The Changing Landscape of Impaired Driving

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OBJECTIVES

- Identify the factors that have influenced the increase in impaired driving fatalities
- Identify research-based strategies that are effective in the supervision of impaired drivers
- Identify drug/alcohol testing strategies to maximize client accountability
- Identify the characteristics and profiles of impaired drivers and the criminogenic risk factors that increase their likelihood of recidivating

Where have we Been?

Where we are Today ……..

Boy, 4, Found in SUV With Adults Who Allegedly Passed Out on Heroin; Ohio Police Post Pics

Impaired Driving by The Numbers

- In 2019, there were 1,024,508 drivers arrested for DUI.
- An alcohol-impaired driving fatality occurs every **48 minutes**.
- In 2021, there were **13,384** alcohol-related traffic fatalities.
  - **This is a 14% increase over 2020**
- In 2018, the most frequently recorded BAC among drinking drivers in fatal crashes was **.16**
- **121 million** drunk driving episodes occurred in 2019.

Alcohol-Impaired-Driving Fatalities as a Percentage of Total Fatalities 2021

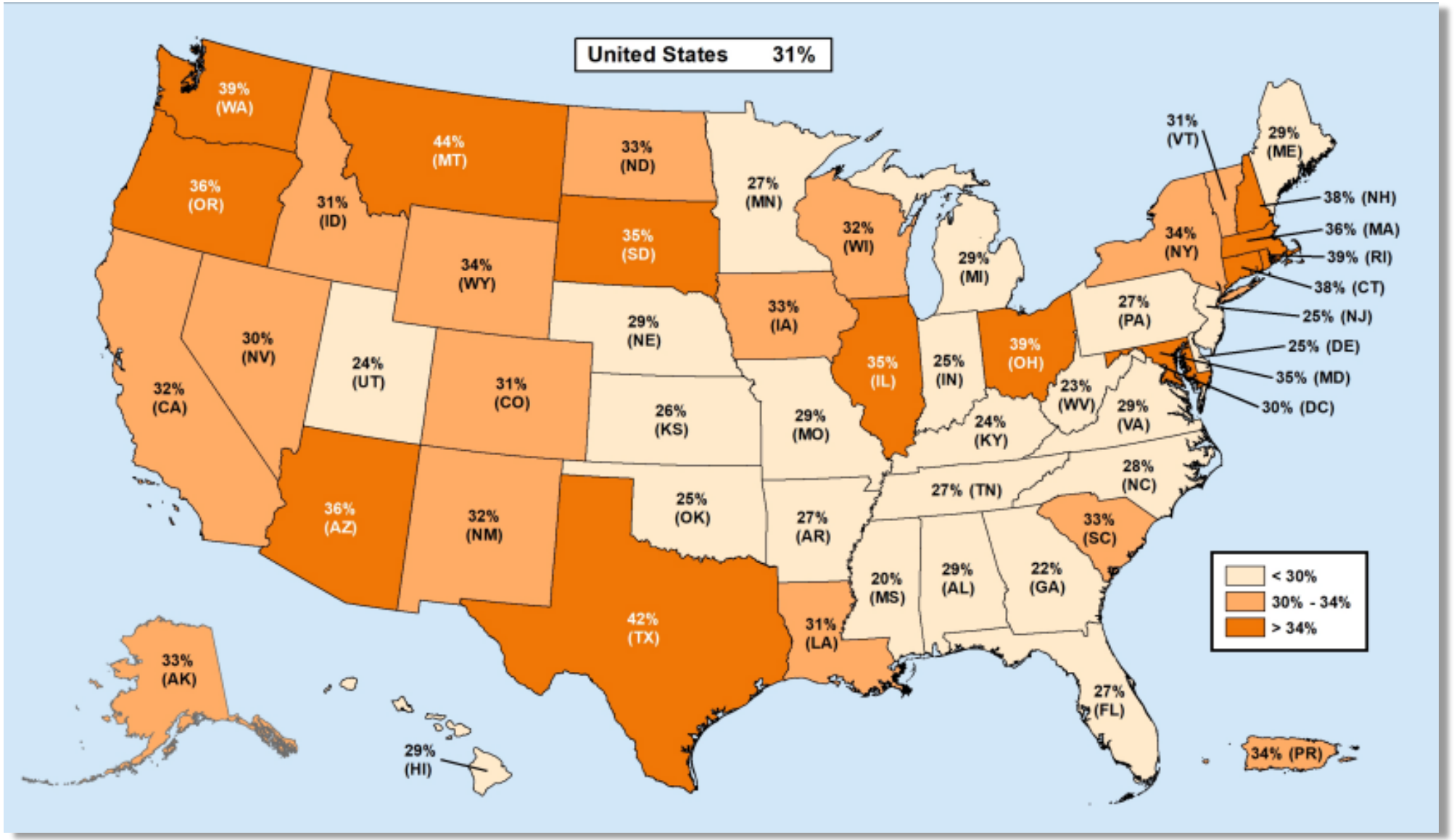


Table 1. Fatalities in Alcohol-Impaired-Driving Traffic Crashes, by Role, 2021

Role	Number	Percent
Alcohol-Impaired Drivers	8,089	60%
Passengers Riding With Alcohol-Impaired Drivers	1,603	12%
Subtotal	**9,692**	**72%**
Occupants of Other Vehicles	2,085	16%
Nonoccupants (pedestrians/pedalcyclists/other)	1,607	12%
Total Alcohol-Impaired-Driving Fatalities	**13,384**	**100%**

Source: FARS 2021 ARF

Notes: Percentages may not add up to 100 percent due to individual rounding. NHTSA estimates BACs when alcohol test results are

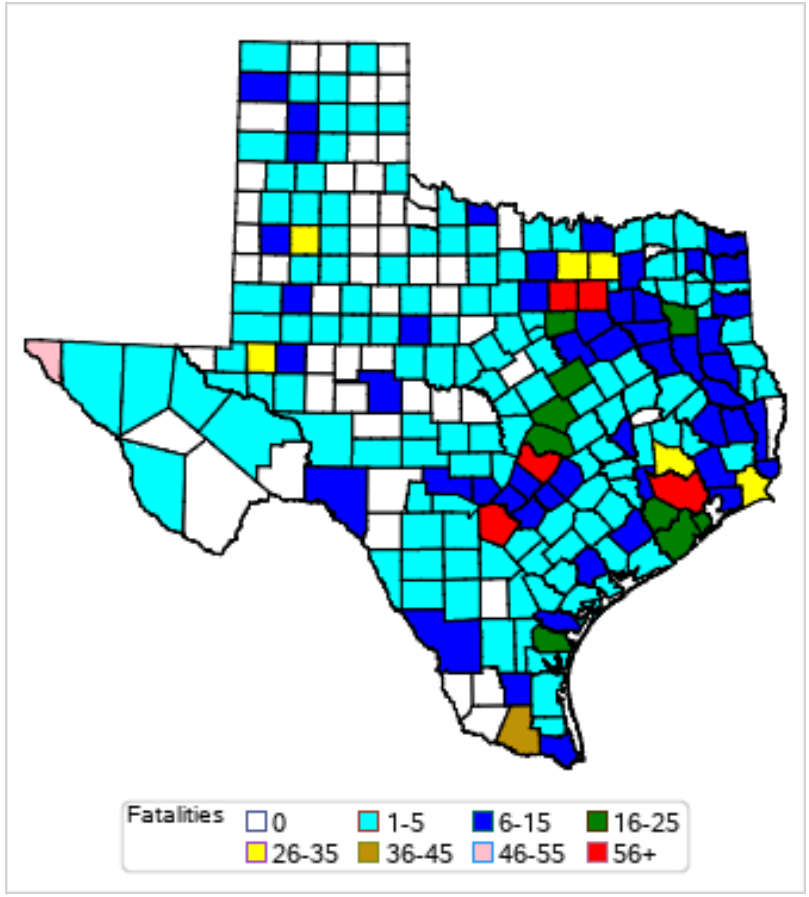
Texas DWI Arrests

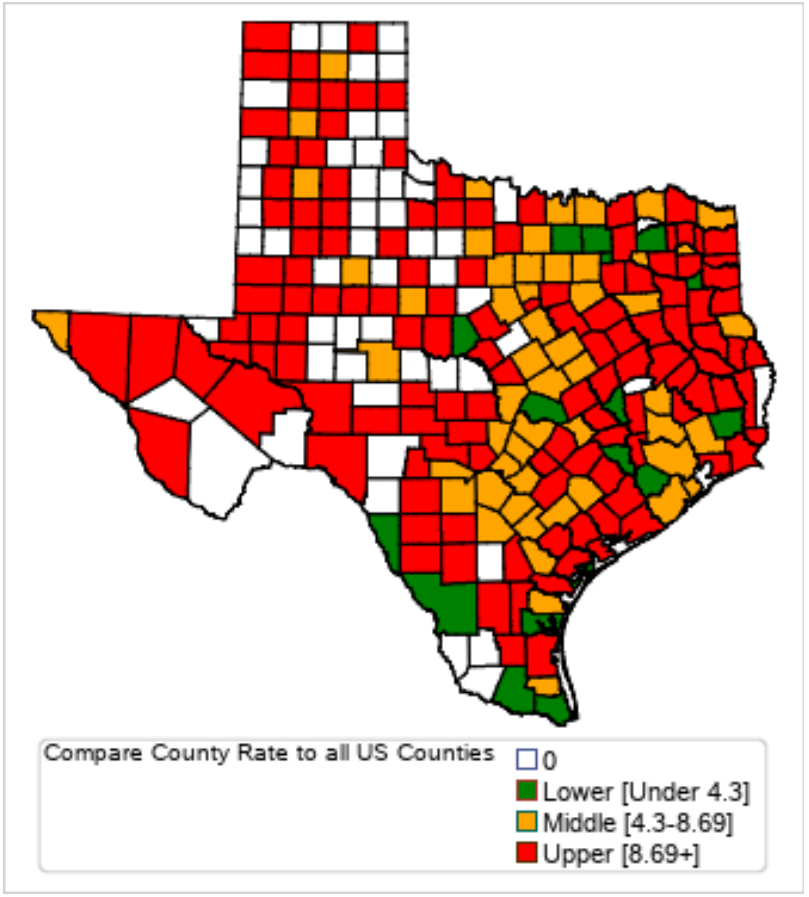
Impaired Driving Arrests (BAC=.08+)*	2018	2019	2020	2021	2022
	73,972	72,272	61,161	63,252	58,645

Texas DWI Fatalities

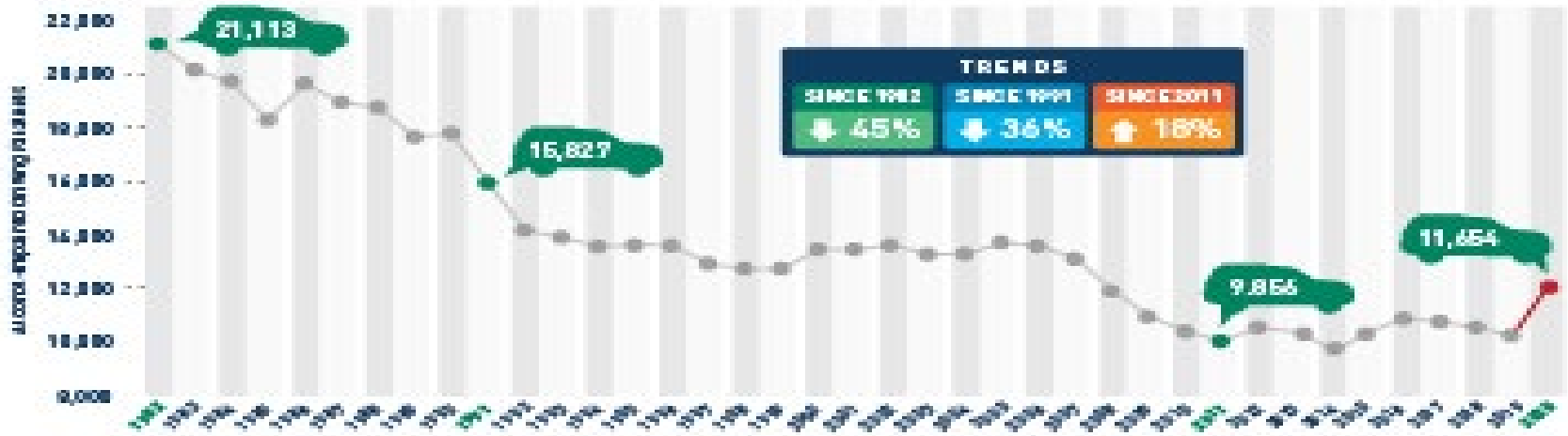
	2017	2018	2019	2020	2021
Alcohol-Impaired Driving Fatalities (BAC=.08+)*	1,463 (39%)	1,471 (40%)	1,338 (37%)	1,543 (40%)	1,906 (42%)

Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+) by County for 2021





Drunk Driving Deaths Increased 14% in 2020

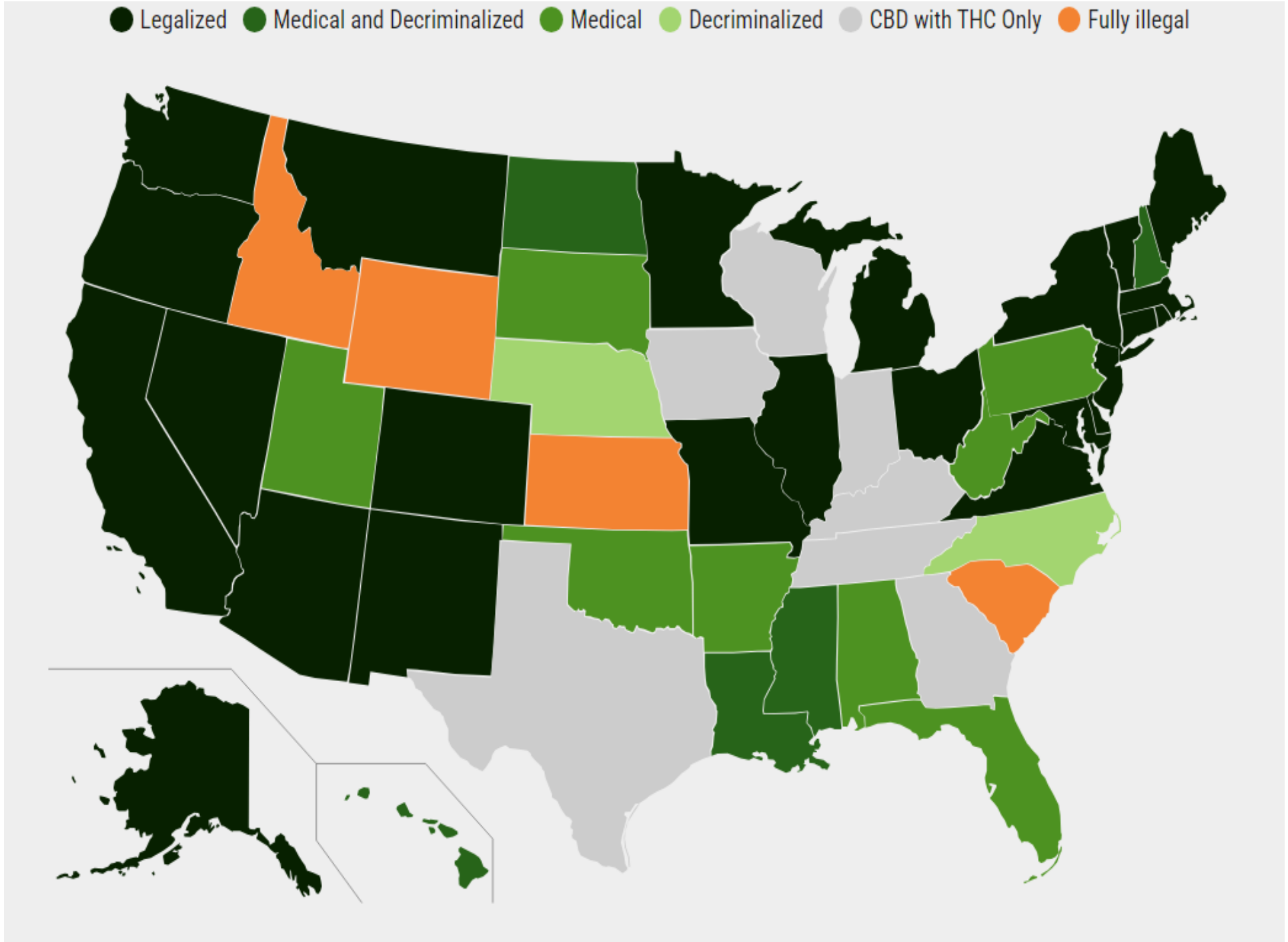


Together, we can end impaired driving, and it will take everyone and effective and proven solutions.

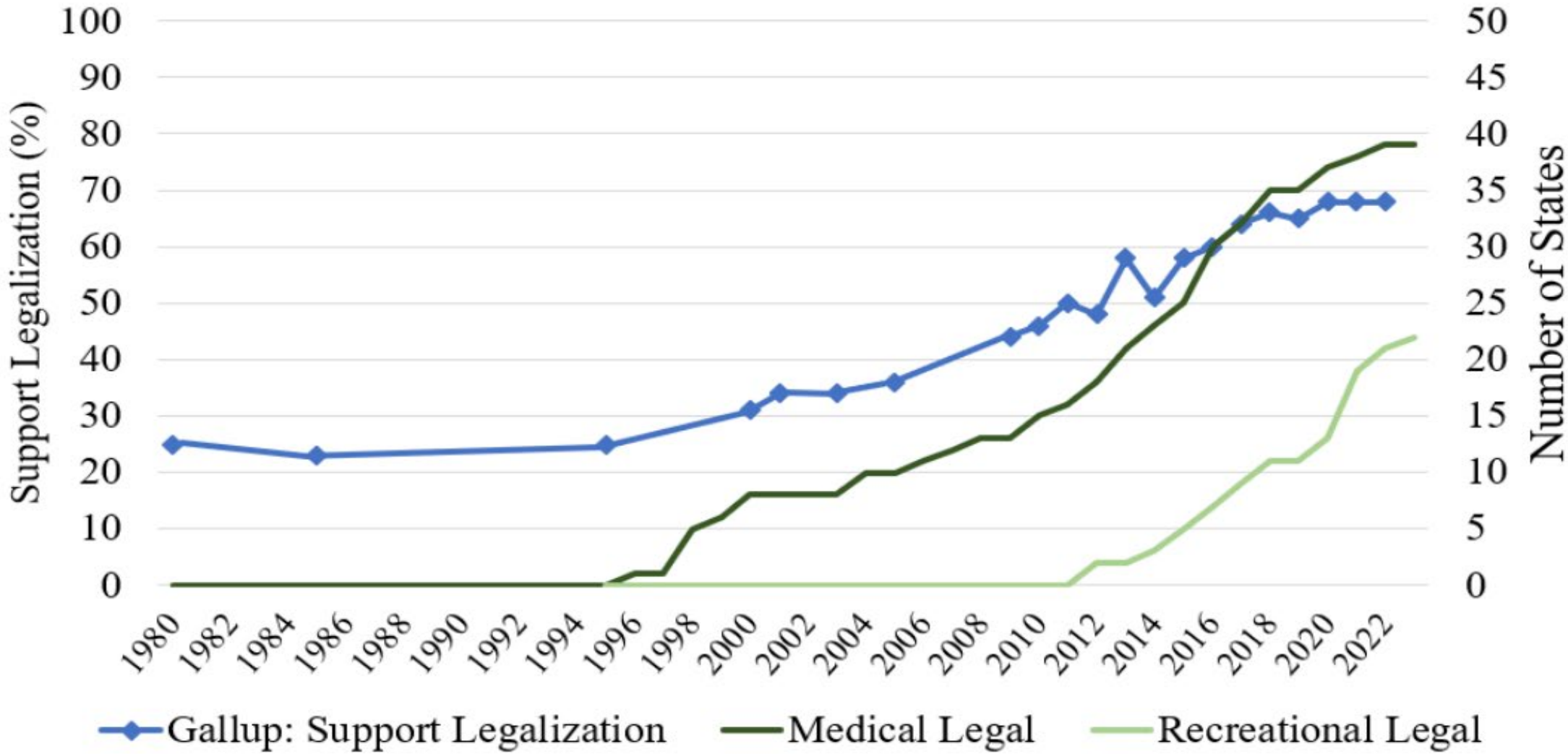
Why have we made progress?

- **Passage of laws to target multiple facets of the problem**
- **Sustained and high visibility enforcement efforts**
- **Identifying the countermeasures that work; evaluation and strengthening of programs**
- **Targeting high-risk offenders**
- **Assessment and treatment**
- **Public education and awareness**
- **Changing societal norms**

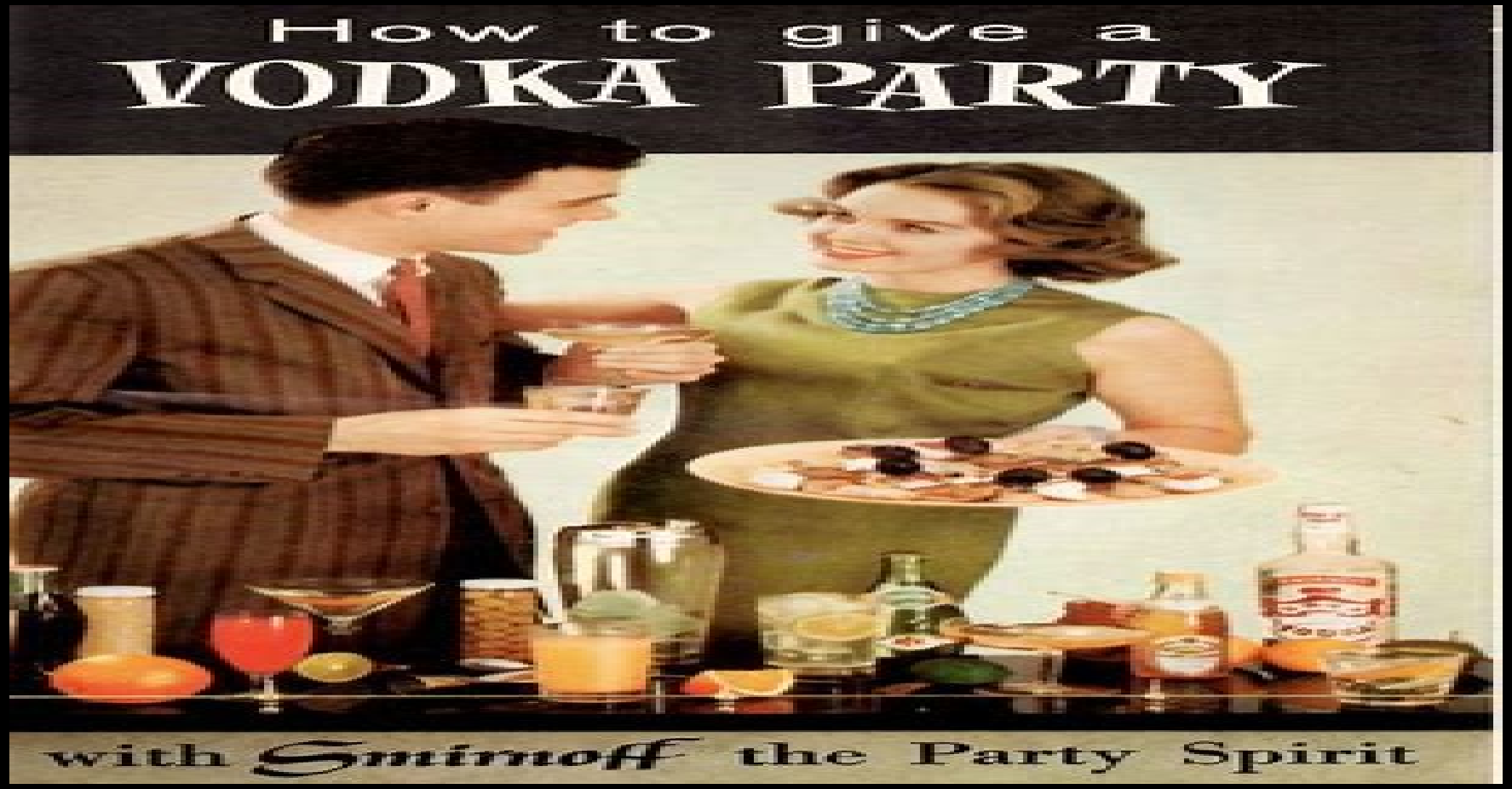
3,745.000 individuals under community supervision in 2021
15% of this probation population have been convicted of DWIs
8% of the probation population have been convicted of multiple DWIs
Approximately two thirds of individuals under community supervision are drug or alcohol involved


Legalized
Medical and Decriminalized
Medical
Decriminalized
CBD with THC Only
Fully illegal

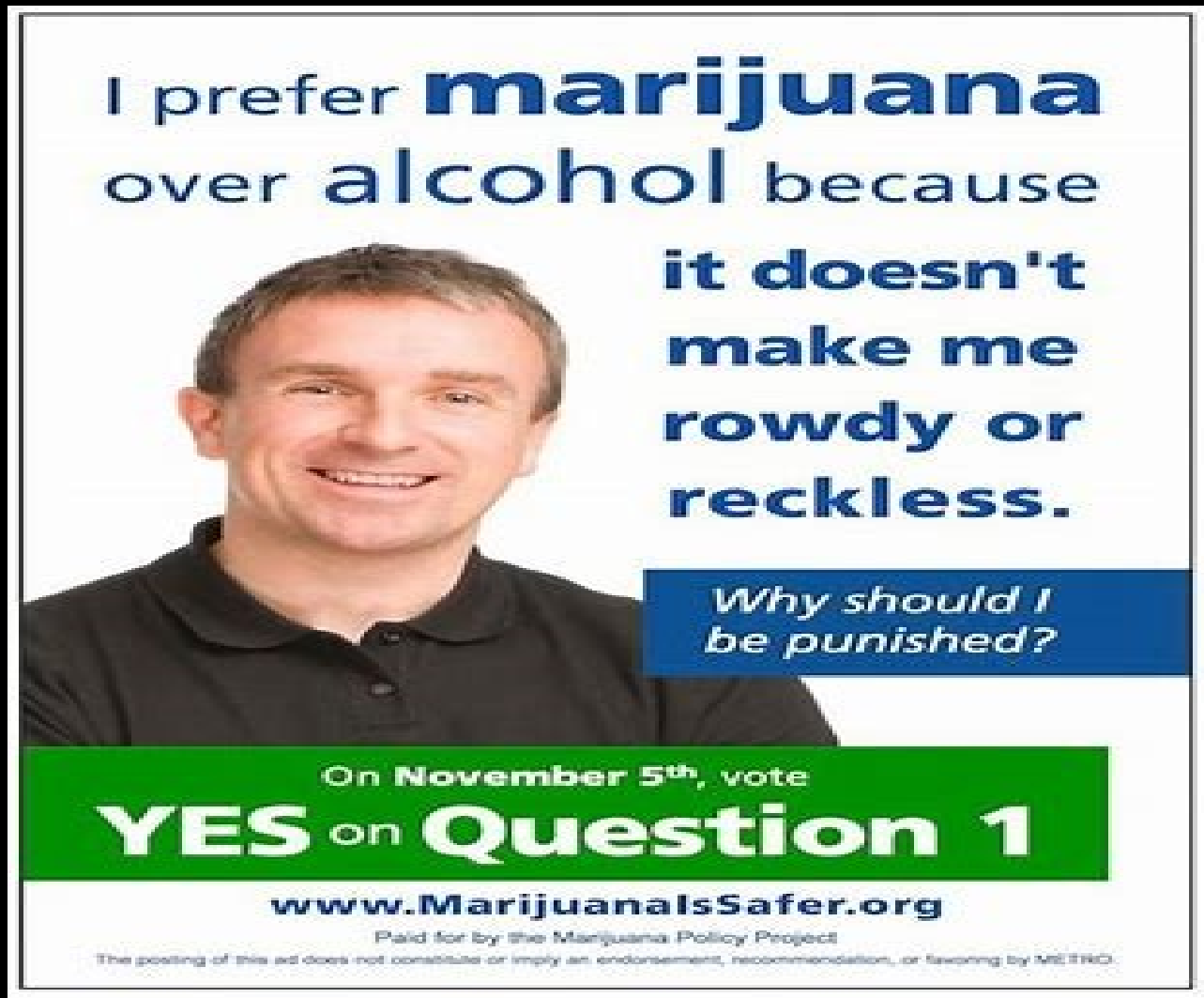
Cannabis Legalization 1980 - 2023



Where we were with alcohol in the 70's…..

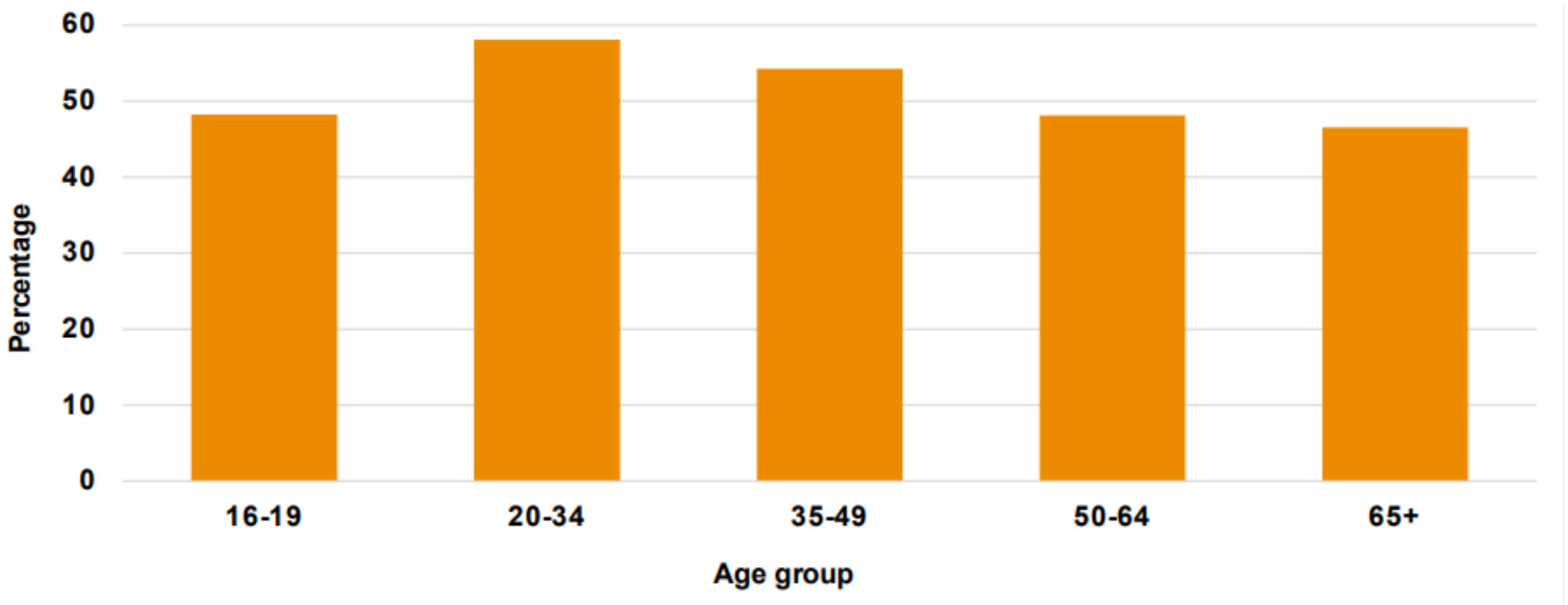


Is Where we are with marijuana today



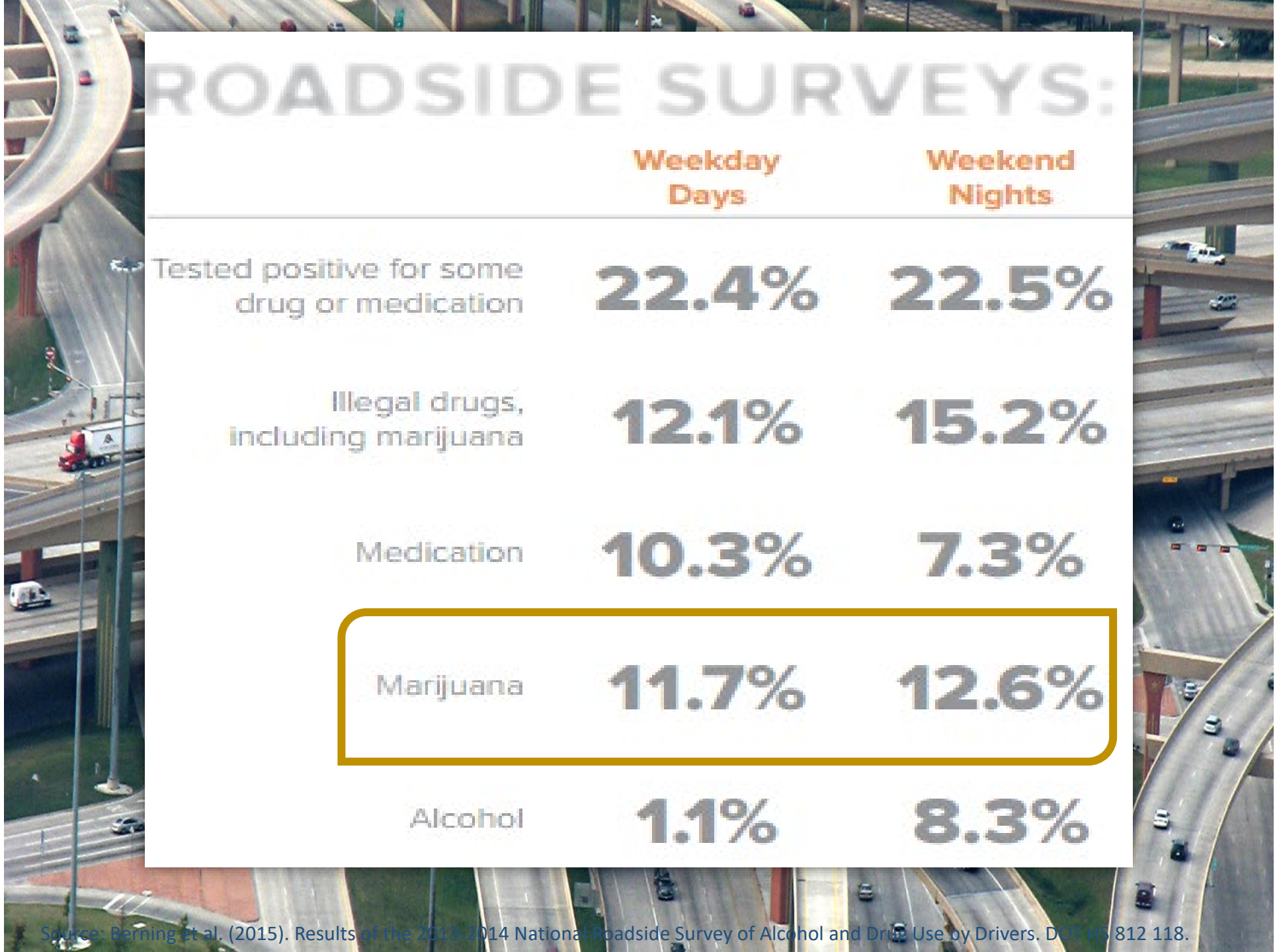
Seniors are the fastest demographic of MJ users in the country

Figure 5 | Percentage of fatally injured drivers who were positive for drugs by age group: Canada, 2016 - 2020



Baked goods and baked drivers
are a bad recipe.
TSA
IF YOU FEEL DIFFERENT
YOU DRIVE DIFFERENT

Weed Cops



ROADSIDE SURVEYS:

	Weekday Days	Weekend Nights
Tested positive for some drug or medication	22.4%	22.5%
Illegal drugs, including marijuana	12.1%	15.2%
Medication	10.3%	7.3%
Marijuana	11.7%	12.6%
Alcohol	1.1%	8.3%

Source: Berning et al. (2015). Results of the 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers. DOT HS 812 118.

And if that wasn't enough….

- One third of MJ users consume on a daily basis.
- 74% of Americans have access to legal marijuana
- 20% of MJ users account for 80% of product consumption.
- MJ prices have dropped by 50%

Toxicology Issues

- About half of the Toxicology Labs test for drugs if an individual has .10 BAC or higher……
- No clear evidence that MJ alone causes an increase in crashes

MJ and Other Drugs

Research—Other Drugs

- Medical/Recreational MJ reduces opioid use, no effect on ODs or deaths
- Medical/Recreational MJ reduces opioid prescriptions
- Medical/Recreational MJ increases combined alcohol/MJ use
- Medical/Recreational MJ no effect on alcohol sales
- Medical/Recreational MJ ? effect on other drugs

What changes are you seeing in Texas?

What does the problem look like in Texas?

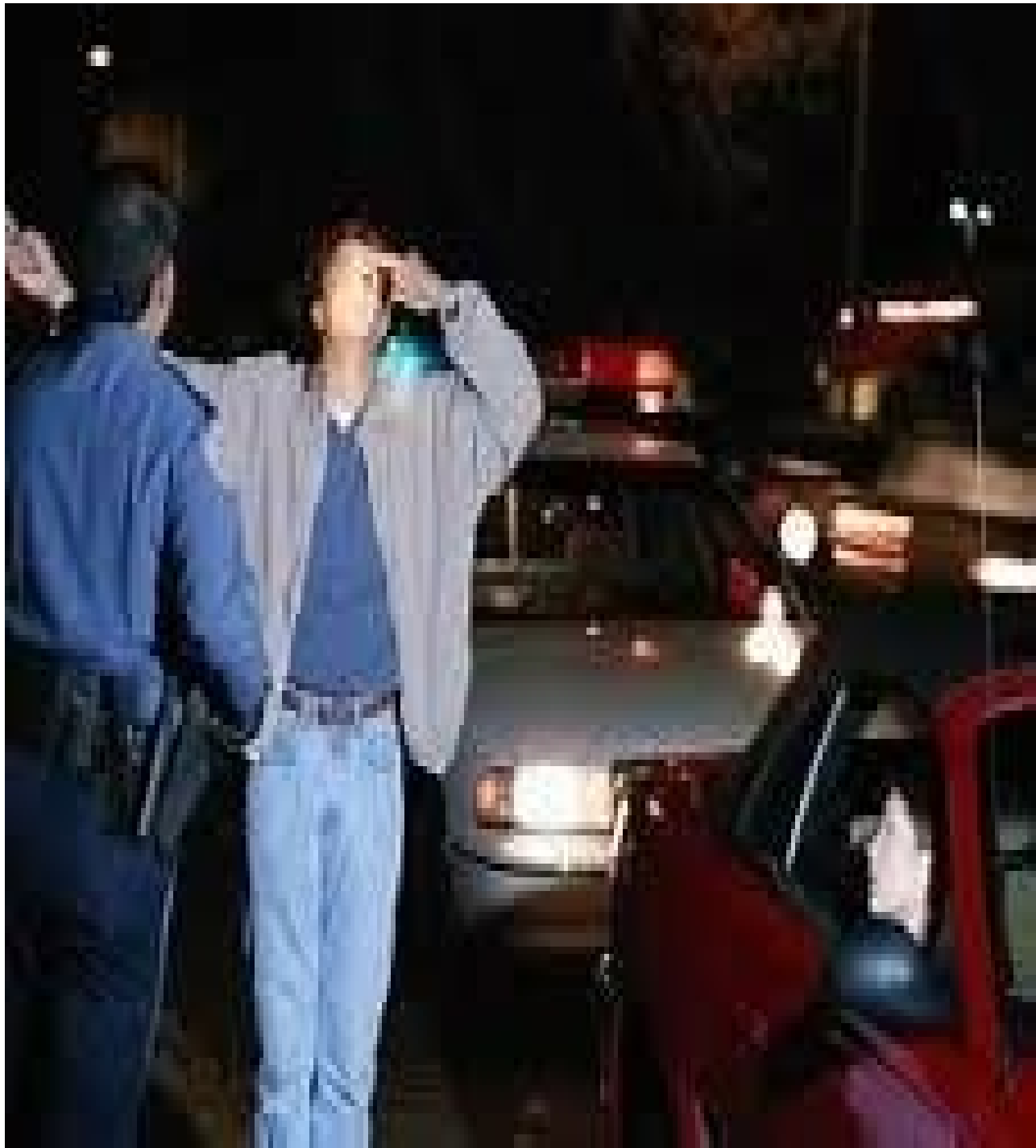
- **Assess your state's drugged driving issues**
  - What drugs are you most commonly seeing (fatal crashes, arrested drivers)?
  - Are there regional differences?
  - Are there high-risk segments of the population?
- **Collect baseline data**
  - Test more drivers for drugs
  - Track DUID and DUI separately in crash, arrest, court dat

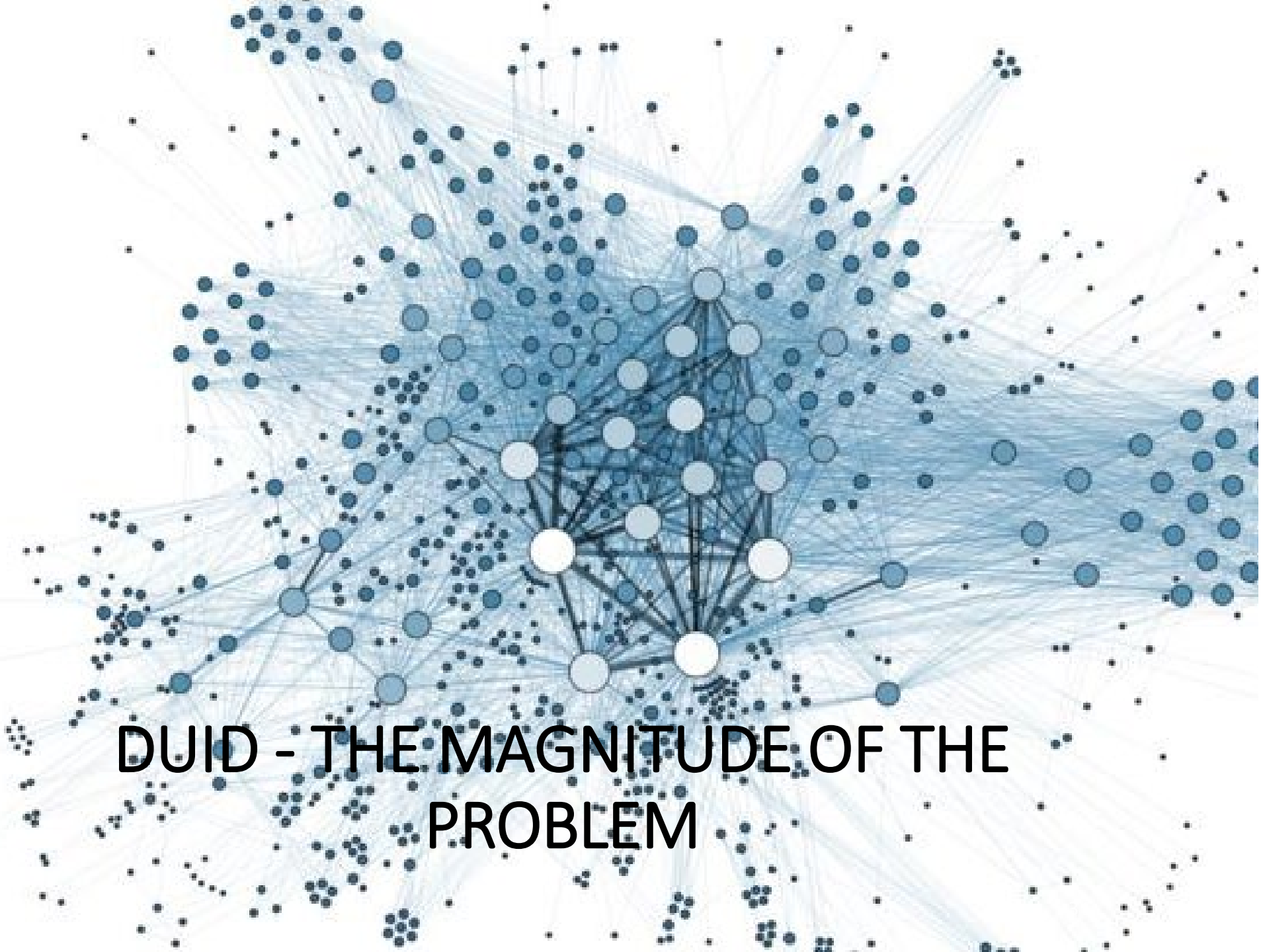
Law enforcement pull over a driver swerving on the roadway. The driver has the odor of alcohol on his breath. There is a small bag of what appeared to be marijuana on the passenger seat. When the driver exited his vehicle, officers found a prescription for Percocet on the driver seat. The driver is under the influence of-

- Marijuana
- Alcohol
- Percocet
- Beats the hell out of me

Traditional impaired driving enforcement

- **DUI is the *ONLY* crime where the investigation stops after obtaining a minimum amount of evidence.**
- Current protocols prevent drug testing once a suspect registers an illegal BAC.
- Implications:
  - » Hinders the ability to measure the true magnitude of the drug-impaired driving problem.
  - » Many DUI arrests are inaccurately attributed to alcohol alone.

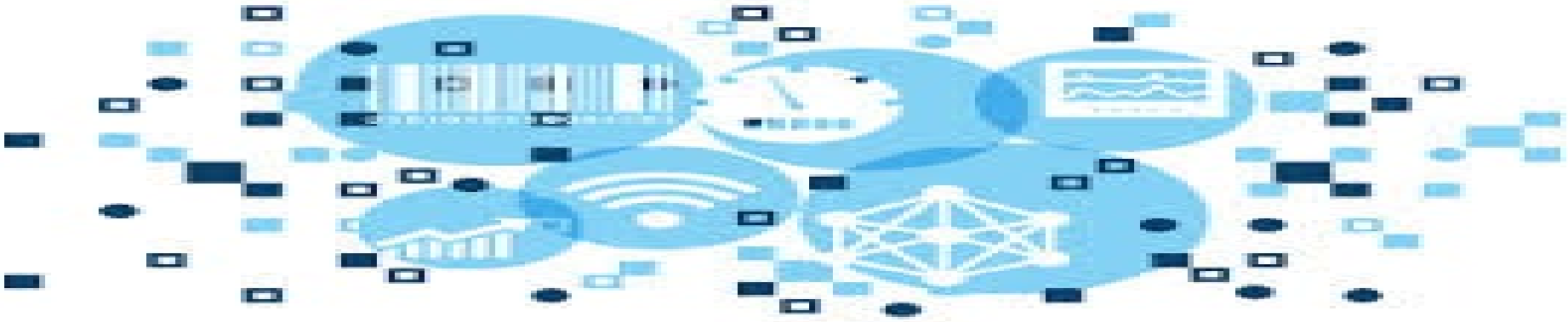




DUID - THE MAGNITUDE OF THE PROBLEM

Limitations in crash data

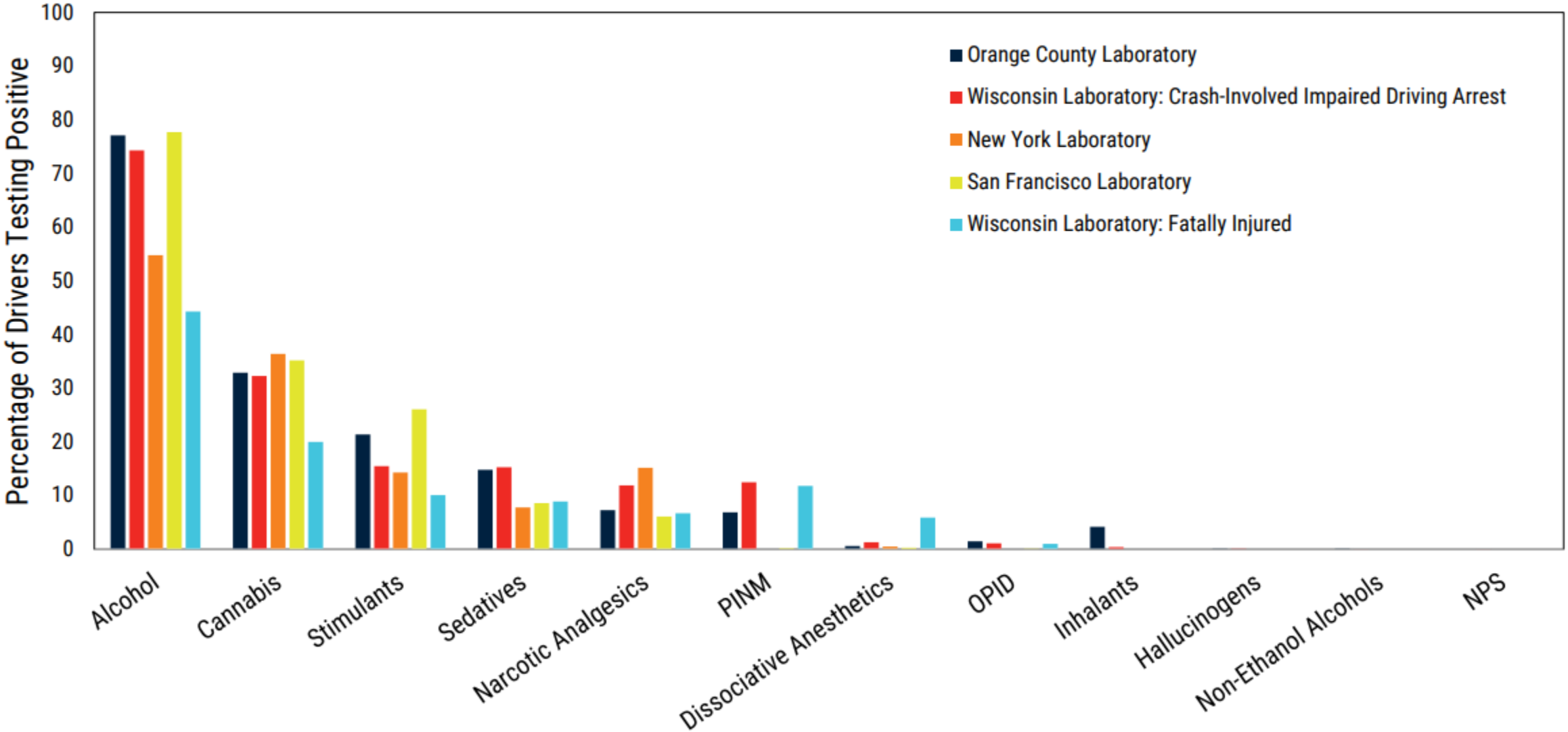
- **States vary considerably in how they collect DUID data:**
  - How many drivers are tested?
  - What tests are used?
  - How are test results reported?
- **The rate at which states test drivers involved in fatal crashes ranges from less than 10% to over 90%.**
- **FARS data merely reflects drug presence; it does not identify drug concentrations.**



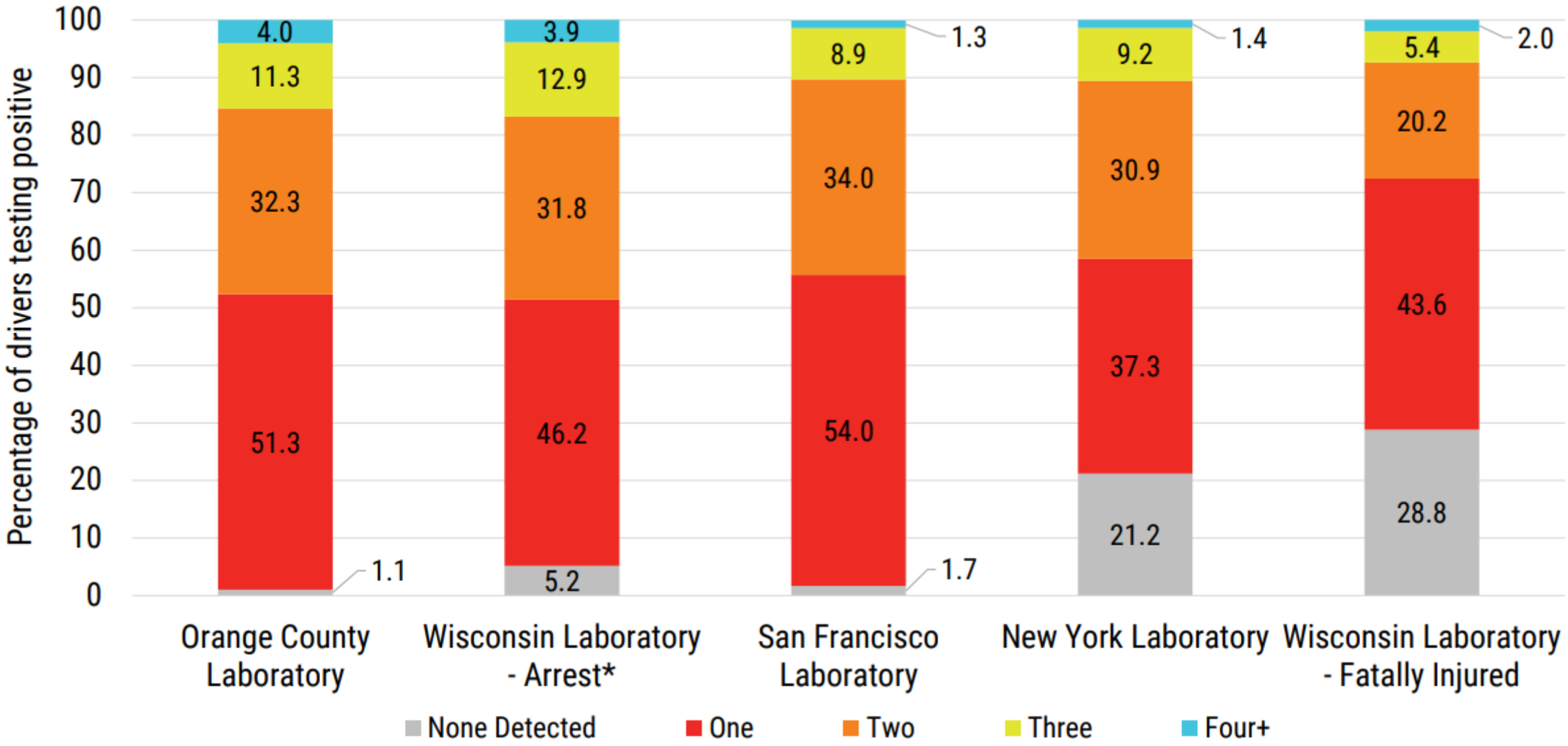
Four Study Toxicology Laboratories

Data Provided	Orange County Laboratory	Wisconsin Laboratory	Wisconsin Laboratory	San Francisco Laboratory	New York Laboratory
Driver Population	Impaired driving arrests	Crash-involved impaired driving arrests	Crash-involved fatally injured	Impaired driving arrests	Crash-involved suspected impaired-driving cases involving fatality or serious injury
Potentially Impairing Compounds Tested	183	136	136	54	39
Data Start Date	8/1/2018	1/1/2019	1/1/2019	3/20/2015	5/7/2020
Data End Date	7/30/2020	3/31/2021	3/31/2021	12/31/2018	6/8/2021
Sample Size	14,051	9,569	406	2,075	217

Percentage of Drivers Positive by Each Drug Category



Percentage of drivers testing positive for multiple drug categories



Summary of Results

- Alcohol was the most prevalent drug detected among impaired drivers followed by cannabis
- About half of drivers tested positive for more than one category of drug (including alcohol)
- Alcohol was most often detected alone, without any other drugs
- Cannabis was usually detected with at least one other drug category
- While alcohol countermeasures must remain the highest priority, countermeasures that address cannabis and other drugs are also needed

Effects of “Stop Testing” Procedures

- Stop testing refers to cancelling additional drug testing if alcohol is detected over a certain BAC
- Many drivers over a certain BAC will never be tested for other drugs
- Estimated data loss if Orange County laboratory had used stop testing at BAC ≥ 0.08 g/dL
  - About 70% would not have been tested for other drugs
  - Within that group, 43% tested positive for other potentially impairing drugs, representing 30% of all drivers

The challenge of polysubstance use

Challenges to Understanding Drug Prevalence

Data Loss

Inconsistencies

Traffic Event	Sample Collection	Toxicology Testing	Reporting & Databases	Analysis
Who is tested?	Delay in sample collection?	What is the drug panel?	All drug results?	Drug inclusion?
Under what circumstances?	Which matrix is collected?	What are the cutoffs?	Quantification?	Drug categorization?
		What equipment and procedures?	Equipment and procedure?	
		Screening and confirmation?		
		Quantification?		

With impaired drivers, don’t assume!

The drunk driver before you could actually be a polysubstance user.

Drugged driving is more complicated than drunk driving.

	DRUGGED DRIVING	DRUNK DRIVING
Number:	Hundreds of drugs	Alcohol is alcohol
Data on Use by Drivers & Crashes:	Limited	Abundant
Use by Drivers:	Increasing	Decreasing
Impairment:	Varies by type	Well-documented
Crash Risk:	Varies by type	Precise
Beliefs & Attitudes:	No strong attitudes – public indifferent	Socially unacceptable

GHSA Governors Highway Safety Association

RESPONSIBILITY.ORG

Presence vs. Impairment

- **Relationship between a drug's presence in the body and its impairing effects is complex and not well understood.**
- **Presence of a drug ≠ impairment**
  - Some drugs/metabolites may remain in the body for days or weeks after initial impairment has dissipated.
  - Individuals differ considerably in the rate of absorption, distribution, and elimination of drugs.
  - Some people are more sensitive to the effects of drugs, particularly first-time or infrequent users.
  - Wide ranges of drug concentrations in different individuals produce similar levels of impairment in experimental situations.

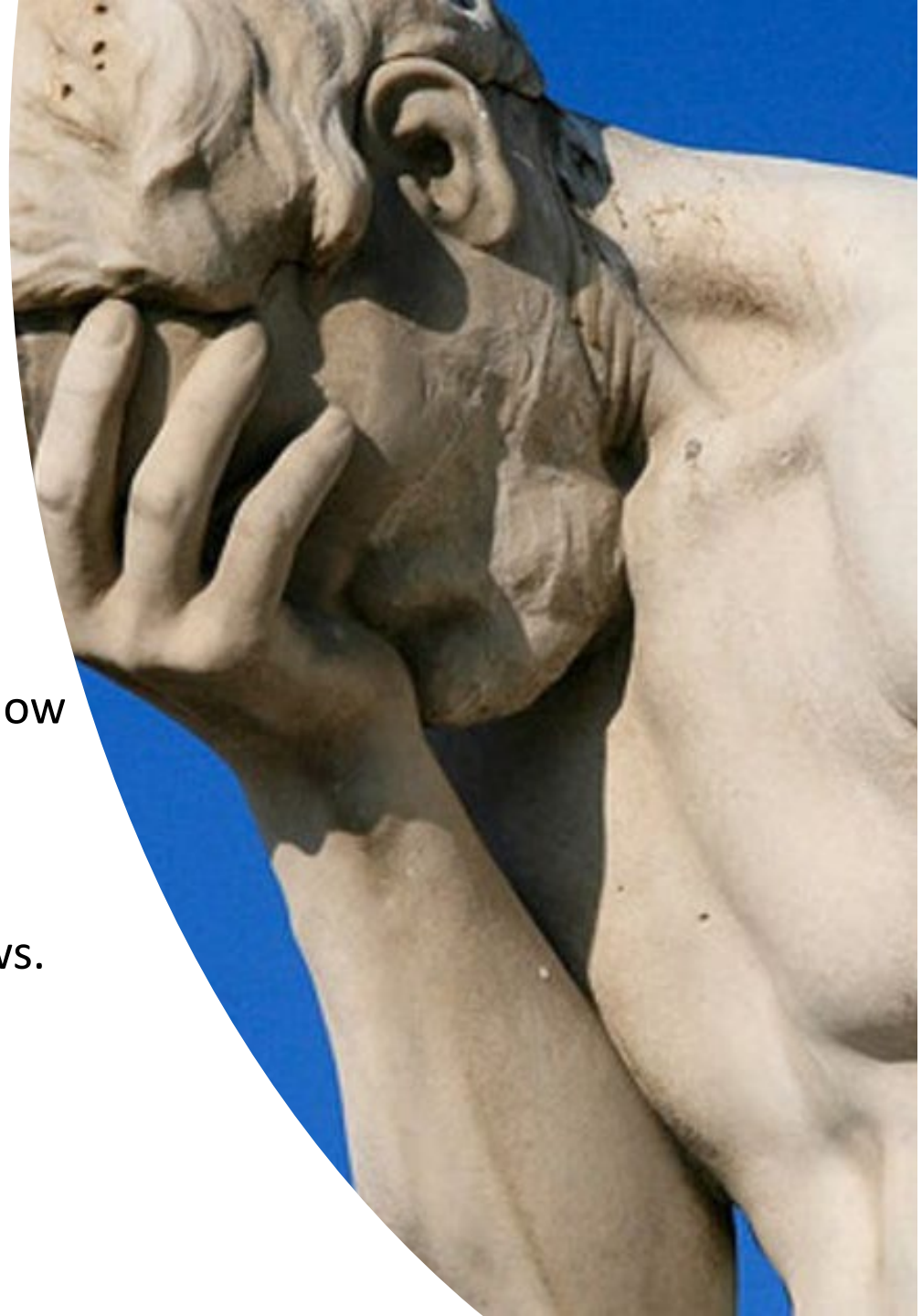
10:20
10:20
10:40
10:45
11:15
11:20
DELAYED
DELAYED
DELAYED
DELAYED
DELAYED

Where we are Going?

DUI Enforcement

Enforcement challenges

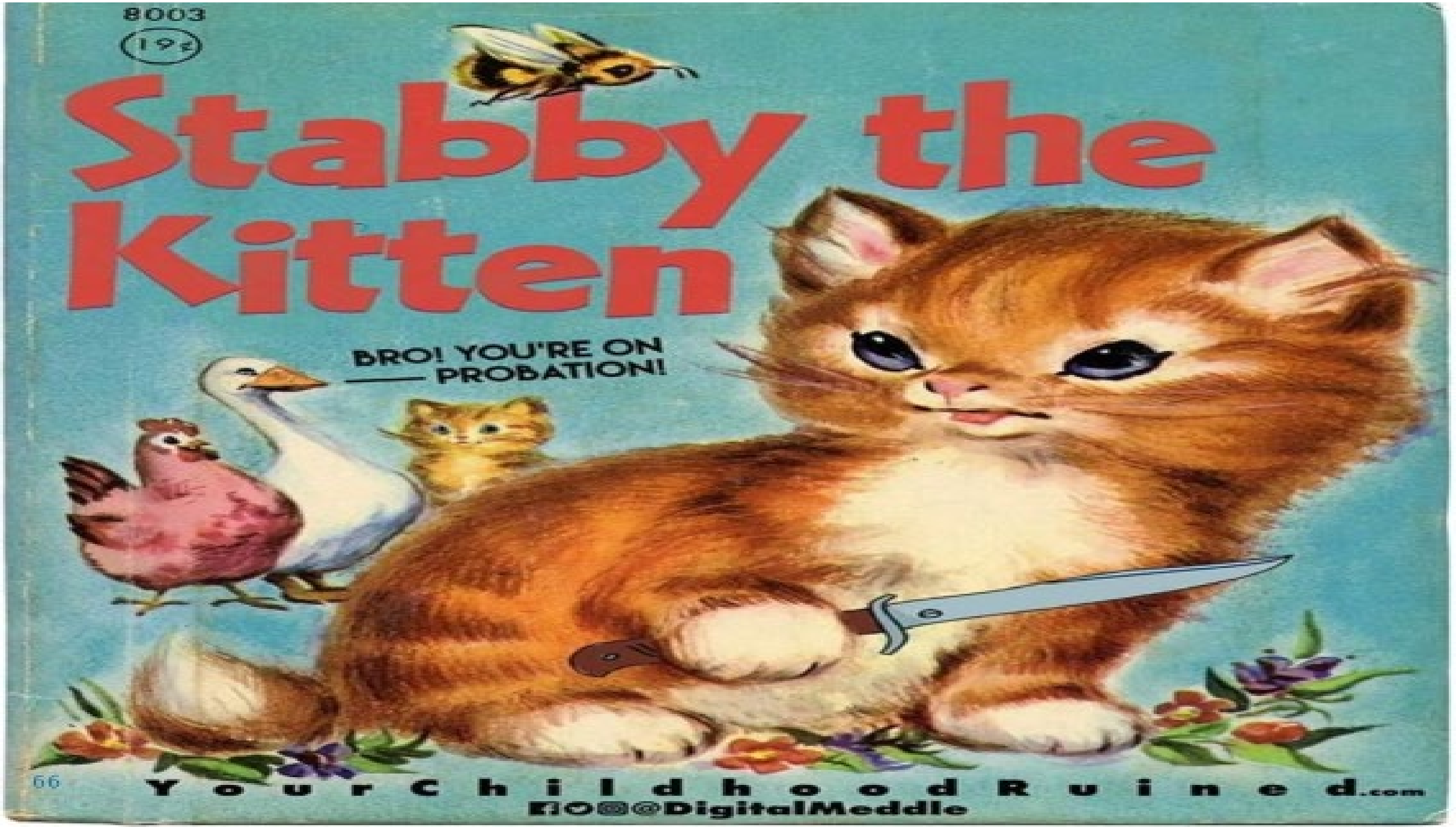
- Many officers are not trained to identify the signs/symptoms of drug impairment.
- Delays in collecting a sample may allow drugs to metabolize; driver's concentration levels may not reflect levels at time of arrest.
- Warrant requirement for blood draws.
- Drug testing is expensive and time-consuming (lab backlogs).



Law Enforcement Training

- SFSTs
- ARIDE
- DREs

SUPERVISING THE IMPAIRED DRIVER


8003
192
Stabby the Kitten
BRO! YOU'RE ON PROBATION!
66
YourChildhoodRuined.com
@DigitalMeddle

Impaired driver profiles

- Predominantly male (70-80%)
- Between the ages of 20-45; majority between ages 20-30
- Employed/educated at a higher rate than other offenders
- High-BAC levels (.15>)
- Often drink more per occasion and consume more alcohol than the general population; majority are binge drinkers
- Often have SUDs
- Have personality and psychosocial factors that increase risk of offending: irritability, aggression, thrill-seeking, impulsiveness, external locus of control (blaming others), anti-authoritarian attitudes

High-risk impaired drivers…
who ARE these people?

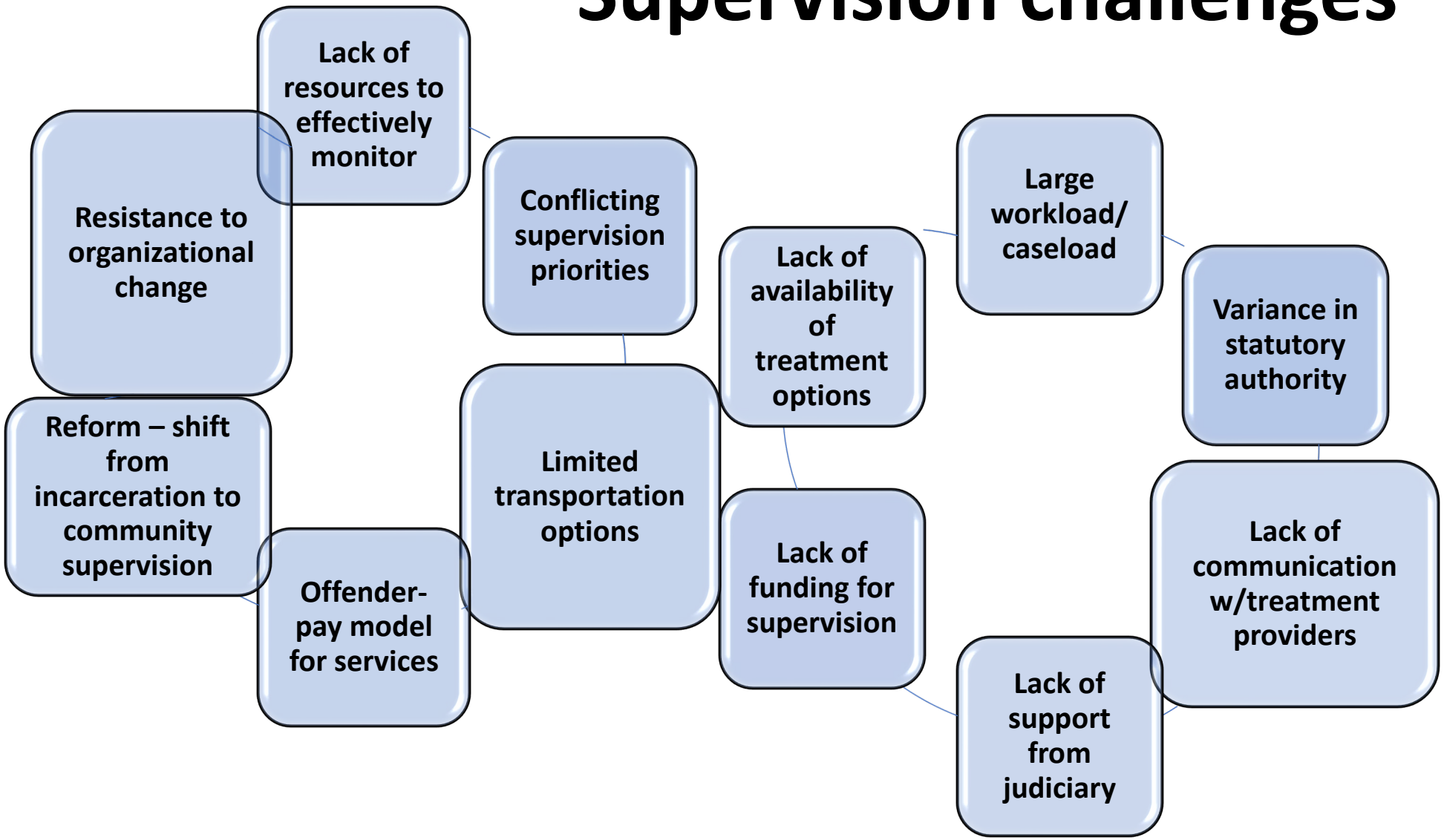
Repeat impaired drivers

- Overwhelmingly male (90%); ages 20-45
- More often single, separated, or divorced
- Tend to have lower levels of education/income and higher levels of unemployment compared to first offenders
- More likely to have BACs exceeding .20 or refuse to provide a chemical sample
- Age of onset of drinking, family history, and alcohol misuse are risk factors

Repeat impaired drivers

- Likely to have cognitive impairments (executive cognitive functioning) due to long-term alcohol dependence
- More likely to have a higher disregard for authority and show greater indications of anti-social personality characteristics
- May result in lack of motivation which can affect willingness to engage in treatment

Supervision challenges



Sentencing To Reduce Recidivism:
What Doesn't Work

- Fines & jail alone
- Traditional probation
- Community service
- License suspension
- Victim impact panels

Financial Implications for DWI Supervision

Costs associated with offense

- Court fines
- Probation service fees
- Attorney fees
- Increase in insurance rates
- Ignition interlock or other technologies
- Treatment
- Court program costs
- Transportation costs after license suspension
  - Average costs-$300-$500 a month

SCREENING & ASSESSMENT

Do you assess for risk and needs with impaired drivers?

Do your assessment tools tell you what you need to know?

Limitations of instruments

- Majority of instruments are not designed for or validated among DUI offender population.
- Using traditional assessments, DUI offenders are **commonly identified as low risk due to a lack of criminogenic factors.**
- DUI offenders often have unique needs and are resistant to change on account of limited insight.
- Recognition that specialized instruments should be created to accurately assess risk and needs of impaired drivers.

A P
COMMUNITY JUSTICE
& SAFETY FOR ALL
P A

C A R S

Major Risk Areas of DUI Recidivism

1. Prior involvement in the justice system specifically related to impaired driving.
2. Prior non-DUI involvement in the justice system.
3. Prior involvement with alcohol and other drugs.
4. Mental health and mood adjustment problems.
5. Resistance to and non-compliance with current and past involvement in the justice system.

Which instrument should I use?

- Validated through research
- Reliability; predictive value
- Standardized
- Appropriate for the target population
- Easy to use
- Informs decision-making
- Cost

Testing-Supervision That Includes Technology

Testing considerations

- Test for both alcohol and drugs
- Broad testing panel
- Mix up your protocol
- Are there ways to capture synthetic drugs?
- Pay attention to technological advances
- Resources

DUID testing

Testing method	Location	Pros	Cons
Oral fluid/saliva	Roadside (screening)	- Identifies presence of recent use - Easy to administer - Inexpensive - Results in less than five minutes	- Quality of kits varies - Not overly sensitive, especially for cannabis - Not specific; generally test for drug classes - Short window of detection
Blood	Laboratory (evidentiary)	- 'Gold standard' - Conclusive, sensitive, and specific	- Short window of detection - Expensive (e.g., $300 in CO) - Requires trained individual to conduct blood draw
Urine	Laboratory (evidentiary)	- Long window of detection - Conclusive, sensitive, and specific	- Officers must observe suspects - Expensive
Oral fluid/saliva	Laboratory (evidentiary)	- Conclusive, sensitive, and specific	- Short window of detection - Very expensive - Few qualified labs

In-Vehicle Technology

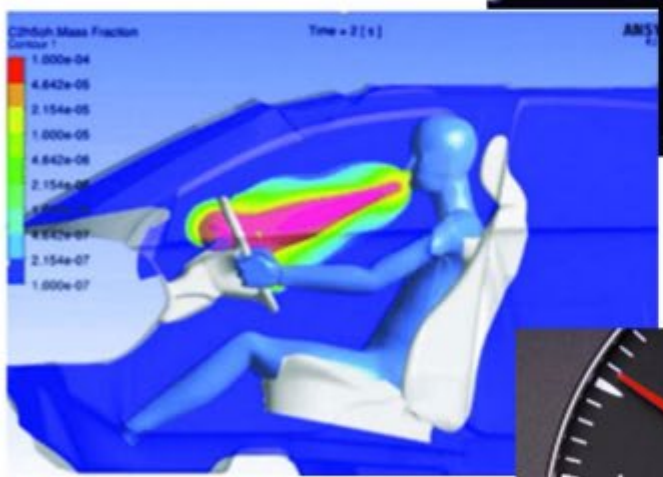
New vehicles should have

- passive alcohol impairment detection,
- advanced driver monitoring systems,
- or a combination thereof;

The systems should prevent or limit vehicle operation if alcohol impairment is detected

Source: media.ford.com

Source: dadss.org



Source: Paprocki and Qassem (2022)

Source: autotrader.com

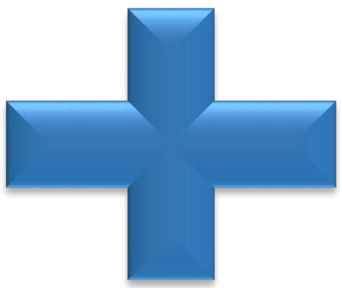
So What Could Possibly Go Wrong?

Don’t live in a silo!!

Individualize justice

- Understand that there is more to the offending than just driving drunk.
- Avoid judgments and focus on the individual; there is no one-size-fits-all model for supervision and treatment.
- Respect for the individual coupled with accountability.
- Utilize a comprehensive approach that addresses individual risk factors and treatment needs.

Focus on the behavior – it's more than just drug use!



COLUMBIANA COUNTY
JAIL
107008
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COLUMBIANA COUNTY
JAIL
107009
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What you do matters!!

- Among sentenced individuals in jail, 63 percent have an SUD
- From 2000 to 2019, the number of local jail inmates who died from all causes increased 33 percent; the number who died from drug/alcohol intoxication during the same period increased 397 percent
- The median length of stay for addicted women in jail before death from alcohol or drug intoxication was just 1 day
- In 2022 overdose deaths totaled 110,000 people
- “The worst thing I’ve ever seen in 40 years of criminal justice”…

QUESTIONS?

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