

Impaired Driving Toolkit:

A Law Enforcement Leader's Guide
to Saving Lives



MADD™
IMPAIRED
DRIVING
ENDS HERE.

Table of Contents

I.	EXECUTIVE SUMMARY	P.04
II.	A MESSAGE FROM THE MADD LAW ENFORCEMENT COMMITTEE	P.06
III.	HALT DRUNK DRIVING LAW: SOLUTION TO ENDING DRUNK DRIVING	P.07
IV.	MISSION MOMENT & MADD VICTIM SERVICES	P.09
V.	COMMUNITY ENGAGEMENT: BUILDING TRUST	P.11
VI.	HIGH-VISIBILITY LAW ENFORCEMENT	P.15
VII.	IMPAIRED DRIVING TASK FORCE OVERVIEW	P.19
VIII.	LAW ENFORCEMENT TRAINING: ARIDE & DRE	P.21
IX.	ADDITIONAL TRAINING RESOURCES & ASSOCIATIONS	P.25
X.	THREE PHASES OF AN IMPAIRED DRIVING INVESTIGATION FOR A PROPER POLICE REPORT	P.27
XI.	SEARCH WARRANTS	P.31
XII.	COMMERCIAL MOTOR VEHICLE DRIVERS & IMPAIRED DRIVING	P.33
XIII.	PROSECUTION AND COURTS	P.37
XIV.	BE YOUR DEPARTMENT'S LEADER	P.43
XV.	RESOURCE REFERENCES: MADD RESOURCES	P.44
XVI.	FUNDING OPPORTUNITIES: NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	P.51
XVII.	CONTRIBUTORS	P.54
XVIII.	COMMITTEE MEMBERS	P.55
XIX.	CITATIONS AND BIBLIOGRAPHY	P.60

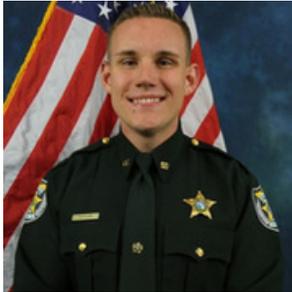
This Toolkit is Dedicated to Our Heros

We honor and remember our hereos killed in 2022 and 2023 in the line of duty due to impaired Driving Incidents



Deputy Sheriff

Oscar Bolanos-Anavisca,
Cumberland County
Sheriff's Office, NC
2022



Deputy Sheriff

Christopher Taylor,
Charlotte County
Sheriff's Office, FL
2022



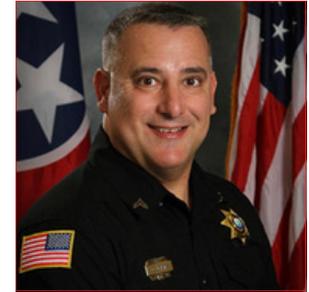
Police Officer

Logan Medlock,
London Police
Department, KY
2022



Sergeant

Meagan Burke,
Oklahoma City
Police Department, OK
2022



Sergeant

Chris Jenkins,
Loudon County
Sheriff's Office, TN
2022



Sergeant

Ramon Gutierrez,
Harris County
Sheriff's Office, TX
2022



Police Officer

Tyler Lenehan,
Elk Grove
Police Department, CA
2022



Deputy Sheriff

Lorenzo Bustos,
Smith County
Sheriff's Office, TX
2022



Deputy Constable

Jennifer Lauren Chavis,
Harris County
Constable's Office, TX
2022



Reserve Officer

**Jeffery Michael
David Richardson,**
Poteet Police
Department, TX
2022



Trooper

Martin Francis Mack, III,
Pennsylvania
State Police, PA
2022



Trooper

Branden Tyler Sisca,
Pennsylvania
State Police, PA
2022



Sergeant Christopher

Nelson,
Edmond Police
Department, OK
2022



Master Trooper

James R. Bailey,
Indiana
State Police, IN
2023



Patrolman

Joseph Barlow,
McAlester Police
Department, OK
2023

A Letter from Our Chief Executive Officer



Stacey D. Stewart Chief
Executive Officer Mothers
Against Drunk Driving

Dear Law Enforcement Partners,

Since 1980, Mothers Against Drunk Driving (MADD) has stood shoulder-to-shoulder with law enforcement with one unwavering goal: to put an end to impaired driving. Together, through community programs and enforcement efforts, we've saved countless lives. **Your partnership remains vital to our mission.**

Yet, the work is far from over because we know **2 out of 3 people** will be impacted by drunk driving in their lifetime. **In 2023 alone, 12,429 people were killed in alcohol-related crashes**, according to the National Highway Traffic Safety Administration (NHTSA). These tragedies are not only heartbreaking—they are 100% preventable. While fatalities declined slightly in 2023 compared to 2022, drunk driving deaths have still increased by 22% since 2019. Behind every statistic is a family forever changed.

We know the dangers you face every day. We see your commitment to keeping our roads safe. And we are deeply grateful for your service. **With your continued collaboration, we can—and will—end drunk driving.**

Together, we are a force for change.

With gratitude,

A handwritten signature in black ink that reads "Stacey D. Stewart".

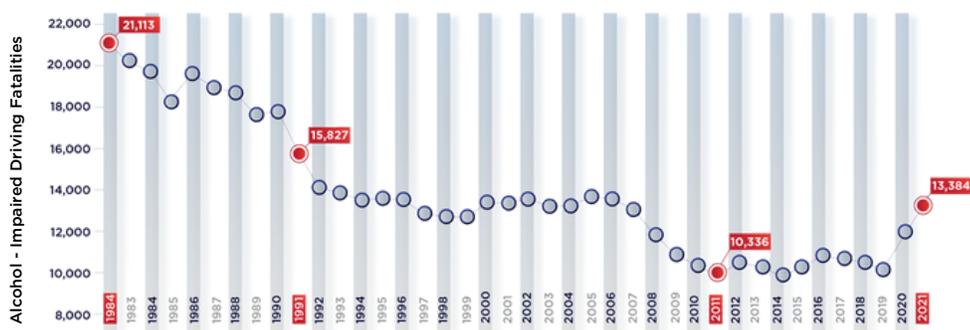
Stacey D. Stewart

**MADD's mission is to end drunk and drugged driving,
support the victims of these violent crimes, and prevent
underage drinking and other drug use.**

Executive Summary

Drivers impaired by alcohol and other drugs have been, and continue to be, a major highway and public safety problem. In 2021, there were 42,939 traffic fatalities, the most in any year since 2005. 13,384, or 31% of those crashes, involved a driver with a blood-alcohol concentration of .08 or higher. This represents a 14% increase over the 11,718 people killed in alcohol-related crashes in 2020. And the 2020 number was a 14% increase from the 2019 alcohol-related fatality number. Since 2019, alcohol-related traffic fatalities have increased by 28%.

Drunk Driving Deaths Increased 14% in 2021

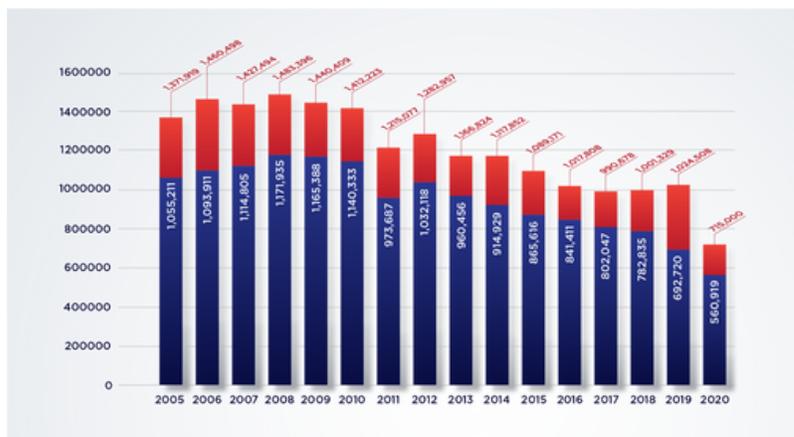


Together, we can end impaired driving.

It was estimated in 2015 that each day in the United States, people drive while intoxicated 300,000 times, but fewer than 3,000 are arrested.

⁽¹⁾ This number continues to increase each year. Law enforcement's efforts to remove drunk and drug impaired drivers from our roadways through impaired driving arrests is truly our last line of defense and vital to public and traffic safety across the country. Drunk driving arrests, as reported to the FBI in 2020, are down over 50% from ten years ago. In 2010, the FBI reported 1,140,333 alcohol impaired driving arrests. In 2020, that number has dropped to 560,919 for a decrease of 51%.

Drastic Drop in Alcohol Impaired Arrests



Estimated Number of Alcohol Impaired Arrests from the FBI

Actual Number of Alcohol Arrests Recorded from the FBI

Executive Summary

NHTSA's data on alcohol related fatalities does not include drug-related impaired driving fatalities. Drug impaired driving has also become an emerging and serious public safety threat, especially with the legalization of recreational use of cannabis in many states. Due to complexities surrounding drug-related impaired driving and insufficient data collection on these types of crashes, the exact number of drug-related impaired driving crashes and fatalities is not known.

Mothers Against Drunk Driving (MADD)[®] believes there is a link between decreased impaired driving enforcement and increases in crashes, fatalities, and injuries.

This strategic campaign is comprised of four tenants in which MADD focuses our work:

Support for Law Enforcement
MADD supports law enforcement and high-visibility enforcement efforts to catch drunk drivers and discourage others from driving drunk.

Ignition Interlocks for All Offenders
MADD supports requirements for ignition interlock devices for all drunk drivers.

Support for Advanced Technology
MADD supports the development of advanced, passive in-vehicle technology to determine automatically whether the driver is impaired and prevent the driver from operating the vehicle.

Public Support
MADD engages the public to advocate and fight for the elimination of impaired driving. It's everyone's responsibility.

MADD is the leading national nonprofit organization working to end drunk driving, help fight drugged driving, support the victims of these violent crimes, and prevent underage drinking across the United States. Since its establishment in 1980, MADD has demonstrated tremendous progress toward its mission. The success of MADD, our traffic safety partners and other advocates has helped reverse public acceptance of drunk driving and significantly reduce alcohol related traffic fatalities since MADD's founding; however, the problem is far from solved.

MADD understands the critical importance of law enforcement's challenging role in the identification and arrest of alcohol and drug impaired drivers among the ever-changing traffic enforcement environment. This toolkit serves as a blueprint for law enforcement's partnership to help MADD eliminate drunk and drug impaired driving and the 100% preventable death and injuries that result.

Traffic and road safety is public safety, and the alarming increases in alcohol and drug related traffic fatalities and injuries across our nation are extremely concerning. Addressing these increases through intentional efforts focused on impaired driving enforcement strategies, continued preventative education, community engagement and ongoing public awareness programs are paramount.

***You, our law enforcement partners and heroes,
are the last line of defense against impaired driving.
We thank you for your efforts to save lives on America's roadways.***

A Message from the MADD Law Enforcement Committee

Author



Colonel Jeffery Glover
Director, Arizona Department of Public Safety
Co-Chair, MADD Law Enforcement Committee

The conversations regarding impaired driving have been prolific around the United States for many years. The dangers and tragedy associated with drunk and/or drugged driving are just as prevalent now as it has ever been in previous years. New data suggest that the percentage of crashes involving drivers with blood alcohol content (BAC) over the legal limit has jumped from 19 percent to 26 percent during COVID.

Post-COVID, the increased trend of vehicle collisions and impaired driving has continued. We must continue a vigilant path to educate and enforce drunk and drugged driving laws, as many lives depend on it. Law enforcement officers are tasked with saving lives, and we must continue the fight to ensure enforcement and accountability are present to address this issue.

THE IMPORTANCE OF RECOGNIZING YOUR TEAM

It has been said that what gets measured, gets done. Having a plan with metrics can take care of that piece, but it is also known that what gets recognized gets done. The champion must also be a cheerleader for the individuals who are doing the job and preventing the injuries and deaths.

When reporting results, there should also be metrics that point to who is providing the best effort, and those individuals should receive recognition. This can be both formal and informal but must be seen by the entire agency as something that is mission critical.

One of the most valuable pieces of advice one of my most trusted mentors, Lieutenant Colonel, Gilbert H. Jones (Ohio State Highway Patrol and Franklin County Ohio Sheriff's Office), impressed upon me is the need to be authentic, available, caring, and willing to manage by walking around (MBWA).

As a law enforcement executive today, MBWA is one of the most effective tools at your disposal to cultivate relationships, understand the culture of your agency, address rumors head-on, and have meaningful dialogue with personnel to ensure they understand where the agency is going, but more importantly, how they fit into the construct of how to get to the destination.

Leaders must be intentional about leading from the front while being accepted and approachable enough to connect with every member and level of an agency. I firmly believe the adage is true, "people do not care how much you know until they know how much you care."

Author



Colonel Richard S. Fambro
Ohio State Highway Patrol (Retired)
Member, MADD Law Enforcement Committee



HALT Drunk Driving Law: Solution to Ending Drunk Driving

Drunk driving deaths are up 22%: Since 2019, drunk driving deaths have skyrocketed by 22%, with more than 12,000 people killed and nearly 400,000 injured every year.

Congress Has Acted in a Bipartisan Way to Use Lifesaving Technology to Stop These Preventable Drunk Driving Deaths

- Since 2006, thousands of drunk driving victims and survivors have advocated for passenger vehicles to incorporate passive technology that prevents drunk driving before it occurs.
- In 2021, Congress passed the bipartisan Honoring the Abbas Family Legacy to Terminate (HALT) Drunk Driving Act (Section 24220 of PL 117-158) as part of the Infrastructure Investment and Jobs Act (IIJA).
- The law directs the National Highway Traffic Safety Administration (NHTSA) to create a rule, or federal motor vehicle safety standard (FMVSS), requiring all new passenger vehicles to have built-in technology to prevent drunk driving.
- Issuance of an FMVSS will be a game changer. Integrating passive anti-drunk driving technology into every new car will save 10,000+ lives each year, according to the Insurance Institute for Highway Safety.
- During U.S. Secretary of Transportation Sean Duffy's confirmation hearing, he committed to working with Congress to ensure that NHTSA has the resources it needs to ensure implementation of the HALT Drunk Driving Law is completed.



HALT Drunk Driving Law: Solution to Ending Drunk Driving

The Auto Industry Has the Solution

Congress has funded a cooperative agreement between NHTSA and the auto industry for 16 years to develop anti-drunk driving technology. The Driver Alcohol Detection System for Safety (DADSS) is one example which is nearing readiness for deployment.

General Motors CEO Mary Barra confirmed that the auto industry is working on anti-drunk driving technology: “We’ve been working with regulators on that... that’s technology that’s coming that I think is going to be good for everyone,” she said on December 13, 2023, at an event hosted by the Economic Club of Washington, D.C.

Learn more at madd.org/halt

What is Anti-Drunk Driving Technology?

- The HALT Drunk Driving Law was not tied to a specific technology; Congress recognized the potential for multiple industry-developed solutions to compete for standardization.
- Anti-drunk driving technology is NOT a breathalyzer or ignition interlock device. The technology is “passive,” which means it operates without driver engagement, seamlessly ensuring a normal driving experience — except for those attempting to drive drunk.
- NHTSA has already begun implementation of the HALT Drunk Driving Law by issuing an Advance Notice of Proposed Rulemaking (ANPRM) in late 2023 and collected more than 18,000 submissions of input through public comment.
- Technologies in development by auto suppliers include breath-based, touch-based, and monitoring eye movement for alcohol impairment, all of which would take action to prevent a crash if the driver is intoxicated. Our organizations do NOT have a preference regarding the type of technology.

Driver Privacy Must Be Protected

- No matter which technology or technologies are ultimately selected, Congress, NHTSA, and stakeholders have all acknowledged the importance of safeguarding privacy and ensuring consumer acceptance.
- NHTSA has publicly acknowledged the need for privacy to be protected, and our organizations agree.
- The only purpose of the anti-drunk driving technology is to prevent deaths and injuries caused by drunk driving.
- Our organizations do NOT support a system that collects, stores, or sells driver data.

Mission Moment

Anna-Marie Dalton | Crash Date Feb 19, 2019

“Anna-Marie Elizabeth Dalton was born on April 22, 1995. Anna loved life. She was a dreamer and wanted to make this world a better place. She loved to have fun, laugh, hang out with her friends and family. Anna graduated from Warren County High school in 2013. In 2019, she was working two jobs and coming up on her third year at Shenandoah River State Park where she was the Administrative Assistant. She was also working at Walmart as a Pharmacy technician. Anna had dreams of moving to the Outer banks with her sister after finishing school.

Sadly, on February 19, 2019, at the age of 23, Anna was struck and killed. Anna’s dreams will never come true because of one person’s choice to drive impaired, and my world was forever changed. Anna’s death has affected me, her mother, in ways that no one can imagine. Nights are filled with pain and days are filled with tears. Grief is a life-long partner that will always be with me. Death is supposed to be final. But for our family we experience the pain of her loss every day.

Anna was such a bright light, and this world is forever a little darker without her in it. She will forever be loved and missed.”

-Kristine Villatoro, Anna’s Mother

Sherman Richardson | Crash Date Dec 5, 2014

“I received a call that my beloved husband of two decades was killed by a hit-and-run impaired driver on his way to work at 6:30 am. Just thirty minutes after he had kissed me goodbye for what would be the last time. My life was forever changed.

In the face of unimaginable pain, I found solace and hope through MADD – an organization that has been a guiding light throughout my journey. Since that tragic day, I’ve dedicated myself to transforming my pain into purpose, working alongside MADD to bring awareness to the impact that impaired driving inflicts on our communities, and, for far too many of us, our loved ones.”

-Jawana Richardson, Sherman’s Widow



MADD Victim Services and First Responder Resources

Author



Heather Ayala

National Director Victim Services
Mothers Against Drunk Driving



IF YOU NEED 24/7 SUPPORT:

877.MADD.HELP

(1-877-623-3435)



MADD's online resource for first responders

When many people think of MADD, they think of us as a legislative powerhouse, a coalition of passionate people working together with law enforcement and other community partners to prevent these awful crimes from happening. What is surprising to most is that we offer free, robust services to victims and survivors of drunk and drugged driving crashes throughout the United States.

MADD offers a 24-Hour Helpline for victims and survivors that offers someone to talk to and answers to some of the many questions that come after a crash. It is also important to note, that this Helpline is also available and encouraged for our dedicated first responders who put their lives on the line everyday as they respond to dangerous calls. MADD recognizes and seeks to honor our partners who see the aftermath of these crashes. We want to provide support to each of you as well.

In addition, we want to ensure that you are aware of the additional supportive resources that you can offer to victims and survivors that you serve. If you want to connect a victim or survivor to our services or you, yourself have questions, please reach out to the MADD Helpline at 1-877-623-3435 (1-877-MADD-HELP).

MADD has also developed an [online brochure](#) highlighting resources for first responders. We understand and have heard from many first responders that these crashes live with you. When you continue with your work or go home at the end of your shift, sometimes that trauma comes to the surface. This brochure is filled with information about what that can look like and what might be available to help when you are feeling that impact. We encourage you to review the contents and share with your coworkers.

Many may never show or share outwardly that impact. MADD wants to encourage and normalize the importance of first responder wellness resources. We know that your jobs are difficult, and we want to ensure that every first responder receives the support they need.

Thank you for what you do every day! Your prevention efforts and response efforts after a crash are hugely important and impact many lives.

You are appreciated.

Community Engagement: Building Trust



Trust Building Campaign
6 key focus areas include:

1. Bias-free policing
2. Use of force
3. Leadership and culture
4. Recruitment, hiring and retention
5. Victim services
6. Community relations



As a community-based organization, MADD can provide support both within and outside of the criminal justice process from immediately after a crash to many years later.

MADD can provide support in situations other providers may not be able to, such as when the offender dies in the crash or after the case is adjudicated.

Our scope of services is expansive, ranging from emotional support, information and referral, assistance finding financial resources, peer support and many other types of services.

It is important to build awareness, engagement, and trust between law enforcement and the communities they serve. According to the U.S. Department of Justice, building trust with the community is fundamental to effective policing. There are many ways that community engagement can make a difference. The following sections will discuss several examples of campaigns, recommendations, and options for engaging, educating and building trust in your local communities.

The International Association of Chiefs of Police (IACP) features a Trust Building Campaign that seeks to enhance trust between police agencies and the communities they serve by ensuring positive community-police partnerships that promote safe, effective interactions, create strategies to prevent and reduce crime, and improve the well-being and quality of life for all. The IACP's Trust Building Campaign contains policies and practices representing six key focus areas that are essential to enhancing trust and collaboration between communities and police.

SERVING VICTIMS AND SURVIVORS OF DRUNK AND DRUG IMPAIRED DRIVING

In addition, the Enhancing Law Enforcement Response to Victims (ELERV) Strategy introduces federal, state, local, campus, and tribal law enforcement leaders to the concepts and benefits of enhancing their response to victims of all crimes. It also illustrates how every person in a law enforcement agency has a role in effective victim response. Due to the customizable nature of the ELERV Strategy, agencies can easily start small and build on their efforts over time. Implementing the ELERV Strategy can lead to broader community-wide trust and confidence in the police, foster the healing process for victims, increase victim participation, and produce stronger, more comprehensive cases to hold offenders accountable.

MADD recognizes and responds in a trauma informed manner because being trauma informed promotes resiliency and healing for those who have been impacted. Drunk and drugged driving are violent crimes that often cause long term harm. Law enforcement agencies are uniquely positioned to address victims' needs immediately after a crime, and the Enhancing Law Enforcement Response to Victims' (ELERV) Strategy can help. MADD is here to support your efforts.

Community Engagement: Building Trust

Author



Colonel Jeffery Glover

Director, Arizona Department of
Public Safety
Co-Chair, MADD Law Enforcement
Committee

ENGAGING COMMUNITY IN TRAFFIC SAFETY PLANS: A CASE FOR SUPPORT

The Tempe Police Department's initiative to conduct community meetings and seek input on creating equity in traffic safety shows a commitment to serving the community and ensuring the well-being of its residents. Traffic safety is a crucial aspect of maintaining a safe and livable city.

By involving the community in the process, the police department can gain valuable insights, perspectives, and concerns from residents. This collaborative approach allows for a more comprehensive understanding of the specific challenges and needs of the community in terms of traffic safety.

Creating a safety plan is essential for ensuring that all residents, regardless of their background or circumstances, have equal access to safe roads and transportation. This can involve various measures, including improving infrastructure, implementing traffic calming strategies, enhancing public transportation options, and increasing educational outreach.

Additionally, a traffic safety plan should address any disparities or inequities that exist in traffic enforcement and ensure that law enforcement practices are fair and unbiased. This may involve reviewing and revising policies and procedures to promote transparency, accountability, and community trust.

Overall, involving the community in the process of creating a traffic safety plan is a positive step toward building a safer and more inclusive city. It demonstrates a commitment to understanding and addressing the unique needs of the community and working collaboratively toward a common goal of reducing fatal traffic collisions and enhancing the overall well-being of residents.

As a final note, utilizing news and social media to promote operations in selected areas before, during, and after, in order to share results is essential to building trust, respect, transparency, and legitimacy that law enforcement executives and the public both seek to achieve.



Community Engagement: Building Relationships

Opportunities for building positive interactions and relationships with the community:

- Community events
- Block Party Events
- School Partnerships
- Library Partnerships
- National Night Out
- Coffee with a Cop Events
- Police Athletic Leagues
- Child Safety Seat Training
- Chaplain Academy
- Cops and Clergy
- Neighborhood Beautification
- Community Gardens
- MADD Events and Programs

Law enforcement's ability to build strong relationships with community organizations can provide impactful awareness and educational opportunities. Conversations and educational presentations about the prevention of drunk and drugged driving, hazardous driving behaviors and underage drinking consequences are great opportunities for law enforcement to engage with community members to prevent future enforcement needs, like substance impaired driving.

In addition, awareness campaigns and activities focused on informing the community of the prevalence of underage drinking and substance impaired driving within their neighborhoods are crucial to ensuring transparency and connection between law enforcement strategies and community safety. Many community organizations, businesses, and faith-based groups have adequate facility space to host forums, events, or youth programs that allow positive interactions between members of the community and law enforcement.

In addition, places of worship and faith-based organizations can act as neutral territory for difficult conversations, leading to healing between law enforcement and the community and laying out a strategic plan that clearly denotes an intentional relationship with community organizations and shows the commitment needed to address issues of legitimacy for police organizations.

Law Enforcement and faith-based organizations can create unique partnerships within a community. Whether formal or informal, faith-based organizations can provide law enforcement with a platform to engage with their community meaningfully. The collaboration can come in many different forms, as faith-based organizations can provide some of the following:

- The ability to bring a diverse group together
- Building space
- Volunteers from the community
- The ability to mediate concerns
- Knowledge of community issues
- A link between community members and government
- Connection to social services
- Potential for counseling services

Community Engagement: Education and Awareness



At MADD, we know that our hopes for a safer future are riding on tomorrow's drivers. By getting today's youth off to a good start, we are taking a giant step toward ending impaired driving for good. MADD is committed to protecting families and communities from substance impaired driving and underage substance use because studies show that kids who start drinking young are seven times more likely to be in an alcohol-related crash. The good news is, we also know that teens who DO NOT drink alcohol until they are 21 are 85% less likely to become a drunk driver later in life than those who⁽²⁾ drink before age 14. As a result, MADD has created a 3-pronged approach to the prevention of underage drinking and other drug use.

- **Parent Education & Empowerment:**

- **Power of Parents**[®] - informs, motivates, and empowers parents and guardians of middle school and high school teens to have critical, lifesaving and ongoing conversations about the dangers of underage drinking and other drug use.

- **Youth Education & Empowerment:**

- **Power of You(th)**[®] - empowers teens to take a stand against drinking alcohol and consuming other drugs before 21 and to never ride in a car with someone who has been drinking or using drugs.
- **Power of Me!** - is an alcohol use prevention and vehicle safety presentation for 4th and 5th grade elementary school students focusing on educating children on how their brain continues to develop throughout childhood and adolescence, what alcohol does to the developing brain, and why it is important for children to protect their brains.

- **Community Engagement & Mobilization:**

- **Power of Community** - engages the entire community by utilizing evidence-based strategies for underage drinking prevention as well as community prevention activities that lead toward long-term outcomes that change community norms and systems around underage drinking.

Law enforcement plays an important and informative role within each of the prongs of MADD's underage drinking prevention approach. We invite and encourage you to engage with your local MADD office and join us in our work to empower the generation that will eliminate substance impaired driving for good. To learn more about these powerful MADD programs, please visit the following link: [Underage Drinking - MADD](#).

High-Visibility Law Enforcement

A **saturation patrol** is an increased number of police officers patrolling a specific area to look for impaired driving behavior, especially at times and in locations where impaired driving is more common.

When implemented fully, saturation patrols are well publicized and regularly conducted. Just like sobriety checkpoints, the goal of saturation patrols is to increase the perceived likelihood that impaired driving will be identified and penalized, leading to a reduction in impaired driving.⁽⁵⁾

Saturation patrols are sometimes used when sobriety checkpoints are restricted by state or local laws.



North Carolina DOT released BAT Mobiles, fully equipped for law enforcement to test and process individuals driving while impaired.

High-Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors.⁽³⁾ HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue with a specific communications campaign to educate on safe travel behavior. It combines enforcement, visibility elements, and a public relations strategy to educate the public and promote voluntary compliance with the law. Checkpoints, saturation patrols and other HVE strategies should include increased publicity and warnings to the public. Although forewarning the public might seem counterproductive to apprehending violators, it increases the deterrent effect.

HVE incorporates enforcement strategies, such as enhanced patrols (i.e. saturation patrols) using visibility elements (e.g., electronic message boards, road signs, command posts, Breath Alcohol Test (BAT) mobiles, etc.) designed to make enforcement efforts obvious to the public. It is supported by a coordinated communication and public awareness strategy. HVE may also be enhanced through multi- and jurisdictional efforts and partnerships between people organizations dedicated to the safety of their community.

The High-Visibility Enforcement message must emphasize enforcement targeting a specific traffic safety problem. To enhance the visibility of your enforcement, MADD recommends using a combination of ways to alert the public of your efforts and choose multiple, not just one, method. Even if you are unable to support your enforcement with paid media, you can effectively publicize it by sending press releases to all local media outlets and utilizing various social media platforms. Your publicity should always include pre-event, during, and post-event messaging.

MADD invites law enforcement to consider dedicating their HVE efforts in honor of a victim or survivor of a substance impaired driving crash. MADD's rich history has influenced public perception of drunk driving, putting faces to the statistics helps highlight that these crashes are not "accidents" but rather instances of avoidable violence and that the crime of drunk and drugged driving is not "victimless." This will reinforce the dangers of substance impaired driving. Utilizing victim and survivor stories and sharing statistical information related to crashes in the area of directed enforcement will also help gain the public's support for such enforcement action.

High-Visibility Law Enforcement

Community partners should include, but not be limited to:

- local safety coalitions
- mayors
- city councils
- civic organizations
- victims and survivors
- local clergy

When the general public understands the need for traffic enforcement programs, particularly in statistically high crash areas, they are much more supportive of law enforcement's efforts to address public safety through stepped up enforcement.

UTILIZING DATA DRIVEN ENFORCEMENT

Today, more than ever, it is imperative that law enforcement executives utilize data to drive their operations; especially when focusing on specific traffic, crime, or problem behaviors. Furthermore, the use of data assists law enforcement agencies in achieving organizational strategies while providing opportunities to engage stakeholders through strategic partnerships and problem-solving techniques.

Citizens expect law enforcement agencies to address crime and traffic trends, which lead to loss of life, and erode public confidence where safety and security in their homes, neighborhoods, and places of business is concerned. This opportunity to serve can only be enhanced when executives empower their command staff to be transparent, and communicative with the public, while inviting them and other stakeholders to the table to be partners in initiatives that often improve quality of life, increase trust, and in some instances, saves lives.

During the planning phase of operations, which includes evaluating data, extending participation invitations to other affected law enforcement agencies and community partners to assist with the initiative is essential. Once all stakeholders are established, meet to discuss the scope of the issue, share data to substantiate the need to act, establish a timeline for the duration of the operation, and educate and involve the community in combating the problem by allowing them the opportunity to understand the "why."



Chief Paco Balderrama
Fresno Police Department

"As we deal with so many critical issues in public safety today, we must also continue to focus on safety on our roads and highways. Every year over 40,000 people die from unnecessary and avoidable traffic collisions. The Fresno Police, along with many other law enforcement agencies across our country, continue to use proactive enforcement measures such as DUI checkpoints to give our best effort to save people from potentially life-ending collisions. Traffic safety is everyone's responsibility, and we must hold everyone accountable. We appreciate the federal and state funding available to help in this cause. We are inspired by organizations like MADD who bring education, awareness, and attention to this critical issue. Working together will make a difference and save lives on our roads!"

High-Visibility Law Enforcement

Author



Colonel Richard S. Fambro
Ohio State Highway Patrol (Retired)
Member, MADD Law Enforcement
Committee

UTILIZING DATA DRIVEN ENFORCEMENT: A CASE FOR SUPPORT

Law enforcement executives today face a myriad of issues as they solve complex problems, combat crime, provide safe streets, transportation corridors, and communities for their citizens.

Upon being named Superintendent of the Ohio State Highway Patrol in 2019, and through the pandemic, my team and I struggled with many of the same issues, but in particular, the need to combat rising traffic fatalities, while struggling with the complexity of providing traffic safety and other support services to a multitude of partners throughout Ohio, with a dwindling workforce.

One of the key tenants to our plan was to reinstitute the use of data to drive our operations; especially when focusing on specific traffic, crime, or problem behaviors. Furthermore, we made it our priority to use that data to assist our law enforcement partners in achieving their organizational strategies while providing opportunities to engage stakeholders through strategic partnerships and problem-solving techniques.

The Patrol's overarching plan was developed realizing that most citizens expect law enforcement agencies to address crime and traffic trends, which lead to loss of life, and erode public confidence where safety and security in their homes, neighborhoods, and places of business is concerned. Therefore, it was imperative that collaboration between our agency, partner agencies, community-based stakeholders, others with a vested interest, and the community was the cornerstone (of the plan).

At the end of the day, the use of data, collaboration, and transparency, will only increase a law enforcement agency's ability to enhance already existing relationships, provide opportunities to cultivate new ones, while improving the quality of life, increasing trust/legitimacy, and in some instances, saving lives.

For more information on HVE, please review [NHTSA'S High-Visibility Enforcement \(HVE\) Toolkit](#). This is a great resource for understanding and implementing HVE.

High-Visibility Law Enforcement

HIGH-VISIBILITY ENFORCEMENT (HVE) METHODS: SOBRIETY CHECKPOINTS



How MADD Can Help at a Checkpoint:

- Share victim stories- Mission Moment- during Roll Call
- Provide thank you cards to designated drivers
- Record statistics, such as counting vehicles and wait times
- Carry signs, thanking sober drivers
- Bring food and snacks for the officers

Sobriety checkpoints are organized and coordinated spots on the road where law enforcement officers divert traffic to conduct sobriety checks. Checkpoints are usually set up in locations where data shows a higher rate of crashes and substance impaired driving. The primary purpose of these high-visibility efforts is to remove drunk and drugged drivers from the road, communicate with the public that there is no tolerance for impaired driving, and help end drunk and drugged driving.

When checkpoints are planned, publicized, and executed, there are great benefits to communities. Checkpoints work as a deterrent to drunk and drugged driving, get impaired drivers off the road and help law enforcement collect valuable statistics.

The biggest benefit is that sobriety checkpoints and increased patrols save lives. Studies show that regular use of checkpoints can decrease impaired driving fatalities by as much as 20 percent.⁽⁶⁾

HIGH-VISIBILITY ENFORCEMENT (HVE) METHODS: SATURATION PATROLS

MADD also supports the National Highway Traffic Safety Administration and law enforcement in their impaired driving mobilizations; which occur twice a year. To deter potential drunk and drug-impaired drivers, they must know enforcement is out there. The mobilizations do just that - let people know that law enforcement is keeping a special eye out for impaired drivers during dangerous parts of the year.

MADD has designated the Saturday before Labor Day weekend as Saturation Saturday - a day to team up with law enforcement departments nationwide to amplify the message that if you choose to drive impaired, you will get caught. MADD staff and volunteers coordinate with local departments to host media events, roll call briefings and sobriety checkpoints to show support for officers conducting high-visibility enforcement. The campaign is aimed at lowering drunk and drug impaired driving crashes and fatalities during one of the busiest travel weeks of the year.

Click [here](#) to find a MADD office near you.

Impaired Driving Task Force Overview

THE PRIMARY MISSION OF THE IMPAIRED DRIVING TASK FORCE IS TO PREVENT TRAFFIC DEATHS.

Impaired driving task forces exist to address drunk and drug impaired driving primarily through enforcement and education initiatives. These task forces are sometimes created by state agencies and operate at the statewide level. There are also many task forces that operate at the local (city or county) or regional level. These local task forces may operate like statewide task forces in many ways, including the types of people and agencies that participate in them.

However, they may also differ in some ways, including the amount of funding and other resources they have available, the type of activities in which they participate, and how they measure the effectiveness of their efforts. Research has shown that impaired-driving task forces can have a beneficial effect on the incidence or occurrence of impaired driving and impaired driving crashes. (7)

The National Highway Traffic Safety Administration published A Guide for Statewide Impaired-Driving Task Forces⁽⁸⁾ to assist State officials and other stakeholders who are interested in establishing an Impaired-Driving Statewide Task Force or who are exploring ways to improve their current task force.⁽⁹⁾

The two-volume guide describes nine local impaired-driving task forces and the approaches taken to create them, decisions made on who to include as members, and how they address impaired driving in their communities. Task forces selected for study represent a wide range of histories, structures, and approaches to conducting task force activities. Nevertheless, there are many similarities between them.

- Volume I is a guide for local impaired-driving task forces. The guide summarizes the information collected from the various task forces and includes recommendations by task force members. At the end of Volume 1, there are summaries of the nine local task force case studies.
- Volume II contains the full-length case studies for each of the nine local task forces identified in Volume 1.

Impaired Driving Task Force Overview

SHOWCASE: THE INGHAM REGIONAL CRASH INVESTIGATION TEAM

Author



Ken Stecker

Former Michigan Traffic Safety
Resource Prosecutor
Member, MADD Law Enforcement
Committee

The Ingham Regional Crash Investigation Team (IRCIT) is responsible for policing serious injury and fatal crash scenes within Ingham County. The team is composed of law enforcement officers, forensic experts, and other professionals with expertise in crash investigation and reconstruction. When a serious injury or fatal crash happens, the jurisdiction responsible requests assistance from IRCIT. If members are on duty and can respond, they do. If no crash investigators are on duty, an alert is initiated and up to four investigators respond to the scene. The department who has primary jurisdiction at the scene is responsible for assigning an investigator from their department as the “lead.” The other three assist the lead in whichever role they ask in documenting the crash scene through photographs, scene sketch, forensic crash scene mapping, etc.

The law enforcement officers on the team come from various agencies within Ingham County including the Michigan State Police, Lansing Police, Michigan State University Police, Meridian Township Police, Lansing Township Police, East Lansing Police, and the Ingham County Sheriff’s Office. Team members assist with crash investigations by collecting and analyzing physical evidence, reconstructing the crash, and determining its cause.

The team also includes two dedicated Ingham County prosecutors whose job is to ensure any criminal charges resulting from the investigation are appropriately prosecuted. Overall, this team of crash investigators work closely together to investigate fatal crashes in Ingham County with members from various jurisdictions bringing their unique expertise and resources to the table to ensure a thorough and effective investigation.

A recent investigation by IRCIT led to the conviction of Damerious Church on two counts of Operating While Intoxicated Causing Death and two counts of 2nd degree homicide. On March 8, 2019, Church was driving aggressively, and while trying to pass other vehicles on the shoulder, his vehicle left the roadway backwards and striking a tree with the rear of the vehicle, killing his 9-year-old son, Deandre Church, and 8-year-old daughter, De’Asia Church. This investigation was a testament to how a team of investigators worked together to accomplish a goal; to be the voice of and secure justice for the victims.

Law Enforcement Training: ARIDE & DRE

MADD advocates that law enforcement agencies train all officers in SFST proficiency and retraining should occur on a regular basis.

ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (ARIDE) AND DRUG RECOGNITION EXPERT (DRE): WHY BOTH ARE NEEDED

Law enforcement agencies throughout the country are faced with personnel shortages and reduced budgets often limiting their ability to effectively deal with drunk and drugged driving. However, substance impaired driving has a profound impact on society and public safety. It claims the lives of innocent victims, costing millions of dollars in property damage, medical care, and criminal justice expenditures. Addressing drunk and drug impaired driving must be considered a high priority despite the hindrances and distractions faced by law enforcement.

What constitutes substance impaired driving has changed over the years to include many other impairing substances, not just alcohol. Because of this, law enforcement leaders are strongly encouraged to endorse and support the substance impaired driving training programs offered through the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP). These programs include Standardized Field Sobriety Testing (SFST) and SFST Refresher, Advanced Roadside Impaired Driving Enforcement (ARIDE) and the Drug Recognition Expert (DRE) training.

Standardized Field Sobriety Testing remains the foundation of substance impaired driving detection and enforcement for some 800,000 officers across the country. Some states, however, do not require SFST training for officers assigned to patrol functions. Much like with drunk driving, currently the best way to deter and detect would-be drugged drivers is through the use of high-visibility enforcement tactics. Because of the wide array of drugs and their varying levels of impairment, training is key to ridding our roadways of drugged drivers. That's why MADD supports the full implementation of specialized training programs to assist law enforcement officers in detecting drugged drivers.

The Drug Evaluation and Classification (DEC) program was created through a collaboration between the National Highway Traffic Safety Administration and the International Association of Chiefs of Police. The Drug Recognition Expert (DRE) program was developed within the DEC Program to help officers identify drug-impaired drivers.

Law Enforcement Training:

ARIDE & DRE

To become a DRE, officers must follow a rigorous three-phase training curriculum and learn to conduct a standardized and systematic 12-step evaluation consisting of physical, mental, and medical components. As of 2023, all 50 states plus the District of Columbia are participating in the program with about 8,000 officers trained nationwide.

ARIDE training was developed in 2007 for the purposes of assisting detecting, police officers in “becoming more proficient at apprehending, testing, and prosecuting impaired drivers” and soliciting the investigative assistance of Drug Recognition Experts in drug-impaired driving investigations.

While there are similarities between alcohol and many impairing drugs, there are a greater number of behaviors exhibited as the result of drug impairment that often go undetected without additional training and knowledge. Drug-impaired drivers are being stopped by police officers that lack the requisite knowledge and skills to properly identify the driver’s impairment and collect evidence of the crime. ARIDE training addresses this gap in knowledge.

WHY ARIDE?

ARIDE assists in roadside impaired investigations and builds upon the training in SFST and augments it to test for drug impairment as well. This training also comes at no cost to the agency. However, ARIDE training, like most training, is not without its limitations, and roadside tests are only screening tools. They are designed to efficiently identify substance impaired drivers while facilitating the appropriate and timely release of non-impaired drivers. However, roadside sobriety tests do not provide any corroborating chemical evidence relative to a Driving While Intoxicated (DWI, DUI, OVI, etc.) charge. That evidence is typically available post-arrest. In most jurisdictions, the chemical corroboration for alcohol is in the form of breath or blood testing. With drug-impaired drivers, corroborating chemical evidence can be more complex. While a proven correlation between the alcohol level and the degree of impairment exists, there is no such toxicological connection for drug impairment. The prosecution must establish that any drug levels detected were affecting the driver at the time of the arrest. This is where a specialized trained officer becomes involved—the Drug Recognition Expert.

[Click here to find a DRE Coordinator in your state.](#)

Law Enforcement Training:

ARIDE & DRE

IF I HAVE ARIDE-TRAINED OFFICERS, WHY DO I NEED A DRE?

DRE trained officers are sophisticated crime scene investigators, specializing in the effects of various categories of impairing drugs. ARIDE trained officers receive a general education pertaining to signs and symptoms of drug impairment while certified DREs can provide specific, expert testimony that a certain drug category(s) is likely the cause of the impairment. That testimony is reliant upon the collection of evidence from the driver based on the DRE drug influence evaluation protocol. The ARIDE officer's role is like a first responding officer who secures the crime scene. The DRE conducts a post-arrest response to identify and collect vital evidence, store it through a written record, and interpret it to identify the likely cause of the driver's impairment.

Although not all states allow DRE testimony, most courts have closely examined the DRE training and have found its methodology to be well founded upon a reasonable degree of scientific certainty. Going to a drugged driving trial without the testimony of a DRE is similar to prosecuting an alcohol impaired driving case without SFSTs—it can be done but is difficult and may not result in the proper adjudication.

It is not just alcohol and/or drugs that create an appearance of impairment. There are medical and/or mental health conditions that can cause, or mimic, impaired driving behavior. DREs are trained to recognize many of these types of conditions and take appropriate action. Through the efforts of DREs, numerous lives have been saved as the result of a DRE referring an arrested or detained driver for appropriate medical care. In 2022, DREs classified 464 subjects arrested for an impaired driving charge as ⁽¹⁾experiencing a medical condition instead of alcohol or drugs. DREs can help avoid a potentially inappropriate detention by recognizing a medical and/or mental health condition rather than alcohol or drug influence.

STOPPING THE RECIDIVISM CYCLE

Once arrested, drug-impaired drivers enter the criminal justice system designed to hold defendants accountable and to modify future harmful behavior. Inclusive in that is the opportunity for treatment. Although involving a DRE evaluation is ideal, it may not always be possible in all cases.

Law Enforcement Training:

ARIDE & DRE

A DRE evaluation will enhance the evidence in a drug related impaired driving case. Weak, or incomplete drug-impaired driving cases, if dismissed, fail to get the offender into the needed substance abuse or mental health treatment programs they may need. If a non-DRE case is dismissed, the offender is released, and chances of re-offending are high. By focusing on quality drug-impaired driving investigations involving a DRE, there is a greater opportunity to stop the recidivism cycle.

WHAT IS THE RIGHT BALANCE FOR MY AGENCY?

SFST training is the first step for every law enforcement agency to help reduce impaired driving offenses. SFST is the foundation for ARIDE and DRE. Every officer who could potentially encounter a substance impaired driver should be trained in SFST and receive refresher training at least once every three years.

Additionally, officers should have access to a DRE for those impaired driving offenses where drug impairment is suspected. Many agencies lack the resources to have an on-duty DRE 24 hours per day, so having a DRE available to callout when necessary is critical. Many jurisdictions offer overtime reimbursement programs to alleviate agency burdens with DRE overtime callouts.

Sharing DREs is a solid practice among law enforcement agencies. Frequently, a DRE is called to assist with another officer's arrest. The DRE is there to collect evidence on behalf of the arresting officer but not take over the arrest. Since impaired drivers can quickly traverse from one jurisdiction to another, sharing DREs as a resource among law enforcement agencies is a prudent and efficient practice, especially when dealing with personnel shortages and budget restrictions.

Law enforcement agencies need ARIDE training, and ARIDE-trained officers need DREs. ARIDE training enhances the SFST-trained officer's ability to recognize signs of drug influence in a driver. However, an ARIDE-trained officer can gather only a limited amount of roadside evidence from a drug-impaired suspect. ARIDE-trained officers need access to a DRE to help "process the crime scene" and secure additional evidence for prosecution. As ARIDE training increases within law enforcement agencies, the demand for DREs will rise. Law enforcement executives are strongly encouraged to facilitate access to DREs to secure additional evidence. When it comes to ARIDE and DRE, law enforcement agencies need both.

Additional information regarding ARIDE and DRE training can be accessed at the IACP website, <http://www.decp.org> or contact your respective coordinators.

Additional Training Resources & Associations

MADD HERO

IMPAIRED DRIVING ENDS HERE.



IACP Mission:

The International Association of Chiefs of Police advances the policing profession through advocacy, research, outreach, and education.

IACP Vision:

Shaping the future of the policing profession.

[About IACP | International Association of Chiefs of Police \(theiacp.org\)](#)

MADD'S LAW ENFORCEMENT EFFORTS

In support of our law enforcement heroes, MADD created a Law Enforcement Support Newsletter and webpage. The newsletter features a monthly Guest Author, Mission Moment, and highlights MADD's Officer of the Month articles. The webpage contains additional resources and training aids to support law enforcement.

A training resource that MADD encourages law enforcement to review and use throughout their efforts is the [MADD Roll Call Video Series](#). This series contains a main Roll Call Video and a series of nine shorter videos for law enforcement training and awareness of the impaired driving problem across the United States. The Roll Call Video Series can be accessed here or at www.madd.org/les where you can also sign up to receive the monthly Law Enforcement Support Newsletter.

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

The International Association of Chiefs of Police (IACP) is the world's largest and most influential professional association for police leaders. With more than 33,000 members in over 170 countries, the IACP is a recognized leader in global policing, committed to advancing safer communities through thoughtful, progressive police leadership. Since 1893, the association has been serving communities by speaking out on and behalf of law enforcement and advancing leadership professionalism in policing worldwide.

The IACP is known for its commitment to enhancing community safety by shaping the future of the police profession. Through timely research, programming, and unparalleled training opportunities, the IACP is preparing current and emerging police leaders—and the agencies and communities they serve—to succeed in addressing the most pressing issues, threats, and challenges of the day.

The IACP is a not-for-profit 501c(3) organization headquartered in Alexandria, Virginia. The IACP is the publisher of The Police Chief magazine, the leading periodical for law enforcement executives, and the host of the IACP Annual Conference, the largest police educational and technology exposition in the world. IACP membership is open to law enforcement professionals of all ranks, as well as non-sworn leaders across the criminal justice system.

Additional Training Resources & Associations

Sample IDTS Conference educational content:

- Information on Narcotic Analgesic drug pharmacology
- DRE Case studies
- Additional sources of evidence in crash investigations
- Conducting a Green Lab for assessing marijuana impairment
- Successful prosecutions in DRE cases when toxicology did not detect the impairing drug
- Contemporary issues in CMV enforcement
- Impairment from short-acting drugs and DWI cases
- Civil Liability and the DRE
- Traffic safety data sources and implications
- Information on Dissociative
- Anesthetic drug pharmacology

IACP IMPAIRED DRIVING AND TRAFFIC SAFETY CONFERENCE (HELD ANNUALLY IN AUGUST)

Join traffic safety professionals from around the world to share knowledge about effective and proven approaches for improving road safety, the latest science on alcohol and drug-impaired driving enforcement, how technology can be leveraged to make communities safer, and how agencies can use traffic safety education to engage and build trust with their communities. The IACP Impaired Driving and Traffic Safety Conference (IDTS) is the largest training conference for drug recognition experts and traffic safety professionals. Conference attendees include DREs, law enforcement officers (State Police, Highway Patrol, County, Municipal, Governmental, Sheriffs and other agencies), crash investigators, supervisors/administrators, prosecutors, toxicologists, laboratory personnel, traffic safety professionals, among others.

NATIONAL SHERIFFS ASSOCIATION

The National Sheriffs Association (NSA) Traffic Safety department has the duty to address ongoing traffic safety issues and facilitate traffic safety program implementation by providing technical assistance, education, resources, and general support to the Office of Sheriff. NSA supports sheriff's offices and other law enforcement officers in their efforts by sponsoring ARIDE trainings, providing access to tools and resources, and getting information to you on the most effective practices needed to not only recognize impaired drivers on the road, but to also use the strategies available to deter potential violators in the future. See NSA's Guide on implementing and strengthening your traffic safety program by clicking here.

TRAFFIC SAFETY COMMITTEE

As part of our department's work, NSA utilizes a Traffic Safety Committee to distribute and promote materials and to provide recommended procedures for traffic safety implementation among its membership. This Committee's plan is supported by a monthly e-newsletter, Traffic Stop, and the provision of articles, updates, and other website resources.



For more information on NSA's traffic safety programs, please visit <https://www.sheriffs.org/programs/traffic-safety>.



Three Phases of an Impaired Driving Investigation are Essential for a Proper Police Report

In addition to training, it's essential officers know the three phases of an impaired driving investigation. When law enforcement officers are on patrol, there are certain steps they will take to identify and arrest impaired drivers.

There are three phases to an impaired driving investigation and arrest. While specific training, procedures, and guidelines may vary from jurisdiction to jurisdiction, the following three stages (vehicle in motion phase, personal contact phase, and pre-arrest screening phase) provide insights for identifying impaired drivers and gathering enough evidence to make an arrest. All three of the phases need to be documented in the final police report. This will assist in the proper charging and adjudication of impaired driving cases.

Each phase is explained in detail in the following paragraphs.

PHASE 1: VEHICLE IN MOTION

In this phase, the officer is observing how the vehicle is being operated and how the driver stops when pulled over, during which time the officer may see initial signs of impairment. Below are 24 cues that can be considered to detect impaired drivers. The driving cues were developed from a list of more than 100 that have been found to predict BACs of 0.08 percent or greater.⁽¹²⁾

Problems Maintaining Proper Lane Position

- (1) Weaving
- (2) Swerving
- (3) Weaving across lane lines
- (4) Straddling a lane line
- (5) Drifting
- (6) Turning with a wide radius
- (7) Almost striking a vehicle or other object

Problems with Speed and Braking

- (8) Stopping problems (too far, too short, or too jerky)
- (9) Accelerating or decelerating for no apparent reason
- (10) Varying speed
- (11) Slow speed (10+ mph under limit)

Author



Ken Stecker

Former Michigan Traffic Safety
Resource Prosecutor
Member, MADD Law Enforcement
Committee



Three Phases of an Impaired Driving Investigation are Essential for a Proper Police Report

Vigilance Problems

- (12) Driving in opposing lanes or wrong way on one-way
- (13) Slow response to traffic signals
- (14) Slow or failure to respond to officer's signals
- (15) Stopping in lane for no apparent reason
- (16) Driving without headlights at night
- (17) Failure to signal or signal inconsistent with action

Judgement Problems

- (18) Following too closely
- (19) Improper or unsafe lane change
- (20) Illegal or improper turn (too fast, jerky, sharp, etc.)
- (21) Driving on other than the designated roadway
- (22) Stopping inappropriately in response to officer
- (23) Inappropriate or unusual behavior (throwing, arguing, etc.)
- (24) Appearing to be impaired

Studies have shown that there is a 65% probability that the driver is intoxicated if weaving plus one of the other above listed cues are present. If any two cues other than weaving are present, the probability that the driver is intoxicated is at least 50 percent. The presence of some cues alone (such as swerving, accelerating for no reason, or driving on other than the designated roadway) has a probability greater than 70%.⁽¹⁴⁾

PHASE 2: PERSONAL CONTACT

In this phase, the officer is determining, based upon face-to-face interview and in addition to observations in phase 1, whether there is sufficient reason to instruct the suspect to step out from the vehicle.

Face-to-face observation and interview of the driver:

Allows the officer to use three senses to gather evidence of alcohol and/or drug influence:

- Sight: Bloodshot eyes, soiled clothing, fumbling fingers, alcohol containers, drugs or drug paraphernalia, bruises, bumps or scratches, unusual actions
- Sound: Slurred speech, admission of drinking, inconsistent responses, abusive language, unusual statements
- Smell: Alcoholic beverages, Cannabis, "cover up" odors like breath sprays, unusual odors



Three Phases of an Impaired Driving Investigation are Essential for a Proper Police Report

Pre-Exit Questioning of the Driver:

- Asking for two things simultaneously, be alert for the driver who:
 - Forgets to produce both documents; produces documents other than the ones requested; fails to see requested documents while searching through wallet or purse; fumbles or drops wallet, purse, documents; is unable to retrieve documents using fingertips.
- Asking interrupting or distracting questions, be alert for the driver who:
 - Ignores the question and concentrates only on the license, insurance, and registration search; forgets to resume the search after answering the question; supplies a grossly incorrect answer to the question.
- Asking Unusual Questions
 - For example, while holding the driver's license, the officer may ask the driver, "What is your middle name?"

Exit Sequence:

Be alert to the driver who:

- Shows angry or unusual reactions, cannot follow instructions, cannot open the door, leaves the vehicle in gear, "climbs" out of vehicle, leans against vehicle, keeps hands on vehicle for balance.

Proper face-to-face observation and interview of a driver requires the ability to recognize the sensory evidence of alcohol and/or drug influence and the ability to describe that evidence clearly and convincingly.

PHASE 3: PRE-ARREST SCREENING

In this phase, the officer administers the three scientifically validated psychophysical Standardized Field Sobriety Tests.

Horizontal Gaze Nystagmus (HGN) Test - The HGN test is the most reliable field sobriety test. HGN refers to an involuntary jerking occurring as the eyes gaze toward the side. Involuntary jerking of the eyes becomes readily noticeable when a person is impaired by certain substances, including alcohol.



Three Phases of an Impaired Driving Investigation are Essential for a Proper Police Report

Walk & Turn Test

8 Clues:

1. Cannot balance during instructions
2. Starts too soon
3. Stops while walking
4. Does not touch heel-to-toe
5. Steps off the line
6. Uses arms to balance
7. Loses balance on turn or turns incorrectly
8. Takes the wrong number of steps

One-Leg Stand Test

4 Clues:

1. Sways while balancing
2. Uses arms to balance
3. Hops
4. Puts foot down

In administering the HGN test, the officer has the suspect follow the motion of a small stimulus (approximately 12-15 inches from the subject's face) with the eyes only. The stimulus may be the tip of a pen, finger or penlight.

When the HGN test is administered, the officer always begins with the subject's left eye. Each eye is examined for three specific clues.

- As the eye moves from side to side, does it move smoothly, or does it jerk noticeably?
- When the eye moves as far to the side as possible and is kept at that position for several seconds (minimum of four seconds), does it jerk distinctly?
- As the eye moves slowly towards the side, does it start to jerk prior to a 45-degree angle?

The maximum number of clues that appear in one eye is three. The maximum total number for any subject is six. Research shows that if four or more clues are evident, the test is 88% percent reliable at indicating a person's BAC is .08 or higher.

Walk and Turn (WAT): A divided-attention test consisting of two stages: (1) Instruction Stage and (2) Walking Stage. Research shows that if a subject exhibits two or more clues, the test is 79% reliable at indicating a person's BAC is .08 or higher.

One-Leg Stand (OLS): It is a divided-attention test consisting of two stages: (1) Instruction Stage and (2) Balance and Counting Stage. Research shows that, when the suspect produces two or more clues, the test is 83% reliable at indicating a person's BAC is .08 or higher.

Preliminary Breath Test (PBT): The basic purpose of a PBT is to demonstrate the association of alcohol with the observable evidence of the subject's impairment. The PBT result is only one of many factors the officer considers in determining whether the subject should be arrested. It should never be the sole basis for an arrest.

The Arrest Decision: Your arrest/no arrest decision is "based on the totality of the circumstances" of the three phases of an impaired driving investigation. If all the evidence, taken together, establishes probable cause to believe a crime has been committed, you should arrest the subject for impaired driving.

Search Warrants

Reliable evidence of alcohol and/or other drug use while driving is a vital component for court sentencing in impaired driving cases. All states have “implied consent” laws, providing that as part of receiving a driver’s license, a driver has consented to providing a breath or urine sample when properly requested by law enforcement, and if the driver refuses, they may be subject to sanctions. These sanctions vary by state and include the suspension of their driver’s license and/or fine or jail sentence. In some states, testing refusal is admissible in court.⁽¹⁵⁾

NHTSA research has found implied consent laws often have penalties inadequate to prevent impaired driving suspects from refusing to take a breath test, and suspects who avoid testing are often able to avoid being held accountable. In some states, refusal to submit to blood alcohol concentration (BAC) testing leads to an administrative license suspension or revocation, but no criminal charges.

A 2008 NHTSA report, Refusal of Intoxication Testing: A Report to⁽¹⁸⁾ Congress, identified the use of search warrants as a promising strategy to reduce refusal rates. When a warrant is obtained to draw blood, the suspect is then subject to the state’s administrative sanctions for refusal, as well as criminal sanctions, if the results show they were driving while impaired.

Expediting the Warrant Process

The typical process for obtaining approval for a warrant and drawing blood is time-consuming. In some cases, it can be two or more hours for an officer to complete the necessary forms, contact a judge, travel to the judge's location, electronically submit the forms, receive the warrant approval, transport the offender to the location of the blood draw, and wait for a phlebotomist to obtain the sample. Two promising strategies to reduce this time are implementing an expedited warrant process and a law enforcement phlebotomy program.⁽¹⁹⁾

While implementing both strategies together is ideal, implementing just one of these strategies can benefit and improve the impaired driving arrest process. For more information about implementing a law enforcement phlebotomy program, please visit NHTSA's Law Enforcement Phlebotomy Toolkit.

The terms "expedited warrant," "electronic warrant," and "e-warrant" are often used to describe a system that speeds up the process to obtain a warrant. These systems can be used for arrest warrants, search warrants, or both. For the purposes of this report, the term, "expedited warrant," is used to cover all procedures used to facilitate the search warrant process for chemical testing in impaired driving cases.

In general, expedited search warrant systems for impaired driving arrests enable law enforcement officers to request a warrant from a judge on any day and at any time, provide users with enhanced accessibility to obtain warrants (e.g., available on phones, tablets, and computers), and allow for quicker capture of blood and/or urine samples, thereby ensuring more accurate evidence. In 2018, the International Association of Chiefs of Police Highway Safety Committee passed a resolution supporting the use of expedited warrants in the fight against impaired driving. The resolution states that the IACP legislative supports the "Development, implementation, and engagement of eWarrant systems by law enforcement agencies and prosecutors to prevent injury and death on our nation's roadways".

NHTSA has many great resources, including a "Best Practices" Guide published in 2021 titled, "[Practices for Implementing Expedited Search Warrant Programs for Obtaining Evidence from Impaired Drivers.](#)" Please reference Addendum One to view an example of a Blood Search Warrant.

Commercial Motor Vehicle Drivers & Impaired Driving

Author



Jim Camp
Senior Attorney
National Traffic Law Center
Member, MADD Law Enforcement
Committee

Operation of a motor vehicle while impaired by alcohol and/or drugs under any circumstance poses an enormous risk to public safety.

The risk is further compounded when a CDL holder impaired by alcohol or drugs operates a CMV.

While the standard for passenger vehicle operators is .08 BAC, an operator of a commercial motor vehicle is held to a much higher standard and considered to be under the influence of alcohol at .04 BAC (49 CFR § 382.201 Alcohol concentration). Additionally, under the Federal Motor Safety Carrier Administration (FMCSA) regulations, a commercial operator may not use alcohol within four hours of going on duty or operating a commercial vehicle. Drivers cannot possess alcohol in the cab, and any driver who appears to have consumed alcohol in the past four hours must be placed out of service for 24 hours. Nor should a driver be on duty and possess, be under the influence of, or use drugs or substances (49 CFR § 392.4 Drugs and other substances).

This is where the assistance of all public safety professionals is so vitally important. Many patrol officers, deputies and troopers when asked about stopping a commercial motor vehicle and their operators for a traffic violation or suspected impairment will express a level of uneasiness, trepidation, or intimidation about stopping a commercial motor vehicle. We encourage officers to look at a commercial motor vehicle operator no differently than other drivers when enforcing impaired driving laws and to use all available tools to remove these drivers from our roadways.

Licensing for operation of commercial motor vehicles (CMVs) is specialized because the safe operation of those vehicles requires knowledge and skills above those required to drive a car or other lightweight vehicle. A commercial driver's license (CDL) is not a standard driver's license. As such, a CDL holder should be considered a professional driver with a unique privilege. A CDL is necessary to ensure that only safe drivers operate CMVs. The regulation of the CMV industry and CDL licensing programs is designed to "help reduce or prevent truck and bus accidents, fatalities, and injuries by requiring drivers to have a single CMV driver's license and by disqualifying drivers who operate CMVs in an unsafe manner." (20)

CMVs are larger and heavier than an ordinary passenger motor vehicle. A fully loaded tractor-trailer weighs 80,000 pounds. The kinetic energy or destructive force of such a vehicle traveling at only 12 miles per hour⁽²¹⁾ is the same as a 3200-pound passenger car traveling 60 miles an hour. This difference makes a crash between a CMV and a passenger car potentially much more severe for the passenger car and its occupants. In the United States in 2020, the majority of fatalities from large truck crashes were of those in passenger vehicles or otherwise, not those in the CMV. Only 15% of those large truck fatalities were the large truck occupants.⁽²²⁾

Commercial Motor Vehicle Drivers & Impaired Driving

Furthermore, of those large truck crash fatalities, at least one driver-related factor was recorded for 32% of those large truck drivers involved in the fatal crashes. “Speeding of Any Kind” was the most frequent driver-related factor, and “Impairment - which includes Fatigue, Alcohol, ⁽²³⁾ Illness” was the second most common.

It is imperative that law enforcement holds CMV drivers accountable due to the inherent risk involved with the operation of a CMV. An officer who suspects a CMV driver of operating while impaired should proceed in the same manner used for processing any impaired driver, with one major caveat: the officer must be aware that the maximum per se alcohol concentration for CMV operators while driving a CMV is an alcohol concentration of .04%. In most states this means .04% alcohol ⁽²⁴⁾ concentration or above, but some states have an even lower threshold. Therefore, officers must consider that a CDL holder who exhibits more subtle signs of impairment than those normally observed in an impaired driving case may still be in violation of state law or federal regulations that apply to CDL holders. For this reason, officers must be prepared to test CDL holders even though they may exhibit less or fewer signs of impairment.

It is incumbent on officers to be aware of all available charges or violations under relevant criminal statutes and administrative regulations and to appropriately charge those CDL holders who test above the legal limit allowed for a CMV driver.

It is important to note that CDL holders are a special class of driver who undergo much more thorough academic and practical training than a driver who does not hold a CDL. CDL training materials clearly inform prospective CDL holders of the effects of all potentially disqualifying traffic offenses and the safety risks inherent in this unsafe driving. It should come as no surprise to CDL holders that an impaired driving conviction or any other conviction of a disqualifying traffic offense will adversely affect their CDL. Due to the enormous risk posed by the destructive force of a CMV driven in violation of traffic safety laws, officers should not hesitate to stop a CMV and issue citations for observed violations. This ensures the CDL holder’s record is accurate and complete and is critical in keeping all drivers on the nation’s roads and highways safe.

Commercial Motor Vehicle Drivers & Impaired Driving

CDL MASKING

Congress passed a statute prohibiting certain actions by the State that would impede the recording of a complete and accurate driving record of a CLP or CDL holder. A complete and accurate driving record must include all violations (unless specifically accepted in the statute) of traffic control laws which include both CMV and non-CMV violations by the CLP or CDL holder^(2.5). The regulation implementing this Congressional prohibition is 49 C.F.R. § 384.226 (2017):

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.

Masking is "the act or an instance of concealing something's true nature." Any actions taken by the State that would change the nature of a conviction for a violation would constitute masking.

One such example is "the act or practice of a defendant's agreeing by plea bargain to plead guilty to a less serious offense than the one originally charged, as by pleading guilty to parking on the curb when one has been charged with speeding in a school zone."⁽²⁷⁾ The masking prohibition applies to both CDL holders and CLP holders even when they are operating a non-CMV (e.g. their personal automobile).

The State is bound by this regulation and is ethically required to abide by it. The State includes anyone acting on behalf of the state – law enforcement, prosecutors, judges, state driver's license agencies, etc. and that holds true for these regulations as well. This is reflected in the federal regulation requiring that the State meet each standard of Subpart B – Minimum Standards for Substantial Compliance by States:

To be in substantial compliance with 49 CFR § 31311(a), a State must meet each standard of subpart B of this part by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices.

XII.

Commercial Motor Vehicle Drivers & Impaired Driving

Questions concerning the CDL content can be directed to the National Traffic Law Center at [Commercial Driver's License - National District Attorneys Association \(ndaa.org\)](#).

These federal regulations were created for the aforementioned safety reasons, but they also matter because there are federal penalties for masking. One penalty can be the state's loss of significant federal funding which is outlined in 49 CFR § 384.401 "Withholding of funds based on noncompliance."

More importantly, another penalty for noncompliance is the "Decertification of the State CDL Program" which is governed by 49 CFR § 384.405.

Not holding impaired drivers accountable is short sighted at best and deadly at its worst. The prohibition against masking is not an arbitrary rule. An accurate driver's record, especially relative to CDL or CLP holders, holds those engaged in unsafe behavior accountable thereby keeping them out of some of the most potentially deadly vehicles on the highway.



The National District Attorneys Association's National Traffic Law Center (NTLC) is a resource designed to benefit prosecutors, judges, law enforcement officers and others in the justice system.

The mission of NTLC is to improve the quality of justice in traffic safety adjudications by increasing the awareness of highway safety issues through the compilation, creation, and dissemination of legal and technical information and by providing training and reference services.

Click this link to access resources: [National Traffic Law Center Resources](#)

Prosecution and Courts

TRAFFIC SAFETY RESOURCE PROSECUTOR PROGRAM

Traffic Safety Resource Prosecutors are typically current or former prosecutors who provide training, education, and technical support to traffic crimes prosecutors and law enforcement personnel throughout their states. The TSRP (Traffic Safety Resource Prosecutor) program is funded by the National Highway Traffic Safety Administration and coordinated through the cooperative efforts of The National Traffic Law Center and the National Association of Prosecutor Coordinators.

Currently, there are TSRPs in all 50 states, the District of Columbia, and Puerto Rico. TSRPs facilitate a coordinated, multidisciplinary approach to the prosecution of impaired driving and other traffic crimes. Traffic crimes and safety issues include alcohol and/or drug impaired driving, distracted driving, vehicular homicide, occupant restraint, and other highway safety issues. Each TSRP must assess the needs and demands unique to his or her own state and work in conjunction with many agencies to meet these needs.

The following link will take you to the list of state TSRPs: [Traffic Safety Resource Prosecutor List - National District Attorneys Association \(ndaa.org\)](http://TrafficSafetyResourceProsecutorList-NationalDistrictAttorneysAssociation.ndaa.org)

PREPARING FOR COURT - “STARTS AT THE STOP”

The Importance of a Strong Working Relationship Between the Prosecutor and the Police

By the prosecutor and the police working closely and professionally together, they become stronger in making sure justice is fairly served. By not working closely together, the danger is that the criminal justice system suffers.

If you ask any prosecutor throughout the country, most likely, they will tell you that the number one complaint they have with police officers is that they submit poorly written police reports that lacks relevant and important information of the crime.⁽²⁸⁾

If you ask any law enforcement officer throughout the country, most likely, they will tell you that the number one complaint they have with prosecutors is that they plea bargain their cases away.

Author



Ken Stecker

Former Michigan Traffic Safety Resource Prosecutor
Member, MADD Law Enforcement Committee

To view the TSRP Resource Manual, [CLICK HERE](#).

Prosecution and Courts

To help avoid these complaints, the prosecutor and police officer must have a strong working relationship. One way to build a strong relationship is effective and open communication between the prosecutor and the police officer. Below are some things that could help build that strong working relationship between prosecutors and police officers on drunk and drugged driving cases.

- You must prepare for court with the prosecutor on each case. Do not wait to do this in the witness room five minutes prior to trial. Be proactive in reaching out to the prosecutor to schedule a time ahead of trial to do this.
- If there are any mistakes or issues with your report or investigation, contact the prosecutor as soon as the case is assigned to someone. The sooner you tell the prosecutor about the mistake or issue, the better. Do not wait for a trial date to do this.
- If the prosecutor is new to handling these cases, teach the prosecutor about impaired driving investigations. Invite them to go out on a ride along with you. Demonstrate the SFST to them. Invite them to come to the station or jail for a demonstration of the breath testing instrument. Teaching the prosecutor about your job will help prepare you for when you have to teach the jury from the stand.
- Ask the prosecutor what the issues/defenses are in the case and how you can prepare to handle them in the courtroom.
- Ask the prosecutor about the defense attorney and what you can expect on cross examination.
- Ask the prosecutor about the judge and what you can expect from the judge.
- During jury selection, watch the potential jurors carefully and alert the prosecutor to any concerns you may have about anyone in the box. The prosecutor will want your insights so be prepared to offer them.
- Come to court on the day of trial with ALL the evidence and look professional.

By working as a team, it will allow both the prosecutor and the police officer to become better in their roles in the criminal justice system.

Prosecution and Courts: Prosecution Perspective to Provide Understanding

HOW TO BE AN EFFECTIVE AND CREDIBLE WITNESS IN AN IMPAIRED DRIVING CASE

EXPERT WITNESS:

A person skilled in some art, trade, science or profession, having knowledge of matters not within the knowledge of persons of average education, learning and experience, who may assist a jury in arriving at a verdict by expressing an opinion on a state of facts shown by the evidence and based upon his or her special knowledge.(29)

NOTE: Only the court can determine whether a witness is qualified to testify as an expert.

Being prepared for your case starts long before you ever step into the courtroom.

Testifying in court can be a stressful experience, whether it is your first time or twentieth. There are many things about going to court that can make it a stressful experience. These would include not having an opportunity to prepare with the prosecutor beforehand, dealing with aggressive defense attorneys, and having to wait in the witness room for hours only to be told to come back the next day.

These factors may be out of your control, but what you can control is how well you know your case and how you handle yourself on the stand. There are three things that will set you up for success on the stand: conducting a thorough investigation, writing an accurate and complete police report, and going over your testimony with the prosecutor. Each one is an important step in helping prepare you for success in the courtroom.

A thorough impaired driving investigation should contain three detection phases. These phases are vehicle in motion, personal contact, and pre-arrest screening highlighted in detail with the "Three Phases of an Impaired Driving Investigation are Essential for a Proper Police Report" section of this document.

Writing a complete and accurate police report is the next step in preparing yourself to testify successfully in court. Each phase of your impaired driving investigation must be documented in your report. This allows for the report to flow in the same order as your investigation. The more complete the report, the better off you will be on the stand. Omissions and ambiguities always work in favor of the defendant. Always review your report for accuracy. It is easier to correct a mistake early on than in front of a jury.

The final step in setting yourself up for success in the courtroom is reviewing your report and preparing with your prosecutor. As previously mentioned, it is important that you and the prosecutor be on the same page when it comes to what is expected of you on the stand. Reviewing your testimony with the prosecutor will help you enter the courtroom with confidence because you will know what questions the prosecutor will be asking you on the stand. Now it is time to testify!

Tips for Officers Getting Ready to Testify in an Impaired Driving Case

Always tell the truth... period.

Your #1 job is to know the facts of your case. Know your report better than anyone in the courtroom.

Avoid 'cop talk' and sounding robotic. This makes it difficult for a jury to identify with you. It's always better to use plain language and be conversational.

Avoid acronyms. If you do use them, make sure you know what they stand for.

Be engaged. It shows the jury you care.

Show your proficiencies in SFST tests. Make jurors familiar with the easily while they are deliberating, which will make it straightforward when they are reaching a verdict. Talk to the prosecutor beforehand about demonstrating the SFSTs to the jury so they can both hear about the test and see it performed.

Arrest decisions should be made on observations in all three phases of an impaired driving investigation and should be made on the totality of the circumstances.

Create a story or visual narrative for the jury to follow.

Referred to as "painting the picture." Your report narrative and testimony must "connect the dots" for the jury.

Be precise in your investigation, in your report, and in your testimony.

Be yourself on the stand. It is part of being confident and comfortable on the stand.

Listen to all the questions from both prosecutor and defense attorney.

Never argue with the defense attorney. It will never work in your favor. Remain calm and collected during both direct and cross examination.

Make concessions when they are warranted on cross examination. They make you look credible and reasonable.

Always make eye contact with the jury. They are your audience.

Always be likable. A jury is more likely to believe a witness they like and can relate with.

What All Witnesses Should Know and Consider

• TELL THE TRUTH ALWAYS!

- Go over anything that may bother you about your testimony.
 - If you are unsure about something talk to the attorney who subpoenaed you. Get the bugs out early.
- Be professional in the hallway.
 - You never know if jurors are watching.
- Do not compare testimony with other witnesses before trial.
- When speaking with opposing counsel, whether on the phone or in the hallway of the courthouse, remember everything is “on the record.”
- Walk to the witness stand without hesitation.
- TRY TO RELAX. Do not fidget.
- Listen carefully and think before you answer.
- Always be polite.
- IF YOU DON'T KNOW, SAY SO.

- When giving your job duties, do not rush through it.
 - You know what you do but most people (i.e. the jury) have no idea.
- Answer only if you fully understand the question.
 - If you do not understand, ask the examiner to repeat or rephrase the question.
- Only answer the question asked; do not tell anything you were not asked.
- Talk loud enough so everyone can hear you. Give an audible answer so the court reporter or audiotape can hear it. Do not nod your head yes or no.
- If you are comfortable doing so, maintain eye contact with the trier of fact (judge, jury, or hearing officer(s)) when answering or explaining your response.
- Listen to objections; the answer may lurk within.
- If an objection is made, the witness should wait until the judge passes on the objection and determines if it will be permitted to answer the question.
- Do not help the examiner.

- If there is not a question posed to you, remain silent.
- Do not guess, exaggerate, or estimate.
- MAINTAIN YOUR COOL.
 - If you are telling the truth, why get upset? If you lose your cool, you have just played into the hands of the examiner.
- Do not object to a question. Objections are left for the attorneys.
- Do not avoid a question. This may appear to the jury that you are not being truthful.
- NO JOKES.
 - The witness stand is not the place to be cute, witty, or to make joking remarks. Be sincere, dignified, and professional.
- Do not be afraid to say you talked with your attorney about your testimony.
 - There is NOTHING WRONG with discussing your testimony with your counsel. The opposing attorney will try to make it appear that your attorney told you what to say.

What All Witnesses Should Know and Consider

- If you are asked to identify an exhibit, look at it closely and never assume it is the document or item an attorney says it is.
- If counsel is referring to a document and is asking questions concerning the document, it is perfectly acceptable to ask to look at the document before you answer.
- If you are called to the blackboard or easel to diagram something, mark the chart then turn around and give your answers to the jury. You should always address the jury while facing them.
- Before drawing anything, **THINK!!**
 - Do not start with the old cliché “Well, I am not much of an artist.”
- Draw in proportion and never refer to “here” and “there.”
 - Describe what you are drawing orally and number it. This is to have a complete record.
- Correct your mistakes.
 - You are only human and on top of that you are nervous.
 - If you remember as you are testifying that you misspoke on something earlier, speak up when you remember. This not only clears the air about what you said but also makes you look extremely credible.
 - If you remember after you are off the witness stand, contact the attorney who subpoenaed you. Let them decide what should be done from there.
- Unless otherwise instructed, leave the courtroom immediately after testifying.
 - Do not walk past the counsel table and wink, smile broadly, nod, frown, give a thumbs up, or make the V for Victory sign. Act professionally at all times.
- Before testifying, ask the attorney that subpoenaed you if you may leave the courthouse after you finish testifying.
 - **NEVER** leave the courthouse until instructed to do so by the attorney who subpoenaed you

In conclusion, be in command of the courtroom by coming to court prepared to testify confidently about your case. Do not be afraid to discuss the facts of the case on the stand. You are the hero stopping drunk and drugged drivers from hurting or killing others on the road.

Be Your Department's Leader

Author



Danny Sharp

Chief of Police of the Oro Valley,
Arizona Police Department
(Retired)
Member, MADD Law Enforcement
Committee

Impaired driving is a dangerous and violent crime. Law enforcement leaders must be vocal and visible about the need to address impaired driving in their communities. They cannot be spectators in the arena they have chosen to engage. Simply put, if you allow it, you condone it.

Any worthy cause needs a champion. Law enforcement leaders must be the champions in the cause to prevent injury and death caused by impaired drivers. It is not enough to merely give lip service to this dangerous behavior. It is extremely important for law enforcement leaders to be knowledgeable about the impact of impaired driving in their respective communities and the surrounding areas. Once armed with the facts, this information must be shared with community leaders and the community as a whole. Victim survivors of impaired driving crashes come from all walks of life. The impaired driver is indiscriminate when it comes to victims.

Once the scope of the problem has been identified, there must be a plan with measurable outcomes communicated to the community and agency members. If there is an area that will get more enforcement and visibility than others, steps must be taken to communicate this information specifically within those areas. It is extremely important that the “why” of the plan is explained and understood.

Upon post implementation, results need to be quantified and communicated with the community. This should be updated regularly and should highlight any trends. Internally, the champion must be seen as passionate and committed to preventing injury and death. After all, there is nothing more important for public safety than saving lives.



Sheriff John Whetsel (Retired)

Oklahoma County Sheriff's Office
Co-Chair, MADD Law Enforcement
Committee

“During my 50 years in law enforcement, I led by example. With a mission to save lives, I arrested impaired drivers, both as Chief of Police and as Sheriff. Every impaired driver removed from the road is one less crash that will happen, one less person that will die. As a nation, America sadly accepts over 100 traffic fatalities in preventable crashes every day, of which about a third are a result of an impaired driver. Throughout the years, impaired driving remains a crime that results in needless victims killed or injured by intentional criminal behavior. However, too often when officers do their job and arrest impaired drivers, charges are later reduced. That must end. We can stop impaired driving, but it will take a team effort, including bold laws that treat impaired driving as the real crime it is - murder using a 4,000-pound weapon. It is about protecting those we love ... those we serve. We know that MADD will continue to be a vital partner in our effort to save lives.”

Resource References:

MADD Resources

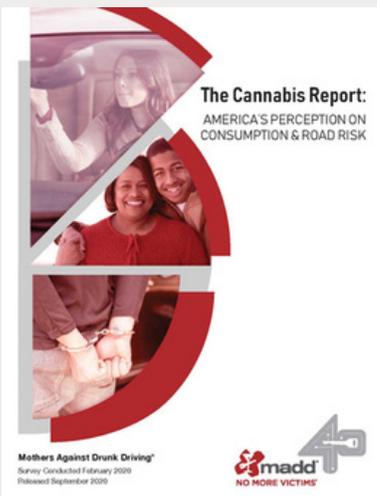
In 2015, MADD expanded its mission to include fighting drug-impaired driving. As a result, MADD formed a Drugged Driving Task Force with key law enforcement, traffic safety and research experts to study the potential effects cannabis legalization, the national opioid crisis, and the prevalence of prescription drug misuse could have on substance impaired driving. The task force learned from these experts that proven tools to combat drunk driving will also help prevent tragedies caused by drug-impaired driving.

We also discovered that there is so much more to learn. We need more research, more data, and better testing to fully understand how the increased use of cannabis and other drugs will impact traffic safety and the under 21 population. What we know:

- Proven tools to combat drunk driving, such as high-visibility law enforcement, can detect and stop drugged driving too.
- Continued utilization and increased participation in specialized training such as DRE and ARIDE are essential to the detection of drunk and drugged driving offenders on the roads.
- More research, more data and better testing are needed to fully understand the impact of cannabis legalization and other drugs on traffic safety and the under 21 population.
- Alcohol is a drug that took years of research to understand and establish methods for measuring its impairing effects. As a result, more work is needed to be able to measure impairment caused by other drugs, but that does not diminish the seriousness of drug-impaired driving.

MADD is committed to understanding the complexity of this landscape and advocating for policies that improve the safety of our nation's roadways.

A critical step is to gain a better understanding of Americans' attitudes and awareness toward cannabis laws regulating its use and the risks of consumption and driving. In February 2020, MADD commissioned IPSOS, a global leader in market research, with support from the General Motors Foundation and State Farm Insurance, to conduct a nationwide study of adults 18 and older. MADD subsequently released its Cannabis Report: America's Perception on Consumption and Road Risk.



MADD's Cannabis Report published February 2020

Resource References:

MADD Resources

According to the National Highway Traffic Safety Administration (NHTSA), 64% of seriously and fatally injured drivers tested at five major trauma centers during the second quarter of 2020 had at least one impairing substance in their system, including opioids, marijuana, alcohol, stimulants, and anti-depressants. The presence of opioids among those drivers jumped from 6.8% in the fourth quarter of 2019 to over 14% in the second and third quarters of 2020, and over 9% in the first and fourth quarters. (30)

Recognizing the alarming increase of prescription drugs amongst drivers, MADD set out to develop a baseline understanding of the prevalence of driving while impaired by prescription drugs and measure public attitudes and awareness of the risks associated with driving under these conditions.

In September 2021, with support from the General Motors Foundation, MADD published the MADD Rx Medication & Poly-Drugged Driving Survey. These findings will guide us toward solutions that will honor those we could not save and end impaired driving for good.

SUPPORT FOR HIGH-VISIBILITY LAW ENFORCEMENT ACTIVITIES

One of the cornerstones of MADD's Campaign to Eliminate Drunk Driving® is increased, high-visibility law enforcement to both catch drunk drivers and – equally important – to deter others by sending a strong message that if you drive drunk or impaired, you will get caught.

Over the years, MADD volunteers have joined law enforcement officers at checkpoints and roll calls to support their efforts. Now, more than ever, our heroes in law enforcement need MADD's presence and encouragement to continue the fight against drunk and drugged driving.

With the number of drunk driving deaths up 29% since 2012, the public needs to know that the battle to end this violent crime is intensifying. It's also important to note that checkpoints and saturation patrols are not just effective in stopping drunk drivers; these countermeasures also work to catch drivers who are impaired by drugs other than alcohol.



MADD's Prescription Drug Report published September 2021

Resource References:

MADD Resources

SATURATION SATURDAY

Saturation Saturday was first launched in Missouri in 2016. It is a night of increased law enforcement patrols and sobriety checkpoints designed to reduce incidents of drunk or drugged driving. Due to the success of Saturation Saturday, MADD holds simultaneous events across the country on the Saturday before Labor Day weekend. It coincides with the National Highway Traffic Safety Administration's (NHTSA) Labor Day Drive Sober or Get Pulled Over campaign, which runs from mid-August through the first weekend in September.

Many agencies have joined this campaign, and if you have not done so, we encourage you to join us for future Saturation Saturday campaigns.

COURT MONITORING

MADD's Court Monitoring Program enlists community volunteers and staff as court monitors to observe and document what happens in the courtroom during drunk and drug impaired driving case proceedings. The program was created to ensure that substance impaired driving offenders are prosecuted, and justice is achieved. Court monitoring is a tool proven to affect the adjudication process and is recognized by the National Highway Traffic Safety Administration as an effective countermeasure to reduce impaired driving.⁽³¹⁾

Court monitors on the local scale can impact the handling of impaired driving cases by their mere presence in the courtroom. Court monitoring is intended to enhance transparency and accountability within the criminal justice system and reduce the likelihood of repeat offenses. One way this goal is achieved is by sharing data and observations with law enforcement, judges, prosecutors, and the public to promote awareness of drunk and drug impaired driving and ensure accountabilities for all impaired driving offenders. To reduce future offenses, MADD supports swift and unbiased treatment of all drunk and drug impaired driving cases.



[MADD's 2022 Court Monitoring Report](#)
[visit madd.org/courts](#)
[for state details](#)

Resource References:

MADD Resources

MADD UNDERAGE DRINKING PROGRAMS

MADD is committed to protecting families and communities from substance impaired driving and underage drinking because studies show that kids who start drinking young are seven times more likely to be in an alcohol-related crash. The good news is we also know that teens who do NOT drink alcohol until they are 21 are 85% less likely to become a drunk driver later in life than those who drink before age 14.⁽³²⁾

In response to scientific evidence that parental influence can reduce underage drinking, MADD began a parent initiative - Power of Parents® - which informs, motivates, and empowers parents and guardians of middle school and high school teens to have critical, lifesaving and ongoing conversations about the dangers of underage drinking and other drug use.

Youth play a pivotal role in underage prevention! They can stand up as the leaders who make it “ok” to say no to alcohol. MADD’s Power of You(th)® program empowers teens to take a stand against drinking alcohol and consuming other drugs before 21 and never ride in a car with someone who has been drinking or using drugs.

MADD’s Power of Me! program is a classroom- or auditorium-based alcohol use prevention and vehicle safety presentation for 4th and 5th grade elementary school students. Adapted from MADD’s evaluated, evidence based Protecting You Protecting Me program, Power of Me focuses on educating children on how their brain continues to develop throughout childhood and adolescence, what alcohol does to the developing brain, and why it is important for children to protect their brains.

MADD brings members of the community, law enforcement and organizations together to reshape community attitudes to discourage adults from providing alcohol to underage youth and encouraging support for efforts to enforce the minimum drinking age. Power of Community engages the entire community-businesses, law enforcement, legislators, educators, health industry, coalitions, teens, and other adults. Power of Community utilizes evidence-based strategies for underage drinking prevention as well as community prevention activities that lead toward long-term outcomes that change community norms and systems around underage drinking.



At MADD, we know that our hopes for a safer future are riding on tomorrow’s drivers.

To get involved or just to learn more about these powerful MADD programs, please visit the following link: [Underage Drinking - MADD](#)

Resource References:

MADD Resources

MADD VICTIM IMPACT PANELS

MADD is one of the largest victim services organizations in the country. MADD In Person Victim Impact Panels (VIP) provide victims of this tragic crime a structured and safe forum to speak to offenders who have been arrested for a drunk and drug impaired driving offense. These stories focus on the physical, emotional, and financial impact a substance-impaired crash has on their lives as well as the lives of their families, friends, and others. They do not blame or judge. They simply tell their stories, describing how their lives and the lives of their loved ones were affected by the crash. MADD VIPs put a “human face” on the tragic consequences of drunk and drug impaired driving. These panels offer a healing experience for the victim and valuable education for the offender.

MADD’s Online Victim Impact Panel offers the same quality presentations as MADD’s current in-person program, just in a virtual environment. When a panel is too far away, or not offered frequently enough to meet the court’s needs, MADD believes there should be no barriers when it comes to the ability to learn about MADD’s lifesaving mission and receive the powerful messages of victims and survivors by attending a MADD VIP.

MADD SUPPORTS LAWS TO FIGHT DRUNK AND DRUG IMPAIRED DRIVING

Since its founding in 1980, MADD has advocated for legislation to help fight impaired driving and to support its mission to end all impaired driving

MADD was instrumental in changing the underage drinking laws across the country by advocating and helping raise awareness and support of the national drinking age increase to age 21. Minimum Legal Drinking Age (MLDA) laws are laws that specify the legal age when an individual can purchase alcoholic beverages. However, before the enactment of the National Minimum Drinking Age Act of 1984, the legal age when alcohol could be purchased varied by state.

Click on the link to find your state to see what legislative activities MADD is spearheading near your home.



For more information visit the [MADD Victim Impact Panel website](#).

Resource References:

MADD Resources



What is an ignition interlock?

An ignition interlock is a device about the size of a smartphone that is wired into the ignition system of a vehicle.

- If an interlock user is drunk, the vehicle will not start.
- Interlocks cost around \$3 a day to lease, but most states offer an indigent program so drivers unable to afford the device can obtain it at a reduced rate.
- The interlock vendors, not the state, cover the costs for indigent users.

MADD has worked on both behavioral safety and vehicle safety-related policy, including the establishment of a national .08 Blood Alcohol Concentration (BAC) standard, and more recently legislation to mandate advanced drunk driving prevention technology. This included the authorization and funding for a research program on drunk driving prevention technology, incentives to states to adopt all-offender ignition interlock laws, and high-visibility law enforcement programs. More recently MADD has led efforts to mandate advanced drunk driving prevention technology on new vehicles.

EXAMPLES OF PROPOSED AND ENACTED LEGISLATIVE LAWS OR BILLS

Ignition Interlocks For All Convicted Drunk Drivers

Since 2006, MADD has actively pushed for ignition interlocks for all convicted drunk drivers. Today, 35 states plus Washington, DC, require or highly incentivize the use of ignition interlocks for all convicted drunk drivers. MADD continues to work to close loopholes in state interlock laws to ensure all offenders utilize an ignition interlock.

Research demonstrates that mandatory ignition interlock laws save lives. According to a 2018 Insurance Institute for Highway Safety, laws requiring the use of these devices for all offenders is proven to reduce drunk driving by 16%.

Interlocks are more effective than license suspension. According to the Centers for Disease Control and Prevention (CDC), interlocks reduce repeat drunk driving offenses by 67 percent compared to license suspension alone. Studies have found that up to 75% of convicted drunk drivers continue to drive on a suspended license.

Because license suspension fails to separate drinking from driving, MADD believes every non-injury related drunk driving offender should be required to use an ignition interlock in order to drive as soon as legally possible - either after arrest or conviction, as opposed to the drunk driver first having a “hard” license suspension period that is often ignored.

From 2006 to 2022, ignition interlocks have prevented 4.5 million attempts to drive drunk with a blood alcohol concentration (BAC) of .08. MADD collected this data from interlock companies.

Resource References:

MADD Resources

.05 BAC law

The 2017 Utah Legislature passed HB155 “Driving Under the Influence and Public Safety Revisions” to lower Utah’s illegal BAC level to .05. The bill took effect on December 30, 2018.

In 2022, NHTSA found Utah’s fatal crash rate dropped by 19.8% in 2019, the first year under the lower legal limit. In 2019, more than 22% of those who drank alcohol indicated they had changed their behaviors once the law went into effect. The most common change was ensuring a sober ride was available when drinking away from home, which is an encouraging sign.

Currently, every state except Utah has an illegal BAC of .08. These .08 BAC laws have helped to save over 40,000 lives. MADD believes .05 BAC will help save even more lives. Studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law. According to the National Safety Council, the crash risk of someone driving at a .05 BAC level increases by 40%.

The goal of a .05 BAC is not to stop people aged 21 and over from consuming alcohol, but to deter people from driving after drinking. The public supports .05, according to the AAA Foundation. Sixty-three percent of people surveyed think .05 BAC should be the illegal level.

Bentley’s Law

Bentley’s Law was created by Missouri resident Cecilia Williams and named for her grandson, Bentley, whose parents Lacey Newton and Cordell Shawn Michael Williams and their 4-month-old son, Cordell Shawn Michael Williams II, were killed in a crash on April 13, 2021. The intent of the law is to hold convicted drunk drivers who kill a parent or guardian accountable by requiring offenders to pay restitution in the form of child support.

Tennessee was the first to pass a version of this law in May 2022 with “Ethan’s, Hailey’s and Bentley’s Law.” In 2023, Kentucky passed “Melanie’s Law,” and Texas and Maine followed, bringing the total number of state laws that mandate restitution for the children who lose a parent or guardian to this crime to four. Kentucky’s law added the stipulation that impaired drivers who either kill or severely injure a parent or guardian are required to pay restitution for dependent children.



MADD Board Chair, Andrew Robinson, celebrating Tennessee for being the first state to require drunk drivers who kill a parent to pay child support for surviving children with Cecilia Williams & her cousin Diane Sutton.

Funding Opportunities: National Highway Traffic Safety Administration



About NHTSA

NHTSA maintains many useful resources as it relates to impaired driving to include the latest nationwide and individual state's traffic crash statistics. The link below will help you access this information.

[Drunk Driving | Statistics and Resources | NHTSA](#)

MADD and NHTSA

MADD maintains a relationship with NHTSA to help promote traffic safety across the nation.

Through an umbrella grant funding agreement provided by NHTSA, MADD has submitted proposals for Cooperative Agreement Projects to provide training and educational and awareness programs to support law enforcement in your efforts to fight impaired driving.

More information about MADD's support of law enforcement can be found on MADD's website at this link: [Law Enforcement Support - MADD](#).

The mission of NHTSA is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. Through enforcing vehicle performance standards and partnerships with state and local governments, NHTSA reduces deaths, injuries, and economic losses from motor vehicle crashes. NHTSA provides grants to states so states can conduct effective highway safety programs.

NHTSA's Office of Regional Operations and Program Delivery (ROPD) administers over \$500 million in grant programs annually to the 50 States, the District of Columbia, Puerto Rico, the U.S. Territories, and the Bureau of Indian Affairs. Under Section 405, NHTSA awards grants for occupant protection, State traffic safety information systems, impaired driving countermeasures, distracted driving, motorcyclist safety, State graduated driver licensing laws, and non-motorized safety. Also included is a revised racial profiling grant program (Section 1906). Regional offices help States use data to identify their highway safety problems, evaluate safety programs and activities, and provide technical assistance and training to State program managers.

The Bipartisan Infrastructure Law, also known as the Infrastructure Investment and Jobs Act, includes funding for traffic safety grants. On December 4, 2015, President Obama signed into law the Fixing America's Surface Transportation Act, or "FAST Act." It was the first law enacted in over 10 years that provided long-term funding certainty for surface transportation, meaning States and local governments can move forward with critical transportation projects, like new highways and transit lines, with the confidence that they will have a federal partner over the long term. The FAST Act authorized \$2.7 billion in funding for the Section 402 Highway Safety Programs and Section 405 National Priority Safety Programs for fiscal years 2016 through 2020.

MAP-21 provides \$1.3 billion for highway safety grant programs. It was enacted on July 6, 2012, and restructured existing grant programs administered by NHTSA. MAP-21 specifies a single application deadline for all highway safety grants and requires that all states have a performance-based highway safety program.

[Resources Guide | NHTSA](#): NHTSA is divided into ten geographic regions. These NHTSA Regional Offices provide great support to law enforcement for your traffic safety programs.

Funding Opportunities: Governors Highway Safety Association



GHSA Vision:

Lead states and territories in moving toward zero deaths on the nation's roadways through leadership, partnerships, and advocacy.

GHSA Mission:

Provide leadership and advocacy for the states and territories to improve traffic safety, influence national policy, enhance program management and promote best practices.

GHSA is a 501(c)(3) nonprofit representing the state and territorial highway safety offices that implement federal grant programs to address behavioral highway safety issues. GHSA has two tiers of membership: its core, State Highway Safety Office (SHSO) Members and Associate Members.

GHSA Goals:

- Promote traffic safety as a national priority
- Expand and deliver member support services
- Develop new partnerships and strengthen existing partnerships
- Encourage innovative approaches in the states' safety programs
- Ensure sufficient resources to support association services and priorities

GHSA History:

The Highway Safety Act of 1966 established the State and Community Highway Safety Grant Program (U.S.C. Title 23, Section 402), creating a unique partnership among federal, state and local governments and setting the foundation for the creation of State Highway Safety Offices, which were funded primarily through 402 funds. In each state and territory, governors select a representative to administer the program.

In 1967, several Governor's Representatives organized into the National Conference of Governors' Highway Safety Representatives (NCGHSR). The organization was incorporated in February 1975 and received nonprofit status in June 1976. In March 1978, the organization transitioned from a conference to an association, becoming NAGHSR. In the ensuing years, its membership, expertise and influence grew. In November 2002, the organization's name was changed to the Governors Highway Safety Association (GHSA).

State and territorial governors appoint State Highway Safety Office (SHSO) directors, often called Governors' Representatives, or GRs. These GRs and their designated Highway Safety Coordinators make up the core GHSA membership. Many SHSOs are located within their own state's Transportation. Others are part of the Public Safety Department or other state agency. A few are independent offices within state government.

State Highway Safety Offices (SHSOs) administer various grant programs authorized and funded through federal legislation. The link below will help you access Highway Safety Federal Grant Programs administered by the SHSOs across the country. To learn more, please visit <https://www.ghsa.org/about/federal-grant-programs>

Funding Opportunities: American Automobile Association



AAA supports public polices to improve traffic safety for all road users.

At the turn of the century when automobiles started replacing horse-drawn buggies, drivers began forming motor clubs. Nine of those clubs joined together to create a national motoring organization and on March 4, 1902, in Chicago, founded the American Automobile Association (AAA). Since its inception, AAA has dedicated itself to the ongoing needs of motorists – lobbying for safe and efficient highways, standing up for the legal rights of all travelers, and delivering quality benefits and services to its members, on the road and wherever those roads lead.

For more than a century, AAA has worked to foster a safe environment for travelers through education, research, and advocacy. Since its founding in 1902, AAA has been a leader in developing and supporting educational and safety programs for motorists, pedestrians, cyclists, and children. The link below will take you to the many programs within AAA that promote and support laws to improve road safety.

ADDITIONAL RESOURCES/MATERIALS TO REVIEW AND CONSIDER

In addition to the resources outlined in this toolkit, please consider the following additional resources in your efforts to learn more:

- MADD/Ipsos Poll | [Consumers Support Drunk Driving Prevention Systems in Cars](#)
- MADD | [2018 Child Endangerment Report](#)
- MADD | [2022 MADD Parent Teen Perception Report](#)
- MADD | [2018 National Law Enforcement Impaired Driving Summit Report](#)

- NHTSA | [Overview of Motor Vehicle Traffic Crashes in 2021](#)
- NHTSA | [Phlebotomy Toolkit](#)
- NHTSA | [High-visibility Enforcement Toolkit](#)
- NHTSA | [No Refusal Toolkit](#)
- NHTSA | [.05 Press Release and Study](#)

- IACP | [Resolution to Combat the Dramatic Increase in Traffic Fatalities](#)
- IACP | [Traffic Safety Resource Guide \(theiacp.org\)](#)
- IACP | [Messaging Sheet MJ Legalization Traffic Safety](#)

- NSA | [Traffic Safety: Impaired Driving](#)
- NSA | [Get support for your DIDET program!](#)

- Michigan.gov | [State Police Finds Racial Disparities in Traffic Stops and Pledges Action](#)
- Warriors' Ascent | [Providing hope and healing to Veterans and First Responders suffering from Post Traumatic Stress](#)
- FindLaw | [DUI Checkpoint Laws by State - FindLaw](#)

Contributors

Content for this toolkit was produced and reviewed by MADD's Law Enforcement (LE) Committee along with support from MADD Staff. Acknowledgments for each supporting contributor is below:

LE Committee Contributors:

- Colonel Jeffrey Glover, Director, Arizona Dept. of Public Safety
- Sheriff John Whetsel, Oklahoma County Sheriff's Office (ret)
- Danny Sharp, Arizona Police Department (ret)
- Ken Stecker, former Michigan Traffic Safety Resource
- Prosecutor Jim Camp, Senior Attorney with the National Traffic Law Center
- Captain Chuck Hayes, IACP DEC Program Project Manager (ret)
- Colonel Richard Fambro, Ohio State Highway Patrol (ret)
- Captain Nikki Renfroe, Director of Planning and Research (ret.)

Mothers Against Drunk Driving Staff Contributors:

- Stacey Stewart, Chief Executive Officer
- Heather Ayala, National Director of Victim Services
- Becky Iannotta, Director of Communications
- Frank Harris, Director of State Government Affairs
- Ron Replogle, National Law Enforcement Initiatives Manager
- Crystal Sade, Grant Report Writer

MADD's Law Enforcement Committee Members



**LE COMMITTEE CO-CHAIR:
COLONEL JEFFREY GLOVER
DIRECTOR, ARIZONA DEPARTMENT OF PUBLIC
SAFETY**

Governor Katie Hobbs appointed Colonel Jeffrey D. Glover as Director of the Arizona Department of Public Safety on January 17, 2023. Colonel Glover began his career with the Tempe Police Department in October of 1999 and has over 24 years of law enforcement experience. He worked his way through the ranks, serving the Tempe Police Department in a variety of capacities. In February of 2020, Colonel Glover retired from the Tempe Police Department with more than 20 years of service. He returned to Tempe Police Department later that year, as Interim Chief of Police and was appointed as permanent Chief of Police in August of 2021. Colonel Glover is currently the 2nd National Vice President for the National Organization of Black Law Enforcement Executives (NOBLE). He is a National Board Member for Mothers Against Drunk Driving (MADD) and is the Co-Chair of the MADD Law Enforcement Committee. Colonel Glover also serves on the International Association of Chiefs of Police (IACP) Crime Prevention Committee. He was a speaker and presenter at the MADD/NHTSA Regional Impaired Driving Law Enforcement Summits.



**LE COMMITTEE CO-CHAIR:
SHERIFF JOHN WHETSEL
(RETIRED)**

Sheriff Whetsel is the retired Sheriff of the Oklahoma County Sheriff's Office in Oklahoma where he was elected to five terms. Prior to that he was a Chief of Police in Oklahoma. He is the Chair of the National Sheriffs Association's Traffic Safety Committee. John has been a strong traffic safety advocate throughout his 50 plus law enforcement career and is recognized Nationally for his passion and presentations concerning traffic safety. He attended and presented at the MADD National Impaired Summit in November of 2018. He was also a speaker and presenter at the MADD/NHTSA Regional Impaired Driving Law Enforcement Summits.

MADD's Law Enforcement Committee Members



LE COMMITTEE MEMBER: COLONEL RICHARD FAMBRO (RETIRED)

Colonel Fambro, became the Ohio State Highway Patrol's (OSHP) 19th Superintendent on March 16, 2019. He began his career with the Patrol in August 1989 as a cadet dispatcher assigned to the Lancaster Post. Colonel Fambro retired from the OSHP on August 12, 2022. He is a past Co-Chair of the IACP Roadway Safety Committee. He was also a speaker and presenter at the MADD/NHTSA Regional Impaired Driving Law Enforcement Summits.



LE COMMITTEE MEMBER: CHIEF DANNY SHARP (RETIRED)

Chief Sharp is the retired Chief of Police of the Oro Valley, Arizona Police Department. Prior to serving as Chief at Oro Valley, he retired from the Tucson, Arizona Police Department. He is a past Co-Chair of the IACP Highway Safety Committee (now the Roadway Safety Committee) and is a nationally known traffic safety expert. He has served in law enforcement for over 40 years. He attended and presented at the MADD National Impaired Driving Summit in 2018.



LE COMMITTEE MEMBER: KEN STECKER FORMER MICHIGAN TRAFFIC SAFETY RESOURCE PROSECUTOR

Ken is the Traffic Safety Resource Prosecutor for the State of Michigan. In this role he provides assistance and his expertise to prosecutors across the state and country relating to traffic safety cases. He is a nationally known expert in his field where he is a trainer and presenter, particularly in impaired driving enforcement and cases. He attended and presented at the MADD National Impaired Driving Summit in November of 2018. He was also a speaker and presenter at the MADD/NHTSA Regional Impaired Driving Law Enforcement Summits.

MADD's Law Enforcement Committee Members



LE COMMITTEE MEMBER: JIM CAMP **SENIOR ATTORNEY, NATIONAL TRAFFIC LAW CENTER**

Jim is a Senior Attorney with the National Traffic Law Center, focusing on Commercial Driver's License (CDL) related topics. He is a nationally recognized authority on traffic safety having practiced law for more than 40 years. He is a retired District Attorney in the State of Wisconsin and retired Assistant District Attorney General and Traffic Safety Resource Prosecutor in the State of Tennessee. He also previously served as MADD State Board Chair and Advisory Board member in Tennessee.



LE COMMITTEE MEMBER: CAPTAIN CHUCK HAYES **(RETIRED) DEC PROGRAM PROJECT MANAGER,** **WESTERN REGION INTERNATIONAL ASSOCIATION OF** **CHIEFS OF POLICE**

Captain Hayes worked for the International Association of Chiefs of Police where he served as the Drug Evaluation and Classification (DEC) Program Project Manager for the Western Region of the United States. He retired as the Patrol Services Captain from the Oregon State Police in 2004. He is a nationally known expert in his field, especially as it pertains to drug impaired driving. He attended and presented at the MADD National Impaired Driving Summit in November of 2018. He was also a speaker and presenter at the MADD/NHTSA Regional Impaired Driving Law Enforcement Summits.



LE COMMITTEE MEMBER: CHIEF MIKE IWAI **ONTARIO OREGON POLICE DEPARTMENT**

Chief Iwai was an area enforcement commander for the Oregon State Police before retiring in the spring of 2022. He is currently the Chief of Police for the Ontario, Oregon Police Department. Since 1999, Iwai has been a certified and credentialed Drug Recognition Expert (DRE) and obtained DRE instructor certification in 2002. He continuously instructs all NHTSA/IACP impaired driving curriculums in and outside the state Oregon. Furthermore, he instructs a variety of law enforcement topics at the Oregon basic, supervisory, and management academies. He has been recognized as an expert in court on alcohol and drug impairment and has testified several times at the Oregon State Legislature on bills relating to both DRE and DUII. Presenter at the MADD National Impaired Driving Summit in November of 2018.

MADD's Law Enforcement Committee Members



LE COMMITTEE MEMBER: CAPTAIN NIKKI RENFROE (RETIRED)

Captain Renfroe is a member of National Organization of Black Law Enforcement Executives (NOBLE). Captain Renfroe joined the Georgia State Patrol as a dispatcher in 1994. She graduated from the 69th Trooper School in 1995. She is a past Troop Commander and served as the Director of Planning and Research for the State Patrol until she retired from the GSP in the Spring of 2022.



LE COMMITTEE STAFF LIASION: COLONEL RON REPLOGLE (RETIRED) MADD LAW ENFORCMENT INITIATIVES MANAGER

Colonel Ron Replogle is the National Law Enforcement Initiatives Manager for Mothers Against Drunk Driving (MADD). Prior to joining MADD as a full-time employee, Ron served on the MADD National Board of Directors. In 2015, he retired from the Missouri State Highway Patrol after 31-years of service, serving the last five years as the Patrol's superintendent. He and his wife Cindy reside in Southwest Missouri where they enjoy spending time with family and their six grandchildren.



MADD NATIONAL BOARD CHAIR ANDREW ROBINSON

Andrew is currently the Chief Human Resources Officer at CKE Restaurant Holdings and most recently held the same position at Starr Restaurant and TGI Fridays. He has three decades of senior leadership experience in the restaurant and retail industry as a strategic business leader driving corporate core mission and values. His connection to the MADD mission is due to his sister-in-law's untimely death in a crash that was caused by a drunk driver in 2017.

MADD's Law Enforcement Committee Members



MADD NATIONAL BOARD VICE CHAIR MATTHEW BRETZ

Matt is a personal injury attorney in Kansas who has seen the devastation caused by drunk drivers in the numerous cases he has handled over the years. He has served on the boards of the United Way, the Red Cross and TECH for over 10 years and has a passion for helping the community by volunteering for local and national non-profits. He is motivated by the devastation and loss which he has seen his clients experience at the hands of drunk and drugged drivers and is dedicated to preventing further loss of life and to holding drunk and drugged drivers accountable for their actions.



MADD NATIONAL BOARD MEMBER ERIKA BENNETT

Erika is the Chief Marketing Officer, Essence Ventures. Erika joins Essence Ventures as its first-ever Chief Marketing Officer where she will shepherd marketing across Essence Ventures portfolio of businesses including Essence Communications, AfroPunk, Beautycon and more. Erika brings to EV years of experience driving results for some of the world's most prestigious entertainment and consumer brands through insight-driven campaigns that have created meaningful and mutually beneficial brand/consumer relationships. Erika attended Northwestern University where she obtained her Bachelor of Science degree in communications with a focus on radio, television, and film.

Citations and Bibliography

- [1] U.S. Department of Justice—Federal Bureau of Investigation. (2020). Crime in the United States, 2019. Retrieved April 5, 2022, from FBI: UCR: <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019>
- [2] Grant, B.F., and Dawson, D.A. Age at onset of drug use and its association with DSM-IV drug abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse* 10:163-173, 1998
- [3] High-visibility Enforcement (HVE) toolkit. NHTSA. (n.d.). <https://www.nhtsa.gov/enforcement-justice-services/high-visibility-enforcement-hve-toolkit>
- [4] Venkatraman, V., Richard, C. M., Magee, K., & Johnson, K. (2021). Countermeasures that work: A highway safety countermeasures guide for State Highway Safety Offices. (Report No. DOT HS 813 097). Washington, DC: National Highway Traffic Safety Administration https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/15100_Countermeasures10th_080621_v5_tag.pdf pdf icon
- [5] Venkatraman, V., Richard, C. M., Magee, K., & Johnson, K. (2021). Countermeasures that work: A highway safety countermeasures guide for State Highway Safety Offices. (Report No. DOT HS 813 097). Washington, DC: National Highway Traffic Safety Administration https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/15100_Countermeasures10th_080621_v5_tag.pdf pdf icon
- [6] Sobriety Checkpoints | Transportation Safety | Injury Center | CDC. (2022, March 2). [www.cdc.gov. https://www.cdc.gov/transportationsafety/calculator/factsheet/checkpoints.html#:~:text=Sobriety%20checkpoints%20allow%20police%20officers](https://www.cdc.gov/transportationsafety/calculator/factsheet/checkpoints.html#:~:text=Sobriety%20checkpoints%20allow%20police%20officers)
- [7] James C. Fell, Deborah A. Fisher, A. Scott McKnight. A Guide for Local Impaired Driving Task Forces, Volume I: Final Report. <https://www.nhtsa.gov/sites/nhtsa.gov/files/811460a.pdf>
- [8] Fell, J., & Langston, E. A. (2009). A Guide for Statewide Impaired-Driving Task Forces [Review of A Guide for Statewide Impaired-Driving Task Forces]. NHTSA.
- [9] James C. Fell, Deborah A. Fisher, A. Scott McKnight. A Guide for Local Impaired Driving Task Forces, Volume I: Final Report and Volume II: Local Task Force Case Studies (2011)
- [10] Advanced Roadside Impaired Driving Enforcement Administrator's Guide. (n.d.). https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/aride_instructor_guide-tag.pdf
- [11] (n.d.). The International Drug Evaluation & Classification Program [Review of The International Drug Evaluation & Classification Program]. International Association of Chiefs of Police. https://www.theiacp.org/sites/default/files/DEC%20Annual%20Reports/2022_DEC_P Annual_Report.pdf
- [12] The Visual Detection of DWI Motorists. (2022). NHTSA. <https://www.nhtsa.gov/document/visual-detection-dwi-motorists>

Citations and Bibliography

- [13]The Visual Detection of DWI Motorists. (2022). NHTSA. <https://www.nhtsa.gov/document/visual-detection-dwi-motorists>
- [14]The Visual Detection of DWI Motorists. (2022). NHTSA. <https://www.nhtsa.gov/document/visual-detection-dwi-motorists>
- [15]Zwicker, T. J., Hedlund, J., & Northrup, V. S. (2005, August). Breath test refusals in DWI enforcement: An interim report (Report No. DOT HS 809 876). National Highway Traffic Safety Administration. Available at <https://one.nhtsa.gov/people/injury/research/breathtestrefusal/images/BreathTestText.pdf>
- [16]Symoun, J., Kehoe, N., Carlson, L., & Marose, D. (2021, April). Practices for implementing expedited search warrant programs for obtaining evidence from impaired drivers (Report No. DOT HS 812 949). National Highway Traffic Safety Administration.
- [17]Namuswe, E., Coleman, H., & Berning, A. (2014). Breath test refusal rates in the United States - 2011 update (Report No. DOT HS 811 881). National Highway Traffic Safety Administration. https://www.nhtsa.gov/sites/nhtsa.gov/files/%20breath_test_refusal_rates-811881.pdf
- [18]Berning, A., Compton, R., & Wochinger, K. (2015, February). Results of the 2013–2014 National Roadside Survey of alcohol and drug use by drivers. (Traffic Safety Facts Research Note. Report No. DOT HS 812 118). Washington, DC: National Highway traffic Safety Administration.
- [19]Lacey, J. H., Kelley-Baker, T., Furr-Holden, D., Voas, R. B., Moore, C., Brainard, K., ... & Berning, A. (2009, December). 2007 National Roadside Survey of Alcohol and Drug Use by Drivers: Methodology. (Report No. DOT HS 811 237). Washington, DC: National Highway Traffic Safety Administration. www.nhtsa.gov/staticfiles/nti/pdf/811237.pdf
- [20] 49 CFR 383.1 (2017) Federal Register :: Request Access. (n.d.). Unblock.federalregister.gov. <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-383>
- [21]National District Attorneys Association. Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations, Second Edition, <https://ndaa.org/resource/CDL-Monograph> (2017)
- [22]Insurance Institute for Highway Safety (IIHS), Fatality Facts 2020, Large Trucks, [Large trucks \(iihs.org\)](https://www.iihs.org/fatality-facts).
- [23]Federal Motor Carrier Safety Administration, [Large Truck and Bus Crash Facts 2020 | FMCSA \(dot.gov\)](https://www.fmcsa.dot.gov/factsheets/large-truck-and-bus-crash-facts-2020).
- [24]Some states treat a .04 violation as a criminal offense and others treat the test result as a license violation leading to administrative sanctions only. However, in all cases, the CDL holder will be disqualified for refusing properly requested test under a state's impaired driving law. 49 CFR 383.51 (table 1) (2017).
- [25]145 Cong. Rec. H. 12870-12874 (1999)

Citations and Bibliography

[26]E Earleywine, Mastering Masking: Why & How to Avoid Masking CDL-Holder Convictions, Between the Lines Newsletter, National Traffic Law Center, July 2019, Volume 27, Issue 6, pg 5 citing Masking, Black's Law Dictionary (10th ed. 2014)

[27]Namuswe, E., Coleman, H., & Berning, A. (2014). Breath test refusal rates in the United States - 2011 update (Report No. DOT HS 811 881). National Highway Traffic Safety Administration. www.nhtsa.gov/sites/nhtsa.dot.gov/files/breath_test_refusal_rates-811881.pdf

[28]Bobo, J. (2010). The best story wins: And other advice to new prosecutors. Tower Publishing.

[29]DWI Detection and Standardized Field Sobriety Test (SFST) Resources | NHTSA. (n.d.). <https://www.nhtsa.gov/dwi-detection-and-standardized-field-sobriety-test-sfst-resources>

[30]National Center for Statistics and Analysis. (2022, April). Early estimate of motor vehicle traffic fatalities in 2021 (Crash Stats Brief Statistical Summary. Report No. DOT HS 813 283). National Highway Traffic Safety Administration

[31]Richard, C. M., Magee, K., Bacon-Abdelmoteleb, P., & Brown, J. L. (2018, April). Countermeasures that work: A highway safety countermeasure guide for State Highway Safety Offices, Ninth edition (Report No. DOT HS 812 478). Washington, DC: National Highway Traffic Safety Administration.

[32]Grant, B.F., and Dawson, D.A. Age at onset of drug use and its association with DSM-IV drug abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. Journal of Substance Abuse 10:163-173, 1998



Mayor Jerry Dyer
City of Fresno, California
Retired Chief
Fresno Police Department

“Far too many law enforcement agencies focus their resources on reducing gun violence and preventing murders, while failing to dedicate the necessary resources to reduce traffic fatalities.

As Mayors, we cannot measure the success of our agencies simply by murder rates; we must give equal weight to reducing traffic fatalities caused by impaired drivers.”

Addendum

REVISED October 14, 2010

STATE OF MICHIGAN
BERRIEN COUNTY TRIAL COURT – CRIMINAL DIVISION

STATE OF MICHIGAN)
COUNTY OF BERRIEN)

Affidavit and Complaint for Search Warrant
for a BLOOD SPECIMEN

TO: The SHERIFF, MICHIGAN STATE POLICE, or other POLICE OFFICER of Berrien County.

The petitioner has sworn to the following facts in support of the issuance of this order:

1. That the petitioner is a police officer with _____ investigating operating a motor vehicle MCL 257.625 OR a vessel on the waters of this state MCL 324.80176, or ORV MCL 324.81134, or a snowmobile, MCL 324.82127, while under the influence of or impaired by intoxicating alcoholic liquor and/or drugs incident which occurred in the city/township of _____, Berrien County, Michigan, at (name of street/road) _____ on (date) _____ at approximately _____ AM PM.
2. That the petitioner has determined through _____ information received, personal contact and/or personal observations at the scene, that _____ was the operator of a motor vehicle upon a public highway or other place open to the general public OR a vessel on the waters of this state, or an ORV, or a snowmobile, as listed above and petitioner has further determined operator to be under the influence or impaired by intoxicating alcoholic liquor or a controlled substance, or both, or operator has an unlawful blood alcohol level, based upon the following observations:

PBT results of _____.
3. That operator is unwilling OR unable to take a chemical test as provided by MCL 257.625a or MCL 324.80181.
4. That the investigation will likely result in criminal prosecution against operator for a violation of MCL 257.625 or MCL 324.80176, as amended, or a corresponding ordinance, resulting from the operation of a motor vehicle OR a vessel, and that a blood sample will produce evidence of that criminal conduct.

Petitioner (Police Officer)

Subscribed and sworn to in my presence the date: _____ Time: _____ AM PM.

Trial Court Judge/Magistrate/Deputy Clerk/Notary

SEARCH WARRANT

The petitioner having been examined and the Court having determined that probable cause exists to believe that a violation of MCL 257.625 or MCL 324.80176 or MCL 324.81134 or MCL 324.82127 as amended or a corresponding ordinance, has occurred and that a blood sample will produce evidence of that conduct;

IT IS ORDERED that you seize (operator) _____ and procure blood samples for analysis;

IT IS FURTHER ORDERED that a licensed physician or a licensed nurse or medical technician qualified to draw blood in a medical environment under the direction of a licensed physician immediately withdraw blood from (operator) _____ in a medically reasonable manner, test it and provide the test results to the police officer requesting it.

Signed this date: _____ Time: _____ AM PM

Trial Court Judge/Magistrate

TABULATION

Witness

DC-486 10142010

**MADD's mission is to end drunk and drugged driving,
support the victims of these violent crimes, and prevent
underage drinking and other drug use.**

Mothers Against Drunk Driving

511 E. John Carpenter Fwy, Ste 200

Irving, TX 75062

877.ASK.MADD (877.275.6233)

madd.org

MADD[™]
IMPAIRED
DRIVING
ENDS HERE.