

Report No. VTRC 88-R20	Report Date March 1988	No. Pages 31	Type Report: Final Period Covered:	Project No. :9216-455-940 Contract No.:
Title and Subtitle Implementation Plan for Combating the Drug-impaired Driver			Key Words DUI DUID Drugged driving Drug-impaired Implementation Plan	
Author(s) Jack D. Jernigan				
Performing Organization Name and Address Virginia Transportation Research Council Box 3817, University Station Charlottesville, Virginia 22903-0817				
Sponsoring Agencies' Names and Addresses Va. Dept. of Transportation 1221 E. Broad Street Richmond, Virginia 23219			University of Virginia Charlottesville Virginia 22903	
Supplementary Notes				
<p>Abstract</p> <p>Beginning on April 1, 1988, the Commonwealth of Virginia's revised drug-impaired driving statute went into effect. It defines the drug-impaired driver as one who is under the influence to a degree that impairs his or her ability to drive safely. The revision to the law also permits a police officer to request that a suspect submit to a blood test for drugs either before or after a blood or breath test for alcohol has been administered. Although the result of the drug test will not establish that a suspect was under the influence of drugs, it will provide corroborating evidence to a police officer's evaluation of a suspect's impairment.</p> <p>In anticipation of the implementation of this law, a task force of local, state, and federal officials was called together to facilitate its effective implementation. In particular, the task force was challenged to develop a strategy by which traffic safety would be enhanced through the revised statute.</p> <p>This implementation plan was developed by the Research Council for, and in cooperation with, the task force. Enforcement, prosecution, adjudication, and treatment as well as public information and education are all addressed in the plan. The special emphasis that will be placed on enhanced sobriety-testing and a pilot drug recognition technician program are anticipated to uncover an effective way to detect the drug-impaired driver.</p>				

IMPLEMENTATION PLAN
FOR
COMBATING THE DRUG-IMPAIRED DRIVER

by

Jack D. Jernigan
Research Scientist

A report prepared by the Virginia Transportation Research Council
for the Task Force to Combat the Drug-impaired Driver
under the sponsorship of the Virginia Department of Motor Vehicles

(The opinions, findings, and conclusions expressed in this report
are those of the author and not necessarily those
of the sponsoring agencies.)

Virginia Transportation Research Council
(A Cooperative Organization Sponsored Jointly by the Virginia
Department of Transportation and the University of Virginia)

Charlottesville, Virginia

March 1988
VTRC 88-R20

SAFETY RESEARCH ADVISORY COMMITTEE

- P. S. MCCREREY, Chairman, Director, Planning & Program Development,
Department of Motor Vehicles
- R. J. BREITENBACH, Director, Transportation Safety Training Center,
Virginia Commonwealth University
- V. M. BURGESS, Transportation Safety Administrator, Department of Motor
Vehicles
- C. F. CLARK, Driver Services Administrator, Department of Motor
Vehicles
- J. T. HANNA, Deputy Commissioner, Department of Motor Vehicles
- C. P. HEITZLER, JR., Program Manager, Department of Information
Technology
- T. A. JENNINGS, Safety/Technology Transfer Coordinator, FHWA
- B. G. JOHNSON, Supervisor, Driver Education, Department of Education
- F. W. JOHNSTONE, Chief of Police, Albemarle County Police Department
- C. W. LYNN, Research Scientist, VTRC
- R. M. MCDONALD, Coordinator, Safety and Risk Administration Programs,
Virginia Commonwealth University
- J. T. PHIPPS, Director, Roanoke Valley Alcohol Safety Action Project
- C. M. ROBINSON, Field Supervisor, Department of State Police
- C. H. SIMPSON, JR., Division Manager, Planning and Evaluation,
Department of Motor Vehicles
- ANDREW SISSON, Director, Substance & Abuse Services, Christiansburg,
Virginia
- F. F. SMALL, Transportation Engineering Program Supervisor, VDOT
- J. A. SPENCER, Assistant Attorney General, Office of the Attorney
General
- C. W. THACKER, Director, Office of Substance Abuse Services, Department
of Mental Health and Mental Retardation
- E. W. TIMMONS, Director of Public Affairs, Tidewater AAA of Virginia,
Norfolk, Virginia

TABLE OF CONTENTS

	PAGE
INTRODUCTION.	1
MISSION AND OBJECTIVES.	4
Planning	4
Chemical Testing	5
Public Information and Education	5
Drug Recognition Technician Program.	6
Statewide Enforcement.	7
Treatment.	8
Evaluation	8
Innovative Countermeasures	9
STRUCTURE OF THE TASK FORCE	10
Agency Roles	10
NHTSA Roles.	12
DRUG RECOGNITION ENFORCEMENT ACTION PLANS	17
Charlottesville Police Department.	17
Virginia Beach Police Department	18
Virginia Department of State Police.	21
TASKS	23
Community Orientations	23
Police Training.	24
Statewide Orientations	25
Resource Assessment.	26
Project Monitoring and Evaluation.	27
Public Information and Education	28

IMPLEMENTATION PLAN
FOR
COMBATING THE DRUG-IMPAIRED DRIVER

by

Jack D. Jernigan
Research Scientist

INTRODUCTION

The 1987 Virginia General Assembly passed legislation concerning drug-impaired driving very similar to that proposed by the steering committee created by the Commissioner of the Virginia Department of Motor Vehicles, Donald E. Williams, to oversee work on House Joint Resolution No. 10 of the 1984 session of the General Assembly. The legislation (S.645) was proposed by Senator James Jones and received strong support from the Attorney General, Mary Sue Terry. The bill was passed by an 81-18 vote in the House of Delegates and passed the Senate unanimously.

The key provisions of the bill are virtually identical to the model legislation proposed in the steering committee's report. Most significantly, police officers are given the authority to require a driver to submit to a blood test to determine the drug content of his blood. This authority is incorporated into Virginia's "implied consent" law, § 18.2-268, so that a driver's unreasonable refusal to submit to a drug test will result in the suspension of his license. A police officer may require the driver to submit to the drug test either before or after a breath or blood test for alcohol has been administered. The authority to require a drug test after a driver has already submitted to a breath or blood test is extremely important, since most police officers do not suspect drug impairment until the results of a blood or breath test show a blood-alcohol content (BAC) level too low to be consistent with the apparent degree of impairment.

The approved legislation also incorporates the definition of the driving under the influence of drugs (DUID) offense proposed by the committee: "under the influence to a degree which impairs [one's] ability to drive safely." This definition avoids the problems with the current definition of "under the influence," which Virginia courts have construed to be alcohol-specific. Additionally, the General Assembly adopted the committee's recommendation and included language making it unlawful to drive under the combined influence of alcohol and drugs or a combination of drugs other than alcohol.

The differences between the approved legislation and the version proposed by the committee are significant, but do not substantially diminish the effectiveness of the bill. Subsection (i) provides that positive test results are admissible "only if other competent evidence has been presented to relate the presence of [drugs] to the impairment of the accused's ability to drive safely." Hopefully, courts will deem a police officer's observations to be such "competent evidence." The approved version also does not make a driver's refusal to submit to a drug test admissible in a DUID prosecution. Additionally, the legislation keeps the current enumeration of proscribed substances, despite the recommendation to replace "narcotic drugs" with "controlled substances" and "cannabinoids." However, Virginia police officers and prosecutors believe that the existing enumeration is sufficiently comprehensive to include those drugs which might be found in a driver's blood stream. Finally, the legislation provides that the Consolidated Laboratories shall set a maximum fee schedule for laboratories doing an independent drug test. A comparison of Virginia's existing law, the legislation proposed by the committee, and the version approved by the General Assembly follows.

	Current Law	Committee Version	Approved Version
Substances enumerated:	"any narcotic drug or any other self-administered intoxicant or drug of what-soever nature"	"any controlled substance, cannabinoids, or any other self-administered intoxicant or drug of what-soever nature"	"any narcotic drug or any other self-administered intoxicant or drug of what-soever nature"
Definition of offense:	"under the influence"	"under the influence...to a degree which impairs his ability to drive safely"	"under the influence...to a degree which impairs his ability to drive safely"
Drug test allowed?	no	yes	yes
Officer chooses bodily fluid tested?	no	yes	yes
Type of bodily fluid tested for drugs:	none	blood	blood
May drug test be administered after a breath test?	no	yes	yes
Standard for administering a drug test after breath test:	n/a	"reasonable cause" to suspect DUID	"reasonable cause" to suspect DUID
Refusal to take drug test admissible?	n/a	yes	no

MISSION AND OBJECTIVES

In response to the revised legislation, the Commissioner of the Virginia Department of Motor Vehicles, Donald E. Williams, established the Task Force to Combat the Drug-impaired Driver. The mission of the task force is to facilitate the effective implementation of the Commonwealth's revised drug-impaired driving statute. The goal of the task force is to increase the arrests and convictions made for DUID offenses committed in the Commonwealth and increase public awareness of the offense and the specialized enforcement efforts, thereby deterring DUID.

To reach this goal and carry out its mission, the task force will need to ensure that the DUI countermeasure system is capable of handling and ready to handle the revised DUID legislation. Following the example established through combating alcohol-impaired driving, the task force will address the following areas of emphasis to combat the drug-impaired driver.

Planning

The members of the task force were charged with the duty of creating an implementation plan by October 1, 1987. The plan, however, is to be a dynamic one that will change as conditions warrant. The present document is such a revision of the initial plan. The objective of the implementation plan is to provide a tool by which the implementation of the revised law can be orchestrated in an orderly and well-thought-out manner. The plan is also a tool by which the progress of the implementation of the revised law can be guided, monitored, and evaluated. Although the purpose of the revised law is to increase the apprehension and conviction of drug-impaired drivers, the innovative nature of the law means that there is much uncertainty about the outcome of its implementation. Consequently, changes in the timeframes, activities, and perhaps even objectives may be necessary to adjust to the developing environment of enforcement, prosecution, adjudication, and treatment of drug-impaired drivers in the Commonwealth. What is certain, however, is that each of these areas must be addressed effectively if the implementation of the revised law is to be a success.

Planning also goes beyond creating a document called an implementation plan. Planning even goes beyond the initial implementation of the revised law. If the plan is to be dynamic and the implementation of the law successful, the members of the task force must continue to combine their individual efforts and meet periodically to review the progress of the implementation of the revised law and to adjust their strategy to any changes in the environment surrounding the law.

Chemical Testing

Perhaps the most important change in the DUI legislation is that which allows a police officer to request that a chemical test be given to individuals suspected of DUID in order to determine the presence of drugs in the suspect's system.

The revised legislation dictates that the Division of Consolidated Laboratory Services establish a policy for testing the content of drugs in blood samples. The Consolidated Laboratories must also establish a policy and a fee schedule for the independent testing of blood samples that may be requested by the suspect. This policy must also include the measures necessary for an independent laboratory to gain and maintain approval as a test facility from the Division.

In addition to setting policy regulations, the Division must be prepared to conduct its own tests to determine the content of drugs in blood samples by the implementation date of the revised law, April 1, 1988. Hence, the Division needs to ensure that adequate funding, equipment, personnel, and training, all of which are necessary to conduct the chemical tests, will be in place by April 1, 1988. The Division submitted a traffic safety grant application to the DMV to assist with the start-up costs associated with the chemical-test provision of the revised law. The DMV determined that the work of the Division was directed toward promoting traffic safety, and the DMV, therefore, awarded the Division a federal 402 grant. It is anticipated that these funds will meet the needs of the Consolidated Laboratories through September 30, 1988.

Public Information and Education

Both the Virginia Department of State Police (VSP) and the DMV are responsible for developing adequate public information and education (PI & E) support for the revised law. Before April 1, 1988, these agencies are to launch a campaign that will notify all law enforcement officials of the changes in the DUI legislation. Further, by April 1, 1988, the VSP and the DMV should devise a plan for orienting the general public, law enforcement officials, prosecutors, and the courts to the revised law. This plan should stress how the changes may affect the way that a DUID case may be treated. The PI & E campaign will begin in February of 1988 with the publication of an article in the Virginia Police Chief magazine. Judicial conferences and training sessions were used effectively in the past to orient enforcement officials, prosecutors, and the courts to the alcohol-impaired driving problem, and alerting the media to special enforcement efforts such as checkpoints has proven an effective way to raise the awareness of the general public.

Drug Recognition Technician Program

As a part of the implementation of the revised law, the DMV has agreed to establish two pilot Drug Recognition Technician (DRT) Programs in the Commonwealth. Charlottesville and Virginia Beach were chosen to be the pilot areas because each is perceived to have both the potential for a significant drug-impaired driving problem and each has police leaders who are willing and able to support the initiation of the pilot effort. The VSP was also selected to participate in the DRT program.

The DRT Program is based on a Drug Recognition Expert (DRE) Program established by the Los Angeles Police Department (LAPD) more than a decade ago. The DREs are a select group of officers who are trained to identify impairment and the drug class that is associated with certain physiological signs of impairment. The DREs undergo an intensive 56 hours of classroom training and a minimum of 40 hours of field training, and continuous application of the testing techniques is required. In court the testimony of the DRE is used in conjunction with the results of a chemical test.

In 1985 and 1987 Virginia sent delegations to Los Angeles to observe the DRE Program. A Los Angeles city attorney indicated that prosecutions were sought in all cases in which the judgment of the DRE matched the results of the chemical test. That attorney also indicated that approximately 90% of those cases brought convictions on a plea. However, some of the Los Angeles judges expressed less confidence in the DREs and suggested that any testimony be backed by the testimony of either a physician or a Ph.D. toxicologist. Further, the judges stressed that the prosecutors need to lay a firm foundation and establish the training and expertise of the DRE each time a DUID case is tried.

The 1987 delegation noted three areas of concern about the DRE Program that should be kept in mind throughout the implementation of the DRT Program in Virginia. First, one of the reasons that the judges had less confidence in the testimony of the DRE than the city attorney may stem from the fact that the judges had little knowledge of the program. The city attorney had been through part of the DRE training, but the judges knew only what they had seen and heard in court. In Virginia both judges and prosecutors should be made aware of the intensity of the training and the appropriateness of the sobriety testing of the DRT Program.

A second issue of concern is that the laws of Virginia and California differ significantly. Lengthy jury trials, a public defender office, and a companion statute of "being under the influence," all of which are absent in Virginia, likely function to encourage a plea,

especially for the first offender, in Los Angeles. In Virginia, it should be expected that every DUID case, at least in the short run, will be defended relentlessly. Hence, neither the police nor the prosecutors should expect a guilty plea, and therefore both must be well-prepared to go to trial.

The final issue of concern is that of identifying impairment. Regardless of how effective the DRT is, field screening for impairment is necessary to identify suspects who may be drug-impaired. In Los Angeles, neither of the two delegations viewed a DUID arrest other than for PCP. Perhaps the reason is because the police officers working in the field were releasing suspects impaired by drugs other than alcohol or PCP, both of which have distinctive odors associated with their use, and therefore not bringing these suspects to a DRE for a drug evaluation. Thus, if Virginia's DRT program or its revised law is to be effective, field screening must be improved to the point that all impaired drivers who are apprehended are identified and not released because of a low blood-alcohol level or because they are not in possession of or have the odor of some drug. Establishing impairment, not a specific type of impairment, should be the first task of both the arresting officer and the DRT.

The Charlottesville Police Department, the Virginia Beach Police Department, and the VSP divisions in those areas have agreed to train a group of their officers as DRTs. The training will be provided by the National Highway Traffic Safety Administration (NHTSA) and will be conducted by the LAPD. Most of the first wave of DRTs will be fully trained by April 1, 1988. Each department agrees to keep each DRT assigned as such for at least two years. Retraining of the DRTs and the training of additional DRTs in the pilot areas will be viewed on a case-by-case basis.

Statewide Enforcement

The task force is charged with developing a policy recommendation to be provided to the communities outside of the two pilot DRT areas by April 1, 1988. Although a policy recommendation is not binding, such a recommendation may bring about more uniformity of enforcement across the Commonwealth and serve to eliminate some of the confusion that may surround the revised law. The policy recommendations will be issued through the Division of Consolidated Laboratory Services and through a policy guidance memorandum compiled by the task force.

The members of the task force have suggested that the chemical test be given only to suspects who are clearly impaired but have a blood-alcohol level lower than would be expected given the degree of impairment and lower than the per se limit of .10 percent. Unless impairment

is clearly established, the chemical test will be useless. Hence, it is suggested that as rapidly as funding and facilities permit, materials emphasizing the use of Standardized Field Sobriety Testing (SFST) techniques be distributed across the Commonwealth. This should be coordinated through the Criminal Justice Services Department for implementation in all of the regional training academies but should not be limited to this strategy alone. Any enforcement strategy must emphasize SFST in establishing impairment. Orienting judges and prosecutors may also be necessary. Fortunately, by stressing impairment a larger number of both alcohol-impaired and drug-impaired drivers are likely to be apprehended, prosecuted, and convicted.

By comparing the arrests, prosecutions, and convictions for DUID offenses attained by the DRTs with the rest of the Commonwealth, it may be possible to evaluate whether the general approach used by the DRTs is effective in fighting against drug-impaired driving. Further, because the state police troopers and the Charlottesville police officers are well-versed in the use of SFST techniques (and presumably all cases will be tried in the same courts) by comparing the arrests, prosecutions, and convictions of DRTs in the Charlottesville area (third division) with other officers and troopers in that area, it may be possible to evaluate whether the DRT program is more effective than just the use of SFST techniques.

Treatment

The twenty-six Alcohol Safety Action Programs (ASAPs) covering the Commonwealth of Virginia will provide DUID assessment, case management, and either education or referral to counseling for court-referred drivers. The ASAP system has developed a specific "intensive education" curriculum that will be used for appropriate DUID referrals. With the guidance of the Commission on VASAP and the VASAP Director's Association committees, the assessment, case management, and education and counseling components of the ASAP system will be monitored, evaluated, and improved on an ongoing basis. The ASAP system will continue to cooperate with individuals and agencies in the areas of enforcement, prosecution, adjudication, public information, education, and counseling to achieve a comprehensive and effective DUID program.

Evaluation

The Virginia Transportation Research Council (VTRC) is charged with the responsibility of evaluating the progress of the implementation of the revised law and the pilot DRT Program. In October of 1988, April of 1989, and October of 1989, the VTRC will provide the members of the task force with interim progress reports. In April of 1990, the VTRC will

begin preparing an evaluation of the implementation of the law for the first two years it is in force, which it will release in July of 1990. The VTRC will give particular attention to the arrests, prosecutions, and convictions of alcohol-impaired and drug-impaired drivers in the pilot DRT areas and among DRTs and non-DRTs in the third division. The incidence of nighttime single vehicle crashes also will be reviewed across this time period.

Innovative Countermeasures

The task force agrees to encourage and support the search for and the development of innovative countermeasures that may help to combat alcohol-impaired and drug-impaired driving. The task force further agrees to aid in the acquisition of resources for organizations and agencies willing to research or develop innovative countermeasures.

STRUCTURE OF THE TASK FORCE

Agency RolesVirginia Department of Motor Vehicles

The Virginia Department of Motor Vehicles (DMV) will provide the overall coordination of the implementation of the Commonwealth's revised drug-impaired driving statute and will continue to provide at least one representative to the task force. The DMV will also coordinate the establishment of a pilot DRT program. The DMV will be the formal liaison among the various involved agencies and between the Commonwealth and the National Highway Traffic Safety Administration (NHTSA). The DMV will seek adequate and appropriate levels of federal 402 funds to support the implementation of the revised law and the pilot DRT program. The DMV will be responsible for monitoring the grantees of the federal 402 funds and will provide the NHTSA with appropriate documentation at the conclusion of each project.

Virginia Department of State Police

The Virginia Department of State Police (VSP) will provide at least one representative to the task force. The VSP will send the appropriate personnel to attend a refresher course at Virginia Beach on Standardized Field Sobriety Testing (SFST). The VSP will also send the appropriate personnel to attend the Drug Evaluation and Classification Program (DECP) training sessions with the LAPD, and these individuals will be assigned to participate in the pilot DRT program. The trained personnel will remain assigned to the DRT program for at least two years.

The VSP will also provide staff assistance to the DMV and the police personnel in the pilot sites for scheduling and developing a plan for training the DRTs. The VSP will commit to training all VSP enforcement personnel on impairment detection. This will include SFST refresher courses to be provided in 1988, and the use of SFST in arrests for driving under the influence of alcohol or drugs.

The VSP will work in cooperation with the DMV and the police departments in the pilot sites and will assist with both record keeping and quality control. The VSP will act as a liaison with the Attorney General's Office, the Supreme Court, and the Commonwealth's Attorney Services and Training Council. The VSP will be in charge of developing

a public information program to inform the public of the revised law and will develop an orientation program for judges, prosecutors, and magistrates.

If the credibility of the DRT program is established in the Virginia courts, the VSP will provide the DMV with a cadre of instructors to train other enforcement personnel to be DRTs. The VSP will also be responsible for providing refresher training for DRTs throughout the Commonwealth.

Charlottesville and Virginia Beach Police Departments

The Charlottesville and Virginia Beach Police Departments agree to participate in the implementation of the pilot DRT program. Each department will provide the appropriate personnel to be trained as DRTs and will work in cooperation with the NHTSA, the DMV, and the VSP. The DRTs will remain assigned to the program for at least two years. Each department will provide a representative to act as a liaison with all other agencies involved in the pilot program and in the implementation of the revised DUID legislation.

Each department agrees to train all of its enforcement personnel to use SFST techniques when making DUI stops and arrests. Each department will provide instructors to work with the VSP and the DMV to train future DRTs if the program is expanded beyond the test sites. Each department will also take a leading role in coordinating the development of the DRT program within its respective community and will orient judges, prosecutors, magistrates, city managers, etc. to the scope of the program.

Office of the Attorney General

The Office of the Attorney General will provide a representative to the task force. This representative will assist the involved agencies in the interpretation of the revised law and will provide a legal interpretation of the practices and procedures relative to the DECP.

The Division of Consolidated Laboratory Services

The Consolidated Laboratories will provide a representative to the task force who will assist with the technical issues relative to the testing of blood samples for drugs. The Consolidated Laboratories will establish a procedure for testing blood for the presence of drugs and will acquire and commit the personnel and equipment necessary to implement drug testing. The Consolidated Laboratories will also establish a

policy and make arrangements for the independent testing of blood samples.

The Consolidated Laboratories will examine blood samples for those persons suspected of DUID and maintain a computer file on the persons tested. The results of the tests will be distinguished by drug type and concentration, the arresting officer, the agency and jurisdiction of the arrest, and the results of prosecution or other action.

Virginia Transportation Research Council

The Virginia Transportation Research Council (VTRC) will provide a representative to the task force. The VTRC will assist in the development of a plan for the statewide implementation of the revised DUID law and for the implementation of the pilot DRT program. The VTRC will assist in monitoring the progress made in the implementation plan and will provide an evaluation of the program in 1990. The VTRC will also conduct independent research into countermeasure programs other than the DRT program that might enhance the effective implementation of the revised DUID law. The VTRC will report all of its findings to the DMV and the task force.

NHTSA Roles

The NHTSA will provide a representative to the task force. With the assistance of the LAPD, the NHTSA agrees to help train Virginia law enforcement officers as DRTs. Details and milestones of this training are as follows:

- o The initial cadre of DRT candidates from Virginia can total up to 25 sworn law enforcement officers. Specifically included in this number are Captain Gene Rhodenizer (Charlottesville) and Sergeants Ken Clark (VSP) and Paul Lanteigne (Virginia Beach). Those three are recognized by the NHTSA and the LAPD as having successfully completed the classroom training phase of the DECP. However, if Virginia elects not to have one or more of these three continue the training, the number of Virginia's initial cadre will decrease commensurately.
- o The limit of 25 applies only to actual DRT candidates. This does not prevent Virginia from sending one or two prosecutors, judges, or chemical testing specialists to audit all or portions of the training. Such persons would not cut into the state's allotment of seats.

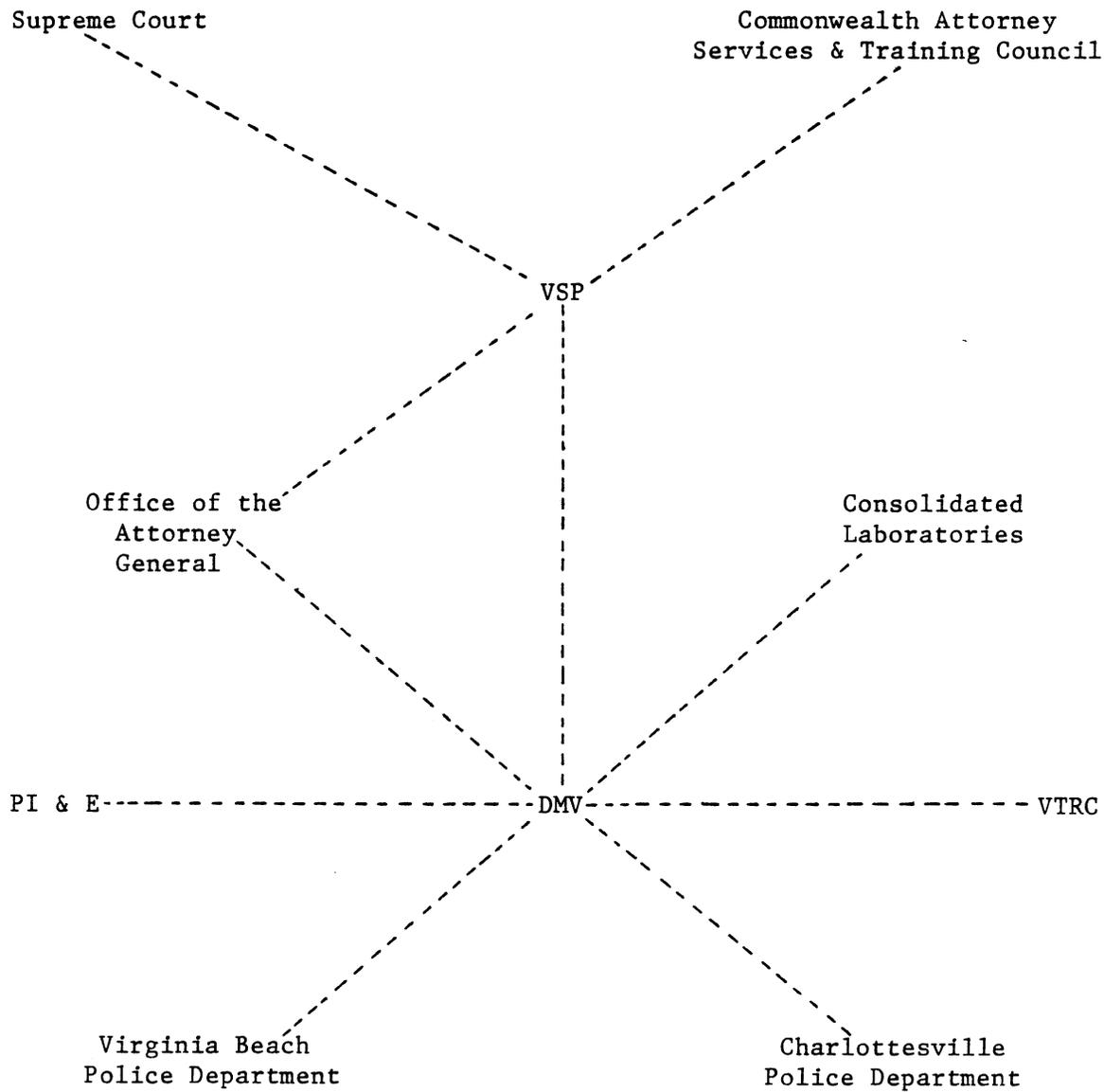


Figure 1. Virginia Liaison Relationships

- o Virginia can allocate the 25 seats among the Virginia Beach PD, the State Police, and the Charlottesville PD in any fashion that it wishes. However, the NHTSA suggests that a reasonable balance be maintained by assigning the majority of seats to the Virginia Beach PD and the state police troopers serving in the Virginia Beach area.
- o Preliminary training for the candidate DRTs took place in Virginia Beach on January 7-8, 1988. Other patrol officers and supervisors from the three agencies were welcome to participate.
- o Thirteen members of Virginia's initial cadre received their classroom training in Los Angeles on February 3-11, 1988. Those officers remained in Los Angeles until the morning of February 14. They commenced the certification phase (supervised on-the-job training) of their training at selected facilities in Los Angeles during the evenings of February 12 and 13.
- o Sgt. Clark and Sgt. Lanteigne traveled to Los Angeles to attend the last two days (February 10-11) of classroom training and received "refresher" hands-on practice. They remained in Los Angeles to commence their certification training on February 12 and 13. Thus, Virginia had 15 personnel underway with certification training by mid-February.
- o Certification training will continue for those 15 officers in Virginia Beach during February, March, and April (and longer, if necessary). The NHTSA will arrange for qualified DRT instructors to visit Virginia Beach periodically during this time to conduct the certification training. The DRT candidates from Charlottesville will need to travel to Virginia Beach to participate in the certification training.
- o The NHTSA and the LAPD staff were confident that at least several of these 15 Virginia officers would have satisfactorily completed their certification training by mid-March. In anticipation of that, the NHTSA conducted a DRT Instructor Training workshop in Los Angeles on March 14-18, 1988. At least two seats in that class were available for Virginia personnel who had completed their DRT certification training. These seats were assigned to personnel who will be available to help deliver DRT training to other Virginia law enforcement agencies in the future. They will be certified by the NHTSA and the LAPD as DRT instructors.
- o The next DRT class will take place in Los Angeles on April 6-14, 1988. Nine seats have been allocated in that class for Virginia personnel. Those officers will remain in Los Angeles until the morning of April 17, so that they can commence their certification training on the evenings of April 15 and 16.

- o Certification training will continue in Virginia Beach during April, May, and June (and longer, if necessary). The NHTSA will arrange for qualified DRT instructors to visit Virginia Beach periodically to assist with the certification training. However, the Virginia officers who completed instructor training during March will also serve as certification-phase instructors during this period.
- o By mid-June of 1988, it is reasonable to expect that nearly all of Virginia's initial cadre of DRT candidates will have completed their certification training and will be fully qualified to serve as DRTs. At that time, the NHTSA will sponsor another wave of training. Virginia will be allocated approximately seven seats in that new training series (similar numbers of seats will be allocated to Arizona, Colorado, and New York). Those seven seats can be allocated as Virginia wishes among Virginia Beach PD, Charlottesville PD, and the Virginia State Police. The NHTSA believes that it would still be a bit premature to expand to agencies and locales other than those already participating in the program and that it would be better to expand the existing cadre before branching out further. However, the NHTSA recognizes Virginia's need to implement a state-wide program as expeditiously as possible and plans to assist in that in every way possible.
- o The NHTSA will provide at least one DRT instructor from outside Virginia to assist Virginia's own DRT instructors in delivering preliminary training to the new cadre of (approximately) 7 candidates.
- o The NHTSA will sponsor the classroom phase of training for the new cadre in Phoenix, Arizona during July of 1988. New cadres from Arizona, Colorado, and New York will also participate in this class. The lead instructors for this class will be several senior DRT instructors from Los Angeles. However, DRT instructors from Virginia and the other three states will also participate in delivering the training. The NHTSA will pay the costs of travel, lodging, and subsistence for one instructor from Virginia and each of the other states. The NHTSA requests that Virginia send as many of its other DRT instructors as the resources of the Commonwealth permit.
- o The Phoenix class (like all others) will include seven days of training spread over nine consecutive days. Upon completion of the class, the students will remain in Phoenix to commence their certification phase. They can be expected to return home on the third day following completion of the classroom training.

Subsequent to the Phoenix class, certification training will continue in Virginia for the new cadre of candidate DRTs. The NHTSA will arrange for periodic visits to Virginia by senior DRT instructors to assist Virginia's own DRT instructors in conducting certification training.

- o By mid-September of 1988, Virginia should have twenty or more fully qualified DRT practitioners, most of whom have had at least several months of experience. At that time, the NHTSA will conduct another DRT Instructor Training Workshop. The NHTSA asks that Virginia be willing to host that workshop. Virginia will be allocated eight seats in the workshop, as will each of the other three states and the LAPD.
- o Starting in October of 1988, Virginia should be prepared to implement additional DEC programs within its borders. The NHTSA will assist by providing training manuals, arranging for some participation by senior DRT instructors, and conducting additional instructor training for Virginia as circumstances permit. It seems reasonable to expect that, by April of 1989, Virginia may have at least 100 fully qualified DRTs and 20 or more competent DRT instructors.
- o At that point (i.e., April of 1989) the NHTSA will request that Virginia help to develop DEC programs in other states. Specifically, the NHTSA will request that up to 12 seats be allocated to the NHTSA (for distribution to law enforcement agencies that we will select) in each of up to three DEC classes that Virginia may conduct during April of 1989 through September of 1990. Also, the NHTSA will request that Virginia DEC instructors, be delegated to assist in conducting certification training for non-Virginia officers who complete those classes. The NHTSA anticipates that approximately 30 instructor-days of assistance will be needed from Virginia to complete those certification training requirements during April of 1989 through September of 1990. The NHTSA will reimburse (or arrange for the reimbursement of) the costs of Virginia's DEC instructors' travel, lodging, and subsistence incidental to the certification training outside of Virginia.

DRUG RECOGNITION ENFORCEMENT ACTION PLANS

Charlottesville Police DepartmentNovember 4-14, 1987

Drug Recognition Expert School (AUDIT)

Capt. A. E. Rhodenizer attended the Drug Recognition Expert School at the Los Angeles Police Department.

January 7-8, 1988

Drug Recognition Pre-School

Three Charlottesville police officers attended a pre-school in Virginia Beach.

February 3-14, 1988

Drug Recognition Technician Training

Three Charlottesville police officers attended the Drug Recognition Training program at the Los Angeles Police Department and began the certification process.

March 1988

Police Officer Training

All patrol officers attended a brief training program conducted by the DRTs on the Drug Recognition Program and DUI enforcement.

March 1988

Evaluation Room and Equipment

A room was readied for DRT evaluations. This area will be temporary due to renovations underway in the police building. Equipment needed for the DRT evaluations will be secured.

April 1988

DRT School in Los Angeles

A fourth Charlottesville police officer will be trained in Los Angeles and begin certification as a DRT.

April 1988

New law goes into effect and testing will begin.

Charlottesville Police will begin the use of DUI checkpoints and conduct two checkpoints per month through December of 1988. At least two DRTs will be on duty at each checkpoint.

DRTs will be scheduled on a call-out basis for drug evaluations if a DRT is not on duty.

October 1988

In-House Evaluation

An evaluation and critique of the DRT Program will be conducted.

Virginia Beach Police DepartmentSeptember 21-24, 1987

Improved Sobriety Testing School

The initial class was given to 25 officers. This instruction improved the ability of police officers to detect and apprehend an individual operating a motor vehicle under the influence of alcohol and/or drugs.

November 4-14, 1987

Drug Recognition Expert School (AUDIT)

Sergeant P. J. Lanteigne attended the class. This enabled him to develop an insight into what it will take for successful implementation of a DRT program.

December 1987

Recruit Training

Recruits worked at least one shift with the DUI officers to expose them to the procedures of detecting and apprehending a DUI suspect.

January 7-8, 1988

DRT Pre-School

All officers who attended the DRT school attended both days of the pre-school. Ten additional officers who attended the initial improved sobriety testing school attended the first day of the pre-school.

February 3-14, 1988

DRT School Los Angeles

Officers attended the DRT school conducted by the LAPD and began the certification process.

February 1988

90 Day DUI Program

Precinct officers will be rotated into the DUI unit for a period of 90 days. Selection of those officers will be based to some extent on past performance in the area of DUI arrests, thus giving an incentive to maintain a high degree of enforcement. The precinct officers will benefit through increased training and can pass their knowledge on to others when they return to the precinct.

March 14-18, 1988

Instructor Training

Certified DRTs were made available to attend the DRT Instructor Training workshop in Los Angeles.

March 1988

Evaluation Room

A room adjacent to the lock-up at headquarters was remodeled to adequately handle drug evaluations.

April 1988

New Law goes into Effect

The testing begins.

April 1988

Improved Sobriety School

An additional 20 to 30 officers will attend.

April 6-14, 1988

DRT School in Los Angeles

Additional officers will attend the DRT school conducted by the LAPD and begin the certification process.

June 1988

DRT Pre-School

Additional officers will attend the DRT pre-school in Virginia Beach.

July 1988

DRT School in Phoenix

Additional officers will attend the DRT school and begin the certification process. Virginia Beach DRTs will assist in the training.

September 1988

DRT Instructors School

Virginia Beach will assist in hosting a DRT Instructors Workshop.

September 1988

In-Service Training

A curriculum will be developed and presented as part of all officers state mandated in-service training dealing with DUID.

September 1988

Improved Sobriety School

An additional 20 to 30 officers will attend the class.

October 1988

In-House Evaluation

An evaluation will be conducted of the first six months of the local program.

Virginia Department of State Police

November 4-14, 1987

Drug Recognition Expert School (AUDIT)

Sergeant K. R. Clark attended the Drug Recognition Expert class at the Los Angeles Police Department.

December 2-6, 1987

Los Angeles Site Visit

Lieutenant A. D. King traveled with a Virginia delegation to gain first-hand insight into the drug recognition program in effect in Los Angeles.

January 7-8, 1988

Drug Recognition Pre-School

Six troopers attend the drug recognition pre-school in Virginia Beach.

February 3-14, 1988

Drug Recognition Technician Training

Six troopers attended the Drug Recognition Training Program at the LAPD and began the certification process.

April 1, 1988

New Law goes into effect.

Begin testing.

April 1988

DRT Pre-School

Four additional troopers will attend the DRT pre-school class to be held in Virginia Beach.

April 1988

DRT School in Los Angeles

Four additional troopers will be trained in Los Angeles and begin the certification process.

October 1988

In-House Evaluation

An evaluation and critique of the DRT program will be conducted.

TASKS

Community Orientations

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
Develop a Program for Community Orientations	NHTSA, LAPD	1/1/88
Orientations (to include)	NHTSA, LAPD Burgess, Herbel	4/1/88
A. Prosecutors/pilot area		
B. Judges/pilot area		
C. Chiefs/pilot area		
D. State Police		
E. Other Public Officials		
F. Attorney General's Office		
G. Consolidated Lab		
H. ASAP		
Program Implementation/ Orientation for the Community	Wall, Bowen, Burgess	3/1/88
A. Key Players		
B. Prosecutors		
C. Judges		
D. Court Personnel		
E. ASAPs		
F. Magistrates		
G. Public Officials		

Police Training

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
Develop a Plan	Burgess	10/1/87
Standardized Field Sobriety Testing Training (DRT)	Letteer NHTSA	9/24/87
Department-wide SFST Drug, Law Training (Pilot Area)		
A. State Police	King	4/1/88
B. Virginia Beach	Lanteigne	
C. Charlottesville	Rhodenizer	
DRT Pre-Training	NHTSA	1/1/88
DRT Training		
A. Supervisors (Letteer, King, Lanteigne, Rhodenizer)	LAPD	11/1/87
B. Others		2/14/88
Follow-up Field Training	LAPD	2/16/88
Statewide SFST & Basic Drug Training		Ongoing

Statewide Orientations

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
Develop Statewide Policy Recommendations	Task Force	4/1/88
State Agency Heads & Other Key Players Orientation	Suthard King Burgess	4/1/88
A. DMV		
B. State Police		
C. Secretary of Transportation		
D. Attorney General		
E. MH/MR		
F. ABC		
G. Medical Examiner		
H. Supreme Court		
I. Commonwealth's Attorney		
Other Key Players at Local Level		
A. Judges	King	1/1/89
B. Prosecutors	King	
C. Magistrates	King	
D. Police Chiefs & Sheriffs	Letteer	

Resource Assessment

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
Lab Equipment	Ferrara	4/1/88
Training	Letteer	Ongoing
A. Equipment		
B. Per Diem		
C. Training Materials		
PI&E	King, Vaughan, Teller	2/1/88
A. Development		
B. Printing		
Orientations	King, Burgess	4/1/88
Develop Standard Reporting Form	King, Letteer, Lanteigne, Rhodenizer, Ferrara	4/1/88

Project Monitoring and Evaluation

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
Develop Implementation Plan	DMV, VTRC, Task Force	10/1/87
Identify Data Items	Letteer, King, Bowen, Wall, LAPD, Ferguson	1/1/88
Develop Software Program	Letteer	1989/1990
A. Equipment		
B. Support Services		
Long-term Reporting System	Consolidated Lab	7/1/88
Monitoring	Letteer, King, Herbel, Bowen, Wall, Ferguson	Monthly/ Quarterly Reports
A. Anecdotal Data		
B. Problem Identification		
C. Fine Tuning		
D. Quality Control		
Evaluation Report	VTRC	7/1/90

Public Information and Education

<u>Activity</u>	<u>Responsibility</u>	<u>Timeframe</u>
General Campaign	Vaughan (VSP) Teller	4/1/88
Virginia Police Chief Magazine	Vaughan	3/1/88
Target Groups	Letteer (DMV) Teller	4/1/88
A. Pharmacists B. Medical Community C. Judges D. Prosecutors E. Law Enforcement		
Coordinate with Consolidated Lab Newsletter	Letteer	4/1/88
Develop 30 second public information TV program and written public service announcements	King, Vaughan, Teller	4/1/88