
Meeting Notes

10:00 AM

Welcome

Larry Krantz

Letty von Rossum

- TxDOT Update
 - Due to the HSP transitioning to a tri-annual plan, the NHTSA review process has been extended to August 31. NHTSA will then have an additional 60 days to approve the annual grants selected for funding (Oct 1). To ensure grants can begin on Oct 1, 2023, TxDOT will send subgrantees conditional (pending NHTSA approval) grant contracts.

- Issue: FARS data and CRIS data not matching up **Jim Markham**
 - 2021 FARS data is 1906 (BAC>0.08), CRIS 2021 data is 1374 (BAC>0, DWI Alcohol Charge, "Has Been Drinking")
 - FARS data is an estimate of alcohol-impaired crashes. If a crash report does not designate alcohol or no alcohol, then NHTSA estimates those unreported cases. This is potentially leading to an over estimation.
 - Updates to the crash form can help close this gap. Add a box to indicate "Yes- Alcohol" or "No- Alcohol" suspected. Ideally, for data collection purposes only, not testimony in court.
 - SB 760 allows JPs and judges to direct blood testing, even for single vehicle fatalities. Currently, all these crashes with no BAC reported are being estimated as alcohol-impaired driving crashes by NHTSA.
 - Collecting BAC results for these crashes will provide a more accurate representation of impaired driving problem in Texas.
 - Issue with funding? Counties currently pay for testing. If there is a funding source, judges may be more likely to order testing in these cases.

10:10 AM

New Business

Christine Adams

- TxIDTF Survey FY23
 - Solicit feedback about how the task force may be improved to help serve the membership in their roles to improve outcomes.
 - The survey will be distributed in mid-August. Please participate.
- Awards: Nominations Due September 30, 2023
 - Each member should consider someone to nominate for recognition. Nominations will be considered at the October meeting and members will vote collectively or in stakeholder groups.

10:20 PM

Presentation: Sherry Matthews Group

Liz Wilde and Jose Morrero

- TxDOT's Statewide Impaired Driving Campaign: "Drive Sober. No Regrets."
- Goal is to reduce DWI alcohol related fatalities (not focused on drugs at the moment)
- 6 key timeframes: College/Spring Break, Spring and Early Summer, Faces of Drunk Driving, Labor Day, Football, Holiday
 - There is coverage year round through mainly digital campaigns
- Core audience: Males, ages 18-45
- Primary Markets: Austin, Houston, Dallas, Rio Grande, El Paso, San Antonio
 - Secondary focus on rural areas
 - Digital statewide campaigns
- Strategy:
 - 7 online surveys for Texans that drove impaired within past year
 - Interviews/focus groups with males
 - Survey of men, ages 18-54, who drove impaired within past 2 years
 - Importance of multiple messages
 - People are motivated by different things
 - Messages have different levels of believability
 - Some messages have emotional versus rational triggers
 - Changing unsafe driving behaviors is a complex problem
 - Multiple effective motivators can chip away at the complex and multiple barriers to behavior change
 - Top motivators – remind people of these messages
 - Injury or death, seriously harming others, wrecking or totaling car, jail, criminal record, loss of driver's license, fines, fees, and legal expenses, pulled over by police
 - Drive Sober. No Regrets.
 - Cover consequences
 - Real stories
 - CTA: Find a Sober Ride
 - Types of marketing:
 - Out of home, digital, broadcast TV and radio, public relations, social media influencers, interactive tool: Game of Consequences, website at www.SoberRides.org, partner toolkit available at www.SoberRides.org/Media-Center
 - "Point of decision" marketing (e.g., bars and convenience stores)
 - Outreach events at major markets – videos, DWI simulators, selfie stations, variety of tones for different times of year
 - Won an award for the Christmas PSA

10:40 AM

Quarterly Updates

- Forensic Testing: **Trace Pollock**
 - Trace Pollock (on behalf of EC member Trevis Beckworth) is the Project Coordinator for TxDPS-Crime Lab Division
 - Contact Information: trace.pollock@dps.texas.gov
 - Background: 2023 Drug Toxicology Aged Case Verification Project
 - There is a large case backlog (many are old cases)
 - 2022 project: started the process of aging out old cases, but

- the process was not efficient
 - 2023 project: prioritize aging out cases with a dedicated team
 - Management tools: consolidated cases by county into one working document
 - Kicked off first week of January 2023
- Process:
 - Use SPO and Case Outreach Workbook files
 - Need to establish contacts in counties – project team has contacts for almost all counties contacted
 - Case spreadsheets created by county, prioritized by greatest potential impact and assigned near team member’s location – started with the smaller counties with less cases
 - Determined the information necessary to collect and format to record
- Summary:
 - Concluded May 31st, 2023
 - 77 counties assigned out
 - 608 cases were identified as no longer needed
 - Backlog remains but will continue this project in FY24
- Next Steps:
 - Working on establishing plan for FY24 funding
 - Establishing new contacts for unresponsive counties/agencies
 - Guideline document
 - Identifying other areas of need
- Impaired Driving Database **Jerard Collins**
 - LEADRS is working on a full system upgrade
 - The Beta will be released Oct 2023 and the updated system will be released statewide Jan 2024
 - The updated system will have a more user-friendly interface and a mobile friendly platform
 - Simplifies process for law enforcement agencies to transfer data into LEADRS (previously the responsibility of LEADRS staff)
 - Working on an application based version of LEADRS
 - Machine learning for narratives
 - Survey data: TMPA programs
 - Using survey data to target training needs
- Presentation: Legislative Update **Judge Weiser**
 - A. New Laws:
 - HB 1163: BWI with Child Passenger
 - Makes the offense of Boating While Intoxicated a State Jail Felony if the boat is “occupied by a passenger who is younger than 15 years of age”
 - This offense can be used to enhance other DWI related offenses
 - Effective 9/1/23
 - B. Enhanced Penalties:
 - HB 420 Providing Alcohol to a Minor: Offenses Involving Injury or Death

- Amends 106.06(a) of the Texas Alcoholic Code
- Enhances offense to a State Jail Felony if the prosecution can prove “as a result of the consumption of the alcoholic beverage, caused another person to suffer serious bodily injury or death.”
- Removes “with criminal negligence” from the statute. No mental state is named. This may cause problems for the prosecution. This will need to play out in the courts.
- Effective 9/1/23

C. Diversion Strategies

- HB 3186: Youth diversion strategies and procedures for children accused of certain fine only misdemeanors in municipal and justice courts
 - This bill amends Chapter 45 of the TCCP
 - REQUIRES municipal and justice courts to divert certain fine-only misdemeanors other than traffic offenses (committed on or after 1/1/25)
 - These offenses include:
 - Possession of drug paraphernalia, underage drinking, and various other TABC offenses under Chapter 106
 - Diversion Strategies:
 - Teen Court, rehabilitation programs, and others
 - Is DUI a traffic offense?
 - TJCTC’s position is that it is not for the purposes of this diversion statute.
 - A Defendant is ineligible for a diversion agreement if:
 - They have entered into a diversion agreement within the last 365 days; aged 17 or older; previously had an unsuccessful diversion; the prosecutor objects to the diversion; or the defendant or the defendant’s parents do not consent in writing.
 - Youth Diversion Plan:
 - Each justice or municipal court is required to adopt a youth diversion plan by 1/1/25.
 - Courts are authorized to employ a youth diversion coordinator. No funding provided.
 - Bill is effective 1/1/24.

D. Blood Draws

- SB 760 Blood Draw during an Inquest
 - S.B. 760 modifies Art. 49.10 of the Code of Criminal Procedure to expand the authority of a justice of the peace to require withdrawal of a specimen of blood during an inquest to any circumstance when it is necessary to determine cause and manner of death, in addition to the previously-existing authority to do so when the circumstances indicate that the deceased may have been driving while intoxicated.
 - Good for data collection. Will counties pay for it?
 - Effective 9/1/23

E. Civil Changes

- HB 393 Restitution for Support of a Child Whose Parent or Guardian is a Victim of Intoxication Manslaughter
 - Makes restitution mandatory for support of a child whose parent

- or guardian was a victim of Intoxication Manslaughter, until the child reaches 18 years old or graduates from high school.
 - If the defendant is imprisoned, restitution payments begin one year after release. Defendant must arrange to pay arrearages.
 - Can be enforced by the Attorney General or by the person named to receive the restitution (usually handled through probation).
- HB 291 Major Revisions of the Occupational Driver's License (ODL) Statutes
 - HUGE revision
 - Removes all waiting periods
 - Requires ordering an Ignition Interlock Device (IID) if Petitioner is already under an order to have an IID or if conviction is the result of an Intoxication offense conviction.
 - Allows a judge to require an IID of a petitioner in any other situation for good cause.
 - IID requirement lasts until end of suspension unless court finds good cause for removal.
 - Requires a hearing.
 - Prosecutor must be notified if the offense is Criminally Negligent Homicide or a DWI, BWI, FWI offense
 - Petition can be denied if:
 - Court finds Petitioner ineligible
 - Court doesn't find an essential need
 - Based on evidence presented by the prosecutor – need to encourage prosecutors to provide evidence
 - Court finds more than one conviction for an intoxication offense in the last ten years
 - Petitioner had an ODL revoked
 - Courts must make a form for a "Petition for ODL" and a "Statement of Inability to Pay Costs" available at no cost
 - Would be good to have a uniform form?
- HB 4528 Revisions to Peace Officers confiscation of driver's license
 - Current law requires peace officers to confiscate a driver's license from an individual upon arrest for failure to pass an intoxication test or for refusal to take one.
 - Department of Public Safety (DPS) reports that it can suspend a driver's license electronically and no longer has a need to collect the physical card.
 - A driver's license is integral to many people's ability to obtain services or exercise other rights aside from driving, H.B. 4528 amends Sections 524.011 (Officer's Duties for License Suspension) and 724.032 (Officer's Duties for License Suspension; Written Refusal Report) removing the requirement that peace officers take possession of the person's license.
 - H.B. 4528 also removes a peace officer's authority to issue a temporary driving permit upon arrest for failure to pass an intoxication test or for refusal to take one. The bill makes corresponding changes to Sections 524.032, 524.035, 724.041, 724.043 of the Transportation Code, which cover individuals

who had their license taken under Sections 524.011 or 724.032.

- SB 773 Access to Certain Investigational Drugs, Biological Products and Devices
 - The stated intent of this bill is “to allow patients with a severe chronic disease to use potentially life-altering investigational drugs, biological products, and devices,” despite those treatments not yet being approved by the FDA.
 - The language expressly states that the term DOES NOT include “low-THC cannabis . . . or a product containing marijuana.”
 - What About Other Substances?
 - Although the wording of this bill does not exclude illicit substances such as LSD, MDMA, psilocybin (mushrooms), kratom, and other drugs with anecdotal therapeutic properties presumably, based on the information in the bill, it was not the intent of the bill and it is not opening the door for commercial nor widespread use. The assessment of this bill is it will not open the door for widespread use of impairing substances and therefore not result in widespread increased impaired driving.

- Impaired Driving Enforcement Training and Detection **Carlos Champion**
 - Total Classes:
 - SFST 24HR: 14, SFST Inst: 2, Refresher: 104, Adv DWI: 27, FRIDAY: 14, DITEP 16hr: 18, DITEP 8hr: 15
 - Total Trainees:
 - SFST 24hr: 159, SFST Inst: 51, Refresher: 1065, Adv DWI: 70, FRIDAY: 138, DITEP 16hr: 344, DITEP 8hr: 362, ARIDE: 619, DRE: 99, DRE In-Service: 82, Regional Conf: 75
 - SFST Program recognized by MADD for their great work!
 - Texas DRE: 380 DREs trained, 113 Agencies, 47 Instructors
 - 282 enforcement evaluations entered into national data system (projected to be over 500 by then of fiscal year) – This number has increased. Will continue to encourage DREs to enter into the IACP system.
 - FY23: 6 DRE schools, 11 DRE In-Service (recertification), 31 ARIDE
 - IACP DRE Final Roll Call – DRE officers memorized at annual conference
 - Trooper Anthony Deda - TxDPS
 - Officer Anthony Martin - APD

- Presentation: BeABlue Foundation **Jackie Rhone**
 - Blake Rhone-Subinsky was killed by a drugged driver in 2021
 - Blake’s mom, Jackie Rhone set up the Be A Blake Foundation, which offers scholarships for officers to attend DRE school.
 - Donations accepted: <https://www.beabluefoundation.com/>
 - **[BeABlue foundation inaugural golf tournament fundraiser](#)**
November 16th @ 8:30am – 4:30pm

12:15 PM

LUNCH

1:15 PM

NHTSA Direction – Equity in Planning

Letty von Rossum

- NHTSA is requiring DOT's to engage with communities, identify their needs, and evaluate if the communities' needs are being met by soliciting feedback.

Presentation: Judge Hand – Amarillo

**Christine Adams
Judge Hand
Judge Weiser**

- Judge Hand in Amarillo is looking for assistance addressing the Somali and Burmese defendants who have been ordered to complete the DWI Education Program. These courses are only offered in English and Spanish, so these defendants are being exempt from this condition of probation.
 - Issue: not equitable to waive requirement for non-English/Spanish speakers
 - STATEWIDE ISSUE. Other Texas cities have Burmese and Somali populations as well. Other cultures and languages should be considered.
- Proposed solution 1: Translate the existing DWI Education Course.
 - However, the course is outdated and would not be culturally relevant to this population.
- Proposed solution 2: Amend Penal Code 42A 4.03 (c) to allow for an alternate program
 - State Representative Four Price has expressed support for the amendment and willingness to assist.
 - Current DWI Education Course has not been shown to reduce recidivism. If an alternative program is authorized, it needs to be culturally appropriate and based on research.
- Next Steps: Convene subcommittee to address the issue of equity in DWI Education/probation requirements for non-English/Spanish speakers
 - Need better understanding the number of diverse populations in Texas and where they are located.
 - Can this apply to treatment as well? Many of these populations are not receiving alcohol/drug treatment. Treatment has been proven to reduce recidivism.
 - If these populations are not receiving education or treatment, what can we do to stop recidivism?

3:00 PM

Conclusion and Adjournment