



# The Red Light Alert

## 2003 — A Year of Renewed Emphasis on Impaired Driving: A Call to Leadership

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Unhappy with the rise in alcohol-related vehicular fatalities, the National Highway Traffic Safety Administration (NHTSA) has declared 2003 to be "A Year of Renewed Emphasis on Impaired Driving." For local prosecutors, this pronouncement offers great leadership opportunities. In fact, the opportunities are so good that 2003's *Renewed Emphasis* is the "low hanging fruit" of chances to demonstrate leadership in your community.

In October 2002, NHTSA hosted a Strategic Evaluation Workshop. NHTSA Administrator, Dr. Jeffrey Runge stated that to create expectations of consequences with offenders, effective prosecution of offenders is critical.

He also cited "prosecution and adjudication" as one of his agency's priorities for 2003.

That commitment was demonstrated in November 2002 when NHTSA hosted a Criminal Justice Summit to focus on systemic issues in the prosecution and adjudication of impaired driving.

As the chief law enforcement officers of their communities, prosecutors are being called to support NHTSA's efforts during 2003's *Renewed Emphasis* and to let the public know what a large role prosecutors play in the enforcement of impaired driving laws. There's no limit to the ways prosecutors can lead their communities to greater traffic safety. Here are a few suggestions:

**Bulldog Squads:** What better way to support 2003's *Renewed Emphasis* than to create a team of specially trained prosecutors to handle all impaired driving arrests resulting from the NHTSA mobilizations. Call it what you want, *The Bulldog Squad*, *The A-Team*, *Operation Full Court Press*, just choose something catchy for the media. You will garner not only solid convictions but also good publicity and genuine public appreciation.

**In-Service/Roll-Call Training:** Offer training to local agencies on how to build impaired driving cases.

Most officers think they know what prosecutors need in a DUI case, and prosecutors think officers know what to bring to court. Often the gulf between those two beliefs is huge. Police appreciate training offered by the local DA's, and in turn, prosecutors receive stronger cases. If you are unable to schedule an in-service training with your local agencies,

volunteer to perform 15-minute roll-call trainings over the course of a week or two.

**School Resource Officers:** During the holidays, summer vacation or other school down-times, school resource officers are a great resource to utilize. After all, prosecutors know that DUI defendants with no drivers licenses regularly drive to court for their appearances. Use resource officers to follow defendants without licenses from



Prosecutors Have A Great Opportunity to Show Their Leadership in fighting the Impaired Driver

*Consult your prosecutor before adopting practices suggested by reports in this newsletter.  
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court to the parking lot. You will be astounded at the number of arrests and probation violations officers will be able to make.

**Vehicular Homicide Response Team:** If your office and local agencies do not have a vehicular homicide response team, then let 2003's *Renewed Emphasis* be your motivation to create one. Generally, multi-jurisdictional teams are lead by the DA's office to mobilize specialized investigators to build homicide cases from on-the-scene investigations to post-scene interrogations and reconstruction. The team approach allows prosecutors to respond to the scene, advise investigators, write search warrants, and provide welcomed legal insight at the most crucial time of the investigation.

**DA's Alcohol Traffic Safety Forum:** Impaired driving is a community problem, where the prosecutor's role is probably the least understood. Create an Alcohol Safety Forum that includes everyone who has a stake in these cases. Identify community leaders in your area and invite them to the table, being sure to include: top law enforcement officers, victims groups, elected officials, judges, treatment professionals, insurance reps, and AAA, etc. The group serves as a way to keep key leaders informed, coordinate mobilizations, garner public support, and diffuse problems before they explode in a wash of misperceptions in the local newspaper.

**Outreach to Spanish-Speaking or Other Immigrant Communities:** Recent immigrants, legal or not, present a unique challenge on the issue of impaired driving. They may be from countries that have not recognized or promoted the message of the dangers and penalties of drinking and driving, but like anyone else, none of these newcomers want family and friends to be killed on the road. A

number of prosecutors' offices have reached out to Spanish-speaking or other foreign national communities, meeting regularly with their leaders, coordinating language training from patrol officers to court personnel and providing brochures explaining what happens when you are arrested for impaired driving and the penalties.

**Toxicology:** The lab is a big player in producing the best possible evidence in impaired driving cases. When is the last time your office toured the lab to discuss procedures, testing methods and how to check for common but rarely screened drugs like GHB or methadone? Making sure the working relationship with toxicologists is healthy and flowing smoothly helps everyone.

**Treatment Professionals.** Invite treatment professionals to your office to talk about the nature of addiction, mental health issues, and qualifications for treatment in your community. Again, a strong relationship between prosecutors and treatment professionals is in everyone's best interests.

**Scheduling Sentences:** Many impaired drivers are allowed to schedule when they serve their sentences, whether 48 hours or 120 days, and judges give offenders anywhere from a few days to a few months to report. If possible, have as many DUI offenders report the day before especially high-risk travel days, such as New Years, Labor Day, July 4<sup>th</sup>, Memorial Day, or Thanksgiving. Ask local reporters to look at the long line of impaired drivers reporting to jail on December 31<sup>st</sup> at 8:00 am. The public will see that the DA's office is doing everything it

can to keep the roads safe during the holiday's busiest travel days, and other impaired drivers will get the message: *Over the holidays, law enforcement officers are on the roads looking for you. You will be prosecuted, and like these people, you will go to jail.*

**Prosecutor Training:** Impaired driving cases are among the most difficult cases a prosecutor will have to prove. They involve scientific evidence, expert testimony, complex legal issues, and jurors who typically identify with offenders. In sum, these cases require nothing less than the highest level of advocacy skills. Make a commitment that all of the prosecutors in your office who handle impaired driving cases are prepared for the daily challenges.

**HGN Admissibility:** The Horizontal Gaze Nystagmus test is admissible in most courts across the country, but in many jurisdictions, the roadblock to admissibility is meeting the foundational requirements specified by the courts. Resources and experts are available to assist you. See below.

**Assistance Available:** For more information on any of these leadership initiatives, contact the American Prosecutors Research Institute's National Traffic Law Center for research, training, publications, and technical assistance. Call us at 703-519-1640 or write to 99 Canal Center Plaza, Ste. 510, Alexandria, VA 22314. Also visit our website at <http://www.ndaa-apri.org/apri/programs/traffic/index.html>

**Editor's Note:** Edited due to space. For the complete article visit our web site: [www.paamtrafficsafety.com](http://www.paamtrafficsafety.com), or go to the NDAA publication *The Prosecutor*, January/February 2003.

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