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## Meeting Notes

10:00 AM

Welcome:

**Larry Krantz**

- TxDOT Update
  - BTS RFP will be released on November 8<sup>th</sup>
  - 2025 TxDOT Grant Delivery Meeting: Tuesday, October 22

New Business:

2025 Forum:

**Christine Adams**

- Speaker Lineup for Discussion
  - Law Enforcement Presentations
    1. Law Enforcement Phlebotomy Program
      - Roundtable discussion recommended. Bring in different jurisdictions since there are multiple ways to set up a LE Phlebotomy Program.
        - Ryan Huling, APD; Taylor Venegas, Montgomery County
      - Clay also has contacts for Idaho/Arizona TSRPs who are experts on this topic
    2. First Responders' Mental Health Needs
      - Roundtable recommended with multiple jurisdictions.
        - Austin (Brian Grubbs has contact), Fort Worth (Chaplain Cliff Weaver), Houston (Clay has contact)
        - Peer-to-peer presentation is recommended
    3. Detecting an Impaired Driver in 60 Seconds
      - Good topic for all LE at Forum
    4. DRE Presentation: PCP (Texas is #2 in the nation for PCP by DRE Evaluations)
      - Carlos has contact for this topic (Houston)
    5. DUI Crash Reconstruction
      - Clay/Taylor have a presentation for this topic
    6. Texas DRE + SFST Program Presentation
    7. Physiology from a DRE's Perspective
  - Criminal Justice
    1. Plea Bargains, Clay Abbott
      - Will be tailored for a non-prosecutor audience.
  - Cannabis and Other Drugs
    1. Hemp Consumables (Delta 8), Dr. Matt Rosshiem

- (UNT)
- 2. Drug Trends/Toxicology, Joseph Jones (N. Louisiana Criminalistic Laboratory)
- 3. Green Lab Findings, Ryan Hutton (Extract-ED)
- Prevention and Education Presentations
  1. Addressing Impaired Driving with Health Prevention Frameworks, Lisa Minjares-Kyle (TTI)
  2. Workplace-Based Approaches to Improve Driver Behavior and Reduce Crashes, Katie Mueller (NSC)
  3. Public Information/Marketing Campaigns, Sherry Mathews Group
    - Workshop: Assessment Recommendation
    - Include events/campaign calendar and where to find/access the latest messaging/marketing materials
- Data
  1. Jim to present on new data management system
  2. Brian to present on LEADRS updates
    - Streamline DWI arrest process
    - Electronic search warrants
    - What will be data available
- Awards Reminder – Convene Subcommittee
  - Email Emmy/Christine nominations as soon as possible
  - The subcommittee will convene in December to select award winners

10:30 AM

Quarterly Updates:

- Research **Christine Adams for Troy Walden**
  - Article Review: [Association between non-medical cannabis legalization and alcohol sales: Quasi-experimental evidence from Canada](#)
  - Study Objective: A quasi-experimental design was used to investigate evidence on the impact of Canada's legalization of non-medical cannabis on beer and spirits sales.
  - Limitations:
    - Investigators could not examine changes in other types of alcohol such as wine, cider, and pre-mixed cocktails due to lack of available data.
    - Investigators could not model the effects of legalization of cannabis edibles and drinkables in October 2019 because of the confounding effects of COVID-19.
    - Investigators could not examine the effects on sales of cannabis infused alcoholic beverages or the co-use of cannabis and alcohol.
    - Investigators were unable to verify the differences that legalization had on alcohol use across different demographic groups.
    - Estimates from the research model may indicate bias if an intervention or a shock that affected alcohol consumption at the same time that non-medical cannabis

was legalized.

○ Study Takeaways:

- Canada-wide beer sales dropped after the legalization, but there was no change in spirits sales.
- Reductions in beer sales were seen in all provinces except the Atlantic province. The four Western provinces experienced a larger decline than the Central provinces.
- Legalization was associated with a decline in canned and kegged beer sales, but there were no reductions in sales of bottled beer.

○ Prevention Subcommittee

**Emma Dugas**

- Lisa Minjares-Kyle has stepped down as the Prevention Subcommittee Chair due to increased work obligations.
- NHTSA Recommendation: Promote and support placement of school resource officers (SROs) in schools throughout Texas.
  - While the placement of SROs is up to each school district, the prevention subcommittee may play a role in supporting these officers by providing resources and programming.
  - The subcommittee will invite SRO leadership to present to the prevention subcommittee on issues they face, their role in preventing impaired-driving, and how resources can be utilized to support their efforts to deter alcohol and drug use amongst students.
- NHTSA Recommendation: Increase collaboration and integrate the prevention efforts and strategies of local traffic safety programs (e.g., Safe Communities Coalitions) with the strategies of local underage drinking and substance abuse prevention coalitions.
  - There is a disconnect between community coalitions and traffic safety coalitions. Need to bridge the gap.
  - The prevention subcommittee will create an infographic/fact sheet that will align the goals of traffic safety programs and local underage/substance youth prevention coalitions. Align prevention strategies with NHTSA's Countermeasures That Work.

• Forensic Testing

**Trevis Beckworth**

○ Breath Alcohol Testing

- Taught 42 Breath Test Operator schools
- Trained 906 new Breath Test Operators
- For more information on upcoming classes, please visit the website <https://www.dps.texas.gov/apps/BallLab>
- Breath alcohol will soon be updating the instrument firmware to remove the date of birth from the test report. This change will allow for posting to the public facing website without redaction.

○ DPS Blood Alcohol Case Output – 90% of cases were

completed within 30 days in FY24.

- DPS had some challenging months where they lost some personnel due to promotion and change in employment.
- DPS has been experiencing some instrument challenges and have been working with the vendor to resolve the issue. They believe that they have a solution and are working to resolve the issue.
- Drug Toxicology Exceptional Item Update
  - Hired 22 of 36 employees
    - The remaining employees can't be hired until construction is completed.
  - Construction/Renovation
    - Construction should be completed in the fall of 2025
  - New Instrumentation
  - Drug Toxicology Outsourcing
    - Of the 4,300 cases outsourced, it equated to well over 6,000 tests.
  - Training and Validations
    - In the process of validating instruments and improving processes to make work more efficient.
    - Should be able to complete a couple more validations by spring 2025.
- DPS reduced the drug toxicology case backlog by 10% in FY24. The success was realized through being able to close cases that were not needed, outsourcing and testing method changes.
- Records Portal: we are working through the procurement process to select a vendor that will allow for all crime laboratories to make records available for discovery to the courts. We have drafted administrative rules that should be out for public comment by the end of the year.

- Prosecution / Legislative

**Clay Abbott**

- Current Issue: Implications of the US Supreme Court decision in [Smith v. Arizona](#). The Court ruled that when an expert witness conveys an absent lab analyst's statements to support their opinion, and those statements are necessary for the opinion only if true, the statements are effectively admitted for their truth. The US Supreme Court's decision in Smith v. Arizona has significant implications for the application of the Sixth Amendment's Confrontation Clause.
  - Expert Testimony: The ruling clarifies that expert witnesses cannot simply relay the findings of non-testifying analysts without those analysts being subject to cross-examination.
  - Confrontation Clause: This decision reinforces the protection provided by the Confrontation Clause, ensuring that defendants have the opportunity to challenge the evidence presented against them.

- Impact on Forensic Evidence: The decision particularly affects how forensic evidence is presented in court, requiring that the analysts who perform the tests be available for cross-examination.
  - Impact on DWI Cases: This ruling could inadvertently remove science from the courts. Requiring all analysts who play a role in testing to be there to testify is a significant and nearly impossible burden.
- The number of prosecutors is steadily increasing. There were 1,600 prosecutors in 1980; 2,900 in 2004; 3,100 in 2020; and 3,500 in 2024.
  - The legislature awarded small counties \$100K to add prosecutors. Greatly helping to improve the number of prosecutors in rural areas.
- DWI Prosecutor Task Force Meeting - November 8<sup>th</sup>
- Session starts in January 2025. The legislative subcommittee will begin to meet and track bills in the coming months.
  - Hot topics: oral fluid testing, hemp consumables, change definition of intoxication to 0.08 BAC at time of testing (not driving)
- Cannabis & Alcohol Subcommittee **Christine Adams**
  - *State Affairs Committee: Hearing on October 17, 2024:* Evaluate Texas laws and regulations concerning THC beverage manufacturing and delivery. Report on the current regulations and safeguards Texas may or may not have in place for drinks with any amount of THC. Recommend legislation to protect Texas consumers.
    - Link to video: (first topic discussed)  
<https://senate.texas.gov/videoplayer.php?vid=20787&lang=en>
  - [FDA Alert and Recall of ALL Diamond Shroomz-brand products](#)
    - Mushroom products being sold in smoke shops; “proprietary blend” of mushrooms.
    - Schedule 1 Drugs and prescription drugs have been found in the products
    - See the list of retailers in Texas. If you/your agency has the resources, please visit retail locations to make sure these products are off the shelves.
  - More and more retailers are selling THC beverages. These products are not just being sold in bars (21+). These THC beverages are being sold at movie theaters, salons, and more locations where there are no age restrictions. So, they are very accessible to children under 18. Also, some of these locations also sell alcohol, so there is a potential to co-use these two impairing substances for those 21+.

- People are also likely driving to the non-bar establishments (e.g., movie theater), which is a concern since these beverages are impairing. Provide crash data to support this.
- Next Steps for the Subcommittee:
  - Cross reference TABC on-premise licensed locations with DSHS CHP Retailer database. (Bryan/College Station)
  - Developing 3 Fact Sheets
  - MADD and Texans for Safe and Drug Free Youth will have Advocacy Days at the Legislature.

12:00 PM

**LUNCH**

1:00 PM

DWI Tracking Database

**Christine Adams for Troy Walden**

- FY25 Project: Developing a Comprehensive Impaired Driving Tracking System Framework for Texas
  - The purpose of this project is to identify data collection, process integrations, and record management approaches to develop a framework for a comprehensive impaired driving tracking system from enforcement through the Texas courts. Additionally, the project is intended to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of traffic records in Texas.
  - For this to happen, a Model Impaired Driving Records Information Systems (MIDRIS) Framework will need to be developed to link Texas' criminal justice agencies databases involving arrest data, criminal history, driving history, current warrants and arrests, offender identifiers, and court adjudication information. The purpose would be to track DWI offenders from arrest through disposition including history of previous offense convictions, charges, and completed sanctions imposed by courts or community supervision.
  - LEADRS has been identified as a potential solution for a statewide impaired driving tracking system. It has seen early success in the law enforcement community, but Texas needs to identify data collection/integration options before investing significant funding. Contributors to a tracking system and their data processes must be identified with any constraints related to record handling, storage, privacy, and integration.
- What do stakeholders need out of a DWI Tracking Database? What are the use cases?
  - Law Enforcement: To help officers identify impaired-driving profiles to target enforcement efforts
  - Prosecutors: Make identifying prior offenses more efficient
    - Currently use the TCIC and NCIC to find this information and then may require additional searches by county

- Effectiveness of dispositions: probation, jail, treatment, etc.
    - Top 3: arrests, convictions, and BAC/blood results
  - Judiciary: Identify sentencing trends regarding recidivism.
    - Example: Is there data to show that probation has a better impact on recidivism than prison (or vice versa)?
  - Prevention/Education: Target communities; Use data to evaluate prevention efforts.
  - Marketing/Campaigns: Use data to target/tailor messaging.
  - What are additional use cases? What information do you need and how will your agency to use it? Send Christine/Emmy any thoughts you may have.
- Points to consider:
  - Who is going to have access to the data?
    - Certain jurisdictions/departments may not want data publicly available.
  - How do we get all stakeholders to input data into the system? Not just law enforcement, but toxicology and adjudication too.
  - Sensitivity to agencies who will be reporting. How to make this process valuable to them? Consider it is an unfunded mandate.
- Next Steps:
  - A questionnaire or short interview with various stakeholder groups to determine what data needs to go into the system and what information needs to be accessible through the system.

3:00 PM

Conclusion and Adjournment