

**CALIFORNIA HIGHWAY PATROL
IMPAIRED DRIVING TASK FORCE
BEST PRACTICE AND PROTOCOLS SUBCOMMITTEE MINUTES**

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

MEMBERS PRESENT

California Highway Patrol – Captain Helena Williams
Alcohol Beverage Control – Joseph McCullough
California Narcotic Officers' Association – Vaughn Gates
California National Organization for the Reform of Marijuana Laws – Ellen Komp
Kern County Deputy District Attorney – Michael Yraceburn
National Highway Traffic Safety Administration – Chris Murphy
California District Attorneys Association – Amanda Martin
California State Sheriffs' Association – Marcus James
Department of Veterans Affairs – Dr. Anthony Albanese
Pharmacist – Dr. Phillip Drum
California Department of Justice – Harinder Kapur

MEMBERS ABSENT

Medical Examiner, San Francisco – Dr. Luke Rodda
Office of Traffic Safety – Nicole Osuna
International Association Chiefs of Police – Chuck Hayes

CALIFORNIA HIGHWAY PATROL STAFF ASSIGNED TO ASSIST

California Highway Patrol – Sergeant Oscar Chavez

CALIFORNIA HIGHWAY PATROL STAFF PRESENT

California Highway Patrol – Officer Gary Martens
California Highway Patrol – Officer Spencer Smith
California Highway Patrol – Associate Governmental Program Analyst Sarah DeFazio

GUESTS

None.

OPENING COMMENTS

California Highway Patrol (CHP) Captain Williams called the meeting to order at 10:42 a.m. and welcome all the members present. Captain Williams advised the group the first order of business would be to elect chairperson and a co-chairperson.

Doctor Anthony Albanese inquired on how the subcommittees would operate. A group discussion began on the overall roles and responsibilities of the subcommittee. Captain Williams explained the role of the chair and co-chair as being one voice for the subcommittee. At the conclusion, the chair and co-chair will provide a document on the recommendations made and those topics that failed to be recommended. Those recommendations that are to move forward are to be voted by the subcommittee members. A comprehensive report will be made on the subcommittee recommendations. The CHP Impaired Driving Section will write the report.

Doctor Phillip Drum asked if the CHP would be responsible for providing administrative support. Captain Williams advised meeting minutes would be taken and compiled by CHP staff, but material would still be required to be provided to CHP staff.

Captain Williams brought the subcommittee back to the initial task of electing a chair and co-chair. The subcommittee heard qualifications for potential chair and co-chair. Doctor Albanese was elected unanimously as the chair and Mr. Michael Yraceburn as the co-chair.

Public Comment

No member of the public attended.

NEW BUSINESS

Doctor Albanese addressed the subcommittee member and stressed the importance of each committee member having a voice. Doctor Albanese made motion to have each member make a short introduction and provide a brief background, to include their goals for the subcommittee. After each introduction, Dr. Albanese provided a brief summary of the goal stated by each committee member.

Public Comment

No member of the public attended.

INTRODUCTIONS

Mr. Vaughn Gates, with the California Narcotic Officers' Association, in essence stressed the importance of providing officers the training and tools to recognize those being under the influence of drugs.

Doctor Philip Drum, a pharmacist, in essence stated the primary concern is public safety and develop a process to evaluate impaired drivers. Doctor Drum commented that one in four collisions has been caused by drug impairment, which is unacceptable. Dr. Drum recommended all fatal collisions and collisions involving a severe injury should have a mandatory chemical test performed.

Mr. Chris Murphy, with the National Highway Traffic Safety Administration, commented collection of data for fatalities is good. However, collecting data for those driving under the influence of drugs could be improved. A roadside survey in 2013, showed more positive tests for cannabis than alcohol and a recent study showed 42 percent tested positive for other drugs. Further challenges are testing is not consistent in every state. Driving under the influence of drugs is under reported, under recognized, and under enforced. In some instances if the driver is arrested for driving under the influence of alcohol there is no further test to determine if drugs were a factor. Mr. Murphy recommends training in Advance Roadside Impaired Driving Enforcement, also known as ARIDE, for every traffic officer in California and the importance of data collection. Mr. Murphy gave an example on what a great job Orange County was doing when it came to chemical testing and data collection. Dr. Drum also emphasized the importance of data collection. Doctor Albanese asked if studies could be given to the members for reference.

After a short break, Dr. Albanese recalled the meeting at 11:31 a.m. Doctor Albanese reminded the subcommittee on the importance of the task force. The importance of the task force is to have a fiduciary duty to public safety and not to lobby for a personal agenda. Captain Williams emphasized the goal is to recommend a strategy to reach the goal of the task force.

Mr. Joseph McCullough, with Alcohol Beverage Control, related that training of officers and good public policy handling impaired drivers under the age of 21 is most important.

A best practice would be education and intervention for youth and training for officers. Mr. McCullough feels minor possession of alcohol violation is not used enough.

Ms. Ellen Komp, with California National Organization for the Reform of Marijuana, emphasized the importance of public safety. Ms. Komp objects to the use of oral fluid testing and feels the science is not there yet. Ms. Komp recommendation is for performance based testing when it comes to driving under the influence and take what was learned from alcohol impairment, and apply it to cannabis. Data collection for impaired cannabis drivers is important. Finally, the most important is broad education and the training of officers. Captain Williams commented the best practice would be a broad spectrum throughout the life of a driving under the influence incident from prevention, courts, emergency medical services to vertical prosecutors. Ms. Komp asked for an example. Captain Williams responded by saying a best practice would be mandating driving under the influence training at every law enforcement basic academy by a given date.

Ms. Harinder Kapur, with California Department of Justice – Office of the Attorney General, feels training of officers, specifically in report writing, is the key to prosecution of driving under the influence cases. Education is another factor, specially training of “budtenders.” Ms. Kapur feels if budtenders could be more of like a pharmacist and educate the public.

Mr. Mike Yraceburn, with the Kern County District Attorney, would like to take a holistic approach. The subcommittee would look into investigation and prosecution of a driving under the influence offense and how to educate the public as prevention tool. Mr. Yraceburn wants to look into behavior and ask why a person would get behind the wheel and how a person could find an alternative mode of transportation. An education and diversion program should be looked into as part of the punishment for driving under the influence. Studies have shown 75 percent of those arrested for driving under the influence of alcohol do not reoffend. The subcommittee should look into why they do not reoffend and come up with a best practice to keep a person from driving while intoxicated. If they do get behind the wheel while intoxicated, then a best practice to get the impaired driver off the road if needed. The subcommittee should look into behavior modification without overloading the system.

Captain Williams, with the CHP, believes a best practice would be prevention through education. Education would not only be for the public, but prosecutors and judges. Push out statewide public services announcements on the dangers of driving while impaired. Train the criminal justice professional, such as law enforcement, criminalist,

toxicologist, and the judicial system on driving under the influence. Finally, implement a phlebotomy program for officers as other states have.

Deputy Marcus James, with the California State Sheriffs Association, stressed the importance on training. There is a lack of driving under the influence training at a basic academy. The training should go beyond the six hours offered at a basic academy. Sacramento County Sheriff's Department has implemented a two week one on one driving under the influence training for their officers. Deputy James also stressed the importance of field training to ensure the officers better understand a driving under the influence investigation. Deputy James also commented that work needs to be done with the Department of Motor Vehicle (DMV) to clarify procedures and responsibilities when drugs other than alcohol are the impairing factor. Currently, there are no procedures with the DMV if a drug is involved. Captain Williams said a best practice would be to establish an administrative procedure and administrative actions for the DMV when it relates to driving under the influence of a drug.

Ms. Amanda Martin, with the California District Attorneys Association, would like to see all prosecutors get the best training when it comes to driving under the influence cases. A best practice would be training on the investigation and the process and training of the judicial counsel to bring up to speed on driving under the influence cases.

Public Comment

No member of the public attended.

NEXT STEPS FOR SUBCOMMITTEE

Mr. Yraceburn brought up the question on the logistics of the next meeting. Chief Davis advised when planning the next meeting to remember to abide by the Bagley-Keen rules and all meeting must be open to the public. Captain Williams suggested taking one subject and work on those recommendations. Doctor Albanese will wait on obtaining the meeting minutes in order to see what issue to take on first.

Public Comment

No member of the public attended.

MEETING INFORMATION

The meeting adjourned at 12:22 p.m. The next subcommittee meeting will be schedule at a future date. Public posting will be uploaded to the CHP public website.