

CALIFORNIA HIGHWAY PATROL
IMPAIRED DRIVING TASK FORCE
MEETING MINUTES

October 3, 2017
601 North 7th Street
Sacramento, CA 95811

MEMBERS PRESENT

Acting Commissioner Warren Stanley, California Highway Patrol
Chief Esmeralda Falat, California Highway Patrol
Assistant Chief Kevin Davis, California Highway Patrol
Captain Helena Williams, California Highway Patrol
Alice Huffman, President - California National Association for the Advancement of Colored People
Amanda Martin, California District Attorneys Association
Tim Chang, Automobile Club of Southern California
Christian Albrecht, Alcohol Beverage Control
David Tovar, Ventura County Behavioral Health
Elizabeth Ashford, Ceres Strategy
Hezekiah Allen, California Growers Association
Jennifer Harmon, Orange County Crime Lab
Jim Kooler, Friday Night Live
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 Sheriffs Associate
Ralph Brown, Peace Officer Standards and Training
Rhonda Craft, Office of Traffic Safety
Robert Fitzgerald, University of California - San Diego
Thomas Marcotte, University of California - San Diego
Veronica Bowie, Department of Motor Vehicles
Ellen Komp, California National Organization for the Reform of Marijuana Laws
Vaughn Gates, California Narcotic Officers' Association
Brian Huyuh, National Highway Traffic Safety Administration

MEMBERS ABSENT

Dale Gieringer, California National Organization for the Reform of Marijuana Laws
Dr. Luke Rodda, Chief Medical Examiner, San Francisco
Jennifer Rolfe, International Association of Chiefs of Police
Joe Stewart, California Narcotics Officers' Association

Ken Corney, California Police Chiefs
Margaret Dooley-Sammuli, Northern California American Civil Liberties Union
Rich Hutton, California Attorneys for Criminal Justice
Shan Wang, Stanford University
Dana Lee Kralicek, Stanford University

GUESTS

Assemblyman Tom Lackey, California Assembly
Assistant Commissioner William Siegl, California Highway Patrol
Assistant Chief Richard Desmond, California Highway Patrol
Attorney Kristen Preston, California Highway Patrol
Tim Townsend, Capitol Director, Assemblyman Lackey Staff

OPENING COMMENTS

California Highway Patrol (CHP) Chief Esmeralda Falat opened the meeting by welcoming everyone to the first Impaired Driving Task Force (IDTF) meeting and introducing CHP Acting Commissioner Warren Stanley. Acting Commissioner Stanley thanked everyone for participating and introduced Assemblyman Tom Lackey, the author of Senate Bill (SB) 94 which established the task force. Assemblyman Lackey expressed his appreciation for everyone in attendance to address this critical traffic safety challenge and spoke about the importance of combating impaired driving from alcohol, cannabis, illegal drugs, legal drugs, or a combination of any of these substances.

BAGELY-KEENE OPEN MEETING ACT

Attorney Kristen Preston gave an overview of the Bagely-Keene Open Meeting Act. Ms. Preston reminded the members there are several requirements that must be met for task force and subcommittee meetings.

- All meetings are public – The public must have access to all meetings. This includes teleconference meetings, where at least one task force member must be physically present.
- All meetings require notice – Meetings must be posted at least ten days prior and must be made publically available on the Internet. Notices must include the following: time, date, location, agenda, and the name, address and telephone number of a person who can provide further information, including how to obtain disability accommodations.
- All meetings require an agenda – The agenda must be made public and may not be altered after posting. If the task force does bring up a new agenda item, it will need to be discussed at the next meeting, after being added to the agenda.
- The public has the right to speak at the meeting – The public must be allowed to speak on agenda items during discussions of items and before a vote is taken.

The task force may adopt regulations to limit the total amount of time for public comment. The task force cannot prohibit public comment.

- Written material must be made available to the public – All written material distributed to the task force members must be made available to the public, with the exception of confidential material.
- Recordation of the meeting – The task force may record its meeting. Recordings must be retained for 30 days and be made available for public review. The public and media may broadcast the meeting, as long as it is not disruptive to the meeting.

TASK FORCE OBJECTIVE AND MANDATES

Assistant Chief Kevin Davis discussed the purpose of the task force and the focus on impaired driving and clarified topics which would not be discussed (e.g., the transportation of cannabis, the taxation or sales of cannabis).

Assistant Chief Davis provided an overview of California Vehicle Code Section 2429.7, which identifies the purpose of the IDTF, including:

1. Develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of impaired driving.
2. Make recommendations regarding the prevention of impaired driving.
3. Make recommendations regarding how to best capture data and evaluate the impact that cannabis legislation has on roadway safety.
4. By January 1, 2021, report to the Legislature policy recommendations and the steps agencies are taking regarding impaired driving.

Members Comments

Ellen Komp brought up the subject of technology, specifically a cell phone application called “My Canary” that could determine sobriety. Ms. Komp wondered if similar technology can be used.

Ralph Brown recommended researching other agencies’ policies and procedures to determine what data is available.

Alice Huffman inquired if cannabis was the only drug the IDTF was discussing. Assistant Chief Davis explained IDTF would be discussing all impaired driving including legal and illegal drugs.

Assistant Chief Davis discussed current limitations in data collection relating to impaired driving statistics, collision factors, and the various drug categories which can cause impairment.

Several members voiced concern over the collection of baseline data involving drug related collisions. Currently, there are no guidelines to collect data or a reliable way to

ensure it is being collected. Additionally, there are no assurances that increases in collisions are a direct correlation with new drug laws.

Hezekiah Allen voiced a specific concern that we are already seeing a spike in collisions due to drugs and the data is not being collected. Assistant Chief Davis spoke about the need to establish a better understanding of what baseline data has been collected thus far and what can be collected in the future. Elizabeth Ashford informed the group the coroner's office has been tracking the presence of tetrahydrocannabinol/cannabis in fatal collisions since 2014, and will continue to track the data after legalization. However, Ms. Ashford's county (Los Angeles) is unable to capture all of the data due to procedural issues.

David Tovar stated patients who are mandated to attend or are treated at county driving under the influence programs are given a 'place of last drink' survey at the end of treatment. The survey asks questions regarding the day of the collision. For example, questions include if they were drinking, using other substances, or mixing substances. These answers provide deep insight into the circumstances surrounding the collision and the patient's thought processes. Mr. Tovar believes the participants are more likely to answer honestly following treatment. From the surveys, information can be gathered to improve public education.

Alice Huffman emphasized a set of standards should be used by everyone involved in data collection.

Assistant Chief Davis spoke about efforts being made to collect data and agreed at subsequent meetings the IDTF should have a more in-depth conversation about how data is collected and the need for data standardization. Discussions should include the method of sharing the data with all stakeholders and what other variables could be impacting the data beyond just the legalization of cannabis.

Chief Esmeralda Falat commented that fairness, laws, and regulations all must be adhered to and followed.

Public Comment

No members of the public wished to comment.

LEGISLATION

Assistant Chief Rich Desmond gave the following updates on existing and proposed legislation:

- Assembly Bill (AB) 6 (Lackey) – Initial IDTF legislation. This bill was later merged with SB 94 (which was ultimately chaptered).
- AB 702 (Lackey) – Seeks to change admonishments relating to chemical tests and refusals.

- AB 1366 (Lackey) – Authorize oral fluid device and other technology.
- AB 1733 (Lackey) – Designates the CHP as having a leadership role in combatting black market cannabis operations.
- SB 94 (Hill) – Created the IDTF and provides \$3 million to CHP to use for the training of drug recognition experts. Also, prohibits an open container of cannabis in a vehicle and distinguishes between medical and recreational possession and use.
- SB 65 (Hill) – Prohibits a driver or passenger of a vehicle from consuming or smoking cannabis.
- SB 698 (Hill) – Would create a .04 percent per se level with cannabis and alcohol; and zero tolerance for minors under 21.

The group also discussed revisions to the vehicle code which have allowed for better data collection.

NEXT STEPS FOR THE COMMITTEE

Captain Helena Williams initiated a discussion of topics the IDTF would like to address. The following topics were identified:

- Safe and responsible consumption location.
- Public education.
- Proposition 64 funding review.
- Threshold of impairment.
- Department of Motor Vehicles – Administrative Per Se drug issues.
- Responsible Beverage Service type training for cannabis sales and use.
- Data collection standards and reliable measuring.
- Pharmaceutical abuse issues.
- Impairment testing technology.
- Best practices from other states.
- Presentations from pharmaceutical, alcohol, and cannabis industry representatives.
- Standardization and fairness of enforcement.

Members Comments

Hezekiah Allen noted landlords can prohibit the smoking and consumption of cannabis on rental property, which can lead some renters to consume cannabis in their vehicles.

Ellen Komp inquired about the funding from cannabis sales and how the IDTF would play a role in the distribution of those funds. Captain Williams informed the group that IDTF cannot modify the dispersal of funds mandated in Proposition 64 and SB 94.

David Tovar asked what responsible sales look like for dispensaries. At what point should a patron be “cut off” from further sales due to their safety or the public’s?

The group discussed the need to ensure standardized and fair data collection parameters are established, implemented, and adhered to throughout the state. This led to a brief discussion exploring how agencies use technology to gather and share standardized data.

Captain Williams spoke about the Colorado Rocky Mountain Study which analyzed fatality increases in the youth and elderly, and how the study correlates with increased impaired driving and consumption.

Mike Yracebrun spoke about staying current on public education and the possibility of surveying other states to see what they are doing with oral fluid testing; best practices and procedures; lessons learned; and what California can incorporate.

Rhonda Craft spoke about how important education and public outreach is to modifying behavior. She cited the "Click it or Ticket" campaign and related California now has an extremely high compliance rate for seatbelt use as a result of educating the public.

Ellen Komp brought up the concern for increased tourism based off cannabis consumption and noted the importance of educating tourists.

Elizabeth Ashford recommended that pharmaceutical and alcohol industry representatives be present at future meetings.

Public Comment

No members of the public wished to comment.

MEETING INFORMATION

The meeting was adjourned at 1:51 p.m.

Next meeting date: Tentatively scheduled for Wednesday, February 21, 2018, at the Orange County Crime Lab. Members will be electronically mailed notifications and a public posting will be uploaded to the CHP public Web site.