

**APPROVED**  
**10/6/23**

**GOVERNOR'S ADVISORY COMMITTEE ON DUIII**  
**Friday, September 8, 2023 - Meeting Minutes**  
**Hybrid Teleconference Meeting**  
**Salem, OR**

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

**Members Present via Teams:** Honorable Ray Crutchley, Deborah Ruiz

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

**Staff Present in person and via Teams:** Traci Pearl, Ryan Stone, Brandy Anderson Gillock, Shari Davis, Vanessa Churchill, Jeff Greiner, Billie-Jo Nickens, Tiana Tozer

**Liaisons and Guests Present and via Teams:** Jerry Cooper (OTSC), Glenn Cramer (NHTSA), Deanna Kemper, Michael Bloom (OLCC), Nicole McAda (CLEAR Alliance), Sgt. Ryan Clarke (OSP DRE), Sgt. Logan Denney (OSP HVE), Jonathan Munson (DMV), Sid Moore, Michael Jackson (OSP crime labs), Gary Engler (SPD), Kent VanderKamp (Deschutes County Sheriff's Office, representing Clear Alliance)

**Public Present in person and via Teams:** John Ott, Dustin Southwick

**Call to Order and Introductions:**

Chair Chuck Hayes called the meeting to order at 9:00 a.m. and held a moment of silence to remember those who have been killed or seriously injured in crashes involving an impaired driver.

**Chair Report:**

Chair Hayes reported that he retired on September 1<sup>st</sup> from the International Association of Chiefs of Police (IACP) and that Robert Hayes was selected to replace him. He attended the Annual IACP Impaired Driving Conference in August. There was discussion about finding field sobriety tests to identify cannabis impairment. He reported that Oregon was ranked as number one in seat belt compliance. He reported on toxicology statistics and polysubstance DUII's. He shared a judge's opinion from a case in Iowa: "The defendant's motion to suppress is a work of legal fiction. It ignores over 50 years of precedence about field sobriety tests, invents new requirements for preliminary breath tests and drug influence evaluations, and mistakes the law about who is entitled to an in-person visit at the jail. This ruling, on the other hand, is a work of nonfiction based on real loss. The defendant's motion to suppress is denied because it's based on imaginary laws." Then in his summary, the judge says: "It's true that the troopers in this case didn't follow any of the laws that the defendant made up. But the troopers did follow all of the real laws. 26 pages of dribble and seven hours of malarkey doesn't change the inescapable fact that the defendant's motion to suppress is denied." He also shared [a video](#) of an impaired driver crashing into an officer's car while he was making an impaired driving stop.

**Member Reports:**

Vice-Chair Cate Duke

Vice-Chair Duke reported being busy working on their *Walk Like MADD* event in Bend on October 14<sup>th</sup> and in Hillsboro on September 30<sup>th</sup>. Their Victim Impact Panel (VIP) program is doing well, except for the Keizer location. She attended the Oregon District Attorneys Association (ODAA) Summer Conference and there was fantastic presenter who she would like to come speak at our next DUII conference. Their referrals are unfortunately increasing.

Lois Harvick

Lois Harvick reported that their compliance rate for August was the highest since they restarted in-person meetings two years ago and shared a story of a tragic loss due to DUII.

Sergeant Josh Wilson

Sergeant Wilson reported attending the conference in Anaheim as well. They have a new ambulance provider and a new mobile blood draw contract. They will still maintain their contract with Metro West, but AMR offers extended services.

Honorable Ray Crutchley

Judge Ray Crutchley had nothing to report.

Deborah Ruiz

Deborah Ruiz reported being busy with the Beaverton Municipal Court needs.

#### Justin Nielsen

Mr. Nielsen reported on an article which stated that 59% of Oregonians said they are in favor of repealing Ballot Measure 110. He reported on complications with Medicaid and waivers and continuity of care. He shared his concerns about seeing more youth clients in the program and that the current ASAM assessment doesn't adequately address youth or culturally specific issues.

#### **Minutes of Previous Meeting (July):**

Chair Hayes asked if there were any corrections or revisions needed for the June minutes. One correction was requested: on page one, Deputy Cooley's first name should be spelled Trevor.

**MOTION: Sergeant Josh Wilson moved to approve the July 2023 GAC-DUIII minutes with the requested correction.**

**Justin Nielsen seconded. Roll call vote: majority approved. Motion passed.**

#### **Public Comment:**

Dustin Southwick shared his interlock ignition devices (IID's) and breathalyzers. Sgt. Wilson suggested more communication/education should be taking place with offenders.

John Ott shared that his girlfriend was killed by an impaired driver, and he is still seeking justice.

#### **Transportation Safety Office (TSO) Report:**

Traci Pearl reported working on grants for the next cycle that begins October 1<sup>st</sup>. Chair Hayes said that at the last two conferences he attended, there was interest in backfilling officers so they could attend Drug Recognition Experts (DRE) training. Ryan Stone reviewed implied consent concerns and officers not showing up for court appearances. He reported on his media projects and said he is working with the Oregon State Police (OSP) to increase IID compliance. He shared a new document for liaison reporting, which can be [viewed here](#). He suggested half of the liaisons report out with this form and the other half report out at the meeting, and then they alternate each month. He shared an example of a letter he will begin sending monthly to the Governor's Office to educate her on what the committees are doing. That form can be [viewed here](#). Mr. Nielsen said he felt that a contact in behavioral health should also receive a copy of the report that will be sent to the Governor's Office. Mr. Stone shared the [3D Proclamation \(Drunk and Drugged Driving\)](#) for December. Chair Hayes suggested it could be sent out to stakeholders for their own use, and send a fact sheet out with it that includes crash data. TSO is already working on legislative concepts (LC's) for the 2025 session. National Transportation Safety Board (NTSB) is pushing for IID requirements to be added into our administrative license suspension law. The Cannabis symposium will be on December 22<sup>nd</sup>-23<sup>rd</sup> in Portland. E-warrant funding is expiring, but that money can still be used for other eligible expenses, such as toxicology, equipment for HVE's, and the DRE program.

**MOTION: Sergeant Josh Wilson moved to approve the new GAC-DUIII forms and proclamation. Justin Nielsen seconded. Roll call vote: majority approved. Motion passed.**

#### **Impaired Driving Assessment Report:**

Chair Hayes encouraged the members to review the document and bring forth suggestions for improvement. Mr. Stone asked if members have specific priorities they would like to discuss, to please let him know, for future agenda builds.

#### **Old Business:**

Chair Hayes discussed recruitment efforts and the hope that this will bring more public engagement in these meetings.

#### **New Business:**

Future meetings will begin traveling around the state to different areas, to engage with local stakeholders. The Regional Transportation Safety Coordinators (RTSC) would like to be involved in planning these, so they can ensure their communities area are forewarned and prepared. Mr. Stone will work with the RTSC's to plan these.

#### **Liaison Reports:**

##### Traffic Safety Resource Prosecutor (TSRP)

Deena Ryerson reported on attending the National Transportation Safety Board (ODAA) Conference, and on the difficulties prosecuting marijuana only DUII's. She reported on meetings, cases, and various training classes she's taught.

#### Oregon Transportation Safety Committee (OTSC)

Jerry Cooper shared kudos for the GAC-DUII getting [HB 2316](#) passed. He reported that Chair Hayes has been the Chairperson for 19 years. Mr. Cooper will have 40 years of service on the GAC-DUII and the OTSC when he retires. The next OTSC meeting is on September 13<sup>th</sup> from 9:30am -1pm.

#### Oregon State Police (OSP)

Mike Jackson reported that they are working on establishing the accuracy of testing and working on their backlog of urine toxicology. There were 1200 cases backlogged in April. By August, they were down to 50% reduction.

Sergeant Ryan Clarke reported that he ran his first The Drug Evaluation and Classification (DEC) Program Advisory Panel Meeting in August. They reviewed policies which will be sent for approval by Robert Hayes. He reviewed upcoming DRE trainings that are being planned. They are working on getting out 2024 grant requests. Their DRE tablet system is something he is working on implementing, and he hopes to do so by the end of the year. He is planning a DRE Conference in conjunction with the Multi-Disciplinary Task Force DUII Conference.

Lieutenant Logan Denney reported he will be over patrol services, working with the recon and fatal crash reconstructionist unit. He is still working on the High Visibility Events (HVE) Unit is forming to focus on traffic safety. They have had six Mobile Intoxilyzer tests, with no issues. They hope to build two more. He shared information on traffic stops and arrests made, and his appreciation for the strong partnership he has in other agencies.

#### National Highway Traffic Safety Administration (NHTSA)

Glenn Cramer reported that this will be his last meeting and thanked them for the meaningful work they do.

#### MADD

Cate Duke reported that MADD is organizing a golf tournament for next August where 100% of the proceeds will go towards abuse education and prevention messaging, in honor of one of her clients who lost his 18-year-old son to an impaired driving crash. They are working on an educational video and PSA's about cannabis impaired driving.

#### Driver and Motor Vehicle Services

Jonathan Munson reported working on all the changes that will be needed as a result of the passage of [HB 2316](#) and partnering with law enforcement agencies around the around the state to implement them.

#### CLEAR Alliance

Nicole McAda reported they have completed the first phase of their commercial campaigns with KTVZ. They continue developing their campaign with Central Oregon Area Commission on Transportation (COACT). They continue to work on billboards, including Spanish versions. They attended the Deschutes County Cannabis Advisory Panel Meeting. They will be sending posters out to 48 schools, discouraging impaired driving.

#### Oregon Judicial Department

Judge Crutchley report on his concerns about the processes of assigning IID placement in diversion programs. He would like clarification on why that is the responsibility of ODOT. He proposes this committee take the issue on and investigate having this revised. Ms. Ryerson said she would learn more about it and Chair Hayes said he would like to see this on the next agenda.

#### Salem Police Department

Office Gary Engler report on staffing shortages and working hard to gain recruits.

#### **Adjourn:**

With no further business before the committee, Chair Hayes officially adjourned the meeting at 12:00 p.m.

**Next Meeting: October 6, 2023 - 9 a.m. at DPSST and via Teams**