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Warriors Behind the Wheel: Combating Servicemember Impaired Driving

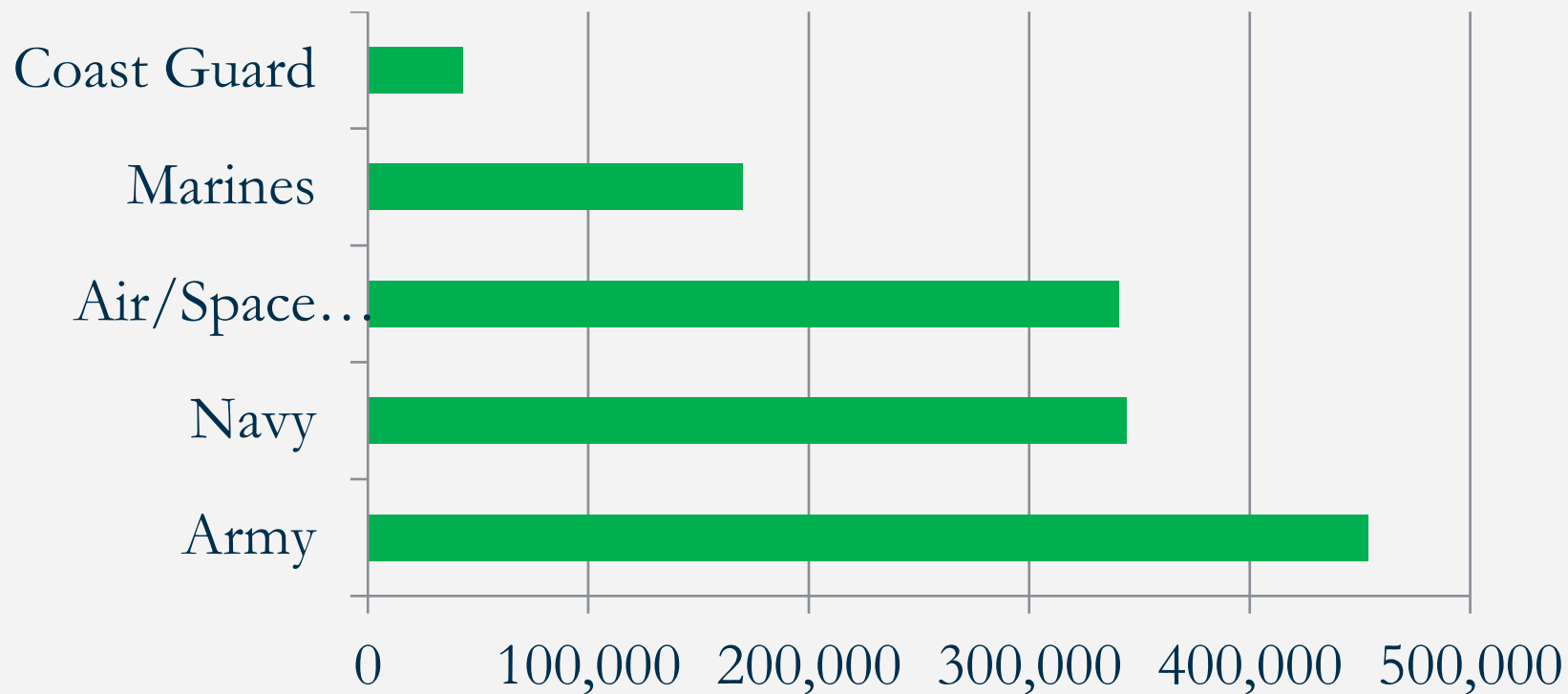
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Texas Impaired Driving Forum
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Learning Objectives

- Identify risk factors of servicemembers for impaired driving
- Discuss jurisdictional issues between military, federal, and state courts in servicemember impaired driving cases.
- Describe military initiatives and countermeasures to combat impaired driving.
- Discuss administrative consequences to servicemembers who drive while impaired.

Active Duty Military Population: 1,351,220



States with Largest Military Populations

- California
- Virginia
- **Texas**
- North Carolina
- Florida
- Georgia
- Washington
- Hawaii
- Colorado
- South Carolina

Active Duty Military in Texas: 115,085



- Army: 68,095
- Air Force: 35,021
- Space Force: 351
- Navy: 7312
- Marines: 2499
- Coast Guard: 1807

Major Military Installations in Texas

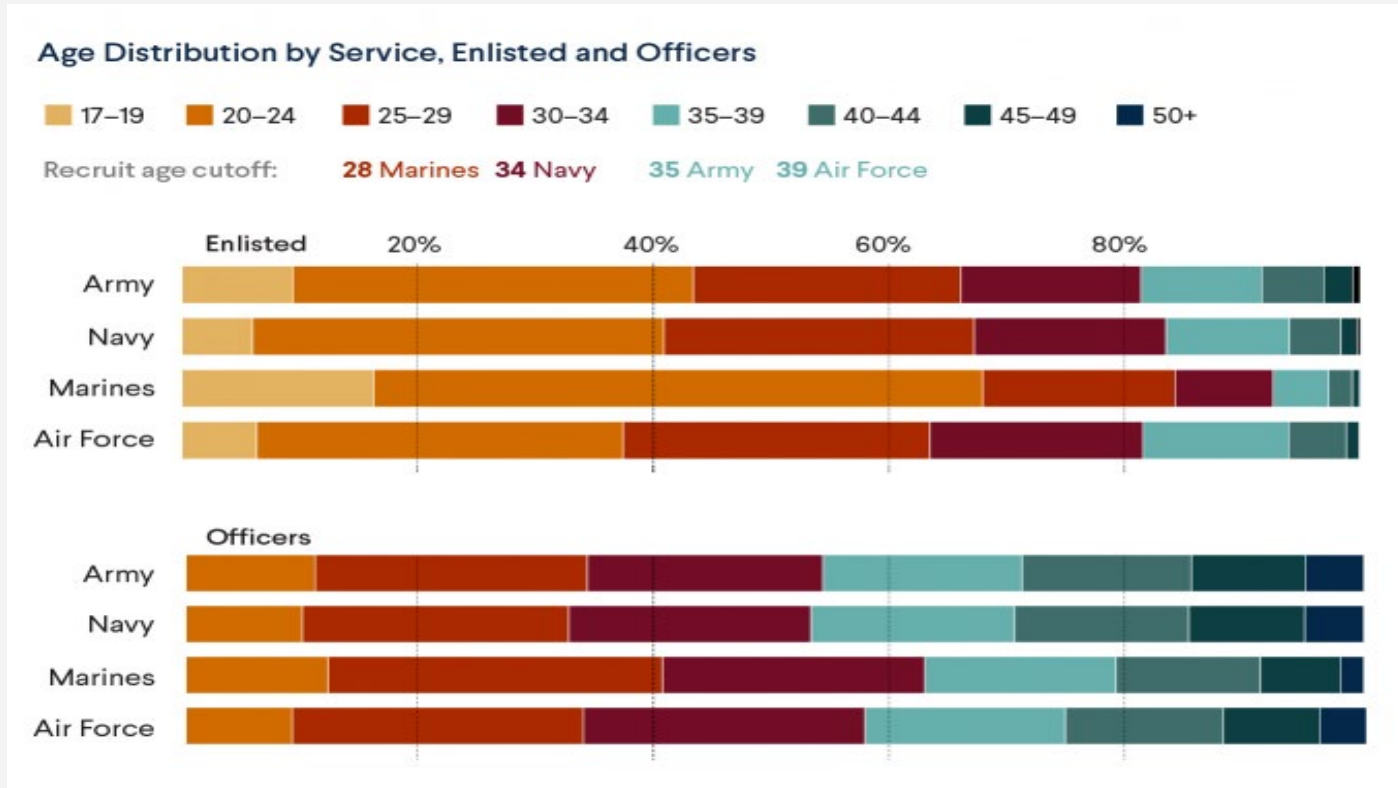
- Fort Hood
- Joint Base San Antonio
- Fort Bliss
- Sheppard Air Force Base
- Dyess Air Force Base
- Goodfellow Air Force Base



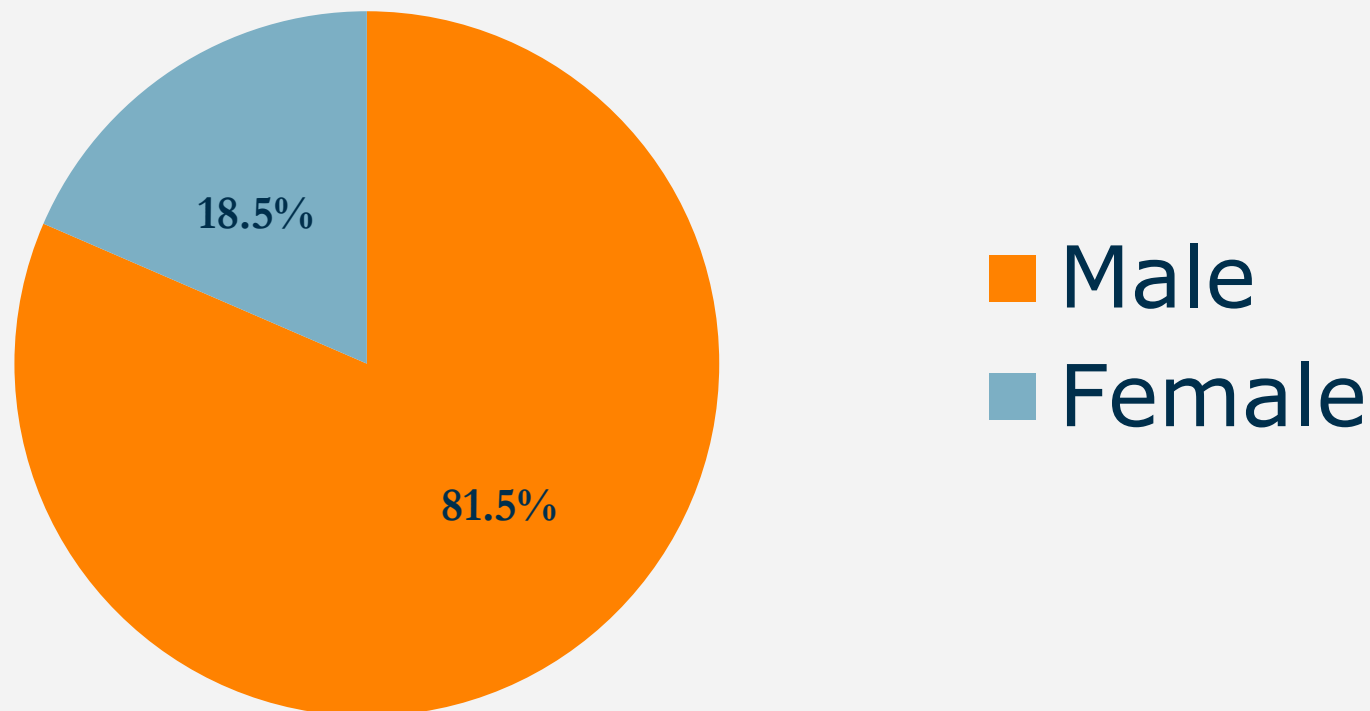
Impaired Drivers—The Most At-Risk

- Highest percentage of impaired drivers (BAC .08 or above) is 21-24 year-old age group.
- Men are most likely to be involved in impaired driving crash by 4:1 for every female impaired driver.

Active Duty Age Distribution



Active Duty by Gender



A Significant Issue For the Military—Why?

- Combat
- Frequent Deployments and Rotations
- High-Risk Profession
- Frequent Moves and Instability
- Physical and Mental Injuries; Medication and Self-Medication
- Cultural and Social Factors
- Impact on Readiness
- Contrary to Military Values

Common Goals—Different Approaches

- **Target Audience**
 - Readiness and Values vs Targeted Population
- **Education and Training**
 - Mandatory Training vs Voluntary Participation and Public Campaigns
- **Enforcement**
 - Command-Driven Strict Policies and Administrative Actions vs Law Enforcement and Judicial Systems
- **Support Systems**
 - Integrated Support vs External Providers and Community Resources
- **Collaboration**
 - Partnerships with Local Authorities vs. Collaborations with Non-profits and Governmental Agencies

Jurisdiction

- Court-martial jurisdiction depends solely on the defendant's status as a member of the Armed Forces at the time of the offense
 - *Solorio v United States*, 483 U.S. 435 (1987)
- Dual sovereign doctrine
 - Federal and state courts may prosecute for same conduct
 - No double jeopardy
- Administrative double jeopardy policies and comity.

On-Post Offense

- U.S. Federal Court
- UCMJ
 - Non-Judicial
Punishment
 - Court-Martial

Off-Post Offense

- State or Local Court
- UCMJ
 - Non-Judicial
Punishment
 - Court-Martial

Off-Post Offenses

Military Status is Important

- Jurisdiction
 - Active Duty, Reserve, National Guard
- Administrative Consequences and Treatment Programs
- Eligibility for Benefits
- Eligibility for Diversion Programs and Mitigation Mandates

Off-Post Offenses

How do you Know Defendant is in Military?

- Clues:
 - Defendant or counsel tell you
 - Defendant is wearing a uniform
 - Defendant salutes you and addresses you as “Yes, drill sergeant.”
 - Who is that person in back of courtroom with lots of military ribbons? The defendant’s commander.
 - Case file clues
 - Court system in place to check
- And if defendant doesn’t want you to know? Does court have a procedure in place to obtain that information?

Off-Post Offenses

Uniforms in the Courtroom

- Standard court policy or judge's discretion?
- Defendant or witness or spectator?
- What stage in the proceedings?
- Uniform-of-the-day to return to base/post?
- Sign of respect, akin to business attire?
- Attempting to gain advantage?

Off-Post Offenses

Questions to Ask

- What is servicemember's military status?
 - On orders?
 - Title 10 or Title 32?
- Verification/certification of Active Duty Status:
<https://scra.dmdc.osd.mil/scra/#/home>
- PCS, TDY/TAD, Leave, Deployment

Off-Post Offenses

Questions to Ask

- Length of service
- Branch of service
- Unit and duty location
- Rank
- Significant awards and decorations
- Deployments/combat
 - PTSD
 - Military Injuries

Military Administrative Consequences

- Can be imposed whether case is prosecuted under UCMJ, in U.S. magistrate court, or in local/state court.
- Are in addition to criminal penalties or sentences.
- A conviction is not required.
- Administrative actions may be combined with one another.
- Cascading impact.

Military Administrative Consequences

- “Flag”—Suspension of Favorable Actions
- Unfavorable Information in Personnel File
- Processed for Administrative Separation
 - Honorable Discharge
 - General Discharge
 - Other than Honorable Conditions Discharge

Military Administrative Consequences

- Revocation of on-post/base driving privileges
- Revocation of pass privileges
- Referral to substance abuse program
- Non-deployability
- Bars to re-enlistment
- Administrative reduction in rank

Reporting: Who Should Know?

- Cross-Reporting is critical
 - Military to Civilian Authorities
 - Civilian to Military Authorities
- Department of Motor Vehicle Licensing
- Self-Reporting
 - Security Clearance
 - Specific Military Specialty

Initiatives and Countermeasures to Address Impaired Driving and Promote Safety



EDUCATION AND
AWARENESS
CAMPAIGNS



POLICIES AND
REGULATIONS



SUPPORT AND
TREATMENT
PROGRAMS



COMMUNITY
ENGAGEMENT

Policies and Regulations

- DoD Instruction 6055.04, “DoD Motor Vehicle and Traffic Safety”
 - Appendix 3A: Impaired Driving Prevention Program Requirements
 - Education and Training
 - Suspension of Installation and GMV Driving Privileges
 - Screening and Referral
 - Notification to State Driver’s License Agencies
 - Administrative Inspections

Summary

- The military defendant is unique.
- Demographically, the military defendant is the target population for impaired driving.
- How servicemember impaired driving cases are handled depends on the jurisdiction.
- Servicemembers who drive while impaired face a number of administrative consequences regardless of the court in which they are prosecuted or the outcome of their criminal case.
- The military takes impaired driving seriously and combats it with a comprehensive approach.

For More Information

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