

**CALIFORNIA HIGHWAY PATROL
IMPAIRED DRIVING TASK FORCE
TECHNOLOGY, RESEARCH AND DATA SUBCOMMITTEE
MEETING MINUTES**

**January 24, 2019
4920 Lang Avenue
McClellan, CA 95652**

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)

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

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

Orange County Crime Lab, Laboratory Director - Jennifer Harmon

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

California Police Chiefs Association and Ventura Police Chief - Ken Corney

MEMBERS ABSENT

None.

GUESTS

None.

CALIFORNIA HIGHWAY PATROL STAFF ASSIGNED TO ASSIST

California Highway Patrol, Lieutenant – Eric Jones

California Highway Patrol, Associate Governmental Program Analyst – Noah Sherman

INTRODUCTIONS

The group began with introductions, detailing their qualifications, and explaining their interest in the Technology, Research and Data Subcommittee.

Public Comment

No members of the public attended.

GENERAL ROUND TABLE DISCUSSION

The group discussed each subcommittee focus area at length.

Several members of the group expressed their interest in current impaired driving data collection practices, sources, and existing data gaps. Additionally, members of the group identified specific existing data gaps they would like to explore in future meetings. Generally the group agreed bettering impaired driving data collection would help inform future policy and legislative decisions.

Mr. Gieringer spoke about how California impaired driving laws were changed in 2014 to separate alcohol, drug, and alcohol drug combination impaired driving arrests. This data was supposed to help better inform policy makers.

Chief Corney emphasized the need for more impaired driving research, and stressed more research leads to better solutions and recommendations. In essence, he believes more research will help better identify impairment.

Mr. Gieringer talked about emerging drug detection technology like oral fluid drug screening devices and new performance tests. Mr. Gieringer indicated there should be a standardized vetting and approval process in California before putting these items into practice. According to Mr. Gieringer, this approval would need to test performance and successfully identify varying degrees of impairment. Mr. Gieringer indicated he believed we may never have a test that can detect drug impairment.

Ms. Burke responded to Mr. Gieringer by detailing how crime labs validate new methods of drug detection. In essence, Ms. Burke stated they must be able to prove their methods can detect drugs at specific levels. Mr. Gieringer clarified he is interested in how specific drug levels affect human performance, and indicated we may never have a per se level for drugs.

The group then began to discuss proficiency testing in crime laboratories. Dr. Fitzgerald indicated he believes crime labs must standardize their proficiency testing as there are no current set standards. Ms. Burke explained to the group that proficiency testing refers to, in essence, the blind testing of crime laboratory personnel and practices using samples with known results.

Ms. Harmon added she believes the purpose of crime lab standardization should be to reproduce results. Ms. Harmon noted that California is unique as crime laboratories are not subject to any specific oversight body when it comes to drug testing. However, California crime laboratories are subject to specific regulations when it comes to testing for alcohol (California Code of Regulations, Title 17). Ms. Harmon continued, there are efforts at the federal level to standardize crime laboratory testing in drug impaired driving cases. Currently, the National Safety Council has published recommendations.

Ms. Harmon then added she agrees with Mr. Gieringer, and is aware of data gaps in the impaired driving data collection system. Specifically, Ms. Harmon talked about the lack of drug testing for fatally injured drivers. Current law requires fatally injured drivers to be tested for alcohol, but drug testing is optional (California Government Code Section 27491.25). As such, the number of fatally injured drivers killed with drugs present in there system is underreported. This problem is compounded as this data feeds into the National Highway Traffic Safety Administration, Fatality Analysis Reporting System.

Ms. Burke and Ms. Harmon noted another area of interest was emerging technology in crime laboratories. Many crime laboratories, including the Department of Justice and the Orange County Crime Laboratory, have purchased liquid chromatography mass spectrometry (LCMS) devices. These devices are an advance over previous technology and can detect hundreds of drugs. Unfortunately, these machines are extremely costly and crime laboratories must have redundancy, meaning they may have to purchase more than one device if they decide to utilize LCMS devices.

Mr. Gieringer asked how many crime laboratories were testing impaired driving samples in California. Ms. Burke explained that the California Department of Justice conducts testing for 46 out of the 58 counties. Ms. Burke and Ms. Harmon then explained the remaining counties either use their own public crime laboratory, like Sacramento County, or they contract with a private laboratory, similar to the system Los Angeles County is moving toward. Ms. Harmon also noted in Washington, the Washington State Patrol handles all impaired driving sample testing for the entire state.

Dr. Marcotte asked Ms. Harmon if there were any existing software requirements for the collection of chemical test results taken from suspected impaired drivers. Ms. Harmon indicated there were no requirements but there may be limited vendors. Dr. Marcotte indicated it may be advantageous to explore data collection software for the purposes of aggregating data from multiple sources.

The group then discussed if they should begin with an examination of existing data, research, or technology. After some discussion, it was ultimately decided the group should begin by examining current impaired driving data sources and gaps.

Mr. MacGregor noted the Technology, Research and Data Subcommittee would provide important information to the California State Legislature and beyond. He continued by

echoing Chief Corney emphasizing the recommendations that come from this subcommittee would drive policy decisions.

Chief Corney indicated he believes the chair and co-chair of this subcommittee should be either a member with an academic background or a member with a criminalist background. Mr. MacGregor seconded this recommendation and noted the subcommittee is primarily rooted in science and should have someone with a science background in the lead.

The group discussed creating a list of organizations involved in collecting impaired driving data and creating a list of acronyms.

The group briefly discussed Bagley-Keen requirements, and potential future speakers. The discussion included follow-up to determine if all call-in locations must be open to the public. Speaker suggestions included staff from the Office of Traffic Safety; the California Department of Motor Vehicles, Research and Development Branch; and the California Highway Patrol, Information Services Unit.

Public Comment

No members of the public attended.

CHAIR AND CO-CHAIR SELECTION

Ms. Kristen Burke was nominated and selected as the subcommittee chair. Dr. Thomas Marcotte was nominated and selected as the subcommittee co-chair.

Public Comment

No members of the public attended.

ACTION ITEMS

The subcommittee requested the California Highway Patrol (CHP) arrange for speakers from the following organizations to talk about existing data collection and practices:

- California Department of Motor Vehicles, Research and Development Branch
- California Highway Patrol, Information Services Unit
- California Office of Traffic Safety

Additionally, the group asked the CHP to determine if Bagley-Keen teleconference requirements.

Lastly, the group asked the CHP to coordinate a future meeting date, preferably in February or March.

Public Comment

No members of the public attended.

MEETING INFORMATION

The meeting began at approximately 10:35 a.m. and was adjourned at approximately 12:30 p.m.

The next meeting will be scheduled at a future date. Members will be e-mailed meeting notifications and a public posting will be uploaded to the CHP public Web site.