

**APPROVED**  
May 5, 2023

**GOVERNOR'S ADVISORY COMMITTEE ON DUII**  
**Friday, April 7, 2023 Meeting Minutes**  
**Hybrid Teleconference Meeting**  
**Salem, OR 97317**

**Members Present:** Chairperson Chuck Hayes, Sergeant Josh Wilson, Vice Chair Cate Duke, Lois Harvick

**Members Present via Teams:** Honorable Ray Crutchley, Chief Jason Malloy, Deborah Ruiz, Lynn Howard

**Members Absent (Excused):** Justin Nielsen (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-IID), Kimberly Rose (OJD), Janelle Lawrence (Oregon Impact), Gary Engler (SPD), Marie Dodds (AAA), Judge Eric Bergstrom (SJO), Lt. Evan Sether (OSP)

**Public via Teams:** None

### **I. Call to Order and Introductions**

Chair Chuck Hayes called the meeting to order at 9:01 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 reported he attended the Oregon Transportation Safety Conference in Grand Ronde where he and Sergeant Tim Plummer held a workshop on drugged driving. Chair Hayes shared he attended the Lifesavers Annual Conference in Seattle, WA where he was part of a panel presentation that dealt with drugged driving and polydrug impaired driving. Chair Hayes presented the news release on the [Newport Seafood and Wine Festival](#) and commended law enforcement and the city drinking establishments for their efforts to keep people safe. Chair Hayes shared the [NHTSA Impaired Driving Update](#).

### **III. Member Reports**

#### Lois Harvick

Lois Harvick, the Lane DUII Victim Impact Panel (VIP) program director reported they have four new speakers starting that are scheduled and ready to share new messages with the community. Ms. Harvick shared she would be traveling a lot this month with the Impaired Driving Assessment and the upcoming DUII Conference.

#### Sergeant Josh Wilson

Sergeant Josh Wilson reported back to February that he attended an Impaired Driving Assessment in Nevada as an assessor and that he will be attending the Oregon Impaired Driving Assessment next week. Sergeant Wilson shared that he was an instructor at the *Prosecuting the Drugged Driver Conference* and that he did a standardized field sobriety test refresher for most of his traffic team. Sergeant Wilson reported he testified on Senate Bill 422 for the motorcycle lane splitting. Chair Hayes asked Sergeant Wilson if he knew the status of the bill and Sergeant responded it has very strong support; in fact, almost unanimous public support based on the written testimony.

#### Cate Duke

Vice Chair Cate Duke reported that she attended the Prosecuting the Drunk Driver Conference as well as the Transportation Safety Office (TSO) Conference. Vice Chair Duke confirmed she was happy to do a presentation at the TSO Conference for Ryan Stone and is looking forward to the DUII Conference. Vice Chair Duke then shared a case in Washington State and asked the committee for any feedback and if they could please share with her. Vice Chair Duke reported her Victim Impact Panels are going well and that she is working on the Walk Like MADD event and is still needing a venue for the Law Enforcement Recognition event later this year.

#### Chief Jason Malloy

Chief Jason Malloy reported he didn't have anything new to share with the committee.

#### Deborah Ruiz

Deborah Ruiz reported that she has been busy with evaluations and that that Beaverton Municipal Court is doing a great job citing offenders for driving under the influence. Ms. Ruiz shared they are still struggling getting the information to the evaluators and that they recently discovered the courts are not reporting to the DMV when a judge requires the ID, and they are trying to figure out why this is happening. Ms. Ruiz reported that Beaverton Municipal Court is going back to in-person VIP's and that the victims' impact panel, Washington County Evaluation Services is back on track, and they are requiring their clients to appear in person instead of online. Ms. Ruiz shared she will be attending the Oregon Impaired Driving Assessment next week.

#### Lynn Howard

Lynn Howard shared they recently became aware of a defense attorney shortage for court appointed counsel and that it's impacting county prosecutors around that state. Ms. Howard reported that some judges are just dismissing cases because of the lack of defense attorneys. Ms. Howard reported the lag time in the crime lab is also an issue as it's taking about 8 months to get samples completed. Ms. Howard shared about the Seafood and Wine Festival that there was an interesting mix of public response on social media with having such a large presence of law enforcement and traffic stops. Ms. Howard attended the Prosecuting the Drunk Driver training and that she is looking forward to the DUII Conference and participating in the Impaired Driving Assessment.

#### Honorable Ray Crutchley

Judge Ray Crutchley reported he didn't have anything new to share with the committee. Chair Chuck Hayes asked if he is aware of any dismissals of cases in regards of the toxicology report that Lynn Howard was referencing. Judge Crutchley replied he has not seen any dismissals, but he has seen delays due to the extended times in retrieving toxicology reports.

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

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

**MOTION: Chair Hayes asked if there was a motion to approve the March 2023 GAC on DUII minutes. Cate Duke motioned to approve the 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 the Transportation Safety Office Conference on March 14<sup>th</sup> & 15<sup>th</sup> in Grand Ronde, and highlighted it was the first since the pandemic. Amy Joyce, DMV Administrator and Governor's Highway Safety Representative welcomed over 150 attendees that included both traditional and non-traditional safety partners. Day one included workshops on multiple topics such as impaired driving and pedestrian safety. Day two was the first time TSO included its annual Highway Safety Planning (HSP) work session at the conference for FFY2024 grants and projects. Attendees were able to approach the various tables of their choice and provide their input and suggestions on the proposed FFY2024 HSP. TSO has a new webpage to submit and collect this information, [Public Input for Highway Safety Plan](#) as well as submitting via email [TransportationSafetyInput@odot.oregon.gov](mailto:TransportationSafetyInput@odot.oregon.gov). The web page and email will be open throughout the year for collecting public input and feedback on TSO's planned activities (see also the [2024 Highway Safety Plan Workshop Book](#) that was presented to attendees). Ms. Pearl shared the [ID Program Input](#) with the committee.

The conference wrapped up with a presentation from Melissa Wandall on "The Why Behind Traffic Safety." As President of the [National Coalition of Safer Roads \(NCSR\)](#) Melissa has set out to change highway safety and reduce the number of injuries and deaths caused by traffic collisions. NCSR's mission is "To Connect and Empower Survivor Advocates of traffic related tragedies with the tools and resources needed to take actions supporting an end to road violence."

Evaluation surveys are still being collected, but initial responses from participants were positive, and that they liked this new format in asking for input to help TSO drive its safety programs. We look forward to next year's conference!

Ryan Stone thanked Nicole Charlson, Tiana Tozer and Cate Duke for stepping in for him at the conference in his absence. Mr. Stone reported on the Impaired Driving Assessment next week and thanked the TSO staff for all their support. Mr. Stone reported that the draft document from the assessment should be ready by the end of next week and that he will share it with the committee.

Mr. Stone shared his upcoming region trips, in Astoria and Albany which will both be the week after the assessment. Mr. Stone commented that he felt these regional meetings have helped improve our partnerships with our stakeholder agencies and that they lead us to new ideas for projects that can save lives on Oregon highways.

Mr. Stone reported on the CDL Driver Impairment Detection training and that he has reached out to Chief Tim Plummer in Madras who is willing to participate in the management meeting over in Bend in May.

## VII. Legislative Update

Ryan Stone shared the latest [DUII Legislative Spreadsheet](#) and reported the following bills that are no longer moving forward:

House Bills: 2303, 2310, 2315, 2321, 2382, 2383, 2707, 2838, 3146, 3147, 3364, 3376, 3377

Senate Bills: 360, 670

House Bill 3374 (accident to crash) and House Bill 2316 (any impaired substance) are still moving forward. Senate Bill 568 (changes to dropping IID's without a court hearing) is still alive.

## VIII. Old Business

- Oregon Law Enforcement Training Opportunities – David Beatty & Lt. Ethan Sether  
David Beatty requested clarification on this agenda item from Chair Hayes and requested to move this report to the May meeting. Lt. Evan Sether will replace Tim Plummer.

- **Education Liaison Suggestions**

Chair Hayes reminded everyone the GAC is still looking for an educational member representative and if anyone has a suggestion to please reach out. Deena Ryerson recommended reaching out to the President of the School Resource Officers to see if they might be able to assist with this. Tiana Tozer added in the chat that she met with some potential education contacts during the Region 1 tour discussions with law enforcement and other Impaired Driving partners.

## **IX. New Business**

Chair Hayes reported he is working on possible presenters to the GAC-DUII upcoming meetings. Chair Hayes is working with the Northern Idaho DUI Task Force as well as a DRE instructor in Coeur d'Alene as well as a representative from the Spokane DUI Court. Chair Hayes shared he met a contact at the TSO Conference that coordinates the at risk-reporting for law enforcement with the DMV and he will be working on getting a time set up for her to present as well.

## **X. OLCC – Home Delivery Presentation (Andy Jurik, Director of Alcohol Compliance)**

Andy Jurik presented on the history of the Home Delivery Service of Alcohol which began in 2007 with wine delivery in cases. A year later beer delivery became available if it was made in the state of Oregon. Once the COVID pandemic with all the lockdowns began and people began doing online ordering, a special session was held regarding Senate Bill 1801 that moved quickly and was signed by the Governor in December of 2020. This bill allowed more alcohol delivery, but OLCC was not aware until it had already been signed and they had nine months to develop rules and to try to manage this. SB 1801 didn't allow OLCC any authority beyond the licensing. Since 2020 they have been working on getting a bill to give them more authority and presently HB 3308 is making its way through that will give OLCC authority to require a permit for the 3<sup>rd</sup> party delivery services. The three key parts of this bill would be requiring third-party delivery companies to obtain an OLCC issued permit, require the delivery person to be trained and allows to put them in the minor decoy statute. This would allow the state to rent a hotel or Airbnb and place orders to make sure all the delivery rules are being followed. Chair Hayes questioned who would be liable in a fatal crash and would it be like an alcohol serving establishment. Mr. Jurik responded that there will be liability and would depend on where the alcohol generates from. If it's a liquor store or retail store it would be under the store license. If it's a third- party, they would be licensed and permitted and they would be liable depending on the situation. Questions on the [Home Delivery Service Study](#) figures provided by Mr. Jurik were asked and answered and Chair Hayes then invited Mr. Jurik to join the GAC-DUII as a liaison.

## **Home Delivery - Member Discussion**

Gary Engler of the Salem Police Department commented on recent cases where a partnership with OLCC could be beneficial. A defendant with five previous felony DUIs hit and almost killed a pedestrian while under the influence. The defendant's occupation is a veterinarian. Mr. Engler questioned why a felony DUI conviction is not an automatic disqualifier for someone with a license that has access to drugs as a part of their practice. He will be researching to see if there are any disqualifications for felony DUI for license holders for nursing, pharmaceutical and veterinary boards and will be presenting his findings to this committee. Mr. Engler then spoke on a case where a defendant under the influence with a .192 BAC went off the road into an encampment of houses. Defendant had been served at a bar and the camera footage in the bar was limited. All the servers that evening had signed in under the same name so there was no way to go back and find out who exactly was serving him. Mr. Engler referenced another case where they were able to get a conviction on a hit and run fatal pedestrian crash by using the video at the bar and with the help of the crime lab could see how many times the defendant was served and extrapolate what his BAC was to gain the conviction. Later, at this same bar for another case, when they tried to check the video, they were told the cameras were no longer working and when asked for bar tabs they were told after 10:00pm the bar only accepts cash, therefore eliminating a trail to see

when people are over-served. Mr. Engler will be collaborating with Mike Bloom and Andy Jurik to see if they can't bring about changes for these issues. Sergeant Josh Wilson added the monthly report from the OLCC can be a valuable tool as it gives the DUI's in the county so you can easily track the areas where impaired driving is happening. Chair Hayes asked Andy Jurik to assist with this to see if these reports are being generated by law enforcement.

#### Traffic Safety Resource Prosecutor

Deena Ryerson reported they held the Prosecuting the Drunk Driver Conference in Bend. Ms. Ryerson shared they had a great group of instructors with a lot of great feedback. Ashley Schluck, the Wyoming TSRP presented on CV's. The training also included mock DRE directs with the DRE instructors.

Ms. Ryerson reported on legislation and SB2316. Concessions were made being reducing the penalties for bike DUI's, not requiring going to a Victim Impact Panel, no license suspension and it would not be counted as a prior DUI for purposes of felony DUII. Also, if the person went to treatment under the age of 18 and it wasn't part of a DUII, as an adult, they would be eligible for diversion if getting a DUII when an adult. Also modified was the affirmative defense for timing. The bill has passed the house and is now in Ways and Means.

Ms. Ryerson reported on HB 2306 which appropriates increasing monies to the crime lab and that bill is moving forward and is also in Ways and Means.

Ms. Ryerson reported she testified on the warrant bill to make them more efficient. Unfortunately, this bill doesn't appear to be going anywhere as there was much push back during her testimony.

#### Oregon Transportation Safety Committee (OTSC)

Jerry Cooper reported the OTSC meeting on March 8<sup>th</sup> and the next will be next Wednesday, April 12<sup>th</sup>. Mr. Cooper shared at the March 8<sup>th</sup> meeting they read the obituary for Vinita Howard. Judge Jane Aiken suggested they reach out to the Stateman Journal to get the articles that Vinita had written over the years to support the history of impaired driving in Oregon.

#### Oregon State Sheriff's Association

Josh Wilson reported that he had nothing new to report at this time.

#### Oregon State Police (OSP)

Lt. Evan Sether reported that he is currently the interim DRE state coordinator and that they will be holding interviews for the permanent position around April 18<sup>th</sup>. The goal is to have the person in place by May 1<sup>st</sup>.

Lt. Sether reported on DRE School upcoming for May 2<sup>nd</sup> – 12<sup>th</sup> in Hillsboro with nine students and that they have around 175 active DRE at this point. He reported on the quarterly grant reports for impaired driving, and they are working on getting those completed. He shared the upcoming ARIDE class on the 13<sup>th</sup> and 14<sup>th</sup> next week, an earlier class this month in Newport as well as a class later this month in the Madras area.

Sergeant Kevin Ely reported that he missed the TSO Conference due to illness but will be attending the Driving Impaired Assessment next week. Sergeant Ely shared that he assisted Deena Ryerson at the Judicial Conference last month and that it was a good opportunity to share problems he is seeing with them. Sergeant Ely reported that Skyfine just got their device approved and they are in the process of implementing it in Oregon.

Sergeant Ely shared they are getting another support staff for the IDD program on May 1<sup>st</sup>. Sergeant Ely presented numbers for the committee from 2022 for IID's: 9,648 instances where the driver was identified with

a .05 to .08 BAC. 3,741 instances where the driver provided a .08 or higher. The highest recorded BAC was a .42 percent.

#### Oregon Judicial Department (OJD)

Kimberly Rose reported on DUII and related charged that were filed in January, February, and March. Suzanne Gill will share the printout with the committee after the meeting. Ms. Rose pulled cases where assault three involving DUII, boating DUII and felony or misdemeanor DUII were the most serious crime charged in cases filed in Circuit Court and looked at those filing numbers for January, February, and March of 2021, 2022 and 2023. For Assault three and felony DUII, these numbers were on the lower end in March with four assault three cases, and twenty felony DUII cases. Misdemeanor DUII increased over the prior months in 2023, 720 cases in February and 982 in March. Regarding boating DUII these were low as expected and they do expect an increase in the summer months.

#### Oregon Impact

Janelle Lawrence of Oregon Impact reported the latest HVE results from October - February. There were 335 shifts worked with 1553 hours overtime. Other data reported included:

- 138 DUI Alcohol Arrests
- 19 DUI Drug Arrests
- 2 minors in possession
- 9 Disabled Interlocks
- 18 Felony Warrants Served
- 9.6 hours of grant funds per arrest

#### Oregon District Attorney's Association

Lynn Howard reported she had nothing new to report at this time.

#### Oregon Association of Chiefs of Police

Chief Jason Malloy reported he had nothing new to report at this time.

#### Multi-Disciplinary Task Force

David Beatty reported that the DUII Conference at Seven Feathers is in Canyonville on April 27-28, 2023, with registration open until April 18<sup>th</sup>. People can register at [duiitaskforce.org](http://duiitaskforce.org). They have given out almost 200 scholarships with lodging as well as scholarships without lodging. The agenda is finalized, and award winners will be announced at the conference.

#### Mothers Against Drunk Drivers (MADD)

Vice Chair Cate Duke reported on legislative items and that she testified on the Accident to Crash bill and was able to speak to legislators after the meeting. She was able to share the work being done here in Oregon and touch base on some of the other bills and to help them understand that crimes have victims and that victims fight hard for the little justice they are given.

#### Driver and Motor Vehicle Services

Jonathan Munson inquired on the case that Cate Duke was requesting feedback on so he could assist. Ms. Duke will send Mr. Munson the name of the person. Mr. Munson presented an update on the issue with treatment completion certificates and the acceptance dates being that treatment must be completed after the date of the conviction. DMV will be adjusting their policy to allow for the acceptance of the Duo Treatment Completion Certificate (DTCC) when treatment has been completed after the date of the offense. This ensures that the

driver is getting treatment for the offense they committed and that the treatments certificate hasn't been issued until the date of conviction. This will make sure the treatment that was provided is in line with the screening that occurred at the time of conviction.

#### Department of Public Safety Standards and Training

David Beatty reported that he was invited to instruct at an ARIDE class in Newberg. Accompanying this class, they did a wet lab, using volunteers that became inebriated, so they could check the officers SFST proficiency on the impaired individuals. Mr. Beatty shared he felt this was a great way to build confidence in the officer's ability to see the clues of impairment.

#### CLEAR Alliance

Nicole McAda reported the impaired driving commercials are completed and are in the editing phase with the Northwest Collective and they should be ready for the revealing on April 19<sup>th</sup>. They will be holding an event at Redmond City Hall to show all four commercials to members of the cast and crew, members of their coalition, community partners and government stakeholders. After that reveal they will showcase the commercials to the GAC and Oregon Transportation Safety Committee.

Ms. McAda reported that April is Alcohol Awareness Month and Distracted Driving Awareness Month, and the team has been working on social media content to honor those campaigns. Ms. McAda shared regarding curriculum they are coming to a close with their May 9<sup>th</sup> launch date of the counterfeit pill and fentanyl education course and will be sharing this at the May meeting.

Ms. McAda reported they are updating their website to a more user-friendly version and are shifting from a charge base platform for the take courses, and they will now be offered for free. For the course that school districts and education programs use, they are switching to a donation-based scale so they can get education to everyone as efficiently and quickly as possible.

#### **XI. Adjourn**

With no further business before the committee, Chair Hayes officially adjourned the meeting at 11:58a.m.

**Next HYBRID Meeting: May 5, 2023 at 9:00 a.m. at DPSST and via Teams**