

2023 TEXAS

IMPAIRED DRIVING PLAN

DEVELOPED AND APPROVED BY THE TEXAS IMPAIRED DRIVING TASK FORCE



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This plan was developed and approved by the Texas Impaired Driving Task Force on June 08, 2023.



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June 1, 2023

To Whom It May Concern:

According to the Fatal Accident Reporting System (FARS), in 2021 there were 1,906 alcohol-impaired driving fatalities in Texas, which is an increase of 373 people from the 1,533 who lost their lives in 2020. These alcohol-impaired driving fatalities account for 42% of overall fatalities in the state. Because of these tragic figures, the efforts from the Texas Department of Transportation (TxDOT) and our various traffic safety partners must persist so that we can reduce impaired driving crashes, injuries, and deaths on Texas roadways.

In August 2022, the National Highway Traffic Safety Administration (NHTSA) joined us in Austin to conduct an Impaired Driving Program Assessment. The NHTSA assessment team provided a new set of insightful recommendations to help improve our efforts. We have begun to address these suggestions and will work to complete as many of the recommendations as possible over the coming years. You will find the status of these recommendations in this strategic guiding document.

Additionally, the Texas Impaired Driving Task Force (TxIDTF) completed the NHTSA Drug-Impaired Driving Criminal Justice Evaluation Tool, at the request of the National Transportation Safety Board (NTSB). You will find the completed evaluation tool in Appendix A of this document. It is imperative that we work to address and improve these efforts over the coming years as well.

The TxIDTF is a collective group of traffic safety stakeholders that meet several times a year to identify gaps and develop strategies to combat the consequences of impaired driving. Membership includes professionals from law enforcement, prosecution, judiciary, education, prevention, treatment, research, licensing, and others. Together with representatives from the State's Highway Safety Office, we all continue to work together toward the common goal of eliminating injuries and deaths caused by impaired driving.

In closing, the Texas Impaired Driving Plan has been developed and approved by the TxIDTF in accordance with Fixing America's Surface Transportation (FAST) Act. The plan has been submitted to the TxDOT and subsequently to the NHTSA. TxDOT serves as the Governors Highway Safety Office representative for the state of Texas, and I fully support the efforts of the TxIDTF.

Sincerely,

DocuSigned by:

Michael A. Chacon, P.E.

06D7ED66C6FC48B

Michael A. Chacon, P.E.

Director, Traffic Safety Division

Texas Department of Transportation

CC: Letty von Rossum, BTS Section Director, Traffic Safety Division, TxDOT
Carol Campa, BTS Branch Supervisor, Traffic Safety Division, TxDOT

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

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LIST OF AGENCY/ORGANIZATION ACRONYMS

AAA Texas—American Automobile Association Texas

CADES—Center for Alcohol and Drug Education Studies

CSCD—Community Supervision Corrections Department, also known as probation

DSHS—Department of State Health Services

ESC—Education Service Center—Region 6

FACTS—Families Acting for Community Traffic Safety

FCCLA—Family, Career and Community Leaders of America

HSOC—Highway Safety Operations Center

IACP—International Association of Chiefs of Police

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

SHSU—Sam Houston State University

TABC—Texas Alcoholic Beverage Commission

TAC—Texas Association of Counties

TCJ—Texas Center for the Judiciary

TDCAA—Texas District and County Attorneys Association

TDLR—Texas Department of Licensing and Regulation

TEA—Texas Education Agency

TJCTC—Texas Justice Court Training Center

TMCEC—Texas Municipal Courts Education Center

TMPA—Texas Municipal Police Association

TRCC—Traffic Records Coordinating Committee

TRF-BTS—Traffic Safety Division—Behavioral Traffic Safety Section

TTC—Texas Transportation Commission

TTI—Texas A&M Transportation Institute

TxDOT—Texas Department of Transportation

TxDPS—Texas Department of Public Safety

TxIDTF—Texas Impaired Driving Task Force

TxSDY—Texans for Safe and Drug-Free Youth

YLC—Youth Leadership Council

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INTRODUCTION

With contribution and approval by the Texas Impaired Driving Task Force (TxIDTF), the purpose of the annual 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 readers with a complete overview of the impaired driving crash problem, documents the progress of ongoing initiatives and campaigns, and lists potential countermeasures and strategies to improve impaired driving roadway safety.

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 Fixing America's Surface Transportation (FAST) Act, Section 405(d), and NHTSA's *Uniform Guidelines for State Highway Safety Programs—Highway Safety Program Guideline No. 8*.

The Impaired Driving Problem

Texas continues to make significant efforts to reduce impaired driving fatalities, injuries, and crashes. The percentage of motor vehicle fatalities that result from impaired driving had been steadily declining over the past decade; however, fatal crashes and deaths increased in 2021, and evidence suggests that this trend extended into 2022.

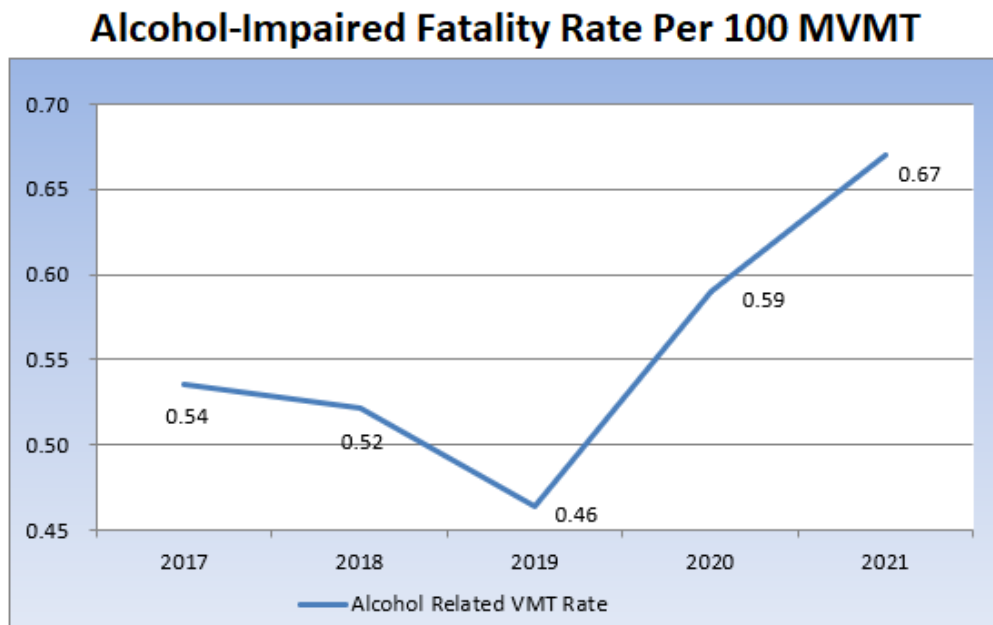
To adapt and address the rise in fatal crashes and deaths, Texas must continue to seek and apply innovative and evidence-based solutions. Despite the implementation of proven strategies and countermeasures, the number of impaired driving fatalities and injuries in Texas continues to be unacceptable. Texas remains dedicated to reducing all incidences of impaired driving.



Impaired driving
continues to be a
significant issue in
the state of Texas.

The submission of this Plan is based upon the state's average impaired driving fatality rate. As defined by the Code of Federal Regulations § 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

Texas is considered a mid-range state for fiscal year (FY) 2022 because its alcohol-impaired driving fatality rate is 0.57 based on FARS data from 2019–2021. Figure 1 illustrates the alcohol-impaired driving fatality rate per 100 million VMT from 2017–2021 in Texas. Texas ranks in the top 10 states nationally for alcohol-related fatalities per 100 million VMT for 2021 (the current year for which data are available). Preliminary data suggests that Texas will also be in the top 10 states nationally once again in 2022.



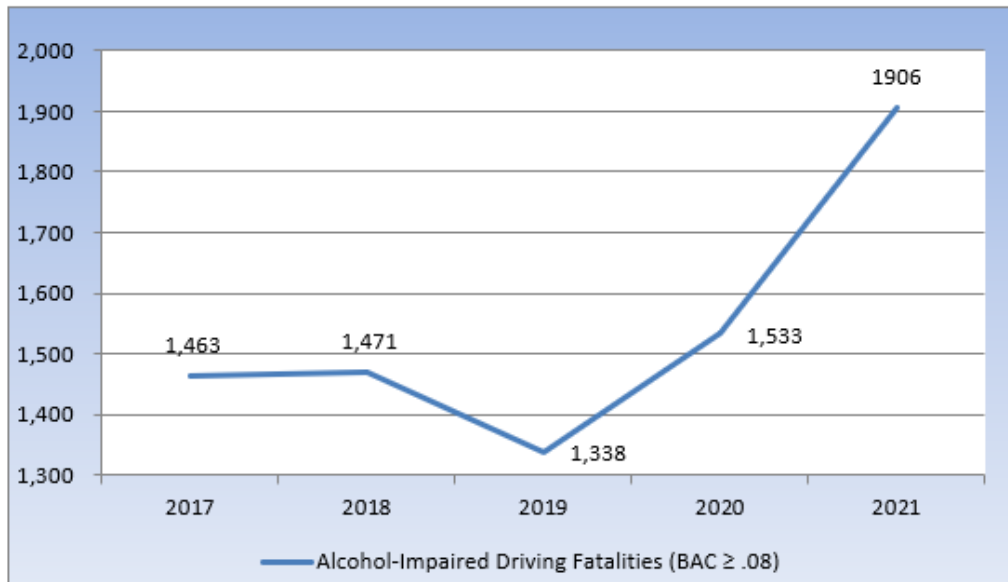
Source: Fatality Analysis Reporting System (FARS May 23rd, 2023)

Figure 1. Texas Alcohol-Impaired Driving Fatality Rate per VMT, 2017–2021

As shown in Figure 2, there were 1,906 alcohol-impaired driving fatalities where a driver had a BAC of 0.08 g/dL or greater in 2021 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 upward. Compounding the problem, impairment has been shown to be present at BACs lower than 0.08 g/dL.

¹ Uniform Procedures for State Highway Safety Grant Programs, 23 C.F.R. § 1200.23.
<https://www.govinfo.gov/content/pkg/FR-2022-09-15/pdf/2022-18995.pdf>

Alcohol-Impaired Driving Fatalities - BAC \geq .08 (C-5)

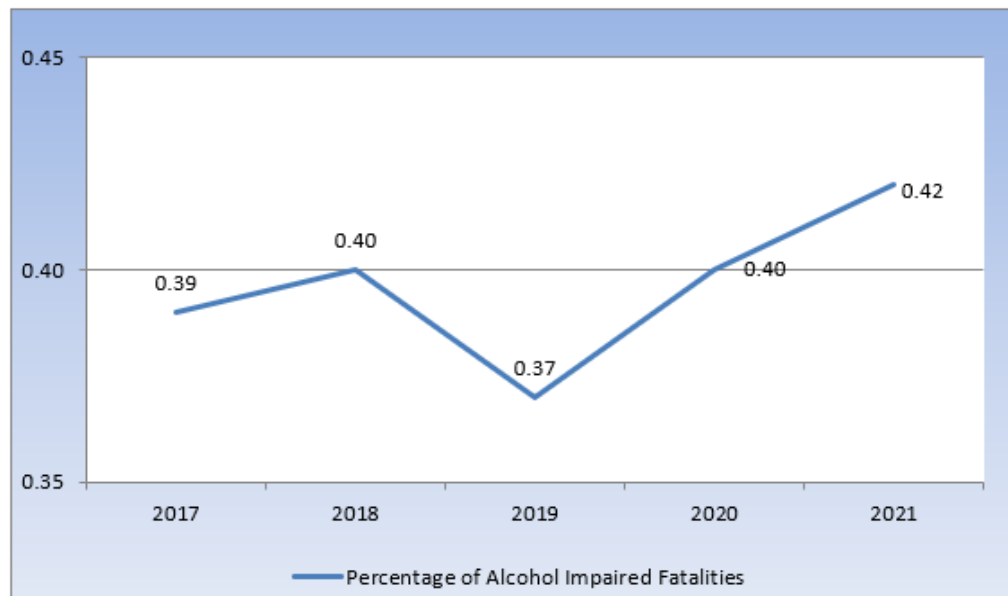


Source: Fatality Analysis Reporting System (FARS May 23rd, 2023)

Figure 2. Texas Alcohol-Impaired Driving Fatalities, BAC 0.08+, 2017–2021

Figure 3 illustrates the percent of alcohol-impaired driving fatalities from 2017–2021. In 2021, alcohol-impaired driving fatalities represented 42 percent of the state's motor vehicle fatalities, which is the second highest percentage in the nation, after Montana.

Percent of Alcohol-Impaired Fatalities



Source: "Overview of Motor Vehicle Traffic Crashes in 2021" NHTSA, April 2023.

Figure 3. Percent of Alcohol-Impaired Driving Fatalities in Texas, 2017–2021

Alcohol-impaired driving crashes are only part of the impaired driving problem. Drug-impaired driving continues to be a factor in motor vehicle crashes as well. Recent trends also indicate polysubstance use (more than one drug) growing as a contributing factor. The extent to which drug-impaired driving is responsible for serious injuries and fatalities in traffic crashes is not fully documented. Resources required for extensive toxicology testing cannot meet the demand, and Texas traffic safety stakeholders continue to collaborate to address and seek solutions for this concerning issue.

Plan Structure

The subsequent sections of the Plan focus on the components a state's impaired driving program and meet those strategies recommended within the NHTSA *Uniform Guidelines for State Highway Safety Programs—Highway Safety Program Guideline No. 8*. The Plan's components are:

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

Additionally, recommendations from the previous NHTSA Impaired Driving Program Technical Assessment (2022) can be found at the end of each respective section of the Plan. Sections that do not include recommendations are informational and specific to Texas traffic safety stakeholders' strategies.

Since the 2022 assessment, the TxIDTF has reviewed the assessor 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 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 a member organization has accomplished 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 is not currently pursuing action. However, this does not mean that the recommendation will not be addressed in the future.
- **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 to be passed or a different interpretation of current laws. The TxIDTF views its role as being 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 on which to base their decisions.
- **Jurisdictional Condition**—The TxIDTF or 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.



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 sponsored and supported through a TxDOT Behavioral Traffic Safety Grant that is administrated by the Texas A&M Transportation Institute (TTI).

Mission

To eliminate injury and death caused by impaired driving in Texas through the identification and strategic distribution of partner resources to critical areas.

Charter

The TxIDTF has existed in some capacity for 18 years, operating mostly under an informal set of policies and procedures. As the TxIDTF 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. The charter was subsequently revised in 2023 and 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 2023](#)

Membership

The TxIDTF has evolved into a multifaceted representation of individuals and organizations. Currently, the TxIDTF consists of 47 members, representing:

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

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 experts. 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 details on the member programs of the TxIDTF.

- [Texas Impaired Driving Task Force Membership—FY 2023](#)

Following is a list of the names, titles, and organizations of all TxIDTF members.

- Clay Abbott, DWI Resource Prosecutor, Texas District and County Attorneys Association
- Christine Adams, Assistant Research Scientist, Texas A&M Transportation Institute
- Alejandra Aguilar, Program Supervisor, Texas Department of Public Safety, Enforcement and Compliance Service, Driver License Division
- Robert Anchondo, Judge, County Criminal Court at Law #2 El Paso
- Annette Beard, National Account Manager, Smart Start Inc.
- Trevis Beckworth, Scientific Director, Texas Department of Public Safety Crime Laboratory
- Mark Busbee, Lead Instructor, DITEP/ADAPT/FRIDAY, Texas Municipal Police Association
- Carlos Champion, DRE Program Coordinator, Texas Drug Recognition Program
- Debra Coffey, Vice President, Government Affairs, Smart Start Inc.
- Chad Cooley, Corporal, Cedar Hill Police Department
- Holly Doran, TxDOT Program Director, Texas Center for the Judiciary
- Emma Dugas, MADD Program Manager, Mothers Against Drunk Driving
- Brian Grubbs, Program Manager, LEADRS
- Brittany Hansford, Chief, Vehicular Crimes, Montgomery County District Attorney's Office
- Kevin Harris, Lieutenant, College Station Police Department
- Nicole Holt, Chief Executive Officer, Texans for Safe and Drug-Free Youth
- Richard Hoover, Lieutenant, Texas Department of Public Safety, Highway Patrol
- Mike Jennings, Sergeant Investigator, Williamson County Attorney's Office
- Tara Karns-Wright, Assistant Professor, UT Health Science Center San Antonio
- Larry Krantz, Program Manager, Texas Department of Transportation
- Debra Marable, State Program Director, Mothers Against Drunk Driving
- Sarah Martinez, Director, Travis County Attorney's Underage Drinking Prevention Program
- Charles Mathias, Associate Professor, UT Health San Antonio

- Dottie McDonald, Judicial Services Liaison, Smart Start Inc.
- David McGarah, Program Manager, Texas SFST
- Ned Minevitz, Grant Administrator, Texas Municipal Courts Education Center
- Lisa Minjares-Kyle, Associate Research Scientist, Texas A&M Transportation Institute
- Erica Moore, Agent, TRACE Team, Texas Alcoholic Beverage Commission
- Amy Moser, Safety Education and Training Specialist, Education Service Center—Region 6
- Anna Mudd, Toxicology Section Supervisor, Texas Department of Public Safety—Crime Lab
- Katie Mueller, Senior Program Manager, National Safety Council
- April Ramos, Program Manager, National Safety Council
- Allison Rounsavall, Program Manager, Texas Department of Transportation
- Nina Saint, Education Director, SafeWay Driving Systems
- Joseph Schmider, State EMS Director, Texas Department of State Health Services
- Emmaline Shields, Associate Transportation Researcher, Texas A&M Transportation Institute
- Ben Smith, Program Manager—Watch UR BAC, Texas A&M AgriLife Extension Service
- Ronald Swenson, Deputy Chief of Investigation, Texas Alcoholic Beverage Commission
- Dannell Thomas, Safety Education and Training Specialist, Education Service Center—Region 6
- Kara Thorp, Public Affairs Specialist, AAA—Texas & New Mexico
- Bronson Tucker, General Counsel, Texas Justice Court Training Center
- Jodie Tullos, Captain, Texas Department of Public Safety, Highway Patrol
- Esther Vasquez, Program Supervisor, Texas Department of Public Safety, Conviction Reporting, Driver License Division
- Letty Von Rossum, Behavioral Traffic Safety Section Director, Texas Department of Transportation
- Troy Walden, Director of Center for Alcohol and Drug Education Studies, Texas A&M Transportation Institute
- Laura Weiser, Judicial Resource Liaison, Texas Center for the Judiciary
- Liz Wilde, Account Director—Creative Agency, Sherry Matthews Group
- Tramer Woytek, Judicial Resource Liaison and County Relation Officer, Texas Association of Counties

Meetings

Due to its large membership and the state's geography, in the past, the TxIDTF met in person biannually. In FY 2023, the task force moved to quarterly meetings. Email correspondence and subcommittee meetings, as necessary, supplement work completed at the in-person meetings. In the past 12 months, the TxIDTF met on the dates listed below in the meeting minute links. The last meeting of the fiscal year will be held on July 27, 2023.

- [Meeting Minutes November 14, 2022](#)
- [Meeting Minutes February 23, 2023](#)
- [Meeting Minutes April 27, 2023](#)

Executive Committee Members

In FY 2023, executive committee (EC) members were identified to represent and lead stakeholder groups. The EC members provide a report during each of the quarterly meetings. They are responsible for voting on task force recommendations and signing off on the final Impaired Driving Plan. They also have the ability to convene and oversee subcommittees that work on specific topics in between task force meetings. The EC members and stakeholder group representation are listed below:

- Carlos Champion, Impaired Driving Enforcement Training and Detection
- Trevis Beckworth, Forensic Testing
- Clay Abbott, Prosecution and Legislative Affairs
- Judge Laura Weiser, Judicial and Bond Conditions
- Charles Mathias, Research, Treatment, and Prevention
- Ronald Swenson, Retailer Enforcement and Education
- Brian Grubbs, Impaired Driving Database

Subcommittees

The TxIDTF is currently supported by three subcommittees: Legislative, Research, and Prevention. 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 members of the TxIDTF. Each subcommittee meets as often as needed via virtual meetings 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.

Legislative

The Legislative Subcommittee is chaired by Texas DWI Resource Prosecutor Clay Abbott, with the Texas District & County Attorneys Association (TDCAA). The committee 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 frequently in the same years when the state legislature is in session and as necessary when the state legislature is not in session. Below are the meeting notes of the Legislative Subcommittee in FY 2023.

- [Meeting Minutes January 4, 2023](#)
- [Meeting Minutes February 20, 2023](#)

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. In FY 2023, the subcommittee was convened by EC member Dr. Charles Mathias and is chaired by Dr. Tara Wright, both from the University of Texas Health in San Antonio. Below are the subcommittee meeting minutes.

- [Meeting Minutes January 20, 2023](#)

Prevention

In FY 2023, EC member Dr. Charles Mathias convened the Prevention Subcommittee, which transitioned from the Education Subcommittee. Lisa Minjares-Kyle, from the Youth Transportation Safety Program at TTI, chairs the subcommittee. This committee is inclusive of all prevention stakeholders. The first meeting of the Prevention Subcommittee was held in the spring, and the meeting notes can be accessed below.

- [Meeting Minutes April 10, 2023](#)
- [Meeting Minutes May 22, 2023](#)

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.” As a result, the former Education Subcommittee compiled a reference book that provides program summaries 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 the Texas Education Agency (TEA) state standards for what students should understand, gain knowledge in, and be able to apply upon completion of a course. The reference book also includes promising TxDOT-sponsored programs that are not necessarily evidence-based. The reference book has been distributed at numerous educational trainings and conferences. Below is the most recent version of the reference book.

- [Recommendations for Alcohol and Drug Prevention Programs K–12th Grade \(Updated June 2022\)](#)

Impaired Driving Task Forces—Best Practices

In April 2017, the TxIDTF voiced the need to better understand the role and function that statewide task forces play. By understanding how other state task forces operate, the TxIDTF can explore ways to improve its current processes and remain at the forefront of reducing, and ultimately eliminating, impaired driving in Texas. To meet this need, in FY 2018, the TxIDTF administration interviewed several states in an effort to identify best practices and strategies for state impaired driving task forces. The TxIDTF developed a survey used to interview representatives from five state impaired driving task forces. The survey focused on three primary areas: background, operation, and impact of the state impaired driving task forces. The technical memorandum is linked below.

- [2018 Multi-state Assessment of State Impaired Driving Task Forces: Best Practices and Strategies](#)

Many of the task forces interviewed were too dissimilar to the TxIDTF, particularly in terms of membership representation and lobbying capability, so many of the best-practice recommendations were not applicable to the TxIDTF. Therefore, a follow-up effort was required to include state task forces that are operating with similar constraints to Texas. The technical memorandum linked below details the survey results of the state task forces interviewed in 2020, which more closely align with the TxIDTF and whose best-practice recommendations were more applicable.

- [2021 Multi-state Assessment of State Impaired Driving Task Forces: Best Practices and Strategies](#)

In 2022, NHTSA contracted with NORC at the University of Chicago to develop an updated report describing the benefits and strategies of implementing a state impaired driving task force and the challenges to its implementation. The goal of the report is to help other states develop and implement an impaired driving task force. Based on the work and successes of the TxIDTF, NHTSA selected the Texas Impaired Driving Task Force for inclusion in this report. The co-chairman and the administrator were interviewed in March 2022, and the report is forthcoming.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Acquire official status by a governor-issued Executive Order officially establishing the TxIDTF with the stated intent of validating strategies to combat impaired driving-related vehicle crashes, serious injuries, and fatalities on Texas roadways.
Status: Ongoing
Background: TxDOT intends to present this request to the administration, and subsequently to the Texas Transportation Commission, who will present it to the governor.
- B. **Priority Recommendation:** Expand the composition of the TxIDTF to fill representation gaps created by the lack of experts in the fields of local public health, emergency medicine, and alcohol and other drug treatment and prevention programs. Other groups to be considered for membership should include representatives from the military, veterans, employers, and community groups, especially those representing diverse populations.
Status: Ongoing
Background: The TxIDTF continues to fill gaps in areas as needs arise and potential members are identified. Since the 2022 Impaired Driving Assessment, two members have been added from the Texas Department of Public Safety (TxDPS) Driver License Division (DLD), representing the areas of

administrative license revocation (ALR) and conviction reporting. Additionally, the director of emergency medical services from the Department of State Health Services has also joined the TxIDTF.

- C. **Recommendation:** Expand the TxIDTF to include an executive council consisting of a variety of high-ranking state officials to elevate the profile and status of the task force within the governmental framework.

Status: Ongoing

Background: TxDOT intends to present this request to the administration.

- D. **Recommendation:** Leverage the executive authority of the TxIDTF to provide the governor and key members of the state's Senate and House of Representatives with an in-person account of the group's work along with an educational report on the status of impaired driving-related crashes to include associated data and research regarding the carnage of human lives lost and associated costs.

Status: Ongoing

Background: TxDOT intends to present this request to the administration.

Strategic Planning

A key component for improving the impaired driving challenge and increasing traffic safety includes enhanced decision making. 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, encouragement, and evaluation is imperative to further achieve and improve reductions in impaired driving crash injuries and deaths.

The most recent planning session for the TxDOT Traffic Safety Division—Behavioral Traffic Safety Section (TRF-BTS) addressed strategic highway safety planning for FY 2022–2027. In cooperation with local, state, federal, and other public- and private-sector safety 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 fatalities and serious injuries on all TxDOT maintained public roads. The Texas SHSP addresses seven traffic safety emphasis areas: impaired driving being one. The Texas SHSP lists the state's key safety needs and guides investment decisions through identified 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.

Table 1. SHSP Strategies and Countermeasures, Impaired Driving

STRATEGY 1: Increase education for all road users on the impact of impaired driving and its prevention	
Survey	Deploy robust, longitudinal survey activities to measure the attitudes related to impaired driving and the impact of educational and/or media campaigns on targeted audiences. Publish results to stakeholders and program partners.
Impact of Impairment	Educate road users on how alcohol and/or other drugs negatively impact driving behavior.
Education and Enforcement	Implement effective countermeasures (education and enforcement) specifically addressing drivers under the influence (DUI; drivers under 21 with any detectable amount of alcohol) with an emphasis on zero tolerance.
Community Data	Demonstrate to all types of road users the consequences associated with violations, including the magnitude of the impact of impaired driving crashes on fatality rates, by making comparisons with other causes of death (e.g., murder rate). Emphasize target audience based on data/community.

STRATEGY 2: Increase officer contacts with impaired drivers through regular traffic enforcement	
Traffic Enforcement	Educate law enforcement officers, 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 crashes. Focus on agency administration and local government entities to establish local priorities.
Data-Driven Approach	Use a data-driven approach to optimize areas and times for enforcement. Increase the deployment of Data Driven Approaches to Crime and Traffic Safety (DDACTS) training and local implementation.
Community Data	Educate communities with data through earned media and other means to communicate the impact of impaired driving in the local areas.
Law Enforcement Training	Identify training opportunities for law enforcement at the state and local levels in locations with a high probability for alcohol and/or other drug use that frequently leads to impaired driving (including events, communities, entertainment districts, etc.).
STRATEGY 3: 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	Train law enforcement in effective driving while intoxicated (DWI) detection including Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE) training, and Drug Evaluation and Classification (DEC) Program. Include preparation for testimony.
Prosecution	Train prosecutors in the DWI trial process and presentation of evidence. Implement joint training for law enforcement, prosecutors, and laboratory personnel (forensic toxicologists) to assist in presenting scientific evidence of alcohol and/or drug impairment in court.
Judiciary	Educate judges on the DWI process, with joint training for judges and appropriate court personnel on the impairing effects of alcohol and/or other drugs on driving, DWI processes (under 21), DWI detection process, and monitoring options (ignition interlock devices, testing, etc.).
Community Supervision	Train community supervision personnel on the impairing effects of alcohol and/or other drugs on driving and the use of ignition interlock devices/testing (condition of probation).
Toxicology	Provide additional resources for laboratories to address testing capacity for evidence associated with DWIs and availability to provide expert testimony.
Resources—DUI Identification	Identify methodologies and resources for improving the identification of drugged driving as a contributing factor in impaired driving crashes.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Form a senior executive council for the SHSP, led by the governor's representative for highway safety, that consists of less than a dozen top-ranking officials from key stakeholder groups including NHTSA, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, TxDOT's Traffic Safety Division, select senior law enforcement, and other commissioners from other agencies critical to implementing the strategies of the plan.

Status: Not currently being addressed

Background: This recommendation is not under the purview of the State Highway Safety Office (SHSO).

- B. **Recommendation:** Develop a regular meeting schedule for the SHSP Senior Executive Council to review the progress of the state in moving toward its stated goals and to hear from emphasis area team leaders on progress and challenges they face, especially those that might be addressed by the senior executives in the group.
Status: Not currently being addressed
Background: This recommendation is not under the purview of the SHSO.
- C. **Recommendation:** Expand the standing SHSP executive group to include senior representatives from the state's Department of Insurance along with officials from major industries and/or corporations, or their representative professional associations.
Status: Not currently being addressed
Background: This recommendation is not under the purview of the SHSO.
- D. **Recommendation:** Affect closer coordination of the Highway Safety Improvement Program and the Impaired Driving Plan to identify specific engineering treatments that might be implemented in corridors of overrepresented DWI-related crashes based on crash causation data. These engineering treatments, once applied, should include collaboration with the appropriate law enforcement partners directing their efforts to the areas of such improvements, along with signage and media strategies.
Status: Not currently being addressed
Background: This recommendation is not under the purview of the SHSO.

Program Management

SHSO is managed by TRF-BTS. The program staff members are located at the headquarters in Austin and in all 25 TxDOT districts. TRF-BTS develops and implements traffic safety initiatives aimed at reducing fatalities and serious injuries from motor vehicle crashes. Specifically, the TxDOT Alcohol and Other Drug Countermeasures Program 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 that affiliate with the TRF-BTS program. This network of safety professionals address the goals and strategies associated with the Alcohol and Other Drug Countermeasure Program and provides expertise in an ad hoc capacity. This network is structured within the body of the TxIDTF, which works with TxDOT to create a multifaceted, cohesive impaired driving program.

In FY 2023, TxDOT required all subgrantees involved in the Alcohol and Other Drug Countermeasures Program to create a strategic plan outlining the strategic deployment of resources to critical areas within the state. Stakeholders are expected to report contacts and efforts deployed to these critical areas. This information aids in partner understanding on how the impaired driving program activities constructively impact areas with concentrated fatalities caused by impaired driving.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Schedule regular meetings with the executive director of TxDOT, who serves as the governor's highway safety representative, with deference to all existing chain-of-command protocols, to maintain the current profile and momentum of the state's highway safety and impaired driving efforts.
Status: Ongoing
Background: TxDOT intends to present this request to the administration.
- B. **Recommendation:** Expand the Texas Safe Communities initiative to involve more local coalitions in areas of overrepresented DWI-related crashes in each of the TxDOT districts.
Status: Ongoing
Background: Each district has a traffic safety coalition, led by a TxDOT traffic safety specialist, that works toward reducing crashes, fatalities, and serious injuries on Texas roads.

- C. **Recommendation:** Utilize published tools for highway safety office directors created by the Governors Highway Safety Association to identify strategies for expanding collaboration with senior law enforcement executives within the Texas Police Chiefs Association and the Sheriffs' Association of Texas.

Status: Ongoing

Background: TxDOT will continue to work with law enforcement agencies and police/sheriff associations and expand collaboration efforts to reduce crashes, fatalities, and serious injuries on Texas roads.

Resources

In FY 2023, TxDOT awarded 412 traffic safety grants to state and local governmental agencies, colleges and universities, and nonprofit agencies across Texas. Of these, 71 Alcohol and Other Drug Countermeasures projects were awarded. Below is a link to the project list.

- [TxDOT Alcohol and Other Drug Countermeasures Program Area—FY 2023](#)

Funded projects are based on thorough problem identification that utilizes 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 2021–2023.

Table 2. Fiscal Summary for FY 2021–2023

	FY 2022 Awarded	FY 2023 Awarded	FY 2024 Planned
Federal Funds	\$15,151,807.14	\$13,123,607.80	\$13,937,743.80
State Match	\$300,000.00	\$250,000.00	\$250,000.00
Local Match	\$8,344,387.51	\$7,523,795.79	\$7,422,644.93
Program Income	\$8,000.00	\$8,225.00	\$15,000.00
Total	\$23,804,194.65	\$20,905,628.59	\$21,625,388.73

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Leverage the executive authority of the TxIDTF to provide the governor and key members of the state's Senate and House of Representatives with a regular educational report on the status of impaired driving–related crashes to include associated data and research regarding the carnage of human lives lost and associated costs.
Status: Not currently being addressed
Background: TxDOT is prohibited from lobbying.
- B. **Recommendation:** Engage private and grassroots local groups to provide education and information to legislators regarding the state's impaired driving problems.
Status: Not currently being addressed
Background: TxDOT is prohibited from lobbying.
- C. **Recommendation:** Dedicate state funding through legislation to the impaired driving program through either existing or increased financial penalties for DWI offenses.
Status: Not currently being addressed
Background: TxDOT is prohibited from lobbying.
- D. **Recommendation:** Develop partnerships with major corporations, or their representative professional associations, to expand the reach of the impaired driving program and potential funding and/or incentive opportunities.
Status: Ongoing
Background: TxDOT will continue to develop partnerships and expand collaboration efforts to reduce crashes, fatalities, and serious injuries on Texas roads.

- E. **Recommendation:** Utilize the Network of Employers for Traffic Safety, in addition to the National Safety Council, to identify strategies for working with the state's employers to provide impaired driving information and materials for their employees to reduce the number of traffic crashes and their related effect both on and off the job.

Status: Ongoing

Background: TxDOT will continue to educate and collaborate with partners to reduce crashes, fatalities, and serious injuries on Texas roads.



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 FARS and from the Texas Crash Records Information System (CRIS) database. 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 additional data from criminal histories, driver 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 connect data from criminal histories and driver licensing so that stakeholders can assess the impact of countermeasures on DWI and, more specifically, recidivism. While the Traffic Records Coordinating Committee (TRCC) is currently working to coordinate CRIS, the Department of State Health Services (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 currently not in place. However, creating an impaired driving database continues to be a priority need for TxDOT, and TxDOT continues to seek assistance to address this need.

Evaluation

TRF-BTS administers \$105 million in federal traffic safety funds through a structured process that includes problem identification and subsequent program evaluation. The process is used to create objectives for the Highway Safety Plan (HSP), SHSP, and other guiding documents promoting traffic safety in the state. Traffic

safety funds are distributed to state, county, and local jurisdictions for projects that support the state's highway safety objectives, with approximately 20 percent of funds being directed to local agencies.

TRF-BTS utilizes a structured risk evaluation process to determine projects to be funded based on priority ranking of needs versus available funds. Funded programs are evaluated using a process method to ensure that funded activity hours or activities meet specific objectives. TRF is divided into six sections, though all areas do not have an impaired driver-related component. However, TRF-BTS and Crash Data and Analysis Sections conduct significant activities that contribute to impaired driver countermeasure and deterrence programs. Each year, TRF-BTS conducts problem identification analyses and prioritization of program areas. Analyses are performed from data contained in CRIS and are supplemented by other state datasets related to location and some driver demographics. Serious injury crashes are evaluated along with fatal crashes since serious injuries may have become a fatality if only a small characteristic of the crash or emergency response had been different.

Additionally, the Texas State Trend Over-Representation Model (TxSTORM), a predictive modeling tool developed by TRF-BTS, is utilized to identify high crash occurrence locations based on a normalizing algorithm to determine where additional enforcement activity may be beneficial. TRF-BTS then proactively solicits agencies to apply for funded activities to mitigate high crash occurrence locations identified by TxSTORM.

TRF-BTS process evaluations include documentation and tracking of deliverables for each project, with the grantee complying with monitoring and auditing practices. Impaired driving-related law enforcement activities require the reporting of arrests and citations issued during funded hours. TRF-BTS produces an annual report for NHTSA and provides it to state and local partners. The report includes outcome evaluations for funded projects and provides overall analyses of safety metrics.

TRF-BTS has a public information component delivering public information campaigns concurrent with highway safety projects. The office has contracted with a commercial marketing firm to continue delivering safety messaging through paid media, earned media time, and targeted social media platforms. Public information campaign plans, ad buys, and post-campaign effectiveness reports are prepared by the media contractor in an effort to influence public attitudes and behaviors.

Recommendations from the 2022 Impaired Driving Technical Assessment

No recommendations for this section.

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 CRIS. 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 cause 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. These upgrades range 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 TRCC. TRCC is comprised of designees from TxDOT, TTI (technical advisor), DSHS, Texas Department of Public Safety (TxDPS), and Texas Department of Motor Vehicles, many of whom are also members of the TxIDTF. In FY 2022, TRCC launched the

aforementioned TxSTORM tool, which was designed to allow stakeholders to identify crash-related trends and facilitate the strategic deployment of resources.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Enact a statute that establishes a DWI tracking system by giving strong incentives to all keepers of impaired driving offenses data to make sure that the records systems communicate data to each other to track every DWI offense.
Status: Requires legislative action
Background: The Law Enforcement Advanced DUI/DWI Reporting System (LEADRS) team has presented information to TRCC as well as the TxIDTF detailing what systems they have in place and what expansion would need to take place to complete this recommendation. The TxIDTF EC members have recommended LEADRS as a foundational component of a statewide DWI tracking system.
- B. **Priority Recommendation:** Evaluate the Ignition Interlock Device program to determine if its current processes are effective and consider whether a more centralized approach would provide for broader participation and compliance.
Status: Jurisdictional condition
Background: Even when required by statute, Texas law allows judicial discretion to waive an interlock requirement if not in the “best interest of justice” or “not necessary for the safety of the community.” Additionally, information on if an interlock has been ordered *and* installed is difficult to obtain.
- C. **Priority Recommendation:** Centralize the monitoring of compliance and establish a single source of records to evaluate the effectiveness of the Ignition Interlock Device program as an impaired driver recidivism reduction program.
Status: Requires legislative action
Background: Texas is a judicial state (as opposed to administrative) regarding ignition interlock devices. Administrative states are better suited to require a single source of records. The oversight agency, TxDPS, will have to receive legislative authority to require such a program. TxDPS is interested in understanding how other states have automated this process.
- D. **Recommendation:** Reestablish access to the driver and vehicle data files to validate CRIS data and enhance CRIS data accuracy.
Status: Ongoing
Background: TxDOT is in the process of going through CRIS data to certify accuracy and correct any inaccuracies found.
- E. **Recommendation:** Automate the transmission of conviction reports and court orders between court clerks and TxDPS DLD.
Status: Not currently being addressed
Background: Courts send conviction reports and court orders by email or fax. TxDPS reviews the records manually for accuracy. TxDPS then makes necessary driver record history changes but does not link any court data to TxDPS data. For instance, if an interlock is ordered, TxDPS ensures it has the correct court documentation and then selects interlock as a requirement. The defendant is provided the option to comply with the requirement by providing a \$10 license issuance fee or else the record will be canceled. If the defendant provides the issuance fee, the license is issued with a restriction on the defendant’s license; however, this only indicates that the individual should have an ignition interlock device installed in their vehicle.

At this time, TxDPS is not moving forward to automate. However, TxDPS is interested in understanding how other states have automated this process.

Driver Records Systems

TxDPS DLD maintains all driver license and driver history information for state residents. All traffic convictions, including impaired driving, are transmitted from the courts to DLD and posted to the driver record. Implied

consent violation documentation is also transmitted to DLD for appropriate driver license revocation actions. Conviction information includes the type of offense (charge), if treatment is required (yes/no), and court-imposed sanctions; however, BAC information is not recorded on the driver history. DLD enforces driver license suspension and revocation actions based on conviction information and orders from courts and magistrates related to Ignition Interlock Device program compliance and the issuance of occupational licenses. Additionally, all reported crash involvement is recorded on the driver record.

DLD provides law enforcement and court data systems with driver information in real time. Driver system data can be auto-populated to crash and citation reports when the law enforcement agency software is equipped with this functionality. Driver history information allows for accurate evaluation of driver status both at the roadside and in the courtroom. The driver data system complies with national standards and systems in place to reduce identity fraud and track commercial drivers. DLD uses image verification software to prevent fraud by validating the facial image of new licensees with the image on file and by evaluating images of new licensees against all the images on file.

Recommendations from the 2022 Impaired Driving Technical Assessment

No recommendations for this section.



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 overservice. 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 that works to promote responsible alcohol service is the Texas Alcoholic Beverage Commission (TABC). TABC regulates third-party seller-server schools available throughout Texas, both in person and online. The program curriculum covers underage and overservice laws, as well as prevention strategies. TABC-approved seller-server schools had trained 471,770 people as of September 30 in FY 2022 and 269,390 people from October 2022 through April 2023. T seller-server instructors are currently training an average of 32,000 people per month. Certification is valid for two years. Currently, Texas law does not require seller-servers to be certified. However, license holders may avoid administrative sanctions to their license/permit if they require the certification of their employees and meet other minimum standards.

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 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 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 predetermined 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, greater emphasis on after-hours establishments that illegally sell or permit consumption of alcoholic beverages during prohibited hours, and prioritization of complaint investigations involving allegations of public safety offenses.

Promotion of Priority Inspection

TABC identifies retailers whose premises have been the scene of an offense with public safety implications or who have been the subject of multiple complaints. Once identified, these retailers are assigned one of five priority levels, which determines 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 leaving a licensed premises. Public safety violations include 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 public safety violations 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 provides free training opportunities to retail managers and employees in an attempt to deter and prevent future violations. Field offices are required to offer training opportunities to all retailers qualifying for the two highest tiers but routinely make classes available to all other retailers as well. As a result of training initiatives, from mid-May of FY 2022 through April of FY 2023, 4,570 retail managers and employees were trained on illegal sales recognition and best-practice techniques for safety violation prevention.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Enact a \$0.10 per drink excise tax.

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 to change the methodology of the tax but to raise the tax per gallon.

In 2015, Texans for Safe and Drug-Free Youth (TxSDY) developed a report called *The Effects of Alcohol Excise Tax Increases on Public Health and Safety in Texas*. The report has been updated to reflect more recent data. According to the report, 10,647 Texans die each year from excessive alcohol use, and 1,495

of those deaths are due to alcohol-related crashes. Additionally, excessive drinking costs Texas \$22 billion per year (roughly \$740 per Texan), primarily in law enforcement and health-related impacts. Of that total, underage drinking costs Texas \$2.4 billion per year.²

A 10-cent tax increase per drink would result in the following benefits every year:

- An additional \$917 million in revenue for Texas.
- 706 lives saved, including:
 - 131 fewer traffic deaths.
 - 86 fewer cancer deaths.
 - Over 40,000 fewer underage drinkers.
 - 364 fewer teen pregnancies.
 - 5,347 fewer sexual assault cases (in cases where alcohol was used by the perpetrator).

In 2022, TxSDY commissioned Baseline & Associates to conduct a statewide public opinion survey on report content as it related to increasing alcohol excise taxes. Results showed that a majority of registered voters in Texas (55 percent) favor increasing alcohol excise taxes to support public health and safety.

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 Statewide Impaired Driving (SWID) media campaign, which includes the following flights aimed to prevent impaired driving: Football Season, Christmas/New Year Holidays, College and Young Adult (Spring Break), Spring/Early Summer Holidays (Cinco De Mayo, Graduation, Memorial Day and Summer), Faces of Drunk Driving (Fourth of July), and Labor Day.

Additionally, TTI's university peer-to-peer programs, U in the Driver Seat (UDS) and Designated Unimpaired Driver Extraordinaire (D.U.D.E.) outreach messaging platform, promote transportation alternatives. The two programs have worked with stakeholders on nearly 80 campuses throughout the state.

At a regional level, TxDOT created a sober ride program to specifically focus Governor's Highway Safety Act grant funds on the Houston region due to the high volume of impaired driving crashes. TxDOT dedicated \$20,000 in funding to provide Uber ride credits. The goal was to provide 1,000 ride credits in \$20 increments between the Thanksgiving and Christmas holiday periods, with an additional campaign for New Year's Eve. The promotion focused on spreading the message through social media and paper materials at local bars and sports bars. The goal of the campaign was to reduce impaired driving fatalities for the period of the campaign in Houston.

The campaign kicked off December 17, 2021, with a digital webpage launch along with posts on TxDOT Houston District social media and notifications to influencers and news outlets. Engagement through Facebook and Reddit had the strongest social media impact. The campaign was highlighted through 11 news sources and influencers. All 1,000 \$20 Uber credits were redeemed within a week of launch. Uber contributed an additional \$14,373.56 to the \$20,000 grant funds during the campaign period, totaling \$34,373.56 in funding to help Houstonians choose a sober ride during the December holiday period. The campaign assisted over 1,718 Houstonians with obtaining a sober ride as opposed to drinking and driving.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Ensure that all designated driver programs stress "no use" of alcohol, marijuana, or other substances messages for the designated driver.

Status: Ongoing

Background: Currently part of TxDOT's messaging in state safety campaigns.

² Texans for Safe and Drug-Free Youth. *The Effects of Alcohol Excise Tax Increases on Public Health and Safety in Texas*. https://txsdy.org/wp-content/uploads/2020/07/TxSDY_Effects_Alcohol_Excise_Report.pdf

- B. **Recommendation:** Ensure alternative transportation programs do not encourage or enable excessive consumption of alcohol, marijuana, or other substances.
Status: Not currently being addressed
Background: This recommendation is not under the purview of the SHSO.
- C. **Recommendation:** Ensure that both designated driver and safe ride programs prohibit consumption of alcohol, marijuana, or other substances by underage individuals and do not unintentionally promote or enable overconsumption.
Status: Not currently being addressed
Background: This recommendation is not under the purview of the SHSO.

Reduction in 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. Social use settings can result in numerous negative consequences including vandalism, impaired driving, alcohol poisoning, and sexual assault. Emergency responses to these settings places a costly burden on communities—especially police, fire, and emergency medical services.

Organizations such as TxSDY (formerly known as Texans Standing Tall) train and work 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 negative consequences associated with use, such as alcohol addiction and impaired driving.

TxSDY also trains law enforcement on controlled party dispersal so law enforcement can respond to parties and ensure the safety of youth attendees and the surrounding community. Where social host ordinances have been passed, TxSDY provides support to law enforcement and communities to develop standard operating procedures for enforcing those laws.

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, Private, and Charter (inclusive of K–12 and Institutions of Higher Education)
- Statewide Organizations

Schools and Education

In educational environments, community-based programs use public information, education materials and simulators, and training initiatives to engage students in learning. The goal is to educate and train parents and caregivers, school staff, support personnel, employers, and employees to change social norms by reducing alcohol and drug misuse and abuse as well as impaired driving.

Texas driver education schools licensed or certified by the Texas Department of Licensing and Regulation (TDLR) and public-school driver education providers certified with the State Board for Educator Certification provide Texas' young drivers alcohol and drug awareness instruction. This is a segment that is included in the

state driver education course curriculum. This early education is designed to prevent young drivers from getting behind the wheel while impaired.

The Region 6 Education Service Center (ESC) has been providing professional development training to Texas driver education instructors for over 15 years. This four-hour training is required and approved by TDLR and meets the state industry standard requirements for keeping an instructor license renewed annually. The partnership with TxDOT and TDLR allows Region 6 ESC to meet this instructor training need as subject matter experts in the industry. Training includes a segment on what is current in impaired driving, with an emphasis on state law and legislation updates.

In addition, Texas provides a variety of programs to address impaired driving needs in schools across three age levels through the Youth Transportation Safety (YTS) program. YTS deploys peer-to-peer programs throughout the state at the junior high, high school, and college levels. These TxDOT-funded projects focus on empowering youth to become safety advocates within their schools and address some of the main causes of car crashes, particularly impaired driving. The programs use health prevention and behavior change theories to drive program focus areas and educational resource development. The YTS Program has made an impact by reaching over 1,162 high schools and junior highs 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 incorporated with businesses that employ people under 25 years in age as well as employees who have teens.

The TxDOT-funded Travis County Underage Drinking Prevention Program (TCUDPP) provides underage drinking prevention/anti-DWI/DUI presentations to youth and parents/guardians in Travis, Hays, and Williamson Counties. The TCUDPP Program presentations are given at the elementary to high school and early college levels.

The Take the Wheel initiative, administered by Mothers Against Drunk Driving® (MADD), helps to educate parents and other responsible adults on the dangers of enabling youth drinking while embracing the influential role parents have on reducing underage drinking and DUI by minors. MADD instructors also educate teens and young adults (ages 12–20) on the power to take a stand against illegal underage alcohol consumption and DUI offenses through the Power of You(th)® program. In addition, the Elementary school program Power of Me is a classroom- or auditorium-based alcohol use prevention and vehicle safety presentation for students in grades 4–5 (ages 8–11).

The American Automobile Association Texas (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.

Texas A&M AgriLife Extension educates students, faculty and staff, parents, and community members on underage drinking prevention strategies and the dangers of vaping, impaired driving, marijuana, and other drugs. Education is done through a short presentation followed up with hands-on activities.

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

Other community-based programs have included public outreach efforts with various social service entities and organizations as a part of their core public health and safety mission. Along with that mission, community-based programs encourage and enhance health and wellness by educating communities. This can include activities launched by municipal courts, hospitals, regional education service centers, social advocacy groups, higher education institutions, 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.

Health and quality of life rely on many community systems and factors, not simply on a well-functioning health and medical care system. Making changes within existing systems, such as improving school health programs and policies, can significantly improve the health of many in the community.

Drug Impairment Training for Educational Professionals

The Texas Municipal Police Association (TMPA) received the Drug Impairment Training for Educational Professionals (DITEP) Program grant from TxDOT beginning in FY 2022 (October 1, 2021). The original DITEP program developed in 1996 was designed as a two-day course where instructors taught information on drugs that impair along with practical application of the International Association of Chiefs of Police (IACP) assessment process. This assessment process included eye examinations, vital signs, and divided attention testing. Training also included demonstration and practice involving the application and interpretation of various tests.

TMPA reinstituted the two-day DITEP training course which also included a one-day DITEP refresher class for those who had been through the two-day training in the past. The refresher training could also be taken by individuals who would not be carrying out an impairment assessment but rather benefit from the knowledge provided by the course.

From January 2022 through September 7, 2022, DITEP program instructors taught 24 two-day DITEP classes to 528 school personnel and 13 one-day DITEP refresher classes to another 267 personnel, for a total of 37 classes and 795 personnel taught. The second year of the program saw TMPA combine DITEP with the SFST and Advanced DWI Investigation Training program grants. From that effort, 11 two-day DITEP classes were taught to 258 school personnel and 13 one-day DITEP refresher classes were taught to 320 personnel for a total of 578 school personnel trained. Additionally, TMPA scheduled an additional 12 two-day and 7 one-day DITEP classes while also giving consideration to 15 additional requests for training. TMPA has received out of state requests from nurses in New Mexico, Connecticut, South Carolina, Nevada, and Virginia since the training is not available in their home state.

The explosion of DITEP class interest was rooted in the significant number of student assessments that school nursing personnel were being asked to perform. Many of the nurses reported carrying out multiple assessments in a single day with several being conducted at elementary schools. While there is a great demand statewide for DITEP training, scheduling classes can be difficult because many of the areas have limited training date availability due to other training saturation. Added to that, the scarcity of available instructional personnel who are TCOLE licensed instructors and trained DRE/DRE instructors, makes it difficult to meet the needs for hosting training.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Provide DITEP to school staff throughout Texas.

Status: Ongoing

Background: TMPA provides training to school personnel through the DITEP program. TxDOT grant-funded DITEP classes are either 8 or 16 hours in length. The 16-hour DITEP basic course is focused on training school nurses, administrators, counselors, and school-based law enforcement in how to properly carry out drug assessments and identify impaired students using the IACP-developed DITEP assessment process. The assessment process involves determining the influence or impairment level of a student gathered from the assessor's observation of the student's vital signs, examination of their eyes, and notation of their actions during a series of divided attention tests. From this and their other observations and interaction with the student, the nurses and others involved in the assessment can develop an opinion as to whether the student is impaired and if they are safe to remain in the classroom. The assessment is not a disciplinary tool, but rather is meant to identify and address students who may be using or under the influence of drugs in order to ensure a safe learning environment. The 8-hour DITEP is taught as either a refresher for those who have previously attended a 16-hour basic course or new information for personnel who will not be carrying out an assessment but would benefit from the knowledge provided by the course. School-based law enforcement officers also often take advantage of the Focus on Reducing Impaired Driving Among Youth (FRIDAY) course for law enforcement, which covers drug effects and indicators, DWI and alcohol laws, TABC rules and regulations, and information on underage alcohol and drug use enforcement strategies.

- B. **Recommendation:** Provide Texas-specific impaired driving information for use in evidence-based prevention programs and other health and safety learning standards programs in schools throughout Texas.

Status: Ongoing

Recommendation: The TxIDTF provides a variety of impaired driving information and educational programs for grades K–12 statewide. Topics can include vaping, marijuana, alcohol, and other drugs. Much of this effort is led by TEA and TDLR through TxDOT-sponsored and other non-sponsored projects, such as Teens in the Driver Seat®, UDS, Region 6 ESC, TCUDPP, Watch UR BAC, TABC, AAA Texas, and the Texas FCCLA FACTS and driver education providers.

- C. **Recommendation:** Promote and support placement of school resource officers (SROs) in schools throughout Texas.

Status: Ongoing

Background: In an effort to promote and support the placement of SROs in schools, Texas traffic safety stakeholders must first understand the SROs' role in deterring impaired driving. The TxIDTF will work toward inviting stakeholders from TEA, school boards, and other school district leadership to the table to better understand key issues, such as where the funding is coming from to place SROs in schools and the intended outcomes of SROs in schools as they relate to impaired driving. With a better understanding of SROs, the task force can better assist and support the placement of SROs in schools throughout Texas.

- D. **Recommendation:** Promote and support student organizations intended to reduce underage drinking and promote traffic safety.

Status: Ongoing

Background: TxIDTF provides a variety of impaired driving information and educational programs for grades K–12 statewide. Topics can include vaping, marijuana, alcohol, and other drugs. Much of this effort is led by TEA and TDLR through TxDOT-sponsored and other non-sponsored projects, such as Teens in the Driver Seat®, UDS, Mothers Against Drunk Driving, Region 6 ESC, TCUDPP, Watch UR BAC, TABC, AAA Texas, and the Texas FCCLA FACTS and driver education providers.

TTI's peer-to-peer traffic safety program emphasizes zero-tolerance education, focusing on underage drinking prevention in schools and student organizations. This program also enhances self-efficacy across student leaders through evidence-informed training that focuses on achieving meaningful and lasting changes in behavior related to alcohol use.

TxSDY's Youth Leadership Council (YLC) empowers young leaders and helps them develop skills to become active, engaged citizens. The YLC is chosen from a group of talented applicants, ages 16–20, from across the state. YLC members are passionate, driven youth who are rising leaders in substance use prevention. They play active roles in the TxSDY Statewide Coalition and work closely with local coalitions to create community change.

- E. **Recommendation:** Promote Screening Brief Intervention and Referral to Treatment (SBIRT) on college and university campuses.

Status: Not currently being addressed

Background: TxSDY has an evidence-based program for college campuses, created in 2009, that helps reduce underage and risky drinking behaviors among students. Program evaluations show that after participating in the program, students drink less and engage in fewer risky behaviors, such as impaired driving. While funding was discontinued in 2022, TxSDY continues to look for other funding sources to continue this beneficial program. At present, there is no known entity promoting SBIRT as a primary prevention effort on college campuses.

Employers

Building an ongoing traffic safety culture of preventing impaired driving is also achieved through employers. Transportation is the leading cause of workplace fatalities and incidents. Since 80 percent 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 reported that in 2019, employers paid \$8 billion due to alcohol-impaired driving.³ 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, rehiring and training costs, and potential legal liability. Employers are driven to assist employees in making lifestyle changes as a result of exposure to liability, costs, and impacts to their bottom line. Impaired driving has a significant impact on 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, ongoing education using a multifaceted approach and messaging, employee assistance programs, and employee health fairs offer important opportunities 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.

NSC develops and delivers evidence-based training for employers on substance misuse and the impact to the workplace in the programs Our Driving Concern (ODC) and Drug Impairment Training for Texas Employers (DITTE). The education programs focus on the risks and costs associated with impaired driving, promotion of substance use, and misuse policies, including impaired driving. All programming is customized with Texas data, and resources are deployed according to the TxDOT-identified priority areas outlined in the HSP.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Provide employer programs with Texas-specific information related to impaired driving and DWI offenses.

Status: Ongoing

Background: NSC offers employer-based programs to increase awareness of the risks of impaired driving and the impacts on workplace costs. The DITTE program explores the effects of alcohol and other drugs on driving and workplace performance and highlights costs and lifestyle impacts of a DWI arrest. In each section of DITTE training, participants are directed to free resources designed to raise awareness of risks associated with impairment and promote safe behaviors. The training addresses seven categories of impairment: cannabis, central nervous system depressants, central nervous system stimulants, dissociative anesthetics, hallucinogens, inhalants, and narcotic analgesics. Health and wellness professionals, safety managers/leaders, human resource and public affair professionals, business owners, and senior and executive management team members are encouraged to attend. Topics include how to educate employees on traffic safety to help reduce the number of alcohol- and drug-related incidents and how to develop or improve a resource guide for drug policies, programs, and practices within the organization. This education is grant funded by TxDOT, and there is no charge to participants. Training is offered in various formats, including in person, virtual live, and on demand. In addition to the DITTE program, NSC offers cost calculators to estimate the impacts of substance misuse in the workplace as well as other contributing factors to impaired driving crashes such as fatigue and distraction.

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 and provide for input at the state level for strategic and operational initiatives.

³ 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>

Many of the 25 TxDOT districts support local traffic safety coalitions, which includes 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.

TxSDY works with community coalitions throughout the state, including those funded to prevent underage alcohol use and the associated consequences such as impaired driving. TxSDY's work includes hosting regional forums and trainings based on initiatives that start at the community level to address impaired driving. Also, TxSDY assessed community coalitions and 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.

Because youth are crucial stakeholders in preventing underage alcohol use and impaired driving, TxSDY maintains its YLC with members from communities around the state. TxSDY teaches YLC members how to select and implement effective prevention strategies and trains them in public speaking, strategic planning, and leadership skills. This successful program has resulted in YLC members receiving recognition from national groups for their leadership and contributions to prevention. Current YLC members and YLC alum model effective leadership and collaboration by co-training and facilitating with TxSDY staff at these events.

The YTS program has also established two advisory boards consisting of both high school and college students known as the Teen Advisory Board and Collegiate Advisory Board. These boards serve as leadership opportunities for youth to work with other youth engaged in prevention across the state. Members of the advisory board often work directly with community or school partners and assist YTS with development of new initiatives and resources.

Additionally, MADD's Take the Wheel initiative produces law enforcement recognition and award activities to recognize local law enforcement officers for exceptional service in enforcing and supporting Texas DWI/DUI laws and their diligent work to eliminate drunk and drugged driving. MADD conducts law enforcement outreach at police department briefings, trainings, forums, meetings, and so forth to convey current and evolving DWI/DUI and underage drinking prevention, detection, and enforcement information to local law enforcement officers. Additionally, MADD produces impaired driving roundtable activities, inviting judges, prosecutors, probation officers, law enforcement, and community stakeholders to collectively discuss drunk and drugged driving (DWI/DUI) in the community.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Increase collaboration and integrate the prevention efforts and strategies of local traffic safety programs (e.g., Safe Communities Coalitions) with the strategies of local underage drinking and substance abuse prevention coalitions.

Status: Ongoing

Background: TxSDY has a community coalition database that is being continuously updated. Stakeholders, such as TTI's UDS program, Travis County Underage Drinking Prevention Program, TxSDY, and TABC, all participate and collaborate with local coalitions. Additionally, 25 TxDOT safety coalitions exist, and all grant holders are invited to those local coalition meetings. It is recommended that stakeholders attend, network, and collaborate with community coalition partners on a monthly basis to extend the reach in educating the community.

TxIDTF's Prevention Subcommittee will begin compiling a list of regional experts and/or traffic safety programs to promote the community coalitions identified by the TxSDY community coalition database.



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)—Comprised of laws relating to crimes and offenses and the penalties associated with their commission.
- Transportation Code (TC)—Comprised of definitions, rules, offenses, and penalties for activities related to the transportation system as well as safety requirements.
- Alcoholic Beverage Code (ABC)—Comprised of statutes related to the sale and consumption of alcoholic beverages and age-related alcohol offenses, including DUI by a minor.
- Code of Criminal Procedure (CCP)—Comprised of statutes related to the procedure for the administration of criminal law.
- Health and Safety Code (HSC)—Comprised of statutes and regulations related to controlled substances, healthcare rules and regulations, and offenses related to the same.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Enact a statute that establishes a DWI tracking system by giving strong incentives to all keepers of impaired driving offenses data to make sure that the records systems communicate data to each other to track every DWI offense.

Status: Requires legislative action

Background: HB 2043 was filed in this legislative session (88th Regular Session). This statute would have established a statewide database for the criminal justice system detailing pretrial and sentencing data. This bill was left pending in committee. A companion bill, SB 875, was referred to the Criminal Justice Committee. No further action was taken.

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. This is perhaps the most inclusive statute in the nation.
Driving with a 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 0.15 or more at the time of testing may be charged with a Class A misdemeanor, the highest misdemeanor punishment under the law. CCP 42A.102(b)(1)(B) First-time offenders with a BAC over 0.15 at the time of testing are not eligible for a deferred adjudication sentence.
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 that a person <21 commits an offense if they operate a motor vehicle in a public place with any detectable amount of alcohol. Minors can be charged with the higher offense of DWI if their BAC is 0.08 or above, or if they were “intoxicated” (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).

NHTSA Recommendations	Texas Statutes and/or Commentary
Repeat offender with increasing sanctions for each subsequent offense.	PC 49.09 Enhanced Offenses and Penalties and ABC 106.041(c) 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 While there is no criminal penalty for refusing to submit to BAC testing, many jurisdictions have implemented “no-refusal” programs where magistrates are on call to issue blood search warrants for impaired driving suspects that refuse testing. The refusal itself may also be admissible in a subsequent prosecution (TC 724.015(a)(1)) and may result in automatic license suspension (TC 724.015(a)(2)).
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(a)(1) 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 for open container) PC 49.031 Possession of Alcoholic Beverage in a Motor Vehicle (standalone violation)
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.	Use of passive alcohol sensors is permitted, but they are not admissible in court; however, they can be used to establish the basis for probable cause for a search warrant if a subject refuses to provide a specimen.
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.

NHTSA Recommendations	Texas Statutes and/or Commentary
<p>Require law enforcement to conduct mandatory BAC testing of drivers involved in fatal crashes.</p>	<p>TC 724.012(b) Taking of a Specimen</p> <p>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 <i>Missouri v. McNeely</i> 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 in such circumstances.</p> <p>While BAC testing is mandatory under statute in certain situations, state and federal case law have created gray areas that make seeking a blood search warrant prior to taking a specimen a best practice to minimize the chance of a Fourth Amendment violation.</p>
<p>Administrative license suspension or revocation for failing or refusing to submit to a BAC or other drug test.</p>	<p>TC Chapter 524 Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication</p> <p>TC 724.015(a)(2) Automatic Suspension of At Least 180 Days for Refusing to Give a Specimen</p>
<p>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.</p>	<p>TC 724.032 Officer Duties for License Suspension; Written Refusal Report</p> <p>TC 724.033 Issuance by Department of Notice of Suspension or Denial of License</p> <p>TC 724.035 Suspension or Denial of License</p> <p>TC 524.022 Period of Suspension</p> <p>TC 521.2465 Restricted License</p>
<p>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, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment.</p>	<p>PC 49.09 Enhanced Offenses & Penalties</p> <p>TC 521.246 Ignition Interlock Device Requirements</p> <p>TC 521.248 Order Requirements</p> <p>TC 521.342 Person Under 21 Years of Age</p> <p>TC 521.344 Suspensions for Offenses Involving Intoxication</p> <p>TC 521.345 Suspension Under Juvenile Court or Under of Court Based on Alcoholic Beverage Violation by Minor</p> <p>TC 521.372 Automatic Suspension, License Denial</p> <p>CCP 42A.408 Use of Ignition Interlock Devices</p> <p>CCP 17.441 Conditions Requiring Motor Vehicle Ignition Interlock</p> <p>TC 524 Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication</p> <p>TC 521.457 Driving While License Invalid</p> <p>TC 521.2465 Restricted License</p>

NHTSA Recommendations	Texas Statutes and/or Commentary
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. However, for all community supervision cases, CCP 42A.257 and 42A.402 mandate evaluations for alcohol and drug rehabilitation. Also, CCP 17.15 allows for reasonable bail conditions that can and often do include an assessment for alcohol or drug abuse, abstention from drugs and alcohol, random drug testing, and sometimes treatment. CCP 17.441 also lays out when a motor vehicle ignition interlock device is required as a condition of bond.
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 Successfully Complete an Alcohol Awareness Course; License Suspension

Enforcement

Texas law enforcement includes officers/agents from TxDPS (including but not limited to Texas Highway Patrol), TABC, Texas Parks and Wildlife, police agencies (municipalities, universities, school districts, special districts, etc.), sheriff's offices, and constable precincts. One of the primary goals of the 2022 Impaired Driving Technical Assessment was to increase driving while intoxicated/driving under the influence of drugs training to Texas law enforcement officers. For a statewide program to be effective, law enforcement officers must be educated and, subsequently, motivated to see DWI as an important component of their enforcement activities.

Texas has provided long-standing programs on general DWI topics, boating while intoxicated (BWI), drugged driving offenses, SFST, courtroom testimony, and blood search warrant procedures on a statewide basis. Texas also provides the Drug Evaluation Classification Program, which trains officers to become DREs. Opportunities for training in ARIDE and 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 LEADRS. LEADRS was designed by prosecutors, law enforcement officers, and judges to assist law enforcement officers in DWI report writing.

TABC's TRACE Program

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 that involves a minor or someone suspected of being 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 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, and earned and purchased media.

One example of implementing high-visibility enforcement is the no-refusal strategy. 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 to take blood samples from suspected intoxicated drivers who refuse breath or blood tests. While a driver has the right to refuse a breath or blood test, the consequence for doing so is the suspension of driving privileges through the [Administrative License Revocation Program](#). 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. No-refusal initiatives are currently operating in several jurisdictions, including in Bexar, Fort Bend, Harris, and Montgomery Counties.

Impaired driving mobilization 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.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Recruit additional DREs and provide agency priority in counties or jurisdictions with no DREs.
Status: Ongoing
Background: There are currently 359 DREs in Texas, with 113 DRE agencies and 48 instructors. In October 2021, there were 297 DREs and less than 100 DRE agencies. This represents an approximately 20 percent increase in the total number of DREs from October 2021 to May 2023. The Texas DRE coordinator has at least three DRE schools planned in the next year. The Texas DRE coordinator is also working closely with the Texas DWI resource prosecutor to promote the importance of the DRE program and to make DREs available to prosecutors as expert witnesses in court. The Texas DRE program is working on changing agency attitudes to support DRE officers through networking and presentations at conferences.
- B. **Priority Recommendation:** Create and fund DWI officer positions to focus on impaired driving enforcement.
Status: Ongoing
Background: In Texas, police agencies are locally funded, so the TxIDTF does not have the authority to create these extra officer positions. While the TxIDTF stakeholders do support specialized DWI officer positions, they do not have the authority to fund them. By working with police chiefs and sheriffs, the TxIDTF membership can support and provide guidance to develop dedicated DWI teams and specialized officer positions across the state.
- C. **Priority Recommendation:** Support the expansion of LEADRS.
Status: Ongoing
Background: TxIDTF's EC voted to consider LEADRS as a foundational component for a DWI tracking system. A letter of support addressed to the Texas Transportation Commission was drafted and signed by the TxIDTF EC.
- D. **Priority Recommendation:** Increase forensic laboratory capacity to screen and confirm toxicological specimens submitted by law enforcement *and* timely produce toxicology reports.

Status: Ongoing

Background: The 86th Texas Legislature provided a few additional positions in 2019 that allowed the TxDPS crime lab to reduce the turnaround time for blood alcohol analysis to 30 days or less across the state. The reduction of the blood alcohol backlog and turnaround time had downstream effects. This caused the drug toxicology backlog to grow tremendously. The TxDPS crime lab currently receives more drug toxicology evidence than it has the capacity to work. The TxDPS crime lab has requested additional personnel, lab space, and equipment to assist in backlog reduction of drug toxicology cases from the 88th Texas Legislature that is currently in session. If awarded, the impact will not be immediate. There will be a need to hire and train new personnel and renovate the existing laboratory to accommodate the additional personnel and equipment. Both TxDPS and traffic safety stakeholders are well aware of the needs of the toxicology division and are making concerted efforts to increase funding.

- E. **Recommendation:** Enhance law enforcement's ability to receive grant funds to focus on impaired driving efforts.

Status: Ongoing

Background: Texas has removed any barriers to agencies receiving funding except for those administratively disqualified based on risk assessments or debarment in FY 2019. Any qualified law enforcement agency in Texas can receive funding for any state trade expansion program (STEP) project variant provided it can accommodate the standard 20 percent match requirement.

- F. **Recommendation:** Mandate drug recognition experts to provide consultation services when investigating a serious injury or fatal collision involving a suspected impaired driver.

Status: Requires legislative action

Background: This recommendation cannot be addressed by the TxIDTF since it requires legislative action. However, officers and prosecutors have the ability to conduct DRE reconstruction, and training is encouraged across the state. DREs may act as expert witnesses and are encouraged to provide service when called upon. Texas is too vast of a state to require DREs to provide consultation services. Currently, there are simply not enough DREs to do so, but Texas is working to create a more robust DRE program.

- G. **Recommendation:** Encourage the Texas Chiefs of Police Association and the Sheriffs' Association of Texas to develop traffic safety committees.

Status: Ongoing

Background: The TxIDTF will extend an invitation for membership to both associations to join in the mission of reducing serious injuries and fatalities caused by impaired driving. Once the TxIDTF has established communication with the associations, the membership will offer guidance and support for the representatives to establish traffic safety committees within their organizations.

- H. **Recommendation:** Require the Law Enforcement Liaison (LEL) Program to focus more on impaired driving and developing relationships at the city and county government levels.

Status: Ongoing

Background: Texas LELs are primarily tasked with assisting STEP agencies with grant-funded operations and questions and providing related training opportunities. As part of every encounter with law enforcement agencies, LELs are directed to promote grant-funded SFST, ARIDE, and DRE projects in progress around the state. While TxDOT does ask LELs to work collaboratively with law enforcement and their civilian administrators, the local liaison role as described in the recommendation is more in the purview of the TxDOT traffic safety specialists than the LELs in their current tasking. That said, TxDOT will be looking at options moving forward that will allow the LELs to focus more on impaired driving.

Prosecution

Texas has strong support at the state and local level prosecuting DWI and DUI offenders. TDCAA supports the traffic safety resource prosecutor (TSRP). This association provides technical assistance, training, education, and case resources for prosecutors handling 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 prosecution. 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 these prosecutors are responsible for implementing no-refusal programs in their jurisdictions, devote time and resources to developing localized DWI task forces, and work to train law enforcement on DWI procedures and enforcement strategies. Additionally, the Texas Municipal Courts Education Center (TMCEC) trains and provides technical assistance to prosecutors on prosecuting juvenile DUI cases. The combination of the TSRP and local prosecutors offers the benefit of diverse perspectives in prosecuting DWI cases.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Write a white paper setting out the requirements and rationale for a complete DWI tracking system.

Status: Not currently being addressed

Background: This recommendation must be a multidisciplinary effort to be effective. The TxIDTF suggests creating a questionnaire to survey all stakeholder groups (prosecution, toxicology, judiciary, etc.) on the requirements and rationale for a DWI tracking system. This process could also help determine how much funding may be needed.

- B. **Recommendation:** Create a forward-looking plan to attract and retain DWI prosecutors.

Status: Ongoing

Background: TDCAA recognized this problem and created a diversity and retention committee in 2009. The committee has met multiple times in each year since. They have helped draft legislation, provided local resources, created joint office interviews at Texas Law Schools, created lively and well-attended assistant district attorney listening sessions, and tackled many other initiatives.

One committee recommendation that TDCAA has adopted is a policy of providing training on self-care addressing compassion fatigue, vicarious trauma, PTSD, burnout, suicide prevention, and substance abuse. These topics have been included in all major training programs since 2018. They are having a heartrendingly visible impact on DWI prosecutors. This important part of training will continue and proliferate.

TDCAA continues to create public reports about prosecutors' circumstances, caseloads, and responsibilities. These reports are designed to inform decision makers and the public of obligations facing Texas prosecutors. TDCAA's efforts have led to the creation of a state assistant prosecutor longevity fund and, more importantly, have continued to retain funding for over a decade. The DWI Resource Prosecutor grant is heavy in Category 600 contractual services provided by experienced traffic safety prosecutors. This plan by TDCAA to use Category 600 subcontractors rather than expand to more full-time or part-time employees is 100 percent about retaining the best prosecutors the state has to offer.

Attracting and retaining qualified prosecutors in every area of prosecution is a continuing and profound issue. TDCAA must remain vigilant in addressing this issue. The DWI resource prosecutor (TSRP) will continue targeting and recognizing the best impaired driving prosecutors by inviting them to become trainers, engaging them with project work, and acknowledging their accomplishments through award ceremonies

- C. **Recommendation:** Obtain technical assistance to determine if and how the prosecutor case management systems currently in use can share data and what other agencies might be included in the sharing.

Status: Not currently being addressed

Background: The TxIDTF suggests creating a questionnaire to survey prosecutor offices on the requirements and rationale for a DWI tracking system. This process could also help determine how much funding may be needed.

- D. **Recommendation:** Engage prosecutors in a visioning process to design a comprehensive plan to advance the prosecution of DWI cases.

Status: Ongoing

Background: Since 2018, TDCAA has hosted the DWI Prosecutor Task Force that meets annually. This is the group's exact purpose. Minutes are shared with the TxIDTF. Numerous other members of the TxIDTF have attended meetings to hear from or be heard by prosecutors. This group of 20 Texas prosecutors is made up of representatives from offices of all sizes and is comprised of jurisdictions throughout the state. All members have expertise in impaired driving. Elected prosecutors and TDCAA leadership are both represented on the task force. This group has been very successful in providing information to other traffic safety groups and carrying back new information and trends to prosecutors across the state.

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 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: abuse of alcohol and other drugs. Specialty courts can also help address other issues, such as lack of work, family problems, and 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 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.

Courts that handle underage alcohol offenses and public intoxication can prevent individuals from driving impaired in the first place. TMCEC trains judges, prosecutors, and clerks on effectively handling underage alcohol and public intoxication offenses. TMCEC also provides municipal courts with technical assistance in implementing "teen court," which is an alternative sentencing option where a jury of the teen defendant's peers decides the sentence. Teen court has proven very effective at reducing recidivism due to its positive power of peer influence.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Work with LEADRS and other justice information systems to design a path forward to have a DWI tracking system.
Status: Ongoing
Background: LEADRS has presented information to the Traffic Records Committee as well as the TxIDTF detailing what systems it has in place and what expansion would need to take place to complete this recommendation.
- B. **Recommendation:** Invite the tribal court judges and staff to attend the Texas DWI training.
Status: Ongoing
Background: Correspondence has been sent to the three tribal community courts in Texas: Ysleta del Sur Pueblo, Alabama-Coushatta, and Kickapoo. They have been invited to participate in the TxIDTF meetings. While no response was received, the TxIDTF will continue to extend invitations to collaborate, attend meetings, and participate in judicial trainings.
- C. **Recommendation:** Inventory the information systems currently in use by all existing courts that adjudicate DWI cases.
Status: Not currently being addressed
Background: Due to the size of the state and the variety of case management systems being utilized in the 254 counties, this task will require significant resources.

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:

- Complete 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 86th legislative session and went into effect September 1, 2020. The impact of these changes will take some time to quantify.

In 2019, HB 2048 repealed TC Chapter 708. This chapter allowed surcharges from \$3,000 to \$6,000 in addition to all court fines and costs. Following the repeal, all outstanding and future surcharges were eliminated. Many license suspensions were due to nonpayment of surcharges. Such licenses were reinstated following the repeal. It is estimated that over 1,000,000 Texans had their driver's license reinstated. This

legislative change takes a huge strain off prosecutors to divert DWI cases. The lost revenue is in part replaced by a state fine in DWI cases that applies on final conviction, which will not include probation or deferred adjudication. This fine makes it much more expensive to take a jail-time-served plea and cheaper to take a probation offer. This gives prosecutors an actual incentive to offer offenders and courts the option to use a probation alternative.

In the mid-1980s, deferred adjudication was removed as an alternative on DWI cases. That change created several nonjudicial 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, 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.

In 2019, HB 3582 paved the way for deferred adjudication in certain DWI offenses. All deferrals, however, are eligible to enhance subsequent DWIs. Second offenses, cases with a BAC over 0.15, and drivers with commercial driver's licenses are not eligible. The deferral will require ignition interlock but will remove all nonjudicial collateral consequences.

Parole

Parole is the discretionary release of an offender, by a Board of Pardons and Paroles decision, to serve the remainder of a sentence in the community under supervision. Some offenders are convicted of impaired driving offenses and sentenced to prison. Once they have been released from prison, these offenders may be required to have an ignition interlock as a condition of their parole.

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 when alcohol is detected on their breath sample. For the vehicle to start, the device requires the driver to provide an alcohol-free breath sample. Once the vehicle is started, the device requires the driver to provide additional breath samples at randomly occurring intervals for the duration of the driving episode.

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

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 a 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, Texas Center for the Judiciary (TCJ), Texas Justice Court Training Center (TJCTC), and Texas Association of Counties train judges and 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. Information on graduated driver licensing, zero-tolerance laws, and ignition interlock device requirements is integrated into the administrative sanctions and driver licensing program in Texas. This information is also part of the driver education curriculum.

ALR is a traffic safety countermeasure that authorizes law enforcement to confiscate the driver's license of an individual who is arrested on suspicion of DWI/DUI and who either refuses to submit to a chemical test (breath or blood) or has test results that 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 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
	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 following an arrest for DWI/BWI	90 days	First offense
	1 year	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 for 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 2022 Impaired Driving Technical Assessment

No recommendations for this section.



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

Screening, assessment, treatment, and rehabilitation are vital components to curb the impaired driving problem since impaired driving behavior is often a symptom of a more significant alcohol or drug use issue. Frequently, impaired drivers' clinical needs (i.e., alcohol and other drug misuse) get in the way of a person making safe driving decisions. Identifying and providing appropriate sanctions and services to individuals who are more likely to pose a threat to public safety and have further clinical needs are steps in the direction of increasing community safety and reducing recidivism in Texas.

Evidence-based screening tools provide preliminary data on an offender's potential clinical needs or risk levels. At the same time, assessment tools identify the nature of those clinical needs and intervention levels. Assessment data inform criminal justice professionals and the mental health community about which sanctions, treatment, and rehabilitation plans are appropriate for an individual offender.

The American Psychological Association defines psychological treatment as the exclusive purview of trained mental health professionals to yield healthy and adaptive change in a person's behavior, thoughts, and emotions. The major types of mental health professionals are psychologists, counselors, clinicians, therapists, clinical social workers, psychiatrists, and mental health nurse practitioners. In general, these practitioners are allowed to screen and assess individuals for clinical needs and develop treatment plans for offenders.

According to the World Health Organization, rehabilitation is a set of interventions designed to optimize a person's functioning and health. Some examples of rehabilitative interventions offered to DWI offenders in the state are DWI education classes, community service, monitoring and supervision, victim impact panels, peer support groups, and interlock or transdermal monitoring. These rehabilitation options can be offered by any

members of the legal system and the community as a whole. These services are often offered and regulated by jails, courts, CSCDs, community providers, licensing boards, and mental health providers.

The TxIDTF has members who conduct screening assessments and prescribe and directly provide rehabilitation services to DWI offenders. Currently, the task force has no representatives of the treatment community.

Screening and Assessment

Screening and assessment data allow the criminal justice system to make informed decisions about an offender's clinical needs and risk levels, which directly correlate to a community's safety and recidivism rates. It is important to note that there is a difference between correctional and clinical screenings and assessments. Correctional screenings and assessments tend to focus on criminal risk-taking, with less attention on an offender's clinical needs. Still, the main focus is to determine an offender's criminal risk level to the public and quantify the levels of supervision needed. In contrast, clinical screening and assessment tools focus on an offender's clinical needs and levels of rehabilitation and treatment needed.

Screenings and further assessment can be done at any point in the DWI pipeline. Jailers, prosecutor offices, magistrates, judges, community supervisors, and treatment providers can request appropriate screening and assessment of DWI offenders. In Texas, DWI offender screenings and assessments are done mainly by outreach, screening, assessment, and referral centers; private licensed providers; jailers; and CSCDs. 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 its jurisdiction. CSCDs are statutorily required to use specific risk/assessment screening and assessment tools, with only a tiny minority adding DWI-validated screening and assessment tools to the evaluation process. Some of the DWI-validated screening and assessment tools are the Computerized Assessment and Referral System, Impaired Driving Assessment, and DUI Risk and Needs Triage. DWI-validated tools are preferred over generalized instruments since they were validated for the DWI offenders and present more accurate needs/risk results for this population.

Training the Criminal Justice System on Screening, Assessment, Treatment, and Rehabilitation

The task force has members involved in training the criminal justice community on the importance of using evidence-based screening and assessment tools, treatment, and rehabilitation. The Center for Alcohol and Drug Education Studies (CADES) has the Texas Ignition Interlock Training, Outreach, and Evaluation Program and the CADES Training and Assistance for Criminal Justice Professionals on DWI Treatment Interventions. TMCEC offers training through its Municipal Traffic Safety Initiatives, TJCTC through its Texas Justice Court Traffic Safety Initiative, and TCJ through its Texas Judicial Resource Liaison and Impaired Driving Judicial Education.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Enact a statute that establishes a DWI data tracking system and incentivize all keepers of impaired driving offense data to share the data to track every DWI offense.

Status: Legislative action required

Background: There are thousands of elected local officials (judges, sheriffs, district attorneys, county attorneys, district clerks, county clerks, and more) that are responsible for entering core DWI data. They report to no statewide administrative agency, but rather to voters locally. Most of them are funded locally and not through the state. There are also thousands of municipal, county, regional, and state agencies (TxDPS, Texas Parks and Wildlife, regional water districts, city police departments, school and university police departments, and more) that report core impaired driving data. City agencies receive very little state funding. When the state government requires through legislation activities that must be carried out by local elected office holders and locally funded and administered agencies without funding, the mandate generally does not work well. The state of Texas is deliberately, constitutionally, and quite effectively decentralized. This makes centralized, uniform, mandatory record keeping difficult. The solution here will require local multidisciplinary, multilevel, rural, and urban buy-in and design. This process has been initiated and will continue through the TxIDTF.

- B. **Priority Recommendation:** Identify, train, and support qualified assessment and evaluation professionals in underserved areas.

Status: Ongoing

Background: Training resources that can be accessed for underserved areas are available online. TCJ has reached out to 90 counties identified by TxDOT as being high risk for impaired driving crashes. TCJ has offered to customize training for the judiciary in these counties. Several counties have responded with training requests. It is unknown how well these resources are being utilized in underserved populations. An opportunity exists to identify how (or if) these resources are being promoted to underserved areas. The TxIDTF can support these efforts in promoting training resources to underserved areas.

Screening and Brief Intervention in Medical and Other Settings

CSCDs often use the Texas Risk Assessment System (TRAS) screening and assessment tool to determine an offender's risk and needs levels. The results point to which rehabilitation interventions will be used. CSCDs also tend to supplement offenders' evaluations with clinical screening tools such as the Substance Abuse Subtle Screening Inventory. The El Paso jurisdiction is pioneering a project to add a DWI-validated screening and assessment tool into its DWI court program.

One evidence-based intervention tool used 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 a participant's alcohol use and the options for changing behavior.

Usually, SBIRT and SBI are offered in healthcare settings. In the traffic safety community, SBIRT or SBI is being offered to the college student population through TxSDY's Screening and Brief Intervention for Risky Alcohol Use and DUI Among College Students program and Screening and Brief Intervention for Prescription Drug Misuse and Marijuana Use Among College Students program.

The TxIDTF strongly considers SBIRT and SBI to be effective countermeasures against alcohol-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. A barrier to effective SBIRT is the difficulty of connecting people who have needs with referrals to services. Recent programs are attempting to solve this issue by improving the referral process from SBIRT to specialized treatment. While these approaches focus on offenders, universal screening is intended to reach the broader population of drivers to address clinical needs prior to impaired driving. Moving upstream to prevention requires use of SBIRT in the general population in healthcare settings like primary care.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Assess the extent of utilization of SBIRT in hospitals and other settings in Texas and determine the level of fidelity of implementation.

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 and other healthcare providers on the most effective ways to (a) implement SBIRT programming, and (b) utilize Medicaid and Medicare codes to cover related expenses. Additionally, research indicates that administering SBIRT programs in criminal justice

settings increases the likelihood of DWI offenders receiving this intervention. Therefore, it would also be beneficial to support SBIRT programs in a criminal/judicial setting.

The Texas Health and Human Services Commission has secured a contract to implement SBIRT in several hospitals: Dell Children's, Ben Taub, Dell Seton, and Be Well Texas at UT Health San Antonio. UT Health San Antonio contracts with the Health Behavior Research and Training Institute at The University of Texas at Austin, which is in contract with the hospitals listed above to develop policies and procedures for implementing SBIRT in the healthcare setting (including the development of a training plan for implementation of SBIRT). This program is for all substance use disorders and includes alcohol. Patient navigators follow up on those who need a plan for referral to treatment. The goal is to provide support throughout the referral process to increase treatment.

Input from administrators from systems delivering SBIRT would be helpful to ensure there is no adverse impact on their ability to perform their functional role in additional settings.

- B. **Recommendation:** Promote and support the use of SBIRT in hospitals, healthcare facilities, and other settings in Texas.

Status: Ongoing

Background: There are a variety of programs that promote the adoption of tools for assessment and evaluation professionals in underserved areas. However, these programs typically are aimed at the healthcare sector and are funded by federal agencies (e.g., the Substance Abuse and Mental Health Services Administration and the Health Resources & Services Administration) that are not focused on traffic safety. As a result, there are fundamental jurisdictional divisions and limited cross-sector collaborations to leverage these resources for DWI offenders or the systems serving them.

- C. **Recommendation:** Assess the impediments to connecting people who have treatment needs identified by SBIRT with referrals to services.

Status: Ongoing

Background: Texas has made significant investments in expanding access to community care for behavioral health needs, including treatment for the misuse of alcohol and other drugs. While a DWI offender may voluntarily seek out these services themselves, the services are not designed to be integrated within the DWI pipeline. Mandating their care for DWI offenders would create a scarcity of services for persons who are not involved in criminal proceedings. This problem is seen in a different legal context: competency restoration. The court mandate of competency restoration slots has overwhelmed the state's hospital system, and now the majority of state hospital beds are focused solely on competency cases rather than the broader array of treatment services needed by the general public with high acuity psychiatric needs.

- D. **Recommendation:** Expand the composition of the TxIDTF to fill representation gaps created by the lack of experts in the fields of local public health, emergency medicine, and alcohol and other drug treatment and prevention programs. Other groups to be considered for membership should include representatives from the military, veterans, employers, and community groups, especially those representing diverse populations.

Status: Ongoing

Background: The TxIDTF continues work to expand its membership. Since the 2022 NHTSA assessment, the director of emergency medical services has joined the task force. Work continues to include alcohol and other drug treatment providers.

Treatment and Rehabilitation

Following screening and assessments, DWI offenders receive an intervention that will include a rehabilitation plan and, depending on the need, a treatment plan as well. All jurisdictions in Texas, through CSCDs, offer rehabilitation options to DWI offenders. Some jurisdictions provide treatment and rehabilitation services through pretrial intervention programs, specialty courts, and community supervision. For example, the Harris County CSCD offers a comprehensive set of treatment and rehabilitation options to DWI offenders.

Jurisdictions such as Bexar, Brazoria, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Hidalgo, Lubbock, McLennan, Midland, Montgomery, Tarrant, Travis, Victoria, and Williamson Counties have DWI courts. Specialty DWI courts are known to offer screening, assessment, treatment, and rehabilitation services to DWI offenders. The task force has representatives from several of these DWI courts. Most DWI courts only accept felony DWI offenders, with a few exceptions: Dallas, Fort Bend, Hidalgo, and Tarrant Counties have misdemeanor DWI courts. Local courts use minor-in-possession and public intoxication citations to employ early intervention. These courts deal with DUI-minor cases. These judges cannot impose treatment options on minors; they can only impose rehabilitation options such as DWI classes.

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Priority Recommendation:** Enact a statute that establishes a DWI data tracking system and incentivize all keepers of impaired driving offense data to share the data to track every DWI offense.
Status: Legislative action required
Background: The TxIDTF suggests creating a questionnaire to survey treatment and rehabilitation providers on the requirements and rationale for a DWI tracking system. This process could also help determine how much funding may be needed.
- B. **Priority Recommendation:** Conduct an impact evaluation of DWI courts.
Status: Not currently being addressed
Background: There are individual courts that have conducted impact evaluations, such as Lubbock, El Paso, and Harris County. However, nothing at the state level has been attempted. A DWI tracking system could be instrumental in effectively determining recidivism rates for this evaluation.
- C. **Recommendation:** Document the lack of access and impediments to treatment services.
Status: Ongoing
Background: Both federal (Health Resources & Services Administration) and state (Texas Department of State Health Services) agencies monitor and publish on health workforce shortage areas and medically underserved areas/populations.
- D. **Recommendation:** Conduct a feasibility study of providing increased access to treatment for DWI offenders, especially in underserved areas.
Status: Not currently being addressed
Background: The TxIDTF will plan to invite professionals to discuss the issues and create and distribute a questionnaire to determine available services across the state.

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 the effectiveness of curbing alcohol use and impaired driving behavior.

Some CSCDs have a specialized DWI caseload to monitor DWI offenders. These caseloads usually emerge as a need to monitor interlock devices. Texas does not have a statewide system that tracks impaired drivers through the criminal justice system. However, the Office of Court Administration (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.

A more holistic form of monitoring is done through specialty courts. Texas has established funding for specialty treatment courts that integrate screening and assessment, treatment, and rehabilitation components into monitoring practices. This integrated monitoring process helps to improve compliance among offenders and is aimed at reducing recidivism.



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 multilingual materials, Texas has taken care 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 2022	FY 2023	Planned FY 2024
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 Young Adult/Spring Break, Spring and Early Summer Holidays, Faces of Drunk Driving and Labor Day. 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 has 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.).
- NSC's employer network, safe communities, and teen coalitions.
- Youth and college groups—Teens/U in the Driver Seat and other young driver programs, Texas FLCAA FACTS, new student orientation program, athletic departments, and residence hall/housing programs at universities such as University of Texas Austin, Texas A&M University, Texas Tech, etc.

TxDOT focuses on educating Texans about the important issue of impaired driving by reaching the public through a variety of means. These include:

- Press Releases and Media and Outreach Events
- News Interviews (Print, TV, Online)
- Billboards
- Bar and Restaurant Advertising (Posters, Clings, Coasters)
- Convenient Store Advertising (Posters and Clings)
- Posters, Notepads, Mesh Banners, and Information Cards
- College Outreach Materials (Flyers, Door Hangers, Notepads)
- Traditional TV—Public Service Announcements (PSAs)
- Digital TV (OTT/CTV)—Paid Advertising
- Traditional Radio—PSAs
- Digital Radio—Paid Advertising
- Online Digital Advertising (YouTube, Mobile Video, Dating Apps)
- Social Media (Facebook, Instagram)—Paid and Organic
- Influencer Program—Paid and Organic
- Website Featuring Interactive “Consequences Spinner” and Testimonials

Through a competitive bidding process, Sherry Matthews Group was selected as the vendor for the SWID campaign in FY 2022–2023 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 (TSSs) 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. These materials include testimonial videos by survivors of drunk driving and by those who have been charged with a DWI, as well as other print and digital resources that share the consequences of driving after drinking and the many alternatives to doing so.

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 addresses the “bulletproof” feeling of many young adults by reinforcing the fact that there are real, life-altering consequences to driving after drinking that can happen to them. Another example is replacing the term “designated driver” with “sober ride” since frequently the designated driver is determined as the person who has consumed the *least* amount of alcohol instead of the person who has not consumed *any* amount of alcohol. It also reminds people that there are many transportation options available if everyone in their group has been drinking (cab, ride share, bus, etc.).

Recommendations from the 2022 Impaired Driving Technical Assessment

- A. **Recommendation:** Expand the current ongoing efforts of NSC and the TSSs in providing information, both in materials and face-to-face seminars, to employers.
Status: Ongoing
Background: In FY 2021, 326 Texas employers from various sectors, including municipalities, healthcare, transportation, education, energy, and more, were trained on the DITTE program. In FY 2022, 400 Texas employers were trained, and program growth is expected to continue as funding allows. NSC will also continue to work toward expanding its online resources available to employers. New resources for FY 2023 include expanded micro-learning and learning management system improvements to include evidence-based habit building and an employer mobile application provided at no cost to employers.
- B. **Recommendation:** Utilize the Network of Employers for Traffic Safety in addition to NSC to identify strategies for working with the state's employers to provide impaired driving information and materials for their employees to diminish the number of traffic crashes and their related effect.
Status: Ongoing
Background: TxDOT will continue to educate and collaborate with partners to reduce crashes, fatalities, and serious injuries on Texas roads.
- C. **Recommendation:** Develop a cadre of partners and stakeholders, beginning with state-level organizations, who can advocate for impaired driving countermeasures among their membership at the community level, and provide template materials (e.g., press releases, letters to the editor, social media posts and graphics, etc.) to make it easy for those who wish to become engaged in supporting impaired driving prevention programs at the local level.
Status: Ongoing
Background: TxDOT will continue to educate and collaborate with partners to reduce crashes, fatalities, and serious injuries on Texas roads.
- D. **Recommendation:** Conduct a training conference for officials from program partners (law enforcement, TxDOT, health departments, etc.) who are responsible for the dissemination of public information. Utilize this opportunity to provide data and information on the impaired driving problem within the state and highlight existing marketing campaigns, and to inform them of the most useful manner in which to coordinate their messaging with existing campaigns.
Status: Ongoing
Background: At the 2024 Texas Impaired Driving Forum, a breakout session on this topic will be included.
- E. **Recommendation:** Analyze crash, survey, socioeconomic, and demographic data to narrow the intended audience for paid media to those most at risk for impaired driving crashes to ensure sufficient message saturation, frequency, and reach of the advertisements to change behavior.
Status: Ongoing
Background: In addition to the continuous review of the latest crash statistics and demographic data of Texas, Sherry Matthews Group has conducted seven online surveys and 16 individual in-depth interviews since 2020 to support the communication program in determining the target audience and the messages that will most motivate behavioral change. The multifaceted paid media plan is designed to meet the target audience where they are most likely to consume and retain campaign messages. The creative changes through the year are initiated to match key timeframes when impaired driving messages are most critical.
- F. **Recommendation:** Establish a public information officer within TxDOT strictly for coordinating highway safety messaging, both engineering and behavioral.
Status: Ongoing
Background: TxDOT will review this recommendation and present to the administration for consideration.

- G. **Recommendation:** Establish partnerships with major corporations, or their representative professional associations, to expand the reach of the impaired driving program and amplify its messaging.

Status: Ongoing

Background: TxDOT will continue to educate and collaborate with partners to reduce crashes, fatalities, and serious injuries on Texas roads.



SUMMARY

The TxIDTF has evolved over the last 18 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, program evaluation and data, prevention, criminal justice, alcohol and other drug misuse, and communications—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 to further reduce impaired driving fatalities, injuries, and crashes.

APPENDIX A: NHTSA DRUG-IMPAIRED DRIVING CRIMINAL JUSTICE EVALUATION TOOL

SECTION 1: LAW ENFORCEMENT ENGAGEMENT IN DRUG-IMPAIRED DRIVING ENFORCEMENT

1. **Does law enforcement leadership consider drug-impaired driving enforcement a traffic priority and communicate the importance through all supervision levels within a law enforcement agency?**

In some jurisdictions yes and in others no. It is dependent on the agencies priorities and the communities needs that are expressed to law enforcement administration. Budget and personnel shortages are also causing agencies to focus on activities other than drug enforcement. This has a direct impact on proactive enforcement activities including impaired driving enforcement. At present, blood is the go to matrix and many in leadership positions think that since we have the blood evidence there may not be a need or emphasis on training, which is a false narrative.

2. **Do agencies in your State* have specialized DWI** units dedicated to alcohol- and other drug-impaired driving enforcement? If so, do the units focus exclusively on impaired driving or do they conduct other activities? Are there criteria for DWI unit officers?**

Some agencies do have specialized units while others do not. Specialization usually occurs more at larger agencies that have operational manpower. Smaller and mid-sized agencies have less specialization and if DWI is not a priority it often gets missed. Specialized units usually do focus solely on DWI enforcement and they serve as a resource to support patrol. However, if there are excessive calls for service (reactive enforcement) many agencies will use DWI unit personnel to answer emergency calls for service. Most agencies that have DWI enforcement units usually have a criteria for officers who participate. In most cases the officers must be successful at DWI enforcement and make apprehension of DWI suspects a priority. SFST and DRE units are should be filled with personnel that are motivated by enforcing DWI laws and capable of performing the job.

3. **Is the agency taking steps to overcome barriers to impaired driving enforcement?**

Yes, as far as funding will allow.

4. **Does your State conduct outreach at conferences and meetings to discuss drug-impaired driving, Data-Driven Approaches to Crime and Traffic Safety (DDACTS) and traffic enforcement in effort to engage chiefs, colonels, sheriffs and mid-level management?**

Yes, on all accounts. Through statewide traffic safety programs and through individual department efforts among the local communities. Texas law enforcement agencies do participate in DDACTS program through the State DOT program. IADALEST manages the statewide contract. Engagement with statewide law enforcement leadership is primarily performed by LELs that are sponsored through a grant program administered by the state DOT. The LEL agents reach out and encourage DWI enforcement to law enforcement agencies across the state.

5. **Do agencies in your State obtain buy-in and engage support from municipal leaders, mayors and county executives for drug-impaired driving enforcement?**

This depends on the jurisdiction and the enforcement priorities voiced by the community. When alcohol and other drugs are a specific problem for a community, support is generally embraced by municipal/county administrators, city councils and county courts.

6. **In your State approximately what percentage of agencies participate in DDACTS or take a data-driven approach to simultaneously combat crime and traffic Safety issues?**

The percentage of agencies utilizing a DDACTS approach is approximately fifteen percent (15%). Those agencies that participate in the State DOT STEP program are required to participate in DDACTS approaches.

7. **Is drug-impaired driving enforcement in your State informed by crash, fatality and/or injury data?**

The state does not differentiate between drug and alcohol impairment. Impairment is impairment. The state does use data to identify drug and alcohol data sets in order to plan mobilization. Texas does use data to provide justification for the support of statewide training efforts through the state DOT. Individual agencies may use their own record management systems to identify temporal and spatial crime and traffic safety data patterns, but those efforts are based on each individual agency's needs.

8. **Are agencies/line officers trained in Standardized Field Sobriety Testing (SFST) procedures?**
Yes. SFST training is provided in basic police academy training as well as given to certified law enforcement officers through training sessions sponsored through a State DOT grant.
9. **Does your State conduct SFST refresher training? Is it required and if so, how often?**
Yes. SFST refresher trainings are provided through a grant sponsored by the State DOT. There is no requirement from the state to recertify however some agencies make refresher training a mandatory activity to demonstrate ongoing proficiency. All law enforcement agency SFST and DRE instructors are required to refresh training every two years to remain active in training SFST courses.
10. **How many Drug Recognition Experts (DREs) are there in the State and where are they placed (number, geographic coverage)? Are they able to respond in a timely manner?**
As of this report, there are 335 certified DRE in Texas (February 2023). DREs are stationed at different municipal, county and state law enforcement agencies throughout the state. Saturation is mostly in larger communities with fewer found in small communities. Many jurisdictions allow trained DRE officers to help assist communities that do not have a DRE. At present, this is limited and based upon interagency cooperation. The practice also differs from agency to agency. There is no formal statewide mutual aid system in place for DREs in Texas.
11. **Do you have enough DREs across the State/county to handle call outs? Does your State have a mutual aid system in place for DREs allowing them to move between jurisdictions and complete evaluations at the request of other agencies?**
At the present time, no. However, some areas of the state have more DRE officers which can help provide better assistance and coverage of call outs. There is no formal statewide mutual aid system in place for DREs in Texas. However, DREs do provide assistance regularly to help out in jurisdictions without DREs.
12. **Are DREs routinely called to the scene of fatal or serious injury crashes?**
In some jurisdictions, yes but there is no formal statewide process in place.
13. **Are DREs uploading all of their evaluations to the national database?**
Yes. It is a requirement for the cases to be entered into the DRE tracking system in order for the DRE to recertify. However there has been some delays in timely entry by some officers. Texas DRE state coordinator is in constant communication with all DREs in the state and emphasizes the importance of timely and accurate entry of evaluation data.
14. **Are you able to maintain adequate staffing of DREs?**
It is a difficult task since many DREs promote, priorities shift, and trained officers find other employment. These events pull DREs out of the program and law enforcement profession.
15. **What percentage of traffic safety officers have been trained in Advanced Roadside Impaired Driving Enforcement (ARIDE)?**
The Texas Department of Public Safety has a total of 1,200 ARIDE trained officers still employed by the department; Roughly 800 officers are trained in ARIDE per year statewide.
16. **Do your traffic officers and DWI prosecutors attend training to remain current and network on drug-impaired driving issues?**
Yes, many attend training sessions and attend conferences and symposium. However, these are generally done as they can give current workloads and staffing shortages. Attending most trainings are not mandatory and most attendees are there because they want to be.
17. **Does your State/agency have an expedited system to obtain warrants? If so, via what means? If not, why?**
Yes, electronic blood warrant process which helps expedite the process and ease of acquisition.
18. **Do you have a law enforcement phlebotomy program?**
Some individual agencies have instituted LEO phlebotomy programs even though there is no mandated program at the state level.
19. **If not, are there other timely, accurate and affordable means to obtain a toxicology sample through contracted phlebotomists or a medical facility? What methods are used to take toxicology samples and is the process streamlined?**
Other options include agencies employing the services of a registered nurse or phlebotomist which remains at station/precinct to draw blood for officers in impaired driving cases. Law enforcement

officers also use the services of medical center/faculties whose medical personnel draw blood for evidentiary reasons. The DPS does offer blood draw kits that include vials and paperwork for officers to use when collecting blood. These kits when used, are sent to the DPS crime laboratory for processing and testing. Some remote areas of the state do not have facilities to draw blood for toxicology. In addition to DPS crime lab, some law enforcement agencies use independent laboratories to provide confirmatory testing of blood matrices.

20. Do officers receive training in how to articulate indicators of impairment in narrative detail?

In SFST training there is a session that deals with identification of impairment indicators for report writing. Additional training through different agencies offer more training options which officers can go to increase their knowledge in identifying impairment indications. Most trainings focus on chronicling indicators of impairment for reporting as well as instruct on how to testify to those findings.

21. Is there a system in place for expedited reporting? Is there capability for electronic reporting?

Yes. LEADRS is a process for DWI reporting that expedites the process and electronically stores the information for DWI reporting. LEADRS is the state's best example of electronic reporting for law enforcement officers. LEADRS can track by agency and by officer, county. In addition to LEADRS, law enforcement agencies have individual records management systems (RMS) that automates DWI reporting and data warehousing. At present, Texas has no current DWI reporting tracking system for the state.

22. Does your State have an effective Law Enforcement Liaison (LEL) program?

Yes. The present LEL program for Texas is sponsored through a grant with the State DOT.

23. If so, do law enforcement liaisons meet with each agency at least annually to increase support for drug-impaired driving enforcement and agency participation in impaired driving enforcement mobilizations?

The state LELs utilize crash data to identify which agencies to contact. The LELs cover state and local law enforcement agencies in all DOT districts. This allows opportunities for the LELs to promote drug-impaired driving enforcement.

24. Are LELs included on the State DWI task force and serve as a collaborative partner in impaired driving meetings?

At present, there are no LELs that serve on the Impaired Driving Task Force. Efforts have been made to include LELs but those efforts have met with limited success.

SECTION 2: PROSECUTION

1. Are the Attorney General, District Attorney's Office, Prosecutor Coordinator's Office and local prosecutorial leadership engaged and supportive of drug-impaired driving prosecution?

Yes.

2. Does your State have a Traffic Safety Resource Prosecutor (TSRP) that provides specialized DWI training to other prosecutors and law enforcement, provides technical assistance on impaired driving cases and coordinates with law enforcement, prosecutors and toxicologists?

Yes.

3. Do TSRPs actively train prosecutors and police officers on drug-impaired driving prosecution and courtroom testimony?

Yes. There is a specific drug-impaired driving course.

4. Do TSRPs provide updates to prosecutors and in-depth analysis of legal issues related to drug-impaired driving?

Yes. On a weekly basis.

5. Are there dedicated DWI prosecutors in the State?

Yes. However, they are limited.

6. Are you able to maintain an adequate number of trained DWI prosecutors? Do they remain in their position once trained? If retention is low, why?

Not enough. We train about 90% of incoming prosecutors within one year of hire, including training on drug-impaired driving. The average prosecutor retention is 3 years but that number is going down due to workload, pay compensation, and public perception. There are also fewer graduating lawyers and worsening economic conditions which is leading to more open positions.

7. If applicable, are others responsible for prosecuting DWI cases (e.g., law enforcement) properly trained?
No.
8. Are prosecutors kept informed of pretrial monitoring of offenders? Are they provided with information regarding compliance with bond-release conditions?
Yes. TDCOA provides prosecutors with a DWI investigator prosecution manual.
9. Are prosecutors in your State supportive of and attend Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training?
Yes.
10. Does your State provide State-specific primers, tools and resources about DWI for new prosecutors to strengthen DWI prosecutor knowledge?
Yes. TDCOA provides a variety of publications and resources about DWI.
11. Are prosecutors in your State informed of and utilize national prosecutor tools and resources?
Yes.
12. Are TSRPs actively involved in State DWI task forces and impaired driving meetings to encourage sharing of information with prosecutors?
Yes.
13. Are TSRPs coordinating with local prosecutors and Prosecutor Coordinator's Offices to share best practices?
Yes. Via the DWI Prosecutors Task Force.
14. Are prosecutors consulting with DREs and toxicologists pretrial to prepare for drug-impaired driving cases?
Yes.
15. Are prosecutors tracking the reasons drug-impaired driving cases are not prosecuted and why?
Individual offices might but there is no public data available.
16. Is a system in place for prosecutors to notify the State toxicology lab of cases that are pleaded down or are not charged? What happens to those samples?
Not currently. However, prosecutors and DPS laboratories are working on making it systematic and comprehensive.
17. Are there data tracking capabilities included in the case charging system used by the prosecutor's office (e.g., number of drug impaired driving cases charged, number of combination alcohol/drug cases charged)?
No. All DWI charges are filed alleging intoxication, a term that includes alcohol, dangerous drugs, controlled substances, and any other substances. Further defining of these charges is not required or recommended under state law.
18. Are there policies in your State that inhibit the prosecution of cases (e.g., if waiting for toxicology results, 12 steps of DRE evaluation were not conducted, etc.)?
No. Prosecution of drugged driving cases can occur without DRE or toxicology lab results. However, drugged driving cases without that evidence are much harder to successfully prosecute.
19. Are prosecutors aware of case law concerning drug-impaired driving in the State and how this may affect courtroom testimony?
Yes.
20. Do the conditions of probation limit drug-impaired driving risk through the duration of supervision?
Yes. The courts have discretion to impose conditions, such as mandatory assessment and treatment, drug testing, no driving, etc., that limit the risk of drug-impaired driving.
21. When offenders violate probation, can prosecutors make recommendations?
Yes.

SECTION 3: JUDICIARY

1. Does your State have a Judicial Outreach Liaison (JOL) providing continuing education to judges on highway safety issues? If not, why?
Yes.

2. **Are JOLs actively involved in State DWI task forces and impaired driving meetings to encourage sharing of information with judges in the State?**
Yes.
3. **Does the Judiciary in your State have established guidelines or standards for the prompt adjudication of impaired driving cases to ensure appropriate services and monitoring of offenders are provided if needed?**
No. There is no controlled authority over the courts.
4. **What is the approximate time from arrest to adjudication of impaired driving cases in your State?**
This is dependent on the means of resolution and jurisdiction.
5. **Do you have an expedited warrant system (e.g., fax, telephone, electronic) to increase efficiency and allow for timely collection of evidence? If so, what percentage of courts have expedited systems and do judges support them?**
The majority of jurisdictions do have an expedited warrant system (about 80%). Judges are in support of expedited warrant systems.
6. **How many DWI Treatment Courts are in operation in your State? Do they include drug-impaired driving offenders?**
Approximately 30. They include drug-driving offenders.
7. **Are JOLs providing continuing education to judges on highway safety issues?**
Yes.
8. **Are Judges provided information on evidence-based sentencing practices in impaired driving cases?**
Yes.
9. **Do courts in your State allow for remote testimony from toxicologists and other witnesses?**
Yes.
10. **Is there a protocol in your State for a presentence evaluation and assessment of convicted drug-impaired drivers? If yes, is the protocol used and are there sufficient resources?**
Yes.
11. **Are there procedures in place for the Court to monitor post-sentence supervision and compliance? If so, who maintains that information?**
Yes. Community supervision, who is supervised by judiciary, monitors and maintains information on post-sentence supervision and compliance.
12. **Does your State allow for the imposition of graduated sanctions by probation for violations, without judicial intervention?**
Yes.
13. **Are there diversion programs for drug-impaired driving offenders? If so, are there guidelines on how they are operated across the State? What records are maintained of cases handled in the diversion program to aid in the prevention of repeat offenses?**
Yes, there are diversion programs for drug-impaired driving offenders. There are no guidelines on how they are operated across the State. The records maintained varies depending on the court.
14. **Are there diversion programs for underage drug-impaired driving offenders? If so, are there guidelines on how they are operated across the state? What records are maintained of cases handled in the diversion program to aid in the prevention of repeat offenses?**
There are diversion programs for underage drug-impaired driving offenders. There are no guidelines on how they are operated across the State. The records maintained varies depending on the court.
15. **Has the Judiciary in your State developed a Bench Book that contains case law and specific information pertinent to drug-impaired driving in the State?**
Yes.
16. **Does the criminal justice system in your State have protocols or procedures in place to facilitate and allow treatment interventions as part of pretrial release conditions?**
Yes.
17. **What are typical pretrial release conditions imposed by the courts in drug-impaired driving cases? Is this discretionary or prescribed by statute (e.g., no driving, no use of drugs, etc.)?**

Typical pretrial release conditions imposed by the courts includes, but is not limited to, ignition interlocks, abstinence, curfews, driver's license suspension, and assessment/treatment. Some are discretionary and some are prescribed by statute.

18. Is there coordination among agencies to track offender completion of treatment?

Yes.

19. What mechanism is in place to adjust a treatment plan when appropriate?

Reassessment and monitoring

20. What mechanism is in place to ensure community supervision conditions are being followed?

Community supervision is directly reported to sentencing judge.

SECTION 4: COMMUNITY SUPERVISION

(Additional responses forthcoming)

1. If an individual is required to install an ignition interlock device (or other technology), how are violations reported to community supervision?

Interlock companies are statutorily required to send the reports to the monitoring authority. Electronic reports are sent to the monitoring authority directly from the interlock provider(s). The monitoring authority depends on the county. Some counties are standard. In other counties, the interlock company manually finds the monitoring authority.

2. Do pretrial conditions include the following for DWI offenders: treatment, ignition interlock devices, drug testing, alcohol testing and/or 24/7 monitoring?

Anecdotally, many courts that offer pretrial diversion programs include ignition interlocks and alcohol/drug testing as a part of the conditions. However, this varies by the individual courts that offer the program, and as such, is entirely discretionary. To alleviate the lack of consistency across courts, Texas brought deferred adjudication back to DWIs in 2019. As a part of the deferred adjudication program, ignition interlock devices are required. Many times, terms of probation are added to deferred, which might include additional conditions, but it is discretionary by the judge.

SECTION 5: TOXICOLOGY

1. Do you have more than one laboratory in your State that performs drug-impaired driving testing? If so, are they performing different testing or is there uniformity (e.g., cutoff thresholds for drugs and testing for the same drugs)?

No. DPS only performs drug toxicology in our Austin laboratory.

2. Are the labs in your State familiar with the publication "Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities (2017 Update)"? If the labs in your State are aware of the 2017 publication, are they following the recommended guidelines for Tier 1 drugs? If your lab is aware of the 2017 publication, however, they are not able to meet Tier 1 recommendations please explain why.

Not for all drugs but for most. Existing methodology and resources doesn't allow for DPS to meet all requirements yet.

3. How many toxicologists are staffed at each lab? How many samples are received by the lab(s) each year?

17 drug toxicologist- approximately 8,000 drug-impaired driving tox cases per year (alcohol cases are not included)

4. Do you have to send samples out of State in order to complete testing?

No.

5. Does your laboratory make an administrative decision to stop testing if a BAC result is at or above a certain concentration?

Yes. Greater than or equal to .100 g/dL then no drug tox analysis unless it is a non-traffic offense (e.g., death investigation or drug-facilitated sexual assault) or is a traffic incident that involves a deceased victim and living suspect.

6. Is the drug testing scope limited by the type of drug found (e.g., if an illicit substance is found, all remaining testing is canceled)?

No.

7. **Are drug-impaired driving and fatal crash cases subjected to the same testing?**
Yes.
8. **Which of the following biological matrices are used in your State: blood, urine, oral fluid?**
Blood—impaired driving and DFSA alcohol; Urine for DFSA cases only.
9. **Are there laws which might prevent a change in testing protocols or is the lab able to make testing and reporting decisions?**
No.
10. **What are the issues and barriers in your State preventing the collection of blood, urine, oral fluid or breath? Are there adequate funds available to test all impaired driving cases for drugs?**
Oral fluid is not currently used in this state. There are not adequate resources to test all impaired driving cases for drugs. We receive approximately 35,000 blood alcohol and 30,000 breath alcohol cases per year. Of the 35,000 blood alcohol cases, about 25% are analyzed for drug tox. We currently have 9,500 cases awaiting analysis.
11. **Is all toxicology data shared with the State FARS Analyst?**
Not directly from our laboratory.
12. **Is there a sharing of information within your State among toxicology labs, coroner's office and medical examiner's office?**
Yes, but only through individuals, not a database.
13. **Is there a central repository in your State for coroner and medical examiner data?**
No.
14. **Who in your State handles post-mortem toxicology testing and is data shared with the State?**
County medical examiner offices
15. **Is expert witness training provided to toxicologists in the State to be able to present understandable toxicology results and what can be said about drug presence on the witness stand?**
Training is provided as part of an analyst initial training. We are in the process of partnering with a university to assist us with mock trial training for our toxicologists. Technical review and surveys are performed for each analyst who testifies within the year.
16. **What instrumentation is in use in the State for BAC and drug testing? Does the current instrumentation meet the needs to test for the drugs listed in Tier 1 of the Recommendation publication?**
BAC: GC-FID Tox Drugs: EMIT, GCMS, LCMS. We are in the process of transitioning to new instrumentation that will allow us to adopt the Tier 1 recommendations. Those instruments include ELISA and QTOF.
17. **How long does it take for toxicology results to be analyzed?**
The time varies based on the number of drugs to confirm in a sample. Most samples contain 2-3 drugs that require confirmation. Our average pending case age of 315 days.
18. **What is the average turnaround time for drug testing? What are the factors involved in your lab's turnaround time?**
Our average pending case age is around 315 days. The average turnaround time for a case is lengthy due to amount of backlogged cases still awaiting analysis.
19. **Is/are the toxicology lab(s) located in a central location allowing for expert witness travel for court room testimony?**
Yes, our Tox laboratory is located in the central part of the state of Texas and serves the entire state which results in a lot of analysts time spent outside the laboratory. There is a statute that allows for video testimony by forensic analysts, but it is rarely used because there is a stipulation that the prosecutor and defense must agree.
20. **Does your State incur additional costs for toxicology expert witness fees?**
Our testimony and services are funded through legislative appropriation and is provided to the entire state free of charge.
21. **How many times per year does your lab testify?**
More than 100 times per year.

SECTION 6: TREATMENT

1. **Do drug-impaired driving offenders in your State receive an evidence-based comprehensive addiction and mental health evaluation by a licensed counselor, other alcohol/drug treatment professional or by a probation officer?**

Drug impaired driving offenders are only evaluated when they are incarcerated post-conviction or as part of sentencing. Rarely if ever are they evaluated before trial. Sadly, not everyone is afforded the opportunity to go through a treatment or rehabilitation program. Less than 60% have the opportunity and many just serve their time out which does nothing to help rehabilitate or address future recidivism.

2. **Does your State have communication and coordination between treatment, community supervision, the driver licensing agency and the courts?**

Yes. Especially post-conviction. There is adequate communication and coordination between treatment facilities, the courts, driver licensing, and community supervision where the individual is part of a treatment plan or program.

3. **Does the State Highway Safety Office have a partnership with the State's Substance Abuse (SSA) authority and with treatment professionals within the State?**

I have not heard of this. No participation with DOT or with other transportation administrations.

4. **Are records shared across treatment providers? Is data captured and analyzed on the number of offenders that complete treatment?**

No. I don't see this happening. Most records are sealed as part of their conviction, sentencing, and community supervision oversight.

5. **Is there monitoring and oversight of the various treatment providers in the State?**

DSHS does provide oversight of state treatment programs.

6. **Are offenders able to use multiple treatment facilities or shop around? Are there any restrictions in the State limiting this practice?**

They are restricted to facilities that have been trained to meet specified treatment requirements. Offenders are allowed to transfer to other facilities as long as it is not specified in the court orders to attend a certain facility. If ordered, the patient must stay with the same treatment facility. There is no restriction for the amount of times a person may transfer to different facilities. If court ordered, the transfer must be reported to community service representative and also to the court. This is especially true for those ordered into or that are participating in a drug court.

7. **If a person transfers to another treatment facility, is there a transfer of records or communication between treatment providers? How many transfers are allowed? Is the transfer reported to community supervision or the courts?**

Records can be transmitted from one facility to another to ensure proper treatment and to inform others about that treatment. However, it can get a bit complex when HIPPA rules limit what can be sent or viewed by others (with and without consent). If treatment is court ordered it is a bit easier to share patient information. Treatment can be indefinite, no limit. Must be reported back to community supervision and courts who ordered.

8. **Are sufficient monitoring practices in place to ensure treatment is completed?**

Yes. Most of times treatment patients are admitted into half way houses and they are randomly tested to ensure compliance with sobriety, measure program effectiveness, and ensure no relapses.

9. **Is individualized treatment matched to an offender's assessment need? What is the method to match and are services available?**

Yes. The standard ASI assessment is used to screen. Individual treatment plans address the needs of each individual patient involved in treatment.

10. **Are there incentives for offenders to complete treatment and sanctions if they do not complete their program?**

Depends on the court. Some are rendered to jail facilities for specific periods of time. More traditional prison time could be added or they would not be released early if they did not complete the program. State jail is concrete and not flexible.

11. To what extent is there discretion for treatment to report violations? Are there rules in place regarding violation reporting?

Reporting is done in compliance with staying clean or for violations of treatment plan. These include reporting in environments of non-participation, non-compliance etc.

12. Are there adequate recovery programs available for those who have completed treatment?

There are not enough programs available for the number of persons who need to go to treatment facilities. There are safehouses/halfway houses but not all are favorable as we would think they are. One example is that the halfway house is supported through work jobs for those who stay there. One person was sent to work at the Astros ballpark in Houston but was required to work selling alcohol. This triggered his addiction and he violated that same afternoon. Must be vigilant on how we place treatment patients into work conditions that don't trigger reoffending.

SECTION 7: EMERGENCY MEDICAL SERVICES

(Additional responses forthcoming)

1. Does your State have a National Emergency Medical Services Information System (NEMSIS) Version 3 State database that is used to help measure and analyze traffic crash incidents to inform impaired driving programs and projects?
2. Are your State's EMS personnel trained on recognizing an opioid overdose and knowledgeable in administering opioid antagonists such as naloxone?
3. Are your State's EMS practitioners required to have naloxone stocked and readily available in their patient care bags or their units/apparatus?
4. Does your State conduct training for emergency department personnel on identifying or tracking patients who are drug-impaired? Are emergency department personnel aware of the programs to identify drug-impaired drivers?
5. Are the risks associated with drug-impaired driving discussed with patients?
6. Are State and local EMS leaders active members or participants in impaired driving meetings, task forces and committees?
In some cases, local EMS Providers but in general I would say no.
7. Have your State's traffic safety leaders communicated with EMS leaders on the importance and effectiveness of enforcement on reducing traffic crash injuries and fatalities?
Generally, I would say yes. The main focus has been around the usage of red lights and sirens on ambulances when responding to a dispatch
8. Are there guidelines that determine who can be trained as a Phlebotomist?
9. Is there a standard curriculum for the training of a Phlebotomist?
10. How is the blood collected and what are the barriers?

SECTION 8: DATA

(Responses forthcoming)

SECTION 9: LEGISLATION

(Responses forthcoming)

SECTION 10: PROGRAM AND COMMUNICATION

1. Does your State have a DWI task force? If so, does representation on the DWI task force include representatives from all areas of the criminal justice and drug-impaired driving program (e.g., law enforcement, prosecution, judiciary, EMS, community supervision, treatment, toxicology, communications, etc.)?
Yes.
2. Does your State have a comprehensive communications strategy including earned, paid and social media for public outreach and awareness that drugs can impair driving skills and of the dangers of drug-impaired driving and the signs of impairment?
Yes. But not specifically targeting drugs other than alcohol. We have a comprehensive strategy for alcohol-related impaired driving, including a paid media campaign (billboards, bars/restaurants, digital

ads, social media, broadcast TV and radio), outreach events, public relations efforts, etc. Funding doesn't permit specific drug communication strategies.

3. Are messages and outreach materials coordinated among partner agencies?

Yes. We partner with TSSs, statewide partners, LE, public information offices, universities, and other education programs (Example: U in the Driver Seat).

4. Are your State and local law enforcement agencies participating in high-visibility enforcement mobilizations and incorporating drug-impaired driving enforcement?

Yes, but only alcohol.



May 22, 2023

To Whom it May Concern:

The Texas Department of Transportation (TxDOT) and the Governor's Office requested the assistance of the Texas Impaired Driving Task Force (TxIDTF) to complete the National Highway Traffic Safety Administration's (NHTSA) Drug-Impaired Driving Criminal Justice Evaluation Tool. The TxIDTF is comprised of many traffic safety stakeholders. In reviewing the request at the February 23, 2023 task force meeting, it was acknowledged that the evaluation tool did not include questions that are relevant to the prevention and education stakeholders. We respectfully request the consideration of the strategies these stakeholders employ to prevent incidents of drug-impaired driving on Texas roadways.

Please find below the strategies and programs that work to reduce drug-impaired driving on Texas roadways:

- Mothers Against Drunk Driving (MADD) conducts prevention programs in K-12 schools, as well as college and university campuses. They also employ the use of social media campaigns to reach the public. Topics covered include drunk and drugged driving prevention, THC, opioids, and mental health. Additionally, Victim Impact Panel speakers address drug-impaired driving and polysubstance use during their programs.
- The Youth Transportation Safety Program at Texas A&M Transportation Institute covers topics on drugs other than alcohol for both high school and college-aged students. They also employ social media campaigns, specific to drugged driving, to further the reach of their messages.
- Safeway Driving School works to educate students in high school and college (up to age 25). Their driver's education curriculum contains a section on alcohol and other drug use, as it relates to traffic safety.
- National Safety Council develops and delivers evidence-based training for employers on substance misuse and the impact to the workplace – in the programs Our Driving Concern (ODC) and Drug Impairment Training for Texas Employers (DITTE). The education programs focus on the risks and costs associated with impaired driving, promotion of substance use and misuse policies, including impaired driving. All programming is customized with Texas data and resources are deployed according to the TxDOT identified priority areas outlined in the highway safety plan.
- The Center for Alcohol and Drug Education Center at the Texas A&M Transportation Institute manages a program, through TxDOT, called Essential Education on Marijuana. This training is delivered in a train-the-trainer format and encourages participants to educate members of communities with the developed curriculum to curb marijuana-impaired driving.
- The Travis County Underage Drinking Prevention Program (TCUDPP) provides presentations and information booths on the legal and social consequences of underage drinking/DWI/DUI to youth and their parents/guardians. The program utilizes social media to amplify TxDOT and federal traffic safety campaigns. The program also collaborates with law enforcement and Spanish speaking law enforcement to provide targeted and culturally responsive presentations.
- AAA Texas conducts a prevention program aimed at pre-permit teen drivers and their parents/guardians. The workshop includes information on alcohol- and drug-impaired driving



prevention. AAA Texas also conducts variations of this workshop in schools for students in middle and high school, as well as colleges and universities.

- Texans for Safe and Drug-Free Youth (TxSDY, formerly known as Texans Standing Tall) works to engage and connect community and non-profit organizations, state and local governments, schools, law enforcement, and families across the state. The organization has a long history of training, research, and civic engagement and serves as the leading authority in Texas on evidence-based population level approaches that prevent underage alcohol, tobacco, and other drug use. Strategies include educating communities on the importance of raising alcohol excise taxes, holding adults and retailers accountable for providing youth alcohol, and training law enforcement in Controlled Party Dispersal techniques.
- The Region 6 Education Service Center (ESC) has been providing professional development training to Texas driver education instructors for over 15 years. This four-hour training is required and approved by TDLR and meets the state industry standard requirements for keeping an instructor license renewed annually.
- Texas A&M AgriLife Extension Watch UR BAC project educates students, faculty and staff, parents, and community members on the dangers of vaping, underage drinking prevention strategies, impaired driving, marijuana, and other drugs. Education is done through a short presentation followed up with hands-on activities.
- The Texas Municipal Police Association (TMPA) provides training to school nurses, administrators, counselors, and school-based law enforcement utilizing the International Association of Chiefs of Police (IACP) developed course "Drug Impairment Training for Educational Professionals" (DITEP). The primary goal is to provide school personnel the tools they need to properly identify students who are using or impaired on drugs and other substances for the purpose of ensuring a safe learning environment. As a secondary goal, the training is meant to assist school personnel in preventing impaired students from driving to and from the school campus.

Collaboration among these stakeholder groups assists in educating and creating positive change across Texas. Similar to the communications stakeholder group, prevention and education professionals work to promote the well-being and responsible choices of the public. The work in prevention and education is extremely valuable from the perspective that they include foundational guidance to youth. If young people make the positive choice to not consume substances, or choose to not drive after doing so, this work will prevent them from becoming involved in the criminal justice system all together. Additionally, stakeholders continue to educate adults through workplace environments and reinforce messaging through their employers. These are the reasons we feel it is important to include prevention and education as part of the NHTSA Drug-Impaired Driving Criminal Justice Evaluation Tool. We respectfully request that questions be developed and included in this tool for future respondents. We sincerely thank you for the consideration of our response.



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APPENDIX B: SIGNATURES OF APPROVAL

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6/8/2023

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Trevis Beckworth
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6/8/2023

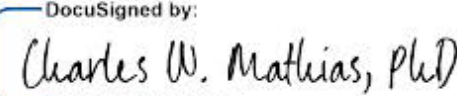
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6/1/2023

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6/7/2023

Ronald Swenson
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6/6/2023

Honorable Laura Weiser
Judicial Resource Liaison
Texas Center for the Judiciary