

## UPCOMING TRAININGS & CONFERENCES

- **NDAA** is making its National Courses available virtually in light of health and safety concerns over COVID-19. Check out a full list of NDAA's virtual learning sessions at <http://ndaa.org/wp-content/uploads/NDAA-Offerings-Covid19.pdf>.
- **NEW!** NDAA's Mastering Masking Digital Course/On Demand Training <https://ndaa.org/training/mastering-masking-2/>
- NDAA's Human Trafficking and the Impact on Commercial Driver's Licenses /On Demand Training <https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/>
- NDAA's Prosecuting DUI Cases Online Course/On Demand Training <https://ndaa.org/training/prosecuting-dui-cases/>
- NDAA's Prosecutor 101—Basics for New Prosecutors and Refreshers for Experienced Attorneys / September 28, 2020 @ 3:00 pm – 4:30 pm EDT (Ethics for Prosecutors) / September 29, 2020 @ 3:00 pm – 4:00 pm EDT (Voor Dire) / September 30, 2020 @ 3:00 pm – 4:00 pm EDT (Witness Control Techniques)
- NDAA's Community Prosecution in a Pandemic—Ideas and Strategies to Engage your Constituents and Ensure Justice / October 13, 2020 @ 11:30 am–12:30 pm EDT
- NDAA's Effective Evaluation Techniques / October 14, 2020 @ 11:30 am–1:00 pm EDT
- NDAA's Talking About Race—Implicit Bias / October 15, 2020 @ 11:30 am–1:00 pm EDT

## RESOURCES

- Impaired Driving Resources—<https://ndaa.org/programs/ntlc/>
- CDL-Related Resources—<https://ndaa.org/programs/ntlc/commercial-drivers-license/>

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# New and Updated Resources

at the National Traffic Law Center

The National Traffic Law Center (NTLC) is proud to have created several products in the last year designed to aid traffic safety professionals in reducing injuries and fatalities on our roads, and we are looking forward to another great year. Our work is made possible by the generous support and funding from the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHSTA) and the Federal Motor Carrier Services Association

(FMCSA) as well as the National Association of State Boating Law Administrators (NAS-BLA), the United States Coast Guard, and Responsibility.org. The NTLC is also grateful to the subject matter experts and their organizations for giving their time and efforts toward these projects.

## **NEW RESOURCES, AVAILABLE NOW**

### **■ *Investigation and Prosecution of Cannabis-Impaired Driving***

The use of marijuana has seen a steady increase throughout the United States as many states now allow it to be used for treatment of medical conditions or for recreational purposes. As the opportunity for legal use of marijuana increases, the concern related to the impact of usage on highway safety has also grown. Highway safety offices across the country consider drugged driving to be a significant threat to public safety, including cannabis-impaired driving. In response, and with funding from NHTSA, the NTLC published in July 2020 a resource entitled [\*Investigation and Prosecution of Cannabis-Impaired Driving\*](#). This monograph supplies law enforcement officers and prosecutors a tool to become more educated about what cannabis is, the signs and symptoms of cannabis impairment, and how to effectively prosecute these types of impaired driving cases. The monograph includes in-depth descriptions of how to best use drug recognition experts and toxicologists to support these cases as well as ways to fight against the most common defense challenges. Contributors to this monograph included: International Association of Chiefs of Police (IACP) Drug Eval-

*This monograph is available for download at no cost*

*by clicking on the hyperlink above...*

uation and Classification (DEC) Coordinator (Eastern Region) and retired Nahant, MA Police Sergeant Don Decker, former Colorado Traffic Safety Resource Investigator Kevin Deichsel, IACP DEC Program Manager (Western Region) Chuck Hayes, Colorado Traffic Safety Resource Prosecutor (TSRP) Jen Knudsen, Wyoming TSRP Ashley Schluck, Oklahoma TSRP Jeff Sifers, Michigan TSRP Ken Stecker, and Raleigh, NC Police Lieutenant Eric Sweden. This monograph is available for download at no cost by clicking on the hyperlink above or on the NTLC website in the Traffic section under Publications.

## ■ ***Distracted Driving CDL Enforcement for Prosecutors and Law Enforcement***

In July 2020, with funding from FMCSA, the NTLC published a new monograph entitled, [\*Distracted Driving CDL Enforcement for Prosecutors and Law Enforcement\*](#). The NTLC brought together a working group consisting of prosecutors, law enforcement, and a research scientist over several months to create a new monograph about prosecuting CDL holders who engage in distracted driving. More specifically, the monograph is a primer for prosecutors and law enforcement about the investigation and prosecution of distracted driving cases involving large commercial vehicles. Contributors to the monograph included: York County (Pennsylvania) District Attorney's Office First Assistant Tim Barker, Indiana State TSRP Chris Daniels, Virginia Tech Transportation Institute Research Scientist Jeffery Hickman, Ph.D., Delaware State Police Sergeant Anthony Mendez, and Washington State TSRP Miriam Norman. *Distracted Driving CDL Enforcement for Prosecutors and Law Enforcement* is available for free download by clicking on the hyperlink above or on the NTLC's website in the Traffic section under Publications. Alternatively, contact NTLC Program Coordinator [Metria Hernandez](#), to request a free printed copy.

## ■ ***Mastering Masking***

Two years ago, the NTLC produced a masterclass on the prohibition against Masking CDL offenses entitled, *Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses (Mastering Masking)*. Until recently, *Mastering Masking* was solely offered as a live full-day module-based course. The NTLC is now pleased to offer an on-demand, interactive digital version of the [\*Mastering Masking\*](#) course on the NTLC website. This course was made possible with funding from FMCSA and partnering with the Na-

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*Convictions, Masking and Ethics, and Disqualification.*

tional Center for State Courts. Like the in-person course, this digital version is comprised of three modules: Convictions, Masking and Ethics, and Disqualification. The participant is taught how to master Masking by prosecuting a fictional traffic case of a CDL holder, while

being educated about the legal and ethical implications of Masking CDL offenses. The NTLC plans to offer CLE credit for the course, pending State Bar approvals. Applicants should check the CLE banner on the course registration for updates about CLE approval. For additional information, click on the hyperlink above or select E-Learning on the Training tab of the NDAA website.

For additional information or assistance with Masking and other CDL related issues, please contact Senior Attorney, [Romana Lavalas](#).

## ■ ***Human Trafficking and the Impact on Commercial Driver's License***

In addition to the new Mastering Masking online course, the NTLC has developed a new course module entitled, [\*Human Trafficking and the Impact on Commercial Driver's Licenses\*](#). In 2018, the “No Human Trafficking on Our Roads Act,” (NHTRA) was signed into law. This legislation was the result of the Department of Transportation’s effort to keep the nation’s highways and other avenues of commerce free from human and labor trafficking. Among other measures, NHTRA empowered the FMCSA to issue a new rule that would

*This course module may be presented as a stand-alone training,  
or as a supplement to existing courses.*

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 in the future by permanently banning the driver’s CDL. *Human Trafficking and the Impact on Commercial Driver's Licenses* was designed to educate prosecutors and others about FMCSA’s newest CDL disqualification. This course module may be presented as a stand-alone training, or as a supplement to existing courses. The course currently exists as an “on demand” webinar which may be accessed through the above hyperlink or on the NDAA website on the E-Learning page of the Training tab. [A Participant Guide](#) is also available for online course attendees to follow along with the webinar. For those interested in adapting the course for teaching in their own jurisdiction, contact Senior Attorney [Romana Lavalas](#), or NTLC Project Coordinator, [Metria Hernandez](#), to obtain a free customizable copy of the course materials, including the course PowerPoint, Instructor and Participant Guides.

## **NEW & UPDATED RESOURCES, AVAILABLE SOON**

### ■ ***Constitutional Law Issues in Impaired Driving Cases***

With support from NHTSA, the NTLC will publish in late 2020 the ***Constitutional Law Issues in Impaired Driving Cases*** monograph. This monograph addresses issues most commonly faced in impaired driving cases involving the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. Not intended to replace the thorough research necessary for the proper handling of these important cases, it will serve as a quick reference guide for prosecutors and law enforcement. This monograph is being developed with contributions from the following Traffic Safety Resource Prosecutors: North Carolina's Ike Avery, Arizona's Beth Barnes, Kentucky's Tom Lockridge, Georgia's Jason Samuels, and Michigan's Ken Stecker. This monograph will be available for free to download from the NDAA website.

### ■ ***Cops in Court***

The NTLC is also updating the ***Cops in Court*** curriculum with support from NHTSA. This update streamlines the prior curriculum and incorporates a drugged driving factual scenario. It additionally includes drug-impaired driving videos upon which the law

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enforcement officer student practices his/her report writing skills. In addition to report writing skills, this course includes modules in which the students practice engaging in direct examination and cross-examination questions. The course is intended for lesser-experienced law enforcement officers, but experienced officers may benefit as well. This update was provided with NHTSA funding and the dedication of the following traffic safety professionals: West Virginia TSRP Nicole Cofer, Kentucky TSRPs Aaron Ann Cole and Tom Lockridge, Maine TSRP Scot Mattox, Idaho TSRP Jared Olson, and Kansas Highway Patrol Lt. Matthew Payne. This updated curriculum will be available in Fall 2020.



## ■ ***HGN: The Science and The Law***

Additionally, the NTLC is updating the *HGN: The Science and The Law* monograph with support from NHTSA. The horizontal gaze nystagmus test is part of the standardized field sobriety tests used by law enforcement officers and is often the most confusing part of the battery of tests. The update to this manual includes the assistance of Dr. Karl Citek, an optometrist and world recognized expert on HGN, who makes complicated scientific topics easily understandable. This guide will not only benefit prosecutors, but law enforcement officers and judges as well. Included in this monograph are links to updated information about which states accept HGN testimony easily and which states have greater hurdles to overcome. This monograph will be available in Spring 2021.

## ■ ***CDL (Commercial Driver License) Quick Reference Guide and the Masking Quick Reference Guide***

In addition to creating new content, the NTLC has been updating existing CDL resources with funding from FMCSA. The *CDL Quick Reference Guide* is a tool organized by subject matter to aid users in quickly finding basic information on common CDL related topics. The most popular resource, the *Masking Quick Reference Guide*, uses helpful examples to assist users on how to identify Masking in plea negotiations. Both guides are getting a refresh and will be available in Fall 2020.

## ■ ***Cannabis Impairment Detection Workshop Manual***

Ever wondered how best to train law enforcement officers to detect cannabis impaired drivers? For decades, trainees have practiced administering the Standardized Field Sobriety Tests on individuals dosed with alcohol in a training environment. Now cannabis impaired driving is more common than ever, and law enforcement officers need training on detecting those drivers. Responsibility.org and the NTLC teamed together to create a Manual designed to assist organizations in hosting a cannabis impairment detection workshop. Prosecutors and law enforcement officers can learn from experts how to create training workshops where law enforcement officers can observe and test individuals under the influence of cannabis. This Manual provides insight and tips for anyone interested in hosting their own cannabis impairment detection workshop. This Manual will be available in Fall 2020. For additional information, contact Staff Attorney, [Erin Inman](#).

## ■ **Boating Under the Influence Training Module**

The NTLC recently partnered with the National Association of State Boating Law Administrators (NASBLA), who was awarded a grant from the United States Coast Guard to create a new training module for prosecutors and law enforcement officers to improve their ability to work together to achieve effective adjudication of boating under the influence (BUI) cases. Bridging the gap between the citation, investigation, and successful prosecution of BUI cases requires preparing investigating officers for their courtroom testimony. This preparation facilitates their ability to successfully recall and communicate to a judge and jury the facts and opinions that resulted in the arrest decision made by the officer. The training module is intended to supplement existing NASBLA training curriculum to enhance courtroom preparation for boating enforcement officers. Look for this module in Fall 2021. For additional information, contact Staff Attorney, [Erin Inman](#).

## **ON-GOING AVAILABLE RESOURCES**

### ■ **Between the Lines**

The NTLC continues to publish the [Between the Lines](#) (BTL) newsletter on a monthly basis. This newsletter includes case studies, summaries about U.S. Supreme Court decisions, trending traffic safety issues, and more. This past year, articles included [How the Movement for Criminal Justice Reform Impacts the Rules of the Road](#), [What Can We Learn From Rural US?](#), and [Kentucky TSRPs Adapt Training During COVID-19 with TSRP Tips of the Day](#). 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. If you would like to subscribe to **Between the Lines**, please email [info@ndaajustice.org](mailto:info@ndaajustice.org). To access past issues, [click here](#) or visit the NTLC's website in the Traffic section under Publications.

### ■ **Prosecuting DUI Cases Training**

The NTLC's on-line training course—[Prosecuting DUI Cases](#)—is an on-demand, free training course for new and practicing prosecutors. The course was developed in cooperation with Responsibility.org and the National Center for State Courts by national experts

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. 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/her state bar. To register for this course, please click on the above hyperlink or visit the NTLC webpage on the E-Learning page of the Training tab.

## **CONCLUSION**

The NTLC is pleased to announce that the CDL programming budget has been fully funded for the coming fiscal year by an award from the DOT's Commercial Driver's License Program Implementation (CDLPI) program. As a result, the NTLC will continue to support FMCSA's "One Driver — One License — One Record" initiative, by providing training and resources on critical Commercial Driver's License issues, including Masking, Disqualification, and other issues specific to the commercial driver. Therefore, readers are reminded the CDL Attorney(s) are available to offer technical assistance and virtual training to jurisdictions requesting it. Contact Senior Attorney Romana Lavalas at [rlavalas@ndaajustice.org](mailto:rlavalas@ndaajustice.org) for more information or to schedule a CDL training.

The National Traffic Law Center, and its parent organization, the National District Attorneys Association have long provided technical assistance and resources for prosecutors and allied professionals. Whether a law librarian looking for an elusive 1997 NHTSA publication, or a state Traffic Safety Resource Prosecutor preparing a *Prosecuting the Drugged Driver* course for local prosecutors, the NTLC is here to help. Please visit the [NTLC Website](#) to access other traffic safety related materials and if you have a particular request click here: [Technical Assistance Form](#).