

**APPROVED**  
**3-3-23**

**GOVERNOR'S ADVISORY COMMITTEE ON DUII**  
**Friday, February 3, 2023 Meeting Minutes**  
**Hybrid Teleconference Meeting**  
**Salem, OR 97317**

**Members Present:** Chairperson Chuck Hayes, Justin Nielsen, Deborah Ruiz, Lois Harvick

**Members Present via Teams:** Vice Chair Cate Duke, Lynn Howard

**Members Absent (Excused):** Chief Jason Malloy (excused), Honorable Ray Crutchley (excused), Sergeant Josh Wilson (excused)

**Staff Present and via Teams:** Traci Pearl, Alycen Ozawa, Ryan Stone, Suzanne Gill

**Liaisons and Guests Present and via Teams:** Jonathan Munson (DMV), David Beatty (DPSST), Jerry Cooper (OTSC), Michael Bloom (OLCC), Deena Ryerson (TSRP), Sergeant Kevin Ely (OSP), **Sergeant Tim Plummer (OSP)**, Kimberly Rose (OJD), Janelle Lawrence (Oregon Impact)

**Public via Teams:**

**I. Call to Order and Introductions**

Chair Hayes called the meeting to order at 9:03 a.m. and welcomed everyone to the Department of Public Safety Standards and Training (DPSST) location. He noted that the meeting was being recorded and made a quick reminder to please mute microphones. There was a moment of silence held to remember and those who have been lost or seriously injured in crashes involving an impaired driver.

**II. Chair Report**

Chair Hayes referenced a report on January 11<sup>th</sup>, in Spokane Valley, Washington. At 12:30am, a Washington State Trooper observed a vehicle driving erratically and suspected impairment. He activated his lights and continued to follow the suspect for 10 miles, driving at speeds up to 100 mph and swerving. Spike Strips were necessary to stop the suspect. During the pursuit the passenger called 911 and complained about being pursued and wanted to file a complaint. Driver was arrested, no information on the BAC.

Chair Hayes reported that the Washington Drug Recognition Expert (DRE) School in Vancouver ends today with 12 officers total completing it. Information is now being collected for the 2022 DRE Annual Report and everyone will get a copy. Sergeant Tim Plummer will be compiling this for Oregon. With COVID in the background we are seeing more DRE trainings, especially in the West. Many states are not as fortunate and are having trouble getting officers to attend the trainings and staffing levels are down.

Chair Hayes referenced a report on alcohol combined with multiple drug use among drivers. Information was collected from toxicology labs and looked at toxicology and compared to DUIs showing a prevalence with drugs and alcohol. The report was eye opening showing the increase in alcohol related crashed, but also mixed with other drugs. Not only cannabis, but OTC meds as well. This is not just a problem in Oregon, it is widespread across the country. The study recommended all states have a drug impaired driving statue that includes any impairing substance. Currently there are 5 states that do not have this, Oregon being one of them. There currently is a legislative bill addressing this. He referenced another bill adopting a .05 BAC in Washington and New York. Ryan Stone will be addressing the National Traffic Safety Board (NTSB) information during his report.

Chair Hayes passes around thumb drives from the DEA which includes a lot of new drug information, covering new drugs as well as the DEA Drugs of Abuse publication. Extras will be available for anyone not in attendance today.

### **III. Member Reports**

#### Lois Harvick

Ms. Harvick of the Lane DUI Victim Impact Panel (VIP) program director reported the Board of Directors were looking at raising fees, but thankfully they applied for and received a grant to cover this. She is happy to report they will continue to offer services at a lower rate and helping people to be compliant without raising fees. She has been busy with subpoenas once a week. She is trying a case from 2020/2021 regarding diversion. Chair Hayes asks if we will be getting information about this. Ms. Harvick responds, yes.

#### Justin Nielsen

Mr. Nielsen asks if the video he submitted is working. Unfortunately, the internet was unavailable, and it will be shown at the March meeting. Mr. Nielsen then reported on a new drug, Nitazine, from the 1950's and is now being manufactured in China and has made its way to the US, East Coast. This opiate is 40 times more addictive than Fentanyl with obvious high fatality rates. He then reported on a DUI client, repeat offender, in the middle of treatment that she had started before court. It would have been a conviction, but the officer no showed, and the DUI was dropped. Interesting case as she admitted drinking at a bar the night before. She was pulled over the next morning on her way to work, a concerned citizen reported they suspected she was impaired. Her BAC was .09 at least 8 hours after she was home from the bar. Mr. Nielsen reported they have seen cases like this before and he wonders how many are going on statewide.

Mr. Nielsen wanted to thank Jesse Benet with OHA. He is the one of the new Behavior Health Directors and was the first one who wanted to address CC 2.0 and to take on the struggles with contacting and referrals for Oregon Health Plan (OHP) clients to get them a higher level of care. This also includes DUI clients as well, where IOP/outpatients aren't a good fit. Many providers have closed due to COVID so there are less resources.

#### Cate Duke

Vice Chair Duke reported they have been busy with VIPs. She is heading to Madras to attend a sentencing for a crash that was in trial all last week. The case involved an impaired driver who crossed the center line and the 17-year-old oncoming driver swerved, but then was hit head on by the impaired driver who had crossed back over the center line. A 19-year-old passenger in the victim vehicle did not survive and leaves a baby behind. The 17-year-old had catastrophic injuries. This was a hard case, there was not much physical evidence the victim swerved, but the jury came back and found the impaired driver guilty on all counts, Manslaughter 1<sup>st</sup> degree and Assault 1<sup>st</sup> degree, times 2. Vice Chair Duke will be doing an impact statement for the family on their behalf. She is also busy working on Legislative bills, testifying on the any impairing drug bill and the bill to require an offender to pay child support if a parent is killed and has a child under the age of 18. She is also joining the Ignition Interlock Device Advisory Group and is excited to learn more about this and to participate. Many events are being planned for 2023. She cited another case of an impaired driver who was pulled over doing 110 down the Beltline in Eugene.

#### Deborah Ruiz

Ms. Ruiz, of Alcohol and Other Drug Screening Specialist (ADSS) for Multnomah Circuit Court, Beaverton Municipal Court, and Columbia County Court, reported that she has been busy evaluating for three counties and playing catch up from COVID. Treatment providers now have permission to provide the evaluators with quality information without being subpoenaed and they are working towards getting that out to the providers. She referenced three cases this week on the diversion docket that were pertinent to getting the information out so

the Judge could make a decision. They were able to provide the information ahead of time to the attorneys of the client, the District Attorney and Judge without wasting unnecessary court time. She is hoping to continue to do this not just when asked by the court, but on a regular basis. She is working with a Judge out in Columbia County attempting to get this information on a monthly basis.

#### Lynn Howard

Ms. Howard, Chief Deputy District Attorney of Lincoln County and representing the Oregon District Attorney's Association (ODAA), reported she was looking over the statistics by county that were prepared by Kimberly Rose and is pleased with her county and how they were are doing per capita. She has been busy in trials and was sorry to have missed last month's meeting. Lincoln County is experiencing a lot of fall-out with Fentanyl with cases where people are overdosing while driving and end up crashing. She has seen more young mothers getting DUI's with minors in the car as well. She reported that Lincoln County now has a family support court. Resources will be offered for people in this situation where a family is involved with a specialty court for treatment and wrap-around services to get their children back.

#### **IV. Minutes of Previous Meeting (January)**

Chair Hayes asked if there were any corrections or revisions needed to the January 2023 minutes. No corrections were recommended or made.

**MOTION: Justin Nielsen moved to approve the January 2023 GAC DUII minutes. Lois Harvick seconded. Roll call vote; majority approved. Motion passed.**

#### **V. Public Comment**

Chair Hayes asked if there was anyone online that wanted to give public comment. None was requested.

#### **VI. TSO Report**

Traci Pearl reported on a reminder of the upcoming TSO Safety Conference, being held March 14<sup>th</sup> and 15<sup>th</sup> at the Spirit Mountain Casino. Travel assistance will be offered, and attendance is encouraged. They are collecting input from all disciplines, non-traditional, highway safety plan, and what grant projects to consider for funding. She would appreciate everyone's feedback. The National Highway Traffic Safety Administration (NHTSA) will also be in attendance. Ms. Pearl then introduced Suzanne Gill, the new Executive Assistant for TSO and she thanked Alycen Ozawa for training her.

Mr. Stone reported on the Impaired Driving Program Assessment. He is working with NHTSA to begin the second round of the assessment of gathering needed information. People should have received emails for the start of the second round. He indicated the more information obtained now, the easier the in-person process will be in April. He understands this process is difficult but appreciates if those participating could get the information he requested as soon as possible. The in-person portion interviews will be April 11<sup>th</sup> & 12<sup>th</sup> at the Crown Plaza in Lake Oswego. Anyone invited will be helped with travel costs including mileage and hotel. He will get the information out to everyone invited soon.

Mr. Stone reported on the NTSB Safety Information letter. These are sent to many entities and ours was targeting drug impaired drivers, with 5 recommendations on it. He is pleased to report that a lot of the recommendations have already taken place, or we have made substantial progress towards the ones that were not. Final draft is currently being worked on. They were wanting a complete assessment with the NHTSA's DUII tool back in the Spring. We did not get many responses, but that coincided with the NHTSA assessment. There were recommendations for government funded labs meeting specific scientific certification standards. Also, recommended modifying our laws to allow for oral fluid collection testing on DUII cases. Requiring a warning

label on cannabis products not to drive. These are all covered in Oregon Administrative Rules. Also recommended that if drivers are under the influence of multiple drugs, to be described that they are under the influence of a DUI drug. Working on these recommendations. These recommendations are non-binding and there is no penalty, but they do post information for everyone to see how they are being responded to. Mr. Stone believes Oregon's response will be looked upon favorably.

Mr. Stone reports that the Safe Ride subsidies and blood draw reimbursement are moving forward. He spoke with representatives from Lyft after the last GAC meeting. They talked about setting up a Lyft pass account and are reviewing the contract now. This would pair safe ride subsidies with a high visibility enforcement (HVE) event in an area served by Lyft. Would like to expand beyond Lyft if possible. Mr. Stone just received information to review from NHTSA with details of the blood draw reimbursement plan.

Mr. Stone reported on upcoming Region trips. Three will be scheduled. In Region 3, Mr. Stone will be starting in Roseburg, Coos Bay, Gold Beach, Jackson and Josephine Counties. Region 2 he will start with spot meetings and do a day trip to Lane County first. Tiana Tozer is doing a great job for region 1 meetings and is getting much interest in starting grant projects on treatment and post-arrest service providers. Looking forward to having new partners.

Mr. Stone wanted to give commendations to a Beaverton police officer, Nicholas Jacobs, pulling a driver from a burning vehicle. This was a single vehicle DUI crash and if not for the officer's heroic action this driver would have perished. This shows what many officers deal with, putting civilian safety first and enforcement coming later. Hats off to this man for his bravery in the line of duty. Mr. Stone has included a link to the chat to nominate Nicholas for a Rise Award, which would win this young man a trip to Phoenix, Arizona. He encourages everyone to please vote. He will put the link in the chat and send out to everyone by email.

Mr. Stone adds he will be presenting on Legislation next month.

Chair Chuck Hayes asks Ms. Gill and Ms. Ozawa if they can add the Legislative Update to next month's agenda as a separate category.

## **VII. Alcohol Home Delivery Study (Julia Dilley)**

Ms. Julia Dilley, Epidemiologist, Multnomah County, has done prior research on Washington State privatization of liquor. She recently completed a study working with Oregon Liquor and Cannabis Control (OLCC) with home delivery and to understand what is happening in the field. She thanked the National Beverage Association and everyone on the list as well as the coordinators. OLCC provides the oversight for sales of liquor, but there are no procedures to deliver to private homes. As this is happening more often with Door Dash, Instacart, etcetera, an assessment was done to find out if identification (ID) checking or 3<sup>rd</sup> party verifying was happening on the sale of beer, wine and cider for delivery. Younger looking volunteers between 21-26 were used, all legal age, but young enough that ID should have been checked. An online form from American Public Health Association was used to document the visits. From May through September 2022, in 7 counties, there were 106 purchases total using 3<sup>rd</sup> party vendors for home delivery. She had a slide showing the drinks that were purchased, most with stickers saying, "contains alcohol, check ID". OLCC compliance would require proper ID checking of a physical copy of the license to compare to the person who ordered. Other requirements depending on the vendor were obtaining a signature at delivery, scanning licenses with a machine to check validation, or having the license be scanned to them before purchase. Volunteers noted there were times the order was left on the doorstep without physical confirmation or where the driver never spoke to a person, so again no confirmation. Same with scanning. If the license is not looked at and reviewed, then once again, this is out of compliance. The good news is 63% were reviewed properly. Two percent were left on doorsteps, 8% did not have an ID check and 25%

checked with scanners did not have a proper ID check. That puts a total of 37% non-compliant or 1 in 3 not sufficiently checked. What was even more surprising is that in the younger category, almost half did not have their IDs checked.

According to the study, there were 7 groups of vendors, and each had room for improvement. Based on the feedback there was no difference by gender, race or ethnicity. There was a higher non-compliance in apartments and higher in the evening hours. The scanners had their own issues, even though the scanners will quickly tell you the person is of age, the ID still needs to be checked with the purchase to ensure it matched and that was not happening. Same with the vendors that required a driver license be scanned to them before purchase. The drivers would have a picture of their ID, but still needed to see the physical copy and match to purchaser. This new technology is good, but the proper procedures still need to be done. Additionally, possible stronger policies may be needed across the board to make sure everyone is being checked. This could include multiple text messaging, perhaps to remind drivers to check ID as well.

Chair Hayes asks about safeguards in place to make sure the alcohol is not going to minors inside the home. Also, what about people with DUI requirements that they are not to be drinking. The question was presented to Ms. Dilley if this was considered in the research. Ms. Dilley responded, no, but that is a great point. Ms. Ruiz and Mr. Nielsen were asked if they had clarification on this. Ms. Ruiz responds it will not affect diversion clients and they are not on bench probation. If you are convicted, however, they are prohibited from alcohol in any way. However, they do have surprise urine testing which could be a deterrent. Also, they also would have the vehicle ignition system which would prevent them from driving. Mr. Nielsen adds that he does not agree with them getting alcohol, but there is a harm reduction if they are drinking in their homes, rather than out and driving. The question was then posed, why is Washington County so low in comparison. Ms. Dilley indicated they were curious about that as well and states that they did see a difference in rural areas as well. Chair Hayes asked if there was a difference with university campuses. Ms. Dilley replied they did partner with one grad house and compliance was similar. This could have been maybe the drivers assumed they were of age since they were in grad school. Chair Hayes inquired about the training the drivers go through regarding delivering alcohol with these 3<sup>rd</sup> party vendors. Vice Chair Cate Duke shared she occasionally drives with Uber but has not done any alcohol deliveries. She has not seen any training modules for the drivers. She believes this is a safety issue such as bringing alcohol to clients who are already inebriated. She believes this is a horrible idea, drivers are putting themselves in harm's way with no training. Sergeant Tim Plummer agreed, adding that we don't know the unintentional consequences to these drivers as a gatekeeper. Many drivers are younger and do not have to be 21 in order to deliver alcohol. It was agreed that there are many issues with this regarding who is responsible if a minor is served, the driver or establishment? If restaurant servers need licenses why do drivers not? Ms. Dilley will get us her follow up for all of this and get back to us. Mr. Mike Bloom of the OLCC interjected that he will present the follow-up and give some background on how we got here. He indicated that this program came out of COVID and because restaurants were losing money, certain restrictions were relaxed such as alcohol to go. He also indicated that there were rules put in place including that you also had to have food delivered and could only allow so many drinks and the drinks had to be sealed. Now that we are out of COVID, it's hard to pull back. OLCC has no legal authority once the alcohol gets to the location. He indicated that they control that it comes from a license premise. For the next meeting he will report the answers on what the establishments have been trained for. Quite a few restaurants have stopped delivering alcohol due to the liability. He shared that the marijuana lobby is pursuing public consumption. They will use the alcohol industry as an example. They will also argue minors being allowed on the premises. Once public consumption is allowed, it could bring up even more problems. Sergeant Plummer interjected that now with marijuana legal to smoke outdoors, how long before the tobacco industry gets involved and insists that cigarettes will be allowed in public places again.

Chair Hayes thanked Ms. Dilley for her presentation and commented that it was highly informative and educational to the GAC members and others attending the meeting.

## **VII. Old Business**

Chair Hayes reported that the old business would include an overview of legislative concepts. Chair Hayes shared that he has left two messages with staff for Representative Helfrich of Hood River to check on the GAC LC's status. They include Accident to Crash and Open Container of Marijuana in Motor Vehicle. He has not received a call back but will continue reaching out.

Mr. Stone shared his spreadsheet he created to track the current bills we are watching. Not only our bills but bills that ODOT feels it relates to impaired driving. It looks at bills three ways, support, non-support or track. The goal is to keep up to date on scheduled hearings, written testimony and changes. This is monitored daily. He will work with Chair Hayes on scaling it down. It shows bill numbers, a short summary, the committee, sponsors, any GAC point person and the position. There are prohibitions as GAC is not able to speak to a position on any bill until given approval by the Governors' Office. Hopefully that will get changed soon. Looking at 2316 ODAA version of an impairing substance. This is similar to the GAC bill but with different language we are hoping will get us there. Presently working with lobbyists with ODAA and OCDLA working on trying to find agreeable language. This is looking favorable. Also 2518 expanding traffic offense of pedestrian with improper position on highway. We have had an overwhelming number of pedestrians being hit by impaired drivers and often where the pedestrians were also impaired. Mr. Stone shares that Heidi Manlove, Safety Program Manager, is trying to find good outreach to help pedestrians to make safer choices. Mr. Stone shares there are several bills looking to repeal ballot measure 110 and he will keep an eye on those. House Bill 3146 is the GAC version of impaired substances. It is out now and assigned to the house judiciary committee. House Bill 3147 is the open container cannabis statute which proposed to a mandate 1170 for open container law. Nothing has happened on either of these, but Mr. Stone will be tracking any changes. Chair Hayes asks if Mr. Stone can print this for everyone. Mr. Stone responds, yes, he will send to everyone.

Ms. Ryerson reported there is a version coming from the Department of Justice (DOJ) on House Bill 2316, Any Impairing Substance. DOJ/ODAA is involved in the discussions. Currently they think we have the votes to pass this out of the House. The original bill had an affirmative defense added to it, but it was not included in this bill and OCDLA wasn't countering with anything. ODAA has agreed to offer an affirmative defense, but it would only apply if someone was impaired by nothing covered by our DUI statute so anything non-controlled only. Affirmative defense is if you take the substance not as prescribed or if you don't note the written warnings. The defense would have to prove it, not the state. If they were warned, the affirmative defense wouldn't apply. They would need to give us a notice of the offense and agree to the release of records saying what they are impaired by. Yesterday OCDLA came back with a counter; this would mean that someone on birth control or had recently had a vaccine, they could get a DUI. Their argument is the language would mean that any listed side effects such as blood clots from birth control or fatigue from a COVID vaccine means you are guilty of a DUI, if it's in the fine print on the warning label. Ms. Ryerson will be involved in a discussion on Monday evening regarding this and asked for feedback and to please get it to her by Monday evening. Mr. Beatty added that he has never heard of an officer arresting someone related to birth control, but if you are impaired by your birth control you should not be driving. Sergeant Plummer responded to the argument for medical exemptions to driving. They do not give those clearances until they are sure they are safe to drive. If a doctor says you are not fit after a cognitive test you are not allowed to drive. Mediation is not the only reason people are found unsafe to drive. Chair Hayes added that with affirmative defense we have worked with that before and as a group, we would probably accept this adding that this will put a little more burden on the arresting officer to ask more questions regarding medication and observing if there are open multiple pill containers in the car you can use that to build a case.

Mr. Stone mentioned the previous bills reviewed were House Bills, but we have three Senate as well. The first one is a filler, references to motorist applied consent law, duplicated multiple times, intended to be replaced with other language. Senate Bill 568, courts do not require hearing on petition to vacate defendant's requirement to install and use an ignition interlock device while participating in the diversion program. Described circumstances where a hearing would be required. Senate Bill 670, person who driving privileges were permanently revoked, restoring them at 3 years instead of 10. Sergeant Plummer would like Ms. Ryerson's opinion on what this statutory language is before he gets with Sergeant Ely. Ms. Ryerson adds that there is a delay in ignition interlocks. If no hearing, they will get their license back and will have negative reports. Until the delay is fixed, we will continue to have this problem. Ms. Ruiz adds that the judges she works for have requirements to bring their six month no negative report and they also are requiring they have other conditions of diversion done as well. Victims impact report and current fees and some require treatment be completed. If not, the machine will stay. This would take a lot from the judges and it's a good checking point. Sergeant Plummer adds that Sergeant Ely has a list started about the challenges are already in place that we need to overcome before we can move forward and asks him to share. Sergeant Kevin Ely agrees there many concerns starting with information that is relayed from the courts to DMV to vendors. Issues where things have been vacated, prior to the person being eligible for diversion and we are finding things that have been removed. Working with Ms. Ryerson on getting these issues addressed. Mr. Nielsen adds there are timing issues in reporting and results not being reported in real time. There is a disconnect between ADSS reporting results, by the time the provider gets the results it's months after the violation and we have already issued the completion certificate. The next issue is minimum treatment is only 90 days out of a 12-month diversion period. By removing the IID earlier you have 25% of more diversion period where the client is going unmonitored. Ms. Ruiz adds that when they come back with their six month no negative report, by the time the hearing happens she has received a new report and is getting a positive. She will report that after the six month no negative she did get a positive after. It's then up to the judge to say the six month no negative is not important, and it can get denied. Chair Hayes asked why this bill is being introduced, what is the purpose and why we are moving in this direction. Chair Hayes asked Mr. Stone if you give us notice when this hearing is coming up, please let us know so we can at least watch it on virtually. Mr. Stone indicated he will be monitoring the meetings and will let everyone know. Chair Hayes suggested that perhaps Vice Chair Duke could bring victims that can offer testimony. Ms. Ruiz feels a possible reason for this bill is the cost involved. This is the number one complaint she hears that people can't afford to pay for the IID. Mr. Nielsen added that there is also an equality issue, that low-income offenders will have their IID state subsidized. If you are on food stamps or are on OHP, it's covered 100%.

Ms. Ryerson reported that OCDLA is coming to the table reducing the penalty on bike DUI's. This would make a bike DUII a Class B Misdemeanor only if the bike DUII does not involve reckless endangering persons or property. If you are in traffic, it will be a regular DUI. Example - If you are driving your bike intoxicated on a country road and get pulled over it would be a Class B and a provision is in there if there was a danger to personal property. E-bikes would be exempt from this. ODA agreed in reducing the fine from \$1000 to \$500, but we do not want it reduced to a violation. Priors of a B misdemeanor would not lead to a permanent revocation if it's a 3<sup>rd</sup> conviction. No license suspension for a misdemeanor conviction of a B misdemeanor bike DUII. They are asking for it to be reduced to a violation, we are saying no, DUII's shouldn't be negotiated down. Finally, Ms. Ryerson shared that ODAA is discussing if someone is trying to get on diversion and they received treatment as a minor and it's not related to a DUII, they would be eligible. Also, if someone received treatment as part of a dependency case and it was not related to a DUII but later received a DUII they would be eligible for diversion. ODAA is ok with giving this.

Sergeant Ely reported on Senate Bill 670 and shared concerns that he discussed with Jonathan Munson. There will be potentially 13000 drivers added to the required ignition interlock device (IID) list. He and Jonathan also noticed there could be an increase of 500 more drivers a year for felonies and 700 for misdemeanors. Twelve hundred added requirements to the list. With Oregon compliance rates at 20% this will put a heavy burden on program and how do we gain compliancy to make this a criminal act instead of a violation with tampering or failing to install. Ms. Ryerson shared that Senator Knopp will not be supporting this bill. Chair Hayes added he was hoping OSP could visit with the Senator to provide facts. Ms. Ryerson added that OCDLA is still trying to seek giving a hardship from a permanent revocation; ODAA has said absolutely not. They may go to Senator Knopp and ask to have the bill changed.

Chair Hayes asked Mr. Nielsen about OHAA in regard to ADIS under old business. Mr. Nielsen deferred to Ms. Ruiz. Ms. Ruiz announced she still has not seen an email from Marisha Elkins or anyone above her correcting that. Mr. Nielson indicated the issue is if there is a conviction, there is a directive that ADIS can't do an evaluation or charge a fee if it turns into a conviction, and they were instructed to use the original evaluation. ORS states if there is a conviction it requires a new evaluation. Mr. Nielson added this also messes up reporting for the requirements on the treatment side with DMV/ADIS/Courts if its diversion vs. conviction. He indicated they have not heard of a correction on this and that it needs statewide correcting. Chair Hayes says we will flag this in minutes as an action item still pending.

#### **VIII. New Business**

Chair Hayes asked about new law enforcement opportunities from Mr. Beatty and Sergeant Plummer. He asked if we have looked at the information from OJD, about some of the DUII's being charged around the state to see if this will be helpful when we consider SFST Refresher or ARIDE training? Sergeant Plummer shared they are looking at e-warrants in two counties and are crafting counter measures. We have judges who are not signing affidavits for search warrants for blood and not naming the exact substance they are being charged with. He has heard this twice in 24 hours. He is working with Crook County and a young DRE who is putting together a class on DUII report writing. Our current course doesn't have much in our curriculum on this. Judges are saying they do not have what they need to ask for a search warrant for blood and we need to be direct and let them know what is impairing. There is one scheduled for Baker City next month and he will be attending it. We then will offer it in Crook County and see if it will help and then also look at our curriculum revisions for what we need to work on here.

Chair Hayes asks Mr. Beatty if the SFST Refresher came from requests. Mr. Beatty responded that they have SFST instructors all over the state and the separate agencies determine when they need refresher training. Some are offered annually and up to every 3 years. He does occasionally call and ask if they need a class. Sergeant Plummer added that anyone who wants to work DUII OT is required to have it and that is an incentive.

Chair Hayes shared that the GAC is still looking for an educational liaison or member. He asked if anyone had someone that might be a good representative, please let him know. The thought is to have someone involved in education to give us the perspective on how we can reach Junior High and High School students and teach them about the hazards of impaired driving. Sergeant Plummer added he is putting together day 2 of DITEP course in March and will see if there is any interest from that group.

#### **VI. Liaison Reports**

##### Traffic Safety Resource Prosecutor

Ms. Ryerson reported that Prosecuting the Drugged Driver is coming up February 28<sup>th</sup> – March 3<sup>rd</sup>. She will be missing the next meeting due to the training. She also wanted to bring up the Intoxilyzer 8000 certifications.



Most of Portland Police Bureau have let them lapse. She is advocating for the extension of the certification from 3 to 5 years. Chair Hayes reported that many states are going to blood, so they are thinking they don't need to be certified breath test operator. Chair Hayes asked how we can encourage more certification. Mr. Stone added maybe a letter to the Chief would help, or someone at the DA's office could promote this.

#### Oregon Transportation Safety Committee (OTSC)

Jerry Cooper reported that on the January 11<sup>th</sup> meeting and that one issue discussed for DUI were the results of the Impaired Driving Program Assessment. In the minutes for the OTSC or GAC I was quoted saying I was disappointed in 17% for the 1<sup>st</sup> go around. The deadline was Christmas Eve for that and then it dawned on me that it is the first go around and we had a holiday. I am hopeful that the January 23<sup>rd</sup> results will give us greater participation. He announced the OTSC meeting schedule for February 8<sup>th</sup> has been canceled due to scheduling issues and they will be holding a virtual meeting just to go over the minutes and consent calendar. The regular full-time meeting will be on March 8<sup>th</sup> at 9:00.

#### Oregon State Police (OSP)

Sergeant Tim Plummer reported that OSP got bios on a lateral class they are putting together with officers from other agencies. There are 11 total in the class. An ARIDE class is planned for Hood River on February 17<sup>th</sup> & 18<sup>th</sup>. Twenty-seven certificates were signed yesterday. Two more classes are in the works, planned for the middle of March. Department of Corrections (DOC) has new international standards and Sergeant Plummer has given 3 classes similar to DITEP. Within the collective bargaining agreement, they need to provide to staff, developing a curriculum specific to that.

Sergeant Ely reported has been busy trying to make connections. As Mr. Nielsen commented, there is an OHA Advisory Committee group meeting on February 9<sup>th</sup>.

#### Oregon Judicial Department (OJD)

Kimberly Rose of OJD asked Chair Hayes in the interest of time if we would like to carry her report over to the next meeting. She provided the group last year's data as well as some historical information showing interesting trends in the data. Her email is on the last slide if any more information is needed from her. Chair Hayes agreed and asked to have this added as an agenda item for next month.

#### Oregon Impact

Janelle Lawrence of Oregon Impact reported that they have the last of the signed contracts and all agencies are now participating. She reported the latest HVE results from October – December. There were 180 shifts worked with 868 hours overtime. Other data reported included:

- 72 DUI Alcohol Arrests
- 11 DUI Drug Arrests
- 1 minor in possession
- 5 Disabled Interlocks
- 18 Felony Warrants Served

#### Oregon District Attorney's Association

Lynn Howard reported in addition to the DUI bill discussed earlier, ODAA is also pushing for a bill to reform drug laws, in regard to Fentanyl. Measure 110 didn't address Fentanyl and then mid-year they added 5 grams to be a felony, but still does not address it at a misdemeanor level. The blue pills weigh about .1 gram so a person could have up to 50 before it's a crime. This ODAA bill would make it a misdemeanor to have 1 gram of Fentanyl or 5 pills. Also adding delivery of Fentanyl for consideration.

#### Driver and Motor Vehicle Services (DMV)

Jonathan Munson shared that things are ramping up at DMV with the legislative session. He listened in on the House Bill 2316 at the public hearing on the 24<sup>th</sup>. Most of the summary points have already been discussed. Very interested in the language surrounding the hardship permit for the permanent DUI revocation and will be keeping an eye on this. In regard to Bill 670, less of a concern, but his comment is on the increase of the IID requirement from 5 years to 10 years. While that was increased in OR Statute 813.602 the suspension authority for not installing or tampering under OR Statute 813.602 was not increased. He is concerned about the other five years of the requirement and for the tamper, it's still only a 5-year suspension. Ms. Ruiz added that she continues to have problems with the DUI/DMV certificate. She thought the issue was handled but now has a couple cases where clients completed treatment before conviction and DMV is rejecting the DMV certificate. She intends to email the information to Mr. Munson.

#### Multi-Disciplinary Task Force

Mr. Beatty reported that the DUI Conference is at Seven Feathers in Canyonville on April 27-28, 2023. The agenda is almost finalized. Registration is open, and he directed everyone to register at [duiitaskforce.org](http://duiitaskforce.org). The Task Force is awarding deserving individuals or groups and they are seeking nominations.

#### Department of Public Safety Standards and Training

Mr. Beatty reported they are still looking for an Agency Director and they are holding multiple Intoxilyzer classes happening in Washington County, Grants Pass, Redmond, and Clatsop County.

#### Clear Alliance

Tory Kurtz, assistant Executive Director of Clear Alliance reported that the Redmond Police Department campaign to create new commercials has been moving forward and they are now scheduled to start shooting next week. They will be in English and Spanish and partnering with Redmond PD. Most of the cast is secured, many who are volunteers. They will be doing a still frame shoot as well and have a graphic designer making new billboard material. They are completing their latest education course addressing Fentanyl and counterfeit pills.

#### Housekeeping

Chair Hayes asked to address some housekeeping items. Mr. Stone acknowledged the change of the agenda in order to give everyone time and not feeling rushed about their time. Mr. Stone addressed the committee regarding agenda items and materials for the meetings. He asked the committee to please be considerate of the deadlines to get information to Ms. Gill or Mr. Ozawa in a timely manner to get everything uploaded to the computer and printed for the meeting. Mr. Nielsen reminded everyone the DUI Modernization is set for this next month. Mr. Stone stated these meetings are on an indefinite hiatus. Ms. Ozawa announced a reminder if you are traveling to any of the ODOT sponsored conferences, we have a new travel claim checklist to make sure you have all the information needed to submit to the financial department for reimbursement. She will send this out for the members attending the DUI conference, but if you need it, please reach out to her. Ms. Harvick asked if it includes mileage, which it does. A question was raised about what exactly it covers. Ms. Ozawa reported that it covers hotel, registration and meals. She reminded everyone to calculate mileage when you leave your home. You cannot get reimbursement for meals that are provided. Chair Hayes asked if this is the same if someone goes to a hearing at the capital? Mr. Stone replied, GAC business should cover that. Ms. Ruiz asks would you get permission ahead of time? Chair Hayes says yes, but not now for GAC, since we are not allowed to attend. A question came up about cost reimbursements for the NHTSA Assessment and if that would be covered. Mr. Stone shared at the least the GAC grant would cover this.

#### **X. Adjourn**

With no further business before the committee, Chair Hayes officially adjourned the meeting at 12:07 p.m.

**Next HYBRID Meeting: March 3, 2023 at 9:00 a.m. at DPSST and via Teams**