



# Florida Impaired Driving Coalition Meeting Report March 30-31, 2017

*Prepared For:*

**Florida Department of Transportation**

*Prepared By:*

**Chris Craig, FDOT Traffic Safety Administrator**

*Meeting Notes By:*

**Cambridge Systematics, Inc.**



## 1.0 Attendees

**Members:**

<b>Name</b>	<b>Agency Represented</b>	<b>Attendance</b>
Kim Allen	Florida Public Safety Institute	<input type="checkbox"/>
Corporal Susan Barge	Florida Highway Patrol	<input checked="" type="checkbox"/>
Garett Berman	State Attorney's Office 17th Judicial Circuit	<input checked="" type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input checked="" type="checkbox"/>
Danielle Branciforte	Florida Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Juan Cardona	Law Enforcement Liaison	<input checked="" type="checkbox"/>
Kyle Clark	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Chris Craig	Florida Department of Transportation	<input checked="" type="checkbox"/>
Chief James Cruse	Florida Police Chiefs Association	<input type="checkbox"/>
Matthew Dunagan	Florida Sheriffs Association	<input type="checkbox"/>
Darrell Edmonds	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Jacqueline Edwards	Florida Students Against Destructive Decisions (SADD)	<input checked="" type="checkbox"/>
Captain Christi Esquinaldo	Hillsborough County Sheriff's Office	<input type="checkbox"/>
Felecia Ford	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Mike Fraher	Department of Business and Professional Regulation	<input type="checkbox"/>
Frank Franco	Department of Business and Professional Regulation	<input type="checkbox"/>
Dr. Bruce Goldberger	University of Florida College of Medicine	<input type="checkbox"/>
Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
The Honorable Karl Grube	Trial Court Judge	<input checked="" type="checkbox"/>
Lora Hollingsworth	Florida Department of Transportation	<input type="checkbox"/>
Kira Houge	Florida Department of Transportation	<input checked="" type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Kathy Jimenez-Morales	Florida Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
Ann Marie Johnson	Florida Department of Law Enforcement	<input checked="" type="checkbox"/>
Helen Justice	DUI Counterattack, Hillsborough, Inc.	<input checked="" type="checkbox"/>
Dr. Brett Kirkland	Florida Department of Law Enforcement	<input checked="" type="checkbox"/>
Luis Lopez	Jacksonville Sheriff's Office	<input type="checkbox"/>

Andy Meresse	Tallahassee Police Department	<input checked="" type="checkbox"/>
Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input checked="" type="checkbox"/>
Vin Petty	State Attorney's Office Sixth Judicial Circuit	<input checked="" type="checkbox"/>
Dave Pinsker	Mothers Against Drunk Driving (MADD)	<input type="checkbox"/>
Brett Railey	Florida Police Chiefs Association	<input checked="" type="checkbox"/>
Richard Smith	Seminole Tribal Police Department	<input checked="" type="checkbox"/>
Julie Taylor	County Court & Juvenile Duval State's Attorney	<input type="checkbox"/>
Channing Taylor	Florida Highway Patrol	<input checked="" type="checkbox"/>
Nicholas Trovato	Florida Association of State Prosecutors; Circuit Court - 16th	<input checked="" type="checkbox"/>

**Coalition Support**

Lorrie Laing	Cambridge Systematics, Inc.	<input checked="" type="checkbox"/>
Danny Shopf	Cambridge Systematics, Inc.	<input checked="" type="checkbox"/>

**Others in Attendance:**

- Sharon Hall, MADD
- Sandy Richardson, NHTSA

## 2.0 Meeting Notes - March 30

**Welcome & Introductions**

Danny Shopf welcomed members to the meeting and introduced himself. He asked members to introduce themselves and note which agency/organization they represent.

**Review of Action Items and Activity Report**

FIDC members reviewed the action items from the previous meeting and provided a brief summary of progress made on each item. **(Action items are listed below in bold. Action items to be addressed at the next meeting are in italics and underlined).**

**Outreach Efforts about Membership**

**Misdemeanor County Court** - Vin Petty has reached out and has not yet received formal approval. There is interest to participate in the future. Ben Fox was not available for this meeting but will participate in the future. *Vin Petty will provide an update at the next FIDC meeting.*

**Department of Education** - Kira Houge noted that she had reached out to the county school board and is waiting on a response. *Danielle Branciforte will provide an update at the next FIDC meeting.*

**Florida Tribal Law Enforcement** - Ray Graves introduced Richard Smith with the Seminole Tribal Police Department. Richard Smith agreed to participate in the FIDC as a representative for the Seminole Tribe.

**Office of Compassionate Use** - Corporal Sue Barge is working to get two representatives from the Department of Health Office of Compassionate use to join the next FIDC Meeting. Corporal Sue Barge will provide an update at the next FIDC Meeting.

**Coast Guard Reserve and Federal Probations** - Kira Houge reached out and the designee is interested and waiting on formal approval. Chris Craig will provide an update at the next FIDC Meeting.

**Office of the Attorney General** - Nick Travoto reached out to the Attorney General's office in Tallahassee. While interested in membership, with legislation in session the designee is not available to join at this time. Nick Travoto will provide an update at the next FIDC Meeting.

**Florida Sheriff's Association** - Brett Railey reached out to the president of the Florida Police Chief's Association to request a representative. Brett Railey will provide an update at the next FIDC Meeting.

**University of Miami (toxicologist membership)** - Dr. Brett Kirkland introduced Dr. Lisa Reidy from the University of Miami Toxicology Lab. Dr. Reidy agreed to continue to participate on the FIDC.

#### **Outreach efforts to State Supreme Court about uniform case numbering system**

- Judge Karl Grube provided a brief report on the efforts to develop a uniform case numbering system (a comprehensive system that includes access to information on fines, sentences, case history, assigned judges, and motions filed). Interface with law enforcement is not at an optimum state at this point.

#### **Draft language for rule certifying DRE officers**

- Garrett Berman noted that the language recommended by the FIDC has been adjusted by the legislature. The legislative language is likely to be modified again as session continues; he will monitor any changes and keep the FIDC informed.

#### **FPAA's decision on impaired driving subcommittee**

- Nick Trovoto noted there is not currently an interest in an impaired driving subcommittee.

#### **Review summaries of various case studies that will change the way DUI is handled in Florida**

- Felecia Ford brought 15 case summaries as examples of DUI cases to review with the FIDC. She provided an overview of various elements of each case related to DUI to increase members' understanding of common challenges in DUI cases.

#### **Other Legislative Issues**

- Garrett Berman provided an update on legislative activity during the 2017 legislative session, including:
  - Penalty that includes mandatory ignition interlock device for multiple refusals.
  - SB 858 – related to not allowing blood draws for DUI if a suspect is unconscious.

- HB 949 – allows for court or defendant to opt for an ignition interlock device for 6 months at their expense so they can qualify to withhold adjudication under DUI.
- HB 537 – related to 5 nano-grams of cannabis as the standard for impairment related to marijuana.
- Chris Craig noted that FDOT reviewed the current legislation and did not see anything that would affect funding. FDOT will continue to monitor changes in legislation to ensure funding was not affected.

### **Review of FIDC Charter**

Chris Craig reviewed the FIDC Charter noting changes that were made. FIDC members had no comments. Sandy Richardson, NHTSA was unsure if the authority of the FIDC was adequately established in the charter. Chris will follow up with Sandy to finalize the FIDC Charter.

### **FIDC Website**

Danny Shopf showed the FIDC an example of various FIDC website pages. He asked members to send him potential content to include on the Resources page. FIDC members commented that the text on the home screen in the logo is a little difficult to read with the existing background. Otherwise, they are comfortable with the design of the website and ready to continue development.

### **FIDC Member Survey**

Lorrie Laing introduced herself to the FIDC and reminded them about the survey sent out prior to the meeting. She explained that the following discussion was intended to help identify potential short-term actions the FIDC could take not related to legislation or policy. Lorrie reviewed the members' responses and led a discussion related to each of the survey questions. (Note: the following discussion continued into Day Two; it has been included in its entirety below for continuity and ease of reading).

#### **Excluding policy and legislative issues, what do you believe are the most serious issues related to impaired driving in Florida?**

- Lack of uniformity in respect of diversion programs, as a result many offenders are being considered first time offenders.
- Not enough prevention education. Personal responsibility is not there. Not sure how to address this.
- Physician education regarding prescription of pharmaceutical drugs. Physicians need to understand the implications of the drugs they are prescribing and make a better effort to work with their patients to ensure they are not driving impaired. Physicians need to be educated and need to educate their patients.
- Distraction could be considered a form of impairment. It depends on how it is defined. (Distracted driving is not included in the impaired driving definition. This is accounted for in another safety coalition.)
- Kids are responsive to the victim impact panels. As an example –high school students hear a story from a drunk driver that is close to their age. One member commented that some believe these panels are effective but others believe they may have a negative effect on offenders. May need to reconsider this outcome.

- Increasing the requirement for substance abuse education. Mandated for all first time drivers. We can increase the hours required and information presented. Education is needed. Could incorporate the victim impact panel.
- Consistency in court monitoring. Most effective when we can monitor in a courtroom. The consequences are more consistently carried out. Judicial enforcement/consistency.
- Encourage law enforcement to be consistent and effective. Enforcement needs more funding. DUI units are being broken up to join patrol units. The Intoxilyzer fleet is aging and needs to be updated eventually. This will be a substantial cost - 496 will need to be replaced (at \$8,000 per piece). Equal protection of law means every instrument needs to be replaced at the same time. It would cost \$4.25 million to replace them all today.
- Data – more information on the crash report and on FARS. Drug reports are expensive so they frequently do not get done unless specifically requested. Many times we find that impaired drivers are under the influence of alcohol and something else. This could be resolved through protocol testing to ensure labs are always testing for drugs in certain defined appropriate scenarios. This would improve data.

**What specific impaired driving programs and initiatives do you believe the FIDC and its partners should focus on over the next 2-3 years?**

- Judicial education – annual traffic adjudication program that focuses on DUI. The annual general education program for judges does not include traffic related issues, including DUI. This is creating judges that are unfamiliar with the DUI process, SFSTs, and DREs. Something should be developed that mandates judges handling DUI cases to be required to attend a mandatory course related to SFST evidence and other DUI related education. Would need to work with chief judges and the Office of the State Court Administrator and Florida Court Education Council. Need to start with new judges that could deal with DUI, then we need to focus on the annual education programs.
- DRE Program – with medical marijuana drugged driving will likely increase so this training will become more important. Lacking data on drug impaired driving. Testing is expensive. Mostly we just need more DREs. Training is a 2 week course with supervised field training that should be completed within 3 months. An issue may be that it takes too much time for training and certification that takes away from the officer's usual duties. Need more officers trained in this generally. Officers tend to shy away from areas they are unfamiliar with so we need to make sure they are comfortable with DUI.
- Drug protocol testing to ensure labs are always testing for drugs in certain defined, appropriate scenarios. This would improve data. Labs are all very different and would benefit from being standardized. Labs are not testing for the same types of drugs. Some test for more than others and in varying concentrations. Data does not necessarily make it back to the crash report. The only results the crash report shows is positive or negative. There is a disconnect between the crime lab and law enforcement.
- SFST training. Some states are tracking trainings and require refresher trainings every three years. SFST is a perishable skill and if they aren't doing it regularly it is easy to forget how or do it wrong. A refresher is important. We can create a database but getting people to use it is the challenge. We don't have good data on and are having trouble finding out the supply and demand of those who are trained. Sometimes different jurisdictions have different rules that create inconsistencies in the processes.

- Not every police department works the same way. Sometimes impaired drivers will be turned away if their impairment is too high and sent to the hospital instead. This results in the officer being off the street for too long with the impaired driver.
- State attorney's office – some things are being excluded and reduced that should not be. Need a consistent knowledge base at least in the supervisory role. Supervisors need to be educated so they can share that information with their subordinates. Everyone has a different method of training and it is not necessarily consistent with one another. The TSRP is the liaison that helps bridge this gap.
- Don't currently do anything to coordinate with and educate doctors. They have continuing medical education programs and drug impairment could be included in one of these programs. DOH may do something related to this. It would be good to get their expertise in this coalition.
- Diversion programs – need to work on standardization in these programs. Many times offenders will be considered first time offenders if they have completed a diversion program somewhere else. Need better data to ensure this is not happening. Is it more or less ethical to lower it and get a stronger conviction or go through with it and get the case dismissed? Offices are being more strategic about how they file their cases to make their numbers look better. This could create cases where things are missed.
- Overselling – would like to go back to the ICARE Program. Look at where the person came from before the crash and use that information to see if there is a common establishment(s) that crash involved users are frequenting. Currently, there are no required vendor trainings, although many do trainings for insurance reasons. SADD gets speakers to educate establishment staff, often bringing someone in who was overserved to discuss their experience. More agencies are adding this as a component of their enforcement grant, however there is an opportunity to expand this practice. The easier we make this the better. Could develop a canned program/presentation that can be used for this purpose and focus on the counties with the highest concentrations of these instances or look at counties that are decreasing and see what they did. Pilot testing could be very good strategy for this approach.

**In your opinion, who are the specific target audiences for programs and initiatives (identified in the previous question)?**

- Parents – Education on being a good role model and talking to children about alcohol and drugs. Other states have done campaigns that support this approach.
- Medical Examiners – need a reporting mechanism that creates a one-stop shop for data and information. Need ability to filter by the instances that are crash and drug related. There is a centralized reporting database that all medical examiners report use, however it only accounts for drivers that died. No central database exists for drivers who survived their crash. The cause of death is likely too generic for our purpose. The death certificate will say blunt force trauma rather than drug impaired driving crash. The crash report is often submitted, and if not, most of the time we know if it is a crash.
- Programs for bartenders and servers – they are voluntary but they do exist. Usually, if a bartender or server gets in trouble, they will elect to take the training.
- IPTM keeps a list of which students have taken which classes. Likely the same with FPSI. We have that information, we just need to decide where we need to share it. Anything that is incentive paid is tracked. DHSMV tracks the training they do with law enforcement officers and

forwards that information to FDOT. It wouldn't be cumbersome if we started tracking going forward and didn't worry about capturing trainings that have already happened. Most classes under 40 hours are not tracked. New Mexico has tied SFST training to general law enforcement certification. This could be an option. If it is tracked, FDOT would be able to acquire funding to support this training in strategic locations throughout the state.

- International Association of Law Enforcement Directors and Training – Every director is a member. If we could tap into those directors we could ask them to self-report this information. Most trainings are held at local academies and local law enforcement training centers. We could get a report on the number of students and the types of classes being taught.

**Excluding policy and legislative actions, what specific actions do you believe the FIDC should focus on over the next 2-3 years?**

- Follow up on Tampa Bay Area Last Drink Served program.
  - Work on identifying strategies to educate the establishments to prevent overserving and serving under 21.
  - Identify a speaker for Responsible Vendor Education program to present to the FIDC.
  - Could identify counties that have similar programs and counties that are good candidates for pilots.
  - Measure the number of referrals from law enforcement on establishments
- Research how refusal data is collected and updated in other states (for all states).
  - Establish a baseline for drugged driving (specifically cannabis). Consider using other states (Colorado) as an example.
- Identify how other states are tracking ARIDE and SFST.
- Complete the FIDC Website.
- Review the Alcohol Influence Report Form and determine if it is appropriate to recommend for use as the standard form.
- Get more information on the DUI Diversion Program. Based on Judge Grube's Law Review Article, consider development of DUI Diversion Program model language and best practices that we can post on our website.
  - Establish a sub-committee to begin this process (Judge Grube, Felicia Ford, Gerret Berman, Helen Justice volunteered). Could meet the morning before the meeting. *Danny will coordinate with volunteers for the subcommittee.*
  - Establish best practices (white paper).
- Identify and establish a performance target (i.e., maintain 300 DREs in the state) on training new DREs (currently set at 300 and we are very close to that target).
  - Action Step – increase the recruiting knowledge (how you qualify, etc.)
  - Measure - Number of DREs (we have that data readily available)

**Travel Reimbursement Form Discussion**

Kira Houge provided an overview of the travel form for new members. She asked FIDC members to come to her with any questions they may have about filling out travel reimbursement forms.

## 3.0 Meeting Notes – March 31

### **Continue Survey Discussion from Day 1**

Lorrie Laing continued to facilitate the discussion from Day One of the meeting. She encouraged members to identify potential actions that the FDIC could focus on for the next 1 to 3 years. (See notes from Day One.)

### **Review of Impaired Driving Strategic Plan**

Kira Hogue reviewed each section of the Impaired Driving Strategic Plan with the FIDC. She asked members to provide any necessary changes to the plan during the discussion.

- Kira made edits to the strategic plan on-screen based on input from FDIC members.
- FIDC members approved the strategic plan with the recommended changes included.

Contact information for Florida Impaired Driving Coalition questions:

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