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INSTITUTIONALIZING THE
DRUG EVALUATION AND
CLASSIFICATION PROGRAM
IN THE STATES

A Report to Congress

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EXECUTIVE SUMMARY

In its report on the FY 1992 appropriations for the Department of Transportation, the Senate Committee on Appropriations stated that:

The Drug Evaluation and Classification Program conducted by TSP has been a demonstrated success. NHTSA has indicated that eventually it would like to reduce its role in this important program. NHTSA expects that the lead role for program maintenance and expansion will be passed to the States after fiscal year 1993. The Committee directs NHTSA to submit a plan to the House and Senate Appropriations Committees before June 1, 1992, detailing how the agency will substantially reduce its role in the Drug Evaluation and Classification Program over the next 5 years.

As the Senate has noted, NHTSA proposes to transfer as much as possible of the program's management responsibilities to the States and other non-Federal agencies, and to do so as quickly as possible. This plan outlines how we intend to achieve this goal.

The main body of the report begins with a definition of the DEC Program's management responsibilities, in terms of the functions that the program managers must perform and the tasks that make up the functions. It is precisely those functions that are being transferred from NHTSA to the States to accomplish the institutionalization of the program. The next section details the history of each management function, its current status in the transitional process and the plans for its continuing institutionalization. Appendices define basic concepts that are crucial for a fuller understanding of the program, and list the status of the program in the various participating States.

The plans for institutionalization of the program's six management functions are summarized below.

Function #1 Establish and Maintain Program Standards. This already has been institutionalized with the International Association of Chiefs of Police (IACP), in collaboration with the highway safety offices of participating DEC States. NHTSA and IACP work with the States to encourage their voluntary compliance with the IACP's National Minimum Standards.

Function #2 Select DEC Program Sites. When a proposed site is the first such site for a State, NHTSA collaborates with the State's Office of Highway Safety to conduct a formal assessment to identify impediments to that site's participation, and to recommend solutions to the impediments. If the State already has at least one operational DEC site, it is the State's responsibility to apply NHTSA's site assessment protocol to evaluate all additional proposed sites. NHTSA has no further involvement in the selection of sites within that State.

Function #3 Develop DEC Program Resources. Management of curriculum-related resource development has been institutionalized with the IACP. NHTSA and IACP work with the States to encourage their adoption of the standard IACP curriculum. NHTSA continues to manage the development and assessment of potential technologic improvements for the program. Development of chemical testing resources is the responsibility of each participating State.

Function #4 **Deliver Training.** Currently, eight States have mature DEC programs with sufficiently large instructor cadres to manage their own training delivery with no involvement by NHTSA. Other States' programs continue to require NHTSA assistance for training. NHTSA projects that full institutionalization of training will be achieved by the close of FY 1994. Subsequently, States that require outside assistance for program initiation or expansion will independently arrange for that assistance through other States, the IACP or other private service providers.

Function #5 **Establish and Maintain Information Management Systems.** NHTSA is working with the States to construct a nationally compatible management information system (MIS) network in order to support aggregation and analysis of data. The intent is for each State to manage its own MIS, to serve its own program needs. However, the States' systems will be designed to permit periodic aggregation of inter-State data, to support national program evaluation requirements. It is expected that this will be completed by the close of FY 1993.

Function #6 **Develop and Implement Public Information and Education Efforts to Deter Drug-Impaired Driving.** This is a State responsibility for which NHTSA is rendering assistance. In addition to cooperative agreements funded by NHTSA to seven DEC States, NHTSA is developing a national public information and education (PI&E) program aimed at deterring drug-impaired driving.

FUNCTIONS AND TASKS INVOLVED IN THE MANAGEMENT OF THE DEC PROGRAM

The DEC Program pursues the fundamental goal of deterring impaired driving. It does so by performing a series of highly interactive functions, each of which breaks down into a logically-sequenced set of constituent tasks. The functions and their tasks are designed to achieve these intermediate objectives, as milestones on the road to the goal:

- (1) Increase the likelihood that drivers impaired by alcohol or other drugs, or by combinations of alcohol and other drugs will be arrested for impaired driving.
- (2) Increase the likelihood that the drug-impaired driver, when arrested, will be recognized as a possible drug abuser, who warrants a drug recognition examination.
- (3) Increase the likelihood that a person under arrest as a suspected drug-impaired driver will be examined by a qualified drug recognition expert (DRE).
- (4) Increase the likelihood that, subsequent to examination by a DRE, a person recognized as drug-impaired will be prosecuted for that offense.
- (5) Increase the likelihood that, once prosecuted, the drug-impaired driver will be convicted of that offense.
- (6) Increase the likelihood that other potential alcohol- and/or - drug-impaired drivers will learn of the arrests, convictions and punishment of their peers, and thereby be dissuaded from committing these offenses.

The management of a nationwide program to achieve those objectives involves six functions:

- o Establish and Maintain Program Standards
- o Select DEC Program Sites
- o Develop DEC Program Resources
- o Deliver Training
- o Establish and Maintain an Information Management System
- o Develop and Implement Public Information Efforts to Deter Drug-Impaired Driving

CURRENT STATUS OF AND PLANS FOR INSTITUTIONALIZING THE DEC PROGRAM MANAGEMENT FUNCTIONS.

Function #1 -- Establish and Maintain Program Standards

The purpose of this function is quality control. The function provides a means of setting minimum performance standards that will help ensure a reasonable likelihood of success wherever the DEC Program is implemented. The function also is designed to allow for amendment of the minimum performance standards, as needed, to reflect program improvements, case law developments and other factors that may necessitate change. There are seven constituent tasks in this function:

1. Establish and Update Site Selection Standards
2. Establish and Update DRE Candidate Selection Standards
3. Establish and Update DRE Instructor-Candidate Selection Standards
4. Establish and Update DRE Certification and Re-Certification Standards
5. Establish and Update DRE Instructor Certification and Re-Certification Standards
6. Issue DRE Certificates
7. Issue DRE Instructor Certificates

History

NHTSA and the Los Angeles Police Department (LAPD) collaboratively developed the original set of standards for (1) selecting program sites and (2) selecting and certifying officers as Drug Recognition Experts (DREs) in 1986. No DRE Instructor selection or certification standards were developed initially, since all training relied on the existing -- and fairly small -- cadre of LAPD instructors. Similarly, no re-certification standards for either DREs or instructors were developed at the beginning. LAPD issued certificates to its own personnel who completed DRE training. As the program began to expand to other agencies, some issued in-house certificates while others did not. In 1989, the International Association of Chiefs of Police (IACP) -- at NHTSA's request -- formed a task force to reexamine the original NHTSA/LAPD standards, establish standards for instructors and for re-certification, and to devise a mechanism for issuing certificates.

Status

The IACP has accepted the responsibility for maintaining national minimum certification standards for DREs and DRE instructors, and for issuing certificates to all qualified DREs and instructors in the nation. The responsibility for carrying out this function is vested in IACP's Highway Safety Advisory Committee. The Committee formed a technical advisory panel (TAP) to help manage the function. The TAP meets twice each year, coincidentally with the annual and mid-year meetings of the Committee. NHTSA is represented on the TAP, as are the national cadre of DRE instructors, DEC prosecutors, DEC toxicologists, the medical community, law enforcement

training academies and State DEC Program coordinators. Thus, the responsibility for establishing and maintaining program standards has officially been institutionalized with IACP, but representatives of the participating States are active participants in the management of this function.

Future Institutionalization

NHTSA plans to continue full funding of the certification process through FY 1993. Thereafter, IACP will charge the States a modest biennial certification fee for each DRE. The fees collected will be sufficient to cover the administrative costs of maintaining national rosters of DREs and instructors and issuing certificates. Thus, the function will be fully institutionalized and self-sufficient by October 1, 1993.

Function #2 -- Select DEC Program Sites

The purposes of this function are quality control and program expansion. It is highly desirable that the DEC Program be available wherever it is needed. At the same time, it is essential that adequate capabilities of legislation, enforcement, toxicology and prosecution be available wherever the program is implemented. This function is intended to assure a balanced approach to satisfying both of those needs. The function encompasses five tasks:

1. Promote Enactment of Enabling Legislation
2. Solicit Interest from Potential Sites
3. Identify Candidate Sites
4. Assess Candidate Sites and Identify Deficiencies
5. Correct Deficiencies

History

The State Highway Safety Offices have from the outset been responsible for identifying candidate program sites within their borders. The Governor's Representative for Highway Safety notifies the cognizant NHTSA Regional Office of the desire to commence DEC activities at the particular site, and the Regional Office passes this information to NHTSA headquarters. Whenever the candidate site has been the first such site within a given State, NHTSA staff, assisted by personnel from IACP and the State's Highway Safety Office, have conducted a formal assessment of the site's qualifications, to verify that appropriate legislation is in place and that adequate capabilities for enforcement, toxicology and prosecution are available. When deficiencies have been found, NHTSA has provided technical assistance to correct them, whenever possible. However, once at least one functioning DEC site has been established within a State, responsibility for selecting and assessing any additional sites within its borders is vested in the State Highway Safety Office. Upon request from the State, NHTSA has provided technical assistance for assessing these additional sites and for correcting deficiencies, when possible. But, institutionalization of the site selection function with the individual State occurs as soon as the State commences participation in the program.

Status

NHTSA and IACP continue to manage the site assessment elements of the site selection function for the first proposed site in any State. Responsibility for NHTSA's role in this function currently resides at NHTSA headquarters, and is shared by the staffs of Traffic Safety Programs and Regional Operations. As of March 31, 1992, more than 125 law enforcement agencies from 23 States and the District of Columbia are participating in the program.

Future Institutionalization

As more States commence DEC activities, the pool of potential "new" States will shrink. NHTSA's site assessment management responsibilities will correspondingly diminish, with the responsibility shifting to IACP and the individual States. At the same time, programs already established will continue to mature, so that States will require less technical assistance from NHTSA for their site expansion efforts. NHTSA will continue to respond to requests for such technical assistance. However, headquarters staff will play a less direct role in providing the assistance; instead, NHTSA will act as a broker to obtain assistance from the more mature program States. Coordination of this activity will be vested in NHTSA's Regional Operations by the close of FY 1992.

Function #3 -- Develop DEC Program Resources

The purposes of this function are program improvement, program expansion and program self-sufficiency. The function provides the means of ensuring the continued ability to replace key personnel lost through normal attrition processes, and to increase the numbers of qualified personnel to meet the needs of program growth. It also provides assurance that these personnel will have access to increasingly better investigative tools. There are four tasks within this function:

1. Develop and Update DEC Curricula
2. Develop Improved Drug Examination Technology
3. Develop and Sustain a DRE Instructor Cadre (including DRE Instructor Training)
4. Secure Adequate Chemical Testing Resources

History

NHTSA developed the original set of DEC curricula for police officers during 1986-1987. In 1989, responsibility for approving any revisions to the curricula was vested in the TAP. Hence, this segment of resource development has been institutionalized with the IACP, and with the participating States through their representatives on the TAP. Development of curricula for non-law enforcement participants (e.g., prosecutors and judges) began in 1989, and remains in process. Development of Basic Drug Impairment Recognition Training for field officers, to enhance their ability to identify suspects for whom DREs should be summoned, is in process and will be completed early in FY 1993.

Initial attention to **drug examination technology** focused on laboratory and field validations of the basic examination procedures developed by LAPD. Although it was demonstrated that DREs can identify the drug category causing impairment with a high degree of reliability, it was evident that portions of the examination are cumbersome to implement manually. This is especially true of the eye examinations. Thus, NHTSA began to explore the feasibility of automating the oculomotor measurements. By the close of FY 1991, NHTSA had procured prototypes of two different devices capable of producing those measurements.

Development of a **DRE instructor cadre** -- beyond the original team of instructors available from LAPD -- began as soon as the basic DRE curriculum was available in 1987. NHTSA devised a five-day instructor training course designed to prepare qualified DREs to teach the new curriculum to others. The instructor training was first delivered to additional personnel from LAPD. As other agencies began to participate in the program, and as their officers completed DRE training, some of their personnel also received the instructor training. In 1989, the IACP endorsed the instructor training course, incorporated it into the standards for DRE instructor certification, and accepted responsibility for periodic updating of it, through the TAP.

Securing adequate **chemical testing resources** has from the outset been the responsibility of the individual participating States. When new site assessments have disclosed the need to do so, NHTSA has arranged for toxicologists from "experienced" DEC States to consult with their peers from "new" States. In addition, NHTSA has hosted meetings of DEC toxicologists to ensure that their concerns are brought to the attention of the TAP, and are appropriately reflected in the program standards. But, the management of chemical testing resources is fully institutionalized with the States.

Status

DEC Curricula Responsibility for managing the periodic update of DRE training materials is fully institutionalized in the TAP. NHTSA staff continue to participate in this task through their representatives on the TAP. TAP is also responsible for identifying needs for in-service training for DREs and DRE instructors, and for managing the development of curriculum materials to meet those needs. When appropriate, NHTSA will support the development of such in-service training, with its own staff and/or contractor support.

Development of a DEC Prosecutor training curriculum is nearing completion. Pilot testing and revision of the prosecutors' curriculum will be accomplished before the close of FY 1992. Specification of learning objectives and subject-matter content for a DEC Judges training curriculum is in process. Development of that curriculum will be completed by the end of FY 1993.

Improved Drug Examination Technology Laboratory testing of promising oculomotor devices is underway, in collaboration with the National Institute on Drug Abuse (NIDA) of the Department of Health and Human Services.

DRE Instructor Cadre In accordance with the standards set by the IACP, sustaining the instructor cadre is accomplished via the DRE Instructor Training Curriculum, a five-day school open to all certified DREs. This school is hosted by participating program States whenever they perceive the need to do so. If the hosting State does not have sufficient teacher-trainers to conduct the school, other participating States supply qualified instructors, via the cooperative agreements funded by NHTSA. If the hosting State is just beginning the development of its instructor cadre, and currently has no qualified teacher-trainers, NHTSA supplies the entire faculty, via the cooperative agreements. Thus, management of this element is fully institutionalized in certain States with mature instructor cadres, shared by NHTSA and certain other States whose cadres are developing, and remains NHTSA's responsibility for States that are new to the program. A current listing of "new", "developing" and "mature" States appears in Appendix B.

Chemical Testing Resources NHTSA has entered into an inter-agency agreement with the U. S. Department of Justice to enable DEC States to qualify for the Department of Justice discretionary block grants to upgrade their laboratory equipment, staff or methods. This will continue throughout FY 1993.

Future Institutionalization

DEC Curricula NHTSA is working with the National Association of Prosecutor Coordinators (NAPC) and the National Center for State Courts (NCSC) to identify appropriate agencies or organizations in which to institutionalize responsibility for maintaining the DEC Prosecutors and Judges curricula. This will be analogous to the manner in which the DRE curriculum has been institutionalized with IACP. Also, beginning in FY 1994, IACP will be responsible for printing and distribution of all law enforcement related DEC curriculum materials.

Drug Examination Technology NHTSA will continue to manage the development of improved drug examination technology for the foreseeable future. As additional promising technology emerges, NHTSA will assess its applicability and, when appropriate, conduct laboratory and/or field trials.

DRE Instructor Cadre Management responsibility for developing and sustaining the instructor cadre will continue to pass from NHTSA to the States, as the various State DEC programs mature. However, because the national instructor cadre bears the principal responsibility for maintaining the standardization of DRE training, it is important that the instructor schools continue to be managed from a national perspective. NHTSA has created a system by which the "mature" States collectively supply course administrators to oversee all instructor training classes. Currently, the services of these course administrators are funded by NHTSA, via cooperative agreements. During FY 1994, we plan to transfer the responsibility for managing and funding the DRE instructor schools to the TAP.

Program Management In December 1991, NHTSA conducted a meeting and seminar for State DEC Program Coordinators to prepare them to take on greater management responsibilities as the program shifts to a decentralized mode of management. This seminar will be repeated for new State coordinators during each of the next two fiscal years. Transfer to the States of all day-to-day management responsibility will be completed by the close of FY 1994.

Chemical Testing Resources Management responsibility for securing adequate chemical testing resources will continue to be vested in the individual States.

Function #4 -- Deliver Training

This function has the purpose of supplying the personnel who are qualified to carry out the day-to-day tasks of implementing an effective DEC Program. The function itself has six tasks:

1. Basic Impaired Driving Enforcement Training (e.g., Standardized Field Sobriety Testing, Preliminary Breath Testing, Evidentiary Breath Testing, etc.)
2. Basic Drug Impairment Recognition Training for Field Officers
3. Basic Drug Recognition Expert Training (including PRE-Schools, DRE Schools and Certification Training)
4. Refresher and In-Service Training for DREs
5. Prosecutor Training for Drug-Impaired Driving
6. Judge Training for Drug-Impaired Driving

History

Since 1987, basic DRE training (as distinct from DRE instructor training) has proceeded in three phases: the PRE-School; the DRE School; and, Certification Training. The PRE-School is a two-day classroom training event in which the student learns of the drug categories and begins to develop proficiency with some of the investigative techniques. The DRE School is a seven-day classroom stage in which the student becomes fully familiar with drug effects and fully proficient in administering the drug influence examination. Certification Training is a supervised on-the-job learning experience. During Certification Training, the student examines persons actually suspected of drug impairment. Certification Training continues until the student has demonstrated proficiency as a DRE.

Initially, all DRE training was conducted by the original cadre of LAPD instructors. As the program expanded, additional instructors from various participating States were added to the cadre. At the beginning of FY 1990, NHTSA initiated cooperative agreements with those States that had experienced instructors. Under those agreements, NHTSA pays for the services of DRE instructors, including their salaries, benefits, travel, lodging and subsistence.

Apart from schools conducted by LAPD primarily for their own personnel, NHTSA directly managed the delivery of DRE training through FY 1990. By that time, a number of States had reached the point where their instructor cadres were sufficiently mature to manage their own training delivery.

Status

NHTSA staff do not serve as instructors for the delivery of DRE training. Depending on the maturity of a State's DEC program, the management responsibility for delivering DRE training is vested at the national level, at the State level, or shared.

DEC States can be grouped into three levels of "maturity":

- o "New" Programs -- These are States that have no certified DRE instructors of their own; therefore, are totally dependent on outside instructors for all phases of basic training. NHTSA supplies all such instructors, via the cooperative agreements.
- o "Developing" Programs -- These States have some certified instructors, but their certifications are very recent and their experience is very limited. The "litmus test" for "developing" program is whether any of its instructors is qualified to serve on the annual curricula review task force. To do so, an instructor must have taught in at least four DRE schools and three Certification Training events. A State with no such instructors is "developing." NHTSA uses the cooperative agreements to provide the services of some experienced instructors to conduct classes in the "developing" States. These outside instructors play the lead roles in those classes, assisted by the "developing" State's own instructor pool.
- o "Mature" Programs -- These States qualify for participation on the curricula review task force; most "mature" program States have large cadres of DRE instructors, including some who are qualified to serve as teacher-trainers for DRE Instructor schools. "Mature" States are responsible for supplying their own instructors; however, some of the instructor-related costs are covered under the cooperative agreements. Late in FY 1991, NHTSA broadened the scope of the cooperative agreements with the current "mature" States, for the purpose of vesting key management functions within those States.

Management of basic training for "new" program States must be exercised outside those States. The management responsibilities include selecting a course administrator (via the cooperative agreements); assembling a group of qualified instructors (also via cooperative agreements); preparing the instructors' assignments; securing a suitable training facility; shipping all course materials to the facility; monitoring the delivery of the training on-site; and, evaluating the training. Since January 1992, the "mature" States have been responsible for supplying course administrators for all "new" State training events. The course administrators' services are procured through the cooperative agreements between NHTSA and the States that supply the course administrators.

A concrete example may help to clarify how this works. Louisiana was accepted as a "new" DEC State early in FY 1992. NHTSA staff consulted with the newly-designated Louisiana State DEC Coordinator to develop a schedule for the first training cycle. Then, the NHTSA DEC Training Coordinator determined

that Texas, Virginia and Arizona -- all "mature" States -- would be requested to supply the instructors needed for each school. Next, the NHTSA DEC Training Coordinator determined that New York would be asked to supply the course administrators. The services of the course administrator (a member of the New York State Police) were paid for under the cooperative agreement between NHTSA and New York. The course administrator prepared the instructor assignments; served as the on-site monitor of the training; and prepared the summary and evaluation report following the completion of the training. This is the model that will be followed, throughout FY 1992, for all DEC training in Louisiana, Missouri, New Mexico, Iowa, Georgia, Maine, Nebraska, New Hampshire, New Jersey, Oklahoma and Rhode Island, as well as for any additional States that come on-board during the year.

For "developing" States, management of basic training delivery is a shared function. The process is initiated by notification from the State's DEC Coordinator to the NHTSA DEC Training Coordinator. The State Coordinator informs NHTSA of the dates and locations of the upcoming schools, and of the number of in-State instructors who will be available to help teach the schools. The NHTSA DEC Training Coordinator then determines how many outside instructors will be needed to complete the instructor cadre and executes appropriate cooperative agreements to obtain the services of those outside instructors. Then, the Training Coordinator executes another cooperative agreement to obtain a course administrator. The course administrator contacts the State DEC Coordinator to develop collaboratively the instructor assignments. Subsequently, the course administrator serves as the on-site monitor of the training and prepares the summary and evaluation report. This is the model that will apply during FY 1992 to the District of Columbia, Florida, Minnesota, Maryland and Nevada, all of which have "developing" DEC programs.

"Mature" States manage their own basic training delivery. The State Coordinator contacts the appropriate NHTSA DEC Training Coordinator and informs him or her of the dates and locations of the upcoming schools. Even though the State has sufficient instructors to conduct the schools on its own, the NHTSA staff may execute one or more cooperative agreements, at the request of the host State, to obtain "outside" instructors to augment the State's cadre. This procedure is suggested to reflect the nationally standardized perspective of DEC training. The State DEC Coordinator designates a lead instructor to prepare the assignments, serve as the on-site manager and prepare the summary and evaluation report. NHTSA does not designate an outside course administrator to manage the training at "mature" locations. However, for quality assessment purposes, NHTSA or IACP may secure the services of an outside monitor for one or two training events per year in "mature" States. He or she will attend the training event in its entirety and prepare an independent summary and evaluation report. This model will apply during FY1992 to Arizona, California, Colorado, Indiana, New York, Texas, Utah and Virginia.

The IACP projects that it will have approximately 2,500 certified DREs on its roles by July 30, 1992.

Future Institutionalization

Day-to-day management of basic training delivery will continue to move from a "largely NHTSA" responsibility to a "mainly the States" posture. NHTSA staff no longer serve as on-site course managers. More-and-more States will assume full responsibility for this function, as their programs mature. NHTSA will continue funding cooperative agreements during the next two fiscal years, to help State programs progress through the "new" and "developing" stages. However, the level of funding will steadily diminish, as fewer States require that assistance. NHTSA anticipates that complete institutionalization of the basic training delivery function will have been achieved by the close of FY 1994. Subsequently, States that require outside help for training delivery will independently arrange for that assistance from other States, or from the IACP or other service providers.

Function #5 -- Establish and Maintain Information Management Systems

The purposes of this function are quality control and program improvement. The function is designed to ensure that DEC Program managers and coordinators at all levels will have timely access to accurate information concerning their resource requirements and any threats to program effectiveness. The function includes four tasks:

1. Establish and Maintain a Personnel Data Base
2. Establish and Maintain a Drug Evaluation Data Base
3. Establish and Maintain a Case Law Data Base
4. Plan and Implement Evaluative Studies

History

The responsibility for maintaining a data base to support prosecution and local program evaluation has always resided with the individual agencies participating in DEC. States and local agencies developed their own approaches to meet their record-keeping needs. These ranged from very sophisticated, computer-based systems to simple hard-copy files requiring manual retrieval and processing. However, from the outset it was widely recognized that it is in the interest of each participating State to see to it that the local data bases are compatible, so that evaluative data can be aggregated at the State level. And, it is in NHTSA's interest to have compatible State-level data bases, to enable aggregation and analysis of data reflecting the national program.

Status

Under the terms of its cooperative agreement with NHTSA, Arizona committed to developing a DEC Management Information System (MIS) that could be adapted by other States. At the same time, NHTSA awarded a contract (to Preusser Research Group, of Bridgeport, Connecticut) to conduct an evaluation of the impact of DEC on DWI arrests and convictions. This will involve aggregation of data representing at least a subset of participating States.

Future Institutionalization

Assuming successful completion of Arizona's MIS development, NHTSA will work with other program States to help them construct their MIS. As appropriate, NHTSA will undertake additional studies of DEC program impact and effectiveness. However, each State will remain responsible for maintaining its own records system, using designs compatible with the Arizona model, to support prosecution and intra-State impact evaluation requirements.

Function #6 -- Develop and Implement Public Information Efforts to Deter Drug-Impaired Driving

The purpose of this function is to ensure that the program's basic "products" -- i.e., impaired driving arrests and convictions -- produce the desired deterrent effects. The function has two tasks:

1. Develop Public Information Themes, Strategies and Materials
2. Deliver Public Information

History

Through the end of FY1991, DEC States conducted whatever program-related public information (PI&E) efforts they saw fit. Because resources largely were devoted to the crucial tasks of developing personnel and laboratory resources, relatively little effort was applied in the PI&E area.

Through the cooperative agreements, the "mature" States were offered funding assistance to develop and implement deterrence-focused and DEC-related PI&E themes, materials and campaigns. The intent was for each State to develop a campaign suited to its own needs, but with the hope that the concepts and materials produced would ultimately have wider applicability. Seven States (Arizona, Indiana, Maryland, New York, Texas, Utah and Virginia) accepted the opportunity.

Status

Development of PI&E campaigns and materials is underway in the seven States listed above. In addition, NHTSA is preparing a procurement to develop nationally-applicable PI&E materials aimed at deterring drugged drivers. Although these materials will not be exclusively DEC-related, they will be applicable to the program's goals.

Future Institutionalization

During FY 1992, NHTSA plans to enter into cooperative agreements with (approximately) five additional States, reflecting achievement by those States of "mature" DEC status. Those cooperative agreements will include modest funding (e.g., average of \$25,000 per State) to support development of DEC-related PI&E materials and campaigns. Subsequently, States' PI&E efforts will be fully institutionalized with them.

APPENDIX A

KEY CONCEPTS AND DEFINITIONS

A. The Drug Evaluation and Classification Program

The Drug Evaluation and Classification (DEC) Program is a systematic effort, implemented at the State and local levels, to reduce the incidence of drug-impaired driving, and thereby reduce the numbers of highway crashes, deaths and injuries. The program's activities seek to make it more likely that drug-impaired drivers will be detected, stopped, arrested, investigated, prosecuted, convicted and punished. The expectation is that, as the likelihood of punishment increases, persons who might otherwise drive after using drugs will be dissuaded from doing so.

B. Drug

In the context of the DEC Program, a drug is any chemical substance, natural or synthetic, that when taken into the human body can impair the ability to operate a motor vehicle safely. This definition is based on the California Vehicle Code. It is intentionally broad. The definition includes alcohol. It also includes cocaine, marijuana, heroin and many other illicit substances. It also includes many prescriptive medications, such as the benzodiazepines, the barbiturates, codeine and many others. It also includes such every-day items as paint, gasoline, propellant sprays and other volatile substances that can be inhaled for their intoxicating effects.

C. DEC Program Components

The DEC Program has four major components.

1. Legislation

The program requires State laws that (1) make it unlawful to operate a motor vehicle while under the influence of drugs; (2) facilitate the acquisition of evidence -- especially chemical evidence -- against persons apprehended on suspicion of drug-impaired driving; and (3) apply effective sanctions to persons convicted of drug-impaired driving. From the DEC perspective, an adequate legislation component includes all drugs in the prohibition of impaired driving (e.g., does not merely prohibit driving under the influence of "controlled substances"). It also includes an implied consent law that deems the arrestee responsible for submitting to more than one test of bodily substances (such as breath, blood or urine) so that the presence or concentration of any drug may be determined.

2. Enforcement

Enforcement of drug-impaired driving obviously is essential. The program's enforcement component has two parts: (1) **detection and apprehension**, i.e., the ability to observe persons driving under the influence of drugs, to stop them, to investigate them in the field, and to arrest them; and, (2) **post-arrest investigation**, i.e., the ability to obtain convincing evidence that the apprehended drivers are in fact impaired by some drug category or combination of categories. It is the second part of the enforcement component that is the focus of attention in the DEC Program, because it constitutes the sphere of responsibility for drug recognition experts (DREs).

3. Toxicology

The DEC Program requires the ability to corroborate the DRE's investigative findings by chemical analysis. The DRE can determine that the suspect exhibits clinical and psychophysical symptomatology that is consistent with impairment by a particular drug category. It is the chemist's responsibility to produce evidence that the suspect recently ingested a particular drug that belongs to the category. A well-equipped, well-staffed and supportive laboratory is the third essential component of the DEC Program.

4. Prosecution

The evidence supplied by enforcement and toxicology must be organized, clarified and presented convincingly in court, so that the drug-impaired driver is convicted and punished. That is the responsibility of the fourth component.

Just as a chain's strength is equal to that of its weakest link, the DEC Program will be only as good as its least effective component.

D. Drug Recognition Expert

Drug Recognition Expert, or DRE, is the title commonly bestowed -- either officially or colloquially -- on a person duly trained to conduct the post-arrest investigation that yields evidence of drug impairment. Some agencies and individuals prefer the term "drug recognition examiner"; still others use "drug recognition technician", or "drug recognition specialist". Whatever title is used, it is earned only if the individual in question has completed the prescribed course of classroom and on-the-job training, and has met the established standards for certification. The prescribed course and the established standards are approved by the International Association of Chiefs of Police (IACP).

E. Drug Categories

For purposes of the DEC Program, all drugs fall into seven categories. Each category is defined by a unique set of clinical and psychophysical indicators of impairment. That is, although all drugs impair, the manifestations of the impairment differ from one category to another. The categories are: (1) Central Nervous System Depressants; (2) Central Nervous System Stimulants; (3) Hallucinogens; (4) Phencyclidine; (5) Narcotic Analgesics; (6) Inhalants; and, (7) Cannabis. Each category contains anywhere from several to several hundred individual drugs. With some minor exceptions, all of the members of any given category produce the same manifestations of impairment.

F. The Drug Influence Examination

The drug influence examination is the standardized, systematic procedure DREs employ to assess (1) whether a suspect is impaired; (2) whether the impairment is medically- or drug-related; and if drug-related, (3) the category or combination of categories causing the impairment. The examination includes tests, measurements and observations of the suspect's eyes, vital signs, performance of psychophysical tests and other indicators of impairment known to associate with the seven drug categories.

APPENDIX B

CURRENT STATUS OF DEC STATES (June 1, 1992)

"NEW"

Georgia
Iowa
Louisiana
Maine
Nebraska
New Hampshire
New Jersey
New Mexico
Oklahoma
Rhode Island
Missouri

"DEVELOPING"

District of
Columbia
Florida
Maryland
Minnesota
Nevada

"MATURE"

Arizona
California
Colorado
Indiana
New York
Texas
Utah
Virginia