

IACP DRE Technical Advisory Panel Meeting

Saturday, March 25, 2006
Arlington, Virginia

The IACP Mid-year Technical Advisory Panel meeting was held on Saturday, March 25, 2006 at the Crystal Gateway Hotel in Arlington, VA.

PRESENT: Earl Sweeney, TAP Chair; Carolyn Cockroft, Chuck Hayes and Ernie Floegel, IACP; Lt. Colonel Darrell Fisher, Nebraska State Patrol; Captain Jim Maisano, Norman, OK, Police Department; Lt. Doug Thooft, Minnesota State Patrol; T/Sergeant Doug Paquette, New York State Police; Sergeant Mike Delgadillo, Los Angeles PD; Sgt. Helena Williams, California Hwy Patrol; Dan Mulleneaux, Phoenix Police Department and the Arizona Governor's Office of Highway Safety; 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 of IPTM; Dean Kuznieski, National Highway Traffic Safety Administration; Troy Costales, Transportation Safety Division, Oregon Department of Transportation, and Frank Kowaleski, Director of Programs for the Virginia Association of Chiefs of Police.

GUESTS: Heidi Coleman, Garrett Morford, Bob Hohn and Bill Tower, NHTSA; Capt. Gary Fief, CHP, filling in for Joseph Farrow, CHP; Elizabeth Earleywine, APRI/NTLC; Evan Graham, RCMP and IACP DRE Section Chair; Sgt. Tom Woodward, Maryland State Police; Officer Bill Morrison, Montgomery County PD; Officer Robert Jenkins, Miami Beach Police Department; Cpl. Mike Rose, Prince Georges Police Department and Carrie Slark, IACP.

ABSENT: Deputy Commissioner Joseph Farrow of the CHP.

Chairman Earl Sweeney called the meeting to order at 9:00 AM. After the greetings, he asked the members and guests introduce themselves. He also welcomed the two newest members of TAP, Captain Jim Maisano of the Norman, OK, Police Department and Dan Mulleneaux of the Phoenix, Arizona, Police Department.

I. Work Plan:

Chair Sweeney started the meeting by reviewing the TAP work plan established by NHTSA and IACP. The plan outlines the duties and functions of TAP. Panel to review plan and discuss at next meeting.

II. IACP Updates:

Carolyn Cockroft introduced the DRE Section chair and vice chairs: Evan Graham, Bobby Jenkins and Darrel Fisher. She also addressed the following:

- IACP In-kind Contribution forms: She handed out the forms and explained the purpose of the form.
- IACP DRE Section's 12th Annual Training Conference on Drugs, Alcohol and Impaired Driving. The conference will have five tracks and the agenda is nearly

completed. The conference will be held in Kansas City, MO, June 14–16, at the Hyatt Regency.

- New DECP Web site: The Web site (www.decp.org) has been launched. It includes an overall summary of the DECP, DRE updates, training and conference information, and other resources.
- IACP DRE records: Currently 5,688 DREs are certified by the DECP; of those, 1,255 are DRE instructors.

III. NHTSA Update:

Research/Studies: Garrett Morford, Heidi Coleman and Dean Kuznieski gave brief updates on the Parametric Study, the Rosita II Study and Roadside Detection Study. All are in progress and have been slowed due to various issues. Garrett advised that Dr. Richard Compton would provide a report on the studies after lunch. (Refer to NHTSA Research Updates).

SFST Dry Lab Videos: Dean Kuznieski reported that the Dry Lab Videos are completed and a disclaimer has been added. *The videos are included in the February 2006 SFST revisions, which will go out to the states as part of a five CD ROM package.* The NHTSA regions provided a list of names from their respective states and each person on the list will receive the CD ROM package. States will be responsible for printing their own SFST manuals.

Phlebotomist Study: Dean Kuznieski reported that numerous states are either involved in the phlebotomist program or considering it. No study is planned at this time. Dan Mulleneaux gave an update on the Arizona program, which has trained over 200 officers to date, and there have not yet been any evidence challenges. Report by NHTSA to be peer reviewed.

North Carolina/Tennessee SFST Program Comparisons: Dean Kuznieski reported that the side-by-side comparisons of the programs from North Carolina and Tennessee haven't been completed yet because nothing has been received from either state. It was suggested that Frank Kowaleski contact the North Carolina POST and report back to TAP at the next meeting. It was also suggested that since the SFST program is the foundation for DRE training that the two states be advised that they can be removed from DECP status if their SFST programs do not conform to the NHTSA/IACP standards.

Palm Pilot Study: Bob Hohn reported that PIRE is working on refining the Palm Software to make it compatible for the DRE reporting. Palm may be moving to a Windows based system. It is hoped that a prototype will be ready for the Kansas City conference in June. **(PENDING)**

DUI Paperwork Reduction Project: Dean Kuznieski reported that the program is still being tested in Texas. Thus far they have seen about a 50% reduction in report writing time as a result of the new computer web-based program. No special software is needed for the program, however, about four hours of officer training is needed prior to using the program. NHTSA is hoping to interface the program with current state DUI tracking systems. About 25 states have expressed interest in the program. **(PENDING)**

IV. Old Business:

Seattle, Toxicology, and Prosecution & DRE Meeting – Laurel Farrell and Dr. Barry Logan are finalizing the report and it should be ready for publishing soon. Carolyn putting together a resolution for the IACP tasks for the Highway Safety Committee.

SOFT/AAFS: Laurel Farrell reported on the SOFT/AAFS conference held in Seattle, Washington, in February. Both Chuck Hayes and Laurel attended the SOFT Drugs and Driving Sub-Committee meeting. One of the issues addressed was for the idea of DREs providing the labs with the DRE face sheet whenever possible. The SOFT committee supported this.

Toxicology Resolution: Laurel Farrell reported on the progress of the resolution project regarding the standards for toxicology labs used by DREs. The report is near completion. It was determined that the final report will be presented to the full Highway Safety Committee. It was also recommended that the paper be published.

Toxicology Laboratory Survey Update: Laurel Farrell provided a short overview of her initial findings from the laboratory survey. The survey, yet to be completed, has identified various inconsistencies from one lab to another. Laurel, along with Dr. Barry Logan and Dr. Sarah Kerrigan, intends to publish her results.

Promoting the Use of DREs: An article by Chuck Hayes promoting the use of DREs will be updated. Once updated, the article will be forwarded to Dick Ashton for possible inclusion into the IACP Desk Book.

SFST and DRE Eye Research: Jack Richman reported that both he and Dr. Karl Citek have completed the majority of corrections and updates regarding the SFST and DRE eye research. The new pupil size information was included in the January 2006 DRE manual revisions. Chuck Hayes also reported that the published studies have been posted on the new DECP Web site.

National Drug ID Pilot: Frank Kowaleski reported that three ARIDE training courses have been conducted: one in Washington, one in Kentucky and one in Connecticut. Thus far the results and feedback have been good. He read a letter from Washington requesting additional ARIDE training in the future. Per a TAP request from a previous meeting, a list of the ARIDE training objectives was furnished to the members.

Four-hour Drug Block: Wisconsin would like the four-hour Introduction to Drugged Driving block eliminated because training agencies use it instead of the eight hour D.I.D. block for expediency simply because it is approved training. A decision will be made after NHTSA comes out with the National Drug ID Pilot.

Certification Sign Off: A question was raised about the need to have two separate DRE instructors sign off on a DRE student upon completion of the certification phase. (Refer to *Standards*, Sections 1.9, 1.10 & 1.15). After discussion, TAP determined that two instructors who have witnessed the evaluations are needed to sign the log. Because of the conflicting numbers, one and/or two instructors, **Chuck will write up something for the commentary** for the DRE manuals. The Standards Review Committee will also

take a look at this. **Helena, Dan and Doug Paquette will develop language and send it to Chuck.**

NHTSA Research Updates: Dr. Richard Compton provided an update on the various NHTSA sponsored/supported impaired driving research studies. Those discussed included:

- Rosita II Study – The report may be completed by July. However, the study is not progressing as expected due to a lack of reporting and problems with the saliva testing equipment. **(PENDING)**
- Drug Testing Roadside Survey – NHTSA is moving forward on this study. However, there are accuracy issues with the saliva testing equipment. **(PENDING)**
- Dr. Burns HGN Study – The first draft of the study was not accepted due to problems with the analysis process. Dr. Burns has indicated that she intends to retire and it is not known if she will conduct a re-analysis of the data or not. **(PENDING)**
- Israel article on Accident Analysis and Prevention – All references to Dr. Compton and NHTSA have been removed due to the inaccuracies in the article and the study. Melissa Noggle of Texas has been contracted by NHTSA to write a rebuttal. **(PENDING)**
- Drugged Driving Prosecution Study – There are problems in how the states capture their data on drugged driving cases. There are about eight states that may be able to provide the data needed for the study. **(PENDING)**
- Parametric Study – This study is continuing and has been sent back for review. **(PENDING)**
- *Per Se* Law – Study of those states that have a *per se* law, **(PENDING)**
- NHTSA to send TAP and Chair Sweeney a copy of the study on those states utilizing wet workshops. **(PENDING)**
- Roll Call Video – NHTSA **(PENDING)**

Dr. Compton reported that many of these studies and research projects are delayed partially because of the pending retirement of Dr. Jim Frank. NHTSA is not clear on who will complete his projects.

Lasik Surgery Effects on HGN: Dr. Richman indicated that he has prepared two separate papers giving his opinion on Lasik and the effects on HGN and hippus. Neither of the papers has been published nor have they been through a peer review process. *Both have gone out to various DREs and DRE instructors on the DRE Listserve.* Discussion ensued on whether the papers should be published and peer reviewed. *Dr. Richman indicated that he has offered them as his opinion only and did not think that they needed to be published.*

Eye Research – Dr. Richman handed out a copy of an abstract entitled “**Can the Evaluation of Pupillary Responders Used by Police Officers Assist in Detecting Possible Drug Enforcement?**” It was approved by the American Academy of Optometry and he will present it in San Diego in December 8 – 11, 2005. Will be published. **(PENDING)**

Contact Lenses: At a previous TAP meeting it was decided to put language back into the SFST manuals that addresses checking for contact lenses when conducting the

HGN test. Dr. Richman provided language to Chuck Hayes who added it to the SFST and DRE manuals.

Medical Doctor on TAP: At the last TAP meeting there was discussion about appointing a medical doctor to TAP. Chuck Hayes was assigned to identify possible doctors for this position. Three have expressed interest: Dr. Phillip N. Phillips from Maryland, Dr. Gary Tampkin from California, and Dr. Bejar from Florida. Chuck asked that Bill Tower contact the doctor from Maryland and obtain his curriculum vitae. Sgt. Helena Williams was asked to provide a CV for Dr. Tampkin and a CV has been requested for Dr. Bejar. Per Chair Sweeney, once the CVs are obtained, they are to be forwarded to him for review and consideration.

International Standards: Chair Sweeney led an open discussion on the IACP International Standards revisions. A draft was forwarded to each TAP member prior to the meeting for comments and input. IACP staff will handle the grammatical issues. Discussion centered on re-certification and de-certification. After discussion and input, the draft was finalized and will be prepared for consideration at the October TAP meeting.

Action Item: October vote on the proposed International Standards revisions.

Alternative Tennessee SFST Curriculum – (PENDING)

Alternative North Carolina SFST Curriculum – NHTSA Region (PENDING)

DRE Logo (PENDING)

V. New Business:

Vermont DEC State Proposal: Ernie Floegel introduced a written proposal from Vermont requesting to be approved by TAP as a DECP state. After an initial motion to approve was made, further discussion ensued. It was decided that the proposal did not contain enough support information—specifically, not enough support information regarding the lab, prosecutor and state coordinator. A motion was made, seconded and passed to have *Chair Sweeney to send a letter to Vermont thanking* them for their proposal, asking them for the additional support information, and inviting them to re-submit their proposal at the October TAP meeting.

Action Item: Letter to Vermont regarding their DEC State Status.

Memo from Jeff Collier: Chair Sweeney read a letter from Jeff Collier, the Kansas DRE state coordinator, in which he expressed his displeasure in how DRE curriculum revisions were handled and how states were notified of those changes. Chair Sweeney indicated that he intended to reply to Jeff and thank him for writing the letter. There was discussion on how TAP should make changes and a need for a process for putting the changes into effect. Chair Sweeney appointed a sub-committee of Ernie, Carolyn, and himself to develop a draft proposal for the October TAP meeting in Boston.

Action Item: Letter to Jeff Collier and vote on the draft curriculum revisions proposal.

DRE Section Chair on TAP: Discussion continued on adding a position on the TAP that would be filled by the chair of DRE Section. Although a motion was made and second, the issue of funding needs to be settled. Chair Sweeney approved the vote pending a decision from NHTSA and IACP on whether or not there was enough funding travel costs for the additional position. There was also discussion as to if the section chair would serve a valuable purpose on TAP since the chair position is only for one year at a time. This generated much discussion on what was the best way to accomplish this. A motion was made to have the DRE section chair added, and a vote of 2 for and 0 against was made. Because of the large number of abstaining votes, the uncertainty of the funding, and the confusion on implementing it, the vote was set aside until further discussion can be completed.

Action Item: Decision from NHTSA on travel funding for the additional TAP position.

DREs in the Military: Due to military assignments in Iraq and other locations, this issue has arisen in numerous postings to the DRE mailing list server. Because of military commitments, some DRE certifications have lapsed. The current DECP Standards do not provide exceptions for military assignments. After input from the members, Chair Sweeney appointed Dan Mulleneaux to prepare a draft proposal for the October meeting addressing this issue. Until then, the current standards will be followed.

Action Item: View and discuss military status proposal at October meeting.

Toxicologists/Prosecutors Attending DRE Schools: Laurel Farrell asked for discussion regarding toxicologists and/or prosecutors attending the DRE classroom training and receiving a certificate or acknowledgement for the training. Numerous toxicologists have attended the DRE classroom training, and most have not received anything acknowledging their participation. This discussion raised the question about whether "Associate DRE Instructor" was the appropriate title for those who teach at DRE schools and who are not actually DREs. It was decided that the title should be changed to "Adjunct DRE Instructor" to be consistent with colleges and universities. It was agreed that states could issue certificates to toxicologists and/or prosecutors who attended DRE classroom training. This will be reflected in the DRE Course Managers manual listing the requirements if a certificate is to be awarded for the training. The language in the manual will stress that the person will not be considered a DRE.

Meeting adjourned at 5:00 p.m.

Respectfully submitted.

Ernie Floegel, IACP