

HIGHWAY TO JUSTICE

SPRING 2024

From The ABA with support from the National Highway Traffic Safety Administration

BUT YOUR HONOR! IGNITION INTERLOCK DEVICES AND HYBRID/ELECTRIC VEHICLES

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In an impaired driving case, has counsel objected to the installation of an ignition interlock device because their client drives an electric vehicle or a hybrid? If a judge presides in a jurisdiction mandating the installation of an ignition interlock device (IID) a simple answer ensues—the law must be followed. Recent research supports the conclusion that IID laws can prevent alcohol-impaired or alcohol-involved crash deaths.¹ But in those jurisdictions and circumstances where the use of an IID remains in the court’s discretion, what should the court consider in its decision? Does the argument that an IID presents challenges with electric vehicles or hybrids achieve merit?

According to the Association of Ignition Interlock Program Administrators² and the Coalition of Ignition Interlock Manufacturers,³ practically every vehicle is capable of having an IID installed and utilized by the driver. The design of an IID permits connection to the starter, ignition, or computer system, preventing the vehicle from being started except upon the collection of a satisfactory breath sample. The size of the device mirrors that of an entertainment remote control. Prior to attempting to start the vehicle, the driver must blow into the machine. If the device detects the presence of alcohol, a “fail” occurs and the vehicle cannot be started. Upon a failure, a lockout period occurs, the length of time varying on provider and other legal requirements. The vehicle then should be taken to the installer for inspection. Most states require a report be provided to the court, generally submitted quite quickly, often within minutes.

The IID program includes periodic, or “rolling” tests. After a pre-determined period of time, the IID requires a new breath sample. If the periodic testing results in a “fail,” the system records and reports the result. All tests measure Breath Alcohol Content (BAC) and include the specific results in the report. Some IID devices includes measures to ensure testing integrity. In some jurisdictions, and available from many providers, a camera equipped IID can be ordered, which records

any attempt to evade the test, such as having another person blow into the device or the use of some form or method to submit previously captured air.

Depending on the make and model of the vehicle, installation of an IID may require some modifications to the vehicle’s options. Since the system requires a breath sample in order to start the vehicle, remote starting features will be unavailable. Some vehicles include a “start/stop” feature, where the engine shuts off upon firm brake application (such as at a red light) and starts again when the accelerator is engaged. The “start/stop” feature generally must be disabled upon the installation of an IID.

Because of the growing prevalence of electric vehicles and hybrids, courts undoubtedly will be confronted with counsel’s request to modify or ignore an IID requirement when the client drives an electric vehicle or a hybrid, consider the following common misconceptions about the use of ignition interlock devices:

Myth—An ignition interlock random retest can shut down a car in traffic, causing a dangerous situation.

Fact—If alcohol is detected, the IID will NOT turn the engine off while the vehicle is in motion. It may, however, signal the driver to stop by blowing the horn and flashing the lights.

Myth—An IID drains the car battery.

Fact—The device will not drain the battery unless the vehicle is not started for approximately 10 consecutive days.

Myth—Spicy food will cause the device to fail.

Fact—This phenomenon does not occur with devices specified for alcohol testing. Modern ignition devices use fuel cell technology which eliminates this as a variable.

Myth—Cigarette smoke and chewing tobacco may cause false positives.

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We would like to hear from other judges. If you have an article that you would like to share with your colleagues, please feel free to submit it for inclusion in the next edition of *Highway to Justice*.

To submit an article, please send it to the editor, Hon. Kate Huffman at ohiojolhuffman@gmail.com with a copy to the staff liaison, lisa.yoon@americanbar.org. Please contact Ms. Yoon for editorial guidelines.

The deadline for submission of articles for the Summer 2024 issue is June 5, 2024.

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Fact—Cigarette smoke and chewing tobacco will not result in a false positive BAC test on an IID. However, smokers are advised never to blow smoke into an IID and should take several deep breaths before introducing a sample to prevent damaging the device.

Myth—Perfume, hair spray, cologne and hand sanitizer can cause a “fail.”

Fact—Although many scents and hand sanitizers contain a type of alcohol, the IID rarely detects alcohol in other products unless sprayed directly into the device. Drivers are advised not to apply scents and hand sanitizers in the vehicle.

Myth—Mouthwash and mouth sprays can cause the device to fail.

Fact—Be aware of this one! Mouthwash and sprays usually contain up to 30% alcohol and will likely react as alcohol in all interlock devices. The BAC can register as high as 0.25 after use of mouthwash or sprays but will dissipate within 15 minutes, and in less time if the mouth is rinsed with water. IID drivers receive instruction on the use of mouthwash and are told to use non-alcoholic washes and rinse before every test.

If a judge entertains an objection from counsel on the installation of an IID, a thorough analysis of any arguments will likely lead to one result—vehicle type should not serve as an excuse for a defendant to avoid a mandatory or even discretionary IID. Almost all vehicles can easily support an IID. The complexity of the installation (and the cost and installation time) may vary from the make and model of the vehicle. Installation in a hybrid and/or electric vehicle may involve interacting with fiber optics and other recent technology. The IID provider, though, can request the schematics from the vehicle manufacturer to facilitate installation, which will ensure compliance with warranty and other operational concerns. With very rare exceptions, vehicle manufacturers cooperate with requests for information to accommodate IID installation. Utilizing an IID with an electric vehicle or hybrids may, however, increase installation costs and installation and removal times. Some providers may choose not to service certain vehicles, which could require a driver to shop around to locate an available installer. But to be sure, challenges locating a service provider represents a rare issue, one that the driver can resolve with minimal effort.

In other words, when faced with an objection to IID order for a driver with an electric vehicle or hybrid, the rationales to overcome IID use will rarely be met merely because of the vehicle type. So—“Counsel, your argument is appreciated, but for the reasons stated above, my order stands.” And the roads are safer as a result.

1. National Academy of Sciences, Engineering, and Medicine (2018), *Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem*. Washington, D.C., <https://nap.nationalacademies.org/catalog/24951/getting-to-zero-alcohol-impaired-driving-fatalities-a-comprehensive-approach>
2. <https://aiipa.org>
3. <https://interlockciim.org>

STATE OF NEW JERSEY V. OLENOWSKI: A LONG AND WINDING ROAD

Honorable Neil Edward Axel
Senior Judge, District Court of Maryland
Columbia, Maryland

Almost exactly three years before the ink dried on the New Jersey Supreme Court decision in *State v. Olenowski*,¹ the named defendant, Michael Olenowski, passed away. His name, however, will live on in New Jersey jurisprudence as his appellate case will be synonymous with both the adoption of a *Daubert*-type standard for the admissibility of expert evidence in criminal cases, and with the Court's definitive ruling on drug recognition expert testimony in drug impaired driving cases.

A History of the Case

As noted in my earlier article on this case,² in separate incidents in February and August 2015, Michael Olenowski was arrested for impaired driving and submitted to drug influence evaluations by specially trained police officers known as drug recognition experts (DRE).³

In 2016, he was convicted of both offenses following trials in which the DREs testified that he was driving under the influence of particular categories of drugs. His convictions were affirmed by the New Jersey Appellate Division in an unreported decision in 2018. The New Jersey Supreme Court granted certification to determine if, and under what circumstances, testimony of a certified DRE may be admissible at trial.

Numerous states around the country have judicially accepted DRE testimony as either scientifically reliable under the expert witness standards set forth in *Frye* or *Daubert*, or admissible under state Rules of Evidence as non-scientific evidence based upon specialized knowledge.⁴ Prior to *Olenowski*, the New Jersey appellate courts had not ruled on the issue, but because the trial court record was inadequate to evaluate the validity of the DRE evidence, in November 2019, the Court appointed Judge Joseph F. Lisa as a Special Master to hear testimony and consider whether DRE testimony has achieved general acceptance within the relevant scientific community and therefore satisfies the reliability standard for admissibility in New Jersey.⁵

Following forty-two days of testimony, and a two-and-a-half-year delay occasioned by the COVID epidemic, Judge Lisa issued his 332-page report.⁶ Based on all of the evidence presented, Judge Lisa concluded that DRE testimony was reliable, and thus admissible in New Jersey under its *Frye* standard.

While Mr. Olenowski's cases were making their way through the appellate process, the New Jersey Supreme Court was in the midst of reconsidering its legal standard for admissibility of expert testimony, and in 2018 abandoned the State's long-held *Frye* standard of admissibility to adopt a *Daubert*-type standard for admissibility in all civil proceedings.⁷ Then five years later, *State v. Olenowski* became an appellate opportunity to consider the *Daubert* standard in criminal cases. When considering the Special Master's report, the New Jersey Supreme Court, adopted a *Daubert*-type standard in criminal cases.⁸ Since the Special Master had not considered the *Daubert* test of admissibility, the case was referred back to the Special Master to "assess the reliability and admissibility of DRE under the Court's newly adopted standard.

On remand, Judge Lisa reconsidered the evidence and arguments presented, and on April 13, 2023, issued a 57-page supplemental report concluding that DRE testimony is reliable and admissible under the methodology-based *Daubert-Accutane* standard now applicable to criminal and quasi-criminal cases in New Jersey.

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Dates to Remember

APRIL is National Distracted Driving
Awareness Month

April 1 – 8

DISTRACTED DRIVING

U Drive. U Text. U Pay.
Pay Attention or Pay the Price



April 20

DRUG-IMPAIRED DRIVING Campaign

If You Feel Different, You Drive Different



May 13 – June 2

OCCUPANT PROTECTION

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Hon. J. Matthew Martin: abajudicialfellow@gmail.com

Regional Judicial Outreach Liaisons:

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The Ultimate Holding

Ultimately in November, 2023, the Supreme Court of New Jersey, in a 6-2 decision held that DRE evidence is sufficiently reliable under the newly adopted *Daubert*-type standard, and is admissible, but with the following limitations:

1. The DRE may opine only that the evaluation is “consistent with” the driver’s ingestion or usage of drugs, and not that impairment was caused by such drugs.
2. If the State fails to make a reasonable attempt to obtain a toxicology report without a persuasive justification, the DRE opinion testimony must be excluded.
3. The defense must be afforded a fair opportunity to impeach the DRE and present competing proofs.
4. The adoption of model instructions to guide juries about DRE evidence should be considered.

The Court noted that although not perfect, “the DRE protocol is a useful tool that can be helpful to the trier of fact in the search for truth.”⁹

The Court’s Limitations and the Holding’s Impact

Although some may disagree as to its impact, the decision re-affirms the reliability of the DRE protocol as probative evidence that should be considered along with all the available evidence in determining whether a driver was operating a vehicle while impaired or under the influence of a drug. As noted by the Court:

For many years, the DRE protocol has been widely and regularly used across the country and abroad. No state has discontinued it, and no state’s highest court has nullified it. The protocol has been studied multiple times and periodically revised and enhanced. When DRE evidence is presented in courts far and wide, defense attorneys have had repeated opportunities to impeach it on cross-examination and to counter it with competing expert opinion that may be critical of the methodology. Although it has imperfections, the protocol has stood the test of time in its widespread acceptance.¹⁰

Accordingly, in New Jersey, drug recognition experts may opine that the results of the protocol are consistent with a driver’s use of one or more identified drug categories. Although a DRE will not be permitted to testify as to the cause of driver’s impairment, evidence from a DRE, when combined with all the facts, circumstances, observations, driving behavior, toxicology results, and admissions, assist the trier of fact in determining whether a driver was operating a motor vehicle while impaired by drugs.

Requiring the State to “make a reasonable attempt to obtain a toxicology report based on a blood or urine sample” places an affirmative duty on the State that is already a part of the DRE 12-step protocol. Fourth Amendment considerations will continue to be at play requiring express consent, exigent circumstances, or a search warrant to obtain blood or urine samples. Unlike other Fourth Amendment considerations, however, if the State does not make a reasonable attempt to obtain blood or urine, the DRE opinion testimony may be excluded. Requiring a toxicology screen might raise certain arguments, and additional motions to suppress where any number of circumstances could explain the absence of a toxicology report.

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The long and winding road of the *Olenowski* case has now led to yet another reported appellate decision permitting the use of drug recognition expert testimony at trial in drug-impaired driving cases. As always, testimony from a DRE, when considered along with all the evidence presented, can assist triers of fact in determining guilt or innocence in drug-impaired driving cases.

1. 255 N.J. 529, 304 A.3d 598 (2023).

2. N. Axel, *The Continuing Saga of State of New Jersey v. Olenowski and the Admissibility of Drug Recognition Expert Testimony*, Highway to Justice (Summer 2023), to be found at: https://www.americanbar.org/content/dam/aba/publications/judicial_division_record/2023sum-hwtj.pdf.

3. A drug recognition expert is a specially trained police officer who is certified as proficient in administering a 12-step protocol under the Drug Evaluation and Classification Program (DECP). This protocol is a standardized, systematic procedure to examine a suspect under arrest for drug-impaired driving. The drug recognition expert then applies their specialized training and experience to conclude whether their observations fit established indicia of impairment by particular classes of drugs. DRE testimony has been in use for the last half-century, and all fifty States, the District of Columbia, Canada, and several other countries around the world utilize DRE evaluations in assessing whether one is under the influence of drugs.

4. See e.g. *State v. Aleman*, 145 N.M. 79 (N.M. Ct. App. 2008); *Williams v. State*, 710 So. 2d 24 (Fla. Dist. Ct. App. 1998); *State v. Layman*, 953 P.2d 782 (Utah Ct. App. 1998); *Mace v. State*, 328 Ark. 536 (1997); *United States v. Everett*, 972 F. Supp. 1313 (D. Nev. 1997); *State v. Klawitter*, 518 N.W.2d 577 (Minn. 1994); *State v. Baity*, 140 Wash.2d 1 (2000) (en banc); *People v. Quinn*, 153 Misc.2d 139, 580 N.Y.S.2d 818, 826 (Dist. Ct. 1991), *rev'd on other grounds*, 158 Misc.2d 1015, 607 N.Y.S.2d 534 (App. Div. 1993); *State v. Chitwood*, 369 Wis.2d 132 (Wis. Ct. App. 2016); *State v. Daly*, 278 Neb. 903 (2009); *State v. Rambo*, 250 Or.App. 186 (2012); *Poole v. State*, 249 Ga.App. 409 (2001); *State v. Kanamu*, 107 Haw. 268 (2005); *Burton v. State*, 300 S.W.3d 126 (KY 2009); *Everitt v. State*, 407 S.W.3d 259 (Ct.App.Tex. 2013). Additionally, Maine and North Carolina statutorily allow for the admissibility of DRE testimony.

5. 247 N.J. 242 (2019).

6. <https://www.njcourts.gov/sites/default/files/public/notable-cases/smfr.pdf>

7. *In Re Accutane Litig.*, 234 N.J. 340 (2018).

8. 253 N.J. 133, 155 (2023).

9. 255 N.J. at 616, 304 A.3d at 649.

10. 255 N.J. at 605, 304 at 642-43.

DON'T FORGET

Resources for responding to the COVID-19 pandemic:

- **SAMHSA's Guidance for Medication-Assisted Treatment (MAT) Opioid Treatment Programs**
<https://www.samhsa.gov/medication-assisted-treatment>
- **Up-to-Date Information for the Substance Use Disorder Treatment field from SAMHSA**
<https://www.samhsa.gov/>
- **Centers for Disease Control and Prevention**
<https://www.cdc.gov/>

Valuable resources for traffic court judges can be found at:

- **National Highway Traffic Safety Administration**
<https://www.nhtsa.gov/>
- **American Bar Association/Judicial Division/NCSCJ**
https://www.americanbar.org/groups/judicial/conferences/specialized_court_judges/
- **Highway to Justice - Archives**
www.americanbar.org/groups/judicial/publications/judicial_division_record_home/highway-to-justice/
- **National Judicial College**
www.judges.org
- **Governors Highway Safety Association: Alcohol Impaired Driving**
www.ghsa.org/issues/alcohol-impaired-driving
- **AAA Foundation for Traffic Safety**
www.aaafoundation.org/
- **National Center for State Courts**
<https://www.ncsc.org/>
- **National Center for DWI Courts**
<https://www.dwicourts.org/>

NOT A DROP: JUVENILES AND IMPAIRED DRIVING

*Judge Michael J. Cassidy (Ret.)
Virginia Judicial Outreach Liaison
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It is every parent's nightmare - the early morning call about a child involved in a serious motor vehicle collision. Emblematic of the concern, a recent incident in Merrifield, Virginia, involved many of the common devastating ingredients of a tragic event involving teen drivers - suspected drinking, no seatbelts, and numerous underage passengers in the vehicle in the early morning. The vehicle's seven teenage occupants ranged in age from 13 to 17 years old. All were seriously injured, one died.

Nationally, teenagers represent a disproportionate percentage of impaired driving fatalities. Teenage impaired drivers annually bear responsibility for 17% of fatal alcohol-involved crashes, even though drivers under the age of twenty-one represent only 10% of the licensed drivers. In the United States, 2,800 teens (ages 13–19) died and about 227,000 suffered injuries in motor vehicle crashes in 2020. That means that every day, about eight teens die in motor vehicle crashes with hundreds more injured. Motor vehicle crash deaths among teens 13–19 years of age also resulted in about \$40.7 billion in annual medical expenses.¹

Teens who drink and get in a car also tend to make other poor decisions that impact safety. For instance, after consuming alcohol young persons are less likely to wear a seat belt and are more likely to get into a vehicle with an intoxicated driver. In alcohol-related traffic crashes, three times more deaths among young people who were not wearing their seat belts occur than among those who were wearing them.² Early onset of alcohol use before the age of 15 portends future greater risk of injury from alcohol use. Youths who started drinking before age 15, compared to those who wait until the legal age of 21 to begin consuming alcohol, are seven times more likely to be in a motor vehicle crash after drinking,³ and are significantly more likely to develop alcohol dependence than those who begin drinking at later stages of young adulthood.⁴

Ad campaigns and other enforcement efforts designed to curb teen drinking and driving demonstrate positive results, as the percentage of teens who drink and drive has dropped by 54% since 1991. Despite the progress, the concerning news, though, lies in the fact that high school-aged teens drink and drive an estimated two million times a month. According to the Center for Disease Control and Prevention (CDC), annually there are 1.3 teenage fatalities per 100,000 population. That number grows to 5.6 per 100,000 between the ages of 21 and 34—the highest offending age group. Even though teenage alcohol consumption remains illegal, as does driving after the consumption of *any* alcohol, 2020 data⁵ available from the CDC reveals that:

- 29% of drivers ages 15–20 who were killed in motor vehicle crashes had been drinking;
- 17% of drivers ages 15–20 who were involved in fatal motor vehicle crashes had a BAC of 0.08% or higher—a level that is illegal for adults in all U.S. states (Utah's BAC limit is 0.05%);
- 62% of drivers ages 15–20 who were killed in motor vehicle crashes after drinking and driving were not wearing a seat belt;
- 24% of male drivers ages 15–20 years and 17% of female drivers ages 15–20 years who were involved in fatal crashes had been drinking prior to the crash.

While many states set underage intoxication at a level of 0.02 mg/L of alcohol or higher, other states take a "not a drop" standard, prohibiting drivers under the age of twenty-one from driving under the influence of *any* amount of alcohol. At all levels of blood alcohol content

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Contact Info *continued*

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The American Bar Association Judicial Division's Judicial Outreach Liaison and Judicial Fellows Program is producing a new publication: *The Tribal Traffic Safety Bulletin*. This newsletter will be shared twice a year, and will feature pieces written by Judicial Outreach Liaisons, Judicial Fellows, judges, and other program stakeholders. The newsletter will be focusing on highway safety matters in native lands. The Judicial Outreach Liaison and Judicial Fellows program is producing this newsletter because of the increased interest in impaired driving, seatbelt use, and motor carrier safety issues on native lands. We are excited to share this new way for our team to communicate news and other information to our valued partners and stakeholders on this topic.

To submit an article, please send it to the editor, Hon. J. Matthew Martin at abajudicialfellow@gmail.com with a copy to the staff liaison, lisa.yoon@americanbar.org. Please contact Ms. Yoon for editorial guidelines.

The deadline for submission of articles for the Fall 2024 issue is August 28, 2024.

If you are interested in being on the listserv, please reach out to ABA Project Manager, Lisa Yoon at lisa.yoon@americanbar.org

Visit link for previous issues: <https://www.americanbar.org/groups/judicial/publications/tribal-traffic-safety-bulletin/>

(BAC), the risk of being in a car crash after consuming alcohol significantly increases for teens compared with all adult drivers.⁶ Having physical possession of alcohol or a measurable amount of alcohol based on a breath, blood, or urine test in Utah can result in a number or educational mandates plus suspension of the 18- to 21-year-old license to drive.⁷ In Minnesota underage impaired driving results in a jail sentence of up to 90 days and license suspension.⁸ License suspensions for underage impaired driving typically range from three months to two years.

On-line training available from the National Center for State Courts (NCSC) highlights the interventions available for courts when dealing with underage impaired drivers. Developed by the NCSC and Responsibility.org in consultation with a national panel of experts, a course entitled *Effective Judicial Interventions for Underage Drinking Offenders*, focuses on educating judges about underage drinking to encourage and support informed decisions in the courtroom.⁹ The course provides judges with information on the importance of accurate assessments, appropriate sentencing decisions, and tailored treatment plans for underage drinkers, including one-time offenders or more serious, habitual underage alcohol abusers. The program also encourages judges to consider an underage alcohol offense as a potential turning point for the juveniles that come into their courtroom and highlights the necessity of a collaborative approach in the adjudication of each individual offender.

The relative inexperience of teens with the complex divided attention task of driving, when influenced by alcohol consumption, places them at a greater risk for driver fatality compared to adults. Parents, schools and communities must educate teens about the dangers of drunk driving and encourage responsible decisions when it comes to any alcohol consumption and driving to avoid the tragic and devastating consequences of underage impaired driving.

1. *Teen Drivers and Passengers: Get the Facts*, available at https://www.cdc.gov/transportationsafety/teen_drivers/teendrivervfactsheet.html.
2. National Research Council and Institute of Medicine Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, R.J. Bonnie and M.E. O'Connell, editors, *Reducing Underage Drinking: A Collective Responsibility*, Washington D.C., 2004.
3. *Id.*
4. B.F. Grant and D.A. Dawson, *Age At Onset of Alcohol Use and Its Association with DSM-IV Alcohol Abuse and Dependence: Results From the National Longitudinal Alcohol Epidemiologic Survey*, 9 J. Sub Abuse 103 (1997).
5. National Highway Traffic Safety Administration (NHTSA), *Traffic Safety Facts 2020 Data: Young Drivers* (Report Non DOT HS 813 313), Washington, D.C. U.S. Department of Transportation, National Highway Traffic Safety Administration, National Center for Statistics and Analysis, June 2022.
6. R.W. Hingson and D. Kenkel, *Social Health, and Economic Consequences of Underage Drinking*, National Research Council and Institute of Medicine, *Reducing Underage Drinking: A Collective Responsibility*, Background Papers, Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, Division of Behavioral and Social Sciences and Education, Washington, D.C., 2004.
7. Utah Code 32B-4-409.
8. Minn. Stat. § 169A.33.
9. Training available at <https://www.ncsc.org/education-and-careers/icm-creative-learning-services/cls-portfolio/effective-judicial-interventions-for-underage-drinking-offenders>.



NJC's The Traffic Case: A Course for Nonlawyer Judges

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Register here: [The Traffic Case: A Course for Non-Lawyer Judges](#)

Free NJC Traffic Programs Online Courses taught by JOLs:

June 5, 2024, 12 PM (Eastern): A Culture of Quality in Impaired Driving Cases: Due Process and Guilty Pleas (**Hon. Earl Penrod**)

Register here: [A Culture of Quality in Impaired Driving Cases: Due Process and Guilty Pleas](#)

August 7, 2024: Harnessing Technology to Monitor Substance Use in Impaired Driving Cases (**Hon. Laura Weiser**)

December 4, 2024, 3 PM (Eastern): Impaired Driving in 2024: Where Are We? (**Hon. Neil Axel**)

Register here: [Impaired Driving 2024: What's New?](#)

NJC's DWI Court Enhancement Training: A Web-Based Self-Study Course

Instructors: Charisse Abbie & Christin Folsom

This FREE online self-study web course takes the new or seasoned DWI Court professional through basic DWI Court information. You will become acquainted with the Guiding Principles for DWI Courts, DWI Court target population, case management techniques such as clinical assessment, treatment, community supervision and many more elements directly related to their day-to-day court activities.

You will have 60 days to complete the online study modules, which take approximately 16 hours to complete. A Certificate of Completion issued by NJC/NDCI is available when you successfully complete a final online assessment.

Register here: <https://judges.docebosaa.com/learn/course/external/view/elearning/39/dwi-court-enhancement-training-a-web-based-self-study-course>

The ABA Judicial Outreach Liaison (JOL) Program The JOL program began in 1998 as part of the ABA Judicial Division's outreach efforts to provide trial judges with access to current and evidence-based practices that would assist them in their work on the bench. The program consists of two National Judicial Fellows and Regional and State Judicial Outreach Liaisons (JOLs) throughout the country. Judicial Fellows and JOLs are active or retired judges who work to improve the administration of justice in impaired driving and other traffic safety matters through education, communication, community outreach activities and collegial and ethical collaboration with judges, and traffic safety stakeholders, locally, regionally, and nationally. While remaining independent and impartial, the JOLs and Judicial Fellows serve as a resource for the judiciary and other members of the highway safety community. This assistance takes the form of peer to-peer judicial education, court case interpretations, guidance, and acting as a liaison between the judiciary and the highway safety community. The JOLs and Judicial Fellows help supplement and support on-going efforts by judicial educators around the country to provide essential information to judges in a number of important areas including evidence based sentencing practices for at-risk populations, DUI Treatment Courts, and reliable substance use and mental health assessments. Through the work of the American Bar Association JOL Program, judges throughout the country can gain a broader foundational understanding of the issues that they face in handling their fast-paced traffic related dockets. Currently 31 active and retired judges serve as JOLs and Judicial Fellows around the country, covering 47 of the 50 States, the District of Columbia, Native Nations, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the North Mariana Islands. This program is supported by a grant from the National Highway Traffic Safety Administration.

