



STATE OF MONTANA

Response to IMPAIRED DRIVING PROGRAM ASSESSMENT

held May 6 – 10, 2013

Submitted to NHTSA for review and approval on August 30, 2013

Contents

<i>Program Management and Strategic Planning</i>	2
A. General recommendations	2
B. Strategic Planning	3
C. Program Management	5
D. Resources	7
<i>Prevention</i>	9
A. Liquor Law	9
B. Community-Based Programs	9
B-2. Employers.....	10
B-3. Community Coalitions and Traffic Safety Programs.....	10
B-4. Transportation Alternatives.....	11
<i>Criminal Justice System</i>	13
A. General recommendations	13
B. Enforcement	14
C. Prosecution	16
D. Adjudication	16
E. Administrative Sanctions and Driver Licensing Programs	17
E-2. Programs.....	17
<i>Communication Program</i>	18
<i>Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation</i>	19
A-2. Medical and Other Settings.....	19
B. Treatment and Rehabilitation	20
<i>Program Evaluation and Data</i>	21
Evaluation	21
Data and Records	21
Driver Records Systems	22

Program Management and Strategic Planning

A. General recommendations

Recommendation	State Response
<p>Implement a State impaired driving task force/leadership team with clear direction, authority, and the high-level support and capabilities to implement and coordinate significant initiatives to reduce impaired driving (priority recommendation)</p>	<p>Montana’s Impaired Driving Task Force currently takes the form of Emphasis Area Team #2 <i>Alcohol- and Drug-Impaired Driving Crashes</i> within Montana’s Comprehensive Highway Safety Plan (CHSP). The CHSP is approved by the Governor’s Representative for Highway Safety, with a vision that “All highway users in Montana arrive safely at their destinations.” The goal of Montana’s CHSP is “To reduce fatalities and incapacitating injuries in the state of Montana by half in two decades, from 1,704 in 2007 to 852 by 2030”. Emphasis area team #2 is tasked particularly to “reduce statewide alcohol- and drug-impaired fatal and incapacitating injury crashes”.</p> <p>Emphasis area team #2 has multidisciplinary representation from agencies and programs that impact impaired driving from prevention, law enforcement, adjudication, corrections, and treatment. Each member is responsible for ensuring that they have the highest level of support from their agency. The team will be working in subcommittees to coordinate specific strategies outlined in the CHSP. The subcommittees will report back on a regular basis to the entire team. The emphasis area team will work together to promote those strategies and initiatives across agencies to improve coordination and reduce impaired driving.</p>
<p>Identify existing gaps in the Alcohol- and Drug-impaired Driving Emphasis Area Team and proactively solicit representation to fill those gaps</p>	<p>The team continues to recruit representation from the retail alcohol industry, the faith community, the business sector, the state department of corrections, and the tribes. Recruiting occurs most often through personal contacts, but also through formal invitation to the annual CHSP meeting.</p>
<p>Implement a structure for the Alcohol- and Drug-impaired Driving Emphasis Area Team that would support the identification, continuation, and recognition of the champion and team members</p>	<p>New members are regularly identified and recruited. As is the case with any group of this nature, membership fluctuates as individuals choose to join or leave the team.</p> <p>Recognition of the team and the champion is made every year at the annual CHSP meeting and active meetings throughout the year.</p>
<p>Provide an annual, brief report on Traffic Records Coordinating Committee accomplishments, pending issues and projects for executive-level review and support</p>	<p>The TRCC provides an annual report on accomplishments, pending issues and projects at the CHSP annual meeting, which includes executive-level attendance.</p>

<p>Ensure participation of the tribes in task force and leadership team collaborations to incorporate tribal perspectives and participation in task force activities <i>(priority recommendation)</i></p>	<p>Montana is unique in having a Native American Emphasis Area as part of the CHSP. The State Highway Traffic Safety Section’s Cultural Liaison is now a member of CHSP Team 2. This individual is recruiting Safe On All Roads (SOAR) coordinators and other tribal contacts to participate on the team.</p> <p>A Tribal Traffic Safety Forum is scheduled along with the CHSP to give tribal members an opportunity to participate in the CHSP and provide input regarding task force activities. Tribal members also report out on the findings of the Tribal Safety Forum at the CHSP.</p>
<p>Continue to support the establishment and operation of DUI task forces throughout the State, including task forces among the Montana tribes.</p>	<p>The SHTS traffic safety planner assigned to impaired driving prevention activities continues to support the establishment of DUI Task Forces throughout the state, including the reservations. The planner continues to provide technical assistance and resources to the DUI Task Forces, including a website, a quarterly newsletter, an annual meeting, and email correspondence and phone communication as needed.</p> <p>MDT’s Cultural Liaison encourages the SOAR program coordinators to participate in local county DUI Task Forces.</p>

B. Strategic Planning

Recommendation	State Response
<p>Create opportunities, possibly in conjunction with the annual Comprehensive Highway Safety Plan (CHSP) meeting, for emphasis team champions to share issues and programs and support linkages among the CHSP emphasis areas.</p>	<p>This already exists and will continue. The annual safety meeting provides an opportunity for all emphasis area team champions to present on activities and issues they have undertaken throughout the year and engage the participants in identifying solutions and new strategies for the next year. The annual meeting also provides an opportunity for statewide safety stakeholders to network and identify opportunities to coordinate on common efforts. In addition, the CHSP Coordinator participates on all emphasis area teams and provides linkages between areas on a continual basis.</p>
<p>Create planning links between the Comprehensive Highway Safety Plan and the Highway Safety Plan that would establish an understandable and useful planning stream leading from the establishment of State goals, through the selection and prioritization of strategies, to the selection and priority of traffic safety projects <i>(priority recommendation)</i>.</p>	<p>This already exists and will continue. MDT requires that proposals link to strategies within the CHSP in order to receive NHTSA funding. Applicants for Highway Traffic Safety funding are informed that they must be part of the CHSP to receive funds.</p>
<p>Incorporate data elements from all facets</p>	<p>Montana uses currently available data in our planning</p>

Recommendation	State Response
<p>of the impaired driving system (i.e., conviction rates, recidivism rates, outreach measures, etc.) into planning, problem identification and the project selection processes.</p>	<p>process, including problem identification and project selection:</p> <ul style="list-style-type: none"> • Charges entered into the court system (FullCourt data) • DUI conviction data reported to the Motor Vehicle Division • Assessment/Course/Treatment data from the Department of Public Health & Human Services – Chemical Dependency Bureau • Crash data from the Montana Highway Patrol, local law enforcement, and the tribes • FARS data • Treatment court data (Office of the Court Administrator) <p>CHSP Emphasis Area 2 is working on a new strategy to “Enhance DUI data collection and analysis” (see AL-2).</p>
<p>Develop tribal safety plans that include a strong component and specific actions to reduce impaired driving in the Native American communities.</p>	<p>Tribal Safety Plans have been developed on all Montana reservations with the exception of Rocky Boy through a combined effort between MDT, FHWA and Tribal Planners</p> <p>MDT currently provides technical assistance to the tribes to maintain tribal safety plans and is assisting with development on Rocky Boy. MDT is assisting the tribes in applying for additional funds to further develop and implement their safety plans.</p>
<p>Coordinate highway safety planning with health and human services planning to create consistent and compatible goals and high-level priorities for the State.</p>	<p>MDT has strong working relationships with the DPHHS Injury Prevention program, EMS program, Prevention Resource Center, and Chemical Dependency Bureau. MDT also has representation on the Governor’s Interagency Coordinating Council which, in recent years, has been tasked to work on substance abuse related issues.</p> <p>The Montana Department of Public Health and Human Services convened partners from around the state who share an interest in improving the health of Montanans to develop a State Health Improvement Plan. The plan, entitled “<i>Big Sky. New Horizons. A Healthier Montana.</i>” was launched in the summer of 2013. It outlines key strategies to improve the health of Montanans to the highest possible level, including several strategies relating to traffic safety. The plan recognizes that change cannot be accomplished</p>

Recommendation	State Response
	<p>through a single plan of action or by an individual organization; achievement will require a high-functioning public health system comprised of active public, private, non-profit and other community partners.</p> <p>More information on the plan is available online at www.dphhs.mt.gov/ship.</p>

C. Program Management

Recommendation	State Response
Involve the Governor and/or the Governor's Highway Safety Representative in high-profile activities and leadership events in support of the impaired driving program	MDT's Director is the Governor's Representative and currently participates in high-profile activities. He will invite the Governor to attend high-profile activities in support of the impaired driving reduction program, such as media events.
Plan and implement an electronic grants system to provide more efficient and effective submission of proposals and grant reporting and monitoring	MDT is in the process of exploring this option.
Enhance the traffic safety project solicitation, review, and selection process by implementing the following activities (priority recommendation):	
Expand the outreach of project proposal solicitation for traffic safety grant-funded projects, including among the Montana tribes	<p>The current solicitation is widespread to all partners and a large cross-section of participants at the CHSP annual meeting. It is also posted on the web at www.mdt.mt.gov/safety/grants.shtml, and in the department's newsletter, <i>Newsline</i>. See the most recent solicitation in www.mdt.mt.gov/publications/docs/newsletters/newsline/2012/newdec12.pdf.</p> <p>The SOAR coordinator personally reaches out to each tribal government to make sure that they are aware of the solicitation. The SOAR coordinator provides technical assistance on completing the application.</p> <p>SHTSS receives more applications than it can fund each year.</p>
Implement methodology to establish priorities for and determine selection of projects	MDT will be working to improve the methodology for selection of projects. Improvement includes scoring based on performance measures and past performance. Projects selected will be based on data-driven practices. MDT staff will be reviewing other state methodologies for

	best practices.
Incorporate evidence-based strategies, data-based needs, identified high-risk locales, “Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Offices,” and “Uniform Guideline for State Highway Safety Programs, Highway Safety Program Guideline No. 8, Impaired Driving” as bases for priorities	This already exists and will continue.
Communicate the process and project selection criteria to existing and potential program participants	<p>This already exists and will continue.</p> <p>The current solicitation is widespread to all partners and a large cross-section of participants at the CHSP annual meeting. It is also posted on the web at www.mdt.mt.gov/safety/grants.shtml, and in the department’s newsletter, <i>Newsline</i>. See the most recent solicitation in www.mdt.mt.gov/publications/docs/newsletters/newsline/2012/newdec12.pdf.</p> <p>It will be communicated at the 2013 Annual Meeting in October that proposals must link to strategies within the CHSP in order to receive NHTSA funding.</p> <p>MDT staff will be meeting with current and potential grantees to provide information and technical assistance on selection criteria.</p>
Implement multi-year grants, where feasible, to create efficiencies in program management	The SHTSS is in the process of exploring this option within the constraints of an annual funding process by NHTSA along with the constraints of short term Surface Transportation legislation and overall funding uncertainty at the national level.
Ensure performance measures are incorporated into the entire traffic safety grants process from beginning to end -- identifying expected performance measures, determining the value of these measures in project selection, and using these measures to compare actual versus planned performance to analyze and report on project results	<p>This already exists and will continue.</p> <p>CHSP performance measures are echoed in the HSP and individual contracts for traffic safety projects.</p>
Require performance reports to support all reimbursement requests	While this was not a common practice, due to timing issues some projects were reimbursed with the proper fiscal documentation but no performance report. As of FY14 no reimbursements will be made without performance reports.

<p>Develop and implement routine training for program and project managers to enhance the skills in problem identification, project development, and program management</p>	<p>SHTSS Staff attend available TSI and other relevant training as needed, and as budget allows.</p> <p>The <i>Subgrantee Contract Management Manual</i> for project directors and staff is available online at www.mdt.mt.gov/publications/docs/grants/subgrantee_manual.pdf. This document provides guidance for potential and existing subgrantees. It is currently in the process of being updated with MAP-21 information. Now that SHTSS is fully staffed, this will be supplemented with regular site visits to offer on-site review and technical assistance.</p> <p>MDT will explore the feasibility of offering routine training for subgrantees.</p>
<p>Require all highway safety subgrantees to have an agency seat belt policy as a condition for receiving grant funds</p>	<p>Language requiring an agency seat belt policy will be included in all SHTSS FFY 2014 contracts.</p>

D. Resources

Recommendation	State Response
<p>Determine the availability of and gaps in resources for impaired driving efforts including the identification of funding streams and the sources, amounts, and potential uses of resources and funding streams</p>	<p>Montana has the following funds available to support impaired driving reduction:</p> <ul style="list-style-type: none"> • NHTSA monies for traffic safety projects, including prevention, education, data, law enforcement, prosecution, adjudication, and related projects • BJA monies for the enforcement of underage drinking projects (EUDL) • Federal block grant dollars for prevention and treatment of substance use disorders (SAPT) • SAMHSA funds for State Prevention Enhancement (SPE grant) • State, BJA, SAMHSA, NHTSA funds in support of treatment courts, including drug courts, DUI courts, and hybrid drug/DUI courts • USDOT funds for enforcement of commercial motor vehicle laws by MDT-Motor Carrier Services • Driver License Reinstatement fees from convicted traffic offenders used to support county-level DUI Task Forces • US military funds to support the National Guard

	<p>Counterdrug Civilian Operations program</p> <ul style="list-style-type: none"> • State funds to support the DOR Liquor Education program • A portion of the alcohol excise taxes collected in the state is distributed to state-approved chemical dependency treatment programs based on statutory formula • State funds to support driver education • State funds to support the Prevention Resource Center • State and local funds to support the Montana Highway Patrol and county sheriff's and city police departments • State funds to support the DOJ, including the Crime Lab • State funds to support the <i>Warm Springs Addiction and Change</i> (WATCH) rehabilitation program for felony DUI offenders
<p>Develop a resource directory of available resources and make this readily available to all impaired driving partners</p>	<p>This is currently available at http://www.mdt.mt.gov/safety/grants.shtml</p>
<p>Increase coordination among all resource providers, especially those providing specific and dedicated highway safety funding such as the Bureau of Indian Affairs</p>	<p>An essential component of the CHSP process is networking and coordination between stakeholders through the emphasis area teams and the annual meeting. In addition to the CHSP, SHTSS has a dedicated Cultural Liaison to promote coordination between the state and the tribes related to traffic safety.</p>
<p>Gain participation and resource assistance from the major employers in the State</p>	<p>WorkSafeMT puts on safety conferences around the state, and are invited to participate in the CHSP annual meeting. County level DUI Task Forces and DUI courts may partner with employers and other private entities to support their impaired driving reduction efforts.</p>
<p>Develop and implement a plan to generate and utilize additional resources from private and public sources, including federal transfer funds from Section 164</p>	<p>Current MDT policy is to use Section 164 penalty transfer funds to enhance the physical safety of Montana's road infrastructure.</p>
<p>Develop guidelines for the generation and use of program income for federal highway safety projects in the State</p>	<p>MDT will develop an operational policy that defines how the agency and subgrantees will manage program income related to NHTSA-funded projects.</p>

Prevention

A. Liquor Law

Recommendation	State Response
Establish liquor law enforcement capability in the Department of Revenue, Liquor Control Division	The Department of Revenue currently has this capability through an MOU with the Department of Justice.
Enact enhanced dram shop legislation	Montana will explore the feasibility of implementing this recommendation.
Enact statewide social host legislation	<p>Some Montana cities have enacted social host ordinances. Social host legislation was unsuccessfully introduced during the 2009 legislative session (http://leg.mt.gov/bills/2011/billhtml/HB0020.htm). Montana’s 2011 Legislature passed HB 497 to prohibiting municipalities from including provisions in municipal social host ordinances (see www.leg.mt.gov/bills/2013/billhtml/HB0497.htm).</p> <p>Counties may not enact social host ordinances unless authorized by the Montana legislature.</p>
Conduct an outcome evaluation of the server training program to determine impact on sales to underage patrons and over-service to patrons of any age	The Department of Revenue is currently collecting data to have a baseline for review.
Increase the state excise tax on alcoholic beverages by ten cents per drink and dedicate a portion of revenues to alcohol abuse and impaired driving prevention and intervention programs (priority recommendation)	Montana State Representatives and Senators have shown a reluctance to pass any legislation that increases taxes in Montana.

B. Community-Based Programs

Recommendation	State Response
Include current, Montana-specific impaired driving and underage drinking information in the school health standards.	Montana will explore the feasibility of implementing this recommendation.
Implement evidence-based alcohol and substance abuse prevention strategies in schools.	Montana will explore the feasibility of implementing this recommendation.

Implement family/parent oriented evidence-based prevention strategies in schools and communities.	Montana will explore the feasibility of implementing this recommendation.
Establish a consortium of college alcohol and substance abuse and impaired driving prevention programs.	A sub-committee of the CHSP Team 2 has been formed and will be working on these issues at the college level. (See strategy AL-6: “Reduce underage impaired driving crashes”)

B-2. Employers

Recommendation	State Response
Provide timely, accurate, and local impaired driving information for use in Drug Free Workplace programs and employee assistance programs.	The CHSP Team 2 recognizes the need to provide education on the impairing effects of prescription drugs and marijuana (see strategy AL-5: “Reduce impaired driving crashes related to marijuana and prescription drugs”). Once educational materials are available, they will be widely disseminated.

B-3. Community Coalitions and Traffic Safety Programs

Recommendation	State Response
Ensure that highway safety and health professionals collaborate in all local, regional and state traffic safety, substance abuse, underage drinking and health and wellness task forces	Collaboration occurs at the state level and is encouraged at the local level. MDT traffic safety subgrantees and DUI Task Forces are encouraged to involve health and safety professionals in their projects.
Determine the availability of and gaps in resources for impaired driving efforts including the identification of funding streams and the sources, amounts, and potential uses of resources and funding streams	<p>Montana has the following funds available to support impaired driving reduction:</p> <ul style="list-style-type: none"> • NHTSA monies for traffic safety projects, including prevention, education, data, law enforcement, prosecution, adjudication, and related projects • BJA monies for the enforcement of underage drinking projects (EUDL) • Federal block grant dollars for prevention and treatment of substance use disorders (SAPT) • SAMHSA funds for State Prevention Enhancement (SPE grant) • State, BJA, SAMHSA, NHTSA funds in support of treatment courts, including drug courts, DUI courts, and hybrid drug/DUI courts • USDOT funds for enforcement of commercial motor

	<p>vehicle laws by MDT-Motor Carrier Services</p> <ul style="list-style-type: none"> • Driver License Reinstatement fees from convicted traffic offenders used to support county-level DUI Task Forces • US military funds to support the National Guard Counterdrug Civilian Operations program • State funds to support the DOR Liquor Education program • A portion of the alcohol excise taxes collected in the state is distributed to state-approved chemical dependency treatment programs based on statutory formula • State funds to support driver education • State funds to support the Prevention Resource Center • State and local funds to support the Montana Highway Patrol and county sheriff's and city police departments • State funds to support the DOJ, including the Crime Lab • State funds to support the <i>Warm Springs Addiction and Change</i> (WATCh) rehabilitation program for felony DUI offenders
Develop a resource directory of available resources and make this readily available to all impaired driving partners	This is currently available at http://www.mdt.mt.gov/safety/grants.shtml
Provide technical assistance to community coalitions in maximizing utilization of the strategic plan and resources of the Interagency Coordinating Council (ICC) for State Prevention Programs	MDT has representation on the ICC and will collaborate with stakeholders as requested.

B-4. Transportation Alternatives

Recommendation	State Response
Ensure that all designated driver programs stress “no use” of alcohol messages for the designated driver	Information will be disseminated to all stakeholders, including county DUI Task Forces and the CHSP emphasis area team, through the DUI Task Force newsletter and CHSP annual meeting. Press releases include information about picking a driver that agrees to “no use” before the evening starts.
Ensure alternative transportation programs do not encourage or enable	The state’s RASS training emphasizes to servers/sellers of alcohol that having a safe ride home does not override

<p>excessive drinking</p>	<p>state law that makes it illegal to sell/serve to obviously intoxicated persons.</p> <p>The CHSP Team is currently working on activities to reduce illegal sales to intoxicated persons (see strategy AL-3: “Reduce over-service of alcohol to apparently or obviously intoxicated persons”).</p>
<p>Ensure that both designated driver and safe ride programs prohibit consumption of alcohol by underage individuals or unintentionally promote over-consumption (<i>priority recommendation</i>)</p>	<p>The state’s RASS training emphasizes to servers/sellers of alcohol that having a safe ride home does not excuse over-service of alcohol.</p> <p>The Team is currently working on activities to reduce illegal sales to intoxicated persons (see strategy AL-3: “Reduce over-service of alcohol to apparently or obviously intoxicated persons”).</p>

Criminal Justice System

A. General recommendations

Recommendation	State Response
<p>Enact a primary seat belt law for Montana (<i>priority recommendation</i>)</p>	<p><i>Strategies for increasing occupant protection falls under the purview of CHSP Team 1.</i></p> <p>Several attempts have been made during the past decade to enact a primary belt law in Montana:</p> <ul style="list-style-type: none"> • 2003 Session – SB 116 died in the Senate Judiciary Committee • 2005 Session – SB 43 passed the Senate, lost by 9 votes in the House • 2007 Session – SB 300 passed the Senate, lost by 6 votes in the House • 2009 Session – SB 237 failed in the Senate by a vote of 25 to 25 • 2011 Session – SB 82 died in the Senate Highways & Transportation Committee • 2013 Session – SB 186 died in the Senate Judiciary Committee
<p>Convene a legislative study committee for the drivers' license statutes</p>	<p>Legislative study committees are called for by the legislative membership.</p>
<p>Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs (<i>priority recommendation</i>)</p>	<p>DUI checkpoints are considered unconstitutional in the state of Montana; however, the law provides law enforcement with the ability to conduct Safety Spot Checks:</p> <p>A Safety Spot Check conducted in accordance with § 46-5-502, Montana Code Annotated allows law enforcement agencies to establish a road block with the purpose of either apprehending a fugitive or checking for driver's licenses, vehicle registration, and proof of insurance. If other violations are noticed, drivers can be cited, depending on the severity of the violation. Safety Spot Checks thus provide law enforcement the opportunity to detect and arrest those driving impaired.</p> <p>DUI checkpoints may be conducted on reservation land by tribal and federal law enforcement entities.</p>
<p>Authorize law enforcement to collect blood sample by search warrant in any chemical test refusal situation, consistent</p>	<p>Montana's 2011 Legislature passed SB 42 which allows a law enforcement officer to seek a search warrant in many, but not all, DUI cases (§ 61-8-402, MCA).</p>

with other provisions of criminal jurisprudence which allows body fluids to be collected as evidence of a crime	It is a strategy of CHSP Team 2 to seek “Stronger Penalties for Blood Alcohol Content (BAC) Test Refusal including Consistency between Jurisdictions and States” (see strategy AL-1).
Enact a statute authorizing a statewide taskforce to reduce impaired driving	A statute is not necessary as Montana’s Impaired Driving Task Force currently takes the form of Emphasis Area Team #2 <i>Alcohol- and Drug-Impaired Driving Crashes</i> within Montana’s Comprehensive Highway Safety Plan (CHSP). The CHSP is recognized as the establishing document for the Task Force
Enact Ignition Interlock and other legislation that complies with Section 164 (priority recommendation)	<p>Montana has an ignition interlock law that works for Montana however has been determined by NHTSA’s Office of the Chief Counsel to be out of compliance with Section 164 requirements for repeat DUI offenders. During the 2013 Legislative Session, SB 367 to revise Montana’s ignition interlock laws died in the Senate Judiciary committee.</p> <p><i>Existing law allows for ignition interlock to be used in DUI sentencing (§ 61-8-442, MCA).</i></p>

B. Enforcement

Recommendation	State Response
Enact legislation for a primary seat belt law	<p><i>Strategies for increasing occupant protection falls under the purview of CHSP Team 1.</i></p> <p>Several attempts have been made during the past decade to enact a primary belt law in Montana:</p> <ul style="list-style-type: none"> • 2003 Session – SB 116 died in the Senate Judiciary Committee • 2005 Session – SB 43 passed the Senate, lost by 9 votes in the House • 2007 Session – SB 300 passed the Senate, lost by 6 votes in the House • 2009 Session – SB 237 failed in the Senate by a vote of 25 to 25 • 2011 Session – SB 82 died in the Senate Highways & Transportation Committee • 2013 Session – SB 186 died in the Senate Judiciary Committee <p>The Governor’s Representative for Highway Traffic Safety intends to pursue a primary seat belt law in the 2015 session.</p>

<p>Enact legislation to allow for sobriety checkpoints to be utilized where the crash data shows alcohol and drug impaired driving violations are appearing</p>	<p>DUI checkpoints are considered unconstitutional in the state of Montana; however, the law provides law enforcement with the ability to conduct Safety Spot Checks. DUI checkpoints may be conducted on reservation land by tribal and federal law enforcement entities.</p> <p>A Safety Spot Check conducted in accordance with § 46-5-502, Montana Code Annotated allows law enforcement agencies to establish a road block with the purpose of either apprehending a fugitive or checking for driver's licenses, vehicle registration, and proof of insurance. If other violations are noticed, drivers can be cited, depending on the severity of the violation. Safety Spot Checks thus provide law enforcement the opportunity to detect and arrest those driving impaired.</p>
<p>Ensure that High Visibility Enforcement operations, including National Mobilizations are conducted based upon crash and causation data and focus on areas of highest risk</p>	<p>MDT is in the process of setting up a regional Law Enforcement Liaison network that will provide leadership to HVE operations conducted as part of the Selective Traffic Enforcement Program. MHP's Safety Enforcement Traffic Team conducts HVE based on high risk areas and events.</p>
<p>Enact policies and procedure to ensure coordination between state and local law enforcement and other allied agencies such as Federal Park Service, State Conservation, BIA and tribal law enforcement</p>	<p>Once established, the Law Enforcement Liaison network will work towards increased coordination, with formal policies and procedures, between law enforcement entities and allied agencies.</p> <p>Cross-jurisdictional agreements exist between law enforcement agencies on two reservations (CKST and Fort Peck) and MDT will continue to advocate for the same on the other reservations.</p> <p>The Montana Highway Patrol currently has interlocal agreements with federal law enforcement agencies and roughly half of the reservation law enforcement agencies. They have ongoing negotiations trying to establish interlocal agreements with the remainder.</p>
<p>Enact Memoranda of Understandings (MOU's) with tribal governments <i>(priority recommendation)</i></p>	<p>Montana currently has MOUs with 6 of 7 tribal councils for the SOAR program, and 5 of 7 for the STEP program. MDT has a Cultural Liaison dedicated to continuing to work towards MOUs with the remaining tribal governments.</p>
<p>Conduct annual DRE Schools</p>	<p>Staff resources allow for DRE schools to be conducted every two years (two weeks in Montana, one week in Phoenix, AZ). With the assistance of the newly appointed TSRO-2 for FFY 2014, we hope to increase the frequency</p>

	of training.
Increase resources for forensic toxicology staff at the Crime Lab (<i>priority recommendation</i>)	The Crime Lab toxicology section needs funding for additional instrumentation, space, and staff which should be paid for through state resources. Subject to approval by Montana’s 2015 legislature.
Ensure SFST Refresher Training is conducted for all Montana law enforcement officers per the National SFST Standards.	We are currently working to establish standards to require all Montana law enforcement officers to remain current in the new SFST training through a recertification/refresher process. Records management and the push to adopt accepted standards will be one of the primary responsibilities for the newly approved TSRO-2.

C. Prosecution

Recommendation	State Response
Write a strategic plan and deliver state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs. This plan should have learning objectives and use state of the art adult education practices	MHP has been asked to submit a plan for the use of two Traffic Safety Resource Officers within the Montana Highway Patrol to provide SFST, ARIDE, and DRE training across the state, using NHTSA-approved curricula, in accordance with existing strategies contained in Montana’s CHSP.
Encourage (support the necessary committee work) the Montana County Attorneys Association and the city or municipal attorneys to establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record	Montana law does not allow deferral of DUI prosecution nor deferral of sentencing in DUI cases. Montana’s Traffic Safety Resource Prosecutor is putting together a curriculum on plea agreements and will be providing training statewide beginning FFY 2014. Phase 1 will include recommendations for policy and procedures. Phase 2 will address negotiation tactics (how to negotiate plea agreements). Phase 3 will crafting individual sentencing recommendations.

D. Adjudication

Recommendation	State Response
Develop and implement a strategic plan for the delivery of the judicial education that will include technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders	Montana entered into a contract with a state Judicial Outreach Liaison effective Jun 28, 2012 through March 17, 2015. MDT will work with the JOL to develop and implement a strategic plan.

Make a specific outreach to the Montana Supreme Court to inform them of the educational efforts underway	Montana’s JOL maintains communication with the Office of Court Administrator’s State Judicial Educator.
Develop a Tribal-State Judicial Forum to bridge communication and training efforts between state and tribal courts (<i>priority recommendation</i>)	Montana will explore the feasibility of implementing this recommendation.

E. Administrative Sanctions and Driver Licensing Programs

Recommendation	State Response
Enact legislation that precludes dismissal of administrative sanctions for breath or blood test refusal pursuant to implied consent by failure to hear the cases in District Court	Montana will explore the feasibility of implementing this recommendation as relevant staff workloads allow.
Study the feasibility of increasing the Ignition Interlock mandate to all drivers convicted of Aggravated DUI and all repeat offenders	Montana will explore the feasibility of implementing this recommendation as relevant staff workloads allow. Montana is currently invested in the 24-7 sobriety program for repeat DUI offenders.
Study the feasibility of providing for Ignition Interlock for persons who are judged indigent	Montana will explore the feasibility of implementing this recommendation as relevant staff workloads allow. Montana is currently invested in the 24-7 sobriety program for repeat DUI offenders.
Work with tribal authorities to include license revocations taken by tribal courts on the State driver history file in order to ensure that driving privileges are not inappropriately authorized by the State	The State will continue to work towards this goal. However, the ultimate decision rests with Montana’s sovereign nations.

E-2. Programs

Recommendation	State Response
Proactively enforce Graduated Driver Licensing restrictions through regular reminders of the provisions of the GDL law and publicize that enforcement to discourage violations	Parent meetings with GDL information are required for traffic education classes and parents primarily enforce GDL restrictions on passengers and night driving. The Montana Law Enforcement Academy incorporates GDL information in their training for 150 law enforcement officers annually.
Study the rate of crash involvement by restricted driver license holders who are less than 16 years old to determine if increasing the minimum age for licensure is advisable	Montana is a rural state and we have found a decrease in young driver crashes after GDL implementation in 2006.

Communication Program

Recommendation	State Response
Continue culturally sensitive media messaging in collaboration with the Montana tribes and tribal community colleges	MDT will continue with the <i>Safe On All Roads</i> (SOAR) program in FFY 2014.
Continue to support high visibility enforcement with a variety of media, featuring law enforcement officers, and emphasizing swift and sure enforcement and punishment	MDT will continue to publicize HVE with a variety of media in FFY 2014. Earned media will feature law enforcement officers.
Expand the evaluation of communication media and messages to determine reaction to specific messages and help to identify the most effective marketing strategies	Media contractors will be required to obtain feedback from the target audience and report to SHTSS. This information will be used to inform future media messaging and placement decisions.
Create a coherent and focused impaired driving message for all partners to implement in their communication activities (<i>priority recommendation</i>)	MDT will provide a consistent message and materials for use by the county DUI Task Forces. MDT will work on improving communication and timely delivery of information.
Increase private participation in the impaired driving communication program to create a strong impression of widespread support of impaired driving efforts and to obtain additional resources, such as donations of space and promotional materials	DUI Task Forces represent a cross-section of the community, often including citizen volunteers, and media and business representatives. Many DUI Task Forces seek and obtain private participation in their programs.

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

Recommendation	State Response
<p>Revise and adapt screening procedures, instruments and criteria for Native Americans and other cultures in Montana</p>	<p>Of the seven Indian Reservations within the state, three currently have state-approved chemical dependency programs: Fort Belknap, Rocky Boy’s, and Blackfeet. The remaining reservations provide chemical dependency programs through the Indian Health Services.</p> <p>For Native Americans residing within an urban setting in Montana, Billings, Butte, Helena, Great Falls, and Missoula each have Native American specific chemical dependency and mental health services.</p> <p>If requested, the Chemical Dependency Bureau within DPHHS/Addictive and Mental Disorders Division provides technical assistance to the Tribes to develop state-approved chemical dependency programs.</p> <p>At this time, the state does not plan to take additional action to revise/adapt screening procedures, instruments, or criteria.</p>

A-2. Medical and Other Settings

Recommendation	State Response
<p>Implement Screening Brief Intervention Referral and Treatment in all hospital emergency rooms in Montana</p>	<p>SBIRT is established in two Montana hospitals. It will continue to be encouraged in other hospitals.</p>
<p>Establish a Screening Brief Intervention Referral and Treatment “sounding board” group consisting of healthcare practitioners and administrators to identify and resolve issues and barriers related to implementation of Screening, Brief Intervention Referral and Treatment (SBIRT)</p>	<p>Montana currently lacks the resources to implement this recommendation.</p>
<p>Implement Screening Brief Intervention Referral and Treatment (SBIRT) in non-hospital settings such as family practices, college and high school campuses and jails throughout Montana</p>	<p>For those who wish to implement SBIRT, resources are available online at http://www.dphhs.mt.gov/ems/prevention/sbirt.shtml.</p> <p>Montana currently lacks the resources to implement this recommendation.</p>

B. Treatment and Rehabilitation

Recommendation	State Response
Implement a DUI tracking system including information from arrest to completion of treatment	This is currently a strategy being worked on within the CHSP Emphasis Area (see AL-2 “Enhance DUI data collection and analysis”).
Implement closed loop reporting of offender compliance or failure in the ACT program	<p>The Chemical Dependency Bureau within DPHHS/Addictive and Mental Disorders Division relies on state-approved chemical dependency programs, as part of their contracts, to input all client data into the Substance Abuse Management System (SAMS). This includes DUI clients who have been court-ordered to a state-approved A-C-T provider to receive a chemical dependency assessment, attend the 12 hour <i>Prime for Life</i>® course, and, depending on the assessment and number of DUIs, receive treatment. Upon completion of the A-C-T phases, a DUI client’s information is entered into SAMS.</p> <p>The challenge with accurate data is the assumption that the A-C-T provider is working closely with the court system and that DUI clients follow the court order to enroll in A-C-T within 30 days of conviction and complete the A-C-T phases as ordered.</p> <p>In addition to contract language regarding reporting requirements, DPHHS reinforces the importance of timely and accurate data entry into SAMS using monthly SAMS newsletters and quarterly SAMS trainings.</p>
Establish a position to coordinate, oversee, and evaluate the 24/7 sobriety program	MHP would like to establish a 24-7 coordinator position but lacks resources to do so.
Collect a 24/7 testing surcharge to support the administrative functions associated with the program	This recommendation will be shared with the responsible agency.

Program Evaluation and Data

Evaluation

Recommendation	State Response
Ensure project evaluation plans as proposed adequately provide the information needed to determine the level of success of the project	Project evaluation is a required element in the SHTSS funding application. SHTSS staff will include process project evaluation in each subgrantee contract, and outcome evaluation as appropriate.
Conduct after-project analysis to determine whether the project evaluation as proposed was completed and whether the project evaluation indicated that the project completed its activities and met its objectives as planned	Contract monitoring at year-end will include a process evaluation and outcome evaluation as appropriate.
Document in the “Annual Report” the accomplishments, benefits and results of all projects	This exists and will continue.

Data and Records

Recommendation	State Response
Form a subcommittee of the Traffic Records Coordinating Committee to address standardization of impaired driving data, potentials for integration of data systems, and data sharing	<p>The SHTSS data analyst is a member of CHSP Team 2, and will be assisting the Team in working on CHSP strategy AL-2 to “Enhance DUI data collection and analysis.</p> <p>With the implementation of the new SIMS project the TRCC will be standardizing and integrating data at a great capacity.</p>
Develop a DUI tracking system in order to facilitate the evaluation of various programs, enforcement, and treatment used in impaired driving intervention (priority recommendation)	<p><i>Concur.</i></p> <p>This is already in the CHSP as strategy AL-2 “Enhance DUI data collection and analysis”</p>
Develop a traffic records inventory that would provide information about the various data available about impaired drivers	The new SIMS project will enhance Montana’s ability to track data; this will be the first step in a more comprehensive data system.

Driver Records Systems

Recommendation	<i>State Response</i>
Find a no-cost solution to providing small courts with driver history records (<i>priority recommendation</i>)	Small courts will be encouraged to approach DUI Task Forces for these funds. If this is not feasible, MDT will look into a one-time only payment to provide access to driver history records.
Work with the Tribal Nations to increase the amount of sharing of tribal court sanctions for inclusion on the driver history file	The State will continue to work towards this goal. However, the ultimate decision rests with Montana's sovereign nations.