

**THIRTY-SIXTH LEGISLATURE OF THE
U.S. VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE, AND PUBLIC SAFETY
Chairman: The Honorable Clifford A. Joseph Sr.**

Virgin Islands Police Department

St. Croix, USVI

September 4, 2025

Good morning to the Chair, The Honorable Clifford Joseph Sr., Legislative body and Staff, Members of the VIPD Team, and to the listening and viewing audience. My name is Daphne O'Neal, Director of Highway Safety for the United States Virgin Islands Police Department. I come before you on behalf of Police Commissioner Mario M. Brooks to discuss an act amending title 20 Virgin Islands Code, part II, chapter 43, subchapter I, section 493 making it unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his blood to operate a commercial motor vehicle, and making it unlawful for a person under the age of 21 years who has any detectable amount of alcohol in his blood, to operate a motor vehicle.

Mr. Chairman, distinguished members of the Senate, thank you for the opportunity to testify today on this matter.

On behalf of the Virgin Islands Police Department (VIPD) we respectfully submit this testimony in support of Bill No. 36-0123, sponsored by Senator Ray Fonseca. This bill tightens two critical areas of impaired-driving law: (1) it adopts a lower blood alcohol concentration (BAC) threshold for commercial motor vehicle (CMV) operators (0.04% by weight), and (2) it establishes a zero-tolerance rule for drivers under age 21 (any detectable alcohol). The Virgin Islands Police Department (VIPD) supports the intent of the proposed bill addressing BAC limits for commercial vehicle drivers and younger drivers as an important step toward improving roadway safety. However, we respectfully recommend amending the bill to establish a **zero BAC limit** for commercial vehicle drivers. Given the heightened responsibility associated with operating commercial vehicles and the potential risks to public safety, adopting a zero-tolerance policy will better protect all road users and align with best practices for preventing impaired driving-related crashes.

Executive summary - Why VIPD supports the Bill.

Between fiscal years 2020 and July 31st, 2025, a total of 453 drivers were involved in crashes following alcohol or drug use in the territory. The demographic analysis of these DUI drivers showed that 81.9% were males; and middle aged and older adults (35 to 55 and older) were the demographic mostly charged with DUI offenses at 73.25%. The age group 16 – 20 made up 1.3% of the offenses. Alcohol

impairment remains a meaningful factor in crashes in the Territory.

In FY2023, the territory recorded one (1) alcohol-impaired fatality, FY2024 had zero DUI related fatality, but thus far in FY2025, one (1) has been recorded. The department has already set goals to reduce impaired driving crashes (for example, using a combination of education, outreach, and high visibility enforcement to reduce impaired driving crashes **20%-25%** from the FY2023 high figure of **101**; and to decrease and maintain alcohol-impaired driving fatalities to zero), showing both the problem scale and an institutional commitment to countermeasures. Adopting the recommended changes in Bill 36-0123 will provide law enforcement with clearer statutory tools to support these objectives.

Territory-level traffic data indicate modest improvements but also underline the need for continued action. The National Highway Traffic Safety Administration (NHTSA) data underscore the lethality of alcohol-impaired driving. NHTSA's analyses show thousands of deaths each year tied to alcohol-impaired crashes. Therefore, any action taken which reduces impairment on the road saves lives. Legislative action is one of the strongest tools available to protect the citizens and visitors in the territory.

For commercial motor vehicle (CMV) drivers, Title 49 CFR §392.4 and 392.5 forbid the consumption of alcohol or being under the influence within 4 hours of operation of a commercial vehicle. No one regardless of age should be operating a

commercial vehicle while impaired from alcohol or any type of drug (prescribed or over the counter). The USVI has adopted this section within its Motor Carrier Safety Assistance Program (MCSAP). This is consistent with national countermeasures.

In FY2025 the VIPD and VIOHS continued territory-wide impaired-driving campaigns and high-visibility enforcement (including sobriety checkpoints and public education), reinforcing the need for statutory alignment so enforcement, prosecution, and prevention efforts can operate with maximum effect.

Data highlights from VIOHS / VIPD (2023–2025) used to support the VIPD position.

- **FY2023 – FY2025 (July 31st):** During the period, the DUI arrests totaled **76**; BAC reported cases **28**; BAC reported rate 36.8%. However, BAC not reported/refused were **48**. The results show that just over one-third of DUI arrests had BAC results officially reported. The remaining 63.2% either had no BAC data reported or involved individuals who refused testing. This gap underscores the ongoing challenges in obtaining consistent BAC documentation during DUI enforcement initiatives and further underscores the need for zero tolerance. Of those cases reported above, the analysis showed the mean BAC levels ranging from **0.136%** lower-level impairment - **0.249%** high level impairment indicating once more that zero tolerance

should be the norm for the territory. The OHS highway safety plans from FY2023 – FY2025 described impaired-driving project goals (reducing alcohol-impaired crashes and injuries) and listed enforcement initiatives implemented in partnership with VIPD. These are the local data points VIPD relies upon when developing enforcement and prevention strategies.

- **FY2024 (VIPD/VIOHS reporting):** The Territory recorded a 1.46% decrease in total crashes in FY2024 — a positive trend but one that still leaves alcohol-impaired driving an actionable risk area identified in planning documents. VIPD and VIOHS continued to emphasize high-visibility enforcement in holiday periods and campaign months.
- **FY2025 (ongoing enforcement & campaigns):** During 2025 the VIPD and VIOHS launched territory wide “Drive Sober or Get Pulled Over” mobilizations and other outreach to coincide with summer and holiday periods. Those mobilizations demonstrate ongoing enforcement activity and public education efforts; stronger laws will make these efforts more effective.

Why are the two provisions in Bill No. 36-0123 important for public safety?

1. **Lowering the per se BAC for commercial motor vehicle (CMV) operators to 0.** Commercial vehicle operators operate larger, heavier vehicles that present exponentially higher risk to other road users in the event of a crash. Numerous jurisdictions (and federal guidance for

CMV safety) recognize that impairment at lower BACs can significantly degrade the complex, sustained attention and motor skills needed to operate commercial vehicles safely. Lowering the current statutory limit is a positive step toward improving roadway safety; however, as referenced earlier in the testimony, our ultimate goal should be to establish a zero-tolerance policy, thus requiring CMV drivers to have a 0.00 BAC while operating a vehicle. This measure will (a) provide VIPD with clear statutory authority to take action when CMV drivers exhibit any measurable impairment, and (b) better protect passengers, pedestrians, cyclists, and other motorists by reducing the likelihood of high-consequence crashes.

2. Establishing a zero-tolerance rule for drivers under age 21 (any detectable alcohol)

Young drivers are not overrepresented in this category but should be educated and deterred from developing the habit of driving while impaired. A zero-tolerance rule (any detectable alcohol) is an evidence-based measure used in many U.S. states and territories that reduces underage, impaired driving and helps shift cultural norms around youth alcohol consumption and driving. VIOHS's youth-oriented impaired-driving outreach and VIPD's enforcement of impaired driving among

younger drivers will be more effective when supported by a statutory zero-tolerance standard.

The older age groups 25-55 and older are the core groups of violators. Middle aged and older adults (**ages 35 – 55 and older**) were the most affected groups making up **73%** of all DUI cases. These violators are overwhelmingly male (81%) with Black and Hispanic drivers leading the category for race and ethnicity.

Operational and enforcement benefits for VIPD

Lowered CMV per-se BAC and zero tolerance for under-21 drivers provide bright-line statutory standards that simplify enforcement decisions (probable cause, testing thresholds) and strengthen prosecutorial cases where impairment contributed to a crash.

- **Better protection of vulnerable road users:** Reduced allowable impairment for CMV operators will directly protect pedestrians, bicyclists, and occupants of smaller vehicles.
- **Alignment with VIOHS programming:** The statutory changes would align with VIOHS's enforcement goals and the Territory's Highway Safety Plan objectives to reduce alcohol-impaired crashes and fatalities. This legislative action would make education, checkpoint activity, and high-visibility

enforcement more likely to change behavior and reduce recidivism.

- **Anticipated public-safety impact:** Even small reductions in impairment at the population level reduce crash risk. National research and VIOHS local goals both indicate that combined strategies of strong laws, high-visibility enforcement and public education are necessary to reduce alcohol-impaired crashes and fatalities. Bill 36-0123 strengthens the legal piece of that three-pronged approach.

Conclusion & recommendation

For the foregoing reasons, the Virgin Islands Police Department strongly supports Bill No. 36-0123 which will:

- Increase public safety by reducing the presence of impaired CMV operators on our roads.
- Protect young drivers and the public by setting a clear zero-tolerance standard for drivers under 21.
- Strengthening the enforcement and prevention collaboration already active through VIPD/OHS and community partnerships to fulfill the Territory's Highway Safety Plan.

We respectfully urge the Committee to advance Bill No. 36-0123 with a favorable vote and final enactment. The VIPD stands ready to assist the Legislature with

implementation details (training guidance for officers, standard operating procedures for CMV stops and testing, and public-education messaging) so the law achieves the intended safety benefits as quickly and effectively as possible. We stand ready to answer any follow on questions that you may have.