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# *Office of Inspector General*

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## **INSPECTOR GENERAL REVIEW OF FISCAL YEAR 2015 DRUG CONTROL FUNDS AND PERFORMANCE SUMMARY REPORTING**

*National Highway Traffic Safety Administration*

*Report Number: FI-2016-017*

*Date Issued: January 29, 2016*





**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

Office of Inspector General  
Washington, DC 20590

January 29, 2016

Dr. Terry Zobeck  
Associate Director, Office of Research and Data Analysis  
Office of National Drug Control Policy  
750 17<sup>th</sup> St., N.W.  
Washington, DC 20503

Dear Dr. Zobeck:

This report presents the results of our independent review of the U.S. Department of Transportation, National Highway Traffic Safety Administration's (NHTSA) fiscal year 2015 Drug Control Obligation Summary and Performance Summary reports to the Office of National Drug Control Policy (ONDCP). We received NHTSA's Obligation Summary report on December 2, 2015, and its Performance Summary report on January 20, 2016. The reports and our review are required by 21 U.S.C. § 1704 (d) and ONDCP's Circular, Accounting of Drug Control Funding and Performance Summary (Circular) of 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 2015 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. A 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 2015 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. 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 \$2,688,000 in total obligations. However, we traced over \$5.5 million in drug control obligations to the Department of Transportation's accounting system and verified that these obligations were supported by contracts (see table).

<i>Drug Resource Function</i>	<i>NHTSA Reported Obligations</i>	<i>Obligations Traced by OIG</i>	<i>Difference</i>
Prevention	\$1,488,000	\$1,739,000	\$251,000
Research	\$1,200,000	\$3,780,000	\$2,580,000
Total	\$2,688,000	\$5,519,000	\$2,831,000

NHTSA agreed the correct figure for drug control obligation reporting for fiscal year 2015 totaled \$5,519,000, and attributed the \$2,831,000 understatement to a misunderstanding of the reporting requirements.

## Performance Reporting Summary and Assertions

NHTSA's performance target for fiscal year 2015 was to assess Agency progress in implementing administrative license revocation (ALR) for drugged driving. The Agency has completed the first phase of a pilot test of ALR for drugged driving. Data collection has been completed at four law enforcement agencies and a final report is under review.

We performed review procedures on NHTSA's fiscal year 2015 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.

Other than the exceptions to the Obligation Summary report, no information came to our attention that the accompanying NHTSA fiscal year 2015 Drug Control Obligation Summary and Performance Summary reports were not presented in conformity with ONDCP's Circular.

Sincerely,

 for

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

Enclosure(s)

cc: DOT Audit Liaison, M-1  
NHTSA Audit Liaison, NPO-310



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

1200 New Jersey Avenue SE.  
Washington, DC 20590

December 1, 2015

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) 2015 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.

Please note FY 2015 funding is based on the Continuing Appropriations Act of 2015. The FY 2016 funding amount is based on NHTSA Congressional Budget Submission of February 2015. The NHTSA submission included new research initiatives in the area of drug impaired driving. This proposal is subject to change based on Congressional action. The FY 2017 funding amount is based on the submission forwarded by the Secretary of Transportation to the Office of Management and Budget, and is subject to change. While the current authorization statute, Moving Ahead for Progress in the 21<sup>st</sup> Century Act, does not provide direct authorization for drug impaired driving research, the Highway Safety Research program anticipates spending funds for drug impaired driving research out of its core budget to conduct research and evaluation.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Kunze".

Stephen Kunze  
Chief Financial Officer

Enclosure

**U.S. DEPARTMENT OF TRANSPORTATION**  
National Highway Traffic Safety Administration

### Resource Summary

	Budget Authority (in Millions)		
	FY 2015 Final*	FY 2016 President's Budget**	FY 2017 Request***
<b>Drug Resources by Function</b>			
Prevention	\$1.488	\$1.488	\$1.488
Research	\$1.200	\$10.000	\$10.000
<b>Total Drug Resources by Function</b>	<b>\$2.688</b>	<b>\$11.488</b>	<b>\$11.488</b>
<b>Drug Resources by Decision Unit</b>			
Drug Impaired Driving Prevention	\$1.488	\$1.488	\$1.488
Drug Impaired Driving Research	\$1.200	\$10.000	\$10.488
<b>Total Drug Resources by Decision Unit</b>	<b>\$2.688</b>	<b>\$11.488</b>	<b>\$11.488</b>
<b>Drug Resources Personnel Summary</b>			
Total FTEs (direct only)	2	3	4
<b>Drug Resources as a Percent of Budget</b>			
Total Agency Budget (in Billions)	\$0.830	\$0.908	\$0.940
Drug Resources Percentage	0.32%	1.27%	1.22%

\* FY 2015 is based on the annualized FY 2015 funding level provided by *the Continuing Appropriations Act, 2015*

\*\* FY 2016 is based on the National Highway Traffic Safety Administration (NHTSA) Congressional Budget Submission of February 2015. NHTSA submission included new research initiatives in the area of Drug-impaired driving. This proposal is subject to change based on Congressional action.

\*\*\* FY 2017 is based on the budget submission forwarded by the Secretary of Transportation to the Office of Management and Budget, and is subject to change.



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

1200 New Jersey Avenue SE  
Washington, DC 20590

January 20, 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 2015 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 2015 performance measure assesses 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 to assess the accuracy and reliability of selected commercially available oral fluid drug screening devices.

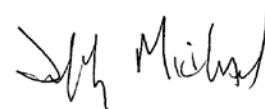
## **ASSERTIONS**

1. **Performance reporting system is appropriate and applied:** In FY 2015, 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 the drugs the on-site screening device is claims 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 black ink that reads "Jeff Michael". The signature is written in a cursive, slightly slanted style.

Jeffrey Michael  
Associate Administrator for  
Research and Program Development

Enclosure



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

**Performance Summary Report  
Fiscal Year 2015**

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**(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:

**Past Performance Measures**

Our FY 2012 performance measure was designed to assess Agency progress in supporting the national strategy of increasing training for law enforcement, namely: Develop and Pilot Test an Online Version of the Advanced Roadside Impaired Driving Enforcement (ARIDE) training program.

Our FY 2013 performance measure was designed to further our understanding of the role of drug use by drivers in crash causation, namely: complete data analysis and prepare a final report on a Case Control Study of the Crash Risk Drug and Alcohol Positive Drivers.

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.

**Current and Future Performance Measures**

The FY 2015 performance measure assesses 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).

Our proposed performance measure for FY 2016 is the completion of a study NHTSA, at the invitation of the State of Washington, jointly initiated to determine the effects of legalization of recreational marijuana on traffic safety. We are measuring 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.

## (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>
2012	Increase Training for Law Enforcement in Detecting Drugged Drivers	Develop & Test an On-Line Version of the ARIDE Training Program	Development and Pilot Testing Completed.
2013	Estimate Role of Drugs in Crash Causation	Complete data analysis and draft a report on a Case Control Study of the Crash Risk of Drug-Impaired Driving	Data collected, analyzed and report drafted (report released in 2015).
2014	Determine Prevalence of Drug Use by Drivers in 2013	Conduct 2013 National Roadside Survey & Draft Report	Data collected (report released in 2015).

**(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>
2015	Assess Agency Progress in Implementing Administrative License Revocation for Drugged Driving	Complete first phase of a pilot test of ALR for Drugged Driving	Data collection completed at four law enforcement agencies; final report under review.
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	
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.	

**(4) Quality of Performance Data**

Data collected for the study of oral fluid drug screening devices was obtained at high volume booking stations operated by the four participating law enforcement agencies. Essentially all drivers arrested for impaired driving during weekend nights who were transported to the booking station for BAC testing and processing were recruited for our study right after they took an evidential breath test. While participation was voluntary and anonymous, we obtained a high participation rate. The recruitment of the subjects, operation of the oral fluid drug screening devices, and collection of a separate oral fluid sample for laboratory toxicological testing were

handled by a trained research team member (rather than by a large number of law enforcement officers) in order to maintain consistency and compliance with the research protocol.

Details of the methodology and findings will be included in a detailed technical report. The NHTSA project officer provides 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.