



**CALIFORNIA**

# **IMPAIRED DRIVING PLAN**

DUI Crash  
due to  
Marijuana use

**DUI**  
DOESN'T JUST MEAN  
**BOOZE**

**OTS**  
CALIFORNIA OFFICE OF  
**TRAFFIC  
SAFETY**

**2020**



# MESSAGE FROM THE DIRECTOR OF THE OFFICE OF TRAFFIC SAFETY

The California Impaired Driving Plan is the culmination of a multi-agency effort to reduce driving under the influence of drugs (DUID) and alcohol (DUI) on California's roadways. While alcohol-related fatalities decreased slightly between 2017 and 2018, we have seen evidence of an increase in DUID fatalities. Further, impaired driving continues to be a significant issue on California's roads accounting for approximately 30% of all traffic related fatalities.

As the State's designated Highway Safety Office, the Office of Traffic Safety (OTS) promotes safety initiatives and administers a variety of national highway safety grant programs authorized and funded through Federal legislation aimed at reducing traffic crashes, fatalities, and injuries on public roads. The OTS administers California's Highway Safety Program (HSP) which is designed to reduce deaths and injuries on the road by targeting user behavior through education and enforcement campaigns. California's HSP includes an impaired driving component that addresses highway safety activities related to impaired driving.

In 2016, utilizing strategic partnerships, the OTS initiated a meeting of subject matter experts to address impaired driving issues in California. These partners included the California Highway Patrol (CHP), Department of Motor Vehicles (DMV), Department of Public Health (CDPH), Department of Justice (DOJ), Department of Education (DOE), Orange County District Attorney's Office (OCDA), and additional support from members of the Strategic Highway Safety Plan (SHSP). This collaboration resulted in the following Impaired Driving Plan, which is a collection of strategies and best practices from law enforcement, prosecution, toxicology, licensing, education, and outreach efforts. The plan provides a strategic direction for continued discussion and evaluation necessary to apply a systems approach to addressing impaired driving.

In accordance with the criteria set out in CFR Title 23 § 1300.23 for the awarding of impaired driving countermeasures grants, a mid-range state must, among other things, submit to the National Highway Traffic Safety Administration (NHTSA), as part of its HSP, a copy of a statewide impaired driving plan that is based on the most recent version of the ***NHTSA's Highway Safety Program Guideline No. 8 – Impaired Driving***. For this purpose, a mid-range State is defined as a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60. California meets the definition of a mid-range state because its average alcohol-impaired driving fatality rate was 0.31 from 2015-2017 (the most recent years for which data are available).

The OTS is pleased to provide its Impaired Driving Plan developed in accordance with federal regulations and wishes to thank its many partners and stakeholders who generously devoted their time to create a document that examines numerous aspects of impaired driving. Together we can make a difference.

Sincerely,  
Barbara L. Rooney  
Director, OTS



**Downtown Sacramento at the Tower Bridge.**



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## KEY TERMS

**ARIDE:** Advanced Roadside Impaired Driving Enforcement—advanced Standard Field Sobriety Test (SFST) training offered to law enforcement and other criminal justice professionals to understand the signs of impairment related to drugs and/or alcohol.

**BAC:** Blood alcohol concentration in the body, measured as the percent, by weight, of alcohol in a person's blood. By law, BAC is based upon grams of alcohol per deciliter (g/dL) of blood or per 210 liters of breath.

**CEMSIS:** California Emergency Medical Services Information System aims to collect information about emergency medical care provided to patients across California.

**CMOD:** The Crash Medical Outcomes Data is a project of the CDPH to electronically link police crash reports with emergency department and hospital records.

**DRE:** Drug Recognition Evaluator/Expert—advanced certification through which a law enforcement professional is trained to recognize drug influence and impairment, as well as to determine the category of drugs causing impairment.

**DUI-MIS:** Driving Under the Influence Management Information System - maintained by the California DMV to prepare legislatively-

mandated DUI-MIS annual report. This report presents data related to DUI arrests, convictions, post-conviction sanctions, post-conviction sanction effectiveness, license suspension and revocation actions, as well as drivers in alcohol- or drug-involved crashes.

**FARS:** Fatality Analysis Reporting System—a traffic crash data system regarding fatal crashes and traffic-related fatalities in the United States.

**FARS ARF:** FARS Annual Report File—the most recent calendar year of FARS data that has not been finalized yet and may be subject to change.

**Per se level:** Statutorily specified concentration of alcohol in person's body, established by law, which makes it illegal to drive a vehicle at or above that level.

**SFST:** Standard Field Sobriety Tests—a standard battery of roadside tests used by law enforcement to determine whether a driver is impaired.

**SWITRS:** Statewide Integrated Traffic Records System—a traffic crash data system providing yearly data regarding traffic-related injuries and fatalities in California.

**TIMS:** Transportation Injury Mapping System—a tool that allow users to access and map traffic injury crashes in California using geocoded SWITRS data.



# ACRONYMS

APS: Administrative Per Se  
ABC: Department of Alcoholic Beverage Control  
Caltrans: California Department of Transportation  
CAT: California Association of Toxicologists  
CDPH: California Department of Public Health  
CVC: California Vehicle Code  
CHP: California Highway Patrol  
DEC: Drug Evaluation Classification  
DHCS: Department of Health Care Services  
DOJ: Department of Justice  
DOT: Department of Transportation  
DMV: Department of Motor Vehicles  
DUIA: Driving under the influence of alcohol  
DUID: Driving under the influence of drugs  
DUI: Driving under the influence of alcohol or drugs  
DWI: Driving while impaired  
EMSA: Emergency Medical Services Authority  
FFY: Federal Fiscal Year  
FHWA: Federal Highway Administration  
GDL: Graduated Drivers Licensing  
GIS: Geographic Information System  
HSP: Highway Safety Plan  
HVE: High Visibility Enforcement  
IACP: International Association of Chiefs of Police  
NHTSA: National Highway Traffic Safety Administration  
NSC: National Safety Council  
OTS: Office of Traffic Safety  
POST: Commission on Peace Officers Standards and Training  
PSA: Public Service Announcements  
SHSP: Strategic Highway Safety Plan  
TRCC: Traffic Records Coordinating Committee  
TSRP: Traffic Safety Resource Prosecutor  
TCIS: Trial Court Information System  
UCB SafeTREC: University of California, Berkeley Safe Transportation Research and Education Center

# AUTHORITY AND BASIS FOR OPERATION

This plan was developed by the California Impaired Driving Workgroup (CIDW) convened under the authority and direction of the Governor's Highway Safety Representative and director the OTS, Barbara Rooney. Led by the OTS, the California Impaired Driving Plan reflects the collaborative input of a diverse group of impaired driving safety leaders in the state.

The process for developing this plan started in 2016 when the OTS established the Driving Under the Influence of Drugs (DUID) Workgroup (See Appendix A for a complete list of DUID Workgroup members). Over the course of the next two years, this multidisciplinary team of subject matter experts reviewed innovative research and best practices to prevent deaths involving impaired drivers. This collaboration identified gaps in combatting DUID and set the strategic direction for the OTS to make evidence-based funding decisions incorporated annually into the California HSP.

**Led by the OTS, the California Impaired Driving Plan reflects the collaborative input of a diverse group of impaired driving safety leaders in the state.**

Efforts resumed with the convening of the CIDW in 2020 to continue the work of the DUID Workgroup and to develop California's first Impaired Driving Plan. (See Appendix B for a complete list of CIDW members representing enforcement, prosecution, toxicology, public outreach, education, and licensing.)

The CIDW approved the California Impaired Driving Plan on July 8, 2020.



# INTRODUCTION

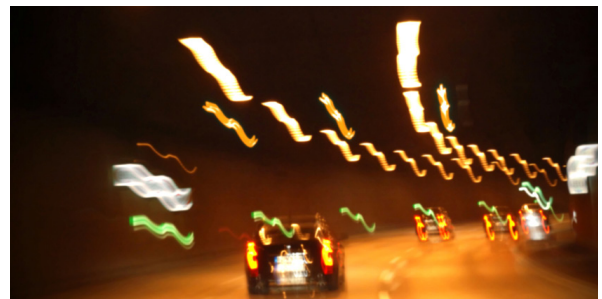
To achieve a significant reduction in traffic crashes, fatalities, and injuries on our roadways, California has developed a comprehensive highway safety program, reflective of the state's demographics. Integral within the highway safety program is its impaired driving component that addresses highway safety activities related to impaired driving.

The OTS serves as the primary traffic safety resource for the State of California. The OTS solicits proposals and allocates funds to state and local government agencies to implement traffic safety programs and grants to save lives in ten priority areas, including deaths and injuries attributable to alcohol-impaired and drug-impaired driving.

Each year in the past decade, over 1 in 4 roadway fatalities in California involved alcohol-impaired driving and 1 in 5 was attributed to drug-impaired driving. Compared to the rest of the nation, in 2018, California had the second highest number of alcohol-impaired driving fatalities at 1,069 and the highest number of drug-impaired driving fatalities at 719 (2018 FARS ARF). Despite the implementation of proven strategies and countermeasures, alcohol-impaired and drug-impaired driving continues to take innocent lives within our communities. California is committed to eliminating impaired driving on our roadways.

**Each year in the past decade, over 1 in 4 roadway fatalities in California involved alcohol-impaired driving and 1 in 5 was attributed to drug-impaired driving.**

**California is committed to eliminating impaired driving on our roadways.**

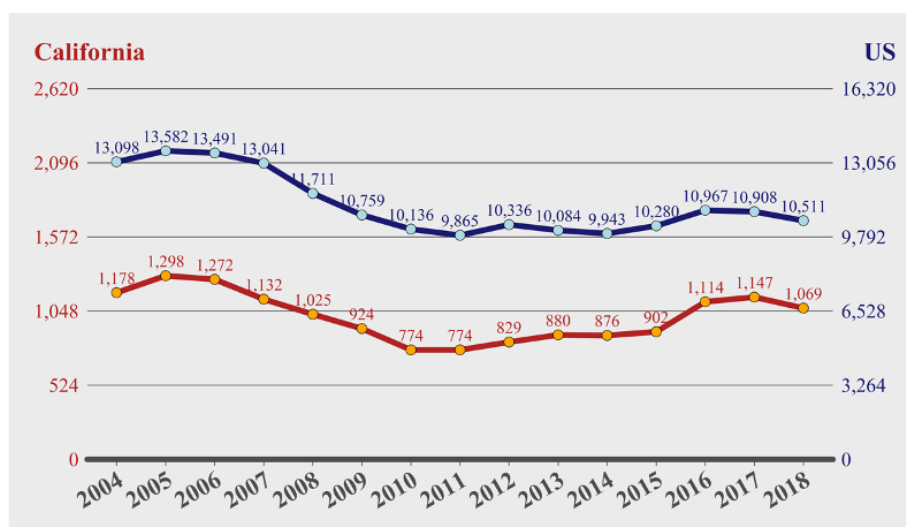


**Integral within the highway safety program is its impaired driving component that addresses highway safety activities related to impaired driving.**

## Driving under the Influence of Alcohol (DUIA)<sup>1</sup>

As shown in Figure 1, nationally, 10,511 people were killed in 2018 in alcohol-impaired traffic crashes, defined as a crash in which at least one driver or motorcycle operator, had a blood alcohol concentration of 0.08g/dL or higher (2018 FARS ARF). In California in 2018, there were 1,069 people killed in alcohol-impaired traffic crashes, which represented a slight decrease of 6.8% from 1,147 fatalities in 2017 (2017 FARS; 2018 FARS ARF). Overall, the number of alcohol-impaired driving fatalities was fairly stable over 15 years nationally and statewide, with California exhibiting more drastic variation in fatalities than the nation. In 2018, as indicated by Figure 2, fatalities in alcohol-impaired crashes represented 30% of the total motor vehicle crash fatalities in California (2018 FARS ARF). The rate of driving fatalities in alcohol-impaired crashes with respect to all traffic fatalities in a year decreased nationally from 30.6% in 2004 to 28.8% in 2018, while in California, the rate increased slightly from 28.6% to 30.0% in 2018 (2004 FARS; 2018 FARS ARF).

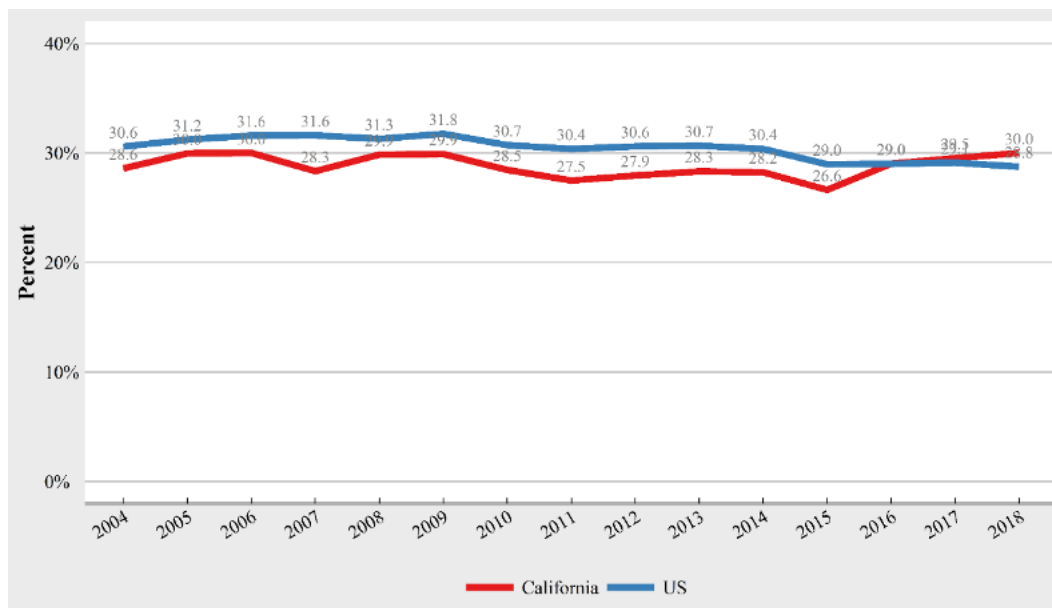
**Figure 1.** Alcohol-impaired driving fatalities in California and the United States, 2004-2018.



**There were 1,069 alcohol-impaired driving fatalities in California in 2018. This accounted for 30% of all traffic deaths in the state.**

<sup>1</sup> Values reported in this section are a result of UC Berkeley SafeTREC's analysis of 2004-2017 FARS Final File and 2018 FARS ARF data sets. To identify crashes involving alcohol-impaired drivers in FARS, UCB SafeTREC applied the multiple imputation method outlined in DOT HS 809 403.



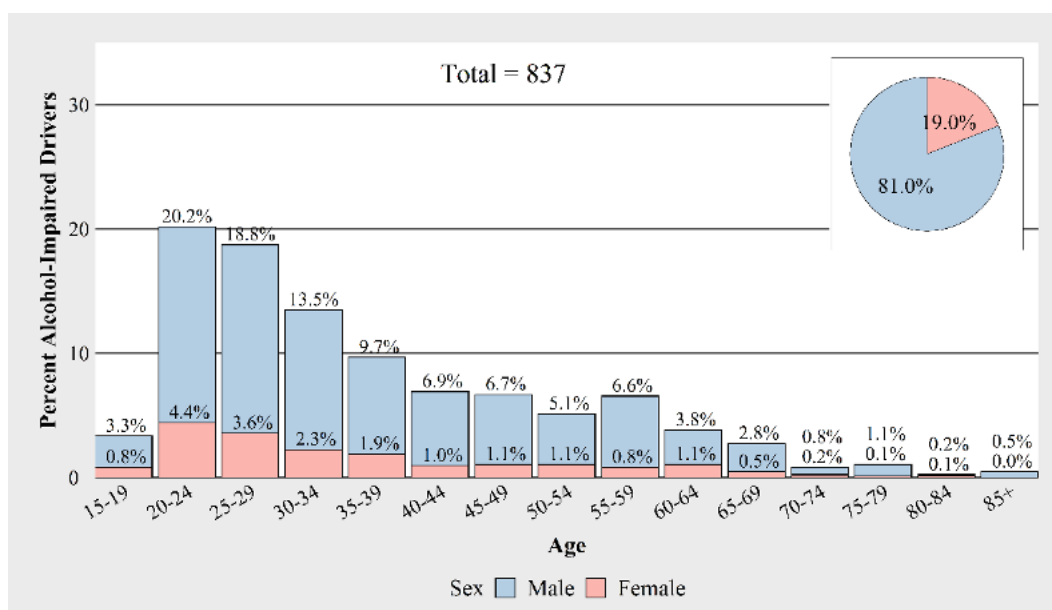


**Figure 2.** Percent of alcohol-impaired driving fatalities in California and the United States, 2004 – 2018.

## Demographics

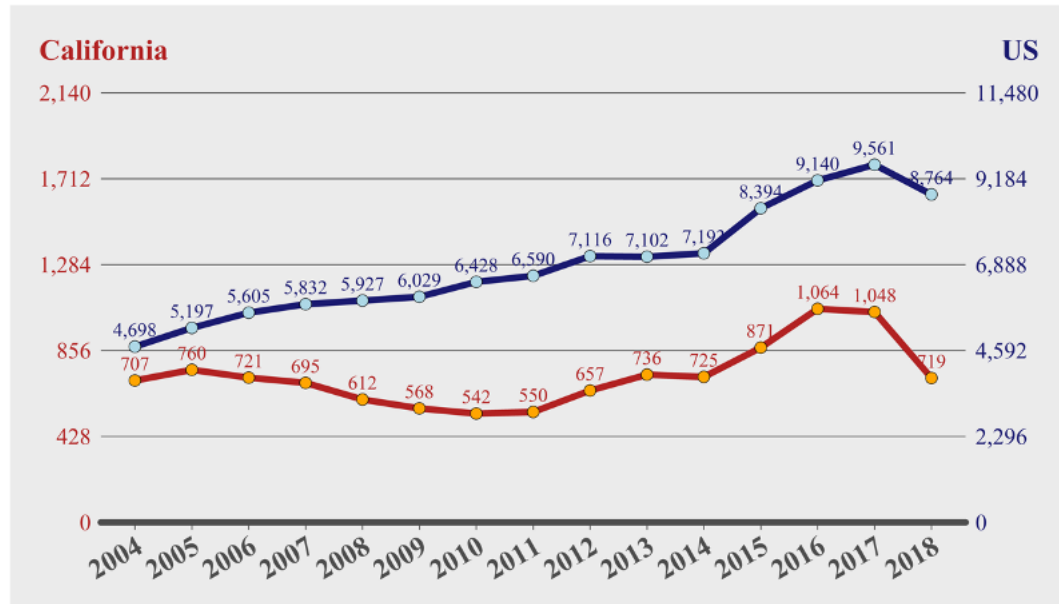
There were 4,929 drivers involved in fatal crashes in California in 2018, of which 17% (or 837) were alcohol-impaired (2018 FARS ARF). As presented in Figure 3, men comprised 81.0% of these alcohol-impaired drivers (2018 FARS ARF). The age groups with the highest concentration of alcohol-impaired drivers in fatal crashes were those age 20 to 24 (20.2%) followed by those age 25 to 29 (18.8%), comprising 39% of alcohol-impaired drivers in fatal crashes (2018 FARS ARF).

**Figure 3.** Age and gender of drivers in fatal crashes who were alcohol-impaired in California, 2018.



## Driving under the Influence of Drugs (DUID)<sup>2</sup>

As shown in Figure 4, nationally, drug-involved traffic fatalities, defined as a fatality in a crash in which at least one driver tested positive for drugs, decreased 8.3% from 9,561 fatalities in 2017 to 8,764 fatalities in 2018 (2017 FARS; 2018 FARS ARF). In California in 2018, there were 719 people killed in drug-involved traffic crashes, a decrease of 31.4% from 1,048 fatalities in 2017 (2017 FARS; 2018 FARS ARF). While alcohol-impaired driving fatalities declined, the data showed a gradual upward shift in drug-involved driving fatalities both nationally of 103.5% and in California of 48.2% from 2004 to 2017 (2004 FARS; 2018 FARS ARF). In 2018, fatalities in drug-involved crashes represented 20.2% of the total motor vehicle fatalities in California, lower than the rate of 24% nationally as indicated in Figure 5 (2018 FARS ARF).

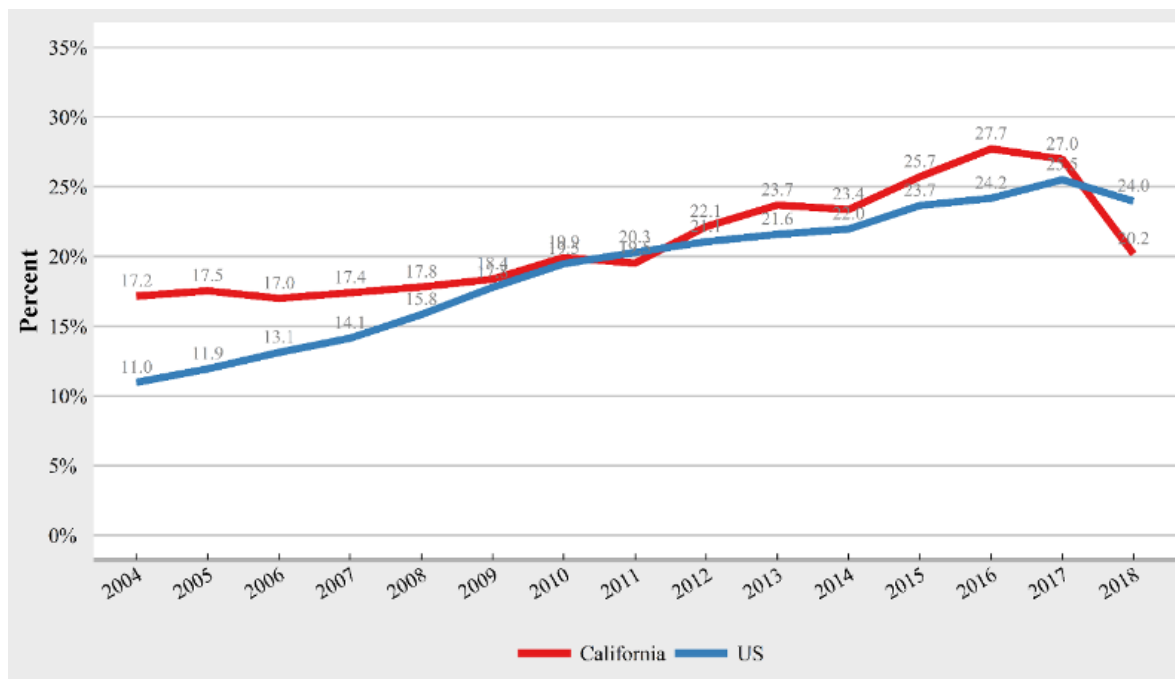


**Figure 4.** Drug-involved driving fatalities in California and the United States, 2004 – 2018.

**There were 719 drug-involved driving fatalities in California in 2018. This accounted for 20.2% of all traffic deaths in the state.**

<sup>2</sup> Values reported in this section are a result of UC Berkeley SafeTREC's analysis of 2004-2017 FARS Final File and 2018 FARS ARF data sets. UCB SafeTREC identified drug-involved crashes by identifying drivers who were "drug positive" for a narcotic, depressant, stimulant, hallucinogen, cannabinoid, phencyclidine, anabolic steroid, inhalant, or other drug the time of the crash. FARS drug data provided information on drug presence and not if the driver was impaired by a drug at the time of the crash. Interpretation of drug test results are limited; please refer to DOT HS 812 072 for more details.



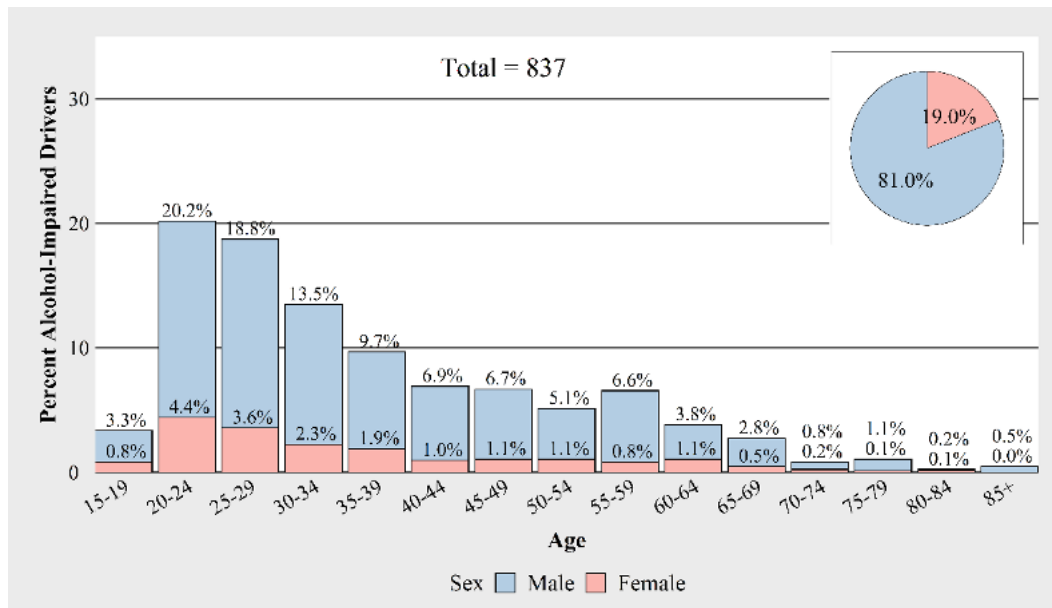


**Figure 5.** Percent of driving fatalities that were drug-involved in California and the United States, 2004-2018.

## **Demographics**

While the true scope and magnitude of drug-impaired driving in California is unknown, there is an increase in prevalence of tested drivers involved in fatal crashes that tested positive for cannabis, prescription drugs, and other legal and illegal drugs over the years. Only 33.5% (or 1,651) of drivers involved in fatal crashes were tested for drugs (2018 FARS ARF). Of those tested, drugs were found in 38.7% (or 639) of drivers (2018 FARS ARF).

Of the 4,929 drivers involved in fatal crashes that were tested for drugs in California in 2018, only 13% (or 639 drivers) tested positive and had age and gender information available (2018 FARS ARF). As presented in Figure 6, roughly four in five drivers (81.5%) who tested positive for drugs were men (2018 FARS ARF). The age groups with the highest concentration of positive drug test results were those age 20 to 24 (19.2%), followed closely by those age 25 to 29 (18.5%). These groups accounted for over one-third (37.7%) of drivers who tested positive for drugs (2018 FARS ARF).



**Figure 6.** Age and gender of drivers in fatal crashes who tested positive for drugs in California, 2018.

Unlike alcohol, drug presence does not necessarily indicate drug impairment due to varying rates of dissipation, and there is limited research on the impairing effects of drugs on drivers (Compton, 2017). Compton, Vegega, and Smither (2009) summarized some of the challenges in developing countermeasures and best practices to address drug-involved driving:

- There is a large number of potentially impairing drugs, both licit and illicit. Drugs are absorbed, distributed, and metabolized differently and are associated with impairment at a wide range of concentrations. There is no clear peak or threshold at which psychomotor or behavioral functions are impacted.
- Drug sensitivity and tolerance may affect impairment levels.
- Some drugs may accumulate in the body and remain measurable beyond the impairing effects—this is especially important in relation to chronic use.

Despite these challenges in identifying causality, there is general consensus that many illicit, prescription, and over-the-counter drugs impair driving (Couper & Logan, 2004; Jones, Shinar, & Walsh, 2003; Kelly, Darke & Ross, 2004). Study results vary on the impact of specific drugs on crash risk, with variation based on such factors as dosage and timing. Studies suggest that the use of cannabis in combination with alcohol is more impairing on driving than either substance is alone (Busardo et al., 2017 and Romano et al., 2017) and compounds the risk of being involved in a crash (Dubois, et al 2015; Beirness & Davis, 2006; Sewell, Poling, & Soguoglu, 2009). As the United States population ages and becomes more dependent on potentially impairing prescription drugs, DUID becomes more of a public health crisis and traffic safety concern.



## PLAN STRUCTURE

The subsequent sections of the California Impaired Driving Plan adhere to the components a state's impaired driving program should include and meet, as recommended by the *NHTSA's Uniform Guidelines for State Highway Safety Program – No. 8*. Coordinated with California's SHSP, which guides the State's investment decisions, this plan describes California's impaired driving programs and activities embodied within its comprehensive highway safety program. The California Impaired Driving Plan identifies six program components for a State's impaired driving program. The components include:

- Program Management and Strategic Planning
- Prevention
- Criminal Justice System
- Communication Program
- Alcohol and Other Drug Misuse: Screening Assessment, Treatment and Rehabilitation
- Program Evaluation and Data

**The California Impaired Driving Plan adheres to the components a state's impaired driving program should include and meet, as recommended by the *NHTSA's Uniform Guidelines for State Highway Safety Program – No. 8*.**



# PROGRAM MANAGEMENT AND STRATEGIC PLANNING

## GOAL

California's impaired driving program will have strong leadership, sound policy development, effective program management, and coordinated planning, including strategic planning.

## STRATEGIES

- Strengthen CIDW to foster leadership, commitment, and coordination among all parties involved in impaired driving issues.
- Utilize best practices in strategic planning.
- Ensure impaired driving initiatives coordinate with and support other state plans, including the HSP and SHSP.
- Ensure that appropriate data are collected to direct resources, assess program impact and conduct evaluations.
- Allocate sufficient funding, staffing, and other resources to support California's impaired driving programs.

Strategic activities of the State of California's Impaired Driving Plan are designed to ensure a coordinated, data-driven plan with clear leadership at the state level and involvement by key stakeholders. Strategic activities that align with the SHSP are indicated. Activities currently taking place, as well as future actions, are identified. California's Impaired Driving Plan includes strategic activities in six areas which reflect and require participation from a multidisciplinary group of stakeholders. Actions based on these strategies will allow California stakeholders to develop and monitor performance measures and outcomes to reduce needless traffic deaths and serious injuries.

## CHAPTER I

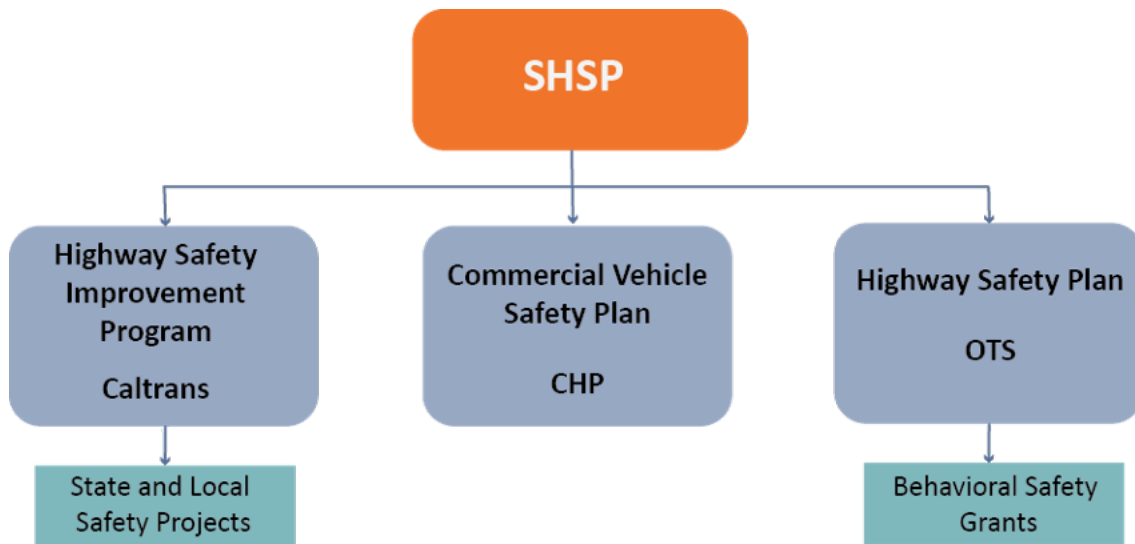


**LAPD conducting DUI checkpoint.**

## STRATEGIC HIGHWAY SAFETY PLAN (SHSP)

The California SHSP is a statewide, coordinated safety plan that provides a comprehensive framework for reducing fatalities and severe injuries on all public roads by providing strategic direction for State plans, such as the Highway Safety Improvement Program (HSIP), the HSP and the Commercial Vehicle Safety Plan (CVSP). These programs must align their efforts and support the SHSP as seen in Figure 7:

**Figure 7.** SHSP Comprehensive Framework



All Behavioral Safety Grants that are funded in the HSP are required to identify which SHSP Challenge area they support.

The SHSP is:

- Data-driven, i.e., it uses crash and other data analyses on all public roads to identify safety issues;
- Coordinated by the State Department of Transportation (Caltrans) in collaboration with a broad range of stakeholders, including the OTS, CHP, DMV, CDPH, Emergency Medical Services Authority (EMSA), Metropolitan Planning Organizations (MPOs), local law enforcement, and others;
- Multidisciplinary addressing the 5Es of Safety – engineering, enforcement, education, emergency response, and emerging technologies; and
- Performance-based with the adoption of strategic and performance goals which focus resources on the areas of greatest need.



Each SHSP cycle includes an evaluation of the overall program and five-year effort to determine whether the SHSP’s measurable objectives were met as well as include information on the output and outcome measures identified for each action. The **2020-2024 SHSP** has been approved and is available at: <https://dot.ca.gov/programs/traffic-operations/shsp>.

The SHSP focuses on 16 challenge areas. They were identified by the SHSP Executive Leadership and Steering Committees after an in-depth analysis of California crash data as well as an extensive statewide outreach process that involved hundreds of diverse traffic safety partners around the state. The 2020–2024 SHSP identified challenge areas are:

- Aggressive Driving
- Aging Drivers (65 and older)
- Bicyclists
- Commercial Vehicles
- Distracted Driving
- Driver Licensing
- Emergency Response
- Emerging Technologies
- Impaired Driving
- Intersections
- Lane Departures
- Motorcyclists
- Occupant Protection
- Pedestrians
- Work Zones
- Young Drivers (ages 15-20)

The OTS participates in each level of the SHSP: Executive Leadership, Steering Committee, and many challenge areas including the Impaired Driving Challenge Area. This Challenge Area focuses on impaired driving due to drug or alcohol use, even if they were not over the legal limit. The actions for the 2020-2024 SHSP are currently under review and will be published in the upcoming SHSP Implementation Plan. Previous actions have included enhancing laws, local ordinances, data, and programs intended to reduce impaired driving (Table 1).

**Table 1:** 2015-2019 SHSP Strategies and Countermeasures, Impaired Driving

Strategy 1: Enhance state laws, local ordinances, and programs intended to reduce alcohol and/or drugged-driving	
Strategy 2: Enhance the utilization of DUI treatment programs, emerging innovations, and system monitoring to reduce DUI offenses among highest risk offenders, including repeat or high-BAC offenders, and in areas where the risk of DUI is the highest.	
Action Subject	Action Item
Resources - DUI Treatment Program	Identify effective practices and develop draft standards for DUI programs.
DUI Treatment Program	Conduct 24/7 Sobriety Program Pilot Programs.
DUI Treatment Program	Pilot effort to retain non-compliant high-risk DUI offenders in DUI treatment.
DUI Court	Communicate the benefits of the multi-track DUI Court system of supervision in high-risk DUI cases and encourage courts to adopt this low-cost model.
Resources – DUI Treatment Program	Identify a host and determine the scope (i.e., content and outreach) for a DUI resource mechanism that can be used by DUI professionals and offenders.

<b>Strategy 3: Improve consistent, timely DUI adjudication and broaden and/or improve application of administrative sanctions of impaired drivers.</b>	
<b>Action Subject</b>	<b>Action Item</b>
<b>DUI Court</b>	Expand the SHSP 2011 Court Referral and Tracking Pilot which is designed to improve the timeliness of enrolling DUI offenders into programs from the time of conviction to counties interested or needing help.
<b>Strategy 4: Conduct education/social norming and other programs to change behaviors related to impaired driving.</b>	
<b>Action Subject</b>	<b>Action Item</b>
Public Education	Develop and conduct Drug and Alcohol Public Information and Education (PI&E) campaigns.
Responsible Beverage Services	Expand Orange County Community Responsible Beverage Service (RBS) Training – Phase 2.
<b>Strategy 5: Enhance knowledge of the impacts of legal and illegal drug use on safe driving using empirical evidence and implement effective, data-driven methods to identify and reduce drug-impaired driving or roadway use.</b>	
<b>Action Subject</b>	<b>Action Item</b>
Sobriety Checkpoints	Update CHP DUI Checkpoint Educational Pamphlet with a newly messaged emphasis on drugs.
Resources – DUI Identification	Issue paper establishing rationale for enhanced penalties for DUI Alcohol/Drug Combos, similar to high BAC enhancements.
Resources – DUI identification	Create print materials for distribution at doctor's offices warning of the dangers of driving after consuming drugs (including marijuana and prescription drugs).
Resources – DUI Identification	Conduct an assessment of California forensic laboratory processes and expansion needs to meet the changing legal dynamic of drug impairment.
<b>Strategy 6: Enhance DUI enforcement, training and tools for improved detection and enforcement of impaired roadway users.</b>	
<b>Action Subject</b>	<b>Action Item</b>
Resources – Law Enforcement Training	Issue paper establishing benefits of SFST training for law enforcement agencies with primary traffic enforcement jurisdiction.
Law Enforcement Training	Increase the number of ARIDE personnel trained by 8 percent.
Law Enforcement Training	Encourage and provide mentoring for increased habitual DUI-offender enforcement dedicated efforts in police departments.
<b>Strategy 7: Enhance the collection, management, and accessibility of data related to the consequences of impaired driving and the effectiveness of the DUI countermeasure system.</b>	
<b>Action Subject</b>	<b>Action Item</b>
Resources – DUI Identification	Identify barriers to accurate information reporting on court reported abstracts of conviction.

## CALIFORNIA HIGHWAY SAFETY PLAN

The HSP is developed annually by the OTS and serves as the application for highway safety grant funds to the NHTSA under 23 U.S.C. Chapter 4 and Section 1906. The HSP is an evidence-based plan that identifies traffic safety issues on all of California's roads and provides funding for countermeasures to reduce crashes. It is the main implementation mechanism for traffic safety education and enforcement efforts in California.

For the 2020 Federal Fiscal Year, the OTS provided Section 164 funding for Alcohol Programs and Section 405(d) funding for Drug-Impaired Programs (Table 2). In 2019, the OTS funded activities resulted in 699,657 drivers screened at OTS-funded checkpoints, where 7,890 SFST's were administered that resulted in 2,012 DUI arrests, 550 DUID arrests, and 117 DUI/DUID combination arrests (Table 3).

**Table 2.** OTS funding for impaired driving programs

	<b>FY 2020</b>	<b>Funding</b>
Alcohol impaired driving programs	\$41,733,410	Section 164
Drug-impaired driving programs	\$12,730,349	Section 405(d)
Total	\$54,463,759	Section 164 and 405(d)

**In FY 2020, OTS awarded over \$54 million to Impaired Driving countermeasure projects.**

**Table 3.** OTS-funded checkpoint data

<b>Annual Report</b>	<b>FY 2019</b>
Drivers screened	699,657
Field Sobriety Tests conducted	7,890
DUI arrests	2,012
DUID arrests	550
DUI/DUID combination arrests	117

## Task Forces or Commissions

California supports multidisciplinary efforts in outreach, education, and enforcement to prevent impaired driving crashes. Active participation in these task forces demonstrates the investment California is making in reducing impaired driving. These include:





### **SHSP Impaired Driving Challenge Area**

As mentioned above, the SHSP Impaired Driving Challenge Area addresses crashes involving impaired drivers. California stakeholders from the OTS, CHP, DMV, CDPH, Caltrans, and others serve as leads for actions which work toward the strategic goals. Each action developed by the Challenge Area is approved by the Steering Committee and monitored through process and outcome evaluation.

### **The California Impaired Driving Workgroup**

The CIDW developed California's first Impaired Driving Plan. This group built upon the work of the original DUID Workgroup to develop this strategic plan. This group was comprised of the leads from the DUID Workgroup that had expertise in related DUID fields such as: Law Enforcement; Prosecution; Toxicology; Public Outreach; Education; and Licensing.

### **Statewide Opioid Safety Workgroup**

The CDPH sponsors the Statewide Opioid Safety (SOS) Workgroup that provides a forum to encourage collaboration across various state sectors to align activities and messages in addressing the opioid epidemic in California. The SOS Workgroup brings together more than 40 state and non-government stakeholder organizations/agencies to improve coordination and expand joint efforts to address opioid misuse, addiction, and overdose deaths. The OTS is a member of this workgroup.

### **Traffic Records Coordinating Committee**

The Traffic Records Coordinating Committee (TRCC) is a multi-agency group whose purpose is to improve the collection, quality, management, and analysis of traffic safety data in California. The TRCC membership is comprised of agencies that oversee crash, vehicle, driver, roadway, citation/adjudication, and injury surveillance data systems. Other members include local traffic safety representatives and additional traffic safety stakeholders. Led by the Executive Committee and managed by the Technical Committee, it coordinates the OTS's Traffic Records funding program.

### **CHP Impaired Driving Taskforce**

The CHP established California's Impaired Driving Taskforce pursuant to CVC 2429.7. The CHP is tasked with developing recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of impaired driving in California. The taskforce examines the use of technology, including field testing technologies and validated field sobriety tests, to identify drivers under the influence of prescription drugs, cannabis, and controlled substances. By January 1, 2021, the Taskforce will submit a report to the legislature with recommendations and steps agencies are taking regarding impaired driving.

## Strategic Planning

The California Impaired Driving Plan documents the state's continuing efforts in implementing an evidence-based, data-driven plan that includes both short- and long-term activities to reduce impaired driving crashes statewide. Crash data from the Fatality Analysis Reporting System (FARS) and Statewide Integrated Traffic Records System (SWITRS), DMV DUI Management Information System (DUI-MIS), and other research data are used. The development of this plan included experts in public information and outreach, state and local law enforcement agencies, public health professionals, prosecutors, and toxicologists.

## Program Management

The OTS, HSP and Annual Report provide annual traffic safety allocations and performance metrics. Based on the NHTSA's "Traffic Safety Performance Measures for States and Federal Agencies" and "Tracking Core Outcome Measures and Performances Targets," the OTS uses the templates, tools, and standardized language developed by the NHTSA and the Governors Highway Safety Association (GHSA) to measure progress toward reaching all core performance measures, including impaired driving. Programs funded are required to track progress toward achieving goals and objectives and ensuring that appropriate data are collected for evaluation. The OTS monitors its performance, as well as grantees' performance to detect and correct problems quickly and to be able to evaluate the programs.

Impaired Driving efforts are continuously evaluated on state and local level levels. For alcohol-related crashes there are multiple data sources available to measure the outcomes of California's efforts to reduce DUI crashes, including FARS, SWITRS, and the DUI-MIS report. The OTS also encourages prospective grantees to include local DUI data in their grant applications for evidence-based consideration of funding.

## Resources

Impaired driving efforts in California utilize state, local, and federal grants and other funding sources to pay for many of the countermeasures and research to reduce impaired driving crashes. Challenges continue to exist around facilitating the resources needed to address impaired driving. For example, local crime labs often lack resources to obtain laboratory equipment adequate to analyze the drug type and concentration that drivers are using. Many local law enforcement agencies do not have enough traffic officers or patrols to adequately address the extent of local impaired driving issues. Often, offenders do not have the resources to pay for the mandated treatment or court ordered monitoring costs. Efforts will continue at the State and local level to identify and secure resources to adequately fund these critical programs.

## Data and Records

DUI is a public health and safety issue, affecting the population of California broadly, requiring the involvement of numerous disciplines and stakeholders. Data is of primary importance to the OTS and all traffic safety stakeholders. Collecting accurate and reliable data is the first step in understanding the magnitude and characteristics of impaired driving. Data provides public and private stakeholders with information at the individual, regional and statewide level to address and implement countermeasures and best practices. At the individual level, data aids in identifying and applying appropriate treatment and sanctions. At the regional level, data informs law enforcement and local government and helps to focus resources on providing appropriate services. At the statewide level, data provides stakeholders with the knowledge to make informed decisions and implement laws that focus on addressing specific problems.

California has a rich repository of data sources collected by a wide range of agencies. DUI and DUID crash information are currently available through the FARS, SWITRS, and DUI-MIS databases. The DMV prepares the annual report of the **DUI-MIS**. This document, mandated by Assembly Bill 757 (1989 - Friedman), compiles and cross-references data from diverse sources for the purposes of developing a single comprehensive DUI data reference and monitoring system.

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Public health sources include the CMOD and the California Emergency Medical Services Information System (CEMSIS) data. Caltrans collects roadway and infrastructure data. The United States Census and the California Department of Finance provide population and demographic data. Court systems such as the local Trial Court Information System (TCIS) and other local prosecution and DOJ records maintain complete data about impaired driving arrests and final disposition of cases. The DOJ is the custodial agency for all DUI arrest data in California. Enhanced monitoring of DUID data will be supported by Drug Recognition Experts (DREs) entering all evaluations into the National Tracking System. The CHP is working with DREs to encourage all evaluations to be entered into the National Tracking System and is building a tablet application to facilitate seamless data collection and transmission.

Currently there are few resources that collect data specifically related to DUID. These resources provide limited information, and use different definitions and objectives, making it difficult to understand the full scope of DUID and its relationship to alcohol impaired driving. To fully understand the scope of drug-involved driving, collection of relevant data points is necessary, such as quantitative drug results, tracking poly-substance DUID separately from DUID cases in which only one drug is detected, whether alcohol was a contributing factor, time of initial contact with officers, time toxicology sample was taken, if warrants were used to obtain samples, and among other variables such as sex, age, and race of the arrestee.

## Communication Programs

The OTS develops strategic and effective communication programs that are well-rounded, effective and provide targeted awareness and social norming tactics for all Californians. All efforts are culturally appropriate and relevant to multiple audiences. Partner agencies such as law enforcement entities, community groups, private partners, and OTS grantees assist with extending messaging efforts to their own communities throughout the state. Specific communications strategies appear in Chapter IV, Communication Programs.

# PREVENTION

## GOAL

California's prevention programs will be effective in preventing underage drinking or drinking and driving for persons under 21 years of age and prevent over-service and impaired driving by persons 21 or older.

## STRATEGIES

- Employ communication strategies that emphasize and support specific policies and program activities.
- Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21.
- Adopt and enforce alcoholic beverage control regulations to prevent over-service, service in high-risk situations, and service to high-risk populations.
- Encourage the use of transportation alternatives.
- Provide youth traffic safety education, with appropriate emphasis on underage drinking and impaired driving.
- Provide alcohol- and drug-involved driving programming on college campuses.
- Establish and support student organizations that promote traffic safety and responsible decisions.
- Enhance efforts to 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.
- Support community-based programs to promote traffic safety.

## CHAPTER II

Injuries and death from impaired driving crashes are largely preventable. While enforcement, licensing, and treatment are essential in reducing impaired driving, prevention of impaired driving from the outset is key to reducing deaths and serious injuries. Elements such as policies, systems, programs, and data, along with presence and involvement of a broad coalition of stakeholders, have been established as best practices in impaired driving prevention planning and implementation. Prevention targets social norms, risky behaviors, and environments that promote unsafe behaviors. Effective prevention programs highlighted by the Centers for Disease Control and Prevention include enacting impaired driving laws (e.g., BAC laws), implementing sobriety checkpoints and administrative license or suspension laws, mounting mass media campaigns, and conducting school-based programs. Further, implicit in prevention programs is the idea that "the whole is greater than the sum of its parts;" e.g., working across disciplines simultaneously enhances the effectiveness of each individual approach.



## RESPONSIBLE BEVERAGE SERVICE



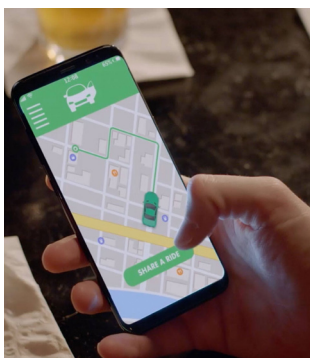
One important component of California's prevention strategies includes Responsible Alcohol Service. California promotes Responsible Alcohol Service through support of the ABC, which addresses policies and practices related to underage drinking, targeting underage use of alcohol, and over-service to adults 21 and older. The OTS provides support to a set of programs which target underage purchase and consumption of alcohol, as well as DUI. The Minor Decoy Program addresses underage purchase of alcohol from licensed businesses. This program, approved by the State Supreme Court (California Code of Regulations, rule 141), sends a minor into a licensed premise to attempt to purchase an alcoholic beverage. If the licensed location sells to a minor during one of these operations, the business faces administrative penalties against their ABC license and the server/seller is issued a criminal citation for the violation. The Decoy Shoulder Tap Program, also administered by the ABC together with local law enforcement agencies, aims to detect adult furnishing of alcohol to a minor decoy (Section 25658(a) Business and Professions Code).

**Beginning July 1, 2021, all alcohol servers and their managers must be certified in Responsible Beverage Service.**

Regarding responsible serving, the ABC puts conditions on a license prohibiting activity related to alcohol service. Violated, a condition can result in administrative action against a licensee. Prohibited activities include service to visibly intoxicated patrons. Additionally, commercial establishments may be held responsible for damages caused by any patron who was served alcohol when visibly intoxicated.

The ABC offers training to licensees and servers through the Licensee Education on Alcohol and Drugs (LEAD) program. Under Assembly Bill 1221 (Gonzalez Fletcher - 2017) the ABC created the Responsible Beverage Service Training Program to ensure servers of alcoholic beverages and their managers are educated on the dangers of serving alcohol to minors and over-serving alcohol to adults. The new mandate begins in 2021.

## TRANSPORTATION ALTERNATIVES



The OTS promotes the Designated Driver Very Important Person (DDVIP) brand to encourage the use of designated drivers and safe rides home. The OTS partners with bars to offer free non-alcoholic cocktails to designated drivers; participates in a Lyft/GHSA grant opportunity to encourage safe rides; and encourages the use of alternative transportation programs in ongoing social media and media relations efforts.

# COMMUNITY BASED PROGRAMS

## Schools

Impaired driving and alcohol-related crashes represent a major threat to safety and well-being. This is especially true among young people ages 15 to 24, where impaired driving is the leading cause of death. The OTS collaborates with educational partners to promote school programs that play a critical role in preventing impaired driving. Through grants and contracts with state and local governmental agencies, which subcontract with community organizations, the OTS reaches agencies that conduct innovative programming at the local level on the issue of impaired driving. The OTS provides substantial support to youth outreach programs, including those that encourage parents to talk with children about the risks of underage drinking and impaired through school-based events such as multi-media presentations and victim impact panels. College programming about impaired driving is conducted at community colleges, as well as 4-year colleges and universities. Impaired driving prevention education and awareness activities comprise college programs, as well as outreach about designated driver programs, transportation alternatives, and healthy behaviors.



**Impaired driving is the leading cause of death for youth age 15 to 24. In FY 2020, the OTS funded six school programs that play a critical role in preventing impaired driving.**

## DUI Court proceedings at schools

The OTS supports DUI Court proceedings at middle schools and high schools by judicial partners which emphasize the dangers of driving while under the influence. The Superior Court, District Attorney's Office, and school administrators collaborate to bring live DUI court proceedings to schools as a way to provide students with the opportunity to see the consequences of DUI to individual drivers and crash victims in their own communities.

In alignment with its focus on data-driven programming, the OTS supported the development of a program management tool, entitled the "Teen Traffic Safety Heat Map," that displays where all the OTS-funded school programs take place by zip code and overlays this with population and crash data to ensure its programs are meeting areas of need.

## EMPLOYERS

California established the California Motor Carrier Safety Program (CMCSP) to adopt those standards required of drivers by the Federal Motor Carrier Safety Administration (FMCSA) of the United States Department of Transportation (DOT), as set forth in the federal Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159) and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting drivers to hold only one license, disqualifying drivers for certain criminal offenses and serious traffic violations, and strengthening licensing and testing standards. Included in the CMCSP are provisions to disqualify a driver from operating a commercial motor vehicle for one year if the driver, among other things, is convicted

of a first violation of driving under the influence of a motor vehicle and three years if the violation occurred while transporting hazardous materials. If a repeat violator, the driver is to be disqualified from operating a commercial motor vehicle for his or her lifetime.

Additionally, Passenger Carriers (limousines, airport shuttles, charter and scheduled bus operators, and others) obtain permits or certificates after providing financial responsibility and safety information to the California Public Utilities Commission (PUC), including evidence of liability insurance and a CHP safety inspection. Applicants for Passenger Stage Coach (PSC) or TCP (Charter-Party Carriers) operating authority must provide for a mandatory controlled substance and alcohol testing program as adopted by the Commission pursuant to PUC Code Sections 1032.1 and 5374(a)(2) and (b)(1)(I). The program, which is substantially similar to federal drug testing regulations, applies to drivers who operate vehicles with a seating capacity of 15 persons or less. Program requirements are set forth in Commission Resolutions TL-18716 and TL-18760. Included are requirements for pre-employment, random and post-accident testing of drivers, employee education, and supervisor training. Applicants who will employ drivers to operate vehicles seating 16 persons or more are required to comply with the federal regulations. While there is no Cal-OSHA requirement for an employer vehicle safety program, many employers understand the liabilities and have robust vehicle safety programs with severe penalties for driving under the influence of drugs or alcohol. For instance, the State of California requires employees who drive on state business to take a Defensive Driving Course every four years. After taking that course, if a state employee drives under the influence of drugs or alcohol, they face disciplinary action, including the possibility of termination.

To reach employers with information about underage drinking and impaired driving, the ABC, through its Responsible Beverage Service training and outreach to establishments, reach bar and restaurant owners with impaired driving information. Further, the SHSP has addressed employer programs in past SHSPs and may continue to address this concern.

## Community Coalitions and Traffic Safety Programs

California has substantial involvement in coalitions at the state, regional, and local levels. From state coalitions such as the SHSP, which has produced numerous toolkits and other resources, to the OTS grantees, who reach 58 counties and hundreds of cities, to State traffic safety stakeholders from enforcement, public health, prosecution, education, and the media that work to ensure solid and broad-based coordination.



*Image courtesy of CalWalks*

# CRIMINAL JUSTICE SYSTEM

## GOAL

California's criminal justice system – law enforcement, prosecution, adjudication, criminal penalties, administrative sanctions, and communications - will achieve both specific and general deterrence.

## STRATEGIES

- Maintain laws that are sound, rigorous, and easy to enforce and administer.
- Facilitate effective enforcement of impaired driving laws.
- Employ effective criminal penalties, administrative sanctions and monitoring.
- Ensure a comprehensive program to visibly, aggressively and effectively prosecute impaired driving offenders.
- Promote knowledgeable, impartial, and effective adjudication.
- Conduct programs that reinforce and complement California's overall program to deter and prevent impaired driving.
- In drug-impaired driving cases, encourage close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including DRE).

## CHAPTER III

The State of California has a robust set of laws and programs that support aggressive enforcement, prosecution, adjudication, licensing measures, and communication around impaired driving. Stakeholders from each area have been involved in the CIDW to develop this plan and to continue joint planning through State-led efforts and the OTS's grant programs. Each of the sections below describe the key elements of California's impaired driving-related criminal justice system.

### Laws

In the *Uniform Guidelines for State Highway Safety Programs*, the NHTSA outlines three recommended objectives of impaired driving laws; such laws should "clearly define offenses, contain provisions that facilitate effective enforcement, and establish effective consequences." The Uniform Guidelines include recommendations for laws to meet each of these three objectives.



California has established the following laws that comply with the NHTSA's recommendations and define impaired driving related to alcohol, drugs, and a combination of alcohol and drugs (Table 4):

**Table 4.** NHTSA Recommendations and California Statutes

<b>NHTSA Recommendations – Offenses</b>	<b>California Statutes</b>
Driving while impaired by alcohol or other drugs (whether illegal, prescription or over-the-counter) and treating both offenses similarly.	VC §§23152 and 23153: Establishes that it is unlawful for a person to drive a vehicle while under the influence of alcohol, drugs, or under the combined influence of alcohol and drugs, when such an act may or may not cause bodily injury.
Driving with a blood alcohol concentration (BAC) limit of .08 grams per deciliter, making it illegal “per se” to operate a vehicle at or above this level without having to prove impairment.	VC §§23152(b) and 23153(b): Establishes a 0.08% BAC level at which it is illegal for a person to drive a motor vehicle and/or concurrently causes bodily injury to any person other than the driver.
Driving with a high BAC (i.e., .15 BAC or greater) with enhanced sanctions above the standard impaired driving offense.	VC §23578: A BAC of .15 or more is considered a special factor that may justify enhanced penalties in sentencing, whether probation is granted, and any addition terms or conditions of probation.
Zero Tolerance for underage drivers, making it illegal “per se” for people under age 21 to drive with any measurable amount of alcohol in their system (i.e., .02 BAC or greater).	VC §23136: Establishes a 0.01% BAC level at which is illegal for a person under age 21 to drive a motor vehicle.
Repeat offender with increasing sanctions for each subsequent offense.	VC §13352(a)(3) to (7); VC §13352.1 – Driver license suspension or revocation actions for persons convicted of second or more DUI offenses within 10 years.  VC §§23536-23568; VC §§23577-23597. Imposition of penalties and sanctions for persons convicted of second or more DUI offenses within 10 years.
BAC test refusal with sanctions at least as strict or stricter than a high BAC offense.	VC §13353 – Administrative Per Se suspension by the DMV upon person's refusal to submit to, or to complete, a chemical test upon DUI arrest.  VC §13353.1 – APS license action by DMV per refusal of chemical test is 1 year suspension for persons with no prior violations and 2 years revocation for persons with prior violations.
Driving with a license suspended or revoked for impaired driving, with vehicular homicide or causing personal injury while driving impaired as separate offenses with additional sanctions.	VC §14601.2: Driving with a license suspended or revoked for impaired driving VC §13353  Penal Code (PC) §191.5: Vehicular manslaughter while driving impaired.  VC §23153: Driving under the influence of alcohol or drugs while causing personal injury.



Open container laws, prohibiting possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way (limited exceptions are permitted under 23 U.S.C. 154 and its implementing regulations, 23 CFR Part 1270).	VC §§23220, 23221, 23222, 23223, 23224, 23225, and 23226: Prohibits a person from drinking alcohol or smoking or ingesting marijuana or any marijuana product while driving a vehicle or riding as a passenger:
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.	VC §27315: Prohibits the operation of a motor vehicle on a highway unless the driver and all passengers over 16 are properly restrained by a safety belt, with exceptions.
<b>NHTSA Recommendations – Facilitate Effective Enforcement</b>	<b>California Statutes</b>
Authorize law enforcement to conduct sobriety checkpoints, (i.e., stop vehicles on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs).	VC §2814.2: Authorize law enforcement to conduct checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether or not the operators are driving under the influence of alcohol or drugs.
Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers.	VC §23612 (a) (1) (A) A person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for an offense allegedly committed in violation of Section 23140, 23152, or 23153. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.  VC §23612 (h): Authorize law enforcement to use preliminary screening tests, such as the 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, evidential breath tests, and screening and confirmatory tests for alcohol or other impairing drugs.	VC §§23612(a)(1), 23612(a)(2), and 23612(a)(2)(C): Include implied consent provisions that permit the use of chemical tests and that allow the arresting officer to require more than one test of a vehicle operator stopped for a suspected impaired driving offense.  VC §§23612(h) and (i): Authorize police to use a preliminary breath test for a vehicle operator stopped for a suspected impaired driving offense  VC §§23612(a)(1)(B), 23612(a)(2)(B) and (C), and 23612(i): Authorize police to test for impairing drugs other than alcohol.

Require law enforcement to conduct mandatory BAC testing of drivers involved in fatal crashes.	GC §27491.25. The coroner, or the coroner's appointed deputy, on being notified of a death occurring while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, shall take blood and urine samples from the body of the deceased before it has been prepared for burial and make appropriate related chemical tests to determine the alcoholic contents, if any, of the body. The coroner may perform other chemical tests including, but not limited to, barbituric acid and amphetamine derivative as deemed appropriate.
<b>NHTSA Recommendations – Penalties</b>	<b>California Statutes</b>
Administrative license suspension or revocation for failing or refusing to submit to a BAC or other drug test.	VC §§13353 and 13353.1: A refusal to submit to or complete a chemical test.
Prompt and certain administrative license suspension of at least 90 days for first-time offenders determined by chemical test(s) to have a BAC at or above the State's "per se" level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock.	VC §13353.2: A blood alcohol concentration (BAC) level of 0.08% or more for drivers age 21 and older.  VC §13353.2: A 0.04% BAC level for persons driving a commercial vehicle.
Enhanced penalties for BAC test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and threat of imprisonment.	VC §§13353 and 13353.1: A refusal to submit to or complete a chemical test.  VC §13353.2: A 0.01% BAC level or more for drivers who were on probation for a DUI violation.  VC §13352(a)(2) to (7)  VC §13352.1  VC §§23556-23597
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.	VC §23646: County alcohol program administrators or a designee shall "develop, implement, operate, and administer an alcohol and drug problem assessment program," which may include a referral and client tracking component.
Driver license suspension for people under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs.	VC §13353.2: Individuals under age 21 who drive with any measurable amount of alcohol in their blood, breath, or urine.
<b>Other</b>	

Other	
BAC level for commercial vehicle drivers.	VC §§23152(d) and 23153(d): Establishes a 0.04% BAC level at which is illegal for a person to drive a commercial vehicle, as defined in VC §15210 and/or concurrently cause bodily injury to any person other than the driver.
BAC level for drivers for hire with passengers.	VC §§23152(e) and 23153(e): Establishes a 0.04% BAC level at which is illegal for a person to drive a motor vehicle when a passenger for hire is a passenger in the vehicle at the time the offense occurred and/or concurrently causes bodily injury to any person other than the driver.

## ENFORCEMENT

The OTS supports impaired driving enforcement efforts through grants to state and local law enforcement agencies.

The HSP documents the OTS's commitment to effective law enforcement strategies including impaired driving checkpoints and saturation patrols, both of which are coordinated with seasonal events and media. Corridor DUI programs, another impaired driving strategy supported by the OTS, target roadway corridors with high numbers of impaired driving injury crashes. The OTS investment in enforcement includes support of equipment such as preliminary alcohol screening (PAS) devices, portable evidential breath testing devices, and DUI checkpoint trailers. Detecting impairment using roadside screening devices is a key method of detecting alcohol-impaired drivers. Pursuant to the California Vehicle Code, these PAS devices are considered field sobriety tests, and are generally the last field sobriety test administered by the officer. The CHP is currently evaluating oral fluid devices to detect drug usage for operability in an enforcement environment and continues to monitor emerging technology and development of additional testing devices. To address underage impaired driving, the OTS supports the TRACE Program, which sends ABC agents to alcohol-related crashes involving a person under age 21 and resulting in serious injury or death.

To increase coordination between and among law enforcement agencies to better support DUI and DUID efforts, the OTS, CHP, California Police Chief's Association, and California State Sheriff's Association meet regularly regarding DUID data, training, and selected issues.

The OTS Law Enforcement Liaisons (LEL) bring best practices in enforcement and grant management to allied agencies throughout the State. All activities supported through the OTS HSP are aligned with the 2020-2024 SHSP Impaired Driving Challenge Area, which covers crashes in which drivers had been using alcohol and/or drugs.

Training officers in detecting and removing alcohol- and/or drug-impaired drivers from the roadway is critical to reducing deaths and serious injuries. In order to enhance officer training, the State of California adopted the International Association of Chiefs of Police (IACP) Drug Evaluation and Classification Program (DECP). As the statewide DECP coordinator, the CHP oversees the DRE Program, ARIDE, and SFST training programs throughout California. As of March 2020, California has over 16,000 officers statewide trained in ARIDE and almost 1,900 officers certified as DREs.

The Medical Marijuana Regulation and Safety Act of 2015 (AB266) authorized a study to help with the detection of driving under the influence of Cannabis. The University of California, San Diego (Marcotte, T.) is overseeing research where healthy volunteers will inhale smoked cannabis with either 0% (placebo), 6.7% or 12.6% Delta 9 THC at the beginning of the day, and then complete driving simulations, iPad based performance assessments and bodily fluid draws.

The purpose of the study is to determine (1) the relationship of the dose of Delta 9 THC on driving performance; (2) the duration of driving impairment in terms of hours from initial use; (3) if saliva or expired air can serve as a useful substitute for blood sampling of THC in judicial hearings; and (4) if testing using an iPad can serve as a useful adjunct to the SFST in identifying acute impairment from cannabis. The results of this study should be available in late 2020.

Following the implementation of AB266, as well as evidence of increasing cannabis use among California drivers, the CHP has commissioned the Research & Development Branch at the DMV in collaboration with the Center for Medical Cannabis Research at the University of California, San Diego, to develop an empirical research study on cannabis-impaired driving. This study, currently under review by the Research Advisory Panel in the California Attorney General's Office, will address two overarching research questions:

- 1) What are the effects of cannabis consumption on driving performance?
- 2) How accurately can law enforcement officers detect driving impairment due to cannabis consumption using the SFST and DRE protocols?

This study will use a randomized controlled trial study design involving the testing of volunteer participants' actual driving performance in an instrumented vehicle on a closed course. Preliminary review and feedback on the proposed study methods were provided by a national panel of traffic safety researchers at the 2020 Transportation Research Board Annual Meeting.

## Standardized Field Sobriety Test (SFST)

Currently, there are only two law enforcement academies within California that teach the minimum IACP SFST curriculum during basic academy training. In 2015, the California DRE State Coordinator made a presentation to POST encouraging the agency to add IACP's SFST curriculum to the required list of topics trained during basic academies. Although POST has not added the SFST requirement due to cost concerns, the dialogue between the CHP and

POST is ongoing. The OTS, in collaboration with the California DRE State Coordinator, will continue efforts to expand NHTSA-certified SFST training to all basic law enforcement academies in California.

## ARIDE

ARIDE is provided to officers who have been trained in SFST. It offers a review of alcohol impairment and an introduction to drugs and detecting drug impairment. The OTS, CHP, POST, and law enforcement work collaboratively to train 5% of law enforcement each year in ARIDE, eventually reaching half of California's law enforcement personnel and greatly expanding the ability to remove drug-involved drivers from the roadway.

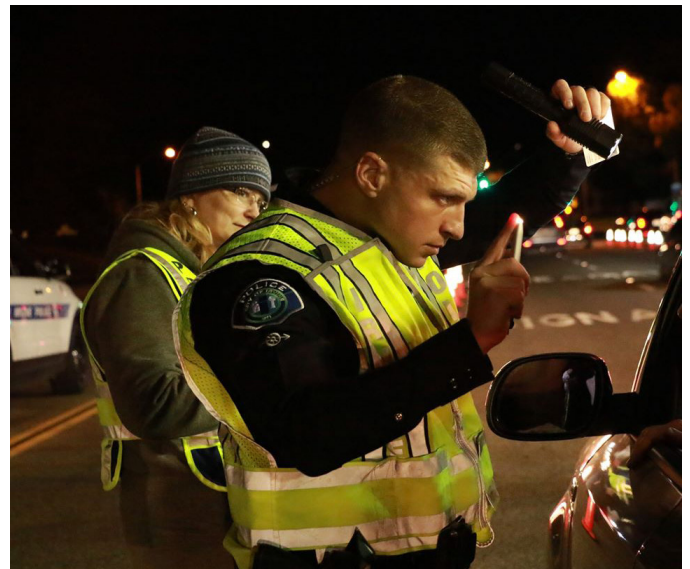


Image courtesy of Irvine Police Department



## DRE

The DRE program has shown to be an effective tool in identifying drug impairment. The NHSTA reports that several studies demonstrate that toxicological analyses support DRE assessments of DUID in at least 85% of cases (NHTSA 1996). Increasing the number of law enforcement officers statewide trained as DREs will help to increase the detection and successful prosecution of persons under the influence of drugs and alcohol drug combinations. The OTS and CHP have set a target of increasing DREs by 5% each year.

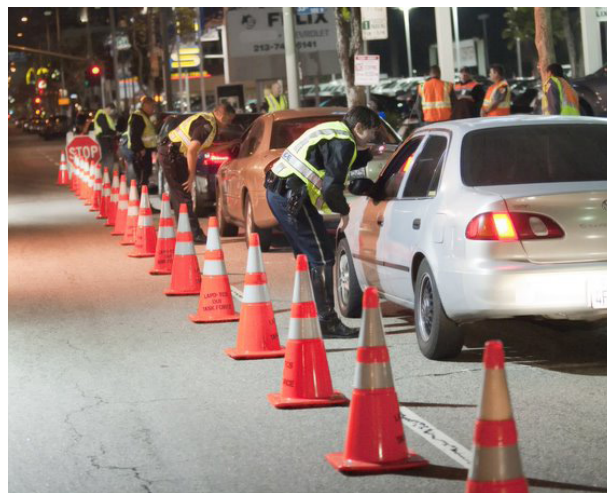
DRE training is provided to officers who have received both the SFST and ARIDE courses. All DREs are trained to use IACP's DRE protocol for evaluating persons suspected of drug-impairment, and rendering opinions based on their observations. At the end of the evaluation, a chemical test is administered (generally a blood test) and the sample is submitted to a crime laboratory for confirmation. The DRE may then be required to appear and provide courtroom testimony. All DREs require recertification every two years. The recertification process requires a DRE to complete four DRE evaluations and attend an eight-hour classroom update every two years. DREs who fail to meet these requirements are decertified.

Incentive programs are critical for recertification and increasing retention rates. Generally, some DREs choose not to recertify for a variety of reasons, including changes in work assignments (no longer working in the field), promotion, and/or lack of departmental support. Retention programs for trained officers can be created through grant-funded incentives, including stipends for officers who become DREs, agency-funded incentives, and/or annual DRE awards by county, region, or agency.

## PUBLICIZING HIGH-VISIBILITY ENFORCEMENT

The State will continue to provide high-visibility enforcement (HVE) to increase public perception of the dangers of impaired driving and change high-risk behavior. HVE is a proven countermeasure that combines sobriety checkpoints with media publicity and provides general deterrence by increasing drivers' perception about the possibility

of being arrested for impaired driving. California applies a data-driven approach to the planning and placement of checkpoints throughout the State. HVE takes place throughout the year, adopts seasonal themes, and is culturally relevant. Messages are based on market research. Media is both paid and earned.



**HVE combines sobriety checkpoints with media publicity and provides general deterrence by increasing drivers' perception about the possibility of being arrested for impaired driving.**



## TOXICOLOGY

Testing a potential impaired driver in a timely and uniform manner is critical to understanding the impaired driving problem. In addition to the Crime Lab at the California DOJ, California has many private and public labs that perform testing on suspected impaired drivers. These labs have different equipment for testing and capacity to process tests.



In 2017, the OTS funded the Statewide Toxicology Stakeholders meeting. This meeting was attended by toxicologists in charge of impaired driving testing and Crime Lab managers statewide. The purpose of this meeting was to discuss testing protocols, and equipment and resource issues for testing. While the participants understood that not all labs would have the equipment or resources to test to the same level and capacity, they agreed on best practices for public forensic toxicology laboratories including adopting uniform procedures that conform to testing for the minimum cutoffs for testing thresholds for drugs, including consistent screening and confirmation testing based standards for all public laboratories based on the 2013 and 2017 National Safety Council (NSC) Recommendations for Toxicology Testing. This would ensure that when crime labs had the equipment and resources, testing for impaired drivers would adhere to minimum cut-off levels for detection and concentration of drugs in an impaired driver's system. To improve toxicology results, a long-term goal of toxicology laboratories is to provide a centralized repository of standard operating procedures and to establish statewide minimum toxicological testing workflows and protocols. This would provide uniformity in testing protocols and procedures statewide.

Based on the work of the initial DUID Workgroup, toxicologists were incorporated into the curriculum of the OTS funded Traffic Safety College to collaborate with officers and prosecutors on how to successfully prosecute impaired driving cases. Toxicologists have trained officers and prosecutors on the multitude of drugs that are being discovered in impaired drivers statewide. Additionally, prosecutors educate officers and toxicologists on how to effectively testify as an expert witness in courtroom proceedings. This continued education and collaboration is a critical factor that contributes to enforcement becoming a greater deterrent for impaired driving.

## PROSECUTION

The State continues to encourage use of the Traffic Safety Resource Prosecutor (TSRP) program as experts on impaired driving and traffic-related prosecution. In collaboration with the DREs, they offer training, education, and technical support in all areas of impaired driving prosecution, including pre-trial motions, depositions, pre-trial evidentiary

hearings, trial preparations, etc. The TSRP routinely provides courtroom testimony training at SFST, ARIDE, and DRE courses throughout the state. They act as advisors to law enforcement officers regarding effective impaired driving investigative techniques to promote a heightened awareness of victim-related issues. To provide regional coordination, TSRP acts as a conduit between local prosecution team members in a region. The TSRP holds two Traffic Safety Colleges each year, in Northern and Southern California. The Traffic Safety College training includes SFST updates, new drug trends, toxicology findings, and courtroom testimony.

The OTS supports the TSRP program through collaborative impaired driving training for law enforcement, prosecutors, toxicologists, and judges. Communication of information at regional roundtable meetings hosted by TSRPs allows for consistency of messaging throughout the state.

Vertical prosecution, whereby specialized teams are assigned to prosecute alcohol and drug-impaired driving cases and handle cases throughout each step of the criminal process, is also supported by the OTS. Connecting prosecutors, toxicologists, and law enforcement partners to provide them education and resources enhances the prosecution of impaired drivers.

**The TSRP program coordinates cross-training between law enforcement, prosecutors, toxicologists, and judges to more effectively address impaired driving issues.**



CALIFORNIA  
Traffic Safety Resource Prosecutor  
TRAINING NETWORK  
TSRP: A Prosecution Law Enforcement Collaboration

# ADJUDICATION

The Judicial Outreach Liaisons (JOL) program is a long-standing program that operates at the national, regional, and state level. JOLs are a statewide resource for the judiciary on legal and evidentiary issues present in adjudicating impaired driving and other motor vehicle-related cases. They provide education, training, and technical assistance by serving as liaisons between the judiciary and the highway safety community.

The NHTSA Region-9 has a JOL who undertakes concerted efforts to reach out to judges in California. The NHTSA Region-9 JOL is developing a curriculum to educate the judiciary on impaired driving, including traffic safety issues. The training is being proposed and a menu of potential programs should be available to states during the 2020-2021 federal fiscal year.

In 2020, the OTS successfully applied for and was awarded funding for a State Judicial Outreach Liaison (SJOL) through the American Bar Association. This new position will aid in Judicial Education for all traffic safety issues with an emphasis on Impaired Driving. The SJOL will seek to expand the use of DUI courts in California and provide law enforcement, prosecutors, and toxicologists insight into the judiciary pertaining to impaired driving issues. The SJOL will also coordinate with the TSRP to provide additional training opportunities for the judiciary.

Prosecution efforts require support in adjudication. California has different types of courts playing specific roles in dealing with the impaired driving problem. The judiciary typically becomes involved within 48 hours of a DUI or DUID arrest, when the offender appears before a magistrate who sets bond and appropriate conditions of release. Courts can mandate ignition interlock devices and/or monitoring alternatives as a condition of release for high-risk offenders while the case is being prosecuted.

## **DUI Courts**

DUI Courts provide court-supervised treatment, monitoring, and court oversight to high-risk defendants with repeat impaired driving offenses in order to reduce recidivism, promote community health, and enhance health and welfare of participants and their families.

DUI courts provide an alternative to a traditional

method of incarceration through a system of supervision, accountability, and rehabilitative treatment. The newly developed Multi-Track DUI Court model expands monitoring, supervision and accountability to all high-risk and repeat offenders. While these programs are expensive, they have resulted in positive outcomes, such as reduced recidivism, fewer crashes, and reduced incarceration costs to the counties. The OTS aims to expand the number of Multi-Track DUI Courts in the state. The NHTSA Region-9 JOL is working with several counties to encourage the development of additional Multi-Track DUI Courts in California.

Victim restitution programs and use of statements prior to sentencing are governed under Marcy's law. Under Marcy's Law, specifically, the California Constitution article I, § 28, section (b) now provides victims with specific enumerated rights and this mandate would surpass any CA statute or address lack of guidance on this issue.



## **Probation**

OTS also funds approximately 20 California counties' Probation Departments to provide a higher level of intervention and increased supervision of high-risk DUI offenders. Probation Departments utilize evidence-based and best practices in continuum of care, supervision, accountability, and promote public safety. With a "balanced approach" philosophy, probation officers not only conduct traditional field and office contacts, drug and alcohol testing, 4th Waiver Searches, but they also provide linkage to community programming, collaborate with local agencies, monitor driver's license status to ensure compliance with driving restrictions, engage the offender in their individual case plan, promote family support, and seek community reinforcement. In addition, Probation Officers obtain specialized trainings that assist them in demonstrating the highest standard of ethics, professionalism, efficiency, leadership and community engagement consistent with the requirements from the OTS.

# ADMINISTRATIVE SANCTIONS AND DRIVER LICENSING PROGRAMS

California law defines detailed requirements for imposing specific sanctions, penalties, treatment programs, and driver license control actions designed to curb alcohol- and drug-impaired driving on California roadways. In earlier years, the imposition of alternative sanctions and penalties within the same type of DUI offender group was possible. However, California law now specifies sets of available sanctions within each offender group. Sanctions and penalties differ in terms of the goal they prioritize (i.e., punishing, incapacitating, or rehabilitating impaired drivers) and whether they are imposed independently or in combination. Nonetheless, all these sanctions and penalties together constitute the existing DUI countermeasure system in California.

California has a long history of evaluating and extensively studying the traffic safety impact of DUI sanctions that are currently used and mandated by state law. Many of these evaluation studies have been conducted by the DMV Research & Development Branch. Legislators rely on the findings and recommendations from these studies to set specific requirements and conditions for different DUI sanctions and penalties. The DMV Research and Development Branch is also tasked with maintaining the DUI-MIS system and preparing the annual report based in that system, which is mentioned above as one of the State's DUI data sources. The goal of the DUI-MIS report is to track the processing of offenders through the DUI system from the point of arrest and to identify the frequency with which offenders flow through each branch of the system process (from law enforcement through adjudication to treatment and license control actions). Another major objective of the report is to evaluate the effectiveness of court and administrative sanctions on convicted DUI offenders.

The California DMV is responsible for licensing both commercial and non-commercial drivers in the state. The department also maintains the driver record database which contains various DUI-specific information and imposes appropriate license control actions on the drivers who violate specific DUI laws. Specifically, violations of certain sections of the California Vehicle Code (CVC) result in an immediate Administrative Per Se (APS) license suspension or revocation based upon the DUI arrest. In addition, drivers arrested for DUI who are subsequently convicted for DUI (violations of CVC Sections 23152 and 23153) are subject to a number of sanctions and penalties ordered by the courts.

These post-conviction court-ordered sanctions and penalties vary relative to: 1) type of particular DUI offense (i.e., if a person was convicted of violating CVC 23152 - DUI with no injury, or if he/she is convicted of violating CVC 23153 - DUI offense involving an injury); and 2) DUI offender level (i.e., if a driver convicted of DUI has one or more prior DUI convictions within 10 years from the violation date of their current DUI offense).

Among the post-conviction sanctions and penalties imposed on DUI offenders are statutorily-mandated license suspension and revocation actions that also differ in their severity relative to the type of DUI offense and the DUI offender level. In years prior to 2005, these post-convictions license actions were imposed on DUI offenders by the courts. However, in 2005, a California law change assigned DMV the sole responsibility for post-conviction license suspensions and revocations.

## **License suspension/revocation actions**

License suspensions or revocations incapacitate impaired drivers by removing DUI offenders' driving privilege for a given time period. In addition, license suspension/revocation actions have the potential for achieving both specific and general deterrent effects. The negative consequences of losing their driver's license could reduce a specific offender's likelihood of being involved in a future DUI incident (specific deterrence). Furthermore, fear of similarly losing their driver's license could make all potential offenders less likely to drive under the influence (general deterrence).

Driver license suspension is one of the most studied and widely used sanctions designed to curb DUI. The effectiveness of driver license suspension has been documented in various prior studies in California since the late 1970s. These studies have found that license suspension is effective not only as a DUI countermeasure but also as an overall traffic safety instrument (Hagen, 1977; Tashima & Peck, 1986; Tashima & Marelich, 1989; Rogers, 1995, 1997; Gebers, 2009). License suspension actions related to DUI can be categorized in (at least) two ways: those that are applied previous to conviction (i.e., APS actions), and those that are applied subsequent to conviction. Because both categories are important components of the DUI countermeasure system – considered separately or in combination – they are discussed separately in this document. For temporal trends regarding the number of suspension/revocation actions taken by DMV – whether pre-conviction APS, or post-conviction actions – please see DMV's annual **DUI-MIS report**.



## **Administrative suspension/ revocation actions**

Like most U.S. states, California imposes APS license actions separately and independently from post-conviction license suspensions/revocations. That is to say, a single DUI incident (e.g., DUI arrest) can result in both an APS suspension and a mandatory post-conviction suspension action. Therefore, APS suspensions do not displace post-conviction license control actions, but rather constitute a parallel administrative process to the one resulting from adjudication by the courts.

The effectiveness of license suspension/revocation as a DUI countermeasure is particularly relevant in regard to APS suspension/revocation actions. Because they are imposed immediately upon a DUI arrest, APS suspensions or revocations represent ideal applications of the main deterrence theory postulates, which argue that the effectiveness of a particular law is a function of the perceived certainty, severity, and swiftness of the punishment it imposes (Ross, 1982). Prior research evaluations of the efficacy of APS laws showed that APS suspensions are effective in reducing alcohol-related fatal crash involvement (Wagenaar & Maldonado-Molina, 2007; Rogers, 1995, 1997). In addition, Rogers has shown that the APS law implemented in California in 1990 had both general (1995) and specific (1997) deterrent effects.

**Admin Per Se immediately suspends driving privileges. Parallel court adjudication can result in a separate suspension action. At this time, the DMV only has authority to impose APS on alcohol-impaired driving.**

According to California APS law, DMV is required to immediately suspend the driving privilege of a person for the following reasons: 1) driving with a BAC level of 0.08% or more, 2) driving with a BAC level of 0.01% or more if the person is under 21 years of age, 3) driving a commercial vehicle with a

BAC level of 0.04% or more, 4) being on probation for a DUI violation (violation of sections CVC 23152 or 23153) and having a BAC of 0.01% or more. In addition, DMV is required to suspend or revoke the driving privilege of any driver who is arrested for DUI and who refuses a chemical test upon arrest. The length of the APS action ranges from a 4-month suspension to a 3-year revocation, depending on the specific reasons for the APS action and whether the person had any prior APS actions or was convicted of a separate violation of selected CVC sections related to DUI. (See Tables 5 and 6.)

Currently, California law does not impose APS suspensions or revocations for drug-impaired driving. It can be hypothesized that similar administrative sanctions would be effective in curbing DUID violations. However, extensive analyses and evaluations need to be conducted to determine whether a per se law would be as effective for drugs as it is for alcohol. Issues to be explored include the feasibility of establishing a per se limit for drugs similar to that for alcohol, and the integration of roadside testing to identify drug impairment along with quantitative testing to detect the drug presence and amount of drug in a driver's system.

The Driver Safety (DS) Branch of the California DMV Licensing Operations Division (LOD) is tasked with processing APS suspension and revocation actions. This includes processing and maintaining the DS-367 form that is used by law enforcement to report to DMV details pertaining to APS suspensions when a person is arrested for DUI. This form captures all relevant information that must be provided to the DMV in order to carry out APS actions in accordance with California law. This form was revised in April 2019 in order to capture information related to drug use (i.e., cannabis and/or other drugs) observed by the officer at the time of the DUI arrest. Although DMV does not currently have authority to impose APS actions on persons arrested for DUID, this change in data reporting procedures will allow DMV to capture information on DUID prevalence among persons arrested for DUI for statistical purposes.

**Table 5. Administrative Per Se (APS) Sanctions for Adults**

Action	Length of Suspension if convicted	Note
Refuse to complete a chemical test (blood or breath) to determine BAC level or drug content of blood	<p>License suspension or revocation for persons convicted of driving while impaired.</p> <p>1 year suspension or 2 year revocation, if on DUI probation – First offense</p> <p>2 year revocation – Second offense</p> <p>3 year revocation – Third or more offenses</p>	In California, a DUI counts as a prior conviction for ten years.
Takes a chemical (blood or breath) test which shows a 0.01% blood alcohol concentration (BAC) level while on DUI probation, 0.04% BAC while driving a commercial vehicle, and/or a 0.08% or more BAC while driving a noncommercial vehicle	<p>4 months – First Offense</p> <p>1 year – One or more separate DUI offenses in 10 years</p>	<p>A court-ordered probation prohibits a person previously convicted of a DUI from operating a motor vehicle with any measurable amount of alcohol in the driver's blood (0.01% BAC)</p> <p>If previously convicted of CVC §§23152 or 23153, the DMV will impose a concurrent 1 year suspension based on violation of DUI probation.</p>

Source: California DMV. **FFDL 35**. (Rev 11/2019)

**Table 6. APS Sanctions for Minors**

Action	Length of Suspension if convicted	Note
Refuse to take or fails to complete a chemical test (blood or breath) to determine BAC level or drug content of blood	<p>1 year – First Offense</p> <p>2 years – Second Offense</p> <p>3 years – Third or More Offense</p>	<p>In California, a DUI counts as a prior conviction for ten years.</p> <p>If previously convicted of CVC §§23152 or 23153, the DMV will impose a 2-3 year revocation, contingent on the number of offenses. Additionally, drivers are not eligible for a restricted driver's license for the duration of the suspension period.</p>



Takes a chemical test (blood or breath) with a BAC Of 0.01% or more	1 year	<p>California Vehicle Code (CVC) §23136, PAS Persons Under 21: Preliminary Screening Device, established strict Zero Tolerance requirements and penalties for drivers under 21 years of age.</p> <p>If previously convicted of CVC §§23152 or 23153, the DMV will impose a concurrent one-year violation based on the violation of DUI probation and drivers are not eligible for a restricted driver's license during that one-year period.</p>
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Source: California DMV. **FFDL 36**. (Rev 07/2012)

### **DUI post-conviction suspension/revocation actions**

If a person arrested for DUI is subsequently convicted for DUI, they will be subject to a mandatory license suspension/revocation action by the DMV that is independent from any administrative APS suspension they might have already incurred. This additional sanction is required by law and is imposed as a result of DUI conviction by the courts. Similar to APS actions, the length of post-conviction suspensions/revocations ranges from a 6-month suspension to a 10-year revocation depending on the type of DUI offense and the DUI offender level.

The California DMV maintains a responsibility to immediately impose appropriate post-conviction license suspension/revocation actions whenever abstracts of DUI conviction are reported to DMV by California courts. The department is also responsible for issuing license restrictions to DUI offenders who meet requirements defined by law. Similarly, the DMV maintains relevant information pertaining to driver license status, license suspension or revocation actions, information related to requirements and issuance of a restricted driver license, and critical information on requirements a person has to meet to reinstate their driving privilege.

### **Treatment and other post-conviction DUI countermeasures**

A number of sanctions and penalties are imposed by the courts on all drivers that are convicted of a DUI.

As described above, these sanctions and penalties vary depending on the type of DUI offense and the DUI offender level. Specific court-ordered sanctions/penalties include probation, jail, DUI treatment program (first-offender, 18-month, and 30-month programs), and ignition interlock. As demonstrated by past studies published by the DMV, the combination of DUI treatment program with license actions (license suspension/revocation) reduces recidivism among those subject to this type of post-conviction requirement. For temporal trends related to court-ordered DUI treatment (and completion rates), please see the DMV's annual **DUI-MIS Report**.

### **Ignition Interlock Laws**

SB 1046 (Hill – 2016) requires drivers convicted of a first-time, alcohol-involved DUI resulting in injury, and individuals convicted of a repeat alcohol-involved DUI, to install and maintain an ignition interlock device (IID) for 12-48 months on all vehicles they operate, and to pay administrative service fees. The specific IID restriction term depends on the number of prior DUI-related convictions on the person's driver record within the prior 10 years. Offenders who are subject to mandatory IID installation are immediately eligible for an IID-restricted driver license without serving any period of suspension or revocation, if they provide proof of IID installation and comply with other restriction requirements, including enrolling in or completing a DUI treatment program, filing proof of financial responsibility, and paying all DMV reissue fees. These individuals can regain their full, unrestricted driving privilege upon completing their prescribed IID restriction term and DUI treatment program.

The new law also allows individuals to obtain an “optional” IID-restricted driver license in lieu of serving any APS suspension or revocation period following a DUI arrest involving alcohol, provided they meet the above-specified restriction requirements. Additionally, drivers subject to mandatory IID installation upon conviction receive credit toward their mandatory IID restriction period for any time they served on optional APS IID restrictions.



The new DUI-IID law does not require individuals convicted of a first-time, non-injury DUI involving alcohol to install an IID. However, courts are authorized to order IID installation for these offenders. There are also other restriction options for first offenders under the new laws. For example, drivers not required by the court to install an IID can obtain an optional IID-restricted driver license for a period of six months or a course of employment (COE)-restricted DL for 12 months. Drug-only first offenders are eligible for COE restrictions, but not IID restrictions. Under current law, retained pursuant to SB 1046, drug-only repeat DUI offenders remain eligible for optional IID-restrictions after serving 12 months of their prescribed suspension or revocation period and meeting specified restriction requirements. However, unlike offenders whose violations involve alcohol, repeat drug-only offenders must remain on IID restrictions until the end of their prescribed period of suspension or revocation and complete a DUI treatment program before they can fully reinstate their driving privileges.

**SB 1046 requires drivers convicted of a first-time, alcohol-involved DUI resulting in injury, and individuals convicted of a repeat alcohol-involved DUI, to install and maintain an ignition interlock device (IID) for 12-48 months on all vehicles they operate. The new DUI-IID law does not require individuals convicted of a first-time, non-injury DUI involving alcohol to install an IID.**

Individuals on IID restrictions who fail to comply with specified requirements for maintenance and calibration of their IID or those who attempt to tamper with, bypass, or remove an IID early are subject to driver license suspension or revocation. However, pursuant to certain provisions of SB 1046 that took effect on January 1, 2017, a person may now regain their mandatory or optional IID-restricted driving privilege if they are back in compliance with their IID requirements.

## **Programs**

California reinforces its overall traffic safety program with Graduated Drivers Licensing (GDL), which is aimed at reducing the motor vehicle injuries and fatalities among youth age 15-19, as these drivers are disproportionately injured in traffic crashes. Under GDL, California teens are first required to go through a supervised period (with a learner's permit) during which time the teen must complete supervised driving. The OTS has had a long-standing partnership with community organizations that provide DUI education programs, including a statewide Real DUI Court that takes place in high school auditoriums and funds educational programs sponsored by the CHP that take place in high schools throughout the state. Under California law, a person can be charged with license fraud as a misdemeanor or a felony.



# COMMUNICATION PROGRAM

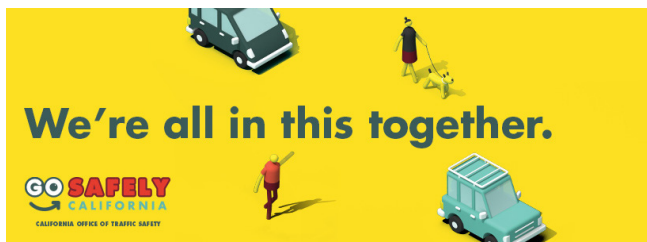
## GOAL

Californians recognize the dangers and risks of impaired driving.

## STRATEGIES

- Increase knowledge and awareness, change attitudes, and influence and sustain appropriate behavior.
- Highlight and support specific program activities underway in the community and are culturally relevant and appropriate to the audience.
- 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.
- Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior.

## CHAPTER IV




The OTS supports a comprehensive impaired driving communications program, including continuous earned media, outreach, media relations, paid media, partnerships and social media tactics. Other state agencies, such as the CHP, allied agencies, and other grantees also support State communication efforts. Efforts to promote impaired driving messages occur on a year-round basis, with heavy emphasis during the holidays. In addition to its agency website, the OTS recently launched a new website, called **“Go Safely, California”** which highlights main program areas including DUI and DUID. The website includes traffic safety facts, tips, statistics, and connections to relevant resources. The website also serves to feature campaign Public Service Announcements (PSA) and includes a comprehensive toolkit consisting of collateral, marketing and advertising materials available for download. Throughout the grant cycle, the OTS conducts outreach to grantees to encourage and support their use of campaign and other education material, and reaches out to community groups to integrate messaging and extend awareness.

# DUI

DOESN'T JUST MEAN

# BOOZE



There are a lot of ways to get a **DUI** these days, but you have a lot of choices to get you home safely.

- > Text a friend
- > Schedule a ride
- > Call a cab

Whatever you do, designate a sober driver.



California's major impaired driving campaign is "DUI Doesn't Just Mean Booze" (DUIDJMB). To implement the DUIDJMB campaign the OTS:

- Created a DUIDJMB/Go Safely collateral toolkit housed on [www.gosafelyca.org](http://www.gosafelyca.org);
- Hosts its DDVIP campaign Instagram page; and
- Supports existing programs including "Drive Sober or Get Pulled Over" and "Buzzed Driving is Drunk Driving" by integrating DUIDJMB and "Go Safely" messaging where relevant.



The OTS also encourages businesses and private organizations to participate in Public Information and Education campaigns, and conducts outreach to media to support impaired driving messages through reporting on programs, activities (including enforcement campaigns), impaired driving arrests, impaired driving crashes, etc. See Table 7 for more details.

**Table 7.** Outreach to business, private organizations, and media

Outreach to businesses/Private Organizations	Outreach to media
Plan and conduct public relations events.	Conduct ongoing earned media efforts to keep impaired driving messages prominent.
Identify and implement sponsorships with sports and venue partners to promote sober driving efforts.	Partner with law enforcement to publicize HVE by utilizing media relations and social media tactics.
Identify other transportation partnerships/sponsorship opportunities – including a partnership with Lyft to encourage cross-promotion of their services in order to discourage drinking and driving.	Create a comprehensive media relations program to promote launch events and grassroots outreach efforts, crackdown periods to increase awareness.
Conduct ongoing earned media efforts to keep impaired driving messages present.	Conduct public affairs interviews to support campaign efforts and initiatives.
Partner with independent coffee/beverage shops, bars and restaurants to display anti-DUI messaging.	Develop robust social media content to support events, relevant partner initiatives, and crackdown periods.



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

## GOAL

California's system for screening, referring, treating and monitoring convicted impaired drivers will prevent recidivism for impaired driving.

## CHAPTER V

## STRATEGIES

- Promote proper screening of all convicted impaired drivers for alcohol and other substance abuse and dependency.
- Design screening and brief intervention to result in referral to assessment and treatment when warranted.
- Promote culturally appropriate treatment and rehabilitation services.
- Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions.

The State recognizes that impaired driving is often a symptom of a larger problem of alcohol or other drug misuse. Addressing the root of these problems is important to preventing future impaired driving involvement.

## SCREENING AND ASSESSMENT

DUI Programs remain the first-line intervention to a common, yet serious social problem. When someone is arrested for a DUI, they will be assessed for alcohol or drug abuse at some point during the criminal proceedings. DUI assessments are intended to determine whether and to what extent a defendant has a substance abuse problem following a DUI arrest. This can allow specialists who are knowledgeable about alcohol and drug abuse to develop a treatment plan to address specific circumstances. The assessment addresses patterns and history of alcohol and other drug use, addiction treatment history, family substance abuse history, etc. Ideally the assessment would occur within the first 60 days of enrolling into a DUI program.

An assessment tool used in DUI courts in California, and across the nation, is the Computerized Assessment and Referral System (CARS). The computer assessment identifies substance abuse disorders and an array of mental health issues. It is free to download and use on open source software. It is fully electronic and standardized and can be used by clinicians and social workers alike. CARS generates a report that indicates a defendant's risk of recidivism and treatment needs.

If the assessment reflects additional treatment is not recommended, the participant is still required to complete the DUI Program pursuant to the DMV requirements for driving privileges and/or court conviction requirements. If it is the participant's first offense, he/she will be required to complete a 3-month or 9-month program. If the participant has multiple offenses, he/she will be required to complete an 18-month program or a 30-month program. Once the participant completes the DUI program, driving privileges may be fully restored.

If the assessment indicates the offender has substance abuse or mental health issues, they can be recommended for ancillary treatment appropriate to the individual participant. This treatment identifies where the clients are in their change process, in order to match individuals to appropriate treatment levels. When the Assessment is completed and an offender enters into a program, if they are non-compliant and deemed and considered a high risk or repeat offender they can be referred to a multi-track DUI Treatment Court, incur a higher degree of monitoring, or be incarcerated.

## CRIMINAL JUSTICE SYSTEM

Sanctions and penalties are imposed by the courts on all drivers that are convicted of a DUI. As described above, these sanctions and penalties vary depending on the type of DUI offense and the DUI offender level. Specific court-ordered sanctions/penalties can include probation, jail, DUI treatment program, and ignition interlock. The combination of DUI treatment program with license actions (license suspension/revocation) reduces recidivism among those subject to this type of post-conviction requirement.

## MEDICAL AND HEALTH CARE SETTINGS

Medical and health care facilities throughout California provide screening and brief intervention to patients who self-report or are suspected of being alcohol and/or substance abusers. Providing treatment at the earliest possible time can be critical in preventing DUI's. The State's Emergency Department and Trauma Units frequently access patients who test positive for alcohol or drugs, self-report use, and/or exhibit signs of alcohol and/or drug use. After the initial assessment, patients are often referred for further treatment for their addiction.

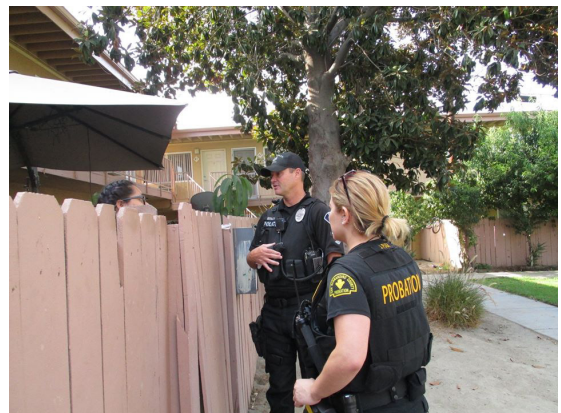
## TREATMENT AND REHABILITATION

Both first-time and repeat impaired driving offenders may have alcohol or other drug dependency problems, and without treatment, these offenders are more likely to repeat their crime. State law provides that all drivers convicted of DUI are required to enroll in a program to address this issue. These DUI programs are hosted typically by private and professional non-profit organizations that provide education, a psychosocial evaluation, treatment referral services, special supervision services, and may include ignition interlock monitoring for violations to DUI offenders. These programs assist the offender, satisfy judicial and driver licensing requirements, and are separated into first-time offender or multiple offender programs.

Court mandated DUI programs often represent an individual's first contact with substance abuse/addiction treatment professionals. Earlier intervention, relative to the time of the DUI violation, may have significant benefits in reducing recidivism risk among this high-risk group. However, if low-BAC offenders (those often associated with drug and alcohol drug combination impaired driving incidents) do not receive an administrative license suspension prior to conviction, they do not have the option to enroll in DUI programs prior to conviction.

## MONITORING IMPAIRED DRIVERS

The OTS provides grant funding to three DUI Treatment courts in California. These courts provide an offender with a high level of supervision, assistance from a social worker, and mandatory treatment in order to graduate the program and overcome addiction issues. The courts aim is not to be punitive, but to assess the offender's condition and provide the tools necessary for them to improve their lives and the safety of their communities.



# PROGRAM EVALUATION AND DATA

## GOAL

Evaluation of California's traffic safety endeavors to determine effectiveness and provide a guide to future projects and resource allocation.

## STRATEGIES

- Enhance the ability to access 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.
- Leverage the Traffic Records Coordinating Committee to provide information about and access to data that are available from various sources.
- Conduct data-driven grant programming.
- Conduct evidence-based or promising and innovative programming.

## CHAPTER VI

Each year, the OTS's problem identification process includes prioritization of program areas, goal-setting and tracking, and location-based analysis. The OTS reviews data from FARS, SWITRS, and the DUI-MIS report. The OTS Crash Rankings compare injury crash data from local jurisdictions and counties of like populations. The Traffic Records Coordinating Committee reviews this data and identifies opportunities to improve existing sources of data and to provide new sources of data for problem identification purposes.

The OTS reviews statewide data on impaired driving crashes annually and actively solicits potential proposals in areas of the state with the highest levels of DUI crashes and fatalities. Each application received is reviewed for its value and potential impact in reducing impaired driving crashes either in local jurisdictions or statewide. In overseeing planning and programming, the OTS encourages local jurisdictions to use: 1) local data to identify any local or regional concerns, and 2) GIS data to target activities to areas with disproportionately high concentrations of impaired driving. The OTS supports the Transportation Injury Mapping System (TIMS) tool that allows users to create tables and GIS maps of traffic injury collisions in California. Local jurisdictions can use this to identify target locations of HVE efforts, based on clusters of occurrences. This data is used to develop impaired driving countermeasures that will address local issues.

Within impaired driving grant agreements, the OTS requires objectives that include collaboration at both the state and local level. Vertical Prosecution grantees host quarterly roundtables with law enforcement and crime labs to review local data, trends, and best practices in implementing impaired driving countermeasures. The TSRP Program reviews statewide data and trends and presents this to law enforcement, prosecutors and toxicologists at the OTS-funded Traffic Safety Colleges. The OTS tracks Teen Impaired Driving education on a heat-map that shows where OTS programs are being offered statewide to ensure that grantees are providing educational activities in areas where the data demonstrates the greatest need.



To establish performance measures for impaired driving countermeasure, the OTS analyzes the data provided by applicants, as well as SWITRS and the OTS Rankings. The OTS monitors each grantee's progress on achieving these goals and objectives throughout the grant year by attending grantee events, and reviewing claims and Quarterly Progress Reports. At the end of the Federal Fiscal Year, the OTS will review final claims and reports. In some cases, the OTS conducts Grant Program Reviews. Not achieving objectives puts grantees at risk of not receiving funding in subsequent grant cycles.

## NEXT STEPS

The contributors to the California Impaired Driving Plan and other traffic safety partners continue to work proactively on many impaired driving committees, taskforces, and programs. The OTS, through grant funding and collaboration with our state and federal partners, will continue to work diligently to reduce impaired driving crashes statewide to save lives. Careful consideration should be given to all the countermeasures and best practices presented in this plan.

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# APPENDICES



# APPENDIX A – 2016-2018 DRIVING UNDER THE INFLUENCE OF DRUGS WORKGROUP

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## DRIVING UNDER THE INFLUENCE OF DRUGS WORKGROUP

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This plan was developed by the members of the California Impaired Driving Workgroup (CIDW) listed above. The CIDW was convened under the authority and direction of the Governor's Highway Safety Representative and Director of the California Office of Traffic Safety, Barbara Rooney.

The CIDW approved the California Impaired Driving Plan on July 8, 2020.



July 8, 2020

