

**CALIFORNIA HIGHWAY PATROL
IMPAIRED DRIVING TASK FORCE
MEETING MINUTES**

**January 7, 2020
601 North 7th Street
Sacramento, CA 95811**

MEMBERS PRESENT

California Highway Patrol - Commissioner Warren Stanley, Assistant Chief Kevin Davis,
Captain Helena Williams
Alcohol Beverage Control - Joseph McCullough
American Automobile Association - Anita Lorz
American Civil Liberties Union of Southern California - Kathy Shers
California Commission on Peace Officer Standards and Training - Charles Evans
California Narcotic Officers' Association - Vaughn Gates
California National Organization for the Reform of Marijuana Laws - Dale Gieringer,
Ellen Komp
California Police Chiefs - Ken Corney
California Public Defenders Association - Leslie McMillian
California State Sheriffs' Association - Marcus James, Michael Toms
Department of Veterans Affairs - Dr. Anthony Albanese
Drug Policy Alliance - Grey Gardner
Medical Examiner, San Francisco - Dr. Luke Rodda
National Highway Traffic Safety Administration - Chris Murphy, Scott MacGregor
Office of Traffic Safety - Barbara Rooney, Nicole Osuna, Camille Travis, Danny Lamm
Pharmacist - Dr. Phillip Drum
Sacramento County District Attorney's Office, Supervising Criminalist - Michael Toms
San Diego Sheriff's Department - Jennifer Harmon
University of California, San Diego - Dr. Robert Fitzgerald, Dr. Thomas Marcotte
Ventura County Behavioral Health - David Tovar

MEMBERS ABSENT

Bureau of Cannabis Control - Lori Ajax
California Attorneys for Criminal Justice - Rich Hutton
California Department of Justice - Harinder Kapur, Kristen Burke
California District Attorneys Association - Joseph Chavez
California National Association for the Advancement of Colored People - Alice Huffman
Ceres Strategies - Elizabeth Ashford
Department of Motor Vehicles - Veronica Bowie
Friday Night Live – Lynne Goodwin
International Association of Chiefs of Police - Chuck Hayes
Kern County Deputy District Attorney's Office - Michael Yraceburn

Orange County Health Care Agency - Kathy Kendricks
Rocker's Against Drunk Driving - Erin Meluso
Stanford University - Shan Wang, Dana Lee Kralicek

OPENING COMMENTS

California Highway Patrol (CHP) Assistant Chief Kevin Davis opened the meeting by welcoming everyone to the eighth Impaired Driving Task Force (IDTF) meeting and thanked the members for their work related to developing legislative recommendations related to impaired driving.

Assistant Chief Davis made a motion to approve the October 14, 2019, IDTF meeting minutes. A second to the motion was made, and all members in attendance voted to approve the meeting minutes.

Assistant Chief Davis noted the IDTF would need to begin working on an accelerated timeline to accommodate changes in the legislative report review process. The IDTF will meet two additional times, on April 16, 2020, and July 7, 2020, for the purposes of finalizing the recommendations and completing the legislative report.

Additionally, Assistant Chief Davis apologized that Dr. Kurt Harper was unable to attend the meeting due to a last-minute scheduling conflict. However, the previously scheduled presentation by Director Chris Murphy from the National Highway Traffic Safety Administration (NHTSA) would stay on the agenda.

Assistant Chief Sean Duryee from the CHP Office of Special Representative provided a brief legislative update. Assistant Chief Duryee stated Senate Bill 684, relating to oral fluid drug screening devices, had been completely revised and was no longer related to impaired driving.

Public Comment

No members of the public commented.

PRESENTATION – NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGION NINE DRIVING UNDER THE INFLUENCE OF DRUGS BLUEPRINT

Director Murphy presented an overview of the NHTSA Blueprint (posted on the CHP's IDTF Web site), which addresses impaired driving-related best practices, benchmarking, and target setting. Director Murphy noted the rates at which persons are testing positive for drugs, including cannabis, have increased over the last ten years. This includes information taken from states that have legalized cannabis (including Colorado and Washington), national roadside surveys, and other metrics (including fatally injured drivers testing positive for specified drugs). However, Director Murphy noted several challenges, including inconsistent and/or incomplete data and reporting issues, law enforcement training, toxicology standardization issues, complex

prosecutions, the need for more public education and information campaigns, and the need for additional legislative efforts related to impaired driving at the state level.

Members' Comments

Captain Helena Williams asked about the possibility of having the California Commission on Peace Officers Standards and Training (POST) mandate the Standardized Field Sobriety Testing (SFST) course as part of initial law enforcement academy training. In California, officers must first attend SFST course, then they may attend the Advanced Roadside Impaired Driving Enforcement (ARIDE) course, and finally they may attend the Drug Recognition Expert course. Currently, CHP officers received training beyond the SFST course, and are required to attend ARIDE within one year of completing the CHP Academy.

Ms. Jennifer Harmon asked how this requirement would affect officers with assignments other than traffic enforcement. The members then discussed POST law enforcement training requirements, and costs associated with training.

Dr. Phillip Drum asked how many states required officers to be SFST trained upon graduation. Director Murphy indicated approximately 27 states require the SFST course in their academy. Additionally, Director Murphy noted he offered funding to all states to train their officers in SFST.

Captain William stated legislation and POST could close the gap and require SFST as part of the required POST academy curriculum. Dr. Drum then inquired about a national accrediting body or authority that could require SFST. Assistant Chief Davis stated POST sets basic California law enforcement requirements.

Director Barbara Rooney indicated it may be difficult to create a mandate for SFST using state funding. Assistant Chief Davis agreed and noted requiring SFST in academies would create additional costs for state and local allied agencies.

Mr. Charles Evans from POST noted California law enforcement agencies are not required to join POST, which could limit the effectiveness of an SFST requirement.

Captain Williams noted the CHP currently provides all CHP officers with SFST as part of their Academy training and has done so since 2004. Additionally, the CHP provides SFST, ARIDE, DRE, and associated instructor training utilizing grant funding from the California Office of Traffic Safety. Some academies have used this instructor training to provide SFST as part of their academy curriculum.

The group then discussed DRE reports and the entry rate into the national NHTSA/International Association of Chiefs of Police (IACP) DRE database. Current estimates put the entry rate lower than 40 percent. Given the challenges surrounding drug-impaired driving data, any underreporting is a significant concern. While the data is important, the user is primarily concerned with completing their report for submission

to the court. The data entry is generally completed after the report is finished and is separate from the report. Additionally, the entry of data into the database is not required.

Dr. Drum asked if CHP was putting a system in place to ensure all DRE reports are entered into the national database. Assistant Chief Davis reported CHP is in the final stages of distributing tablets to all DRE's and launching a new software system that will interface with the national database. Director Murphy reported 15 states have developed software to interface with the national database. Some of these systems are more advanced than others.

Several of the members began a conversation regarding the existence or development of an SFST refresher course. Captain Williams advised CHP is discussing developing an SFST refresher course as each state can add to or enhance the IACP standards. Dr. Drum then asked about SFST and ARIDE standards. Captain Williams explained officers must first pass SFST before they can attend ARIDE. Once SFST and ARIDE are completed, officers can attend DRE training. Additionally, DRE training has ongoing recertification requirements while SFST and ARIDE do not.

Mr. Grey Gardner asked about DRE recertification. Captain Williams advised that DREs must attend recertification training to demonstrate proficiency and perform four evaluations every two years to maintain their DRE status.

Ms. Nicole Osuna asked about toxicology laboratory testing equipment. There was a discussion regarding the federal "Buy America Act" requirement and how it prevents the use of federal grant funds on advanced equipment made outside of the United States.

Dr. Drum commented there needs to be a faster way to obtain blood samples from drivers of a suspected DUI. Dr. Drum noted checkpoints should include a phlebotomist to allow for faster blood draws. Ms. Osuna added that some of the checkpoints do include a phlebotomist.

Public Comment

No members of the public commented.

SUBCOMMITTEES BREAKOUT SESSIONS

The subcommittees met at this time. Each subcommittee will create a separate set of meeting minutes.

SUBCOMMITTEE REPORT

Assistant Chief Davis discussed a new format to be used when submitting recommendations. This new format should include a problem statement, recommendation, and any necessary background information. The members then reviewed an example provided by the Technology, Research, and Data subcommittee.

Dr. Thomas Marcotte provided a status update from the Technology, Research, and Data subcommittee. Dr. Marcotte indicated the group was close to completing their recommendations.

Mr. Michael Yraceburn for the Best Practices and Protocols reported they have ten recommendations at this time and are discussing another two possible recommendations.

Ms. Camille Travis for the Education and Prevention subcommittee reported there were only two members present today. There were no new recommendations at this time.

Member Comment

Assistant Chief Davis asked if any subcommittees had discussed a zero tolerance for any drugs detected in persons under 21 years of age. All subcommittees reported the topic had not come up. The group briefly discussed the recommendation.

Dr. Marcotte asked about how the recommendations would be merged together. Assistant Chief Davis reported CHP staff would be working with the subcommittee chairs to merge recommendations.

The group then discussed the need for IDTF to continue after the report is completed. A majority of the members agreed with this sentiment.

Public Comment

No members of the public commented.

ROUND TABLE DISCUSSION

There was no further discussion from the members.

Assistant Chief Davis thanked the subcommittee members for providing the fourth round of proposed recommendations. Assistant Chief Davis noted the subcommittees should be wrapping up their work, and the task force will begin focusing on finalizing the recommendations and the legislative report.

MEETING INFORMATION

The meeting began at 10:03 a.m. and was adjourned at 2:46 p.m.

The next meeting will be held at a date yet to be determined, at CHP Headquarters, in Sacramento, California. Members will receive an e-mail notification when the next meeting date has been scheduled, and a public posting will be uploaded to the CHP's public Web site.