



STATE OF TEXAS

Impaired Driving Program Assessment

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National Highway Traffic Safety Administration

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This report is intended to assist Texas officials in their efforts to enhance the effectiveness of the State’s impaired driving program and includes recommendations for the criminal justice community, prevention and treatment leaders, stakeholders, and law enforcement officials can use to prevent impaired driving and protect the citizens of Texas from those who drive impaired.

The team believes that this report will help Texas prevent injuries, save lives, and reduce the economic costs of motor vehicle crashes on Texas’ roadways, and commends all who are involved in the day-to-day efforts to reduce impaired driving in Texas.

INTRODUCTION

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce traffic crashes and subsequent fatalities and injuries, NHTSA offers Highway Safety Program Assessments to the states.

The Highway Safety Program Assessment process is an assistance tool that allows management to review various highway safety and emergency medical services (EMS) programs. Program assessments are provided for EMS, occupant protection, impaired driving, traffic records, motorcycle safety, standardized field sobriety testing, driver education, and pedestrian and bicycle safety.

The purpose of the assessment is to provide State management with a review of all components of a given highway safety or EMS program, noting the program's strengths and accomplishments, and noting where improvements can be made. The assessment can be used as a management tool for planning purposes and for making decisions about how to best use available resources. The highway safety and EMS program assessments provide an organized approach, along with well-defined procedures that states can use to meet these objectives. The assessments are cooperative efforts between state highway safety offices, state EMS offices, and NHTSA. In some instances, the private sector is also a partner in the effort.

Program assessments are based on the *Uniform Guidelines for State Highway Safety Programs*, which are required by Congress and periodically updated through a public rulemaking process. For each highway safety program area, the criteria against which a state's program is assessed were developed in accordance with the uniform guidelines and augmented by current best practices.

NHTSA staff facilitates the assessment process by assembling a team of experts composed of individuals who have demonstrated specific expertise in their subject areas. The team reviews all components of a given highway safety or EMS program, notes the program's strengths and accomplishments, and notes where improvements can be made.

The State of Texas requested NHTSA's assistance in assessing the State's alcohol and drug impaired driving countermeasures program to comply with 23 CFR 1300.23 promulgated under the Fixing America's Surface Transportation (FAST) Act and to qualify for the Impaired Driving Countermeasures Grant.

States that have an average impaired driving fatality rate per 100 million vehicle miles traveled (VMT) that is 0.60 or higher are considered high-range states. States are considered mid-range if their average impaired driving fatality rate is lower than 0.60 but higher than 0.30 and low-range if it is 0.30 or lower. Texas is considered a high-range state and is required to conduct a NHTSA-facilitated assessment of its impaired driving program.

The on-site portion of the Texas Impaired Driving Program Assessment was conducted at the Courtyard by Marriott Austin Pflugerville from February 23-27, 2026. Arrangements were made for program experts (see On-Site Agenda) to deliver briefings and provide support materials to the team on a wide range of topics over a two-and-a-half-day period.

STATE BACKGROUND

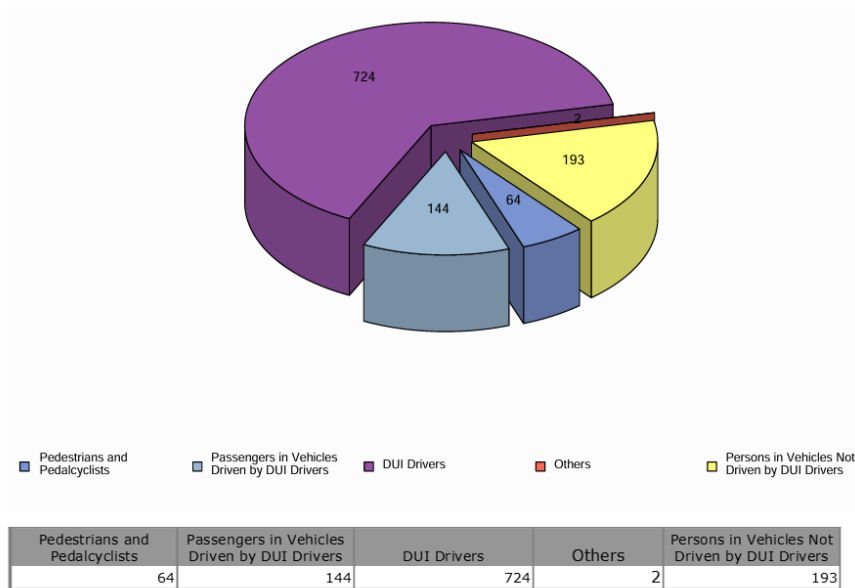
Texas, the Lone Star State, is in the South-Central region of the United States and borders the states of Louisiana, Arkansas, Oklahoma, and New Mexico and the country of Mexico. The State's southeastern border is made up of 367 miles of coastline. At 268,596 square miles and with more than 31 million residents as of 2024, it is the second-largest U.S. state by both area (after Alaska) and population (after California). Texas has three of the top 10 most populous cities in the U.S. – the populations of Houston, Dallas, and San Antonio each exceed one million people. Houston is the most populous city in Texas and the fourth largest in the U.S., while San Antonio is the second most populous in the State and seventh largest in the U.S. Dallas–Fort Worth and Greater Houston are, respectively, the fourth- and fifth-largest metropolitan statistical areas in the country. Other major cities include Austin, the second most populous state capital in the U.S., and El Paso. Three interstate highways- I-35 to the west (Dallas–Fort Worth to San Antonio, with Austin in between), I-45 to the east (Dallas to Houston), and I-10 to the south (San Antonio to Houston)- define the Texas Urban Triangle region.

According to the 2020 census, the racial and ethnic composition of the State was 42.5 percent white (39.7 percent non-Hispanic white), 11.8 percent Black or African American, 5.4 percent Asian, 0.3 percent American Indian and Alaska Native, 0.1 percent Native Hawaiian and other Pacific Islander, 13.6 percent another race, 17.6 percent two or more races, and 39.3 percent Hispanic and Latino American of any race. The Hispanic population of Texas increased 21 percent from 2010 to 2020. The population of Texas is 49.6 percent male and 49.9 percent female. The median age of Texans has increased slightly in recent years, from 34.8 in 2020 to 35.5 in 2023.

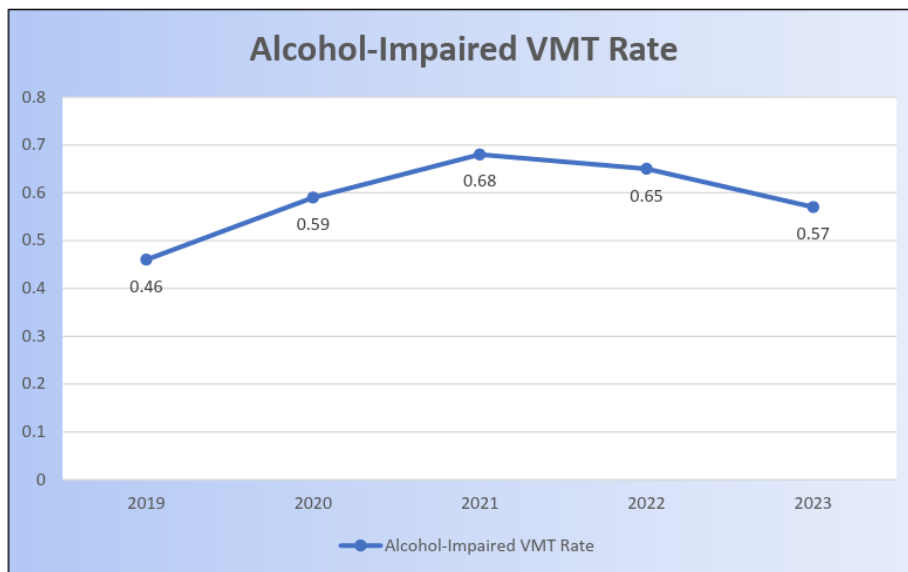
Texas has more miles of highways and public roads than any other state. The annual vehicle miles traveled in Texas in 2023 reached 301.254 billion, an increase of 3.56 percent over the 290.891 billion traveled in 2022.

State data shows that traffic-related fatalities in Texas decreased from 2022 to 2023 by 2.70 percent. In 2023, the State recorded 4,291 fatalities and 15,227 serious injury crashes resulting in 18,765 people sustaining a serious injury.

In 2023, a total of 1,127 people were killed in motor vehicle traffic crashes where a driver was under the influence of alcohol. These fatalities represent 26.26 percent of the total number of people killed in motor vehicle traffic crashes in 2023.



According to data from NHTSA, the estimated alcohol-impaired driving fatality rate per 100 million vehicle miles traveled in Texas increased between 2019 and 2021 before beginning to decline in 2022. The downward trend continued in 2023, when the State reached its lowest rate since before 2020.



PRIORITY RECOMMENDATIONS

- I. Program Management and Strategic Planning
 - **Delegate the ability to review the progress of impaired driving initiatives by state agencies, local agencies, and non-profit organizations to the Texas Impaired Driving Task Force.**
 - **Engage the Texas Impaired Driving Task Force in the development of the Impaired Driving Emphasis Area for the next Strategic Highway Safety Plan.**
 - **Initiate a conversation around the fines, fees, taxes, and penalties paid related to impaired driving for use to support impaired driving countermeasures.**

- II. Prevention
 - **Provide additional authority and resources to allow the Texas Alcoholic Beverage Commission to increase their efforts in educating the public and enforcing the laws on the sale of consumable hemp products.**
 - **Study the potential impact of creating an excise tax on consumable hemp products in Texas to support treatment, evaluation, and prevention efforts.**
 - **Recruit leadership from the Texas treatment and mental health communities to serve on the Texas Impaired Driving Task Force.**

- III. Criminal Justice System
 - Laws
 - **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
 - **Enact enhanced penalties for refusals and 0.15 and greater alcohol concentrations¹ to give prosecutors an effective tool in obtaining driving while intoxicated convictions and subsequent supervision and, if appropriate, treatment.**
 - Enforcement
 - **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
 - **Pass legislation or change court rules to allow for video testimony by toxicologists and other lab personnel for routine testimony.**
 - **Require a Standardized Field Sobriety Testing (SFST) update or recertification after academy graduation and the completion of the Field Training Officer program for all officers. Require an SFST update course every three years.**
 - Prosecution
 - **Pass legislation or change court rules to allow for video testimony by toxicologists and other lab personnel for routine testimony.**

¹ For alignment with Texas Penal Code §49.01(1) and §49.01(2)(B), “alcohol concentration” includes the number of grams of alcohol detected in breath, blood, and urine unless otherwise specified.

- **Mandate that any driving while intoxicated diversion programs be subject to judicial oversight, with specific standardized requirements.**
- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**

Adjudication

- **Establish accurate treatment court documentation to capture data reflecting the number and focus of each treatment court.**
- **Require judicial supervision of diversion programs.**
Administrative Sanctions and Driver Licensing Programs
- **Expand the scope of the Administrative License Revocation Program to apply to implied consent refusal or positive chemical testing results indicating driving under the influence of substances other than alcohol.**
Programs
- **Amend the Texas Zero Tolerance statute to be applicable to use or possession of all intoxicating substances.**

IV. Communication Program

- **Verify if the communications and outreach programs are using the Census Tract data regarding the languages of communities across Texas.**
- **Enhance the outreach and communication for the dangers of driving under the influence of drugs other than alcohol.**

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation

- **Use validated driving while intoxicated specific assessment tools in determining the risk and needs of impaired drivers at the pre- and post-sentencing process.**
- **Require that an impaired driving offender whose license has been suspended based on a driving while intoxicated conviction complete mandated treatment and meet treatment goals as a condition of full license reinstatement.**

VI. Program Evaluation and Data

- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
- **Conduct an analysis of the Ignition Interlock Device Program to determine if there can be improvements made to the program's design and rules that would make it a more effective tool in preventing and deterring alcohol impaired driving.**

I. Program Management and Strategic Planning

Effective impaired driving programs begin with strong leadership, sound policy development, effective and efficient program management, and coordinated planning, including strategic planning. Program efforts should be data-driven, focusing on populations and geographic areas that are most at risk; are evidence-based; and determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification, carefully managed and monitored for effectiveness, and have clear measurable outcomes. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers. Strategic planning should provide policy guidance; include recommended goals and objectives; and identify clear measurable outcomes, resources, and ways to overcome barriers.

A. State and Tribal DWI Task Forces or Commissions²

Advisory

States and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment and coordination among all parties interested in impaired driving issues. State-level and tribal task forces and commissions should:

- Receive active support and participation from the highest levels of leadership, including the governor and/or governor's highway safety representative.*
- Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, education, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy and other community groups; and others.*
- Recommend goals and objectives, provide policy guidance and identify available resources, based on a wide variety of interests and through leveraging opportunities.*
- Coordinate programs and activities to ensure that they complement rather than compete with each other.*
- Operate continuously, based on clear authority and direction.*

Status

The Texas Impaired Driving Task Force (TxIDTF) began in 2005 as a loosely structured meeting with representatives primarily from enforcement, training, and the Texas Department of Transportation (TxDOT). The TxIDTF has evolved into a multifaceted representation of individuals and organizations focused on the elimination of impaired driving in Texas. The group was formally convened in 2012 as the TxIDTF with a

² See “A Guide for Statewide Impaired Driving Task Forces” (DOT HS 811 211, September 2009) for a “how to” in support of implementing, making best use of, and continuing a task force.

mission to eliminate the injuries and deaths caused by impaired driving in Texas through the identification and strategic distribution of resources to critical areas. The TxIDTF is the sole place in the State where a conversation about the complex driving while intoxicated (DWI) process and systems can take place to discuss opportunities for improvement, examine areas of concern, or evaluate potential responses to emerging trends.

The TxIDTF is comprised of individuals with expertise in their individual fields who create strategies to eliminate DWI injuries and deaths. Through discussion between members, the TxIDTF is able to identify effective strategies to achieve its mission. Members also share available resources, information, and data to reduce duplicated efforts and improve overall efficiency. The TxIDTF also fosters lasting relationships between impaired driving prevention, enforcement, adjudication, and treatment stakeholders by promoting partnerships in different fields with the cohesive goal of eliminating impaired driving.

While the TxIDTF works in partnership with the Traffic Safety Division's Behavioral Traffic Safety Section (TRF-BTS) in the efforts to reduce impaired driving crashes, injuries, and fatalities, the TxIDTF does not have a role in the management of the overall impaired driving program, assist with project selections, or facilitate media efforts. At times the media campaigns are shared with the TxIDTF prior to the release.

There has been a positive resurgence on the TxIDTF work to prevent impaired driving, which has helped to encourage the current members to attend meetings. The TxIDTF is broken into sub-committees: Legislative, Research, Prevention (formerly called Education), Drug-Impaired Driving, Award Selection, and Language Barriers (temporary). It is unclear if there is a sub-committee or work team that is focused on monitoring the overall impaired driving countermeasure system from initial contact through disposition.

Currently, the primary concern among members is drug-impaired driving and polysubstance use, compounded by a severe lack of resources to address these issues. Texas is a state made up of 254 counties, each with its own perspective on DWI prosecution. This leads to wildly different outcomes even in neighboring counties. The Strategic Highway Safety Plan (SHSP) will be updated in the next year. The areas of interest to the TxIDTF, as just mentioned, can be identified as strategy topics in the next SHSP.

The TxIDTF charter does not appear to give the Task Force any authority to hold State agencies, local agencies, and non-profits accountable for the completion of tasks or initiatives. The TxIDTF is trying to build in that direction, but there is work to be done before they can get there. Many TxIDTF members belong to governmental and non-governmental agencies and the group's influence can impact how those agencies function to a limited extent, but outright authority to hold anyone accountable is still beyond their reach.

Recommendations

- Request the Texas Impaired Driving Task Force to provide feedback on the draft versions of statewide media and outreach materials or taglines.
- Create a System Overview sub-committee of the Texas Impaired Driving Task Force with a focus on monitoring the overall impaired driving countermeasure system from initial contact through disposition.
- **Delegate the ability to review the progress of impaired driving initiatives by state agencies, local agencies, and non-profit organizations to the Texas Impaired Driving Task Force.**
- **Engage the Texas Impaired Driving Task Force in the development of the Impaired Driving Emphasis Area for the next Strategic Highway Safety Plan.**

B. Strategic Planning

Advisory

States should develop and implement an overall plan for short- and long-term impaired driving activities. The plan and its implementation should:

- *Define a vision for the state that is easily understood and supported by all partners.*
- *Utilize best practices in strategic planning.*
- *Be based on thorough problem identification that uses crash, arrest, conviction, driver record and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals. Have clear measurable outcomes.*
- *Be an integral part of or coordinate with and support other state plans, including the Highway Safety Plan and Strategic Highway Safety Plan.*
- *Establish or adjust priorities based on recommendations provided to the state as a result of reviews and assessments, including this impaired driving assessment.*
- *Assign responsibility and accountability among the state's partners for the implementation of priority recommendations.*

Status

The *2025 Texas Impaired Driving Strategic Plan (IDSP)* is an annual strategic plan that is developed and revised by the Texas Impaired Driving Task Force (TxIDTF). Once the plan is finalized, the Traffic Safety Division's Behavioral Traffic Safety Section reviews the document and contributes to the projects as appropriate. The IDSP is then signed by the Executive Committee members of the TxIDTF, whose signatures appear on the last page of the document.

The mission stated in the IDSP is to eliminate injury and death caused by impaired driving in Texas through the identification and strategic distribution of partner resources to critical areas. The IDSP's structure follows the National Highway Traffic Safety Administration's (NHTSA) *Uniform Guideline for State Highway Safety Programs – Highway Safety Program Guideline No. 8*. The 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)
- Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation
- Communication Program

The IDSP activities are not categorized into short- and long-term categories. The activities and priorities of the IDSP are based on recommendations found in the *2022 Impaired Driving Technical Assessment*. The recommendations are listed at the end of each topical section of the IDSP. The TxIDTF has assigned an implementation status and provided context concerning how each recommendation is being further pursued or reasons for inactivity.

The IDSP does include program data and mentions that a problem identification process is in place. A dedicated section to problem identification is not included in the IDSP.

The Strategic Highway Safety Plan (SHSP) asks the question “What do distracted, impaired, and speeding drivers, older road users, pedestrians and lane departure and intersection crashes have in common? They are the seven areas of greatest concern related to Texans dying or being seriously injured on our roadways.” The SHSP has seven emphasis areas:

- Roadway and lane departures
- Distracted driving
- Intersection safety
- Pedestrian safety
- Speeding
- Impaired driving
- Older road users

The SHSP reports in Section 6.6 that from 2017 through 2021, there were 15,085 fatal and suspected serious injury crashes attributed to impaired driving. These crashes resulted in 6,675 fatalities and 12,792 suspected serious injuries. In the SHSP there are three overall strategies for impaired driving. They include:

- (6.6.1) Increase education for all road users on the impact of impaired driving and its prevention;
- (6.6.2) Increase officer contacts with impaired drivers through regular traffic enforcement;
- (6.6.3) Increase data, training, and resources for law enforcement officers, prosecutors, toxicologists, judges, and community supervision personnel in the area of alcohol and/or other drugged driving.

Within each of these strategies are sub-strategies. Those sub-strategies include rankings on costs to implement and time to implement as well as barriers.

The impaired driving countermeasure system is complex. The overall and individual subsets of the impaired driving process are not written out in a visual map, process map, or flowchart. There is no easy way to follow along for the steps and counts of offenders in each stage of the criminal justice system related to impaired driving, from arrest to discovery to disposition to conclusion. There are transition moments between different state agencies, local governmental agencies, law enforcement to courts, as well as important decision points to continue forward or discontinue a case, which can be displayed in a visual manner to help with process issues and improvements. With the uptick of retirements and new staff filling highway-safety-related positions, a visual reference would be a very helpful tool for succession planning, education, and orientation.

Recommendations

- Create a visual representation of the entire driving while impaired criminal justice system, including independent pages for specific areas such as the ignition interlock process or administrative license suspension as examples.
- Add data to the system map for each stage in the impaired driving criminal justice system.

C. Program Management

Advisory

States should establish procedures and provide sufficient oversight to ensure that program activities are implemented as intended. The procedures should:

- *Designate a lead agency that is responsible for overall program management and operations;*
- *Ensure that appropriate data are collected to assess program impact and conduct evaluations;*
- *Measure progress in achieving established goals and objectives;*
- *Detect and correct problems quickly;*
- *Identify the authority, roles, and responsibilities of the agencies and personnel for management of the impaired driving program and activities; and*
- *Ensure that the programs that are implemented follow evidence-based best practices.*³

Status

The Traffic Safety Division's Behavioral Traffic Safety Section (TRF-BTS) serves as the lead agency for impaired driving in the State supported by the Texas Impaired Driving Task Force (TxIDTF) which is recognized as a leading voice on impaired driving for the State.

Eligible organizations interested in traffic safety issues submit project proposals when requested by the TRF-BTS during the Request for Proposals (RFP) window. These project proposals constitute the organizations' traffic safety intentions and can be submitted for any program area, including Alcohol and Other Drug Countermeasures. Once the RFP period is over, a list is generated of proposals that meet minimum qualifications for funding. These proposals are sorted by program area and assigned to scoring teams. Scoring teams are comprised of TRF-BTS Program Managers (PMs), Traffic Safety Specialists (TSSs), and other TRF-BTS staff. Reviewers assigned to a scoring team are responsible for scoring assigned proposals within a designated timeframe. Proposals are scored which consists of:

- adding internal comments, if needed, to affected proposal pages. Reviewers do not combine comments on a single page, but post comments directly on each page in question,
- selecting the appropriate response to score each question and saving the score sheet, and

³ See "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Offices," Sixth Edition, 2011.

- completing scoring by notifying the appropriate team leader upon completion of their scoring prior to final submission of their scores.

The complete scoring procedure is outlined in the TRF-BTS *Program Policy Manual* in Chapter 4, Section 1.

Statewide initiatives are “internal projects” that are created by TRF-BTS staff (i.e., media or training projects). The internal projects go through the same review and approval process as all other projects. The grant documentation for the internal projects follows the same expectations as the external grants.

Chapter 6 of the TRF-BTS *Program Policy Manual* covers project monitoring on pages 169-198.

The primary data sources used for problem identification include the Texas Department of Transportation (TxDOT) Crash Records Information System (CRIS) as well as the Fatality Analysis Reporting System (FARS). Vehicle miles traveled and population are used as the denominator for many measures and goals.

A TxDOT publication lists the following as data sources, but it is unclear how many are actually used for strategic planning and project selection for impaired driving efforts:

- TxDOT CRIS
- Texas Department of Public Safety and local police departments’ data (crashes, arrests, and citations)
- Department of State Health Services, regional and/or local health agencies
- Emergency Medical Services (EMS) Providers (EMS-run data)
- Evaluations and Assessment Surveys
- National or statewide studies (such as FARS, etc.)
- Local court system (disposition and sentencing data)
- TxDOT district traffic engineering and roadway analyses

Recommendations

- Verify that the internal project grant documentation follows the same requirements and reporting as outlined in the *Program Policy Manual*.

D. Resources

Advisory

States should allocate sufficient funding, staffing and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources.

States should:

- *Allocate funding, staffing and other resources to impaired driving programs that are:*
 - *Adequate to meet program needs and proportional to the impaired driving problem;*
 - *Steady and derived from dedicated sources, which may include public or private funds; and*
 - *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*
- *Meet criteria to enable access to additional funding through various incentive programs.*
- *Identify opportunities and leverage resources on behalf of impaired driving efforts.*
- *Determine the extent and types of resources available from all sources (local, state, and federal; public and private) that are dedicated to impaired driving efforts.*
- *Designate a position and support the individual in that position with sufficient resources to adequately serve as a focal point for impaired driving programs and issues.*

Status

The Traffic Safety Division’s Behavioral Traffic Safety Section (TRF-BTS) federally funded programs are included in the *Annual Report* for the most recent federal fiscal year. The TRF-BTS provides a financial summary as well as a project cross reference which details each project planned versus actual expenses. The projects are listed with the Program Area (PA), Alcohol and Other Drugs Countermeasures (AL), or M5HVE (Impaired High Visibility Enforcement) reference. Over the last two years, the TRF-BTS has used the federal funds within a year after receiving them. The amount of carryforward funds has not increased.

	Federal Fiscal Year		
	2024	2025	2026

	Carry forward	New	Total	Spent	Carry forward	New	Total	Spent	Carry forward	New	Total	Spent
Base 405d High	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4.4m	\$4.4m	\$0
Base 405d Mid	\$7.6m	\$12.8m	\$20.4m	\$10.0m	\$10.4m	\$13.5m	\$23.9m	\$11.0m	\$12.9m	\$0	\$12.9m	\$0
Supplemental 405d High	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0.8m	\$0.8m	\$0
Supplemental 405d Mid	\$0	\$0.8m	\$0.8m	\$0.8m	\$0	\$0.8m	\$0.8m	\$0.8m	\$0	\$0	\$0	\$0

The TRF-BTS has several Program Managers and Traffic Safety Specialists assigned to manage different areas/programs in the impaired driving program area.

The Texas Court of Criminal Appeals offers a grant program (Fund 540) for continuing legal education training and technical assistance. The grants can be used for course expenses including travel for prosecutors and the judiciary.

The fines, fees, taxes, and penalties paid by impaired drivers or related to impaired driving are not used to support impaired driving countermeasures. The current process for program funding allocation is by an oversight body (legislature for the State, county commissions for their county, and city council for their city) to determine where the funding is apportioned. It is unclear if the Texas Legislature has earmarked fines, fees, or penalties to go toward the transportation topical areas that are tied to the potential penalty. Potential examples are child restraint citation fines, fees, and penalties going back to programs that support the purchase of child restraints or an excise tax on hemp to support impaired driving countermeasures in the areas of treatment, enforcement, and adjudication. The excise tax on alcohol has not been increased in over 40 years.

Recommendations

- **Initiate a conversation around the fines, fees, taxes, and penalties paid related to impaired driving for use to support impaired driving countermeasures.**

II. Prevention

Prevention programs are most effective when they utilize evidence-based strategies, that is, they implement programs and activities that have been evaluated and found to be effective or are at least rooted in evidence-based principles. Effective prevention programs are based on the interaction between the elements of the public health model: 1) using strategies to develop resilient hosts, e.g., increase knowledge and awareness or altering social norms; 2) reducing exposure to the dangerous agent (alcohol), e.g., alcohol control policies and; 3) creating safe environments, e.g., reducing access to alcohol at times and places that result in impaired driving. Prevention programs should employ communication strategies that emphasize and support specific policies and program activities.

Prevention programs include responsible alcohol service practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities and by community coalitions. Programs should prevent underage drinking or drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be evidence-based, determined to be effective, and include a communication component.

A. Responsible Alcohol Service

Advisory

States should promote policies and practices that prevent underage drinking and over-service by anyone.

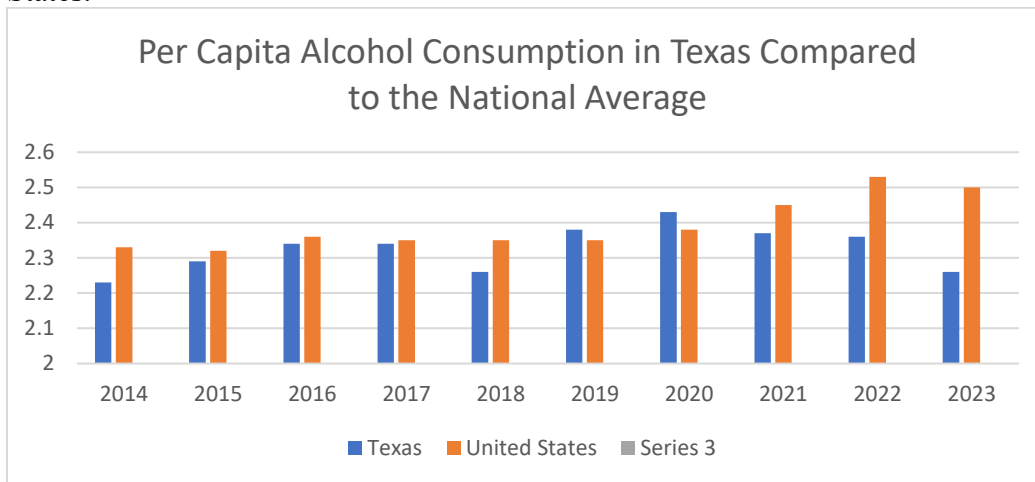
States should:

- *Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- *Adopt and enforce alcohol beverage control regulations to prevent over-service, service in high-risk situations and service to high-risk populations. Prohibit service to visibly intoxicated patrons; restrict alcohol sales promotions, such as “happy hours”; limit hours of sale; establish conditions on the number, density, and locations of establishments to limit impaired driving, e.g., zoning restrictions; and require beer keg registration.*
- *Provide adequate resources including funds, staff, and training to enforce alcohol beverage control regulations. Coordinate with state, county, municipal and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- *Promote responsible alcohol service programs, written policies, and training.*
- *Provide responsible alcohol service guidelines such as best practices tool kits to organizations that sponsor events at which alcohol is sold or provided.*

- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

Status

According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), per capita consumption of alcohol in Texas in 2023—the last year for which complete data were available—was the equivalent of 2.26 gallons of ethanol per capita. From 2014-2023, Texas per capita alcohol consumption was under the national average for 8 of the 10 recorded years. Texas ranks 29th in per capita alcohol consumption in the United States.



Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Texas	2.23	2.29	2.34	2.34	2.26	2.28	2.43	2.47	2.36	2.26
U.S.	2.33	2.32	2.33	2.35	2.35	2.35	2.38	2.45	2.53	2.50

According to the National Center for Drug Abuse Statistics, Texas has the second-highest percentage of alcohol-related deaths involving individuals under 21 years old in the nation.

- 16.9 percent of Texas adults over 18 binge drink at least once per month.
- The median number of drinks consumed during a binge episode is 5.7.
- Binge drinking adults in Texas binge a median 2.1 times monthly; the 25 percent most active drinkers binge 4.6 times per month.
- An average of 13,701 annual deaths in Texas are attributable to excessive alcohol use.
- Texas averages one death from excessive alcohol use for every 1,581 people aged 18 and older or 6.32 deaths for every 10,000 adults.
- 69.6 percent of people who die from excessive alcohol use in Texas are male.
- 63.5 percent of excessive alcohol use deaths are from chronic causes, such as Alcohol Use Disorder.

- 83.9 percent of deaths in Texas from excessive alcohol use are adults aged 35 years and older.
- 3.5 percent of people in Texas who die from excessive alcohol use are under the age of 21.
- The Centers for Disease Control and Prevention (CDC) estimates 348,400 years of potential life is lost to excessive alcohol use each year.
- Texas taxpayers spent \$18.821 billion as a result of excessive alcohol use in 2010; adjusted for inflation, this is equivalent to \$28.231 billion or \$2.99 per drink in 2025 USD.

The federal government collects approximately \$1 billion per month from alcohol excise taxes on spirits, beer, and wine. Federal taxes on spirits are significantly higher than beer and wine at \$13.50 per gallon, while beer is taxed at \$18 per barrel and wine is \$1.07-\$3.40 per gallon. Distilled spirits continue to lead American alcohol sales. With 42.2 percent of market share, spirit sales slightly outpaced beer sales for the third straight year.

The Texas distilled liquor excise tax ranks 46th in the United States at \$2.40 per gallon. By contrast, the state of Washington levies the greatest excise tax rate on distilled spirits, at \$36.55 per gallon. The Texas beer tax is \$.194 per gallon, ranking 31st in the country. Tennessee has the highest excise tax for beer at \$1.287 per gallon. Texas sells consumable hemp products including, but not limited to, infused drinks, cigarettes, and “gummies.” While impairing, these products are not taxed as such. There doesn’t appear to be any consideration given to adding an excise tax to consumable hemp products in a fashion similar to those states that sell recreational and medical marijuana.

By raising the price of distilled spirits, beer, and consumable hemp through taxation, the public may be less likely to purchase the product because of the increased cost. This could lead to reduced consumption overall, potentially preventing some instances of alcohol or hemp-related harm. Additionally, the potential revenue increase created by these taxes could be used for impaired driving enforcement and prevention programming.

The Texas Alcoholic Beverage Commission (TABC) provides training to retailers as a courtesy and as a part of a settlement agreement for certain violations. TABC also encourages retailers to utilize Seller-Server Training. This encourages all permittees to require this training every two years and have policies in place to deter the sale of alcohol to minors and intoxicated people. In exchange for training all employees every two years and having written policies in place for responsible alcohol service, owners are protected from civil penalties for certain violations. This is known as “safe harbor.”

TABC conducts training to local law enforcement to detect minor-related violations. Enforcement agents conduct minor sales investigations in the form of undercover compliance checks. Other strategies include *Fake-Out* and *Cops in Shops* operations to detect minor-related violations. TABC conducts statewide yearly operations known as *Back to School Operations* and *Spring Break Operations*. These operations coincide with the start of school and spring break each year. In Fiscal Year (FY) 2025, TABC

conducted approximately 9,000 of these operations.

There are no laws that require the use of technology in retail establishments. Last session a law was passed that requires some retailers to check every person's identification for the sale of alcohol.

Texas law, specifically Section 2.02 of the Texas Alcoholic Beverage Code, says a business can be held responsible if a bar sells or serves alcohol to someone who's clearly impaired, and that person hurts someone. In such a case, the business might face Dram Shop liability.

TABC Rule §45.103 states that on-premises promotions are prohibited if those practices are reasonably calculated to result in excessive consumption of alcoholic beverages by consumers. This includes such actions as:

- Serving, selling, or offering to serve or sell two or more open containers of alcoholic beverages at a price less than the number of containers actually sold or served.
- Increasing the volume of alcohol contained in a drink without increasing proportionally the price.
- Selling, serving, or offering to sell or serve an undetermined quantity of alcoholic beverages for a fixed price or "all you can drink" basis.
- Reducing drink prices after 11:00 p.m.
- Sponsoring any game or contest to be determined by the quantity of alcoholic beverages consumed by an individual or group, or where alcoholic beverages or reduced-price alcoholic beverages are awarded as prizes.

The Texas Traffic Safety Division's Behavioral Traffic Safety Section provides overtime reimbursement to the TABC to conduct overtime enforcement operations on alcoholic beverage (AB) establishments as well as educating peace officers and employees at TABC-licensed locations about AB laws. During FY 2025, TABC was allotted a budget totaling \$498,990 for salary and fringe funds to conduct these overtime efforts. At the end of FY 2025, TABC had conducted 51,135 inspections at licensed AB locations during overtime status as well as trained 5,216 peace officers on AB enforcement operations and laws and educated 3,054 employees of TABC-licensed locations on AB laws and responsible service.

The Texas Law Enforcement Advanced Data Reporting System (LEADRS) ask officers during the driving while intoxicated (DWI) post-arrest process if the defendant left a business that serves alcohol. Based on how the defendant responded, LEADRS will then ask additional questions that can aid TABC in a follow-up investigation. These questions are not mandated by the LEADRS system because this is not necessarily a situation that happens on every DWI arrest. The arresting officer does see the question and has the option to click "Yes" which will open other questions, or "No" which allows the officer to move forward.

Recreational marijuana is illegal in Texas. However, the same cannot be said for impairing consumable hemp products. Pursuant to Chapter 443 of the Texas Health and Safety Code, all consumable hemp products are legal in Texas as long as the products contain tetrahydrocannabinol (THC) levels not exceeding 0.3 percent. Some cannabidiol (CBD) products with up to 0.5 percent THC are permitted for patients registered under the State’s medical program. There is limited oversight in the sale of this product in stores and establishments and the TABC presently lacks the authority and resources to provide hemp education and proper interdiction.

TABC does not require any location to display information related to impaired driving. Other agencies like the Texas Department of Transportation provide educational materials to the public to deter impaired driving. The materials provided include billboards, posters, websites, and social media posts. Alcohol distributors and local non-governmental organizations also promote rideshare and designated driver programs throughout the year to retailers.

Texas stakeholders actively collaborate with DWI task forces, community coalitions, and other partners to promote rideshare services such as Uber and Lyft. Their initiatives include focused campaigns to educate the public on the importance of planning ahead for transportation to ensure a safe ride home, particularly during high-risk periods such as holidays, New Year’s Eve, and major sporting events. These campaigns aim to raise awareness about the availability and convenience of rideshare options, encouraging individuals to make responsible choices before consuming alcohol or other substances. In addition to promoting rideshare, Texas stakeholders provide educational resources through press conferences and social media messaging that highlight the dangers and legal consequences associated with excessive alcohol consumption and impaired driving. By fostering a culture of responsibility and awareness, these efforts strive to reduce the incidence of alcohol-related crashes and promote safer communities.

In Texas, a diverse group of stakeholders work together through public-private partnerships to fund rideshare campaigns and prevention programs that enhance road safety. This collaborative effort includes contributions from various law enforcement associations, local hospitals, and transportation safety organizations such as AAA Texas and Smart Start. These initiatives are designed to educate the public about impaired driving prevention and promote responsible driving by raising awareness of the importance of ridesharing, particularly during high-risk periods like holidays and weekends. Additionally, local officials play a crucial role in mobilizing community support and resources to ensure the success of these safety programs, ultimately creating safer transportation environments for all Texans.

Recommendations

- **Provide additional authority and resources to allow the Texas Alcoholic Beverage Commission to increase their efforts in educating the public and enforcing the laws on the sale of consumable hemp products.**

- **Study the potential impact of creating an excise tax on consumable hemp products in Texas to support treatment, evaluation, and prevention efforts.**
- Study the potential impact of increasing the excise tax on beer, wine, and distilled spirits in Texas to support treatment, evaluation, and prevention efforts.

B. Community-Based Programs

B-1. Schools

Advisory

School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant and coordinated with drug prevention and health promotion programs.

States should:

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of state learning standards and comprehensive health education programs;*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom and graduation;*
- *Establish and enforce clear student alcohol and substance use policies including procedures for intervention with students identified as using alcohol or other substances, sanctions for students using at school, and additional sanctions for alcohol and substance use by students involved in athletics and other extra-curricular activities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI) to school personnel such as resource officers, health care providers, counselors, health educators and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs;*
- *Encourage colleges, universities and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, health care providers, counselors, health educators and coaches to enable them to*

provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs; and

- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*

Status

In Fiscal Year 2025, the Texas Department of Transportation (TxDOT) awarded 385 traffic safety grants to state and local governmental agencies, colleges and universities, and nonprofit agencies across Texas. Of these, 76 Alcohol and Other Drug Countermeasures projects were awarded.

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 standards. This early education is designed to prevent young drivers from getting behind the wheel while impaired.

The Texas School Survey is a collection of self-reported tobacco, alcohol, inhalant, and substance use data gathered annually from students in public schools throughout Texas. The survey, conducted by the Department of Public Service and Administration, Texas A&M University in conjunction with the Texas Health and Human Services Commission, is also administered in even-numbered years to a representative state sample of Texas students in grades 7 through 12. The following responses from the 2024 Texas School Survey were given regarding alcohol use.

state report

Table A-2: How Often Do You Normally Use Alcohol?

	Never Used	Every Day	Several Times a Week	Several Times a Month	About Once a Month	About Once a Year	Less Than Once a Year
All	75.0%	0.2%	0.9%	3.2%	6.9%	6.7%	7.1%
Grade 7	83.8%	0.1%	0.3%	1.3%	3.1%	4.4%	7.0%
Grade 8	78.3%	0.2%	0.6%	2.0%	4.6%	6.7%	7.5%
Grade 9	78.3%	0.1%	1.1%	2.2%	5.9%	6.3%	6.2%
Grade 10	72.5%	0.5%	1.0%	2.7%	8.8%	7.6%	6.9%
Grade 11	67.3%	0.1%	1.5%	5.2%	11.5%	6.6%	7.9%
Grade 12	63.5%	0.2%	1.2%	8.0%	10.5%	9.6%	7.1%

Table A-4: During the Past 30 Days, on How Many Days Have You Had Five or More Drinks of Alcohol in a Two Hour Period?

	Never/None	1 Day	2 Days	3 to 5 Days	6 to 9 Days	10+ Days
All	93.3%	2.5%	1.5%	1.2%	0.4%	1.0%
Grade 7	97.0%	1.4%	0.4%	0.2%	0.3%	0.7%
Grade 8	95.6%	1.6%	1.0%	0.7%	0.1%	1.0%
Grade 9	95.3%	2.1%	0.9%	0.7%	0.3%	0.8%
Grade 10	91.7%	3.0%	1.9%	0.9%	1.1%	1.3%
Grade 11	89.6%	3.6%	2.6%	2.6%	0.4%	1.2%
Grade 12	87.8%	4.6%	2.9%	3.2%	0.6%	0.9%

Table A-6: If You Wanted Some, How Difficult Would It Be to Get Alcohol?

	Never Heard of It	Impossible	Very Difficult	Somewhat Difficult	Somewhat Easy	Very Easy
All	37.1%	14.0%	6.5%	9.6%	14.5%	18.3%
Grade 7	40.3%	21.4%	7.9%	9.5%	10.7%	10.3%
Grade 8	36.7%	17.3%	7.4%	11.2%	13.2%	14.2%
Grade 9	42.6%	12.2%	5.2%	10.7%	13.4%	16.0%
Grade 10	33.1%	12.0%	7.2%	8.9%	17.8%	21.0%
Grade 11	36.6%	9.3%	5.1%	7.1%	15.8%	26.1%
Grade 12	30.5%	8.0%	5.8%	9.5%	18.7%	27.5%

Table A-9: During the Past Twelve Months, How Many Times (If Any) Have You...

	None	1-3 Times	4-9 Times	10+ Times
Driven a Car When You Have Had a Good Bit to Drink?				
High School	97.5%	2.1%	0.2%	0.3%
Grade 9	98.7%	1.1%	0.1%	0.1%
Grade 10	98.3%	1.2%	0.2%	0.3%
Grade 11	95.8%	3.7%	0.2%	0.3%
Grade 12	96.6%	2.8%	0.3%	0.4%

In comparing the 2024 school survey results with the 2022 school year, there was a reduction in the self-reported use of, and ability to obtain alcohol, among all age groups.

The following responses were provided in the 2024 Texas School Survey regarding the use of illicit drugs.

Table D-1: How Recently, If Ever, Have You Used...

	Past Month	School Year	Ever Used	Never Used
Any Illicit Drug?				
All	8.6%	11.3%	15.5%	84.5%
Grade 7	3.4%	5.1%	6.8%	93.2%
Grade 8	6.3%	9.0%	11.3%	88.7%
Grade 9	8.9%	10.4%	13.7%	86.3%
Grade 10	11.9%	14.2%	18.6%	81.4%
Grade 11	9.9%	13.6%	20.3%	79.7%
Grade 12	14.0%	18.8%	28.0%	72.0%

In comparing 2024 results with the 2022 survey, there was a reduction in self-reported use of illicit drugs among all age groups.

In K-12 educational settings, Texas stakeholders use community-based traffic safety programs that leverage a variety of resources, including public information campaigns, educational materials, interactive simulators, peer-to-peer programs, and comprehensive training initiatives, to engage students actively in the learning process. These programs aim to inform and equip parents, caregivers, school staff, support personnel, employers, and employees with the knowledge and skills necessary to foster a change in social norms regarding substance use and the prevention of underage drinking and other drug use. By promoting awareness and understanding of the risks associated with alcohol and drug misuse, as well as the dangers of impaired driving, these initiatives strive to create safer environments for students and communities.

Texas A&M AgriLife Extension’s *Watch UR BAC* has promoted traffic safety, responsible decision-making, and statewide coordination among drivers under the age of 25. Efforts also include education on emerging drug trends for law enforcement, parents, and school administrators. More than 160,000 participants were reached statewide. These educational programs promote awareness of the dangers of impaired driving.

Representatives from the organization, Texas Standardized Field Sobriety Testing (SFST), provide 8- and 16-hour Drug Impairment Training for Educational Professionals (DITEP) courses for school staff. DITEP improves early identification of student drug use and supports timely intervention, equipping personnel to positively influence school safety outcomes. The DITEP course instructs staff to identify potential indicators of drug use or sales, including signals like specific clothing or digital emojis on electronic devices.

Texans for Safe and Drug Free Youth (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. TxSDY continues this beneficial Screening and Brief Intervention (SBI) program for college campuses in a limited capacity due to funding. At present, one campus can participate in TxSDY’s SBI campus program per year. The State does not provide SBI to college personnel, nor does it offer a campus-specific training center/stream of funding

addressing alcohol and impaired driving. The State, through some TxDOT grantees, provides some training on alcohol and drug-impaired driving and at times has provided some SBI training to campus personnel.

Recommendations

- Provide Screening and Brief Intervention programs to college personnel.
- Increase funding to expand Screening and Brief Intervention programming to Texas colleges.

B-2. Employers

Advisory

States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by employees and their families. These programs can be provided through Employee Assistance Programs (EAP) or Drug Free Workplace programs.

These programs should include:

- *Model policies to address underage drinking, impaired driving and other traffic safety issues, including seat belt use and speeding;*
- *Employee awareness and education programs;*
- *Management training to recognize alcohol and drug use and abuse, and appropriate responses;*
- *Screening and Brief Intervention, assessment and treatment programs for employees identified with alcohol or substance use problems (These services can be provided by internal or outside sources such as through an EAP with participation required by company policy.);*
- *Underage drinking and impaired driving prevention strategies for young employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

Status

Texas provides information, education, and technical assistance to employers to address impaired driving, including alcohol and drug impairment, and encourages employers to implement programs that support safer driving behaviors among employees. These efforts are delivered statewide through the *Texas Our Driving Concern* (ODC) employer traffic safety program, administered by the National Safety Council in partnership with the Texas Department of Transportation. Through ODC, Texas supports employers with

evidence-based training, educational resources, and implementation tools focused on workplace impairment, alcohol and drug risks, fatigue, distraction, and overall safe driving practices.

Recommendations

- None

B-3. Community Coalitions and Traffic Safety Programs

Advisory

Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level. Coalitions should include representatives of: government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups.

States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders;*
- *Ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control and other related coalitions, (e.g., Drug Free Communities, SPF-SIG), to assure that impaired driving is a priority issue;*
- *Provide information and technical assistance to these groups, including data concerning the problem in the community and information identifying evidence-based underage drinking and impaired driving programs;*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving; and*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

Status

The Texas Impaired Driving Task Force (TxIDTF) is a statewide partnership dedicated to reducing deaths and injuries caused by impaired driving through education, enforcement, research, and collaboration. Its mission and purpose is to eliminate impaired driving fatalities and injuries in Texas by uniting experts from law enforcement, prosecution, judiciary, health treatment, research, and education sectors. The TxIDTF addresses both alcohol- and drug-impaired driving, including challenges like polysubstance use, with

cannabis being the most common drug involved in fatal crashes alongside alcohol. It also works to close gaps in enforcement, legislation, and prosecution procedures.

The TxIDTF publishes an annual impaired driving plan. The goals and objectives of this plan are built around the recommendations from the most recent Texas Impaired Driving Technical Assessment. The TxIDTF is commended for using these recommendations as a guide to fulfill the coming year's impaired driving objectives.

While the TxIDTF has a diverse membership, there is a need to increase representation from the Texas treatment and mental health communities. Treatment services are a key component in the recovery process of impaired drivers, and their participation would benefit the TxIDTF.

Texas actively encourages and supports community traffic safety coalitions and programs statewide that are comprised of a broad and diverse range of community members and leaders. Through the Texas Department of Transportation's (TxDOT) Traffic Safety Division's Behavioral Traffic Safety Section, the State promotes a collaborative, data-driven approach to traffic safety by engaging representatives from various partners including government agencies, law enforcement, criminal justice, public health, education, educators, employers, military, medical and health care providers, treatment professionals, faith-based organizations, advocacy groups, and other local community stakeholders. Stakeholders actively promote roundtable discussions on impaired driving prevention.

The State ensures active participation by representatives of local traffic safety programs in a wide range of community coalitions addressing impaired driving and related public health issues. Each TxDOT district has a designated Traffic Safety Specialist (TSS) who regularly collaborates with local and regional coalitions. These partnerships help maintain impaired driving as a priority through education, prevention efforts, and shared resources. Through these ongoing partnerships and active coalition involvement, the State supports a coordinated and consistent approach to impaired driving prevention across public health, education, law enforcement, and community service sectors.

The State provides consistent information and technical assistance to community coalitions and prevention programs. TSSs regularly share localized crash data, identify emerging trends, and support the implementation of evidence-based impaired driving programs. This data-driven approach helps coalitions set priorities, tailor messaging, and focus outreach efforts.

TxDOT supports a traffic safety coalition in each of its districts that provides opportunities for members to work together to provide assistance for prevention efforts, including those aimed at reducing underage drinking and impaired driving.

Organizations such as Mothers Against Drunk Driving (MADD) play a pivotal role in providing educational resources, advocacy, and community outreach that encourage prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement, and

community partners to serve as community spokespeople to educate the public on the prevention of impaired driving. MADD Texas actively promotes roundtable discussions on impaired driving prevention.

Recommendations

- **Recruit leadership from the Texas treatment and mental health communities to serve on the Texas Impaired Driving Task Force.**

B-4. Transportation Alternatives

Advisory

Alternative transportation describes methods by which people can get to and from places where they drink without having to drive. Alternative transportation includes normal public transportation provided by subways, buses, taxis, and other means. Designated driver programs are one example of these alternatives.

States should:

- *Actively promote the use of designated driver and safe ride programs, especially during high-risk times, such as holidays or special events;*
- *Encourage the formation of public and private partnerships to financially support these programs;*
- *Establish policies and procedures that ensure designated driver and alternative transportation programs do not enable over consumption by passengers or any consumption by drivers or anyone under 21 years old; and*
- *Evaluate alternative transportation programs to determine effectiveness.*

Status

Texas stakeholders actively collaborate with driving while intoxicated (DWI) task forces, community coalitions, and other partners to promote rideshare services such as Uber and Lyft. Their initiatives include targeted campaigns to educate the public on the importance of planning ahead for transportation to ensure a safe ride home, particularly during high-risk periods such as holidays, New Year's Eve, and major sporting events. These campaigns aim to raise awareness about the availability and convenience of rideshare options, encouraging individuals to make responsible choices before consuming alcohol or other substances. In addition to promoting rideshare, Texas stakeholders provide educational resources through press conferences and social media messaging that highlight the dangers and legal consequences associated with excessive alcohol consumption and impaired driving.

As might be expected, there is a shortage of alternative transportation services in the more remote parts of the State.

The campaign's main call to action is *Always choose a sober ride*. This is woven throughout all campaign educational and marketing materials. At outreach events, \$25 Uber cards are given to participants who engage in the activation and complete a five question public engagement survey. A Governors Highway Safety Association (GHSA)/Lyft initiative within the campaign distributed \$25,000 in Lyft credits to motivate football fans in Texas to get a sober ride after watching the game. The program resulted in successfully giving away 2,362 sober rides (\$25k in Lyft credits) and the digital ad received over 1,600,000 impressions and almost 11,000 clicks.

In 2023, the Texas Department of Transportation partnered with the GHSA to distribute Uber ride vouchers through its Statewide Impaired Driving Campaign (SWID). Ride credit vouchers were distributed during outreach events for three SWID flights, including Faces of Drunk Driving in June (6 events), Football in October and November (6 events), and Holiday in November and December (10 events). Events were conducted throughout the State in the top six markets for DWI-alcohol related fatalities, plus the Bryan/College Station and Lubbock markets. The credits were given out via printed voucher cards to visitors who had a direct interaction with staff or engaged in on-site event activities. During the June events, each voucher valued at \$25 in Uber rides and the QR code was a general code for anyone who scanned it. During the Football and Holiday events, the vouchers were valued at \$40 each and had unique QR codes. In total, 1,856 Uber ride credit voucher cards were distributed at 22 events. Of those distributed, 1,755 were scanned by visitors into their Uber app. The total ride value of the cards distributed was \$61,295. The final value of rides taken was \$19,862.16, resulting in a 32.40 percent redemption rate. A total of 1,329 trips were taken using the vouchers. The labor and production hard costs for the effort by the marketing agency managing the process were contributed as added value to GHSA.

Recommendations

- Promote the use of alternative transportation options such as Lyft, Uber, and taxi services in more remote parts of Texas.

III. Criminal Justice System

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal penalties, administrative sanctions, and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted and subject to swift, sure and appropriate criminal penalties and administrative sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe and certain consequences, discouraging individuals from driving impaired.

A data-driven, evidence-based, integrated, multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, county, municipal and tribal levels to create and sustain both specific and general deterrence.

A. Laws

Advisory

Each State should enact impaired driving laws that are sound, rigorous and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system. Noncompliant offenders should be adjudicated swiftly.

The offenses should include:

- *Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences;*
- *An Alcohol Concentration (BAC) limit of 0.08, making it illegal per se to operate a vehicle at or above this level without having to prove impairment;*
- *Zero Tolerance for underage drivers, making it illegal per se for persons under age 21 to drive with any measurable amount of alcohol;*
- *High BAC (e.g., 0.15 or greater), with enhanced penalties above the standard impaired driving offense;*
- *Repeat offender, with increasing penalties for each subsequent offense;*
- *BAC test refusal, with administrative sanctions at least as strict as the state's highest BAC offense;*
- *Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional penalties;*

- *Open container, which prohibits 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; and*
- *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.*

Facilitate effective enforcement by enacting laws that:

- *Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs;*
- *Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers;*
- *Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidentiary breath tests and screening and confirmatory tests for alcohol or other impairing drugs;*
- *Authorize law enforcement to collect blood sample by search warrant in any chemical test refusal situation, consistent with other provisions of criminal jurisprudence which allows body fluids to be collected as evidence of a crime; and*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

Effective criminal penalties and administrative sanctions should include:

- *Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test;*
- *Prompt and certain administrative license suspension of at least 90 days for first 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;*
- *Enhanced penalties for 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 imprisonment;⁴*

⁴ Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

- *Separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case;*
- *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.*

Effective monitoring should include:

- *supervision of out-of-state offenders;*
- *proven technology (e.g., ignition interlock device, electronic confinement and monitoring) and its capability to produce reports on compliance;*
- *impaired driver tracking systems; and*
- *periodic reports on offender compliance with administrative or judicially imposed sanctions;*
- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs; and*
- *Statutory and rule support for DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

The Texas statutes contain provisions that are sound approaches and practices calculated to deter impaired driving. The Texas driving while intoxicated (DWI) statute criminalizes driving while “intoxicated.” Intoxication is defined as either:

- not having the normal use of mental or physical faculties by reason of 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, or
- having an alcohol concentration of 0.08 or more.

Because drugs and alcohol are grouped into the same statute, the penalties are generally the same for DWI-alcohol and DWI-drugs. DWI by alcohol and DWI by other drug(s) are treated similarly. There are no enhancements for poly-substance DWI. There are, however, statutory enhancements that only apply to alcohol. For example, having an open container of alcohol or having an alcohol concentration of 0.15 or greater increases the mandatory penalty upon conviction. Because there is no provision that makes an “open container” of an illegal impairing substance an enhancement for penalty purposes, whereas there is for alcohol, the presence of alcohol and the illegal substances in the vehicle are not treated equally. Furthermore, it is possible to prove intoxication via alcohol with the 0.08 BAC per se limit. For several reasons, no such per se limit exists for

drugs in Texas law. While some states have imposed per se limits for drugs other than alcohol, it is a public policy decision and not one supported by science.

The penalties provided appear to be reasonably consistent with other Texas statutes that define criminal-law violations. Texas statutes do not provide enhanced penalties for multiple substances. A Texas statute defines an enhanced penalty for a high BAC. For a first-time offense, the penalty for DWI is a Class B misdemeanor with minimum confinement of 72 hours. The range of punishment is a fine not to exceed \$2,000 and confinement of 72 hours to 180 days. Texas Penal Code Section 49.04(d) then adds that if it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor. A Class A misdemeanor has a range of confinement not to exceed one year and a fine not to exceed \$4,000. There is no statute providing an enhanced penalty for multiple impairing substances in the body or increasing amounts of substances in the body. It appears that the enhanced penalty for high BAC has little impact on the actual sentencing of first offenders as wide judicial discretion is allowed for sentencing. Texas statutes impose increased penalties for subsequent offenses of impaired driving. Only subsequent offenders are eligible to participate in the DWI Courts, but the judges have the discretion to dismiss the charge if the offender complies with the DWI Courts' requirements.

The Texas statute provides that "A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system." There is no mention of driving with an impairing substance except under the Impaired Driving code. There is concern that the impaired driving cases where the number of drivers who are impaired by substances other than alcohol are increasing. The Department of Public Safety laboratory confirms this.

The Texas statute specifies that a chemical test refusal shall be treated with administrative sanctions that are as strict as the administrative sanctions associated with the State's highest impaired driving offense. Texas Transportation Code Chapter 524 authorizes the Administrative Suspension of Driver's License for Failure to Pass Test for Intoxication and Chapter 724 (C) and (D) covers Suspension or Denial of License on Refusal to provide a breath or blood specimen for DWI cases. Texas allows blood draws in DWI cases with consent or with a blood-draw warrant. If an accused impaired driver refuses a warranted blood-draw, they may be forced to provide a blood sample. Texas Code of Criminal Procedure Art. 18.02 allows a warrant for seizure of any property or item constituting evidence of an offense. This includes a search warrant for blood. Art. 18.067 allows a search warrant issued to collect a blood specimen from a person suspected of committing an intoxication offense to be executed in any county adjacent to the county in which the warrant was issued and by any law enforcement officer authorized to make an arrest in the county of execution. Thus, the State provides evidence of statutory authorization to obtain blood or urine. An interesting concept is *No Refusal* programs, which enhance resources at set times or days to effect blood draws.

Texas Transportation Code Section 521.457 does not define driving with a suspended or revoked license (DWLI) due to impaired driving, vehicular homicide, or causing personal injury while driving impaired as separate offenses, but it does affect the offense class, which increases the severity of punishment. However, it does increase the severity of punishment by increasing the offense from a Class C misdemeanor to a Class B misdemeanor. Section 521.344 of the Texas Transportation Code requires a suspension of not less than 90 days or more than one year for a first offense. The suspension begins on a date set by the court that is not later than 30 days after conviction. However, the listed exceptions result in inconsistent application of the statute. Texas statutes set out and mandate enhanced penalties for the following: 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. There is a concern that prosecuting drivers charged with DWLI, while a separate offense with sanctions, perpetuates drivers driving without a license, and the charges are routinely dismissed.

Texas does prohibit the possession or consumption of any alcoholic beverage in the passenger area of a motor vehicle. However, because there is no provision that makes an “open container” of an illegal impairing substance an enhancement for penalty purposes, whereas there is for alcohol, the presence of alcohol and the illegal substances in the vehicle are not treated equally.

Texas Transportation Code 545.413 establishes the “Primary Seat Belt” provision. Texas does not require officers to observe or cite a driver for a separate offense in addition to the seat belt violation.

Texas does not have a statute or case law authorizing law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis, to determine whether operators are driving while impaired by alcohol or other drugs. In fact, the Texas Court of Criminal Appeals has ruled that a statewide standardized program is required to allow sobriety checkpoints. *Holt v. State*, 887 S.W. 2d 16 (Tex.Crim.App.1994). There is political opposition to such a program statute when a bill is introduced. Until that time, DWI roadblocks are illegal. There does not seem to be a strong effort to reinstate sobriety checkpoints as an enforcement option to combat impaired driving. This may be due to a thirty-plus year lapse in conducting sobriety checkpoints. Regardless, it would be an additional tool to implement in the campaign against impaired driving.

Passive alcohol sensors are available, such as “sniffer” flashlights and such that analyze ambient air, but they have largely fallen out of favor due to concerns as to how possible mention of their use could impact court hearings.

The Implied Consent Law for Texas, Code Section 724.012, states that one or more specimens of a person’s breath or blood may be taken if the person is arrested for DWI or Boating While Intoxicated and the officer has reasonable grounds to believe the person is intoxicated. The statute authorizes the peace officer to designate the type of specimen to

be taken unless the officer believes that as a direct result of an accident occurring as a result of the offense any individual has died, will die, or has suffered serious bodily injury, then the officer shall require a blood specimen.

Texas Code of Criminal Procedure Art. 18.02 allows a warrant for seizure of any property or item constituting evidence of an offense. This includes a search warrant for blood. Art. 18.067 allows a search warrant issued to collect a blood specimen from a person suspected of committing an intoxication offense to be executed in any county adjacent to the county in which the warrant was issued and by any law enforcement officer authorized to make an arrest in the county of execution. Thus, the State provides evidence of statutory authorization to obtain blood or urine. There is an initiative to utilize the Law Enforcement Advanced Data Reporting System (LEADRS) program to standardize and track blood-draw warrant requests. Approximately 250 of roughly 1,000 member agencies use LEADRS on a voluntary basis. Universal use of this program would not only standardize such warrants, but it would also greatly enhance the ability to obtain accurate statistical data about DWI cases. Texas Transportation Code Sec. 724.012(a-1) requires the taking of a specimen of a person's blood if the person is arrested for an intoxication offense under Chapter 49 of the Penal Code. If the person refuses to provide a specimen and the officer reasonably believes that as a direct result of an accident that occurred as a result of the offense the officer believes that any individual has died, will die, or has suffered serious bodily injury, the officer is required to obtain a specimen.

A peace officer may not require the taking of a specimen under this section unless the officer obtains a warrant directing that the specimen be taken or has probable cause to believe that exigent circumstances exist.

Texas statutes do not mention or authorize saliva testing or preliminary breath tests. Only motor vehicle and watercraft operators are subject to mandatory BAC testing. Motorcycle operators are subject to this statute. The Texas statutes do not mandate assessment for alcohol or other drug abuse problems for ALL impaired driving offenders and, as appropriate, treatment, abstinence from the use of alcohol and other drugs, and frequent monitoring. In Texas, community supervision is the term for what others may call probation. A judge granting community supervision to a defendant convicted of an offense under Chapter 49, Penal Code, shall require as a condition of community supervision that the defendant submit to an evaluation by a supervision officer or by a person, program, or facility approved by the Department of State Health Services for the purpose of having the facility prescribe and carry out a course of conduct necessary for the rehabilitation of the defendant's drug or alcohol dependence condition. The assessment is not required for other dispositions such as work release or other programs.

There are no mandatory enhancement penalties for test refusal or for BAC over 0.15. Such enhancements would be a valuable prosecution option in cases that may warrant those additional sanctions. It would be a prosecution tool for plea bargaining. This would not only be for the attainment of DWI convictions and the resulting punishment and/or treatment, but also to hasten the elimination of the use of Obstructing a Highway as a

“step-down” from a DWI conviction. The argument for its use is that it leads to pleas and the same penalties and supervision requirements as a DWI can be imposed; however, it “masks” the impaired driving conviction from the record. Texas has recently enacted deferred sentences for a first offense DWI. The rationale is that this would help address the use of lesser charges as a plea option. As of now, there has been no tracking of case adjudications to bear out if this has been beneficial.

The Department of Public Safety laboratory confirms that impaired driving cases where the driver is impaired by substances other than alcohol are increasing. The Texas statute clearly authorizes a judge receiving a defendant for supervision to impose terms of community supervision on the defendant. A judge who receives a defendant for supervision as authorized by Section 510.017, Government Code, may impose on the out of state defendant any term of community supervision authorized by this chapter. In contrast, there is no statute available for review that sets out how a defendant leaving for another state will be supervised. Texas has statutory requirements to use proven technology (e.g., ignition interlock device, electronic confinement, and monitoring) with the capability to produce reports on compliance for use both judicially and administratively. However, the language of the statute is not as mandatory as it would seem. See:

- (a) Except as provided by Subsection (b), a magistrate shall require on release that a defendant charged with a subsequent offense under Sections 49.04 - 49.06, Penal Code, or an offense under Section 49.07 or 49.08 of that code:
 1. have installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator; and
 2. not operate any motor vehicle unless the vehicle is equipped with that device.
- (b) The magistrate may not require the installation of the device if the magistrate finds that to require the device would not be in the best interest of justice.

While the statute mandates that the magistrate require a device in the first part, in a subsequent section the statute gives the judge an out from the mandate. A significant gap exists between reporting the order and the installation of the device. Ignition interlock device companies protect their data and a statutory requirement to share the data does not exist. Over 800 Justices of Peace (JPs) are serving in the magistrate role. That role includes the initial advising of rights and setting of bond conditions. The JPs issue occupational driver licenses for instances where the defendant has refused or failed to take a blood or breath test. Monitoring of installation of interlock remains with the magistrate until criminal charges are filed. Texas statute allows the judge to discount the device costs by up to 50 percent.

Texas has no statutory nor rule support for DWI Dockets or Courts as a sentencing alternative for persistent DWI Offenders. The statute requires reports about supervision to be provided to the courts and judicial authorities. Knowing what percentage of the defendants are monitored by technology would be a first step in understanding the effectiveness of the statute. The “Damon Allen” statute on criminal history provides that

the Sheriff will prepare the public safety report if the Sheriff agrees and a Judge orders. This is a small step but at least it acknowledges the need for a robust and complete criminal history record. Periodic reports on offender compliance with administrative or judicially imposed sanctions are required by statute. It is up to each individual department's policy and supervision officer's discretion to determine the frequency of offender reporting requirements. For example, there is no statute that says a defendant on probation for a DWI first offense has to report to an officer once a month. Additionally, the type of sanction imposed for violations, e.g., defendant had an ignition interlock violation last month and so the probation officer is going to increase monthly reporting requirements, is determined by each department's policy, the supervision officer, and the courts.

The State has not enacted statutes nor promulgated consistent administrative rules to implement impaired driver tracking systems across the entirety of the impaired driving countermeasure system. The failure to statutorily require a DWI tracking system impedes the effective management of impaired driving cases from arrest to post adjudication. Therefore, the Texas statutes do not protect the innocent drivers and bystanders on the roads of Texas. What is not clear is how consistently Texas applies its statutes and how often and for what reasons the penalties are mitigated. The statistics as reported are very helpful in understanding the flow of cases. It is not clear that the harshness of the statutes overcomes the disjointed applications. The statutes are not deterring impaired driving, particularly when the driver is impaired by multiple substances. The large number of dismissals may indicate that the effectiveness of the statutes is diminished by the inconsistent applications of the statutes. The gap in the statutory provisions indicates the possibility of inconsistent and not comprehensive provisions for when the driver is impaired by multiple substances. While some statutes can be improved, what is needed and likely to enhance the Texas work to prevent impaired driving would be a statute giving strong incentives to all keepers of the criminal justice data points for impaired driving offenses to make sure that the records systems communicate data to each other. Without complete and accurate data from a comprehensive system tracking every DWI offense from stop through post adjudication, the public is not protected from the repeat DWI offenders. While LEADRS is a strong start, it is voluntary and not widely utilized. There is currently no rule or statute mandating a statewide data tracking system which would be invaluable in addressing the data collection problem. However, there has been a quite recent improvement whereby counties are now required to make their charging and conviction information readily available to agencies throughout the State.

Recommendations

- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
- **Enact enhanced penalties for refusals and 0.15 and greater alcohol concentrations to give prosecutors an effective tool in obtaining driving while intoxicated convictions and subsequent supervision and, if appropriate, treatment.**

- Advocate for permissible driving while intoxicated checkpoints to be available should law enforcement choose to utilize them.
- Standardize community supervision programs to foster consistency, accountability, and evaluation for efficacy.
- Establish a uniform reporting process for ignition interlock violations.

B. Enforcement

Advisory

States should conduct frequent, highly visible, well publicized and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, utilizing data to focus on locations where alcohol related fatalities most often occur. To maximize visibility, the State should conduct frequent sobriety checkpoints, periodic saturation patrols and sustained efforts throughout the year. Both periodic and sustained efforts should be supported by a combination of paid and earned media. To maximize resources, the State should coordinate highly visible, multi-jurisdictional efforts among State, county, municipal and tribal law enforcement agencies to include liquor control enforcement officers. To increase the probability of detection, arrest and prosecution, participating officers should receive training in the latest law enforcement techniques.

States should:

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources;*
- *Develop and implement a year round impaired driving law enforcement plan supported by a strategic communication plan which includes:*
 - *periods of heightened enforcement, e.g., three consecutive weekends over a period of 16 days, and frequent sustained coverage throughout the year; and*
 - *high levels of participation and coordination among State, liquor enforcement, county, municipal and tribal law enforcement agencies, such as through law enforcement task forces.*
- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol-related fatal or other serious crashes most often occur;*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including frequent, ongoing sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during and after they occur;*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors and mobile data terminals) to enhance law enforcement efforts;*

- *Require that law enforcement officers involved in traffic enforcement receive standardized state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement, (ARIDE) emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC);*
- *Ensure that officers involved in traffic enforcement receive ongoing refresher training in SFST;*
- *Evaluate the effectiveness of advanced training in the identification and apprehension of drug impaired drivers;*
- *Provide training to enhance law enforcement officers understanding of ignition interlock devices;*
- *Expedite the arrest process, e.g., by reducing paperwork and processing time from the time of arrest to booking and/or release;*
- *Evaluate program effectiveness and efficiency through the use of both output and outcome based performance measures including:*
 - *the level of effort, e.g., number of participating agencies, checkpoints conducted, arrests made;*
 - *public awareness;*
 - *reported changes in behavior, e.g., reported number of drinking driving trips; and*
 - *consequences including alcohol-related fatalities, injuries and crashes.*
- *Use law enforcement professionals to serve as law enforcement liaisons within the State. Their activities would include:*
 - *Serving as a communication bridge between the highway safety office and law enforcement agencies;*
 - *Enhancing law enforcement agencies coordination in support of traffic safety activities;*
 - *Encouraging participation in high visibility enforcement of impaired driving, occupant protection and other traffic safety enforcement mobilizations; and*
 - *Improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement.*

Status

Law enforcement efforts to combat impaired driving vary widely throughout Texas. Much of the variance results from a combination of extensive geography and extreme differences in population density, culture, and economic conditions between areas of the State, emphasizing the difficulties of coordinating efforts and implementing “one size fits all” solutions. Of the State’s 31.7 million people, approximately 22 million (69 percent) reside in only about 20 percent of the State’s 254 counties in the “Texas Triangle” area of Houston-Dallas-San Antonio-Austin. Population densities range from over 2,800 people per square mile in Houston to approximately 0.13 people per square mile in Loving County, with a statewide average of between 110 and 120 people per square mile. Further exacerbating the issue of variance in efforts is the large number of law enforcement agencies in the State. Estimates range from 2,700 to almost 2,800 law enforcement agencies depending on the source of the information, with the Texas Commission on Law Enforcement showing 2,782 “active” agencies and 82,981 licensed officers. Many agencies consist of a single officer, and many more have fewer than ten officers.

Agencies in urban centers typically conduct frequent, highly visible, well-publicized, and fully coordinated efforts, while rural areas often struggle to provide sufficient staffing to handle higher priority functions. In addition to overtime funding through grants, larger urban areas often have dedicated traffic units and conduct high visibility enforcement (HVE) efforts year-round. Some smaller agencies have difficulty filling grant-funded overtime shifts due to minimum staffing requirements and employee burnout from being short-staffed. A number of law enforcement agencies are part of other governmental agencies, including school districts, ports, parks, airports, hospitals, and water districts. These law enforcement agencies are not organized with traffic enforcement as a primary mission and conduct traffic enforcement incidentally during their normal operations, if at all.

The Texas Impaired Driving Task Force (TxIDTF) was established in 2012 with “the mission of eliminating impaired driving in Texas” according to its charter, which was last revised in Fiscal Year 2023. The TxIDTF is sponsored by a grant from the Texas Department of Transportation (TxDOT) Traffic Safety Division, Behavioral Traffic Safety Section (TRF-BTS), which is administered by the Texas A&M Texas Transportation Institute. The TRF-BTS functions as the State Highway Safety Office. The TxIDTF is comprised of a number of important stakeholders and develops an annual State Impaired Driving Strategic Plan (IDSP), among other publications. The TxIDTF and TxDOT also jointly sponsor an annual one-day Statewide Impaired Driving Forum, which is free to attend. In 2022, TxIDTF requested that the National Highway Traffic Safety Administration (NHTSA) conduct an Impaired Driving Technical Assessment to identify strengths and weaknesses in its program, and to make recommendations for improvement. The TxIDTF, its stakeholders, and other state and local government officials have worked to implement those suggestions within their authority.

Resources in the way of funding are made available to all law enforcement agencies through grants. Efforts are made to reach out to those law enforcement agencies that have not previously applied and assist them with the application process. Additionally, the State provides money for training programs for impaired driving enforcement. Data used to determine allocation of funding come from the Crash Records Information System (CRIS). Many law enforcement agencies use the Law Enforcement Advanced Data Reporting System (LEADRS) to determine serious crash hot spots, although that system is currently utilized by only about 250 law enforcement agencies statewide. LEADRS was originally designed to reduce the amount of time an officer spends on an arrest but also serves as a de facto data tool due to its functionality. Hot spots for serious crashes are identified, and agencies are directed to conduct Selective Traffic Enforcement Program (STEP) enforcement based on identified hot spot locations.

Data from STEP enforcement and other grant-funded activities are tracked to determine effectiveness. Agencies involved, hours, stops, and other data are collected and compared to previous years. Additionally, crash data are compared across multiple years. The 2025 IDSP reports a reduction in alcohol-related fatalities, blood alcohol content (BAC) fatalities greater than 0.08, and alcohol fatalities per hundred million vehicle miles traveled, from a peak in 2021 through the 2023 reporting period, which is the last year currently available.

Driving while intoxicated (DWI) checkpoints are not currently used in Texas. The decision in *Holt v. State*, 887 S.W.2d 16 (1994), banned the use of sobriety checkpoints that don't meet the standard of a statewide process authorized by a politically accountable governing body. Texas is one of 13 states that have declared sobriety checkpoints unconstitutional under the Fourth Amendment despite their acceptance by the U.S. Supreme Court in the decision *Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1990). The Texas legislature had introduced bills in a number of previous sessions that could have met the Holt standard, but none have been successful, and legislative interest has waned as time has passed. While checkpoints can be an effective tool in some areas, particularly urban locations, their effectiveness in rural areas may be less impactful than a saturation patrol using the same number of officers. As social media and mapping software have become ubiquitous, the ease of avoiding a checkpoint renders them increasingly ineffective as compared to roving saturation patrols.

Standardized Field Sobriety Testing (SFST) training is conducted during the basic police academy for all officers. The quality of the training provided varies greatly among the various police academies, and there is no chance to apply the training in real life for several months, with the consequent loss of skills. An SFST Refresher and an SFST Practitioner class are available as in-service training, as well as Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) training, with DRE being a highly competitive process for selection. DREs can be allowed to provide expert witness opinion court testimony under some circumstances. Prosecutors may attend the training programs and are encouraged to attend DRE courses. The number

of arrests for intoxicated driving increases with the level of training, as does the percentage of arrests that include drugs as opposed to alcohol-only.

Training for police officers and prosecutors is provided by the Traffic Safety Resource Prosecutor (TSRP). Four separate courses are conducted annually, with the duration set at six hours in length to allow travel time to and from class. Twenty-six total sessions are conducted annually, with approximately 1,500 students trained each year. The courses are:

- *Rolling Stoned: Investigating and Prosecuting the Drugged Driver*
- *Worst Case Scenario: Impaired Driving Crashes from Crash to Courtroom*
- *Effective Courtroom Testimony for Police and Prosecutors*
- *Guarding Texas Highways: Revisiting Impaired Driving Investigation and Prosecution*

Additional trainings that are available include *Advanced DWI, Focus on Reducing Impaired Driving Among Youth (FRIDAY)*, and *Drug Impairment Training for Education Professionals (DITEP)*. Training on ignition interlock devices is not mandatory but is available online.

Grant funds may also be used to purchase some technology, with the LEADRS program and the Intoxilyzer 9000 evidentiary breath test instrument being the two most current technologies. Departments have other funding sources available to purchase in-car and body-worn camera systems. Preliminary Breath Test (PBT) devices and passive breath test devices may also have other funding available, but these devices are not widely used in Texas. The use of PBTs is problematic due primarily to issues with training and calibration and the lack of a legal mandate by the Legislature.

As polysubstance arrests have increased, officers are increasingly opting for blood tests through implied consent or search warrant over an evidentiary breath test. There is often a significant delay in providing blood test results, and tests for other drugs are often not done if the alcohol concentration is high enough to secure a conviction unless specifically requested by the prosecutor. One cause of these delays is the requirement for one or more lab personnel to respond to a subpoena, in person, for testimony. In some cases, only the testing scientist is subpoenaed, while in others, anyone who touched the sample from the time it entered the lab is required to testify to chain of custody. Because of the State's vast geographical size, scientists and others may spend three days, including travel on both ends, to testify for 15 minutes. This time away from the lab precludes them from conducting tests during their absence. Lab personnel currently are required to testify in-person unless all parties agree to video testimony.

Recommendations

- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
- **Pass legislation or change court rules to allow for video testimony by toxicologists and other lab personnel for routine testimony.**

- Expand the Drug Recognition Expert (DRE) officer's geographic area they are allowed to cover in order to provide service to smaller agencies that lack a DRE.
- **Require a Standardized Field Sobriety Testing (SFST) update or recertification after academy graduation and the completion of the Field Training Officer program for all officers. Require an SFST update course every three years.**
- Expand the use of multi-jurisdictional enforcement efforts in rural areas, allowing small local agencies to participate alongside the Texas Department of Public Safety and the county sheriff's office.
- Consider passing legislation to allow sobriety checkpoints as another tool for those areas in which it might be effective.

C. Prosecution

Advisory

States should implement a comprehensive program to visibly, aggressively and effectively prosecute and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Effective prosecution can include participation in a DWI Court program.

Prosecutors who handle impaired driving cases often have little experience, are responsible for hundreds of cases at a time, and receive insufficient training.⁵

States should:

- *Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors;*
- *Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes;*
- *Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors;*
- *Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State;*
- *Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs. Prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel;*
- *In drug-impaired driving cases, encourage close cooperation between prosecutors, state toxicologists and arresting law enforcement officers (including DRE). Their combined expertise is needed to successfully prosecute these cases;*
- *Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense; and*
- *Encourage prosecutors' participation in DWI Courts as a sentencing alternative for persistent DWI offenders.*

⁵ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution." Ottawa, Traffic Injury Research Foundation, 2002.

Status

The priority of Driving While Impaired (DWI) cases vary widely with prosecutors in Texas. While the Texas District and County Attorneys Association (TDCAA) prosecutors have not issued a high-level statement setting DWI prosecution as a high priority, it has conducted an Impaired Driving Prosecutor Listening Sessions in 2016. There were plans to repeat this, but so far has not come to pass.

In Texas, the prosecutors assigned to DWI cases have varied levels of knowledge and experience. Not surprisingly, there is a need to encourage experienced prosecutors to stay in the DWI arena. One reason is because understanding the importance of effective prosecution is not intuitive to many lawyers. The second reason is that successful prosecution of DWI cases requires a skill set and a knowledge base that takes time and money to develop. The best prosecutors often have more lucrative career options that will draw them away from the impaired driving prosecution. The emphasis is on Chief Misdemeanor prosecutors in each jurisdiction to provide mentorship and shared experience to traditionally newer prosecutors. The Texas TDCAA is passionate about training prosecutors and has a robust program available to assist them. The TDCAA has been in the position for twenty-plus years, is well-respected, and very involved in the Impaired Driving Task Force initiatives.

Texas has a State Prosecutor longevity bonus payment that, while not focused on impaired driving, is a good first step in retaining experienced prosecutors. Although the efforts are not exclusively traffic safety related, TDCAA has identified retention as a major goal of the organization. Numerous retention pilot programs are underway. In addition, the Traffic Safety Resource Prosecutor (TSRP) specifically recruits prosecutor specialists for subcontract opportunities in the DWI Resource Prosecutor grant.

The Texas prosecutors are engaged in vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes. Focused on vehicular cases, several Texas jurisdictions have specialized Vehicular Crime sections. Many more have a designated subject matter expert. TDCAA publishes an Intoxication Manslaughter publication. While not every year, TDCAA delivers a weeklong Intoxication Manslaughter Advanced Advocacy course. Texas Prosecutors use both Chapter 49 (Intoxication Offenses) of the Penal Code as well as Felony Murder charges on impaired driving death cases. Using the Felony Murder Statute (Sect 19.02 PC), over 20 Texas jurisdictions have obtained life sentences for felony repeat offenders that took a life while driving while impaired. Although the length and severity imposed by some sentences are striking, questions are raised by the number of dismissals, the number of multiple repeat offenses by one driver, and the number of repeat offenders. Many Texas jurisdictions impose decades long and even life sentences for repeat DWI in non-crash cases.

The Texas prosecutors who handle impaired driving cases receive evidence-based training, such as Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs. The

TDCAA publishes DWI Investigation and Prosecution materials. These are provided every four years to every Texas Prosecutor and to every attendee of the Prosecutor Trial Skills Program held twice a year by TDCAA. About 95 percent of new Texas Prosecutors with no prior trial practice experience attend that program. Resources on SFSTs, DREs, Blood Testing, Breath Testing, and much more are free and available at www.TDCAA.com/resources/DWI. There are dozens of hours of training videos, documents, a full SFST review document, articles, a full summary of all Texas DWI cases, and much more at that site. The TDCAA website demonstrates the activities of TDCAA. The prosecutors' education opportunities appear to meet their needs with relevant and up-to-date content. Texas prosecutors and DREs have coordinated training to enhance the knowledge and comfort level of prosecutors in drugged-driving cases. DRE officers are often requested to apply their expertise in cases outside of their jurisdiction. While they are often quite accommodating, they do so without compensation for off-duty hours.

TEXAS DEPARTMENT OF PUBLIC SAFETY CRIME RECORDS SERVICES
Reporting Year 2023-2024

Total number of DWI cases reported:

District Courts (3,041 Reports Received out of Possible 3,048 for a 99.8 percent reporting rate):

- 22,993 Felony DWI cases on dockets
- 11,074 cases disposed.
- 7,578 convictions (7,188 by plea, 390 by trial)

Statutory County Courts (1,152 Reports Received for a 100 percent reporting rate):

- 136,838 DWI First Offenses cases on the docket
- 64,933 cases disposed
- 25,933 convictions (25,579 by plea, 354 by trial)

- 23,183 DWI Second Offense cases on the docket
- 11,991 cases disposed
- 8,584 convictions (8,486 by plea, 98 by trial)

Constitutional County Courts (2,476 Reports Received for a 98.7 percent reporting rate):

- 14,415 DWI First Offense cases on the docket
- 3,789 cases disposed
- 1,660 convictions (1,541 by plea, 119 by trial)

- 2,065 DWI Second Offense cases on the docket
- 767 cases disposed
- 543 convictions (522 by plea, 21 by trial)

Prosecutors seek dispositions that employ sentencing strategies for offenders who abuse impairing substances other than alcohol. Texas statute, Art. 42A.257, requires:

EVALUATION FOR PURPOSES OF ALCOHOL OR DRUG REHABILITATION.

(a) The judge shall direct a supervision officer approved by the community supervision and corrections department or the judge, or a person, program, or other agency approved by the Department of State Health Services, to conduct an evaluation to determine the appropriateness of, and a course of conduct necessary for, alcohol or drug rehabilitation for a defendant and to report the results of that evaluation to the judge, if...

It would be useful to see the data showing the numbers of those adjudicated who receive the evaluation for purposes of alcohol or drug rehabilitation and received the recommended services. However, this data is not available. The prosecutors do not interact in any reported fashion with tribal prosecutors. Prosecutors, but not tribal prosecutors, participate in multi-disciplinary training with law enforcement personnel. Excluding tribal agencies, relationships with the Department of Public Safety Alcohol and Toxicology Laboratories and the TSRP are excellent. Every new toxicologist has a half-day session with the TSRP as part of training. The TSRP provides constant technical assistance and liaison efforts. The TSRP trains upwards of 700 officers a year. TDCAA also makes hours of recorded training materials available to academies and police trainers. The TSRP works in very close connection with both the DRE Coordinator and the SFST Coordinator. The TSRP is available to officers statewide for technical assistance. The TSRP works with Texas Commission on Law Enforcement on legislative update curriculum and on impaired driving education issues.

One concerning issue is the toxicologists being required to testify in-person. A recent U.S. Supreme Court case, *Smith v. Arizona*, 602 U.S. 2024, requires that the analyst who performed the analysis personally testify as to the results. In Texas, in-person toxicology testimony is required unless both parties and the court agree to allow remote testimony. As it is uncommon for all parties (particularly defense counsel) to agree to remote testimony, toxicologists are required to travel several hours to testify. This requirement not only is inconvenient, but it also takes valuable time away from addressing the backlog of samples waiting to be analyzed.

The State does not have any policies on plea negotiations in impaired driving cases. There is no requirement that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense established and adhered to as routine. The current operating status is that many diversions later have the records expunged. There are no actual lesser offenses to DWI. Cases are sometimes reduced to Obstructing a Highway, although that seems to be a common practice. This charge is a flag to other Texas prosecutors that there is a DWI reduction, and although similar penalties and supervision can be imposed under this charge, it “masks” an otherwise potential DWI conviction.

The major jurisdictions in Texas have DWI Courts, but there are jurisdictions that do not have DWI Courts. The number of DWI Courts appears to be static over the last few

years. There is no data available that shows the numbers and the percentage of eligible defendants that have access to DWI Courts. As previously mentioned, Texas does not have a statewide repository for DWI information and statistics. Components of a DWI data tracking system exist, that if linked with adequate design structure could become a statewide repository for DWI data. At the present time, the records are incomplete and attempts to gather a complete record are expensive and take many hours of investigators' efforts. There are no plans to build the needed system.

The practice of prosecution offices offering "diversion" programs is a concern. This is described as a process where the prosecution either declines to file a charge in an impaired driving case or removes it from the court docket. Such case is then placed in a "diversion" program, the stipulations of which are at the varied discretions of prosecution. In other words, an arrest may be diverted with no more requirement than a promise not to re-offend and for a discretionary period of time. Such practices have no judicial oversight, being totally within the purview of the prosecutorial entity. This permits an untold number of impaired driving cases to escape accountability and any appropriate punishment and/or treatment and with potentially no supervision for any compliance requirement.

Recommendations

- **Pass legislation or change court rules to allow for video testimony by toxicologists and other lab personnel for routine testimony.**
- **Mandate that any driving while intoxicated diversion programs be subject to judicial oversight, with specific standardized requirements.**
- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**
- Establish a compensation program to encourage Drug Recognition Expert (DRE) officers to assist cross-jurisdiction to alleviate the shortage of and demand for DRE officers as needed.

D. Adjudication

Advisory

States should impose effective, appropriate and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. Where offender

supervision⁶ is housed within the judicial branch, the guidelines of Section V(A)(1) should be utilized by the judiciary.

The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE), alternative sanctions and emerging technologies, such as ignition interlock devices (IID).

Each State should utilize DWI Courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI Courts also improve access to assessment, treatment, and sentence monitoring. Each State should provide adequate staffing and training for community supervision programs with the necessary resources, including technology, such as IID, to monitor and guide offender behavior.

States should:

- *Involve the State's highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges;*
- *Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury;*
- *Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges;*
- *Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders; and*
- *Use court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI Courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug Court practice. These courts increase the use of drug or alcohol assessments, identify offenders with alcohol or drug use problems, apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs and closely monitor compliance, leading to a reduction in recidivism.⁷*
- *Eliminate ethical obstacles, such as ex parte or commitment communications, by adopting the current Model Code of Judicial Conduct so that judges can participate more freely in DWI Court administration;*

⁶ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002.

⁷ Freeman-Wilson, Karen and Michael P. Wikosz, "Drug Court Publications Resource Guide, Fourth Edition." Alexandria, VA: National Drug Court Institute, 2002.

- *Provide adequate staffing and training for community supervision programs with the necessary resources, including technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance; and*
- *Incorporate into judicial education and outreach administration the position of Judicial Outreach Liaison as a judicial educator and resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.*

Status

From top to bottom, Texas does not have a unified state court system starting with the courts of last resort. The Texas Court of Criminal Appeals is the court of last resort in criminal matters. The Supreme Court of Texas is the court of last resort for civil matters. The disconnectedness of the two courts of last resort is reflected throughout the justice system. The Texas Court of Criminal Appeals is Texas' highest court in the State for criminal cases. The Texas Court of Criminal Appeals assists the lower courts by resolving conflicts between the courts of appeals. Blood search warrants have been heavily litigated, and the Texas Court of Criminal Appeals has issued opinions that offer guidance to the trial courts. However, the civil court administers admission to the practice of law. The Texas Court of Criminal Appeals sets the requirements for continuing legal education for the judges with criminal court jurisdiction. The law-trained judges have different continuing legal education requirements than the non-law-trained judges. Civil courts have trial rules of procedure, but the criminal courts have local trial rules only. The Texas Court of Criminal Appeals does not assign judges or supervise the work of the local judges. The Texas Court of Criminal Appeals does not take an active role in assigning driving while intoxicated (DWI) cases to knowledgeable and experienced judges.

Not all judicial officers are state officers. Texas judges may be elected or appointed depending on applicable state and local laws as well as geographical and population considerations. District and County Level Courts have jurisdiction in DWI cases, depending on whether they are prosecuted as felonies or misdemeanors. The following Tribal Courts are in Texas: Alabama-Coushatta Tribe of Texas Tribal Justice System, Kickapoo Traditional Tribe of Texas Tribal Court, and the Ysleta del Sur Pueblo Tribal Court. The state courts and tribal courts do not routinely interact. Each system is separate and currently there are no plans in place to communicate formally between the two systems although outreach has been attempted, but as of yet to no success.

Texas has 254 counties with an enormous variation in geographic size as well as the size of the population. There are 1,278 municipal judges presiding in 933 municipal courts. Forty-four percent are non-lawyer judges. Some are elected; most are appointed. Texas has many specialty courts including DWI/Drug Courts. Texas Government Code, Sec.123.006 requires counties with a population of 200,000 or more to establish a drug court program. Sec. 123.005 allows counties to establish a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving

the operation of a motor vehicle while intoxicated. If the county does not establish a separate program, they must employ procedures designed to provide that a person arrested for, charged with, or convicted of a second or subsequent offense involving the operation of a motor vehicle while intoxicated be evaluated for participation in the county's existing drug court program. Drug courts and DWI Courts receive funding from both state and federal sources. In the 2021 legislative session, the legislature enacted the Ruben Reyes Act and provided that one percent of the mixed beverage tax is to be deposited to the credit of the specialty court account for use by the criminal justice division within the Governor's Office. (Gov. Code Sec. 183.053.) However, little factual information is available about operations of these courts, although the guess was that there are about 30 DWI Courts. This number has remained static for several years.

No data was provided to show exactly how many courts exist or how many defendants are handled by these courts. Because there is no statewide or even local DWI tracking system in Texas, determination of whether a defendant had a subsequent DWI offense is not possible. The courts are required to have evaluators, but the validity of any evaluation is highly questionable if they do not have access to valid data. It is unknown if documentation is available that shows how many impaired driving cases are handled by each treatment court with a breakdown of dispositions of those cases. Not all citizens within Texas have access to DWI Courts. With the exception of some information from Ysleta Del Sur Pueblo, no other information was available regarding tribal court handling of DWI cases.

Texas does not monitor the consistency of the adjudication of impaired driving (including youthful offender) cases. Certainly, the huge variation in the courts militates against any imposition of effective and evidenced-based sanctions, particularly when impaired driving resulted in a fatality or injury. Texas does not track the timeliness of the adjudication of impaired driving cases. The Texas Center for the Judiciary, Texas Association of Counties, Texas Municipal Courts Education Center, and Texas Justice Courts Training Center all have training on impaired driving. These organizations collaborate on a yearly training in which all court levels come together for impaired driving education. The Texas Center for the Judiciary and the Texas Association of Counties also collaborate on two DWI Summits each year. These summits are held in smaller, more rural areas to give judges in those areas a chance to attend an impaired driving training without travel time and costs. It is not clear which judges attend the training and how often the various judges attend. Tribal judges have been invited to attend, although in the past invitations have been extended with no response. Ysleta Del Sur has responded that they would accept such an invitation.

Some Texas courts employ strategies to reduce recidivism through evidence-based sentencing and close monitoring. However, the disposition of DWI cases in Texas varies greatly from jurisdiction to jurisdiction. What data that is available is inadequate to show outcomes from each court for comparison and contrast of strategies used by the different courts. DWI Courts have increased the use of drug or alcohol assessments proven reliable and validated for assessing offenders with alcohol or drug use problems. Texas requires the use of the Texas Risk Assessment System, but a few courts have gone beyond that

assessment to better determine risk and needs for impaired driving offenders. They have received training on Computerized Assessment and Referral System and there is an expanding use of the Impaired Driving Assessment (IDA). The IDA is an impaired driver specific assessment tool that more accurately captures the risk/need makeup of that unique population.

Because Texas does not have a statewide DWI tracking system, it is not clear to what extent the courts are applying effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs, and closely monitoring compliance, leading to a reduction in recidivism. In some courts, it is likely that close monitoring for compliance is available. Sentencing varies greatly from jurisdiction to jurisdiction. Some courts use DWI Courts, Diversion, and deferral programs to sentence DWI offenders effectively and efficiently.

Texas has eliminated ethical obstacles, such as ex parte or commitment communications, to allow the judges to participate more freely in DWI court administration. A comment has been added to the Texas Code of Judicial Conduct stating: "It is not a violation of Canon 3B (8) for a judge presiding in a statutory specialty court, as defined in Texas Government Code section 121.001, to initiate, permit, or consider any ex parte communications in a matter pending in that court." However, in non-drug court settings, traditional ethical standards remain. The current statute allows the court with jurisdiction to modify any condition of community supervision at any time (CCP 42A.051(b)). Probation officers, who are an extension of the court, routinely notify the courts ex parte regarding violations via amended order memos.

Texas has community supervision programs. The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) administers adult community supervision in Texas. Although the Division does not work directly with offenders, it distributes state aid to local community supervision and corrections departments (CSCDs). TDCJ-CJAD's role is to ensure that services are provided in accordance with strategic plans and state standards. As mandated by the Texas Code of Criminal Procedure and approved by the Texas Board of Criminal Justice, TDCJ-CJAD develops minimum standards for core CSCD services. TDCJ-CJAD tracks and evaluates CSCD programs, approves program budgets, performs fiscal audits, and maintains the Community Supervision Tracking System (CSTS). Texas community supervision officers are trained and certified by TDCJ-CJAD.

Court staff receive some training on ignition interlock devices. Through a Texas Department of Transportation grant, the Texas A&M Texas Transportation Institute developed and provides training to judges and judicial staff, prosecutors and staff, and probation departments on ignition interlock devices. The current state Judicial Outreach Liaison (JOL) has held the position for the past twelve years. The JOL serves as a judicial educator and resource on highway traffic safety issues including impaired driving, as well as acts as an agent to create more DWI Courts. The JOL is a frequent lecturer, coordinator, and resource on highway safety issues, and teaches at and coordinates an annual training for all DWI Courts. That training has a basic component for new DWI

court teams and team members and an advanced component for existing and experienced DWI court teams and team members.

In looking at the adjudication of DWI in Texas, the single most pressing problem is data. For a judge who sets bond or imposes a penalty, it is imperative to know the defendant's record. There is now a reporting system that allows courts to access bond conditions from each county. The question remains whether the information is accurately reported, but it is an important advancement. This is a notable improvement in judges making the defendants' history available to all judges and enhancing good bond and sentencing decisions. Of note, Texas has enacted "bond reform." Texas' bond reform is in the form of further limiting the types of cases that can be released without a cash or surety bond and increasing the number of cases that can be held without bond.

Recommendations

- **Establish accurate treatment court documentation to capture data reflecting the number and focus of each treatment court.**
- **Require judicial supervision of diversion programs.**
- Implement an initiative to evaluate the efficacy of driving while intoxicated courts and a strategy to expand their availability to all Texas residents.
- Establish a robust training program for court staff on technological tools utilized in supervision and compliance programs.

E. Administrative Sanctions and Driver Licensing Programs

Advisory

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization or forfeiture of a vehicle; the impoundment of a license plate or suspension of a vehicle registration; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.⁸

In addition, other driver licensing activities can prove effective in preventing, deterring and monitoring impaired driving, particularly among novice drivers.

E-1. Administrative License Revocation and Vehicle Sanctions:

Advisory

⁸ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002

Each state's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the state's impaired driving laws. Administrative sanctions allow the licensing agency to maintain its authority to determine the safety and competence of the driver to whom it has issued a license, and to determine whether, at any time, continued provision of driving privileges is warranted. Administrative sanctions provide for consistency and uniformity of both sanction and treatment of offenders, apart from the political or social viewpoints of the various judicial jurisdictions within a state.

The code should provide for:

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal;*
- *The period of suspension for a test refusal should be longer than for a test failure;*
- *Prompt suspension of the driver's license within 30 days of arrest, which should not be delayed, except when necessary, upon request of the State;*
- *Vehicle sanctions, including suspension of the vehicle registration, or impoundment, immobilization or forfeiture of the vehicle(s), of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving; and*
- *Installation of ignition interlock device(s) on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle. Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.*

Status

The Texas Department of Public Safety, Driver License Division, is responsible for all driver license processes from driver testing and issuance of credentials to the suspension or revocation of driver licenses. The impaired driving-related offense convictions that have mandatory license suspension periods include misdemeanor or felony driving while intoxicated (DWI) as well as felony Intoxication Assault and Intoxication Manslaughter. The Texas implied consent statute and driver license sanctions related to alcohol-impaired driving offenses is known as the Administrative License Revocation (ALR) program. This administrative process is independent of the judicial process and associated criminal penalties for impaired driving. ALR driver license suspension appeals

are heard by State Office of Administrative Hearings, Administrative Law Judges. Separating driver license upon a criminal conviction from the ALR processes allows for uniform administrative sanctions apart from any criminal proceedings. However, ALR sanctions are not applicable to DWI offenses resulting from substances other than alcohol.

Upon an arrest or refusal of implied consent, a license holder faces administrative license suspension. Sanctions will be imposed for persons who:

- Refuse to take or fails to complete a blood or breath test, or
- Provide a blood or breath test that registers an alcohol concentration of 0.08 percent or more while driving a non-commercial motor vehicle, or
- Provide a blood or breath test that registers an alcohol concentration of 0.04 percent or more while driving a commercial motor vehicle.

Suspension periods for adults 21 years of age or older:

Refusals

- First refused test: 180-day driver license suspension
- Second refused test or if previously convicted of any DWI, Intoxication Assault, or Intoxication Manslaughter: two-year driver license suspension

Chemical test failure indicating an alcohol concentration of 0.08 or more

- First test result: 90-day driver license suspension
- Second test result or if previously convicted of any DWI, Intoxication Assault, or Intoxication Manslaughter within the past 10 years: one year license suspension

Suspension periods for minors (under 21 years old):

Refusals

- First test: 180-day driver license suspension
- Second refused test or if previously convicted of any DWI, Intoxication Assault, or Intoxication Manslaughter: two-year driver license suspension

Chemical test failure indicating an alcohol concentration of 0.08 or more

- first test result: 60-day driver license suspension
- second test result or if previously convicted of any DWI, Intoxication Assault, or Intoxication Manslaughter within the past 10 years: two-year license suspension

Recommendations

- **Expand the scope of the Administrative License Revocation Program to apply to implied consent refusal or positive chemical testing results indicating driving under the influence of substances other than alcohol.**

E-2. Programs

Advisory

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- (1) Graduated Driver Licensing (GDL) for novice drivers. GDL programs have been widely evaluated and all studies, although results vary significantly, have shown a reduction in crash and fatality rates.*

States' GDL program should involve a three-stage licensing system for beginning drivers (stage 1 = learner's permit; stage 2 = provisional license; and stage 3 = full license) that slowly introduces the young, novice driver to the driving task by controlling exposure to high risk driving situations (e.g., nighttime driving, driving with passengers, and driving after drinking any amount of alcohol). The three stages of the GDL system include specific components and restrictions to introduce driving privileges gradually to beginning drivers. Novice drivers are required to demonstrate responsible driving behavior during each stage of licensing before advancing to the next level.

Each stage includes recommended components and restrictions for States to consider when implementing a GDL system.

Stage 1: Learner's Permit

- State sets minimum age for a learner's permit at no younger than 16 years of age;*
- Pass vision and knowledge tests, including rules of the road, signs, and signals;*
- Completion of basic driver training;*
- Licensed adult (who is at least 21 years old) required in the vehicle at all times;*
- All occupants must wear seat belts;*
- Zero alcohol while driving;*
- Learners permit is visually distinctive from other driver licenses;*
- Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed and other GDL provisions, for at least 6 consecutive months to advance to the next level;*
- Parental certification of 30 to 50 practice hours; and*
- No use of portable electronic communication and entertainment devices while driving.*

Stage 2: Intermediate (Provisional) License

- Completion of Stage 1;*
- State sets minimum age of 16.5 years of age;*
- Completion of intermediate driver education training (e.g., safe driving decision-making, risk education);*
- All occupants must wear seat belts;*
- Licensed adult required in the vehicle from 10 p.m. until 5 a.m. (e.g., nighttime driving restriction) with limited exceptions (i.e., religious, school, medical, or employment related driving);*
- Zero alcohol while driving;*
- Driver improvement actions are initiated at lower point level than for regular drivers;*
- Provisional license is visually distinctive from a regular license;*

- *Teenage passenger restrictions – not more than 1 teenage passenger for the first 12 months of Intermediate License. Afterward, limit the number of teenage passengers to 2 until age 18;*
- *Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed and other GDL provisions, for at least 6 consecutive months to advance to the next level; and*
- *No use of portable electronic communication and entertainment devices while driving.*

Stage 3: Full Licensure

- *Completion of Stage 2;*
- *State sets minimum age of 18 for lifting of passenger and nighttime restrictions;*
- *Zero alcohol while driving; and*
- *Visually distinctive license for drivers under the age of 21.*

(2) A program to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or altered driver's license including:

- *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them;*
- *Training for license examiners to recognize fraudulent documents and individuals seeking to apply for them; and*
- *A means by which to ensure that individuals cannot obtain driver licenses using multiple identities.*

Status

Texas has a Graduated Driver License (GDL) program consisting of two stages of licensure. An initial learner's license can be obtained as early as age 15 and a provisional license at age 16. At age 18, a full license under age 21 can be obtained.

The requirements and restrictions associated with each stage of graduated licensing are:

Phase I: Learner's License

Qualifications

- Must present proof of classroom driver education
- Must pass written and visual examination
- Must be at least 15 years of age
- Must have parent/guardian sponsorship authorization if under 18 years of age
- Minimum holding period is six months

Driving Restrictions

- Must have a licensed adult 21 years or older in the front passenger seat when driving

- No cell phones allowed, including hands free calling

Phase II: Provisional License

Qualifications

- Must be at least 16 years of age
- Must present proof of classroom and behind-the-wheel driver education
- Must complete the *Impact Texas Teen Driver* program

Driving Restrictions

- No more than one passenger under age 21 unless they are family members
- Driving is prohibited between midnight and 5:00 a.m. except for work, school, or emergencies.
- No cell phones allowed, including hands free calling

Phase III: Full licensure in distinctive “Under 21” format

Texas meets most of the ideal GDL requirements with the exception of allowing drivers to be licensed under age 16. All drivers under age 18 are subject to zero tolerance for use or possession of alcohol; however, other intoxicating substances are not covered by the statute. Additionally, all drivers and passengers are subject to Texas’ mandatory seat belt law.

There are several programs and technologies to prevent or deter the issuance of fraudulent driver licenses or identification cards in Texas. Driver license issuance personnel are provided *Fraudulent Document Recognition* training and are provided the *ID Guide* document authenticating book as a reference tool to identify authentic forms of other state licenses and identification cards. Additionally, driver license applicants provide both a facial image as well as their thumbprints and signature. The driver license issuance system runs a one-to-one facial image verification each time the licensee comes into a driver license office to obtain a duplicate or renewal credential. Additionally, the facial image of original license applicants is compared to the database of other facial images on file to ensure that the applicant is not currently licensed in Texas and to prevent an individual from obtaining multiple licenses using different identities.

Recommendations

- **Amend the Texas Zero Tolerance statute to be applicable to use or possession of all intoxicating substances.**

IV. Communication Program

States should develop and implement a comprehensive communication program that supports priority policies and program efforts, including high visibility enforcement (HVE). Communication strategies should specifically support efforts to increase the public perception of the risks of detection, arrest, prosecution and sentencing for impaired driving. Additional communication strategies should address underage drinking, impaired driving, and reducing the risk of injury, death and the resulting medical, legal, social and other costs if there are specific programs underway in the community. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience.

Advisory

States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution and punishment for impaired driving;*
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, and insurance;*
- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes and influencing and sustaining appropriate behavior;*
- *Develop a year-round, data-driven, strategic and tactical communication plan that supports the state's priority policies and programs such as alcohol's effects on driving and consequences of being caught driving impaired or above the state's zero tolerance limit;*
- *Implement a communication program that:*
 - *Uses messages that are coordinated with National campaigns and messages that are culturally relevant and linguistically appropriate;*
 - *Considers special emphasis during holiday periods and other high risk times throughout the year, such as New Year's, 4th of July, Labor Day, Halloween, prom season and graduation;*
 - *Uses paid, earned and donated media coordinated with advertising, public affairs, news, and advocacy; and*
 - *Encourages communities, businesses and others to financially support and participate in communication efforts.*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems such as youth, young adults, repeat and high BAC offenders and drivers who use prescription or over-the-counter drugs that cause impairment;*

- *Use creativity to encourage earned media coverage, use of a variety of messages or “hooks” such as inviting reporters to “ride-along” with law enforcement officers, conducting “happy hour” checkpoints or observing under-cover liquor law enforcement operations, and use of social media;*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior; and*
- *Ensure that personnel who are responsible for communications management and media liaison are adequately trained in communication techniques that support impaired driving activities.*

Status

The State creates and publishes a three-year performance-based *Triennial Highway Safety Plan* (3HSP) and *Annual Grant Application* that includes projects for communication and outreach. Subgrantees are encouraged to submit a communication plan with their grant application, whether that is portrayed as a calendar or integrated into a business plan. The *Texas Impaired Driving Strategic Plan* (IDSP) encompasses a communication section. An independent stand-alone impaired driving communication plan does not exist.

The Traffic Safety Division’s Behavioral Traffic Safety Section (TRF-BTS) follows the National Highway Traffic Safety Administration (NHTSA) communications calendars for the impaired driving mobilizations and campaigns. The campaign emphasizes the fact that drunk driving can have serious physical, emotional, and financial consequences that can last for years. The campaign shares personal accounts from real offenders and survivors that challenge any notion the audience may have that they can avoid the consequences of drinking and driving. It reinforces the importance of always finding a sober ride and using the many options available. The campaign tagline *Drive Sober. No Regrets.* encompasses the spectrum of consequences and the real costs of driving impaired such as getting pulled over, getting arrested for driving while intoxicated (DWI), loss of a driver’s license, jail time, fines and fees, hurting someone else or yourself on the road, difficulty in finding a job, having an interlock device installed in your car, disappointing family and friends, etc.

The Texas Department of Transportation (TxDOT) Communications staff reviews all press-related documents and social media posts for the campaign. The Texas Department of Public Safety engages with the campaign by speaking at press events, participating in soundbite recordings for media kits, showing campaign ads in their offices across the State, and by participating in video and photoshoots. They have been an active and ongoing partner for the campaign.

The State does not currently coordinate campaigns with the Texas Health and Human Services Commission to reach a shared audience of underage substance users. Additional potential partners include the Substance Abuse and Mental Health Services Administration (SAMHSA) initiatives like the *Sober Truth on Preventing Underage*

Drinking (STOP) Act and Strategic Prevention Framework Partnerships for Success (SPF-PFS).

Drugs other than alcohol were previously not included in the marketing agency's scope of work. On January 2, 2026, a new contract was awarded to the marketing agency and drugs other than alcohol are now included in the topics to be covered. It will take a few months to develop new ads and educational materials which will be fully integrated with the ongoing campaigns.

All campaign materials cover the gamut of consequences for driving impaired, including the financial, legal, emotional, and social costs, as well as the risk of death or injury. The testimonial stories from both DWI offenders and drunk driving survivors show these consequences clearly and are posted on the campaign website:

<https://soberrides.org/faces-of-drunk-driving/>. There is also a *Cost of DWI* section on the website covering these financial and other costs: <https://soberrides.org/cost-of-a-dwi/>.

The objectives laid out by the TRF-BTS for the marketing agency are informed by the 3HSP strategic planning process. The goals and objectives outlined by TRF-BTS define the scope of work for the marketing agency. The marketing agency is an active member of the Texas Impaired Driving Task Force (TxIDTF) and helps to develop and implement the TxIDTF communications plan. The Fiscal Year (FY) 2025 campaign aim was to reduce DWI alcohol-related traffic crashes and fatalities in Texas. The campaign measures changes in attitudes, behaviors, and beliefs over time and the changes in the number of crashes. All campaign educational materials, advertising, and event activations are designed to motivate changes in behaviors, attitudes, and beliefs around impaired driving. Each campaign flight customizes the messaging for that season, but all have the same overriding themes: *Always find a sober ride. Drive sober. No regrets.* The upcoming year's campaign, which will include drug-related messaging, will be informed by research and the 3HSP, approved by TRF-BTS, and tested by the public before going live.

A keystone to the campaign is using peer-to-peer messaging by incorporating video testimonials from both offenders and survivors of drunk driving that cover the gamut of consequences.

The data has driven changes in age focused, the addition of impaired motorcyclists, and geographic areas for out-of-home marketing, and the surveys collect insights from Spanish-dominant speaking Texans in order to make sure all campaign creative in Spanish is appropriate.

The latest online survey (*SWID W10 Online Survey Report_Eng+Span+Motor_9.10.25*) shows the measurement of key indicators of change. The State has conducted 12 surveys over the past five years for the campaign and each year there is an established set of indicators. Changes over time are gauged through this primary research in tandem with the Texas crash stats provided by TxDOT. There are many factors involved in the ultimate number of crashes due to DWI-alcohol related impaired driving. A marketing

and education campaign is impactful, but the budget is limited, and Texas is big. There are also many factors outside of the scope of the marketing campaign that impact behaviors. For example, police presence and the ability to enforce the laws, road infrastructure, access to rideshares, etc. There are also new people coming into the market all the time, such as people coming of drinking age or new people moving into Texas.

The communication message platforms include:

- Over-The-Top and Connected TV (OTT/CTV) streaming, social media, and other digital and online streaming advertising platforms including Pandora, YouTube, Mobile Preroll Video Network, Facebook/Instagram, and dating app ads.
- Social media influencer posts on Instagram.
- Out-of-home advertising through Learfield Sports university and stadium ads, Playfly Sports university and stadium ads, Texas Rangers Network, billboards, theater placements, and outreach posters and mirror clings at bars, restaurants, and convenience stores, and interactive bar experiences like digital video jukebox quizzes and video displays.
- Statewide broadcast TV and radio Public Service Announcement distribution.
- Media outreach via news releases, talking points, event media advisories, b-roll, and statewide media pitching tours and outreach events.
- Campaign website at <https://soberrides.org/> and the traffic safety campaign pages of the TxDOT website.

The target market for the campaign is statewide with an emphasis on the top 10 Designated Market Areas with the highest number of alcohol-related crashes and fatalities, including Austin, Dallas, Fort Worth, El Paso, Houston, Rio Grande Valley, San Antonio, Midland-Odessa, Waco-Temple-Killeen, and Tyler. The primary target audience includes an emphasis on reaching those most at risk for causing an impaired driving crash: young adults between the ages of 18 and 44, especially males. The secondary audience is Texas drivers age 45 and older. The State has conducted 12 online surveys of at least 300 people each of men and women who drive and consume alcoholic beverages (either while driving or not). Two of those surveys have been in Spanish for those who are Spanish-dominant speaking.

Due to the results of the earlier surveys, there has been an expansion to conduct the surveys in Spanish. The results began showing that adults from the ages of 35-44 were actually a very high-risk group for driving impaired as well, even though they may have fewer crashes reported as those aged 25-34. This caused a shift in the target audience to also include that older age range.

A team of trained, experienced translators work on all translations for both accuracy and cultural relevancy. New creative, when budget allows, is also tested through Spanish-dominant focus groups (like the new drug-related messaging this year). In FY25, testimonials were also a large part of the campaign and captured many stories from Spanish-speaking and Spanish-dominant Texans where their experiences were shared directly from them, in their own language, and their own words.

Partnerships range from helping to make outreach events more educational and interactive, to helping recruit people to participate in the testimonials or in press interviews, to helping fund alternative transportation options, and to helping distribute campaign print materials and/or messaging via social media or list servs. Engaged partners include:

- Texas A&M AgriLife Extension
- U in the Driver Seat
- Teens in the Driver Seat
- Governors Highway Safety Association
- MADD
- Walmart Supercenters
- law enforcement agencies
- Texas A & M University
- University of Texas at Austin
- University of Texas at San Antonio
- Baylor University
- Lyft
- Uber

The Texas Alcohol Beverage Commission (TABC) has a social media presence and publishes an easily accessible and readable set of web pages. The agency uses their social media account and traditional media to inform the public and licensees on safe alcohol sales, prevention of underage access to alcohol, and safe consumption during certain periods of the year. Specific messaging is sent to licensees in advance of TABC enforcement efforts. The web pages on underage drinking include detailed information about the penalties, sanctions, and links to helpful resources.

Recommendations

- Create a stand-alone impaired driving communication plan, calendar, or outline of upcoming campaigns, that is shared with the impaired diving program partners.
- **Verify if the communications and outreach programs are using the Census Tract data regarding the languages of communities across Texas.**
- Coordinate campaigns with the Texas Health and Human Services Commission to reach a shared audience of underage substance users. Additional potential partners include the Substance Abuse and Mental Health Services Administration (SAMHSA) initiatives like the *Sober Truth on Preventing Underage Drinking Act* and *Strategic Prevention Framework Partnerships for Success*.
- **Enhance the outreach and communication for the dangers of driving under the influence of drugs other than alcohol.**

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.⁹ Moreover, on average, individuals with alcohol or other drug abuse problems, drive several hundred times within two hours of drinking before they are arrested for driving while impaired.¹⁰

States should have a system for identifying, referring and monitoring convicted impaired drivers who are high risk for recidivism for impaired driving.

Nationally, the number and diversity of problem solving courts has grown dramatically. One such problem solving model is the DWI Court. These courts provide a dedicated docket, screening, referral and treatment and intensive monitoring of impaired driving offenders. States and localities that implement DWI Courts should ensure that they are established and operated consistent with the Guiding Principles recommended by the National Center for DWI Courts. www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers—those with the most serious injuries - test positive for alcohol. In addition, studies report that 24-31 percent of all emergency department patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

A. Screening and Assessment

Each State should ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. The most immediate screening should take place in the criminal justice system. However, states should also encourage its health care professionals, employers and educators to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. Many individuals who are drivers and who have alcohol or other drug abuse problems present themselves in a variety of settings, e.g.

⁹ Repeat DWI Offenders in the United States. “Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

¹⁰ On average, 772 such episodes, according to Zador, Paul, Sheila Krawchuck, and Brent Moore, “Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior.” Washington, DC: U.S. Department of Transportation, NHTSA Technical Report No. DOT HS 809 184, December 2000.

emergency departments, in which Screening and Brief Intervention (SBI) and referral are appropriate and serve to prevent the individual from being involved in a future impaired driving crash or arrest.

A-1. Criminal Justice System

Advisory

Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and to determine their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement.

The assessment should be:

- *Conducted by a licensed counselor or other alcohol or other drug treatment professional or by a probation officer who has completed training in risk assessment and referral procedures;*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate;*
- *Based on standardized assessment criteria, including validated psychometric instruments, historical information, e.g., prior alcohol or drug-related arrests or convictions, and structured clinical interviews; and*
- *Appropriate for the offender's age and culture using specialized assessment instruments tailored to and validated for youth or multi-cultural groups.*

Status

The Texas Code of Criminal Procedure Art. 42A.402 requires screening for alcohol or other substance abuse and dependency. It states a probationer placed on community supervision for driving while intoxicated (DWI) or an intoxication-related offense as defined in Chapter 49, Texas Penal Code, shall submit to a substance abuse evaluation (SAE), such as an Addiction Severity Index, and if alcohol/drug dependency is identified the judge must order the recommended treatment as a condition of community supervision.

The Community Justice Assistance Division (CJAD), which provides funding and oversight to all Community Supervision and Corrections Departments (CSCDs) in Texas, requires that all individuals under supervision undergo Texas Risk Assessment System (TRAS) screening. The TRAS alcohol and drug trainers assess the most appropriate level of supervision and treatment based on the client's criminogenic needs. TRAS reassessments are conducted periodically and as part of an ongoing assessment process of probationers while on community supervision. Referrals for additional substance abuse evaluation/treatment may occur due to positive alcohol/drug tests, self-reported use, alcohol detected on alcohol monitoring devices, or assessments built into Alcohol

Education classes. If necessary, the probation officer will then refer the individual to a licensed counselor for a full assessment.

While screening is required in Texas, the practices for conducting screening and assessment of impaired driving offenders within the criminal justice system vary by jurisdiction. In some areas, screenings are conducted in-house, meaning a probation officer who has completed training on the TRAS risk assessment and referral procedures. In other jurisdictions, licensed counselors may be used to conduct both the screening and assessment.

A key gap exists for impaired driving offenders who are in pretrial diversion programs, as these individuals typically do not fall under CSCD supervision. In these cases, the terms and requirements—including any screening tools—are set by district attorney offices, and there may not be uniform screening or assessment requirements outside of CJAD's scope. The use of DWI-specific screening tools is not currently considered with this population.

The State of Texas does not ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. Screening and assessment are dependent on the court's decision and the availability of local resources, resulting in inconsistent screening practices across the State. Additionally, there is no reliable, complete, or timely data on the percentage of individuals entering the criminal justice system for impaired driving who receive a screening for alcohol or other substance abuse and dependency.

Texas Community Supervision and Corrections Departments are statutorily required to use specific risk/assessment screening and assessment tools such as TRAS, 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 (CARS), Impaired Driving Assessment (IDA), and DUI Risk and Needs Triage (it should be noted that both CARS and the IDA are cost free tools). DWI-specific assessment tools are preferred over generalized instruments since they were validated specifically for DWI offenders and present more accurate needs/risk results for this population. The State, however, does not mandate agencies to use DWI-validated tools for impaired driving offenders. Therefore, tools such as the IDA and CARS are hardly used or known across the State.

While the TRAS is an excellent tool for the general criminal justice population, they don't adequately capture the unique criminogenic risk factors found with impaired drivers. As a result, these generic assessment tools often show the DWI offender as low risk and low needs, when in fact they are not.

CJAD follows the Texas Government Code Section 76.017 Treatment Alternative to Incarceration Program which states:

A department may establish a treatment alternative to incarceration program in each county served by the department according to standards adopted by the division. A department may enter an interlocal cooperation agreement with one or

more other departments in order to establish this program on a regional basis.

(b)The program must:

1. include automatic screening and evaluation of a person arrested for an offense, other than a Class C misdemeanor, in which an element of the offense is the use or possession of alcohol or the use, possession, or sale of a controlled substance or marijuana;
2. include automatic screening and evaluation of a person arrested for an offense, other than a Class C misdemeanor, in which the use of alcohol or drugs is suspected to have significantly contributed to the offense for which the individual has been arrested;
3. coordinate the evaluation and referral to treatment services; and
4. make referrals for the appropriate treatment of a person determined to be in need of treatment, including referrals to a community corrections facility as defined by Section 509.001

Texas Government Code 121.002(d) states that DWI specialty courts are required to follow the best practices adopted by the Texas Judicial Council. Texas has 30 DWI treatment courts and numerous drug courts that may have a specialized DWI docket. However, Texas specialty courts capture a relatively small portion of the high risk/high need impaired driving populations within the State.

There has been little growth of DWI Courts despite the growing number of high risk/high need impaired drivers who would meet the programmatic entry criteria. The obstacles to expansion of Texas DWI Courts vary. Given the success of these courts in addressing the needs of the high-risk, high-needs impaired driver, these services are under-utilized.

CSCD works to ensure that screening and assessment for impaired driving offenders are appropriate for the individual's age and linguistic needs. CSCDs provide translators and administer screeners and assessments in the probationer's native language to ensure accurate and equitable assessment outcomes. In addition, Article 42A.514, Texas Code of Criminal Procedure, outlines specific requirements for youth under age 18 placed on community supervision for certain alcohol- or drug-related offenses. However, the State of Texas does not have a statutory provision requiring that impaired driving offenders' screening and assessment within the criminal justice system are appropriate based on the offender's age and linguistic needs.

Recommendations

- **Use validated driving while intoxicated specific assessment tools in determining the risk and needs of impaired drivers at the pre- and post-sentencing process.**
- Ensure that all individuals ordered to have a driving while intoxicated screening and assessment, do so.
- Study the potential to expand driving while intoxicated and Hybrid Drug Courts in Texas.

- Enact a statutory provision requiring impaired driving offenders' screening and assessment within the criminal justice system are appropriate based on the offender's age and linguistic needs.

A-2. Medical and Other Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by health care professionals should be screened to determine whether they have an alcohol or drug abuse problem. The American College of Surgeons mandates that all Level I trauma centers, and recommends that all Level II trauma centers, have the capacity to use Screening and Brief Intervention (SBI). SBI is based on the public health model which recognizes a continuum of alcohol use from low risk, to high risk to addiction. Research from the Centers for Disease Control and Prevention indicates that an estimated 25 percent of drinkers are at risk for some harm from alcohol including impaired driving crashes. These individuals' drinking can be significantly influenced by a brief intervention. An estimated four percent of the population has a serious problem with alcohol abuse or dependence. A brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment.

SBI can also be implemented in other settings including: Employee Assistance Programs (EAP), schools, correctional facilities, at underage drinking party dispersals and any setting in which at-risk drinkers are likely to make contact with SBI providers.

Screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physicians' offices, health clinics, employee assistance programs and other settings;*
- *Used to decide whether an assessment and further treatment is warranted;*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief intervention strategies;¹¹ and*
- *Designed to result in referral to assessment and treatment when warranted.*

¹¹ For a discussion of assessment instruments, see: Allen, John and M. Columbus (Eds.), NIAAA Handbook on Assessment Instruments for Alcohol Researchers (2nd edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003. For an overview of alcohol screening, see: "Screening for Alcohol Problems – An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

Status

The State of Texas does not mandate that all hospitals, public health departments, or third-party payers establish and maintain programs specifically for persons referred to treatment through the criminal justice system, such as impaired driving offenders. Texas Health and Human Services contracts with a network of licensed substance use disorder treatment providers, and referrals may occur through local mental health or behavioral health authorities; however, access to these services depends on local resources, contracts, and payer systems. Community Supervision and Corrections Departments (CSCDs) may contract with local mental health authorities to provide these services, but such arrangements are local decisions and are not required statewide. There is no statewide requirement compelling all health care providers, public health departments, or insurers to operate specialized programs for justice-involved individuals.

Community Centers (local mental health authorities) in Texas are Certified Community Behavioral Health Centers (CCBHCs), a certification completed by the Texas Health and Human Services Commission. To be certified as a CCBHC, entities must demonstrate regular practices for screening, assessment, treatment, and referral for persons with substance use issues. Additionally, Texas Health and Human Services contracts with an agency in every county that provides Outreach, Screening, Assessment, and Referral (OSAR) services for citizens.

Research indicates Screening Brief Intervention and Referral to Treatment (SBIRT) in hospital settings is a highly effective way to reduce impaired driving. For that reason, 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 hospitals/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. Texas hospitals and other healthcare providers are not presently informed or maximizing the use of SBIRT programming nor utilizing Medicaid and Medicare codes to cover related expenses.

Research indicates that administering SBIRT programs in criminal justice settings increases the likelihood of impaired drivers receiving this intervention.

Recommendations

- Ensure that linguistically appropriate treatment services are provided throughout the State.
- Provide additional education and expand the use of Screening Brief Intervention and Referral to Treatment in hospital settings.

B. Treatment and Rehabilitation

Advisory

Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other sources. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated.

These programs should:

- *Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria;*
- *Provide assessment, treatment and rehabilitation services designed specifically for youth;*
- *Provide culturally appropriate treatment and rehabilitation services;*
- *Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders;*
- *Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions; and*
- *Require that offenders, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined the offender has met treatment goals before license reinstatement.*

Status

Texas uses the following tools used in treatment and rehabilitation to match with the diagnosis of a driving while intoxicated (DWI) client:

- Texas Risk Assessment System (TRAS)
- Alcohol and Drug Retailers Substance Abuse Subtle Screening Inventory (SASSI)
- Addiction Severity Index (ASI)
- Numerical Drinking Profile (NDP)
- Texas Christian University Drug Scale (TCUDS)
- Diagnostic and Statistical Management of Mental Disorders (DSM-5 or DSM-5-TR)

Community Supervision and Corrections Departments (CSCDs) budget for interpreter services. However, linguistically appropriate intervention programs are not accessible throughout the State, especially in rural communities. These departments use basic

supervision funding to pay for interpreters, as needed. The CSCDs operate Community Corrections Facilities (CCFs), some of which offer programming in Spanish. However, the type of language-specific programming will vary across the facilities as well. Some facilities employ Spanish-speaking counselors while others may contract for services and provide Spanish workbooks for course work.

The Texas Department of Licensing and Regulation (TDLR) rules for the DWI education programs are in Title 16, Part 4, Chapter 90, Subchapter D, PROGRAM REQUIREMENTS - CURRICULUM, COURSES, CLASSROOMS, CERTIFICATES
RULE §90.40 Program Curriculum and Materials - All Programs

- a. Offender Education Programs shall use the most up-to-date version of the uniform curricula and of any screening instrument approved by the department.
- b. The following curricula are approved for the applicable program:
 1. Alcohol Education Program for Minors - the Alcohol Education Program for Minors Administrator/Instructor Manual

There is minimal information on the availability of assessment, treatment, and rehabilitation services specifically for youth. If such programming exists in Texas, this information is not widely known or available.

Generally, intervention programs do not ensure assessment-based immediate treatment upon conviction. Wait times for state programs and CSCD programs vary across the State. Estimated wait times range from about 10 days to more than 45 days. The accuracy of this information is dependent on how frequently the local departments update their waitlist data at the State level.

There can be financial barriers that may prevent convicted impaired drivers from accessing court ordered treatment. No sliding scale is available for indigent populations to participate in treatment.

The State provides treatment and rehabilitation services that are in addition to, and not as a substitute for, license restrictions and other sanctions.

There are no State statutes that require completion of recommended treatment. License reinstatement does not require the completion of treatment goals.

Recommendations

- **Require that an impaired driving offender whose license has been suspended based on a driving while intoxicated conviction complete mandated treatment and meet treatment goals as a condition of full license reinstatement.**
- Reduce treatment wait time from conviction to program entry.
- Provide information on the availability of assessment, treatment, and rehabilitation services specifically for youth.

- Address financial barriers that prevent individuals from participating in substance use treatment programs.

VI. Program Evaluation and Data

A. Evaluation

Advisory

Each State should have access to and analyze reliable data sources for problem identification and program planning as well as to routinely evaluate impaired driving programs and activities in order to determine effectiveness. Development of a Strategic Highway Safety Plan and a Highway Safety Plan, are starting points for problem identification and evaluation efforts. Problem identification requires quantifying the problem, determining the causes, and identifying available solutions. Strategies should be evaluated for their cost effectiveness and potential for reducing crash risk. Evaluations should include measurement of activities and outputs (process evaluation) as well as the impact of these activities (outcome evaluation). Evaluations are central to the State's traffic safety endeavors and provide a guide to future projects and evaluations.

Evaluations should:

- *Be planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated to the programs;*
- *Identify the appropriate indicators to answer the question: What is to be accomplished by this project or program?*
- *Be used to determine whether goals and objectives have been met and to guide future programs and activities;*
- *Be organized and completed at the State and local level; and*
- *Be reported regularly to project and program managers and policy makers.*

The process for identifying problems to be addressed should be carefully outlined. A means for determining program/project priority should be agreed upon, and a list of proven methodologies and countermeasures should be compiled. Careful analysis of baseline data is necessary, and should include historical information from the crash system. Other data that are useful for evaluation include data from other records systems as well as primary data sources such as surveys. Record systems data include state and driver demographics, driver histories, vehicle miles traveled, urban versus rural settings, weather, and seatbelt use. Survey data can include attitudes knowledge and exposure to risk factors.

The Traffic Records Coordinating Committee can serve as a valuable resource to evaluators by providing information about and access to data that are available from various sources.

Status

The Texas Department of Transportation (TxDOT), Traffic Safety Division (TRF) is responsible for several safety-related program areas though all areas do not have a specific impaired driving related component. However, the Traffic Safety Division's Behavioral Traffic Safety Section (TRF-BTS) and Crash Data and Analysis Sections

conduct significant activities that contribute to impaired driver countermeasure and deterrence programs.

TRF-BTS administers \$83.2 million in federal highway safety funds with approximately \$21.2 million being dedicated to impaired driving countermeasures.

Each year, TRF-BTS conducts problem identification analyses and prioritization of program areas. Analyses are performed from data contained in the Crash Records Information System (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 a seriously injured person might have become a fatality if only a small characteristic of the crash, the vehicle, or the emergency response was altered. Additionally, crash data are filtered through the Texas State Trend Over-Representation Model (TxSTORM), a predictive modeling tool developed by TRF-BTS, 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 request funding for activities to mitigate high crash occurrence locations identified by TxSTORM. Impaired driving related crashes are not separated from the total of all crashes and evaluated through TxSTORM.

TRF-BTS utilizes a weighted evaluation process to rate impaired driving countermeasure project requests creating a priority ranking of projects. Recommended projects subject to available funds are given final approval from TRF-BTS management. Funded programs are monitored to ensure that funded activity hours or activities meet specific objectives.

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 the National Highway Traffic Safety Administration 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 develop and deliver safety messaging through paid media, earned media time, and targeted social media platforms. Public information campaign plans, ad buys, and post-campaign reports are prepared by the media contractor indicating the reach of the media effort, but no analysis is performed to determine the effectiveness of the campaign and its influence on public attitudes and behaviors.

The TRF-BTS conducts activities through both a central headquarters staff and field representatives. There are three program management branches, two of which are comprised of traffic safety specialists and their supervisors who are distributed throughout the State in TxDOT district offices. Additionally, there is a program management branch in Austin that monitors traffic safety projects and subgrantees. There

is also a Planning and Procedures staff in Austin who coordinate, plan, and analyze the activities of the TRF-BTS.

Recommendations

- Implement an evaluation of public information campaigns to determine their effectiveness on influencing public attitudes and behaviors.
- Perform a dedicated analysis of impaired driving crashes through Texas State Trend Over-Representation Model to determine if there is a significant difference between the whole of all crashes.

B. Data and Records

Advisory

The impaired driving program should be supported by the State's traffic records system and use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS) and the Crash Outcome Data Evaluation System (CODES). The traffic records system should be guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders.

The state traffic records system should:

- *Permit the State to quantify:*
 - *the extent of the problem, e.g., alcohol-related crashes and fatalities;*
 - *the impact on various populations;*
 - *the level of effort dedicated to address the problem, e.g., level of enforcement activities, training, paid and earned media; and*
 - *the impact of the effort, e.g., crash reduction, public attitudes, awareness and behavior change.*
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions and other sanctions of DWI offenders;*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions; and*
- *Be accurate, timely, linked and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials and treatment providers.*

Status

Texas has an active Traffic Records Coordinating Committee (TRCC) that is a comprehensive, functional body of data system managers and stakeholders. The TRCC includes representation from all six core systems (crash, citation/adjudication, driver, vehicle, roadway, injury surveillance systems) which allows for access to and analysis of a wide range of data. The Texas Department of Transportation, Traffic Safety Division's Behavioral Traffic Safety Section (TRF-BTS) relies primarily on crash and fatality data for problem identification and program evaluation.

The Crash Records Information System (CRIS) is the statewide repository for all crashes reported in the State. CRIS is a data collection and management tool for law enforcement for traffic crash reporting. It has been deployed throughout the State to all law enforcement agencies, and all crash reports are captured electronically. CRIS is supported by data validation rules and edit checks to enhance the data quality of crash records. CRIS accepts crash records via a direct data entry form or uploads from third-party police record management system providers. Texas crash records contain toxicology results if they are recorded by the reporting officer. Additionally, crash records contain GPS coordinate information to accurately identify crash locations and enable mapping of crashes geospatially. There is currently no interoperability for CRIS and the driver or vehicle databases that could be utilized to auto-populate or validate information between the datasets.

There is no statewide citation processing or tracking system available for use by all law enforcement agencies within Texas. There are two systems that are available statewide. One is managed by the Texas Highway Patrol Division of the Texas Department of Public Safety (DPS), tracking of all State Trooper enforcement activity, and the other is the Law Enforcement Advanced Data Reporting System (LEADRS) which is a driving while intoxicated (DWI) processing citation and documentation system developed and managed by the Texas Municipal Police Association with funding from highway safety grants.

LEADRS enables law enforcement officers to process DWI arrest reports and related documentation for case prosecution. LEADRS has both an electronic search warrant and chemical test refusal document management functionality to streamline police officer report writing and DWI arrest processing time. LEADRS produces documentation for the DPS, Driver License Division (DLD) to impose administrative license revocations for implied consent refusal or high alcohol concentration results. Additional functionality has been added to the LEADRS system for record adjudication information for records created within the system. The implementation of this functionality could provide a limited dataset to determine the percentage of DWI cases that are fully prosecuted through to a final adjudication. LEADRS has not been widely adopted by law enforcement agencies. LEADRS has enrolled 1,000 users throughout the State but currently only about 250 enrollees are active users.

Other law enforcement agencies have their own version of citation and case management systems, many of which are procured from third-party commercial providers. There is no interoperable communication between systems or method of calculating the number of citations issued on a statewide basis nor is there any way to determine whether DWI arrests are resulting from alcohol or from other intoxicating substances.

Texas does not have a single database or linked set of databases of toxicology results obtained from impaired driving arrests or crashes. The DPS administers the statewide breath alcohol testing program for all police agencies within the State and maintains all breath test results in a single database. The DPS Crime Laboratories utilize another database for all blood testing results from samples they analyze for alcohol or other substances. Additionally, many major cities and counties in the State either have their own local forensic laboratories or contract with commercial forensic laboratories for blood analysis for alcohol or other intoxicating substances. The result is that there is no way to determine how many toxicological samples are performed nor any way to evaluate the data to determine the trends of the intoxication problem within the State. It is currently unknowable whether the intoxicating substance abuse problem is from alcohol, other intoxicants, or a combination thereof.

There is no statewide case management system for misdemeanor and felony prosecutors to track and record the status of cases. Local governments and/or prosecutor's offices from the various cities and counties within the State obtain their own case management system to meet their local needs. Routinely, these case management systems cannot be leveraged to receive arrest and citation information from citation systems nor provide charging information and documentation to court management systems.

There is no statewide court case management system utilized by all courts. Court case management systems are typically either procured by an individual court or by the local county for all courts within its jurisdiction. As a result, there is no statewide repository of cases filed and the related disposition information available to determine the number of active cases or to evaluate the timeliness of court processing from arrest to final disposition. County and District Court clerks are responsible for providing misdemeanor and felony DWI related case disposition information to the DPS to both the Crime Records Division through the Texas Crime Information Center for entry on the person's criminal history and to the DLD for entry on the driver record. Dependent upon the capability of the court case management system functionality, some of these dispositions are reported to DPS manually.

Parole and probation record management systems are disparate and obtained by local offices. There is no exchange of information between various parole and probation offices and each office must communicate with the respective courts on the status of a parolee or probationer. There is also no reporting mechanism for reporting successful completion of post-conviction monitoring or rehabilitation services to either the courts or DPS.

DLD maintains the driver license history file, which includes the license status, any impaired driving convictions, and crash occurrences. Additionally, driver histories contain license restrictions to support the Ignition Interlock Device (IID) program. DLD participates in the State-to-State driver history exchange program to exchange driver history and conviction information with other states. Additionally, DLD participates in the Problem Driver Pointer System (PDPS) to assign Texas as the licensee's state of record for driver licensing purposes. DLD driver history information including out-of-state and some in-state conviction reports and IID court orders are still received and processed manually.

Texas has a statewide database for hospital discharge data and emergency department data. Texas Health Care Information Collection (THCIC) owns hospitalization and emergency department visit data. Additionally, there is a statewide emergency medical services (EMS) and trauma registry. Facilities are required to submit to EMS/Trauma under Title 25, Chapter 103 of the Texas Administrative Code. All EMS runs, traumatic brain injuries, spinal cord injuries, submersions, and other traumatic injuries based on a specified criterion are required to be reported to the registry.

Due to the disparate nature of data systems utilized for capturing and processing impaired driving citation, prosecution, and court case management, Texas does not have the functional components of a DWI tracking system. There is no central repository nor linking of systems to even know how many impaired driving arrests are made so there is no way to determine the true scope of the problem. Citation, prosecution, and court management systems are not integrated to be able to ensure that every DWI incident from the initial citation through completion of all court-imposed compliance and/or treatment requirements can be tracked. As a result, there is no way to determine that every DWI citation reaches the prosecutor or if that case is processed through to court to a final adjudicated disposition.

Texas has developed and improved some notable technological advances since the past Impaired Driving Technical Assessment.

A traffic safety analysis tool, AASHTOWareSafety, has been implemented for evaluating the outcomes of impaired driving crashes. CRIS data is being evaluated through AASHTOWareSafety providing for a detailed analysis of crash rate frequencies on roadways throughout the State. Additionally, AASHTOWareSafety training is being provided throughout the State to highway safety personnel and law enforcement to enable them to gain knowledge for directing resources to areas with the highest severe crash rates.

The Texas State Trend Over-Representation Model (TxSTORM) developed by the TRF-BTS is being utilized to evaluate safety project proposals to provide a predictive analysis of project impact and identify additional areas for focused activities.

The Office of Court Administration has established the Public Safety Reporting System which is a communications network and database for uniform reporting of persons

released on pre-trial bond or who are subject to protection orders. The establishment of this statewide infrastructure creates an opportunity for expansion of its functionality to support case adjudication reporting and post-conviction monitoring of offenders.

Additional functionality has been added to the LEADRS system. A capability for officers to obtain blood specimen search warrants and for them to complete implied consent reports has significantly reduced the report writing time it takes to process a DWI arrest. Additionally, adjudication information can be added to LEADRS records created within the system that can provide for limited analysis of the rates of DWI cases that are fully prosecuted through to a final adjudication.

IID Program

The Texas IID Program is intended to be an effective prevention of and deterrent to impaired driving but seems to be unwieldy in its design and practice. The DPS promulgates rules and approves vendors and testing instruments to support the program. Currently, there are 17 different vendors approved to provide IID equipment in Texas but there are no statewide administrative rules regarding the format of violation reports and offenses to be reported. Additionally, DLD is responsible for maintaining records of persons required to participate in IID on driver license histories and for issuing IID restricted driver licenses to those individuals. The absence of established standards related to vendors report formats and violations reported created difficulty for Texas Department of Corrections, Community Supervision and Corrections Department (CSCD) personnel to effectively monitor compliance with court mandated IID requirements. Consequently, many of the 254 counties within the State of Texas have developed their own rules guiding the IID program implementation and acceptable vendors to service their local citizens. Due to the disparate nature of the implementation of the IID there is no information available to determine how many drivers subject to IID sanctions are actually in compliance with the program nor is there any dataset to evaluate the effectiveness of IID as a deterrence to DWI recidivism.

IID programs in other states that seem to be effective utilize their driver licensing agency, like Texas does, to maintain records of persons who are statutorily mandated to participate or are ordered to do so by a court. Additionally, they have a centralized office or agency who reviews all violation information and refers it to the appropriate court or probation officer. The state ensures that training is frequently provided to law enforcement to recognize IID participants during traffic stops and many states issue a markedly unique driver license to IID participants so they are readily apparent to law enforcement during traffic stops.

Recommendations

- Reestablish access to the driver and vehicle data files to validate Crash Records Information System (CRIS) data and enhance CRIS data accuracy.
- **Mandate a driving while intoxicated tracking system to make sure that the records systems communicate data in a unified system.**

- **Conduct an analysis of the Ignition Interlock Device Program to determine if there can be improvements made to the program design and rules that would make it a more effective tool in preventing and deterring alcohol impaired driving.**

C. Driver Records Systems

Advisory

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts.

The driver license system should:

- *Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement and other parties with a need for this information;*
- *Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record;*
- *Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving;*
- *Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts; and*
- *Provide for the effective exchange of data with State, local, tribal and military agencies, and with other governmental or sovereign entities.*

Status

The Texas Department of Public Safety, Driver License Division (DLD) maintains all driver license and driver history information for state residents. All traffic convictions, including impaired driving convictions, 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, alcohol concentration information is not recorded on the driver history. Additionally, all reported crash involvement is recorded on the driver record.

DLD enforces driver license suspension and revocation actions based on conviction information and orders from courts related to Ignition Interlock Device (IID) program compliance and the issuance of occupational licenses. DLD issues a restricted driver license to drivers subject to IID program requirements. It is unclear whether the restricted driver license format is readily identifiable to law enforcement officers to aid in their enforcement of driver IID compliance.

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. DLD shares driver history and conviction information with other states via the American Association of Motor Vehicles Administrators, State to State, and Digital Image Exchange systems.

Recommendations

- Conduct a review of the restricted driver license format issued to Ignition Interlock Device (IID) program participants to determine if it is readily distinguishable to law enforcement officers for enforcing a driver's IID compliance.

APPENDIX

2026 TEXAS IMPAIRED DRIVING ASSESSMENT - AGENDA

Monday, February 23

8:00 a.m. – 9:00 a.m. State Leadership Panel/Introduction

Director, Behavioral Traffic Safety Section – David Palmer
Director, Traffic Crash Data & Analysis – Jim Markham
Supervisor, Behavioral Traffic Safety Section – Monica O’Kane
Program Lead, Behavioral Traffic Safety Section – Jessica Son
Planner, Behavioral Traffic Safety – Allison Rounsavall
Program Manager, Behavioral Traffic Safety – Larry Krantz
Program Manager, Behavioral Traffic Safety – Ruby Martinez
Branch Manager, Behavioral Traffic Safety – Tracie Mendez

9:00 a.m. – 10:00 p.m. Impaired Driving Task Force

Administrator, Texas Impaired Driving Task Force – Christine Adams
Program Manager, Texas Impaired Driving Task Force – Larry Krantz
Director, Behavioral Traffic Safety Section – David Palmer

10:00 a.m. – 10:15 a.m. BREAK

10:15 a.m. – 11:00 a.m. Program Evaluation

Director, Behavioral Traffic Safety Section – David Palmer
Director, Traffic Crash Data & Analysis – Jim Markham
Supervisor, Behavioral Traffic Safety Section – Monica O’Kane
Planner, Behavioral Traffic Safety – Allison Rounsavall
Program Manager, Behavioral Traffic Safety – Larry Krantz
Branch Manager of Data Integrity and Analysis, FARS Division – Larbi Hanni

11:00 a.m. – 12:00 p.m. Media/Outreach Efforts

Program Manager, Behavioral Traffic Safety – Ruby Martinez
Project Manager, Sherry Matthews Group – Liz Wilde
Branch Manager, Behavioral Traffic Safety – Tracie Mendez

12:00 p.m. – 1:00 p.m. LUNCH

1:00 p.m. – 1:45 p.m. SHSP – Impaired Driving Emphasis Area

Project Manager, Strategic Highway Safety Plan – Emily Martin
TxDOT Impaired Driving Emphasis Area Lead – Ruby Martinez

TxDOT Program Manager – Travis Hajek

1:45 p.m. – 2:45 p.m. Traffic Records Data/BAC reporting

Director, Traffic Crash Data & Analysis – Jim Markham
Program Manager, LEADRS – Brian Grubbs
Program Manager, Behavioral Traffic Safety – Larry Krantz
Texas Department of Public Safety (Highway Safety Operations Center) –
Captain James Taylor
Specialty Courts Program Manager, Office of Court Administration, Erin
Morgan
Program Manager, Texas Impaired Driving Database – Emily Martin

2:45 p.m. – 3:00 p.m. BREAK

3:00 p.m. – 4:00 p.m. Toxicology/Emergency Medical Services

Toxicology Section Supervisor, Texas Department of Public Safety –
Anna Mudd
Assistant Lab Director, Texas Department of Public Safety – Trevis
Beckworth
EMS and Trauma Registries Manager, Department of State Health
Services – Gavin Sussman

4:00 p.m. – 4:15 p.m. State Highway Safety Office Debrief

4:15 p.m. – 4:30 p.m. Assessor Debrief

4:30 p.m. Assessor Independent Research and Writing

Tuesday, February 24

8:00 a.m. – 8:45 a.m. Screening, Intervention, Treatment and Rehabilitation

Special Programs Director, Community Justice Assistance
Division, Texas Department of Criminal Justice – Eric Goode
Director of Center for Alcohol and Drug Education Studies, Texas
A&M Transportation Institute – Cinthya Fillips
Regional Probation Liaison, American Probation and Parole
Association – Andrea Henderson

**8:45 a.m. – 9:30 a.m. Parole and Probation Programs/Ignition Interlock
Program**

Special Programs Director, Community Justice Assistance
Division, Texas Department of Criminal Justice – Eric Goode
Regional Probation Liaison, American Probation and Parole
Association – Andrea Henderson
Chief Government Affairs Officer Emeritus, Smart Start Inc –
Debra Coffey
Texas A&M Transportation Institute, Director of Center for
Alcohol and Drug Education Studies – Cinthya Fillips

9:30 a.m. – 9:45 a.m. BREAK

9:45 a.m. – 11:15 a.m. DUI Prosecution

Texas DWI Resource Prosecutor, Texas District and County
Attorneys Association – Clay Abbott

11:15 a.m. – 12:00 p.m. Ysleta Del Sur Tribe Panel (VIRTUAL)

Tribal Records Officer, Ysleta Del Sur Tribe – Zeke Garcia

12:00 p.m. – 1:00 p.m. LUNCH

1:00 p.m. – 2:30 p.m. DWI Enforcement/Law Enforcement Executives

Program Manager, LEADRS – Brian Grubbs
Law Enforcement Liaison, Texas Municipal Police Association –
Lynda Walker
Texas DRE State Coordinator, Texas DRE & ARIDE Programs –
Carlos Champion
Program Manager, Texas SFST & DITEP – David McGarah
Assistant Director, Texas Police Chiefs Association – Chief Scott
Rubin, Ret.
Deputy Chief, Texas Alcohol Beverage Commission – David
Doggett
Sergeant, TRACE Team, Texas Alcohol Beverage Commission –
Ben Shepard
Captain, Texas Department of Public Safety – Richard Hoover

2:30 p.m. – 3:00 p.m. Responsible Alcohol Service

Deputy Chief, Texas Alcohol Beverage Commission – David
Doggett
Sergeant, TRACE Team, Texas Alcohol Beverage Commission –
Ben Shepard

3:00 p.m. – 4:00 p.m. Prevention/Advocacy

DITEP Lead Instructor, Texas Municipal Police Association – David Murphy
Public Affairs Specialist, American Automobile Association– Kara Thorp
Education Director, SafeWay Driving School – Nina Saint, PhD
Our Driving Concern Program Manager, National Safety Council – Cody Stewart
Mothers Against Drunk Driving, State Program Manager – Emma Dugas
Chief Executive Officer, Texans for Safe and Drug Free Youth – Nicole Holt
Program Manager, Watch UR BAC, Texas AgriLife Extension – Ravonne McCray

- 4:00 p.m. – 4:15 p.m. State Highway Safety Office Debrief**
- 4:15 p.m. – 4:30 p.m. Assessor Debrief**
- 4:30 p.m. Assessor Independent Research and Writing**

Wednesday, February 25

- 8:00 a.m. – 9:00 a.m. Impaired Driving Legislation**
Texas DWI Resource Prosecutor, Texas District and County Attorneys Association – Clay Abbott
Judicial Resource Liaison, Texas Center for the Judiciary – Judge Laura Weiser
Grant Administrator, Texas Municipal Courts Education Center – Ned Minevitz
Executive Director, Texas Municipal Courts Education Center – Ryan Kellus Turner
General Counsel, Texas Justice Court Training Center – Bronson Tucker
Chief Government Affairs Officer Emeritus, Smart Start Inc – Debra Coffey
Chief Executive Officer, Texans for Safe and Drug Free Youth – Nicole Holt

- 9:00 a.m. – 10:00 a.m. Adjudication of DUI Cases**

Judicial Resource Liaison, Texas Center for the Judiciary – Judge Laura Weiser
Grant Administrator, Texas Municipal Courts Education Center – Ned Minevitz

Executive Director, Texas Municipal Courts Education Center – Ryan
Kellus Turner
General Counsel, Texas Justice Court Training Center – Bronson Tucker

10:00 a.m. – 10:15 a.m. BREAK

10:15 a.m. – 11:15 a.m. Driver Licensing

Administrative Action Supervisor, Driver’s License Division, Texas DPS
– Esther Vasquez
Conviction Reporting Program Supervisor, Driver’s License Division,
Texas DPS – Joseph Thompson

11:15 a.m. – 12:00 p.m. State Leadership Panel Returns (Questions/Answers)

Director, Behavioral Traffic Safety Section – David Palmer
Director, Traffic Crash Data & Analysis – Jim Markham
Supervisor, Behavioral Traffic Safety Section – Monica O’Kane
Program Lead, Behavioral Traffic Safety Section – Jessica Son
Planner, Behavioral Traffic Safety – Allison Rounsavall
Program Manager, Behavioral Traffic Safety – Larry Krantz
Branch Manager, Behavioral Traffic Safety – Tracie Mendez

12:00 p.m. – 1:00 p.m. LUNCH

**1:00 p.m. – 5:00 p.m. Assessment Team Continues Writing Draft Consensus
Report**

Thursday, February 26

8:00 a.m. -8:00 p.m. Assessment Team Reviews Draft Consensus Report

Friday, February 27

8:00 a.m. – 9:30 a.m. Assessment Team Presents Draft Report to State

TEAM CREDENTIALS

ROBERT BURROUGHS

Summary of Experience

Bob Burroughs has over 29 years of law enforcement experience including over 20 years of progressive management and executive level experience in highway safety, regulatory programs, and driver licensing programs. He has over twelve (12) additional years providing consulting services in the motor vehicle programs.

Bob's transportation career began as a highway patrolman and driver licensing trooper. He progressed through the ranks and served in several highway safety program oversight positions covering motor carrier, vehicle safety inspection, driver licensing, and information technology programs. He was instrumental in automating roadside commercial motor vehicle inspections and traffic citations for the Texas DPS. He also served as a project sponsor for the Texas Crash Records Information System project and as an executive member of the Texas Traffic Records Coordinating Committee.

Professional Business Experience

- Manager of the Motor Carrier Bureau responsible for statewide data management of Commercial Motor Vehicle Roadside Inspection data and oversight of the Motor Carrier Compliance Audit program of the Texas Department of Public Safety
- Program director for the statewide Vehicle Inspection Program responsible for program oversight and enforcement
- Highway Patrol Division record management and information technology manager responsible for integrating citation and disposition data as well as development and deployment of the Texas Highway Patrol In-Car computer program
- Directed the statewide Driver License Field Operations and the Internal Fraud Investigation Unit
- Directed the development of the Compliance and Enforcement Service for the newly formed Regulatory Services Division of the Department of Public Safety.

Consulting Business Experience

- Worked with the Massachusetts Registry of Motor Vehicles documenting business processes for re-engineering revenue operations, citation processing, and driver sanctioning activities.
- Prepared response to Jamaica Department of Motor Vehicles request for proposals to upgrade the driver licensing and vehicle title and registration programs.
- Work as a subcontractor assessing traffic record system interoperability within various States and United States Territories as a condition of their receiving federal highway funds for traffic record interoperability improvement programs.

Professional Societies and National Committees

- Member of the Federal Motor Carrier Safety Administration, Commercial Driver License Advisory Group
- Member of the Federal Motor Carrier Safety Administration, Federal Negotiated Rulemaking Committee to Enhance Driver License and Identity Security Standards
- Past Regional Vice President of the Commercial Vehicle Safety Alliance
- Member of the Information Systems Committee of the Commercial Vehicle Safety Alliance
- Past International Chair of the Law Enforcement Committee of the American Association of Motor Vehicle Administrators
- Past International Chair of the Vehicle Safety Inspection Committee of the American Association of Motor Vehicle Administrators
- Past Region II Chair of the Law Enforcement Committee of the American Association of Motor Vehicle Administrators
- Past Region II Chair of the Vehicle Safety Inspection Committee of the American Association of Motor Vehicle Administrators

Education

B.S., Criminal Justice, Wayland Baptist University

Graduate of the Bill Blackwood Law Enforcement Management Institute and the State of Texas Governor's Executive Management Development Program

LANCE R. COOK

Lance Cook has been a police officer at the local, county, and state levels since 1987, and has spent most of his career in traffic safety. He started as a patrolman with the village of New Haven, Michigan, and took his first class in Traffic Crash Investigation in 1988 through Michigan State University (MSU). In 1989 he left to become a road patrol deputy with the Isabella County Sheriff's Department, and completed the MSU Crash Reconstruction course and the Borkenstein breathalyzer operator course later that year. In 1993, he joined the Michigan State Police (MSP) as a trooper recruit, and was selected in 1995 to be one of 15 Technical Traffic Crash Investigators assigned to a new program to assist the Traffic Crash Reconstruction Unit (TCRU). He became certified as a RADAR instructor in 1996.

In 1997, Lance became accredited (#802) by the Accreditation Commission for Traffic Accident Reconstruction (ACTAR), and was selected to fill a crash reconstructionist vacancy in the MSP TCRU. He was promoted to sergeant in 1999. He left the TCRU in 2001 to lead the Traffic Law Education and Resource Unit. In 2010, he left the Traffic Services Section to work as a supervisor at a post closer to home. He promoted to Lieutenant in 2018, coming back to the TCRU as the unit commander. He retired from the MSP in May 2024, with 31 years of service, and nearly 37 years of law enforcement experience.

During his career, Lance has attended several thousand hours of in-service training, with much of it being in the areas of crash investigation/reconstruction, traffic engineering, alcohol enforcement, and speed measurement. Over the years, he has taught At-Scene and Advanced/Technical Crash Investigation, Traffic Crash Reconstruction, RADAR/LIDAR and Speed Measurement Instructor, Traffic Incident Management, Evidentiary and Preliminary Breath Testing, Michigan Traffic Law, Abandoned Vehicles, and Alternative and Non-Traditional Vehicles. He has served as adjunct faculty for the University of North Florida, Institute of Police Technology and Management since 2023. He also continues to teach RADAR/LIDAR and Michigan Traffic Law update/refresher classes through the Oakland Police Academy in metro Detroit.

Lance earned a Bachelor of Arts through Saginaw Valley State University, a Master of Science in Administration through Central Michigan University, and completed all of the coursework and examinations toward a PhD in Public Policy at Western Michigan University. He was also awarded a Certificate in Traffic Engineering from Michigan State University.

Lance has received several awards for traffic safety, including lifetime awards from Mothers Against Drunk Driving, the Michigan Governor's Traffic Safety Advisory Commission, and the International Association of Chiefs of Police.

TROY COSTALES

Mr. Costales was the state of Oregon's Transportation Safety Division Administrator and Governor's Highway Safety Representative from September of 1997 until May 2021. During his time as the Governor's Representative he worked for three different Governors. Troy has over 40 years of experience in Transportation Safety, including 24 years as the Administrator of the Division.

Mr. Costales was the 2011-2012 Chairman of the Governor's Highway Safety Association (GHSA). He also served on the: American Association of State Highway and Transportation Officials (AASHTO) – Standing Committee on Highway Safety, AASHTO's Strategic Highway Safety Plan initiative, NHTSA's Impaired Driving program management course writing team, Transportation Research Board's Transportation Safety Management Committee and the Naturalistic Driving Data project, International Association of Chiefs of Police - Drug Evaluation and Classification Program Technical Advisory Panel, plus many others. He was part of the faculty for the GHSA Executive Training Seminar for eighteen years.

Mr. Costales was a member and team lead for several driver education, occupant protection, bicycle/pedestrian, motorcycle safety, and impaired driving program assessments over the past twenty-plus years.

In 2022 Troy was recognized as a DRE Ambassador by the International Association of Chiefs of Police DRE Section, the Kathryn J.R. Swanson Public Service Award from the GHSA, and special recognition by the Oregon ATV Advisory Committee of the Oregon Department of State Parks.

George Fox University
Bachelor of Science in Human Resource Management

Portland State University
Master of Arts in Public Administration

HON. KEVIN L. FITZWATER (RET.)

Judge Fitzwater served on the Metropolitan court from 1997 until his retirement in 2015 and continues to serve on the bench in a *Pro Tem* capacity. Prior to taking the bench, he was the Deputy District Attorney in charge of prosecutions in the Metropolitan Court. Judge Fitzwater started, and presided over, the first Behavioral Health Court in the state – one of the first in the nation. He earned his B.A. and J.D. degrees from the University of New Mexico and holds an MBA from National University in San Diego, CA. After serving 12 years on active duty and 18 more in the reserves, Judge Fitzwater retired from the Marine Corps at the rank of colonel. He is the ABA Judicial Outreach Liaison for New Mexico. Judge Fitzwater is on the faculties of the National Judicial College, All Rise (formerly the National Association of Drug Court Professionals), and Impaired Driving Solutions. He has presented to and taught judges around the country.

MARK STODOLA

As American Probation and Parole Association's Probation Fellow, Mark Stodola brings over 30 years of experience working in the field of court management and adult probation in Arizona. Mark worked at the Maricopa County Adult Probation Department for 18 years serving in a number of capacities including division director overseeing drug and alcohol treatment programs, problem solving courts and services for the mentally ill. Mark later became the Court Administrator of the Tempe Municipal Court where he served for eight years managing the day to day activities of the court. Most recently Mark served as Program Services Manager in the Adult Probation Services Division of the Arizona Supreme Court where he had oversight of treatment programs for Arizona's Adult Probation Departments. Mark has presented training on topics surrounding high risk drunk drivers at national, regional and state conferences throughout the country. Mark also is an adjunct instructor at Arizona State University. Mark received his undergraduate degree in History from the University of Wisconsin-Madison and his Master's Degree in Education from Northern Arizona University. Mark became a Graduate Fellow through the National Council of State Courts Institute of Court Management.

Impaired Driving Program Status

Questions

Question:	1. Is there a Driving While Impaired (DWI) Task Force or Commission?
Evidence:	Suggested evidence: Provide the Task Force/Commission charter, bylaws, membership roster.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	The Texas Impaired Driving Task Force (TxIDTF) has been in existence for over 20 years. Membership includes representation from the major pillars of the impaired driving countermeasure system. The charter was put in place in 2012. members and guests work to share resources, develop recommendations and strategies, and partner on initiatives to reduce serious injuries and deaths caused by driving while intoxicated.
Question:	2. Does the Task Force/Commission lead the overall impaired driving program?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission charter, bylaws, or minutes where this expectation is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Substantial Progress
Status:	While the Impaired Driving Task Force works in partnership with the Texas SHSO in the efforts to reduce impaired driving crashes, injuries, and fatalities, the responsibility of leading the impaired driving program belongs to the Texas SHSO. The Task Force is instrumental in providing insight and guidance on the program, but they do not manage it.
Question:	3. Does the Task Force/Commission assist the SHSO in the management of the impaired driving program, project selection, and media efforts?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission minutes or HSP development/planning description process where this activity is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Substantial Progress
Status:	While the Impaired Driving Task Force works in partnership with the Texas SHSO in our efforts to reduce impaired driving crashes, injuries, and fatalities, the Task Force does not manage the impaired driving program, make project selections, or facilitate media efforts. That responsibility belongs to the Texas SHSO. The Texas IDTF falls under the larger SHSO umbrella, which lives in the Behavioral Traffic Safety Section at TxDOT. The Task Force is charged with identifying specific needs and deploying resources in Texas. Some of those resources are NHTSA grant-funded, but not all. Project selection is handled by BTS management, and media efforts are a joint operation between BTS and TxDOT's Communications Division. BTS outreach efforts are represented at the Task Force, but are not driven by the Task Force.

Question:	4. Does the Task Force/Commission have the authority to hold state agencies, local agencies, and non-profits accountable for the completion of tasks or initiatives?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission charter, bylaws, or minutes or where this action is expected or has taken place.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Underway
Status:	While the Impaired Driving Task Force works in partnership with the Texas SHSO in our efforts to reduce impaired driving crashes, injuries, and fatalities, the Task Force does not have the authority to hold partners accountable for the completion of tasks or initiatives. They are trying to build in that direction, but have a ways to go yet before they can get there. Many Task Force members belong to governmental and non-governmental agencies, and the group's influence can impact how those agencies function to a limited extent, but outright authority to hold anyone accountable is still beyond their reach.
Question:	5. Are there any long-term lingering issues that the Task Force/Commission has been frustrated with?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission minutes or agendas where this is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	Currently, the primary concern among members is drug-impaired driving and polysubstance use, compounded by a severe lack of resources to address these issues. Texas is a state made up of 254 counties, each with its own perspective on DWI prosecution. This leads to wildly different outcomes even in neighboring counties.
Question:	6. Is impaired driving part of the Strategic Highway Safety Plan (SHSP) or Highway Safety Improvement Plan (HSIP)?
Evidence:	Suggested evidence: Identify the sections in the most recently adopted SHSP where impaired driving is recognized, including in the data analysis report.
Section:	Program Management and Strategic Planning - Strategic Planning
Level of Progress:	Completed
Status:	The fiscal year (FY) 2022-2027 Texas SHSP, on pages 33-40, the Impaired Driving section. The 2023, 2025, and 2026 HSIP guidelines include impaired driving as one of the emphasis areas. Data analysis is also included as part of the HSIP Annual Reports. The 2021, 2023, and 2024 HSIP annual reports include data to support work done in the impaired driving emphasis area. There is an emphasis area team focused on impaired driving that consists of up to 20 professionals from state and federal agencies, metropolitan planning organizations, judicial branches, driving academies, and law enforcement.
Question:	7. Is there an impaired driving Strategic Plan that has been developed by, or approved by, the Task Force/Commission and/or the SHSO?
Evidence:	Suggested evidence: Provide a copy of the impaired driving Strategic Plan and note where the Task Force/Commission and/or the SHSO were part of the development and/or approval of the document.

Section:	Program Management and Strategic Planning - Strategic Planning
Level of Progress:	Completed
Status:	An annual strategic plan is developed and revised by the Texas Impaired Driving Task Force. Once the plan is finalized, the State Highway Safety Office reviews it and contributes to the responses as appropriate. The plan is then signed by the Executive Committee members of the task force, whose signatures appear on the last page of the document (page 56).

Question: 8. Are there high-priority short-term activities in the impaired driving Strategic Plan?

Evidence: Suggested evidence: Identify the sections in the impaired driving Strategic Plan where short-term activities are covered.

Section: Program Management and Strategic Planning - Strategic Planning

Level of Progress: Underway

Status: In the 2022-2027 Texas Strategic Highway Safety Plan (SHSP), there are three overall strategies for impaired driving. They include:

- (6.6.1) Increase education for all road users on the impact of impaired driving and its prevention;
- (6.6.2) Increase officer contacts with impaired drivers through regular traffic enforcement;
- (6.6.3) Increase data, training, and resources for law enforcement officers, prosecutors, toxicologists, judges, and community supervision personnel in the area of alcohol and/or other drug driving.

Within each of these strategies are sub-strategies. Those sub-strategies include rankings on costs to implement and time to implement, as well as barriers.

Question: 9. Does the impaired driving Strategic Plan include a section for problem identification or data analysis?

Evidence: Suggested evidence: Identify the sections in the impaired driving Strategic Plan where the data analysis is noted.

Section: Program Management and Strategic Planning - Strategic Planning

Level of Progress: Completed

Status: 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.

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, 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.

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.

TxSTORM has yet to be run on just impaired driving related crash data.

Question: 10. Does the SHSO have a process for selecting impaired driving projects?

Evidence: Suggested evidence: Provide the steps the SHSO uses to select projects in the impaired driving program area. This could be a flowchart or text.

Section: Program Management and Strategic Planning - Program Management

Level of Progress: Completed

Status: Eligible organizations interested in traffic safety issues submit project proposals when requested by the Texas SHSO during the Request for Proposals window. These project proposals constitute the organizations' traffic safety intentions and can be submitted for any program area, including Alcohol and Other Drug Countermeasures. Once the RFP period is over, a list is generated of proposals that meet minimum qualifications for funding. These proposals are sorted by program area and assigned to scoring teams. Scoring teams are comprised of TRF-BTS Program Managers (PMs), Traffic Safety Specialists (TSSs), and other TRF-BTS staff. Reviewers assigned to a scoring team are responsible for scoring assigned proposals within a designated timeframe. Proposals are scored via a computer with internet access. Scoring consists of:

- Adding internal comments, if needed, to affected proposal pages. Reviewers do not combine comments on a single page, but post comments directly on each page in question.
- Selecting the appropriate response to score each question and saving the score sheet, and
- Completing scoring by notifying the appropriate team leader upon completion of their scoring prior to final submission of their scores.

The complete scoring procedure is outlined in the Behavioral Traffic Safety Program Policy Manual in Chapter 4, Section 1.

The involvement of the Impaired Driving Task Force would add depth or additional expertise to the review of impaired driving proposals. However, many of the TF members are subgrantees, so there may be a conflict of interest.

Question:	11. Does the SHSO have a project monitoring policy?
Evidence:	Suggested evidence: Provide a copy of the project monitoring policy, steps, and forms.
Section:	Program Management and Strategic Planning - Program Management
Level of Progress:	Completed
Status:	Chapter 6 of the BTS Program Manual covers project monitoring, pages 169-198.
Question:	12. Does the SHSO have dedicated funding for the impaired driving program area?
Evidence:	Suggested evidence: Provide the SHSO funding for the past five years in the impaired driving program area, how much was actually spent by each project, and the current year project plans.
Section:	Program Management and Strategic Planning - Resources
Level of Progress:	Substantial Progress
Status:	Each year in the Annual Report, the Texas SHSO provides a financial summary as well as a project cross-reference, which details each project planned versus actual expenses. The projects are listed with the Program Area (PA) Alcohol and Other Drugs Countermeasures (AL) or M5HVE (Impaired High Visibility Enforcement) reference. Over the last two years, the TRF-BTS has used the federal funds within a year after receiving them. The amount of carry-forward funds has not increased.
Question:	13. Does the SHSO employ, or contract for, staff dedicated to the impaired driving program area?
Evidence:	Suggested evidence: Supply a copy of the SHSO organizational chart noting the impaired driving staff/contractor(s).
Section:	Program Management and Strategic Planning - Resources
Level of Progress:	Completed
Status:	The TxDOT Behavioral Traffic Safety Section has several Program Managers assigned to manage different areas/programs in the impaired driving program area.
Question:	14. Are the fines, fees, and penalties that are paid by impaired drivers used to support impaired driving countermeasures?
Evidence:	Suggested evidence: Provide a flowchart of how fines, fees, and penalties from impaired driving are allocated to government services that combat impaired driving.
Section:	Program Management and Strategic Planning - Resources
Level of Progress:	Early Progress
Status:	Funds provided from fines, fees, or penalties paid by impaired drivers are not directed to support impaired driving countermeasures. The Texas SHSO utilizes federal and state funding for the impaired driving program. The federal funding is provided by the United States Department of Transportation through NHTSA, and the state funding is provided by the Texas Department of Transportation. In some states, there are revenue streams that the legislature or executive branch agencies, via administrative rule, have earmarked fees or fines to certain programs. Such as indigent defense, subsidizing treatment, or ignition interlock device price reductions. These are often programs outside of the state highway safety office. This question or discussion can be asked by the Impaired Driving

Task Force.

Question: 15. Does the SHSO use data sources for problem identification purposes?

Evidence: Suggested evidence: Provide a list of the data sources used in problem identification for impaired driving.

Section: Program Management and Strategic Planning - Data and Records

Level of Progress: Underway

Status: The primary data sources used include Texas's Crash Records Information System (CRIS) as well as the Fatality Analysis Reporting System (FARS). VMT and population are used as the denominator for many measures and goals.

A TxDOT publication lists the following as data sources, but it is unclear how many are actually used for strategic planning and project selection for impaired driving efforts.

Data sources may include any of the following:

- TxDOT Crash Records Information System (CRIS)
- TxDPS and local police departments' data (crashes, arrests, and citations)
- DSHS, regional and/or local health agencies
- Emergency Medical Service Providers (EMS-run data)
- Evaluations and Assessment Surveys
- National or statewide studies (such as FARS, etc.)
- Local court system (disposition and sentencing data)
- TxDOT district traffic engineering and roadway analyses

There has not been an analysis, using CRIS or FARS, to identify the relationship between no seat belt use and impaired fatalities/injuries.

Question: 16. Does the SHSO use data sources for project selection?

Evidence: Suggested evidence: Provide the grant selection process (list or flowchart) indicating where the data is used to determine the final list of projects that are funded for the upcoming HSP.

Section: Program Management and Strategic Planning - Data and Records

Level of Progress: Underway

Status: TxDOT uses fatal and suspected serious injury crash data to develop high-priority jurisdictions for program deployment. Using this data, the agency is then required to deploy their project's resources to these high-priority jurisdictions and report back on success at the end of the fiscal year via a final report.

The individual project problem statement must be supported by relevant, verifiable, current, and applicable traffic safety data, including causes of fatalities, serious injuries, crashes, and property damage, site location (city/county, roadway section, statewide), and target population data. The traffic safety data must be current and specific to Texas/local communities. For FY27 proposals, the data must include 2024 Crash Records Information System (CRIS) data and/or 2023 Fatality Analysis Reporting System (FARS) data or more current data from other sources. Data that is older can be included for trends. Data must be sourced correctly for traffic safety purposes. The data must also show an over-representation, or data represented in excessive or disproportionately large numbers.

State projects should compare with national data, and local projects should compare with state data. All projects that cover more than one Texas county must create a strategic operational plan. The purpose of the strategic plan is to direct the deployment of the proposed project's resources, with strong preference given to high-priority jurisdictions.

Question: 17. Does the State implement enforcement programs to prevent sales or service of alcoholic beverages or marijuana (in states with recreational marijuana sales) to persons under the age of 21?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent encourages retailers to utilize Seller-Server Training. This requires all permittees to require this training every 2 years and have policies in place to deter the sale of alcohol to minors and intoxicated people. TABC also conducts training for local law enforcement to detect minor-related violations. Enforcement agents conduct minor sales investigations in the form of undercover compliance checks. It is unclear if this is required or encouraged.

Question: 18. Do these enforcement strategies include conducting compliance checks and/or "shoulder tap" activities?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The following are types of operations conducted to detect minor-related violations: open inspections, minor sales operations, fake-out operations, and cop in shops operations. In FY 2025, TABC conducted approximately 9,000 of these operations.

Question: 19. Is there support for the proper use of technology in retail establishments, particularly those catering to youth, to verify proper and recognize false identification?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Underway

Status: There are no laws that require the use of technology in retail establishments. Last session, a law was passed that requires some retailers to check every person's identification for the sale of alcohol. Additional info is needed to better understand the existing policy in TX.

Question: 20. Does the State have and enforce alcohol beverage and marijuana (in states with recreational marijuana sales that allow on-premise use) control regulations to prevent over-service through such strategies as prohibiting service to visibly intoxicated patrons, restricting sales promotions (such as "happy hours"), limit hours of sale, and establishing conditions on the locations of establishments to limit impaired driving (e.g., zoning restrictions)?

Evidence: Suggested evidence: Provide beverage/marijuana control legislation, policies, procedures, and enforcement statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Underway

Status: Sec. 101.63. SALE OR DELIVERY TO CERTAIN PERSONS. (a) A person commits an offense if the person with criminal negligence sells an alcoholic beverage to a habitual drunkard or an intoxicated or insane person. (a-1) A person commits an offense if the person with criminal negligence delivers for commercial purposes an alcoholic beverage to an intoxicated person. TABC Rule§45.103 On-Premises Promotions (a) This rule is adopted to prohibit those practices by on-premise establishments that are reasonably calculated to result in excessive consumption of alcoholic beverages by consumers. Such practices constitute a manner of operation contrary to the public welfare, health and safety of the people in violation of §§11.61(b)(7) and 61.71(a)(17) of the Alcoholic Beverage Code. Nothing in this section shall be construed to relieve a person serving alcoholic beverages from responsibility under the Alcoholic Beverage Code and commission rules to refrain from serving alcoholic beverages to an intoxicated or underage consumer. (b) Excessive consumption of alcoholic beverages shall be determined by the standard of public intoxication articulated in §49.02 of the Penal Code. (c) Licensees and permittees authorized to sell or serve alcoholic beverages for on-premises consumption may not: (1) serve, sell, or offer to serve or sell, two or more open containers of alcoholic beverages at a price less than the number of containers actually sold or served; (2) increase the volume of alcohol contained in a drink without increasing proportionally the price thereof; (3) serve or offer to serve more than one free alcoholic beverage to any identifiable segment of the population during the course of one business day. Licensees and permittees may, however, without prior advertising, give one free alcoholic beverage to individual consumers in celebration of birthdays, anniversaries or similar events; (4) sell, serve, or offer to sell or serve an undetermined quantity of alcoholic beverages for a fixed price or "all you can drink" basis; (5) sell, serve, or offer to sell or serve, alcoholic beverages at a reduced price to those consumers paying a fixed "buy in" price; (6) sell, serve, or offer to sell or serve, alcoholic beverages at a price contingent on the amount of alcoholic beverages consumed by an individual; (7) reduce drink prices after 11:00 p.m.; (8) sell, serve or offer to sell or serve more than two drinks to a single consumer at one time; (9) impose an entry fee, cover or door charge for the purpose of recovering financial losses incurred by the licensee or permittee because of reduced or low drink prices; (10) conduct, sponsor or participate in, or allow any person on the licensed premises to conduct, sponsor or participate in, any game or contest to be determined by the quantity of alcoholic beverages consumed by an individual or group, or where alcoholic beverages or reduced price alcoholic beverages are awarded as prizes; (11) engage in any practice, whether listed in this rule or not, that is reasonably calculated to induce consumers to drink alcoholic beverages to excess, or that would impair the ability of the licensee or permittee to monitor or control the consumption of alcoholic beverages by consumers. Chapter 105 ABC lists the hours of sale for retailers, distributors, and manufactures.

Question: 21. Does the State provide resources (including funds, staff, and training) to enforce alcohol beverage and marijuana (in states with recreational marijuana sales) control regulations?

Evidence:	Suggested evidence: Provide revenue distribution information for enforcement of sales, implementation manuals, and annual report with enforcement statistics.
Section:	Prevention - Responsible Alcohol Service
Level of Progress:	Underway
Status:	The Texas SHSO provides overtime reimbursement to the Texas Alcoholic Beverage Commission (TABC) to conduct overtime enforcement operations on alcoholic beverage (AB) establishments, as well as educating peace officers and employees at TABC-licensed locations about AB laws since 2015. During fiscal year 2025, TABC was allotted a budget totaling \$498,990.00 for salary and fringe funds to conduct these overtime efforts. At the end of fiscal year 2025, TABC had conducted 51,135 inspections at licensed AB locations during overtime status, as well as trained 5,216 peace officers on AB enforcement operations and laws, and educated 3,054 employees of TABC licensed locations on AB laws and responsible service.
Question:	22. Does the State ensure coordination among traditional State, county, municipal, and tribal law enforcement agencies to determine where impaired drivers had their last drink or last used marijuana and use this information to monitor compliance with regulations?
Evidence:	Suggested evidence: Provide descriptions of coordination efforts, officer reporting, implementation manuals, and annual reports with enforcement statistics.
Section:	Prevention - Responsible Alcohol Service
Level of Progress:	Underway
Status:	TABC utilizes LEADRS reports. Each month, the reports are reviewed. If a licensed location is identified 3 or more times in one month as the “last drink”, TABC enters a complaint and forwards it to the regional office for investigation. Agents have 60-days to investigate the location for over-service of alcohol.
Question:	23. Does the State mandate or promote responsible alcohol and marijuana (in states with recreational marijuana sales) service programs, written policies, and training?
Evidence:	Suggested evidence: Provide State statute, description of approved programs, program manuals, and implementation statistics.
Section:	Prevention - Responsible Alcohol Service
Level of Progress:	Underway
Status:	ABC promotes responsible alcohol service programs through the seller service programs. In exchange for training all employees every two years and having written policies in place for responsible alcohol service, the owners are protected from civil penalties for certain violations. This is known as “safe harbor”. Beverage service is encouraged but not required.
Question:	24. Does the State require or promote alcohol and marijuana (in states with recreational marijuana sales) sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver or alternative transportation programs?
Evidence:	Suggested evidence: Provide State statutes, policies, and guidelines for promotional materials. Also, provide sample posters, signs, or materials.
Section:	Prevention - Responsible Alcohol Service
Level of Progress:	Underway

Status: TABC does not require any location to display information related to impaired driving. Other agencies, like TXDOT, provide educational materials to the public to deter impaired driving. Some of the materials provided include billboards, posters, websites, and social media posts. Alcohol distributors and local NGO’s also promote ride share and designated driver programs throughout the year to retailers.

Question: 25. Does the State have statutes that hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol or marijuana when underage or when visibly intoxicated?

Evidence: Suggested evidence: Provide State statutes and/or case law (often called the Dram Shop law).

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The Texas Dram Shop Law Texas Alcoholic Beverage Code Ann. §2.01 states that a person who is licensed to sell or serve alcohol in Texas (a “provider”) may be held liable for damages if it was evident that the individual being served was intoxicated to an extent that he presented an obvious danger to himself and others. The Texas Dram Shop Act enables people to sue bars and other alcohol-serving establishments when over-served patrons cause damages.

Question: 26. Do these programs actively promote the use of designated drivers and safe ride programs, especially during high-risk times, such as holidays or special events, and are alternative transportation programs designed so that they do not enable or promote over-consumption by non-drivers as well as drivers?

Evidence: Suggested evidence: Provide promotional materials.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: Texas stakeholders actively collaborate with DWI task forces, community coalitions, and other partners to promote rideshare services such as Uber and Lyft. Their initiatives include targeted campaigns to educate the public on the importance of planning ahead for transportation to ensure a safe ride home, particularly during high-risk periods such as holidays, New Year’s Eve, and major sporting events. These campaigns aim to raise awareness about the availability and convenience of rideshare options, encouraging individuals to make responsible choices before consuming alcohol or other substances. In addition to promoting rideshare, Texas stakeholders provide educational resources through press conferences and social media messaging that highlight the dangers and legal consequences associated with excessive alcohol consumption and impaired driving. By fostering a culture of responsibility and awareness, these efforts strive to reduce the incidence of alcohol-related accidents and promote safer communities.

Question: 27. Does the State encourage the formation of public and private partnerships to financially support these programs?

Evidence: Suggested evidence: Provide examples of partnership documents and program materials.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: In Texas, a diverse group of stakeholders works together through public-private partnerships to fund rideshare campaigns and prevention programs that enhance road safety. This collaborative effort includes contributions from various law enforcement associations, local hospitals, and transportation safety organizations such as AAA Texas and Smart Start. These initiatives are designed to educate the public about impaired driving prevention and promote responsible driving by raising awareness of the importance of ridesharing, particularly during high-risk periods like holidays and weekends.

Question: 28. Does the State implement K-12 traffic safety education, with appropriate emphasis on underage drinking and alcohol and other drug-impaired driving, as part of a comprehensive health education program?

Evidence: Suggested evidence: Provide State education policies, learning standards, or curriculum.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and alcohol and other drug-impaired driving, as part of a comprehensive health education program. The Texas Department of Transportation (TxDOT) funds the Teens in the Driver Seat® program (TDS). Started in 2002, TDS is the first peer-to-peer program for junior high and high school-aged youth (11-19) that focuses solely on traffic safety and addresses all major risks for this age group. Teens help shape the program and are responsible for implementing it and educating their peers and parents; Texas A&M Transportation Institute (TTI) provides the science, guidance, and project resources.

Question: 29. Has the State established and supported student organizations that promote traffic safety and responsible decisions and encourage statewide coordination among these groups?

Evidence: Suggested evidence: Provide a list of organizations with their goals and sample activities.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: TxDOT BTS Section has three current grants that address student organizations: Texans for Safe and Drug Free Youth, Texas A&M AgriLife, Texas Transportation Institute, Extension Service & TxDOT BTS Section.

Question: 30. Does the State provide training to school personnel (such as resource officers, health care providers, counselors, health educators, and coaches) to enable them to provide information to students about traffic safety, responsible decisions, and identify students who may have used alcohol or other drugs (e.g., Drug Impairment Training for Education Professionals)?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: The Texas SFST provides 8- and 16-hour DITEP courses for school staff. DITEP improves early identification of student drug use and supports timely intervention, equipping personnel to positively influence school safety outcomes. The DITEP course instructs staff to identify potential indicators of drug use or sales, including

signals like specific clothing or digital emojis on electronic devices. Since the previous assessment, TMPA has combined DITEP with SFST and Advanced DWI Investigation grants.

Question: 31. Does the State encourage colleges, universities, and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: Colleges and Universities are required to have policies regarding alcohol use and disciplinary actions in order to receive certain federal funding. Therefore, campuses have policies. The policies are varied in their comprehensiveness, where they are found on university/college websites, how easy they are to access, and whether or not the policies contain best practices for reducing alcohol use and the associated traffic safety problems. In Texas, a diverse group of stakeholders—including coalition leaders, local community organizations, and law enforcement agencies—work collaboratively with college campuses to effectively prevent underage drinking and risky drinking behaviors among students. This partnership fosters a multidisciplinary approach, enabling participants to engage in a range of college health and wellness events, including workshops, seminars, and awareness campaigns.

Question: 32. Does the State provide training for alcohol and drug-impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Early Progress

Status: No, there are currently no state entities that provide SBI (Screening and Brief Intervention) training for college personnel that includes an alcohol and drug impaired driving component.

Question: 33. Does the State provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by employees and their families?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: Texas provides information, education, and technical assistance to employers to address impaired driving, including alcohol and drug impairment, and encourages employers to implement programs that support safer driving behaviors among employees. These efforts are delivered statewide through the Texas Our Driving Concern (ODC) Employer Traffic Safety Program, administered by the National

Safety Council in partnership with TxDOT.

Question: 34. Does the State encourage and support community traffic safety coalitions or traffic safety programs, comprised of a wide variety of community members and leaders such as representatives of government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; faith-based, advocacy, and other community groups?

Evidence: Suggested evidence: Provide a list of and descriptions of coalitions specific to impaired driving/traffic safety.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: Substantial progress on coalitions

Question: 35. Does the State ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control, mental health, and other related coalitions, (e.g., Drug-Free Communities, SPF-SIG), to assure that impaired driving is a priority issue?

Evidence: Suggested evidence: Provide a list of coalitions and examples of strategies specific to impaired driving/traffic safety.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: The State ensures active participation by representatives of local traffic safety programs in a wide range of community coalitions addressing impaired driving and related public health issues

Question: 36. Does the State provide information and technical assistance to community coalitions and prevention programs, including data concerning the problem in the community and information identifying evidence-based underage drinking and impaired driving programs?

Evidence: Suggested evidence: Provide examples of data and/or information sharing or technical assistance.

Section: Prevention - Community-Based Programs

Level of Progress: Substantial Progress

Status: The State provides consistent information and technical assistance to community coalitions and prevention programs.

Question: 37. Does the State encourage community coalitions and prevention programs to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving?

Evidence: Suggested evidence: Provide examples of collaborative efforts between local coalitions and the law enforcement community.

Section: Prevention - Community-Based Programs

Level of Progress: Underway

Status: The State, through federal block grant funding, which is administered by the State Health and Human Services Commission, competitively funds community coalitions that work to address local youth substance use issues, including alcohol use. They may or may not focus on impaired driving. Years ago, there was a State prevention program that funded local coalitions working to address youth alcohol use and impaired driving outcomes – the goal was to reduce underage alcohol use and impaired driving in the 10-13 counties with the worst youth impaired driving

crash rates. That funding ended, and another set of funding has not replaced that effort.

Additional funding is needed to support TX coalitions.

Question: 38. Does the State encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving?

Evidence: Suggested evidence: Provide examples of programs with sample materials.

Section: Prevention - Community-Based Programs

Level of Progress: Underway

Status: Yes. We launch two press events each year for the SWID campaign and always include a variety of speakers from TxDOT, local law enforcement, DPS, EMS, and others. During the Labor Day campaign in FY25, speakers included a congresswoman, a judge, the district attorney, and law enforcement. See the SWID FY25 Labor Day Press Event agenda.

Question: 39. Are the statutes comprehensive and consistent with other criminal-level legislation so that they will effectively discourage impaired driving?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Texas Penal Code 49 is compliant. The statute covers impairment by alcohol and other drugs. First offenses are a Class B Misdemeanor and carry a maximum of 6 months in jail, potentially probated for up to two years. The high-level offense of Intoxication Manslaughter of a Peace Officer or more than one person is a first-degree felony carrying up to 99 years. Impaired driving cases now match every other penal enactment by allowing any prior in a lifetime to be used to enhance.

Question: 40. Do the statutes clearly criminalize driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treat those offenses, regardless of the substance causing impairment, with similar consequences?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Texas Penal Code clearly states that any substance can impair and be prosecuted as such. Specifically, it enumerates that permission to consume (i.e., Prescription, etc.) is not a defense.

Question: 41. Does a statute clearly set a Blood Alcohol Concentration (BAC) limit of 0.08 percent, making it illegal per se to operate a vehicle at or above this level without having to prove impairment?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress:	Completed
Status:	Statute 49.01 clearly states that a BAC of .08 is a standalone offense.
Question:	42. Is there Zero Tolerance for underage drivers, making it illegal per se for persons under age 21 to drive with any measurable amount of alcohol or other impairing substance?
Evidence:	Suggested evidence: Copies of underage impaired driving statutes and regulations. Copies of cases that interpret or apply the underage impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Substantial Progress
Status:	Section 106.041 of the Texas Alcoholic Beverage Code makes it a Class C Misdemeanor for a minor (age 20 or younger) to operate a motor vehicle in a public place “while having any detectible amount of alcohol in the minor’s system.” Section 106.041 only applies to alcohol.
Question:	43. Are there enhanced penalties for poly-substance use as well as High BAC (e.g., 0.15 percent or greater)?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Underway
Status:	There is no separate offense for poly-substance use in Texas. High BAC levels have no significant impact on sentencing (except for higher maximum fines), and Class B and Class A misdemeanors carry the same probationary period.
Question:	44. Are penalties increased and imposition of the increased penalties required for each subsequent offense of impaired driving?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred. Copy of the sentencing guidelines or matrix.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	Texas Penal Code section 49 is clear as to the enhancement of penalties. Texas has severe consequences for subsequent offenses. First-time offenses are Class B, second offenses are Class A. Third and subsequent offenses are 3rd degree felonies. But that 3rd degree felony may be enhanced with a previous felony to a second degree felony. If the defendant has two prior misdemeanor DWI cases and two felony DWI cases, the range of punishment is 25 to 99 years or life.
Question:	45. Does a statute specify that a chemical test refusal that is treated with administrative sanctions is at least as strict as the state’s highest impaired driving offense?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed

Status:	Texas has administrative penalties on license status that are equal to the highest criminal penalties.
Question:	46. Does a statute define driving with a suspended or revoked license (DWS) due to impaired driving, vehicular homicide, or causing personal injury while driving impaired as separate offenses?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	Texas Penal Code has the appropriate provisions. Transportation Code Sec. 521.457 creates the offense of Driving While License Invalid, which includes driving while your license is suspended or revoked. Failing to provide a breath/blood sample upon request and probable cause, or providing a sample exceeding .08 BAC, results in an automatic suspension.
Question:	47. Does the statute set out and mandate the imposition of additional penalties for the offenses of driving with a license suspended or revoked (DWS) for impaired driving, vehicular homicide, or causing personal injury while driving impaired?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	Transportation Code Sec. 521.457(f-1) enhances the offense of Driving While License Invalid from a Class C to a Class B misdemeanor if the reason the person's license was suspended is for an offense involving operating a motor vehicle while intoxicated.
Question:	48. Is there an "Open Container" statute that prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle while located on a public highway or right-of-way?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	Section 49.031 of the Texas Penal Code makes it a Class C Misdemeanor to knowingly possess an "open container" in the "passenger area of a motor vehicle." An open container is defined as a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed. The passenger area of a motor vehicle is defined as the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle.
Question:	49. Does the State have Statutes that include those shown on the document titled "Question 49"?
Evidence:	Suggested evidence: Please complete the document titled "Question 49" and upload it along with copies of statutes and regulations highlighted for each offense and each penalty/sanction that applies.

Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	Texas has a statute that includes those shown on the document titled "Question 49."
Question:	50. Are enhanced penalties set out and mandated for 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 imprisonment?
Evidence:	Suggested evidence: Please complete the document titled "Question 50" and upload it along with copies of statutes and regulations highlighted for each offense and each penalty/sanction that applies.
Section:	Criminal Justice System - Legislation
Level of Progress:	Not Started
Status:	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 do carry longer or enhanced penalties. Enhanced penalties are not set out for test refusals and high BAC.
Question:	51. Does the State or Territory have statutes that provide separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations or a Chief Justice Order. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Undetermined
Status:	Texas has no statute that allows separate penalties for alcohol and separate penalties for other drugs individually or in combination in a single case.
Question:	52. Do the statutes mandate assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from the use of alcohol and other drugs, and frequent monitoring?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Underway
Status:	Article 42A.257, the Texas Code of Criminal Procedure grants judges the ability to order an evaluation be conducted to determine the appropriateness of treatment and report said information to the court if alcohol/drug use contributed to an offense or if it's a subsequent offense. Additionally, Article 42A.402 of the Texas Code of Criminal Procedure states that a probationer placed on community supervision for Driving While Intoxicated (DWI) or an intoxication-related offense as defined in chapter 49, Texas Penal Code, shall submit to a substance abuse evaluation (SAE) and complete any recommended treatment as a condition of community supervision. There is no mandatory provision to prohibit alcohol use, but courts have the discretion to impose such a provision.

Question:	53. What statutory provisions mandate the supervision of out-of-state offenders?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	The links reference the appropriate statutes.
Question:	54. Does the state or territory have statutory requirements to use proven technology (e.g., ignition interlock device, electronic confinement, and monitoring) and the capability to produce reports on compliance both judicially and administratively?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Underway
Status:	Texas has mandatory technological monitoring for subsequent and high-level offenses, but judicial discretion in first offense cases on bond and probation. If a first offense below 0.15 BAC, judicial discretion is the standard for probation. There is reluctance from some probation departments to monitor and track compliance due to staffing levels. Tracking and reporting systems are varied in application and reporting.
Question:	55. Are periodic reports on offender compliance with administrative or judicially imposed sanctions required by statute?
Evidence:	Suggested evidence: Copies of statutes, regulations, or reports.
Section:	Criminal Justice System - Legislation
Level of Progress:	Substantial Progress
Status:	Section 509.004(a)(5), Texas Government Code requires Community Supervision and Corrections Departments (CSCDs) to report probationer demographic information to the Texas Department of Public Safety (DPS), who are required to have an ignition interlock device installed to restrict the probationer from operating a motor vehicle upon detection of ethyl alcohol on the probationer's breath. The Codes provided require monitoring and reporting, with recommendations for sanctions for violations. One gap is the first offender's judicial discretion in requiring technological monitoring. Reporting is often done as an aggregate rather than individual compliance.
Question:	56. Are there statutory provisions for driver license suspensions for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs?
Evidence:	Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.
Section:	Criminal Justice System - Legislation
Level of Progress:	Completed
Status:	There is a mandatory license suspension under 21 alcohol offenses (purchase, attempt to purchase, consumption, possession, age misrepresentation) under Section 106.071(d)(2) of the Texas Alcoholic Beverage Code. There is also a

mandatory license suspension if a minor does not complete court-ordered classes or community service following any conviction for public intoxication, purchasing alcohol, attempting to purchase alcohol, alcohol consumption, Driving Under the Influence (any detectable amount), alcohol possession, or age misrepresentation under Section 106.115(d) of the Texas Alcohol Beverage Code.

Question: 57. Are impaired driving cases a high priority for prosecution?

Evidence: Suggested Evidence: Resolutions or other high-level statements from the prosecutors' professional association for that State or Territory. A State or Territory strategic plan adopted by a majority of the prosecutors of the State or Territory to prioritize the prosecution of impaired driving cases.

Section: Criminal Justice System - Prosecution

Level of Progress: Completed

Status: DWI cases are a high priority for prosecutors in Texas. Much training is offered to prosecutors, especially new and inexperienced attorneys. Due to high case loads and disparate jurisdictional cultures, it is a challenge.

Question: 58. Who is responsible for prosecuting impaired driving cases and are there any "special prosecutors" who have authority to prosecute impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the impaired driving courses, seminars, or webcasts that are made available for prosecutors. Include an agenda and bios of presenters of training on impaired driving by the knowledgeable and experienced prosecutors of that jurisdiction.

Section: Criminal Justice System - Prosecution

Level of Progress: Underway

Status: The responsibility for prosecuting DWI cases largely falls to the line attorneys. Mentoring is often provided by the chief misdemeanor supervisor. There are no designated "special prosecutors."

Question: 59. Is the vigorous and consistent prosecution of impaired driving (including youthful offender) cases encouraged, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes?

Evidence: Suggested Evidence: Recognition at the State or Territorial levels of prosecutors, including Tribal prosecutors, who are vigorously and consistently engaged in the prosecution of impaired driving cases. Such recognition could be modeled after the Lifesaver awards. A sign-on memo or statement by at least seventy-five percent of the elected official (prosecuting attorney, state's attorney, or Attorney General) that they support the vigorous and consistent prosecution of impaired driving (including youthful offender) cases, encouraged, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: Texas generally vigorously prosecutes impaired driving cases. Some jurisdictions allow pleas to lesser charges or prosecutor-supervised "diversion programs." There is no comprehensive tracking system for the 254 counties to assess how often such pleas or diversions are imposed.

Question: 60. What continuing educational requirements are there for prosecutors who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the requirements for continuing education

	for prosecutors of impaired driving cases.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	15 Hours of continuing Education per year as required for all lawyers. A one-hour ethics training on Brady Evidence must be completed in your first year and every 4 years. While no law governs this, almost every new prosecutor in the state attends a six-day Prosecutor Trial Skills Program heavy in DWI education. Most offices require it; State law does not mandate it. This program is run by TDCAA and is partially subsidized by State funds.
Question:	61. What support organizations exist for judges and prosecutors who handle impaired driving cases and what do these organizations do to assist in the adjudication of impaired driving cases?
Evidence:	Suggested Evidence: Provide a list of the support organizations for prosecutors of impaired driving cases and how they support prosecutors.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	TDCAA has trained, on average, 270 new prosecutors at Prosecutor Trial Skills programs. Typically, these newer prosecutors will handle the majority of DWI cases. The Texas Association of Counties, through its Judicial Academy program, seeks to educate constitutional county judges in all aspects of their judicial role. The Judicial academy hosts several education opportunities around the state each year, and includes impaired driving-related training at each event. Texas has a Judicial Outreach Liaison who is a collaborative effort between NHTSA, the federal DOT, state DOT, and AOC for impaired driving.
Question:	62. Are there programs to retain qualified impaired driving prosecutors?
Evidence:	Suggested Evidence: Provide a list of the programs that are in place to support the prosecutors of impaired driving cases.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Underway
Status:	There is a program for longevity pay for prosecutors, but none specifically for DWI prosecutors.
Question:	63. Does the State have Traffic Safety Resource Prosecutors, Law Enforcement Liaisons, and a Judicial Outreach Liaison?
Evidence:	Suggested Evidence: Provide a list of the Names of those holding these positions.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Completed
Status:	Texas has filled each of these positions.
Question:	64. Do the State Traffic Safety Resource Prosecutors, Law Enforcement Liaisons, and Judicial Outreach Liaisons help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State?
Evidence:	Suggested Evidence: Provide specific details of trainings offered for the last two years by the TSRP, LELs, and JOL in the impaired driving program area.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Underway
Status:	This is primarily the function of the Texas TSRP. There is some coordination with the JOL, the LELs, the lab, the Forensic Liaison, and the probation liaison.

Question:	65. Have the prosecutors who handle impaired driving cases received evidence-based training, such as Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs?
Evidence:	Suggested Evidence: Provide the training calendar for the previous two years that shows evidence-based training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs opportunities for prosecutors and include the number of participants enrolled in each training.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	The TSRP coordinates with the SFST coordinator, the ARIDE coordinator, and the DRE coordinator to assist in their programs and to provide presenters to local prosecutor offices. Prosecutors regularly audit SFST, ARIDE, and DRE programs. I also coordinate with the DPS lab and Breath Testing program to assist in their training and provide training to prosecutors. There are excellent online training videos at TDCAA.com for Breath Testing and Blood Testing, DRE testimony, and SFSTs.

Question:	66. Do Prosecutors seek dispositions that employ sentencing strategies for offenders who abuse impairing substances other than alcohol?
Evidence:	Suggested Evidence: Provide samples of dispositions that employ sentencing strategies for offenders who abuse substances other than alcohol.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Underway
Status:	There are many that do, but it varies between jurisdictions. There is no unified tracking system that would allow data gathering to determine where and how often. PRIORITY: Mandate a driving while intoxicated tracking system to make sure that the records systems communicate in a unified system.

Question:	67. Do Prosecutors, including tribal prosecutors, participate in multi-disciplinary training with law enforcement personnel?
Evidence:	Suggested Evidence: Provide training logs that demonstrate the participation of the prosecutors in multi-disciplinary training with law enforcement personnel.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Underway
Status:	Prosecutors participate in some formal, multi-disciplinary training with law enforcement personnel on impaired driving enforcement or investigations. TSRP conducts regional trainings that target prosecutors and law enforcement. Informal coordination may occur in individual cases. Tribal prosecutors have not participated in such training.

Question:	68. Is there close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (such as the DRE)?
Evidence:	Suggested Evidence: Provide examples of the methods and results of close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including the DRE).
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	The state laboratory works closely with the Traffic Safety Resource Prosecutor (TSRP) and the Texas DRE State Coordinator to develop proactive relationships

and serve as resources to each other. Developing these relationships helps promote training and development overall and encourages communication between the laboratories, county and district attorneys, and law enforcement officers throughout the state. The laboratory participates in the DRE Certification schools throughout the state, presenting on evidence submission, the testing process, and reporting/evaluating of toxicology results. Additionally, the DRE program has allowed the laboratory to send personnel to audit the ARIDE classes, providing an exposure and understanding of the DRE program at a basic level. All parties attend the DWI Prosecutor Task Force each year. This meeting is made up of active county and district attorneys from various-sized counties throughout the state of Texas. Toxicologists are required to appear in person to testify unless all parties in a case agree to allow remote testimony. Such an agreement is rare.

Question: 69. Is there close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers with Tribes?

Evidence: Suggested Evidence: Provide examples of the methods and results of close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including the DRE).

Section: Criminal Justice System - Prosecution

Level of Progress: Not Started

Status: Texas does have three federally recognized tribes, each with its own reservation and tribal jurisdiction, including courts and government. These are the Alabama-Coushatta, Kickapoo Traditional Tribe, and Ysleta del Sur Pueblo (Tigua). There have been overtures, but no cooperation or joint training to date.

Question: 70. Do strict policies on plea negotiations and deferrals in impaired driving cases require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense established and adhered to as routine?

Evidence: Suggested Evidence: Provide a copy of the impaired driving statute or ruling that prohibits plea negotiations to a lesser offense. Provide a copy of the statute or court rule setting out the policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense established and adhered to as routine.

Section: Criminal Justice System - Prosecution

Level of Progress: Not Started

Status: There are no strict policies on plea negotiations and deferrals in impaired driving cases requiring that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense. There is no unified tracking system state-wide for DWI cases. There are very diverse prosecutor-administered "diversion" programs for which no judicial supervision or tracking exists.

Question: 71. Is there a statewide repository for DWI information and statistics?

Evidence: Suggested Evidence: Please provide the data in the "DWI Information and Statistics" form (saved in the document library as Question 71). You may enter the numbers here or fill out the form and upload it as an attachment for this question.

Section: Criminal Justice System - Prosecution

Level of Progress: Early Progress

Status: There is currently no state repository for DWI information and statistics. However, LEADRS exists as a grant-funded program that supports foundational

infrastructure requirements for a comprehensive statewide repository. While LEADRS collects and houses DWI data for cases entered into the system, use of the system is voluntary, and not all agencies throughout the state use it. There is no unified tracking system to assess DWI cases accounting for all 254 counties.

Question: 72. What is the court structure for your state?

Evidence: Suggested Evidence: Provide a copy of the court organizational structure starting with the State's Supreme Court. Include Tribal courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: The court structure accounts for trial-level courts and appellate courts. Texas has a bifurcated final review system. The Court of Criminal Appeals is the court of last resort for criminal matters, while the Texas Supreme Court addresses civil matters.

Question: 73. Does the State have DWI Courts?

Evidence: Suggested Evidence: Number of Jurisdictions.

Section: Criminal Justice System - Adjudication

Level of Progress: Substantial Progress

Status: There are several in Texas, including mentor and academy courts. There are jurisdictions where DWI Courts are unavailable, and the number of DWI Courts has remained somewhat static.

Question: 74. Are DWI Courts accessible to all citizens within the State?

Evidence: Suggested Evidence: Provide a list of the DWI Courts and the geographical locations of DWI courts as well as the availability of Tribal DWI courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Substantial Progress

Status: Texas has several DWI COURTS, but not all jurisdictions have them. The number of DWI Courts has remained somewhat static.

Question: 75. Do the DWI Courts in the state follow the 10 Guiding Principles for DWI Court in their operations?

Evidence: Suggested Evidence: Share operations guides from DWI Courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: In accordance with the Texas Government Code Chapter 121 A specialty court program shall: (1) comply with all programmatic best practices recommended by the Specialty Courts Advisory Council under Section 772.0061(b)(2) and approved by the Texas Judicial Council; the specialty courts, including DWI courts, are directed to follow best practices, to include the 10 Guiding Principles as promulgated by AllRise.

Question: 76. What courts handle pleas, trials and appeals of impaired driving cases?

Evidence: Suggested Evidence: Provide a copy of the Highest Court's orders regarding assignment of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: Cases are heard in a variety of courts. Misdemeanor impaired driving cases may be heard in Constitutional County Courts and County Courts at Law. Felony impaired driving cases are heard in County Courts at Law with felony jurisdiction

and District Courts. Appeals from all levels of impaired driving cases are heard by the Courts of Appeals.

Question: 77. Does the highest court in the State or Territory take a leadership role in effective adjudication of impaired driving cases?

Evidence: Suggested Evidence: Provide copies of the Highest Court's annual report to the legislature. Provide copies of any Highest Court's orders that are intended to support effective adjudication of impaired driving cases. Provide copies of opinions that promote effective adjudication of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Not Started

Status: The Texas Court of Criminal Appeals is the state's highest court for criminal cases. There are no orders from the court that are intended to support effective adjudication of impaired driving cases. They do rule frequently on evidentiary issues that arise in impaired driving cases. There is no direct leadership from the Court of Criminal Appeals. The Supreme Court only addresses civil matters.

Question: 78. What are the qualifications of judges who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a copy of the Highest Court's orders regarding assignment of impaired driving cases to knowledgeable and experienced judges.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: Impaired driving cases are handled in misdemeanor and felony courts, depending on the level of the offense. No assignments are made by the Court of Criminal Appeals. The judge must meet the requirements of that jurisdiction. Some impaired driving cases may be handled by non-lawyer constitutional county judges. Those judges are educated about impaired driving by the Texas Association of Counties. County Court at Law judges and District judges receive education about impaired driving by the Texas Center for the Judiciary. Among the courts hearing trial-level DWI cases, some jurisdictions have non-law-trained judges.

Question: 79. What continuing educational requirements are there for judges who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the requirements for continuing education for judges of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: County Court at Law and District Judges are required to obtain 16 hours of continuing judicial education each year. They are also required to obtain 6 hours of continuing education on the setting of bond in their first term in office. One hour of the bond education provided by the Texas Center for the Judiciary focuses on impaired driving bond conditions.

Question: 80. What support organizations exist for judges who handle impaired driving cases and what do these organizations do to assist in the adjudication of impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the support organizations for judges of impaired driving cases and how they support judges.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: The Texas Center for the Judiciary (TCJ) and the Texas Association of Counties (TAC) provide impaired driving judicial education and technical assistance to judges across the state of Texas. TCJ also maintains a Judges' DWI Resource website to help judges find up-to-date materials, statutes, model orders, and guidance. They also provide a DWI Bench Book for judges to access. The Texas Justice Court Training Center (TJCTC) and Texas Municipal Courts Education Center (TMCEC) offer education for Justices of the Peace, constables, and court staff regarding traffic safety and DWI offenses.

Question: 81. Are impaired driving cases adjudicated in a timely manner?
Evidence: Suggested Evidence: Describe how courts adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges. Explain the expected timelines from arrest through adjudication.
Section: Criminal Justice System - Adjudication
Level of Progress: Early Progress
Status: There is no state-wide tracking system for DWI cases. As of now, there is no means to measure timeliness in adjudicating cases.

Question: 82. Are the judges who handle criminal or administrative impaired driving cases receiving evidence-based education, covering the technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders?
Evidence: Suggested Evidence: Provide a list of the training or continuing legal education courses or workshops for judges who handle criminal or administrative impaired driving cases where the judges received evidence-based education, covering technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders. Include the agendas showing presenters and expertise in the subject matter presented if possible.
Section: Criminal Justice System - Adjudication
Level of Progress: Substantial Progress
Status: Constitutional County Judges who handle criminal or administrative impaired driving cases are receiving evidence-based education, covering the technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders through the Texas Judicial Academy program.

Question: 83. Are tribal judges included in the proffered training?
Evidence: Suggested Evidence: Provide a list of the tribal courts that have participated in the training or continuing legal education for criminal or administrative impaired driving cases.
Section: Criminal Justice System - Adjudication
Level of Progress: Not Started
Status: The Tribal judges of the three recognized tribes have limited contact with the state court system. Overtures have been made, but no tribal judges have participated in the training.

Question:	84. Are court strategies used to reduce recidivism through evidence-based sentencing and close monitoring?
Evidence:	Suggested Evidence: List the courts that have adopted strategies to be used to reduce recidivism through effective sentencing and close monitoring and identify the strategies adopted by each court. Provide caseload impact numbers for each strategy adopted.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Underway
Status:	Many courts have adopted strategies to reduce recidivism, but because there is no statewide tracking system, there is no list of those courts. There are also no caseload impact numbers available.
Question:	85. Are both DWI and non-DWI courts utilizing screening and assessment tools specific to DWI offenses? (RANT, IDA, CARS)
Evidence:	Suggested Evidence: Provide a detailed description of the court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI Courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug Court practice. Include the number of judges in the courts that hear the impaired driving cases, the number of cases filed and completed for the last two years, and the number of offenders who received drug or alcohol assessments. Provide documentation such as court orders and revocation citations to demonstrate whether effective and appropriate sentences were imposed on these offenders. Documentation of the number of offenders who were abstinent from alcohol and other drugs and who were closely monitored for compliance should also be included.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Early Progress
Status:	Many DWI and non-DWI courts utilize screening and assessment tools specific to DWI offenses. State law requires the TRAS (Texas Risk Assessment System) assessment, but does not require a DWI-specific screening or assessment.
Question:	86. Have ethical obstacles, such as ex parte or commitment communications been eliminated to allow the judges to participate more freely in DWI Court administration?
Evidence:	Suggested Evidence: Attach copies of the Judicial Code of Ethics and any disciplinary cases that demonstrate whether ethical obstacles, such as ex parte or commitment communications, have been eliminated to allow the judges to participate more freely in DWI Court administration.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Completed
Status:	The Supreme Court of Texas has added a comment to the Code of Judicial Conduct: It is not a violation of Canon 3B(8) for a judge presiding in a statutory specialty court, as defined in Texas Government Code section 121.001, to initiate, permit, or consider any ex parte communications in a matter pending in that court.
Question:	87. Are there community supervision programs?
Evidence:	Suggested Evidence: Provide a list of the community supervision programs. Include their use of technology and the training on the technology such as IID and electronic confinement, to monitor and guide offender behavior and to produce periodic reports on offender compliance.
Section:	Criminal Justice System - Adjudication

Level of Progress:	Underway
Status:	Texas Government Code Section 509.007(b)(3) requires each Community Supervision and Corrections Department (CSCD) to develop a strategic plan to provide programs and specialty supervision based on individualized population needs to reduce recidivism. CSCDs implement various programs to target alcohol and drug-related offending and needs through the following programs: Ignition Interlock Specialized Caseloads, Intensive and Supportive Outpatient Treatment Programs Residential Treatment Programs, Substance Abuse Aftercare Caseloads Alcohol/Drug Treatment Courts Alcohol and Drug Education classes Cognitive Behavioral Therapy Programs Recovery Self-Help Meetings Alcohol and Drug Testing Alcohol monitoring device (AMD) availability varies from jurisdiction to jurisdiction.
Question:	88. Does the court staff receive training for technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance?
Evidence:	Suggested Evidence: Provide training rosters and agendas for the last two years for all court staff receiving the recommended training on technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Substantial Progress
Status:	Court staff in Texas do receive training related to technology such as Ignition Interlock Devices (IID), which is designed to help them monitor and guide offender behavior and produce periodic compliance reports. The Center for Alcohol and Drug Education Studies (CADES), funded by the Texas Department of Transportation, provides comprehensive IID training to court staff. The link to the training page follows: https://cades.tti.tamu.edu/trainings/ignition-interlock/ . The training is specifically developed for "judges, prosecutors, defense attorneys, court staff, Community Supervision and Parole Officers, and Pre-Trial departments."
Question:	89. Is there a State Judicial Outreach Liaison?
Evidence:	Suggested Evidence: Provide documentation that indicates the judicial experience of the Judicial Outreach Liaisons.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Completed
Status:	Texas has a State Judicial Outreach Liaison, and a Regional Judicial Outreach Liaison is also located in Texas.
Question:	90. Does the Judicial Outreach Liaison serve as a judicial educator and resource on highway traffic safety issues including impaired driving, as well as act as an agent to create more DWI Courts?
Evidence:	Suggested Evidence: Attach the reports from the Judicial Outreach Liaison for the last two years. The report should include the budget and demonstrate that the Liaison has been integrated into the judicial education and outreach administration. Include the position description of the judicial educator demonstrating that the liaison is utilized as a resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Completed

Status:	Texas has a robust program utilizing the JOL.
Question:	91. Does the State have a Graduated Driver Licensing (GDL) Program?
Evidence:	Suggested evidence: Describe each stage of licensing program. Include specific components and restrictions that are required or imposed at each stage of the program.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Completed
Status:	Texas has established a graduated driver license program for drivers under age 18. There is an automatic suspension/revocation of a license for minors driving with any detectable amount of alcohol and/or illegal substances.
Question:	92. Does the State have a program in place to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or Altered Driver license?
Evidence:	Suggested evidence: Describe the process by which the State ensures that individuals cannot obtain driver licenses with multiple identities.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Substantial Progress
Status:	Texas utilizes several means to ensure that drivers are unable to obtain a fraudulent or counterfeit license. Facial image verification is utilized in both one-to-one verification and one-to-many validation.
Question:	93. Does the State provide training for alcoholic beverage sellers and servers to recognize fraudulent/altered IDs
Evidence:	Suggested evidence: Describe the nature, extent, and frequency of training provided to alcohol beverage retailers.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Early Progress
Status:	Alcoholic beverage server training is encouraged for all servers, but is not mandated. Server training provides establishments with some liability protection from civil suits.
Question:	94. Does the State suspend the driver license for alcohol or drug test refusal and is the period of suspension longer than that for a test failure?
Evidence:	Suggested evidence: Provide a copy of the statute or code
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Substantial Progress
Status:	Texas has an Administrative License Revocation for failure or refusal of a breath or blood test for alcohol. There is no ALR sanction for refusal of a drug-impaired driving test.
Question:	95. Does the state have an all-offender ignition interlock law?
Evidence:	Suggested Evidence: Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock

licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.

Section: Criminal Justice System - Administrative Sanctions and Driver Licensing Programs

Level of Progress: Early Progress

Status: Texas does not have an all offender IID program. Participation in the program is mostly permissive, with few mandatory participation requirements

Question: 96. Is data and information provided to law enforcement executives and state and local government officials to help demonstrate the need for making impaired driving enforcement a priority?

Evidence: Suggested Evidence: Provide examples of data and information provided to state and local government officials that demonstrate the need for making impaired driving enforcement a priority.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: There are a number of methods of providing information to law enforcement leaders around the state, but there is no centralized method that provides consistent information to all law enforcement agencies.

Question: 97. Have law enforcement executives at the state, county, and local levels communicated the importance of impaired driving enforcement to their personnel?

Evidence: Suggested Evidence: Provide examples of communication from state, county, and local law enforcement officials and associations that show an emphasis on impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Early Progress

Status: While many agencies effectively communicate the message to their personnel, there is little documentation to show that this is done consistently statewide.

Question: 98. Are resources being requested by executives of law enforcement and State and local government to assist with impaired driving enforcement?

Evidence: Suggested Evidence: Provide a list of agencies that are requesting resources (or are participating in SHSO grant programs) to assist with impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: All agencies have the opportunity to receive grant funding for overtime and for grant-funded training.

Question: 99. Are law enforcement and government personnel at the state, county, municipal and tribal levels (where appropriate) involved in the development of the year-round impaired driving enforcement plan?

Evidence: Suggested Evidence: Provide a list of personnel involved in the development of the year-round impaired driving enforcement plan and include their agency affiliation.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Early Progress

Status:	Some agencies and personnel are heavily involved with developing the plan, while others seem to be unaware of its existence.
Question:	100. Are law enforcement agencies at the state, county, municipal and tribal levels (where appropriate) involved in all periods of heightened impaired driving enforcement?
Evidence:	Suggested Evidence: Provide a list of agencies involved in each period of heightened impaired driving enforcement and specify the role that agency undertook, e.g., planning, oversight, enforcement, traffic control. Explain the role of the law enforcement personnel.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Substantial Progress
Status:	Many agencies participate fully in heightened enforcement periods, while others are unable to participate fully due to staffing shortages.
Question:	101. Were the results of each period of heightened impaired driving enforcement communicated to the public, partners, and other stakeholders?
Evidence:	Suggested Evidence: Provide examples of communication distributed after a period of heightened impaired driving enforcement that inform the public, partners, and other stakeholders about the results of those enforcement efforts.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Data showing the results of heightened enforcement periods is well-documented and easily accessible.
Question:	102. Which agency(ies) is responsible for collecting, analyzing, and providing data used for problem identification?
Evidence:	Suggested Evidence: Provide an explanation of which agency is primarily responsible for the collection of vehicle crash data and impaired driving data.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	The Texas Department of Transportation is responsible for the crash data. Crime data is the responsibility of the Texas DPS Crime Records.
Question:	103. Are SHSO grantees required to concentrate their enforcement efforts in the areas identified through the problem identification or is there any flexibility?
Evidence:	Suggested Evidence: Provide any written policy explaining how and where grantees are to concentrate their impaired driving enforcement efforts.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Subgrantees are provided specific information related to the enforcement area, with limited flexibility while traveling to and from the zone.
Question:	104. Are there any hindrances to conducting sobriety checkpoints?
Evidence:	Suggested Evidence: Provide copies of any policies, procedures, opinions, or decisions that document hindrances including if checkpoints are illegal.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Early Progress
Status:	Sobriety checkpoints are currently unconstitutional in Texas per the Texas Supreme Court, with the (unlikely) potential for future legislation allowed in the decision.

Question:	105. How many law enforcement agencies conduct sobriety checkpoints at least once a year?
Evidence:	Suggested Evidence: Provide data showing the number of law enforcement agencies that conduct sobriety checkpoints at least once a year and indicate the number of checkpoints each has conducted on a yearly basis.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Early Progress
Status:	Sobriety checkpoints are currently unconstitutional in Texas per the Texas Supreme Court, with the (unlikely) potential for future legislation allowed in the decision.
Question:	106. Is there a minimum amount of time that a sobriety checkpoint must be conducted for it to be considered a legally compliant checkpoint?
Evidence:	Suggested Evidence: Provide documentation that specifies the length of time a sobriety checkpoint must be conducted by legal standards or to qualify to Highway Safety Office funding.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Early Progress
Status:	Sobriety checkpoints are currently unconstitutional in Texas per the Texas Supreme Court, with the (unlikely) potential for future legislation allowed in the decision.
Question:	107. Is there a minimum number of law enforcement personnel required for a saturation patrol?
Evidence:	Suggested Evidence: Provide documentation that specifies the minimum number of law enforcement personnel that must work a saturation patrol for it to qualify as a saturation patrol.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Due to staffing limitations, there is no minimum number required on STEP.
Question:	108. Are law enforcement agencies required to complete a minimum number of high visibility enforcement operations to meet SHSO grant funding criteria?
Evidence:	Suggested Evidence: Provide documentation that indicates any minimum number of high visibility enforcement operations to meet grant funding criteria.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Four mobilizations with specific dates are required for the grant.
Question:	109. Are law enforcement agencies required to advertise high visibility enforcement operations prior to, during, and after each event?
Evidence:	Suggested Evidence: Provide documentation that demonstrates law enforcement agencies were made aware of the requirement and followed through.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Agencies are required to advertise prior to and subsequent to an enforcement event.
Question:	110. Are data reported for each high visibility enforcement operation that shows the total number of drivers contacted during the operation.

Evidence:	Suggested Evidence: Provide data showing the number of drivers contacted during each high visibility enforcement operation.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Performance measurements that are required to be entered subsequent to the enforcement event include the number of stops.
Question:	111. For each impaired driving high visibility enforcement campaign conducted as part of the SHSO program, are data collected and reported on the type of enforcement activity conducted, the number and type of participating law enforcement agencies, the number of drivers encountered, the number of impaired driving arrests made, and the number of other arrests made?
Evidence:	Suggested Evidence: Provide a list of impaired driving enforcement activities conducted including data for each of the five items above from the prior year.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Data are collected and reported on the type of enforcement activity conducted, the number and type of participating law enforcement agencies, the number of drivers encountered, the number of impaired driving arrests made, and the number of other arrests made.
Question:	112. Is SHSO grant funding available to assist all law enforcement agencies in the acquisition of technology that will enhance law enforcement efforts to combat impaired driving?
Evidence:	Suggested Evidence: Provide details about grant funding that would provide for technological devices to law enforcement agencies to help with impaired driving enforcement.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Grant funding is available to agencies to purchase some equipment. Other sources of funding are also available for equipment not authorized under the grant.
Question:	113. Are the devices used in, or recommended for, impaired driving enforcement evaluated for efficacy?
Evidence:	Suggested Evidence: Provide documentation that shows what has been done to evaluate the efficacy of new technological devices used to support impaired driving enforcement.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	The Texas Department of Public Safety evaluates the efficacy of the devices used.
Question:	114. Is SFST training a required minimum standard for law enforcement basic certification training?
Evidence:	Suggested Evidence: Provide documentation that lists the minimum standard for law enforcement impaired driving enforcement training.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	SFST training is taught as part of the basic curriculum for Texas police officer certification training.

Question:	115. Do SHSO funding requirements stipulate that any law enforcement officer working under grant funding must have SFST training at a minimum?
Evidence:	Suggested Evidence: Provide documentation indicating this requirement.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	SFST training is required.
Question:	116. Are impaired driving highway safety classes regularly offered, particularly SFST, SFST Refresher, ARIDE, DRE, emerging technologies, and media relations?
Evidence:	Suggested Evidence: Provide a list of impaired driving highway safety classes offered including information on the number of attendees for each class.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Training in SFST, ARIDE, and DRE is widely available to law enforcement in Texas through the grant. Additionally, the Traffic Safety Resource Prosecutor provides four separate courses of training to law enforcement and prosecutors.
Question:	117. Is there a screening process for acceptance into any of the SFST, ARIDE, DRE, emerging technologies, and media relations training classes?
Evidence:	Suggested Evidence: Provide documentation describing the screening process. Include examples.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	All police recruits are provided with SFST training as part of the basic curriculum. There is a screening process for the higher levels of training, particularly DRE.
Question:	118. Is the completion of an SFST refresher training a requirement for an officer to work an SHSO grant-funded program?
Evidence:	Suggested Evidence: Provide documentation that the DWI enforcement grants have this requirement.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Substantial Progress
Status:	There is not currently a requirement for a mandatory SFST refresher, but a refresher course is widely available.
Question:	119. Are ARIDE and DRE training classes available to law enforcement personnel each year?
Evidence:	Suggested Evidence: Provide a list of ARIDE and DRE classes that are offered each year for a least the last five years. Include the number of officers training, the type of agency the officer is employed by, and the number of officers who successfully complete the training.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Training for SFST, ARIDE, and DRE, as well as the instructor courses, is provided annually at multiple locations around the state.
Question:	120. Are there any drug-impaired driving identification classes offered other than ARIDE and DRE?
Evidence:	Suggested Evidence: Provide a list of any such classes and include the number of officers who attend the training.

Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	The Traffic Safety Resource Prosecutor offers four separate advanced courses for law enforcement and prosecutors.
Question:	121. Have the ARIDE, DRE, and other drug-impaired driving classes yielded an increase in the number of drug-impaired driving arrests?
Evidence:	Suggested Evidence: Provide a five-year comparison of the number of drug-impaired driving arrests made.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Substantial Progress
Status:	There is a correlation between increased arrests and the number of officers trained, but because of the lack of centralized data and the widespread use of non-impairment pleas that mask data, there is insufficient evidence to show that the training "yielded" more arrests.
Question:	122. Are specific efforts made each year to retain officers trained through the DRE program?
Evidence:	Suggested Evidence: Provide documentation describing efforts made to retain officers who attain certification through the DRE program.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Efforts are made to provide DREs with the training and resources needed to maintain their certification.
Question:	123. Are law enforcement officers trained to identify those drivers who are required to drive only vehicles with an ignition interlock installed, to identify when the ignition interlock device has been tampered with, disabled, or used improperly, and how to properly handle those cases where a violation is detected?
Evidence:	Suggested Evidence: Provide documentation showing the topics covered during any approved ignition interlock training provided to law enforcement officers.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Underway
Status:	There is no training that is currently required or tracked by the state, but an online training source is available for free.
Question:	124. Have steps been taken to help expedite the arrest process for a DWI?
Evidence:	Suggested Evidence: Provide documentation describing all recent steps taken to expedite the arrest process of impaired drivers.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Underway
Status:	For those agencies using the LEADRS system, the time to process an arrest has been substantially reduced. However, only a small percentage of Texas agencies use the system, and there is currently no statewide system in place that would help in the process.
Question:	125. Have steps been taken to help reduce the processing time of a suspect after an arrest is made?
Evidence:	Suggested Evidence: Describe what recent steps have been taken.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Underway

Status:	For those agencies using the LEADRS system, the time to process an arrest has been greatly reduced. However, there is no statewide system in use that would help to reduce the time involved.
Question:	126. Does each driver arrested for impaired driving have to be seen by a judicial officer before release?
Evidence:	Suggested Evidence: Provide any documentation of laws, policies, or procedures that address the need for a driver arrested for impaired driving to be seen by a judicial officer before being released from police custody.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Yes, as required by the Code of Criminal Procedure, within 48 hours.
Question:	127. Are data evaluated on a yearly basis to determine changes in the number of impaired driving-related fatalities, injuries, and crashes?
Evidence:	Suggested Evidence: Provide examples of yearly analysis of impaired driving-related vehicle crashes.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Crash data is evaluated annually and made available for free online.
Question:	128. Are data evaluated on a multi-year basis to determine the long-term effectiveness of enforcement efforts?
Evidence:	Suggested Evidence: Provide examples of multi-year comparisons of crash data.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Substantial Progress
Status:	The AASHTOWare program is in the proof-of-concept phase as a means of addressing future compliance with this requirement.
Question:	129. Does the SHSO utilize Law Enforcement Liaisons to enhance law enforcement agency coordination in support of traffic safety activities?
Evidence:	Suggested Evidence: Provide an organizational chart or list that indicates the number of law enforcement liaisons employed and where they fall within the SHSO organizational structure.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	The Texas LEL program currently has eight very active employees.
Question:	130. Are law enforcement liaisons evaluated on their effectiveness at enhancing law enforcement agency coordination in support of traffic safety activities and improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement?
Evidence:	Suggested Evidence: Provide documentation showing the performance expectations used to evaluate a law enforcement liaison.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	LELs are evaluated annually on contacts, method, date, agency, and person contacted.
Question:	131. Is there a communication plan for the impaired driving program area that support elements of a comprehensive impaired driving program beyond High

	<p>Visibility Enforcement waves (e.g., license suspensions, higher fines, fees, possible jail time, higher insurance; ignition interlocks; social norming messages that most drivers are not impaired; other drugs that impair; zero tolerance for under aged drivers; victim stories; random testing programs)?</p>
Evidence:	Suggested evidence: Identify the elements and actions of the communication plan and where these efforts support other activities planned for the impaired driving program.
Section:	Communication Program - Communication Plan
Level of Progress:	Substantial Progress
Status:	<p>The campaign emphasizes the fact that drunk driving can have serious physical, emotional, and financial consequences that can last for years. The campaign shares personal accounts from real offenders and survivors that challenge any notion the audience may have that they can avoid the consequences of drinking and driving. It reinforces the importance of always finding a sober ride and using the many options available. The campaign tagline “Drive Sober. No Regrets.” encompasses the spectrum of consequences and “real costs” of driving impaired such as getting pulled over, getting a DWI, loss of a driver’s license, jail time, fines and fees, hurting someone else or yourself on the road, difficulty in finding a job, having an interlock device installed in your car, disappointing family and friends, etc.</p> <p>A keystone to the campaign is using peer-to-peer messaging by incorporating video testimonials from both offenders and survivors of drunk driving that cover the gamut of consequences.</p> <p>Drugs other than alcohol were previously not included in the marketing agency’s scope of work. On January 2, 2026, a new contract was awarded to the agency, and drugs other than alcohol are now included. It will take a few months to develop new ads and educational materials, but then they will be fully integrated.</p>
Question:	132. Does the communications plan consider impaired driving, underage drinking, and reducing the risk of injury, death, and resulting medical, legal, social, and other costs?
Evidence:	Suggested evidence: Identify the areas in the communication plan where these specific topics are covered, including any activity in the prior three years.
Section:	Communication Program - Communication Plan
Level of Progress:	Underway
Status:	<p>All campaign materials cover the gamut of consequences for driving impaired, including the financial, legal, emotional, and social costs, as well as the risk of death or injury. The testimonial stories from both DWI offenders and drunk driving survivors show these consequences clearly and are posted on the campaign website here: https://soberrides.org/faces-of-drunk-driving/. There is also a Cost of DWI section on the website covering these financial and other costs: https://soberrides.org/cost-of-a-dwi/ .</p> <p>The state does not coordinate campaigns with the Texas Health and Human Services Commission for reaching a shared audience of underage substance users. Additional potential partners include the Substance Abuse and Mental Health Services Administration (SAMHSA) initiatives like the Sober Truth on Preventing Underage Drinking (STOP) Act and Strategic Prevention Framework</p>

Partnerships for Success (SPF-PFS).

Question:	133. Are policy and program priorities for the current year (or next year) included in the communication plan?
Evidence:	Suggested evidence: Provide and highlight the sections where the policy and program priorities are covered in the impaired driving communications plan.
Section:	Communication Program - Communication Plan
Level of Progress:	Underway
Status:	The FFY26 priorities haven't been established yet to influence the upcoming communications efforts.

The objectives laid out by TxDOT for the marketing agency are informed by the 3HSP strategic planning process. Goals and objectives are outlined for the Texas Behavioral Traffic Safety Program, and then a scope of work appropriate for the marketing agency is developed. The agency is also an active member of the Texas Impaired Driving Task Force and helps to develop and implement the Communications plan. The FY25 campaign aimed to reduce DUI alcohol-related traffic crashes and fatalities in Texas. The campaign measures both changes in attitudes, behaviors, and beliefs over time and changes in the number of crashes. All campaign educational materials, advertising, and event activations are designed to motivate changes in behaviors, attitudes, and beliefs around impaired driving. Each campaign flight customizes the messaging for that season, but all have the same CTA: Always find a sober ride. Drive sober. No regrets. The upcoming year's campaign, which will include drug-related messaging, will be informed by research and the HSP plan, approved by TxDOT, and tested by the public before going live.

Question:	134. Do the research and data help the SHSO to make decisions about the priorities in the impaired driving communications plan?
Evidence:	Suggested evidence: Identify the ways data and research enhance the priorities, selection of messages and audiences, in the impaired driving communications plan.
Section:	Communication Program - Communication Plan
Level of Progress:	Substantial Progress
Status:	The data has driven changes in age targeting, the addition of impaired motorcyclists, and geographic areas for out-of-home marketing, and the surveys collect insights from Spanish-dominant speaking Texans in order to make sure all campaign creative in Spanish is appropriate.

Question:	135. Does the impaired driving communications plan include behavioral and communications objectives?
Evidence:	Suggested evidence: Identify the sections where the behavioral and communications objectives of the impaired driving communications plan are noted.
Section:	Communication Program - Communication Plan
Level of Progress:	Underway
Status:	While the latest online survey (SWID W10 Online Survey Report_Eng+Span+Motor_9.10.25) shows the measurement of these key indicators of change, there doesn't appear to be a printed/reported set of behavioral and communications objectives or an impaired driving communications plan.

The state has conducted 12 surveys over the past five years for the campaign, and so each year, there is an established set of indicators. Changes over time are gauged through this primary research in tandem with the Texas crash stats provided by TxDOT. There are many factors involved in the ultimate number of crashes due to DUI-alcohol related impaired driving. A marketing and education campaign is impactful, but the budget is limited, and Texas is big. There are also many factors outside of the scope of the marketing campaign that impact behaviors. For example, police presence and the ability to enforce the laws, road infrastructure, access to rideshares, etc. There are also new people coming into the market all of the time, such as people coming of drinking age or new people moving into Texas.

Question: 136. Does the impaired driving communications plan include core message platforms (social media, television, radio, billboard, etc.)?

Evidence: Suggested evidence: List the platforms used the prior year (or upcoming year) for impaired driving communication.

Section: Communication Program - Communication Plan

Level of Progress: Completed

Status: The message platforms include:

- Over-The-Top and Connected TV (OTT/CTV) streaming, social media, and other digital and online streaming advertising platforms, including Pandora, YouTube, Mobile Preroll Video Network, Facebook/Instagram, and dating app ads.
- Social media influencer posts on Instagram.
- Out-of-home advertising through Learfield Sports university and stadium ads, Playfly Sports university and stadium ads, Texas Rangers Network, billboards, theater placements, and outreach posters and mirror clings at bars, restaurants, and convenience stores, and interactive bar experiences like digital video jukebox quizzes and video displays.
- Statewide broadcast TV and radio PSA distribution.
- Media outreach via news releases, talking points, event media advisories, b-roll, and statewide media pitching tours and outreach events.
- Campaign website at SoberRides.org and the traffic safety campaign pages of the TxDOT website.

Question: 137. Are the campaigns relevant and linguistically appropriate for your target audiences?

Evidence: Suggested evidence: Show the target audiences, based on data and research, and how the messages are linguistically appropriate for those target audiences.

Section: Communication Program - Communication Plan

Level of Progress: Substantial Progress

Status: The target market for the campaign is statewide (Texas), with an emphasis on the top 10 Designated Market Areas with the highest number of alcohol-related crashes and fatalities, including Austin, Dallas, Fort Worth, El Paso, Houston, Rio Grande Valley, San Antonio, Midland-Odessa, Waco-Temple-Killeen, and Tyler. The primary target audience includes an emphasis on reaching those most at risk for causing an impaired driving crash: young adults between the ages of 18 and 44, especially males. The secondary audience is Texas drivers aged 45+. 12 online surveys of at least 300 people each of men and women who drive and consume alcoholic beverages (either while driving or not) were conducted. Two of those surveys have been in Spanish for those who are Spanish-dominant.

Due to the results of the earlier surveys, an expansion to conduct the surveys in Spanish was conducted, and the results began showing that adults aged 35-44 were actually a very high-risk group for driving impaired as well, even though they may have fewer crashes reported than those aged 25-34. This caused a shift in the target audience to also include the older age range.

A team of trained, experienced translators works on all translations for both accuracy and cultural relevance. New creative, when budget allows, is also tested through Spanish-dominant focus groups (like the new drug-related messaging this year). In FY25, testimonials were also a large part of the campaign, and that captured many stories from Spanish-speaking and Spanish-dominant Texans, where their experiences were shared directly from them, in their own language and their own words.

Question: 138. Have there been key alliances with private and public partners over the past couple of years?

Evidence: Suggested evidence: List the partners that have been involved in the impaired driving messaging campaigns over the past few years. Provide a sample or link of the actual materials.

Section: Communication Program - Communication Plan

Level of Progress: Completed

Status: Partnerships range from helping to make outreach events more educational and interactive, to helping recruit people to participate in the testimonials or in press interviews, to helping fund alternative transportation options, and to helping distribute campaign print materials and/or messaging via social media or list servs. See "SWID Campaign Summary Presentation FY25.pdf" (pages 14-24).

- Texas A&M AgriLife Extension
- U in the Driver Seat
- Teens in the Driver Seat
- Governors Highway Safety Association
- MADD
- Walmart Supercenters
- Law enforcement agencies
- Texas A & M University
- University of Texas at Austin
- University of Texas at San Antonio
- Baylor University
- Lyft
- Uber

Question: 139. Does the communications effort include activities for advertising, media relations, and public affairs?

Evidence: Suggested evidence: Identify communication materials or campaigns that fit in each type of outreach.

Section: Communication Program - Communication Plan

Level of Progress: Substantial Progress

Status: The statewide impaired driving campaign includes advertising, media relations, public affairs, and outreach as the key components of the campaign. Reference the SWID Campaign Summary Presentation FY25.pdf (all pages) for details and creative examples. The key flights are cited on page 8: 1. Football Season (Oct.,

Nov., Jan.) 2. Christmas/New Year Holiday (Dec.) 3. College and Young Adult/Spring Break (March) 4. Spring Holidays (April/May) 5. Faces of Drunk Driving/July 4th (June-July) 6. Labor Day (enforcement period) (Aug., Sept.) Per the SOW Action Plan on pages 1-5 and the SOW Objectives on pages 1-4, the tactics listed are being used for each flight throughout FY25, as well as when media relations pitching and events take place.

The TxDOT Communications staff reviews all press-related documents and social media posts for the campaign. Texas DPS engages with the campaign by speaking at press events, participating in soundbite recordings for media kits, showing campaign ads in their offices across the state, and participating in video and photo shoots. They have been an active and ongoing partner for the campaign.

Question: 140. Do you evaluate the reach, recall, and impact of the communication efforts?

Evidence: Suggested evidence: Share the research and data analysis that is used to measure the reach, recall, and impacts of the impaired driving communication.

Section: Communication Program - Communication Plan

Level of Progress: Completed

Status: 12 statewide online surveys were conducted with at least 300 people each. The goals are to: 1. Understand impaired attitudes and behaviors; 2. Understand how many Texans know Texas laws and penalties; and 3. Gain insights on potential messaging strategies. Participants include Texans who drive and consume alcoholic beverages (either while driving or not) with a minimum sample (n=75) among key core segments: English-speaking non-Hispanics, English-speaking Hispanics, Spanish-dominant Hispanics, and those who ride motorcycles (both English-speaking and Spanish-dominant); drivers ages 18–22, 23–29, 30–34, and 35-44; men and women; those who don't always follow the laws; and those who admit to having driven impaired.

The latest survey, conducted in September 2025, cited that 46% of English-speaking respondents and 35% of Spanish-dominant respondents could recall the campaign tagline “Drive Sober. No Regrets.” See “SWID W10 Online Survey Report_Eng+Span+Motor_9.10.25.pdf” on page 134 and 136. To measure reach, recall, or the impacts of communication for other campaign efforts, there is use of a variety of measurement types. For instance, for the digital campaign, it is measured using a custom metric devised by Sherry Matthews Group (SMG) for awareness campaigns that weighs a combination of metrics, called an “involvement.”

Involvements weigh clicks, completed video views, active engagements (e.g., social media post reactions, comments, shares, and saves), and critical website actions (activity on the Consequences Spinner, video views on the story page, etc.) as the measure of success for generating message awareness. SMG believes that this is the best measure for awareness campaigns that are working to change behaviors since it assigns more weight to actions that indicate higher or deeper cognitive involvement by the audience. Higher involvement means increased message recall, understanding, and the adoption of campaign messages. Leveraging such a metric allows SMG to recommend and implement in-flight campaign optimizations for these more complex, less direct campaigns as rapidly as they would for a simple acquisition campaign, as well as to derive more

accurate and actionable campaign insights for future learning.

For the out-of-home media placements, such as billboards or posters, coasters, and clings at bars and restaurants, the tracked measure was for impressions. At events, the number of interactions with individuals directly and those who interact at the event displays. For broadcast TV and radio, the measure is adult 18+ impressions.

Question: 141. Do you see evidence of increasing knowledge and awareness about the dangers of impaired driving?

Evidence: Suggested evidence: Share the research and data analysis that is used to measure the increased knowledge and awareness of the dangers of impaired driving.

Section: Communication Program - Communications Strategy

Level of Progress: Early Progress

Status: The latest data in the Texas Peace Officer's Crash Report on September 19, 2025, shows a 4% reduction in DUI and alcohol-related crashes in Texas from 2023 to 2024. Likewise, there appears to be more campaign awareness each year for the Drive Sober. No Regrets. campaign. The statistics about crashes and arrests over the prior two reportable years are very detailed and provide local PIOs with great information for their media market/reach.

There is a question if there is any work aimed at the knowledge and awareness (recall) of the impaired driving campaigns. No known long-term tracking tool to show the public's awareness and knowledge of the media campaigns (such as slogans, negative impacts mentioned in the ads) was presented.

Question: 142. Are there communication efforts that are influencing, changing and sustaining appropriate behavior?

Evidence: Suggested evidence: Share the research and data analysis that is used to measure the ability of the messages to influence and sustain appropriate behavior regarding impaired driving.

Section: Communication Program - Communications Strategy

Level of Progress: Undetermined

Status: This question is asking the Sherry Matthews Group (SMG) about the research and data analysis that is used to measure the recommended message content, format of delivery, medium used, and timing of the placement to influence and sustain appropriate behavior regarding impaired driving.

Question: 143. Is data used to help determine the appropriate audiences and the messages designed for that select group?

Evidence: Suggested evidence: Show the data that identifies target audiences and the expected messages that are linked to those specific audiences.

Section: Communication Program - Traffic-Related Data and Market Research

Level of Progress: Underway

Status: Twelve statewide online survey results help guide the development of key messaging for the "Drive Sober. No Regrets." campaign. Reference the Executive Summary and Key Recommendations from pages 5 through 13 in the "SWID W10 Online Survey Report" to see demographics and key messaging recommended by the audience for the campaign.

The survey results for gender, age, geographic location, and vehicle of choice have not been cross-walked with the crash data, citation data, or health data (hospital records) for validation of the impressions generated from analyzing the survey results.

Question: 144. Does the State ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency?

Evidence: Supporting evidence: Provide State statutes and policies related to screening of DWI offenders. Also, provide statistics on system flow from arrest to screening, conviction, sentence, and intervention.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Underway

Status: There is inconsistent info here.

The State of Texas does not ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. Screening and assessment are dependent on the court's decision and the availability of local resources. In some jurisdictions, courts partner with community corrections departments to facilitate screenings using the mandated Texas Risk Assessment System (TRAS) tool. However, other courts and district attorneys' offices do not have such partnerships, resulting in inconsistent screening practices across the state. Additionally, there is no reliable, complete, or timely data on the percentage of individuals entering the criminal justice system for impaired driving who actually receive a screening for alcohol or other substance abuse and dependency.

Texas Code of Criminal Procedure Article 42A.402 states a probationer placed on community supervision for Driving While Intoxicated (DWI) or an intoxication-related offense as defined in chapter 49, Texas Penal Code, shall submit to a substance abuse evaluation (SAE), such as an Addiction Severity Index, and if alcohol/drug dependency is identified the judge must order the recommended treatment as a condition of community supervision. Upon initial placement on community supervision, probationers submit to the Texas Risk Assessment System (TRAS) and the TRAS Alcohol and Drug Trainers to assess the most appropriate level of supervision and treatment based on their criminogenic needs. TRAS reassessments are conducted periodically and as part of an ongoing assessment process of probationers while on community supervision. Referrals for additional substance abuse evaluation/treatment may occur due to positive alcohol/drug tests, self-reported use, alcohol detected on alcohol monitoring devices, or assessments built into Alcohol Education classes.

Question: 145. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are conducted by a licensed counselor, or other-alcohol or other-drug treatment professional, or by a probation officer who has completed training in risk assessment and referral procedures?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting who conducts the screening and assessment.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Substantial Progress

Status: ART. 42A.402 of the Texas Code of Criminal Procedure requires that the assessment be done by a supervision officer or by a person, program, or facility approved by the Department of State Health Services.

Screening is required, although practices for conducting screening and assessment of impaired driving offenders within the criminal justice system vary by jurisdiction. In some areas, screenings are conducted in-house, meaning a probation officer—who has completed training in risk assessment and referral procedures—administers the screening using the state-mandated Texas Risk Assessment System (TRAS).

Question: 146. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting where the screening and assessment help to determine the selection of a treatment plan or program.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Substantial Progress

Status: The Community Justice Assistance Division (CJAD) follows the Gov't Code Section 76.017 Treatment Alternative to Incarceration Program, which states: A department may establish a treatment alternative to incarceration program in each county served by the department according to standards adopted by the division. A department may enter into an interlocal cooperation agreement with one or more other departments in order to establish this program on a regional basis. (b)The program must: (1)include automatic screening and evaluation of a person arrested for an offense, other than a Class C misdemeanor, in which an element of the offense is the use or possession of alcohol or the use, possession, or sale of a controlled substance or marihuana; (2)include automatic screening and evaluation of a person arrested for an offense, other than a Class C misdemeanor, in which the use of alcohol or drugs is suspected to have significantly contributed to the offense for which the individual has been arrested; (3)coordinate the evaluation and referral to treatment services; and (4)make referrals for the appropriate treatment of a person determined to be in need of treatment, including referrals to a community corrections facility as defined by Section 509.001 (Definitions).

n accordance with Article 42A.301, Code of Criminal Procedure, judges shall impose conditions of community supervision after considering the results of a risk/needs assessment. Also, before the judge requires a condition of supervision for a probationer to receive treatment in a state-funded substance treatment program, the judge must consider the evaluation results to determine the appropriate treatment and dosage necessary to address the probationer's alcohol/drug dependency. Additionally, to comply with Article 42A.257, Texas Code of Criminal Procedure, Community Supervision and Corrections Departments (CSCDs) ensure that impaired driving probationers receive an evaluation to determine the need for alcohol or drug rehabilitation when substance use is believed to have contributed to the offense. Under this statute, judges direct CSCD supervision officers or other approved evaluators to conduct the assessment and provide recommendations to the court. These evaluations may

occur in different areas of the county's criminal justice intercept models, such as post-arrest, pre-conviction, pre-sentencing, or after community supervision is granted, depending on when the evaluation is requested or required.

Question: 147. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are based on standardized assessment criteria, including validated psychometric instruments, historical information, (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting what criteria are used for the screening and assessment.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Underway

Status: Texas Administrative Code, Title 37, Part 6, Chapter 163, Rule §163.40 (Substance Abuse Treatment) sets the standards for screenings and assessments in the state. The Community Justice Assistance (CJAD) ensures that all Community Supervision and Correction Departments (CSCDS) use standardized assessment criteria, including validated psychometric instruments for impaired driving offenders. The mandated screening tool is the Texas Risk Assessment System (TRAS). The state, however, does not mandate agencies to use DWI-Validated tools for impaired driving offenders. So tools such as the Impaired Driving Assessment (IDA), or DUI-RANT, or the Computerized Assessment and Referral System (CARS) are hardly used or known across the state.

Question: 148. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are appropriate for the offender's age and linguistic needs using specialized assessment instruments tailored to and validated for Impaired Driving?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting how the screening and assessment are age-appropriate and/or relevant.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Undetermined

Status: Community Supervision and Corrections Departments (CSCDs) supervise adult defendants court-ordered to community supervision. Screenings and assessments are targeted and validated for the adult population. CSCD ensures that screening and assessment for impaired driving offenders are appropriate for the individual's age and linguistic needs. When applicable, the department uses specialized and validated assessment instruments tailored to impaired driving behaviors. CSCDs provide translators and administer screeners and assessments in the probationer's native language to ensure accurate and equitable assessment outcomes. There are no assessments for youthful offenders.

Question: 149. Does the State encourage and support screening (e.g., Screening and Brief Intervention (SBI) and referral) conducted by health care professionals, employers, and educators to determine whether drivers or potential drivers, (e.g., employees who drive, emergency department injury patients, students) have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them

	for appropriate treatment?
Evidence:	Supporting evidence: Provide lists of healthcare facilities utilizing SBIRT and statistics on screenings and referrals. Provide descriptions of the use of SBIRT in other settings, (e.g., at DWI offender booking).
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment
Level of Progress:	Early Progress
Status:	No information provided as of this writing.

Question:	150. Does the State ensure that health care professionals, public health departments, and third-party payers, establish and maintain programs for persons referred to treatment through the criminal justice system, (e.g., impaired driving offenders) medical or health care professionals, and other sources?
Evidence:	Supporting evidence: Provide samples of how health care professionals, public health departments, and third-party payers, establish and maintain programs for persons referred through the criminal justice system.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Early Progress
Status:	The State of Texas does not mandate that all hospitals, public health departments, or third-party payers establish and maintain programs specifically for persons referred to treatment through the criminal justice system, such as impaired driving offenders. Texas Health and Human Services contracts with a network of licensed substance use disorder treatment providers, and referrals may occur through local mental health or behavioral health authorities; however, access to these services depends on local resources, contracts, and payer systems. Community Supervision and Corrections Departments (CSCDs) may contract with local mental health authorities to provide these services, but such arrangements are highly local decisions and are not required statewide.

Question:	151. Do intervention programs match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria?
Evidence:	Supporting evidence: Provide a list of tools used in treatment and rehabilitation to match with the diagnosis of a DWI client.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Early Progress
Status:	No information provided as of this writing.

Question:	152. Do intervention programs provide assessment, treatment, and rehabilitation services designed specifically for youth?
Evidence:	Supporting evidence: Provide samples of age-based assessment, treatment, and rehabilitation services.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Undetermined
Status:	No information provided as of this writing.

Question:	153. Do intervention programs provide assessment, treatment, and rehabilitation services that are linguistically appropriate?
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Evidence:	Supporting evidence: Provide samples of linguistically appropriate assessment, treatment, and rehabilitation services.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Early Progress
Status:	No information provided as of this writing.
Question:	154. Do intervention programs ensure that based on an assessment, offenders that have been determined to have an alcohol or other-drug dependence, or abuse problem, begin appropriate treatment immediately after conviction?
Evidence:	Supporting evidence: Provide the timeline of when offenders first receive intervention and when treatment generally first starts.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Early Progress
Status:	No information provided as of this writing.
Question:	155. Does the State provide treatment and rehabilitation services that are in addition to, and not as a substitute for, license restrictions and other sanctions?
Evidence:	Supporting evidence: Provide State statutes, rules, or policies that describe treatment/intervention requirements for DWI offenders.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Underway
Status:	Code of Criminal Procedure Art. 42A.402 describes the treatment/intervention requirements. They are not a substitute for license restrictions and other sanctions
Question:	156. Does the State require that offenders, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined the offender has met treatment goals before license reinstatement?
Evidence:	Supporting evidence: Provide State statutes, rules, or policies that describe treatment/intervention requirements for DWI offenders.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Not Started
Status:	No, there are no state statutes that require completion of a recommended treatment. License reinstatement does not require the completion of treatment goals.
Question:	157. Does the State promote and support dedicated DWI Treatment Courts and/or Drug Treatment Courts that provide services to convicted impaired drivers?
Evidence:	Supporting evidence: Provide a list of and description of DWI and/or Treatment Courts that provide services to DWI offenders.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Underway
Status:	Texas has substantial involvement with treatment courts.
Question:	158. Does the State ensure that all convicted impaired drivers are monitored from the time of arrest through screening, referral, and completion of interventions?

Evidence:	Supporting evidence: Describe the state's monitoring system/practices to ensure that offenders complete required interventions and/or treatment.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Undetermined
Status:	Monitoring systems and practices vary from county to county. (Texas has 254 counties).
Question:	159. Does the State's Strategic Highway Safety Plan include impaired driving as an emphasis area?
Evidence:	Suggested Evidence: Provide a copy of the State's Strategic Highway Safety Plan. Identify the sections related to impaired driving.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Completed
Status:	Impaired Driving is an emphasis area in the Strategic Highway Safety Plan.
Question:	160. Is statewide citation and adjudication data available to law enforcement and impaired driving program managers to support problem identification and program evaluation activities?
Evidence:	Suggested Evidence: Describe the process by which citation data is made available to highway safety program managers to support their problem identification and program evaluation efforts. Provide copies of the most recent data reports or queries provided to highway safety office program managers.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Early Progress
Status:	Texas DPS citation and adjudication data are available to law enforcement and impaired driving program managers to support problem identification and program evaluation activities. LEADRS is being populated with some adjudication information to provide a subset of DWI records that could be analyzed to extrapolate the rate of arrests that are processed through to final adjudication.
Question:	161. Are impaired driving programs evaluated using traffic records or survey data?
Evidence:	Suggested Evidence: Provide recent reports or analysis demonstrating the use of driver surveys or other analysis using components of the traffic records system (crash, injury surveillance, driver, vehicle, citation/adjudication, roadway).
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Early Progress
Status:	Texas is piloting the use of AASHTOWare to evaluate the effectiveness of STEP activities.
Question:	162. Does the State collect metrics related to communications efforts, such as social media campaigns, paid, and earned media?
Evidence:	Suggested Evidence: Briefly describe the metrics used to quantify the effectiveness of current impaired driving media campaigns (i.e., impressions, social media views, etc.).
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Completed
Status:	Texas collects metrics related to communications efforts, such as social media campaigns and paid media. However, there is no post-campaign analysis

	conducted to determine the effectiveness of media efforts in shaping public attitudes or perceptions.
Question:	163. Is data from the crash system used to identify crash risk factors, specifically crashes that involve alcohol/drug impairment?
Evidence:	Suggested Evidence: Briefly describe the data elements included on the State's crash report that are used to quantify the nature and extent of impaired driving.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Completed
Status:	Data from the crash system is used to identify crash risk factors, specifically crashes that involve alcohol/drug impairment,
Question:	164. Is data from the crash system used to evaluate impaired driving countermeasure programs?
Evidence:	Suggested Evidence: Provide an example where crash data was used to develop an impaired driving countermeasure program within the State.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Completed
Status:	Crash Data are utilized to evaluate impaired driver countermeasure programs.
Question:	165. Do impaired driving program managers have access to traffic records data and analytic resources for problem identification, priority setting, and program evaluation?
Evidence:	Suggested Evidence: Describe the process by which impaired driving program managers can access the State's traffic records data and analytical resources to support and evaluate their program activities.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	Impaired driving program managers have access to CRIS and AASHTOWARE for program analysis. However, DPS citation data and county/municipal enforcement data are not utilized in these analyses.
Question:	166. Do decision-makers and the general public have access to resources for the use and analysis of impaired driving data?
Evidence:	Suggested Evidence: Briefly describe, or provide an example of, how the general public can access traffic records data systems to support impaired driving program activities.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	Decision-makers and the general public have access to CRIS for the use and analysis of impaired driving crash data. There is no repository of citation and adjudication data available to decision makers and the general public for analysis.
Question:	167. Can your State track the total number of citations/arrests for drug-impaired driving?
Evidence:	Suggested Evidence: Provide a frequency table illustrating the number of citations/arrests issued/made as the result of drug-impaired driving in the State.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Early Progress
Status:	There is no single repository of citation/adjudication information in Texas. Consequently, there is no way to determine the total number of citations/arrests

for drug-impaired driving. TxDOT is working to create a Texas Impaired Driving Database, which will be a statewide DWI repository containing both aggregated statistics and individual-level records.

Question: 168. Are DRE evaluations uploaded to the national database?

Evidence: Suggested Evidence: If available, provide a data dictionary for the State's DRE database or describe the data elements provided by the State to the National DRE database. Describe the process and timing of uploading DRE evaluations by the State to the National DRE database.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Completed

Status: All DRE evaluations are currently being uploaded to the national database, but Texas will transition to a State database since the national system will be inactivated.

Question: 169. Are evaluation metrics included as part of the State's impaired driving grant application?

Evidence: Suggested Evidence: Provide a copy of the State's grant application for 402/405 funding or briefly describe the information collected as part of the grant application process.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Undetermined

Status: Evaluation metrics are included as part of the State's impaired driving grant application.

Question: 170. Are performance measures used to determine the success of impaired driving grant activities for law enforcement and general grantees?

Evidence: Suggested Evidence: Provide examples of metrics used to determine the success of funded grant activities.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Substantial Progress

Status: Performance standards are utilized to monitor the utilization of grant-funded activities.

Question: 171. Is statewide crash data consolidated into one unified and comprehensive database?

Evidence: Suggested Evidence: Provide a data dictionary for the State's crash database.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Completed

Status: All crash records in Texas are maintained in the CRIS system.

Question: 172. Is the crash report data collected and reported electronically?

Evidence: Suggested Evidence: Briefly describe how the data is collected and what percentage of the crash report data is submitted electronically by law enforcement agencies within the State.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Completed

Status: All crash records in Texas are reported electronically to the CRIS system.

Question: 173. Are toxicology testing results included as part of the crash report and crash database?

Evidence:	Suggested Evidence: Provide a copy of the State's crash report and a frequency table showing the fields related to impairment, including toxicology test results. Highlight in the crash database dictionary where the toxicology data is noted.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Toxicology testing results are included as part of the crash report and crash database.
Question:	174. Is there a real-time interface between the crash and driver license systems?
Evidence:	Suggested Evidence: Describe the real-time capture of data from the driver license system to auto-populate fields on the police crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	There is not currently a real-time interface between the crash and driver license system.
Question:	175. Is there a real-time interface between the crash and vehicle registration systems?
Evidence:	Suggested Evidence: Describe the real-time capture of data from the vehicle registration system to auto-populate fields on the police crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	There is not currently a real-time interface between the crash and vehicle system.
Question:	176. Does the crash report collect and report GPS coordinates to allow the accurate location of impaired driving crashes?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report and a frequency table showing the collection of GPS coordinates. Identify what percentage of GPS coordinates refer to locations outside of the State's borders.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	The crash report collects and reports GPS coordinates to allow for the accurate location of impaired driving crashes. A map-in CRIS function provides real-time crash locating for investigating officers.
Question:	177. Does the citation data collect and report GPS coordinates to allow the accurate location of impaired driving arrests?
Evidence:	Suggested Evidence: Provide a copy of the State's citation form and data dictionary. Provide a frequency table illustrating the completeness of the GPS coordinates in the citation data system.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Texas DPS citation data collects and reports GPS coordinates to allow the accurate location of impaired driving arrests. In 2024, 86% of DPS citations contain lat/long information.
Question:	178. Do the State's crash report and database utilize MMUCC's five-point scale to identify injury severity?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report along with the data dictionary which included the definitions used to quantify injury severity.
Section:	Program Evaluation and Data - Data and Records

Level of Progress:	Completed
Status:	The Texas crash report and database utilize MMUCC's five-point scale to identify injury severity.
Question:	179. Is licensing data available to support problem identification and program evaluation activities related to impaired driving?
Evidence:	Suggested Evidence: Provide a report or briefly describe how driver license data are used to describe the nature and extent of impaired driving in the State.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Texas driver license data is not part of the problem ID development nor program evaluation for impaired driver programs.
Question:	180. Does that State's FARS unit have access to toxicology results for all fatally injured crash victims and non-fatally injured drivers involved in the crash?
Evidence:	Suggested Evidence: Briefly describe the process by which toxicology results are obtained by the State's FARS analyst for fatally injured motor vehicle crash victims and surviving drivers of crashes which resulted in the death of a motor vehicle operator, passenger, or pedestrian.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Substantial Progress
Status:	The Texas FARS system has toxicology results for most fatally injured crash victims.
Question:	181. Is impairment identified on pre-hospital data collection forms?
Evidence:	Suggested Evidence: Provide a copy of the EMS data dictionary and frequency tables of data elements related to impairment noting where impairment data is captured.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	Impairment is identified on pre-hospital data collection forms based on the observation of the observer, but is not confirmed by toxicology results.
Question:	182. Is data from the crash system regularly used to prioritize law enforcement activity?
Evidence:	Suggested Evidence: Briefly describe how crash data is used by law enforcement agencies to plan and implement enforcement activities.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	Information provided indicates how STEP projects are evaluated for approval, which is good practice. Additionally, LE have access to crash system data through AASHTOWare to regularly prioritize law enforcement activity other than STEP.
Question:	183. Are MMUCC data elements related to impaired driving included as part of the crash report?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	MMUCC data elements related to impaired driving are included as part of the crash report.

Question:	184. Can your State identify alcohol vs. other drug citations/arrests or combinations?
Evidence:	Suggested Evidence: Briefly describe how the State differentiates between a driver impaired by alcohol, drugs, or a combination of both.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Substantial Progress
Status:	There is currently no way to distinguish between alcohol vs. other drug citations/arrests or combinations in Texas. Work is underway to create a data system to provide the information.
Question:	185. Can your State track the adjudication of citations issued for drug-impaired driving Statewide?
Evidence:	Suggested Evidence: Briefly describe how citations and adjudications related to drug-impaired driving are tracked.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Undetermined
Status:	Texas cannot track the adjudication of citations issued for drug-impaired driving statewide.
Question:	186. Is statewide toxicology data collected in a single system?
Evidence:	Suggested Evidence: Briefly describe the process by which toxicology results are collected.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Texas statewide toxicology data is not collected and maintained in a single system.
Question:	187. Can the toxicology data be integrated into the State's traffic records database?
Evidence:	Suggested Evidence: Briefly describe the process by which toxicology results are integrated into the traffic records database.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Toxicology data could be integrated into the State's traffic records database, but no project has been developed to integrate the information from the multiple laboratories that perform toxicology testing.
Question:	188. Is there a statewide database for emergency department data and is there a statewide database for hospital discharge data?
Evidence:	Suggested Evidence: Provide a data dictionary for the Statewide hospital databases in the State.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	The Texas DSHS Center for Health Statistics houses the Texas Health Care Information Collection (THCIC). THCIC is a statewide database for emergency department data and hospital discharge data.
Question:	189. Do State trauma centers regularly test for a list of various drugs?
Evidence:	Suggested Evidence: Briefly describe the toxicology testing process for the State's trauma centers and provide a listing of drugs normally tested for and the medium used (i.e., blood, urine).

Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Undetermined
Status:	State trauma centers regularly test for a list of various drugs at the discretion of the attending physician. There is no uniform list of substances to be tested.
Question:	190. What are the testing rates for fatally injured drivers in alcohol/drug-impaired driving cases?
Evidence:	Suggested Evidence: Provide the FARS or NHTSA Fact Sheet for the testing results concerning impairment.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Texas statutes require that all drivers involved in fatal crashes be toxicologically tested. It is uncertain what the actual testing rate is.
Question:	191. Does the driver license record contain electronic records of crashes, arrests, dispositions, driver licensing actions, and other sanctions of impaired driving offenders?
Evidence:	Suggested Evidence: Describe the contents of the driving record that is available to highway safety program managers in the State. If available, provide a data dictionary identifying data elements that can be used to identify impaired drivers.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	The Texas driver's license record contains electronic records of crashes, arrests, dispositions, driver licensing actions, and other sanctions of impaired driving offenders.
Question:	192. Are driving records purged of convictions after a certain period of time?
Evidence:	Suggested Evidence: Briefly describe the State's policy on purging driving records. Provide a copy of the policy or statute that describes how an individual's driving record may be purged.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	Texas driving records are purged of convictions after a certain period of time.
Question:	193. Does the State have an impaired driving tracking system that allows offenders to be tracked from arrest through disposition and sanctioning?
Evidence:	Suggested Evidence: Provide a brief description of the State's impaired driving tracking system that has the capability to follow an individual from arrest through the completion of sanction or treatment programs.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Underway
Status:	Texas is in the process of determining how to establish an impaired driving tracking system.
Question:	194. Are all driving violations related to impaired driving captured on the individual's driving record?
Evidence:	Suggested Evidence: Briefly describe the process by which a citation or arrest is added to an individual's driving record. Also describe how citations/arrests related to impaired driving that occur out-of-state are included on an individual's driving record.
Section:	Program Evaluation and Data - Driver Records System

Level of Progress:	Underway
Status:	All driving violation convictions related to impaired driving are captured on the individual's driving record. However, no information is available to determine how many arrests were made.
Question:	195. Do law enforcement officers have real-time access to driver license records and a history of citations/warnings that have been issued?
Evidence:	Suggested evidence: Briefly describe the process by which a law enforcement officer queries the driver license record/citation system during a traffic stop. Include a description of the types of information available to the officer during the stop.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	Law enforcement officers have real-time access to driver license records and a history of citations/warnings that have been issued.
Question:	196. Is data related to arrests/convictions/sentencing of impaired driving arrests electronically transmitted between the location of offense and the defendant's home jurisdiction? (For example, state-to-state, state-to-tribal authorities, state-to-military).
Evidence:	Suggested evidence: Briefly describe the process by which adjudication and sentencing results are shared between governmental/sovereign agencies.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	Data related to arrests/convictions/sentencing of impaired driving arrests is electronically transmitted between the location of offense and the defendant's home jurisdiction via the State-to-State (S2S) system.