



# Impaired Driving Update for the Oregon Transportation Safety Committee

July, 2023

<b>Funding for FY23</b>	<p>\$60,000 Statewide Services (24-DRUNK, DUII Training Support) – 164</p> <p>\$300,000 DUII Alcohol Education Media – 164</p> <p>\$150,000 Law Enforcement Spokesperson (DPSST) – 164</p> <p>\$149,000 Statewide Services (GAC – DUII, Conference Support, Region Programs) – 405(d)</p> <p>\$200,000 DUII Statewide Media – 405(d)</p> <p>\$150,000 DUII Multidisciplinary Conference (Oregon DUII Taskforce) – 405(d)</p> <p>\$140,000 DRE Training (State, County, and Local LEAs) – 405(d)</p> <p>\$140,000 DRE Enforcement Overtime (State, County, and Local LEAs) – 405(d)</p> <p>\$400,000 DRE Toxicology (State, County, and Local LEAs) – 405(d)</p> <p>\$700,000 DUII High Visibility Enforcement (State, County, and Local LEAs) – 405(d)</p> <p>\$35,000 Impaired Driving Program Assessment – 405(d)</p> <p>\$65,000 Prosecuting the Drugged Driver Training (Oregon Department of Justice) – 405(d)</p> <p>\$341,440 Traffic Safety Resource Prosecutor (Oregon Department of Justice) – 405(d)</p> <p>\$60,000 State Judicial Outreach Liaison – 405(d)</p> <p>\$139,620 DUII Deputy (Yamhill County Sheriff) – 405(d)</p> <p>\$280,000 Clear Alliance Youth Substance Prevention – State TOF funds</p> <p style="text-align: center;"><b>Total 164 funds: \$510,000    Total 405(d) funds: \$2,520,060    TOF: \$280,000</b></p> <p>Two additional programs (Intoxilyzer 8000 Replacement &amp; Statewide DUII E-Warrant Platform) totaling \$100,000 were planned for FY23 but were not initiated.</p>
<b>Primary Focus</b>	<p>Reduce serious injury and serious physical injury crashes related to alcohol and/or drug-impaired driving</p> <p>Improve law enforcement ability to identify and apprehend impaired drivers</p> <p>Improve prosecution outcomes for impaired driving cases</p>
<b>Strategies Put into Play</b>	<p>Dedicated DUII patrols</p> <p>Law enforcement training, to include DRE training</p> <p>Prosecutor and Judicial training</p> <p>Statewide media efforts will continue to emphasize making a plan &amp; looking out for each other, while reminding of the human cost of impaired driving crashes. Spanish language outreach remains a focus point for media messaging.</p>

<p><b>Projects Started</b></p>	<p>HVE funds awarded to more than 70 county and local law enforcement agencies, plus the State Police</p> <p>Yamhill County Sheriff’s Office on final year of dedicated DUII position project</p> <p>DRE program training, enforcement, &amp; toxicology projects with OSP</p> <p>CLEAR Alliance project shifted to state funding for one year</p> <p>ODOT TSO and Commerce and Compliance Division are working with Oregon DRE Program to create foundational impairment detection training for non-sworn truck inspectors to help identify impaired CMV drivers.</p>
<p><b>Progress of Strategies so Far</b></p>	<p>Oregon law enforcement agencies have struggled in recent years to engage in proactive impaired driving enforcement activities due to reductions in staffing. Many have expressed enthusiasm for newly available straight-time opportunities for this type of enforcement, as it will provide shift supervisors the ability to direct resources to combat impaired driving when staffing allows, rather than hoping an officer signs up for overtime. This change is very new, however, and results have not been received yet.</p> <p>The Oregon DRE program held one school in FY23, which only saw nine students, but they all successfully completed the training. Unfortunately, the addition of nine new DREs will not replace the number who are anticipated to depart the program before the next available DRE school. The incoming DRE State Coordinator, OSP Sergeant Ryan Clarke, has indicated recruiting and retention of DREs is a top priority for him.</p> <p>DUII toxicology expenses have increased substantially since 2021 Oregon Court of Appeals ruling in <i>State v Shevyakov</i>. This change to Oregon’s legal environment caused blood testing demands for alcohol and drugs to rise, and all ante mortem blood testing for drugs must be outsourced to a third-party out of state laboratory (NMS Labs in Pennsylvania). OSP DRE Program leadership believes these costs have likely plateaued, and the agency is continuing to work toward creating capacity for in-house blood testing for drug toxicology.</p> <p>HB2316 was passed by both chambers of the Oregon Legislature in the 2023 session and was signed by Governor Kotek on July 31<sup>st</sup>. This law will take effect on January 1, 2024. It will allow drivers arrested for DUII but determined to be impaired in whole or in part by non-controlled substances to be prosecuted.</p>
<p><b>TSAP Implementation</b></p>	<p>Risky Driving Behaviors Emphasis Area - Working with Doug Bish, Kristin Twenge, Kelly Mason, and Kelly Kapri to identify implementation goals for current TSAP.</p>

# Oregon Transportation Safety Action Plan

## Emphasis Area and Action Implementation Tracking

Date: September 13, 2023

Emphasis Area: Impaired Driving

Action #	Action Lead(s)	Action Description	Not Started	Early Progress	Underway	Major Progress	Completed	Recurring (y/n)	Output Measures and Comments
1	Chuck Hayes, GAC on DUII; Ryan Stone, TSO Impaired Driving Program Manager	Provide education and outreach about the effects of and types of impaired driving, including alcohol-involved, other-drug-involved (prescription, legal, and/or illegal), and combinations.						Y	Reporter: Ryan Stone
	Past Activities:	TSO has sought to educate members of the public via NHTSA- and TSO-inspired media materials, including radio, TV, and internet, and streaming messaging, billboards, water closet posters, etc. Additional education and outreach efforts have included presentations at LE and prosecutor trainings, and at conferences targeted toward commercial drivers and other roadway users.							
	Current Activities:	TSO is continuing to work with Gard Communications to create and deploy effective media materials, to include a partnership with the Oregon State Police to increase awareness of Ignition Interlock Device requirements for DUII offenders. TSO also recently participated in the creation of a PSA regarding the dangers of impaired driving as it relates to pedestrians a DUII driver may encounter. This project was a partnership between the Impaired Driving and Pedestrian Safety programs in recognition of the substantial crossover between the two program areas as reflected in annual fatality and serious injury statistics. Projects completed by TSO are done in consultation with the Governor's Advisory Committee on DUII, which often has suggestions or other feedback on how to make messaging the most effective for intended audiences.							
	Future Activities:	Looking ahead to FY2024, TSO is expanding its outreach for impaired driving messaging to target audiences commonly associated with drinking and driving. Specifically, media messaging will target football and basketball audiences at the University of Oregon and Oregon State University, whose games are widely followed by Oregonians. For FY2024, TSO worked with OSU and Portland State University, but UO messaging is expected to have a much broader reach across the state.							

		TSO will also be vigilant for opportunities to increase public awareness of the dangers (and pending illegality) of driving under the influence of non-controlled substances other than alcohol.								
2	Chuck Hayes, GAC on DUII; Ryan Stone, TSO Impaired Driving Program Manager	Identify data needs related to impaired driving and implement measures to address gaps in coordination with public health.							Y	Reporter: Ryan Stone
	Past Activities:	(See responses to item 6 below)								
	Current Activities:									
	Future Activities:									
3	Lt Sether, Oregon State Police	Provide training and education on drug (e.g., cannabis, methamphetamine) impairment detection for law enforcement.							Y	Reporter: Ryan Stone
	Past Activities:	ODOT TSO has funded several grant projects that touch on the topics of drug impairment detection for LE. Specifically, the DRE Training and Enforcement grants have provided for DRE Instructors to teach at Oregon ARIDE and DRE classes to enhance officers' knowledgebase statewide on these topics.								
	Current Activities:	TSO continues to work with the DRE program to further training objectives on the topic of drug impaired driver detection. Additional training has also been presented on this topic at the 2023 Oregon DUII Multidisciplinary Training Conference, Police Traffic Safety Conference, and other TSO-sponsored events.								
	Future Activities:	TSO is restructuring existing grant projects related to the topic of drug-impaired driving beginning in FY2024. This will make it easier for TSO to monitor training opportunities statewide. We are also exploring new training opportunities, such as participation by Oregon LEOs with marijuana workshops (green labs).								
4	Tatiana Dierwechter, OHA Health Promotion and Chronic Disease Prevention	Promote policies to reduce alcohol overconsumption, including sales tax, limited service hours/days, and accountability for overserving. Increase support of related mental health and addiction services.							Y	Reporter:
	Past Activities:	In FY2022, the ODOT TSO Impaired Driving Program Manager began working with OLCC and OHA Public Health Division staff to coordinate efforts where feasible. Initially, this was largely a mere check-in between the work units to increase awareness of allied agencies' efforts to address alcohol-related public health concerns. Eventually, TSO participated in review/comment opportunities for OHA's <i>Rethink the Drink</i> campaign, which completed its first season with positive reviews from partners across numerous sectors with interests in reducing negative alcohol-related health outcomes.								
		TSO is continuing to partner with OHA PHD with their <i>Rethink the Drink</i> campaign in hopes of expanding the campaign's reach as it								

	<p><b>Current Activities:</b> relates to impaired driving. TSO continues to have routine check-ins with OLCC and OHA PHD to look for ways our programs can support each other.</p> <p><b>Future Activities:</b> TSO is interested in pursuing additional partnership opportunities with OHA's <i>Rethink the Drink</i> campaign, which could eventually include grant funding to support the brand's impaired driving-related messaging.</p>							
5	<p>Chuck Hayes, GAC on DUII; Ryan Stone, TSO Impaired Driving Program Manager</p>	<p>Adopt National Transportation Safety Board recommendation to reduce Blood Alcohol Concentration limit to 0.05.</p>						Reporter: Ryan Stone
	<p><b>Past Activities:</b> In the 2023 legislative session, the Governor's Advisory Committee on DUII created and supported HB 3376, which would have reduced the state's per se alcohol impairment threshold for DUII cases from .08% to .05%. The bill did not advance out of committee and died relatively early in the session. Of note, GAC members were disallowed from publicly supporting or speaking against any legislation in their official capacity for the duration of the session on order of the Governor's Office.</p> <p><b>Current Activities:</b> ODOT TSO has submitted a legislative concept request to the ODOT DMV legislative concept review team for the 2025 session. This concept would essentially reboot HB 3376 in a session wherein GAC members may not be restricted from providing input, written or oral, to state legislators.</p> <p><b>Future Activities:</b> TSO anticipates GAC – DUII will also take up this cause again for the 2025 legislative session.</p>							
6	<p>Chuck Hayes, GAC on DUII; Ryan Stone, TSO Impaired Driving Program Manager; Kayla Hootsman, Government Relations</p>	<p>Revise DUII statutes and related statutes for other impairing substances.</p>					N	Reporter: Ryan Stone
	<p><b>Past Activities:</b> Numerous efforts were made to revise Oregon DUII law to make it unlawful for a person to operate a vehicle while under the influence of any impairing substance. These efforts repeatedly resulted in failure at the legislative level, largely due to lobbying by opponent groups and other misinformed parties.</p> <p><b>Current Activities:</b> HB 2316 was passed during the 2023 legislative session and signed into law by Governor Kotek. It will take effect on January 1, 2024, and it redefines the term "intoxicant" for purposes of DUII to include any impairing substance. This bill did create an affirmative defense for DUIIs that are based solely on the revised definition of intoxicant, but it seems unlikely that many (if any) cases will ultimately qualify for use of such a defense. There was also a reduction in the penalties for DUIIs wherein the involved vehicle was a non-electric bicycle.</p> <p><b>Future Activities:</b> ODOT TSO will monitor public perception and understanding of new statutory language and will consider public awareness campaigns as appropriate.</p>							

7	Chuck Hayes, GAC on DUII; Ryan Stone, TSO Impaired Driving Program Manager	Streamline the DUII arrest and adjudication processes.						N	Reporter: Ryan Stone
<p>Past Activities:</p> <p>Current Activities:</p> <p>Future Activities:</p>		<p>ODOT TSO received a federal grant for FY2023 to develop and deploy a statewide electronic search warrant system. This system would allow officers to more efficiently apply for and receive search warrants to collect toxicology evidence in DUII cases as appropriate. Due to capacity limitations, ODOT IT resources were unable to take on the project, and it stalled while other priority projects were in progress.</p> <p>TSO is renewing its efforts to develop a statewide e-warrant system in FY2024, to include engaging the state's procurement process to seek an outside IT vendor to handle system development.</p> <p>TSO will continue to work with partner agencies to identify their needs of an e-warrant system so an effective product can be developed and deployed.</p>							
8	Captain Sether, Oregon State Police	Conduct unbiased enforcement to reduce impaired driving crashes.						Y	Reporter: Ryan Stone
<p>Past Activities:</p> <p>Current Activities:</p> <p>Future Activities:</p>		<p>ODOT TSO has funded high visibility enforcement (HVE) grant projects for municipal and county law enforcement agencies via Oregon Impact, and for the Oregon State Police. These projects encourage saturation patrols, particularly during NHTSA-identified high crash periods each year. Enforcement activity has been expected to be conducted in a fair, unbiased manner.</p> <p>OSP has begun a pilot project that is in-part funded by TSO grant awards to conduct true saturation/high-visibility enforcement operations in parts of the state known to be affected by recent crashes and/or which have community events predicted to cause increases to risky driving behavior. This is in addition to ongoing HVE efforts by OSP and by city and county agencies. All enforcement efforts are expected to be conducted in an unbiased manner, and targeted to day/time/locations where impaired driving is anticipated to be increased.</p> <p>Until FY2023, TSO only allowed grant-funded DUII HVE activities to be conducted on overtime. That policy has shifted to the allowance of overtime or straight time, with some limitations to ensure NHTSA eligibility. TSO anticipates this change will allow LEAs to use their awarded HVE funds more completely, and more effectively by assigning on-duty officers to dedicated enforcement. This change came in part due to LEAs' voiced concerns about staffing shortages and officers' resultant disinterest in discretionary overtime. Award usage in FY2024 will be compared to previous years to identify impacts to award utilization and officers' performance.</p>							