



Florida Impaired Driving Coalition Meeting Report

June 22-23, 2017

Prepared For:

Florida Department of Transportation

Prepared By:

Chris Craig, FDOT Traffic Safety Administrator

Meeting Notes By:

Cambridge Systematics, Inc.



1.0 Attendees

Members:

Name	Agency Represented	Attendance
Kim Allen	Florida Public Safety Institute	<input type="checkbox"/>
Corporal Susan Barge	Florida Highway Patrol	<input type="checkbox"/>
Garett Berman	State Attorney's Office 17th Judicial Circuit	<input type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input type="checkbox"/>
Danielle Branciforte	Florida Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Juan Cardona	Law Enforcement Liaison	<input checked="" type="checkbox"/>
Kyle Clark	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Larry Coggins	Mothers Against Drunk Driving (MADD)	<input checked="" type="checkbox"/>
Chris Craig	Florida Department of Transportation	<input checked="" type="checkbox"/>
Chief James Cruse	Florida Police Chiefs Association	<input type="checkbox"/>
Matthew Dunagan	Florida Sheriffs Association	<input type="checkbox"/>
Darrell Edmonds	Institute of Police Technology and Management	<input type="checkbox"/>
Jacqueline Edwards	Florida Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Captain Christi Esquinaldo	Hillsborough County Sheriff's Office	<input checked="" type="checkbox"/>
Felecia Ford	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Mike Fraher	Department of Business and Professional Regulation	<input type="checkbox"/>
Frank Franco	Department of Business and Professional Regulation	<input type="checkbox"/>
Dr. Bruce Goldberger	University of Florida College of Medicine	<input type="checkbox"/>
Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
The Honorable Karl Grube	Trial Court Judge	<input checked="" type="checkbox"/>
Lora Hollingsworth	Florida Department of Transportation	<input type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Kathy Jimenez-Morales	Florida Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
Helen Justice	DUI Counterattack, Hillsborough, Inc.	<input checked="" type="checkbox"/>
Dr. Brett Kirkland	Florida Department of Law Enforcement	<input type="checkbox"/>
Luis Lopez	Jacksonville Sheriff's Office	<input type="checkbox"/>
Andy Meresse	Tallahassee Police Department	<input type="checkbox"/>

Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input checked="" type="checkbox"/>
Vin Petty	State Attorney's Office Sixth Judicial Circuit	<input type="checkbox"/>
Dave Pinsker	Mothers Against Drunk Driving (MADD)	<input type="checkbox"/>
Brett Railey	Florida Police Chiefs Association	<input type="checkbox"/>
Richard Smith	Seminole Tribal Police Department	<input checked="" type="checkbox"/>
Julie Taylor	County Court & Juvenile Duval State's Attorney	<input type="checkbox"/>
Channing Taylor	Florida Highway Patrol	<input checked="" type="checkbox"/>
Nicholas Trovato	Florida Association of State Prosecutors; Circuit Court - 16th	<input checked="" type="checkbox"/>
Tanesha Williams	Florida Sheriffs Association	<input checked="" type="checkbox"/>

Coalition Support

Lorrie Laing	Cambridge Systematics, Inc.	<input type="checkbox"/>
Danny Shopf	Cambridge Systematics, Inc.	<input checked="" type="checkbox"/>

Others in Attendance:

- Zoe Williams, Electric Vehicle License and Information System (ELVIS)
- Dottie Young, DHSMV Program Manager for DUI
- Amy Pontillo, TraCS
- Sgt. Tim Sullivan, Hillsborough County Sheriffs Office
- Jake Shanahan, Florida Department of Law Enforcement

2.0 Meeting Notes – June 22

Welcome & Introductions

Danny Shopf, Cambridge Systematics, welcomed members to the meeting and introduced himself. He asked members to introduce themselves and note which agency/organization they represent.

Review of Action Items and Activity Report

FIDC members reviewed the action items from the previous meeting and provided a brief summary of progress made on each item. (**Action items are listed below in bold.** Action items to be addressed at the next meeting are in italics and underlined).

Outreach Efforts about Membership

Misdemeanor County Court – Vin Petty was not present but provided prior to the meeting:

- **9th Circuit SAO** – Dave Fear is still very interested. He is continuing to work on getting formal approval and was unable to attend this meeting. *Vin will provide an update at the next meeting.*
- **18th Circuit** – Ben Fox is interested and will be participating in the future.

Department of Education – Danielle Branciforte was not present. *Danielle will provide an update at the next meeting.*

Office of Compassionate Use – Corporal Susan Barge was not available. *She will provide an update at the next meeting.*

Coast Guard Reserve and Federal Probations – Chris Craig noted that he is taking steps to identify a way to reimburse federal employees for their travel expenses but does not have any results yet. Olympia Jackson is another potential member that is affected by this rule. *Chris will provide an update at the next meeting.*

Office of the Attorney General – Nick Trovato noted that the Office of the Attorney General will not provide a representative to participate on the committee at this time. They did request the FIDC continue to include the office in emails as they may decide to participate in the future.

Florida Sheriff's Association – Chief Brett Railey was not able to attend. Tanesha Williams represented the Association and will continue to participate in the coalition going forward.

Alcohol Influence Report Form

Chris Craig, FDOT, reviewed the Alcohol Influence Report Form. He introduced Amy Pontillo, TraCS, and Zoe Williams, ELVIS, to introduce their programs. Zoe noted that the goal is to make electronic citation capability available to all officers. Currently the programs are missing the DUI packet due to different requirements and forms for each agency. She described a situation where an officer used a DUI form designed for one county in another jurisdiction where the form was not accepted by the judge. The programs cannot customize reports for individual agencies but are able to support statewide forms and initiatives. She suggested a standardized DUI packet and Uniform Alcohol Influence Report Form to provide minimum requirements for reporting alcohol impaired driving and move toward standardized reporting.

Coalition members had the following comments and questions (*responses in italics*):

- Is this the only vendor or are there others?

- *There are other vendors and we are unsure if the others have an alcohol form. ELVIS and TraCS are funded through the TRCC.*
 - *TRACS has about 18,000 of 34,000 officers using this software.*
- Could you provide examples of why the original forms were not being accepted by the judges or state attorneys?
 - *Field sobriety tests are handled differently among the circuits which causes issues with this form. If a form indicated a certain test was used that is not accepted in the jurisdiction, the form is not accepted by the judge or state attorney.*
- Is the focus of TRACS and ELVIS the development of standardized forms?
 - *Yes*
- Different forms for different districts was a complaint from DREs so there is support for a standardized form.
 - *We need to have the judges and attorneys agree on a standardized form they will all accept.*
- FHP is using the same form across the state. If the local state attorney or local jail does not accept that form, officers are required to take the form they approve instead of the FHP form.
 - *To clarify, this is in additional form for the DUI package.*
- Could we change Alcohol Influence Report form to a DUI report that includes drug and other impairment? Is this form used outside of alcohol? Is there a separate one for drugs?
 - *Many use this form for drugs as well. It would be helpful to change the title to "DUI Report Form" to accommodate the inclusion of drug impaired.*
- Could we add an "other" field to include additional information related to local requirements?
 - *This is an option but generally TRACS and ELVIS should have key information coded in a way that it can be analyzed. "Other" fields are very difficult to analyze.*
- A prosecutor generally doesn't introduce the Alcohol Influence Report form as evidence. The form is intended to be used by the prosecution to help the officer recall the situation. The defense typically uses the form to ensure the officer's testimony matches what is included in the form.
- Is this form addressed in Florida Administrative Code?
 - *Yes, it is addressed in FAC 109.*
- If the FHP form is looked at favorably by FDOT, we should use that form as a starting point for a standardized DUI form. TRACS and ELVIS can review the FHP form and identify additions to make when developing a standardized form.

Tampa Bay Area Last Drink Served Program

Sgt. Tim Sullivan, Hillsborough County Sheriff's Office, provided an overview of the Tampa Bay Area Sheriff's Alcohol Vendor Enforcement (SAVE) Program. He also provided background information about the Sheriff's Underage Compliance Checks, Education, and Enforcement Detail (Succeed).

Coalition members had the following comments and questions (*responses in italics*):

- Is the Sheriff's office aware of the AAA Tow-To-Go campaign? Is this shared with the vendors?
 - *Yes, this information is shared with vendors as well.*
- How do the businesses view the Sheriff's Office when they do the compliance checks?
 - *Generally, the clerk already knows what happened and they know who they sold to that they shouldn't have. In some extreme cases, the business can be shut down.*
- Has there been any preparation about alcohol delivery directly to someone's door?
 - *This is still relatively new and there hasn't been much discussion about it yet.*
- Are there any other programs like this around the state?
 - *Not that we are aware of. However, the Sheriff's Office is happy to share program information with other agencies.*
- Are establishments that commonly appear at the top of the list resistant to the SAVE Program?
 - *Generally, the reception is very good. The last thing they want is their business shut down due to overserving or under age service. Establishments do not remain at the top of the list for long.*
- Can FDOT do anything to support this program?
 - *Continue to offer the grant that supports this program.*
- Have there been issues with Ride Sharing companies not taking drunk passengers for fear of getting a poor rating?
 - *No, this hasn't been an issue. Uber, for example, has been very supportive of efforts to reduce impaired driving and has offered codes for free rides to impaired passengers during major events where impaired driving rates are anticipated to be high.*

Impaired Driving Strategic Plan

Chris Craig, FDOT, provided an overview of changes to the Strategic Plan. He asked if there were any recommendations before the plan was approved.

- Minor text edits were made to the Impaired Driving Strategic Plan. The plan was unanimously approved with the understanding those edits would be made.

New FIDC Website and Letterhead

Danny Shopf provided an overview of the new FIDC website. Members were asked if they had any questions or comments about the design of the website or its organization. Danny also presented two prototypes of an FIDC letterhead and asked members which version they preferred. Members identified the version of the letterhead they preferred and asked to make that version available on the website.

Coalition members suggested using NHTSA's traffic safety fact sheets to create handouts for impaired driving.

Legislative Updates

Chris Craig provided an update of legislative activity since the last FDIC meeting.

- SB 918, on first time refusals, died in appropriations;
- SB 858/HB 895, on blood draw warrants, died in criminal justice subcommittees;
- SB 784/HB 545, on withhold of adjudications for DUI defendants ordered/electing for ignition interlocks, was tabled; and
- SB 8A, on medical marijuana, passed.

Chris provided an overview of the medical marijuana legislation. The medical marijuana bill provides funding to DHSMV to train up to 20 more DREs annually. Because marijuana is still a federally controlled substance, employers are able to forbid usage of medical marijuana without repercussions related to ADA accommodations.

Adjourn

Meeting adjourned at 4:03

3.0 Meeting Notes – June 23

Review of Day 1

Kyle Clark provided an overview of the discussion from Day 1.

FIDC DUI Diversion Program Subcommittee Update

Senior Judge Karl Grube provided an overview of the activities of the FDIC DUI Diversion Subcommittee. He highlighted the goals identified by the subcommittee and noted key accomplishments since the last FIDC meeting.

Coalition members had the following comments and questions (*responses in italics*):

- Are there any recent studies related to the effectiveness of DUI Diversion Programs?
 - *A study is currently being completed. We can review the results of the study when it is published.*
- Nick Trovato noted the 16th Circuit has a diversion program. Participants can opt for a 3-month interlock or a 30-day SCRAM bracelet. They do not require monetary contribution to any program, just the cost of supervision. He will provide additional detail to Kyle Clark distribute to the coalition.
- Ray Graves noted that one solution would be to request a list of participants be provided to DHSMV by the Diversion Programs. DHSMV could track those records over time to evaluate recidivism.
- Are drugged driving offenders eligible for DUI Diversion Programs?
 - *In the 16th Circuit, any felony charges are not eligible for the programs, so if they are charged with possession they are not eligible. Otherwise, they may participate.*
- The 16th Circuit has reports that track the cases including the number of people who completed the course, number of people who dropped out of the course, and number of people who offended again (can only track local offenses). Back on Track has been operational since July 2013 and has served several hundred people since it began.
 - What criteria make someone eligible for this program?
 - *No prior alcohol driving history*
 - *No felony or misdemeanor convictions*
 - *No felony diversion history*
 - *One pre-trial intervention*
 - *No crashes*
 - *No minors in the vehicles*
 - *No invalid license for any reason*
 - *BAC maximum is a 0.249*
- The Subcommittee will reach out to Nick for information about his diversion program.
- The FIDC will draft a letter to all counties to determine if they have a Diversion Program. The Coalition wants to get information about their diversion program's criteria and processes, and identify what data they have available.
- Ray Graves said he can find someone to conduct a recidivism study when we receive data from the diversion programs.

Update on Data Needs from Previous Meeting

Danny Shopf provided an update on data needs identified at the previous FIDC meeting and information about methods other states use to collect and analyze breath test refusal data. He also provided

information on how other states are tracking the number of law enforcement officers trained for AIRDE/SFST.

Larry Coggins offered to follow up on ATMS to see if we can track the number of ARIDE and SFST.

Review and Update FDIC Action Plan

Kyle Clark, Chair, reviewed each of the actions in the FDIC Action Plan and made updates based on recent efforts by FDIC Members.

Next Steps

Chris Craig provided an overview of next steps and travel reimbursement information.

Coalition members agreed that the August meeting would be in Tampa. Chris will work on finalizing the meeting location and setting up a room block.

The next meeting date was tentatively set for November 16-17, 2017 in Orlando. Chris will work on booking the same location used for the March meeting.

Adjourn

Meeting adjourned at 11:26

Contact information for Florida Impaired Driving Coalition questions:

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