification of 30 to 50 practice hours; and*
- No use of portable electronic communication and entertainment devices while driving.*

Stage 2: Intermediate (Provisional) License

- *Completion of Stage 1;*
- *State sets minimum age of 16.5 years of age;*
- *Completion of intermediate driver education training (e.g., safe driving decision-making, risk education);*
- *All occupants must wear seat belts;*
- *Licensed adult required in the vehicle from 10 p.m. until 5 a.m. (e.g., nighttime driving restriction) with limited exceptions (i.e., religious, school, medical, or employment related driving);*
- *Zero alcohol while driving;*
- *Driver improvement actions are initiated at lower point level than for regular drivers;*
- *Provisional license is visually distinctive from a regular license;*
- *Teenage passenger restrictions – not more than 1 teenage passenger for the first 12 months of Intermediate License. Afterward, limit the number of teenage passengers to 2 until age 18;*
- *Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed and other GDL provisions, for at least 6 consecutive months to advance to the next level; and*
- *No use of portable electronic communication and entertainment devices while driving.*

Stage 3: Full Licensure

- *Completion of Stage 2;*
- *State sets minimum age of 18 for lifting of passenger and nighttime restrictions;*
- *Zero alcohol while driving; and*
- *Visually distinctive license for drivers under the age of 21.*

(2) *A program to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or altered driver's license including:*

- *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;*
- *Training for license examiners to recognize fraudulent documents and individuals seeking to apply for them; and*
- *A means by which to ensure that individuals cannot obtain driver licenses using multiple identities.*

Status

Oklahoma laws and regulations provide for a learning period for novice drivers that can instill good habits during a period of practice under restrictions that limit exposure to

distractions that can be particularly dangerous to inexperienced drivers. The Graduated Driver Licensing program for the State provides for three distinct phases of licensure, each adding more autonomy and responsibility.

The initial license phase is a Learner's Permit, which may be issued at 16 years of age, unless the applicant has either completed or is receiving a driver education course. Applicants enrolled in or who have successfully completed driver education may receive a permit at age 15½ years. Additional requirements include having passed the eighth grade reading test and showing proof of compliance with school attendance requirements. During the Learner's Permit phase, the driver is required to be accompanied by an adult who is at least 21 years of age, who has been licensed for at least two years, and whose license is currently valid. The adult must occupy the seat next to the driver. The permit must be held for a minimum period of six months before the driver is eligible to apply for an Intermediate License - the second licensing phase. During the learning phase, the driver must complete 50 hours of practice driving, at least 10 of which must be nighttime hours. The Learner's Permit only allows driving between the hours of 5 a.m. and 10 p.m.

The Intermediate License may be issued once the driver has completed the six month training period, during which he or she cannot have been convicted of or pled guilty or no contest to any moving vehicle violation. Those applicants who were issued a permit while still attending the mandatory driver education must have completed that training.

Restrictions during the Intermediate License phase are as follows:

- May drive only between the hours of 5 a.m. and 10 p.m. unless accompanied by an adult driver with a valid license.
- May not drive a vehicle with more than one passenger, unless all passengers live in the same household as the driver's parent or legal guardian, or an adult driver (age 21 or older) with a valid license is occupying the seat next to the driver.

Class D licensure, the third and final phase of the Program, is only possible after the applicant has held an Intermediate License for one year, or, if the applicant has completed required driver education, after the Intermediate License has been held for six months without conviction of or pleas to any moving violation.

Oklahoma driver licenses have a blue background and the ID card's background is red; both have a horizontal format. On regular driver licenses, the photograph is on the right side. Minors' driver licenses are required by statute to be distinguishable from Adult licenses, pursuant to § 6-101.1, which states, "Any license issued ... to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license."

Oklahoma's driver licenses for those under 21 years of age are also evident due to the fact that the format is vertical and the picture is on the left side. Law enforcement officials attest to the fact that the Under Age 21 Driver License is readily apparent and easily recognizable.

For drivers under twenty-one years of age, there is zero tolerance of alcohol use and operation of a motor vehicle. Pursuant to State statute § 11-906.4, “It is unlawful, and punishable... for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person.”

Statutes mandate that Learner Permits and Intermediate Class D Licenses are issued for the same period as all other driver licenses. The licenses may be suspended or canceled at the discretion of the Department of Public Safety for violation of restrictions, for failing to give the required or correct information on the application, for knowingly giving false or inaccurate information on the application or any subsequent documentation required in order to be granted driving privileges, for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes, or for violation of any traffic laws pertaining to the operation of a motor vehicle. Oklahoma has a primary seat belt law, but there is no provision in the GDL statutes that requires passengers to be belted.

Efforts to prevent fraudulent issuance or use of a counterfeit or fraudulent driver license include alcohol beverage server training, which is available, but not mandated for employees of liquor-licensed establishments. Driver Examiners also receive fraudulent document recognition training.

Recommendations

- Add language to the Graduated Drivers Licensing (GDL) statute to require passengers to be properly restrained.

IV. Communication Program

States should develop and implement a comprehensive communication program that supports priority policies and program efforts, including high visibility enforcement (HVE). Communication strategies should specifically support efforts to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Additional communication strategies could address underage drinking, impaired driving, and reducing the risk of injury, death and the resulting medical, legal, social and other costs if there are specific programs underway in the community. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience.

Advisory

States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution and punishment for impaired driving;*
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, and insurance;*
- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes and influencing and sustaining appropriate behavior;*
- *Develop a year-round, data-driven, strategic and tactical communication plan that supports the state's priority policies and programs such as alcohol's effects on driving and consequences of being caught driving impaired or above the state's zero tolerance limit;*
- *Implement a communication program that:*
 - *Uses messages that are coordinated with National campaigns and messages that are culturally relevant and linguistically appropriate;*
 - *Considers 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;*
 - *Uses paid, earned and donated media coordinated with advertising, public affairs, news, and advocacy; and*

- *Encourages communities, businesses and others to financially support and participate in communication efforts.*
- *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, use of 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, and use of social media;*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior; and*
- *Ensure that personnel who are responsible for communications management and media liaison are adequately trained in communication techniques that support impaired driving activities.*

Status

Oklahoma implements a comprehensive communications program that supports state and local impaired driving efforts, incorporates a variety of media, supports law enforcement mobilizations, and is coordinated at the state level.

At the state level, impaired driving communications is part of a total traffic safety communications plan. This plan starts with a communications goal:

to develop and produce a marketing strategy that supports the Oklahoma Highway Safety Office (OHSO) vision and mission through the appropriate use of print, broadcast, online, electronic and other types of messaging. Media efforts will support the objectives and strategies of each program area.

The plan’s contents include:

- law enforcement mobilizations to be supported
- planned expenditures for paid media
- a fiscal year calendar of priority events and “weeks” (such as Super Bowl Sunday, 4th of July, and “Drive Sober or Get Pulled Over”)
- the types of media efforts that will be made
- the responsibilities of the OHSO staff in implementation of the plan
- special enforcement periods, and
- the use of social media.

Based on traffic safety data, the target audience for media efforts has been identified as men between the ages of 18 and 34. This does not mean that the general public or other

audiences are neglected, but the bulk of the effort and expenditure is spent on reaching this high-risk population.

Because the target audience is primarily young males, media buys constitute a mix of television, radio, point-of-purchase, and digital. Media buys focus on those television programs (such as Two and a Half Men and The Big Bang Theory) and radio stations (such as 101.9 Twister and K-LAW 101) with a high young-male audience. Digital media is important to this audience and reflected in messaging through Pandora Radio and mobile applications for weather, news, and sports. Point-of-purchase messaging is also a priority with “wraps” and graphics for convenience stores.

Sports marketing is particularly important to this demographic. Therefore, communication efforts also focus on partnering with the Oklahoma City RedHawks on a text-to-win interactive promotion and messaging efforts with Tulsa University, Oklahoma State University and Oklahoma University.

Given the growing popularity of social media, the communications program takes a proactive approach to using electronic and social media for message outreach. A section devoted specifically to impaired driving is maintained on the OHSO website. This section includes links to Drive Sober Get Pulled Over, No Refusal, and AAA’s website on how medications can affect driving. Included on the OHSO website is a significant amount of data regarding alcohol-related crashes. OHSO is also developing a “new media” approach to marketing that includes an agency Facebook© page, enhanced Web advertising in conjunction with existing mobilizations/projects, a YouTube© channel and possibly a Twitter© account. QR codes are included on print media to link individuals with YouTube© videos.

Messaging is consistent with and supports national mobilizations, with a strong enforcement message: Drive Sober or Get Pulled Over.

The State’s communications program is enhanced at the local level through the efforts of Safe Communities partners, law enforcement officers, and law enforcement liaisons (LELs) who provide earned media through a wide variety of messaging opportunities. These earned media activities include safety fairs, events such as car shows, press conferences, and “ride-alongs” for the news media.

Multi-agency and multi-state cooperation is evidenced by Drive Sober or Get Pulled Over campaign kick-offs with law enforcement officers around the state. Press events have been held in Oklahoma City, Miami, Madill and Tulsa. The Miami-area event included agencies from four states (Oklahoma, Kansas, Missouri and Arkansas).

The communications program is managed within the OHSO by a designated communications manager with media experience. In addition to managing the statewide communications efforts, the communication manager works with local agencies to develop consistent talking points for media contacts, provides individualized media materials, and assists local coalitions with planning, events, and logistics.

Media buys and communications consulting is provided by an advertising firm contracted to support the state's traffic safety communication efforts. The media contractor also performs the annual awareness survey on behalf of OHSO.

There is some diversity outreach to the Hispanic community through Spanish-language media outlets and Spanish-speaking community liaisons and to the Indian nations with outreach at pow-wows and personal contacts from a law enforcement liaison who is a member of the Cherokee Nation.

Combined Messaging Project. According to the FY 2013 Highway Safety Plan (HSP), Oklahoma is partnering with the National Highway Traffic Safety Administration (NHTSA) to evaluate a program which will: 1) Develop and test an umbrella evergreen enforcement message (seat belts, alcohol and speed) and strategic communications plan that can be used to publicize a variety of enforcement efforts and to 2) Incorporate this new message into existing high visibility enforcement efforts to assess its effect on occupant protection and impaired driving.

FY 2013 is the final year of program implementation. NHTSA will be creating, testing and marketing a new joint messaging campaign. OHSO will provide program coordination, including a high visibility enforcement program along a preselected population center of the State, data collection and earned media activities. In addition to the enforcement efforts of the Oklahoma Highway Patrol, OHSO plans to provide additional funding to approximately 40 law enforcement agencies along this corridor to be used during three High Visibility Enforcement waves. Two of these waves will be conducted prior to NHTSA's existing high visibility enforcement initiatives and one will be a standalone state initiative. An analysis of historic information, program activity data, outcome data and other pertinent factors will be conducted by a NHTSA contractor in order to evaluate the project's successes and the potential to replicate this program.

Prevention Communications. Communications provided and distributed by the prevention community are extensive and supports impaired driving efforts statewide. Some of these activities include reports to the media on results of alcoholic beverage law enforcement and taking the media along on compliance checks. The Tulsa Health Department includes a Facebook page, newsletter, press releases and conducts interviews. The Tulsa Health Department also invites the press to responsible beverage sales and service (RBSS) training.

The Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) implemented a multi-approach campaign in support of the State's new "social host" law comprised of:

- paid media;
- news media to schools with messaging in newspaper "wraps";
- gorilla marketing at colleges with the hiring of college students to talk to other college students;
- an art work project;

- media placed by community groups; and
- video for law enforcement.

DMHSAS also operates the Too Much To Lose (2M2L) program. 2M2L is the Enforcing Underage Drinking Laws (EUDL) project to decrease underage drinking. Media advocacy is a critical component of 2M2L. All 2M2L contractors have media output requirements, including having to issue 12 unduplicated media releases.

Evaluation. The OHSO-contracted advertising agency measures impressions of its media buys. The ad agency also tracks the amount of added-value media donated by the media outlets with whom there are media buys.

OHSO has contracted to conduct a survey of the attitudes of Oklahomans regarding several traffic safety issues. Three questions related to impaired driving are included on the survey:

- In the past 60 days, about how many times have you driven a motor vehicle within 2 hours after drinking alcoholic beverages?
- In the past 60 days, have you read, seen or heard of any special effort by law enforcement or police in your community to reduce driving under the influence of alcohol or drugs?
- In Oklahoma, what do you think the chances are of getting arrested for someone who drives after drinking? That is, how frequently do you think someone who drives after drinking in Oklahoma gets arrested?

The results of the survey are reported in the FY 2013 HSP. Three years of responses to this survey (FY 2010 – 2012) show an alarming increase in the number of times respondents indicated they drove within two hours after drinking and drop in the belief that individuals will be arrested for drunk driving, despite a huge increase in perceiving that law enforcement is providing special effort to reduce impaired driving. This survey provides important information with which to track attitudinal trends and indicates that enforcement and communication efforts are not providing the public with the impression that there is a high degree of probability of arrest for drinking and driving.

Further information than this survey provides is needed to determine why this shift has occurred and what changes in messaging and strategies might be needed to address the change. There is no survey data that determines audience reaction to specific messages or media preferences.

Private Participation. There are few examples of communities, businesses or others financially supporting and participating in communication efforts. There is no indication of the RedHawks' participation with traffic safety on the RedHawks' website. Donations on a large scale do not appear to be available.

Recommendations

- Establish a public information officer work group among highway safety partners to coordinate efforts and share resources.
- **Conduct in-depth analyses and evaluation of the communications program to determine reaction to messages, identify the most effective marketing strategies, and create and implement a more effective communications plan.**
- Use impaired driving and survey data to better target communications activities such as events and media buys.
- Increase diversity outreach to minority populations, particularly the Hispanic and tribal communities.
- Increase private participation in the impaired driving communication program to create a strong impression of widespread support of impaired driving efforts and to obtain additional resources, such as donations of space and promotional materials, to expand the reach of impaired driving messages.

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.¹⁰ Moreover, on average, individuals with alcohol or other drug abuse problems, drive several hundred times within two hours of drinking before they are arrested for driving while impaired.¹¹

States should have a system for identifying, referring and monitoring convicted impaired drivers who are high risk for recidivism for impaired driving.

Nationally, the number and diversity of problem solving courts has grown dramatically. One such problem solving model is the DWI Court. These courts provide a dedicated docket, screening, referral and treatment and intensive monitoring of impaired driving offenders. States and localities that implement DWI Courts should ensure that they are established and operated consistent with the Guiding Principles recommended by the National Center for DWI Courts.

www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf

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 24-31percent of all emergency department 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.

A. Screening and Assessment

Each State should ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. The most immediate screening should take place in the criminal justice system. However, states should also encourage its health care

¹⁰ Repeat DWI Offenders in the United States. “Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

¹¹ On average, 772 such episodes, according to Zador, Paul, 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, NHTSA Technical Report No. DOT HS 809 184, December 2000.

professionals, employers and educators 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. Many individuals who are drivers and who have alcohol or other drug abuse problems present themselves in a variety of settings, e.g. emergency departments, in which Screening and Brief Intervention (SBI) and referral are appropriate and serve to prevent the individual from being involved in a future impaired driving crash or arrest.

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 to determine 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:

- Conducted by a licensed counselor or other alcohol or other drug treatment professional or by a probation officer who has completed training in risk assessment and referral procedures;*
- 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 validated psychometric instruments, historical information, e.g., prior alcohol or drug-related arrests or convictions, and structured clinical interviews; and*
- Appropriate for the offender's age and culture using specialized assessment instruments tailored to and validated for youth or multi-cultural groups.*

Status

Alcohol and other substance abuse assessments are not standard procedures in courts in Oklahoma. Such assessments and use of resulting treatment recommendations are at the discretion of individual judges and appear to be used in few courts.

The exception is assessment as part of participation in Drug Court and DUI Court. Drug Court and DUI Court assessments are conducted by substance abuse treatment professionals.

Dedicated DUI Courts are not specifically allowed in Oklahoma statute but are subsumed under the umbrella of Drug Treatment Courts in several jurisdictions.

Out of 25,000 inmates in Oklahoma Department of Corrections facilities, 57 percent were incarcerated for non-violent offenses. Out of all inmates in Department of Corrections (DOC) custody, 33 percent were imprisoned for drug and alcohol offenses and at least 50 percent were incarcerated for a crime related to substance abuse. The average cost to maintain an inmate in prison is \$48 per day. For someone on a prison mental health unit, the cost jumps to approximately \$175 per day. Providing appropriate mental health services to someone in the community to keep them from entering the criminal justice system costs approximately \$25/day; and, providing appropriate substance abuse services to someone in the community to keep them from entering the criminal justice system costs less than \$15/day.

The Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) is advocating a “Smart on Crime” legislative package that targets treatment services to at-risk populations, reduces crime and incarceration rates, and saves tax dollars. Smart on Crime, endorsed by the Oklahoma Sheriff’s Association and the Oklahoma District Attorney’s Council, uses evidence-based programs in the areas of criminal justice diversion, pre-sentencing engagement, and reintegration to reduce recidivism and decrease demand for correctional beds.

At the end of July 2009, there were 4,501 active participants in 41 adult Drug and DUI courts in Oklahoma. The annual estimated cost of DOC incarceration is \$19,000; the cost for drug court is \$5,000. Another positive characteristic of drug court is its ability to reduce re-arrest. The re-arrest rates for drug court graduates after four years are less than one-half of released inmates.

One of the aspects of Drug Court’s success in Oklahoma is the support participants receive in seeking, gaining and maintaining employment. At entry, 31 percent of the participants were unemployed, compared to 4 percent at graduation. This is a reduction in unemployment of 87.1 percent. Participants in DUI Courts are required to maintain employment.

As a condition of license reinstatement, all drivers convicted of DUI in Oklahoma must complete the Alcohol and Drug, Substance Abuse Course (ADSAC), which includes an assessment of alcohol or other substance abuse problem and recommendation for referral to appropriate intervention. Assessments must be performed by professionals certified by the DMHSAS. Assessors use the Driver Risk Inventory-revised (DRI-II) or the Defendant Questionnaire (DQ). In addition, offenders complete a bio-psycho-social inventory; the Addiction Severity Index (ASI) and additional supporting assessment instruments.

The scoring rubric includes:

- I. Scoring 0 to 39 on the DRI II or DQ supported by the information from an additional instrument results in a referral to the 10 hour ADSAC course and Victims Impact Panel.
- II. Scoring 0 to 39 on the DRI II or DQ supported by the information from the additional instrument and second offense results in referral to the 24 hour ADSAC course and Victims Impact Panel.
- III. Scoring 40 to 69 on the DRI II or DQ supported by the information from the supporting instrument results in referral to the 24 hour ADSAC course and Victims Impact Panel and six weeks of substance abuse group.
- IV. Scoring 70 to 89 on the DRI II or DQ supported by the information from the supporting instrument results in referral to intensive outpatient and mutual support group and aftercare, if recommended by clinical provider.
- V. Scoring 90 to 100 on the DRI II or DQ supported by the information from the supporting instrument results in referral to residential treatment, mutual support group, and aftercare if recommended by clinical provider.
- VI. Scoring 90 to 100 on the DRI II or DQ appropriate for Categories IV or V but, requiring an override results in referral to 12 weeks of substance abuse group one or two times weekly plus 12 weeks of mutual support group meetings.

All requirements given as a result of an assessment must be able to be completed within ninety days (twelve weeks).

Offenders are responsible for assessment fees (\$175) and fees for the 10 hour course (\$150) or 24 hour course (\$360) as recommended.

Approximately one third of DUI offenders never appear for assessment. Of those who are assessed 20 percent to 25 percent fail to complete treatment recommendations.

Recommendations

- **Provide results of the Alcohol and Drug, Substance Abuse Course (ADSAC) assessment to courts for use in sentencing.**
- Implement DUI Courts throughout Oklahoma.

2. Medical and Other Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by health care professionals should be screened to determine whether they have an alcohol or drug abuse problem. The American College of Surgeons mandates that all Level I trauma centers have the capacity to use Screening and Brief Intervention (SBI). SBI is based on the public health model which recognizes a continuum of alcohol use from low risk, to risk to addiction. Research from the Centers for Disease Control and Prevention indicates that an estimated 25 percent of drinkers are at risk for some harm from alcohol including impaired driving crashes. These individuals' drinking can be significantly influenced by a brief intervention. An estimated four percent of the population has a serious 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.

SBI can also be implemented in other settings including: Employee Assistance Programs (EAP), schools, correctional facilities, at underage drinking party dispersals and any setting in which at-risk drinkers are likely to make contact with SBI providers.

Screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physicians' offices, health clinics, employee assistance programs and other 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;¹² and*
- *Designed to result in referral to assessment and treatment when warranted.*

¹² 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.

Status

The Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) retains a full time Senior Screening Consultant responsible for establishing Screening, Brief Intervention and Referral to Treatment (SBIRT) as a standard of practice in Oklahoma. The consultant created the “SBIRT 101” training and has trained over a 1,000 individuals and organizations throughout the State. SBIRT 101 training establishes the epidemiology of SBIRT and teaches the concept related to alcohol misuse. The DMHSAS completed two SBIRT pilot projects with Mercy Health, the first in a busy emergency department and the second in a six-physician primary care practice. Based on this experience Mercy has committed to establishing SBIRT as a standard of practice within their five-state system. The arduous process of conducting a large system change initiative is currently underway.

Oklahoma has established an SBIRT hotline at 877-SBIRTOK and provides education, information and technical support to Oklahoma health care providers. The consultant is developing a beta test of SBIRT via telemedicine to evaluate the potential for sustainability and patient acceptance.

In 2009, the DMHSAS entered negotiations with the Oklahoma Health Care Authority to establish a platform for SBIRT. Medicaid currently requires SBIRT of all level III medical homes. Medicaid established a T-1023 universal screening code for alcohol, drugs, depression, domestic violence and gambling. Medicaid is currently reimbursing physicians for SBIRT. The discussions continue as both agencies work together to develop a robust model that maintains fidelity and provides incentive to providers.

Mercy Health Center asks all emergency room patients on the 3 p.m. to 11 p.m. shift to voluntarily answer questions about use of drugs and alcohol. Their answers are not shared with authorities or included in respondents’ patient medical records. The hospital employs three screeners to conduct the surveys in a nonjudgmental manner. They are paid from a \$50,000 federal grant to Mercy administered through the DMHSAS.

Nationally, SBIRT has been used in several non-hospital settings including family practices, colleges, high schools and local jails at time of booking.

Recommendations

- Implement Screening, Brief Intervention and Referral to Treatment in all hospital emergency rooms in Oklahoma.
- Implement Screening, Brief Intervention and Referral to Treatment in non-hospital settings such as family practices, college and high school campuses and jails throughout Oklahoma.

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 sources. 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 culturally appropriate treatment and rehabilitation services;*
- *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; and*
- *Require that offenders, 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 the offender has met treatment goals before license reinstatement.*

Status

Section V-A-1 describes the assessment process used in the Alcohol and Drug, Substance Abuse Course (ADSAC). Current client data systems do not provide information adequate to determine treatment outcomes but ADSAC data indicate that an estimated one third of DUI offenders never appear for assessment. Of those who are assessed 20 to 25 percent fail to complete treatment recommendations.

The ADSAC assessment process provides information needed to make referrals to appropriate treatment modalities. Outpatient treatment services are available to most

DUI offenders in most parts of Oklahoma. However, residential treatment is limited or unavailable in most areas.

The Youthful Drunk Driving Program is an intervention in which first-time DUI offenders younger than 29 years old participate in small group sessions, educational classes, victim impact panels and supervised visits to hospital emergency rooms or rehabilitation centers. Participants are required to complete essays about their experience in the program. Upon completion, offenders can have the DUI conviction expunged or reduced to a lesser charge. Analysis of participant driving records indicates a recidivism rate of three percent.

Recommendations

- **Implement a DUI tracking system including information from arrest to completion of treatment.**

VI. Program Evaluation and Data

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. Development of a Strategic Highway Safety Plan is a starting point for evaluation efforts. Problem identification requires quantifying the problem, determining the causes, and identifying available solutions. Strategies should be evaluated for their cost effectiveness and potential for reducing crash risk. These evaluations are central to the State's traffic safety endeavors and provide a guide to future evaluation of projects funded through grants and sub-grants. Evaluations should include measurement of activities and outputs (process evaluation) as well as the impact of these activities (outcome evaluation).

Evaluations should:

- *Be planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated to the programs;*
- *Identify the appropriate indicators to answer the question: What is to be accomplished by this project or program?*
- *Be used to determine whether goals and objectives have been met and to guide future programs and activities;*
- *Be organized and completed at the State and local level; and*
- *Be reported regularly to project and program managers and policy makers.*

The process for identifying problems to be addressed should be carefully outlined. A means for determining program/project priority should be agreed upon, and a list of proven methodologies and countermeasures should be compiled. Careful analysis of baseline data is necessary, and should include historical information from the crash system. Other data that are useful for evaluation include data from other records systems as well as primary data sources such as surveys. Record systems data include state and driver demographics, driver histories, vehicle miles traveled, urban versus rural settings, weather, and seatbelt use. Survey data can include attitudes knowledge and exposure to risk factors.

The Traffic Records Coordinating Committee can serve as a valuable resource to evaluators by providing information about and access to data that are available from various sources.

Status

The Oklahoma Highway Safety Office (OHSO) completes the required *Annual Report* to the National Highway Traffic Safety Administration (NHTSA) that describes monthly activities, status of core performance measures, and a general description of projects' activities. Specific numbers regarding arrests are provided for law enforcement projects. Other project descriptions do not consistently and specifically indicate project results (e.g., courses completed, number trained, process improvements achieved) or compare those results to project objectives. In the *Annual Report*, projects funded with Sections 406, 408, 410, and 2010 are listed, but results for these projects are not specifically described.

OHSO instructions for completing a grant application require that the applicant describe when and how the applicant will evaluate the project. All projects must include at least a monthly and annual evaluation. Project evaluation is one of the factors on which applications are evaluated along with problem identification, project goals, project description, evaluation, and budget. According to application guidelines, "the degree of success in meeting project objectives, on both a monthly basis and in total, will be an important factor in determining the future of the project."

According to grant application guidelines, OHSO managers will conduct semi-annual on-site monitoring reviews of all highway safety projects. The purpose of these reviews will be to determine adherence to stated project objectives and to review financial procedures. They do not, however, provide higher level evaluation for purposes of determining program impact. A determination of the desired impact of the funded project helps to focus the grant recipients on potential measurements of success.

Certainly, lack of timely crash data hinders the evaluation process in terms of being able to pinpoint a cause/effect relationship between the funded activity and the desired impact. Where a reduction of crash rates is the goal, and the project will reach completion a year prior to availability of applicable crash data, it may be necessary to use crash data from the enforcement agency's Records Management System for pre-and post-project crash rates. Using the trend analysis available from stale data may give a general impression of the project's effect, but will not provide the most accurate picture of the cost/benefit of the enforcement efforts.

Allowing grantees access to crash data from the State's SAFE-T web-based software provides for hands-on experience with some basic data analysis. The system can be used to demonstrate the data components available and to teach grant recipients how data may be used to find the effects of their activities on specific populations.

Providing examples of other types of data that can be used for evaluation of all types of projects and discussion of available data, help both the OHSO staff and the grantees to find creative and effective evaluation methods. Norman Police Department discussed their layering of crash and enforcement location data to determine the impact of their activities. This effort can be used as an example of one means of evaluation. They have

further evaluated the impact of their traffic enforcement on the incidence of criminal activity in given areas. Showcasing such efforts helps to encourage more effective evaluation, and can also provide incentives for increasing traffic safety activities as a means of not only preventing crashes and injuries, but other criminal activities as well.

The annual OHSO-conducted Project Director's course does not now include any extensive discussion of evaluation. This course, plus the accessibility of the Transportation Safety Institute (TSI) which provides a Data Analysis and Evaluation Course specifically in highway safety evaluation, provide readily-available opportunities for grant project directors to increase their capabilities in evaluation. As of May 2012, all OHSO program managers have attended the TSI course.

Recommendations

- Include a session in the Project Director's course that stresses the importance of evaluation, covers evaluation components, and assists project directors to conduct their own evaluations and report results.
- Provide the Transportation Safety Institute's course on evaluation to new or additional state program managers and project directors.

B. Data and Records

Advisory

The impaired driving program should be supported by the State's traffic records system and 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). The traffic records system should be guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders.

The state traffic records system should:

- *Permit the State to quantify:*
 - *the extent of the problem, e.g., alcohol-related crashes and fatalities;*
 - *the impact on various populations;*
 - *the level of effort dedicated to address the problem, e.g., level of enforcement activities, training, paid and earned media; and*
 - *the impact of the effort, e.g., crash reduction, 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; and*
- *Be accurate, timely, linked and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials and treatment providers.*

Status

Oklahoma has a long-standing Traffic Records Coordinating Committee referred to as the Traffic Records Council. It was established in 1994, pursuant to a Memoranda of Agreement (MOA) signed by the heads of various agencies that house the components of the traffic records system. The original MOA did not include the Judiciary, however. Today, the leadership of the Administrative Office of the Courts (AOC) is active and involved in the efforts to improve Oklahoma's court records, which are vital to an effective impaired driving program, projects, and outcomes.

Crash Records

Records of motor vehicle crashes form the basis for addressing the impaired driving problem, in that they paint a picture of the most harmful effects of impaired driving within the State. In Oklahoma, the number of crashes that are being submitted to the state crash file electronically continues to grow. The electronic submission of crashes serves to enhance uniformity, accuracy, timeliness, completeness, and accessibility of crash data. These attributes of the crash system are improved by virtue of the fact that field data collection systems have built-in edits and logical consistency checks, drop-down menus to ensure appropriate responses in critical data fields, and readily available data dictionaries and schema, which improve potential for effective integration of data systems as they are re-programmed or re-built. Additionally, using field data collection software, driver and vehicle information can be transferred onto the crash report from machine readable technology on driver and registration documents or transmitted directly from the driver or vehicle files to the officers' mobile data terminals. This data can then auto-populate or be cut-and-pasted onto the crash report, saving law enforcement resources, reducing data entry errors and providing the most up-to-date information available. Once approved, the reports can be uploaded into a centralized State repository without repetitive and time-consuming secondary data entry, which has a tendency to introduce errors into the data.

While technological advances continue to improve the data, there is still a sizeable backlog of reports to be entered into the crash system. At the time of this assessment, available crash data is approximately one year old. This lack of current data makes evaluation of grant-funded enforcement efforts difficult at best. The State has its Fatality Analysis Reporting System (FARS) data upon which to rely, but the FARS data are limited and do not provide a full record of the scope of the impaired driving problem.

The Statewide Analysis For Engineering & Technology (SAFE-T) is a web-based crash data query tool that can aggregate crash data for a defined section of roadway, then facilitate the creation of reports, evaluation of data and mapping of crash locations. SAFE-T users currently access the system through a web browser to locate high crash corridors or specific locations based on self-selected data elements.

This software package uses crash, roadway inventory, average daily traffic and speed limit data from the Oklahoma Department of Transportation (ODOT) mainframe files. It enables interactive analysis and reporting of the data on a PC platform. This tool is made available to safety personnel around the State of Oklahoma. It will become more valuable as the crash data that feed the system become more timely.

Adjudication Records

The Oklahoma Highway Patrol (OHP) is involved in an electronic citation initiative, which the AOC supports. OHP Officers file state charges for all violations, which are heard in District Courts. Local law enforcement officers and County Sheriffs have the

option to charge violations using either local ordinances or State statutes. Cases citing municipal ordinances are filed in municipal courts.

The Oklahoma Supreme Court is responsible for administering the State's entire judicial system. The State constitution provides that all courts within the State are subservient to the State Supreme Court which is responsible for the administration of the State judicial system. Municipal courts, however, reportedly operate autonomously.

A monumental judicial database and case management system are being developed, which will integrate courts, prosecutors, corrections and other related databases. A single court case management system (CMS) is an integral part of this project. The first pilot court is expected to test the system in 2013. Presently, though, two CMSs are being used by the District Courts. The two are the Online Court Reporting System (OCRS), which is hosted by Oklahoma.gov (the State Internet portal) and managed by the AOC, and a private vendor's system, KellPro. Thirteen of Oklahoma's 77 counties use OCRS. The remaining counties use KellPro as their CMS. The District Court's website includes all cases on the OCRS, but not all cases from the KellPro systems. Districts using KellPro may opt not to post cases on the web due to the cost. Without the full dataset, adjudicators of impaired driving cases may not be able to discern whether there are pending charges elsewhere in the system for impaired driving defendants in their courtrooms. This option to post cases also limits the potential to track DUI offenders in a single location within the District Court CMS. The AOC's current initiative to move all case management to a single system will solve the problem for the District Courts. However, there is currently no way to aggregate case information on impaired driving charges adjudicated by the municipal courts.

For purposes of sentence enhancement, judges and prosecutors often check the driver history records for prior alcohol-related driving offenses. They report that the driver history records are not complete and do not contain all records of known DUI arrests and adjudication; both criminal and administrative cases are missing. Initially, when electronic conviction data was sent to the Department of Public Safety by the courts for inclusion on the driver records, there were numerous errors. Potentially, some of those errors were not resolved and the cases never found their way to the appropriate record. It is less clear why administrative filings would not be part of the driver record. Both judge and prosecutor reported that the missing cases were found by their staff in other databases.

The electronic processing of convictions from the courts, through the State's internet portal, to the driver history, was the source of most of the errors. Because of the numerous and varied systems from which convictions were sent, it became necessary to have extensive validation rules, error checks, and documentation of each electronic reporting system. OK.gov was substantially revised to provide validation rules, error checks, realignment of processes, and documentation for the users.

Three years ago, the driver file, an IBM operating system, was upgraded and the legacy VSAM software was converted to a DB2 relational database. This upgrade and the

revision of the State internet portal solved the problem of numerous data errors and omissions. However, some data was undoubtedly lost during the process.

Other DUI arrest data is lost due to the fact that prosecutorial discretion results in some charges not being filed, and in many charges being deferred, then dismissed. According to the Records Management Division of the Department of Public Safety, charges that result in a deferred sentence are to be sent by the courts and are added to the record as convictions. If/when the charges are dismissed at the end of the period of deferral, the charge is removed from the driver's record. Deferred prosecutions, however, would not be sent to the driver record, as there would be no preliminary finding of guilt.

Despite the efforts that are being and that have been made to improve data systems related to impaired driving adjudication in the State, there continues to be no single repository of DUI arrest data that could provide information about the extent of the problem, the adjudication of charges (including dismissals and deferrals), compliance with court-ordered sanctions, the effectiveness of treatment and the rate of recidivism. Additionally, there is currently no means by which to ascertain whether municipal courts are sending all appropriate conviction data to the DPS. As a result, the most effective approach appears to be the development of a comprehensive DUI tracking system.

Generally, such systems are operated by the State's driver licensing agency and may be accessed by a court agency. According to NHTSA, a comprehensive DUI tracking system should provide for two specific functions. First, such a system should track all offenses, from arrest through dismissal or sentence completion. This information should be accessible on a central network, so that updates are available immediately. This function can provide decision-makers with adequate and timely information to guide case processing decisions and dispositions, and allow them to immediately identify an offender's prior offenses and charges, and the status of sanction compliance. Fines and fees assessed and collected can be managed through the system. Court-ordered and administrative license actions can be posted to the system as they occur, providing up-to-date information about an offender's license status. Because the system contains information specific to individuals, precautions must be taken to protect the privacy of confidential information (NHTSA 1997).

Second, NHTSA recommends that all DUI tracking systems provide statewide statistics on various measures of DUI that will allow legislators, policy-makers, treatment professionals, and others to evaluate the current DUI environment and the effect of countermeasures and laws designed to reduce DUI or provide services for DUI offenders. At a minimum, annual statistical reports should be available that identify arrests, convictions, fines assessed and paid, sanctions, and treatment effectiveness by age, sex, county, or court (NHTSA 1997).

Since Oklahoma courts that process DUI defendants have varied CMSs, it may be more efficacious to develop the system at the DPS Records Management Division. Having all law enforcement officers send a copy of DUI citation or arrest paperwork to the DPS would provide a relatively neutral location for the infrastructure. Once the initial

paperwork is filed in the tracking system, a record of the total number of impaired driving arrests is created. Then, if no conviction information is received, the DPS knows that the case was either not filed by the prosecutor, was deferred in some manner, or was simply not reported by the adjudicating court upon disposition.

Since Oklahoma law requires completion of court-ordered sanctions prior to re-licensure, that data would be available to the licensing authority. Treatment assigned and completed, interlock usage, failure rates, and recidivism rates would all be readily available. The system would also provide a Statewide picture of enforcement and would indicate whether case disposition is impacted by geographical location within the State or by the individual court or type of court that handles the adjudication of the cases. A great deal of data can be collected and gleaned from an effective DUI tracking system which can help to facilitate training on the part of law enforcement, administrative hearing officers, prosecutors, and judges. A DUI tracking system also provides a ready source of data for analysis of various countermeasures, treatment modalities, alcohol education curriculum, average BAC levels and more.

In a State with independent courts and non-integrated court computer systems, a DUI tracking system can aggregate data to help inform enforcement, education, legislation and adjudication of impaired driving to not only more effectively address the problem of impaired driving, but to assess its true impact on the residents of the State of Oklahoma.

If the AOC succeeds at developing a single case tracking system for all the courts within Oklahoma that adjudicate impaired driving offenses, the DUI tracking system could be subsumed within that integrated criminal justice structure. If, concurrently, electronic citations and filing of DUI charges becomes a Statewide practice, resource savings would mount for the courts (data entry of thousands of tickets into the CMS would no longer be required) for the police (transmission of citations to the courts would no longer require mailing or delivery), law enforcement officer safety would be improved (less time spent completing paperwork at the side of the road as a potential target for other impaired or inattentive drivers), and data related to the State's enforcement efforts would be readily available.

There are numerous initiatives underway within the State to address the impaired driving problem. A DUI tracking system is a simple first step in providing the one-stop shop for data that can guide future decision-making and drive evidence-based policy development.

Recommendations

- Develop and implement a comprehensive DUI tracking system.

C. Driver Records Systems

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 driver license 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; and*
- Provide for the effective exchange of data with State, local, tribal and military agencies, and with other governmental or sovereign entities.*

Status

The driver licensing and record keeping functions in Oklahoma are managed by the Department of Public Safety (DPS). The Records Management Division maintains records on licensed drivers and on unlicensed persons who have been convicted of traffic violations or have been sanctioned administratively. The driver record includes the driver's demographic data, reports of convictions, crash involvement, license status, and other information pertaining to both commercial and non-commercial drivers.

The Driver Improvement Division is responsible for applying administrative sanctions against driver privileges, administering the point system, monitoring medical conditions, recording attendance at alcohol and other substance abuse courses, and administering mature driver accident prevention.

Convictions for traffic offenses are received from most Oklahoma courts via the State Internet Portal, and others via paper abstracts. States that are members of the Non-

resident Violator Compact send convictions for licensed Oklahoma drivers. Out of state convictions are translated using the American Association of Motor Vehicle Administrators' Code Dictionary (ACD); and, for the sake of uniformity, municipal ordinance violations are translated to State statute via a law conversion table developed by the Department of Public Safety.

Drivers who violate Oklahoma's implied consent law are processed by the DPS Legal Division, and administrative license sanctions are added to the records as appropriate.

Driver status and driver history data are provided to law enforcement via the Oklahoma Law Enforcement Telecommunications Network (OLETS). OLETS has direct access to the Oklahoma driver files on-line and the data provided to officers is real time and delivered in an average of 1.5 seconds.

Court personnel and judges report ready access to driver history records. As noted previously, some discrepancies in the driver records have been noted in that some impaired driving convictions and administrative sanctions are missing. It was reported that data related to impaired driving offenses that are not included in the driver history file can sometimes be found in criminal history or court records.

The DPS is in the process of developing an on-line citation payment system using the State Internet portal. It will be incumbent on the Division to work with individual municipal courts prior to their implementation, in order to prevent the type of error-prone processes and data loss that resulted from the previous programming effort that partnered OK.gov and the various municipal courts.

Driver history records have been shared as appropriate with other traffic safety partners and have been linked with Health Department and crash records for analysis of crash causation.

Recommendations

- Develop and implement a quality control program, with the help of the OK.gov authority, to provide monthly reports on conviction data received from individual courts, in order that failure to report or partial reporting by any one court can be quickly ascertained and addressed. Such a program should manage timeliness of reporting, number of errors, types of errors, and average number of convictions reported, so that data for training and process improvement is readily available.

ASSESSMENT TEAM CREDENTIALS

ARTHUR L. ANDERSON

Assistant Commissioner
California Highway Patrol (Retired)
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Commissioner Anderson has over 35 years experience as a member of the California Highway Patrol. During his last executive position, he was an Assistant Commissioner and was responsible for managing and directing the department's field and air operations. Additionally, he was responsible for providing executive protection to the Governor and Constitutional Officers of the state.

During his law enforcement career, Anderson took a leave of absence and served several years as the Governor's Highway Safety Representative. During his tenure the state of California received numerous state and national awards for developing innovative programs such as the every 15 minutes program.

Upon his retirement from the California Highway Patrol, Anderson was appointed by the Governor to serve as a Commissioner of the Board of Parole Hearings.

Commissioner Anderson has served as a panel member on numerous driving while impaired and occupant restraint assessments throughout the country. Further, he served on the International Association of Chiefs of Police (IACP), Impaired Driving Subcommittee and contributed in the development of the subcommittee's impaired driving guidebook. This guidebook is a valuable resource for law enforcement agencies that are developing or improving their impaired driving enforcement efforts.

Anderson received his Bachelor of Science Degree from California State University Los Angeles and his Masters in Public Administration from the University of San Francisco. He is a graduate of the Administrative Law Judge Course, Judicial College, University of Nevada, Reno.

Commissioner Anderson is a member of various organizations that includes the International Association of Chief of Police, California Peace Officers Association, Rotary Club International, and the National Association of Administrative Law Judiciary.

SUSAN N. BRYANT, M.A., M.B.A.

leaderservices@yahoo.com

Susan (Sue) Bryant is currently a consultant for a firm based in Iowa where she recently returned after almost thirty years of employment with the state of Texas. She retired as the Director of the Public Transportation Division of the Texas Department of Transportation (TxDOT). The public transportation division had 180 employees and an approximately \$150 million budget of federal and state grant programs for rural and small urban transportation systems, the state's medical transportation program, and public transportation planning. Prior to becoming division director, she served for over ten years as the director of the Texas traffic safety program.

During her career with TxDOT, she also held the positions of assistant to the deputy director for field operations, and highway safety planner and traffic safety program manager. She served as secretary and member of the board of the National Association of Governors' Highway Safety Representatives (now Governors Highway Safety Association) and member of the law enforcement committee for the Transportation Research Board.

She facilitated the strategic planning process for the Governors Highway Safety Association (GHSA) and completed a "How To Manual" for occupant protection for children for GHSA. Most recently, she headed a project in Texas to conduct community assessments and develop local strategic plans for underage drinking prevention. In addition, she has served as community liaison for the Travis County Alliance for a Safe Community, an underage drinking prevention coalition based in Austin. She has served on highway safety program assessment teams for Alaska, Colorado (2), Florida (2), Georgia, Illinois, Kentucky, Maine (2), Maryland, Massachusetts, Montana (2), Missouri (2), North Dakota, South Carolina, and Wyoming. She served on the team to update the impaired driving assessment tool and on the team to develop assessment team training.

She has taught high school and adults, consulted for the media in major television markets, and also teaches management to state and local officials. She has been named to "Who's Who of American Women," has received the national Award for Public Service from the U.S. Department of Transportation, and is a two-time recipient of the American Association of State Highway and Transportation Officials (AASHTO) President's Modal Award for highway safety.

A Phi Beta Kappa graduate with Highest Honors in English from the University of Iowa, she holds a master's degree in communications from the University of Iowa and a master's degree in business administration from the University of Texas at Austin.

HONORABLE LINDA L. CHEZEM

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FORMAL EDUCATIONAL HISTORY

Indiana State University, (B.S., 1968)	Terre Haute, Indiana
Indiana University School of Law, (J.D., 1971)	Bloomington, Indiana

ABSTRACT OF PROFESSIONAL CAREER

Private Practice of Law,	Paoli, Indiana
Judge, Lawrence County Court,	Bedford, Indiana
Judge, Lawrence Circuit Court	Bedford, Indiana
Judge, Court of Appeals of Indiana	Indianapolis, Indiana
Department Head, 4-H Youth,	1998 -2000
Professor, Youth Development and Agriculture Education	1998-present
Purdue University	

Purdue University, Department of Youth Development and Agriculture Education,
Adjunct appointment at the IU School of Medicine, Department of Medicine.
National Highway Traffic Safety Administration Award for Public Service,
Nashville Tennessee, March 30, 2009
Chairman's Award, Indiana Governor's Council on Dangerous and Impaired Driving,
Indianapolis, Indiana November 19, 2010

Current University Service

Social Science IRB, Purdue University, West Lafayette
Censure and Tenure Committee, Purdue University, West Lafayette

Current National Service

National Advisory Council on Alcohol Abuse and Alcoholism, National Institutes of Health, Bethesda, Maryland
Chezem provides consultation to the Office of the Director of the National Institute on Alcohol Abuse and Alcoholism, NIH on ethical and legal issues involving alcohol research and the justice system.
Chezem chairs assessment teams for the National Highway Traffic Safety Administration.

Memberships

- American Academy of Forensic Science
- American Agriculture Law Association
- American Bar Association
- Indiana State Bar Association
- Indiana General Assembly Women's Club
- National Association of State Judicial Educators
- Society of U.S. Belted Galloway

ROBERT P. LILLIS

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Rob Lillis is President of *Evalumetrics Research* and has been providing planning, research and evaluation services to traffic safety, substance abuse, criminal justice, education, health and mental health programs at the state and local level for over 35 years. He provides planning, research and evaluation services for Drug Free Community Grant programs and serves as evaluation consultant to the Allegany Council on Alcoholism and Substance Abuse (ACASA) and numerous other local substance abuse prevention and youth development programs. He also provides evaluation services for school districts for a variety of special programs including 21st Century Learning Center programs, after-school mentoring programs and environmental education programs. Mr. Lillis has served as the evaluator for the Ontario County Juvenile Drug Treatment Court, the Finger Lakes Drug Court, Ontario County Youth Court, the Finger Lakes Child Abuse Response Team-Child Advocacy Center and the Ontario County Family Support Center. He also has conducted outcome studies for the Yes Pa Foundation, character education program.

Mr. Lillis was the primary source of research support to the governor and Legislature during the debate on the 21 year old minimum drinking age law in New York. He also served on the consultant panel for the U.S. General Accounting Office Special review of Minimum Drinking Age Laws.

Since 1991, Mr. Lillis has served as a member of the Impaired Driver Assessment Consultant Team for the National Highway Traffic Safety Administration (NHTSA) and has conducted 50 assessments of prevention and treatment programs in 32 states, Puerto Rico and for the Indian Nations. He was the recipient of the 2011 NHTSA Public Service Award.

JANICE D. SIMMONS

Jds1017@aol.com

Janice Simmons is a consultant for Technical Assistance Teams (TAT) throughout the nation. She has worked with teams since 1992, beginning with *The Emergency Medical Services Program Assessment for the State of New York*, providing assessment process consultation, project management, and writing support.

In addition to Impaired Driving, she has served as a team member on programs that include Driver Education, Motorcycle Safety, Occupant Protection, Pedestrian Safety, Enforcing Underage Driving Laws, Traffic Records, Emergency Medical Services, and Emergency Medical Services Reassessments. After graduating Maryland Institute College of Art, Baltimore Maryland, she taught design, criticism and aesthetics, and art history courses. In addition to her work in education and with assessment programs, she is an associate with a consulting firm in Annapolis, Maryland.

JOAN L. VECCHI

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Littleton, CO 80123
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Joan Vecchi has over 30 years government experience at local, state and federal levels with broad experience in the application of criminal law; regulatory oversight; operational leadership of multiple state-level Sections and Divisions; program management; budget and program analysis; and dealing with diverse customer bases, including individuals, businesses, and government officials.

Ms. Vecchi earned a Bachelor of Science, *magna cum laude*, from Metropolitan State College, Denver, Colorado with a double major of Law Enforcement and Psychology. She graduated first in her class at POST, as a Certified Police Officer from the Denver Police Academy. In addition to earning a Master of Business Management from the University of Phoenix with an emphasis on Human Relations and Organizational Behavior, she has also completed numerous continuing education, short courses, and in-service training with focus on law enforcement and business management subjects.

As the president of *Vecchi Consulting Company*, some of her projects include:

- Facilitation contract for Traffic Records Program Assessments nationwide
- Review and evaluation of Motor Vehicle Hearings processes in Wisconsin
- Review of Current Practices in Motor Vehicle-related computer databases and data collection techniques nationwide
- Review of state and privately-sponsored teen driver training initiatives in all 50 states and the U.S. territories
- Revised and Updated the National Advisory for Impaired Driving Programs
- Revised and Updated the National Advisory for Traffic Records Systems
- Development of a Model DUI Tracking System, including over 500 data elements
- Driver/Vehicle Committee Chair for Performance Measurement development for traffic record system components

In her earlier career, while working for the State of Colorado, Department of Revenue, she held the positions of Senior Director of the Motor Vehicle Division; Manager - Driver Control/ Traffic Records Sections of the DMV; Field Operations Supervisor - Liquor Enforcement Division; and Principal Policy/Budget Analyst. In addition, her experience in the Denver Police Department included Patrol Officer, Police Technician, and Sergeant.

PROFESSIONAL ASSOCIATIONS/ AWARDS

Association of Transportation Safety Information Professionals,

Past President and Executive Board member,

American Association of Motor Vehicle Administrators - Region Four, Board Member

Highest Civilian Commendation - Colorado State Patrol Revision of the Colorado Traffic

Accident Report, and the Police Officers Traffic Accident Report Manual

National Security Excellence Award, Coalition for a Secure Driver License, Washington, DC

Oklahoma Impaired Driving Assessment

Residence Inn Marriott, Downtown/Bricktown
400 East Reno Avenue, Oklahoma City, OK 73104
November 4 -9, 2012

AGENDA

Sunday, November 4, 2012

6:30 p.m. to 7:30 p.m. **Welcome Reception**

Monday, November 5, 2012

8:00 a.m. to 8:30 a.m. **Program Management & Strategic Planning Panel**

Welcome

Garry Thomas
Director, Oklahoma Highway Safety Office (OHSO)

Oklahoma Strategic Highway Safety Plan

Kevin Behrens
Assistant Director, Oklahoma Highway Safety Office (OHSO)

David Glabas
Highway Safety Engineer, Oklahoma Department of
Transportation (ODOT)

Oklahoma Highway Safety Office – Impaired Driving Programs

Garry Thomas, Director, OHSO
Kevin Behrens, Assistant Director, OHSO
Toby Taylor, Impaired Driving Programs Coordinator, OHSO
Alice Collinsworth, Communications Manager, OHSO
Sabrina Mackey, Program Manager/Impaired Driving, OHSO
Sherry Brown, Program Manager, OHSO

8:30 a.m. to 9:30 a.m. **Prevention: Section A**

Liquor Control Enforcement/Responsible Alcohol Service

Erik Smoot
Senior Agent, ABLE Commission
Marianne Long
Health Promotion & Outreach, Tulsa Health Department
Stacy Potter
Vice Chairperson, Oklahoma Prevention Policy Alliance

Reducing Underage Drinking

Stephanie U'Ren,
Community Prevention Partnership Manager
Oklahoma Dept. of Mental Health and Substance Abuse
Services
Jessica Hawkins
Director of Prevention Services
Oklahoma Department of Mental Health and Substance Abuse
Services

(Monday, Nov. 5, 2012 – Continued)

9:30 a.m. to 10:30 a.m.

Prevention: Section B

CRASHs Court and Youthful Drunk Driving (YDD) Programs

Judy Phillips

COURTS Programs, CRASHs Court and YDD Coordinator
Tulsa Community Services Council

Sgt. Jason Yingling

Oklahoma County Sheriff's Office/OHSO Liaison

Resources: Educational, VIP programs, access to alternative transportation, etc.

Chris Thomas, Shawnee Police Department

Chairman, Metro Area Traffic Safety Council

10:30 a.m. to 10:45 a.m.

Break

10:45 a.m. to 12:00 p.m.

High Visibility DUI Enforcement

High Visibility Enforcement (HVE) Campaigns

Lt. Roger Bratcher & Master Sgt. Russ Manuel

Oklahoma City Police Department

Trp. Chance Slater, Law Enforcement Liaison

Oklahoma Highway Patrol

“More Cops. More Stops.” Pilot Project

Sabrina Mackey, Program Manager, OHSO

Maj. Kevin Foster, Operations, Norman Police Department

12:00 p.m. to 1:00 p.m.

Lunch

1:00 p.m. to 2:00 p.m.

Toxicology

State Board of Tests for Alcohol and Drug Influence

Oklahoma State Bureau of Investigation

Robert Weston, Criminalist/Forensic Chemist

Paul Wallace, Forensic Toxicologist Supervisor

2:00 p.m. to 3:00 p.m.

Laws

Social Host Laws

Jessica Hawkins

Director of Prevention Services

Oklahoma Dept. of Mental Health and Substance Abuse

Services

Officer Curtis Thompson, Edmond Police Department

Child Endangerment Law

Liz Gifford, STOP DUI Oklahoma

Ignition Interlock Law

(recent legislation & changes, DL restrictions)

Toby Taylor, OHSO Impaired Driving Programs Coordinator

Monica DiSanto, Certified Victim Advocate, Stop DUI Oklahoma

(Monday, Nov. 5, 2012 – Continued)

3:00 p.m. to 3:15 p.m. Break

3:15 p.m. to 4:30 p.m. Impaired Driving Detection and Enforcement

Standard Field Sobriety Testing (SFST)/Advanced Roadside Impaired Driving Enforcement (ARIDE)/Drug Recognition Expert (DRE) Training

Deputy Chief Jim Maisano, Norman Police Department

Statewide Impaired Driving Enforcement Program

Lt. Garrett Vowell, Statewide Impaired Driving Enforcement Coordinator

Oklahoma Highway Patrol

(include PBTs & interaction w/Tribal Communities in discussion)

4:30 to 5:00 p.m. (Possible additional time for State questions)

Tuesday, November 6, 2012

8:00 a.m. to 9:00 a.m. Driver Licensing Sanctions

Revocation Process Overview, Administrative Hearings

John Lindsey

Deputy General Counsel, Oklahoma Dept. of Public Safety

Douglas R. Young

Director of Driver Compliance and Assistant General Counsel

9:00 a.m. to 10:15 a.m. Communications Programs

Paid Media Planning (HVE, sports marketing)

Alice Collinsworth, OHSO Communications Manager

Stephanie Halseide

Account Executive, Jordan Advertising

Mike Wilkinson

Executive Vice President, Jordan Advertising

Officer Robin Blair, Claremore Police Department

Green Country Safe Communities

Earned Media

Officer Craig Murray

Traffic Safety Coordinator, Tulsa Police Department

Amber Brassfield

Spokesperson, Green Country Safe Communities

Trp. Shawn Cummings

Law Enforcement Liaison, Oklahoma Highway Patrol/OHSO

Non-traditional media

Alice Collinsworth, OHSO Communications Manager

10:15 a.m. to 10:30 a.m. Break

(Tuesday, Nov 6, 2012 – Continued)

10:30 a.m. to 11:45 a.m.

Prosecution and Adjudication

Traffic Safety Resource Prosecutor

Jeff Sifers, TSRP, Oklahoma District Attorneys Council

Lee Cohlma, General Counsel

Oklahoma District Attorneys Council

11:45 p.m. to 12:45 p.m.

Lunch

12:45 p.m. to 1:30 p.m.

State Judicial Educator Program (SJE)

Judge George W. Lindley

Oklahoma State Judicial Educator

Bridget Forshay

East Central University

Project Director for the State Judicial Educator Program

Laura Yates

Assistant Division Head, Criminal Justice Division

Oklahoma City Municipal Counselors Office

1:30 p.m. to 2:15 p.m.

Screening and Assessment

Assessment Process

Ray Caesar

Criminal Justice Services Manager

Oklahoma Dept. of Mental Health and Substance Abuse

Services

2:15 p.m. to 3:30 p.m.

Treatment and Rehabilitation – Reintegration

Offender Monitoring, Reintegration

Eric Franklin

Deputy Director

Oklahoma Department of Corrections

Programmatic Needs

Clint Castleberry

Programs Administrator

Oklahoma Department of Corrections

Michael Hanes

Director of Specialized Programming

Red Rock Behavioral Health Services

3:30 p.m. to 3:45 p.m.

Break

3:45 p.m. to 5:00 p.m.

DUI Courts

Judge Michael Tupper

Cleveland County DUI/Drug Court

Capt. David Teuscher

Commander, East Division Patrol, Norman Police Department

Judge Martha Oaks

Oklahoma County DUI Court

