

---

# *Office of Inspector General*

# *Audit Report*

---

## **INSPECTOR GENERAL REVIEW OF FISCAL YEAR 2016 DRUG CONTROL FUNDS AND PERFORMANCE SUMMARY REPORTING**

*National Highway Traffic Safety Administration*

*Report Number: FI2017023*

*Date Issued: January 31, 2017*





**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

Office of Inspector General  
Washington, DC 20590

January 31, 2017

Director, Office of Policy, Research and Budget  
Office of National Drug Control Policy  
750 17<sup>th</sup> St., N.W.  
Washington, DC 20503

Dear Director:

This report presents the results of our independent review of the National Highway Traffic Safety Administration's (NHTSA) fiscal year 2016 Drug Control Obligation Summary and Performance Summary reports to the Office of National Drug Control Policy (ONDCP). We received NHTSA's reports on December 1, 2016. The reports and our review are required by 21 U.S.C. § 1704 (d) and ONDCP's Circular entitled Accounting of Drug Control Funding and Performance Summary (Circular), dated January 2013.

The Circular states that when drug-related obligations total less than \$50 million and a detailed accounting would constitute an unreasonable burden, agencies are permitted to submit alternative reports. Because its drug-related obligations in fiscal year 2016 totaled less than \$50 million, NHTSA submitted alternative reports. We reviewed NHTSA's reports and related management assertions to determine the reliability of those assertions in compliance with the Circular, in all material respects. We conducted our review in accordance with generally accepted Government auditing standards for attestation engagements. An attestation review is substantially more limited in scope than an examination, which would express an opinion on the accuracy of NHTSA's Drug Control Obligation Summary and Performance Summary reports. Because we conducted an attestation review, we do not express such an opinion.

## **Drug Control Obligations Summary**

We performed review procedures on NHTSA's fiscal year 2016 Drug Control Obligation Summary (enclosure 1) according to the Circular's criteria. We limited our work to inquiries and analytical procedures appropriate for an attestation review.

**Report Number FI2017023**

Specifically, we tested selected accounting internal controls to ensure drug control funds were properly identified in the accounting system.

NHTSA's Drug Control Obligation Summary report identified \$4,444,593.39 in total obligations. We traced those obligations to the Department of Transportation's accounting system and underlying contracts. We found no exceptions.

## **Performance Reporting Summary and Assertions**

NHTSA's fiscal year 2016 performance measure assessed agency progress in understanding the implications of legalizing recreational use of marijuana on traffic safety. NHTSA and the State of Washington jointly initiated a study to measure the number of tetrahydrocannabinol (THC) positive drivers on the road in Washington to gauge whether, and to what extent, legalization increases the number of THC positive drivers on the road.

Additionally, for fiscal year 2016, NHTSA asserted that data collected for a field study of oral fluid drug screening devices in four law enforcement jurisdictions in California has been completed; and that data analysis to determine the accuracy and reliability is almost complete and a report is being prepared.

We performed review procedures on NHTSA's fiscal year 2016 Performance Summary Report and management's assertions (enclosure 2). We limited our review processes to inquiries and analytical procedures appropriate for an attestation review according to the Circular's criteria. Specifically, we reviewed NHTSA's internal controls for performance measures to gain an understanding of how the measures were developed.

During our review, no information came to our attention that the accompanying NHTSA fiscal year 2016 Drug Control Obligation Summary and Performance Summary reports were not presented in conformity with ONDCP's Circular.

Sincerely,



Louis C. King  
Assistant Inspector General for Financial and  
Information Technology Audits

Enclosures

cc: DOT Audit Liaison, M-1  
NHTSA Audit Liaison, NFO-200



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

November 23, 2016

The Honorable Michael Botticelli  
Director  
Office of National Drug Control Policy  
Executive Office of the President  
750 17<sup>th</sup> Street, NW  
Washington, DC 20503

Dear Director Botticelli:

In accordance with the Office of National Drug Control Policy Circular: Drug Control Accounting issued January 18, 2013, the National Highway Traffic Safety Administration's (NHTSA) Fiscal Year (FY) 2016 Drug Control Obligation Summary is enclosed. NHTSA's obligations for drug-related activities fall below the reporting threshold of \$50 million; therefore, only a limited report is required to satisfy the statutory requirement.

In Fiscal Year 2016 NHTSA obligated \$4,444,593.39 on drug control activities. Of that amount, \$3,012,325.16 was obligated for research directed at drug impaired driving and measures to reduce it. These activities included an effort to develop a field test designed to detect marijuana impairment for law enforcement use at the roadside or stationhouse. We also continued our efforts to evaluate oral fluid drug screening devices, also for law enforcement use at the roadside or stationhouse.

Other studies examine the effects of legalization and decriminalization of marijuana on efforts to reduce drug impaired driving, conduct a national survey of driver attitudes and awareness of the dangers of drug impaired driving, and initiate a study that demonstrates use of a previously developed protocol to determine whether specific drugs impair driving.

An additional \$1,432,268.23 was obligated for program development and support activities. These included technical support for the International Association of Chiefs of Police for drug impaired driving training for law enforcement officers, support for organizing and conducting an annual training conference on impaired driving, support for the Governor's Highway Safety Association for communication and outreach to law enforcement on drug impaired driving, and support to the Transportation Safety Institute for law enforcement training.

Other activities included support for the National Sobriety Testing Resource Center and the Drug Recognition Expert Data System.

NHTSA's point of contact for this report is John Marshall. He can be reached at (202) 366-3803, if further assistance is required.

Sincerely yours,

A handwritten signature in blue ink that reads "Jeffrey P. Michael". The signature is written in a cursive style with a large initial "J" and "M".

Jeffrey Michael  
Associate Administrator for  
Research and Program Development

Enclosure

**List of NHTSA's FY 2016 Drug Control Obligations  
Research**

<b><u>Item #</u></b>	<b><u>Procurement Title</u></b>	<b><u>Amount</u></b>
<b>Sub-BPAC <u>8016.1516HS.2016.2002000100.NPD0300000</u></b>		
1	National Survey on Drinking, Drug Use and Driving*	\$567,956.00
<b>Sub-BPAC <u>8016.1616HS.2016.2002000100NPD030000</u></b>		
2	Feasibility of Developing a Field Test for THC	\$742,046.00
3	Determining the Potential of Drugs to Impair Driving**	\$289,083.00
<b>Sub-BPAC <u>8020.1616GA.2016.2002000300.NPD0300000</u></b>		
1	National Survey on Drinking, Drug Use and Driving*	\$228,628.00
3	Determining the Potential of Drugs to Impair Driving**	\$494,000.00
<b>Sub-BPAC <u>18X9204020.2016 2404025602.NPD0310000***</u></b>		
4	Examine Legalization & Decriminalization of MJ on the DWI System	\$304,960.00
5	Evaluation of Oral Fluid Devices - Laboratory Testing	\$385,652.16
<b>Total Obligations =</b>		<b>\$3,012,325.16</b>

## Program

<u>Item #</u>	<u>Procurement Title</u>	<u>Amount</u>
<b><u>Sub-BPAC 2002070000 80161616NPD220</u></b>		
6	Technical Support for Annual Drugs, Alcohol and Impaired Driving Training Conference	\$61,646.26
7	International Association of Chiefs of Police - Technical Support For Drug and Alcohol Impaired Driving Training*****	\$411,565.92
8	Governor's Highway Safety Association – Communications and Outreach to Law Enforcement for Drug and Impaired Driving Countermeasures	\$201,056.51
9	Transportation Safety Institute – Support for Impaired Driving Technical Assistance Task	\$1,000.00
10	Immex Technology – Support for Unifier Project Management System	\$59,000.00
11	National Sobriety Testing Resource Center and Drug Recognition Expert Data System	\$630,553.54
12	NHTSA OCIO DRE Database Maintenance	\$67,446.00

**Total Obligations = \$1,432,268.23**

Notes:

\* The total cost of the national survey on impaired driving survey was \$796,584, of which one half is for drug impaired driving (\$398,292)

\*\* This project was funded by two Sub-BPACs for a total of \$783,083.00

\*\*\* These projects fall under the National Cooperative Research and Evaluation Program that is jointly managed by NHTSA and GHSA (Governor's Highway Safety Association) and administered by NHTSA

\*\*\*\*Due to period of performance expiration, an extension was required and funding was split across the extension in the amounts of \$172,514.50 and 239,051.42 totaling \$411,565.92



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

November 23, 2016

The Honorable Michael Botticelli  
Director  
Office of National Drug Control Policy  
Executive Office of the President  
750 17<sup>th</sup> Street, NW  
Washington, DC 20503

Dear Director Botticelli:

In accordance with the Office of National Drug Control Policy Circular: Drug Control Accounting, issued January 18, 2013, the National Highway Traffic Safety Administration's Fiscal Year 2016 Drug Control Performance Summary Report is enclosed. Since NHTSA's obligations for drug-related activities fall below the reporting threshold of \$50 million only a limited report is required to satisfy the statutory requirement.

NHTSA has established a series of performance measures based on critical milestones in the development of improved methods to assist law enforcement in detecting drug-impaired drivers and in developing valid and reliable measures of the drug impaired driving problem by increasing the Agency's understanding of the extent of drug use among drivers and the role of drugs in crash causation. The FY 2016 performance measure assessed agency progress in understanding the implications of legalizing recreational use of marijuana on traffic safety.

NHTSA, at the invitation of the State of Washington, jointly initiated a study to measure the number of THC positive drivers on the roads in Washington to gauge whether, and to what extent, legalization increases the number of THC positive drivers on the road. Our first measure was taken before retail sales were permitted, followed by a second measure six months after retail sales went into effect. A final measurement was made one year after retail sales went into effect.

## **ASSERTIONS**

1. **Performance reporting system is appropriate and applied:** In FY 2016, NHTSA completed data collected in a field study of oral fluid drug screening devices in four law enforcement jurisdictions in California. In this project, NHTSA obtained oral fluid samples from drivers arrested for impaired driving. Oral fluid samples were collected from over 1,000 impaired driving suspects tested with on-site oral fluid screening device. A second oral fluid sample was collected, sent to an independent toxicology laboratory, and screened for the drugs the on-site screening device is designed to detect.

Data analysis to determine the accuracy and reliability of these devices is nearing completion and a report is under preparation.

2. **Explanations for not meeting performance targets are reasonable:** Target met.
3. **Methodology to establish performance targets is reasonable and applied:** Data collection for the field test of oral fluid drug screening devices was designed to provide data from a reasonable sample of drivers arrested for impaired driving (over 1,000). Four different law enforcement agencies located in different areas of California were used for data collection to control for variations in illegal drug use. The study design will allow us to determine the accuracy of these devices, including calculations of their false positive and false negative rates, specificity, and sensitivity. Analytic methods meet accepted procedures for this type of testing.
4. **Adequate performance measure exist for all significant drug control activities:** The measures used to describe the Agency's drug impaired driving program performance adequately reflect key steps toward the completion of necessary studies to increase general knowledge of the drugged driving problem. These measures provide a meaningful assessment of progress toward the development of reliable and accurate measures of the drugged driving problem in the United States.

NHTSA's point of contact for this report is Richard P. Compton. He can be reached at (202) 366-2699, if further assistance is required.

Sincerely yours,

A handwritten signature in blue ink that reads "Jeffrey P. Michael". The signature is written in a cursive style with a light blue circular highlight around it.

Jeffrey Michael  
Associate Administrator for  
Research and Program Development

Enclosure

**National Highway Traffic Safety Administration  
Drug-Impaired Driving Program**

**Performance Summary Report  
Fiscal Year 2016**

---

**(1) Performance Measures Overview**

The FY 2010 National Drug Control Strategy called for efforts to *Collect Further Data on Drugged Driving* and for increased *Training to Law Enforcement on Identifying Drugged Drivers*.

NHTSA contributes to the National Drug Control Strategy by reducing the prevalence of drug-impaired drivers on the Nation's roadways. However, given the current state of knowledge, meaningful measures of the drug impaired driving problem are not available. To chart progress toward development of a valid measure of this problem, NHTSA has established a series of performance measures based on critical milestones in the development of improved methods to assist law enforcement in detecting drug-impaired drivers and in developing valid and reliable measures of the drug impaired driving problem by increasing the Agency's understanding of the extent of drug use among drivers and the role of drugs in crash causation. The specific performance measures, both past, present and future are shown below:

**Recent Performance Measures**

The FY 2014 performance measure was to determine the extent of drug use among drivers in 2013-2014 and to examine the trends in drug use by drivers (compared to 2007), namely: complete data analysis and prepare a final report on the 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers.

The FY 2015 performance measure assessed agency progress in setting the stage for implementing administrative license revocation for drugged driving through field testing of oral fluid screening devices. Valid and reliable screening devices for law enforcement use are necessary in order to implement an administrative license revocation program. This measure was to complete the first phase of a pilot test of administrative license revocation for drugged driving (field test of oral fluid drug screening devices).

**Current and Future Performance Measures**

Our performance measure for FY 2016 was the completion of a study jointly conducted by NHTSA and the State of Washington to determine the effects of legalization of recreational marijuana on traffic safety. We measured the number of THC positive drivers on the roads in Washington to gauge whether, and to what extent, legalization increases the number of THC positive drivers on the road. Our first measure was taken before retail sales were permitted, followed by a second measure six months after retail sales went into effect. The final measurement occurred one year after retail sales went into effect.

The FY 2017 performance measure is designed to assess our agency's progress in conducting a complementary study of the crash risk of drug-impaired driving that focuses on fatal and serious injury crashes. NHTSA's FY 2013 study of crash risk of drugged driving involved all types of crashes (fatal, injury, and property damage crashes) with a preponderance of property damage crashes (66%). This new study will focus on drivers involved in fatal and serious injury crashes and determine the effect of alcohol and drug use on crash involvement rates. In FY 2017 we will have completed planning, site selection and have obtained the cooperation of the participating hospitals and law enforcement agencies and have initiated data collection.

Our proposed FY 2018 performance measure is to complete testing of four or five oral fluid drug screening devices designed for law enforcement use at the roadsides or at a booking facility. Normally, an officer would have to obtain a search warrant, for a blood sample collection and testing. At many laboratories drug test results are not available for many months. These oral fluid drug screening devices, if found to be accurate and reliable, are likely to increase police willingness to bring impaired driving charges against drivers impaired by drugs.

## (2) Prior Years Performance Targets and Results

NHTSA has met its performance targets each year since 2008. The table below shows actual performance for the past targets since 2012, along with current and future performance targets:

<b>Drug Impaired Driving Program</b>			
<b>FY</b>	<b>Selected Measures of Performance</b>	<b>FY Target</b>	<b>Actual FY Performance</b>
2014	Determine Prevalence of Drug Use by Drivers in 2013	Conduct 2013 National Roadside Survey & Draft Report	Data collected (report released in 2015).
2015	Assess Agency Progress in Implementing Administrative License Revocation for Drugged Driving	Complete first phase of pilot test of ALR for Drugged Driving	Data collection completed at four law enforcement agencies; final report under review.

**(3) Current and Future Years Performance Targets**

<b>Drug Impaired Driving Program</b>			
<b>FY</b>	<b>Selected Measures of Performance</b>	<b>FY Target</b>	<b>Actual FY Performance</b>
2016	Determine the effects of legalization of recreational use of marijuana on traffic safety	Complete a study of the number of THC positive drivers on the road in the State of Washington before and after legalization of recreational use of marijuana	Study completed and released in July 2016. For the report (copy and paste the entire link below into your browser):: <a href="http://www.nhtsa.gov/staticfiles/nti/pdf/812299-WashingtonStatedrugstudy.pdf">http://www.nhtsa.gov/staticfiles/nti/pdf/812299-WashingtonStatedrugstudy.pdf</a>
2017	Continue research to better understand the role of drug use by drivers in crash causation.	Initiate new study of the effect of drug & alcohol use on crash involvement rate of fatally and seriously injured drivers.	
2018	Laboratory testing of oral fluid drug screening devices to determine accuracy and reliability	Complete testing to determine sensitivity, specificity, false positive and false negative rates for each device tested	

**(4) Quality of Performance Data**

Data collected for the study of THC positive drivers in Washington State was obtained at three waves of roadside data collections. Wave 1 occurred prior to retail sales of marijuana went into effect, Wave 2 occurred six months after retail sales went into effect and Wave 3 occurred one year after Wave 1. While participation in the study was voluntary and anonymous, we obtained a high participation rates at each wave of data collection (the percentage of eligible drivers who entered the data collection site who provided an oral fluid or blood sample ranged from 93% to 98%. The oral fluid collection and blood sampling was conducted by trained research team members. All data was checked on site and when entered in the research database.

Details of the methodology and findings are included in a detailed technical report (see: <http://www.nhtsa.gov/staticfiles/nti/pdf/812299-WashingtonStatedrugstudy.pdf>) . During the study the NHTSA project officer provided our contractor careful oversight with field visits to observe performance and monthly monitoring and documentation of progress.

The performance measures used by NHTSA provide a meaningful assessment of progress toward the development of reliable and accurate measures of the drugged driving problem in the United States.