

Impaired Driving Crashes
CHSP Emphasis Area Meeting Agenda
MDT Planning Division, Conference Room A
2960 Prospect Avenue Helena, MT 59601
August 1, 2018, 10:00a.m. -12:00 p.m.



VISION ZERO
zero deaths · zero serious injuries
MONTANA DEPARTMENT
OF TRANSPORTATION

Attendees:

Chair, Kevin Dusko, Transportation Planner-SHTSS (MDT)
Sgt. Greg Amundsen, Traffic, Missoula Police Department
Capt. Art Collins, (MDT)
Sheila Cozzie, Cultural Liaison (MDT)
Thomas Danenhower, MMIA
Lonie Hutchison, Missoula/Granite Co DUI Task Force
Mark Keeffe, Data Analyst (MDT)
Felisha Koch, Non-Commercial Supervisor, (MVD-DOJ)
Pam Langve-Davis, Comprehensive Highway Safety Plan Program Manager (MDT)
Gary Macdonald, Roosevelt Co Commissioner/ DUI Task Force
Chad Newman, LE Liaison (MDT)
Sgt. Kurt Sager, Drug Recognition expert (MHP)
Michele Snowberger, Records & Driver Control (MVD-DOJ)
Via conference phone:
Gina Berretta, Region Program Manager (NHTSA)
Becky Sturdevant, Zero DUI Deaths
Elizabeth Smalley, Toxicologist- State Crime Lab (DOJ)

Fatalities to date, as of July 30 there have been 92 fatalities compared to 105 in 2016.

Approval of Minutes as written was by consensus of meeting attendees.

Strategy Updates

Strategy 1- Reduce impaired driving through improved processes and regulations.

Data Work Group continues to work on linking the DUI citation data only of both the MHP and the Board of Crime Control’s Montana Incident-Based Reporting System (MTIBRS). The two systems are not compatible and are gathered and compiled by MDT Data Analyst. The Montana DUI Citation Summary can be found at <https://www.mdt.mt.gov/publications/datastats/crashdata.shtml>

- A follow-up for future meeting report out- A question regarding the process of how a license is suspended following a refusal to test. If the suspect requests a “stay” what are the administrative sanctions process steps, including retention of video recordings followed to ensure the sanctions are conducted in a timely manner and the suspect is not driving before heading to court. Discussion to be reviewed by and include DOJ-MVD, MHP and Missoula Police Department.

Strategy 2-Reduce impaired driving through enforcement.

Becky Sturdevant continues to bring awareness and education regarding DUI deaths. Becky said information can be found on Zero DUI Deaths website <http://www.zeroduideaths.org/> and Facebook <https://www.facebook.com/ZERODUIDeaths>

DUI Law Survey Report from Cascade County DUITF - Lonie Hutchison shared the information of the DUI Law Survey Report from Cascade County DUITF subcommittee that was shared with the Interim Committee. The report can be found on the Zero DUI Deaths site at <http://www.zeroduideaths.org/wp-content/uploads/2018/07/FinalDraftDUISurveyAnalysis-2017.pdf> This survey of law enforcement, courts, and judges resulted in five primary recommendations many that align with the *NHTSA Countermeasures That Work*¹;

- **Make a third DUI offense a felony.** This will result in stiffer penalties and the ability for offenders to access the highly effective residential addiction treatment WATCH program offered by Department of Corrections.
- **Require either close monitoring or ignition interlocks for first-time DUI offenders,** give judges the discretion of which to require based on availability, costs, and needs of the offender and society. Costs shall be paid for by the offender, except where the indigent may need local or state government assistance to accomplish the required monitoring or use of interlock devices.
- **Require the use of well-publicized Sobriety Checkpoints by law enforcement and provide additional funding to encourage their regular use for maximum effectiveness.**
- **Require the state to electronically collect annual DUI case statistics by court and judge,** including the number of DUI cases heard, the number of DUI cases dismissed, the number of DUI cases pled to lesser offenses, the number of DUI cases resulting in DUI convictions, and any other statistics that help the state assess the effectiveness of these courts in dealing with DUI cases.
- **Allow law enforcement to request an electronic warrant to determine the breath alcohol content of a first-time DUI suspect refusing to take the breathalyzer test.**

Law Enforcement Activities/Labor Day mobilization- Chad Newman shared preliminary DUI numbers of STEP/ SETT patrols. Reported to data is 5,500 stops resulting in 106 DUIs &/or DUIDs, compared to 4,200 stops and 126 DUIs/DUIDs last year at this time. Chad reiterated these are only the preliminary numbers. Upcoming special patrols include: Rocking the River, county & state fairs, and Labor Day mobilization.

- Chad will provide final report numbers when available.

2017 Forensic Science Division Annual Report was presented by Elizabeth Smalley, Toxicologist with the State Crime Lab. The drop in DUID cases seen beginning in 2013 was due to a policy implementation that blood was tested only for alcohol if it was at a .10, no further testing was done unless requested. The top three intoxicants are alcohol, marijuana, and meth. In the past three years there have been an increase in cases and an increase in THC concentration levels. In 2017 there were 222 DRE cases. Drug Recognition Experts (DREs) provide strong court cases. Consistent annual training is a key to reducing impaired driving and crashes. The 2017 Crime Laboratory Annual Report can be found at <https://dojmt.gov/crime/>

Sgt. Kurt Sager stated that DUI laws are being reviewed. More information will be shared as it becomes available.

¹ NHTSA, Countermeasures That Work, <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/812202-countermeasuresthatwork&th.pdf>

Strategy 3- Reduce impaired road users through prevention education.

MDT and DPHHS's Medical Marijuana Program are coordinating on an impaired driving education card to be provided to distributors to pass on to card holders. Distribution is intended for all providers. A timeline for this effort to be completed is by the beginning of the 2019 session. More information on the program can be found at <https://dphhs.mt.gov/marijuana>. Two items noted is that the program includes medical marijuana dosage packing that does include an impaired driving warning. The Fort Peck Tribal Council says tribal members are not allowed to possess marijuana on the reservation, even if they have a state-issued medical marijuana card.

- A question for follow-up- Is there any regulations that prohibit an establishment within a certain proximity to a school or church?

FCCLA Update

Family, Career and Community Leaders of America (FCCLA) is a national Career and Technical Student Organization that provides personal growth, leadership development, and career preparation opportunities for students in Family and Consumer Sciences education. FCCLA and MDT are partnering together by awarding grants to chapters who plan to develop and distribute traffic safety projects that inform their peers and community make informed, responsible decisions. In 2017 and again in 2018, MDT's Teen Peer-to-Peer safe driving program received grant funding from Ford's *Driving Skills for Life* to promote traffic safety. This funding in addition to NHTSA funds is used to fund successful teen peer-to-peer campaign applicants. In 2017-18, there were 16 total Montana chapters funded through a combination of grant funds. The MDT program recently received a National Road Safety Foundation grant to fund teen driver drowsy driving awareness campaigns. The statewide FCCLA Leadership Rally will be in Bozeman, September 30-October 1. More information can be found at <https://mtfcla.org/>

Strategy 4 -Continue to support and build collaborative partnerships to reduced impaired driving.

A Drug Court Conference is planned for October by the Office of the Court Administrator. Drug Treatment Courts. Drug courts are specialized court docket programs that target criminal defendants and offenders, juvenile offenders, and parents with pending child welfare cases who have alcohol and other drug dependency problems.

There will be concepts of DUI Courts with the agenda. An illustration is a key note presentation called "Drive high, get a DUI: Addressing the growing threat of Drug Impaired Driving". This year's conference is targeted to Drug Court Judges and court coordinators.

Discussion of a Traffic Safety Resource Prosecutor is being revisited. It is hopeful that MDOJ, Prosecution Services Bureau will be able to house a TSRP. More information will be shared as it becomes available.

Announcements-

- Curt Weiler reported that **DPHHS will be hosting Prime for Life 420 conference- September 10-13.**
- Pam Langve-Davis reported the **Annual Transportation Safety Meeting - October 10-11**, in Helena at the Great Northern Hotel.
- **Impaired Driving Assessment** - December 3 – 7
- **Prosecutors Boot Camp** is planned for the January 2018. The boot camp will be a firsthand training experience for the prosecution of DUIs. More details will be provided as they become available.