

**California Highway Patrol**  
**Impaired Driving Task Force**  
**Best Practice and Protocols Meeting Minutes**

June 5, 2019  
4940 Lang Avenue  
McClellan, CA 95652

**MEMBERS PRESENT**

California Narcotic Officers' Association – Vaughn Gates  
California National Organization for the Reform of Marijuana Laws – Ellen Komp  
Kern County Deputy District Attorney – Michael Yraceburn  
California State Sheriffs' Association – Marcus James  
Pharmacist – Dr. Phillip Drum  
Medical Examiner, San Francisco – Dr. Luke Rodda  
California Department of Justice – Harinder Kapur  
Alcohol Beverage Control – Joseph McCullough  
California District Attorneys Association – Joseph Chavez for Amanda Martin  
Office of Traffic Safety – Nicole Osuna for Rhonda Craft  
Drug Policy Alliance – Rodney Holcombe for Jeannette Zanipatin

**MEMBERS ABSENT**

Department of Veterans Affairs – Dr. Anthony Albanese  
International Association Chiefs of Police – Chuck Hayes  
National Highway Traffic Safety Administration – Chris Murphy

**GUESTS**

California Highway Patrol – Captain Helena Williams, Sergeant Oscar Chavez, Officer Gary Martins, Officer Travis Herbert, Kelly Hostetter-Vasquez, Siera Kiley, Mallory Khamchanh  
Office of Traffic Safety – Daniel Lamm

**OPENING COMMENTS**

The subcommittee meeting took place during the June 5, 2019, Impaired Driving Task Force meeting.

Mr. Michael Yraceburn called the meeting to order. Ms. Ellen Komp made a motion to approve the April 17, 2019, subcommittee meeting minutes, the motion was seconded by Ms. Harinder Kapur. All members in attendance voted to approve the meeting minutes without change.

#### Public Comment

No member of the public made comments.

#### **SUBCOMMITTEE**

Mr. Yraceburn suggested the group discussion focus on narrowing the recommendations from 14 to between 3 and 5.

Mr. Yraceburn suggested the recommendations concerning technology and education be removed from the Best Practices and Protocols subcommittee's recommendations. Mr. Vaughn Gates agreed that the subcommittee's recommendations should be focused on best practices and protocols.

Recommendations 1 and 2, providing fact-based education for children and point-of-sale education for adults/consumers, were forwarded to the responsibility of the Education and Prevention subcommittee for review.

Recommendation 3, requiring warning labels, signs, and posters at the point of sale, was deemed a priority by the group. Mr. Yraceburn pointed out requiring warning labels would encompass educating the public by impacting market at the point-of-sale.

Recommendation 4 would require all traffic law enforcement officers (including Police and Sheriff Department Deputies) must receive training in Advanced Roadside Impaired Driver Enforcement (ARIDE) and annual continuing education on impaired driving. Mr. Yraceburn elaborated on the potential to set a career path for officers focusing on traffic safety. Captain Helena Williams clarified traffic safety is a career path for officers.

Recommendation 5 suggests the California Highway Patrol (CHP) increase the percentage of Drug Recognition Expert (DRE) trained officers to 25 percent over the next 5 years. Captain Williams encouraged the group to change the wording of the recommendation to include all law enforcement, as the DRE program is an international program. Including all law enforcement officers would also assist with the previous recommendation of creating more opportunities for officers in traffic safety. Ms. Kapur recalled the concerns of the last subcommittee meeting where members debated who should be included in this recommendation. Smaller law enforcement agencies may not have the resources to increase their percentage of trained DRE officers to 25 percent. Captain Williams clarified the 25 percent of trained DRE officers would cover the State of California, rather than each specific agency. Dr. Phillip Drum suggested the phrasing of this recommendation contain patrol officers since patrol officers, as these officers are patrolling the roadways. Captain Williams disputed this proposal because DRE training can be utilized in every discipline within law enforcement. Dr. Drum argued the recommendation was to increase the amount of DREs on the roadways. There was a discussion about how to ensure this recommendation would have the broadest reach possible, while continuing to focus on officers whose primary mission is traffic enforcement. The group agreed to recommend an increase in percentage of DRE trained traffic enforcement officers to 25 percent within California.

Recommendations 6 and 7 specifies the type and frequency of impaired driving awareness training for officials within the court system. Mr. Yraceburn questioned the importance of these recommendations in relation to the other recommendations. Ms. Komp stated these recommendations are low priority. These were taken off the subcommittee's recommendation list.

Recommendation 8 clarified the reason evidence of impairment is needed in addition to cannabis presence/levels to conclude a driver is impaired. Mr. Yraceburn suggested to remove it. There was a discussion on the importance of this recommendation and not just limiting it to practice and protocols. Ms. Komp stated it was important to study, but it is not a recommendation of a practice. The members agreed to remove the recommendation.

Recommendation 9 states all standardized field sobriety tests (SFST) should include audio and/or visual recordings. Mr. Gates pointed out some departments do not have the funds for technological devices. It would not be reasonable to mandate departments spend their limited funds on these devices. Ms. Komp agreed this is not considered a top priority.

Recommendation 10 required the oral fluid testing panel to include delta-9 tetrahydrocannabinol, and its active metabolite 11 hydroxy-tetrahydrocannabinol and must be performed within 15 minutes of the traffic stop. Dr. Luke Rodda suggested this should be in the Technology, Research, and Data subcommittee. Dr. Drum agreed and requested the oral fluid tests be conducted within the allotted 15 minute period. There was a group discussion on the logistics of mandating a time limit on when oral fluid testing can be conducted. Captain Williams pointed out that oral fluid samples cannot be obtained before a determination of impairment has been established as that would be considered unreasonable search and seizure and be a violation of individuals' civil rights. Putting a hard number on the time limit on the recommendation makes it more challenging because of the dynamic situations. There was a brief clarification on what Title 17 of the California Code of Regulations governs. The subcommittee suggested forwarding this topic to the Technology, Research and Data subcommittee for further discussion. Captain Williams advised a more general recommendation concerning this topic. Mr. Yraceburn recommended a best practice to be the use of the best available technology for oral fluid testing. Ms. Komp proposed the best available roadside screening technology be used. The group recommended law enforcement must use best available roadside presumptive screening device in the most expedient manner possible for impaired driving investigations.

Recommendation 11 advocates for the collection of blood samples within an hour of a person being arrested for driving under the influence (DUI), and should include an extended drug panel. Dr. Rodda suggested this recommendation be included in the previous recommendation and comprehensive testing procedures are standardized throughout the state. Mr. Yraceburn proposed the time limit be taken off the recommendation. Dr. Rodda also proposed a standardized procedure for blood testing to obtain more accurate data concerning impaired driving.

Recommendation 12 proposed additional content regarding cannabis modules and a victim impact panel to the current DUI driving school curriculum. Ms. Kapur stated this should be pushed to the education subcommittee, and the members agreed.

Recommendation 13 proposes the use of DUI drug courts for adjudication and sentencing in non-injury, single vehicle arrests. Ms. Kapur considered this a low priority, and the members agreed.

Recommendation 14 proposes the collection of data from those convicted of cannabis related DUI to better develop screening techniques for “any drug” DUI violations. Dr. Rodda stated the Technology, Research and Data subcommittee has been discussing data gaps. This proposal was removed from the subcommittee’s recommendation list.

The members of the subcommittee identified four recommendations to present to the entire task force, which include:

- Requiring warning labels, signs, and posters on cannabis containers at point-of-sale describing cannabis specific driving risks along with the risks of mixing cannabis with alcohol and other psychoactive substances.
- All traffic law enforcement officers (including Police and Sheriff Department Deputies) must receive training in ARIDE and annual continuing education on impaired driving.
- Increase the statewide percentage of DRE trained traffic enforcement officers to 25 percent over the next 5 years.
- Law enforcement must use the best available roadside presumptive screening device in the most expedient manner possible for impaired driving investigations. There should be a standardized, comprehensive testing procedure throughout the state to obtain accurate data concerning impaired driving.

Mr. Yraceburn adjourned the meeting after there was no additional comment.

#### Public Comment

No member of the public made comments.

#### **NEXT MEETING**

The subcommittee co-chairs will discuss and work with CHP to schedule the next subcommittee meeting.