



# The Working Group

on DWI System Improvements  
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## Impaired Driving & Road Safety Leadership



## Traffic Injury Research Foundation

The vision of the Traffic Injury Research Foundation (TIRF) is to ensure people using roads make it home safely every day by eliminating road deaths, serious injuries and their social costs. TIRF's mission is to be the knowledge source for safer road users and a world leader in research, program and policy development, evaluation, and knowledge transfer. TIRF is a registered charity and depends on grants, awards, and donations to provide services for the public. Visit [www.tirf.ca](http://www.tirf.ca).

### The Working Group on DWI System Improvements

In 2004, Traffic Injury Research Foundation (TIRF) formed a Working Group on DWI System Improvements, a prestigious coalition of senior leaders of organizations representing frontline professionals in all segments of the criminal DWI system (law enforcement, prosecution, judiciary, supervision, and treatment). Visit [dwiwg.tirf.ca](http://dwiwg.tirf.ca).

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# Introduction

Research has demonstrated a clear link between impaired driving and other risk-taking behaviors on the road among at least a segment of impaired driving offenders (Simpson et al.1996; Jones and Lacey 2001; Syrcle and White 2006; Wieczorek and Nochajski 2005; Liu, Huang, & Pressley, 2014; Bogstrand et al., 2015; Valen et al., 2019). In addition, preliminary research in 2020 studying the effects of the COVID-19 pandemic, combined with significant reductions in traffic enforcement, suggests some disturbing trends with respect to risk-taking among drivers. Collectively, these issues may have a significant and negative impact on the effectiveness of current impaired driving interventions, and road safety strategies more generally. Hence, an examination of these tools and approaches in the broader context of a growing demand for changes in law enforcement practices is timely to reflect on the importance of strong leadership to prioritize road safety.

As such, the Working Group on DWI<sup>1</sup> System Improvements held a series of four virtual meetings in November 2020 to explore the link between impaired driving and other high-risk driving behaviors, and the potential implications that the pandemic, combined with declines in traffic enforcement, may have on road safety. Topics discussed included perceived challenges related to:

- the prevention of road fatalities and injuries;
- the equitable enforcement of traffic laws; and,
- justice system responses to those violations.

The purpose of the 17th annual meeting was to identify and create strategies to help refocus and reprioritize road safety leadership, enforcement, prevention, and intervention initiatives with a particular emphasis on impaired driving and related risks.

<sup>1</sup> The abbreviation DWI (driving while intoxicated or impaired) is used throughout this report as a convenient descriptive label, even though some states use other terms such as OUI (operating under the influence) or DUI (driving under the influence), and in some states, they refer to different levels of severity of the offense. We have used DWI not only to maintain consistency throughout the report but also because it is more descriptive of the offense usually associated with drunk drivers.







# Impaired driving & risk-taking on the road

Recent fatality and self-report data demonstrating the prevalence of impaired driving in the U.S. is cause for concern. During the past few years, progress has waned and more recently a reversal in progress has been observed. This situation illustrates how easily hard-won gains reducing this problem may be lost, while underscoring the importance of strong leadership to reprioritize it. Moreover, research demonstrating the link between impaired driving and other forms of risk-taking on the road shows that the potential for sustained increases in the frequency of other risks, such as speeding and distraction, is real and the risk-taking for driving and impaired driving may be a deeper characteristic for some alcohol-dependent people. As such, this section summarizes data to quantify the magnitude of these risks to help reprioritize road safety. It also shares research regarding the link between impaired driving and other traffic violations.

## Impaired driving fatalities

During the past decade, there has generally been a steady declining trend in road fatalities and impaired driving fatalities across the U.S. This progress continued to be apparent and significant when comparing 2018 to 2019 Fatality Analysis Reporting System (FARS) data. According to National Highway Traffic Safety Administration (NHTSA, 2020), the 2019 FARS data showed reductions in fatal motor vehicle traffic crashes (a 2% decrease or 739 fewer than 2018). This occurred even while total vehicle miles traveled (VMT) increased by .08%, resulting in a fatality rate of 1.10 fatalities per 100 million VMT, the lowest rate since 2014. In fact, fatalities decreased in most major road safety categories from the previous year. More specifically, the FARS data revealed decreases in the following categories:

- 568 (5.3%) fewer alcohol-impaired driving fatalities (this is the lowest percentage of alcohol-impaired driving fatalities of all driving fatalities since data collection on alcohol began in 1982);
- 630 (2.8%) fewer passenger vehicle occupant fatalities;
- 169 (2.7%) fewer pedestrian fatalities;
- 25 (2.9%) fewer pedalcyclist fatalities; and,
- 813 (4%) fewer urban fatalities.



But, more recently, the COVID-19 pandemic and resulting public health emergency impacted impaired driving fatalities in the U.S. A NHTSA study (Thomas, Berning, Darrah et al., 2020) examined alcohol and drug prevalence among seriously and fatally injured roadway users before and during COVID-19 in five cities; Charlotte, Jacksonville, Miami, Baltimore, and Worcester. The *before* data analysis included data from September 10, 2019 to March 16, 2020; the *during* data was collected March 17 to July 18, 2020. The study revealed the percentage of alcohol-positive drivers increased from 21.8% before COVID-19 to 28.3% during COVID-19 (Thomas et al., 2020). Further, cannabis positive drivers increased from 20.8% before to 32.7% during COVID-19 (Thomas et al., 2020). Seriously and fatally injured drivers had a higher overall drug prevalence during the public health emergency with 64.7% of drivers testing positive for at least one active drug, compared to 50.8% before the public health emergency (Thomas et al., 2020). The number of drivers testing positive for alcohol and one other drug (i.e., cannabinoids, stimulants, sedatives, opioids, antidepressants, and over-the-counter) increased from 6.8% during the before period to 10.9% during COVID-19 (Thomas et al., 2020). The authors described the increase in impaired driving during the COVID-19 pandemic as a function of a variety of factors, including normal seasonal differences in drugged driving, differential driving patterns for users and non-users during COVID-19, and an increase in impaired driving during the public health emergency due to personal factors, such as stress.

Perhaps more concerning, preliminary crash data for the first half of 2021 (January-June) showed an estimated 20,160 people died in motor vehicle crashes. This represents an 18.4% increase compared to 17,020 fatalities projected in the first half of 2020 (NCSA, 2021). Additionally, this represents the largest number of fatalities during the first half of the year since 2006, as well as the highest half-year percentage increase in the history of data recorded by the Fatality Analysis Reporting System (FARS) (NCSA, 2021).

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### **Self-reported impaired driving and other risk-taking among drivers**

In the sixth annual Traffic Injury Research Foundation (TIRF) USA Road Safety Monitor (RSM) survey of U.S. drivers' road safety attitudes and behaviors, Woods-Fry et al. (2020) noted a significant percentage of respondents indicating they had engaged in dangerous driving behaviors. Nearly one in ten (9.4%) drivers stated they had driven when alcohol-impaired, and 11.8% indicated they had driven while marijuana-impaired. Also, a small but significant proportion of drivers indicated a likelihood they would be more likely to take risks during the pandemic. This helps explain the preliminary data during the first half of 2020 showing an increase in speeding, impaired driving, and fewer but more severe crashes during the pandemic (Hughes et al., 2020; Thomas et al., 2020).

According to Woods-Fry et al. (2020), other risky driving behaviors respondents disclosed they had often or very often engaged in were:

- Speed through a traffic light – 16.7%
- Speed well over the limit – 14%
- Fatigued driving – 13.1%
- Talking on telephone while driving – 12.3%
- Driving distracted – 11.9%
- Driving without a seatbelt – 11.1%
- Texting while driving – 10%



Interestingly, most drivers did not change their driving behavior during the pandemic. Positively, a proportion of drivers indicated they were more careful during the COVID-19 pandemic, and not as likely to engage in certain risky driving behaviors.

### Link between impaired driving behaviors and other risk-taking

Impaired driving is not an isolated high-risk driving behavior in some offenders, meaning some individuals who drive while impaired may also have a history of other unsafe and/or high-risk driving behaviors (Beirness et al. 1997). Indeed, research has demonstrated that a proportion of impaired driving offenders may also have a history of other driving violations as well as other criminal history. Impaired drivers are less likely to use seatbelts, receive more traffic citations, and have more involvement in crashes. They have often been compared to high-risk drivers<sup>2</sup> (McMillen et al. 1992a; Gebers and Peck, 2003; Robertson et al., 2010; Liu, Huang, & Pressley, 2014; Bogstrand et al., 2015; Valen et al., 2019). A 2019 study compared impaired drivers with sober drivers to examine differences in risky behavior. Results revealed that, compared to sober drivers, impaired drivers were more likely to have previous driving offenses including:

- speeding (68% versus 32%),
- not using a seatbelt (69% versus 30%), and
- driving without a valid driver license (26% versus 1%) (Valen et al, 2019).

An analysis of fatality data in Canada also revealed the prevalence of alcohol among drivers killed in road crashes who had engaged in other risky behaviours. According to TIRF's National Fatality Database<sup>3</sup>, between 2014-2018, among fatally injured drivers the following had been drinking:

- distracted drivers (25.7%);
- speeding drivers (50.6%);
- fatigued drivers (21.3%);
- drivers positive for drugs (39.2%); and,
- drivers not using safety equipment (50.2%).

These results further highlight the proportion of impaired drivers who also partake in high-risk driving behaviors, which is consistent with research showing impaired drivers typically demonstrate a range of poor driving behaviors and/or have been involved in road crashes (Beirness et al. 1997; Jones and Lacey 2001; Labrie et al. 2007; Taxman and Piquero 1998; McMillen et al. 1992b; Scott-Parker & Downs, 2014; Bogstrand et al., 2015; Valen et al., 2019). This may also bring them into contact more frequently with police and increase the potential for an impaired driving arrest (Nochajski and Stasiewicz 2006).

Moreover, the propensity for other driving and criminal offenses appears to be more pronounced among repeat offenders (Hallstone, 2013; 2014; Linn et al., 2016). They are more likely to have a history of traffic offenses and to have been involved in crashes more frequently than drivers convicted of a first impaired driving offense (McMillen et al. 1992a; Nochajski and Wieczorek 2000; Wieczorek and Nochajski 2005; Wanberg et al. 2005; Syrcle and White 2006; Begg, Brookland, & Connor, 2017) according to official records and/or self-report data. Of importance, a

<sup>2</sup> High-risk drivers refer to a small population of drivers who repeatedly engage in a variety of hazardous or dangerous driving behaviors such as speeding, red light running, drinking/drugs and driving, and non-use of seatbelts, and who are more resistant to traditional interventions and sanctions.

<sup>3</sup> TIRF's National Fatality Database was initially developed in the early 1970s to serve as a comprehensive source of objective data on alcohol use among persons fatally injured in motor vehicle crashes occurring both on and off public highways in Canada. It contains records of persons fatally injured in any motor vehicle crash for seven provinces (from 1973 to 2018) and all Canadian jurisdictions (from 1987 to 2018). A motor vehicle fatality is defined as any person dying within 12 months as a result of injuries sustained in a collision involving a motor vehicle (Mayhew et al., 1999).



poor driving record, including offenses both prior to and following the initial impaired driving offense, is predictive of recidivism (Peck et al. 1994; Rauch et al. 2002; Wieczorek and Nochajski 2005; Cavaiola et al. 2007; Liu, Huang, & Pressley, 2014). However, reliance solely on driving records to identify these drivers can be problematic due to gaps in reporting and record systems (Simpson and Robertson 2001; Nochajski and Stasiewicz 2006).

There are limited data to suggest a smaller number of female impaired driving offenders relative to males have a history of other traffic offenses or criminal offenses, although more research into this topic is needed.





# The pandemic & road safety

The COVID-19 pandemic has had many and varied effects on road safety with respect to traffic volumes, the use of public transportation and road fatalities. In addition, it has had an impact on risk-taking on the road more generally as well as substance use specifically. An overview of some of the latest data and research is summarized below.

## Effects of the COVID-19 pandemic on road safety

Traffic volumes and public transportation. The economic downturn and large increases in unemployment during the second quarter of 2020 produced changes in traffic and behavioral patterns and created unique conditions on the road. These outcomes deviated from previous trends showing declines in risk-taking and fatalities. Historically, economic downturns (i.e., 2008) have produced lower instances of risky driving behaviors such as alcohol-impaired driving and speeding. The public health emergency restrictions and guidelines limited travel, resulting in a sharp decline in VMT. This led to a reduction in the number of crashes and crash fatalities reported in the U.S. But during the same period there was an increase in the fatality rate per 100 million VMT.

Wagner et al., (2020) reviewed driver behavior changes occurring during the start of the COVID-19 pandemic, with an emphasis on the second quarter (Q2) of 2020. The authors, supported by NHTSA, documented the impact on speeding and other dangerous driving behaviors (e.g., not using seat belts) and changes in the use of countermeasures like traffic enforcement, public communications, and outreach. Surprisingly, there was a fatality rate during Q2 of 1.42 fatalities per 100 million VMT, which was significantly higher than the historically consistent Q1 rate of 1.10 fatalities per 100 million VMT. Based on state and national data, the authors suggested possible factors for the sharp increase in fatalities included: less congested roadways resulting in higher average travel speeds and greater speed variability; a decrease in seat belt use; and less traffic enforcement due to efforts to minimize the risk of exposing law enforcement personnel to the coronavirus.

At the same time, the COVID-19 pandemic also dramatically limited reliance on alternative modes of travel (e.g., public transit, ride sharing). This resulted in more people choosing to use their personal vehicles more often, with some of these drivers becoming less confident behind the wheel as a result of less frequent driving after the peak of the pandemic.

**Road fatalities.** Examination of early 2020 traffic fatality projections, combined with previously described results of surveys of driver attitudes and behaviors during the COVID-19 pandemic, provide evidence of a reversal of the significant progress previously gained in reducing road deaths. According to National Center for Statistics and Analysis (2021), although U.S. drivers drove fewer miles in 2020, preliminary estimates from NHTSA indicate an estimated 38,680 motor vehicle traffic crash deaths in 2020, or an increase of 7.2% compared to the 36,096



fatalities in 2019. This occurred despite a 13.2% decrease in 2020 VMT (430.2 billion miles) from 2019, resulting in a fatality rate of 1.37 fatalities per 100 million VMT compared to 1.10 fatalities per 100 million VMT in 2019. Conversely, the early estimates showed fatalities increased in most major categories over 2019:

- passenger vehicle occupants (23,395, up 5%);
- motorcyclists (5,015, up 9%);
- pedalcyclists (846, up 5%); and,
- pedestrians (6,205, no change).

Additionally, as reviewed by NHTSA, the largest increases from 2019 to 2020 arose in the following crash factors and demographics:

- non-Hispanic Black people (up 23%);
- occupant ejection (up 20%);
- unrestrained occupants of passenger vehicles (up 15%);
- speeding-related crashes (up 11%);
- during nighttime (up 11%);
- during the weekend (up 9%);
- in rollover crashes (up 9%);
- in single-vehicle crashes (up 9%); and,
- in police-reported alcohol involvement crashes (up 9%).

With respect to the number of annual pedestrian fatalities specifically, there are many factors which can play a role, including the economy, population growth, demographic changes, weather, fuel prices, VMT, the amount of time people spend walking and the overall resources available to support highway safety programs. According to projections by the Governors Highway Safety Association (GHSA, 2021), their projected pedestrian fatality rate per billion VMT during the COVID-19 pandemic rose 21% in 2020 (6,721 vs. 6,412 fatalities) due to an increase in speeding, distracted and impaired driving, and other dangerous driving behaviors. Most pedestrian fatalities occurred at night. Based on data from 50 State Highway Safety Offices (HSO) and the District of Columbia, this projected increase in pedestrian deaths occurred despite a 13.2% reduction in VMT nationwide, or 2.3 deaths per billion VMT compared to 1.9 deaths per billion VMT the previous year. The report by GHSA did highlight that this disturbing increase was tempered by declines in pedestrian deaths in 20 states and the District of Columbia compared to 2019. Nine states reported double-digit decreases which were attributed to evidence-based strategies like engineering and road design, high visibility and automated enforcement, pedestrian safety audits, and children and crash bystander education.

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**Substance use.** Additionally, a 2020 Recovery Village<sup>4</sup> survey of 1,000 American adults (ages 18 and older) indicated there was an increase in alcohol and drug use to cope with pandemic-related stresses. The survey showed respondents most commonly used:

- alcohol – 88%
- marijuana – 37%
- prescription opioids – 15%
- benzodiazepines, such as Xanax – 11%
- prescription stimulants, such as Adderall – 10%
- cocaine – 9%

Additionally, many respondents reported higher rates of drug and alcohol use. Among respondents:

- 55% reported an increase in past-month alcohol consumption, with 18% reporting a significant increase;
- 36% reported an increase in illicit drug use; and,
- in the states hardest hit by the coronavirus, 67% reported an increase in past-month alcohol consumption, with 25% reporting a significant increase.

## Effects of the COVID-19 pandemic on the criminal justice system

As the national response to COVID-19 unfolded, the national, state, and local criminal justice systems (e.g., law enforcement, courts, supervision) had to identify new strategies to continue to respond to and process their responsibilities, not only with respect to traffic offenses, but also criminal offenses. Given the rapid spread of this contagious virus was not yet fully understood, the importance of even the most basic and normal ongoing daily functions needed to be defined, discussed, debated, and prioritized. The simplest tasks had to be reconsidered to accommodate physical distancing and the challenge of wearing protective equipment, and police agencies had to determine the importance of such duties as roadside alcohol breath testing. Courts first shut down completely; when they reopened, they had to prioritize cases. Jails were reluctant to bring in new detainees while trying to figure out how to maintain physical distancing in a confined space. Supervision officers needed to find ways to use technology to maintain supervision contact with their pretrial defendants, probationers, and parolees.

An overview of some of the most significant implications for criminal justice processing follows:

**Task forces and prevention campaigns.** The worldwide pandemic and associated physical distancing imperatives unfortunately hindered and altered road safety prevention and traffic enforcement efforts. Due to shuttering of offices and businesses to comply with physical distancing mandates in 2020, many state and local impaired driving task forces met virtually instead of in person, met less often, or, in some cases, not at all. NHTSA re-scheduled the April 2020 Distracted Driving Month Campaign to October 2020 and rescheduled the May 2020 National Click it or Ticket (CIOT) mobilization to November 2020 while procedures were developed, tested, and put into place for virtual planning and kick-off events. Consequently, there was an absence of public service road safety campaign efforts for the first half of 2020. The reduced or postponed efforts significantly limited road safety advocacy, accountability, and new initiatives.

**Police traffic enforcement.** Traffic enforcement stops were greatly reduced or hampered because of the COVID-19 pandemic. Physical distancing protocols and incomplete knowledge of how the coronavirus was transmitted created uncertainty, confusion, and even paralysis leading to changes in traffic enforcement policies. Several Working Group members reported, at least anecdotally, they observed or were informed of reduced traffic enforcement in

<sup>4</sup> The Recovery Village Drug and Alcohol Rehab delivers comprehensive treatment services for substance abuse and co-occurring mental health disorders. With locations across the country, Recovery Village offers patients a full continuum of care, including medical detox, residential services, and outpatient programs.



several states and localities. For example, the Virginia Alcohol Safety Action Program (VASAP) observed an estimated 20% reduction in traffic enforcement prior to the pandemic and a 40% reduction in traffic enforcement during the pandemic as evidenced by declining average numbers of participants. Their assertion is supported by a survey conducted by the International Association of Chiefs of Police (Lum et al., 2020), which revealed more than 50% of the more than 1,000 responding law enforcement agencies enacted policies that explicitly reduced proactive enforcement including traffic enforcement, in both March and May 2020 when the survey was fielded. Police agencies required time to adjust safety protocols for traffic stops to respond to this unprecedented situation (e.g., how to administer roadside alcohol breath tests). The effective strategies of high visibility enforcement campaigns were postponed or greatly reduced, and regularly scheduled enforcement training was cancelled or retooled to virtual learning which had not been evaluated for effectiveness. Also, some states postponed academies for new officers, creating a staffing shortage as officers retired, were quarantined due to testing positive for COVID-19, or left their positions. Thus, in many states and locales there simply were not enough officers to complete routine law enforcement tasks.

**Courts.** At the same time, the justice system ground to a standstill throughout much of the first half of 2020 as courthouses temporarily closed, pending cases were left in limbo, and in some cases, minor offense cases were dismissed. Court personnel had to learn how to conduct procedures and their practices virtually (e.g., defense/client conferences; interviewing witnesses). As courts either reopened or conducted business virtually, the backlog of cases demanded prioritization, with criminal cases often taking precedence over traffic cases. Further, when trying to address traffic cases, there was difficulty contacting arresting officers and accessing up-to-date driving records of defendants.

**Supervision.** Pretrial supervision, probation and parole personnel also faced challenges. Supervision officers had to greatly reduce supervisees' drug and alcohol testing to prevent exposure to the coronavirus. Face-to-face contacts were significantly decreased with pretrial defendants, probationers, and parolees instead relying more on telephone and video contacts. Additionally, substance abuse, mental health, cognitive-behavioral programs, and driver improvement classes were unavailable or, eventually, moved to a virtual or distance-learning format. In most cases, these approaches had not been evaluated for effectiveness.

**Summary.** The pandemic disrupted every phase of the justice system, from arrest to supervision. The short-term impact on traffic safety resulted in an increase in road fatalities. However, there were also important lessons learned that suggested some utility in focusing on moving rather than regulatory violations. Practitioners began to recognize the benefits of relying more on various technologies, from body-worn cameras to virtual hearings/meetings to greater reliance on the capabilities of smart phones to track and communicate with people on community supervision. Nevertheless, it is important that proven strategies implemented before the pandemic be reconstituted and implemented, and that emerging approaches to delivering these interventions are fully evaluated for effectiveness.





## Social movements & implications for road safety enforcement

In the wake of enormous protests and surges in critical media attention, the last decade has showcased one of the most robust debates about the future of law enforcement. Discussion has focused on redefining the very role of law enforcement throughout the nation. This issue has the potential to further compound and amplify perceptions of the relative priority of road safety enforcement. In particular, the highly publicized deaths and injuries of people of color at the hands of law enforcement sparked large-scale protests questioning and demanding changes to enforcement and arrest policies and practices nationwide. In many locales members of the public – and, in some cases, policy makers – proposed the defunding of law enforcement (i.e., re-purposing agencies) and redefining their authority and roles. Within this context, the use of traffic stops for minor violations has come under scrutiny. These issues and their implications for road safety are explored below.

This section briefly considers the deleterious impact of numerous, publicly viewed negative incidents between law enforcement officers and citizens on road safety enforcement. The culmination of these consequences for law enforcement generally and traffic enforcement specifically are discussed.

Numerous encounters with law enforcement have ended in the deaths or serious injuries of citizens, particularly people of color. Many of the high-profile negative incidents with law enforcement were preceded by some type of traffic enforcement stop or a response to vehicle crashes. According to a report by Davis et al. (2018), every year 50 million Americans have contact with the police at least once. About half of them are pulled over in a car they are driving (19 million), or in which they are a passenger (6 million). Another eight million are involved in a car crash. Statistically, this indicates most police civilian interactions are initiated by some type of traffic incident or enforcement.

Public concerns related to traffic stops considered by some as capricious and/or racially disproportionate, as well as incidents of excessive use of force memorialized by personal smart phones and/or law enforcement body or vehicle cameras, have put officer encounters with the public under a microscope. The result has been an erosion of public support for law enforcement generally. The damning videos of unwarranted use of force incidents have resulted in nearly non-stop negative press and social media coverage. The resulting public awareness and condemnation led to simultaneous nationwide calls for curbing enforcement overreach (often a result of a traffic stop) and protests (sometimes violent) demanding greater law enforcement accountability.



Further, there has been increased pressure for the prosecution of officers found to have applied excessive force and violence, the elimination of their qualified immunity from civil suits, and the defunding or re-imagining of their departments and/or scope of authority. Undesirable publicity and public and elected leaders' harsh criticism have had an adverse impact on law enforcement morale nationally. The many officers who serve the public well and use their authority to enforce laws with the highest degree of professionalism are feeling, at best, under-valued and unsupported. These negative perceptions of police services across the board have detracted from and undermined recruitment efforts, as well as the retention of trained officers. The unfavorable and critical public perception as well as the questioning of police authority and tactics enshrined in law by elected officials has led to a dramatic increase in officer resignations and retirements in many departments.

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A Police Executive Research Forum (2021) survey of 194 police departments in the U.S. revealed that, during the period from April 1, 2020 through March 31, 2021, retirements were up by 45% and resignations by 18%, over the previous 12-month period. Examples from various cities included:

- New York City experienced 2,600 officer retirements in 2020 compared with 1,509 the year before.
- Seattle saw an increase in resignations to 123 from 34 during the year prior to the survey and retirements to 96 from 43.
- Minneapolis, which had 912 uniformed officers in May 2019, is now down to 699. Minneapolis Police Chief Medaria Arradondo indicated reduced staffing forced his department to become one-dimensional, where officers are mostly responding to 911 calls.<sup>5</sup>
- The current and growing shortage of law enforcement patrols on the roadways may very well have an ongoing detrimental influence on road safety.

On the other hand, the Bureau of Labor Statistics (2020, January) reported that nationally local police departments lost just under 1% of employees from 2019 to 2020 after a decade of steady expansion. That translates to about 4,000 employees out of nearly half a million employees in municipal police departments and sheriff's offices. Additionally, state and federal law enforcement agencies saw a slight increase in employees during the same period. Indicating some departments are facing significant shortages while others have less unaffected.

<sup>5</sup> One police chief lamented, "We've had a more than 50% reduction in the number of applicants for the recruit academy, from an average of 450 per year, to only 205 in 2020." As a state patrol leader stated, "If we have 100 retirements, we only have 50 new troopers as replacements." The result leaves many departments short-handed and forced to re-examine their priorities. In many cases, this has resulted in a reduction in road safety prevention efforts and traffic enforcement. Another state patrol leader explained, "If you only have one trooper patrolling a large swath of state highways, they are often responding to crashes and don't have time to concern themselves with traffic violations."





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## Leadership to reprioritize road safety strategies

Fatality data indicated there was already an ebbing of road safety progress in recent years. While this reversal may be attributed to a few factors, a general decline in traffic enforcement as a result of competing priorities for police agencies played an important role. However, this trend became more pronounced in 2020 as a result of the pandemic, which had an impact on the delivery of road safety strategies and interventions in important ways. More concerning, this trend is likely to continue, as evidenced by 2020 nationwide surveys documenting an uptick in dangerous driver attitudes and behaviors since the beginning of the COVID-19 pandemic.

The following sections summarize some of the most significant ways the pandemic impacted road safety interventions. First, many of the previously conducted prevention efforts and meetings of state and local task forces were either cancelled or significantly reduced. There was also, to varying degrees, a relaxation of traffic enforcement policies and practices as a result of public health concerns about the potential spread of the coronavirus through close contact between drivers and officers. Further, staffing shortages forced law enforcement to prioritize their duties resulting in a reduction in traffic enforcement. Finally, as a result of broader social movements questioning some law enforcement activities, there have been some anecdotal reports suggesting law enforcement is more reluctant to make traffic stops generally to avoid negative encounters with a driver which may lead to the officer(s) receiving unfavorable departmental and/or public scrutiny.

In addition, in 2020 some types of countermeasures were shelved or, at least, pared back during the height of the COVID-19 pandemic. This is concerning at a time when the prior trend of reducing traffic fatalities is being reversed. As policymakers review law enforcement and the courts to consider their priority functions moving forward, it is important not to let hard-won progress reducing road crashes be eroded.

This section describes countermeasures which have been suspended, constrained or changed to comply with public health restrictions. These measures must now be urgently reinvigorated and strengthened to reinstate much-needed declines in road fatalities. Initiatives which aim to share expertise and resources, and those designed to coordinate complementary activities should be strongly encouraged to optimize outcomes. Of importance, it is paramount that all countermeasures are deployed in an equitable manner and in locations which would not be considered discriminatory.

As the U.S. recovers from the pandemic and also begins to examine a public safety system suffering from an erosion of public confidence, the importance of even-handed and equitable traffic enforcement to help maintain road safety



cannot be underestimated. Now, more than ever, leadership in road safety is essential to reprioritize the importance of these strategies and ensure progress reducing deaths and injuries is regained.

The following opportunities are recommended to help reprioritize road safety strategies during these difficult times, while keeping in mind the existing and more recent demands and critical scrutiny on the justice system.

### **Reinvigorate state and local DWI task forces**

Although some of these task forces continued to meet virtually throughout 2020, in many cases there were fewer meetings and less opportunities to engage policymakers and the public in the need for evidence-based strategies to reduce road fatalities and injuries. Whether or not the public health restrictions deployed in response to the COVID-19 pandemic are relaxed, it is imperative state and/or local impaired driving task forces are reconstituted or reinvigorated to once again address and advocate for the funding and implementation of proven countermeasure strategies to prevent and respond to impaired driving. Initiatives that task forces can champion include, but are not limited to:

*It is imperative state and/or local impaired driving task forces are reconstituted or reinvigorated to once again address and advocate for the funding and implementation of proven countermeasure strategies to prevent and respond to impaired driving.*

- Illustrating the impact and consequences of DWI to policymakers and the public. Determine what data are currently available to demonstrate the magnitude of the problem and what data or information will have the greatest influence on the public, politicians, and agencies. An effective and consistent way to present the information to diverse audiences is paramount.
- Advancing the impaired driving issue on the political agenda by making it more visible to the public. One way to achieve this is to use consistent messages describing the dangers and prevalence of impaired driving, the recent erosion of progress, what has been accomplished to address it, and what efforts are needed to achieve greater declines in DWI-related fatalities and crashes.
- Leveraging legislative opportunities to increase the focus on impaired driving. Framing impaired driving as a criminal justice and/or public health issue is needed. Presenting DWI solely as a transportation issue may result in it receiving less attention, as it may be overlooked in discussions surrounding broader public safety and transportation issues (e.g., infrastructure improvements). Moreover, it is important to ensure relevant legislation and policies pertaining to criminal justice, transportation, public health, and public safety include specific language acknowledging the influence and importance of impaired driving. Including constituents on state and local task forces can influence legislators to get language into bills, gaining support for impaired driving initiatives.
- Looking beyond the justice system for new or untapped sources of funding. Agencies are encouraged to determine what other agencies, departments, organizations, public advocacy groups, and businesses may have an interest in addressing impaired driving, even if they have not yet articulated it. The convergence of common interests can be key to securing the necessary funding and resources to deploy countermeasures.
- Encouraging and supporting agencies, organizations, and public advocacy groups with a vested interest in eliminating impaired driving by helping them optimize the use of resources. This coordination can justify continued funding of efficient initiatives by avoiding duplication of efforts, and demonstrating the potential benefits achieved through partnerships streamlining activities as opposed to separate and disconnected efforts. Partnerships can also alleviate the burden placed on a single agency or organization. Utilizing a collaborative approach creates benefits for partners and enables initiatives to be sustained for longer periods of time, strengthens the quality of services, and reduces competition for funding and public attention.



- Presenting the impaired driving problem to the media, the public, and legislators in tangible terms such as its impact on staffing, workload, resources, and clients of various public and private sector agencies and organizations. Task forces need to consistently raise the issue as part of discussions about criminal justice, public safety, transportation, and public health. This can help ensure effective countermeasures and the funding allocated to this problem are not eroded.
- Encouraging and helping define measures of system and initiative effectiveness. Indicators may include reductions in impaired driving crashes and fatalities, recidivism rates (however recidivism is defined), the successful completion of treatment, family stability, employment, more controlled drinking behavior, improved physical health, educational achievements, and reduced reliance on community resources.

### **Prioritize equitable traffic enforcement**

The health and well-being of citizens on or near roadways depends on the implementation of consistent and equitable countermeasure strategies and tactics to effectively reduce impaired and risky driving. The backlash from highly publicized incidents of excessive use of force by individual officers, combined with COVID-19 related restrictions, has resulted in the declining enforcement of traffic laws. Thus, a critical review of law enforcement responsibilities may serve to prioritize high-risk driving behaviors by reducing and reassigning some of their myriad responsibilities. For example, directing resources towards focusing traffic stops on dangerous driving behaviors (e.g., speeding, red light running, distracted driving, impaired driving) rather than less dangerous, non-moving violations (e.g., expired license tags, non-operating equipment) can help increase general and specific deterrent effects with positive outcomes.

As evidence of this, a Fayetteville, North Carolina study demonstrated the benefits of focusing police agencies on risky driving behaviors. Fayetteville had an unacceptably high motor vehicle crash rate and community tension due to traffic stops disproportionately impacting Black citizens. New Police Chief Harold Medlock requested an audit of the department's operating procedures by the U.S. Department of Justice Office of Community Oriented Policing. To prevent traffic crash fatalities and reduce racial disparities, the police department significantly reprioritized safety stops (e.g., speeding, stop sign/light violations, DWI, reckless driving) and minimized or avoided altogether non-moving violations like equipment failures or expired registrations. There was a concern regulatory and equipment stops, and their associated fines, were a direct form of criminalizing individual and community economic poverty. An evaluation by Fliss et al. (2020) combined annual traffic stop, motor vehicle crash, and crime data from 2002 to 2016 to examine intervention (2013–2016) effects. Fayetteville results were compared with eight similar North Carolina agencies as controls. These were selected by weighted matching on pre-intervention period trends and comparison against post-intervention trends.

The new Fayetteville enforcement directives between 2013 and 2016 yielded the following results:

- Safety stops (e.g., moving violations) increased from a low of 9,000 in 2006 to 60,000 in 2016. This increase in the percent of safety stops was matched with a corresponding relative reduction in economic and investigatory stops.
- Total crashes were reduced by 13% (average of 765 fewer each year).
- Crashes with injuries were reduced by 23% (average of 479 fewer each year).
- Traffic fatalities were reduced by 28% (average of 19 fewer each year).
- The number of Black drivers searched during traffic stops decreased by 48.8%.
- Additionally, there were decreases in non-moving violations, use of force incidents, injuries to citizens and officers, and complaints against officers.

On this basis, the authors suggested the reprioritization of traffic stops for non-moving violations may have a positive public health impact on both motor vehicle injury and racial disparity outcomes, with little to no negative impact on non-traffic crime.



Re-allocate some responsibilities of police agencies. More than a dozen major U.S. cities have diverted funding away from police departments. Groups calling for the defunding of law enforcement or, at least, reimagining (or unbundling) of their duties, argue that law enforcement personnel are tasked with far too many disparate functions in our communities. Many such duties could be more efficiently and effectively performed by specialized professionals with appropriate skills and training. Currently, police respond to diverse calls for service ranging from mental health crises, to vehicle crashes, to drug overdoses, to patrolling school hallways, and to responding to noise complaints. Observers call for employing non-law enforcement responders (e.g., social workers) trained to help people through mental health, housing, and addiction crises. Diversifying and strengthening existing emergency response systems could be a more efficient use of resources and result in better outcomes for all involved. This would enable police agencies to return to critical functions such as traffic and crime enforcement to strengthen the deterrent effects of laws.

*Diversifying and strengthening existing emergency response systems could be a more efficient use of resources and result in better outcomes for all involved.*

For example, economist Alex Tabarrok (2020) controversially suggested when considering traffic laws, that localities should be less dependent on revenue from traffic citations handed out by police. This would decrease potentially dangerous interactions between citizens and armed officers, creating instead a new job category of unarmed traffic patrollers. Taking this idea a step further, it has also been proposed that local governments create dedicated traffic agencies focusing solely on road safety, thereby limiting police involvement in more dangerous situations. Further, these agencies could reduce potentially confrontational situations involving traffic stops by relying more on automated traffic enforcement systems, such as speed enforcement and red-light cameras.

### **Increase the use of effective enforcement tools to strengthen deterrence**

Even if traffic enforcement authorities divert their attention from non-moving violations, the implementation of effective countermeasures to combat impaired and dangerous driving should not be overlooked. Such efforts should continue to be delivered to reinforce general and specific deterrent effects of traffic laws. A recent Iowa study demonstrated the benefits that can be accrued using a positive, community-based approach.

- **Iowa State Patrol (ISP) pilot program.** ISP partnered with George Mason University to develop a place-based, proactive, problem-oriented strategy to increase public perception of police presence to reduce fatalities and injuries. Their focus was on rural roadways. This was a community policing effort to target roadways and likely origin points for drivers. They used data to identify “hot towns” (i.e., origin point of drivers in fatal crashes involving alcohol, drugs, speeding, or seatbelts). The project utilized highly visible interactions with troopers for 10-20 minutes at bars, gas stations, and convenience stores. The emphasis was on responsible service, arrangements to get home safely, and safety messages such as wearing a seatbelt and distributing materials highlighting factors in fatal crashes. The initiative used proactive and preventive, rather than reactive, techniques. The objectives of this initiative were to have residents talk about visible traffic enforcement, create positive, non-punitive interactions with residents, improve perceptions of law enforcement, and identify activities leading to crash locations (Clary 2019).

There are several other effective enforcement strategies available to jurisdictions. These include:

- **High Visibility Enforcement (HVE).** The use of high visibility enforcement was reduced or eliminated as a result of public scrutiny and outcry related to law enforcement tactics, particularly those involving minority populations, as well as coronavirus restrictions. Therefore, all HVE initiatives must be cognizant of the environment in which they are deployed, and ideally be coordinated with community leaders. According to NHTSA, HVE incorporates enforcement strategies, such as enhanced patrols using visibility elements (e.g., electronic message boards, road signs, command posts, Blood Alcohol Testing (BAT) mobiles) designed to make enforcement efforts obvious to the public. The goal of HVE is to make the motoring public aware of



enforcement efforts and create general deterrence. When the perceived risk of detection by law enforcement increases, the likelihood people will engage in unsafe driving behaviors declines.

Officers assigned to HVE initiatives should be current in their training and certifications. However, as it was noted earlier, there is an escalating staffing crisis for law enforcement, with many seasoned veterans retiring and not enough new recruits to replace the retirees. This makes it especially important that officers investigating impaired driving violations are trained in detecting the level of a driver's impairment. Only with the correct application of optimum investigative techniques can the U.S. be expected to return to, and improve on, pre-pandemic crash fatality numbers. Ideally, all officers participating in the HVE will have completed courses including:

- **Standardized Field Sobriety Testing (SFST).** A battery of NHTSA validated tests used by law enforcement officers to determine if a person suspected of impaired driving is intoxicated by alcohol or other drugs.
- **Advanced Roadside Impaired Driving Enforcement (ARIDE).** ARIDE was created to address the gap in training between the SFST and the Drug Evaluation and Classification (DEC) Program. DEC includes instruction on:
  - SFST review
  - seven major drug categories and signs and symptomology
  - Physiology of drugs and drug combinations
  - Courtroom testimony and report writing
- **Drug Recognition Expert (DRE) Officers.** Even prior to the onset of the COVID-19 pandemic, there was a shortage of DREs. This is unfortunate because DRE officers play an important role in the assessment of driver impairment as well as the overall road safety strategy. DREs provide important testimony in successful impaired driving prosecutions. They are trained and certified to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol, and to identify the category or categories of drugs causing the impairment with a very high degree of accuracy.
- **Integrated enforcement.** Integrating high visibility traffic enforcement as a standard practice makes the public more aware that the enforcement of traffic laws is an agency priority. It can create a general deterrent effect and encourage voluntary compliance with traffic and other laws.
- **Wave enforcement.** This is a periodic increase of enforcement of a specific violation in a targeted location for a short time. This tactic could be deployed for speed and red-light running enforcement several times a month for a couple of hours, perhaps right after rush hour when motorists are trying to make up for lost time due to congested traffic. A DWI Wave could also be conducted a couple of weekends a month during late night or during, or at the end, of special events (e.g., music festivals, sports events).
- **Multi-jurisdictional enforcement.** This requires combining agency resources and efforts with neighboring jurisdictions and may include “non-traditional” traffic enforcement agencies (e.g., park police, campus police, alcohol and beverage control (ABC) officers, game wardens). This countermeasure is effective because when two or more agencies are participating, it establishes an increased police presence, creating general deterrence by escalating the possibility (or perceived risk) that drivers will be cited for breaking traffic laws. Further, it provides increased staffing for smaller agencies and expands enforcement areas. To be effective, the enforcement must be highly visible and include an equal balance of enforcement and publicity. It is also essential the effort does not single out a specific population. Care should be taken to understand the perception of the citizens in a selected enforcement area or neighborhood, and to prioritize the establishment of enduring, positive relationships, so the effort is not perceived to be heavy-handed or intimidating.



- **Sobriety checkpoints.** A sobriety checkpoint involves police officers stopping all passing vehicles or a systematic selection of vehicles (e.g., every third vehicle) to evaluate the drivers' level of impairment. It is important to include increased publicity and warnings to the public. Research shows sobriety checkpoints are one of the most effective approaches to deterring impaired driving among members of the public (Lacey et al., 1999; Shults et al., 2001; Stuster and Blowers, 1995; Richard et al., 2018). Checkpoints are most effective when they are highly publicized, highly visible, and frequently used (Fell et al., 2004).<sup>6</sup>
  - Results from a meta-analysis revealed the use of sobriety checkpoints can reduce the number of alcohol-related crashes by up to 20% (Elder et al., 2002; Shults et al., 2001).
  - Stuster and Blowers (1995) directly compared sobriety checkpoints with dedicated DWI patrols. They found alcohol-related crashes declined 28% in checkpoint communities compared to 17% in communities using highly publicized, roving patrols.
  - Checkpoints result in citations or arrests of drivers for impaired driving and other violations. A demonstration in Tennessee showed a 20% reduction in fatal crashes involving drivers with breath alcohol concentrations of 0.10% and above. A total of 882 checkpoints resulted in 773 DWI arrests, 347 seat belt citations, 465 child restraint citations, and 7,351 other traffic citations (Lacey et al., 1999).
  - Low-manpower checkpoints (3-5 officers) can expand DWI enforcement in jurisdictions where additional funds are not available or where checkpoints are too costly or difficult to implement (Lacey et al., 2006).
- **Speed enforcement cameras.** Speeding is one of the major causes of crashes, deaths and injuries. Elvik (2013) reported it was not uncommon for impaired drivers to also be speeding. The goal of speed management is to reduce speeding-related crashes, injuries, and deaths. Speed management applies road design elements and engineering measures to ascertain appropriate speeds; sets rational, safe, and reasonable speed limits; and employs highly visible and well-publicized enforcement efforts focusing on crash-producing violators. Automated speed enforcement (ASE) systems can serve as an important supplemental strategy in speed management and an effective countermeasure to prevent speeding-related crashes by continuously enforcing the speed limit and increasing enforcement (particularly in high crash areas) without requiring an increase in officers (National Conference of State Legislators 2021). ASE also can reduce traffic congestion caused by driver distraction at traffic stops (NHTSA 2008).
- **Red-light enforcement cameras.** Red-light running is one of the major causes of crashes, deaths, and injuries at signalized intersections. According to Gross (2019), 28% of crash deaths occurring at signalized intersections are the result of a driver running through a red-light. A red-light camera system can be a cost-effective tool to reduce red-light violations. In a study of red-light running violations in Winnipeg before and after the installation of cameras, Vanlaar, et al., (2011) found significantly fewer violations in a three-week period after camera installation (26% fewer in winter; 40% fewer in summer). A Retting et al. (1999) study of red-light cameras two busy urban intersections in Arlington, VA, funded by the Insurance Institute for Highway Safety found 40% reductions in red-light running violations after the cameras were installed. The use of camera systems for the enforcement of red-light running violations can reduce the number of crashes attributable to red-light running. Speeding, impairment, and distractions can significantly increase the risk of running a red-light. Red-light camera systems could be part of a well-designed and well-publicized comprehensive intersection safety program, which considers all countermeasures to reduce fatal and injury crashes at intersections. However, several states have ruled these camera systems unconstitutional on various grounds including:
  - the unequal treatment of driver-defendants because no violation points are assessed in camera cases, but points are assessed in police officer generated cases;
  - creating a rebuttable presumption the owner is the driver thereby infringing on the presumption of innocence; and
  - the lack of any human prosecution witness violates the confrontation clause of the constitution.

<sup>6</sup> For more information on sobriety checkpoints see: <https://tirf.ca/downloading/?dlim-dp-dl=4024>.



## Facilitate the work of traffic safety resource prosecutors (TSRPs)

As state and local courts return to full caseloads after having limited dockets during the height of the pandemic, it is important prosecutors, especially those new to the job, have someone with expertise in traffic laws and impaired driving cases available to guide them. To this end, it is more essential than ever that states with TSRPs ensure they emphasize training for prosecutors, as they did prior to the pandemic-induced disruption of the justice system.

A TSRP is a prosecutor with extensive experience in traffic crimes, particularly the specialized expertise in the prosecution of impaired drivers.<sup>7</sup> TSRPs are mostly funded by grants through the NHTSA and State Highway Safety Offices, with the latter providing most of the funding. TSRPs help educate and provide technical assistance to less experienced prosecutors in their state who routinely handle impaired driving cases. TSRPs deliver training on issues pertinent to the prosecution of impaired driving cases (among other traffic issues) to prosecutors and law enforcement alike (an important role with the high turnover in law enforcement). TSRPs tend to be familiar with challenges in prosecuting drugged driving cases as well as the new and emerging drugs, courtroom strategies and available resources operating within the state. With TSRP training, guidance and support, prosecutors and law enforcement can be trained and more confident to better handle DWI cases and associated traffic violations such as speeding, thereby increasing the likelihood of conviction of impaired drivers.

Another critical function of TSRPs is to form partnerships and serve as liaisons among a variety of agencies including law enforcement, medical examiner offices, Governor Highway Safety Offices, NHTSA, the National Traffic Law Center, the National Association of Prosecutor Coordinators, victim advocacy groups, DWI courts, and the media. Most states have one TSRP, but several larger states have multiple TSRPs with unique specialized expertise. A TSRP may be called to help prosecute complex impaired driving cases as either first or second chair.

Some of the TSRP's responsibilities may include:

- Reviewing and sharing specific data related to traffic crimes in the state (to prosecutors, legislators, and other groups), including: DWI, drugged driving and underage drinking arrests as well as motor vehicle collisions and fatalities.
- Identifying state-specific issues prosecutors and law enforcement can encounter and then deliver training/education to address them.
- Supporting prosecutors and answering any questions related to individual cases (e.g., search and seizure issues, blood draws, breath test procedures and instruments, proof of impairment, defense challenges).
- Conferring with prosecutors to determine if current practices are working well and if there are any new challenges needing to be addressed.
- Assisting law enforcement in implementing sobriety checkpoints by ensuring they function in accordance with state laws and department regulations.
- Providing toxicology expertise regarding blood/breath testing requirements and regulations as well as breath testing instruments in their state.
- Networking with other TSRPs to find out what is being done nationally to address common problems and apply strategies that have proven successful.
- Providing guidance in drafting new legislation at the state level.

<sup>7</sup> For more information, please visit [www.napcsite.org](http://www.napcsite.org), [www.ndaa.org](http://www.ndaa.org), and [www.ndaa.org/ntlc\\_home.html](http://www.ndaa.org/ntlc_home.html).



## Reinforce the importance of DWI Courts

One of the recognized strengths of DWI courts is the therapeutic relationship between the judge and system personnel and the offender. The activities and established relationships of many DWI courts were disrupted or put on hold because of the pandemic's physical distancing requirements. To help maintain the therapeutic integrity of DWI courts and accountability of DWI court participants, it is imperative the courts be either reconstituted or brought back up to their pre-2020 level of functionality.

A DWI court has a separate court docket of high-risk, convicted impaired drivers (high-BAC or repeat offenders) who are less likely to be deterred by traditional penalties and interventions. These drivers are more likely to continue driving impaired. Some DWI courts may also have participants whose sentence has been deferred on the condition that all conditions of the court are successfully completed or met. These courts have been shown to reduce impaired driving by treating the underlying substance abuse problem and holding offenders accountable for their behavior. This is accomplished with close supervision, appropriate sanctions and reinforcements, cognitive-behavioral interventions, and long-term substance abuse treatment.

*DWI courts for high-risk, convicted impaired drivers have been shown to reduce impaired driving by treating the underlying substance abuse problem and holding offenders accountable for their behavior.*

These specialized substance abuse courts for high-risk impaired drivers use a team-based approach. The team is led by the judge with the involvement of other criminal justice stakeholders such as prosecutors and defense counsel, probation officers, treatment professionals, law enforcement, and community services. The team develops a strategy based on offender risks and needs, accountability measures, and supervision.

## Reinstate the use of alcohol breath testing devices

There was extremely limited use of alcohol breath testing devices throughout the COVID-19 pandemic due to medical warnings about the highly contagious nature of the air-borne coronavirus. Now that much more is known about the virus and modifications have been created to facilitate the use of breath testing devices (e.g., blow sticks that are curved so breath blows away from tester), it is important these programs be reinstated. Breath testing devices are an integral law enforcement traffic safety tool and have a high degree of accuracy. When used, these devices estimate blood alcohol concentration (BAC) from a breath sample. Most devices use a fuel cell sensor. The devices are used roadside by law enforcement to gather evidence of a driver's level of impairment and by supervision staff to determine if offenders have been drinking.

## Encourage the widespread use of alcohol ignition interlocks

There is anecdotal evidence to suggest there were fewer IIDs installed throughout 2020 due to the pandemic, although it is currently unknown to what degree, even though IID service providers were deemed an essential business. However, with various states instituting stay at home orders and many of the criminal justice system and motor vehicle licensing offices working at least at a reduced capacity, it is likely there were fewer IIDs installed and fewer offenders complying with the use of an IID. Nevertheless, the IID industry continued to strive to meet the needs of their customers. Some IID providers fashioned a comprehensive plan to deliver services that relied on information from the Centers for Disease Control and Prevention (CDC), state authorities, and partners (i.e., attorneys, government officials, judicial representatives, monitoring authorities). The plan included myriad and diverse communication strategies with service centers, customers, partners, and IID clients. They instituted CDC protocols at service centers that included ongoing mask-wearing, physical distancing, handwashing, and sanitizing service centers and each IID during and after installation. Whatever the challenges the industry faced or faces during the pandemic, it is imperative the use of IIDs continue to make roads safer from impaired drivers, particularly those deemed high-risk to reoffend.



Ignition interlock devices (IIDs) can protect the public and enable offenders to remain employed, participate in family life, and attend treatment. It is known most drivers who have their license revoked or suspended due to receiving a DWI will continue to drive (Elder et al., 2011); the IID can encourage and help ensure these drivers are sober when they drive. Alcohol interlocks are associated with substantial and impressive reductions in repeat offenses while installed (Willis et al., 2005). There is also evidence IIDs are associated with decreases in crashes (Teoh et al., 2018; Vanlaar et al., 2016).

*Ignition interlock devices can protect the public and enable offenders to remain employed, participate in family life, and attend treatment.*

Multiple IID vendors and devices have been certified for use. The IID is connected to the starter or other onboard computer system of a vehicle. It prevents defendants arrested for impaired driving or convicted impaired drivers from starting their vehicle if their alcohol breath test result is greater than a pre-set limit (typically 0.02). The IID requires drivers to pass repeated breath tests while the vehicle is in use to ensure sober driving. There are many anti-circumvention features with the IID and it will not interfere with a running engine.

### **Encourage the use of continuous alcohol monitoring (CAM)**

According to one major CAM manufacturer/provider, the utilization rate of CAM devices, like that of ignition interlock devices, decreased during 2020 mostly due to disruptions and significant reductions in court activities. Also, there appeared to be an unintended relationship in the reduction of CAM device usage to the limited access to bars, restaurants, and sporting events as well as a decrease in traffic enforcement. Nevertheless, they can be an important tool in the monitoring and supervision of DWI offenders, particularly those with assessed alcohol abuse disorder who fail to maintain abstinence as ordered by courts.

A CAM device is designed to monitor alcohol consumption among offenders who use alcohol, including impaired drivers. It does not prevent drivers from driving after drinking. CAM devices are ankle bracelets continuously monitoring and measuring alcohol consumption 24 hours a day, seven days a week. They are manufactured by several different vendors, and their features may vary. Devices have a tamper-resistant strap and test samples of vaporous perspiration (sweat) collected from the air above the skin at regular intervals. Test results are transmitted daily to a modem in the user's residence, and then relayed to a secure central website for review. CAM technology focuses on the drinking behavior and enables offenders to participate in family and community life, maintain employment and access treatment services.

### **Reinstate drug testing**

Like much of the criminal justice process during the period of physical distancing, the use of drug testing as a method for monitoring DWI offenders was reduced or even eliminated. A drug test involves a technical analysis of a subject's biological specimen (e.g., urine, hair, blood, breath, sweat, oral fluid/saliva). The purpose is to determine the presence or absence of specified drugs. Drug testing among DWI offenders is designed to detect the presence of impairing drugs, especially those drugs prohibited by law. Urinalysis is the test most often used by the criminal justice system. There are other testing methods with varying degrees of accuracy, sensitivity (detection threshold/cutoff), and detection periods. Considering the safety (e.g., masking) and procedural (e.g., fewer drug tests may be effective) lessons learned during the pandemic, it is important to reinstate drug testing with those lessons guiding a path forward. Drug testing of people on supervision is most effective when testing is conducted at random intervals.

### **Increase the availability of screening, assessment, and treatment**

Due to the physical distancing mandates in 2020, in-person screenings, assessments and treatment were significantly limited if they occurred at all. When they did occur, many of these processes were delayed and/or conducted virtually. Although there were anecdotal successes with virtual meetings, in most cases meeting



in-person is considered optimal and providers should return to in-person screenings, assessments, and treatment to the degree possible. In addition, the use of online and virtual tools should be evaluated for effectiveness.

Criminal justice leadership should ensure the availability of education and cross-professional training to assist practitioners in understanding evidence-based practices and promising interventions related to the screening, assessment, and treatment of DWI offenders.

- **Screening.** This is a preliminary and brief step to reveal if a DWI offender may be a candidate for substance abuse treatment. It identifies who can be excluded from more detailed examination for the presence of substance abuse issues and who needs further assessment to better determine the type of treatment that may be suggested. Screenings may also occur at different intervals of the criminal justice process to help determine progress or lack thereof related to substance use.
- **Assessment.** Assessment is a clinical process conducted by a trained and certified practitioner to evaluate the extent and severity of one's substance abuse problems. More formal, comprehensive, and in-depth than screening, it helps determine one's readiness for treatment, identify any co-occurring mental illnesses or behavioral issues, determine the type of intervention needed, and engage the offender in the treatment process. The results are often used to create a treatment plan. An initial assessment should include review of the arresting documentation to avoid minimization by the offender. Assessments may be conducted at different times during involvement with the criminal justice system to better track changes in behavior and to update the treatment plan.
- **Treatment.** The purpose of treating DWI offenders is to help identify and alleviate substance abuse problems they may have – or are at risk of developing – and interrupt those abusive patterns. Substance abuse treatment is a general term encompassing a range of interventions, including group and individual counseling, brief interventions, cognitive-behavioral strategies, motivational interventions, facilitated 12-step programs, and pharmacotherapies. Treatment is designed to lessen and prevent negative consequences of substance abuse (such as impaired driving) and, also to support the offender during times of (expected) relapse. DWI offenders may also struggle with mental health issues that would need to be addressed in concert with substance abuse issues. There may be behavioral treatment programs for chronic traffic law violators. A realistic goal of treatment is to reduce the risk of recidivism.

### Strengthen community supervision tools and strategies

The level and type of in-person supervision and monitoring by community supervision agencies at the pre-trial, pre-sentence release, post-sentence release, and post-incarceration stages was significantly lessened and/or modified due to physical distancing protocols implemented in response to the COVID-19 pandemic. Many supervision departments, with support from the courts, determined some defendants in jail could be released pre-trial without bail, and other post-sentencing release conditions were unnecessary for successful supervision. Additionally, agencies implemented monitoring and intervention strategies relying on technology in more expansive and creative ways. For example, they began to use smartphones or tablets to virtually communicate with probationers to remind them of important dates, provide admonitions and supportive messages, and conduct assessments and treatment meetings. However, given the backsliding on progress reducing traffic fatalities, it is important to learn from key lessons with 2020 experiences. In addition, it is equally important to reinstitute effective strategies to supervise DWI offenders, as well as continue to utilize online technologies to enhance supervision as appropriate, keeping in mind the need for evaluations of their effectiveness.

*It is important to reinstitute effective strategies to supervise DWI offenders, as well as continue to utilize online technologies to enhance supervision as appropriate, keeping in mind the need for evaluations of their effectiveness.*



Community supervision officers need to understand and utilize the principles of risk-need-responsivity. These core principles are:

- **Risk principle.** Match the levels of service and supervision to the offender's risk to re-offend.
- **Need principle.** Assess criminogenic needs and target them with interventions and treatment.
- **Responsivity principle.** Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioral treatment and tailoring the intervention to the learning style, motivation, abilities, and strengths of the offender. There are two parts to the responsivity principle general and specific responsivity.
  - **General responsivity** calls for the use of cognitive social learning methods to influence behavior.
  - **Specific responsivity** is a *fine-tuning* of the cognitive behavioral intervention. It considers strengths, learning style, personality, motivation, and bio-social (e.g., gender, race) characteristics of the individual.

The first step is to complete risk and needs assessments to measure the likelihood of repeat offenses and inform decisions about level of supervision and need for treatment interventions. The level of supervision provided (as determined by the risk and needs assessment) depends on the severity of the offense and the risk of recidivism. Many probation agencies are implementing the Impaired Driving Assessment developed by the American Probation and Parole Association with support from NHTSA (Lowe, 2014). It is a differential screening instrument consisting of 45 items across two components designed to estimate the risk of future impaired driving. Repeat and high BAC offenders can present with myriad issues needing to be addressed to prevent recidivism. These barriers to success may include substance misuse, abuse or addiction, mental health issues, cognitive-behavioral deficits (e.g., recognized by their numerous moving violations, assaultive behavior, other criminal behavior), under- or unemployment, lack of a support network, inadequate living arrangements and insensitivity to gender identity, race, and culture.

It must be underscored that one or more of these issues post-conviction can, and often do, confront DWI offenders. Although cases are not identical and each has its own set of challenges, helping offenders address complex issues often requires probation officers to develop therapeutic relationships with them. Thus, it is important probation officers responsible for initiating the interventions be able to develop a balance of support and accountability with their supervisees. Supervision agencies need to be cognizant of other problem driving (and non-driving) behaviors previously displayed by persistent DWI offenders because often they have been ticketed for other illegal or dangerous driving behaviors (e.g., speeding, reckless driving). Persistent DWI offenders are more likely to have more traffic offenses and be involved in crashes more frequently than first DWI offenders (McMillen et al., 1992; Nochajski and Wieczorek, 2000; Wieczorek and Nochajski, 2005). A study in Massachusetts found 61% of repeat offenders had criminal histories involving substance-related crimes only and more than one-third had more extensive criminal histories (Labrie et al., 2007).







**NEW NORMAL**  
JUST AHEAD

**TIRE**

## Conclusion

During their November 2020 virtual meeting, the Working Group on DWI System Improvement was deeply concerned with the reversal of progress as it related to traffic enforcement generally and the prevention of DWI-impaired fatal and non-fatal crashes specifically. The ebbing of road safety progress, coupled with the psychological and physical damage caused by crashes, has a deleterious impact on a community's well-being. The human, health care, and property costs of fatal or debilitating crashes tear at the socio-political fabric of communities.

Collectively, the Working Group recognized any temporary or long-term elimination of or reductions in traffic enforcement would seriously hinder both general and specific deterrence of high-risk driving behaviors leading to crashes. They acknowledged deterrence was a necessary element in preventing dangerous driving and achieving safe roadways. Previous road safety progress, current issues, and future challenges and strategies were presented and discussed in the context of actions taken to prevent the spread of the coronavirus and the ongoing critical scrutiny and political turmoil confronting the justice system.

The primary purpose of this report is to inspire state and local DWI task forces, system leaders, practitioners, policymakers, and the public to refocus on and reprioritize road safety leadership, enforcement, and prevention initiatives, with particular emphasis on impaired driving and related risks. The increase in the fatality rate and the loss of momentum in road safety advances is concerning. It also presents a menu of proven countermeasures that law enforcement, prosecutors, courts, and community supervision can consider reinstating or strengthening to effectively address the issue of impaired driving. Unfortunately, the countermeasures presented were dormant, under-utilized, or significantly altered while the justice system tried to adjust to the challenges of a pandemic and a public critical of law enforcement tactics. It is the hope of the Working Group that this report will provide the various disciplines in the justice system a wake-up call about lost momentum after years of progress reducing traffic fatalities. It also offers effective and readily available implementation strategies to regain the necessary momentum to produce a reduction in road fatalities.

For task forces to be effective, the refocusing and reprioritizing of road safety initiatives by dedicated and diverse professionals and constituents will require coordinated and thoughtful planning, creative resource-sharing, and cross-professional training. Utilizing a collaborative approach to planning and implementation creates a sense of ownership of initiative activities. Each of the stakeholders involved in addressing impaired driving bring one or more resources to the initiative. Mapping the justice system as to who should be included and identifying what knowledge is needed by each group can help establish a comprehensive and coordinated approach. Resources may include knowledge, data, equipment, unique abilities, ability to take on tasks, and so forth. Cross-professional training allows professionals involved in traffic safety to develop a shared understanding and appreciation of each other's roles,



responsibilities, and necessary skills and knowledge. Shared training also provides an opportunity to more fully understand how the various roles have an impact on each part of the system and its practitioners. Documenting the coordination is helpful for both planning and providing ongoing educational opportunities.

As a final note, data related to DWI-related crashes and impaired driving prevalence collected prior to, during, and after actions taken to mitigate the spread of COVID-19 can provide researchers and policymakers with information to help them determine the scope and trajectory of the impaired driving problem and how best to deal with it going forward. High-quality data make it possible to accurately gauge and evaluate the extent of, and trends in, impaired driving and the effectiveness of implemented countermeasures. Data collection can provide information which may determine where and why weaknesses in the DWI system exist and, more importantly, how they can be overcome.



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