

UPCOMING TRAININGS & CONFERENCES

A full list of NDAAs virtual learning sessions is available at
[▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/).

NDAAs Mastering Masking Digital Course/ On Demand Training (CLE Available)
[▶ ndaa.org/training/mastering-masking-2/](https://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/](https://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/](https://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/](https://ndaa.org/training/on-demand-learning-investigation-and-prosecution-of-drug-impaired-driving-cases/)

Finding Your Personal & Professional Leadership Potential (Live Webinar)
 December 12, 2023 @ 2:00 p.m.-3:00 p.m. EST

Talking to Cops: Effective Communication Techniques & Strategies (Live Webinar)
 December 13, 2023 @ 2:00 p.m.-3:15 p.m. EST

RESOURCES

Impaired Driving Resources
[▶ ndaa.org/programs/ntl/](https://ndaa.org/programs/ntl/)

CDL-Related Resources
[▶ ndaa.org/programs/ntl/commercial-drivers-license/](https://ndaa.org/programs/ntl/commercial-drivers-license/)

NDAAs STAFF

Executive Director Nelson O. Bunn, Jr.	Chief Operating Officer Christine Mica
Vice President, Education & Engagement Lorena Vollrath-Bueno	

THE NATIONAL TRAFFIC LAW CENTER

Director Joanne E. Thomka	jthomka@ndaajustice.org
Senior Attorneys M. Kimberly Brown Jim Camp	mkbrown@ndaajustice.org jcamp@ndaajustice.org
Staff Attorneys Erin Inman Bella Truong	einman@ndaajustice.org btruong@ndaajustice.org

The National Traffic Law Center is a division of the National District Attorneys Association. This document was prepared under Cooperative Agreement Number 693JJ91950010 from the U.S. Department of Transportation National Highway Traffic Safety Administration. Points of view or opinions in this document are those of the authors and do not necessarily represent the official positions or policies of the Department of Transportation or the National District Attorneys Association.



Volume 31, Issue 11 | November 2023



National Impaired Driving Prevention Month

By NTLC Staff¹

December is often commemorated as the height of the holiday season, encapsulating the magic of celebration and family, reaffirming faith and cultural identity, and giving space for gratitude and reflection before the start of the new year. However, December can also be one of the most dangerous months of the year as holiday revelries often fall victim to the chaos of insobriety.

Impairment begins with the first drink, and a National Safety Council (NSC) Alcohol, Drugs and Impairment Division (ADID) review found that with each subsequent drink consumed, the risk of injury or fatality for drivers, pedestrians, and passengers increases exponentially. This extensive scientific literature review showed that for single-vehicle fatal crashes, every 0.02 increase in blood alcohol concentration (BAC) led

¹ The NTLC Staff acknowledges and thanks NDAAs Intern Nicole Morikawa for her contributions to this article.

to twice the number of drivers involved in crashes compared to drivers with zero BAC.² At a BAC of 0.05 or below, the risk tripled.³ The possibility of injury or fatality does not just extend to those impaired, however, and the same review shows that people who consumed only one drink were more likely to ride with someone inebriated, increasing their risk almost four times. In a study conducted by the National Highway Traffic Safety Administration (NHTSA) in December of 2022,⁴ researchers found that 56% of drivers involved in a serious crash⁵ tested positive for alcohol, various types of drugs, and other stimulants. Out of the 56%, the presence of cannabinoids containing active THC was found in 25% of users, alcohol was found in 23%, stimulants in 11%, and opioids in 9%.⁶ The presence of two or more drugs, referred to as “polydrug” use, was reported in 18% of injuries and 32% of fatalities.⁷ In general, the medical examiner cases indicated higher levels of each drug category than the trauma center cases.⁸

During the holidays when there is a tendency for greater travel, higher alcohol consumption, and elevated driving speeds, NHTSA data reflects higher numbers of fatalities during December into the New Year. In 2017, the overall average fatalities per day for New Year’s Day and Christmas, as well as Memorial Day, Fourth of July, Labor Day, and Thanksgiving, were 119 compared to the average 102 per day.⁹

Since its inception in 1981 under President Ronald Reagan, December has been recognized as the National Impaired Driving Prevention Month. Shortly after in 1984, the Federal Uniform Drinking Age Act of 1984 reset the minimum legal drinking age to 21 from its previous standard of 18 years old. With this change, there was an immediate reduction in alcohol-related crashes in the 1980s, and these federal statutes marked a culmination of multi-state efforts towards the broader recognition of the dangers of impaired driving and the acknowledgment that change was needed.¹⁰ Specifically, the nonprofit organization, Mothers Against Drunk Driving (MADD), served as a bulwark of change under the guiding hand of founder Candace Lightner to amend drunk driving laws and continue to work to disseminate information on how to operate safely and responsibly.¹¹

Lightner’s thirteen-year-old daughter, Cari, was killed by a drunk driver in 1980. Lightner recalls being told by the investigating officer that Cari’s killer would not likely receive any jail time for his actions. That was the beginning of Lightner’s lifelong pursuit for safer roads. Lightner recalls when Cari was killed, the prevailing public attitude about drunk driving in the United States was that it was not a real crime. “We were killing 25,000

During the holidays when there is a tendency for greater travel, higher alcohol consumption, and elevated driving speeds, NHTSA data reflects higher numbers of fatalities during December into the New Year.

² “Low Alcohol Concentration National Culture Change,” National Safety Council, Position/Policy Statement #130 adopted in July 2016, available at www.nsc.org/getmedia/9c5a01bf-a26b-43df-87a7-3e17d5f1eefd/low-bac-policy.pdf.

³ *Id.*

⁴ Berning, A. (2022, December). *Alcohol and drug prevalence among seriously or fatally injured road users* (Traffic Tech Technology Transfer Series. Report No. DOT HS 813 400). National Highway Traffic Safety Administration. Available at www.nhtsa.gov/sites/nhtsa.gov/files/2022-12/Alcohol-Drug-Prevalence-Among-Road-Users-Traffic-Tech_112922_tag.pdf, accessed November 9, 2023.

⁵ *Id.*, A serious crash is defined in this study as “those that involved someone either admitted to a Level-1 trauma center, or who had died at the scene of the crash and been transported to a medical examiner’s office.”

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ National Center for Statistics and Analysis (2019, October). *Estimate of motor vehicle traffic crash fatalities for the holiday periods of 2019*. (Traffic Safety Facts Research Note. Report No. DOT HS 812 823). Washington, DC: National Highway Traffic Safety Administration. Available at crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812823, accessed November 9, 2023.

¹⁰ “Impairment Begins with the First Drink”, National Safety Council, www.nsc.org/road/safety-topics/impaired-driving.

¹¹ “MADD Marks 40 Years of Lives Saved,” Mothers Against Drunk Driving, madd.org/madd-marks-40-years-of-lives-saved/.

people per year,”¹² said Lightner, and people did not take the problem seriously. Juries would often not convict and judges rarely incarcerated those who were found guilty, Lightner continued.¹³ She explained the members of juries were not only sympathetic, but also identified with the defendants in DUI cases. “It was a joke.”¹⁴ Literally. Shortly after late night talk show host and comedian, Johnny Carson, was arrested for DUI, he jested about his arrest.¹⁵ Later, during the same broadcast, Carson expressed regret for his actions,¹⁶ but for victims, like Lightner, DUIs were no joking matter. The problem, back then, was not just that people accepted DUIs, it was that no one saw any need to change their behavior. Lightner saw it as her mission to change the public mindset from identifying with the DUI offender to identifying with the victims.¹⁷

That change happened, thanks in large part to the work of Lightner and the other victims and families with whom she worked over the years. She also credits law enforcement and prosecutors for their help along the way.¹⁸ Some of the more immediate changes included consistently holding offenders accountable from arrest through sentencing. Another change was to allow victims the opportunity to participate in the case. Victims and families were allowed to give victim witness statements and were kept abreast of the cases as they proceeded. In many cases prior to the 1980s, victims and families had not even been allowed in the courtroom, said Lightner.¹⁹ In fact, she was not allowed to give a statement in court for the sentencing of the man who killed Cari.²⁰

Indeed, times have changed. Penalties are harsher, offenders are more consistently held accountable, and victims’ voices are held in higher regard than they were fifty years ago. It is important that the criminal justice system continues to hold impaired drivers accountable and provide avenues for victims to have meaningful input.²¹ In 2021, 13,384 people died on America’s roadways in alcohol-related crashes.²² This number is about half what it was the year Cari was killed. Lightner believes, however, there is still work to be done, especially when it comes to drug-impaired and distracted driving.²³ She founded We Save Lives, which “offers a representative voice on highway safety issues, focusing on the ‘3 D’s’—drugged, drunk and distracted driving.”²⁴ NHTSA also recognizes these issues to be leading contributors to death and injury on our roads.

It is important that the criminal justice system continues to hold impaired drivers accountable and provide avenues for victims to have meaningful input.

¹² NTLC Staff interview with Candace Lightner, November 20, 2023. See also *Fatal Accident Reporting System 1981: An Overview of U.S. Traffic Fatal Accident and Fatality Data Collected in FARS for the Year 1981*. National Center for Statistics and Analysis (U.S.). Available at rosap.nhtl.bts.gov/view/dot/5387, accessed November 20, 2023, and Malcolm, Andrew H., “Drinking and Driving: New Year’s Eve, 1981,” *The New York Times*, December 31, 1982, available at www.nytimes.com/1982/12/31/us/drinking-and-driving-new-year-s-eve-1981.html, accessed November 20, 2023.

¹³ NTLC Staff interview with Candace Lightner, November 20, 2023.

¹⁴ *Id.*

¹⁵ “Johnny Carson to face drunken driving charges,” UPI Archives, March 2, 1982, available at www.upi.com/Archives/1982/03/02/Johnny-Carson-to-face-drunken-driving-charges/8441383893200/, accessed November 20, 2023.

¹⁶ *Id.*

¹⁷ NTLC Staff interview with Candace Lightner, November 20, 2023.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Stewart, T. (2023, April). *Overview of motor vehicle traffic crashes in 2021* (Report No. DOT HS 813 435). National Highway Traffic Safety Administration.

²³ NTLC Staff interview with Candace Lightner, November 20, 2023.

²⁴ *Id.* Founder of MADD | Founder of We Save Lives | Candace Candy Lightner (candacelightner.com), available at www.candacelightner.com/Meet-Candace/Biography, accessed November 20, 2023.

National Impaired Driving Prevention Month

The National Highway Traffic Safety Administration and the National Safety Council serve as prominent sources of information and education about the dangers of impairment, alongside community organizations and police around the U.S. MADD continues to focus on the singular goal of ending impaired driving for good while supporting the victims and survivors of these preventable crimes. Additionally, the White House, through the Office of National Drug Control Policy (ONDCP) has also provided support since 1981, recognizing December as the National Impaired Driving Prevention Month.

As December approaches, it is important for all road users to be educated and prepared. Alcohol and drug-related roadway deaths are preventable. To be safe, everyone must practice the type of behavior necessary to steer the American attitude about driving under the influence of any substance towards a culture of accountability. This means it is critical to plan ahead and either designate a sober driver, use a rideshare service, or call a taxi. Additionally, some cities, like the Washington D.C. metro area, may have an organization supporting free sober rides home like the Washington Regional Alcohol Program (WRAP) does. WRAP offers safe rides to would-be impaired drivers via the rideshare app Lyft.²⁵ People should also be aware of all types of medicines or prescriptions that could lead to impairment, as well as wear a seatbelt, and not let friends drive under the influence or ride in a car where the driver is under the influence. By initiating this conversation in advance, any “awkwardness” or tendency towards indifference in the moment can be avoided, and any risk factors that come from spontaneous decisions to drive can be circumvented.

All people have the power to prevent impaired driving and it is everyone's responsibility to help make December a safe and happy holiday season for all.

The Foundation for Advancing Alcohol Responsibility (FAAR, also known as Responsibility.org) takes an evidence-based, partnership-driven, outcome-based approach to empower adults to make responsible choices around alcohol, to eliminate impaired driving, and to prevent underage drinking. In fact, FAAR has developed several programs specifically related to youth drinking, including Teen Drivers,²⁶ Celebrities Against Drunk & Underage Drinking,²⁷ Advice on Parenting Teens Responsibly,²⁸ and Smashed.²⁹ Other resources for youths to discuss facts and consequences are available through the Substance Abuse and Mental Health Services Administration (SAMHSA) and include articles such as *Underage Drinking: Myths vs. Facts*³⁰ and the *Tips for Teens*³¹ series. Additionally, help is also always available via SAMHSA's National Helpline³² as well as 911.³³

All people have the power to prevent impaired driving and it is everyone's responsibility to help make December a safe and happy holiday season for all.

²⁵ For more information about WRAP's SoberRide, please visit the Washington Regional Alcohol Program's website at wrap.org/soberride/, accessed November 9, 2023.

²⁶ For more information on this program, visit www.responsibility.org/prevent-underage-drinking/teen-drivers/, accessed November 21, 2023.

²⁷ For more information on this program, visit www.responsibility.org/prevent-underage-drinking/responsibility-teens/celeb-ambassadors/, accessed November 21, 2023.

²⁸ For more information on this program, visit www.responsibility.org/prevent-underage-drinking/end-teenage-drinking/parenting-teens/, accessed November 21, 2023.

²⁹ For more information on this program, visit www.responsibility.org/prevent-underage-drinking/end-teenage-drinking/smashed/, accessed November 21, 2023.

³⁰ Available at store.samhsa.gov/sites/default/files/pep23-03-10-004.pdf, accessed November 21, 2023.

³¹ Available at store.samhsa.gov/?f%5B0%5D=series:5567, accessed November 21, 2023.

³² For more information about SAMHSA's National Helpline, call 1-800-662-HELP (4357) or visit www.samhsa.gov/find-help/national-helpline, accessed November 21, 2023; see also Jeffrey A. Coady, “Socializing Safely This Season: National Impaired Driving Prevention Month,” Substance Abuse and Mental Health Services Administration, December 20, 2021, www.samhsa.gov/blog/national-impaired-driving-prevention-month, accessed November 9, 2023.

³³ See www.nhtsa.gov/campaign/if-you-feel-different-you-drive-different, accessed November 21, 2023, and www.safewise.com/faq/auto-safety/report-drunk-driver/, accessed November 21, 2023.