

SOUND JUDGMENT

Hello Judges

By Judge Rod Ring, (Ret.)
OBA/OHSO Judicial Outreach Liaison

ADJUST!

That seem to be the most fitting word for 2020. How many times this year have we had to adjust to changing circumstances in our Courthouses and in our lives? I know you are doing all you can to keep the public and your courthouse employees safe, but the constant adjustments needed as we learn more about COVID-19 make that difficult. Some of you have moved many court services online and have varying degrees of success with that. We have learned a lot about court responsibilities, what can be safely done in person and how online services can be provided. Good luck in those efforts and do the best you can to stay safe.

The OBA has had to ADJUST the Annual Meeting, and it will move completely online. The OBA/Oklahoma Highway Safety office Judicial Education Program has also had to adjust our November program. It will be a virtual program which will be offered from 8 a.m. to Noon on Monday, November



9th. We will make the program available to Judges through the OBA website through November 30th to allow everyone access to the FREE JMCLE.

I am excited about the speakers and the topics we have lined up and hope you will find them interesting and relevant to your dockets. We start with our own Emmy Award winning film producer, addiction expert, and lawyer Reggie Whitten. We have three nationally known speakers also on the

INSIDE PAGES

Oklahoma Judicial Impaired Driving Education Program

It is time to register for the OBA/OHSO Fall 2020 Statewide Judicial Education Program to be held through ZOOM in conjunction with the OBA Annual Meeting.

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Early Estimate of Motor Vehicle Traffic Fatalities

A statistical projection of traffic fatalities for the first half of 2015 shows that an estimated 16,225 people died in motor vehicle traffic crashes.

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lineup.

The registration information, schedule, and speakers' biographies are included later in the newsletter.

Please **Save the Date** and try to join us on November 9th from 8 a.m. until Noon.

IN CASE YOU MISSED IT:

New case Regarding DUI Evidence

A new case from the Oklahoma Court of Criminal Appeals, [STATE v. CARDE-NAS-MORENO 2020 OK CR 15](#), allows testimony about a "preliminary breath test" in an impaired driving case.



MONDAY,
NOVEMBER 9, 2020
8 A.M. - NOON



Registration through
the OBA Annual Meeting
Registration Website

**PROGRAM PLANNER/
MODERATOR:**

The Honorable Rod Ring, (Ret.),
Oklahoma Judicial Outreach Liaison

FREE MJCLE 4/0

TO REGISTER GO TO
[HTTP://BIT.LY/JUDICIALTRAINING](http://bit.ly/judicialtraining)



OKLAHOMA JUDICIAL IMPAIRED DRIVING EDUCATION PROGRAM

It is time to register for the OBA/OHSO Fall 2020 Statewide Judicial Education Program to be held through ZOOM in conjunction with the OBA Annual Meeting. Registration is through the OBA Annual Meeting Website.

The **4 hours of FREE MJCLE** are made possible by a grant from The National Highway Traffic Safety Administration and the Oklahoma Highway Safety Office administered by the Oklahoma Bar Association. The goal of this grant is to reduce impaired driving in Oklahoma.

You do not want to miss this exciting and **FREE** lineup of great speakers and interesting presentations.

Speaker Schedule:

8 am – 8:50 Reggie Whitten: Fighting Addiction Through Education

9 am – 9:50 Mark Stodola: Introduction to Impaired Driving Assessments

10 am – 10:50 Judge Robert Anchondo: Family Involvement in DUI/Drug Courts

11 am – 11:50 Judge Neil Axel: Best Practices in Sentencing Impaired Drivers

We look forward to seeing you (remotely) on November 9th and REMEMBER you can view the presentations through November 30th on the OBA Members Website and still receive MJCLE credit.

REGGIE N. WHITTEN

- Born in Seminole, Oklahoma; Graduated from Seminole High School.
- Graduated from the University of Oklahoma, B.A. Political Science
- Graduated from the University of Oklahoma College of Law, J.D. in 1980
- From 1980 to 2000, was primarily an insurance and corporate defense attorney
- Co-founder and senior partner of Whitten Burrage. Currently represents people against insurance companies (www.whittenburrage.com)
- A Fellow of the American College of Trial Lawyers, which is composed of the best of the trial bar from the United States and Canada and is widely considered to be the premier professional trial organization in America and whose membership is restricted to no more than 1% of the active lawyers in any one state (www.actl.com)
- University of Oklahoma College of Law; Order of the Owl Hall of Fame on March 12, 2015
- Inducted into the Oklahoma Hall of Fame in November 2013
- Past President for Oklahoma Association for Justice (2009-2010) (www.okforjustice.org)
- Recipient: 2009 Tommy D. Frasier Award, given by the Oklahoma Association for Justice; 2008 Leadership In Law, presented by The Journal Record; 2008 Jefferson Society Award, given by the Oklahoma Trial Lawyers Association
- Selected for inclusion in the Oklahoma Business Monthly article, “2002 Oklahoma Lawyers Guilty of Being the Best in Their Fields”
- Co-Founder of Whitten-Newman Foundation (www.whitten-newmanfoundation.org). The Foundation was created in memory of Reggie’s son, Brandon, who died on February 15, 2002 as a result of a traffic accident caused by alcohol and drug addiction
- The Foundation has accomplished the following:
 - o In cooperation with the Sam Noble Museum, the State’s Museum of Natural History, created and funded ExplorOlogy, an education program which includes interactive scientific training and field experiences for Oklahoma youth ages 4 to 18 as well as professional development programs for teachers. (<http://explorology.snomnh.ou.edu>)
 - o Sponsored “The Science of SuperCroc Featuring Nigersaurus” at the Sam Noble Museum.
 - o Serves as one of the primary supporters for the St. Monica’s School for Girls in Northern Uganda, which is operated by CNN Heroes Award Winner, Sister Rosemary Nyirumbe, for children dispossessed by the conflicts in

Central Africa.

- o Recipient of the 2009 University of Oklahoma Seed Sower Society award
- o Recipient of the 2009 Compass Award from Project Exploration
- o Recipient of the 2009 Benefactor Award from Jasmine Moran Children’s Museum
- Co-founder of Pros For Africa (www.pros-forafrica.com)
- Co-founder of Sewing Hope Foundation (www.sewinghopefoundation.com)
- Co-founder of FATE (Fighting Addiction Through Education) (www.Fate.org)
- Co-founder of the Brandon Whitten Institute for Addiction and Recovery, an organization on ECU’s campus that provides the university and surrounding communities with addiction prevention services and assists individuals, groups and agencies with providing quality addiction and recovery services through education, collaboration and scholarship. The BWI has received well over a million dollars in grants and significantly impacted the health and wellness of thousands in Pontotoc County.
- Co-founder of Native Explorers (www.Nativeexplorers.com) (www.healthsciences.okstate.edu/college/native_explorers/index.cfm)
- On the Board of Trustees for Jasmine Moran Children’s Museum (www.jasminemoran.com)
- Co-founder of Arcadia Trails Center for Addiction and Recovery, Edmond Oklahoma, a new state of the art addiction treatment hospital. (www.arcadiatrails.com)
- One of the Principal Creators for Oklahoma State University’s Center for Wellness & Recovery, a major new prevention and treatment center for Oklahomans based in the OSU medical school.
- For his charitable work, Reggie received the Outstanding Community Service Award by Oklahoma County Bar Association in 2010 and the Trial Blazers award from the Oklahoma Bar Association.
- Reggie was honored by Teen Recovery Solutions’ as their Preventionist of the Year in 2013.
- Reggie received the Lifetime Achievement Award from the Oklahoma Citizen Advocates for Recovery & Treatment Association in 2017.
- Reggie received the inaugural Melvin Moran Humanitarian Award from the Jasmine Moran Children’s Museum in 2019.
- In 2019, Reggie was bestowed an Adjunct Clinical Associate Professor of Psychiatry and Behavioral Sciences position at the Oklahoma State University College of Osteopathic Medicine.

MARK STODOLA

As National Highway Traffic Safety Administration’s Probation Fellow, Mark Stodola brings over 30 years of experience working in the field of court management and adult probation in Arizona. Mark worked at the Maricopa County Adult Probation Department for 18 years serving in a number of capacities including division director overseeing drug and alcohol treatment programs, problem solving courts and services for the mentally ill. Mark later became the Court Administrator of the Tempe Municipal Court where he served for eight years managing the day to day activities of the court. Most recently Mark served as Program Services Manager in the Adult Probation Services Division of the Arizona Supreme Court where he had oversight of treatment programs for Arizona’s Adult Probation Departments. Mark has presented training on topics surrounding high risk drunk drivers at national, regional and state conferences throughout the country. Mark also is an adjunct instructor at Arizona State University.

Mark received his undergraduate degree in History from the University of Wisconsin-Madison and his Master’s Degree in Education from Northern Arizona University. Mark became a Graduate Fellow through the National Council of State Courts Institute of Court Management.

JUDGE ROBERT ANCHONDO

Judge Robert Anchondo presides over the County Criminal Court at Law Number Two in El Paso County, Texas and has presided over the court for over 18 years. Judge Anchondo created the DWI Intervention and Treatment Program in November of 2004. His treatment program handles cases of adults convicted of DWI offenses and provides an alternative to incarceration. He has a multidisciplinary team that monitors these individuals and provides services to family members as well. Judge Anchondo also lectures at local, state and national-level on various subjects dealing with judicial education.

The El Paso County DWI Intervention and Treatment Program has received the “Academy Court” Award from NHTSA and The National Center for DWI Drug Courts in 2014, 2017 and 2020, in recognition for their dedication to keeping our nation’s highways safe by combining treatment and accountability accordingly. Furthermore, he has been presented the 2015 “National Center for DWI

See BIOS on Page 9

OKLAHOMA

1,864

people were killed in crashes involving an alcohol-impaired driver in Oklahoma from 2009-2018.

KEEP OKLAHOMA SAFE

Keep alcohol-impaired drivers off the road.

This fact sheet provides a snapshot of **alcohol-impaired driving deaths** and an overview of proven strategies to reduce or prevent alcohol-impaired driving. The information can help decision makers and community partners see gaps and identify relevant strategies to address the problem of alcohol-impaired driving.

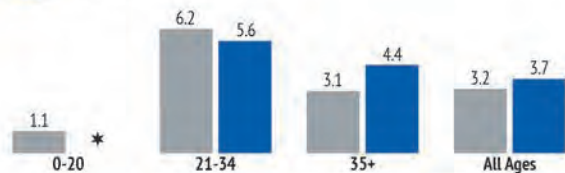
FAST FACTS

- Drivers with a blood alcohol concentration (BAC) above the state's legal limit are considered alcohol-impaired by law.
- More than 10,000 people in the United States die each year in crashes that involve an alcohol-impaired driver.
- Because of dedicated efforts, rates of alcohol-impaired driving and alcohol-impaired fatal crashes in the United States have gone down since the 1980s.
- Still, alcohol-impaired drivers get behind the wheel millions of times each year.

ALCOHOL-IMPAIRED DRIVING DEATH RATES BY AGE

Per 100,000 Population

■ NATIONAL
■ OKLAHOMA



Deaths in crashes involving a driver with BAC $\geq 0.08\%$. Source: Fatality Analysis Reporting System (FARS), 2018

* Fatality rates based on fewer than 20 deaths are suppressed.

ALCOHOL-IMPAIRED DRIVING DEATH RATES BY SEX

Per 100,000 Population

MALE



FEMALE



Deaths in crashes involving a driver with BAC $\geq 0.08\%$. Source: Fatality Analysis Reporting System (FARS), 2018

PERCENTAGE OF ADULTS WHO REPORT DRIVING AFTER DRINKING TOO MUCH

In the Past 30 Days

NATIONAL
1.7%

OKLAHOMA
1.0%

Source: Behavioral Risk Factor Surveillance System (BRFSS), 2018



Centers for Disease
Control and Prevention
National Center for Injury
Prevention and Control

Working together, we can help keep people safe on the road—every day.
www.cdc.gov/motorvehiclesafety/impaired_driving/states

WHAT WORKS

The strategies in this section are effective for reducing or preventing alcohol-impaired driving. They are recommended by *The Guide to Community Preventive Services* and/or have been demonstrated to be effective in reviews by the National Highway Traffic Safety Administration.* Different strategies might require different resources for implementation or have different levels of impact. **Find strategies that are right for your state.**

Strategies to Reduce or Prevent Alcohol-Impaired Driving

- **Alcohol-impaired driving laws** make it illegal to drive with a BAC at or above a specified level (0.05% or 0.08%, depending on the state). For people under 21, **zero tolerance laws** make it illegal to drive with any measurable amount of alcohol in their systems. These laws, along with laws that maintain the **minimum legal drinking age** at 21, are in place in all 50 states and DC and have saved tens of thousands of lives.
- **Publicized sobriety checkpoints** allow police to briefly stop vehicles at specific, highly visible locations to check drivers for impairment. Police may stop all or a certain portion of drivers. Sobriety checkpoints should be well publicized (e.g., through **mass media campaigns**) and conducted regularly for greatest impact.
- **High-visibility saturation patrols** consist of a large number of police patrolling a specific area, usually at times and locations where alcohol-impaired driving crashes are more common. Like sobriety checkpoints, these patrols should be well publicized and conducted regularly.
- **Ignition interlocks for all, including first-time, convicted offenders** can be installed in vehicles to measure alcohol on drivers' breath. Interlocks keep vehicles from starting if drivers have a BAC above a certain level, usually 0.02%. Interlocks are highly effective at preventing repeat offenses while installed. Incorporating **alcohol problem assessment and treatment** into interlock programs shows promise in reducing repeat offenses once interlocks are removed.
- **Alcohol problem assessment and treatment programs** can be used for those arrested for alcohol-impaired driving. Treatment is most effective when combined with other sanctions and when offenders are closely monitored. Assessment and treatment are critical to the success of **DWI courts**, which are specialized courts focused on changing the behavior of alcohol-impaired driving offenders.
- **Alcohol screening and brief interventions** take advantage of "teachable moments" and can be delivered in health care, university, and other settings to identify people at risk for alcohol problems and get them treatment as needed.
- **Multi-component interventions** combine several programs or policies to prevent alcohol-impaired driving. The key to these comprehensive efforts is **community mobilization**, which involves coalitions or task forces in design and implementation.
- **School-based instructional programs** are effective at teaching teens **not to ride with alcohol-impaired drivers**.

IN OKLAHOMA:

- It is illegal to drive with a BAC at or above 0.08%.
- Publicized sobriety checkpoints are allowed.
- Ignition interlocks are required for all (including first-time) convicted offenders.

For up-to-date information on laws in your state, check with the Insurance Institute for Highway Safety at www.iihs.org.



Find more information at www.cdc.gov/motorvehiclesafety

- Injuries, costs, and other data related to alcohol-impaired driving.
- Detailed information on effective strategies to reduce or prevent alcohol-impaired driving.
- An interactive calculator to estimate the expected number and monetized value of injuries prevented, lives saved, and costs of implementation for 14 effective interventions.

*Source: The Guide to Community Preventive Services (The Community Guide), Motor Vehicle-Related Injury Prevention, at www.thecommunityguide.org, and National Highway Traffic Safety Administration (2018) Countermeasures that work: a highway safety countermeasures guide for State Highway Safety Offices.



Early Estimate of Motor Vehicle Traffic Fatalities for the First Half (Jan – Jun) of 2015

Summary

A statistical projection of traffic fatalities for the first half of 2015 shows that an estimated 16,225 people died in motor vehicle traffic crashes. This represents an increase of about 8.1 percent as compared to the 15,014 fatalities that were reported to have occurred in the first half of 2014, as shown in Table 1. Preliminary data reported by the Federal Highway Administration (FHWA) shows that vehicle miles traveled (VMT) in the first 6 months of 2015 increased by about 51.9 billion miles, or about a 3.5-percent increase. Also shown in Table 1 are the fatality rates per 100 million

VMT, by quarter. The fatality rate for the first half of 2015 increased to 1.06 fatalities per 100 million VMT, up from 1.01 fatalities per 100 million VMT in the first half of 2014. The actual counts for 2014 and 2015 and the ensuing percentage change from 2014 to 2015 will be further revised as the final file for 2014 and the annual reporting file for 2015 become available next year. These estimates may be further refined when the projections for the first 9 months of 2015 are released in late December.

Table 1: Fatalities and Fatality Rate by Quarter, First Half, and the Percentage Change From the Corresponding Quarter or First Half in the Previous Year

| Quarter | 1st Quarter (Jan–Mar) | 2nd Quarter (Apr–Jun) | 3rd Quarter (Jul–Sep) | 4th Quarter (Oct–Dec) | Total (Full Year) | 1st Half (Jan–Jun) |
|--|--------------------------|--------------------------|--------------------------|--------------------------|----------------------|-----------------------|
| Fatalities and Percentage Change in Fatalities for the Corresponding Quarter/Half From the Prior Year | | | | | | |
| 2005 | 9,239 | 11,005 | 11,897 | 11,369 | 43,510 | 20,244 |
| 2006 | 9,558 [+3.5%] | 10,942 [-0.6%] | 11,395 [-4.2%] | 10,813 [-4.9%] | 42,708 [-1.8%] | 20,500 [+1.3%] |
| 2007 | 9,354 [-2.1%] | 10,611 [-3.0%] | 11,056 [-3.0%] | 10,238 [-5.3%] | 41,259 [-3.4%] | 19,965 [-2.6%] |
| 2008 | 8,459 [-9.6%] | 9,435 [-11.1%] | 9,947 [-10.0%] | 9,582 [-6.4%] | 37,423 [-9.3%] | 17,894 [-10.4%] |
| 2009 | 7,552 [-10.7%] | 8,975 [-4.9%] | 9,104 [-8.5%] | 8,252 [-13.9%] | 33,883 [-9.5%] | 16,527 [-7.6%] |
| 2010 | 6,755 [-10.6%] | 8,522 [-5.0%] | 9,226 [+1.3%] | 8,496 [+3.0%] | 32,999 [-2.6%] | 15,277 [-7.6%] |
| 2011 | 6,726 [-0.4%] | 8,227 [-3.5%] | 8,984 [-2.6%] | 8,542 [+0.5%] | 32,479 [-1.6%] | 14,953 [-2.1%] |
| 2012 | 7,521 [+11.8%] | 8,612 [+4.7%] | 9,171 [+2.1%] | 8,478 [-0.7%] | 33,782 [+4.0%] | 16,133 [+7.9%] |
| 2013 | 7,128 [-5.2%] | 8,166 [-5.2%] | 8,971 [-2.2%] | 8,454 [-0.3%] | 32,719 [-3.1%] | 15,294 [-5.2%] |
| 2014 | 6,843 [-4.0%] | 8,171 [+0.1%] | 8,782 [-2.1%] | 8,879 [+5.0%] | 32,675 [-0.1%] | 15,014 [-1.8%] |
| 2015 ^a | 7,425 [+8.5%] | 8,800 [+7.7%] | - | - | - | 16,225 [+8.1%] |
| Fatality Rate per 100 Million Vehicle Miles of Travel (VMT) | | | | | | |
| 2005 | 1.32 | 1.42 | 1.54 | 1.54 | 1.46 | 1.37 |
| 2006 | 1.35 | 1.41 | 1.47 | 1.44 | 1.42 | 1.38 |
| 2007 | 1.31 | 1.35 | 1.41 | 1.37 | 1.36 | 1.33 |
| 2008 | 1.22 | 1.25 | 1.33 | 1.32 | 1.26 | 1.23 |
| 2009 | 1.09 | 1.16 | 1.17 | 1.12 | 1.15 | 1.13 |
| 2010 | 0.98 | 1.09 | 1.18 | 1.14 | 1.11 | 1.04 |
| 2011 | 0.98 | 1.09 | 1.18 | 1.17 | 1.10 | 1.04 |
| 2012 | 1.08 | 1.12 | 1.21 | 1.16 | 1.14 | 1.10 |
| 2013 | 1.03 | 1.06 | 1.16 | 1.15 | 1.09 | 1.05 |
| 2014 | 0.99 | 1.03 | 1.11 | 1.16 | 1.07 | 1.01 |
| 2015 ^a | 1.03 | 1.08 | - | - | - | 1.06 |

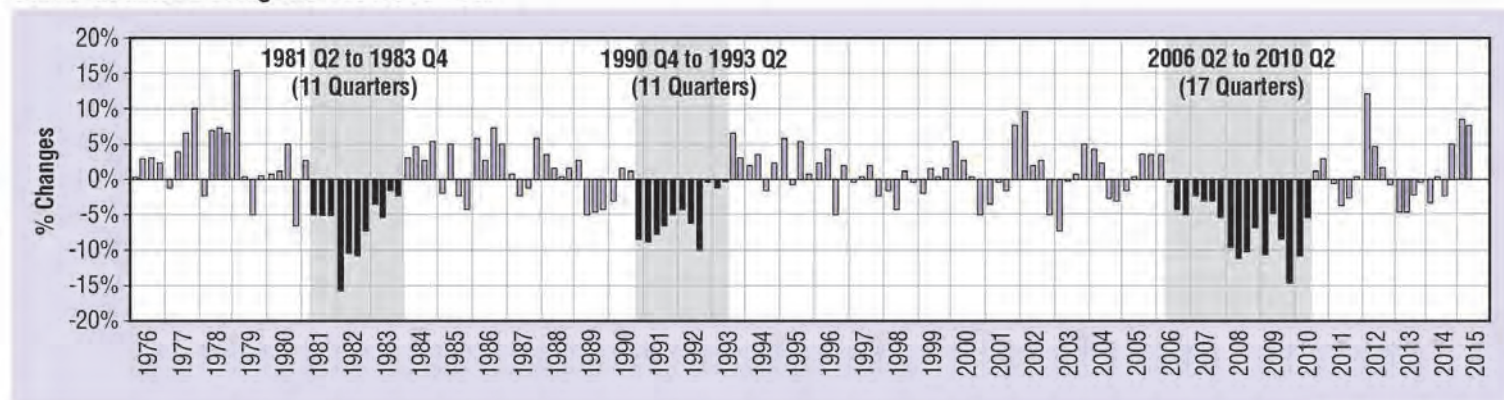
^a2015 Statistical projections and rates based on these projections.

Source: Fatalities: 2005-2012 FARS Final File, 2013 and 2014 FARS Annual Report File VMT: FHWA August 2015 Traffic Volume Trends

Figure 1 shows the historical trend of the percentage change every quarter from the same quarter in the previous year, going back to 1976. NHTSA has fatality data going back to 1975, and the shading in the chart depicts the years during which there were significant number of consecutive quarters

with declines as compared to the corresponding quarters of the previous years. The declines during the early 1980s and 1990s lasted 11 consecutive quarters, while the most recent decline occurred over 17 consecutive quarters ending in the second quarter of 2010.

Figure 1: Percentage Change in Fatalities in Every Quarter as Compared to the Fatalities in the Same Quarter During the Previous Year

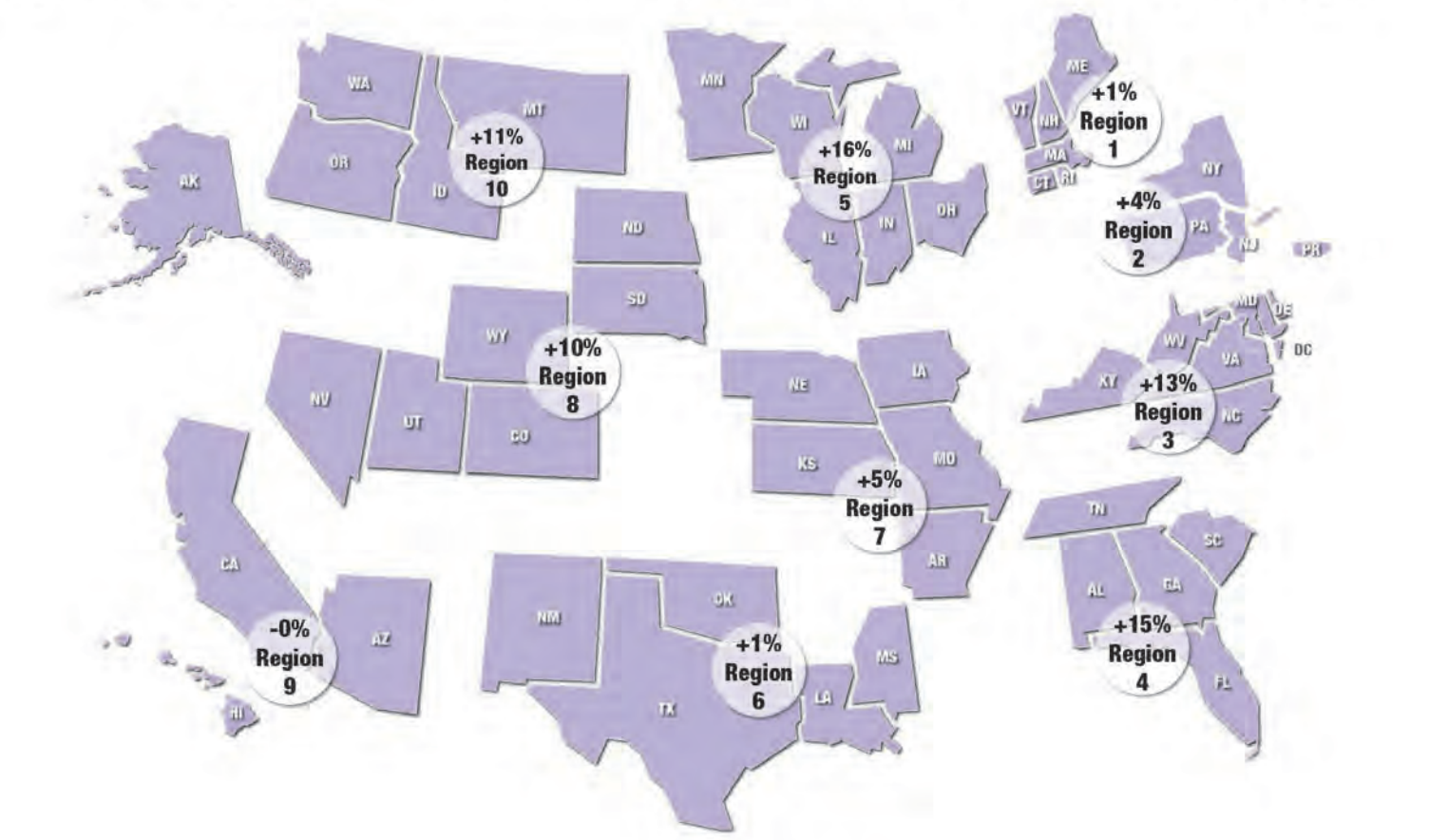


Regional Differences

As discussed in a methodology Research Note (Statistical Methodology to Make Early Estimates of Motor Vehicle Traffic Fatalities, Report No. DOT HS 811 123), the statistical procedures employed in these projections were generated for each NHTSA administrative region and were collated to create the national estimate. This allows for the comparison of regional

estimates in 2015 with the reported regional totals in 2014, as depicted by the estimated percentage changes in Figure 2. Nine of the 10 NHTSA regions experienced increases in 2015 as compared to 2014. The estimated regional year-to-year percentage changes shown in Figure 2 are subject to change as fatality counts for 2014 and 2015 are finalized.

Figure 2: Percentage Change in Estimated Fatalities in 2015 From Reported 2014 Fatality Counts, by NHTSA Region



Discussion

The data used in this analysis comes from several sources: NHTSA is continuing to gather/finalize data on crash fatalities for 2014 and 2015 using information from police accident reports and other sources. It is too soon to speculate on the contributing factors or potential implications of any changes in deaths on our roadways. The final data for 2014 as well as the annual file for 2015 will be available in late fall of 2016 which usually results in the revision of fatality totals and the ensuing rates and percentage changes.

In the last few years, since recording a significant increase of 11.8 percent during the first quarter of 2012, the magnitude of the increases steadily declined during each subsequent quarter. Fatalities are reported to have increased by about 4.7 percent in the second quarter and by about 2.1 percent in the third quarter of 2012. Subsequently, beginning with the fourth quarter of 2012, fatalities have declined seven out of eight quarters (2014 Q2 was a marginal 0.1% increase) until the 5.0-percent increase estimated for the fourth quarter of 2014. The fatality rates per 100 million in 2014 VMT, when compared to the rates for the corresponding quarters in 2013, are lower for the first three quarters of 2014 and higher for the fourth quarter of 2014.

Data

The data used in this analysis comes from several sources: NHTSA's Fatality Analysis Reporting System (FARS), FastFARS (FF), and Monthly Fatality Counts (MFC); and from FHWA's VMT estimates. FARS is a census of fatal traffic crashes in the 50 States, the District of Columbia, and Puerto Rico. To be included in FARS, a crash must involve a motor vehicle traveling on a trafficway and must result in the death of at least one person (occupant of a vehicle or a nonoccupant) within 30 days of the crash. FARS final files from January 2003 to December 2012 and FARS Annual Report file in 2013 are used. The FF program is designed as an Early Fatality Notification System to capture fatality counts from States more rapidly and in real-time. It aims to provide near-real-time notification of fatality counts from all jurisdictions reporting to FARS. The MFC data provides monthly fatality counts by State through sources that are independent from the FastFARS or FARS systems. MFCs from January 2003 up to July 2015 are used. MFCs are reported mid-month for all prior months of the year.

In order to estimate the traffic fatality counts for each month of 2014, time series cross-section regression was applied to analyze the data with both cross-sectional values (by NHTSA region) and time series (by month), to model the relationship among FARS, MFC and FF, the details of which are available in a companion Research Note mentioned above (DOT HS 811 123). The methodology used to generate the estimates for the first quarter of 2015 is the same as the one used by NHTSA to project the decline in the fatalities for the whole of 2014 (Early Estimates of Motor Vehicle Traffic Fatalities in 2014, DOT HS 812 160).

Non-Standard Adjustments: A non-standard adjustment (outside the scope of usual adjustments documented in the methodology note) was made to account for significant reporting issues in both the FastFARS and MFC counts for a particular state. The MFC and FastFARS counts were below the counts from prior years by a large order of magnitude. In order to mitigate the effect of this discrepancy, the counts were adjusted to the average changes observed across the rest of the Nation.



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

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▶ An alcohol ignition interlock is a breath-test device connected to a vehicle's ignition. The vehicle will not start unless the driver blows into the interlock and has a blood alcohol concentration (BAC) below a pre-set low limit, usually .02 BAC.

Increasing Alcohol Ignition Interlock Use

Successful Practices for States

Keep your state safe—increase alcohol ignition interlock use.

Ignition interlocks reduce repeat offenses for driving while intoxicated (DWI) by about 70% while they are installed. All states have implemented ignition interlock programs to manage interlock issues and monitor offenders who are required or eligible to install them. Despite these laws and programs, only about one-fifth of those arrested for DWI have interlocks installed.

How can states increase alcohol ignition interlock use?

To achieve and sustain high ignition interlock use, states may consider the following eight program keys that can be used to strengthen state Alcohol Ignition Interlock Programs. These program keys were identified through a collaborative evaluation* that looked at characteristics of existing state interlock programs associated with increases in interlock use. Implementing just one of these program keys is likely to increase interlock use. Implementing multiple program keys is associated with even higher increases in interlock use.

* Program keys were derived from an evaluation conducted in 2014 by the Centers for Disease Control and Prevention (CDC), the National Highway Traffic Safety Administration (NHTSA), and the Governors Highway Safety Association (GHSA) and produced by the Preusser Research Group. The evaluation looked at key features of interlock programs and use of interlocks in 28 states from 2006–2011. Each state's program keys were rated and correlation analysis was used to determine which were related to higher interlock use. The full report, *Evaluation of State Ignition Interlock Programs: Interlock Use Analysis from 28 States*, contains additional data, analyses, discussion, and examples of strong program keys from various states. The report is available at <http://www.nhtsa.gov/staticfiles/nti/pdf/812145-EvalStateIgnitionInterlockProg.pdf>.



**Centers for Disease
Control and Prevention**
National Center for Injury
Prevention and Control



U.S. Department of Transportation
National Highway Traffic Safety Administration

Produced in
collaboration
with Governors
Highway Safety
Association

7-5243779-0

Eight Program Keys for Strong State Alcohol Ignition Interlock Programs

| PROGRAM KEY | CHARACTERISTICS OF A STRONG PROGRAM KEY | EXAMPLE |
|--|---|---|
| Require or incentivize use | Requirement or strong incentive to install interlocks | A law covering all offenders with significant reduction of hard license suspension period if interlock is installed |
| Levy strong penalties | Strong, swift, and appropriate penalties | Extension of interlock time, home monitoring, fail breath test, or tamper or otherwise circumvent interlock |
| Monitor interlocks to ensure proper use | Careful monitoring to assure interlocks are installed and used as intended | Random checks by DMV, probation, or treatment centers to ensure offender has installed and is using an interlock |
| Implement uniformly across state | Uniform and consistent implementation, statewide | All agencies report data regularly in compatible format, using uniform definitions of violations in same time frame |
| Coordinate across agencies | Close coordination and communication across all agencies | Regular communication with representatives from all interlock program involved agencies |
| Educate stakeholders about the program | Regular training or education for all interlock agency staff and management | Regular trainings between interlock program managers, law enforcement, vendors, DMV, and court staff |
| Provide adequate resources | Adequate staff and funding resources | Designated interlock program manager and staff, financial assistance for offenders |
| Use data for action | Excellent data records (including level of offense, BAC level at time of arrest, number of prior arrests, installation/removal dates, violations) | Combined annual data on offenders available from all agencies to monitor offenders, report violators and evaluate program effectiveness |



A. Program Design

Program Key #1: Require or incentivize use

Requirements are determined by state ignition interlock laws and describe which types of offenders (first-time, repeat, or high BAC*) are required to install interlocks. State laws may also define incentives for installing an interlock.

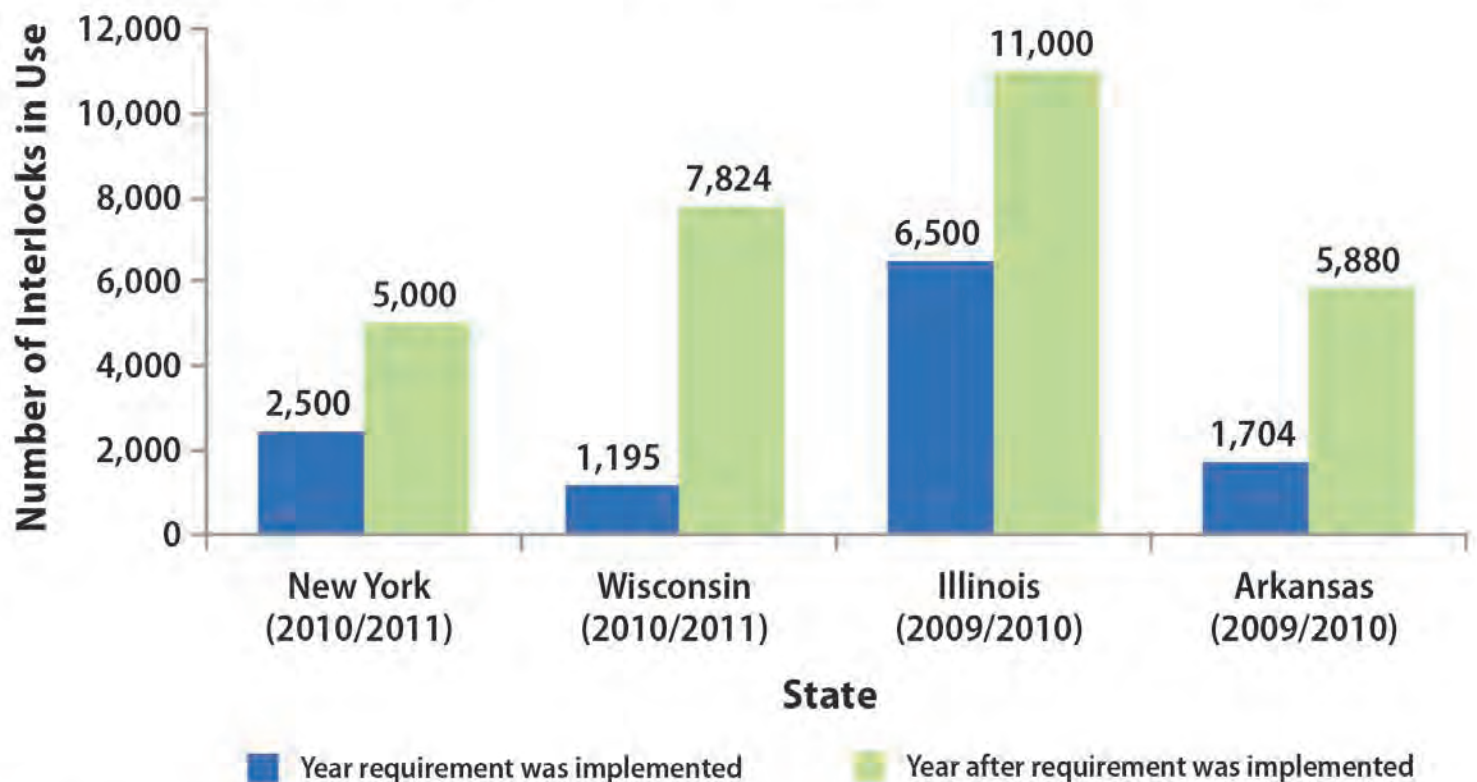
**Usually defined as $BAC \geq 0.15$ mg/dl which varies by state.*



Requirements are strongly associated with increased interlock use.

States in Action:

Interlocks in Use After Requirements Were Implemented



- **New York:** Required interlocks for first time offenders, interlock use increased 100% in the following year.
- **Wisconsin:** Required interlocks for repeat or high-BAC offenders, interlock use increased 555% in the following year.
- **Illinois:** Required interlocks to obtain hardship license, interlock use increased 69% in the following year.
- **Arkansas:** Required interlocks to reduce or eliminate license suspension period, interlock use increased 245% in the following year.

Program Key #2: Levy strong penalties

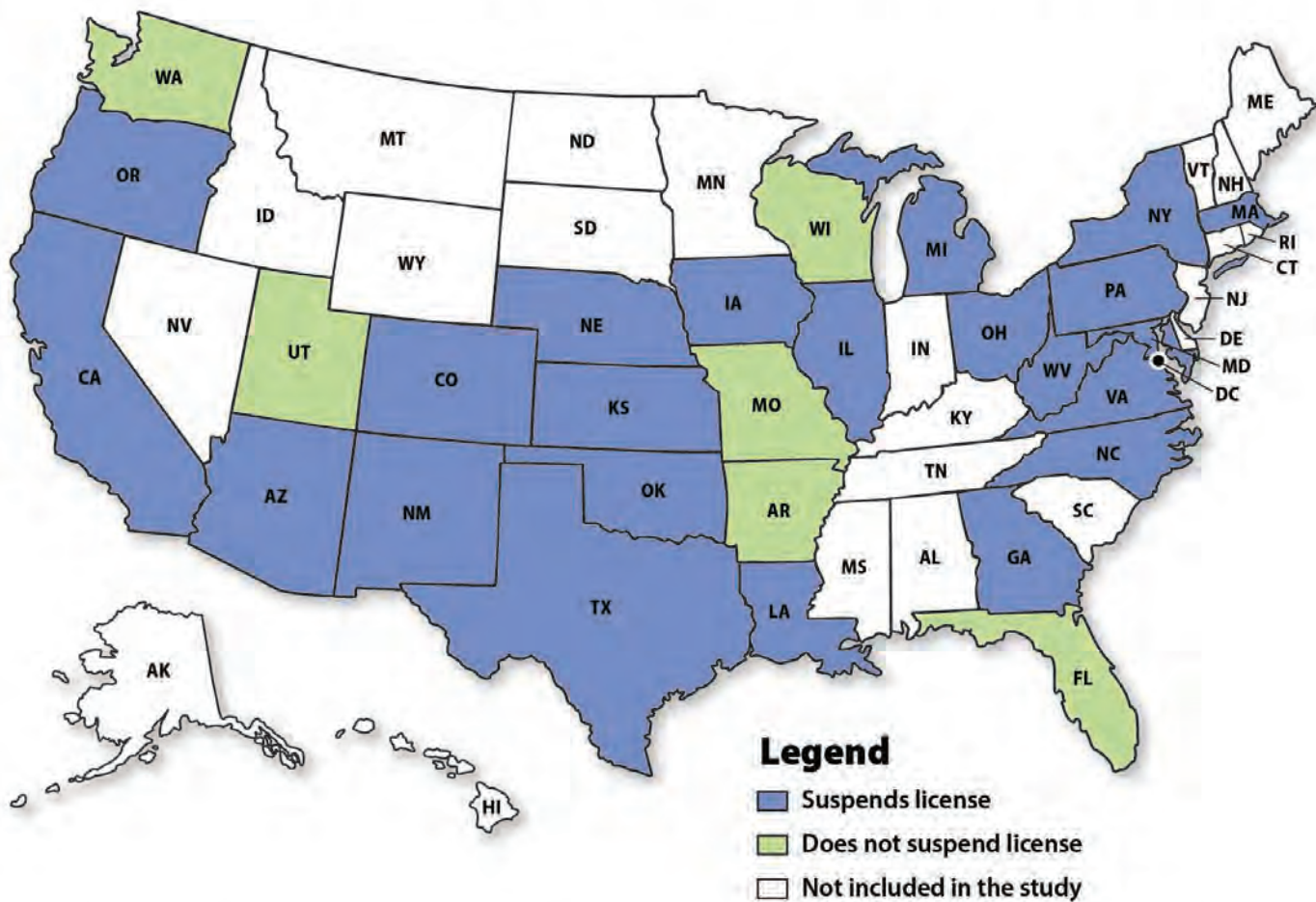
Penalties, determined by state ignition interlock use laws, are for offenders' failure to install an interlock, failing a breath test, missing a breath test, or action to bypass the installed device by driving a different vehicle. For penalties to be effective, they should be swift, certain, and appropriately severe.¹ In other words, a penalty should be less attractive to the offender than installing the interlock and should serve the same purpose as the interlock in keeping the offender from driving impaired.



Penalties are moderately associated with increased interlock use.

States in Action:

Driver's license suspension as a penalty for failing to install an interlock by state



- **Washington:** Applies a four month extension of the original interlock restriction period for offenders who violate program requirements before license reinstatement can occur.
- **Wisconsin:** Applies a six month extension of the original interlock restriction period before license reinstatement can occur.
- **Maryland:** Implements criminal sanctions such as home monitoring or jail if an individual with an interlock requirement on his/her license is caught operating a vehicle that is not equipped with an ignition interlock.

B. Program Management

Program Key #3: Monitor interlocks to ensure proper use

Monitoring describes ways in which the program follows-up with offenders to make sure they have installed the device correctly, are driving the vehicle with the installed device, and not failing or missing tests or circumventing the interlock.



Monitoring is strongly associated with increased interlock use.

States in Action:

- **Colorado:** Accesses the Online Interlock System (OIS), which uses vendor data to electronically produce an installation certificate and sets the interlock requirement duration and end-date. OIS data are monitored by the Department of Motor Vehicle (DMV) driver control unit.
- **Virginia:** Monitors the ignition interlock program through the Virginia Alcohol Safety Action Program (VASAP). Courts usually issue Restrictive Driver's License Order forms requiring DWI offenders to attend VASAP education programs and install an interlock. The VASAP case manager then monitors the offender's interlock activities.
- **Washington:** Expanded its data reporting and tracking system in 2010. In order to restore their driving privileges, offenders required to install interlocks must install them, complete the required time period, and complete the final four months without violations, as certified by the interlock vendors.

Program Key #4: Implement uniformly across state

Uniformity refers to consistent operations for program requirements, enforcement, and administration across the state. Consistent documentation of offenses and uniform reporting among state agencies increases overall program efficiency and provides the ability to monitor offenders accurately. Uniform certification procedures for vendors and interlocks, certified installation centers, and uniform reporting procedures also increase efficiency.



Uniformity is moderately associated with increased interlock use.

When programs are strictly judicial, they typically are not uniform because individual judges decide on interlock requirements, monitoring, and violation consequences. When the state's interlock program is administrative (through the DMV, for example) or a hybrid of administrative and judicial, they usually are uniform statewide because there is just one statewide implementation plan that is upheld by the courts for all offenders.

States in Action:

- **Washington:** The state patrol has full authority over monitoring in-the-field compliance with the interlock program. Unified reporting was also implemented in the state.

Program Key #5: Coordinate across agencies

The coordinated efforts of many stakeholders are necessary for effective state ignition interlock programs. Typical stakeholders include law enforcement, prosecutors, judges, probation, licensing, alcohol treatment, and interlock vendors.

States in Action:

- **Several states, including Colorado, Oregon, and Texas** hold regular conferences or meetings between agencies to discuss impaired driving matters, including ignition interlocks.
- **Colorado:** Implemented a Persistent Drunk Driver Committee where representatives from the Division of Behavioral Health, Probation Services, and DMV meet regularly to provide continual program assessment, education, and training on interlocks and interlock programs.



Coordination is moderately associated with increased interlock use.

Program Key #6: Educate stakeholders about the program

Education refers to all of the necessary trainings on ignition interlocks and associated programs and procedures. The audiences for the trainings include all ignition interlock stakeholders, from offenders to state agencies that administer the program.

States in Action:

- **Arizona:** Included ignition interlocks as a topic at their annual judges' conference.
- **Texas:** Used their Center for the Judiciary to educate judges and court staff on using interlocks as a tool to reduce repeat DWI offenders.



Education is moderately associated with increased interlock use.



C. Program Support

Program Key #7: Provide adequate resources

Resources refer to adequate staff and funding. In addition, resources can provide financial assistance for offenders to install interlocks. Therefore, while resources were not directly associated with higher interlock use, they are critical to support the other program keys.

States in Action:

- **Colorado:** Created a financial assistance program for low-income offenders funded by license offenders' reinstatement fees.
- **North Carolina:** Uses 50% of the DWI offender fees to assist offenders with installation and removal of interlocks.
- **Missouri:** An administrative portion was added to the interlock program that began as a judicial program.
- **Oregon:** Uses the Intoxicated Driver Program Fund to cover costs for offenders who cannot afford interlocks.



Resources alone are weakly associated with increased interlock use, though they are vital to support the other program keys.

Program Key #8: Use data for action

A good record system of accurate, accessible, up-to-date and coordinated data helps determine which offenders are required or eligible to install an interlock, helps monitor offenders and report violators, and can be used to evaluate program effectiveness and suggest improvements. Data were not directly associated with higher interlock use; however, data are needed to support, monitor and improve the implementation of the other program keys.



Data support, monitor, and improve the implementation of the other program keys.

States in Action:

- **Colorado:** Implemented OIS to determine offender eligibility and verify that offenders are installing interlocks at the proper time. OIS electronically uploads certifications of interlock installation, calibration, and removal, along with the interlock data logs that show any violations of the interlock such as an alcohol-positive start attempt.
- **Florida:** Developed a coordinated data system that tracks offenders through the ignition interlock process.
- **Missouri:** Improved its driver license record system by adding new components to capture information regarding interlocks.
- **Virginia:** Improved the VASAP, which administers the interlock program, in order to link the data management system to the DMV system electronically in real time.

For more information:

Evaluation of State Ignition Interlock Programs. Interlock Use Analyses from 28 States, 2006–2011

<http://www.nhtsa.gov/staticfiles/nti/pdf/812145-EvalStateIgnitionInterlockProg.pdf>

Case Studies of Ignition Interlock Programs

<http://www.nhtsa.gov/staticfiles/nti/pdf/811594.pdf>

Alcohol Ignition Interlock Programs: Data Management System Implementation

http://tirf.ca/publications/PDF_publications/NHTSA_Tech_Assistance_DataManagement_9.pdf

Community Guide Systematic Review on Ignition Interlocks

<http://www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html>

Alcohol Interlock Curriculum for Practitioners

<http://www.aic.tirf.ca/section1/index.php>



PLEASE TELL US WHAT YOU WANT

The purpose of the State Judicial Outreach Liaison program administered through the Oklahoma Highway Safety office and the OBA is to increase judiciary knowledge of challenges in adjudication Impaired Driving cases. We do this through peer-to-peer judicial education, technical assistance and links to resources.

We try to review and distribute current research, data and information on evidence-based sentencing practices, DUI Courts, Ignition Interlocks, caselaw and offender assessment and treatment.

But we can't meet our goal without help from you. Please let us know about interesting issues, facts and arguments you have encountered in your courts. Share your



successes and failures and tell us what you want to learn more about.

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Courts Leadership Award” for the advancement of the nation’s DWI court’s efforts, substantial personal leadership and exemplary performance through both specific results and his public recognition at the local, regional, state and national level. Judge Anchondo has been awarded “The Kevin E. Quinlan Award for Excellence in Traffic Safety” for 2019, which is the highest honor that the organization bestows and is reserved for individuals who have demonstrated great commitment and passion for reducing impaired driving and saving lives.

HON. NEIL EDWARD AXEL

Since 1997, Judge Axel has served as a judge of the District Court of Maryland, a court whose jurisdiction includes criminal misdemeanors, traffic and alcohol-related offenses, domestic violence, landlord-tenant, and civil actions. In addition to his regular judicial duties, Judge Axel served on the Howard County Drug Treatment and DUI Court programs and served as Co-Chair of Maryland’s Judicial Conference Committee on Problem Solving Courts. Currently, Judge Axel serves the District Court as a Senior Judge and is the American Bar Association National Judicial Fellow for traffic safety issues. In addition to his work on and off the bench, he has been a member of the faculty of The National Judicial College in Reno, Nevada since 2013.

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SUBMISSIONS/ COMMENTS

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