

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

**February 22, 2018**  
**320 North Flower Street**  
**Santa Ana, CA 92703**

**MEMBERS PRESENT**

Deputy Commissioner Scott Silsbee, California Highway Patrol - *Designee for Commissioner Warren Stanley*  
Chief Esmeralda Falat, California Highway Patrol  
Assistant Chief Kevin Davis, California Highway Patrol  
Captain Helena Williams, California Highway Patrol  
Alice Huffman, California National Association for the Advancement of Colored People  
Creg Datig, California District Attorneys Association - *Designee for Amanda Martin*  
Anita Lorz, American Automobile Association  
Christian Albrecht, Alcohol Beverage Control  
Dale Gieringer, California National Organization for the Reform of Marijuana Laws  
Dr. Anthony Albanese, Department of Veterans Affairs  
Dr. Barth Wilsey, University of California, San Diego  
Elizabeth Ashford, Ceres Strategies  
Jennifer Harmon, Orange County Crime Lab  
Jim Kooler, Friday Night Live  
Rodney Holcombe, Drug Policy Alliance - *Designee for Jolene Forman*  
Kathy Kendricks, Orange County Health Care Agency  
Ken Corney, California Police Chiefs  
Kristen Burke, California Department of Justice - Toxicology  
Lori Ajax, Department of Consumer Affairs  
Michael Toms, Sacramento County Deputy District Attorney  
Michael Yraceburn, Kern County Deputy District Attorney  
Marcus James, California State Sheriffs' Association  
Rich Hutton, California Attorneys for Criminal Justice  
Randy Weissman, Office of Traffic Safety - *Designee for Rhonda Craft*  
Thomas Marcotte, University of California, San Diego  
Veronica Bowie, Department of Motor Vehicles  
Vaughn Gates, California Narcotic Officers' Association

**MEMBERS ABSENT**

Brian Huyuh, National Highway Traffic Safety Administration  
Dana Lee Kralicek, Stanford University  
David Tovar, Ventura County Behavioral Health

Diana Tate Vermeire, Northern California American Civil Liberties Union  
Dr. Luke Rodda, Chief Medical Examiner, San Francisco  
Ellen Komp, California National Organization for the Reform of Marijuana Laws  
Hezekiah Allen, California Growers Association  
Jennifer Rolfe, International Association of Chiefs of Police  
Joe Stewart, California Narcotics Officers' Association  
Margaret Dooley-Sammuli, Northern California American Civil Liberties Union  
Jana Munk, Peace Officer Standards and Training  
Robert Fitzgerald, University of California, San Diego  
Shan Wang, Stanford University  
Tim Chang, Automobile Club of Southern California

### **GUESTS**

Assistant Chief Richard Desmond, California Highway Patrol  
Sergeant Glen Glaser, California Highway Patrol  
Lynne Goodwin, California Friday Night Live Program

### **PUBLIC**

Carolyn Secrist, Orange County Health Care Agency  
Erin Meluso, Rucker's Against Drunk Driving  
Elke Petras, Friday Night Live  
Kellen Russoniello, American Civil Liberties Union  
Nick Marrow, Member of the Public  
Nicole Osuna, Office of Traffic Safety  
Pauline Stauder, Orange County Health Care Agency

### **OPENING COMMENTS**

California Highway Patrol (CHP) Chief Esmeralda Falat opened by welcoming everyone to the second Impaired Driving Task Force (IDTF) meeting. Chief Falat began by introducing Orange County Crime Laboratory (OCCL) Assistant Director Jennifer Harmon, and Undersheriff Don Barnes.

Undersheriff Barnes welcomed everyone to OCCL and thanked them for their attendance. Undersheriff Barnes spoke about the importance of improving roadway safety, while ensuring due process for persons accused of violating the law. Undersheriff Barnes also emphasized the importance of the IDTF, and how partnerships can reduce impaired driving.

Chief Falat then introduced CHP Deputy Commissioner Scott Silsbee. Deputy Commissioner Silsbee thanked the IDTF members for their attendance and their time. Additionally, Deputy Commissioner Silsbee stressed the importance of the IDTF, their recommendations, and how their work could reduce impaired driving and potentially save lives.

Chief Falat made a motion to approve the October 3, 2017, IDTF Meeting Minutes. A second to the motion was made, and all members in attendance voted to approve the meeting minutes.

## **PRESENTATION - DRUG RECOGNITION EVALUATORS**

California Highway Patrol Sergeant Glen Glaser presented information about the Drug Evaluation and Classification Program (DECP), and the Drug Recognition Expert (DRE) course.

The CHP is the statewide coordinator for all DECP training in California, including the DRE course. The DRE course is funded by a grant from the California Office of Traffic Safety (OTS). In order to become a certified DRE, officers must be proficient in, and have passed, the Standard Field Sobriety Testing (SFST) course, and the Advanced Roadside Impaired Driving Enforcement (ARIDE) course. The SFST course is a 16 to 24-hour class that emphasizes proficiency in identifying impaired drivers and administering field sobriety tests. The ARIDE course is a 16-hour class that expands on drug impairment and introduces the seven drug categories. The ARIDE course bridges the gap between SFST and DRE, and helps law enforcement better identify drug impaired drivers.

Drug Recognition Expert training is a 72-hour course. The DRE classroom portion of the course covers the seven drug categories and signs and symptoms of drug impairment; physiology; the 12-step DRE evaluation process; vital signs; and drug combinations. Students must pass five quizzes, a mid-term, and a final written examination. Students are taught to recognize the difference between alcohol impairment, drug impairment, and medical emergencies.

The DRE students must also attend a field certification site where they must be able to correctly identify the specific drug categories suspected of causing a person's impairment. While at field certifications, students must complete 12 DRE evaluations, nine of which must be supported by toxicology results, during which three of the seven drug categories must be identified. This must be completed within 90 days of the classroom portion, and is followed by a comprehensive knowledge examination.

Once a DRE student is certified, they must be recertified biannually. To be recertified, DREs must have completed four evaluations within two years. One of these evaluations must be witnessed by a DRE instructor and supported by toxicology.

Since the passing of Proposition 64, the CHP has coordinated/facilitated 96 SFST courses, training 1,759 students, 133 ARIDE classes, training 5,882 students, and 18 DRE classes, training 535 students.

The number of trained DRE personnel in California has risen from 1,215 in 2014 to 1,743 in 2018. California has the most DRE trained officers in the nation. Unfortunately, there is a high turnover rate among DRE officers, which is partially

attributable to the stringent recertification requirements, attrition, and demands of the program (e.g., frequent court appearances).

### Members Comments

Mr. Dale Gieringer asked if there was a mobile lab for drug testing and can a person refuse testing. Sergeant Glaser explained testing can be refused. However, the officer/DRE will then use whatever information they have available to assess a person's sobriety. This assessment may include pupil dilation, blood pressure, heart rate, and other indicators.

Dr. Barth Wilsey asked what happens if a breath test registers negative during the examination. Sergeant Glaser explained that a preliminary alcohol screening (PAS) device is often used to help determine if a person is under the influence of alcohol. However, if the PAS test is negative and the officer believes a person is impaired, they can use the standardized DRE 12-step evaluation.

Several members asked about how much time it takes to transport a suspected impaired driver to a testing location (controlled environment) for a DRE evaluation. Sergeant Glaser advised it takes approximately 30 minutes from the time of initial contact to get to a safe location (controlled environment) if a person is cooperative. Times can vary depending on locations, traffic, and a person's demeanor. Collection of the toxicological samples can vary as well.

Ms. Elizabeth Ashford spoke about Proposition 64 and the rights of a driver during a DRE examination. Sergeant Glaser spoke about how, in his experience, even after a person is provided a Miranda Admonition, most are still willing to talk to the DRE officer about their drug use.

Dr. Thomas Marcotte inquired if there was a national database collecting DRE examination and impaired driving information. Sergeant Glaser explained that National Highway Traffic Safety Administration tracks some data, but not specific drugs.

Captain Helena Williams also reminded the group the DRE is a standardized training used nationwide and internationally.

### Public Comment

No members of the public wished to comment.

## **PRESENTATION – FORENSIC TOXICOLOGY**

Orange County Crime Lab Assistant Director of Forensic Chemistry, Jennifer Harmon, presented an overview of the OCCL process for toxicology testing of suspected impaired drivers. Effective August 2018, all impaired driving violations where a blood

sample is obtained will be screened for drugs. Positive screening tests are then confirmed with a second more sensitive confirmatory testing. All samples obtained after a DRE evaluation are tested, regardless of the criminal charges. Additionally, all felonies including California Vehicle Code Sections 23152(e) – *driving under the influence of drugs*, and 23152(f) – *driving under the influence of a combination of alcohol and drugs* are tested for drug content. All drivers who provide blood samples are tested for drug content, regardless of their blood alcohol level.

All initial drug screening tests include benzodiazepines; cocaine and metabolites; methamphetamine and related compounds; opiates; cannabinoids; oxycodone/oxymorphone; and zolpidem.

The OCCL has observed an increase in pain management drug abuse. Additional testing can be requested for antiseizure and anticonvulsant medication, over the counter sleep aids, antidepressants and antipsychotic medication, antihistamines, some bath salts, fentanyl, and fentanyl analogues. Currently, lysergic acid diethylamide, psilocin and psilocybin, n-BOMe, synthetic cannabinoids, some bath salts, and nitrous oxide cannot be tested.

Overall, OCCL can test for up to 72 compounds in the whole blood, and 300 different drugs. Test results can vary due to how quickly they are obtained, how they are stored, and if there is any delay in proper storage.

### Members Comments

Several members brought up the per se laws and the possibility of drug per se laws. It was noted during the discussion that while the public and juries may prefer per se laws, similar to those that exist for alcohol impairment, current science does not support per se laws for drugs.

### Public Comment

Mr. Nick Marrow brought up a study that Uber, Lyft, and other ride sharing companies are conducting to reduce impaired driving incidents.

## **PRESENTATION – FRIDAY NIGHT LIVE**

Dr. Jim Kooler introduced California Friday Night Live (FNL) Program Director Lynne Goodwin. The FNL program seeks to educate young people and build partnerships for positive healthy youth development while engaging youth as active leaders in their communities. The programs are tailored towards fourth grade through high school students. The FNL program has partnered with CHP, OTS, Department of Health Care Services, Office of Problem Gambling, the California Department of Alcohol Beverage Control, and Allstate Insurance Company. Through these partnerships, FNL provides classroom curriculum, the Every 15 Minutes program, mock court, and reality parties.

This enables the FNL Program to connect and convey information to youth in such a way they want to get involved and drive change.

Most children are frequently exposed to alcohol at home, setting the foundations and belief system that teaches children it is okay to drink and drive.

The IDTF members then participated in a group activity similar to a youth program. The group activity had the IDTF members analyze a situation and message. They then changed the message to discourage destructive behavior related to alcohol impaired driving.

### Members Comments

Captain Williams thanked FNL for their presentation. She discussed how the task force could use existing programs that have alcohol impaired driving messages and substitute them with drug impaired driving messages.

### Public Comment

No members of the public wished to comment.

## **NEXT STEPS FOR THE COMMITTEE**

Captain Williams initiated a discussion regarding next steps. Specifically, Captain Williams led the group in a discussion of topics the IDTF would like to explore and address at the next meeting. Captain Williams and Assistant Chief Davis reminded the group they are responsible for drafting recommendations for submission to the California State Legislature by January 1, 2021.

As a follow-up to the DRE presentation, the members requested a demonstration of an impaired driving investigation, including SFSTs (and possibly a DRE evaluation) as well as discussion with prosecutors and defense attorneys. Discussion was also held on whether meetings should be four, six, or eight hours long. It was agreed that meeting times will vary depending on the agenda.

### Members Comments

Ms. Jennifer Harmon reminded the IDTF members of the importance of data, and what data should be collected to inform future decision making.

### Public Comment

No members of the public wished to comment.

## **MEETING INFORMATION**

The meeting began at 10:00 a.m. and was adjourned at 1:55 p.m.

The next meeting was tentatively scheduled for May 2018, at a location to be determined, in Sacramento, California. Members will be e-mailed meeting notifications, and a public posting will be uploaded to the CHP public Web site.