



TAP 2023 Midyear Meeting

February 9, 2023 9:00 AM – 5:00 PM (ET)

IACP Headquarters, Alexandria, VA

Webber-Seavey A-B

TAP members in attendance:

Brett Railey, Chair	Ron Hoague	
Beth Barnes	Joe Kennedy	David Roberts
Paul Batcheller	Nick Knoll	Jerry Sharp
Wook Beltran	John Marshall	D'Arcy Smith
Tim Cornelius	Patrick McNichol	
John Flannigan	Matt Myers	
Jennifer Harmon	Tim Plummer	

Members unable to attend:

David Beatty	Karl Citek
Sam Criswell	Michael Hanson

IACP Staff in Attendance:

Joe Abrusci	Chuck Hayes
Kyle Clark	Jim Maisano

Guests:

Christine Frank, NHTSA	Jerry Miller, ITSMR
Joseph Koher, WV DECP	Tim McCarson, NM DECP

Welcome and Introductions:

TAP Membership Mission/Responsibilities and Goals: Chair Railey called the meeting to order at 9:00 a.m. (EST) by welcoming everyone to the meeting, especially new members. He read the TAP Mission and Goals to the members as a reminder of the group's responsibilities.

TAP Member Introductions: Chair Railey had all members and guests introduce themselves, their roles, and agency affiliation.

Review/Approval of 2022 TAP Annual Meeting Minutes: Chair Railey asked for a review of the minutes from the 2022 TAP Annual meeting. The minutes were approved.

IACP Updates:

Workgroup Assignments for TAP Members: Kyle reviewed the revised assignments of TAP members to the three standing working groups. (Curricula, Standards, Scientific)

2023 IDTS Conference: The 2023 IDTS conference will be held August 9-11, in Anaheim, California, hosted at the Hilton hotel. There will be a state coordinators meeting, and the DRE Section meeting on August 8th, the day before the start of the conference. The TAP annual meeting will be conducted on August 7th, two days before the conference starts. A question was asked about holding the TAP meeting after the conference. Kyle said the future planning for the annual TAP meeting is still open to feedback and could be considered for after the conference while planning for the 2024 conference. Initially, it was believed that being before the conference would be better, as many may be ready to return home after the busy three days of the conference, including those who will be presenting. IACP will seek input from TAP members after this year's conference. IACP will also conduct a New State Coordinators training session the day before the conference begins. IACP is using a new concept for the conference and trying to identify two drug categories as the main topics for the conference and rotate them through future conferences. The registration rates will be the same as last year.

Future IDTS Conferences: **The** IACP conference team is working to identify and establish conference locations for 2-3 years out. IACP wants to identify a bank of cities through which the conferences will rotate. This concept will also apply to other IACP conferences, such as the Technology Conference and OSW Conference. One challenge is the lack of interest from hotels and conference centers for smaller conferences, such as the IDTS conference, with just over 1,000 attendees. Hotels are reluctant to commit too far in advance for conferences this size.

Credentialing Updates: Currently, there are 7,456 certified DREs in the United States and 1,032 in Canada. There are three DREs in non-recognized jurisdictions. The IACP is maintaining a 30-day or less turnaround on all DRE credentials. The IACP has a DRE Online Directory as a tool for state coordinators to run real-time reports on active DREs, expired DREs, and those DREs that expire within the next six months.

DRE Recruitment Plan: IACP is working on several mechanisms for recruiting and retaining DREs, including identifying and providing information to the heads of agencies and line-level officers. For executives, the DECP team plans to do a Police Chief magazine article quarterly related to DREs and the reasons to have them in an agency. For the line-level officers, the DECP team is working on a "New DRE" tool kit to help them expand the use of their duties as a DRE in their areas. It will include tips for court, training, sharing information with other officers, mentoring programs, and team building. The IACP webpage is also being revamped to assist in sharing information with all, especially new DREs.

Retaining DREs / DRE Incentives: In addition to recruiting new DREs, another goal is to retain them. IACP is looking at ways to share ideas for the recognition of DREs. In the annual report, state coordinators are asked for the names of any DREs with over 50 enforcement evaluations. IACP is considering recognizing those DREs, such as providing a letter from IACP recognizing their accomplishment. Also, the average retention of a DRE is six years, so under consideration is sending a letter of recognition for being a DRE for more than six years. A discussion was held regarding the possibility of service pins for service, a lower activity threshold for DREs in smaller agencies for performance, and including teaching time and other activities as ideas for promoting retention. Jennifer Harmon supported all efforts toward recognition for DREs and mentioned the MADD 100 recognitions annually conducted. Many states, including Oklahoma and Arizona, offer annual awards, often through printed certificates. TAP encouraged agency heads utilize some form of recognition for supporting the DEC Program internally. Oregon has a task force that offers scholarships for attendance at their annual state conference. Attendees were reminded that recognition is not solely about the number of state DREs, but it should emphasize those who are conducting evaluations, not simply those who are certified and may only do one or two evaluations a year. Ron Hoague emphasized the need to ensure the administration knows of the recognition their DREs are receiving.

Future TAP Meeting Scheduling: The plan for future TAP meetings is to have the annual meeting in conjunction with the IDTS conference, and to host the mid-year meeting around the first full week in February at IACP headquarters in Alexandria, VA.

NHTSA Updates

John Marshall welcomed the members and guests attending and thanked them all for what they do for the DEC Program. He also welcomed all on behalf of Chief Keith Williams. He expressed the new NHTSA Acting Administrator's support for the DEC Program and expressed that he recognizes its importance. NHTSA gets many DRE-related inquiries from Capitol Hill about what NHTSA is doing, primarily related to marijuana de-criminalization. Christine Frank echoed the support she gets for the DEC Program from NHTSA leadership.

Impaired Driving Curricula Dissemination Including Dry Lab Videos: Christine Frank indicated the overarching question about the curriculum release is "when it will be completed?" The new version will be completed in February 2023 and disseminated immediately after. She reported the IACP DEC Program team had done an outstanding job updating the corrections identified by the pilot training that was conducted. She expressed thanks to the workgroups involved in assisting with the update process. In addition to the manual releases, the new Dry Lab videos will be rolled out. The *Truth is in the Eyes* video is being updated. Though it will not look entirely like the original, it will show the officers the difference in HGN tests between sober and impaired. Once completed, DRE, ARIDE, and SFST will be placed on the DRE State Coordinator Online Community. In addition, SFST and SFST Refresher will be distributed to the Highway Safety Offices. It was asked if TAP members could have access to the materials, and Christine said she would ensure they received the curricula.

Expert Insights: DRE Courtroom Testimony Course update: There have been 2,360 registrations for the ARIDE Refresher training. Christine said they are excited about those products and those they are working on to be released in the future.

DRE Demonstration Project: This project is currently in pilot testing in four states. This project is for Electronic Warrants, DRE Call-out programs, Law Enforcement Phlebotomy, and DRE Tablets. When these grants go out, NHTSA will require actual data about how these programs have impacted and helped the states utilizing the programs.

NHTSA DRE Data System: Charles Files at NHTSA is overseeing the Data System now. A recent release was posted, which included a mechanism to mark an instructor's observed evaluations and an email notification to a DRE if his/her submitted evaluation has been rejected by an instructor.

Research Updates: No new research updates. The NHTSA Human Performance and Drug Fact Sheets are still being worked on and in the final review process. The actual release date has not been determined yet.

Old Business

SFST/ARIDE/DRE Curricula Updates: Tim Plummer reported the current curricula updates started in 2019, but with all many challenges and COVID, it has delayed the work to complete these revisions. However, even during this time, the workgroups did a lot of individual work helping to keep the updates moving. He indicated we are already working on notes for the next updates, such as adding more on Delta-8 to the Cannabis session. Training pilots were conducted in several states, and he thanked them for their assistance. Another area nearing completion is the DRE final exams and the use of a Question Bank for generating an updated test for the final classroom exam on a scheduled basis. Oregon is doing some DITEP training, and they will help update the material. Even though DITEP is not funded by NHTSA, they will put the work in because this is an important program and in high demand in many states.

Drug Fact Sheets Updates: Chuck Hayes had no additional comments. Christine Frank covered this topic in her report above.

Resolution: Blood Testing in Fatally-injured Drivers: Matt Myers reminded the members of the Resolution in the works to collect more blood testing results from fatally injured drivers. IACP wanted to see what other committees this resolution may impact on. Kyle reported that it is in the beginning stages as the groups just have their new members appointed. IACP hopes to have combined documents ready for the committees to review in August. Matt solicited feedback or comments from NHTSA. Matt added we have had good responses once the IACP Resolutions have been posted and presented, and other groups have joined in the issues from the resolutions. Knowing these have had a positive impact, Matt urged TAP to keep working on these and others.

NJ v. Olenowski: Beth Barnes reported on the status of the court hearing. According to Beth, it was an amazing ruling, but the Supreme Court is now asking if the state's evidence standard should remain a Frye standard or move to a Daubert standard. Both parties agreed that Daubert should be the standard and both parties agreed no additional testimony is needed. There was no request for a summary from the Special Master. The defense asserts that if there is a change, all the previous Frye rulings will be null. Matt mentioned that Georgia recently changed to a Daubert standard and their past rulings are not being accepted, and they are having random requests for Daubert hearings. Joe Abrusci mentioned that this is the first case where the testimony was given at the Supreme Court level and not just an appeal from the lower courts.

TAP Talk: TAP Talk articles go out monthly, and Joe asked if any TAP member was not receiving the publication. TAP members are asked to write at least one article related to their assigned area on TAP, but are welcome to submit multiple articles. TAP Talk has been well received and appears to be very popular with the DRE community. The focus of this is the line level DRE, not just state coordinators. Only 5-6 recipients have opted out of receiving the publication.

New Business

DEC Program International Standards Revisions/Updates: John Flanigan read the following amendment proposals reviewed by the Standards WG:

ARIDE – Session II – Who can teach ARIDE: A proposed amendment for modifications to clarify who is eligible to teach an ARIDE class, adding a new definition of DRE Apprentice Instructor, which will allow a DRE to assist a DRE Instructor in teaching ARIDE classes in a co-teaching role. **[Action Item: Approved]**

ARIDE – 1.8 - No Remedial Exam: Amendment for modification to clarify an erroneous statement in the 2018 ARIDE curriculum which indicated there was a remedial examination. There is no remedial examination for use in ARIDE classes. **[Action Item: Approved]**

DRE – 1.8 - Updated Classroom Final Exam: Amendment for modification to how the final classroom exams will be distributed. New exams will be posted quarterly for use by state coordinators by the IACP. **[Action Item: Approved]**

DRE – 1.8 – Classroom Final Exam - Retest Time: Amendment for modification to the time established for administering the DRE classroom remedial examination. There was active discussion about possible time frames to be utilized. After much discussion, there was no agreed time frame for the amendment. **[Action Item: Tabled]**

DRE – DRE in Research (updated from 10-2022): Amendment for modification on edits made to previously submitted amendments from the 2022 Annual meeting. Language

would require a DRE to notify the state coordinator and obtain approval before participating in a research project using their position as a DRE. **[Action Item: Approved]**

DEC Program Enhanced Standards: John Flannigan presented an overview of the Enhanced Standards which have been submitted to date. Four new submissions have been submitted. This is for review only to ensure no conflict with the International Standards. No action from TAP required.

Scientific Workgroup Literature Review: Matt Myers stated there were no new items to report at this time, but they have some in the works with the workgroup.

From the Floor:

Chuck Hayes reported on the MADD Summits and the MADD Law Enforcement Committee. The Law Enforcement Committee is developing a DUI Tool Kit, which will include various recommendations to law enforcement administrators on enhancing their impaired driving enforcement efforts. It will include examples on some successful programs around the country. The MADD Regional Summits have started up again. The NHTSA Region 6 Summit was held in Houston, Texas. The NHTSA Region 7 Summit is scheduled for Kansas City, MO in March. The NHTSA Region 8 Summit is set for June 21st in Denver, CO. The IACP DEC Program Regional Project Managers (Joe, Jim, and Chuck) participate in each Summit and provide updates on the various impaired driving programs with an emphasis on the DEC Program. Chuck reported that MADD is reminding all TAP members that they can receive the MADD Law Enforcement newsletter and they can make submissions for their quarterly officer recognitions for impaired driving activities.

Kyle Clark opened a discussion on how long a state should have to migrate to the new 2023 curricula once it is released for SFST, ARIDE and DRE. Many good comments were received about time, ranging from 60 days up to one year. The final recommendation was for migrating to new curricula as soon as possible.

TAP Member and Workgroup Reports

At-Large DRE: Paul Batcheller reported he has had questions about the use of a UV Light and the florescence of various substances, as well as the light intensity of the approved red lights for the near total darkness examination. Some are asking how many lumens a red light should emit. Chuck presented a paper from Dr. Citek about near total darkness assessment and red lights. According to Dr. Citek, the light should only be bright enough to see the pupils and pupilometer but without affecting their size. There was a reminder that TAP has only approved a UV Light and a red-light alternative. Paul also reported recent prosecutor training in Iowa featured an alcohol workshop, which has helped them understand the complexity of the program.

Patrick McNichol reported that the New Jersey State Police do not recognize SFST training that is not taught by the state, including the IPTM classes. If someone comes in with training from another state with SFST instructor training, the state will not recognize them as a certified instructor. Joe Abrusci provided background about the history of New Jersey policies which only recognized training provided by the State Patrol. Beth Barnes indicated it is similar in Arizona in that a new officer must retake the training. Additionally, Arizona has added extra state specific content to the curricula.

Nick Knoll reported on his concerns that by only recognizing DREs with 50 or more evaluations is limiting the recognition of many DREs who may work in smaller agencies. By possibly changing the numbers to 25 or 30, it might be a more realistic standard to use regarding IACP recognitions to include smaller agencies. He suggested a session for the IDTS conference, Beyond the Traffic Stop, that could demonstrate how DREs can be used in domestics and other types of calls for service. Since the curricula is close to being completed, Nick encouraged more attention can be given to the law enforcement phlebotomy program training. Additionally, he raised concerns for pass/fail criteria on the DRE Certification Knowledge Examination (CKE) related to the symptomatology chart and suggested this be given some consideration.

Highway Safety Office: Michael Hanson was unable to attend the meeting and no report provided.

Roadway Safety Committee: Matt Myers reported the new change in leadership for the group. The Roadway Safety Committee has no other major issues at this time. He reported most TAP members have probably been contacted by Gaize regarding their eye testing device. They seem to have moved on from law enforcement, but they are still looking at the workplace use. The one benefit is they are collecting a lot of good videos. Some show the movements that DREs are reporting as HGN. He is looking for any projects where people are being dosed for data collection and research.

International: D'Arcy Smith reported Canada will be doing some additional DRE schools this year. He added he is working on language to submit to the Standards Workgroup for a minor change to the Canadian exception. He stated that they are still trying to move away from using the actors for field certifications and hope to remove the exception in the future.

Medical/Optomety: Dr. Gerald Beltran had nothing to report but indicated he welcomes any medical questions. He provided information on his background as a police officer and DRE. He went to medical school while in law enforcement and became a doctor. He expressed his pleasure in serving on TAP and representing the medical field.

Dr. Karl Citek was unable to attend the meeting. Other than the report provided through Chuck Hayes regarding the UV Light testing, he had nothing else to report.

NHTSA: John Marshall had reported earlier in NHTSA updates. Christine Frank asked that TAP members ensure their mailing address is up to date on the roster so they can mail a jump drive

with the new SFST curricula. Also, a new project is that NHTSA will be transcribing the SFST into Spanish.

Police Administrator: Ron Hoague reported he supports the efforts to try and connect more with police administrators around the country. One suggestion he had was that sometimes the Police Chief Magazine sits on his desk for weeks before being read and to possibly consider other distribution mechanisms, such as the daily emails from the IACP.

Police Training: Tim Cornelius reported that the IPTM Symposium is coming up soon and that they still have openings for presenters.

POST: David Beatty was unable to attend the meeting and no report was provided.

Prosecutor: Beth Barnes provided a handout of recent DRE-related court cases. One thing that has been of interest is an amendment to Federal Rule 702. This may make it harder to get new materials accepted by the courts. The biggest impact may be on the prosecutors. She reported on being contacted by the Colorado TSRP with information that their defense is asking what is wrong with the Colorado and Florida studies since the San Diego Study is so heavily relied upon. Kyle explained it is because the San Diego study is the only one which broke down the tests into individual results. Many courts are seeing more challenges to Phase II and why the officer asked the person to step out of the car, making the officers to be more articulable of what they observed. Regarding the *People vs Bowden* case out of Michigan, the court stated that DRE was not admissible in that case. The State has appealed.

Regional Coordinators:

Tim Plummer reported there are 24 DRE schools scheduled in the western region thus far. He provided an update on the Idaho state coordinator who is still on medical leave. He reported the only state in the western region using DRE tablets is Arizona and the initial report on their effectiveness is very encouraging. He also reported the Montana coordinator has been promoted to Captain in a field position, so a new state coordinator will be named soon. Oregon is going through a NHTSA impaired driving assessment, and also will be holding their annual DUII Multi-Disciplinary Impaired Driving Training Conference in April. The Western Region DRE State Coordinator meeting is planned for April 11th in Denver, Colorado, with a second day Green Lab planned using edibles if coordinators want to stay the extra day. He also spoke of the benefits of training of Department of Corrections officers in DRE as they work at processing/booking centers in many states. He solicited input regarding DOC officers going through the DRE training and feedback was offered.

David Roberts reported that the Central Region DRE State Coordinators meeting is in April in conjunction with the Indiana Traffic Safety Conference.

John Flannigan reported they will have an Eastern region State Coordinators meeting in conjunction with the IPTM Symposium. He indicated that the region is struggling to keep their

DRE numbers up. Vermont has started giving DRE pins for 5-10-15-20 years of service. One of his DREs has asked about some type of letter to his administration for his service as a DRE and he is exploring ideas on that.

Sheriff's Offices: Joe Kennedy reported that in his jail, they do not have civilians and that they are certified officers. He is therefore considering looking at ways to get some of the intake officers into a DRE School to be able to help with drug influence evaluations. He has reviewed the International Standards and it appears that intake officers would be allowed to attend DRE School. A discussion ensued and some members offered suggestions to overcome their limited experience with the SFSTs and possibly limited DWI enforcement.

State Coordinator: Sam Criswell was unable to attend the meeting and no report was provided.

Toxicology: Jennifer Harmon reported that from the national level, the supply shortage of gray stopper blood vials should have been resolved by now. A lot of labs are beginning to face staffing level and retention issues. At her lab in San Diego, 25% are new employees with less than one year experience. There are currently no new standards from the national lab standards committee, but there will be new ones coming out soon. She reported California is pushing a "time of driving" instead of a time of testing results. Also, they are looking at the standards for the calibration of breath testing devices. SOFT is working on updating its website to include an area for regional law enforcement toxicologist liaisons. Fentanyl is still big but they are seeing an increase in cocaine on the west coast as well as ketamine and PCP.

DRE Section: Jerry Sharp expressed his appreciation to all on TAP. One of the things he has looked at is where we are missing the mark in DRE. He does not see issues in DRE but does in line officers where their tasks are too complicated. He thanked the group who updated and reviewed the DRE Section Governing Document. He said they will have a DRE Section table at the IDTS Conference in Anaheim. He reported that the IACP DRE Section currently has 711 members.

Adjourn:

The next meeting was announced by Kyle Clark as August 7, 2023, in Anaheim, California. The meeting adjourned at 4:25 pm.

Draft: 3/8/23