

Impaired Driving Assessment Recommendations and State's Response

States with a 0.60 alcohol-impaired driving fatalities per 100 million Vehicle Miles Traveled (VMT) are considered high range. Montana's alcohol-impaired fatality rate is projected over 0.60 for Federal Fiscal Year (FFY24), according to classifications provided by the National Highway Traffic Safety high-range.

CFR 1300.23, High Range States are required to complete an Impaired Driving (ID) Assessment every three years and must address each recommendation. On November 14-18th, 2022, an ID Assessment was conducted where over 60 professionals representing various state and local organizations participated, discussing their respective roles and programs with impaired driving. The ID Assessment was conducted by a five (5) member team designed to take a comprehensive look at state, local and tribal impaired driving programs within Montana.

In total, there were ten (10) priority recommendations and twenty-five (25) lower tier recommendations. Outlined below are those recommendations, their tie to Montana's Comprehensive Highway Safety Plan (CHSP) and how it is addressed by the state.

Priority Recommendations	Addressed By State
Program Management and Strategic Planning	
Identify specific metrics to support impact evaluations that measure effectiveness of each step in the impaired driving strategic plan (outcomes).	Performance measures are used to plan, prioritize, track, and improve effectiveness of programs identified within the strategies of the impaired driving strategic plan. Outputs are quantifiable that correlate with a measurable outcome.
Create and build broader partnerships among the Executive Leadership Team.	Effective implementation structure of the CHSP involves engagement of an Executive Leadership Team (ELT) comprised of various State Agency Directors who have the authority to help prioritize Vision Zero efforts. Other organizations representing Montana have a role in traffic safety strategies are included in the ELT to help support and promote safety awareness, education. The ELT will continue to have discussions on broadening the ELT even further.
Articulate political, economic, social, and technological factors that impact the implementation of impaired driving strategies (outputs).	Strategies specific to Montana are identified for the emphasis area team are based on ability to implement. Factors as to why an opportunity or effort may not be achievable is discussed in pre-strategy planning and may include lack of resources, lack of political will, or required Legislation to implement, antiquated traffic beliefs and laws, and data technology.
Establish written procedures to demonstrate that program activities are being implemented as intended.	For program activities that are supported by National Highway Traffic Safety Administration (NHTSA) funding, the State Highway Traffic Safety Section (SHTSS) currently has written policy and procedures aimed at evaluating program activities to determine if they are being implemented as intended.
Prevention	
Provide Alcohol Beverage Control Division with the capability to carry out the regulatory responsibilities of the agency to address overservice and underage drinking.	<p>The Alcohol Beverage Control Division is prohibited through Montana Code Annotated in conducting direct regulatory enforcement activities on alcohol establishments to address overservice and underage drinking. Any related Legislative efforts to change the Divisions authority will be tracked.</p> <p>The Montana Department of Health and Human Services (DPHHS) provides funding to Local Enforcement Agencies to conduct compliance checks on alcohol establishments, which is a best practice to reduce underage drinking.</p>
Criminal Justice System	
Mandate by legislation a Driving Under the Influence tracking system from traffic stop to post adjudication including enrollment and completion of assessment and treatment.	House Joint Resolution (HJ) 31 passed during the 2021 Session. HJ 31 was a study resolution on Criminal Justice Data in Montana. Senate Bill 11 (Generally Revise Criminal Justice Laws) aims to improve criminal justice data and may pave the way for increase access to tracking Driving Under the Influence Offenses. Senate Bill 11 passed the Senate and House and is pending Governor's signature.

Fund well designed sobriety checkpoints that comply with Montana State Law.	Currently, specific sobriety checkpoints are not permissible by Montana Statute. However, Montana does provide funding to the Safety Enforcement Traffic Team (SETT) within the Montana Highway Patrol. The SETT team moves around the state conducting high visibility enforcement focusing on high crash corridors and events known to be associated with alcohol consumption. The SETT is a viable alternative to sobriety checkpoints, given Montana's limitations due to Statute.
Dedicate a portion of the revenues in Marijuana State Special Revenue Account to law enforcement, toxicology, emergency medical services, and substance abuse treatment and intervention.	When adult-use recreational marijuana was passed in 2021, the subsequent implementing legislation provided for a HEART Fund. The HEART Fund did provide funding to law enforcement and substance abuse treatment and intervention. There may changes to the HEART Fund during the 2023 Legislative Session and any changes will be tracked.
Develop a plan to connect the Courts to the other Driving Under the Influence related systems, especially Drivers' Licensing, and fund the connectivity of Full Court to those systems.	Full Court is the database for District Courts and Courts of Limited Jurisdictions across the state. Currently, there is an interface between Full Court and MDOJ's driver's license system to report DUI Conviction information that requires administrative action on a person's driver's license.
Communication Program	No Priority Recommendations
Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation	No Priority Recommendations
Program Evaluation and Data	
Establish a uniform statewide crash report to collect data from all State law enforcement agencies to improve evaluation of highway safety programs.	Local and State Law Enforcement agencies are represented on the ELT and ID EA. Uniform Traffic Crash Report implementation will need to be considered by local governing bodies. The state does not have the authority mandating uniform crash reports to local/county agencies, however, the Montana Highway Patrol does maintain a state available crash report management system and provides it free to departments along with training to operate. The State will continue to advocate Model Minimum Uniform Crash Criteria (MMUCC) Standards to agencies statewide to reduce discrepancies in uniform crash data.
General Recommendations	Addressed By State
Program Management and Strategic Planning	
Increase stakeholders for the development of the impaired driving strategic plan	Currently, there is a wide variety of stakeholders that participate in the development of the impaired driving strategic plan. The Impaired Driving Emphasis Area Chair will continue outreach to additional stakeholders to continue its broad reach.
Measure progress in achieving established goals and objectives.	The Impaired Driving Strategic Plan includes measures of progress.
Fund grant proposals with a high likelihood of decreasing impaired driving injuries and fatalities.	Funding requests for NHTSA funding must demonstrate goals and objectives aiming to decrease impaired driving fatalities and injuries. Internal reviewers ensure that funding request are within the concepts of NHTSA's Countermeasures that Work.
Prevention	

Provide resources statewide so that all schools can implement evidence-based programs.	<p>The Office of Public Instruction's(OPI) Student Support Services Division(SSSD) supports many schools and communities across the state each year. Aligning with current standards and administrative rules, the SSSD provides resources to help various programs designed to promote health, increase safety, and improve nutrition in Montana schools. Through federal grants and other resources the SSSD provides resources designed to prevent major health problems, inform Montana's youth of dangerous behaviors, and helps Montana students reach their full potential.</p> <p>The OPI's Traffic Education Department approves instructors and school-based traffic education programs for Montana's school districts based on current standards and legislation with administrative rules. Funding for traffic education is provided by the Montana Motor Vehicle Division(MVD) through the Cooperative Driver Testing Program(CDTP) derived from statewide driver license fees. An updated curriculum, public resources, and technical assistance is part of the OPI support practices.</p>
Establish a college substance use prevention consortium	Representatives of Montana colleges currently participate in respective consortiums. Montana participates in the American College Health Association (ACHA). Within that, Montana is part of a Regional Group – Rocky Mountain Health Coalition Montana is also part of NASPA – Student Affairs Administrators in Higher Education. Both organizations focus on college substance abuse prevention, including impaired driving.
Include representatives of the labor, agriculture, and industry on the Executive Leadership Team.	Montana's Executive leadership Team (ELT) includes the Montana Tavern Association (MTA) whose purpose is to be policy advocates, provide advice and direction to its members. The MTA is made up of businesses and local tavern associations across the state. The ELT membership also includes a representative from the Montana Department of Labor and Industry. During the inception of the ELT, Department of Agriculture was provided an invitation to attend the invitation is open ended.
Support the attendance of members of the Driving Under the Influence Task Force in the Montana Prevention Academy	MDT's State Highway Traffic Safety Section (SHTSS) will promote and support DUI Task Force attendance at the Montana Prevention Academy. Staff from SHTSS is part of the Academy planning processes.
Ensure collaboration between Driving Under the Influence Task Forces and local substance use coalitions.	County DUITF's across the state include members of local substance abuse coalitions. SHTSS will continue to promote collaboration between DUITF's and substance use coalitions.
Criminal Justice System	
Establish additional Driving Under the Influence Police Traffic Safety Officers to focus on impaired driving and other highway safety priorities (secondary).	Outreach for additional Driving Under the Influence Police Traffic Safety Officers is ongoing. Priority focus areas are establishing the concept in larger Counties such as: Cascade, Flathead and Yellowstone County.
Institute an charging system which serves as "broker" between individual data systems e.g., incident reports, complaints, citations, search warrants, and Driving Under the Influence administrative forms.	Feasibility of instituting an eCharging systems will be evaluated by representatives of the Montana Highway Patrol and local law enforcement agencies in conjunction with TSRP and TSRO.
Develop a Driving Under the Influence (DUI) Dashboard that provides a map view of DUI related data.	Currently, on Montana's Crash Data website, there is a dashboard for Crash Data, which includes Crash Data from 2016-2020. There is a Data & Statistic Bureau within MDT. SHTSS will engage in conversations with that Bureau for a feasibility for the development of a DUI Dashboard that provides a map view of DUI related data that may include: citations, crashes and convictions.
Increase the number of Drug Recognition Experts by 10 percent every two years. Prioritize underserved areas.	Starting in Federal Fiscal Year 2023, funding for two full-time Traffic Safety Resource Officers (TSROs). TSROs are responsible for DRE certification and re-certification. This will be important in sustaining and increasing DRE's throughout Montana.

<p>Develop an Ignition Interlock Device Program that includes driver resources, financial assistance, Driver and Motor Vehicle Services, Court Services, Alcohol and Drug Screening Specialists, Manufacturer Representatives Services, and Technician Resources.</p>	<p>The Motor Vehicle Division (MVD) of the Montana Department of Justice (MDOJ) is the state agency with oversight of the ignition interlock program. MVD developed administrative rules for interlock, including:</p> <ul style="list-style-type: none"> -oversight of vendor selection, certification, and monitoring. -review of interlock reports, including all instances where an interlock device was circumvented or tampered with. -sanction for circumvention or tampering and taking action on other non-compliance with IID licensure when reported by the referring agency.
<p>Institute 24/7 consequences for noncompliance.</p>	<p>24/7 consequences for noncompliance of ignition interlock is monitored at the local level. SHTSS will work with the State/local partners to promote 24/7 consequences be implemented within those jurisdictions that order ignition interlock.</p>
<p>Expand the existing Driving Under the Influence Police Traffic Safety Officers program.</p>	<p>Outreach for additional Driving Under the Influence Police Traffic Safety Officers is ongoing. Priority focus areas are establishing the concept in larger Counties such as: Cascade, Flathead and Yellowstone County.</p>
<p>Fund a comprehensive review of the prosecuting attorneys' information systems and plan the necessary upgrades and improvements.</p>	<p>Montana, through its TSRP and other stakeholders, can disseminate information about the available prosecution terminals for criminal justice information, how to access them, and encourage wide scale adoption of these instant access terminals. TSRP will continue to evaluate where necessary upgrades and improvement may be appropriate.</p>
<p>Conduct an assessment of the TSRP functions and provide additional resources to maximize productivity.</p>	<p>MDT provides NHTSA funding to the Montana Department of Justice (MDOJ) Attorney General's Office, Prosecution Services Bureau for Traffic Safety Resource Prosecutor (TSRP) services. A contract review of services provided will be conducted in Federal Fiscal Year 2023.</p>
<p>Implement a Driving Under the Influence tracking system from traffic stop to post adjudication.</p>	<p>House Joint Resolution (HJ) 31 passed during the 2021 Session. HJ 31 was a study resolution on Criminal Justice Data in Montana. Senate Bill was approved as a committee bill stemming from the study and would create a data warehouse and an oversight body. If passed, SB 11 may pave the way for Driving Under the Influence Tracking.</p>
<p>Conduct a well-designed evaluation of the Driving Under the Influence courts that includes an appropriate sample of the non-DUI courts to evaluate the relative effectiveness of the courts in Montana with the State cultures.</p>	<p>On a biennial basis, the Office of the Court Administrator produces a Drug Court Report, which includes DUI Courts. Within that report, there is an evaluation of effectiveness, to include recidivism rates. There is also various national evaluations of DUI Courts available. DUI Courts that utilize the 10 guiding principles of DUI Courts does reduce recidivism.</p>
<p>Communication Program</p>	
<p>Develop and place advertisements that support the impression that if a driver chooses to drive impaired, they will be arrested for driving under the influence. Maximize the use of media platforms to advertise this message.</p>	<p>Through MDT's media contractor Duft Watterson, placed advertisements titled "One Reason" is implemented on various media platforms (billboards, radio, TV, social media). The "One Reason" provides messaging that supports the impression that if a driver chooses to drive impaired, they will be arrested for driving under the influence.</p>
<p>Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation</p>	
<p>Implement an electronic assessment notification system by which assessment agencies are notified immediately of offenders' court order for assessment.</p>	<p>Court orders do not specifically order what State Approved Treatment provider offenders are required to use. For individuals who are convicted of a DUI, a Court order form is completed. The Court Order form includes requirements of assessment and treatment. Individuals have the option to choose among various State-Approved Treatment Programs. State-Approved Treatment providers provide verification to the Court that Assessment/Treatment requirements have been met. The Courts data management system called Full Court has the capabilities to track assessment compliance.</p>

<p>Require participants of 24/7 to complete an assessment and comply with the recommended treatment program.</p>	<p>Per Montana Code Annotated (MCA) 61-8-1010, 2nd or subsequent violation of driving under the influence requires a person to participate in a court-approved alcohol or drug detection testing program (which can be the 24/7 Program). Those individuals convicted of 2nd or subsequent DUI's are also required by MCA 61-8-1009 to complete an assessment and treatment.</p>
<p>Institute 24/7 consequences for noncompliance when tests are failed</p>	<p>Timing and type of sanctions for noncompliance when tests are failed are determined by local jurisdictions. The Statewide 24/7 Coordinator provides statewide education on fidelity practices of the 24/7 Program, which includes swift and immediacy of sanctions when tests are failed. Best practices recommend that a sanction schedule be created to ensure the sanctions are equal to all.</p>
<p>Program Evaluation and Data</p>	
<p>Remove restrictions to the use of non-PII data elements collected on the crash report to allow highway safety partners to accurately identify locations of impaired driving crashes.</p>	<p>MDT does provide data related to roadway crashes statewide. MDT does provide County Level data on impaired driving crashes. MDT will continue to have internal discussions about making the crash data more accessible.</p>
<p>Utilize driver history to develop annual reports on impaired driving recidivism.</p>	<p>House Joint Resolution (HJ) 31 passed during the 2021 Session. HJ 31 was a study resolution on Criminal Justice Data in Montana. Senate Bill 11 (Generally Revise Criminal Justice Laws) aims to improve criminal justice data and may pave the way for increase access to tracking Driving Under the Influence Offenses and recidivism. Senate Bill 11 passed the Senate and House and is pending Governor's signature.</p>