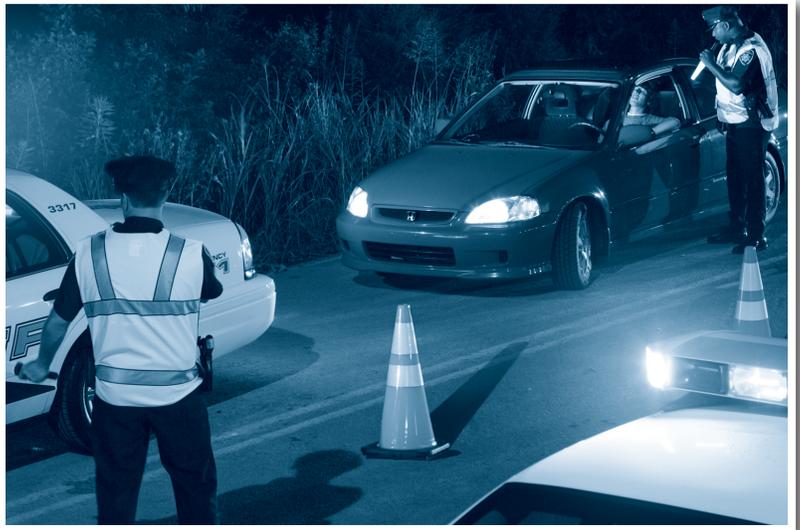


A Guide for Statewide Impaired- Driving Task Forces



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Introduction

Statewide Impaired-Driving Task Forces

Many of the strategies, laws, and countermeasures available to address the problem of impaired driving in the United States reside at the State and community levels. This is where the laws are enacted, applied, and enforced; where programs are implemented; and where changes can be realized. State and community leaders need a way to assess the local problem, document the systems in place to deal with the problem, and make recommendations for improvement. Impaired-Driving Task Forces provide that mechanism.

Have you ever thought, “If only I could get the key players in one room together, we could fix this problem”? Statewide Impaired-Driving Task Forces can do just that. By assembling key stakeholders in the community, Task Forces can assess statewide issues and attempt to close loopholes in enforcement, legislation, and prosecution procedures. Many Task Forces evaluate, develop, and support statewide legislation; they discuss the intent of the legislation while avoiding as many unintended consequences as possible. Impaired-Driving Task Forces are an effective tool to focus public attention on the impaired-driving problem in the State, identify necessary improvements to the system, and establish public and political support to implement and fund, if necessary, such improvements.

As of January 2006, 16 States had statewide Impaired-Driving Task Forces. Many other States formerly had statewide Impaired-Driving Task Forces of one form or another. Between 1980 and 1984, Impaired-Driving Task Forces were established in 42 States, mainly due to recommendations from the Presidential Commission on Drunk Driving, Mothers Against Drunk Driving (MADD), and other grassroots organizations, and with funding and technical support from the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (DOT). NHTSA’s 2003 *“Initiatives to Address Impaired Driving”* recommended that each State establish Driving-While-Intoxicated (DWI) Task Forces or similar institutional bodies to identify and focus public attention and resources on obstacles currently impeding effective impaired-driving countermeasures (NHTSA, December 2003).

Statewide Driving-Under-the-Influence (DUI), DWI, or Impaired-Driving Task Forces provide a way to get key players who address DWI issues together to share information, explore options, and close potential loopholes in the circle of impaired-driving legislation, enforcement, prosecution, adjudication, and treatment. Statewide Impaired-Driving Task Forces also provide a calm and safe place for members to address potentially controversial issues or any unintended consequences of strategies or new legislation that may affect different State agencies and stakeholders before the change is adopted.

Some Task Forces are started as ad hoc committees of people interested in reducing DUI/DWI in their States. In some, the Governor, the Attorney General, or a prominent member of the State legislature establishes an Impaired-Driving Task Force or adopts an existing committee. Sometimes this is a result of one or more tragic fatal crashes involving impaired driving that garners substantial publicity. Task Force members are typically appointed from a variety of disciplines and viewpoints. They are given the authority to review the State’s impaired-driving system, including programs, enforcement activities, and laws. Task forces

may recommend changes to the various components of the system, correct loopholes in DUI/DWI laws, and leverage resources to improve or enhance a countermeasure or enforcement activity. Task Force members typically examine the present situation (problem identification); assess the State laws, enforcement, prosecution, and adjudication; and recommend improvements to the system. Task Force members are typically representatives from various stakeholders: legislation, law enforcement, prosecution, adjudication, probation, communications, public relations, insurance industry, public health providers, citizen activists, victims, and others. Some Task Forces include members of the alcohol and hospitality industries; some do not.

About This Guide

The purpose of this guide is to assist State officials, citizen activists, and other stakeholders who are interested in establishing a State Task Force or who are exploring ways to improve their current Impaired-Driving Task Force. This guide describes Task Force issues: how to get started, how to select the Task Force membership, how to keep the membership involved, how to select problem areas to work on, how to use some of the strategies to solve problems, and how to avoid potential pitfalls and obstacles. The appendices provide a series of useful documents from other State Task Forces, such as descriptions of current Task Forces, meeting agendas, meeting notes, and sample Task Force recommendations.

Having the term “task force” in a title was not a requirement for inclusion in this guide. Many designations are used as titles; some examples are task team, commission, coalition, council, committee, leadership team, and advisory group that have been convened to study drunk driving, impaired driving, DUI, or DWI. The name used for the special group sometimes has implications. For example, to ensure impartiality, a judge who cannot serve on a Task Force may be able to serve on a leadership team or an advisory group. In this guide, we use the term “Task Force” to refer to any of the mentioned designations or other similar designations.

How This Guide Was Developed

To prepare this guide, researchers first contacted various key State and national organizations to determine the existence of current working and recent past (within past 10 years) statewide Task Forces. Of the 16 current working and 6 recent past Task Forces, researchers visited and/or interviewed representatives from 9 States to gather information, knowledge, and advice from these Task Force pioneers. Task Force meetings were observed, and the members of the Task Forces were interviewed individually or in small groups.

Some of the statewide Task Forces have been extremely effective in developing key legislation at the State level (that is later adopted) and in closing loopholes in their impaired-driving laws, enforcement, prosecution, and adjudication procedures. Others have addressed institutional changes such as developing better record-keeping systems or creating active communication between key agencies and stakeholders. Task force efforts have addressed legislative issues, enforcement strategies, criminal justice processing changes, improvements in sentencing procedures, the treatment of DUI/DWI offenders, and initiatives for curbing underage drinking. By learning from the experience of others, those wishing to develop or augment statewide Task Forces can enhance the process and avoid “reinventing the wheel.”

In-depth information was gathered about Task Forces in nine States. These States were selected in consultation with NHTSA headquarters and regional staff and in agreement with State Task Force officials to provide such detailed information. The idea was to get a good mix of current and past task forces with a fairly representative geographic representation. The following is a list of the nine States with Task Forces which were visited and/or interviewed, with the status of each State's Task Force shown in parenthesis:

- Florida (current)
- Maryland (current)
- Minnesota (current)
- Missouri (recent past)
- Ohio (recent past)
- Oregon (current)
- Utah (current)
- Virginia (recent past)
- Wyoming (current)

The other 13 States with DUI/DWI Task Forces follow, with the status of each State's Task Force shown in parenthesis:

- Illinois (current)
- Indiana (current)
- Kentucky (current)
- Louisiana (current)
- Michigan (current)
- Nebraska (recent past)
- Nevada (current)
- New Mexico (current)
- New York (current)
- North Carolina (recent past)
- South Carolina (current)
- Tennessee (current)
- Texas (recent past)

Members of existing Task Forces generously contributed their time and their wisdom so that other people wishing to form a Task Force could learn from their experience. The Task Forces studied were very different in terms of their purpose, their membership and leadership, the regions of the country that they covered, and their duration. Some were convened for a limited time to perform a specific task. Others are continual. The continued functioning of Task

Forces or the length of time they were or have been in operation was not necessarily considered as a measure of success. Rather, measures of success for Task Forces were positive changes in the impaired-driving policies of their State, their influence on impaired-driving consequences, the activities/changes that resulted from their establishment, and the legislation that was introduced and enacted as a result of their work.

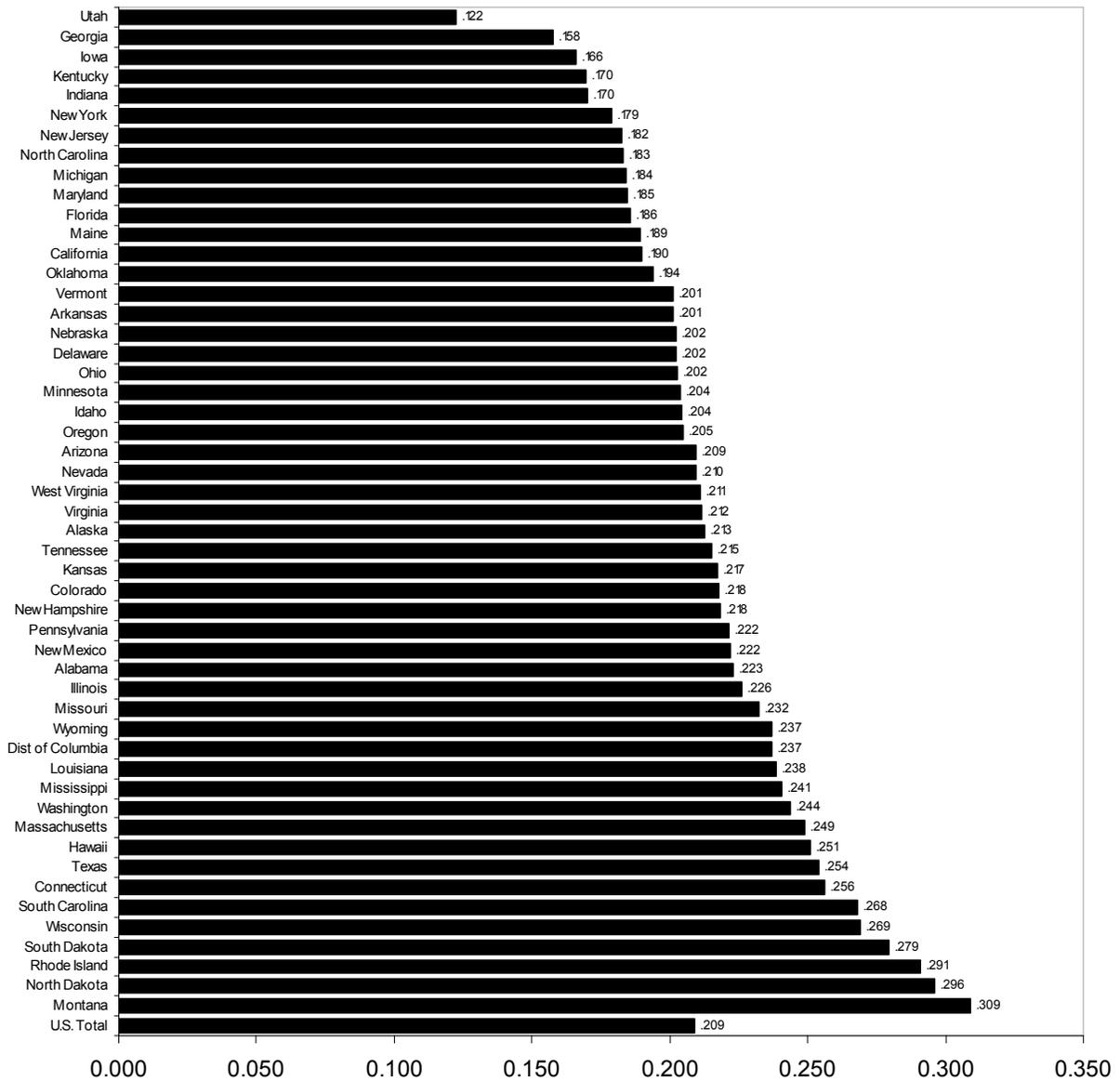
Target Audience for This Guide

Many communities have local or regional task forces to facilitate regional cooperation in impaired-driving law enforcement and publicity efforts. These local task forces are not the focus of this guide. This guide is designed to assist Task Forces or groups that address *statewide* issues.

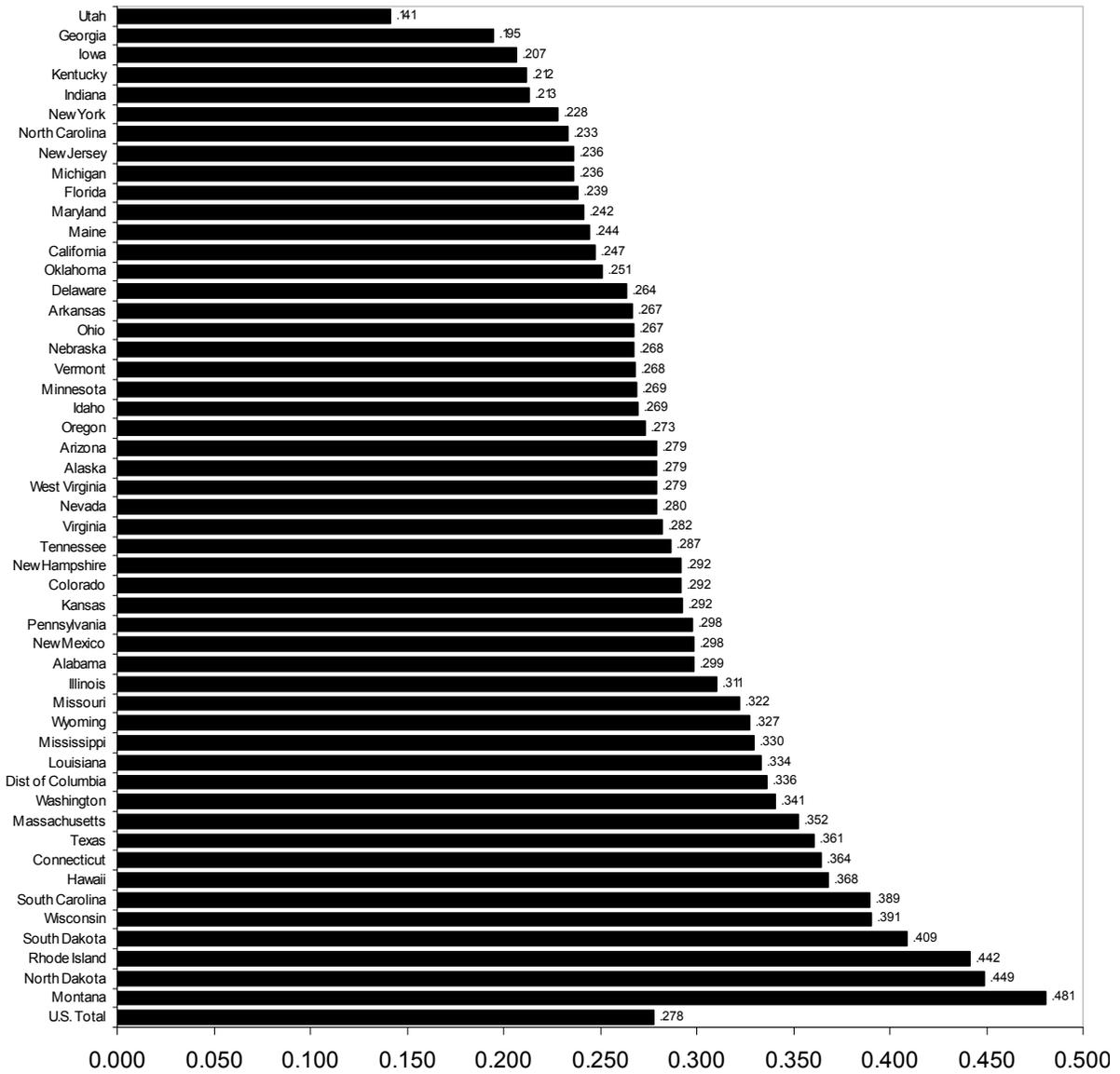
States that do not currently have statewide Task Forces (or a facsimile thereof) may consider establishing one. Very few States have made substantial progress in reducing impaired-driving fatalities and injuries over the past 10 years. Most of the progress that has been made occurred between 1982 and 1997. Every State has room for improvement. Different measures of the extent of the problem and the variability in each State are shown in Figures 1, 2, 3, and 4.

At a minimum, a Task Force can document the impaired-driving programs in the State, the strategies currently being used, the legal system process, and any problem areas. In many cases, Task Force recommendations are implemented and problems uncovered are resolved. In addition, strategies that have the potential to reduce impaired-driving can be implemented and evaluated for their effects.

A Task Force can be initiated by the governor (or a cabinet member), by a State legislator, or by a citizen activist group (sometimes in response to a highly publicized impaired-driving death).



**Figure 1. Proportion of Drivers With BAC = .08+ Involved in Fatal Crashes
5-Year Averages (2002-2006)
Source: NHTSA, FARS, 2008**



**Figure 2. Ratio of Number of Drivers With BAC = .08+ in Fatal Crashes to Number of Drivers With BAC = .00 in Fatal Crashes
5-Year Averages (2002-2006)
Source: NHTSA, FARS, 2008**

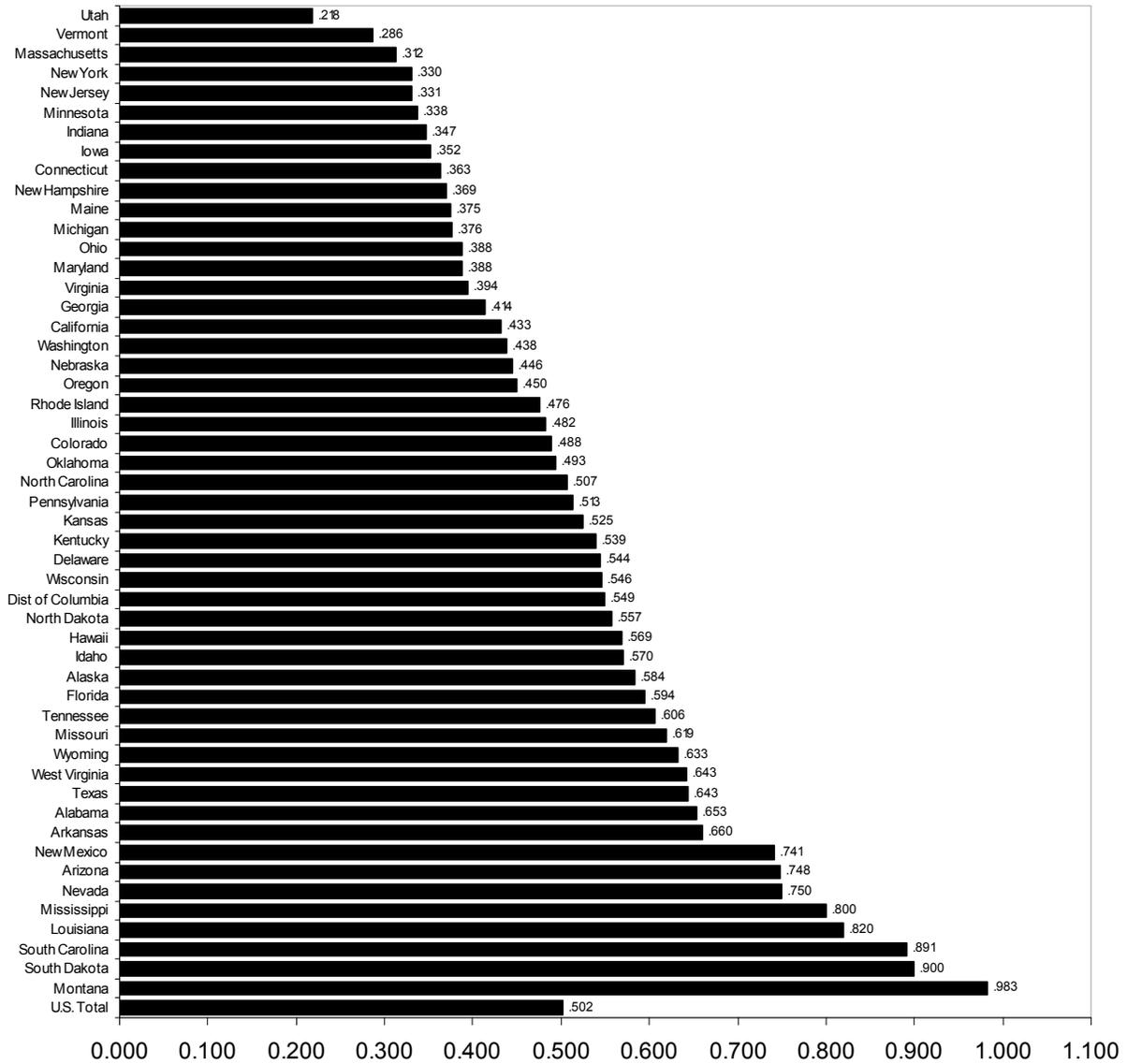
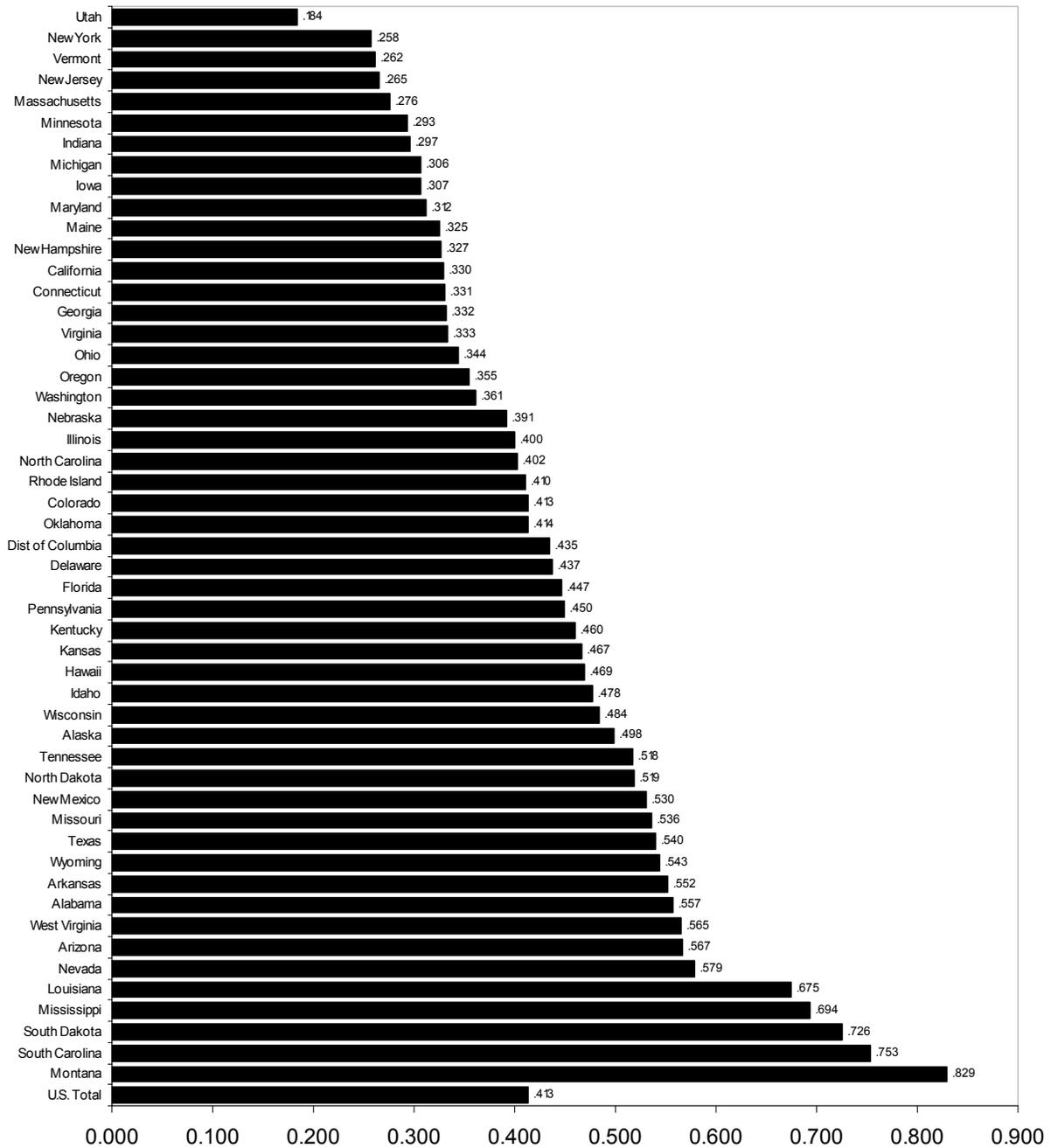


Figure 3. Alcohol-Involved Fatality Rates (Drivers or Pedestrians/Bicyclists With BAC = .08+) per 100 Million Vehicle Miles Traveled 5-Year Averages (2002-2006)
 Source: NHTSA, FARS, 2008



**Figure 4. Drivers With BAC = .08+ Involved in Fatal Crashes per 100 Million Vehicle Miles Traveled
5-Year Averages (2002-2006)
Source: NHTSA, FARS, 2008**

Statewide Task Forces

Purpose

Task Forces are generally organized or established for one or more of the following purposes:

- To identify specific impaired-driving problems in the State (i.e., problem identification).
As examples, these could include a large proportion of drivers arrested for DUI/DWI coming from certain popular bars; a large proportion of DUI/DWI offenders who have prior DUI/DWI convictions (e.g., a repeat offender problem); a low conviction rate for drivers arrested for DUI/DWI; and the inability to track DUI/DWI offenders from arrest to final disposition.
- To make recommendations to reduce impaired driving in the State.
Examples could include increasing the use of sobriety checkpoints accompanied by intensive publicity; recommending a law to require the use of alcohol ignition interlocks for convicted DUI/DWI offenders when they resume driving; or enforcing laws that prohibit alcohol service to obviously intoxicated patrons.
- To identify and overcome obstacles impeding effective countermeasures in the State.
Examples could include establishing a DUI/DWI tracking system to ensure that offenders comply with all sanctions, pay their fines, and reinstate their licenses; using low-staff sobriety checkpoints to reduce their cost to police agencies; or establishing qualified vendors for the use and monitoring of alcohol ignition interlock systems.
- To identify and address any unintended consequences that may result from proposed actions.
Examples could include ensuring that the rights of arrested offenders are upheld; determining that a sanction is considered so harsh that judges are reluctant to use it; or ensuring that hospital personnel will continue to request blood alcohol concentration (BAC) testing of impaired drivers injured in crashes without fear of drivers' health insurance not covering their treatment.
- To provide a network of communication and cooperation among the various stakeholders.
Examples could include bringing together stakeholders who normally do not communicate with each other to discuss common issues; bringing together adversaries on certain issues to discuss their various points of view; or providing a forum through which the latest impaired-driving approaches are introduced and discussed.

Task Force Membership

Task Force members need to be key stakeholders in the State effort to reduce impaired driving. The following areas directly and indirectly related to impaired driving should be considered, at a minimum, for membership on the Task Force:

- State Highway Safety Office Representative (to provide leadership, knowledge, funding, etc.)
- Legislation (a State legislator, or if not possible, a staffer and/or a lobbyist)

- Enforcement (traffic law enforcement, alcohol beverage control [ABC] officials, and college campus police)
- Prosecution (State special DUI/DWI prosecutor, if the State has one)
- Adjudication (judges, if possible; if not as members, perhaps as advisors or consultants to the Task Force; or recently retired judges)
- Defense attorney (may provide some insight on proposed enforcement strategies or legislation)
- Probation (to provide insight on the monitoring of DUI/DWI offenders on probation)
- Treatment and rehabilitation (to ensure that offenders who need treatment receive it)
- Education (at least high school and college representatives)
- Communications (can provide advice on how best to publicize certain issues)
- Public relations (can provide expertise on how to deal with public opinion)
- Research (provide the Task Force with latest findings on the effectiveness of certain strategies)
- Data and records (to ensure that appropriate data are collected, processed, analyzed, and available)
- Insurance industry (to provide cost incentives for reducing impaired driving)
- Public health (to ensure coordination with other health issues in the State)
- Automobile industry (for advice and latest information on available vehicle technology that could affect impaired driving)
- Alcohol industry (before inviting, consider the pros and cons which are discussed later in this guide)
- Hospitality industry (sometimes helps with sponsoring certain events)
- Alternative transportation industry (e.g., taxi companies, mass transit)
- Citizen activists (e.g., MADD; can lobby for legislation and stimulate media coverage of certain issues)
- Others (as deemed appropriate by Task Force leaders)

Types of Task Forces

The various types of existing Task Forces are:

- Governor's Task Force (or Attorney General or Secretary of Transportation) (State Executive Branch);
- Legislative Task Force (established by a member or members of the State Legislative Branch); and

- Ad Hoc Task Force (established to identify problems, improve communications, or provide oversight).

Some Task Forces are established for a specific term (e.g., one year; three years) and some are continuous. There are advantages and disadvantages to each. Specific-term Task Forces usually have specific goals established and timelines to accomplish them. There are strong incentives to complete the tasks and compromise on certain issues. When the goals are met, the Task Force is disbanded. Continuing Task Forces usually take longer to complete their tasks (no time pressures) but continually work the issues. They can, however, get off on tangents and not be very productive during long periods.

Reasons for Establishing a Statewide Task Force

The Task Forces that were studied reported the following reasons or advantages for establishing a Task Force:

- The Task Force serves as a mechanism for discussion of volatile issues with both pro and con arguments presented (e.g., establishing lower illegal BAC levels for repeat DUI/DWI offenders).
- The Task Force provides a broad range of expertise and various points of view on each issue.
- The Task Force can build consensus before any action, especially legislative, is taken.
- The Task Force can provide more authority than any one individual could in ensuring that a recommendation is implemented.

Issues to Consider Before Establishing a Task Force

Most successful Task Forces have a strong chair or leader, but there are advantages and disadvantages to having a strong leader. Strong chairs tend to steer the Task Force into areas of special interest to the chair. On the other hand, strong chairs accomplish goals in a reasonable timeframe. Strong chairs tend to have strong oversight on the activities of the various subcommittees and members.

Key issues to consider before establishing a Task Force include the following:

- Who will be members of the Task Force? Will the alcohol and/or hospitality industries be invited? Will defense lawyers be invited?
- How many members will be on the Task Force?
 - Twenty members was the norm of the Task Forces studied.
 - Ten members would be considered small but could probably accomplish more.
 - Thirty or more members are considered large and could be unwieldy, but several are that size (e.g., Maryland, Florida, and Virginia).
- How many meetings per year should be held?
 - The norm is about three or four.

- Should there be subcommittees established?
 - Many Task Forces do, if deemed necessary.
- Should “White Papers” be written about certain issues?
 - Some Task Forces do, if deemed appropriate.

Guidelines for Establishing a Task Force

The following guidelines were brought out during interviews with the chairs and key members of Task Forces, and from attending Task Force meetings:

- Clearly define the objectives of the Task Force.
- Establish procedures for selecting a chair (or co-chairs).
- Develop a charter and have it approved by all members.
- Define a selection process for the membership.
- Establish and approve the rules on voting (e.g., unanimous, consensus, or majority).
- Appoint someone to take minutes of the meetings.
- Establish funding and reimbursement procedures (e.g., apply for a small grant from the State Highway Safety Office [SHSO] for travel and other expenses).
- Establish the timeframe for operation of the Task Force (e.g., short-term or ongoing/advisory).
- Clarify the rules for dealing with the media (establish guidelines about who can talk to the media and when).
- Ensure that decisions are data-driven (i.e., recommendations can be backed up with data).
- Establish consensus building as one of the main objectives of the Task Force.
- Appoint someone to be responsible for tracking recommendations (e.g., How many have been adopted? In what timeframe?). This was not the case in most Task Forces that were studied, but it was highly recommended.
- Establish the focus of the Task Force (e.g., narrowly focused on impaired driving or widely focused on problems associated with alcohol).

Steps for Starting a Task Force

1. State clearly the purpose of the Task Force (e.g., identify the problems in impaired driving in the State; focus on a specific problem; review, correct, and introduce better laws).
2. Invite all the key stakeholders (see who accepts).
3. Ensure that there is membership diversity.
4. Be aware that citizen advocates are very important.

5. Obtain assurance from the appropriate authority or authorities that the Task Force will have some clout/influence/authority.
6. Apply for a grant (402 or 410) from the SHSO for a small amount of funding.
7. Select a chair or co-chairs.
8. Consider holding a press event.
9. Consider using a recent high-visibility drunk-driving crash to convince the public that a Task Force is needed. This will also increase public attention to the issue.

Structure for Task Forces

Developing a Place to Discuss Issues Calmly

When a Task Force has heard both sides of an argument, it tends to enhance the resultant strategy. This is more effective in a Task Force setting than at a legislative hearing. "Hearing each perspective in the cool of the evening instead of in the heat of a legislative session, the product will result in much better public policy," said Richard Schwermer, Assistant State Court Administrator, Utah. "One big issue is to get people to look beyond their own piece of the pie."

Staffing

Many Task Forces start with volunteer coordinators, but the ones that are currently continuing have someone in a paid position who coordinates meetings, sends out the agenda, and runs the meetings. These are often State professionals who have a passion for the issue.

Leadership

Strong leadership of a Task Force is a critical component. The leaders run the meetings. In some of the Task Forces, one person performs the administrative functions and another person serves as the group chair.

Funding

A small amount of funding to reimburse members for travel and provide meals during meetings should be strongly considered. Wyoming has funding from the office of the Governor. This funding pays for travel costs and meals for members to meet quarterly at a hotel.

In Florida, the State Office of Highway Safety provides funding for the Committee through a 410-funded grant to the Institute of Police Technology and Management. The funding pays for travel expenses for committee members who travel from throughout the State.

How to Get the Governor Interested

Task Forces with the governor's support, or at least the governor's recognition, tend to be more successful. In Utah, the lieutenant governor's neighbor was killed and the grandfather became a MADD member. He joined an existing ad hoc committee and then convinced the

lieutenant governor to support it. In Wyoming, the candidates running for governor stated what they would do about drunk driving in their State, if elected.

Selecting Members

It is critical for a Task Force to assemble the most important stakeholders: the professionals who are involved in impaired driving and the citizen activists who have the passion to eliminate it. Most Task Forces reported that the composition of the membership is of utmost importance.

Task Force Term Limits

Some Task Forces have term limits for their members (e.g., three years) to ensure a “fresh perspective.” However, this also tends to phase out very effective members, just when they are at their peak. In either case, this needs to be decided and justified early.

Number of Members

Consideration should be given to naming some optimum number of task force members. Wyoming started with 30 members. The Utah Governor’s DUI Council had 11 members. Florida has about 50 members, but sometimes the group has 35 attendees and other times only 15 attendees at its meetings.

Important Roles on the Task Force

The chair and the Task Force coordinators play key roles. Members and volunteers can also play key roles, but they must be interested in the issues and not just to represent the interests of their respective organizations or companies. In some instances, the coordinators are paid.

The Case for Government Employees

Lobbying is illegal for most State government employees, so care must be taken on how they support certain recommendations. Usually, however, their expertise is essential to the Task Force.

Number of Meetings

Wyoming has regular quarterly meetings that the majority of members attend. They are held in a different part of the State each time, and members from far distances stay overnight. Oregon, Minnesota, and Utah meet monthly. Florida meets three times a year, often in conjunction with a DUI Symposium. Members meet at a hotel and often stay overnight. Travel costs are reimbursed with State Section 410 funds. Subcommittees meet on an as-needed basis, often after the committee meetings.

Legislative Tips

Multiple Task Force respondents said that it is very important to have all the key players at the table. This is especially important with legislation but could also affect other strategies,

such as enforcement procedures. If a key player has not participated from the beginning of the legislative process, they often may choose to oppose the action later.

Alcohol Industry: Should They Be a Member?

The pros and cons of inviting alcohol industry members follow:

PROS

- The Task Force will hear of any opposition to legislation or strategies up front.
- The alcohol/hospitality industry member can play a key role in certain strategies (e.g., promoting alternative transportation; providing responsible beverage service).

CONS

- Certain promising strategies can be declared “off the table” before discussion even begins.
- Certain compromises may be necessary in legislation and strategies that may weaken their potential effect.

In Wyoming, the governor asked the council to invite a representative from the alcohol industry to participate in the group. The representative was eager to be included. The introduction of this individual into the group was difficult, but the group now respects the individual as a person and listens to his point of view. When the alcohol industry agrees with proposed legislation, that makes a very strong coalition.

Regarding Virginia’s second Governor’s Task Force in 2003, it was decided to include the alcohol industry and defense lawyers. As a result, some issues were immediately declared off the table (e.g., raising alcohol taxes). However, consensus was reached on other legislative recommendations, and most legislative recommendations were adopted.

Size of the State

The geography of the State obviously has implications for members’ travel costs and meeting locations. This should be considered when developing a budget for the Task Force.

Subcommittees

Under the Governor’s Council, Utah had three subcommittees:

- Criminal Justice
- Treatment
- Education

The Virginia Task Force successfully used three subcommittees in 2003 with a chair for each:

- Specific Deterrence
- General Deterrence

- Prevention, Intervention, and Treatment

Running a Meeting

Running a meeting efficiently is a talent that most managers must learn. With the level of representation at a statewide Task Force, people are very busy and are accustomed to meetings that serve a specific function. Some ingredients of a well-run Task Force meeting follow:

- The meeting has a clear purpose.
- The agenda is stated in advance.
- Essential people are present and only essential people are included.
- The discussion stays on topic.
- The meeting ends with a clear plan of action.

Many books and training opportunities exist that provide important tips for running meetings. It is critical that the Task Force leader have skills in running a group. The group leader must be able to steer the group, encourage equal participation, handle conflict, bring people to consensus, and use the group consensus to further the mission of the Task Force.

Following are some skills and tactics observed in the Task Forces that were studied:

- **Agenda:** Each Task Force studied circulated an agenda to the Task Force members before the meeting. In most cases, the agenda had scheduled timeframes associated with each discussion. The agendas were developed by the group administrator and the chair, with input from the members. By circulating the agenda topics, Task Force members can better prepare for the meetings and will not be caught off-guard. Sticking to the agenda is one of the more difficult challenges of the group moderator or Task Force chair; inevitably members will bring in unanticipated ideas and side discussions. The chair can choose to add these to the agenda or ask that the current agenda be followed but will add the new items to the next meeting's agenda.
- **Co-Chairing a Meeting:** For longer meetings, appointing two moderators who share the moderating task takes the pressure off one person. Moderating a group takes intense energy: listening, moderating, and trying to reach consensus. With multiple moderators, the task may be easier.
- **Keeping Energy Level High:** Some State Task Forces held shorter meetings, whereas others held day-long meetings because people traveled from far distances around the State to attend. In the case of day-long meetings, meals, snacks, and breaks were important. Wyoming managed this by dividing the Task Force members into three smaller groups. The small groups adjourned to different parts of the room, addressed specific issues, and came back to the meeting with recommendations. This change of pace reinvigorated the participants.
- **Staying on Topic:** One key challenge for Task Force chairs is to keep the discussion from veering off topic. One management technique is to ask someone to record the issue in a notebook or on a flipchart under the header of "Parking Lot." This will capture these important issues or questions that are not on the agenda but which

might be addressed at another time. The chair can schedule followup meetings on the topic or add it to the next agenda if it warrants more attention.

A good chair often uses specific lines such as:

- “Let’s discuss this level of detail in a smaller group.”
- “Those are good points – perhaps we can schedule a separate meeting on that with the key parties.”
- “Let’s put that down in the ‘Parking Lot’ so that we won’t lose track of it, but let’s get back to our agenda topics.”
- **Start on Time:** The coordinator and chair should establish a pattern of starting on time, regardless of who has not arrived. They should not stop to brief the latecomers on what they have missed. This will encourage people to arrive on time.
- **Decision-Making:** This is a key issue for Task Forces that are formed to act, rather than to network, or for issues that require resolution. Leave 10 to 15 minutes for a wrap-up time at each meeting. First, the chair should summarize the issues and the resolutions as he or she understands them. Then, the chair should state what actions need to be accomplished and assign those to Task Force members and set a delivery date or a deadline for completion. If another meeting is required, the chair should select the date at the current meeting. The chair should then follow up with meeting notes or minutes that document the agreed-upon actions.

Successful Task Forces

Several of the Task Forces demonstrated success in achieving their goals and in getting their recommendations implemented. Some examples of large-scale goals achieved by Task Forces across several States are described in the following section.

Legislative Accomplishments

Utah

Utah’s DUI Committee has been functioning since 1994. The Committee is an adjunct of the Utah Substance Abuse and Anti-Violence Coordinating Council, Utah Commission on Criminal and Juvenile Justice. It has developed a sterling reputation among the Utah legislators as recommending legislation that is well researched and has agreement among the key stakeholders. As such, most of the Committee’s recommended legislation has been adopted by the State legislature. This DUI Committee has evolved through three reorganizations, and its history highlights some of the unforeseen twists and turns of Task Forces.

Disaster Brings People Together

In 1994, a Utah State legislator, Nora Stephens, sponsored a bill to lower the illegal BAC limit from .08 grams per deciliter (g/dL) to .04 g/dL at the request of a constituent whose daughter was killed by a drunk driver. The bill was abolished in committee that year and did not have the support of the Department of Public Safety (DPS). To avoid intergovernmental opposition in the future, Congresswoman Stephens contacted the DPS to organize a DUI Task Force to select some problem areas upon which they could come to an agreement. She invited key players to attend. The approximately 15-person ad hoc committee, chaired by

Representative Stephens, met once a month. With no funding and no staff, Representative Stephens paid for the copying supplies and took responsibility for administrative tasks such as distributing minutes. Representative Stephens remembers the first months as being rocky. She recounts that “A professor from the university came to the meeting. He said, ‘We’ll never get anything done because everyone around the table is protecting their own turf.’”

The DUI Committee started by identifying issues that members brought to the table and then prioritizing them. Instead of dictating the issues, Representative Stephens asked, “What are the issues we should work on?” Eventually the members shared a vision of what they could accomplish; a process she estimates took about three months. According to Representative Stephens, “Once they saw this, they found that they could agree on some issues.” Bart Blackstock, the former Deputy Director of the Driver’s License Division, and a member of this early ad hoc committee, echoes the importance of a shared vision. “Nora’s vision started this. She is a legislator who wanted to do something about the problem that could really make a difference. She didn’t want just a ‘feel good’ law. That’s why the committee has been effective.”

Early issues that the ad hoc DUI Committee addressed included supervised parole for DUI offenders, education rehabilitation versus incarceration, and the use of alcohol ignition interlock devices. The proposed .04 BAC bill eventually became sidelined while supervised probation took three years to enact. Representative Stephen’s advice was “Sometimes you have to do a little trial program or put a foot in the door. From there you can expand on it. When dealing with a lot of diverse legislators, you have to be able to back up what you say with research and statistics.”

Becoming a Governor’s Council

In 1995, Art Brown’s grandson was killed by a drunk driver. Mr. Brown took action. He and his wife Jayne met with Nora Stephens and combined forces. The Brown’s neighbor, the lieutenant governor, attended the funeral and expressed her interest in helping to address the DUI issue. With her support, the group was granted a 30-minute interview with the governor to present their case for the establishment of a Governor’s DUI Council. The meeting went well and the governor approved action to establish the DUI Council. On the day the Council was announced, MADD placed 1,700 pairs of shoes on the State Capitol steps, with each pair representing a Utah citizen killed in an impaired-driving crash. The Governor’s Council was chaired by Lieutenant Governor Walker and Representative Stephens. The Membership positions were designated by the charter, and many of the original members of the ad hoc DUI Committee were on the Council. The Council established six subcommittees: DUI Records; Public Awareness and Education; Sentencing Laws and Practices; Sanctions; Accountability; and Treatment. A subcommittee on Funding Needs was established in the second year for transitioning the Council to a Subcommittee.

During the 2001 legislative session, the Council was successful in getting four bills relating to DUI enacted. During the 2002 session, the Council sponsored eight successful DUI bills. In a special session during 2002, the Council recommended important legislation modifying the collection and transmission of DUI data by the Justice Courts to the DPS. It was also enacted. After the second year, the Governor’s Council was sunsetted, as planned; however, the Council decided to continue in a new form. Continuing the Council was strongly resisted by various State government entities. The Council’s fight against extinction went public when a local reporter, Lucy Dillon, wrote a series of articles about DUI in the *Deseret News*.

Although members of the Council grumbled that the information in the newspaper articles was not always correct, they were grateful for the publicity. Most members said that it undoubtedly helped them continue the Council as a subcommittee.

A New Home for the Council

In the next year, the Governor's Council changed venue and adopted a very long name: the DUI Subcommittee of the Utah Substance Abuse and Anti-Violence (USAAV) Committee. The USAAV Committee funds the Subcommittee Director's salary and provides a meeting space and administrative support. Without the governor's title, the subcommittee has a lower profile. On the other hand, because they are removed a step from legislative and executive functions, the subcommittee enjoys some political freedom. Because the subcommittee retained their experts and organizational decision-makers, their power remained intact. Subcommittee members felt that there were definite benefits to the longevity of the Task Force in terms of developing working relationships with each other. It has earned a positive reputation, which has contributed to the subcommittee's success in accomplishing legislative objectives.

Recent Accomplishments

In the Council's Third Annual DUI Report to the Utah Legislature in 2005, the Council reported a legislative change that they recommended, which was adopted. The new law changed the restricted blood alcohol concentration for certain alcohol offenders (repeat offenders) to any measurable or detectable amount, essentially a zero-tolerance policy for identifiable past offenders. This law includes a zero tolerance for any convicted offender: first offense - no alcohol while driving for two years after conviction and an interlock for high-BAC offenders and for drivers under age 21. For second convictions - no alcohol while driving for 10 years and 3 years on the interlock. For three and more convictions - this is a felony with a lifetime restriction of no alcohol while driving and three years on the interlock. For convicted DWI offenders who refuse the BAC test there is a five-year no alcohol while driving restriction and three years on the interlock. It allows law enforcement to take these repeat offenders off the road when they are below .08 g/dL BAC, and to send a strong message: if you violate the community's trust, you are going to jail - any amount of alcohol. It has been reported that this law has been a major contributor in reducing Utah's alcohol-related fatality rate per 100 million VMT over the last 10 years from .48 to .25 in the face of the same drinking culture in the State and with per capita alcohol consumption going up slightly.

The Council recommended two legislative actions:

- Extend the sunset date on the use of pleas in abeyance in DUI cases.
- Increase the use of the alcohol ignition interlock device as an effective tool for preventing and reducing DUI.

The Council continues to have a strong influence on impaired-driving activities in Utah.

Virginia

In 1982, Virginia Governor Chuck Robb established Virginia's first Governor's Task Force to Combat Drunk Driving. In 1983, the Task Force made 51 recommendations in the areas of DUI enforcement, adjudication, rehabilitation, and public awareness. By 1993, all but 7 of the 51 recommendations had either been enacted (in the case of legislation) or implemented, and by 2003, only 5 of the 51 had not been implemented.

Given this success, and the fact that 20 years later alcohol-related crashes in Virginia began to increase, Governor Mark Warner, in 2002, created the Task Force to Combat Driving Under the Influence of Drugs and Alcohol to recommend new strategies to curtail the problem. The large, 42-member Task Force was co-chaired by the Secretaries of Public Safety and Transportation. Bill Leighty, the Virginia Governor's Representative for Highway Safety, coordinated all the activities of the Task Force and handled the logistics. The Task Force membership included the former Chief Justice of Virginia's Supreme Court, seven members of the Virginia Senate, six members of Virginia's House, and numerous government and citizen organization representatives. The alcohol and hospitality industries were represented, as were the defense attorneys. The co-chairs established three major committees that met separately, and the entire Task Force met twice during 2003 to receive and review progress. On the table were sobriety checkpoints, off the table was raising the beer tax.

The Task Force made 33 recommendations for action: 5 legislative (4 of which have been enacted), 10 administrative, 4 court-related, 3 public awareness, 4 substance abuse prevention, 4 training, and 3 for further study. According to interviews with members, there was consensus on most of the recommendations, and the Governor quickly signed and endorsed the report. The recommendations are being tracked, and there is some talk of establishing a longer-term statewide Task Force.

Although only five of the recommendations involved legislation, these five did result in an omnibus DUI bill introduced at the next session. As mentioned, four of the five were adopted quickly. These included the following:

- Eliminating the requirement of a magistrate to issue a warning upon breath-test refusal.
- Reinstating a form of the Habitual Offender Act to create administrative procedures to deter repeat offenses.
- Lowering the definition of a high BAC level from .20 g/dL to .15 g/dL to allow increased sanctions for these offenders.
- Increasing the penalties for drivers arrested while driving with a restricted license as a result of a prior DUI.

Only an open container law has not been adopted by Virginia.

New Mexico

The New Mexico DWI Leadership Team has been instrumental in the State's substantial progress in reducing impaired driving. Between 2003 and 2006, when most of the Nation did not experience reductions in alcohol-related fatal crashes, New Mexico saw a 15-percent decline in their alcohol-related traffic fatalities. There are many reasons for the decline, including increased enforcement, legislative changes, and outstanding support for programs and resources by Governor Bill Richardson, DWI Czar Rachel O'Connor, the State's Traffic Safety Bureau, NHTSA, and the State Leadership Team.

Tough and innovative impaired-driving policy changes contributed to the reduction in alcohol-related fatalities and were the result of coordinated efforts by the DWI Czar and the

DWI Leadership Team. Since 2004, the New Mexico Legislature has enacted several important and innovative statutes that have contributed to the progress to date:

- Creating an alcohol ignition interlock licensing provision.
- Mandating alcohol ignition interlock devices for all DWI-convicted offenders (including all first offenders, the first such State to do so).
- Mandating substance abuse treatment for second and subsequent DWI offenders.

At the request of the DWI Czar and the Leadership Team, the legislature also provided funding for enforcing these laws including funds for the interlock compliance unit in the Motor Vehicle Division, for the Mobile Strike Unit to conduct enforcement activities and compliance checks at bars and restaurants, for the Drunk-Busters DWI Hotline, and for an early education DWI prevention curriculum in schools around the State.

DUI System Fixes

Oregon

The Oregon Governor's Advisory Committee on driving under the influence of intoxicants (DUII) was established under an Executive Order by the Governor in 1983. It began operations shortly thereafter and has been a continuing Task Force ever since. New members of the Committee apply first and must be approved by the Governor and the recommendation of the Chairman and the Governor's Highway Safety Representative. The current members represent DUII enforcement, ABC enforcement, prosecution, parole, probation, treatment, records, AAA, and citizen activists (10 members). There is a long list of public agency liaisons as the Governor's choice is to avoid public agency representatives acting as voting members. The meetings are held once a month in Salem, and members' travel cost is paid for by the SHSO. Chuck Hayes, an official in the International Association of Chiefs of Police (IACP), currently serves as chair.

After working on it for several years, the Committee finally was successful in getting a Traffic Safety Resource Prosecutor (TSRP) for the State, and she serves as a liaison as a public prosecutor resource for the Committee. About a year ago, the Committee asked for another evaluation of the dismissed suspension cases as part of the administrative process. The report identified that law enforcement officers were failing to appear at administrative license revocation hearings, but no one was informing the appropriate law enforcement agencies that officers were not appearing. When the Task Force discussed this issue, the Driver and Motor Vehicles Services Division (DMV) realized that they had a list of cases when this happened and could easily send that list to the law enforcement agency in question. The DMV started informing the senior administrator of police agencies when an officer did not appear at a hearing. Officers began showing up again and this problem has been reduced. The resolution of this issue required no funding and no legislation: it was resolved with improved communication.

The Committee was the primary sponsor, through the governor, for the implementation of the Felony DUII Laws. This was based on real-time offender information shared at the Committee meetings. By evaluating the entire process, the sentences meted out, tracking the low, yet stagnant recidivism rates, it was decided that enhancing the current penalty was not

enough. The Committee launched an information campaign to enlist grassroots understanding of the State's population. Statistical reports were generated by geographical areas. A small group was identified as the spokesperson for media questions. A legislative concept was drafted, worked, and vetted amongst the impacted agencies prior to filing the request for a bill. Then the request was sent forward to the governor, scrubbed as well as it could be, and was approved for filing in the legislative session. The bill was passed and became law. This new law, along with other changes and outreach, has reduced the number of third or subsequent DUII convictions from a high of 719 in 1996 to 418 in 2005. The Committee is also presently investigating why all the fine money for drivers convicted of DUII is not collected. One report showed the collection of only a fraction of what should have been received from these offenders during the first year after sentencing.

Florida

The Florida Technical Advisory Committee on DUI Enforcement and Prosecution was initiated in 1994 with funding under a grant from NHTSA. The chair is the Director of the Police Institute for Police Technology and Management. The Committee has 30 to 40 members and meets about three times a year in different parts of the State. The cost of members' travel is paid by the State.

A recent pressing issue involved the evidential breath-testing device used in Florida. Judges began dismissing DUI cases when defense lawyers asked the prosecutor for the "source code" of the Intoxilyzer 1000 models used throughout Florida. Only the manufacturer, CMI, has these codes. Defense lawyers questioned the accuracy of the test result without the benefit of these source codes. The Committee recommended legislation (which was enacted) that did not require the State to provide this information during a DUI prosecution. The new law dramatically reduced the use of this argument from defense attorneys.

The Committee has also recommended and implemented training on how to properly, legally, and efficiently conduct sobriety checkpoints in Florida. This has resulted in the increased use of checkpoints throughout Florida. After complaints by police concerning problems in using in-vehicle video cameras in police cars, the Committee recommended and the State implemented an improved training course in the use of these devices. The Committee is now struggling with the increasing frequency of refusal to take the breath test by drivers arrested for DUI. They are looking into ways to reduce refusals, including tougher sanctions for refusing the test and mandatory testing when probable cause is shown (i.e., forcible drawing of blood similar to what Arizona does).

New Mexico

The New Mexico DWI Leadership Team includes representatives from the State Departments of Corrections; Health; Finance and Administration; Public Safety; Regulation and Licensing; Children, Youth, & Families; and the Motor Vehicles Division, the Administrative Office of the Courts, the District Attorney's office, the Attorney General and Public Defender's offices, and the University of New Mexico's Public Law Institute and Division of Governmental Research. It also has members from county-level government, Native American Tribes, advocacy groups such as MADD, and of course law enforcement.

Among many accomplishments by the Team, the following have strengthened DWI-related laws:

- A toughening of the liquor law license rule that allows only three violations within 12 months for sales to intoxicated people or sales to minors for license revocation.
- Initiating a judicial summit to address issues related to the adjudication of DWI cases including additional funds for judgeships across the State.

Enforcement Strategies

North Carolina

The North Carolina Governor's Task Force on Driving While Impaired released its final report to the governor on January 14, 2005. North Carolina has had a series of State Task Forces beginning with the one under Governor Jim Hunt in 1994, although none are currently active. The most recent Task Force, established in 2004, had 34 members representing most stakeholders. It was co-chaired by a State House representative, a State Senator, and a county district attorney. Members included law enforcement officers, prosecutors, judges, sheriffs, MADD activists, public health officials, researchers, insurance officials, college administrators, alcohol beverage control officers, SADD activists, and the DMV Commissioner.

In its final report, the Task Force recommended the following impaired-driving enforcement actions:

- Increase the number of publicized checkpoints and/or saturation patrols to at least one enforcement event every 30 days within those counties representing 60 percent of the DWI crashes for the prior year. The number of State Highway Patrol troopers will need to be examined to determine if there are adequate resources to accomplish this goal. All law enforcement checkpoints should be required to have standardized criteria.
- Alcohol Law Enforcement (ALE) should increase the percentage of routine compliance checks at alcohol outlets. The number of compliance checks is insufficient to determine if store clerks and bartenders are selling alcohol to underage or intoxicated patrons. There should be an increased focus on compliance checks at outlets identified as problematic.
- Local law enforcement agencies should be required to participate in effective DWI enforcement operations to qualify for State highway safety grants.

New Mexico

Impaired Driving Task Forces can also develop strategic plans. The New Mexico Governor's Statewide Multi-Agency DWI Strategic Planning Team did just that in 2003. More than 70 individuals participated in the planning team process. Strategies were developed in almost every area of impaired driving. In its final report to the Governor in December 2003, this group had a number of recommendations involving enforcement among other areas. Key enforcement recommendations included the following:

- Increase the number of sobriety checkpoint operations in the State by five percent a year for three years. Increase DWI arrests by 10 percent in the first year and 5

percent each year thereafter. Conduct a media campaign and include public information announcements. Publicize the statistics as they are available. Measure the reduction in DWI crashes per 100,000 population versus the number of checkpoints conducted in the area.

- Increase funding for equipment and personnel for the Scientific Laboratory Division, law enforcement, and the Department of Health for treatment services. Use offender fees, alcohol and vehicle taxes, and Federal funding to supplement funding sources.
- Develop a standardized training program for alcohol servers and interested parties. Increase enforcement by liquor law enforcement agents. Strive for a self-sufficient program using liquor license fees, alcohol excise taxes, and training fees as sources of funding.

Since then, the New Mexico DWI Leadership Team has worked with the DWI Czar to implement the following enforcement initiatives:

- Supporting increased enforcement efforts including a statewide “Super-Blitz” program and funding for full-time law enforcement officers in counties where DWI is the deadliest in the State.
- Developing an intensive multi-media effort on DWI enforcement designed to reach specific ethnic and demographic groups and other relevant groups.
- Developing and providing funding for a statewide “Hotline” so citizens can report impaired driving and working with cell phone providers so that number to call can be programmed into cell phones.

Selecting Issues

Selecting issues to address as a Task Force is an important process. Some Task Forces assemble for the purpose of addressing specific goals. Some assemble in response to a broad set of goals, such as those listed in NHTSA’s Impaired-Driving Assessment. Often, Task Forces find that they have the opportunity to set their own agenda and to prioritize the issues for action. Selecting problems or issues that can be resolved quickly can help the process. Rich Lindsey of Wyoming said, “One thing is you need early successes.”

In Florida, the Task Force considers recommendations for legislation. Not all recommendations are enacted. For example, the idea of per se levels for drugged drivers was discussed in a Task Force meeting. Law enforcement members felt that the proposed legislation was not appropriate, so the Task Force decided not to proceed with the issue.

The Big Picture

As a Task Force assembles, the topic is often the broadest goal – that of reducing deaths and injuries due to impaired driving. This is a goal upon which all members almost always agree. The Wyoming Task Force meetings start with a reminder of this goal, providing a moment of silence in which the members are asked to focus their thoughts on this overarching goal and to think briefly of the tragic loss of life that impaired driving causes. This appears to be an effective way to reinforce the shared goals of the group.

Wyoming's Council

The Wyoming Task Force recognized that the State was making some progress on DUI issues, but the progress was slow and it was hit or miss. "If we could bring all the key players together and identify the common ground, we might be able to expedite progress. We made a list of every constituency group that we could think of and wrote a letter to each group." The Governor supported this effort, and the WDOT provided some 402 funds to bring the parties to the table. With the personal letter of invitation from the governor, 50 people attended the first meeting to define the problem, based on available data. Charts describing the Wyoming DUI trends and information on what was being done in communities across the State were presented. The second meeting was critical as a list of approximately 60 strategies were submitted for review. The Task Force brought in professional facilitators to run this meeting and experts provided information on the issues. Prosecutors and representatives from MADD and the alcohol industry were in attendance. The real objective was to identify the common ground. The Task Force found the strategies that the alcohol industry would not oppose (e.g., graduated driver licensing). With a smaller list of strategies, at the Task Force's third meeting, the members discussed how to implement the strategies that were endorsed. They also went back to the governor to ask for an extension of the Task Force and for more funding, which was granted.

The Wyoming Council's experience with the GDL is illustrative of the baby steps required to pass a bill, with a strong push using both the media and legislative efforts. The Wyoming Governor's Council on Impaired Driving decided to take on the issue of Graduated Driver Licensing (GDL), which provides for young drivers to be given more driving privileges as their driving experience increases. A statewide public opinion poll on attitudes and beliefs about drunk driving found that less than one-third of the people in the State had ever heard of GDL. It was clear that public education was needed.

The Council placed information in the State's daily newspapers and weekly papers on GDL. They talked to different groups and legislators, introducing them to the concept of GDL and the intended outcomes. One legislator decided to write legislation for GDL and sent up a trial balloon. He knew that the chances of it passing were slim, but he knew that the media would cover the issue. He asked the Council for their help. The council agreed and created some informational media that the legislator distributed.

Although GDL was not enacted by the legislature that year, the topic received some media coverage, and reporters contacted the Council for expert information. The GDL bill was introduced again the following year. MADD played a strong role in distributing the GDL materials, using a phone tree to call the legislature and particularly asking victims injured in a novice driver crash to call the legislature. The alcohol industry was in favor of GDL, which was important for enactment of the bill. As with many legislative efforts, however, the work was not completed. The Council decided in 2006 to produce a brochure to better educate parents about GDL restrictions.

The Wyoming experience demonstrates that big changes can come about, but that Task Forces need realistic expectations of the length of time needed, the extent of the work involved, and that enactment of legislation is sometimes just a first step in making the law properly work for the State.

Missouri's Commission

The Missouri Governor's Commission on DWI and Impaired Driving met from 1998 to 2003. In the governor's 1995 Executive Order reauthorizing the Commission, the Commission was asked to review and make recommendations to the governor, to the General Assembly, and to agencies of State government, as appropriate, on the following matters:

1. Changes, if any, that were needed in State statutes relating to DWI and impaired driving that would be effective in reducing traffic crashes associated therewith.
2. Measures that would assist law enforcement and the judiciary to most effectively enforce Missouri's DWI laws.
3. Measures to help Missouri's citizens develop a clear understanding of the DWI laws of this State and the judicial system as it related to these laws.
4. Review and identify DWI prevention strategies that were then in place statewide.
5. Ensure a coordinated effort by networking with all highway safety advocacy groups throughout the State of Missouri.
6. Other policies, rules, and regulations, and laws or actions that the Commission believed would be effective in reducing DWI and impaired driving.

Summary

Impaired-Driving Task Forces come in all sizes and shapes and with different names that suit their purposes. They can emanate from the Governor's office, a State legislator, or from citizen activist organizations. In starting a new Task Force, it is probably advantageous to initially invite all key stakeholders for membership. It may be prudent to first review, in general, the impaired-driving problems in the State, and then to narrow the focus to some important but manageable issues. A strong chair or leader will ensure that action is taken.

A large-member Task Force will be difficult logistically. It is important to at least find funding to reimburse participants for travel expenses. The development of a purpose, mission statement, and/or charter for the Task Force is important. The rules on voting need to be established up front. It helps to designate someone to coordinate activities, handle logistics, and take minutes at the meetings.

Every State has impaired-driving issues that can be addressed, and Task Forces can help resolve these issues. All States have the potential to substantially reduce the consequences of impaired driving. Task Forces combine the knowledge and expertise of a wide range of stakeholders, which often result in positive accomplishments.

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Resources

The following leaders provided invaluable information concerning their Statewide DWI Task Forces. They can be contacted for further details and information on starting up a task force:

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Appendices

- A. Brief Descriptions of Selected State
DWI Task Forces**

- B. Samples of Task Force Mission,
Meeting Agendas, and Minutes**

- C. Samples of DWI Task Force Recommendations**

Appendix A

Brief Descriptions of Selected State DWI Task Forces

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Florida

Task Force Name: Technical Advisory Committee on DUI Enforcement and Prosecution

Time in Existence: (Current, Past, Ongoing, On Hiatus): This ongoing committee, which has been meeting at least since 1994, holds meetings of the main committee three times a year.

Appointed or Ad Hoc: Committee members are not appointed by the governor.

Funding: The committee is funded by a grant to the Institute of Police Technology and Management from the State Office of Highway Safety, using Section 410 funds. The funding is used for travel expenses for committee members.

Membership: Members are prosecutors, law enforcement officers from around the State, a police chief, State agencies, MADD and SADD activists, and an elected State attorney among others. No one from the alcohol or hospitality industry is involved. Roger Doherty is the co-chair along with Bob Jacobs from the MADD National Board.

Purpose and Accomplishments: Their main objective is to examine proposed legislation before the legislative session. The Committee members review and comment on any upcoming legislation. Because many of the members are State employees or receive Federal funding, they cannot testify as a Committee, but some of the individual members can testify regarding legislation. State employees can testify on factual issues. The Committee recommends ways to craft the legislation to get it enacted and to make the legislation feasible to implement. They have provided new language to make a bill acceptable.

The Committee also develops projects (e. g., a curriculum for law enforcement agencies on conducting DUI checkpoints). This subcommittee has continued since then.

The Committee convenes subcommittees to address specific issues. There are standing subcommittees on legislation, DUI checkpoints, youth alcohol programs, police training, in-car videos, and breath testing. People on the main committee can bring in others for the subcommittee.

Meetings and Administrative Support: The February 2006 meeting was held in conjunction with DUI Symposium on February 22. It was held at the State Highway Safety Office. Three subcommittee meetings and one main committee meeting were held. They used a hotel with rooms set aside for the meeting. The State legislature meets in March and April. The next meeting will be in July.

Reported Strengths: Most of the people on the committee are dedicated. They work in the DUI field and are closely aware of DUI issues. Another strength is the networking advantage. Getting these members together to discuss issues is extremely valuable because they might not ordinarily be in touch with each other. By networking, sharing information, and identifying problems, they can prevent them from spreading statewide.

Reported Obstacles: The members have full-time jobs, so they can only do as much as their agencies allow them to do. Most agencies allow the members to participate on agency time. Sometimes they have 35 attendees at the meetings, and sometimes 15.

It has been difficult to get judges to attend the meetings. They do not want to meet with the prosecution because they are concerned that they may be perceived as biased.

Also, there is a turnover of staff, and the same prosecutors do not attend every meeting. There appears to be a core of people who have been on the Committee for 11 years, including the two co-chairs.

Notes:

Community Support: They have the support of State Attorneys, Sheriffs, and Police Chiefs. Our contact reports that they try to work in the background to see that legislation, enforcement, and prosecution keep moving forward and provide solutions to DUI issues.

Political Support: They are an ex-officio group. MADD is represented and had a legislative liaison (represented by a Major from Metro Dade) on the committee. Currently, there is no MADD representative on the committee.

This committee is clearly law-enforcement-oriented, which may be different from other DUI task forces.

Illinois

Task Force Name: Governor's Alcohol Abuse Task Force (AATF)

Time in Existence: (Current, Past, Ongoing, On Hiatus): The Illinois Alcohol Abuse Task Force group was appointed by Governor Blagojevich in May 2005 and was expected to last one year. Recommendations were requested for August 2006.

Appointed or Ad Hoc: Members are appointed and invited. The Task Force is chaired by leaders of three agencies. Each agency has the opportunity to name members to the Task Force. Designated members represent organizations involved in work to prevent alcohol abuse in Illinois. These organizations were specified in the planning document dated June 8, 2005.

Funding: Members' travel is not reimbursed by the State.

Membership: The Task Force is led by the Secretaries of the Department of Transportation and the Department of Human Services and the Director of the Illinois State Police.

Purpose and Accomplishments: The Task Force was developed to determine the extent of alcohol abuse in the State and develop a strategic plan for addressing the resultant problems. The mission is listed as follows: "The Task Force will establish leadership, encourage innovation, and provide facilitation of a consistent statewide focus for the alcohol abuse prevention programs of agencies and organizations."

In addition to State agencies, local organizations and agencies including law enforcement, substance abuse, traffic safety, victim advocacy, and injury prevention groups, partnerships and coalitions are encouraged to use the messages, information, and materials developed by the Task Force.

The Task Force was expected to present a final report on its findings and actions in August 2006. The final report was to:

- Include information about coordinated State agency efforts and programs;
- Outline a system for ongoing collaboration;
- Include the specific messages, information and materials, and a homepage showing all Illinois alcohol programs on one Web site, created by the Task Force; and
- Include reference to implementation of certain priority recommendations of both the Illinois Impaired Driving Assessment and the Illinois Prevention Plan.

There were four committees: Prevention, Impaired Driving, Enforcement, and Marketing. The Enforcement Committee considered how to expand checkpoints and make DUI arrests easier for officers. It is difficult for arresting officers due to excessive paperwork requirements and judicial preparation.

Meetings and Administrative Support: Meetings were in Chicago or Springfield. The first one was hosted by the Department of Transportation. The second one was hosted by the Department of Human Services. A consultant facilitated that meeting to make sure everyone stayed on track.

The first meeting had 40 attendees and the second had approximately 20 attendees. Some people sent representatives.

Reported Strengths: Members have talked to other members on the Task Force with whom they otherwise would not have talked. They discussed things they can do together, serving a networking function.

Reported Obstacles: In one informant's opinion, the focus of the entire committee is too broad. It is an "alcohol abuse" task force that should address drunk driving, but it also includes violence and crime. The members all have their own agendas. Everyone wants prevention money.

Setting up meetings is difficult. Meetings alternate between Springfield and Chicago. They set the next meeting time at end of the current meeting, but often it changes.

Indiana

Task Force Name: Council on Impaired and Dangerous Driving

Time in Existence: (Current, Past, Ongoing, On Hiatus): Although the council is an ongoing activity, Indiana just changed governors and the current Council has met only once or twice.

The Council, started in the 1980s, was created by executive order of the governor to address alcohol-related fatalities. It has evolved over time to become the Council on Impaired and Dangerous Driving.

Appointed or Ad Hoc: Appointed by the governor

Funding: The Council does not receive any specific funding.

Membership: This Council has 22 members representing a wide variety of high-ranking representatives from State agencies and the private and public sector.

Purpose and Accomplishments: The Web site (www.in.gov/cji/2368.htm) states that the Council's mission is to reduce death, injury, property damage, and economic cost associated with traffic crashes on Indiana's roadways. The Web site also reports that the Council administers Federal funding from NHTSA through targeted traffic safety grants to State and local organizations. (This is unlike most of the other DUI Task Forces.) It is charged with developing policies, procedures, strategies, and programs to effectively manage and administer Indiana's highway safety program.

The Council coordinates aggressive public information campaigns designed for implementation at the State and local levels and provides materials, grant funding, and information to traffic safety advocates. The Council also serves as Indiana's primary source for information and research on traffic safety issues that directly affect public safety and policy.

Meetings and Administrative Support: The Council is a division of the Criminal Justice Institute (CJI). Staff of the CJI provide administrative support for the council and set the meeting agendas.

Reported Strengths: The Council is very diverse. They discuss issues from many different perspectives.

Reported Obstacles: The Council does not have the authority to enact policy or legislative changes; it can only make recommendations to the governor. Members who do not work for the State can lobby individually but not on behalf of the group.

Kentucky

Task Force Name: Impaired Driving Task Team (The Task Team)

Time in Existence: (Current, Past, Ongoing, On Hiatus): The Task Team is currently working on a list of recommendations to present to the Governor's Executive Committee. The Task Team was expected to continue after the report was issued.

The Task Team is a subcommittee of the Governor's Executive Committee that was started in 2005. The Task Team was started due to encouragement by representatives of Mothers Against Drunk Driving (MADD).

Appointed or Ad Hoc: Ad hoc members were invited by the chair and the Governor's Highway Safety Alcohol Program Manager.

Funding: The Impaired Driving Task Team has no funding.

Membership: Currently, the subcommittee consists of 12 people, including representatives such as judges, law enforcement, prosecutors, and the Administrative Office of the Courts, Alcohol Beverage Control, Commissioner of the Kentucky Vehicle Enforcement, MADD, and the Regional Prevention Office. More members may be added.

Two counties, Harden and Madison, have a successful enforcement and DUI tracking program called the “Gold Medal Standards Program.” Law enforcement officers and prosecution from these counties are well represented on the Task Team as this program is of particular interest to the Governor’s office. Through grant funding, the program couples increased DUI checkpoint and belt enforcement measures with local publicity. A prosecutorial liaison tracks all the DUI offenses in Madison County. According to sources, the arrest rate in Madison County has increased by 27 percent and the alcohol-related crash rate has fallen 10 percent in one year.

Purpose and Accomplishments: The purpose of the Task Team is to identify positive steps that are currently in place to reduce driving while intoxicated and to identify any best practices or positive steps in other States that can be brought to Kentucky. In the first meeting, members were told that there were no rules; they were to have an open discussion to set the direction of the Task Team. They identified issues dealing with education, the judicial process, and the legislative process.

The MADD representative has asked the group to consider changes to the existing DUI laws, which are considered confusing and convoluted. One of the top prosecutors submitted a wish list of laws that could be changed.

Meetings and Administrative Support: The Task Team meets monthly at the State Police Headquarters in Frankfort. Administrative support is provided by a staff member in the Governor’s Highway Safety Office.

Reported Strengths: Too soon to know yet.

Reported Obstacles: The Task Team may not be broad enough. It is currently seen by some as bureaucratic, with no one willing to “rock the boat.”

Maryland

Task Force Name: Impaired Driving Coalition (IDC)

Time in Existence: (Current, Past, Ongoing, On Hiatus): Ongoing. This group has been meeting for 10 years.

Appointed or Ad Hoc: Ad hoc

Funding: Small amount from Highway Safety Office.

Membership: Wide range of people, and a large statewide membership of at least 50 active members.

Purpose and Accomplishments: The Impaired Driving Coalition meets to share what they are doing in the impaired-driving field. They have recently restructured the coalition and its subcommittees to include: Legislation (currently working on a Statewide Governor’s Task Force); Enforcement; Public Education; Problem Identification; and Judicial-Prosecutor outreach (training [educating] judges, etc.).

Meetings and Administrative Support: This group meets every quarter. The meetings are held in a large room; speakers are invited to present various topics during these meetings,

many of them utilize PowerPoint. Subcommittee meetings are held during the quarterly meetings and at other times as needed. The IDC meetings are called and chaired by Liza Aguila-Lemaster, Impaired Driving Prevention Coordinator, Maryland Highway Safety Office, State Highway Administration. Each subcommittee is appointed a volunteer chair and vice-chair who serve for an 18-month period.

Reported Strengths: This group provides a strong networking function. Due to the longevity of the group, the members, who work in all aspects of impaired-driving prevention, have gotten to know each other and the functions of the different organizations. This serves as a useful forum for distributing information on anything related to DUI.

Reported Obstacles: None reported.

Notes: This group is strongly supported by the NHTSA Regional staff. Because the State is relatively small, it also has lower travel costs. The meetings are well run, with a clear agenda and time limits for each speaker. The speakers are usually well prepared, with slides and handouts. The members are demographically mixed and from all ages.

Michigan

Task Force Name: Impaired Driving Action Team

Time in Existence: (Current, Past, Ongoing, On Hiatus): This is an ongoing group. It has been in existence for at least five years. It is a subcommittee of the Michigan Governor's Traffic Safety Advisory Commission (GTSAC).

Appointed or Ad Hoc: Ad hoc

Funding: None

Membership: The membership is made up of representatives from prosecution, law enforcement, probation, the Office of Highway Safety Planning, multiple government agencies, MADD, other prevention groups, and the alcohol industry.

Purpose and Accomplishments: The main purpose of this Team is information sharing among the participants. They are currently developing an Impaired-Driving Action Plan that will be presented to the GTSAC. As an example of the topics explored, at one meeting the Team reviewed the Impaired-Driving Action Plan, discussed substance abuse treatment services, an increase in resort liquor license fees, and listened to a presentation on alcohol ignition interlock devices.

Meetings and Administrative Support: Meets bimonthly in Lansing. The Director of Michigan MADD runs the meeting.

Reported Strengths: A major strength is communication and relationship-building among constituents.

Reported Obstacles: One barrier is the lack of direct funding to carry out strategies they might recommend. They are dependent on other organizations to take on the actions.

Minnesota

Task Force Name: Minnesota DUI Task Force

Time in Existence: (Current, Past, Ongoing, On Hiatus): This is an ongoing task force that has been in existence for more than 20 years. It was started and has been facilitated by Dr. Steve Simon, a law professor from the University of Minnesota Law School.

Appointed or Ad Hoc: Ad Hoc (volunteers)

Funding: This group has no funding, although the University of Minnesota may pay some of the expenses.

Membership: Members include representation from law enforcement, judges, prosecutors, defense attorneys, State agency representatives, the State Office of Traffic Safety, as well as the University of Minnesota.

Purpose and Accomplishments: The Task Force is recognized by the State legislature as a valuable resource for DUI expertise. Through discussions and recommendations, the group has addressed Minnesota impaired driving laws, loopholes in the laws, and potential fixes. The Task Force was instrumental in the re-codification of DUI laws, which was accomplished 3 to 4 years ago. It has also been able to change license plate impoundment from a judicial sanction to an administrative sanction.

Meetings and Administrative Support: The Task Force meets once a month, although they sometimes take the summer off. They meet at the University of Minnesota. Students provide the administrative staffing.

Reported Strengths: The group has had the freedom to support any legislative activity since inception. Strengths of the group are listed as being nonpartisan, credible to the legislature, and perceived as providing expert opinions. The members are very dedicated.

Reported Obstacles: One of the potential pitfalls of the Task Force is that it is tied very closely to one leader and would likely disband if he left.

Notes: The Task Force mission is to fix loopholes in the DWI laws and recommend additional legislation.

Nevada

Task Force Name: Nevada Impaired Driving Advisory Council

Time in Existence: Started in October of 2005.

Appointed or Ad Hoc: Ad Hoc

Funding: There is some funding from the Highway Safety Office for travel.

Membership: Members include representation from advocacy groups (MADD, Stop DUI), treatment providers, court-sponsored treatment programs, alternative sentencing, prosecutors (north and south), county representatives, law enforcement, community coalitions,

DMV, parole and probation, AAA, the Highway Patrol, the Division of Child and Family Services, and the State Bureau of Alcohol and Drug Abuse.

Purpose and Accomplishments: In a 2004 NHTSA statewide assessment, one recommendation was to start a statewide advisory group. In October 2005, a workshop of stakeholders formed an advisory council on impaired driving. The intent was to review recommendations made in the assessment and to select a few issues to work on for the next legislative session.

The Council is seeking sponsorship by the Governor or the Attorney General. It was decided to form the Council first, and then to look for a sponsor.

Meetings and Administrative Support: One meeting was held at the Nevada Highway Patrol training site.

Reported Strengths: Too soon to say.

Reported Obstacles: Too soon to say.

New Mexico

Name: Leadership Committee on DUI (or DWI Leadership Team)

Time in Existence: (Current, Past, Ongoing, On Hiatus): This group has been meeting since September 2005. It meets monthly and is planned to be ongoing.

Appointed or Ad Hoc: Appointed by the Governor's office.

Funding: Not reported.

Membership: The Governor appointed Rachel O'Connor as the State's DUI "Czar" in June of 2004. Czar O'Connor assembled the DUI Leadership Committee, with the governor's recommended members. Members were from government and non-government agencies, and included law enforcement; MADD; the Bureau of Traffic Safety; Children, Youth, and Families; the Health Department; researchers; University of New Mexico epidemiologists; Department of Finance; Safer New Mexico Now; Alcohol and Gaming Administrative Office of the Courts; the State Police; and NHTSA.

Purpose and Accomplishments: The Committee developed a multi-agency strategic plan in 2004, which identified a four-pronged approach: prevention, treatment, judicial, and law enforcement. The Committee identified four top priorities in each area. The Committee will also address new policy initiatives. In some ways, this Committee could be considered a task force, but it is also a working group. There have been a number of small task forces in the past that involved the same people who are on this Committee. Now, instead of starting a new task force, issues can be assigned to a subcommittee.

Meetings and Administrative Support: The Committee meets once a month at a Santa Fe hotel.

Reported Strengths: The Drug Czar, Rachel O'Connor, was reported to be very good at bringing people together. "She is very good at facilitating things - even where there is

disagreement she keeps the conversation moving so that we can get to consensus. [This group] works very well due to her leadership." This Leadership committee is very fluid in the issues they address. The Drug Czar sets the agenda, but anyone can take an issue to her, and even if she does not agree with it, she will still allow it to be discussed.

Another benefit is that they have a working plan with timelines. People on the Committee are responsible for making something happen. One member feels the Committee is effective. She said, "It's good to walk away from the meetings with the feeling that something was accomplished."

Reported Obstacles: One barrier mentioned is that the group is so large and diverse that everyone does not always agree. There are also limited resources to implement recommendations. In San Juan County, alcohol excise tax money was put into an aggressive first-time DUI program that included treatment and incarceration on the first offense. In other cities in New Mexico, DUI/Drug Courts are showing some success. These courts work with habitual offenders. The group was faced with the question, "Do you want to put your money on first-time or habitual offenders?"

Note: NHTSA requested that the State initiate this Committee as part of a NHTSA Cooperative Agreement.

Previous New Mexico Task Force (1992): Published one report on "Preventable Deaths: An Action Plan for New Mexicans to Prevent DWI," from Attorney General, December 1992 (48 pp).

Oregon

Task Force Name: Governor's Advisory Committee on DUII

Time in Existence: (Current, Past, Ongoing, On Hiatus): Ongoing. Began in 1985.

Appointed or Ad Hoc: Formerly, members were appointed by the governor. Now members apply and are appointed by the governor.

Funding: Members' travel expenses are paid by the Oregon Department of Transportation. However, many do not request the expense funds.

Membership: The Committee is made up of what they have named the "Circle of the DUII Process": prevention, law enforcement, parole and probation, treatment, OLCC (liquor control), DMV, and MADD representatives. A representative of DUII victims, a member of the public, and someone from AAA usually attend the Committee meetings. No one from the hospitality industry is on the Committee.

There are 10 current members, as well as others who are "agency liaisons." This came about because a past governor would not permit State employees to serve on the Committee, so State employees represent their agencies as liaisons. The number of members is not a set number and has been as high as 18.

Purpose and Accomplishments: This Committee reviews existing legislation and promotes new legislation each year. Currently, they are working on four issues: (1) reducing the

illegal BAC from .08 to .05 g/dL for repeat offenders; (2) expanding the list of intoxicants for driving to include some over-the-counter drugs and prescription medications; (3) extending the wait time to get a hardship permit from one to two years for repeat offender breath-test refusers; and (4) extending the number of years before a DUI can be taken off an offender's record if no additional offenses occur.

Meetings and Administrative Support: Meetings are held in Salem, where the Committee meets once a month from 9 a.m. to noon. No lunch is provided.

Reported Strengths: Items are brought to the table, and some issues are resolved during the discussions. For example, Oregon was having a problem with officers failing to appear at administrative hearings, but no one was telling the law enforcement agencies that officers were not appearing. The DMV realized that they had a list of administrative hearings where officers were not present. The DMV stated that they could easily notify the appropriate law enforcement agency. That procedure solved the problem.

Another example involved the time and cost of administrative hearings. The potential for telephone appearances was suggested. Officers are now able, in most areas of Oregon, to call in and give testimony by phone.

Reported Obstacles: None reported.

South Carolina

Task Force Name: South Carolina Impaired Driving Prevention Council (IDPC)

Time in Existence: (Current, Past, Ongoing, On Hiatus): The Council, after meeting seven times, discontinued in June 2005. Some draft legislation resulted from the meetings, which was introduced at the January 2006 legislative session. The group may start again in the future.

Appointed or Ad Hoc: Ad Hoc – assembled by the State Highway Office.

Funding: Not reported.

Membership: The Council has at least 50 members with widespread representation, including representatives from State agencies, the judiciary, law enforcement, treatment, researchers, and nonprofit safety organizations such as MADD. Mr. William D. Bilton of the South Carolina Committee on Prosecution is the chair.

Purpose and Accomplishments: This Council was started in response to a 2002 NHTSA State Assessment recommendation in July 2004. The Council was assembled by the Highway Safety Office to address top priority recommendations in the State assessment. It was not appointed by the governor.

Bylaws: At the first meeting, a generic set of bylaws was presented to the group by Max Young, the Director of the Office of Highway Safety. An open discussion of the DUI Council bylaws was held, and the group was asked to consider who else was needed on the task force. Nominated were a chairman/vice-chairman (not a SCDPS employee) and secretarial duties

provided by OHS, but a treasurer was still needed. The bylaws were adopted at the second meeting with slight changes, and a decision was made to meet more often.

The SCIDPC established the following subcommittees: (1) Bylaws Subcommittee, (2) Education/ Prevention Subcommittee, (3) Enforcement/Prosecution/Adjudication Subcommittee, (4) Legislation Subcommittee, and (5) Treatment/Rehabilitation/Diversion Subcommittee. Council members were asked to volunteer to be on at least one subcommittee.

The objectives of the Council were to consider the top priorities of the NHTSA State assessment. It became apparent that they needed to change the laws, so that was a first priority. Mr. Erick Moran of NHTSA provided handouts and information on model DUI legislation intended to assist States in developing and/or altering DUI legislation. The model was developed by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) and was designed to allow a State to use the model in part (i.e., remove irrelevant parts and/or add relevant information). The Governor's Office, the Department of Public Safety, and the Attorney General's Office expressed a desire to see the committee address this legislation. Therefore, the Legislative and Law Enforcement subcommittees were asked to review the model closely and compare it to existing South Carolina laws.

The Council also considered establishing DUI Courts, and had Judge Kent Lawrence from the Georgia Athens/Clarke County DUI Court speak at a meeting.

Recent meetings concentrated on rewriting or amending parts of the existing DUI laws. The legislative subcommittee suggested eliminating two existing laws that conflicted with each other. A tiered statute was encouraged, to create a simplified statute that combined per se and impaired driving legislation. A primary seat belt bill was also discussed.

The Council voted to include a Diversion Program in legislation that was to be introduced. The Council also voted to support a Pre-Trial Intervention Program for first offenders, although no State funds were available to support the program—it was to be self-paid by offenders. The Attorney General's Office went on record as opposed to the program. This legislation was introduced in the 2005 session and did not pass.

Meetings and Administrative Support: Meetings are held in the Columbia area, a central location for all the members, who attend from around the State. Support is provided by Barney Derrik of the South Carolina Office of Highway Safety.

Strengths: None provided.

Obstacles: None provided.

Utah

Task Force Name: DUI Committee of the Utah Substance Abuse and Anti-Violence Coordinating Council, formerly the Governor's Council on Driving Under the Influence.

Time in Existence: This Council began in 2001, appointed by the governor by executive order. It was appointed for only one year but was renewed for a second year. In 2004 the group evolved into a DUI subcommittee of the Utah Substance Abuse and Anti-Violence (USAA) Coordinating Council.

Appointed or Ad Hoc: Members used to be prescribed. Now the USAA council may establish committees and decide who is on it.

Funding: The Committee does not receive funding. In the past when it was a Council, it also did not receive funding.

Membership: The DUI Committee members include representatives of the courts, law enforcement, alcohol beverage control, substance abuse and mental health, education, and other interested persons and was co-chaired by the lieutenant governor and a legislator. Beer wholesalers are on the Committee. The current Committee chair is a citizen member who has been affected by DUI and is the wife of a State Senator.

Purpose and Accomplishments: The Council was started in response to a child's death by an impaired driver. The Council's purpose was to reduce the incidence of DUI, evaluate current programs, and address priority areas. They identified issues that needed followup action and assigned these to State agencies. The Governor's Youth Safe Council was to follow up and act as an oversight body to see which agencies did to respond to recommendations.

Since then, the Committee has gone on to identify its own priorities. Its members have recommended and been successful in enacting legislation. They have conducted studies on alcohol ignition interlock technology. As part of the Council/Committee's work, for three years, annual reports on DUI were presented to the Utah Legislature. These well-researched reports usually present six to eight recommendations, which are supported with Utah-specific data.

Meetings and Administrative Support: The Committee meets at the State Capitol building on the second Tuesday of each month. They do not meet during the legislative session which runs from January to early March. Utah has a paid State employee whose job is staffing the Committee. Each member is provided binders with executive orders and bylaws, a member list, plans, white papers, and calendars.

Reported Strengths: The DUI Committee meetings are well attended.

Reported Obstacles: One barrier is that perhaps they need a broader membership in terms of having a vote. They need representatives from citizen activist groups and victims.

Political Support: There was strong support by the former governor and the early Council was chaired by the lieutenant governor. It remains to be seen if the new governor will support the Committee.

The collaboration among Utah agencies has grown and become stronger every year. At first, prosecutors and defense lawyers disagreed. Now there is a greater understanding that they need to look at the root causes of impaired driving. They are looking not only at justice, but also at treatment. In addition to fines, the Committee has been instrumental in using alcohol ignition interlocks and mandating treatment and drug testing to keep offenders free from alcohol. One of the big focuses for the coming year is addressing the problem of repeat offenders.

Wyoming

Task Force Name: Governor's Council on Impaired Driving

Time in Existence: (Current, Past, Ongoing, On Hiatus): The current Council was established by Governor Freudenthal in May 2003. It was initially intended for one year; however, it is still continuing under the new governor. Lorrie Pozarik, Director of Injury Resources Prevention, started holding ad hoc meetings of the impaired-driving safety community before the governor endorsed the group.

Appointed or Ad Hoc: Members are appointed by the governor and serve two-year renewable terms. There are 38 appointed members and some nonappointed members that attend the meetings.

Funding: They use Federal grant transfer funds. These funds pay for a facilitator (Lorrie Pozarik) and a contractor who bring members together to ensure that they come up with recommendations at the end of the year. Costs of meetings are covered, including travel time and lodging for the Council members.

Membership: Membership includes law enforcement, prevention, and/or safety advocates, health care professionals, alcohol retailers, local government, prosecution and defense attorneys, the judiciary, private employers, mental health professionals, and substance abuse treatment providers, crash victims, and the faith community.

Purpose and Accomplishments: As stated on the Council's Web page, "This Council provides a forum for research, discussion, and planning to reduce the incidence of impaired driving in Wyoming. The Council identifies priority issues related to impaired driving, seeks to increase the public's awareness and understanding of the issues, and evaluates the effectiveness of current laws and existing programs designed to prevent or reduce impaired driving in Wyoming. The Council develops proposals and implementation strategies to address priority issues for the governor."

The Council was recently involved in the following legislative issues: graduated driver licensing and mandatory substance abuse evaluations for all DUI offenders (both passed 2005). There were two bills introduced at the 2006 legislative session that the Council was recommending: alcohol ignition interlocks and DUI/child endangerment.

The Council is currently preparing four additional white papers for the governor: (1) mandatory drug/alcohol testing of all drivers involved in fatal crashes; (2) sobriety checkpoints; (3) criminalizing refusals; and (4) amending the DUI statute to make driving at with a BAC of .08 g/dL illegal as measured by a test taken within three hours of driving. The new white papers were scheduled to be completed and submitted to the governor in May 2006.

The Council also sponsors the Governor's Awards every year. They hold a "Governor's Recognition Forum" with a keynote speaker, citizens' awards, and enforcement awards. They also hold the statewide Governor's Conference on Impaired Driving conferences every other year. Thus far, they have held two conferences.

Meetings and Administrative Support: The Council meets quarterly in different locations around the State. They meet from the afternoon until the evening, and stay overnight. This ensures some cohesiveness of the group.

Reported Strengths: The public can attend if they want to. Meeting minutes are available on the Web.

Council members are available to talk to the media. The Council has a Web page that provides extensive documentation including minutes, research, membership list, executive order, and a bulletin board.

<http://www.iprwyoming.org/asp/governorsconference/governorsconference.asp>

Reported Obstacles: None reported.

Appendix B

Samples of Task Force Mission, Meeting Agendas, and Minutes

Appendix B.

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Missouri Governor's Commission on DWI and Impaired Driving

Mission Statement

The Governor's Commission on Driving While Intoxicated and Impaired Driving shall review and make recommendations to the governor, to the General Assembly, and to agencies of State government, as appropriate, on the following matters:

1. Changes, if any, that are needed to State statutes relating to DWI and impaired driving that will be effective in reducing traffic crashes associated therewith;
2. Measures that will assist law enforcement and the judiciary to most effectively enforce Missouri's DWI laws;
3. Measures to help our citizens develop a clear understanding of the DWI laws of this State and the judicial system as it relates to these laws;
4. Review and identify current DWI prevention strategies in place statewide;
5. Assure there is a coordinated effort by networking with all highway safety advocate groups throughout the State of Missouri; and
6. Such other policies, rules and regulations, and laws or actions that the Commission believes would be effective in reducing DWI and impaired driving.

The Governor's Commission on Driving While Intoxicated and Impaired Driving shall report annually to the governor on its activities and shall include any recommendations it deems appropriate.



2006 Maryland Impaired Driving Coalition

Tuesday February 7, 2006
10 a.m. – Noon

INTRODUCTIONS

Liza Lemaster thanked everyone for coming and noted the statewide impact of such a collaboration and strong partnerships. She also thanked the University of Maryland Police Department for donating the lunch for today's meeting.

SPECIAL PRESENTATIONS

Tom Langhorn and Ron Engle from the Century Council presented a brief summary of the Hardcore Drunk Driving Judicial Guide. In 2004 hardcore drunk drivers were involved in 58 percent of alcohol-related crashes with a BAC of .15 g/dL or higher. The guide was developed by a National Advisory Panel of judges and council members from all over the United States. The guide focuses on providing sentencing strategies to judges with regard to the hardcore drunk driver, typically repeat offenders. The guide provides a model to change specifically change behavior .

Jim McAndrew, Design House -Design House is the contractor for NHTSA's Mid-Atlantic Region. Mr. McAndrew presented the Regional campaign calendar, while focusing on Impaired Driving also reviewed Occupant Protection and Smooth Operator campaigns. In addition, there has been a great deal of question regarding the *You Drink. You Drive. You Lose.* Campaign, and the rumor is correct, it is no longer available to use in new campaigns. For now, NHTSA is asking partners to use the "Friends Don't Let Friends Drive Drunk" slogan until a new slogan is developed. NHTSA hopes to have a new slogan by summer 2006. Please note that the majority of campaigns developed reach 60 percent of your target audience, men 18 through 34 years of age. The Maryland Impaired Driving calendar mirrors both the Regional and National calendars.

Tim Kerns – National Study Center for Trauma/EMS presented the latest impaired-driving data for the State of Maryland, making reference to the total cost of alcohol-related crashes. For copies of this presentation please contact Liza Lemaster.

Nancy Kelly, MADD & Legislative Committee Chair – Legislative Update: To date there are 15 impaired-driving-related and underage drinking bills filed for the 2006 Legislative Session. Only one bill has been heard, it being related to high BAC. If anyone may know of someone who has been affected please have them write a letter to the sponsors of the bill or contact me for further instruction. We would like to have a representative from each county available to meet with legislators during key times throughout the session, while we don't want to exploit victims and families, we do appreciate their willingness to speak out for tougher laws against drunk drivers. The legislative brochure is being printed and outlines the Legislative Committee's priorities. These priorities include legislation related to the high-risk driver or drivers with high BACs, young impaired driving legislation, and repeat offenders bills. Senator Ruben's office indicated that she would be submitting a bill to extend the use of PBJ from 5 to 10 years, and an additional bill to increase penalties for high-BAC offenders to include 7 days of mandatory custody for first-time offenders who have a BAC of .15 g/dL and higher, additional offenses would also increase penalties accordingly. Senator Ruben is frustrated and really wants to get this under control because this is a public safety issue.

DISCUSSION ITEMS

- NHTSA Priorities
 - High-visibility enforcement (HVE)
 - Increase Safety Belt usage
 - Reduce impaired driving: DUI courts, Traffic Safety Resources and Prosecution (TSRP) Prevention
 - Have better and more timely and accurate crash data
- Liza will be mapping out criteria for the upcoming Impaired Driving Grant to the NHTSA, a deadline has not been established as the rules are still proposes. Key information will be requested from partners to complete this application.
- Feb 8th meeting with Anheuser-Busch distributors to discuss increased coordination.
- Karen Waggoner and Candice Smith, Wicomico and Somerset Counties, briefly explained Operation Red Zone, a project done in coordination with their local Anheuser Busch distributor, this is a perfect example of how to work with AB to spread a mutual message. They put up six billboards that Anheuser-Busch paid for, as well as newspaper ads during the Superbowl to remind people not to drink and drive. This campaign is supplemented by law enforcement overtime operations.

The next IDC meeting will be held on April 12, 2006, at the Judiciary Training Center in Annapolis. Many thanks to the Maryland Drug Court Commission and Director Gray Barton for hosting the IDC and Young Driver Task Force meetings.

Florida Technical Advisory Committee on DUI Enforcement and Prosecution

February 23 – 1-5 p.m. and February 24 – 9 a.m. – ?
Tallahassee – Kirkman Building
2900 Apalachee Parkway
Agenda

February 23

- | | |
|---|----------------|
| 1. Welcome and Introductions | Roger Doherty |
| 2. DUI Paperwork Reduction
📄 Software program from Texas | David Sobel |
| 3. Source Code Rulings | Don Hartery |
| 4. Update on 8000 | Laura Barfield |

February 24

- | | |
|--|--|
| 5. Legislation
📄 New legislation (proposed since last meeting)
📄 Update of old legislation | Pete Stoumbelis
Alan Richard
David Folsom
Carla Oglo
Lee Cohen |
| 6. YD&DLY Program Update
📄 YD&DYL is dead! Long live <u>(to be determined)!</u>
📄 Cinco de mayo mini-wave
📄 Labor Day Wave
📄 Posters | Roger Doherty |
| 7. DUI Court – Polk County | Hans Lehman |
| 8. Blood draw refusals by hospitals | Sheila Loizos |
| 9. Subcommittee Reports | Pete Stoumbelis
Roger Doherty |
| 10. Update on MADD Florida Reorganization | Linda Cason |
| 11. Other Business | |

Wyoming Governor's Council on Impaired Driving

Meeting Agenda January 23–24, 2007 Holiday Inn, Cheyenne

Tuesday January 23, 2007

- 2:00 **Welcome**
- 2:10 **Updates**
Some Council members are involved in legislative and/or policy issues that may be of interest to others on the Council. Those with information will be asked to provide updates.
- 2:30 **Governor's Conference on Impaired Driving: May 2, 2007**
Workshop Descriptions
Workshop descriptions provide attendees with pertinent and motivating information about the sessions. How can we best describe each workshop so that attendees understand the value of the topic to be presented and discussed?
- 3:45 **Break**
- 4:00 **Governor's Conference on Impaired Driving: Workshop Planning**
At the November Council meeting, potential speakers were identified by each workshop team. Who has been contacted? Who has been confirmed? Final planning for the conference workshops including orchestrations, order of presentations, speaker introductions, and Council member assignments will be completed.
- 5:15 **Governor's Conference on Impaired Driving: Promotional Items**
Lisa Hillmer, Conference Manager
Council members will be asked to provide final updates to the conference mailing list. When attendees register on-site, they will receive a briefcase-type bag with the conference program and promotional items. Who has "giveaways" that would be appropriate to include?
- 5:30 **Governor's Conference on Impaired Driving: Council member roles**
Who will welcome attendees to the conference, introduce the morning motivational speaker, the luncheon speaker, Governor Freudenthal? Who will emcee the Governor's Awards Banquet and assist the Governor with handing out the DUI Enforcement Awards?
- 5:45 **Break**
- 6:00 **Dinner**

6:30 **Governor's Awards and DUI Enforcement Awards**
The Governor's Conference will conclude with an Awards Banquet to recognize and honor outstanding efforts to prevent impaired driving throughout the state. How can we market the Governor's Awards more successfully? Who will help select the award recipients this year?

8:00 **Adjourn**

Wednesday January 24, 2007

7:45 **Breakfast**

8:15 **Priority Issues**
The Council's plans to adopt DUI/Child Endangerment and a DUI Time of Test law (two-hour rule) are well underway. Updates on both issues will be provided. Council members will work in sub-committees to finalize the campaigns for the two upcoming legislative issues and to work on mandatory testing of drivers in fatal and injury crashes.

10:15 **Council Member Appointments**
Current members' terms will be up in May 2007; members will be asked to indicate if they intend to request a re-appointment. A list of suggestions for appointments will be developed and submitted to the Governor for consideration. The August 2007 meeting date will be decided.

10:30 **Miscellaneous Items for Council Discussion**
The Lifesavers Conference, the annual National Conference on Highway Safety Priorities, will be held March 25-27, 2007 in Chicago. Council members interested in attending must indicate their wish to do so.

11:00 **Closing Remarks and Adjourn**

Wyoming Governor's Council on Impaired Driving

January 23 – 24, 2007 Meeting Minutes

The quarterly meeting of the Governor's Council on Impaired Driving was held January 23-24, 2007, at the Holiday Inn in Cheyenne. The meeting began with a welcome from co-chairs Mary Frank and Tim Day.

Updates on various legislative issues were provided by Council members including minor in possession, open container, DUI testing, primary seat belts, and various DUI bills. A letter was sent to each legislator before the legislative session began advising them about the Council's two upcoming priority issues. Both issues are continuing to move forward: Time of Test bill (HB 258) was heard in House Judiciary on Jan 23 and passed 9-0; DUI Child Endangerment (SF 25) will be heard in Senate Judiciary on Wednesday morning.

Council members continued planning for the Governor's Conference on Impaired Driving. Workshop descriptions were finalized, and each workshop subcommittee continued to develop their list of speakers, orchestrate the various presentations, and assign roles to Council members. Council members also selected various promotional items and volunteered to provide specific items to Lisa Hillmer, the Conference manager. Shirley Martinez will contact Matt Meade, U.S. Attorney to ask him to emcee the Awards Banquet. Paul Yaksic, Mary Frank, Gene Rugotzke, Terry Rogers, Nancy Johnson, and Steve Weichman will serve on the Awards subcommittee to review nominations and make recommendations to the governor. Several opportunities for marketing the governor's Awards were identified.

The "save-the-date" postcards were mailed to 5,575 recipients last week; 10-12 additional postcards will be mailed to each Council member to distribute locally. Conference registration materials will be prepared and mailed in late February. Gene Rugotzke has been receiving data from the State's law enforcement agencies and will have the list of DUI Enforcement Award recipients completed in February.

Senator Tony Rose requested the Council's presence in Senate Judiciary for testimony regarding the DUI/Child Endangerment bill (SF 25); most Council members attended the hearing on Jan 24 and the bill passed 5-0. Dave Edwards, Chair of the House Transportation Committee, expressed an interest in having the Joint Transportation Committee look at mandatory testing of drivers in fatal and serious injury crashes as an interim study this spring/summer. He requested additional information about the issue which Lorrie Pozarik agreed to provide.

Mary Frank and Toni Reichenbach will attend the Lifesavers Conference in Chicago; Tim Day and Steve Weichman may attend as well.

Current Council members' terms will be completed this May. Members who would like to be reappointed must indicate their intentions before May by notifying Lorrie Pozarik.

Council members selected the August meeting date for this year. The Council will meet in Lander on Tuesday August 21 and Wednesday August 22, 2007. Meeting dates for 2007-2008 will be selected during the August 2007 meeting.

The next meeting of the Governor's Council on Impaired Driving will be held on Tuesday May 1, 2007, at the Parkway Plaza beginning at 2 p.m.. The meeting will break for the Conference on Wednesday May 2, and conclude on Thursday May 3 by 10 a.m.

Wyoming Governor's Council on Impaired Driving

Meeting Agenda November 14 - 15, 2006 Parkway Plaza, Casper

Tuesday November 14, 2006

2:00 **Welcome**

2:15 **Updates on Previous Priority Issues**

Several concerns regarding Ignition Interlock, GDL, and Substance Abuse Evaluations were raised during the August Council meeting. Recent updates on each of these issues will be provided.

2:30 **Statewide Research: Public Opinion Poll and Alcohol Factors in Custodial Arrests**

Ernie Johnson will present an advance review of a soon-to-be released report on public opinions and attitudes about alcohol and impaired driving. Discussion will focus on the level of support that may or may not exist for the Council's policy initiatives.

The Wyoming Association of Sheriffs and Chiefs of Police has collected alcohol-related data on all persons taken into custody during the last six months in all 23 counties. The Council has been asked to assist in the process of analyzing the data as it relates to drinking and driving in Wyoming.

3:00 **Governor's Citizen Awards and DUI Enforcement Awards**

All law enforcement agencies were notified last January that the criteria for DUI Enforcement Awards changed from 13 DUI arrests per year to the "top 100 officers." Will this change how the Council promotes the DUI Enforcement Awards? Should the Council consider Prosecutorial Awards? How can we more effectively promote the Governor's Citizens Awards?

3:30 **Break**

3:50 **Governor's Conference on Impaired Driving**

The Governor's Conference on Impaired Driving will be held on Wednesday May 2, 2007, at the Parkway Plaza in Casper. Several decisions and updates need to be made including selecting keynote speakers, coining the conference 'tag line,' updating last year's mailing list, and selecting promotional items.

Council members will break into subcommittees to begin detailed planning for each of the workshops including writing workshop descriptions, identifying potential speakers, assigning Council member roles and responsibilities.

5:30 **Break**

- 6:00 **Dinner**
- 6:30 **Governor's Conference on Impaired Driving (continued)**
- 7:30 **Reports from Conference Sub-Committees**

Wednesday November 15, 2006

- 7:45 **Breakfast**
- 8:15 **Governor's Council's Priority Issues**
The Governor's Council has three priority issues this year: DUI/Child Endangerment, creating a 'two-hour rule' (amending the DUI statute to make it a crime to possess an alcohol concentration above .08 g/dL within two hours of a valid arrest for DUI), and to require testing of all drivers involved in fatal and serious injury crashes. Council members will work in sub-committees to complete educational campaigns for each of these issues.
- 9:45 **Governor's Council Educational Campaigns**
Subcommittees will report back on their respective educational campaigns so the Council's plans can be coordinated.
- 10:30 **Miscellaneous Items for Council Discussion**
Some Council members are involved in legislative and/or policy issues that are relevant to others on the Council. Those with information will be asked to provide updates.

The Lifesavers Conference, the annual National Conference on Highway Safety Priorities, will be held March 25-27, 2007, in Chicago. Council members interested in attending may indicate their wish to do so.
- 10:45 **Announcements**
- 11:00 **Adjourn**

*Next Meeting Date:
Tuesday January 23 – Wednesday January 24, 2007 at the Holiday Inn in Cheyenne*

Wyoming Governor's Council on Impaired Driving

November 14-15, 2006 Meeting Minutes

The quarterly meeting of the Governor's Council on Impaired Driving was held November 14-15, 2006 at the Parkway Plaza in Casper. The meeting began with a welcome from co-chairs Mary Frank and Tim Day.

Updates on substance abuse evaluations and ignition interlock were provided. The Substance Abuse Division supplied the courts with a list of certified providers (county by county) as requested. There are still some questions about how often the list is updated, and how the courts will receive the updated lists. There are now at least 10 ignition interlock installers in the State. Many offenders are not receiving notification from WYDOT that they may be eligible for an interlock because they may not have provided WYDOT with their current mailing address. A suggestion was made to develop a brochure about ignition interlock that could be provided to offenders when they appear in court.

Ernie Johnson from Johnson and Associates provided the Council with an overview of the Wyoming Alcohol Use Issues survey conducted statewide this past summer. Several findings were of particular interest to the Council:

- 60 percent believe sobriety checkpoints would be effective in reducing impaired driving, and 73 percent favor them being implemented locally;
- A slight majority (51%) would support a dram shop law;
- 63 percent believe that people should *not* have the right to refuse chemical testing when arrested for DUI, and 85 percent believe that people should *not* have the right to refuse when involved in a fatal or serious injury crash;
- 65 percent support expanding the open container law so that it also applies to passengers;
- 90 percent support a law prohibiting the sale or service of alcohol to obviously intoxicated individuals; and
- 83 percent support a law requiring alcohol sellers and servers to take a certified training course.

The full report should be approved by the Substance Abuse Division shortly.

Ernie also provided an update on the study of Alcohol Factors in Custodial Arrests. Data has been collected from all 23 counties and includes alcohol and drugs, average BAC/arrest, belt use, and location of last consumption. Several Council members offered to assist Ernie with the data analysis and presentation; Ernie will set up a meeting with the subcommittee this winter.

Council members began planning for the Governor's Conference on Impaired Driving which will be held on Wednesday May 2, 2007, at the Parkway Plaza in Casper. Gene Rugotzke will mail requests for DUI arrest data to all law enforcement agencies in early December with a

January 31 deadline for submission. The subcommittee working on potential prosecutor awards concluded that there was no numerical way to select prosecutors for individual recognition, but that all county attorneys will be encouraged to nominate their staff for a Governor's Citizen Award. Several ideas for keynote speakers were discussed, as were potential tag lines for the conference title. Council members worked in subcommittees to write their workshop descriptions and identify presenters.

Council members worked in subcommittees to continue planning educational campaigns for DUI/Child Endangerment, chemical testing of drivers involved in fatal and serious injury crashes, and for amending the DUI statute to make it a crime to have an alcohol concentration at .08 g/dL or above within two hours of a valid DUI arrest. Senator Tony Ross will sponsor the DUI/Child Endangerment bill this year. The subcommittee identified numerous opportunities to continue to educate the public about this issue. The mandatory testing subcommittee identified a serious barrier to their efforts: hospital administrators will not support mandatory testing if Wyoming's statute that allows health insurance companies to deny payment for injuries associated with alcohol or drug use isn't amended; otherwise they will face additional uncompensated care costs for trauma care. Terry Rogers will pursue this issue with Nancy Freudenthal (who worked on amending the statute last year). The subcommittee would like the Joint Transportation Committee to consider the issue as an interim study this summer. Rep. Keith Gingery will sponsor a bill to create a two-hour rule in the DUI statute. Keith asked the subcommittee for help with the bill's language. The subcommittee is also developing a one-page fact sheet explaining the issue more clearly.

The Council asked Lorrie to send a letter to all legislators in December informing them about the Council's priority issues: DUI/Child Endangerment and the two-hour rule.

Updates on several legislative or policy issues were provided by Council members including open container, drive-up windows, an increase in the beer tax, and the upcoming SPIF-SIG grants.

The Council will be losing two of its members as a result of the recent election. Council members discussed potential replacements for Sheriff Dave Gray and Mayor Mike Varney.

Council members were encouraged to consider attending the national Lifesavers Conference in Chicago March 25-27. Funding is available for five Council members to attend; interested members need to indicate their desire to attend by January.

The next meeting of the Governor's Council on Impaired Driving will be held on Tuesday January 23 and Wednesday January 24, 2007, at the Holiday Inn in Cheyenne.

Oregon Governor's Advisory Committee on DUII

Friday June 9, 2006, Meeting Minutes
9:05 a.m. – 11:55 a.m.
Anderson Readiness Center, Room 114
3225 State Street
Salem, Oregon

Members Present: Teresa Douglas, Elliott Eki, Tom Erwin, Chuck Hayes, Vinita Howard, Anne Pratt, Jeff Ruscoe

Staff: Troy Costales, Gretchen McKenzie, Rachele Nelson (Committee Assistant)

Guests: Douglas Beirness (Canadian Center on Substance Abuse), Jim Bradshaw (Office of Mental Health and Addiction Services), Andrew D. Campbell (Oregon District Attorney's Association), Jerry Cooper (Oregon Transportation Safety Committee), Glenn Cramer (National Highway Traffic Safety Administration), Mary Garcia (Driver and Motor Vehicle Services Division), Darke Hull (Portland Police Bureau), Linda Ignowski (Oregon Liquor Control Commission), Scott Jackson (Oregon Department of Justice), Robert Jones (Oregon State Police), Bruce Pratt (Crime Victim's United), Jeff Rost (Oregon State Police), Robert Ryan (Multnomah County), Iris Yeager (GAC on Motorcycle Safety)

I. CALL TO ORDER AND INTRODUCTIONS

Chair Hayes called the meeting to order and introductions were made. Chair Hayes asked for a moment of silence in remembrance of the cause of reducing impaired-driving-related deaths and injuries in Oregon.

II. MINUTES OF PREVIOUS MEETINGS

Chair Hayes asked if there were any additions or changes to the May 12, 2006, meeting minutes.

MOTION: Tom Erwin moved that the May 12, 2006, minutes be approved as submitted. Anne Pratt seconded the motion. With no further discussion, the motion passed unanimously.

III. STAFF REPORT

Administrator's Report

Troy Costales covered four items: Silver Falls Transition Report; 2007 Traffic Safety Performance Plan; National Highway Traffic Safety Administration and Mother's Against Drunk Driving symposium for States that do not allow sobriety checkpoints, and recently conducted interviews for new committee members. Discussion ensued.

Legislative Forum (Set Next Date)

Gretchen McKenzie commented on the success of the legislative forum held in May. Chair Hayes led a discussion of when the next legislative forum should be held. The regularly scheduled meeting in October was changed from October 13th to October 6th. The November meeting was rescheduled from November 10th to November 3rd. The Committee members agreed to have the legislative forum at the newly rescheduled October 6th meeting.

IV. AGENCY LIAISONS

Oregon State Police

Jeff Rost shared that the OSP is in the process of selecting the best vehicle for the mobile breath testing unit. They are in the implementation stage of getting the Intoxilizer 8000 units in production. Discussion ensued.

Driver and Motor Vehicle Services

Mary Garcia provided information on breath test refusal convictions. She also shared information on the habitual offender program. Discussion ensued, during which the subject of fines that have not been collected was raised.

Office of Mental Health and Addiction Services

Jim Bradshaw reported that one of the Deschutes County DUII Evaluators was involved in a serious car crash at Mt. Hood. He was responsible for processing all diversions in Deschutes County and his absence while recuperating has left a void. The county is taking steps to cover his duties while he is out, but is experiencing a back-up in the processing of diversions at this time.

He also shared some outcomes of their programs that involve urinalysis testing. Discussion ensued.

Oregon District Attorney's Association

Andrew Campbell reported on the ODAA's response to the two Crime Victim's United legislative concepts that were shared at the last meeting. The ODAA will be generally supportive of the concepts, but gave some suggestions to further refine the concepts. Discussion ensued.

Oregon Liquor Control Commission

(Due to technical difficulties during this portion of the tape, some parts of the report may not be captured.)

Linda Ignowski shared information about the National Alcohol Beverage Control Association. She also discussed the decoy operation that received attention because a complaint was made that entrapment was used due to the "scantily clad" decoy. The National Criminal Justice Association invited Ms. Ignowski to a workshop at the end of June. Discussion ensued.

She also raised the issue of coupons for distilled beverages. Discussion ensued.

MOTION: Teresa Douglas moved that the coupons should not be allowed. Anne Pratt seconded the motion. With no further discussion, the motion passed unanimously.

National Highway Traffic Safety Administration

Glenn Cramer updated the Committee on current activities in the NHTSA Pacific Northwest Region.

V. FORCED BLOOD DRAW

Douglas Beirness discussed forced blood draws. Discussion ensued.

VI. OLD BUSINESS

Chair Hayes called attention to the Texas program that was included in the mailing to members. Discussion ensued.

VII. NEW BUSINESS

Anne Pratt reported that she participated in a conference call with MADD National to discuss legislative concepts. Discussion ensued.

VIII. ADJOURN

With no further business brought before the Committee, Chair Hayes officially adjourned the GAC on DUII meeting.

Appendix C

Samples of DWI Task Force Recommendations

Appendix C.
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Virginia Virginia Governor’s Task Force to Combat Driving Under the Influence of Drugs and Alcohol.....- 72 -

Following are some examples of recommendations made by the various impaired-driving task forces studied. These represent a wide range of topics.

Missouri

1999 Report from the Governor's Commission on DWI and Impaired Driving

- The preliminary breath-test device (PBT) should be a breath-test device available for all law enforcement officers who enforce the alcohol-related laws of Missouri. The current law that counts the PBT as one of the two tests offered to a DWI suspect should be repealed.

Action: A motion was made by Dwight Scroggins and seconded by Craig Hosmer that the Commission recommend the statute be changed to allow PBTs to be used by all law enforcement agencies and the sunset clause be repealed. All in favor and motion approved. The other part of the recommendation is incorrect as it is a nonissue.

- Restructure the alcohol beverage tax based on alcohol content with a rate equal to the current rate of \$5.00/gallon of ethanol for distilled spirits. A portion of the resulting increased tax revenue should be dedicated to alcohol abuse and impaired-driving programs.

Action: A motion was made by Dale Findlay and seconded by Lori Baskins that the Commission supports the recommendation. All in favor and motion approved.

- Streamline the reporting of alcohol arrest information to the Department of Revenue (DOR) to reduce the burden on the arresting officers.

Action: A motion was made by Dwight Scroggins and seconded by Paul D'Agrosa that the Commission takes no action on this recommendation. All in favor and motion approved.

- The State of Missouri should enact legislation to establish a surcharge on DWI fines or license reinstatement targeting enforcement for DWIs.

Action: A motion was made by Dwight Scroggins and seconded by Paul D'Agrosa that the Commission takes no action on the recommendation. All in favor and motion approved. Dwight added that the Commission might ask for additional information such as where the surcharge goes prior to taking apposition.

North Carolina

Recommendations of the Governor's Task Force on Driving While Impaired Integrated Solutions

These solutions have been identified by members of the Task Force as affecting multiple aspects of the DWI system.

1. The authority for administering Limited Driving Privileges (LDP) should be moved from the criminal justice system to the Division of Motor Vehicles (DMV).
 - Under the current system, the defense attorney drafts the LDP and submits it to the judge for signature.
 - Drivers who do not have an attorney either do not obtain an LDP or must rely on the court to find an attorney willing to help.
 - Moving the authority to issue LDPs to DMV will allow all eligible drivers to obtain an LDP and will assure that the restrictions on driving intended by the General Assembly will be imposed consistently throughout the State.
 - DMV, which is already in charge of all other conditional driver licenses with similar restrictions as an LDP, has the trained personnel and procedures necessary to issue LDPs.
2. An integrated data system should be created to unite and make uniform the many databases containing information regarding how impaired drivers are charged, adjudicated, sanctioned, and treated for substance abuse.
 - Currently, information on arrests, prosecution, sanctions, treatment, and driver licensing are maintained in separate databases. These databases are public records but are not readily accessible to the public and other involved agencies. There needs to be one database that links all of the separate databases on the DWI system. All participants in the system would have access to the integrated data system.
 - DWI offenders participating in the system are not adequately identified and, as such, often cannot be tracked or their records verified. As a result, the effectiveness of the laws, the criminal sanctions, licensing restrictions and treatment relating to impaired driving cannot be readily determined.
 - This system also will provide a better assessment of the successes and inadequacies of the DWI system.
 - All involved agencies would be required to contribute their information in real time. The integrated data system would link law enforcement, judicial officials, the DMV, and treatment and service providers.
 - Information must be available online.
 - Annual reports would be provided to the General Assembly.

Ohio

Task Force Report and Recommendations

Law Enforcement Committee

PROBLEM: Some liquor establishments show a pattern of serving individuals who are obviously impaired and later arrested for OVI. Establishments that are routinely identified through OVI arrests should be investigated and appropriate action taken.

SOLUTION: Make law enforcement aware of the authority of the department of Public Safety, Investigative Unit and have law enforcement report where individuals arrested for OVI obtained their alcohol back to the Investigative Unit.

Law Enforcement Committee members believe that the responsible sale and use of alcohol may reduce the frequency of OVI arrests on Ohio highways.

Recommendations

- Any effort to standardize OVI arrest paperwork should identify an effective way for local law enforcement to report locations where individuals arrested for OVI purchased alcohol.
- Ensure that those permit premises that repeatedly violate Ohio laws by selling to intoxicated customers appear before the Liquor Control Commission for disposition.

Drivers Refusing Chemical Tests

	Requested	Refused	Percent Refused
Urine Tests	902	291	32.26%
Breath Tests	27,726	12,627	45.54%
Blood Tests	1,397	414	29.63%
All Chemical Tests	30,025	13,332	44.4%

Source: Ohio Department of Health

Please Note: Law enforcement survey is based on 2002 impaired-driving arrests with 56.3 percent of agencies responding as of June 30, 2003.

Known impairment levels enhance the court's ability to identify individuals with an OVI problem, and promote more effective intervention and incarceration programs. With great reliance being placed on breath testing, determining whether the emphasis on breath-testing devices is rational is important to "due process." Typically, a single BAC "Data Master" test result is the sole evidence device in Ohio. However, since 1983, when tests became the standard

for prosecution of “per se” cases, everyone has become educated as to what blood, breath, or urine test results mean. Juries expect to be able to relate trial evidence to a test result. When tests are refused, the OVI case must be tried the “old-fashioned way” and such trials are not as easy or as clear cut.

SOLUTION: Reduce the amount of chemical test refusals by strengthening and always imposing the refusal consequences. Increase public awareness to the consequences of refusing to test.

Judiciary Committee members believe that refusal consequences should not be used as a bargaining tool in court, or to be used as a reduced sentence. A refusal sanction must include a cancellation of operating privileges without modified privileges being available, unless a plea of “guilty” or “no contest” is entered. If the sanction is less, the attorney’s advice will be “I can’t tell you to refuse the test, but I can tell you that if you refuse the test, the sanction is less severe than if you fail the test!”

Recommendations

- Penalties for chemical test refusals should always be imposed, no matter the disposition of the criminal case.
- Refusal penalties should be no less severe than the OVI conviction with a chemical test.
- The current version of Senate Bill 123 included new language that compromised the original meaning of the Ohio Revised Code §4511.19. The new language states, “No person shall operate any vehicle, streetcar or trackless trolley within this state if, *at the time of operation*, any of the following apply.” This italicized language change is likely to cause substantial litigation to determine the “meaning” of this new language. It is unnecessary and does not reflect already established language. The language of §4511.19(D)(1) should be adequate.

Utah

Third Annual DUI Report to the Utah Legislature

Recommended Action

Use of Pleas in Abeyance in DUI Cases

Enact legislation to extend the sunset date on the use of pleas in abeyance in DUI cases.

The CCJJ study conducted to determine if offering DUI offenders a plea in abeyance is necessary to get them into treatment and to complete treatment was not able to provide a definitive answer. The study did not conclude that while there was a significant difference in the treatment completion rates between the Taylorsville Justice Court (96%) which used a plea in abeyance, the difference could not conclusively be attributed to the plea in abeyance. Instead, the study concluded that the “therapeutic jurisprudence” approach used in the Taylorsville Justice Court, based on the drug court model, was most likely the reason for this Court’s significantly greater treatment completion rate. The Salt Lake City Justice Court does not offer DUI offenders this approach. An extension of the timeframe for permitting the use of pleas in abeyance in DUI cases may allow for further research on the importance of using pleas in abeyance with DUI offenders.

Ignition Interlock Amendments

Enact legislation to increase the use of the ignition interlock device (IID) as an effective tool for preventing and reducing DUI.

Ignition interlock devices (IIDs) have been found to be helpful in managing DUI offenders and in reducing DUI-related recidivism, when they are used in conjunction with other sanctions, such as education and treatment. A CCJJ survey of judges to determine how often they ordered IIDs, however, indicated that while judges do order IIDs much of the time, there were also cases in which they did not order the devices. Amendments to Utah’s ignition interlock laws should ensure if a DUI offender meets the conditions for an ignition interlock device, it will be illegal for the offender to drive without the device.

Virginia
Virginia Governor's Task Force to Combat Driving
Under the Influence of Drugs and Alcohol
July 2003

Recommendations

- The Secretary of Public Safety should convene an advisory committee, including State police, chiefs of police, sheriffs, court personnel and others, to examine and make recommendations concerning DUI and DUID (driving under the influence of drugs) training and implementation of training standards, to include Standard Field Sobriety Test (SFST) methods, no later than 2005. Nominal administrative costs are anticipated.
- The Department of Motor Vehicles should provide an annual report card on the status of Task Force recommendations to the Governor's Office, General Assembly, interested parties and partners to document progress, compare Virginia's progress to national benchmarks and best practices, and identify priorities for further action. Nominal administrative costs are anticipated.
- The Department of Motor Vehicles should implement a more prominent visual cue on driver's licenses for individuals under the age of 21 to make it easier for alcohol retailers and servers to quickly identify underage individuals, no later than 2005. Nominal administrative costs are anticipated.
- The Department of Motor Vehicles should create a records management system to provide an administrative failsafe process to indicate a third DUI conviction regardless of the specific court ruling on the nature of the offense, no later than 2005. DMV would require administrative authority via a change to the Code of Virginia to impose sanctions based on the number of DUI convictions. This would eliminate avoidance of penalties through the use of multiple 1st and 2nd offenses. Projected cost for the first year is \$44,000 and \$20,000 for operations each successive year.
- The Department of Alcoholic Beverage Control should retain the responsibility for wholesale distribution and retail sale of distilled spirits, enforcement of laws related to the sale and distribution of alcohol, licensing authority, and training for servers and retailers. No additional costs are anticipated.

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