Attendees

Robert Ticer, Chair    Joe Abrusci    Don Alves    Beth Barnes
Kenny Benfield    David Botham    Daven Byrd    Karl Citek
Kyle Clark    Brian Collins    Don Decker    Tracey Durbin
Darrell Edmonds    Scott Gary    Glen Glaser    Darrin Grondel
Jennifer Harmon    Chuck Hayes    Michael Kelly    Joey Koher
Tina Maier    Jim Maisano    Don Marose    Cecelia Marquart
John Marshall    Matt Myers    Bill O'Leary    D'Arcy Smith
Helena Williams    Dan Zivkovich

Welcome and Introductions

Robert Ticer, DRE Technical Advisory Panel (TAP) Chair, opened the meeting at 9:32 AM. Introductions were made around the room and Chair Ticer expressed the importance of all of the subject matter experts serving on TAP and their motivation to address impaired driving offenses. Chair Ticer read the TAP Mission statement to the attendees and stressed the importance of the work TAP is doing.

Review/Approval of Annual Meeting Minutes – Orlando, FL

The minutes from the October 5, 2018 TAP annual meeting were approved.

IACP Updates

2019 DAID Conference planning and updates: Kyle Clark reported that registration and lodging are currently open for the 2019 DAID conference in Anaheim, CA on August 10-12, 2019. There will be a DRE State Coordinators meeting the day before the conference on August 9, 2019 and a session for new state coordinators. The DRE Section meeting will also be held on August 9th as will the DRE Section Reception that evening.

Over 50% of the room block has been reserved to date. The conference will be expanding the sessions presented this year. In addition to the session areas for DREs, prosecutors, and forensics, there will be more topics on general traffic safety and a track for law enforcement executives. One of the noted presentations will be on the DRE Progression, which will include presenters such as Dick Studdard, Sandy Richardson, Chuck Hayes and Heidi King.
Future DAID Conferences: Kyle reported that future conference locations will include San Antonio, Texas on August 6-8, 2020 at the Grand Hyatt and Orlando, Florida, August 14-16, 2021.

DRE Credentialing Update: Kyle provided information on the current number of DREs, with 8,700 being credentialed in the United States and 1,025 credentialed in Canada and other international jurisdictions. Carolyn Eskin at IACP Headquarters is working through the back log of certification and recertification paperwork. She is generally able to get the paperwork processed and returned to the states within 30 days. IACP is looking at the possibility of moving the DRE records to a NIMBLE system, which is the system currently being used by IACP for membership records. If this occurs, it may be possible to have the system automatically send new cards out to the state coordinators. This would potentially speed up the process and hopefully eliminate the handling of the same paperwork 4-5 times to complete the IACP process. There may also be an option where a DRE state coordinator could access the database to directly print new cards if they are needed and to lookup other data, such as the DREs within their state. Carolyn is working with the state coordinators and cleaning up the old data base. There were DREs that are no longer in the program that needed to be removed as well as some that were certified that were not in the system.

NHTSA Updates

John Marshall extended his thanks to the IACP and the staff for the work they have been doing. The NHTSA impaired driving initiative is continuing to move forward, including work in the toxicology areas. He reported they are getting more interest from Capitol Hill with some of the inquiries from members specifically about DRE and ARIDE. He stressed that the work of TAP is more important than ever and that there currently is a lot of support at NHTSA and DOT. The Deputy Administrator is very supportive of the DEC Program and continues to push the issue of impaired driving forward.

Bill O’Leary reported on a recent visit to California to attend several DRE field certification trainings and get an overview of the California Highway Patrol program and processes. He was very pleased with what he observed, and the training process being employed in California. Bill also reported on the following areas:

DRE National Tracking System (NTS): NHTSA is getting closer to switching to the new data collection system, but an exact start-up date has not been identified yet. It is the hope of the new system that it will work well for everyone and accomplishes the intended goals for collecting DRE data. The vendor will be in Anaheim, California at the DAID Conference and may
have a room for the DREs to stop by and ask questions about the system. It may be possible that the program manager will be able to attend the DRE State Coordinators meeting.

**Curriculum Updates:** The next curriculum update process is scheduled for August in Oklahoma City and Christine Frank will be taking the lead on the project. There will be some new members on the curriculum workgroup this year with the addition and changes for project managers at IACP.

**On-Line ARIDE Training:** Christine Frank will be begin working on a transition to ODID (On-line Drug Impaired Driving). Christine has a degree in adult learning, which will help in doing a review of the training, determine how best to implement the transition, and get more out of training.

**ARIDE Review:** This will be another area that Christine Frank will be working with for NHTSA. She will be looking at ways to improve the delivery of the classroom training sessions.

**NASBLA FST Seated Battery Tests:** There have been numerous on-going meetings with NASBLA regarding the seated FSTs. NHTSA has decided to research the FSTs and if used in the SFST curricula, would be referred to as “Optional Tests”. They will be utilized when the SFST’s cannot be performed due to such things as subject injuries, physical limitations or weather conditions. They will not be meant to replace the SFSTs. A question was asked if NASBLA would be updating some of the outdated reference material. Bill indicated that he is not sure what they will do, but NHTSA will share their research findings with them. There will be continuing meetings with NASBLA.

**Drugs and Human Performance Fact Sheets Updates:** At the request of Bill, Chuck Hayes provided information about a meeting held in Washington DC to begin the process of updating the NHTSA Drugs and Human Performance Fact Sheets. Chuck noted that Don Marose, also a TAP member, was part of the workgroup. The group began by looking at the currently listed drugs to see if any needed to be removed and then looked at what drugs might need to be added. The workgroup was provided assignments for the area for each member to work on in preparation for their next meeting. Chuck explained that they expect the fact sheets will be available in electronic format so that more people can have access to the information. There may also be embedded links to items such as the DEC Program website and glossary of terms, links to examples of HGN, the 12-Step Process and other resources. The contractor expects the full project to take about 2 years to complete. Chuck expressed that if any TAP member had any thoughts or concerns to please contact him or Don Marose.
Other Research: NHTSA is looking at what the research needs are in the field and that there are a lot of new people in the research area at NHTSA. It has been repeatedly suggested that an update to the SFST studies be conducted looking at drug impairment.

TAP Travel: There may be additional funding becoming available to NHTSA and that one of the ways they want to assist with the DEC Program is to reinstitute travel funding for TAP members to attend the mid-year and annual meetings. NHTSA will be working with the IACP to identify the best plan to provide the travel assistance. Bill closed by again acknowledging the IACP and the excellent work they have been doing.

Old Business

DEC Program International Standards Revisions

Captain Helena Williams, the chair of the Standards workgroup presented revision requests on the following International Standards:

1.12 Certification Knowledge Examination (CKE) Reviewing: A language change in Standard 1.12 in reference to the reviewing of the CKE by DRE instructors. The change allows for the DRE instructors to use additional material, similar to the parts already within the CKE, when needing to do additional review and evaluation of a DRE candidate before approving or denying their completion of the CKE.

The following language update proposal was presented:

When the candidate has completed all five sections of the Certification Knowledge Examination, either as a single examination or administered in two parts as described above, the candidate’s full Certification Knowledge Examination should be reviewed as a whole. The reviewing DRE instructors should review the examination as a totality of the candidate’s knowledge and understanding when developing their opinion as to their approval or rejection of the Certification Knowledge Examination. If there are questions about any of the candidate’s responses, the DRE instructors may ask the candidate for clarification or to explain items in more detail or depth. During the reviewing process the DRE instructors may ask the candidate to perform additional similar tasks from any section of the examination to ensure the candidate’s knowledge and understanding. This is necessary so that the reviewing DRE instructors fully evaluate the candidate’s qualifications, performance, and general abilities to perform as a DRE.

TAP Action: The proposed modification to Standard 1.12 was approved.
3.4 Recertification Training hours: A language change in Standard 3.4 in reference to the training hours, specifically the 4-hour minimum training block requirement, and how the hours are presented to the state coordinator. There was active and productive discussion by the TAP members. Questions were raised about if all the training hours could be by webinars, how the state coordinator would approve the training that was being accepted, and how to avoid delays in a DRE’s recertification if the training hours submitted are not accepted.

TAP Action: The proposed modification to Standard 3.4 was referred back to the Standards workgroup to review and address the concerns raised and report back at the October annual meeting.

4.1 Decertification – Updated language: A language change in Standard 3.4 in reference to the decertification of a DRE. It was noted that “poor performance” as currently listed is a subjective term and today there are other issues which may impact a DRE’s performance, such as Brady lists and the DRE’s ability to testify in court. The issues were discussed, and a final version of the amending language was drafted.

The following proposed language and modifications were presented:

4.1a Decertification of a DRE may take place if one or more of the following conditions exist:

- The requirements as enumerated in Section III of the International Standards of the Drug Evaluation and Classification Program are not met by the individual DRE, thus allowing certification to lapse; or

- There is evidence of improper performance of DRE evaluations, noncompliance with the International Standards of the Drug Evaluation and Classification Program or local state enhanced standards; or

- Performance or ethical issues, even if not directly related to the duties as a DRE, which restrict the DRE’s ability to testify in court, impact the DRE’s credibility, or brings discredit upon the DEC Program.

TAP Action: The proposed modification to Standard 4.1 was approved.

International SFST Standards: Language was presented to amend the SFST standards to include similar language in reference to an “Institution” to be consistent with the DECP language which was modified in October 2018. The modification would add the same definition as listed in the DRE Standards, but modified for SFST. The following proposed language was presented:
INSTITUTION:
An entity receiving funding from federal agencies, IACP, or the State Office of Traffic or Highway Safety, for instruction or research of the NHTSA/IACP Standardized Field Sobriety Testing curriculum; or state P.O.S.T.-recognized training academy.

This language applies to the below section of those standards:

1.1 In order to be considered for training in the SFST, a candidate shall be in the employ, including part-time and unpaid positions, and under the direct control of a public criminal justice agency involved in the enforcement of criminal or traffic safety laws as a credentialed law enforcement officer/employee or an institution involved in providing training services to officers of law enforcement agencies.

Commentary: At the discretion of the agency head or administrator, and with consent of the training authority, other persons may audit or observe any or all portions of the SFST training.

TAP Action: The proposed modification to the SFST Standards was approved.

Enhanced State DEC Program Standards Review

A list of the states which have presented enhanced standards for 2019 was made available to all the TAP members. There were 27 states reporting enhanced standards, with five being new state submissions and two being updated enhanced standards. Captain Williams reported that the enhanced standards have been reviewed and none appear to conflict with the International DEC Program Standards. Many of the requests included a requirement to attend classroom ARIDE before being eligible to attend DRE training. There was no action taken as the states reporting this did so for a review and records process only.

State to State DRE Assistance Standard Language

This was a continuation of an issue that had been presented to the Standards workgroup at the October 2018 TAP meeting in reference to state to state DRE instructor assistance and ensuring that DRE instructors are properly certified and credentialled. The opinion was that the current standard language addresses the issue and no modification was needed at this time.

TAP Action: No modification needed; item closed.
TAP Region Revisions

Kyle Clark reported that TAP regions were discussed at the October 2018 meeting which included discussion about revising the regions moving from four to three regions. However, there was no formal action taken on this at the October 2018 meeting. It was explained that this adjustment would place the IACP and TAP Regional positions in-line with the NHTSA regions and the realignment would keep a state from being in one NHTSA Region but working with a different IACP DECP project manager. It was explained that the DRE Section had already moved to the 3-region format. The proposed format would be: Eastern – NHTSA Regions 1 – 4 and include eastern international sites, Central – NHTSA Regions 5-7, and Western – NHTSA Regions 8-10 and western international sites.

TAP Action: Modification to new regional layout was approved.

DRE Best Practices Guide

Chuck Hayes reported that the DRE Field Certification Training Best Practices Guide is still in the works and is being expanded. The intent of the document is to provide DRE state coordinators with guidelines and recommendations for conducting effective field certification training and with training location options. It will include the expansion of certification sites, such as the addition of Oklahoma City for smaller groups and Reno, Nevada. The ultimate goal is to ensure that states are all doing things, such as field certification training effectively and in the same manner.

Drug Impairment Training for Education Professionals (DITEP) Curriculum/Funding

Kyle reported that the IACP has been looking at funding efforts for training for schools to support DITEP. The IACP has been actively looking for major corporate sponsors. As part of the curriculum updates, the 2017 DITEP material has been updated. Efforts will be made to keep DITEP up-to-date with other curriculum updates. The IACP is also looking at employer training for drug impairment in the workplace. This would probably be a 4 or 6-hour training. A major portion of the curriculum would be from DITEP and would include topics on workplace laws. When developed, it will be made available for the state coordinators to use as a tool in their states. Cecelia Marquart, Texas DRE State Coordinator, shared that Texas is working on a 6-hour online training program which may be able to be shared with other states in the future. They are also working on a class for probation and parole officers. Darrin Grondel reported that there are other groups that may be useful resources such as the National Cooperative Research Program. The IACP will explore this possible resource.
SFST/ARIDE/DRE Curricula Updates

Kyle reported that plans are currently in place for the Curriculum workgroup to meet in August at the Transportation Safety Institute (TSI) in Oklahoma City to begin work on the next revision cycle for all the curricula. NHTSA will be trying to keep the updates on a 2-year rotation. A lot of the updates are based on the information received from the DRE School Course Manager reports stressing the importance of those reports.

AAA DRE Expert Witness Training

Kyle and Chuck reported that AAA Traffic Safety Foundation is continuing their efforts to host the DRE courtroom testimony training. The training is intended for DRE officers and prosecutors. The class is 8 hours in length and taught by experienced and extremely knowledgeable TSRPs. The training was originally designed for 4 hours being in the afternoon of Day 1 and 4 hours on the morning of Day 2. However, this has been modified based on attendee feedback and the training is now a 1-day class. In 2018, training classes were held in NHTSA Regions 1, 2, 3, and 4. Currently classes are scheduled in Laramie, Wyoming; Portland, Oregon; Indianapolis, Indiana; and one is being planned for Dallas, Texas. AAA is planning to cover each of the ten NHTSA regions and will consider requests for additional training in areas already covered, after each of the ten regions have hosted a training.

DRE Equipment/Penlights/Red Lights

IACP continues to receive requests about DRE penlights and other DRE equipment. Jim Maisano presented information and data on various penlights that were recently reviewed. The data displayed the illumination from the penlights and measurements of the light intensity. The data will be shared with the DRE state coordinators and can be used as a reference for future use and purchases of available penlights.

Dr. Karl Citek presented information on the use of a non-white light, specifically a red light for the near-total darkness (NTD) part of the DRE evaluation. It was stressed that the NTD procedure should use the least amount of light possible, with just enough light illuminating to see the pupil. There was a discussion regarding potential parameters on penlights. It was agreed non-white lights, or a red light, should be allowed. Dr. Citek will provide language for the curriculum workgroup to use during the next update that will address the white and/or red lights.

It was mentioned that some DRE students have burned their finger while using certain LED penlights which is an indicator that they are too bright. Discussion also included reports of
melted gloves while using the high intensity penlights as well as the proper color/types of gloves affecting “the red glow”. White protective gloves afford the best “red glow” for darkroom examinations.

Dr. Alves pointed out that he uses a penlight that displays a square light, not a circle. He suggested that the Curriculum workgroup consider changing the wording in the DRE curricula to “cover the bulk of the area” at 6 inches, which would include a square light beam.

**TAP Action:** No formal action was taken on this. Dr. Citek will provide the Curriculum workgroup with suggested language for the DRE curricula.

Matt Myers, DRE Section Chair, reminded the members that a one-page information sheet was presented at the October 2018 TAP meeting about penlights and the light distribution. That information was approved by TAP but may not have been distributed. Chuck Hayes had a copy of the information sheet and informed the members that he would ensure that it is shared to all the state coordinators and can be placed on the state coordinator resource page.

**HGN and Indicators of Impairment**

Matt Myers reported on the work with Dr. Citek and they have put together a short information page about how the effects of HGN are considered to be actual impairment to a person. The material was not available for the TAP notebooks, so it was read to the members. After discussion and a few minor modifications, the following was proposed:

*Any deficiency in eye movement or pupil response, especially if it is acquired or of recent onset, can impair a person’s ability to see properly. Drug impairment, including from alcohol, can affect eye movements in several ways, depending on the nature of the intoxicant used. Drug use, including alcohol, is understood to cause physiological changes that are of recent onset and acquired:

1. Lack of smooth pursuit can impair the ability to see details (such as when reading a sign) or make accurate observations (as of the direction and speed of another vehicle) when there is relative motion between the observer and the target (one or the other is moving, or both are moving but at different speeds and/or different directions);
2. Acquired nystagmus (either at or before maximum deviation) causes a reduction of visual acuity, primarily because of the suppression of visual processing during the fast phase of the nystagmus; and
3. Lack of convergence can cause double vision (diplopia) when looking at objects up close or when frequently or repeatedly changing viewing distance between far and near (such as when looking back and forth from the road to the car’s dashboard). Individuals with long-standing abnormality or deficiency often learn to compensate in some manner. One example includes making a head movement rather than an eye movement when*
someone has a natural lack of smooth pursuit, not due to intoxication, illness, or trauma. Likewise, someone who has a constant and long-standing nystagmus may be able to detect and extract visual information between successive eye movements. Therefore, while the appearance to the officer may be abnormal, the person is not necessarily impaired.

Two sources were cited and will be included in the information.

**TAP Action:** Approved to be presented to the Curriculum workgroup for inclusion in the next curriculum updates.

**Arizona DRE Research Update**

Daven Byrd reported that the Arizona DRE study is still in development. The data has been collected and they are writing the report. He hopes to have a draft for the members at the October 2019 meeting.

**Canada Certification Proposal**

D’Arcy Smith reported that the Canada DRE certification option request is on hold. Canada has utilized an SFST class format with part of the SFST class being used as volunteer drinkers. There were some issues with the repetition on the non-drinking students, but overall it has worked well. They managed the BAC levels of the drinkers with no one being above .14, and most drinkers in the .08 range. They will keep track of data from the SFST classes using this modified format. Based on what they have learned thus far, they may conduct a 5-day class instead of 6-day class.

**AAA DECP Enhancement Study**

Mr. Jacob Nelson from the national AAA Insurance office was in attendance and reported that a AAA sponsored study was conducted about 4 years ago looking into impaired driving, and that DRE was found to be a premier program. Kyle reported the project report has been reviewed by IACP and is supportive of the DEC Program. Mr. Nelson also reported that final modifications are being made based upon IACP and other input before the final publication.

AAA wants to expand on the initial report to see what can be done to further support the DEC Program, determine what validation of the studies are being conducted, and how AAA can continue to help promote DRE and ARIDE. AAA would like to work more closely with the scientific workgroup in the future. Mr. Nelson reported that AAA is very motivated in helping law enforcement and the DEC Program. Darrin Grondel spoke about the work AAA had done on over the counter drugs, and on the perceptions that judges and a jury have regarding these types of substances. As part of this effort, AAA was contracted to look at countermeasures to impairing over the counter medications, and when drugs are prescribed.
As a result of the draft report from AAA, IACP DEC Program staff compiled a list of the 12 potential DRE-related action items from the report. Kyle sorted the list into three groups: 1) Already in Progress, 2) Non-starter items, and 3) Items supported by TAP and the IACP if funding was available. Those recommendations deemed to be Already in Progress included: the use of DRE tablets during evaluations; ocular recording devices for training and enforcement; the use of subject matter experts to deliver DRE training; the development of standard scoring elements for the Finger-to-Nose and Modified Romberg Balance tests; investigating the use of oral fluid testing in the DRE program; and encouraging and supporting new validation studies. AAA report recommendations that were considered to be non-starter items included: the use of automated medical measurement equipment for DREs and adding a probationary period for new DREs. The recommendations that are possible, with support from TAP and sufficient funding, included: revising the DRE face sheet to include a place for recording the presence of eyelid and leg tremors, adding a second blood pressure measurement in the DRE evaluation protocol, adding respiratory breathing rate to the protocol, and examining the use of force plates for measuring balance and body sway.

**TAP Action:** It was agreed that the revisions to the DRE face sheet, adding a second blood pressure measurement, along with documenting respiration, would be passed to the Scientific workgroup for discussion at the October 2019 meeting.

**New Business**

**TAP Appointment/Vacancies**

Chair Ticer read the list of TAP members who have terms expiring on December 31, 2019. Those members include Darrin Grondel, representing the GHSA; Dr. Donald Alves, representing medical; Beth Barnes, representing prosecution; Jennifer Harmon, representing toxicology, and Don Marose, representing the DRE Central Region. A replacement will be appointed to fill Joe Abrusci’s DRE At-Large position due to his recent employment with IACP as the Eastern Region Project Manager. Chair Ticer indicated that the requests for appointment will be **due by November 15, 2019** and he plans to make the appointments about December 1, 2019. Chair Ticer also read the members for each special TAP workgroups. All TAP members are on at least one workgroup. Chief Ticer indicated that if a member wanted to be on more than one workgroup, they should let him or the IACP staff know. Per Chair Ticer, the TAP workgroups and members are as follows:

- **Curriculum:** Don Decker (Chair), Darrell Edmonds, Mike Iwai, Don Marose, D’Arcy Smith and Chuck Hayes, IACP Liaison.
Scientific: Matt Myers (Chair), Don Alves, Daven Byrd, Karl Citek, Jennifer Harmon, D’Arcy Smith, and Joe Abrusci, IACP Liaison.

Standards: Helena Williams (Chair), Beth Barnes, Darrin Grondel, Tina Maier, Cecelia Marquart, John Marshall, Dan Zivkovich and Jim Maisano, IACP Liaison.

Future TAP Vacancies & Appointments
Future vacancies will be announced and input from interested persons will be accepted.

8-Hour DRE Recertification Training Requirement

Chuck Hayes addressed concerns in one area the DEC Program involving the DRE 8-hour recertification training and how this requirement is conducted appears to vary from state to state.

IACP DEC Program staff has been working to review what states are doing in this area and to try to develop some best training practices for recertification. The goal of the IACP review is to stress program professionalism and integrity. In addition, to also help ensure that quality DRE recertification trainings are being properly accomplished and that the process is not being taken lightly. There is a concern that some DREs are not being offered or attending proper recertification training and that some non-DRE related training may be being allowed in some states. Cecelia Marquart volunteered to help do a survey of the state coordinators to see what recertification processes they are using. IACP staff will aid her in formulating what questions to ask.

IACP DEC Program staff is also working on information for state coordinators about which forms to use for processes such as recertification and reinstatement. There has been a mix of forms being submitted. Those forms are currently being updated and will be distributed to the state coordinators along with instructions of how and when to use the forms.

Another issue is what constitutes a recertification evaluation. For the approved evaluation performed in front of an instructor, whether it be a simulated situation or suspected impaired subject, it needs to be stressed that an approved narrative report is needed for the evaluation. This ensures that the narrative is reviewed and approved by the DRE instructor. The narrative is a part of the DRE evaluation so it should be part of the recertification process. A recommendation was made to provide this information to the state coordinators at the next state coordinators meeting at the 2019 DAID Conference.
**TAP Action:** Once this issue is presented to the state coordinators and their feedback received, it will be forwarded to the Standards workgroup for review and potential clarification language.

**MADD LE Executive Summit – Future Summits**

Chuck reported on the MADD Law Enforcement Executive Summit held in Alexandria, Virginia last November. The summit had excellent results and was well attended. The overall agenda stressed the importance of getting more executive level law enforcement personnel support for impaired driving enforcement, which included ARIDE and DRE training. The summit included many large and mid-size law enforcement agency leaders nationwide.

MADD is working with NHTSA to possibly expand the summits into each of the 10 NHTSA regions. If this occurs, the IACP will work with MADD in getting the information out and sharing with all partners. Additionally, MADD National has taken the following position on the .05 BAC per se limit: If a state has a legislative bill introduced to lower the BAC level to 0.05, MADD will support the state’s efforts, but they will not be having a nationwide initiative for a per se limit of 0.05. MADD has also pledged supporting the national efforts to address drugged driving initiatives.

**University of CA San Diego Cannabis Study**

Helena Williams reported that the San Diego Cannabis Study is not completed. They hope to have the data collection completed by the second week in May. The project will then transition into the analysis phase. The study is using three dosing levels and driving simulators. The study is being conducted so that it is a double-blind study.

**DRE National Tracking System (NTS) Data Entry Requirement Discussion**

Jim Maisano reported that based on the input and recommendations from several state coordinators, the issue of placing a requirement for DRE data entry within the International Standards was researched. It was identified that regulations prohibited NHTSA from requiring DRE evaluation data be entered into the NTS. However, there is nothing that would prohibit a state from using their enhanced standards process to require the data entry into the NTS. It was also mentioned that the state’s highway safety office could encourage data to be entered into the NTS as part of the state DRE program contracts. John Marshall pointed out that data from the system was recently presented to the NHTSA Regional Administrators and it was pointed out that for the number of DREs nationally, when compared with the number of evaluations being conducted, it appears that the DREs are only doing 3-4 evaluations annually. The counter was that not all DRE enforcement evaluations are being entered into the NTS.
DRE Evaluation vs. Non-DRE Evaluation Case Study

Chuck addressed a need to know how effective DRE evaluations are when it comes to case adjudication, especially when compared to non-DRE involved cases. The DEC Program as a whole, is lacking data to show the conviction rate of DRE related cases vs non-DRE related cases.

Jennifer Harmon spoke about Orange County, California and the way they track DUID data and cases and how they might be able to help support this area of the DEC Program. Some areas that would be valuable to know would be if a district attorney is as likely to file a DUI drug case if the case is a non-DRE case. In the beginning of the DEC Program, DREs were required to enter the disposition of their evaluation cases into their rolling log. However, that entry has been removed through the years mainly due to difficulty in obtaining case adjudication information.

This could be an important area which could be beneficial to the DEC Program and hopefully show its effectiveness. Another helpful aspect with this type of information would be in showing law enforcement administrators and others the more favorable outcomes of the prosecution of the DRE involved cases.

It was suggested to consult with the GHSA to see if we can get a practical program review that would include case adjudication even if only on a smaller perspective and not necessarily statewide. It was asked if there was a source for the names of contacts for the state impaired driving task forces to consult for this information. It was also suggested to look at Tennessee, in that they have a good tracking system of dispositions of all DUI cases.

**TAP Action:** IACP staff will work with various states and jurisdictions to try and collect DRE case adjudication information and make comparisons with non-DRE involved cases. The progress on this will be shared at the October 2019 TAP meeting.

Changing the Culture of DRE Use

Chuck began a discussion on whether there needs to be a change in the culture and thinking of DRE. He described an incident where a DRE was not doing full evaluations but giving a DRE opinion based upon partial DRE evaluation steps. And, it appears that in some areas of the country, officers are not calling a DRE and processing the DUI drug cases themselves, or DREs are not responding when called. It was identified that in some circumstances the DRE was the arresting officer and not doing a drug evaluation.

A question was posed about how do we motivate the DRE to do the evaluation, especially when the DRE is the arresting officer. Plus, how do we keep from having the DEC Program and the DREs being underutilized and officers just doing a blood test in hopes of making their
impairment case? It was shared that we all need to stress the need to properly and thoroughly investigative and collect evidence from the DRE evaluations. One issue that keeps appearing in feedback is the pressure from departmental mid-level managers that do not support the DRE taking the time required to do the evaluation. It was pointed out that in some states, there is more use of a “DRE reconstruction” being conducted on cases, especially on crash cases where no DRE was called.

**TAP Action:** After some in depth discussion on this issue, it was tabled and will be addressed at the DRE state coordinator level and be a discussion topic for the 2019 DRE State Coordinators meeting.

**TAP Member Reports**

**Police Administrator:** Captain Helena Williams discussed the possible need for clarification as to what constitutes a “controlled environment” for a DRE evaluation. She also suggested that TAP look at the current title of the DRE evaluation form which is referred to as the “Drug Influence Evaluation” (DIE) report. Captain Williams also provided an update on the California work on securing tablets for California Highway Patrol officers and that California is moving forward on their own statewide IT system for the tablets. **Action Item**

**At-Large DRE:** Joe Abrusci is stepping down due to his recent appointment as the IACP Eastern Region DEC Program Project Manager. Joe reported that he will be forwarding his curriculum update suggestions to Don Decker and will also use the information for the next round of curriculum updates in August. Matt Myers reported on the issues of the medical marijuana and CDB oil in Georgia and the concerns there regarding the THC levels being allowed in those products in Georgia. Mike Iwai was unable to attend the meeting and no report was provided from him.

**Highway Safety:** Darrin Grondel reported on the GHSA requests to Congress to relax the federal grant requirements. GHSA and various highway safety offices are looking at the “Buy America Act” and have asked for some flexibility in those restrictions. He also recommended that states work in partnership with their State Pharmaceutical Associations when dealing with impairing substances and drugged driving issues. He also provided some information on the Annual GHSA Conference that will be Anaheim, CA (at the same venue as the DAID Conference) and one of the workshops will feature the role of the highway safety offices working with law enforcement.

**International:** D’Arcy Smith from the RCMP reported that Canada thus far has not seen any major increases in Cannabis DUI arrests, but data is still coming in. He also reported that Canadian border officers are now being trained in SFSTs and will be on watch for impaired drivers entering the country. Inspector Tina Maier from the Ontario Provincial Police (OPP) reported on an oral fluid project that started in February and she will provide additional information on that project at the next TAP meeting.
**Medical/Optometry:** Dr. Alves reported on the need and his support for TAP reviewing new medical technology as it applies to DRE. He gave several suggestions on medical equipment and other newer technology that can assist DREs. Dr. Citek had departed early for flight connections so no additional report was available from him.

**NHTSA:** John Marshall reported on the NHTSA updates earlier in the meeting and had nothing further for discussion.

**Police Training:** Darrell Edmonds had nothing to report or for discussion.

**POST:** Dan Zivkovich had nothing to report or for discussion.

**Prosecutor:** Beth Barnes provided a one-page handout on some recent court cases involving DRE and impaired driving. Due to time restraints, she was only able to comment on a couple of the cases which included the recent District Court ruling out of Massachusetts where the judge ruled against DRE testimony. The case is a lower court ruling and it appears will not be appealed.

**Regional Coordinators:**

**Western Region -** Daven Byrd: A Western Region State Coordinators meeting is scheduled for June 5th in Reno, Nevada. As part of the meeting agenda, a site visit is planned for the Washoe County Jail which is being looked at for regional DRE field certification training.

**Central Region -** Don Marose, by Jim Maisano: A Central Region State Coordinators meeting is scheduled for June 23rd in Austin, Texas and will be held in conjunction with the Texas Impaired Driving Summit.

**Eastern Region -** Don Decker: An Eastern Regional State Coordinators meeting is scheduled for June 5th in Orlando, Florida and will be held in conjunction with the IPTM Traffic Symposium.

**State Coordinator:** Cecelia Marquart provided an update on the Texas HGN project.

**Toxicology:** Amy Miles was unable to attend the meeting and was unable to provide a report. However, she did indicate by email that work is progressing with the Scientific workgroup on a Scientific Review process where various research publications will be reviewed and stored for DRE and impaired driving purposes. Jennifer Harmon had to leave the meeting for travel purposes and was not able to provide a report.

**Report from the Floor:** There were no reports from the floor.

Meeting adjourned at 4:30 pm.

**Next Meeting will precede the IACP Annual Conference and is scheduled for Saturday, October 26, 2019 in Chicago, IL.**

Compiled by IACP DECP Staff 4/30/19