

UPCOMING TRAININGS & CONFERENCES

- **NDAAs Prosecuting DUI Cases Online Course On Demand Training**
<https://ndaa.org/training/prosecuting-dui-cases/>
- **NDAAs Capital Conference**
 Washington, DC / January 28–29, 2020
- **NDAAs The Digital Trial: A Hands-On Lab**
 Charleston, SC / February 17–20, 2020
- **NDAAs Securing and Protecting Your Case: Evidence for Prosecutors**
 New Orleans, LA / March 16–19, 2020
- **NDAAs Improving Your Trial Strategies: Hands On Trial Advocacy Training**
 Columbia, SC / April 20–24, 2020
- **NDAAs Career Prosecutor Course**
 Boise, ID / May 18–22, 2020



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NTLC's Year in Review and A Look Ahead

As 2019 ends, the staff at the National District Attorneys Association's (NDAAs) National Traffic Law Center (NTLC) pause to review the past year and look ahead to the plans for 2020.

NTLC experienced notable staff changes in 2019. NTLC said good-bye to Staff Attorneys Pete Grady and Tiffany Watson. Losing their talent and experience was offset by the addition of former Montana Traffic Safety Resource Prosecutor Erin Inman as an NTLC Staff Attorney in September. In addition to her prior work as TSRP, her experience includes working as an Assistant Attorney General in Helena as an instructor at the Montana Law Enforcement Academy as well

as being the elected prosecutor in Prairie County, Montana. Her passion for traffic safety and working to help save lives is a welcomed addition at NTLC.

In 2019, the National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) awarded multi-million dollar grants to NTLC to continue its mission to improve the quality of justice in traffic safety adjudications by increasing the awareness of highway safety issues through the compilation, creation, and dissemination of legal and technical information, by providing training and reference services, and by serving as

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a resource benefitting prosecutors, judges, law enforcement officers and others in the justice system. To accomplish this mission, NTLC serves as a nationwide, interdisciplinary resource center for research, training, and technical assistance. NTLC's core competencies include knowledge building, training and technical assistance. Knowledge is captured in NTLC publications, including books, manuals, newsletters, and monographs that are disseminated nationally and primarily electronically through the NDAA/NTLC website. NTLC will continue to provide technical assistance, training, and publications into 2020 and beyond. Many of our materials and publications are free to download on the NDAA website at www.ndaa.org.

NHTSA

In keeping with the national drug-impaired driving initiative NHTSA started in 2018, NTLC worked with several TSRPs and law enforcement officers in 2019 to create a new monograph titled *Investigation and Prosecution of Cannabis-Impaired Driving Cases*. Wyoming TSRP Ashley Schluck, Oklahoma TSRP Jeff Sifers, Michigan TSRP Ken Stecker, and Colorado TSRP Jen Knudsen joined forces with former Colorado Traffic Safety Resource Investigator Kevin Deichsel, International Association of Chiefs of Police (IACP) Drug Evaluation and Classification (DEC) Program Western Region Project Manager Chuck Hayes, Raleigh Police Department Lieutenant Eric Sweden, and Massachusetts State DEC Coordinator and IACP DEC Program Eastern Region Project Manager Don Decker, gathered with NTLC staff in May to coordinate topics to be included in the monograph. The draft document was submitted it to NHTSA in

November with plans to finalize the monograph in early 2020. Once finalized, the monograph will be available in electronic format for free download on the NDAA and NHTSA websites.

In response to the increased need for prosecutors and law enforcement to be prepared for court testimony pertaining drug-impaired driving cases, NTLC staff will meet with a small group of TSRPs and Drug Recognition Experts (DREs) to update the curriculum for NHTSA's *Cops in Court*. In January 2020, Idaho TSRP Jared Olsen, West Virginia TSRP Nicole Cofer, Maine TSRP Scot Mattox, and Kansas DRE Coordinator Lieutenant Matt Payne will travel to the Traffic Safety Institute in Oklahoma City, Oklahoma to update the curriculum. Updates to this course will include, but not be limited to, a new fact pattern or script with a drug-impaired

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and/or poly drug-impaired driver, testimonial challenges to law enforcement officers based on the new fact pattern, and report writing skills to properly document the three phases of detection utilized to determine impairment. It is anticipated that the training materials will consist of updated instructor and participant guides, PowerPoint slides, and other related supplemental resources. All materials will be submitted to NHTSA for review and publishing. Upon publication, the updated training materials will be available for distribution by NTLC to TSRPs, prosecutor trainers, and other traffic safety professionals. NTLC staff will also be available to serve as faculty.

Also planned for 2020, in response to the increased need for prosecutors and law enforcement awareness of legal updates pertaining to investigatory techniques and defendants' rights that can be at issue in impaired driving cases, NTLC will work with a group of subject matter experts comprised of NTLC staff, TSRPs, prosecutors, DREs and others to develop a new monograph on the unique constitutional legal issues raised in impaired driving and other traffic safety cases. The content may include, but not be limited to, search and seizure issues related to the 4th Amendment of the United States Constitution (USC), right to counsel issues related to the USC 5th Amendment, and chain of custody and courtroom testimony issues related to the USC 6th Amendment. All materials will be submitted to NHTSA for review and publishing. Upon pub-

lication, the NTLC will distribute an electronic version of the monograph to TSRPs, prosecutor trainers, and other traffic safety professionals and will publish on the NDAA website.

NTLC will also continue to publish the *Between the Lines (BTL)* newsletter on at least a quarterly basis but maintain a goal of monthly publication. The *BTL* newsletter contains information on impaired driving and other current traffic safety issues, including but not limited to, recent court decisions, witness testimony, current scientific research, and upcoming traffic safety conferences and events. It will continue to be distributed in electronic format via e-mail and will also be available on the NDAA's and NTLC's webpages. TSRPs, prosecutors, and law enforcement officers are not only encouraged to forward newsletter ideas and suggestions to NTLC staff but are also invited to serve as guest authors of articles of interest.

FMCSA

On the FMCSA side of the house, NTLC worked with prosecutors, law enforcement, and a research scientist in 2019 to create a new monograph about prosecuting Commercial Driver's License (CDL) holders who engage in distracted driving. Washington TSRP Miriam Norman, Indiana TSRP Chris Daniels, Delaware State Police Sergeant Anthony Mendez, York County District Attorney's Office First Assistant Tim Barker, and Virginia Tech Transportation Institute Research Scientist Jeffery Hickman, Ph.D., collaborated on and submitted content to the pub-

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lication. A draft of the document was submitted to FMCSA in November with an anticipated publication date of April 2020.

Additionally, in June, NTLC conducted its inaugural masterclass on the prohibition against Masking Commercial Driver's License (CDL) offenses entitled, "Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses." FMCSA funded a working group consisting of Idaho TSRP Jared Olson, North Carolina TSRP Sarah Garner, Washington TSRP Miriam Norman, Wyoming TSRP Ashley Schluck, Florida State Police Sergeant Anthony Palese, former Virginia TSRP John Bowers, former NTLC Senior Advisor Tom Kimball, FMCSA Legal Counsel Elizabeth Earleywine, and NTLC staff to develop this course. The course employs several principles of adult learning to demystify the topic of Masking.

The course is comprised of four modules: convictions, masking and ethics, disqualification, and an optional panel discussion designed to allow attendees to dig deeper into this much debated topic. Mastering Masking may be presented as a stand alone training, or as individual modules which can be added to existing courses. Currently, NTLC is developing a digital version of the course to be offered for CLE credit on the NDAA/NTLC website in 2020.

Also slated for 2020 is NTLC's course module about human trafficking offenses and their implications for CDL holders. NTLC is developing the course module in response to the United States Department of Transportation's effort to keep the Nation's highways and other avenues of commerce free from human trafficking. Following Congressional passage of the "No Human Trafficking on Our Roads Act," FMCSA issued a new rule to prevent any driver who uses a commercial motor vehicle (CMV) to commit a felony involving a severe form of human trafficking from operating a CMV by permanently banning the driver's CDL. Like the Mastering Masking course, this course module may be presented as a stand alone training, or as an addition to existing courses. This human trafficking course will be available in a digital format offered on NDAA's website in 2020.

The new year ushers in another exceptional opportunity for prosecutors, judges, police, and other traffic safety professionals to take advantage of accessible CDL training. For the seventh time, NTLC offers its "Commercial Driver's License Violations: Enforcement, Prosecution and Reporting" Conference in June 2020. As in year's past, the conference fully funds participants to attend, subject to FMCSA grant rules and federal government guidelines. Next year's course is tentatively scheduled to take place in the Dallas/Fort Worth, Texas area. Continue to check the NDAA website for registration details beginning in late January 2020.

As we look to a new year and a new decade, NTLC reassures it will continue to provide technical assistance to TSRPs, prosecutors, and law enforcement officers around the country. Whether the need is for an expert witness, information on an issue related to toxicology or collision reconstruction, or other traffic safety issues, NTLC will continue to be a leader in the traffic safety community.

*We at NTLC wish for a peaceful and safe holiday season for each of you
and hope you will be able to relax and enjoy family and friends.*

 *Happy Holidays!* 