



April 27, 2020

Nanda Srinivasan
Associate Administrator, Research and Program Development
National Highway Traffic Safety Administration (NHTSA)
U.S. Department of Transportation
Room W12-140
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Docket No. NHTSA-2019-0122 Notice of Request for Comments: Drug-Impaired Driving Criminal Justice Evaluation Tool

Dear Associate Administrator Srinivasan:

Thank you for the opportunity to provide comments on NHTSA's new Drug-Impaired Driving Criminal Justice Evaluation Tool. The Governors Highway Safety Association (GHSAs) is a national nonprofit association representing the State and territorial Highway Safety Offices (SHSOs). The SHSOs implement Statewide programs to address behavioral highway safety issues and partner with NHTSA to distribute grants for these purposes.

GHSAs wants to first commend NHTSA Acting Administrator James Owens for his ongoing focus on creating new resources for the States to better address increasing incidences of drug-impaired driving. Former GHSAs Chair and Director of the Washington Traffic Safety Commission Darrin Grondel participated in a workgroup to provide technical input on this Tool. The Maryland State Highway Administration served as a pilot test agency. GHSAs envisions that the SHSOs will be primary practitioners using this Tool.

GHSAs will address each question posed in the Notice of Request for Comments:

1. Is the information provided adequate to understand how to use the Tool?

NHTSA may want to consider expanding the introduction section to provide more context:

- For instance, many of the strategies listed within are pertinent not only for drug-impaired driving, but also for alcohol-impaired driving.

- Some of the countermeasures venture beyond criminal justice into other areas, such as emergency medicine, communications and data. The introduction could describe how these areas are necessary parts of an integrated whole and why they need to also be evaluated.
- Finally, the Tool could provide guidance on which subject matter experts and stakeholder groups might be consulted to complete the evaluation. Some states may also benefit from sample language for reaching out to others for input.

2. Is the format easy to use?

Yes, though NHTSA might consider publishing it as a booklet or web-based document in addition to the currently proposed format.

3. Are there other resources that should be included?

No comment.

4. Will this tool be beneficial to State, local, territorial and tribal drug-impaired driving criminal justice programs?

Yes. The strengths of self-assessment tools such as these are that they are easy to deploy and use, are generally self-guided and provide a standardized manner to quantify the strengths and weaknesses of a given program.

This Tool can be used to identify impaired driving countermeasures and evaluate programs. The Tool's multidisciplinary approach touches on all of the various stakeholder groups with a part to play in the effort to prevent drug-impaired driving. The process it presents invites multidisciplinary collaboration, and we anticipate statewide impaired driving task forces will use the Tool to conduct self-assessments or use the results. The Tool also tracks the system from before an impaired driving event all the way through individual case outcomes and the resulting data and analysis.

The Tool does, however, face some limitations, even though self-assessments can still be valuable and offer one of many means by which States can examine their systems and identify areas for improvement. SHSOs have differing opinions on the value of self-assessment tools: Some find them useful, while others do not. Self-assessment tools provide diminishing returns depending on the experience of users. New SHSO leaders can derive great benefit from a comprehensive scan of their State's landscape. Experienced SHSO leaders, however, generally know where the limitations exist through previously conducted program assessments and other best practice resources. Thus, a self-assessment tool may not reveal anything useful.

The Tool aims to score each given area on a statewide level, but for some areas that requires users to characterize the actions of what might be hundreds or thousands of individual separate criminal justice offices and agencies. Summarizing what is sometimes a wide range of differing practices into a single score will be challenging.

As detailed as the Tool is and although many questions are quantitative, there is still a degree of subjectivity. For instance, there may be differing views on what constitutes “support,” “routine,” “adequate” or “effective.” Thus, while the tool still has utility, results may differ, at least slightly, for all of the users that complete an evaluation.

SHSOs would likely need to reach out to many different stakeholder partners to weigh in on different parts of the Tool. Outreach is integral for conducting a statewide assessment such as this but, nonetheless, it can be a time-consuming and significant undertaking.

Finally, barriers to implementing a successful program to combat drug-impaired driving often transcend any given program or countermeasure. These barriers may include lack of political leadership, interagency support or funding. These factors are not easily captured in a tool such as this one, and users may believe that to document or bring attention to such factors could threaten overall program support or integrity.

5. What changes are needed to make the tool more beneficial?

Some of the questions in the Tool alternate between asking about multiple agencies and single agencies. For example, under Section 1, there are questions about “agencies in your State” and “is the agency.” This could create some confusion as to who is meant to score each question and could be further clarified in the introductory instructions.

Section 3 seems focused on JOL engagement, which is important, but State programs may also leverage non-JOL judges involved in continuing education.

Section 6 refers to the sharing of treatment information among stakeholders. The Tool could also ask whether criminal justice systems are protecting patient HIPAA privacy protections.

Section 7 appears to conflate emergency medical technicians, emergency room personnel and general practitioners, who all might have separate training opportunities, supply chains and patient practices.

In Section 9, you might consider adding a question on whether case law supports the enforcement of drug-impaired driving laws. This question could also be placed in Section 2 or 3 if the stakeholder groups associated with these sections are more likely to be able to answer the questions.

Finally, for some of the reasons described above, GHSA urges NHTSA to continue to offer this tool as a voluntary, not mandatory, resource.

GHSA appreciates the opportunity to submit these comments, and we look forward to our ongoing partnership with NHTSA to address drug-impaired driving and save lives on our nation's roads.

Regards,



Chuck DeWeese
Chair, Governors Highway Safety Association
Assistant Commissioner, New York Governor's Traffic Safety Committee

cc: Jamie Pfister, Associate Administrator, Regional Operations and Program Delivery,
NHTSA