

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

#9

Date: 11/29/16

Weekly Agenda Date: 12/6/16

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Jeremy Taylor

WORDING FOR AGENDA ITEM:

24/7 Program Lobbying Update

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Give Direction

Other: Informational

Attachments

EXECUTIVE SUMMARY:

I received a couple of documents regarding the Iowa Statewide Impaired Driving Plan and an article that appeared in the Des Moines Register addressing the plan as background materials for the renewed effort.

BACKGROUND:

According to the Des Moines Register, The Iowa Statewide Impaired Driving Plan has proposals for getting impaired drivers off the road that address prevention, enforcement, education and adjudication.

Please see the attached Iowa Statewide Impaired Driving Plan and an article that appeared a week ago in the Des Moines register addressing the plan. You will see that 24/7 has been recommended by the Governor's Traffic Safety Bureau.

The Governor plans to make impaired driving a cornerstone of the 2017 legislative session. Advocates have met with key staff in the Governor's office to discuss the program and they are supportive.

FINANCIAL IMPACT:

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

No action required; receive the information.

IOWA STATEWIDE IMPAIRED DRIVING PLAN

October 2016

*Iowa Impaired
Driving Fatality
Reduction Coalition*

Iowa Statewide Impaired Driving Plan

Executive Summary and Introduction

The Iowa Impaired Driving Coalition was formed in February 2016 to address the high percentage of impaired driving fatalities in the state. The Coalition includes key stakeholders representing law enforcement, criminal justice systems, prosecution, adjudication, probation, driver licensing, substance use disorder treatment, ignition interlock programs, data and traffic records, public health, education, victim advocates, and communications. Such a diverse representation allows for a wide range of perspectives, expertise, and experiences to be discussed and considered for inclusion in the Impaired Driving Plan.

On April 12, 2016, Governor Terry E. Branstad signed a proclamation (See Attachment A) supporting and recognizing the importance of addressing the perils of impaired driving with the primary purpose to develop a statewide impaired driving plan. The plan is to provide comprehensive strategies for preventing and reducing impaired driving behavior in Iowa.

National Highway Traffic Safety Administration (NHTSA) also strongly suggested the implementation of an Impaired Driving Coalition as Iowa's alcohol-impaired fatality rate per 100 million vehicle miles travelled (100M VMT) is nearly 30%. A Coalition would be required under the Fixing America's Surface Transportation (FAST) Act, should Iowa's alcohol-impaired fatalities per 100M VMT rate reach 30% or higher.

The FAST Act categorizes states into three different classifications for qualification criteria. Since the inception of the Moving Ahead for Progress in the 21st Century (MAP-21) and the subsequent FAST Act enacted December of 2015, Iowa had qualified as a "low-range" state based on the average impaired driving fatality rate utilizing the most recent available data maintained in NHTSA's Fatality Analysis Reporting System (FARS). FAST Act legislation specifically identifies low-range states are those with an average impaired driving fatality rate of .30 or lower, mid-range states are those with an average impaired driving fatality rate that is higher than .30 and lower than .60, and high-range states are those that have an average impaired driving fatality rate of .60 and higher. The average impaired driving rate is based on the number of fatalities in the state where the blood alcohol concentration was at least .08% for every 100,000,000 vehicle miles traveled (100M VMT). Iowa currently maintains an average of .298377; thus qualifying as a "low-range" state.

Alcohol-impaired driving involves drivers who have a blood alcohol concentration (BAC) of .08 grams per deciliter (g/dL) or higher. Impaired driving should be considered a national epidemic and public health problem. In 2014, 9,967 people were killed nationally in alcohol-impaired crashes. This translates to an average of one alcohol-impaired driving fatality every 53 minutes. In Iowa in 2015, 78 lives were lost due to alcohol-impaired drivers¹. In addition to alcohol-impaired fatalities, the state has also recorded an increase in impaired (alcohol; and other drug) fatalities. In 2015, 37.2% of statewide fatalities were impaired by alcohol or some other drug.

The Coalition recognizes impaired driving involves more than alcohol. Based on 2011 data, only 11.2% of drivers killed in major vehicle crashes in Iowa were tested with known results for drugs (NCSA

¹ NHTSA FARS – 2011-2014 Final File and 2015 Annual Report File

Information Services Branch, 12/2013). Until 2015, the Iowa Division of Criminal Investigation Criminalistics Laboratory was not able to test toxicology screens for drugs in blood. Those specimens were being shipped out of state to outside laboratories costing agencies additional money. The laboratory has acquired a Liquid Chromatography Tandem Mass Spectrometer (LC/MS/MS) and is now able to test in-house for THC metabolites, as well as the class of amphetamines. The state laboratory continues to develop validation processes for other drug categories.

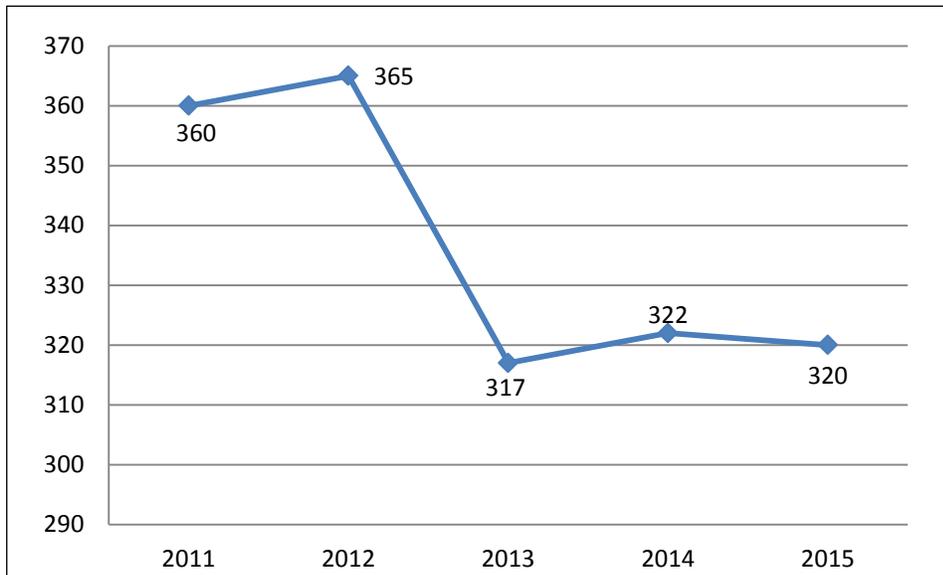
Coalition members discussed an array of issues and recognized impaired driving as a statewide problem with no single solution. Therefore, a comprehensive plan needs to be created to make a significant impact in this traffic safety area. It is the goal of the Impaired Driving Coalition to bring forth strategies in this plan which could lead to the reduction of impaired driving fatalities within the state. Through the implementation of strategies identified, there will be fewer impaired drivers in Iowa, and other fatality categories will be positively affected such as pedestrian and bicycle.

Problem Identification

NHTSA defines impaired driving as “operating a motor vehicle while affected by alcohol and/or drugs, including prescription drugs, over-the-counter medicines, or illicit substances.” NHTSA specifically identifies alcohol as a component of impairment. There is, however, a paradigm shift becoming apparent from alcohol-related crashes to drug impairment throughout the nation.

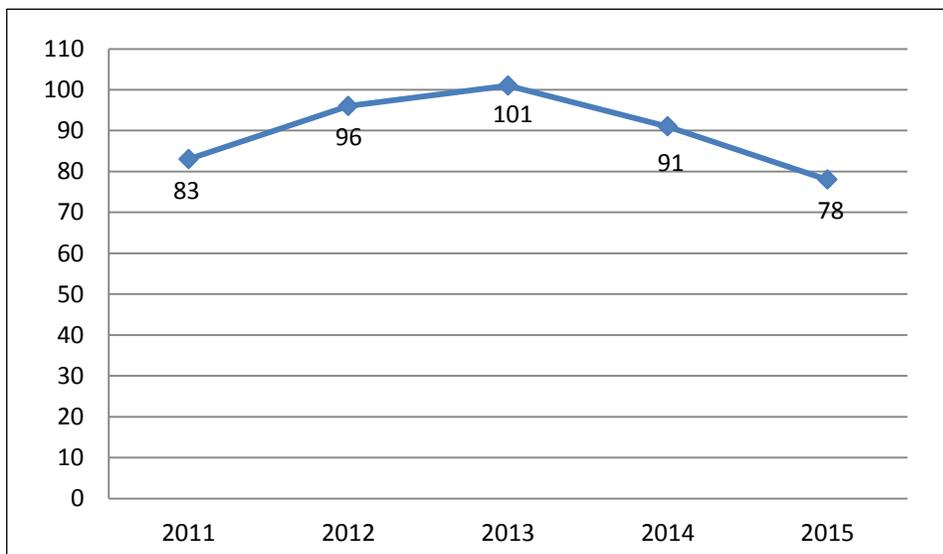
Over the past five years, Iowa traffic fatalities have decreased by 11.1%. Over the same period of time, the percentage of alcohol-impaired fatalities has remained around 26%. See Figure 1 and Figure 2.

Figure 1: Statewide Traffic Fatalities



Source: NHTSA FARS – 2011-2014 Final File and 2015 Annual Report File.

Figure 2: Statewide Alcohol Impaired Driving Fatalities



Source: NHTSA FARS – 2011-2014 Final File and 2015 Annual Report File.

In addition to alcohol-impaired fatalities, attention should also be given to the number of fatalities which are alcohol and other drug-related. In 2015, Iowa Department of Transportation (DOT) reported alcohol and other drug-related fatalities represented 37.2% of statewide fatalities. See Table 1.

Table 1.

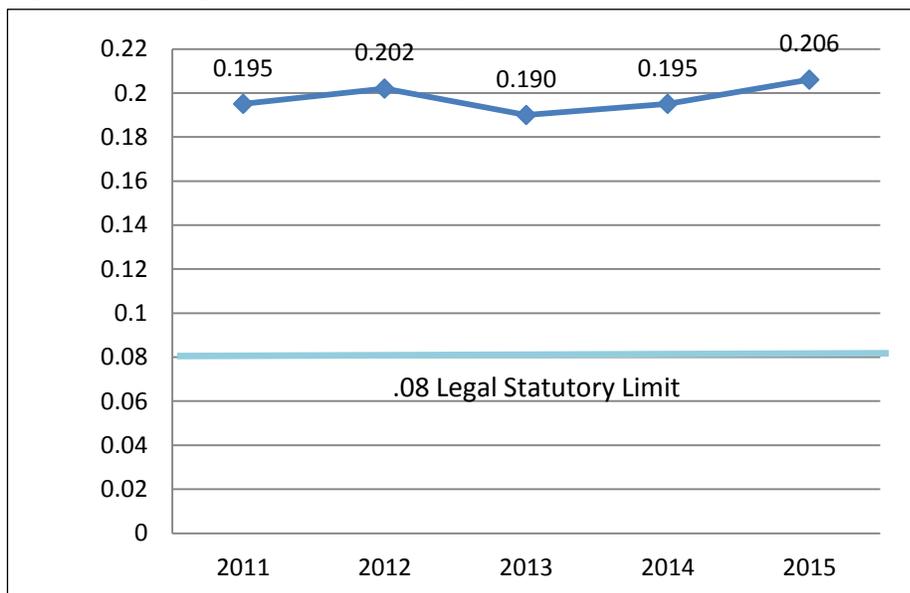
Year	Alcohol and Other Drug-Related Fatalities	% of Total Statewide Fatalities
2011	94	26.1%
2012	112	30.7%
2013	112	35.3%
2014	109	33.9%
2015	119	37.2%

Source: Iowa DOT

As of July 18, 2016, statewide preliminary figures for 2016 show a 36.7% increase in the number of traffic fatalities in the first 6 months of the year compared to 2015. Impairment-related issues are too preliminary to analyze as toxicological reports remain in pending status.

When analyzing data from 2011 – 2015 of known Blood Alcohol Content (BAC) levels in alcohol-impaired fatalities, the average has been nearly .20. See Figure 3.

Figure 3: Average BAC for Alcohol Impaired Fatalities

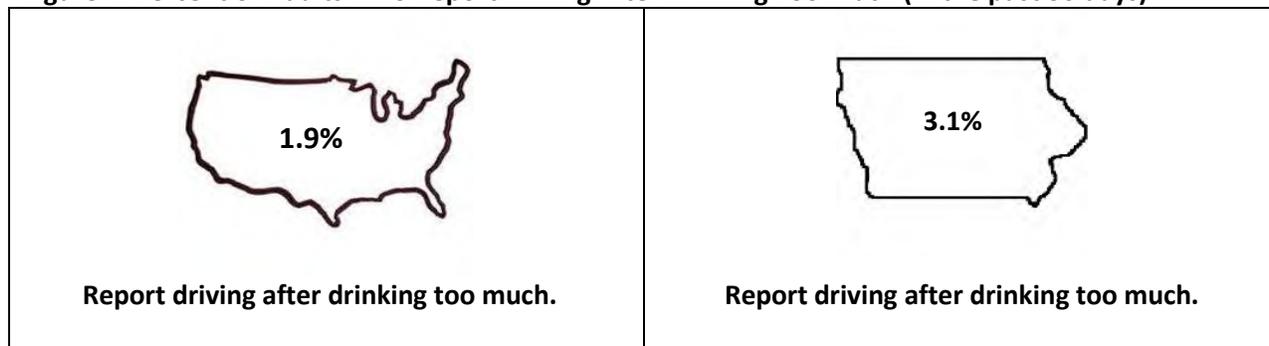


Source: Iowa DOT

It should be noted that statewide data in regard to drug usage is not as complete as that of alcohol-related/alcohol-impairment.

Results of a recent national survey indicated Iowa had a higher percent of adults who reported driving after drinking too much when compared to the national average. See Figure 4.

Figure 4: Percent of Adults Who Report Driving After Drinking Too Much (in the past 30 days)



Source: Behavioral Risk Factor Surveillance System (BRFSS), 2012

A Public Awareness/Attitude Survey, funded by Section 402, is conducted annually by Iowa State University, Survey and Behavioral Research Services Center. The 2015 survey was conducted at Iowa Department of Transportation Drivers Licensing Stations in Ankeny, Carroll, Cedar Rapids, Council Bluffs, and Fort Dodge. The 2015 survey collected information from 663 respondents. Questions specific to impairment and the corresponding results are provided in Figure 5.

Figure 5: Survey regarding Public Awareness/Attitude

In the past <u>30 days</u> , how many times have you driven a vehicle within 2 hours after drinking alcoholic beverages?	None	76.32%
	1 Time	11.01%
	2 Times	7.24%
	3 Times	2.41%
	4 or More Times	2.41%
	No Response Provided	0.60%
In the past <u>30 days</u> , have you read, seen, or heard about drunk driving enforcement by any law enforcement agency?	Yes	65.76%
	No	33.18%
	No Response Provided	1.06%
What do you think the chances are of someone getting arrested if they drive after drinking?	Very Likely	50.98%
	Somewhat Likely	38.01%
	Unlikely	5.43%
	Highly Unlikely	3.77%
	No Response Provided	1.81%

Source: 2015 Public Awareness/Attitude Survey

Objectives, Strategies and Projects

I. Program Management and Strategic Planning

Impaired driving is an extensive issue with many stakeholders. The formation of an Impaired Driving Coalition will allow for a better understanding of the statewide issue and will provide a means to provide comprehensive strategies.

Objective/Goal: Create a statewide Impaired Driving Coalition to identify and implement comprehensive strategies for preventing and reducing impaired driving.

Strategies:

1. Identify Coalition members from a variety disciplines to review existing data, laws, regulations and programs.
2. Plan and hold a minimum of three (3) Coalition meetings annually; required by NHTSA.
3. Establish procedures through the Coalition to ensure implementation of goals and strategies.
4. On an on-going basis, review data to evaluate the effectiveness and impact of the strategies implemented. Coalition representatives will track the progress of strategies within their respective areas and will provide a report-out at Coalition meetings throughout the year.

II. Prevention

Identifying and implementing strategies to change risky/bad driving behaviors is an overall approach in the reduction of impaired driving–related crashes. Prevention activities can be educational in nature, but state policy changes regarding dram shop and licensure enforcement will also be effective. National and Iowa data will be utilized for the strategies as they become available.

The state of Iowa, through numerous venues, already provides prevention programs in regard to impaired driving but more can still be done to educate the public on the perils of this dangerous behavior when combined with driving. Current programs include but are not limited to public service announcement, use of social media and web-based information, alcohol service programs, alternate transportation, various advertising, and community-based programs.

The general public needs to understand behavior-related crashes affect all age groups. A concerted effort must continue to inform drivers of their role in eliminating preventable crashes.

When addressing the issue of impaired-driving prevention, consideration should be made as to the enforcement of regulations regarding over-service as well as dram shop requirements. As Figure 3 shows, the average BAC in alcohol-impaired fatalities in 2015 was 0.206 – well above the legal statutory limit of .08.

Objective/Goal: Address the issue of over-serving by businesses holding liquor licenses issued by the Iowa Alcoholic Beverages Division. Require businesses holding liquor licenses to have employees take TIPS (Training for Intervention ProcedureS) and/or I-PACT (Iowa Program for Alcohol Compliance Training).

<p>Strategies:</p> <ol style="list-style-type: none"> 1. Through the Iowa Alcoholic Beverages Division, express the importance of server training as a responsible business practice in regard to service, sale, and the consumption of alcohol. The training program is skills-based and designed to prevent intoxication, drunk driving, and underage drinking. While mandatory in some states, this training is currently voluntary in Iowa. 2. Educate servers to understand variances of alcohol content within beverages. 3. Require businesses holding liquor licenses to have a plan when to call for alternative transportation, etc. 4. Look to institute "Place of Last Drink" (POLD) program. POLD programs document where an offender or victim in an alcohol-incident consumed their last drink. Through providing information on problem trends, retailers will be able to improve servicing practices, and eventually reduce alcohol-related incidents in their community and can help identify bars which may be over-serving. 5. Develop programs to ensure enforcement of regulations regarding over-service in the same way under-age service enforcement is currently conducted.

<p>Objective/Goal: Ensure dram shop laws are adequate to protect the general public from over-served persons at licensed liquor establishments.</p>
<p>Strategy:</p> <ol style="list-style-type: none"> 1. Review current dram shop statutes and regulations to ensure adequate coverage requirements.

<p>Objective/Goal: Encourage the continuation of community events that educate the public and focus on the perils of impaired driving.</p>
<p>Strategy:</p> <ol style="list-style-type: none"> 1. Educate the public to understand variances of alcohol content within beverages.

<p>Objective/Goal: Continue educational efforts through the use of media (paid, earned, and social).</p>
<p>Strategies:</p> <ol style="list-style-type: none"> 1. Explore new ways to utilize social media to provide educational materials about the perils of impaired driving. 2. Work with media outlets for opportunities to gain earned media focusing around the seriousness of impaired driving. 3. Include information in regard to impaired driving in "Zero Fatality" multi-media educational campaign which supports The "Education Safety Area" of the State Strategic Highway Safety Plan.

<p>Objective/Goal: Encourage medical personnel and pharmacists to be more proactive educating patients regarding the effects of prescription medicine and possible impairment.</p>
<p>Strategies:</p> <ol style="list-style-type: none"> 1. Work with the Iowa Department of Public Health to provide awareness that driving after taking drugs, whether illicit, prescription, or over-the-counter, is a safety risk

which can also be a violation of the law.

2. Address prescription drug affirmative defense through possible amendments to Iowa Code Section 321J.2(11).

Objective/Goal: Promote the use of alternative transportation. Alternative transportation is any method in which individuals can get from one place to another if they have been drinking without driving.

Strategies:

1. Promote through media efforts/social media, ride service programs (www.SaferCar.gov).
2. Encourage the creation of new ride service programs (i.e. bus services in college towns, etc.).
3. Promote designated driver programs.

III. Criminal Justice System

a. Laws

In 1995, legislation was enacted in Iowa which provided for a 30-day hard revocation and a .02 BAC limit for drivers under age 21. The legislation enabled Iowa to qualify for federal alcohol-related funding. In 2003, passage and enactment of .08 legislation provided for further enhancement of Iowa's impaired driving statutes. Through federal funding, enforcement became innovative in the overall enforcement and educational activities. Public education efforts broadened.

Since that time, various impaired driving-related laws and programs have been implemented throughout other states and technological advances have occurred.

Legislative enhancements across the country have proven to be extremely successful. The following programs/laws would need consideration by the Iowa Legislature.

<p>Objective/Goal: Seek alternative methods to obtain BAC evidence/levels.</p> <p>Strategies:</p> <ol style="list-style-type: none">1. A Legislative review/hearing should be held to re-visit the current law as to the admissibility of preliminary breath tests in court. The current Iowa Code section was written in the days when the testing instruments were unreliable. The technology has now improved to the point where some "PBTs" (<i>portable</i> breath testing instruments, rather than <i>preliminary</i> breath testing instruments) are on NHTSA's list of conforming products for approved evidential breath testing instruments. However, the only evidentiary breath testing instruments in Iowa are DataMaster DMTs, which are not mobile. <p>Our implied consent statute, Iowa Code section 321J.6, provides that when a person is asked to submit to a <i>blood</i> test, the person may refuse, and in that case, the officer must request an alternate test of breath or urine. Most of the blood test results are in hospital settings, with injured suspects. Because we do not have mobile DataMasters, a blood refusal in such cases means that the only specimen the officer can request is a urine test.</p> <p>We need statutory changes to permit the use of test results from portable breath testing instruments. The Lab can write rules to identify the instruments which are acceptable, and under what conditions such results should be admissible.</p> <p>Another way to deal with this would be to differentiate between <i>portable</i> breath testing instruments and <i>preliminary</i> breath testing instruments and treat the former as evidentiary devices, identify the latter as those which are referred to in Iowa Code section 321J.5, and maintain the rule of inadmissibility for results from the latter.</p>

Objective/Goal: Maintain and continue to enhance ignition interlock systems that are being used in our state.

Strategy:

1. Currently within the state, and OWI first offender may be required to install ignition interlock devices on their vehicles they own if ordered by the courts. A second or subsequent OWI offender, after the mandatory license revocation period, can only be granted restricted driving privileges after they install ignition interlock devices on all the vehicles they own. Ignition interlock companies and state officials should continue to work together on enhancing protocols for instances of non-compliance of offenders.

Objective/Goal: Seek enhanced methods for monitoring sanctioned offenders such as a 24/7 sobriety program.

Strategy:

1. Implement a 24/7 sobriety program through the state. The 24/7 Sobriety Program is an evidence-based, innovative criminal justice concept with a non-traditional approach to reducing recidivism in crimes that have a nexus to alcohol or drug abuse. This unique program mandates offender sobriety through intensive testing for drug and alcohol use. It allows offenders to remain functioning members of society, free from incarceration—staying with their families and holding down jobs—if they abstain from the use of alcohol and/or drugs for the term of their sanction.

The techniques used to monitor compliance include daily positive reinforcement for compliant behavior and swift, certain and proportionate sanctions for non-compliant events. Holding participants accountable for their behavior is believed to be directly related to the long-term impact on reducing recidivism.

In jurisdictions where the program is available, placement on the 24/7 Sobriety Program has been a prerequisite for:

- Condition of bond
- Post-sentence probation
- Driver's license reinstatement
- State corrections and parole services
- Family court
- Testing support for OWI and drug courts

The data indicates that the 24/7 program is particularly effective for individuals that are repeat OWI offenders and those with domestic violence convictions where their crime had a nexus to drug or alcohol use. Additionally, the 24/7 Sobriety Program is a provision included in many post-conviction sentences.

South Dakota's 24/7 Sobriety Project, in which individuals with alcohol-involved offenses submit to breathalyzer tests twice per day or wear an alcohol monitoring bracelet at all times, reduced repeat OWI arrests at the county level by 12 percent.

To combat costs, funding for the 24/7 Sobriety Program has, to date, been set up under an offender-pay model. For an average of just a few dollars each day, the

program can quickly become self-funding.

Objective/Goal: Adopt and maintain Per Se (“zero tolerance”) drug impairment laws.

Strategy:

1. With any new impairment legislation, it is imperative to have a zero tolerance for driving impairment.

b. Enforcement

Iowa is fortunate to have strong support of law enforcement throughout the state to address impaired driving. High visibility enforcement is an effort that has been proven effective in regard to deterrence. Deterrence works by changing behaviors through the fear of apprehension and punishment.

Partners enforce all areas of traffic violations. In addition to impaired driving, a special emphasis should also focus on belt usage as 44.21% of passenger vehicle fatalities in 2015 were unbelted with an additional 4.96% reported as unknown to belt usage. The percentage of unbelted passenger vehicle fatalities has averaged just over 43% the past five years (2011 – 2015).

Law enforcement partners throughout the state play a significant role in the goal to change driving behaviors to ultimately reduce the number of deaths, serious injuries and property damage occurring on Iowa roadways. Law enforcement partners in Iowa utilize a combination of Section 402 and 405d funding toward efforts to reduce impaired driving related crashes.

Objective/Goal: Continue high visibility enforcement efforts throughout the state.

Strategies):

1. Utilize a data-driven approach to identify times and locations to conduct high visibility enforcement projects.
2. Agencies who partner with the Iowa Governor’s Traffic Safety Bureau to continue to utilize overtime funding to support high visibility enforcement efforts with a stronger emphasis on impaired driving. Funding can also be requested and utilized to support the purchase of equipment for impaired-related enforcement. (i.e. In-car video camera, preliminary breath testers, and fatal vision goggle kits.) Funding available may vary from year to year depending on federal funding received by the GTSB.
3. Encourage agencies to replace old PBTs and other equipment.
4. Starting October 1, 2016, modify contract wording on those agencies receiving impaired driving funding through GTSB to require more specific times to work overtime enforcement (Nights and weekends/other high-risk times as supported by data.)
5. Increase saturation patrols throughout the state. This type of enforcement is extremely effective at removing impaired drivers and will not only reduce impaired driving crashes but will also produce a reduction in other areas such as pedestrian and bicycle fatalities.

Objective/Goal: Enforce seat belt laws and encourage the use of a seat belt by back seat passengers. While not an impaired driving strategy, research supports proper and regular

seat belt use is the single most effective way to reduce fatalities and injuries. 77% of vehicle occupants ejected during a crash are killed.

Strategy):

1. Utilize high visibility enforcement, educational presentations, and media outreach to educate the public on the importance of always wearing a seat belt.

Objective/Goal: Additional training efforts for law enforcement officers to become proficient in recognizing impaired drivers.

Strategies:

1. Through the GTSB, fund and organize Advanced Roadside Impaired Driving Enforcement (ARIDE) training as requested throughout the state. Approximately 150 officers to receive ARIDE training each year.
2. Through the GTSB, fund and organize Drug Recognition Expert (DRE) training and certification. Approximately 12 officers to be certified per year in DRE. Consider the retention rate of those officers certified as DREs to provide for the most officers available to conduct evaluations.
3. Require Iowa law enforcement officers to receive a minimum of 2 hours of Standardized Field Sobriety Testing training annually.
4. Evaluate and identify new testing protocols that are non-invasive for field sobriety tests that include controlled substances.
5. Conduct report writing and testifying in court training for drug-impaired driving cases. Officers need to know how to adequately describe objective signs of impairment which are different than alcohol-impaired driving cases.

c. Publicizing High Visibility Enforcement

Law enforcement agencies are encouraged to work with media outlets to help publicize high visibility enforcement efforts. Such relationships help support “earned media” that the media outlets can support by helping provide information about traffic concerns. Such relationships provide not only information about extra enforcement which support deterrence but can also be an avenue in which to provide additional education about the perils of impaired driving.

The GTSB secures paid and earned media during specific national mobilization periods such as “Drive Sober or Get Pulled Over” in August and September

Objective/Goal: Continue to encourage enforcement agencies to work with media in regard to high visibility enforcement efforts.

Strategies:

1. Have data more readily available to provide to law enforcement and media outlets.
2. Look for new venues to expose drivers to this information.

d. Prosecution

For success within the judicial system, it is essential that prosecuting attorneys are prepared to argue technical impaired driving evidence in court. Prosecutors must be educated in expert testimony and scientific evidence. Prosecutors must have knowledge of ARIDE trainings and DRE certification and what would qualify an individual to provide expert testimony in court in addition to knowing how to read a scientific report and conduct examination of an expert witness.

Objective/Goal: Through the support of the Prosecuting Attorney’s Training Coordinator (State TRSP) and the State Court Administrator’s Office, continue to coordinate and deliver training and technical assistance to prosecutors and judges to increase awareness on the technical aspects of impaired driving.

Strategies:

1. Involve prosecutors in portions of ARIDE and DRE trainings to provide exposure to the curriculum and detail of the courses.
2. Provide training sessions to new prosecutors.
3. Request NHTSA JOL (Judicial Outreach Liaison) to assist in implementation of new programs, if implemented, in the state and utilize the JOL as a resource for the state’s TRSP for such training sessions.
4. Streamline court proceedings to assist in reducing impaired driving processing (i.e. electronic search warrants)

e. Adjudication

As adjudication is the formal giving or pronouncing of a judgment in a court proceeding, it is imperative to have a process that is appropriate. The effectiveness of enforcement and prosecution efforts are strengthened by knowledgeable, impartial, and effective adjudication.

Objective/Goal: Offer state-of-the-art education to judges through the state TSRP (Traffic Safety Resource Prosecutor).
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Strategy:

1. Look to impose effective, appropriate and research-based sanctions, followed by close supervision to address all offenders and especially those that are non-compliant with court orders.

f. Administrative Sanctions and Driver Licensing Program

NHTSA’s “Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices,” 8th Edition, 2015 identifies vehicle and license plate sanctions as being effective and proven to reduce recidivism. Recently, many states have implemented sanctions involving OWI offenders and the license plates on the vehicle(s) in which they own. Consideration should be given to implement such sanctions in the state as a way to prevent OWI offenders from driving vehicles while sanctions are in place and to deter impaired driving in general.

Objective/Goal: Review Iowa’s current license plate sanctions.

Strategy:

1. Re-examine Iowa Code 321J.4(b) which relates to the impoundment of license plates.

Objective/Goal: Revise state driver license test to include questions to address the perils of impaired driving.
Strategy: 1. Review and implement a new test that better addresses impaired driving.

Objective/Goal: Enhance Driver Education Programs throughout the state.
Strategy: 1. Review current Driver Education curriculum and GDL laws for possible enhancements.

IV. Communication Program

Communication strategies utilized throughout the state focus on increasing knowledge and awareness to change attitudes and influencing and sustaining appropriate driving behaviors. Communication programs include a various media mix including an ever expanding use of social media.

Consideration will be placed upon developing public service announcements and messaging which “hit home” and ultimately have more of an impact. An example of such a PSA would be to identify the cost of an OWI.

Efforts of the Statewide Strategic Highway Safety Plan involve an educational component to keep messaging/branding similar, and thus have adopted “*Zero Fatalities – A Goal We Can All Live With*” as a statewide logo. Logos and taglines provided by NHTSA are utilized by the GTSB. The GTSB encourages partner agencies to also utilize the NHTSA information as provided on www.trafficsafetymarketing.gov in their own social media postings and promotions.

In August 2013, the Iowa Department of Transportation began utilizing dynamic message boards to deliver traffic safety messages once a week. This became known as “Message Mondays” and is still being utilized. Such boards are on the primary highway systems. In addition to a traffic safety messages, the number of Iowa traffic fatalities to date is also displayed. Such messages and information have spurred public reaction/discussion and media attention.

The GTSB continues efforts to secure paid media for traffic safety public service announcements but also supports efforts through other media mixes such as Facebook, Instagram, and Snapchat. In July 2016, The Integer Group, the GTSB’s primary media contractor, created and released an Instagram journey/game where on-line users can make choices on their behaviors through a virtual partying atmosphere (consumption of alcohol) and the app provides feedback as to the respective consequences.

Objective/Goal: Continue to have a solid communication plans throughout the state in regard to impaired driving.
Strategies: 1. Encourage all traffic safety partners to produce impaired-driving materials with similar messaging and taglines.

2. Explore new and innovative ways to use social media to convey traffic safety messages.

V. Alcohol and Other Drug Misuse: Assessment and Treatment

The Iowa Department of Public Health (IDPH) licenses and regulates approximately 120 substance use disorder treatment programs statewide. A program may be licensed to provide a range of services, including both assessment/evaluation and treatment, or may be licensed to provide assessment and OWI evaluation services only. IDPH posts its licensed program list on its website. Every licensed program may provide assessments; however, not every program submits required forms to the Iowa Department of Transportation (DOT) for access in the ARTS website to report OWI evaluation and treatment results. Programs that do not submit the required forms to IDOT cannot provide OWI evaluations. In addition, it's been reported that some offenders have not been referred to treatment when it appears likely that the offender poses a risk to current or future public safety.

Objective/Goal: Expand awareness of licensed substance use disorder treatment programs that provide OWI evaluations.

Strategies:

1. IDPH will work with the Iowa DOT to identify licensed substance use disorder treatment programs that are in the Iowa DOT ARTS system and can provide OWI evaluations.
2. IDPH will publicize and distribute its licensed programs list, clearly denoting OWI evaluation providers.

Objective/Goal: Enhance assessment practices for those providing OWI evaluations.

Strategies:

1. Provide educational materials on the risks and needs of impaired drivers to substance use disorder treatment program staff who conduct OWI evaluations.
2. Identify screening tools that can be used by program staff who conduct OWI evaluations (i.e. Objective Test score, Driver Risk Inventory-2).
3. Use IDPH's licensure regulatory process to understand and investigate practice patterns related to OWI evaluations and referrals to treatment.

Objective/Goal: Enhance the current requirements of the "Drinking Drivers Course" offered throughout the state. *Iowa Code 321J.17* identifies the requirements for individuals who have been operating a motor vehicle while intoxicated either by failing a sobriety test or refusing to test. The individual must complete a mandated "drinking and driving course that encourages the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives." The course is currently designed to be the same regardless of the number of times and individual may be required to take the course. (i.e. Course material presented to a first-time offender is identical to that presented to a multiple-time offender.) *Iowa Code 321J.22* provides specific details as to the course.

Strategies:

1. Re-design the course structure for treatment programs and classes. Consideration should be made to enhance curriculum for additional offenses.
2. Review current curriculum and consider if the current 12 hours of instruction is enough.
3. Re-introduce victim impact panels/speakers. If face-to-face opportunities are not available, consider videos or other media as a way to provide similar messaging.
4. Require alcohol/drug assessment to be required prior to sentencing.

VI. Toxicology

With the expansion of legalized marijuana currently within 20 states, it is anticipated the detection of cannabis and other drugs, including the misuse of prescription medication, will become more prevalent in traffic crashes.

Objective/Goal: Continue to support the toxicological efforts provided by the Iowa Division of Criminal Investigation Criminalistics Laboratory for testing for the presence of drugs.

Strategies:

1. Continue testing for THC and establishing standardized screening methodologies for remaining drug categories.
2. Test for drugs even if BAC test results are 0.08+.
3. Explore and establish preliminary field test for drugs such as oral swabs.
4. Continue to improve DCI Laboratory turnaround time.

VII. Program Evaluation and Data

Traffic records are the foundation for overall traffic safety projects as the data is used to identify problems, evaluate countermeasures, in addition to supporting enforcement deployment. Iowa maintains a strong Statewide Traffic Records Coordinating Committee (STRCC) which has a multidisciplinary membership that includes owners, collectors, and users of traffic records and public health/injury control data system, highway safety, highway infrastructure, law enforcement and adjudication officials, public health, emergency medical services, injury control, driver licensing and motor carrier agencies and organizations. Iowa's traffic records system includes six core datasets – crash, vehicle, driver, roadway, citation/adjudication, and EMS/injury surveillance.

Objective/Goal: Through STRCC, maintain a traffic records system for the enhancement of traffic safety data which can be utilized to develop countermeasures utilized throughout the state to reduce fatalities and serious injuries. Improve core datasets in the areas of accuracy, completeness, timeliness, uniformity, accessibility and integration to maximize traffic safety problem identification, planning, evaluation, and decision-making through coordination and cooperation.

Strategy:

1. Ensure the information on the Traffic Safety Data and Analysis website (www.iowadot.gov.tsda) is up-to-date and useful. Promote website to law enforcement agencies.

Objective/Goal: Continue to work with law enforcement on the importance of complete data. The state has seen a tremendous improvement on the completeness of crash data

because of various projects including a revised crash report form (released in January 2015) that allows for more specific data to be reported and collected thru technical enhancements to TraCS software utilized by 257 law enforcement agencies throughout the state who utilize TraCS to submit crash and citation data electronically.

Strategies:

1. Improve statewide data in regard to BAC and drug usage with known results.
 - Continue to encourage law enforcement agencies to submit supplemental data to the Iowa Department of Transportation to update crash records when new information is received.
 - Explore legality issues of report from medical examiner being submitted directly to the Iowa Department of Transportation as a means to receive BAC and drug test results.
2. Mandatory testing for drugs and alcohol for all drivers killed in crashes.

Objective/Goal: Continue and review results of research being conducted by the Iowa Department of Transportation in wrong-way driving and consider engineering projects to make an impact to this problem.

Strategy:

1. Review data to gather an understanding as to the number of wrong-way driving crashes that involve impaired drivers over the past five (5) years.
 - Consider the impact of center line rumble strips and their effectiveness for impaired driving.
 - Consider the impact of lowering traffic control signs.
 - Sensors to notify law enforcement and the driver when there is a wrong-way event.

Plan Approval Process

Authority to create the Coalition came from Iowa Department of Public Safety Commissioner Roxann Ryan, serving as the state's Governor's Representative for Highway Safety and with approval from the Governor's Office. On April 12, 2016, Governor Terry E. Branstad signed a proclamation creating the Coalition with the specific intent to create a coordinated statewide impaired driving plan. The Coalition created small working groups facilitated by the Governor's Traffic Safety Bureau and with their assistance put together the Impaired Driving Plan. Approval of the plan came from a simple majority vote from Coalition members. Not all strategies had a consensus approval but have majority support.

NHTSA Guidelines utilized to develop this plan include:

- *Uniform Guidelines for State Highway Safety Programs, Highway Safety Program Guidelines No. 8*
- *Countermeasures That Work: A Highway Safety Countermeasures Guide for State Highway Safety Offices, 8th Edition, 2015*

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Governor's Traffic Safety Bureau

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Criminalist
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Intoximeters / Iowa State Bar
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State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION

- WHEREAS,** impaired drivers pose a serious threat to the health and safety of those traveling on Iowa highways; and
- WHEREAS,** every law enforcement agency and every First Responder sees the direct impact of impaired driving on Iowans when loved ones are injured or killed as a result of impaired driving; and
- WHEREAS,** in recognition of the seriousness of impaired driving, Iowa has chosen to initiate a statewide impaired driving plan to submit to the National Traffic Safety Administration, in furtherance of the Moving Ahead for Progress in the 21st Century Act (MAP-21) enacted by Congress in 2012 and the Fixing America's Surface Transportation (FAST) Act enacted by Congress in 2015; and
- WHEREAS,** the purpose of a statewide impaired driving plan is to provide a comprehensive strategy for preventing and reducing impaired driving, based on coordinated efforts designed to reduce deaths and increase public safety; and
- WHEREAS,** the Governor's Traffic Safety Bureau and the Department of Public Safety has asked individuals from a variety of transportation and law enforcement backgrounds and disciplines, with many different perspectives and experiences, to review existing Iowa data, laws, regulations and programs and propose a coordinated statewide impaired driving plan for preventing and reducing impaired driving behavior;

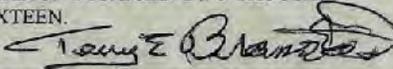
NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, do hereby proclaim April 12, 2016 as

Impaired Driving Awareness Day

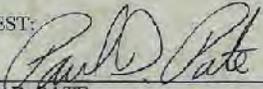
and recognize the importance of addressing the perils of impaired driving and the leadership provided by the Governor's Traffic Safety Bureau and its partners.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED. DONE AT DES
MOINES THIS 12 DAY OF APRIL IN THE
YEAR OF OUR LORD TWO THOUSAND
SIXTEEN.


TERRY E. BRANSTAD
GOVERNOR OF IOWA

ATTEST:


PAUL D. PATE
SECRETARY OF STATE

Exclusive: Iowa's new plan for getting drunken drivers off the road

Kathy A. Bolten, kbolten@dmreg.com 8:47 p.m. CDT November 1, 2016



(Photo: Getty Images/iStockphoto)

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A statewide coalition is recommending wide-ranging changes in how Iowa deals with intoxicated drivers and the businesses that serve them alcohol, The Des Moines Register has learned.

The "Iowa Statewide Impaired Driving Plan" obtained by the Register includes 66 proposals for getting impaired drivers off the road that address prevention, enforcement, education and adjudication.

The coalition described impaired driving as "a statewide problem with no single solution," recommending:

- Adopting a 24/7 sobriety program similar to one in South Dakota.
- Instituting high visibility and saturation patrols by law enforcement.
- Changing state law to allow portable breath test results to be admitted into court. Currently, the results of preliminary breath testing instruments are not admissible.
- Mandating training for bartenders, wait staff and others who serve alcohol. Participation in Iowa's Program for Alcohol Compliance Training is now voluntary.
- Requiring businesses that serve alcohol to have in place a plan to obtain transportation for intoxicated patrons.
- Urging law enforcement agencies, through sting-like operations, to crack down on establishments that serve alcohol to intoxicated patrons.
- Increasing training for law enforcement officers to be more proficient in detecting alcohol- or drug-impaired drivers.
- Implementing the Place of Last Drink program, similar to programs in Massachusetts and the suburbs of Minneapolis and Mankato, Minn.

Heightened concern over OWIs

Concerns about the number of people killed or injured by impaired drivers intensified in Iowa [after the March 26 crash](/story/news/2016/03/26/des-moines-police-officers-killed-had-just-joined-force/82291266/) that killed two Des Moines police officers and a prisoner they were transporting on Interstate 80.

The fiery crash was caused by a heavily intoxicated wrong-way driver who also was killed.

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(Photo: MacKenzie Elmer/The Register)

Less than three weeks after the I-80 crash, Gov. Terry Branstad pushed a [Governor's Traffic Safety Bureau-led coalition to develop a comprehensive strategy \(/story/news/crime-and-courts/2016/05/09/iowa-group-seeks-solutions-drunken-driving/84155920/\)](#) to prevent and reduce impaired driving.

The Register subsequently reported that the state's [drunken drivers are more intoxicated and killing more people. \(/story/news/crime-and-courts/2016/04/30/driving-while-intoxicated-wrong-way/83651312/\)](#) And Iowa has made little headway in reducing the percentage of [repeat drunken drivers. \(/story/news/crime-and-courts/2016/06/23/impaired-driving-iowa/86046976/\)](#)

In 2015, 119 people were killed in alcohol and drug-related fatalities, according to Iowa Department of Transportation data.

So far this year, 52 people have been killed in accidents involving impaired drivers, DOT data shows. The department is waiting for the results from 52 other crashes, which could push the number of fatalities higher.

The average blood-alcohol concentration of drivers involved in impaired-driver fatalities is also increasing, DOT data shows. In 2011, the average BAC in alcohol-related fatalities was 0.195 percent; in 2015, it was 0.206 percent. The legal limit for intoxication in Iowa is 0.08 percent.

Place of Last Drink

The National Transportation Safety Board in 2012 recommended nationwide implementation of Place of Last Drink programs, which collect data on where people who are arrested for drunken driving and other related offenses had their last drink.

Problem establishments face sanctions that range from mandated training of wait staff to fines and liquor license suspensions.

In Iowa, it's illegal for establishments to serve alcohol to impaired customers, but little has been done to enforce the law, officials acknowledge.

"You've got to think that somebody knows these folks are impaired before they walk out the door," said Lisa Davis-Cook, government affairs director at the Iowa Association for Justice, a nonprofit advocacy group based in Des Moines. "If we can get at trying to stop people before they even get on the road, that's what is going to help lower (the number of) fatalities as well."

Database: [Operating while intoxicated revocations by county \(http://db.desmoinesregister.com/owi-revocations-by-county\)](http://db.desmoinesregister.com/owi-revocations-by-county)

Enforcing Iowa's over-serving law is not a common police tactic, said Jordan Roling, an assistant Polk County attorney who specializes in prosecuting impaired drivers.

Sting-like operations, similar to those conducted to catch businesses serving alcohol to minors, could include undercover officers entering an establishment to observe whether customers were being served too much alcohol.

"We don't know what kind of impact it would fully have," Roling said.

Davis-Cook said the association supports the idea of holding establishments accountable for serving impaired customers.

Stricter enforcement of Iowa law and implementing programs like Point of Last Drink "might have a very good effect on lessening the number of impaired drivers out there," said Davis-Cook, one of 34 coalition members.

In some cities with the program, liquor licenses of problem establishments can be revoked.

"Maybe the city council looks at a business and says, 'Do we continue to provide a liquor license to someone that continually has alcohol problems?'" said Patrick Hoye, bureau chief of the Governor's Traffic Safety Bureau.

RELATED:

- [**A drunk driver killed her husband 23 years ago, and it still hurts \(/story/news/crime-and-courts/2016/04/30/drunken-driver-killed-her-husband-23-years-ago-and-still-hurts/83726764/\)**](#)
- [**I got caught driving drunk 3 times before I learned my lesson — an Iowa man's story \(/story/news/crime-and-courts/2016/06/24/iowa-intoxicated-drivers-john-bruce/86052112/\)**](#)

The legislative obstacles

Several coalition recommendations need legislative approval, something that could be difficult to obtain.

At least nine bills related to impaired driving have been introduced in the past two legislative sessions, a Register review shows.

None have passed, including a proposal to increase penalties for repeat offenders, requiring ignition interlock devices on the vehicles of all impaired driving offenders and implementation of a pilot 24/7 sobriety program.

“Two years ago we were close with the Senate to enhancing the penalties for repeat offenders,” said Rep. Chip Baltimore, R-Boone and chairman of the House Judiciary Committee.



DES MOINES REGISTER

60,000 repeat drunk drivers: What can Iowa do?

(<http://www.desmoinesregister.com/story/news/crime-and-courts/2016/06/23/impaired-driving-iowa/86046976/>)

Since 2005, Iowa's alcoholic beverage industries have not registered against proposed bills that would have tightened Iowa's impaired driving laws, a review of state records shows. One, Iowa Wholesale Beer Distributors, registered in support of last session's proposed 24/7 sobriety program.

However, representatives of that industry have contributed \$522,088 to Iowa lawmakers' campaign funds, according to data compiled by the nonpartisan National Institute on Money in State Politics, based in Montana.

Baltimore said he believes that legislators have a desire to strengthen Iowa's impaired driving laws. But it won't be easy, he said.

“I don't think there's a single legislator who is pro-drunk driver,” he said. “There's just disagreement on how we are going to do that and who is going to pay for it.”

Hoye said he is hopeful lawmakers consider at least one of the coalition's recommendations.

“We know it's not as easy as it seems to pass a bill in the Legislature,” he said.

The coalition, which will meet three times a year, will continue pushing for ways to crack down on impaired driving, Hoye said. “That will help keep the focus where it needs to be.”

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