

We Save Lives Legislative and Policy Recommendations for Drunk and Drugged Driving Include:

Administrative License Revocation: Provides for the prompt administrative suspension or revocation of a DWI offender's driver's license for failing or refusing to submit to a Blood Alcohol Concentration (BAC) and/or drug test upon arrest.

Alcohol and Drug Testing:

Every DUI arrestee should be tested for alcohol *and* drugs.

Compulsory Testing. An officer should be able to compel a driver to provide blood, breath, oral fluid and/or other bodily fluid samples for toxicological testing if:

- A. The driver was involved in a crash involving serious bodily injury or death and could be cited for any moving violation, regardless of whether or not the officer actually writes the citation; or
- B. The officer has probable cause to believe that the driver was in actual physical control or drove a vehicle while under the influence of alcohol or drugs.

Further, officers should not need to obtain a warrant before conducting these tests.

Criminalize refusal of the BAC or drug test by making the sanctions equivalent to or greater than a conviction for DWI. Prior convictions for DUI should "count" as prior convictions for refusing to provide a sample and vice versa.

Lifetime Look-Back Period: Law that provides for an extended period of time during which a previous DWI offense must occur to be considered a prior offense, for purpose of being considered a repeat offender. This should be for the lifetime of the perpetrator.

Felony Prosecutions. Any case involving a DUI driver with two or more prior convictions or who caused or contributed to a crash resulting in serious bodily injury or death should be charged and prosecuted as a felony.

Ignition Interlocks. A device that integrates a breath-alcohol test into a vehicle and requires a zero BAC for vehicle operation; some models require continued zero BAC readings while the driver operates the vehicle. We support mandating ignition interlocks on all repeat offenders, upon arrest and first offenders who provide a breath sample above .08.

Vehicular Homicide/Manslaughter: Law that allows a homicide charge to be brought against a person who kills another person through the operation of a motor vehicle **while under the influence of alcohol and or drugs.**

Enforcement Technology: The concept of using technology to assist law enforcement officers in detecting, processing, prosecuting or monitoring compliance of impaired driving offenders; examples include passive alcohol sensors (PAS), preliminary breath testers (PBTs), roadside evidential breath testing instruments (REBT), automated citation and booking systems, in-vehicle computers and video equipment. Indicating support for this policy does not necessarily indicate support for every available technology, but rather agreement that technology is useful in improving enforcement effectiveness and efficiency

Diversion

Restrict the eligibility to first time offenders only who have never been arrested for DUI in any state previously; and (2) treat the offenders' participation "to count" as a conviction if the person is ever arrested for DUI again. **Limit their diversion program participation to one time only.**

Hardcore Drunk Drivers: includes all first offenders who provide a blood or breath sample of 0.15 and above, or refuse to provide a sample for testing; and (2) all repeat offenders.

Graduated Penalties for Repeat Offenders: Increase the penalties for offenders who violate DWI laws more than once, such as vehicle or license plate impoundment for a second offense; confiscation of the automobile for a third or subsequent offense, and or permanent ignition interlock implementation.

High BAC Penalties: Law that provides for enhanced sanctions for DWI offenders with higher BAC levels; States have set various BAC levels, ranging from .15 and above to .20 and above. **WSL supports penalties for all those with .15 and above.**

Require all hardcore offenders to:

Implement the Ignition Interlock device on their vehicles. The removal should be based on performance only.

Participate in (1) DUI Courts administered in accordance with the National Association of Drug Court Professional's (NADCP) 10 Guiding Principles;

Alternative Sanctions...The implementation of data-supported and proven-effective alternative sanctions to jail, fines, etc. (i.e. electronic monitoring, 24/7, vehicle sanctions, vehicle impoundment, etc.) to reduce recidivism, as appropriate.

DWI Courts: Non-diversionary programs that apply comprehensive sentences and provide for a high level of monitoring of compliance, such as DWI/Drug Courts; typically include frequent

judicial or probation contacts, use of electronic monitoring, mandatory alcohol assessment and treatment, random testing for both alcohol and other drugs.

Youth Sanctions:

Comprehensive Drinking Age Laws: Drinking age law that prohibits the purchase, attempt to purchase or possession of alcohol, or the use of fraudulent identification, by an individual under the age of 21, as well as the sale of alcohol, or the provision of fraudulent identification, to any individual under age 21.

Enforcement of Underage Drinking Laws: Use of liquor law enforcement strategies, such as compliance checks and shoulder taps.

Strict Enforcement of Zero Tolerance Laws: Commitment by law enforcement to strictly enforce laws that prohibits persons under the age of 21 from driving with any alcohol and or illegal substances/(drug)(s) in their system.

Graduated Drivers Licensing Laws: Law that establishes three phases for young novice drivers, including a permit phase during which drivers can only operate a vehicle with an adult, a provisional phase during which drivers are subject to certain (i.e., night-time) restrictions, and an unrestricted phase once all conditions have been met

Drugged Driving

Oral fluid: A fast, non-invasive test that uses saliva to determine the presence of some drugs in the system of drivers. Oral fluid testing should be an option for law enforcement officials in all states

0 per se: Per se means that upon arrest, any detectable amount of a controlled substance, other than a medicine prescribed by a physician for that driver in a driver's body fluids, constitutes per se evidence of a "drugged driving" violation.

Policies:

State DWI Task Force: A task force of state & local officials, including law enforcement, prosecutors, judges, motor vehicle administrators, business leaders, citizens and others, appointed by the Governor, Attorney General or Legislature, and empowered to systematically review the State's DWI system and make recommendations for improvements.

Low Staff Sobriety Checkpoints.

Because police departments view checkpoints as expensive operations that require paying overtime for the assigned officers, there is an incentive for persuading police department officials to use low staff (3-5 officers) checkpoints that can be mounted within the normal staffing of weekend patrols. Low staff checkpoints have been demonstrated to be effective (Lacey et al. 2006; Stuster and Blowers 1995; Voas 2008; Voas et al. 1985). Increasing the use of passive sensing flashlights at checkpoints should increase the number of DWI offenders detected at such operations by 50 percent. In addition, publicizing the use of such units may increase the public's perception that if they drive after drinking, they are more likely to be apprehended. Thus, the use of passive sensors at sobriety checkpoints also could serve as a general deterrent.

Saturation Patrols

Definition: Enforcement technique involving increased patrols in a defined geographic area. We encourage and support paid or earned media help to increase the effectiveness of this strategy.

Statewide DWI Tracking System: A statewide electronic records system that tracks DWI offenders from arrest through disposition; is accessible to stakeholders, including law enforcement agencies, prosecutors, judges, probation and driver license officials; and is linked to the NDR and other national records systems.

Responsible Beverage Service Training: Require training to servers of alcoholic beverages and managers of establishments that serve alcohol to prevent service to persons under the age of 21 and over-service to persons of any age.

Designated Driver and Safe Ride Programs:

Definition: A program that promotes the use of sober designated drivers and sober safe rides, and makes sober safe rides available as an alternative to prevent impaired driving Designated Driver Programs.