

**RECOMMENDATIONS FOR GUIDELINE AREA 3A
LAWS TO DETER IMPAIRED DRIVING
(** Priority Recommendations)**

1. ENACT/AMEND/CONTINUE 0.08 BAC LAWS

- ** Enact legislation to set *per se* DUI offense BAC level at 0.08 for both substantive DUI offenses and ALR revocation purposes. DE
- ** Enact a *per se* law of 0.08 BAC. OH
- ** Review existing separate DUI and DWI laws with regards to integrating them into a single omnibus statute and using the 0.08% threshold as the basis for proof of guilt by establishing either that the accused drove or had physical control with an unlawful blood alcohol level of 0.08% or more or that the accused was impaired irrespective of proof of a particular blood alcohol level. TN
- ** Enact legislation to lower the *per se* BAC level to 0.08. GA
- ** Enact legislation establishing an alcohol concentration of .08 or higher as under the influence "*per se.*" IL
- ** Enact a 0.08 alcohol concentration as the presumptive standard for being under the influence of alcohol. MT
- ** Implement a 0.08 *per se* violation. Retain the .07 *prima facie* violation to retain conviction and sentencing options. This implementation will also result in some additional Federal funding being available for Maryland programs. MD
- ** Enact 0.08 BAC legislation. MT
- ** Enact 0.08 legislation to provide additional tools for law enforcement officers to use in their efforts to remove impaired drivers from North Dakota roadways. ND
- ** A BAC level of 0.08% should be statutorily adopted for all adult DWI offenses. NM91
- ** Enact legislation to set the *per se* BAC level at 0.08 for criminal and administrative sanction. CT93
- ** Amend the 0.08 BAC law making DUI a Class A misdemeanor and repeal the "endangerment element." IN01
- ** Enact legislation to set *per se* alcohol concentration level .08. MN95
- ** Enact legislation to set the *per se* alcohol concentration level for people 21 or over at .08. MN03
- ** Enact legislation which establishes the 0.08% BAC as the presumptive legal limit for operating a vehicle with an excessive BAC. MO
- ** Enact 0.08 BAC as the presumptive standard of being under the influence of alcohol in criminal DUI cases. RI

- ** Michigan should lower the blood alcohol level necessary to convict for Unlawful Bodily Alcohol Content (UBAC) to 0.08. MI
- ** Reduce the illegal "per se" BAC level to 0.08% because the overwhelming body of research has established that driving performance is impaired and crash risk is substantially increased at that level. AZ
- ** Enact 0.08 Per Se BAC level and give the arresting officer the choice of blood or breath test, or both. AK
- ** Enact legislation to reduce the current .10 statutory BAC to 0.08. WI
- ** Seek legislation to lower the per se BAC limit to 0.08. TX
- ** Apply the 0.08 BAC standard across the board. WI93
- Continue efforts to lower the blood alcohol level needed to convict under the DUI laws from .10 to 0.08 and to lower the Administrative Per Se law to 0.08 as well. CO
- Establish an alcohol concentration of 0.08 as the illegal per se level. OK
- Enact legislation to set the per se BAC level at 0.08 for criminal and administrative sanctions. CT00
- Recommend enactment of 0.08 per se BAC level. MT94
- Remove the below .05 BAC inference reference impairment. MT94
- Lower the per se BAC level to 0.08. VA
- TN's DUI/DWI laws should be amended to create a true 0.08% per se law in order to comply with the TEA-21 and the TEA-21 Restoration Act. TN
- Establish 0.08 or higher BAC as rebuttable presumption of intoxication. HI
- Enact legislation establishing a 0.08% per se intoxication. WV
- Support the passage of the 0.08 per se law. IL
- Enact 0.08 legislation. DE

2. ENACT/CONTINUE/AMEND OPEN CONTAINER LAWS

- ** Enact an Open Container statute that complies with the requirements of Section 154 under TEA-21. VT
- ** Enact legislation to expand the Open Container law to include all people in the passenger compartment of a vehicle. GA
- ** Implement a statewide uniform Open Container law prohibiting open containers of alcohol in the passenger compartment of the vehicle. MD
- ** The North Carolina General Assembly should retain in full force and effect the existing Open Container law. NC
- ** Enact an Open Container law covering both vehicle operators and passengers. WV

- ** Enact Open Container legislation. MT
- ** North Carolina should take the next step and prohibit all open containers of alcohol in vehicles. NC95
- ** Amend the Open Container law to allow for convictions if there is an open container of alcohol anywhere in the vehicle while it is in operation. IN01
- ** Enact a statewide Open Container statute. WV93
- ** Enact prohibition of open alcoholic containers in motor vehicles on public ways. MT94
- ** The Open Container violation should be identified as an alcohol-related traffic offense. Further, the definition of the offense should be expanded to include possession of an open container within the passenger compartment of the vehicle. MO
- ** Ban open containers of alcohol from motor vehicles. CO
- Prohibit open alcohol containers and consumption of alcoholic beverages by any people in a motor vehicle. AZ
- An Open Container law is needed that is enforceable and applies to the entire driver and passenger compartment of the vehicle. TX
- Prohibit open containers and the consumption of alcohol in motor vehicles within the uniform traffic code. OK
- Modify the Open Container law to prohibit any open container of alcoholic beverage within the passenger compartment of all vehicles. CT93
- Enact an Open Container law that prohibits any open container of alcoholic beverage within the passenger compartment of all vehicles. CT00
- Support passage of a statewide Open Container law. WV
- Enact Open Container legislation. DE
- Support passage of a statewide Open Container law that pertains to drivers and passengers in both parked and moving vehicles. MD
- Expand Open Container law to include all people in the passenger compartment of the vehicle (no open alcoholic container in the vehicle). VA
- State's Open Container act should be made applicable to passengers as well as drivers in order to comply with TEA-21/TEA-21 Restoration Act. TN
- Enact an Open Container law. MT
- Support renewal of the State's existing effective Open Container law. NC

3. AMEND/STRENGTHEN IMPLIED CONSENT PROVISIONS

- ** The implied consent law is being largely ignored resulting in refusal of 59 percent of second offenders to take the approved chemical test. The implied consent law should be amended to provide for a suspension penalty that is greater than the revocation penalty that is imposed upon conviction

for the substantive offense of DUI/DWI. This would remove the incentive to refuse, as the defendant would find himself in a less advantageous position if he refuses, as opposed to a more advantageous position. TN

- ** The implied consent law should be revised to give law enforcement officers authority to require a second test and to allow the use of PBT devices to determine probable cause. TN

- ** The arresting officer should be allowed to choose a second test (blood or urine) when the breath test shows that the impaired subject is not under the influence of alcohol. Refusal would initiate implied consent sanctions. CT93

- ** Revise the DUI statutes to allow taking of blood and urine samples under the implied consent law. OR

- Seek legislation to allow probable cause arrests for impaired-driving offenses. MI

- Change the implied consent statutes to allow for more than one test if requested by the arresting officer and to allow for specific tests related to the detection of other drugs. WV93

- Apply the Implied Consent provisions to drug only cases and allow the use of PBT test devices. MT94

- Change the implied consent statutes to allow the officer the choice of test. Expand the choices to include urine, along with blood and breath. The BAC should be determined at the time of the test in order to eliminate the relation-back extrapolation problems that currently exist. The statutes should specifically authorize the use of the infrared breath-testing devices. Refusal to test should be admissible in DUI proceedings. VA

- The implied consent law should be administered through the DOS as an administrative process. TN

- Seek legislation that would give law enforcement officers the choice of alcohol/drug testing method (blood/breath/urine) in all instances. HI

- The implied consent requirements need to be amended to allow for the PBT to be used as probable cause without jeopardizing the use of the Intoxilyzer 5000 as the evidentiary BAC instrument. HI

4. ENACT/REVISE ILLEGAL PER SE LAW FOR DRIVERS UNDER AGE OF 21

- ** Adopt a zero tolerance for drivers under 21. WV93

- ** Enact "zero tolerance" BAC provisions for minors. MT94

- ** Recommendations in Montana Minors in Possession Task Force Report is endorsed by this Technical Assessment Team with special emphasis on the provisions for assessment and treatment for the repeat minor in possession offender. MT94

- ** Enact legislation to set the *per se* alcohol concentration level of 0.04 for people under 21 and make it an enhancing event. MN03

- ** Make it illegal for a person under 21 to drive with any measurable amount of alcohol. OK

- ** Renumber the Not a Drop law and include it in the State's traffic laws. (Not a Drop is an illegal per se for those under 21 to consume any alcohol). MN95
- ** Enact a criminal zero per se law for all drivers under 21 and make it subject to the implied consent statute. OR
- ** Apply the absolute sobriety concept to all under 21 years. WI93
- ** Eliminate the per se standard for no impairment. WI93
- Enact legislation that will prohibit people under 21 from driving a motor vehicle with any measurable amount of alcohol in their blood. CO
- Seek legislation to establish any measurable amount of alcohol as the illegal per se BAC level for people under 21 and to have that level apply as an administrative license revocation. CA
- There should be a criminal or infraction offense of zero tolerance for underage drinkers (this in addition to the existing administrative drivers license suspension for zero tolerance for underage drinkers). MO
- Sanctions for under-age alcohol violations should reflect a zero tolerance/.02 and result in the loss of driving privilege. CT93
- Expand the "Use and Lose" provisions that now apply to juveniles to include all underage drinkers until 21. The provisions should include the administrative process for suspension of the driver's license. VA

5. ENACT/REVISE LAW FOR DUI OF OTHER DRUGS OR IMPAIRING SUBSTANCES

- ** Redefine the standard of impairment as "intoxication" and define "intoxication" as under the influence of alcohol, drugs (whether legal or illegal), or any combination of the two. HI
- ** Enact legislation to clarify elements of the crime of DUI of Drugs (DUID) laws. VT
- ** Enact legislation to include in the definition of unlawful impairment all chemical compounds that are not presently defined as a "controlled substances" or "hazardous substances." MN95
- ** Enact legislation to include all drugs in the definition of impairment, not just those defined as "controlled" or "hazardous" substances. MN03
- ** Revise the DUI statutes to combine under the influence of alcohol, controlled substances, or both into one offense. OR
- ** Research the appropriate criteria for an illegal per se law for drugs. Included in this research would be the development of standards for DRE testimony and laboratory testing. CA
- Amend the implied consent suspension law to allow for suspension of a driver license based upon blood or urine test results showing the per se alcohol levels or the presence of any illegal controlled substance. OR
- Add Ecstasy, GHB and other similar substances to the controlled substances list. NM

- Set a per se standard for intoxication by reason of drugs. NM
- Enact a statute to define driving with a measurable amount of an illegal drug or controlled substance in the body as a per se violation of the impaired-driving statute. OH
- Consider amending the administrative license suspension to include other drugs, as well as alcohol in combination with other drugs. VT
- Clarify the DUI statute as it applies to being under the influence of drugs. MT

6. ENACT/REVISE LAW FOR ADMINISTRATIVE LICENSE REVOCATION/SUSPENSION

- ** Enact an Administrative License Revocation (ALR) law. MT
- ** Provide for the immediate statutory administrative revocation of driver licenses for individuals charged with DWI offenses. NC
- ** Enact legislation prohibiting the right to an administrative hearing of a license revocation if a defendant has entered a plea of *nolo contendere* in the criminal case. WV
- ** Consider amending statutes to provide that administrative license sanctions will include all driving while impaired, including drugs other than alcohol. ND
- ** Revision of the ALR process is needed. Legislation that would remove the determination of "probable cause" would go far in the direction of making the hearing truly "administrative" instead of "judicial." The location of the ADLR process should be moved from Judicial to another statewide agency in the Executive branch of government. Ideally, this agency would be involved in the driver's license process. Prosecutors should assist officers with training that would prepare them for their appearance in the ADLR hearings. HI
- ** Enact ALR laws as measures to reduce DUI. MT
- ** Enact a per se ALR law. MT94
- ** Adopt per se administrative sanctions allowing for driver license suspension on a combination of alcohol and/or drug impairment. CT00
- ** Enact an Administrative License Revocation Law. RI
- ** ALR is a major need in Texas' arsenal of DWI weapons. Care should be taken in crafting this law so as to not create a new "mini" trial. TX
- Relieve trial court caseload by placing all driver license decisions within DMV. WI93
- Require the reporting of all convictions to DMV for misdemeanors, infractions or juvenile determinations that involve the underage purchase, possession, or use of alcoholic beverages and require driver license sanctions upon receipt of such report. OR
- Sanctions imposed under the ALR process for drivers should be increased to a one-year revocation on first offense. NM91

- DUI or DWI statutes should be amended to provide for mandatory license suspension or revocation and the requirement of attending an alcohol education/DUI school. TN

- An effective pre-trial ALR law should be a priority in the next General Assembly session. Uniform Vehicle Code (UVC) Section 6-207 should be used as a model. VA

Adopt rules that define how an ALR review hearing shall be conducted. Empower the hearing officer with the ability to enforce these rules. HI

- Determine whether arrestees waive their statutory protection against having ALR hearing evidence used against them if the defendants testify at their criminal trials. HI

- Develop methods for protecting potential state's witnesses who are subject to cross-examination by the defense attorney at ALR review hearings. HI

- Enact legislation allowing ALR suspensions for DUI drugs. ND

7. ENACT/MODIFY LAWS REGARDING USE OF PRELIMINARY BREATH TESTS

- ** The PBT should be available for all law officers who enforce 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. MO

- Texas law should authorize the use of PBTs without affecting the implied consent statute. TX

- Modify laws to allow the use of the PBT to establish probable cause, while not considered one of the "required" chemical tests. CT00

- Implied Consent provisions need to be altered to allow the use of the PBT to establish probable cause. CT93

- Enact legislation that would provide for the use of PBTs in determining probable cause to arrest. Motorists stopped for a traffic violation or at a checkpoint who exhibit conduct providing reasonable suspicion of impairment would be required to submit to such a test. Result would not be admissible in evidence in a case-in-chief to establish guilt, but only to establish probable cause. Failure to take the PBT test would be admissible as evidence in the DUI/DWI trial. Acquiescence to the PBT test would not count toward compliance with the implied consent law. After compliance with the PBT an officer could still request the driver to comply with the implied consent law by providing a blood, breath or urine samples. TN

- The PBT should be approved as a field breath test instrument solely for determining probable cause. It should be specifically excluded as a breath test that fulfills as the arrestee's submission under implied consent. HI

- Create legislation that allows the HDOH to file with the local clerks of courts certification of the breath tests instruments, breath test operators, approved method of operating the instrument, and maintenance and inspection records of the instruments. This will expedite the proof of these elements at ALR review hearings and criminal trials and relieve the need for unnecessary witness testimony. HI

- Legislation is needed to give the Hawaii DOH authority to select and authorize the pre-breath-testing instruments for use by police officers.

8. ENACT/REVISE LAWS REQUIRING MANDATORY BAC TESTING

- ** Permit an officer to require the taking of a blood specimen (and except such a taking from the ability to refuse) in situations where: the officer arrests the driver for DWI; the driver was the operator of a motor vehicle or watercraft involved in an accident that the officer reasonably believes occurred as a result of the DWI; the officer, at the time of the arrest, reasonably believes that a person has died or will die as a direct result of the accident; and, the driver refuses the officer's request to submit to the taking of a specimen voluntarily. NM

- ** Consider legislation that will allow for appropriate personnel (e.g., paramedics) to withdraw a blood sample from a suspected and injured DWI offender at the scene of a crash versus obtaining lower (BAC) evidence after a long delay due to transportation and medical facility concerns. NC

- ** Investigate the potential for emergency medical personnel to have the ability to withdraw a blood sample for evidentiary purposes at the scene of a crash. Gain support of physicians and judiciary by establishing strict standardized protocols. MD

- ** Enact mandatory blood draw or blood sample surrender law for DUI death and DUI serious bodily injury incidents. RI

- Mandate blood testing of all drivers involved in fatal or serious injury crashes. MI

- Amend the DUI law to clarify that the arresting officer will determine which test is to be taken by the offender. CO

- Require mandatory blood draws in situations where intoxication has resulted in the death of an individual or where, in the opinion of the officer, a death is likely to occur. MN03

- A requirement should be added to the existing legislation that would allow the toxicological testing of all operators involved in fatal crashes for alcohol and drug involvement. CA

- Require all drivers of vehicles involved in fatal collisions to submit to BAC testing. CT00

- Seek legislation that requires a blood test in cases of death or serious bodily injury. NC95

- All drivers of vehicles involved in fatal collisions should be required to submit to BAC testing. CT93

- Enact legislation to permit LE officers to obtain hospital alcohol test results without the need for a subpoena. WV

- Repeal the right of an offender to seek an independent blood draw for alcohol concentration testing with assistance from the arresting officer. MT

- Allow hospital blood test results to be admitted into evidence. VA

- Amend the statute to allow the DRE officer the option to request a blood or urine test depending on what would provide the best evidence in a particular investigation. MD
- Repeal the statute (286-159) that prohibits an arrestee's refusal to submit to a blood alcohol test from being used against the arrestee at any other civil or criminal hearing. HI
- Consider legislation allowing a blood draw pursuant to a search warrant following a refusal to consent to a breath test, thus eliminating the reward of loss of evidence for the State by refusing the test. MD
- Amend the medical personnel (286-163) mandatory reporting law to include urine testing. HI
- Investigate the potential for emergency medical personnel to have the ability to withdraw a blood sample for evidentiary purposes at the scene of a crash. Seek to gain support of physicians and judiciary by establishing strict standardized protocols. ND
- Investigate the potential for paramedics to have the ability to withdraw a blood sample for evidentiary purposes at the scene of a crash.
- Controlled test sites should be initiated for program evaluation procedures. WV
- Enact legislation requiring ER personnel to inform law enforcement of suspected alcohol or drug use by a driver involved in a crash, similar to notification of gunshot wounds. ND

9. PENALTIES FOR TEST REFUSAL

- ** Implement stiffer sanctions for refusal to take the breath test so that a refusal carries a stronger suspension sanction than an administrative per se suspension sanction. It is recommended that a refusal result in a minimum of a one-year suspension. MD
- ** Amend sanctions for chemical test refusal that are more severe than for a DUI or per se conviction. RI
- Make chemical test refusal a choice, not a right. RI
- Make the penalties for driving under a refusal suspension the same as penalties for DUI. OH
- Consider enacting statutory criminal penalties for willful refusals to comply with North Carolina implied consent law. NC
- Enact statute that criminalizes refusal to submit to chemical test. OH
- Repeal the statute (286-159) that prohibits an arrestee's refusal to submit to a blood alcohol test from being used against the arrestee at any other civil or criminal hearing. HI
- Support passage of high BAC statute combined with strong refusal penalties. MD
- Penalties for refusal to blow either time should be assessed. HI

10. ENACT/AMEND LAWS PROVIDING FOR INCREASINGLY SEVERE PENALTIES FOR REPEAT OR HABITUAL OFFENDERS

- ** Enact or enhance repeat offender legislation. ND
- ** Increase licensing revocation periods for second, third, fourth, and subsequent offenses of DUI. DE
- ** Allow only two misdemeanor DWI convictions, making the third offense a felony. NM
- ** Implement mandatory minimum jail sentences on impaired-driving offenses. MD
- ** Consider amending statutes to provide for more penalties or strategies to decrease driving by repeat offenders who have no license. ND
- ** Enact legislation that will categorize a "first offender" DUI offense that results in court supervision, conditional discharge, probation or imprisonment, as a "conviction." IL
- ** Prohibit convicted DUI/per se offender to receive a restricted probationary license in lieu of suspension or revocation. MT
- ** Establish felony DUI provisions for third convictions and those found DUI while their driving privilege is suspended. MT94
- ** Amend legislation to provide that first offense DUI pre-trial alcohol diversion be treated as a prior conviction upon subsequent offense. CT00
- ** A habitual offender provision should be added to the previous statute to impose the penalty of prosecution as a fourth degree felony. NM91
- ** Enact legislation to increase the mandatory consecutive period of incarceration for individuals with two or more prior convictions. MN95
- ** Enact legislation to permit conditions of bail to be imposed even if the maximum bail is posted. MN03
- ** Provide that licenses revoked for DUI offenders include a mandatory minimum period of actual revocation. OK
- ** Enact law that makes third and subsequent DWI offenses felonies. AK
- Enact a habitual DWII offender law to provide that after multiple convictions or diversions, an offender is guilty of a felony. OR
- Seek legislation to create a new felony offense for any combination of three alcohol-related driving convictions. MI
- Mandate attendance at an alcohol driver education course by all first offenders. MI
- A felony charge should be available for multiple repeat OWI offenses and for driving a vehicle while intoxicated with a suspended or revoked driver's license. WI93

- Enact a law prohibiting driving after drinking any amount of alcohol for any person who receives a hardship permit and make the violation an implied consent offense which results in immediate revocation of the hardship permit. OR
- OR
- Enact a law to punish impaired drivers who have children in the vehicle. OR
- Enact legislation to permit a higher bail in felony cases. MN03
- State and local law enforcement agencies should be provided lists of habitual violators in their jurisdictional areas. MT94
- Adopt Federal repeat offender standards requiring the use of ignition interlock devices or vehicle immobilization. CT00
- Amend the law so that convictions for juvenile DUI carry the same sanctions as adult DUI with jurisdiction in the adult court. IN01
- Third and subsequent DUI violations should be made felonies with appropriate sanctions. CT93
- Include vehicular manslaughter and motor vehicle assault convictions as "priors" for purposes of DUI prosecution. CT93
- Prior DUI convictions for the past seven years should count for enhancing penalties. CT93
- Increase penalty for DWI and assess felony punishment to third offenses. NC95
- Increase per se administrative sanctions for second offense DUI to comply with Federal requirements for Section 410 funding. CT00
- The existing vehicle seizure law for 3rd offense DUI violations should be adjusted to ease and mandate its application. Additionally, provisions for the seizure of the vehicle registration in lieu of vehicle forfeiture and the placement of a distinctive registration tab on the registration plates of suspended drivers should be enacted. MT94
- Require notation of successful completion of any DUI diversion program as a conviction on the State of Delaware driving record. DE
- Provide a punishment range of 2 years to 5 years for felony DWI. NM
- Increase the deterrent effect of the impaired-driving statute with a felony penalty provision prior to the fourth offense. OH
- A statute authorizing the forfeiture of the vehicle registration and/or the vehicle of the repeat DUI offender should be sought. VA
- Provide for greater potential of jail time for first-time DUI offenders. WV
- Increase per se administrative sanctions for second offense DUI to comply with Federal guidelines to obtain Section 410 funding. DE
- Increase penalties for second and third offense DUI offenders. Review whether a second or third offense should become a felony. Also increase

penalties for people who drive on a license that was suspended or revoked due to either an ALR determination or a conviction for DUI. HI

- Implement a "Super Drunk" statute with stiffer penalties for those driving with a 0.16 or greater BAC. MD
- A statutory provision should be enacted providing that the DOS review the record of any convicted defendant to determine the existence of prior convictions and shall appropriately revoke a defendant's privileges, after notice, upon proof of previous convictions for DUI or DWI notwithstanding any order from an adjudicating court that a defendant be treated as a first time offender. TN
- The child endangerment statute should be amended to provide for increased penalties for the commission of DUI/DWI offenses. TN
- Enact legislation that excludes DUI offenses from eligibility for court supervision. IL
- Repeal Section 6-206.1 allowing judicial driving permits. IL
- Allow misdemeanor DUI/alcohol offenders to be placed on probation and allow the courts to supervise the probation. Allow the courts to collect probation user's fees to fund the probation supervision of the offenders. HI
- Re-evaluate the process for driver licensing suspension and restricted probationary license granting upon DUI/per se conviction. MT

11. LAWS PROVIDING FOR MORE STRINGENT PENALTIES FOR MORE SERIOUS OFFENSES

- ** Enact legislation to increase the range of minimum incarceration penalties for defendants convicted of felony death by motor vehicle and involuntary manslaughter. NC
- ** Increase the penalty resulting from the death of a person caused by a DUI driver to reflect the seriousness of the offense. IN01
- ** Enact vehicular homicide and DWI assault laws. AK
- Provide a punishment range of 2-20 years for the offense of vehicular homicide, regardless of prior DWI contact or conviction. NM
- Provide a punishment range of 2-10 years for the offense of intoxication assault (serious bodily injury), regardless of prior DWI contact or conviction. NM
- Make second or subsequent DUI/per se conviction a felony offense. MT

12. LAWS PROVIDING FOR SPECIAL PENALTY PROVISIONS FOR YOUTH UNDER AGE 21

- ** Make all licensed drivers (including juveniles) subject to all provisions of DWI laws (including felony jurisdiction). If the legislature is reluctant to subject juveniles to "jail time" through juvenile confinement facilities, then significant community service or boot camp requirements should be assessed as an alternative. NM
- ** Adopt the "use and lose" driver's license provision for juvenile (underage) drinkers. WV93

- ** Prohibit minors from selling and/or serving alcoholic beverages. MT94
- ** Prohibit minors from operating gaming devices in liquor establishments. MT94
- ** Mandate that suspension of a minor's driver's license for any violation of laws regarding the use or possession of alcohol as well as illegal drugs. AZ
- Unify juvenile driver license suspension laws and establish uniform penalties. MI
- Zero tolerance laws are needed with respect to minors in possession and minors consuming alcohol. The "use and lose" concept should be incorporated. TX
- The statutory exemption of SR-22 compliance for first offense underage zero tolerance should be repealed. MO
- The statutory expunging from driver's record for first offense underage zero tolerance should be repealed. MO
- Implement a violation for possession of alcohol under 21 that results in a mandatory loss of license. MD
- Enact legislation to require juveniles to complete treatment beyond the primary 18-hour requirement when recommended. WV
- Permit court access to juvenile conviction records. NM
- Tennessee's underage DWI statute is largely ignored. Campaigns need to be undertaken to convince law enforcement of the desirability of using the underage (zero tolerance) law as opposed to releasing youthful offenders or charging them with the offense of "minor in possession." TN
- Amend the statute (287-20) that excludes a Zero Tolerance for Minors offender from securing proof of financial responsibility before he can have driving privileges reinstated. HI
- Enact legislation to establish any measurable amount of alcohol as the illegal *per se* blood alcohol level for people under 21 and have that level apply to an administrative license suspension. GA
- Encourage enforcement of the zero tolerance law. WV

13. VICTIM ASSISTANCE OR RESTITUTION PROGRAMS

- ** Develop PI&E materials to enhance victim's awareness of restitution availability. GA
- Ensure that victims of DUI crashes are advised by law enforcement authorities or by court officials on how to make application for restitution funds. GA
- Perform an annual audit of the victim restitution fund and make it part of the annual report of the Governor's Office of Highway Safety. GA

14. STATUTORY RECOMMENDATIONS (creating body of law, revising language, closing loopholes, etc.)

- ** Enact a statute that provides a legislative foundation for the admission of SFST. OH
- ** Consider amending statutes to provide for more supervision of the execution of the impaired-driving judgments and treatment completion. ND
- ** The DUI Law Revision Committee should continue to review the ambiguous statutes and integrate the various DUI statutes under a single umbrella of impaired operation. HI
- ** Consider holding statewide community-based North Dakota Traffic Safety Summit or Alcohol Forum to allow the State to build a broader advocacy base and create a common understanding of the North Dakota impaired driver laws and their effectiveness in promoting traffic safety. ND
- ** The Governor's DUI Task Force should review and recommend changes to the Missouri statutes that will positively affect the success of the DUI program in the State. MT94 [check to see which state this is, MT or MO. Says both, one's wrong]
- ** Recodify M.S.A. 169.121 (strong statute for deterring/prosecuting impaired drivers but COMPLEX). MN95
- ** The laws governing DWI should be re-codified so that the statutes are under the same chapter. MO
- ** Revise the DUI statutes to modify the definition of driving to exclude the requirement that the vehicle be moving. OR
- ** Amend the juvenile denial law to include drivers up to 21. OR
- ** Remove ambiguity throughout DUI and other alcohol-related statutes as they apply to blood draw search warrants, sobriety checkpoints, DUI drugs, DUI death, observation DUI cases, and social host liability for alcohol service to minors. RI
- ** Revise the DUI statutes to not require the Intoxilyzer result to reflect a BAC but merely require grams of alcohol in the breath. OR
- ** Seek legislation to clarify the broad array of OWI/alcohol abuse statutes currently in existence and to remedy the many patches that have been applied over the years. WI93
- ** Design and carry out research with NHTSA assistance to determine the effectiveness of the civil OWI statute and any other questionable statutory provisions, such as the permitted minor service of alcohol. WI
- Make OWI illegal anywhere in the state. WI93
- Create a high-level State task force to review existing OWI statutes and draft a model OWI Wisconsin statute. In addition, the advice of national experts in the research and evaluation of impaired-driving statutes should be used. WI
- Enact any OWI statutory changes that are found likely to be more effective from the existing set of statutes. WI

- The 408/401 criteria should be followed in future legislative changes to Maryland's alcohol-related statutes. MD91
- Section 257.625 should be redrafted and re-enacted to accomplish the following: Streamline and simplify the description of the offense; Either eliminate Operating While Impaired (OWI) or raise its penalty level to that of the Operating Under the Influence of Liquor (OUIL) or UBAC; Treat all 625 convictions the same for enhancement purposes; Either re-title the section to reflect the OUIL designation or rename the offense DWI and use the OUIL/UBAC definitions to describe the manner and means of committing DWI. MI
- The 20-minute right to call an attorney provision in the implied consent statute should be eliminated. MO
- Continue the effort to recodify the impaired-driving laws to simplify the enforcement and management of the processes that are mandated by law. CA
- Amend DUI repeat offender statute to comply with US DOT standards. RI
- Enact legislation to close the "loophole" for non-transferred titles or titles held by third parties with close relationships to the defendant. MN03
- Enact legislation to clarify that "Not a Drop" conviction does not count as an enhancing event purpose of future DWI prosecution. MN03
- Repeal the statutory language that exempts from consideration as a prior alcohol-related traffic offense any conviction before a non-lawyer judge. MO
- Establish a safety commission involving all concerned parties to review applicable statutes and regulations regarding the DUI problem and the safety factors involved in the enforcement of alcohol beverage laws. WV93
- Examination of existing statutes and consideration of redrafting or recodification of the impaired-driving statutes to improve the understanding and application of the impaired-driving laws or, in the alternative, writing a guide in lay language on the legal aspects of impaired driving. ND
- Create a work group of concerned parties and completely revise and/or rewrite the DUI statutes. The rewrite should update the language and use model legislation as a pattern. Care should be exercised in the drafting of this legislation to minimize the need for interpretation of its provisions and avoid the loopholes that currently exist. VA
- Amend DUI statutes to provide that successful completion of any DUI diversion program shall constitute a conviction for DUI. DE
- Amend the DUI statute (291-4b2) such that the term "prior conviction" is replaced with "prior offense." HI
- Repeal Section 11-500 that defines the term "first offender." IL
- Convene a study committee to review Act 117 and other supporting and related statutes with the aim of considering where improvements can be attained. The study committee should include a broad array of community perspectives. VT
- Convene an Alcohol Forum to address legislative issues as well as youth issues, alcohol and other drugs (e.g., heroin) that impact highway safety,

leveraging of resources, and building a community-wide cross-systems approach to reduce impaired driving. VT

- Repeal the non-rebuttable inference that a person with an alcohol concentration of 0.04 or less is not under the influence of alcohol. MT

- Repeal the presumptions allowed by IL law (Section 11-501.2b) which provides that alcohol concentration results under 0.05 presume that person was NOT under the influence, results between 0.05 and 0.10 give rise to NO presumption and results of 0.10 or higher gives rise to only a presumption that person was under the influence (i.e., no "per se" advantage even at 0.10 or higher). IL

- Review the advisement of rights form for the purpose of revising it to contain only absolutely necessary legal language and not an entire recitation of all procedures. MVA should also develop legally acceptable versions of the form in commonly needed foreign language versions. MD

15. LAWS PERMITTING THE USE OF ALTERNATIVE SANCTIONS IN SENTENCING

- ** Change the present law to permit the use of probation or suspended sentences in DUI cases in order to encourage behavior modification. Recommended change would include the ability of a judge to set requirements for use of driver's license and the use of interlock devices as a condition of any probation. The period of interlock use at the discretion of judge.

- ** Enact vehicle immobilization legislation. ND

- ** Provide for vehicle seizure, impoundment and forfeiture for repeat DUII offenders and those who drive after suspension. OR

- Seek legislation authorizing forfeiture of the offender's vehicle upon third conviction. MI

- Expand State forfeiture law to include impoundment and enforce it. AK

- Adopt Federal repeat offender standards requiring the use of ignition interlock devices and/or vehicle immobilization. DE

- Mandate that courts that adjudicate DUI offenders place them on probation with conditions that may include a specified period of community service, abstinence from consumption, prohibitions on frequenting alcohol dispensing establishments, attendance at victim impact panels, vehicle impoundment, attendance at AA meetings, and restitution to those personally injured or damaged as a result of a DUI offense. DE

- Laws should be enacted requiring mandatory use of ignition interlock systems by all convicted DUI/DWI offenders. TN

- Resolve the issues relative to the ignition interlock device. GA

- Encourage more widespread use of the recognized, effective ignition interlock devices pursuant to State law. NC

- Provide for home detention with electronic monitoring in lieu of jail time for a first-time DUI, with the provision for work release. WV

- Enact vehicle immobilization legislation to provide additional tools for law enforcement officers to use in their efforts to remove impaired drivers from roadways. DE

16. LIMITING PROSECUTORIAL DISCRETION/PLEA BARGAINING/CHARGE REDUCTIONS

- ** Limit or abolish the prosecutor discretion to reduce a charge of DUI to one of Reckless Driving where the offender's BAC was 0.20 or higher, where the offender carried a child in the vehicle, where the offense resulted in an accident with injury to another and where the offender had a previous DUI conviction. DE

- ** Enact legislation prohibiting plea-bargaining in DWI cases and reduction of minimum periods of license revocation. MN95

- ** Repeal the DWI law (761) that is a lesser-included offense to the DUI law (902). OK

- Enact legislation prohibiting plea-bargaining in DWI cases and reduction of minimum periods of license revocation. MN95

- Limit or abolish prosecutor discretion to waive factors, which would preclude DUI offenders from qualifying for DUI diversion programs. Factors not subject to waiver should include where the offender's BAC was 0.20 or higher, where the offender carried a child in the vehicle, where the offense resulted in an accident with injury to another and where the offender had a previous DUI conviction. DE

- Eliminate the reduction of DUI charges through plea bargains. MT94

- Charge reduction & plea-bargaining should be limited or not allowed. VA

- Consider legislation that would provide for special supervision services for multiple offenders and that would enable second offenders or third offenders to obtain reinstatement of driving privileges after one year for second offenders and after five years for third offenders. Special supervision would require person-to-person monthly monitoring, abstaining from any drug or alcohol consumption, screening to monitor consumption, severe restriction of driving privileges, regular monitoring of driver license and criminal records, completion of a level II (advanced) DUI school, and treatment where indicated. TN

- Consider legislation to provide that, in cases with blood alcohol levels of a 0.08% or greater, there shall be no reduction of the charge to that of reckless driving unless the prosecution submits to DOS an affidavit setting forth the reasons justifying reduction of the charge. If cases originally charged as DUI or DWI are reduced to reckless driving, a notation should accompany the driving record sent to the DOS disclosing that the offense involved alcohol. Judges should also be given the discretion to order an alcohol assessment, DUI school, and treatment, if indicated by the assessment, upon conviction for reckless driving. TN

17. LAWS REQUIRING OFFENDER ASSESSMENT

- ** Referral of first time DUI offenders to VASAP should be mandatory. Intervention is needed for potential problems at an early stage. VA

- ** Implement mandatory assessment and treatment on impaired-driving offenses. MD

- ** Enact a law to require a plea of guilty or an agreement to a trial on stipulated facts as a condition of entry into the diversion program. OR
- Tennessee DUI/DWI laws should also be amended to provide for the assessment of repeat offenders to determine the appropriateness and type of treatment. TN
- Legislation should be considered requiring that defendants convicted of DUI/DWI whether as first or subsequent offenders, be required to undergo an assessment to determine whether drug/alcohol counseling or treatment should be required. If such treatment is indicated, completion should become a condition of probation and of relicensing. TN
- Enact legislation to require mandatory alcohol assessment and referral for first offense DUI offenders. GA

18. REVISIONS TO THE COURT SYSTEM AND/OR ADJUDICATION PROCESS

- ** The process of the habitual offender program should be made administrative and removed from the courts. The criminal penalties for violation of the provisions should be retained. VA
- ** Seek to amend legislation that places the Administrative Driver's License Revocation Office (ADLRO) in the judicial branch of government. The ADLRO should be an administrative agency under the executive branch of government and should be affiliated with driver's licensing administration. There should be a uniform State agency that administers driver's licensing, all administrative review procedures and sanctions associated with driver licensing along with vehicle licensing and registration. HI
- ** Seek legislation to establish the Metropolitan Court and subsequently all magistrate courts, as courts of record for criminal cases to eliminate trial de novo on appeal. NM91
- Allow all DUI related offenses arising out of the same incident to be prosecuted and adjudicated in the same court. RI
- Criminal negligence should be removed as an element of proof for the crimes of involuntary manslaughter and second-degree assault with a vehicle. MO
- Allow courts to physically confiscate a driver's license at court proceedings. RI
- Amend the DUI law to mandate completion of the ACT program prior to reinstatement of the driver's license upon the 1st conviction and remove this from the courts making it an administrative process. MT94
- Amend the statute to provide that all initial hearings on licensure suspension be conducted by BMV. OH
- Seek legislation that removes from ADLRO the judicial function of determining probable cause. HI

19. ENACT LAWS REQUIRING ALCOHOL SERVICE/SERVER TRAINING

- Require server training for on-premises licensed establishments--lessor training for retail off-premises sales clerks. MT94

- Require police agencies to report ALL activities concerning licensed liquor establishments to the Department of Revenue. MT94

20. SOBRIETY CHECKPOINT LAWS

- Remove impediments to the constitutionality of sobriety checkpoints. RI
- Encourage the use of sobriety checkpoints. OK
- Review the Oregon Supreme Court decision and craft legislation to all impaired-driving checkpoints. OR

21. EVIDENCE ADMISSION

- ** Repeal 756 (1,2,3,5), Admission of Evidence Shown by Test. OK
- Allow admissibility of chemical test refusal as evidence of tacit admission. RI
- Enact a law to allow hospital records of blood tests used for treatment of the offender to be admitted into evidence to show BAC or the presence of controlled substances. OR
- Enact a law to allow testimony of DRE's certified by the State Police or Board of Public Safety Standards and Training to be admitted into evidence. OR

22. BOATING WHILE INTOXICATED

- Boating While Intoxicated laws should be expanded to be the equivalent of the DWI motor vehicle laws. MO

23. RESEARCH/EVALUATION RECOMMENDATIONS

- ** Conduct a system performance study, including an analysis of the imposition of statutorily prescribed sanctions for DUI violation. WV93
- Conduct a study of literary research concerning the potential benefit of a lower BAC level. WV93

**RECOMMENDATIONS FOR GUIDELINE AREA 3B
PUBLIC INFORMATION AND EDUCATION FOR DETERRENCE
(** Priority Recommendations)**

1. DEVELOPMENT/COORDINATION OF STATEWIDE PI&E PLANS

- ** State and local agencies concerned with DUI problems should develop a statewide PI&E program that would impact occurrence of impaired driving, have a portion that is aimed at the youthful driver, and have a method of evaluation that indicates the success or failure of the program. WV93
- ** Develop and implement an on-going statewide strategic PI&E plan that emphasizes the perils of impaired driving and includes: specific strategies and goals, expected outcomes and performance measures; dates for performance review and evaluation; and, revision of the plan as necessary. IN01
- ** Develop and implement an annual PI&E plan that includes: specific strategies and goals, expected outcomes, and performance measures; dates for performance review and evaluation; and revision of the plan as necessary. DE
- ** The GHSO should develop a comprehensive PI&E plan that would target the 27 high-crash counties, as well as the entire state. OH
- ** The State needs to develop a statewide PI&E plan that will allow input from local agencies in the planning process. Incorporated in this plan should be a statewide coordinator that will work with all entities to implement the plan. TN
- ** Hawaii needs a statewide PI&E plan to coordinate the many facets of PI&E that are taking place in the highway safety area. All the players should be brought together to lay out the entire year's activities in conjunction with holiday and special enforcement priorities. These plans should be concurrent with the requirements contained in all enforcement grants. HI
- ** Develop a comprehensive and innovative statewide annual PI&E plan. MT
- ** Develop a strategic plan that specifies the goals and objectives of an impaired-driving enforcement PI&E program, funding sources, expected outcomes, and performance measures. RI
- ** Develop a statewide comprehensive PI&E campaign to reduce OWI injuries and fatalities. WI
- ** OTS should expedite the implementation of the new statewide PI&E plan. This plan should create a statewide emphasis and involve the local PI&E participants in its creation. In addition to the special details and holiday events, there needs to be a long-range target for the entire state. WI93
- PI&E activities should reflect and support an overall, Statewide impaired-driving plan. WI93
- Establish and share statewide enforcement PI&E efforts. AK
- The Highway Safety Law Enforcement Committee, with media assistance, should develop an annual State DUI enforcement PI&E plan. CT00

- Develop and implement an annual PI&E plan that includes: specific strategies and goals, expected outcomes, and performance measures; dates for performance review and evaluation; and revision of the plan as necessary. ND
- Develop a comprehensive plan at the State level for coordinating the public information and education efforts to deter impaired drivers. GA
- Compile public information and education goals and objectives through a mission statement. Agencies that consciously address and distribute their PI&E plans both internally and externally will experience successful PI&E endeavors. NC
- PI&E activities should be coordinated throughout the year. With so many groups involved, a common objective should be identified. TX
- Create a committee to coordinate statewide PI&E efforts. MI

2. PI&E CAMPAIGN (development, establishment, expansion, planning, etc.)

- ** Develop regional/statewide campaigns that raise the public's awareness and create a perception of risk for the potential of being involved in an alcohol/drug related-crash as well as the possibility of apprehension for impaired driving. MD
- ** Develop and implement campaigns with a unique program identity which focus year round on impaired driving. Consider using NHTSA's "You Drink & Drive. You Lose." campaign materials for this effort. MD
- ** Develop an on-going comprehensive public information program regarding 0.08 legislation and enforcement. IN01
- ** Establish a year round publicity campaign which includes all law enforcement agencies throughout the State regarding their impaired-driving enforcement and education efforts; especially those agencies receiving grant funds. DE
- ** Develop PI&E campaigns that raise public awareness and create a perception of risk for the potential of being involved in an alcohol/drug related crash as well as the possibility of apprehension and prosecution for DUI offenses. WV
- ** Plan all special enforcement events to take advantage of both pre-event and post-event publicity to change the mindset of the potential impaired driver. VT
- Develop additional PI&E programs that contain a more potential deterrence message and update older programs with information, such as the cost of a DUI. VT
- Continue effort to provide comprehensive PI&E programs that incorporate all aspects of safe driving issues. MO
- Develop a PI&E program that would change the public perception as it relates to the dangers of operating a vehicle after the consumption of any alcoholic beverage. WV93
- Develop and implement PI&E regional/statewide campaigns that have unique program identities (e.g., New York's Project Zero, North Carolina's Booze It & Lose It). WV

- Develop a speaker's bureau for DWI issues which will leverage access to industry forums, associations, service groups, and community based organizations. NM
- Plan and develop new deterrent PI&E strategies to coincide with the introduction of new technology and special enforcement events, including the State's plan to have new DRE officers trained this year. OR
- Plan changes in programs and laws in advance of the implementation date so that the appropriate target audiences will be given the information by a multi-step approach using all the resources available to public safety agencies. All elements of the media should be involved in the process at the community level. CA
- Continue the very successful CARE program. Efforts need to be made to assist locals with their special event publicity and to involve the State Patrol in task force efforts. WI93

3. CAMPAIGN/LAW ENFORCEMENT PUBLICITY EFFORTS

- ** Establish an ongoing publicity campaign that includes all law enforcement agencies regarding their impaired-driving enforcement and education efforts. MT
- Expand the "Do Buckle, Don't Booze" campaign into a year-round publicity campaign which includes all law enforcement agencies throughout the State regarding their impaired-driving enforcement and education efforts, especially those agencies receiving grant funds, or use NHTSA's "You Drink & You Drive. You Lose." materials to help train and provide new angles for law enforcement to involve the media and improve PI&E on a seasonal basis. ND
- Develop a newsletter that is provided and distributed in a timely manner to strengthen the PI&E effort. MT
- Publicize the innovative approaches of law enforcement to detect and apprehend impaired drivers. GA
- Provide pre-campaign information and post-campaign results. WV
- Expand the publicity associated with saturation patrols to include a strong message about the dangers of impaired driving and the results of enforcement efforts. IN01
- Distribute and use national campaign materials and encourage local participation in programs (e.g., Campaign Safe & Sober). Materials are available through the GHSP or NHTSA's regional offices. WV
- Establish a clearinghouse for statewide PI&E materials that are accessible by all partners and highway safety advocates. MO
- Prepare and distribute public information packages that address specific seasonal events and the drinking, drug use, and driving that accompany them. RI
- Participate in national impaired driving events/mobilizations and develop public information programs to publicize Rhode Island's law enforcement activities. RI

- Promote DUI/DWI PI&E programs. OK
- All special enforcement events should take advantage of pre-event publicity to impact the mindset of the potential impaired driver. CO
- Continue to publish a newsletter to strengthen PI&E efforts. WI

4. EDUCATE THE PUBLIC ON IMPAIRED DRIVING

- ** Continue to educate the general public on all aspects of impaired driving by developing a series of town hall meetings that will feature traffic safety as a quality-of-life issue. NM
- ** Educate the general public on all aspects of impaired driving through a series of Town Hall meetings that will feature traffic safety as a quality of life issue. These meetings can serve as a conduit for the public to provide input on statewide DUI efforts. MT
- ** Use sobriety checkpoints as a PI&E activity. OK
- ** Establish a comprehensive and sustained PI&E program that informs the public regarding the risks of being caught and punished for impaired driving. RI
- The Traffic Safety Bureau should undertake awareness program to increase the proportion of drivers who are aware that driver's licenses will be taken upon conviction for DWI. NM 91
- Traffic Safety Bureau should undertake an awareness program and ALR procedures and penalties should also be addressed in the media campaign. NM91
- Enhance public awareness of Operation DWI. NM95
- Incorporate the consequences of being apprehended for DUI in public information materials. GA
- Publicize Sobriety Checkpoint enforcement efforts to maximize the deterrent effects of the operation. AK
- Advertise the penalties and consequences of a DWI arrest and conviction. AK
- Develop regional town hall meetings and conduct public opinion surveys to increase OWI educational efforts. WI

5. PARTICIPATE IN NATIONAL CAMPAIGNS

- Participate in the national *You Drink & Drive. You Lose.* campaign. MT

6. CAMPAIGN MESSAGES/THEMES

- ** Provide a statewide theme for the state's DUI deterrence effort for local and municipal agencies to use and expand. GA
- Develop statewide messages concerning the overall problem of DWI. NM95
- PI&E messages should be developed to inform drivers of the specific consequences of a DWI arrest and conviction. NC95

- Continued efforts in PI&E areas are needed that will establish a uniform theme across the State. CT93
- Standardize the Minnesota State Patrol Safety Education curriculum to ensure consistency in the message being delivered. MN03
- Colorado should develop additional PI&E programs that contain a more pointed deterrence message. CO
- PI&E materials need more emphasis in the direction of enforcement. TX

7. STATEWIDE PI&E COORDINATOR/STAFFING

- ** Create a position for a statewide PI&E coordinator. MD
- ** Evaluate the staffing levels of the GHSP public information office to ensure that the needs of statewide and local PI&E efforts are not at risk. A great deal of success in reducing motor vehicle crash injuries and fatalities, as well as increased deterrence initiatives, can be attributed to the endeavors of this office. NC
- Some of the new Federal alcohol incentive grant funding should be used to hire a PI&E consultant to create and coordinate the statewide PI&E plan. University interns could be used to supplement the consultants' activities and help with cost savings. HI

8. INTERGOVERNMENTAL/INTER-AGENCY COORDINATION AND COOPERATION

- PI&E efforts need to be centrally coordinated throughout the year and not just for the special campaigns. A "working" group should be established to represent all the many entities involved and a "networking" system established. VA
- Maximize PI&E potentials with the DUI InterState Partnership. WV
- HDOT should coordinate between The Department of Health Injury Prevention and Control Division and MADD to ensure that their resource libraries are available to the other countries. HI
- Coordinate DUI enforcement campaigns with national efforts (e.g., 3-D Month). WV
- Future contracts with outside agencies that call for the development of PI&E campaigns should require all contractors to include input from all levels of enforcement in the planning of such campaigns. TN
- Establish a working group among County DUI Task Forces for planning and implementing statewide PI&E activities including: establishing statewide enforcement PI&E events; coordinating a "clearinghouse" for PI&E materials and equipment; establish responsibility for the printing of brochures and eliminate potential duplication of effort. MT94
- The Division of Highway Safety should assign the statewide coordination of its enforcement-focused PI&E activities to the Highway Safety Law Enforcement Committee. In addition to the PI&E activities in the specific comprehensive regional patrol areas, there should be a statewide focus during the holiday events and throughout the year. CT00

- Establish two-way communication channels with the Public Information Offices. MI

9. PUBLIC/PRIVATE ORGANIZATION PARTNERSHIP INVOLVEMENT

- Develop new private sector partnerships to reduce DWI drivers in all segments of society. This recommendation requires the involvement, ingenuity, commitment, and resources of a multitude of individuals and organizations. The "hidden" economic impact on businesses and taxpayers should be emphasized. NM

- Expand the network of employer participation in the network of employees for traffic safety. NM

- Expand public private partnerships to have a focused and significant impact on impaired driving. This recommendation requires the involvement, ingenuity, commitment, and resources of a multitude of individuals and organizations. MT

- Expand the viewing audience by partnering with additional professional sports teams. MN03

- Include a member of the Missouri Trucking Association on the Governor's Commission on DWI and Impaired Driving. MO

- Develop a partnership with private-sector companies to increase OWI public awareness. WI

10. DUI REPORTING SYSTEMS FOR CITIZENS

- ** Develop a statewide Report Impaired Drivers program for citizen involvement. GA

- Encourage the public to report suspected impaired drivers. DE

- Encourage the public to report suspected impaired drivers. ND

- Develop, implement, and publicize a specific public DUI reporting program that does not rely on 9-1-1 as the primary access to law enforcement communications. DE

- Develop, implement, and publicize a specific public DUI reporting program considering the national emphasis on 9-1-1 as the primary access to law enforcement communications. ND

- Connecticut should adopt and publicize a cell-phone-related DUI reporting scheme. This should include visible road signs. CT00

- Develop, implement, and publicize a specific public DUI reporting program that does not rely solely on 9-1-1 as the primary access to law enforcement communications. IN01

- Establish a citizen DUI reporting system. CT93

11. BUILD/IMPROVE LAW ENFORCEMENT/MEDIA RELATIONSHIPS

- ** Sponsor the NHTSA law enforcement public information officer workshop, designed to assist law enforcement in building positive relations with local media. This course provides detailed training in support of effective PI&E efforts. NC

- Efforts should be made to conduct media/police seminars that would introduce both factions to the requirements and interests of the other. All types of media should be involved, i.e., radio, TV, and print. Every police officer should be empowered to release information to the media in compliance with established guidelines. The NHTSA Public Information Workshop for police officers would be beneficial training for all police traffic supervisors. HI

- Select a member(s) of each enforcement agency to serve as a public information officer. Regardless of the size of an agency, every law enforcement organization must identify and adequately train an individual(s) who is responsible for the preparation and delivery of public information and media relations. NC

- Training for officers to assist them in responding to the media is needed. CT93

- Encourage media ride-alongs during DWI patrols or other impaired-driving enforcement activities. In addition to increased media coverage, the ride-alongs will build and strengthen media relations. NC

- Encourage media ride-along, especially during campaign waves. MD

- Encourage media ride-alongs, especially during campaign waves. ND

- Encourage greater media involvement in the coverage of DWI efforts. Media ride-alongs will ensure greater and more thorough attention. WV

- Establish annual workshops for media and law enforcement to enhance DWI education efforts. MT

- Conduct media/enforcement seminars that will provide a forum for discussion of issues of mutual concern. Identify and train law enforcement officers in NHTSA's PI&E Instructor Training course. ND

- Conduct media/enforcement seminars that provide a forum for discussion of issues of mutual concern. MD

- Provide specific points of contact for media inquiries and follow-ups. WV

- Establish working relationships with local and regional media. WV

- The media workshops for law enforcement officers should include panel discussions with representatives from TV, radio, and the print media. WI93

12. ENCOURAGE MEDIA INVOLVEMENT IN DWI ISSUES/EFFORTS

- The proposed Governor's Task Force on Impaired Driving should include representative(s) from the media. OH

- Prepare soft DWI news stories that will supplement hard news requests (e.g., information on police DWI training/equipment). WV

- Encourage the media to publicize events and results of grantee DWI enforcement efforts. NM

- Encourage all officers to report to the media alcohol involvement and no-belt-use in crashes. ND

- Have enforcement agencies develop media messages in conjunction with stories that the media will typically report, such as alcohol involvement in certain crashes. CA
- Law enforcement agencies should actively pursue PSAs with news media, radio and TV stations. AK
- Encourage the media to publicize pertinent events and OWI efforts. WI

13. PI&E EFFORTS TARGETING HIGH RISK GROUPS

- ** The Department of Education should mandate that a certain period of time be allotted each semester for a presentation concerning the danger of alcohol- and drug-impaired driving. IL
- Develop an outreach program designated to reduce DWI among youthful offenders. NM
- Continue to develop and implement college environmental educational prevention and media strategies targeting high-risk students. NM
- Change the current DARE curriculum to include alcohol as a drug. The new K-through12 curriculum should be considered. HI
- Continue and expand countermeasures that target underage drinking. Program planning and implementation measures must be addressed as this high-risk population continues to grow. NC
- A concentrated effort should be made to change the public perception of risk as it relates to DUI arrest. Continued efforts with the youth groups are necessary, as they appear to be the least threatened by enforcement/information campaigns. VA
- DTS should strive to have a uniform approach throughout the educational system. IL
- Increase PI&E messages targeting youth and parents of youth regarding binge drinking, over-consumption, drinking and driving and the increased dangers associated with consumption of alcohol that occurs during seasonal events. IN01
- Develop an educational program for youthful offenders. NM95
- Continue to provide funding support for programs that target underage drinking and driving and drug abuse by young adults. MO
- The Office of Traffic Safety should develop an extensive PI&E Program on "Not a Drop" targeted towards drivers under 21 and their parents. MN95
- Develop highway safety PI&E programs that target older driver and pedestrian alcohol and drug abuse crash problems. MO
- Wisconsin should continue concentration of information for the young people; efforts to assist and enhance project DARE would be in the right direction. WI93
- Consider developing a youth-oriented program similar to "Every 15 Minutes." WI

14. PI&E EFFORTS TARGETING SPECIFIC GROUPS (ETHNIC, CULTURAL, REGIONAL)

- ** GOHS should work with traffic safety coalitions, public health agencies and citizen advocacy groups, both on and off tribal lands, to transfer information from English to the various Native American languages. AZ
- Develop and introduce a Spanish-language outreach effort about the consequences of impaired driving to educate the growing number of Spanish-speaking people. DE
- Expand the PI&E effort targeting Spanish speakers to include impaired-driving messages. IN01
- PI&E materials need to be developed that are bilingual, which will reach the Spanish and Asian elements in the population. VA
- Appoint a liaison from the T&SB to work with Native American tribes. MT
- PI&E campaigns, material, and efforts need to be tailored to the specific region and groups targeted. Statewide campaigns are great but different means of conveying the message need to be employed when it is being delivered in northern Virginia versus southwestern Virginia (different culture). VA
- Continue the development of appropriate PI&E deterrence material and programs for the growing minority populations. NC
- Develop PI&E Programs that focus specifically or incorporate commercial motor vehicles into the highway safety program. MO
- All PI&E programs should consider a more comprehensive approach addressing statewide target audience differences such as region, ethnicity, age, sex, and the workplace. CO
- GOHS should work with traffic safety coalitions, public health agencies, and citizen advocacy groups to oppose inappropriate targeting of youth, Hispanics and other minorities, and lower income groups in advertising alcoholic beverages. AZ

15. PI&E EVALUATION EFFORTS

- The Traffic Safety Bureau should develop customer satisfaction surveys to determine the impact of any communication plan. NM
- Monitor and evaluate all PI&E programs for effectiveness. NC
- Conduct monthly performance reviews of the plan to ensure that goals are being achieved. RI
- The Missouri DHS should require and ensure that all PI&E programs contain an evaluation component to assess the impact of each program initiative. MO
- Monitor attitudes, behavior, and knowledge of the motoring public to ensure that the proper messages are being given and understood by the target audience or at-risk group. CA
- Use impact evaluation data to ensure that the "best" material is being used and the most important target groups are being reached and affected. MD91

16. PI&E FUNDING REQUIREMENTS

- ** Require public information and education plans as a component of task force grant requests. IN01
- ** Mandate a PI&E component of all CDDP grantee agencies. WV
- Mandate a PI&E component for all State funded projects. MD
- Organize groups to support county DUI task force continued funding. MT
- Continue to fund and conduct the Statewide Traffic Safety Conference. GA
- Continue to fund local PI&E programs through Section 402 grants. GA
- Ensure that each highway safety grant contains a PI&E component. NC
- All enforcement grants issued by HDOT should contain requirements for PI&E activities. These should be in compliance with any existing statewide plan.
HI
- The GHSO should include specific requirements for pre- and post-DUI enforcement PI&E efforts for all DUI or Sobriety Checkpoint Overtime Enforcement Programs. This information should be included in the grant application manual and project reporting forms. OH
- Funding for PI&E efforts by State and local enforcement agencies should continue. MO
- Dedicate a portion of the operating budget for the printing and release of PI&E material and share this material with agencies that have contact with violators such as corrections, treatment centers, hospitals, etc. AK

**RECOMMENDATIONS FOR GUIDELINE AREA 3C
ENFORCEMENT
(** Priority Recommendations)**

1. ENFORCEMENT EFFORTS

a. Prioritization of DUI Enforcement Activity

- ** Strict enforcement of DUI laws should be top priority on patrol. WV93
- ** Efforts to raise DUI priority in all law enforcement agencies should be pursued. MT94
- ** Establish a philosophy at the executive levels of law enforcement that places a high priority on apprehension of impaired drivers and ensure that chiefs and sheriffs articulate that philosophy to their officers. IN01
- ** Encourage law enforcement agencies to make OWI a priority. WI
- ** Efforts should be made to raise the traffic enforcement priorities in the law enforcement community. Incorporation of traffic enforcement into the current top priority areas of youth gangs and violent crimes might be considered. WI93
- ** Articulate a consistent message with the executive level of Minnesota police and sheriff departments that enforcement of DWI laws is imperative to saving lives and preventing injuries on the streets and highways of Minnesota. MN03
- ** Articulate continually, from the executive levels of all police departments, the message that DUI enforcement is extremely important. RI
- ** Increase the number of DUI arrests. RI
- ** Establish a high priority on DUI apprehensions within all police agencies, and have chiefs and their executive staffs articulate that message to their officers. DE
- ** Rigorous DUI enforcement should be made a top priority in ALL jurisdictions. VA
- ** All law enforcement agencies in the State should be trained and encouraged to aggressively enforce the DWAI statute the State has enacted to reduce alcohol- and drug-related fatalities and injuries. CO
- Law enforcement executives must encourage pro-active DUI arrest policies and discourage the practice of releasing suspected DUI offenders due to officer frustrations with the judicial and administrative process. WV
- Implement those necessary selective enforcement units that ensure the detection and apprehension of impaired drivers and make DWI apprehension a priority of preventive patrol. AK
- Develop and implement a DUI crash investigation team either on the State or local level. GA

- Establish standards of acceptable performance within police departments regarding DUI enforcement and review performance frequently to ensure goals are being achieved. RI
- Implement programs that combine traffic enforcement and aggressive criminal enforcement such as the National Sheriff's Assoc. rural initiative. OK
- A concentrated effort should be initiated to lower the BAC average (.16) in the State. TX

b. Sobriety Checkpoints/High Visibility/Selective Enforcement Efforts

- ** Montana should develop procedures for the implementation of sobriety checkpoints. MT94
- ** Develop a program of Sobriety Check Points, realizing that public knowledge of the checkpoints is as much a deterrent as the apprehensions that may occur. AK
- ** Use sobriety checkpoints regularly by law enforcement agencies to deter and apprehend impaired drivers. OK
- ** Continue and expand sobriety checkpoints. Ensure that local agencies have advance notice and are invited to participate. WV
- ** Develop and implement written policies for conducting sobriety checkpoints. GA
- ** Reinforce efforts statewide to apprehend impaired drivers by increasing the number of preventive patrol hours while using selective enforcement techniques. IL
- Continue frequent, highly visible and publicized sobriety checkpoints and selective enforcement. NM
- Encourage and organize optional enforcement strategies (e.g., dedicated saturation patrols). WV
- Encourage the Montana Highway Patrol to participate in or organize safety spot checks that are in compliance with State laws. MT
- When conducting checkpoints for DUI use the theme "Sobriety Checkpoint" rather than "Safety Checkpoint" to maximize the deterrent value in raising the perception of risk of detection and apprehension for impaired drivers. GA
- Seek multidisciplinary support for the acceptance of sobriety checkpoints. MT
- The Honolulu and Hawaii Police Departments should consider changing their police vehicle fleet policy so that more marked and highly visible vehicles are deployed (recommend at least a 50/50 split between marked and unmarked vehicles instead of their current 70/30 split). HI
- Implement aggressive, well-publicized traffic enforcement efforts. MI
- Continue to complement enforcement activity with educational efforts. Development of a Maryland "Crime/Crash Clock" depicting the relationship between crime and crash data will be an extremely beneficial public awareness tool. MD

- Montana Highway Patrol should continue its Safety Spot Check program with added emphasis to the time of day that would enhance its ability in checking the lighting equipment of vehicles. MT94
- Encourage the frequent use of sobriety checkpoints and other selective enforcement techniques to detect DUIs. WV93
- Continue to enhance presence of sobriety checkpoints. NM95
- Continue to emphasize sobriety checkpoints. CA
- Integrate aggressive traffic enforcement during routine patrol assignments. WV
- Continue to identify high-alcohol-related crash locations and deploy resources effectively. GA
- Pre-enforcement and post-activity results should be widely distributed to all forms of media. MD
- Announce pre-enforcement activity and post-activity results for regional/statewide enforcement efforts. WV

d. Enforcement Efforts Targeting Underage Drivers

- ** Develop a statewide enforcement policy to ensure appropriate prosecution of youthful offenders who operate a motor vehicle after consumption. MN95
- ** Increase enforcement of underage drinking laws to include the purchaser as well as the retail establishment (i.e., Cops in Shops). GA
- Expand underage enforcement operations. WV
- Encourage enforcement of zero tolerance law for those under 21. WV
- Maintain the strong enforcement program aimed at the driver below 21. IL
- Continue and expand the "Sales to Minors" enforcement programs. NM
- Increase enforcement of the zero tolerance laws for minors. NM
- Emphasis on underage drinking should be a significant complement to all enforcement operations and given attention and enforcement by means such as aggressive party patrols, sting operations, etc. MD
- Encourage local law enforcement to conduct sting operations to reduce underage drinking. MT
- College campus enforcement agencies must remain pro-active in their approach to both impaired driving and underage drinking. A zero tolerance approach will avoid sending mixed messages to the student population. MD
- The GHSO should fund projects with local law enforcement agencies for increased enforcement of the .02 BAC law for drivers under 21. OH
- Office of Traffic Safety should develop an extensive PI&E program on "Not a Drop" targeted for drivers under 21 and their parents. MN95

- Develop youthful offender enforcement programs. WI
- Governor's Executive Committee on Drunk and Drugged Drivers should establish the enforcement of alcohol violations by Maryland's young people as a priority. MD91
- Local police chiefs/sheriffs should direct the aggressive enforcement of juvenile-related DWI and other alcohol violations. NM91
- Participate in PI&E programs for the prevention of underage drinking. WV93
- Concentrate DWI enforcement in areas known to have a high incidence of underage drinkers. WV93

e. Enforcement Efforts Targeting Repeat and/or Habitual Offenders

- ** Develop and implement an enforcement program targeting drivers previously suspended for DWI who continue to operate a motor vehicle. GA
- Develop a selective enforcement program with emphasis on the repeat offender. NM95
- Develop countermeasures programs targeting repeat-DWI, suspended, and revoked drivers. MO
- Develop a stakeout program for habitual offenders who continue to drive with a suspended or revoked license. NM
- Establish DWI warrant service programs targeting habitual DWI offenders. NM
- Expand police officer authority to allow access to clubs for appropriate enforcement actions. WV

f. Multi-Agency/Jurisdiction DWI Law Enforcement Efforts

- ** Connecticut State Police should become involved with local municipal agencies in the implementation of joint task force enforcement efforts in conjunction with the use of checkpoints. CT93
- ** Increase the number of agencies participating in DWI: Taskforce Indiana. IN01
- ** Enforce underage-drinking laws cooperatively and consistently throughout neighboring jurisdictions to prevent youth from merely crossing over the line to avoid local enforcement practices. MN03
- ** Encourage the participation of law enforcement agencies in multiple jurisdiction impaired-driving task forces and enforcement efforts. DE
- ** Encourage joint enforcement projects using all agencies in a given area. MT94
- ** Organize regional/statewide enforcement strategies. MD
- ** Continue the task force concepts and invite new agencies to participate. VA

- To attain ultimate public perception of risk, sobriety checkpoints and blanket or saturation patrols should be deployed, when possible, by multiple agencies on specific nights, weekends, etc. MD
- The law enforcement community should increase the use of multi-jurisdictional saturation DWI patrols and the staffing of checkpoints. MD91
- Develop methods and strategies to increase interagency enforcement and training activities, including sobriety checkpoints, saturation patrols and licensed establishment compliance checks. NC
- Select specific time periods, evenings, weekends, or weeks for regional and/or statewide enforcement. WV
- Organize regional/statewide DUI enforcement partnerships. WV
- Coordinate additional DUI enforcement programs with bordering intrastate communities as well as interstate borders that will maximize program deterrence and effectiveness. WV
- Encourage the participation of law enforcement agencies in multiple jurisdiction enforcement efforts. MT
- Consider enforcement projects with bordering states to further maximize deterrence and increase PI&E effectiveness. MD
- Coordination of traffic enforcement activities between the various jurisdictions would enhance the effect of such efforts. HI
- Expand the use of multi-agency DWI task forces during high-risk holiday periods. NM
- Seek legislation to allow deputies to cross county lines in the course of follow-up investigation or enabling them to render assistance to other agencies. ND
- New Mexico State Police and Tribal Police should conduct joint enforcement along major corridors that experience high serious injury or fatal crashes. NM95
- Efforts should be made to establish more traditional types of task force operations in the State. TX

g. Intergovernmental/Interagency Coordination, Cooperation Efforts

- ** Law enforcement should occupy a prominent position on the Governor's Commission on Alcohol and Traffic Safety. CT93
- ** Support development of an OWI task force comprised of police chiefs and law enforcement administrators. WI
- ** Immediately convene regional task forces of law enforcement agencies and DMV to address mutual concerns, specifically, the administration and operation of administrative hearings. WV
- ** Immediately convene countywide/statewide task forces comprised of law enforcement, both command and field personnel, State's attorneys, and members of the judiciary to discuss mutual concerns and strengthen the trust and confidence between all partners of the criminal justice system. MD

- ** Promote a cooperative working environment by sponsoring and conducting regional highway safety conferences that will bring together law enforcement, prosecutors, judiciary, medical professionals, and others who may be appropriate to address concerns and discuss issues of importance to the participants. NC
- ** Develop a State-level traffic law enforcement capability composed of full-authority commissioned officers who are expert in all aspects of training and traffic law enforcement techniques. HI
- Establish an Attorney General's quarterly regional meeting to be hosted by the Montana Highway Patrol to discuss DUI enforcement and legislative proposals. MT
- The GHSO should develop common DUI strategies with the Ohio Association of Chiefs of Police and Buckeye State Sheriff's Association. OH
- The GHSO should continue to support the expansion of DUI Task Forces throughout the State. OH
- The ILCC should ensure that enforcement is uniform and that each local liquor commission coordinates compliance efforts. IL
- The GHSO should work with and support the OHD in evaluating and upgrading alcohol breath-testing instruments in the rural parts of the State. OH
- Gain program/project support of legislators through the educational efforts of State Chiefs and Sheriffs' organizations. WV
- Work with safe communities coalitions to resolve jurisdictional issues on tribal lands. ND
- Continue and expand the cooperative enforcement initiatives among State, county, and municipal agencies that have proven successful in detecting impaired drivers. GA
- Appoint a Governor's Traffic Law Enforcement Coordinating Committee (TLECC). OK
- Market the DWI message to local law enforcement executives through the law enforcement liaisons. MN03
- Because of border problems, Texas should actively seek involvement in a Mexican liaison program similar to the ones in California and Arizona. TX
- The highway safety community needs to demonstrate to the law enforcement community that the cost of traffic incidents exceeds the cost of general crime and that visible traffic enforcement deters other crimes. MD91
- Create a climate of acceptance for advanced impaired-driver detection techniques (HGN-DRE) among the top law enforcement administrators, the judiciary, prosecutors, and laboratory personnel. WI93
- Office of Transportation Safety should continue to stress the value and importance of interagency cooperation for DUI enforcement special events and adjacent community-based DUI prevention programs. CO

- Local police chiefs/sheriffs should encourage cooperation with State liquor special investigation agents. NM91

- Participate with DMV in establishing a defined hearing schedule. WV93

h. Community-based Partnerships, Coalitions

- ** Aggressively continue to pursue the establishment of community-based traffic safety programs emphasizing DUII enforcement and adjudication. OR

- Form new, and expand existing, law enforcement and community partnerships. WV

- Continue or initiate active participation in various support groups and coalition partnerships. NC

- Continue to be active in and provide support to community-based partnerships/coalitions. MD

- Encourage the participation of law enforcement agencies in safe communities teams. ND

- Provide a priority objective for local law enforcement through the Community/WORKS planning program to strictly enforce the DUI laws. CA

- Encourage and participate in statewide PI&E programs that can be demonstrated to result in behavioral change. WV93

i. DUI Reporting Systems for Citizens

- Initiate a statewide reporting system for cellular phone users who observe impaired-driving behavior. CA

- DOT should erect signs publicizing the citizen cellular telephone reporting system for reporting DWI. MN95

- Develop local "hotlines" to report DWI offenders. NM

2. TECHNOLOGY/EQUIPMENT (purchase, funding, training, policies, etc.)

- ** Funds should be made available to all agencies to purchase state-of-the-art equipment, e.g., breath-testing equipment, video camcorders, etc. NM91

- ** TSB should develop equipment grants for law enforcement agencies to purchase DWI trailers, alcohol/drug testing equipment, in-car cameras, and other DWI equipment. NM

- Evaluate, purchase, and provide technology devices that will enhance the abilities of officers in the field, e.g., handheld barcode scanners that will provide real-time data on driver licenses and vehicle registration. NC

- Explore and continue the use of technology for youth alcohol reduction and the detection, apprehension, and prosecution of impaired drivers. ND

a. PBTs/Intoxilyzers

- ** Assure that the annual certification of all Intoxilyzer 5000 operators is accomplished. MT94

- ** Purchase PBT and provide training in the use of PBT devices. NM95
- ** Purchase and strategically place state-of-the-art breath-testing devices. NM95
- ** Provide PBT devices to all law enforcement officers assigned to patrol duties. MI
- ** Obtain an adequate number of evidentiary breath test instruments to provide temporary replacements when an assigned instrument is removed for repairs. RI
 - ** Establish guidelines and training procedures for PBT devices and furnish them to each officer on preventive patrol. IL
- ** All law enforcement officers should be trained in the operation of the breath-testing equipment. VA
- Policy should be developed governing the use of PBT equipment. This policy should be in conjunction with other SFST policy in that the PBT is the same sort of test. CT00
- Ensure that all law enforcement agencies have Intoxilyzer 5000s and PBTs at their disposal. WV
- Install and maintain Intoxilyzers in all counties. MT
- Provide PBTs for all officers engaged in patrol duties throughout the State and for all DABCTE agents. DE
- Replace aging evidentiary breath-testing equipment with state-of-the-art equipment. IL
- Expand statewide distribution of new intoximeters and provide additional PBT devices to municipal agencies and sheriffs' departments. MD
- Pursue the deployment of "BATmobiles" for enforcement purposes. IL
- Continue the process of upgrading the breath-testing equipment in Virginia. VA
- Develop and implement policies which encourage (if not require) the use of PBTs by patrol officers. DE
- Conduct a pilot program using passive alcohol sensors during sobriety checkpoint operations. GA
- Obtain PBT's for all officers assigned to patrol duties. RI
- Identify a standard PBT for use throughout the State and place the responsibility for oversight within the Department of Health, Breath Alcohol Program. MO
- Eliminate the exclusion for local police use of the PBT as a first test. MO
- Identify a standard breath evidentiary instrument for use throughout the state. MO

- Continue funding for enforcement technologies, e.g., PBTs or evidentiary instrumentation. MO
- Locate Breathalyzers/Intoxilyzers strategically and conveniently throughout the State. OK
- Pilot-test the use of roadside evidentiary alcohol concentration testing devices in rural areas where Intoxilyzer instruments are not readily available. MN03
- Consideration should be given to the certification of all officers in the operation of the Intoxilyzer. WI93
- Provide PBT for all patrol and traffic enforcement officers. IN01
- Develop and implement policies that require the use of PBT instruments by patrol officers when they suspect driver intoxication. IN01
- Furnish PBTs to all officers having a need to administer PBTs. WV93
- The Intoxilyzer 5000 represents current technology that enhances the ability to combat the DUI. Continued efforts to expand this program to all areas of the State should be high on the priority list. MT94
- Complete the upgrade of all Intoxilyzer 5000s. WV93
- In the absence of a requirement for recertification of Intoxilyzer operators, adopt an agency policy for periodic recertification. WV93
- PBTs should be made available to all jurisdictions that want to use them. VA

b. Video/Audio Equipment

- ** Require the use of the in-car video cameras to enhance prosecution of impaired drivers. DE
- ** Provide patrol officers with in-car video cameras and develop standardized written policies for all agencies regarding their use. DE
- The video camera represents current technology that enhances the ability to combat the DUI. Continued efforts to expand this program to all areas of the State should be high on the priority list. MT94
- Study need for providing video- and audio-taping capabilities. IL
- Expand the use of in-vehicle video cameras and operations. WV
- Video cameras should be made available to all jurisdictions that want to use them. VA
- Consider expanded funding and use of in-car videotaping of suspected impaired drivers from initial violation sighting through sobriety testing and arrest procedures. MD
- Provide additional in-car video cameras to enhance DUI prosecution. IN01
- Continue to fund and provide video/audio capabilities. NM95

- Provide funds for on-board video camcorders in every patrol unit used to make DUI arrests. AZ

- Continue to fund the in-car video systems and the total station technology initiatives. MO

c. Mobile DUI Testing/Processing Vehicles

- Improve the efficiency and magnify the profile of DUII enforcement in large metropolitan areas by the development of a mobile DUII processing vehicle. OR

- Provide for those outlying areas, a mobile van equipped with breath-testing devices to be used during selective enforcement activities. AK

- Provide funding for the expansion of the mobile breath-testing vans to reduce processing time. CA

- Continue to fund the BAT van program. MO

- Pursue the acquisition of additional mobile Breath Alcohol Testing Units to facilitate impaired driver arrest processing where needed. GA

3. LAW ENFORCEMENT PERSONNEL (deployment, qualifications, hiring, retaining issues, etc.)

- ** Hire additional troopers to fill the Minnesota State Patrol vacancies. MN03

- ** Hawaii needs to establish statewide standards for selection, certification, training, and retention of all police officers. HI

- Employ or train additional breath-test device technicians or chemists in order to provide the required testimony in DUI trials. DE

- Seek and develop innovative ideas for hiring and retaining qualified police officers. VT

- An effort needs to be made to obtain full police certification and authority for Liquor Control Division agents. Further, the Liquor Control Division should be enabled to take "dual" administrative actions against a licensee that parallels criminal actions. CT00

- Methods should be explored that might offset the loss of resources, i.e., expansion of the auxiliary trooper concept with increased authority and responsibility. CT93

- Increase law enforcement manpower in order to provide proactive DWI enforcement. AK

- Evaluate the normal non-emergency calls for service. Many may be handled by methods other than response by officer, i.e., computer services, telephonic, etc. AK

- Expanded use of crash and activity records should be made in the assignment of manpower. WI93

- Enforcement resource needs should be assessed in the light of the modern "looking beyond the ticket" as a deterrent to criminal activity. Federally funded traffic enforcement dollars are short and criminal activities such as

gangs and guns are new priorities. Proper use of traffic enforcement assignments will accomplish the desired reduction of collision frequency and be a deterrent to criminal activities without the need for additional resources. HI

4. FUNDING FOR ENFORCEMENT EFFORTS

- ** A violator surcharge of \$2.00 should be levied on all traffic citations written in the State and be used for law enforcement and judicial training. CO
- ** Initiate an executive-level task force to develop funding to provide personnel and resources to sustain a high-priority DUII enforcement and education program statewide. OR
- ** Re-establish funding for county DUI task forces. MT
- ** The CDDP should review its grant funding process. Special attention should be given to rural and smaller agencies in an attempt to encourage their participation, such as providing application and logistical assistance. WV
- ** Dedicate a percentage of the overtime funding for use only in joint projects. MT94
- Continue to fund saturation patrol programs. WI
- Obtain additional funding for local and State driving-under-the-influence saturation patrols. RI
- Develop a pilot enforcement project using overtime. GA
- Seek out additional grant opportunities in order to put more traffic officers on the streets and highways of Delaware. DE
- All efforts need to be made to find the resources necessary for Virginia's law enforcement agencies' successful traffic safety programs. VA
- Grant funding should be used to adequately implement additional saturation patrols, sobriety checkpoints, etc. MD
- Explore new funding sources to maintain or increase enhanced enforcement of alcohol/drug enforcement, i.e., surcharges on driver license reinstatement fees earmarked for enhanced enforcement, through overtime, hiring more officers, or a DUI squad. ND
- Checkpoints and task force enforcement efforts are used but concepts are not universal - some agencies report their inability to cooperate. The GHSO is working with the THP to prioritize high-frequency DUI/DWI locations in the allocation of overtime grant funding. To enhance the cooperative efforts, additional money could be included to pay the overtime of local officers used to supplement the THP manpower for these activities. TN
- Place a higher priority on grant applications that include multiple - jurisdiction impaired-driving task forces and enforcement efforts. DE
- Support passage of a surcharge on beer sales. WV

- Continue funding for DWI overtime for sobriety checkpoints, saturation patrols, and corridor enforcement. MO
- Establish performance goals for funded enforcement efforts. RI
- Explore additional means of funding saturation patrols. MI
- OTS should consider granting the State Patrol overtime money to be used during special events (e.g., task forces). WI93
- Support legislation to fund OWI task force from fines. WI
- User-fee concepts should be explored to provide funds for adequate personnel and equipment for the detection of impaired drivers. MD91
- Reallocate the second \$50 of the reinstatement fee to the support of the County DUI Task Forces. MT94
- Develop strategic plans that require cooperative law enforcement efforts in order to obtain funding from Office of Highway Safety. RI

5. DRUG EVALUATION/CLASSIFICATION PROGRAMS (establishment of, maintain)

- ** Establish a Drug Evaluation and Classification program. DE
- ** Tennessee should seek entry into the Drug Evaluation and Classification (DEC) program. TN
- Continue developing DRE programs. NM95
- Connecticut should begin preparation for the Drug Recognition Expert program. CT93
- Continue to fund DRE training. WI
- Establish a Drug Evaluation and Classification (DEC) program. ND
- The OSHP should develop a DRE program. OH
- Develop a Drug Recognition Expert (DRE) program. VT
- Continue the Drug Recognition Expert program. NM
- Maintain DRE program. MD
- Support and encourage expansion of the DRE program. NC

6. LAW ENFORCEMENT TRAINING

a. DUI Detection Training

- ** Implement a training program to enhance an officer's ability to detect and apprehend DWI suspects at lower levels of BAC and controlled substances. AK
- ** In-service training needs should be assessed with OWI detection techniques being high on the list. WI93

- ** Train patrol officers in the detection and apprehension of the DUI driver with attention given to recognizing lower BAC clues. HI
- ** Alcohol training should be standardized and mandated in both recruit and in-service schools. VA
- ** Hazards of the low-BAC driver and detection techniques should be taught. VA
- ** The GHSO should promote the expansion of in-service Apprehension, Detection, Prosecution (ADP) training or NHTSA-approved SFST training throughout the State. OH
- ** The ODPS should develop a central database of certified Apprehension, Detection, Prosecution (ADP) instructors and list all law enforcement officers trained in ADP. OH
- ** The ODPS should ensure an annual four-hour refresher training program is provided for all certified Apprehension, Detection, Prosecution (ADP) instructors. OH
- Continue and expand DUI detection training to ensure inclusion of smaller agencies and university police agencies. Initiate refresher training. WV
- Efforts should be made to provide advanced DUI/DWI training for all officers in an attempt to further lower the average BAC of suspected DUI/DWI drivers. It has been shown that advanced training enables police officers to detect and apprehend lower-BAC drivers. TN
- Ensure all law enforcement patrol officers receive training in DUI detection and apprehension techniques, i.e., detection cues for impaired drivers. GA
- Provide intensive in-service training in detection and apprehension of impaired drivers. MI
- Provide in-service training for the detection and apprehension of the intoxicated driver at lower levels of BAC. NM95
- Police agencies should enhance the expertise of their street officers to detect and apprehend the DUI driver with a BAC testing in the 0.07 to 0.15 range. CT93
- DUI detection and apprehension techniques should be taught in an effort to lower the average BAC or arrested suspects. MT94
- Require additional training for the detection of impaired drivers who present a danger to the motoring public before reaching high levels of BAC. WV93
- Provide intensive in-service training regarding the identification of impaired drivers. MN95

b. Standardized Field Sobriety Test

- ** SFSTs should be adopted by POST (Police Officer Standards and Training) and all officers trained in this concept. MT94

- ** Mandate that NHTSA-certified SFST be a part of law enforcement basic training. MI
- ** Provide NHTSA-approved SFST training to all licensed officers assigned to patrol duties. MN03
- ** Develop a comprehensive plan and assure adequate resources for SFST training, instructor training, and refresher courses. RI
- ** Mandate a uniform SFST procedure and make the procedure part of a uniform AIR report. IL
- ** Continue the State's commitment to train law enforcement officers in SFST certification. GA
- ** SFST training using the NHTSA model should be required. VA
- Expand SFST training for law enforcement officers (both basic training and in-service training). NC
- Provide mandatory refresher training in SFST for all law enforcement personnel who are enforcing DUI laws. MT
- Train all patrol officers in Standardized Field Sobriety Tests including training on how best to introduce this evidence in a trial so that it is admissible. DE
- Continue to train both recruits and in-service personnel in Standardized Field Sobriety Tests to include training on how best to introduce this evidence in a trial so that it is admissible. ND
- Standardized Field Sobriety Test (SFST) training is needed in an in-service format for senior officers who have not yet received it. HI
- Continue to train both recruits and in-service personnel in the latest methods of impaired-driving detection, e.g., NHTSA's Standardized Field Sobriety Test (SFST). MD
- Police Officers Standards and Training should mandate SFST training for all law enforcement basic training. MN95
- Mandate that SFST training be permanently institutionalized by CLEET. OK
- Mandate that SFST be a part of law enforcement basic training. OK
- Continue to train officers in SFST. MO
- Ensure that SFST training is provided to current law enforcement officers on a regular basis. MI
- Basic and in-service training should teach SFST to meet certified levels. AK
- Train all patrol officers not previously trained in NHTSA SFST curriculum. IN01
- Ensure all officers receive SFST training at the basic academy. IN01

c. DUI Arrest/Traffic Law/Court Procedures Training

- ** Provide additional training for officers in DUI arrest and court procedures to ensure quality prosecutions and reduce the number of plea bargains due to improper case preparation. IN01
- ** Provide additional training for officers in DUI arrest and court procedures to ensure quality prosecutions, reduce the number of plea bargains, and raise the percentage of convictions. DE
- ** Train patrol officers in the areas of necessary paper work, court testifying, and training on how to deal with administrative hearings. HI
- ** ABC laws and regulations should be taught. VA
- ** Special training in the gathering of DUI evidence should be required. VA
- Provide updated training of traffic and criminal law to law enforcement officers. ND
- Standardize DUI forms and training of law enforcement officers in their use to ensure consistent evidence throughout the Commonwealth. VA
- In-service training should be mandated in areas of high-liability potential such as pursuit driving, firearms, escalation of force, and areas dealing with wrongful arrest. MT94
- Court procedures and techniques of testifying should be applied to cover new areas of technology required of the law enforcement officer. MT94

d. Drug Evaluation/Recognition Training

- ** Increase the number of Drug Recognition Experts (DREs). IN01
- ** Continue the State's commitment to train law enforcement officers in DRE certification. GA
- ** Train officers in NHTSA's course, "Drugs That Impair." ND
- Train and deploy Drug Recognition Experts to enhance efforts to apprehend and successfully prosecute drivers who are impaired by drugs or a combination of drugs and alcohol. DE
- Train and strategically deploy DREs to enhance efforts to apprehend and successfully prosecute drivers who are impaired by drugs or a combination of drugs and alcohol. ND
- Seek entry into the Drug Evaluation and Classification (DEC) Program to allow the State to properly train and supervise the Drug Recognition Experts needed to address the drugged-driving problem in the State. TN
- Provide Drug Recognition Expert training to officers. VT
- Continue and expand the Drug Recognition Expert training programs for law enforcement. NM
- Establish standard guidelines and training procedures for Drug Evaluation and Classification. IL

- Develop and implement a comprehensive statewide DRE training program. OR
- Train additional drug recognition experts. RI
- Continue developing the Drug Abuse Recognition Program and implement it statewide as a standard for patrol officers. CA
- Mandate that DEC training be permanently institutionalized by CLEET. OK
- Mandate that DEC be a part of law enforcement basic training. OK
- Train additional Drug Recognition Experts in rural areas. MN03
- Continue to train officers in DRC training. MO
- Encourage ISP to re-instate the Drug Evaluation and Classification/DRE program for their troopers. IN01
- NCHP should reconsider the DEC program since some of its original concerns have now been addressed and the sophistication of the quantifying instruments has been improved. NC95
- Introduce and support DRE training. MI
- Basic and in-service training should teach DEC to meet certified levels. AK
- During implementation of the DRE block of training, a process of certification should be established for the practitioner. WI93

e. Video Evidence

- ** Train officers on the use of the cameras, the policies, and introduction of video evidence in court. DE

f. Horizontal Gaze Nystagmus

- Continue to train both recruits and in-service personnel in horizontal gaze nystagmus (HGN) including training on how best to introduce this evidence in a trial so it is admissible. ND
- Train all patrol officers in horizontal gaze nystagmus and include training on how best to introduce this evidence in a trial so it is admissible. DE
- Ensure all officers receive HGN training at the basic academy. IN01
- Basic and in-service training should teach HGN to meet certified levels. AK
- During implementation of the SFST/HGN block of training, a process of certification should be established for the HGN practitioner. This process could be expanded into the DRE program with ease. WI93

g. Law Enforcement Leadership/Management Training

- The GHSO should support the provision of a leadership-training program for police managers in DUI enforcement. OH
- Develop a training program for police managers in DUI enforcement management. VT

- Office of Transportation Safety should take the lead in developing and implementing a traffic program management course for law enforcement management. CO

- Develop the capacity to train supervisors and managers in the special skills needed for Traffic Program Management. OR

h. Training in Underage Drinking Issues

- ** In-service training needs should be assessed with the effects of alcohol on juveniles being high on the list. WI93

- ** Train law enforcement in underage drinking issues, including binge drinking and large party dispersal techniques. ND

- ** Training should be provided on the importance of juvenile enforcement. VA

- Implement and provide training programs to local agencies for the Cops in Shops programs. MI

- Additional training and/or policy need to be developed in the administration of the Zero Tolerance DUI violations. CT00

- Training should be provided on the importance of juvenile DUI enforcement. MT94

i. Impaired Commercial Motor Vehicle Operator Enforcement Training

- Provide training to law enforcement officers in commercial motor vehicle operator impaired-driver enforcement. GA

- Consider developing counterterrorism training that includes modules of commercial vehicle enforcement and awareness of fraudulent identification. NC

m. In-Service Training Requirements

- Require that the Montana POST agency enforce the training requirements for new officers (training within one year). MT94

- Establish requirements for continuing annual in-service training for all law enforcement personnel. MT94

- In-service training requirements should be prescribed that ensure that training is uniformly available to all officers. The development of in-state instruction capabilities that will replace the Section 402 funded out-of-state instructions now used will prepare for the inevitable loss of the temporary "seed" money provided by the Federal government. CT93

n. Other Training Recommendations

- ** A user group or committee should be established to examine the whole training issue and make recommendations for improvement. Establishment of a central training records repository is necessary. WI93

- Provide Ignition Interlock awareness training for all law enforcement personnel. MO

7. JUDICIAL/PROSECUTOR TRAINING

- ** Train prosecutors on how to introduce DRE evidence. IN01
- ** Establish an annual statewide law enforcement and prosecutors DUI conference to ensure quality DUI arrests and prosecution. MT
- ** Train prosecutors on the introduction of video evidence. DE
- ** Joint prosecutorial/law enforcement training sessions on courtroom presentation and procedures should be required. VA
- ** Training on the benefits of the VASAP program should be provided. VA
- Establish annual DUI conferences for judges. MT
- Organize and conduct prosecution and judicial training in an effort to gain support for sobriety test and DRE testimony. MD
- Provide training in DRE practices and procedures for prosecutors and judges. RI

8. ALCOHOL SERVERS/SELLER TRAINING

- Increase alcohol-server training and include presentations by representatives of law enforcement, insurance industry, prosecution and others deemed appropriate. NC
- Continue and expand ABCC TEAM training statewide. WV
- Mandate TEAM training for all new servers/sellers of alcoholic beverages. WV
- Implement training by the ABLE Commission to other agencies for Cops in Shops programs. OK
- Implement training by the ABLE Commission in the area of identification and recognition of false and fraudulent identification documents. OK

9. ABC ENFORCEMENT

- Establish law enforcement authority for agents within the Liquor Control Division. MN95
- Provide adequate resources for the Liquor Control Section to perform its mandated duties. RI
- Ensure the continuation of the ABC and its enforcement efforts to maintain this vital program. CA
- Provide training in the application and enforcement of routine liquor laws for local police agencies. MT94

10. LEGISLATIVE SUPPORT FOR ENFORCEMENT EFFORTS

- ** Support and work for a statute lowering BAC for operators under 21. A BAC of 0.02 or less is recommended. AK

- ** Enact legislation to impound motor vehicles at the time of DUI arrest. IN01
- ** Amend the State law to allow law enforcement officers to maintain certification of evidentiary breath-test instruments in order to provide the necessary resources to adequately provide required services. RI
- ** Thorough research of the sobriety checkpoint situation is needed. If Texas needs legislation to initiate checkpoints, then this should be at the top of the priority list. TX
- Statutory restrictions should be overcome to allow the advancement of the skills and quality of police effectiveness (e.g., SFST, DRE program). NM91
- Support 0.08 per se legislation. WI
- Establish an alcohol concentration of 0.08 as the illegal per se limit. MI
- Law enforcement should support the passage of a statutory requirement of a 0.08 BAC. AK
- Enact legislation to set the per se alcohol concentration level to 0.08. MN95
- Amend Open Container laws to prohibit any possession of an open container by any occupant of a motor vehicle so intoxicants are not legally easily accessible for a driver. IN01
- Expand the provisions of 82.1000 to allow for all jurisdictions to develop and implement DWI related vehicle forfeiture programs. MO
- Support and work for a change in the statute to allow more than one chemical test in the arresting officer's discretion, with blood and urine being included. AK
- Pass legislation to provide law enforcement the authority to pursue the taking of blood and urine samples from suspected offenders who show signs of being under the influence of controlled substances. OR
- Efforts should be made to restore the viable law enforcement option of sobriety checkpoints in compliance with U.S. Supreme Court guidelines. WI93
- Wisconsin should repeal the statutory restrictions regarding the use of sobriety checkpoints. Law enforcement should develop a controlled and accepted checkpoint procedure. WI93
- Support legislation to permit sobriety checkpoints. WI
- Amend existing laws to allow sobriety checkpoints. RI
- Enact legislation that provides for consistent enforcement of underage sales and "adults providing." MN03

11. STATEWIDE DATA/EVALUATION

- ** There is an urgent need for statewide data. Tennessee should seek input from local agencies for the development of a uniform traffic citation. If possible, these forms should be developed, printed, serialized, and issued to all entities that issue such documents pursuant to their official duties. It

is impossible to accurately assess the size of the Tennessee DUI/DWI problem without this step being taken. TN

- Streamline and centralize all data files to assist the ability of officers in the field to complete their investigations. Driver licenses, registration of vehicles, criminal history, and citation records should be housed in one statewide agency. HI
- A central repository of all BAC testing records is needed to allow accurate substance abuse assessments of BAC levels in arrests and evaluation of the needs for training. Current agency estimates are from 0.147 to 0.164. This indicates a need for training in the detection and apprehension of the lower-BAC driver. HI
- A method of capturing and making available timely collision statistics needs attention. Local police are maintaining their own data systems in addition to the system at HDOT. Uploading of the information from the local agency to HDOT would eliminate one entry process. HI
- Develop a standardized short-form collision report form for capturing information in the less serious collisions. HI
- Assign statutory responsibility to the Department of Health to collect BAC results from all tests in the State and make the data available. VT
- Evaluate the effectiveness of both the DARE program and the in-car video programs. VT
- Conduct a cost-benefit analysis of a blood-testing site to be established at the MSP lab versus sending samples out-of-state for processing. MD
- Increase DWI conviction rates by surveying counties with disproportionately low DWI conviction rates to determine corrective action needed to improve conviction rates. NM
- Implement a DUI tracking system to enable accurate determination of the impaired-driving problem. ND
- Determine through the use of empirical data the reasons for inconsistent enforcement of DWI laws in different geographic locations within Minnesota. MN03
- Research the times and days of the week in the metropolitan areas where breath-testing instruments are backlogged. MN03
- Develop a statewide, computerized system for arrest, crash, judicial disposition, and administrative revocation data. WV93
- Establish a centralized agency to deal directly with DWI dispositions to enhance enforcement of multiple DWI offenders. NM91
- Begin an evaluation program for video camera operations. WV93
- Develop statewide data systems that will provide comprehensive traffic violator contact and arrest information so that appropriate data are available to assist with analysis of traffic enforcement activities and their effect on traffic collisions. IN01

- A decentralized system of data entry needs to be established that will allow local entry and centralized, automated off-loading into the DOT collision file. CT93

- The Driver License Section should place a higher priority upon the available CDL data to insure it is available to the judicial and law enforcement community. NC95

12. ADJUDICATION PROCESS

- ** Administrative hearing rules need to be adjusted to prevent the existing criminal discovery circus. CT93

- ** File all alcohol offenses in a court of record. OK

- ** Immediately convene a task force to examine the issues involving the inability to have horizontal gaze nystagmus evidence admitted in judicial proceedings. NC

- ** Conduct a study of Juvenile Court procedures to determine deficiencies and to seek remedies in an effort to encourage law enforcement to enforce underage consumption and impaired-driving statutes. TN

- Assign experienced prosecutors to DUI trials and ensure they remain in those assignments in order to develop expertise in DUI prosecutions. DE

- End all "automatic continuances" to ensure a decrease in the high rate of dismissals. WV

- Initiate a streamlined administrative process for implied-consent hearings. TN

- Efforts should be made to overcome the adverse court ruling referencing HGN with the availability of expert testimony in those cases. TN

- Encourage the judiciary and county prosecutors to develop better scheduling methods to reduce the multiple appearances in court for patrol officers. CA

13. ENHANCEMENT OF THE ARREST PROCESS

- ** Simplification of the DUI arrest process is imperative. Many elements have been added piecemeal, creating a cumulative effect on arresting officers that is stifling. Many elements are repetitive and should be combined or eliminated. DMV, prosecutors, detention facilities, and the courts should review and simplify their requirements. CT00

- ** The Police Crash Report and Driving While Impaired forms should be standardized and certified. NC95

- ** Develop and use a uniform impaired-driving apprehension investigation report form to ensure standardized case preparation throughout the state. IN01

- ** Establish a committee of experts in the fields of law enforcement, prosecution, adjudication, and records for the purpose of reducing the amount of paper that must be generated with each DUI arrest. AZ

- ** Streamlining the paperwork flow necessary to the DUI arrest should be undertaken. HI

- ** Develop strategies to reduce the time required to process minors for the consumption of alcoholic beverages, including the establishment of community "holdover" programs. VT
- Reduce the transport and arrest process time through an assessment of the allocation and geographic distribution of breath-testing equipment. In addition, provide breath test devices to as many rural enforcement agencies as possible. NC
- Mandate the use of a Uniform Traffic Ticket. IL
- Investigate methods of reducing the arrest processing time. Consider automation where possible and the elimination or combination of required forms and reports. MD
- A standardized short-form collision report could help in capturing information on the less serious collisions. HI
- Seek consolidation of paperwork forms and processes to enhance the arrest process and lessen the burden placed on law enforcement in DUI/DWI situations. TN
- Ensure control of citations by creating a completed loop from issuance to the agency to the return of the record to the same source agency. HI
- Ensure timely reporting of impaired-driving arrests following blood sample withdrawal. NC
- Require that a uniform traffic citation be used by all law enforcement agencies in the State. OK
- Require consistency and uniformity in paperwork by all agencies for the processing of all DUI offenders. OK
- Complete the Justice Link system and equip the remaining police departments with mobile data terminals in order to save patrol officers valuable time and put them back on the street. RI
- Look at methods to make the report-writing processes more efficient for the patrol officer. The linkage of the various databases is critical to this system. CA
- Eliminate the requirement to have the Alcohol Influence Report Form 2389 notarized. MO
- Texas should establish a uniform traffic and criminal complaint form (citation) that is serialized and standardized. Responsibility should be established for the issuance of these forms and a tracking capability built in. TX
- The DWI form should include space to record the PBT and horizontal gaze nystagmus test. NC95
- Examine, evaluate, and streamline the formal reports needed to be completed by law enforcement. Add a requirement that law enforcement indicate the time of operation in all crash reports. CT00

- Officers should be assured of support when they indicate that a driver involved in a crash has been drinking but no arrest was made. This information needs to be included on the crash report and the report form needs revision to accommodate this input. CT00
- Participate with judicial and administrative officials in "streamlining" the DUI arrest and disposition procedures. WV93
- Implement automation processes where possible (e.g., booking procedures, citations, mobile data computers). WV

14. DWI TRACKING/DATA SYSTEMS

- ** Develop a process whereby a conviction of DWI is linked to the offender's driving record. MO
- ** The Office of Traffic Safety should establish a DWI tracking system advisory committee representative of all users including State and local law enforcement. MN95
- Create a central repository for all citations issued by the MO enforcement community. MO
- Review the records maintained by the Division of Motor Carriers and Railroad Safety pertaining to compliance reviews/audits and determine the feasibility of linking alcohol and drug violations to other systems. MO

15. UNCATEGORIZED RECOMMENDATIONS

- ** The Albuquerque DWI Vehicle Forfeiture and Immobilization Program should be expanded to other communities, although modified to fit the needs of the various communities. NM
- Law enforcement needs to make additional efforts to preserve forensic evidence at crash scenes. Prosecutors should be contacted and their input sought as to the scope of the problem. CT00

**RECOMMENDATIONS FOR GUIDELINE AREA 3D
PROSECUTION
(** Priority Recommendations)**

1. PROGRAM/COMMITMENT TO VIGOROUSLY PROSECUTE DWI

- ** The full impact of the adversary system and the promise of State district attorneys of vigorous DWI prosecution can be realized only through uncompromising commitment to subsequent offender prosecution despite trial time demands or judicial attitudes. In its absence, present or future penalty enhancements for subsequent offenders are meaningless. NM91
- ** Develop and implement a statewide program to target, prosecute, and punish the repeat offender. NM95
- ** Encourage each district attorney to develop and implement a strong, articulated policy on DUI prosecutions that precludes plea-bargaining and includes a willingness to prosecute all DUI offenses regardless of the presence of a low allowable BAC level. CA
- ** Encourage prosecutors to develop and implement a strong, articulate policy on DWI prosecutions that seeks expeditious resolution of cases, consistent and fair application of the laws, and decreased reliance on plea-bargaining and guilty pleas to lesser offenses. TX
- Vigorously prosecute all subsequent offenders and seek a full range of enhanced penalties, such as vehicle impoundment. NM91
- All appeals must be vigorously prosecuted and all penalties imposed pursued through the appeals process in district courts. NM91

2. ENSURE STATE REPRESENTATION IN COURT BY PROSECUTOR'S OFFICE

- ** Provide for the State to be represented by counsel at revocation hearings. NM
- ** Amend the Virginia Code to require a prosecutor to appear and represent the Commonwealth in all traffic, DUI, and juvenile proceedings. VA
- Make prosecutors available on arraignment days or at pretrial conference hearings for purposes of discussing case dispositions in JP Courts until DUI cases are removed from these courts. DE
- Require a State's legal representative at DMV revocation hearings. WV93

3. USE EXPERIENCED PROSECUTORS/REDUCE STIGMA OF HANDLING DUI CASES

- ** Rotate senior prosecutors through DUI prosecution so that it doesn't carry the stigma of being "unimportant" and "low priority." HI
- DUI cases should be given a higher priority and prosecuted by experienced, trained prosecutors. GA
- Rotate senior prosecutors through divisions in which DUI/DWI cases are prosecuted so these divisions do not develop the stigma of being of minimal importance or of being simply basic training grounds from which one should strive to advance. TN

- Rotate senior prosecutors through DWI prosecution so that it does not carry the stigma of being "unimportant" and "low priority." MO

- Encourage the use of experienced assistant attorneys general and solicitors in DUI prosecutions. RI

4. RECOGNIZE DUI AS SPECIALIZED PROSECUTION AREA/TRAIN

- ** Recognize DUI as a specialized area of prosecution that requires specific training and understanding of the dynamics and characteristics of alcohol and drug abusers. Dedicate at least one prosecutor as the DUI prosecutor and pay them as specialty division chief. HI

- Recognize DUI/DWI as a specialized area of prosecution that requires special training. Districts should designate at least one prosecutor as the lead DUI/DWI prosecutor or division chief, with enhanced compensation for that responsibility. TN

- Recognize DWI as a specialized area of prosecution and dedicate at least one prosecutor as a DWI prosecutor and pay them accordingly. MO

- Develop a core of specially trained assistant prosecutors assigned to the prosecution of DWI cases. NC

5. PROSECUTOR/HEARING OFFICER STAFFING RESOURCES

- ** Provide funding for additional prosecutors and judges to eliminate the current DUI case backlog. CT00

- ** Increase and strengthen resources available to the prosecutors for trial court work in impaired-driving cases as follows: provide additional prosecutors in the counties and obtain training in cooperation with the National District Attorneys Association and NHTSA. VT

- Consider funding full-time deputy State's attorneys to share the workload of contiguous counties. ND

- Explore legislative changes and consider adequate funding to allow an elected State's attorney an option to go full-time or serve in more than one county to obviate the pressure to maintain a private practice. ND

- Provide sufficient resources to county and city attorneys to allow them to prosecute DUI cases. MT

- Place all OWI caseload responsibilities with the district attorneys and give them adequate resources to manage that caseload. WI

- Seek funding for Assistant District Attorneys who could be assigned to local DWI task forces. NC95

- State finance authorities should provide adequate attorney resources and support staff to all prosecutor offices. NM91

- Explore the possibility of designating specific individuals with prosecutorial responsibility in DUI cases and pooling resources for multi-county projects. WV93

- Provide funding to hire additional hearing officers for revocation cases. NM

6. FUNDING FOR DUI PROSECUTION COORDINATOR/SPECIALIST

- ** Re-establish and obtain permanent funding for a DUI prosecution coordinator or specialist. CT00
- ** Plan for permanent funding of a DUI prosecution coordinator. CT93
- Obtain permanent funding for an impaired-driving prosecution coordinator or specialist. ND

7. RESOURCES TO INFORM PUBLIC ABOUT PROSECUTION EFFORTS/ROLE

- Provide prosecutors with materials that will assist them in informing the public about the prosecutorial role and the safety reasons for impaired-driving prosecutions. ND

8. FUNDING FOR TECHNOLOGY TO ENHANCE PROSECUTION EFFORTS

- Assist the State's attorneys in obtaining technology improvements for case management within their offices and to better communicate and coordinate with law enforcement and the courts. ND
- Additional funding should be provided to upgrade the infrared breath-testing equipment. MD91

9. ENSURE AVAILABILITY OF DRIVER HISTORY TO PROSECUTOR

- Ensure the availability to prosecutors and judges of timely, accurate information on the drivers and criminal history of DWI offenders. TX
- All prosecutors should have current driver histories available prior to the start of any DUI prosecution. GA

10. FUNDING FOR PLANNING EFFORTS

- ** The GHSO should fund the Ohio Prosecuting Attorney's Association to review the prosecution of impaired driving in Ohio and to develop a comprehensive plan to obtain improvements. OH

11. PROGRAMS TO RETAIN QUALIFIED PROSECUTORS

- Investigate methods for attracting and retaining new assistant prosecutors including enhanced salary and fringe benefits, credits toward satisfaction of student loans, and use of employment contracts for specified periods of employment. NC
- Increase the pay of deputy prosecutors in order to reduce the high turnover that occurs in this position. HI

12. PROSECUTION TRAINING/EDUCATION

- ** Require annual DUI training for county and city attorneys. MT
- ** Implement the interactive computer-assisted training statewide and use it for prosecutor training. AZ

- ** Provide more extensive continuing education to prosecutors, especially those who are employed on a part-time basis. MN03
- ** Provide continuing, statewide DUI training for prosecutors so that new prosecutors moving into the DUI specialty have adequate training in this field. The training should include both legal education and technology training so that equipment and data available from other government agencies are properly used in the battle against impaired driving. HI
- ** Implement training on a frequent and routine basis for prosecutors of impaired-driving cases. Because of the turnover among prosecutors, developing and maintaining a trial manual with trial presentation issues and current case law could be very beneficial. MD
- Eliminate "relevant work experience" (in place of college degree) as a qualification for hearing officers and strive to have hearing officers who have more than minimal legal training. WV
- Provide for entry level and in-service training for all prosecutors with an emphasis on DUI, vehicular homicide, DRE procedures, and other alcohol/drug offenses. Develop a DUI prosecution manual. GA
- Organize both the office holding prosecutor and the deputies as a single organization with annual statewide training seminars. Use this collective organization as a lobbying group for DUI legislation. HI
- Establish a network for senior and supervising attorneys to share and disseminate information and tactics in the prosecution of DUI offenders. IL
- Through education and communication, encourage consistency in the prosecution of DWI offenses throughout the State. TX
- The DA's Association should take an active role in the formal training of police officers. CO
- Set specific training standards for the prosecution of DUI cases and fund such training. WV93
- Include City Attorneys in the training provided by the County Prosecutor's Service Bureau and require a DUI component every year. MT94
- Encourage and formalize a ride-along program between prosecutors and law enforcement. CT00
- Implement special prosecutorial training and support for all DUI prosecutors. Several courses now exist, including one offered by NHTSA. WV
- Provide prosecutors with standardized and specialized DWI training, including training in drug impairment. NM
- Develop a formal and continuing impaired-driving education program for prosecutors that will provide continuing legal education (CLE) credits. A critical element of the education program will be a trial skills component for the new prosecutor. The alcohol and other drug science segments should be prepared and presented by those who are experts in the fields. The education opportunities should include support to attend the national programs as well as in-State programs. ND

- Provide for entry-level and in-service training for all prosecutors with an emphasis on DUI, vehicular homicide, VASAP (Virginia Alcohol Safety Action Program) procedures, and alcohol offenses. VA
- Integrate training of all prosecutors with that of law enforcement officers. VA
- Implement cross-discipline DUI training involving county attorneys, city attorneys, and law enforcement officers. MT
- Provide continuing statewide training for prosecutors so prosecutors moving into divisions in which DUI/DWI cases are handled will have adequate training in the prosecution of these cases. TN
- Require regular DUI training for assistant attorneys general and solicitors. RI
- Provide annual specialized DUII training to prosecutors on all elements of the system including law enforcement, DMV, judges, and treatment providers. OR
- The Attorney General's Teleconference Network should be expanded to provide a format of regularly scheduled training, including impaired-driving prosecution. MN95
- Adopt a mentor program in the larger prosecutors' offices. AZ
- The Alaska Highway Safety Planning Agency should assist prosecutors in obtaining training that is DWI-specific. AK
- Design and deliver the necessary educational opportunities to the district attorneys and municipal attorneys to improve the prosecution of OWI cases. WI
- Provide prosecutors with training and skill-building in basic DWI enforcement techniques (including SFST and DRE), State DWI requirements, and evidential and trial advocacy procedures and techniques that will enhance their ability to obtain convictions in DWI cases. Provide annual seminars focused on DWI and initiate a series of regional DWI trial advocacy courses. TX
- Encourage training in HGN/SFST/DEC and the nature of addiction. NC95
- Develop a comprehensive training plan. CT93
- Train/retrain prosecutors regarding the proper administration of SFSTs. IN01
- Develop standardized prosecutor training program through the New Mexico Institute of Public Law. NM95
- Implement cross-discipline DUI training involving prosecutors and law enforcement officers. IN01
- Develop a formal DUI education program for prosecutors that include alcohol and drug issues. CT00
- Examine the possibility of joint educational opportunities with law enforcement on the issues surrounding DUI. CT00

- Integrate training of prosecutors with the law enforcement in DUI matters. WV93

-The Connecticut State Attorney's Office should build upon the training they have developed in-house and make it more comprehensive. Joint training with law enforcement should occur where practicable. CT93

13. PROHIBIT/LIMIT DEFERRAL OF DUI CHARGES

- ** Enact a law banning all deferrals of DUI charges by prosecutors. IN01

- ** Enact a law limiting diversions of DUI charges by judges through legislatively approved standards that balance the interest of the accused against that of the State. IN01

- Prohibit the application of deferred adjudication to DUI cases. MT94

- As a matter of practice, disposition of DWI should not be accomplished through suspended imposition of sentence. MO

14. PROHIBIT/LIMIT REDUCTION OF DUI CHARGES

- ** Change the law to prohibit the reduction of DUI to DWAI in second and subsequent cases. CO

- ** Prohibit the reduction of charges for people charged with DUI. OK

- ** End the practice of "pleading down" charges from subsequent DUI charges to DUI first charges. WV

- Curtail the practice of reducing a charge of DUI to one of reckless driving where the offender's BAC was 0.20 or higher, where the offender carried a child in the vehicle, where the offense resulted in a crash, with injury to another, or where the offender had a previous DUI conviction. DE

- Enact legislation prohibiting reduction of DUI to lesser included offenses or to pleas of guilty to different charges. IL

- Prosecutors should adopt a policy of not charging reckless driving as a companion offense to DUI/DWI. Should such a charge be warranted, a plea to it should not be allowed on the condition that the DUI/DWI charge be dismissed or placed on an inactive docket. Prosecutors should object to efforts to plead to uncharged reckless driving on the grounds that it constitutes a necessarily lesser included offense to charges of DUI/DWI. TN

- Require the prosecutor to explain in writing the actual reason for any plea bargain in a DUI or vehicular homicide case. VA

- Adopt a policy/statute prohibiting plea bargains in most cases. CT93

- Prohibit the reduction of DUI cases to lesser traffic offenses. MT94

- Prohibit plea bargaining on DUI and per se cases. RI

15. EXAMINE/RESOLVE DUI BODY OF LAW ISSUES

- ** Engage the prosecutors in the resolution of the blood/breath-testing issue as soon as possible by providing the resources to facilitate the discussion in a positive and constructive fashion. WI
- ** Office of Traffic Safety should convene necessary justice system representatives to resolve the administrative problems that surround the implementation of the recently passed sanctioning initiatives of vehicle immobilization/forfeiture and the use of ignition control devices. WI93
- ** The present OWI statute should be amended to end the ambiguity regarding violations occurring on "public lands" through the substitution of the broadest possible language eliminating any reference to place, residence, or ownership. WI93
- ** The implied consent statute and its forms and procedures should be amended to negate the ambiguity inherent in its contrasting use of the words "any" and "each" to refer to tests administered to the impaired driver. WI93
- Prosecution efforts cannot be made to depend on judicial or defense attitudes. District attorneys, as the chief law enforcement officers in their jurisdictions, should provide the leadership necessary to shape the law and its instruments in this area. NM91
- Involve prosecutors in determining statewide issues involving DUI matters. WV93
- Include the district attorneys in the task force to research and consider the development of a model Wisconsin OWI code. WI
- Change MI law to make OWI penalties the same as OUIL/UBAC. MI
- Mandate the filing of DUI third cases in the district courts. MT94

16. STREAMLINE/SPEED PROSECUTION OF DUI

- ** The Governor's Highway Safety Program should work with a district attorney's office to develop a targeted prosecution pilot program for repeat offenders that will speed prosecution and assess appropriately severe sanctions. NC95
- ** A system should be developed to target repeat offenders, speed prosecution, and assess appropriate sanctions. CO
- ** Form a task force comprised of prosecution, judicial, defender, law enforcement, and MVD to implement differentiated case management of DUI cases focusing on appropriate disposition at the earliest possible time. AZ
- ** Simplify procedures for identification and prosecution of repeat offenders. VA
- ** Provide that all misdemeanor DWI filings will be made only in District, Metropolitan, and Magistrate Courts. Magistrate Courts would be provided with a DWI Division. Judges in the DWI Division would be licensed attorneys. DWI Division Courts would be courts of record. Trial *de novo* would be abolished, and appellate jurisdiction for each of these courts' decisions would be vested in the Court of Appeals. Adjudication in Magistrate Courts could be accomplished with a "team" of judges would/could sit statewide. Fine revenue

would be allocated as presently done - the location of the violation would determine the entity to receive fine revenue. NM

- ** Make all courts courts of record. NM95

- ** Enact statutes providing for all DUI cases, other than felonies, to be initially prosecuted in Delaware's Common Pleas Courts. Justice of the Peace Courts should not be used for the prosecution of DUI cases. DE

- ** Make driver licensing removal and reinstatement an administrative function within DMV. VA

- ** End automatic continuances in revocation hearings and require "cause."
WV

- Enact legislation to require DUI offenses be tried in State courts of record. GA

- When possible, prosecutors, and where available, defense counsel should attend arraignments and attempt to dispose of as many cases as possible, thereby reducing case inventories with the least investment of system resources. AZ

- Inadequate or inexperienced prosecutorial efforts by city attorneys or police officers should be curtailed through the filing, where possible, of all DWI cases in county-based magistrate courts to ensure the prosecution or its supervision through the district attorney's office. NM91

- Seek new ways to streamline the prosecution of the impaired-driving offenses through statutes and court rules. ND

- Efforts should be made to eliminate the right for a *de novo* trial. MD

- Prohibit stipulations to continue DWI cases unless the presiding judge specifically approves such stipulation. NC

- Legislature should consider the enactment of time standards for the disposition of cases with requirement that courts provide written explanation to the Tennessee Supreme Court or the State Courts administrator as to the reason(s) why cases have lingered beyond prescribed periods. The average age of pending DUI/DWI cases in each district should be published. TN

- The legislature should consider the enactment of a speedy trial rule requiring the disposition of misdemeanor offenses within a period of six months from the date of arrest. While the right to a speedy trial could only be invoked or waived by a defendant, it would provide defendants the opportunity to compel prosecutors and courts to accord them speedy disposition of their cases. Prosecutors and courts with excessive dismissals due to the failure to provide speedy trials would thereby receive the incentive to become more efficient. TN

- Enact legislation to eliminate the requirement for mandatory appearance of the administrative toxicologist. MD91

- Permit telephonic testimony in revocation cases. NM

- If necessary, amend speedy trial law to specifically exclude time spent as a fugitive. AK

- Develop a plan to target those cases that will need to be tried and fast-track them so that they can be reached in six months. CT93
- Require DMV to institute an "on-calendar" case management system. There are no continuances permitted unless requesting party provides alternative hearing dates that have been discussed with the opponent, and no continuance is granted without the resetting of the case on a fixed date. WV93
- Encourage the fast-tracking of multiple offender cases through the court system. CA
- Encourage prosecutors to explore the feasibility of fast-tracking selected DWI cases throughout the court system. TX
- Review the current methods of officer notifications of court appearances. A more timely and effective means of corresponding between all parties should result in fewer absences and ensure mutual respect for personal time considerations. MD
- Change the statute to allow breath and blood test results to be admitted by certified records, eliminating the need for court appearances. In the case of breath testing, if the statute could at least be changed to allow the arresting officer to also be the test operator, the need for two witnesses on every case could be eliminated. MD
- Revise revocation hearing procedures to have hearings concentrate on relevant issues. NM
- Permit direct DUI filings with a Circuit Court at the discretion of the prosecutor. WV
- Permit revocation cases to be heard on a regional (as opposed to county) basis. NM

17. STRENGTHEN PROSECUTION OF DUI

- ** Eliminate the practice of using police as prosecutors. GA
- End the practice of police prosecution of DWI cases. NM
- Enact legislation to allow for the use of PBT results by prosecutors for introduction as evidence for probable cause. MD91
- Ensure that timely, accurate information on the background of the DUI offender is available for the prosecutor and the judge at the time of adjudication. CA
- Encourage prosecutors to screen for prior offenses and to seek a full range of enhanced penalties for multiple offenders. TX
- The current three-tier blood alcohol standard embodied in statute should be simplified toward a uniform standard of 0.08, and absolute sobriety for individuals under 21. WI93
- Permit the State to introduce the probable cause statement at revocation hearings as *prima facie* proof of the violation. NM
- All prosecutors should have current driver histories available prior to the start of any DUI prosecution. GA

- Additional creative sanctions and post adjudication sentencing options, to include pre-trial services, community service, probation, and supervised release conditions should be made available to prosecutors and judges for OAS/OAR and multiple OWI offenders. WI93
- Distribute an updated DWI Trial Manual to all prosecution offices in the State. TX
- Distribute the prosecution manual developed by the City of Phoenix Prosecutor's Office statewide and make it available to all new prosecutors. AZ
- The Attorney General's office should explore existing communication resources to coordinate scheduling of expert witnesses from the Bureau of Criminal Apprehension. MN95

18. RECORDS/TRACKING/REPORTING SYSTEMS

- ** Develop a system to identify and target repeat offenders. MT94
- ** Develop a comprehensive tracking system to provide data on DUI convictions, dismissals, repeat offenders, and punishment. MT94
- ** Require prosecutors to keep and forward records of all deferred/diverted cases to a central State repository accessible to every prosecutor and judge who tries/hears DUI cases. IN01
- Establish standardized record keeping requirements and data elements for all prosecution offices and seek to upgrade and expand data processing capabilities in all offices, as well as to link prosecution systems with other criminal justice system databases. TX
- Include the prosecution needs in the development of the records system. WI
- Prosecutors should design and implement a system to target and track prosecution of repeat offenders. AK
- Design and implement a system that exchanges information among the justice systems and recognizes the actions as valid. MT94
- Involve the prosecuting attorney function in a statewide criminal justice information system. WV93
- Require a report of disposition on all traffic matters through the Uniform Traffic Ticket System. WV93
- Require the State to provide an annual report detailing the disposition of DUI cases including the manner of resolution. WV93

19. EVALUATION/ANALYSIS EFFORTS

- ** Track and determine whether the reduction of DUI to lesser offenses is undermining the work of preventing DUI. VT
- Individual District Attorney offices should be encouraged to review the reasons for DUI/DWAI dismissals with an eye toward reducing dismissals to less than 15% of filings in line with national averages. Office of

Transportation Safety should then examine the causes for dismissals and design programs to prevent their reoccurrence. CO

- Colorado and the District Attorney's Association should evaluate whether plea bargains reducing DUI to DWAI undermine deterrent efforts. CO

- Conduct an examination of case disposition reporting, including random class sampling if necessary, to determine the nature and extent of plea negotiations in DUI cases. AZ

- The Alaska Highway Safety Planning Agency should analyze conviction data statewide for planning and management purposes. AK

- Colorado should evaluate whether deferred sentencing or prosecution should be available in DUI/DWAI cases. CO

- Public perception of the likelihood of punishment for DUI/DWAI should be surveyed to determine if the deterrent message is being received. CO

- The DUI Coordinator should develop standards for analysis and comparison of the handling of DUI cases in the various districts. CT93

-The University of North Carolina Highway Safety Research Center (HRSC) should be requested to evaluate the disparity in conviction rates. NC95

20. PROSECUTION PROGRAMS FOR YOUTHFUL OFFENDERS

- ** Office of Highway Safety Programs, in concert with the Prosecutors Coordinating Council, should develop and implement a program to target youthful offenders. MI

- Prosecutors should develop programs to ensure consistent prosecution and appropriate sentencing for juvenile DWIs. AK

- Prosecutors should use the underage driving while impaired statute to prosecute appropriate cases. They should discourage law enforcement from using other charges such as careless driving or minor in possession. TN

- Include State's attorneys in the planning and implementation of a Youthful Impaired Driving Prosecution and Adjudication seminar. ND

21. DUI ARREST PROCESS

- Explore the possibility of "one write" or automated data systems to reduce the "down time" associated with the arrest in a DUI case. WV93

- Involve prosecutors and all concerned parties in a requirements study of the charging instruments with a view toward the reduction of paperwork by the arresting officer. WV93

- Law enforcement should be encouraged to check for outstanding warrants at the time of arrest for all traffic infractions, and minimally, at all stops for serious traffic offenses. MD91

22. COMMUNICATION/COORDINATION EFFORTS

- ** Encourage communications and cooperation among prosecutors, other criminal justice agencies, and community groups through the formation of DWI Task Forces or by other means. TX

- ** Implement statewide communications channels among county and city attorneys. MT

- Office of Traffic Safety should continue efforts to convene local government entities, potential users, and providers to design strategies to overcome resource constraints and administrative hurdles to create such options or expand their use. WI93

- GHSO should facilitate the coordination efforts of the prosecutors with other parts of the justice system as well as to assist their communications with the proposed Governor's Task Force. OH

**RECOMMENDATIONS FOR GUIDELINE AREA 3E
ADJUDICATION
(** Priority Recommendations)**

1. TRIAL SYSTEM ORGANIZATION/JURISDICTION

- ** Implement a specialized DUI court and/or incorporate the handling of DUI cases with any drug court that might be established. CT00
- ** Adapt and use the drug court concept for use with DUI offenders in Delaware's Courts of Common Pleas. Create a special division of the Courts of Common Pleas to accept DUI offenders as well as drug law violators. DE
- ** Undertake reorganization of the State trial court system to expand the jurisdiction of magistrates, to create a system of traffic court magistrates with jurisdiction to adjudicate all traffic infractions that do not involve death or great bodily harm. NC
- ** Undertake reorganization of the State trial court system to eliminate the right to trials *de novo* and to provide that all appeals from convictions, pretrial motions, or other final dispositions are appealable only on the merits to the appellate division of the Superior Court or the Courts of Appeal upon certification of questions of great public importance. NC
- ** Seek legislation to reclassify first offense DWI misdemeanors in order to remove them from county court at law jurisdiction. TX
- ** File all DUI cases in State courts. OK
- ** Amend the constitution and statutory laws of the State of Delaware to provide for exclusive original jurisdiction of DUI and other misdemeanor cases in the Courts of Common Pleas. Alternatively, abolish the right to a trial *de novo* upon a conviction for DUI in Justice of the Peace Courts. DE
- Revise the jurisdiction of DWI cases. NM
- DWI should be prosecuted as a State offense in the circuit and associate circuit courts. MO
- Assign jurisdiction of juvenile civil infractions cases to the Traffic Tribunal. RI
- Prosecute DWI under the State statutes and avoid prosecution of the offense as a municipal or county ordinance. MO
- Request a change in the law to allow the municipal court to assume jurisdiction for fourth-time DUI offenders, thus enhancing the court's ability to sentence a person for a greater period of time to allow a single court's oversight system for all DUI offenders. CA
- The ADLRO (Administrative Driver's License Revocation Office) should be relocated from the judicial branch of government to the executive branch of government. HI
- Consideration should be given by the legislature to a constitutional initiative abolishing municipal courts and creating a two-tier State trial court system (i.e., district and circuit) with the lower tier having

authority to conduct jury trials in all misdemeanor cases. Creation of such a court system would enable the centralized supervision and education and of all State trial judges as well as providing for improved allocation of judicial resources. Existing non-lawyer judges could be grandfathered into the lower tier trial courts; upon replacement only law-trained individuals would be permitted to hold office. In conjunction with the creation of such a State trial court system, provisions would be made for returning to municipalities a pro-rata share of all fines and costs generated by the adjudication of cases emanating from those jurisdictions. Judges of the respective tiers would receive equal compensation or compensation commensurate with the population of their jurisdictions. TN

- Make courts of limited jurisdiction courts of record or in the alternative, assign DUI cases to district court. MT

- Seek legislation to grant exclusive jurisdiction over all non-felony DWI offenses to magistrate courts. NM91

- Make city and town courts courts of record with appeal to the State superior courts. IN01

- Make all courts courts of record. NM95

- Obtain permanent funding for an impaired-driving section of the drug courts. ND

2. REVIEW OF STATE DUI ADJUDICATION SYSTEM AND EFFORTS BY JUDICIAL REPRESENTATIVES

- ** Engage representatives of the judiciary in a review of the statutes and resources around the goal of improving adjudication of impaired-driving offenses. VT

- ** Create a judiciary task force comprised either through, or independent of, the DUI task force of legislators, judges, local attorneys, and public defenders to study the needs of the courts for both short- and long-term planning. This committee should have as its primary consideration:

- Divesting lower courts of DUI jurisdiction;
- Decriminalizing petty traffic offenses, or at least, eliminating jury trials for petty traffic offenses;
- Eliminating courts of no records;
- Eliminating trial *de novo*;
- Eliminating court costs that are not directly related to courts;
- Implementing court costs directly related to the needs of the court such as computerization of court records;
- Eliminating non-lawyer judges;
- Eliminating the routine acceptance of *nolo contendere* pleas. All DUI offenders should routinely be assessed for substance abuse and referred for treatment if indicated. Referral and treatment should not take the place of court-imposed sanctions;
- Transferring misdemeanor DUI cases to State courts so as to allow superior courts to process felonies. GA

- ** Form a judicial workgroup charged with researching, planning, and achieving needed improvements for the improvement of adjudication of OWI, Staff support should be provided by BOTS. WI

- ** The GHSO should cooperate with the Ohio Supreme Court staff and committees to improve the levels of data and analysis of the data to specifically identify areas of improvement for the adjudication of impaired driving. OH

- The State Administrative Office of the Courts should begin comprehensive assessments of court and judicial needs regarding DWI adjudication. NM91

3. DEVELOP PLANS TO IMPROVE ADJUDICATION OF IMPAIRED DRIVING

- The Ohio Supreme Court should develop an informed and comprehensive plan to improve the adjudication of impaired driving in Ohio. OH

4. COORDINATION OF STANDARDS, POLICIES, ADMINISTRATION

- ** Statewide needs and requirements for coordination in standards, policies and administration demand the active leadership of the administrative office of the courts in all magistrate court affairs. NM91

5. REFINE/REWRITE BODY OF DUI STATUTES

- ** Because of the ambiguous and confusing statutes in the DUI field, the appellate courts should give guidance to the legal practitioners by issuing published opinions that become precedent. HI

- ** Draft and interpret DUI statutes in a manner that allows consistent adjudication among the jurisdictions. MT

- Seek new ways to streamline the adjudication of the impaired-driving offenses through statutes and court rules by efforts such as an impaired-driving study committee. ND

- Draft DUI statutes with clear, bright-line language, to disclose legislative intent. MT

6. JUDICIAL INVOLVEMENT IN PUBLIC AWARENESS EFFORTS

- The Metropolitan Court should redouble its efforts at public education, especially through existing channels to the Albuquerque Public School System. NM91

- The West Virginia Supreme Court should increase its efforts to inform the public of the role and responsibility of the judiciary. WV93

- Provide judges with materials that will assist them to inform the public about the adjudication of impaired-driving offenses and how to serve as a responsible citizen on the jury for criminal offenses. ND

- Encourage judges to participate in safe communities coalitions. ND

- Encourage the Administrative Office of the Courts to conveniently make available to the public statistics concerning the DWI conviction rates for District Courts and individual District Court judges. NC

- Increase the efforts of the judiciary to inform the public of its role and responsibility consistent with the provisions of the Code of Judicial Conduct. WV

- The Ohio Judicial Conference should advise the GHSO on using PI&E campaigns around the role of the courts. Such information should include demonstrative proof that better adjudication is a safety and quality of life issue. OH

7. ADMINISTRATIVE ADJUDICATION

- ** Remove judges from the licensing process altogether and make it administrative; alternatively, require judges to follow the law regarding license suspensions and re-issuance. MT94

- ** Make the habitual offender process an administrative function of DMV while maintaining the court-imposed sanctions for violations. VA

- ** Implied consent hearings should be removed from the courts and adjudicated administratively. Alternatively, implied consent hearings should not be postponed until the adjudication of underlying DUI/DWI offenses. TN

- Provide for all license revocation proceedings in cases of DWI offenders and those charged with chemical test refusals to be handled and adjudicated administratively by the DMV. NC

- Make driver-licensing decisions an administrative function performed by DMV. VA

- Eliminate the jurisdiction of magistrates to adjudicate the initial license revocation of defendants charged with DWI. Provide for initial license confiscation by the law enforcement officer upon arrest of a defendant for DWI. NC

- Rules should be adopted to guide the administrative review hearing process. The hearing officer should be empowered to enforce these rules. HI

- Place the point value for the first offense DWI at 8 points and the second offense at 12 points. This will allow the first-offense DWI offenders to retain their driver licenses. MD91

8. ADJUDICATION PROCEDURAL CHANGES TO ENHANCE PROSECUTION OF IMPAIRED DRIVING PROSECUTION INCLUDING SPEEDY TRIALS

- ** Allow introduction of all relevant impairment evidence, including the offender's refusal to submit to the implied consent test, hospital blood alcohol tests, and drug screens. VA

- ** Time standards should be prescribed by the Tennessee Supreme Court concerning the disposition of both felony and misdemeanor cases. Courts of all jurisdictions should be required to report the average age of all types of pending cases. Where a pending caseload for certain cases exceeds the prescribed standards, judges should be required to explain the reasons therefore and what remedial efforts will be undertaken to correct the situation. TN

- ** The legal determination of probable cause to believe that the arrestee operated a vehicle while under the influence of intoxicating liquor, or while having a 0.08 or greater BAC, or refused to submit to a test for alcohol, should be removed from the administrative process. Determination of probable cause is a judicial function and should be determined by judicial officers. HI

- ** The West Virginia Supreme Court should explore procedural mechanisms designed to reduce the delay resulting from the de novo procedures in the criminal justice system, e.g., immediate transfer to the Circuit Court upon request for jury trial or evidentiary limitations by reason of the available record. WV93
- ** Increase judges ability to monitor repeat offenders both pre- and post-trial and set in place appropriate bonds. MT94
- Promulgate rules of criminal procedure to provide for pretrial reciprocal discovery in all criminal cases heard in District Courts. NC
- Require all motions for continuance to be in writing with attached certificates of good faith stating the grounds therefore and that the motions are not interposed for purposes of delay. NC
- Promulgate rules of criminal procedure, similar to the Federal Rules of Criminal Procedure, that require all dispositive pretrial motions, such as motions to dismiss or to suppress, be filed in writing and stating the grounds therefore, and that such motions be heard prior to trial or be deemed waived unless good cause is shown. NC
- Accord all criminal defendants, by uniform rule of court or by statute, the right to a speedy trial whether misdemeanor or felon. TN
- Consider a constitutional initiative that would provide for trial by jury upon request without the need for an indictment by grand jury. Many states allow prosecutors to charge misdemeanors by direct information and/or to proceed to jury trial upon a uniform traffic citation. Requiring DUI/DWI cases to be presented to a grand jury and to be tried in courts that give priority to felony cases has resulted in delays of up to three years in the disposition of these cases. TN
- Simplify the current multitiered system of impairment standards with the goal of a uniform 0.08 standard for all OWI adjudications. WI93
- Legislation should be enacted to eliminate the current practice of allowing a trial de novo. MD91
- The State's Attorney Office in conjunction with the Administrative Office of the Courts should eliminate the routine application of Probation Before Judgment. MD91
- Eliminate the "stet docket" (essentially postponement) as a disposition for alcohol-related offenses. MD91
- Eliminate jury trials for first and second offense DWI offenders by reducing the maximum jail time to less than 90 days. MD91
- Seek legislation to allow judicial notice of Intoxilyzer results in DWI trials. TX
- No charge should be dismissed or "nolle prossed" without a written declaration by the State's attorney giving just cause and made a part of the court record. MD91
- Adopt the ABA minimum time standards for misdemeanor prosecution as a goal for all phases of the DWI judicial process. MD91

- The Court should adopt uniform continuances policies, including requirements that all continuances be based upon written motion. NM91
- The court should develop a standing comprehensive pre-trial order setting deadlines for discovery, witness and exhibit list exchanges, non-judicial plea negotiations, and pre-trial conferences and motions. This order may be initiated in jury trial cases on a pilot basis and should be developed in consultation with the offices of the district attorney and public defender. NM91
- Require prosecutors to present the court with all cases involving a person charged with DUI that were deferred by him/her on a previous DUI charge. Require prosecutors to give a list to the court of all cases they defer or deferred. IN01
- Allow all DUI-related offenses arising out of the same incident to be prosecuted and adjudicated in the same court. RI
- Limit the scope of implied consent suspension hearings to an informal review of the case on the record. OR
- Omit the jury instructions that allow the jury to determine the accuracy of the Intoxilyzer evidence based upon the presence or absence of observable symptoms of intoxication. OR
- Enact legislation providing that if a defendant opts to be tried without a jury in a Justice of the Peace Court, such trial shall constitute a final adjudication reviewable only by an appeal on the merits. DE
- Urge judges to demand that prosecutors present them with the criminal background records of all people charged with DUI before disposing of the case. IN01
- Update and distribute the judge's DWI Benchbook. TX

9. PROVIDE COURTS WITH SUFFICIENT RESOURCES TO ADJUDICATE/MANAGE CASE LOAD

- ** Courts should explore the feasibility of differentiated case management in the high-volume limited-jurisdiction courts. AZ
- ** Courts should develop effective monitoring systems to determine progress in achieving case processing time standards and compliance with court orders and judgments. The system should provide citation disposition reports to originating police agencies. AZ
- ** Provide support for courts to obtain or upgrade data processing equipment and to purchase and install Texas Manage System. TX
- ** Provide additional funding for use of retired judges in rural areas. MN03
- ** Courts should encourage programs designed to achieve the case processing performance standards goals including the disposition of misdemeanor DUI cases within 90 days. AZ
- Automated police officer scheduling modules should be enhanced to coordinate the multiple concurrent appearance demands upon individual officers for its own cases, district court appeals, and ALR hearings. NM91

- The State Administrative Office of the Courts should continue to provide State level leadership in the creation of comprehensive time standards for case dispositions modeled on those of the American Bar Association including a maximum of 120 days for the disposition of DWI cases. NM91
- Deal with the potential backlog of cases and dismissals due to time limit violations by having the court work with an organization, such as the National Center for State Courts, to develop a calendar management process to help move cases through the system, without the need for a trial setting on every case. By reducing the trial settings, the problems of numerous and unnecessary summons for officers could also be reduced. MD
- Seek enhanced technology through a planning process that will provide for implementation that allows State and local systems to share calendar management and improves communications and access to records. ND
- Consider funding full-time magistrates who are appointed to share the workload of contiguous counties or districts. ND
- Develop programs in cooperation with law enforcement to reduce bench warrants. GA
- Trial courts should explore the feasibility of differential case management of DWI cases, such as fast-tracking of selected cases. TX
- Trial courts should establish recognized goals for timely processing of DWI cases and develop effective monitoring systems for measuring progress in achieving those goals. TX
- Institute a case management system for DUI cases and grant continuances only as permitted by rules designed to curtail the unwarranted continuation of the proceedings without just cause. WV93
- Allocate sufficient court resources to allow for swift adjudication of DUII cases. OR
- Provide hard-line or computer teleconferencing capability for local judges. MN03
- There should be an increase in the number of hearing officers and appeal attorneys on the Department of Revenue staff. MO
- Courts and other agencies involved in enforcement of sanctions for alcohol-related violations should work to implement the recommendations of the DUI/Case Processing Delay Task Force. AZ

10. LIMIT/PROHIBIT PLEA BARGAINING/CHARGE REDUCTION

- ** Encourage judges not to approve a prosecutor's request for a reduction of a charge of DUI to a lesser offense without good cause and to record the reasons for the reduction of all such charges on the case docket sheet. IN01
- ** Eliminate the current unlawful process of plea bargaining, charge dismissal and courts ordering multiple offenders to be treated as first offenders. TN
- Reduction of OUIL/UBAC to OWI should be prevented by making OWI penalties the same as OUIL/UBAC. MI

- Fines are part of the deterrent aspect of punishment and should be waived only in cases of extreme hardship. Judges should be required to increase useful public service in cases where fines are not imposed. CO

11. REDUCE/ELIMINATE DEFERRAL OF CHARGES

- ** Prohibit deferred sentencing in DUI cases. MT94
- ** Encourage judges to question the deferral of cases by prosecutors. IN01
- Statutorily prohibit suspended imposition of sentence for DWI. NM95
- Encourage judges not to divert DUI cases without good cause and then to document the same by placing the reason for the diversion on the public record. IN01

12. SENTENCING GUIDELINES/ALTERNATIVES

- Develop a new set of model sentencing guidelines consistent with the innovations of the past several years, and have the central administrative offices of the court provide them for use throughout the State. CA
- Standardize punishment of DUI offenders including minimum sanctions for first and repeat offenders. VA
- Consider implementing laws requiring mandatory minimum jail sentences that increase with each subsequent offense. MD
- Increase incarceration penalties available to judges sentencing both first-time and repeat offenders for the crimes of felony death by motor vehicle and involuntary manslaughter involving DWI. NC
- Driving While License Revoked should receive appropriate sentences including jail time. AK
- Develop a more rational system of alternative sentencing with defined criteria for implementation. WV93
- The Court should make further attempts to develop a court-wide sentencing matrix for all DWI offenses covering all commonly used sentencing alternatives. NM91
- Judges should implement and enforce mandatory-sentencing laws as they apply to abuse, license suspensions and ignition interlock. MO
- All courts should be encouraged to use as an appropriate sentencing option the Maryland Comprehensive Drinking Driver Program as agreed in the MOU dated Sept 15, 1989, and signed by DOH, the Department of Public Safety, DOT and the Court of Appeals. MD91.
- The development of standards for all court sentencing alternatives and referral options should become a top priority. This effort should include sentencing options involving treatment, offender remedial services, warrant services, and delivery of various judicial or court support services. NM91

13. SENTENCING CONSISTENCY

- Expand Victim Impact Panels to all counties to assure consistency of punishment. OR

- Conduct a sentencing review to establish consistency. CO
- The Texas Supreme Court should establish a clear policy that enunciates the need for uniformity and consistency of rules, processes, and procedures in adjudication and sentencing throughout the courts statewide. TX

14. EVALUATE DISPARITIES IN CONVICTION RATES

- Investigate and determine the cause for disparity in conviction rates for DWI offenses in the various District Courts and among individual District Court Judges. NC
- Request HSRC to evaluate the disparity in conviction rates. NC95

15. JUDICIAL OVERSIGHT

- Discipline judges who overtly refuse to uphold their oath to obey and follow the law. MT
- Courts should be supervised by an oversight entity to determine that prohibitions against plea bargaining, withholding of adjudication, treatment of recidivists as first offenders, and other improper dispositions of DUI/DWI cases are adhered to. TN
- The Judicial Council should evaluate and report on the judges sentencing follow-through. AK

16. PROVIDE JUDGES WITH THE CAPACITY TO ENSURE OFFENDER SCREENING AND TO HAVE APPROPRIATE TREATMENT CAPABILITIES AND RECORDS AT THEIR DISPOSAL.

- Provide that the statewide screening system be used by all courts in cases of DWI conviction. NM
- Ensure that certified substance abuse counselors provide alcohol assessment data to the court system for structuring individualized sanctions. Provide judges with ready access to current driver histories prior to sentencing. GA

17. PROVIDE JUDGES/THOSE WHO HEAR ALR APPEALS WITH EDUCATIONAL OPPORTUNITIES TO ASSIST THEM TO APPROPRIATELY ADJUDICATE IMPAIRED DRIVING CASES.

- ** Follow through with DUI/substance abuse training for judges as outlined in the Highway Safety Plan. CT93
- ** Mandate DUI judicial education for all judges who hear DUI cases and provide yearly continuing education courses on this and related topics. IN01
- ** Include, in judicial DUI curriculum, the dynamics of alcoholism and alcohol abuse, and the manner in which courts can reinforce the characteristics of enabling, co-dependence, and denial for the alcoholic or alcohol abuser. IN01
- ** Provide education and training to court support staff on the importance of their roles and the significance of their work in enforcing sanctions on impaired drivers. AZ
- ** Develop funding for judicial training, particularly for DUI and alcohol- and drug-related offenses. Colorado should consider a \$2.00 violator

surcharge on traffic offenses that would be dedicated to police and judicial training. CO

- ** Education and training of judges in DWI adjudication, sentencing and treatment alternatives, and in technical evidence procedures such as SFST and DRE should have the highest priority. TX

- ** Provide substantive DUI education regularly to all judges who adjudicate DUI cases and include SFST and HGN curriculum. RI

- ** Provide extensive magistrate education to encourage consistent application of the law and consistent sentencing of DUI offenders throughout the State. The assessment team strongly recommends that some judges from West Virginia should attend the Traffic Course program offered by the National Judicial College. WV

- ** Organize and implement, through the Administrative Office of the Courts, a comprehensive in-State pre-bench new judges education and training program with specific components devoted to the adjudication of DWI offenses. NC

- ** Regular training for ALR hearing officers and per diem judges should occur. The training should cover the administrative adjudication process, DUI laws and legal issues, and the dynamics and characteristics of people who abuse alcohol and drugs. HI

- ** Conduct an annual or at least biennial training conference for judges focused specifically on impaired-driving issues. NHSTA has provided grant money to the ABA's National Conference of Special Court Judges to provide traffic seminars on a regional basis. Maryland's Highway Safety Office might consider inviting them to make their presentation in Maryland in conjunction with their office. MD

- ** Survey the judges to determine their educational needs concerning detection technology and treatment strategies for alcohol and other drugs. VT

- ** Judges should be required to obtain training in the adjudication of DUI/DWI cases before ascending to the bench and at regular intervals thereafter. Such mandatory judicial education should be administered through the Administrative Office of the Courts. TN

- ** Include within DUI judicial education a curriculum that teaches the dynamics and character traits of alcoholism and alcohol abuse, and the ways in which court practices can serve as tools of enabling, co-dependence, and denial for the alcoholic or alcohol abuser. MT

- ** Develop bench books with trial processing guidelines, analysis of potential legal issues and a compendium of current case law for those judicial officers unable to attend the training. Take advantage of material produced by NHTSA, such as "A Guide to Sentencing DUI Offenders" (March 1996) and "Sentencing and Disposition of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors " (2000) MD

- Develop a formal and continuing impaired-driving education program for judges. Components should include presiding over trials to the court and jury trials, trial court management strategies, ethical issues in adjudication of impaired-driving cases, personal-use considerations, and science-based information about alcohol and other drugs. The alcohol and other drug science segments should be prepared and presented by those who are experts in their fields. If magistrates or referees handle impaired-driving cases, they should

be included in any impaired-driving education program. The programs should be sequenced and repeated for new judges and referees. Investigation of the use of distance education technology is also recommended. ND

- Provide a comprehensive program of pre-bench and continuing judicial education for all judges, justices of the peace, and administrative hearing officers. Such education should provide instruction on issues of law and evidence routinely encountered in the trial court adjudication of DUI cases and administrative adjudication of driver license issues. DE

- Work with the North Dakota Supreme Court to amend CLE requirements for all judges to include a minimum number of hours of impaired-driving education for each reporting period. ND

- Provide additional judicial training in DWI cases involving drug intoxication. NM

- GHSO should provide assistance to the Ohio Judicial College to develop a strategic plan for the education of judges and court staffs around the improvement of the adjudication of impaired driving. OH

- Provide more frequent DUI education to district court judges. MT

- Continue and expand training of judges to include the role of the judge in traffic safety and the deterrence of alcohol and alcohol abuse. VA

- Continue to provide annual training for judges with emphasis on DUI-related topics. GA

- All judges should have regular training on dealing with the dynamics and characteristics of people who abuse alcohol and drugs. HI

Educate trial judges as to their duty to follow the law as it exists and to comply with the Canons of Judicial Conduct. MT

- Continue to provide annual training for judges with emphasis on DUI-related topics. GA

- Provide administrative hearing officers with annual training on recent developments in the law. GA

- Maintain an on-going component on DUI laws, procedures and sentencing guidelines for judicial continuing education. CA

- Secure funding for judicial continuing education use related to DUI adjudication programs. RI

- Mandate recurring training of judges to include the enforcement, administrative and treatment aspects of the DUII program. OR

- Use standard DUI curriculum developed by NHTSA and the National Judicial College. RI

- All of the Missouri judiciary should receive education and training on the mechanics and operation of breath-testing equipment. MO

- Judges should receive education on the implementation and administration of "Abuse and Lose" sanctions, and the use and effect of ignition interlock devices. MO

- Provide education and training to court staff regarding the importance of processing DWI cases expeditiously and in the use of uniform procedures for processing and reporting DWI data. TX
- Provide guidelines and training to support the constructive and ethically appropriate interactions between judges and advocacy and monitoring groups. WI
- Work with the Office of the State Courts Administration to secure additional judicial education opportunities particularly to help dispel the confusion around the evidentiary issues of the blood alcohol concentration. WI
- Grant funds should be made available for additional judicial training. MD91
- The Alaska Highway Safety Planning Agency should assist the Judicial Administration to secure funding for DWI-specific training for judges. AK
- The State Court Administrative Office should seek funding to enable Michigan judges to seek education on a national level. MI
- Office of Highway Safety Programs should re-establish its partnership with the Michigan Judicial Institute to provide appropriate education for judges. MI
- Education and training of judges and ALR officers on DUI adjudication issues should remain a high priority. AZ
- The Judicial College should explore the potential for modifying the prosecutor's PC-based interactive training program for use by judicial officers. AZ
- Provide training for the judges in SFST/HGN/DEC and in the nature of addiction and the need for appropriate treatment. NC95
- Offer DUI training as part of the Connecticut Judges Institute. CT00
- Develop alternative methods for providing DUI education to judges on a demand basis through CD-ROM or Internet-based education. CT00
- Make training competency-based. MT94
- Require judges to receive in-depth training about DUI, alcohol abuse, and youth. MT94
- Develop and implement a DUI module as part of the pre-bench educational program for new judges now in existence. CT00
- The judicial education program presently under development through the University of New Mexico Law School should include specific course modules covering DWI case management, adjudication, sentencing options, and related issues. NM91

18. ADJUDICATION OF YOUTHFUL OFFENDERS

- ** Clarify and strengthen the adjudication process for juveniles; ensure that youthful offenders are being dealt with in a manner that will impress

upon them the seriousness of their offense and guide them toward responsible behavior. TX

- Return jurisdiction of juvenile DUI offenders to adult court, or train and educate family law judges in DUI law. IN01

- Educate judges on the need to use the juvenile denial law to change the behavior of juveniles. OR

- Include the judges and magistrates in the planning and implementation of a Youthful Impaired Driving Prosecution and Adjudication seminar. ND

- Have the general district courts adjudicate juvenile traffic offenders. VA

- Consider funding juvenile probation programs that encourage early intervention and treatment of youthful DUI offenders. WV93

- The Ohio Judicial Conference should investigate the potential of juvenile holdover programs. OH

- Include within DUI judicial education curriculum that is sensitive to juvenile alcohol issues. MT

- The risk to public safety and juvenile well-being of the current release practices for those still impaired at the time of the release should be studied by a committee of judges, knowledgeable medical practitioners of addiction treatment, and youth development specialists. OH

19. PROVIDE ADEQUATE STAFFING OF PROBATION AND PAROLE PROGRAMS WITH THE NECESSARY RESOURCES TO MONITOR AND GUIDE OFFENDER BEHAVIOR.

- ** Provide for State funded supervised probation of DUUI offenders to monitor compliance with diversion and court ordered sanctions. OR

- ** The Department of Corrections should implement an intensive supervision program for repeat offenders in each of the counties. MN95

- ** Provide adequate general revenue funding for probation services to all courts adjudicating DWI cases. NM

- ** Make probation services available to all courts adjudicating DUI. MT

- ** Re-assign supervision of probation officers to the judicial system and away from the Department of Corrections. Provide resources to courts and allow them to hire probation officers. MT

- Provide additional probation and treatment services to rural areas. MN03

- Improve probation services available to all courts adjudicating DUI/per se. RI

- Probation supervision should be provided to all DWI offenders. MO

- Encourage the defense bar to become active in planning the rehabilitation process of its clients. CA

- The court's probation division should develop DWI offender typologies incorporating concepts of reduced caseloads for specialized offender groups

(including intensive case management strategies and emphasis on more severe, punitive sanctions for multiple offenders). NM91

- Provide probation services to all DWI sentencing courts. NM95
- Use a comprehensive probation supervision programs to require DUI offenders to complete conditions to accomplish deterrence, rehabilitation, and restitution. DE
- Expand statewide jail facilities to include a unit dedicated to repeat DUI offenders in order to provide alcohol rehabilitation services. WV
- Verify that defendants are in compliance with all court orders. GA
- Develop a more formal system to follow up on offender compliance with court sentences. CO
- A misdemeanor probation function should be formally established to track offenders' compliance and assignments made to it as soon as possible. It should be funded by fees paid by defendant. AK

20. AVAILABILITY OF ENHANCED SANCTIONS

- ** Develop effective additional and uniformly available sanctions including:
 - community service as primary sanction and secondary for repeat offenders;
 - develop OWI sanctioning alternatives without mandatory jail sentences that allow the use of probation to encourage creative judicial sentencing and post-conviction offender supervision;
 - use of the "day fine" or income-determined fee or fine as a judicial option in place of current fees and fines as appropriate;
 - consideration of a felony charge for the fourth or subsequent OWI offense as a means to address incorrigible offenders through a full range of penalties and sentencing options. [what state?]
- ** Michigan should plan an alternative sentencing program and fund a penal/treatment facility dedicated to repeat drinking drivers. MI
- Application of enhanced penalties should be more vigorously pursued. Available enhanced sanctions should include, but not be limited to, community work service programs, minimum monetary penalties, alcohol and other drug assessments, driver improvement programs, minimum jail time, in-house arrest, supervised probation, alcohol and other education and treatment. MD91

21. EVALUATION/ANALYSIS

- Evaluate the success of the "Fast Track" program and, if appropriate, see if it can be replicated in other counties. MN03
- Conduct a study on the cost-effectiveness of having 6-person juries versus the current 12-person jury and its impact on the court system and the citizens who are called to sit on those panels. CA
- Evaluate the specialized DWI court presently operating in Mecklenburg County (District Court 26) in terms of reducing recidivism of defendants and for replication in other counties. NC

- Conduct a study to compare the recidivism rate of those given probation before judgment versus those convicted and sentenced on their first offenses to develop an understanding of what actually has an impact on offender behavior. While much concern has been raised about the use of PBJs and many would like to see the option deleted from the books, the process is very ingrained in the criminal justice system. If hard data show that those who get PBJs are very likely to re-offend, this would help develop the support needed to make such a major change. MD

- Based on data, rather than institutional response, a separate statewide task force should be created to study the issue of alcohol and drug involvement to include enforcement, prosecution, adjudication, assessment, and treatment relative to juveniles. MD91

22. COURT INFORMATION AND RECORDS

- ** Promote and support the planning and implementation of interagency connectivity through compatible management information systems that allow data information and offender records to be easily accessed and used to promote the improved adjudication of impaired-driving offenses. VT

- The State Administrative Office of the Courts should actively seek interagency solutions to statewide court information and records needs with various agencies, including the State Motor Vehicle Division. NM91

- Remind judges of the need to keep and forward to the appropriate State repository all court case disposition records, especially those concerning DUI charges. IN01

- Devise procedures to insure that all DWI convictions are promptly and accurately reported. NM

- Support building a connected information management system to streamline the records transfer between the courts, their clerks, and other agencies, such as the DMV. VT

- The Ohio Supreme Court Committee on Technology should be a member of the Ohio Traffic Records Coordinating Committee. OH

- Priority funding should be assigned to completion of the automation of the circuit courts. MD91

- Develop standardized record keeping requirements and definitions for courts that are not automated. TX

- Ensure that clerks comply with data entry and reporting time standards. CO

- Include a representative of the administrative office of the court in any requirements study and eventual computer design for information management systems involving DUI cases. WV93

- To reduce DWI case dismissals, a direct reporting capability from the court to police agency administration should be developed to provide notification of officer failures to appear. NM91

- Tennessee should require the use of uniform traffic citations for the purpose of charging all traffic offenses and courts should be required to account for the disposition of all such cases to the DOS. TN

23. AVOIDANCE OF POTENTIAL ETHIC/CONFLICT OF INTEREST

- Part time municipal judges should be directed to refrain from practicing criminal law either as a prosecutor, city attorney, or defense attorney. MO