

## UPCOMING TRAININGS & CONFERENCES

- **NDAAs Evidence for Prosecutors**  
San Diego, CA / March 25–28, 2019
- **NDAAs Prosecutor 101**  
San Francisco, CA / March 25–28, 2019
- **Lifesavers National Conference on Highway Safety Priorities**  
Louisville, KY / March 31–April 2, 2019
- **NDAAs Trying the Child Abuse Case**  
Tampa, FL / April 15–18, 2019
- **National TSRP Conference**  
Williamsburg, VA / April 29–May 1, 2019
- **NDAAs Prosecuting Homicide Cases**  
Scottsdale, AZ / May 6–10, 2019

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## Prosecutor & Toxicologist Guide to Effective Communication in IMPAIRED DRIVING CASES

By Jennifer Knudsen, Colorado TSRP

In December, Colorado conducted the first *Prosecutor and Toxicologist Guide to Effective Communication in Impaired Driving Cases* in Lakewood, Colorado. Home to NHTSA's Region 8, seven instructors and 20 attendees from Alabama, Colorado, Connecticut, Utah, and Wyoming met at the U.S. Department of Transportation building for this two-day course. Alabama TSRP Bill Lindsey, Connecticut TSRP Brenda Hans, and Utah TSRP Tyson Skeen participated in the training and Wyoming TSRP Ashley Schluck served on the faculty. If administered according to jurisdictional restraints and de-

mands, this can be a very successful course.

## Logistics

There was no cost to conduct the training at the NHTSA location, which had the additional benefit of free parking. The financial obligations were minimal. We printed student and instructor manuals in almost all black and white. Other costs were for name tents and certificates; these expenses could be eliminated using alternatives. We also paid for continuing legal education accreditation in Colorado.

We asked for the scientists to provide toxicology reports in advance of class. Since these reports contained personal information, they needed to be properly redacted prior to distribution to the students. Also, since some labs only analyze alcohol, we had to ask our lab for some additional lab reports involving drugs in order to allow for a more comprehensive analysis and thorough

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discussion. This course was more beneficial to some participants since many were from alcohol-only labs; they toured a local lab the day before class started and observed some laboratory analysis of specimens containing suspected drugs, too.

## People

The class is most successful if conducted regionally with people of varying experience levels (e.g., lab analyst to lab directors and new prosecutors to TSRPs) and backgrounds. This diversity seemed to promote good discussions when developing the pros and cons to proposed best practices, as well as for sharing concepts, materials, and knowledge. Local attorneys and toxicologists attended the training, but expanding on that to include others from different jurisdictions would be extremely beneficial. The course provided participants with much more than just improved communications between prosecutors and toxicologists; the attendees were equipped with the knowledge and skills necessary to ultimately improve programs across the country and to combat impaired driving. One attendee noted: "I thought the training was very helpful. It allowed me, as a prosecutor, to get into the brain of a toxicologist briefly and better understand some of the things they are dealing with as witnesses in our cases. Any chance to get participants from different disciplines in the room is a beneficial exercise. I know our toxicologist that went really enjoyed

it and felt it was worth his time.”

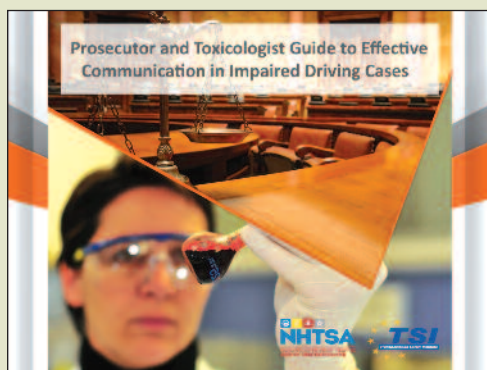
Every scientist from the Colorado state lab attended, so it is unlikely Colorado will conduct another of these courses (as written) anytime soon. It is possible, however, to take material from the curriculum and incorporate it into other courses for prosecutors (e.g., impaired driving boot camps), but it remains uncertain of its benefit without the toxicologists present. The reviews of many attendees indicated that much of the information contained in the course was duplicative, so it may be possible to eliminate some of the information, too, resulting in a shorter class. A shorter class may also help bolster attendance.

## Substance

A few attendees were critical of the curriculum, specifically commenting about perceived errors in the material. For example, *Module 4a: Courtroom Preparation — Pretrial* contained one slide repurposed from a different marijuana presentation. The slide also contained the notes from the other presentation, which led to some confusion among the students. Another issue for the students was the use of the term “measure of certainty.” This phrase conflicts with citations involving “measurement of uncertainty.” One attendee said, “this conflict of terms makes it ineffective and confusing, especially if we are to try and educate other prosecutors and juries with this information.”

The TSRPs discussed the potential benefit of including a mock trial component to the training. In other words, the prosecutor-attendees would gain practice questioning the expert witness and the toxicologist-attendees would be able to practice testifying. Adding this to the training would lengthen the class, but it seemed like many would have preferred this type of practical module.

Overall, it was a successful course. If your upcoming training calendar includes this course, or if you have specific questions about it, please feel free to email me at [jen@cdac.state.co.us](mailto:jen@cdac.state.co.us).



To obtain the training materials for the Prosecutor and Toxicologist Guide to Effective Communication in Impaired Driving Cases course, please submit a request for technical assistance through the NTLC website at <https://ndaa.org/programs/ntlc/>.

# LARGE TRUCK CRASH RECONSTRUCTION FOR PROSECUTORS: NOW AVAILABLE

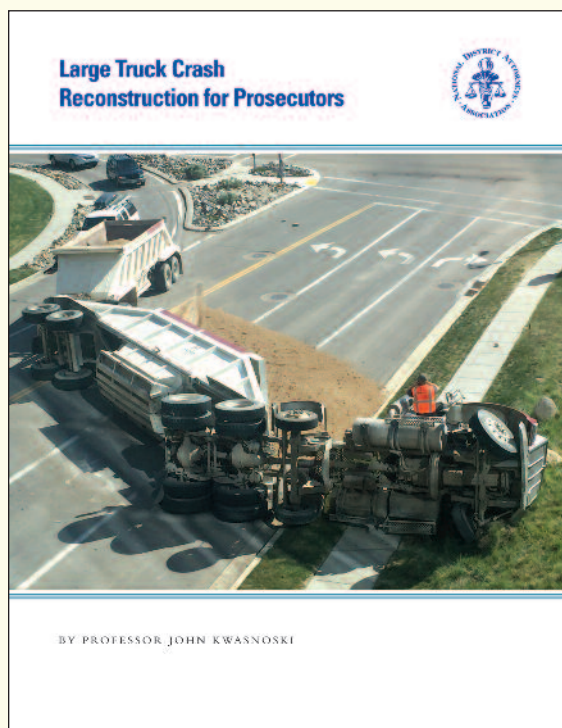
By Romana Lavalas, NTLC Senior Attorney

**NDAA** announces the immediate availability of the NTLC's newest monograph entitled: "[Large Truck Crash Reconstruction for Prosecutors](#)."

This monograph was written by John Kwasnoski, Professor Emeritus of Forensic Physics at Western New England University in Springfield, Massachusetts. Professor Kwasnoski has authored several publications about the science of collisions, including: *Kwasnoski's Little Red Book, From Crash to Courtroom*, *Collision Reconstruction for Lawyers and Law Enforcement* and NDAA's [Crash Reconstruction Basics for Prosecutors](#). Several of his publications may be located at [www.legalsciences.com](http://www.legalsciences.com).

This monograph will help a prosecutor understand the factors that can cause large truck crashes and to assist him or her with the terminology used by officers who reconstruct commercial motor vehicle collisions. As a prosecutor evaluates a large truck collision case, he or she should be aware that a conviction resulting from the culpability of a commercial driver's license (CDL) holder will likely have adverse consequences to his CDL, such as license suspension or revocation. Holding culpable commercial motor vehicle (CMV) drivers accountable for their behavior removes unsafe drivers from our roadways.

This and other CDL resources are available for download on the NDAA website under the "Publications & Videos" page and under "Resources" on the "Commercial Driver's License" page. For hardcopies of these resources, please email the NTLC's Project Coordinator, Metria Hernandez at [mhernandez@ndaajustice.org](mailto:mhernandez@ndaajustice.org), or contact a member of the NTLC's CDL Team.



# REGISTRATION IS NOW OPEN FOR THE 2019 BASIC CDL COURSE IN ORLANDO, FLORIDA

By Jeanine Howard, NTLC Staff Attorney

The National Traffic Law Center is pleased to announce this year's CDL conference. *Commercial Driver's License Violations: Enforcement, Prosecution, & Reporting* will be held in Orlando, Florida from June 18-20, 2019. This basic CDL course educates and trains prosecutors about the issues unique to cases involving commercial drivers.

Frequently, new and even seasoned prosecutors are unaware of the implications an impaired driving case, or a case involving drugs or certain felonies, may have on a defendant's commercial driver's license (CDL). CDL holders are subject to a set of specialized regulations, apart from his or her state's impaired driving laws when a commercial license and/or vehicle is involved.

The goal of this training is to assist prosecutors, and other traffic safety professionals, in understanding the application and enforcement of the Federal Motor Carrier Safety Regulations. During this course, attendees will gain a better understanding of the unique set of laws that govern commercial drivers and leave with an appreciation of why CDL holders are subject to higher safety standards.

Prosecutors and traffic safety professionals from all regions of the country are encouraged to attend, but priority will be given to those in the Southern Region. Registration is [available online](#) and the conference flyer is below.

This training is free. While there is no cost to attend the conference, attendees will be required to expend funds up front to attend the conference and to seek reimbursement of **approved**<sup>1</sup> expenditures from NDAA after. Expenses, standard travel costs, and per diem will be reimbursed at approved GSA rates. Pursuant to the [Federal Travel Regulations](#), only "out of town" (*distance between the attendee's home or workplace must be over 50 miles from the conference site*) attendees are eligible for reimbursement of travel expenses. If an attendee lives 49.9 miles away from the con-

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<sup>1</sup> Attendees will have to pay for a flight up front. If a flight is over \$500, prior NDAA approval is required. If prior approval is not obtained for flights over \$500, NDAA will only reimburse up to \$500. Flights should be booked at least 30 days prior to the conference.

Examples of non-approved expenses:

- Rental cars
- Hotel upgrades
- Room service
- Uber/Lyft/Taxi Rides (other than to/from the airport)

ference location, the attendee will NOT be reimbursed for any expenses.

Once registered, attendees will receive a detailed email about expenditures, the reimbursement process, and per diem. “Out of town” attendees will also receive a link to NTLC’s hotel block at the Rosen Centre.

Any additional questions regarding the conference may be directed to Staff Attorney Jeanine Howard ([jhoward@ndaajustice.org](mailto:jhoward@ndaajustice.org)) or Senior Attorney Romana Lavalas ([rlavalas@ndaajustice.org](mailto:rlavalas@ndaajustice.org)).



## COMMERCIAL DRIVER'S LICENSE VIOLATIONS: ENFORCEMENT, PROSECUTION, & REPORTING

This course is designed to assist prosecutors, law enforcement personnel, judges, court clerks, motor vehicle administrators, and other allied professionals with vested interests in Commercial Driver's License (CDL) enforcement and public safety, overcome the challenges involved throughout all stages of Commercial Motor Vehicle safety enforcement.



2019 CDL  
CONFERENCE

JUNE 18-20, 2019

ORLANDO, FL

[REGISTER NOW!](#)

HOSTED BY:  
NATIONAL DISTRICT  
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LAW CENTER

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# ANNOUNCING NTLC'S NEW ON-LINE, ON-DEMAND DUI TRAINING COURSE

By M. Kimberly Brown, NTLC Senior Attorney

Last month, NTLC launched a new on-line training course in cooperation with the Foundation for Advancing Alcohol Responsibility and the National Center for State Courts. Developed by national experts, *Prosecuting DUI Cases* is an on-demand, free training course for new and practicing prosecutors designed to equip prosecutors with the knowledge, information, and confidence necessary to effectively prosecute impaired driving cases. The course walks the learner through a first-person simulation of preparing for the prosecution of a fictional DUI case.



*The training covers topics including the importance of DUI prosecution, preliminary case review and evaluation, trial and witness preparation, alcohol toxicology, as well as common defenses and trial tactics.*

The training covers topics including the importance of DUI prosecution, preliminary case review and evaluation, trial and witness preparation, alcohol toxicology, as well as common defenses and trial tactics. Also included is a Resources Section which links to the NTLC website Publications page containing all monographs (e.g., *DWI Prosecutor's Handbook*, *Challenges and Defenses II*, and *HGN: The Science and The Law*). Completion of all slides, along with successfully passing a knowledge assessment quiz, earns the learner a certificate of completion and, in many instances, 1.5–2.5 hours of CLE credit with his or her state bar.

To register for this course, please visit the NTLC webpage at <https://ndaa.org/training/prosecuting-dui-cases/>.

# HOW ALIVE AT 25 HELPS KEEP TEENS (AND OTHER DRIVERS) SAFE ON THE ROAD

By Jane Terry<sup>2</sup>

Every 15 minutes someone dies in a traffic incident in the United States, and traffic fatalities are the number one cause of death for teens. We know this is 100 percent preventable. If a plane crashes and even a single passenger is killed, there is outrage and investigations, yet the public at large has remained complacent about the many deaths on our nation's roads.



Judicial Council Court filing statistics show that 84 percent of all criminal filings are traffic-related, which includes infractions and misdemeanors. Judicial officers and law enforcement agencies across the country see millions of drivers each year for violations ranging from the minor to the egregious. Distraction, impairment, and speeding are key infractions that continue to cause injury and death, but it may take a hundred repetitions before even a minor violator is apprehended.

Today, traffic courts are on the front lines witnessing the need for behavior change. Sentencing drivers with fines alone does not change behavior, and young drivers do not do well in the judicial system. The National Safety Council (NSC) has been offering driving training for decades, and the *Alive at 25* program offers advanced behavioral training to address the most at-risk driving population. The program was designed to act as an adjunct to traditional driver education as well as for traffic violators who are required by the court to take a driver improvement course. It has become a signature court-ordered program in districts across the country. Courts, community colleges, bar associations and state entities teach the *Alive at 25* program in 38 states. The program has reached approximately two million young drivers since its inception.

*Alive at 25* is utilized by state driver licensing authorities for license reinstatement and/or as part of their Graduated Driver Licensing GDL to address challenging novice drivers. The U.S. Armed Forces integrated *Alive at 25* into their Driver Safety Training Program after estimating that more military members died in motor vehicle crashes on U.S. highways than in combat.

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<sup>2</sup> Ms. Terry serves as Senior Director for Government Affairs at the National Safety Council. Since 1913, the National Safety Council (NSC) has been the nation's leading safety nonprofit dedicated to making our world safer with the vision of "eliminating preventable deaths in our lifetime." NSC advances this vision by partnering with businesses, government agencies, elected officials and the public to make an impact where the most preventable deaths and injuries occur, at work, at home and on the road.



Police officers know first-hand the results of poor driving decision by young people. Law enforcement that engages in community outreach through education results in safer roads in their community, and courts that implement a diversion program can streamline caseloads and have safer drivers.

“As a traffic court judge in a major metropolitan city, I have a unique perspective as to what’s occurring on our roadways; especially with teens and young adult drivers,” says Judge Rachel Bell of the Metropolitan General Sessions Court, Division 8 in Nashville. “I became a certified NSC *Alive at 25* Instructor because I passionately believe that I can help change the attitude and behaviors of our youth while they’re behind the wheel.”

The program helps young drivers take responsibility for their driving by focusing on behavior, judgment, decision making and understanding consequences. The goal is to teach young drivers that they can make positive choices. By partnering with law enforcement and the judicial system, we look forward to working together to reduce traffic violations and fatalities.

For additional information please contact [Kelly.Bartesch@nsc.org](mailto:Kelly.Bartesch@nsc.org)



*Photo courtesy Utah Safety Council*

