

State of Vermont



Drinking and Driving Prevention Plan

Howard Dean, MD, Governor

March 2002

Table of Contents

Preamble	1
Plan Development Note	2
Introduction	3
Process	4
Education Element	5
Enforcement Element	7
Treatment Element	8
Organizational Commitments	9

PREAMBLE

At various times, the Legislature passes laws and law changes to address issues as they come to be perceived as a serious issue in Vermont. Sometimes new ways to address issues are instituted, at other times; existing procedures or current remedies are modified. Act 117 (1998), an Act Relating to DUI, is legislation that includes a variety of new initiatives and changes to existing laws, all attempting to reduce impaired driving in Vermont. The premise that in Vermont drinking and driving is prevalent, often undetected and frequently not adequately addressed when detected, prompted the actions of Act 117. This plan will define objectives for all state, regional and community efforts to reduce drinking and driving in Vermont. The general concept derived from the initiatives in Act 117 is that Vermont must:

- I. Reduce drinking and driving and diminish its consequences in Vermont.
- II. Improve the capability of civil and criminal sanctions systems to detect and deter drinking and driving.
- III. Improve Vermont's coordination of alcohol traffic safety efforts.

This plan lays a groundwork by which to build a coordinated, sustained effort to reduce drinking and driving in Vermont.

Plan Development Note

Early in the development process, the subcommittee that wrote this plan came to two assumptions that guided the development of this plan.

1. Drinking and driving is not acceptable. Therefore, there are no goals associated with this plan that accept a reduced level by a given time. The committee decided it would be hypocritical to set a level of acceptability at any time. The goal is no drinking and driving in Vermont.
2. The plan should be a self-assessment tool for involved individuals and organizations. Everyone in Vermont has a role to play in removing drinking drivers from the road. By reviewing this plan, legislators, agency heads, managers, advocates and individuals can use the goals to gauge their organizational and personal contribution to the elimination of drinking and driving.

The present state of drinking and driving and its consequences can be gauged by a variety of sources. Most data associated with the problem are in the *Vermont DUI Statistical Resource Book* periodically published by the Vermont Center for Justice Research. Other evaluation sources include the Vermont Crash Data Resource Book, the Department of Health Behavior Risk Factors Survey and the annual Report to the Legislature on DUI Activity.

INTRODUCTION

Drinking and driving puts all highway users at risk. Drinking and driving is the act of operating or attempting to operate a motor vehicle after or while consuming alcohol. It is not synonymous with DUI or driving drunk. Vermont law currently sets a presumptive level of .08 BAC as being impaired to a level at which one should not drive or be in control of a motor vehicle on a public highway.

Commercial vehicle operators are presumed to be impaired at or above .04 BAC. Many individuals are seriously impaired and present increased risks to the driving public at even lower BAC levels. Any alcohol in the system of a vehicle operator is too much, particularly for young drivers (under 21 years of age) for whom a zero tolerance law has been adopted.

The long-term goal of the State of Vermont should be to eliminate drinking and driving on our roadways. In the current societal environment, attainment of that goal will be difficult, however we can start down the path of generational change so that future Vermonters can enjoy the security provided by the elimination of drinking and driving. Therefore, this plan is based on continuous improvement goals that the State of Vermont can use as a guide for future actions.

Drinking and driving is currently a significant public safety and public health problem in Vermont. More people are arrested and convicted for DUI than for any other criminal offense. The Vermont Department of Health Behavior Risk Factors Survey estimated that in 1999 Vermonters ages 18 and older accounted for 257,784 episodes of drinking and driving in Vermont. Drinking and driving is involved in over a third of traffic fatalities each year on Vermont highways; many people are injured, sustain property loss and are inconvenienced. The impact of this behavior reaches across the population in personal loss, reduced safety on the roadways, increased health care costs and increased taxes to react to, detect, punish and treat those that drink and drive.

Vermont's existing DUI laws are already some of the toughest in the country. Despite these tough laws, many persons who are arrested and convicted of DUI continue to drink and drive. Legislation alone will not achieve the desired reduction in drinking and driving behavior and alcohol-related injuries, fatalities and property loss. Although laws designed to increase the certainty of apprehension and punishment are likely to have a deterrent effect, reduction of drinking and driving will also require intervention, education and treatment.

Drinking and driving and driving impaired are serious problems on their own merit. However, there is strong evidence that this problem is a symptom of an even larger more socially pervasive problem of alcohol misuse and abuse in Vermont. About a third of DUI offenders have also been charged with other criminal offenses. Vermont's effort to reduce, and eventually eliminate, drinking and driving must target the attitudes and social acceptance of unhealthy drinking behaviors.

PROCESS

This plan is a product of the Vermont DUI Interagency Work Group. In early 2000, the Work Group assigned the task of drafting this plan to a subcommittee. The Coordinator of Alcohol Traffic Safety Programs invited each member organization of the Interagency Work Group to appoint a representative to the drafting subcommittee. The Coordinator of Alcohol Traffic Safety Programs headed the subcommittee and facilitated the meetings to establish direction and goals. Individuals from the Attorney Generals Office, Department of Corrections, Department of Education, The Department of Health (including ADAP), Department of State's Attorneys and Sheriffs, and the Vermont Center for Justice Research participated in forming the plan.

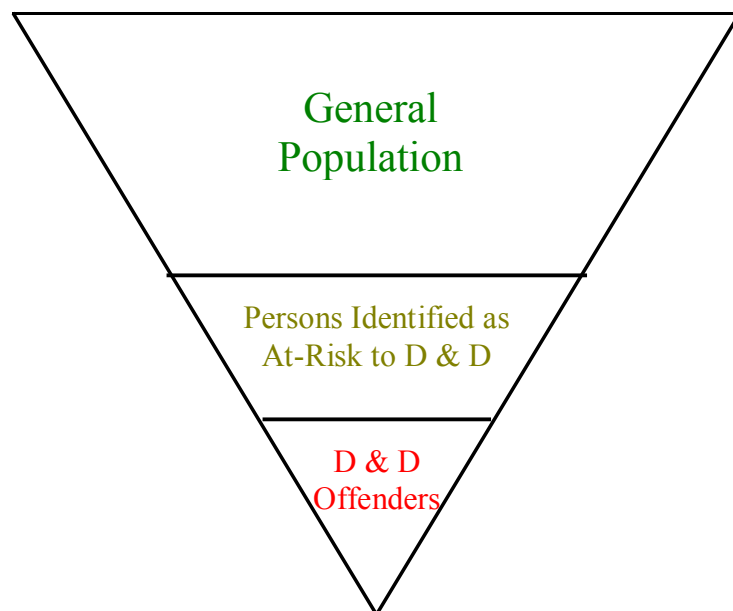
Follow up activities will be in establishing a means by which to assess the progress of each identified goal and of periodically reviewing the plan for currency and validity.

Education Element

The first method selected for the reduction of drinking and driving in Vermont is education. Within the general strategy of education, we recognize there are three categories of people who we wish to influence. Each group requires different methods and levels of effort to prompt a change in attitudes and behavior.

The largest category is the general population of the state, including visitors who are only here for a short time. This group can be reached with media campaigns, public service announcements, generalized information and education materials and controlled group education, such as driver education classes and civic group presentations.

The second category consists of persons identified or known to be at greater risk to drink and drive than the general public. The people in this group are



individually identified or identified as being members of a demographic group with drinking and driving tendencies higher than the general population.

The final category consists of those who are known drinking drivers. These are chiefly people who have been convicted of DUI or of violating the .02 statute and those who have been found not guilty of those offenses, but were clearly driving

after drinking. Some others in this group are self-identified people, referred persons and those guilty of consuming alcohol while driving (23 V.S.A. §1134).

These groups are not sequential, hierarchical or mutually exclusive. They are intended as a guide by which to categorize the population and tailor education efforts to reduce the number of people who choose to drink and drive in Vermont.

Goals:

- I. Increase the number and continue to support and improve prevention efforts in Vermont.
- II. Increase public awareness of the consequences and risks of drinking and driving.
- III. Coordinate public education activities among agencies.
- IV. Encourage thorough and accurate media coverage of alcohol-related incidents and programs.
- V. Enhance the ability to detect, identify and refer to treatment persons at risk to drink and drive.

Enforcement Element

The second element in the drinking and driving prevention scheme is enforcement. In this plan, enforcement includes the process from police enforcement activity through case disposition. Although the preferred method of prevention is education, for some individuals there must be a severe deterrent to drinking and driving behavior. In addition, apprehension increases the likelihood of follow-up treatment. Vermont's enforcement, judicial and correctional responses to those who drink and drive provide that deterrent. For maximum impact, this deterrent must be perceived as pervasive, certain, quick, consistent and severe.

Goals:

- I. Increase the likelihood of detection and apprehension.
- II. Improve and enhance the effectiveness and timeliness of the adjudication process.
- III. Facilitate effective use of existing sanctions.
- IV. Improve the effectiveness of the civil license suspension process.
- V. Provide ongoing training opportunities for justice system personnel.
- VI. Reduce the ability of underage persons to obtain alcohol.

Treatment Element

The final element in this drinking and driving prevention plan is treatment. There must be help for those who fail to respond to the education and deterrent elements of this plan. This element is a way for those who do drink and drive or are at risk to drink and drive to find help to stop this behavior. Vermont can improve the safety of our highways and communities by offering effective treatment options.

Goals:

- I. Increase the ability to identify persons in need of treatment.
- II. Insure accessibility to appropriate treatment.
- III. Increase the capacity to fulfill treatment needs.
- IV. Improve treatment outcomes.

ORGANIZATIONAL COMMITMENTS

The Office of the Attorney General will provide legal support and assistance to law enforcement agencies throughout the State. The Office will continue to assist with training, with prosecution where appropriate, and with lobbying where necessary. As the only prosecutor's office with statewide jurisdiction the Office of the Attorney General will continue to play an active role in the prevention of drinking and driving in Vermont.

The Judiciary is committed to issuing quality legal decisions in all cases, including those relating to drinking and driving in the State of Vermont. Every effort will be made to adjudicate these cases, both civil and criminal, in a timely manner to ensure that the defendant's rights are safeguarded and the public safety is protected as well.

The Department of Banking, Insurance, Securities and Health Care Administration will continue to approve surcharges for drivers convicted of DUI. Additionally, we will permit companies to cancel coverage for these individuals and direct these drivers to the Auto Facility Program.

The Department of Corrections provides treatment services to certain DUI offenders who present a serious risk to the community. Multiple DUI offenders are assessed to insure that those who present the most risk to the community are placed in the Intensive Substance Abuse Program. The Department is committed to working with communities to develop a local response to the incidence of DUI through the use of reparative justice principles including such activities as victim impact panels.

The Vermont Department of Health will continue to support community prevention efforts to reduce underage drinking and other drug use. Through grant funding, training, technical assistance and evaluation the Health Department helps coalitions carry out prevention strategies proven to prevent and reduce youth alcohol and other drug use. In addition, the Health Department is improving treatment services for adolescents who already have a problem with alcohol or other drugs. Goals include doing a better job identify young people who could benefit from substance abuse treatment, and making sure appropriate, adolescent-specific treatment is available statewide. The Health Department will expand and improve the CRASH school curriculum, and develop strategies to effectively address the need for counseling and treatment to reduce adult alcohol

abuse. The Health Department laboratory will support enforcement by maintaining the DataMaster instruments for breath testing in the field and will provide training in their use by the law enforcement community. The laboratory will provide expert witness testimony, affidavits and discovery materials in support of the judiciary process for prosecution of DUI cases.

Department of Motor Vehicles will support the efforts of preventing drinking and driving on Vermont highways by efficient and fast suspensions of offenders. The Department will assure all requirements for reinstatement are met before driving privileges are restored. The Department will also maintain accurate records to ensure repeat offenders are assessed the appropriate penalties. The Commercial Vehicle Enforcement Unit of DMV will aggressively enforce all alcohol laws, especially those related to the operation of commercial motor vehicles during regular patrol and through on-going drinking and driving prevention public education efforts.

The Vermont Center for Justice Research (VCJR) will continue to provide research and evaluation support to monitor progress toward achieving the goals articulated in this plan. The VCJR will publish and disseminate the annual DUI Statistical Resource Book to assist in this effort.

The Governor's Highway Safety Program will support drinking and driving prevention education and enforcement efforts across Vermont. This support will be by obtaining and granting any available federal or state funds and providing data and information for problem identification, progress monitoring and education.

The Vermont State Police will aggressively enforce all alcohol laws with the DUI Task Force and regular patrol activities and continue ongoing public educational efforts to prevent drinking and driving.

The Vermont Chiefs of Police and their individual local departments will aggressively enforce all alcohol laws while on regular or special patrol and continue ongoing public educational efforts to prevent drinking and driving.

The Vermont Sheriffs and their deputies aggressively enforce DUI laws, zero tolerance for underage driver laws and alcohol possession and furnishing laws for minors. The sheriffs' departments further will continue to conduct public educational efforts to prevent drinking and driving.

The Vermont Department of State's Attorneys is committed to pursuing to final adjudication, those impaired driving cases that meet Vermont legal standards. This includes not only the criminal aspects of DUI but also the civil license suspension proceedings. It is in the civil proceedings where the impaired driver can lose his or her license in a more expeditious fashion. The Department will also continue to urge the courts to impose the appropriate sanctions.

The Vermont Driver and Traffic Safety Education Association will support the efforts to prevent drinking and driving on Vermont roads by continuing efforts to enhance awareness of the consequences of impaired driving through updated curriculum and parent involvement programs in all driver education programs.

The Department of Liquor Control is committed to working in conjunction with all community and state law enforcement in implementing the START (Stop Teen Alcohol Risk Teams) Program, the goal of which is zero tolerance for underage drinking. By focusing on aggressive enforcement of its alcohol compliance program, the Department of Liquor Control continues to foster respect for, and adherence to, the laws of the state of Vermont by encouraging temperance while discouraging intoxication. The Department of Liquor Control's Education Unit strives to instruct and inform each licensee, while tailoring its programs to meet the needs of individual license holders. The Department educates those in the alcohol beverage industry on the responsibilities inherent to their business. The result of these combined efforts is safe, healthy, Vermont communities.

The Vermont Association of Court Diversion Programs, on behalf of its fourteen member programs, is committed to ensuring that as many as possible of the youth who are ticketed for underage drinking actually complete their assessment for substance abuse issues. We further commit to working to ensure that all youth who have substance abuse issues identified by this process are referred to and complete appropriate treatment. We also are committed to ensuring that all clients referred to regular court diversion by the courts are screened for substance abuse issues and referred for assessment and treatment when such issues are identified.

The Office of the Defender General shall provide telephone access attorneys to advise individuals suspected of DUI of their rights under the implied consent statute and the Vermont and United States Constitutions. The Office of the Defender General will further provide criminal defense services to indigent individuals charged with DUI who potentially face the prospect of jail time or other supervision by the Department of Corrections.

The Department of Education will continue to provide high quality peer leadership opportunities for youth through programs like the Vermont Teen Leadership Safety Program (VTLSP) and through events such as the Governor's Youth Leadership Conference. The Department of Education will continue to support research-based alcohol, tobacco and other drug prevention curricula in schools and will reinforce Vermont educational standards that support informed, legal, safe decision-making among youth.