

APPROVED
06-02-2023

GOVERNOR'S ADVISORY COMMITTEE ON DUII
Friday, May 5, 2023 - Meeting Minutes
Hybrid Teleconference Meeting
Salem, OR 97317

Members Present: Chairperson Chuck Hayes, Sergeant Josh Wilson, Lois Harvick, Deborah Ruiz, Justin Nielsen

Members Present via Teams: Vice Chair Cate Duke, Honorable Ray Crutchley,

Members Absent (Excused): Chief Jason Malloy, Lynn Howard (excused)

Staff Present and via Teams: Traci Pearl, Brandy A. Gillock, Ryan Stone, Jody Raska, Jeff Greiner, Tiana Tozer

Liaisons and Guests Present and via Teams: Jonathan Munson (DMV), David Beatty (DPSST), Jerry Cooper (OTSC), Sergeant Kevin Ely (OSP), Michael Hsu (OJD), Janelle Lawrence (Oregon Impact), Gary Engler (SPD), Judge Eric Bergstrom (SJOL), Lt. Evan Sether (OSP), Glenn Cramer (NHTSA), Doug Bish, Officer Nathan Scott, Deanna Kemper, Michael Bloom (OLCC), Charles Smith (OAH), Deena Ryerson (DOJ – TSRP), Nicole McAda (CLEAR Alliance)

Public via Teams: None

I. Call to Order and Introductions

Chair Chuck Hayes called the meeting to order at 9:05 a.m. and held a moment of silence held to remember those who have been killed or seriously injured in crashes involving an impaired driver.

II. Chair Report

Chair Hayes reported on his participation as a speaker at the DUII Conference in Canyonville. He said it was an outstanding conference and gave kudos to David Beatty and his team for a job well done. He also reported that he enjoyed having the opportunity to teach at the DRE School in Hillsboro yesterday.

III. Member Reports

Honorable Ray Crutchley

Judge Ray Crutchley reported on his desire to take a more proactive approach towards preventing DUIIs. He proposed that the group consider trying to get some legislation through to better educate the public on DUIIs and made some suggestions. One was that a person applying for their license or permit should be required to attend a Victim Impact Panel (VIP). Another idea was that venues that serve/sell alcohol should be required to post a warning about the dangers of driving under the influence. This sign should be visible and should also include the penalties, to heighten awareness. He said there could be more education at the high school level. He reported being on call for search warrant requests the previous weekend and receiving a total of ten DUII calls. Chair Hayes suggested including ride share information in these establishments along with the other information.

Deborah Ruiz

Deborah Ruiz reported being a panel member in the Impaired Driving Assessment (IDA) that Ryan Stone orchestrated. She said it was enlightening. She also attended the Ignition Interlock Device (IID) meeting on April 20th and a B-SOBR court graduation yesterday.

Justin Nielsen

Justin Nielsen reported he attended the DUII conference and was pleased to see more treatment providers present. Oregon Recovery is celebrating its 10th year in business and are expanding. They will now have offices in Lake Oswego and Dallas, for a total of five open locations in three counties: Marion, Polk, and Clackamas. He reported that they are working towards offering more to the Spanish speaking community. He proposed creating a document or educational video for offenders that clearly breaks down every step of the process after

a conviction. Deborah Ruiz agreed that this would be helpful, and stated that ideally, the same information would be disseminated throughout the state. Chair Hayes said this would be discussed more in depth at a future meeting.

Lois Harvick

Lois Harvick, the Lane DUII Victim Impact Panel (VIP) program director reported that she was unable to attend the conference and was busy with cases which resulted in convictions. She was also a panel member in the IDA. She agreed that having clear steps laid out for offenders would be helpful, such as a hub for people to get information on the processes. She also said the state statute should be changed from “may” to “shall” regarding offenders attending VIPs. Another suggestion she had was expanding offerings to include OLCC servers, driver training classes, and DMV requirements to help with compliance. Finally, she reported having a new and dynamic speaker on her panel who had killed his brother in a DUII crash.

Sergeant Josh Wilson

Sergeant Wilson reported he had also attended the DUII Conference and that two of their deputies were recognized. Deputy Trevor Cooley was awarded as one of the DUII enforcement officers of the year, and Detective Jason McLaughlin received the Maria Mignano Dedication to Duty Award. The Drug Recognition Expert (DRE) school is at the training facility in Hillsboro this year and they currently have nine students.

Cate Duke

Vice Chair Cate Duke reported out later in her liaison report.

IV. Minutes of Previous Meeting (April)

Chair Hayes asked if there were any corrections or revisions needed for the April minutes. Sergeant Wilson pointed out a correction on page one. It should say: “Prosecuting *the Drugged Driver*,” not “Drunk.”

MOTION: Sergeant Wilson moved to approve the April 2023 GAC-DUII minutes, with that requested correction. Lois Harvick seconded. Roll call vote; majority approved. Motion passed.

V. Public Comment

No one was present for public comment.

VI. Transportation Safety Office (TSO) Report

Traci Pearl reported that Suzanne Gill had moved on and Brandy Anderson Gillock was filling in temporarily until the role is filled again. Ryan Stone shared the first draft of the feedback from the IDA. TSO has an opportunity to make the suggested corrections and then get the finalized assessment back. It will be then shared with the committee and posted online. The question was posed about whether the Governor’s Office will be given a copy of the final assessment. Ms. Pearl said she would be happy to create a one-pager for the committee to review before sending it, if the committee is requesting that. Chair Hayes suggested also sharing it with legislators, specifically Representative Helfrich, as he has been helpful on some of the proposed bills in the past. Mr. Stone reported on the commercial motor vehicle (CMV) impairment detection training he has been working on with Madras Police Chief Tim Plummer, attempting to help improve awareness for the Commerce and Compliance Division (CCD) of what an impaired driver looks like in a commercial vehicle. They piloted the training earlier in the week and held a discussion about best practices with attendees.

VII. Legislative Update

Ryan Stone shared the latest [DUII Legislative Spreadsheet](#) and reported that there has been little movement with the bills the committee is watching. [HB 2316](#) is the bill that would add “any impairing substance” to Oregon’s DUII statutes and is currently sitting with the Ways and Means Committee. [HB 3374](#) is the bill that would change the word “accident” to “crash.” It passed to the Joint Transportation Committee, where it sits.

VIII. Old Business

- Oregon Law Enforcement Training Opportunities – David Beatty & Lt. Ethan Sether:
Lt. Sether reported that they plan to utilize some of the feedback that was received during the application process for the new coordinator, as well as feedback from the State Coordinators' Meeting and the Western States Meeting regarding the different strategies for various curriculums and improving DRE retention.
- Education Liaison Suggestions:
Chair Hayes asked if there were any new suggestions for this role. Sgt. Wilson suggested an administrator or superintendent would be a viable choice.

IX. New Business

Gary Engler of the Salem Police Department reported on a recent crash where the driver had five previous felony DUIs and still maintained a professional license as a veterinarian. He had reached out to the Veterinarian Licensing Board, and the Pharmacy, Medical, and Nursing Boards for feedback. He also researched Oregon Statutes and learned that a person does not automatically lose their license for being convicted of a crime unless they are a teacher, and then it is still only for certain offenses. These decisions are to be made by the board on a case-by-case basis. In the medical field the Health Professional Service Program exists to help doctors maintain their licenses by offering rehabilitation, should they develop a substance abuse or mental health problem. He will continue working on this and report back on how the case is decided.

Chair Hayes said he would like to do another saturation patrol and/or media release to get the word out that enforcement is increasing again. He suggested a media blast when the DRE school graduates.

X. Liaison Reports

AAA

Marie Dodds submitted a written report: AAA Oregon/Idaho is doing messaging across all channels including traditional and social media, reminding people not to drink and drive, and to celebrate safely by making good transportation choices. They will release the AAA holiday travel forecast on May 15th for Memorial Day. Not only does this include all the travel-related data, such as numbers of people traveling, how people are traveling for the holiday, and top destinations, they also include traffic safety information – reminding travelers about the dangers of impaired driving, distracted driving, and drowsy driving. Their travel survey shows that about 88% of holiday travelers will be driving to their destinations, so the safe driving component is extremely important.

CLEAR Alliance

Nicole McAda reported that CLEAR Alliance had also attended the DUII Conference. They have revamped their website and it will be launching on May 9th. They also have a counterfeit pill education course that's launching on May 9th and 10th. They are shortening the courses and will now be offering them for free if the attendee is willing to take a survey. They are also offering instructor training courses on a donation basis. They have been working on their impaired driving commercials in English and Spanish, which can be viewed and downloaded from [their website](#).

Multi-Disciplinary Task Force

David Beatty reported that the DUII Conference at Seven Feathers in Canyonville on April 27-28 hosted approximately 385 members. Only 203 of those were law enforcement, which indicates there were a considerable number of attendees from other disciplines represented.

Department of Public Safety Standards and Training

David Beatty reported that the new director hit the ground running, working on legislation and increasing training. He has also been working on the National Highway Traffic Safety Administration (NHTSA) assessment.

Driver and Motor Vehicle Services

Jonathan Munson reported also attending and appreciating the quality of the DUI Conference. He attended the NHTSA IDA and the Oregon Association for Court Administration (OACA) Conference where he was able to share updates on what's new with the DMV and answer questions about diversions and the IID Program.

Health Systems Division (HSD) of Oregon Health Authority (OHA)

[This link](#) will take you to the written liaison report sent in by Marisha Elkins of HSD.

Mothers Against Drunk Drivers (MADD)

Vice-Chair Cate Duke reported attending the IDA and DUI conferences, and five MADD volunteers joined her at the DUI conference. She was reporting from the Deschutes Courthouse because she had just attended a hearing for a firefighter/EMT who had killed a young girl and injured several others in 2017 and was appealing his sentencing. His request was not granted. MADD is expanding their VIPs and taking on new cases. They will be filming a video about driving under the influence of cannabis on June 26th and hope to have more public service announcements around impaired driving out by the end of the year.

National Highway Traffic Safety Administration (NHTSA)

Glenn Cramer reported working on a traffic and law enforcement capacity analysis for each state in response to the COVID pandemic and public policy issues. This was requested by the regional office.

Oregon Impact

Janelle Lawrence reported the latest HVE results from October 1st – March 1st. There were 401 shifts worked with 1840 hours overtime. Other data reported included:

- 173 DUI Alcohol Arrests
- 27 DUI Drug Arrests
- 9 minors in possession
- 9 Disabled Interlocks
- 32 Felony Warrants Served

She responded to Judge Crutchley's comment about a teen victims' impact panel and said they have one available. It can be viewed for free at [Oregonteendrivers.org](https://oregonteendrivers.org) to Oregonians between the ages of 15 to 20.

Traffic Safety Resource Prosecutor (TSRP)

Deena Ryerson reported that [HB 2316](#) is being threatened by political maneuvering at the capitol, including a walkout in the Senate.

Oregon Judicial Department (OJD)

Michael Hsu reported on data collected by the Judicial department on DUI cases filed in circuit courts in February, March, and April of 2021, 2022, and 2023. He noted that there were changes to the 2023 data presented at last month's meeting due to cases being dismissed or charges being added. The numbers can be [viewed here](#) and more data will be shared in June.

Oregon Liquor and Cannabis Commission

Michael Bloom reported on [HB 3088](#), the "alcohol to go" bill. It had a public hearing yesterday and there is a work session scheduled. He reviewed some of the details of the bill, which would include training for third party vendors, and said he is concerned about compliance.

Oregon State Police (OSP)

Lt. Evan Sether reported that Oregon currently has 176 DRE's with nine more expected to graduate mid-June. Approximately ten of the 176 will either be retiring or not recertifying between now and October, and this includes seven instructors. The DRE Sergeant selection process is still ongoing. He reported on the NMS Labs toxicology grant. OSP has been receiving data from NMS that Lt. Sether used to create a data set beginning in

January of 2019 for every sample that's been tested under the grant for the last 4 1/2 years. He is hoping to release this information to the toxicologists so they can have a sense of the scope and scale of the work that might be coming their way as they're preparing to take on antemortem blood testing again. He reported on a recent meeting with Ryan Stone, Tiana Tozer, and Josh Roll from ODOT where they discussed a possible joint research project. The hope is to merge data from ODOT and OSP on crashes and toxicology, DRE's, OSP DUII arrests, and potentially adjudication. He requested suggestions on how best to use this data should be sent via email at: Evan.Sether@osp.oregon.gov.

Ignition Interlock Device Program

OSP Sergeant Kevin Ely reported that on May 21st he will be traveling to South Carolina to attend the Association of Ignition Interlock Program Administrators (AIIPA) Conference to meet with the different administrators across the nation. He has been working on updating their website, setting up a webinar with public defenders next month, and finalizing the form that the courts give to defenders. They are working towards adding a new vendor for IID's next month.

Oregon State Sheriff's Association

Josh Wilson had nothing to report.

Oregon Transportation Safety Committee (OTSC)

Jerry Cooper reported that the last OTSC meeting was on April 12th and next meeting will be held virtually and in-person at ODOT TLC on May 10th.

State Judicial Outreach Liaison (SJOL)

Judge Bergstrom reported he had participated in the IDA and was glad to give feedback. Regarding an earlier comment Chair Hayes made about how to get the word out about efforts, Judge Bergstrom suggested a reporter in Portland named Pat Dooris. He hosts a news program on KGW that tackles problems in Portland. The judge suggested Mr. Dooris might be interested in covering the story of how Portland disbanded the traffic division and how that has impacted DUII arrests. Tiana Tozer suggested TSO's public information officer (PIO) might be a good person to take that on.

X. Adjourn

With no further business before the committee, Chair Hayes officially adjourned the meeting at 11:28a.m.

Next HYBRID Meeting: June 2, 2023 - 9 a.m. at DPSST and via Teams