

# Tennessee Impaired Driving Strategic Plan FFY2021 – FFY2023

This plan was approved by the TN Impaired Driving Advisory Council on December 14, 2020.



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# EXECUTIVE SUMMARY



Tennessee has maintained its commitment to the Toward Zero Deaths (TZD) vision. TZD is the result of a national collaboration of safety professionals from various agencies and organizations using a data-driven approach to develop standard strategies focused on providing safer roadways that are regularly refined, implemented, and evaluated. The vision set forth by TZD is a highway system free of fatalities through a sustained and even accelerated decline in transportation-related deaths and injuries.

Tennessee has made tremendous gains over the past decade in the area of impaired driving. Since 2013, independent and collaborative efforts by representatives on the Impaired Driving Advisory Council (IDAC) have resulted in progress towards the goal of zero fatalities. Targeted impaired driving enforcement, concentrated adjudication, stronger laws, high quality data, and educational campaigns for the public are some of the successes achieved toward this goal. Though despite these impressive efforts to reduce traffic-related fatalities and serious injuries in Tennessee, there is still more to be done. The reduction of alcohol-involved crashes, fatalities, and injuries remains a challenge in reaching our goal of zero fatalities.

Based on the National Highway Traffic Safety Administration's (NHTSA) Traffic Safety Facts Sheet on Alcohol-Impaired Driving 2018 data, all 50 states, the District of Columbia, and Puerto Rico have laws that make it illegal to drive with a Blood Alcohol Content (BAC) of .08 g/dL or higher. In 2018, there were 10,511 people killed nationwide in alcohol-impaired driving crashes with BACs of .08 g/dL or higher. These alcohol-impaired-driving fatalities with BACs of .08 g/dL or higher accounted for 29 percent of all motor vehicle traffic fatalities in the United States in 2018. This is a slight decrease in actual fatalities from the previous year; however, it accounts for the same percentage as 2017.

## BASELINE DATA, 2014-2018 (5-YEAR AVERAGE)

CATEGORY	TOTAL	RATES (PER 100 MILLION BMT)	WHO WERE ALCOHOL IMPAIRED*	WHO HAD USED DRUGS**
Crashes involving Impaired Drivers:	7,542.00	9.689	6,300.40	1,855.80
Crashes involving Impaired Nonmotorists:	156.2	0.2	139	30
Fatalities Involving Impaired Drivers:	384	0.492	227.2	246.8
Serious Injuries Involving Impaired Drivers:	1,081.60	1.389	768.6	392.6

\*The investigating officer indicated BAC ≥ 0.08 g/dL or that the person's alcohol use contributed to the crash.

\*\* The investigating officer indicated a positive toxicology result for a controlled substance or that the person's drug use contributed to the crash.

Source: TN Dept. Of Safety and Homeland Security, TITAN Business Unit, 7 Dec 2020.

# EXECUTIVE SUMMARY CONT.



2018 data for Tennessee indicates there were 5,815 alcohol-impaired driving crashes resulting in 243 fatalities, which accounts for 23.3 percent of the total roadway fatalities. For Tennessee this is a slight increase but remains well below the national average. From 2015-2018, there has been a decline in the number of impaired driving crashes and serious injuries year to year.

In June 2016, Tennessee released its first Impaired Driving Strategic Plan which was based on the Uniform Guidelines for State Highway Safety Programs for Impaired Driving No. 8. The Tennessee Highway Safety Office (THSO) conducted a

NHTSA technical assessment of Tennessee's impaired driving countermeasures program in 2010. Since the assessment, Tennessee has made great advancements in response to the assessment recommendations. The Impaired Driving Strategic Plan was updated in the spring of 2019 with the intent to create a new three-year plan by in 2020. Once adopted, the TN Impaired Driving Strategic Plan is revised and approved by the IDAC every three years; however, it is updated annually as needed to detail progress made towards meeting defined goals and strategies.



# INTRODUCTION



## BACKGROUND AND OVERVIEW

The state of Tennessee is centrally located in the Southeast and is bordered by the states of North Carolina, Virginia, Kentucky, Georgia, Alabama, Mississippi, Missouri, and Arkansas. Sharing a border with eight states gives Tennessee the distinction of having more neighboring states than any other state in the nation. Of the 50 states, Tennessee ranks 36th in total area and 19th in the number of persons per square mile. Tennessee encompasses 42,146 square miles of mountains, rolling hills, and plains. Tennessee is also located on the nation's inland waterway system and enjoys the benefits of more than 1,062 miles of navigable waterways. Tennessee's road system stretches 95,523 miles, enough to easily circle the world more than three times. Of that figure, 13,884 miles are on the state-maintained highway system, representing 15 percent of the total highway miles within our state and carrying 72 percent of the traffic. Included in the state highway system are 1,104 miles of interstate highways. Although the interstate system makes up just over one percent of the total highway mileage, it carries one-quarter of all the traffic in Tennessee.



Tennessee's bicycle pedestrian system includes 4,500 highway miles with 4-foot shoulders to accommodate bicycles and 103 miles of state routes with designated bike lanes. Further, the state boasts 270 miles of greenways, sidewalks, and trails.

# INTRODUCTION CONT.



The following table provides an overview of Tennessee's drivers, its roads, and some of its highway safety issues.

## TENNESSEE DEMOGRAPHIC DATA

	2014	2015	2016	2017	2018	2019
Population	6,541,223	6,591,170	6,646,010	6,708,799	6,771,631	6,829,174
Registered Vehicles	5,495,647	5,612,123	5,709,923	5,800,489	5,770,874	
Licensed Drivers	4,697,047	4,692,253	4,716,375	4,799,881	4,989,837	5,140,537
Miles of State & Federal Roadways	15,090	15,089	15,070	15,081	15,079	15,436
Miles of Interstate	1,104	1,104	1,182	1,221	1,201	1,201
Total Crashes	176,321	197,204	206,408	208,258	208,623	204,798
Number of Non-Injury Crashes	130,367	147,514	154,236	157,092	159,550	155,206
Number of Injury Crashes	45,061	48,802	51,210	50,224	48,099	48,552
Number of Fatal Crashes	893	888	962	942	974	1,040
Injuries	63,093	70,431	74,067	72,634	68,561	69,615
Fatalities	963	962	1,037	1,024	1,041	1,135
Vehicle Miles Traveled (100 Millions)	723.36	766.70	768.84	817.17	813.21	828.92
Fatality Rate per 100 Million VMT	1.33	1.25	1.35	1.24	1.26	1.37



# INTRODUCTION CONT.



## COUNTERMEASURES THAT WORK

The IDAC's Strategic Plan is directly aligned with the strategies in NHTSA's Highway Safety Program Guideline No. 8. It includes countermeasures that are listed in Countermeasures that Work: A Highway Safety Countermeasures Guide for State Highway Safety Offices, 9th Edition, 2017 (CTW). [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478\\_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017v2\\_0.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017v2_0.pdf). The CTW citations below reference the programs that are being implemented in Tennessee, all of which can be found in CTW Chapter 1:

- Laws
- Enforcement
- Prosecution and Adjudication
- DWI Offender Treatment, Monitoring, and Control
- Prevention, Intervention, Communications and Outreach
- Underage Drinking and Alcohol-Related Driving
- Drug-Impaired Driving

Further, common performance measures are identical with the state's Highway Safety Plan (HSP). The data used was provided by the Tennessee Department of Safety's Research and Planning division, which is the same source that is utilized by the THSO for the creation of the HSP.

## STRATEGIES

The Tennessee's impaired driving strategic plan focuses on the following overarching strategies:



Combine high visibility enforcement with increased public awareness of the dangers, costs, and consequences of impaired driving, with emphasis on high-risk populations and locations.



Reduce repeat impaired driving behavior through targeted enforcement, effective and efficient prosecution, enhanced penalties for subsequent offenses, and improved evaluation, intervention and treatment of substance abuse.



Identify opportunities to prevent or counteract impaired driving through training of law enforcement, court, and substance abuse treatment personnel, recognition of emerging trends and new best practices, use of tools such as ignition interlock devices, and revision of laws and rules.

# INTRODUCTION CONT.



## IMPAIRED DRIVING TECHNICAL ASSESSMENT

The mission of NHTSA is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce alcohol-related traffic crashes and resulting fatalities and injuries, NHTSA offers a program assessment process that allows a state to use highway safety funds to support an evaluation of existing and proposed alcohol and other drug-impaired driving control efforts.

NHTSA designated technical assistance team will examine a state's specific highway safety program based on the Uniform Guidelines for State Highway Safety Programs, which are required by Congress and periodically updated through a public rule-making process. Each highway safety program area is assessed using criteria based on uniform guidelines, augmented by current best practices.

An assessment of Tennessee's Impaired Driving Program was conducted on September 13 - 17, 2010. A series of recommendations from that assessment are outlined in *Impaired Driving Technical Assessment of the State of Tennessee (2010)*, located in the Appendix.

### THE FOLLOWING DETAILS PROGRESS TO SOME OF THOSE RECOMMENDATIONS FROM THE 2010 ASSESSMENT:

#### 1. DEVELOPMENT OF IMPAIRED DRIVING TASK FORCE (IDTF) AND GOVERNOR'S PUBLIC SAFETY SUB-CABINET:

##### a. IDAC

- i. As mandated by the MAP-21 authorization the THSO, at that time the Governor's Highway Safety Office, created an IDTF beginning May 1, 2013. Its purpose was to develop and recommend best practices and approve a statewide Impaired Driving Strategic Plan. It consisted, at a minimum, of representatives from the THSO, areas of law enforcement and the criminal justice system (e.g., prosecution, adjudication and probation), driver licensing, treatment and rehabilitation, ignition interlock programs, data and traffic records, public health and communication. This task force is still in existence today and meets quarterly.
- ii. The IDAC continues to meet quarterly.
- iii. A six-member observation team attended the Florida Impaired Driving Coalitions quarterly meeting (August 2-3, 2018) to determine best practices for the TN IDTF. This team briefed the full IDTF membership in a subsequent quarterly meeting. Several of the ideas have been adopted by the membership.

1. A new 3-year strategic plan, which is to be completed and adopted for implementation by October 1, 2020.

An IDAC retreat replaced the first quarter meeting (FFY20) in order to establish the foundation of the plan.

2. Changing the name of the IDTF to better align with a long-term coalition. The name was changed to the Impaired Driving Advisory Council in late 2019 and officially announced at the January 2020 meeting.

3. Creation of a website for the public to be able to access. This was accomplished.

The link is <https://tntrafficsafety.org/IDAC>.

**b. GOVERNOR’S PUBLIC SAFETY SUBCABINET**

**i. A 2016 plan was created by the “Subcabinet” to lead the second term of the administration. The following accomplishments were made in the areas of impairment:**

1. Expanding recovery and specialty courts, state-funded drug treatment admissions, and their recovery services for offenders that need treatment, not incarceration, to avoid future criminal conduct;
2. Extending and enhancing prescription drug reporting and safety procedures to limit doctor shopping and prescription drug abuse;
3. Enacting legislation and taking executive action to prevent and treat opioid addiction, reduce the oversupply of opioids, and bolster law enforcement efforts to combat the opioid epidemic;
4. This sub-cabinet completed its mission in the final months of former Governor Bill Haslam’s administration in 2018, and a briefing was conducted for the Governor.

**2. SIGNIFICANT LEGISLATION SINCE 2010 AND PROGRESS ON IGNITION INTERLOCKS SINCE 2010**

**a. 2017**

**i. Alcohol and Drug Testing Fees**

1. Permits the Tennessee Bureau of Investigation (TBI) to collect a \$250 fee when a blood alcohol or drug concentration test is administered by law enforcement and tested by TBI for the offenses of reckless driving and simple possession or casual exchange of a controlled substance.

**ii. Approved Prescription Products**

1. Excludes from the definition of marijuana a cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.

**iii. State Law Preempts Local Government**

1. Clarifies that state law preempts local government enactments with respect to the regulation of and appropriate sanctions for conduct involving drugs and other similar substances.

**iv. Blood Test Consent**

1. Requires search warrant or written consent prior to a blood test being performed to determine alcoholic or drug content of a driver’s blood; creates certain exceptions.

**v. Identifying High-Risk Prescribers**

1. Requires the department of health to identify high-risk prescribers; requires the commissioner of health to report births involving neonatal abstinence syndrome and opioid use by women of childbearing age; requires TennCare to issue appropriate requests aimed at primary prevention and secondary prevention of births involving neonatal abstinence syndrome and the use of opioids by women of childbearing age enrolled in the TennCare program.

# INTRODUCTION CONT.



## **b. 2018**

### **vi. Changes to Opioid Requirements**

1. Makes various changes to the requirements for prescribing, dispensing, and reporting of opioids. Establishes maximum time spans and amounts for new and on-going treatment. Requires thorough examination and documentation prior to prescribing, and subsequent check of the controlled substance database.

### **vii. Incentives for Treatment of Substance Abuse**

1. Authorizes sentence reduction credits for prisoners who successfully complete intensive substance use disorder ] treatment program.

## **c. 2019**

### **viii. Strengthening of Implied Consent Statute**

1. Clarifies and strengthens Tennessee's DUI law by aligning blood tests with breath tests in the state's implied consent statute. The new law deletes the criminal punishment for refusal to consent to a chemical test. Currently, a driver is deemed to have given implied consent to a breath test, and a refusal is subject to license suspension or an ignition interlock device for their vehicle. The new law aligns blood tests with breath tests and invokes the same penalties for refusal to comply.

### **ii. Increasing Blood Test Administrators**

1. Adds physician assistants to the list of medical practitioners who are qualified to draw blood from a motor vehicle operator for evidentiary purposes in a DUI investigation.



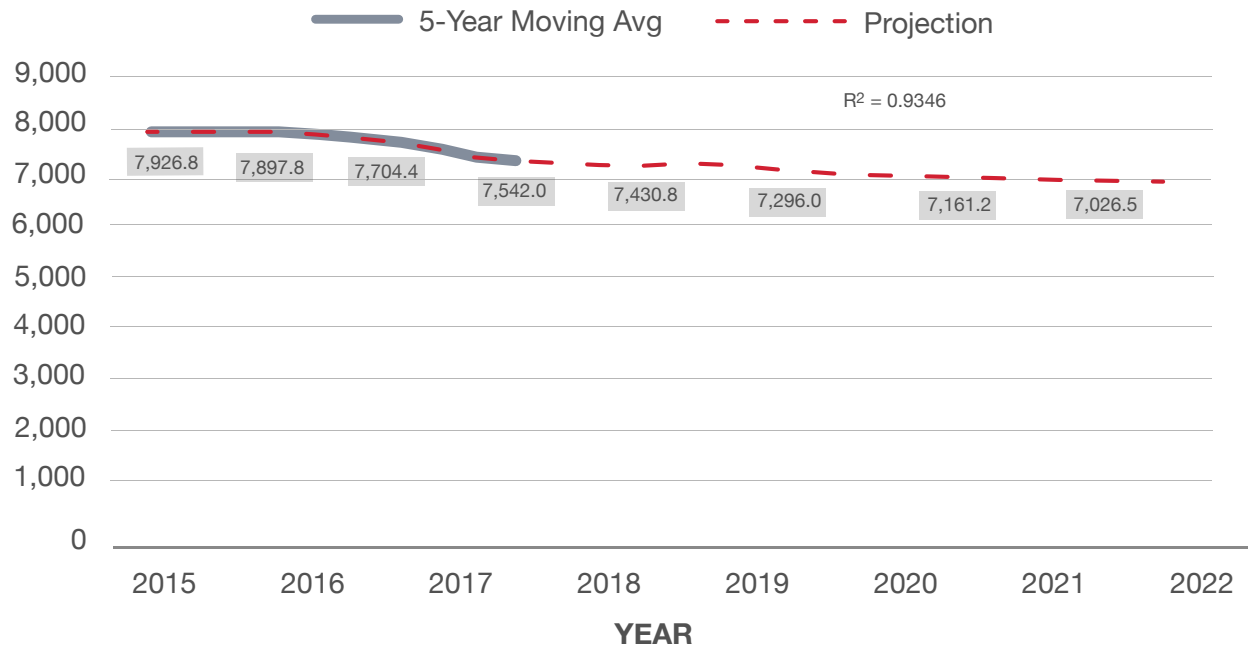
## GOALS



### CRASHES - Crashes Involving Drivers Who Had Been Drinking Or Using Drugs

Reduce the four (4)-year linear trend of crashes to 7,026.5 in 2022. 6.6% reduction over 2018 value of 7,542.

#### CRASHES INVOLVING DRIVERS WHO HAD BEEN DRINKING OR USING DRUGS 4-YEAR LINEAR PROJECTION

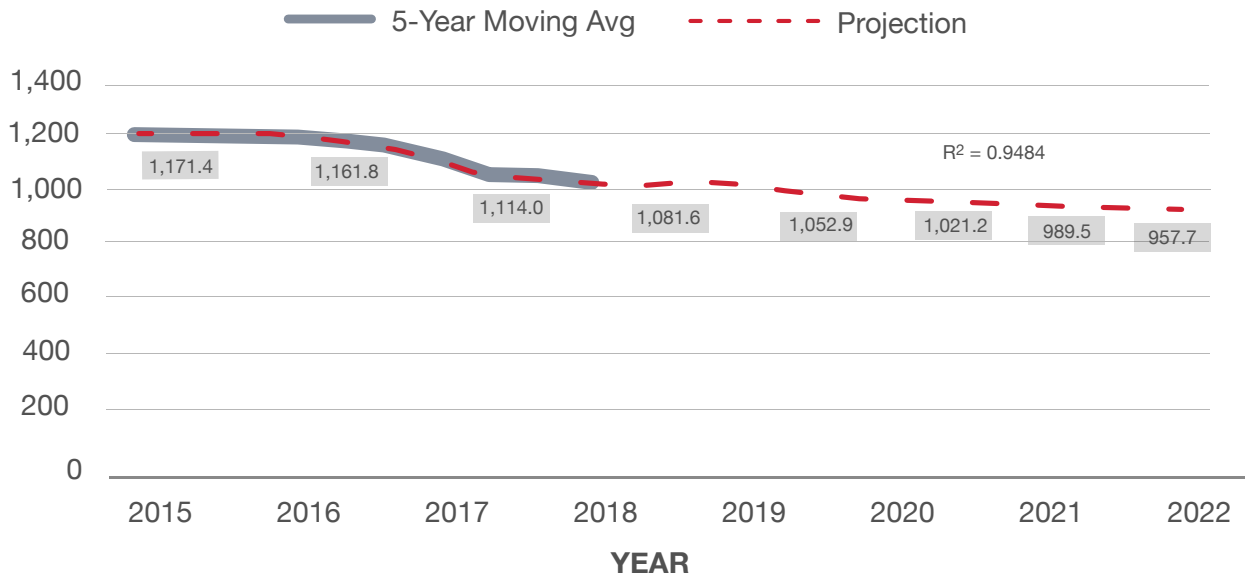




## SERIOUS INJURIES - Serious Injuries Involving Drivers Who Had Been Drinking or Using Drugs

Reduce the four (4)-year linear trend of serious injuries to 957.7 in 2022. 12.2% reduction over 2018 value of 1,081.1.

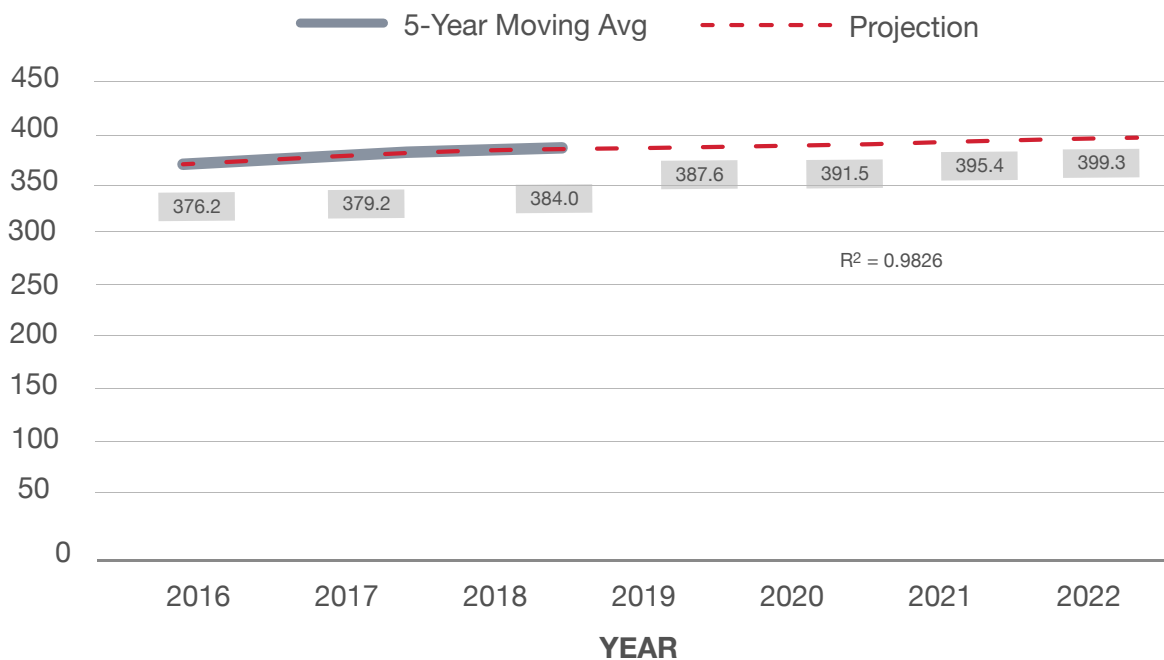
### SERIOUS INJURIES INVOLVING DRIVERS WHO HAD BEEN DRINKING OR USING DRUGS 4-YEAR LINEAR PROJECTION



## FATALITIES - Fatalities Involving Drivers Who Had Been Drinking or Using Drugs

Reduce the trend of increasing fatalities by not exceeding the three-year linear projection for fatalities to 399.3 in 2022.

### FATALITIES INVOLVING DRIVERS WHO HAD BEEN DRINKING OR USING DRUGS 3-YEAR LINEAR PROJECTION



# PROGRAM MANAGEMENT AND STRATEGIC PLANNING



## TASK FORCES OR COMMISSIONS

### Impaired Driving Advisory Council (IDAC)

Created in 2013, the IDAC serves to identify and prioritize the state's most pressing impaired driving issues, recommend best practices, and develop a multi-year impaired driving strategic plan that will support the mission of the THSO as well as maximize the state's ability to impact these types of crashes, injuries, and fatalities. Member representation includes viewpoints of segments of the community that interact with impaired driving highway safety issues. At a minimum, it consists of representatives from the following: law enforcement and the criminal justice system (e.g., prosecution, adjudication and probation), driver licensing, treatment and rehabilitation, ignition interlock programs, data and traffic records, public health, communication and members of the THSO. It functions as a parallel team with all members having equal standing<sup>1</sup>.

The IDAC meets a minimum of three times per year, and a majority vote of the members present at a meeting is enough to conduct business. Meetings may be held in person or conducted through a conference call. Most years the IDAC meets quarterly with rare occasions that one meeting per year is forfeited due to issues beyond its control.



### STRATEGIC PLANNING

A State Strategic Highway Safety Plan exists in Tennessee. The overarching plan has a direct impact on the performance measures and resource allocation of the annual Highway Safety Plan produced by the Tennessee Department of Safety and Homeland Security, Tennessee's Highway Safety Office (THSO).

### PROGRAM MANAGEMENT

Many of the programs in Tennessee regarding traffic safety would not be possible without the THSO. Through their support of grant funded positions, overtime enforcement funding, and advertising campaigns, Tennessee is provided a vast amount of traffic safety resources.

The THSO is federally funded, applying much of their grant money to educate the public on the dangers of drinking and

driving and not wearing seatbelts. The THSO also funds the Law Enforcement Liaison positions that meet with local law enforcement departments to provide funding for special projects, training, and educate police on changes in laws and procedures.

THSO staff are not assigned a specific program area such as impaired driving. Their work is distributed based on functions. This is not traditional for highway safety offices. However, Tennessee is making this style of operation work and work well. Also, the University of Tennessee (UT) provides a majority of the project management for the THSO.

One additional resource is available to grantees. The Research and Planning Division, Tennessee Department of Safety and Homeland Security, provides data and statistical work for all THSO grantees that need that assistance.

<sup>1</sup> A full list of members can be viewed at <https://tntrafficsafety.org/IDAC>

## DATA AND RECORDS

Paramount to solid safety decision making is the use of good and reliable data. Using crash data to identify safety problems creates an evidence-based transportation planning process and results in better decision-making. Tennessee's Traffic Records Coordinating Committee (TRCC) takes the lead on this endeavor and coordinates the timeliness, accuracy, completeness, uniformity, integration, and accessibility of data for the state's traffic safety information systems.

The THSO identifies the State's traffic crash, injury, and fatality issues by use of the following:

- Tennessee Integrated Traffic Analysis Network (TITAN)
- Tennessee Department of Safety and Homeland Security, TITAN Division, (2020). "Tennessee Traffic Fatalities Daily Report."
- DUI Tracker System
- Fatality Analysis Reporting System (FARS)
- Research Notes, Crash Stats, and Traffic Safety Fact Sheets, National Highway Traffic Safety Administration (NHTSA)
- Meeting with advisory groups and SHSP Emphasis Area Teams;
- Traffic Records Coordinating Committee, Occupant Protection Task Force and other traffic safety coalitions or advocacy groups Mothers Against Drunk Driving (MADD), Students Against Destructive Decisions (SADD), etc.)
- Law Enforcement Liaisons and their networks; and
- Utilizing the knowledge and experience of THSO program management staff.

One such system is the Tennessee Integrated Traffic Analysis Network (TITAN) System. TITAN is a suite of tools developed for the electronic collection, submission and management of all traffic safety related data in Tennessee. It consists of a centralized data and document repository for public safety information managed by the TDOSHS.

TITAN has been designed to accept reports submitted by law enforcement agencies, validate the data contained within the report for completion and accuracy and then store the statistically valid information. The TITAN repository also creates document images of submitted reports and retains them for future access and records retention requirements.

This information is used to make data-driven decisions and help make Tennessee a safe and secure place in which to live, work, and travel. The IDAC has strong representation from the THP's Research, Planning, and Development Division as well as members who serve on the TRCC as well. In addition, there are numerous other data resources utilized, such as the U.S. Census, FARS, etc.

There are currently over 140,000 cases entered into the DUI Tracker, a central repository for DUI case information specific to NHTSA grant funded specialized DUI prosecutors. There is movement to link data over from the eCrash for all Tracker records, as well as data from eCitation and eCrime. While this would only be data brought over for Tennessee Highway Patrol (THP) DUI arrests (from eCrime) and for THP and a small number of sheriffs' departments (from eCitation), as those are the only users of those applications, this would help some judicial districts where THP DUI arrests make up the majority of the DUI cases. It would reduce duplication of efforts.

As with many states, the IDAC and TRCC look at opportunities to strengthen and improve the data and reporting systems in Tennessee. One area is a standardized web-based reporting system for impaired driving arrest reports that requires one-time entry of data to automatically populate all required forms and to develop a single repository for all impaired driving-related crash, citation, adjudication, and treatment data that can be easily accessed by law enforcement, prosecutors, the judiciary, providers, and government agencies working to address driving under the influence.

## COMMUNICATION PROGRAM

The THSO utilizes the annual NHTSA Communications calendar to provide direction for enforcement campaigns as well as educational opportunities each year. In addition, the IDAC works with its stakeholders, members, and partners to support comprehensive communications. Together they support and promote the Drive Sober or Get Pulled Over national NHTSA campaigns. State campaigns such as Booze It and Lose It; You Drink, You Drive, You Lose; Fans Don't Let Fans Drive Drunk; and Buzzed Driving is Drunk Driving are utilized based on which best aligns with the effort at that time

# PREVENTION



Based on the Uniform Guidelines for State Highway Safety Programs for Impaired Driving No. 8, “prevention programs should aim to reduce impaired driving through public health approaches, including altering social norms, changing risky or dangerous behaviors, and creating safer environments. Prevention programs should promote communication strategies that highlight and support specific policies and program activities and promote activities that educate the public on the effects of alcohol and other drugs, limit the availability of alcohol and other drugs, and discourage those impaired by alcohol and other drugs from driving.” Tennessee is committed to these initiatives. Below are the areas of concentration along with examples of partnerships already in place or designed into the strategic plan.

**PROMOTE RESPONSIBLE ALCOHOL SERVICE** Promote policies and practices that prevent underage drinking by people under age 21 and over-service to people age 21 and older.

The IDAC is committed to promoting policies and practices that prevent underage drinking by people under age 21 and over-service to people age 21 and older. This requires working with local alcohol services owners and distributors to educate them on the dangers and consequences of over service. Retailers have responsibilities toward the safe use of alcohol in their communities, in the prevention of access to alcohol by underage patrons, and in preventing over-service to individuals of all ages. Educating servers on recognizing false or fraudulent identifications and promoting cooperation with law enforcement is imperative. Staff training can also reduce the personal liability and risk of injury or death.

The Tennessee Alcoholic Beverage Commission (TABC) was created in 1963 to assume the law enforcement responsibilities of alcohol laws, rules and regulations within the State of Tennessee. The TABC is the sole agency in Tennessee whose legal responsibility is to enforce all state statutes, rules and regulations regarding the legal and illegal sale, distribution, transportation, importation and dispensation of alcoholic beverages pursuant to Title 57 of the Tennessee Code Annotated. Combating underage drinking and over-serving alcoholic beverages to individuals continues to be an ongoing challenge for law enforcement

officials nationwide in their efforts to address alcohol impaired motor vehicle crashes.

As noted on the NHTSA web-site, it is reported that one of the most effective countermeasures in reducing highway traffic fatalities is creating general deterrence through High Visibility Enforcement. Therefore, the likelihood that people will engage in unsafe driving behaviors goes down when there is a perceived risk of law enforcement efforts.

The goal of the TABC’s USTOP program is to reduce the number of alcohol related crashes by drivers under the age of 21 in counties identified by the TITAN as having higher rates of vehicle crashes by utilizing an underage decoy to purchase alcohol from alcohol licensed establishments. By issuing fines, suspensions, and revocations to licensed establishments as well as criminal citations to the individual bartender, waiter/waitress, or store clerk, and by consistently targeting licensed establishments in the high rate counties, the USTOP operations will contribute to the reduction of alcohol being sold to minors thereby reducing the total number of alcohol related accidents by drivers under the age of 21.

## **PROMOTE TRANSPORTATION ALTERNATIVES**

Promote alternative transportation programs, such as designated driver and safe ride programs, especially during high-risk times, which enable drinkers age 21 and older to reach their destinations without driving.

Alternative transportation programs are one approach to reducing alcohol-impaired driving. These programs transport drinkers home from, and sometimes to and between, drinking establishments using taxis, ride-share programs, privately owned vehicles, buses, tow trucks, and law enforcement agents. Some programs offer drivers to drive the drinker's car home along with the drinker. The promotion of programs like those listed below will continue to be promoted in our state:

- Designated Drivers
- Limousines/Party Buses
- Public Transportation
- Taxi
- Trolleys
- Tow-to-Go
- Fixed-Route Shuttle Programs
- Point-to-Point Shuttle Programs
- Sober Ride
- Lyft, Uber, and other ride-share programs

### **CONDUCT COMMUNITY-BASED PROGRAMS**

Conduct community-based programs that implement prevention strategies at the local level through a variety of settings, including schools, employers, medical and health care professionals, community coalitions and traffic safety programs.

These programs focus on the use of familiar and comfortable surroundings as a prevention method by using family, friends, colleagues, etc. to influence and potentially change behavior and actions. Schools, places of employment, medical and health care environments, and community centers are used to implement traffic safety programs by coalitions, advocates, and other community groups.

Substance Abuse Prevention Coalitions have deep connections in their local communities and serve as catalysts to reduce local substance use and abuse rates. For example, the Community Anti-Drug Coalition of Rutherford County conducts several programs in this middle Tennessee county, such as providing four community booths to distribute information for underage binge drinking awareness

education, conducting presentations on underage binge drinking in Rutherford County schools, working with area youths to implement peer-to-peer training counseling, conducting a media campaign sharing an educational underage drinking message for teens and parents for prom and graduation, sharing public service announcements at stores that serve alcohol, and working in partnership with the Rutherford County Sheriff's Office to provide window clings at stores and/or restaurants that serve alcohol, just to name a few.

### **SCHOOLS**

School-based prevention programs, beginning in elementary school and continuing through college and trade school, should play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant and coordinated with drug prevention and health promotion programs.

Tennessee Students Against Destructive Decisions (SADD) provides statewide coordination and assistance to almost 100 SADD chapters and works in cooperation with state



# PREVENTION CONT.



agencies, local school districts, law enforcement agencies, and other state and community-based organizations.

The purpose of Tennessee SADD is to assist and encourage middle and high school students to live safe, healthy, and substance-free lifestyles by creating chapters in their schools that support and promote positive decision-making. SADD promotes a “No-Use” message – no alcohol, tobacco, or illegal substances – through positive peer pressure, support, and activism. SADD’s mission is to empower young people to successfully confront the risks and pressures that challenge them throughout their daily lives.

Mothers Against Drunk Driving (MADD) Tennessee also provides statewide education to students, teachers, parents, school resource officers, and law enforcement agencies.

Their prevention messages are shared at schools, town hall meetings, panel discussions, and other locations to reach underserved populations. MADD Tennessee’s message promotes community involvement because it will

take parents, youth, and community members to solve the problem of impaired driving. MADD TN is focused on one number – zero. Zero deaths. Zero injuries. Zero families impacted by impaired driving.

The Coalition for Healthy & Safe Campus Communities (CHASCo), through the Tennessee Independent Colleges, Universities, and Associates (TICUA), serves to support campuses across the state in the creation of projects focused on alcohol and impaired driving. These educational efforts aim to correct misconceptions around drinking and to emphasize protective strategies that reduce incidents of impaired driving. The project focuses on student leaders to ensure that campaigns are student-led and culturally relevant.

## **EMPLOYERS**

States should provide information and technical assistance to employers and encourage employers to offer programs to reduce underage drinking and impaired driving by employees and their families.

Programs to support and educate both employers and employees of the dangers and consequences of impaired driving will be encouraged. Employers should understand the liability associated with company sponsored events where alcohol is available or provided to employees, such as holiday parties, and consider alternative transportation to remove the possibility of driving while intoxicated. Employee Assistance Programs provide individuals with a confidential resource if they believe they may have an alcohol or drug problem. Providing any of these services to employees and their families can benefit the company, their employees, and the community.

In addition, there has been collaboration with the Network of Employers for Traffic Safety (NETS). NETS is an employer-led public/private partnership dedicated to improving the safety and health of employees, their families, and members of the communities in which they live and work by preventing traffic crashes that occur both on- and off-the-job. They are supported by great traffic safety partners such as the Insurance Institute for Highway Safety (IIHS), NHTSA, the National Transportation Safety Board (NTSB), and the National Safety Council (NSC).

### **COMMUNITY COALITIONS AND TRAFFIC SAFETY PROGRAMS**

Community coalitions and traffic safety programs should provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local

level and provide communications toolkits for local media relations, advertising, and public affairs activities. Coalitions may include representatives of government such as highway safety; enforcement; criminal justice; liquor law enforcement; public health; driver licensing and education; business, including employers and unions; the military; medical, health care and treatment communities; multicultural, faith-based, advocacy and other community groups; and neighboring countries, as appropriate.

Technology can also be utilized to inform and educate a larger audience beyond the schools; it is critical to engage the community as well. Unique to Tennessee is the ReduceTNcrashes.org website. This is an ideal communication platform to reach and engage the young driver segment, high school leaders, and community stakeholders. The staff involved with ReduceTNcrashes.org pursues school participants to increase statewide activity and involvement. Further, they implement on-site training sessions with high school traffic safety organizations to improve familiarity with statewide traffic safety programs and website functions. Currently, in 2019, there were 47 schools which have received signs, banners, and/or Graduated Driver Licensing (GDL) materials. Out of those, 21 went on to do at least one additional traffic-safety related activity. There have been 208 schools reached/involved since the inception. Approximately 40-60 schools join every year.



# CRIMINAL JUSTICE SYSTEM



Tennessee utilizes all components of its criminal justice system—laws, enforcement, prosecution, adjudication, criminal and administrative sanctions and communications—to achieve both specific and general deterrence. Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted, and subject to swift, sure, and appropriate sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the public perception that impaired drivers will face severe consequences, discouraging individuals from driving impaired. A multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies at the state, county, and municipal levels to create and sustain both.

The THSO provides significant resources for training as well. Through impaired driving related grants it seeks to offer high quality, zero cost opportunities to meet the needs of law enforcement agencies, prosecutors, judges, and other traffic safety professionals.

## LAWS - CURRENT TENNESSEE STATUTES

### IMPLIED CONSENT

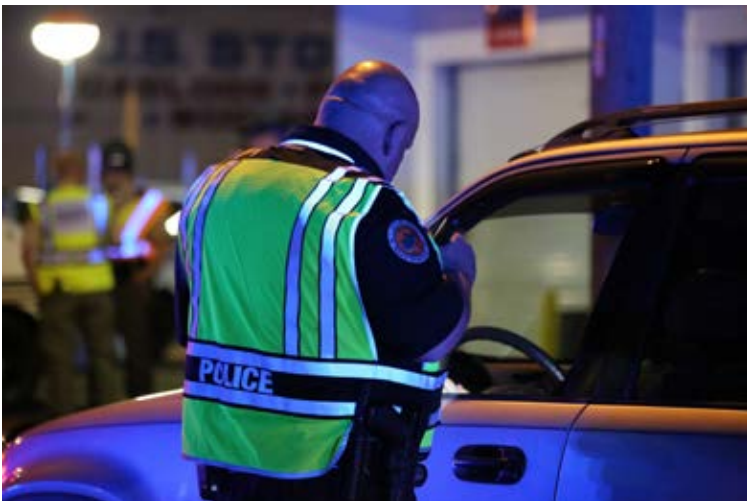
#### **REFUSAL TO SUBMIT TO BAC [55-10-407]**

- Revocation of Driver License for 1 year - 1st offense
- Revocation of Driver License for 2 years - 2nd offense
- Revocation of Driver License for 2 years if crash resulted in bodily injury
- Revocation of Driver License for 5 years if crash resulted in a death

### 1ST TIME DUI OFFENDER

#### **.08 (BAC) [55-10-402(A)(1)] [55-10-403]**

- 48 hours up to 11 months, 29 days for offenders in violation of 55-10-401
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year - Restricted License available
- You will be ordered to participate in an alcohol and drug treatment program
- Pay restitution to any person suffering physical injury or personal loss
- \$350-\$1,500 fine
- With towing, bail, attorney, high risk insurance, court costs, school, and reinstatement fees, your first offense average costs could add up to \$4,900
- Ignition Interlock Device installed at your expense. Minimum first year costs could exceed \$1,000.00
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Drug and Alcohol Treatment may be required at the judge's discretion



## **2ND TIME DUI OFFENDER**

### **[55-10-402 (A)(2)]**

- 45 days to 11 months, 29 days in jail
- \$600-\$3,500 mandatory fine
- License revocation for 2 years/Restricted License available
- Subject to vehicle seizure/forfeiture
- You will be ordered to attend an alcohol and drug treatment program
- Ignition Interlock Device installed at your expense
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Pay restitution to any person suffering personal injury or loss

## **3RD TIME DUI OFFENDER**

### **[ 55-10-402 (A)(3)]**

- 120 days to 11 months, 29 days in jail
- \$1,100 to \$10,000 mandatory fines
- License revocation for 6 years/Restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Ignition Interlock Device installed at your expense
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

## **4TH TIME DUI OFFENDER**

- Class E Felony [55-10-402(a)(4)]
- 1-6 Years of jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/Restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Ignition Interlock Device installed at your expense
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

## **5TH TIME DUI OFFENDER**

- Class D Felony [55-10-492(a)(5)]
- 2 - 12 years jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/Restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Ignition Interlock Device installed at your expense
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

## **6TH TIME DUI OFFENDER**

- Class C Felony [55-10-402(a)(6)]
- 3-15 years of jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/Restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Ignition Interlock Device installed at your expense
- If two convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

## **7TH TIME DUI OFFENDER AND SUBSEQUENT**

- Class C Felony
- 3-15 years of jail time served at least 85% with no probation or parole
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/Restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Ignition Interlock Device installed at your expense

## **VEHICULAR ASSAULT**

- Serious injury to another person by a DUI driver
- Class D Felony [39-13-106]
- License revocation from 1 to 5 years according to number of prior offenses
- Jail time 2 to 12 years with mandatory minimum according to range [40-35-112]
- Plus fines and court costs
- No restricted driver license is available

## **AGGRAVATED VEHICULAR ASSAULT**

Serious injury to another person by a DUI driver with priors and any of the following conditions are present: (a) two or more prior DUI convictions, (b) one or more convictions for: (i) vehicular assault, (ii) vehicular homicide by intoxication, or (iii) aggravated vehicular homicide; or (c) .20% BAC or more at time of offense and has one prior conviction for DUI.

- Class C Felony [39-13-115]
- Jail time of 3 to 15 years with mandatory minimum according to range
- Mandatory fine ranging from \$5,000 to \$15,000
- License revocation from 1 to 5 years according to number of prior offenses
- No restricted driver license is available

## **VEHICULAR HOMICIDE**

- Class B Felony [39-13-213] [40-35-112]
- Reckless killing as the proximate result of drivers intoxication
- Class C Felony if reckless killing
- 8-30 years
- Fatal crash caused by DUI with .08 BAC or more
- License revocation for 3-10 years
- No restricted driver license is available

## **AGGRAVATED VEHICULAR HOMICIDE WHILE DRIVING INTOXICATED**

- Class A Felony [39-13-218] [40-35-112]
- 15-60 years
- If any of the following conditions are present: Two or more prior (a) DUI convictions, (b) Vehicular assault convictions or, (c) any combination
- One prior Vehicular Homicide
- A BAC of .20 or greater at the time of the vehicular homicide has (1) one prior DUI or Vehicular Assault offense

## **FEES TO REINSTATE A DRIVER LICENSE AFTER ALCOHOL-RELATED OFFENSES IMPLIED CONSENT/ REFUSAL TO SUBMIT TO BLOOD ALCOHOL T.C.A. 55-10-406**

- \$100 reinstatement fee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

## **DRUG FREE YOUTH ACT OFFENSES (AGES 13 17) (T.C.A. 55-10-701) & UNDERAGE POSSESSION OF ALCOHOL (AGE 18 -21) (T.C.A. 57-5-301)**

- \$20 reinstatement fee
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

## **ALL OTHER DUI TYPE OFFENSES**

- \$100 reinstatement fee
- \$3 certification fee if violation occurred in Tennessee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

## **PENALTIES FOR DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY MINORS - DRUG FREE YOUTH ACT OFFENSES (AGES 13 – 17) T.C.A. 55-10-701**

- License suspension for 1 year or until person reaches age 17, whichever is longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever is longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

# CRIMINAL JUSTICE SYSTEM CONT.



## UNDERAGE POSSESSION OF ALCOHOL

**(AGE 18 -21) T.C.A. 57-5-301**

- License suspension for 1 year or until person reaches age 17, whichever is longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever is longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

## DRIVING WHILE IMPAIRED

**(AGE 16 – 20) T.C.A. 55-10-415**

- License revocation for 1 year/No provision for restricted license
- \$250 fine
- Court may impose public service work



## ENFORCEMENT AND PUBLICIZING HIGH VISIBILITY ENFORCEMENT (HVE)

Tennessee conducts frequent, highly visible, well publicized and fully coordinated impaired driving law enforcement efforts throughout the state, especially in locations where alcohol related fatalities most often occur. To maximize visibility, we fully leverage contact between officers and drivers using sobriety checkpoints and saturation patrols and widely publicize these efforts. Highly visible, highly publicized efforts are conducted periodically as well as on a sustained basis throughout the year, under normal circumstances. We coordinate efforts among state, county, and municipal law enforcement agencies. The state utilizes Law Enforcement Liaisons (LEL) located in the four grand regions of the state (West, Middle, Cumberland, East), for activities such as the promotion of national and local mobilizations and increasing law enforcement participation in such mobilizations and for collaboration with local chapters of police groups and

associations that represent diverse groups to gain support for enforcement efforts.

HVE combines law enforcement, visibility elements, and a publicity strategy to educate the public and promote voluntary compliance with the law. Checkpoints, saturation patrols, roving patrols, and other HVE strategies enable these efforts to be successful. Measured outcomes are increased publicity and written warnings to the public.

The HVE concept is a departure from traditional law enforcement traffic enforcement tactics. HVE incorporates enforcement strategies, such as enhanced patrols using visibility elements (electronic message boards, road signs, command posts, mobile sobriety checkpoint operations, etc.) designed to make enforcement efforts obvious to the public. It is supported by a coordinated communication strategy and

publicity. HVE may also be enhanced through multi- jurisdictional efforts and partnerships between people and organizations dedicated to the traffic safety of their community.

To increase the probability of detection, arrest, and prosecution, participating officers receive training in the latest law enforcement techniques, including Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), Drug Recognition Expert (DRE), etc. These training opportunities are offered at no cost to the agencies through the THSO Statewide Training Program under the direction of the Statewide Training Coordinator, the DRE and ARIDE Statewide Training Coordinator, as well as two Traffic Safety Resource Prosecutors (TSRP) through the Tennessee District Attorneys General Conference (TNDAGC).

The Drug Evaluation and Classification (DEC) Program has received national acclaim for its success in identifying the drug-impaired driver. Officers trained as DREs are frequently called upon to differentiate between drug influence and medical and/or mental disorders and are an extremely valuable tool in combating the adverse impact of drug and alcohol impaired driving in our communities. DRE School is extremely demanding. As of June 2020, there are 236 certified DREs in Tennessee.

## PROSECUTION

Impaired driving cases are perhaps the most litigious and complex cases in the judicial system; yet historically they were routinely handled by the least experienced prosecutors. Tennessee utilizes a comprehensive program to visibly, aggressively, and effectively prosecute and publicize impaired-driving-related efforts. Tennessee Traffic Safety Resource Prosecutors (TSRP) provide training opportunities to prosecutors and law enforcement officers in DUI investigation and prosecution, case law, trial tactics, and combating defense challenges. The TSRPs also train law enforcement officers and experienced DUI and felony prosecutors in advanced legal, scientific, and tactical aspects of DUI prosecution. In addition to training, technical assistance on DUI prosecution and assistance with cases on an as needed basis is available through the TSRP program.

Since 2002, the THSO has provided financial resources for staffing to judicial districts in the form of grants. These grants allow for the hiring of specialized impaired driving prosecutors as well as administrative staff. In its infancy, there were four districts. By 2021 this will expand to twenty-nine from the current twenty-five. These resources ensure impaired driving cases receive aggressive prosecution. The primary goals and objectives are as follows:

## GOALS



To reduce DUI recidivism and DUI-related fatalities and injuries in (County/ Judicial District) through specialized prosecution.



To increase DUI prosecutor expertise and police officer expertise in DUI investigations through training.



To make provable cases that result in the prosecution of (in rank order): (1) DUI death or serious bodily injury cases, criminal/circuit cases for multiple and felony DUI offenses (not excluding general sessions court), and (2) first DUI offenses in criminal court and (3) all DUI offenses in general sessions court (if times permits).



To ensure timely prosecution of multiple-offenders, the DUI Prosecutors will adhere to a written policy (or will put one in place) that calls for criminal/circuit court to resolve or a set a trial date for these cases within 120 days of defense council's appointment or retention.

## ADJUDICATION

Recovery Courts reduce recidivism among repeat and high-BAC offenders. These specialty courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers, and judges), along with alcohol and drug treatment professionals, who use a cooperative approach to systematically change participant behavior. This cooperative approach strengthens the effectiveness of the enforcement, increases the consistency of adjudication, improves case management by providing access to specialized personnel, and speeds up disposition and adjudication. These courts also increase access to testing and assessment to help identify impaired driving offenders (especially those with substance abuse disorders) thus serving to prevent them from reoffending. Although Tennessee has Recovery Courts (also called Drug Courts, DUI Courts, Mental Health Courts, and Veterans Treatment Courts) in all 31 jurisdictions, all counties do not have access to them and their scope is often limited due to funding considerations. The IDAC recognizes the value of these courts in sentence monitoring and enforcement. Currently, the THSO partners with the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) in an effort to enhance the existing state recovery court system.

To ensure that judges stay up-to-date on impaired driving issues, evolving investigative techniques, trending drugs of abuse and their effects on the body, and other changes in the legal landscape as they pertain to impaired driving, education opportunities for judges at the state level are provided through the state's Judicial Outreach Liaison (JOL) through a partnership with the THSO and the University of Tennessee Center for Transportation Research.

## ADMINISTRATIVE SANCTIONS AND DRIVER LICENSING PROGRAMS

The state uses administrative sanctions, including the suspension or revocation of an offender's driver license; the impoundment, immobilization or forfeiture of a vehicle; and the use of ignition interlock devices. Programs under this category reinforce and complement the State's overall program to deter and prevent impaired driving. Examples include the following types of countermeasures:



GDL for novice drivers, especially those parts of the GDL that address impaired driving.



Education programs that explain alcohol's effects on driving



The state's zero-tolerance laws for minors



Efforts to prevent individuals from using a fraudulently obtained or altered drivers license

# COMMUNICATION PROGRAM



The THSO will utilize an integrated communications plan that works in tandem with the law enforcement communities across the State of Tennessee and alignment with the NHTSA Communications Plan. The THSO will capitalize on unique promotional opportunities available in the State of Tennessee that reach the target demographic highlighted by state-specific crash data. In addition, the IDAC works with its stakeholders, members, and partners to support comprehensive communications. Together they support and promote the Drive Sober or Get Pulled Over national NHTSA campaigns. State campaigns such as Booze It and Lose It; You Drink, You Drive, You Lose; Fans Don't Let Fans Drive Drunk; and Buzzed Driving is Drunk Driving are utilized based on which best aligns with the effort at that time. With the Director of Communications of the TDOSHS serving on the IDAC, the members and partners have a more unified effort to continually spread messages through paid media, earned media, social media, and other channels about the dangers and consequences of impaired driving and to bring awareness to the issues we face in influencing behavioral changes.

Brand recognition and interpretation of the message will help encourage behavioral changes. This effort, over time, can be persuasive and effective at modifying driver behavior, particularly when used in conjunction with enforcement efforts.

## PAID MEDIA

The THSO has engaged in a state interagency contractual agreement with Tennessee Technological University (TTU) to provide media buying, marketing, and advertising services. Services include feature design, production, purchasing, and administrative reconciliation to assist the state in its efforts to inform and educate the public on traffic safety issues. The primary services encompass the purchasing and creation of audio spots (radio and streaming), television (network and cable) time, social media, digital advertising (display, pre-roll,

native, and Over-the-Top Television [OTT]), cinema ads, and Out-of- Home (OOH) to dispense various THSO traffic safety-related messages.

TTU will employ a data-driven approach for media buys utilizing statewide crash and fatality statistics to most effectively engage the target audience, thereby reducing fatalities, injuries, and associated economic losses resulting from traffic crashes.

## BOOZE IT & LOSE IT / BUZZED DRIVING IS DRUNK DRIVING / FANS DON'T LET FANS DRIVE DRUNK



The Booze It & Lose It message will be utilized with enforcement activities during the Holiday and Labor Day campaign periods and will target the male 18-34 demographic group. The campaigns will include audio spots (radio and streaming), television (network and cable) time, social media, digital advertising (display, pre-roll, native, and OTT), cinema ads, and OOH for in-bar advertising. The measure for advertising outreach will be within the goals and guidelines of frequency and reach set by NHTSA for national paid media campaigns.



Outside of enforcement periods, the social norming messages Buzzed Driving is Drunk Driving and Fans Don't Let Fans Drive Drunk are used during Halloween, St. Patrick's Day, and Independence Day holidays, along with sports contractors, using a combination of the mediums mentioned above. Target demographics for each campaign are selected based on state-specific, historical crash data. Further, this includes a diversity strategy to influence the driving behavior of the Hispanic population, as indicated by the crash data.

## EARNED MEDIA

The THSO will strategize earned media as part of its integrated communications plan that works in tandem with NHTSA. This plan requires cohesive collaboration between earned media and paid media to reinforce Tennessee laws and change driver behavior.

Each media campaign will be strategized to reach the appropriate target audience(s) during each campaign period. In doing so, the THSO will analyze Tennessee's media use and current population demographics to accurately target messaging.

## TACTICS AND CHANNELS

### TRADITIONAL MEDIA VERSUS NEW MEDIA

The THSO's earned media efforts are comprised of the following: traditional news media, digital news media, and social media. The THSO will continue to pitch traditional news outlets like local radio, television, and print newspapers; however, the THSO will substantially increase efforts toward digital communications and social media as internet technology continues to advance.

## PRESS EVENTS

The THSO often collaborates with traffic safety partners and community advocates to host press events during media campaigns. A press event is a tactic used to increase community support, personalize the enforcement message, localize the issue, and spread awareness for crash victims and families of crash victims. All THSO press events are video recorded, uploaded to YouTube, and posted to social media. In 2016, the THSO began using Facebook Live to

record press events.

## WEBSITE

The THSO website, [www.TNTrafficSafety.org](http://www.TNTrafficSafety.org), serves as the primary resource for THSO's digital assets. The site provides Tennessee traffic crash data, THSO news and information, event calendars, educational resources, and more.

## SOCIAL MEDIA

In advance of every month, the THSO builds a digital social media calendar using a Google spreadsheet. This spreadsheet is populated with content based on the NHTSA communications calendar. The THSO also develops creative content to capitalize on social media trends, upcoming events, and popular topics. The THSO often uses social events to apply a relevant traffic safety message. Once approved by THSO management, all content within the social media calendar is scheduled to be posted via Hootsuite, a social media dashboard.

The THSO closely monitors its social media presence using the analytical tools provided by each platform. The THSO's most successful platforms are YouTube, Facebook, and Twitter. Social media reports are generated monthly and shared with the management team for review. This allows staff and management to know which content generated the most interest and engagement.



# ALCOHOL AND OTHER DRUG MISUSE: SCREENING, ASSESSMENT, TREATMENT, AND REHABILITATION



Impaired driving frequently is a symptom of a larger alcohol or other drug problem. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency issues. Without an appropriate assessment and access to substance abuse treatment, these offenders are more likely to re-offend.

In addition, alcohol use leads to other injuries and health care problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent future arrests or motor vehicle crashes, and result in decreased alcohol consumption and improved health.

Over the past fifteen years, there has been a shift in the substance of abuse for Tennesseans receiving publicly funded treatment services. For many years, alcohol was the primary substance of abuse and the state's prevention and treatment efforts focused on that population. However, in 2012, prescription opioids surpassed alcohol as the primary substance of abuse for people whose treatment was funded through the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS). In FY 2019, the top four substances of abuse were opioids, methamphetamine, alcohol and marijuana.

## SCREENING AND ASSESSMENT

TDMHSAS worked with the General Assembly to restructure the law for indigent DUI offenders to receive a clinical screening and assessment for substance abuse treatment. Screening and assessment for substance use disorders are performed at a licensed treatment facility utilizing evidenced-based tools. The Addiction Severity Index, Fifth Edition (ASI – 5th Ed.), will be utilized to determine the need for substance abuse treatment. The ASI is a standardized multi-focused screening/assessment tool used to collect information regarding the nature and severity of problems encountered by individuals abusing alcohol and/or drugs. The American Society of Addiction Medicine (ASAM) determines clinical placement in the appropriate level of care. ASAM is the most widely used and comprehensive set of guidelines for placement, continued stay, and transfer/discharge of service recipients with addiction and co-occurring conditions.

## DUI SCHOOLS

All drivers convicted of DUI are required to enroll in a DUI program. DUI programs are private and professional non-profit organizations that provide education, a psychosocial evaluation, and treatment referral services to DUI offenders to

satisfy judicial and driver licensing requirements.

A licensed DUI School is an early intervention program that provides screening, assessment, and education for individuals convicted of driving under the influence of alcohol and/ or other drugs. An evidenced-based curriculum leads students through the process of self-evaluation and personal reflection, helping prevent future substance abuse problems from occurring. The program helps individuals who want to have their driver's license reinstated or are court ordered to participate in a DUI school program.

## TREATMENT AND REHABILITATION

Traditional methods of treating impaired driving offenders have not been successful in lowering crash rates or reducing the incidence of impaired driving. In the past, court systems punished the DUI offender in multiple ways:

- Placing him/her in jail for a mandated period of time;
- Taking away the offender's driver license;
- Requiring litter pick up along the streets;
- Participation in an alcohol and drug education class;
- If being arrested again for another DUI, participation in residential treatment for 21 to 28 days.

Although these might deter some people, repeat offenders

need treatment. Research indicates that long-term treatment, combined with judicial supervision, is working to reduce recidivism with multiple offenders. Recovery Courts, a DUI Court program, provides such treatment.

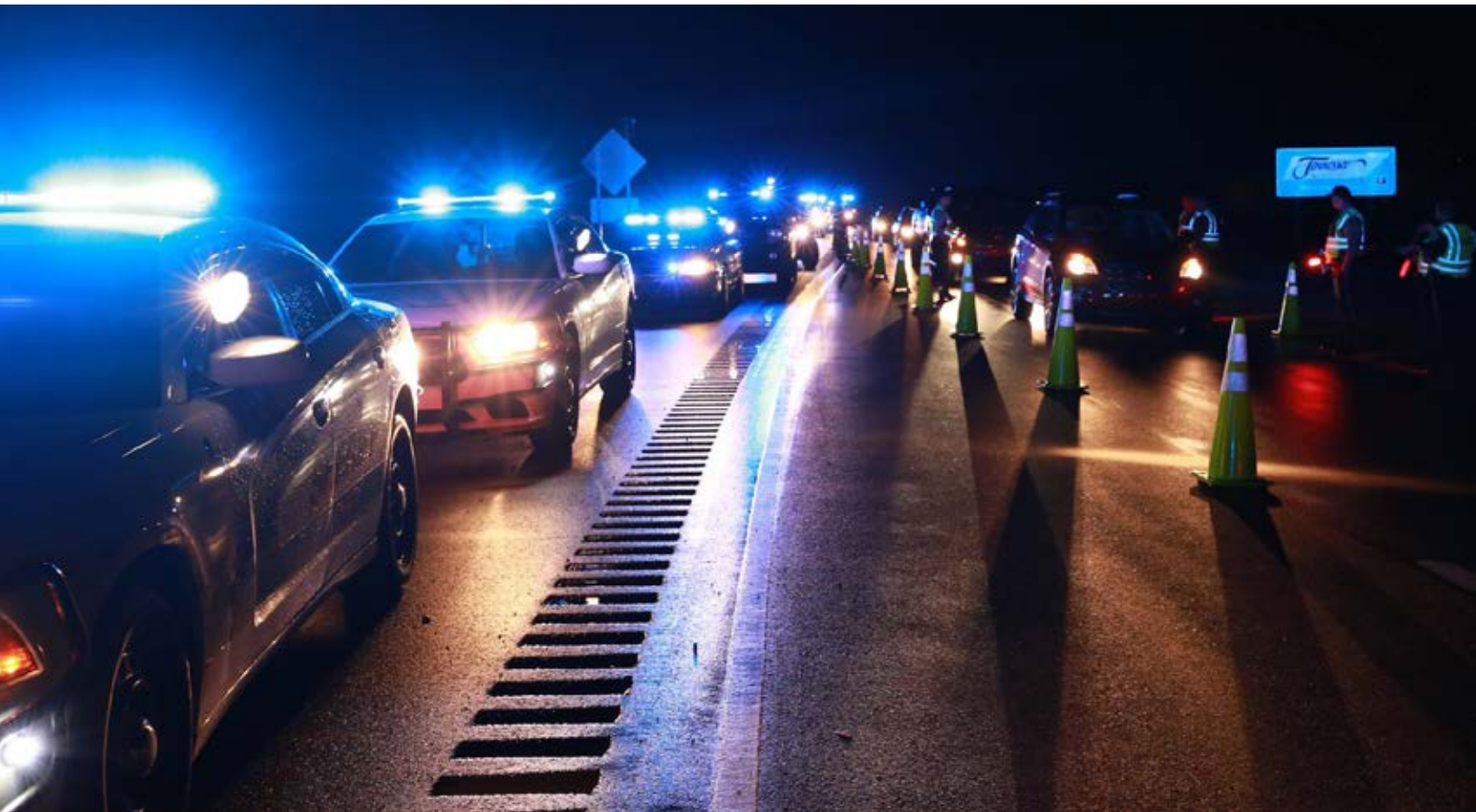
DUI Court programs are based on the Drug Court model, which has been used successfully in the court system throughout the United States for the past 20 years. Using the Drug Court's ten guiding principles and adhering to them should produce a program that will successfully rehabilitate a repeat DUI offender and reduce the recidivism rate for multiple DUI offenses, thereby ensuring fewer victims and a safer community. This planned activity of screening, assessment, treatment, and rehabilitation of DUI offenders occurs through a partnership with the TDMHSAS.

TDMHSAS also provides substance abuse treatment and recovery support services for individuals who are indigent and ordered to treatment by the court due to DUI. FY 2015 – 2019 data for offenders who received treatment services indicates that alcohol as a substance of abuse has been trending down, 53.1% (FY 2015) and 35.1% (FY

2019), by 33% in just a 4-year period. At the same time, the percentage of individuals identifying opioids as a substance of abuse has remained stable at 44%. Methamphetamine has increased from 18.1% to 38.3%, representing a 52% increase during the same period.

The Tennessee Department of Correction (TDOC) offers many substance abuse services to assist individuals with reentry. Reentry begins at adjudication and includes the entire spectrum of rehabilitative services including medical, behavioral health and substance use treatment, education, vocational training, religious and volunteer services, correctional counseling, and employment services and assistance.

Reentry enhances public safety through a seamless system of care by identifying an individual's risks and needs upon entry into the justice system and develops a system of treatment and programming throughout their incarceration, transition, and reentry into the community.





All substance use disorder programs (outpatient and inpatient treatment) embody the following characteristics:

- A multi-disciplinary approach under a Behavioral Health Services Model in which substance use treatment counselors, mental health professionals, and medical staff collaborate under one system of care to provide holistic treatment.
- Evidence-based treatment interventions, such as cognitive behavioral therapy and motivational interviewing that focus on inmates' criminogenic needs.
- All program participants work closely with treatment staff to develop treatment plans that guide and monitor an individual's personal progress while in programming.
- Treatment plans are developed after staff conducts a thorough medical, psychological, and social assessment and address issues such as addiction severity, criminal thinking errors, and dysfunctional relationships.
- All programs have treatment staff that monitor an inmate's progress, assure that treatment goals are met, and provide re-entry services.
- All participants must complete three treatment phases, which include orientation, primary treatment, and strengthening positive changes. As offenders move through the treatment phases, they receive incremental responsibilities and incentives.

## MONITORING IMPAIRED DRIVERS

**Ignition Interlock:** On average, an intoxicated driver has driven drunk 80 times before the first arrest, and on any given day a family shares the roadways with more than two

million impaired drivers who have had three or more prior convictions. While suspending the license of these individuals makes sense, in reality, three out of four of those with a suspended license continue to drive, threatening the safety of others.

An ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. A convicted drunk driver must blow into the device in order to start their vehicle. If they have a measurable amount of alcohol in their system, the vehicle will not start. It is a simple and economical way to make sure that offenders can drive to and from work, but that they can't drive drunk.

Although Tennessee has had an all-offender Ignition Interlock law in place since 2013, convicted DUI offenders were only required to install the device if they applied for a restricted driving license. However, many simply chose to accept a license revocation and then re-apply for their license after a year. The problem: 50-75 percent of convicted drunk drivers continue to drive on a suspended license which is one reason why 1/3 of first offenders repeat the offense.

HB 1843 /SB 2065, passed in 2016, requires a judge to order an ignition interlock device for all convicted DUI offenders — unless the judge provides a finding of fact to not order the device. This means the offender must have an ignition interlock device installed on his/her vehicle for 365 days before he/she can apply for a new license. In addition, the law provides for a compliance-based removal program, which means an offender must be violation-free for 120 consecutive days before the device can be removed and a new license issued.

# PROGRAM EVALUATION AND DATA



The IDAC, its members, and the TRCC look at opportunities to strengthen and improve the data and reporting systems in Tennessee to enhance safety decision-making and encourage evaluation of the impaired driving system and programs.

## PROGRAM EVALUATION

An overall evaluation of all traffic safety funded projects and other non-funded impaired driving efforts is conducted annually via the THSO Annual Report. The reported progress of funded efforts, along with the outcome of crash data trends, are used to assess gaps, identify successes and plan new program strategies. Successes are documented and shared among impaired driving enforcement agencies and stakeholders. Specific performance requirements may be added to newly funded projects if a strategy is proven to be effective statewide.

## DATA

Tennessee effectively maintains a system of records that can:

- 1) Identify impaired drivers;
- (2) Maintain a complete driving history of impaired drivers;
- (3) Receive timely and accurate arrest and conviction data from law enforcement agencies and the Clerks of Courts including data on operators as prescribed by the commercial driver licensing regulations; and
- (4) Provide timely and accurate driver history records to law enforcement and the courts.

## TENNESSEE INTEGRATED TRAFFIC ANALYSIS NETWORK (TITAN)

TITAN serves as Tennessee's statewide traffic records management system involving the collection, storage, and dissemination of traffic records. Data collected by the TITAN system is used by numerous traffic safety professionals and law enforcement agencies to prepare enforcement plans and to incorporate into data-driven enforcement programs. In addition, data from TITAN drives the goals and objectives within the SHSP, annual HSP, annual HSIP Report, and Impaired Driving Strategic Plan. Impaired driving crash data and DUI arrest data captured within the TITAN system is also used in THP's Predictive Analytics program, which provides THP field supervisors with statistical forecasts where impaired driving incidents are most likely to occur. This information is then applied to the allocation of personnel, saturation patrols, routine traffic patrol, and DUI enforcement efforts. Data captured by the TITAN system is also utilized by grantees to justify applications for enforcement grants.



# PROGRAM EVALUATION AND DATA CONT.



## **DUI TRACKER**

DUI Tracker is a statewide, web-based application for the entry, modification, and tracking of information related to individuals arrested in Tennessee for the offense of DUI. The system collects data on DUI offenders from the time of arrest, all the way through adjudication and sentencing. It allows stakeholders to produce statistical reports and gauge the effectiveness of DUI laws, conviction rates, recidivism, and after care programs. Data is used by DUI prosecutors, state government agencies, and is often provided to the State Legislature when DUI legislation is being considered. Data from DUI cases is entered into the system by DUI Coordinators in 25 of the 31 judicial districts, which is made possible through specialized prosecution projects funded by the THSO. A planned expansion of these projects will increase to 29 judicial districts and provide a more comprehensive statewide data collection.

## **TENNESSEE TRAFFIC RECORDS COORDINATING COMMITTEE (TRCC)**

The TRCC is composed of members responsible for the oversight and coordination of the state's traffic records system. This includes individuals from state agencies including TDOSHS, TDOT, and TDOH, as well as local law enforcement, FHWA, FMCSA, court clerks, and others. The TRCC enables meaningful communication among stakeholders and facilitates integration between traffic records systems. Also, the TRCC develops an annual traffic records strategic plan and establishes goals and performance measures for the state's traffic records systems, which focus on enhancements to data quality, consistency, timeliness, completeness, and accuracy. The TRCC also helps to identify and monitor traffic records improvement projects across disciplines.

These functions ensure that data needs related to impaired driving are reviewed regularly.

## **DRIVER'S LICENSING DIVISION (TDOSHS)**

The Motor Vehicle Record (MVR), which is through the Driver's Licensing Division, maintains a record of any DUI or other impaired driving conviction. It records, among other things, any traffic violations that result in points against a driver's license.

## **TENNESSEE BUREAU OF INVESTIGATION (TBI)**

The TBI Crime Laboratories compile monthly statistics and backlog reports for submitted cases including blood alcohol and toxicology (drug screen) evidence. They maintain a count of the number of cases submitted, completed, exhibits completed, and tests completed. They also compile a monthly backlog (in weeks) for toxicology and blood alcohol cases.

## **ADMINISTRATIVE OFFICE OF THE COURTS (AOC)**

The AOC collects trial court\* filing and disposition data for DUI-related offenses including misdemeanor and felony cases. Data collected includes district, county, docket number, court, filing date, disposition date, type of disposition, the charged and adjudicated TCA Code and Class, type of hearing, and the presiding judge.

*\*The AOC currently does not have case information from General Sessions courts. However, the appropriation of recurring funds to the AOC for the creation and maintenance of the General Sessions Data Repository will enable them to collect such data in the near future; approximately late Fall 2020. The repository is currently in the final phase of development with the last modules close to completion.*

## **CONTACT INFO**

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