



JOHNSON AND ASSOCIATES

Management Consulting Services

1036 Durango Drive
Douglas, WY 82633

Phone: 307-351-8614
Fax: 307-358-4315
E-mail: janda@communicomm.com

Governor’s Council on Impaired Driving

MINUTES DECEMBER 4, 2019 10:00 am – 2:00 Pm CASPER, WY

TYPE OF MEETING	Quarterly Meeting
FACILITATOR	Facilitator Ernie Johnson – Staff Support Lori Emmert
ATTENDEES	<p>Council Members/Audience: Rich Adriaens, Chris Walsh, Kebin Haller, Cally Lund, Noel Cooper, Cody Beers, Joey Burke, Tom Montoya, Ashley Schluck, Matt Groth, Karson James, Kerry Shatto, Byron Oedekoven, Rob Black, Laura Sondrup, Matt Sonderup, Alex Toalson, James Whipps, Rhea Parsons, Barbara Roach, Shannon Ratliff, Angie Van Houten, Peter Michael, Sundance Port of Entry, IPR Staff, Mike Reed, Ernie Johnson, Lori Emmert</p> <p>Conference Call Attendee’s: Mike Kahler, Tim Day, Erica Mathews, Toni Williams, Sara King, Anne Sutton</p>

Agenda topics

GENERAL DISCUSSION

RICH ADRIAENS – CO CHAIR
BRIDGET HILL – CO-CHAIR

DISCUSSION	<p>Opening remarks and introductions. Welcoming members and guests. Vote for minutes. Ashley moved, Chris seconded. Everyone in favor. Concern and confusion around membership of council. Patience with membership. Confirmations will happen. Website on boards is about three years behind, it should be updated by summer. Governor gave specific directions at onset. He likes what we are doing and Governor’s office to maintain control. Council was created under executive order. We will remain under Governor Mead’s order. The Governor appoints two co-chairs. Incoming attorney general to be a co-chair along with Chief Rich Adriaens. She cannot be here today due to illness. Term of office set at two years. Ernie recommended a term of three years, Governor left to council, it stays at two years. Look at paper, if you have an xo, you are an ex-officio and you will remain a member. Sometime next summer, we’ll decide who will re-look at terms. No questions were posed in regards to membership.</p> <p>Email from Rebel Kuebel who was hit head on by a drunk driver while on his motorcycle. He wants to bring awareness about drunk driving by mounting his bike on a trailer. Duane mentioned he met him also. There are some concerns about his life history and he wasn’t wearing a helmet. The woman who hit him had a DUI three months prior. Does HP or the motorcycle program have any interest in this request. There is already a plan in place with a different trailer and motorcycle where the riders were outfitted appropriately.</p> <p>Look at data. We have 23 more alcohol involved crashes. Drug involved is about the same, but about 21 more injury crashes. We have less fatalities regarding alcohol and drugs.</p> <p>24/7 Program – Mike -- Right now there are 4 counties currently participating in program. Natrona County has kind of dropped out for the time being. Campbell County has 145 participants in the program, 243 people total in the entire state. Just under 6000 breath tests in the state. Just 15 tests were failed. There is a 99.73% pass rate. This is encouraging. More</p>
-------------------	--

people are staying sober and less people staying in jail. Even with failed tests or no shows, there is a 99% compliance rate in the program. It is 1% or 2% higher than other programs. They will be adding remote breath testing. We get people in the program who can't quite make it to the in-person breath test for work or where they live. Typically compliance rates with remote testing lowers to about 91% or 92%. Looking at ways to administer the program so there aren't logistical issues to the agencies.

Sheriff Holbrook – spoke about Natrona County. Visited the program in South Dakota. The issue they ran into is that judges would be put them in the program and then attendees would go back and say it was a hardship, so they would be removed. The program had to be closed down. Sheriff Holbrook had staff who were completely committed to the program. Hardships were work related or financial or couldn't get to the jail itself. Sheriff Holbrook will open again in a heartbeat if there is a way to make it happen. Lori – Laramie County and Teton County will be coming on hopefully by April 1. Byron – when we first started, we looked at South Dakota's statute. Many states have handled this differently. There isn't a choice, it just has to happen. What would happen with those smaller departments? The technology we are discussing today should help with those remote agencies. South Dakota made it a very blunt, straight forward sentence. They appropriated money for equipment, etc. State of Wyoming made it self funded.

Cally Lund spoke about their support of the program and the number of prescription drug usage in addition to alcohol use, which we needed to test for in order to determine danger to public safety. Remote breath would be great. A lot of resources are being used to keep the public safe while addressing the issue.

Cody Beers – a way to reduce people back in jail and curious about growth of the program. Are the two new programs coming on voluntarily or will they need help with funding?

Chief Adriaens – when people are monitored, they change their behavior. Having to come in and face that officer is extremely effective. Karson – there was funding for equipment, not sure how much of that funding is left. Ernie says funding is not an issue. The issue is staff.

UPDATE: CHEMICAL TESTING

BARBRA ROACH, DEPUTY DIRECTOR,
WY DCI

DISCUSSION	<p>Overall an increase in lab analysis requests since 2010. Working to be more progressive with IT. Toxicology assignments – WHP biggest customer and then a break down of LE departments around the state. Backlog has gone up on drug chemistry. Two fully trained analysts in toxicology. Governor has recommended an additional person. It will take a while for that individual to become trained. Turn around time. There is one analyst and one instrument for each. The LC costs about \$270,000, this one is where there is the longest turn around time. Manpower and training. Toxicology back log is the biggest. 700 backlogged cases for toxicology. There are about 50 a week of requests. Vast majority wants everything tested. Outsourcing to another lab would be helpful, but out of state witnesses to testify in court costs a lot of money. Video conferencing isn't completely embraced. Chief Adriaens uses Access. It runs him about \$240 to \$300 a test. The results are lock solid, most people plea out and rarely is a witness needed.</p> <p>Ernie – the crime lab has a problem we created for them. Responsibility was transferred to crime lab, but no staff or resources were allocated. It's an issue we need to resolve.</p> <p>Byron – five staff were requested. One is in the works.</p> <p>Chris – Barb needs the equipment and people she needs. Cost recovery is needed from offenders.</p> <p>Ashley – There is statutory authority to make offenders pay.</p> <p>Jim – mixed drug is an issue. Being able to test for all, is important. It's over 50%.</p>
-------------------	--

GRANT FUNDS FOR TRAFFIC SAFETY AND GCID INITIATIVES

KARSON JAMES – HS GRANTS MANAGER,
WYDOT

DISCUSSION	<p>Fixing America's Surface Transportation Act is up in September 2020. Congress is working on it. 2021 Grants are releasing grants on February 2 and due March 20, 2019. Those who want to receive funding, start preparing now.</p>
-------------------	---

STATEWIDE PREVENTION: "WHERE ARE WE?
WHERE DO WE GO FROM HERE?"

ANGIE VAN HOUTEN – SECTION CHIEF,
WYOMING DEPT OF HEALTH
RHEA PARSONS – PROJECT
COORDINATOR, WASCOP
TRACY YOUNG – COORDINATOR - WPAA

DISCUSSION	<p>Angie / DOH – Eight millions dollars were put out to counties for prevention in substance abuse, tobacco and suicide. Two million would go for county governments for suicide specifically. County commissioners were asked to specify which departments would house the prevention funds. Hospitals, public health, county commissioners directly, mental health, big brothers big sisters. Platte county did not request funds.</p> <p>Each county received a base of \$155,000 and then remaining of funds were distributed based on population. Then an additional \$2500 for capacity enhancement. Fall 2018 through June 2020. 22.42% from state general dollars, 42.7% from federal funds and 34.88% from Tobacco Settlement Funds.</p> <p>Adult Binge Drinking, Underage Alcohol Use, Tobacco Prevention, Opioid/Prescription Drugs, Suicide Prevention. Flexibility in each county to make decisions.</p> <p>Examples of policies that have been implemented were provided. Lots of training has been provided.</p> <p>Rhea provided an update on the Wyoming Prevention Action Alliance. Funding for the WPAA and the overall objective of connecting statewide organizations and local prevention coalitions. WASCOP is the TA grantee for prevention.</p>
-------------------	--

GCID AWARDS PRESENTATION

ERNIE JOHNSON – FACILITATOR

DISCUSSION	<ul style="list-style-type: none"> • Peter Michael – Wyoming Attorney General (Retired) • Mike Blonigen – Natrona County District Attorney (Retired) • Injury Prevention Resources • Sundance Port of Entry
-------------------	---

UPDATE: GCID MEDIA CAMPAIGN

KARSON JAMES – HS GRANTS MANAGER,
WYDOT
LAURA SONDERUP – HEINRICH
MARKETING

DISCUSSION	<p>Border War Messaging – Commercials done by WHP played. Wonderful partnership between WYDOT and CDOT. Everyone was working toward same outcome, reduce incidence of impaired driving. Lots of personal interactions with folks at the game. Asking folks how much they drank, breathalyzers, etc. People underestimated their blood alcohol content. Video shoot in Sheridan and Gillette. What does their road mean to them.</p> <p>FY20 Planning – Increasing incidents of drug impaired driving. Identify how we continue to great success we are having. Introduce more of the drug impairment message also.</p>
-------------------	--

UPDATE: DRUGGED DRIVING MEDIA CAMPAIGN

RHEA PARSONS – COORDINATOR,
WASCOP

DISCUSSION	Rhea provided data from Adbay on drugged impaired driving stats.
-------------------	--

UPDATE: CAMPBELL COUNTY IMPAIRED
DRIVING TASK FORCE

RHEA PARSONS – TASK FORCE
COORDINATOR

DISCUSSION	<p>The Campbell County DUI Task Force is working on the following projects:</p> <ol style="list-style-type: none"> 1. Designated Driver Program 2. Video shoots with Heinrich Marketing 3. 24/7 Program documentary 4. Presentations at MSHA refreshers
-------------------	---

UPDATE: STRATEGIC PLAN

ERNIE JOHNSON – COUNCIL FACILITATOR
KEVIN HALLER – COLONEL, WHP
ASHLEY SCHLUCK – WYOMING TSRP

DISCUSSION	<p>Strategic Plan Committee Process – Took a look at NHTSA assessment. 2008. Let's bring them back. It's not easy and it'll cost \$20,000 to \$30,000. So, we can put that money to better use. Take a look at leadership team. Council initiatives to date. Emerging Issues/Concerns Decide Write-up. Initial and subsequent status reviews consistent with original findings. Exceptions: Re-evaluate need for Governor's Analyst Position Judges and prosecutors training – needs attention. Supervision for pre-trial offenders lacking Review of council initiatives to date. Enhanced enforcement – over \$1 million spent. Website is meant to promote transparency. Continuing Initiatives</p> <ol style="list-style-type: none"> 1. Media Campaign, social media and public website 2. Support Enhanced Enforcement 3. Policymaker Forums 4. GCID Awards 5. DUI Arrests Data- Collection 6. Support local ID Task Force Efforts 7. Byron mentioned – GCID is THE place for information/resource <p>Issues/Concerns:</p> <ol style="list-style-type: none"> 1. Increasing incidents of Drug Impaired Driving 2. Re-evaluate need for Governor's Policy Analyst Position 3. Inadequate resources for chemical testing 4. 24/7 Program implementation issues (cost and judges being on board) 5. More effective/earlier intervention /supervision of DUI offenders Judge Day – It's fairly obvious, difficulty in enforcing in pre-trial situations, trying to keep the public safe while offenders are on release prior to adjudication. We need to make sure people are staying sober. There is no pre-trial supervision to help accomplish goals. We can't ask probation and parole to enforce pre-trial release orders. Byron – Dept of Corrections asking to lower supervision loads. Reduce fines, reduce jail time, let out sooner, not supervise is a trend happening. Efforts to educate legislators would be a good message. 6. Increasing Number of BAC Test Refusals Kebin – Obtaining search warrants for those that are not submitting to a test. Individuals are not adhering to a search warrant. Liability issues for detention centers. Some say a verbal is considered a refusal. Some say if it gets physical it's a refusal.
-------------------	--

	<p>Something to consider would be a 6 month suspension of license on first offense. We are at about a 50% refusal rate on search warrants. Some work to do here.</p> <p>Ashley – How many jurisdictions are not doing a forced blood draw. 13 of 23 counties responded. About half are not doing a forced blood draw. Some are responding with an interference. The jurisdictions that are not doing forced blood draws, they are having a hard time with refusals. Word gets out. It’s worth a discussion around a refusal on a search warrant and criminal ramifications for a continued refusal.</p> <p>Judge Day talked about a current case in Teton. The person refused, was charged with interference. It’s on appeal.</p> <p>Chris – If a search warrant takes so long to get and there’s a refusal, then that officer is going to find another way to get that person off the streets. A reduction in DUI doesn’t mean there has been behavior change.</p> <p>Byron – Discussion happening during the Sheriff’s meeting tomorrow. If they aren’t, it’s because the county attorney is not going to support. Staffing and manpower is an issue.</p> <p>Chief Adriaens – They have a special room for a forced draw. Contract with ambulance to do the draw. Firefighters like to do it. We try not to take an aggravated offender to a hospital for a blood draw. Be creative and find a solution so we don’t pass the issue on to someone else.</p> <p>Duane – It’s demoralizing to officers to put in the work and not be able to have the search warrant followed through on. Forced draws need to happen.</p> <p>7. Adequate and necessary training for Judges and Prosecutors.</p> <p>Vote on Priority Issues</p> <ol style="list-style-type: none"> 1. Include statewide implementation of 24/7 Program Sobriety Program. Celebrate our successes. 2. Drugged Driving – Devise strategy and implement initiatives to address the increasing number of drug impaired drivers. 3. BAC Test Refusals – reduce the increasing number of test refusals. 4. Supervision of DUI offenders – 1/3 of offenders are repeat offenders 5. Policy Advisor Position – re-evaluate the need for this position 6. Training – Address training needs <p>Chief Adriaens recommended anyone who’s having issues with 4 or 5 hour search warrants, contact his office, he has streamlined this. Duane updated that the form used by Sheridan has been field tested and is going statewide.</p>

OPEN FORUM

ERNIE JOHNSON – COUNCIL FACILITATOR

<p>ACTION ITEMS</p>	<p>Tom Montoya – We’ve trained over 35000 people in TiPS.</p> <p>Byron Oedekoven – Breathalyzer update</p> <p>Barbra/DCI – (Some organization) is willing to do UA. There’s a charge to the defendant. Joe Foss?</p> <p>Chris – Enforcement, prosecution, prevention and treatment. Effective laws. We can’t have prosecution if we don’t have a crime lab. Crime lab has lots of opportunity, needs staff. We need enforcement to be able to do their jobs.</p> <p>Kerry – Victim Impact Panels – is this being considered.</p> <p>Duane Ellis – DRE School in Sheridan in April 20-30. Coming out to departments soon.</p> <p>Planning Arides around the state. Looking at bringing cannabis impairment training to the west side of the state. We have 74 DREs in Wyoming. There is not one in every county. Crook, Goshen, Washakie and Niobrara other does not have a DRE.</p> <p>Carole Boughton – Shared briefly the resources available through the Wyoming Montana Safety Council.</p>
----------------------------	---

NEXT MEETING: APRIL 1, 2020 - CHEYENNE		ERNIE JOHNSON	