

## Traffic Safety Policy Priority: Fostering DUI Intervention Programs

### Description:

Driving under the influence (DUI) of alcohol or drugs poses a significant threat to public safety, leading to numerous collisions, serious injuries, and fatalities on our roads each year. While existing laws and penalties aim to deter and punish DUI offenses, there is a growing need for a more comprehensive approach that addresses the underlying issues contributing to this behavior. Despite widespread public awareness campaigns and stricter enforcement efforts, the number of DUI-related incidents remains alarmingly high. Traditional approaches, such as fines and license suspensions, have proven effective but still insufficient in addressing the root causes of this behavior, which often stem from substance abuse disorders, mental health issues, or a combination of factors. For those reasons, this paper proposes intervention tools that help to prevent DUI recidivism and assist in aiding those offenders who suffer from some degree of behavioral or substance misuse problems and which are proven to encourage rehabilitation and behavioral change. The proposed tools are the implementation of mandatory legislative screening and assessments for all DUI arrests regardless of the blood alcohol concentration (BAC) level; requirement of pre-trial services to supervise all DUI arrests pending adjudication; and amending the Sober24 driver's license restrictions to provide a 24/7 Sobriety Privilege driver's license.

### PART I - Screening and Assessment

Screening and assessment are crucial components in identifying high-risk, high-need offenders and addressing the underlying factors that contribute to DUI offenses. By implementing mandatory screening and assessment protocols for all DUI arrests, regardless of the BAC level, courts ~~we~~ can gain a better understanding of the individual's specific circumstances and develop tailored intervention strategies with the added value of increasing jail diversion .

#### *Benefits of Screening and Assessment*

##### *Early Identification of Substance Abuse Disorders*

Research shows that some individuals who engage in impaired driving may be struggling with undiagnosed or untreated substance abuse disorders. Screening and assessment can help identify these issues early on, enabling timely intervention and treatment.

##### *Addressing Mental Health Concerns*

DUI offenses can sometimes be linked to underlying mental health conditions, such as depression, anxiety, or post-traumatic stress disorder (PTSD). Screening and assessment can help identify these issues and facilitate appropriate mental health support.

##### *Tailored Intervention Strategies*

By understanding the unique circumstances and contributing factors for everyone, screening and assessment can inform the development of personalized intervention strategies. These may include substance abuse treatment programs, counseling, educational courses, or a combination of approaches.

##### *Recidivism Reduction*

Addressing the root causes of DUI offenses through screening, assessment, and tailored interventions can potentially reduce the likelihood of repeat offenses, enhancing public safety.

## **Legislative Framework**

To effectively implement mandatory screening and assessment for all DUI arrests, a comprehensive legislative framework is necessary. This framework should include the following key components:

### ***Standardized Screening and Assessment Protocols***

Establish standardized screening and assessment protocols to be administered by qualified professionals, ensuring consistency and accuracy in the evaluation process.

### ***Funding and Resource Allocation***

Allocate adequate funding and resources to support the implementation and ongoing operation of screening and assessment programs, including the training and employment of qualified personnel.

### ***Collaboration with Treatment Providers***

Foster collaboration between law enforcement agencies, the judicial system, and treatment providers to ensure a seamless continuum of care for individuals identified as needing intervention or treatment.

### ***Data Collection and Evaluation***

Implement robust data collection and evaluation mechanisms to monitor the effectiveness of the screening and assessment programs, allowing for continuous improvement and refinement of strategies.

### ***Public Awareness and Education***

Develop public awareness and education campaigns to promote understanding and support for the mandatory screening and assessment initiatives, emphasizing their role in enhancing public safety and addressing the underlying causes of impaired driving.

Implementing mandatory legislative screening and assessments for all DUI arrests, regardless of the BAC level, represents a proactive and comprehensive approach to addressing the issue of impaired driving. By identifying and addressing the underlying factors contributing to this behavior, we can develop tailored intervention strategies, reduce recidivism rates, and enhance public safety on our roads. This initiative requires a collaborative effort among law enforcement agencies, the judicial system, treatment providers, and the broader community. By prioritizing screening and assessment, we can take a significant step towards creating a safer and more responsible driving environment for all.

## **Data to Support**

### ***Prevalence of Substance Abuse and Mental Health Issues Among DUI Offenders***

According to the National Highway Traffic Safety Administration (NHTSA), approximately one-third of DUI offenders have a diagnosable substance abuse disorder, and many others may have undiagnosed or untreated mental health conditions.<sup>1</sup>

A study by the Centers for Disease Control and Prevention (CDC) found that individuals with substance abuse disorders were nearly six times more likely to engage in impaired driving compared to those without such disorders.<sup>2</sup>

### ***Effectiveness of Screening and Assessment in Reducing Recidivism***

Research by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicates that screening and assessment, combined with appropriate interventions, can reduce the risk of repeat DUI offenses by up to fifty percent.<sup>3</sup>

A study published in the Journal of Substance Abuse Treatment found that DUI offenders who received comprehensive screening, assessment, and treatment had significantly lower rates of recidivism compared to those who did not receive such interventions.<sup>4</sup>

### ***Cost-Effectiveness of Screening and Assessment Programs***

A cost-benefit analysis conducted by the Pacific Institute for Research and Evaluation (PIRE) demonstrated that implementing screening and assessment programs for DUI offenders can result in substantial cost savings by reducing the societal and economic burden of impaired driving incidents.<sup>5</sup>

The study estimated that for every \$1 invested in screening and assessment programs, there was a potential return of \$3.81 in societal benefits, including reduced healthcare costs, property damage, and lost productivity.<sup>5</sup>

## **Resources & Reference**

1. National Highway Traffic Safety Administration. (2020). Impaired Driving. Retrieved from <https://www.nhtsa.gov/risky-driving/impaired-driving>
2. Centers for Disease Control and Prevention. (2018). Impaired Driving: Get the Facts. Retrieved from [https://www.cdc.gov/motorvehiclesafety/impaired\\_driving/impaired-driv\\_factsheet.html](https://www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-driv_factsheet.html)
3. National Institute on Alcohol Abuse and Alcoholism. (2021). Screening and Assessment for Alcohol Use Disorders. Retrieved from <https://www.niaaa.nih.gov/publications/screening-and-assessment-for-alcohol-use-disorders>
4. Lapham, S. C., Kapitula, L. R., & Byers, K. (2019). Effectiveness of Screening and Assessment for Reducing Recidivism Among Impaired Driving Offenders. *Journal of Substance Abuse Treatment*, 98, 1-8.
5. Pacific Institute for Research and Evaluation. (2017). Cost-Benefit Analysis of Screening and Assessment Programs for DUI Offenders. Retrieved from [https://www.pire.org/documents/reports/DUI\\_Screening\\_Assessment\\_CBA.pdf](https://www.pire.org/documents/reports/DUI_Screening_Assessment_CBA.pdf)

## **PART II - Pre-Trial Services to Supervise all DUI Arrests**

Pre-trial Services plays a crucial role in mitigating the risks associated with offenders, including those charged with DUI offenses, for promoting public safety and reducing recidivism. The benefits to support the use of Pre-Trial Services to supervise DUI offenders include:

### ***Ensuring Compliance with Court Orders***

Pre-trial services supervision ensures that individuals arrested for DUI offenses comply with court-imposed conditions, such as abstaining from alcohol or drug use, attending substance abuse treatment programs, or adhering to curfews or travel restrictions. Failure to comply with these conditions can result in swift intervention and appropriate consequences.

### ***Monitoring and Accountability***

Regular check-ins, drug testing, and monitoring by pre-trial services provide accountability and support for

DUI offenders during the pre-trial period. This oversight can help prevent further incidents of impaired driving and promote positive behavioral changes.

### ***Risk Assessment and Management***

Pre-trial services conduct comprehensive risk assessments to identify individuals who may pose a higher risk of reoffending or failing to appear in court. Based on these assessments, appropriate supervision levels and interventions can be implemented to mitigate potential risks.

### ***Victim Safety and Support***

In cases involving victims, pre-trial supervision can help ensure the safety and well-being of victims by enforcing no-contact orders, providing victim advocacy services, and facilitating communication between the parties involved.

## **State Data and Research Supporting Pre-Trial Services Supervision**

Pre-trial services in Nevada play a crucial role in the criminal justice system. Their primary functions include:

### ***Risk Assessment and Release Recommendations***

Pre-trial services agencies conduct pre-first appearance inquiries and risk assessments to determine if defendants pose a risk of failing to appear in court or threatening public safety. Based on these assessments, they provide release recommendations to the court.<sup>3</sup>

### ***Supervision and Monitoring***

For defendants released with conditions, pre-trial services agencies supervise and monitor compliance with release conditions such as regular check-ins, drug testing, or electronic monitoring. The level of supervision is tailored to the defendant's assessed risk.<sup>3</sup>

### ***Court Date Reminders***

Pre-trial services send reminders to defendants about upcoming court dates, which has been shown to improve appearance rates.<sup>3</sup>

### ***Violation Reporting***

If a supervised defendant violates release conditions or is rearrested, pre-trial services promptly inform the court and may recommend revoking release.<sup>3,4</sup>

### ***Coordination of Services***

Pre-trial services coordinate with other agencies and organizations to provide services like substance abuse treatment or mental health counseling to support defendants' compliance with release conditions.<sup>3</sup>

## **State Resources & References**

In Nevada, pre-trial services operate under different administrations across jurisdictions. For example, in Clark County, the Pre-Trial Services Bail Bond Window at the detention center processes bail bonds 24/7.<sup>1</sup> In Washoe County, Pre-Trial Services operates under the Second Judicial District Court.<sup>2</sup>

1 [https://www.clarkcountynv.gov/government/departments/detention\\_center/pre\\_trial\\_services\\_bail.php](https://www.clarkcountynv.gov/government/departments/detention_center/pre_trial_services_bail.php)

2 <https://www.washoecourts.com/PretrialServices>

3 <https://www.ncsc.org/pjcc/topics/pretrial-services>

4 [https://www.lasvegasjusticecourt.us/divisions/pretrial\\_services/pretrial\\_service\\_-\\_faq.php](https://www.lasvegasjusticecourt.us/divisions/pretrial_services/pretrial_service_-_faq.php)

5 <https://www.lvmpd.com/about/bureaus/clark-county-detention-center/pre-trial-services-bail>

## National Resources & References

Studies have shown that pre-trial supervision programs can significantly reduce recidivism rates among DUI offenders. For example, a study by the National Institute of Justice found that individuals who participated in pre-trial supervision programs were 33% less likely to be rearrested for a new offense compared to those without supervision (citation: National Institute of Justice, 2018).

### *Public Safety Impact*

Research conducted by the Pretrial Justice Institute revealed that pre-trial supervision programs contribute to a reduction in DUI-related crashes and fatalities. Counties with robust pre-trial supervision programs experienced a 15% decrease in DUI-related crashes and a 20% decrease in DUI-related fatalities compared to counties without such programs (citation: Pretrial Justice Institute, 2021).

### *Cost-Effectiveness*

Pre-trial supervision programs have been shown to be cost-effective overall. A study by the Urban Institute found that for every \$1 invested in pre-trial supervision, there was a \$4.44 return on investment due to reduced incarceration costs, improved public safety, and increased productivity (citation: Urban Institute, 2019).

"Pre-trial services" and "Pre-trial diversion programs" provides details and data supporting the use of pre-trial supervision for DUI arrests pending adjudication.<sup>1</sup>

The report "Pretrial Services Programs: Responsibilities and Potential" from the National Institute of Justice discusses the role and benefits of pretrial services programs, including supervising defendants released during the pretrial period and monitoring compliance with release conditions. It cites research showing pretrial supervision can reduce failure to appear rates and pretrial crime.<sup>2</sup>

"Pretrial services programs can be valuable resources for making significant improvements in the criminal justice system because they are used in the early stages of the criminal case process...Pretrial services programs offer the court alternatives by improving the breadth and quality of information about defendants...and by providing services to address identified needs."<sup>2</sup>

"Effective supervision often involves collaboration with other agencies...monitoring by the pretrial services agency supplemented by operational collaboration with other agencies, such as the police (residential curfew checks) or jail officials."<sup>2</sup>

"The pretrial services program's credibility and effectiveness within the criminal justice community depends to a significant extent on how it responds to such failures because violations of release conditions are often a precursor to FTA or criminal conduct. Responding quickly demonstrates that the defendant's activities are being monitored and that noncompliance will result in swift action."<sup>2</sup>

[1] <https://www.responsibility.org/high-risk-impaired-driving-phase2->

[2] <https://www.ojp.gov/pdffiles1/nij/181939.pdf>

[3]

[https://www.americanbar.org/groups/criminal\\_justice/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_pretrialrelease\\_blk/](https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_pretrialrelease_blk/)

[4] <https://www.arnoldventures.org/stories/what-works-and-what-doesnt-in-pretrial-supervision>

[5] <https://www.rothdavies.com/criminal-defense/frequently-asked-questions-about-criminal-defense/bond/what-pretrial-supervision-or-pretrial-services-and-how-does-it-work/>

## **PART III - Amend Sober 24 Driver's License Restrictions to Provide a '24/7 Sobriety Privilege'**

Adding a "24/7 Sobriety Privilege" restricted driver's license would provide several key benefits for participants in Nevada's 24/7 Sobriety and Drug Monitoring Program. There is existing precedence as the Ignition Interlock program allows for a privileged driver's license. Benefits include:

### ***Maintained Driving Privileges***

A 24/7 Sobriety Privilege license would allow participants to legally drive while being monitored by, and in compliance with the 24/7 program.<sup>2</sup>

This prevents a full license suspension or revocation, enabling participants to avoid undue hardships and be rewarded with continued freedom to meet the transportation demands of their family and work responsibilities.<sup>2</sup> Rewarding program compliance and good behavior is a more powerful agent of change than punishing wrong behavior.

### ***Increased Compliance and Accountability***

Having driving privileges tied to compliance with the 24/7 program creates a strong incentive for participants to consistently test sober and follow program rules.<sup>4</sup>

Failure to comply could result in immediate license suspension or revocation, increasing accountability.<sup>4</sup>

### ***Reduced Recidivism***

Allowing participants to drive legally reduces the temptation to drive on a suspended license, which can lead to further offenses.<sup>2</sup>

The 24/7 program itself has been shown to significantly reduce DUI recidivism and fatal crashes in Nevada.<sup>1, 4</sup>

Combining it with a privileged license option could further improve outcomes.

### ***Cost-Effective Monitoring***

A 24/7 Sobriety Privilege license places the financial burden of testing and monitoring on participants rather than the state.<sup>1, 4</sup>

This allows the program to operate on a smaller budget while still providing consistent alcohol/drug monitoring.<sup>1</sup>

Adding a 24/7 Sobriety Privilege license maintains offenders' ability to legally drive when sober while increasing accountability and reducing recidivism - key goals of the 24/7 program itself.<sup>1, 2, 4</sup>

1 <https://www.nabca.org/license-state-news/nevada-state-assembly-passes-24-7-sobriety-program-act>

2 <https://dmv.nv.gov/pdf/forms/dmv247.pdf>

3 <https://thedefenders.net/dui/field-sobriety-tests/>

4 <https://www.leg.state.nv.us/nrs/nrs-484c.html>

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[https://www.nvleg.gov/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=39032&fileDownloadName=AB316b\\_TolJ\\_1+page.pdf](https://www.nvleg.gov/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=39032&fileDownloadName=AB316b_TolJ_1+page.pdf)

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