

**STATEWIDE IMPAIRED DRIVING PREVENTION TASKFORCE**  
**JANUARY 9, 2015**  
**10AM-12PM**  
**MEETING MINUTES**

**ATTENDEES:**

TRISH BACHMAN, OFFICE OF HIGHWAY SAFETY  
NICOLE CHAMBERLAIN, DIVISION OF MOTOR VEHICLES  
COMMISSIONER JACK CORDREY, OFFICE OF ALCOHOL BEVERAGE CONTROL COMMISSION  
DAG SEAN LUGG, DELAWARE DEPT. OF JUSTICE  
LISA SHAW, OFFICE OF HIGHWAY SAFETY  
DIRECTOR JOHN SEBASTIAN, PROBATION & PAROLE  
SPO BONNIE STARK, PROBATION & PAROLE  
JUDGE W.J. SWEET, JUSTICE OF THE PEACE COURT  
HOWARD ISENBERG, OPEN DOOR  
CHIEF JUDGE ALEX SMALLS, COURT OF COMMON PLEAS  
MARC RICHMAN, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH  
JULIE WILLEY, DELAWARE STATE POLICE CRIME LAB  
JUDGE RICHARD GEBELEIN (RET), JUDICIAL OUTREACH LIAISON

**ABSENT:**

KAMI BEERS, DIVISION OF MOTOR VEHICLES  
SGT. FRITZ FELDMANN, NEW CASTLE CO POLICE  
CHIEF JEFFREY HORVATH, LEWES POLICE/PRES. POLICE CHIEFS' COUNCIL  
DIRECTOR JOHN YEOMANS, DIVISION OF ALCOHOL & TOBACCO ENFORCEMENT  
SGT. ASHLEY SMITH, DOVER AIR FORCE BASE  
CHIEF PATRICK OGDEN, UNIVERSITY OF DELAWARE POLICE  
TONY COLLINS, LATIN AMERICAN COMMUNITY CENTER  
DIRECTOR BRUCE JOHNSON, PACE  
ALISON KIRK, OFFICE OF HIGHWAY SAFETY  
SCOTT NEIDERT, DELAWARE DEPT. OF TRANSPORTATION  
JUDGE JAMES TULL, JUSTICE OF THE PEACE COURT 11  
LT. MATTHEW COX, DELAWARE STATE POLICE TRAFFIC

**MINUTES FROM PAST MEETING:**

Lisa distributed the minutes from the last meeting and asked everyone to review them. No requests for changes were made, and Chief Judge Smalls made a motion to approve the minutes, Judge Sweet seconded and the rest of the committee voted in favor of accepting the minutes.

**TASKFORCE DISCUSSION:**

Judge Smalls asked what the availability of IID units will be, with the new law starting to take effect. Nicole indicated it can take 30-60 days from the court order to the installation. The driver must complete the DMV application, provide vehicle information, enroll in the treatment program, and pay for the installation of the device (\$75). Judge Smalls requested the pricing list, which is attached with these minutes. Nicole advised that 1 in 20 devices must be eligible for a reduced fee/fee waiver per the IID contracts. DMV will monitor these contracts and offender violations. There was discussion about the fact that the IID regulations apply to both drug and alcohol offenders, though the devices are not useful for detecting drugs through a breath sample. Bonnie Stark asked if she can receive a list of offenders who are charged with a "lock-out" violation.

### IID Sub-Committee

Sean Lugg requested that an IID subcommittee be formed to monitor the progress of the new law and to monitor any subsequent legislation. In addition, this group will collect and review the data to determine the effect of the new law. This sub-committee will include Bonnie Stark, Nicole Chamberlain, Judge Smalls, Judge Sweet, Julie Willey, and Marc Richman will assign someone from DSAMH to participate. Julie Willey did indicate that the results will be skewed because drug use will not be picked up. It was also commented by both Julie and Sean that the number of DUI arrests statewide has dropped, and that the McNeely ruling requiring warrants for blood draws has impacted those numbers.

### Breath Testing Program Update

Julie gave an update on the transition from the Intoxilyzer 5000 EN to the 9000 unit. They are two years into the development of the Delaware specific devices and software is expected to be received by the end of January. The Crime Lab staff will be trained first, and then Troops will be trained for the pilot. The entire process is now paperless, as data is stored on a server and that data, along with calibration checks will be available to the AG's office and others. More to come on this at the next meeting.

Judge Smalls wanted to know how the court will know when to expect the new machines. He would like a memo sent to the judiciary explaining how it works and when they can anticipate seeing cases involving the new units. Sean believes they will be seen first at pre-trial hearings, and that they may be challenged as the technology is new to Delaware. Judge Smalls requested literature about the 9000 and Julie agreed to provide the websites to Sean, and ask him to forward to the judge.

### Status of 1<sup>st</sup> Round Projects

- Support the Delaware team from the Court of Common Pleas to attend the DUI Court Training in Oct. 2015. **A team of 10 individuals did attend, the training was well received, and as a result the first day of DUI Court was Dec. 19, 2014 with four participants enrolled the first day.**
- Support the implementation of DRE School during FY 2014. **Delaware hosted its first DRE School through August and September. Nine new DREs graduated.**
- Fund TSRP Position and supplemental positions through FY 2016. **Funds have been secured through June 2016.**
- Finalize development plans for a revised DUI Tracking System. **The tracking system is in development and delivery is expected in early December, with testing throughout November.**
- Continue Checkpoint Strikeforce multi-jurisdictional enforcement taskforce. **This was continued throughout 2014 and plans are underway to continue this in 2015.**
- Support the DSP Crime Lab with the transition to the Intoxilyzer 9000. **Funds are allocated to this project; see Breath Testing Program Updates for more information.**
- Purchase impaired driving enforcement equipment and sobriety checkpoint safety equipment. **During 2014 OHS purchased 375 portable breath testers, which were distributed to 27 agencies, including municipal, county, and State police.**
- Provide funding for DATE to make DVD copies of over-service training available to all bars and restaurants that request it. **Funding was provided and DATE concluded the development and distribution of these DVDs.**

### 2<sup>nd</sup> Round Projects & Sub-Committee Selection

The group has interest in several new projects for the coming year. First, OHS is continuing its support of the DUI Court Project and has agreed to purchase the evaluation tool (RANT). Data will be collected to which OHS will have access, to aid in countermeasure development and funding allocation. Second,

OHS has contracted with DELJIS to conduct a manual analysis of DUI arrests from arrest through conviction to determine conviction rates, plea rates, and potentially recidivism rates.

There is still interest in tackling the tough issue of prescription drug abuse. The sub-committee will consist of Howard Isenberg, Marc Richman, Sean Lugg, and Bruce Johnson. In addition, it was suggested that Ray Hancock from Troop 2 be invited to participate as well.

The Administrative License Revocation process is another issue the committee wants to work on. OHS, DMV, and AG's office met to discuss the matter in late January. No decision was made; however, each group was tasked with gathering certain data elements to help make that decision. This sub-committee includes Lisa Shaw, Sean Lugg, and Nicole Chamberlain, with Lisa acting as chair. Nicole shared that between Sept and Nov 2014, there were 769 hearings scheduled, and only 49 were actually held. Some were continued, but the majority involved failure of either the officer or defendant to appear.

DUI prevention among high school aged students is another area in which this group wants to make some inroads. Members of this sub-committee include Howard Isenberg, Trish Bachman (who will provide contacts), John Yeomans (who has assigned one of his agents, Kevin Jones), Marc Richman (who will provide one of DSAMH's grant recipients), and Judge Sweet (who will find a truancy judge with interest in this matter). Lisa suggested that Lt. Cox be involved in this committee by including the SROs statewide.

Judge Sweet talked about the FOE-IID process. He indicated it was not handled uniformly across the counties and thus the process was changed. Each individual is assigned 1 year of court supervised probation. This allows them to pay their fees/fines, and then have a case review in 6 months. If requirements have been completed, the court will discharge them. If no, a "rule to show cause" hearing will be scheduled. Judge Sweet wanted to know if it is possible to screen people to get a waiver for them to participate in the IID program. The law would have to be changed, but Judge Smalls suggested the RANT tool currently being used by the DUI Court. Sean indicated that the General Assembly is unlikely to support any changes to the IID law that remove penalties. Howard suggested that lower risk population should get Education if not Treatment. Judge Smalls agreed that it's important to look at the person vs. the charge and that some data would be necessary to determine if this would work. Judge Gebelein suggested the Justice of the Peace Courts could collect data and analyze it against their new process for first offenders. A decision to form a sub-committee was not decided at this meeting.

### **Summary of Sub-Committees**

#### *Prescription Drug Abuse & Driving*

Bruce Johnson, Howard Isenberg, Marc Richman, Sean Lugg, and possibly Ray Hancock. **This group needs to select a chair and contact Ray Hancock.**

#### *Administrative License Revocation*

Lisa Shaw, Sean Lugg, Nicole Chamberlain (and others from DMV) – Lisa to chair

#### *DUI Prevention Among High School Students*

Howard Isenberg, Marc Richman (to select a participant in SPF-SIG grant), Trish Bachman (to recommend contacts/partners), Agent Kevin Jones (DATE), Judge Michael Sherlock (JP Truancy Court), and potentially Lt. Matt Cox from DSP. **This group needs to select a chair and contact Marc and Trish for their suggestions, as well as contact Lt. Cox about his interest/availability.**

*IID Sub-Committee*

Sean Lugg, Bonnie Stark, Nicole Chamberlain, Judge Smalls, Judge Sweet, Julie Willey, and Marc Richman will assign someone from DSAMH to participate. **This group needs to select a chair.**

For those of you unable to attend this meeting, please let me know if you wish to be part of one of the sub-committees. For those of you who elected to participate on specific sub-committees, please let me know as soon as possible who will chair the group. I need to be able to put people in contact with the chair as questions arise, or if new potential partners become interested.

**MEETING SCHEDULE:**

The next meeting is scheduled for April 7<sup>th</sup>, 1pm-3pm. We will meet in the large 2<sup>nd</sup> floor conference room in the DMV building. Future meetings are scheduled for July 17<sup>th</sup>, 9am-11am; and October 13<sup>th</sup>, 1pm-3pm.

Attachments:

DMV and IID fee schedule

DMV Revocation schedule

## **DMV**

Suspension Reinstatement	\$25.00
Revocation Reinstatement	\$143.75
Conditional License	\$10.00

## **Ignition Interlock Device Vendors**

### **Draeger**

Installation Fee	\$70.00
Monthly Monitoring	\$75.00
Violation Reset	\$50.00
Emergency Roadside	\$65.00
Transfer Vehicle	\$100.00
Bad Check	\$25.00
Removal	No Fee
Missed Appointment	\$35.00
Advanced Installations	\$125.00

### **LifeSafer**

Monitoring	\$75.00
Installation	\$75.00
Removal	\$75.00
Early Termination Fee	\$150.00
Vehicle Swap	\$150.00

**There are also additional fees related to damage to unit cost, service calls, etc.**

DRIVING UNDER THE INFLUENCE - PROBABLE CAUSE - REFUSED CHEMICAL REVOCATION QUICK REFERENCE CHART  
 REVOCATION ACTIONS WHERE THE IID IS **MANDATORY** AND **PARTICIPATES** IN APPROPRIATE PROGRAM

**FOR DUI VIOLATIONS OR ADMINISTRATIVE ACTIONS ON OR AFTER FEBRUARY 2015**

Case Description	Length of Mandatory Revocation	Ignition Interlock Device Required	IID Required XX months from Effective Date	Eligible for IID License if had DE license at time of arrest	TIME REQUIRED TO BE ON IID LICENSE	License In required for IID LICENSE	EARLY REINSTATEMENT
4177A 1st DUI Conviction - No Admin Action BAC .15 to .19	18 MOS	YES	45 DAYS	YES	17 MOS	YES	NOT PERMITTED
4177A 1st DUI Conv & 2742C1 Probable Cause BAC .15 to .19	18 MOS	YES	45 DAYS	YES	17 MOS	YES	NOT PERMITTED
4177A 1st DUI Conv & No Admin Action BAC > .20	24 MOS	YES	45 DAYS	YES	23 MOS	YES	NOT PERMITTED
4177A 1st DUI Conv & 2742C1 Probable Cause BAC > .20	24 MOS	YES	45 DAYS	YES	23 MOS	YES	NOT PERMITTED
4177A 1st DUI Conv & 2742C1 Refused Chemical	24 MOS	YES	45 DAYS	YES	23 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conv - No Admin. Action NO BAC AVAILABLE	18 MOS	YES	60 DAYS	YES	16 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conviction - No Admin. Action BAC <.15	18 MOS	YES	60 DAYS	YES	16 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conv & 2742C1 Probable Cause BAC <.15	18 MOS	YES	60 DAYS	YES	16 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conviction - No Admin Action BAC .15 to .19	24 MOS	YES	60 DAYS	YES	22 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conv & 2742C1 Probable Cause BAC .15 to .19	24 MOS	YES	60 DAYS	YES	22 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conviction - No Admin Action BAC .20 or >	30 MOS	YES	60 DAYS	YES	28 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conv & 2742C1 Probable Cause BAC .20 or >	30 MOS	YES	60 DAYS	YES	28 MOS	YES	NOT PERMITTED
4177A 2nd DUI Conv & 2742B1 Refused Chemical	30 MOS	YES	60 DAYS	YES	28 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conv - No Admin. Action NO BAC AVAILABLE	24 MOS	YES	90 DAYS	YES	21 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conviction - No Admin. Action BAC <.15	24 MOS	YES	90 DAYS	YES	21 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conv & 2742C1 Probable Cause BAC <.15	24 MOS	YES	90 DAYS	YES	21 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conviction - No Admin Action BAC .15 to .19	30 MOS	YES	90 DAYS	YES	27 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conv & 2742C1 Probable Cause BAC .15 to .19	30 MOS	YES	90 DAYS	YES	27 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conviction - No Admin Action BAC .20 or >	36 MOS	YES	90 DAYS	YES	33 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conv & 2742C1 Probable Cause BAC .20 or >	36 MOS	YES	90 DAYS	YES	33 MOS	YES	NOT PERMITTED
4177A 3rd DUI Conv & 2742B1 Refused Chemical	36 MOS	YES	90 DAYS	YES	33 MOS	YES	NOT PERMITTED
4177A 4th DUI Conv - No Admin. Action NO BAC AVAILABLE	60 MOS	YES	6 MOS	YES	54 MOS	YES	NOT PERMITTED
4177A 4th DUI Conviction - No Admin. Action any BAC level	60 MOS	YES	6 MOS	YES	54 MOS	YES	NOT PERMITTED
4177A 4th DUI Conv & 2742C1 Probable Cause any BAC level	60 MOS	YES	6 MOS	YES	54 MOS	YES	NOT PERMITTED
4177A 4th DUI Conv & 2742B1 Refused Chemical	60 MOS	YES	6 MOS	YES	54 MOS	YES	NOT PERMITTED

**If no vehicles registered in name of offender or they are out of state licensee, IID provisions do not apply - full revocation period must be served**

**PLEASE CONSULT THE APPROPRIATE SECTION IN TITLE 21 FOR ANY ACTION NOT LISTED ABOVE.** EFFECTIVE: 2/11/2015

