

Meeting Notes

- 10:00 AM Welcome Introductions **Larry Krantz**
- 10:15 AM New Business **Christine Adams**
- Texas Impaired Driving Forum
 - Overall, we have received positive feedback about the Forum. There were about 250 attendees. Thank you to everyone for making the event a huge success!
 - Suggestions for next year's event:
 - Continue to include cannabis and toxicology topics
 - Continue to bring in perspectives/stakeholders/initiatives from other states
 - More prevention and treatment/assessment topics
 - Provide 2024 speaker suggestions on the TxIDTF website [here](#).
 - Presentations are posted to the TxIDTF website [here](#)!
 - NTSB Request for Information
 - There is a request that has come in from the NTSB to the Governor's Office to complete a Drug-Impaired Driving Criminal Justice Evaluation Tool. TxDOT has requested our assistance in answering the questions.
 - In addition to the Texas Impaired Driving Assessment recommendations, we will incorporate the Drug-Impaired Driving Criminal Justice Evaluation Tool responses into the 2023 Texas Impaired Driving Plan.
- 10:30 AM Quarterly Updates **Letty von Rossum**
- PowerPoint presentations will be sent to the TxIDTF
 - TxDOT Update
 - TxDOT has finished the scoring process and will begin grant award notifications soon
 - Roughly the same number of proposals submitted for FY24 compared to FY23
 - There were 85 impaired driving grants submitted
 - TxDOT leadership attended a NHTSA partners meeting
 - Triannual Highway Safety Plan (HSP) process discussed
 - TxDOT will continue to share important information related to traffic safety grants
 - Impaired Driving Enforcement Training and Detection **Carlos Champion**
 - DRE Program Statistics
 - 335 current DREs
 - 66 New DREs since Jan 1, 2022
 - 28 DRE candidates pending certification

- 59 DREs expired less than 1 year. This means they can go through the recertification process still, which is much shorter than the reinstatement process. Working on contacting these DREs to get them recertified before the 1 year mark.
 - 203 DRES expired 1 to 5 years. These DREs must go through a lengthy reinstatement process.
 - 48 DRE instructors
 - 101 DRE agencies (only 3.6% of all LEA in Texas)
 - Working on getting more LEAs to buy into the DRE program by marketing heavily (e.g., presenting at Texas Impaired Driving Forum, vendor at Texas Police Chief Association Conference)
 - Deploying limited resources to high need communities based on total DWI KAs by county. See heat maps in PPT presentation.
 - Regional Conference brings in speakers from outside of Texas including Dr. Karl Citek. Spots filled up within 4 hours.
 - Working on developing a list of where DRE DPS Troopers are so they are more accessible to LEAs and prosecutors
 - 2 DRE schools at once to increase certification opportunities
 - IACP Annual Report
 - 335 DREs in Texas – less than other states (e.g., California – 1319; Florida – 383; Wisconsin – 358; New York – 345; New Jersey – 493)
 - 431 Total Enforcement Evaluations – WAY less than other states (e.g., California – 6,642; Florida – 915; Wisconsin – 893; New York – 2723; New Jersey – 1423; Arizona – 1674)
 - One reason for the low number could be Texas DREs not entering evaluations on time for IACP annual reporting. Either way, we need to work on getting this number up!
 - Goal: Work with LEADRS to have Texas specific DRE reporting data
- Forensic Testing **Trevis Beckworth**
 - Breath Alcohol testing
 - 234 new Intox 9000 Breath Test Operators so far this year
 - 108 are in priority communities
 - For more information about Intoxilyzer 9000 Breath Test Operator schools near you, please visit our website: www.dps.texas.gov/BalLab
 - In January, 98% of our blood alcohol cases were released in 30 days or less
 - Will ship cases across state to the 8 DPS laboratories to meet objective and level the case load
 - Use overtime funds to meet this objective
 - Drug toxicology
 - “Year of Toxicology” - An initiative to utilize our project managers to assist us in managing several toxicology initiatives that we have planned this year.
 - We anticipate that we will receive additional legislative funding to address our backlog this year and we want to be prepared.
 - Currently only 26 drug toxicologists for the entire state

- Currently an 11,000 case backlog
 - More cases are coming to DPS because city labs are not performing drug toxicology screening due to high cost and complexity of cases.
- Toxicology Project Portfolio
 - Validation Projects – include method, instrument, policy, workflow, training manual
 - Case Outreach Project – a way to prioritize cases and age older cases out of the workload
 - Reaching out to departments with cases older than 6 months to see if testing is still needed
 - So far, DPS has reached out to 50 counties this year and 150 cases have been closed
 - A good way to build relationships with departments
- Other initiatives: Training Project, Rack and Retain Project, Paperless Project, Morale Improvement Project, Inventory Management Project
- Prosecution/Legislative **Clay Abbott**
 - DWI Resource Prosecutor Listening Session (TDCAA) – 2022 Report
 - A listening session with elected Texas prosecutors on issues related to traffic safety and impaired driving in general (first one occurred in 2008)
 - About one-third of elected prosecutors enrolled in the course (~100) Nov 30-Dec 2, 2022.
 - Type of office represented:
 - Felony Only – 23%
 - Misdemeanor and Felony – 43%
 - Misdemeanor Only – 32%
 - Small counties were underrepresented and large urban counties were overrepresented
 - DWI offenses and impaired driving crashes resulting in injury or death are a priority in most offices (88%)
 - Most offices have benefited from TDCAA's DWI Resource Prosecutor Project (88% strongly agree)
 - Almost all agree/strongly agree that drugged driving are a serious issue in their jurisdiction (42% agree; 49% strongly agree)
 - Most strongly agree that their jurisdiction needs a DRE or more DREs (62% strongly agree; 27% agree)
 - Main challenges for prosecuting DWI offenses include better officer training, faster and broader lab results, and more resources.
 - Legislative Subcommittee Update:
 - Legislative Subcommittee met on [January 4, 2023](#) and [February 20, 2023](#) to discuss the 88th Legislative Session
 - HB 1131: Relating to the authority of a justice of the peace to issue a search warrant to collect a blood specimen from a person arrested for certain intoxication criminal offenses.
 - Ultimately a good thing for traffic safety.

Although, it will be likely be constitutionally challenged but the US Supreme Court will likely uphold the law

- HB 93/ SB 324: Relating to changing the eligibility for community supervision for certain repeat intoxication offenders.
 - This law would prohibit probation for 2 DWI priors, which would essentially end DWI Courts
- HB 1742: Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision, mandatory supervision, and parole for persons convicted of intoxication manslaughter.
 - Increases minimum penalty for intoxication manslaughter to 5 years.
- HB 210/ HB 393/ HB 1202/ SB 703: Relating to restitution payments for the support of a child whose parent or guardian is a victim of intoxication manslaughter (Bentley's Law)
 - Potential issues with indigency
- HB 1163: Relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.
 - Creates new offense of BWI with child-adds new offense to all enhancement provisions.
- [Alcohol To Go Fact Sheet](#) – Texans for Safe and Drug-Free Youth
- HB 2003: Relating to the delivery and direct shipment of certain alcoholic beverages to ultimate consumers; creating criminal offenses.
 - Amazon coalition to direct to consumer shipping for alcohol.
 - Eliminates middle tier, which is in place to discourage excessive use through price control and marketing.
- HB 2700: Sell ready to drink beverages at convenience stores
 - Alcohol accessible at any time (compared to liquor stores which have stricter regulations).
 - Minors can sell alcohol.
- Judicial/Bond **Judge Weiser**
 - Follow Up on SB 6 (Damon Allen Act)
 - 8 HR training course available with a dedicated DWI bond conditions section
 - Will also be educating judges on DWI bond conditions through conferences and newsletters
 - SB 181 (87th Legislature): Alternatives to Driver's License Suspension Following Drug Offenses
 - Certain conditions needed to happen before the law went into effect. Conditions were met this past fall. Law goes into effect February 25th.

- Previously, a person’s driver’s license was automatically suspended for at least six months upon conviction of an offense under the Controlled Substance Act or a drug offense. **SB 181 ends these mandatory suspensions in Texas by amending the Code of Criminal Procedure and the Transportation Code.**
 - A new \$100 fine imposed on defendants who are convicted of drug offenses but whose licenses are not suspended.
 - Driver’s license suspensions only required for individuals convicted of felony drug offenses or two or more misdemeanor drug offenses in a three-year period.
 - Gives judges the discretion to suspend a defendant’s driver’s license for a first misdemeanor drug offense if doing so is in the interest of public safety.
 - Issues: most prosecutors do not specify drug or alcohol, no mechanism to enforce fine (only assess fine).
 - Noon Time Knowledge with Judge Weiser on SB 181.
- Treatment/Prevention/Research **Charles Mathias**
 - Christine provided the update on behalf of Dr. Mathias.
 - [Research subcommittee met in January](#) to discuss internal processes for creating reports on the new quarterly basis. If you are interested in joining the subcommittee please email Tara Wright (Chair) at wrightt3@uthscsa.edu.
 - Prevention/Education subcommittee set to convene this next quarter. If you are interested in joining the prevention/education subcommittee please email Lisa Minjares (Chair) at minjares@tti.tamu.edu.
- Retailer Enforcement and Education **Ronald Swenson**
 - TRACE Program Update
 - FY 22 36% allegation sustained rate
 - FY 23 YTD 46% allegation sustained rate
 - Closing Cases in 60 days
- Impaired Driving Database: Presentation **Brian Grubbs**
 - LEADRS – Developed in with law enforcement officers in mind
 - LEADRS Arrest Data:
 - Arrest data location
 - Race, age, and sex of defendant
 - Time of day and day of week
 - Reason for traffic stop or contact
 - Felony or Misdemeanor DWI
 - Specimen refusal rate
 - SFST Clues
 - Was blood search warrant obtained
 - Average BAC
 - What substance caused intoxication
 - Alcohol vs Drug related
 - Toxicology
 - Final case disposition
 - Defendant tracking
 - LEADRS can track by LEA and by individual officer
 - Updated “Reason For Stop” from traffic charges to behavior (e.g.,

Improper Lane Change/Unusual Behavior). All “Other” responses were updated with new options and the “Other” option was eliminated.

- See Denton vs Williamson County example in PPT presentation.
- Electronic warrants through LEADRS can take hours off the process.
- Easy input, great visualizations, can capture data arrest through disposition.
- Current Issues:
 - Although LEADRS can capture toxicology, the data collection is lacking. There are many different labs (DPS, city, private, out of state) that do testing for LEAs. Ultimately, law enforcement needs to make sure they enter the data into LEADRS when they receive the report.
 - Every prosecutor’s office does case disposition’s differently. Need to hire someone from every office to go through the records and properly input into system.
 - Probation outcomes not currently captured in LEARDS
 - Not enough LEAs use LEADRS
- Executive Action to Authorize LEADRS as the Texas DWI Tracking System Database – Executive Committee voted YES
 - Next Steps: Memo to legislature/State leadership

12:00 PM

LUNCH

1:15 PM

Review NTSB Request and Impaired Driving Plan

Christine Adams

- The TxIDTF was asked to complete the following sections for the Drug-Impaired Driving Criminal Justice Evaluation Tool: Law Enforcement, Prosecution, Judiciary, Community Supervision, Toxicology, Treatment, Emergency Medical Services, Program and Communication
 - Stakeholders who do not fit within the above groups, began work on the 2023 Texas Impaired Driving Plan.
- Christine will email sections of the Impaired Driving Plan to membership based on your area of expertise. Please update your section. We will discuss and finalize the 2023 Texas Impaired Driving Plan at the April meeting.

1:30 PM

Breakout Groups: NTSB Request and 2023 Texas Impaired Driving Plan

- The following sections were completed for the Drug-Impaired Driving Criminal Justice Evaluation Tool: Law Enforcement, Prosecution, Judiciary, Toxicology, and Program and Communication
 - Working on identifying stakeholders to complete the Community Supervision, Treatment, EMS sections
- Prevention/Education was not represented in the Drug-Impaired Driving Criminal Justice Evaluation Tool. This stakeholder group discussed writing a letter to NTSB to voice why prevention/education is critical to deterring drug-impaired driving and should be included in the evaluation tool.

3:00 PM

Conclusion and Adjournment

- Next Meeting: April 27, 2023 at the Norris Conference Center in Austin, TX