2021 TEXAS IMPAIRED DRIVING PLAN

DEVELOPED AND APPROVED BY THE TEXAS IMPAIRED DRIVING TASK FORCE

TEXAS IMPAIRED DRIVING TASK FORCE

Save a Life™
Texas Department of Transportation

CO-CHAIRMEN

Troy D. Walden, Ph.D.
Director and Research Scientist
Center for Alcohol and Drug Education Studies (CADES)
Texas A&M Transportation Institute
(979) 845-9943
t-walden@tti.tamu.edu

Allison Rounsavall
Alcohol and Other Drugs Program Area Manager
Texas Department of Transportation
(936) 633-4315
allison.rounsavall@txdot.gov

Project Coordinating Agency
Texas A&M Transportation Institute
3135 TAMU
College Station, TX 77843-3135
www.texasimpaireddrivingtaskforce.org

This plan was developed and approved by the Texas Impaired Driving Task Force.

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

June 1, 2021

To Whom It May Concern:

From the rolling hill country, to the piney trees of East Texas, to the wide-open spaces in West Texas, Texans are accustomed to driving long distances. Whether it's driving to access jobs and businesses or driving recreationally to visit family and friends, Texas residents easily rack up miles on the road. And all that time spent driving in a vehicle means that Texans are exposed to a certain level of crash risk.

Despite the targeted initiatives and campaigns, impaired driving continues to be the leading contributing factor in fatal crashes in the State. In 2019, Texas led the country with the highest number of alcohol-impaired driving fatalities, with 1,332 people losing their life in an alcohol-impaired driving crash. Alcohol-impaired driving fatalities accounted for 37% of all motor vehicle fatalities in the State that year. While alcohol continues to represent the majority of impaired driving crashes in Texas, drug-impaired driving is an advancing area of concern. We know that drug presence is not indicative of impairment, so there is much to be understood about how and when they contribute to impairment.

We all have a role to play in reducing impaired driving crashes. The Texas Impaired Driving Task Force (TxIDTF) brings together education, enforcement, prosecution, judiciary, toxicology and breath testing, data and evaluation, and representatives from the State's Highway Safety Office with the common goal of eliminating injury and death caused by impaired driving in Texas.

The TxIDTF has developed and approved the Texas Impaired Driving Plan in accordance with FAST Act for submission to the Texas Department of Transportation (TxDOT) and, ultimately, the National Highway Traffic Safety Administration (NTHSA). TxDOT serves as the Governors Highway Safety Office for the State of Texas, and I fully support the efforts of the TxIDTF.

By using this plan as a roadmap for combating impaired driving, it is our goal that Texas will be known for achieving the biggest reduction in impaired driving crashes.

Sincerely,

Michal A. Chacon, P.E.
Director, Traffic Safety Division
Texas Department of Transportation

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Connecting You With Texas*

An Equal Opportunity Employer

LIST OF AGENCY/ORGANIZATION ACRONYMS

AAA Texas – American Automobile Association Texas

CSCD – Community Supervision Corrections Department, also known as probation

DSHS – Department of State Health Services

LEADRS – Law Enforcement Advanced DUI/DWI Reporting System

MADD – Mothers Against Drunk Driving

NHTSA – National Highway Traffic Safety Administration

NSC – National Safety Council

OCA – Office of Court Administration

SHSO – State Highway Safety Office

SHSP – State Highway Safety Plan

SHSU – Sam Houston State University

TABC – Texas Alcoholic Beverage Commission

TAC – Texas Association of Counties

TCAUDPP – Travis County Attorney's Underage Drinking Prevention Program

TCJ – Texas Center for Judiciary

TDCAA – Texas District and County Attorneys Association

TDLR – Texas Department of Licensing and Regulation

TEA – Texas Education Agency

Texas FCCLA FACTS - Texas Association Family, Career and Community Leaders of America's Families Acting for Community Traffic Safety

TJCTC – Texas Justice Court Training Center

TMCEC – Texas Municipal Courts Education Center

TMPA – Texas Municipal Police Association

TRCC – Traffic Records Coordinating Committee

TTC – Texas Transportation Commission

TTI – Texas A&M Transportation Institute

TxDOT – Texas Department of Transportation

TxSDY – Texans for Safe and Drug-Free Youth

CONTENTS

Figures vii
Tables vii
Introduction 1
Snapshot of the Impaired Driving Problem 1
Plan Structure 4
I. Program Management and Strategic Planning 5
Task Forces or Commissions 5
Authority and Basis for Operation 5
Mission 5
Charter 5
Membership 5
Meetings 6
Subcommittees 6
Strategic Planning 8
Program Management 10
Resources 10
Data and Records 10
Communication Program 11
Recommendations from the 2015 Impaired Driving Technical Assessment 11
II. Prevention 12
Promotion of Responsible Alcohol Service 12
Promotion of Risk-Based Enforcement 13
Promotion of Priority Inspection 13
Promotion of Transportation Alternatives 14
Reducing Underage Access to Alcohol in Social Settings 14
Conduct of Community-Based Programs 15
Schools and Education 15
Employers 16
Community Coalitions and Traffic Safety Programs 16
Recommendations from the 2015 Impaired Driving Technical Assessment 17
III. Criminal Justice System 19
Laws 19
Enforcement 22
Publicizing High Visibility Enforcement 23
Prosecution 23
Adjudication 24
Community Supervision 25
Ignition Interlock Program 26
Administrative Sanctions and Driver Licensing Programs 26
Recommendations from the 2015 Impaired Driving Technical Assessment 27
IV. Communication Program 36
Recommendations from the 2015 Impaired Driving Technical Assessment 38
V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation 39
Screening and Assessment 39
Screening and Brief Intervention 39
Treatment and Rehabilitation 40
Monitoring Impaired Drivers 40
Recommendations from the 2015 Impaired Driving Technical Assessment 40
VI. Program Evaluation and Data 42
Recommendations from the 2015 Impaired Driving Technical Assessment 43

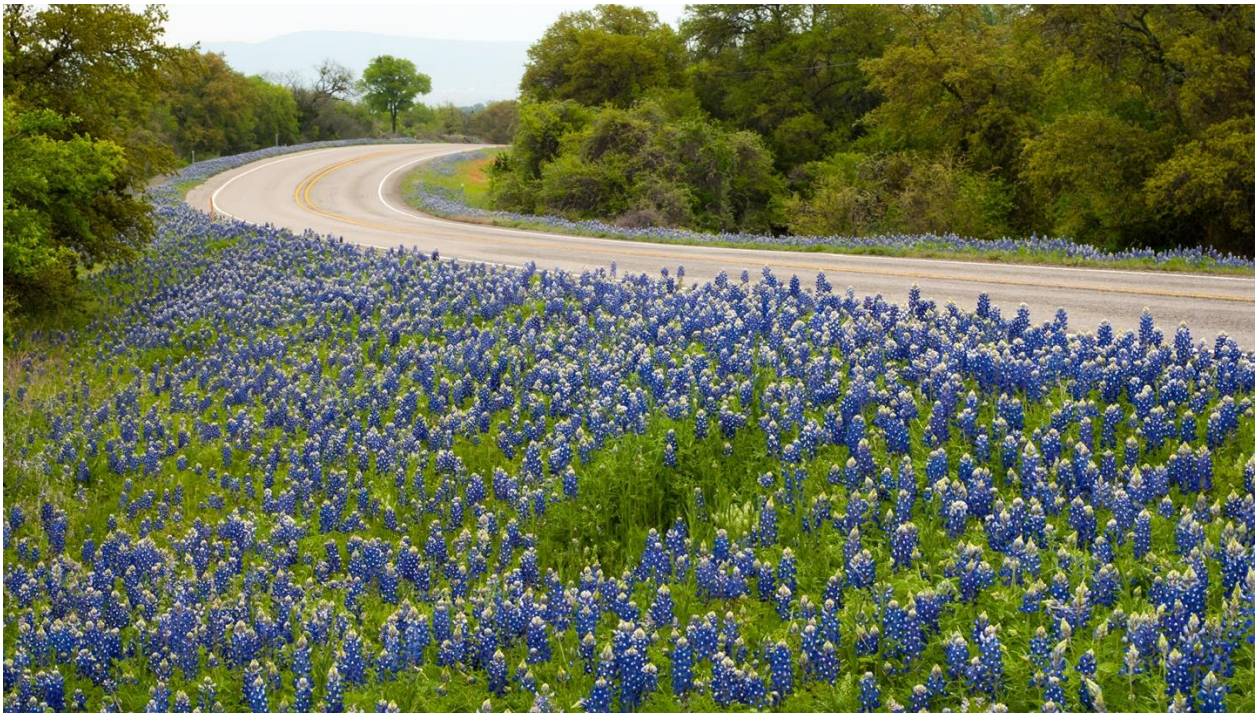
Summary 44
Appendix A – Signatures of Approval 45

FIGURES

Figure 1. Texas Alcohol-Impaired Driving Fatality Rate, Per VMT, 2015-2019 2
Figure 2. Texas Alcohol-Impaired Driving Fatalities, BAC 0.08+, 2015-2019 3
Figure 3. Percent of Alcohol-Impaired Driving Fatalities in Texas, 2015-2019 3

TABLES

Table 1. SHSP Strategies and Countermeasures, Impaired Driving 8
Table 2. TxDOT Alcohol and Other Drug Countermeasures Program Area Funding 10
Table 3. NHTSA Recommended Laws, Provisions for Law Enforcement, and Penalties for Impaired Driving 20
Table 4. ALR Sanctions for Adults 27
Table 5. ALR Sanctions for Minors 27
Table 6. Impaired Driving Communication Projects and Campaigns 37



INTRODUCTION

With contribution and approval by the Texas Impaired Driving Task Force (TxIDTF), the purpose of the Texas Impaired Driving Plan (hereafter referred to as the Plan) is to provide a comprehensive strategy for preventing and reducing impaired driving in Texas. The Plan provides a snapshot of the impaired driving crash problem, documents the progress of ongoing initiatives and campaigns, and discusses potential new countermeasures and strategies.

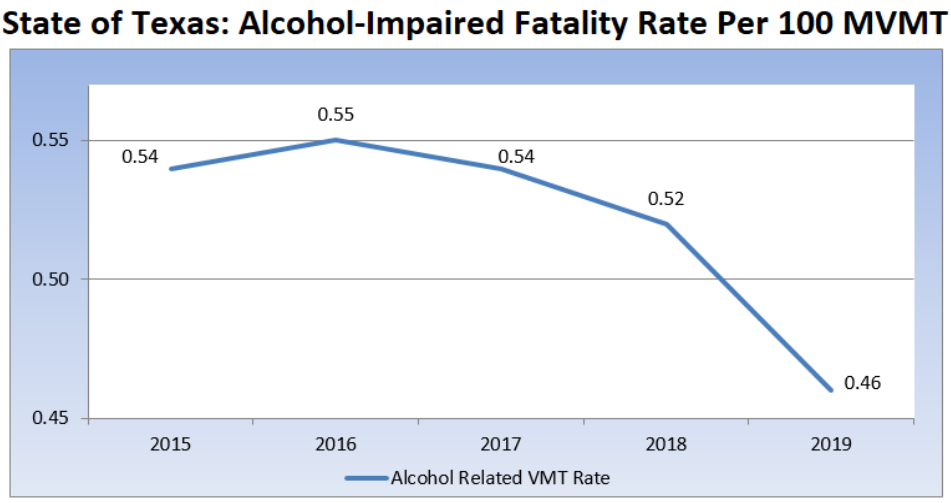
The Plan is provided to the Texas Department of Transportation (TxDOT) for final submission to the National Highway Traffic Safety Administration (NHTSA). It is based on the requirements of the FAST Act, Section 405(d) and NHTSA's *Uniform Guidelines for State Highway Safety Programs – No. 8*.

Impaired driving continues to be a significant issue in Texas.

SNAPSHOT OF THE IMPAIRED DRIVING PROBLEM

Texas continues to make significant efforts to reduce impaired driving fatalities, injuries, and crashes. While the percentage of motor vehicle fatalities that result from impaired driving has declined over the last 10 years, Texas continues to seek innovative and evidence-based solutions. Despite the implementation of proven strategies and countermeasures, the number of impaired driving fatalities and injuries in Texas continue to be unacceptable. Texas remains dedicated to reducing all incidences of impaired driving.

The submission of this Plan is based on the State's average impaired driving fatality rate. As defined by the Code of Federal Regulations Title § 1200.23, the average impaired driving fatality rate is "the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration (BAC) of at least 0.08 percent for every 100 million vehicle miles traveled (VMT), based on the most recently reported three calendar years of final data from the Fatality Analysis Reporting System (FARS)."[1]



Source: Fatality Analysis Reporting System (FARS May 28th, 2021)

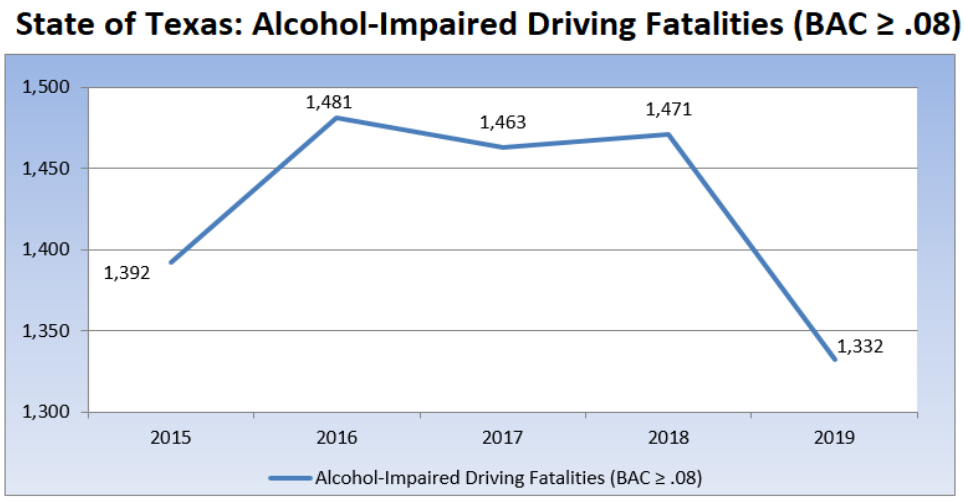
Figure 1. Texas Alcohol-Impaired Driving Fatality Rate, Per VMT, 2015-2019

Texas is considered a mid-range state for FY 2021 because its alcohol-impaired driving fatality rate is 0.51 based on FARS data from 2017-2019. Figure 1 illustrates the alcohol-impaired driving fatality rate, per vehicle miles traveled (VMT), from 2015–2019 in Texas. Texas ranks in the top 10 states nationally for alcohol-related fatalities per 100 million VMT for 2019 (the current year for which data is available). Preliminary data indicates Texas will also be in the top 10 for 2020.

As shown in Figure 2, there were 1,332 alcohol-impaired driving fatalities where a driver had a BAC of 0.08 g/dL or greater in 2019 in Texas. Current FARS data suggests that alcohol-impaired driving fatalities where a driver had a BAC of 0.08 g/DL or greater are trending downward.

However, impairment has been shown at BACs lower than 0.08 g/dL and drug-impaired driving is increasingly becoming a factor in motor vehicle crashes. Texas must continue to seek innovative solutions that reduce all impaired driving fatalities and injuries.

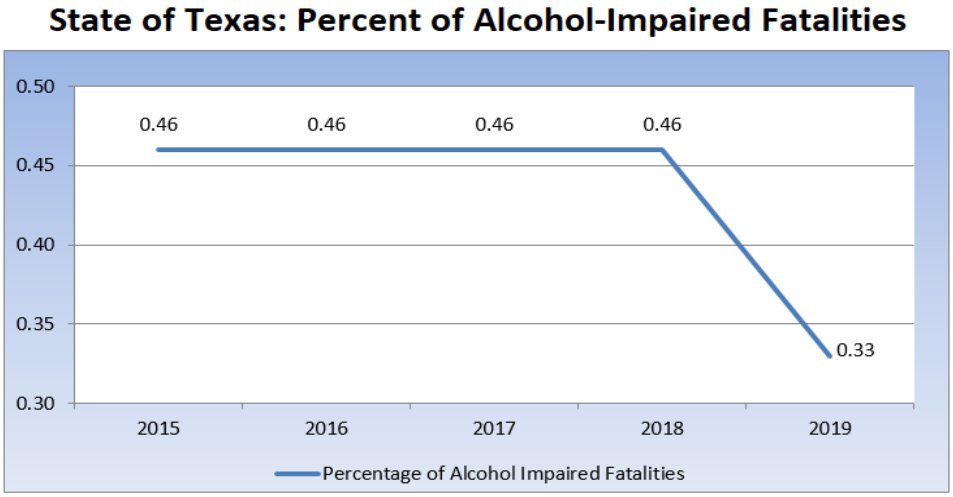
[1] Uniform Procedures for State Highway Safety Grant Programs, 23 C.F.R. § 1200.23 (2020).



Source: Fatality Analysis Reporting System (FARS May 28th, 2021)

Figure 2. Texas Alcohol-Impaired Driving Fatalities, BAC 0.08+, 2015-2019

Figure 3 illustrates the percent of alcohol-impaired driving fatalities from 2015-2019. In 2019, alcohol-impaired driving fatalities represented 33% of the State's motor vehicle fatalities, which is among the highest percentage in the nation.



Source: Fatality Analysis Reporting System (FARS May 28th, 2021)

Figure 3. Percent of Alcohol-Impaired Driving Fatalities in Texas, 2015-2019

Alcohol-impaired driving crashes where a driver had a BAC of 0.08 g/dL or more are only part of the impaired driving problem: impairment has been shown at BACs lower than 0.08 g/dL and drug-impaired driving is increasingly becoming a factor in motor vehicle crashes. Texas must continue to seek innovative solutions that reduce all impaired driving fatalities and injuries.

PLAN STRUCTURE

The subsequent sections of the Plan adhere to the components a state's impaired driving program should include and meet, as recommended by NHTSA's *Uniform Guidelines for State Highway Safety Programs – No. 8*. The Plan's components are:

- Program Management and Strategic Planning
- Prevention
- Criminal Justice System (including Laws, Enforcement, Publicizing High Visibility Enforcement, Prosecution, Adjudication, Administrative Sanctions and Driver Licensing Programs)
- Communication Program
- Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation
- Program Evaluation and Data

Additionally, recommendations from the last Impaired Driving Program Technical Assessment can be found at the end of each respective section of the Plan. The last Program Assessment was held in 2015. Texas was scheduled to participate in another Program Assessment in August 2020. It was rescheduled for 2021, however, due to the continued impact of the COVID-19 pandemic, the Program Assessment has been postponed to FY 2022.

Since 2015, the TxIDTF has reviewed the Assessment recommendations to prioritize implementation and track progress. The TxIDTF has assigned an "implementation status" and provided context concerning how each recommendation is being further pursued or reasons for inactivity. The TxIDTF has developed and used the following statuses:

- **Ongoing** – The TxIDTF or via a member organization is actively planning or working to complete the recommendation. If a recommendation has been achieved but requires any level of maintenance, it has been designated ongoing, as opposed to complete.
- **Complete** – The TxIDTF or via a member organization has achieved the recommendation and no level of maintenance is required.
- **Not Currently Being Addressed** – The TxIDTF has either completed actions that resulted in no forward progress, or it is not currently pursuing action.
- **Requires Legislative Action** – The TxIDTF is unable to pursue, promote, or lobby legislative activity at any level. Recommendations designated with this status are beyond the scope of the TxIDTF, or require additional laws be passed or a different interpretation of current laws. The TxIDTF views its role as an educator of objective impaired driving safety issues. The TxIDTF works to ensure that those stakeholders who can engage in legislative activity have data-driven, evidence-based information to base their decisions.

  Jurisdictional Condition – The TxIDTF or via a member organization educates and informs impaired driving safety stakeholders, including judges and prosecutors. Regular trainings with judges and prosecutors take place throughout the State so that they better understand current impaired driving laws and processes; however, the TxIDTF recognizes how imperative judicial and prosecutorial discretion are.

I. PROGRAM MANAGEMENT AND STRATEGIC PLANNING

Task Forces or Commissions

The TxIDTF is a partnership of impaired driving safety stakeholders from across the State who are committed to eliminating deaths and injuries caused by impaired driving. The TxIDTF is used as a forum for strategic planning and coordination of programs and projects that target impaired driving.

Authority and Basis for Operation

The TxIDTF is funded through a TxDOT Behavioral Traffic Safety Grant that is administrated by the Texas A&M Transportation Institute (TTI).

Mission

The mission of the TxIDTF is to eliminate injury and death caused by impaired driving in Texas.

Charter

The TxIDTF has existed in some capacity for 16 years, operating mostly under an informal set of policies and procedures. As the TxIDTF has evolved, it became necessary to develop a formal charter that clearly communicated expectations and responsibilities. In February 2018, the TxIDTF voted to approve a formal charter which is linked below. Unless otherwise noted, all subsequent TxIDTF documents can be found online at www.texasimpaireddrivingtaskforce.org.

- Texas Impaired Driving Task Force Charter – Revised 2018

Membership

The TxIDTF has evolved into a multifaceted representation of individuals and organizations. Currently, the TxIDTF consists of 44 members, representing:

- State Highway Safety Office (SHSO)
- Breath Alcohol and Toxicology
- Communication
- Data and Traffic Records
- Driver Licensing
- Education
- Enforcement
- Ignition Interlock Programs
- Judiciary
- Prosecution
- Research
- Treatment

The TxIDTF continually assesses weaknesses and gaps in membership expertise. If an area of the impaired driving safety problem is not reflected through current membership, then the TxIDTF has reached out to leaders in the community with an invitation to join. The TxIDTF membership is comprised of knowledgeable impaired driving safety stakeholders and subject matter. The TxIDTF membership meets the requirements of the FAST Act and includes all appropriate stakeholders. Members voluntarily serve on the TxIDTF and can do so for as long as they are capable. The link below contains the names, titles, and organizations of all TxIDTF members.

- Texas Impaired Driving Task Force Membership - FY 2021

Meetings

Due to its large membership and the State's geography, the TxIDTF meets in person biannually. However, due to the impact of COVID-19 the TxIDTF met virtually in October 2020 and February 2021. Email correspondence and subcommittee meetings, as necessary, supplement the in-person and virtual meetings. In the past 12 months, the TxIDTF met on the following dates and the meeting notes are linked below.

- Meeting Minutes February 25, 2021
- Meeting Minutes October 8, 2020

Subcommittees

The TxIDTF is supported by five subcommittees: Awards Selection, Education, Legislative, Research, and Drug Impaired Driving. Each subcommittee has arisen out of a need identified. Subcommittees drill down into specific areas that time does not afford during in-person meetings. Subcommittees can include representatives from any relevant organization that has an interest or knowledge in the impaired driving issue; however, the subcommittee chairman or co-chairmen must be a member of the TxIDTF. Each subcommittee meets as often as is needed via webinar and email correspondence.

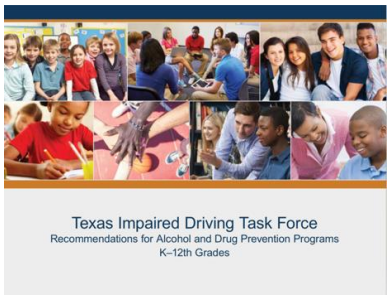
As new areas for support are identified and goals are achieved, subcommittees will convene or disband. Below is a brief description of subcommittee work, as well as meeting dates and notes. Due to the timing of the Plan's submission, some meeting notes included may be from a previous fiscal year.

Awards Selection

To recognize the efforts of individuals and organizations who are positively impacting impaired driving in Texas and to encourage others to do the same, the TxIDTF established the Awards Selection Subcommittee. The Subcommittee calls for nominations of individuals and organizations who are going "above and beyond" normal duties to truly affect impaired driving change. In FY 2021, the Subcommittee reviewed a competitive pool of nominations and selected two candidates to bring forward to the TxIDTF for a blind vote. The vote was to select one candidate as the *Texas Impaired Driving Safety Champion* and name the other candidate as *Texas Impaired Driving Difference Maker*. The award recipients were recognized and honored at the 2021 Virtual Texas Impaired Driving Forum. Below is a press release about the award recipients and subcommittee meeting minutes.

- 2021 Award Recipient Press Release – February 24, 2021
- Awards Subcommittee Meeting – October 2, 2020

Education



One of the recommendations from the State's 2015 Impaired Driving Program Technical Assessment was to "coordinate school-based impaired driving activities with evidence-based alcohol and substance abuse prevention programs." Since then, the Subcommittee has worked to compile a reference book that provides a program snapshot of evidence-based alcohol and drug prevention programs available for implementation in schools. The Subcommittee chose to include Texas Essential Knowledge and Skills (TEKS) which are State standards for what students should know and be able to do, as well as promising TxDOT-sponsored programs that were not necessarily evidence-based.

The reference book has been distributed at numerous educational trainings and conferences, including an Education Service Center – Region 6's Superintendent's meeting. In FY 2021, the Subcommittee has been working to update the reference book and keep information current. The Subcommittee released an updated

version in August 2020 and expects to release another updated copy in the fall of 2021. Below is the most recent version of the reference book and subcommittee meeting minutes.

- Recommendations for Alcohol and Drug Prevention Programs K-12th Grades – Updated August 2020
- Education Subcommittee Meeting – April 29, 2021

Legislative

The Subcommittee is comprised of current and retired members of the judiciary and prosecution, advocates, and others with a strong working knowledge of State Legislature operations. The TxIDTF is unable to pursue, promote, or lobby legislative activity at any level however, some member organizations are able to engage in lobbying activities as a part of work with their individual organizations. Because of these parameters, the TxIDTF views its role as an educator and informer of objective impaired driving, transportation safety, and public health data and information.

The purpose of the Legislative Subcommittee is to educate and inform members of the TxIDTF about legislation that has the potential to affect impaired driving in the State. The Subcommittee continuously tracks the status of and provides summaries for proposed impaired driving bills while the Legislature is in session. For any bills that are approved and become law, the Subcommittee provides further detail about anticipated outcomes and consequences.

The Legislative Subcommittee meets in the same years when the State Legislature is in session. The 87th Texas Legislature is currently underway, and the Subcommittee continues tracking House and Senate bills that may have an impact on traffic safety. Below are the subcommittee meeting minutes.

- Legislative Subcommittee Meeting Notes – December 1, 2020
- Legislative Subcommittee Meeting Notes – May 7, 2021

Research

In FY 2020, the TxIDTF established the Research Subcommittee with the purpose of reviewing research literature on impairment and driving. The Subcommittee's goal is to inform TxIDTF members about relevant impaired driving literature so they may stay abreast of current evidence-based findings. Having a more thorough understanding of the current literature can facilitate informed decisions regarding future and current programming by the state. This year, the Subcommittee's goal is to review and develop summaries for at least two scientific articles. Below are subcommittee meeting minutes.

- Research Subcommittee Meeting Notes – October 14, 2020

Website

The TxIDTF online footprint has the potential to reach and educate a broader audience than traditional outreach methods. A broader audience is inclusive of regional traffic safety and public health coalitions as well as coalitions and task forces that exist in other states. The TxIDTF established two social media accounts (i.e., Facebook and Twitter) in FY 2019 to further engage and educate audiences about the impaired driving problem in Texas. During this time, it became apparent that the existing website would benefit from redirection. The Website Subcommittee was established to provide guidance on existing and new content, resource organization, and website functionality. Revisions were made to the website and a social media management plan was agreed to. The Website Subcommittee was then disbanded in September 2020.

Drug Impaired Driving

An area identified by the TxIDTF membership that is causing significant challenges to traffic safety is drug impaired driving. Marijuana legalization continues to gain momentum across the country and Texas has seen multiple bills introduced in the 87th Texas Legislative Session. Additionally, the Coronavirus pandemic has

caused an increase in substance use as people seek ways to cope with isolation, stress, and anxiety. While we have a thorough understanding of how alcohol impairs driving, much is yet to be learned about how drug impairment and polysubstance use adversely impacts the driving task. As a step to address this gap, the TxIDTF formed a Drug Impaired Driving Subcommittee at the meeting in February. The subcommittee convened on April 5, 2021 and the meeting minutes are linked below.

- Drug Impaired Driving Subcommittee – April 5, 2021

Strategic Planning

Impacting decision-making is a key part of improving the impaired driving challenge and overall driver and traffic safety. Incorporating elements of engineering, education, enforcement, and evaluation is imperative to further achieve and progress reductions in impaired driving injuries and deaths.

The most recent strategic planning session for TxDOT Traffic Safety Division – Behavioral Traffic Safety Section (TRF-BTS) addressed FY 2017-2022. In cooperation with local, state, federal, and other public and private safety sector stakeholders, the State has developed a comprehensive Texas Strategic Highway Safety Plan (SHSP), which is available online at https://www.texasshsp.com/.

The Texas SHSP is a coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads through seven emphasis areas; impaired driving is considered an emphasis area. Numerous members of the TxIDTF serve on the Impaired Driving Emphasis Area Team and contributed to the SHSP's development. The Texas SHSP identifies the State's key safety needs and guides investment decisions towards strategies and countermeasures with the most potential to save lives and prevent injuries.

Table 1. lists the SHSP strategies and countermeasures for which action plans were developed. The TxIDTF is in the process of reviewing the strategies, countermeasures, and action plans developed as part of the Texas SHSP. This review process will allow the TxIDTF to identify overlapping initiatives and how best action plans can be transitioned into implementation. However, further progress has not been achieved due to continued focus on subcommittee work and Program Assessment recommendation implementation.

Table 1. SHSP Strategies and Countermeasures, Impaired Driving

Strategy 1: Use data systems to identify alcohol licensed and permitted locations within a community and Alcoholic Beverage Code violation history at these locations to determine any correlation with alcohol-related crashes	
Data Analysis	Develop and maintain data to identify correlations between impaired driving crashes and citations, road type, corridor, region, county and community, and Texas Alcoholic Beverage Commission licensing data
Strategy 2: Increase education for all road users on the impact of impaired driving and its prevention	
Impact of Impairment	Demonstrate to all road users the magnitude of the impact of impaired driving crashes on fatality rates by making comparisons with other causes of death (e.g., murder rate)

Strategy 3: Increase officer contacts with impaired drivers through regular traffic enforcement	
Traffic Enforcement	Educate the police, community leaders, the public, and traffic safety partners on the role of regular traffic enforcement stops as a primary tool in detecting impaired drivers and encourage their use to reduce impaired driving crashes. Identify trends in driving under the influence (DUI) arrests, and compare the data to trends in citations and crashes for use in education
Data-Driven Approach	Use a data-driven approach to optimize areas and times for enforcement
Law Enforcement Training	Identify training gaps for police on locations with a high probability for alcohol and drug use that lead to impaired driving (e.g., breaking up/preventing underage-drinking parties)
Sobriety Checkpoints	Conduct surveys to assess public support for sobriety checkpoints and enhanced impaired-driving penalties; document practices, short- and long-term results, and acceptance of checkpoints across the nation; develop a report on the survey results and impaired-driving countermeasure effectiveness; and share the reports with lawmakers and the public
Strategy 4: Improve mobility options for impaired road users	
Public Education	Educate the public and community leaders on methods for identifying mobility options at the community level in both urban and rural areas
Trip Planning	Promote trip planning, including designated drivers, public transportation, taxis, and alternate transportation service companies
Strategy 5: Increase data, training, and resources for prosecutors and officers in the area of drugged driving	
Standardized Field Sobriety Testing, Drug Recognition Expert Training, and Roadside Drug Testing	Continue and increase Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE) training, and Drug Recognition Expert (DRE) training. Continue to monitor the development of roadside drug testing instruments, and as appropriate, investigate deploying them into the field as an additional tool to detect impaired driving. Continue and increase SFST trainings Continue and increase ARIDE trainings Continue and increase DRE trainings, DRE recertification, and DRE Instructors
Resources – DUI Identification	Identify methodologies and resources for improving the identification of drugged driving as a contributing factor in impaired driving crashes Improve robustness of data related to possible drug impairment on crash reports Use supplemental crash reports to add missing drug impairment data to crash reports Analyze policies and possible legislation advancing decriminalization and legalization of marijuana Optimize resources available in the gathering and processing of evidence related to drug-impaired driving Assess law enforcement resources (number of DREs, ARIDE Officers, etc.) and Resources for Prosecutors in Drug-Elevated Crash Counties Use the SFST, ARIDE, and DRE Tracking System to identify common factors associated with impaired driving Determine whether drug testing equipment is accessible and robust enough to quantify blood drug results

Program Management

The State Highway Safety Office (SHSO) is managed by the TxDOT TRF-BTS. The program staff is located at the headquarters in Austin and in all 25 TxDOT districts. The TxDOT TRF-BTS develops traffic safety initiatives aimed at reducing fatalities and serious injuries from motor vehicle crashes. Specifically, the TxDOT Alcohol and Other Drug Countermeasures Program area supports the development and implementation of programs aimed at reducing fatalities and injuries involving impaired driving.

The TxDOT Alcohol and Other Drug Countermeasures Program has developed strong relationships with individuals and organizations affiliated and not affiliated with the TxDOT Program. This network addresses the goals and strategies associated with the Program, as well as provides expert resources for the Program in an ad hoc capacity. This network is strengthened and reinforced by the TxIDTF, which works with TxDOT to create a multifaceted, cohesive impaired driving program, as opposed to a group of disjointed projects and organizations.

Resources

In FY 2021, TxDOT awarded 397 traffic safety grants to state and local governmental agencies, colleges and universities, and non-profit agencies across Texas. Of these, 77 Alcohol and Other Drugs Countermeasures projects were awarded. Below is a link to the project list.

- TxDOT Alcohol and Other Drug Countermeasures Program Area - FY 2021

Funded projects are based on thorough problem identification that utilize State and federal crash data, as well as other data related to geographic and demographic aspects of traffic safety and driver behavior. Table 2. provides a fiscal summary for FY 2019 - 2021.

Table 2. TxDOT Alcohol and Other Drug Countermeasures Program Area Funding

	FY 2020 Awarded	FY 2021 Awarded	FY 2022 Planned
Federal Funds	$13,807,575.01	$14,784,697.79	$15,152,407.35
State Match	$0.00	$300,000.00	$300,000.00
Local Match	$25,755,278.16	$8,219,354.43	$8,344,387.51
Program Income	$12,000.00	$12,000.00	$8,000.00
Total	$39,574,853.17	$23,316,052.22	$23,804,794.86

Data and Records

The primary source of data used for traffic safety programs originates from reportable information collected by law enforcement officers (via Form CR-3) at a crash site. Officers input the crash information into a statewide crash database, known as CRIS (which stands for Crash Records Information System). Reportable motor vehicle crashes are crashes involving a motor vehicle in transport that occur or originate on a traffic way, result in injury to or death of any person, or damage to the property of any one person to the apparent extent of $1,000.

Texas has spent significant time and resources upgrading its crash records system so that local- and state-level stakeholders have accurate and complete data. This ranges from fixed-format compilations of crash and injury information to special, customized analyses and evaluations directed at identifying and quantifying targeted local and statewide traffic safety problems. Because of minor differences in coding rules and data certification, FARS data reported at the national level are not always in sync with CRIS data.

CRIS data are combined with other data sources including the U.S. Census, FARS, and other localized databases to ensure that the State's impaired driving program is fully supported with data analysis and evaluation. These data and the subsequent analyses inform engineering, enforcement, education, emergency response, and evaluation activities throughout the State.

This part of the impaired driving program also satisfies the need for integration with the Traffic Records Coordinating Committee (TRCC). The TRCC is comprised of designees from TxDOT, TTI, Department of State Health Services (DSHS), Texas Department of Public Safety (TxDPS), and Office of the Court Administration (OCA), many of whom are also members of the TxIDTF.

Communication Program

Further discussion of the State's communication program is on page 36.

Recommendations from the 2015 Impaired Driving Technical Assessment

A. **State and Tribal DWI Task Forces and Commissions**

Priority Recommendation: Create and convene a Governor's Executive Committee of the Impaired Driving Task Force chaired by a Texas Transportation Commissioner (appointed by the Governor) with a membership consisting of the Attorney General, six State Senate members (appointed by the Lt. Governor), and six House members (appointed by the Speaker of the House) meeting in even numbered years to discuss legislative recommendations provided by the full administrative support from the Traffic Safety Division's Behavioral Traffic Safety Section

Status: Not Currently Being Addressed

Background: The TxIDTF developed and submitted letters of support for the creation of the Governor's Executive Committee on Impaired Driving. The letters were submitted to the Texas Transportation Commission (TTC) in February 2016 and November 2018.

The TTC created the Texas Traffic Safety Task Force, which developed a plan to reduce serious injuries and deaths on Texas roadways called *Solutions for Saving Lives on Texas Roads* report (below). Among identified solutions, the Task Force identified the need to create an Impaired Driving Task Force comprised of the highest government officials. There is no forward motion for the creation of the executive committee at this time.

- Solutions for Saving Lives on Texas Roads

B. **Strategic Planning**

Recommendation: Develop and fund a driving under the influence/driving while intoxicated (DUI/DWI) tracking system that would link Texas criminal justice agencies databases in order to create a network containing offenders criminal history, arrests, warrants, photographs, and fingerprints, to ensure access to offenders previous and/or current DUI/DWI history

Status: Not Currently Being Addressed

Background: TTI received a traffic safety grant in FY 2017 to determine the feasibility of developing a DWI tracking system in Texas. Developing such a database is a tremendous undertaking, and many of the processes that would streamline its creation are not in place. Due to limited funds and prioritization, further progress of developing a DWI tracking database is not being pursued through the end of FY 2020. However, this continues to be a priority need for TxDOT, and TxDOT continues to seek proposals to address this need.

C. Program Management

Recommendation: Conduct a study to determine the Texas Highway Safety Office's needs for better and more accurate impaired driving data

Status: Not Currently Being Addressed

Background: A call for a formal study has not been made by TxDOT to pursue this recommendation. However, as part of ongoing program efforts, TxDOT subgrantees are performing annual statewide impaired driving crash analyses that pertain to the State's need for identifying impaired driving data. TxDOT is also conducting various analyses of impaired driving data.

D. Resources

Recommendation: Evaluate impaired driving programs to determine if resources are being allocated in the most effective manner

Status: Ongoing

Background: This activity is performed at the State level by TxDOT. The TxIDTF does not participate at this level unless directed to do so by TxDOT. This does not preclude an independent investigation of resources and effectiveness as part of a larger project-related effort.

Recommendation: Establish private/public partnerships to increase funding for the impaired driving program

Status: Ongoing

Background: Partnerships between the public and private sector continue to grow. AAA Texas began providing funding to train local law enforcement to become DREs by donating money to pay for instructional materials, food, lodging, and time off so officers can be trained to recognize impaired driving. Mothers Against Drunk Driving (MADD) has been facilitating Travis/Williamson County DWI Roundtables which are designed to initiate ongoing communication and collaboration among DWI stakeholders. MADD has also been hosting the Power of Youth Program which provides presentations for ages 12-20. The program includes participation from collaborating agencies such as Teens in the Driver Seat, AAA Texas, Travis County Underage Drinking Prevention Program (TCUDPP), and Cenikor.

Recommendation: Support initiatives that will encourage the Governor and legislature to enact legislation that increases driving while intoxicated fines to generate funding for the impaired driving program

Status: Requires Legislative Action

Background: The TxIDTF is unable to pursue, promote, or lobby legislative activity at any level. However, some members are able to engage in lobbying activities as a part of the work of their individual organizations.

II. PREVENTION

NHTSA recommends that impaired driving prevention programs include public health approaches, such as interventions that alter social norms, change the occurrence of risky behaviors, and create safer environments. Texas encourages prevention through a diverse and culturally responsive set of approaches including public health, advocacy, communication campaigns, alcohol service restrictions, employer programs, safe community initiatives, driver education, and educational outreach. These prevention approaches are achieved through local, state, and national partnerships that utilize evidence-based strategies and best practices.

Promotion of Responsible Alcohol Service

The TxIDTF works with other local and state organizations to promote policies and best practices to prevent drinking and driving, drinking by underage individuals, alcohol service to minors, and over service. Education is

promoted and provided by the TxIDTF, TxDOT, and other organizations to ensure voluntary compliance with the Texas Alcoholic Beverage Code and promote responsible alcohol service.

One organization which works to promote responsible alcohol service is the Texas Alcoholic Beverage Commission (TABC). TABC regulates third party seller-server schools available throughout Texas and online. The program covers underage and over service laws, and prevention strategies. TABC-approved seller server schools trained over 391,000 people in FY 2020 and 210,414 people September through March of FY 2021. Certification is valid for two years. Currently, Texas law does not require seller-servers to be certified, but administrative sanctions are offered to licensed locations that require the certification and meet other minimum standards.

Each time employees stop service to a minor or intoxicated person, they are protecting themselves, the business, and the community from serious consequences. The Retailer Education and Awareness Program (REAP) was designed by TABC staff to provide education for all staffing levels of alcoholic beverage retailers. This program provides owners, managers, and general employees of retail establishments the opportunity to REAP the benefits of continued education and compliance with the State's alcoholic beverage laws. Hosted by TABC, the two-hour program addresses common issues related to minors and intoxicated patrons. The course covers both on- and off-premise scenarios in one training environment and is easily customizable to individual training needs.

The program is designed to create a dialogue between TABC and all levels of alcoholic beverage retail staff while in an educational environment. TABC agents and auditors will cover topics to retrain even the most seasoned employees while also asking for feedback and questions, so those involved leave with a better understanding of possible problem areas and solutions. The goal of the REAP is to help all alcoholic beverage retailers promote responsible alcoholic beverage sales and service.

Promotion of Risk-Based Enforcement

TABC has developed a risk-based program to focus on at-risk behavior that may indicate a pattern of bad business practices that could lead to serious violations. This process includes looking for pre-determined factors in the application, examining administrative violation history, and gathering intelligence from other law enforcement and governmental agencies.

The key elements of the risk-based enforcement program are increased inspection frequency for retailers with past histories of public safety violations, a greater emphasis on "after hours" establishments that illegally sell or permit consumption of alcoholic beverages during prohibited hours, and prioritization of its complaint investigations to give investigations involving allegations of public safety offenses first priority in terms of time and resources.

Promotion of Priority Inspection

TABC identifies retailers whose premises have been the scene of an offense with public safety implications, or that have been the subject of multiple complaints alleging such violations. Once identified, these retailers are assigned to one of five priority levels, which determine the frequency of TABC inspections. Priority levels are assigned based on the severity and number of past violations or complaints, and the length of time since the most recent violation or complaint. At the highest level, locations are inspected bi-weekly. As time passes and no new violations are observed, retailers will progress downward through the priority tiers with inspections

becoming less frequent at each tiered level. At the end of the 12-month period, retailers are subject only to an annual inspection.

Public safety violations have been given priority status due to their correlation with patrons' level of intoxication when they are leaving licensed premises. These public safety violations are alcohol age-law offenses, intoxication offenses, prohibited hours offenses, drug-related offenses, disturbances of the peace, and human trafficking. Vice offenses such as prostitution are also considered when assigning priority status. Violations indicative of retailer financial stress are also reviewed because such offenses have been found to occur concurrently with or as a precursor to actual public safety offenses.

As part of this program, TABC also provides free training opportunities to retail managers and employees in an attempt to prevent future violations. Field offices are required to offer these opportunities to all retailers qualifying for the two highest tiers but routinely make them available to all other retailers as well. As a result of training initiatives, some 8,400 retail managers and employees were trained on illegal sales recognition and prevention "best practices" techniques.

Promotion of Transportation Alternatives

TxDOT supports several projects related to responsible transportation choices including media campaigns and programs that directly support alternatives to driving after drinking. TxDOT has implemented the following media campaigns aimed to prevent impaired driving: Football Season Campaign, Christmas/New Year Holiday Campaign, Labor Day Campaign, College and Young Adult Campaign, Spring Holidays Campaign, and Faces of Drunk Driving Campaign.

Additionally, TTI's university peer-to-peer programs such as U in the Driver Seat Program (UDS) and its associated Designated Unimpaired Driver Extraordinaire (D.U.D.E.) outreach messaging platform promote transportation alternatives.

Reducing Underage Access to Alcohol in Social Settings

Social hosts are individuals who provide a setting, whether a home or private property, where underage drinking occurs. Such parties can result in various negative consequences such as vandalism, impaired driving, alcohol poisoning, and sexual assault. Responding to these parties places a costly burden on communities – especially police, fire, and emergency services.

Organizations such as Texans for Safe and Drug-Free Youth (TxSDY, formerly known as Texans Standing Tall) trains and works with coalitions across the State to educate communities on the dangers of underage drinking parties and the importance of holding social hosts accountable for the costs these parties impose on communities. Coalitions educate communities on current laws regarding providing alcohol to minors as well as the importance of youth abstention until 21 to reduce the likelihood of alcohol addiction.

TxSDY also trains law enforcement on controlled party dispersal, so law enforcement can respond to parties and ensure the safety of the youth attendees and the surrounding community. And, where social host ordinances have been passed, TxSDY provides support to law enforcement and communities to develop standard operating procedures for enforcing those laws. Similarly, the Texas Municipal Courts Education Center (TMCEC) offers judicial education on topics related to social hosting.

Conduct of Community-Based Programs

TxDOT supports utilizing community-based programs that reach target audiences in diverse settings, including:

- Advocacy Groups
- Coalitions
- Community and Professional Organizations
- Driver Education Programs – Public and Private
- Employers and Employer Networks
- Faith-Based Organizations
- Local and State Safety Programs
- Parents and Caregivers
- Public Health Institutions
- Schools – Public and Private (inclusive of K-12 and Institutions of Higher Education)
- Statewide Organizations

Schools and Education

In educational environments, community-based programs use public information, education simulators, and training initiatives to engage students, parents and caregivers, school staff and support personnel, and employers and employees to change social norms by reducing alcohol misuse and abuse and impaired driving.

Texas driver education schools licensed or certified by the Texas Department of Licensing and Regulation (TDLR) provide Texas' young drivers alcohol awareness instruction. This early education is designed to prevent young drivers from getting behind the wheel while impaired.

In addition, Texas provides a variety of programs to address impaired driving needs in schools at the grassroots level. For example, TTI has been widely deploying a peer-to-peer program at the high school level for over a decade. Identified for the last several years as a national best practice, the Teens in the Driver Seat® program is designed to engage, empower, and activate students to become young traffic safety advocates. The program has reached over 750 high schools in Texas.

Similarly, the National Safety Council (NSC) Alive at 25 Program has been incorporated into some municipal courts, and teens may be required to participate in the program. Alive at 25 has also been utilized with employers that employ those under 25 years in age as well as in the employer arena for employees who have teens.

AAA Texas conducts Dare to Prepare teen driver workshops to educate teens on the risks associated with teen driving, including alcohol- and drug-impaired driving.

Finally, the Texas Association Family, Career and Community Leaders of America's Families Acting for Community Traffic Safety (Texas FCCLA FACTS) program puts the brakes on impaired driving and traffic crashes through peer education that encourages friends and family to drive safely and lowers the number one cause of deaths for young people in America.

Other community-based programs have included public outreach efforts by various social service entities and organizations as a part of their core public health and safety mission. This includes activities launched by municipal courts, hospitals, regional education service centers, social advocacy groups, institutions of higher education, and private companies. An example is how municipal court programs utilize judges and court staff as resources on impaired driving issues in schools and communities.

Employers

Building an on-going traffic safety culture of preventing impaired driving is also achieved through employers. Transportation is the leading cause of workplace fatalities and incidents. As 80% of Texans are employed or live with someone who is employed, and employees drive to and from work and may drive as a part of their job, utilizing the employer is critical to addressing impairment. The Network of Employers for Traffic Safety (NETS) reported that in 2019, employers paid $8 billion dollars due to alcohol-impaired driving.[2] Annually, employers pay significantly as a result of lawsuits and fines that may be imposed.

The workplace is an important area for prevention outreach since the impact of impaired driving not only affects the individual worker and co-workers but also the employer through lost work time, productivity, poor performance, re-hiring and training costs, and potential legal liability. Employers are driven to make changes as a result of exposure to liability, costs and what impacts their bottom line. Impaired driving has a significant impact to the employer – whether it occurs on or off the job. Impaired driving that occurs within someone's family can also impact the worker, co-workers, and employer. Therefore, employer training, on-going education in a multifaceted approach and messaging, employee assistance programs, and employee health fairs are important opportunities which are used to address driver behavior in the area of impairment. The NSC Our Driving Concern: Texas Employer Traffic Safety and Drug Impairment for Texas Employers programs speak to these issues and more.

Community Coalitions and Traffic Safety Programs

In order to capitalize on the potential impact that community outreach can make on the impaired driving problem, Texas utilizes a variety of organizations to raise awareness and, purposefully, impact behavior. These organizations include those groups that both have and have not historically addressed traffic safety.

TxDOT has worked to create and facilitate the continuation of local coalitions. The local nature and membership diversity of these coalitions allow for effective dissemination of information as well as provide for input at the state level for strategic and operational initiatives.

Many of the 25 TxDOT districts support local traffic safety coalitions, which include focusing on impaired driving. The TxIDTF participates in these and other local community coalitions to educate stakeholders about the impaired driving problem and serve as a conduit of information between the State and local stakeholders.

Additionally, TxSDY hosts regional forums and trainings based on initiatives that start at the community level to address impaired driving. Also, TxSDY assessed community coalitions and has built an online, searchable tool that allows organizations to connect with coalitions in order to identify areas of potential collaboration. This provides organizations opportunities to leverage efforts and resources to reduce underage alcohol use and impaired driving.

[2] Network of Employers for Traffic Safety. "Cost of Motor Vehicle Crashes to Employers – 2019." https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019

Recommendations from the 2015 Impaired Driving Technical Assessment

A. Responsible Alcohol Service

Priority Recommendation: Enact a $ .10 per drink excise tax increase and dedicate a portion of new revenues to alcohol abuse and impaired driving prevention and treatment

Status: Requires Legislative Action

Background: While use of fees to support project self-sufficiency is a priority, there is concern that taxes, fees, and charges will have opposition. The excise tax is not calculated according to a percentage of the price of the alcohol but rather by the gallon. The "dime a drink" idiom is used to simplify the discussion of the strategy. There is no discussion of changing the methodology of the tax but to raise the tax per gallon.

In 2015, TxSDY developed a report on the Effects of Alcohol Excise Tax Increases on Public Health and Safety in Texas." In 2016, TxSDY commissioned Baselice & Associates to conduct a statewide public opinion survey on report content as it related to increasing alcohol excise taxes. Results showed that 65% of registered voters support increasing the alcohol excise tax to improve public health and safety.

Recommendation: Implement high visibility underage drinking enforcement, including party patrols and compliance checks, supported by media campaigns

Status: Ongoing

Background: TxDOT and the TxIDTF address underage drinking enforcement through different projects that utilize alcohol retail stings, media campaigns, and high visibility enforcement projects.

Recommendation: Enact a strict social host liability statute holding all individuals liable for damages resulting from over service of alcohol to guests

Status: Requires Legislative Action

Background: TABC regulates this issue which allows the State or a private citizen to hold accountable those individuals or establishments that overserve alcohol to individual guests or patrons. Administrative and criminal actions can be levied against individual servers or establishments that over sell or overserve.

TxSDY provides education to local communities on how to address social access and social hosting through local, civil social host ordinances. In addition, TxSDY trains law enforcement on controlled party dispersal techniques to ensure the safety of the youth attendees and the surrounding community. Research indicates local civil social host ordinances are a more effective means to address youth social access to alcohol and underage drinking parties, and several cities in Texas have adopted such ordinances. In addition, TMCEC offers judicial education on topics related to social hosting.

B. Community Based Programs

1. Schools

Recommendation: Provide schools with current, Texas-specific impaired driving information for inclusion in health and other curricula

Status: Ongoing

Background: The TxIDTF provides a variety of impaired driving information and educational programs at secondary schools statewide. Much of this effort is led by the Texas Education Agency (TEA) and TDLR through TxDOT-sponsored and other non-sponsored projects, such as Teens-in-the-Driver Seat®, UDS, ESC-Region 6, TCUDPP, Watch UR BAC, TABC, AAA Texas, and the Texas FCCLA FACTS and Driver Education Schools.

Recommendation: Coordinate school-based impaired driving activities with evidence-based alcohol and substance abuse prevention programs
Status: Ongoing
Background: The TxIDTF Education Subcommittee developed and distributed a "reference book" of evidence-based alcohol and/or drug awareness programs and TxDOT-sponsored programs that can be implemented in schools. As part of the development of the reference book, the Education Subcommittee identified and aligned TEKS to each of the identified programs. TEKS are State standards for what students should know and be able to do, and their inclusion in the reference book will lead to a greater likelihood of schools implementing the identified programs. An updated version is expected to be completed in FY 2021.

2. Employers

Recommendation: Continue and expand the Our Driving Concern: Texas Employer Traffic Safety Program
Status: Ongoing
Background: TxDOT continues to support and fund the NSC Our Driving Concern and Drug Impairment Training for Texas Employers Programs that addresses impaired driving within and outside occupational settings. These programs work with employers and collaborate with statewide organizations and associations who have a membership base comprised of occupational safety leaders, risk and human resource managers, which maximize the reach. The State also supports other TxIDTF members for their effort in educating organizations about impairment as it relates to occupational settings.

3. Community Coalitions and Traffic Safety Partners

Recommendation: Conduct an assessment of community-based coalitions that address alcohol and substance use to determine the extent and nature of impaired driving prevention strategies and areas for potential collaboration with the traffic safety community
Status: Ongoing
Background: In FY 2017 and FY 2018, TxSDY received grants to conduct an assessment of community-based coalitions and their prevention work in Texas. Results demonstrated that coalitions and the traffic safety community could benefit from extra training and support to identify and enhance collaborative opportunities. Assessment results were used to develop an online searchable tool for public use. The tool helps connect individuals and groups so they can collaborate to reduce underage drinking and impaired driving in Texas. TxSDY also developed a report of the assessment findings with recommendations to increase collaboration between coalitions and the traffic safety community. In FY 2019, TxSDY received funding to act upon the assessment results and hosted successful Regional Forums and follow-up training that resulted in increased collaboration and implementation of evidence-based prevention strategies to prevent underage alcohol use and impaired driving efforts. In FY 2020, TxSDY did not receive funding to continue the program activities and has been seeking out other funding sources to continue the efforts.

4. Transportation Alternatives

Recommendation: Coordinate highway safety plans and programs with substance abuse prevention plans and programs
Status: Not Currently Being Addressed
Background: The TxIDTF has been unable to identify appropriate individuals or organizations to progress this recommendation. The TxIDTF has worked to encourage employers, educators, community supervision/probation officers, juvenile case managers, and health care professionals to implement policies and procedures that assist them in screening and assessing individuals so that they might be referred for treatment.

Recommendation: Ensure that all designated driver programs stress "no use of alcohol" messages for the designated driver
Status: Ongoing
Background: Through a competitive bidding process, Sherry Matthews Group was selected as the vendor for the statewide impaired driving campaign and tasked with building a year-long integrated marketing and communications effort.

Recommendation: Ensure alternative transportation programs do not encourage or enable excessive drinking
Status: Ongoing
Background: Through a competitive bidding process, Sherry Matthews Group was selected as the vendor for the statewide impaired driving campaign and tasked with building a year-long integrated marketing and communications effort.

Recommendation: Ensure that both designated driver and safe ride programs prohibit consumption of alcohol by underage individuals and do not unintentionally promote over-consumption
Status: Ongoing
Background: Through a competitive bidding process, Sherry Matthews Group was selected as the vendor for the statewide impaired driving campaign and tasked with building a year-long integrated marketing and communications effort.

III. CRIMINAL JUSTICE SYSTEM

The impaired driving program in Texas must engage all facets of the criminal justice system including law enforcement, prosecution, judiciary, and community supervision correction departments (CSCDs, or probation). The following sections detail how Texas addresses the engagement of the criminal justice system into the State's impaired driving program.

Laws

According to NHTSA guidelines, each state is expected to enact impaired driving laws that are sound, rigorous, and easy to enforce and administer. These laws should clearly define the offenses, contain provisions that facilitate effective enforcement, and establish effective consequences. Details related to these guidelines and how Texas laws address each are included in Table 3.

The Texas statute information is detailed according to the following:

- Penal Code (PC) – A body of laws relating to crimes and offenses and the penalties associated with their commission
- Transportation Code (TC) – Provides definition of rules, offenses and penalties for activities related to the transportation system
- Alcoholic Beverage Code (ABC) – Comprised of statutes related to the sale and consumption of alcoholic beverages
- Code of Criminal Procedure (CCP) – The main legislation related to the procedure for the administration of criminal law
- Health and Safety Code (HSC) – Comprised of statues and regulations related to controlled substance laws and individuals and organizations providing health care records associated with these activities

Table 3. NHTSA Recommended Laws, Provisions for Law Enforcement, and Penalties for Impaired Driving

NHTSA Recommendations	Texas Statutes and/or Commentary
Driving while impaired by alcohol or other drugs (whether illegal, prescription or over-the counter) and treating both offenses similarly;	PC 49.01(2) defines intoxication as caused by "alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body." This definition allows DWI and related offense prosecution by impairment caused by anything. Yes, anything, perhaps the most inclusive statute in the nation.
Driving with a blood alcohol concentration (BAC) limit of .08 grams per deciliter, making it illegal "per se" to operate a vehicle at or above this level without having to prove impairment;	PC 49.01 (1) and (2) B Definitions TC 724.001 (9) Definitions
Driving with a high BAC (i.e., .15 BAC or greater) with enhanced sanctions above the standard impaired driving offense;	PC 49.04(D) DWI First time offenders with a BAC over .15 at the time of testing are subject to a Class A Misdemeanor, the highest misdemeanor punishment under the law.
Zero Tolerance for underage drivers, making it illegal "per se" for people under age 21 to drive with any measurable amount of alcohol in their system (i.e., .02 BAC or greater);	ABC 106.041 Driving or Operating Watercraft Under the Influence of Alcohol by a Minor Texas statute provides for a provision of any detectable amount of alcohol a person is < 21 years of age. Can be prosecuted for higher offense of DWI when the BAC is .08 or above, or "intoxication" defined as the loss of normal use of mental or physical faculties due to the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.
Repeat offender with increasing sanctions for each subsequent offense;	PC 49.09 Enhanced Offenses and Penalties and ABC 106.041 Driving or Operating Watercraft Under the Influence of Alcohol by a Minor Texas frequently sentences its worst repeat DWI offenders with life sentences.
BAC test refusal with sanctions at least as strict or stricter than a high BAC offense;	TC 524.022 Period of Suspension
Driving with a license suspended or revoked for impaired driving, with vehicular homicide or causing personal injury while driving impaired as separate offenses with additional sanctions;	TC 521.202 Ineligibility for License Based on Certain Convictions TC 521.292 Department's Determination for License Suspension TC 521.457 Driving While License Invalid
Open container laws, prohibiting possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way (limited exceptions are permitted under 23 U.S.C. 154 and its implementing regulations, 23 CFR Part 1270);	PC 49.04(c) Driving While Intoxicated (enhances Punishment in DWI cases) PC 49.031 Possession of Alcoholic Beverage in a Motor Vehicle (standalone violation).

NHTSA Recommendations	Texas Statutes and/or Commentary
Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a seat belt violation.	TC 545.413 Safety Belts; Offense TC 545.412 Child Passenger Safety Seat Systems; Offense
Authorize law enforcement to conduct sobriety checkpoints, (i.e., stop vehicles on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs);	Texas does not have a statute allowing sobriety checkpoints to be conducted in the State. Texas courts have ruled sobriety checkpoints cannot be established without legislative enactment. Repeated attempts to pass such a law have failed.
Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers;	Passive alcohol sensors are not prohibited, but they are not admissible in court. TC 724.012(a) Taking of Specimen An officer may obtain one or more samples of breath and/or blood.
Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidential breath tests, and screening and confirmatory tests for alcohol or other impairing drugs;	TC 724.012(a) Taking of Specimen An officer may obtain one or more samples of breath and/or blood.
Require law enforcement to conduct mandatory BAC testing of drivers involved in fatal crashes.	TC 724.012(b) Taking of a Specimen Texas still has requirements for a mandatory specimen for certain offenses. The original law allowed officers to take a specimen without a warrant, including if the defendant refused to voluntarily provide one. While Missouri v. McNeely no longer allows involuntary blood draws to occur without either exigent circumstances or a warrant, the Texas law itself still requires that a specimen be taken for those certain offenses. For that reason, law enforcement frequently applies for a blood search warrant.
Administrative license suspension or revocation for failing or refusing to submit to a BAC or other drug test;	TC 524 Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication TC 724 Implied Consent
Prompt and certain administrative license suspension of at least 90 days for first-time offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock;	TC 724.032 Officer Duties for License Suspension; Written Refusal Report TC 724.033 Issuance by Department of Notice of Suspension or Denial of License TC 724.035 Suspension or Denial of License TC 524.022 Period of Suspension TC 521.2465 Restricted License
Enhanced penalties for BAC test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment,	PC 49.09 Enhanced Offenses & Penalties TC 521.246 Ignition Interlock Device Requirements TC 521.248 Order Requirements TC 521.342 Person Under 21 Years of Age TC 521.344 Suspensions for Offenses Involving Intoxication

NHTSA Recommendations	Texas Statutes and/or Commentary
immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment;	TC 521.345 Suspension Under Juvenile Court or Under of Court Based on Alcoholic Beverage Violation by Minor TC 521.372 Automatic Suspension, License Denial CCP 42A.408 Use of Ignition Interlock Devices CCP 17.441 Conditions Requiring Motor Vehicle Ignition Interlock TC 524 Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication TC 521.457 Driving While License Invalid TC 521.2465 Restricted License
Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring;	Texas does not have a statute that requires assessment for alcohol or other drug abuse problems for all impaired driving offenders. But, for all probation cases, CCP 42A.257 and 42A.402 mandate evaluations for alcohol and drug rehabilitation.
Driver license suspension for people under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.	ABC 106.02 Purchase of Alcohol by Minor ABC 106.071 Punishment for Alcohol Related Offense by Minor ABC 106.04 Consumption of Alcohol by Minor ABC 106.05 Possession of Alcohol by Minor ABC 106.07 Misrepresentation of Age by a Minor ABC 106.115 Attendance at Alcohol Awareness Course; License Suspension

Enforcement

Texas law enforcement includes officers from TxDPS, police agencies (municipalities, university, school districts, etc.), sheriff's offices, constables, and agents with TABC and Texas Parks and Wildlife. One of the primary goals of the 2015 Impaired Driving Technical Assessment was to increase training provided to Texas law enforcement officers in the area driving while intoxicated/driving under the influence (DWI/DUI) of drugs. For a statewide program to be effective, law enforcement officers must be educated and, subsequently, motivated, to see driving while intoxicated as an important component of their enforcement activities.

Texas has provided a long-standing program on updated case law; enforcement techniques such as in-car mobile video and/or officer body worn camera recording of DWI, boating while intoxicated (BWI), drugged driving offenses, SFST, and blood search warrant procedures on a statewide basis. Texas also provides the Drug Evaluation Classification Program (DECP), which trains officers to become Drug Recognition Experts (DREs). Opportunities for training in Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Impaired Training for Educational Professionals (DITEP) are also available. Texas has developed integrated professional relationships between law enforcement, prosecutors, judicial educators, advocacy groups, and prevention that have helped to usher in initiatives that have a positive impact on impaired driving-related fatalities. One of the tools the criminal justice system uses is the Law Enforcement Advanced DUI/DWI Reporting System (LEADRS). LEADRS was designed by prosecutors, law enforcement officers and judges to assist law enforcement officers in DWI report writing.

Additionally, TABC has implemented a program called Target Responsibility for Alcohol Connected Emergencies (TRACE). TRACE is a law enforcement operation that investigates the source of DWIs resulting in serious bodily injury and/or death and other alcohol-related emergencies resulting in serious bodily injury and/or death. All

local law enforcement and first responders may contact TABC for assistance when investigating an alcohol-related incident resulting in serious bodily injury or death, which involves a minor or someone suspected of being sold or served at a TABC-licensed location. To facilitate incident reporting, TABC has established a hotline for emergency responders and law enforcement personnel. Any Texas Emergency Responder or Law Enforcement personnel may use the number to contact TABC regardless of location. Calls will be dispatched to TABC Law Enforcement personnel located throughout the State of Texas. TABC agents will determine where the alcoholic beverages were acquired, purchased, or served.

Publicizing High Visibility Enforcement

Texas has an integrated approach that combines enforcement initiatives with targeted public information and education campaigns. TxDOT works closely with local and state law enforcement agencies to roll out media campaigns in the form of events, distributed materials, as well as earned and purchased media.

One example of implementing high visibility enforcement are No-Refusal initiatives. No-Refusal is a high-profile, organized enforcement strategy designed to combat intoxicated driving. This strategy generally brings law enforcement, prosecutors, magistrates, and medical personnel together in a concerted effort to successfully arrest, prosecute, and convict intoxicated drivers. Through this strategy, law enforcement can quickly obtain search warrants from "on call" magistrates in order to take blood samples from suspected intoxicated drivers who refuse voluntary breath or blood tests. No-Refusal initiatives thus take away the driver's ability to refuse to provide scientific evidence of intoxication.

These initiatives are publicized at the local level consistent with when they are deployed (i.e., full-time, holidays, or weekends). The statewide media campaigns that address impaired driving in general augment the local marketing of these initiatives. Currently operating in a number of jurisdictions, including in Bexar, Fort Bend, Harris, Montgomery, and Tarrant Counties.

No-Refusal initiatives are a good example of how high visibility enforcement is publicized using local and statewide media. Texas conducts analyses of biological (breath and blood) specimens collected as evidence in criminal cases through the TxDPS Laboratory system, the Texas Breath Alcohol Testing program, and other private- or publicly funded laboratories recognized as accredited by the Texas Forensic Science Commission.

Prosecution

Texas has strong support at the state and local level prosecuting DWI and DUI offenders. The Texas District and County Attorneys Association (TDCAA) supports the Traffic Safety Resource Prosecutor (TSRP). This association provides technical assistance, training, education, and case resources for prosecutors processing impaired driving cases. The TSRP has been a long-standing, critical member of the TxIDTF and is instrumental in integrating representatives from law enforcement through adjudication to improve DWI processing. The TSRP has been a significant champion of No-Refusal initiatives by providing training and technical assistance throughout the State.

At the local level, many prosecutors have joined in implementing integrated approaches to address their jurisdiction's impaired driving problem. An overwhelming majority of Texas elected prosecutors hold DWI prosecution to be a priority of their offices. Several local prosecutors are members of the TxIDTF and provide a practical perspective related to processing DWI cases through the criminal justice system – many of whom are responsible for implementing No-Refusal programs in their jurisdictions. Many of these prosecutors also spend time and resources to develop localized DWI task forces and work to train law enforcement on DWI procedures and enforcement strategies. Additionally, TMCEC trains and provides technical assistance to prosecutors,

judges, and court support personnel on the adjudication of juvenile DUI cases. The combination of the TSRP and local prosecutors offers the benefit of diverse perspectives in prosecuting DWI cases.

Adjudication

Different types of courts have specific roles in dealing with the impaired driving problem in the State. The TxDOT Alcohol and Other Drug Countermeasures Program has worked to improve communication between each of these courts.

The Texas court system typically becomes involved in a DWI case within 48 hours of arrest, when the offender appears before a magistrate who sets bond and appropriates conditions of bond, including mandatory controlled substance testing and/or the installation of an ignition interlock device.

Bond conditions are important in DWI cases because those conditions restrict and monitor the defendant's behavior until the case is finalized. Courts are encouraged as a best practice, and in some cases, mandated by statute, to order ignition interlock devices and other alternatives as a condition of bond to keep the community safe while the case is being prosecuted.

After a charging instrument is filed with a trial court, that court oversees the disposition of the case. Impaired driving defendants have the right to a trial by jury for both the guilt/innocence and punishment phases of a trial. However, the majority of DWI cases will be disposed via plea bargain. Trial courts include specialized treatment courts where criminogenic risk factors and substance abuse issues are addressed with daily supervision from a specialized staff with the goal of addressing the root cause of impaired driving: alcohol and other drugs of abuse. Specialty courts can also help address other issues, such as lack of work, family problems, in addition to the potential presence of an addiction.

Other courts, without a specialized treatment approach, may use more traditional approaches to DWI cases, but they are encouraged to enhance the close monitoring of DWI offenders through the use of ignition interlocks and other alcohol monitoring and detection devices.

Each of the different courts has a statewide association that is funded to provide technical assistance and provide education specifically related to impaired driving. These different associations come together once a year to provide education to all courts on issues impacting adjudication of impaired driving cases. This integration of the judiciary and the practical continuing education has proven to be a critical element in addressing the problem of impaired driving as well as traffic records and other traffic safety issues. The associations also independently provide education on impaired driving to their constituencies.

Texas has instituted specialty courts that are able to address the adjudication and treatment aspects of the impaired driving problem. Members of the TxIDTF have also trained judges in smaller jurisdictions to employ the precepts of treatment protocols from these specialty treatment courts to create hybrid approaches.

The courts that deal with underage alcohol offenses or public intoxication can impact offenders prior to them driving impaired while other courts deal directly with DWI cases. The TMCEC trains courts on implementing "teen court," a system of being judged by one's peers that has proven effective in reducing recidivism by the power of peer influence. Recidivism refers to a person's relapse into criminal behavior often after a person receives sanctions or undergoes intervention for a previous crime. Recidivism is measured by criminal acts that resulted in rearrests, reconviction, or return to prison with or without a new sentence within a three-year period following the individual's release.

Community Supervision

Offenders who have been convicted of an impaired driving offense have three sentencing options: jail time, community supervision (also known as probation), and deferred adjudication with community supervision for some offenders. In most cases, the offender is placed on community supervision for a period of 6-24 months. During this time, the offender will likely be required to:

- Attend a state-approved DWI education course within the first six months of supervision
- Attend a victim impact panel
- Complete community service (no less than 24 hours, no more than 100 hours)
- Complete an alcohol and drug evaluation to determine any substance abuse issues, and/or complete random substance testing (usually urinalysis and/or breathalyzer)
- Install interlock as a condition of bond, probation, occupational driver's license, and deferred adjudication
- Report to a CSCD officer or designated monitoring authority
- Pay any fines, court costs, CSCD fees, and treatment costs ordered

These general community supervision conditions can be amended by the court or prosecution (prior to disposition) to allow for the unique needs of each offender to be met.

Additionally, post-disposition, the court may amend these conditions at its discretion. The most common addition to the community supervision conditions is the installation of an ignition interlock device in the offender's vehicle. Depending on the case, a court has the discretion to order an ignition interlock as a condition of community supervision. However, there are some situations where an ignition interlock is mandated. Among several other factors, collateral impacts of DWI convictions spur a variety of extra judicial (overseen by prosecutors and not by courts) diversions in DWI. Codifying and standardizing diversions would actually increase diversions. Prosecutors believe reducing collateral consequence would reduce diversions. Two major legislative changes championed by prosecutors, among others, passed the last legislative session and went into effect September 1, 2020. The impact of these changes will take some time to quantify.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

In the mid-1980s, deferred adjudication was removed as an alternative on DWI cases. That created several non-judicial collateral consequences to apply to DWI convictions including loss of employment, increased insurance, and public record convictions on background checks. The reason for this prohibition was to prevent masking and the fact that under the laws at that time a deferred adjudication could not be used to enhance a subsequent DWI. Over 10 years ago, Texas laws were created making deferred adjudication of family violence convictions eligible to enhance subsequent family violence convictions.

HB 3582 now allows deferred adjudication in certain DWI offenses. All deferrals will be eligible to enhance subsequent DWIs. Second offenses, cases with a BAC over .15, and most importantly, drivers with commercial driver's license (CDLs) will not be eligible. The deferred will require interlock but will remove all non -judicial collateral consequences.

Ignition Interlock Program

An ignition interlock is an alcohol-specific device that is wired into the ignition of a vehicle to prevent the driver from starting the vehicle after consuming alcohol. The device requires the driver to provide an alcohol-free breath sample for the vehicle to start. Once the vehicle is started, the device requires the driver to provide additional breath samples at randomly occurring intervals.

Ignition interlock is a mandated condition for certain impaired driving offenders. For those offenders on bond, an ignition interlock should be ordered if the offender is a subsequent offender, the offense is intoxication assault or intoxication manslaughter. Additionally, ignition interlock is required if the offender receives deferred adjudication, probation, had a 0.15+ BAC, or it is a subsequent impaired driving offense for the offender.

For offenders placed on community supervision for DWI with a child passenger (after September 1, 2019), intoxication assault or intoxication manslaughter, ignition interlock is mandated. Subsequent impaired driving offenders must also be ordered an ignition interlock. Effective September 1, 2015, an offender can operate a vehicle during a period of suspension if the offender installs an ignition interlock on all vehicles owned or operated by the offender. The ignition interlock must remain on all vehicles owned or operated by the offender until the suspension period is over. However, first offenders with a BAC of 0.15 g/dL or more, or who are under the age of 21 at the time of arrest must be ordered an ignition interlock when placed on probation.

Typically, an offender who is ordered an ignition interlock will be required to have the device installed within 30 days of judgment, or if ordered as condition of bond, an offender must keep the device on until the case has been adjudicated. Offenders are usually required to keep the device installed for half of their ordered supervision period, assuming no violations occur.

While many circumstances require an ignition interlock be ordered, courts have the judicial discretion to order a device in other cases as they see fit. Courts also have the discretion to waive the ignition interlock requirement. TTI, TMCEC, TCJ, Texas Justice Court Training Center (TJCTC), and Texas Association of Counties (TAC) train judges and/or court staff on ignition interlock laws.

Administrative Sanctions and Driver Licensing Programs

Texas utilizes administrative sanctions related to impaired driving offenses for both adult and underage individuals. The license sanctions are intended to serve as both general and specific deterrence tactics to prevent impaired driving. Texas provides information related to the consequences of impaired driving in statewide media campaigns. The information on graduated driver licensing (GDL), zero-tolerance laws, and the requirements related to ignition interlock devices are integrated into the administrative sanctions and driver licensing program in Texas. This information is also part of the driver education curriculum.

Administrative License Revocation (ALR) is a traffic safety countermeasure that authorizes law enforcement to confiscate the driver's license of an individual arrested on suspicion of DWI/DUI and who either refuses to submit to a chemical test (breath or blood) or whose test results indicate a BAC above the per se limit of 0.08 g/dL. Drivers are given a notice of suspension that allows them to drive temporarily, and during such time the suspension may be challenged through an administrative hearing. If the suspension is either not challenged through the hearing process or the suspension is upheld during the hearing, then the driver may have their license suspended for an extended period of time and/or receive an occupational license that allows them to transport themselves to and from work. Table 4. lists the ALR sanctions for adults and Table 5. lists the ALR sanctions for minors.

In addition to these administrative initiatives, Texas is working with prosecution, judiciary, and community supervision professionals to maximize the use of ignition interlock devices to reduce recidivism associated with impaired driving.

Table 4. ALR Sanctions for Adults

Offense	Sanction	Basis
Refused to provide a specimen following an arrest for DWI/BWI	180 days	First Offense
Provided a specimen with an alcohol concentration of 0.08 or greater, following an arrest DWI/BWI	2 years	If previously suspended for failing or refusing a specimen test or previously suspended for a DWI, Intoxication Assault or Intoxication Manslaughter conviction during the 10 years preceding the date of arrest

Table 5. ALR Sanctions for Minors

Offense	Sanction	Basis
Refused to provide a specimen following an arrest for DWI/BWI	180 days	First Offense
	2 years	If previously suspended for failing or refusing a specimen test or previously suspended for a DWI, Intoxication Assault or Intoxication Manslaughter conviction during the 10 years preceding the date of arrest
Provided a specimen with an alcohol concentration of 0.08 or greater (or any detectable amount), following an arrest DWI/BWI or was not requested to provide a specimen following an arrest for an offense	60 days	First Offense
	120 days	If previously convicted of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07, or 49.08 Penal Code, involving the operation of a motor vehicle
	180 days	If previously convicted twice or more of an offense under Section 106.041, Alcoholic Beverage Code or Sections 49.04, 49.07, or 49.08 Penal Code, involving the operation of a motor vehicle

Recommendations from the 2015 Impaired Driving Technical Assessment

A. Laws

Priority Recommendation: Enact reasonable constitutional guidelines through one or more politically accountable governing bodies regarding driving while intoxicated (DWI)/sobriety checkpoints

Status: Requires Legislative Action

Background: Bills related to sobriety checkpoints have been introduced to the legislature during the many recent sessions without success. Texas has taken an alternative approach to address the problem of impaired driving with No-Refusal programs in multiple counties throughout the state. In FY 2021, TxDOT provided grant funding for No-Refusal programs in Bexar, Fort Bend, Harris, Montgomery, and Tarrant Counties.

No-Refusal initiatives are a high-profile, organized enforcement strategy designed to combat intoxicated driving. This strategy generally brings law enforcement, prosecutors, magistrates, and medical personnel together in a concerted effort to successfully arrest, prosecute, and convict intoxicated drivers. Through this strategy, law enforcement can quickly obtain search warrants from “on call” magistrates to take blood samples from suspected intoxicated drivers who refuse voluntary breath or blood tests. No-Refusal initiatives thus take away the driver’s ability to refuse to provide scientific evidence of intoxication. These initiatives are publicized at the local level consistent with when they are deployed (i.e., full-time, holidays, or weekends). The statewide media campaigns that address impaired driving in general augment the local marketing of these initiatives.

Recommendation: Utilize driver license checkpoints, pursuant to Texas Transportation Code 521.025, to monitor compliance with motor vehicle statutes related to safe operation on Texas streets and highways in the absence of legislation authorizing sobriety checkpoints
Status: Requires Legislative Action
Background: At present, sobriety checkpoints are not supported in Texas and as such using a license checkpoint as a pretext for impaired driving is not legal nor is it ethical.

Priority Recommendation: Codify driving while intoxicated deferral, diversion, and pretrial intervention programs so as to provide uniform statewide guidelines, requirements, and procedures that regulate the implementation, operation, and applicability of such programs
Status: Ongoing
Background: Among several other factors, collateral impacts of DWI convictions spur a variety of extra judicial (overseen by prosecutors and not by courts) diversions in DWI. Codifying and standardizing diversions would actually increase diversions. Prosecutors believe reducing collateral consequence would reduce diversions. Two major legislative changes championed by prosecutors, among others, passed the last legislative session and went into effect September 1, 2020. The impact of these changes will take some time to quantify.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on “final conviction” which will not include probation or deferred. This makes it much more expensive to take a jail time “time served” plea, and cheaper to take a probation offer. This provides prosecutors an actual incentive to give offenders and courts to use a probation alternative.

In the mid 1980’s deferred adjudication was removed as an alternative on DWI cases. That created several non-judicial collateral consequences apply to DWI convictions including loss of employment, increased insurance, public record convictions on background checks etc. The reason for this prohibition was to prevent masking and the fact under the laws at that time a deferred adjudication could not be used to enhance a subsequent DWI. Over 10 years ago Texas laws were created making deferred adjudication of family violence convictions eligible to enhance subsequent family violence convictions.

HB 3582 now allows deferred adjudication in certain DWI offenses. All deferrals will be eligible to enhance later DWIs. Second offenses, cases with BAC over.15, and most importantly drivers, with commercial driver licenses (CDLs) will not be eligible. The deferred will require interlock but will remove all non-judicial collateral consequences.

This legislative change creates a codified standardized judicially monitored alternative to prosecutor diversions. It should greatly reduce the stresses on prosecutors to use diversions. It should solve most of the issues identified in this action item. It also may take some time to measure its impact and may need to be readdressed as that data comes in.

Priority Recommendation: Enact a statute that establishes a uniform statewide driving while intoxicated case tracking system in which all DWI charges are required to be charge on specifically numbered uniform traffic citations, the disposition of which must be reported to a central record keeping system regardless of whether the offense is refiled as an information, indictment, or results in a dismissal, deferral, diversion, amendment, or reduction of the original citation to a non-alcohol related offense
Status: Requires Legislative Action

Background: TTI received a traffic safety grant in FY 2017 to determine the feasibility of developing a DWI tracking system in Texas. Developing such a database is a tremendous undertaking, and many of the processes that would streamline its creation are not in place. Due to limited funds and prioritization, further progress of developing a DWI tracking database is not being pursued through the end of FY 2020. However, this continues to be a priority need for TxDOT, and TxDOT continues to seek proposals to address this need.

B. Enforcement

Recommendation: Expand development and deployment of the driving under the influence (DUI) report writing programs to reduce processing time
Status: Ongoing
Background: As part of the Law Enforcement Advanced DUI/DWI Reporting System (LEADRS) expansion, the program will continue to focus on the report writing process. LEADRS now features electronic signing for warrants. Officers using LEADRS have reported over a 50% reduction in processing time. Processing DWI paperwork with LEADRS typically takes an officer 60-90 minutes. LEADRS can be accessed from any computer, tablet, etc. with internet and offers free 24-hour technical support.

Recommendation: Enact a statute that allows well-planned and fairly executed sobriety checkpoints
Status: Requires Legislative Action
Background: Bills related to sobriety checkpoints have been introduced to the legislature during many of the last several sessions without success. Texas has taken an alternative approach to address the problem of impaired driving with No-Refusal programs in multiple counties throughout the state. In FY 2021, TxDOT provided grant funding for No-Refusal programs in Bexar, Fort Bend, Harris, Montgomery, and Tarrant Counties.

Recommendation: Continue Standardized Field Sobriety Tests (SFST) refresher training programs for patrol officers
Status: Ongoing
Background: The statewide effort for SFST update training is continued through several TxDOT-sponsored grants. In FY 2021, the Texas Municipal Police Association – SFST, and the Texas DPS Troopers Foundation provided this training.

Recommendation: Expand utilization of Drug Recognition Expert (DRE) officers in driving while intoxicated (DWI) mobilizations and fatal collision investigations
Status: Ongoing
Background: DREs are incorporated into mobilizations, No-Refusal enforcement activities, and fatal crash investigations (when available).

Recommendation: Increase the use of Texas Alcoholic Beverage Commission agents in Selective Traffic Enforcement Program activities
Status: Ongoing
Background: TxDOT sponsors many selective traffic enforcement programs (STEP) that address impaired driving. TABC is currently not one of the agencies that participate in STEP activities as a subgrantee. However, TxDOT and TABC have been working together to address communities that receive STEP funding, enabling TABC to use the information for coordinating their operations. TABC has been able to provide assistance by tracing the source of the alcohol, in licensed premises investigations, when serious injury crashes are investigated as part of a local police STEP grant. TABC has also increased the number of undercover operations that are funded through TxDOT grants (which include minor compliance checks and over-service operations).

TABC will continue its Target Responsibility for Alcohol Connected Emergencies (TRACE) program. TRACE allows local and state law enforcement to notify TABC when there is a DUI crash, resulting in serious injury or death, that has a TABC licensed-business connection. The TRACE hotline, monitored 24/7 through a cooperative agreement with the Texas Parks and Wildlife Department, allows police to contact TABC immediately after an incident. The nearest TABC investigator can then begin an investigation to determine whether the business violated AB laws. TABC will use funding for overtime, allowing agents to continue conducting TRACE investigations.

Recommendation: Continue regular Advanced Roadside Impaired Driving Enforcement (ARIDE) training classes that incorporate a refresher of the SFST and Introduction to Drugs that Impair Driving
Status: Ongoing
Background: The statewide effort for ARIDE is provided through a TxDOT grant administered by SHSU. ARIDE is intended to bridge the gap between the SFST and DECP/DRE programs by providing officers with general knowledge related to drug impairment and by promoting the use of DREs in states that have a DEC Program. The ARIDE course can be used as an SFST update. This course is designed to build on the SFST practitioner course. In order for the participant to effectively utilize the information presented in this course, NHTSA has set a prerequisite of SFST proficiency. The participant will receive a short review and update. All participants are required to pass an SFST proficiency evaluation. Failure to successfully complete the SFST proficiency evaluation will result in dismissal from class. ARIDE training is available for those law enforcement agencies that wish to teach ARIDE in-house. This gives law enforcement agencies the ability to conduct the training with qualified instructors as long as they follow the policies laid forth by the State DRE Coordinator

Priority Recommendation: Conduct additional Drug Recognition Expert (DRE) training classes to achieve and maintain an adequate contingent of DREs statewide
Status: Ongoing
Background: In addition to DRE training classes, the statewide effort for ARIDE and SFST update training is provided through TxDOT grants.

Priority Recommendation: Expand statewide partners for DRE training through regional training teams
Status: Ongoing
Background: SHSU continues to expand the DRE program and its partnership with other criminal justice constituents. Although not a formal role, SHSU has used “DRE regional coordinators” who represent certain regions and assist in the delivery and coordination of information.

Recommendation: Update Drug Recognition Expert (DRE) protocols to require a copy of the face sheet be provided with the blood sample submitted for testing
Status: Ongoing
Background: The DECP State Coordinator currently works with TxDPS Crime Lab and DRE Agency Coordinators to remind all the DREs to submit face sheets.

Recommendation: Provide regular, ongoing, training for prosecutors and members of the judiciary on the principles, effectiveness, and accuracy of SFSTs, the DRE program, and approved breath testing instrumentation
Status: Ongoing
Background: Training and seminars are being conducted through TxDOT at the local district and statewide levels. Through TxDOT-sponsored grants, TCJ, TDCAA, TJCTC, and TMCEC provide training for prosecutors and members of the judiciary. Prosecutors are encouraged and invited to attend the SFST update, ARIDE, and DRE courses.

Recommendation: Enact a statute establishing per se levels for controlled substances
Status: Requires Legislative Action
Background: The TxIDTF has discussed the benefits and drawbacks of establishing per se levels for controlled substances. Colorado, which has established per se levels for controlled substances, has advised other states against doing so. This is due to the inability to tie a per se level to a specific level of impairment. Colorado has advised other states to pursue focusing on demonstrating driver impairment through increased law enforcement and prosecutor training, such as ARIDE and DRE. The DWI Prosecutor Task Force has considered and opposes establishing per se levels for controlled substances for both scientific and legal reasons.

Recommendation: Provide training to law enforcement officers to enable them to properly enforce the Texas ignition interlock device statute
Status: Ongoing
Background: In FY 2020, TTI received a grant to provide training to law enforcement and other stakeholders on ignition interlock devices and related statutes. For law enforcement officers, the training focuses on when an ignition interlock is required, how to recognize a driver's license with an ignition interlock requirement, and how to determine roadside if the device is functioning properly.

C. Prosecution

Recommendation: Review the organization, operation, and budget of the Office of the Traffic Safety Resource Prosecutor (TSRP) to determine if additional TSRPs should be funded for purposes including on-site assistance to prosecutors, particularly in rural jurisdictions, in the trial of complex DWI felonies and assistance in argument of motions with significant statewide implications
Status: Ongoing
Background: While this program has had reduced funding since 2015, TDCAA and TxDOT provide ongoing internal and external assessment regarding potential for expanding the TSRP program and staff. TDCAA provides ongoing technical assistance through e-mail and outreach to prosecutor offices, law enforcement officers, and other traffic safety professionals. However, there is potential for growth in the area of preparation and assistance at trial.

Recommendation: Encourage prosecutors and county attorneys to request judges not to permit DWI pleas for jail time in lieu of probation and to urge judges to place convicted DWI defendants on probation with supervision requirements of undergoing drug/alcohol assessment and treatment where indicated
Status: Jurisdictional Condition
Background: This is currently performed on a case-by-case basis by prosecutors who can request more punitive sanctions upon conviction. Prosecutorial discretion should be strongly considered, but it should be recognized that acceptable plea bargains depend upon the culture of the community.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

Recommendation: Convene a meeting of the prosecutors and county attorneys to develop and recommend specific uniform statewide guidelines, standards, and requirements for the operation of DWI Pre-Trial Intervention programs
Status: Ongoing
Background: Among several other factors, collateral impacts of DWI convictions spur a variety of extra judicial (overseen by prosecutors and not by courts) diversions in DWI. Codifying and standardizing diversions would actually increase diversions. Prosecutors believe reducing collateral consequence would reduce diversions. Two major legislative changes championed by prosecutors, among others, passed the last legislative session and went into effect September 1, 2020. The impact of these changes will take some time to quantify.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

In the mid 1980's deferred adjudication was removed as an alternative on DWI cases. That created several non-judicial collateral consequences apply to DWI convictions including loss of employment, increased insurance, public record convictions on background checks etc. The reason for this prohibition was to prevent masking and the fact under the laws at that time a deferred adjudication could not be used to enhance a subsequent DWI. Over 10 years ago Texas laws were created making deferred adjudication of family violence convictions eligible to enhance subsequent family violence convictions.

HB 3582 now allows deferred adjudication in certain DWI offenses. All deferrals will be eligible to enhance later DWIs. Second offenses, cases with BAC over.15, and most importantly drivers, with commercial driver licenses (CDLs) will not be eligible. The deferred will require interlock but will remove all non-judicial collateral consequences.

This legislative change creates a codified standardized judicially monitored alternative to prosecutor diversions. It should greatly reduce the stresses on prosecutors to use diversions. It should solve most of the issues identified in this action item. It also may take some time to measure its impact and may need to be readdressed as that data comes in.

Recommendation: Adopt statutory guidelines for the operations of pre-trial deferral, diversion, and intervention programs
Status: Requires Legislative Action
Background: In Texas, a DWI offender before September 1, 2019 could not receive deferred adjudication for an impaired driving offense. As a result, many prosecutors have developed Pre-Trial Diversion programs. These programs largely function the same way deferred adjudication programs work. Most Pre-Trial Diversion programs require the offender to complete a period of supervision successfully in exchange for the charge against them to be dismissed. Dismissals are typically made with the understanding that if they are arrested a second time for an impaired driving offense they will be treated as a repeat offender. Pre-Trial Diversion programs vary in length and requirements, varying from county to county. Each program is administered at the discretion of the county prosecutor's office. The 2019 Texas Legislature passed a bill that would allow deferred adjudication for first time DWI offenses that don't involve a BAC of .15 or above if the defendant installs an ignition interlock.

Among several other factors, collateral impacts of DWI convictions spur a variety of extra judicial (overseen by prosecutors and not by courts) diversions in DWI. Codifying and standardizing diversions would actually increase diversions. Prosecutors believe reducing collateral consequence would reduce diversions. Two major legislative changes championed by prosecutors, among others, passed in the 2019 legislative session and went into effect September 1, 2020. The impact of these changes will take some time to quantify.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

In the mid 1980's deferred adjudication was removed as an alternative on DWI cases. That created several non-judicial collateral consequences apply to DWI convictions including loss of employment, increased insurance, public record convictions on background checks etc. The reason for this prohibition was to prevent masking and the fact under the laws at that time a deferred adjudication could not be used to enhance a subsequent DWI. Over 10 years ago Texas laws were created making deferred adjudication of family violence convictions eligible to enhance subsequent family violence convictions.

HB 3582 now allows deferred adjudication in certain DWI offenses. All deferrals will be eligible to enhance later DWIs. Second offenses, cases with BAC over.15, and most importantly drivers, with commercial driver licenses (CDLs) will not be eligible. The deferred will require interlock but will remove all non-judicial collateral consequences.

This legislative change creates a codified standardized judicially monitored alternative to prosecutor diversions. It should greatly reduce the stresses on prosecutors to use diversions. It should solve most of the issues identified in this action item. It also may take some time to measure its impact and may need to be readdressed as that data comes in.

Recommendation: Educate law enforcement and other criminal justice stakeholders on how driver license checkpoints can be constitutionally operated and utilized
Status: Not Currently Being Addressed
Background: Bills related to sobriety checkpoints have been introduced to the legislature during the many recent sessions without success. Texas has taken an alternative approach to address the problem of impaired driving with No-Refusal programs in multiple counties throughout the state. In FY 2021, TxDOT provided grant funding for No-Refusal programs in Bexar, Fort Bend, Harris, Montgomery, and Tarrant Counties.

Recommendation: Enact rules of professional conduct and disciplinary rules that either totally prohibit assistant prosecutors from engaging in civil law practice or that limit such civil practice to matters that do not involve issues related to pending criminal matters
Status: Requires Legislative Action
Background: To the TxIDTF's knowledge, there is only one attorney in Texas who is serving in this capacity. Because of the narrow nature of this problem as well as the inability of the TxIDTF to lobby or engage in legislative efforts, this has not been a recommendation the TxIDTF has pursued.

D. Adjudication

Recommendation: Convene a task force to investigate and report to the Governor and legislature the current deficient state of DWI record keeping and DWI case disposition practices so that appropriate remedies, statutory or otherwise, can be fashioned to address and cure such deficiencies
Status: Not Currently Being Addressed
Background: The TxIDTF developed and submitted letters of support for the creation of the Governor's Executive Committee on Impaired Driving. The letters were submitted to the TTC in February 2016 and November 2018.

The TTC created the Texas Traffic Safety Task Force, which developed a plan to reduce serious injuries and deaths on Texas roadways called *Solutions for Saving Lives on Texas Roads* report (linked below). Among identified solutions, the Task Force identified the need to create an Impaired Driving Task Force comprised of the highest government officials. There is no forward motion for the creation of the executive committee at this time.

- Solutions for Saving Lives on Texas Roads

Recommendation: Continue funding for the further establishment and expansion of DWI/Drug Courts and for the training of judges, prosecutors, and other personnel needed to operate such courts
Status: Ongoing
Background: Many jurisdictions across the state of Texas have established DWI/Drug courts where criminogenic risk factors and substance abuse issues are addressed with daily supervision from a specialized staff with the goal of addressing the root cause of impaired driving: alcohol and other drugs of abuse. Specialty courts have the option to register with the Office of the Texas Governor – linked below is a list of currently registered specialty courts.

TCJ provides training for new and continued education for existing DWI courts. There is room for growth in this area specifically for creating drug courts and for establishing additional DWI and Drug courts at the statewide level. Additionally, existing specialty courts would benefit from case management software and analytical information that would help the courts manage participants and their records. However, due to costs, very few courts have an efficient record management system.

- Texas Specialty Courts by County

Recommendation: Encourage judges to not permit DWI defendants to avoid probation where the best interest of the defendant and the public would be served by requiring the defendant to be supervised to complete assessment for alcohol and/or drug addiction and possible referral for treatment
Status: Jurisdictional Condition
Background: Currently, TxIDTF program partners such as TMCEC, TCJ, TCJTC, TAC, and TDCAA provide education to judges and prosecutors related to appropriate sentencing, but it is left up to the individual judge to determine appropriate sentencing.

HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

Recommendation: Monitor pending caseloads in those jurisdictions in which there are delays exceeding 24-months in the disposition of DWI cases
Status: Not being addressed
Background: The Take Wheel Program, administered by MADD, no longer participates in providing training for court monitoring and assessment of trial outcomes. Instead, the program focuses on key segments of law enforcement, community stakeholders, and at-risk populations in high impaired driving threat areas.

Recommendation: Enact a driving while intoxicated statute that would enable DWI/Drug Court judges, upon motion from the prosecutor, reward those who successfully complete a DWI/Drug court program of one year or longer in duration, by waiving surcharges/fines
Status: Complete
Background: HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

E. Administrative Sanctions and Drivers Licensing Programs

1. Administrative License Revocation and Vehicle Sanctions

Recommendation: Ensure that ignition interlock monitoring is effective and that information about violations has some impact on the non-compliant user
Status: Ongoing
Background: In FY 2021, TTI received a grant from TxDOT to evaluate ignition interlock devices impact on recidivism of offenders. This evaluation will seek to understand the effect ignition interlock devices have on offenders and recidivism rates. To conduct this evaluation, TTI will work with one county with a high number of fatal alcohol related crashes. While this evaluation does not specifically look at sanctions applied to non-compliant users, it does seek to understand the penetration and impact of ignition interlock devices on users.

Recommendation: Notify and/or train law enforcement officers about the ignition interlock program and license so that they are able to recognize an interlock-restricted license and take appropriate action for noncompliance
Status: Ongoing
Background: In FY 2020, TTI received a grant to provide training to law enforcement and other stakeholders on ignition interlock devices and related statutes. For law enforcement officers, the training focuses on when an ignition interlock is required, how to recognize a driver's license with an ignition interlock requirement, and how to determine roadside if the device is functioning properly.

Recommendation: Resolve the continued concern about the administrative hearings' negative impact on criminal cases based on a study the interaction of administrative and criminal proceedings
Status: Not Currently Being Addressed
Background: In Texas, ALR law authorizes police to confiscate the driver's license of an individual arrested on the suspicion of driving under the influence and/or driving while intoxicated who either refuse to submit to a chemical test (breath or blood) or whose test results indicate a BAC above the per se limit of 0.08 g/dL. At the time of license confiscation, drivers are given a notice of suspension that allows them to drive temporarily for a period of time until their license is suspended. During this temporary driving period, the suspension may be challenged through an administrative hearing. If the suspension is not challenged

through the hearing process or the suspension in upheld during the hearing, then the driver may have their license suspended for an extended period and/or receive an occupational license that allows them to transport themselves to and from work.

At this time, no evaluation has been conducted to determine the impact of the ALR process on the criminal cases. A study of this magnitude would be difficult to complete in Texas due to the record retention policies of ALR courts and the length of time which often passes between the ALR hearing and disposition of the criminal case.

Recommendation: Conduct a study of the effect of the Responsible Driver Act surcharge on subsequent compliance and re-licensure of drivers to determine if alternative source of revenue should be sought
Status: Complete
Background: HB 2048 repealed Chapter 708, TC. This Chapter created surcharges from $3,000 to $6,000 in addition to all court fines and costs. It was collected through driver license suspensions. All existing and owing surcharges were forgiven, and initial estimates revealed over 1,000,000 Texans are now eligible for driver licenses. This takes a huge strain off prosecutors to divert DWI cases. The lost revenue, in part, is replaced by a state fine in DWI cases that applies on "final conviction" which will not include probation or deferred. This makes it much more expensive to take a jail time "time served "plea, and cheaper to take a probation offer. This gives prosecutors an actual incentive to give offenders and courts to use a probation alternative.

Recommendation: Provide accountability for the ignition interlock program by specifying in law or policy to whom responsibility for review of driver behavior and sanction of non-compliance belongs
Status: Requires Legislative Action
Background: Currently, no central agency has authority to monitor and ensure ignition interlock program compliance of offenders. At this time, each jurisdiction is entitled to establish monitoring policies and procedures within the jurisdiction. As a result, the ignition interlock program in Texas is not applied consistently or uniformly. Presently, compliance should fall to the court that ordered the ignition interlock. Notification of the court should come from CSCD personnel or other personnel responsible for the oversight of the convicted violator in cases where ignition interlock was a condition of supervision.

Recommendation: Enact a law that allows vehicle sanctions to be used for DWI convictions
Status: Requires Legislative Action
Background: Presently, Texas does not employ vehicle sanctions such as license plate impoundment or vehicle forfeiture as a sanction for DWI convictions. To implement these sanctions, the Texas Code of Criminal Procedure would need to be modified to allow it. The TxIDTF is unable to lobby for these changes.

2. Driver Licensing Programs

None

IV. COMMUNICATION PROGRAM

Texas has developed and deployed a comprehensive, integrated communications program that addresses demographic, geographic, cultural, and statutory considerations. The approaches are audience-specific and innovative in concept and delivery. In addition to developing multi-lingual materials, care has been taken to ensure that messages are culturally appropriate and relevant.

Specific projects and campaigns have been included in Table 6. These efforts represent event-specific, holiday, and year-long efforts. The State's communications plan involves multiple creative agencies to encourage a high level of ingenuity and integrates the efforts with other impaired driving projects to ensure a comprehensive, consistent message is sent to the intended audience.

Table 6. Impaired Driving Communication Projects and Campaigns

Project Title	FY 2020	FY 2021	Planned FY 2022
Statewide Impaired Driving Campaign*	X	X	X
Impaired Driving Mobilization STEP Grant Program	X	X	X
Project Celebration	X	X	X

**Football Season, Christmas/New Year Holiday, Labor Day, College and Youth Adult, Spring Holidays, and Faces of Drunk Driving. These communication campaigns existed as separate impaired driving campaigns until their consolidation in FY 2016.*

TxDOT has developed strong relationships with the following types of organizations and have worked with them in the past to maximize the impact of all communications:

- Alternative Transportation Opportunities – Public transportation, ride share companies, cabs
- Community Outreach Activities – National Night Out, Health Fairs, Coalitions, Sporting Events, etc.
- Corporations – Texas Association of Broadcasters, NCC Media, Fox Sports Southwest, iHeart, Punchdrunk Digital, IMG, All Over Media and Billups
- Business and Professional Associations - Representing restaurants, convenience stores, colleges, business alliances, chambers of commerce, etc.
- Distributor's Campaign and Education Programs
- Festival and Event Groups - San Antonio's Fiesta Oyster Bake, Lockheed Martin Armed Forces Bowl, WBCA Jalapeno Festival, Corpus Christi Brewery Festival, Brady Goat Cook-off, West Texas State Fair, East Texas State Fair, BFD Concert, Bison Music Festival, and college football tailgating and game time
- Judicial Networks (Teen Courts, TCCA, Judges/Clerks, etc.)
- National Safety Council's Employer Network, Safe Communities & Teen Coalitions
- Youth and College Groups - Teens/U in the Driver Seat and other young driver programs, Texas FLCAA FACTS

During the COVID-19 pandemic, some of the above bulleted activities were postponed, however, TxDOT Alcohol and Other Drug Countermeasure partners were approved to resume outreach activities if they had a "close contact" policy in place that follows CDC guidelines. With the reopening of communities, new activities are planned in the upcoming year including public outreach events and an interactive traveling exhibit.

TxDOT focuses on educating Texans about the important issue of impaired driving by reaching the public through a variety of means. These include but are not limited to:

- Billboards
- Gas Station Pump Topper Advertisements
- Mobile Advertising
- News Interviews (Print, TV, Online)
- Online Advertising
- Posters, Clings and Public Information Cards
- Press Releases and Media Events
- Traditional TV – Public Service Announcements (PSAs)
- Digital TV – Paid Advertising
- Traditional Radio – PSAs
- Digital Radio – Paid Advertising
- Social Media (Facebook, Instagram, Snapchat Twitter, and Dating Apps) – Paid Advertising and Organic
- Influencer Program – Paid and Organic

- Google Responsive Display
- Websites

Covid-19 caused a hardship for the state which ended in delaying the actuation of the statewide impaired driving campaign in FY 2020-2021. Through a competitive bidding process, Sherry Matthews Group was selected as the vendor for the statewide impaired driving campaign in FY 2021-2022 and is tasked with building a year-long integrated marketing and communications effort.

In addition to these mass media tactics, the communications program includes a serious grassroots campaign to educate the public through word-of-mouth. The 25 TxDOT districts are staffed with Traffic Safety Specialists who personally speak to their communities about the issue of impaired driving. They set up information centers at local events, give speeches at high-schools and colleges, sponsor parade floats, and distribute educational materials to local employers. Many of the TSSs have organized their own local safety coalitions which are comprised of law enforcement, business leaders, and concerned citizens.

Communication materials on impaired driving are also distributed to driver education classes and driving safety classes statewide. TxDOT and its ad partners regularly provide content that is made available for download from the website showing the consequences of drinking and driving. In the past, these have included documentary-style videos telling the stories of the victims of intoxicated driving and their families. They have also included interviews of real people who have been charged with DWI, telling others about the adverse consequences.

Utilizing available qualitative and quantitative data, TxDOT and ad agency partners regularly perform market studies to determine what messages and tactics will best reach target audiences. This is important because Texans live in a fast-changing social environment, and thousands of new people move to Texas every month. Based on this important research, subtle changes to campaigns have been made. One example is messaging that incorporates “planning ahead” instead of waiting until the drinking begins to decide how to get home. Another example is replacing the term “designated driver” with “sober driver” since it has been discovered that frequently the “designated driver” is determined by who perceives themselves to be the least intoxicated of the group.

Recommendations from the 2015 Impaired Driving Technical Assessment

Recommendation: Develop a communications plan that includes a well thought out plan to deliver life-saving highway safety messages to the intended audiences and traffic safety partners
Status: Ongoing
Background: Texas has developed and launched a comprehensive communications program. Campaigns educate about both the dangers and the consequences of impaired driving. Special care has been taken to develop multi-lingual materials to ensure that messages are culturally appropriate and relevant.

Priority Recommendation: Evaluate the highway safety office marketing to ensure its messages are reaching target audiences
Status: Ongoing
Background: TxDOT and Sherry Matthews Group regularly perform market studies to determine what messages and tactics will best reach target audiences, as well as measure advertising recall, message penetration, and changes in behavior over time.

V. ALCOHOL AND OTHER DRUG MISUSE: SCREENING, ASSESSMENT, TREATMENT, AND REHABILITATION

Screening, assessment, treatment, and rehabilitation can help prevent crashes and fatalities by addressing alcohol misuse as the root cause of a large portion of the impaired driving problem. Primary prevention uses a public health model to address alcohol misuse in general medical (primary care and emergency medicine) or educational (particularly collegiate) settings. Secondary prevention delivers screening and treatment after detection of impaired driving in traffic safety systems.

This area has been a challenge for the State to affect. It has been difficult to identify and maintain the appropriate individuals or organizations to serve on the TxIDTF since their primary focus is not specifically tied to traffic safety. The TxIDTF continues to identify potential representatives in order to better integrate these disciplines into the regular functions of the TxIDTF. In addition to incorporating effective representation into the operations of the TxIDTF, Texas has worked to encourage employers, educators, community supervision/probation officers, juvenile case managers, and health care professionals to implement policies and procedures that assist them in screening and assessing individuals so that they might be referred for treatment.

Screening and Assessment

The primary manner in which Texas encourages stakeholders to identify and intervene with individuals who they deem in need of appropriate treatment is through education on the signs of impairment or substance abuse. From the point of identification, organizations are encouraged to develop processes to refer people to treatment opportunities.

This identification and assessment is not required by law, but the basis of this encouragement is general safety, liability, loss of resources, and costs related to absences or criminal processing. For example, CSCDs throughout the State handle screening of DWI offenders differently. Some CSCDs screen offenders in-house while others refer offenders to licensed providers within the community. Each CSCD follows the policies and procedures established by the courts in their jurisdiction and departments. Additionally, specialty treatment courts incorporate screening, assessment, and treatment into their process.

Screening and Brief Intervention

One evidence-based intervention for reducing alcohol misuse that has been implemented is Screening and Brief Intervention Referral to Treatment (SBIRT) or Screening and Brief Intervention (SBI). SBIRT involves a short, standardized screening designed to provide a score to the participant reflective of the person's alcohol use (e.g., abstainer/low risk, high risk, etc.). The score is then used to discuss, through a short motivational interview with a trained individual, the behaviors that accompany their alcohol use and their options for changing behavior. Rarely, a person may be referred to treatment for alcohol use disorder.

Current statewide grants that are utilizing SBIRT or SBI are TxSDY's Screening and Brief Intervention for Risky Alcohol Use and DUI Among College Students, TxSDY's Screening and Brief Intervention for Prescription Drug Misuse and Marijuana Use Among College Students, Texas A&M AgriLife Extension Service's Watch UR BAC, TTI's Alcohol and Ignition Interlock Training for Adult Probation Officers, and TMCEC's Motivational Interviewing Program for Juvenile Case Managers.

The TxIDTF strongly considers SBIRT and SBI to be effective countermeasures against impaired driving. The TxIDTF would like to see additional SBIRT and SBI programming that provides for universal screening and record keeping, training additional professionals in brief interventions to motivate reduced alcohol use, and identifying linkages with other institutions where SBIRT or SBI are routinely used.

Treatment and Rehabilitation

With the exception of educating specialty treatment courts, the TxIDTF is not directly engaged in treatment and rehabilitation activities. However, the TxIDTF works with health care and other professionals related to treatment and rehabilitation. Rural judges are being educated on how to employ innovative approaches to assess and treat offenders in areas where treatment options are limited by engaging community-based options. Local courts are using minor in possession and public intoxication citations to employ early intervention. Self-assessment and treatment referral are part of alcohol education courses required for a wide range of alcohol and drug-related offenses.

While there are no federal funds related to traffic safety available in this area, the TxIDTF still considers evidence-based treatment and rehabilitation to be an effective countermeasure and will continue to pursue other available funding and collaborative opportunities.

Monitoring Impaired Drivers

In Texas, DWI offenders can be ordered to submit to alcohol monitoring through court-ordered probation or as a pretrial bond condition. Alcohol monitoring may include ignition interlock, transdermal alcohol monitoring, remote alcohol monitoring, portable breathalyzer, chemical assessment, and any combination of these approaches. Orders for alcohol monitoring and sanctions for alcohol infractions are typically applied on a case-by-case basis. More systematic procedures for determining who receives which type of monitoring and how alcohol infractions are responded to will increase effectiveness in curbing alcohol use.

Texas does not have a statewide system that tracks impaired drivers through the criminal justice system. However, OCA does track the number of DWI felony and misdemeanor cases that are active and inactive as well as how cases are adjudicated. In addition, OCA tracks the number of ignition interlock devices that are issued as a condition of bond in justice and municipal courts.

One way to enhance monitoring of offenders is to make information regarding mandatory ignition interlock easily available to law enforcement during routine traffic stops. This will enable an officer to know if an individual should not be operating a motor vehicle without an ignition interlock installed. Further access to this information will aid in the enforcement of the ignition interlock component of supervision.

Texas has established funding for specialty treatment courts, which integrate screening and assessment, treatment and rehabilitation while monitoring impaired drivers. This integrated monitoring process helps to improve compliance among offenders and is aimed at reducing recidivism.

Recommendations from the 2015 Impaired Driving Technical Assessment

A. Screening and Assessment

1. Criminal Justice System

Recommendation: Develop and implement a DWI tracking system

Status: Not Currently Being Addressed

Background: TTI received a traffic safety grant in FY 2017 to determine the feasibility of developing a DWI tracking system in Texas. Developing such a database is a tremendous undertaking, and many of the processes that would streamline its creation are not in place. Due to limited funds and prioritization, further progress of developing a DWI tracking database is not being pursued through the end of FY 2021. However, this continues to be a priority need for TxDOT, and TxDOT continues to seek proposals to address this need.

Recommendation: Require the use of uniform and standardized screening protocols in community supervision (probation)
Status: Not Currently Being Addressed
Background: Currently, each CSCD sets its own policies and procedures related to substance abuse screening and evaluation for their probationers. This system means that each department in Texas may use a different screening instrument based on preference and training of staff. To implement this change, input from community supervision leadership is necessary to ensure there is no adverse impact on their ability to perform their functional role.

Recommendation: Require the use of uniform and standardized screening protocols in all driving while intoxicated education programs
Status: Not Currently Being Addressed
Background: Currently, all offender education programs in Texas are regulated by TDLR. To implement this recommendation, input from TDLR leadership is necessary to ensure there is no adverse impact on their ability to perform their functional role.

2. Medical or Healthcare
Recommendation: Implement screening, brief intervention, referral to treatment procedures in healthcare settings throughout Texas
Status: Not Currently Being Addressed
Background: Research indicates SBIRT in hospital settings is a highly effective way to reduce impaired driving. For that reason, among others, Level 1 Trauma Centers are required by federal law to implement an SBIRT process. However, the law does not provide universal requirements for implementing an SBIRT program, so programs and implementation vary across hospital/trauma rooms. Additionally, few hospitals appear to be aware of the Medicaid and Medicare codes they can activate related to covering SBIRT expenses in an emergency room setting. If funding is available, it would be beneficial to educate hospitals on the most effective ways to 1) implement SBIRT in a hospital setting, and 2) utilize Medicaid and Medicare codes to cover related expenses. Additionally, research indicates that SBIRT programs administered in criminal justice settings increases likelihood of DWI offenders receiving this intervention. Therefore, it would also be beneficial to support SBIRT programs in a criminal/judicial setting.

However, input from administrators from systems delivering SBIRT is necessary to ensure there is no adverse impact on their ability to perform their functional role.

Recommendation: Implement screening, brief intervention, referral to treatment procedures on college campuses throughout Texas
Status: Ongoing
Background: TxSDY has provided campuses with training and support for implementing SBI on their campuses since 2010, starting with a grant from the Department of Education. TxSDY is currently funded through TxDOT to provide this service. Multiple campuses have been professionally trained by an SBIRT expert to utilize a standardized screening tool and perform a motivational interview. TxSDY provides support for identifying ways to implement SBI in a low-cost scenario on their campuses. TxSDY has evaluated this primary prevention approach through a CSAP Service to Science Evaluation Enhancement award and subsequent evaluations from an external professional evaluator. Results have shown the program is effective at reducing risky alcohol use.

B. Treatment and Rehabilitation
Recommendation: Expand the availability of DWI courts in Texas
Status: Ongoing
Background: Many jurisdictions have established specialty courts where criminogenic risk factors and substance abuse issues are addressed with daily supervision from a specialized staff with the goal of

addressing the root cause of impaired driving: alcohol and other drugs of abuse. Specialty courts have the option to register with the Office of the Texas Governor – linked below is a list of currently registered specialty courts.

TCJ provides training for new and continued education for existing DWI courts. There is room for growth in this area specifically for creating drug courts and for establishing additional DWI and Drug courts at the statewide level. Additionally, existing specialty courts would benefit from case management software and analytical information that would help the courts manage participants and their records. However, due to costs, very few courts have an efficient record management system.

- Texas Specialty Courts by County

Recommendation: Require the use of uniform and standardized screening protocols in all DWI education programs
Status: Not Currently Being Addressed
Background: Currently, all offender education programs in Texas are run through the TDLR. To implement this change, input from TDLR leadership is necessary to ensure there is no adverse impact on their ability to perform their functional role.

VI. PROGRAM EVALUATION AND DATA

Texas continues to improve its use of a diverse set of data to analyze different aspects of the impaired driving problem in the State. The TxIDTF and the TxDOT Alcohol and Other Drug Countermeasures Program rely primarily on crash data from CRIS and FARS. As projects and programs develop, program partners initiate surveys that explore attitudes and reactions to laws, educational campaigns, and cultural issues related to impaired driving.

When programs or processes are evaluated in relation to impaired driving, researchers use data from criminal histories, drivers licensing, vehicle registration, focus groups, interviews, and surveys (observational, educational, and attitudinal).

Texas does not have an impaired driving database that provides for a continuous connection between arrest and adjudication for DWI offenders across the State. For the purpose of research and evaluation, efforts are being made to try to connect data from criminal histories and drivers licensing, so that stakeholders can assess the impact of countermeasures on DWI and more specifically recidivism. While TRCC is currently working to coordinate CRIS, DSHS, TxDPS, and court records, an impaired driving database would ideally encompass these and additional records. Developing such a database is a tremendous undertaking, and many of the processes that would streamline its creation are not in place. However, this continues to be a priority need for TxDOT, and TxDOT continues to seek proposals to address this need.

Recommendations from the 2015 Impaired Driving Technical Assessment

A. Evaluation

Recommendation: Include in the electronic crash system a list of appropriate factors which contributed to the crash from which the officers can select, to include a means of designating which factor was the primary one

Status: Complete

Background: The TxDOT CRIS database has primary factor assignment designation. Designation of primary factor is defined in the crash reporting instruction manual (CR-100) Section 4.6.1.2. TxDOT has established a set list of contributing factors that law enforcement officers can select from and is defined in the CR 100 Section 4.6.1.4.

Recommendation: Engage the Traffic Records Coordinating Committee to develop the database needed for impaired driving enforcement evaluation from the core data systems of the State Records System, including citations/adjudication, driver, vehicle, roadway, crash and injury surveillance

Status: Ongoing

Background: In FY 2017, TTI received a grant to assess the feasibility of a Core Traffic Records database. Since that time, the TRCC has been making efforts to improve links between the six core traffic records databases, but major steps forward are currently long-term objectives.

The OCA explored the feasibility of a citation repository, which is a component of an impaired driving database. However, this effort ended due to a lack of funds for ongoing maintenance of the database and a prioritization of other projects that were deemed to have a higher immediate impact on traffic safety.

The TxDPS is updating its Records Management System (RMS). The TxDPS Highway Safety Operations Center (HSOC) plans to use data retrieved from the system to guide targeted impaired driving enforcement. While smaller efforts are underway, major improvements at a statewide level are not anticipated in the short-term.

B. Data and Records

Priority Recommendation: Develop a DWI tracking system to enable analysis of the impaired driving problem in the state

Status: Not Currently Being Addressed

Background: TTI received a traffic safety grant in FY 2017 to determine the feasibility of developing a DWI tracking system in Texas. Developing a DWI tracking database is a tremendous undertaking, and many of the processes that would streamline the creation of a DWI tracking database are not in place in Texas. Due to limited funds and prioritization, further progress of developing a DWI tracking database is not being pursued through the end of FY 2021.

The TxDPS is updating its RMS. And the TxDPS HSOC plans to use data retrieved from the system to guide targeted impaired driving enforcement. However, this continues to be a priority need for TxDOT and TxDOT continues to seek proposals to address this need.

Recommendation: Engage the Traffic Records Coordinating Committee in determining the source and location of various data elements that are needed in an effective DWI tracking system

Status: Not Currently Being Addressed

Background: TTI received a traffic safety grant in FY 2017 to determine the feasibility of developing a DWI tracking system in Texas. Developing a DWI tracking database is a tremendous undertaking, and many of the processes that would streamline the creation of a DWI tracking database are not in place in Texas. Due to limited funds and prioritization, further progress of developing a DWI tracking database is not being pursued through the end of FY 2020. However, this continues to be a priority need for TxDOT and TxDOT continues to seek proposals to address this need.

Recommendation: Provide funding for an eCitation system such as the one proposed by the Texas Office of Court Administration
Status: Not Currently Being Addressed
Background: The OCA received a grant to begin completing a statewide eCitation database. However, in FY 2018, efforts were suspended due to a lack of ongoing funds to pay for maintenance and upkeep of the database once completed. No further efforts are planned at this time.

C. Driver Records Systems
Recommendation: Enact legislation that prevents removal of DWI conviction data from the driver history
Status: Requires Legislative Action
Background: Texas law requires any conviction for DWI remain on the driver history of the offender for life unless the offender has applied for and been granted expungement. It is unclear how many offenders apply for and are granted expungement annually. Without this information, it is unknown what effect this has on the ability to appropriately sanction offenders. The TxIDTF cannot lobby for legislative change to impact this recommendation.

SUMMARY

The TxIDTF has evolved over the last 17 years to include all aspects of the impaired driving challenge continuum. The TxIDTF has developed the Texas Impaired Driving Plan which encompasses the areas of Program Management and Strategic Planning, Prevention, Criminal Justice, Communications, Alcohol and Other Drug Misuse, and Program Evaluation and Data in order to affect the issue of impaired driving. By taking a comprehensive approach, the TxIDTF can significantly impact impaired driving in the State. New and innovative projects are funded each year by TxDOT's Behavioral Traffic Safety Alcohol and Other Drug Countermeasures Program to address all the diverse components of a comprehensive impaired driving program. The TxIDTF will continue to change and evolve as processes and laws change in the State in order to continue to achieve further reductions in impaired driving fatalities, injuries, and crashes.

APPENDIX A – SIGNATURES OF APPROVAL

DocuSigned by:
Allison Rounsavall
94367AE340EC414...
6/7/2021

DocuSigned by:
Anna Mudd
2FF5F4FF5E2C4CB...
6/10/2021

DocuSigned by:
41B3A6518430422...
6/17/2021

DocuSigned by:
Charles W. Mathias
C88D1BED17374FE...
6/7/2021

DocuSigned by:
81855DD4EFCE4EC...
6/10/2021

DocuSigned by:
Debra Marrable
FE7A586766BA4FD...
6/7/2021

DocuSigned by:
Holly Doran
E2D9538E63CE4F4...
6/8/2021

DocuSigned by:
Jim Hollis
96F25C8938C3415...
6/22/2021

DocuSigned by:
Laura Weiser
B9CC5E4C11B847A...
6/7/2021

DocuSigned by:
F0C580BD52B24FD...
6/11/2021

DocuSigned by:
BEB768B1C3BA466...
6/7/2021

DocuSigned by:
Randy Sarosdy
CFD569B6DE9046D...
6/8/2021

DocuSigned by:
Wright, Tara
2B7D59A3F3FC498...
6/11/2021

DocuSigned by:
Amy Moser
C432F3E0AEB74E0...
6/8/2021

DocuSigned by:
Ashleigh Jones
E8A7F5C52C5A444...
6/10/2021

DocuSigned by:
Cecelia P. Marquart
97399A4A26EF4B7...
6/10/2021

DocuSigned by:
Christine Adams
710E5EAF84B44FA...
6/7/2021

DocuSigned by:
David Palmer
3154D41432D044E...
6/7/2021

DocuSigned by:
Dottie McDonald
EDEC1DA81B214C2...
6/14/2021

DocuSigned by:
Jackie Ipiña
5A6AD16909384BC...
6/9/2021

DocuSigned by:
Kara Thorp
B05051A43F6C42C...
6/9/2021

DocuSigned by:
Lisa Minjares
D8B6DFE4EF28431...
6/10/2021

DocuSigned by:
Marsha Scott
D55D9ADC9F4A447...
6/7/2021

DocuSigned by:
Nicole Holt
266FF3D52D8B472...
6/14/2021

DocuSigned by:
D24E6B8861D04E8...
6/7/2021

DocuSigned by:
6AA5C27458E1400...
6/14/2021

DocuSigned by:
CCC9924AA34C48E...
6/11/2021

DocuSigned by:
Bobbi Brooks
69D6E600001F470...
6/7/2021

DocuSigned by:
Sgt. Chad Codey
B6DE6089C3704E8...
6/7/2021

DocuSigned by:
6B9A2D987C2D433...
6/7/2021

DocuSigned by:
Debra Coffey
C92BF74E708746E...
6/7/2021

DocuSigned by:
C2CD766DEC73441...
6/7/2021

DocuSigned by:
James C. Tedder, IV, M.S.
115A54C046EB4FF...
6/7/2021

DocuSigned by:
C12D48C6029D4D6...
6/7/2021

DocuSigned by:
0C3BDC42C1C7415...
6/7/2021

DocuSigned by:
46C5F7DC4AA649E...
6/14/2021

DocuSigned by:
78C307D809494DF...
6/7/2021

DocuSigned by:
Sherri Robelia
51035E6D772744F...
6/7/2021

DocuSigned by:
Troy Walden
002A887E632A4DB...
6/7/2021