



Florida Impaired Driving Coalition Meeting Report

November 16-17, 2017

Prepared For:

Florida Department of Transportation

Prepared 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 checked="" type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input checked="" 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 checked="" 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"/>
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"/>
Melissa Gonzalez	Florida Department of Transportation	<input checked="" type="checkbox"/>
Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
The Honorable Karl Grube	Trial Court Judge	<input checked="" type="checkbox"/>
Lora Hollingsworth	Florida Department of Transportation	<input type="checkbox"/>
Vernon Howell	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Olympia 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"/>

Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input checked="" type="checkbox"/>
Vin Petty	State Attorney's Office Sixth Judicial Circuit	<input checked="" 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 checked="" type="checkbox"/>
Danny Shopf	Cambridge Systematics, Inc.	<input checked="" type="checkbox"/>

2.0 Meeting Notes – November 16

Welcome & Introductions

Kyle Clark, Chair, introduced himself and welcomed members to the meeting. 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

US Military Representation – Juan Cardona reached out to Olympia Jackson. She is interested in participating but is unavailable to travel. She has agreed to call-in when she is available.

Department of Education – Danielle Branciforte was not able to attend. An update will be provided at the next FIDC meeting.

Goodman v. FDLE (SC16-1752) – Ann Marie Johnson provided an update on the Goodman v. FDLE Case that is at the FL Supreme Court. Mr. Goodman was being charged with DUI manslaughter. Mr. Goodman has challenged the legitimacy and sufficiency of FDLE regulations related to the collection and storage of blood samples.

Goodman appealed the administrative law judge's order. The appellant challenged the legitimacy and sufficiency of two FDLE regulations: Rules 11D–8.012 and 11D–8.013. These regulations govern the

collection and storage of blood samples for the FDLE's blood alcohol testing program, as well as regulate those persons qualified to test the samples. Rule 8.012 specifies a number of steps that must be taken during the blood collection and testing process, including, inter alia, that the skin must be cleansed with a non-alcohol antiseptic before collection, that the samples "must be collected in a glass evacuation tube that contains a preservative," that "the tube must be inverted several times" and labelled properly, and that the samples must be refrigerated if they are stored for more than seven days. However, the rule does not set standards either for the type and size of needle to be used or the tourniquet application protocol to be followed in the collection of a blood sample for testing. Rule 8.013 lays out the requirements for a Florida blood analyst permit, and further sets forth the blood alcohol testing analytical procedures. This rule fails to explicitly require the analysts to screen for and reject compromised blood samples, or to document irregularities in the tested samples. These deficiencies, Appellant argues, render the regulatory scheme insufficient to ensure the reliability of the blood alcohol test results.

The appellant failed to show that Rules 8.012 and 8.013 do not ensure the accuracy of the blood testing program. The administrative law judge's and trial court's determinations that these rules adequately protect the reliability and consistency of blood testing were supported by competent evidence in the record on appeal. For these reasons, the administrative law judge's order was affirmed.

FIDC Handout - Danny Shopf reviewed the FIDC handout with Coalition members and asked members to provide any edits. FIDC members had the following comments:

- Add the following to the FIDC Members list:
 - State Attorney's Office 16th Judicial Circuit
 - International Association of Police Chiefs

Implied Consent Cards

Chris Craig provided the coalition with three examples of implied consent cards (one each for breath, blood, and urine) FDOT is developing to share with Florida Law Enforcement. Chris also shared a draft of the SFST scoring clipboard FDOT is creating. Chris asked the Coalition to review the cards and provide their input. FIDC members had the following questions and comments.

- Should we consider including both English and Spanish on the implied consent cards?
 - This is a good idea, but it is more important that the contents fit on the right sized card. Law enforcement officers like to carry these cards in their pocket so they are easily accessible which limits the space that is available.
- The Florida Highway Patrol has just approved an updated version of the implied consent cards. Ann Marie Johnson will provide FDOT with the final version of those cards as an example.
- Some of the information on the SFST scoring clipboard is either incorrect or out of date. Kyle Clark will provide updated tests and diagrams to include on the clipboard.

Update on DUI Diversion Subcommittee

Senior Judge Karl Grube gave a presentation on the status of the DUI Diversion Subcommittee's activities. He noted that, according to the NHTSA, "Effective DWI control systems can use a variety of adjudication and sanction methods and requirements. The key feature is that an alcohol-related offense must be retained on the offender's record. Otherwise, offenders who recidivate will receive less severe penalties than if the original charge had been retained on their record." Currently, none of Florida's DUI Diversion Programs retain the alcohol-related offense, or any indication that a DUI Diversion Program was completed on the offender's record. Florida's DUI Diversion Programs:

- are not statutory in nature;
- do not operate under a state recognized standard;
- vary greatly and do not result in uniform dispositions;
- are created, administered, and regulated by State Attorneys exercising their prosecutorial executive discretion; and
- do not require judicial approval and are not subject to judicial review.

Senior Judge Grube noted that it would be difficult to implement legislation regulating the discretion that State Attorney's Offices exercise but some success might be gained through publishing guidelines for State Attorney's Offices to apply to their record keeping and reporting processes.

FIDC members had the following questions and comments.

- It would be helpful to know if arrest rates have changed in counties that have DUI Diversion Programs.
 - Are officers in areas with diversion programs less likely to pull over and/or arrest drivers that are suspected to be impaired?
 - *Coalition members were unsure if this was the case.*
- DUI adjudications are declining, possibly due to cases being charged as reckless.
- DHSMV is working on a DUI tracking system as a part of the Motorist Modernization Project.
 - Ideally, we would include a column that says "Diversion Program" so it can be easily tracked.
 - FDOT will present this suggestion at the upcoming TRCC meeting.
- DUI Diversion Subcommittee will:
 - Develop a model program and provide a series of best practices that can be used by existing and new DUI Diversion Programs and incorporate references to where the money collected from these programs are distributed.
 - Identify recommended updates to DUI Diversion Program tracking.
 - Optional: Should the subcommittee collect and present data to each State Attorney's Office and draw attention to how the DUI Diversion Programs are affecting DUI arrests? The subcommittee could work with a research group/university to perform this analysis.

Finalize Updates to FIDC Action Plan (Goals 5 and 6)

Lorrie Laing reminded the Coalition that Goals 1-4 were updated at the previous FIDC Meeting. She reviewed those goals, objectives, strategies, and action steps and asked the Coalition to provide edits where necessary. She then introduced the remaining goals 5 and 6 in the Action Plan and led a discussion on potential objectives, strategies, and action steps to include in this section of the Action Plan.

Adjourn

Meeting adjourned at 5:00 p.m.

3.0 Meeting Notes – November 17

Review of Day 1

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

FIDC 2018 Activities

Lorrie Laing reviewed the updated FIDC Action Plan based on input from Coalition Members during day 1. Coalition members were asked to provide updates for each action step. Additional action steps were identified for some goals and action steps were removed for others, either because they were completed or no longer relevant.

Following the Action Plan update, Lorrie asked the Coalition to identify the key activities they would like to focus on as a Coalition in 2018. Coalition Members identified the following actions to focus on in 2018:

- Strategy 1.1.1 - Gain membership through outreach to military representative, Department of Education, and multi-cultural organizations.
- Action Step 2.1.1a - Work with Department of Business Professional Regulations to draft model language to address over-service.
- Action Step 3.1.1a - Revise Refusal model language used previously and post on the FIDC website.
- Strategy 3.2.1 - Propose model language that includes parameters for deferral programs in the state and centralizing the data for offenders who have already been in a deferral program.
- Strategy 3.4.1 - Work with the TRCC to encourage development of a process to link citations to the impaired driving court case numbering system.
- Action Step 3.6.1a - Draft model language for search warrants related to blood draws for drug impaired driving and post on the FIDC website.
- Action Step 4.1.1a – Draft an Impaired Driving Strategic Communications Plan.
- Action Step 5.1.1a - Report out from the Jacksonville 24/7 Program Pilot.
 - *This pilot is no longer active. FIDC will review and revise this action step at the next meeting.*
- Action Step 5.1.2b - Draft a list of best practices for DUI Diversion program record keeping based on activities in other states.
- Objective 6.4 - Explore methods to track law enforcement training related to impaired driving, (ARIDE, SFST, etc.) for both instructor and the officers they have trained.

DUI Awareness Survey

Chris Craig presented the results of FDOT's DUI Media Survey. He noted that FDOT has a \$3,248,000 budget for *Drive Sober or Get Pulled Over* advertising. In 2017, 1,475 surveys were completed throughout the state in each of Florida's 10 media markets. Survey results include:

- Of all respondents, 5.5% admitted to operating a motor vehicle within 2 hours of drinking in the past 30 days.
- A majority of all respondents that admitted to operating a motor vehicle within 2 hours of drinking reported being well below or just below the legal limit for drinking and driving (85.1%).
- Of all the media markets, West Palm Beach had the most respondents that reported operating a motor vehicle within 2 hours of drinking (12.5%).
- Respondents 65 years of age or older are the least likely of all the age groups to have read, seen, or heard of the *Drive Sober or Get Pulled Over* campaign (30.9%).
- The respondents in the Broward/Monroe media market were the least likely to have read, seen, or heard of the *Drive Sober or Get Pulled Over* campaign (35.1%).
- Almost half of the survey respondents had seen or heard the *Drive Sober or Get Pulled Over* message (44.7%).

Groundwork for FFY 2018

Lorrie led a discussion with Coalition members to identify additional information they needed to accomplish the items they agreed to focus on in the Action Plan. She asked Coalition members if there was additional data or potential speakers they would like to hear from in 2018.

- Dr. Bruce Goldberger would be a good option to have for a presentation on drug impairment and testing.

Next Steps

Chris provided an overview of next steps and travel reimbursement information. He noted that the next meeting will be on February 22-23, 2018 in Gainesville.

The coalition agreed to meet on the following dates/locations in 2018:

- May 10-11, 2018 in Tallahassee
 - Chris will work on identifying a location other than the Public Safety Institute
- August 2-3, 2018 in Orlando

Adjourn

Meeting adjourned at 12:00 p.m.

Contact information for Florida Impaired Driving Coalition questions:

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