



Impaired Driving Prevention Key Area

Meeting Agenda

Chair: Shannon Bryant, NV Traffic Safety Resource Prosecutor
Vice Chair: Meg Matta, Office of Traffic Safety

Date/Time: Thursday, February 23, 2023 | 1:30pm – 3:00pm

Dial-In/Online: 984-204-1608 | Click [here](#) to join online

Code: 180 343 058#

Agenda

- | | |
|---|-----------------------|
| 1. Welcome and Introductions | Shannon Bryant |
| 2. Notes from 11/17/22 Meeting | Shannon Bryant |
| 3. Data Update | |
| ○ Monthly Fatality Data | Lindsay Saner |
| ○ Traffic Records Coordinating Committee Update | Kevin Tice |
| 4. Nevada Advisory Committee on Traffic Safety Update | Andrew Bennett |
| 5. DPS-OTS Update | Amy Davey |
| 6. NDOT Update | Lacey Tisler |
| 7. LVMPD DUI Intervention Program | Officer Mike Thiele |
| 8. Sober 24 Alternative Sentencing | Sgt. Andrew Sherbondy |
| 9. Update on Strategies and Action Steps | Meg Matta |
| ○ <i>Impaired Driving Assessment Recommendations Report</i> | |
| 10. Open Discussion | Shannon Bryant |
| 11. Upcoming Meetings | Lindsay Saner |
| ○ NVACTS – Thursday, March 9, 2:00-4:00 pm | |
| ○ Next Meeting – Thursday, May 25, 1:30-3:00 pm | |

Attachments:

- A. Summary from 11/17/22 Impaired Driving Task Force Meeting
- B. Monthly Fatality Updates
- C. Impaired Driving Strategies and Action Steps
- D. Impaired Assessment Recommendations Report (DRAFT)



Impaired Driving Prevention Meeting Summary

Date/Time: Thursday, November 17, 2022

Chair: Shannon Bryant, NV Traffic Safety Resource Prosecutor (TSRP), Washoe County District Attorney

Vice Chair: Meg Matta, DPS OTS

Facilitator: Lindsay Saner, Kimley Horn

Attendees

- See attached.

Topics

- See attached Monthly Fatality Report (as of 10/31/22).
- Statewide crash data available at www.nevadacrashdata.com.
- Kevin Tice (DPS-OTS) provided an update from the Traffic Records Coordinating Committee (TRCC)
 - Laura Gryder and Emily Strickler presented on the STOP Citation Project and data linkages.
 - Matt Williams was elected vice chair at the September meeting.
 - Next TRCC Meeting is December 13.
 - Jay Park will be presenting on AI projects and how to assist with data.
- Zero Fatalities Campaigns
 - All campaign materials are available on <https://zerofatalitiesnv.com/>.
- OTS Updates
 - New grant season started October 1. Letters of Interest will be submitted in January and February 2023.
 - Will be tracking traffic safety related BDRs for 2023 Legislative Session.
- NDOT
 - Speed Management Action Plan is completed and posted on the NDOT website. The plan includes collaboration and actions for all E's for speed management.
- Nevada Advisory Committee on Traffic Safety (NVACTS):
 - NVACTS last met on September 8, 2022. Next meeting is December 8, 2022.
 - City of Las Vegas presented on Vision Zero.
 - Michael Scott Davidson from the Las Vegas Review Journal presented his findings on citations in southern Nevada.

- Strategies and Actions Update (see attached for update)
 - CARS Training was held in Las Vegas on October 11 for 13 attendees. Funded by a grant from responsibility.org, the training was instructed by Dr. Sarah Nelson.
 - NHTSA will be conducting an Impaired Driving Assessment for Nevada in Las Vegas from Jan 30 to Feb 2.
 - There will be a training on December 12 to access the new software.
 - **Action:** Please watch for questions for the assessment team. Invites will be sent out to those who will be participating in person in Las Vegas.
 - After the assessment, the state will receive a final report from the assessment team identifying gaps, weaknesses and opportunities for future projects.
 - Deborah Huff has been hired to provide additional DRE/ARIDE Training.
 - Joining Forces Impaired Driving Events – October 10-31, February 10-28 and June 30-July 21.
 - Judicial and Law Enforcement Training and Education
 - Electronic process for blood draw warrant approval and process (with pdf e-signature).
 - Collaborate on projects to train officers on the hearing process. Potential legislation to streamline administrative hearing process (similar to other states).

Actions

- Adam Anderson from OTS to provide “Substance Involved” data to share with the task force.
- Respond to impaired driving assessment questions before January.

Decisions

- Next meeting of the Impaired Driving Key Area Task Force will be **Thursday, February 23, 1:30-3:00pm.**

Links/Resources:

- [STRATEGIC HIGHWAY SAFETY PLAN - Zero Fatalities \(zerofatalitiesnv.com\)](https://zerofatalitiesnv.com/strategic-highway-safety-plan-zero-fatalities)
- [Nevada Advisory Committee on Traffic Safety - Zero Fatalities \(zerofatalitiesnv.com\)](https://zerofatalitiesnv.com/nevada-advisory-committee-on-traffic-safety-zero-fatalities)
- [2022 Traffic Safety Summit - Zero Fatalities \(zerofatalitiesnv.com\)](https://zerofatalitiesnv.com/2022-traffic-safety-summit-zero-fatalities)

Attachments:

- A. Statewide Monthly Fatality Data (as of 7/31/2022)
- B. Impaired Driving Strategies and Action Steps
- C. Substance Involved FARS Data

Impaired Driving

11/17/2022

Attendance

X	LastName	FirstName	Company	Email
	Alberti	Nicole	Washoe County Health District	nalberti@washoecounty.us
X	Anderson	Adam	Nevada Department of Public Safety Office of Traffic Safety	aanderson@dps.state.nv.us
	Astles	David	Washoe County Sheriffs Office-Forensic Science Division	DAstles@washoecounty.us
	Avila	Sergio	AAA Nevada	sergio.avila@nevada.aaa.com
	Barton	Solome	City of North Las Vegas - Office of Emergency Management	bartons@cityofnorthlasvegas.com
X	Bennett	Andrew	Clark County Office of Traffic Safety	andrew.bennett@clarkcountynv.gov
	Bensmiller	Bill	Federal Motor Carrier Safety Administration	william.bensmiller@dot.gov
	Botal	Daniela	Coark County 8th District DFUI Court	botald@clarkcountycourts.us
X	Bowers	Eddie	Nevada Department of Public Safety Highway Patrol	ebowers@dps.state.nv.us
	Brandenburg	Amanda	Nevada Department of Public Safety Office of Traffic Safety	abrandenburg@dps.state.nv.us
	Browett	Mike	Reno Police Department	browettm@reno.gov
X	Bryant	Shannon	Washoe County District Attorney	SBryant@da.washoecounty.gov
X	Cambron	Matt	Nevada Department of Public Safety Office of Traffic Safety	mcambron@dps.state.nv.us
	Campbell	Mike	Clark County School District Police Department	
X	Carpenter	Bryant	University Police Services, Southern Command	bryant.carpenter@unlv.edu
	Carrao	Shelley	Nevada Department of Public Safety Highway Patrol	scarrao@dps.state.nv.us
	Cass	Ruthi	Nevada Department of Transportation	rmcass@dot.nv.gov
	Catchings	Daysha	R&R Partners	daysha.catchings@rrpartners.com
X	Colety	Mike	Kimley-Horn	mike.colety@kimley-horn.com
	Colleton	Charlie	Nevada Restaurant Association	cbcolleton@gmail.com
	Cord	Zachary	Nevada Department of Motor Vehicles	zcord@dmv.nv.gov
	Cox	Dave	Nevada Department of Public Safety Highway Patrol	dcox@dps.state.nv.us
	Davey	Amy	Nevada Department of Public Safety Office of Traffic Safety	amy.davey@dps.state.nv.us
	Dietrich	Kurt	City of Reno	dietrichk@reno.gov
	Draper	Dianne	Nevada Department of Motor Vehicles	ddraper@dmv.nv.gov
	Draper	Heith	Carson City Towing	draper.heith77@gmail.com
	Edgell	Mike	Nevada Department of Public Safety Highway Patrol	medgell@dps.state.nv.us
	Espinosa-Salcedo	Gina	National Highway Traffic Safety Administration	Gina.Espinosa-salcedo@dot.gov
X	Farmer	Michelle	Nevada Department of Public Safety Office of Traffic Safety	mfarmer@dps.state.nv.us
	Fassette	Timothy	City of Henderson Police Department Crime Lab	timothy.fassette@cityofhenderson.com
	Fatalities NV	Zero	Kimley-Horn	zerofatalitiesnv@kimley-horn.com
	Fenlason	Richard	Nevada Department of Health and Human Services	rfeenlason@health.nv.gov
	Fulwiler	Cody	Las Vegas Metropolitan Police Department	C9167F@LVMPD.COM
	Galicia	John	University of Nevada Reno Police	jgalicia@police.unr.edu
	Garcia	Adam	University of Nevada Las Vegas	adam.garcia@unlv.edu
	Garcia	Sabas	Federal Motor Carrier Safety Administration	sabas.garcia@dot.gov
	Giacomin	David	Kimley-Horn	david.giacomin@kimley-horn.com
	Grimes	Patrick	The National Judicial College	pgrimes@judges.org
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	Henning	Brandon	Nevada Department of Transportation - Safety	bhenning@dot.nv.gov
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	Honea	Rob	Nevada Department of Public Safety Office of Traffic Safety	rhonea@dps.state.nv.us
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	Jackson	Tamrah	Nevada Department of Public Safety Highway Patrol	tljackson@dps.state.nv.us
	Jacobi	Katherine	Nevada Restaurant Association	kjacobi@nvrestaurants.com
	Johnson	Jessica	Southern Nevada Health District	johnsonjes@snhdmail.org
	Johnson	Elliott	Washoe County Court	elliott.johnson@washoecourts.us
	Jones	Danny	Statewide Traffic Safety & Signs	djones@stssi.com
	Koch	Natasha	Nevada Department of Public Safety Highway Patrol	nkoch@dps.state.nv.us
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Impaired Driving

11/17/2022

Attendance

	Krupp	Carrie	Nevada Department of Public Safety Office of Traffic Safety	clkrupp@dps.state.nv.us
	Kurthar	Adrea	Tribal Project	
	Lam	Irene	City of Henderson	Irene.Lam@cityofhenderson.com
	Laney	Tonya	Nevada Department of Motor Vehicles	tlaney@dmv.nv.gov
	Lara	Rebecca	Mothers Against Drunk Driving (MADD)	rebecca.lara@madd.org
	Lawrence	Elizabeth	Carson City 1st DC - Dept Alternative Sentencing	elawrence@carson.org
	Linzsey	Tia	Nevada Department of Motor Vehicles	tlinzsey@dmv.nv.gov
	Lovett	James	Kirk Kerkorian School of Medicine at UNLV	lovettj6@unlv.nevada.edu
	Maczka	Steve	Nevada Department of Public Safety Division of Parole &	smaczka@dps.state.nv.us
	Mager	Stephie	Victim Advocate	stephienv1@hotmail.com
	Mager	Jerry	Victim Advocate	
	Marks	Sarah Lee	SMARTeen DRIVER/My Car Lady & ABS Inc.	sarahlee@mycarlady.com
	Martinovich	Susan	HNTB	msmartinovich@hntb.com
X	Mata	Judith	Nevada Department of Public Safety Office of Traffic Safety	jmata@dps.state.nv.us
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X	May Noel	Tiffani	Nevada Department of Public Safety Office of Traffic Safety	tmay@dps.state.nv.us
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	McJoy	Eric	One Stop Breathalyzer, LLC	info@onestopbreathalyzer.com
X	Melendy	Anastacia	Washoe County Sheriffs Office Forensic Science Division	amelendy@washoecounty.gov
	Miller	Debbie	Nevada Department of Public Safety - Office of Traffic Safety	d.miller@dps.state.nv.us
	Mirman	Barbara	Not Associated with a Business	barbmirman@yahoo.com
	Moldowan	Kaela	Not Associated with a Business	
	Montero	Michael	Sixth Judicial District Court	judge.monteronvjol@gmail.com
X	Morris	Jan	Tribal Court	jwmorris@judges.org
	Morrison	Johnean	Nevada Department of Public Safety Office of Traffic Safety	jjmorrison@dps.state.nv.us
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	Mueller	Kara	National Highway Traffic Safety Adminstration	kara.mueller@dot.gov
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	Murga	Kim	Las Vegas Metropolitan Police Department	
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X	Oslund	Laura	PACE Coalition	laura@pacecoalition.org
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	Payne	Jeff	Driver's Edge	jeff@driversedge.org
	Pearson	Amanda	Las Vegas Justice Treatment Court	amanda.pearson@clarkcountynv.gov
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	Price	Chelsea	Medmen	Chelsea.price@medmen.com
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X	Rhoads	Daryl	Las Vegas Metropolitan Police Department	d6601r@lvmpd.com
	Rivers	Bernie	Nevada Barricade & Sign Co., Inc.	
	Robinson	Susan	The National Judicial College	susanrobinson@judges.org
	Rodriguez	Chris	Medmen	chris.rodriguez@medmen.com
	Rotar	Dasha	Kimley-Horn	dasha.rotar@kimley-horn.com
X	Saner	Lindsay	Kimley-Horn	lindsay.saner@kimley-horn.com
	Satowski	Kenneth	RTC of Southern Nevada	satowskik@rtcnsnv.com
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	Schwarz	Chris	RTC of Southern Nevada	schwarzc@rtcnsnv.com
	Shakal	Fred	Nevada Department of Transportation	fshakal@dot.nv.gov
	Smith	Gary	Nevada Department of Public Safety Highway Patrol	gsmith@dps.state.nv.us
	Smith	Casey	Nevada Department of Transportation	cjsmith@dot.nv.gov
	Smith	Kim	Nevada Department of Public Safety	ky.smith@dps.state.nv.us
X	Sonneville	Kailie	Nevada Department of Public Safety - Office of Traffic Safety	k.sonneville@dps.state.nv.us
	Stacy	Elizabeth	Carson City District Courts	estacy@carson.org
	Stoddard	David	Las Vegas Metropolitan Police Department	d7419s@lvmpd.com
X	Strickler	Emily	Kirk Kerkorian School of Medicine at UNLV	emily.strickler@unlv.edu
	Stuenkel	Chelsea	Nevada Department of Public Safety Highway Patrol	cstuenkel@dps.state.nv.us
	Stypa	Michael	Las Vegas Metropolitan Police Department	M8652S@LVMPD.COM
X	Suffecool	Terri	Las Vegas Metropolitan Police Departmen	T13316S@lvmpd.com
	Swain	Genevieve	Nevada Department of Public Safety Office of Traffic Safety	g.swain@dps.state.nv.us

Impaired Driving

11/17/2022

Attendance

	Swain	Scott	Nevada Department of Public Safety Office of Traffic Safety	sswain@dps.state.nv.us
	Sylvester	Casey	Nevada Department of Transportation	csylvester@dot.nv.gov
	Taylor	Glen	Nevada Department of Public Safety Office of Traffic Safety	gtaylor@dps.state.nv.us
	Thompson	Sarah	2nd Judicial District Court	sarah.thompson@washocourts.us
	Thompson	July	Duckwater Shoshone Tribe	dst_injurypreventionspecialist@outlook.
X	Tice	Kevin	Nevada Department of Public Safety Office of Traffic Safety	ktice@dps.state.nv.us
X	Tisler	Lacey	Nevada Department of Transportation	ltisler@dot.nv.gov
	Trauger	Donna	Concerned Citizen	agranolachic@gmail.com
	Trice	Shannon	National Highway Traffic Safety Administration	shannon.trice@dot.gov
	Triplett	Matthew	City of Las Vegas	mtriplett@lasvegasnevada.gov
	Tuddao	Jaime	Nevada Department of Transportation - Safety	jtuddao@dot.nv.gov
	Unterbrink	Colleen	Nevada Department of Transportation	crunterbrink@dot.nv.gov
	Valdez	Lindsey	Mothers Against Drunk Driving (MADD)	lindsey.valdez@madd.org
	Vander Aa	Peter	Nevada Department of Public Safety Office of Traffic Safety	pvanderaa@dps.state.nv.us
	Villaluz	Paul	Westwood	pvillaluz@shg-inc.com
	Wade	David	Not Associated with a Business	dublindave@sbcglobal.net
	Watkins	Sandy	Community Against Reckless Driving	watkinshome007@yahoo.com
X	White	Shawn	Nevada Highway Patrol - Southern Command	
	White	William	Nevada Department of Public Safety Highway Patrol	wwhite@dps.state.nv.us
	White	Brennan	Mothers Against Drunk Driving	brennan.white@madd.org
	Williams	Niguel	Nevada Rider Motorcycle Safety	niguelwilliams@msn.com
	Wood	Timber	Nevada Department of Transportation	twood@dot.nv.gov

DATE OF REPORT: 2/6/2023
DATA AS OF: 1/31/2023

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR, NDOT TRAFFIC ENGINEERING, FHWA, LAW ENFORCEMENT AGENCIES
FROM: THE OFFICE OF TRAFFIC SAFETY, STATE FATAL DATA
SUBJECT: PREPARED BY: ADAM ANDERSON, FARS ANALYST
FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

Month	2022 Crashes	2023 Crashes	% Change	Month	2022 Fatalis	2023 Fatalis	% Change
JAN	17	25	47.06%	JAN	28	25	-10.71%
FEB			0.00%	FEB			0.00%
MAR			0.00%	MAR			0.00%
APR			0.00%	APR			0.00%
MAY			0.00%	MAY			0.00%
JUN			0.00%	JUN			0.00%
JUL			0.00%	JUL			0.00%
AUG			0.00%	AUG			0.00%
SEP			0.00%	SEP			0.00%
OCT			0.00%	OCT			0.00%
NOV			0.00%	NOV			0.00%
DEC			0.00%	DEC			0.00%
Reporting Period Total	17	25	47.06%	Reporting Period Total	28	25	-10.71%
Total				Total			

KNOWN FATAL COMPARISON BETWEEN 2022 AND 2023.

COUNTY	2022 Crashes	2023 Crashes	% Change	2022 Fatalities	2023 Fatalities	% Change	2022 Occupants	2023 Occupants	% Change	2022 Unrestrained	2023 Unrestrained	% Change
CARSON	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	0	0.00%
CHURCHILL	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
CLARK	14	18	28.57%	25	18	-28.00%	17	7	-58.82%	5	4	-20.00%
DOUGLAS	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ELKO	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	1	100.00%
LANDER	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LINCOLN	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	1	100.00%
LYON	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	1	100.00%
MINERAL	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
NYE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
PERSHING	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	1	2	100.00%	1	2	100.00%	0	0	0.00%	0	0	0.00%
WHITE PINE		1	100.00%		1	100.00%		1	100.00%		0	0.00%
Reporting Period Total	17	25	47.06%	28	25	-10.71%	19	12	-36.84%	6	7	16.67%
Total												

KNOWN COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2022 AND 2023.

COUNTY	2022 Pedestrian	2023 Pedestrian	% Change	2022 Motorcyclist	2023 Motorcyclist	% Change	2022 Bicyclist	2023 Bicyclist	% Change	2022 Other Scooter, Moped, ATV	2023 Other Scooter, Moped, ATV	% Change
CARSON	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
CHURCHILL	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
CLARK	6	8	33.33%	2	2	0.00%	0	1	100.00%	0	0	0.00%
DOUGLAS	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ELKO	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LANDER	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LINCOLN	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LYON	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
MINERAL	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
NYE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
PERSHING	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
STOREY	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	1	2	100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Reporting Period Total	7	10	42.86%	2	2	0.00%	0	1	100.00%	0	0	0.00%
Total												

THIS REPORT IS A POINT IN TIME COMPARISON
THIS DATA DOES NOT INCLUDE DATA FIELDS MARKED BY THE OFFICER AS UNKNOWN.
2022 DATA IS PRELIMINARY AND DOES NOT NECESSARILY INCLUDE FINAL REPORTS (FORM 5, CORONER, AND/OR TOXICOLOGY).
2023 DATA IS NOT FINAL UNTIL THE END OF DECEMBER 2024.
NOTE: The monthly report will be distributed by the 7th of each month.

Key: Fatalities= Total number of reported fatalities (vehicle occupants, pedestrian, motorcyclist, bicyclist, and other).
Vehicle Occupants = Driver and occupant fatalities in a motor vehicle.
Vehicle Unrestrained = Driver and occupant fatalities in a motor vehicle unrestrained.
Pedestrian = Any person on foot, on a personal conveyance, or in a building.
Motorcyclist= A person riding any motor vehicle that has a seat or saddle for the use of its operator and is designed to travel on not more than three wheels in contact with the ground.
Bicyclist= A person on an other road vehicle that can be propelled by pedaling (bicycle, tricycle, unicycle, pedalcar, electric bike).
Other = A person on a scooter, moped, ATV, or other motorized vehicle not captured above on a roadway.

DATE OF REPORT: 2/6/22

REPORTING PERIOD: January 1-September 30, 2021-2022

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR, NDOT TRAFFIC ENGINEERING, FHWA, LAW ENFORCEMENT AGENCIES

FROM: THE OFFICE OF TRAFFIC SAFETY, STATE FATAL DATA

PREPARED BY: ADAM ANDERSON, FATAL ANALYST

SUBJECT: SUBSTANCE INVOLVED FATALITIES BY COUNTY, MONTH, YEAR AND PERCENT CHANGE.

Key: Alcohol= Alcohol involved only
 Marijuana= Marijuana involved only
 Other Drug= Other single drug involved not including marijuana
 Poly-Substance= Any combination of involved drug(s) and/or alcohol

Important: Alcohol data reflects .08 or greater BACs.
 Marijuana, Other Drug, and Poly-Substance data reflects **any** amount of reported substance.
 Any Marijuana is a subset of Poly-Substance
 The data reflects the presence of substances (per NRS 484c.080) for the driver, pedestrian, motorcyclist, bike, and/or other (scooter, moped, atv) that were involved in the fatal crash; however, not necessarily the fatality.

COUNTY	2021 Crashes	2022 Crashes	% Change	2021 Fatalities	2022 Fatalities	% Change	2021 Alcohol	2022 Alcohol	% Change	2021 Marijuana	2022 Marijuana	% Change	2021 Other Drug	2022 Other Drug	% Change	2021 Poly- Substance	2022 Poly- Substance	% Change	2021 Any Marijuana	2022 Any Marijuana	% Change
CARSON	2	2	0.00%	2	2	0.00%	0	1	100.00%	0	1	100.00%	0	0	0.00%	2	0	-100.00%	2	1	-50.00%
CHURCHILL	5	1	-80.00%	5	1	-80.00%	1	1	0.00%	2	0	-100.00%	0	0	0.00%	2	0	-100.00%	3	0	-100.00%
CLARK	99	84	-15.15%	107	99	-7.48%	21	21	0.00%	13	13	0.00%	7	6	-14.29%	62	52	-16.13%	55	40	-27.27%
DOUGLAS	3	3	0.00%	3	3	0.00%	2	2	0.00%	0	0	0.00%	0	0	0.00%	1	1	0.00%	0	0	0.00%
ELKO	3	1	-66.67%	3	1	-66.67%	0	0	0.00%	0	0	0.00%	0	0	0.00%	4	1	-75.00%	2	1	-50.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	2	1	-50.00%	2	1	-50.00%	2	1	-50.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LANDER	0	1	100.00%	0	3	300.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	1	100.00%	0	1	100.00%
LINCOLN	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LYON	7	1	-85.71%	9	1	-88.89%	2	0	-100.00%	1	0	-100.00%	1	0	-100.00%	3	1	-66.67%	2	0	-100.00%
MINERAL	2	0	-100.00%	3	0	-100.00%	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%	1	0	-100.00%
NYE	7	2	-71.43%	10	2	-80.00%	1	0	-100.00%	1	1	0.00%	2	0	-100.00%	3	1	-66.67%	2	1	-50.00%
PERSHING	1	2	100.00%	1	2	100.00%	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	2	200.00%	1	1	0.00%
STOREY	0	1	100.00%	0	1	100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
WASHOE	22	18	-18.18%	22	18	-18.18%	4	4	0.00%	8	2	-75.00%	1	2	100.00%	11	10	-9.09%	14	8	-42.86%
WHITE PINE	2	0	-100.00%	2	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%	1	0	-100.00%	1	0	-100.00%
TOTAL FOR REPORTING PERIOD	155	117	-24.52%	169	134	-20.71%	35	31	-11.43%	27	17	-37.04%	11	8	-27.27%	89	69	-22.47%	83	53	-36.14%

THIS DATA DOES NOT INCLUDE FIELDS MARKED BY THE OFFICER AS UNKNOWN.

2022 DATA IS PRELIMINARY AND DOES NOT NECESSARILY INCLUDE FINAL REPORTS, AS SUCH, DATA IS SUBJECT TO CHANGE.

2021 DATA WILL BE FINAL AT THE END OF DECEMBER 2022.

	2021 Total Crashes	2021 Total Fatalities	2022 Total Crashes	2022 Total Fatalities
	267	288	250	271
% Substance Involved	58.05%	58.68%	46.80%	49.45%


Key Area: Impaired Driving Prevention (IDP)

Critical Emphasis Area: Impaired Driving (ID)

Strategy #1: Enhance driving under the influence (DUI) deterrence through improved criminal justice system response.





No.	Description	Action Step Leader	Completion (Est.)	Last Update	Status	Output Measure	Comment
1.1 (New)	Drug Recognition Expert Call-Out Program	Todd Hartline (DPS-OTS) Rob Honea (DPS-OTS)	Dec 2022	06/16/2022	<div><div></div></div> Substantial Progress	Program development, number of times implemented, cumulative statistics.	NHP has been using the grant but not as much as anticipated. They will not be applying for the grant in 2023 but said they will continue with the callouts within their regular operating budget.
1.1	Enhance law enforcement training in alcohol and drug detection and equipment training.	Shannon Bryant (TSRP) Meg Matta (DPS-OTS) Rob Honea (DPS-OTS)	Jan 2022	11/11/2021	<div><div></div></div> Cancelled	N/A	removed due to redundant output measure with 2.3.
1.10	Implement recommendations from the 2020 Nevada Forensic Toxicology Lab Assessment.	Shannon Bryant (TSRP)	Dec 2022	08/10/2021	<div><div></div></div> Not Started	Implement recommendations.	N/A

1.2	Pursue legislation or rule change to mandate substance abuse assessments for all DUI offenders.		Jun 2023	06/16/2022	 Moderate Progress	Legislative or rule change to implement.	Through work done by the Consortium on DUI Curricula, revisions to NAC 458 were submitted to a) increase the minimum number of hours of the DUI Course from 8-12, b) Curricula limited to those established by DMV or a single statewide curriculum, c) Instructors licensed through the BOE for CADC, LADC, LCADC. They are currently in review in Division rulemaking in Carson City.
1.3	Expand ignition interlock usage by DUI offenders and revise requirements to eliminate loopholes in sanction application.	Dani Hafeman (DPS-OTS)	Jun 2023	11/11/2021	 Moderate Progress	Number of DUI offenders installing ignition interlocks. Revise ignition interlock requirements.	Dani has been in contact with Parole & Probation and gotten information out to the DUI adjudicators. Channels of communication have been opened in regard to how the violations are going to be addressed. She is also in the process of getting the regulations finalized to start having workshops with the key stakeholders.
1.4	Expand 24/7 Sobriety Program to Clark County.	Rob Honea (DPS-OTS)	Dec 2022	06/16/2022	 Not Started	Implement a 24/7 program in Clark County.	There has been no update on this program at all. Need the help of the SJOL to help it along.



1.5	Support capacity of DUI Courts in Nevada and support education on best practices	Meg Matta (DPS-OTS)	Dec 2022	06/16/2022	 Substantial Progress	Recidivism rates	<p>The AOC has begun gathering statewide data on DUI court recidivism data. The first output showed a statewide recidivism rate of 15%, which is about the national average. Plans are underway to train DUI courts on the use of the CARS screening and assessment tool. Separate trainings will be held for the judges, and for the case managers/coordinators, hopefully in the early part of next year.</p>
1.6	Improve the ability of the criminal justice system to effectively and appropriately manage impaired driving cases through coordination and education directed to prosecutors, toxicologists, law enforcement, and judges.	Shannon Bryant (TSRP)	Jun 2022	06/16/2022	 Not Started	Conduct trainings for law enforcement, prosecutors, joint law enforcement/prosecutors. Work with JOL to train judges. Develop online database of recorded and printed media (video presentations and brief banks). Present to judicial conferences.	<p>Intoxilyzer 8000 is no longer being produced. We can continue to use them as long as they work. Gas cartridges that are used to calibrate the units, and mouthpieces will continue to be available; however other parts that may need replacement will grow scarce. NHTSA's approved list includes the newer 9000 model and some other devices. Nevada's Committee on Testing has not updated at this point. There is a shortage of glass blood test tubes.</p>

1.7	Work together with NHTSA Region 8 JOL to strengthen ties with the Nevada DUI Courts.	Meg Matta (DPS-OTS)	Dec 2022	06/16/2022	 Initiated	Increase meetings and collaboration.	Currently engage in quarterly meetings with the Region 8 JOL, the State JOL and OTS. Focus is on improvements on assessments of DUI offenders and sentencing. Focus on including SAFE System with focus on use of CARS and evidence-based curriculum for DUI offenders that includes early intervention strategies. Concerns re: slow test results from laboratories.
1.8	Establish and support a Nevada State JOL position.	Meg Matta (DPS-OTS)	Dec 2021	11/11/2021	 Completed	Establishment of a new program.	Judge Douglas Hedger is the State Judicial Outreach Liaison (JOL) for Nevada (through the American Bar Association).
1.9	Establish and support a Tribal Court Liaison.	Meg Matta (DPS-OTS)	Dec 2021	11/11/2021	 Completed	Establishment of a new program.	Judge Jan Morris is serving as the Tribal Court Liaison for Nevada.



Strategy #2: Support training and education for law enforcement agencies and commit to high-visibility DUI enforcement.

No.	Description	Action Step Leader	Completion (Est.)	Last Update	Status	Output Measure	Comment
2.1	Continue HVE DUI saturation patrols.	Carrie Krupp (DPS-OTS) Meg Matta (DPS-OTS)	Jun 2022	06/16/2022	 Substantial Progress	N/A	More frequent DUI saturation patrols are scheduled for this grant period, and data will be combined to produce one picture for the state.
2.2	Continue Joining Forces integrated impaired driving and seatbelt enforcement.	Carrie Krupp (DPS-OTS)	Jun 2022	11/11/2021		N/A	On-going Joining Forces events.
2.3	Support and expand DRE and ARIDE training.	Rob Honea (DPS-OTS)	Dec 2022	11/11/2021	 Substantial Progress	Number of officers trained in DRE and ARIDE; also in interlock, Intoxilyzer and phlebotomy	We had a DRE class in April with 8 new officers being certified. Also, 2 new DRE instructors completed their certification. LVMPD is putting on 2 (in house) ARIDE classes this week, I do not have a number of officers enrolled at this point. The DPS Academy ARIDE block is being held July 5th and 6th and these students from outside agencies will attend on those dates. My DRE School is scheduled for July 11-23 in Reno.
2.4	Public awareness of impaired driving enforcement efforts.		Dec 2022	11/11/2021	 Initiated	Track public information or outreach efforts that focus on impaired driving.	PIO Position currently vacant.
2.5	Sustain Law Enforcement Liaison (LEL) program.		Dec 2025	06/16/2022	 Completed	N/A	Accomplished. There are two LELs on staff, one for the north and one for the south.

Strategy #3: Improve understanding of impaired driving issues through better data.

No.	Description	Action Step Leader	Completion (Est.)	Last Update	Status	Output Measure	Comment
3.1	Improve alcohol- and drug-impaired driving data and testing.	Meg Matta (DPS-OTS)	N/A	11/12/2021	 Initiated	Establish a process to collect more alcohol and drug related data.	New efforts to focus in on the number of DUI charges that are pled down to reckless driving, and possibly identify where the problems occur.
3.2	Obtain DUI court data on caseloads and recidivism.	Jan Morris (NTJC) Meg Matta (DPS-OTS)	Dec 2022	06/16/2022	 Moderate Progress	Improved data on DUI court outcomes, or clarity on the overall percentage of DUI cases referred to specialty court	Judge Morris has been actively meeting with tribal courts, some of which are quite are modest with miniscule caseloads, and individuals who are interested in learning more about DUI courts and other alternatives to incarceration possibly coordinating tribal programs and treatment services with state courts and vice versa. There is interest in creating tribal resources that could serve the urban Indian population in Las Vegas. Also interest in southern Nevada for culturally informed tribal services that could possibly extend beyond impaired driving to address other substance-use-involved criminal behavior.

Strategy #4: Improve primary prevention efforts aimed at driving under the influence or riding with an impaired driver.

No.	Description	Action Step Leader	Completion (Est.)	Last Update	Status	Output Measure	Comment
4.1	Expand programmatic efforts toward DUI prevention.	Meg Matta (DPS-OTS)	Dec 2022	06/16/2022	 Moderate Progress	Implement additional programs to address prevention	A pilot program will be underway in the Reno Justice Court beginning October 1. The program will have a test group of an estimated 1200 DUI Court participants using evidence-based curricula vs the control group using current curricula. Evaluations will include pre/posttests, recidivism data tracked by the AOC, and surveys of participants for qualitative information.
4.2	Provide education to young drivers regarding impaired driving.	Nick Nordyke (DPS-OTS)	Dec 2022	11/12/2021	 Moderate Progress	Prevention efforts aimed at populations and areas at greatest risk	End date was updated to 12-31-2022.



STATE OF NEVADA

Impaired Driving Program Assessment

January 30 – February 3, 2023

Technical Assessment Team

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Robert P. Lillis

Don Nail

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TABLE OF CONTENTS

<u>ACKNOWLEDGEMENTS</u>	3
<u>INTRODUCTION</u>	4
<u>STATE BACKGROUND</u>	5
<u>PRIORITY RECOMMENDATIONS</u>	7
<u>I. Program Management and Strategic Planning</u>	9
<u>A. State and Tribal DWI Task Forces or Commissions</u>	9
<u>B. Strategic Planning</u>	12
<u>C. Program Management</u>	15
<u>D. Resources</u>	20
<u>II. Prevention</u>	22
<u>A. Responsible Alcohol Service</u>	22
<u>B. Community-Based Programs</u>	26
<u>B-1. Schools</u>	26
<u>B-2. Employers</u>	28
<u>B-3. Community Coalitions and Traffic Safety Programs</u>	29
<u>B-4. Transportation Alternatives</u>	30
<u>III. Criminal Justice System</u>	32
<u>A. Laws</u>	32
<u>B. Enforcement</u>	39
<u>C. Prosecution</u>	50
<u>D. Adjudication</u>	54
<u>E. Administrative Sanctions and Driver Licensing Programs</u>	59
<u>E-1. Administrative License Revocation and Vehicle Sanctions</u>	59
<u>E-2. Driver Licensing Programs</u>	61
<u>IV. Communication Program</u>	65
<u>V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation</u>	69
<u>A. Screening and Assessment</u>	69
<u>A-1. Criminal Justice System</u>	70
<u>A-2. Medical and Other Settings</u>	71
<u>B. Treatment and Rehabilitation</u>	73
<u>VI. Program Evaluation and Data</u>	76
<u>A. Evaluation</u>	76
<u>B. Data and Records</u>	78
<u>C. Driver Records Systems</u>	81
<u>APPENDIX</u>	82
<u>ON-SITE AGENDA</u>	83
<u>ASSESSMENT TEAM CREDENTIALS</u>	86

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The Impaired Driving Program Assessment Team acknowledges and thanks Amy Davey, Nevada Office of Traffic Safety Director, for her assistance in making this assessment possible. The team would also like to acknowledge Meg Matta for her efforts and support in bringing this assessment process together.

The team would like to thank the National Highway Traffic Safety Administration (NHTSA) for helping to give a national and regional perspective and support to the assessment. The assessment process was facilitated by Caroline Cash, Senior Highway Safety Specialist, with support from NHTSA Region 8 Program Manager, Shannon Trice. The team wishes to commend Belinda Oh, Administrative Assistant, for her assistance coordinating and managing the production of the final report and support to the team.

This report is based on a review of the State's Impaired Driving Program. It is intended to assist Nevada's efforts to enhance the effectiveness of its impaired driving program by equipping the criminal justice community, prevention and treatment leaders, and law enforcement officials with the knowledge and skills to protect the citizens of Nevada from those who drive impaired.

The team thanks each of the participants for their time and energy invested in preparing and delivering their remarks. Their candor and thoroughness in discussing their activities to target impaired driving in Nevada greatly assisted the team in conducting a complete review.

The team believes that this report will contribute to the State's efforts to enhance the effectiveness of its impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Nevada's roadways, and commends all who are involved in the day-to-day efforts to reduce impaired driving in Nevada.

INTRODUCTION

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce alcohol-related traffic crashes and subsequent fatalities and injuries, NHTSA offers Highway Safety Program Assessments to the States.

The Highway Safety Program Assessment process is an assistance tool that allows management to review various highway safety and emergency medical services (EMS) programs. Program assessments are provided for EMS, occupant protection, impaired driving, traffic records, motorcycle safety, police traffic services, drivers education, and pedestrian and bicycle safety. The highway safety and EMS program assessments provide an organized approach, along with well-defined procedures, that States can use to meet these objectives. The assessments are cooperative efforts among state highway safety offices, state EMS offices, and NHTSA. In some instances, the private sector is also a partner in the effort.

Program assessments are based on the “Uniform Guidelines for State Highway Safety Programs,” which are required by Congress and periodically updated through a public rulemaking process. For each highway safety program area, the criteria against which each state program is assessed have been developed through use of the uniform guidelines, augmented by current best practices.

NHTSA staff facilitates the assessment process by assembling an assessment team, a team of experts composed of individuals who have demonstrated competence in impaired driving program development and evaluation, to review all components of the State’s program, note the program’s strengths and accomplishments, and note where improvements can be made. The assessment can be used as a management tool for planning purposes and for making decisions about how to best use available resources.

The State of Nevada requested NHTSA’s assistance in assessing the State’s alcohol and drug impaired driving countermeasures program to comply with 23 CFR 1200.23 promulgated under Moving Ahead for Progress in the 21st Century (MAP-21) to qualify for the Impaired Driving Countermeasures Grant. Under MAP-21, states that have an average impaired driving fatality rate that is 0.60 or higher are considered high-range states. Nevada is considered a low-range state and is therefore not required but wished to conduct a NHTSA-facilitated assessment of the State’s impaired driving program.

The Nevada Impaired Driving Program Assessment was conducted at the Hampton Inn, Tropicana in Las Vegas, NV from January 30 to February 3, 2023. Under the direction of Meg Matta, arrangements were made for program experts (see On-site Agenda) to deliver briefings and provide support materials to the team on a wide range of topics over a two-day period.

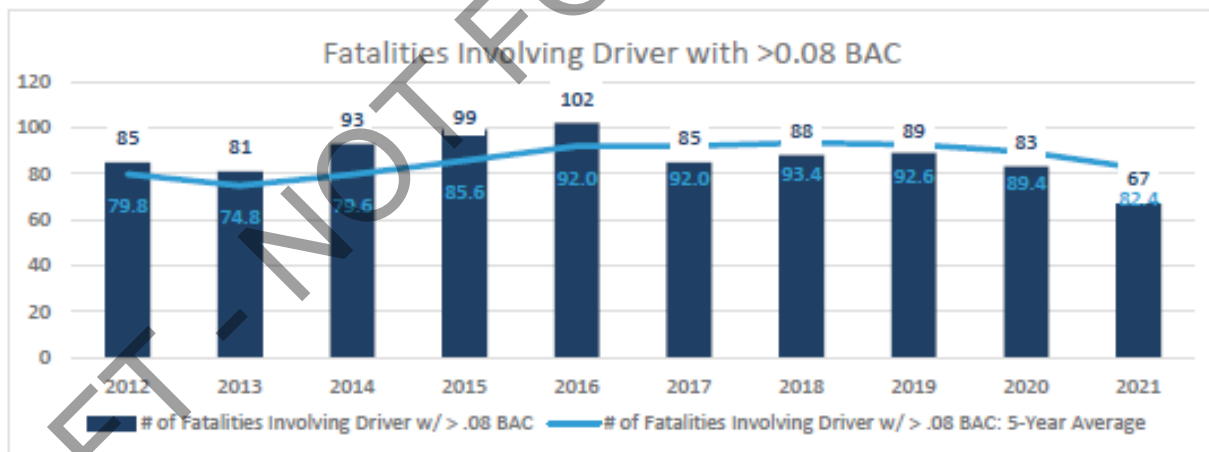
STATE BACKGROUND

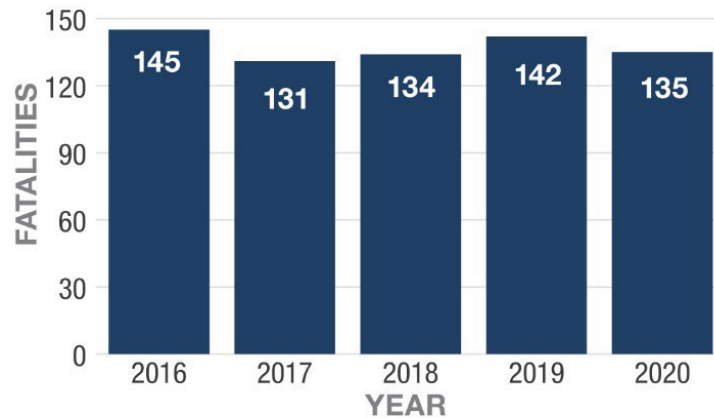
Nevada is geographically located in the Western region of the Nation. According to the Census, Nevada has a population of 3,146,402 (July 1, 2021). Residents are distributed over 17 counties. Approximately 73 percent of the population is white, 10.6 percent is Black or African American alone, 9.1 percent is Asian alone, and the remaining population is spread between Native Hawaiian and Other Pacific Islander, American Indian and Alaska Native alone, and other.

Nevada is the seventh largest state in the union by virtue of its vast land mass, occupying approximately 110,540 square miles of land, or about 70 million acres. The federal government owns or manages approximately 87 percent of the land mass, with nearly 50 million acres managed by the Bureau of Land Management, another five million managed by the United States Forest Service and the remaining five million acres divided among various military installations, Native American reservations, wilderness areas, and wildlife refuges. Nevada is home to 19 federally recognized Native American Tribes.

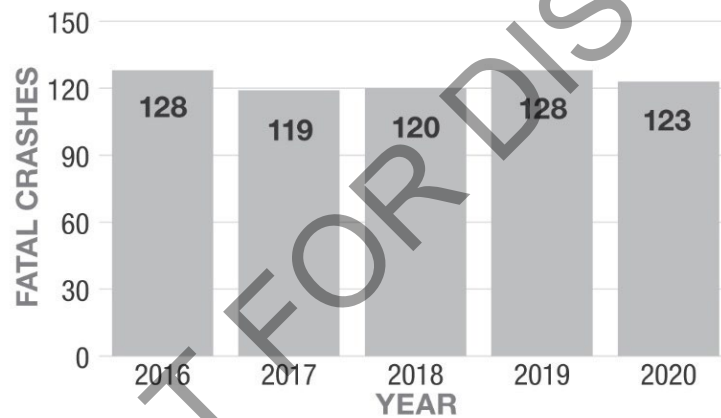
The median age in Nevada is approximately 38.2 years. The ratio of females to males is approximately 49.6 percent females to 50.4 percent males. The total number of licensed drivers in Nevada is 2,054,421, with 1,050,571 (51.15%) males and 1,003,670 (48.85%) females.

Nevada is on track to meet its 2022 performance target for alcohol impaired fatalities from the FY 2022 Highway Safety Plan of a five-year average of 74.2 fatalities for the years 2018 to 2022. As shown in the chart below, Nevada's alcohol impaired annual fatality number of 67 for 2021 is below the 2022 target.





Between 2016 to 2020, the number of impaired driving fatalities and fatal crashes generally decreased. A total of 687 fatalities and 618 fatal impaired driving crashes occurred on Nevada roadways during this period.



From 2016 to 2020, 39 percent of fatal impaired driving crashes occurred on Saturdays and Sundays. The most reported month of the year for fatal impaired driving crashes was September.

PRIORITY RECOMMENDATIONS

I. Program Management and Strategic Planning

- Expand membership of the Impaired Driving Task Force to include representatives from the military, National Park Service, rural road safety groups, and faith-based organizations.
- Support existing multi-agency law enforcement *Driving Under the Influence (DUI) Strike Forces* and explore opportunities to establish new teams where there is evidence that the teams can make a significant impact on reducing impaired driving crashes.

II. Prevention

- None

III. Criminal Justice System

- Enact legislation that requires Driving Under the Influence first offenders to be evaluated for alcohol or drug dependency and treated if necessary.
- Amend legislation to require consideration of a person's entire prior Driving Under the Influence (DUI) case history for subsequent case charging, and eliminate provisions that allow a DUI conviction to "fall off" a driving record after seven years.
- Revise the structure of the Drug Evaluation and Classification Program (DRE Program) to reduce the number of state coordinators to one and consider implementing in-state regional coordinators in lieu of dual state coordinators.
- Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to reckless driving or a lesser offense be made part of the record and count as an impaired driving offense.
- Provide annual mandatory judicial education on impaired driving case adjudication to all trial court judges.
- Execute a thorough examination of the practice of sentence reductions and establish data-driven uniformity of terms, appropriate monitoring of offenders, and enforcement of terms.

IV. Communication Program

- None

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation

- Screen and evaluate all driving under the influence offenders for alcohol and other substance abuse and dependency and need for treatment.
- Develop a DUI tracking system that connects data from the point of offense through completion of treatment programs.

VI. Program Evaluation and Data

- Require ignition interlock device providers to submit violation reports to the Nevada Highway Patrol and appropriate members of the judiciary and impose consequences for offender failures.
- Develop a DUI tracking system that connects data from the point of offense through completion of treatment programs.

I. Program Management and Strategic Planning

Effective impaired driving programs begin with strong leadership, sound policy development, effective and efficient program management, and coordinated planning, including strategic planning. Program efforts should be data-driven, focusing on populations and geographic areas that are most at risk; are evidence-based; and determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification, carefully managed and monitored for effectiveness, and have clear measurable outcomes. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers. Strategic planning should provide policy guidance; include recommended goals and objectives; and identify clear measurable outcomes, resources, and ways to overcome barriers.

A. State and Tribal DWI Task Forces or Commissions

Advisory

States and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment, and coordination among all parties interested in impaired driving issues. State-level and tribal task forces and commissions should:

- Receive active support and participation from the highest levels of leadership, including the governor and/or governor's highway safety representative.*
- Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, education, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy, and other community groups; and others.*
- Recommend goals and objectives, provide policy guidance and identify available resources, based on a wide variety of interests and through leveraging opportunities.*
- Coordinate programs and activities to ensure that they complement rather than compete with each other.*
- Operate continuously, based on clear authority and direction.*

Status

The Nevada Office of Traffic Safety (OTS), a Division of the Department of Public Safety (DPS), is the federally recognized highway safety office in Nevada. The Director of DPS serves as the Governor's Highway Safety Representative (GR). The Director is appointed by the Governor of Nevada and operates under the authority and direction of the Governor. The Governor is committed to *Zero Fatalities* and the strategic highway safety planning process. The GR has designated the Division Administrator of OTS as the lead on impaired driving issues in the State.

Nevada utilizes an extensive Strategic Highway Safety Plan (SHSP) process and has an established Nevada Executive Committee on Traffic Safety (NECTS). All members have signed a Partner Pledge committing to support Nevada's goal of *Zero Fatalities*. The NECTS identifies the most Critical Emphasis Areas (CEA) for traffic safety crash, injury, and fatality issues facing the State. The identified CEAs each have established Key Area Task Force Leadership Teams as the oversight and monitoring mechanism serving as the driving force for change in each CEA. Impaired driving is one of the identified CEAs.

The Impaired Driving Task Force (IDTF) meets quarterly, following a set meeting schedule on the fourth Thursday of February, May, August, and November, and operates under the authority of the NECTS. The IDTF is chaired by Nevada's Traffic Safety Resource Prosecutor (TSRP) and co-chaired by the Nevada Impaired Driving Coordinator. The membership roster of the IDTF is extensive with a diverse mix of individuals and organizations that can impact impaired driving issues. The IDTF establishes strategies and related action steps that are tracked on a quarterly basis. Each action step has a leader, who reports to the Chair and Vice Chair on the status.

IDTF leadership is responsible for the following:

- Ensures team membership is multidisciplinary and includes representatives from at least three of the 6 “Es” of safety (Equity, Engineering, Education, Enforcement, Emergency Medical Services/Emergency Response/Incident Management, and Everyone) and follows up with the SHSP implementation team if assistance is needed on team composition
- Schedules group meetings, notifies participants, and prepares meeting reports including action item implementation progress/status after each meeting
- Tracks progress on implementation of the action plan with assistance from various action step leaders and notifies the State SHSP coordinators if assistance is needed to implement an action step
- Prepares quarterly progress reports describing what progress has been made on each of the action steps
- Reviews the strategies and determines if any should be revised or deleted, identifies new strategies, and develops action plans
- Applies the SHSP to help implement a task or project

It appears the IDTF lacks a few groups that may provide additional support and input into impaired driving issues facing Nevada including military, parks service, rural road safety, and faith-based organizations.

Nevada is home to four military installations. Two of the installations are Air Force facilities, one is a Naval Air Station, and one is an Army Ammunitions Depot. The Army Depot is now run by a military contractor. The three facilities run by the United States government provide additional partnership opportunities for traffic safety collaboration. It is unclear if efforts have been made to involve key safety personnel from each of these military installations in the IDTF.

Nevada is home to National Parks, trails, historic sites, etc. that some states do not have. This offers the opportunity to partner with the National Park Service (NPS) to address impaired driving issues. Occasionally, there are limitations and challenges to working with federal agencies, but many states have effectively partnered with the NPS on traffic safety to conduct joint and collaborative enforcement and educational events.

Nevada is a very rural state that has a wide variety of unique opportunities for expanded partnerships. Rural road safety presents unique challenges that can be difficult to address; however, several federal resources are available to assist states in tackling rural issues. The National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA), as well as other groups offer resources. The web links to a few of the

resources are as follows:

- <https://nhtsa.gov/rural>
- <https://highways.dot.gov/safety/local-rural>
- <https://ruralsafetycenter.org>

Faith-based organizations can provide a direct link and insight into many communities. Religious organizations and their leaders can provide direction and guidance to parishioners on social and societal issues facing their communities. Involving faith-based organizations can be a valuable link in reaching individuals that look to religious leaders and trust their guidance over that provided by the government.

Recommendations

- **Expand membership of the Impaired Driving Task Force to include representatives from the military, National Park Service, rural road safety groups, and faith-based organizations.**

B. Strategic Planning

Advisory

States should develop and implement an overall plan for short- and long-term impaired driving activities. The plan and its implementation should:

- *Define a vision for the state that is easily understood and supported by all partners.*
- *Utilize best practices in strategic planning.*
- *Be based on thorough problem identification that uses crash, arrest, conviction, driver record, and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals. Have clear measurable outcomes.*
- *Be an integral part of or coordinate with and support other state plans, including the Highway Safety Plan and Strategic Highway Safety Plan.*
- *Establish or adjust priorities based on recommendations provided to the state as a result of reviews and assessments, including this impaired driving assessment.*
- *Assign responsibility and accountability among the state's partners for the implementation of priority recommendations.*

Status

In 2010, Nevada adopted a statewide goal of Zero Fatalities, consistent with the national Toward Zero Deaths strategy sponsored by the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), the American Association of State Highway and Transportation Officials (AASHTO), and the Governors Highway Safety Association (GHSA). This overarching goal of zero traffic fatalities and serious injuries on Nevada's roadways has been adopted by all partners that serve on the Nevada Executive Committee on Traffic Safety (NECTS). The NECTS provides leadership and guidance to the Strategic Highway Safety Plan (SHSP) for Nevada, with the Governor ultimately approving the SHSP.

Nevada's SHSP is a comprehensive statewide safety plan that identifies the most significant causes of fatalities and serious injuries on Nevada roadways and provides a coordinated framework for reducing the crashes that cause fatalities and serious injuries. The SHSP establishes statewide goals and strategies focusing on the six "Es" of traffic safety: Equity, Engineering, Education, Enforcement, Emergency Medical Services/Emergency Response/Incident Management, and Everyone.

The ultimate purpose of the SHSP is to eliminate traffic-related fatalities and serious injuries by combining and sharing resources across disciplines and strategically targeting efforts to the areas of greatest need. Nevada has enlisted stakeholders from state, local, tribal, and federal agencies; institutions; private-sector organizations; and concerned citizens to develop goals and strategies to address identified traffic safety problems.

The SHSP is aligned with other statewide planning efforts, as required by federal legislation, and provides guidance for statewide traffic safety plans and local plans, and guides the investment of funds for three federally funded programs:

- Highway Safety Improvement Program (HSIP) managed by the Nevada Department of Transportation (NDOT)

- Highway Safety Plan (HSP) managed by the Nevada Office of Traffic Safety (OTS)
- Commercial Vehicle Safety Plan (CVSP) managed by the Nevada Highway Patrol (NHP)

Nevada's efforts to develop the SHSP began in 2004 when NDOT Traffic Safety Engineering formed a Technical Working Group of traffic safety representatives that initiated coordination and later supported the activities of the NECTS. The role of NECTS, as established in 2005, is to provide guidance, approve the SHSP (and subsequent updates), and help gain consensus at a high level among local, state, tribal, and federal agencies that improve traffic safety.

Nevada's first five Critical Emphasis Areas (CEAs) were identified at the 2004 Traffic Safety Summit—the first to be held in Nevada. The Traffic Safety Summit is now an annual event. The five original CEAs were Pedestrians, Impaired Driving, Occupant Protection, Intersections, and Lane Departures. Later updates to the SHSP process added Motorcycles, Young Drivers, Older Drivers, and Safe Speed as additional CEAs.

For the 2021-2025 SHSP, four Key Areas were selected to prioritize collaboration among the six "Es" for SHSP implementation: Safer Roads, Vulnerable Road Users, Safer Drivers and Passengers, and Impaired Driving Prevention. The plan established task forces for each Key Area, which are responsible for collaboration and monitoring progress on the implementation of strategies and action steps. The Impaired Driving Task Force (IDTF) takes the lead on impaired driving issues, developing strategies and action steps for addressing impaired driving in Nevada.

The SHSP process is based on an extensive review of all available data relevant to traffic crashes, injuries, and fatalities. Results of the data analysis guide specific action steps for each CEA. SHSP implementation emphasizes the importance of collecting and analyzing crash data and focuses on the development of a robust database of crash data that are geospatially referenced to relevant traffic and roadway data. This has been aided by the improvement in the electronic collection of crash data by law enforcement.

The data related to SHSP implementation to be correlated for safety analysis include but are not limited to:

- Crash data
- Traffic volume data
- Roadway geometrics data
- Traffic control data
- Trauma data
- Citation data

Action steps that are developed for each CEA included in the SHSP Action Plan are evaluated and updated as needed throughout the life of the SHSP. All action items are specific, measurable, achievable, relevant, and time constrained (SMART):

- Specific: Clearly describes action step
- Measurable: Defined performance measures and output measures
- Achievable: Committed resources by responsible organization and action step lead
- Relevant: Data-driven issue and countermeasure
- Time Constrained: Achievable within a designated time frame

Action steps and strategies are implemented and evaluated by the task forces and the SHSP team throughout the life of the plan utilizing the following tools and elements:

- FHWA *Proven Safety Countermeasures*
- NHTSA *Countermeasures that Work*
- Systemic improvements
- Low-cost improvements
- Road Safety Assessment findings

The Impaired Driving CEA outlines four strategies to achieve a reduction in fatalities and serious injuries resulting from impairment. The strategies are:

1. Enhance driving under the influence (DUI) deterrence through improved criminal justice system response.
2. Support training and education for law enforcement agencies and commit to high-visibility DUI enforcement.
3. Improve understanding of impaired driving issues through better data.
4. Improve primary prevention efforts aimed at DUI or riding with an impaired driver.

These strategies lead to the development of action steps that have designated leaders to oversee the implementation of each step. Assigned action step leaders attend quarterly interim meetings with their CEA Vice Chairs and provide a summary of activities related to their action steps.

OTS prepares an annual Highway Safety Plan which includes a section for Impaired Driving Prevention. This section of the plan doubles as Nevada's statewide Impaired Driving Strategic Plan (IDSP). The IDSP includes problem identification, short-term and long-term targets, countermeasure strategies, and planned activities.

Recommendations

- None

C. Program Management

Advisory

States should establish procedures and provide sufficient oversight to ensure that program activities are implemented as intended. The procedures should:

- Designate a lead agency that is responsible for overall program management and operations;*
- Ensure that appropriate data are collected to assess program impact and conduct evaluations;*
- Measure progress in achieving established goals and objectives;*
- Detect and correct problems quickly;*
- Identify the authority, roles, and responsibilities of the agencies and personnel for management of the impaired driving program and activities; and*
- Ensure that the programs that are implemented follow evidence-based best practices.¹*

Status

The Nevada Office of Traffic Safety (OTS), a Division of the Department of Public Safety (DPS), is the federally recognized highway safety office in the state of Nevada. The Director of DPS serves as the Governor's Highway Safety Representative (GR). The Director is appointed by the Governor of Nevada and operates under the authority and direction of the Governor. OTS is responsible for the planning, program, fiscal, and program oversight of grants administered through behavioral highway safety funding received from the federal government.

The OTS organizational structure consists of a Division Administrator and Deputy Division Administrator. The Division Administrator is responsible for the OTS overall, and the Deputy Division Administrator has direct oversight of Fiscal and Operations staff. There are five staff positions within the Fiscal and Operations section, with one position (Administrative Assistant) being vacant at the current time. The Deputy Division Administrator, as well as the entire Fiscal and Operations section is in the Carson City OTS office. The Programs section receives direct oversight from the Division Administrator and has 18 staff members. Six staff positions are state employee positions, and the remaining 12 positions are contract employee positions. Eleven Programs section staff positions are located in the Carson City OTS office, and the remaining seven positions are located in the Las Vegas OTS office. An Impaired Driving Program Manager is one of the staff positions within the Programs section. Currently, the Public Information Officer (PIO) position is vacant and has been vacant since last year.

The OTS Impaired Driving Program Manager position receives funding for salary, training/travel, and indirect costs. The Program Manager administers grant funds, program activities, research, program evaluation, incentive grant requirements, etc. to address impaired driving issues statewide. The Program Manager also evaluates programs and reviews other states' impaired driving efforts and National Highway Traffic Safety Administration (NHTSA) recommendations and best practices. The Impaired Driving Program Manager has attended the impaired driving training and education courses offered through the Transportation Safety Institute (TSI) as required by OTS.

OTS begins its grant proposal period in January each year and provides resources and

¹ See "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Offices," Sixth Edition, 2011.

information to grant applicants about the priorities to be addressed and the countermeasures OTS envisions. The Highway Safety Plan (HSP) provides partners with key information about each safety focus area, providing current data and examples of past efforts that have received funding to address specific traffic safety issues. OTS actively monitors traffic safety trends and emerging issues and responds with appropriate modifications to the HSP as needed.

OTS engages its partners throughout the year through task forces and stakeholder meetings, trainings and presentations, the annual Nevada Traffic Safety Summit, and outreach events. Information regarding funding opportunities is shared through the OTS website, eGrants online grant system, announcements through statewide task forces, newsletters, and email distributions.

The project selection process begins with organizations submitting either a Letter of Interest (LOI) or grant proposal to OTS. The LOI process is intended to solicit new traffic safety partners and provide potential grant recipients with a simplified procedure to propose new programs, without going through the more elaborate grant application process. The invitation to submit a LOI includes requests for projects based on Nevada's most recent data, a description of priority issues, and links to project development resources such as *Countermeasures That Work* and NHTSA data. Table I-C-1 provides the countermeasure strategies OTS pursued in the development of the Fiscal Year (FY) 2023 HSP.

Table I-C-1. Impaired Driving Countermeasure Strategies

Strategy	Description
Law Enforcement Training	Law enforcement training will be utilized to reduce traffic fatalities and serious injuries by providing the specialized skills needed to detect, arrest, and collect evidence of alcohol- and drug-impaired driving.
Judicial and Prosecutor Education	Judicial and prosecutor education will be utilized to reduce traffic fatalities and serious injuries by providing training to judges, prosecutors, and specialty court staff on best practices related to Driving Under the Influence (DUI) court principles, diversion programs, ignition interlock, and 24/7 programs.
Highway Safety Office Program Management	Planning and administration will be utilized to reduce traffic fatalities and serious injury crashes by managing the activities of the Highway Safety Office.
High Visibility Enforcement (HVE) Impaired Pedestrian, Motorist	HVE will be utilized to reduce traffic fatalities and serious injuries by removing impaired drivers and pedestrians from the roads.
Driving While Intoxicated (DWI) Courts	DWI courts are rated as highly effective for reducing recidivism. With the passage of mandatory ignition interlock, specialty courts will need to assume an even stronger role in case management for DWI offenders. Funding for DWI courts supports case management and coordination.
Communications	Communications, outreach, and education is a key component of all program areas and combines traffic safety messaging through multiple channels with in-person outreach and education to multiple target groups.

Initial criteria that are utilized to review proposals are: data supporting the identified problem, evidence that the project can save lives and reduce severe crashes, determination if the goals and objectives are realistic and achievable, cost effectiveness of the proposed project, the evaluation plan, self-sustainability, and whether the proposed project is a proven countermeasure.

Following the review process, grant proposal applications are accepted through the online grant administration system eGrants and enter an evaluation process that utilizes Peer Review Committees comprised of OTS and Nevada Department of Transportation (NDOT) staff, community specialists, and subject matter experts to discuss, score, and prioritize the applications for award. The final project selections for the most current HSP were based on the following criteria:

- Analysis of Nevada highway safety information system data
- Effectiveness or ability to improve the identified problem
- OTS program assessments and management reviews conducted by NHTSA
- Support of priorities and strategies within Nevada's Strategic Highway Safety Plan

An extensive amount of data is relied upon for problem identification for the impaired driving program area. These data include Fatality Analysis Reporting System (FARS), crash (including driver, location, vehicle), citation, arrest, and adjudication data. There are also data linkages to other data files (EMS, hospital, citation, and crash). These data are utilized to determine which grants/projects to fund. OTS also relies on data provided at the local level to decide the extent of the identified problem and whether the proposed project should receive priority for funding.

All awarded projects are monitored by OTS. Risk assessments are conducted on each project recommended for award prior to notification of approval and are assigned a risk level. A monitoring plan is developed that takes this risk into account. OTS has a very clear and detailed monitoring procedure for employees to follow. The procedure explains the various types of monitoring, the major elements of monitoring, how to prepare for the monitoring visit, the frequency of monitoring needed, how to deal with problems/issues with sub-recipients, the items to review during the site visit, and the steps employees need to take following the site visit. Due to the COVID-19 pandemic, OTS is currently following a remote monitoring procedure of awarded projects.

The FY 2023 HSP includes several efforts that are funded to aid in Nevada's efforts to achieve the impaired driving targets set forth in the planning process. OTS has committed \$1,466,781 of Section 405d and \$841,397 of Section 164 funding to impaired driving efforts. The funded activities are described in Table I-C-2.

Table I-C-2. Planned Impaired Driving Activities for FY 2023

Project	Description
DUI/Driving Under the Influence of Drugs (DUID) Law Enforcement Training	Statewide DUI/DUID training in Drug Recognition Expert (DRE), Advanced Roadside Impaired Driving Enforcement (ARIDE), and comprehensive marijuana detection and prosecution knowledge delivered in person via electronic trainings to law enforcement and prosecutors.
Judicial and Prosecutor Training	Through a grant from Responsibility.org, training on the Computerized Assessment and Referral System (CARS) assessment tool will be provided to judges by judges. Focus will be on detecting more serious underlying behaviors and connecting the participants to the correct level of supervision and treatment.
DUI Specialty Courts	Through a grant from Responsibility.org, training on the CARS assessment tool will be provided to court coordinators and case managers. Focus will be on becoming technically efficient in using both the screening tool as well as the more complicated assessment tool, gaining speed and confidence in the use of the tool, and recognizing the indication for conducting a deeper assessment on the participant.
Education	Prevention efforts around recidivism of DUI offenders has begun with a goal of incorporating early intervention tools into the curricula presented to first time DUI offenders. Early intervention is defined in behavioral health terms of 0.5 on the American Society of Addiction Medicine (ASAM), to inject cognitive behavioral therapy methods to provide the participant with the tools necessary to change behaviors. Requests have been made for revisions to the language in the Nevada Administrative Codes, and a pilot curricula project is planned for the current year.
Judicial and Prosecutor Training	Through a grant from Responsibility.org, training on the CARS assessment tool will be provided to judges by judges. Focus will be on detecting more serious underlying behaviors and connecting the participant to the correct level of supervision and treatment.

Four DUI Courts located throughout the State (the Las Vegas Justice Court, Elko 4th Judicial Court, Las Vegas 8th Judicial Court, and the Carson City District Court) are being funded. Judicial training courses are also offered through the Reno Justice Court Evidence Based DUI courses. DUI Courts are a strategy to reduce impaired driving recidivism for those who are not typically persuaded through education, public safety efforts, or traditional legal sanctions.

OTS provides funding to Washoe County to provide for Traffic Safety Resource Prosecutor (TSRP) services to conduct training on DUI adjudication. The TSRP works with both prosecutors and law enforcement to cross-train these two groups of professionals on the most effective and up-to-date courtroom procedures and prepare these groups for defense tactics. The

TSRP has attended and completed basic law enforcement, Standardized Field Sobriety Testing (SFST), ARIDE, and DRE training. This exposure and experience gives the TSRP credibility when talking to law enforcement and a unique opportunity to share the science behind these trainings to prosecutors, law enforcement, and judicial personnel.

Four HVE waves are funded during the year. Two of the enforcement efforts are directed towards impaired driving and two are directed towards seat belt enforcement. Twenty-eight law enforcement agencies are participating in the statewide coordinated enforcement efforts, uniting as *Joining Forces* agencies. *Joining Forces* is an evidence-based traffic safety enforcement program that has delivered positive results for changing driving behavior.

An effective and popular enforcement strategy in the State was the use of multi-agency impaired driving enforcement teams, called *DUI Strike Forces*. The teams quoted impressive enforcement numbers. Local media surrounding the teams was very active in covering the teams' efforts and media coverage was typically very positive. This type of multi-agency impaired driving enforcement effort has been very effective not only in Nevada, but in other states around the country. It was unfortunate to learn that the teams were disappearing due to funding and personnel limitations at the local level. Support of these enforcement teams in locations where there is evidence that the teams can make a significant impact on reducing impaired driving crashes is critical.

OTS also funds efforts to improve and expand impaired driving toxicology testing, electronic warrants for blood draws, the ignition interlock program, and ongoing media outreach efforts.

Recommendations

- Fill the two vacant positions within the Office of Traffic Safety, in particular the Public Information Officer position which is critical to the success of impaired driving prevention efforts in Nevada.
- **Support existing multi-agency law enforcement *Driving Under the Influence (DUI) Strike Forces* and explore opportunities to establish new teams where there is evidence that the teams can make a significant impact on reducing impaired driving crashes.**

D. Resources

Advisory

States should allocate sufficient funding, staffing, and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources. States should:

- *Allocate funding, staffing, and other resources to impaired driving programs that are:*
 - *Adequate to meet program needs and proportional to the impaired driving problem;*
 - *Steady and derived from dedicated sources, which may include public or private funds; and*
 - *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges, or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*
- *Meet criteria to enable access to additional funding through various incentive programs.*
- *Identify opportunities and leverage resources on behalf of impaired driving efforts.*
- *Determine the extent and types of resources available from all sources (local, state, and federal; public and private) that are dedicated to impaired driving efforts.*
- *Designate a position and support the individual in that position with sufficient resources to adequately serve as a focal point for impaired driving programs and issues.*

Status

The federal law authorizing the federal highway safety efforts is titled Fixing America's Surface Transportation (FAST) Act and was signed into law on December 4, 2015. This law was amended by the Bipartisan Infrastructure Law that was signed into law on November 15, 2021. The FAST Act authorized funding for the Section 402 Highway Safety Programs and Section 405 National Priority Safety Programs for fiscal years 2016 through 2020. The Bipartisan Infrastructure Law continued funding for highway safety programs with the guidance for these programs continuing from the FAST Act.

Nevada successfully applied for and received funding from the National Highway Traffic Safety Administration (NHTSA) for Fiscal Year (FY) 2023. These grant monies include funding for 23 U.S.C. Section 402 Highway Safety Programs, and for Section 405 National Priority Safety Programs including: Section 405b (Occupant Protection), Section 405c (State Traffic Safety Information System Improvements), Section 405d (Impaired Driving Countermeasures), Section 405f (Motorcyclist Safety), Section 405h (Non-Motorized Safety Grants), and Section 1906 (Racial Profiling Prohibition). Also included are Section 164 Repeat Intoxicated Driver funds.

According to information obtained from the FY 2023 Highway Safety Plan Cost Summary, there is a total of \$9,410,276 programmed for traffic safety programs in Nevada. The total includes funding for all categories including Sections 402, 164, 405, and 1906. Impaired driving programming funds are comprised of \$103,777 in Section 402 funds, \$1,432,193 in Section 405d Impaired Driving funds, and \$2,035,774 in Section 164 Repeat Intoxicated Driver funds. Nevada is fortunate to currently qualify for the Section 402 and Section 405d Impaired Driving Countermeasures funding.

Nevada indicated a reserve amount of funding from current and prior fiscal years in the amount of \$6,394,152 in FY 2023. Of this total, \$1,466,781 is Section 405d Impaired Driving funds and \$841,397 is Section 164 Repeat Intoxicated Driver funds. Both Section 405d and Section 164 funds are restricted to impaired driving traffic safety issues. The level of prior year funding carried into the new fiscal year is not of immediate concern given the uncertainty of timely funding from year-to-year which makes it necessary to ensure adequate funds are on reserve to have continuous operation of traffic safety activities.

It appears that penalties or fees collected from convicted impaired driving offenders are not used to support impaired driving prevention programs in Nevada.

The only impaired driving incentive funding categories that Nevada does not currently qualify for are Section 405d Impaired Driving Ignition Interlock, and Section 405d 24/7 Sobriety Programs. Requirements for funding in each of these categories are very stringent. While Nevada has an ignition interlock law, the law does not satisfy all federal requirements to qualify for Section 405d Impaired Driving Ignition Interlock funding. Nevada operates a *24/7 Sobriety and Drug Monitoring Program* in Northern Nevada, but the lack of a statewide program negates qualifying for federal funding under current guidelines. Nevada should explore the opportunity to deploy a greater number of ignition interlock devices for repeat (second offense or greater) and for high (0.15) blood alcohol concentration offenders.

Recommendations

- Identify and fund additional impaired driving grants that have a high likelihood of success of reducing the incidence of impaired driving on Nevada's roadways, using unspent and reserve funds from prior fiscal years if strategically sound.
- Establish an impaired driving penalties, fines, and assessments fund that is used to support impaired driving prevention efforts.

II. Prevention

Prevention programs are most effective when they utilize evidence-based strategies, that is, they implement programs and activities that have been evaluated and found to be effective or are at least rooted in evidence-based principles. Effective prevention programs are based on the interaction between the elements of the public health model: 1) using strategies to develop resilient hosts, e.g., increase knowledge and awareness or altering social norms; 2) reducing exposure to the dangerous agent (alcohol), e.g., alcohol control policies and; 3) creating safe environments, e.g., reducing access to alcohol at times and places that result in impaired driving. Prevention programs should employ communication strategies that emphasize and support specific policies and program activities.

Prevention programs include responsible alcohol service practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities, and by community coalitions. Programs should prevent underage drinking or drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be evidence-based, determined to be effective, and include a communication component.

A. Responsible Alcohol Service

Advisory

States should promote policies and practices that prevent underage drinking and over-service by anyone. States should:

- Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- Adopt and enforce alcohol beverage control regulations to prevent over-service, service in high-risk situations, and service to high-risk populations. Prohibit service to visibly intoxicated patrons; restrict alcohol sales promotions, such as “happy hours”; limit hours of sale; establish conditions on the number, density, and locations of establishments to limit impaired driving, e.g., zoning restrictions; and require beer keg registration.*
- Provide adequate resources including funds, staff, and training to enforce alcohol beverage control regulations. Coordinate with state, county, municipal, and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- Promote responsible alcohol service programs, written policies, and training.*
- Provide responsible alcohol service guidelines such as best practices tool kits to organizations that sponsor events at which alcohol is sold or provided.*
- Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- Hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

Status

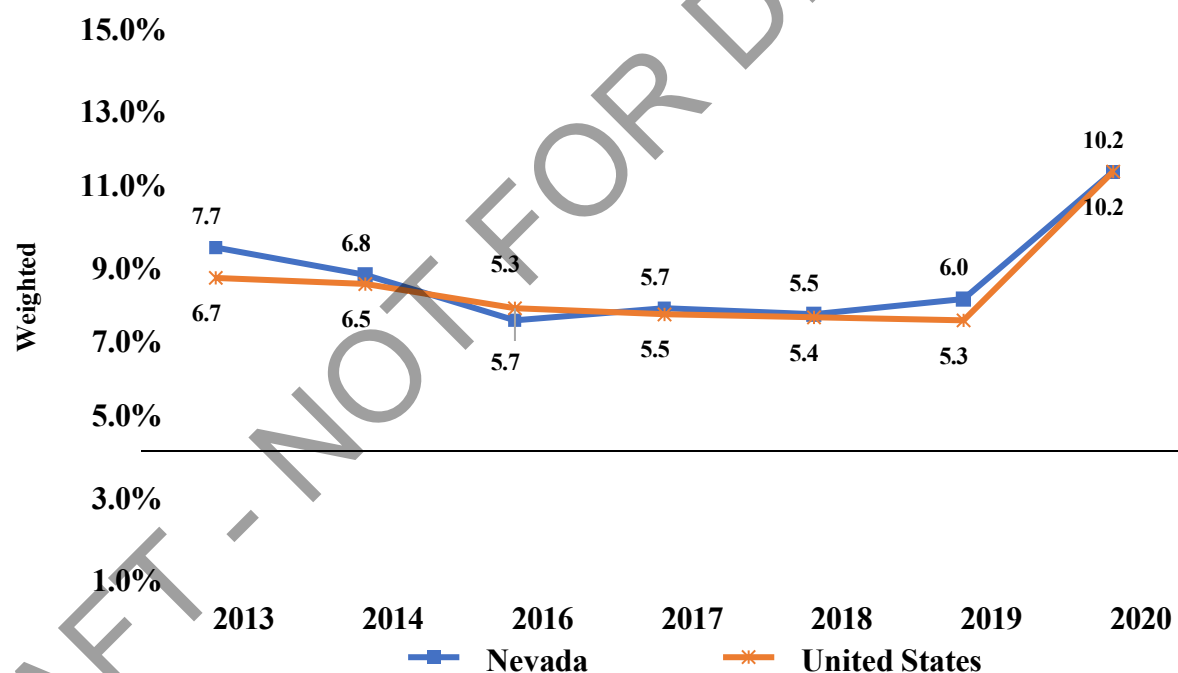
The Nevada Department of Health and Human Services, Bureau of Behavioral Health Wellness and Prevention 2022 *Epidemiologic Profile* provides an overview of substance use and mental

health related issues in the State. In relation to substance use, the report provides the following points:

- Alcohol use disorder among ages 12 and above reached a high in Nevada and the United States in 2021.
- Nevada high school and middle school students who self-report currently drinking alcohol is at the lowest percent since 2017.
- Nevada high school and middle school students who self-report currently using marijuana is at the lowest percent since 2017.
- Nevada Behavioral Risk Factor Surveillance System survey results found adult marijuana/hashish use has continued to rise since 2013.
- Both age-adjusted and crude rates for alcohol and/or drug-related deaths in Nevada are at the highest since 2012.

Figure II-A-1 shows the trend in the rate of alcohol use disorder among Nevada residents age 12 and older compared to the national total. One in 10 (10.2%) Nevada residents reported an alcohol use disorder in 2020, equal to the U.S. average but a substantial increase from 2019.

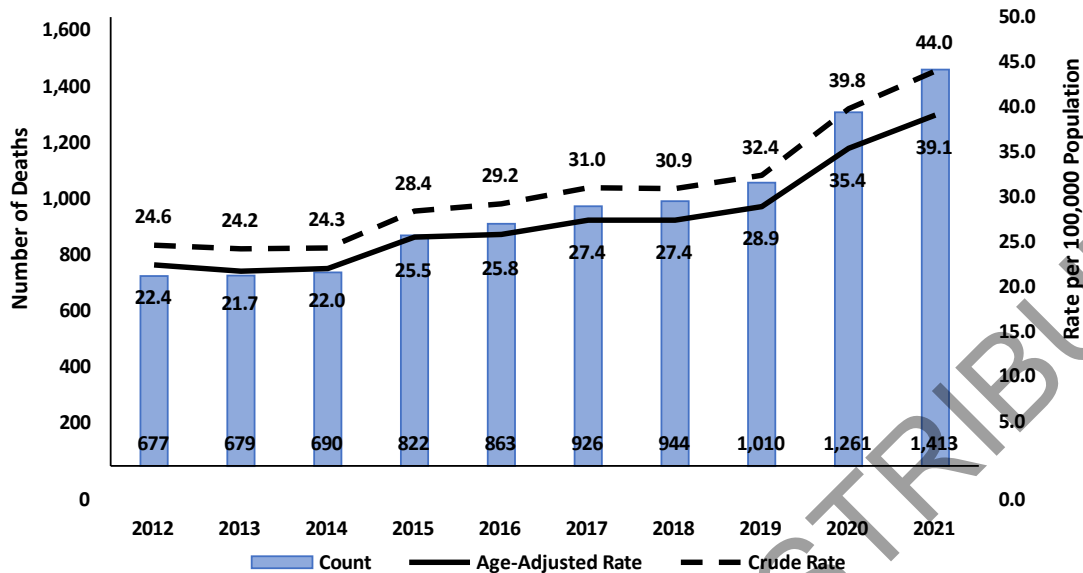
Figure II-A-1. Alcohol Use Disorder in the Past Year, Aged 12 and above, Nevada and the United States, 2013-2020.



Source: SAMHSA, Center for Behavioral Health Statistics and Quality, National Surveys on Drug Use and Health. Chart scaled to 15.0% to display differences among groups.

Alcohol-related deaths did not increase significantly between 2012 to 2019; however, there was a significant increase in deaths from 2019 to 2021, with an age-adjusted rate of 39.1 per 100,000 population.² (See Figure II-A-2)

² Source: Electronic Death Registry System

Figure II-A-2. Alcohol-Related Deaths and Rates, Nevada Residents 2012-2021.

Nevada, and especially Las Vegas and Reno, the two major population centers, rely heavily on tourism centered on “adult entertainment” including gambling, alcohol consumption, and more recently, use of cannabis products. Consequently, Nevada has minimal restrictions on the sale of alcohol, has no state-level agency responsible for enforcing alcohol control policies, and has few state-level statutes related to responsible alcohol service. As of July 1, 2020, the adult-use cannabis program is administered by the Cannabis Compliance Board (CCB). AB341 in the 81st Session of the Nevada State Legislature authorized the CCB to license and regulate cannabis consumption lounges.

Nevada is a license state, that is, alcohol for on- or off-premise consumption is sold by licensed retailers. However, unlike other license states, licenses are issued by and regulated by localities through Liquor Control Boards consisting of the local elected body, e.g., county legislature or city council. There is no legislated limit on the number of licenses that can be issued.

Almost all alcohol beverage control (ABC) laws and policies are enacted at the local (county) level. Policies in some localities are minimal while others are more detailed. Local ABC laws range from a few pages to more than 65 pages. While communities have some local ordinances in place, this patch work does not provide for uniform and consistent policies or enforcement.

Nevada Revised Statutes (NRS) 369.600 requires completion of a responsible service course by all alcohol servers in retail outlets. NRS 360.625 calls for the development and contents of curriculum for an alcoholic beverage awareness program and certification and operation of the program to include the following topics:

- (1) The clinical effects of alcohol on the human body
- (2) Methods of identifying intoxicated persons
- (3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages

- (4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and
- (5) Methods of preventing:
 - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;
 - (II) The purchase, consumption, and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and
 - (III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.

Server training is available from a variety of private sector providers and may be completed online.

Server training is also required for employees of cannabis lounges, but training standards are not yet developed.

Several notable Nevada statutes actually serve as impediments to responsible alcohol service.

Nevada does not have Dram Shop legislation and, in fact, has “anti-Dram Shop” legislation which exempts licensed outlets from liability for injury or damage caused by impaired patrons. Statutes now extend to cannabis dispensaries and lounges, a condition that has been dubbed, “Gram Shops.”

Establishments licensed to sell alcohol and/or cannabis products in Nevada remain immune from civil liability for injuries caused by their impaired patrons’ negligence. NRS 41.1305 expressly provides such immunity to licensed alcohol establishments, but the statute imposes civil liability on any unlicensed person who knowingly serves or sells alcohol to an underage person or who knowingly allows an underage person to consume alcohol on premises controlled by the unlicensed person.

There are no restrictions on alcohol advertising, Happy Hours, or other promotions. In addition, licensed alcohol outlets are permitted to sell alcohol 24 hours a day, seven days a week. Many casinos provide patrons with alcohol at no cost.

Since Nevada has no State agency that is responsible for enforcement of alcohol sales laws, alcohol compliance checks for sales to underage drinkers are conducted by local substance abuse and behavioral health coalitions.

Nevada does not have a keg registration program.

Recommendations

- Enact Dram Shop statutes that hold those who serve or sell alcohol or cannabis products accountable for injuries and damage resulting from over-service or sales to minors.

B. Community-Based Programs

B-1. Schools

Advisory

School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant, and coordinated with drug prevention and health promotion programs. States should:

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of state learning standards and comprehensive health education programs;*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom, and graduation;*
- *Establish and enforce clear student alcohol and substance use policies including procedures for intervention with students identified as using alcohol or other substances, sanctions for students using at school, and additional sanctions for alcohol and substance use by students involved in athletics and other extra-curricular activities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI) to school personnel such as resource officers, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs;*
- *Encourage colleges, universities, and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs; and*
- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*

Status

The 2020 Nevada Academic Content Standards (NVACS) for Health were adopted by the State Board of Education in October 2020. During the 2021-2022 school year, districts began aligning their curricula to the new Health Standards. School districts were expected to fully implement the 2020 NVACS for Health beginning with the 2022-2023 school year.

The 2020 NVACS for Health characterize what students should know and be able to do by the end of each grade or grade band. The standards provide the necessary concepts, practices, and skills students need to achieve personal wellness and academic success.

Several strands, or core ideas, are specified to be integrated throughout Content Standards. The Substance Use and Abuse strand includes standards that address the health consequences of use of substances and the Safety Practices, Injury Prevention, and CPR/AED strand has standards that examine how health risk behaviors influence safety

and injury prevention practices. The Self-management strand addresses healthy practices and behaviors that will maintain or improve the health of self and others. The standards include no mention of impaired driving or other highway safety issues.

Numerous local coalitions provide a variety of impaired driving and substance abuse prevention strategies in schools. Education campaigns and alcohol- and drug-free events are conducted at high-risk times such as prom, homecoming, and graduation. Impaired driving simulators are used in some localities. Coalitions conduct alcohol and drug screenings at school events. Coalitions have also been involved in the development of school district alcohol and drug policies for students.

The Nevada Department of Health and Human Services, Bureau of Behavioral Health Wellness and Prevention promotes the use of evidence-based prevention programs. There is currently no list of approved programs.

Mothers Against Drunk Driving (MADD) recently received funding from the Nevada Office of Traffic Safety (OTS) to implement school-based prevention programs in Reno and Las Vegas schools. MADD's *Power of Parents*® program empowers parents of middle school and high school students to have ongoing, intentional conversations about the dangers and consequences of underage drinking and other drug use while *Power of You(th)*® is one of MADD's programs that provides youth with research-based information on the dangers of underage drinking and other drug use. In 2024, MADD plans to add MADD's *Power of Me!* program, a classroom or auditorium-based alcohol use prevention and vehicle safety presentation for 4th and 5th grade elementary school students.

Drug Impairment Training for Educational Professionals (DITEP) has been provided in some school districts. DITEP training is intended to provide school administrators and nurses with a systematic approach to recognizing and evaluating individuals in the academic environment who are abusing and impaired by drugs, both legal and illegal, in order to provide early recognition and intervention. Many schools have School Resource Officers who are also trained and are a resource for identifying students with substance abuse issues.

The University of Nevada, Las Vegas (UNLV) and University of Nevada, Reno (UNR), the two largest universities in the State, offer prevention programming that is often student-led. UNLV has a substance use policy that prohibits possession or use of illegal drugs including use of alcohol by students under 21. UNLV also uses a social norming approach in which students are shown that their perception of alcohol use on campus is far greater than the actual reported use. Materials also provide information on "standard drink sizes" and blood alcohol concentration.

Recommendations

- Ensure that Nevada learning standards address impaired driving and include information specific to driving under the influence laws in Nevada.

- Develop a list of and utilize approved and/or recommended evidence-based prevention programs for use in Nevada schools.

B-2. Employers

Advisory

States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by employees and their families. These programs can be provided through Employee Assistance Programs (EAP) or Drug Free Workplace programs. These programs should include:

- *Model policies to address underage drinking, impaired driving, and other traffic safety issues, including seat belt use and speeding;*
- *Employee awareness and education programs;*
- *Management training to recognize alcohol and drug use and abuse, and appropriate responses;*
- *Screening and Brief Intervention, assessment and treatment programs for employees identified with alcohol or substance use problems (These services can be provided by internal or outside sources such as through an EAP with participation required by company policy.);*
- *Underage drinking and impaired driving prevention strategies for young employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

Status

Nevada does not have a comprehensive impaired driving prevention program for employers.

Many employers offer Employee Assistance Programs (EAP) to help employees deal with personal problems that might adversely impact their work performance, health, and well-being. EAPs generally include short-term counseling and referral services for employees and their household members. By addressing alcohol and substance abuse, EAPs can have an indirect effect on impaired driving.

All companies that provide goods and services to federal agencies or that receive federal funds are required to implement a *Drug-Free Workplace* program. These programs may include substance use policies, drug testing, and employee education.

Whether through an EAP or *Drug-Free Workplace* program, all employers can provide access to Screening, Brief Intervention and Referral to Treatment (SBIRT), and offer employees of all ages information about the effects of alcohol, illicit drugs, and prescription and over-the-counter medications on operating a motor vehicle.

There is currently no organized effort to engage the business community in helping to educate its employees and customers about impaired driving. The inclusion of a number of corporate partners in the *Zero Fatalities* program could serve as the gateway to reach private sector employers across Nevada.

Recommendations

- Provide current, accurate, and Nevada-specific impaired driving information for use by employee assistance and drug-free workplace programs.
- Establish corporate partnerships through the *Zero Fatalities* program to develop impaired driving prevention programs with employers.

B-3. Community Coalitions and Traffic Safety Programs

Advisory

Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level. Coalitions should include representatives of: government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups. States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders;*
- *Ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control, and other related coalitions, (e.g., Drug Free Communities, SPF-SIG), to assure that impaired driving is a priority issue;*
- *Provide information and technical assistance to these groups, including data concerning the problem in the community and information identifying evidence-based underage drinking and impaired driving programs;*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving; and*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

Status

The Nevada Department of Health and Human Services, Bureau of Behavioral Health Wellness and Prevention supports community coalitions that pass-through multiple sources of funding to local providers for prevention services. Coalitions are supported with federal prevention block grant funds and grant programs such as *Drug Free Communities* and *Partnership for Success*. The programs are funded to provide one or more prevention strategies that are promoted by the Center for Substance Abuse Prevention. The strategies are information dissemination, prevention education, alternative activities, problem identification and referral, community-based processes, and environmental strategies.

Coalitions include participation from every sector of the community, including law enforcement, healthcare, and education.

The network of community coalitions in Nevada is one of the strongest components of the impaired driving prevention program. Virtually every community in Nevada is served

by a substance abuse and behavioral health coalition. All of these coalitions address impaired driving either directly or indirectly through substance abuse and underage drinking prevention strategies.

Impaired driving strategies implemented by community coalitions include providing responsible alcohol service training, safe ride programs, school-based programs that offer alcohol- and drug-free activities at high-risk times for impaired driving such as prom and homecoming, and utilization of impaired driving simulators. Some coalitions also provide a driving under the influence offender education program.

Coalitions also implement alcohol and substance abuse prevention strategies including school-based education programs, provide training for School Resource Officers, collaborate with school districts on development of student alcohol and drug use policies, and conduct alcohol and drug screening at school events. Many coalitions conduct alcohol sales compliance checks. Coalitions use a public health approach addressing underlying risk and protective factors that predict substance abuse issues including impaired driving.

Coalition strategies are often trauma-informed. Trauma-Informed Care (TIC) is an approach in the human service field that assumes that an individual is more likely than not to have a history of trauma. TIC recognizes the presence of trauma symptoms and acknowledges the role trauma may play in an individual's life. The disruption of school and family functioning resulting from the COVID-19 pandemic has dramatically heightened the extent of trauma, especially in the lives of young people. While many prevention strategies are universal, that is, directed at an entire population, others are directed toward individuals demonstrating increased risk. These strategies recognize the role of trauma in this risk. Some community coalitions have received TIC training and some offer training to schools and community members.

Recommendations

- Increase support for community coalitions throughout Nevada.

B-4. Transportation Alternatives

Advisory

Alternative transportation describes methods by which people can get to and from places where they drink without having to drive. Alternative transportation includes normal public transportation provided by subways, buses, taxis, and other means. Designated driver programs are one example of these alternatives. States should:

- *Actively promote the use of designated driver and safe ride programs, especially during high-risk times, such as holidays or special events;*
- *Encourage the formation of public and private partnerships to financially support these programs;*
- *Establish policies and procedures that ensure designated driver and alternative transportation programs do not enable over consumption by passengers or any consumption by drivers or anyone under 21 years old; and*
- *Evaluate alternative transportation programs to determine effectiveness.*

Status

In 2018, Lyft collaborated with 12 local entities to form the *Las Vegas Coalition for Zero Fatalities*. New Year's Eve (NYE) 2018 became the first NYE in four years that Las Vegas saw no alcohol-related crash fatalities. Unfortunately, the COVID-19 pandemic resulted in reduced utilization and support for the program. Efforts are being made to re-establish the program.

Many local coalitions conduct safe ride programs. In rural areas where transportation alternatives are scarce, these programs promote ride-sharing.

It is unclear if designated driver programs stress “no use” of alcohol, marijuana, or other substance messages for the designated driver and do not unintentionally promote over-consumption.

Recommendations

- Ensure that all designated driver programs stress “no use” of alcohol, marijuana, or other substance messages for the designated driver.
- Ensure alternative transportation programs do not encourage or enable excessive consumption of alcohol, marijuana, or other substances.
- Ensure that both designated driver and safe ride programs prohibit consumption of alcohol, marijuana, or other substances by underage individuals and do not unintentionally promote over-consumption.

III. Criminal Justice System

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal penalties, administrative sanctions, and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted, and subject to swift, sure, and appropriate criminal penalties and administrative sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe and certain consequences, discouraging individuals from driving impaired.

A data-driven, evidence-based, integrated, multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, county, municipal, and tribal levels to create and sustain both specific and general deterrence.

A. Laws

Advisory

Each State should enact impaired driving laws that are sound, rigorous, and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system.

Noncompliant offenders should be adjudicated swiftly. The offenses should include:

- *Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences;*
- *A Blood Alcohol Concentration (BAC) limit of .08, making it illegal per se to operate a vehicle at or above this level without having to prove impairment;*
- *Zero Tolerance for underage drivers, making it illegal per se for persons under age 21 to drive with any measurable amount of alcohol;*
- *High BAC (e.g., .15 or greater), with enhanced penalties above the standard impaired driving offense;*
- *Repeat offender, with increasing penalties for each subsequent offense;*
- *BAC test refusal, with administrative sanctions at least as strict as the state's highest BAC offense;*
- *Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional penalties;*
- *Open container, which prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way; and*
- *Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a seat belt violation.*

Facilitate effective enforcement by enacting laws that:

- *Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs;*
- *Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers;*
- *Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidentiary breath tests and screening and confirmatory tests for alcohol or other impairing drugs;*

- *Authorize law enforcement to collect blood sample by search warrant in any chemical test refusal situation, consistent with other provisions of criminal jurisprudence which allows body fluids to be collected as evidence of a crime; and*
- *Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.*

Effective criminal penalties and administrative sanctions should include:

- *Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test;*
- *Prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State's per se level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock;*
- *Enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including: longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and imprisonment;³*
- *Separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case;*
- *Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring.*

Effective monitoring should include:

- *supervision of out-of-state offenders;*
- *proven technology (e.g., ignition interlock device, electronic confinement and monitoring) and its capability to produce reports on compliance;*
- *impaired driver tracking systems; and*
- *periodic reports on offender compliance with administrative or judicially imposed sanctions;*
- *Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs; and*
- *Statutory and rule support for DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

Nevada has a variety of laws to fight impaired driving.

Offenses

The primary statutes in the push against impaired driving are found in Chapter 484C of the Nevada Revised Statutes. Driving under the influence of alcohol or other drugs is commonly referred to as Driving Under the Influence (DUI). The general provision making it an offense to drive under the influence of alcohol or drugs reads:

1. It is unlawful for any person who:
 - (a) Is under the influence of intoxicating liquor;
 - (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or
 - (c) Is found by measurement within two hours after driving or being in actual physical

³ Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,
to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle, to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

Nevada also has specific per se provisions that make it illegal to operate a motor vehicle with prohibited substances in the operator's blood or urine at levels equal to or greater than specific amounts. Those substances include: amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite, lysergic acid diethylamide, methamphetamine, phencyclidine, and marijuana (for felonies only).

Commercial motor vehicle operators may be prosecuted at a per se blood alcohol concentration (BAC) level of 0.04 percent.

First and second DUI offenses are misdemeanors prosecuted with increasing punishments for subsequent violations. A third DUI is a felony.

A first DUI conviction carries a \$400 to \$1,000 fine and a 185-day driver license suspension. Offenders face two days to six months in jail for a first time DUI. They must also attend a victim impact panel and an online DUI school. Community service may be ordered in lieu of jail time. Fines, incarceration, and license revocations increase with each subsequent conviction as noted in the penalty chart below. All convictions carry some license suspension and subsequent convictions require installation of ignition interlock devices (IID). IIDs may be installed to allow driving privileges for first-time offenders. Unless they enter a special program, there is no continued court-ordered supervision of persons who are sentenced for misdemeanor DUI. First offenders are also not required to be evaluated for alcohol or drug dependency. Therefore, treatment and behavior modification are generally not mandated.

NEVADA DUI PENALTY CHART	
	PENALTIES
FIRST DUI CONVICTION misdemeanor	<ul style="list-style-type: none"> • two days to six months in jail; • \$400 to \$1,000 dollars in fines; • loss of license for 185 days; • ignition interlock; and • impact panel and online DUI school

SECOND DUI CONVICTION misdemeanor	<ul style="list-style-type: none"> • 10 days to six months in jail; • \$750 to \$1,000 fine; • loss of license for one year; • impact panel and online DUI school; • ignition interlock; and • dependency evaluation
THIRD DUI CONVICTION felony	<ul style="list-style-type: none"> • one to six years in prison; • \$2,000 to \$5,000 fine; and • loss of license for three years
DUI CONVICTION AFTER FELONY felony	<ul style="list-style-type: none"> • two to 15 years in prison; • \$2,000 to \$5,000 fine; and • loss of license for three years

A DUI conviction in Nevada that is beyond seven years old cannot be used for enhancement purposes.

The Nevada schedule of punishments for DUI could be considered weak due to the general lack of jail time being served by first offenders, lower minimum fines at all levels, and lack of dependency assessment on first offenses. IID provisions are statutorily strong if they are actually being enforced.

The Nevada Legislature has addressed some aggravating factors for some DUI cases, including injury and death caused by a motor vehicle operator. However, operating impaired while having a passenger under 15 years of age may be considered for sentencing, but no additional fine or jail time is mandatory. Likewise, persons with a BAC of 0.18 percent or higher or who have possession of one ounce or less of marijuana are subject to an evaluation for dependency, but increased punishment or even treatment is not required. Most states have implemented a 0.15 percent BAC level as a standard for “high” BAC to be an aggravating factor requiring increased punishments and treatment.

Causing an injury or death while operating a vehicle while intoxicated is a felony offense which carries two to 20 years confinement, a fine of \$2,000 to \$5,000, and a minimum license suspension of three years upon release from incarceration. Offenders with three prior DUI convictions who then cause a death while driving under the influence face charges for vehicular homicide. Vehicular homicide carries a sentence of 25 years to life in prison.

Nevada does not have a statute dedicated to impaired bicycling; however, riders found to be cycling under the influence can be charged with reckless endangerment, a gross misdemeanor, unless the cyclist’s actions cause substantial bodily harm, in which case the crime level rises to a felony.

Implied Consent

Any person who accepts the privilege of operating a motor vehicle within Nevada is deemed to have given his or her consent to submit to an approved breath, blood, or urine test for the purpose of determining the alcohol or drug content of his or her blood if the person is lawfully arrested for DUI. Refusing a breath, blood, or urine test for alcohol is penalized by a possible

administrative license revocation of one year for first offenders and three years for repeat offenders. There is no penal offense attributed to a breath, blood, or urine test refusal.

There is an emerging controversy over the warning being given to defendants about the Implied Consent law. Some questions may exist as to whether the warning given to facilitate a specimen is a possible misrepresentation of the law. Due to advice from prosecution in some jurisdictions, the matter requires some law enforcement officers to choose whether to give the warning and protect the administrative license suspension or forego the warning to protect the prosecution of the DUI case. No caselaw has been pronounced to settle the law on the Implied Consent Warning at the time of this report.

Nevada law allows officers to seek and secure a warrant to draw blood for evidence from suspected impaired drivers. Nevada statutes do not require mandatory testing for drivers involved in fatal and serious injury crashes. The statutes require the officer to have reasonable, articulable suspicion that impairment may be a factor in the causation of the crash.

Preliminary breath testing (PBT) is allowed in Nevada. Numerical results of PBT readings are not admissible in court. Passive alcohol detection devices are allowed but not widely used by law enforcement personnel in Nevada.

Other

Minors operating a motor vehicle while having a 0.02 percent BAC in their system face a possible 90-day driving privilege suspension. Other than being prosecuted when driving at adult levels of 0.08 percent BAC, there is no other criminal penalty for minors driving under the influence. A “no tolerance” policy has not been initiated. Other laws involving minors exist in the campaign to fight impaired driving and minors consuming alcohol. Nevada law makes it a misdemeanor for people under 21 to buy, possess, or drink alcohol. The penalties for underage drinking are up to six months in jail and/or \$1,000 in fines. Defendants under 18 face additional juvenile court penalties, including a driver license suspension. Other offenses with fines and other penalties include pretending to be 21 to obtain alcohol, using a fake identification card to obtain alcohol, and loitering in a place where alcohol is served. Juveniles over 18 years of age who are convicted of alcohol infractions do not face any driver license suspension. Young offenders may get alcohol related criminal records sealed if they have completed three years without any further infractions.

There is a three-stage Graduated Driver Licensing law for younger drivers in Nevada. A person is eligible for an Instruction (Learner’s) Permit at 15 and a half years of age if they pass a written driving test. The Instruction Permit has some restrictions including daylight hours, vehicle passenger restrictions, and being accompanied by a licensed driver. They must also complete supervised driving hours and be enrolled in school. At age 16, youth are allowed to apply for an Intermediate driver license. To get an Intermediate driver license they must: hold a valid Instruction Permit for at least six months prior to applying, and in the six months prior to applying have no at-fault crashes, have no moving violation convictions, and have no alcohol or drug convictions of any kind. If successful, the Intermediate driver license is in effect until age 18. During this stage, younger drivers under 18 may not drive between the hours of 10 p.m. and 5 a.m. unless they are traveling to or from a scheduled event such as school events or work. They

also may not transport any passenger under the age of 18, except for immediate family members, for the first six months after the license is issued. At 18, drivers get a full unrestricted license.

Some criminal offenses in Nevada have penalties where persons may lose their driving privileges. All DUI offenses in Nevada carry administrative driver license suspensions. First offenses carry 185 days and second offenses carry a full year suspension. Drivers may use an IID to gain driving privileges during suspension. Administrative suspensions are handled by the Nevada Department of Motor Vehicles.

Nevada has clear laws to criminalize operating a vehicle during a period of driver license suspension, including DUI or refusal suspensions. The matter is generally a misdemeanor with punishment set at imprisonment in jail for not less than 30 days nor more than six months (or by serving a term of residential confinement for not less than 60 days nor more than 6 months), and a fine of not less than \$500 nor more than \$1,000.

Seat belts are generally required for all drivers and passengers in Nevada. Approved child safety seats are required for children at graduating levels of size and age. Nevada has no primary seat belt law allowing law enforcement to stop a vehicle solely for failure to wear a seat belt.

Sobriety checkpoints are allowed under law. There is an open container law. There is no beverage keg registration.

There is currently no statutory requirement in Nevada compelling medical facilities to report to law enforcement when treating a driver for injuries sustained in a vehicle crash and they find intoxicants in the driver's system when screened for medical treatment.

Nevada is one of the few states that do not impose Dram Shop liability against businesses and individuals licensed to sell, serve, or provide alcohol. Nevada law does allow social hosts who supply alcohol to minors to be held liable for damage caused by the minor's intoxication.

Recommendations

- **Enact legislation that requires Driving Under the Influence first offenders to be evaluated for alcohol or drug dependency and treated if necessary.**
- **Amend legislation to require consideration of a person's entire prior Driving Under the Influence (DUI) case history for subsequent case charging, and eliminate provisions that allow a DUI conviction to "fall off" a driving record after seven years.**
- Enact legislation that makes Driving Under the Influence at a blood alcohol concentration of 0.15 percent or above an aggravating circumstance with increased penalties.
- Enact a primary seat belt law that allows law enforcement personnel to stop motorists for seat belt violations without observing other traffic offenses.

- Enact legislation that creates enhanced penalties for evidentiary chemical test refusals.
- Enact legislation that enhances penalties for Driving Under the Influence with a minor in the vehicle.
- Make available, fund, and utilize probation services for all levels of Driving Under the Influence offenses.
- Enact laws that require driver license suspensions for persons under 21 for any violation of law involving the use or possession of alcohol or illicit drugs.
- Require medical facilities to report to law enforcement in a timely manner when treating a driver injured in a crash and that driver has intoxicants in their system when tested by the medical facility.

B. Enforcement

Advisory

States should conduct frequent, highly visible, well publicized, and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, utilizing data to focus on locations where alcohol-related fatalities most often occur. To maximize visibility, the State should conduct frequent sobriety checkpoints, periodic saturation patrols, and sustained efforts throughout the year. Both periodic and sustained efforts should be supported by a combination of paid and earned media. To maximize resources, the State should coordinate highly visible, multi-jurisdictional efforts among State, county, municipal, and tribal law enforcement agencies to include liquor control enforcement officers. To increase the probability of detection, arrest, and prosecution, participating officers should receive training in the latest law enforcement techniques. States should:

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources;*
- *Develop and implement a year-round impaired driving law enforcement plan supported by a strategic communication plan which includes:*
 - *periods of heightened enforcement, e.g., three consecutive weekends over a period of 16 days, and frequent sustained coverage throughout the year; and*
 - *high levels of participation and coordination among State, liquor enforcement, county, municipal, and tribal law enforcement agencies, such as through law enforcement task forces.*
- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol-related fatal or other serious crashes most often occur;*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including frequent, ongoing sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during, and after they occur;*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors, and mobile data terminals) to enhance law enforcement efforts;*
- *Require that law enforcement officers involved in traffic enforcement receive standardized state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC);*
- *Ensure that officers involved in traffic enforcement receive ongoing refresher training in SFST;*
- *Evaluate the effectiveness of advanced training in the identification and apprehension of drug impaired drivers;*
- *Provide training to enhance law enforcement officers understanding of ignition interlock devices;*
- *Expedite the arrest process, e.g., by reducing paperwork and processing time from the time of arrest to booking and/or release;*
- *Evaluate program effectiveness and efficiency through the use of both output and outcome-based performance measures including:*
 - *the level of effort, e.g., number of participating agencies, checkpoints conducted, arrests made;*
 - *public awareness;*
 - *reported changes in behavior, e.g., reported number of drinking driving trips; and*
 - *consequences including alcohol-related fatalities, injuries, and crashes.*
- *Use law enforcement professionals to serve as law enforcement liaisons within the State. Their activities would include:*
 - *Serving as a communication bridge between the highway safety office and law enforcement agencies;*
 - *Enhancing law enforcement agencies coordination in support of traffic safety activities;*

- *Encouraging participation in high visibility enforcement of impaired driving, occupant protection, and other traffic safety enforcement mobilizations; and*
- *Improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement.*

Status

Nevada currently has 138 law enforcement agencies consisting of a wide variety of jurisdictional authority, including but not limited to: state, county, municipal, school district, parks, taxi authority, university, and tribal police. The Nevada Commission on Peace Officer Standards and Training (POST) reports 15,323 sworn officers statewide.

Like most areas of the country, Nevada's law enforcement agencies have struggled to hire and retain qualified staff in recent years. Many agencies find that attrition is outpacing hiring, resulting in patrol shifts often running below minimum staffing levels. Reasons for this vary but include pay, retirement contributions, lateral movement to other agencies, and officers moving out of state. This low staffing results in a shift in focus from spending previously undedicated time on tasks like traffic enforcement to more time answering public demand calls for service. Still, Nevada law enforcement has several enforcement tools and strategies in place to combat alcohol- and drug-impaired driving incidents and reduce serious injury and fatal crashes.

Office of Traffic Safety

Within the Nevada Department of Public Safety (DPS) lies the Office of Traffic Safety (OTS) with primary offices in Las Vegas and Carson City. OTS participates in the newly formed Nevada Advisory Committee on Traffic Safety (NVACTS).

OTS has several programs aimed at achieving the State's *Zero Fatalities* goal. Notable programming includes impaired driving, *Zero Teen Fatalities*, and the *Joining Forces* programs. OTS distributes numerous impaired driving and other traffic safety enforcement grants to law enforcement agencies of all types and sizes across Nevada to fund enhanced enforcement operations and equipment. OTS also actively solicits impaired driving and traffic safety project proposals that may be funded by highway safety grants. For FY 2023, some of the project topics solicited are:

- Drugged driving data collection
- Law enforcement phlebotomy programs
- Electronic search warrant programs
- Teen driving—marijuana and other substance abuse
- Tribal community traffic safety programs

Through other grant funding, OTS supports many enforcement, communication, and judicial programs to combat impaired driving. Examples of projects funded by these grants between 2017 and 2021 include:

- Enhanced impaired driving enforcement
- Portable breath test (PBT) device purchases
- Misdemeanor and Felony driving under the influence (DUI) court administration
- Tribal court judicial outreach
- Staffing of the Nevada Traffic Safety Resource Prosecutor (TSRP)

- Staffing of the Nevada Impaired Driving Program Manager
- Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) training for officers
- University Police Services impaired driving and underage drinking enforcement
- Professional development for judges and prosecutors
- County 24/7 *Sobriety and Drug Monitoring Program*
- Rural community impaired driving and substance use awareness campaigns

Highway Safety Plans

The Nevada *Highway Safety Plan* (HSP) guides the activities of agencies and stakeholders in the State's *Zero Fatalities* initiative. The HSP was created through a collaborative effort between public and private entities, and includes federal, state, local, and tribal partners from across Nevada. It broadly outlines the State's highway safety program areas, funding, data analysis, performance measures across a wide range of topics, and problem identification.

The FY 2023 HSP reflects many of the key priorities of the *2021-2025 Nevada Strategic Highway Safety Plan* (SHSP), which is a comprehensive, multi-year safety plan outlining a statewide framework for reducing highway fatalities and injuries. Complementing the SHSP is the *SHSP Action Plan*, which covers the State's action steps and output measures across four Key Areas: Safer Roads, Vulnerable Road Users, Safer Drivers and Passengers, and Impaired Driving Prevention. Under these four Key Areas are 13 subtopics, or emphasis areas, and include the highest-priority Critical Emphasis Areas (CEA), as identified through fatality and serious injury crash data. While "Impaired Driving" is the only emphasis area identified in the Impaired Driving Key Area, it is also identified as a CEA.

The Impaired Driving CEA lists four strategies to combat impaired driving and reduce serious injuries and deaths:

- Enhance DUI deterrence through improved criminal justice system response
- Support training and education for law enforcement agencies and commit to high-visibility DUI enforcement
- Improve understanding of impaired driving issues through better data
- Improve primary prevention efforts aimed at driving under the influence or riding with an impaired driver.

The *SHSP Action Plan* works in concert with other safety plans, including the *One Nevada Transportation Plan*, *Nevada Highway Patrol's Strategic Plan*, the *Commercial Vehicle Safety Plan*, the *NDOT Railway Safety Program*, and *NDOT's Local Public Agency Process*. All of these action plans are available to the public and law enforcement and help identify best practices for enforcement and prevention strategies.

Nevada's *Impaired Driving Strategic Plan* (IDSP) is the most DUI-specific guidance document of these state-level plans. With the SHSP being the broader of the two primary highway safety plans, the IDSP is embedded within the OTS HSP and specifically details the problems, action items, and goals of all aspects of impaired driving enforcement, education, treatment, data, highway infrastructure, and case adjudication. The IDSP acts as the "application" for highway safety funding from the National Highway Traffic Safety Administration (NHTSA).

Joining Forces

The *Joining Forces* program partners law enforcement agencies of all types and sizes in coordinated statewide efforts for impaired driving, distracted driving, speed, occupant protection, and pedestrian safety. Spread throughout each year, agencies team up in sustained high-visibility enforcement (HVE) efforts with a rotating focus from this list of dangerous driving behaviors. For 2023, there are 27 agencies across the State participating in *Joining Forces* HVE events, a requirement of agencies who receive *Joining Forces* funding.

The *Nevada OTS Joining Forces Program Guide* dictates the locations, types/topics of enforcement, and staffing requirements. For instance, a minimum of two officers and a minimum two-hour shift is required for each saturation patrol in each location; chosen locations should be data-driven, based on high-crash corridors, and other related problem identification. Two self-initiated stops per hour, per officer, is also strongly recommended, creating a “2/2/2” guideline. However, with the understanding that many smaller and more rural agencies might not have the staffing available to meet those requirements, one officer is commonly allowed because it is understood that one is better than none. Conversely, larger agencies may deploy dozens of officers per event with the ability to focus on several identified problem locations or communities.

JOINING FORCES EVENT SCHEDULE October 1, 2022 – September 30, 2023	
IMPAIRED DRIVERS/RIDERS	Oct 10 – Oct 31, 2022
CLICK IT OR TICKET	Nov 10 – Nov 30, 2022
SPEED	Dec 9 – Jan 3, 2023
DISTRACTED DRIVERS	Jan 13 – Jan 31, 2023
IMPAIRED DRIVERS/RIDERS	Feb 10 – Feb 28, 2023
SPEED	Mar 13 – Mar 29, 2023
DISTRACTED DRIVERS	Apr 3 – Apr 20, 2023
CLICK IT OR TICKET	May 13 – May 31, 2023
PEDESTRIAN SAFETY	Jun 2 – Jun 24, 2023
IMPAIRED DRIVERS/RIDERS	Jun 30 – July 21, 2023
PEDESTRIAN SAFETY	Aug 7 – Aug 31, 2023
SPEED	Sep 9 – Sep 21, 2023

Sobriety Checkpoints & Saturation Patrols

Nevada law allows the use of sobriety checkpoints and saturation patrols. Many of the saturation patrols are carried out by participating agencies of the *Joining Forces* program, but OTS encourages all law enforcement agencies to execute sobriety checkpoints and HVE saturation patrols throughout the year. Saturation patrols and checkpoints are widely publicized.

In 2022, 25 agencies participated in a total of five sobriety checkpoint details. No information was available as to which agencies participated in which events, or how many of those five checkpoints each agency participated in. To maximize event success, law enforcement agency partnerships increased available staffing at checkpoints.

There is no statutory or other regulation requiring a minimum amount of time a sobriety checkpoint must run. It is common for agencies to conduct checkpoints for the equivalent of one full patrol shift. Not requiring a specific duration allows flexibility for agencies in a time when law enforcement staffing is a significant problem statewide and may promote administration of more checkpoints than might otherwise occur if a minimum time requirement was in place. Public protest at sobriety checkpoint locations and impaired drivers passing through checkpoint locations without stopping as required create officer safety issues and distractions from the orderly administration of these events.

Saturation patrols are more common than sobriety checkpoints. While some agencies struggle to staff saturation patrols, some run monthly. Agencies receiving grant funds are required to participate in at least one impaired driving HVE event per year. While there is a requirement to publicize these events, there is no mandate for when or how many times each event is publicized. For instance, there is no requirement that an agency issue a press release before, during, and after an impaired driving saturation patrol.

Training

The Nevada POST is the State's regulatory body charged with establishing and maintaining the minimum standards of moral and physical fitness, curriculum, training, and certification for all of the State's peace officers. Impaired driving enforcement education begins at the earliest stage of a Nevada law enforcement officer's career. All officers attending a basic police academy in Nevada receive training in the NHTSA basic *DWI Detection and Standardized Field Sobriety Test* (SFST) curriculum and ARIDE.

While admirable that the State has recognized the problem of drug-impaired driving and the importance of its enforcement by adding ARIDE training to academy curriculum, ARIDE training is designed to give officers additional knowledge and skills once they have attended the basic SFST training course and developed on-the-job proficiency in basic DUI enforcement. Several states have in place mandatory minimum levels of experience or time in position, e.g., one year, before allowing ARIDE attendance.

The POST academy training does not include scenario-based DUI training; this is left to individual agencies. Scenarios may include a static traffic stop setting with a role-player driver giving a recruit officer cues consistent with impairment and the trainee asking the driver out of the car to administer SFSTs. Another previously offered training was the Nevada Highway Patrol's (NHP) scenario including a full DUI investigation, from traffic stop to SFSTs to arrest to breath test and processing.

In addition to academy ARIDE courses, ARIDE training is held outside of the academy each year. In 2022, 498 officers were ARIDE trained at the academy, and another 60 were trained at

other locations. Approximately two years ago, the entire NHP received SFST refresher and ARIDE training.

The State utilizes the NHTSA- and International Association of Chiefs of Police (IACP)-approved SFST refresher curriculum, which is organized by, and offered at, local agencies. In recent years, 700 officers at the Las Vegas Metropolitan Police Department received SFST refreshers. In other parts of the State, training is not as frequent or robust, in part because of geography and staffing (especially at small, rural agencies) and in part because of lack of agency interest.

No information was available on the selection, training, and maintenance requirements of SFST Instructors in Nevada—whether there is State oversight or if those requirements fall on individual agencies.

The Nevada Committee on Testing for Intoxication is a five-member committee authorized by Nevada Revised Statute 484C.600. The committee is chaired by the State's Traffic Safety Resource Prosecutor. All officers who administer evidentiary breath tests in Nevada must be trained and certified to operate the instrument(s) they use. As an example, according to the *Department of Public Safety Application for Certification/Recertification, Evidential Breath-Testing Device Officer (Form #DO-002)*, Intoxilyzer 8000 certification includes a four-hour training block, and officers must periodically recertify with two hours of update training.

Shortly after the 2017 change in Nevada law mandating the use of Ignition Interlock Devices (IID) for drivers who have failed or refused to submit to a chemical test or have been convicted of DUI, all officers received initial training on the function and requirements of these devices. To simplify recognition of drivers required to have an IID installed in the vehicles they drive, Nevada Department of Motor Vehicles (DMV) adds a code (a "Y" restriction) to their driver license. Although the initial law enforcement IID training curriculum is available online, there is currently no system in place to train officers who never received that in-person training, nor does refresher training exist. Additionally, it is unclear if officers are trained in how to handle IID violations. The Nevada IID compliance program was recently moved from the DMV to NHP. Once the new primary compliance and oversight program is running and a database developed, officer training will be addressed.

Nevada is a Drug Evaluation Classification Program (DECP) state, also known as a DRE Program. The program currently identifies two DRE State Coordinators, whose positions reside within OTS. Each year, the DRE Program offers from one to four DRE schools around the State. In 2021, the DRE Program held four DRE courses, training a total of 29 new DREs. That same year, seven ARIDE courses were held, attended by a total of 108 officers. Both courses utilize the respective curricula approved and published by IACP and NHTSA. The State recently hired a new DRE/ARIDE Training Coordinator to support the state coordinators and oversee training statewide. An obstacle to sustained and widespread DRE course administration is the current lack of DRE applicants. In recent years, DRE schools have been cancelled or left unfilled due to lack of applications. Even after individual officers are recruited and express interest in the program, they fail to apply when registration opens.

The Nevada TSRP is a certified DRE and offers continuing impaired driving enforcement training for officers and prosecutors statewide, both in person and via webinar. Training may also be multi-disciplinary, pairing officers and prosecutors in courtroom settings. The TSRP also offers webinar training on both a local and national level, and work is underway to bring the *Lethal Weapon* seminar to Nevada. This multi-day course trains officers and prosecutors in crash reconstruction, scene investigation, toxicology, and trial skills.

Impaired Driving Task Force

The State's Impaired Driving Task Force consists of approximately 150 members, covering nearly every corner of transportation safety in the State. Every recipient of impaired driving program grant funding is required to be a member of the task force. The task force holds quarterly meetings to regularly review and analyze Fatality Analysis Reporting System (FARS) and other data, discover new or upcoming law enforcement training, receive updates from State agencies, and identify strategies and goals for each annual IDSP publication. Although many agencies are required to attend, staffing, scheduling, and other similar obstacles frequently prevent every agency from attending every meeting—attendance by all 100-plus agencies rarely, if ever, occurs. The task force continually analyzes and evaluates the State's impaired driving program for effectiveness.

Law Enforcement Liaisons

OTS has two Law Enforcement Liaisons (LELs), both retired law enforcement officers whose positions are funded by highway safety grants. One LEL is responsible for the northern half of Nevada and the other for the southern half. The LELs help keep open lines of communication and facilitate collaboration between OTS and the various levels of law enforcement, their local groups and association chapters, and local community safety groups and coalitions. One factor benefitting their ability to stay engaged across the State is the relatively few counties (17) and police agencies in Nevada. The LELs also act as co-DRE State Coordinators.

Communication

OTS communicates the importance of highway safety and impaired driving prevention through media messaging tools, data reporting, grant funding, and facilitation of law enforcement collaboration. In turn, law enforcement executives to some degree communicate the importance of impaired driving enforcement to their personnel. For example, when high-profile impaired driving cases gain widespread public attention, agency officials may provide statements to the media regarding those cases. Executives from a variety of agencies (state, county, municipal, tribal) accept grant funds to enhance DUI patrol availability and communicate the importance of enforcement, but it is unknown to what extent this top-down communication occurs.

The Impaired Driving Program Manager travels around the State to engage stakeholders and gather information. The two LELs are also regionally available.

Nevada has three accredited forensic laboratories—two at city police departments and one at a county sheriff's office. DUI drug toxicology is regularly performed, especially on blood samples with blood alcohol concentrations under 0.08 percent, but data on these blood results are not communicated to the DRE Program. Turnaround time at these laboratories currently ranges from four to 18 weeks.

There is currently no law in Nevada requiring hospitals to report positive BAC and drug toxicology screening results to law enforcement in cases of crash-involved drivers who are being treated after a crash. In cases where police were never notified of the crash, or in cases where the driver was transported before officers were able to interview them or make any observations about them, this can prevent law enforcement from effecting an impaired driving arrest.

DRE Program

Nevada has a struggling DRE program. OTS has installed two DRE State Coordinators—one to cover the north half of the State and one to cover the south. This is problematic because the *International Standards of the Drug Evaluation and Classification Program, April 2020*, published by the IACP Technical Advisory Panel, authorizes and requires each state to have one state coordinator. Nevada is the only state with a two-coordinator system. A newly-hired DRE/ARIDE Training Coordinator will be responsible for DRE course management and coordinating DRE and ARIDE training with local agencies around the State. Nevada does not have in-state DRE Regional Coordinators to help oversee DRE activities and provide mentorship. An alternative to the dual state coordinator system could be to use one of the State Coordinators and the DRE/ARIDE Training Coordinator as DRE Regional Coordinators.

As of year-end 2022, Nevada had 85 credentialed DREs, including approximately 22 DRE Instructors. Records show only 49 DRE evaluations were administered statewide in 2022. As a DRE is required to conduct four DRE evaluations every two years, this number does not appear to support all 85 DREs staying active enough to complete their biannual recertification requirements.

Nevada is not a “Frye” or “Daubert” state regarding scientific evidence and expert testimony. In fact, judges in Nevada do not qualify any DREs as expert witnesses; however, this does not change how a DRE testifies. DREs (and other officers, as applicable) must be able to knowledgeably and confidently testify to the history of impaired driving enforcement, the DRE program’s history and validation, the components of a DRE evaluation, and why the driver’s performance and observable indicators of impairment relate to their inability to drive safely.

DRE recruitment and retention are considerable problems in Nevada. Officers are not applying for DRE training in any substantial quantities, and those who do are very young in their careers—often with the bare minimum two years of law enforcement experience. Credentialed DREs are not maintaining their certification. The skills required for DRE are not keeping their interest, and many move on to promotions, special teams, or other assignments, letting their certifications lapse. There are no known extra incentives to maintaining DRE certification in Nevada, such as pay incentives, take-home vehicles, or shift preference.

Ignition Interlock Devices

Oversight of IID laws, rules, and program administration was recently moved to the NHP by legislative order. The NHP’s development of the IID program is in its infancy, and there are currently no enforcement policies or procedures in place, nor is there any enforcement for IID providers, installers, or drivers who violate their IID requirements. Officers may or may not be familiar with the “Y” restriction/privilege on the license of a driver required to have an IID, and

if they contact a driver and find an IID law violation has occurred, they may or may not know the proper action to take for these misdemeanor crimes.

Planning is ongoing to establish policies and procedures for the program. Primary short-term goals include developing the compliance division for IID provider oversight and creation of a tracking database. A webpage on the DMV website currently exists for customers to locate nearby installers. Nevada currently has approximately 3,700 IID clients.

Future enforcement of driver IID violations is expected to occur through parole and probation departments. Because commission of low-level misdemeanors must be witnessed by an officer for enforcement to occur, administrative rules and/or other laws are being developed requiring IID units to be equipped with cameras in the future.

Other Technologies

Nevada is working to implement the use of roadside oral fluid testing to identify recent drug use among suspected drug-impaired drivers. For alcohol detection, PBTs are in use; passive alcohol sensors are rarely used.

Officers who utilize in-car, mobile data computers (MDC) have access to Justice Link (JLink), a driver records database, to see the status of a driver's license and conviction history at the roadside. An MDC also minimizes time spent preparing search warrants to collect blood in DUI cases.

Some agencies have evidentiary breath test instruments installed in their patrol cars. Others have, or have had, phlebotomists ride with them for impaired driving HVE events and saturation patrols. The ability to collect evidentiary breath and blood samples at the scene of a traffic stop or crash greatly reduces investigation and processing times and increases the likelihood of obtaining the sample within a two-hour window from the time of driving.

24/7 Sobriety and Drug Monitoring Program and DUI Courts

Nevada Revised Statute recently authorized a statewide *24/7 Sobriety and Drug Monitoring Program*, a highly intensive monitoring program for repeat DUI offenders. Many jurisdictions around the State also offer their own DUI treatment courts, providing alternative sentencing programs in DUI cases. These courts generally have broad discretion in the alternative sanctions and treatment they impose. One such program is the Washoe County *Sober 24* program. It operates under the Washoe County Department of Alternative Sentencing (DAS) as a pre-trial and/or post-conviction intensive treatment and monitoring program. Supervision and enforcement of program participants is handled by Washoe County DAS, a law enforcement agency created pursuant to NRS chapter 211A. In other courts, the local parole and probation department is an integral part of the treatment and monitoring team.

Crash Data Analysis, Problem Identification, and Reporting

OTS staffs two positions responsible for data collection and problem identification. The Fatality Analyst collects fatal crash data provided by law enforcement agencies and enters the information into FARS. The Traffic Analyst collects all crash data received through the Enforcement Mobile (formerly Brazos) crash reporting system and the Nevada Citation and

Accident Reporting System (NCATS), which nearly all law enforcement agencies participate in, save for a few tribal agencies. All crashes investigated by law enforcement are reported on the *NHP Form 5* and uploaded through Enforcement Mobile to NCATS, whether fatal, injury, or property damage crashes. A map of all crashes is publicly available online at www.dot.nv.gov/safety/traffic-crash-data. Law enforcement agencies utilize these data when planning strategic enforcement operations and HVE events.

NDOT's traffic safety office also employs other analysts who collect and analyze data and direct resources toward problem locations. Other entities, such as universities, analyze crash data for their respective jurisdictions, as well. The *Nevada Highway Safety Improvement Program* (HSIP) reports on fatal and serious injury crashes statewide. This report includes 10 categories of causal crash factors, including impaired driving. Detailed crash analyses of age, sex, time of day, causal crash factors, injuries, etc. are included in the 2023 HSP, including impaired driving factors. OTS is required to provide information on problem areas on Nevada highways and how to best prevent those problems. It is then incumbent upon law enforcement agencies to identify which priorities and programs for which they will seek funding.

Beverage Control

State alcoholic beverage regulation occurs within the Nevada Department of Taxation. However, other than taxation revenue and permitting, liquor law enforcement strategies and implementation—such as enforcement of unlawful sale to minors—are left to individual agencies and community coalitions. Currently, there is no state-level alcoholic beverage control arm tasked with enforcement of responsible alcohol service and sales laws.

OTS has distributed recent grants to University Police Services to fund enforcement of underage drinking and campus impaired driving incidents. Community coalitions positioned around Nevada are the State's primary sources of community education, outreach, victim advocacy, and responsible beverage service oversight. These coalitions frequently partner with local law enforcement to conduct underage alcohol sales compliance checks. Occasionally, shoulder-tap operations are conducted as well. Most of these community coalitions offer beverage server training, either on a periodic basis or before a local alcohol-involved event. Future coalition goals include collaboration with law enforcement for cannabis service compliance checks akin to alcohol service compliance.

Recommendations

- **Revise the structure of the Drug Evaluation and Classification Program (DRE Program) to reduce the number of state coordinators to one and consider implementing in-state regional coordinators in lieu of dual state coordinators.**
- Create a state-level beverage control entity to enforce unlawful possession and sale of alcohol and other related responsible alcohol service regulations.
- Expand programs utilizing technology-based tools, such as additional mobile impaired driving processing units and oral fluid testing, to maximize efficiency and minimize time spent with roadside impaired driving investigations.

- Mandate Standardized Field Sobriety Test refresher training within a certain time period for all officers utilizing impaired driving enforcement grant overtime funding to ensure officers are up-to-date with the latest curriculum and practices.
- Train all law enforcement officers to recognize violations of Ignition Interlock Device laws and how to take appropriate enforcement action against those drivers.

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C. Prosecution

Advisory

States should implement a comprehensive program to visibly, aggressively and effectively prosecute, and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Effective prosecution can include participation in a DWI Court program.

Prosecutors who handle impaired driving cases often have little experience, are responsible for hundreds of cases at a time, and receive insufficient training.⁴ States should:

- Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors;*
- Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes;*
- Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors;*
- Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State;*
- Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs. Prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel;*
- In drug-impaired driving cases, encourage close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including DRE). Their combined expertise is needed to successfully prosecute these cases;*
- Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense; and*
- Encourage prosecutors' participation in DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

Prosecuting attorneys have a significant responsibility in the administration of criminal Driving Under the Influence (DUI) cases in Nevada. Misdemeanor DUI cases are filed in Justice or Municipal Courts. Justice Courts and Municipal Courts are limited jurisdiction courts. There are 65 Justices of the Peace serving in 40 Nevada Justice Courts. There are 30 Municipal Judges sitting in 17 Municipal Courts in some of the larger cities in the State.

In addition to handling misdemeanor DUI cases, Justices of the Peace determine whether felony or gross misdemeanor cases have enough evidence to be bound over to a District Court for trial. Prosecution in Justice Courts is handled by the local District Attorney's Office. There are 17 District Attorneys, one for each county. Prosecution in a Municipal Court is facilitated by the municipality's City Attorney.

⁴ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution." Ottawa, Traffic Injury Research Foundation, 2002.

Felony DUI cases are filed in District Courts. Nevada has 11 judicial districts making up the State's general jurisdiction courts. These District Courts serve Nevada's 17 counties. The 11 judicial districts are served by 82 District Court judges who serve their elected counties but have jurisdiction to serve in any district court in the State. Prosecutions in District Courts are handled by the State's District Attorneys.

Prosecution for cases in Nevada DUI cases is primarily, but not exclusively, the responsibility of the State's 17 District Attorneys. District Attorney prosecutor's offices range in size from one prosecutor in some of the most rural counties to 175 prosecutors in Clark County. Municipal Court prosecutors (City Attorneys) are hired by the municipality and offices also range in size based upon the size of the municipality. Some DUI prosecution is the responsibility of City Attorneys. They must handle cases filed in one of the State's Municipal Courts.

Prosecutors are all licensed attorneys. The responsibility of each prosecutor includes the preparation and presentation of criminal cases, including DUI cases. Cases are initiated by any of Nevada's law enforcement agencies, but District or City Attorneys have the final decision on whether to file a case. District or City Attorneys also handle criminal case appeals.

The Nevada Attorney General has authority to prosecute in any of the State's Courts. However, it would be very rare if the Attorney General prosecuted an impaired driving case. It might be possible if a conflict arose and the local District Attorney could not take part in the case for some ethical reason. However, a District Attorney in an adjoining county is more likely to fill in.

Nevada's Traffic Safety Resource Prosecutor (TSRP) was initiated in 2018. The TSRP provides support for prosecution but currently does not serve as a trial prosecutor in Nevada. The TSRP may act as a liaison between prosecutors, the judiciary, law enforcement, and community groups. The TSRP also can provide a variety of services, such as training for law enforcement, prosecutors, and preparation of publications. Nevada has seen a significant impact on the effectiveness of prosecutorial efforts through direct TSRP assistance and training.

Defendants are tried before a judge in misdemeanor cases. Misdemeanors include DUI first and second cases. Felony defendants such as a third DUI and DUI cases with injury or death may be tried before a jury.

Nevada has no State-employed toxicologists. There are three available toxicology laboratories in the State with two in the south operated by the cities of Las Vegas and Henderson and one in the north operated by Washoe County. The labs perform services for all jurisdictions under contracts or on an as-needed basis.

Disposition of DUI cases through a plea bargain is a common occurrence, which means prosecutors may be involved in the determination of many facets of sentencing including incarceration time, fine amounts, and license suspension. Nevada law prohibits prosecutors from dropping or reducing impaired driving charges unless the prosecutor knows, or it is obvious, that the charge is not supported by probable cause, or the charge cannot be proved at the time of trial. However, reductions of first offense DUI cases to reckless driving violations does occur in Nevada. Reducing second offenses to first offenses and dropping felonies to misdemeanors also

takes place in Nevada. Prosecutors are often involved in the decision to reduce and make reduction recommendations to trial judges. Reductions to reckless driving or lowering second to first DUI charges can undermine the effectiveness of DUI penal statutes. Prosecutors and judges often argue reductions are necessary to do justice or to handle the high number of cases filed.

Nevada's prosecuting attorney's organization is the Nevada District Attorney's Association (NDAA). It is a statewide non-partisan organization comprised of the elected District Attorneys throughout Nevada's 17 counties. The NDAA's mission is to "support the efforts of prosecuting agencies within our State as they strive to ensure justice and protect the public's safety." However, the NDAA provides minimal training and consists of only the small group of District Attorneys.

Nevada also has a seven-member Advisory Council for Prosecuting Attorneys. The Advisory Council "provides technical assistance and resources to Nevada's prosecutors to improve the effective administration of justice, promote open government, and protect the public." Some education is provided by the Advisory Council in cooperation with the Nevada Attorney General. They hold an Annual Conference where some DUI prosecution education is provided. Nevada's TSRP has been given an opportunity to provide education at the Annual Conference in recent years. Training for DUI prosecutors is also provided internally by some offices where prosecutors work.

There are no education or training standards for Nevada's prosecutors. They must maintain State Bar required continuing legal education hours, but prosecution related education is not mandated.

There is no statewide support organization for prosecuting attorneys unless they are the actual District Attorney. Nevada's DUI prosecutors are also generally more inexperienced attorneys because there is turnover in most offices responsible for prosecution. In addition to turnover, prosecutors also move up in the offices and handle cases considered more "serious." It is beneficial to have more experienced litigators.

In some of the larger offices, there may be prosecutors who specialize in DUI cases. However, many prosecutors are spreading their time handling a variety of different tasks. Specialization often produces skill and results in impaired driving prosecution.

Since the prosecution of DUI cases is done by prosecutors from varying office sizes and training levels, there is some concern regarding the consistency of prosecution statewide. This is further concerning because there is no support organization facilitating collaboration of prosecutors from different jurisdictions. This is not said to diminish the efforts of the significant number of dedicated, hardworking prosecutors attempting to make a difference. However, obvious benefits in criminal prosecution, including impaired driving prosecutions, can be gained by bolstering the abilities and cohesiveness of individuals performing this important function.

Recommendations

- Provide training opportunities for prosecutors to enhance their knowledge and skills in impaired driving cases, including drugged driving cases.

- Facilitate and promote a prosecutor's organization to assist with training, service, and support of prosecutors handling impaired driving and other important cases.
- **Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to reckless driving or a lesser offense be made part of the record and count as an impaired driving offense.**
- Establish a State Toxicology Laboratory and employ toxicologists to assist in the successful and timely prosecution of impaired driving offenses.

D. Adjudication

Advisory

States should impose effective, appropriate, and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers, and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. Where offender supervision⁵ is housed within the judicial branch, the guidelines of Section V(A)(1) should be utilized by the judiciary.

The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial, and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE), alternative sanctions, and emerging technologies, such as ignition interlock devices (IID).

Each State should utilize DWI Courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI Courts also improve access to assessment, treatment, and sentence monitoring. Each State should provide adequate staffing and training for community supervision programs with the necessary resources, including technology, such as IID, to monitor and guide offender behavior. States should:

- Involve the State's highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges;*
- Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury;*
- Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges;*
- Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders;*
- Use court strategies to reduce recidivism through effective sentencing and close monitoring by either establishing DWI Courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug Court practice. These courts increase the use of drug or alcohol assessments; identify offenders with alcohol or drug use problems; apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs; and closely monitor compliance, leading to a reduction in recidivism;⁶*
- Eliminate ethical obstacles, such as ex parte or commitment communications, by adopting the current Model Code of Judicial Conduct so that judges can participate more freely in DWI Court administration;*
- Provide adequate staffing and training for community supervision programs with the necessary resources, including technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance; and*

⁵ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002.

⁶ Freeman-Wilson, Karen and Michael P. Wikosz, "Drug Court Publications Resource Guide, Fourth Edition." Alexandria, VA: National Drug Court Institute, 2002.

- *Incorporate into judicial education and outreach administration the position of Judicial Outreach Liaison as a judicial educator and resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.*

Status

Case Management

In Nevada, misdemeanor Driving Under the Influence (DUI) cases are filed in Justice or Municipal Courts. Justice Courts and Municipal Courts are limited jurisdiction courts. There are 65 Justices of the Peace serving in 40 Nevada Justice Courts. There are 30 Municipal Judges sitting in 17 Municipal Courts in cities in the State.

In addition to handling misdemeanor DUI cases, Justices of the Peace determine whether felony or gross misdemeanor cases have enough evidence to be bound over to a District Court for trial. Justice Courts also preside over misdemeanor, small claims, summary eviction, temporary protection, and traffic cases. Justice Court Judges are elected to six-year terms and Judges in jurisdictions over 100,000 must be licensed attorneys. Prosecution in Justice Courts is handled by the local District Attorney's Office.

Municipal Court Judges also hear matters involving violations of city ordinance, non-traffic misdemeanors, traffic violations, parking violations, and in some cities, minor civil matters. Municipal Court Judges may be appointed or elected and terms vary according to each municipality's ordinances or charter. A law license is not required to serve as a Municipal Judge. Prosecution in Municipal Courts is facilitated by the municipality's City Attorney.

Felony DUI cases are filed in District Courts. Nevada has 11 judicial districts making up the State's general jurisdiction courts. These District Courts serve Nevada's 17 counties. The 11 Judicial Districts are served by 82 District Court judges who serve their elected counties but have jurisdiction to serve in any district court in the State. Prosecutions in District Courts are handled by the State's District Attorneys. There are 17 District Attorneys, one for each county.

Appeals of District Court cases, including felony DUI convictions, go to two appellate courts: the Nevada Supreme Court and the Nevada Court of Appeals. The Nevada Supreme Court is the highest court in the Nevada judicial system. The main function of the Supreme Court is to review appeals from the decisions of the District Courts. The Court can affirm, modify, or set aside the decisions on appeal. The Court must consider all cases filed. There are seven justices on the Court and they are elected to six-year terms.

In 2014, the Nevada Court of Appeals was approved by Nevada citizens. The Appellate Court, a three-judge court, hears roughly one-third of all cases submitted to the Nevada Supreme Court in a defective model, where the Supreme Court assigns cases to the Court of Appeals. Decisions at the Supreme and Appellate Court are final unless challenged in U.S. Federal Courts. Court of Appeals Judges are also elected to six-year terms.

Cases from Municipal and Justice Courts are appealed to the District Courts. Once again, the District Court may affirm, modify, or set aside convictions from the Justice or Municipal Courts.

Nevada has a number of Tribal Courts for 19 federally recognized tribes. Tribal Courts are generally presided over by non-law trained judges and handle matters occurring on tribal lands. For this reason, it is rare if an impaired driving case is adjudicated in a tribal court.

Education

All judges must attend continuing legal education each year. To promote competency and professionalism, the Supreme Court's Judicial Education Unit holds in-person seminars, computer-based training, and education through remote electronic means. All sitting judges must obtain a minimum of 13 hours of education per year, including two hours of ethics and professional competence education and one hour on substance abuse, addictive disorders, and/or mental health. No mandatory training is required for handling traffic or DUI cases; however, traffic case subject matter is usually made available at some judicial education seminars.

District Judges often get education at their Annual District Judges Conference. Justice of the Peace and Municipal Judges gain training at their yearly seminars staged by the Nevada Limited Jurisdiction Judges Association.

The National Judicial College is located in Reno on the campus of the University of Nevada. Judges are required to attend courses at the College on a periodic basis. In addition, newly selected or newly elected judges are required to attend significant training at the College. The College generally offers specialized classes on DUI adjudication.

Nevada also provides funds for judges to attend courses for subjects within their jurisdiction. Overall, Nevada judges are provided with educational opportunities many other states do not enjoy.

Tribal judges are given significant opportunities to attend classes at the National Judicial College. They do not attend sessions sponsored by Nevada judges' organizations.

The only educational opportunity that Nevada may lack is a State-sponsored seminar dedicated to impaired driving adjudication. Due to DUI adjudication making up a significant amount of the caseload in many courts and the emerging problem of driving while impaired by drugs, judges may benefit from intensive training in these areas.

Specialized Courts

There are currently specialized "problem solving" treatment courts in Nevada. These courts are heavily weighted in treatment of repeat offenders. The heart of a treatment court is more intensive oversight, substance abuse testing, and additional treatment. In return for the additional supervision, offenders may avoid periods of incarceration, gain sobriety, and become more productive members of society. Members of the judiciary are supportive of the concept and success has been shown. There are currently 65 Specialty Court programs which include 21 adult drug courts and nine DUI courts. There are Specialty Court programs in every county in both urban and rural areas.

Other

DUI reduction programs are controversial in the area of DUI adjudication nationwide. Cases of

DUI first offense being reduced to reckless driving is happening in Nevada. Subsequent cases are also being reduced to first offenses. Some felony DUI cases are also being reduced to misdemeanors. Prosecutors and Judges often feel these reduction practices are necessary due to the significant numbers of DUI cases, available time, limited jail space, and court resources. It appears that sentencing consistency in the courts statewide is lacking. A thorough examination of the practice of reductions, sentencing, and treatment monitoring which would result in data driven uniformity and enforcement of terms has not been done in the State. This would be a good initial step in ensuring that offenders are being held accountable for crimes and receiving assistance in any necessary lifestyle changes.

Justice and Municipal Courts, where almost all impaired driving cases are adjudicated, generally do not use formal probation services for DUI cases. Probation services for DUI offenders are generally useful in securing treatment and lifestyle changes for offenders. Adding probation services will likely require a change in sentencing structure in Nevada. Additional resources will also be necessary for support staff and probation personnel. Exceptions in some counties exist where DUI Courts are active. Those counties have provided some probation services and positive results have been shown.

Trial delays and docket management appears to be a problem in Nevada. Due to COVID-19, court cases are further backlogged. It is important to monitor these areas and allocate resources to ensure effective and prompt resolution of all cases, including impaired driving filings.

The Nevada Supreme Court has shown support of Specialty Courts, which include DUI Courts; however, it has not otherwise exhibited significant leadership in the efforts to curb impaired driving.

Some Justice of the Peace and Municipal Judges are not licensed attorneys. This occurs in counties with populations less than 100,000 for Justice Court Judges and in some of the smaller Municipal Courts. Proponents of non-law trained judges argue they are necessary due to the low availability of attorneys in some jurisdictions. They also claim non-lawyer judges have proven ability in adjudication and are able to properly decide cases filed in their courts. Some challengers to the system of having non-lawyer judges argue judges should have more legal preparation before taking the bench. They also claim some non-law trained judges fail to properly protect rights afforded defendants. Whether it is proper to have non-lawyer judges continues to be debated in forums across the country, including Nevada.

Presently, the American Bar Association has a Nevada Judge serving as a Regional Judicial Outreach Liaison (JOL) for the National Highway Traffic Safety Administration Region 8 area. The JOL has been effective in assisting the judiciary in the area of impaired driving and has served in other capacities in regard to providing education and encouraging problem solving courts.

Nevada also has a State JOL to assist the judiciary. State JOLs function as teachers, writers, consultants, and subject matter experts to share the latest research and best practices on addressing impaired driving and recidivism. The State JOL in Nevada has been very effective and is a strong advocate for legislative change, problem solving courts, and more DUI education.

Nevada has greatly benefitted from the strong leadership shown by the Regional and State JOLs.

Recommendations

- Make available, fund, and utilize probation services for all levels of driving under the influence offenses.
- **Provide annual mandatory judicial education on impaired driving case adjudication to all trial court judges.**
- Convene conferences for judges specifically on impaired driving case adjudication.
- **Execute a thorough examination of the practice of sentence reductions and establish data-driven uniformity of terms, appropriate monitoring of offenders, and enforcement of terms.**

E. Administrative Sanctions and Driver Licensing Programs

Advisory

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization, or forfeiture of a vehicle; the impoundment of a license plate or suspension of a vehicle registration; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.⁷

In addition, other driver licensing activities can prove effective in preventing, deterring, and monitoring impaired driving, particularly among novice drivers.

E-1. Administrative License Revocation and Vehicle Sanctions

Advisory

Each state's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the state's impaired driving laws.

Administrative sanctions allow the licensing agency to maintain its authority to determine the safety and competence of the driver to whom it has issued a license and to determine whether, at any time, continued provision of driving privileges is warranted. Administrative sanctions provide for consistency and uniformity of both sanction and treatment of offenders, apart from the political or social viewpoints of the various judicial jurisdictions within a state. The code should provide for:

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal;*
- *The period of suspension for a test refusal should be longer than for a test failure;*
- *Prompt suspension of the driver's license within 30 days of arrest, which should not be delayed, except when necessary, upon request of the State;*
- *Vehicle sanctions, including suspension of the vehicle registration, or impoundment, immobilization, or forfeiture of the vehicle(s) of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving; and*
- *Installation of ignition interlock device(s) on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle. Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.*

Status

The Nevada Department of Motor Vehicles (DMV) is responsible for all processes related to driver licenses from issuance to suspension or revocation. Ongoing system updates and projects will continue to advance the State's ability to evaluate programs and determine the effectiveness of licensing laws and policies.

⁷ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002

Nevada Revised Statutes (NRS) include an implied consent statute and provisions for comprehensive administrative licensing sanctions related to impaired driving offenses. Both license and vehicle-related penalties are included in the Statute and apply to all drivers convicted of impaired driving. This administrative process runs independently of, but parallel to, the judicial process and associated penalties for impaired driving. Conducting mutually exclusive processes allows for uniform administrative consequences to be enacted separate from any court proceedings.

In Nevada, impairment is defined as a blood alcohol concentration (BAC) of 0.08 percent for adults age 21 and older, 0.02 percent for those under age 21, and 0.04 percent for commercial vehicle drivers. In the case of an alcohol test refusal or failure and administrative conviction, the following sanctions will be imposed:

Offense	Alcohol Concentration	License Revocation
<u>Age less than 21</u>		
1 st conviction	0.02-0.07	90 days
2 nd or subsequent conviction	0.02-0.07	90 days
<u>Age 21 and over or BAC 0.08+ under age 21</u>		
1 st conviction	0.08+	185 days
1 st refusal		185 days
2 nd conviction within 7 years	0.08+	1 year
2 nd or subsequent refusal within 7 years		3 years
3 rd or successive conviction within 7 years		3 years
<u>Commercial Driver</u>		
1 st conviction	0.04+	1 year CDL 185 days non-commercial
1 st conviction with hazmat	0.04+	3 years CDL
1 st refusal		1 year CDL
2 nd conviction within 7 years	0.04+	Permanent CDL 1 year non-commercial
3 rd conviction or subsequent refusal within 7 years		Permanent CDL 3 years non-commercial

At the point of arrest, the offender's driver license is confiscated and a temporary permit for seven days is issued unless the offender is taken into police custody. The offender may install an ignition interlock device (IID) at any point during the revocation period and obtain a restricted license. A restricted license is not permitted without an IID during the revocation period. In the case of a vehicular homicide or second or subsequent DUI violation within seven years, each motor vehicle registered to the offender will be suspended for five days. Convictions also require the offender to attend a victim impact panel. Completion of an alcohol education course may reduce the revocation period in some cases.

To determine the number of previous impaired driving convictions, driver history records are queried, including all administrative and judicial convictions, and efforts are made to receive out-of-state convictions. Any arrests made while awaiting an administrative review may be considered for the progressive sanctions for the original offense.

IID programs were approved by State law in 2017 and 11 providers are approved to operate in the State. For a first conviction with a BAC 0.08+ percent, the court may order IID for six months. Upon second conviction, IID may be ordered for one year, and upon third or other felony DUI convictions, it may be ordered for three years. The DMV will issue a 'Y' restriction on an existing license or a new license that clearly identifies the driver as being in the IID program. The time period for the IID will not begin until the device is installed and the license restriction is issued, which only occurs after installation.

Recommendations

- Develop policies and procedures for the Ignition Interlock Device program at the Nevada Highway Patrol to include data-sharing and provider compliance monitoring.
- Organize a coalition of traffic safety partners to support regulations developed for effective management of the Ignition Interlock Device program.
- Share Ignition Interlock Device program data with analytical and judicial partners and conduct a comprehensive evaluation of the program.

E-2. Driver Licensing Programs

Advisory

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- (1) *Graduated Driver Licensing (GDL) for novice drivers. GDL programs have been widely evaluated and all studies, although results vary significantly, have shown a reduction in crash and fatality rates.*

States' GDL program should involve a three-stage licensing system for beginning drivers (stage 1 = learner's permit; stage 2 = provisional license; and stage 3 = full license) that slowly introduces the young, novice driver to the driving task by controlling exposure to high risk driving situations (e.g., nighttime driving, driving with passengers, and driving after drinking any amount of alcohol). The three stages of the GDL system include specific components and restrictions to introduce driving privileges gradually to beginning drivers. Novice drivers are required to demonstrate responsible driving behavior during each stage of licensing before advancing to the next level.

Each stage includes recommended components and restrictions for States to consider when implementing a GDL system.

Stage 1: Learner's Permit

- *State sets minimum age for a learner's permit at no younger than 16 years of age;*
- *Pass vision and knowledge tests, including rules of the road, signs, and signals;*
- *Completion of basic driver training;*
- *Licensed adult (who is at least 21 years old) required in the vehicle at all times;*
- *All occupants must wear seat belts;*
- *Zero alcohol while driving;*
- *Learner's permit is visually distinctive from other driver licenses;*
- *Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed, and other GDL provisions, for at least six consecutive months to advance to the next level;*
- *Parental certification of 30 to 50 practice hours; and*
- *No use of portable electronic communication and entertainment devices while driving.*

Stage 2: Intermediate (Provisional) License

- *Completion of Stage 1;*
- *State sets minimum age of 16.5 years of age;*
- *Completion of intermediate driver education training (e.g., safe driving decision-making, risk education);*
- *All occupants must wear seat belts;*
- *Licensed adult required in the vehicle from 10 p.m. until 5 a.m. (e.g., nighttime driving restriction) with limited exceptions (i.e., religious, school, medical, or employment related driving);*
- *Zero alcohol while driving;*
- *Driver improvement actions are initiated at lower point level than for regular drivers;*
- *Provisional license is visually distinctive from a regular license;*
- *Teenage passenger restrictions – not more than 1 teenage passenger for the first 12 months of Intermediate License. Afterward, limit the number of teenage passengers to 2 until age 18;*
- *Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed, and other GDL provisions, for at least six consecutive months to advance to the next level; and*
- *No use of portable electronic communication and entertainment devices while driving.*

Stage 3: Full Licensure

- *Completion of Stage 2;*
- *State sets minimum age of 18 for lifting of passenger and nighttime restrictions;*
- *Zero alcohol while driving; and*
- *Visually distinctive license for drivers under the age of 21.*

(2) *A program to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or altered driver's license including:*

- *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them;*
- *Training for license examiners to recognize fraudulent documents and individuals seeking to apply for them; and*
- *A means by which to ensure that individuals cannot obtain driver licenses using multiple identities.*

Status

Nevada has a Graduated Driver License (GDL) program with three stages of licensure. The Instruction (Learner's) Permit stage of the GDL process includes a distinctive driver license; all drivers under age 21 have a vertically oriented license while adults have a horizontally oriented card. A learner's permit can be obtained as early as 15 and a half years of age. The requirements and restrictions associated with each stage are below:

1. Instruction (Learner's) Permit

- At least age 15.5
- Certification of Attendance from school official
- Completion of an automobile driver education course
- Holding period is at least six months
- Pass vision and knowledge (written) tests
- Driving is restricted between 10 p.m. and 5 a.m., unless for a scheduled event
- Passengers under age 18 not allowed in first six months, except immediate family members
- Must always be accompanied by a licensed driver at least age 21 with at least one year of licensed driving experience, seated next to driver
- Must complete 50 hours of supervised driving (10 during nighttime hours)
 - 100 hours (10 during nighttime hours) if driver education not offered within 30-mile radius
- No alcohol/drug convictions, traffic violation convictions, or at-fault crashes for at least six months
- Valid for one year

2. Intermediate Driver License

- At least age 16 and less than age 18
- Must hold Instruction (Learner's) Permit for at least six months
- No moving violations or crashes for six months prior to application for Intermediate License
- Driving is restricted between 10 p.m. and 5 a.m., unless for a scheduled event
- Passengers under age 18 not allowed in first six months

3. Unrestricted License

- At least age 18

Moving violation convictions during the Instruction (Learner's) Permit phase restart the six month no-violation requirement.

Some components of the GDL law exceed best practice recommendations, such as requiring 50 hours of supervised driving during the Instruction (Learner's) Permit phase. However, some characteristics do not meet best practices recommendations, including setting the minimum age to obtain a Learner's Permit at 16 and passenger restrictions for

12 months of the Intermediate License phase. Unrestricted Driver Licenses may be obtained at age 18 without completing the GDL process.

Alcohol server training which includes recognition of fraudulently obtained, counterfeit, or altered driver licenses or identification cards is mandatory in Nevada for all service and security personnel at licensed establishments. There are numerous options for training courses that will satisfy this requirement. A similar rule has not been implemented for establishments that sell or serve cannabis products.

Within the Department of Motor Vehicles, the Employee Development Unit provides training and the Compliance Enforcement Division (CED) conducts investigations to prevent the issuance of fraudulent identification cards or licenses. However, CED investigations are conducted after transactions are completed, which hampers the ability to prevent fraudulent issuances.

Recommendations

- Update alcohol server training requirements to only accept training from evidence-based programs.
- Develop mandatory server training policies related to fraudulent, counterfeit, or altered driver licenses or identification cards for establishments that serve cannabis products.
- Consider using facial recognition software prior to the issuance of identification cards and driver licenses to prevent fraud.

IV. Communication Program

States should develop and implement a comprehensive communication program that supports priority policies and program efforts, including high visibility enforcement (HVE). Communication strategies should specifically support efforts to increase the public perception of the risks of detection, arrest, prosecution, and sentencing for impaired driving. Additional communication strategies should address underage drinking, impaired driving, and reducing the risk of injury, death, and the resulting medical, legal, social, and other costs if there are specific programs underway in the community. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience.

Advisory

States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution, and punishment for impaired driving;*
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, and insurance;*
- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes, and influencing and sustaining appropriate behavior;*
- *Develop a year-round, data-driven, strategic, and tactical communication plan that supports the state's priority policies and programs such as alcohol's effects on driving and consequences of being caught driving impaired or above the state's zero tolerance limit;*
- *Implement a communication program that:*
 - *Uses messages that are coordinated with National campaigns and messages that are culturally relevant and linguistically appropriate;*
 - *Considers special emphasis during holiday periods and other high-risk times throughout the year, such as New Year's, 4th of July, Labor Day, Halloween, prom season, and graduation;*
 - *Uses paid, earned, and donated media coordinated with advertising, public affairs, news, and advocacy; and*
 - *Encourages communities, businesses, and others to financially support and participate in communication efforts.*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems such as youth, young adults, repeat and high BAC offenders, and drivers who use prescription or over-the-counter drugs that cause impairment;*
- *Use creativity to encourage earned media coverage, use of a variety of messages or "hooks" such as inviting reporters to "ride-along" with law enforcement officers, conducting "happy hour" checkpoints or observing under-cover liquor law enforcement operations, and use of social media;*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior; and*
- *Ensure that personnel who are responsible for communications management and media liaison are adequately trained in communication techniques that support impaired driving activities.*

Status

The Nevada Office of Traffic Safety (OTS) receives grant funding to execute multimedia public safety messaging. OTS media efforts consist of communications to educate and inform the public on driving safety and to deter dangerous driving behaviors such as impaired driving. OTS also

conducts public relations campaigns related to areas of emphasis listed in the *Strategic Highway Safety Plan (SHSP) Action Plan*. The messaging goals identified in the grant include:

- Produce and publish quality assets designed to educate the public about the SHSP Critical Emphasis Areas
- Produce and publish social media messages five times a week via *Zero Fatalities*' three social media accounts
- Develop and implement a public outreach plan that includes attending and staffing public events
- Present a new *Zero Fatalities* presentation designed to engage the public
- Develop statewide mass media Public Service Announcements to address unsafe driving behaviors
- Conduct a public awareness survey
- Develop and implement an outreach strategy to reach all Nevadans

OTS has a media contractor that handles paid media efforts. The contractor utilizes appropriate data to identify both the intended target audience that is over-represented in impaired driving crashes and to identify the most appropriate messaging to reach the intended target audience. The audience that has been identified for impaired driving messaging in Nevada is the 21- to 35-year-old male driver. The contractor uses focus groups to identify appropriate and effective messaging to reach the target audience, secures the best platforms and/or time slots for advertising, and provides feedback on the reach of the various media platforms utilized. This feedback includes the number of impressions through the placement of billboards, a wide variety of social media placements (TikTok, Facebook, YouTube, etc.), streaming and broadcast media, sponsorships, and public relations impressions.

Earned media is also used to share traffic safety messaging. The OTS impaired driving communication earned media strategy includes holding press events with speakers that draw media attention, utilizing “media hooks” that will maximize coverage, and participating at a variety of events. Press releases are also prepared and utilized by both OTS and traffic safety partners throughout the State to deliver impactful media placements providing maximum coverage at minimal costs.

Nevada has built a strong public-private partnership through its *Zero Coalition* with the goal to prevent Nevada road users from getting behind the wheel impaired. The coalition began as a partnership with Lyft ride services in 2018 and expanded statewide to partners in 2019 and subsequent years. Partners include businesses, health providers, distilleries, bars, restaurants, sport teams, and others. Partnerships also include law enforcement and government affiliated entities to deliver the program. Efforts are focused on safe ride alternatives for drivers that have consumed impairing substances.

As part of the *Zero Fatalities* initiative, Nevada embarked on a widespread impaired driving campaign from May to September 2022 entitled *Impaired Driving Not Yet*. While reaching all ages and genders, this campaign targeted male drivers 21 to 35 years of age. The concept of something bad having not happened to a driver “yet” was incorporated into various messaging platforms and disseminated across television, streaming audio/video, billboards, social media, sporting event sponsorships, and more. The post-campaign summary literature published by the

Department of Public Safety (DPS) noted over 8.4 million impressions on various digital media platforms.

The *Zero Teen Fatalities* program targets young drivers and has a dedicated website within OTS, providing traffic safety information tailored to teen drivers and their parents. The website, zeroteenfatalities.com, offers downloadable guides, teen traffic safety statistics, tips for parent driving instructors, available driving courses, live presentations, behavior identification quizzes, links to traffic safety partners, and more. This program was recently moved to a local school district police agency in Clark County. The officer assigned to the program serves in a full-time capacity on the *Zero Teen Fatalities* initiative, which is supported with funding from OTS.

An annual awareness survey is conducted to evaluate the impact of communication efforts. Latest survey results show a shrinking awareness of the *Zero Fatalities* campaign and overall traffic safety messaging. The survey revealed 42 percent of those surveyed had heard of the *Zero Fatalities* campaign in 2022 compared to highs in 2015 and 2017 of 65 percent. There was a reported increase in the percentage of those surveyed that were aware of the blood alcohol concentration (BAC) limit of 0.08 percent for drivers at least age 21. Sixty-one percent of respondents were aware of this law in 2022, compared to 56 percent in 2021.

Nevada strives to complement and leverage national media buys that are done by the National Highway Traffic Safety Administration within the State surrounding national high-visibility enforcement (HVE) waves. These campaigns include the use of paid media delivered through television, radio, social media, and other internet-based messaging. Placement of paid media is secured by the media contractor. Media placement is at times and on platforms where the impaired driving message will reach the greatest number of individuals in the target demographic group. Impaired driving advertising focuses on four primary holiday periods: New Years, Memorial Day, Labor Day, and Halloween.

Pursuant to a law enforcement agency's grant funding agreement with OTS, each agency is required to publicize HVE waves, typically consisting of Driving Under the Influence (DUI) saturation patrols and sobriety checkpoints. OTS's *Joining Forces* program partners with multiple law enforcement agencies in a coordinated statewide HVE effort that is spread across the year and combats a series of commonly known risky driving behaviors. These efforts are widely publicized before and after to inform the public of the upcoming event and share the ensuing results.

Sports marketing is a key component for reaching the target audience at the point of sale for alcohol consumption within sports venues. Sponsorships are in place for two minor league baseball clubs in Nevada, the Reno Aces and the Las Vegas Aviators. Impaired driving messaging is done in appropriate locations throughout the ballparks where messaging is most likely to reach the 21- to 35-year-old male target audience. Messaging is done on pre-game video boards, portable bar kiosks, and in men's bathrooms. Radio advertising is also conducted during all 127 games for the Las Vegas Aviators.

The Las Vegas Golden Knights ice hockey team is another professional sports partner. The need for this partnership came to light following a review of crash data which revealed that crashes

spiked following the conclusion of Golden Knights home games. The predominant cause of these crashes was impairment. The team was receptive to partnering with OTS and agreed to a partnership at cost rather than the going rate for typical partners.

A review of educational materials developed and creatives placed on various media platforms revealed messaging was creative and hit on impaired driving and the enforcement of impaired driving without focusing on enforcement in and of itself. The review of media materials also revealed a considerable amount of media coverage by news media outlets, particularly on impaired driving crashes, laws, and enforcement efforts. Creatives are produced in both English and Spanish.

The OTS Public Information Officer (PIO) position is vacant and has been vacant for over one year. This position is critical to highway safety office efforts to impact traffic safety behavior through continuous and effective communications. The position is also critical to networking with partners to assist them with communication outreach. The OTS PIO needs to lead a traffic safety communication network including partners with PIO positions within their organizations to ensure a coordinated message for traffic safety campaigns, reduce conflicting messaging, and eliminate duplicated efforts. For partners that lack a PIO position, the OTS PIO can provide guidance on campaigns and traffic safety messaging that otherwise may not have communications capabilities to complement their traffic safety programs.

Recommendations

- Fill the vacant Public Information Officer position within the Office of Traffic Safety (OTS) to lead and coordinate statewide OTS traffic safety communication efforts, particularly for impaired driving.
- Establish a statewide traffic safety communications network to provide a coordinated message for impaired driving campaigns and other traffic safety messaging.

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.⁸ Moreover, on average, individuals with alcohol or other drug abuse problems, drive several hundred times within two hours of drinking before they are arrested for driving while impaired.⁹

States should have a system for identifying, referring, and monitoring convicted impaired drivers who are high risk for recidivism for impaired driving.

Nationally, the number and diversity of problem solving courts has grown dramatically. One such problem solving model is the DWI Court. These courts provide a dedicated docket, screening, referral, and treatment and intensive monitoring of impaired driving offenders. States and localities that implement DWI Courts should ensure that they are established and operated consistent with the Guiding Principles recommended by the National Center for DWI Courts.

www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers—those with the most serious injuries - test positive for alcohol. Studies report that 24-31 percent of all emergency department patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

A. Screening and Assessment

Each State should ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. The most immediate screening should take place in the criminal justice system. However, states should also encourage its health care professionals, employers, and educators to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. Many individuals who are drivers and who have alcohol or other drug abuse problems present themselves in a variety of settings, e.g., emergency departments, in which Screening and Brief Intervention (SBI) and referral are appropriate and serve to prevent the individual from being involved in a future impaired driving crash or arrest.

⁸ Repeat DWI Offenders in the United States. “Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

⁹ On average, 772 such episodes, according to Zador, Paul, Sheila Krawchuck, and Brent Moore, “Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior.” Washington, DC: U.S. Department of Transportation, NHTSA Technical Report No. DOT HS 809 184, December 2000.

A-1. Criminal Justice System

Advisory

Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and to determine their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement. The assessment should be:

- *Conducted by a licensed counselor or other alcohol or other drug treatment professional or by a probation officer who has completed training in risk assessment and referral procedures;*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate;*
- *Based on standardized assessment criteria, including validated psychometric instruments, historical information (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews; and*
- *Appropriate for the offender's age and culture using specialized assessment instruments tailored to and validated for youth or multi-cultural groups.*

Status

All driving under the influence (DUI) offenders may apply to complete a substance abuse treatment program if a screening and evaluation indicate the need. If the offender enters and complies with the treatment plan, the court may suspend the sentence for up to three years, at which point, based on successful completion, the original sentence is reduced significantly.

Screening, evaluation, and treatment are required for DUI offenders with a recorded blood alcohol concentration of 0.18 percent or greater, for multiple offenders, and for offenders found to be in possession of one ounce or less of marijuana. These offenders may also apply for a treatment program and, if completed, may receive a reduced sentence.

Some offenders are sentenced to probation to monitor compliance with treatment. In jurisdictions that operates a DUI Court, the offender can complete treatment and be monitored by the court.

Screening is not required for drivers who have their license suspended as a result of a refusal to take a breath test and who are not subsequently convicted of DUI.

In Nevada, screening and evaluation are conducted at an evaluation center certified by the State Board of Health and/or are conducted by a credentialed substance abuse or mental health professional; however, there is no standardized protocol or instrument. Revisions to the language in the Nevada Administrative Codes related to screening and evaluation have been proposed.

There is no mandated screening protocol and there are no approved standardized screening instruments. It appears that screening and evaluations that are completed utilize

current clinical protocols and are used to develop specific treatment recommendations appropriate to the assessed level of alcohol or other drug dependence.

No information was available related to the number of DUI offenders entering or completing screening, evaluation, and treatment. Determining the use and effectiveness of screening and completion of treatment interventions is made problematic due to the lack of an adequate data system.

While it appears that substance abuse treatment is available for DUI offenders, the lack of standardization in screening is problematic for quality assurance and evaluation of effectiveness.

Recommendations

- **Screen and evaluate all driving under the influence offenders for alcohol and other substance abuse and dependency and need for treatment.**
- Establish standardized screening and evaluation protocols and require use of approved screening instruments by providers.
- **Develop a DUI tracking system that connects data from the point of offense through completion of treatment programs.**
- Require screening for those with an administrative license revocation resulting from an evidentiary chemical test refusal.

A-2. Medical and Other Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by health care professionals should be screened to determine whether they have an alcohol or drug abuse problem. The American College of Surgeons mandates that all Level I trauma centers, and recommends that all Level II trauma centers, have the capacity to use Screening and Brief Intervention (SBI). SBI is based on the public health model which recognizes a continuum of alcohol use from low risk, to high risk, to addiction. Research from the Centers for Disease Control and Prevention indicates that an estimated 25 percent of drinkers are at risk for some harm from alcohol including impaired driving crashes. These individuals' drinking can be significantly influenced by a brief intervention. An estimated four percent of the population has a serious problem with alcohol abuse or dependence. A brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment.

SBI can also be implemented in other settings including: Employee Assistance Programs (EAP), schools, correctional facilities, at underage drinking party dispersals, and any setting in which at-risk drinkers are likely to make contact with SBI providers. Screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physicians' offices, health clinics, employee assistance programs, and other settings;*

- *Used to decide whether an assessment and further treatment is warranted;*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief intervention strategies;¹⁰ and*
- *Designed to result in referral to assessment and treatment when warranted.*

Status

Level I and II trauma centers in Nevada utilize Screening, Brief Intervention, and Referral to Treatment (SBIRT) with patients in their facilities. In most cases, nurses are the point of first contact and initiate the SBIRT process. As needed, referrals are made to social work services in the hospital. The extent to which patients are referred to community-based substance abuse treatment or intervention services is unknown as data systems do not record the status of these referrals.

The Las Vegas Metro Police Department has implemented the *DUI Intervention Program* which pairs social workers or other mental health professionals with law enforcement officers to contact and interview DUI offenders to determine their level of substance abuse or mental health needs. Offenders can be referred to services and the program reports that nearly eight out of 10 offenders voluntarily comply with clinical evaluation and intervention recommendations.

Recommendations

- Develop and implement a reporting system to track the outcomes of the Screening, Brief Intervention, and Referral to Treatment process including patient disposition related to referrals to services.
- Conduct an evaluation of the *DUI Intervention Program* to determine its effectiveness and feasibility of expansion and replication.

¹⁰ For a discussion of assessment instruments, see: Allen, John and M. Colombus (Eds.), *NIAAA Handbook on Assessment Instruments for Alcohol Researchers* (2nd edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003. For an overview of alcohol screening, see: "Screening for Alcohol Problems – An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

B. Treatment and Rehabilitation

Advisory

Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other sources. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated. These programs should:

- Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria;*
- Provide assessment, treatment, and rehabilitation services designed specifically for youth;*
- Provide culturally appropriate treatment and rehabilitation services;*
- Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders;*
- Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions; and*
- Require that offenders, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined the offender has met treatment goals before license reinstatement.*

Status

In Nevada, screening and evaluation are conducted by credentialled substance abuse or mental health professionals. Although there is no standardized protocol, driving under the influence (DUI) offender screening and evaluation, when completed, include information and recommendations adequate for referral to intervention and treatment appropriate for the level of problems. Based on evaluation results, offenders can be sentenced to levels of intervention ranging from an education program to residential treatment.

Offenders whose evaluation determines minimal need for treatment may be referred to an education program. There are no required or approved evidence-based education programs for DUI offenders. There are numerous programs, including online, virtual, and hybrid programs, available from private vendors. There is no requirement that the education program utilize an evidence-based curriculum. Content and operation of education programs vary widely. Education programs have not been evaluated for effectiveness. A pilot curriculum project is planned for the coming year.

Treatment recommendations are based on the screening and clinical evaluation. In large population centers, i.e., population of 100,000 or greater, the provider agency conducting the assessment of an offender cannot also provide treatment to that offender. Treatment services are available in much of the State. In the more rural areas, not all levels of treatment are available and some have utilized tele-medicine to provide some services.

Nevada statutes provide for the court to place the offender under the clinical supervision of a treatment provider for treatment in accordance with the report submitted to the court. Nevada Revised Statutes 484C.360 also states:

1. The court shall:
 - (a) Order the offender to be placed under the supervision of a treatment provider, then release the offender for supervised aftercare in the community; or
 - (b) Release the offender for treatment in the community, for the period of supervision ordered by the court.
2. The court shall:
 - (a) Require the treatment provider to submit monthly progress reports on the treatment of an offender pursuant to this section; and
 - (b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment provider that receives a sufficient amount of federal or state money to offset the remainder of the charges.

Misdemeanor DUI Court allows eligible first- and second-time DUI defendants the opportunity to submit to intense alcohol counseling instead of incarceration. Upon successful completion of this program, the DUI charge may be reduced to a lesser offense.

The Felony DUI Court is a court-supervised treatment program for individuals with three or more charged DUIs and no prior felony DUI convictions to participate in a three- to five-year substance abuse program in lieu of a one- to six-year prison sentence. The program offers substance abuse counseling, random drug/alcohol testing, and court supervision of program compliance. Successful completion of the program will result in the felony DUI charge being reduced to a 2nd offense misdemeanor DUI conviction. There are nine DUI Courts in Nevada.

Nevada statutes established the *24/7 Sobriety and Drug Monitoring Program*. This program is a seven day per week, year-round monitoring program for offenders who have driven under the influence of alcohol and/or drugs. Participants submit to scheduled and/or random testing in order to determine the presence of alcohol, marijuana, or other controlled substance in their bodies. If a participant does not appear for testing or tests positive, the participant is subject to swift, certain, and proportional sanctions consistent with Nevada law and the Court's discretion. The goal of a 24/7 program is to improve public safety, while providing DUI offenders with resources that help them maintain their driver license and valuable services including drug and alcohol counseling, employment services, education services, and legal services. Nevada currently has one *24/7 Sobriety and Drug Monitoring Program*, branded as *Sober 24*, located in Washoe County.

Positive treatment outcomes are greatly enhanced by early identification and intervention. Nevada's current system of screening, evaluation, and treatment for DUI offenders places an emphasis on offenders who have demonstrated indicators of significant substance abuse problems, e.g., 0.18 percent blood alcohol concentration, multiple DUI convictions. The system relies heavily on DUI Treatment Courts, which, while demonstrating high levels of efficacy, are generally limited to the most problematic DUI offenders. The alternative education program is intended to provide first offenders with skills to avoid future impaired driving. It is not a

treatment intervention. The vagaries of the DUI system predict that few DUI offenders are truly first offenders. Enhanced access to early intervention programs that are more intense than the education program would be a vital component of the DUI countermeasures program.

In addition, though the current screening and evaluation activities can detect offenders' substance abuse problems, participants in education sessions often reveal behaviors or give other cues that add insight into a substance abuse problem. Protocols for identifying these cues and a method of making a subsequent referral to treatment can enhance the effectiveness of the program. This process is hindered by online or virtual education program implementation.

While it appears that substance abuse treatment is available for DUI offenders, the lack of standardization in screening is problematic for quality assurance and evaluation of effectiveness.

Recommendations

- Establish standardized screening and evaluation protocols, and require use of approved evidence-based screening instruments.
- **Develop a DUI tracking system that connects data from the point of offense through completion of treatment programs.**
- Develop and implement protocols for making referrals to treatment for DUI offenders who demonstrate indicators of substance abuse while participating in the education program.

VI. Program Evaluation and Data

A. Evaluation

Advisory

Each State should have access to and analyze reliable data sources for problem identification and program planning as well as to routinely evaluate impaired driving programs and activities in order to determine effectiveness. Development of a Strategic Highway Safety Plan and a Highway Safety Plan, are starting points for problem identification and evaluation efforts. Problem identification requires quantifying the problem, determining the causes, and identifying available solutions. Strategies should be evaluated for their cost effectiveness and potential for reducing crash risk. Evaluations should include measurement of activities and outputs (process evaluation) as well as the impact of these activities (outcome evaluation). Evaluations are central to the State's traffic safety endeavors and provide a guide to future projects and evaluations. Evaluations should:

- Be planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated to the programs;*
- Identify the appropriate indicators to answer the question: What is to be accomplished by this project or program?*
- Be used to determine whether goals and objectives have been met and to guide future programs and activities;*
- Be organized and completed at the State and local level; and*
- Be reported regularly to project and program managers and policy makers.*

The process for identifying problems to be addressed should be carefully outlined. A means for determining program/project priority should be agreed upon, and a list of proven methodologies and countermeasures should be compiled. Careful analysis of baseline data is necessary and should include historical information from the crash system. Other data that are useful for evaluation include data from other records systems as well as primary data sources such as surveys. Record systems data include state and driver demographics, driver histories, vehicle miles traveled, urban versus rural settings, weather, and seat belt use. Survey data can include attitudes knowledge and exposure to risk factors.

The Traffic Records Coordinating Committee can serve as a valuable resource to evaluators by providing information about and access to data that are available from various sources.

Status

The Nevada Office of Traffic Safety (OTS) is responsible for administering federal traffic safety funds and has developed problem identification and program evaluation processes. These processes inform the State's *Strategic Highway Safety Plan* (SHSP), *Highway Safety Plan* (HSP), and other guiding documents for traffic safety. Each year, OTS works with a research partner and consultant to analyze crash data to drive the problem identification process, and crash data are also used in goal-setting, tracking, and location-based analyses. Other data sources are also incorporated, such as citation information.

The Nevada Advisory Committee on Traffic Safety (NVACTS) provides guidance, approval, and consensus on State safety plans and includes representatives from approximately 18 agencies representing state, regional, and tribal interests.

OTS staff members coordinate the Traffic Records Coordinating Committee and SHSP Key Area Task Forces, including the Nevada Impaired Driving Task Force. Additionally, all OTS sub-recipients are required to participate on at least one SHSP Key Area Task Force.

OTS evaluates, or requires an evaluation of, programs funded through that office using process or outcome methods. Process evaluations include documentation and tracking of milestones and deliverables for each project. Grant-funded impaired driving-related law enforcement sub-recipients are required to report the number of contacts, warnings, and citations issued during funded hours, in addition to other metrics.

Outcome evaluations often rely on data gathered within the conduct of the program and others rely on statewide traffic records datasets. Behavioral outreach programs may conduct outcome evaluations in the form of media impressions, pre- and post-surveys, or other methods for collecting feedback, e.g., anecdotal observations. Sub-recipient projects must include such metrics in OTS progress reports. Performance measures are identified in each grant against which the agency and its efforts may be evaluated.

Broader outcome measures rely on crash data to track crash incidence, severity, and other patterns. The Nevada Department of Transportation has management responsibilities for the police crash reporting system and shares the data with OTS. Crash data also drive performance measures and target-setting in the SHSP.

Many law enforcement agencies conduct rolling problem identification and program evaluation efforts. Through ongoing review of crashes and fatalities in conjunction with enforcement plans and activities, problem areas and progress are identified to potentially redirect efforts for maximum impact.

Recommendations

- Expand evaluations of outreach programs to include geographical outcome analyses. An example would be to review trends in areas after focused outreach to identify any behavioral changes seen in crash and citation data.
- Conduct a comprehensive evaluation of the Impaired Driving Program that combines process and outcome measures for outreach and enforcement projects; utilize all expertise on the Nevada Impaired Driving Task Force to ensure incorporation of all disciplines and perspectives.

B. Data and Records

Advisory

The impaired driving program should be supported by the State's traffic records system and use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS), and the Crash Outcome Data Evaluation System (CODES). The traffic records system should be guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders. The state traffic records system should:

- *Permit the State to quantify:*
 - *the extent of the problem, e.g., alcohol-related crashes and fatalities;*
 - *the impact on various populations;*
 - *the level of effort dedicated to address the problem, e.g., level of enforcement activities, training, paid and earned media; and*
 - *the impact of the effort, e.g., crash reduction, public attitudes, awareness, and behavior change.*
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions, and other sanctions of DWI offenders;*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions; and*
- *Be accurate, timely, linked, and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials, and treatment providers.*

Status

The Nevada Advisory Committee on Traffic Safety (NVACTS) makes available monthly fatality reports, *Traffic Safety Crash Facts* documents, and a fatal crash data dashboard utilizing data from the Fatality Analysis Reporting System (FARS). The Nevada Department of Transportation also maintains an online crash data dashboard with all State crash data including injury and non-injury incidents.

The Nevada Traffic Records Coordinating Committee (TRCC) is a comprehensive, functional body of data system managers and stakeholders. The TRCC includes representation from all six core systems (crash, citation/adjudication, driver, vehicle, roadway, injury surveillance system) which allows for access to and analysis of a range of data. The Nevada Department of Public Safety (DPS) Office of Traffic Safety (OTS) relies primarily on crash, fatality, and arrest data for problem identification and program evaluation.

All law enforcement agencies in the State utilize the Enforcement Mobile software technology to collect data on crashes and citations/warnings and submit reports to the DPS. The uniformity of that system increases the quality of those data and allows the State to confidently draw conclusions from analyses. The State also utilizes a standard crash report form.

There are advances in data collection and quality planned in other systems that affect the impaired driving analyses in the State. Nevada does not have a unified court system, but data are largely transmitted electronically between law enforcement, the Administrative Office of the Courts, and the Nevada Department of Motor Vehicles (DMV) for processing. With larger court systems, typically law enforcement submits citations to the courts using the Justice Link (JLink) system upon completion, and adjudication information is transmitted to the DMV through JLink.

The DMV data system is on a mainframe structure and driver records are updated with administrative findings from JLink daily. At the point of adjudication, judges may access driver information through the Nevada Criminal Justice Information System (NCJIS). Information on all citations written and submitted to the courts, regardless of final adjudication, is not available but is critical for evaluating which charges are most likely disposed as guilty, not guilty, reduced, or dismissed, or identifying trends in adjudication by location (geographical, court type, etc.). Impaired driving violations may be reduced to reckless driving or other charges, so maintaining only the adjudicated charge prevents analysts from accurately accounting for all driving under the influence (DUI) stops.

The DMV maintains the driver history file, which includes impaired driving convictions and associated sanctions. The DMV has established real-time interfaces with law enforcement agencies and the NCJIS system. These connections allow officers to access up-to-date driver histories at the roadside and facilitates the posting of sanctions to the driver and vehicle files electronically.

The State uses three laboratories responsible for the majority of toxicology testing for law enforcement purposes: Henderson Police Department, Las Vegas Metropolitan Police Department, and Washoe County Sheriff's Office. Time needed to process samples and produce results is not considered to be a hindrance to processing impaired driving offenses, but could be improved. It was estimated that, across the three laboratories, alcohol test results average 24-126 days, while drug test results may take 75-110 days. Officers submit samples to the closest laboratory geographically for alcohol and/or drug testing. Each laboratory tests for the substances requested. If alcohol is detected at a blood alcohol concentration (BAC) below 0.08 percent then drug tests are conducted; if drug test results are negative then alcohol testing is conducted; in some cases where a BAC of 0.08 percent is detected no drug testing is conducted. The variability in testing protocols is related to the availability of staff resources. Utilizing the same processes would increase the uniformity of results.

The State is considering a statewide laboratory model for toxicology testing that would be built upon the three current agencies and expanded to provide support in distant areas of the State. The development of this statewide laboratory would allow for an assessment of current resources and policies and the implementation of a shared data model to promote analytical collaboration and research.

Toxicology results from fatally injured drivers are shared with the State's Fatality Analysis Reporting System (FARS) analyst. All fatally injured drivers will have BAC results available to FARS; however, that level of completeness is lower among surviving drivers as it is upon request or as officers are able to collect a sample at the hospital.

In addition to the law enforcement data, Nevada is working within the TRCC to support an analysis project at the University of Nevada, Las Vegas (UNLV) to integrate emergency medical services, trauma registry, toxicology, and citation data. Incorporating health data systems and partners enhances analytical efforts and broadens outreach efforts. There are plans to expand this model to include driver and vehicle data. UNLV researchers produce a quarterly trend newsletter that helps provide research outcomes to partners and the public.

With regards to treatment outcomes, data are not regularly transmitted from programs to OTS for incorporation into analyses. The Ignition Interlock Device (IID) Program is managed by the Nevada Highway Patrol, but the in-system violations gathered during offender compliance checks are not consistently shared from providers. Violations of the IID rarely result in an extension of the program, so offenders will only serve what was initially ordered for the IID regardless of compliance.

A strong outreach partner is the Nevada Mothers Against Drunk Driving (MADD) organization. This agency is expanding its efforts in conjunction with OTS to conduct outreach events. MADD utilizes pre- and post-surveys and other behavioral measurement tools and the collected data are shared with OTS. This information is critical to monitoring and identifying areas for improvement in the program.

Though not sub-recipients of OTS, impaired driving treatment programs collect data critical to understanding recidivism and successful approaches to preventing impairment. Incorporating such data would significantly enhance the breadth and depth of linkage projects and evaluation efforts. The Washoe County Department of Alternative Sentencing collects long-term outcome data from offender interviews with social workers, which is a major missing piece to the impaired driving puzzle.

The various diversion programs used throughout the State do not share information with traffic safety partners, which could create a robust treatment data warehouse with the IID and judicial outcomes. Coordinating violation issuance/arrest, administrative law and judicial review processes, and treatment data would constitute a DUI tracking system beginning at the point of offense and moving through to treatment completion and subsequent violations. Such a tracking system would significantly empower traffic safety partners in prevention efforts.

Recommendations

- Incorporate treatment and diversion program data into impaired driving analytical processes, such as the information gathered by the Washoe County Department of Alternative Sentencing.
- **Require ignition interlock device providers to submit violation reports to the Nevada Highway Patrol and appropriate members of the judiciary and impose consequences for offender failures.**
- Provide the Transportation Research Center at the University of Nevada, Las Vegas with access to data from the driver and vehicle systems at the Department of Motor Vehicles.
- **Develop a DUI tracking system that connects data from the point of offense through completion of treatment programs.**

C. Driver Records Systems

Advisory

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts. The driver license system should:

- *Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement, and other parties with a need for this information;*
- *Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record;*
- *Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving;*
- *Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts; and*
- *Provide for the effective exchange of data with State, local, tribal, and military agencies, and with other governmental or sovereign entities.*

Status

The Nevada Department of Motor Vehicles (DMV) is responsible for maintaining all driver license and history information for State residents. Most traffic violation convictions are transmitted electronically through the Justice Link system to the DMV and applicable convictions are posted on the driver record daily. The DMV is also responsible for enforcing driver license revocation orders.

The DMV has developed interfaces with law enforcement agencies for the exchange of information in near real-time, which allows for accurate evaluation of drivers at the roadside. The driver data system complies with national standards and processes are in place to reduce identity fraud and track commercial drivers.

Driver license and history data are maintained on a mainframe system, which may create challenges to abstracting data for sharing or analysis.

Recommendations

- Provide the Transportation Research Center at the University of Nevada, Las Vegas with access to data from the driver and vehicle systems at the Department of Motor Vehicles.
- Pursue interfaces between the Department of Motor Vehicles and court systems to make information electronically available to judges and lawyers in real-time for consideration during the adjudication process. Start with larger courts with established records management systems.

APPENDIX

DRAFT - NOT FOR DISTRIBUTION

ON-SITE AGENDA

Nevada Impaired Driving Program Assessment

Hampton Inn Tropicana
4975 S. Dean Martin Drive
Las Vegas, NV 89118

TUESDAY, JANUARY 31, 2023		
8:00 a.m. – 8:55 a.m.	State Leadership Panel/Introduction	
TEAMS	Amy Davey	Highway Safety Director
	Peter Vander Aa	Deputy Director
	Rob Honea	Law Enforcement Liaison – So. NV
	Todd Hartline	Law Enforcement Liaison – No. NV
	Kevin Tice	Traffic Records Program Manager
	Carrie Krupp	Joining Forces Program Manager
	Danielle Hafeman	Ignition Interlock Program Manager
	Tiffani May	Community Engagement/Diversity Outreach
	Scott Swain	Special Projects Coordinator
9:00 a.m. – 10:30 a.m.	Clark County OTS/Publicity/Cannabis	
	Andrew Bennett	Director, Clark Co. Office of Traffic Safety
	Meg Matta	Impaired Driving Program Manager
10:30 a.m. – 11:00 a.m.	BREAK	
11:00 a.m. – 12:05 p.m.	Judicial Outreach Liaisons and DUI Court Judges	
	Judge Scott Pearson	R8 JOL and Chief Justice of the Peace, Reno Justice Court
	Judge Michael Montero	NV State JOL, Judge for Sixth Judicial District Court in Humboldt County
	Shannon Wittenberger	Hearing Master at Eighth Judicial District Court, Clark County
	Judge Jan Morris via TEAMS	Director, National Tribal Judicial Center at the National Judicial College, Reno
12:05 p.m. – 1:00 p.m.	LUNCH	
1:00 p.m. – 2:10 p.m.	TSRP / Prosecutors	
	Shannon Bryant	TSRP, Deputy District Attorney, Washoe Co. Chair, Committee on Testing for Intoxication
	Judge Scott Pearson	Chair, NV Impaired Driving Task Force R8 JOL and Chief Justice of the Peace, Reno Justice Court
2:10 p.m. – 2:30 p.m.	BREAK	
2:30 p.m. – 3:55 p.m.	Impaired Driving Law Enforcement	
	Chief Justin Roper	Sober 24 Program Alternative Sentencing for Washoe County
	Sgt. Andrew Sherbondy	Sober 24 Program, Alternative Sentencing for Washoe County
	Deborah Huff	Ret. NHP, DUI Strike Team and Training Coordinator for OTS
	Sgt. David Stoddard	DUI Strike Force, Las Vegas Metropolitan Police Department (LVMPD)

	Officer Mike Thiele Captain Eddie Bowers Officer Michael Thompson Rob Honea Todd Hartline	Lead Intervention Officer, DUI, LVMPD DPS Nevada Highway Patrol Northern Command UNRPD Law Enforcement Liaison, So. Nevada Law Enforcement Liaison, No. Nevada
WEDNESDAY, FEBRUARY 1, 2023		
8:30 a.m. – 8:55 a.m.	MADD	
TEAMS	Lindsey Valdez Rebecca Lara	Regional Executive Director Program Specialist, So. Nevada
9:05 a.m. – 10:00 a.m.	DUI Statistics, Data Collection and Reporting	
TEAMS	Dr. Deborah Kuhls Katherine Brodie Nicole Wilson Andrew Bennett Brenda Witt Delora Early Judy Christenson Kevin Karch Erica Perez	Professor, Trauma and Critical Care, Dept. of Surgery, UNLV; Chair, American College of Surgeons Committee on Trauma Injury Prevention and Control Committee DPS Records, Communications and Compliance (DRCC), Criminal History Repository DRCC, Criminal History Repository Clark County Office of Traffic Safety DMV DMV Criminal History Repository DPS DMV Administration Office of the Courts, Judicial Records
10:30 a.m. – 11:20 a.m.	DUI Courts / Treatment Providers / Ignition Interlock	
TEAMS	Richard Buma Kasey Chu Craig Merrill Michael Yasmer Danielle Hafeman	DUI Case Manager, First District Court, Carson City Alternative Sentencing Treatment Provider, New Frontier Treatment Center, Fallon Counselor, Sparks, NV Counselor, Reno, NV Ignition Interlock Program Manager
11:20 a.m. – 1:00 p.m.	BREAK and LUNCH	
1:00 p.m. – 1:55 p.m.	Forensic Toxicology	
	Kim Murga Terri Suffecool Tanya Hiner Afton Martinez Colleen Moore Steven Johnson	Director, LVMPD Forensic Laboratory LVMPD Forensic Laboratory Criminalistics Administrator at City of Henderson Toxicologist, Henderson PD Laboratory Toxicologist, Henderson PD Laboratory Director, Washoe County Forensic Science Division
2:00 p.m. – 3:10 p.m.	Community Prevention Coalitions / DPH-SAPTA	
TEAMS	Jamie Ross	Exec. Director PACT Coalition, Las Vegas and Chair of the Nevada Statewide Coalition Partnership

	Chelsi Cheatom Tammie Shemenski Daria Winslow Stacy Smith Hannah McDonald Samantha Szoyka Laura Oslund Diane Anderson Tom Moulton Tracy Palmer Antonia Capparelli-Twait	Deputy Director, PACT Coalition Exec. Director, Churchill Coalition Exec. Director, Partnership Douglas County Exec. Director of Nye Communities Coalition, Pahrump Exec. Director, Partnership Carson City Deputy Director, Partnership Carson City Exec. Director, PACE Coalition, Elko Exec. Director, CARE Coalition, Las Vegas CARE Coalition, Grants & Compliance Manager Health Program Manager, Behavioral Health Prevention and Treatment – DHHS DHHS, Health Program Specialist
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THURSDAY, FEBRUARY 2, 2023	
All Day	Assessment Team Member Discussion, Deliberation, and Report Preparation
FRIDAY, FEBRUARY 3, 2023	
8:30 a.m. – 10:00 a.m.	Assessment Team Report Out

ASSESSMENT TEAM CREDENTIALS

CYNTHIA BURCH

cynburch@gmail.com

Cynthia (Cindy) Burch, MS MPH CAISS began her career as a research analyst at the National Study Center for Trauma & EMS (NSC) in 2001 and went on to serve as epidemiologist/traffic records coordinator for the Georgia Governor's Office of Highway Safety in 2004. There she continued working with traffic records and statewide data projects. In late 2005, she returned to the NSC to serve as an epidemiologist.

Cindy works on the Crash Outcome Data Evaluation System (CODES) and the Crash Injury Research and Engineering Network (CIREN) projects funded by the National Highway Traffic Safety Administration (NHTSA). She also works closely with the Maryland Highway Safety Office on data analyses and traffic records, facilitates the State Traffic Records Coordinating Committee (TRCC), serves as the data coordinator for the Maryland Strategic Highway Safety Plan, conducts and analyzes the observational seat belt studies, and answers data requests from state and local agencies as well as the public at large. She now serves as a Senior Epidemiologist at the NSC, a facilitator and assessor for Traffic Records Assessments at Traffic Safety Analysis Systems & Services, and an AIS faculty member for the Association for the Advancement of Automotive Medicine (AAAM).

ROBERT P. LILLIS

rlillis@rochester.rr.com

Rob Lillis is President of Evalumetrics Research and has been providing planning, research, and evaluation services to education, youth development, traffic safety, substance abuse, criminal justice, health, and mental health programs at the state and local level for over 35 years. He provides evaluation services for school districts for a variety of special programs including 21st Century Learning Center programs, school climate transformation projects, after-school mentoring programs, and environmental education programs. He also provides planning, research, and evaluation services for several rural Drug Free Community Grant programs and serves as evaluation consultant to the Allegany Council on Alcoholism and Substance Abuse (ACASA) and numerous other local substance abuse prevention and youth development programs. Mr. Lillis has served as the evaluator for the Ontario County Juvenile Drug Treatment Court, the Finger Lakes Drug Court, Ontario County Youth Court, the Finger Lakes Child Abuse Response Team-Child Advocacy Center, and the Ontario County Family Support Center.

Previously, Mr. Lillis was Director of Traffic Safety Research in the Division of Epidemiology at the New York State Department of Health. He was an Instructor in Epidemiology in the New York State School of Public Health/SUNY Albany.

He also served as Director of the Research Accident Investigation Team in the Department of Community and Preventive Medicine at the University of Rochester School of Medicine where he was Principal Investigator on numerous injury epidemiology research projects.

Mr. Lillis was the primary source of research support to the governor and Legislature during the debate on the 21-year-old minimum drinking age law in New York. He also served on the consultant panel for the U.S. General Accounting Office Special review of Minimum Drinking Age Laws.

His experience with the projects cited above included extensive work with multiple data sources including school-based files, criminal justice files, health records systems, and primary data sources such as student surveys. He developed and conducts the Evalumetrics Youth Survey (EYS) which measures substance use, health risk behaviors, and risk and protective factors. Mr. Lillis has conducted the survey in over 30 rural schools every odd-numbered year since 1999.

Since 1991, Mr. Lillis has served as a member of Impaired Driving Assessment Consultant Teams for the National Highway Traffic Safety Administration (NHTSA) and has conducted 79 assessments of prevention and treatment programs in 40 states, Puerto Rico and for the Indian Nations. He was the 2011 recipient of the NHTSA Public Service Award.

DON NAIL

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Dunlap and Associates, Inc (2018-present)

Don serves as a consultant for Dunlap and Associates on a variety of highway safety issues.

Governor's Highway Safety Program (1985-2017)

Don served in several positions at the Governor's Highway Safety Program (GHSP) over the course of his 32-year career with GHSP. He began as a Highway Safety Specialist and was promoted in 1990 to the Manager of Planning, Programs, and Evaluation Section. In May 2001 Don was installed as the Acting Director and served in this capacity until November 2003. He was then designated as the Assistant Director for the agency and served in this position until his appointment as Director in June 2013.

Don served on the Board of the Governors' Highway Safety Association (GHSA) as the Region 3 Representative from 2013 to 2017. He also represented GHSA on the Standing Committee for Highway Traffic Safety (SCOHTS) of the American Association of State Highway and Transportation Officials (AASHTO). He served on the North Carolina Operation Lifesaver Board of Directors (2001-2017), North Carolina Driver Education Advisory Committee (2013-2017), and was appointed by Governor McCrory to serve on the Statewide Impaired Driving Task Force (2013-2017).

Education

Don graduated from Western Carolina University with a Bachelor of Science degree and earned his Master of Business Administration degree the University of North Carolina at Greensboro.

JUDGE ROBIN D. SMITH

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Judge Robin D. Smith was the Presiding Judge of the City of Midland, Texas Municipal Court. He served in that position from 1984 until his retirement in 2015. He continued to serve the Court and hear cases as required until 2022. Prior to the 1984 appointment, he practiced law as a prosecutor for the City of Midland in 1982-83 and operated as a solo practitioner in 1983-84.

Judge Smith's educational accomplishments include a Bachelor's Degree in Economics and Psychology from Oklahoma State University and his Juris Doctorate from Texas Tech University. He has also received a *Professional Certificate in Judicial Development* for Special Court Trial Skills from the National Judicial College.

His professional Association work includes serving as Chair of the American Bar Association's National Conference of Specialized Court Judges in 1996-97. In 1997, Judge Smith was appointed by Chief Justice Tom Phillips to serve on the Texas Judicial Council where he served until 2001. He served as President of the Texas Municipal Courts Association (TMCA) twice in 1991-92 and 2008-09. He was Chair of the State Bar of Texas Municipal Judges Section in 1989-90 and 2013-2014. He also served on the Section's Council for many years. He served on the TMCA Board of Directors from 1986-1997 and again in 2001 to 2005 and 2006 to 2010. Most notably, Judge Smith served as the United States Department of Transportation National Highway Traffic Safety Administration Judicial Fellow from 2002-2004.

Among honors, the Texas Municipal Courts Association named Judge Smith *Judge of the Year* in June 1998 and the State Bar of Texas Municipal Judges Section presented Judge Smith with the *Michael J. O'Neal Outstanding Jurist Gavel Award* in 2002. In 2001, Judge Smith was presented the American Bar Association's National Conference of Specialized Court Judges' *Education Award*. Judge Smith also was recognized by the Texas Junior Chamber of Commerce as one of *Five Outstanding Young Texans* in 1994 and is a five-time winner of the *City of Midland Management Awards*. In 2007, he was selected to be a *Fellow of the Texas Bar Foundation*.

Judge Smith has been a frequent speaker for several groups including the National Judicial College and the Texas Municipal Courts Education Center. In addition, he has spoken at judicial training seminars in numerous states. He has expertise in the areas of search and seizure, constitutional criminal procedure, traffic safety, and juvenile law.

In addition to his activities and position at the Midland Municipal Court, he edited and published the *Texas Municipal Court - Justice Court News*. The publication had more than 800 monthly subscribers and was printed for more than 30 years.

JOSHUA D. WILSON

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Joshua Wilson began his law enforcement career at the Washington County Sheriff's Office (WCSO) in Hillsboro, Oregon in 2002. He currently holds the rank of Sergeant, supervising the Patrol Division's Traffic Safety Unit and interagency Crash Analysis Reconstruction Team. The majority of Mr. Wilson's time at WCSO has been spent assigned to the Traffic Safety Unit, where he has devoted his career to traffic and impaired driving enforcement and education.

Mr. Wilson holds an Instructor certificate and Basic, Intermediate, Advanced, and Supervisory Police Officer certificates from the Oregon Department of Public Safety Standards and Training (DPSST). He has over 3,000 hours of career law enforcement training.

Mr. Wilson is certified as a Drug Recognition Expert (DRE) and DRE Instructor through the Oregon Drug Evaluation Classification Program (DECP). He is one of the Oregon DECP's regional coordinators, responsible for DREs in three counties in north-central Oregon. Mr. Wilson is a Field Training Officer and instructs recruits at the Oregon Public Safety Academy. He is a Standardized Field Sobriety Test (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), Intoxilyzer 8000, and Drug Impairment Training for Education Professionals (DITEP) Instructor. He presents drug- and alcohol-related impairment training to a wide range of audiences, including police officers, military recruits, school staff and administrators, students, medical professionals, child welfare caseworkers, prosecutors, and the public. In 2019, he attended the Robert F. Borkenstein Course on the Effects of Drugs on Human Performance and Behavior. He is a former Federal Motor Carrier Safety Administration (FMCSA) certified Motor Carrier Inspector (2007-2019), holding certifications as high as North American Standard Advanced Level 1 and Hazardous Materials Inspector.

Since 2018, Mr. Wilson has been an appointed member of the Oregon Governor's Advisory Committee on Driving Under the Influence of Intoxicants (GAC-DUII), representing the Oregon State Sheriff's Association. Mr. Wilson has testified on DUII legislation before the Oregon House and Senate Judiciary Committees, on behalf of the GAC-DUII. He also serves as a member of ODOT's Law Enforcement Traffic Safety Committee.

Mr. Wilson's college coursework includes studies in criminal justice and music education. He is a President's List designee at Eastern Gateway Community College. He has received a technical certificate in the operation of commercial motor vehicles and holds a class A commercial driver's license.

Mr. Wilson has testified as an expert witness in DRE protocol and drug impairment in more than a dozen cases in Oregon state courts. He has authored drug and impaired driving material for drugabuserecognition.com. He has provided services to the Texas A&M Transportation Institute for the institute's marijuana legalization impacts on traffic safety research study and has worked with NHTSA as an SME for online DRE court testimony training curriculum. He has been recognized as 2009 Oregon DRE of the Year for a county law enforcement agency, and as 2013 DUII Trainer of the Year, both by the Oregon DUII Multi-Disciplinary Training Task Force.