



IACP DRE Technical Advisory Panel Meeting

**Saturday, March 31, 2007
Arlington, VA**

The annual IACP Technical Advisory Panel meeting was held on Saturday, March 31, 2007, at the Marriott Crystal City in Arlington, VA.

PRESENT: Earl Sweeney, TAP Chair; Carolyn Cockroft, Chuck Hayes and Ernie Floegel, IACP; Lt. Colonel Darrell Fisher, NE State Patrol; Major Jim Maisano, Norman (OK) Police Department; Lt. Doug Thooft, MN State Patrol; T/Sergeant Doug Paquette, NYSP; Sergeant Mike Delgadillo, LAPD; Sergeant Helena Williams, CHP; Dan Mulleneaux, AZ GOHS; Dr. Jack Richman, O.D., New England College of Optometry; Karen Herland, Assistant City Attorney for Minneapolis, MN; Laurel Farrell, Toxicologist, Colorado Bureau of Investigations; Bob Jacob, Director IPTM; Dean Kuznieski, Enforcement and Justice Services Division, NHTSA; Dr. Phillip Phillips, Maryland; and Frank Kowaleski, Virginia Association of Chiefs of Police.

GUESTS: Carrie Slark, IACP Staff; Captain Gary Fief, CHP; Corporal Evan Graham, RCMP, Canadian DRE Coordinator; Lt. Rob Reichert, Washington State Patrol; 1st Sergeant Tom Woodward, Maryland State Police; Officer Bill Morrison, Montgomery County PD; Officer Mike Rose, Prince George's County, MD, Police; Officer Robert Jenkins, Miami Beach Police Department; Officer Jeff Riddle, Phoenix, AZ, Police Department; Bill Tower, Law Enforcement Liaison, NHTSA; Bob Hohn Impaired Driving Division, NHTSA; and Wil Price, Enforcement and Justice Services Division, NHTSA

ABSENT: Deputy Commissioner Joseph Farrow, CHP.

Chairman Earl Sweeney called the meeting to order at 9:00 AM. After the greetings, he had the members and guests introduce themselves.

I. IACP Updates:

- 2007 IACP Annual Training Conference on Drugs, Alcohol and Impaired Driving: The Las Vegas conference is progressing well with an agenda in place. The rooms are filling up quickly. Information can be accessed at www.decp.org.
- 2008 Conference has been finalized for Indianapolis, IN, August 10 – 12, 2008, with the state coordinators' meeting on Aug 9.
- IACP DRE records: Currently 5,795 DREs are certified in the U.S. and Canada; 1,246 of these are also DRE instructors.
- The states of Wyoming and South Dakota were approved as new DECP states and they both will be having classes in the near future.
- There were 56 PRE & DRE schools conducted in 2006; 1,076 officers were trained as DREs.
- Garrett Morford's (NHTSA) mother past away recently. The committee extended its condolences to Garrett and family.

II. Approve Annual Meeting Minutes:

The minutes from the TAP annual meeting held October 13, 2006, in Boston, MA, were approved.

III. The chair read a letter from a JoAnn Samson, Ph.D., expressing her concern about what she perceives as a misclassification of certain drugs. The chair was going to respond to this letter. In the meantime this matter has been referred to the Scientific Committee. **Pending Letter and Committee Review**

IV. Old Business:

In- Kind Services: Carolyn reminded the committee of the need to complete the In-Kind Forms that are in the TAP notebook for any time or expenses not reimbursed in their service to the TAP.

Phlebotomist Study: This study is completed and approved for release. A final report will be forthcoming soon. **Action Item: Status update.**

Palm Pilot Study: This study is completed. The contract was awarded October 2006. NHTSA is looking at a Windows-based system compatible with other PDAs and should have a prototype by the training conference in Las Vegas. **Action Item: Status update.**

DUI Paperwork Reduction Project: The project is completed and states are free to contact Bryan Roberts of the TMPA if they are interested. This will be on the agenda at the Las Vegas training conference and Chuck will check to see if Bryan can make a presentation at the state coordinators meeting. **Completed**

SFST Roll Call Video: NHTSA is working on the script. The video will be sent to police department decision makers once it has been developed, and it will be brought to TAP for approval. The contract has been moved to a different part of NHTSA. NHTSA reported the videos were completed and soon to be released. The TAP has not viewed them yet as NHTSA indicated it would do at the last meeting. **Action Item: Status Update**

DEC Videos: Chuck is working with CHP to update the two DRE School training videos. **Action Item: Status Update**

DRE Curriculum Updates: Chuck reported that the 2006 revised manuals were used for all the 2006 DRE schools. Some minor modifications are needed and will be incorporated into the next updates. Most of the modifications are the result of the DRE course managers' reports. The next updates will be on CD ROM in PDF format. Other training curriculums that have been updated include those for DITEP, SFST Instructor, DRE Instructor and DRE Course Manager. The next to be updated will be DITEP and the Prescription and Over-the-Counter Drugs. **Action Item: Status Update**

Certification Progress Log Form: Chuck reported that the DRE Certification Progress Log form was revised. The Kansas DECP state coordinator suggested having the form revised to reflect that the state coordinators certify the candidate DRE and that IACP is the credentialing body. The new form will be incorporated into the next manual revisions, and was posted on the DECP Web site. **Completed, Pending Putting it into the Next Version of the Manuals.**

DRE Revisions Process Form: At the last TAP meeting, IACP was asked to submit a process for dealing with DRE curriculum revisions. Chuck Hayes worked with Laurel Farrell and developed a process for dealing with revisions and suggestions from the field. Members

had a copy in their handout packets and Chuck walked them through the process. One minor change was made to item #4 on page one of the document. A motion was made, seconded and passed to approve the document. The document will be forwarded to the state coordinators and posted on the DECP Web site. **Completed**

Seattle Toxicology Meeting and Lab Study: Laurel Farrell reported that laboratory study is completed and the edits have been forwarded to NHTSA in hope that it will soon be published. Two issues identified were that not all of the states participated in the study and the lab cut-off levels vary from state to state. Still awaiting review approval of final report from NHTSA.

Action Item: Report on status of the Laboratory Study.

ARIDE: Frank Kowaleski reported that the ARIDE training courses has been completed and turned over to NHTSA for finalization. Statistics indicated that DUI arrests increased 17%, DUID arrests increased 176% overall, drug paraphernalia with a DUI arrests were up 291%, and drug possession with DUI increased 61%. NHTSA will now finalize ARIDE by having a panel review it for accuracy with corresponding information in the SFST and DRE Programs. NHTSA will then have the manuals completed and made available to the police.

Pending Completion of the Manuals by NHTSA

SFST Wet Alcohol Workshops: The effectiveness of wet alcohol workshops and identifying which states are using them is continuing. This information is part of the SFST assessments that NHTSA is conducting. Five assessments have been completed and approximately eight more are pending. The states' highway safety offices are not involved and don't know who is, or is not, using wet workshops. **Pending**

Drug Testing Road Side Survey: Contract was awarded in September 2006 to PIRE who will be collecting data in the summer of 2007 at 60 sites throughout the US. The sites are contingent upon cooperation of law enforcement at the sites to direct motorists to researchers who will ask for voluntary cooperation. Site selection will begin early 2007. This survey was pilot tested at six sites last year and they worked out well. **Pending**

Rosita Study: Will be finishing data collection in the Fall 2006, with the results in Spring 2007. One of the shortcomings is that many devices are not accurate or reliable. Saliva test devices not ready for law enforcement at this time. **Pending**

Dr. Burns HGN Study: It was rewritten and reanalyzed by the contractor who is fully confident that the results will prove that it makes no difference regarding the testing of one-eye, sitting or standing, speed of stimulus moving, etc. **Pending**

Drugged Driving Prosecution Study: This study has had problems due to lack of data. Most states have single charge-DUI, including alcohol and drugs. Even in DECP states, data is lacking. **Pending**

Parametric Study: Study is completed but was sent back with questions. **Pending**

Per Se Law Study: Lacking hard data. Anticipate getting opinions from prosecutors, law enforcement and offenders. So far it is inconclusive. **Pending**

International Standards: These have been posted on the DECP Web site's password protected page for access by state coordinators and will take effect July 1, 2007. **Completed**

SFST: NHTSA plans to hire a contractor to clean up and put the SFST curriculum into MS WORD format along with the DRE manuals. **Pending**

DRE Section Representative on TAP: One of the at-large positions will be used to fill this. The term will be for one year and it will be the DRE Section's chair who serves as the representative. **Pending**

Committees: Chair Sweeney updated the following TAP Committees to include the following members and staff:

- **Scientific Committee** – Dr. Jack Richman, Dr. Phil Phillips, Laurel Farrell, Helena Williams, Karen Herland, & Chuck Hayes.
- **Curriculum Committee** – Doug Paquette, Dan Mulleneaux, Jim Maisano, Frank Kowaleski, Mike Delgadillo, Dean Kuznieski
- **Standards** – Darrell Fisher, Gary Fief, Bob Jacob, Doug Thoof, Troy Costales, Ernie Floegel

DECP State Coordinators Guidelines: After discussion and review, a motion was made by Doug Paquette to approve the guidelines. It was seconded by Gary Fief and passed unanimously.

Course Managers' Reports – Chuck reported that states are still required to submit DRE School Course Manager reports. The reports are very helpful in identifying errors or omissions in the training. One report identified that Chloral Hydrate was incorrectly listed as an inhalant in the 7-day School Student manual. This will be corrected in the next manuals revision.

V. **New Business:**

The chair read a letter written by a toxicology/physiology expert and consultant who had gone to a three-day DRE course overview. It was her opinion that at least one drug, Prozac, which is classified as a Central Nervous System Depressant is misclassified. **Pending Review of the Scientific Committee.**

CNS Depressant Curriculum & Matrix – A proposal for a change to the DEC matrix was submitted. (Copy in the TAP notebook). It addressed concerns regarding the CNS Depressant and the sub-category of Anti-Depressants. A lengthy discussion followed without any specific conclusion. It was recommended that this information be incorporated into the prescription and over-the-counter drug training. A project team will be appointed to make recommendations to TAP. This will also be discussed at the state coordinators' meeting with a final recommendation to the TAP for a vote at the annual meeting. **Pending.**

DRE Progress Log – The Progress Log was edited and the updated version is now on the DECP.org web site. The revised form incorporated new language from the 2007 International Standards.

DRE Curriculum Videos – Since NHTSA has no funds to update, Chuck will be working with the CHP to try to develop the 12-step process video and the drug category video.

Order of SFST – A question came up if the order of giving the test, HGN, W & T, OLS is imperative. After discussion, the recommendation was that since the SFSTs were designed with that order in mind that, ***whenever possible***, that order should be followed.

Guidelines for DEC Program State Coordinators – A draft of the guidelines had been previously presented to the TAP, and copies sent to the state coordinators for review. After

discussion, Doug Paquette made a motion to approve the guidelines, and Gary Fief seconded it. Motion carried. ***Guidelines*** to be posted on the DECP Web site.

Toxicology Confirmation for Field Training- The issue of how the states are conducting the field certification training came up, specifically, what method they were using to test for drugs. Some states are using field test strips, a practice that appears not to conform to Sections 1.10 and 1.11 of the standards. The standards' terminology implies that the tests are to be sent to a laboratory. This was discussed at length, and many questions were raised, both pro and con. The focus of the question related to cost, what kind of screen, (full or partial) the laboratories were doing, and the reliability of the field testing instruments. A motion was made by Doug Paquette, and seconded by Evan Graham, to do a pilot on alternative testing. The motion carried. This included sending out a survey letter to all of the state coordinators and asking them to complete a questionnaire. The Scientific Committee would then review these questionnaires and bring a recommendation back to the TAP at the annual meeting. ***Pending Review and Recommendations by Scientific Committee.***

Maine SFST / DRE Instructor – The question arose if a DRE who was an SFST instructor and utilized as an adjunct instructor at a number of DRE schools could be certified as a DRE instructor. This question pointed out sections in the standards which might imply that it was acceptable to do so. Since the TAP had approved a number of alternative curriculums for situations similar as this, it was suggest that the Curriculum Committee put together a standardized curriculum for those states that may have approved alternate curriculum along with minimum requirements necessary for the alternate curriculum. ***Pending Recommendations from the Curriculum Committee.***

Law Enforcement Plan with the States' Highway Safety Office – Troy Costales submitted a Policy Resolution (PR-13-06) from the American Association of State Highway and Transportation Officials, relative to addressing highway safety as a national health issue.

SFST Test Questions Validation – The Driver and Marine Division of the Federal Law Enforcement Training Center has said that they are interested in validating the SFST questions. ***PENDING***

Prosecution Update – Karen Herland presented an overview of Per Se Controlled Substance Impaired Driving Laws and Case Law Updates, *State of Nebraska v. Cassi Buttke*, which, after a Daubert-type hearing, the court ruled that the DRE's opinion that the defendant was under the influence of a drug was admissible.

Meeting adjourned at 5:00 p.m.

Respectfully submitted.

Ernie Floegel/Chuck Hayes