

UPCOMING TRAININGS & CONFERENCES

A full list of NDAAs virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

NDAAs Mastering Masking Digital Course/ On Demand Training (CLE Available)
▶ ndaa.org/training/mastering-masking-2/

NDAAs Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training
▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/

NDAAs Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)
▶ ndaa.org/training/prosecuting-dui-cases/

NDAAs Investigation and Prosecution of Drug-Impaired Driving Cases Online Course/On Demand Training (CLE Available)
▶ ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/

Evidence Issues: Search and Seizure (Live Webinar)
March 15, 2023 @ 11:30 a.m.-4:15 p.m. (ET)

Felony Convictions & the Impact on CDL (Live Webinar)
March 23, 2023 @ 2:00 p.m.-3:00 p.m. (ET)

RESOURCES

Impaired Driving Resources
▶ ndaa.org/programs/ntlc/

CDL-Related Resources
▶ ndaa.org/programs/ntlc/commercial-drivers-license/

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Celebrating NHTSA's Traffic Safety Partners

By Linda Fisher, Highway Safety Specialist, Impaired Driving Division, National Highway Traffic Safety Administration

Over the last 40 years, the National Highway Traffic Safety Administration (NHTSA) has worked with numerous traffic safety partners to reduce the number of people killed in impaired-driving crashes. As State laws have lowered blood alcohol concentrations (BACs), relationships with prosecutors, judges, law enforcement, and many other equally important partners have helped reduce the number of fatal crashes and serious injury crashes each year.

Over the past 10 years, however, NHTSA and its partners have faced new challenges. States began legalizing cannabis around the country and the country experienced an unprecedented pandemic; the challenge of ending impaired driving took a big step in the wrong direction. Many states have been scrambling to prepare and to get the word out, "If you feel different, you drive different."

Impaired driving continues to be a significant public health and public safety problem in the United States. Thirty percent of the 42,915 traffic fatalities in the United States involved

Celebrating NHTSA's Traffic Safety Partners

alcohol-impaired drivers (i.e., drivers with a BACs of .08 grams per deciliter or higher) in 2021. In addition, there have been significant increases in drugged driving, especially driving under the influence of delta9-tetrahydrocannabinol (THC), the active ingredient in cannabis (Kelley-Baker, et al., 2017; Joye et al., 2020, Fell et al., 2023).

Traffic safety partners already working to reduce fatal crashes were suddenly faced with new, additional challenges as a result of the pandemic: cocktails to go and alcohol provided along with food delivery services. As a result, every level of government—local, state, and national—has felt the impact of increased fatalities. During the pandemic, fatal crashes involving drivers impaired by both alcohol and other drugs increased.

NHTSA is committed to working in partnership with many traffic safety programs to help end impaired driving. The following are but a few examples of the traffic safety programs NHTSA supports in the ongoing effort to save lives on our roads.

First, since the early 1990s, NHTSA has joined with and funded the National District Attorneys Association's (NDAA) National Traffic Law Center (NTLC), a resource designed to benefit prosecutors, judges, law enforcement officers and others in the justice system as well as the publisher of this newsletter. NTLC's mission is to improve the quality of justice in traffic safety adjudications by increasing the awareness of highway safety issues through the compilation, creation and dissemination of legal and technical information, and by providing training and reference services. The NTLC's newest publication—*NTLC's Resource Guide*—is a compilation of most of the free resources offered by the NTLC, conveniently hyperlinked for traffic safety professionals ease of use. The team of knowledgeable and dedicated attorneys at the NTLC work closely with the country's network of Traffic Safety Resource Prosecutors to assess the needs of front-line prosecutors and law enforcement to develop beneficial training materials and trial assistance.

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The traffic safety resource prosecutors (TSRPs) are specially trained and possess extensive experience handling a range of impaired-driving offenses, from the first-time impaired-driver criminal case to the worst offenses, impaired-driving cases that kill or seriously injure others. State's TSRP serve as statewide resources on traffic safety issues. They provide critically important training for other prosecutors, law enforcement officers, and even judges. TSRPs are the subject matter experts in the legal field on whom NHTSA relies; they remain updated on the everchanging statutes, laws, and difficult case law affecting the fight against impaired driving. Nearly every state has at least one TSRP, and many states have more than one. To see a list of TSRPs, click [here](#).

The Judicial Outreach Liaison (JOL) and Judicial Fellows programs are additional examples of the professional partnership supported and funded by NHTSA for years. The JOL and Judicial Fellows program began in 1998 as part of the ABA Judicial Division's outreach efforts to provide trial judges with access to current and evidence-based practices that would assist them in their work on the bench. Currently, the program consists of two National Judicial Fellows and Regional and State JOLs throughout the country (ABA, 2022). While remaining independent and impartial, the JOLs and Judicial Fellows serve as resources for the judiciary and other members of the highway safety community. This assistance takes the form of peer-to-peer judicial education, court case interpretations, guidance, and acting as liaison between the judiciary and the highway safety community. JOLs and Judicial Fellows help supplement and support on-going efforts by judicial educators around the country to provide essential information to judges in important areas including evidence-based sentencing practices for at-risk populations, DUI treatment courts, and reliable substance use and mental health assessments.

The 10 NHTSA Regional Offices offer technical assistance packages to State offices of highway safety. Each package includes a deep data dive to look more closely at various data sets to enhance understanding of the safety problems in each State, including over-represented populations. A SWOT¹ analysis is also being offered to help States determine opportunities to expand their program portfolios, identify additional partners, and modify how their programs are being implemented. Finally, NHTSA is offering to assist States in conducting stakeholder roundtables to bring new partners into the program and seek their input. New legislative requirements under the Bipartisan Infrastructure Law provide opportunity for States to conduct more long-term planning through a triennial highway safety plan in lieu of the annual plans used for decades. States must also now conduct public participation and engagement activities during the highway safety planning process with emphasis on underserved communities and communities over-represented in the data.

We want to continue to encourage strong collaboration between the prosecutorial/ judicial communities and State offices of highway safety as well as in these new efforts to assist States in planning and implementing their highway safety programs.

NHTSA also continues to support the country's law enforcement through its partnership with the International Association of Chiefs of Police (IACP) and the following training programs:

- The Drug Evaluation and Classification (DEC) Program, developed to identify drivers impaired by drugs other than alcohol. The DEC process is a systematic, standardized, post-arrest procedure to determine whether a suspect is impaired by one or more categories of drugs. The process is systematic because it is based on a variety of observable signs and symptoms proven to be reliable indicators of drug impairment. Officers who complete an extensive training program are certified as drug recognition experts (DREs), who learn to observe a suspect's appearance, behavior, performance of psychophysical tests, eyes in different lighting conditions, and vital signs to ascertain what category or categories of drugs have been used. A blood or urine sample is submitted to a laboratory for analysis and corroboration of the DRE's conclusion (NHTSA, TSI, & IACP, 2018b).
- The DWI Detection and Standardized Field Sobriety Testing (SFST) Program's curriculum prepares police officers and other qualified people to conduct SFSTs for use in identifying drivers impaired by alcohol. The training helps officers improve the skills that increase the chances of detecting, arresting, recording, articulating, and gathering sufficient evidence to sustain impaired-driving convictions. SFSTs are designed to be administered to suspected alcohol-impaired drivers at roadside during the personal contact phase of traffic stops. The tests include the walk and turn (WAT), the one leg stand (OLS), and the horizontal gaze nystagmus (HGN) (NHTSA, TSI, & IACP, 2018c).
- Advanced Roadside Impaired Driving Enforcement (ARIDE) is a 16-hour course that offers additional information to law enforcement officers on detecting impairment caused by more than just alcohol. Oftentimes law enforcement officers who have not received advanced or in-service training regarding drug impairment tend to not be able to identify these characteristics; therefore, they will sometimes release impaired drivers. Once an officer completes the training, the officer will be more proficient with the HGN, WAT, and OLS tests and gain a broader knowledge of drug impairment indicators. The law enforcement officer will also be more familiar with the Drug Evaluation and Classification (DEC) Program and its function. This will facilitate better communication and transfer of critical roadside indicators of impairment to the evaluating Drug Recognition Expert (DRE) for a more complete and accurate assessment of the impairment (NHTSA, TSI, & IACP, 2018a).

NHTSA is offering to assist States in conducting stakeholder roundtables to bring new partners into the program and seek their input.

¹ Strengths, weaknesses, opportunities and threats

Last, NHTSA continues to support its own researchers. The Office of Behavioral Research studies behaviors and attitudes in highway safety, focusing on drivers, passengers, pedestrians, and motorcyclists, and uses that to develop and refine countermeasures to deter unsafe behaviors and promote safe alternatives (NHTSA. (n.d./b)). The National Center for Statistics and Analysis (NCSA) is responsible for providing a wide range of analytical and statistical support to NHTSA and the highway safety community at large (NHTSA. (n.d./a)). Each of these offices of researchers work tirelessly to analyze data and to create resources to explain problems and dangerous driving trends around the country and offer evidence-based solutions.

NHTSA is committed to reducing impaired driving, serious crashes, and saving lives. Driving under the influence of alcohol or other drug lead to preventable crashes. Almost every person in the United States has been affected by an impaired driver in one way or another. NHTSA will continue to develop programs and work with our valuable partners that take these programs from the national level to local heroes.

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Not Just Traffic—Felony Convictions and the Impact on a Commercial Driver's License

Live Webinar

March 23, 2023

2:00 p.m.–3:00 p.m. ET

Commercial driver license (CDL) holders have the privilege of operating 80,000-pound vehicles, and with that privilege comes greater training, licensing expectations, and responsibility. This training will focus on the consequences of a conviction, specifically a felony conviction, on a CDL holder's driving record and how a complete driving record fulfills the "One Driver-One License-One Record" concept. It's important to realize that if the defendant is charged with a felony and holds a CDL, there may be important consequences to his or her CDL, including disqualification of the license.

The training will also explain the role of law enforcement, prosecutors, judges, clerks and State Driver License Agencies in adjudicating a felony case with a CDL holder as a defendant, and the importance of ensuring the defendant's CDL status and other pertinent vehicle information are documented at every stage of the case. All traffic safety professionals, from roadside to record, need to work together to ensure that all convictions, including felony convictions, are recorded on the defendant's driving record, ensuring that this record is complete and accurate, and thus adhering to federal and state law.

To register for this FREE webinar, please [click here](#).

