



# TAP 2023 Annual Meeting

August 7, 2023 9:00 AM – 4:00 PM (PST)

Hilton Hotel, Anaheim, CA  
Huntington Room

## **TAP members in Attendance**

Chair Brett Railey  
Ron Hoague  
Michael Hanson  
D'Arcy Smith  
Gerald Beltran  
Karl Citek  
Joseph Kennedy  
John Flannigan  
David Roberts  
David Beatty

Sam Criswell  
Jerry Sharp  
Tim Cornelius  
Beth Barnes  
Nicholas Knoll  
Paul Batcheller  
Patrick McNichol  
Jennifer Harmon  
Matt Myers

## **IACP Staff Members**

Joe Abrusci, Kyle Clark, Chuck Hayes, Robert Hayes, and Jim Maisano

The Chair started the meeting at 9:00 am.

**TAP Membership Mission/Responsibilities and Goals:** Chair Railey welcomed everyone and reviewed all TAP members' mission, responsibilities, and goals. He also reviewed and reminded members of TAP's short- and long-term goals.

**TAP Member Introductions:** All TAP members, IACP staff and guests introduced themselves and their position on TAP or agency association.

**Review/Approval of 2023 Mid-Year Meeting Minutes:** Chair Railey opened discussion on the minutes from the 2023 Mid-Year meeting. There was no discussion, and the minutes were approved.

## **IACP Updates**

Kyle Clark introduced Carl Maupin, the Assistant Director for the Global Policing team at IACP, the area of IACP in which the DEC Program has been assigned. The Assistant Director spoke about some of the changes at IACP that have been taking place since January of 2023. All roadway policing and traffic safety projects have been moved into Global Policing. Global is working in five countries to resolve traffic safety problems and providing technical assistance and educational

efforts to reduce traffic fatalities. Kyle mentioned efforts will be made in the Global Policing team for more expansion, to include the DEC Program, into other international partner countries.

**2023 IDTS Conference:** Kyle reported there will be five plenary sessions and 60 workshops available during the 2023 IDTS Conference. This year there are nearly twenty-five sponsors and exhibitors. Currently, there are 1,296 registrations, which makes this another record attendance year. A Crash Awareness and Reduction Effort (CARE) Section Meeting and a Drug Recognition Expert Section Meeting will be conducted at the event.

**Future IDTS Conferences:** Kyle reported the 2024 IDTS Conference will be held in Washington, D.C., at the Marriott Marquis hotel. The dates will be August 16-18, 2024. A state coordinator meeting will be held on August 15, 2024, and the annual TAP meeting will be on August 14, 2024. The rotation will continue with the planning for the 2025 conference to be back in the Central Region.

**Credentialing Updates:** As of August 1, 2023, there are 7,142 credentialed DREs in the US and territories. In addition, there were 1,014 credentialed DREs in Canada. All credentialing requests are completed within 30 days, and most times within weeks. With the IDTS Conference this month, there may be a slight delay in requests with DEC Program staff being out of the office working at the conference.

**New DRE Agency Tool Kit:** Kyle Clark reported the IACP has been working on a New DRE Agency Toolkit for approximately 8 - 9 months and it is now completed. The Toolkit informs command staff of the value a DRE brings to an agency, and it assists potential DRE applicants, as well as new DREs who have just completed DRE School. The Tool Kit is available for download on the IACP webpage at [www.theiacp.org/how-to-become-a-drug-recognition-expert](http://www.theiacp.org/how-to-become-a-drug-recognition-expert). Various articles to be published in the Police Chief Magazine (PCM) relating to DRE are also available in the kit. Jim Maisano recently authored an article about in-custody deaths and how a DRE may help prevent these tragic events, and Chief Hoague authored an article on reasons why an agency should have a DRE. There is also a DRE model policy in the Toolkit, which agencies can use as a guide to develop their own policies. This was created after receiving requests from DREs. Also included in the Toolkit is a list of best practices for new DREs, including ways to market their services and let other officers know about their availability. To get more exposure to DRE, the IACP DEC Program will promote PCM articles in "The Lead" and send emails to all IACP members.

**DRE Map:** The IACP has developed a new interactive map that shows the location of all credentialed DREs. It will be accessible to the state coordinator through a webpage. The map can be zoomed in to show DREs in a specific area based on the DRE's work zip code. State coordinators can look at the map and focus recruiting efforts to locations with no DREs based on the map.

**Upcoming TAP Position Term Expirations:** Kyle reviewed the TAP positions which expire on December 31, 2023. Those positions include Police Administrator, Eastern Region

Representative, International, Police Officer Standards and Training, State Coordinator, and the DRE-At-Large Central Region. IACP will be sending out notifications for submissions. The deadline for applications will be November 10, 2023.

**Travel:** Kyle reminded members that travel reimbursement only covers up to two travel days for TAP and one full day for the TAP meeting. For expenses, “Exclude” any extra days while at the conference (i.e., 8/8-11 for those leaving on 8/12). Members should also exclude per diems for these days. Only two hotel nights + tax are reimbursable and remove parking expenses for extra days beyond the three days allowed for TAP. Ground transportation can only include to/from the airport on travel days (and travel to/from meeting if staying off-site). The expense reports are due no later than September 6, 2023.

**Endorsements:** Kyle reminded members that on occasion, they may receive requests asking them to review/endorse a product or publication. The IACP does not make endorsements of any private commercial publication or product, and only official publications of the association shall bear the IACP’s logo or seal.

### **NHTSA Updates**

Christine Frank expressed thanks on behalf of NHTSA for everyone's work supporting the DEC Program. She also expressed that she is glad to see the restructuring of DEC Program within the IACP organization structure.

She reported on some current NHTSA projects to enhance the DEC Program that include: 1) Opening requests for submissions regarding the DRE Demonstration Project to enhance state’s DRE programs through tablets, LE Phlebotomy, call-out programs, and E-warrants; 2) NHTSA still has the ARIDE Refresher and Courtroom testimony training available in the COPs Office web portal; 3) Updating the Instructor Development Course training for SFST and DRE and hopefully with the assistance of the TAP curricula workgroup; 4) Translating the all impaired driving enforcement curricula into Spanish; 5) Developing an in-person ARIDE update curricula; 6) Updating the 7 drug category videos; and 7) Expanding educational components to facilitate easier access for DREs to attend state coordinator-approved online training to aid in the DRE recertification process. They are hoping to have some of these projects moving forward by FY25.

Updates were also provided on NHTSA research. Christine said she will be doing a training session at the conference with one of the NHTSA Researchers who will be providing more details about the NHTSA updates. Updates will include DRE updates and alcohol research updates as well. For example, NHTSA has just released a report about Utah’s 0.05 BAC results, which showed a decrease of about 18% in the number of fatal crash rates. They are also currently working on a new roadside survey which will include 60 sites with five collection locations in each site. In addition, the screening panel for drug testing has expanded to nearly 70 drugs. NHTSA is also looking at a feasibility of SFSTs for indications of cannabis impairment and how specific they are for cannabis.

## **Old Business**

**SFST/ARIDE/DRE Curricula Updates:** Chuck Hayes reported the 2023 curricula releases have been made. He noted that receiving a course manager report from SFST and ARIDE classes would be very helpful for future curricula updates, and this is encouraged and welcomed. A question was asked about if IACP can share the submitted course manager reports so others can review. If they can be shared, the state coordinators could learn from them and avoid identified challenges. This is something the DEC Program staff will investigate. **(ACTION ITEM)**

Florida has used the new test bank final classroom exam. The only item found was a couple of questions that appeared to be duplicates.

**Drugs and Human Performance Fact Sheets Updates:** Chuck reported updating and revising the NHTSA Drugs and Human Performance Fact Sheets was a 2-year project and is now in the final review at NHTSA. It is expected that the document will be released by the end of the year. As soon as it is released, IACP will get it out to the DEC Program community. The Fact Sheets are expected to be a highly supportive document for DRE and the DEC Program.

**Resolution: Blood Testing in Fatally injured Drivers:** Jennifer Harmon reported that the workgroup has worked with several other IACP committees and wanted to have them review and support it. The intent is to encourage an obligation, if possible, to test all drivers from fatal crashes for both alcohol and drugs. About 50% are being tested and it is under reported nationwide. They are also encouraging and recommending a DRE be involved in all fatal crash investigations.

**NJ v. Olenowski:** Beth Barnes provided updated information on the Olenowski DRE case going on in New Jersey. One question before the New Jersey Supreme Court was deciding if they would be Frye or Daubert evidence state. They adopted a Daubert-like stance, which will be called the "Olenowski Standard". The special master's 300 plus page document will be the basis for the standards. The state has clearly established that the DEC Program has met the standards for use in criminal and civil cases. Beth and others were hoping for a ruling by now, but it has not yet been released from the NJ Supreme Court. On August 1st, the Court went out for a month-long recess.

**TAP Talk:** Joe Abrusci reported the IACP DEC Program team continues to seek suggestions for articles for the monthly TAP Talk publication. He encouraged each TAP member to write an article related to their assignments on TAP. The articles only need to be about 400 words. Joe reminded members the target audience is the line level DREs in the field.

## **New Business**

**DEC Program International Standards Revisions/Updates:** John Flannigan reported there were no Standards modification recommendations submitted since the last revisions. The workgroup has addressed many issues during the past few years and the Standards are becoming more complete.

**DEC Program Enhanced Standards:** John also reported there were no new submissions of any enhanced standards from any state. A copy of the states with submissions is included in the TAP Notebook as a reference for the members and state coordinators.

**Scientific Workgroup Literature Review:** Matt Myers indicated there was nothing new to report from the Scientific Workgroup.

**MADD Law Enforcement Summits:** Chuck reported that MADD, through a Cooperative Agreement with NHTSA, has begun their project of hosting Law Enforcement Summits in all ten NHTSA Regions. The target audience is law enforcement executives and supervisory personnel with a strong emphasis on impaired driving enforcement. Thus far, they have held summits in Houston, Kansas City, and Denver. Plans are in place for the Chicago area and the Manchester, New Hampshire area in the coming months. MADD is working on a tool kit to encourage enforcement of DUI and get the administrators more involved in the support of DUI efforts in their agencies. The IACP DEC Program strongly supports the Summits and encourages state coordinators and HSO's to consider doing something similar within their state to help motivate the need for DUI enforcement.

**AAA State DEC Program Coordinator Survey:** Chuck participated in a conference call with AAA regarding a DEC Program State Coordinator Survey being developed by AAA. The survey would be similar to one conducted about 8 years ago by AAA. Previously, they polled all state coordinators to learn what AAA could do to support DRE efforts in the states and ways they can help support the DEC Program. AAA is also looking for positive things that can be shared with all state coordinators to improve local programs and is planning to send out the survey in September.

### **From the Floor**

**Concur Travel:** Kyle shared information about the Concur submissions for reimbursement by TAP members who will be staying to attend the IDTS Conference. An email will be going out to all TAP members with visual examples of how to address the non-funded days between arrival and departure. Expense reports need to be completed no later than September 6<sup>th</sup>.

**Endorsements:** Kyle indicated that there are at least 3 different companies that have devices claiming they are effective for checking HGN and other eye indicators. These and others are trying to get interest in using their devices for DRE and impaired driving detection. Kyle reminded members that they cannot speak or endorse a product on behalf of being a TAP member. If a member speaks representing their agency, make sure that is indicated in the message. The

Scientific Workgroup can review any peer reviewed articles or prospective research methodology regarding the devices, but TAP will not be involved in testing or endorsing any products.

Beth Barnes reported talking to the Olenowski prosecution team, and they were very complimentary about the support and endorsements from stakeholders, but they did note that many are several years old. It would be nice to see if they can be updated by the original organizations. Even if they use the same language, current support by the organization would be beneficial. Kyle asked Beth to assist the DEC Program team with a list of endorsements that could possibly be updated. **(ACTION ITEM)**

**SFST Videos:** David Beatty inquired about why the new SFST videos show the officer making a stop after the first 3 steps, giving more instructions, and then demonstrating the turn. Kyle responded that the officer is performing the demonstration as provided in the SFST manual and this does not count as a stop. The method demonstrated in the videos is the way delineated in the manuals, rather than giving the full set of instructions and doing any demonstration. David said if they demonstrate the stop and then the subject stops, he tells his officers not to count it as a validated clue. According to David, Oregon teaches to give the full set of instructions and then do the full demonstration without stopping.

### **TAP Member and Workgroup Reports**

#### **DRE-at-Large**

Paul Batcheller representing the DREs-at-large from the central region discussed a virtual reality headset for HGN testing as a training aid used in an Iowa State University research project. This is being explored as a possible training aide and he will have future reports on the project. Iowa is developing some AI Virtual Reality (VR) training for CMV personnel. They have said it is not to replace DRE, but they want to see if they can partner with DREs. They started with VR to allow the CMV student to look under a truck at things like the brake lines. They have included HGN in one video they developed to aid in training. Paul stated this might be a good supplement tool for the CMV personnel. He is not endorsing VR training but sharing information on it. Christine Frank mentioned that NHTSA has awarded a project for innovative training using VR training opportunities. Paul also reported he has asked for DREs to conduct Employer Drug Impairment Training (EDIT) classes but has not had much response yet.

Patrick McNichol representing the DREs-at-large from the eastern region reported he is interested in getting some of the new training for DREs. He is looking at getting the DITEP to be used more in New Jersey, but he stated it was hard to get school staff for a full 16 hours. Chuck Hayes stated the DEC Program team is working on the updated version of DITEP and hopes to have that released in September, and it will be released to the state coordinators when completed. The Administrative Guide now gives options for 4-, 8-, or 16-hour training versions. In the updates, much is being added on new drugs being seen nationwide. The curricula added some links to other videos from YouTube. In addition, they have added some information on drug concealment which was based on feedback from locations doing DITEP classes, as teachers

were asking about how students conceal drugs.

Nick Knoll representing the DREs-at-large from the western region reported Idaho just conducted their first DRE school using the 2023 curricula. They had some complaints from a few instructors about the slides being too general and some with images only and no text. They said they had to do more work on knowing what was being taught in each session, so they did not miss any objectives. He has had feedback that some would like to see an online SFST Refresher for those who cannot attend any of the in-person classes. In the academy setting, it would be nice to have videos the students can watch online to help them observe the clues and improve their proficiency. Idaho also conducted a “DUI Boot Camp” DUI refresher with over 40 people attending. Conducting future on-line versions of the training was recommended.

#### Highway Safety Office

Michael Hanson representing the highway safety offices reported that last year, after the GHSA meeting, there was discussion about doing a DRE update at the next GHSA conference. That is scheduled to take place in New York later in the month. He reported that Minnesota has seen a 127% increase in impaired driving arrests for drugs other than alcohol. Minnesota passed legislation that now allows the legal purchase and possession of cannabis. They want to use the supplement funding to increase the number of DREs in the state. Minnesota is looking to see if they can use the funds to back fill an officer’s position while the officers are attending DRE training.

#### Roadway Safety Committee

Matt Myers representing the roadway safety committee had nothing to report.

#### International

D’Arcy Smith representing international reported that Canada cut about 1/3 of their DRE schools last year primarily due to field certification site availability. Canada intends to explore the Mesa, AZ and Philadelphia, PA sites as potential options for field certification.

#### Medical

Dr. Gerald Beltran reported seeing more information from DEA about novel drugs being used. It also includes interesting facts about the drugs used as cutting agents and how some of these drugs are affecting vital signs, such as blood pressure. He inquired about OPVEE and its use. He described it as a new nasal Narcan type drug. He also reported on ODMap, which is a program out of the Washington/Baltimore HIDTA office. Agencies that participate and contribute data to the system can see data from other areas. It is limited to authorized personnel in an agency that “need to know” the data, it is not an open portal. The program tries to look at clusters of both fatal and non-fatal overdoses.

Dr. Karl Citek reported he continues to field questions from DREs and prosecutors about eye signs. He said he is happy to continue to do that. He is waiting to get the Olenowski case as there are a lot of issues that address eye signs as indicators of impairment and that will support DRE overall.

## NHTSA

Keith Williams thanked the committee members for being at the meeting and everyone's continued efforts. He recognized Chuck Hayes for his long years of dedication to the DEC Program and welcomed Robert Hayes to his new position. He also recognized the continued support from the IACP and the TAP members. He continues to express the need for more DREs. Keith also mentioned publicly available information that the Academy Standards Board (ASB) of the American Academy of Forensic Sciences (AAFS), in conjunction with the Organization of Scientific Area Committees for Forensic Science (OSAC), are developing a standard to set minimum performance requirements for the technical capabilities of evidentiary breath alcohol instruments. The ASB 118 draft standard is published at:

[https://www.aafs.org/sites/default/files/media/documents/118\\_Std\\_Ballot01.pdf](https://www.aafs.org/sites/default/files/media/documents/118_Std_Ballot01.pdf).

There is concern that certain handheld evidentiary breath test devices that meet the current NHTSA standard for evidentiary breath test devices would not meet the AAFS/ASB standard if it is published and implemented. An AAFS/ASB consensus committee has been formed but has not yet reached consensus on the standard. The AAFS/ASB and consensus body are using an ANSI-accredited process to develop and reach consensus on the standard. This approach ensures balanced participation and that all voices are heard as the documents are drafted, but there is concern that law enforcement and criminal justice representatives were not included in the process.

Keith provided information, as an example of the AAFS/ASB process, for Standard 55, a standard now under development and available for public comment. Standard 55 will address calibration of breath test devices, and this information was shared as an example of the process.

[https://www.aafs.org/sites/default/files/media/documents/055\\_Std\\_Ballot02\\_Redline.pdf](https://www.aafs.org/sites/default/files/media/documents/055_Std_Ballot02_Redline.pdf).

Keith brought information on Standard 118 to the TAP and for its independent consideration.

## Police Administrators

Chief Ron Hoague reported that some police agencies are still having issues recruiting enough officers. He also reported some are starting to see increases and maybe the swing is coming back. He indicated he had received an inquiry from a Chief of Police in Hawaii regarding decreasing their BAC level to 0.05. Critics of the proposal are saying people only have to drink 2 drinks and they are at or above 0.05. The Chief was inquiring about any documentation from wet labs showing how many drinks, the type of drinks, or amount of alcohol consumed, and what the corresponding BAC results were for each person. Many states probably keep this data when conducting wet workshops. Dustin Woida from California indicated the California Highway Patrol compiles this kind of data and may be able to assist the Chief in Hawaii.

### **(ACTION ITEM)**

## Police Training Institutions

Tim Cornelius indicated most of what he had to comment on had already been addressed. He asked if there is a way to get presenter information sent to the state coordinators. He said many states are having training symposiums and have some outstanding presenters. If there was a way to share this kind of information, it would help other states who are looking for



notable speakers and topics for their training conferences. He further indicated it would be nice to have a list that can be maintained and shared with the state coordinators which might include who the speaker is, what they charge, and the topic they speak about.

### Police Officer Standards and Training

David Beatty reported recently learning that some academies are doing ARIDE within the basic police academy. Doing this is not IACP, NHTSA or IADLEST endorsed. He has found the number of SFST refreshers has dropped off, but it is a very important topic. To update the SFST refreshers, they need support from local TSRP's to provide updated case law for the area where the class is being held. It is also important to look for a way to encourage officers to continue DUI enforcement. They have found that some officers simply cannot do the SFSTs correctly. He also reported they are getting feedback that many police administrators are not allowing their officers to attend the 4 hours of SFST refresher training.

### Prosecutor

Beth Barnes provided an update on some various case laws from around the country, and she provided a handout of the cases. In cases from Illinois, the defense challenges are based on the odor of marijuana and the actions an officer can take. With there being either medical or recreational marijuana use in many jurisdictions, the defense is challenging vehicle searches based solely on the smell of marijuana. Regarding SFSTs for drug impairment, she reported some courts have ruled the prosecution must provide a scientific foundation. She stressed it is important to have the officers know more about the basic foundations of the SFSTs and to not tie the SFSTs strictly to alcohol, but to other impairment indicators as well. Chuck Hayes informed the group that Oregon has passed legislation which now includes any intoxicating substance, not just specific controlled drugs. With Oregon's law taking effect on January 1, 2024, there will only be three states without some sort of "any drug" or "any impairing substance" wording in their DUI statute.

### Regional Representatives

Dustin Woida representing the western region reported briefly on the request from Hawaii for wet lab BAC level data. He indicated California does approximately one wet lab each week, and they may be able to help with the requested information. He reported Sacramento, CA, is now open to receive out-of-state DRE candidates for field certifications. The class size would have to be small, and they can only handle about six groups of students per year. He reported California used the new curricula for the first time and basically had the same feedback as other states from instructors about the changes in the PowerPoint slides. He liked the more emphasis on coaching of the new instructors to know the material. He reported there is concern about a statement from Dr. Marcotte in his research paper where his paper indicates the SFSTs are not good for cannabis detection. A lot of the data used in the research was from the California Highway Patrol. They expressed concerns about the draft, but Dr. Marcotte did not remove the information. Then, Dr. Ramaekers published a one-page opinion basically siding with Marcotte, but he added that there needs to be different tests for cannabis. The other issue in the Marcotte paper was the statement that 49% of the "non-impaired" placebo subjects were identified as being impaired by the officers. There are questions about what a true placebo

subject was and what baseline tests were performed. Beth Barnes indicated the TSRPs are also concerned about the paper. She inquired if TAP could provide talking points as a rebuttal to the paper and possibly have them published and be more than a just a letter to the editor type of response. **(ACTION ITEM)**

David Roberts representing the central region, reported the only news was that the field certification site in Oklahoma City is about at a stopping point. The jail was turned over to a trust instead of being under the sheriff's control. The trust board has indicated they are too short staffed to have DREs in the jail for field certification.

John Flannigan representing the eastern region reported that he and others are looking at ways to keep DREs involved in DEC Program. He also reported that the NHTSA regional MADD Summit is coming to New Hampshire as one of the next locations.

#### Sheriff's Agency

Sheriff Joe Kennedy asked about the DITEP updates and when the expected release will happen. There is interest in conducting some DITEP classes during the two weeks before school starts back. For ARIDE, there are about two hours of stats regarding the drug problem, which is difficult for instructors to teach because of a lack of interaction with the students. Regarding what Dr. Beltran mentioned about the numbers of DUI arrests going down, Sheriff Kennedy indicated what they are seeing is officers are younger, and they experience negative interactions on social media. They lack face-to-face interaction skills or what he called "the punch in face symptoms." It seems many younger officers are trying to avoid any type of confrontation. Many officers are just saying "I don't smell anything" when dealing with the impaired drivers and letting them go.

#### State Coordinator

Sam Criswell inquired about the use of alternative testing, mainly the NASBLA seated battery training. He indicated there seems to be more officers being trained as instructors in the seated battery tests. He inquired if TAP could address alternative testing, what it is and is not, and how it can be used in the SFST curricula. Joe Abrusci spoke about the issue happening in Tennessee where they wanted the NASBLA tests taught as part of the SFST curricula. The response was that the IACP was generally not opposed to the seated battery tests, but TAP was not to oversee the seated battery curricula. One concern is there are no secondary studies about the tests. There are some states where the NASBLA tests are being used at roadside DUI investigations. This is an issue the TAP Curriculum Workgroup will investigate and report back on. **(ACTION ITEM)**

#### Toxicology

Jennifer Harmon indicated she had reached out to the regional law enforcement phlebotomy liaison about that training. She indicated a report has been released on Delta-8, which has some good information. She reported Florida is working on the impaired driving law language to include "any drug". She also reported California has a pending bill to decriminalize some of the psychedelic drugs and cocaine use is still on the rise in many parts of the country, especially in

southern California.

#### DRE Section

Jerry Sharp reported that if people want to renew their DRE Section membership, most of the red tape has been cleared out of the vetting process. He encourages anyone to join, especially the DREs. He reminded people there are thousands of DREs that are not in the DRE Section and the Board is looking at ways to rebrand the Section to get more members.

The meeting was adjourned at 1:30 PM. The next TAP meeting will be the Mid-Year meeting to be held on **February 8, 2024, at the IACP Headquarters in Alexandria, VA.**

JM/CH 8/28/23