



Texas Impaired Driving Task Force Meeting Meeting Minutes | February 7, 2019 at 10:00 AM

Welcome

Paige Ericson-Graber started the meeting at 10:00 AM. She welcomed new members and visitors to the meeting:

- New members:
 - Lisa Johnson—TxDOT
 - Andy Murr—TAC
- Visitors:
 - Kaylene Braden, TDCAA
 - Carly Bishop—Breath Alcohol Lab for DPS
 - Megan Barton—Tech leader for Austin DPS Crime Lab
 - Mark Vincent—Irving PD
 - Diane Clark—SHSU
 - Ruby Martinez – TxDOT

Old Business

- Filming spaces for the member spotlight videos in FY 19 have been filled by TMPA, TST, and TABC.
- Learn More About the Organization Series – If anyone's interested in participating in this series, contact p-ericson@tti.tamu.edu to set up.
- Support Letter for Governor's Task Force— TxIDTF resent the developed support letter to the Texas Transportation Commission. We have decided to not further pursue this effort as no response has been received.

New Business

- 2019 Texas Impaired Driving Forum – Was held on Feb. 6, 2019 in Pflugerville. There were 12 exhibitors, 20 speakers from across TX and the US, over 250 registrants representing 90 different organizations. It was the first year to present the Texas Impaired Driving Safety Awards. The new safety award logo was presented. The speaker presentations will be posted online as well as the participant list. Forum evaluations will be reviewed. A date/location for the FY 2020 Forum will be decided shortly. No comments were received about the Forum.
- Infographic for Legislature—Discussed the infographic that was handed out at the meeting (the same as was distributed at the Forum). It was decided that 2018 impaired fatal data was not a confidence builder, so it was not included in the infographic. An updated infographic will be released around April/May timeframe.

- It was discussed that a number of crashes for 2018 are still coming in so that is why the data has not settled. The trend is that the numbers are down just slightly.
- TxIDTF Goals and Action Items – The TxIDTF will begin to move past the recommendations from the 2015 Impaired Driving Assessment. Though many of the recommendations are still being pursued, the TxIDTF has identified several topics that move beyond the assessment recommendations. The TxIDTF will be asked to rank the identified topics in the coming weeks. New members being added: how to best onboard new members and show them how the TF works/expectations.
- Upcoming Survey: Be on the lookout for survey about how best to on-board new members so their transition to the TxIDTF is smooth.
- Triannual Newsletter – Anticipated to be distributed in the next few weeks.

TxDOT Update

- Terry Pence thanked everyone who was at the Forum, commenting there was a lot of positive feedback received. He thanked the Awards Subcommittee for the winners who were selected.
- Work continues on the Strategic Highway Safety Plan (SHSP) which is what Texas uses to apply for 405 funds. For FY 2020 proposals, the largest number of proposals were received since 2008. There were 143 general traffic safety proposals received. Additionally, there were 159 STEP grants received – the largest number ever submitted. TxDOT is using the DDACTS model, and they've been seeing lots of reductions around the state (crashes, citations, arrests, crime). LEAs have really looked at this approach to try and reduce the number of crashes.
- Allison Rounsavall provided detailed information about impaired driving grants. In FY 2019, there were 80 grants funded through 20 organizations. For FY 2020, Alcohol and Other Drug Countermeasures is the largest core area. There were 54 impaired driving proposals received.

Legislative Subcommittee Update

- Judge Weiser indicated that the Subcommittee has been closely tracking legislation that may impact impaired driving. TxIDTF members have received a Syncplicity link that contains summaries of the tracked bills.
 - There is a deferred bill filed as usual.
 - If you see a bill you want added to the tracking list, let the Subcommittee know.
 - HB 1022 requires magistrates when they order an ignition interlock as a condition of bond to notify TxDPS. This can be problematic because it wants to know the date the restriction ends. Magistrates won't be able to use this. Several individuals (not acting in capacity as members of the TxIDTF) spoke with sponsors and they are working on a solution and puts burden on defendants. The defendants would have to bring an order TxDPS showing that they have had the IID removed.
 - Two bills were filed for regulation about Palcohol.

- There was discussion about the Transportation code being open and how that might be an opportunity for IID regulations to become the model for other states. About 3 years ago, TxDPS rewrote the regulations and no longer required manufacturers to set a fail limit or how many times that they violate. So, there was a problem because no agency was regulating them. The main 8 manufacturers decided to use the same standard since Transportation Code will be open, he proposed that the Sen. Huffman and Rep. Moody that they legislature allow some proposed language to write some of these requirements into the TC statutes.

Education Subcommittee

- Amber Trueblood provided an update about the reference book for alcohol and drug prevention programs. The draft is under Communication review. Amber provided some sneak peaks (see slides for more information.)
- Nina Saint was thanked for all her hard work on stepping in to review after Dannell left ESC.
- Once the draft is finalized, the subcommittee will discuss how best to get in the public's hands. Copies will be available at the Fall meeting.

Website Subcommittee

- Paige provided an update on revisions/improvements to the website. She showed the website and walked members through the new updates. Currently, the subcommittee is in the process of organizing the Resources tab to make it easier to see what information is in the website. Resources will be categorized and have a dropdown menu to search (e.g, MJ resources).
- David Dorman will serve as subcommittee chairmen and continue to work with Cinthya Roberto as the Task Force Administration representative.

Awards Subcommittee

- Laura Dean-Mooney provided the update in Lisa Robinson's absence. Laura provided a review of the awards ceremony, which happened at the Texas Impaired Driving Forum, the day before.
- Stacie Brown, Arlington PD, was selected as the 2019 Texas Impaired Driving Safety Champion. Steve Burres and the TxDPS – Toxicology Section at the Crime Lab were selected as the 2019 Texas Impaired Driving Difference Makers.

Breath Alcohol Public Facing Website

- Carly Bishop, DPS Breath Alcohol Lab, discussed their new public facing website. The Michael Morton Act (SB 1611) was the impetus for this new public website.
- The web address is: <https://www.dps.texas.gov/ballab>
- The website allows the public to search for quality and technical records related to the Intoxilyzer 9000 as well as Technical Supervisor and Breath Test Operator records. Available records include:

- BAL Program Documents
 - Breath Test Operator Certificate
 - Technical Supervisor Certificate
 - Statement of Qualifications
 - Disclosure Form
 - Proficiency Tests
 - Instrument Calibration Records
 - TS Solution Records
 - Thermometer Records
 - Laboratory Audits
 - Certified Reference Material Records
 - Simulator Maintenance Records
- Website has been shown to prosecutors for their education and use. If you would like a training about the website, please email the Office of the Scientific Director, OSD@dps.texas.gov.

U-in-the-Driver Seat

- UDS Symposium—Be the Change in Traffic Safety will be held on April 26-27, 2019 at the Norris Conference Center in San Antonio.
- If you are interesting in speaker at the symposium, please email Lisa Minjares-Kyle, [L minjares@tti.tamu.edu](mailto:minjares@tti.tamu.edu).

Member Updates

- Dottie McDonald reported that TX Office of Court Admin (texascourts.org) has released statewide statistics report for 2018. The report shows statewide trends and court wide trends for the state.

Large Group Discussion: How can we adapt to the changing culture surrounding driving under the influence of drugs and marijuana legalization?

- Jena Prescott led the group discussion. Jena reminded the TxIDTF that last year we had a group discussion looking at the things that we, as a task force, need to look at prior to the legalization of marijuana in Texas. Jena referenced GHSA documents and suggested TxIDTF members read those. Below are the series of topics the TxIDTF discussed, as well as the talking points members brought forward.
- Question: How can we encourage the investigation of drug-impaired driving? Is that really the issue? There are certain limits where alcohol is going to affect the system...we may not always be getting the lab results that show drugs once alcohol is found. Police departments are most likely not going to pay to get further testing once .08 is found.
 - There was some discussion that it is going to be nearly impossible-- time, effort, energy, as that's not the primary role of a roadside officer. The roadside officer is going to stop when they find alcohol as the primary factor. They might continue to investigate if there is a low reading on PBT or they see other signs of

intoxication, but not every trooper is trained to do DRE. If no signs (drugs sitting there), LEO may not continue to pursue DUID. It was pointed out that getting a DUID is a rare occurrence.

- ARIDE has helped with this issue. The DPS lab does not test for drugs IF alcohol is found above .08. LEOs are trying to prove impairment, not necessarily if the driver is impaired by other drugs.
- Even when there are high levels of THC, prosecutors are still getting mistrials.
- Different levels of drugs affect each individual differently. The presence of a drug is not enough. We have to be able to show impairment at the time of driving. Jurors are amazingly forgiving when it comes to DWI. And, prosecutors hesitate to take those to trial.
- 0.08 is considered prima facie intoxication. When talking about drugs, you haven't established what limit for any drug is going to be considered prima facie. Gave an example of an alcoholic who doesn't look stumbling drunk. It really doesn't matter what number you have. You have to show it to a jury. Even if we have the data, it's not going to accomplish anything. It's still a challenge in 2019.
- Question: Anything specific we can do to train LEOs on marijuana?
 - Get more ARIDE trainings.
 - DPS has given a letter of intent to do more ARIDE trainings and Dallas PD can do in-house training with train-the-trainer.
- Question: Anything we can do to facilitate getting more agencies onboard with ARIDE?
 - LEAs need to get on board with their administration to keep DRE certification, status. Sometimes their administration makes them give it up or assigns them to something else. But, reinstatements are up this year.
 - ARIDE/DRE are promoted but it depends on the agencies/administration to keep it as a priority. The community needs to make it a priority as well. Prosecutors need to be on board as well.
- Question: Is there something we can do to help prosecutors not stop with just stopping prosecution if marijuana is found in system?
 - Have prosecutors attend an ARIDE class.
 - Partner with TDCAA.
 - Create infographics for prosecutors that show the effects of marijuana; TDCAA would be willing to put on their website.
 - Every time another state legalizes MJ, the perception of risk goes down with people. So how do we change the culture?
 - We are missing the mark. It may become legalized but it doesn't matter what the substance is...LEOs are focused on the intoxicant and impairment. Who cares what they are on? We've got to get beyond just marijuana and focus on how we train the people.
- How can we educate our judges so that they make proper rulings?
 - Judges have asked for and they have provided trainings for judges around the state. This is a great start.
 - They modify the presentation to reach out to the types of judges they are talking to. They have had DRE come in to talk to judges and provide education about

why that information is admissible in court. Judges have a fairly good understanding of the DRE program, but they are still focusing on training on what is admissible.

- Question: Are there materials that we can create for judges that don't attend your conferences?
 - Cost isn't a factor—they reimburse judges to attend. Sometimes it is the culture of the courthouse—what have they allowed in the past. Judicial education is the answer and will be more and more common as marijuana is legalized. Center for Judiciary is hitting this pretty regularly and giving judges a lot of opportunities to learn more about legalization issues. One of the issues is its not popular with prosecutors.
 - Judge Hodges referred to his new newsletter for judicial education and to keep reaching out to judges with resources. He hopes it will peak some of their interests.
- Question: Has anyone seen pro-legalization information put out yet?
 - No one had seen anything yet.
 - TST has hired a poll/survey group to poll registered voters on issues that are occurring in other states related to marijuana (outlet density, edibles, other do you know questions) to see what the community understands. Most don't know what legalization will "look like" unless they've been to a state that has legalized. They are trying to figure out where to put regulatory framework before legalization occurs. They've also been working with local community groups to help them create policy position statements, coalition members, community leaders to help them talk about legalization. TST has a briefing book that they provide to communities to help them learn more from a public health and safety point of view.
 - GDC has a survey about (online/telephone) about attitudes on marijuana driving and behaviors. They will follow-up with focus groups. Hope to have results by this Fall.
- Question: Should the TxIDTF produce papers on marijuana that members can share with their groups?
 - It would be helpful to educate on harm reduction.
 - Focusing on \$\$...taxpayers (i.e., additional enforcement, crashes, road repairs)
 - Look at what pro-legalization industry is putting out there: "8 reasons why marijuana should be legalized (thoughtco.com)"
 - Possible idea: Papers on differences in CBD and Hemp.
- Question: Would the TxIDTF be interested in establishing a marijuana subcommittee? The subcommittee would create its own deliverable list, bring the content together, and meet by webinar.
 - The legalization and the impairment issue. We're unlikely to convince 20-somethings about legalization. The education needs to be on impairment on (i.e., the "I drive better when high" argument). Let's use our resources best by looking at the impairment issue. We are not going to win over those young people.

- TST has been getting ahead with the regulatory environments (advertising, density, regulations).
- How is Colorado addressing the things that are working or not?
- The Rocky Mountain High Intensity Drug Trafficking Area update on 9/18 was referenced, and there is nothing good about the stats. The article will be distributed via email to everyone.
- CO has been having a hard time with finding a message that resonates with younger people (Lyft partnership). Jena encouraged everyone to come to the Traffic Safety Conference to hear from Colorado officials talk about issues they have faced with legalization
- Question: Are there recommendations for people to come talk to the TxIDTF?
 - Counterparts from task forces in states where marijuana has been legalized
 - A legislator who has voted in favor of legalization with a “look back” to hear what he/she may wish they would have known before legalization.
 - Hear from states who have addressed impaired driving after legalization.
 - TTI is developing a resource for legislators with information on what they need to know (how it is different from alcohol, what other state legislators say now that there is legalization in their states)
 - Jena will send out survey to TF members and she would appreciate any feedback on the issue. [Link to survey](#)
 - Lisa M. has connection with youth area workers in CO and she will introduce TF staff to bring in some of those from CO.

[Watch Member Spotlight Video: TABC](#)

TRCC Strategic Plan

- Jon Graber discussed the Traffic Records Coordinating Committee (TRCC) Strategic Plan He discussed the goals of the TRCC and described the six core traffic records databases.
- There was no additional input for records from the TF members. He asked if there were data analysis points/analytical needs to be added to the diagram.
- Jon will send out to TF members for any input.

Action Items:

- Distribute TxIDTF Newsletter by end of February.
- Distribute survey to rank goals the TxIDTF should pursue.
- Distribute survey on how best to onboard new members to the TxIDTF.
- Share Breath Alcohol Lab website link, <https://www.dps.texas.gov/ballab>.
- If you want to help with UDS Symposium, contact Lisa Minjares-Kyle, [L minjares@tti.tamu.edu](mailto:minjares@tti.tamu.edu).
- Distribute TRCC slides.
- Distribute Rocky Mountain High Intensity Drug Trafficking Area 9/18 Update.
- Look into ability to bring in out-of-state stakeholders to talk with TxIDTF.
- Distribute Texas Impaired Driving Plan for updates and modifications.

Upcoming Events:

- Lifesavers Conference – March 31 – Apr. 2, 2019 | Louisville, KY
- AAA Texas DWI March for Change – March 8 | Austin
- Texans Standing Tall's Statewide Summit – April 10-11, 2019 | Austin
- U in the Driver Seat (UDS) Symposium - April 26-27, 2019 | San Antonio
- TMPA Impaired Driving Conference for Law Enforcement – June 24 – 25, 2019 | Austin
- 2019 Drug Impact Conference – July 22, 2019 | San Antonio
- 2019 Fall Task Force Meeting – October 10, 2019 | Austin