

IACP DRUG EVALUATION AND CLASSIFICATION PROGRAM
Annual TECHNICAL ADVISORY PANEL Meeting
Friday, October 21, 2011
The Palmer House Hotel, Chicago, Illinois

The annual meeting of the IACP Technical Advisory Panel to the DEC Program was held on Friday, October 21, 2011, at the Palmer House Hotel, in Chicago, Ill.

PRESENT: Earl Sweeney, TAP Chair; Sergeant Danny Lamm, California Highway Patrol; Chief Dan Bower, California Highway Patrol; T/Sergeant Doug Paquette, New York State Police; Joe Turner, Indiana Law Enforcement Academy; Don Decker; Marblehead, Massachusetts, Police Department; Sergeant Rob Martin, York Regional Police Canada; Lt. Don Marose, chair, IACP Drug Recognition Expert Section; Paul Cappitelli, International Association of Directors of Law Enforcement Standards and Training (IADLEST); Troy Costales, Oregon Department of Transportation Safety; Amy Miles-Cochems, Wisconsin State Laboratory of Hygiene; Major Jim Maisano, Norman, Oklahoma, Police Department; Jack Richman, O.D., New England College of Optometry; Donald Alves, MD, MS, FACEP, Maryland State Police; Lt. Jonlee Anderle, Laramie, Wyoming, Police Department; Ken Lebrato, prosecutor, Carteret, New Jersey; and Bob Jacob; director of the Institute of Police Technology and Management.

IACP STAFF: Carolyn Cockroft, Ernie Floegel and Chuck Hayes

Guests: Bill O'Leary, National Highway Traffic Safety Administration (NHTSA) filling in for Phil Gulak; Joanne Michaels, National Traffic Law Center; Sergeant Mike Iwai, DRE state coordinator, Oregon State Police; Sergeant Don Marose, state DRE coordinator, Minnesota State Patrol; Bill Tower, Law Enforcement Liaison, NHTSA Region III; Evan Graham, Royal Canadian Mounted Police, national DRE coordinator; Mirelli Moore, Royal Canadian Mounted Police; Commander Joe Klima, Phoenix, Arizona, Police Department; Doug Opterbeck, Phoenix, Arizona, Police Department; Joe Abrusci, Mount Olive, New Jersey, Police Department, DRE Section 4th vice chair; Officer Dan Mulleneaux, Phoenix, Arizona Police Department; Elizabeth Earleywine, Illinois TSRP and state coordinator; Matt Myers, Peachtree City, Georgia, Police Department; Richard Holt, state coordinator, Tennessee; Bill Tower, NHTSA LEL, Region III; Commander Joe Klima, Phoenix, Arizona Police Department; Bill Peters, Mesa Arizona, Police Department; Thomas Turek, Schaumburg, Illinois, Police Department; Dr. Bob Pannone, O.D., Norwich, Connecticut; Douglas Opferbeck, Phoenix, Arizona, Police Department; Christopher Andreacola, Tucson, Arizona, Police Department; Kemp Layden, Phoenix Arizona, Police Department; Bridget Reutter, Arizona Governors Office of Highway Safety, Phoenix, Arizona;

The chair called the meeting to order at 9:00 AM. He greeted those present and had the 39 attendees introduce themselves. The chair noted that the date for the 2012 TAP meeting conflicts with the 2011 fiscal year and could present funding issues from NHTSA. Bill O'Leary stated that NHTSA was aware of this issue and was working on it.

I. IACP Updates:

- **2011 DRE Training Conference on Drugs, Alcohol and Impaired Driving:** Attended by approximately 450 representatives from the fields of law enforcement, toxicology, prosecution, research, and medicine. Participants included highway safety advocates from Canada, the U.S.A., Mongolia, The Netherlands, Australia, and China. This year's generous co-hosts were the Canadian Association of Chiefs of Police, Royal Canadian Mounted Police, and the Canadian Centre on Substance Abuse, Transport Canada, and the Québec Automobile Insurance Corporation. During three full days, the conference delegates attended eight general sessions and eight workshops. Director Gil Kerlinkowske gave the keynote address.
- **IACP's 18th Annual Training Conference on Drugs, Alcohol and Impaired Driving** will be held in Seattle, Washington, August 16 – 18, 2012. The state coordinators meeting will be held on August 15, 2012. The conference agenda will be discussed at the DRE Section meeting tomorrow morning.
- **IACP DRE Records:** In FY 2010-2011, IACP credentialed close to 1,200 new DREs 180 instructors. In all, about 6,500 DREs are certified, of whom 1,343 are also instructors. The number of new DREs certified this past FY increased about 300 from last FY.
- **The DRE Section's Annual Report for the Calendar Year 2010:** Has been released and can be accessed at both the IACP and the DECP Web sites. In that calendar year, 63 DRE schools were conducted nationally and trained approximately 344 officers.
- The Office of National Drug Control Policy continues to express support of DRE, DITEP and ARIDE.
- With the addition of Michigan and Ohio in 2010, 48 states plus D.C. participate in the DEC Program. States not in the DECP are Connecticut and West Virginia. Connecticut will be discussed and voted on at this TAP meeting.
- There are 34 states in the Drug Impairment Training for Education Professionals (DITEP).
- At the end of 2010, 244,459 evaluations (training & enforcement) had been entered into the DRE data collection.
- To date, 54 DRE schools have been conducted in 2011; approximately 850 DREs were trained. 6 more DRE schools are scheduled for 2011.

- Committee members were reminded of their responsibility to respond to request of committee assignments in a timely manner.
- **In-Kind Services Form:** IACP must track time contributed by non-IACP staff when involved in IACP activities, such as meetings and work for TAP and the DRE Section. PLEASE complete the In-Kind Services forms and submit directly to me. **Reminder: TAP members should notify IACP in advance if they are representing TAP at any meetings, conferences, or presentations.**
- **Travel Reimbursement Form:** Please review carefully the IACP travel policy enclosed in the TAP booklet. A reimbursement form has also been provided along with the per diem for Chicago.

II. **TAP Meeting Minutes:** The TAP minutes from the Orlando meeting, October 22, 2010, were approved.

III. **OLD Business:**

- **Synchronization Project:** Bill O'Leary, NHTSA, introduced Kathleen Keller of M. Davis and Company who was contracted to work on the synchronization project, which includes the SFST, ARIDE and DRE manuals. Bill Morrison, a DRE instructor in Maryland, will be working with M. Davis & Co. to ensure accuracy and consistency. They will take the reformatted SFST, DRE 2010 and ARIDE to ensure that they are all consistent with one another. This could take two years to complete. Any changes will be funneled through the TAP Curriculum Committee before the changes will be made. Bill O'Leary will be the contact person for NHTSA.

Ms. Keller did a briefing for the TAP. Prior to the TAP meeting she had conducted several webinar calls with the TAP curriculum committee. She provided each TAP member with a CD, which included her briefing along with samples of the purposed edits. The briefing included the following: Goals; Impaired Driving Curricula; Task; Products; What's Different; Old Power Point Format; New Power Point Format; Old Instructor Guide Format; New Instructor Guide Format; Old Participant Manual Format; New Participant Manual Format; Process; Change Documentation; Current Status.

It was stated several times that no technical changes will be made unless approved by the TAP. The time line is to be able to conduct a pilot(s) in early 2012. **PENDING**

- **Sobrietytesting.org:** Bill O'Leary, NHTSA, discussed use for the data collected and handed out some reports with statistics and information on various states in the NHTSA regions. Presently approximately 208,000 enforcement evaluations are entered in the data system. He reviewed the circumstances leading to the temporary shutdown and elimination of some key reporting components. He also

discussed several strategies they are discussing with their legal representatives to recapture some of the components that they were required to eliminate. Issues still continue with personal identity information (PII) and what information can be allowed and captured. NHTSA also acknowledged that several states were contemplating setting up their own data bases but will wait to see if NHTSA can fix the present data system, particularly pertaining to keeping names and case numbers. Discussed also was the ability for the states to enter the student DREs into the data system. **PENDING**

DRE Data Collection Update: Later on in the afternoon, Wil Price, NHTSA, presented an overview and update on the National DRE Data Tracking System. Over 260,820 evaluations have been entered in the system. Wil demonstrated some of the new features it has and can be used for (Example: Evaluations Within breakdown of specific drugs detected). Some issues still to be resolved include PII, such as names (DRE & defendant), DOBs, and the rolling log. NHTSA hopes to resolve these issues soon. In the mean time, all are being urged to continue to enter data and be patient as these issues are being worked out. **PENDING**

- **SFST Revisions and Video Updates:** Bill O'Leary reported that the curriculum committee met at the TSI in Oklahoma City, OK, and got revisions completed to where the SFST curriculum could be turned over to the synchronization team. Videos still need to be re-done and the target date for that is early next year (2012). **PENDING**
- **Temporary Assignment to NHTSA DC:** Anyone interested should contact Bill O'Leary, NHTSA.
- **ARIDE – Updates – Videos – On line Training:** A work group was convened at TSI last September by NHTSA. Day 2 could be done on-line, but because of the proficiency test (hands-on), day 1 cannot. Curriculum committee will review updates and when approved, they will be sent to NHTSA for inclusion in the synchronization project. At this point there were no specifics. Hopefully something specific can be rolled out late next summer. **PENDING**
- **Training Bulletin on Marijuana:** Kenny Lebrato, prosecutor reported that the bulletin was put on hold for the time being awaiting the decision as to where legislation for medical marihuana use in New Jersey goes. **PENDING**
- **Sobrietytesting.org Management Tools:** Danny Lamm had looked at the management tools to see if they were good for DRE management. The tools could be used for SFST management but are not conducive to DRE management.

- **On-line Training:** The CHP had considered doing some on-line training for in-service. Danny Lamm explored what has been developed in both the private and federal sectors for doing this and so far has not found anything that he thinks that would satisfy their need. Paul Cappitelli will work with Danny on this. Some other states (AZ & NJ) are also exploring this option. **PENDING**
- **Backlog of Credentialing Documents:** Carolyn Cockroft, IACP reported that there is no backlog and has not been any since January. The credentialing documents, once received, are completed in a timely manner. Evan Graham acknowledged that it was no longer an issue with Canada.
- **Michigan/Ohio:** Ernie Floegel, IACP, reported that with support from Indiana and NHTSA, both states are well on board having successfully completed their first DRE schools. Both are planning DRE schools for 2012. Both states, in order to expedite the completion of the training, sent their DRE students to Arizona for the Phase III training.
- **Illinois:** Chuck Hayes, IACP reported that Illinois held their first DRE School in 15 years in July. It started with 24 students and completed with 21. Students included two from the Chicago PD and three from the ISP. Phase III is presently being conducted in-state.
- **Standards / Agency:** A suggestion from a state coordinator relating to Section IV of the standards, "The DECP Standards and Agency Control," was considered. This would give the agency the ability to deactivate a DRE in the best interest of the DECP. Motion was made and passed. **Action Item:** Changes will be made next time the standards are updated.
- **Recertification Standards for Instructors:** Don Decker, TAP Region III, brought up concerns that there are no standards or requirements for recertification of instructors and possibly should be. A number of states have developed their own standards for recertification but most have not. Discussion followed on any standards should be minimal and give the states the flexibility to choose what they will/will not do. A vote was taken and carried to develop a standard for the recertification of DRE instructors. Suggestions for wording should be sent to the standards committee. Wording would be approved by the TAP after the standards committee makes their recommendation. **PENDING:** In compliance with the Revision Process/Action Process, the state coordinators will be given an opportunity to comment on the proposed changes before the final vote is taken.
- **Stimulus Speed:** (Question raised by Mike Iwai) Chuck reported the wording addressing the stimulus speed in the SFST manuals was confusing. The wording itself made the speed too fast. The SFST revision committee revised the wording based upon input from Dr. Richman and Dr. Citek.

- **Rebound Dilatation:** Joe Turner, TAP Region II thought that the word “constricted” in the definition should be replaced with “smaller.” Curriculum committee, along with Dr. Richman, will review this. **PENDING**
- **Medical Ruleouts / Recertification Training:** Don Marose, chair of the DRE Section, suggested that more medical-related training is needed for the DREs, especially during recertification training. Chuck Hayes reported that the past and upcoming DRE conference are including more of this type of training. TAP members were in agreement and supportive of the concept.
- **Physiology and PDR Sessions:** Chuck Hayes reported that numerous course managers’ reports were questioning the PDR session and its applicability. This follows the discussion from the last TAP meeting as follows: *“Discussion on this concluded that there is more than one good reference book on drugs and that the PDR section in the curriculum needs to be edited to express this. Dr. Alves supported this and the prosecution did not see any negative reasons.”* Many course managers feel that the PDR is outdated and should include more references such as the *Drug ID Bible* and other newer resources. The Scientific Curriculum Committee, in conjunction with Dr. Alves (medical representative on TAP) should put together a suggested listing. **ACTION ITEM.**

Physiology Session: This session is also in need of review and update. Dr. Alves has been asked to review it and make recommendations for the Curriculum Committee. Chuck Hayes noted that other physicians in California and Oregon who may be able to provide input on both these items as well, and Chuck will seek their input. **ACTION ITEM.**

- **Controlled Environment for DRE Evaluations:** Chuck Hayes reported that several states are experiencing issues where DREs are conducting evaluations or partial evaluations in the field (i.e., parking lots, DUI vans, roadside) and not in a controlled environment. Bridgett Reutter, the Arizona DRE state coordinator commented on this and was seeking TAP’s direction. After some discussion, it was decided that trying to define a controlled environment would be difficult. Wording already exists in the *DRE Instructor’s Administrative Guide* concerning this issue. That wording will be incorporated into an instructor’s note describing the 12-step process. The wording will be sent to the Synchronization Team for inclusion into the revised manuals. **ACTION ITEM.**
- **ARIDE Training by Non-Approved Instructors:** Chuck reported that it has come to the attention of the IACP and NHTSA that several states are using or allowing non-DRE/DRE instructors to teach ARIDE. The administrative guidelines allow non-DREs, specifically SFST instructors, to teach ONLY Sessions 1 – 3, and a DRE/DRE instructor must teach the other sessions. The other exception is the legal block, which can be taught by a prosecutor. State coordinators will be reminded of these instructor guidelines. **ACTION ITEM.** *When anyone hears that non-DREs or non-DRE instructors are teaching ARIDE, notify proper authorities, including but not*

limited to, the NHTSA regional office, the state highway safety office, the department or organization conducting the training and the state POST.

- **Research Volumes:** *Chuck Hayes will send information on these to the National Traffic Law Center for their review. Chuck reported that the IACP and NTLC continue to collect DRE/SFST-related research permitted under copyright law and have been adding them for program and court support. Chuck will contact the NTLC to ensure this is allowable and can continue. **ACTION ITEM.** Joanne Michaels at the NTLC is agreeable to putting the studies/research on their Web site and will follow the NTLC copyright guidelines and policies.*

- **Spice/K2/Bath Salts:** Chuck Hayes reported that questions still come in concerning in which drug category Spice/K2/Bath Salts and other synthetic Cannabinoids are classified.

Because there may be different clues that could indicate one or the other of multiple drug categories, the TAP concluded that the DRE should call what "They see." Symptoms and profile should be viewed independently. Chuck will write a draft and send it out to the state coordinators. For now it was decided to add some information on synthetic cannabinoids to the cannabis session (Session 21) of the DRE manuals.

Spice/K2 and other synthetic cannabinoids are in the cannabis category and the synthetic stimulants will go in the stimulant category. **ACTION ITEM**

- **Colorado from Region II to Region I:** Since this will first require a revision of the DRE Section's Rule 23, that change needs to be reviewed and approved by the IACP Constitutional Committee. **PENDING**
- **Cocaine Duration of Effects:** Chuck Hayes reported the manuals contained an error relating to this. Information was obtained from the NHTSA *Drug Fact Sheet*, the *Drug ID Bible* and assistance from then TAP toxicology representative, Cindy Burbach, and the correction was made in the manual.
- **Resting Nystagmus - Continuing Exam:** Chuck Hayes reported that some DREs are being trained not to continue the HGN exam if resting nystagmus or immediate nystagmus is observed. The manuals do not address this. Dr. Jack Richman and Dr. Karl Citek recommend continuing the exam to confirm or unconfirm neurological issues or drugs such as PCP or other disassociate anesthetics. The Curriculum Committee will add this information into the manuals. **ACTION ITEM**
- **SFST Marine Enforcement Study:** This study was completed in 2010 and was presented to TAP at the annual Orlando meeting. At that meeting TAP members decided that the study should be sent to the Scientific Committee for review and comment. Dr. Jack Richman from the Scientific Committee volunteered to review the study, which he did. After discussions with other members of the Committee, it was

determined that the study did not directly relate to highway safety and driving and did not apply to TAP's focus, and that it was therefore not TAP's position to approve or disapprove the study. It was felt that the study should be evaluated on its own merits for the boating and marine community and that the study should have no impact on the existing sobriety tests which have been developed specifically for highway safety. This decision was discussed at the Chicago TAP meeting and Danny Lamm requested that the study would be forwarded to the DRE state coordinators along with an explanation of TAP's position on the study. **ACTION ITEM.**

IV. NHTSA Research/Studies: Bill O'Leary reported on the following NHTSA studies:

- **Status of DUID Enforcement and Adjudication in DEC and Non-DEC States**
In Review

This study is part of a broader effort by NHTSA to examine the contribution that illegal drugged driving *per se* laws make in reducing the drugged driving problem in the United States. The original objectives of this project were threefold: (1) to collect nationally representative data regarding the number of drivers arrested, prosecuted, and convicted of DUID from all 50 states; (2) to examine a subset of cases in which a plea agreement was reached and which resulted in charges other than the original DUID charge; and (3) to use the data from the previous two examinations to compare both DRE and non-DRE states with *per se* and non-*per se* states to determine the relative contribution of these two strategic initiatives in arresting, prosecuting, and convicting drugged drivers.

The project has been completed and is posted online at;

<http://www.nhtsa.gov/Driving+Safety/Research+&+Evaluation/2007+National+Roadside+Survey+of+Alcohol+and+Drug+Use+by+Drivers>

- **Drug *Per Se* Laws: A Review of Their Use in States**
In agency review

This report contains a summary of each *per se* state's DUID law and state code, including a list of any specified prohibited drugs. These states' criminal, court-ordered, and administrative sanctions for DUID sanctions are also noted. The researchers also met with law enforcement officers and prosecutors to learn about how the *per se* laws work in their jurisdictions. Although we had hoped to determine if these laws are effective in increasing driving-under-the-influence of drugs arrests and convictions, agencies' records often did not distinguish whether the arrest was for alcohol or drugs.

Completed, and is available on line;

http://www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811317.pdf

- **Phlebotomist Study (started September 2008):** NHTSA is using the Arizona phlebotomist program as a model and is referring inquires about such training to

Arizona. Interest continues in the training. Dan Mulleneaux provided input regarding evidence challenges and liability for officers taking the blood. To date, neither has been an issue in Arizona. Arizona will replicate this study in two states, which have not yet been determined. *Status: **PENDING***

NHTSA awarded a cooperative agreement to the Arizona Governors Office of Highway Safety to replicate and evaluate the state's law enforcement phlebotomy program, which was developed more than ten years ago. Under the program, law enforcement officers are trained to serve as phlebotomists and are enabled to draw blood if suspected offender refuses to submit to an alcohol breath test. Initially, Idaho and Texas were selected as replication sites, based on their laws and interest in participating, but the approach has proven to be politically sensitive in some locations and has limited full implementation. The project will be completed in September 2011.

Preliminary results demonstrate that, when adopted, this approach reduces the time it takes law enforcement to complete impaired driving arrests.

Not yet completed. STATUS is PENDING.

- **Parametric Study: Examine Parametric Data on Pupil Size, Blood Pressure, and Pulse Rate in Support of Drug Evaluation and Classification Programs.** NHTSA had concerns with the way the data were presented in the report for this project and worked with the contractor on revisions, but as the project had expired, the last set of revisions were never made.

Completed and under review by NHTSA. STATUS PENDING

- **Examine the Feasibility of Drug *Per Se* Laws:** Draft final report submitted and is under NHTSA review. *STATUS PENDING*

Drug *Per Se* Laws: Completed and is available on line.

- **Drugged Driving Prosecution Study:** Not known if it will be completed due to lack of state data. *STATUS PENDING*
- **Crash Risk of Drugged Driving: A Case Control Study (Determine the Crash Risk of Alcohol- and Drug-Positive Driving).** In the process of final negotiations for a site. *STATUS PENDING*

In this study, NHTSA is collecting information on BAC and drug presence of selected drugs from crash-involved and non-crash-involved drivers in Virginia Beach. NHTSA is trying to determine if there is increased risk of crash-involvement for drivers who test positive for selected drugs. To do so, NHTSA needs a sample of non-crash-involved drivers on the same road, in the same direction, at the same time of day and day of week as the crash-involved driver. The goal is 2,500 eligible

crashes and 5,000 comparisons (non-crash involved). NHTSA started data collection in February 2010, and will continue through spring 2011. To date, they have collected approximately 1,000 oral fluid/blood samples of crash-involved drivers. The study is progressing smoothly. Contact Amy.Berning@dot.gov STATUS PENDING. Data Analysis Phase is Underway.

- **Virginia Beach Crash Risk Study:** *(Same as Crash Risk of Drugged Driving Study above)*
- **Predictive Validity Research Study:** The Canadian Center on Substance Abuse (CCSA) is collecting DRE reports from about 10 states seeking 4,000 cases, including polydrug cases. The goals of this project are to collect all information found in a large sample of DRE cases and to perform statistical analyses to determine which combination(s) of elements in the data provide the most efficient and effective means to predict the toxicology-confirmed results. Cases include blood samples only. Analyses of rule-outs and incomplete cases are included. Status: Not yet completed. Hoping for a preliminary report at 2012 Impaired Driving Conference in Seattle. Contact Dereece.Smith@dot.gov STATUS PENDING

V. DRE Curriculum Issues:

- **Curriculum Changes / Start Date / Preface to manuals:** *The document was completed and inserted in the front of the DRE manuals and both the SFST and ARIDE manuals.*

This document indicates that the starting date for changes would be January 1; however, this document does not reflect the latest curriculum revision work under the Synchronization Project. It is hoped we can begin the schedule after this project is completed, which is projected to be in early 2012.

- **Romberg +/-5 Seconds:** This issue was discussed at the 2010 TAP annual meeting, where research was requested supporting this. None existed so Dr. Richman conducted some, and the results and references have been added to the 2011 updated manuals.

VI. Standards:

- TAP considered a suggestion from a state coordinator relating to Section IV of the standards, "The DECP Standards and Agency Control." This would give the agency the ability to deactivate a DRE in the best interest of the DECP. Motion was made and passed. **Action Item:** Changes will be made next time the standards are updated.

- **On-Site Testing Device:** Ernie Floegel opened the discussion on which states are using on-site testing devices and should they be used for evidentiary purposes. Dan Mulleneaux, Phoenix PD and former TAP member, had previously suggested revising the standards as follows;

1.11 Prior to completing the certification phase of training, the candidate DRE must demonstrate the ability to draw correct conclusions consistent with observed physiological signs and symptoms. In addition, the conclusions must be supported by ~~the findings of a forensic toxicology laboratory~~ [forensic testing](#). No candidate DRE shall be certified as a DRE unless blood, urine, or other appropriate biological samples are obtained and [submitted-tested](#) from at least nine subjects whom the candidate DRE has examined for...

After a great deal of discussion an initial vote was taken to see if any consideration for this change should be made. Thirteen of the 16 TAP members voted in favor with the caveat that the states must have flexibility in deciding if they wanted the on-site testing devices to be used as evidentiary. In addition to the standards committee, Doug Paquette, Jim Maisano and Amy Miles will give input. Wording would be approved by the TAP after the standards committee made recommendation. **ACTION ITEM:** In compliance with the Revision Process/Action Process, the state coordinators will be given the opportunity to comment on the proposed changes before the final vote is taken.

VII. New Business

- **New DECP State (Connecticut):** Eddie Hedge, Connecticut LEL, and Dr. Bob Pannone, consultant, were introduced. Connecticut had submitted a request to be accepted as a DECP state. Along with documents previously submitted to them, the TAP listened to a presentation, reviewed the documents, and had their questions answered. A motion was made to accept Connecticut as the 49th DRE state. It was seconded and passed.
- **154/164 Impaired Driving Penalty Funds:** Troy Costales, Highway Safety Office representative, reported on this and the following funding issues. He said that the 154/164 funds are strictly to be used for alcohol-impairment programs; they cannot be used for DITEP, ARIDE, DEC/DRE, or toxicology. Some SHSOs that receive these funds have used them for the drug side of impaired driving; however, a recent declaration from NHTSA says that the underlying rules for these funds allows programs and grants that are only for alcohol impairment. This is to be effective in 2012.

Authorization: Currently four different proposals are in play: Administration, Rep. Mica, Sen. Inhofe and Sen. Boxer. Each roll out highway safety in different fashions; however, everyone of them highlights highway safety and they all tend to hold

highway safety harmless in whichever budget reduction model is used. All will make changes to the highway safety core program through NHTSA. The most significantly changed program is Impaired Driving.

Maintenance of Effort: Due to the budget adjustments all across the country, the requirement for maintenance of effort in federally supported programs is being reviewed. For SHSOs this touches all streams of funds including impaired driving. So DRE state coordinators may be asked for some history back to 2003/04, which are the "base years" all maintenance of effort is tied to at this time. Just be prepared.

GHSA Policy Changes: At the 2011 Annual GHSA Meeting the membership adopted new policy statements toward drug-involved driving, which was passed unanimously by the members present.

- **SFST Applications:** A number of states have inquired about some SFST applications that have been on the web. The IACP or NHTSA does not know of any that have been put out by either of these two agencies, so if they are being used they should be check for accuracy. It should be noted that the defense would then have the same access to such an app.
- **DRE Final Knowledge Exam Remedial Test:** Two states, Arkansas and Oklahoma, have expressed a need for a remedial Final Knowledge Exam. Pam Mays of Arkansas has drafted a copy and sent it to Jim Maisano in Oklahoma for his use and it worked well for him. Since there is no remedial Final Knowledge Exam, Chuck will send the Arkansas version to the TAP members for review and comment. If approved, it will be made available to the other state coordinators for use if needed. **ACTION ITEM**
- **Instructor Two-Hour Teaching / ARIDE:** Chuck Hayes reported that some state coordinators have asked about allowing new DRE instructors to get their two hours of required observed teaching for certification at an ARIDE school. The problem is that some states have no or few DRE schools during a year, thus making it difficult to get the new instructors signed off. Don Decker pointed out that the requirement in the standards reads teaching "at an approved drug recognition course"; thus, ARIDE will apply if the teaching was related to the drug categories. The final decision on whether or not to allow this remains with the state coordinator.

VII. Dr. Richman announced that this would be his last meeting as a member of the TAP. He will be devoting more time to teaching and research. After several people expressed their gratitude to Dr. Richman for his participation on the TAP, the chair also acknowledged the work and participation of Dr. Richman and designated Dr. Richman as a "special consultant" to the TAP.

VIII. TAP Committees

- **Prosecution.** Kenny Lebrato discussed the following case:
 1. Supreme Court of the United States
Donald Bullcoming, Petitioner V. New Mexico
No. 09-10876, Argued March 2, 2011, Decided June 23, 2011
Not a DRE case.

Defendant was convicted of aggravated driving while under the influence of intoxicating liquor (DWI), and he appealed.

The court held that
(1) the defendant had the right to confront analyst who certified blood-alcohol analysis report, and
(2) the report was testimonial within the meaning of the Confrontation Clause.

Reversed and remanded.
- **Administrator** – No report
- **Police Training** – Bob Jacob updated the TAP on the Law Enforcement Challenge and how it has been revised and now on-line. They are hoping to get more internet nominations. He also discussed growing issues of returning military personnel and gang involvement. He also discussed training and emphasis on Crash Evidence Retrieval (black box) and crash investigation.
- **State Coordinators** – No report
- **Regional Updates**
 - **Region I** – Jonlee Anderle reported that a one-day regional coordinator meeting was held in conjunction with a Wyoming impaired driving conference. Four state coordinators attended and others participated by conference call. Plans are for a similar meeting to be held in 2012 in either Oregon or New Mexico.
 - **Region II** – Joe Turner reported on some issues in Wisconsin and a lack of possible DRE support. Several ideas were discussed in how to assist in this concern.
 - **Region III** – Don Decker gave an update on DRE training in Michigan, Ohio and Rhode Island.

- **Region IV – No report.**

The meeting adjourned at 5:00 p.m. The next annual meeting is tentatively scheduled for September 27, 2012, in San Diego, California.

Respectfully submitted,

Ernie Floegel and Chuck Hayes, IACP Staff