

# **Edward Coyne \_Fav\_ SB497**

Uploaded by: Coyne, Edward

Position: FAV

**WRITTEN TESTIMONY of Edward J. Coyne,  
Deputy State's Attorney, for Carroll County  
IN SUPPORT OF SB 497/ HB 1334**

- 1) DRUGGED DRIVING is a major threat to Public Safety
  - Increase in drug use of fatally injured drivers. According to NHTSA, of those fatally injured drivers tested:
    - In 2007 25% of the fatally injured drivers had drugs in their system
    - In 2016, 42% of the drivers had drugs in their system
  - According to the 2018 National Survey on Drug Use and Health, 12.6 million people aged 16 or older drove under the influence of illicit drugs.
  - In 2016, 19.7 percent of drivers who drove while under the influence tested positive for some type of opioid.
  - In Maryland, the average per year number of drug or alcohol collisions between 2014 to 2018 included:
    - 145 fatal crashes
    - 2124 injury crashes
    - Over 1/3 of such crashes involved death or injury
  
- 2) INCREASED USE OF OPIATES AND OTHER DRUGS
  - OVERDOSE Crisis: Between 2007 and 2018, fatal overdoses almost tripled (815 lives lost in 2007 to 2406 lives lost in 2018)
  - In 2018, 89% of the fatal overdoses involved opiates (2143 of 2406)
  
- 3) CURRENT LAW limits Public Safety and Justice:
  - Only Drug Recognition Experts ( DREs) can request consent for a blood sample from suspected drug impaired driver
  - DREs are a LIMITED RESOURCE:
    - Not enough DREs to respond to increasing amount of suspected drug impaired drivers

- In Carroll County we only have 3 DREs working for different departments
- In Carroll County over the last few years, over half of the suspected drugged driving cases had no DRE available to respond to evaluate the drivers or request a blood sample
- LOST EVIDENCE: both exculpatory and inculpatory
  - If DRE not available, Driver can't even be requested to consent to a blood to test for drugs or illegal controlled dangerous substances
  - Blood test can sometimes be EXCULPATORY, meaning no drugs were found in the blood and incident could be related to a medical condition

4) ARIDE: Advanced Roadside Impaired Driving Enforcement Training

- Officers who get training already have completed DUI training in the academy and have experience in DUI enforcement on the road
- Additional training helps them identify impairment beyond alcohol

5) BILL PROVIDES JUSTICE and INCREASES PUBLIC SAFETY

- Obtain blood samples from more suspected drug impaired drivers
- Tool to help fight against Opiate Crisis
- Additional tool to help get the drugged drivers off the road and save lives

The Maryland State's Attorneys' Association and the Carroll County State's Attorney's Office are asking that this committee give SB 497 / HB 1334 a favorable report.

## **Edward Coyne\_ Info\_ SB497**

Uploaded by: Coyne, Edward

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# Advanced Roadside Impaired Driving Enforcement (ARIDE)

## Administrator Guide



# **Advanced Roadside Impaired Driving Enforcement (ARIDE)**

## **Instructor Guide Table of Contents 02/2018 Curriculum**

### **Acknowledgements**

### **Preface**

### **Administrator Guide**

Session 1: Introduction and Overview “Drugs and Highway Safety”

Session 2: Standardized Field Sobriety Testing Review

Session 3: Standardized Field Sobriety Testing Proficiency Examination

Session 4: Drugs in the Human Body

Session 5: Observation of the Eyes and Additional Tests for Drug Impairment

Session 6: Seven Drug Categories

Session 7: The Effects of Drug Combinations

Session 8: Pre and Post Arrest Procedures

Session 9: Written Examination and Program Conclusion

## **Acknowledgements**

The National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP) would like to thank the following individuals for their contributions in updating and revising the 2017 Advanced Roadside Impaired Driving Enforcement (ARIDE) curricula.

*Joseph Abrusci*, Morris County Park Police Department, Morristown, NJ

*Jonlee Anderle*, Wyoming Department of Transportation Highway Safety Office

*Kyle Clark*, International Association of Chiefs of Police

*Don Decker*, Nahant MA Police Department

*Chuck Hayes*, International Association of Chiefs of Police

*Mike Iwai*, Oregon State Police

*Pam McCaskill*, DOT Transportation Safety Institute, Oklahoma City, OK

*Bill O'Leary*, National Highway Traffic Safety Administration

California Highway Patrol

## **Preface**

The ARIDE training curriculum prepares police officers and other qualified persons to conduct various drug-impaired detection tests at roadside for use in drugged-driving investigations. This training, developed under the auspices and direction of the NHTSA and IACP, has experienced increasing interest and success since its inception in 2009.

As in any educational training program, an instructor manual or guide is considered a “living document” that is subject to updates and changes based on advances in technology and science. Working with NHTSA, thorough review of information by the IACP Technical Advisory Panel (TAP) of the Highway Safety Committee of the IACP with contributions from many sources in health care science, toxicology, jurisprudence, and law enforcement are periodically conducted. Based on this information, any appropriate revisions and modifications in background theory, facts, examination, and decision-making methods are made to improve the quality of the instruction as well as the standardization of guidelines for the implementation of the ARIDE curriculum. The reorganized manuals are then prepared and disseminated, both domestically and internationally. Changes will take effect 90 days after approval by TAP, unless otherwise specified or when so designated.

The procedures outlined in this manual describe how the various roadside tests are to be administered under ideal conditions. We recognize that the tests used in this training will not always be administered under ideal conditions in the field because such conditions do not always exist. Even when administered under less than ideal conditions, they will generally serve as valid and useful indicators of impairment. Slight variations from the ideal, i.e., the inability to find a perfectly smooth surface at roadside, may have some effect on the evidentiary weight given to the results; however, this does not necessarily make the ARIDE roadside tests invalid.

## TABLE OF CONTENTS

Purpose of this Document .....	1
Instructor Qualification .....	2
For whom is the training intended? .....	2
Curriculum Objectives.....	3
Subject Matter .....	6
Curriculum Package .....	6

## SESSION ATTACHMENTS

- Glossary (Session 1)
- 45 Degree Template (Session 2)
- ARIDE SFST Proficiency Form (Session 3)
- Blank Drug Category Matrix (Session 4 and Session 6)
- Completed Drug Category Matrix (Session 6)
- ARIDE Course Critique (Session 9)

## **Purpose of this Document**

This Administrator Guide provides an introduction to and an overview of the two-day ARIDE instructional module.

The curriculum is designed to be delivered as a stand-alone, 16-hour course. The program of instruction is intended for delivery to as many law enforcement officers as possible. The curriculum is designed to help those officers become more proficient at detecting, apprehending, testing, and prosecuting impaired drivers. ARIDE's subject matter relates to two curriculums, the DWI Detection and Standardized Field Sobriety Testing (SFST) and the Drug Evaluation and Classification (DEC) Program Drug Recognition Expert (DRE) Training.

This course will offer additional information to law enforcement officers on detecting impairment caused by more than just alcohol. Oftentimes law enforcement officers that have not received advanced or in-service training regarding drug impairment tend to not be able to identify these characteristics; therefore, they may release an impaired driver. Once an officer completes the training, he/she will be more proficient with the three tests (Horizontal Gaze Nystagmus (HGN), Walk and Turn (WAT), and One Leg Stand (OLS)), as well as possess a broader knowledge of drug impairment indicators. The law enforcement officer will also be more familiar with the DEC Program and its functions. This will facilitate better communication and transfer of critical roadside indicators of impairment to the evaluating DRE officer for a more complete and accurate assessment of the impairment.

This Administrator Guide is intended to facilitate planning and implementation of the ARIDE Course. This course consists of eight sessions. It overviews the sequence of instruction, documents the materials and the teaching aids that make up the instructional package, describes course administrative requirements, and provides guidelines for discharging those requirements satisfactorily.

The Guide sets forth the fundamental tasks that make up the job of DWI enforcement and identifies knowledge, skills, and attitudes police officers need to perform those tasks well. The Guide also outlines the preparatory work that must be accomplished (primarily at the departmental or academy level) before the course can be conducted and outlines the follow-up work that should be undertaken, subsequent to training, to ensure the desired outcomes of the training are realized.

## **Instructor Qualification**

Principal instructors for this course should be State certified DRE instructors with IACP credentials.

That means that they:

- (1) Are currently certified as DREs
- (2) Have completed the NHTSA/IACP DRE Instructor Development Course
- (3) Have completed the required delivery of both classroom and certification training, under the supervision of credentialed DRE instructors

A qualified SFST instructor may only instruct sessions one through three leading to the preparation and evaluation of participants during the SFST proficiency examination. In addition to their occupational competencies, all instructors must be qualified to instruct and need to understand and be able to apply fundamental principles of instruction.

Perhaps most importantly, they need to be competent coaches. Much of the classroom training is devoted to hands-on practice. The quality of coaching will have a major impact on the success of those practice sessions. It is highly recommended every instructor be a graduate of the NHTSA/IACP DRE Instructor Development Course.

However, some agencies may wish to enlist instructors with special credentials for certain blocks of instruction. For example, a physician would be well qualified to assist/teach Session 4, and a prosecutor might be a good choice for Session 8.

### **For whom is the training intended?**

This course is designed for law enforcement officers who meet the NHTSA/IACP SFST Program Standards, including a proficiency test, and who have successfully completed a NHTSA/IACP-approved SFST training course. The officer must be able to administer and interpret the HGN test. The participant should be fully conversant with the procedural "mechanics" of HGN with the three clues of HGN and with the interpretation of those clues for assessing alcohol impairment. A major focus of this course is on the examination of a drug-impaired subject's eyes. The procedures for those eye examinations derive largely from HGN procedures.

Participants should be persons employed and under the direct control of public criminal justice agencies or institutions involved in providing training services to law enforcement agencies and/or prosecutors responsible for the detection, arrest, and prosecution of DWI drivers. Prosecutors and toxicologists may audit the course.

Participants applying to or scheduled to attend should be familiar with the extent of the drug-impaired driving problem and must have successfully completed the basic SFST course.

This course was not intended to be offered in a basic academy to new police recruits. This is an intermediate level course designed to offer more than a basic understanding of the impairing effects of drugs (illicit and licit), alcohol, and/or the combination of both.

### **Curriculum Objectives**

**Session 1** deals specifically with Drugs, Drug-Impaired Driving, and how it relates to highway safety. The session objectives are:

- Explain the goals and objectives of this course
- Identify the elements of the drug problem
- Define and describe impaired driving enforcement programs
- Understand the roles and responsibilities of the DRE and how this course supports the DEC Program
- Define the term drug in the context of traffic safety and impaired driving enforcement as referenced in the DEC Program

**Session 2** is a detailed review of the SFSTs including the foundational studies and the most recent validation studies. The session objectives are:

- Understand the results of selected SFST validation studies
- Define and describe the SFSTs
- Define nystagmus and distinguish between the different types
- Describe and properly administer the three SFSTs
- Recognize, document, and articulate the indicators and clues of the three SFSTs
- Identify the limitations of the three SFSTs

**Session 3** involves SFST proficiency. The participant will be given two opportunities to pass the NHTSA/IACP proficiency examination. This session's objectives are:

- Demonstrate knowledge and proficiency in administering the SFSTs

**Session 4** deals with physiology of the human body and how driving behavior is affected by the use of drugs. The session objectives are:

- Describe, in general terms, the basic purpose and functions of selected major systems in the human body as they relate to observable signs

- Identify methods of ingestion and general effects of drugs
- Identify medical conditions that may mimic alcohol and drug impairment
- Identify the seven drug categories as referenced in the DEC Program and the basis for dividing drugs into these specific groups

**Session 5** involves discussion of observation of eyes and other sobriety testing techniques used by law enforcement at roadside. The session objectives are:

- State the purposes of various eye examinations used in the ARIDE Curriculum, which includes HGN, VGN, and Lack of Convergence (LOC)
- Discuss LOC: How to administer properly and describe what the results indicate
- Describe the difference in pupil size
- Discuss Modified Romberg Balance (MRB) test: How to administer properly and describe what the results indicate.
- Discuss Finger-to-Nose (FTN) test: How to administer properly and describe what the results indicate.
- Explain the relationship between eye examinations and the seven drug categories

**Session 6** involves a detailed description of the seven drug categories and how they affect the human body and what an officer may observe with these drugs at impairing levels. The session objectives are:

- Identify common drug names and terms associated with the seven drug categories
- Identify the common methods of ingestion for each category
- Describe the indicators of impairment associated with each category
- Describe conditions which may mimic the signs and symptoms associated with each drug category
- List the indicators which may emerge during the three phases of the DWI detection process (vehicle in motion, personal contact, and pre-arrest screening) which may indicate the subject is under the influence of a drug(s)

**Session 7** involves the possible combinations of drugs that are most commonly seen by law enforcement and what the indicators of impairment may be. The session objectives are:

- Describe the prevalence of drug and alcohol use (individually and in combination) as well as polydrug use
- Define polydrug use
- Articulate possible effects of polydrug use related to the general indicators of alcohol and drugs

**Session 8** involves Pre- and Post-Arrest procedures and how to prepare for the prosecution of the drug and alcohol impaired driver. The session objectives can include:

- Describe the three phases of the detection process: Vehicle in Motion, Personal Contact, and Pre-Arrest Screening
- Describe effective roadside interview techniques
- List the elements of Driving While Under the Influence of Drugs (DUID) offense
- Identify the indicators of impairment observed during the three phases of the detection process
- Accurately document, in the proper event sequence order, observed impairment in each of the three phases of the detection process
- Identify additional resources to support prosecution
- Articulate relevant evidence as it relates to case preparation and prosecution
- Analyze case studies for signs of drug-impairment and articulate observations that would be relevant for a DRE to assist in a drug-impaired driving investigation

**Instructors may consider involving additional instructors including the State Traffic Safety Resource Prosecutor (TSRP) or other prosecutors to discuss current State-specific case law, rules of court, and other procedural matters. This legal update would be conducted in lieu of the objectives for Session 8.**

**Session 9** is the written examination and program conclusion. The participant must successfully complete the written final exam by scoring a minimum of 80% or better.

## **Subject Matter**

This course encompasses information and techniques for addressing the drug and alcohol impaired driving problem. The following topics are discussed and/or delivered in detail throughout the entire curriculum:

- Update of SFSTs
- How drug-impaired driving affects our community
- SFST proficiency examination
- Drugs in the human body and the impairing effects they may have
- Seven categories of drugs identified by the DEC Program
- Additional tests that will provide an expanded knowledge of detection to law enforcement
- Provide an expanded knowledge of prosecuting drug-impaired drivers to prosecutors and courts

## **Curriculum Package**

The ARIDE training curriculum consists of the following materials:

- Administrator Guide
- Instructor Guide
- Participant Manual
- PowerPoint presentations with embedded videos
- Pre-course knowledge assessment
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- Final Exam/Scenarios
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# **ARIDE Administrator Guide\_INFO\_SB497**

Uploaded by: Daggett, David

Position: FAV

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**Doggett\_FAV\_SB497**

Uploaded by: Daggett, David

Position: FAV

## WRITTEN TESTIMONY IN SUPPORT OF SB 497 and HB 1334

Currently under Sections 16-205.1(b), (c) and (d) of the Transportation Article, a police officer may only *request* (b), *require* (c) or *direct* (d) a test of blood from a suspected impaired driver under certain limited circumstances. Those circumstances are as follows:

§16-205.1(b) – May request the driver to submit to a blood test if the police officer has reasonable grounds to believe that the driver is impaired by alcohol and/or drugs;

§16-205.1(c) - May require the driver to submit to a blood test if the police officer has reasonable grounds to believe the driver is impaired by alcohol and/or drugs and caused a fatality or life-threatening injury; or

§16-205.1(d) - May direct that hospital personnel take blood from the driver if the police officer has reasonable grounds to believe the driver is impaired by alcohol and/or drugs and the police officer determines that the person is unconscious or otherwise incapable of refusing to take a test.

However, when read in conjunction with subsection (j) of §16-205.1, otherwise known as the Drug Recognition Expert subsection, only a DRE can request, require or direct a test of blood for drugs. In other words, a non-DRE officer may not even *ask* a suspected impaired driver if he would be willing to submit to a blood test for drugs. This is true even if the officer were to have found a syringe sticking out of the driver's arm; found a vial marked "heroin" in the console; was told by the driver that he had just shot up heroin; and was told by the driver that he was stoned on heroin. In order to even *ask* that driver if he would be willing to take a blood test, the officer must first contact a DRE and ask the DRE to either report to the station to conduct a 12 step examination of the suspect or the officer can inform the DRE of all the evidence he had discovered and then have the DRE authorize the officer to ask the driver if he would be willing to take a blood test for drugs.

Police officers arrest and charge defendants all the time for *possession* of drugs, even though they may not have received special training regarding that particular drug. The arrest is based upon probable cause. Why should a DRE trained officer be required to simply ask a driver if he would be willing to submit to a blood test for drugs if the investigating officer has *reasonable grounds* to believe that the person is impaired by drugs? As in every other situation, those reasonable grounds can be based upon the officer's training, knowledge and experience.

In the case of *requiring* a test of blood for the presence of drugs, that can only currently be done in those circumstances where there is a fatality or life-threatening injury and the officer requiring that blood test is a DRE who has reasonable grounds to believe the driver is impaired by drugs.

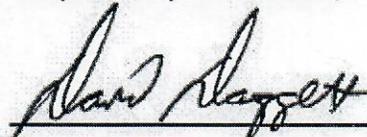
This Bill seeks to allow specially trained drug-detection officers who have graduated from the A.R.I.D.E. (Advanced Roadside Impaired Driving Enforcement) training or comparable program of training to request, require or direct tests of blood in order to test for drugs.

A.R.I.D.E. is a 16 hour course, developed by the National Highway Traffic Safety Administration, and designed to train officers in the detection of drugs and how they impact drivers. As there are a very limited number of certified DREs in the State, this would somewhat ease the already overburdened DREs from having to respond to the station after every impaired driving arrest or every fatality or life-threatening injury investigation in which drug use is suspected.

In addition, subsection (j) of TA §16-205.1 contains a lot of language regarding officers who are "trainees" or "participating either directly or indirectly in a program of training that is designed to train and certify police officers as drug recognition experts." This language is no longer necessary. Only certified DREs are allowed under current DRE protocols to conduct the DRE evaluation or to request, require or direct a test of blood for the presence of drugs. The current language in the statute was enacted back in the late 1980's. It does not accurately reflect the protocols of the current DRE program.

For the reasons stated above, it is respectfully requested that you give a favorable review to SB 497/HB 1334.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "David Daggett", written over a horizontal line.

David Daggett,

Maryland State's Attorneys' Assoc.

**Ready\_FAV\_SB497**

Uploaded by: Daggett, David

Position: FAV

JUSTIN READY  
Legislative District 5  
Carroll County

Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 21, 2020

## Senate Bill 497 Drugged Driving - Controlled Dangerous Substance Testing - Authorized Police Officers

Senate Bill 497 seeks to allow officers who have advanced training to detect drug impaired drivers, the ability to request blood from drivers when there are reasonable grounds to believe that the drivers are impaired by drugs. They would join Drug Recognition Experts (DRE) who have this authority now.

Currently if an officer suspects or confident that a suspect is under the influence, they are not permitted to test for drugs. Instead, they must contact a Drug Recognition Expert (DRE) to perform a 12 step examination. The DRE would then permit or deny the officer to make the request for the test. There are a limited number of DREs in the state particularly in smaller, less populated jurisdictions, and this requirement can often be time consuming and arduous, resulting in inability to test or charge a suspect.

A.R.I.D.E. (Advanced Roadside Impaired Driving Enforcement) is a 16 hour course, developed by the National Highway Safety Administration. This bill would allow officers who have graduated from the A.R.I.D.E. training to make the request, require, or direct a blood test for drugs.

I respectfully request a favorable on Senate Bill 497.

**MCPA-MSA\_FAV\_SB497**

Uploaded by: Mansfield, Andrea

Position: FAV



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 21, 2020

**RE:** SB 497 Drugged Driving - Controlled Dangerous Substance Testing - Authorized  
Police Officers

**POSITION:** SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 497. This bill would greatly increase the ability of police officers to request and obtain evidence of impaired driving.

Under current law, only a certified Drug Recognition Expert ("DRE") may request a blood sample from a driver suspected of driving while impaired by drugs or a controlled dangerous substance. To become a DRE, officers must undergo extensive and lengthy training. The training allows a DRE to provide expert opinion testimony in court about a driver's impairment. Many agencies are not able to have a DRE available to assist in a traffic stop where a driver is suspected of being impaired. Without a DRE, officers are not able to ask for, or obtain, a blood sample to determine a driver's impairment, even when there are clearly reasonable grounds to do so.

SB 497 allows an officer who has successfully completed the Advanced Roadside Impaired Driving Enforcement ("ARIDE") course to ask for or direct the taking of a blood sample when the officer has reasonable grounds to believe the driver is impaired by drugs or a controlled dangerous substance. The ARIDE program consists of a minimum of 16 hours of specialized training and field work which ensures that the decision to obtain a sample is made by qualified officers. Because ARIDE is easier to provide than the full DRE program, SB 497 will make it far easier for police to request or obtain a sample. SB 497 will greatly promote the safety of all Marylanders.

For these reasons, MCPA and MSA SUPPORT SB 497 and urge a FAVORABLE Committee report.