

APPROVED
4/7/2023

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

Members Present: Chairperson Chuck Hayes, Justin Nielsen

Members Present via Teams: Vice Chair Cate Duke, Lois Harvick, Honorable Ray Crutchley, Chief Jason Malloy, Deborah Ruiz

Members Absent (Excused): Sergeant Josh Wilson (excused), Lynn Howard (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), Sergeant Kevin Ely (OSP), Sergeant Tim Plummer (OSP), Kimberly Rose (OJD), Janelle Lawrence (Oregon Impact), Gary Engler (SPD), Marie Dodds (AAA), Judge Eric Bergstrom (SJO)

Public via Teams: None

I. Call to Order and Introductions

Chair Chuck Hayes called the meeting to order at 9:02 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 Chuck Hayes acknowledged Veneta Howard who passed on February 2, 2023. Veneta was a previous member of the GAC-DUII and had also worked for the Department of Motor Vehicles, which made her a tremendous asset to the committee.

Chair Hayes reported that the February 2023 Standardized Field Sobriety Testing (SFST), SFST Refresher, Advanced Roadside Impaired Driving Enforcement (ARIDE) curriculum as well as the Drug Recognition Expert (DRE) curriculum are done and are being released. The Highway Safety Office will be getting a thumb drive from the Transportation Safety Institute in Oklahoma City with the SFST and SFST Refresher. The ARIDE and DRE will be available to the DRE state coordinators and Sergeant Tim Plummer will be able to download these and get those out to everyone.

Chair Hayes referenced the .05 bill and noted he has been watching the .05 bill in Washington state as the Governor has endorsed it and is supporting it. At this point we do not have word from Governor Kotek's office, but we will be watching and will be prepared.

III. Member Reports

Deborah Ruiz

Deborah Ruiz reported that she met with Kevin Ely with Oregon State Police IID and that the Alcohol Drug Information School (ADIS) will be reviewing a form that the OSP is considering implementing so they can get

accurate information. Ms. Ruiz shared she is hopeful that as a evaluator she can continue to assist them in improving or changing the system.

Cate Duke

Vice Chair Cate Duke reported that she has been busy and that she attended Deena Ryerson's Prosecuting the Drunk Driver Conference yesterday and that the Victim Impact Panels are growing in Deschutes County.

Vice Chair Duke reported on Bill 670, that would reduce the license revocation from a 10 year to a 3-year suspension. Vice Chair Duke had a meeting with Senator Tim Knopp regarding the bill and after their conversation Senator Knopp reached out to Senator Prozanski and asked him to pull back and not hold any hearings on this bill. Vice Chair Duke then spoke with the constituent as well and after that conversation the constituent agreed to withdraw the bill. Vice Chair Duke reported on Senate Bill 320, which is an amendment for Measure 11 that will allow for people other than those convicted of murder to have their sentences reduced for good behavior or participation in a program. Vice Chair Duke asked the committee if they have anyone that would be willing to testify against this bill to please have them reach out to her and that the next hearing in on March 7th at 1:00.

Vice Chair Duke reported on upcoming events such as, planning for the Walk Like MADD events and a law enforcement event that will both be happening this fall. She will let the committee know once they have a venue and firm date for the law enforcement event.

Honorable Ray Crutchley

Judge Ray Crutchley reported on the increase in DUI's in Deschutes County and the Bend Police Department report showing there was a record number of arrests last year in Bend. He commended the city in Bend for their work on DUI enforcement and for creating a DUI team in 2022.

Judge Crutchley reported on E-warrants and how it's being used by all agencies and is making the process more efficient.

Chief Jason Malloy

Chief Jason Malloy reported he tried to get in touch with Kevin Campbell to see if he had anything to share, but with his busy schedule he was not able to connect. He will follow up with more information after he reaches him in the upcoming meetings.

Chief Malloy reported on Newport's Seafood and Wine Festival and that they issued over 100 citations, made 14 traffic stops and made 12 arrests for DUI. During the same time, there were no crashes or fatalities. They recruited state police to help and had five extra troopers participate. The presence of officers was shared on social media so people were aware there would be a zero tolerance. Chair Hayes asked if we could get some of the data to work with ODOT/TSO to do a news release. Chief Malloy agreed and said he would email the article to everyone and to reach out to him with any questions.

Lois Harvick

Lois Harvick of the Lane DUI Victim Impact Panel (VIP) program director reported on the Ignition Interlock Device brochure that is provided by the state and how she has been meeting with the local evaluator who has been using them for people that come to her for an assessment and that she is out and could use more. They are very helpful, and Ms. Harvick wanted to get that information to Sgt. Kevin Ely.

Ms. Harvick reported on the last panel, and shared that attendance is up. DRE Officer Allision Jordan shared at that last meeting that there were three DUI crashes in that day alone that she had to assist with, and they were all in the earlier parts of the day. It's a reminder of what we are doing to keep our community informed and our streets safe.

Justin Nielsen

Justin Nielsen reported on his organization, Oregon Recovery, and that they are expanding to Clackamas County in Lake Oswego and Polk County and Dallas.

Mr. Nielsen reported on the video he had prepared for the meeting and how this new drug (Nitazene) is forty times more addictive and deadly than Fentanyl. He reiterated how much of a problem the use of opiates is nationwide and especially in Marion County. Statistics show in 2019 there was a total of 70,000 drug overdoses. 2020 rose to 92,000, 2021 rose to 107,000 and 2022 was close to 120,000. 80% of the deaths are attributed to synthetic opioids. The ratio of male to female in these statistics has risen, it's a two to one ratio of males versus females using synthetic opioids. The video was viewed by the attendees.

IV. Minutes of Previous Meeting (January)

Chair Hayes asked if there were any corrections or revisions needed for the February 3, 2023 minutes. No corrections were recommended or made.

MOTION: Justin Nielsen moved to approve the February 2023 GAC on DUI 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

Ryan Stone reported on the new impaired driving projects. Mr. Stone and Tiana Tozer had meetings up in Region 1 in the Portland Metro areas where Ms. Tozer put out a notice of opportunity to allow agencies to submit ideas and project funding ideas. There was a great turnout with more than a half dozen submitted project ideas for Region 1 alone. These were all from prevention, treatment and alternate transportation options which is encouraging with a lot of great ideas. Mr. Stone is reviewing an idea for a new full-time DUI deputy position in Region 2. Mr. Stone has also been working on authorizing a draft of a new PSL policy on the use of our HP grant funds for straight time activities. Mr. Stone reported they are emphasizing outreach to our Spanish speaking communities around Oregon. Finally, Mr. Stone thanked everyone who helped with the Program Assessment for Impaired Driving and for submitting their responses timely. The in-person assessment is on April 11th-12th in Lake Oswego at the Crowne Plaza Hotel and will be all day. Mr. Stone reported after the in-person meeting he should have a draft report by Friday, the 14th and should be able to share the report at the next GAC-DUI meeting.

Mr. Stone reported on his trip to Region 3, Southwest Oregon with the Regional Transportation Safety Coordinator, Rosalee Sanger (Check on spelling of last name) who did a fantastic job pulling people together for meetings. They were able to hit all five counties and had police chiefs, sheriffs, and other non-law enforcement members attending with some good discussion. They are already working with their partners to create new grant projects.

Traci Pearl reported on the Transportation Safety Conference on March 14th & 15th. Contact Suzanne Gill or Alycen Ozawa if you have questions. The Transportation Safety Office (TSO) will be paying registration and

lodging for GAC-DUII members. The most current agenda will be sent out early next week. They will also be releasing the Highway Safety Plan draft for 2024 that starts October 1st of this year at the conference.

Ms. Pearl welcomes Vasily Alagoz, the new TSO Data Entry employee working on a six-month rotation with Colleen O'Hogan.

VII - Legislative Update (Remove underline for consistency with other agenda headings)

Ryan Stone presented a spreadsheet that he created, tracking all the bills that would be of interest to this committee. This list is updated every day and he will work on getting this out regularly to everyone. Mr. Stone highlighted HB2316, Any Impairing Substance; there will be amendments and a work session coming up on the 8th. Mr. Stone reported on HB3376, which is Oregon's .05 BAC limit. NTSB has been vocal in their support for this, and they have included in their recommendations that all states adopt this. Mr. Stone shared that all five of the GAC legislative concepts have dropped now as actual bills and are all on the table.

VIII - OJD Data Presentation

Kimberly Rose presented a PowerPoint showing the data involving DUII and related offenses. It addressed some of the case filing trends, disposition information and fines and fees and looks at other related offenses as well. Ms. Rose highlighted cases filed in the circuit courts from 2019 to 2022, not including cases filed in justice or municipal courts. Ms. Rose presented a little background. Over the last four years there have been an average of about 24,000 felony cases and 42,000 misdemeanor cases filed in circuit courts each year. All criminal case filings decreased in 2020 because of the pandemic, with a significant decrease in misdemeanor cases. Contributing to the decrease in misdemeanor cases included the reclassification of controlled substance offenses from a misdemeanor to a violation. She indicated that looking at this you would think this would carry over to DUII cases, however over the past four years, DUII case filings have remained steady despite the pandemic with a very slight decrease in 2020.

On average, there are about 460 felony DUII cases filed in circuit courts each year and these cases represent about 2% of all felony case filings. With misdemeanor DUII these cases experienced a decrease in filings as well, like all other misdemeanor cases. However, unlike other misdemeanors, there's been a slight increase in the number of DUII cases in the last two years. On average, there is about 10,000 misdemeanor DUII cases filed in Circuit Court each year and that represents about ¼ of the misdemeanor caseload. The counties in Oregon that have higher felony and misdemeanor caseloads are as follows: Clackamas, Deschutes, Jackson, Multnomah and Washington. All five experienced a decrease in 2020. Over the last two years, Clackamas remained steady, Jackson and Multnomah had a decrease in cases, but Deschutes and Washington had a steady increase.

Looking at the dispositions in felony and misdemeanor cases, Ms. Rose pointed out the charges where there was a conviction or dismissal or cases still pending. For the misdemeanor cases, Ms. Rose looked at disposition where the DUII charge was diverted. Typically, when you look at disposition information, the older the case is, the more likely it is to have been resolved. And for felony cases, most cases result in a conviction with a smaller number being dismissed. The older cases have more dismissals than diversion with the opposite for newer cases. The general court practices that staff will enter a disposition of diversion after a court enters a person to participate in diversion. If a person successfully completes the program, then court staff enter a new disposition of dismissed. If a person is not successful, then staff would enter the disposition of convicted.

Ms. Rose shared the fine amounts that are imposed and collected on felony and misdemeanor DUII cases. The total amount of fines has been decreasing each year. Regarding the DUII cases and payment of fines, they do pay a higher rate than persons charged with other fines. Looking at a payment rate of about 60% on all cases and the average for all felonies and misdemeanors is 52%. In diversion cases the amount of daily diversion fees

imposed and collected each year has a much higher collection rate, 91% over time and this is due to fees being a condition of diversion.

Ms. Rose discussed the data they used to support an increase in DUI related accidents. This required looking at cases where a person was charged with a DUI and with another added offense and it shows an increase. In the cases of a DUI with a charge of assault to or any degree of manslaughter, the numbers have doubled since 2019. Ms. Rose shared case filing data on assault in the third degree where the defendant was under the influence. There was a jump in cases in 2022, typically about 50-70 a year. In 2019 and 2020 most of those cases have resulted in conviction. The suspected increase in DUI related accidents is, in fact supported with this data. The distinction becomes evident in the cases where a person was injured or seriously injured. 2019 showed 6 cases and in 2022 there were 101. This trend continued once you start looking at cases where there's a DUI and a charge of assault to or any degree of manslaughter. In the serious cases where there is an injury or death to a person, those have very much increased over the last couple of years.

IX. Old Business

Sergeant Kevin Ely reported on the February 9th, Oregon Admission Interlocking Advisory Group meeting. Topics brought up were the website and getting it updated to get out to the victim impact panels so they can get the information to the client to give them an idea of the requirements. The next meeting will be on March 9th at 10:30 am.

X. Liaison Reports

AAA

Marie Dodds, Director, Government and Public Affairs with AAA, reported on what they are doing to get ready for Saint Patrick's Day, which falls on a Friday this year. They are working with NHTSA and other traffic safety advocates to remind people of the dangers of drinking and driving and to make plans accordingly. They are sending out this message via all channels including traditional and social media.

Clear Alliance

Tory Kurtz, assistant Executive Director of Clear Alliance reported that all four impaired driving commercials have been funded and filmed and are now being edited. They were able to film three in English and one in Spanish. These will be premiered on April 19th.

Department of Public Safety Standards and Training

David Beatty reported they do have a new Director; Phil Castle who started in this position on March 1st. Regarding trainings, the Keizer Police Department is holding their Intoxilyzer class tomorrow. Washington County Sheriff's Office will be holding theirs on March 8, 9th, 14th and 29th and DPSST's classes will be held on March 23rd.

Driver and Motor Vehicle Services (DMV)

Jonathan Munson shared DMV has been busy with the Legislative Session. A work session for HB2316, Any Impairing Substances will be held on March 8th.

Mothers Against Drunk Drivers (MADD)

Cate Duke reported they participated in a saturation patrol over Super Bowl weekend with Linn County. There were 16 different officers from various agencies that participated, and they made multiple DUI stops. A volunteer came and spoke, she was a mother of one of the three teenage girls that was killed in Salem four years ago. Ms. Duke asked Mr. Beatty if there were any wet labs coming up. Mr. Beatty responded they have

wet labs at DPSST a couple times a month and he informed her they have one on April 5th in conjunction with an AI Class.

Multi-Disciplinary Task Force

David Beatty reported that the DUII Conference at Seven Feathers in Canyonville on April 27-28, 2023 is still taking registrations and encouraged everyone to register at duiitaskforce.org. He stated they had a huge response for scholarships and that they are working through those.

Oregon Impact

Janelle Lawrence of Oregon Impact reported the latest HVE results from October – January. There were 242 shifts worked with 1131 hours overtime. Other data reported included:

- 88 DUI Alcohol Arrests
- 16 DUI Drug Arrests
- 2 minors in possession
- 7 Disabled Interlocks
- 18 Felony Warrants Served

Oregon Judicial Department (OJD)

Judge Ray Crutchley of Oregon Judicial Department (OJD) commended Kimberly Rose on her presentation and had nothing further to report.

Oregon State Police (OSP)

Sergeant Kevin Ely reported that he drove up to WSP's worksite and spoke to Brandon Northeast to see how their program is working and to share ideas. Sergeant Ely reported he is busy working with the different impact panels around the state and asked if the committee members have contacts that he needs to make to please give them his information, he would be happy to connect. They are seeing quite a bit misinformation or non-information provided to the drivers when they are arrested. He is working on getting the appropriate information to them.

Oregon Transportation Safety Committee (OTSC)

Jerry Cooper reported the OTSC meeting on February 8th was canceled but they did hold a virtual meeting to vote to approve the minutes and Consent Calendar. The next OTSC meeting will be on March 8, 2023.

State Judicial Outreach (SJO)

Judge Eric Bergstrom reported he was honored to have given the eulogy for his former boss, Mike Schrunck who was the second longest serving DA at 33 years. Mr. Schrunck was very innovative and helped start the DUII Intensive Supervision Program in Multnomah County that helped turn around many people's lives and kept them from driving under the influence.

Judge Bergstrom reported he attended the annual meeting in New Orleans for the State Judicial Outreach liaisons as a part of the American Bar Association and that later this month he will be in Newport to give a presentation to the Municipal Court judges on common things encountered in DUII trials.

XI. Adjourn

With no further business before the committee, Chair Hayes officially adjourned the meeting at 11:40 a.m.

Next HYBRID Meeting: April 7, 2023 at 9:00 a.m. at DPSST and via Teams