COURT RULES AT PLAY:

CrRLJ 3.2: RELEASE OF ACCUSED

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:
(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
(2) there is shown a likely danger that the accused: (a) will commit a violent crime, or (b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice. For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

(e): Relevant Factors--Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited To: (1) accused's criminal record; …
(3) The nature of the charge; …
(7) the accused's past record of committing offenses while on pretrial release, probation or parole…

(d) Showing of Substantial Danger--Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:…
(3) Prohibit the accused from ... possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;
(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency; …
(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;….
(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

Criminal Rules Task Force, Washington Proposed Rules of Criminal Procedure Rule 3.2, cmt. at 22 (West Publ'g Co.1971). *Harris v. Charles*, 171 Wn.2d 455, 468, 256 P.3d 328 (2011). : CrRLJ 3.2 is not punitive; it is designed to allow the burdens of jail to be alleviated by those least likely to endanger the public.
The purpose of these rules is not punitive; simply having a deterrent effect on a person does not make it punishment. *Id.* at 468-469.

RCWS AT PLAY:

RCW 9.94A.030(55) "Violent offense" means:
*(a) Any of the following felonies:
…

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

RCW 10.21.015: Pretrial release program.

(1) Under this chapter, "pretrial release program" is any program, either run directly by a county or city, or by a private or public entity through contract with a county or city, into whose custody an offender is released prior to trial and which agrees to supervise the offender. As used in this section, "supervision" includes, but is not limited to, work release, day monitoring, electronic monitoring, or participation in a 24/7 sobriety program.

(2) A pretrial release program may not agree to supervise, or accept into its custody, an offender who is currently awaiting trial for a violent offense or sex offense, as defined in RCW 9.94A.030, who has been convicted of one or more violent offenses or sex offenses in the ten years before the date of the current offense, unless the offender's release before trial was secured with a payment of bail.

RCW 10.21.020 Appearance before judicial officer—Issuance of order:

Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer must issue an order that, pending trial, the person be:

(1) Released on personal recognizance;

(2) Released on a condition or combination of conditions ordered under RCW 10.21.030 or other provision of law;

(3) Temporarily detained as allowed by law[1]; or

(4) Detained as provided under chapter 254, Laws of 2010.

RCW 10.21.030: Conditions of release—Judicial officer may amend order.

(1) The judicial officer in any felony, ***misdemeanor, or gross misdemeanor***[2] case may at any time amend the order to impose additional or different conditions of release. The conditions imposed under this chapter supplement but do not supplant provisions of law allowing the imposition of conditions to assure the appearance of the defendant at trial or to prevent interference with the administration of justice.

(2) Appropriate conditions of release under this chapter include, but are not limited to, the following:

(a) The defendant may be placed in the custody of a pretrial release program;

…

(i) The defendant may be prohibited from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant. The defendant may be required to submit to testing to determine the defendant's compliance with this condition;

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[1] This should remedy concerns about imposition of jail time in a pre-trial setting (revocation of bail for a violation). If this is a valid concern, the alternative is to impose bail consistent with the danger posed (high).

[2] Post- *Blomstrom* fix!

(j) The defendant may be prohibited from operating a motor vehicle that is not equipped with an ignition interlock device;

(k) The defendant may be required to report regularly to and remain under the supervision of an officer of the court or other person or agency; and …

RCW 10.21.055: Conditions of release—Requirements—Ignition interlock device—24/7 sobriety program monitoring—Notice by court, when—Release order.

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

…

RCW 46.04.215: "Ignition interlock device" means "breath alcohol analyzing ignition equipment or other biological or technical device certified in conformance with RCW 43.43.395 [state patrol certification of IID vendors] and rules adopted by the state patrol and designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage."

RCW 46.20.720: Ignition interlock device restriction—For whom—Duration—Removal requirements—Credit—Employer exemption—Fee.

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

…

RCW 46.55.350: Findings—Intent.

(1) The legislature finds that:(a) Despite every effort, the problem of driving or controlling a vehicle while under the influence of alcohol or drugs remains a great threat to the lives and safety of citizens. Over five hundred people are killed by traffic accidents in Washington each year and impaired vehicle drivers account for almost forty-five percent, or over two hundred deaths per year. That is, impairment is the leading cause of traffic deaths in this state;

(b) Over thirty-nine thousand people are arrested each year in Washington for driving or controlling a vehicle while under the influence of alcohol or drugs. Persons arrested for driving or controlling a vehicle while under the influence of alcohol or drugs may still be impaired after they are cited and released and could return to drive or control a vehicle. If the vehicle was impounded, there is nothing to stop the impaired person from going to the tow truck operator's storage facility and redeeming the vehicle while still impaired;

(c) More can be done to deter those arrested for driving or controlling a vehicle while under the influence of alcohol or drugs. Approximately one-third of those arrested for operating a vehicle under the influence are repeat offenders. Vehicle impoundment effectively increases deterrence and prevents an impaired driver from accessing the vehicle for a specified time. In addition, vehicle impoundment provides an appropriate measure of accountability for registered owners who allow impaired drivers to drive or control their vehicles, but it also allows the registered owners to redeem their vehicles once impounded. Any inconvenience on a registered owner is outweighed by the need to protect the public;

…

BLOMSTROM OVERVIEW: *BLOMSTROM V. TRIPP*, ___ WN.2D ___, 402 P.3D 831, 838–39 (2017):

Facts: Three different defendants were consolidated on this case from Spokane. The first 2 defendants were charged with alcohol DUIs; they had high BACs, no priors. The third defendant had a prior DUI conviction, but the current offense involved marijuana. The trial court imposed random UA testing on all defendants, one defendant had an IID requirement temporarily. However, it was quickly stricken.

Analysis:

1) *Gunwall* analysis showed that there was preexisting case law *York*.
2) Art 1, section 7 provides "heightened protection for bodily fluids." *York v. Wahkiakum Sch Dit No. 200*.
3) Urine passing is a very private function. *Robinson v. City of Seattle* quoting *Skinner v. Ry. Labor Execs. Assn*
4) Roadblocks are highly intrusive (*City of Seattle v. Mesiani*); Pat down searches are "highly intensive" (their word not mine) *Jacobsen v. City of Seattle*. Thus, UAs are "at least as invasive as a roadblock or pat-down search. We thus conclude 5hat court ordered urinalysis testing constitutes acute privacy invasion by State."
5) No Statue or court rule provided necessary authority of law.
    a. RCW 10.21.055 does not apply because (1) no prior convictions or (2) the current offense does not involve alcohol.
    b. RCW 10.21.030 does not apply because the intent section says this section only applies to felonies. (*fixed post decision by statute)*
    c. CrRLJ 3.2(d) does not apply ****IMPORANT*** because the court did not find that the defendants were likely to commit (a) violent crimes (b) intimidate witnesses (c) otherwise interfere with administration of justice. *(The Trial Court did NOT make this finding at time of the imposition of the conditions of release.)*
        i. Court found that no statute or holding has deemed DUI a violent offense.
            1. The Dissent highlighted: Veh Hom and Veh Asault; the majority opinion addressed this in a **footnote 25** that they are not addressing it. RCW 9.94A.030(33) "most serious offenses" include commit or ***attempt to commit***: Vehicular Assault and Vehicular Homicide.[3]
6) The court is not adopting a special needs exception.
7) *State v. Olsen*, is not applicable. (Post-conviction random UA testing of probationers.) The reason this case is not applicable is because there is a significantly reduced expectation of privacy and because of the unique rehabilitative goals of the probation system. [4]

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[3] **AUTHOR NOTE**: DUI is an attempt to commit a Veh Hom or Veh Asslt. The majority did not even begin to address this. With our arguments on defendants who have prior offenses, we need to highlight this reality and show that the defendant has failed to comply

[4] ** Please note **Footnote 22:** Dissent argued that the UA testing was narrowly tailored to prevent reoffending. However, the State did not select the "less drastic means" for effectuating objectives. *San Antonio Indep Sch Dist v. Rodriguez* quoting *Dunn v. Blumstein*; "If there are other reasonable ways to achieve state goals with lesser burdens on constitutional protected activity, the State may not choose the way of greater interference." The state conceded that there were less invasive means of achieving the same ends.

Author note: this opens the way to IIDs, BART, SCRAM, PBTs, breath testing, as these are all certainly less invasive!!! **

8) *Puapuaga* does not apply as that case involved pre-trial incarcerated defendants. If you are in custody, there is an expectation that privacy is necessarily lowered **while in custody**.[5]

HOLDING: There is no diminution on privacy interests sufficient to justify this highly invasive search.

CASE LAW ANALYSIS AND HOLDINGS:

- *State v. Burch*, 197 Wn. App. 382, 394-95, 389 P.3d 685 (2016), *review denied*, 188 Wn.2d 1006 (2017): Division Two held: "Driving under the influence of alcohol or drugs is itself a serious criminal offense. RCW 46.61.502(1). Therefore, operating a motor vehicle under the influence is rarely, if ever, innocent behavior."
- *South Dakota v. Neville*, 459 U.S. 553, 558-59, 103 S. Ct. 916, 74 L. Ed. 2d 748 (1983): "The situation underlying this case—that of the drunk driver—occurs with tragic frequency on our Nation's highways. The carnage caused by drunk drivers is well documented and needs no detailed recitation here. This Court, although not having the daily contact with the problem that the state courts have, has repeatedly lamented the tragedy. See *Breithaupt v. Abram*, 352 U.S. 432, 439, 77 S.Ct. 408, 412, 1 L.Ed. 2d 448 (1957) ("The increasing slaughter on our highways, most of which should be avoidable, now reaches the astounding figures only heard of on the battlefield"); *Tate v. Short*, 401 U.S. 395, 401, 91 S.Ct. 668, 672, 28 L.Ed.2d 130 (1971) (BLACKMUN, J., concurring) (deploring "traffic irresponsibility and the frightful carnage it spews upon our highways"); *Perez v. Campbell*, 402 U.S. 637, 657 and 672, 91 S.Ct. 1704, 1715 and 1722, 29 L.Ed.2d 233 (1971) (BLACKMUN, J., concurring) ("The slaughter on the highways of this Nation exceeds the death toll of all our wars").
- Pretrial release decisions are within the discretion of the trial court. *State v. Kelly*, 60 Wn. App. 921, 928, 808 P.2d 1150 (1991); *State v. Reese*, 15 Wn. App. 619, 620, 550 P.2d 1179 (1976).
- Specifically, the determination that a defendant poses a substantial danger to the community is a factual determination involving the exercise of sound discretion of the trial judge. *State v. Smith*, 84 Wn.2d 498, 505, 527 P.2d 674 (1974).
- *Blomstrom v. Tripp*, ___ Wn.2d ___, 402 P.3d 831, 838–39 (2017): relied on by petitioner, did not concern a SCRAM device, but rather random urinalysis. UAs implicate privacy interests in two ways. First, the act of providing a urine sample is fundamentally intrusive. This is particularly true where urine samples are collected under observation to ensure compliance. Second, chemical analysis of urine, like that of blood, can reveal a host of private medical facts about a person, including whether he or she is epileptic, pregnant, or diabetic.
- *York v. Wahkiakum School District No. 200*, 163 Wn.2d 297, 306, 178 P.3d 995 (2008), involved compelled urine samples.
- *State v. Garcia-Salgado* 170 Wn.2d 176, 184, 240 P.3d 153 (2010), concerned an intrusion into the defendant's body to collect DNA evidence.

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[5] **AUTHOR NOTE (FOOTNOTE #26)**: The court cites to *Norris v. Premeiv Integrity Sols. Inc*: pretrial release had a reduced expectation of privacy because he agreed to random UA testing as a condition of release and he [voluntarily} participated.
Author note: Argue for bail and affirmative conditions can be added by the defendant's agreement!

- A determination that a given state constitutional provision affords enhanced protection in a particular context does not necessarily mandate such a result in a different context. *State v. McKinney*, 148 Wn.2d 20, 26, 60 P.3d 46 (2002).
- If the trial court was authorized to order petitioner to abstain, it certainly was authorized to order alcohol monitoring to ensure compliance. *See State v. Vant*, 145 Wn. App. 592, 603-04, 186 P.3d 1149 (2008) (where defendant properly ordered not to possess/consume any controlled substances, trial court has the ability to enforce such condition through random urinalysis/PBT/BAC tests to ensure compliance; *State v. Parramore*, 53 Wn. App. 527, 532, 768 P.2d 530 (1989) (probation condition of urinalysis proper where sentencing court had authority to prohibit defendant from using controlled substances).
- *Montana v. Spady*, 380 Mont. 179, 188-89, 354 P.3d 590 (2015): the court rejected the argument that requiring a defendant charged with DUI to submit to twice-daily breath alcohol testing was unconstitutional, "The privacy interests implicated by the breath tests are minimal. An individual on pretrial release has a diminished expectation of privacy. The tests are delivered at a location away from the individual's home (where privacy interests are historically at their highest) and involve little embarrassment or discomfort. The tests do not disclose sensitive medical information, instead revealing only the level of alcohol in the individual's bloodstream. We cannot say that the defendant's participation in the twice-daily testing infringes a significant privacy interest."

DUI STATISTICS TO KNOW

2018- WA's Roadside Survey Data:

- Nearly one in 5 daytime drivers may be under the influence of marijuana (self-reported).
- 61% Drivers involved in fatal crashes since 2008 who tested positive for impairing substances, were under the influence of drugs, not alcohol drugs. Drugged driving is something that we must address and overcome.
- 44% of those 62% were under the influence of multiple substances. The most common was alcohol and marijuana.
- 39.1% of tdrivers who have used marijuana in the previous year admit to driving within three hours of marijuana use.
- 53% of drivers 15-20 believe that they drive better high.
- 1 in 10 of 8th graders report riding in car with a driver who had been using marijuana.

Other trends:

- Children passengers in DUI, Veh Hom, Veh Asslt, cases is on the rise. Impaired drivers are not only taking their own lives and others, but are subjecting children to their risky dangerous choices. Children do not have a choice to be there, and cannot get out of that car of their own accord.

Things to Say in ARR/Sentencing:

In order for people convicted of drunk driving to get back behind the wheel while impaired, two things must happen: (1) They must decide to do so, and (2)They must be permitted to do so. The first happens all too often.

If we are to ever to get to the only acceptable level of deaths (0) on our roadways in WA, we will have to tackle several challenges.

We need to address repeat offenders. …(Talk about defendant's choice using statistics!) We need to hold these offenders accountable.

Driving impaired is an inherently selfish choice. The person is shooting a loaded gun and just hoping that the bullet does not strike or kill someone. No one can overstate the slaughter that is occurring on our roadways due to the selfishness of impaired drivers. Impaired drivers who end up charged with DUI are lucky. (Pull over *Navarette* and read the USSC's opinion on impaired driving to the court!! Plenty of cases out there with great summaries!!)

The defendant is purely lucky that they did not kill someone else, kill themselves, seriously injure another, or seriously injure themselves. And, they are lucky that they are being given the opportunity to course correct, received treatment, and change before they kill someone or kill themselves!
We need stiffer penalties. No longer should it be acceptable that you have priors and no longer face a substantial time period in jail!

If you get one DUI, you made a very poor dangerous choice. You are lucky that you were stopped before you harmed someone or killed someone or yourself. If you get two DUIs you have a significant substance abuse problem that needs to be addressed. If you get 3 DUIs you should be a felon because you have shown a pattern of repeated behaviors that indicates that you are incredibly selfish and will drive no matter the cost to anyone else.

Studies:

- DWI repeat offenders are still believed to make up a sizeable proportion of DWI arrests. NHTSA 2014 report on DWI recidivism.
- Historically, drivers with prior DWI convictions have been overrepresented in fatal crashes, and the risk 2 NHTSA's Office of Behavioral Safety Research 1200 New Jersey Avenue SE., Washington, DC 20590 elevates for drivers with multiple DWI convictions (Fell, 1995; Sloan, Platt, & Chepke, 2011).
- According to one study, only a small percentage of impaired drivers are detected and arrested; about one in 200 drivers (Beitel, Sharp, & Glauz, 2000). Another study estimated that there were 112 million alcohol-impaired driving episodes in 2010 and only 1% of drivers involved in those episodes were arrested (Bergen, Shults, & Rudd, 2011). The low percentage of arrests is believed to be due, in large part, to the low statistical probability that law enforcement agencies with limited resources can monitor all roads and drivers adequately.
- Further analysis of these numbers reveals about 3-5 percent of drivers account for about 80 percent of the drunken driving episodes (Beirness, Simpson, & Desmond, 2002; 2003), and the remaining 20 percent of DWI episodes are accounted for by the remaining 185 million drivers in the United States.
- In general, multiple DWI offenders, particularly those who had four or more prior DWI convictions (n=187), were more likely to have demonstrated patterns of difficulty following

rules, and once they were punished for misconduct, they were more likely to continue with their law-violating behaviors.

- Specifically, repeat offenders are more likely to be male, white and unmarried (Hunter et al., 2006; Nochajski & Stasiewicz, 2006; Wieczorek & Nochajski, 2005). In addition, first time offenders younger than 30 are more likely to commit additional DUI offenses than older offenders (C'de Baca et al., 2001). Repeat offenders are also more criminally-involved (Royal, 2000; Webster et al., 2009a), report heavier alcohol and drug use (Hedlund & McCartt, 2002), and are more likely to report psychological problems such as depression (Freeman, Maxwell, & Davey, 2011; McMillen et al., 1992; Royal, 2000; Shaffer et al., 2007).
- Repeat DUI offenders were significantly more likely to report having ever used illicit drugs during their lifetime ($\chi^2(117) = 10.28$, $p = .001$), with significant differences for marijuana ($\chi^2(117) = 5.70$, $p = .017$), powder cocaine ($\chi^2(117) = 9.30$, $p = .002$), crack cocaine ($\chi^2(117) = 6.24$, $p = .012$), hallucinogens ($\chi^2(117) = 6.85$, $p = .009$), heroin ($\chi^2(117) = 6.84$, $p = .009$), amphetamines ($\chi^2(117) = 9.25$, $p = .002$), methadone ($\chi^2(117) = 10.29$, $p = .001$), OxyContin® ($\chi^2(117) = 7.07$, $p = .008$), and other opiates and analgesics ($\chi^2(116) = 6.71$, $p = .01$). Repeat offenders were also significantly more likely to report past year illicit drug use ($\chi^2(117 = 5.60$, $p = .018$) and reported significantly more years of regular drug use ($t(115) = -3.23$, $p = .002$). Repeat DUI offenders also reported first using alcohol at a significantly earlier age ($t(113) = 3.57$, $p = .001$). -NCBI 2015 study on DUI recidivism
- Repeat offenders also committed more non-DUI crimes (regardless of arrest) than first time offenders. Although repeat DUI offenders had more extensive criminal backgrounds, they were more likely to report having committed non-violent, drug and property-type crimes. Specifically, repeat DUI offenders had higher rates of forgery and drug possession than first time offenders. This finding supports previous research that has identified DUI offenders to be largely non-violent (LaBrie et al., 2007).
- Multiple DWI offenders were more likely to be dishonest than first-time DWI offenders in the sample. In addition, multiple DWI offenders were found to have significantly more driving infractions than first-time DWI offenders.
- Chang and associates (2002) found age and education to be among the best predictors for recidivism. More specifically, offenders who were younger (i.e., between 16 and 25) and less educated (i.e., having less than or equal to 12 years of school) were more likely to be convicted for a subsequent DWI.

Statistics from Studies!

Every day, almost 29 people in the United States die in alcohol-impaired vehicle crashes—that's one person every 50 minutes in 2016.

In NHTSA's National Roadside Survey conducted in 2013-2014 (PDF, 173 KB), 20 percent of drivers surveyed tested positive for potentially impairing drugs. (That is one in 5 people!)

Drunk driving costs each adult in the united states over $500 per year. -MADD 5th Anniversary Report to the Nation, 2011. http://www.talklikemadd.org/books/statereport/#/4/

Every two minutes, a person is injured in a drunk driving crash. -**National Highway Traffic Safety Administration. "The Economic and Societal Impact Of Motor Vehicle Crashes,**

2010." National Highway Traffic Safety Administration, May 2014, DOT HS 812 013. http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf.

During weekday ay time, 12.1% of drivers tested positive for an illegal drug; 10.3% tested positive for prescription and OTC medications. During weekend nighttime, 15.2% of drivers tested positive for an illegal drug; 7.3% tested positive for prescription and OTC medications. - **(NHTSA 2013-2014 Roadside Survey)**

In 2016, 9 percent of all drivers involved in fatal crashes during the day were drunk, compared to 30 percent at night. In addition, almost twice as many alcohol-related traffic fatalities occurred during the weekends compared to weekdays. -**National Highway Traffic Safety Administration. "Traffic Safety Facts 2016: Alcohol-Impaired Driving." Washington DC: National Highway Traffic Safety Administration, 2017. https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812450**

On average, two in three people will be involved in a drunk driving crash in their lifetime. - **National Highway Traffic Safety Administration. "The Economic and Societal Impact Of Motor Vehicle Crashes, 2010." National Highway Traffic Safety Administration, May 2014, DOT HS 812 013. http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf.**

50 to 75 percent of convicted drunk drivers continue to drive on a suspended license. - **(Peck, R.C., Wilson, R. J., and Sutton, L. 1995. "Driver license strategies for controlling the persistent DUI offender, Strategies for Dealing with the intent Drinking Driver." Transportation Research Board, Transportation Research Circular No. 437. Washington, D.C. National Research Council: 48-49 and Beck, KH, et al. "Effects of Ignition Interlock License Restrictions on Drivers with Multiple…**

Each day, people drive drunk more than 300,000 times, but only about 3200 are arrested. -**Arrest data: Federal Bureau of Investigation, "Crime in the United States: 2014" https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-29 Incidence data: Centers for Disease Control and Prevention. "Alcohol-Impaired Driving Among Adults — United States, 2012." Morbidity and Mortality Weekly Report. August 7, 2015 / 64(30);814-817. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6430a2.htm**

An average drunk driver has driven drunk over 80 times before first arrest.--> FBI Stats put this at 200-300 times. -**Arrest data: Federal Bureau of Investigation, "Crime in the United States: 2014" https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-29 Incidence data: Centers for Disease Control and Prevention. "Alcohol-Impaired Driving Among Adults — United States, 2012." Morbidity and Mortality Weekly Report. August 7, 2015 / 64(30);814-817. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6430a2.htm**

Every day about 800 people are injured in a drunk driving crash. -**National Highway Traffic Safety Administration. "Traffic Safety Facts 2015: Alcohol-Impaired Driving." Washington DC: National Highway Traffic Safety Administration, 2016. http://www-nrd.nhtsa.dot.gov/Pubs/812231.pdf**

In 2016, 10,497 people died in alcohol-impaired driving crashes, accounting for 28% of all traffic-related deaths in the United States.- **National Highway Traffic Safety Administration. Traffic**

Safety Facts 2016 data: alcohol-impaired driving. U.S. Department of Transportation, Washington, DC; 2017 Available at: https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812450 Accessed 16 April 2018.

Of the 1,233 traffic deaths among children ages 0 to 14 years in 2016, 214 (17%) involved an alcohol-impaired driver**.- *Id.***

In 2016, more than 1 million drivers were arrested for driving under the influence of alcohol or narcotics.- **Blincoe LJ, Miller TR, Zaloshnja E, Lawrence BA. National Highway Traffic Safety Administration. The economic and societal impact of motor vehicle crashes, 2010. (Revised). U.S. Department of Transportation, Washington, DC; 2015. Available at: http://www-nrd.nhtsa.dot.gov/pubs/812013.pdf. Accessed 16 April 2018.** That's one percent of the 111 million self-reported episodes of alcohol-impaired driving among U.S. adults each year (figure below).

Drugs other than alcohol (legal and illegal) are involved in about 16% of motor vehicle crashes.- **Federal Bureau of Investigation (FBI). Department of Justice (US). Crime in the United States 2016: Uniform Crime Reports. Washington (DC): FBI; 2017. Available at https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-18. Accessed 16 April 2018.**

Marijuana use is increasing and 13% of nighttime, weekend drivers have marijuana in their system.

Marijuana users were about 25% more likely to be involved in a crash than drivers with no evidence of marijuana use, however other factors–such as age and gender–may account for the increased crash risk among marijuana users.

- **National Highway Traffic Safety Administration. Traffic Safety Facts 2016 data: alcohol-impaired driving. U.S. Department of Transportation, Washington, DC; 2017 Available at: https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812450 Accessed 16 April 2018.**
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