

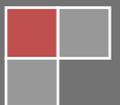
September, 2010

# A Strategic Plan to Reduce Impaired Driving in Wyoming

A multi-agency comprehensive plan addressing policy changes within the state's administrative DUI system.



Prepared by the Leadership Team to Prevent Impaired Driving  
For Governor Dave Freudenthal



September, 2010

To Governor Dave Freudenthal:

The Governor's Leadership Team to Prevent Impaired Driving is pleased to present the enclosed report entitled *A Strategic Plan to Reduce Impaired Driving in Wyoming*. This report is the culmination of our work to comprehensively examine the state's administrative DUI system and provide recommendations for improvement.

The administrative DUI system is complex and composed of many interrelated parts. The recommendations included in this report reflect opportunities to impact the system as a whole. We anticipate a number of the recommendations will require ongoing efforts over several years to implement. We encourage you to share this report with the next governor so that this concerted focus on preventing impaired driving will continue with your successor.

The members of the Leadership Team would also like to extend our gratitude for giving us the opportunity to participate on this important project. In our professional and personal capacities we see the terrible consequences of impaired driving in Wyoming. This is a problem that impacts nearly every citizen in our state. We commend you for your dedication to reducing impaired driving and for making Wyoming's highways safer for our citizens.

The members of the Leadership Team are pleased to provide any follow-up to the report you may request, and to continue to assist you and the State of Wyoming in any way we can.

Respectfully,

A handwritten signature in black ink, appearing to read "Jonlee S. Anderle". The signature is fluid and cursive.

Lieutenant Jonlee Anderle, Chairman

On behalf of the Governor's Leadership Team to Prevent Impaired Driving

# A STRATEGIC PLAN TO REDUCE IMPAIRED DRIVING IN WYOMING

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## **Acknowledgements**

The preparation of this Strategic Plan to reduce impaired driving in Wyoming involved the active and determined collaboration of a great many individuals representing agencies and programs both inside and outside of state government who contributed countless hours to this process. The Governor's Leadership Team to Prevent Impaired Driving would like to thank the following agencies, programs and employers who generously allowed their staff to participate in the strategic planning process:

AAA

Albany County Coalition to Prevent Substance Abuse

Albany County Sheriff's Office

Campbell County School District

Campbell County Substance Abuse Advisory Council

Casper Police Department

Cheyenne Metropolitan Planning Organization

City of Rawlins

Curran Seeley Foundation

Douglas Police Department

Eastern Shoshone Recovery

Eastern Shoshone Tribe

F.E. Warren Air Force Base

Fremont County Sheriff's Office

Gillette Police Department

Governor's Office

Injury Prevention Resources

Johnson and Associates

7<sup>th</sup> Judicial District Attorney's Office

Krampner, Fuller and Associates

Laramie City Attorney's Office/City Prosecutor

Laramie County Circuit Court

Laramie Police Department

MADD

Mountain Regional Services, Inc./Cornerstone

National Park Service/Grand Teton National Park

Northern Arapaho Tribal Liaison

Peace Officers Standards and Training Commission

Safe Kids/Safe Communities of Central Wyoming

Southern Odom/Spirits West

Sweetwater County Juvenile Probation

Sweetwater County DUI Supervised Probation Program

Teton County Circuit Court

Teton County DUI/Drug Court  
Traffic Safety Resource Prosecutor  
University of Wyoming  
Wind River Police Department  
Wyoming 8  
Wyoming Association of Churches  
Wyoming Association of Sheriffs and Chiefs of Police  
Wyoming Attorney General's Office  
Wyoming Department of Corrections, Probation and Parole  
Wyoming Department of Family Services  
Wyoming Department of Health  
Wyoming Department of Revenue, Liquor Division  
Wyoming Department of Transportation  
Wyoming Division of Criminal Investigations  
Wyoming Highway Patrol  
Wyoming Law Enforcement Academy  
Wyoming Medical Center/P.A.R.T.Y. Program  
Wyoming Office of State Hearing Examiner  
Wyoming Prevention Technical Assistance Consortium  
Wyoming State Parks, Historic Sites and Trails  
Wyoming Office of State Public Defender  
Wyoming Supreme Court  
Wyoming Trucking Association

The Governor's Leadership Team is particularly grateful to Christopher (Kip) Crofts, Kelly Rankin, Leigh Anne Manlove, Doug Moench, Eric Phillips, and Steve Dreher, who although not appointed to the Governor's Leadership Team, attended meetings and generously shared their knowledge and expertise to ensure the Strategic Plan would be comprehensive and accurate.

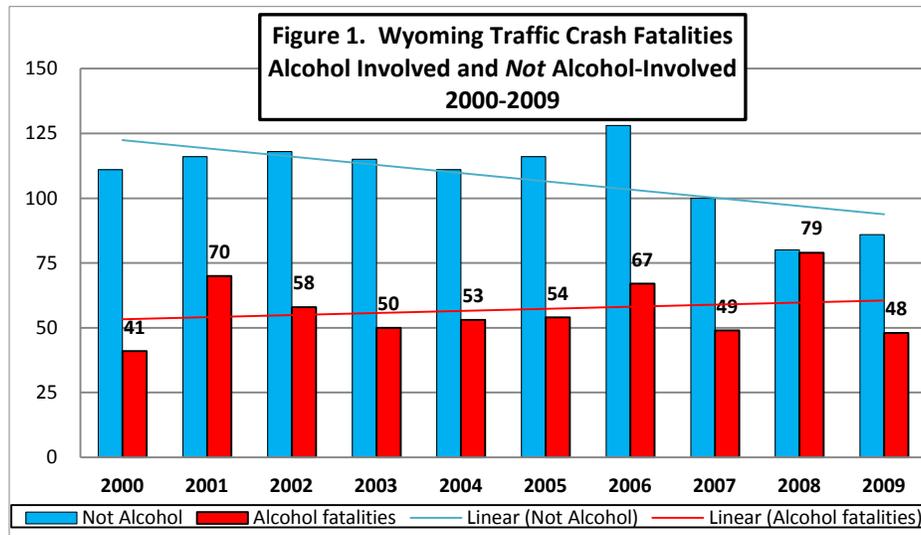
The Leadership Team would also like to offer a special thanks and recognition to the nearly 70 stakeholders and advocates who were an invaluable and essential part of the planning process. Their collective efforts were vital to the overall success of this project.

This Strategic Plan is truly the result of a collaborative effort by dedicated individuals who represented a wide range of disciplines and agencies – and who did so in the best interests of the people of Wyoming.

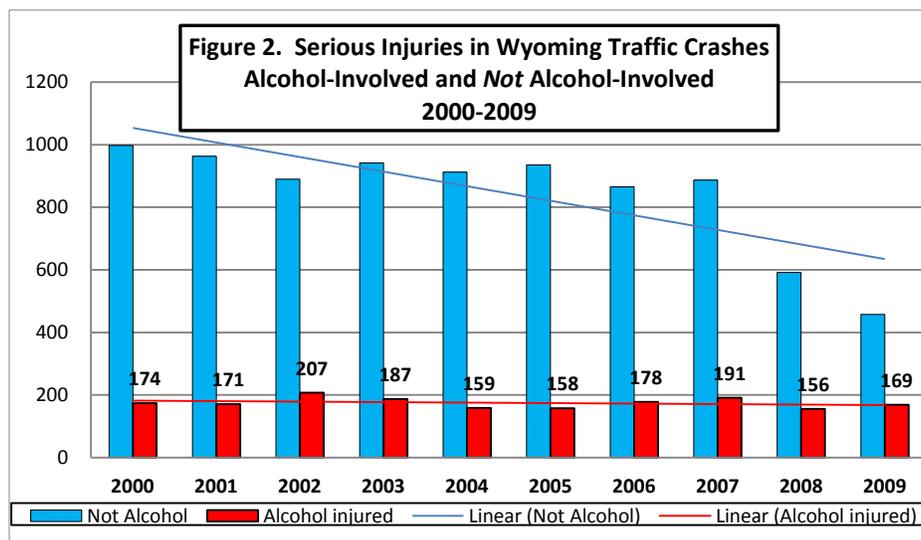
## Purpose and Problem Statement

Nearly 600 people died on Wyoming roads in crashes involving alcohol in the last 10 years.

Motor vehicle crashes are the leading cause of unintentional death both nationally and in Wyoming. Deaths from all traffic crashes and from impaired driving crashes have been decreasing nationally over the last decade. In Wyoming, however, while the number of deaths from all traffic crashes has been slowly decreasing, alcohol impaired driving fatalities have been gradually *increasing* (Figure 1).



A similar pattern holds true for crashes that resulted in serious bodily injury: while the number of people who've suffered serious injuries in traffic crashes has steadily declined over the last decade, the number of people who've been seriously injured in crashes involving alcohol has remained virtually unchanged (Figure 2).



Drug impaired driving in Wyoming is also on the rise. Wyoming currently does not have the ability to quickly screen, confirm and quantitate blood and urine samples for the presence of drugs and thus the full impact of drugs on traffic crashes is unknown. However, Driver Services has reported an increase in the number of drug-related Driving Under the Influence (DUI) arrests from 24 in 2006, to 98 in 2007, and 160 in 2008.

Over 7,000 DUI arrests are made by Wyoming law enforcement each year. Although DUI enforcement is an essential component of managing the impaired driving problem, simply arresting impaired drivers is clearly not enough to save lives and reduce critical injuries.

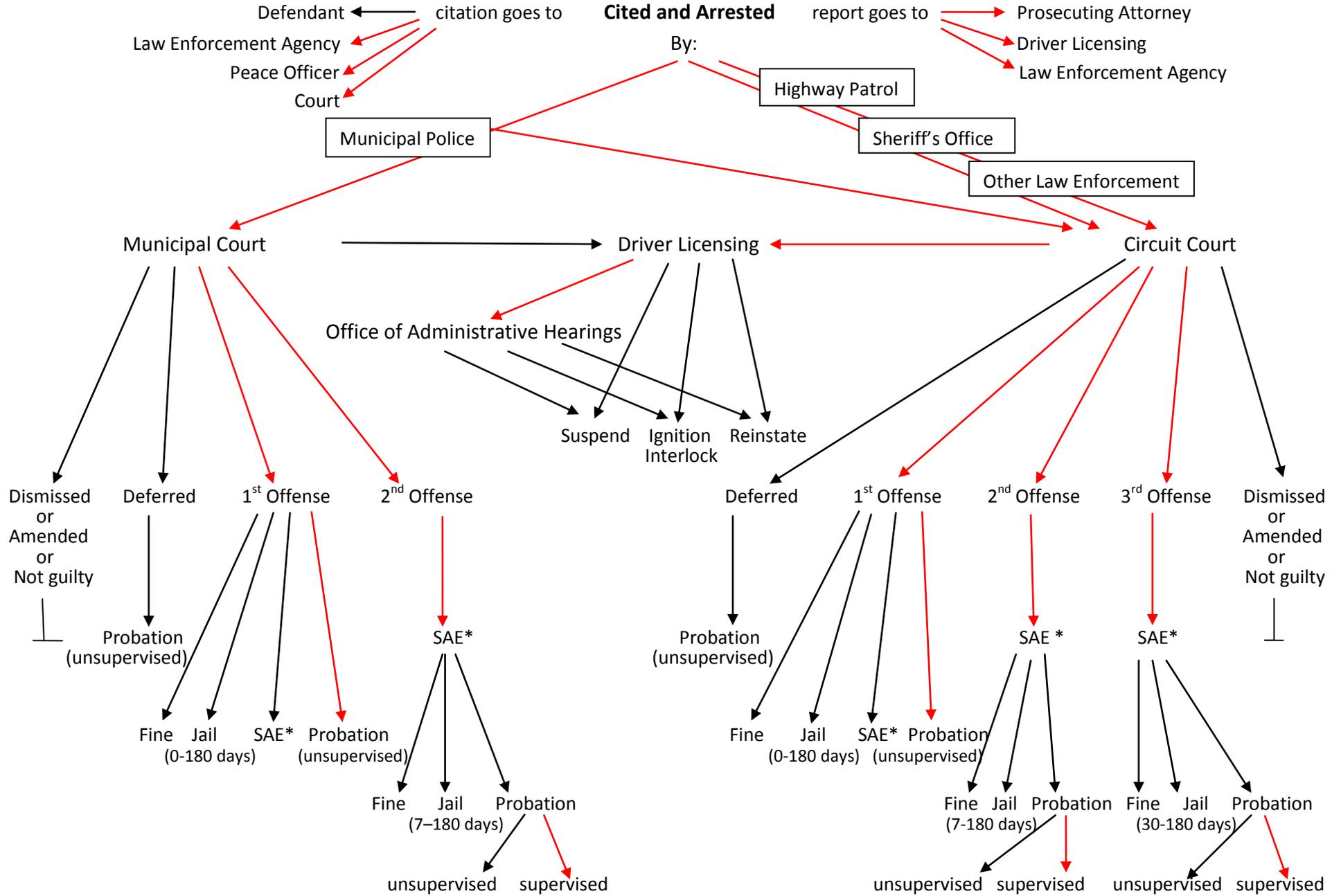
Reducing impaired driving includes preventing drivers from operating a vehicle while impaired and effectively managing offenders so that they will not reoffend. Wyoming's administrative DUI system to manage impaired drivers is fragmented and complex. The administrative system extends to the executive, judicial, and legislative branches of government, and involves multiple state and local agencies, departments, and programs (Figure 3). Many of these agencies are not accustomed to working together, and yet the effectiveness of one agency's efforts is frequently dependent on the work of the others. Like most complex systems, multiple gaps exist.

Impaired drivers who fall through the system's gaps continue to drink (or use drugs) and drive, many managing to obtain five or more DUI convictions over time. Inefficient use of limited resources, redundancy between and among agencies, and confused and ineffective messaging contribute to a sense of frustration that nothing seems to make a difference. The gaps in the system make reducing impaired driving problematic; ultimately, lives are lost, families are destroyed, and the economic costs escalate.

In June 2009, Governor Dave Freudenthal signed Executive Order 2009-4, creating the Governor's Leadership Team to Prevent Impaired Driving (Appendix A). Recognizing that Wyoming citizens support and would benefit from a proactive approach to preventing deaths, injuries and the costs associated with impaired driving, Governor Freudenthal established the Leadership Team to promote research, discussion and planning to reduce the incidence of impaired driving in Wyoming. Governor Freudenthal charged the Leadership Team with developing a multi-agency Strategic Plan, specifically addressing policy changes within the state's administrative DUI system. The Leadership Team was asked to consider existing programs and countermeasures in the administrative system and to recommend strategies to implement the proposals outlined in the Strategic Plan. The Leadership Team was also directed to solicit input and direction from stakeholders and advocates from within and outside of Wyoming state government. All state agencies were directed to cooperate with the Leadership Team. This report makes 15 priority recommendations for problem solving using a system-wide approach.

**Figure 3. Administrative DUI System**

**IMPAIRED DRIVER** (*misdemeanor DUI charge*)



\*SAE: substance abuse evaluation

**Red lines** indicate areas impacted by recommendations

## **Background and History**

In 2001 an ad hoc coalition of 70 people who shared a commitment to saving lives on Wyoming's roadways gathered to begin addressing Wyoming's problem with impaired driving. The group spent time characterizing the impaired driving problem, examining what strategies could and should be implemented to reduce impaired driving in Wyoming, and developing plans for adopting the identified strategies.

In May 2003, Governor Freudenthal established the coalition by Executive Order, thereby creating the Governor's Council on Impaired Driving (Appendix B). The mission of the Impaired Driving Council was to provide a forum for research, discussion and planning to reduce impaired driving in Wyoming. Nearly 40 appointments to the Council included representation from every constituency group involved in the issue. The Impaired Driving Council focused primarily on legislative and educational strategies. The Council prepared white papers for the Governor on select strategies (available at [www.ImpairedDrivingCouncil.org](http://www.ImpairedDrivingCouncil.org)), established annual Governor's Awards to recognize citizens for outstanding efforts to reduce impaired driving in their communities, and established DUI Enforcement Awards to recognize Wyoming's top 100 law enforcement officers who made the most DUI arrests the previous year. The Impaired Driving Council also sponsored three statewide Impaired Driving Prevention conferences.

Many recommendations put forth by the Governor's Impaired Driving Council resulted in statutory changes adopted by the Wyoming legislature including: graduated driver licensing, mandatory substance abuse evaluations for all DUI offenders, enhanced penalties for driving impaired with a child in the vehicle, ignition interlock, extending the look-back period for calculating a prior offense from five years to ten years, redefining controlled substance so any substance causing impairment can result in a DUI charge, and making 0.08% alcohol concentration (BAC) illegal within two hours of driving.

Despite significant improvements to Wyoming's DUI laws, reducing impaired driving in Wyoming remained elusive. In June 2009, Governor Freudenthal replaced the Impaired Driving Council with the Leadership Team to Prevent Impaired Driving and charged the Team with preparing a multi-agency Strategic Plan to reduce impaired driving from a state administrative perspective. Specifically, Governor Freudenthal asked the Leadership Team to identify opportunities to better coordinate efforts, reduce redundancy, and improve the efficient use of state and local resources. Ultimately, efforts to reduce impaired driving must result in saving lives, preventing injuries, and reducing the costs associated with impaired driving.

The Governor's Leadership Team met monthly beginning in July 2009. The Team identified gaps in the state's administrative DUI system and prepared 38 recommendations to close the gaps in the areas of prevention, enforcement, adjudication and probation. The Team presented its recommendations to nearly 70 stakeholders and advocates from inside and outside state government who narrowed the initial list to 15 priority recommendations. The Team developed

detailed implementation plans for each of the 15 recommendations which were reviewed by stakeholders and advocates who, together with the Leadership Team, developed plans for sharing implementation responsibilities for each of the recommendations. The detailed plans for the 15 priority recommendations are included in this report. The Leadership Team's recommendations that were not included among the priority 15, and therefore not developed into implementation plans, are listed in Appendix C.

## ***LEADERSHIP TEAM RECOMMENDATIONS***

The Governor's Leadership Team to Prevent Impaired Driving examined Wyoming's administrative DUI system as a whole. Specifically, each agency responsible for at least some part of the system was asked to identify what it would do differently to improve outcomes, if provided with the necessary resources (staffing, increased budgets, policy changes, political will, etc). The Team identified gaps in the system where missed opportunities to prevent impaired driving were most likely to exist. The Team prepared recommendations in the areas of prevention, enforcement, adjudication and probation and, together with stakeholders and advocates from throughout the state, considered what strategies would have the most measurable impact on the system.

Most of the recommendations are heavily dependent on each other and implementing some without others may create an unreasonable burden on separate parts of the system, or on the system as a whole. The Governor's Leadership Team would advise the reader of this report to examine the recommendations in their entirety, rather than as isolated strategies, in order to have the greatest impact on reducing impaired driving in Wyoming.

## ***DUI POLICY COORDINATOR***

***Recommendation: Assign a state funded DUI Policy Coordinator in the Governor's Office to coordinate state efforts with local initiatives to reduce impaired driving in Wyoming.***

*Problem statement:* Multiple communities, councils, task forces, agencies, organizations, and programs are working to address alcohol issues and reduce impaired driving in Wyoming. Many initiatives cut across state agencies (Departments of: Transportation, Health, Family Services, Corrections, Education, Revenue, etc), and many funding opportunities require partnerships between various state and local agencies. Yet, because many state and local programs work independently of each other, resources are frequently duplicated, funding opportunities are often missed, messages and timing are confused, resulting in an overall reduction in the effectiveness of the initiatives. Maximum and sustained reductions in impaired driving cannot be realized without coordinated efforts.

*Rationale for recommendation:* A DUI Policy Coordinator assigned to coordinate state efforts with local initiatives would ensure that state and local efforts compliment and reinforce each other. Placed in the Governor's office, the DUI Policy Coordinator would have the authority to effectively deliver the Governor's policy directives on impaired driving and work closely with state agency department heads to identify and implement the most effective impaired driving countermeasures, eliminate redundancy, and leverage each agency's budget to more effectively reduce impaired driving. The DUI Policy Coordinator would also provide or coordinate training for various service providers (law enforcement, prosecuting attorneys, judges, liquor license holders, etc.), inform state and local providers about potential grant opportunities, and inform state and local policy makers about the status of the impaired driving problem in Wyoming.

Through better coordination of efforts, the use of a similar position in Arizona was a major factor in reducing alcohol-related fatalities by 15% over a four year period. If this same percentage reduction was applied to Wyoming's 2006-2009 fatalities, 36 lives would have been saved and the estimated economic value of those lives saved would have totaled \$209 million (US Secretary of Transportation, 2008).

### *Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To assign a DUI Policy Coordinator in the Governor's Office to coordinate state efforts with local DUI prevention initiatives, provide and/or coordinate training for various service providers, and inform state and local service providers about potential funding opportunities by July 2011.

**2. Stakeholders/Allies/Critical Players:**

Governor's Office  
Wyoming Department of Transportation

Wyoming Department of Revenue, Liquor Division  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Department of Education  
Wyoming Department of Workforce Services  
Wyoming Department of Family Services  
Wyoming Department of Corrections  
Wyoming Association of Sheriffs and Chiefs of Police  
State, County, Municipal and Tribal law enforcement agencies  
Local prevention coalitions and prevention framework managers  
Wyoming Association of Municipalities  
Wyoming County Commissioners Association  
Tribal Government leaders  
University of Wyoming and Wyoming Community Colleges  
Wyoming High School Activities Association  
Wyoming Legislators  
Wyoming Trauma Coalition  
Wyoming County and Prosecuting Attorneys Association  
Wyoming Judiciary  
Governor's Substance Abuse and Violent Crime Advisory Board

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$150,000  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$140,000/year

**4. Current and Potential Funding Sources:**

Legislative Appropriation  
Federal Highway Safety grant  
Governor's Discretionary Spending Account

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Office space and office equipment

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop a comprehensive Job Description for the DUI Policy Coordinator position.
2. Secure funding for the DUI Policy Coordinator position.
3. Establish a screening committee to review applications.

**B. Short Term (less than a year)**

1. Investigate current statewide and local efforts to reduce impaired driving.
2. Identify current and potential funding sources to prevent impaired driving.
3. Oversee implementation of the strategic plan prepared by the Governor's Leadership Team to Prevent Impaired Driving.

**C. Long Term (one to four years)**

1. Coordinate public policy efforts to reduce impaired driving in Wyoming.
2. Provide and/or coordinate training for various local and state service providers (law enforcement, prosecuting attorneys, judges, liquor license holders, etc.) who work to reduce impaired driving.
3. Report regularly to the Legislature regarding the current status of the impaired driving problem and serve as the point person on legislative issues pertaining to impaired driving.
4. Conduct an annual review of the strategic plan prepared by the Governor's Leadership Team to Prevent Impaired Driving, and revise as necessary.

**7. Evaluation Component (performance/outcome-based strategy)**

1. State and local impaired driving prevention efforts will compliment and reinforce each other, reducing duplication of resources and services.
2. The public will be made aware of policies designed to reduce impaired driving.
3. Funding to prevent impaired driving will support evidence-based best practices.
4. Impaired driving crashes, fatalities and injuries in Wyoming will be reduced.

## ***SPECIAL USE PERMITS***

***Recommendation: Wyoming Department of Revenue shall develop guidelines and model policies dealing with alcohol consumption at public events and encourage local governments to adopt the guidelines as a policy for granting special use permits.***

*Problem statement:* Poor oversight of alcohol use at community events often results in over-service to intoxicated patrons and underage drinking, and increases the risk of impaired driving. Excessive alcohol consumption and its associated problems are commonly viewed by youth and families that attend community events, sending subtle and direct messages that it is acceptable to drink irresponsibly.

*Rationale for recommendation:* Special permits are required to serve or sell alcohol at public events. Title 12 of Wyoming State Statutes grants the authority to issue special permits to local governments (city council or county commission). Some local governments require those applying for a special permit to submit a plan for controlling alcohol consumption before the local government will issue the permit. Other local governments do not require any documentation of policies or plans to prevent the misuse of alcohol from the applicant.

Controlling the sale and consumption of alcohol at community events is an evidence-based strategy demonstrated by extensive research to reduce alcohol abuse and reduce impaired driving. Examples of alcohol control practices include restricting beer sales to 12 oz. containers, close scrutiny of IDs, separate dispensing and/or consumption areas.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To develop a model alcohol control plan to be used in conjunction with special use permits and increase implementation from three percent (3%) to seventy-five percent (75%) of Wyoming's one hundred twenty two (122) licensing authority jurisdictions within five years.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Department of Revenue, Liquor Division  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Association of Municipalities  
Wyoming County Commissioners Association  
Wyoming Association of County Officials  
Wyoming State Liquor Association  
Wyoming Association of Sheriffs and Chiefs of Police  
Local governmental entities and officials  
Local prevention coalitions and prevention framework managers  
Municipal and County law enforcement agencies and personnel  
Local organizations that apply for special use permits (e.g., fair boards, community event organizers, chambers of commerce, civic groups and clubs)

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): 0

**4. Current and Potential Funding Sources:**

No additional funding is required for this initiative.

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Local governmental staff to issue and review submitted permits

Law enforcement staff to ensure compliance with issued permits

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Provide city councils and county commissions with model language for an ordinance or regulations to govern the issuance and use of special use permits.
2. Develop a model alcohol control plan template with implementation guidelines.
3. Survey local licensing authorities to identify those communities that already have an alcohol control plan in place.

**B. Short Term (less than a year)**

1. Ensure that local governments have adopted local ordinances or regulations that govern the issuance and use of special use permits.
2. Distribute a model alcohol control plan template and guidelines to identified stakeholders, allies and critical players.
3. Identify cities and counties with a readiness for implementing an alcohol control plan.
4. Conduct local educational efforts in identified counties to advocate implementing an alcohol control plan.

**C. Long Term (one to four years)**

1. Evaluate special use permit efforts at the conclusion of the first year.
2. Continue to identify local readiness for implementing special use permits that include an alcohol control plan.
3. Continue local educational efforts in identified cities and counties in an effort to establish special use permit plans with an alcohol control component.
4. Evaluate local law enforcement efforts to ensure compliance with terms and conditions of the alcohol control plan by organizations issued special permits.
5. Develop and implement strategies as needed to improve local compliance rates.

**7. Evaluation Component (performance/outcome-based strategy)**

1. The number of Wyoming communities that use special use permitting to require an alcohol control plan for events at which alcohol is to be served will increase.
2. Compliance rates for those issued special use permits will increase.

## ***PREVENTION SUPPORTS ENFORCEMENT***

***Recommendation: Local prevention coalitions should strongly and publicly support DUI and Minor in Possession (MIP) enforcement efforts by local law enforcement agencies.***

***Problem Statement:*** Community prevention efforts are most effective when law enforcement and prevention coalitions work closely together. In some Wyoming communities, manpower shortages and budget constraints limit law enforcement's ability to work closely with prevention coalitions. Prevention coalitions compete with other community groups for law enforcement's resources, thereby greatly reducing the potential effectiveness of joint, collaborative prevention and enforcement strategies.

***Rational for Recommendation:*** Community prevention coalitions cannot solve law enforcement's manpower and budget shortages; however, coalition members can support local law enforcement, especially at times when law enforcement is requesting policy changes or additional funding from elected officials and community leaders. Well-informed coalition members should attend policy-making meetings and actively participate by providing supporting documentation and expert testimony. Coalition members should also educate law enforcement and elected officials about effective prevention strategies surrounding DUI and MIP offenses, and about the critical role enforcement plays in maximizing the effectiveness of prevention strategies.

### ***Implementation Plan:***

**1. Recommendation Goal (specific, measurable, achievable):**

Within five years, ensure all Wyoming communities have active cooperation and collaboration between prevention coalitions and law enforcement agencies, particularly with respect to DUI and MIP enforcement.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Association of Sheriffs and Chiefs of Police  
Local prevention coalitions  
Prevention framework managers  
Local law enforcement agencies  
Wyoming Highway Patrol – local divisions  
Wyoming Game and Fish  
State Parks Police

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): 0

**4. Current and Potential Funding Sources:**

No additional funding is required for this initiative.

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Staff time (prevention framework managers)

Volunteer time (local prevention coalition members)

Local media

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop a survey instrument to measure existing levels of cooperation between prevention coalitions and local law enforcement agencies.
2. Administer the survey to all prevention coalitions and local law enforcement agencies.
3. Educate local prevention coalitions on the importance of publicly supporting local DUI and MIP enforcement efforts.

**B. Short Term (less than a year)**

1. The Substance Abuse Services Division will provide educational resources to local prevention coalitions regarding effective ways to publicly support DUI and MIP enforcement efforts.
2. All prevention coalitions will be required to develop specific plans for publicly supporting local DUI and MIP enforcement efforts as part of their annual grant application.
3. The Substance Abuse Services Division will provide technical assistance to local coalitions in those communities in which there currently exists little cooperation between prevention coalitions and local law enforcement, particularly regarding DUI and MIP enforcement efforts.
4. The Substance Abuse Services Division will review local prevention coalitions' public support for DUI and MIP enforcement efforts on a quarterly basis.
5. The Substance Abuse Services Division will take prompt remedial action in those communities that continue to manifest a lack of support for DUI and MIP enforcement efforts by local prevention coalitions.

**C. Long Term (one to four years)**

1. The Substance Abuse Services Division will conduct an ongoing evaluation of local prevention coalitions' public support for DUI and MIP enforcement efforts.
2. Efforts at the state level to improve communication and collaboration between prevention coalitions and local law enforcement will continue until such collaborations exist in all Wyoming communities.

**7. Evaluation Component (performance/outcome-based strategy)**

1. The number of Wyoming communities in which active cooperation and collaboration exists between prevention coalitions and law enforcement agencies, particularly with respect to DUI and MIP enforcement, will increase.
2. Public perception of the quality of DUI and MIP enforcement will increase.
3. Harmful behaviors that result in DUI and MIP infractions will decrease.

## ***MEDIA CAMPAIGN***

***Recommendation: Develop a statewide, unified impaired driving prevention media campaign.***

***Problem statement:*** One of the most effective evidence-based strategies for reducing impaired driving is a sustained, paid, statewide media campaign with messaging that creates a perceived risk of apprehension. Currently, Wyoming does not have a sustained, comprehensive campaign using a unified message.

***Rationale for recommendation:*** Extensive state and national research has demonstrated that mass media anti-DUI campaigns reduce alcohol impaired driving primarily by increasing the perceived risk of apprehension. When developed appropriately, media campaigns can reduce alcohol related crashes on average by 13%, leading to savings in societal benefits (e.g. medical costs, productivity losses, pain and suffering, property damage) that substantially exceed the costs of developing and airing the campaign messages. Statewide media campaigns demonstrate the importance of the impaired driving problem which increases public support for additional actions to address the issue. To be optimally effective, mass media campaigns need to be carefully planned and designed, well executed, and implemented in conjunction with ongoing prevention activities including consistent, enhanced impaired driving enforcement.

### **Implementation Plan:**

**1. Recommendation Goal (specific, measurable, achievable):**

To develop, implement and evaluate a statewide DUI prevention media campaign that meets established quality criteria for evidence-based anti-DUI media campaigns within four years.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Department of Transportation  
Wyoming Association of Sheriffs and Chiefs of Police  
Local prevention coalitions and prevention framework managers  
Local (Municipal, County, Tribal) law enforcement agencies  
Wyoming Association of Municipalities  
Wyoming County Commissioners Association  
Tribal Government leaders  
Auto insurance companies  
Wyoming State Liquor Association  
Wyoming Trauma Coalition  
DUI crash survivors  
Governor's Office

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$20,000

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$625,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant

Wyoming Department of Transportation

Wyoming Department of Health, Mental Health and Substance Abuse Services Division

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

WYDOT staff time

Wyoming Dept of Health staff time

Media/production consultants

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Create a multi-agency planning team to oversee design, implementation and evaluation of the media campaign.
2. Estimate media campaign costs and identify funding sources.
3. Inform key stakeholders of the project; request their support and participation.

**B. Short Term (less than a year)**

1. Examine available Wyoming DUI offender demographic data.
2. Identify evidence-based DUI prevention media campaigns that successfully reduced crashes by 10% – 15% and that had conducted an economic analysis indicating that the societal benefits were greater than the campaign costs.
3. Develop media distribution plan.
4. Determine media campaign cost and secure funding sources.
5. Develop a Request For Proposals (RFP) for the media campaign.

**C. Long Term (one to four years)**

1. Select a social marketing consulting firm/media campaign production consultant through the public bidding and procurement process.
2. Develop and test initial messaging and creative content through research, focus groups, surveys and other methods to ensure effectiveness of campaign design.
3. Implement media campaign for 18 – 24 months.
4. Evaluate the effectiveness of the media campaign and refine the campaign as needed to achieve project goals.

**7. Evaluation Component (performance/outcome-based strategy)**

1. The target populations' perceived risk of being arrested for DUI will increase.
2. The target populations' understanding of the societal costs of driving impaired will increase.
3. Alcohol related crashes will be reduced by at least 13% during and in the year following the campaign.
4. The estimated savings from medical costs, productivity losses, legal and court expenses, property damage, insurance, and rehabilitation costs will be greater than the cost of the media campaign including planning, message production, distribution, and evaluation.

## ***E-CITATIONS***

***Recommendation: Encourage the Judicial and Executive branches of government to secure funding to adopt electronic citations (e-citations) statewide.***

*Problem Statement:* Wyoming uses a standard paper form for all citations, including DUI. The information on the paper citation is then provided to the law enforcement agency, the jurisdictional court, the prosecuting attorney, WYDOT Driver Services, and the defendant. Information about a DUI arrest remains unavailable to law enforcement and prosecutors in another jurisdiction until it is received by WYDOT Driver Services and entered into an accessible database. This means that if an impaired driver is arrested at 8:00 pm in Casper, and then arrested again 12 hours later in Douglas, law enforcement in Douglas will not be aware of the earlier arrest, and the offender will again be charged as a first offender. At times, days or weeks may pass before information on a DUI arrest is forwarded to an accessible database.

DUI citations are handwritten by the officer and then a secretary or records clerk at each agency must re-enter the same identifying information into their system for their record keeping. Each data entry requires additional employee time (in some agencies data entry is a full-time position) and each entry exposes the system to potential errors. The accuracy of the information entered into the system is dependent on the quality of the officer's penmanship and ability to accurately transcribe driver license information, and also on the ability of the person entering the data to interpret the officer's handwriting and enter the data correctly. Because each agency enters the data independently, authorized agencies in Wyoming do not have the ability to furnish electronic citation information to law enforcement or to search for specific information included on the standard citation form.

*Rationale for recommendation:* Electronic citations (e-citations) require only a single data entry, which is scanned into the system by swiping the bar code on the offender's driver's license. E-citations, combined with a central repository for uniform citation data created by the Wyoming Supreme Court, allow each agency that needs the data to quickly access it from the central database. This means that law enforcement, prosecutors, courts, driver licensing, and hearing examiners can have immediate access to accurate and reliable citation information including DUI arrest data.

The scanned citation information will automatically populate the citation form and additional report forms (crash report, arrest report, DUI form, etc), reducing the time an officer or records clerk spends duplicating the same information on various reports. E-citations also allow policy makers and other data users to have access to critical information about Wyoming DUI offenders which can be used to develop and evaluate strategies to reduce impaired driving.

In 2009, the Wyoming Supreme Court submitted a budget request to develop e-citations; it included funds to create a central repository for citation data and to purchase equipment needed by law enforcement agencies to be able to enter and access electronic data. The budget request was removed by the Joint Appropriations Committee. Since that time, some local jurisdictions (Lincoln County, the City of Cheyenne) have pursued implementing e-citations independently. It is imperative that the Wyoming Supreme Court create a central repository for DUI arrest data and identify system requirements before local jurisdictions invest significant resources into developing systems that cannot communicate with one another. If local jurisdictions implement e-citations prior to the Supreme Court establishing a central repository for citation data, uniform data collection will not be ensured and Wyoming will not have the ability to link critical data between agencies.

The start-up cost of e-citations is an investment in improved efficiency in DUI management by state and local government agencies including law enforcement, prosecutors, the courts, driver licensing and administrative hearing examiners. Reducing extensive redundancy in data entry alone will allow for a reallocation of staff resources, resulting in significant savings to all state and local agencies. This strategy is expected to pay for itself.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To support the budget request from the Wyoming Supreme Court to develop a central repository for uniform electronic citation data and to encourage the Executive branch to secure funding to enable local and state law enforcement agencies to obtain the equipment, software and services necessary to collect electronic citation data so e-citations can be adopted in Wyoming by July 2012.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Supreme Court  
Wyoming Attorney General  
Wyoming Division of Criminal Investigation  
Wyoming Department of Transportation  
Wyoming Highway Patrol  
Wyoming Association of Sheriffs and Chiefs of Police  
State Parks Police  
Local (Municipal, County, Tribal) law enforcement  
Wyoming County and Prosecuting Attorneys Association  
County and Municipal Prosecuting Attorneys  
Circuit Court Judges Conference and Circuit Court clerks  
Municipal Court Judges and clerks  
Wyoming Traffic Records Coordinating Committee  
Local prevention coalitions and prevention framework managers  
Wyoming Association of Municipalities  
Wyoming Association of County Officials  
Wyoming Game and Fish Department

Wyoming Peace Officers Association  
State policy makers and other various data users

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$3,592,000

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$241,300/year

**4. Current and Potential Funding Sources:**

Legislative Appropriation

Savings realized by reducing redundancy and reassigning data entry positions

Federal Highway Safety grant

Local law enforcement agencies

Court automation fees

DUI offender fees (if legislatively authorized)

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Computer software, modules

Equipment (i.e., Mobile Data Terminals, Personal Data Systems, printers, etc.)

Professional support services to implement, support, and maintain e-citations

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Encourage the Wyoming Supreme Court and an appropriate Executive branch entity to secure funding for this recommendation.
2. Secure the Governor's support for the budget requests.
3. Garner support from stakeholders for the budget requests.

**B. Short Term (less than a year)**

1. Identify all of the computerized record management systems used by Wyoming municipalities and counties for DUI arrest data.
2. Identify law enforcement agencies that already have some type of computer device in their vehicles.
3. The Wyoming Supreme Court will develop a list of system requirements that ensures uniform data collection.
4. Develop a grant request process for local, county and state law enforcement agencies to obtain necessary equipment, software and support services.

**C. Long Term (one to four years)**

1. Equip, train and support all Wyoming peace officers in the use of e-citations.
2. Conduct an annual review and analysis of participating law enforcement agencies and reach out to those not yet participating.
3. Identify sources of sustained funding for long-term support of e-citations.

## **7. Evaluation Component (performance/outcome-based strategy)**

1. A central repository for uniform DUI citation information will be created and be available to all law enforcement officers, prosecutors and the courts.
2. All DUI arrest citations will be issued electronically.
3. Wyoming law enforcement officers, prosecutors and the courts will have the ability to quickly determine if a defendant had been previously cited by another Wyoming law enforcement agency.
4. The accuracy and completeness of record keeping will increase and the cost of record keeping will decrease.
5. Redundancy in data entry will be significantly reduced, allowing for reallocation of staff resources.
6. The officers' time required to process a misdemeanor DUI offense will be reduced.
7. The foundation for developing electronic DUI arrest reporting will be established.
8. The foundation for creating a statewide database of meaningful DUI offender data will be established.
9. Policy makers and other data users will have access to critical information about Wyoming DUI offenders that can be used to develop and evaluate strategies to reduce impaired driving.

## ***ELECTRONIC DUI REPORTING***

***Recommendation: Streamline the reporting requirements for processing DUI offenders by using a uniform electronic format for the officer DUI arrest report and associated documents.***

*Problem Statement:* Processing a misdemeanor DUI is more time consuming for law enforcement officers than most other crimes. Misdemeanor DUI cases require an officer to complete extensive written reports, appear for court hearings, and appear for driver license suspension hearings. If the time it took to process a misdemeanor DUI could be reduced, officers would have significantly more time to patrol the streets.

*Rationale for the recommendation:* Currently, an officer must complete several reports for a DUI arrest, each of which requires the same information to be manually reproduced multiple times. These documents include the officer's signed statement, probable cause affidavit, driver license suspension form, and the DUI arrest report. A uniform electronic arrest report would enable an officer to enter the information once and populate the information into all the required documents. Considerable efficiency could be gained by streamlining the arrest report process and using electronic citations, electronic reporting, and electronic driver license suspension forms. Electronic arrest reports will also save considerable time for prosecutors, the courts and the state hearing examiners because arrest reports will be more complete and quickly available to the agencies that require them.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To create a uniform electronic format for the officer DUI arrest report and associated documents which would be used by all participating law enforcement agencies in the State and would be compatible with the various computerized record management systems used by Wyoming municipalities and counties by July 2012.

**2. Stakeholders/Allies/Critical Players:**

Wyoming County and Prosecuting Attorneys Association  
County and District Attorneys  
Municipal and Tribal Prosecutors  
Traffic Safety Resource Prosecutor  
Wyoming Association of Sheriffs and Chiefs of Police  
Wyoming Highway Patrol  
Local (Municipal, County, Tribal) law enforcement agencies  
Wyoming Department of Transportation  
Wyoming Department of Health, Chemical Testing Program  
Record Management System Managers  
Office of the State Public Defender  
Wyoming Game and Fish  
State Parks Police  
Wyoming Attorney General's office

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): to be determined

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant

General budgets of all affected agencies

DUI offenders

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Sub-committee within the Sheriffs and Chiefs Association

E-citations (electronic citations)

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Encourage the WY Association of Sheriffs and Chiefs of Police Traffic Safety Committee to establish a sub-committee to investigate the use of a uniform electronic format for the officer DUI arrest report; suggest the following constituency groups be invited to join the sub-committee: Wyoming Highway Patrol, Traffic Safety Resource Prosecutor, Municipal and County Prosecuting Attorneys, Record Management IT specialists, Wyoming Attorney General.

**B. Short Term (less than a year)**

1. Identify all of the computerized record management systems used by Wyoming's municipalities and counties for DUI arrest data.
2. Investigate electronic formats for officer DUI arrest reports used by other States.
3. Determine what information to include in a Wyoming electronic DUI arrest report (for example, elements of a valid traffic stop, elements of a lawful arrest, Standardized Field Sobriety Testing results, reading of implied consent, etc.).
4. Determine the cost and identify funding sources to support the development and distribution of a uniform electronic format for officer DUI arrest reports.

**C. Long Term (one to four years)**

1. Adopt e-citations (electronic citations) statewide.
2. Develop an initial format of the report; identify incompatibility issues with record management systems currently in use.
3. Select several counties and municipalities to pilot test the streamlined report.
4. Revise as necessary.
5. Train all participating Wyoming peace officers to use the streamlined DUI arrest report.

**7. Evaluation Component (performance/outcome-based strategy)**

1. A uniform electronic format DUI arrest report will be developed and used by all Wyoming peace officers.
2. The officers' time required to process a misdemeanor DUI offense will be significantly reduced, allowing for additional time to patrol Wyoming's roadways.
4. Omissions and errors in officers' DUI arrest reports will be reduced.
3. Driver license suspension hearings conducted by the Office of Administrative Hearings will be conducted more efficiently, saving time and cost because officers' arrest reports will be more complete and accessible.

## ***DUI DATABASE***

***Recommendation: Following implementation of e-citations, develop a process to build a statewide database of meaningful DUI offender data.***

*Problem Statement:* Requesting policy changes or funding from local or state policy makers requires a thorough understanding of the impaired driving problem including a clear description of who the DUI offender is, where in the state the problem is most severe, where DUI offenders are most likely to obtain alcohol prior to driving, which sanctions are typically imposed and which are most effective at reducing recidivism, etc. A well-developed database ensures that DUI enforcement efforts and specialized training opportunities match needs so resources are used judiciously. A database is also needed to evaluate the effectiveness of various prevention, enforcement, adjudication and probation strategies implemented. Wyoming is currently unable to develop a comprehensive DUI database because offender data and arrest data are not collected electronically, and most municipal courts do not submit their DUI data to the Statewide Court Information Store (SCIS) which was designed to link all court systems statewide. Thus, Wyoming is unable to answer even the simplest questions regarding DUI: how many people are arrested for DUI or convicted of DUI in Wyoming in any given year?

*Rationale for the recommendation:* Developing a comprehensive DUI database will be difficult until electronic citations and electronic arrests reports are in use by most law enforcement agencies in the state. Specific data to include in the database should be determined in tandem with the development of electronic citations and arrest reports so that critical information will be accessible once the systems are in place. Identifying agencies that generate the data and developing agreements, policies and procedures for data sharing are also best conducted early in the process so challenges are identified and barriers removed before resources are committed to developing systems that do not meet the State's long term needs.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

Within the next four years, develop a process by which the state can build a comprehensive electronic database of drivers arrested for DUI in Wyoming.

**2. Stakeholders/Allies/Critical Players:**

State, County, Local, Tribal, Federal law enforcement agencies: peace officers and records personnel

Wyoming Association of Sheriffs and Chiefs of Police

Municipal, Tribal, County prosecutors and clerks

Wyoming Supreme Court

Statewide Court Information Store (SCIS) managers

Municipal, Tribal, Circuit, District courts: judges and clerks

Wyoming Department of Transportation, Driver Services Program (Driver Licensing)

Wyoming Department of Transportation, Highway Safety Program

Certified treatment providers  
Wyoming Department of Corrections, Probation and Parole  
DUI Supervised Probation programs  
Drug Courts and DUI Courts  
Board of Judicial Policy and Administration  
Local prevention coalitions and prevention framework managers

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): to be determined

**4. Current and Potential Funding Sources:**

Legislative Appropriation  
Wyoming Supreme Court  
DUI offenders  
Federal Highway Safety grant

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

E-citations (electronic citations) and electronic DUI arrest reports  
All Courts that adjudicate DUI offenders must submit their data to SCIS  
A lead agency to manage and house the database  
Database programmer and staff

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop an implementation plan for e-citations and electronic DUI reporting.
2. Solicit members of a team to direct the development of the statewide database.

**B. Short Term (less than a year)**

1. Select members and establish a team to direct the development of a statewide database.
2. Determine what specific data to include in the database.
3. Identify all agencies that generate the data.
4. Recommend to the Board of Judicial Policy and Administration that they require all Courts that adjudicate DUI offenders to submit their data to SCIS.

**C. Long Term (one to four years)**

1. Adopt e-citations and electronic DUI reporting statewide.
2. Identify a lead agency to build, manage and house the database.
3. Develop agreements, policies and procedures for data sharing between state, Tribal, and local agencies that collect and/or generate data.

**7. Evaluation Component (performance/outcome-based strategy)**

1. A team will be established to direct the development of the statewide DUI database.
2. Specific data to include in the database will be determined.
2. The agencies that generate the data will be identified.
5. Agreements, policies and procedures for data sharing between state, Tribal, and local agencies that collect and/or generate DUI data will be developed and adopted.
6. All Courts that adjudicate DUI offenders will submit their DUI data to SCIS.
7. All law enforcement agencies will be using e-citations and electronic DUI reporting.

## ***DUI ENFORCEMENT TRAINING***

***Recommendation: Provide frequent, updated DUI enforcement training and require all peace officers to attend.***

*Problem statement:* All peace officers receive training in DUI enforcement while at the Law Enforcement Academy. Although officers must complete 40 hours of training every two years to maintain their peace officer certification, specific areas of training are not mandated. DUI enforcement skills, like other complex skills, are perishable. In addition, best practices for DUI enforcement are regularly updated and officers who do not attend updated DUI enforcement training are frequently unaware of changes and improvements. When officers are not adequately prepared to conduct quality DUI arrests, all subsequent elements of the system are compromised. DUI charges are then plea bargained, amended to a lesser charge or dismissed, and DUI offenders fall through the gaps.

Several high quality DUI enforcement training programs exist nationally and are already available in Wyoming. These include Standardized Field Sobriety Testing (SFST) and SFST updates, Advanced Roadside Impaired Driving Enforcement (ARIDE), and the Drug Evaluation and Classification (DRE) Program. These programs are not regularly offered in Wyoming because of a limited number of instructors.

*Rationale for recommendation:* Impaired driving is the cause of more deaths, injuries, and property damage, and is more common, more serious, and more costly than any other crime committed in Wyoming. Wyoming peace officers arrest more people for DUI than for any other crime, and one third of all DUI offenders arrested each year have had one or more prior DUI convictions in the previous five years. Thus it is imperative that all peace officers are adequately prepared to conduct quality DUI arrests.

Currently, neither the Peace Officers Standard and Training (POST) Commission nor the Wyoming Law Enforcement Academy has the capability to identify officers in need of initial or refresher DUI enforcement training. WYDOT Highway Safety has agreed to provide financial support for the development and implementation of a database with this capability.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To train an additional 24 SFST instructors and an additional 10 DRE instructors by July 2011, and to

- Require all peace officers to complete SFST prior to assuming patrol responsibilities;
- Require all peace officers to complete a 4-hour SFST refresher course every two years;
- Encourage all peace officers with patrol responsibilities to complete an ARIDE class;
- Encourage officers from counties with few or no Drug Recognition Experts to attend the DRE Program.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Peace Officer Standards and Training (POST) Commission  
Wyoming Law Enforcement Academy  
Wyoming Highway Patrol  
Local (Municipal, County, Tribal) law enforcement agencies  
Wyoming Game and Fish  
State Parks Police  
Wyoming Department of Transportation, Highway Safety Program  
Wyoming Association of Sheriffs and Chiefs of Police  
Municipal and Tribal Prosecutors  
Wyoming County and Prosecuting Attorneys Association  
County and District Attorneys  
Traffic Safety Resource Prosecutor

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$30,000  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$15,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Database to track specific training completed by individual peace officers  
Classroom and dorm space at the Wyoming Law Enforcement Academy  
Classroom space at regional training locations

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop a database of all Wyoming peace officers' level and date of SFST training, advanced DUI enforcement training, and primary assignment.
2. Begin discussions with Wyoming Sheriffs and Chiefs regarding requiring peace officers to complete SFST training prior to assuming patrol responsibilities and requiring peace officers to complete a 4-hour SFST refresher course every two years.
3. Begin discussions with the POST Commission regarding mandating specific areas of DUI enforcement training.
4. Provide SFST Instructor training at the Wyoming Law Enforcement Academy.

**B. Short Term (less than a year)**

1. Require all peace officers transferring from out of state to complete the basic SFST course at the Wyoming Law Enforcement Academy (or to provide proof of course completion within the prior two years).
2. Increase the number of DRE Instructors from nine to 20 to accommodate additional advanced training classes.

3. Develop an annual schedule of mandated and optional DUI enforcement training (SFST basic, SFST refresher course, ARIDE class, DRE training, DRE recertification) held at both the Wyoming Law Enforcement Academy and regionally throughout the state.

**C. Long Term (one to four years)**

1. Develop a written guide to establish program training standards for basic, advanced and recertification DUI enforcement trainings.
2. Establish a Steering Committee to review SFST, ARIDE and DRE curriculums and instructor performance.
3. Provide the 4-hour SFST refresher course regionally throughout the state and at the Wyoming Law Enforcement Academy.
4. Provide two 16-hour ARIDE classes per year at the Wyoming Law Enforcement Academy.
5. Provide DRE recertification training at the Wyoming Law Enforcement Academy every two years.
6. Report training program statistics to all involved stakeholders annually.
7. Develop a long-term funding plan to continue funding basic, advanced and recertification trainings.

**7. Evaluation Component (performance/outcome-based strategy)**

1. All new Wyoming-certified peace officers will be SFST trained before assuming patrol responsibilities.
2. All Wyoming-certified peace officers will complete SFST refresher training every two years.
3. Wyoming peace officers will have access to advanced DUI enforcement training on a regular basis.

## ***DRUG EVALUATION AND CLASSIFICATION PROGRAM***

***Recommendation: Expand the Drug Evaluation and Classification Program to have approximately 90-120 Drug Recognition Experts (DREs) for the State.***

*Problem statement:* The Drug Evaluation and Classification Program is an advanced DUI enforcement training program that prepares police officers to be drug recognition experts (DRE). A DRE is trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. A properly trained DRE can successfully identify drug impairment and accurately determine the category of drugs causing such impairment. Wyoming began training DREs in 2007. Since that time, the Chemical Testing laboratory has seen a 300 – 400% increase in requests for blood and urine drug screens, and has confirmed a substantial increase in the number of drivers under the influence of drugs alone or combined with alcohol in Wyoming.

Currently, 76 DREs are in place statewide, however four counties still do not have a DRE officer and four counties have only one DRE. Officers may travel from one county to another to provide assistance when requested, however the travel time and the time away from their home agency bring additional logistical and financial challenges.

*Rationale for recommendation:* DRE training consists of a 16-hour preliminary school, a 56-hour basic school, and a 40-hour field certification program. Because the certifications must be completed quickly, officers travel to Phoenix, AZ to conduct the evaluations at the Maricopa County Jail. DRE training in Wyoming has been fully funded by a federal grant provided by the WYDOT Highway Safety Office. While the training costs are covered by the grant, the agencies involved must still commit nearly three weeks of manpower to the certification process.

### *Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To expand the Drug Evaluation and Classification Program to have 90-120 DREs for the State with at least two DREs in every county by September 2012.

**2. Stakeholders/Allies/Critical Players:**

Wyoming Highway Patrol  
Local (Municipal, County, Tribal) law enforcement agencies  
Wyoming Department of Transportation, Highway Safety Program  
Wyoming Association of Sheriffs and Chiefs of Police  
Municipal and Tribal Prosecutors  
County and District Attorneys  
Wyoming Department of Health, Chemical Testing Program  
Wyoming Department of Revenue, Liquor Division  
Traffic Safety Resource Prosecutor

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$75,000

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$75,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant

General fund revenue if Federal Highway Safety grant becomes unavailable

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

½-time State DRE Coordinator (to organize all training and re-certifications)

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop a list of current DRE staffing levels and identify understaffed counties.
2. Prepare a presentation about the DRE program that can be offered to law enforcement administrators and prosecutors throughout the state.

**B. Short Term (less than a year)**

1. Offer DRE program presentations to law enforcement administrators and prosecutors in understaffed counties.
2. Strengthen DRE candidate recruiting in understaffed counties.

**C. Long Term (one to four years)**

1. Develop a long-term funding plan to continue funding DRE program training and re-certification efforts.
2. Educate local non-DRE law enforcement officers on the benefits and uses of the DRE program.
3. Train local prosecutors in successful prosecution of drug-impaired drivers.
4. Develop a job description and hire a ½-time State DRE Coordinator to organize DRE trainings and re-certifications.
5. Report the current status of DRE program and certification standing to law enforcement administrators twice per year.
6. Report results of DRE activities annually to all involved stakeholders.

**7. Evaluation Component (performance/outcome-based strategy)**

1. All Counties will have at least some access to DRE officers by September 2011.
2. Each county in Wyoming will have at least two DREs by September 2012.
3. DUI convictions for impaired drivers under the influence of drugs or other substances (either alone or combined with alcohol) will increase.

## ***DRUG TESTING EQUIPMENT***

***Recommendation: Procure funding for both the necessary equipment and operation of the equipment so the Wyoming Chemical Testing Program laboratory can test for newer drugs and confirm drug impairment.***

*[Note: prior to the completion of this report, \$240,525 of federal highway safety funding was procured to purchase the necessary equipment. Funding for continued equipment operation and personnel training remains necessary.]*

*Problem statement:* The number of impaired drivers in Wyoming that are under the influence of drugs or other substances alone or combined with alcohol is increasing substantially. The Wyoming Chemical Testing Program laboratory has experienced a 300 – 400% increase in requests for blood and urine drug screens in the last few years. The current menu for drug testing in Wyoming covers most standard drugs, however, because of outdated instrumentation, the state Chemical Testing laboratory is unable to test for many newer drugs that are increasingly seen in our state. In addition, current equipment can screen only for the presence of many drugs, and because the equipment is unable to detect lower (smaller) values, drug impairment cannot always be confirmed.

*Rationale for recommendation:* Drug testing is normally performed by the Wyoming Chemical Testing Program laboratory and subsequent expert testimony, if needed is provided by state toxicologists. When the Chemical Testing laboratory is unable to test for newer drugs or confirm drug impairment, the blood or urine sample is sent to an out-of-state lab, at significant cost to the local law enforcement agency that requested the testing. Subsequent expert testimony must then be provided by a toxicologist associated with the out-of-state lab, at significant cost to the local prosecutor and with considerable scheduling challenges for the court.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To procure a liquid chromatography/mass spectrometer (LC/MS) for the Chemical Testing Program laboratory to analyze samples for newer drugs as soon as possible. This instrument will give the laboratory the capability to analyze and quantitate levels of drugs that are becoming more prevalent in impaired driving cases.

**2. Stakeholders/Allies/Critical Players:**

Governor's Office  
Wyoming Department of Transportation  
Wyoming Department of Health, Chemical Testing Program  
Wyoming Association of Sheriffs and Chiefs of Police  
Local (Municipal, County, Tribal) law enforcement agencies  
Wyoming Highway Patrol  
Wyoming Game and Fish

State Parks Police  
Wyoming Legislators  
Wyoming County and Prosecuting Attorneys Association  
Wyoming Judiciary  
Traffic Safety Resource Prosecutor

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$240,000 (*procured July 2010*)  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$48,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant  
Legislative Appropriation  
Contributions from stakeholders  
DUI offenders

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

No additional resources are needed for this recommendation

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward) (*completed July 2010*)**

1. Investigate possible federal funding sources.
2. Explore sources of funding within the state.
3. Explore matching grant sources.
4. Educate stakeholders about the need for this additional equipment

**B. Short Term (less than a year)**

1. Purchase a liquid chromatography/mass spectrometer (LC/MS) for the Chemical Testing Program laboratory.
2. Develop testing protocols and validation studies for the newer drugs.
3. Amend Rules and Regulations governing testing procedures to include new testing protocols.
4. Implement testing procedures for law enforcement samples.

**C. Long Term (one to four years)**

1. Explore funding sources for continued operation of equipment, if necessary.

**7. Evaluation Component (performance/outcome-based strategy)**

1. Drug use opinions from Drug Recognition Experts will be confirmed.
2. DUI conviction rates for impaired drivers under the influence of drugs or other substances (either alone or combined with alcohol) will increase.
3. The cost to Wyoming for out-of-state expert witness testimony will decrease.

## ***TRAFFIC SAFETY RESOURCE PROSECUTOR***

***Recommendation: Provide permanent funding for a full-time Traffic Safety Resource Prosecutor (TSRP).***

*Problem Statement:* Many of the state's prosecutors have limited experience and tools to successfully prosecute DUI offenders. In some jurisdictions DUI arrests with low alcohol concentrations or without chemical test results are routinely dismissed or plead to lesser charges because prosecutors and/or law enforcement are not properly trained to look for alternative evidence. Access to advanced DUI training for Wyoming prosecutors has been limited by staffing (prosecutors cannot be unavailable for extended periods while attending several days of training out-of-state), cost, and by high turnover rates in many prosecutor offices. Properly trained prosecutors are necessary to answer a defense bar which has much greater access to advanced DUI defense training.

*Rationale for the recommendation:* A Traffic Safety Resource Prosecutor (TSRP) provides and coordinates advanced training for prosecutors, law enforcement and toxicologists in the state. The curriculum is specialized to address the needs of both experienced and inexperienced prosecutors handling complex impaired driving cases, and encourages prosecutors to make DUI prosecution a high priority. A TSRP receives advanced training nationally which s/he then regularly offers in-state (regionally and locally) so local prosecutors, law enforcement and state toxicologists are able to attend. Offering the specialized training in-state addresses staffing and cost concerns, and by offering training regularly, also addresses the high turnover rate among prosecutors. The Wyoming Prosecutors Association recently hired a full-time TSRP using grant funds from the Prosecutors Association and WYDOT Highway Safety Program, making Wyoming the 47<sup>th</sup> state to participate in the TSRP program. Grant funding for the position is available for up to two years. To continue the position after 2012 will require securing a permanent home base for the position, ideally in an existing state agency.

### ***Implementation Plan:***

- 1. Recommendation Goal (specific, measurable, achievable):**  
To secure permanent funding for a full-time Traffic Safety Resource Prosecutor (TSRP) by January 2012.
- 2. Stakeholders/Allies/Critical Players:**
  - Wyoming County and Prosecuting Attorneys Association
  - Municipal and Tribal Prosecutors
  - WYDOT Highway Safety Program
  - Current TSRP
  - Wyoming Association of Sheriffs and Chiefs of Police
  - Local (Municipal, County, Tribal) law enforcement agencies
  - Wyoming Highway Patrol
  - Wyoming Game and Fish
  - State Parks Police

Wyoming Department of Health, Wyoming Chemical Testing Program  
Wyoming Attorney General  
Office of Administrative Hearings

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$130,000  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$130,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant  
National Association of Prosecutors and Coordinators/WY Prosecutors Association  
General fund revenue

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

Permanent office space and office equipment  
Travel expenses  
Training expenses

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Provide necessary support for the newly hired TSRP, specifically, travel and training expenses (*note: completed spring 2010*).
2. Define and develop the TSRP position.

**B. Short Term (less than a year)**

1. Determine the cost of a permanent TSRP position.
2. Establish the value and need for the position by providing practical and easily available training for prosecutors, law enforcement and toxicologists.
3. Identify and secure continued grant funding for the TSRP position pending establishment of a permanent position.
4. Develop legislative alliances and demonstrate the value of the TSRP position to individual legislators.

**C. Long Term (one to four years)**

1. Determine an appropriate agency location for a permanent TSRP position.
2. Determine the specific fiscal impact of the position and any related funding needs.
3. Obtain agency support for the position and place the position in an existing agency budget.
4. Obtain legislative approval for the position and its associated costs.

**7. Evaluation Component (performance/outcome-based strategy)**

1. Permanent funding will be secured for a full-time TSRP.
2. On-going and advanced training for Wyoming's prosecutors, law enforcement and toxicologists will be provided and coordinated by the TSRP.

## ***PRETRIAL EVALUATIONS***

***Recommendation: Amend the Rules of Criminal Procedure governing the conditions of bond to specifically allow courts to order evaluations necessary to begin substance abuse treatment allowed by the current Rules of Criminal Procedure governing bond.***

*Problem statement:* During pretrial release, most Judges require defendants to remain sober as a condition of bond. For some offenders, particularly those with multiple prior DUI convictions, treatment is necessary to maintain sobriety. Without treatment, these hardcore drinking drivers continue to drink and continue to drive, putting the community at a known and significant risk. Current rules allow a Judge to order substance abuse treatment (or other treatment) as a condition of bond, but do not specifically provide that the Judge may, as a condition of pretrial release, order the defendant to undergo an evaluation to determine the level and nature of treatment needed by the offender.

*Rationale for recommendation:* The level and nature of treatment needed by a DUI offender must be determined before treatment can begin. The present rule providing that a judge may order pretrial treatment does not provide that the Judge may order an evaluation to determine the level of that treatment. The authority of Judges to order pre-trial evaluations needs to be clarified.

### *Implementation Plans:*

**1. Recommendation Goal** (specific, measurable, achievable)

To amend the Rules of Criminal Procedure and expressively state that, as a condition of pretrial release, a defendant may be ordered to undergo an evaluation to determine the level and nature of treatment needed by the offender.

**2. Stakeholders/Allies/Critical Players**

Permanent Rules Advisory Committee - Criminal Division, Wyoming State Bar  
Board of Judicial Policy and Administration  
Wyoming County and Prosecuting Attorneys Association  
Office of the Public Defender  
District Court Judges Conference  
Circuit Court Judges Conference  
Wyoming Supreme Court  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Association of Mental Health and Substance Abuse Centers (WAMHSAC)

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0

Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): 0

**4. Current and Potential Funding Sources**

No additional funding is required for this recommendation

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

No additional resources are needed for this recommendation

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Develop language for amended rule for review by stakeholders. The Wyoming Conference of Circuit Court Judges has suggested language be included in the Rules of Criminal Procedure providing that anything said by a defendant in a pre-trial evaluation cannot be used against them in a criminal case.

**B. Short Term (less than a year)**

1. Conduct a stakeholder review of the proposed language and seek support where appropriate.
2. If necessary, amend the proposed language after stakeholder review.

**C. Long Term (one to four years)**

1. Obtain recommendation from the Board of Judicial Policy for the amendment of the rules.
2. Obtain approval of the amendment from the Rules Advisory Committee - Criminal Division.
3. Obtain approval of permanent rules amendment from the Wyoming Supreme Court.

**7. Evaluation Component (performance/outcome-based strategy)**

1. More DUI offenders will maintain court-ordered sobriety during pre-trial release.

## ***JUDGMENT & SENTENCING ORDERS***

***Recommendation: Develop a template or checklist for Judgment and Sentencing orders for DUI convictions that can be used by Municipal, Tribal, and Circuit courts.***

*Problem Statement:* Wyoming Judges or courts develop their own individual Judgment and Sentencing orders for DUI offenders. Some courts use only a checklist of sanctions imposed on the defendant as the Judgment and Sentencing order. Most Circuit Courts use formal Judgment and Sentencing orders, however, some disparity exists regarding what findings must be included in the orders. To obtain a conviction on a second or subsequent DUI offense, the court must first ensure that the legal proceedings on the prior conviction were correctly followed and that proper documentation of the findings exists. When the legal proceedings for a prior DUI offense are not followed, or when proper documentation of the findings is not available, the prosecutor cannot charge and the court cannot convict a repeat offender of a second or subsequent DUI offense.

*Rationale for recommendation:* Some uniformity in Judgment and Sentencing orders would increase the prosecution's ability to fend off challenges to prior convictions. A template or checklist for Judgment and Sentencing orders for a DUI conviction will insure that court orders adequately contain all information necessary to facilitate the prosecution of repeat offenders and allow the court to impose increased penalties on repeat offenders as allowed by state statutes.

*Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To develop a template or checklist for Judgment and Sentencing orders for DUI convictions that can be used by Municipal, Tribal, and Circuit Courts by September 2011.

**2. Stakeholders/Allies/Critical Players:**

Conference of Circuit Court Judges  
Municipal and Tribal Court Judges  
Board of Judicial Policy  
Wyoming County and Prosecuting Attorneys  
Municipal, County and Tribal Prosecutors  
Municipal, Circuit and Tribal Court clerks  
Office of the State Public Defender  
Wyoming Department of Transportation, Driver Services Program (Driver Licensing)  
Traffic Safety Resource Prosecutor

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): 0  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): 0

**4. Current and Potential Funding Sources:**

No additional funding is required for this initiative.

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

No additional resources are required for this recommendation

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Determine what information is necessary to include in a Judgment and Sentencing order for a DUI conviction.
2. Obtain stakeholder input regarding a template or checklist for Judgment and Sentencing orders for DUI convictions.
3. Obtain examples of existing Judgment and Sentencing orders for DUI convictions.

**B. Short Term (less than a year)**

1. Develop an initial template and checklist for Judgment and Sentencing orders for DUI convictions.
2. Obtain additional stakeholder input regarding the initial template and checklist.
3. Analyze stakeholder input and revise as necessary to comply with statutory and rule requirements.

**C. Long Term (one to four years)**

1. Finalize the template and checklist for DUI Judgment and Sentencing orders.
2. Seek approval from stakeholder group including Judges and Board of Judicial Policy
3. Distribute the template and checklist and encourage its use by all Municipal, Tribal, and Circuit Courts.

**7. Evaluation Component (performance/outcome-based strategy)**

1. All Municipal, Tribal, and Circuit Court Judgment and Sentencing orders will contain information necessary to effectively prosecute repeat DUI offenders.
2. DUI offenders with prior convictions will be prosecuted as second or subsequent offenders, and if convicted, subjected to enhanced penalties as allowed by state statutes.

## ***SUPERVISED PROBATION***

***Recommendation: Establish a task force to explore greater opportunities for supervising adjudicated high risk DUI offenders including creating DUI Courts, expanding Drug Courts and Probation and Parole services, and developing DUI Supervised Probation programs.***

*Problem statement:* Unsupervised probation (i.e., the ‘honor system’) does not work, particularly for the hardcore (high BAC, repeat offender) drinking driver. When no one is ‘looking over the shoulder’ of an adjudicated high risk DUI offender, it is unlikely that the offender will comply with conditions of probation. Supervised probation can be provided by Probation and Parole, Drug Courts, DUI Courts, or through an independent provider who offers a DUI Supervised Probation program. Probation and Parole and Drug Courts exist statewide; however, most cannot supervise lower level DUI offenders (1<sup>st</sup> and 2<sup>nd</sup> offenders) because of space limitations in their programs. Generally, Probation and Parole and Drug Courts provide intensive supervision for only third-time DUI offenders. DUI Courts offer intensive supervised programs specifically for hardcore DUI offenders. DUI Courts currently exist in two Wyoming counties, but because of space and staffing limitations, can accept only a limited number of offenders. Stand-alone DUI Supervised Probation programs are somewhat less intensive and can accept a greater number of clients. DUI Supervised Probation programs have been pilot-tested in two Wyoming counties with promising results, but the lack of permanent funding has limited their expansion into other communities. Thus, very few DUI offenders are placed on supervised probation in Wyoming, and excessively high recidivism rates remain a significant problem.

*Rationale for the recommendation:* Research identifies intensive supervision as one of the most effective means of reducing DUI recidivism. Intensive supervision ensures that DUI offenders comply with the conditions of probation imposed by the court. A range of supervised probation programs provide an opportunity to match community needs and resources with effective programs. Many questions remain, however, including determining the need for creating new programs and/or expanding current programs, identifying a lead agency to oversee supervised probation programs for DUI offenders, and identifying funding sources for new and expanded supervised probation programs. A task force of experts and potential providers can thoroughly investigate opportunities for effectively supervising DUI offenders in Wyoming, and provide communities with choices for creating or expanding supervised probation services.

### *Implementation Plan:*

**1. Recommendation Goal (specific, measurable, achievable):**

To establish a task force to investigate and recommend various means of supervising high risk convicted DUI offenders while on court-ordered probation by September 2012.

**2. Stakeholders/Allies/Critical Players:**

Drug Court and DUI Court Coordinators

DUI Supervised Probation program directors and case managers  
Wyoming Department of Corrections, Probation and Parole  
Wyoming County and Prosecuting Attorneys Association  
County and District Attorneys  
Circuit Court Judges Conference  
Municipal Court Judges  
Municipal Prosecuting Attorneys  
Certified substance abuse treatment providers  
Wyoming Association of Sheriffs and Chiefs of Police  
Wyoming Department of Health, Chemical Testing Program  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Wyoming Department of Transportation

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$30,000  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year): \$30,000/year

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

None

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Designate the members of a task force who will investigate and recommend various means of supervising high risk convicted DUI offenders while on court-ordered probation.
2. Identify current Drug Court programs, DUI Court programs and DUI Supervised Probation programs; determine which programs supervise DUI offenders and which DUI offenders they supervise.
3. Identify potential lead agencies to oversee new and expanded supervised probation programs.

**B. Short Term (less than a year)**

1. Identify counties in which no intensive supervised probation program is available for high risk impaired drivers.
2. Determine the extent of the need for creating new programs and/or expanding current programs to supervise DUI offenders.
3. Identify the basic services and components needed for each new or expanded program.
4. Determine what assets are available for expanding existing programs and creating new programs.
5. Develop sound fiscal projections on what the creation, expansion and maintenance of such programs would entail.

**C. Long Term (one to four years)**

1. Select a lead agency to oversee new and expanded supervised probation programs for high risk DUI offenders.
2. Identify a formula for funding new and expanded supervised probation programs, including use of local government funds, DUI offender fees, and legislative appropriations.
3. Create models for a DUI Court, expanded Drug Court, and DUI Supervised Probation program that communities can use to create or expand supervised probation services.
4. Create more opportunities for Circuit and Municipal courts to order high risk DUI offenders to be supervised while on probation.

**7. Evaluation Component (performance/outcome-based strategy)**

1. Various means of supervising of high risk convicted DUI offenders while on court-ordered probation will be identified and models for programs will be created.
2. More high risk DUI offenders will be supervised while on probation.
3. More DUI offenders will successfully comply with the conditions of probation imposed by the Court.
4. DUI recidivism will decrease.

## ***MINOR IN POSSESSION (MIP) ADJUDICATION***

***Recommendation: Establish a task force to thoroughly investigate best practices and available resources to effectively adjudicate underage alcohol offenders in Wyoming.***

*Problem statement:* All Minor in Possession (MIP) or other alcohol offenders under age 18 enter the criminal justice system through a single point of entry: the County or District Attorney's office. The County or District Attorney reviews the case and decides in which court to file the charge (Municipal, Circuit, or District). Although this system attempts to ensure that the presiding Judge will be made aware of any previous charges or convictions involving alcohol, if the prior offense occurred in another county, it is unlikely that the Prosecuting Attorney will have knowledge of it. Thus, it is entirely possible for someone to receive multiple first offense MIP charges.

In some jurisdictions all underage alcohol offenders are required to obtain an immediate substance abuse evaluation to determine the best sentencing option; in other jurisdictions, substance abuse evaluations are ordered only for second or third offenders or for those with a high alcohol concentration; in still other communities, evaluations are ordered only on a case-by-case basis. In many communities at least some services are available for alcohol offenders under age 18, but in nearly all communities limited services exist for MIP offenders between ages 18 and 20.

*Rationale for the recommendation:* Not all MIP offenders become adult DUI offenders, but many young adult DUI offenders have a history that includes underage alcohol offenses. Thus, MIP or other underage alcohol offenses may be considered to be "gateway crimes". Reducing impaired driving should include a greater emphasis on effectively adjudicating MIP offenders. Uniform sentencing guidelines for underage alcohol offenders have been difficult to define because little is known about best practices for adjudicating MIPs (particularly those 18–20 years old) and because resources are so varied throughout Wyoming's communities. A task force of experts and potential providers can thoroughly investigate early intervention services for underage alcohol offenders and provide communities with several options for effectively adjudicating MIP offenders so they do not become adult DUI offenders.

### *Implementation Plan:*

#### **1. Recommendation Goal (specific, measurable, achievable):**

To establish a task force to investigate best practices and available resources for effectively and uniformly adjudicating youth convicted of underage alcohol offenses in Wyoming by September 2012.

**2. Stakeholders/Allies/Critical Players:**

Wyoming County and Prosecuting Attorneys Association  
Circuit Court and Municipal Court Judges  
Juvenile Drug Courts  
Certified substance abuse treatment providers  
Wyoming Association of Sheriffs and Chiefs of Police  
Wyoming Department of Health, Chemical Testing program  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division  
Public Schools  
Wyoming High School Activities Association  
University of Wyoming and Wyoming Community Colleges  
Wyoming Vocational and Technical Institutions  
Juvenile Services Boards  
Youth Detention Facilities  
Youth Services Organizations  
Wyoming Department of Family Services  
Wyoming Contractors Association, McMurry Training Center

**3. Estimated Cost to Implement:**

Short-term (1<sup>st</sup> year): \$30,000  
Long-term (2<sup>nd</sup> – 5<sup>th</sup> year/year): \$30,000

**4. Current and Potential Funding Sources:**

Federal Highway Safety grant  
Wyoming Department of Health, Mental Health and Substance Abuse Services Division

**5. Other Resources Needed (Space, staff support, volunteers, existing programs/projects, etc.):**

None

**6. Key Action Steps**

**A. First Steps (First things to do to move this forward)**

1. Designate the members of a task force who will investigate and recommend best practices and available resources for effectively and uniformly adjudicating youth convicted of underage alcohol offenses.
2. Identify current agencies and programs that work with or provide services to underage alcohol offenders; determine which agencies/programs supervise underage alcohol offenders and which underage alcohol offenders they supervise.

**B. Short Term (less than a year)**

1. Research best practices for adjudicating underage alcohol offenders.
2. Research existing local adjudication practices and protocols.
3. Develop recommendations for improvements to current system of adjudicating youth convicted of underage alcohol offenses.

**C. Long Term (one to four years)**

1. Determine what resources would be required to improve the adjudication of underage alcohol offenders.
2. Develop uniform sentencing guidelines for underage alcohol offenders.

**6. Evaluation Component (performance/outcome-based strategy)**

1. The criminal justice system will implement improved and consistent adjudication practices in cases involving underage alcohol offenders.
2. Sentencing of underage alcohol offenders will become more uniform and equitable.
3. More underage alcohol offenders will be provided resources to reduce recidivism, alcohol abuse and dependency.
4. Recidivism of individuals convicted of underage alcohol offenses will decrease.
5. Fewer underage alcohol offenders will become adult DUI offenders.

## *SUMMARY AND CONCLUSIONS*

Wyoming's administrative DUI system is responsible for managing impaired drivers. The system is particularly complex, involving all branches of government and multiple state and local agencies, departments, programs, and individuals including:

- Law enforcement agencies (municipal, county, state, tribal)
- Certified peace officers (city and campus police officers, sheriff's deputies, state troopers, game wardens, state parks police, tribal police)
- Department of Health Chemical Testing Program laboratory
- Prosecutors (city, county, district, tribal)
- Courts (municipal, circuit, district)
- Judges (municipal, circuit, district)
- County detention centers
- WYDOT Driver Licensing
- Certified treatment providers (certified by the Department of Health)
- Office of Administrative Hearings
- Ignition interlock companies
- Probation officers and case managers (Department of Corrections Probation and Parole, DUI Supervised Probation programs, juvenile probation/youth diversion programs)

Most Wyoming communities also have active prevention coalitions working to reduce childhood injuries, underage drinking, adult binge drinking, and/or impaired driving.

The complex network of agencies, departments, programs and coalitions working to reduce impaired driving requires identifying opportunities to coordinate efforts, reduce redundancy, and improve the efficient use of state and local resources.

The Governor's Leadership Team examined the state's administrative system as it pertains to misdemeanor DUI, and identified strategies that would have the most measurable impact on the system as a whole.

## Interdependency of Recommendations

Each recommendation included in the Strategic Plan is interdependent and will have a direct or indirect affect on additional parts of the state’s administrative system. Implementing some recommendations without certain others may result in shifting the problem from one part of the system to another.

The example below is provided to demonstrate interdependency by using one of the Leadership Team’s recommendations:

**Expanding the DRE training program** for law enforcement will result in additional requests for drug testing. This will impact the Chemical Testing lab and will necessitate additional funding for operation of the equipment needed to conduct the drug testing. If the Chemical Testing lab is able to provide quick and reliable evidence of drug impairment, charges of drug-impaired driving will increase which will impact local prosecutors who will need additional training to prosecute these challenging cases. Advanced training can be provided to local prosecutors by the TSRP if the currently grant-funded position is made permanent. Successful prosecutions will result in a greater number of DUI offenders on probation, and identifying reasonable means of supervising these offenders will ensure that fewer of them re-offend.

Thus, *expanding the DRE program* must also include adequate funding for the *Chemical Testing lab* for operation of the drug testing equipment, a full-time *TSRP* to provide additional training for prosecutors, and additional *supervision services for DUI offenders on probation*. Ensuring that the interdependent recommendations are implemented cohesively will require the assistance of a *DUI Policy Coordinator in the Governor’s Office*.

The direct and indirect relationships between each recommendation included in the Strategic Plan is illustrated in **Figure 4** on the following page.

**Figure 4. Relationships between recommendations:** Highlighted areas reflect direct relationships, bulleted areas reflect indirect relationships.

	DUI Policy Coordinator	Special Use Permits	Prevention Supports Enforcement	Media Campaign	E-Citations	Electronic DUI Reporting	DUI Database	DUI Enforcement Training	DRE Program	Drug Testing Equipment	TSRP	Pretrial Evaluations	Judgment & Sentencing Orders	Supervised Probation Task Force	MIP Adjudication Task Force
DUI Policy Coordinator		•	•	•	•	•	•	•	•	•	•	•	•	•	•
Special Use Permits	•										•				
Prevention Supports Enforcement	•				•			•	•						
Media Campaign	•	•					•	•							
E-Citations	•		•						•						
Electronic DUI Reporting	•														
DUI Database	•			•											
DUI Enforcement Training	•		•	•											
DRE Program	•		•		•										
Drug Testing Equipment	•														
TSRP	•	•											•		•
Pretrial Evaluations	•												•		•
Judgment & Sentencing Orders	•										•	•			
Supervised Probation Task Force	•														
MIP Adjudication Task Force	•									•	•				



**Executive Order 2009-4  
Creating the Governor's Leadership Team to Prevent Impaired Driving**

DAVE FREUDENTHAL  
GOVERNOR



STATE CAPITOL  
CHEYENNE, WY 82002

Office of the Governor

STATE OF WYOMING  
EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER  
2009- 4  
(Replaces 2003-3)

CREATING THE GOVERNOR'S  
LEADERSHIP TEAM TO PREVENT IMPAIRED DRIVING

**Whereas**, the primary role of government is to protect the health, safety, and welfare of its citizens;

**Whereas**, impaired driving is a major cause of violence on Wyoming's highways;

**Whereas**, impaired driving is also a major cause of preventable deaths and injuries to Wyoming citizens;

**Whereas**, more effective policies and programs to deal with impaired driving issues can be developed through ongoing research; and

**Whereas**, Wyoming's citizens support and will benefit from a proactive approach to preventing deaths, injuries, and costs associated with impaired driving.

**NOW THEREFORE, I, DAVE FREUDENTHAL**, Governor of the State of Wyoming, hereby order the following:

- I. There is created the Governor's Leadership Team To Prevent Impaired Driving.
- II. The Leadership Team shall:
  - A. promote research, discussion, and planning to reduce the incidence of impaired driving in Wyoming;

B. identify priority issues and problems related to impaired driving including the evaluation of existing programs and countermeasures in the state's DUI administrative system;

C. develop a multi-agency Strategic Plan to address policy changes within the administrative DUI system to be completed by September 30, 2010;

D. recommend strategies to implement proposals, including those outlined in the Strategic Plan;

E. convene stakeholders from within and outside of Wyoming state government at least once annually to solicit perspectives and input on the development of the DUI Strategic Plan and on impaired driving issues;

F. recommend content and timing of public awareness and education efforts relating to impaired driving issues; and

G. report to the Governor.

III. The Leadership Team shall consist of no more than 15 members who may include representatives from following entities to be appointed by the Governor: University of Wyoming; Secondary Education; Department of Health, Division of Substance Abuse; Department of Health, Mental Health and Substance Abuse Division - Prevention Framework/SPF-SIG; Department of Health Public Health Laboratory -Chemical; Department of Revenue, Liquor Division; Department of Transportation - Wyoming Highway Patrol; Department of Transportation - Highway Safety Office; Department of Transportation - Drivers' Services WY Association of Sheriffs and Chiefs of Police; Drug Evaluation and Classification Program State Coordinator; Bureau of Indian Affairs Wind River Police Department; WY Circuit Court judge; County Prosecutor; Private/public substance abuse treatment provider; Indian Health Services treatment provider; Office of State Hearing Examiner; and Governor's Office.

IV. Leadership Team procedures and staffing shall be as follows:

A. The Governor shall appoint a chairperson(s) of the Leadership Team;

B. The Governor shall name the facilitator(s) of the Leadership Team. The facilitator shall be responsible for organizing meetings, preparing agendas, preparing and distributing meeting minutes;

C. Necessary funding for the Leadership Team shall be provided through eligible federal highway safety grants as administered by the Wyoming Department of Transportation, subject to the specific restrictions of said funds by federal law;

D. The Leadership Team shall meet as determined by the chairperson and facilitator;

C. Subcommittees may be created within the Leadership Team to serve for a specified purpose and period of time;

E. All state agencies are directed to cooperate with the Leadership Team.

V. The conditions of service of Leadership Team members shall be as follows:

A. Only the facilitator shall receive compensation or benefits for his or her service;

B. Members, including the facilitator, shall abide by the specific lobbying restrictions imposed by the use of funds from the National Highway Transportation Safety Administration.

This order supercedes and replaces Executive Order 2003-3.

GIVEN UNDER MY HAND AND THE EXECUTIVE SEAL OF THE OFFICE OF GOVERNOR THIS 19<sup>th</sup> DAY OF JUNE, 2009.



  
Dave Freudenthal  
Governor



**Executive Order 2003-3  
Creating the Governor's Council on Impaired Driving**



STATE OF WYOMING  
EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER

**2003-3**

**CREATING THE GOVERNOR'S COUNCIL ON IMPAIRED DRIVING**

Whereas, the primary role of government is to protect the health, safety, and welfare of its citizens;

Whereas, the definition of impaired driving includes, but is not limited to, driving under the influence of alcohol and other drugs;

Whereas, impaired driving is a major cause of violence on Wyoming's highways;

Whereas, impaired driving is also a major cause of preventable deaths and injuries to Wyoming citizens;

Whereas, the cost of crashes resulting from driving under the influence of alcohol and other drugs to Wyoming taxpayers and to victims is in excess of \$88 million annually;

Whereas, more effective policies and programs to deal with impaired driving issues can be developed through ongoing research by a dedicated team; and

Whereas, Wyoming's citizens support and will benefit from a proactive approach to preventing deaths, injuries, and costs associated with impaired driving.

NOW THEREFORE, I, DAVE FREUDENTHAL, Governor of the State of Wyoming, hereby order the following:

- I. There is created the Governor's Council on Impaired Driving.
- II. The Council shall:
  - A. provide a forum for research, discussion, and planning to reduce the incidence of impaired driving in Wyoming;
  - B. identify priority issues and problems related to impaired driving;
  - C. increase public awareness of and education relating to impaired driving issues;
  - D. evaluate the effectiveness of current laws, existing programs, and countermeasures;

- E. develop proposals addressing priority issues;
- F. advocate strategies to implement proposals, including adequate funding of needs; and
- G. report to the Governor.

III. The Council shall consist of:

- A. Interested and committed citizens shall serve as voting members. Members shall be appointed by the Governor from groups such as:
  - o Law Enforcement (county, municipal, state, federal)
  - o Prevention and/or Safety Advocates
  - o Wyoming Trauma Coalition
  - o Impaired Driving Crime Victims
  - o Wyoming Department of Health, Division of Substance Abuse
  - o Wyoming Department of Health, Maternal and Child Health
  - o Wyoming Department of Transportation, Highway Safety Program
  - o Wyoming Department of Transportation, Public Affairs
  - o Wyoming Department of Family Services
  - o Wyoming Liquor Commission
  - o County and Municipal Government
  - o Wind River Indian Reservation
  - o Private Employers (including alcohol retail, insurance and others)
  - o Student Representatives from Institutions of Higher Education
  - o Wyoming Trial Lawyers
  - o Wyoming Public Defenders
  - o Wyoming Judiciary
  - o Wyoming Attorney General's Office
  - o U.S. Attorney's Office
  - o Wyoming Prosecuting Attorneys
  - o Mental Health and Substance Abuse Treatment providers
  - o Governor's Office

Council procedures and staffing shall be as follows:

- A. The Governor shall appoint two members as co-chairs of the council.
- B. The council shall meet as determined by the council co-chairs and facilitator.
- C. Council member terms shall be for two years and shall be renewable.
- D. Subcommittees may be created within the council to serve for a specified purpose and period of time.
- E. The Governor shall determine the facilitator of the council. The facilitator shall be responsible for organizing meetings, preparing agendas, preparing and distributing meeting minutes. Necessary funding for the council shall be provided through eligible federal highway safety grants as administered by the Wyoming Department of Transportation, subject to the specific restrictions of said funds by federal law.
- F. All state agencies are directed to cooperate with the council.

- V. The conditions of service of council members shall be as follows:
  - A. Members, except the facilitator, shall receive no compensation or benefits for their service.
  - B. Members, including the facilitator, shall abide by the specific lobbying restrictions imposed by the use of funds from the National Highway Transportation Safety Administration.

Given under my hand and the Executive Seal of the State of Wyoming on this 8th day of May, 2003.

Dave Freudenthal, Governor



## Appendix C

### Additional Recommendations *without* Implementation Plans

These recommendations were considered by stakeholders and advocates but were not among the priority 15 recommendations included in the Strategic Plan

***Recommendation: Create a full-time education specialist position in the Wyoming Liquor Division (WLD) to promote and implement WLD training programs.***

*Description:* The WLD has developed several successful training programs for licensees including TIPS (Training for Intervention Procedures) and MAPP (Management of Alcohol Policies and Procedures). Over 11,000 people have attended TIPS in Wyoming. By comparing TIPS data to statewide compliance check data, it is clear that most of the people who failed a compliance check had *not* completed TIPS training. Four communities now require TIPS: Cheyenne, Laramie, Douglas and Torrington. The WLD supports mandatory TIPS training, but does not have adequate staff to promote the concept or to provide the training. MAPP is a program designed by the WLD to teach Wyoming liquor license holders how to develop and implement policies and procedures utilizing best practices in their establishments. The WLD has offered MAPP in Thermopolis, Gillette and Cheyenne with great success. The WLD would like to offer MAPP statewide, but needs additional staff to do so.

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***Recommendation: All community coalitions (i.e., Prevention Framework coalitions) should promote local and statewide environmental policy changes to reduce alcohol-related problems including impaired driving.***

*Description:* Environmental prevention uses policy interventions to create an environment that supports healthy, safe behavior. Environmental prevention recognizes that there are causal areas within a community where underage and adult binge drinking problems lie. These causal areas are: retail availability, criminal justice, social availability, alcohol promotion, and community norms. Within each causal area there are evidenced-based strategies such as retail compliance checks, party patrols, anti-promotion campaigns, restricting sales and consumption of alcohol at community events. The greater the number and scope of environmental strategies adopted by a community, the greater their success in reducing alcohol-related problems will be.

Prevention Framework coalitions have been established in each Wyoming county to effect community-level environmental changes to reduce underage drinking and adult binge drinking, and to address the consequences associated with those behaviors, including impaired driving. The Prevention Framework coalitions each began by conducting a needs assessment to identify the causal areas in their communities that were having the greatest negative impact on underage drinking and adult binge drinking. They then developed strategic plans to address the identified causal areas through evidence-based practices. Continued progress by communities using the environmental prevention approach is essential to the sustained and meaningful reduction of the misuse of alcohol in Wyoming.

***Recommendation:* Provide resources for additional manpower to enforce laws regarding alcohol sales to underage buyers, checking IDs and serving minors in bars, and over-serving of customers in bars throughout the state.**

*Description:* Several programs are in place to address these areas of concern including Cops in Shops (peace officers positioned in liquor stores to check for violators – underage buyers, false ID’s), Compliance Checks (peace officers enter liquor stores with an underage buyer who attempts to make a purchase; if the purchase is successful, the seller is cited), Shoulder Taps (peace officers work with underage buyers who ask an adult in a parking lot to buy for them; if the adult makes the buy, the adult is cited for providing alcohol to a minor), and Management of Alcohol Policies and Procedures (MAPP – training for Wyoming liquor license holders that focuses on best practices, including discouraging over-serving). All of these programs have demonstrated effectiveness, however lack of manpower has limited their use.

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***Recommendation:* Health care providers who offer services to individuals for any event that involves alcohol should be trained and encouraged to offer a Screening, Brief Intervention and Referral to Treatment to those individuals seeking care.**

*Description:* A Screening, Brief Intervention and Referral to Treatment (SBIRT screening) is an evidence-based screening tool that can be used in health care settings to reduce the high numbers of people flowing from substance use to substance addiction. SBIRT screenings can quickly be completed in any environment where someone seeks care including hospital emergency rooms, physician’s offices, and public health offices. SBIRT screenings are not considered to be a treatment service, but rather a screening tool that teaches people to modify their own risky behaviors using motivational interviewing. WY Department of Health can offer SBIRT training to health care providers throughout the state.

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***Recommendation:* Create a DUI crash protocol for police investigations of felony DUI cases.**

*Description:* DUI that results in serious bodily injury or death is a felony in Wyoming. The prosecution is responsible for the training and coordination of impaired driving felony offenses. This includes advice regarding proper search and seizure of biological samples for testing, charging decisions, obtaining medical releases and advice on all pending legal issues.

The quality of police investigations of impaired driving felony offenses increases significantly with twenty-four hour availability of the prosecutor. In many communities, limited staffing in the Prosecutor’s office prohibits this availability. Developing a DUI crash protocol for police will help improve the quality of police investigations of felony DUI cases.

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***Recommendation:* Develop and implement a state-funded DUI Response Team as a pilot project; evaluate the benefits and costs of this method of enhanced DUI enforcement.**

*Description:* Most local communities do not have the resources needed to manage large events. Natrona County’s very successful CARTE program demonstrated that bringing officers from several departments to work together as a team is an effective way to maximize limited local resources. Creating a DUI Response Team throughout the state would have some logistical challenges including jurisdictional issues and the need to cover local staffing needs when DUI Team members have to return later for court. In addition, although federal highway safety funding is currently available to fund enhanced DUI enforcement by a Response Team, funding is not available for later court appearances.

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***Recommendation:* Close the gaps that exist between the Wind River Indian Reservation and the state DUI reporting system.**

*Description:* Enrolled Tribal members arrested for misdemeanor DUI on the Wind River Indian Reservation are adjudicated in Tribal Court. Reports of their DUI arrest are not submitted to Driver Services. In addition, because computer programs are not updated or not compatible, traffic crashes investigated by Wind River Police officers are not reported to WYDOT Highway Safety. The Wind River Police Department recently hired additional state-certified highway safety officers and also obtained access to a ‘Batmobile’, a mobile processing trailer with dispatch capability, a testing facility and a holding area. The ‘Batmobile’ is expected to be used regularly to conduct sobriety checkpoints which are legal on the reservation. Thus a significant increase in the number of DUI arrests is expected.

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***Recommendation:* DUI cases need to be managed so that they are expeditiously adjudicated. Courts should enact practices such as “stacking” so that DUI cases are adjudicated quickly.**

*Description:* Settings for DUI criminal trial cases are decided by the Court (i.e., the Judge). In many Wyoming jurisdictions, multiple continuations are regularly granted to the defense. This oftentimes result in a weaker case because the administrative hearing in front of the Office of Administrative Hearings can then take place first, allowing results to be used in the criminal case. Additionally, re-scheduling witnesses becomes more difficult when appearances are requested after multiple delays. Adjudication of the offender should be based on the facts of the case, and not on who can be there for the hearing, and should proceed expeditiously.

Some Wyoming courts “stack” misdemeanor cases and have not experienced a backlog of cases. In these jurisdictions DUI cases are adjudicated within 60 – 90 days.

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***Recommendation:* Amend the Rules for Criminal Procedures to allow for electronic testimony in all circumstances where it is constitutionally appropriate.**

*Description:* Providing expert testimony for court appearances can require an unreasonable amount of time and travel for witnesses employed by the state. Whether or not expert testimony can be provided electronically for probation revocation hearings or for trials is decided by the Judge. Without agreement from the Defense Attorney, most Judges would not allow it. Wyoming Judges would be more comfortable making the decision to accept electronic testimony if the Rules for Criminal Procedures allowed for it.

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***Recommendation:* Eliminate the practice of “re-arraigning” DUI offenders in plea agreements.**

*Description:* Wyoming requires that an enhanced administrative penalty (a longer driver license suspension with no limited driving privileges) be imposed on DUI offenders who refuse to submit to chemical testing at the time of arrest. The enhanced penalty does not apply if the offender pleads guilty to the DUI within ten days of arraignment. In some jurisdictions, however, prosecutors “re-arraign” offenders well beyond the 10-day period as part of a plea agreement: in exchange for a guilty plea, at a much later date the prosecutor arraigns the offender a second time so that the enhanced penalty is avoided. This practice creates a legal fiction and undercuts the legislative intent to provide for the prompt resolution of these cases.

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***Recommendation:* Ensure that funding is available for indigent DUI offenders to obtain a mandatory substance abuse evaluation.**

*Description:* All DUI offenders are statutorily required to obtain a substance abuse evaluation; second and subsequent offenders are required to obtain the evaluation *prior* to sentencing. The offender is required to pay for the evaluation, and most service providers require that payment be made prior to conducting the evaluation or prior to releasing the information to the court. Because obtaining the evaluation is a requirement of release for second and subsequent offenders, some offenders that do not have the funds to pay end up just sitting in jail.

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***Recommendation:* The Department of Health, Mental Health and Substance Abuse Services Division shall continue to revise the substance abuse rules as they pertain to DUI to address the timeliness and reporting of the evaluations, and to create an avenue for filing complaints regarding the quality of evaluations conducted by certified providers.**

*Description:* The most common intervention point for alcohol problems is as a result of a DUI arrest. Wyoming requires that all first-time DUI offenders obtain a standardized substance abuse evaluation at or prior to sentencing, and all second-time offenders obtain the evaluation prior to sentencing. The evaluation must be conducted by a provider certified by the Department of

Health, Mental Health and Substance Abuse Services Division. The results of the evaluation are used by the Judge at sentencing to ensure that offenders complete appropriate treatment as part of their probation which reduces recidivism and enhances the recovery process for addicted offenders.

Many problems exist throughout the state regarding the substance abuse evaluations including the timeliness of obtaining the evaluation (when too much time elapses, the immediacy of punishment is lost and the effectiveness of treatment is reduced), the quality of the results (some are so poorly done that they are useless to the Judge), poor reporting (some reports are very lengthy and complicated, making it difficult for the Judge to understand), and some lack vital information (because the evaluation relies on self-reporting, critical information is missing if the offender is not honest with the evaluator).

The Department of Health, Mental Health and Substance Abuse Services Division manages the certification process and contracts with certified providers throughout the state to conduct the evaluations. The Division has recently revised the rules as they pertain to DUI to address some of these concerns. The Division now requires that each substance abuse evaluation include a review of the client's driving record and of their alcohol concentration at the time of the DUI arrest. The Division has also established a process for Judges to notify the Division if they have concerns or complaints with an evaluation submitted by a certified provider; the Division will then offer consultation, training, or de-certify the provider. Some Judges believe it is inappropriate for them to 'police' providers, and no avenue exists for other groups or individuals to report complaints to the Division.

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***Recommendation:* Provide funding for additional staff in the Attorney General's office so that the Attorney General can enter an appearance on behalf of the state in all DUI administrative suspension cases.**

*Description:* The Office of Administrative Hearings (OAH) occasionally is provided with insufficient information to sustain the State's burden of proof in administrative driver license suspension cases based upon the certified record as submitted by law enforcement. Because of a steep increase in the number of hearings requested (and no corresponding increase in the number of attorneys in the Attorney General's office), an attorney from the Attorney General's office can enter an appearance on behalf of the state in only about one third of all DUI cases before the OAH. The appearance is based upon a request to appear by the arresting officer or where the record is found to be insufficient to sustain the State's burden of proof. If Driver Services cannot correct the deficiency, they notify the Attorney General's office who then subpoenas the arresting officer for attendance at the hearing to correct any document deficiencies with live testimony.

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**Recommendation: Uniform practices need to apply to both Municipal and Circuit Courts and all Municipal Courts that adjudicate DUI offenders need to submit their DUI data to the Statewide Court Information Store (SCIS).**

*Description:* Between one fourth and one third of all DUI offenders are adjudicated in a Municipal Court; the rest are adjudicated in Circuit Court. A great deal of disparity exists between Municipal and Circuit Courts throughout the state. Nineteen Municipal Courts adjudicate DUI offenders and nearly all of them do *not* submit their DUI data to the Statewide Court Information Store (SCIS). As a result, how DUI offenders are adjudicated is unknown, sanctions imposed are unknown, and, at times, prior convictions are also unknown.

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**Recommendation: Identify an agency or department to develop a Judicial Educator/Liaison position.**

*Description:* Judges have asked for additional information on best practices in sentencing DUI offenders. A Judicial Educator or Liaison can provide judges throughout the state with evidence-based recommendations for sentencing DUI offenders including minimum jail sentences for first offenders, greater penalties for repeat offenders and high BAC offenders, use of Ignition Interlock devices for offenders granted a deferred prosecution, twice daily alcohol testing post conviction. WYDOT Highway Safety Program has grant funding available for a Judicial Educator/Liaison, however, the position has not been developed.

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**Recommendation: Encourage better communication and cooperative efforts between Tribal and State government authorities.**

*Description:* Tribal Code defines DUI as driving with an alcohol concentration at or above 0.05%. Enrolled Tribal members that are arrested for misdemeanor DUI on the Wind River Indian Reservation are adjudicated in Tribal Court. Subsequent convictions adjudicated in State or Municipal courts cannot be considered a second offense if the court was not aware of the prior conviction in Tribal Court.

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**Recommendation: The Department of Health, Mental Health and Substance Abuse Services Division shall develop guidelines for certified treatment providers to follow when considering an evaluation completed by another treatment provider.**

*Description:* All DUI offenders are required to obtain a standardized substance abuse evaluation from a certified treatment provider. The evaluation is the key intervention point in the life of a substance abusing client and the integrity of the evaluation carries through the entire system. Some offenders will seek multiple evaluations and submit to the court the one with the fewest recommendations. Treatment providers are not obligated to accept or abide by an evaluation

conducted by another provider if they have reason to believe the evaluation is inadequate. No guidelines exist, however, to help a provider determine if they should reject an evaluation conducted by someone else. Some treatment providers reject all evaluations conducted elsewhere, resulting in significant cost and confusion for the client which ultimately reduces their commitment to treatment.

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***Recommendation:* Establish research-based best practice standards for treatment of court-ordered clients.**

*Description:* Treatment programs and curriculums differ greatly from community to community. For example, the definition of an Intensive Out-Patient Treatment (IOT) program includes the number of contact hours between client and provider per week, but does not include the length of treatment; some providers offer an IOT program for 17 months and some offer the program for 60 days. Although variations in treatment programs provide clients with additional choices, court-ordered clients generally select the treatment program with the fewest requirements. Accepting a minimum standard *below* what research has defined as effective results in all providers reducing their service to the lowest level of care to compete with other providers.

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***Recommendation:* Establish standardized reporting requirements required for both state-funded and private treatment providers.**

*Description:* State-funded treatment providers are required to submit reports of the services they provide in a standardized format to the state. Private providers are under no obligation to submit reports to the state, nor are they required to use a standardized format when reporting to the court. Many court-ordered clients receive some services from private providers (i.e., a substance abuse evaluation) and subsequent services from state-funded providers. When this happens, the state-funded provider must re-format the work completed by the private provider so that it is in an acceptable format for the state. This requires additional work for which the state-funded provider is not compensated.

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## Appendix D

### Members of the Governor's Leadership Team to Prevent Impaired Driving

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## Appendix E

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