

OREGON IMPAIRED DRIVING STRATEGIC PLAN

**Presented by the
Oregon Governor's Advisory Committee
on Driving Under the Influence of Intoxicants**

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Executive Summary:

Under the direction and contribution of the statewide Governor's Advisory Committee (GAC) on Driving Under the Influence of Intoxicants (DUII), the purpose of the Impaired Driving Strategic Plan (IDSP) is to provide a comprehensive strategy for preventing and reducing impaired driving in Oregon. The IDSP provides data on the impaired driving problem in Oregon, documents ongoing initiatives to address various aspects of the problem, and discusses potential new strategies. This IDSP is provided to the National Highway Traffic Safety Administration (NHTSA) in response to the grant requirements of Title 23, Section 405(d).

Impairment – Alcohol, Marijuana and Other Drugs:

Impairment from alcohol in Oregon, and across the nation has seen a slow, steady decline over the years, thanks in part to targeted enforcement, media campaigns, community partnerships, education and awareness, and overwhelming social unacceptability. However, alcohol remains the most common impairing substance found in DUII arrests and fatal and injury crashes.

In November of 2014, Oregonians voted to legalize recreational marijuana. Impacts to traffic safety are a serious concern, as DUII incidents involving marijuana have increased in other states that previously legalized it. Historical data specific to marijuana-impaired driving is in short supply, although data collected by the Oregon State Police showed a sharp increase (163%) of marijuana-involved DUII's in the first six months following legalization. There was also a 111% increase in DUII's in the same period where marijuana was shown to be a contributing factor, indicating other impairing substances were also being used.

Toxicology data from the Oregon State Police Crime Laboratory for 2019 showed that 9-carboxy-tetrahydrocannabinol (THC) was the most frequently detected impairing substance detected in urine and blood samples of suspected drugged impaired drivers (61.3%). THC was detected more frequently than methamphetamine (35.6%). THC also remained as the most commonly detected impairing substance in poly-drug DUI-Drug cases investigated by Oregon's drug recognition experts (DREs).

The most recent data for DUII arrests from OSP Forensics shows that:

- 63.0% tested positive for THC and 36.7% tested positive for methamphetamine in 2019
- 63.4% tested positive for THC and 39.7% tested positive for methamphetamine in 2020
- Combined 2019-2020 data shows 63.2% tested positive for THC and 38.1% for methamphetamine

THC is still the most commonly detected contributing factor in DUII cases. OSP cannot confirm the post-mortem data, so cannot provide post-mortem numbers. Oregon is a urine-only state for toxicology.

Poly-drug DUI-Drug cases continue to be an area of concern in Oregon. The practice of ingesting multiple drugs and driving is having a negative impact on the nation's roadways and Oregon is no exception. A tragic example of this occurred in July of 2020 when a driver crossed the centerline of Highway 101 and collided with another vehicle head-on, killing the 20-year-old female driver. The offending driver was on probation for an unrelated crime, and the probation terms included a "no intoxicants" provision. The toxicology of the surviving driver verified the

presence of heroin, methamphetamine, marijuana and butalbital in the driver's system. Oregon does not track DUII crimes by the impairing substance unless a diversion or conviction is related to alcohol or drugs in general. This makes it difficult to understand the problem, recognize patterns and support thoughtful changes when necessary. Since historical data in Oregon does not include marijuana-specific information, it is difficult to predict the exact long-term impact the legalization may have, and to also conduct any comparisons.

Impairment from alcohol is established two different ways in Oregon. First, impairment can be proven through a series of scientifically validated roadside tests, known as Standardized Field Sobriety Tests (SFST's). These include the Horizontal Gaze Nystagmus (HGN), Walk and Turn, and One Leg Stand tests. Oregon statutes refer to "impairment to a noticeable or perceptible degree," which can be identified through these tests. Oregon statute has also set a per se limit on Blood Alcohol Content (BAC), meaning that a person can be proven to be impaired if their BAC is 0.08g/ml or higher. Both the per se limit of 0.08 and the SFST's are the result of decades of science, research and validation studies to determine alcohol impairment levels. Traditionally, a DUII conviction results from a combination of these pieces of evidence in tandem.

Impairment from drugs other than alcohol, however, can be more challenging to prove. Oregon does not have a per se limit for impairing drugs, including marijuana. Some states that have legalized marijuana, like Washington and Colorado, have established a per se limit of 5ng/mL of tetrahydrocannabinol (THC) in the blood. This level, however, was not the result of any scientific study and does not account for a myriad of factors unique to marijuana. Marijuana impairment is very different from alcohol impairment and much more complex. Unlike alcohol impairment, there is no scientifically conclusive threshold that consistently indicates marijuana impairment from person to person. Marijuana impairment in Oregon is currently determined by establishing the presence of the substance in the driver, and by identifying impairment through the SFST's and/or the determinations made by a DRE. Marijuana legalization will undoubtedly lead to more studies and research that will explore the issues of impairment and the relationship to a scientifically valid per se limit. Currently, Oregon will rely on proving presence, and establishing impairment to a noticeable or perceptible degree.

In 2020, Oregon voters decriminalized all drugs for user quantity possession, including heroin, cocaine, methamphetamine, MDMA, fentanyl, and LSD. Possession is now a Class E violation with a penalty to be not more than \$100, and which can be waived with proof of a telephonic risk assessment for substance abuse. No further punitive action may be taken against the violator for non-compliance, and there are no provisions for addressing youth use. Voters also legalized psilocybin, otherwise known as psychedelic mushrooms, for therapeutic use. There are significant concerns about these actions contributing to the growing increase of drug-impaired driving and the resulting fatalities.

About the GAC on DUII:

On December 16, 1983, Governor Victor Atiyeh signed Oregon Executive Order EO-83-20 creating the Governor's Advisory Committee (GAC) on Driving Under the Influence of Intoxicants (DUII). At that time, a need existed for an advisory committee to formulate administrative and legislative goals and objectives for reducing the incidences of DUII and to monitor their implementation.

Members of the committee were appointed by the Governor's Office and were charged with broadly representing the legislative assembly, public and private organizations involved in DUII countermeasures, victims of DUII, and the general public.

In addition, committee members were appointed to heighten public awareness of the seriousness of the DUII problem, and to persuade communities to attack the DUII problem in an organized and systematic manner. This was to include plans to eliminate blockages in the arrest, trial, and sentencing process that impair the effectiveness of many DUII laws. In addition, the GAC on DUII was enacted to generate public support for increased enforcement of state and local DUII laws, and educate the public as to the dangers of DUII and its effects on life and property.

The Oregon Department of Transportation (ODOT) Transportation Safety Division (TSD), under the authority of the designated Governor's Highway Safety Representative, was charged with overseeing the GAC on DUII. The Executive Order of the GAC, which outlines the membership, duties, administration, and duration, is included in the Appendix of this IDSP.

Since the inception of the GAC on DUII, members and agency liaisons have worked in partnership, making significant investments of time and effort, formulating a cohesive group, helping leverage resources, and promoting change. Partnerships have been established and continue to function in ways that enable the members to broaden perspectives and develop common views of addressing the DUII problem. The GAC on DUII also acts as a multi-disciplinary resource group for the Governor's Office and the legislature, enabling them to consider cohesive and effective proposals to reduce DUII in Oregon. This is accomplished through on-going monthly meetings and planned initiatives. The GAC on DUII members and agency liaisons represent numerous stakeholders across all geographic areas of the state, including law enforcement, driver licensing, treatment, highway safety, judicial, advocacy, legislative, and non-profit groups whose missions include addressing impaired driving issues. The membership and their affiliations are also included in the Appendix of this IDSP.

GAC on DUII Impaired Driving Strategies:

The GAC on DUII has identified some key strategies to help address the impaired driving issues in Oregon. Specific goals and strategies of the Impaired Driving Strategic Plan include:

#1 – DUII Prevention Program Management and Activities

Oregon's DUII Prevention Programs are based on strong leadership and sound policy development. Programs and activities carried out under the Oregon IDSP are guided by problem identification and monitored for effectiveness. The GAC on DUII will promote its existence and mission through numerous avenues.

Strategies for DUII Prevention and Program Management and Activities:

1. Formalize activities of the GAC on DUII
2. Keep official minutes for each GAC on DUII meeting
3. Expand GAC on DUII membership to include key areas not currently represented
4. Formalize the operational procedures for the GAC on DUII
5. Assist in providing timely DUII prevention publications, meetings, conferences and other training and education opportunities
6. Make GAC on DUII resources available to any local, state or national organization interested in or tasked with reducing impaired driving
7. Develop short and long-term objectives in order to meet the goals outlined in the IDSP
8. Assist in enacting legislation that provides resources dedicated to DUII in the state
9. Educate state, county and local officials about the value of DUII initiatives
10. Educate and encourage law enforcement agencies to utilize DUII enforcement grant funding to assist in the statewide efforts to deter DUII

#2 – Support of Annual DUII Multi-Disciplinary Training Task Force Conference

With funding support from the ODOT-TSD, Oregon has provided an annual DUII Multi-Disciplinary Training Conference for over 20 years. In 2019, approximately 500 people attended the two-day conference, which focused on numerous impaired driving issues, including Cannabis impairment, DUII case law, and reducing the risk of DUII. Due to COVID-19 issues and meeting restrictions, the 2020 conference had to be cancelled and has been rescheduled for 2021. Each year the conference includes law enforcement, prosecutors, toxicologists, treatment and prevention providers, health care professionals, judicial, parole and probation, liquor control, motor vehicle services and other transportation safety professionals. The speakers will be presenting on a variety of topics. These topics will range from prevention, addiction and emerging trends. We will also have presentations on ignition interlock devices, common DUII defenses, case law and trends in opioid misuse and abuse. All of these topics will assist in heightening the awareness of impaired driving.

The GAC on DUII will continue its support of Oregon's annual DUII Multi-Disciplinary Training Task Force Conference.

Strategies for the support of the DUII Multi-Disciplinary Training Conference:

1. Promote attendance by all persons interested or involved in DUII prevention, detection, enforcement, adjudication, treatment, training and supervision
2. Provide input on relevant training topics and effective impaired driving programs
3. Assist in assessing the effectiveness of the annual conferences
4. Support future conferences focusing on new and innovative impaired driving strategies and technology

#3 – Increased DUII Education and Training

The GAC on DUII, through its staff and members, will provide encouragement and technical support to further the education and training of police officers, prosecutors, drug recognition experts (DREs), treatment and prevention providers, traffic safety advocates, and others involved in the efforts to reduce DUII in Oregon and nationally.

Law Enforcement Training:

The ODOT-TSD and the GAC on DUII are dedicated to providing the highest quality training to Oregon law enforcement officers in detecting and apprehending impaired drivers on Oregon's roadways. To support and maximize the DUII law enforcement efforts, all Oregon law enforcement officers going through basic training in Oregon are required to be trained in Standardized Field Sobriety Testing (SFST). The ODOT-TSD directly supports all SFST training conducted at the Oregon Department of Public Safety Standards and Training (DPSST) and sponsors SFST Instructor Development Courses when necessary. In 2019, approximately 1230 law enforcement officers received SFST training at DPSST. SFST training is also provided through the Oregon State Police (OSP) independent training academies. The SFST training is critical to optimize the removal of impaired drivers from Oregon's roadways.

These classes included a session on enforcing the state's Ignition Interlock Device (IID) laws. The sessions focused on knowing applicable laws, recognizing when an IID is required on a DMV license return, and properly citing violators. During the grant year, one SFST Instructor Development Course (IDC) class was held, training 15 new SFST instructors. In addition, thirteen Oregon Liquor Control Commission (OLCC) inspectors were trained in how to recognize Visibly Intoxicated Persons. Also during the grant period, 197 police officers were trained in the operation of the Intoxilyzer 8000 breath testing device. Oregon also invested heavily in their SFST instructors by conducting a 4-hour SFST/DRE instructor training conference. A total of 97 SFST and/or DRE instructors attended the conference to improve their skills and knowledge as SFST instructors.

In addition to the SFST training, the ODOT-TSD, working in partnership with the Oregon State Police, coordinate the Drug Evaluation and Classification Program (DECP) and the training of Drug Recognition Experts (DRE). In many instances drivers are detained for driving behaviors that mirror alcohol impairment and have low or no breath alcohol content. DREs are trained to conduct a 12-step evaluation that assists in determining the category or categories of drugs that may cause impairment in a drugged driver.

Because drugged driving is prevalent and is increasing in Oregon and nationally, Oregon conducted a DRE School in 2019 certifying 16 new DREs, and in 2020, 16 new DREs were certified. Oregon also held a conference in 2018 with 167 DREs attending. The conference provided DREs with current drug trend information as well as other pertinent drugged driving training information. The conference that was scheduled for 2020 was canceled due to COVID. These DRE schools provided current drug trend information as well as other pertinent drugged driving training information. With the completion/certification of the last school, Oregon currently has 180 DREs. Oregon DREs continue to be some of the more active in the country, conducting over 3,000 enforcement evaluations in the past three years; ranking the Oregon program in the top five each year in the country.

The Oregon DEC Program, working in partnership with ODOT-TSD also provides Advanced Roadside Impaired Driving Enforcement (ARIDE) training. The ARIDE training provides experienced DUII officers with additional training to detect drug impaired drivers and emphasizes contacting a DRE for a DRE evaluation to be conducted. Since the inception of ARIDE training in 2009, Oregon has conducted 97 ARIDE classes statewide, training 1,664 police officers.

Strategies for Expanding DUII Education and Training:

1. Assist in exploring ways to expand and support timely and effective DUII education and training programs to include: Standardized Field Sobriety Testing (SFST); Advanced Roadside Impaired Driving Enforcement (ARIDE); Drugs That Impair Driving (DID); Drug Impairment for Educational Professionals (DITEP); Drug Recognition Expert (DRE); Prosecuting the Drugged Impaired Driver, and other related training.
2. Support community educational and DUII awareness programs
3. Continue working with DUII Multi-Disciplinary Training Task Force to ensure the training conference is an annual event and is held geographically to encourage attendance.

#4 – Increased DUII High Visibility Enforcement

Oregon conducts frequent, highly visible, well-publicized, and coordinated impaired driving enforcement efforts throughout the state. These efforts are focused on those areas identified as having high incidences of alcohol or drug related crashes. With Oregon unable to conduct Sobriety Checkpoints, Saturation Patrols are used and often conducted on a multi-jurisdictional basis.

The goal of DUII Saturation Patrols is to increase the awareness of motorists regarding the dangers of impaired driving, deter those who may be impaired from driving, and investigate DUII offenses to reduce the number of impaired drivers on the roadways. Saturation patrols are an important component of Oregon’s continued effort to combat impaired driving and reduce injuries and deaths. When these efforts are funded with grants from the ODOT-TSD, they are publicized through a pre-event announcement, and at times, with a post-event news release detailing the results of the efforts. Officers working these efforts are trained in the proper administration of the SFSTs.

The ODOT-TSD will continue to make direct contact with law enforcement agencies in the counties overrepresented in alcohol-impaired fatal and serious injury crashes and identified in Oregon's Performance-Based Strategic Traffic Safety Plan as priority counties. All officers working grant-funded DUII enforcement overtime enforcement must be trained in Standardized Field Sobriety Testing (SFST) and preferably in ARIDE. These law enforcement agencies will be solicited to participate in selective overtime DUII enforcement efforts during the time of day, day of week and locations as identified by crash data. Due to the working relationships between the ODOT-TSD and state and local law enforcement, participation in the selective DUII overtime enforcement activities is effective. In addition, these same agencies will be solicited to participate in selective DUII overtime enforcement during the following time frames known for high alcohol usage, which include, but are not limited to: Super Bowl Sunday, St. Patrick's Day, Independence Day, Halloween, and New Year's Eve. Oregon's youth alcohol-related fatal and serious injury crashes will also be addressed through selective youth-alcohol overtime enforcement. Peak enforcement efforts will focus on high alcohol usage time frames, which will include graduation, proms, homecoming, and Cinco de Mayo.

Statewide DUII alcohol overtime enforcement will be conducted during national events, which include Labor Day, Independence Day, Christmas and New Year's. All selective DUII overtime enforcement efforts will be required to conduct a pre- and post-media event or activity to follow the best practices examples of advising the community of their upcoming activities, conducting the enforcement activity and then reporting the results of the enforcement activity. During all of the DUII overtime enforcement efforts a combination of saturation patrols and enforcement emphasis efforts will be utilized. In addition to using SFST trained officers, DREs will also be utilized for the various enforcement activities.

In 2020, the GAC on DUII finalized a DUII saturation best practices guide that was distributed to Oregon's law enforcement agencies.

Strategies to Enhance High Visibility DUII Enforcement Efforts:

1. Increase the number of law enforcement agencies participating in national and state high visibility enforcement efforts
2. Increase the number of Saturation Patrol events
3. Increase participation of officers certified as DREs in overtime enforcement efforts
4. Increase and promote multi-jurisdictional law enforcement DUII Saturation Patrol efforts to best utilize the state's resources

#5 – Continued DUII Legislation

The GAC on DUII will work closely with ODOT-TSD and other stakeholders to serve as a resource for local, state and federal legislative activities related to DUII. Through its network of members and liaisons, the GAC on DUII will offer resources, referrals or technical assistance to the Governor's Office and/or legislative members needing direction, support or assistance with DUII related matters. Oregon remains one of very few states in the country that do not have a DUII law that includes non-controlled substances. Current Oregon law is limited in that it applies to alcohol, inhalants, cannabis, and controlled substances.

Strategies in the Area of DUII Legislation:

1. Promote the expansion of Oregon’s DUII law to include “any impairing drug” or “any impairing substance”
2. Enact legislation to strengthen the state’s ignition interlock device laws
3. Enact legislation making it a penalty for refusing to submit to a DRE drug influence evaluation
4. Enact legislation to require blood testing for all drugs of drivers killed in crashes and report that information to ODOT-TSD
5. Enact legislation that provides resources dedicated to impaired driving in the state
6. Explore legislation to support the use of electronic search warrants or other means of quickly obtaining toxicology samples

#6 – Increased DUII Prosecution and Adjudication Efforts

Oregon strives to impose effective, appropriate and research-based sanctions of DUII offenders. Oregon has a system of graduated penalties based on the number of prior offenses committed.

ODOT TSD and the GAC on DUII is committed to strong, high visibility enforcement of our State’s laws. The statewide enforcement plan includes enforcing the following Oregon State Statutes to the fullest extent, which include:

Driving Under the Influence of Intoxicants:

Under current Oregon law, a person commits the offense of driving under the influence of intoxicants (DUII) if the person drives a vehicle with .08 or more BAC; is under the influence of intoxicating liquor, cannabis, a controlled substance, an inhalant or any combination of these. The current law does not include drugs other than controlled substances.

Driving Under the Influence of Intoxicants Convictions:

A person may qualify for a one-year diversion program on the first DUII offense or if more than 15 years have elapsed since the first diversion. A court will not convict a person of driving DUII if the diversion program is successfully completed. If a person is convicted of DUII, driving privileges are suspended for one year for the first conviction and three years for a second conviction within five years. If a person has three or more misdemeanor DUII convictions, or one felony DUII conviction, the driving privileges are permanently revoked by the court. A person may petition the court for restoration of driving privileges after 10 years.

Ignition Interlock Devices:

An Ignition interlock device (IID) is required for all DUII offenders unless granted a medical exemption or when participating in a diversion program and the impairment is due to drugs only. A court may use discretion whether the IID is required under a diversion program if the impairment is due to alcohol only and the BAC is under .08. An IID is required one year following the suspension of a first conviction, two years following the suspension of a second conviction and five years following a court ordered restoration of driving privileges on a permanent revocation. For all offenses occurring January 1, 2016, and after, the IID requirement remains in place until a person is issued a 90-day no-negative report for the last 90 consecutive days of the requirement. A court may vacate the IID requirement for diversion

participants after six months following strict criteria. In 2016, there were 7,645 diversions and 7,358 DUll convictions. The number of recorded installed devices for 2020 is 6,469, out of a total of 27,921 individuals with a current Oregon IID requirement. Currently, the IID's required are about 50% for diversion, and 50% for convictions. In 2020, installed devices recorded 11,389 alcohol readings above .05%BAC, 3,944 of those were above .08%BAC with the highest reading of .37%BAC.

Implied Consent Laws:

In Oregon, it is implied that a person driving a motor vehicle will consent to a breath, blood or urine test if a police officer arrests them for driving under the influence of intoxicants and asks them to take such a test. A person who fails or refuses to submit to a breath, blood or urine test will be subject to an administrative implied consent (IC) suspension. The suspension is separate from, and in addition to, a suspension resulting from a DUll conviction.

Under implied consent laws, a driver will fail a test if their BAC reading is .08% or more, .04 or more if driving a commercial motor vehicle, or any amount if under 21 years of age. IC failure suspensions vary from 90 days for a first suspension to one year for a second offense within five years. IC suspensions for refusals vary from one year for a first suspension to three years for a second offense within five years.

If a person is driving a commercial motor vehicle and fails a breath or blood test, their commercial driving privileges are suspended for one year, three years or lifetime depending on the circumstances. If a person is driving a commercial motor vehicle or has commercial driving privileges and refuses a breath, blood or urine test, commercial driving privileges are suspended for three years, five years or lifetime depending on the circumstances.

DUII Courts:

One area of expansion needed in Oregon is with DUll Courts. Currently, the City of Beaverton Municipal Court, and Multnomah and Clackamas counties have the only DUll-focused courts within the State. These courts target DUll offenders with a post-adjudicatory alcohol intensive supervision treatment program for eligible offenders. The purpose of the program is to reduce offender recidivism by fostering a comprehensive and coordinated court response composed of early intervention, appropriate treatment, intensive supervision, and consistent judicial oversight.

Transportation Safety Resource Prosecutors:

Oregon has one Traffic Safety Resource Prosecutor (TSRP) who assists Oregon prosecutors with all aspects of the prosecution of impaired driving and motor vehicle homicide cases. The assistance includes providing technical assistance on pre-trial motions and other evidentiary hearings, handling trials on a conflict basis, and being available for questions on all aspect of trial. The TSRP also regularly trains law enforcement officers on DUll investigations, including providing training at the Oregon Police Academy to all new recruits. The TSRP is also a resource for many state and local agencies as it relates to DUll law, including being a technical resource for DUll legislation. The TSRP conducts local and regional trainings for Oregon's district attorneys, law enforcement and other partners in the DUll continuum. The TSRP maintains and

updates the Oregon DUII Listserv, which is a way to educate and provide prosecutors and law enforcement with up-to-date DUII information and training opportunities.

Mothers Against Drunk Driving (MADD):

The GAC on DUII supports the efforts in expanding the presence of MADD nationally and in Oregon. The Oregon MADD program had previously experienced a decreasing involvement and presence due to lack of funding. In 2017, Oregon was selected as one of two states in the Nation to receive funding from NHTSA to expand the state's program. In November of 2017, a Task Force made up of stakeholders and experts in the area of impaired driving prevention and enforcement was assembled and a Strategic Execution meeting was held in Salem. The purpose was to convene a team of experts with the purpose of identifying best practices for building capacity through public perception and volunteerism in a state with high impaired driving fatalities and low MADD involvement and to execute an action plan. The rationale is that MADD has shown enormous success towards the mission to combat drunk and drugged driving, support the victims of this violent crime, and to prevent underage drinking.

ODOT-TSD and the GAC on DUII highly supported the selection of Oregon as one of the two states to receive NHTSA funding support for re-ignition of MADD's presence in the State. The two specific needs are:

- 1) To create urgency that impaired driving is still a public health threat, and
- 2) To translate that problem in the public's mind to create a movement to end impaired driving.

With the assistance of the Task Force, which included members and liaisons of the GAC on DUII, a strategic plan was drafted and implementation began in April, 2018. The GAC on DUII will continue to support MADD's efforts to reinvigorate the general public in Oregon to mobilize communities around the problem of DUII and in understanding that the crime of DUII is 100 percent preventable, and that the GAC on DUII and its DUII prevention partners have the ability to end impaired driving.

Key MADD programs implemented to date:

- 1) Victim Services – Staff and volunteers provide peer/emotional support, court accompaniment and advocacy, referrals to available resources, assistance with preparation of Victim Impact Statements.
- 2) Law Enforcement Support – Coordinate with LE agencies during High Visibility Enforcement Events to provide victim speakers to present their stories to officers before patrol begins. Established an annual recognition event with an anticipated addition of training sessions for the 2021 event. Legislative support provided for bills relating to law enforcement. MADD also manages a mini-grant program in conjunction with ODOT to provide reimbursement for No Refusal Program blood draws.
- 3) Public Education/Public Awareness – Raising awareness through social media campaigns, TV ads, and public events such as the annual Walk Like MADD 5k, and tabling events at conferences.
- 4) Youth Education – Provide our Power of Youth presentation at schools and driver's education classes.

MADD will be looking for additional funding in 2022-2023 to fund a Victim Services Director, and will be looking at the potential hiring of a Court Monitor Program Specialist to launch MADD's Court Monitoring program.

Strategies in the Area of DUII Prosecution and Adjudication:

1. Continue to develop and provide DUII training for law enforcement, prosecutors, toxicologists and judges
2. Expand web-based training and social media on specific topics related to DUII investigation and prosecution accessible to law enforcement officers and prosecutors
3. Continue to seek opportunities to provide DUII related presentations at various conferences where prosecutors, judges and other court personnel are in attendance
4. Provide training on the use of electronic search warrant processes
5. Expand Court Monitoring of DUII related cases by MADD staff to analyze the criminal justice system to determine where breakdowns are occurring in the trials and adjudications of impaired-driving defendants, and offer solutions
6. Expand DUII Courts to assist in reducing recidivism among repeat and high-BAC offenders
7. Consider utilization of electronic DUII monitoring systems or other related programs that require periodic breath testing of convicted DUII offenders
8. Increase the number of DUII courts in the state and ensure that all courts are following the Ten Guiding Principles of DWI Courts established by NCDC and the National Drug Court Institute (NDCI)
9. Offer presentations on DUII courts, standardized field sobriety testing, the drug evaluation and classification program, alternative sanctions and emerging technologies at the judicial conference, the prosecutor's conference and the Oregon Bar conferences

#7 – Increased DUII Prevention Communications

Through ODOT – TSD, Oregon implements a statewide comprehensive transportation safety plan that supports priority policies and program efforts. Campaign materials target at-risk groups who are identified through statewide traffic data and provide special emphasis during high-risk times including the national crackdown periods and high visibility enforcement efforts.

Media and Outreach Plan:

The GAC on DUII will use the ODOT-TSD media plan that has been effective in the past, as well as coordinating a communication strategy with our partners, to allow everyone to be fully informed of planned media and outreach creative and actions. Such communication will provide partnership opportunities and more efficient use of limited resources. ODOT-TSD will develop campaigns that can be used by local highway safety advocate groups to standardize the message and maximize creative costs.

Earned Media:

In addition to all grantees, local agencies, and organizations, the ODOT-TSD (Highway Safety Office) will continue to utilize the Governor's Office, and other state and local agencies to assist with promotional efforts to draw attention to the national and Oregon traffic safety mobilizations/initiatives.

All law enforcement operation grants require, as a condition of the grant, that the grant recipient agency must hold a local news conference and/or issue a news release regarding the grant award and the related grant activity before the enforcement activity is initiated. In addition, they are required to issue a news release reporting the results of that specific enforcement operation.

The ODOT-TSD encourages grantees and other traffic safety partners to include traffic safety related data in their own news notes and newsletters in an effort to generate local media (print and electronic) interest in developing a news story item.

By reputation, the ODOT-TSD is and will continue to be the primary traffic safety news media resource. The ODOT-TSD is recognized as the best source for impaired driving related data, information and to be able to direct media representatives to other additional sources. The ODOT-TSD will continue to pursue the best ways to collect, present, and deliver impaired driving-related information to maintain its position as the best traffic safety news source.

Strategies in the Area of DUII Prevention Communications:

1. Whenever possible, work cooperatively with the media in promoting and publicizing DUII prevention, enforcement activities, and related events that assist in educating the public on the hazards of DUII.
2. Whenever possible, prepare articles dealing with DUII and transportation safety
3. Routinely distribute DUII prevention materials to the media and other organizations
4. Continue to conduct periodic public survey polls regarding DUII, including specifically marijuana and driving.
5. Continue to assist in the implementation of Oregon's statewide comprehensive transportation plan
6. Utilize focus groups in the development of DUII campaign materials, whenever possible
7. Assist the ODOT TSD to ensure that Oregon DUII related publications and data resources are prepared in a timely manner and provided to appropriate stakeholders in support of, or involved in DUII enforcement, prevention, treatment and educational programs.

#8 – Promoting and Supporting Community and Transportation Safety

Community and traffic safety is at the core of the GAC on DUII. The safety of communities, their citizenry, and the motoring public, is fostered each time an impaired driver is detected, removed from the roadway, adjudicated, and receives proper and effective treatment. The knowledge base of the GAC on DUII members and liaisons will contribute to the traffic safety of their communities. By sharing their knowledge and experience with their communities and organizations they serve, GAC on DUII members and liaisons can assist in the reduction in DUII related incidents.

Strategies in the Area of Promoting and Supporting Community and Transportation Safety:

1. Continue to work closely with various partners, to include, traffic safety professionals, law enforcement, prosecutors, medical professionals, emergency medical personnel, treatment providers, driver/motor vehicle professionals, liquor and drug control personnel, prevention specialists, and educational professionals in supporting the efforts to improve transportation safety

2. Incorporate coalition/team training strategies using the structure of the community coalitions already in place
3. Continue to educate children, parents and the community about substance abuse issues
4. Assist in developing model policies for schools to address underage drinking and drug abuse issues
5. Expand Drug Impairment Training for Educational Professionals (DITEP) training for source teachers, school administrators and school nurses
6. Educate employers about the ignition interlock laws and requirements in the state
7. Assist and promote MADD's presence statewide

#9 – Supporting DUI Treatment and Rehabilitation Programs

Impaired driving is frequently an indicator of serious alcohol or substance abuse problems. These problems reflect the importance to assess impaired driving offenders for a substance use disorders and implement early treatment interventions. Often, DUI behavior can be eliminated if the substance use disorder is recognized and treated in its early stages. The GAC on DUI understands and supports the statewide efforts to properly and effectively treat and rehabilitate DUI offenders. These are ever-challenging and understaffed areas. It is important that key stakeholders assist in determining its effectiveness in meeting the needs of the impaired drivers and develop recommendations to enhance treatment efforts and reduce the incidents of repeat DUI.

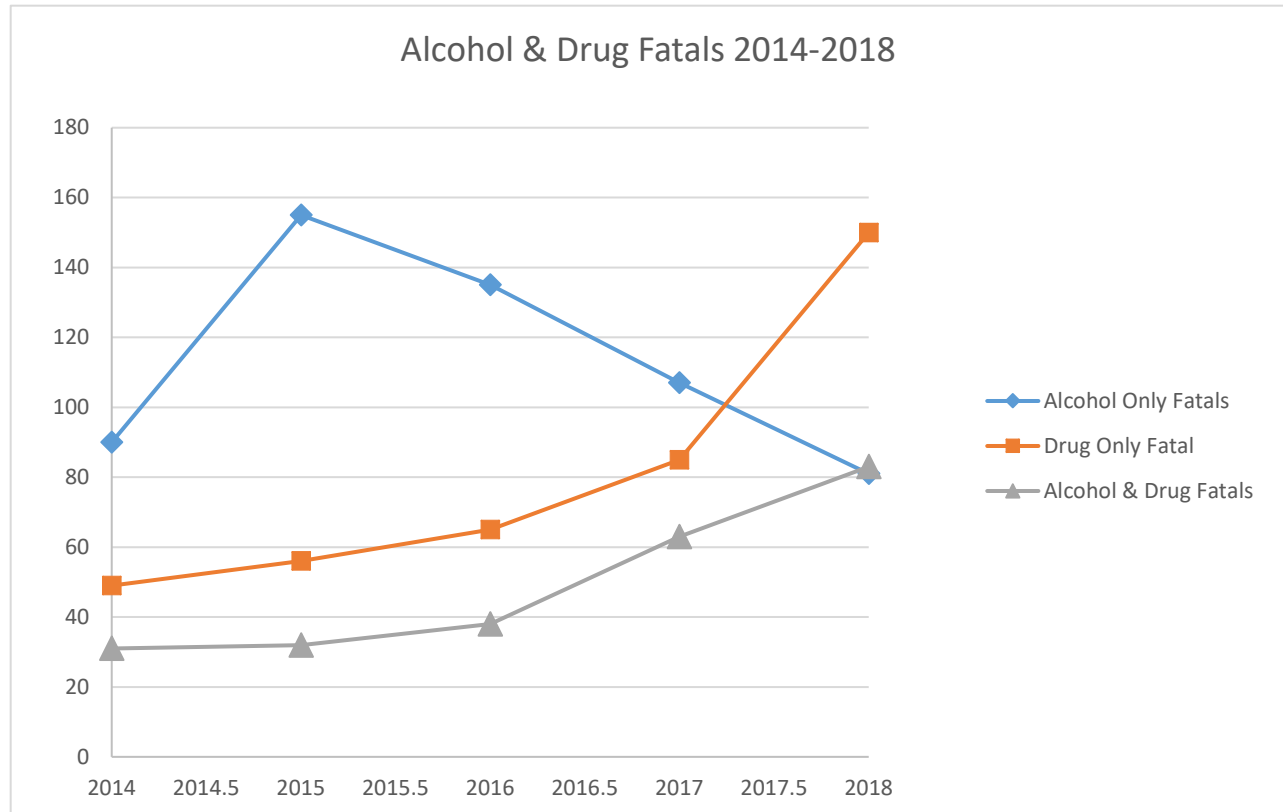
Strategies in the Area of Supporting DUI Treatment and Rehabilitation Programs:

1. Support the concept that prevention and education are critical components in deterring DUI and an effective piece of the IDSP.
2. Continue to promote effective strategies to reduce impaired driving and address underage drinking by developing a multi-faceted approach to reach the highest number of target individuals
3. Support and promote effective and mandatory treatment of DUI offenders.
4. Continue efforts with the various workgroups to improve programs and reduce DUI recidivism rates among offenders
5. Continue to expand the partnership with the DUI courts to provide access to the proper DUI and substance abuse treatment providers for high risk offenders.
6. Assist in increasing access to treatment services for those individuals needing substance abuse treatment.
7. Support provider training opportunities to enhance treatment practices and understanding of co-occurring disorders

#10 – Increase DUI Program Evaluation and Data Collection

Oregon has seen a sharp increase in drug impaired fatalities since the legalization of recreational marijuana in 2015. There were 56 drug-only fatalities 2015, which more than doubled in 2019 at 125 fatalities. There were 32 fatal crashes that included a combination of alcohol and drugs in 2015, and that number has more than tripled in 2019 at 108. Alcohol-only fatalities have seen a steady decline: there were 155 fatalities in 2015, which dropped to 85 in 2019. While alcohol impairment accounts for a large majority of the DUI arrests in Oregon, drug use and drugs used in combination with alcohol are representing an increasing percentage of all impaired fatalities – 36% in 2015, up to 73% in 2019.

This indicates that drug impairment in general contributes to traffic fatalities at a significantly greater rate. The chart below illustrates current trends:



Throughout the ODOT – TSD grant process, data is used to identify the most pressing traffic safety issues. Oregon maintains comprehensive data regarding impaired driving offenders, impaired driving crashes, and the injuries and fatalities resulting there from. Data is compiled from multiple sources including the Fatality Analysis Reporting System, Oregon Driver License System, and State DRE data collection system, among others, to support the State’s impaired driving program. The data from all sources is regularly evaluated to measure progress, determine program effectiveness, plan and implement new strategies, and ensure the appropriate allocation of resources. However, additional work is needed with the courts on timely electronic reporting of convictions, updating the statewide crash reporting, and working with local municipalities to do electronic reporting of crash reports.

Although Oregon’s current system of records is robust, improvements can be made in the collection and analysis of data and how this data is shared with partner agencies. The specific goals and plans to improve data systems are described below. The GAC on DUII strongly supports improvements in the collection of impaired driving data understanding the usefulness in helping to identify areas resulting in a decrease in impaired driving deaths and injuries. The GAC on DUII supports and promotes the availability, quality, collection, and use of timely data to support DUII enforcement, adjudication, programs, and initiatives.

Strategies in the Area of DUII Program Evaluation and Data Collection:

1. Explore the development of standardized electronic reporting of the Alcohol Influence Report for law enforcement agencies
2. Develop a single query to pull impaired driving arrests and disposition information from all available sources
3. Explore consolidating data collection systems to minimize duplicate data entry
4. Expand the availability of mobile data terminals, portable computers, or tablet devices for use by officers at roadside
5. Continue post-mortem drug data collection for fatal crashes and calling for the presence of DRE's for any fatal crash.

Goals:

- Increase the number of Ignition Interlock Devices installed in Oregon from the 2019-2020 average of 2,815 per year to 2,899 by December 31, 2022.
- Maintain the number of certified Drug Recognition Experts in Oregon at 180 or higher by December 31, 2022.
- Maintain the number of participating city and county agencies in High Visibility Enforcement at the 2020 level of 65 by December 31, 2022.
- Decrease the turnaround time for urine toxicology results from the Oregon State Police Crime Lab from the December 2020 level of 33 days to 25 days by December 31, 2022.

Meeting Schedule for GAC on DUII:

The meeting schedule of the GAC on DUII during 2021 is as follows:

- January 8, 2021
- February 5, 2021
- March 5, 2021
- April 2, 2021
- May 7, 2021
- June 4, 2021
- July 9, 2021
- August 6, 2021
- September 10, 2021
- October 1, 2021
- November 5, 2121
- December 3, 2021

GAC on DUII Meeting Minutes:

Oregon Department of Transportation

Transportation Safety Division / Governor's Advisory Committees / GAC on DUII

<http://www.oregon.gov/ODOT/Safety/Pages/GAC-DUII.aspx>

Program Evaluation

As noted in NHTSA's *Countermeasures that Work*, one of the most important actions a state can take to reduce impaired driving is conduct a thorough review of its DUI system. Alcohol-impaired driving laws evolve over time and are often extremely complex. Moreover, the various components of the DUI system are closely interrelated, so policies and practices in one part of the system can have unintended consequences elsewhere.

The GAC on DUI will continue to review the *Countermeasures that Work* annually to ensure implementation of the most important actions that will help reduce the impaired crashes in Oregon. The GAC on DUI will continue to update the IDSP annually to ensure the DUI system remains current and most effective.

Budget:

The ODOT-TSD will fund projects through a combination of federal Section 402 (State Highway Safety Program Grant) and Section 405[d] (Impaired Driving Countermeasure Grant), State, and other local funding sources.

Plan Approval:

The GAC on DUI met on March 5, 2021, to discuss impaired driving issues in the State and to develop this Plan. The membership subsequently approved the final version of the plan on June 4, 2021

Conclusion:

In adopting this Impaired Driving Strategic Plan, Oregon hopes to continue its successes in reducing overall traffic fatalities by focusing on those fatalities caused by impaired drivers. The specific goals and plans outlined herein will assist in those efforts. When these strategies are fully implemented, we hope to meet our objective of reducing impaired driving fatalities by ***two percent annually***.

Oregon's GAC on DUI Executive Order:

The Governor's Advisory Committee (GAC) on Driving Under the Influence of Intoxicants (DUI) was created by Executive Order No. EO-83-20 on December 13, 1983. The main purpose and role of the Committee is to advise the Governor and other statutorily created agencies on the problems and issues relating to driving under the influence of intoxicants in Oregon.

Oregon GAC on DUII Members (As of May 2021):

Charles E. Hayes, Chair
Cate Duke, Vice-Chair
Teresa A. Douglas
Lois Harvick
Sergeant Joshua Wilson
Robin Lynn Howard
Chief of Police, Jason Malloy
Justin S. Nielsen
Honorable Raymond D. Crutchley
State Representative Ron Noble

Governor’s Advisory Committee (GAC) on DUII Guidelines and Objectives:

I. Purpose and Scope:

The Governor’s Advisory Committee (GAC) on Driving Under the Influence of Intoxicants (DUII) was created by Executive Order No. EO-83-20 on December 13, 1983. The main purpose and role of the Committee is to advise the Governor and other statutorily created agencies on the problems and issues relating to driving under the influence of intoxicants in Oregon.

Objectives:

The Committee objectives are to:

- (a) Heighten public awareness of the seriousness of DUII;
- (b) Assist in the effort to end the impaired driving problem in an organized and systematic manner;
- (c) Generate public support for increased enforcement of state and local DUII laws; and
- (d) Educate the public as to the dangers of impaired driving and its effects.

II. Membership:

Membership is by Governor’s executive appointment. Executive appointments shall represent but are not limited to the following interests; education, enforcement, judicial, legislative, medical, prevention, prosecution, public interest and treatment.

III. Terms:

Committee members shall be composed of individuals appointed by the Governor for terms of four years. The Governor appoints a chairperson from among the members of the Committee. No members shall serve on the Committee for more than two full terms of office unless the Governor deems appropriate. Members whose terms have expired will continue to serve until successors are appointed.

IV. Election of Officers:

The Committee chairperson, from among the members, shall be appointed by the Governor. The Committee vice-chairperson shall be selected by the Committee. In addition to serving as the presiding officers, the chairperson and vice-chairperson have all the rights and responsibilities of any other member of the Committee. The impaired driving program manager in the Transportation Safety Division shall serve as the legislative analyst and staff support. Other TSD personnel shall serve as administrative assistants.

V. Committee Duties:

The primary role of the Committee is to support and assist in formulating administrative and legislative goals and objectives for reducing the incidence of DUII and to monitor their implementation. The Committee broadly represents the issues relating to the Legislative Assembly, public and private organizations involved in impaired driving countermeasures, victims of impaired drivers and the general public. Committee member duties and responsibilities include:

Presiding Officers: The chairperson presides at the Committee meetings. In the absence of the chairperson, the vice-chairperson presides. In the absence of both the chairperson and the vice-chairperson, the longest serving member of the Committee who is present presides. The presiding officer is responsible for the efficient and orderly conduct of the meetings. The presiding officer has the authority to impose reasonable restrictions, such as limiting the length of testimony or comments to relevant topics. The presiding officer may establish sub-committees if necessary to respond to legislative or other activities that impact the reduction of driving under the influence of intoxicants in Oregon.

Committee Members: (a) regular and on-time attendance at meetings; (b) notifying the Committee staff liaison if unable to attend a meeting; (c) preparing for Committee meetings by reviewing minutes and other materials provided in advance of the meetings; (d) understanding and following the democratic process; (e) examining available and relevant information before making judgments; (f) recognizing that the Committee serves the public interest; and (g) testifying before legislative committees on behalf of the Committee in support or opposition to legislative measure when asked to do so.

VI. Committee protocols:

Meeting Intervals:

The Committee shall meet monthly on dates established and agreed upon by the members or upon the direction of the chairperson. Committee meetings will be held at pre-designated and agreed upon locations unless the chairperson designates an alternate location. Members may attend meetings and may vote via telecommunications if necessary and pre-approved by the chairperson. Committee meetings will be posted on the Oregon Transportation Safety Division website and may be noted in press releases. When necessary, a scheduled meeting may be rescheduled or canceled by agreement of the Committee or upon direction of the chairperson.

Rules of Order and Parliamentary Procedure:

The most current version of the Robert’s Rule of Order shall be followed at committee meetings.

Quorum Requirements for Meetings:

A quorum is required to transact or approve/disprove committee business. A majority of the committee constitutes a quorum. If a quorum is not present, members may engage in discussion of issues but not take official action or otherwise exercise the authority of the committee.

Quorum Requirements for Official Action:

When a quorum is present, the committee may take official action and exercise the authority of the committee. All official actions of the committee must be taken by membership vote. Any member may propose a motion for the action of the committee. A seconding motion is not required. The presiding officer may call for discussion of the motion. After discussion, or if no member wishes to speak on the motion, the presiding officer shall call for a vote. In order for a vote to be valid, at least a quorum of the entire committee must concur in the result.

Voting:

The vote of each member must be recorded for each action taken. Members who abstain from voting shall state a reason for the abstention.

VII. Meeting Agendas:

To ensure that committee members can be adequately prepared for meetings, and that the public receives notice of meetings, meeting agendas will be prepared and distributed approximately two weeks prior to the scheduled meetings. Any individual may request an item be placed on the agenda. A request must be received in writing at least 30 days prior to the date of the scheduled meeting and include:

- (a) A written statement explaining the subject matter of the item;
- (b) The action or result requested, if applicable;
- (c) The amount of time requested; and
- (d) Any other documents relevant to the item.

Any committee member may add an item to the agenda if received within a reasonable time prior to the meeting. The member will discuss the proposed agenda items with the chairperson or vice-chairperson prior to the meeting. During meetings, the committee may request limited amendments but not add action items without prior approval.

VIII. Public Attendance and Participation:

To encourage public input into the committee’s decision-making process, the following outlines the procedures for public participation during the committee’s meetings:

- (a) All committee meetings are open to the public except when the committee meets in executive session.
- (b) The Public Meetings Law does not guarantee public participation in a meeting.
- (c) The presiding officer is responsible to ensure orderly meetings and may depart from established procedures to invite public input.

IX. Committees and Subcommittees:

The committee or chairperson may designate committees or subcommittees (including work groups or task forces) to assist the committee in carrying out various responsibilities. The committee guidelines do not apply to committees and subcommittees which are governed by separate protocols according to the nature of the group.

X. Agency/Organizational Liaisons

The committee welcomes and encourages liaison representation from various federal, state, local and private agencies involved in the prevention and reduction of impaired driving. Agency liaisons shall be approved by the committee and included, but not limited to:

- Public Health Division
- Department of Public Safety Standards and Training
- Driver and Motor Vehicle Services
- Mothers Against Drunk Driving
- National Highway Traffic Safety Administration
- Oregon Association of Chiefs of Police
- Oregon District Attorney's Association
- Oregon Liquor Control Commission
- Oregon State Police
- Oregon State Sheriff's Association
- Oregon Transportation Safety Division
- Oregon Judicial Department
- Traffic Safety Resource Prosecutor
- Clear Alliance
- The DUII Multi-Disciplinary Training Task Force
- Oregon Impact
- AAA
- Trauma Nurses Talk Tough

Revised 5/25/21