

2018 Texas Statewide Impaired Driving Forum

Wednesday, February 7, 2018

Norris Conference Center 2525 W. Anderson Lane, Suite 365 | Austin, TX 78757 9:00 AM – 4:00 PM (Check-in begins at 8:30 AM)

The 2018 Texas Statewide Impaired Driving Forum is hosted by the Texas A&M Transportation Institute with significant support from the Texas Department of Transportation Traffic Safety Section through the National Highway Traffic Safety Administration's State Highway Safety Grant Programs.







Wednesday, February 7

8:30 – 9:00 AM	Check-in /	Registration
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9:00 – 10:30 AM	Opening Plenary Session – Red Oak Ballroom
9:00 – 9:20 AM	Welcoming Remarks
	Troy Walden, Ph.D., Director of the Center for Alcohol and Drug Education
	Studies, Texas A&M Transportation Institute
	Terry Pence, Traffic Safety Section Director, Texas Department of
	Transportation
9:20 – 9:45 AM	NHTSA Update
	Sam Sinclair, Regional Program Manager, National Highway Traffic Safety
	Administration
	Maggi Gunnels, Ph.D., Associate Administrator, National Highway Traffic Safety
	Administration
9:45 – 9:55 AM	Legislative Update
	Judge Mark D. Atkinson, Chief Executive Officer, Texas Center for the Judiciary
9:55 – 10:10 AM	Powdered Alcohol: A Bad Mix for Texas
	Nicole Holt, Chief Executive Officer, Texans Standing Tall
10:10 – 10:15 AM	Announcements
	Paige Ericson-Graber, Associate Transportation Researcher, Texas A&M Transportation Institute
	Transportation institute
10:15 – 10:30 AM	Break / Networking
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10:30 – 11:20 AM Breakout Session I		
Alcohol Track	Drug Track	Prosecutor/Judges/LEO Track
Live Oak Room	Magnolia Room	Cypress Room
Motorcycling and Alcohol –	Beyond the Obvious: Why	DWI Case Law Update:
Why Do They Go Hand-In-	Mixing Prescription Drugs is So	Everything Old is New Again
Hand?	Dangerous	
Mike Manser, Ph.D., Human Factors Program Manager, Texas A&M Transportation Institute	Merlyn Joseph, PharmD and Assistant Professor, Texas A&M Health Sciences Center, Irma Lerma Rangel College of Pharmacy	Jessica Frazier, Head of Vehicular Crimes, Bexar County District Attorney's Office
Motorcycling requires the rider to have a fine sense of balance, coordination, and awareness. A motorcycle exposes the rider to environmental conditions like extreme weather conditions and road conditions. In the event of a crash, a motorcycle offers a rider no protection. Yet, despite these conditions, many riders still choose to ride impaired, exacerbating the motorcycle safety challenge. This presentation will provide crash data related to motorcycles and impairment and discuss outreach efforts to reduce impaired riding.	Many opioid medications can be accidentally misused or intentionally abused. In addition, opioids can interact with other medications without a person even realizing it. This session will address the safe use of prescription opioids, best practices for preventing opioid abuse within a household, dangers of mixing certain medications with opioids, the deleterious effects that can occur, and how it relates to the driving task. This session will also discuss an online tool that can help law enforcement and other DWI stakeholders identify loose pills by their color, markings, and size.	A discussion of important cases on current or reemerging issues from the Court of Criminal Appeals and Courts of Appeals, including drugged driving, search warrants, SFSTs and DRE.

11:20 – 11:30 AM Break / Networking

11:30 – 12:20 PM Breakout Session II		
Alcohol Track	Drug Track	Prosecutor/Judges/LEO Track
Live Oak Room	Magnolia Room	Cypress Room
Mitigating Wrong-Way Driving	Medical Issues that Can Affect	Standardized Field Sobriety
Crashes	Driving and Mimic Impairment	Tests (SFSTs) in Court
Melisa Finley, Research	Andrew Nicholes, D.O.,	Justin McCants, Misdemeanor
Engineer, Texas A&M	Emergency Medicine Physician	Chief, Dallas County Criminal
Transportation Institute		District Attorney's Office
With the most highway lane	There are a number of medical	Doing SFSTs correctly on the
miles in the country, it's no	situations or complications that	roadside, the far more daunting
surprise that Texas leads the	can at times mimic drug and/or	task is explaining and giving
nation in the number of wrong-	alcohol impairment in drivers.	them the weight they deserve in
way crashes – crashes that	This presentation will look at	the courtroom. This requires
occur when a driver heads the	some of the more common	prosecutors understand them
wrong direction on a roadway	complications that a police	and work with arresting officers
and into oncoming traffic.	officer may encounter at	and sometimes SFST trainers as
Alcohol is the leading	roadside or during a DRE drug	experts to convey this
contributor for these types of	influence evaluation. The	information to juries quickly, but
crashes. Learn how regions in	presenter will discuss many of	persuasively. Discussion of
Texas are addressing wrong-	the common complications, and	common defense tactics on
way driving crashes with low-	some other not so common	SFSTs will also be included.
cost traffic control devices and	conditions that could also be	
innovative technologies. Learn	encountered. This information is	
what role connected-vehicle	intended to assist police officers	
technology can play in	and prosecutors in better	
mitigating wrong-way driving	understanding what the types of	
crashes.	medically related complications	
	may look like and be able to	
	take appropriate action when	
	these various situations and	
	complications are encountered.	

12:20 – 1:20 PM Lunch and Keynote Speaker – Red Oak Ballroom Keynote Speaker Michael A. Chacon, Director of Traffic Operations Division, Texas Department of Transportation 1:20 – 1:30 PM Break / Networking

1:30 – 2:20 PM Breakout Session III		
Alcohol Track	Drug Track	Prosecutor/Judges/LEO Track
Live Oak Room	Magnolia Room	Cypress Room
Why Equip Fleet Vehicles with Ignition Interlocks?	Colorado: The Impact of Recreational Marijuana on Illegal Drug Trafficking	Securing and Preserving the Impaired Driving Crash Crime Scene
Debra Coffey, Vice President – Government Affairs, Smart Start Stephen George, Director of Commercial Business, Smart Start	Robert Ticer, Chief of Police, Loveland City (CO PD and Past President of Colorado Association of Chiefs of Police	Andrew James, Vehicular Crimes Chief, Montgomery County District Attorney's Office
An ignition interlock is a device that prevents a vehicle from starting if the driver has been drinking alcohol. Traditionally, ignition interlock devices have been installed in the vehicles of drivers who have committed DWI offenses as part of sanctioning. But, more and more, companies with fleet vehicles are installing ignition interlock devices into company vehicles as a proactive solution to prevent alcohol-impaired driving. This session explores the experience of one company that installed ignition interlock devices in their fleet vehicles.	Colorado was one of the first states to legalize recreational marijuana. This presentation will focus on how the legalization of recreational marijuana has affected illegal drug trafficking in Colorado, "lessons learned" from Colorado's experience, and what actions Texas can take to better prepare for the legalization of recreational marijuana, should it arrive.	There is no crime scene in a more inconvenient and dangerous place, at a more inconvenient time and with often so limited resources as the impaired driving crash scene. Add to all this that our most important evidence is being metabolized by the suspect's body and the challenge is complete. This session explores the challenges to this investigative undertaking and explores things officers and prosecutors alike can do to secure and document these crime scenes, and to get the innocent victims of these crimes the justice they deserve.

2:20 – 2:30 PM Break / Networking

2:30 – 3:20 PM Breakout Session IV		
Alcohol Track	Drug Track	Prosecutor/Judges/LEO Track
Live Oak Room	Magnolia Room	Cypress Room
Computerized Assessment and Referral System (CARS): DUI Assessment Project	The Evolution of Opioids	Blood Evidence and DREs: The One-Two Punch in Drugged Driving Prosecutions
Erin Holmes, Director of Traffic Safety and Technical Writer, Criminal Justice Programs, Foundation for Advancing Alcohol Responsibility	Jennifer Harmon, Assistant Director of Forensic Chemistry, Orange County (CA) Crime Laboratory	Clay Abbott, DWI Resource Prosecutor, Texas District and County Attorneys Association
Research has found that repeat DUI offenders commonly suffer from a number of mental health disorders (e.g., anxiety disorders, post-traumatic stress disorder, depression) in addition to their substance use issues. Historically, treatment of this offender population has consisted of alcohol education or interventions that focus solely on alcohol or other substance use disorders. Screening for mental health issues in addition to substance use is not always available or performed within DUI treatment programs. CARS was developed to fill this void as its primary purpose is to identify mental health issues that might influence DUI behaviors, facilitate additional treatment for those issues, and possibly reduce future recidivism.	According to the CDC, the number of opioid overdoses have quadrupled in America since 1999. Not coincidentally, in that same period, the amount of prescription opioids in America has quadrupled as well. An increase in prescriptions has occurred despite the fact that there has not been an overall change in the amount of pain Americans have reported in that time period. But, the challenge of reducing opioid supplies is also evolving. As access to prescription opioids tightens, consumers are increasingly turning to dangerous street opioids, heroin, fentanyl (alone or combined), and mingled with cocaine and other drugs. This presentation will discuss opioid use, abuse, and cause of death.	Texas has done well in rolling out search warrants and getting valuable blood evidence. But in drugged driving cases the blood alone is not enough to win the case. What is needed is a tandem of two very different expert witnesses: the forensic toxicologist and the DRE. This session explores the differences and synergy between these experts and creates a model of working better together than apart.

3:20 – 3:30 PM Break / Networking

3:30 – 4:00 PM Closing Plenary Session – Red Oak Ballroom

Introducing the Texas Impaired Driving Task Force Traffic Safety Award Laura Dean-Mooney, Project Coordinator, Texas A&M AgriLife Extension Service Lisa Robinson, Senior Program Manager, National Safety Council

Closing

Troy Walden, Ph.D., Director of the Center for Alcohol and Drug Education Studies, Texas A&M Transportation Institute

Speaker Bios

W. Clay Abbott

W. Clay Abbott is the DWI Resource Prosecutor with the Texas District and County Attorneys Association. He graduated from Lubbock Christian University in 1984 with a BA in History, magna cum laude. He graduated from the Texas Tech School of Law in 1986 with a JD, cum laude. He was inducted into the Order of the Coif in 1987. From 1987 until 1990 Clay was with the Lubbock County Criminal District Attorney's Office, where he left as the Trial Chief of the 140th District Court. He was in solo practice in Lubbock until 1995 when he rejoined the Lubbock CDA as Chief Deputy. Clay served as an adjunct professor at the Texas Tech School of Law from 1990-1999. In 2000 he became general counsel at the Texas Municipal Court's Education Center. He left judicial education to join TDCAA in 2004.

Judge Mark D. Atkinson

Judge Mark D. Atkinson took the bench in 1987 and served 24 years as a judge in a Harris County, Texas, Criminal Court. During his tenure, he presided over approximately 100,000 criminal cases, 20 percent of them being DWIs. Shortly after taking the bench, Judge Atkinson began imposing and supervising creative sentences in impaired driving cases, particularly with regard to repeat offenders. After six terms of office he retired and was named Judicial Resource Liaison under the Texas Center for the Judiciary's Texas Department of Transportation Traffic Safety Grant Program. He served two years in that capacity before being named Executive Director of the Texas Center for the Judiciary. He has been active in state and national judicial leadership and education, serving as Chair of the Texas Center as well as the Judicial Section of the State Bar of Texas. Judge Atkinson was first licensed to practice law in 1980, and for seven years developed a practice focused on criminal, family and civil trial law. He earned his BA from the University of Texas at Austin and his law degree from South Texas College of Law, in Houston.

Michael A. Chacon

A native of El Paso, Michael graduated from the University of Texas at Austin with a Bachelor of Science Degree in Civil Engineering in 1993. He received his license as a professional engineer in 2000.

Michael began his TxDOT career in 1994 in the Traffic Operations Division working in the field area where he reviewed and evaluated PS&E plans. In 1998, Michael joined the South Travis Area Office of the Austin District working on safety projects and other design projects. In 2002, he returned to the Traffic Operations Division as a Lead Worker in the Field Area. In 2006, he was named the Policy and Standards Branch Manager where he was responsible for the TMUTCD, traffic engineering standard sheets and other traffic engineering documents.

In July of 2015, Michael was named the Director of the Traffic Engineering Section, where he over saw Engineering Operations, Policy & Standards and Safety Engineering.

Michael was recently named the Director of the Traffic Operations Division in October of 2016. In his new role, he is responsible for overseeing all aspects of the Traffic Operations Division, including the state's Traffic Management System, Traffic Engineering, Policy and Standards, Speed Zoning, Crash Records and Data Analysis and the Traffic Safety Program. These responsibilities include the development and administration of policies, programs, and operating strategies for TxDOT.

Michael and his wife Mary have two children, Jacob and Marisa.

Debra Coffey

Ms. Debra Coffey is responsible for driving Smart Start's government and special interest initiatives, as well as focusing on the company's legislative efforts in state government and Congress. Additionally, she is responsible for maintaining the lines of communication between Smart Start and judicial, court-related, department of motor vehicles authorities, and public safety advocates. Coffey is often a presenter across the U.S. on ignition interlock topics and is considered a knowledgeable speaker and credible representative in the field of ignition interlocks and alcohol monitoring. Ms. Coffey joined Smart Start in 1998, bringing 20 years of Texas court management experience.

Laura Dean-Mooney

Laura Dean-Mooney serves as Project Coordinator and brings 20+ years of drunken driving prevention experience to the team. Laura served as National President of Mothers Against Drunk Driving (MADD) from 2008-2011 and is a certified death notification instructor for law enforcement, a certified victim advocate, as well as a certified trainer of MADD's Power of Parents. It's Your Influence curriculum. Laura graduated from Texas A&M University with a degree in educational curriculum and instruction.

Melisa Finley

Melisa Finley is a Research Engineer at the Texas A&M Transportation Institute. In her 20 year career at TTI, Melisa has been a principal investigator on numerous research studies relating to wrong-way driving, work zone safety and operations, traffic control measures and devices, and STEM educational outreach. Currently Melisa serves on many technical committees within professional organizations such as TRB, ITE, and ATSSA. She received her Bachelor of Science and Master of Science degrees in Civil Engineering from Texas A&M University, and is a licensed Engineer in Texas.

Jessica Frazier

Jessica Frazier is an Assistant District Attorney with the Bexar County District Attorney's Office. Ms. Frazier serves as Chief of the Vehicular Crimes Unit.

Ms. Frazier graduated from The Ohio State University in 2001 with a Bachelor's of Arts in Political Science and Criminology. Ms. Frazier attended law school at Thomas M. Cooley in Lansing, Michigan and received her JD in February 2005.

Ms. Frazier moved to Texas and has been at the Bexar County District Attorney's Office since August 2007. Ms. Frazier began as a misdemeanor prosecutor handling mainly DWIs, trying over 70 misdemeanor cases. Ms. Frazier was promoted to felony and assigned to the White Collar Crime Unit in 2009 where she handled financial crimes, cybercrimes, and public integrity crimes for five years. In 2015, Frazier was promoted to 1st chair and took over the DWI Task Force in May. The DWI Task Force handles all the Intoxication Manslaughters and Intoxication Assault cases in Bexar County. The DWI Task Force recently became the Vehicular Crimes Unit, where Frazier remains the Chief. The Vehicular Crimes Unit now handles any felony offense committed with a vehicle, to include Failure to Stop and Render Aid, Manslaughter, Criminal Negligent Homicide, etc.

Stephen George

Director of Commercial Business for Smart Start with 7 plus years in the ignition interlock industry. Acting as a conduit between Smart Start Commercial Programs and the community on key issues impacting the entire system. Help educate staffs on the introduction and application of new products and services that are introduced so as to insure success. Provide technical expertise as it applies to both retail operations and consultative selling with commercial safety and fleet managers.

Maggi Gunnels, Ph.D.

Dr. Maggi Gunnels is Associate Administrator for Regional Operations and Program Delivery at the National Highway Traffic Safety Administration. She came to the United States Department of Transportation in 2002, after working more than fifteen years in clinical care and program administration, and in academia, in Texas and Oregon. Dr. Gunnels was appointed to the Senior Executive Service in 2007.

Jennifer Harmon

Jennifer is an Assistant Director at the Orange County Crime Laboratory overseeing the Forensic Chemistry Bureau. She has been a forensic toxicologist for nearly 16 years with the Orange County Sheriff-Coroner Department and presents for numerous professional organizations at the local, state, and national level. Jennifer is the current president of the California Association of Toxicologists, has testified in front of both the California State Senate and Assembly Public Safety Committees, and has been an expert witness in more than 200 criminal and administrative hearings.

Erin Holmes

Erin Holmes is the Director of Traffic Safety at the Foundation for Advancing Alcohol Responsibility where she manages Responsibility.org's traffic safety portfolio and partnerships, and is involved in the development of traffic safety and criminal justice policy. In this role, Erin endeavors to translate research into practice and provide thought leadership on impaired driving issues.

Prior to joining Responsibility.org in September of 2014, Erin was a Research Scientist at the Traffic Injury Research Foundation (TIRF) in Ottawa, Canada. During her tenure at TIRF, Erin published more than 40 reports and articles and delivered in excess of 50 presentations internationally on impaired driving, criminal justice system improvements, alcohol monitoring technologies, remedial programs, risk assessment, and drug policy. She also conducted process evaluations, developed online curricula, education programs, and primers. Erin was involved in TIRF's international symposia series on interlocks and served as the co-coordinator of the Working Group on DWI System Improvements, a U.S. criminal justice coalition on impaired driving. In addition, she provided NHTSA-funded training and technical assistance to more than 20 states to improve the delivery of interlock programs across the United States. She has extensive professional experience working with practitioners and offender populations including nearly a decade of volunteer experience within the Canadian criminal justice and correctional systems.

Erin graduated summa cum laude and has an Honors and Master's degree in Criminology from the University of Ottawa. She is a Junior Fellow at the Drug Policy Institute in the College of Medicine at the University of Florida and routinely serves as faculty for the National Judicial College on traffic safety issues.

Nicole Holt

Nicole has served as the Chief Executive Officer of Texans Standing Tall (TST) for 10 years and has more than a decade of experience with non-profit organizations, developing programs, grassroots organizing, coalition building and advocating for policy change at the national, state and local level. Before becoming executive director, Nicole served TST in several capacities: as one of six state project directors for the Center on Alcohol Marketing and Youth (CAMY); as TST field coordinator assisting local coalitions throughout Texas to develop strategic goals and plans; and as media liaison to promote the statewide coalition's advocacy initiatives. She serves on the board of directors of the US Alcohol Policy Alliance, is a member of the Texas Summit Committee for Prevention and the Texas State PTA Advisory Council, and was appointed by the Governor's office to the Texas State Incentive Program Advisory Committee while it was active.

Andrew James

Andrew is Chief of Vehicular Crimes at the Montgomery County District Attorney's Office and has been a prosecutor for 10 years. He has investigated and prosecuted vehicular cases for 9 years and became the Chief of the division in 2017.

Merlyn Joseph, Pharm.D.

Merlyn Joseph received her Pharm.D. from Texas Tech University Health Sciences Center and completed a 2-year postgraduate pharmacotherapy residency at the University of the Incarnate Word. Currently, she is a Clinical Assistant Professor at the Texas A&M University Irma Lerma Rangel College of Pharmacy. Her responsibilities include the didactic education of pharmacy students, providing clinical pharmacy services, and serving as a preceptor for 4th year pharmacy students on their General Medicine rotation at Memorial Hermann Memorial City in Houston, TX.

Michael Manser, Ph.D.

Dr. Manser is a Senior Research Scientist and Human Factors Program Manager in the Center for Transportation Safety (CTS) at the Texas A&M Transportation Institute. The Human Factors Program examines the behavioral, cognitive, and perceptual driver-related factors that contribute to transportation safety, mobility, and efficiency. A focus area of the Program is on the interaction between drivers and either vehicle or infrastructure-based technology. He has more than 19 years of professional experience in the area of transportation human factors research. In his role as Program Manager Dr. Manser is responsible for managing program finances, managing programmatic resources such as the driving environment simulator, and providing a strategic research direction for the Program staff. As a scientist, he examines the behavioral and cognitive factors contributing to crashes that result in injuries and fatalities and, based on this information, develops/evaluates potential technological countermeasures to improve safety.

Justin McCants

Justin McCants has been with the Dallas County District Attorney's Office for about 14 years. Within that time he has tried everything from DWI's to Capital Murder's. After three years in the child abuse unit he became a Chief felony prosecutor for two different district courts for six years. The past two years he has been the Chief of the Dallas County District Attorney's Office Misdemeanor Division. It is in that position that Justin is able to supervise, train, and mentor the future trial prosecutors of Dallas County.

Andrew Nicholes, D.O.

Dr. Nicholes is a board-certified Emergency Medicine physician currently practicing Texas. He has been involved with the DRE program for over 10 years. While in Oregon, he was appointed to the Governor's Advisory Committee on DUII and served for over 6 years as a Reserve Deputy Sheriff. He has lectured numerous times to the DRE community. Dr. Nicholes brings a unique perspective with his combined law enforcement and medical backgrounds.

Terry Pence

Terry Pence has worked for the Texas Department of Transportation, Traffic Safety Program for over 36 years. He is currently the Traffic Safety Section Director in the Traffic Operations Division. Terry previously served as Programs Director, Planner, and Program Manager in the Traffic Safety Section. Terry represents TxDOT on a number of task forces and committees including the Strategic Highway Safety Plan Management Team, State Child Fatality Review Team, AASHTO Committee on Safety, and the Texas Impaired Driving Task Force. Terry has a Bachelor of Business Administration in Management from the University of Texas.

Lisa Robinson

Lisa Robinson, CFLE, is a Senior Program Manager with the National Safety Council's Employer Traffic Safety Programs out of Chicago. She has been with the National Safety Council for over 4 years and previously worked on transportation outreach with the Municipal Courts and K-12 education in Texas for 8 years.

She grew up in Bartlesville, OK, received her B.S. degree from Oklahoma State University in Home Economics Education and Community Service, and holds the designation of Certified Family Life Educator from the National Council on Family Relations. She has lived in six other states since graduating from college and currently resides in Ponca City, OK with her husband of 28 years and she has three children.

Lisa works with Employers to support traffic safety within their safety culture, by increasing employer's resources and knowledge on driver behavior, distracted driving, drowsy driving, impaired driving and other traffic safety concerns and works with employers on implementing employer policies to decrease their risk and exposure to liability.

Lisa Robinson speaks at many conferences, is passionate about transportation safety, and works diligently to educate employers about the roadway as an extension of the workplace.

Sam Sinclair

Sam Sinclair is a Regional Program Manager in Fort Worth, TX for the National Highway Traffic Safety Administration (NHTSA). He joined the National Highway Traffic Safety Administration (NHTSA) in September of 2011. Currently his primary duties include the coordination of NHTSA's programs dealing with impaired driving, traffic records, and grant administration.

Robert Ticer

Robert Ticer is a 28-year veteran law enforcement officer and is currently the Chief of Police in Loveland, Colorado. Prior to this position, he was Chief of Police in Avon, CO for 6 years following a 20-year career with the Arizona Department of Public Safety (DPS), where he retired at the rank of Major. Chief Ticer completed assignments in the Highway Patrol Division, Media Relations Office, Director's Office, Criminal Investigations Division, and a one-year fellowship at the National Highway Traffic Safety Administration (NHTSA) in Washington, D. C.

Troy Walden, Ph.D.

Dr. Troy D. Walden has over 29 years invested in highway safety as a law enforcement officer, crash reconstructionist, traffic safety advocate, and impaired driving researcher. Walden received his Bachelor of Science Degree in Criminal Justice from Sam Houston State University in August of 1987. Walden received his Master of Science Degree in Education from Texas A&M University in August of 1999 and his Doctor of Philosophy from Texas A&M University in May of 2005.

Walden began his law enforcement career with the City of College Station (Texas) Police Department in 1988. While there, he served in the Patrol division as a Sergeant, Recruiting and Training, Special Enforcement, and the Criminal Investigation Divisions. In January 1999, Walden became employed with the Texas A&M University System: Texas Engineering Extension Service as a law enforcement training program coordinator. Walden was responsible for training management of the statewide (Texas) impaired driving education program initiatives including the Standardized Field Sobriety Testing and Drug Evaluation and Classification programs.

Presently, Walden is the Director of the Texas A&M Transportation Institute's Center for Alcohol and Drug Education Studies (CADES) that currently resides within the Institute's Center for Transportation Safety.