



U.S. DEPARTMENT OF TRANSPORTATION

OFFICE OF INSPECTOR GENERAL

**Inspector General Review of the National
Highway Traffic Safety Administration's
Fiscal Year 2017 Drug Control Funds and
Performance Summary Reporting**

Report No. FI2018022

January 31, 2018



Inspector General Review of the National Highway Traffic Safety Administration's Fiscal Year 2017 Drug Control Funds and Performance Summary Reporting

Required by the Office of National Drug Control Policy Circular, Accounting of Drug Control Funding and Performance Summary

FI2018022 | January 31, 2018

What We Looked At

Under the Office of National Drug Control Policy (ONDCP) Circular, Accounting of Drug Control Funding and Performance Summary (Circular), when drug-related obligations total less than \$50 million and a detailed accounting would be an unreasonable burden, agencies may submit alternative reports. Because its drug-related obligations for fiscal year 2017 totaled less than \$50 million, the National Highway Traffic Safety Administration (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. Specifically, we reviewed selected accounting internal controls to determine whether drug control funds were properly identified in the accounting system. In addition, we reviewed NHTSA's internal controls for performance measures to gain an understanding of how the measures were developed. We limited our review processes to inquiries and analytical procedures appropriate for an attestation review according to the Circular's criteria.

What We Found

NHTSA's Drug Control Obligation Summary report identified \$3,342,927.88 in total obligations. We traced those obligations to the Department of Transportation's accounting system and underlying contracts. We found no exceptions. NHTSA's fiscal year 2017 performance measure was designed to assess NHTSA's progress in trying to increase the standardization of toxicology testing in post-mortem and Driving Under the Influence of Drugs (DUID) cases. During the year, NHTSA completed the study of current toxicology practices in post-mortem and DUID cases, measured progress in gaining compliance with recommended practices issued in 2013, and revised the recommended practices through a consultative process.

Based on our review, we are not aware of any material modifications that should be made to NHTSA's fiscal year 2017 Drug Control Obligation Summary and Performance Summary reports in order for them to be in accordance with ONDCP's Circular.



U.S. Department of
Transportation

January 31, 2018

Director, Office of Policy, Research, and Budget
Office of National Drug Control Policy
750 17th 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 2017 Drug Control Obligation Summary and Performance Summary reports to the Office of National Drug Control Policy (ONDCP). We received NHTSA's reports on January 18, 2018. 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 for fiscal year 2017 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 2017 Drug Control Obligation Summary (see enclosure 1) according to the Circular's criteria. We limited our work to inquiries and analytical procedures appropriate for an attestation review. Specifically, we reviewed selected accounting internal controls to determine whether drug control funds were properly identified in the accounting system.

We reviewed \$3,342,927.88 in obligations and traced those obligations to the Department of Transportation's accounting system and underlying contracts. We found no exceptions.

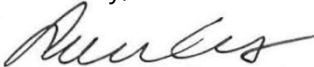
Performance Reporting Summary and Assertions

The fiscal year 2017 performance measure was designed to assess NHTSA's progress in trying to increase the standardization of toxicology testing in post-mortem and Driving Under the Influence of Drugs (DUID) cases. During the year, NHTSA completed the study of current toxicology practices in post-mortem and DUID cases, measured progress in gaining compliance with recommended practices issued in 2013, and revised the recommended practices through a consultative process. NHTSA met its performance target.

We performed review procedures on NHTSA's fiscal year 2017 Performance Summary report and management's assertions (see 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.

Based on our review, we are not aware of any material modifications that should be made to NHTSA's fiscal year 2017 Drug Control Obligation Summary and Performance Summary reports in order for them to be in accordance with ONDCP's Circular. We appreciate the cooperation and assistance of the Department of Transportation's representatives. If you have any questions about this report, please call me at (202) 366-1407, or George Banks, Program Director, at (202) 420-1116.

Sincerely,



Louis C. King

Assistant Inspector General for Financial and
Information Technology Audits

Enclosures

cc: The Secretary
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

January 17, 2018

The Honorable Richard J. Baum
Acting Director
Office of National Drug Control Policy
Executive Office of the President
750 17th Street NW.
Washington, DC 20503

Dear Acting Director Baum:

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) 2017 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 FY 2017, NHTSA obligated \$3,342,927.88 on drug control activities. Of that amount, \$1,915,447 was obligated for research directed at drug-impaired driving and measures to reduce it. These activities included an effort to assist States, when interested, in conducting surveys of alcohol and drug use by drivers on their roads. NHTSA, in the past, provided national trend data on alcohol and drug use by drivers; but the agency is currently prohibited from continuing that data collection effort. NHTSA also started an effort to compile a state-of-the-knowledge report on drugs and driving. We have issued these reports periodically over the last 40 years.

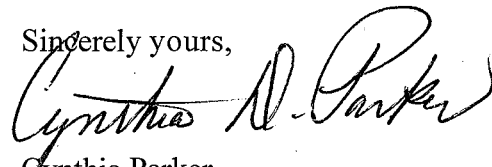
Another major effort started this fiscal year was to overhaul the Fatality Analysis Reporting System (FARS) data elements on drug use by drivers. This is a complex process that will involve fieldwork to determine feasibility.

An additional \$1,427,480.88 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, general operating expenses support to NHTSA, 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. The Table of FY 2017 Drug Impaired Driving Obligations is enclosed.

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 black ink that reads "Cynthia N. Parker". The signature is written in a cursive style with a large, looped initial "C".

Cynthia Parker
Chief Financial Officer
NHTSA

Enclosure

**Table of NHTSA's FY 2017 Drug Impaired Driving Obligations
Research**

<u>Item</u>	<u>Procurement Title</u>	<u>Amount</u>
Sub-BPAC <u>8016.1717HS.2017.2002000100.NPD0300000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving*	\$250,000.00
Sub-BPAC <u>8016.1718HS.2017.2002000100.NPD0300000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving *	\$951.00
Sub-BPAC <u>8016.1717HS.2017.2002010000.NPD0110000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving *	\$798,000.00
2	Examine FARS Drug Data Collection and Reporting Process	\$250,000.00
3	State of Knowledge Report on Drugs and Driving	\$333,253.00
Sub-BPAC <u>8016.1717HS.2017.2002080000.NPD0220000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving *	\$95,000.00
Sub-BPAC <u>8016.1717HS.2017.2002090000.NPD0400000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving*	\$100,000.00
Sub-BPAC <u>8016.1717HS.2017.2002130000.NPD0220000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving*	\$60,000.00
Sub-BPAC <u>8016.1717HS.2017.2002360000.NPD0210000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving*	\$12,000.00
Sub-BPAC <u>8016.1717HS.2017.2002040000.NPD0120000</u>		
1	State-Level Roadside Study of Drug and Alcohol Driving*	\$16,243.00

Total Highway Safety Research Obligations = \$1,915,447

Note:

* The total cost of the State-Level Roadside Study of Drug and Alcohol Driving project was \$1,332,194

Program

<u>Item</u>	<u>Procurement Title</u>	<u>Amount</u>
<u>Sub-BPAC 2002070000 80161717NPD220</u>		
	Technical Support for Annual Drugs, Alcohol and Impaired Driving Training Conference	\$61,526.26
	International Association of Chiefs of Police – Technical Support For Drug and Alcohol Impaired Driving Training	\$648,895.00
	Transportation Safety Institute – Support for Impaired Driving Technical Assistance Task	\$43,459.62
	National Sobriety Testing Resource Center and Drug Recognition Expert Data System**	\$477,705.00
	a. Syneren Database Management -	\$175,000.00
	b. Versatech Database Management -	\$302,705.00
<u>Sub-BPAC 2002000000 80161717NPD010</u>		
	Versatech Database Management	\$195,895.00

Total Program Obligations = \$1,427,480.88

Note:

**The NHTSA OCIO awarded database management for the National Sobriety Testing Resource Center and the Drug Recognition Expert Data System to a new contractor, Versatech. In FY 2017, the previous contractor, Syneren, provided support for the data system during development of the new data system.



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

1200 New Jersey Avenue SE
Washington, DC 20590

The Honorable Richard J. Baum
Acting Director
Office of National Drug Control Policy
Executive Office of the President
750 17th Street NW.
Washington, DC 20503

January 17, 2018

Dear Acting Director Baum:

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 2017 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 measure the drug-impaired-driving problem, understand the role of drug use in crash causation, and assist law enforcement in detecting drug-impaired drivers.

Since 2005, NHTSA has been supporting efforts to increase the consistency of toxicology testing. This is essential in developing meaningful measures of drug-impaired driving. In 2017, NHTSA completed a study of toxicology practices by forensic laboratories that conduct testing for post-mortem and DUID cases (the third such study NHTSA has supported since 2005). The study documented progress in increasing the number of laboratories following recommended practices.

ASSERTIONS

1. **Performance reporting system is appropriate and applied:** In FY 2017, NHTSA completed a study of current toxicology practices in post-mortem and DUID (Driving Under the Influence of Drugs) cases, measured progress in gaining compliance with recommended practices issued in 2013, and—through a consultative process—revised the recommended practices. More than 290 laboratories that NHTSA determined were doing drug testing in post-mortem and DUID cases, were solicited to participate in the study. NHTSA received voluntary cooperation from more than 70 laboratories (typically those who do a high volume of post-mortem and DUID cases).

These laboratories spent a significant amount of time providing detailed information on their standard practices and procedures, including information on the volume of cases they handled in the past year, the types of drugs they tested for, the thresholds of

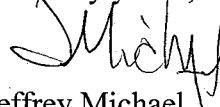
detection for individual drugs, and the number and types of drugs found in impaired-driving cases. It was not possible to obtain an independent assessment of the accuracy of the information provided. However, given the effort necessary to provide the requested information it is likely to be reasonably accurate.

NHTSA has supported efforts to increase the consistency of toxicology testing in post-mortem and DUID cases for more than a decade. Increasing information on the extent of drug use by drivers in fatal crashes and those arrested for impaired driving is critical to establishing a valid and reliable measure of the drug-impaired-driving problem. .

2. **Explanations for not meeting performance targets are reasonable:** Target met.
3. **Methodology to establish performance targets is reasonable and applied:**
Representatives from the participating laboratories were invited to participate in a multi-day consensus meeting to discuss the results of the study, measure progress in meeting the 2013 recommendations for toxicology testing, and to consider revising the recommendations as appropriate, given the new information attained. The participants were uniformly engaged and were committed to the need for consistency in toxicology testing practices. They clearly understood that this is a necessity that would enable a better understanding of the scope and nature of the drug-impaired-driving problem in the United States.
4. **Adequate performance measures 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 the agency's understanding of the drug-impaired-driving problem. These performance measures provide a meaningful assessment of progress toward the development of reliable and accurate assessments of the drug-impaired-driving problem in the United States, and efforts to enforce laws that prohibit impaired driving on America's roads.

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,



Jeffrey Michael
Associate Administrator for
Research and Program Development

Enclosure

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

**Performance Summary Report
Fiscal Year 2017**

(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 valid measurement 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. The specific performance measures are shown below:

Recent Performance Measures

The FY 2015 performance measure assessed agency progress in setting the stage for implementing administrative license revocation for drug-impaired 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 drug-impaired driving (field test of oral fluid drug screening devices).

The performance measure for FY 2016 completed a study jointly conducted by NHTSA and the State of Washington to determine the effects of legalization of recreational marijuana on traffic safety. The number of THC-positive drivers on the roads in Washington was assessed to gauge whether, and to what extent, legalization increases the number of THC-positive drivers on the road. The first measurement was taken before retail sales were permitted, followed by a second measurement 6 months after retail sales went into effect. The final measurement occurred 1 year after retail sales went into effect.

Current and Future Performance Measures

The FY 2017 performance measure is designed to assess NHTSA's progress in trying to increase the standardization of toxicology testing in post-mortem and DUID cases. Currently, there are a large number of forensic laboratories conducting toxicology testing in post-mortem and DUID cases. These laboratories typically screen for different drugs, at different levels of

detection. As a result, comparisons are not possible between cities, counties, or States, and NHTSA cannot combine the data into national statistics about drug use by drivers.

NHTSA supports efforts to achieve greater standardization through voluntary compliance with recommendations for toxicology testing. The agency has funded several efforts in the past (2005 and 2012) to document the state of toxicology testing and to measure progress. In FY 2017, NHTSA documented the current state of practice in toxicology testing, described the progress made in achieving greater uniformity between laboratories, identified the need for more consistency, and revised the 2013 recommendations.

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

The FY 2019 performance measure is to increase training of law enforcement officers in detecting drug-impaired drivers. NHTSA, in cooperation with the International Association of Chiefs of Police, administers the Drug Evaluation and Classification Program (DECP) that includes a rigorous training program to train law enforcement officers as Drug Recognition Experts (DREs). DREs use a standardized 12-step process to identify the category of drug used by a suspected impaired driver. Blood toxicology is used to verify the drug that may have been used.

(2) Prior Year Performance Targets and Result

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:

Drug-Impaired-Driving Program			
FY	Selected Measures of Performance	FY Target	Actual FY Performance
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, visit www.nhtsa.gov/staticfiles/nti/pdf/812299-WashingtonStatedrugstudy.pdf

(3) Current and Future Years Performance Targets

Drug-Impaired-Driving Program			
FY	Selected Measures of Performance	FY Target	Actual FY Performance
2017	Work toward greater uniformity in toxicological testing in post-mortem and DUID cases	Document current toxicology laboratory practices for DUID and post-mortem analysis	Study completed. The report contains information on current practices and makes recommendations for minimum standards for toxicology testing.
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	
2019	Increase training of law enforcement officers in detecting drug-impaired drivers	Increase the number of officers trained in ARIDE and DRE by 10 percent	

(4) Quality of Performance Data

This most recent effort to document the state of toxicological testing in post-mortem and DUID cases involved contacting 296 laboratories. Complete information was obtained from 70 laboratories. Information collected included their standard practices and procedures, what panel of drugs they routinely screened for, and what the threshold of detection was for each drug. Representatives from these laboratories were then invited to participate in a consensus meeting to review the 2013 recommended practices and revise them as appropriate. The revised recommendations were designed so that any laboratory conducting post-mortem and DUID testing could meet the recommended standard practices. It is expected that further progress in increasing the number of laboratories will result from this latest effort.

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

U.S. DOT IG Fraud & Safety Hotline

hotline@oig.dot.gov | (800) 424-9071

<https://www.oig.dot.gov/hotline>

Our Mission

OIG conducts audits and investigations on behalf of the American public to improve the performance and integrity of DOT's programs to ensure a safe, efficient, and effective national transportation system.

OFFICE OF INSPECTOR GENERAL
U.S. Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590



www.oig.dot.gov