

**CALIFORNIA HIGHWAY PATROL (CHP)
IMPAIRED DRIVING TASK FORCE (IDTF)
TECHNOLOGY, RESEARCH AND DATA SUBCOMMITTEE
MEETING MINUTES, SECOND MEETING**

March 6, 2019

1515 K Street, Room 550

Sacramento, California 95814

MEMBERS PRESENT

California Department of Justice, Laboratory Director - Kristen Burke (Chair)

University of California, Center for Medicinal Cannabis Research, Professor of Psychiatry – Thomas Marcotte (Co-Chair)

California National Organization for the Reform of Marijuana Laws, Director – Dale Gieringer

University of California, San Diego School of Medicine, Director of Toxicology Laboratory – Robert Fitzgerald

California Police Chiefs Association and Ventura Police Chief - Ken Corney (Attended by phone from alternate noticed location)

MEMBERS ABSENT

Orange County Crime Lab, Laboratory Director - Jennifer Harmon

National Highway Traffic Safety Administration, Regional Law Enforcement Liaison – Scott MacGregor

GUESTS

Commander, CHP Support Services Section (SSS) - Isaac Tillmen

Associate Governmental Program Analyst (AGPA), CHP SSS - Jeric Skeeter

Staff Services Analyst, CHP SSS - Rick Jefferson

Research Data Specialist II, California Department of Motor Vehicles (DMV) - Sladjana Oulad Daoud

Research Data Specialist I, DMV - Steven Villafranca

CALIFORNIA HIGHWAY PATROL STAFF ASSIGNED TO ASSIST

Captain, CHP - Helena Williams

Lieutenant, CHP - Eric Jones

AGPA, CHP – Noah Sherman

INTRODUCTIONS AND MOTION TO APPROVE PRIOR MEETING MINUTES

Ms. Kristen Burke and Dr. Thomas Marcotte welcomed the attendees to the second meeting of the Impaired Driving Task Force, Technology, Research and Data Subcommittee, and thanked them for their continued participation. The attendees, presenters, and CHP staff introduced themselves, and Ms. Burke reviewed the meeting agenda with the subcommittee.

Following the introductions, Dr. Robert Fitzgerald made a motion to approve the January 24, 2019, meeting minutes. Mr. Dale Gieringer seconded the motion, and all members attending the meeting voted to approve the minutes.

Public Comment

No members of the public attended.

PRESENTATIONS

Presentation #1: Annual Driving Under the Influence (DUI). Management Information Systems (MIS) Report

Ms. Sladjana Oulad Daoud from the DMV Research and Development Branch provided an overview of the DUI MIS Report, which is published and provided to the California State Legislature on an annual basis. The report, which was first published in 1989 after the passage of Assembly Bill 757, provides an overview of DUI trends in California based off information collected by DMV. Ms. Oulad Daoud provided an in-depth look at the most recent 2017 report.

Generally, the report shows DUI arrests and convictions trending up between 2005 and 2008, before trending down between 2009 and 2015. The downturn between 2009 and 2015 roughly tracks with a nationwide economic recession, and Ms. Oulad Daoud indicated many traffic safety researchers generally believe people had less disposable income and drove less during this period. Additional factors involved in this reduction likely include the advent of ridesharing companies, and a refocusing of law enforcement away from traffic enforcement duties due to layoffs and hiring freezes.

The group talked extensively about DUI conviction rates; recidivism rates; metrics used to evaluate of DUI programs; crash risks for alcohol and drug involved drivers; out of

state DUI convictions; and new the DUID analysis detailed in DMV's most recent report (including the numbers and demographics of California's DUI offenders).

The group also discussed how the mileage death rate is calculated (the rate is provided by the California Department of Transportation), the prevalence of DUI arrests by demographics (the most prevalent group is males aged 21-30), and DUI conviction rates (which are currently listed near 73 percent; however, the remaining 27 percent includes defendants who fail to appear and may include defendants offered diversion). Additional topics included the general deterrent effect of DUI checkpoints, the successes of public outreach regarding the dangers of alcohol impaired driving, and information sharing between states regarding DUI convictions (information is generally shared between most states; however, there are some exceptions).

The group then discussed the disparate amount of time it takes to get alcohol and drug related DUIs to trial and/or resolution. Generally, alcohol DUI cases move through the system much faster. Some members pointed to factors such as the time it takes to receive blood test results from the crime laboratories, chemical test sample retesting by defendants, and the general complexities of trying a drug DUI cases (compared to an alcohol only DUI case).

Ms. Daoud presented a summary of the 2014 DUI offender statistics, which found that 73.1 percent were first time offenders, 20.4 percent were second time offenders, 5 percent for third time offenders, and 1.5 percent were fourth (or more) time offenders. Ms. Daoud noted this may have implications for public outreach efforts geared at warning the public about the dangers of impaired driving.

Additionally, Ms. Daoud presented information showing a decline in DUI recidivism rates over a five-year period, which she attributed to tougher sanctions and penalties for DUI that were established in the 1990s.

The group discussed pending legislative efforts in California and elsewhere that would potentially lower the blood alcohol content (BAC) per se limit, which currently stands at 0.08 percent all states. Most notably, Utah recently lowered the BAC limit to 0.05 percent, and while Utah's standards and statistics cannot be directly compared with California due to various factors, some studies have indicated there is a direct correlation between a lower legal alcohol limit and positive implications for traffic safety.

The group discussed traffic crashes resulting in fatalities and injuries where alcohol and or drugs were involved. Between 2010 and 2015, alcohol was found in a majority of impaired driving crashes; however, the presence of drugs in these crashes has been rising quickly. Specifically, data collected from alcohol and drug involved fatalities from 1995 to 2016 found a significant increase in drug involved traffic crashes, and a decrease in alcohol only crashes. The data also showed a current downward trend in DUI arrests, and an increase in DUI fatalities.

Commander Isaac Tillman called out a discrepancy in traffic crash reporting statistics; noting all law enforcement agencies are required to report traffic crash data to CHP, and drivers are required to report traffic crashes with damage over \$1000 to DMV, but drivers do not always self-report if there is no law enforcement involvement at the scene

of a crash. Additionally, some insurance companies send crash data to DMV, but this is not a requirement. However, if DMV receives crash data from an insurance company but not the driver, it will result in a license suspension.

Dr. Marcotte asked if there was a more detailed definition of “drugs” which included both illegal and over-the-counter types. Captain Helena Williams pointed to the current definition of drugs in the California Vehicle Code and referenced the Drug Recognition Expert (DRE) program drug categories. Additionally, Commander Tillman indicated efforts are underway at CHP to collect any DRE drug categories involved in DUI incidents, but this is still a work in progress.

Public Comment

No members of the public attended.

Presentation #2: DUI Data Gaps

Mr. Steven Villafranca from DMV provided an overview of how a DUI offender works through the criminal and administrative systems, beginning with the initial law enforcement contact, through the DMV administrative per se process, into the criminal court, and ending with court mandated DUI programs. Additional topics included: alcohol and drug-impaired driving metrics; an overview of alcohol and drug involved traffic crash information; and DUI diversion programs.

The group then had an in-depth discussion regarding the different data points collected during the criminal and administrative processes; however, the group noted there is no centralized state level collection point for all DUI data in California. The group discussed the feasibility of collecting information from the numerous law enforcement agencies, crime labs, courts, DMV, the California Department of Justice (DOJ), and even DUI program providers. It was noted that most agencies collect data based on statute. Ms. Daoud indicated going beyond requirements listed in statute can, depending on the data, can expose an agency to liability and/or additional scrutiny.

The group briefly discussed different committees and groups that may have overlap with current subcommittee efforts, or that may collect relevant DUI information. These groups include: the Strategic Highway Safety Plan, Alcohol and Drug Impairment Challenge Area; Traffic Records Coordination Committee; and the Traffic Records System group. The group discussed the possibility of having representatives from these groups present at upcoming subcommittee meetings or creating a document for the subcommittee members to reference that includes the groups responsibilities, projects, and duties.

The group then discussed the revised DS 367 from series which was updated as of January 1, 2019. The revision to the form added checkboxes for alcohol, cannabis, and other drugs, for the purposes of statistical tracking. An officer may check all boxes that apply to the incident. Mr. Villafranca noted people frequently ask DMV if there has been an increase in cannabis-impaired driving incidences in California since the

passage of the Adult Use of Marijuana Act (AUMA) (2016). Unfortunately, the question cannot currently be answered as no baseline was established before the passage of the AUMA. Additionally, the state is still attempting to answer how best to document cannabis involved impaired driving incidents and how best to source that information. As a side note, Mr. Villafranca also noted that a recent World Drug Report identified more than 500 new impairing substances, 30 percent of which were synthetic cannabinoids, which only adds to the challenge of appropriately identifying cannabis involved impaired driving incidents.

The group touched on how CHP collection of crash data is generally more extensive than most local law enforcement departments. Mr. Gieringer asked what percentage of DUI arrests are made by CHP as compared to other law enforcement departments. Mr. Villafranca answered that CHP generally accounts for approximately 52 percent of impaired driving arrests, with local law enforcement accounting for the remainder. Ms. Daoud noted that some counties overreport, while others underreport, so there will always be minor inaccuracies in the reporting data.

The group next discussed the Fatality Analysis Reporting System (FARS), which is maintained by the National Highway Traffic Safety Administration, and the Statewide Integrated Traffic Records System (SWITRS), which is maintained by the CHP. Although these systems do contain some specified toxicology information, testing capabilities and reporting levels vary widely between jurisdictions making drawing conclusions regarding drug-impaired driving from these systems is difficult. As such, the group agreed improving data quality, possibly through the establishment of testing standards or guidance should be considered by the group as a possible legislative recommendation.

Public Comment

No members of the public attended.

Presentation #3: CHP Support Services Section

Commander Isaac Tillman provided an overview of the CHP's crash data collection and reporting requirements. The CHP currently collects specified crash information (from approximately 550 law enforcement agencies across California) and enters the information into SWITRS. Additionally, the CHP maintains the Electronic Death Registration System, which includes some drug reporting information. Both systems feed specified information into FARS.

Although the CHP acts as a centralized collection location for statewide crash information, the manner and information collected by local agencies often varies. After much discussion, the group eventually came back to the need for a standardized data collected and maintained by a single agency.

Public Comment

No members of the public attended.

ROUND TABLE DISCUSSION

Mr. Gieringer asked about crime laboratory testing results and cannabis identification. Ms. Burke indicated some crime laboratories report each cannabinoid individually, including: delta-9-tetrahydrocannabinol (THC), hydroxy-THC, and carboxy-THC. Other crime laboratories simply indicate cannabis was present if any of the cannabinoids were detected. The group discussed the importance of standardizing crime laboratory reporting results, in addition to standardizing testing capabilities.

Captain Williams gave a brief update on CHP's acquisition of tablet computers and development of new software to collect information from Drug Recognition Experts (DRE). The purpose of the project is to collect more complete information from DRE evaluations to better understand the drug-impaired driving issues in California. Initially, the goal is to test the program within CHP, and if successful, distribute tablets and/or the software to allied agencies at a later date.

The discussion then moved to the challenges associated with standardizing crash and arrest reporting and reconciling these reports with associated toxicology results. There are inherent challenges with standardizing and linking information across multiple agencies and computer systems. However, establishing standards, even minimum standards, may be a starting point. With standardized information, establishing a centralized collection point for information becomes less challenging.

The group next discussed the need for creating a system that could aggregate crash data, arrest data, and toxicology data from multiple sources into one cohesive system. Ms. Daoud cautioned new laws may be needed to define the scope of such a system, govern how it would operate, and address access and privacy concerns, if any. Additionally, Ms. Daoud went on to say that DMV already collects a great deal of information in accordance with specific mandates from the California Vehicle Code.

Next the group discussed how data could potentially be used to find correlation between cannabis and impaired driving, and even possibly other crimes. Some members raised concerns about collecting additional information from other sources, including criminal histories, concealed weapons databases, and possibly even private information sources. Linking cannabis use to these other data information sources would likely fall outside of the mandate of this group; however, if the information is collected, it could be used by other groups.

Public Comment

No members of the public attended.

FUTURE DISCUSSIONS AND ACTION ITEMS

During the meeting, the subcommittee requested:

- A copy of the 2017 DMV DUI MIS Report. A link to the report can now be found on the IDTF public Website.
- Presentations from other groups with potentially overlapping goals, including: Strategic Highway Safety Plan, Alcohol and Drug Impairment Challenge Area; Traffic Records Coordination Committee; and the Traffic Records System Group.
- Presentation from the DOJ regarding impaired driving arrest information, to include the upcoming implementation of the National Incident-Based Reporting System.
- Requesting DOJ feedback on the feasibility of collecting and reporting all DUI subsection information in their annual Crime in California Report, rather than grouping all DUI arrests into one category.
- Presentation from the Judicial Council regarding impaired driving data collection from the court's perspective.
- Presentation of California Department of Technology, or appropriate agency, related to feasibility of creating a new data collection system for impaired driving crash, arrest, toxicology, and court disposition information.
- A presentation on the feasibility of requiring all agencies to use the CHP crash reporting form.
- Copies of sample crime laboratory toxicology reports for the purposes of conducting a review and comparison of current reporting practices.
- Provide information on how the mileage death rate is calculated.

Public Comment

No members of the public attended.

MEETING INFORMATION

The meeting began at approximately 10:00 am hours and was adjourned at approximately 3:30 pm.

California Highway Patrol staff will poll the group to determine the next meeting date and will secure a state facility to hold the meeting. The subcommittee will attempt to hold the next meeting around June 4, 2019. The meeting will be noticed on the IDTF's public Website.